ACTS

RESOLUTIONS and MEMORIALS

OF THE

REGULAR SESSION

Tenth Legislature

OF THE

STATE OF ARIZONA

1931

Regular Session Convened January 12, 1931
Regular Session Adjourned Sine Die March 14, 1931

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AUTHENTICATION

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

THIS IS TO CERTIFY—That the Acts, Resolutions and Memorials published in this volume, beginning at page 1 and ending at page 482 hereof, are full, true and correct copies of the originals, passed at the Regular Session of the Tenth 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 Tenth Legislature of the State of Arizona was convened at the Capitol, in the City of Phoenix, January 12, 1931, and adjourned sine die on the 14th day of March, 1931.

That the Acts, Resolutions and Memorials passed at said Session were officially published on the 13th day of June, 1931.

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, 1931.

Scott White

Secretary of State.

MESSAGE OF THE GOVERNOR

Mr. President, Mr. Speaker, Members of the Senate and House of Representatives of the Tenth Arizona Legislature

Unemployment and Economy

I am purposely grouping these two subjects together, because each bears upon the other. Under present conditions, necessity for economy is apparent to all. Of even more transcendent importance at this time, is the need for supplying employment of a constructive nature for as many of the jobless citizens of Arizona as is possible.

To this end, and for this purpose, I strongly recommend the immediate amendment of the Highway Code, so as to restore the full privilege of the state highway department to do work on force account. I do this in order that funds flowing into the highway department coffers may be made immediately available for the employment of Arizona citizens on highway construction and improvement. The red tape and delay necessary to calling for and rejecting bids twice before work can be done on force account should be eliminated in face of the present crisis. To the man whose family is in want because the bread winner is without employment, even a few days' delay in securing work is tragic.

Therefore, I sincerely trust that one of the initial objects of attention of this legislature will be the restoration of the full privilege of the highway department of doing work of every nature, on force account. This is legislation that in every sense is of an emergency nature.

The year just past marked a period of great financial depression. Business enterprises throughout the nation suffered severely. Millions of working men and women were faced with unemployment, with all the attendant misery and distress which such a condition entails. While our own state fortunately suffered less severely from the general depression than other less favored localities, we did not escape the common experience. Business enterprises in Arizona suffered. Thousands of our citizens lost their means of livelihood. Sturdy, industrious citizens and those dependent upon them found themselves in desti-

tute circumstances, because there was no market for the labor of their hands or brains.

The purchasing power of the consumers in our state was drastically curtailed. Trade and commerce suffered as a result. Under these depressing circumstances the burden of taxation falls with unusual weight upon the rate payers.

There is pressing need in order to lighten this burden of taxation, that every bill or measure which comes before the legislature carrying an appropriation of public funds should be carefully examined as to its necessity and timeliness. Every act of this legislature requiring an appropriation of public funds should be subjected to the test of real necessity and present urgency. This is no time for political experimentation nor for indulgence in untried legislation, fads or fancies, no matter how eloquent the appeal of their advocates may be.

I urge further that every legislative proposal submitted to you for your consideration and action be examined closely to determine whether or not it involves duplication or overlapping of functions and duties now performed, or which should be performed, by some department of our state government.

If, in the wisdom of the legislature it is necessary for our state government to embark upon new activities and to assume heavier responsibilities, then I urge that wherever it be found possible, such functions shall be discharged by public offices already established and maintained, rather than through the creation of new offices which will add further to the expense of the government.

While strict economy must prevail and every expenditure of public monies must meet the test of necessity, we would fail in our duties as public servants were a purely negative policy to be followed. There is urgent need for intelligent, constructive co-operation on the part of the state legislature and the executive department, for action that will relieve the distress of unemployment among our citizens to the extent that is possible along practical lines.

Necessary new construction of highways, and enlargements and improvements of state buildings should be undertaken at the earliest possible moment and funds appropriated therefor.

Work on needed and necessary highways should be initiated with the minimum of red tape and delay to the maximum of capacity of the state to pay therefor to provide employment of this constructive and justifiable character.

The mere creation of new and unproductive jobs, however, should be carefully avoided. For every dollar of public money authorized by the legislature there should result a feasible and tangible public improvement.

Your careful scrutiny of appropriation measures should not entail false economy nor lead to a niggardly policy of harm to the functions of established state departments and institutions performing work and duties essential to the public welfare. This applies particularly to the eelymosynary institutions of our state. Better that a public employe in good health should suffer the effects of financial retrenchment than that the defenseless aged or infirm wards of the state have their troubles increased.

In the construction of all appropriation measures there should be an earnest endeavor to reach a happy medium of intelligent constructive economy rather than a blind and directionless policy of ruthless curtailment which often proves expensive in the end.

Citizen Labor

Under the terms of the constitutional amendment adopted by vote of the electorate at the last general election, employment on public works of every nature is limited to citizens and wards of the government. By this enactment, evasion of the intention of the statutory provision through abuse of the clause permitting the employment of persons who had declared their intention to become citizens, should be terminated.

There is no longer any vestige of an excuse for permitting the displacement of citizen laborers on public works by the substitution of aliens who have declared their intention to become citizens for the sole purpose of qualifying for such employment, but with no intention or desire to complete their citizenship.

In the past there has been difficulty in securing the cooperation of some public officials of the state and its subdivisions in the enforcement of the constitutional provision

against the employment of aliens on public works. The frequent excuse for unenforcement was that there were no funds available. I have never considered this as a valid or well-founded exoneration. Where there is a will to enforce a statute a way may generally be found.

While the law has prescribed penalties for contractors employing aliens on public works, no adequate punishment is provided for officials guilty of laxity in its enforcement.

I urge an enactment by this legislature which will provide salutory penalties for state, county or municipal officials who knowingly permit the employment of aliens on public works, with a provision that conviction therefor shall automatically carry with it impeachemnt in office.

Immigration

During recent years there have arisen in Arizona serious economic, social and political problems as a result of unlimited immigration of illiterate, poverty stricken and destitute workers and their families from Mexico.

Imported during a period of national emergency to meet industrial demands, and subsequently to supply alleged shortages of labor in specific industries, this large and increasing foreign element now constitutes a serious threat to American standards of living and long established scales of wages of American workers.

These immigrants have proved to be difficult of assimilation into the body of our citizenship. All too often they neither desire nor intend to qualify themselves for American citizenship.

Thousands of Arizona workers have been displaced in employment by these non-citizen laborers and artisans.

The burden of public charity has been rendered much heavier through the presence of large numbers of these impoverished and improvident aliens.

In certain communities within our state where they constitute a preponderate proportion of the population, unpleasant racial animosities and conflicts with established authority have arisen.

This immigration, if continued unchecked, bodes ill for

the future of the American population of Arizona and for the preservation of American ideals and standards of living and government.

I therefor urge upon the Arizona legislature the adoption of a memorial addressed to the Congress of the United States, petitioning the prompt enactment of legislation for the application of the quota law to the countries of the North and South American continents as it now applies to other nations.

I urge this in order that prompt, effective and permanent reduction of this type of immigration may be brought about for the protection of our citizens and their institutions, as well as for the maintenance of wage standards established for those immigrant workers who are already in our midst.

I further urge this action in the hope that continual displacements of citizen workers in Arizona industries may be terminated.

Copper Tariff

The past year and a half has encompassed a period of particularly drastic curtailment of production with resultant unemployment and business depression in the great copper industry of our state. This adverse condition has been reflected throughout every line of business. Other enterprises have suffered because of the distress of our copper industry. This situation has been periodical to the copper industry. It has arisen contrary to the ordinary rules which govern industry and commerce. Copper prices reached the lowest level in more than three decads notwithstanding there was an increased and varied demand for the product in our domestic markets. Although copper was being used to an extent never approached before in the history of the industry, the market sagged and production languished. Thousands of Arizona miners lost their employment; other thousands suffered reductions in wages and lessened earning capacities. Living standards had to be definitely lowered to correspond with diminished incomes. Business and trade in the larger mining districts experienced tragic losses. In thousands of instances taxes which had been paid without serious inconvenience under happier circumstances became a menace to continued home owner-

ship and business operation. This unhappy condition was intensified and accentuated through the operations of a drastic and confiscatory delinquent tax law.

Practically all elements in our copper industry from the humblest mucker in the mines to the directors of the great corporations which operate these Arizona properties, are now agreed that the depression in the copper market from which our state has suffered so severely is a direct result of the flooding of the American market with cheap labor copper from the Latin American countries, Canada and Africa. There is also common agreement among copper producers whose major investments are in the United States, that the only assurance against a repetition of these periodical depressions in the copper industry lies in the imposition by Congress of an adequate tariff against the foreign metal entering this country.

It is generally realized that the prosperity and well being of our great copper industry and the tens of thousands of Arizona citizens dependent thereon for a livelihood, lie in the preservation of the American market for the American copper producers.

The ruinous loss and misery besetting the total citizenship of our state through continued lowering of copper prices and production demand an immediate remedy.

Our domestic copper mining industry was founded seventy years ago due to a high protective ore and ingot tariff. This protection remained effective for thirty years, when it was destroyed at the behest of eastern copper importing and refining interests.

Protection must again be obtained, and that immediately, in order that our citizenship can meet the colossal and destructive competition of world-wide copper imports produced by cheap and impressed labor in other lands.

Arizona has produced one third of all the copper mined within our country since its very beginning; she does now annually produce forty per cent of all our domestically mined copper and has within her area sixty per cent of the leading domestic copper producing districts.

Arizona's copper mining industry for a generation past has paid about one-half of our total state taxes.

Since the passage of the Fordney-McCumber tariff bill—which continued to free list our copper ingot—eight years ago, we fined that we consumed at home eighty-eight pounds out of every hundred mined, and of the twelve pounds available for export we find eleven pounds were shipped abroad in a highly manufactured protected form or as junk metal. The remaining one pound or one per cent of our total domestic unprotected ingot copper production sold abroad the past eight years penalized us to the extent of accepting the world's free trade commodity price; the same being seventy per cent less than the average received for all the domestically mined protected metals.

All other leading industries within Arizona and our country are highly protected. All the other leading metals and their manufactures—iron, steel, lead, zinc, aluminum, manganese, tungsten, antimony, quicksilver, molybdenum, mentioning only ten out of two hundred and fifty metals, and their varying blended alloys are also highly protected in the recently passed Smoot-Hawley tariff act.

The eastern fabricated copper article has received high and rigid protection. The Arizona copper miner deems it vicious discrimination to leave his product—the high cost, manufactured, refined copper ingot on the free list. Everything that goes to make up its many cost factors must be sought within our highly protected domestic market.

A compensatory commodity price through a protective tariff must be secured immediately for our copper ingot, otherwise our copper miner can not secure an equitable and continuous wage nor can our state secure sufficient taxes to maintain essential civic conditions.

The matter of tariff does not lie in the province of the state legislature. I strongly urge upon you the passage of a memorial to the Congress of the United States, praying for prompt relief for this great Arizona industry through the enactment of a tariff bill at the earliest possible moment.

The Colorado River

For eight years the Colorado River question has been the most important problem before the people of Arizona. It remains so today.

We are confronted with a federal law that provides for the transfer from our state to the federal government of the control of the water now used by our cities and towns; stock raisers and ranchers; mines and manufactories and irrigation and hydro-electric power projects.

This law repeals every water law on our statute books and irrigation customs and procedure approved by centuries of use. This law says to Arizona: "Thus far have you grown and prospered, no farther may you progress." This law seeks to control not only the waters which flow into the Boulder reservoir, but the water and power of other Arizona tributaries which join the Colorado river hundreds of miles below the Hoover dam site.

The vicious unfairness to Arizona of this law becomes more apparent as the rules and regulations of the department of interior, set up under it, are studied.

Arizona now realizes that, with the President, the Secretary of Interior, the Director of the Bureau of Reclamation and the Executive Secretary of the Federal Power Commission, all from California and subverting their national positions to secure her exclusive benefits, we can expect neither justice nor consideration from the executive departments of our national government. The President has rewarded with appointment Arizona men who have been active in writing and speaking against the state's interest. Conferences to negotiate agreements between the states have failed. Resolutions in our favor passed by governors of other states, acting as mediators, have been repudiated by their sponsors. Without other recourse we are driven to sue our neighboring states and the federal government in the highest court in the land.

For the last two years Arizona's interests in the Colorado river have been managed by those who in the early days of our resistance to the theft of Arizona resources by California and Mexico, were our critics. This has been partly fortunate, in that the last minority of our people have been shown that the early champions of Arizona were not playing politics when defending the state.

The recent administration received less consideration and was offered harsher terms than were tendered and rejected by earlier Arizona commissions. They have been enlightened.

Their resentment of the unfairness shown by Secretary Wilbur and the California river commission should now make for unanimity of thought in Arizona.

Our state suffered one severe loss in the last two years in the defection of Utah. That state originally signed the six state compact against Arizona. Four years ago the leaders in Utah were converted. They repealed the six state agreement and for two years fought by our side. Utah should have remained with us, as our desire to retain the control of the water and power of the states by the people is mutual. Utah is one state that has not been deceived by Wilbur's "Greek gift" of turning over the federal desert lands to the states at the same time that he is trying to obtain control of the state's water, without which the land is worthless.

Too late the citizens of Utah, New Mexico, Colorado and even Nevada are now complaining of the unfairness of the Boulder dam act. Too late do they realize that their resources may be the next which a larger voting population may ask the federal government to nationalize and deliver to raiders.

Had Utah alone stood with us, the Boulder dam act would be void and no appeal to the courts would be necessary. Those who lost us Utah are more to blame for that action than for their early espousal of the Santa Fe compact. There should be a limit to the excuse of ignorance.

Eight years ago I recommended that the legislature give careful consideration to the Colorado river question, to act slowly and cautiously. I can but renew that recommendation.

Five legislatures of Arizona have rejected the Santa Fe compact and Swing-Johnson bills. What you do will determine whether Arizona becomes a great and prosperous state, or that we have already approached the end of our growth and with mineral exhaustion will go backward, like the ghost state of Nevada.

The attorney general has filed a complaint in the supreme court. Against Arizona will be arrayed all the bureaucracy of Washington and the legal and engineering

talent that the gold of the land harpies of California and Mexico can buy.

The forces of the other five basin states will probably remain neutral unless they see how to have our state sovereignty destroyed without imperiling their own.

Our only hope for outside help in this unequal battle is that by broadening our case, we may seek a decision that will create such a precedent for future inevitable contests between states regarding their water supplies, that other states in positions similar to Arizona will intervene.

It is cheerful to know that since our well advertised resistance to California's attempted steal of our waters, nearly half of the states in the union have witnessed the start of law suits regarding power, irrigation and domestic use of waters and that in the few cases the courts or their special master have spoken, the decisions have not been unfavorable to our cause.

Ours is no small case. No doubt months, perhaps years, will be required to present the evidence and arguments of the various state and federal officials. The location of some fifteen billions dollars of wealth in new development will depend on the court decision.

If we win this case Arizona will eventually receive four or five billion dollars of new development. If we lose, Arizona gets nothing. We should either make a supreme effort or abandon the fight entirely. The choice is yours, but the latter course is unthinkable.

Heretofore volunteers have borne the major burden of the cost of Arizona's resistance. The state has spent a mere pittance in comparison with the expenditures of our adversaries. While even these amounts are a burden to our taxpayers, if we can retain our constitutional right to tax all property not used for actual governmental purposes, our tax receipts from the new wealth invested in Arizona reservoirs and hydro-electric plans in a single year will pay many times the cost of our entire effort.

After forty years experience in state business affairs in Arizona where a progressive people demand much from their government, I am frank to say there is small prospect of material tax reduction unless we can secure ad-

ditional development to assist in bearing the tax burden. I know of no other great potential development except from that due to irrigation and hydro-electric power that we may anticipate.

As chairman of the Colorado river commission, I learned that Arizona possesses dam sites at which reservoirs can be constructed that will provide storage for four times as much power and can be built far cheaper than the one proposed at Boulder, and that our state has several million acres of land that can be put under irrigation more cheaply than additional acreage can be watered in California, in either the Coachella valley or on the coastal plain.

The refusal of the federal commission to accept my invitation to investigate these Arizona projects at the expense of the state constitutes another page in the history of the national administration's unfairness to Arizona.

The supreme court, if it follows precedent, will appoint a master to take testimony in regard to our case. It is most regrettable that during the last two years nothing has been done to continue the securing of the engineering data to substantiate our case before the court.

We should be in a position to show that it is not only legally just, but more economical, to bring people to the land and water of Arizona, than to have California first secure a large population by the advertising of its possible opportunities for development, and then to demand that our resources be transferred to that state to make good their impractical plans at the expense of the federal government.

The plan of irrigation development in Arizona, contrary to that of the federal government in California, would permit of gradual or stage construction, thus avoiding the excessive interest charges, which however disguised, must be paid by someone, during the time it will take to secure full occupancy and cultivation of the land. Stage development also will tend to avoid sudden, excessive production and the resultant cut-throat competition with existing southwestern farms.

Arizona's remarkable irrigation development in the last decade despite the general agricultural depression is proof that land hunger still remains, and that when water is

available people will come to make farms and homes in our state.

The retention and use of the water of the main Colorado river on Arizona soil have ceased to be a matter of insuring our future. The time once considered as the rather distant future is already here. It is the immediate growth of Arizona which will be destroyed if the Boulder dam act is constitutional.

Los Angeles taxpayers, through their bureau of power and light, are now advertising, hoping to secure an increased population to consume the water and power they expect to take from Arizona. We should advise the world that opportunities for development in Arizona are even better, and that we are not fighting progress, but are trying to share in the growth of the southwest.

There is no possibility now of securing a fair agreement with California unless the supreme court decides that a sovereign state controls its own resources, but there never was such a possibility while California was hopeful of securing the aid of the federal government to divert our natural wealth for her enrichment.

In case of the improbable attempt to renew negotiations for an agreement among the states, we should reiterate the more than fair policy we submitted to the governors' conference at Denver in 1927, namely:

> *That the additional water made available by storage in the United States be used exclusively on United States soil.*
>
> *That Arizona be given her tributaries, where needed, and an amount of water out of the main stream equal to that to be received by California.*
>
> *That Arizona be permitted to continue to tax hydro-electric projects the same as her other property.*

It would be beneficial if the legislature would reaffirm this policy which has been approved by several of your predecessors, especially as it would give California all the water necessary for her legitimate needs. It would give

her ample water for her cities and provide irrigation for double the area now watered from the Colorado river. Specifically, I recommend that the legislature memorialize congress to revoke the action of the secretary of the interior in withdrawing some 2,000,000 acres in northwestern Arizona on the fictitious plea that this action contemplates the creation of a recreational area, while in reality it precludes any other hydro-electric project competing with the Hoover dam .

This is no time to hesitate or halt. To continue in the defense of these rights it is necessary that those who are to varry on the battle be furnished with the munitions of war. The legislature should make an appropriation to become available immediately.

The Attorney General and his legal staff should be furnished with sufficient funds to properly present this case to the court. This will call for the gathering of engineering data and the employing of engineer experts as well as legal assistants.

I also recommend that the legislature make sufficient appropriation immediately to secure the necessary engineering data needed for evidence and to successfully prosecute our case in the supreme court.

The executive departments that are under my direction will give the matter of the Colorado river their first consideration.

I am requesting the various members of the judicial branch of our government to assist and advise the attorney general on all the legal questions that are involved. I trust the legislature will furnish the funds to finance our case, and I hope the people of the state will by voice and pen notify their friends throughout the nation of the falseness of the propaganda that our enemies have circulated, which unconsciously influenced congress and which might even influence a human court inclined to follow crystallized public sentiment.

The fight has gone against us thus far only because of dissension in our own ranks. Let us have peace at home that we may present a united front to the enemy. No united people has ever been defeated and despoiled when engaged in a just cause. As chief executive of this state

elected by the people to lead this fight, I am asking all those who love Arizona to support her in this crisis, because if we do so, we will win and establish a great state, full of opportunity for ourselves and those who come after us.

Taxation

A problem of the first magnitude confronting the legislature at this session and the solution of which should receive your thoughtful consideration, is that of taxation. The plight of the home owner, the small farmer and the small businessman is very acute because of the burden of excessive taxation that they are carrying.

Taxes are necessary for the support of the government and for accomplishing the legitimate ends for which it was organized. But when any government by the use of its power for unnecessary and inadvisable functions, taxes its people to the extent of a drain of their capital, then such a government is sapping the very foundations of the prosperity of the state and inviting poverty and disaster.

Arizona is not a lone sufferer from the evils of taxation. The national government and that of each of our sister states are grappling with this vital problem. State functions have increased rapidly during the past twenty years. An era of business activity and success brought a high degree of prosperity to the land. The raising of money for public functions was an easy matter and was utilized to the full extent by the tax spenders. Bond issues, general and special, succeeded one another with a rapidity heretofore unknown in governmental finance. The general property tax was increased; new species of property, theretofore overlooked by the tax gatherer, were swept onto the assessment rolls. Yet the public expenditures mounted and the demand for more money was insatiable.

The legislator is the intermediary between the taxpayer and the tax spender. He holds the purse strings. The budget, prepared by the tax spender, is based on expenditures, not on the earnings of the people or their ability to pay. The legislator comes fresh from the people and at the close of his campaign where he mingled freely among those who must pay the taxes. He heard them express their wishes and desires, and, if his experience was the

same as mine, he had an almost unanimous plea for relief from excessive taxation.

In the last analysis it should not be forgotten that all taxes are paid by the people. Even though you fasten a tax on some one industry or utility expecting it to pay, this tax is passed on to the user or consumers of the products of that industry or utiliy.

It is my earnest desire to cooperate with you in the best efforts that must now be used if we are to relieve the people of a most burdensome load that is preventing them from extricating themselves from the depression that now surrounds them.

I recommend your prompt repeal of the so-called House Bill 127. The predominating number of victims from this vicious piece of legislation have been the small homeowners and the farmers who cultivate only a limited acreage; those who could least bear the severe penalties of this heartless legislation.

The interest rates set out in this law are an abomination to a civilized country. They are relics of a barbarism represented by the system of farming out the collection of taxes. This system has been repudiated by every civilized nation on the face of the globe, and Arizona should quickly undo this wrong that has been perpetrated upon numbers of its innocent and unfortunate citizens. A state, composed of individuals obeying the moral law, should be a higher moral entity, and should realize and practice the moral virtues set out in its statutes. If its laws provide that a rate of interest in excess of ten per cent in the business transactions of its people is detrimental and unprincipled, then what shall we say of a state that inflicts a penalty of twenty-five per cent upon that class of its people least able to pay even the legal rate?

Let us cooperate to relieve the fair name of Arizona from the stigma of such an indefensible blot. This monstrous interest rate has also introduced into our state a species of "investor" of which heretofore it has been free, the tax sale speculator, who has found these rates of interest exceedingly profitable for his purpose.

For the purpose of dealing with the entire state financial system, embracing both the state revenues and expendi-

tures, I recommend the employment of financial experts to make a survey and recommendations for putting our state needs upon a sound financial basis that will include a budget that is based on the ability of our people to pay and not exclusively on the estimate of the tax spender of what they ought to pay.

Our present system of raising the state revenues is unscientific, unethical and unfair. The burden on each species of property is gradually or rapidly increased until the owners raise a storm of protest, or are able to shift the burden to another species, where the same process continues until there is a general cry of distress, as there is throughout the state today, or the abandonment of industries that can no longer stand up under the grievous load.

A number of our sister states have adopted this plan of survey of their economic abilities and public needs, and it is my belief that such a survey for Arizona will prove beneficial and an equitable system of taxation will prove to be one of the principal attractions that will draw a desirable class of citizens to dwell among us.

Arizona has more than 113,000 square miles of area, and less than half a million people. With its untouched natural resources awaiting the vision, the thought and the energy of the pioneer; its fertile soil and the broad acres of its rich valleys in readiness for the application of the strength and efficacy of the husbandman, all this virgin wealth needs only the assurance from the governing powers of the state that the workers and investors in these vast fields of activity will not be stripped and left with a bare means of subsistence as a reward for making a reality of these vast stores of potential wealth.

Simultaneously with the repeal of House Bill 127, provision should be made for an impartial and complete survey by a board of valuation experts, representative of agriculture, business and industry, in collaboration with county assessors and county boards of equalization for the purpose of fairly equalizing valuations.

The functions of the State Tax Commission as a Board of Equalization should be abolished and provision made for an independent state board of equalization that shall have final jurisdiction over all valuations.

Private Financing of the State

I have viewed with gravest concern the practice of the preceding administration of appealing for loans from private corporations for the financing of state institutions and activities.

This, by the very nature of the proceeding, implies an unsafe and illegitimate obligation on the part of the administration toward the lender. It amounts to subsidization of government by private interests. It constitutes a serious threat to the continuance of responsible and representative government.

In the instances referred to, the consummation of the loans was made possible through the aversion of the lenders to the calling of a special session of the legislature to consider emergencies. Such a situation, wherein large corporations are willing to advance great sums of money to the executive department rather than that a special session of the legislature be called, contains sinister elements.

In such emergencies, the chief executive has two recourses. He can resort to the constitutional power to make an emergency appropriation. I used this authority during my previous administrations, as when appropriations were made by executive proclamation to combat the scabies and the hoof and mouth disease. Or the governor can call a special session of the legislature to consider the emergency and provide relief, if in his judgment such a course is justified.

In this case I shall approve reimbursement by the legislature of funds advanced by the lenders, in order that the good faith and credit of the state may remain unimpaired. However, I recommend the enactment of legislation making the acceptance of such private and unauthorized loans by future administrations sufficient grounds for the impeachment of the chief executive or other state officer responsible for such action.

Election Laws

The Primary and General Election laws of Arizona need revision.

I do not favor legislation which will in any way restrict or hamper the exercise of the franchise by our citizens, nor do I believe that elections can be entirely purified by legislative enactment. Fads, fancies and theories have found expression in previous legislative acts of this nature, most of which have subsequently been repealed by the legislature.

However, the late elections in Arizona again demonstrated that only sixty or seventy per cent of registered voters are sufficiently interested in their franchise to cause them to go to the polls on election day.

Yet, all these voters were registered at great expense to the several counties, usually at the rate of twenty cents per name, paid to special registration agents.

I hold that an elector who is not sufficiently concerned in good government to cause him to register with the regular officers charged with such duty and to vote on election day, would probably vote wrong in any event.

The excessive cajolery, flattery and solicitation to which voters are subjected by party representatives and candidates, during the campaigns and on election day, should be resented by the voters themselves.

Undue and disproportionate activities of party workers and candidates on election day, particularly surrounding the polls, have become a nuisance.

I suggest your consideration of amendments to the election laws abolishing the payment of per capita fees to special registration agents by the counties, and providing that registration of voters shall be done by the staffs of the county recorders and the various justices of the peace.

I further recommend an amendment prohibiting all election activity by party workers, candidates or their representatives on election day.

Registration of members of one political party as members of another party, in order to participate in the latter's primaries for the nomination of the weakest candidate, is unfair and illegitimate.

Electors should be given every encouragement to participate in the primaries of their own parties. A practice

has developed in this state of a political party not naming candidates for certain offices in the primary election. The filling of the ticket is left to the party committeemen after the primaries. This is not representative government. It subverts the purpose of our primary laws. It is an evasion of the intent of the framers of these statutes.

Under the present practice, the very law that creates the primaries frequently nullifies their purpose.

In view of these considerations, I recommend the enactment of legislation providing that when a candidate for office receives a majority of all votes cast at a primary election, he shall be declared elected.

State Banks

The recent financial depression, with consequent bank failures involving serious losses to depositors, has demonstrated the necessity for some sort of protection to the public in addition to that already provided by law.

I recommend for the serious consideration of this state legislature the enactment of a law which will provide greater protection to depositors.

The experience of the last few years with bank failures in Arizona has been so disastrous, that I feel that the time has come when depositors who place their money in banks should have some kind of a guaranty, the same as city, county, or state deposits are protected. I suggest that when a bank has deposits of a hundred thousand dollars they should secure deposits by a bond of half that amount. In that way only can people be guaranteed the safety of their deposits. I trust that you will take action on this matter in such a manner that the man who puts his money in a bank for safekeeping shall be assured that when the time comes to withdraw it, he can do so.

I hope a plan for the safeguarding of deposits can be worked out along new lines that will avoid the fallacies demonstrated by the operations of depositors' guarantee laws enacted in other states.

The following additional recommendations of changes and additions with respect to our present banking code are made with the sole idea in mind of giving added protection to the depositing public.

In liquidation of banks it is found one of the most difficult items to collect is double liability due from stockholders. To offset this it is suggested that the minimum capitalization of banks be raised from $25,000 to $100,000. Any community needing banking facilities that can not raise $100,000 of capital stock could avail itself of opportunities of branch banking under our present statutes.

To guarantee the collection of the double liability of stockholders, it is recommended that 200 per cent should be paid in on capital stock at the time of organization, one half of which should be invested in government or municipal bonds, which bonds should be deposited with the State Banking Department or State Treasurer; with the provision that these bonds should never be sold or hypothecated except on approval of the Superintendent of Banks, and then only for replacement purposes in case of maturity of some issue.

A further provision should be made that these securities are specifically deposited for the purpose of paying the double liability of stockholders in case of liquidation of the bank. The income of bonds or securities would be the property of a bank as long as it is operating as such.

Our statutes should provide that at all times there should be a minimum of five active directors of each bank. To further emphasize the fact that the directors are to direct, there should be placed geographical limitations on their selection so that attendance may be regulated. Where the attendance of a director is irregular over a period of six months, his office should be declared vacant by the stockholders and a replacement made.

It should be made a clear violation of the law for a banker to acquire any kind of a second mortgage unless it be taken to further secure a debt previously contracted.

It is strongly recommended that Arizona adopt a code clearly segregating savings deposits from commercial deposits where a bank maintains both departments. We have a law at this time regulating the investments of savings banks, which appears to be adequate. However, there is no provision to make this applicable to one corporation maintaining both departments. This can and should be done.

It is recommended that the penalties for violations of various provisions of the banking statutes be made more severe with reference to officers and directors and both classes should be equally included.

Bank Taxation

Under our present laws it is claimed that increasing amounts of real estate, business and residential property are escaping taxation through passing of title to banking institutions.

Real estate and business structures and equipment which are used exclusively for bank administration purposes may well have exemption from direct taxation, as these are reached through the valuation placed upon their capital stock and surplus. However, it was clearly not the intention of previous law makers that considerable amounts of agricultural, business and residential property, not used or intended for banking purposes, should disappear from the tax rolls simply through the act of passing into bank ownership, by foreclosure or purchase. This condition results in practical exemption for much valuable property, and the burden of taxation is correspondingly increased on other classes of property not enjoying such exemption. The blame for this condition undoubtedly lies with those officials charged with fixing assessments for taxation purposes, in many instances.

I therefor urge the passage of an amendment to the present banking laws, clarifying these statutes, and which will insure that all property owned by banking institutions not used for administrative purposes, shall be taxed in accordance with the principles which apply to ordinary property.

Overdrafts

Banks should be prohibited by statute from permitting an overdraft in any form to anybody. If the depositor is entitled to this consideration, he should sign a note and secure the line of credit, thereby giving the bank an income on the credit extended, to which it is justly entitled.

Examinations of the records of defunct banks in Arizona have revealed frequently that overdrafts of depositors had been allowed by the banks' officers.

This practice is particularly reprehensible where the person making such overdraft is a public official exercising jurisdiction over the affairs of banks.

Such practices inevitably lead to lack of confidence on the part of the public in the probity of such officials and the integrity of the bank's officers.

In some instances overdrafts have been contributory causes in the failure of banks, with consequent loss to depositors.

Our state has laws applicable to depositors who overdraw their accounts, but they have not proved a sufficient deterrent to the evil of overdrafts.

I therefore urge an amendment to the banking laws making it a misdemeanor for responsible officers of Arizona banks to allow or honor overdrafts.

Legal Rate of Interest

The legal rate of interest should be modified to conform to the trend of modern times.

Conditions common to pioneering communities which formerly may have rendered necessary a legal rate of interest of ten per cent, no longer exist in Arizona. Such a high rate of interest has been abandoned for more moderate charges by most of our financial institutions. It exists only in isolated instances. A ten per cent rate is now recognized as excessive and unjustifiable. It places a handicap on business enterprise and an excessive burden on individual and corporate initiative.

The fees collected with reference to loans should be construed as interest in interpreting the law relating to usury.

I urge the amendment of our statutes to prevent the charging of more than eight per cent interest on loans, this rate to include all fees of whatever nature, which have been used in the past by certain classes of individuals and firms to exact exorbitant rates from borrowers for the use of money.

Building and Loan Associations

The following are a few of the important changes recommended and apparently needed with reference to operation of building and loan associations:

All building and loan associations incorporated within the state should be required to pay in a minimum of $50,000 capital stock before a permit is issued, unless the association is to operate as a strictly mutual.

The most objectionable features in our law at this time regarding building and loan associations are the heavy monetary penalties and time element on withdrawal from the association by depositors.

It is recommended that a maximum of one per cent on a $1,000.00 maturity valuation be allowed the association as a membership fee chargeable against the member.

While it is in my thought that building and loan associations should not repay deposits on demand, due to the type of investment they necessarily have to make, yet when a member is forced by adverse circumstances or other valid reasons to discontinue payment of deposits, he should not be penalized further than the above mentioned one per cent on a reasonable time of withdrawal.

Building and loan associations form a very necessary link in our economic structure, yet extreme care should be exercised in our legislature to keep them from active competition with commercial and savings banks. Their activity should be more in the nature of cooperating and coordinating with banks.

The statutes should provide for the accumulation of a substantial reserve against the repayment of certificates that mature in the future, so that the association will never find itself embarrassed to take care of the legitimate demands made upon it.

Utmost care should be exercised in placing the maximum restriction on the activities of the officers and directors and providing adequate penalties for derelictions.

Small Loans

It is recommended that the statute be amended to place small loan companies under the supervision of the State

Banking Department, and to further regulate the rate of interest downward.

In placing these companies under the banking department it should be kept in mind that this will mean an increase in personnel as well as appropriation for the department.

Occupational Diseases

The miner who contracts tuberculosis is as much a victim of industry as the employe who suffers injury from accident. I urge the enactment of an amendment to the Arizona Industrial Act providing compensation for diseases that are clearly occupational when they arise from or are aggravated by employment in the state of Arizona.

A careful study of the Industrial Act in the light of the experience of the several years of administration that have passed since its enactment should be made by this session of the legislature, and provision made for the correction in the law and its administration of any defects that have become apparent.

Freedom of Selection of Doctors

It is a generally recognized fact that confidence of the patient in the ability of his doctor, is an important factor in the cure of disease or the treatment of injuries.

The State Industrial Act should be so amended that there shall be no interference with the right of the person claiming compensation to select the doctor of his choice for his own treatment. There should be only the qualification that the practitioner shall be regularly licensed and be reasonably accessible to the patient.

Public Domain

Large areas of Arizona lands remain untenanted and unappropriated, the title still lying in the federal government. These lands pay no taxes toward the support of local or state government. Their administration by distant bureaus in Washington has been unsatisfactory to our citizens. Frequent complaints of unsympathetic treatment of settlers and prospectors, and of policies of administration based on ignorance of local conditions, are heard.

I urge upon the present state legislature the adoption of a memorial to congress, petitioning the transfer by the government to the states of title to all unappropriated public domain within their borders, including minerals and oil. This, I hold, is in harmony with the constitutional guarantee that all states shall enter the union on an equal basis, which has been recognized by the passage to private ownership of the lands of the older states of the union.

Federal Encroachments

I have viewed with gravest concern the continued efforts of federal departments and bureaus to encroach upon the jurisdiction and sovereignty of the state, and the lack of steadfast resistance to such inroads upon our state rights by the previous administration.

I wish to warn this legislature against this increasing menace to state sovereignty, and against the enactment of any statutes which will establish a dangerous precedent for any further surrender of the jurisdiction of the state to any federal department or bureau.

Any attempted legislation, no matter how worthy the purpose, which involves a further surrender of Arizona's sovereignty along these lines will receive my prompt veto.

Cooperative Marketing

Revision of the statutes governing cooperative marketing should be made wherever recommended by the farming and live stock industries of the state, consistent with fairness to the public, to the end that our laws shall assist the agriculturist and stock raiser in every way to a solution of their marketing problems.

Tidewater Port

Arizona can not reach her maximum degree of economic stabilization without being permitted access to a port on the Gulf of California.

Existing geographic relationships emphasize Arizona's nearness to tidewater. Her southwestern boundary lies approximately parallel for two hundred miles to the northeast meander line of the Gulf at a minimum distance of sixty miles therefrom.

This near proximity to tidewater, plus the topographic slope thereto of practically the whole State of Arizona, vitalizes the economic necessity of not alone following the shortest route, but likewise nature's line of least gravitational resistance.

It is axiomatic that transportation rates of an interior point are based on its distance from a tidewater port. Phoenix for example, lies in rail miles—439 and 1255, respectively, from San Pedro on the west and Corpus Christi on the east—and only about 207 rail miles from Rocky Point Harbor. It is a certainty that existing freight rates on the major portion of Arizona's outbound and inbound tonnage would be greatly reduced by securing access to the sea.

Article four of the Gadsden Treaty permits Arizona's freight tonnage to flow to the Gulf via the Colorado River route. That vital transportation right will have to be transferred from the wet to the dry status when the total waters of the Colorado are impounded. In lieu of this existing right to access to tidewater, it is hoped to secure access to the Gulf by another route, preferably on a line directed toward Rocky Point Harbor.

I shall use my best endeavor to secure this exchange route privilege from our sister republic.

I urge the adoption by this legislature of a memorial directed to the Congress of the United States, requesting the initiating of negotiations by the Department of State with the Republic of Mexico for a port privilege on the Gulf of Mexico and a connecting railway thereto.

Last Minute Legislation

One of the serious problems confronting our legislative system is the rush of last minute bills during the closing hours or days of the session. I have watched for many years the unfortunate results accruing to the state from hasty and ill-considered bills passed during the closing hours of the legislative sessions. With the present sixty day limitation on the session, it appears impossible that the great mass of bills introduced can be carefully and intelligently considered and acted upon within the time limitation.

A mass of bills is enacted and dumped upon the Governor's desk at the closing of the session. Checking and investigation in the executive office reveal that in the haste for passage these measures frequently are faulty in construction. A bill may cover a need of the state. The executive office has no power to make any changes whatsoever after it has passed the legislature. Thus, the executive has the alternative of accepting a faulty bill, or vetoing it.

Time and opportunity for careful and detailed study of proposed legislative measures will frequently expose faults or objections which are not detected by a cursory or hasty examination. Occasionally it happens that the enactment of a single ill-considered measure will prove more expensive to the state and the taxpayers than a whole session of the state legislature. I refer to House Bill No. 127, enacted by the preceding state legislature, as a measure of this type.

Had more time been given by the legislature to the study of the effects of this bill, and to an examination of its intents and purposes by interested citizens of the state, I am sure it never would have passed this body in its present form.

A solution of the problem of hasty and "last minute" legislation presents difficulties involving an amendment to our state constitution. Various plans have been suggested. One is that members of the state legislature be paid an annual salary, and that the sixty-day limitation of pay be removed. Advocates of this plan argue that the legislature could convene and remain in deliberate session so long as the business of the state demanded.

Another plan that has been suggested is that the legislature convene for thirty days to permit the introduction of bills. No legislation would be adopted at this session, except of an emergency character.

At the conclusion of the thirty-day period, the legislature would adjourn for thirty or sixty days to permit committees to consider bills, to hold hearings, and to give the citizens of the state ample opportunity to analyze and study all proposed legislation.

At the conclusion of this second period, the legislature

would again convene, to act upon measures introduced at the initial session. Only emergency measures could be introduced at this final sitting.

These are merely suggestions. I am not advocating either or any specific plan. However, I do urge upon the legislative body the serious consideration of the problem presented by hastily enacted legislation. It is my hope that a satisfactory solution may be found.

Old Age Pensions

I am a firm believer in the principle that pioneer citizens of our state, who have an honorable record in the upbuilding of our commonwealth, and who find themselves in need in their declining years, should have the sympathetic aid of the state.

The State Pioneers' Home is a recognition of this principle on the part of our people. It neither meets the need fully nor satisfactorily. Experience has demonstrated that the interests of the state and of the beneficiaries of our solicitude, in most cases would be best served were these pioneers allowed a direct pension from the state.

Needless to say, in drafting legislation along this line, care must be taken that only the deserving and actually needy aged citizens shall receive such pensions.

Legislation to this end will be submitted for your earnest and sympathetic consideration, later in the session.

Highway Legislation

In the matter of additional legislation for financing the State Highway Department, which the Tenth session may in their judgment adopt, I recommend the following needed new construction for the development and expansion of our state highway system be borne in mind:

A road north in Mohave County, and a bridge across the Colorado River at or near Pierce's Ferry to connect with the Arrowhead trail in the vicinity of St. George, Utah.

A road from the Big Sandy to Congress Junction to connect with the highway into the Salt River Valley.

Provision for the early completion of the oiling of the northern route from Topock to the New Mexico boundary.

The opening of negotiations with California and the United States Indian Service for the construction of a free bridge across the Colorado River at Parker.

The construction of a highway to Ryolite National Monument in Cochise County.

A road through the Arivaca and San Pedro Valleys to connect with the highway at Winkelman.

Cooperation by the state in every feasible way to obtain the prompt completion of the important north and south highway from Pleasant Valley to Heber and Holbrook.

The same recommendation is made with respect to the new north and south highway from Flagstaff to Utah by way of the new bridge over the Colorado River at Marble Canyon.

Prompt construction of the links in the east and west highway between Wickenburg and Ehrenberg and from Globe to Springerville.

If the iniquitous Boulder Dam bill should be declared constitutional by the Supreme Court, I recommend to the legislature that a road be constructed from Chloride to the dam.

Consolidation Of Departments

I urge upon this legislature the importance of a careful survey of the state's business organization for the purpose of bringing about a more simplified structure of government.

This survey should be made with special attention to the possibilities for consolidation of departments and the elimination of unnecessary divisions to the end that duplication and overlapping of work may be avoided. Long observation and experience have convinced me that the cost of state government can be materially reduced and efficiency greatly increased through consolidation of departments, under a responsible head, along lines which would be adopted by any well managed business institution. I regard this field as one of the most promising in which

to accomplish that economy in governmental operation to which the Democratic party is pledged.

The legal business of all departments of the state government should be consolidated in the office of the Attorney General, where it rightfully belongs. This applies particularly to the legal departments now maintained by the state highway department, and the state banking department in the cases of defunct banks. Great economies and increased efficiency can be obtained by such action.

I recommend that, in the interest of economy and efficient operation, legal representation of all departments of the state be consolidated in the Attorney General's office.

This can be brought about by giving to the Attorney General the authority to employ a sufficient number of assistants to properly perform the duties required.

Consolidations of departments and activities, with increased economy and more efficient service to the public, appear to be particularly needed in the agricultural, horticultural and health divisions of the state government.

Abolition Of Commissions

I would like to see a simplified and representative form of government created for the service of the people of Arizona.

I have deplored the tendency to create commissions for the discharge of governmental functions.

Experience has shown that the commission form of government in this state is impractical, unresponsive to public opinion, undemocratic, wasteful and inefficient. It has accentuated rather than alleviated the political administration of departments of the state government. Commissions appointed for long terms of office invariably drift into bureaucratic policies and procedures. They are clearly responsible neither to the administration nor to the electorate. They add heavily to the cost of government while decreasing the efficiency of operation. This is no reflection on the individuals comprising such commissions. The fault lies in the system.

In this respect, I recommend that the present Highway

Commission be abolished, and in lieu thereof one commissioner be appointed, who will have charge of the highway department. The present commission is cumbersome, and while the personnel is composed of very high-class men, I feel that the state should run its business along the lines that some of our successful corporations are doing.

If the legislature does not feel disposed to follow this suggestion, as a second request, I propose that the state be divided into three zones, Northern, Central and Southern, with one commissioner to represent each zone. In that manner, economy and higher efficiency would result.

In regard to the State Game Commission, I recommend that it be abolished. From observation and from a great many letters from people who are interested in game protection and the preservation of wild life, I have come to the conclusion that it has been a dismal failure. The idea behind the establishment of the Game Commission was further to preserve and protect wild life. The results strike me as having been the opposite.

Preferably the operation of these departments should be entrusted to a single administrative head, appointed by and responsible to the governor. The powers and authority vested in these commissions should be placed in the executive department, which will then be responsible for their administration.

I trust that the legislature will take immediate action on this request.

Efficient Government

Our Fathers separated the functions of government into three departments, legislative, executive and judicial. This was a means, safe on one hand from the individual tyrant and from the dissipation of authority that could not be handled by the multitude on the other hand. Yet the final control over all was in the people at the ballot box. This plan, so wise in conception and so efficient in execution, was adopted successively by all the states, and for more than a century and a quarter was the successful governmental standard of the American people.

During later years an innovation has gradually crept in

and even threatens to usurp unto itself the three attributes of governmental administration that experience has demonstrated should be kept separate. I refer to government by commissions. These organs have gathered to themselves legislative and executive functions and to some extent they are beyond judicial control. The heads of these commissions are elected or appointed for long terms of office. Experience has shown that officials chosen for long terms tend to lose touch with the people and render a service that is more or less dictatorial.

In our state both the governor and members of the legislature are chosen for two year terms. Our commissioners have six year terms. This innovation is gradually dissipating responsible government, and a remedy should be applied before this dissipation has entirely swept away our government of responsible units exercising a limited jurisdiction for a short term of office.

I call your attention to the inroads on the executive power that have been made in the past. So many of the executive functions have been delegated to commissions that this department has practically lost its control of the administration of the law. Much of the great cost of government in Arizona is due to the dissipation of this authority and placing it in the hands of expensive commissions.

The time has arrived when each of the great departments of the state government, be it legislative, executive or judicial, should be given control of the functions pertaining to it. By this means responsibility can be fixed and resulting efficiency secured. Governmental functions in Arizona have become so scattered and mixed that the public is no longer able to place responsibility or to determine what departments are carrying out the purposes for which they exist and which are not.

In this connection I wish to call to your attention the rearrangement of offices and functions that has been adopted in some of our sister states. The purposes of these plans are to secure more efficiency and responsibility at a more economical cost. It is my belief that the peak of tax collections for governmental purposes has been reached, and that any additional inroads on the income of the people for governmental expenditures will not only

destroy the maximum income productivity of our people, but will tend to discourage effective effort.

I recommend that you make a careful study of the governmental situation in Arizona to the end that dissipation and usurpation of power above referred to may be remedied and the state government be again placed on the solid foundation provided for it in the Constitution of our State. I think the recent reforms adopted by the states of New York and Illinois may be of both interest and help to you.

Automobile Accidents

The increasing number of automobile accidents, fatal and otherwise, constitutes a serious and vexatious problem. This is true because the human element enters so largely into the situation. It is difficult to make people careful by legislative enactment.

If, in the opinion of the legislature, the number of automobile accidents can be reduced through the enactment of further safety and precautionary legislation, then the subject should have your earnest consideration.

The Egg Inspection Law

House Bill No. 70, the so-called egg inspection law enacted by the Ninth state legislature, should be repealed.

This law, while adding to the expense and labor of the state government, has served no useful purpose.

On the contrary it has benefited only the middlemen. It has generally resulted in smaller prices for their product to egg producers and higher prices to consumers.

Like all unnecessary legislation, it has developed vicious phases and should be repealed.

Wild Animal Life

With the advent of the automobile, improved repeating and automatic firearms and scores of roads intersecting its ancient domain, the last remaining wild life of America is on the defensive, with its back, so to speak, against some mountain fastness or desert waste. Year by year the hunters multiply as the game vanishes, and the per-

sistent hunters continue the pursuit into the few remaining fastnesses where this wild life has taken a precarious refuge.

Arizona constitutes one of the few remaining areas where many noble species of our vanishing wild life may be found in considerable numbers. Until very recently it was the accepted doctrine that the wild life of a state was its property, that it was entirely within the province of the legislature to make such rules and regulations as it deemed expedient for the preservation of this wild life and for the taking thereof by the citizens. All the states of the Union have game laws passed for the purpose of insuring a continuation of this wild life. Chief among the provisions of such laws is the establishment of closed seasons and bag limits for the purpose of leaving a sufficient number of individuals to propagate and multiply the species.

Due to the sparse settlement of its area Arizona retains many species of wild life dwelling in the original habitat. The great majority of the species possess value as game animals and birds and as interesting attractions to the inhabitants of this state and to those who come within our borders for recreation and pleasure.

I am not in accord with the annual wholesale slaughter of deer that occurs every fall in the Kaibab. Probably the largest remaining herd of deer on the American continent makes its home in that forest. With hunters coming from far and near to engage in an annual carnage only one degree higher than the slaughter of cattle in a corral, it will not be long before this mighty herd will follow the buffalo into the shadows and its existence remain only as a memory.

Under the decision of the Supreme Court of the United States relating to killing deer on this game preserve, power is not conferred upon the federal government to license hunters to kill these deer. At the present time hunters are permitted by the state to kill deer on this reserve in excess of that permitted by the state game laws. For the reasons stated above, I am opposed to this reprehensible practice.

The dangerous precedent has been established by our game department of recognizing co-ownership of the fed-

eral government with the state in our wild life. This may lead to claims of equal, or even superior rights of the federal bureaus in other natural resources of our state.

I warn the legislature against any enactments which may further weaken the position of our state in this particular.

Board Of Pardon And Paroles

Under the existing laws of the State of Arizona, the Board of Pardons and Paroles is composed of the Superintendent of Public Instruction, the Attorney General, and a citizen member appointed by these two elective officers.

Due to the rapid growth in prison population, and the increasing duties of this Board which these public officials are compelled to perform in addition to the many other duties of their offices, I recommend that the law be changed to form a Board composed of three civilian members, to be appointed by the Governor, who would have sufficient time to thoroughly investigate the requests for pardons and paroles and to carry on the many other duties imposed upon the Board.

The work of the Board of Pardons and Paroles has increased manyfold. It is especially heavy at this time of depression. Sufficient funds should be appropriated to take care of its needs. The amount the Board is now working with is wholly inadequate.

While it seems to be the will of the people of Arizona that we have capital punishment, I suggest a careful investigation be made by the Legislature to find a means to enact the death penalty less barbarous and revolting than the one used at present.

Segregation Of The Young From Old Offenders At The State Prison

Crime and delinquency are rampant in the nation. A nation-wide inquiry has been directed to this distressing condition. Arizona can immediately take one definite step forward in the amelioration of this condition without great cost.

To send boys and first offenders to the State Prison to mingle with the old and hardened criminals is tanta-

mount to plunging them into debasement from which they can seldom be redeemed. Yet this is still the practice in Arizona.

I recommend that the present prison walls be extended into another and separate yard so that a proper segregation can be put into effect. This improvement will also relieve the evil effects of overcrowding now existent at the Prison.

Through the utilization of prison labor and construction of necessary buildings of adobe bricks made by the prisoners, this extension and improvement at the State Prison can be carried out at comparatively small expense. An appropriation to cover necessary building materials other than adobe and stone is all that would be required.

I recommend that such an appropriation be made by the Tenth State Legislature.

State Cement Plant

I am renewing my previous recommendations to the Arizona Legislature for the establishment of a State Cement Plant utilizing surplus prison labor.

Although Arizona has extensive deposits of suitable natural material for making cement, contiguous to both rail and highway transportation, no cement is manufactured in our state. Freight transportation from California and Texas which are the present chief sources of supply, constitutes a large proportion of the cost of cement used in public and private construction.

The hope that the larger cement manufactories would establish branch plants in Arizona, utilizing Arizona materials and Arizona labor and saving to our consumers much of the freight cost on the material, has been held out for several years, but it has failed of realization.

The combination of the surplus prison labor at the State Penitentiary and the plenteous supplies of excellent raw materials for cement manufacture should be authorized and provided for by the State Legislature. I am convinced that great economies can thus be effected in the hard surfacing of highways and streets and in the construction of public buildings in Arizona.

State Militia

The Ninth legislature saw fit to make an appropriation of approximately $209,000 for the Arizona National Guard, for the past two years, a large part of which was for new armory construction.

The appropriation for the State Militia should be greatly reduced for the next two years in view of the heavy burden now resting upon our taxpayers.

The Governor is commander-in-chief of the state military establishment. As such he is entitled to the appointment of his chief of staff, who is the Adjutant General. The Ninth legislature amended the law, making the appointment of the Adjutant General for a six year term. This is clearly an infringement upon the power and authority of the governor as commander-in-chief of the state military forces. I doubt the constitutionality of this enactment.

I recommend that the law be restored to its original status making the term of office of Adjutant General coterminous with that of the chief executive of the state.

Notaries Public

I recommend that the law covering the issuance of commissions to notaries public, be amended to place this work entirely within the office of the Secretary of State.

At present there is a duplication of work in this connection in the office of the Governor and the Secretary of State, which should be avoided in the interests of economy and efficiency.

Department Of Chemistry

There are more than five hundred registered pharmacists in Arizona, yet our University is not prepared to teach this profession.

I recommend that in the consideration of building plans and appropriations for the University of Arizona, provisions be made for a department of chemistry, which will provide instruction in the profession of pharmacy at the State University. The large number of high school graduates desiring this course of instruction should not be

compelled to go outside the state to obtain their degree in pharmacy.

Live Stock Legislation

New legislation is needed to remedy defects in the live stock laws. The industry is suffering from great losses occasioned by thefts.

Good highways and the development of motor truck transportation have made the illegal slaughtering and marketing of range stock comparatively easy. A revision of the law is needed to cover the transportation of live stock both on foot and dressed, in order that adequate protection may be afforded our live stock industry.

Approximately 14,000 cattle brands are now on record in the office of the Live Stock Sanitary Board. A large proportion of these brands is obsolete. It is a matter of great difficulty for our cattle growers to devise new and distinctive brands which do not conflict with those now of record.

I recommend the authorization by the Tenth Legislature of a new period for the re-recording of live stock brands in order to clarify this situation.

The Pink Boll Worm

The fight to eradicate the pink boll worm infestation in the Salt River Valley during the past year involved an expenditure of more than $600,000, including reimbursement of farmers in the non-cotton zone which was established. The state will be called upon to stand one half of this expense, the federal government paying the remaining half.

We are now advised that the federal government will not proceed in the allocation of any further funds for the control of the pink boll worm in Arizona.

This situation must be faced squarely. The withdrawal of the federal government from the fight to control the pink boll worm is actuated by the conviction that further expenditure of funds along these lines is futile. The boll worm has won the fight. Despite the enormous expenditure of state and federal money the pest has spread practically

throughout the cotton growing areas of the Salt River Valley.

I am advised by federal and state inspectors that the pest has also appeared in the Casa Grande, Coolidge and Gila Valley districts, leaving only the Yuma district free from the infestation. Under the circumstances and the apparent hopelessness of the fight, I do not recommend the further appropriation of state funds in this endeavor.

It is recommended that the burden of continuing the fight against the pink boll worm in this state be placed upon those individuals or concerns who desire to continue the cultivation of the staple. Legislation to require cotton growers to follow proper quarantine regulations for the control of the pink boll worm should be enacted at this session.

In my opinion the sooner the cotton growers of Arizona turn to diversified farming, the better it will be for themselves and for the state.

Deaf, Dumb and Blind School

The school for deaf, dumb and blind at Tucson has suffered a period of neglect and mismanagement during the past two years. For a time the school was closed and the unfortunate children were returned to their homes.

I recommend that this institution be placed in charge of the Secretary of the Board of Directors of State Institutions.

If investigation reveals that an emergency appropriation is necessary to carry on the work in this school, it should be promptly made by the legislature.

Wm. Boyce Thompson

Through the death during the past year of Wm. Boyce Thompson, the State of Arizona lost one of its benefactors.

By his generosity the Thompson Arboretum near Superior, was endowed and its continuous operation made possible.

This institution is performing a vital work in experimentation and research to find new and wider uses for the native vegetation of the southwest.

A suitable memorial of appreciation of the gift of Wm. Boyce Thompson, and of condolences to his family on account of his death, should be adopted at this session of the legislature.

Lois Grunow Memorial Clinic

The State of Arizona is particularly fortunate in obtaining the Lois Grunow Memorial Clinic at Phoenix.

This institution of medical service and research will fill an important and useful function in the treatment of the diseased and afflicted, not only in our own state but throughout the entire southwest.

The establishment of this clinic was made possible through the generosity of Mr. Wm. C. Grunow.

I believe that the legislature of Arizona, through a memorial of appreciation, should recognize the splendid service to the state which Mr. Grunow has performed.

Respectfully submitted,

GEO. W. P. HUNT,
Governor.

CODES—TERRITORIAL

Howell 1864
Compiled Laws. Bashford. (Includes "Howell" Code) .. 1871
Compiled Laws. Hoyt 1877
Code. King. Goodrich & Wells 1887
Revised Statutes 1901

CODES—STATE

Revised Statutes, Civil 1913
Revised Statutes, Penal 1913
Laws Relating to Justices of the Peace (Spanish)
Tully 1881

SESSION LAWS—TERRITORIAL

1st Assembly, September 1864
2nd Assembly, December 1865
3rd Assembly, October 1866
4th Assembly, September 1867
5th Assembly, November 1868
6th Assembly, January 1871
7th Assembly, January 1873
8th Assembly, January 1875
9th Assembly, January 1877
10th Assembly, January 1879
11th Assembly, January 1881
12th Assembly, January 1883
13th Assembly, January 1885
14th Assembly, January 1887

(In 1887 Code. "Lost Laws.")

15th Assembly, January 1889
16th Assembly, January 1891
17th Assembly, January 1893
18th Assembly, January 1895
19th Assembly, January 1897
20th Assembly, January 1899
21st Assembly, January 1901

(In Code of 1901)

22nd Assembly, January 1903
23rd Assembly, January 1905
24th Assembly, January 1907
25th Assembly, January 1909

SESSION LAWS—STATE

1st State Legislature, Regular Session; 1st Special Session (1 vol.).....1912

2nd Special Session; 3rd Special Session (1 vol.).....1913
(This volume not included in Revised Statutes 1913, contains only temporary laws and appropriations bills.)

2nd State Legislature, Regular Session; 1st Special Session, 2nd Special Session (1 vol.).....1915

3rd State Legislature, Regular Session.....1917

3rd State Legislature, Special Session.....1918

4th State Legislature, Regular Session.....1919

5th State Legislature, Regular Session (including Special Session, 1920; 4th Legislature, 1921 (1 vol.)..1921

5th State Legislature, 1st Special Session, 1922.....1922

6th State Legislature, Regular Session.....1923

7th State Legislature, Regular Session.....1925

8th Legislature, Regular Session, 1st and 2nd Special Sessions in one volume.....1927

8th Legislature, Third & Fourth Special Sessions.....1927

The Revised Statutes of Arizona, 1913, Civil and Penal Codes, and the subsequent Session Laws from 1915

to 1931, inclusive, are for sale by the Secretary of State at the following prices, plus postage or express:

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Note: The Sessions Laws of 1915, 1917, 1918 and 1919 are out of print—Edition exhausted.

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W. J. GRAHAM	Secretary
B. F. THUM	Asst. Secretary
DAN P. JONES	Chaplain
D. B. McHENRY	Sergeant-at-Arms

MEMBERS OF THE SENATE

County	Name and Party	Address
Apache,	T. J. Bouldin (Dem.)	St. Johns
Cochise,	Fred Sutter (Dem.)	Bisbee
Cochise,	John P. Cull (Dem.)	Douglas
Coconino,	W. W. Midgley (Rep.)	Flagstaff
Gila,	Alfred Kinney (Dem.)	Globe
Gila,	E. H. McEachren (Dem.)	Miami
Graham,	W. B. Kelley (Dem.)	Safford
Greenlee,	Harry W. Hill (Dem.)	Morenci
Maricopa,	Joe C. Haldiman (Dem.)	Phoenix
Maricopa,	Frank T. Pomeroy (Dem.)	Mesa
Mohave,	J. H. (Hubert) Smith (Dem.)	Kingman
Navajo,	G. W. Nelson (Dem.)	Winslow
Pima,	T. W. Donnelly (Dem.)	Tucson
Pima,	Thos. Collins (Dem.)	Tucson
Pinal,	R. T. (Bob) Jones (Dem.)	Superior
Santa Cruz,	C. C. Crenshaw (Dem.)	Nogales
Yavapai,	A. H. Favour (Dem.)	Prescott
Yavapai,	*James R. McFarland (Dem.)	Prescott
Yavapai,	**John Francis Connor (Dem.)	Prescott
Yuma,	Hugo B. Farmer (Dem.)	Yuma

*Resigned.
**Appointed.

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LALLUH RUTH ..... Chief Clerk
RUBY COULTER ..... Asst. Chief Clerk
JACK PROVOST ..... Sergeant-at-Arms
REV. C. M. BURKHART ..... Chaplain

MEMBERS

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3	Lon Walters (Dem.)	Globe, R. F. D. 1
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3	John Doan (Rep.)	Yuma

* Deceased.
** Appointed.

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County Attorney—Dodd L. Greer.....St. Johns

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Clerk of Court—J. E. James.....Bisbee
County Attorney—Frank E. Thomas.....Bisbee

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County Attorney—H. L. Russell.....Flagstaff

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Clerk of Court—J. W. Wentworth.....Globe
County Attorney—Rouland W. Hill.....Globe

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Superior Judge—Lee N. Stratton.....Safford
Clerk of Court—Cleve Curtis.....Safford
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County Attorney—H. Earl Rogge.....Clifton

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Superior Judge—M. T. Phelps.....Phoenix
Superior Judge—Joseph S. Jenckes.....Phoenix
Superior Judge—Howard Speakman.....Phoenix
Superior Judge—J. C. Niles.....Phoenix
Clerk of Court—Walter S. Wilson.....Phoenix
County Attorney—Lloyd Andrews.....Phoenix

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Superior Judge—D. A. Bridges.....Kingman
Clerk of Court—H. J. Hand.....Kingman
County Attorney—Chas. P. Elmer.....Kingman

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Superior Judge—Phil A. Sawyer.....Holbrook
Clerk of Court—Wallace Ellsworth.....Holbrook
County Attorney—C. D. McCauley.....Holbrook

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Superior Judge—Fred W. Fickett.....Tucson
Clerk of Court—Lenna H. Burgess.....Tucson
County Attorney—Wm. G. Hall.....Tucson

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Superior Judge—E. L. Green.....Florence
Clerk of Court—F. A. Richards.....Florence
County Attorney—W. C. Truman.....Florence

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Superior Judge—W. A. O'Connor.....Nogales
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County Attorney—Elbert R. Thurman.....Nogales

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Clerk of Court—Kitty R. Crossman.....Prescott
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Clerk of Court—Donald W. Wisener.....Yuma
County Attorney—Glen Copple.....Yuma

ORDER OF ACTS

ORDER OF ACTS

TENTH LEGISLATURE, STATE OF ARIZONA

CHAP.				Page
1.	H. B.	3.	An Act making an appropriation for the current and contingent expenses of carrying on, conducting and defraying the expenses of the Tenth Legislature of the State of Arizona; and declaring an emergency	1
2.	H. B.	45.	An Act providing for a supplemental budget by the Arizona State Highway Commission, making an appropriation to the state highway fund, providing for the reimbursement of the general fund, amending Section 1674 of the Revised Code of Arizona, 1928, relating to the Motor Vehicle Fuel Tax, and declaring an emergency	4
3.	S. B.	34.	An Act to provide an appropriation for the support and maintenance of the Pioneers' Home	7
4.	H. B.	5.	An Act to amend Section 1353, Revised Code, 1928, as amended, prescribing penalties for violation of certain laws, relating to labor on public work	8
5.	S. B.	2.	An Act to amend Section 3035 and Section 3037, Revised Code, 1928, relating to the State Librarian, and to repeal Chapter 9, Session Laws, 1929	9

CHAP. Page

6. H. B. 7. An Act to permit the issuance of bonds in anticipation of the collection of state taxes, and to authorize such bond issues for the last half of the year 1930, all of the year 1931, and the first half of the year 1932 11

7. S. B. 1. An Act making an appropriation for the use and maintenance of the school for the deaf and the blind; and declaring an emergency 14

8. H. B. 43. An Act to repeal Chapter 41 (House Bill No. 70), Session Laws, 1929, pertaining to the Arizona egg industry 15

9. H. B. 9. An Act to amend Section 2016, Revised Code, 1928, relating to docketing judgment; providing for the recording of documents creating liens arising out of proceedings in federal courts, and for release of lien 16

10. S. B. 3. An Act to authorize and empower any county or other political subdivision of the State of Arizona to pay indebtedness incurred, prior to July 10, 1929, in violation of Article IV, Chapter 75, Revised Code, 1928 17

11. H. B. 86. An Act making an appropriation for the Attorney General, and declar- an emergency 19

12. H. B. 39. An Act to amend Sec. 2179, Revised Code, 1928, relating to actions for divorce, and prescribing additional grounds for divorce 20

13. S. B. 19. An Act to amend Section 1486, Revised Code, 1928, relating to Law Library Fund 22

CHAP. Page

14. S. B. 13. An Act to amend Section 1381, Revised Code, 1928, relating to hours of labor for females in certain occupations 23

15. S. B. 11. An Act to provide an appropriation for the protection of citizens of Arizona endangered by floods of the Little Colorado River, and for the protection of the state highway bridge near the Town of Holbrook..... 25

16. S. B. 20. An Act to amend Sec. 2749, Revised Code, 1928, relating to public printing and publication of notices, by adding thereto a paragraph, to be designated Sec. 2749a, prohibiting actions for damages for publications made in compliance with law.... 26

17. H. B. 70. An Act to amend Sec. 2166, Revised Code, 1928, relating to prohibited and void marriages..... 27

18. H. B. 68. An Act to amend Sec. 3243, Sec. 3258, and Sec. 3265, Revised Code, 1928, relating to warehouse receipts 28

19. H. B. 44. An Act to amend Sec. 1360, Revised Code, 1928, by adding a paragraph to be designated Sec. 1360a, and to declare void, certain coercive contracts between employer and employee 30

20. H. B. 41. An Act to amend Sec. 884, Revised Code, 1928, relating to County Engineers 32

21. S. B. 23. An Act to amend Sec. 3101, Revised Code, 1928, relating to liability of property for taxes..... 33

CHAP. Page

22. H. B. 59. An Act to establish the identity of persons and to fix their birthright and parentage 34

23. H. B. 89. An Act to amend Sec. 436 and Sec. 437, Revised Code, 1928, relating to cities and towns so as to provide for the submission of the question of granting proposed public utility franchises at special elections; and providing for the publication of such franchises 36

24. S. B. 45. An Act to amend Sec. 103, Revised Code, 1928, relating to the fiscal year, and to establish a numerical title for fiscal years 38

25. S. B. 22. An Act to amend Sec. 3715, Revised Code, 1928, relating to the venue of civil actions 39

26. S. B. 27. An Act for the relief of the Town of Florence 42

27. S. B. 40. An Act to amend Sec. 2293 and Sec. 2302, Revised Code, 1928, relating to the equipment and operation of hoists in mines, and to provide a signal code to be used in mines 43

28. H. B. 24. An Act providing for the relief of Fred Francis 49

29. H. B. 77. An Act to amend Sec. 254, Chapter 8, Revised Code, 1928, relating to banks and banking 50

30. H. B. 98. An Act relating to the duties of the Attorney General 52

31. Sub.H. B. 49. An Act to provide that mechanics or laborers in public work

CHAP. Page

shall be bona fide resident citizens; and declaring an emergency 53

32. H. B. 33. An Act to amend Sec. 2202, Revised Code, 1928, as amended by Sec. 2, Chapter 60, Session Laws, 1929, relating to Adjutant-General; and declaring an emergency 54

33. H. B. 61. An Act for the relief of James Rork 57

34. H. B. 93. An Act to prohibit private financing by state officials for use by the state or any institution or department thereof 58

35. H. B. 184. An Act to make appropriation to cover deficits for salary, operation, capital investment, and repairs and replacements for the Capitol building and grounds; and declaring an emergency 59

36. H. B. 23. An Act to regulate traffic in narcotic drugs 61

37. H. B. 56. An Act to amend Sec. 4746, Revised Code, 1928, by adding a paragraph to be designated Sec. 4746a, and to define the crime of burglary by means of mechanical devices 72

38. H. B. 127. An Act to provide for the acceptance of moneys provided for health demonstrations; and declaring an emergency 73

39. H. B. 74. An Act to regulate the business of barbering and cosmetology, and to create a board of barbers and cosmeticians 75

CHAP. Page

40. H. B. 163. An Act to amend Sec. 621, Revised Code, 1928, relating to building and loan associations, and withdrawal of certificate holders and depositors.... 82

41. S. B. 43. An Act to amend Sec. 390, Revised Code, 1928, relating to the presentation of town warrants..... 84

42. H. B. 108. An Act for the relief of the Hamilton Grocery, of Jerome..... 85

43. H. B. 119. An Act to amend Chapter 48, Revised Code, 1928, entitled "Live Stock," and acts amendatory thereof, relating to the live stock industry, and to provide for the protection thereof; and declaring an emergency..... 86

44. S. B. 4. An Act to provide an alternative procedure for the eradication of noxious weeds and grasses..... 113

45. S. B. 33. An Act to amend Sec. 159, Revised Code, 1928, relating to eradication of noxious weeds..... 117

46. S. B. 48. An Act for the relief of Chris Totten 118

47. H. B. 115. An Act to amend Sec. 1, Chapter 102, Session Laws, 1929, pertaining to the supervision of dams and reservoirs 119

48. H. B. 126. An Act to amend Sec. 2755, Revised Code, 1928, by adding a paragraph to be designated Sec. 2755a, and to define the quality of paper to be used for making public records.. 120

49. H. B. 22. An Act pertaining to the residence of county officers..... 122

CHAP. Page

50. S. B. 30. An Act to amend Sec. 1068, Revised Code, 1928, relating to high school districts, and to provide a method of exclusion therefrom..... 123

51. H. B. 94. An Act to make ap appropriation to repay to the United States one-half of the amount paid to compensate farmers for the non-production of cotton during the year 1930, within non-cotton zones established through cooperation between the State Entomologist and the Secretary of Agriculture 125

52. H. B. 114. An Act to prohibit the employment of relatives in public offices..... 126

53. H. B. 160. An Act providing for the payment of deficiencies connected with the construction of armories of the National Guard of Arizona..... 128

54. H. B. 25. An Act to amend Sec. 4877, Revised Code, 1928, relating to payment of wages..... 129

55. H. B. 198. An Act relating to insanity inquiry of prisoners under death sentence; and declaring an emergency.... 131

56. S. B. 104. An Act to amend Sec. 5316, Revised Code, 1928, relating to insane prisoners 132

57. S. B. 75. An Act to amend Sec. 4726, Revised Code, 1928, by adding a paragraph to be designated 4762a, relating to the giving of notice of persons suffering from certain wounds..... 134

58. H. B. 269. An Act to authorize the execution of a contract between the State

CHAP. Page

of California, the California-Arizona Bridge Company and this state for the purchase and maintenance of that certain highway bridge over the Colorado River at Ehrenberg 136

59. H. B. 72. An Act to provide for the distribution of Supreme Court Reports.. 137

60. H. B. 73. An Act to provide for the distribution of statutes and journals..... 138

61. S. B. 153. An Act authorizing the Governor to issue emergency proclamations to cover expenses of tax suits..... 140

62. S. B. 96. An Act to make an appropriation for the board of pardons and paroles 141

63. S. B. 141. An Act to provide funds for the defense of suits to restrain the enforcement of the law of Arizona limiting the length of freight and passenger trains 142

64. S. B. 147. An Act to amend Chapter 65, Session Laws, 1929, by adding a new section, to be designated Sec. 4, and providing for an alternative condition under which the bridges across the Verde River or Beaver Creek may be built 143

65. S. B. 132. An Act relating to the issuance and sale of bonds of electrical districts 145

66. H. B. 157. An Act to provide for the relief of D. M. Penny and Edward S. Lyman; and declaring an emergency.. 146

67. H. B. 175. An Act for the relief of Joseph F. Nugent, an employee of the Tenth

CHAP. Page

State Legislature, and making an appropriation therefor 147

68. H. B. 128. An Act designating a state bird; designating a state flower, repealing all laws or parts of laws in conflict herewith.

69. H. B. 232. An Act to provide additional funds to pay salaries of judges of the superior courts 149

70. H. B. 199. An Act for the relief of certain merchants of Winslow and Flagstaff and reimbursement of the National Guard imprest fund..... 150

71. H. B. 104. An Act to provide for the appointment of counsel in criminal and insane cases 152

72. H. B. 185. An Act for the relief of Miss Esther Cummings..... 153

73. H. B. 268. An Act making an appropriation for the use and maintenance of the school for the deaf and the blind 154

74. H. B. 228. An Act authorizing the transfer of certain funds appropriated under the provisions of Chaper 104, Session Laws, 1929 155

75. H. B. 91. An Act to provide for the construction of a bridge over the Colorado River in the vicinity of Parker.... 156

76. H. B. 192. An Act providing for the relief of Harry F. Lane..... 158

77. H. B. 183. An Act for the relief of the Arizona Packing Company..... 159

CHAP. Page

78. H. B. 229. An act to provide that appointments of Notaries Public shall be by the Secretary of State 160

79. H. B. 156. An Act to provide for the vacation of cemeteries within incorporated cities and towns 161

80. S. B. 71. An Act for the relief of Nellie B. Hoy 163

81. S. B. 77. An Act to amend Sec. 1087, Revised Code, 1928, by adding thereto paragraphs to be designated Sec. 1087a, Sec. 1087b, Sec. 1087c, Sec. 1087d, Sec. 1087e, Sec. 1087f, Sec. 1087g, Sec. 1087h, Sec. 1087i, Sec. 1087j, and to provide for the organization of junior college districts 164

82. S. B. 84. An Act relating to dairies and dairy products, and creating the office of dairy commissioner 170

83. S. B. 66. An Act for the relief of Lescher & Mahoney; and declaring an emergency 208

84. H. B. 248. An Act giving authority to the courts of this state, whenever in any proceedings to enforce a state statute or administrative order the defense is made thereto that such statute or order is unconstitutional, pending the determination thereof, to stay all other proceedings to enforce such statute or order; giving authority, whenever a suit is brought in the United States district court to restrain the enforcement or administration of a state statute or administrative order, to begin a suit in the superior court of the state to en-

CHAP. Page

force such statute or administrative order, and providing for stay of all other proceedings to enforce such statute or administrative order pending the determination of said suit in the superior court; providing for the expediting of said proceeding or suit in the state court 210

85. H. B. 262. An Act for the relief of D. M. Coombs, of Tucson, Arizona, in the sum of one hundred nine dollars and nineteen cents 212

86. H. B. 81. An Act to provide for the incorporation of cities and towns 213

87. H. B. 140. An Act pertaining to liens and status of lien claimants 215

88. S. B. 87. An Act to provide for further surveys and investigations to determine the best methods and means of utilizing the waters of the Gila River and its tributaries above the San Carlos Reservoir 216

89. S. B. 110. An Act relating to reimbursement of counties for cost of trials and hearings of prisoners incarcerated in the state prison; and to reimburse the county of Pinal for moneys expended in the trials and hearings of such prisoners 217

90. S. B. 65. An Act for the relief of electrical district No. 2, Pinal County, State of Arizona 219

91. S. B. 125. An Act to provide for the appointment of certain officers, and fixing their salaries 220

CHAP. Page

92. H. B. 95. An Act to provide additional funds to pay salaries of judges of the Superior Courts 222

93. H. B. 96. An Act making an appropriation to pay salaries of judges of the Supreme Court 223

94. H. B. 97. An Act making a deficiency appropriation for salaries of members of the Corporation Commission 224

95. S. B. 126. An Act for the relief of the O. S. Stapley Company 225

96. H. B. 211. An Act relating to certain power districts 226

97. H. B. 208. An Act relating to game and fish preservation; and declaring an emergency 227

98. S. B. 82. An Act relating to irrigation districts 238

99. H. B. 129. An Act providing for the relief of E. S. Westover, for gravel used by the Highway Department, and making an appropriation therefor 264

100. S. B. 97. An Act to provide for the regulation of motor vehicles upon the highways, and for the certification of the ad valorem tax for the benefit of the state highway fund 265

101. S. B. 80. An Act to amend Sec. 3154, Revised Code, 1928, relative to assessment and taxation of railroads 281

102. H. B. 64. An Act to regulate the business of contracting 284

CHAP. Page

103. S. B. 116. An Act relating to taxation; to provide for an economic and fiscal survey of the developed resources of the state and of all property and classes of property within the state; to provide for the assessment of property in accordance with such survey, and to provide and fix the method for the collection of delinquent taxes..... 293

104. S. B. 83. An Act to amend Article 5, Chapter 31, Revised Code, 1928, entitled "Highways", by adding an article, to be designated Article 5a, and to create the Arizona Highway patrol 328

105. S. B. 90. An Act relating to sale of property for non-payment of assessments.. 331

106. S. B. 144. An Act to amend Sec. 3101, Revised Code, 1928, relating to lien for taxes and liability of property..... 333

107. H. B. 105. An Act granting to the State Land Commissioner authority to continue in the effort to develop water in certain dry farming regions of Cochise County and making an appropriation therefor 335

108. H. B. 121. An Act relating to adult probation officers, and to provide for deputies and assistants; and declaring an emergency 336

109. S. B. 124. An Act to provide for the protection of Lyman Dam..... 339

110. S. B. 8. An Act relating to the taxation of building and loan corporations..... 340

CHAP. Page

111. S. B. 63. An Act pertaining to the embalming and the care and disposition of dead human bodies; and declaring an emergency 342

112. S. B. 103. An Act to authorize and regulate employment agents 347

113. S. B. 152. An Act making appropriations for the various departments of State, for the state institutions, for public schools, for state departments, activities, agencies, and purposes appurtenant thereto; and for the interest on and redemption of the public debt; providing for the manner in which appropriations for labor shall be expended and the manner in which and conditions under which all appropriations herein shall be paid, all for the fiscal year beginning July 1, 1931, and ending June 30, 1932, hereinafter designated as the 20th fiscal year, and beginning July 1, 1932, and ending June 30, 1933, hereinafter designated as the 21st fiscal year, all of which constitute a general appropriation bill for said fiscal years..... 366

RESOLUTIONS
and
MEMORIALS

RESOLUTIONS

Page

Senate Joint Resolution No. 1—Directing the Attorney General to make investigations concerning the closing of three Yuma banks during the year 1930 431

House Resolution No. 4—Expressing regret at the passing and respect to the memory of the late Representative Harry E. Pickett, of Cochise County, with appreciation of his services to the state as a lawyer and a law maker 429

Senate Concurrent Resolution No. 1—Resolving that the President of the Senate and the Speaker of the House appoint a committee to make an immediate investigation of the affairs and management of the State School for the Deaf and the Blind, and that such committee make a report of its findings, and recommendations of a remedial nature, at the earliest possible date 432

Senate Concurrent Resolution No. 2—Resolving that the heartfelt sympathy of the members of the Tenth State Legislature be herewith extended to the bereaved widow and family of Hon. W. T. Smith, a former member of the Arizona Legislature, a pioneer and builder of the State of Arizona, and that an engrossed copy of this resolution be transmitted to the sorrowing widow 434

Senate Concurrent Resolution No. 3—Expressing to the Honorable Alfred Kinney, Senator from Gila County, the regrets of the Tenth State Legislature at the passing of his loving and devoted wife, Mrs. Clara M. Kinney, and tendering its heartfelt sympathy in his bereavement 436

Page

Senate Concurrent Resolution No. 4—According respect and esteem to the memory of the late James L. B. Alexander, patriot, a statesman, lawyer and true gentleman, and providing that a suitably engrossed copy of these resolutions be transmitted to the family of the deceased 437

House Concurrent Resolution No. 1—Expressing the fealty and loyal support of the Tenth Legislature of the State of Arizona to Honorable George W. P. Hunt, Governor of Arizona 439

House Concurrent Resolution No. 2—Conveying regrets at the passing, and respect to the memory of Ralph E. Ellinwood 441

House Concurrent Resolution No. 3—Requesting the Governor to invite Hon. James Hamilton Lewis, Senator-elect from Illinois, to visit this Capitol and address a joint session of the House and Senate 443

House Concurrent Resolution No. 4—Expressing appreciation of the creation and endowment of the Thompson Arboretum and of sorrow and regret over the passing of William Boyce Thompson, and directing that an engrossed copy of these resolutions be transmitted to the family of the departed.. 444

House Concurrent Resolution No. 5—In appreciation of the Lois Grunow Memorial Clinic. That a suitably engrossed copy of these resolutions be transmitted to Mr. William C. Grunow, with the hope and expectation that the object of this institution will be fully realized 445

House Concurrent Resolution No. 7—Resolving that space for a tablet commemorating the life and memory of Dwight B. Heard be provided on the walls of the ground floor of the Capitol Building.... 447

House Concurrent Resolution No. 8—Expressing appreciation to the Arizona Year Book, Incorporated,

Page

for benefits to state by publication of the 1930-1931 edition of the Arizona Year Book 449

House Concurrent Resolution No. 9—Expressing appreciation and thanks of the Tenth State Legislature for kindly co-operation, aid and assistance of the Arizona National Guard and the Police department of Phoenix during the services attending the funeral of our late colleague, Honorable M. J. Francis 451

MEMORIALS

Page

Senate Joint Memorial No. 1—Requesting Secretary of Agriculture, acting through Bureau of Public Roads, be requested to modify regulation so that Bureau of Public Roads may grant approval to Arizona Highway Department to start construction on Wickenburg-Ehrenburg Highway and bridge across Colorado River near Blythe, California 455

Senate Joint Memorial No. 2—A Memorial to the Congress of the United States praying for the enactment of a joint resolution empowering and directing the President of the United States to declare an emergency embargo against further importation of certain foreign products 457

Senate Joint Memorial No. 3—Requesting that Congress authorize negotiations with the Republic of Mexico for a co-operative agreement to supply funds for construction of flood control dams to protect the cities of Nogales, Arizona, and Nogales, Sonora, from floods sweeping down adjacent mountains 458

House Joint Memorial No. 2—Petitioning that Congress revise the copper schedules of the tariff law so as to bring domestic copper into price alignment with other domestic commodities and specifying fair rates to protect the copper industry in Arizona and the United States 460

House Joint Memorial No. 6—Requesting United States Congress to make legislation transferring to Arizona all public domain, reserved lands, etc., belonging to the United States within the borders of the State of Arizona, including all surface, sub-surface, mineral and oil rights 466

Page

House Joint Memorial No. 8—To the Senate and House of Representatives of the United States of America in Congress assembled, urging the cash retirement of bonus certificates for world war veterans 469

House Joint Memorial No. 9—Requesting an appropriation of twenty-five thousand dollars for the establishment of a Southwestern Wild Life Experiment Station at or near the University of Arizona, Tucson, Arizona, for necessary research work for proper management of wild life resources, etc., etc. 470

House Joint Memorial No. 11—Petitioning Congress that the United States Bureau of Indian Affairs complete the allotment of lands of the Colorado River Indian Reservation to the Indians and that the remaining acreage of the reservation be opened to white settlers, preference being given to ex-service men 473

House Joint Memorial No. 12—A Memorial to the President of the United States and to the Senate of the United States, pertaining to the stabilization of silver 475

House Joint Memorial No. 13—Petitioning the Congress of the United States to pass the Thomas reclamation loan fund bill, and that the President of the United States approve the same 476

House Joint Memorial No. 14—Memorializing the Congress of the United States to set aside public lands of the United States in House Rock Valley in Arizona for establishing so-called "House Rock Valley Game Refuge" to maintain and conserve the herd of Buffalo formerly owned by C. J. (Buffalo) Jones 480

ACTS

ACTS

CHAPTER 1.

(House Bill No. 3)

AN ACT

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

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

Section 1. That the sum of One Hundred Seventy-three Thousand, Nine Hundred Twenty ($173,920.00) Dollars, or so much thereof as may be necessary, is hereby appropriated out of the General Fund now in the hands of the State Treasurer of the State of Arizona, for the several objects and purposes hereinafter named:

(1) The sum of seventy-three thousand, eight hundred ($73,800.00) Dollars, or so much thereof as may be necessary, is hereby appropriated for the payment of the salaries of the members of the Tenth Legislature of the State of Arizona.

(2) The sum of fifty-four thousand, six hundred twenty ($54,620.00) Dollars, or so much

thereof as may be necessary, is hereby appropriated for the payment of employees of said Legislature; eighteen thousand, two hundred twenty ($18,220.00) Dollars, or so much thereof as may be necessary, for the payment of employees of the Senate; and thirty-six thousand, four hundred ($36,400.00) Dollars, or so much thereof as may be necessary, for the payment of employees of the House.

(3) The sum of three thousand ($3,000.00) Dollars, or so much thereof as may be necessary, is hereby appropriated for the payment of mileage of the members of said Legislature.

(4) The sum of forty thousand ($40,000.00) Dollars, or so much thereof as may be necessary, is hereby appropriated for the payment of the contingent expenses of said Legislature; fifteen thousand, five hundred ($15,500.00) Dollars, or as much thereof as may be necessary, for the payment of the contingent expenses of the Senate; and twenty-four thousand, five hundred ($24,500.00) Dollars, or as much thereof as may be necessary, for the contingent expenses of the House.

(5) The sum of two thousand, five hundred ($2,500.00) Dollars, or as much thereof as may be necessary, is hereby appropriated for the necessary expenses to be incurred in completing the records of said Legislature, indexing the journals of both Houses, and completing the official records of both Houses of said Legislature.

Sction 2. All claims for salaries of and mileage for the members of the respective Houses of said Legislature shall be honored by the State

Auditor upon the presentation of a certificate signed by the presiding officers of the respective Houses of said Legislature, whereupon said State Auditor shall issue his warrant upon the State Treasurer for the payment of the same, and said Treasurer, upon presentation, shall pay the same out of the appropriation herein provided for and from the General Fund of the State of Arizona.

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

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

Section 5. WHEREAS, an urgent necessity exists for the appropriation of funds to pay the salaries and mileage of the members of the Legislature, and to provide funds for the contingent expenses of said Legislature, the provisions of this Act are necessary for the expenses and maintenance of said Legislature, to keep it intact and preserve the public peace and health and safety, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval by the Governor, and is hereby exempt from the provisions of referendum provided for in the Constitution of the State of Arizona.

Approved January 16, 1931.

CHAPTER 2.

(House Bill No. 45)

AN ACT

PROVIDING FOR A SUPPLEMENTAL BUDGET BY THE ARIZONA STATE HIGHWAY COMMISSION, MAKING AN APPROPRIATION TO THE STATE HIGHWAY FUND, PROVIDING FOR THE REIMBURSEMENT OF THE GENERAL FUND, AMENDING SECTION 1674 OF THE REVISED CODE OF ARIZONA, 1928, RELATING TO THE MOTOR VEHICLE FUEL TAX, AND DECLARING AN EMERGENCY.

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

Section 1. For the purpose of securing to the State of Arizona the benefits of that certain Act of Congress entitled "An Act Making Supplemental Appropriations for Emergency Construction on Certain Public Works During the Remainder of the Fiscal Year Ending June 30, 1931, With a View to Increasing Employment," passed by the Seventy-first Congress of the United States, and signed by the President of the United States subsequent to the time the budget of the Arizona State Highway Commission for the fiscal year ending June 30, 1931, was made and became effective, the Arizona Highway Commission shall immediately make and certify to the state auditor and state treasurer a supplemental budget for the balance of the fiscal year ending June 30, 1931, which shall set forth the amount of revenue, separately stated, to be received under

said Act of Congress, and under the provisions of this act, and the purposes for which the same will be expended, separately stated, as provided by section 1579, Revised Code of Arizona, 1928.

Section 2. There is hereby appropriated out of the general fund of the State of Arizona to the State Highway Fund the sum of six hundred and fifty thousand dollars.

For the purpose of reimbursing to the general fund of the state the six hundred and fifty thousand dollars herein appropriated to the State Highway Fund, the sum of six hundred and fifty thousand dollars shall be deducted from the money accruing to the State Highway Fund for the year 1931 from the tax of one mill on each dollar of assessed valuation on all property within the state, provided in section 1575, Revised Code of Arizona, 1928, and appropriated to the State Highway Fund by section 1576, Revised Code of Arizona, 1928, and said sum of six hundred and fifty thousand dollars so deducted shall be deposited to the account and credit of the general fund of the state.

Section 3. That section 1674, Revised Code of Arizona, 1928, be and the same is hereby amended to read as follows:

1674: AMOUNT OF TAX, WHEN PAYABLE, DISTRIBUTION. Every distributor shall pay, in addition to all other taxes provided by law, a license tax to the state, from the date this law becomes effective to and including the 31st day of day of January, 1933, of five cents, and thereafter of four cents, for each gallon of motor vehicle fuel refined, manufactured, pro-

duced or compounded in this state by such distributor and used, sold or delivered in this state by him, or imported by such distributor into and used, distributed or sold in this state by him otherwise than in the original package or container in which such motor vehicle fuel was imported, and for each gallon of motor vehicle fuel imported in this state and thereafter acquired by such distributor in the original package or container in which the same was imported into this state and thereafter used, distributed or sold by him. In the computation of such tax a deduction equal to one per cent of the tax otherwise due, shall be deducted for shrinkage. Said license taxes accrued in any calendar month shall be paid on or before the fifteenth day of the next succeeding calendar month to the superintendent. From the date this act becomes effective, to and including the 31st day of January, 1933, the superintendent shall promptly pay three-tenths, and from and after the 1st day of February, 1933, three-eighths, of all such money to the several county treasurers of the state in proportion to the amount of such tax received from the respective counties, which 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, and from the date this act becomes effective to and including the 31st day of January, 1933, seven-tenths, and thereafter five-eighths of said license taxes to the state treasurer, who shall deposit the same in the state highway fund. The superintendent shall deduct all exemptions from the said tax before making the division between the state and counties. (Paragraph 4, p. 73, Ch. 4, L. '27, 4th S. S., rev.)

Section 4. Whereas, an early operation of this act is required to preserve the public peace, health, and safety, an emergency is therefore declared to exist and this act is hereby exempt from the operation of the referendum provisions of the State Constitution and shall take effect and be in full force and effect from and after its passage and its approval by the governor.

Approved January 30, 1931.

CHAPTER 3.

(Senate Bill No. 34)

AN ACT

TO PROVIDE AN APPROPRIATION FOR THE SUPPORT AND MAINTENANCE OF THE PIONEERS' HOME.

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

Section 1. There is hereby appropriated out of any monies in the general fund not otherwise appropriated, the sum of ten thousand dollars, for the support and maintenance of the Pioneers' Home, near Prescott, and to be expended for the following purposes: Painting interior of building and kalsomining rooms in old section, $3000.00; fumigation and delousing room, $650.00; capital investment, $2500.00; additional nurses, $750.00; dentist, $100.00; installation of automatic dishwasher, $600.00; insecticides, disinfectants, etc., $300.00; additional help and employees, $1800.00; miscellaneous expense, $300.00.

Section 2. The State Auditor is hereby authorized to draw his warrants in a sum not to exceed ten thousand dollars, upon the presentation of duly authenticated claims approved by the superintendent of the Pioneers' Home, and the State Treasurer is directed to pay the same.

Section 3. To provide an appropriation for the support and maintenance of a state institution, it is necessary that this act shall be immediately operative. It is therefore declared to be an emergency measure, and shall take effect upon its passage in the manner provided by law.

Approved February 9, 1931.

CHAPTER 4.

(House Bill No. 5)

AN ACT

TO AMEND SECTION 1353, REVISED CODE, 1928, AS AMENDED, PRESCRIBING PENALTIES FOR VIOLATION OF CERTAIN LAWS, RELATING TO LABOR ON PUBLIC WORK.

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

Section 1. Sec. 1353, Revised Code, 1928, as amended by Chapter 85, Session Laws, 1929, is hereby amended to read as follows:

Sec. 1353. VIOLATIONS DEFINED; PENALTY. Any officer of the state, or of any of its

political subdivisions, or any person acting under or for such officer, or any contractor with the state, or any political subdivision thereof, or other person violating any provision of the three preceding sections is guilty of a misdemeanor, and shall for each offense be punished by a fine of not less than fifty dollars nor more than three hundred dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment, and any such officer shall be removed from office.

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

Approved February 9, 1931.

CHAPTER 5.

(Senate Bill No. 2)

AN ACT

TO AMEND SECTION 3035 AND SECTION 3037, REVISED CODE, 1928, RELATING TO THE STATE LIBRARIAN, AND TO REPEAL CHAPTER 9, SESSION LAWS, 1929.

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

Section 1. Section 3035, Revised Code, 1928, is hereby amended to read as follows:

Section 3035. POWERS OF BOARD; LIBRARIAN. The board shall control and manage the library, provide rules and regulations for the government thereof, elect a chairman and, upon the termination of the term of the present incumbent, appoint a law and legislative reference librarian to hold office at its pleasure. Con. P. Cronin shall be librarian until otherwise provided by law. The librarian shall receive a salary of thirty-six hundred dollars per annum, and shall execute a bond, in the sum of two thousand dollars, to be approved by the board.

Section 2. Section 3037, Revised Code, 1928, is hereby amended to read as follows:

Section 3037. MAY SUE FOR RECOVERY OF BOOKS. The librarian may bring an action in his official capacity for the recovery of any book, or for three times the value thereof, against any person having same in his possession or responsible therefor, and who has failed or refused to return the same upon demand.

Section 3. Chapter 9, Session Laws, 1929, and all laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved February 9th, 1931.

CHAPTER 6.

(House Bill No. 7)

AN ACT

TO PERMIT THE ISSUANCE OF BONDS IN ANTICIPATION OF THE COLLECTION OF STATE TAXES, AND TO AUTHORIZE SUCH BOND ISSUES FOR THE LAST HALF OF THE YEAR 1930, ALL OF THE YEAR 1931, AND THE FIRST HALF OF THE YEAR 1932.

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

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

Section 2. Such bonds shall be signed by the governor, attested by the state auditor, and countersigned by the state treasurer, shall be payable within six months from date, and shall bear such rate of interest not in excess of five per cent per annum, bear such date and be payable at such place, all as may be determined and

designated by said loan commissioners. Each bond shall specifically recite that it is issued in anticipation of state taxes theretofore levied for the fiscal year, (herein insert year for which taxes are levied) that it is payable solely from the proceeds of such taxes, and is issued pursuant to this act, naming the title thereof.

Section 3. The total amount of such bonds, including both principal and interest thereon, issued for any fiscal year, shall not exceed seventy-five per cent of such taxes uncollected and not in the state treasury at the time of the issuance of the said bonds. When the issuance and sale of such bonds shall have been consummated, the state treasurer is hereby authorized and he shall immediately call in and pay from the proceeds of such bond issue, all state warrants which shall have been registered and accumulated at such date.

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

Section 5. The funds arising from the sale of said bonds shall be used solely for the purposes for which the taxes upon which they are based are levied.

Section 6. When tax anticipation bonds are issued in accordance with the provisions of this act, the taxes upon which they are based and by which they are secured shall, when and as

collected, be kept by the state treasurer and by him used solely for the payment of such bonds and the interest thereon, until all of the bonds so issued, together with the interest thereon, shall be paid in full; provided, that the state treasurer may pay such interest out of the general fund of the state.

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

Section 8. The provisions of this act shall apply to all uncollected taxes for the last half of the year 1930, all of the year 1931, and the first half of the year 1932.

Section 9. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Section 10. To preserve the public peace, health and safety, it is necessary that this act shall become immediately operative. It is therefore declared to be an emergency measure, and shall take effect upon its passage in the manner provided by law.

Approved February 10, 1931.

CHAPTER 7.

(Senate Bill No. 1)

AN ACT

MAKING AN APPROPRIATION FOR THE USE AND MAINTENANCE OF THE SCHOOL FOR THE DEAF AND THE BLIND; AND DECLARING AN EMERGENCY.

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

Section 1. There is appropriated from the General Fund of the State of Arizona from any monies not otherwise appropriated, the sum of Seventeen Thousand Six Hundred and Eighteen Dollars to the school for the Deaf and Blind for the purpose of meeting the several obligations in connection with its conduct, and Three Hundred and Eighty-two Dollars to complete payment on automobile.

Section 2. The State Auditor is hereby authorized to draw his warrant upon the state treasurer in an amount not to exceed Eighteen Thousand Dollars if and when proper warrants shall be submitted by the superintendent of said school.

Section 3. Whereas, the preservation of the public peace, health, and safety makes it necessary that the provisions of this act shall become operative immediately, an emergency is hereby declared to exist and this act is therefore hereby exempt from the operation of the referendum provisions of the state constitution and shall

take effect and be in full force and effect from and after its passage and its approval by the Governor.

Approved February 11, 1931.

CHAPTER 8.

(House Bill No. 43)

AN ACT

TO REPEAL CHAPTER 41 (HOUSE BILL NO. 70), SESSION LAWS, 1929, PERTAINING TO THE ARIZONA EGG INDUSTRY.

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

Section 1. Chapter 41 (House Bill No. 70), Session Laws, 1929, is hereby repealed.

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

Approved February 11, 1931.

CHAPTER 9.

(House Bill No. 9)

AN ACT

TO AMEND SECTION 2016, REVISED CODE, 1928, RELATING TO DOCKETING JUDGMENTS: PROVIDING FOR THE RECORDING OF DOCUMENTS CREATING LIENS ARISING OUT OF PROCEEDINGS IN FEDERAL COURTS, AND FOR RELEASE OF LIEN.

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

Section 1. Section 2016, Revised Code, 1928, is hereby amended to read as follows:

Section 2016. DOCKETING JUDGMENT FROM OTHER COUNTIES; RECORDING DOCUMENT CREATING FEDERAL COURT LIEN; RELEASE OF LIEN. A judgment docketed in the superior court, shall be docketed by the clerk of the superior court in any county other than that in which the judgment was rendered. A lien upon real estate located within the State of Arizona, arising out of proceedings within a United States court, shall attach only upon the recording in the office of the recorder of the county in which such real estate is located, of a certified copy or a transcript of the instrument, judgment, decree, or order of the United States court, creating such lien. Upon the payment or satisfaction of a judgment of a United States court, which has become a lien upon prop-

erty in this State, the plaintiff shall discharge of record the lien of such judgment in each county in which recorded.

Section 2. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved February 11, 1931.

CHAPTER 10.

(Senate Bill No. 3)

AN ACT

TO AUTHORIZE AND EMPOWER ANY COUNTY OR OTHER POLITICAL SUBDIVISION OF THE STATE OF ARIZONA TO PAY INDEBTEDNESS INCURRED, PRIOR TO JULY 10, 1929, IN VIOLATION OF ARTICLE IV, CHAPTER 75, REVISED CODE, 1928.

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

Section 1. The board of supervisors of any county, or the governing body of any political subdivision, of the State of Arizona, having outstanding against it indebtedness incurred in good faith and for value received prior to July 10, 1929, in violation of Chapter III, Title 49, Revised Statutes of Arizona, 1913, and Article IV, Chapter 75, Revised Code, 1928, is hereby authorized and empowered to pay such indebtedness and discharge the obligations thereby as-

sumed, out of funds on hand not otherwise encumbered, or out of funds raised for that purpose by direct tax levy, or by the sale of bonds to be issued in the manner provided by law for the issuance and sale of bonds for refunding the legal indebtedness of counties or other political subdivisions, or by any combination of such methods.

Section 2. The disbursing officer of any such county or political subdivision is hereby authorized and directed to pay such indebtedness in the manner prescribed by law, out of the funds provided as aforesaid.

Section 3. To preserve the public peace 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 excepted, the Legislature being in session, has become a law this Eleventh day of February, 1931.

(Signed) SCOTT WHITE,
Secretary of State.

CHAPTER 11.

(House Bill No. 86)

AN ACT

MAKING AN APPROPRIATION FOR THE ATTORNEY GENERAL, AND DECLARING AN EMERGENCY.

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

Section 1. For the purpose of providing for an emergency existing in the attorney general's department, there is hereby appropriated to the attorney general, out of any money in the general fund not otherwise appropriated, the sum of three thousand dollars to be expended for contingencies.

Section 2. The state auditor is hereby authorized to draw her warrant upon the state treasurer, and the state treasurer is authorized to pay said warrant out of the general fund.

Section 3. WHEREAS, the immediate operation of the provisions of this act is necessary to make proper appropriation for the attorney general, an emergency is hereby declared to exist, and this act shall take effect and be in force from and after its passage and approval by the Governor, and it is hereby declared to be exempt from the referendum provisions of the state constitution.

Approved February 12, 1931.

CHAPTER 12.

(House Bill No. 39)

AN ACT

TO AMEND SEC. 2179, REVISED CODE, 1928, RELATING TO ACTIONS FOR DIVORCE, AND PRESCRIBING ADDITIONAL GROUNDS FOR DIVORCE.

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

Section 1. Sec. 2179, Revised Code, 1928, is hereby amended to read as follows:

Sec. 2179. DIVORCE; VENUE OF ACTION; GROUNDS. A divorce from the bonds of matrimony may be granted in any of the following cases: (1) When adultery has been committed by either party; (2) when one of the parties was physically incompetent at the time of marriage and has so continued to the time of commencement of the action; (3) when one of the parties has been convicted of a felony, not on the testimony of the other party, and sentenced therefor to imprisonment; provided, that such action may not be brought until one year after final judgment of conviction; and a pardon shall not be a defense thereto; (4) when either party has wilfully deserted the other for the term of one year next preceding the commencement of the action, or for habitual intemperance of either party; (5) where the husband or wife is guilty of excesses, cruel treatment or outrages toward the other, whether by the use of personal violence or other means; (6) when the husband

has neglected for the period of one year to provide his wife with the common necessaries of life, having the ability to provide the same, or has failed to do so by reason of his idleness, profligacy or dissipation; (7) when prior to the marriage either party shall have been convicted of a felony or infamous crime, in any state or country, without the knowledge of the other party of such fact at the time of such marriage; (8) in favor of the husband when the wife at the marriage was pregnant by a man other than the husband, and without the husband's knowledge at the time of such marriage; (9) when for any reason the husband and wife have not lived or cohabited together as husband and wife for a period of five years or more.

Section 2. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved February 13, 1931.

CHAPTER 13.

(Senate Bill No. 19)

AN ACT

TO AMEND SECTION 1486, REVISED CODE, 1928, RELATING TO LAW LIBRARY FUND.

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

Section 1. Sec. 1486, Revised Code, 1928, is hereby amended to read as follows:

Sec. 1486. LAW LIBRARY FUND. There shall be set apart twenty-five per cent of all fees collected by the clerk of the superior court in each county, and such additional percentage of such receipts as the board of supervisors shall authorize, to be kept in a fund to be known as the county library fund. Said fund shall be used for the purchase of books for a county law library, under the direction of the judge of the superior court, and the monies therein shall be paid out only upon the order of the judge directed to the county treasurer.

Section 2. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved February 17, 1931.

CHAPTER 14.

(Senate Bill No. 13)

AN ACT

TO AMEND SECTION 1381, REVISED CODE, 1928, RELATING TO HOURS OF LABOR FOR FEMALES IN CERTAIN OCCUPATIONS.

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

Section 1. Sec. 1381, Revised Code, 1928, is hereby amended to read as follows:

Sec. 1381. 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; and in relation to hours of employment, shall not apply to or affect females engaged in harvesting, curing, canning or drying any va-

riety of perishable fruit or vegetables, during such periods as may be necessary to harvest, cure, can or dry said fruit 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.

Section 2. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

This Bill having remained with the Governor five days, Sunday excepted, the Legislature being in session, has become a law this twenty-fourth day of February, 1931.

(Signed) SCOTT WHITE,
Secretary of State.

CHAPTER 15.

(Senate Bill No. 11)

AN ACT

TO PROVIDE AN APPROPRIATION FOR THE PROTECTION OF CITIZENS OF ARIZONA ENDANGERED BY FLOODS OF THE LITTLE COLORADO RIVER, AND FOR THE PROTECTION OF THE STATE HIGHWAY BRIDGE NEAR THE TOWN OF HOLBROOK.

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

Section 1. For the purpose of affording needed protection to the lives and property of citizens of Arizona endangered by the floods of the Little Colorado river, and for the protection of the state highway bridge over the said river near the town of Holbrook, the sum of fifteen thousand dollars or so much thereof as may be necessary, is hereby appropriated out of any monies in the general fund not otherwise appropriated. The fund so created shall be administered by the State Highway Department, and shall be expended under its direction, for the construction of protective works, on or along the banks of the Little Colorado river in or near the town of Holbrook.

Section 2. The state auditor is hereby directed to draw his warrants in satisfaction of duly authenticated claims drawn upon the said fund and the state treasurer is directed to pay the same.

Approved February 24, 1931.

CHAPTER 16.

(Senate Bill No. 20)

AN ACT

TO AMEND SEC. 2749, REVISED CODE, 1928, RELATING TO PUBLIC PRINTING AND PUBLICATION OF NOTICES, BY ADDING THERETO A PARAGRAPH, TO BE DESIGNATED SEC. 2749a, PROHIBITING ACTIONS FOR DAMAGES FOR PUBLICATIONS MADE IN COMPLIANCE WITH LAW.

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

Section 1. Sec. 2749, Revised Code, 1928, is hereby amended by adding a paragraph, to be designated Sec. 2749a, and to read as follows:

Sec. 2749a. An action for damages shall not lie against the editor, publisher, or proprietor of any newspaper or periodical for the publication of any report, proceedings, or other matter, published at the instance of a public officer acting in compliance with a requirement of law.

Section 2. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

This Bill having remained with the Governor five days, Sunday excepted, the Legislature being in session, has become a law this twenty-fourth day of February, 1931.

(Signed) SCOTT WHITE,
Secretary of State.

CHAPTER 17.

(House Bill No. 70)

AN ACT

TO AMEND SEC. 2166, REVISED CODE, 1928, RELATING TO PROHIBITED AND VOID MARRIAGES.

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

Section 1. Sec. 2166, Revised Code, 1928, is hereby amended to read as follows:

Sec. 2166. PROHIBITED AND VOID MARRIAGES. The marriage of persons of Caucasian blood, or their descendants, with Negroes, Hindus, Mongolians, members of the Malay race, or Indians, and their descendants, 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 of the whole blood, and between uncles and nieces, aunts and nephews, and between first cousins, are incestuous and void. Children born out of wedlock, or the relations thereof, are included within the prohibition.

Section 2. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved February 26, 1931.

CHAPTER 18.

(House Bill No. 68)

AN ACT

TO AMEND SEC. 3243, SEC. 3258, AND SEC. 3265, REVISED CODE, 1928, RELATING TO WAREHOUSE RECEIPTS.

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

Section 1. Sec. 3243, Revised Code, 1928, is hereby amended to read as follows:

Sec. 3243. LIABILITY FOR NON-EXISTENCE OR MIS-DESCRIPTION OF GOODS. A warehouseman shall be liable to the holder of a receipt, issued by him or on his behalf by an agent or employee, the scope of whose actual or apparent authority includes the issuing of warehouse receipts, for damages caused by the non-existence of the goods or by the failure of the goods to correspond with the description thereof in the receipt at the time of its issuance. If, however, the goods are described in a receipt merely by a statement of marks or labels upon them, or upon packages containing them, or by a statement that the goods are said to be goods of a certain kind, or that the packages containing the goods are said to contain goods of a certain kind, or by words of like purport, such statements, if true, shall not make liable the warehouseman issuing the receipt, although the goods are not of the kind which the marks or labels upon them indicate, or of the kind they were said to be by the depositor.

Section 2. Sec. 3258, Revised Code, 1928, is hereby amended to read as follows:

Sec. 3258. TRANSFER OR NEGOTIATION OF RECEIPTS. A receipt which is not in such form that it can be negotiated by delivery may be transferred by the holder and by delivery to a purchaser or donee. A non-negotiable receipt cannot be negotiated, and the indorsement of such a receipt gives the transferee no additional right. A negotiable receipt may be negotiated by any person in possession of the same, however such possession may have been acquired if, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the order of such person, or if at the time of negotiation the receipt is in such form that it may be negotiated by delivery.

Section 3. Sec. 3265, Revised Code, 1928, is hereby amended to read as follows:

Sec. 3265. NEGOTIATIONS NOT IMPAIRED BY FRAUD, MISTAKE OR DURESS. The validity of the negotiation of a receipt is not impaired by the fact that such negotiation was a breach of duty on the part of the person making the negotiation, or by the fact that the owner of the receipt was deprived of the possession of the same by loss, theft, fraud, accident, mistake, duress or conversion, if the person to whom the receipt was negotiated or the person to whom the receipt was subsequently negotiated, paid value therefor, in good faith, without notice of the breach of duty, or loss, theft, fraud, accident, mistake, duress or conversion.

Section 4. All laws or parts of laws in con-

flict with the provisions of this act are hereby repealed.

Approved February 26, 1931.

CHAPTER 19.

(House Bill No. 44)

AN ACT

TO AMEND SEC. 1360, REVISED CODE, 1928, BY ADDING A PARAGRAPH TO BE DESIGNATED SEC. 1360a, AND TO DECLARE VOID, CERTAIN COERCIVE CONTRACTS BETWEEN EMPLOYER AND EMPLOYEE.

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

Section 1. Sec. 1360, Revised Code, 1928, is hereby amended by adding a paragraph, to be designated 1360a, and to read as follows:

Sec. 1360a. COERCIVE CONTRACTS VOID. Every undertaking or promise hereafter made, whether written or oral, express or implied, constituting or contained in either: (1) a contract or agreement of hiring or employment between any employer and any employee or prospective employee, whereby (a) either party to such contract or agreement undertakes or promises not to join, become or remain, a member of any labor organization or of any organization of employers, or (b) either party to such contract or agreement undertakes or promises that he will with-

draw from the employment relation in the event that he joins, becomes or remains, a member of any labor organization or of any organization of employers; or (2) in a contract or agreement for the sale of agricultural, horticultural, or dairy products between a producer of such products and a distributor or purchaser thereof, whereby either party to such contract or agreement undertakes or promises not to join, become or remain a member of any cooperative association organized under chapter 13, Revised Code, 1928, or of any trade association of the producers, distributors or purchasers of such products, is hereby declared to be contrary to public policy and wholly void and shall not afford any bases for the granting of legal or equitable relief by any court.

Section 2. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved February 26, 1931.

CHAPTER 20.

(House Bill No. 41)

AN ACT

TO AMEND SEC. 884, REVISED CODE, 1928, RELATING TO COUNTY ENGINEERS.

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

Section 1. Sec. 884, Revised Code, 1928, is hereby amended to read as follows:

Sec. 884. NOT TO ENGAGE IN OTHER BUSINESSES; COMPENSATION. The county engineer shall not during the term of his office engage in any private engineering or surveying, except by permission of the board of supervisors, nor be a member of any firm so engaged. He shall receive such salary as shall be fixed by the board of supervisors of the county in which he may serve, payable out of the road fund of the county.

Section 2. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved February 26, 1931.

CHAPTER 21.

(Senate Bill No. 23)

AN ACT

TO AMEND SEC. 3101, REVISED CODE, 1928, RELATING TO LIABILITY OF PROPERTY FOR TAXES.

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

Section 1. Sec. 3101, Revised Code, 1928, is hereby amended to read as follows:

Sec. 3101. Every tax levied under the authority of this chapter upon real or personal property shall be a lien upon the property assessed. The lien shall attach on the first Monday in January in each year and shall not be satisfied or removed until such taxes, penalties, charges and interest are all paid, or the property has finally vested in a purchaser under a sale for taxes. The lien shall be prior and superior to all other liens and encumbrances upon said property. Personal property shall be liable for taxes levied on real property, and real property shall be liable for taxes levied on personal property, and a judgment against real property for non-payment of taxes thereon or on the personal property assessed to the same person shall not be prevented by showing that the owner thereof was possessed of personal property out of which the taxes could have been made; but real property occupied as a homestead shall not be charged for taxes other than taxes due on such homestead.

Section 2. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved February 27, 1931.

CHAPTER 22.

(House Bill No. 59)

AN ACT

TO ESTABLISH THE IDENTITY OF PERSONS AND TO FIX THEIR BIRTHRIGHT AND PARENTAGE.

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

Section 1. Sec. 274, Revised Code, 1928, is hereby amended by adding a paragraph to be designated Sec. 274a, and to read as follows:

Sec. 274a. PROCEDURE TO ESTABLISH IDENTITY OF PERSONS. Whenever any person desires to establish his identity or fix his birthright and parentage or both, he may file his application in the superior court of the county of his residence, setting forth his reasons for desiring to establish his identity, birthright, or parentage, and the court may, after the hearing of such application, enter judgment establishing the identity, or the birthright and parentage, or both, of such person. The guardian or next friend of a minor may file such application in the county of the minor's residence, or if the

minor be sixteen years of age or over he may file his own application, and the court may hear the same and enter judgment thereon as in the case of other persons.

Section 2. Upon the filing of such application, if the court deem it proper that notice be given of the hearing of such application it may order that such notice be given by publication or by service upon the parties interested. Such identity, when established, if other than that which the party was reputed to have, shall not operate to relieve him from any obligation which he may have incurred or assumed under such other identity.

Section 3. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved February 27, 1931.

CHAPTER 23.

(House Bill No. 89)

AN ACT

TO AMEND SEC. 436 AND SEC. 437, REVISED CODE, 1928, RELATING TO CITIES AND TOWNS SO AS TO PROVIDE FOR THE SUBMISSION OF THE QUESTION OF GRANTING PROPOSED PUBLIC UTILITY FRANCHISES AT SPECIAL ELECTIONS; AND PROVIDING FOR THE PUBLICATION OF SUCH FRANCHISES.

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

Section 1. Sec. 436, Revised Code, 1928, is hereby amended to read as follows:

Sec. 436. GRANTED ONLY BY MAJORITY VOTE OF QUALIFIED ELECTORS. No franchise for any public utility shall be granted to any person by any municipal corporation to be maintained or operated by such person unless authorized to be granted by a majority vote of the qualified voters of such municipal corporation at a regular election or at a special election duly and regularly called by the legislative body of the municipal corporation for that purpose.

Section 2. Sec. 437, Revised Code, 1928, is hereby amended to read as follows:

Sec. 437. PETITION TO LEGISLATIVE BODY; SUBMISSION TO VOTERS. Any person desiring to obtain a franchise for a public

utility from a municipal corporation, to maintain and operate such utility therein, shall present the franchise desired to the legislative body of such municipal corporation and the same shall be filed among its records. If said legislative body should deem the granting of such franchise beneficial for such municipal corporation, it shall pass a resolution, to be spread upon its record, stating that fact, and shall submit the question as to whether said franchise shall be granted or not, at the following regular election held in such municipal corporation or at a special election called for that purpose, to be held in such municipal corporation, after publishing the proposed franchise in full in some newspaper of general circulation published in such municipal corporation for at least thirty consecutive days prior to such election. If a majority of the votes cast shall be in favor of granting such franchise, the legislative body shall grant such franchise in the form filed and published and none other, but no franchise shall be granted for a longer term than twenty-five years.

Section 3. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

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

Approved February 27, 1931.

CHAPTER 24.

(Senate Bill No. 45)

AN ACT

TO AMEND SEC. 103, REVISED CODE, 1928, RELATING TO THE FISCAL YEAR, AND TO ESTABLISH A NUMERICAL TITLE FOR FISCAL YEARS.

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

Section 1. Sec. 103, Revised Code, 1928, is hereby amended to read as follows:

Sec. 103. FISCAL YEAR. The fiscal year of the state of Arizona and appropriations shall commence on the first day of July in each year, and all accounts or annual and biennial reports of state officials required by law to be published, shall be prepared and published for the fiscal year as thus established. The fiscal year beginning July first, 1931, shall be known as the twentieth fiscal year and thereafter each fiscal year shall be designated in progressive numerical sequence.

Section 2. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved February 28, 1931.

CHAPTER 25.

(Senate Bill No. 22)

AN ACT

TO AMEND SEC. 3715, REVISED CODE, 1928, RELATING TO THE VENUE OF CIVIL ACTIONS.

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

Section 1. Sec. 3715, Revised Code, 1928, is hereby amended to read as follows:

Sec. 3715. No person shall be sued out of the county in which he resides, except: 1. Where the defendant or all of several defendants reside out of the state, or their residence is unknown, the action may be brought in the county in which the plaintiff resides. 2. A married woman may be sued in the county in which her husband resides unless she be living separate and apart from him. 3. Transient persons may be sued in any county in which found. 4. Persons who have contracted a debt or obligation in one county and thereafter remove to another county may be sued in either county. 5. Persons who have contracted in writing to perform an obligation in one county, may be sued in such county or where they reside. 6. Persons who have contracted a debt or obligation outside of this state, may be sued in any county in which found. 7. Where there are several defendants residing in different counties, action may be brought in the county in which any of the defendants reside. 8. Ac-

tions against executors, administrators and guardians as such, to establish a money demand against the estate represented by them, shall be brought in the county in which such estate is being administered. 9. In cases of fraud and defalcation of public officers action may be brought in the county in which the fraud was committed or the defalcation occurred, or in which the defendant or any of several defendants reside or may be found. 10. Where the foundation of the action is a crime, offense or trespass for which an action in damages may lie, the action may be brought in the county in which the crime, offense or trespass was committed or in the county in which the defendant or any of the several defendants reside or may be found; provided, however, that any action for damages against the editor, proprietor or publisher of any newspaper or periodical published in the state for the publication therein of any alleged libelous statement shall be brought in the county in which the principal publication office of such newspaper or periodical is located or in the county where the plaintiff resided at the time of the publication of such statement. 11. Actions for the recovery of personal property may be brought in the county in which the property may be or in which the defendant or any of several defendants may be found. 12. Action for the recovery of real property, for damages thereto, for rents, profits, use and occupation thereof, for partition thereof, to quiet title thereto, to remove a cloud or incumbrance on the title thereto, to foreclose mortgages and other liens thereon, to prevent or stay waste or injuries thereto, and all other actions concerning real property, shall be brought in the county in which the real property

or a part thereof is situated. 13. Actions for divorce shall be brought in the county in which the plaintiff shall have resided for six months next preceeding the filing of the complaint. 14. Actions to enjoin the execution of judgments or to stay proceedings in any action must be brought in the county in which the judgment was rendered or the action is pending. 15. Actions against counties must be brought in the county sued unless there are several counties defendants, when it may be brought in either county. 16. Actions against public officers must be brought in the county in which the officer, or one of several officers holds his office. 17. Actions on behalf of the state may be brought in the county in which the seat of government may be. 18. Actions against railroad companies, insurance companies, telegraph or telephone companies, joint stock companies and other corporations may be brought in any county in which the cause of action, or a part thereof, arose, or in the county in which the defendant has an agent or representative or owns any property or conducts any business. 19. Where part of a river, water-course, highway, road or street is the boundary line between two counties, the courts of each of said counties shall have concurrent jurisdiction in actions over such parts of said river, water-course, highway, road or street.

Section 2. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Approved March 2, 1931.

CHAPTER 26.

(Senate Bill No. 27)

AN ACT

FOR THE RELIEF OF THE TOWN OF FLORENCE.

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

Section 1. There is hereby appropriated out of any monies in the general fund not otherwise appropriated, the sum of three thousand two hundred eighty-three dollars and sixty cents, or so much thereof as may be necessary for the purpose hereinafter set out.

Section 2. The purpose of the aforesaid appropriation is to reimburse the town of Florence for one-half the cost, not to exceed the sum hereinabove specified, of such portion of the sewage disposal pipe-line and appurtenances thereto, constructed by and for the use and benefit of the said town of Florence, as is used by and for the benefit of the Arizona State Prison.

Section 3. Upon the presentation of a duly authenticated claim of the town of Florence on the general fund for not to exceed the sum hereinbefore set out, the state auditor shall draw his warrant in satisfaction thereof and the state treasurer shall pay the same.

Section 4. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved March 3, 1931.

CHAPTER 27.

(Senate Bill No. 40)

AN ACT

TO AMEND SEC. 2293 AND SEC. 2302, REVISED CODE, 1928, RELATING TO THE EQUIPMENT AND OPERATION OF HOISTS IN MINES, AND TO PROVIDE A SIGNAL CODE TO BE USED IN MINES.

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

Section 1. Sec. 2293, Revised Code, 1928, is hereby amended to read as follows:

Sec. 2293. HOISTS; EQUIPMENT AND OPERATION. No person addicted to the use of intoxicating liquors or drugs, or under eighteen years of age, shall be employed as a hoisting engineer. All power hoisting machinery used in hoisting from or lowering employees and materials into mines, except prospect shafts not exceeding three hundred feet in depth, shall be equipped with an indicator, placed near and in clear view or hearing of the engineer. This indicator must be in addition to marks on the rope, or cable, or drum. It shall be unlawful to hoist men out of, or lower men into, a mine at a speed greater than fifteen hundred feet per minute; provided, however, the state mine inspector or his deputies may designate a lesser speed than fifteen hundred feet per minute, in any shaft, if in his discretion this speed may be unsafe. All hoisting machinery shall be inspected once in every twenty-four hours by a

competent person appointed by the mine operator for that purpose, and every such inspector shall immediately report in writing to said operator any and all defects found. All ropes or cables used for hoisting purposes shall be of approved quality and manufacture; and in shafts and winzes of over two hundred feet in depth wire ropes or cables only shall be used for hoisting purposes. All head frames where men are hoisted at a speed of over two hundred and fifty feet per minute and where more than twenty-five men are employed, shall be so constructed as to allow at least twenty-five feet above the hoist landing stage, in which the cage, skip, or bucket can travel freely in case of an overwind. It shall be unlawful for the operator of any mine to permit the hoisting or lowering of men in any shaft deeper than three hundred feet, excepting shafts in process of sinking, unless an iron-bonnetted safety cage equipped with gates at least five feet in height, be used for the hoisting and lowering of such men. Every cage shall have over-head bars of such arrangement as to give every man on the cage an easy and secure handhold, and every cage or skip used for hoisting men shall be provided with a safety catch of sufficient strength to hold the cage or skip with its maximum load at any point in the shaft in the event that the hoisting cable should break. The inspector shall see that all cages and skips are equipped as herein required, and that on all cages the safety catches are kept well oiled and in good working condition. In any shaft of less than three hundred feet deep, where no safety cage is used, and where cross-heads are used, platforms for employees to ride upon, equipped with safety catches as required herein for cages and skips,

shall be provided. All vertical shafts more than two hundred feet deep from which hoisting is done by means of a bucket, must be provided with suitable guides, and in connection with the bucket there must be a cross-head traveling upon the guides. The height of the cross-head shall be at least one and one-half times its width. If the cross-head be a type that is not secured to the hoisting rope, a stopper of design to be approved by the mine inspector must be securely and rigidly fastened to the hoisting-rope at a suitable point above the rim of the bucket. The number of persons permitted to ride on the deck of a cage, or in or on a skip or bucket, shall be determined by the mine inspector, and no more than that number shall be allowed to ride. No persons shall ride upon a cage, nor in nor on a skip, or bucket, when the same is loaded with rock or ore, nor when loaded with tools, timber, powder, or other material, except for the purpose of assisting in passing these through the shaft. When tools, timber, or other materials are to be loaded or hoisted in the shaft, the ends, if projecting above the top of the bucket, skip, or other vehicle, shall be securely fastened to the hoisting rope or to the upper part of the vehicle, and tools, timber, or other material loaded erectly upon a cage must be securely lashed before being hoisted or carried. No cage, skip, bucket, or other vehicle, shall be lowered directly to the bottom of a shaft, fifty feet or more in depth, where men are working, but must be stopped at least fifteen feet above the bottom until the signal to lower further has been given by one of the men at the bottom of the shaft. Persons engaged in deepening a shaft in which regular hoisting from an upper level is going on shall

be protected from the danger of falling material by a suitable covering, sufficient opening in such covering being left only for the passage of the bucket or conveyance used in the sinking operations. In shafts, winzes or raises, where two or more crews of men are working, one crew above another, there shall be a bulkhead between each two crews of men, strong enough to stop any tools or other material that may fall from the men working above, and only the cage, skip, or bucket compartments shall be left open. All shafts or winzes shall have a bulkhead over the men working in the bottom of the shaft or winze, built of timber not less than six inches in thickness, not more than fifty feet above the bottom of said shaft or winze, providing ample protection for the men working in the bottom of said shaft or winze, and so constructed as not to shut off the air circulation; the cage, skip, or bucket compartment only to be left open. All shafts or winzes shall be cleaned down below the bulkhead after each blasting. Windlasses and winzes in mines shall be provided with a suitable plug or some other reliable device to prevent running back of the bucket or other conveyance. No open hook shall be used with a bucket in hoisting, but only some approved form of safety hook or shackle hook. A release signal of one bell to the hoisting engineer shall be given to release the cage, skip, or bucket after it has been stopped at any station. At any mine where men are hoisted by mechanical means, a hoistman charged with the hoisting thereof shall be kept on duty at the hoist at all times when men are under ground.

Section 2. Sec. 2302, Revised Code, 1928, is hereby amended to read as follows:

Sec. 2302. SIGNAL CODE. The following signal code shall be used in all mines: 1 bell, stop immediately if in motion; 1 bell, hoist muck; 1 bell, release cage, skip, or bucket; 2 bells, lower; 3-1 bells, hoist men; 3-2 bells, lower men, if bells rung slowly move slowly; 4 bells, steam on or off; 5 bells, blasting or ready to shoot. This is a caution signal and if the engineer is prepared to accept it he must acknowledge by raising bucket or cage a few feet then lowering it again. After accepting this signal engineer must be prepared to hoist men away from blast as soon as signal "1 bell" is given and must accept no other signal in the meantime. 6 bells, air on or off; 7 bells, danger signal, followed by station signal calls cage to that station. This signal takes precedence over all others except an accepted blasting signal.

STATION SIGNALS

1-2 bells, collar of shaft
1-3 bells, 1st level
1-4 bells, 2nd level
1-5 bells, 3rd level
2-1 bells, 4th level
2-2 bells, 5th level
2-3 bells, 6th level
2-4 bells, 7th level
2-5 bells, 8th level
4-1 bells, 9th level
4-2 bells, 10th level
4-3 bells, 11th level
4-4 bells, 12th level
4-5 bells, 13th level
5-1 bells, 14th level
5-2 bells, 15th level
5-3 bells, 16th level
5-4 bells, 17th level

5-5 bells, 18th level
6-1 bells, 19th level
2--1-2 bells, 20th level
2--1-3 bells, 21st level
2--1-4 bells, 22nd level
2--1-5 bells, 23rd level
2--2-1 bells, 24th level
2--2-2 bells, 25th level
2--2-3 bells, 26th level
2--2-4 bells, 27th level
2--2-5 bells, 28th level
2--4-1 bells, 29th level
2--4-2 bells, 30th level
2--4-3 bells, 31st level
2--4-4 bells, 32nd level
2--4-5 bells, 33rd level
2--5-1 bells, 34th level
2--5-2 bells, 35th level
2--5-3 bells, 36th level
2--5-4 bells, 37th level
2--5-5 bells, 38th level
2--6-1 bells, 39th level

Station signal must be given before hoisting or lowering signal. The engineer shall not move a cage, skip, or bucket unless he understands the signal. One copy of this signal code shall be posted on the gallows frame, one at each station and one before the engineer. Special signals may be used provided they are easily distinguished by their sound, or otherwise, from the foregoing code, and do not interfere with it in any way.

Section 3. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved March 3rd, 1931.

CHAPTER 28.

(House Bill No. 24)

AN ACT

PROVIDING FOR THE RELIEF OF FRED FRANCIS.

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

Section 1. For the relief of Fred Francis, the sum of two hundred fifty dollars is hereby appropriated out of the general fund.

Section 2. Said sum, when paid, shall be in full satisfaction of the claim of said Fred Francis against the state of Arizona, for expenditures made by him on behalf of his minor son, Bob, as a result of injury to the latter when struck by a truck belonging to and operated by the Arizona highway department, at Clarkdale, Arizona, on or about August 5, 1930.

Section 3. The state auditor is authorized to draw his warrant in the said sum, in favor of Fred Francis, and the state treasurer is authorized to pay the same.

Approved March 3, 1931.

CHAPTER 29.

(House Bill No. 77)

AN ACT

TO AMEND SEC. 254, CHAPTER 8, REVISED CODE, 1928, RELATING TO BANKS AND BANKING.

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

Section 1. Sec. 254, Revised Code, 1928, is hereby amended to read as follows:

Sec. 254. REPORTS TO SUPERINTENDENT; PENALTY FOR FALSE MAKING. Every building and loan association or bank shall make to the superintendent not less than three reports during each year, verified by the oath of the president or cashier of such association or bank. The past day specified by the superintendent shall be the day designated by the comptroller of the currency or other proper officer of the United States authorized to make such call for reports of national banking associations. Such report shall show the actual financial condition of the bank or association at the close of business on the day specified, by stating: (1) The amount of its capital stock and the number of shares into which it is divided; (2) the names of its directors, and the number of shares of stock held by each; (3) the total amount actually paid in money by stockholders for capital stock, and the total amount of reserve fund, if any; (4) the total amount due to depositors; (5) the total amount and character

of its liabilities; (6) the amount at which the lot and building occupied by the bank or association, for the transaction of its regular business, stands debited on its books, together with the market value of all other real property held, whether acquired in settlement of loans or otherwise; the amount at which it stands debited on its books, in what county situated, and in whose name the title is vested, if not in the name of the corporation itself; (7) the amount loaned on real property; (8) the amount invested in bonds, designating each particular class and the amount thereof; (9) the amount loaned on stocks and bonds, designating each particular class and the amount thereof; (10) the amount of money loaned on other securities with a particular designation of each class, and the amount loaned on each; (11) the actual amount of money on hand or deposited in any other bank or place with the name of the place where deposited, and the amount in each place; (12) any property held or any amount of money loaned, deposited, invested or placed not otherwise herein enumerated, with the place where situated, and the value of such property and the amount so loaned, deposited or placed. The oaths of the officers shall state that they and each of them have a personal knowledge of the matters contained in the report, and that they believe every allegation, statement, matter and thing therein contained to be true; and any person wilfully and knowingly making any false statement in such report shall be guilty of perjury. Such report shall be transmitted to the superintendent within ten days after the receipt of a request therefor, unless a shorter time be designated in the request, and a report in such form as may be approved by the

superintendent shall be published at least once at the expense of such bank or association. Said report shall be published in a newspaper published in the place where such bank or building and loan association is established, or if there is no newspaper in the place, then in one nearest thereto in the same county. The report shall also be published in each county in which such bank or building and loan association maintains a branch office.

Section 2. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved March 3rd, 1931.

CHAPTER 30.

(House Bill No. 98)

AN ACT

RELATING TO THE DUTIES OF THE ATTORNEY GENERAL.

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

Section 1. Sec. 52, Revised Code, 1928, is hereby amended by adding a section to be designated Sec. 52a, and to read as follows:

Sec. 52a. LEGAL ADVISOR OF DEPARTMENTS. The attorney general shall be the legal advisor of all departments of the state,

and shall give such legal service as such departments may require. With the exception of the industrial commission, no official, board, commission, or other agency of the state, other than the attorney general, shall employ any attorney or make any expenditure or incur any indebtedness for legal services. The attorney general may, when the business of the state requires, employ assistants.

Section 2. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved March 3, 1931.

CHAPTER 31.

(Substitute House Bill No. 49)

AN ACT

TO PROVIDE THAT MECHANICS OR LABORERS IN PUBLIC WORK SHALL BE BONA FIDE RESIDENT CITIZENS.

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

Section 1. Sec. 1352, Revised Code, 1928, as amended by Chapter 85, Session Laws, 1929, is hereby amended to read as follows:

Sec. 1352. ALIENS NOT TO BE EMPLOYED ON PUBLIC WORKS. No person not a citizen or ward of the United States shall be employed

upon or in connection with any state, county or municipal works or employment; provided, that nothing herein shall be construed to prevent the working of prisoners by the state or by any county or municipality thereof on street or road work or other public work.

Section 2. Said section is further amended by adding a paragraph to be designated Sec. 1352a, and to read as follows:

Sec. 1352a. CITIZENSHIP IN STATE REQUIRED FOR PUBLIC EMPLOYMENT AS MECHANICS OR LABORERS. No mechanic or laborer not a bona fide resident citizen of the state for one year shall be employed upon or in connection with any state, county or municipal works or employment; provided, that in the event mechanics or laborers qualified as herein provided are not available at the location of any such works or employment, the contractor, superintendent, or other person in charge thereof shall in writing notify the governor, board of supervisors, mayor, or executive head or heads of the political subdivision for which such work is being done, of such fact, and if a sufficient number of mechanics and laborers qualified as in this act provided, do not appear at the scene of such works and apply for employment within seventy-two hours of the time of the receipt of such notice, it shall be lawful to employ mechanics or laborers who are not qualified to supply the deficiency.

Section 3. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

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

Approved March 3, 1931

CHAPTER 32.

(House Bill No. 33)

AN ACT

TO AMEND SEC. 2202, REVISED CODE, 1928, AS AMENDED BY SEC. 2, CHAPTER 60, SESSION LAWS, 1929, RELATING TO ADJUTANT GENERAL.

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

Section 1. Sec. 2202, Revised Code, 1928, as amended by Sec. 2, Chapter 60, Session Laws, 1929, is hereby amended to read as follows:

Sec. 2202. ADJUTANT-GENERAL; QUALIFICATIONS AND SALARY. The governor shall appoint an adjutant-general, who shall hold office during the will and pleasure of the governor, and shall be responsible to the governor for the discipline and training of the national guard. He shall be not less than thirty years of age, and shall have had at least three years of active service in the national guard of Ari-

zona not below the rank of captain, or three years active service in the United States army not below the rank of captain, or three years service in the officers' reserve corps in the United States army not below the rank of captain. He shall not take active command of the national guard of Arizona except upon the order of the governor. The adjutant-general shall devote his entire time to the office, and shall receive a salary of three thousand six hundred dollars per annum. Whenever he is absent from the state, the governor shall detail an active officer of the national guard to perform his duties.

Section 2. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

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

Approved March 4, 1931.

CHAPTER 33.

(House Bill No. 61)

AN ACT

FOR THE RELIEF OF JAMES RORK.

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

Section 1. For the relief of James Rork, the sum of three thousand dollars is hereby appropriated out of the general fund.

Section 2. Said sum, when paid, shall be in full satisfaction of all claims against the state of Arizona, for injuries sustained by said James Rork, while a student at the state university in January, 1926.

Section 3. The state auditor is authorized to draw his warrant in the said sum, in favor of James Rork, and the state treasurer is authorized to pay the same.

Approved March 4, 1931.

CHAPTER 34.

(House Bill No. 93)

AN ACT

TO PROHIBIT PRIVATE FINANCING BY STATE OFFICIALS FOR USE BY THE STATE OR ANY INSTITUTION OR DEPARTMENT THEREOF.

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

Section 1. Sec. 2621, Revised Code, 1928, is hereby amended by adding a new section, to be designated Sec. 2621a and to read as follows:

Sec. 2621a. It is hereby declared to be illegal and against the public policy of this state for any state official to create any indebtedness in excess of the budget allowance of said official or to negotiate any loan of money from any person or private interest whatsoever, for use by, or on behalf of the state of Arizona, or of any state institution or department of state, except when such official is acting pursuant to constitutional or legislative authority; provided, that negotiations pursuant to legislation later declared unconstitutional are not within the spirit or intention of this act. Any official of the state of Arizona who negotiates an unauthorized loan, or causes such unauthorized loan to be accepted for use by the state of Arizona, or any institution or department thereof, or who accepts such loan for such use, shall be guilty of malfeasance in office and subject to impeachment.

Section 2. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved March 4, 1931.

CHAPTER 35.

(House Bill No. 184)

AN ACT

TO MAKE APPROPRIATION TO COVER DEFICITS FOR SALARY, OPERATION, CAPITAL INVESTMENT, AND REPAIRS AND REPLACEMENTS FOR THE CAPITOL BUILDING AND GROUNDS.

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

Section 1. Due to the added cost of maintaining the new office building for which no appropriation was made, to the extra cost above the appropriation of remodeling the old building, and to the need of equipment and improvements before the end of the present fiscal year, for the use of the board of directors of state institutions for the capitol building and grounds, for the six months ending June thirtieth, 1931, there is hereby appropriated the sum of nineteen thousand eight hundred eighty-three dollars and thirty cents as follows:

Salaries	$ 9,072.50
Operation	8,000.00
Capital Investment	1,785.80
Repairs and Replacements	1,025.00
Total	$19,883.30

Section 2. The state auditor is hereby authorized and directed to draw her warrant upon the proper fund for the amount audited by her 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 moneys appropriated by this act shall be fully itemized and that no items shall be grouped under the word "incidentals" or other general term covering more than one item; should any such items be grouped under the head of "incidentals" or other general term the state auditor is hereby authorized and directed to reject such claim until it is properly itemized.

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

Approved March 4th, 1931.

CHAPTER 36.

(House Bill No. 23)

AN ACT

TO REGULATE TRAFFIC IN NARCOTIC DRUGS.

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

Section 1. This act shall be known as the Arizona narcotic control act.

Section 2. On or before July first of each year every person who imports, manufactures, produces, compounds, sells, deals in, dispenses, prescribes, or gives away, any opium, cocoa leaves or narcotic drugs of any kind, within the state, shall register with the state board of pharmacy at Phoenix, his name, or style, and place of business, and every person engaging in any business as above described after July first of any year shall make like registration before engaging in said business. A registration fee of one dollar shall be paid to the state board of pharmacy at time of registration and on or before the first day of July of each year thereafter. It shall be unlawful for any person required to register, to import, manufacture, produce, compound, sell, deal in, dispense, prescribe or give away any narcotic drugs without having registered as hereinabove prescribed. No person shall be registered by said state board of pharmacy unless it shall be shown that the applicant is a person of good moral character; that he has an established place of business

within the state of Arizona and that he is an importer, manufacturer, or dealer in narcotic drugs, a pharmacist engaged in selling, dispensing and compounding narcotic drugs, a physician licensed to practice medicine in the state of Arizona, and authorized to prescribe narcotic drugs, a dentist authorized to administer narcotic drugs, or a veterinary surgeon and authorized to prescribe narcotic drugs. Certificates of registration shall expire on the last day of June following their issuance or renewal, and shall be invalid after that date unless renewed on or before July first of each year. If any person defaults in payment of said fee, his registration shall be revoked by the board of pharmacy on sixty days notice in writing from the secretary, unless within said time his fee is paid, together with such penalty, not exceeding ten dollars, as the state board of pharmacy may approve. Upon payment of said fee and penalty, the board shall reinstate the delinquent's registration. The last receipt shall be conspicuously exposed in the place of business of the holder. Every person, firm, corporation, or association registered, shall, within thirty days after the changing of his or their place of business, or employment, notify the secretary of the board of his, or their, new business location.

Section 3. Any person not registered as required by this act, who sells, furnishes, gives away or offers to sell, furnish or give away, or has in his possession, any peyote (pellote), botanically known as Lophophora Williamsii; or Agava Americana, commonly known as the mescal button; or Cannabis Indice, or Cannabis Sativa, commonly known as Indian hemp, hasheesh or marijuana, or any compound, derivative or prepar-

ation thereof, shall be punished by a fine of not less than fifty nor more than one thousand dollars, or by imprisonment for not less than sixty days nor more than five years, or both.

Section 4. It shall be unlawful for any person, firm or corporation to sell, furnish, or give away, or offer to sell, furnish, or give away, any cocaine, opium, morphine, heroin, peyote (mescal button), alpha eucaine, beta eucaine, flowering tops and leaves, extracts, tinctures, and other narcotic preparations of hemp or loco weed, (cannabis sativa, Indian hemp), marijuana, or any of the salts, derivatives or compounds of the foregoing substances, or any preparation or compound containing any of the foregoing substances, or their salts, derivatives, or compounds, or any synthetic substitute of any of them identical in chemical composition, excepting upon the original written order or prescription of a physician, dentist or veterinary surgeon registered as provided by this act, which order or prescription shall be dated, and shall contain the name and address of the person for whom prescribed, written in by the person writing said prescription; or if ordered by a veterinary surgeon, it shall state the kind of animal for which ordered and shall be signed by the person giving the prescription or order. Such order or prescription shall be permanently retained on file by the person, firm or corporation compounding or dispensing the articles ordered or prescribed, and no order or prescription shall be refilled. All such orders or prescriptions, after filing, shall be open to public inspection and shall be preserved for at least two years. The foregoing provisions of this section shall not apply to sales at wholesale by

jobbers, wholesalers, and manufacturers to registered drug stores or pharmacies, nor to registered pharmacists, nor to licensed physicians, nor to the sale at retail by registered pharmacists to physicians, dentists, or veterinary surgeons duly registered as provided by this act. The provisions of this section shall not be construed to apply to the sale, barter, exchange, distribution, giving away, dispensing or the disposition in any manner, or the possession, within this state, of preparations and remedies which do not contain more than two grains of opium, nor more than one-fourth of a grain of morphine, nor more than one-eighth of a grain of heroin, nor more than one grain of codeine, nor any salt or derivative of any of them in one fluid ounce, or, if a solid or semi-solid preparation, in one avoirdupois ounce; nor to liniments, ointments, or other preparations which are prepared for external use only, except liniments, ointments and other preparations which contain cocaine or any of its salts, or alpha or beta eucaine, or any of their salts, or any synthetic substitutes for them; provided, that such remedies and preparations are sold, distributed, given away, dispensed, or possessed as medicines and not for the purpose of evading the intendment and provisions of this section, and it shall be unlawful for any person to give a false or fictitious name or make any false representation to the seller or dealer when buying any of such remedies or preparations. The provisions of this section shall not apply to de-cocainized cocoa leaves or preparations made therefrom, nor to other preparations of cocoa leaves which do not contain cocaine. Any person who violates or fails to comply with any of the requirements of this section, shall, upon conviction, be fined not

more than one thousand dollars, or be imprisoned not more than five years, or both.

Section 5. It shall be unlawful for any person to have in his possession or under his control any opium, cocoa leaves or any compound, manufacture, salt, derivative or preparation thereof, or narcotic drugs of any kind within the state. This section shall not apply to possession lawfully obtained upon a written prescription issued in good faith for medical purposes only by a physician, dentist or veterinary surgeon authorized to issue prescriptions under the laws of the state of Arizona; nor to a physician, dentist or veterinary surgeon, their assistants and employees, having such possession by virtue of their employment; but not otherwise; nor to a person, firm or corporation registered or licensed to possess, sell, or dispense narcotic drugs as provided by the laws of this state, or by the act of the Congress of the United States approved December 17, 1914, and known as the Harrison narcotic act. The possession of any of the above mentioned narcotic drugs except as herein authorized shall be presumptive evidence of unlawful possession. A nurse in good faith and in the course of her professional practice only, and acting under the direction or supervision of a physician may possess and administer habit-forming drugs. Any unused habit-forming drugs left by a physician with a nurse to be administered during his absence at the termination of the case or release of the nurse from the case for which said drug was prescribed, must be returned to the physician prescribing the same without delay. Any person who violates any of the provisions of this section shall, on conviction, be fined not less than

one hundred nor more than one thousand dollars, or be imprisoned not less than sixty days nor more than five years, or both.

Section 6. It shall be unlawful for any person to transport within the state of Arizona, whether on his person, in, on, or about any vehicle, aircraft or other mode of conveyance, any opium, cocoa leaves, or any compound, manufacture, salt derivative or preparation thereof. Any person found guilty of violating the provisions of this section shall be fined not less than fifty nor more than one thousand dollars, or be imprisoned not more than five years. This section shall not apply to any person registered as provided for by this act, nor to common carriers transporting, to or for a consignee who is registered under this act, nor to state or federal officers possessing or transporting narcotic drugs in the pursuance of the duties of their office. Whenever narcotic drugs are possessed or transported in violation of the provisions of this act, the person possessing or transporting the same shall be arrested and all such narcotic drugs, vehicles, aircraft or other mode of conveyance shall be seized, by the officer making the arrest, to be safely kept until further order of the court. No property rights shall exist in any automobile, aircraft, or other vehicle used in the unlawful transportation of opium, morphine, cocaine, or any other narcotic drug. The court, upon conviction of the person so arrested shall order the narcotic drugs destroyed, and that the automobile, aircraft or other mode of conveyance used in the unlawful transportation of said narcotic drugs be forfeited for the benefit of the county where the seizure is made, or sold at public

auction as provided by law with reference to sales of personal property on execution.

Section 7. Every person who opens or maintains, to be resorted to by other persons, any place where opium, or any of its preparations, or marijuana, cannabis sativa or cannabis indica, or any of their preparations is sold, or given away, to be smoked at such place; and any person who, at such place, sells or gives away any opium, or its said preparations, to be there smoked or otherwise used, is guilty of a felony and upon conviction thereof shall be punished by a fine of not less than fifty nor more than one thousand dollars or by imprisonment in the state pentitentiary for not less than one nor more than five years, or by both such fine and imprisonment. Every person who visits or resorts to any place described in this section with the purpose of using, smoking, or in any way taking habit-forming drugs, shall, upon conviction, be guilty of a misdemeanor.

Section 8. Any person, not authorized by law, who shall have in his possession, on or near the grounds of any school, college or educational institution within this state, any opium, cocaine, morphine or narcotic drug of any kind or whoever shall unlawfully sell, give away, or otherwise dispose of any narcotic drug to any person attending said school, college or educational institution, or whoever shall, unlawfully bring into or attempt to bring into the state prison, or any jail, or any reformatory in this state, or within the grounds adjacent to any such institution, any opium, cocaine, morphine or narcotic drug of any kind, shall be guilty of a felony and upon conviction shall be punished by imprison-

ment in the state penitentiary for not less than one, nor more than seven years.

Section 9. Any room, house, building, structure, or place where narcotic drugs are sold, dispensed, kept, given away or used in violation of the provisions of this act, is hereby declared to be a common nuisance, and any person who maintains such a common nuisance, or any person being the owner, or person having the custody or control of any such room, house, building, structure or place, who shall permit or allow narcotic drugs to be, or remain on such premises, shall, upon being found guilty of violating this section, be fined not less than fifty nor more than five thousand dollars. Any peace officer or judicial officer of the State of Arizona, having knowledge that a nuisance as above defined is being committed, shall cause written notice, together with an affidavit reciting facts showing the existence of said nuisance, to be executed in triplicate; one copy of each shall be served on the county attorney of the county wherein the offense is being committed, one copy of each shall be filed in the office of the officer making such service and one copy of each shall be served upon the owner or person having the custody or control of said premises, advising such owner that narcotic drugs are sold, dispensed, kept, given away or used on said premises in violation of this act. Upon written notice being served or delivered by any peace officer or any judicial officer in the state upon the owner or person having the custody or control of any room, house, building, structure or place, which is occupied or used for the purpose of smoking opium, or any of its derivatives, or for the unlawful sale, barter, exchange,

giving away, possessing or in any manner dispensing narcotic drugs, in violation of this act, such owner or person having the custody or control of said premises shall abate said nuisance within fifteen days after receipt of said notice. Upon complaint being made to any county attorney setting forth the fact that any premises are being used for purposes prohibited by this act, and that the owner has been served with the notice and affidavit as above provided, and that fifteen days have elapsed since said service, and that said nuisance still exists upon said premises, it shall be the duty of the county attorney to institute a civil action in the superior court for the enjoining and abatement of said nuisance. If it be made to appear by affidavit or otherwise to the satisfaction of the superior judge that such nuisance exists, a temporary writ of injunction shall forthwith issue, restraining the owner or person having the custody or control of said premises from conducting or permitting the continuance of such nuisance until the conclusion of the trial. Pending the final hearing, the owner shall give bond in an amount satisfactory to the court, conditioned that the term of the temporary injunction shall not be violated pending the final determination of the suit. Until such bond is given the sheriff shall take possession of said property and safely keep the same until the further order of the court. Upon final hearing, if it shall be shown to the court that the material allegations of the complaint are true and that the said nuisance existed as alleged in the complaint, the court shall enter its judgment, ordering such nuisance abated and that the room, house, building, structure, or place, or any part thereof, shall not be occupied or used for one year thereafter and the

court shall enter an order directing and commanding the sheriff of the county wherein said property is situated to take possession of the same and not allow any part of the premises described in said judgment to be occupied for the period of one year from and after the date of entry of judgment; provided however, that the court may, in its discretion, permit said premises to be occupied or used if the owner, lessee, tenant or occupant thereof shall give bond with sufficient surety, to be approved by the court making the order, in the penal and liquidated sum of not less than fifteen hundred dollars nor more than five thousand dollars and conditioned that narcotic drugs will not thereafter be manufactured, sold, bartered, kept or otherwise disposed of therein or thereon in violation of the provisions of this act, and that he pay all fines, costs and damages that may be assessed for any violation of this act upon said premises.

Section 10. It shall be unlawful for any duly registered physician, dentist or veterinary surgeon to issue a written prescription for any opium, cocaine, morphine or other narcotic drugs except in good faith and in the course of his professional practice for medicinal purposes only. A veterinary surgeon shall not prescribe any narcotic drugs for the treatment of or consumption by a human being. It shall be unlawful for any practitioner of medicine, dentistry, or veterinary medicine to furnish to or prescribe for the use of any habitual user, cocaine, opium, morphine, codeine, heroin, or any salt derivative, or compound containing any of the foregoing substances, except that a duly licensed physician may prescribe any of such drugs

as he may deem necessary in the treatment of a patient who may be an habitual user of any of such drugs. Such prescription or administration can only be given for the purpose of effecting a cure and not for the purpose of satisfying narcotic addiction as such, and can only be given when the patient for whom prescribed or administered is so supervised that he cannot obtain any of such drugs except upon such prescription. It shall be unlawful for any practitioner of medicine, or dentistry to prescribe any of the foregoing drugs for any person not under his treatment in the regular practice of his profession, or for any veterinary surgeon to prescribe any of the foregoing drugs for the use of any human being. It shall be unlawful for any person to alter, forge or counterfeit any order or prescription executed by any duly licensed physician, dentist, veterinarian or other duly authorized person, for any of the narcotics or drugs enumerated in this act. Any person who violates or fails to comply with the requirements of this section shall be punished by a fine of not less than fifty nor more than one thousand dollars, or by confinement in the state penitentiary for not more than five years, or both.

Section 11. ACQUITTAL OR CONVICTION UNDER HARRISON ACT. No person shall be prosecuted for a violation of any provision or provisions of this act if such person shall have been prosecuted and duly acquitted or convicted under the Harrison act for the same or substantially the same act or acts, omission or omissions, which it is alleged constitute a violation of this act.

Section 12. CONSTITUTIONALITY. If any provision of this act is declared unconstitutional or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the act and the application thereof to other persons and circumstances shall not be affected thereby.

Section 13. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

This Bill having remained with the Governor five days, Sunday excepted, the Legislature being in session, has become a law this twenty-fifth day of March, 1931.

(Signed) SCOTT WHITE,
Secretary of State.

CHAPTER 37.

(House Bill No. 56)

AN ACT

TO AMEND SEC. 4746, REVISED CODE, 1928, BY ADDING A PARAGRAPH TO BE DESIGNATED SEC. 4746a, AND TO DEFINE THE CRIME OF BURGLARY BY MEANS OF MECHANICAL DEVICES.

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

Section 1. Sec. 4746, Revised Code, 1928, is hereby amended by adding a paragraph to be designated Sec. 4746a, and to read as follows:

Sec. 4746a. BURGLARY BY MECHANICAL DEVICES DEFINED. Every person who, with felonious intent, enters any building or other

structure, and by the use of nitroglycerine, dynamite, gunpowder, or other explosive, or by the use of electricity, acetylene gas, oxy-acetylene gas, or other burning or melting power or force, or by the use of any mechanical device or contrivance whatsoever, opens or attempt to open any vault, safe, or other secure place designed for the safe keeping of money or other valuable property, shall be guilty of burglary by means of mechanical devices, and upon conviction shall be punished by imprisonment in the state prison for not less than five years.

Section 2. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved March 5, 1931.

CHAPTER 38.

(House Bill No. 127)

AN ACT

TO PROVIDE FOR THE ACCEPTANCE OF MONEYS PROVIDED FOR HEALTH DEMONSTRATIONS.

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

Section 1. Sec. 2680, Revised Code, 1928, is hereby amended by adding a paragraph, to be designated Sec. 2680a, and to read as follows:

Sec. 2680a. BOARD OF HEALTH FUND, RECEIPTS FROM OTHER SOURCES. The expenses of the board shall be paid out of a fund consisting of legislative appropriations for that purpose, and of receipts from whatever source placed to the credit of such fund. The state treasurer is authorized to receive and disburse money given or donated to or provided for the state board of health by any person, town, city, benevolent institution, or other agency, for the purpose of enabling the board to engage in health demonstration work in the state, and any money that is received in this manner by the state treasurer shall be placed in the treasury to the credit of the state board of health, and shall be disbursed as other funds for such board are disbursed.

Section 2. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

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

Approved March 5, 1931.

CHAPTER 39.

(House Bill No. 74)

AN ACT

TO REGULATE THE BUSINESS OF BARBERING AND COSMETOLOGY, AND TO CREATE A BOARD OF BARBERS AND COSMETICIANS.

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

Section 1. Chapter 58, Revised Code, 1928, entitled "Professional and Business Pursuits," is hereby amended by adding an article, to be designated Article 15, barbers and cosmeticians, and to read as follows:

Article 15. BARBERS AND COSMETICIANS.

Sec. 1. DEFINITION OF TERMS. Unless the context otherwise requires, the terms used herein shall have the following meaning: "Apprentice" means a person in training for barbering or cosmetology; "barbering" is defined to be any or any combination of the following practices: shaving, or trimming the beard or cutting the hair; giving facial and scalp massages or treatments, or other preparation, either by hand or by mechanical appliances, singeing, shampooing or dyeing the hair or applying hair tonics; applying cosmetic preparations, antiseptics, powders, oils, clays or lotions to scalp, face or neck; "cosmetology" includes the vocation of hair dressing, beauty culture or manicuring, or by any combination thereof. A "barber shop" or "beauty shop" is hereby defined to embrace and include

any establishment or place of business wherein the practice of barbering or cosmetology is engaged in or carried on, except on railroad trains. A school of barbering or cosmetology is defined as a school wherein persons receive instruction to become barbers or cosmeticians.

Sec. 2. BOARD OF BARBERS AND COSMETICIANS; POWERS AND COMPENSATION. The governor shall appoint a board of barbers and cosmeticians, composed of one journeyman barber, one master barber, employing one or more journeyman barbers, and two cosmeticians, the last two named to be graduates of different schools. The superintendent of public health shall be a member ex officio. The members of the board appointed pursuant to the provisions of Chapter 76, Session Laws 1929, shall serve for the terms for which they were severally appointed. The terms of the succeeding members shall be four years. Members appointed to fill vacancies by death, resignation or removal shall serve during the unexpired term of their predecessor. Members of the board shall not be connected with schools of their particular vocation. The board shall meet and organize on the second Monday in January of each year, and maintain its office in Phoenix. It shall appoint a secretary-treasurer, not a member of the board, and who shall receive an annual salary not exceeding twenty-four hundred dollars. Before entering upon the duties of his office, the secretary-treasurer shall give bond to the state in the sum of five thousand dollars. The board may appoint inspectors and clerks, and prescribe their duties and fix their compensation. The board shall make regulations for the administration of this article and the maintenance of sanitary conditions

thereunder. Copies of such regulations shall be furnished to the owner of each establishment affected, and by him posted conspicuously therein. Members of the board or their employees may, during business hours, inspect any establishment regulated by this article. Examinations of applicants shall be held by the board quarterly. Members of the board shall receive ten dollars per day when necessarily engaged in meetings, together with their traveling expenses incident thereto.

Sec. 3. LICENSING OF BARBERS, COSMETICIANS, APPRENTICES AND SCHOOLS. (a) Any person is qualified to receive a license to practice barbering or cosmetology (1) who is at least eighteen years of age; (2) who is of good moral character and temperate habits, free from infectious or contagious disease; (3) who has practiced as an apprentice barber or cosmetician, as the case may be, for a period of twenty-four months under the immediate personal supervision of a barber or cosmetician, and who has passed a satisfactory examination conducted by the board to determine his fitness to practice barbering or cosmetology, as the case may be. The examination shall consist of a practical demonstration of skill by the applicant, together with a written test of knowledge of hygiene and the fundamentals of the vocation. The practical examination shall count for sixty per cent, and the written examination for forty per cent. An applicant otherwise qualified and receiving a combined average grade of seventy-five per cent, or more, shall be licensed by the board. An apprentice who is an applicant for a license to practice as a licensed barber or cosmetician who fails to pass a satisfactory examination conducted

by the board must continue to practice as an apprentice for an additional six months before he is again entitled to take the examination for a licensed barber or cosmetician. (b) Any person is qualified to receive a license as a licensed apprenticed barber or apprenticed cosmetician (1) who has a diploma showing graduation from an eighth grade school or an equivalent education, as determined by an examination conducted by the board; (2) who is at least sixteen years of age; (3) who is of good moral character and temperate habits; (4) who is a graduate from a school of barbering or cosmetology approved by the board, or has passed a satisfactory examination conducted by the board to determine his fitness to practice as a licensed apprentice. Any applicant for a license to practice as an apprentice who fails to pass a satisfactory examination must complete a further course of study of not less than five hundred hours, to be completed within three months of not more than eight hours in any one working day, in a school of barbering or cosmetology approved by the board. No licensed apprentice may independently practice barbering or cosmetology, but may, as an apprentice, do any and all acts constituting the practice of barbering or cosmetology under the immediate personal supervision of a licensed barber or cosmetician, as the case may be, and only one apprentice shall be employed in any one shop. (c) No school shall be approved and licensed by the board unless it requires as a prerequisite to admission thereto graduation from an eighth grade grammar school or its equivalent, as determined by the board, and as a prerequisite to graduation a course of instruction of not less than one thousand hours to be completed within six months of not more

than eight hours in any one working day. The board of barbers and cosmeticians must first approve the curriculum of the school before it may be licensed as such, and no instructor who has not been licensed by the board shall be employed in any school. No school shall enroll or admit any student thereto unless such student shall make and file in duplicate a verified application upon a form prescribed and furnished by the board, and no student shall be admitted to a postgraduate course unless such student shall have the same qualifications, and comply with the provisions of this article as is required of a regular student. No school shall deny admittance to, nor exclude from attendance any person on account of his race, but all races shall be admitted upon an equal footing.

Sec. 4. LICENSE NECESSARY TO CONDUCT BUSINESS. All places of business in which barbering or cosmetology is practiced must be approved by the board, and a license issued before such business may be conducted therein.

Sec. 5. PENALTIES. It shall be unlawful for any person to engage in the practice, or attempt to practice, of barbering or cosmetology without a license issued pursuant to the provisions of this article by the board of barbers and cosmeticians, nor shall any person serve as an apprentice under any barber or cosmetician without a license as a licensed apprentice issued by said board. No person shall operate any school of barbering or cosmetology unless the same is approved and licensed by the board of barbers and cosmeticians. It shall be unlawful for any person to operate a barber shop or beauty shop unless such shop shall at all time to be under the direct

supervision and management of a registered barber or cosmetician. No person shall employ any person to engage in the practice of barbering or cosmetology unless such person so employed shall hold a valid, unexpired and unrevoked license to practice barbering or cosmetology, or a license to practice as an apprentice barber or cosmetician, as the case may be. It shall be unlawful to use a towel upon one patron that has been used on another patron and until the same has been re-laundered. Any person failing for more than one year to renew his license shall pass an examination given by the board before he may practice as a barber or cosmetician or as an apprentice. Any person violating any of the provisions hereof is guilty of a misdemeanor.

Sec. 6. APPLICATIONS FOR AND DISPLAY OF LICENSES. All licenses issued by the board shall be displayed in a conspicuous place in the place of business of the licensee. All applications presented to the board must be upon forms provided by the board and duly attested by the applicant. An application for a license to practice barbering or cosmetology must be accompanied by two signed photographs of the applicant five by three inches in dimensions.

Sec. 7. GROUNDS FOR REFUSAL TO ISSUE OR RENEW AND FOR SUSPENDING OR REVOKING A LICENSE. The board may either refuse to issue or renew, or may suspend or revoke any license for any of the following causes: Conviction of a felony; the contraction of an infectious or contagious disease; incompetency; habitual drunkenness or the continued use of narcotics; fraud upon the board or the public; failure to display the license as prescribed; or,

failure to comply with the regulations or orders of the board. Before a license is suspended or revoked, the licensee shall be personally served with notice of the board's intention at least ten days prior to the hearing. The board may administer oaths and shall take such evidence as may be adduced.

Sec. 8. TEMPORARY LICENSES. Temporary licenses to practice barbering or cosmetology, or to practice as an apprentice barber or cosmetician, may be issued by the board to applicants for examination pending the examination. No more than one temporary license shall be issued to any one person.

Sec. 9. SPECIAL LICENSES. Upon satisfactory proof of skill, the board may issue to licensed barbers special licenses to do finger waving, and to licensed cosmeticians, a special license to cut ladies' and children's hair.

Sec. 10. FEES. The following fees shall be collected by the board when an application is filed: For registering and licensing barber schools or schools of cosmetology, and annually, $125.00; for establishment license, $5.00; for examination of apprentices, $10.00; for apprentice license, $3.00; for annual renewal of apprentice license, $2.00; for examination of applicants for barber's or cosmetician's license, $15.00; for barber's or cosmetician's license, $5.00; for annual renewal barber's or cosmetician's license, $5.00; for examination of manicurists, $5.00; for manicurist's license, $3.00; for annual renewal of manicurist's license, $1.00; for temporary license, $10.00; for examination of licensed barber for special license as finger waver, $10.00; for special license as

finger waver, $5.00; for annual renewal of license as finger waver, $5.00; for examination of licensed cosmeticians for special license to cut ladies' and children's hair, $10.00; for special license to cut ladies' and children's hair, $5.00; for annual renewal of special license to cut ladies' and children's hair, $5.00. All licenses shall expire on December thirty-first of each year. For other services and examinations the board may prescribe its fees. In addition to the above fees, the applicant shall pay to the board the cost of materials consumed in the examination and shall furnish the models used.

Section 2. Chapter 76, Session Laws 1929, and all laws or parts of laws in conflict with the provisions of this law, are hereby repealed.

Approved March 5, 1931.

CHAPTER 40.

(House Bill No. 163)

AN ACT

TO AMEND SEC. 621, REVISED CODE, 1928, RELATING TO BUILDING AND LOAN ASSOCIATIONS AND WITHDRAWAL OF CERTIFICATE HOLDERS AND DEPOSITORS.

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

Section 1. Sec. 621, Revised Code, 1928, is hereby amended to read as follows:

Sec. 621. WITHDRAWAL OF SHAREHOLDER. Any shareholder whose stock is not delinquent and has not been declared forfeited, nor pledged upon a loan, may withdraw such stock from the association at any time after one year by giving at least thirty days notice in writing to the secretary of his intention to do so; at the end of said thirty days the association shall pay to the member so withdrawing as follows: If said stock is not more than one year old, all amounts paid in upon such stock, except membership fees; if more than one year old, the member upon such withdrawal shall receive, in addition, at least three-fourths of all profits standing to the credit of such shares. Not more, however, than one-half of the monthly installments received by such association for any month shall be used to pay withdrawals without the consent of the board of directors. It is expressly provided, however, that where the building and loan association is not strictly a mutual company but is in effect and actually a stock company the certificate holders, or subscribers to certificates, or depositors, irrespective of designation, whose payments are not delinquent and have not been declared forfeited, shall have the right at any time after the date of initial payment of withdrawing all sums paid by them excepting two and one-half per cent of maturity value of the certificate. After one year from the date of initial payment such depositors shall be entitled to withdraw the full amount by them deposited, excepting two and one-half per cent of the maturity value of the certificate, plus interest for the full time at the rate specified in the contract; provided, however, that interest shall be paid up to the last annual or semi-annual interest paying date. It is also further provided that thirty days notice of intent

to withdraw shall be given by the depositor or certificate holder to the company. Not more, however, than one-half of the monthly installments received by such association for any month shall be used during that month to pay withdrawals, without the consent of the board of directors.

Section 2. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved March 6th, 1931.

CHAPTER 41.

(Senate Bill No. 43)

AN ACT

TO AMEND SEC. 390, REVISED CODE, 1928, RELATING TO THE PRESENTATION OF TOWN WARRANTS.

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

Section 1. Sec. 390, Revised Code, 1928, is hereby amended to read as follows:

Sec. 390. PRESENTATION FOR PAYMENT. No treasurer of any such town shall pay any warrant or voucher drawn on him unless presented for payment by the person in whose favor it is drawn, his assignee, executor, or administrator. When a warrant on the treasurer is

properly presented for payment, he shall pay the same and write or stamp on the face thereof "paid", the date of payment, and sign his name thereto. If he cannot pay the same for want of funds he shall endorse thereon "not paid for want of funds", the date of presentation, and sign his name thereto, and from such date until paid the warrant shall bear interest at a rate to be determined by the town council, but in no case to exceed six per cent. The treasurer shall keep a registry of warrants presented for payment.

Section 2. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved March 6th, 1931.

CHAPTER 42.

(House Bill No. 108)

AN ACT

FOR THE RELIEF OF THE HAMILTON GROCERY, OF JEROME.

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

Section 1. The state auditor is hereby authorized to draw his warrant in favor of the Hamilton Grocery, of Jerome, in the sum of eighty-six dollars and ten cents, against the state game and fish protection fund, and the state treasurer is authorized to pay the same.

Section 2. Said sum, when paid, shall be in full satisfaction of the claim of said Hamilton Grocery, of Jerome, against the state of Arizona, for groceries and supplies furnished to the state game and fish commission during the months of May and June, 1927.

Approved March 6, 1931.

CHAPTER 43.

(House Bill No. 119)

AN ACT

TO AMEND CHAPTER 48, REVISED CODE, 1928, ENTITLED "LIVE STOCK," AND ACTS AMENDATORY THEREOF, RELATING TO THE LIVE STOCK INDUSTRY, AND TO PROVIDE FOR THE PROTECTION THEREOF.

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

Section 1. Sec. 2077, Revised Code, 1928, is hereby amended to read as follows:

Sec. 2077. GENERAL DUTIES OF BOARD; PEACE OFFICERS MUST ASSIST BOARD. The Board (a) shall exercise general supervision over the live stock interests of the state, protect the industry from theft and from contagious and infectious diseases, and the public from diseased and unwholesome meat products; (b) shall advise and recommend legislation fostering the live-

stock industry; (c) may appoint and fix the salary of a secretary, who shall file an oath of office and give bond payable to the state in the sum of two thousand dollars; (d) may employ such other clerical help as the board shall deem necessary; (e) shall appoint inspectors and deputies to further the object specified in subdivision a, who shall be under the direction and control of the board; (f) shall keep a permanent record of its acts and of the acts and reports of its inspectors and detectives; (g) shall assist in the prosecution of persons charged with the violation of the live stock laws; (h) may call upon any cattle inspector or peace officer to execute its orders, and such officers shall obey such orders; (i) may issue or revoke permits for the shipment of horses, mules, and asses which are being moved from time to time upon construction work within the state without brand inspection; (j) may waive the inspection of live stock before slaughter, and may grant permission to transfer or sell hides of neat animals, horses, mules or asses without such hides being tagged or marked, provided, that such hides shall be inspected and the regular inspection fee paid thereon prior to such shipment or sale. By and with the advice of the state veterinarian the board shall have power: (1) To make and publish rules and regulations to control the importation of animals into this state; to establish quarantine, provide its boundaries and give notice thereof, and to do all things necessary to effect the object of such quarantine and to protect the live stock industry from contagious or infectious diseases and to prevent the spread thereof. (2) To make rules for the slaughter of animals affected with contagious or infectious diseases, and for the disposition of the carcasses of the animals so slaughtered, when

such action appears necessary to prevent the spread of any contagion or infection among live stock. (3) To make rules and regulations governing the importation, manufacture, sale distribution or use within the state of serums, vaccines and other biologics intended for diagnostic or therapeutic uses with animals, and to regulate the importation, manufacture, or use of virulent blood or living virus of any diseases affecting animals. Every person violating any rule adopted and published by the live stock sanitary board regulating contagious or infectious diseases shall be guilty of a misdemeanor, and upon conviction shall be punished by fine not less than fifty nor more than three hundred dollars, or by imprisonment in the county jail not less than thirty nor more than one hundred eighty days, or by both such fine and imprisonment. (4) The board shall prescribe rules and regulations for the sale of live stock straying from its accustomed range. The board shall furnish suitable blanks, in triplicate, upon which all inspectors shall keep a record of their inspections and upon which they shall report to the board all inspections made. The inspection reports, whether in the hands of the inspector or in the office of the board, shall at all times be subject to inspection by any person desiring to examine them, and the secretary of the board shall aid any person requesting any information obtainable from the inspection records. All moneys received by the board from the sale of strays shall be remitted every fifteen days to the state treasurer, to be deposited in a special fund designated as the "stray fund", and shall be expended only for the payment of stray claims, as provided by the rules of the board; provided, that any such moneys remaining in the hands of the state treasurer unclaimed for a

period of twelve months, shall be by him transferred to the general fund.

Section 2. Sec. 2078, Revised Code, 1928, is hereby amended to read as follows:

Section 2. Sec. 2078. STATE VETERINARIAN; BOND AND SALARY. The governor shall appoint, with the consent of the senate, a skilled veterinary surgeon, who shall be a graduate in good standing of a recognized school of veterinary surgery, shall hold his office at the pleasure of the board, and whose salary, to be fixed by the board, shall not be less than eighteen hundred dollars nor more than three thousand dollars per annum, and the mileage and traveling expenses allowed public officers. He shall execute a bond to the state in the sum of five thousand dollars.

Section 3. Sec. 2097, Revised Code, 1928, is hereby amended to read as follows:

Sec. 2097. CONSTRUCTION OF ARTICLE. The powers conferred by this article are to be so construed as to permit the condemnation and killing of such animals as are, in the opinion of the inspector, infected with tuberculosis.

Section 4. Sec. 2099, Revised Code, 1928, is hereby amended to read as follows:

Sec. 2099. LIVE STOCK INSPECTORS. The board may appoint live stock inspectors, and upon petition of not less than five cattlemen, each of whom shall be the owner of not less than fifty head of live stock in the state, shall appoint an inspector at any point where there

is no regularly appointed and acting inspector. Each inspector so appointed shall take the oath of office and give bond to the state for the faithful performance of his duties in the sum of five hundred dollars. Such inspector may appoint deputies to enforce the live stock laws.

Section 5. Sec. 2100, Revised Code, 1928, is hereby amended to read as follows:

Sec. 2100. POWERS AND DUTIES OF INSPECTORS. Inspectors shall have authority to authenticate bills of sale of live stock, brands and marks, give certificates of acknowledgment of the same under his hand and seal, and take acknowledgments to applications for brands and marks, and shall have the powers of peace officers. No inspector shall receive a fee of more than twenty-five cents for taking an acknowledgment. An inspector shall arrest any person who violates the live stock laws, and shall, upon reliable information that any person has violated any such law, make the necessary affidavits for the arrest and examination of such person, and shall, upon warrants issued therefor, immediately arrest such person, make due return of the warrant, and notify the live stock sanitary board.

Section 6. Sec. 2101, Revised Code, 1928, is hereby amended to read as follows:

Sec. 2101. DUTIES WITH RESPECT TO UNBRANDED LIVE STOCK. No inspector shall grant any certificate of inspection of any unbranded hides or live stock, or of any hides or live stock upon which the marks and brands cannot be ascertained, or which shows the ownership to be in some person other than the one seeking

the certificate of inspection, and he shall prevent the hides of live stock from being shipped or transported, and any live stock from being shipped, driven or transported unless they are identified by proof or by bill of sale signed by the owner of such hides or live stock.

Section 7. Sec. 2102, Revised Code, 1928, is hereby amended to read as follows:

Sec. 2102. MANNER OF INSPECTING LIVE STOCK; RECORD OF INSPECTIONS. The inspectors shall inspect for health and for marks and brands, at the railway loading station, at the place of exit from the state, and at all places where live stock are gathered to be sold, transported or driven off their range for any purpose whatsoever. Inspectors shall make inspections by daylight and shall require from the owner or person in charge a list of the brands and marks and determine by inspection of such live stock that the person in charge is the owner thereof or is authorized in writing by the owner to handle such stock. The inspector shall make a permanent record of such inspection, showing the place and date of making the same, the name of the seller, the shipper, the kind and description of such live stock, together with the number of head in every brand and mark, and any other necessary information. If, upon such inspection, live stock be found not belonging to the shipper, or which the driver is not authorized in writing to sell, ship or drive, it shall be taken by the inspector and dealt with in accordance with the rules of and the instructions of the board. The inspector shall make a record of all inspections in triplicate, the original of which shall be sent to the board, a duplicate furnished the person

having such inspection made and retain a duplicate for his own use.

Section 8. Sec. 2103, Revised Code, 1928, is hereby amended to read as follows:

Sec. 2103. INSPECTIONS OF LIVE STOCK; HOW MADE. Inspections of live stock shall be made in such manner as to enable the inspector to personally see and inspect each and every mark and brand, and record same.

Section 9. Sec. 2104, Revised Code, 1928, is hereby amended to read as follows:

Sec. 2104. INSPECTION TO BE MADE IMMEDIATELY; FEE; CERTIFICATE. An inspector, upon being advised or informed that any live stock is subject to inspection, shall inspect such live stock immediately. The person in charge of such live stock, shall, when the same has been inspected, pay to the inspector therefor ten cents per head for horses, mules, asses and neat animals. The inspector shall thereupon certify in writing to the owner or person in charge, on a form furnished by the board, that such live stock has been inspected, according to law, for health and for marks and brands.

Section 10. Sec. 2105, Revised Code, 1928, is hereby amended to read as follows:

Sec. 2105. UNLAWFUL TO RECEIVE LIVE STOCK FOR TRANSPORTATION WITHOUT INSPECTION. It shall be unlawful for any railroad to receive any neat animals, horses, mules or asses for transportation unless furnished with a certificate by an inspector showing that such

stock has been inspected for brands and health. A violation of this section shall constitute a misdemeanor punishable by a fine of not less than twenty nor more than one hundred dollars for each and every such animal so transported without inspection. It shall be unlawful for any person, firm or corporation to transport or convey, by any conveyance other than by railroad, any neat animals, horses, mules or asses, without first having such live stock inspected, and having a duplicate certificate of inspection showing the number, kind and sex of such animals, with their brands and other description necessary to the identification of the same. Any inspector may stop any person who is in possession of and is transporting any such animals and demand the duplicate certificate of inspection. Any person violating this section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty nor more than three hundred dollars, or by confinement in the county jail not exceeding ninety days or by both such fine and imprisonment.

Section 11. Sec. 2106, Revised Code, 1928, is hereby amended to read as follows:

Sec. 2106. RANGE STOCK TO BE BRANDED; SEIZURE. It shall be unlawful for any owner of range live stock to permit such stock, excepting unweaned animals running with their mothers, to roam and feed upon the ranges in this state unless branded and marked as prescribed by law. Every inspector shall seize any live stock, except unweaned animals running with their mothers, wherever found, not branded according to law, the ownership of which such inspector or other person questions, and any live

stock having brands so mutilated, indistinct, burnt or otherwise disfigured as to be difficult of ascertainment, or upon which there is a brand which is not recorded as required by law, or which is freshly branded and not found with its mother, or which has a brand or mark not the recorded brand or mark of the owner, and any animals which are known as "leppys," "orejanas," "sleepers," "dogies," or "mavericks."

Section 12. Sec. 2107, Revised Code, 1928, is hereby amended to read as follows:

Sec. 2107. TERMS DEFINED. "Range live stock", when used in this chapter, is defined to be live stock customarily permitted to roam upon the ranges of this state, whether public domain or in private control, and not in the immediate actual possession or control of the owner though occasionally placed in enclosures for temporary purposes; "live stock" is defined to be neat animals, horses, mules and asses; "range" is defined as the lands outside of cities and towns, enclosed and unenclosed, of every character, upon which by custom, license, permit or otherwise live stock is permitted to roam and feed.

Section 13. Sec. 2108, Revised Code, 1928, is hereby amended to read as follows:

Sec. 2108. INSPECTOR TO REPORT SEIZURE. When an inspector has seized any live stock, as herein provided, he shall safely keep and care for the same until disposed of, and shall forthwith report such seizure to the clerk of the superior court of the county where the stock is seized, or to an available justice of the peace of such county having his office nearest the

place of seizure, and such clerk or justice shall file such report and docket the same as an action by the state in its name and against the reputed owners of the live stock, if any are known, and if not known, against the unknown owners, and such clerk or justice of the peace shall thereupon issue a citation against the defendants and all persons claiming said live stock to appear and prove the ownership thereof, which said citation shall be returnable as in a civil action and heard as such. The report of the inspector herein provided for shall give a general description of the live stock seized and the brands, if any, together with the place of and the reason for the seizure, the probable value of such live stock, and ask that the owner be cited to appear and prove ownership. In all such cases it shall be the duty of the county attorney of the county wherein the live stock is seized to represent the inspector and the interest of the state. The expense incurred hereunder shall be a charge against the state and shall be paid out of the "seizure fund" or any unexpended moneys appropriated for the live stock sanitary board.

Section 14. Sec. 2109, Revised Code, 1928, is hereby amended to read as follows:

Sec. 2109. PROCEEDINGS BEFORE JUSTICE; CITATION TO APPEAR. The clerk of the court of the justice of the peace shall file the report and enter a brief statement of the report on his docket and fix a time for the hearing of evidence of the ownership of the live stock, which time shall not be less than ten and not more than twenty days after the date of the filing of the report. He shall thereupon issue a citation directing all persons claiming said live

stock, or any of them, to appear at the time fixed therefor and offer proof of ownership. Said citation shall be addressed to whom it may concern and set up the facts in the report and be delivered to and served by the inspector who made the seizure or by any constable or the sheriff of the county.

Section 15. Sec. 2110, Revised Code, 1928, is hereby amended to read as follows:

Sec. 2110. SERVICE OF CITATION ON BRAND AND MARK OWNERS; DEFAULT. If the live stock be branded and marked with the recorded brands or marks of any person, said citation shall be served upon the person owning the brand and mark as shown by the record, if he can be found in the county, at least one day before the day fixed for the hearing, and a copy of said citation shall be posted in at least three public and conspicuous places in said county at least eight days before the day fixed for said hearing. At the time fixed for hearing, an inspector, or other officer, shall make return of the citation to said court. If it appears that due service of said citation has been made, as required herein, and no one appears to claim said live stock so seized, or any thereof, the court shall thereupon adjudge the same forfeited to the state and shall order the same to be sold as hereinafter prescribed.

Section 16. Sec. 2111, Revised Code, 1928, is hereby amended to read as follows:

Sec. 2111. TRIAL AND JUDGMENT; FORM OF JUDGMENT. If any person appear at the time fixed for the hearing and claim said live

stock, or any thereof, his claim shall be stated and the judge of the court shall enter upon the court minutes the fact that such claim was made and the hearing shall proceed as in trials of civil actions. Stock adjudged to any person shall be released from seizure and stock not adjudged to any person, or the ownership of which is doubtful, shall be forfeited to the state, and ordered sold by the inspector at public auction at a convenient public place in the county where seized, upon a fixed date after notice, as in sales of personal property under execution. An appeal may be taken in the same manner as in civil cases and be regulated by the same rules that apply to appeals from the justice of the peace when the citation is heard therein, and from a judgment of the superior court when heard therein, by the laws controlling appeals therefrom.

Section 17. Sec. 2112, Revised Code, 1928, is hereby amended to read as follows:

Sec. 2112. SALE OF STOCK, BILL OF SALE; DISPOSAL OF PROCEEDS. The officer shall execute the order of sale and deliver a bill of sale to the purchaser, describing therein the live stock sold and the amount for which sold, and forward to the board a duplicate of such bill of sale. Upon the delivery of the bill of sale, title to the live stock shall rest in the purchaser. The inspector shall immediately after the sale is made remit the entire proceeds of the sale to the board, together with an itemized statement of the expense of such seizure and sale, to be by it paid as other claims are paid. The amount so received by the board shall be remitted to the state treasurer, to be deposited in a special fund designated as the "seizure fund," which said fund

may be used by the board for the enforcement of and compliance with the provisions of this chapter.

Section 18. Sec. 2113, Revised Code, 1928, is hereby amended to read as follows:

Sec. 2113. BRANDS AND EARMARKS; TRANSFERS. Every person owning range live stock in this state shall adopt and record a brand and earmark with which to brand and mark neat animals, and brand horses, mules and asses, and every owner of other animals may adopt a brand or mark with which to brand or mark such animals. No two brands of the same design or figure shall be adopted or recorded, provided that the board may, in its discretion, reject and refuse to record a brand or mark similar or conflicting to a previously adopted and recorded brand or mark. Before any new brand shall be recorded in the brand book, it shall be advertised in some newspaper, journal or bulletin, published in the state, at least once; if no objection to such brand is filed, it shall be recorded as hereinafter provided. The brand adopted and recorded shall be the property of the person so adopting and recording the same, and the right to its use may be sold and transferred. No sale or transfer thereof shall be valid, except by bill of sale duly signed and acknowledged as deeds for the conveyance of real estate are acknowledged, and recorded in the office of the live stock sanitary board.

Section 19. Sec. 2114, Revised Code, 1928, is hereby amended to read as follows:

Sec. 2114. RECORDING AND RE-RECORD-

ING OF BRANDS; FEES. The board shall record in a brand book all brands and earmarks adopted as herein provided. Such recording shall consist in depicting in the brand book a facsimile of the brand adopted, and a diagram of the earmarks, together with an entry in said book of the name, residence, and post office address of the person adopting the same, the date when presented for record, the place upon the live stock or other animals where the brand is proposed to be used, the kind of animals upon which it is proposed to be used, and a general designation and statement of the location of the range whereon such animals are permitted to range. Before such record is made, proof shall be submitted to the board that the applicant is entitled to use the same. The applicant shall also make an affidavit that he does not know, and is in no way interested in, any similar brand or earmark that is being run or used by another in adjoining states or the Republic of Mexico. The fee for recording a brand or earmark shall be five dollars, and shall entitle the owner to a certified copy of the record. For recording a bill of sale or other instrument of conveyance of a brand or mark, or for the issuance of an additional certified copy of a brand or bill of sale of a brand, the fee shall be one dollar. Every owner of a brand or earmark of record as provided in this chapter who desires to continue the use of the same, shall, on or before the thirty-first day of December, 1931, and every ten years thereafter, make application to the board for the re-recording of such brand or earmark. It shall be the duty of the board, at least sixty days prior to January 1, 1932, to notify in writing every owner of a brand or earmark of legal record in its office, of the right to re-record the

same as provided herein. The said notice shall be sent by mail to such owner at the last address of record in the office of the board. The board may also advertise the approach of the re-recording period in such manner and at such time as it may deem advisable. All recorded brands or earmarks for which no application to re-record has been made by December 31, 1931, and by December thirty-first of each re-recording year, shall be deemed abandoned and no longer of legal record. Brands or earmarks thus deemed abandoned shall not be awarded or recorded by the board to other persons than those abandoning the same until one year shall have elapsed from the date of such abandonment. The fee for re-recording a brand or earmark shall be two dollars. Otherwise the re-recording shall proceed in the same manner as provided for original recording, including the furnishing of one certified copy of the record to owners of such brand or earmark. It shall not be necessary to advertise brands offered for re-recording. The board is authorized and empowered to issue as it may deem advisable books and supplements thereto containing transcripts or part or all of its records of brands and earmarks, so arranged and indexed as to be suitable for use in identifying any brands or earmarks which may be found on any neat animals, horses, mules, asses, sheep, goats, or the hides thereof, and used in compliance with the terms of this chapter; copies of such books shall be available to anyone desiring them at a charge, to be fixed by the board, commensurate with the cost of compilation, publication and issuance, provided, that copies of such brand books or supplements thereto may be furnished by the board, without charge, to any public official or other person whose possession of the same will, in the

opinion of the board, serve to promote the general welfare. Expenses in connection with the provisions of this section shall be met from any operation fund of the board, and any moneys derived from the sale of such books or supplements shall be remitted to the state treasurer to be credited to the general fund.

Section 20. Sec. 2115, Revised Code, 1928, is hereby amended to read as follows:

Sec. 2115. CERTIFICATE OF BRAND AS EVIDENCE. A certified copy of any entry made in the brand book relating to a brand or mark shall be taken in all the courts of this state as prima facie evidence of all the facts required to be entered in said book and of the right of the person therein named to use such brand and mark for branding or marking his animals. The appearance upon an animal of the recorded brand of the owner as shown by the said record shall be taken in court as prima facie evidence that the animal bearing such brand is the property of the owner of the recorded brand, except when such brand is borne by an animal seized under the provisions of this chapter.

Section 21. Sec. 2116, Revised Code, 1928, is hereby amended to read as follows:

Sec. 2116. BILL OF SALE NECESSARY; LACK OF IN TRIAL FOR THEFT. Upon the sale or transfer of any neat animals, horses, mules, or asses, the delivery of such animals shall be accompanied by written and acknowledged bill of sale from the vendor to the party purchasing. Upon the trial of any person charged with the theft, unlawful possession,

handling, driving or killing of any such animal, the possession under claim of ownership without such bill of sale shall be prima facie evidence against the accused that such possession was illegal.

Section 22. Sec. 2118, Revised Code, 1928, is hereby amended to read as follows:

Sec. 2118. USING UNLAWFUL OR UNRECORDED BRAND; PENALTY. Every person who shall brand any range live stock with a brand that has not been recorded under the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine for each offense of not less than ten nor more than one hundred dollars, or by imprisonment not less than ten nor more than thirty days, or by both such fine and imprisonment. Any person who obliterates, disfigures, extends or changes a recorded brand, or by other and additional marks, figures or characters converts a recorded brand into some other brand, shall be guilty of a felony and be punished by imprisonment not less than one nor more than ten years; provided, that when it has been shown that a recorded brand has been converted or changed into another brand claimed or owned by any person, it shall be prima facie evidence in all the courts, boards or commissions of this state that the claimant or owner of the latter brand obliterated, disfigured, and changed the prior recorded brand.

Section 23. Sec. 2119, Revised Code, 1928, is hereby amended to read as follows:

Sec. 2119. TAKING ANIMAL WITHOUT

CONSENT OF OWNER; VIOLATIONS IN GENERAL. It shall be unlawful for any person to take up from a range, ranch, farm, corral, yard or stable any neat animal, horse, mule or ass and use the same without the consent of the owner of such animal, or of the person having the same lawfully in charge, and such person shall be guilty of a misdemeanor.

Section 24. Sec. 2136, Revised Code, 1928, is hereby amended to read as follows:

Sec. 2136. ESTRAYS; WHEN MAY BE TAKEN UP; NOTICE. No one shall take up any horse, mule, neat animal, sheep or swine, unless found within an enclosure possessed by him. Anyone taking up an estray shall immediately forward to the nearest justice of the peace and to the nearest inspector a description of each animal taken, giving its kind, age, sex, color, all marks and brands, when, where and by whom it was taken up and where it can be seen, and shall not, during the time it is in his possession as an estray, use the same. On receipt of such description by said officers, each shall post the same, or a copy thereof, in a conspicuous place in their offices and keep the same posted for at least thirty days. The inspector shall enter in a book the information contained in the description so received by him and shall undertake to find the owner and advise him where his animal can be found. The one taking up the animal shall, at any time before its sale, deliver the same to its owner on demand and payment to him of any costs incurred in advertising the same for sale.

Section 25. Sec. 2137, Revised Code, 1928, is hereby amended to read as follows:

Sec. 2137. SALE OF ESTRAY ANIMALS. At the expiration of twenty days after the taking up of an estray, if the owner thereof has not been found, or has not paid, or tendered, the amount due thereon and demanded its return, the taker-up shall file with the justice of the peace nearest to the place where the animal was taken up an affidavit showing his right to take up the animal, its description and a compliance with the preceding section, whereupon the justice of the peace shall appoint three competent and disinterested persons to appraise the value of the estray and return their appraisement to said justice, who shall enter in his docket a minute of the filing of the affidavit, the appointment of the appraisers, their names and their returns, designate a time and place where said estray shall be sold at public sale, the constable or sheriff of the county who shall conduct the sale, issue an order to the officer named to advertise the animal and sell it, and designate a newspaper in which said sale shall be advertised. Said sale shall be advertised by the officer in the newspaper designated, for a period of not less than ten days, and shall take place not less than two nor more than five days after the expiration of such advertisement. The sale shall be for cash and for a sum not less than seventy-five per cent of the appraised value; provided, that at any time within one year after such animal has been sold as hereinbefore provided, the owner thereof may re-take said animal upon the payment to the purchaser at the sale, or his successor in interest, the costs incidental to the advertisement and sale and the amount paid for the animal.

Section 26. Sec. 2138, Revised Code, 1928, is hereby amended to read as follows:

Sec. 2138. FEES OF OFFICERS; BILL OF SALE; DISPOSAL OF PROCEEDS. The justice shall receive a fee of two dollars, the appraisers each one dollar, and the officer ten per cent on the amount of the purchase price of the animal, to be advanced by the taker-up. The officer shall, on receipt of the purchase price, execute to the purchaser a bill of sale of the animal, vesting in him the title thereto, deliver the animal to the purchaser, pay to the taker-up the fees advanced by him, deduct his commission, deposit the remainder with the county treasurer to the credit of the school fund of the county and make return of his acts, together with his vouchers, to the justice.

Section 27. Sec. 2145, Revised Code, 1928, as amended by Chapter 15, Session Laws, 1929, is hereby amended to read as follows:

Sec. 2145. SLAUGHTER FOR SALE WITHOUT LICENSE PROHIBITED. It shall be unlawful for any person to slaughter any neat animals, horses, mules, asses, sheep or goats for sale or exchange, unless licensed as provided in this chapter, except producers, who may, upon special permit authorized by the board, slaughter not to exceed five head of neat animals or goats in any one calendar year, and shall not be subject to the requirements of Sec. 2148, relating to licenses to peddle or retail fresh meats.

Section 28. Sec. 2146, Revised Code, 1928, as amended by Chapter 13, Session Laws, 1929, is hereby amended to read as follows:

Sec. 2146. SALE OR POSSESSION OF UNSTAMPED MEAT PROHIBITED; PENALTY; INSPECTORS MAY SEARCH WITHOUT WARRANT. It shall be unlawful for any person to have in his possession, or to sell, offer for sale, give or exchange the meat of any neat animal, horse, mule or ass unless the whole hide of such animal has been inspected for marks and brands and the meat thereof stamped as hereinafter provided. The hide of such animal shall be marked, as provided by the board, so that it may be identified, for which the inspector shall collect ten cents for each hide so inspected. For the stamping of the whole carcass, or any part thereof, the inspector shall collect twenty cents, and shall thereupon stamp upon the hind quarter, side, shoulder, neck and shank of both sides the words "brand inspected." Such stamping shall be done with a stamp adopted and furnished by the board. A violation of this section shall constitute a misdemeanor and shall be punishable by a fine of not less than fifty nor more than three hundred dollars, or by imprisonment in the county jail not less than thirty nor more than one hundred eighty days, or by both such fine and imprisonment; provided, that nothing in this section shall be construed to apply to producers who are slaughtering such animals for their own consumption; and provided, that meat bearing a federal meat inspection stamp may, at the option of the possessor, not be stamped as herein provided, but upon the exercise of such option, such possessor shall pay the stamping fee. Inspectors are hereby authorized to stop and search, without warrant, any vehicle which such inspector suspects contains unstamped meat and, if any be found, it shall be taken by the inspector and, unless proof be submitted within twelve hours

satisfying the inspector that the person from whom the meat was taken is the lawful owner thereof, such meat shall be forfeited to the state and sold or destroyed by the inspector.

Section 29. Sec. 2147, Revised Code, 1928, is hereby amended to read as follows:

Sec. 2147. SLAUGHTER HOUSE REGULATIONS; LICENSE AND BOND; PENALTY. 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 slaughter house or slaughter pen, to be kept by such person for that purpose, or in the slaughter house established by the authorities of an incorporated city or town. Before such person shall begin, or carry on the business of slaughtering, he shall first make written application for and procure a license from the live stock sanitary board, and shall execute upon a form furnished by the board a bond to the state in the penal sum of one thousand dollars, to be approved by the secretary of the board, conditioned that such person will comply with the law and will not slaughter any animals, sell or expose for sale the meat thereof, without first complying with the law regulating the sale of the animal slaughtered and the rules and regulations of the board. A violation of any of these conditions may be enforced by the board in the name of the state in the full sum of the bond.

Section 30. Sec. 2148, Revised Code, 1928, is hereby amended to read as follows:

Sec. 2148. LICENSE, SLAUGHTERING

WITHOUT PROHIBITED; PENALTY. 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 may be set forth in such license. For a license to slaughter not to exceed twenty head of neat animals, horses, mules or asses and not to exceed thirty head of sheep or goats in any one calendar year, the applicant shall pay a license fee of fifteen dollars; for a license to slaughter more than twenty head of neat animals, horses, mules or asses and more than thirty head of sheep or goats in any one calendar year, he shall pay a license fee of eighty dollars. No license shall be issued for a shorter term than from the date of its issuance up to and including the following December thirty-first. 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. It shall be a misdemeanor for any person, other than producers slaughtering under special permit, to slaughter any neat animals, horses, mules, asses, sheep or goats for sale, or to offer for sale any portion thereof without first procuring a license. Every peddler or retailer of fresh meat of any neat animals, horses, mules, asses, sheep or goats shall, before offering such meat for sale, procure a license therefor from the live stock sanitary board, for which he shall pay an annual license fee of ten dollars, and he shall enter in a book kept by him for that purpose the name and address of each person from whom he purchased or obtained such meat, the date of purchase, quantity purchased, time and place of purchase, and upon the request of any inspector or peace officer he shall exhibit the same to such

inspector or peace officer. All licenses issued hereunder shall expire on December thirty-first of the calendar year in which issued. Anyone failing to comply with the provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than twenty nor more than one hundred dollars for each offense, or by imprisonment for not less than twenty nor more than one hundred days, or by both such fine and imprisonment.

Section 31. Sec. 2149, Revised Code, 1928, is hereby amended to read as follows:

Sec. 2149. PRODUCERS MAY SLAUGHTER FOR OWN USE. It shall not be necessary for producers who are slaughtering neat animals, horses, mules, asses, sheep or goats for the sole purpose of using the meat thereof for food for themselves, their immediate family or employees to procure a special permit or slaughtering license as required under the provisions of Sec. 2145 or Sec. 2148 of this chapter; provided, that the whole hide of all neat animals, horses, mules and asses slaughtered shall be hung in a conspicuous place on the premises of the producer and kept there until such hide has been inspected and marked or tagged by an inspector. Anyone failing to comply with this requirement shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than one hundred nor more than five hundred dollars, or by imprisonment in the county jail not less than sixty nor more than two hundred days, or by both such fine and imprisonment.

Section 32. Sec. 2155, Revised Code, 1928, is hereby amended to read as follows:

Sec. 2155. INSPECTION OF ANIMALS AND HIDES AT SLAUGHTER HOUSE. Any person carrying on the business of slaughtering live stock shall notify the nearest inspector of the location of his slaughter house and of the time when it is proposed to slaughter any such animals, and no live stock shall be slaughtered until inspected, unless such inspection before slaughter be waived by the board. When such animal is slaughtered, the inspector shall inspect the hide for marks and brands, charging therefor ten cents for each hide inspected, and tag or mark the same in the manner prescribed by the board, unless such tagging or marking be waived by the board.

Section 33. Sec. 2156, Revised Code, 1928, is hereby amended to read as follows:

Sec. 2156. SECRETING OR DEFACEMENT OF HIDE UNLAWFUL; PENALTY. Any person secreting any hide or hides of any live stock, or detaching, obliterating or defacing from or upon such hide any mark or brand before it is inspected by an inspector shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one hundred nor more than three hundred dollars, or by imprisonment not less than sixty nor more than one hundred eighty days, or by both such fine and imprisonment.

Section 34. Sec. 2157, Revised Code, 1928, is hereby amended to read as follows:

Sec. 2157. PURCHASE OF UNINSPECTED HIDE UNLAWFUL. It shall be unlawful for any person to purchase or otherwise acquire pos-

session of any hide of neat animals, horses, mules, or asses until such hides shall have been inspected, and the possession of an untagged or unmarked hide upon which the tagging or marking has not been waived by the board shall be a misdemeanor, unless the person possessing such hide can show that the same was taken from an animal owned by him at the time of slaughter, or death, or that he had written authority from the owner to remove the hide from such animal.

Section 35. Sec. 2158, Revised Code, 1928, is hereby amended to read as follows:

Sec. 2158. SLAUGHTER HOUSE TO KEEP RECORD OF ANIMALS; PENALTY FOR FAILURE. Every person who shall carry on the business of slaughtering shall keep a true record in a book kept for that purpose of all neat animals, horses, mules, asses, sheep and goats purchased or slaughtered by him, with a description of all such animals so purchased or slaughtered, the marks and brands, if any, the name and residence of the person from whom purchased and the date of such purchase, and shall at the end of each month make a true copy of such record under oath, and deliver the same to the inspector of his district. Every such person who fails to keep such record, or who fails to deliver a true copy of the record, or who refuses to exhibit such record to any person demanding it, is guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than ten nor more than one hundred dollars for every day he shall have failed to comply.

Section 36. Sec. 2159, Revised Code, 1928, is hereby amended to read as follows:

Sec. 2159. TRANSPORTATION OR SELLING OF UNINSPECTED HIDES UNLAWFUL; PENALTY. It shall be unlawful for any person to receive for transportation any hides of live stock until they have been inspected, and it shall be unlawful for any person to sell any hides of live stock until they have been inspected. Any person violating this section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty nor more than one hundred dollars, or by imprisonment for not less than ten nor more than sixty days, or both such fine and imprisonment. All moneys collected under the provisions of this chapter, except those for taking acknowledgments, shall be paid to the live stock sanitary board and by it remitted to the state treasurer, to be deposited in the general fund, unless otherwise specifically provided.

Section 37. Sec. 4852, Revised Code, 1928, is hereby amended to read as follows:

Sec. 4852. KILLING OR SELLING LIVE STOCK OF ANOTHER; PURCHASING WITHOUT RIGHT TO SELL. Any person who shall feloniously steal, take or carry away, or embezzle, or knowingly kill, sell, drive, or lead away any neat animal, horse, mule, ass, sheep, goat or swine, the ownership of which is known or unknown, or any person who shall wilfully and feloniously purchase from any one not having the lawful right to sell or dispose of any neat animal, horse, mule, ass, sheep, goat, or swine, the ownership of which is known or unknown, is guilty of a felony. But this section shall not apply to taking up such animals under the estray laws of this state.

Section 38. Sec. 2079, Sec. 2080, Sec. 2081, Sec. 2082, Sec. 2083, Sec. 2084, Sec. 2085, Sec. 2086, Sec. 2087, Sec. 2088, Sec. 2089, Sec. 2090, Sec. 2140, Sec. 2150, Sec. 2151, Sec. 2152, Sec. 2153, and Sec. 2154, Revised Code, 1928, are hereby repealed.

Section 39. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Section 40. To preserve the public peace, health and safety, it is necessary that this act shall become immediately operative. It is therefore declared to be an emergency measure, and shall take effect upon its passage in the manner provided by law.

Approved March 6, 1931.

CHAPTER 44.

(Senate Bill No. 4)

AN ACT

TO PROVIDE AN ALTERNATIVE PROCEDURE FOR THE ERADICATION OF NOXIOUS WEEDS AND GRASSES.

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

Section 1. Sec. 169, Revised Code, 1928, is hereby amended by adding a paragraph, to be designated Sec. 169a, and to read as follows:

Sec. 169a. Noxious weeds or grasses found to exist within the boundaries of an anti-noxious weed district may be removed and eradicated under the alternative plan hereinafter provided. Should the board of directors of any such district elect to avail itself of such alternative plan the basis of its proceeding shall be the adoption of a resolution, which shall be spread in full upon the record of the board's proceedings, and which shall contain (a) a legal description, by tracts, parcels, or lots, of the lands to be included in the proceeding; (b) a declaration that noxious weeds or grasses, specified by name, have been found to exist on such lands; (c) that the existence of such noxious weeds or grasses thereon constitutes a nuisance, and a menace to other lands within the district; (d) that such noxious weeds or grasses must be immediately eradicated, failing which the district will proceed with such work of eradication; (e) the time and place of meeting when the board will hear the objections of any owner or owners of said lands, and their reasons, if any, why the district should not proceed with the eradication of such noxious weeds or grasses, and the assessment of the cost of such removal or eradication against the several tracts, parcels, or lots of land affected, as provided by law. Said resolution may embrace any number of contiguous tracts, parcels, or lots of land, but each such tract, parcel or lot shall be separately described. Not less than five nor more than fifteen days before the date set for such hearing the board shall cause a notice to be conspicuously posted in at least three places, not more than five hundred feet apart, upon the property described, which notice shall briefly set forth the fact of the adoption of the said resolution and the date thereof, together with a statement

of every material matter embodied therein, including notice of the time, place and purpose of the meeting of protest aforesaid, and that unless the said noxious weeds or grasses are immediately removed and eradicated the district will proceed with the removal of the same. The notice shall be headed, in capital letters not less than one inch in height, "Notice to Destroy Noxious Weeds." The inspector or other person posting the said notices shall make return of such fact to the board, giving the date on which the notices were posted. At the time and place stated in the notice the board of directors shall hear all protests, if any, against the proposed action, and for such purpose may continue the hearing from time to time. Upon the conclusion of the hearing the board, by motion or resolution, shall allow or overrule any or all objections, whereupon it shall be deemed to have acquired jurisdiction to proceed with the work of eradication, and the decision of the said board of directors on the matter shall then be final and conclusive. After said final action, or in case no objections have been received, the board may order its inspector to enter upon the premises described and eradicate the noxious weeds or grasses thereon, and he and his assistants are hereby expressly authorized to enter upon private property for that purpose. The costs of such eradication shall constitute a valid claim against the anti-noxious weed district and shall be paid as other claims against the district are paid. Any property owner shall have the right to have any noxious weeds or grasses eradicated at his own expense, provided the same is done prior to the commencement of such work by the inspector and provided it is done satisfactorily to the inspector and the board of di-

rectors, in which event no costs or assessments shall accrue against the particular tracts, parcels, or lots of land upon which the noxious weeds or grasses have been so eradicated. The inspector shall keep an accurate account of the cost of the work done by him or under his supervision and of the expense incurred on each tract, parcel or lot of land, and shall render an itemized report thereof, in writing, to the board. A copy of said report shall be posted in the office of the board and a copy served upon the owner of each tract, parcel or lot of land affected, if such owner may be found within the county. At a time to be fixed by the board, not less than three days after the filing of the inspector's report, the board shall meet to discuss the said report and to hear such objections or complaints with respect thereto as may be made by the owners of any of the property liable to assessment. After hearing the objections, if any, and making such amendments to, or modifications of the report as the board may deem proper, the board shall by motion of resolution, confirm the same. The amount of cost, so fixed and determined, shall constitute special assessments against and an anti-noxious weed district lien upon the respective tracts, parcels or lots of land described. The said assessments shall then be certified to the county treasurer and tax collector, who shall add them to the next regular bills for state and county taxes levied against the respective tracts, parcels or lots of land described, and shall collect the amounts so assessed and levied at the time and in the manner, and subject to the same procedure and penalties for delinquency, that other state and county taxes are collected.

Section 2. This act shall not be construed

to repeal or affect any existing law relative to anti-noxious weed districts, but shall be understood to be alternative.

Approved March 6, 1931.

CHAPTER 45.

(Senate Bill No. 33)

AN ACT

TO AMEND SEC. 159, REVISED CODE, 1928, RELATING TO ERADICATION OF NOXIOUS WEEDS.

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

Section 1. Sec. 159, Revised Code, 1928, is hereby amended to read as follows:

Sec. 159. ANTI-NOXIOUS WEED DISTRICTS; LIMITS. Whenever a majority of the resident holders of title or evidence of title, including entrymen of lands of the United States, or of this state, to lands in any district proposed to be organized hereunder, desire to provide for the eradication and control of noxious weeds and grasses within their district, they may propose the organization of an anti-noxious weed district. Such district shall be wholly within one county of the state and shall embrace not more than one hundred thousand acres of irrigable farming land.

Section 2. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved March 6, 1931.

CHAPTER 46.

(Senate Bill No. 48)

AN ACT

FOR THE RELIEF OF CHRIS TOTTEN.

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

Section 1. There is hereby appropriated out of any moneys in the general fund not otherwise appropriated, the sum of five hundred thirty dollars and eighty cents, for the relief of Chris Totten, and to compensate and reimburse the said Chris Totten for services rendered and moneys expended on behalf of the state, while acting, at the request of the governor, as arbitrator of certain differences arising out of the matter entitled "Board of Directors of State Institutions versus Pennington," and said sum, when paid, shall be in full and complete satisfaction of all claim of the said Chris Totten against the state arising out of said services.

Section 2. The state auditor is authorized to draw his warrant for the sum appropriated and the state treasurer is authorized to pay the same.

Approved March 6, 1931.

CHAPTER 47.

(House Bill No. 115)

AN ACT

TO AMEND SEC. 1, CHAPTER 102, SESSION LAWS, 1929, PERTAINING TO THE SUPERVISION OF DAMS AND RESERVOIRS.

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

Section 1. Sec. 1, Chapter 102, Session Laws, 1929, is hereby amended to read as follows:

Sec. 1. The words "state engineer" as hereinafter used shall mean the Arizona state highway engineer. The word "dam" as hereinafter used means any dam and appurtenant works for the impounding or diversion of water fifteen feet or more in height from ground level to the spillway crest, or the impounding capacity of which will be more than ten acre feet, excepting any dam, reservoir, or appurtenant works constructed or used exclusively for the watering of live stock. All dams heretofore or hereafter built or now under construction shall be under the jurisdiction of the state engineer. Dams of the state, or of the United States, or any of their political subdivisions, or dams of public utilities, and all dams without exception are included within the jurisdiction hereby conferred. It shall be unlawful to construct, reconstruct, repair, operate, maintain, enlarge, remove, or alter any dam, except upon the approval of the state engineer. The state engineer shall employ such clerical, engineering and other expert assistance as may be necessary

for such dam supervision, and fix their compensation. The state engineer may employ consulting engineers, geologists, and other expert consultants. The records pertaining to dam supervision shall be public documents. The state engineer shall adopt and revise rules of procedure and regulations and issue general orders to effectuate this act.

Section 2. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Passed the Legislature notwithstanding the Governor's veto, and filed the 6th day of March, 1931.

CHAPTER 48.

(House Bill No. 126)

AN ACT

TO AMEND SEC. 2755, REVISED CODE, 1928, BY ADDING A PARAGRAPH TO BE DESIGNATED SEC. 2755a, AND TO DEFINE THE QUALITY OF PAPER TO BE USED FOR MAKING PUBLIC RECORDS.

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

Section 1. Sec. 2755, Revised Code, 1928, is hereby amended by adding a paragraph to be designated Sec. 2755a and to read as follows:

Sec. 2755a. QUALITY OF PAPER FOR KEEPING PUBLIC RECORDS. All permanent public records of the state of Arizona or of any county, city, town or other political subdivision of the state of Arizona that are made after the first day of July, 1931, shall be kept on paper which conforms to the following specifications as to texture: (1) Grade number one, ledger paper, the rag content of which shall be one hundred per cent new rags, white, cream or unbleached; (2) grade number one bond paper, the rag content of which shall be one hundred per cent new rags. Any public officer charged with the duty of keeping or making such public records who shall violate the provisions of this section shall be guilty of a misdemeanor; provided, that this act shall not apply to or become effective as to any officer, office, or department having on hand and being used in the making of permanent public records, books or blanks in which the stock does not conform to the requirements herein prescribed, until such books, blanks or stock have been exhausted.

Section 2. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved March 6, 1931.

CHAPTER 49.

(House Bill No. 22)

AN ACT

PERTAINING TO THE RESIDENCE OF COUNTY OFFICERS.

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

Section 1. Sec. 830, Revised Code, 1928, is hereby amended to read as follows:

Sec. 830. RESIDENCE OF COUNTY OFFICERS. The following officers shall reside within ten miles of the county seat; Judge of the superior court, clerk of the superior court, treasurer and ex-officio tax collector, clerk of the board of supervisors, sheriff, assessor, county attorney, recorder, and school superintendent.

Approved March 7, 1931.

CHAPTER 50

(Senate Bill No. 30)

AN ACT

TO AMEND SEC. 1068, REVISED CODE, 1928, RELATING TO HIGH SCHOOL DISTRICTS, AND TO PROVIDE A METHOD OF EXCLUSION THEREFROM.

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

Section 1. Sec. 1068, Revised Code, 1928, is hereby amended to read as follows:

Sec. 1068. FORMATION AND ESTABLISHMENT OF DISTRICT; EXCLUSION FROM DISTRICT. Any school district having an average daily attendance of not less than two hundred pupils, or an assessed valuation of not less than one million five hundred thousand dollars, may, by a majority vote of the qualified school electors thereof, establish and maintain a high school; or two or more adjoining school districts having one of the above requisites jointly, may unite and form a union high school district at the expense of such union high school district. No such union high school district shall be formed of territory already embodied in a union high school district, unless the remaining territory of the original district shall be contiguous and shall have an assessed valuation of not less than three million dollars. When a new district shall be formed from territory already included in a union high school district, such territory shall no longer be included in such original high

school district. The state board of education may establish a high school district in any district not meeting the requirements hereof should a majority of the electors residing in such district petition said board therefor. A school district embraced within a union high school district may petition the county superintendent of schools for exclusion therefrom. If the superintendent finds that the school house of the school district seeking exclusion is more than twenty-five miles distant, by the usually traveled route, from the high school building, and that, if such school district were excluded, the remaining territory of the high school district would be contiguous, and that the petition for exclusion contains the bona fide signatures of the heads of not less than two-thirds of all families within such school district having children eligible for admission to the high school, and in no event less than twenty-five such signatures, he shall transmit the petition to the board of supervisors, together with a statement of the essential facts, and it shall thereupon become the duty of the board to exclude the said school district as prayed for; provided, that such exclusion shall not be construed nor act to relieve the excluded school district of liability for bonded indebtedness incurred while it was a part of such union high school district.

Section 2. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved March 9, 1931.

CHAPTER 51.

(House Bill No. 94)

AN ACT

TO MAKE AN APPROPRIATION TO REPAY TO THE UNITED STATES ONE-HALF OF THE AMOUNT PAID TO COMPENSATE FARMERS FOR THE NON-PRODUCTION OF COTTON DURING THE YEAR 1930, WITHIN NON-COTTON ZONES ESTABLISHED THROUGH COOPERATION BETWEEN THE STATE ENTOMOLOGIST AND THE SECRETARY OF AGRICULTURE.

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

Section 1. For the purpose of repaying into the treasury of the United States one-half of all moneys expended by the United States, out of said treasury, and under the direction of the secretary of agriculture, to compensate farmers for actual and necessary losses sustained by reason of the enforced non-production of cotton in the year 1930, within a non-cotton zone established by the state entomologist of Arizona acting in cooperation with the secretary of agriculture, under the provisions of article 1, chapter 5, Revised Code, 1928, and public resolution No. 42, seventy-first congress of the United States; approved May 21, 1928, for the eradication of the pink boll worm, the sum of three hundred twenty-seven thousand five hundred dollars or so much thereof as may be necessary, is hereby appropriated out of the general fund, one hundred sixty-three thousand seven hundred fifty dollars

for the twentieth fiscal year, and one hundred sixty-three thousand seven hundred fifty dollars for the twenty-first fiscal year.

Section 2. Upon claims for not to exceed the amounts herein appropriated, certified by the state entomologist and approved by the governor, for the purpose herein specified, the state auditor is authorized to draw his warrant and the state treasurer is authorized to pay the same.

Approved March 9, 1931.

CHAPTER 52.

(House Bill No. 114)

AN ACT

TO PROHIBIT THE EMPLOYMENT OF RELATIVES IN PUBLIC OFFICES.

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

Section 1. Sec. 1352, Revised Code, 1928, is hereby amended by adding a paragraph to be designated Sec. 1352b, and to read as follows:

Sec. 1352b. EMPLOYMENT OF RELATIVES UNLAWFUL, WHEN. It shall be unlawful for any executive, legislative, ministerial or judicial officer to appoint or vote for the appointment of any person related to him by affinity or consanguinity within the third degree, to any clerk-

ship, office, position, employment or duty in any department of the state, district, county, city or municipal government of which such executive, legislative, ministerial or judicial officer is a member, when the salary, wages, pay or compensation of such appointee is to be paid out of the public funds or fees of such office, or to appoint, vote for, or agree to appoint, or to work for, suggest, arrange, or be a party to the appointment of any person in consideration of the appointment of a person related to him as aforesaid. Any executive, legislative, ministerial or judicial officer who shall violate any provision of this article, shall be deemed guilty of a misdemeanor involving official misconduct, and shall be punished by a fine of not less than one hundred nor more than one thousand dollars. The designation executive, legislative, ministerial or judicial officer includes: All officials of the state of Arizona, or of any county or incorporated city within the state, holding office either by election or appointment, and all the heads of the departments of state, county or incorporated cities, public school trustees, officers and boards or managers of the state university and its several branches, and state colleges.

Section 2. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved March 9, 1931.

CHAPTER 53.

(House Bill No. 160)

AN ACT

PROVIDING FOR THE PAYMENT OF DEFICIENCIES CONNECTED WITH THE CONSTRUCTION OF ARMORIES OF THE NATIONAL GUARD OF ARIZONA.

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

Section 1. For the purpose of meeting deficiencies in the construction of armories of the national guard of the state and providing additional funds for the purpose of prosecuting the construction of said armories to completion, there is hereby appropriated out of the general fund of the state the sum of eighteen thousand dollars, or so much thereof as may be necessary, to be expended as follows:

(a) To pay the outstanding obligations for the construction of the national guard armory at Douglas, the sum of one thousand dollars; for the completion of said armory the sum of five thousand dollars.

(b) To pay the outstanding obligations for the construction of the national guard armory at Safford, the sum of four thousand dollars; for the completion of the said armory the sum of two thousand dollars.

(c) To pay the outstanding obligations for the construction of the national guard armory

at Nogales, the sum of one thousand dollars; for the completion of the said armory the sum of five thousand dollars.

Section 2. The state auditor is hereby authorized and empowered to draw warrants in compliance with the provisions of this act, when approved by the adjutant general, and the state treasurer is hereby directed to pay same.

Section 3. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved March 10, 1931.

CHAPTER 54.

(House Bill No. 25)

AN ACT

TO AMEND SEC. 4877, REVISED CODE, 1928, RELATING TO PAYMENT OF WAGES.

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

Section 1. Sec. 4877, Revised Code, 1928, is hereby amended to read as follows:

Sec. 4877. PAYMENT OF WAGES; VIOLATIONS; PENALTIES. Whenever an employee quits the service, or is discharged therefrom, he shall be paid whatever wages are due him, in lawful money of the United States, or by check

of even date, on a bank, and said wages shall be paid at once. Every employer, including the state and its political subdivisions, shall pay any wages or compensation due an employee in lawful money of the United States, or negotiable bank check payable on demand, and dated not later than the day upon which said check is given, said check to be drawn upon some bank or banker located and carrying on business in this state, and not otherwise. Any person violating this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine for each offense. Such fines and costs shall become a judgment against the real or personal property of the defendant, but payment may not be enforced by imprisonment.

Section 2. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved March 10, 1931.

CHAPTER 55

(House Bill No. 198)

AN ACT

RELATING TO INSANITY INQUIRY OF PRISONERS UNDER DEATH SENTENCE.

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

Section 1. Sec. 5122, Revised Code, 1928, is hereby amended to read as follows:

Sec. 5122. INSANITY INQUIRY OF PRISONER UNDER DEATH SENTENCE. If, after the delivery to the superintendent for execution, there is good reason to believe that a prisoner, under judgment of death, has become insane, the superintendent must call such fact to the attention of the county attorney of the county in which the prison is situated, whose duty it is to immediately file in the superior court of such county a petition, stating the conviction and judgment and the fact that the prisoner is believed to be insane, and asking that the question of his sanity be inquired into. Thereupon the court must at once cause to be summoned and impaneled from the regular jury list of the county, a jury of twelve persons to hear such inquiry. Whenever such an inquiry shall be had, the clerk of the court where such inquiry is held, shall prepare a statement of all the costs incurred by the county for such inquiry, properly certified to by the judge of said court, which statement shall be forwarded to the board of directors of state institutions for their approval, and after

such approval said board shall cause the amount of said costs to be paid out of the money appropriated for the support of the state prison to the county treasurer of the county where such trial was had.

Section 2. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

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

Approved March 10, 1931.

CHAPTER 56.

(Senate Bill No. 104)

AN ACT

TO AMEND SEC. 5316, REVISED CODE, 1928, RELATING TO INSANE PRISONERS.

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

Section 1. Sec. 5316, Revised Code, 1928, is hereby amended to read as follows:

Sec. 5316. INSANE PRISONERS. Whenever any prisoner confined in the prison shows symp-

toms of insanity, the prison physician shall make examination of such prisoner, and if he be found so afflicted, the physician shall report that fact in writing to the superintendent, describing the conditions as found, with any suggestions relating thereto. Upon receipt of said report, the superintendent shall communicate with the nearest court having jurisdiction of the person alleged to be insane; and thereafter all proceedings shall conform to the law governing such cases. The county in which said court is located shall be reimbursed for all costs of such proceedings incurred by said county, from the funds appropriated for the support of the state prison, upon certification of the clerk and judge of said court as to said costs and approval of the claim by the board of directors of state institutions. If such prisoner is found insane the court shall commit the insane person to the custody of the superintendent for transfer to the state hospital for the insane. The resident physician of the state hospital shall render, quarterly, to the superintendent of the prison, a report of the condition of said person, and whenever it shall appear that said person has so far recovered as to continue service in the prison without further risk, he shall be returned to serve any unexpired time, the period in the state hospital for the insane being counted as though served in prison; should the period of commitment expire, however, during the time that the insane person is confined in said hospital, the superintendent of the prison shall forward to said person his legal discharge from the prison.

Section 2. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

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

Approved March 10, 1931.

CHAPTER 57.

(Senate Bill No. 75)

AN ACT

TO AMEND SEC. 4726, REVISED CODE, 1928, BY ADDING A PARAGRAPH TO BE DESIGNATED 4726a, RELATING TO THE GIVING OF NOTICE OF PERSONS SUFFERING FROM CERTAIN WOUNDS.

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

Section 1. Sec. 4726, Revised Code, 1928, is hereby amended by adding a paragraph to be designated Sec. 4726a, and to read as follows:

Sec. 4726a. Every physician, surgeon, nurse or hospital attendant called upon to treat any person for gunshot wounds, knife wounds or other material injury that may have resulted

from a fight, brawl, robbery or other illegal or unlawful act, shall immediately notify the chief of police or the city marshal, if in an incorporated city or town, or the sheriff, or the nearest police officer, of the circumstances, together with the name and description of the patient, the character of the wound, and other facts that may be of assistance to the police authorities in the event that the condition of the said patient may be due to any illegal transaction or circumstances. Any violation of the provisions of this section by any physician, surgeon, nurse, or hospital attendant, shall be a misdemeanor, punishable by a fine of not less than twenty-five nor more than fifty dollars or by imprisonment in the county jail for a period of not less than thirty nor more than sixty days or by both such fine and imprisonment.

Section 2. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved March 10, 1931.

CHAPTER 58.

(House Bill No. 269)

AN ACT

TO AUTHORIZE THE EXECUTION OF A CONTRACT BETWEEN THE STATE OF CALIFORNIA, THE CALIFORNIA-ARIZONA BRIDGE COMPANY AND THIS STATE FOR THE PURCHASE AND MAINTENANCE OF THAT CERTAIN HIGHWAY BRIDGE OVER THE COLORADO RIVER AT EHRENBURG.

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

Section 1. That the Arizona highway commission, acting by and through the state engineer, is hereby authorized and empowered to contract and agree with the State of California, for and on behalf of the State of Arizona, for the joint purchase with the State of California from the California-Arizona Bridge Company of that certain highway bridge across the Colorado River, at or near Ehrenburg, Arizona, and for the future maintenance thereof, and the act of the commission and the state engineer in entering into such contract and agreement with the State of California for the purchase of such bridge and the maintenance thereof is hereby ratified and approved.

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

Approved March 12th, 1931.

CHAPTER 59.

(House Bill No. 72)

AN ACT

TO PROVIDE FOR THE DISTRIBUTION OF SUPREME COURT REPORTS.

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

Section 1. Sec. 3657, Revised Code, 1928, is hereby amended to read as follows:

Sec. 3657. DISTRIBUTION OF REPORTS; PAYMENT. The secretary of state shall deliver to the state librarian as many copies of the supreme court reports as may be necessary for exchange with the libraries of other states and foreign countries; to the law librarian of the University of Arizona, when applied for, as many copies as may be necessary not to exceed fifty, for exchange with the law school libraries of other states and territories; and to each of the judges of the supreme court, to the judges of the United States court in this state, to each judge and to each clerk of a court of record in this state, to the reporter of decisions of the supreme court, and to the law library of each county of this state, one copy, and to the law library of the University of Arizona, three copies. The copies of such reports delivered to any person on account of the office held by such person shall remain the property of the state and shall have stamped or written thereon the name of the office on account of which the report was delivered, and shall be

kept for the use of such office. The cost of publishing such reports shall be paid out of the appropriation for the supreme court.

Section 2. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved March 13, 1931.

CHAPTER 60.

(House Bill No. 73)

AN ACT

TO PROVIDE FOR THE DISTRIBUTION OF STATUTES AND JOURNALS.

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

Section 1. Sec. 24, Chapter 2, Revised Code, 1928, is hereby amended to read as follows:

Sec. 24. DISTRIBUTION OF STATUTES AND JOURNALS. Immediately after the publication of the statutes, he shall supply one copy thereof to each official of the executive department of the state, each commissioner and each department of the state government, and the state highway engineer; to each judge and the clerk of the supreme court, each judge of the superior court, and each justice of the peace, the copies for the said justices of the peace to be distributed by the county recorders of the several

counties; to each county officer other than members and clerk of the board of supervisors, and to the board of supervisors; to each member of the legislature, the secretary of the senate and the chief clerk of the house of representatives; to the general library, the law library, and each professor of law in the University of Arizona; to each state teachers' college; to each judge and the clerk of the United States district court for the district of Arizona, and to the United States attorney and United States marshal for such district; to each senator and representative in congress from the state of Arizona; and to each public library in the state which shall apply therefor. He shall supply to the state librarian, for the purpose of exchange with other states, territories, the United States, and foreign countries, such number of copies as the said librarian may, in accordance with the provisions of Sec. 3036, make requisition for, and to the law library of the University of Arizona, for the purpose of exchange with law school libraries of other states and territories, such number of copies, not to exceed fifty, as the librarian thereof may request. The clerk of the board of supervisors of each county shall, within one month after the adjournment of the legislature, supply the secretary of state with the names and addresses of all officers in such county entitled by law to receive a copy of such statutes. The secretary of state shall also deliver a copy of the journals of the legislature to any of the officers herein specified, applying therefor, and to the state librarian such number of copies as he may require for the purpose of exchange, as provided by Sec. 3036.

Section 2. All laws or parts of laws in con-

flict with the provisions of this act are hereby repealed.

Approved March 13, 1931.

CHAPTER 61.

(Senate Bill No. 153)

AN ACT

AUTHORIZING THE GOVERNOR TO ISSUE EMERGENCY PROCLAMATIONS TO COVER EXPENSES OF TAX SUITS.

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

Section 1. In addition to the powers granted to the governor under Section 2620, Revised Code, 1928, the governor when requested by the tax commission and the attorney general, for the purpose of providing funds to defend suits brought against the tax commission contesting tax assessments, may authorize the tax commission to incur debts and liabilities against the state to be paid as other claims against the state from the general fund.

Approved March 13, 1931.

CHAPTER 62.

(Senate Bill No. 96)

AN ACT

TO MAKE AN APPROPRIATION FOR THE BOARD OF PARDONS AND PAROLES.

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

Section 1. For the operating fund of the board of pardons and paroles, the sum of five hundred dollars is hereby appropriated out of the general fund.

Section 2. The state auditor is authorized to draw his warrants upon the state treasurer in not to exceed the sum hereby appropriated and the state treasurer is authorized to pay the same.

Section 3. To provide an appropriation for the support and maintenance of a state institution, it is necessary that this act shall become immediately operative. It is therefore declared to be an emergency measure, and shall take effect upon its passage in the manner provided by law.

Approved March 13, 1931.

CHAPTER 63.

(Senate Bill No. 141)

AN ACT

TO PROVIDE FUNDS FOR THE DEFENSE OF SUITS TO RESTRAIN THE ENFORCEMENT OF THE LAW OF ARIZONA LIMITING THE LENGTH OF FREIGHT AND PASSENGER TRAINS.

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

Section 1. To provide funds for the attorney-General to defend the rights and interests of the people of the state of Arizona in those certain suits pending in the United States district court for the district of Arizona entitled Atchison, Topeka & Santa Fe Railway Company, a corporation, vs. K. Berry Peterson, attorney-general of the state of Arizona, No. 195 E, Phoenix, and Southern Pacific Company, a corporation, vs. K. Berry Peterson, attorney-general of the state of Arizona, No. 196 E, Phoenix, brought to restrain the enforcement of the law of Arizona limiting the length of freight and passenger trains, the sum of twenty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of the general fund, and to be expended as follows: For masters' fees, five thousand dollars; for other costs and expenses in defending said suits, fifteen thousand dollars.

Section 2. The state auditor is hereby authorized to draw his warrants, upon claims ap-

proved by the attorney-general, and the state treasurer is authorized to pay the same.

Section 3. To provide an appropriation for the support and maintenance of a department of state, it is necessary that this act shall become immediately operative. It is therefore declared to be an emergency measure, and shall take effect upon its passage in the manner provided by law.

Approved March 13, 1931.

CHAPTER 64.

(Senate Bill No. 147)

AN ACT

TO AMEND CHAPTER 65, SESSION LAWS, 1929, BY ADDING A NEW SECTION, TO BE DESIGNATED SEC. 4, AND PROVIDING FOR AN ALTERNATIVE CONDITION UNDER WHICH THE BRIDGES ACROSS THE VERDE RIVER OR BEAVER CREEK MAY BE BUILT.

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

Section 1. Chapter 65, Session Laws, 1929, is hereby amended by adding a new section, to be designated Sec. 4, and providing for an alternative condition under which the bridge across the Verde river or Beaver creek may be built.

Sec. 4. The state highway commission is au-

thorized and empowered to proceed with the erection of the bridge across the Verde river or Beaver creek near Camp Verde, connecting the Clarkdale-Camp Verde-Fossil creek highway without contribution from any other source, and without consent or approval of the United States bureau of public roads or any other agency, providing Yavapai county will agree to provide the connecting roadway between the Clarkdale-Camp Verde-Fossil creek highway and said bridge or bridges, and further providing that the United States forest service or some other agency will agree to provide a bridge connection across Clear Creek, with said highway. The foregoing shall be an alternative condition to the condition set out in Sec. 1 and Sec. 2, Chapter 65, Session Laws, 1929. The state auditor is authorized to draw his warrant on the fund provided under this chapter upon the notice of the highway commission that the conditions are complied with and the state treasurer is authorized to pay the same.

Approved March 13th, 1931.

CHAPTER 65.

(Senate Bill No. 132)

AN ACT

RELATING TO THE ISSUANCE AND SALE OF BONDS OF ELECTRICAL DISTRICTS.

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

Section 1. Sec. 3449, Revised Code, 1929, is hereby amended to read as follows:

Sec. 3449. CANVASSING RETURNS; ISSUING BONDS; ADVERTISING. The election officers shall within two days after the election make return of the vote to the board of directors and the said board shall on the fifth day after the election meet at the voting place, or if more than one at the one most centrally located in the district, and at the hour of two o'clock in the afternoon canvass the returns. If it be found that a majority of the votes cast at said election were in favor of said bonds, the board shall proceed to issue, and sell the same in conformity with the provisions of Sec. 2663 and of this article; provided, that no bonds shall be sold for less than eighty-five per cent of the face value thereof. The board of directors shall have the right, if no satisfactory bids are received at the time of the opening of the same to continue to negotiate for the sale of said bonds for the period of sixty days, and if not then sold the board may again advertise and offer said bonds for sale.

Section 2. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved March 13, 1931.

CHAPTER 66.

(House Bill No. 157)

AN ACT

TO PROVIDE FOR THE RELIEF OF D. M. PENNY AND EDWARD S. LYMAN.

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

Section 1. There is hereby appropriated out of the general fund of the state of Arizona, from any moneys not otherwise appropriated, the sum of two hundred nine dollars and fifty cents, in payment for services rendered by D. M. Penny and Edward S. Lyman to the counties of Pima and Yavapai while acting as regularly appointed court commissioners, in the following named amounts: D. M. Penny, one hundred forty-two dollars and fifty cents, and Edward S. Lyman, sixty-seven dollars.

Section 2. The state auditor is hereby authorized and directed to draw his warrants upon the state treasurer in favor of D. M. Penny, in the sum of one hundred forty-two dollars and fifty cents, and in favor of Edward S. Ly-

man, in the sum of sixty-seven dollars, and the state treasurer is hereby directed to pay the same.

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

Approved March 16th, 1931.

CHAPTER 67.

(House Bill No. 175)

AN ACT

FOR THE RELIEF OF JOSEPH F. NUGENT, AN EMPLOYEE OF THE TENTH STATE LEGISLATURE AND MAKING AN APPROPRIATION THERFOR.

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

Section 1. For the purpose of providing for the hospital care, medical attendance, and necessary expenses of Joseph F. Nugent, an employee of the House of Representatives of the Tenth State Legislature of Arizona, injured on the twenty-ninth day of January, 1931, while in the employ of the state legislature, the sum of three hundred forty-six dollars and seventy cents is hereby appropriated from the general fund of the state.

Section 2. The state auditor is hereby authorized and empowered to draw warrants on the general fund of the state in payment of any claims presented under the provisions of Section 1 hereof, when approved by the speaker of the house of representatives, and the state treasurer is hereby instructed to pay same.

Section 5. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

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

Approved March 16th, 1931.

CHAPTER 68.

(House Bill No. 128)

AN ACT

DESIGNATING A STATE BIRD; DESIGNATING A STATE FLOWER; REPEALING ALL LAWS OR PARTS OF LAWS INCONFLICT HEREWITH.

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

Section 1. The cactus wren, otherwise known as Coues' Cactus Wren or Heleodytes brunnei-

capillus couesi (Sharpe) shall be the state bird of Arizona.

Section 2. The pure white waxy flower of the Cereus Giganteus (Giant Cactus) or Sahuara, shall be the state flower of Arizona.

Section 3. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved March 16th, 1931.

CHAPTER 69.

(House Bill No. 232)

AN ACT

TO PROVIDE ADDITIONAL FUNDS TO PAY SALARIES OF JUDGES OF THE SUPERIOR COURTS.

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

Section 1. There is hereby appropriated out of the general fund of the State of Arizona, from any moneys not otherwise appropriated, the sum of seven hundred fifty-eight dollars and fifty-eight cents for the payment of outstanding certificates of indebtedness of the State of Arizona heretofore issued by the state auditor, in the amounts named, to the following judges of the superior court, to wit:

Fred W. Pickett of Pima county $541.84
W. S. Norviel of Coconino county..... 184.09
C. B. Wilson of Coconino county..... 32.65

Section 2. Upon the presentation of said certificates of indebtedness the state auditor is hereby authorized and directed to draw her warrants upon the state treasurer, in accordance with the provisions of Section 1 hereof, and the state treasurer is hereby authorized and directed to pay the same.

Approved March 16th, 1931.

CHAPTER 70.

(House Bill No. 199)

AN ACT

FOR THE RELIEF OF CERTAIN MERCHANTS OF WINSLOW AND FLAGSTAFF AND REIMBURSEMENT OF THE NATIONAL GUARD IMPREST FUND.

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

Section 1. For the purpose of paying certain merchants of Winslow and Flagstaff for transportation and supplies furnished the national guard of Arizona, and to reimburse the national guard imprest fund for payment of wages incident to the search for Doyle Bird, on November 18 to 23, 1930, there is hereby appropriated out of the general fund of the

State of Arizona, the sum of one thousand forty-one dollars and ninety-seven cents for wages, transportation, and supplies, as follows: to

Captain Clarence T. Pulliam for meals, first aid supplies, etc.,	$ 88.25
Evans & Evans for trucks, drivers, and hay	190.50
Tissaws Sporting Goods Shop for signal rockets	13.50
Captain T. Pulliam for groceries	117.26
El Gran Garage for motor supplies and repairs on trucks	101.94
Lightning Delivery Company for truck rental and repairs	116.40
Wm. H. Dagg Mercantile Company for supplies	31.32
National Guard imprest fund for wages of 23 men at $3.00 per day, 5 days	345.00
One officer at $6.66 per day for 5 days	33.30
One truck driver for 1 day at $4.50 per day	4.50
Total	$1,041.97

Section 2. The state auditor is hereby authorized and empowered to draw warrants to the beneficiaries mentioned in Section 1 hereof, upon presentation of properly approved claims and the state treasurer is hereby directed to pay same.

Section 3. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved March 16th, 1931.

CHAPTER 71.

(House Bill No. 104)

AN ACT

TO PROVIDE FOR THE APPOINTMENT OF COUNSEL IN CRIMINAL AND INSANE CASES.

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

Section 1. Sec. 5001, Revised Code, 1928, is hereby amended to read as follows:

Sec. 5001. RIGHT OF COUNSEL; FEES FOR SERVICES. If the defendant appear for arraignment without counsel, he shall be informed by the court that it is his right to have counsel before being arraigned, and shall be asked if he desires the aid of counsel; if he desires counsel, and declares upon examination by the court, under oath, that he has no means to employ the same, the court, in its discretion, may assign one or more attorneys at law to that duty. Whenever counsel is appointed by the superior court, and such counsel represents the defendant, in either a criminal proceeding or insanity hearing, such counsel shall be paid by the county in which the court is situated, as compensation for the services rendered to the defendant, such amount as the court in its discretion, shall determine, not less than five nor more than one hundred dollars to any one attorney for each assignment made by the court.

Approved March 16th, 1931.

CHAPTER 72.

(House Bill No. 185)

AN ACT

FOR THE RELIEF OF MISS ESTHER CUMMINGS.

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

Section 1. There is hereby appropriated out of the general fund from any money not otherwise appropriated, the sum of forty-three dollars and twenty cents for the relief of Miss Esther Cummings for expense in the administration of child welfare work in Cochise county. The auditor is hereby directed to issue her warrant in the above amount upon claims properly presented and the treasurer is directed to pay the same.

Approved March 16th, 1931.

CHAPTER 73.

(House Bill No. 268)

AN ACT

MAKING AN APPROPRIATION FOR THE USE AND MAINTENANCE OF THE SCHOOL FOR THE DEAF AND THE BLIND.

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

Section 1. There is appropriated from the general fund of the State of Arizona from any monies not otherwise appropriated, the sum of six thousand nine hundred twenty dollars and ninety-five cents to the school for the deaf and the blind for the purpose of meeting the several obligations in connection with its conduct incurred during the fiscal year 1930-31.

Section 2. The state auditor is hereby authorized to draw his warrant upon the state treasurer in an amount not to exceed six thousand nine hundred twenty dollars and ninety-five cents if and when proper warrants shall be submitted by the superintendent of said school.

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

Approved March 16th, 1931.

CHAPTER 74.

(House Bill No. 228)

AN ACT

AUTHORIZING THE TRANSFER OF CERTAIN FUNDS APPROPRIATED UNDER THE PROVISIONS OF CHAPTER 104, SESSION LAWS, 1929.

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

Section 1. The state auditor and the state treasurer are hereby authorized and directed to transfer the balance of eleven thousand nine hundred thirty-one dollars and nine cents remaining in the item: "To complete building now under construction," as provided in subdivision 2, chapter 104, Session Laws, 1929, to the item: "Capital investment, completing cell house and other buildings," as provided in subdivision 51, chapter 104, Session Laws, 1929, and for the additional purpose of repairing and equipping with a pump the prison domestic well.

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

Section 3. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved March 16th, 1931.

CHAPTER 75.

(House Bill No. 91)

AN ACT

TO PROVIDE FOR THE CONSTRUCTION OF A BRIDGE OVER THE COLORADO RIVER IN THE VICINITY OF PARKER.

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

Section 1. The Arizona highway commission is hereby authorized to cooperate with the state of California, or any agency thereof, and with the United States Bureau of Indian Affairs, or any agency of the United States, or with any other person, agent or agents, in the construction of a highway bridge, together with approaches thereto, over and across the Colorado river in the vicinity of Parker, Arizona at a point to be mutually determined by the Arizona highway commission, the California highway department, and the United States Bureau of Indian Affairs, or their duly authorized agents, and is authorized to provide in the state highway budget for any fiscal year after the twentieth, for the purpose herein specified, of an expenditure not to exceed seventy-five thousand dollars; provided, that no part of such moneys shall be expended until at least an equal amount shall be made available, under conditions satisfactory to the Arizona highway commission, by the state of California or any agency thereof, and at least an equal amount by the United States Bureau of Indian Affairs, or any agency of the government of the United States.

Section 2. When notified in writing by the Arizona highway commission that the conditions imposed by Section 1 have been complied with, the state auditor is authorized to draw his warrants upon the state highway fund, on claims duly approved by the Arizona highway commission, for the purpose herein expressed, in the total sum of not to exceed seventy-five thousand dollars, and the state treasurer is authorized to pay the same.

Section 3. The state highway department is hereby directed to immediately enter into negotiations with the state of California or a county or any other agency thereof, and the United States government or any agency thereof with the view of carrying this act into effect.

Section 4. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved March 16th, 1931.

CHAPTER 76.

(House Bill No. 192)

AN ACT

PROVIDING FOR THE RELIEF OF HARRY F. LANE.

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

Section 1. There is hereby appropriated out of the appropriation of the livestock sanitary board, to be paid out of the appropriation for the animal husbandry department, the sum of one hundred sixty-five dollars for the relief of Harry F. Lane for loss suffered by him of one jersey cow, said animal having been injured by employees of the livestock sanitary board while attempting to administer the tuberculin test under orders from said board.

Section 2. The state auditor is hereby authorized to draw his warrant in the sum of one hundred sixty-five dollars, and the treasurer is hereby instructed to pay the same to the said Harry F. Lane in full and complete settlement for loss of said animal.

Approved March 16th, 1931.

CHAPTER 77.

(House Bill No. 183)

AN ACT

FOR THE RELIEF OF THE ARIZONA PACKING COMPANY.

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

Section 1. There is hereby appropriated out of the general fund of the state for the relief of and in payment to the Arizona Packing Company, the sum of one hundred eighty-four dollars and six cents for supplies furnished the Arizona state prison during the year 1930.

Section 2. The state auditor is hereby authorized and instructed to draw a warrant in favor of the Arizona Packing Company in the sum of one hundred eighty-four dollars and six cents, and the state treasurer is hereby directed to pay same.

Section 3. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved March 16th, 1931.

CHAPTER 78.

(House Bill No. 229)

AN ACT

TO PROVIDE THAT APPOINTMENTS OF NOTARIES PUBLIC SHALL BE BY THE SECRETARY OF STATE.

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

Section 1. Sec. 2480, Revised Code, 1928, is hereby amended to read as follows:

Section 2480. APPOINTMENT AND TERM OF OFFICE; OATH AND BOND. The secretary of state may appoint notaries public in each county, to hold office for four years, and to have jurisdiction in the county only in which they reside and from which they are appointed. He shall transmit the commission of the person appointed to the clerk of the superior court of the county for which such notary was appointed, and the clerk shall give notice thereof to the person so appointed, who shall, within twenty days after receiving notice of his appointment, take the oath prescribed by law, and give a bond to the state, with sureties approved by the chairman of the board of supervisors, in the sum of one thousand dollars, and file the same with said clerk. Upon filing the official oath and bond the clerk shall deliver the commission to such persons, and give notice to the secretary of state at the time and filing of such oath and bond.

Section 2. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved March 16, 1931.

CHAPTER 79.

(House Bill No. 156)

AN ACT

TO PROVIDE FOR THE VACATION OF CEMETERIES WITHIN INCORPORATED CITIES AND TOWNS.

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

Section 1. Sec. 412, Revised Code, 1928, is hereby amended to read as follows:

Sec. 412. VACATION OF CEMETERIES. Whenever any cemetery or ground used as a cemetery within the corporate limits of any town or city has been abandoned and ceases to be used for such purposes, or whenever in the judgment of the common council of such city or town, the same is unfit or unsuited for such purpose, or becomes obnoxious, or can be used for other public purposes to better advantage, the common council of such city or town may by resolution direct that such cemetery or ground used as a cemetery be vacated. Upon the passage of any ordinance or resolution vacating a cemetery as hereinbefore provided, public notice thereof must

be published in the official newspaper of such city or town for at least four consecutive weeks and if, within six months from the date of the first publication of said notice, the remains of any persons buried within such cemetery be claimed by a relative of such persons for reburial, such remains shall be delivered to such relative or relatives. At the expiration of said six months period, the remains of persons buried in such cemetery which can be identified or which have monuments or gravestones at the respective graves thereof and which have not been claimed by relatives as hereinbefore set out, shall be removed to some other cemetery or suitable place, and all monuments and gravestones shall also be removed and replaced and reset at the respective graves in like manner as before. In addition thereto, each grave shall be numbered in numerical order, such numbers to be carved on a suitable slab of stone or hardwood and placed at the foot of the grave, and a list of the names of those buried and the number of the grave in which the remains rest shall be recorded in the office of the city or town clerk, the expenses thereof to be paid by said city or town. At the expiration of said six months period after notice, the common council of such city or town may in its discretion order that the remains of such persons as shall not have been claimed and as cannot be identified and as have no monuments or gravestones at the graves thereof, be removed and buried as hereinabove set forth, or be removed and cremated, or be left in such vacated cemetery and the surface of the ground leveled. Whenever any cemetery, the property of a municipal corporation, is vacated or partially va-

cated as herein provided, said cemetery shall be used as a public park. A map or plat shall be placed on file or recorded in the office of the city or town clerk showing the exact location in said cemetery of the remains of persons remaining in said cemetery. A monument shall be erected in some suitable location bearing the names, if possible, of the persons whose remains are allowed to remain in said cemetery as herein provided.

Section 2. All laws or parts of laws in conflict with the provisions of this act are repealed.

Approved March 16th, 1931.

CHAPTER 80.

(Senate Bill No. 71)

AN ACT

FOR THE RELIEF OF NELLIE B. HOY.

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

Section 1. For the relief of Nellie B. Hoy, the sum of one hundred twenty-four dollars and thirty-five cents is hereby appropriated out of the general fund.

Section 2. Said sum, when paid, shall be in full satisfaction of the claim of said Nellie B. Hoy for printing supplies furnished to the assessor of Cochise county, in the month of No-

vember, 1926, at the instance and request of the secretary of state.

Section 3. The state auditor is authorized to draw his warrant in the said sum, in favor of Nellie B. Hoy, and the state treasurer is authorized to pay the same.

Approved March 16, 1931.

CHAPTER 81.

(Senate Bill No. 77)

AN ACT

TO AMEND SEC. 1087, REVISED CODE, 1928, BY ADDING THERETO PARAGRAPHS TO BE DESIGNATED SEC. 1087a, SEC. 1087b, SEC. 1087c, SEC. 1087d, SEC. 1087e, SEC. 1087f, SEC. 1087g, SEC. 1087h, SEC. 1087i, SEC. 1087j, AND TO PROVIDE FOR THE ORGANIZATION OF JUNIOR COLLEGE DISTRICTS.

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

Section 1. Sec. 1087, Revised Code, 1928, is hereby amended by adding thereto paragraphs to be designated Sec. 1087a, Sec. 1087b, Sec. 1087c, Sec. 1087d, Sec. 1087e, Sec. 1087f, Sec. 1087g, Sec. 1087h, Sec. 1087i, Sec. 1087j, and to read as follows:

Sec. 1087a. UNION AND COUNTY JUNIOR

COLLEGES. In addition, and alternative, to the method provided by Sec. 1086, junior colleges may be established and maintained as in this act provided. Such junior colleges shall be: (1) Union junior colleges, or (2) county junior colleges. A union junior college district shall include two or more contiguous high school districts in the same county. A county junior college district shall embrace all territory of the county not included in any other junior college district. Any union or county junior college district, proposed to be formed as hereinafter provided, must have an average daily high school attendance, as shown by the high school records of the preceding year, of not less than two hundred, and a property valuation, as shown by the last equalized assessment roll, of not less than five million dollars.

Sec. 1087b. PETITION. Whenever it is desired to form a junior college district, not less than five per cent of the qualified electors of each school district in the territory to be embraced therein, shall petition the county superintendent of schools therefor. Such petition shall state the name of the proposed district, describe its boundaries, and say whether it is to be a union or a county junior college district. The superintendent shall verify the signatures on the petition, and shall ascertain whether the proposed district possesses the necessary qualifications.

Sec. 1087c. UNION JUNIOR COLLEGE DISTRICT. If the petition is for the establishment of a union junior college district, the superintendent shall call an election, to be held within thirty days after the date of its receipt,

in every school district in the proposed union junior college district. Notices of the election shall be posted, officers appointed and the election conducted in all respects as provided for elections for school trustees. Printed ballots shall be provided containing the proposals, "Union Junior College District—Yes," and "Union Junior College District—No," and each voter shall mark a cross opposite the proposal for which he desires to vote. The officers of election shall count the votes immediately after the polls are closed, and within five days certify the result to the superintendent of schools. Within ten days after receiving the returns from the several school districts the superintendent shall canvass the same, and record the returns in a book kept for that purpose. He shall also file with the clerk of the board of supervisors a certificate giving the name and description of the boundaries of the proposed district, and setting forth the number of votes cast in each school district, for and against the proposed union junior college district. If it shall appear that a majority of the votes cast were in favor of the district, or if but two high school districts are included in the proposal, then that a majority of the votes cast in each such high school district were in favor of the district, it shall be deemed to be formed from the time of the filing of the certificate, and the clerk of the board of supervisors shall record such certificate in his record of school districts. The expense incurred in any election held to determine the question of the formation of a junior college district shall be a county charge, and shall be paid out of the general fund.

Sec. 1087d. COUNTY JUNIOR COLLEGE

DISTRICT. If the petition is for the establishment of a county junior college district, the superintendent of schools shall transmit it to the board of supervisors, which shall submit the question to the qualified electors of the county at the next general election, or at a special election to be called for that purpose. If a special election is called, notice thereof shall be given by publication in some newspaper of general circulation published in the county, for at least two weeks, and the election shall be conducted and returns made in the manner provided by law for special elections. If the proposal carries, the board of supervisors shall declare the county junior college district established.

Sec. 1087e. JUNIOR COLLEGE BOARD. The governing body of a junior college district shall be a junior college board of five members, who shall be qualified electors and shall be chosen at large. The members of the first board shall be appointed by the superintendent of schools, within thirty days after the formation of the district, to serve until their successors are elected and qualify. At the first election to be held hereunder the five candidates receiving the highest number of votes shall be declared elected, the one receiving the smallest vote to hold office for one year from the first day of January following the election, the two receiving the next smallest votes to hold office for two years, and the remaining two to hold office for three years. Thereafter as each member's term expires his successor shall be elected for a term of three years. Vacancies shall be filled by appointment for the unexpired term by the superintendent of schools.

Sec. 1087f. ANNUAL ELECTION. Members of a junior college board shall be elected at the time and in the manner that school trustees are elected. A polling place in each of the school districts composing the junior college district, shall be designated by the junior college board. Such polling place may be at the school house at which the election of school trustees is to be held, and the officers of such election may serve as officers of the junior college district election. The returns of the election for members of the junior college board shall be transmitted without delay to the junior college board, which shall meet at the junior college building on the seventh day following the election, canvass said returns, issue certificates of election to the persons elected and file duplicates thereof with the superintendent of schools.

Sec. 1087g. MEETINGS OF BOARD. Within twenty days after the appointment of the first junior college board, the superintendent of schools shall call a meeting of the board by giving at least ten days notice by registered mail to each member thereof. At such meeting the board shall organize by electing a president from among its members, and a secretary, and may transact any other business relating to the affairs of the junior college district. Following the first election of members, the junior college board shall meet and organize on the first Saturday in January of each year, and shall hold regular monthly meetings at such time and place as the rules of the board may provide. Special meetings may be held at the call of the president or upon a call issued in writing signed by a majority of the members of the board.

Sec. 1087h. POWERS OF BOARD. Except as otherwise provided, the powers and duties of the junior college board shall be such as are prescribed by law for high school boards. All courses of study shall be subject to approval by the state board of education.

Sec. 1087i. REPORTS. The principal of every junior college shall annually, at the close of the term and prior to receiving his last month's salary, and as a prerequisite to the receiving of such salary, make and subscribe to under oath a full and complete report of said junior college for the entire term of school year, and shall deliver the same to the superintendent of schools. Such report shall show the total number of students enrolled during the year, the average daily attendance, the number of teachers regularly employed, the total number of new pupils residing in school districts not embraced in any junior college district and attending such junior college, segregated as to the districts in which such pupils reside, and such other information as may be required by the superintendent of public instruction or the superintendent of schools. Every superintendent of schools having jurisdiction over a junior college district shall, at the time provided by law for the making of reports of high schools, make report under oath to the state superintendent of public instruction, showing the number of students enrolled, average daily attendance, number of teachers regularly employed, and such other information regarding the junior colleges of his county as he may deem proper, or as may be required by the superintendent of public instruction.

Sec. 1087j. HOW SUPPORTED. The union junior colleges and county junior colleges organized as provided herein shall be supported and sustained in the manner provided in Section 1087, Revised Code, 1928.

Section 2. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved March 16, 1931.

CHAPTER 82.

(Senate Bill No. 84)

AN ACT

RELATING TO DAIRIES AND DAIRY PRODUCTS, AND CREATING THE OFFICE OF DAIRY COMMISSIONER.

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

Section 1. DEFINITION OF TERMS. (a) Milk is the mammary secretion of one or more cows or goats, excluding that portion of such secretion as shall have been produced within fifteen days before and five days after parturition; (b) "milk products" shall imply all edible products other than raw milk or cream, but derived or produced therefrom, either whole or in part thereof, and shall include: Pasteurized milk or cream; chocolated skim, part skim or whole milk; evaporated or condensed milk or

cream; dried or powdered milk or cream; butter; buttermilk, either liquid, condensed or dried; cheese or cottage cheese; frozen dairy products, and all other similar products of milk; (c) "dairy products" shall include milk and cream and milk products as herein defined; (d) "person" shall imply a person, firm or corporation or the legal representative or agent thereof; (e) "consumer" shall in each case imply any individual receiving market milk or milk products from a distributor for use by himself or by others for whom he is responsible or whom he represents; (f) the United States public health service standard milk ordinance herein referred to shall mean that particular United States public health service standard milk ordinance as passed and adopted by the commission of the city of Phoenix, the twenty-fifth day of April, 1928, and designated as ordinance No. 1087; (g) "delivery": Any dairy products having been left on a porch or other similar place in the usual manner of delivery shall constitute delivery to the consumer; the act of handling such product to the consumer or of placing it where he may serve himself and all similar methods of delivery shall be considered as delivery to the consumer; (h) "ultimate consumer" is the person actually drinking or consuming the milk or milk products; (i) "premises" shall include the land, buildings or structures; (j) "sell", "sale", or "sold" or any derivatives thereof as herein used shall include to offer or expose for sale or to possess with intent to sell or to distribute with the intent that same shall be sold; (k) "a dairy" is premises wherein or whereon three or more cows or goats shall be kept or milked for the purpose of producing milk to be sold

for human consumption, whether as market milk or manufactured milk product; (l) "milk producer" (commonly known as a dairyman) is a person engaged in the business of operating or controlling the operation of one or more dairies; (m) "commissioner" shall imply the state dairy commissioner; (n) "distributor" shall imply a dairy products distributor; (o) "manufacturer" shall imply a milk products manufacturer; (p) "dairy products distributor" is a person engaged in the business of buying or receiving dairy products, directly or indirectly from the producer or manufacturer thereof, for the purpose of handling, preparing, distributing or selling same; it shall not be so construed by this definition that a store or market receiving and selling bottled or packaged dairy products in the original containers or packages only, shall be considered as such distributor, nor shall a restaurant, soda fountain or similar establishment serving dairy products be so considered; (q) "milk products manufacturer" is a person engaged in the business of buying or receiving milk or milk products either directly or indirectly from the producer or manufacturer thereof for the purpose of converting such milk or milk products into other such products by a manufacturing process; (r) "market milk or cream", either raw or pasteurized, is such milk or cream as shall be used or intended for use as a food for human consumption, as a beverage either with or without the addition of other foods, or for use in the culinary preparation of foods; (s) "raw milk" is milk no particle of which shall have been subjected to a temperature of such degree of heat as to have delayed or destroyed bacterial action therein; (t)

"pasteurized milk" is milk every particle of which shall have been subjected to a temperature of not less than one hundred forty-two degrees fahrenheit and holding at such temperature for not less than thirty minutes in pasteurization apparatus approved by the commissioner; every pasteurizer used in the processing of market milk shall have an indicating and a recording thermometer installed thereon, and all recording charts shall be changed at least once in every twenty-four hours, and such charts shall be preserved for inspection for not less than ninety days thereafter; (u) "recombined milk" is milk any portion of which shall have been produced by the recombining of milk solids and water; (v) "manufacturing milk or cream" is such milk or cream as shall be used in the production or manufacture of manufactured milk products; (w) "condensed, evaporated, or concentrated milk" is defined as milk from which a considerable portion of water has been evaporated.

Section 2. COMMISSIONER, TERM OF APPOINTMENT, SALARY, BOND, DEPUTIES. The office of state dairy commissioner is created. The commissioner shall be appointed by the governor for a term concurrent with the term of the governor appointing him. He shall execute a bond in the sum of five thousand dollars. His salary shall be three thousand dollars per annum. He shall appoint one deputy whose salary shall be two thousand four hundred dollars per annum, and he may appoint such additional deputies as he deems necessary, providing funds are available for the purpose. A deputy shall execute a bond in the sum of twenty-five hundred dollars. Any premium on the

bond of commissioner or his deputies shall be paid by the state.

Section 3. SPECIAL DAIRY INSPECTORS; POWERS. Special dairy inspectors may be appointed by the commissioner to supervise, inspect, weigh and test any dairy products in the hands of any person for any use or disposition thereof, as a result of which the same, in one form or another, may be ultimately consumed as food. Such inspector shall perform such duties and have such powers as shall be specified by the commissioner not inconsistent with the provisions of this act, and he shall be under the supervision of the commissioner.

Section 4. GENERAL POWERS AND DUTIES OF COMMISSIONER. The commissioner is empowered to enforce compliance with the provisions of this act, and where an act is required to be done by any official and no specific official is designated, the duty and power incident thereto is vested in the commissioner. The commissioner shall make rules and regulations for carrying this act into effect. The commissioner shall have such other power and duty as is provided in other parts of this act. Without limiting the foregoing prescribed powers and duties, among others, the commissioner shall inspect all places where cows are kept for dairy purposes, cream separator stations, creameries, butter, cheese or other dairy product factories, stores, warehouses, and other places where dairy products are made, stored, prepared for delivery or shipped, transported or exposed for sale, to ascertain conditions affecting the purity, wholesomeness and fitness of the products of any such place for human consumption, and file in

his office reports of such inspections. The commissioner may call upon the county health officers to make, or to assist in, such inspection, and said officers shall perform such duties. In the performance of his duties, he may require the attendance and testimony before him of witnesses, with all the powers of an officer authorized to take depositions. Any witness failing to attend and testify is subject to the same penalty as for failing to give his deposition when duly subpoenaed for the purpose. If the production of papers, books, and records relating to the matter under investigation is deemed advisable, the commissioner may apply to the superior court of any county in the state, or any judge thereof, for an order requiring the production of such papers, books and records, and if the court or judge is satisfied that said papers, books and records are pertinent to and helpful in the matter under investigation, their production shall be ordered. All complaints to the commissioner of non-compliance with, or of any violation of, any of the provisions of this act shall be made in writing and signed by the complainant and the commissioner shall not be under obligation to give consideration to complaints otherwise made.

Section 5. PRODUCER'S PERMIT. No person shall produce market milk without permit to do so. Any person holding a permit from any municipality operating under the standard milk ordinance of the U. S. bureau of public health shall be deemed as having sufficient permit for the requirements of this act. Any other person desiring to produce market milk shall, before commencing business, make written application to the commissioner for a permit. The

application shall be in such form as the commissioner may from time to time prescribe. Upon the filing of such application, it shall be the duty of the commissioner to examine the same and if from said application it appears that such person has complied with all provisions of law, a temporary permit for a period of not more than one hundred twenty days shall forthwith be issued, which shall entitle such person to produce market milk until such time as the commissioner shall have made the further inspection herein required. The commissioner, within a reasonable time, and in all events within one hundred twenty days after the receipt of the application herein mentioned, shall cause the premises and equipment where it is proposed to produce market milk to be inspected, and if such premises and equipment shall be found to meet all requirements of law the commissioner shall issue a permit entitling the person to produce market milk for the period ending December thirty-first next, providing that during said period of time said premises and equipment are maintained in such manner as to continuously comply with all laws. Said permit shall not be transferable. It shall terminate in the event of discontinuance of operation for a period of sixty days. After the first permit is issued annual permits may be issued upon compliance with the provisions of law for the period beginning January first and ending December thirty-first of each year. No fee shall be charged applicant for issuance of either the temporary or annual permit hereunder.

Section 6. DAIRY PRODUCTS DISTRIBUTOR'S LICENSE. No person shall operate a dairy products distributing plant or business

without a license so to do. Any person desiring to operate a dairy products distributing plant or business shall, before commencing such business, make written application to the commissioner for a license. The application shall be in such form as the commissioner may prescribe. Upon the filing of such application, it shall be the duty of the commissioner to examine the same and if from said application it appears that said person has complied with all provisions of law a temporary license for a period of not more than one hundred and twenty days shall forthwith be issued, which shall entitle such person to operate a dairy products distributing plant or business until such time as the commissioner shall have made the further inspection herein required. The commissioner, within a reasonable time and in all events within one hundred twenty days after the receipt of the application herein mentioned, shall cause the premises and equipment where it is proposed that said dairy products distributing plant or business shall be conducted, to be inspected and if such premises and equipment shall be found to meet all requirements of law the commissioner shall issue a license entitling the person to operate a dairy products distributing plant or business for the period ending December thirty-first next, providing that during said period of time said premises and equipment are maintained in such manner as to continuously comply with all laws. Said license shall not be transferable. It shall terminate in the event of discontinuance of operation for a period of sixty days. After the first license is issued, an annual license may be issued upon compliance with provisions of law for the period beginning

on January first and ending December thirty-first of each year. A fee of ten dollars shall be paid to the commissioner by the applicant with his application, which shall be the full fee for issuing a temporary license and the first regular license as herein provided, and thereafter a license fee of ten dollars shall be paid annually with the application.

Section 7. MILK PRODUCTS MANUFACTURER. No person shall engage in the manufacture of milk products without a license so to do. Any person desiring to engage in the manufacture of milk products shall, before commencing business, make written application to the commissioner for a license. The application shall be in such form as the commissioner may from time to time prescribe. Upon the filing of such application, it shall be the duty of the commissioner to examine the same and if from said application it appears that such person has complied with all provisions of law, a temporary license for a period of not more than one hundred twenty days shall forthwith be issued which shall entitle such person to engage in the manufacture of milk products until such time as the commissioner shall have made the further inspection herein required. The commissioner, within a reasonable time and in all events within one hundred twenty days after the receipt of the application herein mentioned, shall cause the premises and equipment where it is proposed to conduct the business of manufacturing milk products to be inspected, and if such premises and equipment shall be found to meet all requirements of law the commissioner shall issue a license entitling the person to manufacture milk products for a period end-

ing December thirty-first next, providing that during said period of time said premises and equipment are maintained in such manner as to comply with all provisions of law. Said license shall not be transferable. It shall terminate in the event of discontinuance of operations for a period of sixty days. After the first license is issued, an annual license may be issued upon the compliance with the provisions of law, beginning on January first and ending December thirty-first of each year. A fee of twenty-five dollars shall be paid to the commissioner by the applicant with his application, which shall be the full fee for issuing a temporary license and the first regular license as herein provided, and thereafter a license fee of twenty-five dollars shall be paid annually with the application.

Section 8. PRODUCER-DISTRIBUTOR AND PRODUCER-MANUFACTURER. If the producer of market milk shall handle his own products exclusively and distribute the same as market milk products therefrom and distribute the same, such person shall obtain a license as a dairy products distributor and as a manufacturer of milk products in the same manner as is herein provided for a dairy products distributor and manufacturer of milk products. A fee of ten dollars shall be paid to the commissioner by the applicant with his application, which shall be the full fee for issuing a temporary license and the first regular license, as herein provided, and thereafter a license fee of ten dollars shall be paid annually with the application.

Section 9. HANDLERS OF DAIRY PRODUCTS. At no time shall a producer, distributor

or manufacturer of dairy products allow a person, including himself, known to have a contagious, infectious or malignant disease or affliction, to handle such products or to occupy a room wherein such products shall be handled, or to actively engage in any of the operations of production, processing, manufacturing, distributing, transporting or dispensing of such products, and any person so employed shall submit to a health examination when so requested by the commissioner, without expense to the state, and at the expense of the employer. Any person violating the provisions of this section shall be guilty of a misdemeanor.

Section 10. DISTRIBUTION AND SALES REQUIREMENTS OF MARKET MILK. No market milk shall be sold other than such as shall meet all production, handling, labeling and distributing requirements as herein provided. Such milk shall be sweet, clean, unadulterated and uncontaminated, and shall contain not less than three and one-fourth per cent of butterfat, and eight and one-half per cent of milk solids not fat, and not more than three hundred thousand bacteria per cc., as determined by culture plate, such count to be determined by the average of two samples take at least twenty-four hours apart. No market milk shall be delivered to the consumer other than in the original container thereof as shall have been filled and sealed by the distributor thereof, and that shall be at a temperature in excess of seventy degrees fahrenheit at time of such delivery. No restaurant, hotel, lunch counter, boarding house, cafe, soda fountain, school or hospital shall serve milk or buttermilk other than in such original container, except that such container may be

opened and emptied in the presence of the ultimate consumer thereof. No market milk shall be sold that shall have been produced by a tubercular or otherwise unhealthy cow. Any person who shall sell, deliver or serve any market milk or buttermilk which does not meet the requirements of this section shall be guilty of a misdemeanor.

Section 11. DISEASED ANIMALS AND IMPORTATION THEREOF INTO ARIZONA; TUBERCULIN TESTING AND PHYSICAL EXAMINATION OF DAIRY HERDS. No dairy animal of any age shall be brought into this state that is infected with tuberculosis, contagious abortion or any other contagious or infectious disease. Any dairy animal brought into the state shall be accompanied with a certificate given by a duly authorized state veterinarian, showing such animal to be free from tuberculosis and negative to the blood test for contagious abortion, and free from any other contagious or infectious disease and otherwise in good health. Every owner, at his own expense, except where the expense is otherwise provided for by law, shall cause any dairy herd, from which market milk may be sold, to be tested for tuberculosis and examined for other diseases at least once a year by a licensed veterinarian, and all animals reacting to the tuberculin test shall be handled and disposed of as by law, and each animal having other diseases, excepting contagious abortion, shall be immediately removed from the herd, and no milk from any diseased cow shall be offered for sale. Such herd test and examination shall include all dairy stock, male and female, that shall be over one year of age at the time of the test.

Section 12. MARKET CREAM. All market cream shall meet the requirements as herein specified for market milk, except that the bacteria count may be five hundred thousand cc. and the "solids not fat" content therof shall not be considered, and that the butterfat content thereof shall be as follows: Cream having a butterfat content of less than eighteen per cent shall not be considered as market cream. Cream having a butterfat content of eighteen per cent or more, and less than thirty per cent shall be classed as light cream. Cream having a butterfat content of thirty per cent or more and less than forty per cent shall be classed as heavy cream. Cream having a butterfat content of forty per cent or more shall be classed as extra heavy cream.

Section 13. GOAT'S MILK. Goat's milk, when sold as market milk, shall meet all of the requirements as herein specified for cow's milk, except that the test for Malta fever shall be substituted for the tuberculin test. Goat's milk to which cow's milk has been added shall be considered as having been adulterated.

Section 14. DESIGNATING MARKET MILK BY GRADE. No person shall sell or distribute market milk or cream under any designation of grade such as "grade A" or "guaranteed A" or "certified" or any similar designation which does not meet all the requirements of the existing United States public health service standard milk ordinance from its production to delivery to the ultimate consumer. All dairies producing market milk sold under grade classification shall be inspected by the commissioner or his deputies or by a licensed veterinarian

or a licensed physician who shall first be approved for the purpose by the commissioner at least once in every four-months' period. Any inspection other than by the commissioner or his regular deputies shall be at the expense of the owner of the dairy. In all cases where the requirements of such standard ordinance shall exceed or equal those of the state dairy law such ordinance requirements shall be in effect within the jurisdiction of such communities as shall be operating under such ordinance. In all cases where the requirements of such state law shall exceed those of such standard ordinance such state law shall be in effect. All cans while in use in the transportation of milk to be sold under grades from the producer to the distributor or manufacturer or from one distributor or manufacturer to another distributor or manufacturer shall have plainly marked or stamped thereon or by tag firmly attached a letter not less than three inches tall indicating the grade of the contents thereof and in addition thereto such container shall also carry the name of identifying mark or number of the producer or distributor of such contents and the receiver thereof shall keep a record of such name, mark or number and the owner thereof. Any manufactured milk product may have the same grade, classification as the raw milk from which it shall have been produced, providing that such graded product shall be sold only in the original container or package thereof, and providing that such product shall have been produced under conditions meeting the requirements of the United States public health service standard milk ordinance as now in effect. No "grade D" milk as classified by the United States public health

service standard milk ordinance as now in effect, or cream therefrom, shall be sold for any purpose other than manufacturing milk.

Section 15. DAIRY BARN. All cows producing milk to be sold as market milk shall be milked only in such dairy barns as shall meet all requirement as herein specified for such. Such barn may be a separate building or a portion of another barn or building, in which latter case only such portion shall be considered as such dairy barn. The roof thereof shall be storm tight. Stalls or standing spaces each having a stanchion or tether for securing the cows shall be provided therein. Where cows are to be confined therein only at time of milking, an earth floor shall be approved, providing that such floor shall be kept clean and in a reasonably dry condition and free from loose earth. A separate stall or standing space shall be provided on such floor for each and every cow to be milked thereon, and such barn as shall have such floor shall have a permanently open side directly back of, and adjacent to, each and every stall or standing space thereon. A floor of wood, concrete or other similar material shall be approved in any dairy barn, providing that such floor shall be well drained and free from large cracks, crevices or holes and be considered as a portion thereof.

Section 16. CARE OF THE DAIRY BARN. No cows shall be admitted to such barn other than those which shall be secured by a stanchion or tether, and at no time shall any animal other than a cow or calf with its mother be admitted thereto. No animal excreta shall be allowed to remain on the walkways of the floor thereof

during the milking process and all such excreta shall be removed from such barn immediately after each milking period, and the floor thereof shall be cleansed at least once a day and such portions thereof as shall be inclined to remain damp or wet shall be limed, and all other interior surfaces of such barn shall be kept clean.

Section 17. SURROUNDINGS OF DAIRY BARN. The corrals adjacent to such dairy barn shall be kept free from any excessive accumulation of filth, and no manure shall be piled or stored within two hundred feet of such barn during the months of May, June, July, August, September and October. At no time shall a hog pen, privy, open cesspool or other foul smelling or fly-breeding place or condition exist within two hundred feet of such barn. All privies shall be fly-proof and kept in a sanitary condition. At no time shall other animals be allowed to occupy a corral in which cows are kept or handled in the production of market milk. Calves and bulls shall not be considered as such other animals.

Section 18. MILK PRODUCING AND HANDLING. During the milking process in the production of market milk, the milker's clothes and person shall be clean, and wet hand milking or any other unclean or unsanitary practice shall not be tolerated, and the teats and udders of all milking cows shall be free of visible dirt or filth during the milking process. All such milk shall be removed from the dairy barn to the milk room as soon as practicable and at no time shall more than ten gallons be allowed to accumulate within such barn. Such milk shall

be cooled by an approved method to a temperature of seventy degrees fahrenheit or less within two hours after the production thereof, and in all cases prior to the selling thereof. No market milk shall be cooled by the method of immersing the containers thereof in an open vat of water or any similar cooling fluid. A milk room shall be provided, wherein all such milk shall be handled. Such room shall meet all of the requirements as herein specified for a dairy products distributing plant, except that the floor thereof may be of wood or composition and such room shall be kept clean and sanitary at all times. In case such milk or milk products shall be distributed or sold directly from such dairy, then such milk room shall be considered as a dairy products distributing or manufacturing plant, as the case may be, and shall meet all of the requirements for such.

Section 19. DAIRY EQUIPMENT, UTENSILS AND CONTAINERS. No equipment, utensils or containers shall be used in the production, handling, processing, transporting, or distributing of market milk other than such as shall meet the requirements herein specified. All such equipment, utensils, or containers shall be so constructed that every surface thereof with which any dairy produce shall come in contact may be readily reached with a brush for the purpose of cleaning and no such surfaces shall be corroded, rough, cracked, chipped, battered, open seamed or worn so as to expose the base metal thereof. All such surfaces shall be of such material as will offer reasonable resistance to corrosive action. Galvanizing or untinned copper or iron shall not be approved for such surfaces. Properly processed composition wood containers

shall be approved for single use only. Standard or regulation glass milk bottles shall be approved and may have impressions, embossing or etchings thereon, but in no case shall paint or similar materials be permitted thereon. Standard or regulation milk cans shall be approved. No milk utensils having a permanently installed strainer shall be approved. Strainer discs or pads of cotton, paper or other similar material shall be approved for single use only.

Section 20. WASHING, STERILIZING AND STORING OF EQUIPMENT. All such equipment, utensils and containers shall be washed, sterilized and stored as herein specified after each use. Washing shall consist of first removing the visible foreign matter with cool or tepid water and then washing with hot water containing an approved washing compound and then rinsing in clear warm water. Sterilizing shall consist of subjecting the surface to be sterilized to a temperature of not less than two hundred twelve degrees fahrenheit for not less than one minute or subjecting such surface to a chlorine solution of a strength of not less than fifty parts of free chlorine per million for not less than ten seconds and at no time shall said solution be allowed to reach a temperature in excess of one hundred ten degrees fahrenheit. After such heat or chlorine sterilization no rinsing shall be required but such equipment, utensils or containers shall be drained and stored within a milk room or distributing or manufacturing plant and in such manner as to avoid the recontamination thereof.

Section 21. WATER SUPPLY. No such equip-

ment, utensils or containers shall be washed in water from a polluted or contaminated source. Ditch or cistern water shall not be approved for such use, and only such water as shall have been obtained from a properly protected well or spring or a community water supply system shall be so approved and all storage tanks containing water for such purposes shall be equipped with a cover such as to prevent the entrance thereto of animals, birds or insects.

Section 22. VEHICLES AND TRANSPORTATION. All vehicles used in the transportation, distribution or delivery of market milk or the empty containers used therefor shall be considered as part of the equipment of the premises from which it shall be operated. Such vehicles shall be clean and free from contaminating substances during such use, and at no time shall animals, manure, garbage, slop or any other foul smelling article or substance occupy a space therein or thereon. All vehicles used in the retail or wholesale delivery or distribution of such milk shall have printed on both sides thereof or on removable signs thereon, in letters not less than three inches tall, the name of the producer or distributor of the dairy or plant operating such vehicle, and the word "dairy" or "creamery" or some similar word or words indicating the nature of the use of such vehicle. Such word or words may be incorporated with a trade name so used. All containers of market milk shall while occupying such delivery or distributing vehicles be protected from the wind and from dust.

Section 23. DAIRY PRODUCTS DISTRIBUT-

ING PLANT. Such distributing plant shall be fly tight and shall have its outside doors so hung as not to open in. The floors shall be of concrete or other similar material that is impervious to moisture and shall be well drained and free from holes or cracks therein that might harbor filth. Such plant shall be kept clean and sanitary at all times and no unclean or unsanitary practice shall be tolerated therein. No such plant shall have an opening communicating with or into a barn or any room from which foul odors or dust might arise or any room or quarters used for domestic purposes or any room interposed between such plant and such places except that such interposed room shall be continuously ventilated and that such opening shall be equipped with a solid and self-closing door. An open space of not less than eight feet shall be accepted in place of such interposed room. Such plant shall be used for no other purpose than that of handling or storing dairy products and the equipment, utensils and containers used in connection therewith. No gas engines, compressors, water pumps, boilers or other similar equipment shall be installed within any room wherein dairy products shall be openly handled. All containers used in the transporting of milk or cream from the producer to the distributor or manufacturer shall have been washed and sterilized by such distributor or manufacturer as herein specified before being returned to such producer.

Section 24. SURROUNDINGS OF DISTRIBUTING PLANT. At no time shall a hog-pen, privy, open cesspool, manure pile or other foul smelling or fly breeding place or condition exist within two hundred feet of a dairy prod-

ucts distributing plant, and at no time shall any animals be confined or allowed to occupy a space within two hundred feet of such plant except that market-milk producing cows, while occupying a dairy barn during the milking process only shall not be so excluded.

Section 25. MANUFACTURING MILK OR CREAM. No milk or cream shall be used for manufacturing purposes other than such as shall have been produced and handled as herein specified or as follows: The barn, corral, enclosure or place wherein or whereon such milk or cream shall be produced shall be kept free from an accumulation of manure or other filth and any foul smelling or unsanitary condition therein or close to such barn, corral or place shall not be tolerated. Such milk or cream shall be produced in a clean and sanitary manner and shall be strained into cans as produced and shall be kept free of insects and other foreign matter. The utensils used in handling such products shall be washed clean after each use, sterilized by a chemical or steam, and then stored in a clean place. The utensils used shall comply with the requirements of utensils that may be used in the production of market milk as in this act specified.

Section 26. MILK PRODUCTS MANUFACTURING PLANT. Every milk products manufacturing plant shall meet all requirements as herein specified for a dairy products distributing plant as to building construction, surroundings, cleanliness, sanitation, etc., and the equipment, utensils and containers used or received therein or thereat shall meet all requirements as herein specified for use in distributing plants.

Section 27. BUTTER AND BUTTER SUBSTITUTES. No cream shall be brought into the state from any other state or country to be used in Arizona for the manufacture of butter by churning or other method, that at the time of delivery to the manufacturing plant contains acidity in excess of six-tenths of one per cent or to which any alkali, neutralizer or any other chemical or foreign substance has theretofore been added and which is not then also clean to the taste. No cream shall be used in the state for the making of butter by churning or by any other process, which at the time the same is received in Arizona at the manufacturing plant for the said use in making butter or other food products is either foamy, yeasty, curdy, putrid, mouldy, or that contains flies or other insects. No part of any shipment shall be more than two days old when delivered at the point of shipment between the months of May to October, inclusive, and three days old between the months of November to April, inclusive. Such milk or cream shall not be delivered at the point of shipment more than one hour before being shipped unless iced or otherwise kept in a cool and sanitary place free from foul odors. The butterfat content of butter shall not be less than eighty per cent and the moisture content thereof not to exceed sixteen per cent and such butter may contain a harmless coloring matter.

Section 28. CHEESE. No cheese shall be sold other than that which shall have been labeled as herein specified and the portion of such cheese whereon such label shall appear shall be the last to be dispensed or sold therefrom. Cheese produced outside of the United

States shall not be required to bear such labels as herein required for domestic cheese, except that in the event it shall be of a butterfat content of less than herein required for whole milk cheese, in which case it shall be labeled accordingly.

Section 29. WHOLE MILK OR FULL CREAM CHEESE. Cheese, the butterfat content of which shall be fifty per cent or more of the total milk solids thereof, shall be labeled as "whole milk" cheese or "full cream cheese."

Section 30. PART SKIM NO. 1 CHEESE. Cheese, the butterfat content of which shall be twenty-seven per cent or more and less than fifty per cent of the total milk solids thereof, shall be labeled "part skim No. 1".

Section 31. PART SKIM NO. 2 CHEESE. Cheese, the butterfat content of which shall be sixteen and one-half per cent or more and less than twenty-seven per cent of the total milk solids thereof, shall be labeled as "part skim No. 2".

Section 32. SKIM CHEESE. Cheese, the butterfat content of which shall be less than sixteen and one-half per cent of the total milk solids thereof, shall be labeled as "skim".

Section 33. CULTURED BUTTERMILK. Cultured buttermilk is the resultant product from the inoculation of skim milk with lactic acid organisms. It may or may not have a butterfat content.

Section 34. CHURN BUTTERMILK. "Churn

buttermilk" is milk, either sweet or sour, from which the greater portion of the butterfat has been removed as butter by the process of churning and when soured may be either cultured or natural.

Section 35. CHURNED BUTTERMILK. "Churned buttermilk" is the resultant product from the inoculation of skim milk with lactic acid organisms, which has gone through the process of churning. It must have a butterfat content of at least one per cent.

Section 36. FROZEN DAIRY PRODUCTS. Frozen dairy products may contain in addition to the food constituent thereof, a harmless coloring matter, flavoring or stabilizer, but shall not contain any unsound, rancid or spoiled ingredients whatsoever. No frozen product shall be sold which shall closely resemble any of the frozen products as herein defined, and which shall not meet with the requirements thereof, regardless of the name under which such product shall be offered for sale. Plain or extract flavored ice cream shall contain not less than ten per cent of butterfat and not less than thirty per cent total solids. Fruit ice cream shall contain not less than eight per cent of butterfat and three per cent by weight of preserved or fresh fruit or the juice thereof, and not less than thirty per cent total solids. Chocolate ice cream shall contain not less than eight per cent of butterfat and one per cent by weight of chocolate or cocoa and thirty per cent total solids. Frozen custards, parfaits, or similar products, sometimes termed "French ice cream", and similar products produced by the combining, cooking and freezing of any dairy

products and eggs or portions thereof, in any form and containing other ingredients, shall be classed as "frozen custard". Such products shall contain not less than ten per cent of butterfat and shall be labeled as such product. Frozen milk is any frozen product, the principal ingredient of which is milk, and which shall contain less butterfat than is herein required for ice cream and such product shall in no case contain less than five per cent butterfat, except fruit frozen milk and chocolate; which must contain not less than four per cent butterfat. Every sales container of such product shall be labeled "frozen milk" and all establishments serving such product by the dish or cone or in a similar manner to the general public, shall display a placard bearing the inscription "Frozen milk sold here", in letters not less than two inches tall, and within plain view of, and at an easily readable distance from the customer to be served with such product. Ices, sherbets and other similar frozen products containing water as the principal ingredient thereof may contain a small amount of dairy products as stabilizer or to improve the texture thereof, in which case such product shall not be considered as a dairy product, providing that it shall not be labeled or sold as such or in imitation thereof.

Section 37. LABELING OF DAIRY PRODUCTS. The state dairy commissioner is hereby authorized and directed to procure and issue to the manufacturers of creamery butter within the state, and under such regulations as to the custody and use thereof as he may prescribe a uniform brand bearing a suitable device or motto, and the words "Arizona state brand No.....".

Every brand issued shall be used on the wrapper of, and on the outside of, every package of butter manufactured in Arizona from cream, and shall contain a different number for each separate manufacturer, and for each separate brand, and the commissioner shall keep a book in which shall be registered the name, location and number of each manufacturer using the said brand, or brands. It shall be unlawful to use or permit such brand to be used upon any butter or packages or wrappers containing butter other than upon butter manufactured in Arizona from cream. No dairy products shall be sold, other than such as shall have been labeled as herein specified. All such products when sold shall have the container thereof plainly and legibly labeled as to the contents thereof, the grade or class, if any, the name of the manufacturer and whether produced within or without the state. Cheese shall in addition thereto be so labeled on the cheese itself or on the bandage thereof except as herein specified. Package cheese, when dispensed as such, may be so labeled on the package only. Market milk when labeled as milk, pure milk, whole milk and similar terms shall imply raw cow's milk. All pasteurized milk, recombined milk, skim milk, goat's milk, or buttermilk, or any other dairy product that shall resemble, but differ from such raw cow's milk shall be plainly and legibly labeled as such in letters that shall be as large and readable as any other letters on such label, except that a single letter indicating a grade shall not be considered in such comparison. A glass milk bottle shall be considered as having been properly labeled only when the cap thereon shall bear such information as here-

in required. When double capped, the top cap shall bear such required information. A composition or paper milk bottle may have such information printed thereon or on a label securely pasted thereon or on the cap thereof. A metal dairy products container may have such information printed, painted, stamped or embossed thereon or on a tag or label securely attached thereto. Milk while in transit from producer to distributor or manufacturer shall not be considered as coming under the above ruling except as specified under graded milk. Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

Section 38. MISBRANDING. Any dairy product displaying upon the label thereof or by reference, placard or advertisement, any symbol, letter, figure or word or combination thereof, indicating or suggesting that such product is of a grade, class, quality or composition other than its true grade, class, quality or composition, or that shall not have been labeled as herein required for such, is misbranded. The name of a breed of cattle may be used in reference to milk products or may be incorporated within the name of a dairy or distributing or manufacturing plant only when the milk so named or the milk from which such product shall have been made shall have been produced by a herd or herds of cattle predominating in the blood of the breed so claimed. Failure to so comply is misbranding.

Section 39. TRADE NAMES. No person shall use for any purpose whatsoever, a dairy products container bearing registered trade name, mark or symbol of a person other than

himself, except that such name, mark or symbol shall have been legally acquired. No person shall, without the written consent of the person whose name, initial, trade name or other designated mark appears on any bottle or dairy product container, refill the same for the purpose of sale. Any dairy products producer, distributor or manufacturer may secure the right to exclusive use of a name, mark, or symbol by recording the description thereof with the county recorder of the county or counties wherein he shall desire such exclusive use and by filing the description thereof with the commissioner and obtaining from him a certificate that such name has not already been exclusively acquired by another. Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

Section 40. TESTING OF MILK AND CREAM; LICENSING OF TESTERS. (a) No person shall be permitted to test milk or cream for the purpose of determining the butterfat content thereof, when the results of such test shall determine the purchase of sales value of the legal standard of such product, unless such tester shall have a state tester's license therefor. Such license may be obtained from the commissioner by presenting a certificate of proficiency, except as herein specified, and on payment of the required license fee therefor, which shall be five dollars. Such license shall entitle such tester to so engage within the state for the balance of the current calendar year. Such license shall be renewed each year thereafter, so long as such tester shall so engage. The fee for renewal shall be one dollar and fifty cents and shall be due and payable on January first

of each year and delinquent on February first of the same year, on and after which date any unrenewed license shall be void. (b) A certificate of proficiency may be obtained only from the department of dairy husbandry of the state university. The applicant therefor shall personally appear before that department or an official representative thereof and submit to such written examination and conduct such demonstration of laboratory technique as shall be required by such department or representative, who shall issue such certificate in case the applicant displays the proficiency required therefor. A tester's license from a state other than Arizona shall be accepted from the person named thereon in place of such certificate of proficiency, provided that such tester shall have been actively engaged in such occupation under such license for a period of not less than ninety days and shall furnish due proof thereof. (c) All test samples of milk or cream shall be taken in such manner as shall insure a fair and average sample thereof. Such sample shall then be cared for or preserved in such manner as to insure an accurate test being made thereof. Composite samples shall be preserved with a suitable preservative, in which case a coloring matter shall be added thereto. All samples shall be retained in good testing condition, for not less than forty-eight hours after completing the test thereof, and shall be subject to retest by the commissioner. The stirring rod shall be kept in chlorine solution between samples. Sample bottles shall have either screw tops or rubber stoppers. A copy of the test results of all samples shall be deposited immediately after such test, in a lock-box so constructed that such

records cannot be readily removed therefrom, except by the commissioner, who shall supply the lock therefor and retain all keys for such lock. (d) In conducting the Babcock test for butterfat, the sample to be so tested shall have all the lumps or curd therein thoroughly dissolved before measuring or weighing the charge sample thereof into the test bottle. Such measuring or weighing shall be done in a careful and accurate manner. The acid used in such test shall be of the proper strength and free of sediment or suspended particles of foreign matter. At the time of adding such acid, the charge sample shall be at a temperature of between fifty and seventy degrees fahrenheit. Milk samples shall be centrifuged for five minutes, two minutes and one minute. Cream samples may have the one minute run omitted: 12 inch diameter, 925 to 1,000; 14 inch diameter, 875 to 925; 16 inch diameter, 825 to 875; 18 inch diameter, 775 to 825; 20 inch diameter, 725 to 775; 22 inch diameter, 700 to 750; 24 inch diameter, 675 to 725. After centrifuging, the test bottles shall be placed in a water bath of sufficient depth to completely submerge the fat columns therein, and of a temperature of between one hundred thirty to one hundred forty degrees fahrenheit for not less than ten minutes immediately preceding the reading of such test. The fat column shall be clear at time of such reading, and an approved oil reader shall be used in the reading of all cream tests. (e) Standard eight per cent milk bottles shall be approved for such use. Only standard long neck nine or eighteen gram fifty per cent cream test bottles shall be approved. Standard seventeen and six-tenths millimetre pipettes shall be approved

only for use in testing milk. All test charges of cream samples shall be weighed on scales, the sensitivity of which shall be not more than thirty milligrams and the standard weights shall be nine grams and eighteen grams. All test bottles, while in use as such, shall have been tested for accuracy by the commissioner and shall have the letter "A" etched thereon as a guarantee of his approval. Such milk test bottles as shall show an inaccuracy in excess of one-tenth of a one per cent division on the scale of such bottle shall be rejected. A fee of one dollar shall be charged by the state for each dozen such bottles so tested and etched.

Section 41. PREPARED MILK STANDARD OF COMPOSITION. The standard of composition of condensed, evaporated or concentrated milk shall be that proclaimed and established, from time to time, by the secretary of the United States department of agriculture. Condensed, evaporated of concentrated skim milk is skim milk from which a considerable portion of water has been evaporated, and which contains not less than eighteen per cent of milk solids. Skim milk, as herein used, is defined as milk from which a part or all of the cream has been removed and contains not less than eight and eight-tenths per cent of milk solids. It shall be unlawful for any person, by himself, or as the servant or agent of another, to manufacture, sell, exchange, or have in possession with intent to sell or exchange, any milk, cream, skim milk, buttermilk, condensed or evaporated milk, powdered milk, condensed skim milk, or any of the fluid derivatives of any of them to which has been added any fat or oil other than milk fat, either under the name of said products, articles

or the derivatives thereof, or under any fictitious or trade name whatsoever; provided, that the fat naturally contained in chocolate and not separated therefrom is hereby declared not to be a fat or oil within the meaning of this act; and provided, further, that the addition to the products commonly known as condensed skim milk, condensed buttermilk, or semi-solid buttermilk of not more than five per cent of pure cod liver oil shall not be deemed to be a violation of the provisions of this act, so long as the resultant product shall be sold for poultry or stock feed; and provided, further, that said product shall not be sold, offered for sale, or kept on hand for sale for human consumption. It shall be unlawful for any person, by himself or as the servant or agent of another, to sell or exchange, or expose for sale or exchange, or have in possession with intent to sell or exchange, any condensed or evaporated skim milk in containers smaller than a "number ten can". All hermetically sealed containers containing condensed or evaporated skim milk must bear the name and address of the manufacturer, distinctly branded, indented, labeled or printed thereon, together with the words "condensed skim milk" in Roman letters of a size at least as large as any other words or letters appearing on said brand, indentation or label. Any person violating any of the provisions of this section is guilty of a misdemeanor.

Section 42. EVIDENCE. In all actions and proceedings, civil or criminal, that may arise by virtue of the provisions of this act and by virtue of the provisions of any law not by this act repealed, if it shall be determined that any manufacturer or distributor has manufactured

or disposed of a greater quantity of a given higher grade of products than has been purchased or otherwise acquired as such by such manufacturer or distributor, it shall be prima facie evidence of a violation of the law.

Section 43. COOPERATIVE TESTING. If at any time a producer or a number of producers and a distributor or manufacturer, jointly, request the commissioner to appoint, without expense to the state, and at the expense of the petitioners, or one or more of them as designated in the petition, a tester to test in the distributing plant or manufacturing plant the butterfat content of the producer's product, the commissioner shall forthwith make such an appointment. Tests made by such official tester, shall be binding upon the parties in interest, except that upon notice given to the commissioner by any interested petitioner of his decision not to be thereafter bound by any tests made by the official tester he shall automatically be relieved therefrom and from all responsibilities connected therewith.

Section 44. MONEYS RECEIVED BY COMMISSIONER. Any moneys paid to the commissioner pursuant to law shall be paid into the state treasury.

Section 45. ATTORNEY GENERAL AND COUNTY ATTORNEYS. It shall be the duty of the attorney general and of the county attorney of each county in the state, and each of their assistants and deputies, to advise the commissioner upon request in the performance of his duties, and such mentioned officials shall institute and prosecute to conclusion all civil or

criminal actions arising under the provisions of this act when the facts justifying such civil or criminal action are brought to their attention, either by the commissioner or any other person.

Section 46. FALSE TESTS OR WEIGHTS. It shall be unlawful for any person purchasing dairy products on the basis of butterfat content or weight, to report false test or weight or settle or pay for such products on any other basis than the actual test or weight. Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

Section 47. SALE OF ADULTERATED OR MISBRANDED PRODUCTS AND DENATURING. No person shall produce, sell, offer or expose for sale or have in his possession with intent to sell, any dairy products which are adulterated or misbranded. The commissioner shall immediately denature with rennet or some harmless coloring matter any dairy products misbranded with respect to grading or sold without a permit.

Section 48. GRANTING AND REVOKING OF PERMITS. The commissioner shall grant permits or licenses as herein authorized. The commissioner may revoke any permit or license previously granted for a repeated violation of the provisions of this act, after written notice from the commissioner to the person of the provision violated.

Section 49. CONTAINERS. Any person purchasing dairy products in cans, with or without jackets, which cans and jackets are to be reused for refilling and re-delivery of dairy products, shall, when the cans and jackets have been

emptied, promptly thereupon have the same thoroughly cleansed, rinsed in clean water and dried.

Section 50. DESTRUCTION OF COMPETITION. No person, firm or corporation engaged in the business of buying milk, cream or butterfat for the purpose of manufacture, either by himself or another shall with the intention of destroying or injuring the business of a competitor or restraining in any manner an open competition in said business, discriminate between the different sections, localities, communities or cities of this state by purchasing or offering to purchase such commodity at a higher price in any one locality than is paid or offered for the same commodity by such person, firm or corporation in any other locality, after making due allowance for the difference, if any, in the grade or quality of the commodity or conditions locally affecting its production and in the actual cost of transportation from the place of purchase to the place of manufacture, sale or storage. Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

Section 51. STANDARD WEIGHTS OF BUTTER PACKAGES. Butter, when sold, offered or exposed for sale in paper containers to the retail trade, shall be in packages of one-quarter pound, one-pound, or two-pound packages, net, standard avoirdupois weight, no tolerance in deficiency being allowed. Any person violating the provision of this section shall be guilty of a misdemeanor.

Section 52. OFFENSES AND PENALTY.

Any person who shall produce market milk without permit so to do; or who shall operate a dairy products distributing plant or business without a license so to do; or who shall engage in the manufacture of milk products without a license so to do; or who shall bring, or cause to be brought into the state of Arizona, any dairy animal of any age, that is infected with tuberculosis, contagious abortion, or any other contagious or infectious diseases, or who shall bring, or cause to be brought into the state of Arizona, any dairy animal without a certificate given by a duly authorized state veterinarian, showing such animal to be free from tuberculosis and negative to the blood test for contagious abortion, and free from any other contagious or infectious disease, and otherwise in good health; or who shall sell or distribute market milk under any designation of grade, such as "grade A" or "guaranteed A", or any similar designation, which does not meet all the requirements of the existing United States public health service standard milk ordinance, from its production to delivery to the ultimate consumer; or who shall use any cans in the transportation of milk to be sold under grades from the producer to the distributor or manufacturer or from one distributor or manufacturer to another distributor or manufacturer, which cans shall not have plainly marked or stamped thereon or by tag firmly attached, a letter not less than three inches tall indicating the grade of the contents thereof, and which cans shall not also carry the name or identifying mark or number of the producer or distributor of such contents; or who shall sell any manufactured milk product in other than the original container or package thereof; or

who shall sell any "grade D" milk, as classified by the United States public health service standard milk ordinance, as now in effect, or any cream therefrom, for any purpose other than manufacturing milk; or who shall bring into the state from any other state or country, to be used in Arizona, for the manufacture of butter, by churning or other method, any cream that at the time of delivery to, the manufacturing plant contains acidity in excess of six-tenths of one per cent or to which cream alkali, neutralizer or any other chemical or foreign substance has theretofore been added, and which is not then also clean to the taste; or who shall use for the making of butter, by churning or by any other process, any cream or milk which at the time the same is received in Arizona at the point of shipment for said use in making butter, or milk products that is foamy, yeasty, curdy, putrid, mouldy, contains flies or other insects and that is older than two days between the months of May to October, inclusive, or three days old between the months of November to April, inclusive, when delivered at the point of shipment more than one hour before departure by train or truck, unless iced or kept in a cool sanitary place free from foul odors; or who shall sell, or cause to be sold, any frozen product, which shall closely resemble any of the frozen products as defined in this act, unless such product has the equivalent in butterfat content to such frozen product so imitated as required in this act, regardless of the name under which such product shall be sold or offered for sale; or who shall sell, or offer for sale, any plain or extract-flavored ice cream, which shall contain less than ten per cent butterfat and less

than thirty per cent total solids; or who shall sell, or offer for sale, any fruit ice cream, containing less than ten per cent of butterfat and three per cent by weight of preserved or fresh fruit or the juice thereof, and less than thirty per cent total solids; or who shall sell, or offer for sale, any chocolate ice cream containing less than ten per cent of butterfat and less than one per cent by weight of chocolate or cocoa and less than thirty per cent total solids; or who shall sell, or offer for sale, any frozen custards, parfaits, or similar products sometimes termed "French ice cream", which contains less than ten per cent of butterfat and are not labeled as such products; or who shall sell, or offer for sale, any frozen milk, as defined in this act, which shall contain less than five per cent of butterfat and which is not labeled "frozen milk"; or who shall sell, or offer for sale, such frozen milk by the dish or cone or in similar manner to the general public, without displaying a sign or placard bearing the inscription "frozen milk sold here", in letters not less than two inches tall and within plain view of and at an easily readable distance from the customer to be served with such product; or who misbrands any dairy products as defined in this act; or who shall produce, sell, offer or expose for sale, or have in his possession with intent to sell, any dairy products which are adulterated or misbranded, shall be guilty of a misdemeanor.

Section 53. REPEATED OFFENSES. Each and every violation of the penal provision of this act shall constitute a separate offense.

Section 54. UNCONSTITUTIONALITY CLAUSE. Should any section, paragraph, sen-

tence, clause or phrase of this act be declared unconstitutional or invalid for any reason, the remainder of said act shall not be affected thereby.

Section 55. REPEAL. Chapter 17, Revised Code, 1928, and all laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved March 16th, 1931.

CHAPTER 83.

(Senate Bill No. 66)

AN ACT

FOR THE RELIEF OF LESCHER & MAHONEY.

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

Section 1. There is hereby appropriated out of any moneys in the general fund not otherwise appropriated, the sum of one thousand eight hundred sixty-six dollars and nine cents, for the relief of Lescher & Mahoney, architects. The said sum, when paid, shall be in full and complete satisfaction of all claim of said Lescher & Mahoney against the state, for services rendered and moneys expended on behalf of the state as architects in connection with the building of the national guard camp near Flagstaff, Arizona, prior to December 31, 1930.

Section 2. The state auditor is hereby authorized to draw his warrant in conformity with the provisions of this act and the state treasurer is directed to pay the same.

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

Approved March 17th, 1931.

CHAPTER 84.

(House Bill No. 248)

AN ACT

GIVING AUTHORITY TO THE COURTS OF THIS STATE, WHENEVER IN ANY PROCEEDINGS TO ENFORCE A STATE STATUTE OR ADMINISTRATIVE ORDER THE DEFENSE IS MADE THERETO THAT SUCH STATUTE OR ORDER IS UNCONSTITUTIONAL, PENDING THE DETERMINATION THEREOF, TO STAY ALL OTHER PROCEEDINGS TO ENFORCE SUCH STATUTE OR ORDER; GIVING AUTHORITY, WHENEVER A SUIT IS BROUGHT IN THE UNITED STATES DISTRICT COURT TO RESTRAIN THE ENFORCEMENT OR ADMINISTRATION OF A STATE STATUTE OR ADMINISTRATIVE ORDER, TO BEGIN A SUIT IN THE SUPERIOR COURT OF THE STATE TO ENFORCE SUCH STATUTE OR ADMINISTRATIVE ORDER, AND PROVIDING FOR STAY OF ALL OTHER PROCEEDINGS TO ENFORCE SUCH STATUTE OR ADMINISTRATIVE ORDER PENDING THE DETERMINATION OF SAID SUIT IN THE SUPERIOR COURT; PROVIDING FOR THE EXPEDITING OF SAID PROCEEDING OR SUIT IN THE STATE COURT.

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

Section 1. Whenever any proceeding is begun in any court in this state for the purpose of enforcing any statute or administrative order of

this state, and in defense thereto the contention is made that said statute or administrative order is unconstitutional and invalid, the court in which such proceeding is begun may grant a stay of all other proceedings under such statute or order by any state officer or officers, pending the determination of this proceeding and such proceeding and any appeal therefrom shall be given precedence and in every way expedited, and shall be assigned for hearing at the earliest practicable day.

Section 2. Whenever a suit praying for an interlocutory injunction shall have been begun in a Federal District Court to restrain any official or officials of this state from enforcing or administering any statute or administrative order of this state, or to set aside or enjoin such statute or administrative order, any defendant in such suit, or the attorney general of the state, may bring a suit to enforce such statute or order in the superior court of the state at any time before the final hearing on the application for an injunction in the suit in the Federal Court, and jurisdiction is hereby conferred upon the superior court of this state, and on the supreme court on appeal, to entertain such suit, and the superior court shall, when such suit is brought, grant a stay of proceedings by any state officer or officers under such statute or order, pending the determination of such suit in the courts of the state. The superior court shall, upon the bringing of such a suit therein, at once cause a notice thereof, together with a copy of the stay order by it granted, to be filed in the Federal District Court in which the action was originally begun. The suit in the Superior court, and any appeal therefrom, shall be given prece-

dence and in every way expedited, and shall be assigned for hearing at the earliest practicable day.

Approved March 17th, 1931.

CHAPTER 85.

(House Bill No. 262)

AN ACT

FOR THE RELIEF OF D. M. COOMBS, OF TUCSON, ARIZONA, IN THE SUM OF ONE HUNDRED NINE DOLLARS AND NINETEEN CENTS.

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

Section 1. The county of Pima is hereby authorized to pay out of the general fund of the county of Pima, payable to D. M. Coombs, a citizen of the city of Tucson, county of Pima, on account of his community interest in taxes paid on real property owned by him under contract of sale, for the year 1930, and which said real property is and was exempt from taxation under the provisions of paragraph 4, Sec. 3066, Revised Code, 1928, pertaining to property exempt from taxation of honorably discharged soldiers, etc., which said taxes were paid by him, under protest, on August 21, 1930, amounting, together with penalties and costs, to the sum of one hundred nine dollars and nineteen cents.

Section 2. Under the passage of this act and its approval by the governor, the treasurer of Pima county, State of Arizona, with authority of the board of supervisors, is hereby authorized and instructed to draw a warrant in the sum of one hundred nine dollars and nineteen cents in favor of said D. M. Coombs.

Approved March 17th, 1931.

CHAPTER 86.

(House Bill No. 81)

AN ACT

TO PROVIDE FOR THE INCORPORATION OF CITIES AND TOWNS.

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

Section 1. Sec. 367, Revised Code, 1928, is hereby amended to read as follows:

Sec. 367. PROCEEDINGS FOR INCORPORATION. Whenever two-thirds of the real property taxpayers residing in any city or town, containing a population of five hundred or more inhabitants, shall petition the board of supervisors, setting forth the metes and bounds of such city or town, and the name whereby such petitioners desire to be incorporated, and praying for the incorporation of such city or town, and the board shall be satisfied that two-thirds of the real property taxpayers residing in such

city or town have signed such petition, it shall, by an order to be entered of record, declare such city or town incorporated. Whenever ten per centum of the real property taxpayers residing in any city or town containing a population of five hundred or more inhabitants shall in like manner petition the board of supervisors, praying for the calling of an election, the board shall within sixty days after the filing of said petition call such election, and only real property taxpayers who shall also in all respects be qualified electors of the state and of said city or town, shall vote thereat. If a majority of the real property taxpayers voting at said election shall vote for incorporation, then the board of supervisors shall, by an order to be entered of record, declare such city or town incorporated. By whichever proceeding the incorporation of such city or town shall have been accomplished, such order shall designate the name of the city or town, and the metes and bounds thereof, and thereafter the inhabitants within the area so defined shall be a body politic and corporate, by the name designated.

Approved March 17th, 1931.

CHAPTER 87.

(House Bill No. 140)

AN ACT

PERTAINING TO LIENS AND STATUS OF LIEN CLAIMANTS.

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

Section 1. Sec. 2033, Revised Code, 1928, is hereby amended to read as follows:

Sec. 2033. ACTION WITHIN SIX MONTHS TO FORECLOSE. No lien created by this article shall continue for a longer period than six months after the filing thereof for record, unless action be brought within such period to enforce the same. If a lien claimant be made a party defendant to an action brought by another lien claimant, the filing within such period of six months of an answer or cross complaint asserting the lien shall be deemed the commencement of an action within the meaning of this section.

Section 2. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved March 17th, 1931.

CHAPTER 88.

(Senate Bill No. 87)

AN ACT

TO PROVIDE FOR FURTHER SURVEYS AND INVESTIGATIONS TO DETERMINE THE BEST METHODS AND MEANS OF UTILIZING THE WATERS OF THE GILA RIVER AND ITS TRIBUTARIES ABOVE THE SAN CARLOS RESERVOIR.

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

Section 1. For the purpose of making further surveys and investigations to determine the best methods and means of utilizing the waters of the Gila river and its tributaries above the San Carlos reservoir in Arizona and New Mexico, the sum of ten thousand dollars or so much thereof as may be needed is hereby appropriated out of the general fund. No part of the sum hereby appropriated shall be expended except in cooperation with the secretary of the interior of the United States, and shall be expended only in the event that an appropriation of not less than a like amount is made available for the same purpose by the United States or the state of New Mexico.

Section 2. The state water commissioner of Arizona is hereby designated as the proper officer to cooperate with the United States and the state of New Mexico in making the surveys and investigations authorized herein, and he is authorized to enter into such necessary agree-

ments with the United States and the state of New Mexico for the purpose of carrying out the provisions of this act.

Section 3. The state auditor is hereby authorized to draw warrants for claims approved by the state water commissioner in not to exceed the sum hereby appropriated, and the state treasurer is authorized to pay the same.

Section 4. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved March 17, 1931.

CHAPTER 89.

(Senate Bill No. 110)

AN ACT

RELATING TO REIMBURSEMENT OF COUNTIES FOR COST OF TRIALS AND HEARINGS OF PRISONERS INCARCERATED IN THE STATE PRISON; AND TO REIMBURSE THE COUNTY OF PINAL FOR MONEYS EXPENDED IN THE TRIALS AND HEARINGS OF SUCH PRISONERS.

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

Section 1. Sec. 4541, Revised Code, 1928, is hereby amended to read as follows:

Sec. 4541. REIMBURSING COUNTY FOR

EXPENSE OF TRIAL. Whenever a trial shall be had of a prisoner in the state prison for any crime committed therein, the clerk of the court in which such trial is had shall prepare an itemized claim against the state for the court costs, exclusive of attorneys' fees, incurred by the county for such trial, and the cost of guarding and keeping such prisoner, which claim shall be certified by the judge of said court and sent to the board of directors of state institutions for approval. Upon such approval the board shall file the claim with the state auditor and shall be paid out of the appropriation for the support of the said prison to the county treasurer of the county where such trial was had.

Section 2. For the reimbursement of the county of Pinal for moneys heretofore expended in the trials and hearings of prisoners incarcerated in the state prison, the sum of two thousand two hundred seventeen dollars and fifty cents is hereby appropriated out of the general fund.

Section 3. Said sum, when paid, shall be in full satisfaction of the claim of the county of Pinal for expenses heretofore incurred in the trials and hearings of prisoners incarcerated in the state prison.

Section 4. The state auditor is authorized to draw his warrant in the said sum, in favor of Pinal county, and the state treasurer is authorized to pay the same.

Section 5. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved March 17, 1931.

CHAPTER 90.

(Senate Bill No. 65)

AN ACT

FOR THE RELIEF OF ELECTRICAL DISTRICT NO. 2, PINAL COUNTY, STATE OF ARIZONA.

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

Section 1. For the purpose of paying and satisfying that certain judgment rendered in the Superior Court of Pinal County, July 23, 1927, against the State of Arizona and in favor of Electrical District No. 2, Pinal County, State of Arizona, in the sum of five hundred thirty-eight dollars and thirteen cents, and of paying and satisfying the further claim of said Electrical District Number 2, in the sum of one thousand, one hundred twenty-nine dollars and fifty-seven cents, both said judgment and said further claim being on account of furnishing electrical transmission service for the state prison farm from and including the year 1924 to and including the year 1928, the sum of one thousand, six hundred sixty-seven dollars and seventy cents is hereby appropriated out of any monies in the general fund not otherwise appropriated.

Section 2. Upon the filing in the office of the clerk of the superior court of Pinal County of a satisfaction of the aforesaid judgment, and the filing with the state auditor of a complete satisfaction of all claims or demands against the

state on account of the furnishing of electrical transmission service for the prison farm during the years aforesaid, the state auditor is authorized and directed to approve the claim and draw his warrant in favor of Electrical District No. 2, Pinal County, State of Arizona, in the said sum of one thousand, six hundred sixty-seven dollars and seventy cents, and the state treasurer is directed to pay the same.

Section 3. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved March 17, 1931.

CHAPTER 91.

(Senate Bill No. 125)

AN ACT

TO PROVIDE FOR THE APPOINTMENT OF CERTAIN OFFICERS, AND FIXING THEIR SALARIES.

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

Section 1. Sec. 2929, Revised Code, 1928, is hereby amended to read as follows:

Sec. 2929. OFFICERS; APPOINTED BY GOVERNOR; SALARIES. The governor shall be ex-officio president of the board, and as such shall appoint the following officers, who shall

receive the annual salary named herein, and perform the duties prescribed by law and by the board: A resident physician for the hospital for the insane, who has practiced his profession for not less than four years, at three thousand six hundred dollars; a superintendent of the industrial school, at three thousand dollars; an assistant superintendent of said school at eighteen hundred dollars; a superintendent of the home for aged and infirm Arizona pioneers, at three thousand dollars; a superintendent of the state prison, at three thousand six hundred dollars; an assistant superintendent or turnkey of the prison, whose duties shall be prescribed by the superintendent and the board, and who shall during the absence of the superintendent from the prison perform the duties of the superintendent, at twenty-four hundred dollars; a secretary for the state prison, a physician for the prison, and a parole clerk for the state prison, who shall be the clerk of the board of pardons and paroles, at two thousand dollars each.

Section 2. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved March 17, 1931.

CHAPTER 92.

(House Bill No. 95)

AN ACT

TO PROVIDE ADDITIONAL FUNDS TO PAY SALARIES OF JUDGES OF THE SUPERIOR COURTS.

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

Section 1. There is hereby appropriated out of the general fund of the state of Arizona, from any moneys not otherwise appropriated, the sum of five thousand nine hundred ten dollars, to cover a deficiency in the appropriation for salaries of judges of the superior courts for the fiscal year 1930-1931; provided, that this act shall not permit the payment of any money for services rendered before December 4, 1930.

Section 2. The state auditor is authorized and directed to draw his warrants not to exceed the sum of five thousand nine hundred ten dollars, in favor of the judges of the superior courts, and the state treasurer is authorized to pay the same.

Approved March 17, 1931.

CHAPTER 93.

(House Bill No. 96)

AN ACT

MAKING AN APPROPRIATION TO PAY SALARIES OF JUDGES OF THE SUPREME COURT.

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

Section 1. There is hereby appropriated out of any money in the general fund not otherwise appropriated, the sum of forty-one hundred dollars or so much thereof as may be necessary to cover a deficiency in the appropriation for salaries of judges of the supreme court for the fiscal year 1930-1931, provided, that this act shall not permit the payment of any money for services rendered before December 4, 1930.

Section 2. The state auditor is authorized and directed to draw his warrants not to exceed the sum of forty-one hundred dollars in favor of the judges of the supreme court and the state treasurer is authorized to pay the same.

Approved March 17, 1931.

CHAPTER 94.

(House Bill No. 97)

AN ACT

MAKING A DEFICIENCY APPROPRIATION FOR SALARIES OF MEMBERS OF THE CORPORATION COMMISSION.

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

Section 1. There is hereby appropriated out of the general fund from any money not otherwise appropriated, the sum of nine hundred seventy dollars, or so much thereof as may be necessary to provide for a deficiency in the appropriation for salaries of members of the corporation commission for the fiscal year 1930-1931. This act shall not be construed as to permit the payment of any salary or wage for services rendered prior to December 4, 1930.

Section 2. The state auditor is authorized and directed to draw his warrants not to exceed the sum of nine hundred seventy dollars, in favor of the members of the corporation commission, and the state treasurer is authorized to pay the same.

Approved March 17, 1931.

CHAPTER 95.

(Senate Bill No. 126)

AN ACT

FOR THE RELIEF OF THE O. S. STAPLEY COMPANY.

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

Section 1. For the relief of the O. S. Stapley Company, the sum of fifty-nine dollars and fifty-five cents, is hereby appropriated out of the general fund.

Section 2. Said sum, when paid, shall be in full satisfaction of the claim of said O. S. Stapley Company, against the state of Arizona, for supplies furnished the Arizona state prison during the year 1928.

Section 3. The state auditor is authorized to draw his warrant in the said sum, in favor of the O. S. Stapley Company, and the state treasurer is authorized to pay the same.

Approved March 17, 1931.

CHAPTER 96.

(House Bill No. 211)

AN ACT

RELATING TO CERTAIN POWER DISTRICTS.

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

Section 1. WHEREAS, the Fourth Legislature of the State of Arizona at its regular session adopted chapter 173, Session Laws, 1919, entitled "An act to provide for the organization of power districts; defining their powers; providing for the levy and collection of taxes for district purposes; and creating a lien upon the real property thereof for taxes assessed and providing for the enforcement and collection of such taxes by the sale of the property assessed," and

WHEREAS, said act duly became a law of the State of Arizona, and

WHEREAS, certain power districts were organized in pursuance of said act, and are now operating under the provisions of said act, and

WHEREAS, said act was not included in the Revised Code, 1928, and doubt has arisen as to whether such districts have the right to continue to operate after the omission of said act from said Revised Code,

NOW, THEREFORE, IT IS HEREBY DECLARED that all power districts organized under and in pursuance of the above mentioned

chapter 173, Session Laws, 1919, and are now operating under and in pursuance of said act, are valid and existing districts and possess and have the right to exercise all powers prescribed in the above mentioned act in all respects as if said act had been included in the Revised Code, 1928.

Section 2. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved March 18th, 1931.

CHAPTER 97.

(House Bill No. 208)

AN ACT

RELATING TO GAME AND FISH PRESERVATION.

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

Section 1. Sec. 4, chapter 84, Session Laws, 1929, is hereby amended to read as follows:

Sec. 4. GENERAL POWERS AND DUTIES OF COMMISSION. The commission shall meet at the capitol within thirty days after this act takes effect and organize, and thereafter at least one meeting shall be held annually, other meetings may be held at the call of the chairman or of a majority of the commission. The

commission shall make such rules and regulations and establish such services as it may deem necessary to carry out the provisions and purposes of this act.

The commission shall have charge, control, and management of the propagation and distribution of wild birds, wild animals, and fish. It shall have the conduct and control of all hatching stations and game farms owned, operated, or hereafter acquired by the state, may issue permits and licenses to persons to operate game farms and fish hatcheries, regulate the same and revoke such permits or licenses for noncompliance with its orders. It shall have charge of the enforcement of all laws for the protection of wild birds, wild animals and fish. It shall have the exclusive power to expend for the protection, preservation, or propagation of game birds, game animals, and fish, all funds of the state acquired for the protection, preservation, or propagation of birds, animals, or fish, arising from appropriations, licenses, gifts, or other sources. It may in the name of the state, with the approval of the governor, acquire by purchase, gift, or condemnation, lands and water for the use as fish hatcheries or game farms, and areas suitable for game refuges, hunting ground, or for any other purpose necessary to carry out the provisions of this act. It may purchase animals, birds, and fish and fish spawn or eggs for the purpose of stocking public lands and waters of the state, and sell fish fry and fingerlings to stock private waters, and may take at any time in any manner animals, birds' eggs, fish and eggs and milt of fish for propagation and restocking purposes, or for use at a state game farm or fish hatchery.

The commission may by order close, shorten, or alter the open season or bag limits prescribed by this act for any species of game animal, game bird, or game fish whenever it has good reason to believe that such species of animal, bird, or fish is threatened by depletion or requires additional or other protection than that specifically afforded by the provisions of this act; such order may be made to apply throughout the state, or to a particular part thereof, or to a particular stream or lake or part thereof. The commission may establish and open refuges and safe sanctuaries in which game, fur bearing animals, and birds may breed and replenish adjacent areas, and may designate certain areas as rest grounds, for migratory birds, in which hunting shall be forbidden or restricted at such times as the commission may designate, endeavoring as much as possible to establish small refuges rather than large preserves, not to close large areas to hunting, nor to interfere unnecessarily with the hunting of migratory birds, but to provide havens in which they can rest and feed without molestation. The preceding sentence shall not apply to the Blue Range game preserve until two years after the effective date of this act. The commission may remove or permit to be removed from public or private waters fish which hinder or prevent the propagation of game or food fish, and fish so taken may be disposed of in such manner as it may designate.

No person shall plant any game fish or other fish, fish fry, or spawn in any of the bodies of water in the state, nor introduce nor liberate any game birds or game animals, or any other wild animals, on the lands or in the coverts of the state without the written consent of the

commission. The commission may enter into cooperative agreement with any federal department having jurisdiction over any federally controlled game refuges in Arizona, in carrying out such rules and regulations as may be established by such department for the protection and perpetuation of game animals thereon, or for the disposition of surplus game animals therefrom, and it shall be lawful to possess, or remove from the state any animals killed or captured in compliance with such agreement or regulation, when such animals are tagged or marked so as to establish their identity as animals taken on such federal land.

Section 2. Sec. 5, chapter 84, Session Laws, 1929, is hereby amended to read as follows:

Sec. 5. PUBLICATION OF ORDERS AND REGULATIONS OF COMMISSION; SIGNBOARDS OF REFUGES. Rules, regulations, and orders of the commission having general application throughout the state shall be published in such manner as the commission may determine so as to give them general publicity; those of special character having local application only shall be published once in some newspaper published in and having general circulation in the locality wherein such rules, regulations, and orders are applicable and a copy of such rules, regulations, and orders shall be posted in three conspicuous places in the locality in which they are applicable. Notices or signboards not less than one foot square shall be conspicuously posted by the commission close to and along the entire boundary of any refuge, sanctuary, rest ground, lake or stream or portion thereof closed to hunting or fishing by orders of the commission, warning all persons against hunting, fish-

ing, or trespassing therein. As many of such notices or signboards shall be posted as the commission may determine to be best calculated to give public notice of the location of the boundaries of such refuge, sanctuary, rest ground, or other closed area. An order of the commission closing any area to hunting or fishing shall not become effective until such order has been published as herein required, and a certified copy of the order filed in the office of the recorder of the county or counties in which such closed area is located.

No person shall take or destroy any animal, bird, or fish, or bird's nest or egg, or eggs or spawn of fish, on any refuge, sanctuary, rest ground, or other area closed to hunting or fishing by order of the commission; provided, it shall be lawful for a duly accredited employee of the state, or of the federal government, to take predatory animals or rodents on any such closed area.

Section 3. Sec. 23, chapter 84, Session Laws, 1929, is hereby amended to read as follows:

Sec. 23. LICENSE FEES. Licenses shall be divided into classes and fees paid therefor as follows: Class A, resident general hunting and fishing license, two dollars and fifty cents; class B, resident fishing license, one dollar and twenty-five cents; class C, nonresident general hunting and fishing license, thirty-five dollars; class D, nonresident fish and small game license, ten dollars; class E, nonresident special fishing license, two dollars and fifty cents, valid for fifteen days from date of issue; class F, nonresident trapping license, twenty-five dollars; class G, alien general hunting and fishing license,

seventy-five dollars; class H, alien fish and small game license, thirty dollars; class I, special license, alien applicant for citizenship, for general hunting, twenty-five dollars; class J, special license, alien applicant for citizenship, fishing and small game, ten dollars. Classes A, C, G, and I include all varities of fish and game; classes D, H, and J include all fish and small game; class F includes all varieties of predatory and fur bearing animals; and class E includes all kinds of fish that may be taken under this act. An alien applicant for citizenship may not receive during the pendency of his application more than two class I or J licenses. A resident for the purpose of this act is defined to be a citizen of the United States who has resided in this state for one year immediately preceding application for license.

Section 4. Sec. 25, chapter 84, Session Laws, 1929, is hereby amended to read as follows:

Sec. 25. FORM AND CONTENTS OF LICENSE; SHIPPING COUPONS; EXHIBITING LICENSE; MINORS. The form of license shall be determined and the license blanks prepared by the commission and by it furnished and charged to the person authorized to issue licenses. Each license shall be accompanied by a shipping permit, authorizing the licensee, if a resident, to ship within the state not to exceed one day's bag limit of game or fish, and, if a nonresident, to ship either within or out of the state not to exceed one day's bag limit of game or fish, which permit or coupon thereof must be attached to the shipment. If a resident desires, and is entitled, to make an additional shipment within the state; or a nonresident desires,

and is entitled, to make additional shipment either within or out of the state, he shall first secure from the commission an additional permit authorizing the shipment and which shall be attached to it. The commission shall provide the state game and fish warden and his deputies with coupon or shipping permit blanks, which shall be issued by them, in accordance with the provisions of this section, upon payment of a fee of twenty-five cents each. The licenses shall be issued in the name of the commission, sealed with its seal and countersigned by the officer issuing the same. Each license shall be signed by the licensee in ink on the face thereof, and there shall be issued with each license authorizing the killing or taking of deer or wild turkeys, suitable blank forms for attaching to any deer or wild turkey when killed or taken and for reporting the same to the state game warden. All persons killing or taking any deer or wild turkey shall make report thereof on such forms to the state game warden and failure to do so shall be unlawful. Each license shall be void after the thirty-first day of December next, succeeding its issuance. No person shall take fish, birds, or animals in this state, unless, at the time of such taking, he shall have such license on his person and shall exhibit the same upon request for inspection to any person. This section shall not apply to American-born residents of the state under sixteen years of age, but such residents may take birds, animals, or fish when accompanied by a person holding a valid license.

Section 5. Sec. 31, chapter 84, Session Laws, 1929, is hereby amended to read as follows:

Sec. 31. TREE SQUIRRELS. There shall be

no open season on Kaibab or white-tailed squirrels, Chiricahua squirrels, nor on Arizona tree squirrels in that part of Arizona lying south of the Gila and Salt River Base and Meridian. A person may take not to exceed six spruce squirrels, Abert squirrels, or tasseleared gray squirrels (except Kaibab squirrels) in any one day between October 16 and November 15.

Section 6. Sec. 34, chapter 84, Session Laws, 1929, is hereby amended to read as follow:

Sec. 34. GAME BIRDS; OPEN SEASON; LIMIT. Wild turkey may be taken from October 16 to November 15; not more than two during one season by one person. Gambel and scaled quail may be taken from November 1 to December 31. It shall be unlawful for a person to take or have in his possession in any one day more than fifteen quail in the aggregate. Bobwhite, mearns (or fool) quail may not be taken at any time. Whitewings may be taken from July 15 to August 31, and mourning dove may be taken from September 1 to December 15; bag limit, whitewings and mourning doves, twenty per day in the aggregate. Migratory water fowl may be taken from October 16 to January 31; bag limit, wild ducks, fifteen birds in any one day or in possession, brant or geese, two birds in one day or in possession. Plovers, curlews, coots, and yellowlegs and snipe October 16 to November 30; bag limit, fifteen in the aggregate or in possession. It shall be unlawful to hunt, kill, take, injure, destroy, or have in possession any other migratory birds except as herein provided, or as prescribed by regulations which the commission is authorized and directed from time to time to make and which do not conflict with the laws of the United

States relating to migratory birds, and the rules and regulations issued from time to time thereunder. Any violation of such laws or rules and regulations issued thereunder, shall be deemed a violation of this act.

Section 7. Sec. 46, chapter 84, Session Laws, 1929, is hereby amended to read as follows:

Sec. 46. PENALTIES. Unless a different or other penalty or punishment is herein specifically prescribed, a person who violates any provision of this act, or who violates or fails to comply with any lawful order, rule, or regulation adopted by the commission is guilty of a misdemeanor, and in addition thereto, is liable to an additional penalty of twenty-five dollars for each animal, bird, or fish, or part thereof, or each nest or egg of any bird bought, sold, offered for sale, taken, possessed, or transported, in violation of this act.

Any person who takes, possesses, transports, buys, sells, or offers for sale any deer, elk, antelope, beaver, bear, mountain sheep, or peccary or javelina, or any part of any such animal, in violation of this act or any lawful rule or regulation of the commission, or who detaches or removes from the carcass of any such animal a portion thereof and thereby removes or conceals evidence of sex, or legality, or who shall use any explosive compound or any corrosive or narcotic poison or other deleterious substances for the purpose of catching, stunning, or killing fish, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred dollars nor more than three hundred dollars, or by imprisonment in the county jail for not less than three months nor more

than six months, or by both such fine and imprisonment; and, in addition thereto, is liable to an additional penalty of fifty dollars for each animal or part thereof, or fish, taken, destroyed, possessed, transported, bought, sold, or offered for sale in violation of this act.

Any public officer who fails to perform any duty imposed by any of the provisions of this act, or any lawful rule or regulation of the commission, is guilty of a misdemeanor.

Any person having knowledge of any violations of the provisions of this act, and failing to report same to proper authorities; or who takes or destroys any animal, bird, or fish, or bird's nest or egg, or eggs or spawn of fish in violation of this act on any refuge, sanctuary, rest ground or area established by order of the commission and contrary to such order; or who while hunting, trapping or fishing, wilfully or without cause or reason destroys, injures, or molests any livestock, growing crops, or other improvements; or who without permission of the owner or resident, shoots or attempts to shoot or otherwise take any game within one eighth mile of any farm house or other residence or cabin, lodge, or building; or who takes any game bird, except by permission granted by the state game warden, game fish or game animal, and wilfully leaves such bird, animal, or fish or any edible portion of same, to go to waste, or who uses more than once any shipping permit or coupon issued by the commission, is guilty of a misdemeanor.

In addition to other penalties prescribed by this act, the game warden may revoke a license issued to any person under this act and deny him

the right to secure another license or to hunt, fish, or trap anywhere in this state, with or without a license, for a period of from one to five years, if said licensee or person has either been convicted or has signed an acknowledgment of violating any provision of this act or of any lawful rule or regulation of the commission, or if such licensee or person has been convicted in any court of having destroyed or carried away notices posted by the commission or personal property, or crops of any kind on or from the premises on which he may have been hunting, fishing, or trapping, or attempting to take any wild animals, birds, or fish, or has been convicted of being careless in the use of firearms while hunting and hereby caused an injury to human life or livestock, or has been convicted of causing forest fires or being intoxicated while using firearms for the purpose of hunting. The license of any person convicted of a second or subsequent violation of this act shall be revoked by the commission herein provided, and such person is hereby denied the right to secure a license or to hunt, fish, or trap, anywhere in this state, with or without a license, for a period of not less than two nor more than ten years from the date of such conviction. To deny any person the right to secure a license or to hunt, fish, or trap anywhere in this state for any period, the commission shall send a written notice to that effect to such person at his last known address, either by registered mail or by having it delivered in person by a representative of the commission. The commission shall furnish in writing, to the officers or persons authorized to issue licenses the name and address of such person and the term for which he has been denied the right to secure a license, or to hunt,

fish, or trap in this state, together with any other information the commission may deem necessary.

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

Approved March 18, 1931.

CHAPTER 98.

(Senate Bill No. 82)

AN ACT

RELATING TO IRRIGATION DISTRICTS.

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

Section 1. Sec. 3332, Revised Code, 1928, is hereby amended to read as follows:

Sec. 3332. If upon such hearing the prayer of the petitioners is granted the said board of supervisors shall by further order, duly entered upon its record, call an election of the qualified electors of said proposed district, to be held for the purpose of determining whether said proposed district shall be organized under the provisions of this article, and for the purpose of said election, shall in said order divide said proposed

district into three divisions as nearly equal in size as practicable and to be known as "First Division," "Second Division," and "Third Division," and for the purposes of said election shall designate at least one polling place in each division, and shall name one or more persons, qualified as electors, in each of the three divisions of said proposed district, to be voted for as directors therein, and shall name three judges of the election to be so held, for each of the divisions, one of which judges shall act as clerk of the election. Whenever an irrigation district shall embrace thirty-five thousand acres of land or more, and the petition proposing said district shall so request, the board of supervisors shall name three or more persons, qualified as electors, in each of the three divisions of said proposed district. In irrigation districts heretofore organized, embracing thirty-five thousand acres of land or more, and heretofore divided into three divisions with one director elected from each division, the board of directors of such district may by resolution provide for the election thereafter of three qualified electors as directors from each of such divisions. Such additional directors shall be elected at the time of holding of the next regular election. At the first election held under the provisions of this section two directors shall be elected in two of the divisions of said district, and three in the division in which an election for director would have been held had this act not been passed. Immediately after the holding of the first election under the provisions of this act, and the election and qualification of directors, said directors shall proceed to divide themselves into three classes. Directors of the first class shall hold their office for a term of three

years, directors of the second class for a term of two years, and directors of the third class for a term of one year, and until their successors are elected and qualified. Directors whose terms expire December 31, 1931, shall, if elected at the next regular election, belong to the first class. Directors holding office for unexpired terms shall be assigned to appropriate classes dependent upon the period of their unexpired terms. All others shall be assigned to classes by lot. Thereafter at each regular election one director shall be elected each year in each division, and shall hold office for a term of three years and until his successor is elected and qualifies. Existing boards of directors shall have power to fill vacancies until the next election.

Section 2. Sec. 3341, Revised Code, 1928, is hereby amended to read as follows:

Sec. 3341. The directors elected shall qualify and organize as a board, elect a president from their number, and appoint a secretary. The board shall have power, and it shall be its duty, to adopt a seal, manage and conduct the affairs and business of the district, make and execute all necessary contracts, deeds, and conveyances, employ such agents, attorneys and employees as may be required, and prescribe their duties and compensation, establish rules and regulations for the government of the board, and for the distribution and use of water upon lands included in the district and generally to perform all such acts as shall be necessary to fully carry out the purposes of this article. To accomplish the purpose of the district as proposed by the petition submitted for the formation thereof, the board shall have power to purchase or acquire water

rights; to acquire or lease real estate and personal property, when necessary for its purpose; to acquire and hold stock in irrigation ditch and reservoir companies; to lease, sell and otherwise dispose of real estate and personal property; to construct, acquire or purchase any and all canals, ditches, reservoirs, reservoir sites, water, water rights, rights of way, or other property by it deemed necessary for the use of the district; to acquire the right to enlarge any ditch, canal or reservoir, already constructed or partially constructed; power to provide for the construction, operation, leasing and control of plants for the generation, distribution, sale and lease of electrical energy, including sale to municipalities, corporations, public utility districts, or individuals, of electrical energy so generated; and to make appropriations of water for irrigation and power purposes. In case the board proposes the purchase of a system of irrigation already constructed, or partially constructed, and to enlarge and complete the same so as to be adequate to the needs of the district, the board may in such cases embody in one contract the matter of the purchase, the enlargement and the completion of such irrigation system without advertising for separate bids for such construction and completion, provided that any such contract which shall include such construction and completion shall be approved by the state certification board. If the district shall have been invested with the necessary authority the board of directors shall have power to construct ditches, conduits, drains, sluices, water gates, pumps, pumping plants, electric transmission lines, cement linings for canals to prevent seepage of irrigation or other water, and any and all other works and ap-

pliances necessary or proper for the drainage of the lands of the district; to obtain by purchase, condemnation, donation or otherwise, the necessary lands and rights of way for such drainage works or appliances and to purchase or acquire by condemnation or otherwise, drainage works and appliances already constructed, in any manner and subject to the restrictions herein provided with respect to irrigation works and appliances in addition to the above enumerated powers the board of directors shall also have power: (a) To refer to the qualified electors of the district any optional or administrative measure or method of procedure or any other matter or proposition as to the board may seem necessary or advisable; to establish tolls or charges for service of irrigation, domestic water, electricity and other commodities; to control the finances and property of the district; to appropriate money and provide for the payment of the district debts and expenses; to exercise exclusive control over the laterals, ditches, canals, rights of way and other property of the district, including the right to prevent the encumbering thereof, to abate and remove all encumbrances and obstructions thereon, to improve the same, to vacate any right of way not necessary for the further use of the district, and to protect the same from encroachment and injuries; to erect and maintain transmission and pipe lines, culverts, roads and cross-ways, and to prevent obstructions thereon; to provide the district with water, electricity and other public conveniences and necessities, and to engage in any and all activities, enterprises and occupations within the powers and privileges of municipalities generally; to apply surplus money in the district treas-

ury to the liquidation of district debts or to the creation of a sinking or reserve fund for the district; to make, amend or repeal any and all resolutions, by-laws, and regulations necessary for the government of or for the carrying into effect of the power vested in irrigation districts or any department or officer thereof, and to enforce the observance of the same by the imposition of penalties; provided, that no penalty in excess of one hundred dollars shall be imposed by said board.

Section 3. Sec. 3343, Revised Code, 1928, is hereby amended to read as follows:

Sec. 3343. The minutes of the proceedings of the board of directors, or an abstract of such minutes, may be published whenever the board by resolution entered upon the minutes, may so direct. All by-laws, rules, regulations, or resolutions of a general nature, governing drainage ditches, laterals, canals and the use and distribution of irrigation water or other commodities, shall be posted at least five days in at least two public places in each division of the district, or published twice in a newspaper published within the county in which the office of the district is situated, as the board may order. By-laws, rules, regulations and resolutions of the board shall become effective at the time designated by the board, and in the absence of such designation, then upon the adoption of the same.

Section 4. Sec. 3352, Revised Code, 1928, is hereby amended to read as follows:

Sec. 3352. At any time that a bonded indebtedness shall have been authorized by the

qualified electors of the district, but no portion thereof shall have been sold and delivered, the board of directors of the district upon its own initiative may, or upon petition of not less than twenty-five per cent of the qualified electors of the district shall, call a special election for the purpose of submitting to the qualified electors of the district the question whether or not such bond issue shall be cancelled, and whether or not the general plan of its proposed works upon which said bond issue is based, shall be abandoned. Notice of such election shall be given and said election shall be held, and the returns thereof canvassed in the same manner as provided in this article with reference to elections for the authorization of bonds. If the majority of the votes cast at such election are in favor of the cancellation of said bonds and the abandonment of said general plan, the board of directors shall, after the result of said election has been entered upon its minutes, destroy the bonds so authorized to be cancelled, if the same have been prepared, and shall proceed to adopt a new general plan, in all respects as if no general plan had been theretofore adopted, and shall proceed with proper proceedings before the board of supervisors and the state certification board, for the authorization and sale of a new bond issue and the construction of district works, in all respects as if no bond issue had been theretofore voted. If the majority of the votes cast at such election are against the cancellation of said bonds and the abandonment of said general plan, the board of directors shall enter the result of said election on its minutes and shall proceed with the sale of said bonds and the construction of the proposed works as if said election had

not been held; provided, that if no portion of said bonds shall be sold within one year after the date of said election the cancellation of said bond issue and the abandonment of said general plan may again be submitted to the electors of the district in the manner herein provided. In any district in which the major plan shall have been carried out and in which there may remain unsold any bonds of a subsequent issue, authorized for any special purpose or purposes, and the purposes for which such bonds were intended shall have been fulfilled or carried out in some other manner, and such unsold bonds shall have a par value of less than $500,000.00, the board of directors may by resolution, passed by a two-thirds vote, cancel and destroy said unsold bonds, in which event the board shall cause its resolution of cancellation to be recorded in the office of the county recorder of the county in which is located the office of the district and a certified copy in any other county in which lands of the district may lie.

Section 5. Article 2, Chapter 81, Revised Code, 1928, is hereby amended by adding two new sections, to be numbered 3353a and 3353b, respectively, and to read as follows:

Sec. 3353a. The provisions of Sec. 3386 and Sec. 3387, shall apply only to the use of bonds or the expenditure of monies derived from the sale of bonds issued for major purposes agreeable to the provisions of Sec. 3350, and no provision of this article relating to authorization, issuance, delivery or sale of bonds shall be taken to preclude the financing of district needs and

purposes by other means, under any express or implied power and authority granted to irrigation districts.

Sec. 3353b. Bonds of an irrigation district organized under the laws of this state, which are proposed to be issued for the purpose of carrying out the general plan of such district for the building and development of its works, and which shall have heretofore been declared by the board of directors to have been authorized by the electors of such district, are hereby declared legal and valid for the purpose for which they have been declared by the board of directors to have been authorized; and regardless of whether there was any mistake in the notice of election to authorize such bonds, or in the ballots used at such election, or as to the date of maturity of the bonds or otherwise, such declaration by its board of directors shall, in any proceeding questioning the validity of such proposed bond issue, be taken to be conclusive evidence of the legality of the bonds, and that all acts and things pre-requisite to the issuance and sale of the bonds were duly performed and done in accordance with law; and any such bonds so declared by the board of directors to have been authorized may be legally issued and disposed of, with maturity dates within the limits prescribed by law, and upon being so issued and disposed of shall be valid and binding obligations of the district.

Section 6. Article 2, Chapter 81, Revised Code, 1928, is hereby amended by inserting a new section, to be numbered 3354a, and to read as follows:

Sec. 3354a. The board of directors of any

irrigation district may, whenever expedient, issue refunding bonds to refund the bonded indebtedness of such district. (a) Should the board desire to issue such bonds without an election, it shall adopt a resolution and enter the same upon its minutes, stating the facts and determination of such necessity or advisability and the amount of bonds to be issued, the rate of interest, which shall not be higher than that of the original issue, the date of the bonds, the denominations thereof and the maturity date, which shall not be more than five years later than the date on which the original issue matures, and the place of payment within or without the state, of the principal and interest. Such bonds shall be negotiable in form, executed in the name of the district, signed by the president of the board, sealed with the seal of the district and attested by the district secretary. The interest shall be payable semi-annually, evidenced by semi-annual interest coupons attached to the bonds, bearing the engraved facsimile signature of the president of the board. Both principal and interest shall be payable at the office of the district treasurer, or at such other place or places as may be designated in said bonds, at the option of the holder. The principal shall be payable in substantially equal annual installments, beginning not later than five years after the date of said bonds and continuing during the period in which said indebtedness is to be discharged. The board of directors issuing such refunding bonds shall each year levy a tax sufficient to pay the interest on all bonds outstanding and the annual installment of principal thereof becoming due and payable in the next ensuing year. Such tax shall be levied, assessed and collected at the same

time as other taxes of the district. The proceeds of such taxes shall be kept in a special fund and be used only for the purpose for which collected. Such refunding bonds may be exchanged in like or lesser amount for the bonds to be refunded, or they may be sold by the board at not less than par and accrued interest and the proceeds applied to the purpose for which the bonds were issued. The board shall keep a record showing the date, number, amount and maturity of each bond, the payments of interest or principal thereon and its destruction when paid or retired. All bonds paid and retired shall be burned and destroyed by the board. (b) Should the board of directors of an irrigation district desire to issue refunding bonds having a maturity date more than five years later than the date of maturity of the original issue, it may, and upon petition signed by twenty-five per cent of the qualified electors of the district shall, order an election by the qualified electors of the district to determine whether the bonded indebtedness of said district or any part thereof shall be refunded by the issuance of refunding bonds. The board shall order such election to be held at the regular voting places within the limits of the district wherein such refunding bonds are to be issued, not less than thirty nor more than sixty days after the date of the order. Said order shall state the object of the election, the amount of indebtedness proposed to be refunded, the amount of each and the aggregate of said bonds, the maximum rate of interest to be paid thereon not exceeding six per cent, when such interest shall be paid, the date of maturity of the bonds, the conditions of exchange, and the purposes for which any monies derived from

the sale of the bonds shall be expended. Such order shall be prima facie evidence that all the provisions necessary to give it validity, or to qualify the board to make it, have been fully complied with. The board of directors shall cause to be posted at least five copies of the said order in public places within the district at least twelve days prior to the date of the election, post a copy of the notice at each polling place within the district, and publish a copy thereof in some newspaper of general circulation in the county wherein the office of the district may be located for at least thirty days prior to the date of the election. The election shall conform to the provisions of law applicable to general elections in the district, and the return of the election shall be made to the board in the manner provided for the making of other election returns of the district, within twelve days from the time of the holding of the election, whereupon the board of directors shall hold a special meeting on the first Monday succeeding said twelfth day to canvass the vote cast and certify the result. The certificate of the result shall be prima facie evidence of the complete performance of all conditions and requirements precedent to the holding of such election. If a majority of the votes cast at the election by the qualified electors of the district shall be in favor of the issuance of the bonds, then the directors shall be authorized to issue the same, and shall file of record in the office of the county recorder of each county in which any lands of said district shall lie, a certificate showing the object of the election, the total of votes cast and the total for and against the proposition or propositions submitted, and stating that the issuance

of said refunding bonds is ordered, and thereupon the board shall carry out the object of such election. The refunding bonds so authorized shall mature and shall have a maturity date not exceeding fifty years from the date of issuance. The rate of interest on the bonds shall not be higher than that of the original issue refunded. The bonds may be serial bonds payable in annual or periodical installments, or sinking-fund bonds for the payment of which a sinkink-fund may be created and established. They shall be signed by the president of the board, sealed with the seal of the district and attested by the district secretary. The interest shall be payable semi-annually and evidenced by semi-annual interest coupons attached to the bonds bearing the facsimile signature of the president of the board, but without seal. Both principal and interest of said bonds shall be payable at the office of the district treasurer or at such other place as may be designated in said bonds and coupons, at the option of the holder. The directors shall each year levy a tax sufficient to pay the interest on all bonds then outstanding and the installments of the principal thereof and the annual portion of such sinking-fund as may be set up for retirement of bonds becoming due and payable in the next ensuing year. Such taxes shall be levied, assessed and collected as other taxes of the district. The proceeds from such taxes shall be kept in a special fund and be used only for the purposes for which collected. Such refunding bonds may be exchanged in a like or lesser amount for the bonds to be refunded, or they may be sold by the board at not less than par and accrued interest and the proceeds applied to the purpose for which the

bonds were issued. The board shall keep a record showing the date, number and maturity of each bond, the payments of interest or principal thereon and its destruction when paid or retired. All bonds paid and retired shall be burned and destroyed. (c) Before the sale of any refunding bonds the board of directors shall at a meeting thereof enter upon its record an order directing the sale of said bonds and the date and hour of said sale, and cause a copy of said order to be published for at least four consecutive weeks in one or more designated daily or weekly papers published within the county wherein the office of the district is located, together with a notice that sealed proposals will be received by them for the purchase of said bonds on the date and hour named in said order. At the time fixed in the notice the board shall meet and open all sealed proposals received, and award the sale of said bonds to the highest and most responsible bidder, at not less than par with accrued interest. All bids shall be accompanied by a certified check for not less than five per cent of the total amount of the bid. The directors may reject any or all bids and return the certified checks, but if the bidder shall not carry out the terms of his proposal to purchase if awarded to him, the certified check shall be cashed and the amount thereof forfeited as stipulated and liquidated damages. (d) When any bonds shall mature the district treasurer shall give notice for four weeks in a newspaper published in the county in which the district is located of the intention to redeem such bonds, stating the amount thereof, and such redemption shall be made and all said bonds shall cease to draw

interest at the expiration of four weeks after the date of notice, and if such bonds so called for redemption shall not be presented within three months from the date of notice, the treasurer shall apply said money to the redemption of bonds next in the order of the number of their issue. The interest coupons when due and payable shall be delievered to the treasurer, who shall pay the same and write the word "cancelled" across the face thereof, and the same shall be the treasurer's receipt for their payment. When any bonds are redeemed the treasurer shall in like manner, mark them "cancelled" on the face thereof, over his signature, and deliver the same to the secretary of the district, taking his receipt therefor, and said secretary shall file the same in his office and report the fact to the directors. (e) The board of directors shall with respect to the issuance of refunding bonds with or without an election have full power and authority in all matters not covered herein to make all necessary provisions, rules and regulations, and to fix times, methods and procedure, and to take any and all steps necessary and proper for the issuance, effectuation, validity, sale and delivery of refunding bonds. The provisions of Article 5, Chapter 60, Revised Code, 1928, relating to public finance and county and municipal bonds, so far as applicable and not in conflict herewith shall apply to refunding bonds and refunding bond procedure of irrigation districts.

Section 7. Article 2, Chapter 81, Revised Code, 1928, is hereby amended by adding a new section, to be designated Sec. 3356a, and to read as follows:

Sec. 3356a. (a) In addition to all other taxes the board of directors of an irrigation district may, by a two-thirds vote, by resolution entered upon its minutes, provide by special tax levy or levies payable in a single year or by annual installments not exceeding five years, funds for the purpose of paying district indebtedness, repairing or improving existing irrigation works or extending the same or installing new works or systems. No special tax levy in excess of one dollar per acre per year, not in excess of an aggregate of five dollars an acre, shall be levied without a vote of the qualified electors of the district, nor in any event in excess of the indebtedness limitation applicable to irrigation districts. (b) Should the directors deem it necessary or desirable to levy a special tax in excess of one dollar per acre in any one year, or in excess of an aggregate of five dollars per acre, it may call a special election and submit to the qualified electors of the district the question whether a special tax shall be levied for the purpose of raising money to be applied for the purpose mentioned. Notice of such election shall be given by posting notices in three public places in each division of the district at least thirty days before the holding thereof and also by publication of such notice in a newspaper published in the county wherein the office of the district is situated once a week for at least two successive weeks. Such notice must specify the time of holding the election and the annual and aggregate amount of special tax levy proposed to be made. Said election and the result thereof shall be determined and declared in all respects as nearly as practical in conformity with the provisions governing elections of directors; provided,

that no informalities in the submitting, holding or return of such election shall invalidate the same if the election shall have been otherwise fairly conducted.

Section 8. Sec. 3357, Revised Code, 1928, is hereby amended to read as follows:

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

Section 9. Sec. 3369, Revised Code, 1928, is hereby amended to read as follows:

Sec. 3369. On the fifteenth day of each month the district treasurer shall report to the secretary all moneys collected during the preceding calendar month, the name or names and the lands from whom and on account of which such moneys have been received and the district funds to which they have been credited; the amounts of moneys in his hands to the credit of

the respective funds of the district; a statement of the amount of warrants paid by him during the previous calendar month, and the amount of registered warrants, if any, remaining unpaid; and shall transmit with said report all warrants paid by him during said previous calendar month, properly stamped "paid."

Section 10. Sec. 3370, Revised Code, 1928, is hereby amended to read as follows:

Sec. 3370. The board of directors, at its regular monthly meeting in January or July of each year shall render, and immediately thereafter cause to be published, a verified statement of the financial condition of the district, showing particularly the receipts and disbursements of the last preceding year, together with the source of such receipts and purpose of such disbursement. Said publication shall be made at least once a week for two weeks, in a newspaper published in the county where the office of the board of directors of the district is situated.

Section 11. Article 2, Chapter 81, Revised Code, 1928, is hereby amended by adding a new section, to be designated Sec. 3372a, and to read as follows:

Sec. 3372a. Whenever the district treasurer shall fail for a period of two years or more to enforce the provisions of law relating to the sale of lands for the payment of delinquent taxes, the district secretary of such district may, upon the order of the board of directors, of any irrigation district; perform the acts and duties imposed by law upon the district treasurer with respect to irrigation district taxes, as ex-officio

deputy district treasurer, with like force and effect, and for such purpose shall have access to the records of the county treasurer's office and to the conveniences and facilities thereof; provided, that in such cases sales shall be made for delinquent district taxes only, and the period for redemption from such tax sales of lands delinquent in the payment of irrigation district taxes shall be one year from the date of sale.

Section 12. Article 2, Revised Code, 1928, is hereby amended by adding a new section, to be designated Sec. 3376a, and to read as follows:

Sec. 3376a. Irrigation districts having a board of directors of nine members shall elect one director in each subdivision each year after the first election following the adoption of this act, agreeable to the provisions of Sec. 3332 as amended; in all other respects the election in such cases shall be held and conducted as in this article provided.

Section 13. Sec. 3389, Revised Code, 1928, is hereby amended to read as follows:

Sec. 3389. No claim shall be paid by the district treasurer until the same shall have been allowed by the board, and then only upon warrents signed by the president and countersigned by the secretary, which warrants shall state the date when the claim was allowed by the board and from what fund payable. If the district treasurer has not sufficient money on hand in such fund to pay such warrant when it is presented for payment, he shall endorse thereon the date when presented and the words "Not paid for want of funds; this warrant draws interest

from this date at six per cent per annum," and sign the endorsement, and from the date of such endorsement such warrant shall draw interest at the rate of six per cent per annum until paid; provided, that when first presented any amount in the fund upon which said warrant is drawn shall be applied and the payment endorsed thereon, and the warrant registered for the unpaid balance only. All claims against the district shall be verified in the same manner as is required for claims against counties, and upon filing shall be numbered consecutively by the secretary and kept in the office of the district. The secretary of the district is hereby authorized and empowered to administer oaths to parties verifying claims, as a notary public may do. The district treasurer shall keep a separate district register in which he shall enter each warrant presented for payment, showing the date and amount of the warrant, to whom payable, the date of presentation for payment, the date of payment, and the amounts paid in redemption thereof, and all warrants shall be paid in the order of their presentation. All warrants shall be drawn payable to the claimant or order, as county warrants are drawn. Nothing herein contained shall preclude the board of directors from the adoption of a special form of warrant fixing the time of payment and a lesser rate of interest, in which case said special warrants shall be payable only at the time fixed and shall bear interest only at the rate set forth on the face thereof. To meet necessary expenditures in anticipation of the collection of taxes the board of directors may incur indebtedness by borrowing money or otherwise, not exceeding the amount of taxes then levied and assessed, and

at interest rates not exceeding eight per cent per annum, and as evidence of such indebtedness may issue, negotiate and sell its warrants or issue negotiable notes of the district payable from and at such times as it may be anticipated taxes for the satisfaction thereof shall have been paid in. Moneys borrowed on the security of taxes assessed for specific purposes then remaining unsatisfied, shall be applied only to the purposes for which such taxes were assessed; moneys borrowed on the security of uncommitted or unapplied taxes may be used for any district purpose.

Section 14. Article 2, Chapter 81, Revised Code, 1928, is hereby amended by adding a new section, to be designated Sec. 3402a, and to read as follows:

Sec. 3402a. Whenever petition shall be filed therefor as hereinbefore provided, and the board of directors shall be satisfied that the land which it is sought to have excluded is sterile, alkaline or for any reason unfit for profitable cultivation and not worth in productiveness the amount of the annual tax normally assessed against the same, and there shall be pending petitions for the inclusion of a like quantity of good agricultural land which may be included without detriment to the lands previously included in the district, and without decreasing the water rights or any other rights and privileges of such prior land, then such district land may be excluded and such new land included by concurrent action of the board, and in such case such unfertile and unsuitable land may be released from such obligations of the district as the board may see fit, and the obligations previously

attached thereto may by action of the board be fixed and attached to said other lands included in lieu thereof, so that the securities of the district shall not be decreased by such exclusion and inclusion. A certified copy of the proceedings of the board including lieu and excluding former district lands shall be filed in the office of the county recorder in each county wherein said district shall lie.

Section 15. Sec. 3403, Revised Code, 1928, is hereby amended to read as follows:

Sec. 3403. The holder or holders of title or evidence of title representing a majority of the acreage of any body of land adjacent to the boundaries of any irrigation district, may file with the board of directors of said district a petition in writing praying that such lands be included in such district. The petition shall describe the tracts or parcels of land proposed to be included. Such petition shall be deemed to give assent of the petitioners to the inclusion in said district of the lands owned by them, and said petition must be acknowledged by one or more of the signers thereof. In the event that state lands are embraced in such petition the state land commissioner may sign on behalf of the state, and no state lands shall be included in any district nor shall be subject to irrigation district laws except such petition is made by the land commissioner, and in no event shall state lands become encumbered for any debt, obligation or liability of any such district. The secretary of the board of directors shall cause notice of the filing of such petition to be given and published once each week for three successive weeks in a newspaper published in the

county where the office of the board is situated, which notice shall state the filing of the petition and the names of the petitioners, a description of the lands mentioned in the petition and the prayer of the petitioners, giving notice to all persons interested to appear at the office of the board at a time named in the notice and show cause, if any they have, why the petition should not be granted. The time specified in the notice for showing cause shall be the regular meeting of the board next after the expiration of the period for the publication of notice. The petitioner or petitioners shall, if required by the board of directors, advance to the secretary sufficient money to pay the estimated cost of the publication of such notice before the secretary shall be required to give such notice. At the time and place mentioned in said notice, or at such time or times to which the hearing may be adjourned, the board shall proceed to hear the petition and all objections thereto presented in writing to show cause as aforesaid why said petition should not be granted. The failure of any person interested to show cause as aforesaid shall be deemed and taken as an assent on his part to the inclusion of such land in said district as prayed for in the petition. If the board of directors deems it equitable to do so it may require as a condition precedent to the granting of the petition that the petitioners shall severally pay, contract to pay or become liable for, any bond issue assessments or other form of indebtedness theretofore incurred by the district in such respective sums, as nearly as the same may be estimated by the board, as said petitioners or their grantors would have been required to pay to such district as assessments for the

payment of its pro rata share of all such bonds or assessments and the interest thereon, had such lands been included in the district at the time it was originally formed or when said bonds were so issued. If the board of directors does not consider it for the best interests of the district to include therein the lands mentioned in the petition, it shall reject the petition; but if the board deems it for the best interest of the district that said lands or any part thereof be included, the board may order the district so changed as to include therein the lands or any part thereof mentioned in the petition. Such order of inclusion shall describe the boundaries of the district with the lands so included, if the district boundaries be changed thereby. Upon the allowance of the petition in whole or in part, and in case no protest is filed with the board within thirty days after the entry of said order of inclusion, a certified copy of the order of the board making such change shall be filed for record in the office of the board of supervisors in each county in which any of the lands of the district are located, and said district and the boundaries thereof shall be deemed to be modified and changed accordingly. Said district so changed and all lands included under the orders of the board of directors shall be and stand liable for all existing obligations and indebtedness of the district; provided, that in the event said new lands cannot, because of physical conditions, participate in, secure the benefits of or enjoy all the rights and privileges of lands previously included in the district, and in cases where the board of directors does not deem it advisable to admit said lands under terms of equality with lands previously embraced within

the district, then said board may differentiate said lands by the designation of the same as specified units or additions and may fix the terms and conditions under which said lands may be included, the rights and privileges to be accorded the same, and the obligations to be attached thereto; provided further, that no lands shall be admitted under terms or conditions, rights or privileges more favorable than those attaching to lands originally included within the district, nor which shall in any wise interfere with any existing rights or privileges or decrease the water supply of any lands previously included; neither shall any inclusion be made which shall in any wise reduce or interfere with any bond security or safety. The terms and conditions of an inclusion may be amended with the consent of the board of directors and the parties concerned, but such amendment shall be subject to all restrictions of the initial inclusion and the details thereof shall be similarly recorded. In the case of denial by the board of a protest filed against the inclusion of such lands or any part thereof, an appeal may be taken in the same manner as is provided in the case of proceedings affecting the organization of a district. In the event said protest be not made within thirty days, nor appeal taken to the superior court from action on said protest within thirty days after final hearing, said orders of inclusion shall be deemed lawful and conclusive against all persons whomsoever and thereafter shall not be questioned in any proceeding. In the case of the inclusion of any lands within any district in which the directors thereof are elected by divisions, the board of directors shall, at least thirty days prior to the next succeeding

general election, make an order apportioning the lands so included into three divisions in such manner as to the board may seem equitable. Any such inclusion of lands shall not impair or affect the district organization or its rights in or to property or any of its rights or privileges of whatever kind or nature; nor shall it affect, impair or discharge any contract obligation, lien or charge except as herein otherwise stated for or upon which it was or might become liable or chargeable had such inclusion of lands not been made.

Section 16. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved March 18th, 1931.

CHAPTER 99.

(House Bill No. 129)

AN ACT

PROVIDING FOR THE RELIEF OF E. S. WESTOVER, FOR GRAVEL USED BY THE HIGHWAY DEPARTMENT, AND MAKING AN APPROPRIATION THEREFOR.

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

Section 1. The Arizona highway department is hereby directed to include in the department budget for 1931-1932, the sum of two hundred fifty-one dollars for payment to E. S. Westover for gravel taken by the Arizona highway department from the land of said E. S. Westover during the years 1925 and 1926.

Section 2. The auditor is hereby directed to draw her warrant for the above amount, payable to E. S. Westover, upon the presentation of a proper claim, and the treasurer shall pay the same out of the state highway fund.

Approved March 18th, 1931.

CHAPTER 100.

(Senate Bill No. 97)

AN ACT

TO PROVIDE FOR THE REGULATION OF MOTOR VEHICLES UPON THE HIGHWAYS, AND FOR THE CERTIFICATION OF THE AD VALOREM TAX FOR THE BENEFIT OF THE STATE HIGHWAY FUND.

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

Section 1. Sec. 1633, Revised Code, 1928, is hereby amended to read as follows:

Sec. 1633. APPLICATION FOR REGISTRATION. The application for registration shall be made by the owner upon a form furnished by the vehicle division, shall be signed by the owner and shall contain his residence address, a brief description of the vehicle to be registered, the name of the maker, the engine and serial number, whether new or used, the last license number if known, the state in which issued, and, in the case of the registration of a new vehicle, the date of sale by the manufacture or dealer to the person first operating such vehicle, and such other information as may be required by the vehicle division. When the vehicle is a specially constructed, reconstructed, or foreign vehicle, such fact shall be stated in the application. The owner of every foreign vehicle which has been registered theretofore outside of this state shall exhibit to the vehicle division the registration card or other evidence of such for-

mer registration showing that the applicant is the lawful owner or possessor of the vehicle, and the motor vehicle shall be examined and inspected by the registration officer or by an officer designated by the vehicle superintendent. When the owner of the vehicle rents or intends to rent such vehicle without a driver, such fact shall be stated in the application.

Section 2. Sec. 1635, Revised Code, 1928, is herey amended to read as follows:

Sec. 1635. REGISTRATION CARD AND CERTIFICATE OF REGISTRATION OF TITLE. The division upon registering a vehicle, and upon payment of the annual license fee and the certificate of title registration fees herein provided for, and the payment of the personal property tax thereon for the current year, unless such personal property tax is secured by real property assessed to the owner within such county, shall issue to the owner a registration card and a certificate of registration of title. The registration card and the certificate of registration shall contain upon the face thereof the date issued, the registration number assigned to the owner and to the vehicle, the name and address of the owner, a description of the registered vehicle including the engine number, and, if a new vehicle, the date of sale by the manufacturer or dealer to the person first operating such vehicle, and such other facts as may be determined by the vehicle division. The certificate of registration of title shall contain upon the reverse side a blank form of notice to the division of assignment of title and warranty thereof. The owner, upon receiving the registration card, shall sign the same, in conformity

with the signature appearing in his application, in ink, in the space provided therefor, and such registration card shall at all times be carried in the vehicle, and shall be subject to inspection by any peace officer.

Section 3. Sec. 1640, Revised Code, 1928, is hereby amended to read as follows:

Sec. 1640. TRANSFER OF CERTIFICATE OF REGISTRATION; REVOCATION OR REFUSAL OF REGISTRATION. Upon a transfer of the ownership of a motor vehicle for which a certificate of registration of title has been issued, the holder of such certificate shall indorse on the back of the same an assignment thereof with a warranty of title in the form printed thereon, and deliver the same to the purchaser or transferee, at the time of delivery to him of such motor vehicle. The purchaser or transferee shall within ten days thereafter present such certificate to the vehicle superintendent, accompanied by the required fee, whereupon a new certificate of registration of title shall be issued to the assignee. The person owning such motor vehicle may upon furnishing satisfactory proof to the vehicle superintendent of such ownership procure a registration of title to said motor vehicle regardless of whether a certificate of registration of title has ever been issued. If the vehicle superintendent shall determine at any time that an applicant for a certificate of registration of a motor vehicle is not entitled thereto, he may refuse to issue such certificate or to register such vehicle, and he may for a like reason and after notice and hearing, revoke a registration already acquired, or any outstanding certificate of registration of title. Said notice shall be

served in person or by registered mail. The vehicle superintendent shall refuse to register any motor vehicle owned by or under the control of a person who has failed, refused or neglected to pay any motor vehicle fee, tax or other assessment, and any penalty thereon, due to be paid to the vehicle division or for its account. The vehicle superintendent shall revoke the registration of any motor vehicle owned by or under the control or any person who has been delinquent for the period of forty-five days in the payment of any motor vehicle fee, tax or other assessment due to be paid the vehicle division or for its account. The registration of any motor vehicle so revoked shall be renewed only upon paying the fees provided for registration and the full amount of such delinquent fees, taxes or other assessments and penalties, if any thereon.

Section 4. Sec. 1646, Revised Code, 1928, is hereby amended to read as follows:

Sec. 1646. REGISTRATION OF VEHICLES OF NON-RESIDENTS. A foreign vehicle owned by a non-resident, operated within this state for the transportation of persons or property for compensation, or for the transportation of merchandise, and any motor vehicle, trailer or semi-trailer owned by a non-resident carrying on business in this state and regularly operated in such business within this state, shall be registered and the same fees paid therefor as required of like vehicles owned by residents. Except as otherwise provided in this section, any non-resident owner of a vehicle which has been duly registered for the current year in any other state or country shall, within ten days after commencing to operate such vehicle in this state, register

the same in like manner as provided for resident. No fee shall be charged for such registration nor shall any number plates be issued, but in lieu thereof the division shall issue to such non-resident owner a certificate of registration of a distinctive form, containing the date it is issued, a brief description of the vehicle and a statement that the owner has procured registration of such vehicle as a non-resident. No non-resident owner of a vehicle shall operate the same upon the public highways, either before or while it is registered under this section, unless there shall be at all times displayed thereon the registration number plates assigned to said vehicle for the current calendar year by the county or state of which the owner is a resident, nor unless the certificate of registration, when issued as in this section provided shall be placed on the windshield of said motor vehicle in the manner to be specified by the division. Certificates of registration issued to such non-resident owners shall be valid for a period not to exceed four months in the calendar year in which such certificate of registration is issued, except that where such period shall expire in December, it shall be extended to the following January first.

Section 5. Sec. 1672, Revised Code, 1928, is hereby amended to read as follows:

Sec. 1672. FEES; LICENSE TAX ON COMMERCIAL VEHICLES; INTERPRETATION; DISPOSAL OF MONEY; DUPLICATE CERTIFICATES; DUPLICATE LICENSE PLATES. The following fees shall be paid to the superintendent: For original certificates of registration of title, one dollar; for certificate of registration

of title, on sale or transfer, one dollar; for filing application for second-hand dealer's license, five dollars; for second-hand dealer's license, three dollars; for filing application for chauffeur's license, two dollars; for filing application for duplicate chauffeur's or operator's license, fifty cents; for duplicate chauffeur's badge, one dollar; for filing application to make or stamp special engine number, one dollar; for filing application for operator's license other than owner's, fifty cents; for duplicate of lost certificate of registration which is accounted for to the satisfaction of the vehicle superintendent, fifty cents; for duplicates of lost license plates satisfactorily accounted for to the vehicle superintendent, one dollar; for registration of motor vehicle, trailer or semi-trailer, to be paid at the time of application therefor, three dollars and fifty cents; for original set of dealer's plates, three dollars and fifty cents; for additional set of dealer's plates, one dollar; in addition to said registration fee of three dollars and fifty cents electric motor vehicle shall pay, at the time of application, for passenger vehicle, fifteen dollars; for vehicle designed, used or maintained primarily for the transportation of passengers for hire or for the transportation of property, when weighing unladen less than six thousand pounds, sixty dollars; when weighing unladen six thousand pounds, or more, but less than ten thousand pounds, ninety dollars; when weighing unladen ten thousand pounds or more, one hundred and twenty dollars; in addition to said registration fee of three dollars and fifty cents, motor vehicles other than electric motor vehicles, including trailers, semi-trailers, truck tractors and road tractors, designed used or

maintained primarily for the transportation of passengers for hire, and equipped wholly with pneumatic tires, shall pay at the time of application, if weighing unladen less than sixteen hundred pounds, five dollars; if weighing unladen sixteen hundred pounds or more, but less than three thousand pounds, ten dollars; if weighing unladen three thousand pounds or more, but less than six thousand pounds, twenty dollars; if weighing unladen six thousand pounds or more, but less than ten thousand pounds, thirty dollars; if weighing unladen ten thousand pounds or more, forty dollars, and if equipped with two or more solid tires, the additional fee shall be twice such amounts. The additional fees herein required shall not apply to coupling semi-trailers weighing not to exceed five hundred pounds unladen, nor to vehicles used exclusively in the transportation of free delivery mail; not to re-registration of a motor vehicle other than an electric motor vehicle upon the transfer of title thereto. The following interpretation shall govern this section: A vehicle weighing less than sixteen hundred pounds unladen and equipped with cushion tires shall be deemed to be equipped with pneumatic tires, otherwise with solid tires; any vehicle which is used occasionally or incidentally for the transportation of property, other than a truck, trailer, or or semi-trailer shall not be classed as a commercial vehicle or subject to the payment of the fees based upon weight. The assessor of each county is hereby constituted an agent of the division for the purpose of the performance of such acts and duties as are delegated to him, as well as other duties delegated by the division. Fifty cents of each original registration

fee shall be remitted to the county treasurer of the county in which such registration fee is collected, to be placed in a special fund by such treasurer, for the use of the assessor in carrying out the provisions hereof. Claims against said fund shall be allowed and paid in the same manner as claims against the county are allowed and paid. The board of supervisors, may from time to time order the payment of all or any part of said fund, received during a previous fiscal year or years and not used, into the fund for the maintenance and construction of county highways. The money received from the taxes herein provided shall be immediately transferred by the officer collecting same to the superintendent, and by him to the state treasurer, who shall immediately credit the same to the state highway fund.

Section 6. Sec. 1686, Revised Code, 1928, is hereby amended to read as follows:

Sec. 1686. WORDS AND PHRASES DEFINED. In this and the preceding eight articles, unless the context or subject matter otherwise requires, "the department" shall mean the Arizona state highway department; "the commission" shall mean the Arizona state highway commission; "the state engineer" shall mean the Arizona state highway engineer; "the vehicle division" shall mean the division of motor vehicles of the Arizona state highway department; "the vehicle superintendent" shall mean the superintendent of said division; "the board" shall mean any county board of supervisors; "local authority" shall mean any county, municipal or other local board or body having authority of law to adopt local police regulation; "state

route" shall mean any right of way, whether actually used as a highway or not, designated by the commission as a location for the construction of a state highway; "state highway" shall mean any state route, or portion thereof, accepted and designated by the commission as such, and maintained by the state; "county highway" shall mean any public road constructed and maintained by a county; "highway" shall mean any way, road or place of whatever nature, open to the use of the public as a matter of right for the purpose of vehicular travel, and embraces culverts, sluices, drains, ditches, waterways, embankments, retaining walls, trees, shrubs and fences along or upon the same, and within the right of way; "improved highway" shall mean a highway paved with cement concrete, or asphaltic concrete, or a highway having a hard surface and distinct roadway not less than four inches thick, made up of a mixture of rock, sand, or gravel, bound together by an artificial binder other than natural soil; "private road or driveway" shall mean any road or driveway upon private grounds and not open to the use of the public for purposes of vehicular travel; "right of way" shall mean the privilege of the immediate use of the highways; "intersection" shall mean the area embraced within the prolongation of the lateral curb lines or, if none, then the lateral boundary lines of two or more highways which join one another at an angle, whether or not one such highway crosses the other; "safety zone" shall mean the area or space officially set aside within a highway for the exclusive use of the pedestrians, and which is so plainly marked or indicated by proper signs as to be plainly visable at all times

when set apart as a safety zone; "business district" shall mean the territory contiguous to a highway when fifty per cent, or more, of the frontage thereon, for a distance of one-fourth of a mile, or more, is occupied by buildings in use for business; "resident district" shall mean the territory contiguous to a highway not comprising a business district when the frontage on such highway, for a distance of one-fourth of a mile, or more, is mainly occupied by dwellings, or by dwellings and buildings in use for business; "vehicle" shall mean any device, in, upon, or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks; provided that for the purposes of this chapter relating to the operation of vehicles and rules of the road, a bicycle or ridden animal shall be deemed a vehicle; "motor vehicle" shall mean any self-propelled vehicle, provided that for the purposes of this chapter relating to the imposition of a tax upon motor vehicle fuel the term shall mean any vehicle operated upon the highways of this state which is propelled by the use of motor vehicle fuel; "motor-cycle" shall mean any motor vehicle designed to travel on not more than three wheels in contact with the ground, except any such vehicle as may be included within the term "tractor" as herein defined; "truck" shall mean any motor vehicle designed or used primarily for the carriage of property other than the effects of the driver or passengers, and includes a motor vehicle to which has been added a box, platform or other equipment for such carriage; "truck tractor" shall mean any motor vehicle designed and used

primarily for drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load so drawn; "farm tractor" shall mean any motor vehicle designed and used primarily as a farm implement for drawing implements of husbandry; "road tractor" shall mean any motor vehicle designed and used for drawing other vehicles and not so constructed as to carry a load independently, or any part of the weight of a vehicle or load so drawn; "trailer" shall mean any vehicle without motive power, designed for carrying property or passengers wholly on its own structure, and for being drawn by a motor vehicle; "semi-trailer" shall mean any vehicle of the trailer type, used in conjunction with a motor vehicle, and so designed that some part of its own weight, and that of its own load, rests upon or is carried by another vehicle; "specially constructed vehicle" shall mean any vehicle which shall not have been originally constructed under a distinctive name, make, model, or type, by a generally recognized manufacturer of vehicles; "essential parts" shall mean integral and body parts, the removal, alteration or substitution of which will tend to conceal the identity or substantially alter the appearance of the vehicle; "reconstructed vehicle" shall mean any vehicle which has been assembled or constructed largely by means of essential parts, new or used, derived from vehicles or makes of vehicles of various names, models, and types, or which, if originally otherwise constructed, has been materially altered by the removal of essential parts, or by the addition or substitution of essential parts, new or used, derived from other vehicles, or makes of vehicles; "foreign

vehicle" shall mean any motor vehicle, trailer or semi-trailer brought into this state, otherwise than in the ordinary course of business by or through a manufacturer or dealer, and which has not been registered in this state; "pneumatic tires" shall mean all tires inflated with compressed air; "solid rubber tires" shall mean every tire made of rubber other than a pneumatic tire; and "metal tires" shall mean all tires the surfaces of which in contact with the highway are wholly or partly of metal or other hard, non-resilient material; "owner" shall mean a person who holds the legal title of a vehicle; if the vehicle is the subject of a lease or an agreement for the conditional sale thereof, with the right of purchase upon performance of the conditions stated in the agreement, and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to possession, then such lessee, conditional vendee or mortgagor shall be deemed the owner; "dealer" shall mean every person engaged in the business of buying, selling or exchanging motor vehicles, trailers or semi-trailers, and having an established place of business; "Manufacturer" shall mean every person engaged in the business of manufacturing motor vehicles, trailers, or semi-trailers; "distributor" shall mean every person who imports, acquires, refines, manufactures, produces, or compounds motor vehicle fuel, and sells the same, whether in the original packages or containers in which it is imported, or otherwise, or imports any such fuel for his own use, other than in the fuel tank of a motor vehicle when such tank is in accordance with manufacturer's stock specifications; "operator" shall mean every

person other than a chauffeur, who is in actual physical control of a motor vehicle upon a highway, and "chauffeur" shall mean every person who operates a motor vehicle while in use as a public or common carrier, and every person, who, in the course of his employment, drives a vehicle of which he is not the owner, for the purpose of the transportation of persons, or property; "motor vehicle fuel" shall mean and include all gasoline, distillate, benzine, naptha, liberty fuel, and other volatile and inflammable liquids produced or compounded for the purpose of, or which may be used in operating or propelling motor vehicles, except kerosene, and except unfinished products requiring re-run, blending, or compounding, and which are not used or sold for use in such form for the purpose of operating or propelling motor vehicles; "service station" shall mean a place operated primarily for the purpose of delivering motor vehicle fuel into the fuel tanks of motor vehicles; "budget" shall mean the annual highway program prepared by the commission.

Section 7. Sec. 1692, Revised Code, 1928, is hereby amended to read as follows:

Sec. 1692. OTHER WRONGFUL ACTS; PENALTY. Any person who shall willfully remove, deface, obliterate or change, or cause to be removed, defaced, obliterated or changed, any factory, motor, serial or other identification number or mark on or from any motor vehicle, is guilty of a felony. Any person who is a driver of a vehicle carrying children to and from school and who, in receiving or discharging such children fails to stop such vehicle on the side of the highway upon which the school building

is located; or who, being the owner thereof, operates or knowingly permits to be operated upon a highway, any motor vehicle, trailer or semi-trailer required by law to be registered which does not display thereon the number plates assigned thereto by the vehicle division for the current registered year; or who drives any motor vehicle upon a highway, and who has not been licensed, either as an operator or as a chauffeur, nor granted a temporary instruction or driver's permit, by the vehicle division; or who displays, causes, or permits to be displayed, or to have in his possession any operator's or chauffeur's license knowing the same to be fictitious or to have been canceled, revoked, suspended or altered; or who lends, or knowingly permits the use of, by one not entitled thereto, any operator's or chauffeur's license issued to the person so lending or permitting the use thereof; or who displays or represents as his own, any operator's or chauffeur's license not issued to him; or who fails or refuses to surrender to the vehicle division, upon demand, any operator's or chauffeur's license which has been suspended, canceled or revoked; or who uses a false or fictitious name, or gives a false or fictitious address in any application for an operator's or chauffeur's license, or any renewal or duplicate thereof, or who knowingly makes a false statement, knowingly conceals a material fact, or otherwise commits a fraud in any such application; or who fails to report an accident, as in this chapter required; or who causes or knowingly permits a minor under the age of eighteen years to drive a motor vehicle upon a highway as an operator, unless such minor has first obtained a license to so drive; or who employs any un-

licensed chauffeur to operate a motor vehicle or authorizes or knowingly permits a motor vehicle owned by him or under his control to be driven by any person in violation of any provision of this chapter; or who drives a motor vehicle upon the highways while his license is suspended or revoked; or who displays or has in his possession any registration card, or registration number plate knowing the same to be fictitious or to have been canceled, revoked, suspended, or altered; or who lends to, or knowingly permits the use of, by one not entitled thereto, his registration card or registration number plate; or who fails or refuses to surrender to the vehicle division upon demand, any registration number plate which has been suspended, canceled or revoked; or who uses a false or fictitious name or address in any application for the registration of any vehicle or for any renewal or duplicate thereof; or who knowingly makes a false statement or conceals a material fact or otherwise commits a fraud in any such application; or who drives a vehicle, not his own, without the consent of the owner thereof, and with the intent temporarily to deprive said owner of his possession of such vehicle, without intent to steal the same; or who defaces, injuries, knocks down or removes any posted sign as prohibited in this chapter; or who places on a state righ-of-way any signal, sign or advertisement without authority of law or of the department, shall be guilty of a misdemeanor. It shall be a misdemeanor for any person to violate any of the provisions of, or to fail or refuse to do or perform any act or thing required by this chapter, unless such violation is by law declared to be a felony.

Section 8. Sec. 1575, Revised Code, 1928, is hereby amended to read as follows:

Sec. 1575. STATE HIGHWAY FUND; AD VALOREM TAX DIRECTED. The state highway fund shall be held in the custody and charge of the state treasurer, and no money shall be placed to the credit of, nor paid out from said fund, except as provided in this chapter. For the purpose of carrying out the provisions of this chapter, there shall be levied and collected annually as other state taxes are levied and collected, a tax of one mill on each dollar of assessed valuation on all property within the state. The state board of equalization shall, upon determining the aggregate assessed valuation of all taxable property within the state, compute the amount of money to accrue from said tax and certify the same, over its seal, to the state auditor and state treasurer, who shall immediately credit the same to the highway fund.

Approved March 18th, 1931.

CHAPTER 101.

(Senate Bill No. 80)

AN ACT

TO AMEND SEC. 3154, REVISED CODE, 1928, RELATIVE TO ASSESSMENT AND TAXATION OF RAILROADS.

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

Section 1. Sec. 3154, Revised Code, 1928, is hereby amended to read as follows:

Sec. 3154. TRANSMISSION TO COUNTIES, CITIES AND TOWNS; ASSESSMENT AND TAX BY COUNTY AND TAXING DISTRICT, CITIES AND TOWNS. On or before the second Monday in July of each year the commission shall transmit to the board of supervisors of each county through or into which any railroad may run, a statement showing the length of the main track of such railroad within the county, and within each taxing unit or district appearing upon the roll of such county and the assessed value per mile of the same for state, county and school district taxes as fixed by a pro rata distribution per mile of the assessed value of the whole property herein specified, with a description of the whole of the said assessed property within the county and school districts, by metes and bounds or other description sufficient for identification. And the said assessment and pro rata distribution shall be made with reference to the value

of the property belonging to the company or corporation owning said railroad situate in each county and school district through which said railroad extends. Where the railroad company or corporation lies in several counties its rolling stock must be apportioned among them so that a portion thereof may be assessed in each county, and each county's portion must bear to the whole rolling stock the same ratio which the number of miles in such county bears to the whole number of miles thereof lying in the state. Said board of supervisors shall cause to be entered said statement, with the said description, upon the assessment roll of said county under the proper heads therefor, with the total value of said assessed property carried out. All such property of said railroad companies and corporations shall be taxable upon said assessments by the same officers and for the same purposes as the property of individuals within such counties. The commission shall at the same time make a separate appraisement and assessment of all the taxable property of railroad companies and corporations situated within the corporate limits of each incorporated city or town assessing under special or general charter, and each district assessing and taxing by lawful authority for special district purposes, except such real and personal property as is not used in the continuous operation of such railroads, and shall fix the value of such property, and on or before the second Monday in July of each year said commission shall transmit to the proper authorities of each incorporated city or town which assesses and collects its taxes by and through the office of a city tax assessor and collector, and to the board of supervisors of the

county wherein situated for each incorporated city or town whose taxes are assessed and collected by the county tax assessor and county treasurer, and to the board of supervisors wherein situated for each special taxing district, a statement showing in detail the property within the corporate limits of such city or town or special taxing district, and the valuation thereof. The proper authorities of such city or town or such board of supervisors shall assess such property for city or town or special district purposes at the valuation fixed by the tax commission, and shall cause all such property to be entered upon the proper assessment roll under the proper heads therefor, with the total value of such assessed property carried out as transmitted by the state tax commission, and all such property shall be taxable upon said assessments by the same officers and for the same purposes as the property of individuals within such incorporated cities or towns or special districts. The assessment and valuations herein provided for city and town and special district purposes shall be in addition to the assessment and valuations for state, county and school district purposes. Real and personal property not used in the continuous operation of a railroad shall not be included in the assessment and statement herein provided but shall be assessed by the proper authorities of counties and of incorporated cities or towns where the property is situated, independent of said assessment.

Section 2. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved March 18th, 1931.

CHAPTER 102.

(House Bill No. 64)

AN ACT

TO REGULATE THE BUSINESS OF CONTRACTING.

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

Section 1. It shall be unlawful for any person, firm, copartnership, corporation, association, or other organization, or any combination of any thereof, to engage in the business or act in the capacity of contractor within this state without having a license therefor as herein provided, unless such person, firm, copartnership, corporation, association, or other organization is particularly exempted as provided in this act.

Section 2. This act shall not apply to:

(a) An authorized representative or representatives of the United States Government, the State of Arizona, or any county, incorporated city or town, irrigation district, reclamation district, or other municipality or political corporation or subdivision of this state;

(b) Any construction or operation incidental to the construction and repair of irrigation and drainage ditches of regularly constituted irrigation districts, reclamation districts, or to farming, dairying, agriculture, viticulture, horticulture, or stock or poultry raising;

(c) Trustees of an express trust, or officers of a court, providing they are acting within the terms of their trust of office, respectively;

(d) Public utilities operating under the regulations of the state corporation commission, on construction work incidental to their own business; or any construction, repair, or operation incidental to the discovering or producing of petroleum or gas, or the drilling, testing, abondoning, or other operation of any petroleum or gas well, when performed by an owner or lessee;

(e) Sole owners of property, building structures thereon for their own use;

(f) Any work or operation on one undertaking or project by contract or contracts performed directly or indirectly by one contractor, and the aggregate contract price for which, for labor, materials, and all other items, is less than five hundred dollars, such work or operations being considered as of a casual, minor or inconsequential nature.

Section 3. A contractor within the meaning of this act is a person, firm, copartnership, corporation, association, or other organization, or any combination of any thereof, who for a fixed sum, price, fee, percentage, or other compensation other than wages, undertakes with another for the construction, alteration, repair, addition to, or improvement of any building, highway, road, railroad, excavation, or other structure, project, development, or improvement, other than to personalty, or any part thereof; provided, that the term contractor, as used in this

act, shall include subcontractor, but shall not include any one who merely furnishes materials or supplies without fabricating the same into, or consuming the same in the performance of, the work of the contractor as herein defined.

Section 4. The governor is hereby empowered to appoint a contractor as registrar for the purpose of this act. The term of office of the registrar shall be for two years, coterminous with that of the governor; or until his successor has been duly appointed and qualified. The registrar shall upon receiving notice of his appointment, deliver to the secretary of state a bond for five thousand dollars payable to the state. The registrar is empowered to employ such assistance and procure such equipment and records as many be necessary to carry out its provisions. He shall receive a salary of ten dollars per diem for such time as actually employed under the provisions of this act, not to exceed two hundred days in any one fiscal year.

Section 5. To obtain a license under this act the applicant shall submit, on such forms as the registrar shall prescribe, a duly verified application stating the general nature of his contracting business, and if an individual, his name and address, if a copartnership, the names and addresses of all partners, and if a corporation, association, or other organization, the names and addresses of the president, vice president, secretary, and chief construction managing officer; containing the certificates of two reputable citizens of the county in which the applicant resides, that he is of good reputation, and recommending that license be granted, and

containing the statement that the applicant desires the issuance of a license under the terms of this act.

Said application shall be accompanied by a fee of twenty-five dollars. The fees received under this act shall be deposited in the contractors license fund, which fund is hereby created. All moneys in said fund are hereby appropriated for the purpose of carrying out the provisions of this act. Any unencumbered surplus remaining in said fund on June thirtieth of each year shall be transferred to the general fund of the state.

Section 6. Upon receipt of said application and of said fee, it shall be the duty of the registrar forthwith and within ten days to issue a license to the applicant permitting him to engage in business as a contractor under the terms of this act for the balance of the fiscal year following the application. The license issued under this act shall be signed by the licensee, shall be nontransferable, and shall be exhibited by him upon demand.

Section 7. All licenses issued under the provision of this act shall elapse and expire on June thirtieth of each year. Application for renewal of a current license accompanied by a fee of ten dollars at any time during June of any year shall authorize operation as a contractor by such licensee until actual issuance of such renewal license for the ensuing fiscal year. All licensees shall report all changes of personnel and addresses under this act, within thirty days after same shall occur, on such forms as the registrar shall provide in such cases.

Section 8. The registrar shall maintain an office in Phoenix, open to public inspection during office hours, a complete indexed record of all applications and all licenses issued and of all renewed licenses under this act, and of all terminations, cancellation, and suspension thereof shall furnish a certified copy of any license issued, or of the cancellation or suspension thereof, upon receipt of the sum of fifty cents; and such certified copy shall be received in all courts and elsewhere as prima facie evidence of the facts stated therein.

Section 9. Any person, firm, corporation, association, or other organization may file a duly verified complaint with the registrar charging that the licensee is guilty of one or more or the following acts or omissions:

(1) Abandonment of any contract without legal excuse;

(2) Diversion of funds or property received under express agreement, for prosecution or completion of a specific contract under this act, or for a specified purpose in the prosecution or completion of any contract, and their application or use for any other contract, obligation, or purpose with intent to defraud or deceive creditors or the owner;

(3) Fraudulent departure from, or disregard of, plans or specifications in any material respect, without consent of the owner or his duly authorized representative; or the doing of any wilful, fraudulent act by the licensee as a contractor in consequence of which another is substantially injured;

(4) Wilful and deliberate disregard and violation of the building code of the state, or of any political subdivision thereof, or of the safety laws, or labor laws of the state. On the filing of such complaint the registrar shall investigate the charge and within sixty days after the filing of such complaint shall render and file his decision with his reasons therefor. If the registrar's decision be that the licensee has been guilty of any of such acts or omissions, he shall suspend or cancel the contractor's license. At any time within twenty days after the service by mail of the registrar's action, the complainant or the contractor may petition the registrar for a rehearing. In his order granting or denying such rehearing, the registrar shall set forth a statement of the particular grounds and reasons for his action on such petition and shall forthwith mail a copy of such order to the parties who have appeared in support of or in opposition to the petition for rehearing. If a rehearing be granted the registrar shall set the matter for further hearing on due notice to the parties and within thirty days after submission of the matter serve his decision after rehearing in like manner as on original decision. The filing of such petition for rehearing as to the registrar's action is suspending or canceling such license shall suspend the operation of such action and permit the licensee to continue to do business as contractor pending final determination of the controversy. Within thirty days after denial of rehearing or after decision on rehearing, any party aggrieved by such decision of the registrar may appeal therefrom to the superior court of the State of Arizona in and for the county or city in which the licensee under this act re-

sides or does business as a contractor, by serving upon the registrar a notice of such appeal. Such appeal to the superior court shall be governed by the provisions of law applicable to appeals from justices' courts. Upon the hearing of such appeal the burden of proof shall lie upon the appellant, and the superior court shall receive and consider any pertinent evidence, whether oral or documentary, concerning the matter in controversy. If the superior court shall determine that the contractor's license should be suspended or canceled, it shall by its judgment suspend or cancel such license. The suspension or cancellation of license as aforesaid may also be embraced in any action otherwise proper involving the licensee's performance of his legal obligation as contractor.

Section 10. A judgment of suspension or cancellation of license by the superior court shall be subject to appeal or review in accordance with the provisions of law as to appeal from or review of judgments of superior courts but there shall be no stay of execution or enforcement of such judgment pending such proceedings on appeal or review unless the contractor appealing or petitioning for review shall file a bond or undertaking in such amount as the court shall fix to the effect that he will observe the provisions of this act pending final determination of the matter. Such undertaking shall be in favor of the people of the State of Arizona and be condidtioned upon the faithful performance of all the obligations of such appellant or aggrieved person as a contractor. Such undertaking shall be for the benefit of any person having dealings with such appellant or aggrieved person as a contractor, and any such person so

dealing with the same shall have the right to commence suit thereon in his own name against said contractor and his sureties. The clerk of the court wherein said judgment has become final shall transmit to the registrar within ten days thereafter, an abstract of said judgment of suspension or cancellation, as the case may be, upon such form as the registrar shall prescribe.

Section 11. After suspension of the license, the registrar shall renew the same upon proof of the compliance by the contractor with any provisions of the judgment as to renewal of such license or, in the absence of such judgment or any provisions therein as to renewal, in the sound discretion of the registrar. After cancellation of a license such license shall not be renewed or reissued within a period of one year after final determination of cancellation and then only on proper showing that all loss caused by the act or omission for which the license was canceled has been fully satisfied.

Section 12. Any person, firm, copartnership, corporation, association, or other organization, acting in the capacity of contractor within the meaning of this act, without a license as herein provided, shall upon conviction thereof, if a person, be punished by a fine of not to exceed five hundred dollars, or by imprisonment in the county jail for term not to exceed six months, or by both such fine and imprisonment, in the discretion of the court. The same penalties shall apply upon conviction to any member of a copartnership, or to any construction managing or directing officer of any organization consenting to, participating in, or aiding or abetting, any such violation of this act.

Section 13. 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. The legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Section 14. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved March 18, 1931.

CHAPTER 103.

(Senate Bill No. 116)

AN ACT

RELATING TO TAXATION; TO PROVIDE FOR AN ECONOMIC AND FISCAL SURVEY OF THE DEVELOPED RESOURCES OF THE STATE AND OF ALL PROPERTY AND CLASSES OF PROPERTY WITHIN THE STATE; TO PROVIDE FOR THE ASSESSMENT OF PROPERTY IN ACCORDANCE WITH SUCH SURVEY, AND TO PROVIDE AND FIX THE METHOD FOR THE COLLECTION OF DELINQUENT TAXES.

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

Section 1. A full and complete economic, fiscal and tax valuation survey of the developed resources of the state of Arizona and of all property and classes of property, both tangible and intangible, within the state is hereby authorized and directed to be made for the purposes: (a) Of securing correct and adequate information and data as the basis for a just and equitable system of taxation for the state, its several departments, subdivisions and activities; (b) of ascertaining and placing on the tax rolls the value of all property and all classes of property subject to taxation as provided by law, including producing mines, public utilities, railroads, and all other classes of property assessed under existing provisions of law by the state tax commission; (c) of ascertaining the value of properties owned by public service corporations and

public utility companies, said valuations to be filed with the Arizona corporation commission for the purpose of supplying said commission with additional data to be used for rate-fixing purposes.

Section 2. The survey herein provided for shall be conducted and administered by and under the direction of a special tax survey commission, hereinafter referred to as the tax survey commission consisting of three leading and representative citizens of the state to be appointed by the governor, one of said commissioners shall be a representative of the agriculture interests of the state, one a representative of the mining interests of the state, and one a representative of the business interests of the state.

The term of office of the said commission shall expire on June 30, 1933. The members of the commission shall each receive their actual traveling expenses and fifteen dollars per day for not exceeding one hundred days in any one year, while attending to their official duties. Vacancies occurring on said commission may be filled by the governor from the class as herein provided.

The tax survey commission shall appoint, by and with the advice of the governor, a surveyor general, who shall be the executive officer of said commission, and shall hold office during the pleasure of said commission . The salary of the surveyor general shall be at the rate of seven thousand dollars per annum, and his term of office shall expire with that of the tax survey commission. The tax survey commission shall appoint, fix the compensation and prescribe the

duties of such experts, engineers, field men, accountants, office assistants, clerks, stenographers, and other employees as it may deem necessary, and may discharge any such person or fill any vacancy. In the event that offices cannot be provided for the tax survey commission in the capitol building or state building, it may rent offices elsewhere, and may purchase or rent equipment and supplies required for the performance of the duties prescribed herein. Any equipment or supplies purchased and no longer needed may, during the said term, be sold by the tax survey commission, and the moneys received therefor returned to the fund created by the appropriation made in this act and be subject to the use of the tax survey commission in like manner as moneys originally appropriated hereunder. Any equipment or supplies remaining in the custody of the tax survey commission at the expiration of the term prescribed shall be delivered to the board of directors of state institutions.

Section 3. The tax survey commission shall make a complete economic and fiscal survey of the state, including the compilation of data relating to the income of the people, corporations and public utility companies thereof, the business transactions, receipts and expenditures of the state and its departments, and of the counties, municipalities, school and other districts thereof; the bonded indebtedness of the state and its several subdivisions; the classification and valuation of all property within the state, both tangible and intangible, and the classification of such other economic and fiscal data as the tax survey commission may deter-

mine to be useful in preparing a systm of taxation for the state.

Section 4. The members of the tax survey commission are hereby clothed with all of the powers of public officers authorized to take evidence. Each witness who shall appear by order of the tax survey commission shall receive the sum of one dollar and fifty cents for each day's attendance, to be reckoned from the time of leaving his place of residence to go to the place of hearing, until his discharge as such witness, together with mileage from his place of residence to the place of hearing, by the shortest practicable route, at the rate of fifteen cents per mile one way, provided that no person summoned to appear and give testimony concerning the valuation or assessment of his own property or the property of any member of his famly, or any agent concerning the property controlled by him, or any partner concerning partnership property, or any officer of a corporation, association, or trust, concerning corporate, association, or trust property, shall receive witness fees or mileage hereunder. No person shall be excused from testifying or from producing any books, documents, papers or maps in any investigation or hearing before the tax survey commission, when ordered to do so, upon the ground that the testimony or evidence, or book, document, paper or map required of him, may tend to incriminate him or subject him to penalty or forfeiture, but no person shall be prosecuted or subjected to any penalty for or on account of any act or matter concerning which he shall, under oath, have testified or produced documentary evidence, except for perjury committed by him in his testimony.

Section 5. It is hereby made the duty of all state, county, municipal, school and district officers and employees to cooperate with and furnish to the tax survey commission all such data, reports, service and aid as it may request. Any such officer or employee, or any person refusing, neglecting or failing to comply with or observe any provision of this act or any order, rule or direction of the tax survey commission made under the authority of this act, the punishment of which is not otherwise herein provided for, shall be deemed guilty of a misdemeanor.

Section 6. Upon demand every person, corporation, trust, association, or co-partnership owning or having charge or control of property, whether tangible or intangible, in this state, shall make out and deliver to the tax survey commission a full, true and correct list of such property, subscribed and sworn to as correct by such person, or by the proper officers, agents, or members of any such corporation, trust, association or co-partnership. If so directed by the tax survey commission such list shall include the receipts, income, expenses, disbursements, and profits of any such person, corporation, trust, association or co-partnership.

Section 7. The tax survey commission shall have authority to delegate the powers conferred upon it by this act to such of its assistants as it shall select, including the powers of a public officer authorized to take evidence. All such power shall be exercised in the name of the tax survey commission, and the refusal, neglect, or failure of any person to comply with the orders of any assistant so empowered shall

be punished as for refusal, neglect or failure to obey or observe an order or direction of the tax survey commission.

Section 8. To carry out the purposes of this act the sum of two hundred fifty thousand dollars is hereby appropriated out of the general fund, one hundred thousand dollars to be available when this act becomes effective; one hundred thousand dollars on the first day of July, 1931, and fifty thousand dollars on the first day of July, 1932. The state auditor is hereby authorized to draw his warrants in conformity with the provisions of this act for claims approved by the tax survey commission, and the state treasurer is authorized to pay the same. All moneys appropriated hereunder shall be available for carrying out the purposes of this act during the entire term of office of the tax survey commission.

Section 9. The survey herein directed to be made by the tax survey commission shall be completed and returned on or before the first day of December, 1932, to the permanent state board of tax survey, and shall be presented to the legislature at the next session thereafter. Said permanent state board shall transmit the said survey, insofar as it relates to property and classes of property valued for tax purposes by county assessors, to the several county assessors of the state, and insofar as it relates to property and classes of property valued for tax purposes by the state tax commission, to said state tax commission, and shall file with the Arizona corporation commission a transcript of the valuations of the properties owned by public utility companies and public service corpor-

ations, for the purpose of aiding said corporation commission in fixing the rate to be charged by such companies and corporations for public utility services. Upon receipt of such survey, the several county assessors and the tax commission shall extend all modifications and changes of existing assessments, all new assessments, and all assessments not heretofore placed on the tax rolls, upon the respective and proper tax rolls in their several offices. Such assessments shall constitute the assessment rolls of the several counties and of the tax commission for the year 1933. All modifications and changes of assessments and all new and additional assessments so extended on the rolls, either by the county assessor or by the tax commission, shall be subject to review and equalization before the county and state boards of equalization and the courts of the state as provided by law in respect to assessments made originally by said county assessors and by said tax commission. County boards of equalization may remain in session throughout the month of June, 1933.

Section 10. For the purpose of ascertaining and placing on the tax rolls the value of all property and all classes of property subject to taxation as provided in subdivision (b) of Section 1, said survey shall be made at the full cash value thereof, and the county assessors and the tax commission shall extend upon the assessment rolls the values so found.

Section 11. The tax survey commission shall cause the said survey to be published in the following manner: The survey of the property in each community shall be published in a newspaper of such community. Where no news-

paper is published, publication shall be made in a newspaper published in this state having a general circulation in such community. Such portions of the survey as relate to rural sections shall be published in newspapers published nearest to such sections. All matters relating to such publications shall be under the direction of the tax survey commission and it shall fix the rates therefor.

Section 12. The permanent state board of tax survey, to consist of three members, is hereby created. Each member shall receive an annual salary of fifteen hundred dollars to be paid as the salaries of other state officers are paid. The members of the permanent state board shall take office immediately upon this act becoming effective. Subsequent to the survey provided for in Section 1 of this act the permanent state board shall, from time to time, as and when directed by law, conduct new surveys of all taxable property and classes of property in the state, and during the intermissions between such surveys shall compile, in a form suitable for publication, such additional information and data as may be secured from the annual returns made for purposes of taxation, to the county assessors and to the tax commission, and shall report the same to the legislature at the beginning of each regular session. Upon receipt from the tax survey commission of the survey herein provided for, the permanent state board and the county assessors under its direction are charged with the duty of carrying into effect and securing to the state the benefits of the survey herein provided to be made.

Section 13. The members of the state tax commission as at present or hereafter composed, shall constitute the permanent state board of tax survey. The jurisdiction, authority and duties vested in and imposed upon the permanent state board of tax survey are intended to and shall be independent of and in addition to the jurisdiction, authority and duties vested in and imposed upon the state tax commission and the state board of equalization.

Section 14. A county board of tax survey is hereby created in each of the counties of the state. The boards of supervisors of the several counties of the state as said boards are at present or hereafter composed shall constitute the county boards of tax survey for their respective counties. Prior to entering upon the survey in any county of the state the county board of survey shall be convened in said county at the request of the tax survey commission and the nature, extent and method of conducting the survey in said county shall be fully presented to said county board of tax survey. The tax survey commission shall at all times keep the county board of tax survey in the several counties of the state accurately informed as to the progress of the survey and said boards shall be convened from time to time at the request of the tax survey commission for the purpose of advising with the tax survey commission respecting said survey. Members of the county board of tax survey shall be compensated for all necessary expenses and travel in connection with meetings of the board convened at the request of the tax survey commission. Such compensation shall be paid upon proper

warrants and budgeted for as other county charges are budgeted and paid.

Section 15. Taxes upon real estate, if unpaid, shall become delinquent on the first Monday in November and the first Monday in May of each year, and the county treasurer shall enforce the lien of the state upon such real estate, as provided herein. Failure to properly return the delinquent list shall not affect the validity of the assessment and levy of taxes, nor the sale by which the collection may be enforced, nor the lien of the state on such delinquent real estate for the taxes unpaid thereon.

Section 16. The county treasurer shall immediately after the first Monday in May make a back tax book of all persons delinquent on the rolls, and shall collect the taxes due thereon. He shall levy upon, seize and distrain personal property and sell the same for such taxes, and if it shall appear that any board of supervisors, or clerk of such board, or any county treasurer has failed in the discharge of his duties to the extent that the collection of said taxes cannot be enforced, the said board shall at once correct the defect and return such corrected back tax book to the County treasurer.

Section 17. The county treasurer shall keep a back tax book in which the annual back tax books shall be consolidated, and within ten days after the completion of the annual back tax book he shall enter the delinquent property or persons on the annual book and also upon the general book, with the data on the rolls in separate columns, together with columns for interest, fees and other charges. Such back tax

book shall be cross-indexed as to owners and as to property. Failure to complete any back tax book within the time prescribed, or any informality therein, shall not affect its validity. The sum total of taxes originally due as shown in said back tax book must agree with the total shown by the several delinquent lists as corrected by the board, and such amount or total sum shall be debited at the end or close of such back tax book against the county treasurer. All taxes shall bear interest from the time of delinquency at the rate of ten per cent per annum until paid, and a fraction of a month shall be counted as a whole month.

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

Treasurer's Office, ... County, Arizona.

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

Name of Owner If Known	Name of mining claim or description of Property	Part of Section or Lot	Section or Block	Township, City or Town	Range, Division or Addition	Number of Acres	Valuation		Amount of Taxes	
							Dollars	Cents	Dollars	Cents

The county treasurer shall cause said list and notice to be published in two consecutive weekly issues of a newspaper which has been designated by the board of supervisors as the official paper of the county, the first of which

publications shall not be less than two weeks nor more than three weeks prior to the day of sale prescribed therein, and shall also cause to be posted near the outer door of the county treasurer's office a correct copy of said list and notice, which shall remain so posted for a period of not less than two weeks before the date of such sale; provided, that if there be no newspaper published in the county, notice given by posting as herein provided shall be sufficient.

Section 19. The county treasurer shall make, or cause to be made, an affidavit showing the posting of such list and notice, and every publisher who shall publish said list and notice shall, immediately after the last publication thereof, furnish the treasurer with an affidavit of publication made by the publisher, manager or foreman of such newspaper, to whom the facts of publication are known. No publisher failing to furnish such affidavit within ten days after the last publication shall be paid for the publication of such list and notice. The affidavits mentioned in the preceding paragraph shall be filed by the county treasurer in the office of the county recorder and shall be prima facie evidence of the facts therein recited in any action in the courts of this state. In describing real property in such list and notice, and in all entries, notices, certificates, deeds, pleadings, judgments, and proceedings made or had under the provisions of this act, it shall be sufficient to designate the sections, townships, ranges, lots, blocks, and portions of the same by initial letters, figures and abbreviations. A penalty of one dollar shall be added to the amount of taxes due on each tract of real prop-

erty separately assessed and described in such list and notice immediately after the first publication thereof, and shall in all cases be collected by the county treasurer.

Section 20. The day designated in said list and notice shall not be earlier than the first day of October, nor later than the first day of November, and on said day the county treasurer shall commence the sale of all real property described in such list and notice on which the taxes and charges have not been paid, and shall continue the sale from day to day, Sundays and holidays excluded, until each parcel, or so much thereof as is necessary to pay the taxes and charges thereon, has been sold. If there be no bid for any tract offered, the county treasurer shall pass it over for the time, and shall reoffer it at the beginning of the sale on the next day, until all the tracts are sold, or until the county treasurer becomes satisfied that no more sales can be effected, when it shall be his duty to strike off to the state of Arizona the property remaining unsold for the amount of such taxes, interest, penalties, and charges, and shall issue to the state of Arizona a certificate of purchase as provided in other cases. No taxes assessed against property so sold to the state of Arizona shall be payable until the same shall have been derived from the sale or redemption of such property or certificate of purchase. Where two or more lots or tracts are assessed as one parcel they may be sold as one parcel.

Section 21. If from any cause real property cannot be advertised and sold at the time herein provided, it shall be the duty of the county

treasurer to make the sale at any subsequent day on which it can be made, allowing due time for the publication and posting of said list and notice as provided in this act.

Section 22. When any real property is offered for sale for taxes it shall not be necessary to advertise or sell the same as the property of any person, and no sale shall be invalid by reason of the fact that the property was assessed or advertised in the name of any person other than the rightful owner, or charged as unknown, but such real estate must be in other respects sufficiently described in said list and notice to identify it and the amount of taxes for which it is to be sold.

Section 23. The county treasurer shall make a correct record of all sales of real property for taxes in a well-bound book containing: (1) The date of sale; (2) description of each tract sold; (3) name of the owner thereof, if known; (4) name of purchaser; (5) total amount of taxes, interest, penalties and charges for which the same was sold; (6) the amount of subsequent taxes paid by the purchaser; (7) the name of the assignee and the date of assignment of certificate; (8) name of person redeeming and date of redemption; (9) total amount paid for redemption; (10) name of person to whom conveyed and date of deed.

Section 24. The county treasurer shall also note in the tax list, opposite the description of the property sold, the fact and date of such sale, and immediately on completion of the record mentioned in the preceding section shall

make and certify a true copy thereof in a well-bound book, which shall be known as the record of tax sales, and shall deposit the same in the office of the county recorder.

Section 25. When any real property is offered for sale for delinquent taxes as herein provided, 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 such sale, which said rate of interest shall never exceed fifteen per cent per annum from the date of such sale until redeemed; provided, that when any real property shall be sold to the state for taxes the rate of interest payable on redemption shall in all cases be ten per cent per annum.

Section 26. When the county treasurer sells any real property for delinquent taxes he shall require the purchase price to be paid in cash at the time of sale. Should any person to whom property has been struck off fail to pay the amount due, the treasurer shall proceed to resell the same if the sale has not been closed, and if it has been closed he may advertise it specially in the manner provided for the publication and posting of the original list and notice, or he may at his option recover the amount bid by civil action in any court of competent jurisdiction.

Section 27. Omissions, errors or defects in the form of any assessment list or tax roll, when it can be ascertained therefrom what was intended, may be supplied or corrected by the

assessor at any time before the return of the assessment roll to the county treasurer, or by the county treasurer at any time thereafter. When any such omission, error or defect has been carried into delinquent list or into the publication herein provided for, the list or publication may be amended and republished, or notice of the correction may be published and posted in the manner provided herein for the publication and posting of the original list and notice.

Section 28. The county treasurer shall make, sign and deliver to the purchaser at every such sale for delinquent taxes a certificate of purchase, and shall collect therefor from the purchaser a fee of fifty cents for each certificate.

Section 29. Such certificate of purchase shall describe the real property sold as it is described in the record of tax sales and shall recite the amount of all taxes, interest, penalties and charges for which the property was sold, together with the rate of interest payable thereon in order to redeem. Such certificate may be in the following form:

Treasurer's Office, County of .....,

State of Arizona

I hereby certify that at a sale of real estate situated in said county and state, for delinquent taxes for the following year, or years, to-wit ....., held at the county treasurer's office in said county on the ..... day of ....., 193....., in accordance with law, ...

was the purchaser of that certain real property described as follows, to-wit:

Name of Mining Claim or Description of Improvement	Part of Section or Lot	Section or Block	Township, City or Town	Range, Division or Addition	Amount Paid	
					Dollars	Cents

for which he paid the sum of money set opposite the description of said real property, on which sum he shall receive, until this certificate be redeemed, interest at the rate of ten per cent per annum until redeemed.

.....

(Seal) Treasurer of ..... County,
State of Arizona.

Such certificate of purchase, whether issued to the state of Arizona, or to any person, shall be assignable by endorsement, and an assignment therefor when noted on the record of tax sales in the offices of the county recorder and

county treasurer shall vest in the assignee all the right and title of the original purchaser.

Section 30. Any person desiring to pay any subsequent taxes upon the real property for which he holds a certificate of purchase shall exhibit such certificate to the county treasurer, who shall endorse thereon the amount of such subsequent taxes paid and the date of payment, and shall enter said information opposite the description of such real property in the record of tax sales kept by him as herein provided, and shall present said certificate to the county recorder, who shall enter the same information in the proper columns of the record of tax sales in the office of the county recorder. For making such entries the county recorder and the county treasurer shall each collect a fee of twenty-five cents from the holder of such certificate.

Section 31. Whenever any real property shall be sold to the state as herein provided, the county treasurer shall sell, assign and deliver the certificate of purchase issued therefor to any person who shall pay to the county treasurer the whole amount then due under such certificate, including interest, penalties and charges, and who shall in addition pay the whole amount of any subsequent taxes assessed on the real property described therein and the further sum of fifty cents for making each such assignment.

Section 32. Any county treasurer who neglects or fails to publish and post said list and notice of delinquent tax sales before the fifteenth day of October, or who neglects or fails

to perform any of the duties by this act imposed on him shall be guilty of a misdemeanor.

Section 33. All moneys collected or received by the county treasurer pursuant to the provisions of this act as delinquent or back taxes shall be distributed by him in the same manner and proportions as he by law is required to distribute other taxes collected by him; provided, that interest, penalties, charges or fees collected in connection with the collection of taxes shall be credited to the general fund of the county.

Section 34. The delinquent taxes for which real property shall be sold pursuant to the provisions of this act shall not be confined to the unpaid taxes for any certain year or years, but it shall be the duty of the county treasurer to advertise and sell any such real estate for the aggregate amount of all unpaid taxes becoming delinquent during each and every preceding year, including any year prior to the passage of this act, together with all penalties, interest and charges respectively due thereon under this or any prior law, whether or not said aggregate amount, or any part thereof, has, or shall have been, reduced to judgment; provided, that failure to include the unpaid taxes becoming delinquent during any year shall not invalidate a sale for unpaid taxes becoming delinquent during any other year or years, and provided further, that no sale for unpaid tax shall be commenced at a date later than five years after delinquency, unless advertised, as herein provided, within said five year period.

Section 35. When any certificate of purchase shall be lost or wrongfully withheld from the rightful owner thereof, the board of supervisors may receive evidence of such loss or wrongful detention, and upon satisfactory proof of such fact may cause a certificate of such proof and finding, properly attested by the clerk of the board, to be delivered to such rightful owner, and on presentation of such certificate of proof the county treasurer shall on payment to him of a fee of fifty cents issue to the holder thereof a certificate of purchase in all respects an exact duplicate of the certificate of purchase lost or wrongfully withheld.

Section 36. Whenever it shall appear to the board of supervisors that any real estate contained in said back tax book is not worth the amount of taxes, interest, costs, and penalties due thereon, as charged in said back tax book, or that the same would not sell for that amount, said board may compromise said taxes with the owner, and upon payment to the county treasurer of the amount agreed upon the board shall issue a certificate of redemption releasing said lands from the lien of said taxes. The board shall order the amount so paid distributed to the various funds to which said taxes are due, in the proportion that the amount received bears to the whole amount charged against such tract or lot. The board may order that no action be brought on any specified tract, if in its judgment such tract is not worth or will not bring an amount equal to the taxes, interest and costs, and may direct that any tax or fund, the validity of which is being contested in the courts, be omitted from any action brought hereunder, but the judg-

ment rendered in an action where such tax is omitted, shall not bar or affect any subsequent action for such tax so omitted.

Section 37. Real property sold under the provisions of this act may be redeemed by the owner, his agent, assignee, or attorney, or by any person having a legal or equitable claim therein, including a certificate of purchase of different date therefrom, at any time before the expiration of three years from the date of sale, or thereafter at any time before the execution of a treasurer's deed to the purchaser, his heirs or assigns, by payment to the county treasurer of the amount for which such real property was sold, with interest thereon at the rate specified in the certificate of purchase, together with the amount of all taxes accruing on such real estate after the sale and paid by the purchaser and endorsed on such certificate of purchase, with interest on such subsequent taxes at the rate of ten per cent per annum; provided, that all statutory fees paid by the purchaser or his assigns in connection with such certificate shall be added to the amount payable on redemption and shall bear interest at the rate of interest specified in such certificate except as changed by this act. When any real property, sold to the state under the provisions of Chapter 46, Session Laws, 1929, shall be redeemed as herein provided, the redemptioner shall be liable for and shall pay interest on the amount for which such real property was sold at the rate of ten per cent per annum. Upon the assignment of any certificate held by the state the rate of interest therein shall continue at said rate of ten per cent per annum, and, upon redemption of the

real property against which any such certificate was issued, the redemptioner shall be liable for and shall pay the interest therein due at the said rate of ten per cent per annum. When any real property, sold under the provisions of said Chapter 46, to any purchaser other than the state, shall be redeemed as herein provided, the redemptioner shall be liable for and shall pay interest on the amount for which such real property was sold, at the rate accepted at such sale and set out in the certificate of purchase, not exceeding the rate of interest herein authorized. Such sum as shall represent interest accepted at the sale of such real property, and set out in the certificate of purchase, in excess of the interest authorized by this act, shall be deducted from the sum paid for the redemption of such real property, in accordance with the provisions of this act, and paid to the holder of such certificate of purchase in fulfillment of his contract. Should the sum so paid for the redemption of such real property be insufficient to meet the interest payment due the holder under the terms of such certificate of purchase, then the county treasurer shall make up any such deficiency from other moneys in his possession received for taxes. Such excess of interest above the rate allowed by this act, so paid to the redemptioner, shall be deducted from the taxes collected for and on behalf of the state.

Section 38. The real property of infants, idiots and insane persons sold for taxes shall be subject to redemption only in the manner provided for persons under no such disability; provided, that in any action to foreclose the right of redemption the provisions of law re-

lating to the prosecution of civil actions against persons under such disability shall be complied with.

Section 39. The county treasurer shall, upon application to redeem real property sold under the provisions of this act, and upon being satisfied that the person applying has the right to redeem the said property, and upon the payment of the proper amount, issue to such person a certificate of redemption, describing the tracts redeemed, and giving the date of redemption, the amount paid, and by whom redeemed, and shall make the proper entries in the book of tax sales in his office. For every such certificate of redemption the county treasurer shall collect a fee of twenty-five cents.

Section 40. The holder of any such certificate of redemption shall be entitled to record the same in the office of the county recorder, who shall provide a suitable book for such purpose, and who shall collect a fee of twenty-five cents for recording each such certificate. The county recorder shall, after recordin such certificate of redemption, enter the fact and date of redemption in the proper column of the record of tax sales, noting therein the book and page in the record of redemptions in which such certificate of redemption is recorded.

Section 41. Certificates of redemption may be in the following form:

CERTIFICATE OF REDEMPTION

Treasurer's Office, ... County,

State of Arizona

DESCRIPTION OF LANDS REDEEMED

Part of Section or Lot or Name of Mining Claim	Section or Block	Township, Town or City	Range, Division or Addition	No. of Acres	Amount Paid	
					Dollars	Cents

In witness whereof, I have set my hand and seal this ..... day of ....., 193.....

.....

(Seal) County Treasurer.

Section 42. Any person owning an interest less than the whole in any real property, may redeem such interest by paying the proper proportionate part of the whole amount due, and

shall receive a certificate of redemption for such interest in the manner herein provided.

Section 43. The treasurer, on demand of any person entitled to redemption money held by him, shall pay the same to such person, upon the surrender of the certificate of purchase for such redeemed property. If only a portion of the property described in the certificate of purchase has been redeemed, the treasurer shall endorse on such certificate the portion redeemed and the amount of money paid to the person holding the same, and shall take a receipt therefor.

Section 44. When by mistake or wrongful act of the county treasurer, recorder or assessor, or from double assessment, real property has been sold on which no tax was due at the time, the county treasurer shall hold the purchaser harmless by paying him the amount of the principal and interest at the rate of eight per cent per annum, and the treasurer, recorder, or assessor, as the case may be, and the sureties of any such officer on his official bond, shall be liable to the county for sales made through his mistake or misconduct.

Section 45. If any real property at any time after the expiration of three years from the sale thereof for delinquent taxes, be not redeemed from such sale, the purchaser, his heirs or assigns, including the state of Arizona, may bring an action in any court of competent jurisdiction to foreclose the right to redeem from such sale. Such action shall in all respects be a civil action, and the provisions of law relating to civil actions shall govern the com-

mencement, pleadings, trial, judgment, stays of execution and appeals thereof.

Section 46. If the court in any such action shall find such sale to be valid, and the premises thereunder sold not to have been redeemed, judgment shall be entered forever foreclosing the rights of the defendants to redeem from such sale, and commanding the county treasurer to execute and deliver forthwith to the person in whose favor such judgment is entered, including the state of Arizona, a deed conveying the premises in such certificate of purchase described, and after the entry of such judgment the parties whose rights to redeem are foreclosed therein, shall have no further right, title or interest in such real property, either in law or in equity, subject however, to their right of appeal and to stay execution as in other civil actions.

Section 47. On receiving a certified copy of such judgment, together with a fee of two dollars, the county treasurer shall execute and deliver to the person in whose favor such judgment was entered, or his legal representative, a deed conveying to him the real property described in such judgment. Such deed may be in the following form:

Know All Men By These Presents, that I, ..., Treasurer of ..... County, State of Arizona, pursuant to law and to the judgment of the superior court of ..... county, State of Arizona, entered on the..... day of ....., 193....., in an action numbered ....., entitled .....,

plaintiff vs. ..... defendant, in consideration of the sum paid to the treasurer at the sale in the above entitled action foreclosed, and in further consideration of the sum of two dollars, have conveyed and by these presents do convey, unto the said..... ....., the following described real property situate in the county of....., State of Arizona, to-wit:

(Description)

IN WITNESS WHEREOF, I, ..., treasurer of the county of ....., State of Arizona, by virtue of law, have hereunto set my hand and seal this ..... day of ....., 193.....

.....,

(Seal) Treasurer.

STATE OF ARIZONA)
)ss.
County of ....)

This instrument was acknowledged before me this ..... day of ....., 193....., by ....., as treasurer of the county of ....., State of Arizona, who then and there stated to me that he executed the same for the purpose and consideration therein expressed.

.....,

.....,
(Official Capacity)

Section 48. At any time prior to the entry of such judgment any person who is entitled to redeem under the provision of this act, may do so as in other cases, notwithstanding that such suit has been commenced; provided, that if such redemption be made by any person who has been served personally or by publication in such action, judgment shall be entered in favor of the plaintiff against such person for the costs incurred by plaintiff, together with a reasonable attorney's fee to be determined by the court. When any such action is brought by the state of Arizona the same shall be prosecuted on its behalf by the county attorney.

Section 49. If any real property, at any time after the expiration of five years from the sale thereof for delinquent taxes, be not redeemed from such sale, the purchaser, or his assigns, including the state of Arizona, may, at his option, instead of filing suit as hereinabove provided, receive a treasurer's deed to such property on compliance with the two following sections. The county treasurer, on demand of any such purchaser, shall cause to be published in two consecutive weekly issues of the official newspaper of the county, a notice that the purchaser, or his assignee, has applied for a treasurer's deed, and that unless the property be redeemed before the date specified therein, a treasurer's deed will issue to such purchaser, or his assigns.

Section 50. The date specified in any such notice shall be not less than thirty days from the date of the first publication thereof, and such notice shall state the description of the

property and the amount for which is was sold, together with the date of such sale and the name of the owner of such property, if known. Such notice may be in the following form:

TREASURER'S OFFICE

..... County, State of Arizona.

Notice is hereby given that ..... has applied for a treasurer's deed to the following described real property, owned by .... and situated in .... county, State of Arizona:

(Description)

which, on the ..... day of ....., 193....., was sold to ..... for taxes, interest, penalties and charges amounting to ..... dollars and ..... cents. If redemption according to law be not made before the ..... day of ....., 193....., I will convey said premises to such applicant or his assigns.

.....,

Treasurer of ..... county,
State of Arizona.

The purchaser, or his assigns, shall at the time of making such application pay to the county treasurer a fee of one dollar and shall further repay to the county treasurer the cost of such publication.

Section 51. After the first publication of such notice, before any person shall be permitted to redeem such property he shall pay to the county treasurer, in addition to the amount necessary to redeem, the entire amount prepaid by the applicant for the publication of such notice. If such real property be not redeemed before the date specified in such notice, the treasurer shall, upon receipt of a fee of two dollars, forthwith execute and deliver to the applicant a treasurer's deed conveying to him, or his assigns, the real property sold at such tax sale, and on the delivery of such deed the rights of all persons to redeem, whether named in such notice or not, shall forever cease. Such treasurer's deed may be in the following form:

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, on the ..... day of ...., 193....., notice according to law was published in the ....., a newspaper published in the county of....., State of Arizona, that application for a treasurer's deed to the premises hereinafter described had been made by the grantee named herein and that unless redemption be had before the ..... day of ....., 193....., a treasurer's deed will issue to the said grantee, and

WHEREAS, said property not having been redeemed from such sale, I therefore, pursuant to said notice and in conformity with law have conveyed, and do hereby convey, unto said..... ....., the following described premises situated in the county of ...., State of Arizona, to-wit:

(Description)

IN WITNESS WHEREOF, I, ..., treasurer of the county of ..... State of Arizona, by virtue of law, have hereunto set my hand and seal this ..... day of ....., 193.....

.....,
(Seal) Treasurer

STATE OF ARIZONA)
)ss.
County of .....,)

This instrument was acknowledged before me this ..... day of ....., 193....., by ....., as treasurer of the county of....., State of Arizona, who then and there stated to me that he executed the same for the purpose and consideration therein expressed.

.....,
(Official Capacity)

Section 52. The board of supervisors, on or before the first Monday of November, in each year, shall prepare a list of the real estate within such county held by the state by tax deed, giving a full description of each tract, together with the name of the former owner thereof, if known, and the total amount of taxes, penalties, and costs, including the unpaid charges of the county treasurer and recorder, and shall advertise the same for sale at private sale at the office of the board. Such advertisement shall be by publication of said list

and notice of sale in a newspaper published in the county, at least once a week for four weeks, or oftener, if the board so directs; by posting in two or more public places in each election precinct wherein any of said real estate is situated, and by keeping such notice and list, as revised from time to time, continuously posted in the office of the board of supervisors, in the sheriff's office, and at the front door of the county court house.

Section 53. The board of supervisors may, after such advertisement, sell such real estate to the highest bidder for cash, and upon such sale shall execute and deliver to the purchaser, at his cost, a deed conveying to him the title of the state in and to the tract so purchased. The deed shall be acknowledged by the chairman and clerk of the board. The purchase money shall be paid to the county treasurer, who shall distribute and credit the same to the several funds entitled thereto. Should any such real estate be not sold before the time for the next succeeding publication thereof, the board may omit the same therefrom.

Section 54. If such real property be improved and occupied adversely to the title of the state, the board of supervisors may direct the county attorney to bring an action in the name of the state for possession of the same, and the county attorney shall bring and prosecute such action. The costs incurred in such action shall be a charge against the county wherein said property is situated.

Section 55. No person upon whom a tax has been imposed under any law relating to taxa-

tion shall be permitted to test the validity thereof, either as plaintiff or defendant, unless such tax shall first have been paid to the proper county treasurer, together with all penalties thereon. No injunction shall ever issue in any action or proceeding in any court against this state, or against any county, municipality, or officer thereof, to prevent or enjoin the collection of any tax levied. After payment an action may be maintained to recover any tax illegally collected and if the tax due shall be determined to be less than the amount paid, the excess shall be refunded in the manner hereinbefore provided.

Section 56. The entries made in the county treasurer's books, the records of the board of supervisors, the assessment and tax roll, and the warrants attached thereto, the delinquent list, or a certified copy thereof, shall be prima facie evidence of the facts therein stated. No want of description or misdescription, or irregularity in the description, of the property assessed upon the roll, if it can be ascertained or proved what property is intended, shall invalidate the assessment.

Section 57. Should a referendum petition be filed with the secretary of state ordering this act to be submitted to the people at the polls, in accordance with the provisions of the state constitution and should this act be approved by the qualified electors at the election whereat the same is submitted to the qualified electors, then, thereupon, the term of office of said commission shall begin on the day succeeding that upon which the governor issues his proclamation declaring this act approved by the ma-

jority of those voting thereon and shall expire two years thereafter.

In the event of the approval by the majority of those voting hereon, as hereinbefore named in this section, the appropriation made in this act shall become and be available as follows: One hundred thousand dollars on the day succeeding that upon which the governor issues his proclamation declaring this act approved; one hundred thousand dollars on the first day of July thereafter; and fifty thousand dollars on the first day of July following said last hereinbefore designated date. And the survey herein directed to be made by the tax survey commission shall be completed and submitted on or before the first day of December, 1934, and such assesments shall constitute the assessment rolls of the several counties and of the tax commission for the year 1935.

Section 58. Chapter 46, Session Laws, 1929, and all laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved March 19, 1931.

CHAPTER 104.

(Senate Bill No. 83)

AN ACT

TO AMEND ARTICLE 5, CHAPTER 31, REVISED CODE, 1928, ENTITLED "HIGHWAYS," BY ADDING AN ARTICLE, TO BE DESIGNATED ARTICLE 5a, AND TO CREATE THE ARIZONA HIGHWAY PATROL.

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

Section 1. Article 5, Chapter 31, Revised Code, 1928, entitled "Highways" is hereby amended by adding an article, to be designated article 5a, highway patrol division, and to read as follows:

Article 5a. HIGHWAY PATROL DIVISION.

Sec. 1. The Arizona highway department shall maintain a division to be known as the Arizona highway patrol. A patrol superintendent shall be appointed by the state engineer, with the approval of the Arizona state highway commission. The patrol superintendent may employ such clerical assistants and patrolmen as the business of the division shall require, and may appoint not to exceed one highway patrolman for each eight thousand motor vehicles or fraction thereof, registered in the state for the calendar year next preceding the appointment. The patrol superintendent and the patrolmen shall have been citizens, residents and taxpayers of this state continuously for not less than

three years next preceding their appointment. As nearly as may be, the patrolmen shall be appointed equally from the several counties. The patrol superintendent and the highway patrolmen shall be vested with the authority of peace officers for the purpose of enforcing the laws relating to the use of highways or the operation of any vehicles thereon, but such officers shall never be used as peace officers in connection with any strike or labor dispute. The compensation of the patrol superintendent, the highway patrol men and all employees of the division shall be fixed by the state engineer, with the approval of the Arizona highway commission, and all expenses connected with the maintenance of the division shall be budgeted and paid from the state highway fund.

Sec. 2. POWERS OF THE DIVISION. The highway patrol division shall be authorized with the consent of the highway commission: (1) To adopt rules covering the policy, procedure, regulations and administration of all activities of the Arizona highway patrol; (2) to provide for the training of the highway patrolmen in the performance of their duties; (3) to place a speed limit and other restrictions upon any portion of the highways when, in the opinion of the patrol superintendent, congested traffic or other conditions require such restrictions for the public safety; the division shall cause such signs to be erected and maintained as may be necessary to give notice of such special restriction; (4) to cooperate with the commission of agriculture and horticulture for the purpose of enforcing the laws relating to motor vehicles. The division shall issue to each member of the Arizona highway patrol a badge of authority with

the words "Arizona highway patrol" encircling the same, the seal of the state of Arizona in the center thereof, and the designation of the office or rank of the holder below.

Sec. 3. IMPERSONATING PATROLMEN. Any person who, without authority, wears the badge of a member of the highway patrol, or a badge of similar design which would tend to deceive, shall be guilty of a misdemeanor. Any person who impersonates a member of the Arizona highway patrol with the intent to deceive shall be guilty of a misdemeanor.

Sec. 4. DUTIES OF PATROL. It shall be the duty of the Arizona highway patrol to patrol the highways of the state, both day and night, and enforce the laws relating to the use of the highways; to investigate all accidents which occur upon the highways, procuring the names of the drivers and a description and the license numbers of the motor vehicles involved, and to transmit forthwith to the vehicle superintendent a copy of the report of such investigation.

Approved March 19th, 1931.

CHAPTER 105.

(Senate Bill No. 90)

AN ACT

RELATING TO SALE OF PROPERTY FOR NON-PAYMENT OF ASSESSMENTS.

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

Section 1. Sec. 541, Revised Code, 1928, is hereby amended to read as follows:

Sec. 541. SALE; CITY MAY PURCHASE WHERE NO BIDDERS. On the day fixed for the sale, the superintendent shall, at the hour of ten o'clock, or at any time thereafter to which the sale may be adjourned, begin the sale of the property advertised, commencing at the head of the list and continuing in the numerical order of lots, until all are sold. He may postpone or continue the sale from day to day until all the property is sold. Each lot separately assessed shall be offered for sale separately. The sale shall be for the entire assessment, including the delinquent installment, and the person who will take the least quantity of land and then and there pay the amount of the assessment, penalty and costs due, including fifty cents to the superintendent for a certificate of sale, shall become the purchaser. The municipality may provide by ordinance that if there is no purchaser other than the municipality who will pay the entire amount of the assessment, penalty and costs, including fifty cents to the superintendent of streets for a cer-

tificate of sale, the superintendent of streets shall sell the lot or portion thereof to the person who will take the least quantity of land and then and there pay the amount of the assessment then delinquent, including interest, penalty and costs due, and fifty cents to the superintendent of streets for a certificate of sale, and deed shall issue to such purchaser, subject to redemption, as hereinafter provided by this article; that the lien on the entire lot, piece or parcel of land assessed shall continue to be in effect for the amount of the assessment or portion thereof, including interest, penalties and costs, thereafter to become due, and the land may again be sold should the assessment again become delinquent. When so provided by ordinance such fact shall be stated in the notice of sale and the superintendent of streets shall comply with such provisions. If there is no purchaser for any lot so offered for sale, the same shall be struck off to the municipality as the purchaser, and the legislative body of such municipality shall appropriate out of the general fund of the treasury the amount bid for such purpose, and shall order the treasurer to place the same in a special fund for such improvement. The legislative body, however, may direct the treasurer to pay into said special fund only the sum required to pay the installment then due or to become due upon the bonds issued for such assessment, and thereupon the municipality shall become obligated to pay out of the general fund of the municipality the succeeding installments, and interest on said bonds, as are payable by the assessments on said lot. The municipality may sell any lot, so purchased after the expiration of the time for re-

demption, at public or private sale. All moneys received by the municipality from the redemption of property purchased by it and from the sale by it of property so purchased, less the amount theretofore paid into the special fund out of the general fund, shall be paid into the special fund for the payment of the bonds until said special fund is sufficient to pay all outstanding bonds.

Section 2. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved March 19, 1931.

CHAPTER 106.

(Senate Bill No. 144)

AN ACT

TO AMEND SEC. 3101, REVISED CODE 1928, RELATING TO LIEN FOR TAXES AND LIABILITY OF PROPERTY.

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

Section 1. Sec. 3101, Revised Code 1928, is hereby amended to read as follows:

Sec. 3101. Every tax levied under the authority of this chapter upon real or personal property shall be a lien upon the property assessed. The lien shall attach on the first Monday in January

in each year, and shall not be satisfied or removed until such taxes, penalties, charges and interest are all paid, or the property has finally vested in a purchaser under a sale for taxes. The lien shall be prior and superior to all other liens and encumbrances upon the property, except liens or encumbrances held by the state of Arizona. Personal property shall be liable for taxes levied on real property, and real property shall be liable for taxes levied on personal property, and a judgment against real property for non-payment of taxes thereon or assessed to the personal property of the same person, shall not be prevented by showing that the owner thereof was possessed of personal property out of which the taxes could have been made; but real property occupied as a homestead shall not be charged for taxes other than the taxes due on such homestead.

Section 2. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved March 19, 1931.

CHAPTER 107.

(House Bill No. 105)

AN ACT

GRANTING TO THE STATE LAND COMMISSIONER AUTHORITY TO CONTINUE IN THE EFFORT TO DEVELOP WATER IN CERTAIN DRY FARMING REGIONS OF COCHISE COUNTY AND MAKING AN APPROPRIATION THEREFOR.

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

Section 1. The state land comissioner is hereby authorized and empowered to further prosecute the work of developing water in quantities sufficient for purposes of irrigation in the well already started and on which material development has been made on the North West quarter of the North West quarter of Section 16, Township 13 South, Range 24 East, of the Gila and Salt River base and meridian, adjacent to the Stewart district, near Willcox, Cochise County, Arizona.

Section 2. There is hereby appropriated out of the general fund of the state the sum of ten thousand dollars, or so much thereof as may be necessary, to be expended by the state land commissioner for the purposes set forth in Section 1 hereof.

Section 3. The state auditor is hereby authorized and directed to draw warrants for indebtedness incurred under the provisions of Section

2 hereof, upon claims properly presented and approved by the said state land commissioner and the state treasurer is hereby directed to pay same.

Section 4. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved March 19, 1931.

CHAPTER 108.

(House Bill No. 121)

AN ACT

RELATING TO ADULT PROBATION OFFICERS, AND TO PROVIDE FOR DEPUTIES AND ASSISTANTS.

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

Section 1. Sec. 5106, Revised Code 1928, is hereby amended to read as follows:

Sec. 5106. ADULT PROBATION OFFICER AND ASSISTANTS; OATH AND BOND. Counties of the first class may, with the approval of the board of supervisors, have an adult probation officer, and such deputies and assistants as may be required for the fulfillment of the duties of such officer. The superior judge, or, in counties having one or more divisions of the criminal court, the judge or judges presiding

over such divisions, shall make all such appointments, and any officer, deputy or assistant so appointed shall hold at the pleasure of the judge making the appointment. The adult probation officer and each of said deputies and assistants shall give a bond, to be approved by the judge making the appointment, in the sum of three thousand dollars, conditioned for the faithful performance of his official duties and the payment of all moneys coming into his hands as such officer to the person, officer or body entitled to receive same. In all other counties the juvenile probation officer shall act as adult probation officer, without additional compensation.

Section 2. Sec. 5107, Revised Code, 1928, is hereby amended to read as follows:

Sec. 5107. SALARIES AND EXPENSES. The salary of the adult probation officer, and of each deputy or assistant, shall be fixed by the judge making the appointment, but shall in no instance exceed two hundred dollars per month. The actual expenses of any such officer, deputy or assistant, incurred in the performance of his duty or in the execution of the orders of the court shall, when approved by the judge or judges of the criminal division of the superior court, be paid as other county charges.

Section 3. Sec. 5108, Revised Code 1928, is hereby amended to read as follows:

Sec. 5108. POWERS AND DUTIES. The adult probation officer shall make and keep on file a complete record of all cases of persons placed under suspended sentence by the court, and of all reports made to him in writing or in person, in accordance with the con-

ditions imposed by the court. He shall exercise general supervision and observation over persons under suspended sentence, subject to the will and direction of the court. He shall serve warrants, make arrests and bring persons before the court, in matters of suspended sentence, and shall be at all times under the jurisdiction of the court. He shall receive all moneys paid into the court under the provisions of any suspended sentence, deposit the same in a bank or banking institution designated by him, and disburse it in accordance with such provisions, and shall keep an accurate record of all such receipts and disbursements. He shall investigate any and all cases referred to him for investigation by the court in which he is serving and report thereon to the court. He shall secure and keep a complete identification record of each and every person released on a suspended sentence and a written statement of the conditions of such suspension. He shall keep informed regarding the conduct of every person placed under suspended sentence by the court and report the same to the court, and shall bring any defaulting probationer into court, when in his judgment the conduct of such probationer is such as to justify the court in revoking the suspension of said sentence.

Section 4. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Section 5. To preserve the public peace, health and safety, it is necessary that this act shall become immediately operative. It is therefore declared to be an emergency measure, and

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

Approved March 19, 1931.

CHAPTER 109.

(Senate Bill No. 124)

AN ACT

TO PROVIDE FOR THE PROTECTION OF LYMAN DAM.

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

Section 1. For the purpose of repairing the structure known as Lyman dam, in the Little Colorado River, near the town of St. John, and for the construction of works for the protection thereof, including the draining of the subsoil underlying said dam by means of a well or otherwise, the sum of nineteen thousand, eight hundred dollars, or so much thereof as may be necessary, is hereby appropriated, eleven thousand two hundred seven dollars and sixty-nine cents of which sum is appropriated out of the general fund, and the balance of eight thousand five hundred ninety-two dollars and thirty-one cents remaining in the board of reservoir control and supervision fund, as created by Chapter 14, Session Laws 1929, is hereby transferred from said fund and made available for the purposes herein set forth.

Section 2. Said work of repair and protection shall be under the direction and supervision of the state engineer, and all claims against the state on account of the fund hereby created, shall be approved by the state engineer, or by his authority.

Section 3. The state auditor is authorized to draw his warrant in satisfaction of duly authenticated claims drawn on the fund hereby created and the state treasurer is authorized to pay the same.

Section 4. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved March 19, 1931.

CHAPTER 110.

(Senate Bill No. 8)

AN ACT

RELATING TO THE TAXATION OF BUILDING AND LOAN CORPORATIONS.

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

Section 1. That Section 3069, Chapter 75, of the Revised Code of Arizona 1928, be amended to read as follows:

Sec. 3069. ASSESSMENT OF PROPERTY

AND SHARES OF STOCK IN CORPORATIONS; BANKING, BUILDING AND LOAN ASSOCIATIONS OR CORPORATIONS, AND FINANCE CORPORATIONS. The property of corporations shall be assessed and taxed and no assessment shall be made of the shares of stock of corporations, nor shall any holder thereof be taxed for such shares. The foregoing provision shall not apply to a banking corporation, building and loan associations or corporations, and a corporation or association engaged in the business of using money wherewith to make money for the owners of its shares, the shares of stock of which shall be assessed and taxed as other property, in the name of the shareholders of the several shares thereof, to be entered and taxed in the name of, and be payable by, such corporation or association.

Section 2. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Section 3. WHEREAS, the public peace, safety, health and general welfare require the early and immediate operation of this act, the same is hereby exempted from the referendum provisions of the Arizona constitution.

Approved March 20, 1931.

CHAPTER 111.

(Senate Bill No. 63)

AN ACT

PERTAINING TO THE EMBALMING AND CARE AND DISPOSITION OF DEAD HUMAN BODIES.

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

Section 1. Sec. 2549, Revised Code 1928, is hereby amended to read as follows:

Sec. 2549. STATE BOARD OF EMBALMING. There is hereby created a state board of embalming to consist of three members and to be appointed by the governor, each for a term of two years beginning July 1, 1931. The members of said board shall be licensed embalmers and resident citizens of this state. In addition to all other causes of vacancies the office of a member of the board shall become vacant upon the revocation of his license as an embalmer. The board shall elect from among its own members, a chairman, a vice-chairman, and a secretary; shall adopt a seal, and shall hold not less than one regular meeting in each year, and may hold such further meetings as may be required for the transaction of its business. The members shall receive their actual expenses when on the business of the board not exceeding the appropriations therefor.

Section 2. Sec. 2550, Revised Code 1928, is hereby amended to read as follows:

Sec. 2550. POWERS AND DUTIES OF BOARD. The board shall have the power and it shall be its duty: 1. To prescribe a standard of efficiency, and the qualifications and courses of study for the practice of embalming and the care and disposition of dead human bodies, and the business of a funeral director; to hold examinations, not less than once in each year, of applicants for license to practice embalming, and for license for the business of funeral director, and to issue such licenses. 2. To formulate, prescribe, adopt and distribute to licensee and to the public, a code of ethics for the practice of embalming and for funeral directors. 3. To revoke, or to suspend for a definite time, after notice and hearing, the license of an embalmer or funeral director for any of the following causes: (a) If the holder obtained the license by fraud or misrepresentation, either in applying for the license or in passing the examination; (b) if the holder uses intoxicants or drugs to such a degree as to render him unfit to practice; (c) if the holder has been convicted of a crime involving moral turpitude; (d) if the holder is not a person of good moral character; (e) if the holder has been guilty of gross or wilful malpractice in the business of embalming or funeral directing, has wilfully violated any rule or regulation adopted by the board, or wilfully violated any provision of the code of ethics adopted by the board, or violated any rule or regulation of the state or municipal board of health or of a law of the state governing the disposition of dead human bodies; (f) if the holder has paid, directly or indirectly, any money as a commission or gratuity for the securing

of business; (g) if the holder has been guilty of taking undue advantage of his patrons or of fraud or misrepresentation in the selling of merchandise; (h) if the holder has issued any burial contract or burial certificate in anticipation of the death of a person, which is hereby declared to be contrary to public policy; provided, that this shall not apply to licensed life insurance companies nor incorporated fraternal societies. 4. To take testimony upon any matter affecting the practice of embalming and funeral directing, and to this end it may, through its chairman and under its seal, issue subpoenas for the attendance of witnesses and the production of documents, and administer oaths to witnesses.

Section 3. Sec. 2551, Revised Code, 1928, is hereby amended to read as follows:

Sec. 2551. APPLICATION AND EXAMINATION. Any person twenty-one years of age may, at a time fixed by the board, make written application to the board for a license to practice embalming or for a license to engage in the business of a funeral director. The application shall be accompanied by an examination fee of twenty-five dollars in the case of an applicant to practice embalming and five dollars in the case of an applicant for a license as funeral director. The applicant shall present himself before the board at a time designated by the board and if the board shall find that the applicant is of good moral character and, if an applicant for a license to practice embalming, is possessed of the requisite skill and knowledge of the science and practice of embalming and of the care and disposition of the dead,

and of sanitation and the disinfection of the bodies of deceased persons, or, if an applicant for a license as a funeral director, has reasonable knowledge of sanitation and the disinfection of the bodies of deceased persons, and of the apartment, clothing and bedding in case of death from infectious and contagious diseases, the board shall, upon payment of the annual license fee, issue to said applicant, under its seal, the license applied for, and shall register such applicant as a licensed embalmer or funeral director. If the board finds that the applicant does not possess the necesary qualifications, the license shall not issue. An applicant for a license to practice embalming may, however, take an additional examination within one year upon the payment of a further examination fee of five dollars.

Section 4. Sec. 2552, Revised Code 1928, is hereby amended to read as follows:

Sec. 2552. YEARLY LICENSE; NOT TRANSFERABLE; REVOCATION. The license shall be issued or renewed for a period of one year only and shall not be transferable. Licenses may be renewed by making and filing with the secretary of the board an application therefor within thirty days preceding expiration, upon the forms prescribed by the board. The annual fee for each license shall be five dollars for the practice of embalming and twenty-five dollars for a license as funeral director. Licenses of embalmers or funeral directors, issued by the Arizona state board of embalming, and in force at the time this act takes effect, shall be renewed on payment of the annual fee, without examination.

Section 5. Sec. 2553, Revised Code 1928, is hereby amended to read as follows:

Sec. 2553. PRACTICING WITHOUT LICENSE; PAYING OR TAKING GRATUITY FOR BUSINESS; PENALTY. A person who shall practice embalming or attempt to practice embalming of dead human bodies, or who shall engage in the business of a funeral director or hold himself out as a funeral director, or attempt to take care of the disposition of dead human bodies without having complied with the provisions of this article, and without being licensed so to do as herein provided, or who shall practice embalming or continue in the business of a funeral director after his license as an embalmer or funeral director has been revoked, shall be guilty of a misdemeanor and for the first offense, fined not less than fifty dollars, or imprisoned, or both, and for a second offense fined not less than one hundred dollars and imprisoned not less than sixty days and for a third offense shall be guilty of a felony. Every funeral director or embalmer, or any person acting for him, who pays, or causes to be paid, directly or indirectly, any money or other thing of value as a commission or gratuity for the securing of business as such funeral director or embalmer, and every person who accepts, or offers to accept, any money or other thing of value as a commission or gratuity from a funeral director or embalmer in order to secure business for such funeral director or embalmer as such funeral director or embalmer, shall be guilty of a misdemeanor and punished by a fine of not less than one hundred dollars or by imprisonment for not less than thirty days, or by both such fine and imprisonment.

Section 6. To preserve the public peace, health and safety, it is necessary that this act shall become immediately operative. It is therefore declared to be an emergency measure, and shall take effect upon its passage in the manner provided by law.

Approved March 23rd, 1931.

CHAPTER 112.

(Senate Bill No. 103)

AN ACT

TO AUTHORIZE AND REGULATE EMPLOYMENT AGENTS.

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

Section 1. Chapter 24, Revised Code 1928, is hereby amended by adding an article, to be designated Article 6, employment agents, and to read as follows:

Article 6. EMPLOYMENT AGENTS.

Sec. 1. DEFINING EMPLOYMENT AGENTS. The term "employment agent" shall mean and include all persons, firms, corporations, or associations which, for a fee, commission, or charge, furnish to persons seeking employment information enabling or tending to enable such persons to secure the same, or which furnish employers seeking laborers or other help of any kind, in-

formation enabling or tending to enable such employers to secure such help, or which keep a register of persons seeking employment or help as aforesaid, whether such agents conduct their operations at a fixed place of business, on the streets or as transients, and also whether such operations constitute the principal business of such agents or only a side line or an incident to another business; but this term shall not include any employer who procures help for himself only, or an employee of such an employer who procures help for him and does not act in a similar capacity for any other employer.

Sec. 2. FALSE STATEMENTS AND REPRESENTATION. No person, firm, association, or corporation, or any employee or agent thereof, shall make any false statement to any person furnishing or seeking employment, knowing the same to be false, in regard to any employment, work or situation, its nature, location, duration, wages or salary attached thereto, or the circumstances surrounding the said employment, work or situation. No employment agent shall offer or hold himself out as in a position to secure or furnish employment without having an order therefor from an employer; and no employment agent shall misrepresent any other material matter in connection with any employment, work or situation he may offer or hold himself out in a position to secure.

Sec. 3. AGENT MUST INQUIRE AS TO TRUTH OF STATEMENTS. Every employment agent shall assure himself beyond a reasonable doubt that any representations whatsoever, whether spoken, written or advertised in printed form, which he makes with regard to any em-

ployment, work or situation, and which leads or may lead persons to seek such employment, work or situation, are true and cover all the material facts affecting the employment in question.

Sec. 4. FEE-SPLITTING. No employment agent nor any employee or agent thereof, shall divide or offer to divide, or share directly or indirectly, any fee, charge, or compensation received from any applicant for employment, with any employer, superintendent, manager, foreman, or any other person who hires help or to whom help is furnished by an employment agent; and it shall be unlawful for any employer, superintendent, manager, foreman, or any other person who hires help to receive any compensation or any valuable consideration from any applicant for employment or from any employment agent for giving employment to said applicant or to any employees furnished by said employment agent.

Sec. 5. LICENSE. No person, firm, corporation, or association shall engage in the business of an employment agent for profit, or receive any fee, charge, commission or other compensation, directly or indirectly, for services as an employment agent without first having obtained a license from the industrial commission of Arizona and executing a bond as hereinafter provided. Said license shall constitute a license from this state to operate as an employment agent for compensation and shall not be transferable to any other person or persons whatever, or inure to the benefit of any person other than the licensee.

Sec. 6. APPLICATION; BOND. Application for the foregoing license shall be made to the industrial commission and shall be accompanied by a bond in due form to the state of Arizona for the penal sum of one thousand dollars issued by a surety company licensed to do business in this state to be approved by the industrial commission, conditioned that the agent will conform to and not violate any of the duties, terms, conditions, or requirements of this act.

Sec. 7. ANNUAL FEES. Each such license shall expire on June thirtieth, next following the date of issue and may be renewed annually. The fee for such license or renewal shall be as follows: One per cent on the first five thousand dollars of the fees, charges, commissions, or other compensation actually received during the life of the license or renewal by an employment agent for service as such; three-fourths of one per cent on the second five thousand dollars of such receipts; and one-half of one per cent of all such receipts in excess of ten thousand dollars; provided, that in no event shall such fee be less than twenty-five dollars, nor more than one hundred and fifty dollars. The minimum fee shall be paid before a license or renewal thereof is issued. Each employment agent to whom a license has been issued as required herein shall file with the industrial commission within the first ten days of July in each year, a verified statement showing the actual fees, charges, commission, or other compensation received by him for services as such agent during the preceding year and with such statement shall pay the balance, if any, of such license fee due the state. Such fees shall be paid to the industrial commis-

sion, and shall be paid by it into the general fund of the state treasury within one week of receipt.

Sec. 8. AUTHORITY OF INDUSTRIAL COMMISSION. The industrial commission is vested with the power and jurisdiction to have such supervision of every employment agent as may be necessary adequately to enforce and administer all laws and lawful orders designed to prevent fraud, misrepresentation, false statements or other unauthorized acts of such employment agent.

Sec. 9. VISITORIAL POWER OF COMMISSION. Any commissioner or deputy of the commission may enter any employment office or the place of business of any employment agent for the purpose of collecting facts and statistics, examining the records or registers kept by such employment agent, and bringing to the attention of such agent any law or any order of the commission, or any failure on the part of such employment agent to comply therewith. No employment agent shall refuse to admit any commissioner or deputy of the commission to his place of business.

Sec. 10. INQUISITION. Any employment agent receiving from the commission any blanks calling for information required by it to carry out the provisions of this act, with directions to fill the same, shall cause the same to be properly filled out so as to answer fully and correctly each question therein propounded, and in case he is unable to answer any question, he shall give a good and sufficient reason for such failure, and said answer shall be verified by two

witnesses, and returned to the commission at its offices within the period fixed by the commission.

Sec. 11. SCHEDULE OF FEES OR CHARGES. Every applicant for a license to engage in the business of an employment agent shall file with the commission, within a time fixed by the commission, a schedule of the fees or charges made by such employment agent both to applicants for employment and for help for any services rendered to such applicants, together with all rules or regulations that may, in any manner, affect the fees charged or to be charged for any service. No license shall be issued to such applicant unless such fees and such rules or regulations are reasonable. Such fees and such rules or regulations may be changed only with the approval of the industrial commission and when changed shall be filed with said commission. It shall be unlawful for any employment agent to charge, demand, collect or receive a greater compensation for any service performed by him than is specified in the schedule filed with the commission, and no employment agent shall charge a registration fee without permission from the industrial commission.

Sec. 12. RECEIPT GIVEN APPLICANT. It shall be the duty of every licensed person conducting an employment agency to give every applicant for employment from whom a fee shall be received a receipt in which shall be stated the name and address of such employment agency, the name and address of the person to whom the applicant is sent for employment, the name of the applicant, the date, the amount of fee, the kind of work or service to be performed, the general conditions of employment,

including among other things the rate of wages or compensation, whether or not board and lodging is to be furnished, the hours of employment, the cost of transportation and whether or not it is to be paid by the employer, the time of such service, if definite and if indefinite to be so stated, and the name of the person authorizing the hiring of such applicant. There shall be printed on the face of the receipt in prominent type the following: "This agency is licensed by the industrial commission of the state of Arizona." All receipts shall be made and numbered in original and duplicate. The original shall be given to the applicant paying the fee and the duplicate shall be kept on file at the employment agency. The receipts used by such licensed agents shall be approved by the industrial commission.

Sec. 13. RETURN OF FEE. No such licensed person shall send out any applicant for employment without having obtained either orally or in writing a bona fide order therefor. In case the applicant paying such fee fails to obtain employment such licensed agent shall repay the amount of said fee to such applicant upon demand being made therefor; in cases where the applicant paying such fee is sent beyond the limits of the city in which the employment agency is located, and the applicant fails to receive employment, such licensed agent shall repay in addition to the said fee any actual expenses incurred in going to and returning from any place where such applicant has been sent, provided, that where the applicant is employed and the employment lasts less than seven days, or the total paid in wages is less than twenty-

five dollars, by reason of the discharge of applicant, the employment agent shall return to said applicant only the fee paid by such applicant to the employment agent.

Sec. 14. REFUSAL TO ISSUE AND REVOCATION OF LICENSE. It shall be the duty of the industrial commission, and it shall have power, jurisdiction and authority to issue licenses to employment agents, and to refuse to issue such license, whenever, after due investigation, the commission or a majority of the members thereof finds that the character of the applicant makes him unfit to be an employment agent, or when the premises for conducting the business of an employment agent is found upon investigation to be unfit for such use, or whenever, upon investigation by the commission it is found and determined that the number of licensed employment agents, or that the employment agency operated by the United States, by the state or by the municipality, or by two or more thereof jointly, in the community in which the applicant for a permit proposes to operate is sufficient to supply the needs of employers and employees. Any such license granted by the commission may also be revoked by it upon due notice to the holder of said license, and upon due cause shown. Failure to comply with the duties, terms, conditions, or provisions of this act, or with any lawful orders of the commission, shall be deemed due cause to revoke such license.

Sec. 15. REGULATIONS; RECORDS; REPORTS. The commission shall have power, jurisdiction and authority to fix and order such reasonable rules for the conduct of the business of

any employment agent as may be necessary adequately to carry out the provisions of this act, and to ascertain and fix reasonable classifications of employments or positions. It may prescribe the form of books, registers or records to be kept by the employment agent, the receipts or copies of contracts to be handed to persons referred to employment, the reports to be made to the commission, the refunds to be made to applicants who failed to secure employment; and it may order any other measures reasonably necessary to protect the public, or persons seeking employment, or employees seeking help, against fraud, misrepresentation, or any other unauthorized act of any employment agent.

Sec. 16. CLERKS OF MUNICIPALITIES TO AID IN PLACING LABOR. The clerk of every city and town in which there is no licensed or public employment agency as provided in Sec. 5 of this act, may solicit, receive and record applications of persons seeking employment for any period of time, and of persons desiring to employ labor, and every employer shall pay to any such clerk twenty-five cents for each time he assists in furnishing such labor. The clerk of every city and town, serving under the terms of this act, shall, on or before the first day of each month, report all placements made by him to the industrial commission, to be by them compiled as part of the general employment statistics of the state.

Sec. 17. PENALTIES. Any person who violates any of the provisions of the foregoing sections of this article shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty nor more than three

hundred dollars, or imprisoned in the state prison for not more than six months, or both such fine and imprisonment in the discretion of the court.

Approved March 23rd, 1931.

EXECUTIVE OFFICE

State House

Phoenix, Arizona.

March 24, 1931.

Dear Mr. White:

I am transmitting with my signature and approval, except as to certain items, which I have enumerated and which are listed in detail below, Senate Bill 152, the General Appropriation Bill of the Tenth Arizona Legislature.

I have been constrained to exercise the constitutional authority of the Executive Office to veto several items in the bill.

In my opinion, this is the most vicious General Appropriation Bill ever enacted by an Arizona Legislature. Despite the fact that the Ninth Legislature created the office of Legislative Examiner to prepare a State Budget as a basis for a General Appropriation Bill, this Budget and General Appropriation Bill are the largest in the history of our State, and provide for the most inequitable, unscientific and uneconomical distribution of the funds appropriated.

The motive and intent of the creators of the office of Legislative Examiner, doubtless, was to limit amounts set up in the Budget and General Appropriation Bill.

The purpose failed utterly of realization. The Budget and General Appropriation Bill exceed all their predecessors.

A purely political budget was presented to the Legislature by the Legislative Examiner as a basis for the General Appropriation Bill. A General Appropriation Bill, in turn, has been delivered by the Legislature to the Executive Office that is a monstrosity.

The Legislative Examiner failed completely to provide an economic Budget. He strained at gnats and swallowed camels. The Budget and General Appropriation Bill reek with favoritism. As an instance of this senseless policy, the items for the farmer and two assistants at the Girls' Industrial School were eliminated from the General Appropriation Bill. These men performed the double function of workmen and guards. By striking this item, the necessary work of the farm, of irrigation and of attention to the dairy herd is left unprovided for, and three elderly ladies in charge of the institution are left without protection in case of a revolt of the inmates, or a wholesale effort to escape.

The appropriations for several of the eelymosynary and penal institutions of the State and the constitutional offices, which must be conducted and maintained in any event, were slashed unmercifully and beyond all reason or

real economy. On the other hand, excessive appropriations for institutions, departments and offices, which enjoyed the favor of the Legislative Examiner, were passed, untouched and untrimmed in the Budget.

He allowed the prison, under the prior administration, to exceed its budget in large amounts without rebuke, and did not protest when the former administration negotiated private loans to cover up these excessive expenditures.

He prepared a budget that was worse than valueless, although this work was formerly performed by the Executive Office at a fraction of the cost.

When this General Appropriation Bill, in its tentative form, first came to the attention of the Executive Office, I transmitted to the chairman of the Appropriation committees of the Senate and the House of the Tenth Legislature, my suggestions for certain small additions and large reductions in the amounts designated. It remained for the Governor's Office to plead with the Legislature to inject some economics into an appropriation bill, the preparation of which was dominated by the office of the Legislative Examiner.

These suggestions of the Executive Office with respect to the General Appropriation Bill, transmitted to the Appropriation committees of the Legislature under date of March 6th were, in large part, ignored.

The General Appropriation Bill of the Tenth Legislature, as transmitted to the Executive Of-

fice, would entail the highest tax rate in the history of our State at a time when the taxpayers are least able to bear its excessive burdens.

Therefore, it becomes my duty to use my best efforts, through the exercise of the veto, to reduce the excessive total of this General Appropriation Bill.

At this particular time, it is regrettable that the Executive Office cannot reduce the amounts of appropriations instead having to accept or reject them in their entirety as the constitution provides.

Where excessive and exhorbitant amounts have been set up in the Bill for offices or institutions for the performance of useful functions, the Executive Office is confronted with the alternatives of countenancing unreasonably high appropriations, or being a party to a discontinuance of these activities of government. The reduction of appropriations in instances of this character should have been accomplished by the Legislature.

LEGISLATIVE EXAMINER

For the reasons previously enumerated, and because I regard the expenditure as a total waste of public funds, I disapprove and veto in its entirety, Subdivision 45 of Section 1 of said Senate Bill 152 and each and every item in said Subdivision 45 as follows, to-wit:

"Subdivision 45. Legislative Examiner"	"20th Fiscal Year"	"21st Fiscal Year"
"For Salaries and Wages for the Following Positions:"		
"Examiner	$ 6,000.00	$ 6,000.00"
"Assistant Examiner	3,600.00	3,600.00"
"Accountant	2,400.00	2,400.00"
"Stenographer	1,800.00	1,800.00"
"Special Assistants (Periodic)	1,200.00	1,200.00"
"Total Salaries and Wages	$15,000.00	$15,000.00"
"For Operation	700.00	3,000.00"
"For Travel	750.00	750.00"
"For Capital Investment	75.00	75.00"
"Total Appropriation	$16,525.00	$18,825.00"

ARIZONA STATE TEACHERS' COLLEGE AT FLAGSTAFF

I disapprove and veto the following items in Subdivision 4 of Section 1 of said Senate Bill 152, to-wit:

	"20th Fiscal Year"	"21st Fiscal Year"
"Remodeling Housing Facilities	$28,400.00"	

It is very doubtful if this item would be a good investment. It is to remodel an old building, and would cost almost as much as a new structure. This still leaves the institution with

an appropriation of $11,000.00 for an addition to the girls' dormitory, and an additional Capital Investment item of $22,070.00 for the 1st year and $18,084.00 for the 2nd year, and also an item for Repairs and Replacements of $4,-450.00 for 1st year and $7,350.00 for the 2nd year. These appropriations should cover their needs under a strict policy of retrenchment.

ARIZONA STATE TEACHERS' COLLEGE AT TEMPE

I disapprove and veto, for similar reasons, the following items in subdivision 5 of Section 1 of said Senate Bill 152, to-wit:

	"20th Fiscal Year"	"21st Fiscal Year"
"For Capital Investment:"		
"Remodel"		
"Heating Plant"		
"Science Building"		
"Main Building"	$47,500.00	$25,000.00"

COMMISSION OF AGRICULTURE AND HORTICULTURE

I disapprove and veto the following items in Subdivision 28 of Section 1 of said Senate Bill 152, to-wit:

	"20th Fiscal Year"	"21st Fiscal Year"
"District Entomologist (Yuma)	$ 3,000.00	$ 3,000.00"
"District Inspector (Tucson)	2,200.00	2,200.00"

"Chief Crop Pest Inspector	2,200.00	2,200.00"
"Stenographer	1,500.00	1,500.00"
"Clerk, (Yuma)	1,200.00	1,200.00"
"Crop Inspector, Phoenix (Pest Inspector)	2,200.00	2,200.00"

"FOR ROAD SALARIES AND OPERATION"

"For Salaries for the following position:		
"Inspectors (Periodic)	$92,800.00	$92,800.00"
"Total Salaries	$92,800.00	$92,800.00"

The road inspection work of this department, for which large appropriations have been made by the Legislature, is in the nature of insurance against the introduction of crop pests into the agricultural districts of Arizona. It has been an insurance that has not insured, as the costly and futile fight against the pink boll worm infestation in the Salt River Valley has shown. The State has been paying large premiums for an insurance which did not insure.

In the matter of the District Entomologist, this position could be filled by the Assistant Entomologist.

In the matter of the District Inspector at Tucson, this office could be combined with the District Inspector of Safford.

In the matter of the item for Chief Crop Pest

Inspector, this work could be done by other Inspectors.

The elimination of the item for one Crop Inspector, Phoenix, leaves one Inspector in Phoenix.

The elimination of the item for one stenographer leaves the department a secretary and chief clerk and one stenographer.

In the matter of the clerk at Yuma, the work could be performed by the District Entomologist at Yuma.

Large appropriations to this department for Operation, Travel and Capital Investment are left untouched. It is my belief that, with proper reorganization, important functions of this Department will not be seriously interfered with by these vetoes.

I suggested the reduction by the Legislature of what I considered excessive and unnecessary appropriations to this department, particularly with respect to Road Inspection Stations. As my suggestions for reductions were not followed, I am left the alternative of eliminating certain items in their entirety. I have vetoed those items which I believe will result in the least interference with the useful functions of this department.

COUNTY SCHOLARSHIPS

I disapprove and veto in its entirety Subdivision 30 of Section 1 of said Senate Bill 152 and each and every item in said Subdivision 30 as follows, to-wit:

	"20th Fiscal Year"	"21st Fiscal Year"
"For Scholarships	$14,000.00	$14,000.00"
"Total Appropriation	$14,000.00	$14,000.00"

These scholarships are a gift from the State. Their purpose is laudable and worthwhile, but the necessity for strictest economy at this time prompts my veto of this appropriation.

FAIR COMMISSION

I disapprove and veto the following item in subdivision 33 of Section 1 of said Senate Bill 152, to-wit:

	"20th Fiscal Year"	"21st Fiscal Year"
"For County and District Fair Assistance 14 Counties @ $1,000.00 each	$14,000.00"	

This is the State's donation to strictly County Fairs for the 20th Fiscal year. I am leaving the appropriation for the 21st fiscal year untouched, with the hope that better times will then be with us, and the State can then afford this participation.

The appropriations for the State Fair, Northern Arizona Fair, Southern Arizona Fair and Helldorado, I have not reduced.

STATE LOAN BOARD

I disapprove and veto the following items in Subdivision 60 of Section 1 of said Senate Bill 152, to-wit:

	"20th Fiscal Year"	"21st Fiscal Year"
"For Operation	$17,500.00	$17,500.00"

This appropriation is used exclusively to pay delinquent taxes on property on which the State has made loans in order to protect the State's title against foreclosure through tax liens. Under a law enacted by the Tenth Legislature and signed by myself, State loans now take precedence over tax liens. I think there are sufficient funds in the current appropriation to protect the State on back taxes on which foreclosure was made prior to the enactment of the law. Hence this appropriation will not be required, and can be vetoed without jeopardizing the interests of the State in lands on which loans of State funds are made.

VETERANS' SERVICE OFFICER

I disapprove and veto the following item in Subdivision 69 of Section 1 of said Senate Bill 152, to-wit:

	"20th Fiscal Year"	"21st Fiscal Year"
"Americanism Director ..	$ 3,000.00	$ 3,000.00"

The need for strictest economy prompts the veto, which will involve a discontinuance of this work for the next two fiscal years.

Very respectfully,

(Signed) GEO. W. P. HUNT,
Governor.

Hon. Scott White,
Secretary of State,
State Capitol Building,
Phoenix, Arizona.

CHAPTER 113.

(Senate Bill No. 152)

AN ACT

MAKING APPROPRIATIONS FOR THE VARIOUS DEPARTMENTS OF STATE, FOR THE STATE INSTITUTIONS, FOR PUBLIC SCHOOLS, FOR STATE DEPARTMENTS, ACTIVITIES, AGENCIES, AND PURPOSES APPURTENANT THERETO; AND FOR THE INTEREST ON AND REDEMPTION OF THE PUBLIC DEBT; PROVIDING FOR THE MANNER IN WHICH APPROPRIATIONS FOR LABOR SHALL BE EXPENDED AND THE MANNER IN WHICH AND CONDITIONS UNDER WHICH ALL APPROPRIATIONS HEREIN SHALL BE PAID, ALL FOR THE FISCAL YEAR BEGINNING JULY 1, 1931 AND ENDING JUNE 30, 1932, HEREINAFTER DESIGNATED AS THE 20th FISCAL YEAR, AND BEGINNING JULY 1, 1932, AND ENDING JUNE 30, 1933, HEREINAFTER DESIGNATED AS THE 21ST FISCAL YEAR, ALL OF WHICH CONSTITUTE A GENERAL APPROPRIATION BILL FOR SAID FISCAL YEARS.

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

Section 1. The following sums herein set forth are hereby appropriated for the fiscal years beginning July 1, 1931 and ending June 30, 1932, hereinafter designated as the 20th fiscal year, and beginning July 1, 1932 and ending June 30, 1933, hereinafter designated as the 21st 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. ANIMAL HUSBANDRY. For the live stock sanitary board for cooperation with the United States bureau of animal industry for the eradication of tuberculosis in cattle.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages Operations and Travel	$ 21,900.00	$ 21,900.00
Total Appropriation	$ 21,900.00	$ 21,900.00

The said appropriation is made subject to the conditions that, at least, a like amount shall be allotted to this state by the federal government and expended concurrently with this oppropriation.

Subdivision 2. 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, operations, travel, capital investment and repairs and replacements.

Subdivision 3. ARIZONA STATE SCHOOL FOR THE DEAF AND BLIND.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
Superintendent	$ 3,000.00	$ 3,000.00
Business Manager	2,700.00	2,700.00
Stenographer	1,020.00	1,020.00
Teachers and Instructors (Periodic)	16,750.00	16,750.00
Gardener	960.00	960.00
Engineer	2,100.00	2,100.00
Assistant Engineer (Periodic)	900.00	900.00
Watchman (Night)	1,800.00	1,800.00
Matron (Periodic)	960.00	960.00
Supervisors, 6 @ $450.00 each (Periodic)	2,700.00	2,700.00
Cook (Periodic)	1,080.00	1,080.00
Assistant Cook (Periodic)	720.00	720.00
Head Waitress (Periodic)	450.00	450.00
Waitress (Periodic)	400.00	400.00
Cleaning Women, 2 @ $400.00 each (Periodic)	800.00	800.00
Nurse (Periodic)	675.00	675.00
Laundryman (Periodic)	450.00	450.00
Laundress (Periodic)	400.00	400.00
Doctor and Dentist (Periodic)	500.00	500.00

Miscellaneous Day Labor (Periodic)	435.00	435.00
Total Salaries and Wages	$ 38,800.00	$ 38,800.00
For Operation	25,000.00	25,000.00
For Travel	800.00	800.00
For Capital Investment:		
Automobile	700.00	
Miscellaneous Equipment	3,025.00	3,150.00
School Bus	2,300.00	
For Repairs and Replacements	2,250.00	2,250.00
Total Appropriation	$ 72,875.00	$ 70,000.00

Subdivision 4. ARIZONA STATE TEACHERS COLLEGE AT FLAGSTAFF.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
President	$ 6,000.00	$ 6,000.00
All Others (Periodic)	147,200.00	150,800.00
Total Salaries and Wages	$153,200.00	$156,800.00
For Operation	$ 49,800.00	$ 49,100.00
For Travel	1,050.00	1,050.00

For Capital Investment:		
Addition to Girls' Dormitories	11,000.00	
Remodeling Housing Facilities	28,400.00	
Other Capital Investment	22,070.00	18,084.00
For Repairs and Replacements	4,450.00	7,350.00
Total Appropriation	$269,970.00	$232,384.00

Subdivision 5. ARIZONA STATE TEACHERS COLLEGE AT TEMPE.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
President	$ 6,000.00	$ 6,000.00
All Others (Periodic)	177,850.00	177,850.00
Total Salaries and Wages	$183,850.00	$183,850.00
For Operation	34,400.00	34,400.00
For Travel	1,000.00	1,000.00
For Capital Investment:		
Remodel Heating Plant Science Building Main Building	47,500.00	25,000.00
Other Capital Investment	13,250.00	16,050.00

For Repairs and Replacement	5,650.00	2,750.00
Total Appropriations	$285,650.00	$263,050.00

Subdivision 6. ATTORNEY GENERAL.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
Attorney General	$ 5,500.00	$ 5,500.00
Assistant Attorney General	3,600.00	3,600.00
Assistant Attorney General	3,600.00	3,600.00
Assistant Attorney General	2,400.00	2,400.00
*Stenographer	2,200.00	2,200.00
Stenographer	1,920.00	1,920.00
Stenographer	1,800.00	1,800.00
Special Legal Assistance	7,500.00	7,500.00
Total Salaries and Wages	$ 28,520.00	$ 28,520.00
For Operation	3,500.00	3,500.00
For Travel	2,250.00	2,250.00
For Capital Investment	750.00	250.00
For Library	1,250.00	1,250.00
Prosecution of Colorado River Suit:		
For Salaries and Wages, Operation,		

Travel, and Capital Investment	100,000.00	
Total Appropriation..	$136,270.00	$ 35,770.00

*Also to act as secretary to board of pardons and paroles.

The appropriation for the prosecution of the Colorado river suit is made subject to the condition that it shall be exempt from the provisions of the finance code and balances shall not revert at the end of the fiscal year and $25,000.00 of this appropriation shall be immediately available.

Subdivision 7. AUDITOR.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
Auditor	$ 4,500.00	$ 4,500.00
Deputy Auditor	3,000.00	3,000.00
Claim Accountant	2,100.00	2,100.00
Bookkeeper	2,400.00	2,400.00
Assistant Bookkeeper	2,100.00	2,100.00
Warrant Registrar....	2,100.00	2,100.00
Assistant Warrant Registrar	1,800.00	1,800.00
Stenographer	1,800.00	1,800.00
Warrant Clerk	1,800.00	1,800.00
Warrant Clerk	1,800.00	1,800.00
Total Salaries and Wages	$ 23,400.00	$ 23,400.00

For Operation	1,900.00	1,900.00
For Capital Investment	200.00	1,100.00
Total Appropriation	$ 25,500.00	$ 26,400.00

Subdivision 8. BANKING DEPARTMENT.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
Superintendent	$ 5,000.00	$ 5,000.00
Chief Deputy	3,600.00	3,600.00
Deputy	3,000.00	3,000.00
Deputy	3,000.00	3,000.00
Inspector	3,000.00	3,000.00
Accountant and Stenographer	2,400.00	2,400.00
Total Salaries and Wages	$ 20,000.00	$ 20,000.00
For Operation	1,415.00	1,415.00
For Travel	4,810.00	4,810.00
For Capital Investment	250.00	250.00
Total Appropriation	$ 26,475.00	$ 26,475.00

Subdivision 9. BOARD OF BAR EXAMINERS.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
Stenographer	$ 600.00	$ 600.00
Per Diem, Board Members (Periodic)	240.00	240.00
Total Salaries and Wages	$ 840.00	$ 840.00
For Operation	$ 140.00	$ 140.00
For Travel	150.00	150.00
Total Appropriation	$ 1,130.00	$ 1,130.00

Subdivision 10. BOARD OF BARBERS AND COSMETICIANS.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
Secretary and Treasurer	$ 2,400.00	$ 2,400.00
Assistant Secretary and Inspector	1,500.00	1,500.00
Stenographer	1,500.00	1,500.00
Extra Inspectors (Periodic)	200.00	200.00

Per Diem Board Members (Periodic)	1,000.00	1,000.00
Miscellaneous Services (Periodic)	200.00	200.00
Total Salaries and Wages	$ 6,800.00	$ 6,800.00
For Operation	1,700.00	1,700.00
For Travel	2,500.00	2,500.00
For Capital Investment	175.00	175.00
Total Appropriation	$ 11,175.00	$ 11,175.00

Subdivision 11. BOARD OF CHIROPRACTIC EXAMINERS.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
Secretary	$ 900.00	$ 900.00
Per Diem, Board Members (Periodic)	80.00	80.00
Total Salaries and Wages	$ 980.00	980.00
For Operation	100.00	100.00
For Travel	20.00	20.00
Total Appropriation	$ 1,100.00	$ 1,100.00

Subdivision 12. BOARD OF DENTAL EXAMINERS.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
Per Diem, Board Members (Periodic)	$ 660.00	$ 660.00
Total	$ 660.00	$ 660.00
For Operation	420.00	420.00
For Travel	600.00	600.00
Total Appropriation	$ 1,680.00	$ 1,680.00

Subdivision 13. BOARD OF DIRECTORS OF STATE INSTITUTIONS.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
Secretary	$ 4,800.00	$ 4,800.00
Bookkeeper	2,400.00	2,400.00
Stenographer	1,800.00	1,800.00
Order Clerk	1,800.00	1,800.00
Total Salaries and Wages	$ 10,800.00	$ 10,800.00
For Operation	2,330.00	2,380.00
For Travel	200.00	200.00
For Capital Investment:		
Automobile	900.00	
Other Capital		

Investment	100.00	100.00
Total Appropriation	$ 14,330.00	$ 13,480.00

Subdivision 14. BOARD OF EMBALMING EXAMINERS.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
President (Periodic)	$ 100.00	$ 100.00
Stenographer (periodic)	25.00	25.00
Per Diem, Board Members (Periodic)	25.00	25.00
Total Salaries and Wages	$ 150.00	$ 150.00
For Operation	50.00	50.00
For Travel	300.00	300.00
Total Appropriation	$ 500.00	$ 500.00

Subdivision 15. BOARD OF HEALTH.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
Superintendent of Public Health and State Registrar of		

Vital Statistics	$ 3,800.00	$ 3,800.00
Secretary	2,100.00	2,100.00
Assistant Secretary and Statistician	2,000.00	2,000.00
Stenographer	1,600.00	1,600.00
Bookkeeper	1,800.00	1,800.00
Clerk	1,500.00	1,500.00
Total Salaries and Wages	$ 12,800.00	$ 12,800.00
For Operation	3,475.00	3,650.00
For Travel	1,650.00	1,650.00
For Capital Investment	200.00	200.00
Total Appropriation	$ 18,125.00	$ 18,300.00

Subdivision 16. BOARD OF HEALTH-CHILD HYGIENE.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
Epidemiologist	$ 2,250.00	$ 2,250.00
Nurses, 8 @ $1,050.00 each	8,400.00	8,400.00
Stenographer	900.00	900.00
Total Salaries and Wages	$ 11,550.00	$ 11,550.00
For Operation	350.00	350.00
For Travel	3,000.00	3,100.00
For Capital Investment	100.00	
Total Appropriation	$ 15,000.00	$ 15,000.00

This appropriation is made subject to the condition that, at least a like amount be expended within this state by some cooperating agency.

Subdivision 17. BOARD OF LIBRARY EXAMINERS.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Travel	$ 200.00	$ 200.00
Total Appropriation	$ 200.00	$ 200.00

Subdivision 18. BOARD OF MEDICAL EXAMINERS.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
Secretary	$ 1,200.00	$ 1,200.00
Per Diem, Board Members (Periodic)	320.00	320.00
Total Salaries and Wages	$ 1,520.00	$ 1,520.00
For Operation	90.00	90.00
For Travel	300.00	300.00
Total Appropriation	$ 1,910.00	$ 1,910.00

Subdivision 19. BOARD OF NURSE EXAMINERS.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
Secretary and Treasurer	$ 900.00	$ 900.00
Per Diem, Board Members (Periodic)	250.00	250.00
Total Salaries and Wages	$ 1,150.00	$ 1,150.00
For Operation	450.00	600.00
For Travel	450.00	450.00
For Capital Investment	75.00	75.00
Total Appropriation	$ 2,125.00	$ 2,275.00

Subdivision 20. BOARD OF OPTOMETRY EXAMINERS.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
Secretary and Treasurer	$ 120.00	$ 120.00
Per Diem, Board Members (Periodic)	75.00	75.00
Total Appropriation	$ 195.00	$ 195.00

Subdivision 21. BOARD OF PARDONS AND PAROLES.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
Per Diem, Chairman (Periodic)	$ 1,800.00	$ 1,800.00
Total Salaries and Wages	$ 1,800.00	$ 1,800.00
For Operation	250.00	250.00
For Travel	375.00	375.00
For Capital Investment	125.00	
Total Appropriation	$ 2,550.00	$ 2,425.00

Subdivision 22. BOARD OF PHARMACY.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
Secretary	$ 1,200.00	$ 1,200.00
Stenographer	1,080.00	1,080.00
Per Diem, Board Members (Periodic)	500.00	500.00
Total Salaries and Wages	$ 2,780.00	$ 2,780.00
For Operation	800.00	800.00
For Travel	1,550.00	1,550.00
Total Appropriation	$ 5,130.00	$ 5,130.00

Subdivision 23. BOARD OF REGISTRATION.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
Stenographer	$ 540.00	$ 540.00
Examiners (periodic)	60.00	60.00
Total Salaries and Wages	$ 600.00	$ 600.00
For Operation	450.00	450.00
For Travel	760.00	760.00
Total Appropriation	$ 1,810.00	$ 1,810.00

Subdivision 24. BUREAU OF CRIMINAL IDENTIFICATION.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
Superintendent	$ 3,600.00	$ 3,600.00
Assistant Superintendent	2,400.00	2,400.00
Total Salaries and Wages	$ 6,000.00	$ 6,000.00
For Operation	425.00	425.00
For Capital Investment	1,000.00	800.00
Total Appropriation	$ 7,425.00	$ 7,225.00

Subdivision 25. CAPITOL BUILDING AND GROUNDS.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
Custodian	$ 2,400.00	$ 2,400.00
Watchman	1,500.00	1,500.00
Watchman	1,500.00	1,500.00
Watchman	1,500.00	1,500.00
Watchman	1,500.00	1,500.00
Engineer	1,800.00	1,800.00
Elevator Operator	1,200.00	1,200.00
Elevator Operator	1,200.00	1,200.00
Maid	900.00	900.00
Porter	1,500.00	1,500.00
Janitors, 7 @ $1,080.00 each	7,560.00	7,560.00
Head Gardener	1,800.00	1,800.00
Gardeners, 5@$1,200.00 each	6,000.00	6,000.00
Day Labor (Periodic)	500.00	500.00
Total Salaries and Wages	$ 30,860.00	$ 30,860.00
For Operation	22,740.00	22,740.00
For Capital Investment	1,800.20	
For Repairs and Replacements	1,500.00	1,500.00
Total Appropriation	$ 56,900.20	$ 55,100.00

Subdivision 26. CHILD WELFARE BOARD.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
Secretary	$ 1,800.00	$ 1,800.00
Total Salaries and Wages	$ 1,800.00	$ 1,800.00
For Operation	500.00	500.00
For Travel of County Investigators	500.00	500.00
For Travel Board and Secretary	500.00	500.00
For Capital Investment	250.00	
For Support	40,000.00	40,000.00
Total Appropriation	$ 43,550.00	$ 43,300.00

The appropriation for support is made subject to the condition that it is to be used solely for the support of mothers and children as provided by Article 2, Chapter 40, Revised Code 1928, and no part of said appropriation for support shall be used for the payment of Salaries, Operation, Travel or Capital Investment, under any guise whatsoever.

Subdivision 27. COLORADO RIVER AND OTHER STREAM GAUGING. For the State Water Commissioner: For co-operative stream gauging, with the United States Geological Survey.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages, Operation, Travel, Capital Investment and Repairs and Replacements	$ 20,500.00	$ 22,500.00
Total Appropriation	$ 20,500.00	$ 22,500.00

This appropriation is made subject to the condition that, at least, a like amount be allotted to this state by the Federal Government and expended concurrently with this appropriation.

Subdivision 28. COMMISSION OF AGRICULTURE AND HORTICULTURE.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
Members, 3@$300.00 each	$ 900.00	$ 900.00
Entomologist	4,000.00	4,000.00
Plant Pathologist	3,000.00	3,000.00
District Entomologist (Yuma)	3,000.00	3,000.00
Assistant Entomologist	2,200.00	2,200.00
Secretary and Chief Clerk	2,100.00	2,100.00
Chief Quarantine Inspector	2,700.00	2,700.00
District Inspector (Tucson)	2,200.00	2,200.00

District Inspector (Safford)	2,200.00	2,200.00
Chief Crop Pest Inspector	2,200.00	2,200.00
Date Palm Inspector	1,217.28	1,217.28
Bee Inspector	2,100.00	2,100.00
Stenographer	1,800.00	1,800.00
Stenographer	1,500.00	1,500.00
Clerk (Yuma)	1,200.00	1,200.00
Miscellaneous Crop Pest Inspectors (Periodic)	3,000.00	3,000.00
Crop Inspector, Phoenix (Pest Inspector)	2,200.00	2,200.00
Crop Inspector, Phoenix (Pest Inspector)	2,200.00	2,200.00
Janitor (Safford)	36.00	36.00
Total Salaries and Wages	$ 39,753.28	$ 39,753.28
For Operation	5,925.00	5,925.00
For Travel	5,250.00	5,250.00
For Capital Investment	300.00	300.00
Sub-Total	$ 51,228.28	$ 51,228.28

FOR ROAD SALARIES AND OPERATION—

For Salaries for the following positions:		
Inspectors (Periodic)	$ 92,800.00	$ 92,800.00
Total Salaries	$ 92,800.00	$ 92,800.00

For Operation	$ 6,000.00	$ 6,000.00
For Travel	3,600.00	3,600.00
For Capital Investment	100.00	100.00
For Automobile	600.00	
Total Appropriation for Road Salaries and Operation	$103,100.00	$102,500.00

FOR DATE PALM SCALE ERADICATION—

For Salaries and Wages for the following positions: Inspectors (Periodic)	$ 8,400.00	$ 4,800.00
Total Salaries and Wages	$ 8,400.00	$ 4,800.00
For Operation	798.00	798.00
For Travel	802.00	402.00
Total Appropriation for Date Palm Scale Eradication	$ 10,000.00	$ 6,000.00

The appropriation for Date Palm Scale Eradication is made subject to the condition that the expenditures therefrom be made under a cooperative agreement with the United States Department of Agriculture.

Total Appropriation	$164,328.28	$159,728.28

Subdivision 29. CORPORATION COMMISSION.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
Commissioners, 3@$4,500.00 each	$ 13,500.00	$ 13,500.00
Secretary	2,760.00	2,760.00
Assistant Secretary	2,700.00	2,700.00
Rate Expert	3,000.00	3,000.00
Engineer	3,000.00	3,000.00
Actuary	2,400.00	2,400.00
Supervisor	2,400.00	2,400.00
Cashier	2,400.00	2,400.00
Registrar	1,980.00	1,980.00
Reporters, 3@$1,980.00 each	5,940.00	5,940.00
Investment Clerk	1,980.00	1,980.00
Stenographer	1,920.00	1,920.00
Stenographers, 10@$1,800.00 each	18,000.00	18,000.00
Typists, 4@$1,800.00 each	7,200.00	7,200.00
Court Reporter	2,700.00	2,700.00
Total Salaries and Wages	$ 71,880.00	$ 71,880.00
For Operation	12,500.00	12,500.00
For Travel	3,400.00	3,400.00
For Capital Investment	1,350.00	1,350.00
Total Appropriation	$ 89,130.00	$ 89,130.00

Subdivision 30. COUNTY SCHOLARSHIPS. For the University of Arizona: For the purpose of awarding county scholarships pursuant to law:

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Scholarships	$ 14,000.00	$ 14,000.00
Total Appropriation	$ 14,000.00	$ 14,000.00

Subdivision 31. DAIRY COMMISSIONER.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
Commissioner	$ 3,000.00	$ 3,000.00
Deputy Commissioner	2,400.00	2,400.00
Clerk	1,800.00	1,800.00
Total Salaries and Wages	$ 7,200.00	$ 7,200.00
For Operation	645.00	645.00
For Travel	3,600.00	3,600.00
For Capital Investment	350.00	
Total Appropriation	$ 11,795.00	$ 11,445.00

Subdivision 32. ERADICATION OF INJURIOUS RODENTS. For the University of Arizona: For cooperation with the United States biological survey.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages, Operation, Travel, Capital Investment and Repairs and Replacements	$ 15,000.00	$ 15,000.00
Total Appropriation	$ 15,000.00	$ 15,000.00

This appropriation is made subject to the condition that, at least, a like amount be allotted to this state by the federal government and expended concurrently with this appropriation.

Subdivision 33. FAIR COMMISSION.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
Per Diem, Commissioners (Periodic)	$ 750.00	$ 750.00
Business Manager	3,000.00	3,000.00
Custodian	1,800.00	1,800.00
Stenographer (Periodic)	600.00	600.00
Total Salaries and Wages	$ 6,150.00	$ 6,150.00
For other Salaries and Wages, Operation, Travel, Capital Investment and Repairs and Replacements	$ 44,300.00	$ 44,300.00

For County and District Fair Assistance 14 Counties @ $1,000.00 each	14,000.00	14,000.00
For Northern Arizona Fair	4,000.00	4,000.00
For Southern Arizona Fair	4,000.00	4,000.00
For Helldorado	4,000.00	4,000.00
Total Appropriation	$ 76,450.00	$ 76,450.00

The appropriation for the fair commission is made subject to the condition that a general admission be charged, and it is further provided that the amount of all admissions, fees and receipts received by the fair commission during each of said fiscal years, when paid into the state treasury, is hereby appropriated for the payment of expenses of the state fair.

The appropriation for county and district fairs is made subject to the condition that the allotment to each county be matched by, at least, a like amount by the board of supervisors of such county.

Subdivision 34. FREE EMPLOYMENT.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
Director	$ 2,100.00	$ 2,100.00
Stenographer	1,800.00	1,800.00

Janitor	150.00	150.00
Total Salaries and Wages	$ 4,050.00	$ 4,050.00
For Operation	1,050.00	1,050.00
Total Appropriation	$ 5,100.00	5,100.00

Subdivision 35. GOVERNOR.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages (Periodic)	$ 25,500.00	$ 25,500.00
For Operation	7,700.00	7,700.00
For Travel	2,000.00	2,000.00
For Capital Investment:		
Automobile	3,000.00	
Other Capital Investment	500.00	500.00
For Contingent	5,000.00	5,000.00
For Rewards	1,000.00	1,000.00
For Special Investigations	10,000.00	
Total Appropriation	$ 54,700.00	$ 41,700.00

Subdivision 36. HISTORICAL SOCIETY OF PRESCOTT.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Operation, Capital Investment and Repairs and Replacements	$ 1,000.00	$ 1,000.00
Total Appropriation	$ 1,000.00	$ 1,000.00

Subdivision 37. INDUSTRIAL COMMISSION.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
Commissioner, 3@$5,000.00 each	$ 15,000.00	$ 15,000.00
Secretary	3,500.00	3,500.00
Total Salaries and Wages	$ 18,500.00	$ 18,500.00

FOR ENFORCEMENT OF LABOR LAWS

For Salaries and Wages for the following positions:		
Inspectors, 3@$3,000.00 each	$ 9,000.00	$ 9,000.00
Stenographer	1,800.00	1,800.00
Total Salaries and Wages Labor Laws	$ 10,800.00	$ 10,800.00

For Operation	700.00	700.00
For Travel	2,500.00	2,500.00
Total Labor Laws	$ 14,000.00	$ 14,000.00
Grand Total Appropriation	$ 32,500.00	$ 32,500.00

Subdivision 38. INDUSTRIAL SCHOOL.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
Superintendent	$ 3,000.00	$ 3,000.00
Detail Officer	1,620.00	1,620.00
Bookkeeper and Stenographer	1,620.00	1,620.00
Manual Training Teacher	2,340.00	2,340.00
Teacher	1,200.00	1,200.00
Teacher	1,740.00	1,740.00
Teacher and Bandmaster	1,740.00	1,740.00
Shoemaker and Guard	1,440.00	1,440.00
Engineer	1,740.00	1,740.00
Truck Driver	1,380.00	1,380.00
Farmer	1,380.00	1,380.00
Housekeeper	960.00	960.00
Cook	1,200.00	1,200.00
Guards, 4@$1,140.00 each	4,560.00	4,560.00
Guard (Kitchen)	900.00	900.00
Doctor and		

Dentist (Periodic)	1,500.00	1,500.00
Total Salaries and Wages	$ 28,320.00	$ 28,320.00
For Operation	24,250.00	20,750.00
For Travel	400.00	400.00
For Capital Investment:		
Automobile	500.00	
Truck		500.00
Other Capital Investment	850.00	850.00
For Repairs and Replacements	1,000.00	1,000.00
Total Appropriation	$ 55,320.00	$ 51,820.00

The appropriation for salaries and wages is made subject to the condition that the superintendent, the teacher at $1,200.00 per annum, the cook, the housekeeper and the kitchen guard shall receive, in addition to the specified salary, board and living quarters. All the other employees shall receive, in addition to the specified salary, living quarters, only.

Subdivision 39. INSPECTOR OF WEIGHTS AND MEASURES.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
Inspector	$ 2,400.00	$ 2,400.00
Total Salaries and Wages	$ 2,400.00	$ 2,400.00

For Operation	800.00	800.00
For Travel	1,200.00	1,200.00
For Capital Investment:		
Truck	600.00	
Weights and Measures	50.00	
Total Appropriation	$ 5,050.00	$ 4,400.00

Subdivision 40. INSURANCE PREMIUMS, STATE EMPLOYEES.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Premiums, exclusive of State Highway Department	$ 22,733.40	$ 23,132.40
Total Appropriation	$ 22,733.40	$ 23,132.40

Subdivision 41. INTEREST ON THE PUBLIC DEBT.

	For the 20th Fiscal Year	For the 21st Fiscal Year
Interest on:		
State and Territorial Bonds Tax Anticipation Bonds Registered Warrants	$117,802.07	$115,552.07
Total Appropriation	$117,802.07	$115,552.07

Subdivision 42. LABORATORY.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
Director	$ 3,000.00	$ 3,000.00
Bacteriologist	2,100.00	2,100.00
Technician	2,100.00	2,100.00
Stenographer and Office Assistant	1,500.00	1,500.00
Janitor	240.00	240.00
Total Salaries and Wages	$ 8,940.00	$ 8,940.00
Operation	1,300.00	1,350.00
Travel	900.00	900.00
Capital Investment	1,000.00	500.00
Total Appropriation	$ 12,140.00	$ 11,690.00

Subdivision 43. LAND COMMISSION.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
Commissioner	$ 3,600.00	$ 3,600.00
Deputy	3,000.00	3,000.00
Chief Accountant	2,700.00	2,700.00
Cashier	2,400.00	2,400.00
Bookkeeper	1,800.00	1,800.00
Assistant Bookkeeper and Secretary	2,400.00	2,400.00

Clerks, 8@$1,800.00 each	14,400.00	14,400.00
Stenographers, 3@$1,800.00 each	5,400.00	5,400.00
Engineer and Appraiser	2,580.00	2,580.00
Engineer and Appraiser	2,490.00	2,490.00
Engineer and Appraiser	2,400.00	2,400.00
Real Estate Secretary	2,100.00	2,100.00
Lumbermen and Fire Guards (Periodic)	2,500.00	2,500.00
Total Salaries and Wages	$ 47,770.00	$ 47,770.00
For Operation	9,450.00	9,450.00
For Travel	1,000.00	1,000.00
For Capital Investment:		
Automobile	500.00	500.00
Other Capital Investment	500.00	500.00
Total Appropriation	$ 59,220.00	$ 59,220.00

Subdivision 44. LAW AND LEGISLATIVE REFERENCE LIBRARY.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
Librarian	$ 3,600.00	$ 3,600.00
Assistant Librarian	2,100.00	2,100.00
Stenographer	1,800.00	1,800.00

Total Salaries and Wages	$ 7,500.00	$ 7,500.00
For Operation	6,350.00	6,350.00
For Travel	500.00	500.00
For Capital Investment	2,000.00	85.00
Total Appropriation	$ 16,350.00	$ 14,435.00

Subdivision 45. LEGISLATIVE EXAMINER.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
Examiner	$ 6,000.00	$ 6,000.00
Assistant Examiner	3,600.00	3,600.00
Accountant	2,400.00	2,400.00
Stenographer	1,800.00	1,800.00
Special Assistants (Periodic)	1,200.00	1,200.00
Total Salaries and Wages	$ 15,000.00	$ 15,000.00
For Operation	700.00	3,000.00
For Travel	750.00	750.00
For Capital Investment	75.00	75.00
Total Appropriation	$ 16,525.00	$ 18,825.00

Subdivision 46. LIVE STOCK SANITARY BOARD.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
Per Diem, Board Members (Periodic)	$ 1,800.00	$ 1,800.00
Secretary	3,000.00	3,000.00
Brand Clerk	2,400.00	2,400.00
Bookkeeper	1,800.00	1,800.00
Stenographer	1,800.00	1,800.00
Inspectors (Periodic)	100,000.00	100,000.00
Total Salaries and Wages	$110,800.00	$110,800.00
For Operation	2,875.00	3,675.00
For Travel	2,000.00	2,000.00
For Capital Investment	400.00	
Sub-Total	$116,075.00	$116,475.00
RE-RECORDING BRANDS		
Salaries:		
Clerks (Periodic)	7,200.00	2,800.00
Operation	2,087.00	1,500.00
Capital Investment	125.00	
Total Re-recording Brands	$ 9,412.00	$ 4,300.00
Grand Total	$125,487.00	$120,775.00

The appropriation for Re-recording Brands is made subject to the condition that no salary thereunder shall exceed one hundred and fifty dollars per month.

Subdivision 47. LOAN COMMISSION.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Operation	$ 500.00	$ 500.00
For Travel (Tax Anticipation Bond Expense, Delivery of Bonds)	500.00	500.00
Total Appropriation	$ 1,000.00	$ 1,000.00

Subdivision 48. MINE INSPECTOR.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
Inspector	$ 4,500.00	$ 4,500.00
Deputies, 3@$2,700.00 each	8,100.00	8,100.00
Secretary	2,100.00	2,100.00
Extra Clerical Hire (Periodic)	175.00	175.00
Total Salaries and Wages	$ 14,875.00	$ 14,875.00
For Operation	$ 2,950.00	$ 3,150.00
For Travel	5,600.00	5,600.00
For Capital Investment		
Automobile	900.00	
Equipment	100.00	100.00
Total Appropriation	$ 24,425.00	$ 23,725.00

Subdivision 49. NATIONAL GUARD.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
Adjutant General	$ 3,600.00	$ 3,600.00
Quartermaster	2,100.00	2,100.00
Chief Clerk	2,100.00	2,100.00
Stenographer	1,800.00	1,800.00
Administration Officer (158th Infantry)	2,400.00	2,400.00
Caretaker, State Warehouse	1,200.00	1,200.00
Caretaker, Ft. Tuthill	1,200.00	1,200.00
Pay of enlisted men at annual encampment (Periodic)	16,625.00	16,625.00
Miscellaneous Day Labor (Periodic)	500.00	500.00
Total Salaries and Wages	$ 31,525.00	$ 31,525.00
For Operation	7,975.00	7,525.00
For Travel	2,500.00	2,500.00
For Capital Investment	550.00	250.00
For Company and Battery Allowance	14,220.00	14,220.00
For Officers' Clothing Allowance	4,000.00	4,000.00
For Repairs and Replacements (Armories)	4,500.00	4,500.00

For Contingent Property Allowance..	2,500.00	2,500.00
For Rent, Company Quarters ..	4,000.00	4,000.00
Total Appropriation..	$ 71,770.00	$ 71,020.00

For emergencies not provided for, viz: Courts Martial, investigations, funerals, etc., and to equalize errors in estimates, the Auditor and Treasurer are authorized upon request of the Adjutant General, approved by the Governor, to transfer not to exceed five per cent of money appropriated under any heading, excepting salaries, to any other account, in order that no deficiency may be necessary at the close of the fiscal year June 30, 1933.

Subdivision 50. PIONEERS' HISTORICAL SOCIETY.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
Secretary	$ 1,500.00	$ 1,500.00
Miscellaneous Day Labor (Periodic).....	50.00	50.00
Total Salaries and Wages	$ 1,550.00	$ 1,550.00
For Travel	150.00	150.00
For Operation	900.00	900.00
For Capital Investment	200.00	200.00
Total Appropriation..	$ 2,800.00	$ 2,800.00

Subdivision 51. PIONEERS' HOME.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
Superintendent	$ 3,000.00	$ 3,000.00
Bookkeeper	1,350.00	1,350.00
Nurses, 5 @ $900.00 each	4,500.00	4,500.00
Nurse, Registered	1,500.00	1,500.00
Physician	1,200.00	1,200.00
Waiters, 3 @ $720.00 each	2,160.00	2,160.00
Cooks, 2 @ $1,200.00 each	2,400.00	2,400.00
Dishwasher	720.00	720.00
Kitchen Helper	720.00	720.00
Engineer	1,200.00	1,200.00
Barber	780.00	780.00
Janitors, 2 @ $720.00 each	1,440.00	1,440.00
Head Matron	900.00	900.00
Matrons, 2@$720.00	1,440.00	1,440.00
Dentist (Periodic)	200.00	200.00
Total Salaries and Wages	$ 23,510.00	$ 23,510.00
For Operation	61,250.00	62,250.00
For Travel	200.00	200.00
For Capital Investment:		
Automobile	1,250.00	
Refrigerator	1,350.00	
Other Capital Investment	2,950.00	500.00

For Repairs and Replacement	6,500.00	500.00
Total Appropriation	$ 97,010.00	$ 86,960.00

Subdivision 52. PREDATORY ANIMALS. For the Live stock sanitary board: For cooperation with the United States biological survey.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries, Wages, Operation, Travel, Capital Investment and Repairs and Replacement	$ 15,000.00	$ 15,000.00
Total Appropriation	$ 15,000.00	$ 15,000.00

This appropriation is made subject to the condition that, at least, a like amount be allotted to this state by the federal government and expended concurrently with this appropriation.

Subdivision 53. PRISON.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
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	2,000.00	2,000.00
Engineer	2,160.00	2,160.00
Farm Superintendent	1,800.00	1,800.00
Teacher	1,440.00	1,440.00
Matron	1,200.00	1,200.00
Chaplains, 2 @ $200.00 each	400.00	400.00
Dentist (Periodic)	600.00	600.00
Yard Captain	1,800.00	1,800.00
Guards, 32 @ $1,440.00 each	46,080.00	46,080.00
Guards, Temporary (Periodic)	1,800.00	1,800.00
Total Salaries and Wages	$ 69,280.00	$ 69,280.00
For Operation	90,343.30	90,702.00
For Travel	2,000.00	2,000.00
For Capital Investment:		
Motor Vehicles	4,000.00	
Remodeling— Heating System, Water System, Refrigerating System, Power System	25,000.00	
Other Capital Investment	4,700.00	1,200.00
For Repairs and Replacements	1,000.00	1,000.00
Total Appropriation	$196,323.30	$164,182.00

Subdivision 54. REDEMPTION OF PUBLIC DEBT.

	For the 20th Fiscal Year	For the 21st Fiscal Year
Bond Redemption	$ 50,000.00	$ 50,000.00
Total Appropriation	$ 50,000.00	$ 50,000.00

Subdivision 55. SECRETARY OF STATE.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
Secretary of State	$ 5,000.00	$ 5,000.00
Assistant Secretary of State	3,300.00	3,300.00
Chief Clerk	2,100.00	2,100.00
Stenographers, 5 @ $1,800.00 each	9,000.00	9,000.00
Total Salaries and Wages	$ 19,400.00	$ 19,400.00
For Operation	6,285.00	1,785.00
For Travel	500.00	500.00
For Initiative and Referendum Expense: Salaries and Wages, Operation, and Capital investment (Periodic)	7,500.00	14,500.00
Total Appropriation	$ 33,685.00	$ 36,185.00

Subdivision 56. SHEEP SANITARY COMMISSION.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
Inspectors, 3 @ $1,800.00 each	$ 5,400.00	$ 5,400.00
Inspector, Special (Periodic)	1,600.00	1,600.00
Total Salaries and Wages	$ 7,000.00	$ 7,000.00
For Operation	100.00	100.00
For Travel	1,800.00	1,800.00
Total Appropriation	$ 8,900.00	$ 8,900.00

Subdivision 57. STATE EXAMINER.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
Examiner	$ 3,000.00	$ 3,000.00
Chief Deputy	2,500.00	2,500.00
Deputies, 2 @ $2,300.00 each	4,600.00	4,600.00
Stenographer	1,800.00	1,800.00
Total Salaries and Wages	$ 11,900.00	$ 11,900.00

For Operation	500.00	350.00
For Travel	5,600.00	5,600.00
For Capital Investment	100.00	100.00
Total Appropriation	$ 18,100.00	$ 17,950.00

Subdivision 58. STATE HISTORIAN.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
Historian	$ 2,400.00	$ 2,400.00
Secretary	1,800.00	1,800.00
Total Salaries and Wages	$ 4,200.00	$ 4,200.00
For Operation	400.00	400.00
For Travel	700.00	700.00
For Capital Investment	100.00	100.00
For Publications	1,000.00	1,000.00
Total Appropriation	$ 6,400.00	$ 6,400.00

Subdivision 59. STATE HOSPITAL FOR THE INSANE.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
Superintendent	$ 3,600.00	$ 3,600.00
Physicians, 2 @ $2,400.00 each	4,800.00	4,800.00

Technician	1,200.00	1,200.00
Steward	2,000.00	2,000.00
Bookkeeper	1,500.00	1,500.00
Stenographer	1,200.00	1,200.00
Clinical Stenographer	1,200.00	1,200.00
Storekeeper	1,200.00	1,200.00
Information Clerk	1,020.00	1,020.00
Telephone Operators, 2 @ $780.00 each	1,560.00	1,560.00
Carpenter	1,800.00	1,800.00
Assistant Carpenter	1,080.00	1,080.00
Plumber	1,440.00	1,440.00
Watchman	1,020.00	1,020.00
Cook	1,200.00	1,200.00
Cook	780.00	780.00
Mechanic	1,200.00	1,200.00
Truck Driver	1,140.00	1,140.00
Farmer	1,800.00	1,800.00
Assistant Farmer	1,080.00	1,080.00
Farm Detail, 2 @ $780.00 each	1,560.00	1,560.00
Gardner	1,080.00	1,080.00
Dairyman	1,100.00	1,100.00
Poultryman	1,000.00	1,000.00
Canner (Periodic)	300.00	300.00
Baker	1,354.08	1,354.08
Waiter	1,020.00	1,020.00
Waitress	780.00	780.00
Supervisor	1,200.00	1,200.00
Matron	1,200.00	1,200.00
Matron, Night	900.00	900.00
Nurse, Registered	900.00	900.00
Seamstress	1,000.00	1,000.00
Laundryman	1,200.00	1,200.00
Assistant Laundryman	780.00	780.00

Laundress	900.00	900.00
Assistant Laundress	780.00	780.00
Engineer	1,800.00	1,800.00
Assistant Engineer	1,140.00	1,140.00
Assistant Engineers, 2 @ $900.00 each (Periodic)	1,800.00	1,800.00
Attendants (Periodic)	38,645.92	38,645.92
Dentist (Periodic)	500.00	500.00
Miscellaneous Day Labor (Periodic)	800.00	800.00
Total Salaries and Wages	$ 93,560.00	$ 93,560.00
For Operation	88,185.50	87,215.50
For Travel for Patients	750.00	750.00
For Capital Investment:		
Automobile	700.00	
Hot Food Truck	575.00	
Other Capital Investment	6,000.00	4,000.00
For Repairs and Replacements	4,700.00	5,875.00
Total Appropriation	$194,470.50	$191,400.50

Subdivision 60. STATE LOAN BOARD.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
Stenographer (Periodic)	$ 600.00	$ 600.00

Total Salaries and Wages	$ 600.00	$ 600.00
For Operation	17,500.00	17,500.00
For Travel	2,500.00	2,500.00
Total Appropriation	$ 20,600.00	$ 20,600.00

Subdivision 61. STATE SCHOOL FOR GIRLS.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
Superintendent	$ 1,800.00	$ 1,800.00
Matron-Teacher	1,500.00	1,500.00
Physician	500.00	500.00
Dentist (Periodic)	100.00	100.00
Cook	1,000.00	1,000.00
Gardner	1,200.00	1,200.00
Total Salaries and Wages	$ 6,100.00	$ 6,100.00
For Operation	10,300.00	10,050.00
For Travel	100.00	100.00
For Capital Investment:		
Water Tank	3,500.00	
Motor Vehicle	500.00	500.00
Other Capital Investment	650.00	150.00
For Repairs and Replacement	500.00	500.00
Total Appropriation	$ 21,650.00	$ 17,400.00

Subdivision 62. SUPERINTENDENT OF PUBLIC INSTRUCTION AND COMMON SCHOOLS. For the board of education: For the Support of the kindergarten, primary, elementary, grammar, four-year high school grades of the public schools and Vocational Education, that the sum of money which shall be equal to twenty-five dollars per capita on all pupils in average daily attendance in the common and high schools of the state, as shown by the records of the state superintendent of public instruction for the preceding year. This amount shall include the following items:

	For the 20th Fiscal Year	For the 21st Fiscal Year
For the Superintendent of Public Instruction—		
For Salaries and Wages for the following positions:		
Superintendent	$ 4,500.00	$ 4,500.00
Assistant Superintendent	3,000.00	3,000.00
Statistician	2,400.00	2,400.00
Stenographers, 3 @ $1,800.00 each	5,400.00	5,400.00
Record Clerk	1,800.00	1,800.00
Certification Clerk	2,100.00	2,100.00
Clerks, 2 @ $1,800.00 each	3,600.00	3,600.00
Fieldman	2,700.00	2,700.00
Examiner (Periodic)	750.00	750.00
Total Salaries and Wages	$ 26,250.00	$ 26,250.00
For Operation:		
Text Books	145,000.00	145,000.00

Other Operation, including Pensions	46,469.00	50,069.00
For Travel	4,000.00	4,000.00
For Capital Investment	500.00	500.00
Sub-Total	$222,219.00	$225,819.00
For Vocational Education and to Match Federal Funds—		
For Civilian Rehabilitation:		
For Salaries and Wages, Operation, Travel, and Capital Investment	10,000.00	10,000.00
For Vocational Agriculture:		
For Salaries and Wages, Operation, Travel, and Capital Investment	14,496.37	15,114.09
For Trade, Industrial and Home Economics:		
For Salaries and Wages, Operation, Travel and Capital Investment	13,147.54	14,196.72
For Teacher Training:		
For Salaries and Wages, Operation, Travel and Capital Investment	10,000.00	10,000.00

The above appropriations are made subject to the condition that, at least, like amounts shall be allotted to this state by the Federal Government and expended concurrently with these ap-

propriations; furthermore, that no salaries in excess of $4,000.00 per annum shall be allowed from the combined state and federal funds.

For Reimbursement to Schools	$ 23,000.00	$ 23,000.00
For Operation	2,200.00	2,200.00
For Travel	4,500.00	4,500.00
For Capital Investment	300.00	300.00

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.

Total Appropriation for Vocational Education	$ 77,643.91	$ 79,310.81
GRAND TOTAL	$299,862.91	$305,129.81

The balance of the per capita tax, together with the amount of all moneys received from National Forests, interest collected on deferred payments on the purchase of state lands, the rentals collected from leases of state lands, the income from the investment of permanent funds as prescribed by the enabling act and the state constitution, the income from toll roads, bridges, ferries, etc., and all moneys received by the superintendent of public instruction from whatever source, during each of the fiscal years, when paid into the state treasury, are hereby appropriated for apportionment to the various counties in accordance with law. No expenditures shall be made except as specifically authorized above.

Subdivision 63. SUPERIOR COURTS.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
Superior Court Judges	$ 41,750.00	$ 41,750.00
Court Commissioners (Periodic)	250.00	250.00
Total Appropriation	$ 42,000.00	$ 42,000.00

Subdivision 64. SUPREME COURT.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
Judges, 3 @ $8,500.00 each	$ 25,500.00	$ 25,500.00
Clerk	3,600.00	3,600.00
Secretaries, 3 @ $2,100.00 each	6,300.00	6,300.00
Reporter of Decisions	1,200.00	1,200.00
Total Salaries and Wages	$ 36,600.00	$ 36,600.00
For Operation	4,750.00	4,750.00
For Capital Investment	400.00	400.00
For Disbarment or Referee Expense	500.00	500.00
For Travel for Superior Court Judges	150.00	150.00
Total Appropriation	$ 42,400.00	$ 42,400.00

Subdivision 65. TAX COMMISSION.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
Commissioners, 3 @ $3,000.00 each	$ 9,000.00	
Commissioners, 3 @ $3,750.00 each		$ 11,250.00
Secretary	3,000.00	3,000.00
Accountant	3,000.00	3,000.00
Stenographers, 2 @ $1,800.00 each	3,600.00	3,600.00
Reporter and Transcript Fees (Periodic)	500.00	500.00
Total Salaries and Wages	$ 19,100.00	$ 21,350.00
For Operation	1,700.00	2,100.00
For Travel	3,200.00	3,200.00
For Capital Investment	150.00	150.00
Total Appropriation	$ 24,150.00	$ 26,800.00

Subdivision 65A. BOARD OF TAX SURVEY.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
Three members @ $1,500.00 each	$ 4,500.00	
Three members @ $750.00 each (Periodic)		$ 2,250.00
Total Appropriation	$ 4,500.00	$ 2,250.00

This appropriation is made subject to the condition that the above salaries be paid to members of the tax commission and is exempted from the provisions of Section 2 of this act; furthermore, in the event that the duties of the Tax Survey Board, as now prescribed by statute, are vested in any other board or body, then the salaries, as herein provided, shall not be paid out of this appropriation, but the same shall revert to the general fund.

Subdivision 66. TREASURER.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
Treasurer	$ 4,500.00	$ 4,500.00
Deputy Treasurer	3,000.00	3,000.00
Inheritance Tax Collector	2,700.00	2,700.00

Bookkeeper	2,400.00	2,400.00
Assistant Bookkeeper	2,100.00	2,100.00
Stenographers, 2 @ $2,000.00 each	4,000.00	4,000.00
Farm Loan Secretary	2,700.00	2,700.00
Total Salaries and Wages	$ 21,400.00	$ 21,400.00
For Operation	6,300.00	6,300.00
For Travel	1,400.00	1,400.00
For Capital Investment	1,535.00	250.00
Total Appropriation	$ 30,635.00	$ 29,350.00

Subdivision 67. UNIVERSITY OF ARIZONA.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages	$700,000.00	$715,000.00
For Operation	120,500.00	125,500.00
For Travel	25,000.00	25,000.00
For Repairs and Replacements	50,000.00	50,000.00
For Capital Investment	107,000.00	22,000.00
Total Appropriation	$1,002,500.00	$937,500.00

In addition to the above appropriation, the amount of all federal aid funds, county extension funds, farm sales funds, dormitory funds, matriculation funds, student breakage funds, timber rental funds, and all other receipts received by and for the university is hereby appropriated for the improvement, support and maintenance

of the University of Arizona; and the University of Arizona is authorized to designate the fund to which any of the above receipts shall be credited and the auditor and treasurer are directed to so credit receipts. No part of the foregoing appropriation of the funds shall be used for the construction of new buildings.

Subdivision 68. VETERANS RELIEF COMMISSION.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For relief of veterans, pursuant to law	$ 7,500.00	$ 10,000.00
Total Appropriation	$ 7,500.00	$ 10,000.00

Subdivision 69. VETERANS SERVICE OFFICER.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
Veterans Service Officer	$ 3,000.00	$ 3,000.00
Americanism Director	3,000.00	3,000.00
Stenographer	1,800.00	1,800.00
Total Salaries and Wages	$ 7,800.00	$ 7,800.00
For Operation	100.00	50.00
For Travel	1,000.00	1,000.00
Total Appropriation	$ 8,900.00	$ 8,850.00

Subdivision 70. VETERINARIAN.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
Veterinarian	$ 3,600.00	$ 3,600.00
Total Salaries and Wages	$ 3,600.00	$ 3,600.00
For Travel	800.00	800.00
Total Appropriation	$ 4,400.00	$ 4,400.00

Operation expense of Veterinarian shall be paid from Operation Appropriation for Live Stock Sanitary Board.

Subdivision 71. VETERINARY BOARD.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
Per Diem, Board Members (Periodic)	$ 40.00	$ 40.00
Total Salaries and Wages	$ 40.00	$ 40.00
For Travel	260.00	260.00
Total Appropriation	$ 300.00	$ 300.00

Subdivision 72. WATER COMMISSIONER.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages for the following positions:		
Commissioner	$ 4,000.00	$ 4,000.00
Secretary	2,700.00	2,700.00
Engineer	2,700.00	2,700.00
Stenographer-Bookkeeper	2,100.00	2,100.00
Extra Field Help (Periodic)	250.00	250.00
Total Salaries and Wages	$ 11,750.00	$ 11,750.00
For Operation	1,575.00	2,075.00
For Travel	475.00	475.00
For Capital Investment:		
Automobile	700.00	
Other Capital Investment	525.00	250.00
Total Appropriation	$ 15,025.00	$ 14,550.00

Subdivision 73. COLORADO RIVER COMMISSION.

	For the 20th Fiscal Year	For the 21st Fiscal Year
For Salaries and Wages, Operation, Travel and Capital Investment	$100,000.00	
Total Appropriation	$100,000.00	

The above appropriation is made subject to

the condition that it shall be exempt from the provisions of the finance code and balances shall not revert at the close of the fiscal year.

Section 2. The appropriations herein made are subject to the provisions of the State Financial Code. All salaries, unless specified "periodic" are the annual salaries and the monthly salary shall never exceed one-twelfth of the annual salary. Periodic salaries may be drawn as needed; no claim for salary, or travel shall be paid from any fund other than that appropriated under the provisions of this act for salary or travel, except the appropriation for the Governor. Any person receiving salary or wages under the provisions of this act is thereby precluded from accepting any other salary or wage or office or employment for profit under the state. Provided, however, that physicians at state institutions, persons employed under cooperative agreements with the federal government, and employees of the University of Arizona may draw specified salaries from more than one source.

Section 3. In all cases where money appropriated under the provisions of this act, is or shall be expended for labor, only citizens of the United States or wards of the United States shall be employed and actual bona fide resident citizens of the state shall be given the preference whenever such labor as may be required can be found within this state, and before any labor can be sought outside of this 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 labor as is required within this state, and if the auditor is satisfied of such inability, then the auditor may execute a release permitting the bringing into this state of such citizens only of the United States as may be needed for such work. Before any money herein appropriated shall be paid out for labor or construction a verified statement shall be filed with the auditor, showing strict compliance with the provisions of this section. If the provisions of this section are not complied with, it shall be unlawful to pay out any of the moneys herein appropriated; and any contract entered into wherein the provisions of this section have not been complied with shall be void; provided, that nothing herein shall be construed to prevent the working of prisoners of the state.

Section 4. All claims for moneys 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 moneys appropri-

ated by this act, shall be fully itemized and that no items shall be grouped under the word "incidentals" or other general term covering more than one item; should any such items be grouped under the head of "incidentals" or other general term the state auditor is hereby authorized and directed to reject such claim until it is properly itemized.

Approved March 24th, 1931.

RESOLUTIONS

HOUSE RESOLUTION NO. 4

EXPRESSING REGRET AT THE PASSING AND RESPECT TO THE MEMORY OF THE LATE REPRESENTATIVE HARRY E. PICKETT, OF COCHISE COUNTY, WTH APPRECIATION OF HIS SERVICES TO THE STATE AS A LAWYER AND A LAW MAKER.

WHEREAS the unexpected demise of the Honorable Harry E. Pickett, former member of the House of Representatives of this state from Cochise county, on the seventeenth day of August, 1930, removed from active life one of the foremost members of the bar of the state, whose interest in public affairs was always for betterment of conditions and general progress; and

WHEREAS as a former associate and colleague of many of the members of the present legislature the said Harry E. Pickett had endeared himself to all, it is hereby

RESOLVED, that lasting tribute be paid to the memory of our departed friend and colleague by the House of Representatives of the Tenth State Legislature of the State of Arizona in recognition of his many qualities and great ability. Harry E. Pickett was a native of Lebanon, Tennessee. He was a graduate of Stanford University and of the University of Virginia Law School. Shortly after commencing the practice of the legal profession he became associated with his father, the late Colonial Pickett, at Tombstone, which was continued successfully until the death of the senior member of the firm. For fifteen years prior

to his death, Mr. Pickett was employed as counsel by many of the larger corporations of the state, among them being the Calumet and Arizona Mining Company, the New Cornelia Copper Company, the El Paso and Southwestern Railroad Company, the Southern Pacific Railroad Company, and the Bank of Douglas. As a member of the House of Representatives of the Seventh and Eighth State Legislatures he was untiring in his endeavors for the welfare, not only of his own county, but of the state at large. Of untiring energy and forceful personality he was a leading factor in all matters of legislation and his persuasive oratory decided the fate of many enactments. As a member of the Arizona Code Commission he rendered meritorious service, being mentioned by the code commissioner in the final publication of the Revised Code as being untiring in his labors. Mr. Pickett also served the party of his choice as a delegate to the National Democratic Convention at Houston, Texas. At the time of his death he was associated with the law firm of Knapp, Boyle, and Pickett, of the county of Cochise. He left to mourn his loss his wife, a son and daughter and his mother, Mrs. Evaline C. Pickett, all of Douglas, Arizona. In memory of our departed colleague it is hereby

RESOLVED by the House of Representatives of the Tenth State Legislature of the State of Arizona that this Resolution be spread upon the journal of the proceedings of the House; that the secretary of state be directed to transmit a certified copy hereof to the widow of the departed and that the House stand in silent meditation to the memory of our departed friend for one minute.

Passed the House of Representatives March 7, 1931.

Filed in the office of the Secretary of State, March 9, 1931.

SENATE JOINT RESOLUTION NO. 1

WHEREAS, during the year 1930, three banks in Yuma county, having become insolvent, closed their doors; and

WHEREAS, the failure of these financial institutions caused widespread disaster to the agricultural and commercial interests of Yuma county, and worked the most serious hardships upon their depositors; and

WHEREAS, many circumstances surrounding the conduct and subsequent closing of these banks are of a nature which not only justify, but demand the most thorough investigation and a full and complete disclosure of the facts with respect thereto, not only in the interest of the unfortunate depositors, but to the end as well that justice may be meted out to the guilty, if any, and vindication accorded to the innocent; and

WHEREAS, there is no evidence that any vigorous or satisfying steps in such direction have been taken by any official body or authority; now therefore

BE IT RESOLVED by the legislature of the state of Arizona, that the attorney-general be

and he is hereby directed to take such steps and make such investigations as may be necessary to ascertain all material facts with respect to the conduct, management, organization, supervision, control, failure, or liquidation of such banks or any thereof, and in the light of the facts disclosed by such investigation to take such further action as the findings may warrant or the laws may require;

AND BE IT FURTHER RESOLVED, that for the purposes of such investigation the attorney-general shall have the powers conferred by law upon public officers authorized to take evidence.

Passed the House March 12, 1931.

Adopted by the Senate March 7, 1931.

Approved this 13th day of March, 1931.

Filed with the Secretary of State March 13, 1931.

SENATE CONCURRENT RESOLUTION NO. 1

WHEREAS His Excellency, George W. P. Hunt, Governor of Arizona has alleged in his message to the Tenth Legislature that there has been "neglect" and mismanagement of the State School for the Deaf and the Blind located at Tucson, and

WHEREAS the School for the Deaf and the Blind is an educational institution and as such, in

order that its purposes may be to the highest degree accomplished, it should immediately be relieved of all and any stigma that may attach to it as a result of neglect and mismanagement, now therefore be it

RESOLVED That the President of the Senate, the House concurring, appoint a committee of three members of the Senate to meet with a like number of the members of the House to be appointed by the Speaker of the House, and make an immediate and thorough investigation of the affairs and the management of the State School for the Deaf and the Blind, and be it further

RESOLVED That the Committee report its findings to the Tenth Legislature at the earliest possible date together with any and all recommendations of a remedial nature, to the end that as many of the disadvantages under which the school is suffering may be immediately removed and the institution placed upon a high plane of efficiency and merit and freed from all retarding stigma.

Passed the House Jan. 14, 1931.

Unanimously adopted by the Senate Jan. 14, 1931.

Filed with the Secretary of State Jan. 15, 1931.

SENATE CONCURRENT RESOLUTION NO. 2

WHEREAS, on Sunday, the twenty-fifth day of the present month, the Creator of All called from this earthly abode Hon. W. T. Smith, a former member of the Arizona Legislature; and

WHEREAS, "Tom" Smith, as he was familiarly known, was one of Arizona's most distinguished citizens; a builder; a pioneer whose career, in the Territory and State of Arizona, as miner, merchant, legislator and developer, was marked by many notable achievements; and

WHEREAS, it is fitting to recall that among the incidents of "Tom" Smith's well-filled life, as a business man he managed the company which operated the first telephone line installed in Phoenix, as one who helped to blaze the trail for the Arizona that was to be, he was an associate of and co-worker with that pioneer of pioneers, King Woolsey; as a legislator he introduced the bill creating the Tempe Normal School; as a developer he was largely instrumental in the promotion of the irrigation project near Gila Bend known as the "Gillespie project"; and

WHEREAS, it is fitting that this legislative body, of which, during Territorial days, the deceased was a valued member, should, on this day when his body is being laid to rest, express its recognition of the eminent services he rendered in life to his fellowmen; therefore be it

RESOLVED, by the Senate and House of Representatives of the Tenth Legislature, that in

the passing of the Hon. W. T. Smith, Arizona has sustained the loss of one of its most worthy citizens and most valued builders, whose memory deserves to be enshrined in the hearts of the people in terms of the sincerest gratitude; and be it further

RESOLVED, That the heartfelt sympathy of the members of this body is hereby extended to the bereaved widow and family; and be it further resolved

That a copy of this resolution, suitably engrossed, signed by the Speaker of the House and the President of the Senate, be transmitted to the sorrowing widow.

Passed by the House Jan. 30, 1931.

Adopted by the Senate Jan. 29, 1931.

Filed with the Secretary of State Feb. 2, 1931.

SENATE CONCURRENT RESOLUTION NO. 3

PRESENTED BY LEGISLATIVE JOINT COMMITTEE OF THE SENATE AND HOUSE OF REPRESENTATIVES, EXPRESSING TO THE HONORABLE ALFRED KINNEY, SENATOR FROM GILA COUNTY, THE REGRETS OF THE TENTH STATE LEGISLATURE AT THE PASSING OF HIS LOVING AND DEVOTED WIFE, MRS. CLARA M. KINNEY, AND TENDERING ITS HEARTFELT SYMPATHY IN HIS BEREAVEMENT.

WHEREAS, the immutable Law on the sixth day of February, 1931, called to the haven of rest the spirit of a pioneer woman of the state, Mrs. Clara M. Kinney, of Globe, Gila County, Arizona, a resident of that city and of the state for more than fifty-two years, and the loving wife and lifelong helpmate of our friend and colleague, the Honorable Alfred Kinney, member of the state senate from the county of Gila; and

WHEREAS, the passing of this noble woman closes another chapter of the book of hardy pioneers who blazed the trails of the desert and mountains in order that we who came after found opportunity and comfort, it is deemed fitting that we express our sympathy and condolence to our colleague, the Honorable Alfred Kinney.

Mrs. Clara M. Kinney was a native of Lignitz, Germany. She arrived in Globe, Arizona in her early womanhood and in 1882 became the wife of Mr. Kinney and ever since that time has been the close companion, loving wife and faithful

partner of her husband in all his endeavors. Possessing a retiring disposition, her identity with organized charities was not pronounced, but to many an old time miner and prospector the name of Clara Kinney was breathed with a blessing for kindnesses received. Enjoying the blessings of robust health until a short time ago, her death was the result of a stroke of paralysis. It is therefore

RESOLVED by the Senate of the Tenth State Legislature of the State of Arizona, the House of Representatives concurring, that these resolutions of condolence to our esteemed colleague, the Honorable Alfred Kinney, be spread upon the journals of the Senate and of the House of Representatives and that a suitably engrossed copy thereof be transmitted by the secretary of the State Senate to Senator Kinney.

Passed the House Feb. 9, 1931.

Adopted by the Senate Feb. 9, 1931.

Filed with the Secretary of State Feb. 12, 1931.

SENATE CONCURRENT RESOLUTION NO. 4
ACCORDING RESPECT AND ESTEEM TO THE MEMORY OF THE LATE JAMES L. B. ALEXANDER, PATRIOT, STATESMAN, LAWYER AND TRUE GENTLEMAN.

WHEREAS, the passing of Captain Alexander brings home to us, the representatives of Arizona's electorate, in legislative session assem-

bled, the fact that another of the old school, honored, loved and respected, has gone to his just reward; and our citizenry mourn a distinct loss.

Mr. Alexander has served with distinction to himself, and honor to his Country and to the Commonwealth of Arizona, as a volunteer officer under Colonel Theodore Roosevelt of the "Rough Riders" in the Cuban campaign, during the Spanish-American war; and upon returning to his adopted state, he continued an untiring interest in military affairs, and eventually was elected State Commander of the Spanish-American War Veterans, in which capacity he proved untiring in the interest of Veteran legislation.

Appointed United States District Attorney for Arizona by President Roosevelt, Mr. Alexander again demonstrated that his every thought and action was for, and in behalf of the material progress and development of Arizona and its people.

As a lawyer, he gave of his best efforts to the protection and interests of his clients, and as United States District Attorney for Arizona, his counsel and opinions were always considered just and accepted as sound law by his colleagues of the bar.

WHEREAS, the death of this good man constitutes a loss, not only to his family and host of friends, but to the best interests of the State of Arizona in general:

BE IT THEREFORE RESOLVED by the Sen-

ate and House of Representatives of the Tenth Legislature, in regular session assembled, that an expression of its esteem and respect be set forth and that these resolutions be inscribed on the journal of this day's proceedings, as a lasting testimonial to our departed friend.

BE IT FURTHER RESOLVED that a suitably engrossed copy of these resolutions, signed by the President of the Senate and the Speaker of the House of Representatives, be transmitted to the family of the deceased.

Passed the House Feb. 12, 1931.

Adopted by the Senate Feb. 9, 1931.

Filed in the office of the Secretary of State Feb. 16, 1931.

HOUSE CONCURRENT RESOLUTION NO. 1

A CONCURRENT RESOLUTION EXPRESSING THE FEALTY AND LOYAL SUPPORT OF THE TENTH LEGISLATURE OF THE STATE OF ARIZONA, TO HONORABLE GEORGE W. P. HUNT, GOVERNOR OF ARIZONA.

WHEREAS, in full appreciation of the honesty of purpose, the integrity of endeavor and the unswerving Democracy of the Honorable George W. P. Hunt, the people of the State of Arizona have for the seventh time elected that grand old champion of the people to the exalted position of Governor of their sovereign State; and

WHEREAS, at the same time the body politic, reposing special confidence and trust in organized Democracy by electing an almost unanimously Democratic legislature, looks forward to a unity of purpose in correcting the evils that surround its citizenry; in solving the many problems of statecraft that confront the State; in earnest endeavor to solve the problems of taxation; and in general to enact rightfully and fearlessly such laws as will most efficiently serve the public good,

NOW, THEREFORE, BE IT RESOLVED that in the furtherance of the trust imposed upon the Honorable George W. P. Hunt, by the people of the State, the House of Representatives of the Tenth State Legislature of the State of Arizona, the State Senate concurring, does hereby pledge its fealty and loyal support in every manner conducive to the welfare of the people of the State, to the end that full and complete harmony exist between the Honorable George W. P. Hunt, Governor of the State of Arizona and the Tenth State Legislature; and

BE IT FURTHER RESOLVED that this resolution be spread in full upon the minutes of the Journals of the House of Representatives and an enrolled copy thereof, suitably attested by the presiding officers of each House, be presented to the Governor.

Passed by the Senate, January 13, 1931.

Passed by the House of Representatives, January 12, 1931.

Approved by the Governor, January 14, 1931.

Received in the office of the Secretary of State, January 14, 1931.

HOUSE CONCURRENT RESOLUTION NO. 2

CONVEYING REGRETS AT THE PASSING, AND RESPECT TO THE MEMORY OF RALPH E. ELLINWOOD.

WHEREAS, in the interim between the adjournment of the Ninth Legislature and the convening of the Tenth Legislature, there died a young citizen of Arizona, Ralph E. Ellinwood, who while a soldier overseas had made sacrifices and endured hardships to uphold the ideals of our common country; and, returning to the arts of peace, dedicated himself to further public service in the field of journalism; and

WHEREAS, in the upward sweep of the progressive development of human rights this Legislature touches hands with and is the spiritual assignee of all convocations in the name of the people which conceived, enacted, proclaimed and insured a free press in the United States of America; therefore

BE IT RESOLVED that the House of Representatives of the Tenth Legislature of the State of Arizona, assembled in regular session, the State Senate concurring, does hereby make acknowledgment of Ralph E. Ellinwood's patriotic services in war and in peace and orders en-

grossed upon its minutes, its deep regret at his untimely demise. Be it further

RESOLVED that in respect to the memory of the departed Ralph E. Ellinwood, the House of Representatives and the State, stand in silent prayer for the period of one-half minute, and be it further

RESOLVED that an engrossed copy of these Resolutions be transmitted to the family of the departed.

Adopted unanimously by the Senate, January 14, 1931.

Passed the House of Representatives January 13, 1931.

Approved by the Governor January 14, 1931.

Filed in the Office of the Secretary of State, January 14, 1931.

HOUSE CONCURRENT RESOLUTION NO. 3

WHEREAS, the Honorable James Hamilton Lewis, United States Senator elect from the state of Illinois, is temporarily making his home while regaining his health in the city of Tucson, this State and

WHEREAS, said James Hamilton Lewis is a well known friend and advocate of the progressive proposed legislation of the Nation, is one of the Nation's great orators, a defender of

the right of a state to govern itself without interference on the part of the National government in purely state matters,

THEREFORE BE IT RESOLVED: by the House of the Tenth State Legislature, in regular session assembled, the Senate concurring, that the Governor be, and he is hereby requested on behalf of the House and Senate, to invite the Honorable James Hamilton Lewis, Senator elect from the State of Illinois, to visit this Capital of the State and while here address a joint session of the House and Senate, on a subject of his own choosing, and upon a date most convenient for him to make such visit and to deliver said address.

AND BE IT FURTHER RESOLVED: that in case of the acceptance of the above invitation by said Senator elect, that the Governor, the Speaker of this House and the President of the Senate, be and thereby are hereby appointed as a committee to have full charge of all arrangements incident to said visit and to said address, by the said James Hamilton Lewis.

Adopted by the Senate unanimously, January 15, 1931.

Passed the House January 14, 1931.

Approved by the Governor, January 16th, 1931.

Filed in the office of the Secretary of State, January 16th, 1931.

HOUSE CONCURRENT RESOLUTION NO. 4

ON THE DEATH OF WILLIAM BOYCE THOMPSON

WHEREAS, through the death recently of William Boyce Thompson, the State of Arizona lost one of its benefactors, and an individual whose colorful life was closely identified with the advance and progress of this state, and

WHEREAS, through his generosity and desire to establish and perpetuate a scientific institution for the purpose of experimentation and research in the matter of native vegetation of this state and the Southwest, the Thompson Arboretum, near Superior, was founded and endowed, and its continuous operation made possible, and

WHEREAS, the Thompson Arboretum is now, and has been in the past, performing a vital work in experimentation and research to find new and wider uses for the native vegetation of the Southwest, a field of investigation, experimentation, and research that is of particular importance to this state, and

WHEREAS, in addition to being profoundly appreciative of the creation and endowment of the Thompson Arboretum research institution, deepest regret and sorrow was caused by the death of William Boyce Thompson,

IT IS HEREBY RESOLVED by the House of Representatives of the Tenth Legislature of the State of Arizona in regular session assembled, the Senate concurring, that this expression

of appreciation of the creation and endowment of the Thompson Arboretum, and of sorrow and regret over the passing of William Boyce Thompson, be set forth and inscribed on the Journal of this day as a lasting testimonial to our beloved departed friend and benefactor, and

BE IT FURTHER RESOLVED, that a suitably engrossed copy of these resolutions be transmitted to the family of William Boyce Thompson.

Passed the Senate Jan. 21, 1931.

Passed the House of Representatives, Jan. 20, 1931.

Approved by the Governor Jan. 21, 1931.

Received in the office of the Secretary of State, Jan. 21, 1931.

HOUSE CONCURRENT RESOLUTION NO. 5

IN APPRECIATION OF THE LOIS GRUNOW MEMORIAL CLINIC.

WHEREAS, the State of Arizona is particularly fortunate in obtaining the Lois Grunow Memorial Clinic at Phoenix, an institution of medical service and research that will fill an important and useful function in the treatment of the diseased and afflicted, not only of our own state but throughout the entire Southwest and the nation; and

WHEREAS, such establishment was made possible through the generosity of Mr. William C. Grunow, and it is the sense of this assembly that a resolution be adopted, expressing the appreciation of this state for the creation and endowment of this beneficial institution, and in honor of its donor, William C. Grunow;

IT IS HEREBY RESOLVED by the House of Representatives of the Tenth Legislature of the State of Arizona in regular session assembled, the Senate concurring, that this expression of appreciation of the endowment and establishment of the Lois Grunow Memorial Clinic be inscribed in the minutes of the Journal of this day, and that a suitably engrossed copy be transmitted to Mr. William C. Grunow, with the trust, hope and expectation that the object of William C. Grunow in founding this institution will be perpetuated, advanced and fully realized.

Passed by the Senate Feb. 10, 1931.

Passed the House of Representatives Feb. 5, 1931.

Approved by the Governor Feb. 11, 1931.

Received in the office of the Secretary of State, Feb. 11, 1931.

HOUSE CONCURRENT RESOLUTION NO. 7

WHEREAS, the Honorable Dwight B. Heard died March 14, 1929; and

WHEREAS, Dwight B. Heard for more than thirty years was a leader in municipal and state affairs and worked unceasingly and unselflishly for the development of his city, county and state; and

WHEREAS, he was a valued counselor, member and adviser of the Salt River Valley Water Users' Association, the Boy Scouts of America, the Phoenix Chamber of Commerce, Phoenix Real Estate Board, United States Chamber of Commerce, Phoenix City Planning Commission, Colorado River-Commission, and many other civic bodies; and

WHEREAS, for more than thirty years he was an outstanding figure in the business and commercial life of the State of Arizona, successfully developing in consonance with the highest ideals of commercial practices, real estate companies, newspaper enterprises and other commercial organizations; and

WHEREAS, he gave to his state and country during the World War his time, counsel and aid without remuneration, serving with distinction as a member of the Arizona Council of Defense and on various United States boards; and

WHEREAS, he pioneered and successfully developed numerous horticultural and agricultural

associations for the permanent improvement and betterment of conditions in the Salt River Valley; and

WHEREAS, during his entire life he gave continuously to charitable and other good works not only his personal time and aid but generously of his means; and

WHEREAS, by his will he established a generous scholarship fund for needy students of the University of Arizona and made many bequests to various religious and other charitable organizations; and

WHEREAS, he founded and gave to the City of Phoenix a valuable museum, including building and contents, which is already recognized as containing a valuable and representative collection of specimens of primitive arts; and

WHEREAS, his private life and his business career and his services as a citizen will remain a lasting inspiration to our citizens; and

WHEREAS, his death is an irreparable loss to the community in which he lives and to our state; and

WHEREAS, it is fitting that a permanent memorial be established in the Capitol Building to honor his memory;

NOW, THEREFORE, BE IT RESOLVED that space for a tablet commemorating his life and memory on the walls of the ground floor of the Capitol Building, be designated at a suitable place in the rotunda thereof.

Passed the Senate Feb. 5, 1931.

Passed the House Feb. 4, 1931.

Approved by the Governor Feb. 11, 1931.

Filed in the office of the Secretary of State Feb. 11, 1931.

HOUSE CONCURRENT RESOLUTION NO. 8

EXPRESSING APPRECIATION TO THE ARIZONA YEAR BOOK, INCORPORATED, FOR BENEFITS TO STATE BY PUBLICATION OF THE 1930-1931 EDITION OF THE ARIZONA YEAR BOOK.

WHEREAS, there has recently appeared a publication known and designated as "The Arizona Year Book," which said publication presents to the citizen and resident of the state, to the visitor from abroad, to the citizen of the United States and the world at large, a broad and comprehensive word picture of the natural wonders of the state, a detailed and analytical review of the industrial conditions and possibilities, a complete and comprehensive review of all governmental activities, state, county, city and national, in fact presenting to the nation as complete and exhaustive vision of Arizona as it is as has ever been attempted; and

WHEREAS, the value to the state, its industries and varied business activities is so great, its dissemination of most useful information on practically every activity pertaining to the state

is so valuable to those from without seeking information, and the scope of general information pertaining to practically every avenue and agency of the state so comprehensive as to be of immeasurable value, it is therefore

RESOLVED, that the House of Representatives of the Tenth State Legislature, the State Senate concurring, does hereby extend to the Arizona Year Book, Incorporated, and its author, Forrest E. Doucette, its appreciation and thanks for the monumental and comprehensive treatise on Arizona and its activities—"The Arizona Year Book;" and be it further

RESOLVED, that a suitably engrossed copy of these Resolutions be forwarded by the chief clerk of the House of Representatives to the Arizona Year Book, Incorporated.

Passed the House February 16, 1931.

House concurrs in Senate Amendments March 3, 1931.

Adopted by the Senate March 2, 1931.

Filed in the office of the Secretary of State March 3, 1931.

HOUSE CONCURRENT RESOLUTION NO. 9

EXPRESSING APPRECIATION AND THANKS OF THE TENTH STATE LEGISLATURE FOR KINDLY COOPERATION, AID AND ASSISTANCE OF THE ARIZONA NATIONAL GUARD AND THE POLICE DEPARTMENT OF PHOENIX, DURING THE SERVICES ATTENDING THE FUNERAL OF OUR LATE COLLEAGUE, HONORABLE M. J. FRANCIS.

WHEREAS, the loving tribute of the Tenth State Legislature tendered to the memory of our late colleague, the Honorable M. J. Francis, member of the House of Representatives, in the journey to his last resting place, was with kindly forethought aided by the National Guard of Arizona and the Police Deparment of the City of Phoenix, it is hereby

RESOLVED, by the House of Representatives of the Tenth State Legislature, the State Senate concurring, that the thanks of the State Legislature be extended to the said Arizona National Guard and to the Police Department of the City of Phoenix, for their kindly aid and able assistance while the mortal remains of our late colleague lay in state at the State Capitol and during the passing of the funeral cortege to the place of final rest.

It is also

RESOLVED, that suitably engrossed copies of this resolution be transmitted by the chief clerk of the House of Representatives, to the National Guard of Arizona and to the Phoenix Police Department.

Adopted by the Senate February 21, 1931.

Passed the House February 19, 1931.

Approved by the Governor February 24, 1931.

Filed in the office of the Secretary of State, February 24, 1931.

MEMORIALS

SENATE JOINT MEMORIAL NO. 1

TO THE HONORABLE SECRETARY OF AGRICULTURE AND THE CHIEF OF THE BUREAU OF PUBLIC ROADS OF THE UNITED STATES OF AMERICA:

Your memorialist, the Tenth Legislature of the state of Arizona, in regular session convened, respectfully represents:

WHEREAS, the Tenth Legislature of the state of Arizona, now in session in Phoenix, Arizona, has passed the necessary appropriations and legislation, enabling the Arizona Highway Department to fully meet its requirements in the matching of all Federal Aid Funds, both emergency and regular appropriations, and to meet the unemployment situation by September 1, 1931, the time prescribed in the emergency legislation enacted by Congress upon December 20, 1930, and

WHEREAS, the Wickenburg-Ehrenberg highway is now a part of the approved seven per cent system of the state of Arizona, and

WHEREAS, the Arizona Highway Department is unable to start construction with Federal Aid upon this section, because of certain regulations and interpretations placed upon a project for construction approaching a toll bridge, and

WHEREAS, the Arizona Highway Department has at this time plans and specifications completed and ready for construction upon one section of the said Wickenburg-Ehrenburg highway

and have other sections practically ready for construction, and which will be ready within not to exceed thirty days, now

THEREFORE BE IT RESOLVED, that the Secretary of Agriculture, acting through the Bureau of Public Roads, be hereby requested to modify this regulation so that the said Bureau of Public Roads may grant approval to the Arizona Highway Department to start construction as on other Federal Aid projects, but that no money be paid to the State of Arizona from the Federal Aid allotment until a satisfactory agreement has been consummated between the states of Arizona and California, acting jointly with the owners of the toll bridge across the Colorado river near Blythe, California, or by agreement between the said states of Arizona and California that the construction of a new bridge at approximately this location be initiated, and

BE IT FURTHER RESOLVED, that the Secretary of State of the state of Arizona forward copies of this memorial to the Secretary of Agriculture of the United States and the Chief of the Bureau of Public Roads, in Washington, D. C.

Passed the House Feb. 16, 1931.

Adopted by the Senate Feb. 4, 1931.

Approved this 17th day of February, 1931.

Received by the Secretary of State this 17th day of February, 1931.

SENATE JOINT MEMORIAL NO. 2

A MEMORIAL TO THE CONGRESS OF THE UNITED STATES PRAYING FOR THE ENACTMENT OF A JOINT RESOLUTION EMPOWERING AND DIRECTING THE PRESIDENT OF THE UNITED STATES TO DECLARE AN EMERGENCY EMBARGO AGAINST FURTHER IMPORTATION OF CERTAIN FOREIGN PRODUCTS.

WHEREAS, in view of the rapidly declining rate of exchange in certain foreign countries and the consequent lowering in the gold value of wool, livestock, and other material products of the United States farm and range to the great financial loss of the American producer; and

WHEREAS, the depleted monetary standards of those certain foreign countries aforesaid places the burden of exchange and subsequent financial loss upon the farmers and stock raisers of this country, it is therefore

RESOLVED by the Senate of the Tenth Legislature of the State of Arizona, in regular session assembled, the House of Representatives concurring, that the Congress of the United State, in view of the conditions now existing, be memorialized to forthwith pass a joint resolution empowering and directing the President of the United States to declare an emergency embargo against further imports of foreign products from those countries which react so unfavorably on our already seriously depressed commercial fabric. It is further

RESOLVED that suitably engrossed copies of

this Memorial, signed by the President of the Senate, the Speaker of the House of Representatives and the Governor, be transmitted to the presiding officer of the United States Senate, the Speaker of the National House of Representatives, the President of the United States and to each of the Arizona members of the Congress of the United States at Washington.

And your Memorialist will ever pray.

Adopted by the Senate Feb. 13, 1931.

Passed the House Feb. 27, 1931.

Senate concurred in House Amendment Feb. 27, 1931.

Approved March 2, 1931.

Filed with Secretary of State March 2, 1931.

SENATE JOINT MEMORIAL NO. 3

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES:

Your Memorialist, the Tenth Legislature of the State of Arizona, in regular session assembled, respectfully represents:

The cities of Nogales, Arizona, and Nogales, Sonora, separated only by a street, which forms the international boundary, have for many years been subject to serious floods which sweep down out of the adjacent mountains.

These floods have caused great damage and property loss to the citizens of both countries residing in the said cities, and have on occasions been accompanied by loss of life.

The menace is ever-present, keeping the residents of the cities named in a constant state of anxiety, and is so serious in character and degree as to require the adoption of adequate measures of protection.

The only known method by which the recurrence of these disastrous floods can be prevented is through the erection of flood control dams in the canyons through and down which the torrential waters rush.

Inasmuch as these canyons cross the boundary line and are therefore international in location, the authority and cooperation of the governments of the Republic of Mexico and of the United States is required for the construction of the necessary protective works.

Wherefore, your Memorialist, the Tenth Legislature of the State of Arizona prays:

That the Congress of the United States authorize and direct the Department of State to enter into negotiations with the Republic of Mexico, looking to a treaty, or cooperative agreement between the two countries, having for its object the supplying of funds and the construction of the necessary flood control dams.

Wherefore your Memorialist will ever pray.

Passed the House March 3, 1931.

Adopted by the Senate Feb. 13, 1931.

Approved by the Governor March 4, 1931.

Filed with the Secretary of State March 4, 1931.

HOUSE JOINT MEMORIAL NO. 2

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES:

Your memorialist, the Tenth Legislature of the State of Arizona, respectfully represents:

1. Copper mining is one of the leading industries of many of the western states. Upon it these states are in great measure dependent for their prosperity, and large numbers of their citizens for a livelihood. In this state the industry is of the first magnitude. Its importance can scarcely be exaggerated. The copper mines of Arizona produce almost as much copper as all other states of the Union combined. They represent approximately one-half of our taxable wealth. In their operation there is annually distributed, chiefly within Arizona, about seventy million dollars, for labor, supplies, transportation and taxes. They afford a convenient and profitable market for the produce of Arizona farms, orchards, and ranches. They provide employment and a means of livelihood for many thousands of citizens, whose earnings contribute materially to the wealth of the state. Their successful operation stimulates the further search

for mineral deposits and encourages prospecting, so essential to the perpetuation of the copper mining industry.

2. The effect upon Arizona and its people of the destruction of such an industry, or even of its temporary depression, must be at once apparent—curtailed revenues for the maintenance of government, widespread unemployment, depletion or complete loss of the life earnings of thousands of miners, privation in their homes, lessened or utterly destroyed buying power, business paralysis, closing of an important outlet for agricultural products, economic loss and suffering to all classes of citizens, and the creation of a serious problem for the state government.

3. Thus is presented a situation which has been developing in Arizona for the past eight years. During this evil time for the copper mining industry the number of active copper mining districts in this state has decreased eighty per cent, and the smelter fires are still going out. It is needless to say that the industry is in a most precarious condition. What has been said of copper mining in Arizona is true of the industry wherever it exists in the United States.

4. The reasons for this condition are to be found to a limited extent only in the general financial and industrial depression from which our nation has recently suffered, and still is suffering. They have a much more easily definable and far more serious source. They may be found primarily in the tremendous copper ore reserves of Africa, South America, Canada, and Mexico—estimated to exceed this country's ore reserves, in volume and grade, three times over;

in the slave labor of equatorial Africa and the impressed Indian labor of South America with which the great ore bodies of these countries are worked; and in the bringing of this cheaply produced copper, duty free, into direct competition with the copper produced in the United States. Looking deeper, the reasons may be found in the circumstances that the principal copper interests of this country, controlling approximately ninety per cent of the copper mined in four of the leading western copper producing states, and controlling likewise the copper fabricating industry, also control huge copper reserves in the foreign countries named, with mine and smelter capacities sufficient to supply this country's requirements and to control its copper market. They may be found in the obvious purpose of the interests holding this almost universal control of the copper industry of the world to supply their fabrication industry with cheap raw material from their foreign ore reserves, unhampered and undeterred by any tariff requirements, to the exclusion of the non-protected copper of this country, while enjoying on the other hand the advantage of high protection for their fabricated product. They may be found in the fact that although during the past eleven years the production of copper in this country has exceeded domestic consumption by only twelve and three-quarters per cent, and during the past eight years by only about one per cent, and that henceforth the home market is undoubtedly capable of absorbing at least ninety per cent of the domestic copper, the legitimate benefits of this advantage are, because of the unequal economic conditions under which domestic and

foreign copper is produced, denied to the copper mining industry of the United States.

5. The discrimination shown in existing tariff laws, by which the copper fabricating industry is highly favored, while the copper mining industry is permitted to languish and die, is nothing short of startling. The copper manufacturer is liberally protected on every article of fabricated copper, and enjoys the advantage of a differential of as high as eleven cents per pound, merely as converting compensation. The home market is reserved for his sole and exclusive benefit, with advantages so great that he is able to compete in every country with the fabricated copper products of the world. But the basic producer, the man who takes this copper—this elementary, foundation product—out of the ground; who finds it, mines it, and converts it into a finished refined copper ingot, and delivers it to the manufacturer, is not only forced to sell his product in competition with the cheap labor copper of other countries, but he is compelled to buy every appliance and every item which enters into the cost of that product in a protected market at a swollen price.

6. This discrimination is as unjust as it is startling—as economically unsound as it is unfair. The business of domestic copper mining, considered solely as a business, has a moral right, not inferior to that of the many commercial enterprises based upon other highly protected metals and alloys, to live and prosper. As an essential industry, vital to the welfare of this nation both in peace and war, its vast importance is self-evident.

7. By every law of justice the copper mining industry should again be afforded the protection it first received as early as 1846, and which it enjoyed until 1894, when it was able to meet foreign competition both at home and in the markets of the world. By every rule of economic wisdom the copper miner of the West should be kept at work, the market created by his activities kept open, exploration encouraged, the prospector kept scanning the hills, untouched ore areas opened and developed, and the domestic copper ore reserves constantly maintained.

8. Without protection against the competition of foreign copper ores this cannot be done. There is an inescapable difference of six cents between the price at which foreign copper may be laid down in this country and the cost of producing it at home to the disadvantage of the domestic product. That figure represents the minimum of protection necessary before the copper miner of the United States can hope to compete with copper produced by the slave labor of Africa and the native Indian labor of South America, or be assured of enjoying the benefits of his home market.

Wherefore, your Memorialist, the Tenth Legislature of the State of Arizona, prays:

1. That Congress, at the earliest practicable date, revise the copper schedules of the tariff law in such manner and to such extent as to bring domestic copper into price alignment with highly protected fabricated copper, as well as with the thousands of protected domestic commodities of all kinds, that the copper miner is

compelled, in common with other American citizens, to buy.

2. That a measure of protection be afforded to copper produced in this country sufficient to enable the domestic copper miner to realize the benefits of his home market, and which will place his product on a parity with foreign copper.

3. That such protection be established at approximately the following rates: For copper in ingots, pigs, plates or bars, not manufactured, and copper in any form not officially provided for, six cents per pound; all alloys or combinations of copper not specially provided for, six cents per pound on the copper contained therein; blister copper, regulus, matte, cement copper, and black or coarse copper, five cents per pound on the copper contained therein; old copper, scrap copper, fit only for manufacture, copper scale, and clippings from new copper, five cents per pound on the copper contained therein; copper ore, and flotation or milled copper concentrate, containing thirty per cent or more of metallic copper, five cents per pound on the metallic copper contained therein; or if containing less than thirty per cent of metallic copper, four cents per pound on the metallic copper contained therein.

And your Memorialist will ever pray.

Adopted by the Senate Feb. 4, 1931.

Passed the House Jan. 21, 1931.

House concurs in Senate Amendments Feb. 5, 1931.

Approved by the Governor Feb. 11, 1931.

Filed in the office of Secretary of State Feb. 11, 1931.

HOUSE JOINT MEMORIAL NO. 6

TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED:

Your Memorialist, the Tenth Legislature of the State of Arizona, in regular session convened, respectfully represents:

That the area of land within the State of Arizona is 72,838,400 acres, of which area 19,566,339 acres are within Indian reservations, 16,911,367 are within the United States public domain, 11,203,438 are within the national forests, 671,610 are within national parks and monuments, and 73,008 are within military reservations; that a total of two thirds the area of land within the State of Arizona is controlled by federal bureaus, and cannot be taxed for state purposes;

That 6,498,669 acres are owned by the state, subject to federal regulations as to their sale, etc.;

That 17,913,969 acres, or less than one quarter of the land of the state, is subject to taxation;

That during the eighteen years of Arizona

statehood the lands reserved from entry by the federal government have increased, especially the Indian reservations;

That instead of the Secretary of the Interior's advertised policy of turning lands over to the state being followed, the efforts of Washington bureaus have been directed to control more of the lands and all of the waters of the state.

WHEREAS, the public domain of the United States has an area of about 178,000,000 acres distributed among seventeen states;

WHEREAS, it is overwhelmingly the public sentiments of the people of Arizona, that all the public domain, reserved lands and all national monuments owned by the United States, within the State of Arizona, should be transferred to the State of Arizona;

WHEREAS, the transferring of all the lands of the United States to the State of Arizona would result in a more immediate development and exploration and exploitation thereof;

WHEREAS, the states within which the lands of the United States are located, are nearer to the people than the federal government and the administration of such lands, under the governments of the respective states would be closer to the people;

WHEREAS, the State of Arizona is willing, through its elected officials, to take over all lands of the United States within its borders and administer the same, equitably and according to well-defined methods, consonant with and agree-

able to the general historical policy of the United States, with regard to the distribution of public lands in a manner that will be just to all states and all citizens of the United States;

WHEREFORE, your Memorialist, the Tenth Legislature of the State of Arizona, in regular session assembled, urgently requests Congress to enact such legislation as will effectually transfer to the State of Arizona, all the public domain, reserved lands and all other lands belonging to the United States, including all surface and subsurface, mineral and oil rights;

IT IS HEREBY RESOLVED, That the Secretary of State of the State of Arizona, is authorized and directed to forward this memorial to the Senate and House of Representatives of the United States and that copies thereof be sent to the Senators and Representative in Congress, from this state.

Passed the Senate Feb. 17, 1931.

Passed the House Feb. 13, 1931.

Approved this 17th day of February, 1931.

Received by the Secretary of State this 17th day of February, 1931.

HOUSE JOINT MEMORIAL NO. 8

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA, IN CONGRESS ASSEMBLED, URGING THE CASH RETIREMENT OF BONUS CERTIFICATES FOR WORLD WAR VETERANS.

Your Memorialist, the Tenth State Legislature of the State of Arizona, in regular session convened, respectfully represents;

THAT the Adjusted Compensation (Bonus) Act passed by Congress in 1924, granted to World War Veterans, insurance certificates to mature in twenty years or at death of the Veteran;

THAT many Veterans now facing the sunset of life will not live to enjoy the benefits of said Compensation Act;

THAT due to the existing economic and unemployment condition, many needy Veterans and their families will secure financial relief in the event said certificates are now retired on a cash basis;

THAT there is now pending in Congress, proposed legislation to retire said Bonus Certificates at their full face value;

THAT Congress be, and it is hereby urged to enact necessary and adequate legislation to retire on a cash basis the aforementioned Certificates at their full face value;

THAT copies of this Memorial be sent the President of the United States, the President of the Senate and Speaker of the House of Representatives, of the Congress of the United States, and to our Representatives in Congress, and

Your Memorialist will forever pray.

Passed the Senate Feb. 2, 1931.

Passed the House Jan. 29, 1931.

Approved February 3, 1931.

Filed with the Secretary of State Feb. 4, 1931.

HOUSE JOINT MEMORIAL NO. 9

TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA, IN CONGRESS ASSEMBLED:

The Tenth State Legislature of the State of Arizona, in regular session convened, requests consideration of the following:

WHEREAS, the natural wild life resources (including wild game, fur-bearing animals, insectivorous mammals and birds, and many other species of scientific, educational and recreational interest) of the State of Arizona and the southwest are already recognized as constituting an important present and future asset, and

WHEREAS, there exist, in the State of Ari-

zona and the southwest, many problems of regulation of numbers of such species as flesh-eating animals predatory on livestock and game, and plant-eating rodents detrimental to farm, forage, and forest, and

WHEREAS, the proper management of wild life resources, whether neutral, harmful or beneficial, is intimately related to important problems in farming, stock raising, recreational development, forestry, soil conservation, and maintenance of watershed, and

WHEREAS, the proper management of these natural resources is absolutely dependent on a full and accurate knowledge of the lives and habits of wild life, which knowledge can only be provided by long-time studies by specialists possessing advanced training in biological sciences, and experience in practical field conditions, and who should be equipped with all needful laboratory space and scientific apparatus for the prosecution of their studies, and

WHEREAS, a considerable proportion of the surface area of the southwestern states (Arizona, 71 per cent, New Mexico, 38 per cent) is government land, carrying with it some federal responsibility for adequate conservation of its natural resources, and

WHEREAS, the state and private institutions of Arizona, including the University of Arizona, the Arizona Game and Fish Commission, the Boyce Thompson Southwestern Arboretum, Arizona Game Protective Association, Carnegie Institution of Washington, and especially the Uni-

versity of Arizona and the Arizona Game and Fish Commission, have already demonstrated in numerous concrete ways their cooperative attitude and aggressive interest in the building up of a proper scientific foundation for every pertinent phase of wild life management, but are obviously unable to finance the expanded investigations absolutely needful for proper development, therefore

Your Memorialist, the Tenth Legislature of the State of Arizona, in regular session assembled, urgently requests Congress to authorize and appropriate the sum of twenty-five thousand dollars for the immediate establishment by the Biological Survey of the United States Department of Agriculture of a Southwestern Wild Life Experiment Station, at or near the University of Arizona, Tucson, Arizona, to undertake the necessary researches.

And your Memorialist will ever pray.

Passed the House February 5, 1931.

Adopted by the Senate February 25, 1931.

House concurs in Senate amendments Feb. 26, 1931.

Approved by the Governor February 26, 1931.

Filed in the office of the Secretary of State Feb. 26, 1931.

HOUSE JOINT MEMORIAL NO. 11

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES:

Your Memorialist, the Tenth Legislature of the State of Arizona, respectfully represents:

1. The Colorado River Indian Reservation, in northern Yuma county, Arizona, containing a gross area of 158,000 acres, is capable, by reason of its exceptional natural advantages, of sustaining a large population, and of providing prosperous homes for thousands of families.

2. After deducting the acreage which has already been allotted to Indians, the acreage reserved for further allotment, and the waste land which cannot at a reasonable cost be made adaptable to agriculture, there remains of said reservation almost one hundred thousand acres of rich river bottom and mesa soil capable of producing a great variety of useful and valuable crops.

3. At the present time about 8,000 acres of this land is under cultivation, and although this farming is being done in that portion of the reservation already allotted, about ninety per cent of it represents the activities of white farmers, under lease from Indian allottees secured through the Indian agent.

4. The town of Parker is located within the exterior boundaries of the Colorado River Indian Reservation, and is the commercial headquarters for the territory embraced within the reserva-

tion and for the surrounding country. Its future and the prosperity of its residents and business men, depend in very great measure upon the development of the potential agricultural lands of the reservation and their utilization as homes for industrious citizens.

Wherefore, your Memorialist prays:

That the United States Bureau of Indian Affairs be authorized and directed to complete the allotment of lands of the Colorado River Indian Reservation to the Indians entitled thereto; and that the remainder of the land embraced within the boundaries of the reservation be made available for occupancy by white settlers, under such plan of entry as may be prescribed by Congress or by the Department of the Interior, but which shall give preference to ex-service men.

And your Memorialist will ever pray.

Passed the Senate, February 12, 1931.

Passed the House of Representatives, February 12, 1931.

Approved by the Governor February 13, 1931.

Filed in the office of the Secretary of State February 13, 1931.

HOUSE JOINT MEMORIAL NO. 12

A MEMORIAL TO THE PRESIDENT OF THE UNITED STATES AND TO THE SENATE OF THE UNITED STATES, PERTAINING TO STABILIZATION OF SILVER.

WHEREAS, there was introduced in the Senate of the United States, by Senator Key Pittman, of Nevada, on February 11th, 1931, Senate Resolutions Nos. 442 and 443, and

WHEREAS, there was filed with the Foreign Relations Committee of the United States Senate on the same day a report by a subcommittee of that committee, which report discloses that the price of silver is now around twenty-six cents per ounce as against a normal average price over many years of around sixty cents per ounce; and which report is an exhaustive study of silver, its use, its markets, consumption, production, and all other aspects of the present silver situation, and which report goes searchingly into the cause of the present decline in price and recommends, through the above mentioned two United States Senate Resolutions Nos. 442 and 443, a method of restoring silver to its normal value, and stabilizing its price, and

WHEREAS, the State of Arizona ranks fourth among the states of the United States in the production of silver and produces over eleven per cent of the total silver production of the United States, and

WHEREAS, the silver values in small lots of ore shipped by prospectors in this state are of

vital importance to them in enabling them to continue work, and

WHEREAS, the present depressed price of silver has caused the cessation of work in many such prospective mines, and thus is seriously retarding the further development of Arizona's greatest industry; it is therefore

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE TENTH LEGISLATURE OF THE STATE OF ARIZONA, THE STATE SENATE CONCURRING THEREIN:

That we consider this silver situation of vital interest to our state;

That we have the utmost confidence in the report and recommendations of the subcommittee of which Senator Key Pittman is chairman;

That we urge the Senate Committee on Foreign Relations to favorably report on the two resolutions offered by their subcommittee;

That we urge the Senate of the United States to pass these resolutions, and

That we respectfully urge the President of the United States to act expeditiously upon the Senate's hoped for recommendations, to the end that silver may be restored to its normal status; be it further

RESOLVED, that the secretary of the State of Arizona is authorized and directed to forward copies of this Memorial to the President of the United States, to the President of the Senate

of the United States, and to the Committee on Foreign Relations of the United States Senate, and to the Senators and Representative in Congress from this state.

Adopted by the Senate Feb. 19, 1931.

Passed the House Feb. 17, 1931.

Approved this 19th day of February, 1931.

Received by the Secretary of State this 19th day of February, 1931.

HOUSE JOINT MEMORIAL NO. 13

TO THE HONORABLE PRESIDENT AND THE CONGRESS OF THE UNITED STATES OF AMERICA:

Your Memorialist, the Tenth Legislature of the State of Arizona, in regular session convened, respectfully represents:

WHEREAS, there has been a stoppage of practically all construction and betterment work on reclamation projects in the west, owing to depletion of the federal reclamation fund, and

WHEREAS, Senator Thomas, of Idaho, has introduced in the United States Senate, a bill asking for a federal loan to the reclamation fund in the sum of five million dollars, so that such work may be continued, and

WHEREAS, this state is keenly appreciative

of the necessity of resumption of such work in the western states where reclamation projects have been developed, and

WHEREAS, the resumption of such work will materially aid the unemployment situation throughout the west, and

WHEREAS, in addition to the benefits that will be directly obtained by western states other than the State of Arizona from the passage of the Thomas bill, it has been called to the attention of this assembly that owing to the present financial depression and the low bond market, the Salt River Valley Water Users' Association may find it impracticable to sell the present unsold balance of its recent three million dollar bond issue, amounting to approximately one million eight hundred thousand dollars, and

WHEREAS, if sold, the balance of said bond issue must be sold prior to June 15, 1931, in order to meet the obligations of the Salt River Valley Water Users' Association to the United States government, and

WHEREAS, if said balance of bonds cannot be advantageously sold by said association, and it would be impracticable to sell same, it will be necessary for the association to seek to obtain further credit from the United States government on its contract obligations, and

WHEREAS, unless the Thomas bill is passed and adopted, the probability is that there will not be sufficient funds in the general reclamation fund so that the government will feel justified

in extending further credit to the Salt River Valley Water Users' Association because of what it may consider more urgent and necessitous demands upon it from other reclamation projects, making it necessary for the government to insisit upon payment of the association's obligations, and

WHEREAS, a refusal to extend further credit by the government would make it necessary for the association to levy an assessment during the coming summer of from two to three dollars an acre on the acreage under the Salt River project in order to meet the require payments, and

WHEREAS, such an assessment would work an intolerable hardship upon the water users and unfavorably affect, vitally and directly, at least eighteen thousand families in the State of Arizona, and indirectly unfavorably affect all persons in the State of Arizona doing business with them, and

WHEREAS, inasmuch as a continuance of the present unfavorable bond market up to June 15, 1931, would render it impracticable to sell the balance of said bond issue, and would make imperative either the obtaining of further credit by the association from the government on its existing obligations, or the levying of such an assessment, it is of vital importance to this state that the loan proposed by the Thomas bill be made,

Your memorialist, the Tenth Legislature of the State of Arizona, prays:

That the Congress of the United States pass the Thomas reclamation loan fund bill, and that the President approve the same.

And your memorialist will ever pray.

Passed the House February 20, 1931.

Adopted by the Senate February 25, 1931.

House concurs in Senate amendments February 27, 1931.

Approved by the Governor February 27, 1931.

Filed in the office of the Secretary of State February 27, 1931.

HOUSE JOINT MEMORIAL NO. 14

TO THE HONORABLE THE PRESIDENT OF THE UNITED STATES AND THE PRESIDING OFFICERS OF THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED:

The Tenth State Legislature of the State of Arizona, in regular session convened, requests consideration of the following:

WHEREAS, the buffalo herd located in House Rock Valley, Arizona, is the only state owned buffalo herd in the United States, and

WHEREAS, it is proposed to introduce a bill in Congress setting aside from the public lands of the United States approximately forty-four thousand acres in what is known as the House Rock Valley of Arizona, for the purpose of establishing the so-called House Rock Valley Game

Refuge to maintain and conserve the herd of buffalo formerly owned by C. J. (Buffalo) Jones and sold by his successor Uncle Jimmie Owens to the State of Arizona for ten thousand dollars; it being the desire of the state to fence and develop water on this tract of land and to increase this herd from the present number of ninety-seven to two hundred fifty and to also put in this proposed preserve a band of antelope, up to two hundred fifty in number, and

WHEREAS, the following described area is the piece or parcel of land required for said game refuge; beginning at the corner of sections 7, 8, 17, and 18, T. 37 N., R. 4 E., on the boundary of the Kaibab National Forest; thence easterly along the north boundaries of sections 17, 16, 15, 14, and 13 of said township and the north boundaries of sections 18, 17, 16, 15, and 14, T. 37 N., R. 5 E., to the north rim of North Canyon at a point approximately 20.20 chains west of the corner of Sections 11, 12, 13, and 14; thence northeasterly along the north rim of the North Canyon to the west rim of Marble Canyon of the Colorado River; thence southwesterly across the mouth of the North Canyon and along the west rim of said Marble Canyon to the north rim of the South Canyon, approximately in unsurveyed section 21, T. 36 N., R. 5 E.; thence northwesterly along the north rim of South Canyon to the line between sections 18 and 19, approximately 12.89 chains west of the corner of sections 17, 18, 19, and 20, T. 36 N., R. 5 E.; thence westerly along the south boundary of sections 18, T. 36 N., R. 5 E.; thence, following the boundary of the Kaibab National Forest, westerly along the south

boundaries of sections 13, 14, 15, 16, and E. ½ section 17, to the quarter-section corner of sections 17 and 20, T. 36 N., R. 4 E.; thence northerly along the north and south center lines of sections 17, 8, and 5, to the point for the quarter-section corner on the north boundary of sections 5, T. 36 N., R. 4 E.; thence westerly along the ninth standard parallel north to the corner of sections 31 and 32, T. 37 N., R. 4 E.; thence northerly along the west boundaries of sections 32, 29, 20, and 17, to the corner of sections 7, 8, 17, and 18, T. 36 N., R. 4 E., and the place of beginning, containing approximately forty-four thousand acres, and

WHEREAS, the Tenth State Legislature of the State of Arizona heartily approves this project and prays Congress that this proposed refuge be established under the management and control of the State of Arizona as a free gift from the United States Government for this purpose.

And your Memorialist will ever pray.

Passed the Senate March 5, 1931.

Passed the House February 27, 1931.

Approved by the Governor March 6, 1931.

Filed in the office of the Secretary of State March 6, 1931.

INITIATIVE MEASURES

INITIATIVE
and
REFERENDUM
MEASURES

Which received a majority of the votes cast at the General Election, November 4th, 1930, and became laws on the Governor's Proclamation.

Issued December 1, 1930.

STATE OF ARIZONA

EXECUTIVE DEPARTMENT

PROCLAMATION

TO ALL TO WHOM THESE PRESENTS SHALL COME GREETINGS:

WHEREAS, the Ninth Legislature of the State of Arizona, at its Regular Session did on or about the 18th day of March, 1929, adopt an act proposing to amend Section 17, Part 2, Article IV, entitled "Legislative Department" of the Constitution of the State of Arizona, which said act is known as Chapter 71 of the Session Laws of the Regular Session of the Ninth Legislature, 1929, and

WHEREAS, Chapter 71 of the Laws of the Regular Session of the Ninth Legislature proposed that Section 17, Part 2, Article IV, entitled "Legislative Department" of the Constitution of the State of Arizona, be amended to read as follows:

> "Section 17. The Legislature shall never grant any extra compensation to any public officer, agent, servant, or contractor, after the services shall have been rendered or the contract entered into, nor shall the compensation of any public officer be increased or diminished during his term of office, provided, however, that when any legislative increase or decrease in compensation of the members of any court, board or commission, composed of two or more officers or persons, whose respective terms of office are not coterminous, has heretofore or shall hereafter become effective as to any member of such court, board, or commission, it shall be effective from such date as to each of the members thereof.
>
> "Section 2. This proposal to amend the Constitution of the State of Arizona shall be submitted to the vote of the people of the state at the first special election, provided one be held within the state prior to November, 1930, upon some referred or initiated measure; otherwise at the next general election." and

WHEREAS, the said proposal was placed on the ballot No. 100 for and No. 101 against, and

WHEREAS, the Ninth Legislature of the State of Arizona, at its Regular Session did on or about the 2nd day of March, 1929, adopt an act proposing to amend Section 13, Article VII of the Constitution of the State of Arizona, which said act is known as Chapter 37 of the Session Laws of the Regular Session of the Ninth Legislature, 1929, and

WHEREAS, Chapter 37 of the Laws of the Regular Session of the Ninth Legislature proposed that Section 13, Article VII of the Constitution of the State of Arizona be amended to read as follows:

> "Section 13. Questions upon bond issues or special assessments shall be submitted to the vote of real property tax payers, who shall also in all respects be qualified electors of this state, and of the political subdivisions thereof affected by such question.
>
> "Section 2. The proposed amendment is hereby ordered to be submitted to the vote of the people at the general election to be held in 1930." and

WHEREAS, the said proposal was placed on the ballot No. 102 for and No. 103 against said proposal, and

WHEREAS, The Ninth Legislature of the State of Arizona, at its Regular Session did on or about the 14th day of March, 1929, adopt an act proposing to amend Section 10, Article XVIII of the Constitution of the State of Arizona, which said act is known as Chapter 105 of the Session Laws of the Regular Session of the Ninth Legislature, 1929, and

WHEREAS, Chapter 105 of the Laws of the Regular Session of the Ninth Legislature proposed that Section 10, Article XVIII of the Constitution of the State of Arizona, be amended to read as follows:

"Section 10. No person not a citizen or ward of the United States shall be employed upon or in connection with any state, county or municipal works or employment; provided, that nothing herein shall be construed to prevent the working of prisoners by the state or by any county or municipality thereof on street or road work or other public work. The legislature shall enact laws for the enforcement, and shall provide for the punishment of any violation of this section.

"Section 2. When said proposed amendment shall be approved by a majority of the members elected to each of the two Houses, shall be entered on the Journal of each House, together with the ayes and nays thereon, the Secretary of State shall submit such proposed amendment to the vote of the people at the next general election.

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

WHEREAS, THE SAID proposal was placed on the ballot No. 106 for and No. 107 against, and

WHEREAS, the said proposed amendments to the Constitution of the State of Arizona were voted upon at the General Election held on November 4, 1930, being duly submitted to the electors of the State in conformity with the provisions of Article XXI of the Constitution of the State of Arizona, and

WHEREAS, the Governor, the Secretary of State and the Chief Justice of the Supreme Court of the State of Arizona canvassed the votes for and against said proposed amendments to the Constitution of the State of Arizona within thirty days after the said election and in the manner provided by the Constitution and laws of the State of Arizona, and

WHEREAS, it now appears from the returns of said elections as canvassed and certified to me by the said canvassing board that at the said election 31,022 votes were cast in favor of the proposal to amend Section 17, Part 2, Article IV, entitled "Legislative Department" of the

Constitution of the State of Arizona, which said Act is known as Chapter 71 of the Laws of the Regular Session of the Ninth Legislature, 1929, and 20,168 votes were cast against such proposal; that 31,314 votes were cast in favor of the proposal to amend Section 13, Article VII of the Constitution of the State of Arizona, which said Act is known as Chapter 37 of the Laws of the Regular Session of the Ninth Legislature, 1929, and 20,867 votes were cast against such proposal; that 35,387 votes were cast in favor of the proposal to amend Section 10, Article XVIII of the Constitution of the State of Arizona, which said Act is known as Chapter 105 of the Laws of the Regular Session of the Ninth Legislature, 1929, and 18,560 votes were cast against such proposal; and that, therefore, a majority of the votes upon the said proposed amendments of the Constitution of Arizona were in favor thereof,

NOW, THEREFORE, I, John C. Phillips, Governor of the State of Arizona by virtue of the authority in me vested, and in accordance with law, do hereby proclaim and declare that the said amendments to the Constitution of the State of Arizona proposing to amend Section 17, Part 2, Article IV, entitled "Legislative Department" of the Constitution of the State of Arizona, which said act is known as Chapter 71 of the Laws of the Regular Session of the Ninth Legislature, 1929, Section 13, Article VII of the Constitution of the State of Arizona, which said act is known as Chapter 37 of the Laws of the Regular Session of the Ninth Legislature, 1929, and Section 10, Article XVIII of the Constitution of the State of Arizona, which said act is known as Chapter 105 of the Laws of the Regular Session of the Ninth Legislature, 1929, be in full force and effect from the date of this Proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State to be affixed.

Done at the City of Phoenix, the Capitol, this 1st day of December, A. D. 1930, at 11:00 A. M.

(Signed) JOHN C. PHILLIPS
Governor.

ATTEST:
(Signed) I. P. FRAIZER
Secretary of State.

CHAPTER 71

(Senate Bill No. 84)

NINTH LEGISLATURE, Regular Session

AN ACT

PROPOSING TO AMEND SECTION 17, PART 2, ARTICLE IV, ENTITLED "LEGISLATIVE DEPARTMENT" OF THE CONSTITUTION OF THE STATE OF ARIZONA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ARIZONA:

SECTION 1. IT IS PROPOSED HEREBY TO AMEND SECTION 17, PART 2, ARTICLE IV, ENTITLED "LEGISLATIVE DEPARTMENT" OF THE CONSTITUTION OF THE STATE OF ARIZONA, TO READ AS FOLLOWS:

Section 17. The legislature shall never grant any extra compensation to any public officer, agent, servant, or contractor, after the services shall have been rendered or the contract entered into, nor shall the compensation of any public officer be increased or diminished during his term of office, provided, however, that when any legislative increase or decrease in the compensation of the members of any court, board, or commission, composed of two or more officers or persons, whose respective terms of office are not coterminous, has heretofore or shall hereafter become effective as to any member of such court, board, or commission, it shall be effective from such date as to each of the members thereof.

Section 2. This proposal to amend the Constitution of the State of Arizona shall be submitted to the vote of the people of the state at the first special election, provided one be held within the state prior to November 1930, upon some referred or initiated measure; otherwise at the next general election.

Passed the Senate February 28th, 1929.

Passed the House March 8th, 1929.

Filed March 16th, 1929.

100 Yes 31,022.

101 No 20,168.

Note:—The foregoing amendment was referred to the people by the Legislature, filed in the office of the Secretary of State, March 16, 1929 and approved by a majority of votes cast thereon at the general election held on November 4, 1930. There were 31,022 votes cast for said amendment and 20,168 votes cast against it under the provisions of law by a proclamation of the Governor dated December 1, 1930, took effect on that date.

SCOTT WHITE, Secretary of State.

(On Official Ballot Nos. 102-103)

CHAPTER 37

(Senate Bill No. 41)

NINTH LEGISLATURE, Regular Session

AN ACT

TO AMEND SECTION 13 OF ARTICLE 7 OF THE CONSTITUTION OF ARIZONA; REQUIRING THE VOTERS UPON BOND ISSUES OR SPECIAL ASSESSMENTS TO BE REAL PROPERTY TAXPAYERS AND QUALIFIED ELECTORS OF THE STATE AND OF THE POLITICAL SUBDIVISION THEREOF AFFECTED.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ARIZONA:

SECTION 1. IT IS PROPOSED TO AMEND SECTION 13 OF ARTICLE 7 OF THE CONSTITUTION OF THE STATE OF ARIZONA, TO READ AS FOLLOWS:

Section 13. Questions upon bond issues or special assessments shall be submitted to the vote of real property tax payers, who shall also in all respects be qualified electors of this state, and of the political subdivisions thereof affected by such question.

Section 2. The proposed amendment is hereby ordered to be submitted to the vote of the people at the general election to be held in 1930.

Passed the Senate, February 12th, 1929.

Passed the House, March 2nd, 1929.

Filed March 6th, 1929.

102 Yes 31314.

103 No 20867.

Note:—The foregoing amendment was referred to the people by the Legislature, filed in the office of the Secretary of State, March 6th, 1929 and approved by a majority of votes cast thereon at the general election held on November 4, 1930. There were 31,314 votes cast for said amendment and 20,867 votes cast against it under the provisions of law by a proclamation of the Governor dated December 1, 1930, took effect on that date.

SCOTT WHITE, Secretary of State.

(On Official Ballot Nos. 106-107)

CHAPTER 105

(Senate Bill No. 52)

NINTH LEGISLATURE, Regular Session

AN ACT

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE, TO-WIT, TO AMEND SECTION 10 OF ARTICLE XVIII THEREOF, DIRECTING THAT EMPLOYMENT UPON OR IN CONNECTION WITH ANY STATE, COUNTY AND MUNICIPAL WORKS OR EMPLOYMENT BE LIMITED TO CITIZENS OR WARDS OF THE UNITED STATES, BUT SHALL NOT PREVENT THE WORKING OF PRISONERS AS THEREIN PROVIDED; AND DIRECTING THE SECRETARY OF STATE TO SUBMIT THIS PROPOSED AMENDMENT TO THE VOTE OF THE PEOPLE AT THE NEXT GEN-

ERAL ELECTION; AND REPEALING ALL ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ARIZONA:

SECTION 1. THE FOLLOWING AMENDMENT IS HEREBY PROPOSED TO THE CONSTITUTION OF THE STATE BY THE NINTH STATE LEGISLATURE, TO-WIT, IT IS PROPOSED THAT SECTION 10 OF ARTICLE XVIII THEREOF BE AMENDED AS FOLLOWS, TO-WIT:

Section 10. No person not a citizen or ward of the United States shall be employed upon or in connection with any state, county or municipal works or employment; provided, that nothing herein shall be construed to prevent the working of prisoners by the state or by any county or municipality thereof on street or road work or other public work. The legislature shall enact laws for the enforcement, and shall provide for the punishment of any violation of this section.

Section 2. When said proposed amendment shall be approved by a majority of the members elected to each of the two Houses, shall be entered on the Journal of each House, together with the ayes and nays thereon, the secretary of state shall submit such proposed amendment to the vote of the people at the next general election.

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

Passed the Senate March 4th, 1929.
Passed the House March 14th, 1929.
Filed March 25th, 1929.
106 Yes 35,387.
107 No 18,560.

Note:—The foregoing amendment was referred to the people by the Legislature, filed in the office of the Secretary of State, March 25th, 1929, and approved by a majority of votes cast thereon at the general election held on November 4, 1930. There were 35,387 votes cast for said amendment and 18,560 votes cast against it under the provisions of law by a proclamation of the Governor dated December 1, 1930, took effect on that date.

SCOTT WHITE, Secretary of State.

INITIATIVE
and
REFERENDUM
MEASURES

WHICH FAILED TO PASS

AT GENERAL ELECTION HELD NOVEMBER 4th, 1930.

(On Official Ballot Nos. 104-105)

CHAPTER 30

(Senate Bill No. 53)

NINTH LEGISLATURE, Regular Session

AN ACT

FIXING THE NUMBER OF SENATORS AND MEMBERS OF THE HOUSE OF REPRESENTATIVES OF THE SEVERAL COUNTIES AND PROPOSING TO AMEND THE INITIATIVE MEASURE SUBMITTED TO THE PEOPLE BY INITIATIVE PETITION FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 3, 1918, AND APPROVED BY A MAJORITY OF VOTES CAST THEREON AT THE GENERAL ELECTION HELD ON THE FIFTH DAY OF NOVEMBER, 1918, AND DECLARED TO BE IN FULL FORCE AND EFFECT BY PROCLAMATION OF THE GOVERNOR OF THE STATE OF ARIZONA DATED DECEMBER 5, 1918, AND BEING "AN ACT TO AMEND ARTICLE IV OF THE CONSTITUTION OF THE STATE OF ARIZONA; AND PROVIDING FOR SUBMISSION OF THIS ACT TO THE PEOPLE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ARIZONA:

SECTION 1. IT IS PROPOSED TO AMEND SECTION 1 OF SUBDIVISION 2 OF ARTICLE IV OF THE CONSTITUTION OF THE STATE OF ARIZONA TO READ AS FOLLOWS:

Section 1. Until otherwise provided by law, the Senate shall consist of nineteen members apportioned as follows:

Apache county, 1 senator; Cochise county, 2 senators; Coconino county, 1 senator; Gila county, 2 senators; Graham county, 1 senator; Greenlee county, 1 senator; Maricopa county, 2 senators; Mohave county, 1 senator; Navajo county, 1 senator; Pima county, 2 senators; Pinal county, 1 senator; Santa Cruz county, 1 senator; Yavapai county, 2 senators; Yuma county, 1 senator.

There shall be elected from each county at large, the number of senators to which such county is entitled and there shall be elected from each county in the manner hereinafter directed, one representative for each three

thousand votes or major fraction thereof cast in such county for the office of governor at the last preceding general election, to be determined from the official canvass of all votes for the candidates for governor; provided that no county shall have a less number of representatives than that to which it is now entitled.

Within twelve months from the time this amendment is declared adopted, the board of supervisors of each county entitled to more than one representative shall divide such county into as many legislative districts as there may be representatives to be elected from such county and each of such districts shall be entitled to elect one representative. Such division shall be so made that the legislative districts within a county shall contain, as nearly as may be, the same voting population. Such districts shall be compact in form, and no such district shall include non-contiguous portions of any county. Before establishing such districts, the board of supervisors shall give at least thirty days' notice of its intention so to do, by publication in two successive issues of some newspaper of general circulation published in such county. The order of the board of supervisors establishing such districts shall clearly define the boundaries thereof, and shall be entered at large on the official records of such board.

Any such county shall be redistricted by such board of supervisors not less than six months prior to each regular election for representatives, when by reason of the number of votes therein cast for the office of governor at the last preceding general election, it shall be entitled to a greater number of representatives. In counties entitled to but one representative, such representative shall be elected from the country at large.

Section 2. The foregoing proposed amendment to the Constitution shall be submitted to a vote of the people at the next general election or special election.

Passed the Senate, February 18th, 1929.

Passed the House, March 1st, 1929.

Filed March 4th, 1929.

104 Yes 18406.

105 No 27003.

(On Official Ballot Nos. 108-109)

INITIATIVE PETITION

AMENDMENT TO THE CONSTITUTION OF THE STATE OF ARIZONA

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

AN ACT

AMENDING THE CONSTITUTION OF THE STATE OF ARIZONA BY ADDING THERETO AN ARTICLE DESIGNATED "ARTICLE XXV—STATE HIGHWAYS;" AUTHORIZING THE STATE OF ARIZONA, IN ADDITION TO THE LIMITED POWER TO CONTRACT DEBTS PROVIDED IN SECTION 5, ARTICLE IX OF SAID CONSTITUTION, TO ISSUE AND SELL ARIZONA HIGHWAY BONDS IN A PRINCIPAL AMOUNT OF NOT TO EXCEED TEN MILLION ($10,000,000.00) DOLLARS FOR THE CONSTRUCTION AND IMPROVEMENT OF STATE HIGHWAYS; PROVIDING FOR THE LEVY OF A MOTOR VEHICLE FUEL LICENSE TAX AND FOR THE APPLICATION AND DISTRIBUTION OF THE PROCEEDS THEREOF; AUTHORIZING THE LOAN COMMISSIONERS TO ISSUE AND SELL SAID BONDS AND PROVIDE FOR THE AMORTIZATION THEREOF OUT OF A PORTION OF SAID LICENSE TAX AND OUT OF THE FUNDS OTHERWISE TO ACCRUE TO ARIZONA HIGHWAY DEPARTMENT AND PROVIDING THAT IF SAID FUNDS ARE INSUFFICIENT FOR SUCH PURPOSE, THE DEFICIENCY SHALL BE PAID BY TAX LEVIED UPON THE TAXABLE PROPERTY IN THE STATE OF ARIZONA; PLEDGING THE FULL FAITH, CREDIT AND RESOURCES OF THE STATE OF ARIZONA TO THE PAYMENT OF SAID BONDS AND THE INTEREST THEREON; LIMITING THE AMOUNT OF AD VALOREM STATE TAXES FOR HIGHWAY PURPOSES; PERPETUATING CERTAIN STATE REVENUES TO THE RETIREMENT OF SAID BONDS; CLASSIFYING THE STATE HIGHWAYS OF THE STATE OF ARIZONA AS PRIMARY AND SECONDARY HIGHWAYS AND SPECIFYING THE HIGHWAYS TO BE INCLUDED IN EACH CLASSIFICATION.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

SECTION 1. THAT THE CONSTITUTION OF THE STATE OF ARIZONA BE AND IT IS AMENDED HEREBY BY ADDING THERETO AN ARTICLE TO READ AS FOLLOWS:

"ARTICLE XXV.

"STATE HIGHWAYS

"SECTION 1. In addition to the limited power to contract debts provided in Section 5, Article IX of this Constitution, the State of Arizona is authorized and empowered to issue and sell Arizona Highway Bonds in the principal amount of not to exceed Ten Million Dollars in the manner and with the limitations herein provided, for the purpose of providing funds for the construction and improvement of state highways.

"SECTION 2. Immediately upon this Article becoming effective, the Loan Commissioners shall issue and sell said bonds in the amount of Two Million Dollars which shall be for the account of and expenditure during the current fiscal year. Thereafter, to provide for expenditure upon the state highways not less than the sum of Six Million Dollars each fiscal year, exclusive of all moneys to accrue for such purpose from the United States of America or from other than the taxes, license fees and fees, hereinafter designated state revenues, now or hereafter to be levied and collected by the State for such purpose, the Loan Commissioners shall issue, on or before the last Monday in May of each year beginning with the year 1931, and thereafter sell, State Highway Bonds in the amount of the difference between the sum of Six Million Dollars and the amount of state revenue estimated to accrue during the next ensuing fiscal year, but not to exceed the amount of Two Million Dollars for any fiscal year, for the account of and expenditure during the ensuing fiscal year; provided that the total amount of said bonds which may be issued under the authority of this Article is limited expressly to the principal sum of Ten Millions Dollars. The full faith, credit and resources of

the State are pledged hereby for the payment of the principal of each of said bonds and the interest to accrue thereon. Said bonds shall be issued and sold in the form and manner and upon the terms and conditions provided for the issuance and sale of other state bonds in Article 4, Chapter 60, Revised Code of Arizona, 1928, as far as applicable and in conformity with the rules, regulations and orders of the Loan Commissioners in respect thereto. Said bonds shall be sold at a price not less than the par value thereof together with the accrued interest thereon. The proceeds derived from the sale of said bonds shall be paid to State Highway Fund provided for in Chapter 31, Revised Code of Arizona, 1928, and expended as other moneys therein.

"SECTION 3. The Loan Commissioners and Arizona State Highway Engineer shall meet on the last Monday of May of each year, at the office of the Governor, and estimate the aggregate amount of said state revenue to accrue during the ensuing fiscal year. State revenue shall not include balances carried over into the ensuing fiscal year or the proceeds to be derived from any of said bonds, but shall include moneys available for transfer to State Highway Fund from Highway Bond Fund, hereinafter created.

"SECTION 4. The Loan Commissioners shall have the power and authority to make all necessary rules, regulations and orders respecting the issuance, sale and amortization of said bonds; shall have full control and authority over the funds in said Highway Bond Fund and over the funds in State Highway Fund in as far as the same are dedicated herein to the amortization of said bonds. It shall be the duty of all state officers to conform to the said rules, regulations and orders of said Loan Commissioners in respect to the issuance, sale and amortization of said bonds, and said bonds shall be amortized as provided herein and in the rules, regulations, orders and resolutions of the Loan Commissioners herein authorized. The Loan Commissioners shall authorize the issuance of said bonds by resolution adopted and spread upon their minutes. Such resolution shall specify the amounts, denominations, rate of interest and maturity dates of the bonds authorized, and shall provide the amounts to be paid into said Highway

Bond Fund from year to year out of the funds to accrue to the Highway Department during the term of said bonds for the amortization thereof. The State Treasurer shall keep the said Highway Bond Fund and transfer thereto the money so provided and pay therefrom the principal and interest of said bonds when due, when and as provided in said resolutions. If, at the time of making any estimate of State revenue, the moneys in said Highway Bond Fund are in excess of the amortization requirements theretofore provided by the Loan Commissioners for the retirement of said bonds, they shall add to the amount of state revenue the amount of such excess and order the transfer thereof to State Highway Fund.

Arizona State Highway Engineer shall be advisor to the Loan Commissioners upon all matters touching their duties prescribed herein.

"SECTION 5. In lieu of the four-cent license tax provided in Chapter 31, Revised Code of Arizona, 1928, every distributor of motor vehicle fuel shall pay, in addition to all other taxes provided by law, a license tax of five cents and no more for each gallon of motor vehicle fuel dealt with by him when and as provided and defined in said Chapter 31 in respect to said four-cent license tax. Of each five cents so collected, one cent shall be paid as collected to the State Treasurer and by him credited to said Highway Bond Fund, and the remaining four cents shall be distributed as provided in said Chapter 31 or as may be prescribed hereafter by law not inconsistent with the provisions of this Article.

"SECTION 6. A special fund to be designated Highway Bond Fund is created hereby in the State Treasury. On and after the date of this Article becomes effective to and including June 30th next, the moneys in Highway Bond Fund shall be expended as moneys in the State Highway Fund, upon claims itemized and verified by Arizona State Highway Engineer, and without the necessity of budget authority therefor, for surveys, preparation of plans, acquisition of rights-of-way, and for any other things necessary as may be determined by Arizona State Highway Engineer preliminary to the construction, reconstruction or improvement of the primary highways and the respective divisions thereof hereinafter enumerated. There-

after the moneys accruing to said Highway Bond Fund shall be used for and only for the payment of the principal and interest of said bonds and for supplementing state revenue as hereinabove provided; provided that, when there shall be sufficient money in said Highway Bond Fund, together with the interest to be earned thereon to pay the principal and remaining interest on each said bond then outstanding, thereafter and until the issuance of additional bonds, the moneys accruing to said Highway Bond Fund shall be transferred by the Treasurer as received to State Highway Fund and expended as other moneys therein.

"SECTION 7. The State Highways of the State of Arizona are classified as primary highways or as secondary highways.

The primary highways shall consist of four divisions, viz.:

DIVISION NO. 1.

First Section: Beginning at the New Mexico state line near Rodeo, thence westerly through Douglas, Bisbee, Tombstone, Benson, Tucson, Picacho, Coolidge, Chandler, Mesa, Phoenix, Gila Bend and Yuma to the California state line.

Second Section: Beginning at Picacho at junction with First Section of Division No. 1, thence westerly through Casa Grande to junction with First Section of Division No. 1 at Gila Bend.

DIVISION NO. 2.

First Section: Beginning at the New Mexico state line near Duncan, thence westerly through Duncan, Safford, Globe, Miami, Superior and Mesa to junction with Division No. 1.

Second Section: Beginning at the New Mexico state line near Springerville, thence through Springerville and Globe to junction with First Section of Division No. 2.

Third Section: Beginning at Wickenburg at junction with Division No. 3, thence westerly through Salome and Quartzsite to the California state line at or near Ehrenberg.

DIVISION NO. 3.

First Section: Beginning at Nogales, thence northerly to Tucson to junction with Division No. 1, thence northerly to Florence to junction with Division No. 2.

Section Section. Beginning at Phoenix, thence northerly through Wickenburg, Prescott and Jerome Junction to junction with Division No. 4 at Ash Fork.

Third Section: Beginning at Jerome Junction at junction with Second Section of Division No. 3, thence northeasterly through Oak Creek Canyon to junction with Division No. 4 at Flagstaff.

Fourth Section: Beginning at Elden Junction near Flagstaff, thence northerly through Cameron, Grand Canyon Bridge and Fredonia to the Utah state line.

DIVISION NO. 4.

First Section: Beginning at the New Mexico state line near Lupton, thence westerly through Holbrook, Winslow, Flagstaff, Ash Fork, and Seligman to the Colorado River near Topock.

Second Section: Beginning at Springerville, thence northwesterly through St. Johns and Concho to junction with First Section of Division No. 4.

The control points specified shall be satisfied provided the route actually constructed, reconstructed or improved is reasonably adjacent to and serves the control points specified.

The secondary highways shall consist of all other state highways now or hereafter to be designated according to law.

"SECTION 8. In preparing the budget as provided in said Chapter 31, in the event any of said bonds are to be authorized in the year in which the budget is made, Arizona State Highway Commission shall budget to each of the four divisions of the primary highways, for expenditure during the fiscal year to which such budget relates, an amount not less than one-fourth of the total amount of bonds so to be authorized plus any balance remaining to the credit of the respective divisions and estimated as unexpended at the beginning of said fiscal year, and which

shall be budgeted thereby to and expended only for the grading or necessary structures for or standard type of paving upon the highways of the Division to which budgeted; provided that, at the first regular meeting of said Commission held after the first issue of said bonds shall have been sold and the proceeds thereof deposited in State Highway Fund, said Commission shall budget an amount of money equal to the whole proceeds of said bonds as provided in this Section without publication of proposed budget or any formality other than the act of so budgeting in open meeting.

The budgets authorized in this Section shall provide not less than three projects to be selected and located by said Commission to be undertaken each fiscal year upor each Division of said primary highways.

"SECTION 9. At the time of making estimates of State revenues, the Loan Commissioners shall estimate if the moneys in or to accrue to Highway Bond Fund are or will be sufficient to pay the principal and interest on said bonds to become due during the ensuing fiscal year; if such moneys are insufficient, they shall order the transfer of the amount of such deficiency from State Highway Fund to Highway Bond Fund; if the moneys in, or estimated to be in, said State Highway Fund are insufficient to meet the deficiency in said Highway Bond Fund, they shall certify the amount of such deficiency to the Tax Commission of the State of Arizona, and it shall, at its next levy of taxes for state purposes, levy and assess upon the taxable property within the state an amount sufficient to pay such defiiciency, which shall be levied, certified, assessed and collected as are taxes for general state purposes, and when collected, deposited by the State Treasurer in said Highway Bond Fund and disbursed for the purpose of paying the principal and interest of such bonds for which levied, assessed and collected.

In making the annual budget provided for in said Chapter 31, the Highway Budgeting Authority shall make allowance for and be governed by all orders, rules and regulations of said Loan Commissioners in respect to the use of State Highway Fund authorized herein.

"SECTION 10. The office of the Loan Commissioners of the State of Arizona as constituted by Article 4 of said

Chapter 60, Revised Code of Arizona, 1928, is constituted hereby a constitutional office with the powers and duties therein and herein prescribed.

The office of Arizona State Highway Engineer, as constituted by said Chapter 31, Revised Code of Arizona, 1928, is constituted hereby a constitutional office with powers and duties prescribed therein and herein.

The taxes, license fees and fees authorized and provided for in said Chapter 31 as modified by this Article shall not be repealed, amended or modified so as to reduce the amount or rate of any thereof, or the amount of funds now arising therefrom, and the proceeds thereof shall not be used for any purpose other than as specified herein or in the provisions of said Chapter 31 not inconsistent herewith, nor shall said Chapter 31 nor said Chapter 60 as modified by this Article, nor any section or part of either be repealed, amended, modified or changed in any manner which will in any way affect the rights and security of the holders of any of said bonds.

"SECTION 11. No ad valorem state tax in excess of one mill on each dollar of the assessed valuation of the taxable property in the State of Arizona shall be levied in any one year, the object and purpose of which are directly or indirectly the construction, improvement, alteration, repair or maintenance of state or other public highways in the State of Arizona, except for the purpose of the payment of the principal and/or interest on said bonds or any part thereof, as provided herein, and except in case of emergencies arising from invasions, riots, insurrections or acts of God resulting in damage to State highways, and then only when the peace, health or safety and economic welfare of any considerable number of persons in any community in the state are menaced thereby and for which no other funds are appropriated or available from state highway funds without serious interference with state highway requirements otherwise.

"SECTION 12. The provisions of this Article are declared hereby to be mandatory and self-executing, and shall be in full force and effect on and from the day next following the day on which the Governor shall have is-

sued his proclamation declaring this Amendment to be the law.

Filed July 3rd, 1930.

108 Yes 21678.

109 No 33454.

(On Official Ballot Nos. 110-111)

INITIATIVE PETITION

AMENDMENT TO THE CONSTITUTION OF THE STATE OF ARIZONA

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

SAID CONSTITUTIONAL AMENDMENT, WHEN AMENDED, SHALL READ AS FOLLOWS:

"Section 1. The power of taxation shall never be surrendered, suspended, or contracted away. All taxes shall be uniform upon the same class of property within the territorial limits of the authority levying the tax, and shall be levied and collected for public purposes only, provided that no direct tax shall be imposed upon motor vehicles, but a gasolene or motor fuel tax shall be imposed, which tax, as is now or may be prescribed, shall be in lieu of all direct taxes upon such motor vehicles."

Filed July 3rd, 1930.

110 Yes. 20505.

111 No. 37942.

INDEX

INDEX

A

	Chapter	Page
ADJUTANT GENERAL:		
Amendment to act relating to duties of	32	56
ALEXANDER, J. L. B.:		
Senate Concurrent Resolution on death of		487
ALIENS:		
Not to be employed in public works	31	53
AMENDMENTS:		
Article 2, Chapter 81, R. C., 1928, by adding new sections 3353a, 3353b, 3354a, 3356a, 3372a, 3376a, 3402a, relating to Irrigation Districts	98	252
Article 5, Chapter 31, R. C., 1928, relating to highway patrol	104	328
Chapter 24, R. C. 1928, by adding Article 6, employment agents	112	348
Chapter 58, R. C. 1928, by adding Article 15, barbering and cosmetology	39	75
Chapter 60, Laws 1929, amending Section 2202, R. C. 1928, relating to adjutant General	32	55
Chapter 65, Laws 1929, providing for alternative condition for bridges across Verde River or Beaver Creek	64	143
Chapter 84, Sections 4, 5, 23, 25, 31, 34, 46, Laws of 1929, relating to fish and game preservation	97	227
Chapter 85, Laws 1929, amending Section 1352, R. C. 1928, aliens not to be employed on public works	31	53
Chapter 102, Section 1, Laws 1929, pertaining to supervisions of dams and reservoirs	47	119
Section 103, R. C. 1928, to establish numerical title for fiscal years	24	38
Section 159, R. C. 1928, relating to eradication of noxious weeds	45	117
Section 169, R. C. 1928, relating to eradication of noxious weeds and grasses	44	113

AMENDMENTS:—Cont. Chapter Page

Section 254, R. C. 1928, relating to banks and banking 29 50
Section 390, R. C. 1928, relating to presentation of town warrants 41 84
Section 367, R. C. 1928, relating to incorporation of cities and towns 86 213
Section 412, R. C. 1928, relating to vacation of cemeteries 79 161
Section 436 and 437, R. C. 1928, relating to cities and towns special elections for public utility franchises 23 36
Section 541, R. C. 1928, relating to sale of property for non-payment of assessments 105 331
Section 621, R. C. 1928, relating to building and loan associations and withdrawal of certificate holders and depositors 40 82
Section 830, R. C. 1928, pertaining to residence of county officers 49 122
Section 884, R. C. 1928, relating to County Engineers 20 32
Section 1068, R. C. 1928, relating to high school districts 50 123
Section 1087, R. C. 1928, by adding thereto paragraphs 1087a, 1087b, 1087c, 1087d, 1087e, 1087f, 1087g, 1087h, 1087i, 1087j, and to provide for organization of junior college districts 81 164
Section 1352, R. C. 1928, appointment of relatives, unlawful when 52 126
Section 1352, R. C. 1928, amended by Chapter 85, Laws 1929, aliens not to be employed on public works 31 53
Section 1353, R. C. 1928, as amended by Chapter 85, S. L. 1929, relative to labor on public work 4 8
Section 1360, R. C. 1928, relating to coercive contracts between employer and employee 19 30
Section 1381, R. C. 1928, relating to hours of labor for females in certain occupations 14 23

AMENDMENTS:—Cont. Chapter Page

Sections 1633, 1640, 1646, 1672, 1686, 1692, 1575, relating to regulation of motor vehicles 100 265

Section 1674, R. C. 1928, motor vehicle fuel tax 2 5

Section 1483, R. C. 1928, relating to Law Library Fund 13 22

Section 2016, R. C. 1928, docketing judgments from other counties, recording document creating federal court lien, release of lien 9 16

Section 2033, R. C. 1928, pertaining to liens and status of lien claimants..... 87 215

Section 2077, 2078, 2097, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2118, 2119, 2136, 2137, 2138, 2145, 2146, 2147, 2148, 2149, 2155, 2156, 2157, 2158, 2159, 4852, R. C. 1928, Live Stock Code 43 86

Section 2166, R. C. 1928, relating to prohibited and void marriages 17 27

Section 2179, R. C. 1928, relating to actions for divorce, additional grounds 12 20

Section 2202, R. C. 1928, amended by Chapter 60, Laws 1929, relating to Adjutant General 32 55

Section 2293, 2302, R. C. 1928, relating to hoists, equipment, operation and signal code in mines 27 43

Section 2480, R. C. 1928, relating to appointments of Notary Public 78 160

Section 2549, 2550, 2551, 2552, 2553, relating to embalming 111 342

Section 2621, R. C. 1928, prohibiting private financing by state officials..... 34 58

Section 2680, R. C. 1928, act for acceptance of moneys provided for health demonstrations 38 73

Section 2749, R. C. 1928, relating to damages for public printing and publication of public notices 16 26

Sec. 3003, R. C. 1928, relating to building and loan 110 340

AMENDMENTS:—Cont. Chapter Page

Section 2755, R. C. 1928, relating to quality of paper for keeping public records 48 120

Section 2929, R. C. 1928, relating to appointment of certain officers and fixing their salaries 91 220

Section 3035, 3037, R. C. 1928, relating to State Librarian 5 9

Section 3101, R. C. 1928, relating to liability of property for taxes 21 33

Section 3101, R. C. 1928, relating to lien for taxes and liability of property....106 333

Section 3154, R. C. 1928, relative to assessment and taxation of railroads....101 281

Section 3243, 3258, 3265, R. C. 1928, relating to warehouse receipts..... 18 28

Section 3332, 3341, 3343, 3352, 3357, 3369, 3370, 3389, 3403, R. C. 1928, relating to irrigation districts..... 98 238

Section 3715, R. C. 1928, relating to venue of civil actions 25 39

Section 4726, R. C. 1928, relating to the giving of notice of persons suffering from certain wounds 57 134

Section 4746, R. C. 1928, to define burglary by means of mechanical devices 37 72

Section 4877, R. C. 1928, relating to payment of wages 54 129

Section 5001, R. C. 1929, appointment of counsel in criminal and insane cases, fees for services 71 152

Section 5106, R. C. 1928, relating to adult probation officers, and to provide deputies and assistants 108 336

Section 5122, R. C. 1928, relating to insanity inquiry of prisoners under death sentence 55 131

Section 5316, R. C. 1928, relating to insane prisoners 56 132

ANTICIPATION BONDS:

Act providing for state 6 11

	Chapter	Page
APPOINTMENT OF COUNSEL IN CRIMINAL AND INSANE CASES:		
Fees for services	71	152
APPROPRIATIONS:		
(See General Appropriation Act)		
For Attorney General	11	19
For Board of Pardons and Paroles	62	141
For Capitol Building and grounds	35	59
For deficiencies, armories of National Guard	53	128
To develop water in dry farming districts in Cochise County	107	335
For expenses Regular Session Tenth Legislature	1	1
For Pioneers' Home	3	7
For protection against floods of Little Colorado River	15	25
For protection of Lyman Dam	109	339
For relief of Arizona Packing Company	77	159
For relief of D. M. Coombs	85	212
For relief of Esther Cummings	72	153
For relief of electrical district in Pinal County	90	219
For relief of Town of Florence	26	42
For relief of Fred Francis	28	49
For relief of Nellie B. Hoy	80	163
For relief of Hamilton Grocery of Jerome	42	85
For relief of Harry F. Lane	76	158
For relief of Lescher & Mahoney	83	208
For relief of merchants of Flagstaff and Winslow and reimbursement of National Guard Imprest Fund	70	150
For relief of Joseph F. Nugent	67	147
For relief of D. M. Penny and Edward S. Lyman	66	146
For relief of Pinal County	89	207
For relief of James Rork	33	57
For relief of O. S. Stapley Co	95	225
For relief of Chris Totten	46	118
For relief of E. S. Westover	99	264
For salaries of members of Corporation Commission	94	224
For salaries of judges of superior court	69	149
For salaries of judges of superior court	92	222

	Chapter	Page
APPROPRIATIONS:—Cont.		
To pay salaries of judges of supreme court	93	223
For School for Deaf and Blind	7	14
For School for Deaf and Blind	73	154
For State Highway Fund	2	5
For surveys and investigations of waters of Gila River	88	216
For transfer of funds for State Prison	74	155
For Tax Survey Commission	103	298
To provide funds for the defense of suits to restrain the enforcement of the law of Arizona limiting length of freight and passenger trains	63	142
To repay United States for money paid farmers within non-cotton zones	51	125
ARIZONA HIGHWAY DEPARTMENT:		
(See Arizona Highway Patrol)	104	328
ARIZONA HIGHWAY PATROL:		
Arizona Highway Department shall maintain	104	328
Assistants and Salaries	104	328
Duties of Patrol	104	330
Highway Patrol Division shall consist of	104	328
Impersonating Patrolmen	104	330
Number of Patrolmen, how employed	104	328
Patrol Superintendent to be appointed	104	328
Patrol shall consist of	104	328
Powers of Patrol	104	329
ARIZONA NARCOTIC CONTROL ACT:		
Acquittal or conviction under Harrison Act	36	71
Building declared common nuisances when	36	68
Certificates of registration	36	62
Constitutionality of Act	36	62
Definition of narcotics	36	62
Harrison Act, acquittal or conviction under	36	71
Not to be sold without written order	36	63
Penalty for failure to comply with law	36	62
Prescription for	36	63
Prescription to be issued in good faith	36	70
Provisions of this act not to apply to	36	64
Receipt to be posted conspicuously	36	62

ARIZONA NARCOTIC CONTROL ACT:— Cont.—

	Chapter	Page
Resorts for sale of, penalty	36	67
State Board of Pharmacy:		
Fee for registration with	36	61
Registration with	36	61
Unlawful possession	36	55
Unlawful possession near school, college or educational institution, penalty for	36	67
Unlawful transportation	36	66
Unlawfully brought into State Prison or Reformatory; penalty for	36	67
Veterinary surgeons shall prescribe, when	36	70

ARIZONA PACKING COMPANY:

Appropriation for relief of	77	159

ARIZONA YEAR BOOK:

House Concurrent Resolution No. 8, in appreciation of	....	449

ASSESSMENTS:

Non-payment of; sale, city may purchase when no bidders	105	331

ATTORNEY GENERAL:

Appropriation for	11	19
Relating to duties of	30	52
Resolution authorizing investigation of Yuma County bank failures by	....	431
To be legal advisor of departments	30	52

AUTHENTIFICATION OF LAWS:

Secretary of State	....	III

B

BACK TAX BOOK:

(See Taxation)	103	302

BANKS AND BANKING:

Amendment to Section 254, R. C. 1928, relating to reports of superintendent	29	50

	Chapter	Page
BARBERING AND COSMETOLOGY:		
Amendments to Act	39	75
Apprentices, licensing of	39	77
Definition of terms	39	75
Board, powers and compensation of	39	76
Fees	39	81
License, application for and display of	39	80
Licenses, grounds for refusal to issue, renew, suspend or revoke	39	80
License necessary to conduct business	39	79
Licensing	39	77
Penalties	39	79
Special licenses	39	81
Temporary licenses	39	81
Schools, licensing of	39	77
BEAVER CREEK:		
Alternative condition for building bridge across	64	143
BIRTHRIGHT AND PARENTAGE:		
Act to establish identity of persons and fix	22	34
BOARD OF BARBERS AND COSMETICIANS:		
Act creating	39	76
BOARD OF HEALTH FUND:		
(See Act for acceptance of moneys provided for health demonstrations)	38	74
BOARDS OF SUPERVISORS:		
Authorized to pay indebtedness incurred prior to July 10, 1929	10	17
BONDS:		
County and Municipal	98	252
Referendum measures amending Section 13, Article 7, Constitution, regarding qualification of electors at election for issuance of	....	492
BRIDGES:		
Act relating to execution of contract for highway bridge over Colorado River at Ehrenberg	58	136

BRIDGES:—Cont. Chapter Page

Act to provide for construction of, over Colorado River at Parker 75 156

Senate Joint Memorial No. 1, regarding agreement for purchase of toll bridge across Colorado River near Blythe, California 456

BUFFALO HERD:

House Joint Memorial No. 14, relating to House Rock Valley Game Refuge for 480

BUILDING AND LOAN ASSOCIATIONS:

(See Building and Loan Corporations) 110 340

Withdrawal of share holder 40 83

BUILDING AND LOAN CORPORATIONS:

Assessment of property and shares of stock in 110 340

Taxation of 110 340

BURGLARY:

By mechanical devices defined 37 72

C

CACTUS WREN:

Designated as state bird 68 148

CAPITOL BUILDING AND GROUNDS:

Appropriation to cover deficit for operation of 35 59

CEMETERIES:

Vacation in incorporated cities and towns 79 161

CITIES AND TOWNS:

Amendment to proceedings for incorporation of 86 213

CITIZEN TOWNS

Amendment to Act relating to presentation of town warrants 41 84

Amendment to proceedings for incorporation 86 213

To provide for vacation of cemeteries in 79 161

	Chapter	Page
COCHISE COUNTY:		
Appropriation to develop water in certain dry farm lands in	107	355
COLORADO RIVER:		
Act for execution of contract for bridge at Ehrenberg	58	136
Act to provide for construction of bridge over, at Parker	75	156
COLORADO INDIAN RESERVATION:		
House Joint Memorial No. 11, relating to allotment of land in	....	473
CONCURRENT RESOLUTIONS:		
(See Resolutions)	....	420
CONSTITUTION OF ARIZONA:		
Amendments:		
Section 10, Article 28, regarding employment on public work. Referendum measure	....	494
Section 13, Article 7, regarding qualification of electors at elections for bond issues, Referendum measure	....	492
Section 17, Part 2, Article IV, entitled "Legislative Department", Referendum Measure	....	491
CONTRACTING:		
Act to regulate business of	102	284
Exemptions	102	284
License for	102	284
Contractor:		
Complaints	102	288
License, application for, fee	102	286
Judgment of, suspension or cancellation of license, appeal from	102	290
License, non-transferable	102	287
License, penalty	102	291
License, renewal after suspension	102	291
License, term of	102	287
Penalty	102	291
Registrar, appointment of, bond of, qualifications, salary, duties	102	286

CONTRACTING:—Cont. Chapter Page
Registrar, cancellations and suspension of license 102 288
Registrar, complaint to be filed with....102 288
Registrar, duties of 102 288
Registrar, records of....102 288
Registrar, shall maintain office....102 288

CONTRACTORS:
Definition of 102 285

CODES, REVISED:
Territorial and State, list of.... xliv

COOMBS, D. M.:
Appropriation for relief of.... 85 212

COPPER:
House Joint Memorial No. 2, regarding tariff on 460

CORPORATIONS:
(See building and loan corporations)....110 340
Amendment to act relating to building and loan associations 40 82

CORPORATION COMMISSION:
Appropriation to pay salaries of members of 94 224

COSMETOLOGY:
(See Barbering and Cosmetology).... 39 75

COTTON:
Appropriation to repay United States for non-cotton zones 51 125

COUNTIES:
Act pertaining to residence of officers.... 49 122

COUNTIES AND COUNTY OFFICERS:
Amendment to Section 884 relating to County Engineers 20 32

COUNTY ATTORNEY:
List of lii

	Chapter	Page
COUNTY ENGINEERS:		
Amendment to Section 884, R. C. 1928, relating to	20	32
COUNTY OFFICERS:		
Residence of	49	122
COURTS:		
Federal District Court, suits praying for interlocutory injunction for	84	211
Given authority to stay proceedings to enforce state statute or administrative order	84	210
Providing for expediting of proceeding or suit in state	84	210
CRIMES AGAINST PROPERTY:		
Burglary by mechanical means defined	37	72
CRIMES AGAINST PUBLIC PEACE:		
Amendment to Section 4726, R. C. 1928, relating to the giving of notice of persons suffering from certain wounds	57	134
CRIMINAL AND INSANE CASES:		
Appointment of counsel, fees for services	71	152
CUMMINGS, ESTHER:		
Appropriation for relief of	72	153

D

DAIRIES:		
Attorney General and County Attorneys to advise commissioners	82	202
Babcock test for butter fat	82	199
Butter and butter substitutes	82	191
Butterfat content	82	182
Buttermilk	82	192
Cheese	82	191
Cheese, part skim, 1 and 2	82	192
Commissioner, term of appointment; salary, bond, deputies	82	173
Competition, destruction of	82	204
Containers	82	203
Cooperative testing	82	202

DAIRIES:—Cont.	Chapter	Page
Cream, market cream	82	182
Dairy barn, care of	82	184
Dairy herds—tuberculin testing and physical examination	82	181
Dairy products, distributing license	82	176
Dairy products, distributing plant	82	189
Definition of terms	82	170
Denaturing of products	82	203
Designating market milk by grade	82	182
Diseased animals, importation into Arizona	82	181
Distribution and sales requirements of market milk	82	180
Equipment, utensils	82	186
Evidence	82	201
False tests or weights	82	203
Frozen dairy products	82	193
General powers and duties of commissioner	82	174
Goat's milk	82	182
Granting and revoking of permits	82	203
Handlers of dairy products	82	179
Hermetically sealed containers	82	201
Labeling of dairy products	82	194
License for milk products manufacturer	82	178
Licensing of tester	82	197
Malta fever	82	182
Manufacturing milk or cream	82	190
Market cream	82	182
Milk producing and handling	82	185
Milk products manufacturer	82	178
Milk products manufacturing plant	82	190
Misbranding	82	196
Moneys received by commissioner	82	202
Offenses and penalty	82	204
Permits, granting and revoking of	82	203
Premises and equipment for milk products manufacturer must be inspected	82	178
Prepared milk standard of composition	82	200
Producer—distributors and manufacturers	82	179
Producer's permit	82	175
Repeal of Chapter 17, R. C. 1928	82	208
Repeated offenses	82	207

	Chapter	Page
DAIRIES:—Cont.		
Sale of adulterated or misbranded products and denaturing	82	203
Skim cheese	82	192
Special dairy inspectors, powers	82	174
Standard weights of butter packages	82	204
Surroundings of dairy barn	82	185
Surroundings of distributing plant	82	189
Temporary permit	82	176
Testing of milk and cream	82	197
Trade names	82	196
Tuberculin testing and physical examination of dairy herds	82	181
Unconstitutionality clause	82	207
Vehicles and transportation	82	188
Washing, sterilizing and storing of equipment	82	187
Water supply	82	187
Whole milk or full cream cheese	82	192
DAIRY COMMISSIONER:		
(See Dairies)	82	170
DAIRY PRODUCTS:		
(See Dairies)	82	170
DAMAGES:		
Amendment to act, providing for actions for	18	26
DEAD BODIES:		
(See Embalmers)	111	342
DEAF AND BLIND:		
Resolution for investigation of State School for	----	432
Appropriation for School for	7	14
Appropriation for School for	73	154
DEATH SENTENCE:		
Insanity inquiry of prisoners under	55	131
DELINQUENT TAXES:		
(See Taxation)	103	302
DIVORCE:		
Amendment to Section 2172, R. C. 1928; additional grounds for	12	20

E

ECONOMIC AND FISCAL SURVEY OF STATE:

	Chapter	Page
(See Taxation)	103	293

EDUCATION:

Act making appropriation for School for Deaf and Blind	7	14
High School districts and exclusion therefrom	50	123
Junior college districts	81	164

EGG INDUSTRY, ARIZONA:

Repeal of Chapter 41, Laws of 1929, relating to	8	15

EHRENBERG:

Act to provide for acceptance of contract bridge over Colorado River near	75	156

ELECTIONS:

Referendum measure regulating qualifications of electors for bond issues	....	492

ELECTRICAL DISTRICTS:

Amendment to Act relating to irrigation districts	98	238
Appropriation for relief of Pinal County for	90	219
Canvassing returns of election	65	145
Issuance and sale of bonds of, advertising	65	145
Rights and powers of certain	96	226
Validity of certain	96	226

ELLENWOOD, RALPH E.:

House Concurrent Resolution No. 2, expressing sympathy, on passing of	....	441

EMBALMERS:

Dead bodies, care and disposition of	111	342
Practicing without license	111	346
Paying or taking gratuity for business	111	346
Penalty	111	346

EMBALMERS:—Cont. Chapter Page

State Board of Appointment:
Powers and duties, term of members, vacancies 111 342
Yearly license, not transferable, revocation 111 345

EMERGENCY CLAUSE:

Act authorizing Board of Supervisors to pay indebtedness incurred prior to July 10, 1929 ..... 10 18
Act containing amendments to Live Stock Code 43 113
Act containing amendment to qualifications of Adjutant General 32 56
Act containing amendment to Section 1353, R. C. 1928, relating to labor on public works 4 9
Act containing amendment to Section 436-437, R. C. 1928, relating to special elections for public utility franchise 23 37
Act containing appropriation for Attorney General 11 19
Act containing appropriation for Capitol Building and grounds 35 60
Act containing appropriation for defense of suit limiting length of freight and passenger trains 63 142
Act containing appropriation for expense of Legislature 1 3
Act containing appropriation for Board of Pardons and Paroles 62 141
Act containing appropriation for Pioneers' Home 3 8
Act containing appropriation for relief of Joseph F. Nugent 67 147
Act containing appropriation State Highway Fund 2 7
Act containing appropriation for School for Deaf and Blind 7 14
Act containing appropriation for School for Deaf and Blind 73 154
Act containing appropriation for transfer of funds for State Prison 74 155

EMERGENCY CLAUSE:—Cont. Chapter Page

Act for acceptance of moneys provided for health demonstrations 38 74

Act for execution of contract for highway bridge over Colorado River at Ehrenberg 58 136

Act providing for employment of citizens on state highways 31 55

Act providing for State Anticipation Bonds 6 13

Act relating to adult probation officers, deputies and assistants 108 338

Act relating to embalming 111 347

Act relating to fish and game preservation 97 238

Act relating to insane prisoners 56 134

Act relating to insanity inquiry of prisoners under sentence of death 55 132

Act relating to taxation of building and loan corporations 110 340

Act for relief of Lescher and Mahoney 83 208

Act for relief of D. M. Penny and Edward S. Lyman 66 147

EMPLOYER AND EMPLOYEE:

Amendment to Section 1353, R. C. 1928, as amended by Chapter 85, Laws 1928, relating to labor on public work 5 8

Amendment to Section 1360, R. C. 1928, relating to certain coercive contracts between 19 30

Amendment to Section 1381, R. C. 1928, relating to hours of labor for females 14 23

Referendum measure amending Section 10, Article 28, relative to employment on public work 494

EMPLOYMENT AGENTS:

Annual fees 112 350

Application for license, bond 112 350

EMPLOYMENT AGENTS:—Cont. Chapter Page
Authority of Industrial Commission over..112 351
Clerks of municipalities to aid in placing labor 112 355
Definition of 112 347
False statements and representation....112 348
Fee-splitting 112 349
Inquisition 112 351
License for 112 349
Must inquire as to truth of statement....112 348
Penalties 112 355
Receipts given applicants....112 352
Refusal to issue and revocation of license..112 354
Regulations, records, reports....112 354
Return of fee....112 353
Schedule of fees and charges....112 352
Visitorial power of commission....112 351

F

FEDERAL DISTRICT COURT:
Interlocutory injunction, suits praying for, in 84 211

FEMALES:
Amendment to Act relating to hours of labor for 14 23

FINANCE CORPORATIONS:
(See Building and Loan Corporations)....110 340

FISH AND GAME:
Amendment to Act for preservation for.. 27 227

FISH AND GAME PRESERVATION:
Commission, publication of orders and regulations of 97 230
Game birds, open season, limit.... 97 234
Licenses, exhibition of.... 97 232
License fees 97 231
License, form and contents of.... 97 232
License, minors 97 232
Penalties 97 235
Sign board of refuges.... 97 230
Tree squirrels 97 233

	Chapter	Page
FISCAL YEARS:		
Amendment to establish numerical title for	24	38
FLAGSTAFF AND WINSLOW MERCHANTS:		
Appropriation for relief of	70	150
FLOOD CONTROL DAMS:		
Senate Joint Memorial No. 3 regarding	....	458
FLORENCE, TOWN OF		
Application for relief of	26	42
FOREIGN PRODUCTS:		
Senate Joint Memorial No. 2, to United States for emergency embargo on certain	....	457
FRANCHISES—PUBLIC UTILITIES:		
Amendment to Section 436, 437, R. C. 1928, relating to special election for granting	23	36
FRANCIS, FRED:		
Appropriation for relief of	28	49
FRANCIS, M. J.:		
House Concurrent Resolution No. 9, on death of	....	451

G

GAME AND FISH PRESERVATION:		
Commission, general powers and duties of	97	227
GAME REFUGE:		
House Joint Memorial No. 14, relating to House Rock Valley for buffalo	....	480
GASOLINE TAX		
(See Motor Vehicle Fuel Tax)	2	5
GENERAL APPROPRIATION ACT:		
Act containing	113	366
Appropriation for:		
Animal husbandry	113	367
Arizona Game and Fish Commission	113	367

GENERAL APPROPRIATION ACT:—Cont. Chapter Page

Appropriation for:

Arizona State School for the Deaf and Blind 113 368
Arizona State Teachers College at Flagstaff 113 369
Arizona State Teachers College at Tempe 113 370
Attorney General 113 371
Auditor 113 372
Banking Department 113 373
Board of Bar Examiners 113 374
Board of Barbers and Cosmeticians 113 374
Board of Chiropractic Examiners 113 375
Board of Dental Examiners 113 375
Board of Directors of State Institutions 113 376
Board of Embalming Examiners 113 377
Board of Health 113 377
Board of Health—Child Hygiene 113 378
Board of Library Examiners 113 379
Board of Medical Examiners 113 379
Board of Nurse Examiners 113 379
Board of Optometry Examiners 113 380
Board of Pardons and Paroles 113 381
Board of Pharmacy 113 381
Board of Registration 113 382
Board of Tax Survey 113 418
Bureau of Criminal Identification 113 382
Capitol Building and grounds 113 383
Child Welfare Board 113 384
Colorado River Commission 113 422
Colorado River and other stream gauging 113 384
Commission of Agriculture and Horticulture 113 385
Corporation Commission 113 388
County scholarship 113 389
Dairy Commissioner 113 389
Date palm scale eradication 113 387
Enforcement of labor laws 113 393
Eradication of Injurious Rodents 113 389
Fair Commission 113 390
Free employment 113 391

GENERAL APPROPRIATION ACT:—Cont. Chapter Page
Appropriation for:
Governor 113 392
Historical Society of Prescott 113 393
Industrial Commission 113 393
Industrial School 113 394
Inspector of Weights and Measures.. 113 395
Insurance premiums, state employers 113 396
Interest on the public debt..... 113 396
Laboratory 113 397
Land Commissioner 113 397
Law and Legislative Reference Library 113 398
Legislative Examiner 113 399
Live Stock Sanitary Board 113 400
Loan Commission 113 401
Mine Inspector 113 401
National Guard 113 402
Pioneers' Historical Society 113 403
Pioneers' Home 113 404
Predatory animals 113 405
Prison 113 405
Redemption of public debt..... 113 407
Road salaries and operation..... 113 386
Secretary of State..... 113 407
Sheep Sanitary Commission..... 113 408
State Examiner 113 408
State Historian 113 409
State Hospital for the Insane..... 113 409
State Land Board..... 113 411
State School for Girls..... 113 412
Superintendent of Public Instruction and Common Schools 113 413
Superior Courts 113 416
Supreme Court 113 416
Tax Commission 113 417
Treasurer 113 418
University of Arizona..... 113 419
Veterans Relief Commission..... 113 420
Veterans service 113 420
Veterinarian 113 421
Veterinary Board 113 421
Water Commissioner 113 422
Auditor authorized to draw warrants on.. 113 424

GENERAL APPROPRIATION ACT:—Cont. Chapter Page
Bona-fide residents of state to be given preference 113 423
Citizens of United States to be employed..113 423
Financial code, appropriations subject to..113 423
Incidentals, items not to be grouped on claims 113 424
Letter of Governor transmitting....113 356
Periodic salaries 113 423
Travel appropriations 113 423
Treasurer authorized to pay warrants on..113 424
Verified statement to be furnished....113 424
Veto of certain sub-divisions of....113 356

GIANT SAHUARA:
Designated as state flower.... 68 148

GILA RIVER:
Surveys and investigations of waters of.... 88 216

GOVERNOR:
Authorized to issue proclamation to cover expenses of tax suits.... 61 140
House Concurrent Resolution No. 1, expressing loyal support to Geo. W. P. Hunt 439
Letter transmitting General Appropriation Act, vetoing part of it....113 356

Message to Tenth Legislature.... iv
Officers appointed by, amendment to act.. 91 220

GRUNOW, LOIS, MEMORIAL CLINIC:
House Resolution No. 5, in appreciation of 445

H

HAMILTON GROCERY OF JEROME:
Appropriation for 42 85

HEALTH DEMONSTRATIONS:
Act for acceptance of moneys provided for 38 73
Board of Health fund and other receipts for 38 74

	Chapter	Page
HEARD, DWIGHT B.:		
House Concurrent Resolution No. 7, tablet commemorating life of	....	447
HIGH SCHOOL DISTRICTS:		
Exclusion from	50	123
Formation and establishment of	50	123
HIGHWAYS:		
(See Highway Patrol)	104	328
(See Motor Vehicles)	100	265
Act to provide for bridge over Colorado River at Parker	75	156
Aliens not to be employed on state	31	53
Alternative condition for building bridges across Verde River or Beaver Creek	64	143
Citizenship in state required for public employment as mechanics or laborers	31	54
Execution of contract for bridge over Colorado River at Ehrenberg	58	136
HIGHWAY COMMISSION:		
(See State Highway Commission)	2	4
HIGHWAY PATROL:		
(See Arizona Highway Patrol)	104	328
HOLBROOK:		
Appropriation for protection against floods of Colorado River near	15	25
HOY, NELLIE B.:		
Appropriation for relief of	80	163

I

INCORPORATED CITIES AND TOWNS:		
Vacation of cemeteries in	79	161
INDUSTRIAL COMMISSION:		
(See Employment Agents)	112	351
INITIATED MEASURES:		
Proclamation of Governor regarding 1930	....	487
Voted on at 1930 election that failed to pass	....	495

	Chapter	Page
INSANE CASES:		
Appointment of counsel, fees for services	71	152
INSANE PRISONERS:		
Amendment to act relating to	56	132
INSANITY:		
Inquiry of prisoners under death sentence	55	131
IRRIGATION DISTRICTS:		
Amendment to Act relating to	98	238
Board of Directors may issue Refunding Bonds	98	246
Bonds:		
For refunding bonded indebtedness	98	246
Cancellation of	98	243
Legality of	98	246
Use of, expenditure of money from sale of	98	245
Bonded indebtedness, refunding bonds for	98	246
Delinquent taxes, sale of lands for, redemption period	98	255
Directors, election of	98	256
Directors may borrow money	98	256
Directors, powers of	98	243
Election of directors for	98	256
Exclusion and inclusion of lands in	98	258
Financial condition, report of board on	98	255
Inclusion of lands, petition for, notice, hearing	98	259
Moneys raised by taxation applied to	98	254
Money raised for taxation, how applied	98	254
Organization, election, order for	98	238
Petition for inclusion of lands, notice, hearing	98	259
Report of Board and District Treasurer	98	254
Report of board of financial condition	98	255
Rules, printing of	98	243
Special tax levy for	98	253
Supervisor to order election for	98	238
Tax, special levy for	98	253
Taxation, money raised by, to be applied	98	254
Treasurer, report of district	98	254
Warrants, payment of	98	256

J

	Chapter	Page
JOINT MEMORIALS:		
(See Memorials)	....	453
JOINT RESOLUTIONS:		
(See Resolutions)	....	431
JOURNALS:		
Distribution of, payment	60	138
JUDGMENTS:		
Amendment to Section 2016, R. C. 1928, docketing from other counties	9	16
JUDGMENT AND EXECUTION:		
Adult probation officers, deputies, assistants	108	336
JUNIOR COLLEGE DISTRICTS:		
Amendment to Act for organization of	81	164
Annual election	81	168
County junior college districts	81	166
How supported	81	170
Junior college board	81	167
Meetings of Board	81	168
Petition for	81	165
Powers of board	81	169
Reports	81	169
Union junior college districts	81	165
Union and county junior collegs	81	164

K

KINNEY, ALFRED:		
Resolution of condolence on death of wife of	....	436

L

LANDS:		
House Joint Memorial No. 6, regarding transfer of United States lands to state	....	466
House Joint Memorial No. 11, relating to allotment of lands on Colorado Indian Reservation	....	473

	Chapter	Page
LANE, HARRY F.:		
Appropriation for relief of	76	158
LAW LIBRARY FUND:		
Amendment to Section 1486, R. C. 1928, relating to	13	22
LEGISLATURE:		
Appropriation for expenses of Regular Session Tenth	1	1
Members and attaches of	....	xlvii
Message of Governor to Tenth	....	iv
LEGISLATIVE DEPARTMENT:		
Referendum Measure 1930, relating to	....	491
LESCHER AND MAHONEY:		
Appropriation for relief of	83	208
LEWIS, JAMES HAMILTON:		
House Concurrent Resolution No. 3, extending invitation to address legislature	....	442
LIBRARIAN:		
(See State Librarian)	5	9
LIENS:		
Action within six months to foreclosure	87	215
Amendment pertaining to lien claimants and	87	215
Amendment to Section 2016, R. C. 1928, recording document creating federal court liens; release of liens	9	16
LIENS—TAX:		
Liability of property	106	333
LIVE STOCK:		
Amendments to code	43	86
Appeal same as in civil cases	43	97
Bill of sale necessary, lack of bill of sale in trial for theft	43	101
Brands and earmarks; transfer of	43	98
Certificate of brand as evidence	43	101
Citation to appear	43	95

LIVE STOCK:—Cont.	Chapter	Page
Construction of article	43	89
County Attorney to represent inspector for seized	43	95
Doubtful ownership forfeited to state	43	97
Estrays; when may be taken up, notice	43	103
Fee for inspection at slaughter house	43	110
Fee for re-recording brands	43	100
Fees of officers; bill of sale; disposal of proceeds	43	105
General duties of board	43	86
Inspection of animals and hides at slaughter house	43	110
Inspection of, how made	43	92
Inspection to be made immediately; fee, certificate	43	92
Inspector, appointment	43	89
Duties with respect to unbranded	43	90
May search without warrant	43	106
Powers and duties of	43	90
Shall serve citation	43	96
Shall tag hides at slaughter house	43	110
To describe seizure	43	95
To report seizure	43	94
Killing or selling of another	43	112
License for slaughtering shall expire	43	109
License, slaughtering without prohibited, penalty	43	107
Manner of inspecting	43	91
New brand shall be advertised	43	98
Peace officers must assist board	43	86
Proceedings before justice	43	95
Producers may slaughter for own use	43	109
Purchase of uninspected hide unlawful	43	110
Purchasing without right to sell	43	112
Range stock to be branded, seizure	43	93
Record of inspections	43	91
Recording and re-recording of brands; fees	43	99
Sale; bill of sale, disposal of proceeds	43	97
Sale of estray animals	43	104
Sale or possession of unstamped meat prohibited, penalty	43	106

LIVE STOCK:—Cont. Chapter Page

Secreting or defacement of hide unlawful, penalty 43 110
Seizure fund 43 97
Service of citation on brand and mark owners, default 43 96
Slaughter for sale without license prohibited 43 105
Slaughter house regulations, license and bond, penalty 43 107
Slaughter house to keep record of animals, penalty for failing 43 111
Special permit for producers not necessary 43 109
State veterinarian, bond and salary 43 89
Taking animal without consent of owner; violations in general 43 102
Terms of Act defined 43 94
Transportation or selling of uninspected hides unlawful 43 112
Trial and judgment, form of judgment 43 96
Use of seizure fund 43 98
Using unlawful or unrecorded brand; penalty 43 102
Unlawful to receive without inspection for transportation 43 92
Whole hide must be hung in conspicuous place until tagged by inspector 43 109

LYMAN DAM:

Appropriation for protection of 109 339

LYMAN, EDWARD F.:

Appropriation for relief of 66 146

M

MARRIAGE AND DIVORCE:

Amendment to Section 2166, R. C. 1928, relating to prohibited and void marriage 17 27
Amendment to Section 2179, R. C. 1928, divorce, venue, of action, grounds 12 20

	Chapter	Page
MEMORIALS:		
House Joint No. 2, regarding tariff on copper	....	460
House Joint No. 6, regarding transfer of United States lands to state	....	466
House Joint No. 8, regarding bonus certificates World's War veterans	....	469
House Joint No. 9, relating to establishment of southwestern wild life experiment station	....	470
House Joint No. 11, relating to allotment of lands on Colorado Indian Reservation	....	473
House Joint No. 12, pertaining to the stabilization of silver	....	475
House Joint No. 13, relating to Thomas Reclamation Loan Fund Bill	....	477
House Joint No. 14, relating to House Rock Valley Game Refuge for buffalo	....	480
Senate Joint No. 1, agreement for purchase of toll bridge across Colorado River near Blythe	....	456
Senate Joint No. 2, to United States for emergency embargo on importation of certain foreign products	....	457
Senate Joint No. 3, regarding flood control dams near Nogales	....	458
MILITIA:		
Amendment to Act relating to Adjutant General	32	55
Appropriations, armories, National Guard	53	128
MINES AND MINING:		
Amendment and Act relating to hoists, equipment, operation and signal code for	27	43
MISCELLANEOUS CRIMES:		
Amendment to Act relating to payment of wages	54	129
MOTOR VEHICLE:		
Ad valorem tax directed	100	280
Application for registration	100	265

MOTOR VEHICLE:—Cont. Chapter Page
Certificate of registration of title 100 266
Commercial vehicles, license, tax on 100 269
Disposal of money 100 269
Duplicate certificate 100 269
Duplicate license plates 100 269
Fees 100 269
Interpretation 100 269
License tax on commercial vehicles 100 269
Non-residents, registration of vehicles of 100 268
Other wrongful acts, penalty 100 277
Penalty 100 277
Registration card 100 266
Registration of vehicles of non-residents 100 268
Revocation or refusal of registration 100 267
State highway 100 280
Transfer of certificate of registration 100 267
Words and phrases defined 100 272

MOTOR VEHICLE FUEL TAX:
Amount of tax, when payable, distribution 2 5
Exemptions to be deducted from 2 5

N

NARCOTICS:
(See Arizona Narcotic Control Act) 36 61

NATIONAL GUARD OF ARIZONA:
Appropriation, deficiency, armories 53 128

NATIONAL GUARD IMPREST FUND:
Appropriation for reimbursement of 70 150

NEPOTISM:
Act to prohibit employment of relatives in public offices 52 126

NOGALES:
Flood control dams near ---- 458

NON-COTTON ZONES:
Appropriation to repay United States for moneys paid for 51 125

NOTARY PUBLIC: Chapter Page
Appointments to be made by Secretary of State 78 160

NOXIOUS WEEDS AND GRASSES:
Act to provide alternative procedure for eradication of 44 113

NOXIOUS WEEDS:
Amendment to Act relating to eradication of 45 117
Districts, limits 45 117

NUGENT, JOSEPH F.:
Appropriation for relief of 67 147

NUMERICAL TITLE:
Amendment to Act to establish for fiscal years 24 38

O

OFFICERS:
Amendment to Act for appointment of certain, fixing of salaries of 91 220

OFFICERS IN GENERAL:
Act to prohibit employment of relatives in public offices 52 126
Relating to duties of Attorney General 30 50

P

PAPER FOR PUBLIC RECORDS:
Act defining quality of 48 120

PARDONS AND PAROLES:
Appropriation for Board of 62 141

PARENTAGE AND BIRTHRIGHT:
Act to establish identity of persons and fix 22 34

PARKER:
Act to provide for construction of bridge over Colorado River at 75 156

PERMANENT BOARD OF TAX SURVEY
(See Taxation) 103 300

	Chapter	Page
PENNY, D. M.:		
Appropriation for relief of	66	146
PERSONS:		
Act to establish identity of and fix birthright and parentage	22	34
PHARMACY, STATE BOARD OF:		
Registration with, for sale of narcotics	36	61
PICKETT, HARRY E.:		
House Resolution No. 4, relating to death of	....	420
PINAL COUNTY:		
Appropriation for relief of, for cost of trials and hearing of prisoners in state prison	89	217
Appropriation for relief of electrical district in	90	219
PIONEERS' HOME:		
Appropriation for	3	7
POWER DISTRICTS:		
(See Electrical Districts)	96	226
PRISON, STATE:		
Appropriation for transfer of funds for	74	155
PRIVATE FINANCING BY STATE OFFICIALS:		
Act to prohibit, for use by the state or any institution or department	34	58
PROBATION OFFICERS, ADULT:		
Deputies and assistants, oath and bond, powers and duties, salaries of	108	336
PUBLIC PRINTING AND PUBLICATION OF NOTICES:		
Amendment to Act prohibiting actions for damages	15	26
PUBLIC RECORDS:		
Act defining quality of paper for	48	120
PUBLIC UTILITIES:		
Amendment to Section 436 and 437 R.C. 1928, relating to special election for franchise for	23	36

R

	Chapter	Page
RAILROADS:		
Appropriation for defense of suit limiting length of freight and passenger trains	63	142
Assessment and taxation of	101	281
Assessment and tax by county and taxing district, cities and towns	101	281
Transmission to counties, cities and towns of assessment and taxes	101	281
RECLAMATION LOAN FUND:		
House Joint Memorial No. 13, relating to passage of Thomas Reclamation Loan Fund Bill	....	477
REFERENDUM MEASURE:		
Proposed by Legislature to amend Section 10, Article 28, Constitution, regarding employment on public works	....	493
Proposed by Legislature, to amend Section 13, Article 7, Constitution, regarding qualification of electors in bond issue elections	....	492
Proposed by Legislature to amend Section 17, Part 2, Article 4, Constitution, entitled "Legislative Department"	....	491
Voted on at 1930 election that failed to carry	....	495
REGULATION:		
Act to regulate business of contracting	102	284
REPEALED:		
Chapter 9, Laws 1929, relating to State Librarian	5	10
Chapter 16, Laws 1929, relating to taxation	109	327
Chapter 17, R. C. 1928, relating to dairies	82	208
Chapter 41, Laws 1929, pertaining to Arizona egg industry	8	15
Chapter 76, Laws 1929, relating to Barbering and cosmetology	39	82

REPEALED:—Cont. Chapter Page

Section 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2140, 2150, 2151, 2152, 2153, 2154, R. C. 1928, Live Stock Code.. 43 113

REPORTS OF SUPREME COURT:

Distribution of, payment..... 59 137

RESERVOIRS:

Amendment to Act pertaining to supervision of 47 119

RESOLUTIONS:

House Concurrent No. 1, expressing fealty and loyal support to Gov. Geo. W. P. Hunt 439

House Concurrent No. 2, in memory of passing of Ralph E. Ellenwood..... 441

House Concurrent No. 3, extending invitation to Hon. J. Ham. Lewis to address Legislature..... 442

House Concurrent No. 4, on death of William Boyce Thompson..... 444

House, No. 4, Harry E. Picketts, memory and work of..... 420

House Concurrent No. 5, in appreciation of Lois Grunow memorial clinic..... 445

House Concurrent No. 7, tablet commemorating life of Dwight B. Heard 447

House Concurrent No. 8, in appreciation of Arizona Year Book 449

House Concurrent No. 9, on death of M. J. Francis 451

Senate Concurrent No. 1, investigation of Deaf and Blind School..... 432

Senate Concurrent No. 2, on death of W. T. Smith..... 434

Senate Concurrent No. 3, of condolence to Senator Alfred Kinney on death of his wife..... 436

Senate Concurrent No. 4, on death of J. L. B. Alexander..... 487

Senate Joint No. 1, authorizing Attorney General to investigate bank failures in Yuma County..... 431

	Chapter	Page
RORK, JAMES:		
Appropriation for relief of	33	57

S

SECRETARY OF STATE:		
Certificate regard to authentication of laws	....	iii
To distribute statutes, session laws and journals	60	138
To make appointments of Notary Public	78	160
SESSION LAWS:		
Distribution of, payment	60	138
Territorial and State, list of	....	xliv
SIGNAL CODE:		
Amendment to Act providing for hoists in mines	27	47
SILVER:		
House Joint Memorial No. 12, relating to stabilization of	....	475
SMITH, W. T.:		
Resolution on death of	....	434
SPECIAL TAX SURVEY COMMISSION:		
(See Taxation)	103	294
STAPLEY, O. S. CO.:		
Appropriation for relief of	95	225
STATUTES:		
Distribution of	60	138
STATE BIRD:		
Act designating Cactus Wren as	68	148
STATE BOARD OF EMBALMING:		
(See Embalming)	111	342
STATE BOARD OF PHARMACY:		
(See Arizona Narcotic Control Act)	36	61
STATE DAIRY COMMISSIONER:		
(See Dairies)	82	173

	Chapter	Page
STATE FLOWER:		
Act designating Giant Sahuara as	68	149
STATE HIGHWAY:		
(See Motor Vehicle)	100	265
Appropriation for protection for bridge against floods of Little Colorado River	15	25
STATE HIGHWAY COMMISSION:		
Act providing for supplemental budget for	2	4
STATE INSTITUTIONS:		
Citizenship in state required for public employment in	31	54
STATE LAND COMMISSIONER:		
Appropriation to develop water in dry farm lands in Cochise County	107	335
STATE LIBRARIAN:		
Amendment to Section 3035, 3037, R. C. 1928, relating to	6	9
May sue for recovery of books	5	10
Powers of board, Librarian	5	10
STATE OFFICIALS:		
List of elective	....	li
STATE PRISONERS:		
Amendment to Act relating to insane prisoners	56	132
STATE VETERINARIAN:		
Appointment, bond and salary, qualifications	43	89
STATE WATER COMMISSIONER:		
To make surveys and investigations of waters of Gila River	88	216
SUPERIOR COURTS:		
Amendment to procedure in, venue of civil actions	25	39
Appropriation for additional funds to pay salaries of judges of	92	222

SUPERIOR COURTS:—Cont. Chapter Page
Appropriation for salaries of judges of 69 149
Given authority to stay proceedings to enforce state statute or administrative order 84 211
List of judges and clerks of lii

SUPREME COURT:
Appropriation to pay salaries of 93 223

SUPREME COURT REPORTS:
Distribution of, payment 59 137

T

TAX:
Amendment to Motor Vehicle Fuel Tax 2 5

TAXES:
Special levy for irrigation districts 98 253

TAXATION:
(See Building and Loan Corporations) 110 340
(See Motor Vehicle) 100 265
Act authorizing counties or other political subdivision of state to pay indebtedness incurred prior to July 10, 1929 10 17
Amendment to Section 3101, R. C. 1928, relating to liability of property for taxes 21 33
Act providing for economic and fiscal survey of state 103 293
Annual back tax book 103 302
Assessment rolls 103 299
Assessment or tax roll, ommissions, errors or defects in 103 308
Back tax book of delinquent taxes 103 302
Back tax book, sale of real estate in, compromise may be made 103 313
Certificate of purchase 103 309
Certificate of purchase, duplicate 103 313
Certificate of purchase, subsequent taxes, fees 103 311
Certificate of redemption 103 316
County Board of Tax Survey, members and duties of 103 301

TAXATION:—Cont. Chapter Page

County Treasurer shall enforce lien for delinquent taxes 103 302

Delinquent taxes:

Back tax book of 103 303

Back tax book, compromise for sale of property in 103 313

Affidavit for posting notices for sale of property for 103 305

Cost to be paid for 103 308

Certificate for judgment for foreclosure 103 319

Certificate of purchase 103 309

Certificate of purchase, duplicate 103 313

Certificate of purchase for property unsold for 103 306

Certificate of redemption 103 316

Costs of judgment for redemption 103 321

County Treasurer shall enforce lien for 103 302

Date of sale of property for 103 306

Double assessment or error in tax on property sold for 103 318

Failure to publish and post list of sale 103 311

Foreclosure of right to redeem 103 318

Interest for redemption of property 103 314

Interest on 103 303

Judgment for foreclosure 103 319

Money collected for 103 312

Notice for sale of property for 103 304

Omission, errors or defects in sales for 103 308

Penalty for failure to perform duties in connection with sales 103 312

Penalty to be added 103 305

Period of delinquency 103 312

Possession of property sold for 103 325

Prosecution for judgment by whom 103 321

Publication of notices for sale of property for 103 304

Rate of interest for redemption of property sold to state 103 308

TAXATION:—Cont. Chapter Page
Delinquent Taxes:
Real property sold to state.....103 311
Record of sales of property for.....103 307
Redemption of property owned by infants, idiots and insane persons sold for.....103 315
Redemption of property sold for.....103 306
Redemption of property sold for, time for 103 314
Resale of property sold for.....103 308
Sale for shall not be confined to any certain year.....103 312
Sale of property for.....103 303
Sale not invalid because error in name of owner 103 307
Subsequent taxes, how paid.....103 311
Tax book of 103 303
Tax deed, list of property held by....103 324
Tax deed, property to be sold.....103 325
Taxes not to be assessed against property sold for 103 306
Time of sale of real property not sold as advertised 103 306
Treasurer deed, notice for.....103 321
Unsold property for record of.....103 307
When 103 302
Emergency proclamation to cover expenses of tax suits 61 140
Injunction to prevent collection of taxes..103 326
Interest on delinquent taxes.....103 303
Interest, rate of on property, redeemed, when sold for delinquent taxes.....103 314
Lien for taxes and liability of property....106 333
Permanent State Board of Tax Survey:
County Assessors to receive survey of..103 299
Creation of, salary, duties.....103 300
Jurisdiction, authorities and duties..103 301
Shall consist of.....103 298
State Tax Commission shall constitute 103 301
Survey to be transmitted to.....103 298
Tax Commission to receive survey of..103 299
Prima facie evidence records of county to be 103 326

TAXATION:—Cont. Chapter Page

Railroads, assesment of, and.....101 281

Real property sold under act may be redeemed 103 314

Recovery of taxes illegally collected.....103 325

Redemption of property owned by infants, idiots and insane persons sold for delinquent taxes 103 315

Refunding of taxes illegally collected.....103 326

Referendum petition against Act.....103 326

Sale of property for non-payment of assessments 105 331

State Tax Commission shall constitute permanent State Board of Tax Survey..103 301

Tax deed, list of property held by, to be prepared and published.....103 324

Tax deed, property to be sold.....103 325

Tax rolls 103 299

Tax Survey Commission:

Appointment, term of office, salary..103 294

Appropriation for 103 298-327

Assessments to constitute tax roll, when 103 327

Assistants authorized to take evidence 103 297

Classification of economic and fiscal data 103 295

Compilation of data.....103 295

Equipment and supplies, purchase and disposal of.....103 295

Members authorized to take evidence 103 296

Offices of, location 103 295

Officials to cooperate with.....103 297

Penalties for not cooperating with....103 297

Permanent board of, to consist of....103 298

Publication of survey.....103 299

Shall appoint experts, engineers, field men, accountants and other employees 103 294

Shall make complete economic and fiscal survey of state.....103 295

TAXATION:—Cont. Chapter Page

Tax Survey Commission:

Shall purchase equipment and supplies 103 295

Survey, date of completion 103 298

Survey to be completed when 103 327

Survey to be presented to Legislature 103 298

Survey to be published 103 299

Surveyor General, appointment, salary of 103 294

To be furnished with correct lists of property 103 297

Vacancies in 103 294

Witnesses, fees of 103 296

TAX LIENS:

Liability of property 106 333

TAX SUITS:

Emergency proclamation to cover expenses of 61 140

TAX SURVEY COMMISSION:

(See Taxation) 103 294

THOMPSON, WILLIAM BOYD:

Concurrent Resolution on death of 444

TOTTEN, CHRIS:

Appropriation for relief of 46 118

TOWN WARRANTS:

Amendment to Act relating to presentation 41 84

V

VENUE IN CIVIL ACTIONS:

Amendment to Section 3715, R. C. 1928, relating to 25 39

VERDE RIVER:

Alternative condition for building bridge across 64 143

	Chapter	Page
VETERANS:		
House Joint Memorial No. 8, regarding certificates of World's War Veterans	....	469
VETERINARIAN:		
(See State Veterinarian)	43	89

W

WAGES:		
Amendment to act for payment of, violation, penalties	54	129
WAREHOUSE RECEIPTS:		
Amendment to Section 3243, 3258, 3265, R. C. 1928, relating to	18	28
WATERS:		
Gila River, to provide appropriation for surveys and investigations for	88	216
WEEDS:		
(See Noxious Weeds)	45	117
WEEDS AND GRASSES:		
(See Noxious Weeds)	44	113
WESTOVER, E. S.:		
Appropriation for relief of	99	264
WILD LIFE EXPERIMENT STATION:		
House Joint Memorial No. 9, for establishment of southwestern	....	470
WINSLOW AND FLAGSTAFF:		
Merchants, application for relief of	70	150
WOUNDS:		
Amendment, relating to the giving notice of persons suffering from certain wounds	57	134

Y

YUMA COUNTY BANKS:		
Senate Resolution No. 1, authorizing Attorney General to investigate failure of	....	431