

ACTS

of the

First and Second Special Sessions Sixteenth Legislature

of the

State of Arizona

1944



First Special Session Convened February 15, 1944

First Special Session Adjourned February 24, 1944

Second Special Session Convened February 25, 1944

Second Special Session Adjourned March 16, 1944



THIS IS TO CERTIFY that the Acts published in this volume, are full, true and correct copies of the originals, passed at the First Special Session of the Sixteenth Legislature of the State of Arizona, as they appear on file in the Office of the Secretary of State of Arizona.

The First Special Session of the Sixteenth Legislature of the State of Arizona was convened at the Capitol Building, in the City of Phoenix, on the 15th day of February, 1944, and adjourned sine die on the 24th day of February, 1944.

IN WITNESS WHEREOF the Chief Clerk of the House of Representatives and the Secretary of the Senate of the State of Arizona, hereunto set our hands this 1st day of April, 1944.

LALLAH RUTH,
Chief Clerk of the House.

MAY BELLE CRAIG,
Secretary of the Senate.

COUNTY OF MARICOPA)
 (ss.
STATE OF ARIZONA)

Subscribed and sworn to before me this 1st day of April, 1944.

PEARL BUTLER PENDLETON,
Notary Public.

(Notary Seal)

(My commission expires
May 31, 1945).

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STATE OF ARIZONA

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CHAPTER 1

(House Bill No. 4)

AN ACT

Making an appropriation for the payment of current and contingent expenses of the First Special Session of the Sixteenth Legislature and reappropriating balances in the appropriation for current and contingent expenses of the regular session of the Sixteenth Legislature.

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

Section 1. APPROPRIATION. The sum of twenty-eight thousand and eight hundred thirty-two dollars and forty cents is appropriated to the First Special Session of the Sixteenth Legislature, of which sum sixteen thousand four hundred five dollars and twenty-nine cents shall be deemed to be a reappropriation of balances remaining in the appropriation for current and contingent expenses of the regular session of the Sixteenth Legislature by chapter 1, Session Laws of 1943, regular session.

Sec. 2. PURPOSE. The purpose of the appropriation made by section 1 is to provide for the payment of the current and contingent expenses of carrying on the work of the Sixteenth Legislature, and shall be expended for the following objects in not more than the following amounts:

1. For the payment of salaries: 1a. members of the senate, three thousand forty dollars; 1b. members of the house of representatives, nine thousand two hundred eighty dollars.

2. For the payment of travel: 2a. members of the senate, six hundred fourteen dollars forty cents; 2b. members of the house of representatives, one thousand two hundred thirty-eight dollars.

3. For the payment of attaches salaries: 3a. attaches of the senate, one thousand eight hundred seventy dollars; 3b. attaches of the house of representatives, four thousand two hundred ninety dollars.

4. For the payment of contingent expenses: 4a. contingent expenses of the senate, three thousand five hundred dollars; 4b. contingent expenses of the house of representatives, five thousand dollars.

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

Approved by the Governor—February 17, 1944.

Effective date—February 17, 1944.

CHAPTER 2

(House Bill No. 5)

AN ACT

Making an emergency appropriation to the department of Library

and Archives, for the State Legislative Bureau.

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

Section 1. APPROPRIATION. The sum of one thousand dollars is appropriated to the Department of Library and Archives, for the State Legislative Bureau.

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

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

Approved by the Governor—February 17, 1944.

Effective date—February 17, 1944.

CHAPTER 3

(House Bill No. 6)

AN ACT

Making an emergency appropriation to the governor, for the fund for capitol buildings and grounds.

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

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

Sec. 2. PURPOSE. The purpose of the appropriation made under the terms of section 1 is to defray the expense of extra janitors and janitor supplies during the First Special Session of the Sixteenth Legislature.

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

Approved by the Governor—February 17, 1944.

Effective date—February 17, 1944.

CHAPTER 4

(House Bill No. 2)

AN ACT

Ratifying the contract between the United States and the State of Arizona for storage and delivery of water from Lake Mead, and declaring an emergency.

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

Section 1. RATIFICATION. There is hereby unconditionally

ratified, approved and confirmed, that certain contract for the storage and delivery of water from Lake Mead executed on behalf of the United States by the Honorable Harold L. Ickes, secretary of the Interior, and on behalf of the State of Arizona by its Colorado river commission, bearing date the 9th day of February, 1944, as follows:

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Reclamation
BOULDER CANYON PROJECT
Arizona-California-Nevada

CONTRACT FOR DELIVERY OF WATER

THIS CONTRACT made this 9th day of February, 1944, pursuant to the Act of Congress approved June 17, 1902 (32 Stat. 388), and acts amendatory thereof or supplemental thereto, all of which acts are commonly known and referred to as the Reclamation Law, and particularly pursuant to the Act of Congress approved December 21, 1928 (45 Stat. 1057), designated the Boulder Canyon Project Act, and acts amendatory thereof or supplementary thereto, between THE UNITED STATES OF AMERICA, hereinafter referred to as "United States," acting for this purpose by Harold L. Ickes, Secretary of the Interior, hereinafter referred to as the "Secretary," and the STATE OF ARIZONA, hereinafter referred to as "Arizona," acting for this purpose by the Colorado River Commission of Arizona, pursuant to Chapter 46 of the 1939 Session Laws of Arizona,

WITNESSETH THAT:

EXPLANATORY RECITALS

2. WHEREAS, for the purpose of controlling floods, improving navigation, regulating the flow of the Colorado River, providing for storage and for the delivery of stored waters for the reclamation of public lands and other beneficial uses exclusively within the United States, the Secretary acting under and in pursuance of the provisions of the Colorado River Compact and Boulder Canyon Project Act, and acts amendatory thereof or supplementary thereto, has constructed and is now operating and maintaining in the main stream of the Colorado River at Black Canyon that certain structure known as and designated Boulder Dam and incidental works, creating thereby a reservoir designated Lake Mead of a capacity of about thirty-two million (32,000,000) acre-feet, and

3. WHEREAS, said Boulder Canyon Project Act provides that the Secretary under such general rules and regulations, as he may prescribe, may contract for the storage of water in the reservoir created by Boulder Dam, and for the delivery of such water at such points on the river as may be agreed upon, for irrigation and domestic uses, and provides further that no person shall have or be entitled to have the use for any purpose of the water stored, as aforesaid, except by contract made as stated in said Act, and

4. WHEREAS, it is the desire of the parties to this contract to contract for the storage of water and the delivery thereof for irrigation of lands and domestic uses within Arizona, and

5. WHEREAS, nothing in this contract shall be construed as affecting the obligations of the United States to Indian tribes.

6. NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties hereto agree as follows, to-wit:

DELIVERY OF WATER

7. (a) Subject to the availability thereof for use in Arizona under the provisions of the Colorado River Compact and the Boulder Canyon Project Act, the United States shall deliver and Arizona, or agencies or water users therein, will accept under this contract each calendar year from storage in Lake Mead, at a point or points of diversion on the Colorado River approved by the Secretary, so much water as may be necessary for the beneficial consumptive use for irrigation and domestic uses in Arizona of a maximum of 2,800,000 acre-feet.

(b) The United States also shall deliver from storage in Lake Mead for use in Arizona, at a point or points of diversion on the Colorado River approved by the Secretary, for the uses set forth in subdivision (a) of this Article, one-half of any excess or surplus waters unapportioned by the Colorado River Compact to the extent such water is available for use in Arizona under said compact and said act, less such excess or surplus water unapportioned by said compact as may be used in Nevada, New Mexico, and Utah in accordance with the rights of said states as stated in subdivisions (f) and (g) of this Article.

(c) This contract is subject to the condition that Boulder Dam and Lake Mead shall be used: First, for river regulation, improvement of navigation, and flood control; second, for irrigation and domestic uses and satisfaction of perfected rights in pursuance of Article VIII of the Colorado River Compact; and third, for power. This contract is made upon the express condition and with the express covenant that the United States and Arizona, and agencies and water users therein, shall observe and be subject to and controlled by said Colorado River Compact and the Boulder Canyon Project Act in the construction, management, and operation of Boulder Dam, Lake Mead, canals and other works, and the storage, diversion, delivery and use of water for the generation of power, irrigation and other uses.

(d) The obligation to deliver water at or below Boulder Dam shall be diminished to the extent that consumptive uses now or hereafter existing in Arizona above Lake Mead diminish the flow into Lake Mead, and such obligation shall be subject to such reduction on account of evaporation, reservoir and river losses, as may be required to render this contract in conformity with said compact and said act.

(e) This contract is for permanent service, subject to the conditions stated in subdivisions (c) of this Article, but as to the one-half of the waters of the Colorado River system unapportioned by paragraphs (a), (b), and (c) of Article III of the Colorado River Compact, such water is subject to further equitable apportionment at any time after October 1, 1963, as provided in Article III (f) and Article III (g) of the Colorado River Compact.

(f) Arizona recognizes the right of the United States and

the State of Nevada to contract for the delivery from storage in Lake Mead for annual beneficial consumptive use within Nevada for agricultural and domestic uses of 300,000 acre-feet of the water apportioned to the Lower Basin by the Colorado River Compact, and in addition thereto to make contract for like use of 1/25 (one twenty-fifth) of any excess or surplus waters available in the Lower Basin and unapportioned by the Colorado River Compact, which waters are subject to further equitable apportionment after October 1, 1963 as provided in Article III (f) and Article III (g) of the Colorado River Compact.

(g) Arizona recognizes the rights of New Mexico and Utah to equitable shares of the water apportioned by the Colorado River Compact to the Lower Basin and also water unapportioned by such compact, and nothing contained in this contract shall prejudice such rights.

(h) Arizona recognizes the right of the United States and agencies of the State of California to contract for storage and delivery of water from Lake Mead for beneficial consumptive use in California, provided that the aggregate of all such deliveries and uses in California from the Colorado River shall not exceed the limitation of such uses in that State required by the provisions of the Boulder Canyon Project Act and agreed to by the State of California and by an act of its Legislature (Chapter 16, Statutes of California of 1929) upon which limitation the State of Arizona expressly relies.

(i) Nothing in this contract shall preclude the parties hereto from contracting for storage and delivery above Lake Mead of water herein contracted for, when and if authorized by law.

(j) As far as reasonable diligence will permit, the water provided for in this contract shall be delivered as ordered and as reasonably required for domestic and irrigation uses within Arizona. The United States reserves the right to discontinue or temporarily reduce the amount of water to be delivered, for the purpose of investigation and inspection, maintenance, repairs, replacements or installation of equipment or machinery at Boulder Dam, or other dams heretofore or hereafter to be constructed, but so far as feasible will give reasonable notice in advance of such temporary discontinuance or reduction.

(k) The United States, its officers, agents and employees shall not be liable for damages when for any reason whatsoever suspension or reductions in delivery of water occur.

(l) Deliveries of water hereunder shall be made for use within Arizona to such individuals, irrigation districts, corporations or political subdivisions therein of Arizona as may contract therefor with the Secretary, and as may qualify under the Reclamation Law or other federal statutes or to lands of the United States within Arizona. All consumptive uses of water by users in Arizona, of water diverted from Lake Mead or from the main stream of the Colorado River below Boulder Dam, whether made under this contract or not, shall be deemed, when made, a discharge pro tanto of the obligation of this contract. Present perfected rights to the beneficial use of waters of the Colorado River system are unimpaired by this contract.

(m) Rights-of-way across public lands necessary or con-

venient for canals to facilitate the full utilization in Arizona of the water herein agreed to be delivered will be granted by the Secretary subject to applicable federal statutes.

POINTS OF DIVERSION: MEASUREMENTS OF WATER

8. The water to be delivered under this contract shall be measured at the points of diversion, or elsewhere as the Secretary may designate (with suitable adjustment for losses between said points of diversion and measurement), by measuring and controlling devices or automatic gauges approved by the Secretary, which devices, however, shall be furnished, installed, and maintained by Arizona, or the users of water therein in manner satisfactory to the Secretary; said measuring and controlling devices or automatic gauges shall be subject to the inspection of the United States, whose authorized representatives may at all times have access to them, and any deficiencies found shall be promptly corrected by the users thereof. The United States shall be under obligation to deliver water only at diversion points where measuring and controlling devices or automatic gauges are maintained, in accordance with this contract, but in the event diversions are made at points where such devices are not maintained, the Secretary shall estimate the quantity of such diversions and his determination thereof shall be final.

CHARGES FOR STORAGE AND DELIVERY OF WATER

9. No charge shall be made for the storage or delivery of water at diversion points as herein provided necessary to supply present perfected rights in Arizona. A charge of 50c per acre-foot shall be made for all water actually diverted directly from Lake Mead during the Boulder Dam cost repayment period, which said charge shall be paid by the users of such water, subject to reduction by the Secretary in the amount of the charge if it is concluded by him at any time during said cost-repayment period that such charge is too high. After expiration of the cost-repayment period, charges shall be on such basis as may hereafter be prescribed by Congress. Charges for the storage or delivery of water diverted at a point or points below Boulder Dam, for users, other than those specified above, shall be as agreed upon between the Secretary and such users at the time of execution of contracts therefor, and shall be paid by such users; provided such charges shall, in no event, exceed 25c per acre-foot.

RESERVATIONS

10. Neither Article 7, nor any other provision of this contract, shall impair the right of Arizona and other states and the users of water therein to maintain, prosecute or defend any action respecting, and is without prejudice to, any of the respective contentions of said states and water users as to (1) the intent, effect, meaning and interpretation of said compact and said act; (2) what part, if any, of the water used or contracted for by any of them falls within Article III (a) of the Colorado River Compact; (3) What part, if any, is excess or surplus waters unapportioned by said Compact; and (5) what limitations on use, rights of use and relative priorities exist as to the waters of the Colorado River system; provided, however, that by these reservations there is no intent to disturb the apportionment made by Article III (a) of the Colorado River Compact between the Upper Basin and the Lower Basin.

DISPUTES AND DISAGREEMENTS

11. Whenever a controversy arises out of this contract, and if the parties hereto then agree to submit the matter to arbitration, Arizona shall name one arbitrator and the Secretary shall name one arbitrator and the two arbitrators thus chosen shall meet within ten days after their selection and shall elect one other arbitrator within fifteen days after their first meeting, but in the event of their failure to name the third arbitrator within thirty days after their first meeting, such arbitrator not so selected shall be named by the Senior Judge of the United States Circuit Court of Appeals for the Tenth Circuit. The decision of any two of the three arbitrators thus chosen shall be valid and binding award.

RULES AND REGULATIONS

12. The Secretary may prescribe and enforce rules and regulations governing the delivery and diversion of waters hereunder, but such rules and regulations shall be promulgated, modified, revised or extended from time to time only after notice to the State of Arizona and opportunity is given to it to be heard. Arizona agrees for itself, its agencies and water users that in the operation and maintenance of the works for diversion and use of the water to be delivered hereunder, all such rules and regulations will be fully adhered to.

AGREEMENT SUBJECT TO COLORADO RIVER COMPACT

13. This contract is made upon the express condition and with the express covenant that all rights of Arizona, its agencies and water users, to waters of the Colorado River and its tributaries, and the use of the same, shall be subject to and controlled by the Colorado River Compact signed at Santa Fe, New Mexico, November 24, 1922, pursuant to the Act of Congress approved August 19, 1921 (42 Stat. 171), as approved by the Boulder Canyon Project Act.

EFFECTIVE DATE OF CONTRACT

14. This contract shall be of no effect unless it is unconditionally ratified by an Act of the Legislature of Arizona, within three years from the date hereof, and further, unless within three years from the date hereof the Colorado River Compact is unconditionally ratified by Arizona. When both ratifications are effective, this contract shall be effective.

INTEREST IN CONTRACT NOT TRANSFERABLE

15. No interest in or under this contract, except as provided by Article 7 (1), shall be transferable by either party without the written consent of the other.

APPROPRIATION CLAUSE

16. The performance of this contract by the United States is contingent upon Congress making the necessary appropriations for expenditures for the completion and the operation and maintenance of any dams, power plants or other works necessary to the carrying out of this contract, or upon the necessary allotments being made therefor by any authorized federal agency. No liability shall accrue against the United States, its officers,

agents or employees by reason of the failure of Congress to make any such appropriations or of any federal agency to make such allotments.

MEMBER OF CONGRESS CLAUSE

17. No member of or Delegate to Congress or Resident Commissioner shall be admitted to any share or part of this contract or to any benefit that may arise herefrom, but this restriction shall not be construed to extend to this contract if made with a corporation or company for its general benefit.

DEFINITIONS

18. Wherever terms used herein are defined in Article II of the Colorado River Compact or in Section 12 of the Boulder Canyon Project Act, such definitions shall apply in construing this contract.

19. IN WITNESS WHEREOF, the parties herto have caused this contract to be executed the day and year first above written.

THE UNITED STATES OF AMERICA,
by (s) HAROLD L. ICKES,
Secretary of the Interior.

STATE OF ARIZONA, acting by and
through its COLORADO RIVER COMMISSION,
by (s) HENRY S. WRIGHT,
Chairman.
by (s) NELLIE T. BUSH,
Secretary.

Approved this 7th day of Feb., 1944.

(Signed) SIDNEY P. OSBORN,
Governor of the State of Arizona.

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

Approved by the Governor—February 24, 1944.

Effective date—February 24, 1944.

CHAPTER 5

(Senate Bill No. 1)

AN ACT

Ratifying the Colorado River Compact; and declaring an emergency.

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

Section 1. RATIFICATION. The Colorado River Compact executed at Santa Fe, New Mexico, November 24, 1922, by representatives of the States of Arizona, California, Colorado, Nevada,

New Mexico, Utah and Wyoming is unconditionally ratified, approved and confirmed.

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

Approved by the Governor—February 24, 1944.

Effective date—February 24, 1944.

CHAPTER 6

(Senate Bill No. 4)

AN ACT

Making an appropriation to the state land department, to make surveys of water resources; and declaring an emergency.

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

Section 1. **APPROPRIATION.** The sum of two hundred thousand dollars is appropriated to the state land department.

One hundred thousand dollars to be available in the thirty-second fiscal year and one hundred thousand dollars in the thirty-third fiscal year. The appropriation is exempt from the provisions of section 7, article 4, of the budget and financial administration Act of 1943, and unexpended balances remaining at the end of the fiscal year for which appropriated shall not lapse.

Sec. 2. **PURPOSE.** The purpose of the appropriation made by this Act is to enable the state land commissioner to perform the duties imposed upon him by section 75-104, Arizona Code of 1939, to make surveys, investigations and compilations of the water resources in the state, and their potential development. Expenditures from this appropriation shall be made only in cooperation with the United States Bureau of Reclamation.

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

Approved by the Governor—February 24, 1944.

Effective date—February 24, 1944.

THIS IS TO CERTIFY that the Acts published in this volume, are full, true and correct copies of the originals, passed at the Second Special Session of the Sixteenth Legislature of the State of Arizona, as they appear on file in the Office of the Secretary of State of Arizona.

The Second Special Session of the Sixteenth Legislature of the State of Arizona was convened at the Capitol Building, in the City of Phoenix, on the 25th day of February, 1944, and adjourned sine die on the 16th day of March, 1944.

IN WITNESS WHEREOF the Chief Clerk of the House of Representatives and the Secretary of the Senate of the State of Arizona, hereunto set our hands this 1st day of April, 1944.

LALLAH RUTH,
Chief Clerk of the House.

MAY BELLE CRAIG,
Secretary of the Senate.

COUNTY OF MARICOPA)
 (ss.
STATE OF ARIZONA)

Subscribed and sworn to before me this 1st day of April, 1944.

PEARL BUTLER PENDLETON,
Notary Public.

(Notary Seal)

(My commission expires
May 31, 1945).

ORDER OF ACTS

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STATE OF ARIZONA

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ACTS

CHAPTER 1

(House Bill 9)

AN ACT

Making an appropriation for the payment of current and contingent expenses of the second special session of the sixteenth legislature and reappropriating balances in the appropriation for current and contingent expenses of the first special session of the sixteenth legislature.

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

Section 1. **APPROPRIATION.** The sum of twenty-nine thousand seven hundred thirty-two dollars and forty cents is appropriated to the second special session of the sixteenth legislature, of which sum thirteen thousand five hundred eight dollars and seventy cents shall be deemed to be a reappropriation of balances remaining in the appropriation for current and contingent expenses of the first special session of the sixteenth legislature by chapter 1, session laws of 1943, regular session.

Sec. 2. **PURPOSE.** The purpose of the appropriation made by section 1 is to provide for the payment of the current and contingent expenses of carrying on the work of the second special session of the sixteenth legislature, and shall be expended for the following objects in not more than the following amounts:

1. For the payment of salaries: 1a. members of the senate, three thousand forty dollars; 1b. members of the house of representatives, nine thousand two hundred eighty dollars.

2. For the payment of travel: 2a. members of the senate, six hundred fourteen dollars and forty cents; 2b. members of the house of representatives, one thousand two hundred thirty-eight dollars.

3. For the payment of attache salaries: 3a. attaches of the senate, one thousand eight hundred seventy dollars; 3b. attaches of the house of representatives, four thousand two hundred ninety dollars.

4. For the payment of contingent expenses: 4a. contingent expenses of the senate, three thousand five hundred dollars; 4b. contingent expenses of the house of representatives, five thousand nine hundred dollars.

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

Approved by the Governor—March 3, 1944.

Effective date—March 3, 1944.

CHAPTER 2

(House Bill No. 15)

AN ACT

Making an emergency appropriation to the governor, for the fund for capitol buildings and grounds.

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

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

Sec. 2. **PURPOSE.** The purpose of the appropriation made under the terms of section 1 is to defray the expense of extra janitors and janitor supplies during the second special session of the sixteenth legislature.

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

Approved by the Governor—March 8, 1944.

Effective date—March 8, 1944.

CHAPTER 3

(Senate Bill No. 10)

AN ACT

Relating to the state board of social security and welfare; appropriating funds for the operation of the state welfare sanatorium by authorizing transfer of unused funds appropriated for other public welfare purposes; and declaring an emergency.

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

Section 1. **APPROPRIATION AND TRANSFER OF FUNDS.** As of the effective date of this Act the unexpended balance of funds appropriated under the provisions of subdivision 32, section 1, chapter 96, session laws of 1943, regular session, to the state board of social security and welfare for the purpose of "commodity distribution" amounting to the sum of \$7,887.58 for the thirty-second fiscal year, and the sum of \$5,000.00 for the thirty-third fiscal year is hereby transferred and re-appropriated to the state board of social security and welfare for its use during said fiscal years in the operation of the state welfare sanatorium. This appropriation shall be deemed to be in addition to all funds heretofore appropriated to the state board of social security and welfare for the operation of the state welfare sanatorium during the thirty-second and thirty-third fiscal years.

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

Approved by the Governor—March 11, 1944.

Effective date—March 11, 1944.

CHAPTER 4

(House Bill No. 3)

AN ACT

Relating to the permanent funds; making an appropriation to reimburse certain funds; providing for an audit of the accounts of the state loan department of the state treasurer's office, making an appropriation to the state auditor for such purpose, and transferring the administration of remaining securities to the state land department; and declaring an emergency.

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

Section 1. APPROPRIATION. The sum of \$689,383.00 is appropriated to the state treasurer, for allocation as provided in section 2.

Sec. 2. PURPOSE. The appropriation made under the terms of section 1 is for the purpose of reimbursing the hereinafter described permanent funds for depletions suffered through investment of the capital of such funds in farm mortgages, in not to exceed the amounts set opposite the name of each fund:

1. Permanent common school fund.....	\$499,891.00;
2. University land fund	\$ 24,023.00;
3. Agricultural and mechanical colleges land fund	\$ 400.00;
4. School of mines land fund.....	\$ 400.00;
5. Hospital for the insane land fund.....	\$ 2,318.00;
6. Penitentiary land fund	\$ 3,200.00;
7. Schools and asylum for the deaf, dumb and blind land fund	\$ 4,182.00;
8. Teachers' colleges land fund.....	\$ 6,709.00;
9. University land fund created by authority of the Act of Congress approved February 18, 1831 (U. S. Stat. 326).....	\$148,260.00.

Sec. 3. REIMBURSEMENT. The state treasurer shall ascertain the amount of depletion suffered as of January 31, 1944, by the several funds named in section 2, and from the items of appropriation respectively related thereto shall transfer to such funds the amount necessary to reimburse them. Any balance remaining of the appropriation shall revert to the general fund.

Sec. 4. AUDIT OF FUNDS. (a) The state auditor is authorized and directed to audit the records of the state treasurer, for the ascertainment of: 1. lands returned to the state through

foreclosure of, or on account of indebtedness under farm loans; 2. lands so returned which have since been sold by the state loan board or other officials of the state, and, 3. the status of all accounts of lands so sold, together with unliquidated farm loans, including: 3a. the amount of indebtedness paid; 3b. the amount unpaid; 3c. the amount unpaid but not in default; 3d. the amount in default. The state auditor shall report to the legislature the results of such audit.

(b) The sum of \$7,500.00 is appropriated to the state auditor for the purpose of paying the expenses of the audit and report.

Sec. 5. ADMINISTRATION OF SECURITIES. (a) Upon the reimbursement of the permanent funds as provided in this Act, the state treasurer shall transfer to the state land commissioner all records, mortgages, agreements, notes, and other instruments pertaining to loans on farm lands out of the permanent funds. All such loans remaining unpaid and which have not been liquidated, shall be administered by the commissioner in conformity with the terms prescribed by law for such loans, and all lands recovered by the state treasurer through foreclosure or otherwise, in satisfaction of any such loans, shall be administered hereafter by the state land department.

(b) All revenue derived from the securities and lands described in subsection (a) after this Act becomes effective, shall be placed in the general fund.

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

Approved by the Governor—March 14, 1944.

Effective date—March 14, 1944.

CHAPTER 5

(House Bill No. 5)

AN ACT

Making an appropriation to the national guard for equipment and improvements in the armory at Prescott, and declaring an emergency.

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

Section 1. APPROPRIATION. The sum of seven thousand seventy-five and 91/100 dollars (\$7,075.91) is appropriated to the national guard.

Sec. 2. PURPOSE. The purpose of this appropriation is to reimburse the city of Prescott for moneys expended by said city in the installation of a heating plant and miscellaneous equipment in, and for the benefit of, the national guard armory at Prescott.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this act become immediately

operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 14, 1944.

Effective date—March 14, 1944.

CHAPTER 6

(House Bill No. 11)

AN ACT

Relating to teachers' colleges; amending section 54-1301, Arizona code of 1939; and declaring an emergency.

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

Section 1. Sec. 54-1301, Arizona code of 1939, is amended to read:

54-1301. **PURPOSES OF COLLEGES.** State teachers' colleges shall be maintained at Tempe in Maricopa county, and at Flagstaff in Coconino county, for the instruction of persons in the art of teaching the branches of learning that pertain to common school education, to give instruction in mechanical arts and husbandry, agricultural chemistry, the state and federal constitutions, and the rights and duties of citizens. Said colleges may also enter into agreements with any department of the United States for extension work at places other than at Tempe in Maricopa county and at Flagstaff in Coconino county, so long as the present state of war exists between the United States and any of the Axis powers and for a period of not to exceed six months after the termination of such state of war, such termination of war being determined by proclamation of the President of the United States, and the state auditor is authorized to make payments for claims made by said colleges for such extension work, said claims to be paid out of collection funds received by said colleges, but nothing in this Act shall be construed as conferring authority upon said colleges to offer extension work in agriculture or home economics that may conflict with any provision of the Smith-Lever Act referred to in section 49-201, Arizona Code of 1939.

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

Approved by the Governor—March 15, 1944.

Effective date—March 15, 1944.

CHAPTER 7

(Senate Bill No. 3)

AN ACT

Relating to standard time; establishing the standard time for Arizona, and declaring an emergency.

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

Section 1. **STANDARD TIME.** (a) The standard of time in that portion of the state within the limits of the mountain time zone, as defined by the United States interstate commerce commission, shall be: 1. from and including the first day of October to and including the thirty-first day of March of each year, the solar time of the one hundred fifth meridian west of Greenwich, commonly known as mountain time; 2. from and including the first day of April to and including the thirtieth day of September, the solar time of the nintieth meridian, commonly known as central time, or the equivalent of mountain daylight saving time.

(b) The standard of time in that portion of the state within the limits of the Pacific time zone shall be: 1. from and including the first day of October to and including the thirty-first day of March of each year, the solar time of the one hundred twentieth meridian, commonly known as Pacific time; 2. from and including the first day of April to and including the thirtieth day of September, the solar time of the one hundred fifth meridian, commonly known as mountain time, or the equivalent of Pacific daylight saving time.

Sec. 2. **EXCEPTION.** This Act shall not be construed to affect the standard time established by United States law, governing the movements of common carriers engaged in interstate commerce, or the time for the performance of any act by any officer or department of the United States, as established by any statute or lawful order, rule or regulation of the United States, or any agency thereof.

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

Approved by the Governor—March 17, 1944.

Effective date—March 17, 1944.

CHAPTER 8

(Senate Bill No. 11)

AN ACT

Relating to beauty culture; amending section 67-318 and section 67-327, Arizona Code of 1939; and declaring an emergency.

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

Section 1. Sec. 67-318, Arizona Code of 1939, is amended to read, and is further amended by adding a new subsection (d):

67-318. EXPIRATION, RENEWAL, AND RESTORATION OF CERTIFICATES. (a) All certificates issued under the provisions of this Act shall expire on June 30 of each fiscal year and shall be renewed only as provided herein. No apprentice certificate shall be renewed after the holder has held the same for two years. No original apprentice license or certificate of registra-

tion shall be issued, and no apprenticeship shall be commenced after this Act takes effect.

(b) Each registered beauty culturist, manicurist, instructor, or fingerwaver, who continues in active practice or service, shall annually on or within thirty days before July 1, renew his certificate of registration and pay the required fee. Each applicant for renewal certificate shall also furnish to the board a medical certificate.

(c) A registrant whose certificate has expired for a period not to exceed one year may have his certificate restored immediately upon payment of the restoration fee and filing with the board a medical certificate. If such certificate has expired for more than one year it shall not be restored, and the holder thereof shall be required to submit to an examination as other applicants for registration.

(d) A registrant whose certificate has expired while serving in the armed forces of the United States and for six months thereafter shall be entitled to renewal of certificate without fee upon presentation of a medical certificate certifying the health of the registrant.

Sec. 2. Section 67-327, Arizona code of 1939, is amended to read:

67-327. COMPENSATION OF MEMBERS OF BOARD. (a) Each member of the board shall receive a salary of two hundred dollars (\$200.00) per month and necessary travel expense, for which they will devote their full time duties as members of the board.

(b) The board shall have authority to employ such inspectors and clerical help as may be necessary to carry out the provisions of this Act, and to fix their compensation. All salaries and expenditures hereby authorized shall be paid out of the board of beauty culturist examiners' fund.

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

Approved by the Governor—March 17, 1944.

Effective date—June 15, 1944—The House of Representatives failed to enact the emergency.

CHAPTER 9

(Senate Bill No. 13)

AN ACT

Relating to county officials, and providing for the fixing of salaries of chief probation officer of the juvenile court and his deputies and office assistants; and declaring an emergency.

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

Section 1. SALARIES OF PROBATION OFFICERS. The sal-

aries of the chief probation officer of the juvenile court, and his deputies and office assistants, shall be fixed by the appointing judge with the consent of the board of supervisors, but shall not exceed twenty per cent above the maximum salaries now permitted by law for such officer, deputies and assistants.

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

Approved by the Governor—March 17, 1944.

Effective date—March 17, 1944.

CHAPTER 10

(House Bill No. 2)

AN ACT

Relating to income taxes of members of the armed services of the United States and of the United States merchant marine, and declaring an emergency.

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

Section 1. **EXEMPTION.** There shall be exempt from taxation during the period this Act remains in effect, the income up to fifteen hundred dollars of members of the armed services of the United States, or of the United States merchant marine, received for services rendered in the armed services or the merchant marine.

Sec. 2. **DEFERMENT OF REPORT.** The filing of individual income tax reports is deferred as to all members of the armed services of the United States, or of the United States merchant marine, retroactive as of December 8, 1941, and during the period this Act shall remain in effect.

Sec. 3. **EXEMPTION FROM PENALTIES AND INTEREST.** No penalty shall be assessed for the failure of any member of the armed services of the United States or of the United States merchant marine, to file an individual income tax report, nor any penalty or interest charged on account of delinquency in the payment of individual income taxes, retroactive as of December 8, 1941, and during the period this Act remains in effect.

Sec. 4. **EFFECTIVE DATE.** This Act shall terminate six months after a state of war no longer exists between the United States and any foreign nation.

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

Approved by the Governor—March 17, 1944.

Effective date—March 17, 1944.

CHAPTER 11

(House Bill No. 13)

AN ACT

Relating to employment security; providing for payment of benefits to individuals after termination of military service; amending section 56-1003, Arizona Code of 1939; and declaring an emergency.

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

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

56-1003. **BENEFITS.** (a) Payment of benefits. All benefits provided herein shall be payable from the fund. All benefits shall be paid through employment offices, in accordance with such regulations as the commission may prescribe.

(b) (1) Benefit amount. An individual's weekly benefit amount shall be an amount equal to fifty per centum of his full-time weekly wage, except that if such amount is more than fifteen dollars, the weekly benefit amount shall be fifteen dollars, or if less than five dollars shall be five dollars, and if not a multiple of one dollar, shall be computed to the next higher multiple of one dollar.

(2) Weekly benefit for unemployment. Each eligible individual who is unemployed with respect to any week shall be paid with respect to such week a benefit in an amount equal to his weekly benefit amount less that part of the wages (if any) payable to him with respect to such week which is in excess of three dollars.

Such benefit, if not a multiple of one dollar, shall be computed to the next higher multiple of one dollar.

(c) (1) Determination of full-time weekly wage. The full-time weekly wage of any individual means the weekly wages that such individual would receive if he were employed at the most recent wage rate earned by him for employment by an employer during the period prescribed pursuant to subsection (3) of this section, and for the customary scheduled full-time weekly hours prevailing for his occupation in the enterprise in which he last earned wages for employment by an employer during the same period.

(2) If the commission finds that the full-time weekly wage, as above defined, would be unreasonable or arbitrary and not readily determinable with respect to any individual, the full-time weekly wage of such individual shall be deemed to be one-thirteenth of his total wages for employment by employers during that quarter in which such total wages were highest during the period prescribed pursuant to subsection (3) of this section.

(3) The full-time weekly wage of any individual shall be determined and redetermined at such reasonable time as the commission may find necessary to administer this act and may by regulation prescribe. The period hereinabove referred to shall consist of the next to the last completed calendar quarter im-

mediately preceding the date with respect to which an individual's full-time weekly wage is determined, and such of the seven immediately preceding consecutive calendar quarters as the commission may by regulation prescribe.

(d) Duration of benefits. The commission shall compute wage credits for each individual by crediting him with the wages paid him for employment by employers during each quarter, or three hundred and ninety dollars, whichever is the lesser. Benefits paid to any eligible individual shall be charged, in the same chronological order as such wages were credited, against one-sixth of his wage credits which are based upon wages paid during his base period and which have not been previously charged hereunder. The maximum total amount of benefits payable to any eligible individual during any benefit year shall not exceed whichever is the lesser of: 1. fourteen times his weekly benefit amount, or 2. one-sixth of such uncharged wage credits with respect to his base period, provided that such total amount of benefits, if not a multiple of one dollar shall be computed to the next higher multiple of one dollar for the purposes of this section, wages shall be counted as "wages for insured work" for benefit purposes with respect to any benefit year only if such benefit year begins subsequent to the date on which the employing unit by whom such wages were paid has satisfied the conditions of section 56-1002 (h), Arizona Code of 1939, with respect to becoming an employer.

(e) Part-time workers. (1) As used in this subsection the term "part-time worker" means an individual whose normal work is in an occupation in which his services are not required for the customary scheduled full-time hours prevailing in the establishment in which he is employed or who, owing to personal circumstances, does not customarily work the customary scheduled full-time hours prevailing in the establishment in which he is employed;

(2) The commission shall prescribe fair and reasonable general rules applicable to part-time workers for determining their full-time weekly wage and the total wages for employment by employers required to qualify such workers for benefits;

(f) Seasonal employment. (1) Whenever in any employment it is customary to operate because of climate conditions or the seasonal nature of the employment only during the regularly recurring period or periods of less than forty-four (44) weeks' duration in any calendar year, then benefits shall be payable only on account of unemployment occurring during the regular period, or periods of such seasonal employment, and no benefits shall be paid for unemployment occurring or existing during the seasonal period or periods of unemployment;

(2) As used in this section: (A) "Seasonal industry" means an occupation or industry in which, because of the seasonal nature thereof it is customary to operate only during a regularly recurring period or periods of less than forty-four (44) weeks in a calendar year; the commission shall, after investigation and hearing, determine, and may thereafter from time to time re-determine, the longest seasonal period or periods during which, by the best practice of the occupation or industry in question, operations are conducted;

(B) "Seasonal Worker" means an individual who is ordinarily engaged in a seasonal industry and who during the portion or portions of the year when such industry is not in operation, is ordinarily not engaged in any other work.

(3) Determining rules for seasonal workers. The commission shall prescribe fair and reasonable general rules applicable to seasonal workers for determining the total wages in employment by an employer required to qualify such workers for benefits and the period during which benefits shall be payable to them.

(g) Benefits after termination of military service. Whenever on or after April 1, 1940 an individual entered military service in the armed forces of the United States and continues such service for at least ninety days falling wholly or in part in the base period, as defined in section 56-1002 (a) Arizona Code, 1939, and is separated from active service prior to two years after the war under other than dishonorable conditions, the following shall apply:

The base period and the eligibility requirements for such individual shall exclude any calendar quarter throughout all of which military services were performed, and in lieu thereof, shall include, in inverse chronological order, such number of calendar quarters immediately preceding the first full calendar quarter of military service as may be necessary to complete the base period as defined in section 56-1002 (a) Arizona Code of 1939, and the eligibility requirements prescribed in section 56-1004, Arizona Code of 1939; provided, however, that the terms of this subsection (g) shall be inoperative for all periods of time during which former members of the armed forces of the United States shall be eligible for federal unemployment allowances in amounts equal to or greater than those provided herein.

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

Approved by the Governor—March 17, 1944.

Effective date—March 17, 1944.

CHAPTER 12

(House Bill No. 16)

AN ACT

Making an appropriation for payment of certificates of indebtedness for the care of girl juvenile offenders, and declaring an emergency.

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

Section 1. APPROPRIATION. The sum of \$4,941.66, or so much thereof as may be necessary is hereby appropriated from the general fund to the board of directors of state institutions for juveniles for payment of certificates of indebtedness of the Convent of the Good Shepherd and the Florence Crittenton Home.

Sec. 2. **PURPOSE.** This appropriation shall be applied only to and in satisfaction of three certificates of indebtedness (certificate No. 1 in the amount of \$12.19 of the Convent of the Good Shepherd; certificate No. 3 in the amount of \$372.17 of the Florence Crittenton Home; and certificate No. 4 in the amount of \$4,557.30 of the Convent of the Good Shepherd) based upon care for girl juvenile offenders, and for which the appropriation for that purpose for the fiscal year ending June 30, 1943, was insufficient.

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

Approved by the Governor—March 17, 1944.

Effective date—March 17, 1944.

CHAPTER 13

(House Bill No. 28)

AN ACT

Relating to licenses to practice or engage in professional or business pursuits; exempting members of the armed forces from the payment of fees or dues, and declaring an emergency.

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

Section 1. **EXEMPTION FROM PAYMENT OF FEES AND DUES.** (a) No member of the armed forces of the United States, or of the United States merchant marine, a citizen of the state, who, holds a valid and subsisting license issued by any agency of the state, to practice or engage in a professional or business pursuit in accordance with the provisions and requirements of chapter 67, Arizona Code of 1939, shall be required to pay any fees or dues for the maintenance or renewal of such license until the termination of the war, or until such person is honorably discharged, whichever is the sooner. All such fees or dues accruing during the period of such person's membership in the armed forces shall be deemed by the licensing agency to be waived, and upon application within one year following the termination of the war or the honorable discharge of such person, the appropriate licensing agency shall issue a license for the current year without the payment of accrued fees or dues without being required to submit to an examination and without penalty for delinquency.

(b) For the purposes of this Act, "members of the armed forces of the United States" means members of the army of the United States, the United States navy, the United States marine corps, the United States coast guard, or any of their respective components or auxiliaries.

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

Approved by the Governor—March 17, 1944.

Effective date—March 17, 1944.

CHAPTER 14

(House Bill No. 29)

AN ACT

Making an appropriation to the Colorado River Commission, and declaring an emergency.

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

Section 1. **APPROPRIATION.** The sum of five thousand five hundred dollars is appropriated to the Colorado River Commission to be available during the remainder of the thirty-second fiscal year.

Sec. 2. **PURPOSE.** The purpose of this appropriation is to provide necessary funds for the payment of current obligations of the Colorado River Commission and to supplement the appropriation for operation of the commission contained in the general appropriation act approved March 25, 1943 (subdivision 69, section 1, chapter 96, session laws of 1943).

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

Approved by the Governor—March 17, 1944.

Effective date—March 17, 1944.

CHAPTER 15

(House Bill No. 35)

AN ACT

Relating to the "Arizona Highways" magazine; making an appropriation; amending sections 59-701 and 59-702, Arizona Code of 1939; and declaring an emergency.

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

Section 1. Sec. 59-701, Arizona Code of 1939 (section 1, chapter 29, session laws of 1941, regular session), is amended to read:

59-701. **ENCOURAGEMENT OF TOURIST TRAVEL.** (a) For the purpose of encouraging tourist travel to and through the state, the state highway commission is authorized to expend, out of the state highway fund, not to exceed the sums prescribed by law, in giving publicity to points and places of historic interest, climatic and recreational advantages, the possibilities of successful pursuits and industrial enterprises, and such other information as in the opinion of the commission tends to attract visitors to the state. Such publicity shall be given through the medium of the magazine, "Arizona Highways," and the publication of maps, pamphlets and other descriptive material designed to carry out the purposes of this Act.

(b) From and after the expiration date of all presently existing subscriptions, and, in the case of new subscriptions, not

later than the beginning of the next fiscal year, annual subscriptions to "Arizona Highways" shall be sold at not less than two dollars per year, but the publication shall be provided free of charge to libraries, schools, chambers of commerce, and to such hotels, tourist agencies, visitors, and prospective visitors, and to such other persons or agencies, and in such quantities, as the commission shall deem beneficial in carrying out the purposes of this Act.

Sec. 2. Sec. 59-702, Arizona Code of 1939 (section 3, chapter 29, session laws of 1941, regular session), is amended to read:

59-702. **AUTHORIZATION OF EXPENDITURES.** (a) The state highway commission is authorized to expend, out of the state highway fund, not to exceed one hundred thousand dollars per annum, for the purposes stated in section 59-701.

(b) In addition to the authorization contained in subsection (a) there is appropriated out of the current revenues of "Arizona Highways," for subscriptions and sales: 1. For the remainder of the thirty-second fiscal year, a sum not to exceed thirty thousand dollars, and, 2. For each fiscal year thereafter, a sum not to exceed fifty thousand dollars. All revenue of "Arizona Highways" exceeding such sums shall revert to the state highway fund.

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

Approved by the Governor—March 17, 1944.

Effective date—March 17, 1944.

CHAPTER 16

(House Bill No. 36)

AN ACT

Making an appropriation to the State Hospital for the Insane, and declaring an emergency.

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

Section 1. **APPROPRIATION.** The sum of four thousand three hundred sixty-two dollars sixty cents is appropriated to the state hospital for the insane, one thousand dollars thereof to be available during the remainder of the thirty-second fiscal year; two thousand dollars to be available during the thirty-third fiscal year, and one thousand three hundred sixty-two dollars sixty cents to be available upon the taking effect of this Act and to be exempt from the provisions of section 7, article 4, of the budget and financial administration Act of 1943.

Sec. 2. **PURPOSE.** The purpose of this appropriation is 1. to meet the cost of deporting non-resident patients during the thirty-second fiscal year, not to exceed one thousand dollars; 2. to meet the cost of deporting non-resident patients during the thirty-third fiscal year, not to exceed two thousand dollars; 3. for the construction of a slaughter house at the hospital farm

and conversion of the present slaughter house into a mattress factory, at a cost not to exceed one thousand three hundred sixty-two dollars sixty cents, which item of appropriation represents insurance collected for the loss of the mattress factory by fire on January 29, 1943, and placed in the general fund.

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

Approved by the Governor—March 17, 1944.

Effective date—March 17, 1944.

CHAPTER 17

(House Bill No. 39)

AN ACT

Relating to the veterans' service officer; amending section 15-101, Arizona Code of 1939, and making an appropriation.

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

Section 1. Sec. 15-101, Arizona Code of 1939, is amended to read:

15-101. APPOINTMENT OF VETERANS' SERVICE OFFICER. The governor shall appoint a veterans' service officer, who shall serve at the pleasure of the governor and shall be paid a salary of three thousand dollars per annum, and who to be eligible shall be an honorably discharged soldier, sailor or marine of the forces of the United States during World War I, World War II, the Spanish-American War, or the Philippine Insurrection, excepting those known as conscientious objectors.

Sec. 2. APPROPRIATION. The sum of seven thousand eight hundred twenty dollars is appropriated to the veterans' service officer, to be available during the thirty-third fiscal year, and to be used for the following purposes: salaries of two additional stenographers, three thousand one hundred twenty dollars; salary of one assistant service office at Phoenix, two thousand one hundred dollars; increase of salaries of two assistant service officers at Tucson and Whipple, six hundred dollars; travel expense, two thousand dollars.

Sec. 3. SUPPLEMENTAL APPROPRIATION. The appropriation made by section 2 is not an amendment of but supplemental to the appropriation contained in subdivision 38, section 1, chapter 96 (general appropriation Act), session laws of 1943, regular session, and is to permit the increase of certain salaries and travel allowance, and to provide additional assistants to the veterans' service officer.

Approved by the Governor—March 17, 1944.

Effective date—June 15, 1944.

CHAPTER 18

(House Bill No. 40)

AN ACT

Making an appropriation to the veterans' relief commission.

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

Section 1. APPROPRIATION. The sum of five thousand dollars is appropriated to the veterans' relief commission for the thirty-third fiscal year.

Sec. 2. PURPOSE. This appropriation is to supplement the appropriation contained in subdivision 39, section 1, chapter 96 (the general appropriation Act), session laws of 1943, regular session, and for the purpose of enabling the veterans' relief commission to carry out the provisions of section 15-201, Arizona Code of 1939.

Approved by the Governor—March 17, 1944.

Effective date—June 15, 1944.

CHAPTER 19

(House Bill No. 42)

AN ACT

Making an appropriation to the State Industrial School, and declaring an emergency.

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

Section 1. APPROPRIATION. The sum of fifty-four thousand two hundred twenty-five dollars is appropriated to the state industrial school, five thousand six hundred fifteen dollars thereof to be available during the remainder of the thirty-second fiscal year, and forty-eight thousand six hundred ten dollars to be available during the thirty-third fiscal year.

Sec. 2. PURPOSE. The purpose of the appropriation made by section 1 is to supplement the appropriation to the state industrial school contained in subdivision 34, section 1, chapter 96 (general appropriation Act), session laws of 1943, regular session: 1. for the thirty-second fiscal year: 1a. salaries, three thousand one hundred forty dollars; 1b. operation, two thousand three hundred seventy-five dollars; 1c. travel, one hundred dollars; 2. for the thirty-third fiscal year: 2a. salaries, thirteen thousand five hundred sixty dollars; 2b. operation, fourteen thousand six hundred twenty-five dollars; 2c. travel, three hundred dollars; 2d. capital investment, fourteen thousand one hundred twenty-five dollars; 2e. repairs and replacements, six thousand dollars.

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

Approved by the Governor—March 17, 1944.

Effective date—March 17, 1944.

CHAPTER 20

(House Bill No. 44)

AN ACT

Making an appropriation to the state fair commission.

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

Section 1. **APPROPRIATION.** The sum of eight thousand five hundred dollars is appropriated to the state fair commission, out of the state fair fund.

Sec. 2. **PURPOSE.** The purpose of this appropriation is to enable the state fair commission to purchase a tract or parcel of land containing approximately ten acres, adjoining the state fair grounds on the north, in Lot 2, Section 31, Township 2 North, Range 2 East, Gila and Salt River Base and Meridian, for the use of the state fair, at a total cost not to exceed the amount of the appropriation.

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

Approved by the Governor—March 17, 1944.

Effective date—March 17, 1944.

CHAPTER 21

(House Bill No. 1)

AN ACT

Relating to elections, providing for voting by persons in the military service, making an appropriation therefor, amending articles 2, 4, 10 and 13 of chapter 55, Arizona Code 1939, by adding thereto sections 55-203.1, 55-205.1, 55-1301.1, 55-1302.1, 55-1303.1, 55-1305.1, 55-1306.1, 55-1307.1, 55-1309.1, and amending sections 55-402, 55-1001, 55-1002, 55-1003, 55-1006, 55-1007, and declaring an emergency.

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

Section 1. **DEFINITIONS.** The term "during the war", when used in this Act, shall mean the period between the passage of this Act and the first day of the first year which follows by at least six months after a state of war no longer exists between the United States and any foreign nation. The term "military service" shall mean service in the army of the United States, the United States navy, the marine corps, the coast guard, merchant marines, and all officers of the public health service detailed by proper authority for duty either with the army or the navy. The term "person in military service" shall mean a resident of this state on active duty in military service, including any period during which a person in military service is absent from duty on account of sickness, wounds, leave or other lawful cause.

Sec. 2. Chapter 55, article 2, Arizona Code, 1939, is hereby

amended by inserting therein section 55-203.1, to read as follows:

55-203.1. REGISTRATION OF PERSONS IN MILITARY SERVICE. During the war a person in military service who is absent from the state, may be registered upon the application of a spouse, parent, or next of kin, provided, that in the event none of the foregoing are living or within the state and competent, then the application may be made by any elector having knowledge of the facts sufficient to supply the information herein required for the registration of such person in military service. The applicant shall execute and verify, by oath or affirmation, the affidavit for registration of such person in military service, before any person qualified to administer oaths in the state of Arizona.

Sec. 3. Chapter 55, article 2, Arizona Code, 1939, is hereby amended by inserting therein section 55-205.1, to read as follows:

55-205.1. AFFIDAVIT OF REGISTRATION FOR PERSON IN MILITARY SERVICE. (a) The affidavit form on the registration blank to be used for the registration of electors in military service upon application of another shall contain:

1. The name at length of the elector, including christian or given name and middle name, if any, and if of a woman preceded by the designation "Miss" or "Mrs.," as the case may be.
2. Country or state of nativity.
3. Branch of military service.
4. Actual and precise place of legal residence, including name of city or town, if any, street or other location of dwelling place with the number of such dwelling if the same has a number and if not with such description of the place that it can readily be ascertained and identified. In the case of electors who have not maintained a dwelling place after entry into military service, the last dwelling place prior to such entry shall be described.
5. If naturalized, the time, place and court of naturalization.
6. If citizenship is claimed by virtue of father's naturalization, the fact must be established that permanent residence began during applicant's minority.
7. If citizenship by marriage is claimed, the date and place of marriage and the name of the person to whom married.
8. That the elector is not believed to be registered in any other precinct.
9. That the elector has maintained his legal residence in the state for a period of one year next preceding the general election.
10. That the elector is twenty-one years of age or over.
11. The mailing address of the elector.
12. That the applicant is a spouse, parent, or next of kin, or elector having knowledge of the foregoing facts.

(b) Said affidavit of registration shall be in substantially the following form:

"AFFIDAVIT OF REGISTRATION OF PERSON IN MILITARY SERVICE

STATE OF ARIZONA)
) ss.
COUNTY OF.....)

I, the undersigned, make application for the registration of _____, a person in military service, and do solemnly swear (or affirm) that the following statements are true:

- 1. The elector's full name is..... (to be printed by registration officer).
2. State or country of nativity.....
3. Branch of Military service.....
4. The elector's place of residence is..... Precinct..... (Street, R.F.D. or other description), City of....., State of Arizona.
5. The elector was naturalized by..... Court,..... County, on the..... day of....., A. D., 1.....
6. The elector became a citizen by virtue of the naturalization of elector's father which took place during elector's minority and began to reside permanently in the United States while the elector was a minor.
7. The elector became a citizen by virtue of her marriage on the..... day of....., A. D., 1....., to..... (husband) who was then a citizen, or who subsequently became a citizen, of the United States. (NOTE: cross out any of the clauses numbered 5, 6 or 7 which do not apply.)
8. The elector is not believed to be registered in any other county in this state.
9. The elector is a man, of approximately..... feet, inches in height, and is of the age of..... years. The elector's color is.....
10. The applicant certifies that he is the elector's (spouse) (parent) (next of kin) (not related). (Strike whatever definitions are inapplicable).
11. The applicant certifies that to his best knowledge, information and belief that the elector has no spouse, parent or next of kin.
12. The elector's address in the military service is as follows:
.....
.....
.....

(Applicant sign here)

(Post Office address of applicant)

Subscribed and sworn to before me this.....day of
....., A. D., 19.....

(Title or designation of officer)

- 1. Precinct.....
- 2. Name.....
- 3. Residence address.....
- 4. Post office address in military services.....
- 5. Nativity.....
- 6. Branch of armed services.....”

(c) Such affidavit of registration shall be on first-class record paper, ten inches wide and seventeen inches in length, and shall be printed with a margin of one inch at the top, one inch on the right side and one and a half inches on the left side, and shall be suitably punched for binding. It shall include a three-inch detachable stub at the bottom of page on which shall appear the name of the elector, the precinct in which registered, residence and post office addresses, country or state of nativity and branch of military services.

Sec. 4. Section 55-402, chapter 55, article IV, Arizona Code of 1939, is amended to read as follows:

55-402. PREPARATION OF BALLOTS; INSPECTION BY CANDIDATES; CHALLENGERS. (a) The boards of supervisors, and in city elections, the city clerks, shall prepare and provide ballots containing the names of all persons, certificates of whose nominations have been filed with them. The ballots shall be printed and ready for inspection by the candidates and their agents at least ten (10) days before a general election, and at least five (5) days before a city election. At each polling place one (1) challenger for each political party may be present and act, but challengers shall not enter any voting booth.

(b) Provided that during the war the ballots required by subdivision (a) for regular state and county elections shall be printed and ready for inspection by the candidates and agents at least seventy-five days (75) before a general election.

Sec. 5. Section 55-1001, chapter 55, article X, Arizona Code of 1939, is amended to read as follows:

55-1001. TIME OF HOLDING; NOMINATION FOR SPECIAL ELECTION TO FILL VACANCY. (a) On the eighth Tuesday prior to any general or special election at which candidates for public office are to be elected, there shall be a primary election at which each political party entitled, and intending to make nominations for the ensuing general or special election shall, if it desires to have the names of its candidates printed on the official ballot at said election, nominate its candidates for all elective, senatorial, congressional, state, judicial, county and precinct offices to be filled at such election; provided, that nominations entitling candidates to have their names printed on the official ballot for any special election held for the purpose of filling a vacancy in an office, may be made by delegate convention, if, in the judgment

of the secretary of state and the attorney general, the time is too short in which to hold a primary election, or the cost of the same would be excessive or unnecessarily burdensome. Primary election for the nomination of candidates entitling such nominated candidates to have their names printed on the official ballots at municipal elections in incorporated cities and towns shall be held not less than thirty (30) days prior to said election.

(b) Provided that during the war the primary election preceding a general election provided in subdivision (a) shall be held on the sixteenth Tuesday prior to the succeeding general election.

Sec. 6. Section 55-1002, chapter 55, article X, Arizona Code, 1939, is amended to read as follows:

55-1002. NOTICE OF PRIMARY ELECTION; PUBLICATION.

(a) At least sixty (60) days before the date of any regular primary election, the secretary of state shall prepare and transmit to the boards of supervisors of each county a notice in writing designating the offices for which candidates are to be nominated at such primary election. Upon receipt of such notices the clerk of each board shall forthwith publish so much thereof as may be applicable to his county, once each week for three (3) consecutive weeks in not more than one (1) newspaper of general circulation in the county; such printed notice shall contain only a reference to the law under which the primary is to be held, the date of the primary and the offices to be filled, and shall be substantially in the following form:

"A primary election is hereby called in the several precincts of.....county, under the provisions of the law relating to primary elections, on the.....day of.....for the purpose of voting for candidates for the several parties to be nominated for the following offices: (naming the offices)."

The sheriff of each county shall, immediately after publication of such notice, cause a notice of such primary to be posted in three (3) public places in each voting precinct in his county, stating the time and place where the primary will be held in each precinct therein, together with the offices for which the candidates are to be nominated and the names of persons constituting the primary boards. All official notices calling state or county primary elections shall specify that the same shall be held for the nomination of candidates by all political parties and for the nomination of non-partisan candidates, if any. In city or town primary elections, the duties herein prescribed as devolving upon the secretary of state shall devolve upon the mayor, or similar governing officer or governing board or commission, and the duties herein prescribed as devolving upon the clerk of the board of supervisors shall devolve upon the city or town clerk; and whenever the word "county" is used, "city" or "town" shall be included.

(b) Provided that during the war the notice provided for by subdivision (a) shall be prepared and transmitted by the secretary of state ninety (90) days before the primary election.

Sec. 7. Section 55-1003, chapter 55, article X, Arizona Code, 1939, is amended to read as follows:

55-1003. NOMINATING PETITIONS OF CANDIDATES. (a)

Any person desiring to become a candidate at such primary election for a party or a non-partisan nomination, shall, if he desires to have his name printed on the official ballot at such primary election, not less than forty (40) days nor more than ninety (90) days before said primary election, file a nomination petition signed by the candidate, giving his place of residence and his post office address, naming the party of which he desires to become a candidate, or that he desires to become a non-partisan candidate, and shall give the date of the primary election and the election at which he desires to become a candidate. Such nomination petitions of candidates for the office of presidential elector, a United States senator, a representative in congress, or for a state office, excepting members of the legislature and superior judges, and for all other offices for which the electors of the entire state, or a subdivision thereof greater than a county, are entitled to vote, shall be filed with the secretary of state; nomination petitions of candidates for members of the legislature, superior judges and for county and precinct offices for which the electors of a county or a subdivision of a county, other than an incorporated city or town, are entitled to vote shall be filed with the clerk of the board of supervisors; nomination petitions of candidates for city or town offices shall be filed with the city or town clerk.

(b) Provided that during the war nominating petitions provided for by the subdivision (a) shall be filed not less than ninety days or more than one hundred twenty days before the primary election.

Sec. 8. Section 55-1006, chapter 55, article X, Arizona Code, 1939, is amended to read as follows:

55-1006. PLACING POLITICAL PARTIES ON BALLOT; NEW PARTIES. (a) A political organization which, at the last preceding general election shall have cast five (5) per cent of the total vote in the state for its candidates, or of a subdivision thereof in which a candidate seeks nomination of such political organization for a local or county office, shall be entitled to representation on the official ballot as a political party. Whenever a petition signed by a number of qualified electors equal to at least two (2) per cent of the votes cast for governor at the last preceding general election in at least each of five (5) counties of the state, shall be filed with the secretary of state, verified by the affidavit of ten (10) qualified electors of the state, asking that the signers thereof be recognized as a new political party, they shall be so recognized and such party shall be represented by an official ballot at the ensuing primary election and on the succeeding general election. The same privilege shall inure to petitioners within a county or a city, as to county or city primary elections; said petition shall be filed with the clerk of the board of supervisors or the city clerk as the case may be, and signed by a number of petitioners equal to at least three (3) per cent of the total vote of such county or city, at the preceding regular general election for the candidates for county attorney or mayor, distributed throughout at least one-fourth of the election precincts of such county or city. Such petitions shall be filed not more than sixty (60) days and not less than thirty (30) days preceding the primary election.

(b) Provided that during the war new political organiza-

tions, otherwise complying with subdivision (a) shall, however, file their petitions not less than ninety days or more than one hundred twenty days before the primary election.

Sec. 9. Section 55-1007, chapter 55, article X, Arizona Code, 1939, is amended to read as follows:

55-1007. PREPARATION OF PRIMARY BALLOTS; FORM OF BALLOT. (a) At least twelve (12) days before the primary election, each clerk of the boards of supervisors, and at least ten (10) days before the primary election in a city, each city clerk shall prepare sample official ballots printed upon colored paper without indorsement or certificate, and shall forthwith submit the sample ballot of each party to the county chairman thereof, or in the city primaries to the city chairman thereof, and also mail a copy to each candidate for whom nomination papers have been filed with him, and post a copy of each sample ballot in a conspicuous place in his office. The chairman of each party shall on or before the tenth day preceding such primary election suggest to the clerk any change that he may consider should be made in his party ballot, and if, upon examination the clerk shall find any error or omission in said ballot, he shall correct the ballot. Thereupon the clerk shall cause the ballots to be printed and distributed as required by law in the case of ballots for general election, except that the number of ballots of each party to be furnished to each precinct shall be twice the number of votes cast thereat for the candidates receiving the highest number of votes by the respective parties in the last preceding general election, and provided, that if nomination petitions are filed by a new party, the number of ballots provided shall be twice the number of votes the clerk of the board of supervisors estimates such party will cast.

The ballots shall be printed on colored paper; at the top and above the heading there shall be a stub on which shall be printed, "Stub No..... Register No....., to be torn off by inspector," separated from the ballot by a perforated line; below the perforated line shall be printed "OFFICIAL BALLOT OF THE..... PARTY; Primary Election (date)..... Precinct, County (or city) of..... State of Arizona;" below the heading shall be placed the title of each office to be voted for, and instruction to the voter as to how many to be voted for that office, thus, "VOTE FOR ONE (or two, or three);" under which shall be placed alphabetically and alternated, as hereinafter provided, the names of all the party's candidates to be voted for in each precinct of the county, or of the city, for whom nomination papers have been filed for that office, leaving as many blank lines as there are offices under that title to be filled, followed by a square to the right of the candidate's name, and of the blank line. Double or more columns may be arranged on the ballot. In other respects the ballot shall conform as near as may be to the ballot prescribed for general elections.

(b) Provided that during the war the sample official ballots provided for in subdivision (a) shall be prepared by each clerk of the board of supervisors at least seventy-five days before the primary election, and the county chairman shall make his suggested changes to the clerk at least seventy-three days before the primary election.

Sec. 10. Chapter 55, article 13, Arizona Code, 1939, is hereby amended by inserting therein section 55-1301.1, to read as follows:

55-1301.1. **ELECTORS IN MILITARY SERVICE.** During the war a qualified elector who is in the military service and who is registered under the provisions of chapter 55, article 2, as amended hereby, may vote at any general or primary election by absentee military service ballot as herein provided.

Sec. 11. Chapter 55, article 13, Arizona Code, 1939, is hereby amended by inserting therein section 55-1302.1, to read as follows:

55-1302.1. **MILITARY SERVICE BALLOT TO BE MAILED.** An elector who is in military service and who is registered pursuant to the provisions of chapter 55, article 2, as amended hereby, shall be entitled to receive the official military service ballot as herein provided, when it shall appear upon the registration records of the county recorder's office that such person is in military service. If such elector shall be registered, but not as a person in military service, he may in writing notify the county recorder that he is in military service, furnishing his mailing address and branch of service, or any other person having knowledge of the facts may furnish the same in writing upon oath, before the county recorder. Any such elector may from time to time prior to the sixtieth day preceding a primary or general election notify the county recorder in writing of a change in his mailing address. Any other person having knowledge of the facts may in writing upon oath prior to the same date notify the county recorder of the change of address of any such elector. The county recorder shall make appropriate record of such military service and mailing address on his registration records. Immediately after the sixtieth day preceding any regular primary or general election, the county recorder shall mail to each registered elector in military service at the last mailing address disclosed by his official records the official military service ballot, or ballots in the case of the primary. When any elector shall be registered as, or the county recorder shall receive notice as above provided that a registered elector is, a person in the military service between the sixtieth and thirtieth days preceding any primary or general election, the county recorder shall forthwith mail to him the official military service ballot, or ballots in the case of a primary, at his address as shown on the records of the county recorder.

Sec. 12. Chapter 55, article 13, Arizona Code, 1939, is hereby amended by inserting therein section 55-1303.1, to read as follows:

55-1303.1. **THE OFFICIAL MILITARY SERVICE BALLOT.** The ballot for electors in the military service shall be identical in context with the regular official ballots, except that it shall have printed on the stub thereof the words, "Official Military Service Ballot," and shall be printed upon light-weight paper suitable for air mail and shall be one-quarter the size of the regular official ballot, with type size reduced accordingly. The officer charged by law with the duty of preparing the ballots at the election shall prepare the official military service ballot and deliver a sufficient number to the recorder not less than sixty days prior to a primary or general election. Each recorder on or before the seventieth day preceding a regular primary or general election shall certify to the officer charged with the duty of preparing ballots the number of each kind of ballot which

he estimates will be required within such county in order to comply with this law, and may thereafter from time to time certify additional requirements, and the officer charged by law with the preparation of the ballots shall promptly furnish such additional requirements.

The secretary of state shall prepare the text of instructions to voters in the military service at least seventy-five days before a regular primary or general election to assist them in marking and returning their ballots, and shall forthwith deliver such text to each officer charged by law with preparing the ballot, and such officer shall cause the same to be printed on paper suitable for air mailing and deliver a sufficient supply to each county recorder at least sixty days before each regular primary or general election.

Sec. 13. Chapter 55, article 13, Arizona Code, 1939, is hereby amended by inserting therein section 55-1305.1, to read as follows:

55-1305.1. **BALLOTS TO BE SENT TO ELECTORS IN MILITARY SERVICE.** The county recorder, shall mark the name and/or number of the precinct on the envelope and service affidavit, and shall air mail to each elector in the military service as disclosed by his registration records one official military service ballot of the precinct in which the elector has his legal residence or, if a primary election, when registered upon application of another, one official military service ballot for each political party for which official ballots have been printed, and with the ballot the official instruction sheet and an envelope, with air mail postage prepaid upon being returned, bearing upon the front thereof the name, official title and post office address of such recorder, and upon the other side thereof a printed affidavit in substantially the following form:

"I,, swear that I am a qualified elector of the.....voting precinct of the County of....., State of Arizona; that I am in the military service, was born at....., and am.....years of age.

.....
(Name of Voter)

Subscribed to before me this.....day of....., 19....., and I certify that the person named above exhibited the enclosed ballot to me, unmarked, and that he then in my presence in such manner that I could not see his vote, marked such ballot and enclosed and sealed the same in this envelope. I further certify that the person named above was not solicited or advised by me to vote for or against any candidate or measure.

.....
(Signature and title of Officer)"

In the primary election the verification of the voter shall be in substantially the following form:

"I,, swear that I am a qualified elector in the.....voting precinct of the County of....., State of Arizona; that I am in military service; that I have destroyed all ballots for political parties sent me except the ballot enclosed; that I was born at.....

..... and am..... years of age.”

Sec. 14. Chapter 55, article 13, Arizona Code, 1939, is hereby amended by inserting therein section 55-1306.1, to read as follows:

55-1306.1. PREPARING AND TRANSMITTING MILITARY SERVICE BALLOT. The elector in the military service shall subscribe said affidavit before any officer authorized by law to administer oaths or before any commissioned officer in the military service, and such elector shall thereupon in the presence of said officer mark said ballot in such manner that the officer cannot see the vote, and the ballot shall thereupon in the presence of such officer be folded by the elector so as to conceal the vote, shall be deposited by the elector in said envelope and the envelope securely sealed and signed by the officer and shall be mailed by the elector.

In the primary election the elector shall select the ballot for but one political party and vote thereon, and shall destroy the remaining ballots for other political parties transmitted to him.

Sec. 15. Chapter 55, article 13, Arizona Code, 1939, is hereby amended by inserting therein section 55-1307.1, to read as follows:

55-1307.1. DUTIES OF COUNTY RECORDER; MILITARY SERVICE BALLOTS. Upon receipt of the envelope containing a military service ballot, the county recorder shall compare the name on such envelope with the registration of the elector in the general county register, and, if satisfied therefrom that the voter is the person so registered and that the affidavit is sufficient, the recorder shall forthwith enclose the same, unopened, in a large envelope, securely sealed and endorsed with the name or number of the voting precinct in which the voter is registered, the name and official title of the recorder, and the words, “This envelope contains the ballot of an elector in military service and must be opened only on election day,” and the recorder shall thereafter safely keep the same in his office and deliver the same, as other absentee ballots are delivered, to the absentee election board.

Sec. 16. Chapter 55, article 13, Arizona Code, 1939, is hereby amended by inserting therein section 55-1309.1, to read as follows:

55-1309.1. CASTING MILITARY SERVICE BALLOT BY ABSENTEE ELECTION BOARD. The absentee election board shall handle the official military service ballots. The absentee board, immediately upon receipt of the military service ballots, shall in the following manner cast separately for each precinct the voter's ballot which has been received. The outer envelope shall be opened by the judges and the name on the voter's affidavits checked with the precinct register and if such judges find that the voter is a duly qualified elector of such voting precinct, they shall open the envelope containing the ballot, in such manner as not to destroy the affidavit thereon, and take out the ballot without unfolding the same or permitting it to be opened or examined, and having endorsed the stub in the same manner that other ballots are endorsed, deposit the ballot in the ballot box and show by the records of such election that such elector has voted. If the envelope at a primary election shall contain more than one ballot, all such ballots shall be rejected without

unfolding such ballots, and the judges of the election shall mark across the back thereof "Rejected for returning more than one ballot" and shall enclose the same, together with the envelope in which received, in a new envelope, seal the same and endorse on such new envelope the words "Rejected for returning more than one ballot". If the affidavit is insufficient, or the applicant is not a duly qualified elector of said voting precinct, the vote shall not be allowed, and without opening the envelope containing the military service ballot, the judges of the election shall mark across the face thereof "Rejected as defective" or "Rejected as not an elector", as the case may be. When the vote is allowed, the envelope in which the ballot was enclosed shall be deposited in the ballot box, and when the ballot is rejected, the envelope and its contents shall be deposited in the ballot box and preserved as official ballots. The canvass and return by the absentee board shall be made as provided for regular precincts and shall be included without segregation in the canvass and return of other absentee ballots.

Sec. 17. TRANSMITTING BALLOTS BY FEDERAL PROCEDURE. If there shall be provided by the United States government a means of transmitting the state ballots herein provided for, to and from persons in the military service, other than regular air-mail, and in the judgment of the governor, such method shall be deemed more expeditious than the method herein provided, he shall forthwith so certify in writing to the county recorder of each county, and the county recorder shall thereupon be authorized to transmit and receive the return of the ballots herein provided for by such method in lieu of transmission and return as hereinabove provided.

Sec. 18. REIMBURSEMENT OF COUNTIES FOR ADDED EXPENSE AND APPROPRIATION. Each county shall be reimbursed from time to time for the actual and necessary expense of carrying out the provisions of this Act, upon certification by the board of supervisors of such county to the state auditor, that such expense has been incurred, such certification to be in such form as the state auditor shall prescribe. Such reimbursement shall not exceed however, a sum equal to thirty cents (30c) for each person appearing upon the records of the county recorder as a duly registered person in military service. The state auditor shall audit such certifications by the respective boards of supervisors as other claims against the state are audited, and shall draw his warrant upon the state treasurer for the payment thereof in the manner provided for other claims against the state. The sum of fifteen thousand dollars (\$15,000.00) is hereby appropriated to the state auditor out of any moneys in the state treasury not otherwise appropriated, for the purpose of carrying out the provisions hereof.

Sec. 19. PENALTIES. Any person not being lawfully entitled to vote hereunder as a person in military service, who shall transmit to the county recorder of any county as his ballot a military service ballot in the manner herein prescribed, shall be guilty of a felony. Any person who shall make application for the registration of another as a person in military service, who shall verify a registration application containing false statements which the applicant knows or has reasonable cause to believe are false, shall be guilty of a felony.

Sec. 20. **AUTOMATIC REPEALING CLAUSE.** This Act shall be self-repealing and be of no further force and effect upon expiration of the period defined in section 1 hereof, with the exception of subdivisions (a) of section 55-402, subdivision (a) of section 55-1001, subdivision (a) of section 55-1002, subdivision (a) of section 55-1003, subdivision (a) of section 55-1006 and subdivision (a) of section 55-1007, which said subdivisions shall be continued in full force and effect after the expiration of the said period of time as defined in section 1 hereof.

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

Approved by the Governor—March 18, 1944.

Effective date—March 18, 1944.

CHAPTER 22

(Senate Bill No. 18)

AN ACT

Making an appropriation to the board of directors of state institutions for juveniles, for the care of girl juvenile offenders; and declaring an emergency.

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

Section 1. **APPROPRIATION.** The sum of eight thousand dollars is appropriated to the board of directors of state institutions for juveniles, to be available during the remainder of the thirty-second fiscal year.

Sec. 2. **PURPOSE.** The purpose of this appropriation is to meet an unforeseen emergency with respect to girl juvenile offenders, and to enable the board to procure care for such offenders in private institutions with which the board has arrangements, in accordance with the provisions of section 47-411, Arizona Code of 1939.

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

Approved by the Governor—March 20, 1944.

Effective date—March 20, 1944.

CHAPTER 23

(Senate Bill No. 20)

AN ACT

Relating to assistance for the needy blind; amending section

70-303, Arizona Code of 1939; and declaring an emergency. Be it enacted by the Legislature of the State of Arizona:

Section 1. Sec. 70-303, Arizona Code of 1939, is amended to read:

70-303. AMOUNT OF ASSISTANCE. The amount of assistance which any person shall receive shall be determined with due regard to the resources and necessary expenditures of the individual and the conditions existing in each case, and shall be sufficient when added to all other income and support of the recipient, to provide such person with a reasonable subsistence compatible with decency and health. In no event shall the amount of assistance paid under the provisions of this Act to any recipient exceed the sum of fifty dollars for any calendar month.

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

Approved by the Governor—March 20, 1944.

Effective date—March 20, 1944.

CHAPTER 24

(House Bill No. 43)

AN ACT

Relating to initiative and referendum providing for the preparation, printing and distribution of publicity pamphlets amending section 60-107, article 1, of chapter 60, Arizona Code of 1939, and declaring an emergency.

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

Section 1. Sec. 60-107, article 1, chapter 60, Arizona Code, 1939, is amended to read as follows:

Sec. 1. 60-107. PUBLICITY PAMPHLET—PRINTING—DISTRIBUTION. (a) Whenever the secretary of state is ordered, by the legislature or by petition, under the initiative and referendum provisions of the constitution, to submit to the people any measure or proposed amendment to the constitution, he shall cause to be printed, at the expense of the state, except as hereinafter provided, a publicity pamphlet, which shall contain: (1) a true copy of the title and text of such measure or proposed amendment; (2) the form in which the said measure or proposed amendment will appear on the ballot and the number by which it will be designated; (3) the arguments for and against the said measure or amendment.

(b) Not later than the tenth day before the primary election the secretary of state shall cause to be delivered to the board of supervisors of each county a quantity of such publicity pamphlets equal to the number of registered voters in each county, according to information which shall be supplied to the

secretary of state by the several county recorders immediately upon the closing of registration prior to said primary election; and with the election supplies directed by law to be sent to the voting precincts in each county there shall be sent a quantity of publicity pamphlets equal to the number of registered voters in said voting precincts respectively.

(c) It shall be the duty of the election board, at said primary election, to offer one (1) copy of said publicity pamphlets to each elector applying to vote, and to return to the board of supervisors, with the returns of said primary election, all copies thereof not so presented to voters. The board of supervisors shall immediately deliver the said copies to the county recorder, who shall offer one thereof to each person who appears to register prior to the general election. The county recorder shall also provide the several registration officers in his county with a proper supply of publicity pamphlets, and instruct them in their use.

(d) The person filing an initiative petition, and no other, may at the same time file with the secretary of state an argument advocating the measure or constitutional amendment proposed in said petition. Not later than forty-five (45) days preceding the regular primary election any person may file with the secretary of state an argument advocating or opposing any measure with respect to which the referendum has been invoked. Each such argument shall be signed by the person sponsoring the same, or if the same is sponsored by an organization, it shall be signed by the officers thereof.

(e) Said arguments shall be included in said publicity pamphlet immediately following the measure or amendment to which they refer, arguments in the affirmative to be placed first in order. The person filing any such argument shall deposit with the secretary of state, at the time of such filing, such amount of money as may be necessary to pay the cost of the paper required and the proportionate cost of printing the said argument. Any balance remaining of said deposit, after paying said cost, shall be returned to the depositor.

(f) In case of the submission of any measure or constitutional amendment at a special election, where time will not permit of full compliance with the provisions of this Act, the law providing for such special election shall make provision for the printing and distribution of the publicity pamphlet.

(g) Provided, that during the war the pamphlet provided for herein, shall be prepared by the secretary of state, not later than seventy-five (75) days before any regular general election, and he shall forthwith deliver to each county recorder a quantity of such pamphlets equal to the number of voters registered in such county. He shall thereafter, from time to time, deliver so many additional copies as may be requested by each county recorder to comply with the requirements hereof.

Upon receipt of such pamphlets the county recorder shall promptly mail one copy to each registered voter at his mailing address as shown on the registration records.

Provided further, that during the war the arguments opposing or advocating any measure as provided in subdivision (d)

shall be filed not less than fifteen (15) weeks preceding any regular general election. During the war the pamphlets shall be distributed only in the manner provided in this subsection.

Sec. 2. To enable the secretary of state to comply with the provisions of this Act, there is appropriated to the secretary of state the sum of six thousand dollars (\$6,000.00).

Sec. 3. DEFINITIONS. The term "during the war", when used in this Act, shall mean the period between the passage of this Act and the first day of the first year which follows by at least six months after a state of war no longer exists between the United States and any foreign nation.

Sec. 4. AUTOMATIC REPEALING CLAUSE. This Act shall be self-repealing and be of no further force and effect upon expiration of the period defined in section 3 hereof, with the exception of subdivisions (a), (b), (c), (d), (e) and (f) of section 60-107, Arizona Code of 1939, which said subdivisions shall be continued in full force and effect after the expiration of the said period of time as defined in section 3 hereof.

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

Approved by the Governor—March 20, 1944.

Effective date—March 20, 1944.

CHAPTER 25

(House Bill No. 33)

AN ACT

Making an appropriation to the superintendent of public instruction, for the purchase of textbooks.

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

Section 1. APPROPRIATION. The sum of thirty thousand dollars is appropriated to the superintendent of public instruction out of the state school fund, to be available during the thirty-third fiscal year.

Sec. 2. PURPOSE. The purpose of the appropriation made by section 1 is to supplement the appropriation for textbooks, available for the thirty-third fiscal year, contained in subdivision 45, section 1, chapter 96 (known as the general appropriation Act), session laws of 1943, regular session.

Approved by the Governor—March 20, 1944.

Effective date—June 18, 1944.

CHAPTER 26

(House Bill No. 27)

AN ACT

Relating to adult probation; prescribing the compensation of the

adult probation officer, his deputies and assistants, amending section 44-2231, Arizona Code of 1939; and declaring an emergency.

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

Section 1. Sec. 44-2231, Arizona Code of 1939, is amended to read:

44-2231. 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 in no instance shall the salary exceed two hundred fifty dollars per month nor shall the salary of each deputy or assistant exceed two hundred twenty-five 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.

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

Approved by the Governor—March 20, 1944.

Effective date—March 20, 1944.

CHAPTER 27

(House Bill No. 46)

AN ACT

Relating to the state examiner; fixing his salary, and amending section 6-104, Arizona Code of 1939.

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

Section 1. Sec. 6-104, Arizona Code of 1939, is amended to read:

6-104. REPORT, SALARY, AND PENALTIES. (a) The state examiner shall, on or before the fourth Monday of December of each year, make a written report to the governor of his activities, embodying therein an abstract of the financial condition of the several institutions examined by him.

(b) The state examiner shall receive a salary of four thousand two hundred dollars (\$4,200.00) per annum, and necessary traveling, clerical and office expenditures.

(c) If the examiner shall, directly or indirectly, receive any compensation or reward for services, or extra services, or for neglect of service, other than as provided in this chapter, he shall be guilty of a felony, punishable by a fine not exceeding ten thousand dollars, imprisonment not exceeding ten years, or both.

Approved by the Governor—March 20, 1944.

Effective date—June 18, 1944.

CHAPTER 28

(House Bill No. 45)

AN ACT

Making an appropriation to the state examiner; and declaring an emergency.

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

Section 1. **APPROPRIATION.** The sum of twenty-five thousand dollars is appropriated to the state examiner, five thousand dollars thereof to be available during the remainder of the thirty-second fiscal year, and twenty thousand dollars to be available during the thirty-third fiscal year.

Sec. 2. **PURPOSE.** The purpose of the appropriation made by section 1 is to supplement the appropriation to the state examined contained in subdivision 7, section 1, chapter 96 (general appropriation Act), session laws of 1943, regular session.

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

Approved by the Governor—March 20, 1944.

Effective date—March 20, 1944.

CHAPTER 29

(Senate Bill No. 29)

AN ACT

Relating to public officers and employees; providing for restoration to their positions upon completion of military or naval service; and declaring an emergency.

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

Section 1. **RESTORATION FOLLOWING MILITARY OR NAVAL SERVICE.** Any appointive officer or employee of the state or of a political subdivision thereof, including any employee of the educational system, having been inducted or ordered into active service in the armed forces of the United States after August 1, 1939, and having served in the armed forces during the time of war, shall, upon completion of his service be restored to the position held by him at the time of induction or of reporting for service or to a position having similar or other duties which he is qualified to discharge, and of like status and pay, if he: 1. possesses a certificate of satisfactory training and service or of honorable discharge issued by the proper military or naval authority; 2. is still qualified to perform the duties of the position, and 3. applies for restoration within sixty days after separation from the armed forces.

Sec. 2. **NOTIFICATION OF TEMPORARY APPOINTEE.** When a vacancy exists through the induction or order of a public officer or employee described in section 1 into the armed forces

of the United States, the appointing or employing authority shall inform any person appointed to fill the vacancy that his tenure, apart from other considerations, is contingent upon restoration of the former officer or employee as provided in section 1.

Sec. 3. EXPIRATION OF TERM. An appointive officer included within the terms of section 1 whose term of office is prescribed by law is not entitled to the protection of this Act in the event his term of office expires on or before the date he is relieved from military or naval service. In the event he is so relieved prior to the expiration of his term, restoration to his office pursuant to section 1 shall be for the unexpired portion of the term.

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

Approved by the Governor—March 20, 1944.

Effective date—March 20, 1944.

CHAPTER 30

(Senate Bill No. 16)

AN ACT

Relating to state officers; prescribing annual salaries; amending section 12-701, Arizona Code of 1939, and amending article 7, chapter 12, Arizona Code of 1939, by adding sections 12-701a, 12-701b, and 12-701c.

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

Section 1. Sec. 12-701, Arizona Code of 1939, is amended to read:

12-701. SALARIES OF OFFICERS OF STATE EXECUTIVE DEPARTMENT. Officers of the executive department of the state shall receive the following annual salaries: governor, ten thousand dollars; secretary of state, five thousand five hundred dollars; state auditor, six thousand dollars; state treasurer, four thousand five hundred dollars; attorney-general, six thousand dollars; superintendent of public instruction, five thousand dollars.

Sec. 2. Article 7, chapter 12, Arizona Code of 1939, is amended by adding section 12-701a, to read:

12-701a. SALARIES OF ADMINISTRATIVE OFFICERS. Administrative officers of the state shall receive the following annual salaries: members of the Arizona corporation commission, each four thousand five hundred dollars; members of the state tax commission, each four thousand five hundred dollars; state mine inspector, four thousand five hundred dollars.

Sec. 3. Article 7, chapter 12, Arizona Code of 1939, is amended by adding section 12-701b, to read:

12-701b. SALARIES OF INSTITUTIONAL SUPERINTENDENTS. Superintendents of state institutions shall receive the following annual salaries: superintendent of the industrial school, four thousand dollars; superintendent of the hospital for the insane, five thousand dollars; superintendent of the home for aged and infirm pioneers, three thousand six hundred dollars; superintendent of the prison, four thousand five hundred dollars; superintendent of the state school for the deaf and blind, four thousand dollars.

Sec. 4. Article 7, chapter 12, Arizona Code of 1939, is amended by adding section 12-701c, to read:

12-701c. SALARIES OF JUDICIAL OFFICERS. The judicial officers of the state shall receive the following annual salaries: justices of the supreme court, each eight thousand five hundred dollars; clerk of the supreme court, three thousand nine hundred dollars; reporter of decisions of the supreme court, one thousand five hundred dollars; judges of the superior court of Cochise, Gila, Maricopa, Pima, and Yavapai counties, each six thousand dollars; judges of the superior court of Coconino, Mohave, Pinal, and Yuma counties, each five thousand dollars; judges of the superior court of Apache, Graham, Greenlee, Navajo, and Santa Cruz counties, each four thousand five hundred dollars. Salaries of judges of the superior court shall be paid one-half by the state and one-half by the county.

Sec. 5. EFFECTIVE DATE. This act shall take effect on the first Monday in January, 1945.

Approved by the Governor—March 20, 1944.

Effective date—January 1, 1945.

CHAPTER 31

(Senate Bill No. 5)

AN ACT

Relating to salaries of county officers; providing for a supplemental budget to cover increases; amending sections 12-704, 12-705, 12-706, and 12-707, Arizona Code of 1939, and repealing section 12-708a (chapter 57, session laws of 1943, regular session).

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

Section 1. Sec. 12-704, Arizona Code of 1939, is amended to read:

12-704. SALARIES IN COUNTIES OF THE FIRST CLASS. (a) In counties of the first class having a population of one hundred thousand or over, as determined by the official census of the United States, county officers shall receive the following annual salaries: sheriff, four thousand five hundred dollars; county attorney, four thousand five hundred dollars; superintendent of schools, three thousand nine hundred dollars; clerk of the superior court, recorder, treasurer and ex-officio tax collector, assessor, each three thousand six hundred dollars; members of the board of supervisors, each three thousand six hundred dollars.

(b) Each of the officers named in subsection (a) other than the board of supervisors shall appoint a chief deputy, who shall receive an annual salary agreed upon by the officer, appointing the deputy, and the members of the board of supervisors of not more than three thousand six hundred dollars each for deputy sheriff, deputy county attorney and deputy superintendent of schools, and not more than three thousand dollars each for deputy clerk of the court, deputy recorder, deputy treasurer and deputy assessor.

(c) In counties of the first class having a population of fifty thousand or over but less than one hundred thousand, as determined by the official census of the United States, the chairman of the board of supervisors shall receive an annual salary of two thousand four hundred dollars, and members of the board, other than the chairman, shall each receive two thousand one hundred dollars.

(d) In counties of the first class having a population of less than one hundred thousand, except as provided in subsection (c), county officers shall receive the following annual salaries: sheriff, four thousand five hundred dollars; county attorney, three thousand six hundred dollars; clerk of the superior court, recorder, treasurer and ex-officio tax collector, assessor, and superintendent of schools, each three thousand three hundred dollars; chairman of the board of supervisors, one thousand eight hundred dollars; members of the board, other than the chairman, each one thousand five hundred dollars.

(e) Each of the officers named in subsection (d), other than the board of supervisors, may appoint a chief deputy, who shall receive an annual salary agreed upon by the officer, appointing the deputy, and the members of the board of supervisors, of not more than three thousand three hundred dollars each for deputy sheriff and deputy county attorney, and not more than three thousand dollars each for deputy clerk of the court, deputy recorder, deputy treasurer, deputy assessor and deputy superintendent of schools; provided that in counties of the first class having a population of less than twenty thousand, no such chief deputy shall be appointed except when authorized by the board of supervisors who shall fix the salary of such chief deputy at not to exceed three thousand dollars annually.

Sec. 2. Sec. 12-705, Arizona Code of 1939, is amended to read:

12-705. SALARIES IN COUNTIES OF THE SECOND CLASS.

(a) In counties of the second class, county officers shall receive the following annual salaries: sheriff, four thousand dollars; clerk of the superior court, recorder, treasurer and ex-officio tax collector, assessor, each two thousand seven hundred dollars; county attorney, three thousand dollars; superintendent of schools, three thousand dollars; chairman board of supervisors, one thousand eight hundred dollars; members of the board, other than the chairman, one thousand five hundred dollars.

(b) Each of the officers named in subsection (a), other than the board of supervisors, may appoint a chief deputy, who shall receive an annual salary agreed upon by the officer, appointing the deputy, and the members of the board of supervisors, of not more than two thousand four hundred dollars.

Sec. 3. Sec. 12-706, Arizona Code of 1939, is amended to read:

12-706. SALARIES IN COUNTIES OF THE THIRD CLASS. (a) In counties of the third class, county officers shall receive the following annual salaries: sheriff, four thousand dollars; clerk of the superior court, recorder, treasurer and ex-officio tax collector, county attorney, assessor, superintendent of schools, each two thousand seven hundred dollars; chairman board of supervisors, one thousand eight hundred dollars; members of the board, other than the chairman, each one thousand five hundred dollars.

Sec. 4. Sec. 12-707, Arizona Code of 1939, is amended to read:

12-707. SALARIES IN COUNTIES OF THE FOURTH CLASS. In counties of the fourth class, county officers shall receive the following annual salaries: sheriff, three thousand three hundred dollars; clerk of the superior court, recorder, treasurer and ex-officio tax collector, county attorney, assessor, and superintendent of schools, each two thousand one hundred dollars; chairman board of supervisors, one thousand three hundred dollars; members of the board other than the chairman, each one thousand one hundred dollars.

Sec. 5. SUPPLEMENTAL BUDGET. (a) The board of supervisors of any county in which the increase of salaries of county officers, as prescribed by this Act, shall exceed the budget and tax levy limitations imposed by sections 73-502 and 73-505, Arizona Code of 1939, shall, notwithstanding such limitations, make such supplemental budget provisions and levies of taxes for the fiscal years 1944-45 and 1945-46 as may be necessary to provide for the increase.

(b) In determining actual expenditures, in the preparation of subsequent county budgets, the total budget for salaries of elective county officials for the fiscal year 1945-46 shall be the maximum for such purpose.

Sec. 6. REPEAL. Sec. 12-708a, Arizona Code of 1939 (chapter 57, session laws of 1943, regular session), is repealed.

Sec. 7. EFFECTIVE DATE. This Act shall take effect on the first Monday in January, 1945.

Approved by the Governor—March 20, 1944.

Effective date—January 1, 1945.

CHAPTER 32

(House Bill No. 7)

AN ACT

Creating and establishing the power authority of the state of Arizona as a body corporate and poltiic, describing its nature, scope, general and special jurisdiction and authority, powers, government, personnel and routine; providing for the construction of power projects, works and facilities; prescribing

also functional and operating features; relating to surveys, plans, investigations and construction; providing for its fiscal powers, income, revenue, tolls, and charges for electricity; and making an appropriation, repealing conflicting statutes, making provisions separable, and declaring an emergency.

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

Section 1. **TITLE AND DEFINITIONS.** This Act may be known and cited as "power authority act of 1944" and unless the context otherwise requires, "authority" shall mean the "power authority" created hereby; "district" or "power or water agency" shall mean power or water organizations comprehended in articles 2 to 10 inclusive, chap. 75, A. C. A. 1939, and amendments and supplements thereto. "Person" shall mean and include natural persons engaged in the distribution of electric power; also mutual and cooperative concerns or organizations by whatever name called, corporations, firms, business trusts and partnerships. The term "project" or "works" shall mean each and every facility necessary or convenient for the production of, generating of, firming or transmitting of power, and all rights-of-way, lands or interests in land, the use or occupancy of which are necessary or appropriate in the maintenance and operation of all such facilities. "Transmission lines" or "systems" shall mean each and every facility necessary or convenient for receiving electric energy from production or transmission systems and transmitting it to wholesale customers, "power" shall mean electric power or electric energy, or both. The word "retail" shall be taken to mean sales in small quantities and not in gross; and "wholesale" shall mean a sale in gross and not in small quantities. "Operating units" shall mean districts, agencies, towns and cities; "commodity" or "commodities" shall mean electric power or energy; "state" shall mean the state of Arizona. "Zone" shall mean area within a fixed radius or distance from Boulder Dam or other point of receipt or production.

Sec. 2. **AUTHORITY—CREATION AND FUNCTIONAL SCOPE.** A state agency to be called the "Arizona power authority" having its principal office at the city of Phoenix, Maricopa county, state of Arizona, is hereby created for the performance of the duties and exercise of the privileges in this Act provided. It shall be a body corporate and politic, have an official seal which shall be judicially noticed; may sue and be sued in its official corporate name, make contracts, hold, use, handle, enjoy, lease, sell, pledge or otherwise dispose of any and all real and personal property, and shall have all the rights appertaining or belonging to general bodies corporate except as herein limited, modified or otherwise provided. All electric energy or power coming under authority jurisdiction and all property acquired by it shall be held to be public property, and shall have and enjoy the tax exemptions, rights and privileges now or hereafter granted to operating units; and in the event the authority shall cease to exist, all its assets remaining after its obligations and liabilities have been satisfied or discharged, shall be ceded and surrendered to the state.

Sec. 3. **ELECTRIC POWER JURISDICTION.** It shall be the duty of the authority and it shall have the right and privilege to bargain for, take and receive in its own name on behalf of the state, electric energy developed from the waters of the main stream of the Colorado river by the state or the United States

government or any agencies thereof which by provisions of state or United States statute, agreement or regulation may be made available, allotted or allocated to the state of Arizona in its sovereign capacity. For the purpose of making such power available to the marketing areas of the state, the authority is empowered to acquire or construct and operate electric transmission systems, standby, or auxiliary plants and facilities and to generate, produce, sell at wholesale, transmit and deliver such electric energy to any operating unit or person engaged in the distribution of power, except as provided in section 4 hereof; and if conducive to efficiency and convenience, to enter into agreements for interconnection or pooling with projects, plants, systems or facilities of other distributors of electric power. The authority shall not by definitive contract or agreement obligate or bind itself to take or purchase power from any source until it shall have previously or simultaneously procured purchasers therefor.

All rights of persons and operating units under existing contracts, or any renewals thereof or supplements thereto, with the United States government or any agency thereof to power now generated, or hereafter developed or generated, at Parker Dam or at any other point below Boulder Dam on the main stream of the Colorado River are hereby preserved, and such rights shall not be impaired or modified by any of the provisions of, or powers granted by, this Act.

Sec. 4. FUNCTIONAL SCOPE. The authority, in the acquisition, construction or operation of electrical transmission systems and other related facilities, shall as far as the best interests of the state require and as far as consistent with and conducive to the purposes and the policies of this Act, co-operate with and utilize established and existing organizations and facilities for distribution and operating purposes; and shall when practical and convenient, bargain and negotiate with the United States government, its departments or agencies for the inauguration, construction or operation of new projects or enlargement of works or facilities and provide for repayment of such work or project costs accruing to the federal agency or department concerned, by the application of revenue produced from the operation of such works or projects. Operating units, natural persons engaged in the distribution of electric power and also mutual, cooperative concerns, corporations, firms, business trusts and partnerships, may construct, conduct, operate, handle, acquire and dispose of projects, works, systems or facilities not belonging to or under the authority jurisdiction; and may also bargain and contract direct with the United States government or any department thereof, for electric power not under the jurisdiction of the authority, and receive use and enjoy such power. The authority shall have no right or power to create any mortgage lien upon its operating property or facilities or impose any debt, nor to suffer or create any financial obligation whatsoever upon the state of Arizona, or any of its subdivisions. Neither shall this Act be held to modify, alter or change the state water code or the functions, powers and duties of any agency or officer thereto appertaining. Nothing in this Act contained shall be construed to authorize or empower the authority to engage in the retail distribution of electric energy. Provided, that the authority may sell and deliver electric energy to districts, power or water agencies and to consumers located adjacent to its transmission lines who may be without other means of adequate electric supply. No project, transmission sys-

tem, work or facility shall be sponsored, inaugurated, constructed or otherwise acquired, unless and until after due investigation and consideration, it is determined by the authority to be feasible, economically sound and that the project or facility will be self-financing and liquidating within a period of not more than forty (40) years; nor until a definitive contract or agreement shall be executed, as indicated in section 3 hereof.

Sec. 5. **PLANS, EASEMENTS, RIGHTS-OF-WAY.** The authority shall formulate plans and development programs for the practical equable and economical utilization of electric power placed under its supervision and control. It shall, subject to provisions of this Act, proceed to progressively accomplish and place such plans and programs in operation and effect; and for these purposes, the authority may exercise all or any of the powers and privileges granted by this Act, singly or con-jointly, severally independently or jointly with the United States government or any department thereof, with any person or operating unit, and may make application for, obtain, hold and use permits and licenses from the United States or any of its agencies for power sites, rights-of-way, rights and uses and other privileges and shall be qualified to make applications, appropriations and filings under and in accordance with the power and water code of the state for power in the same manner as any other qualified person or operating unit, but without the payment of any fees or charges for the filing of any maps, plans or other data in connection therewith. The use of necessary real property, now or hereafter owned by the state, not dedicated to public use, which may be necessary as sites for any project, or facility or rights-of-way of the authority is hereby granted. Whenever any lands or rights-of-way of the state heretofore or hereafter dedicated to public use are necessary for the construction, operation or maintenance of said projects or transmission systems, such lands or rights-of-way may be used therefor but in accordance with the terms and conditions of an agreement to be first entered into between the authority and any political subdivision or agency having jurisdiction over or control and management of such lands, or rights-of-way. The authority may also exercise the privilege and right of eminent domain and may condemn private property for public use in the same manner and to the same extent as persons or operating units; and it is hereby declared that any property which may be condemned, taken or appropriated under the provisions of this Act is a public use.

Sec. 6. **ELECTRIC POWER SALES AND RATES.** The authority shall take such steps as may be necessary, convenient or advisable to dispose of electric power within its jurisdiction. The authority shall not operate primarily as a source of public revenue; and electric power as nearly as practical, shall be disposed of in such equable manner as to render the greatest public service and at levels calculated to encourage the widest practical use of electrical energy. Nevertheless, electric rates of the authority shall be so established and shall include such price components as may be necessary to establish and maintain the authority together with any works constructed or acquired by it as a self-financing and liquidating project within a period of not more than forty (40) years from the initial date of operation or acquisition and to provide and maintain reasonable working capital and depreciation and other necessary and proper reserves. Such rates shall include proportionate general price components, costs

or production, transmission, depreciation, maintenance, amortization and such other appertaining price factors as the authority may deem necessary or advisable. The authority may fix and prescribe the terms and conditions of its electric sales contracts and services; adopt such rules and regulations as it may find necessary or convenient respecting electric services and the disposition of electric power by it; and establish appropriate rate schedules for its different classes of service or for its different zones of service. Rates shall not be discriminatory but may be uniform throughout the state or within zones. Agreements for electric service shall not extend for a period of more than twenty (20) years, and schedules may be modified by the authority agreeable to the provisions of any appertaining agreement or in the absence of such, upon reasonable notice and hearing to the user or purchaser whenever such action is necessary to achieve the purposes and policies of this Act. Any qualified applicant may apply to the authority for electric services under any established or proposed rate schedule. In times of emergency or power scarcity, preference shall be given to: (1) power or water agencies or municipalities; (2) cooperatives not doing business for profit and primarily supplying power to their own members; and (3) other qualified applicants. In the event there are competing applications for power service by members of the same class, available power shall be apportioned equably and a reasonable time shall be allowed such applicants to construct or acquire the necessary facilities to take or use such power. In the event of conflicting applications of the same class not otherwise adjusted to the mutual satisfaction of such applicants, the authority shall fix a time and place for the holding of a hearing thereon. Notice of hearing shall be published at least once in one or more newspapers of general circulation in the state. Such hearings shall be public and said applicants or any other qualified applicant having a special interest with respect to such electric power block, shall be there afforded an opportunity to be heard. Grounds of protest or objection shall be based on one or more of the provisions of this section. The jurisdiction of the authority over the matters entrusted to it shall be exclusive and its findings of fact, if supported by substantial evidence and not arbitrary, capricious or unreasonable shall be conclusive. Any record party in any public power hearing whose interest may be directly affected by any final order or action of the authority, in such rate hearing may appeal to the superior court of the state of Arizona in and for the county of Maricopa from any such final order or action of the authority made, had or taken in the premises upon giving such cost bond as may be required and under such terms and conditions as may be ordered by the appellate court. The grounds for such appeal shall be stated in a motion for re-hearing filed by such party with the authority within twenty (20) days after the entry of the order or the taking of the action from which appeal is contemplated. Notice of appeal shall be filed within twenty (20) days after final order on said motion for re-hearing. Said appeals shall be heard by the court at its earliest practical convenience and an appeal shall not stay the order or action of the authority unless so directed by the appellate court. In the consideration of any appeal the court shall give due regard to the findings, orders, and proceedings of the authority where founded upon substantial evidence.

Sec. 7. CONSTRUCTION WORK AND PURCHASES. The construction of projects or facilities undertaken by the authority

shall be by contract and not by force account. No contract for construction work exceeding \$5,000.00 in amount, except in cases of emergency to prevent imminent loss or danger, shall be entered into by the authority except after published notice of not less than ten (10) days. All such contract shall be let by public bid to the lowest responsible bidder, and the authority shall be authorized to call for sealed bids and to accept or reject any or all of said bids. Bids shall be accompanied by a reasonable performance bond in such amount as the authority may demand. Provided, however, that the foregoing provisions shall not apply to any contracts entered into with any federal agency. All purchases and contracts made by the authority for material or services other than personal services shall be made after advertising in such manner and at such times, sufficiently in advance of opening bids, as the authority deems adequate to insure appropriate notices and opportunity for competition. Such advertisement shall not be required, however, when (1) an emergency requires immediate delivery of the supplies or performance of the services; or (2) repair parts, accessories or supplemental equipment or services are required for supplies or services previously furnished or contracted for; or (3) the aggregate amount involved in the purchase of supplies or procurement of services does not exceed \$2,500.00; in any such case the purchase of such supplies or procurement of such services may be made in the open market in the manner common among businessmen. In comparing bids and in making awards the authority shall give due consideration to such factors as relative quality and adaptability of supplies or services; the bidder's financial responsibility, skill, experience, record of integrity in dealing, and ability to furnish repair and maintenance services; the time of delivery or performance offered; and whether the bidder has complied with the specifications. Provided, however, that the foregoing provisions shall not apply to any contracts entered into with any federal agency. The authority shall protect its interests by providing for and securing necessary indemnity, performance or other bonds whenever in its judgment the circumstances require such protection.

Sec. 8. CO-OPERATIVE ACTION. Any person or operating unit, or combination thereof, may petition the authority for the exercise of its powers and privileges in the making of any project or proposed project survey or investigation; or for authorized assistance in the inauguration or completion of any works or projects authorized hereunder. Upon filing of such petition, the authority may hold and conduct such hearings and make such investigations as may be deemed necessary and advisable, and thereafter take such action as it deems appropriate in the premises and within the sphere of cooperative action as herein provided: (1) the authority may act as a bargaining and negotiating agency in transactions and dealings between the various departments of the federal government and any petitioning persons or operating units; (2) serve as a connecting, intermediate or contracting medium for such petitioners whenever for united or joint participation, such a medium is convenient or essential to the receipt, acceptance, or enjoyment by said petitioners of any financial proposals, grants, or other benefits made available by any federal statute or department; and (3) act as a coordinating, clearing, administering, supervising, or activating instrumentality by and through which such petitioners may cooperate or unite through or by contracts or agreements in the applica-

tion of, or pooling of their resources, functional rights or privileges for common purposes cognizable hereunder. Notwithstanding the provisions of any general, special or local law or statutory regulation, operating units may enter into contracts, agreements and arrangements which may be found necessary for effectuating the intent and securing the benefits of the preceding subsections (1), (2) and (3); and if found convenient and essential to the accomplishment of said purposes, said cooperators may associate themselves in a cooperative corporation under the incorporation laws of the state; and it shall be their respective duties to do and perform all things on their respective parts undertaken by them to be done or performed thereby or thereunder. Nothing contained in this section shall be construed to alter or change any debt limitation of said operating units.

Sec. 9. **AUTHORITY TO ACT THROUGH COMMISSION.** The purposes of the authority shall be effectuated by and through a commission, and other necessary personnel. It shall be the duty of the commission to administer this act; to acquire suitable quarters, furniture, furnishings and articles of equipment and necessary supplies; the authority shall determine its own organization and methods of procedure in accordance with the provisions of this Act! and it shall have power and authority to adopt, amend or rescind the routine and general rules, regulations and forms, and also to prescribe a system of accounts. The authority is empowered to employ engineering, accounting, legal, skilled and other assistants, fix their compensation, define their duties and provide the conditions of employment. All positions shall be filled by persons selected and appointed on a non-partisan, fitness and qualification basis. If, as and when, the commission shall employ any person in the capacity of director, manager or chief engineer, such person so employed, shall be a duly licensed engineer, although not a resident of Arizona or licensed therein, but who is actively engaged in the practice of his profession, trained and experienced in the lines involved in the performance of his official duties and he shall not hold any other public office or have any interest in any business that may be adversely affected by the operation of the authority in the exercise of its powers and discharge of its duties. The commission shall cause minutes of its meetings to be kept and may publish so much thereof as the commission may consider of public interest and benefit and shall make and submit to the governor on or before the first day of December of each year a report containing a full and complete account of its transactions and proceedings for the preceding fiscal year, together with other facts, suggestions and recommendations deemed of value to the people of the state. The state treasurer shall be authority treasurer without voting privileges or additional compensation. He shall attend meetings when requested to do so by the board and shall perform all the duties imposed upon him as authority treasurer.

Sec. 10. **COMPOSITION AND TENURE.** The authority commission shall consist of five electors qualified by administrative and business experience appointed by the governor with the approval of the senate; and the powers and authority vested in them shall be exercised by a majority of the members then in office. The terms of members first taking office shall expire as designated by the governor at the time of appointment; two at the end of the second year; two at the end of the fourth year;

and one at the end of the sixth year, from the first day of the month in which the senate confirms the last appointment. Thereafter, the members of the commission shall hold office for a period of six years. The commission shall select a chairman and vice-chairman from among their members. The first chairman and vice-chairman selected shall hold office until the first Monday in January, 1945, and, thereafter, the chairman and vice-chairman shall be elected for terms of two years each. A successor to a member shall have a term of office expiring six years from the date of the expiration of the term for which his predecessor was appointed. Any member appointed to fill a vacancy shall serve only for the unexpired term of the member he succeeds. Members appointed shall be competent to act between the time of their appointment and the time of confirmation or rejection by the senate. Members of the commission may be removed by the governor for cause. Three of the members in office shall constitute a quorum for the transaction of the business of the authority. No member shall hold any other salaried public office, or be associated with any public service corporation engaged in the business of generating, distributing or selling power to the public generally in Arizona for profit, nor shall any such member have any interest in any business that may be adversely affected by the operation of the authority in the discharge of its duties.

Sec. 11. ORGANIZATION—COMPENSATION AND OFFICIAL BONDS. Within thirty days after their appointment, members of the commission shall meet on the call of the governor and proceed to organize and activate the authority under this Act. The authority shall provide necessary records, including orders, resolution and minute books. It may act, effectuate, manifest, and record its actions by motion, resolution, order or other appropriate means. Minute, order and resolution records shall be orderly arranged and conveniently indexed. Meetings of the commission shall be public. Records of the authority shall be public and open for inspection during business hours. The members shall receive a per diem of fifteen dollars (\$15.00) for time actually spent in the service of the authority and necessary traveling expenses, but not exceeding a total compensation of three thousand dollars (\$3,000.00) per annum, exclusive of allowable expense. The members of the commission shall attend all meetings thereof, unless excused from attendance by reason of justifiable excuse. They shall devote to their duties as members of said commission, such time and attention as may be necessary to effectuate the purposes of this Act and to carry out their duties and exercise their powers. The commission shall designate the person or persons who shall execute all documents and instruments on behalf of the authority. All commission members in order to qualify for office shall take and subscribe an official oath to perform the duties of their office, and also shall execute an official bond in the sum of five thousand dollars (\$5,000.00) with substantial surety, or sureties, to be approved by the state treasurer by endorsing his approval in writing upon such bond. Said oath and bond shall thereupon be filed with the state treasurer. All official oaths and bonds required by this Act shall be in the form prescribed by law for official oaths and bonds of state officials, and the obligee named in said bond, shall be the state of Arizona.

Sec. 12. FISCAL MATTERS. The provisions of the budget

and financial administration act of 1943, (chapter 86, laws 1943, A. C. A., article 9, sections 10-902-10-939 inclusive) shall apply and govern under this Act, and the state auditor shall annually audit the accounts of the authority. Provided, that the exemption therein granted other industrial or quasi-industrial state agencies including the university of Arizona, shall be applicable to the authority, viz: The fiscal year of the authority shall not be divided into fiscal quarters; moneys of the authority shall be placed in separate funds and not in the general fund. Provisions of said Act relating to classes and objects of funds, and classes and objects of expenditure shall not be applicable except as herein expressly provided. Nothing in said budget and financial administration Act of 1943 shall be construed to require the reversion to the general fund of any moneys, balance, or biennium appropriations made for the authority. Except as the same may conflict with or be covered or governed by said budget and financial administration act of 1943, the following budget and fiscal provisions of this section shall apply: Appropriate classification and designations shall be set up in its accounting records so as to provide for safe and orderly division of all moneys received by it, including a reserve fund embracing all moneys required for the payment of revenue bonds both principal and interest thereon, and any and all other obligations for which a reserve is required; and no withdrawals from said reserve funds shall be made, except for the express purposes for which such moneys may have been deposited therein. The state treasurer shall perform the duties imposed upon him by this Act and article 4, vol. 1, page 347, A. C. A. 1939, in so far as consistent and not in conflict herewith. All money in the reserve fund not immediately required for use, and all funds constituting surplus may be invested by the treasurer in the same manner as he is authorized to invest other public moneys. The provisions of the general revenue laws of the state and the provisions of article 3, vol. 1, A. C. A. 1939, except as modified to meet special requirements hereof shall be applicable to and under this Act. The authority shall on or before the first day of July, 1945, and on or before the first day of July in each succeeding fiscal year, adopt an administrative budget for the next succeeding fiscal year. Said budget shall not exceed the sum of seventy-five thousand dollars (\$75,000.00) per fiscal year, and shall consist of a full and complete statement of administrative expenditures from said fund during the past fiscal year and an estimate of the different amounts which may be deemed necessary to meet administrative requirements of the authority for the ensuing year, fixing the amounts proposed for all recurring items of expense and an amount of contingencies or emergencies not anticipated. No administrative expenditure shall be made therefrom in excess of the total amount of such budget. Any economies resulting in balances for any fiscal year shall be available for, and converted into operation funds. The authority shall for each similar period prepare an operation budget covering operations, and capital items which shall consist of a full and complete statement of all incoming receipts and expenditures for the past fiscal year and an estimate of anticipated income and expenditures for the next ensuing period. Said budget shall also give a complete asset and liability and balance statement and statement of profit and loss, together with itemized statement of cash on hand, commitments, reserves, and obligations anticipated for such ensuing fiscal year; projects and amounts intended to be

expended therefor during such ensuing period, together with such other information as to give a full and complete disclosure of its current financial condition. The original of such budgets shall be filed with the state auditor and copies thereof with the governor and the state treasurer and shall be included in the authority's annual report.

Sec. 13. **LEGISLATIVE APPROPRIATIONS.** For payment of the costs and expenses of the authority in organizing, procuring necessary quarters, furniture, appliances, equipment and records; for the payment of salaries, and general administrative and operational purposes, necessary official traveling expenses, not exceeding the statutory allowance for such capital investments and operation expenditures as may be found advisable and feasible under this appropriation, for the period from the effective date of this Act to June 30th, 1944, there is hereby appropriated to the authority the sum of \$25,000.00; for the fiscal year beginning July 1st, 1944, and ending on June 30th, 1945, there is hereby appropriated to the authority the sum of \$75,000.00. Beginning on or before the first day of the thirtieth fiscal year after the effective date of this Act, and on or before the first day of each fiscal year thereafter until payment in full the authority shall cause to be paid into the general fund of the state, out of any of its moneys not otherwise committed or encumbered, such a sum as will repay to the state of Arizona, in twenty equal annual installments, with interest at three per cent (3%) per annum, from such date until repaid, all moneys received by it by direct appropriation of the state legislature.

Sec. 14. **REVENUE BONDS.** Whenever the authority shall find other indicated methods or procedure inadvisable, inadequate or insufficient for the accomplishment of any transmission system, electrical project work or facility, it may independently or in conjunction with any other optional or alternative plans in this Act outlined issue bonds as in this Act set forth. No revenue bonds shall be issued until provision shall first be made by contracts in accordance with the provisions of this Act, adequate in the judgment of the authority to insure all necessary fiscal reserves, operation costs, maintenance and depreciation charges and payment of principal and interest of any bonds appertaining to or respecting any proposed project or facility involved and within the time fixed. Neither shall revenue bonds be issued except upon requisition by the authority and approval by the state certification board. The governor for purposes of and in proceeding under this Act, shall be ex-officio member of said board without additional emolument. The requisition shall be signed by the chairman and the secretary and shall be accompanied by the findings of the authority that the issuance of such bonds is necessary and advisable, that all other methods or procedures have been found impractical, inadvisable, or inadequate and that it is for the best public interest that such bonds be issued. All appropriate engineering, economic, and financial data illuminative, informative, or relevant to said proposed bond issue, together with plans and maps and other essential appertaining documentary information, shall accompany said requisition. The requisition shall be in quintuplicate and shall be filed with the chairman of said certification board who at the earliest practical time shall fix a time and place not less than ten nor more than twenty days for hearing upon such requisition. Notice of said hearing shall be published twice in some newspaper of general

circulation within the state. At the time and place fixed any person having a special interest in said application who shall have filed written objections may be heard thereon. Except when said board may determine otherwise, testimony shall be under oath. The hearing may be adjourned from time to time until completed and the decision of the board shall be final. On completion of hearings, said certification board shall promptly adopt its resolution approving or disapproving the requisition in whole or in part and to the extent approved, the authority is empowered to issue its revenue bonds from time to time in anticipation of its revenues.

Sec. 15. ISSUANCE OF BONDS. Bonds shall be authorized by resolution of the authority; shall bear interest at a rate not to exceed 5 per cent per annum, interest payable semi-annually, shall mature no later than 40 years from date of issue, shall be subject to redemption before maturity, with or without premium, shall be fully negotiable within the meaning and for all purposes of section 51-214, page 196, vol. IV, A. C. A. 1939, shall provide that said bond is purchased and taken after a complete disclosure of and with a full knowledge of all the surrounding relevant facts and circumstances and not upon the representation, faith or credit of the state of Arizona or any of its subdivisions; that the holder in order to obtain payment can never compel the state or any subdivision thereof to exercise its appropriation or taxing power, that said bond does not constitute a debt of the state and is payable only from the revenues of the authority. The revenues of any project may be pledged to secure the payment of any series of bonds; the bonds may further provide for reimbursement to the holder of all expenses of litigation and attorney fees incurred in the collection of the bonds in the event of default, and may also provide and fix the powers and duties of a trustee, if necessary to enforce collection; and, if not inconsistent with the above, may be in such form and contain such other conditions and terms as the authority may think appropriate or necessary to make the bonds more saleable and marketable. Cumulative of all other remedies available under the law, any holder, or a trustee designated by the authority at the time of issuing the bonds, may upon proper showing secure by mandamus, or other proper proceedings, an order of court requiring the authority to fix and collect rates and charges which will produce revenues and income permitting the setting up of adequate yearly reserves with which to meet future payments in accordance with the terms of the bond. No amendment of this Act shall ever diminish or impair the remedy and rights of the bondholder. The bonds shall be signed by the chairman or vice-chairman and the secretary of the authority in office at the date of signing, and shall be valid obligations of the authority even though before delivery or sale the persons whose signature appear on the bonds have ceased to be members of the authority. The validity of the bonds shall not be dependent on or affected by the legality of any proceeding relating to the acquisition, construction, improvement, or extension of a project for which the bonds are issued. The bonds shall recite that they are regularly issued pursuant to this Act and such recital shall be prima facie evidence of their legality and validity. Before delivery or sale the authority may submit the bonds to the attorney general of the state, and he shall examine them and inquire into the legality of all proceedings bearing upon the validity of the bonds; if

satisfied that they are legally issued, he shall certify in substance on the back of each bond that it is issued in accordance with the constitution and laws of the state of Arizona. Bonds so issued may be sold if and when the money is needed for the purposes for which they were issued. Pending the preparation or execution of definitive bonds, interim receipts or certificates or temporary bonds may be delivered to the purchaser or purchasers of said bonds. Revenue bonds shall not be sold at less than par with accrued interest and the provisions of sections 16-1611 to 16-1617 inclusive, article XVI, chapter XVI, page 607, vol. 1, A. C. A. 1939, except as modified to meet the special requirements hereof, shall be applicable under this Act.

Sec. 16. **HEARINGS.** The authority may hold hearings, inquire into any matter relating to the business of the authority, administer oaths and affirmations, compel by subpoena the attendance of witnesses, the production of relevant books, records, papers and accounts and order the taking of depositions in accordance with the rules and laws regulating the taking of depositions to be used in superior court proceedings.

Sec. 17. **SEVERABILITY OF PROVISIONS.** The invalidity of any provision of this Act or its application to any set of circumstances, shall not invalidate any other provision hereof or the application of this Act, or any part hereof to any other set of circumstances, and each and all of the provisions of this Act shall be deemed severable.

Sec. 18. **INCONSISTENT PROVISIONS REPEALED.** Provisions of other acts or part of acts in conflict with or inconsistent with this Act are hereby repealed.

Sec. 19. **EMERGENCY.** To preserve the public peace, health, and safety it is necessary that this Act shall become immediately operative. It is therefore declared to be an emergency measure, and shall take effect upon its passage in the manner provided by law.

Approved by the Governor—March 27, 1944.

Effective date—March 27, 1944.