

ACTS
RESOLUTIONS *and* MEMORIALS
of the
First Special Session
Tenth Legislature
of the
STATE OF ARIZONA
1931-1932



First Special Session Convened December 28, 1931
First Special Session Adjourned Sine Die
January 9, 1932

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

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AUTHENTICATION

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

THIS IS TO CERTIFY—That the Acts, Resolutions and Memorials published in this volume, beginning at page 1 and ending at page 91 hereof, are full, true and correct copies of the originals, passed at the First Special Session of the Tenth Legislature of the State of Arizona, as they appear on file in the Office of the Secretary of State of Arizona.

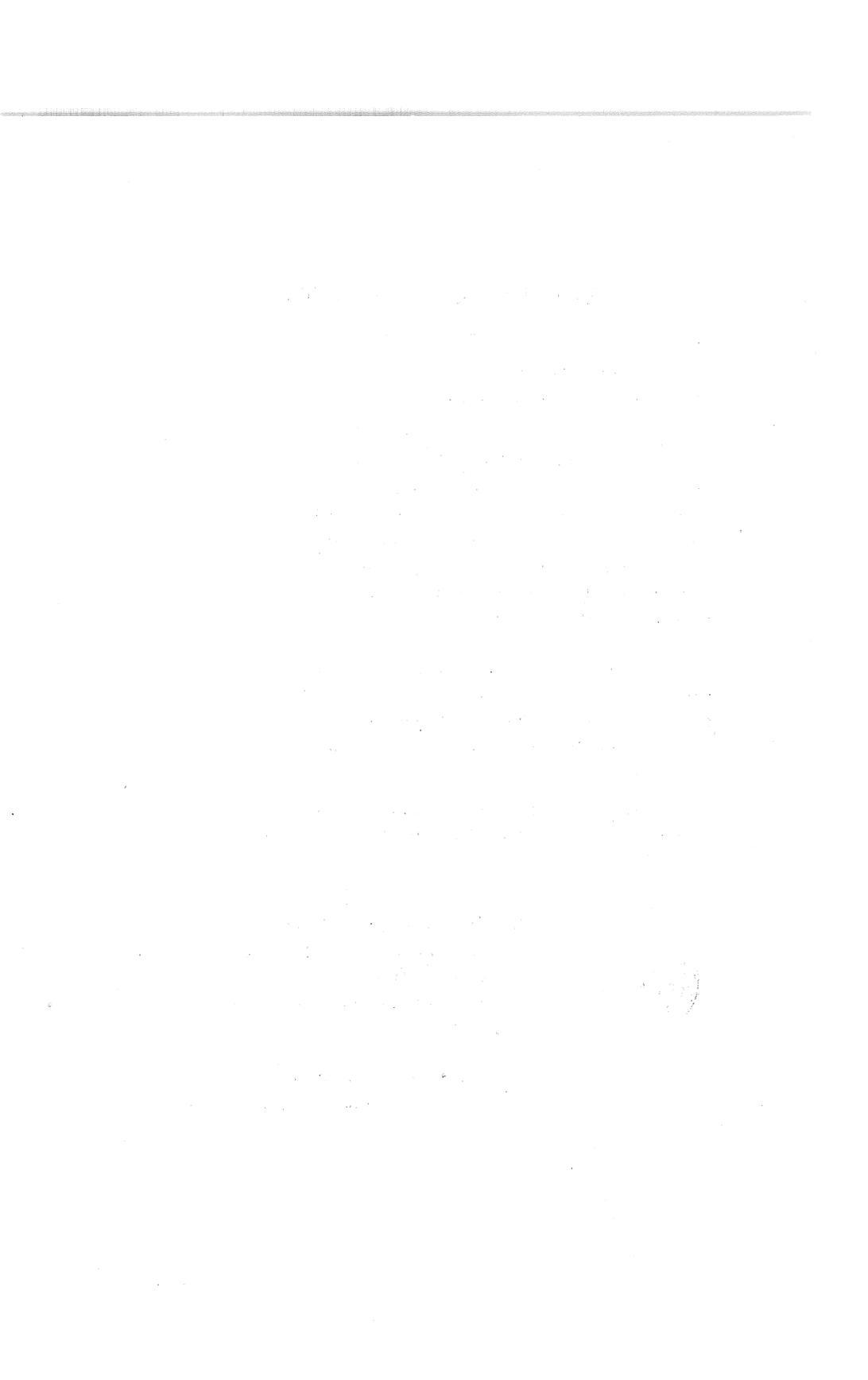
That the First Special Session of the Tenth Legislature of the State of Arizona was convened at the Capitol, in the City of Phoenix, December 28, 1931, and adjourned sine die on the 9th day of January, 1932.

That the Acts, Resolutions and Memorials passed at said Session were officially published on the 9th day of April, 1932.



IN TESTIMONY WHEREOF, I have hereunto set my hand as Secretary and affixed the Great Seal of the State of Arizona, this 9th day of April, 1932.

(Signed) SCOTT WHITE.
Secretary of State.



PROCLAMATION

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EXECUTIVE DEPARTMENT
STATE OF ARIZONA
PHOENIX, ARIZONA.

PROCLAMATION

CALLING THE TENTH LEGISLATURE OF
ARIZONA INTO SPECIAL SESSION

WHEREAS, Article IV., Part 2, Section 3 of the Constitution of Arizona reads in part as follows :

“The Governor may call a special session whenever in his judgment, it is advisable. In calling such special session the Governor shall specify the subjects to be considered at such session, and at such session no laws shall be enacted except such as relate to the subjects mentioned in such call.”

and,

WHEREAS, Article V, Section 4 of the Constitution of Arizona reads in part as follows :

“He (the Governor) may convene the Legislature in extraordinary session.”

and,

WHEREAS, Chapter VI; Section 51, Paragraph 14 provides as follows :

PROCLAMATION

"He (the Governor) may convene the legislature by proclamation in special session or extraordinary session whenever he may deem it necessary."

NOW THEREFORE, I, GEORGE W. P. HUNT, Governor of the State of Arizona, in consideration of these premises, and by virtue of the authority vested in me by this Constitution, do convene the Tenth Legislature of the State of Arizona into special session, in Phoenix, the Capitol, at 12:00 o'clock noon. December 28, 1931, for the following purposes:

To amend Chapter 31 of the Revised Code of Arizona 1928, Chapter 2 of Laws of the Regular Session of the Tenth Legislature of Arizona 1931, and Chapter 100 of the Laws of the Regular Session of the Tenth Legislature of Arizona 1931, with particular reference to legislation relative to license fees for commercial vehicles, license tax on motor vehicle fuel, a supplemental budget for the Arizona State Highway Department, and the State Highway imprest fund.

To provide proper legislation enabling counties to enter into co-operative agreements with the Federal Government for the construction and maintenance of highways.

To provide proper legislation and make appropriations for the construction of a bridge or bridges across the Verde River in Yavapai County on the Clarkdale-Camp Verde-Fossil Creek Highway.

To make appropriations for the State Prison.

To make appropriations for the Arizona State Hospital for the Insane.

To make appropriations for the State Highway Department.

To make appropriations for the State Land Department.

To make appropriations for the Arizona Fair Commission.

To provide proper legislation for the relief of unemployment in the State of Arizona with particular reference to legislation referring to a vote of the people the amendment of Section 5, Article 9 of the Constitution of Arizona, so as to increase the amount of authorized indebtedness of the State and authorize

PROCLAMATION

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the issuance of bonds of the State of Arizona for the purpose of providing funds for the construction and maintenance of highways and public buildings in the State.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Arizona to be affixed.

(SEAL)

Done at Phoenix, the Capitol, this 21st day of December, 1931.

(Signed) GEO. W. P. HUNT.

Governor of the State of Arizona.

Attest:

(Signed) SCOTT WHITE.

Secretary of State.

Message of the Governor

Mr. President, Mr. Speaker, Members of the Tenth Arizona Legislature:

I have been very reluctant to call the Tenth Arizona Legislature into special session because of the expense involved for our taxpayers at this time of general business depression. I have had in mind the financial burden which a special session would place upon our taxpayers many of whom are now finding difficulty in meeting their tax obligations.

My decision to call the Tenth Arizona Legislature into special session was reached when the situation which faces our State Highway Department because of threatened loss of large revenues became critical. This is due to a defect in the law enacted at the regular session of the Legislature with respect to license fees collected from motor vehicles operated for commercial purposes.

I have been further actuated to call the Tenth Arizona Legislature into special session because of the impending necessity for appropriations to match Federal Aid funds which are expected to be available for highway construction, and by the urgent need for legislation designed to alleviate further the condition of widespread unemployment among Arizona citizens.

Included in my call are some other subjects which I believe should receive the attention of this special session of the Legislature, but which of themselves were not of sufficient urgency or importance to justify the expense of a special session.

It is not within the province of the Executive Office to dictate the length of a special session of the State Legislature, nor the sum of money appropriated for the expense of such a session. However, in view of the difficult tax situation now existing in our State, I am taking the liberty to suggest most earnestly that the work of this special session should be conducted as expeditiously as practicable, and with as little expense as is consistent with efficient work.

I am very hopeful that the deliberations and actions of this

special session of the State Legislature will result in a constructive solution of the problems presented to it along sane and intelligent lines.

I anticipate that revenues will be made available by you for unemployment relief and for the functioning of the State government, its departments and institutions, in a manner which not only will involve no increase of property taxes, but which will ultimately result in a large decrease of the same.

Motor Vehicle Legislation

The correction of that section of the law enacted by the regular session of the Tenth Legislature covering license fees of commercial motor vehicles is a matter which should receive prompt attention at your hands. This legislation should be enacted before January 1, 1932.

Because of this defect in the law, the State Highway Department is confronted with the loss of revenues approximating \$225,000 a year. This sum has already been budgeted for expenditure.

It is my belief that the large trucks and busses operated for commercial purposes in Arizona are not paying a revenue to the State commensurate with the service which they are receiving from the State. The fees exacted by Arizona from this class of motor vehicles are far below those collected by many other states.

These present fees do not represent an amount which is fair to our taxpayers in view of the heavy damage done to the highways by large motor trucks and busses.

They are inadequate to compensate the State for the valuable service which it gives this class of motor vehicles through providing them with a road bed for conducting their business.

I recommend that the scale of fees collected by the State from large commercial trucks and busses be substantially increased.

"Bootleg" Gasoline

I am advised that the State is losing revenue approximated at \$10,000.00 per month from the operations of so-called "bootleggers" of gasoline, who are evading the State tax.

I recommend that the law governing the collection of gasoline taxes be amended and strengthened so that the State can be insured against the evasion of the gasoline tax by this class of operators.

Federal Aid

The regular session of this Legislature appropriated \$650,000.00 to match advances of Federal Aid for highway construction. This appropriation was made reimbursable to the General Fund from the regular revenues of the State Highway Department. The entire amount of this appropriation has been repaid with interest to the General Fund by the State Highway Department.

At this time it is desirable that the Legislature again enact legislation for the matching of Federal Aid funds which will become available, or which are anticipated.

County Co-operative Agreements With Federal Government

Legislation is needed to enable counties to enter into co-operative agreements with the Federal government for the construction and maintenance of highways. This subject should receive your careful attention.

Verde River Bridge

Additional legislation is necessary to make available the appropriation made by the regular session of this Legislature for the construction of a bridge across the Verde River in Yavapai County on the Clarkedale-Camp Verde-Fossil Creek Highway. I am hopeful that this legislation will be enacted promptly, so that the funds appropriated for this needed construction may be available for the relief of unemployment in Yavapai County.

State Prison

Additional guards are desperately needed at the State Prison. The number of inmates of the prison is rapidly increasing. Funds for providing additional guards should be appropriated.

The regular session of this Legislature neglected to make an appropriation for the office of Parole Clerk at the penitentiary. The Parole Clerk discharges a necessary function in the oper-

ation of our penal system. An appropriation for this office should be made.

In order to provide useful employment for State prisoners and to make the prison more nearly self-supporting, additional equipment and buildings for the prison farm are needed. The providing of these facilities involves modest appropriations which should be made.

The capital investment appropriation made by the regular session of the Tenth Legislature is not sufficient to complete the installation of a new refrigeration plant, new water softener and new emergency lighting plant. It is estimated that \$10,000.00 additional is needed for these necessary improvements. I recommend that such appropriation be made available for the State Prison.

The State Hospital

The Arizona State Hospital is woefully understaffed and under-manned. Proper provision has not been made by this Legislature for additional staff members and attendants necessary for proper humane care of insane patients at the State Hospital, notwithstanding the fact that the number of inmates has increased rapidly in recent years. Additional attendants should be employed at the earliest possible moment.

The addition of another member to the medical staff is a vital necessity.

A dental surgeon also should be provided.

The State Hospital for the Insane has many patients of homicidal tendencies, several of whom have actually committed murder. Many of these inmates have prison records and come directly from the Arizona State Prison. A proper building for holding this class of patients has never been provided. A sufficient appropriation for this purpose should be made.

State Fair

Because of depressed conditions and unfavorable weather, the Arizona State Fair for this year faces a deficit of \$12,919.23. I recommend that an appropriation covering this amount be made available so that the State Fair Commission may discharge its obligations.

State Real Estate Commissioner

The regular session of this Legislature made no provision for the office of State Real Estate Commissioner under the State Land Commissioner. The duties of this office have been discharged by the State Land Commissioner and his staff. The State Real Estate Office has been a revenue producer. I recommend an appropriation for this office.

State Land Office

I recommend for the serious consideration of this Legislature a revision of the fee system of the State Land Department to the end that this office may be made self-sustaining.

Unemployment Relief

The problem of unemployment in our State is one that cannot be ignored. It is a continuing problem. Previous efforts of the State Legislature and the Executive Office, aimed at alleviating unemployment have been helpful, but they do not constitute a permanent solution. The situation has been only partially met. Programs of highway construction, providing work for the unemployed, are largely completed. The need for more jobs for our unemployed citizens is renewed in greater volume than heretofore.

This problem must be met and solved. It is my firm belief and conviction that a solution must be found by a method other than an increase in property taxes.

The burden of property taxes cannot be increased. Our State is faced with imminent large losses of tax revenues because of decreased valuations of our basic industries. The copper mining industry is sick. Agriculture is distressed. Cotton, citrus, cattle and sheep show declining valuations. The lumber industry is curtailed.

The matter of obtaining sufficient revenues for the conduct of the State government, its departments and institutions, is serious. Accentuating the problem of declining valuations for taxation purposes are the large tax delinquencies, due to the inability of property holders to pay their taxes when due.

I believe that employment for idle Arizona citizens should be provided as promptly as possible. I equally believe that unem-

ployment relief should come through methods which will not involve an increase in property taxes.

I believe the threatened deficit in the General Fund of the State should be met by legislation which will produce revenues sufficient not only to offset this deficit, but which will also tend to reduce property taxes.

I recommend legislation referring to a vote of the people an amendment to the constitution of Arizona, so as to increase the amount of authorized indebtedness of the State.

In connection with the same, I recommend the issuance of bonds of the State in the amount of five million dollars, three million dollars to be available for highway construction and maintenance and two million dollars for public buildings.

In the case of the appropriation for highway purposes, I recommend that such bonds be redeemable through the amortization of the present highway revenues. This will not involve an increase in taxation.

In the case of the bond issue for public buildings, I recommend that the bonds be redeemable from the proceeds of a luxury tax imposed by the State.

Of this latter issue, I recommend that the surplus over and above the amount needed for payments on bond principal and interest go into the General Fund of the State to the end that property taxes may be reduced.

Conclusion

The Executive Office is not inclined to set up arbitrarily a single method for the relief of unemployment. I have suggested a way which appears to me as logical, sane and constructive. Should the Legislature, in its wisdom, reject the Executive recommendations in this particular and adopt another plan and method for unemployment relief, the same will receive my sympathetic consideration.

I do most earnestly urge upon this special session of the Tenth Arizona State Legislature the solemn duty of its members to enact legislation of some sort which will provide employment for thousands of our worthy citizens, who are idle

through no fault of their own. Their appeals for work must not go unheeded.

Whether such relief shall be forthcoming along lines which I have suggested or through other methods, possibly better, which your wisdom and judgment may dictate, I leave to you.

The call for this special session of the State Legislature was intentionally made sufficiently broad to allow the Legislature a free hand in the solution of the problem of unemployment.

Respectfully yours,

GEO. W. P. HUNT,
Governor.

December 28, 1931.

Order of Acts



ORDER of ACTS

FIRST SPECIAL SESSION OF THE TENTH LEGISLATURE STATE OF ARIZONA

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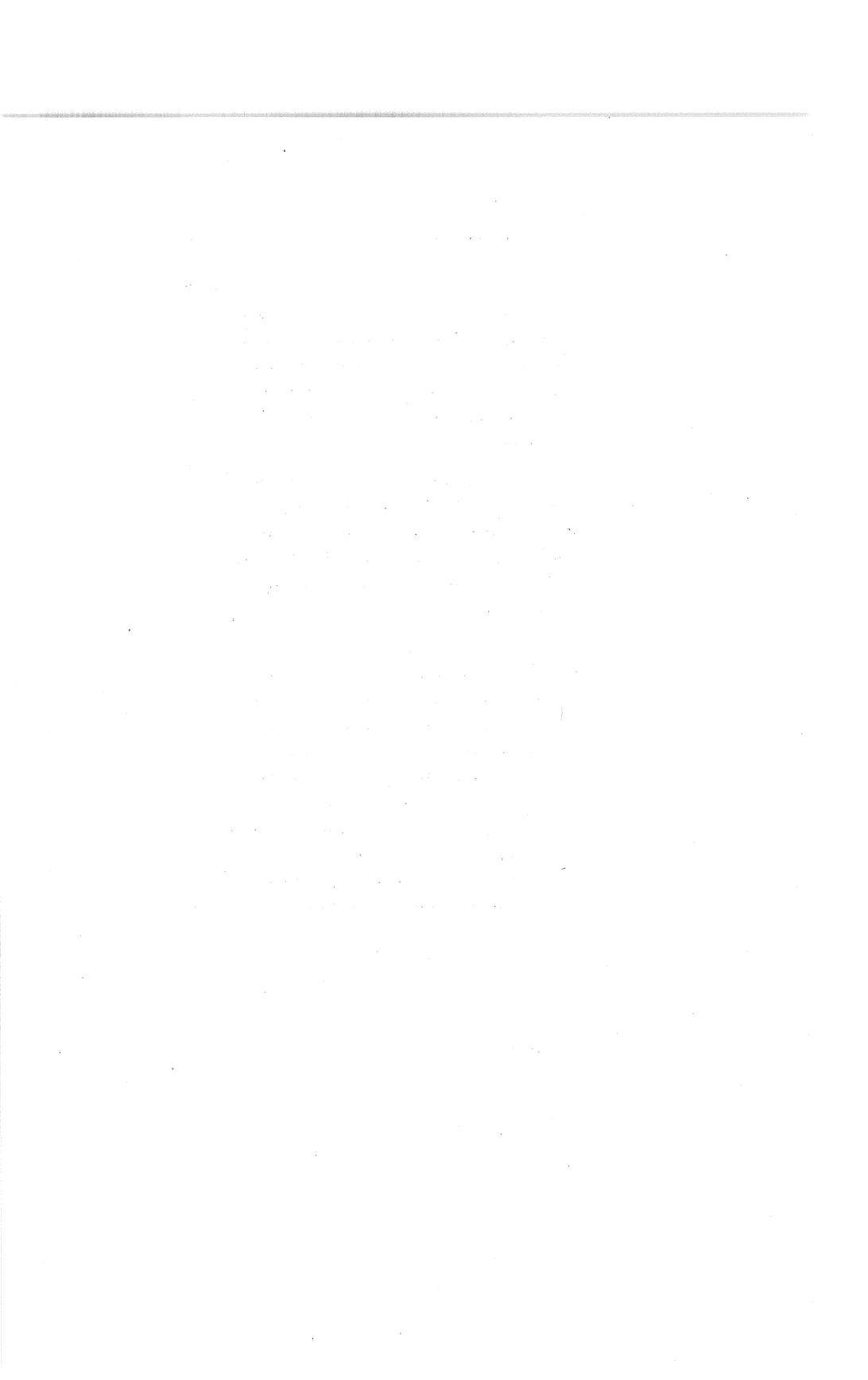
construction, reconstruction and maintenance of highways in the respective counties and validating such agreements heretofore made; repealing all laws or parts of laws in conflict herewith; and declaring an Emergency 14

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LIST OF NEW MEMBERS OF LEGISLATURE

HOUSE OF REPRESENTATIVES

SPECIAL SESSION

TENTH LEGISLATURE, 1931.

GUY P. PANNELL, Bowie, Cochise County.

Succeeding William Coxon, Resigned.

MRS. HARRIET SPRAGUE, Phoenix, Maricopa
County.

Succeeding Gertrude Bryan Leeper, Resigned.

MRS. ROSE F. GODFREY, Phoenix, Maricopa
County.

Succeeding Renz L. Jennings, Resigned.

CHARLES JENNINGS, Phoenix, Maricopa County.

Succeeding J. F. Jennings, Deceased.

JOHN S. HARDWICKE, Tucson, Pima County.

Succeeding Thomas Maloney, Deceased.

JOHN A. QUIGLEY, Jerome, Yavapai County.

Succeeding F. L. Benham, Deceased.

JACK PROVOST, Phoenix, Maricopa County, Ser-
geant-at-Arms.

Succeeding J. C. Provost, Deceased.

ACTS

ACTS

CHAPTER 1.

(House Bill No. 1.)

AN ACT

TO AMEND SEC. 1672, REVISED CODE 1928, AS AMENDED BY CHAPTER 100, LAWS OF THE REGULAR SESSION OF THE TENTH LEGISLATURE, RELATING TO REGISTRATION, LICENSE AND OTHER FEES TO BE PAID TO THE MOTOR VEHICLE SUPERINTENDENT, ARIZONA HIGHWAY DEPARTMENT, IN REGULATING THE OPERATION OF MOTOR VEHICLES ON THE HIGHWAY IN THIS STATE; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 1672, Revised Code 1928, as amended by Chapter 100, Laws of the Regular Session of the Tenth Legislature, 1931, is hereby amended to read as follows:

Sec. 1672. FEES; LICENSE TAX ON COMMERCIAL VEHICLES; INTERPRETATION; DISPOSAL OF MONEY; DUPLICATE CERTIFICATES; DUPLICATED LICENSE PLATES. The following fees shall be paid to the superintendent: For each original certificate of registration of title, one dollar; for each certificate of registration of title, on sale or transfer, one dollar; for filing each application for second-hand dealer's license, five dollars, and for each

said license, when issued, an additional three dollars; for filing each application for a chauffeur's license, two dollars; for filing each application for a duplicate chauffeur's or operator's license, fifty cents, and for duplicate chauffeur's badge, one dollar; for filing each application to make or stamp special engine number, one dollar; for filing each application for operator's license other than owner's, fifty cents; for a lost certificate of registration which is accounted for to the satisfaction of the vehicle superintendent, a duplicate may be issued for fifty cents; for lost license plates satisfactorily accounted for to the vehicle superintendent, duplicates shall be issued for one dollar; for the registration of each motor vehicle, trailer or semi-trailer, to be paid at the time of application for such registration, and for each original set of dealer's plates, three dollars and fifty cents, and for each additional set of dealer's plates, one dollar; in addition to said registration fee of three dollars and fifty cents, there shall be paid at the time of application for registration on each motor vehicle (other than electric motor vehicles, trailers and semi-trailers), including truck tractors and road tractors designed, used or maintained primarily for the transportation of passengers for compensation or for the transportation of property, when such vehicles are equipped wholly with pneumatic tires and weighing unladen less than twenty-six hundred pounds, two dollars in addition to the registration fee, and on all such vehicles, including trailers and semi-trailers, weighing unladen more than twenty-six hundred pounds, additional fees according to the following schedule: Vehicles with two axles, or semi-trailers with one axle weighing unladen (a) 2600 pounds or over, but less than four thousand pounds, additional fee, thirty-five cents per one hundred pounds; (b) four thousand pounds and over, but less than six thousand pounds, additional fee of fifty cents

per one hundred pounds; (c) six thousand pounds and over, but less than eight thousand pounds, additional fee of sixty-five cents per one hundred pounds; (d) eight thousand pounds and over, but less than ten thousand pounds, additional fee of seventy-five cents per one hundred pounds; (e) ten thousand pounds and over, at the rate of \$1.00 per one hundred pounds, but not to exceed one hundred and twenty dollars for any such vehicle. All vehicles with three or more axles weighing unladen (a) twenty-six hundred pounds and over, but less than four thousand pounds, additional fee of fifty cents per one hundred pounds; (b) four thousand pounds and over, but less than six thousand pounds, sixty-five cents per one hundred pounds; (c) six thousand pounds and over, but less than eight thousand pounds, eighty cents per one hundred pounds; (d) eight thousand pounds and over, but less than ten thousand pounds, one dollar per one hundred pounds; (e) ten thousand pounds and over, but less than twelve thousand pounds, one dollar and thirty-five cents per one hundred pounds; (f) twelve thousand pounds and over, at the rate of one dollar and sixty cents per one hundred pounds, but not to exceed one hundred and eighty-five dollars for any such vehicle. The foregoing schedules are based on pneumatic tires for said vehicles, and provided any such vehicle is equipped with two or more solid tires, then the additional fee for such vehicle shall be twice the amount specified for the classes herein. There shall be paid on each trailer or semi-trailer at the time of application for registration, when such vehicle weighs unladen one thousand pounds or more, but less than twenty-six hundred pounds, five dollars, in addition to the registration fee. A major fraction of one hundred pounds shall be considered as one hundred pounds. There shall be paid on electric motor vehicles, at the time of application for registration, an additional fee

of twenty dollars, provided, if such electric motor vehicle is designed, used or maintained primarily for the transportation of passengers for compensation, or for the transportation of property, and equipped wholly with pneumatic tires and weighing, when unladen, twenty-six hundred pounds, or more, such additional fee shall be at the rate of one dollar and fifty cents for each one hundred pounds, or major fraction thereof, based upon the unladen weight of such vehicle, but not to exceed one hundred eighty dollars. The unladen weight of vehicles shall be evidenced by the sworn statement of the applicant for registration, which shall be accompanied by a certificate of weight, and shall be subject to verification by the vehicle division or any of its officers or agents. The additional fees herein required shall not apply to vehicles used exclusively in the transportation of free delivery mail, nor to the re-registration of any vehicle upon the transfer of title thereto. The following interpretation shall govern this section: Any vehicle, other than a truck, trailer, or semi-trailer, which is used occasionally or incidentally, for the transportation of property shall not be classed as a commercial vehicle, or subject to the payment of the fees based upon weight. The assessor of each county is hereby constituted an agent of the division for the purpose of the performance of such acts and duties as are delegated to him, as well as other duties delegated by the division. Fifty cents of each original registration fee shall be remitted to the county treasurer of the county in which such registration fee is collected, to be placed in a special fund by such treasurer, for the use of the assessor in carrying out the provisions hereof. Claims against said fund shall be allowed and paid in the same manner as claims against the county are allowed and paid. The board of supervisors may, from time to time, order the payment of all or any part of said fund, received dur-

ing a previous fiscal year or years and not used, into the fund for the maintenance and construction of county highways. The money received from the taxes herein provided shall be immediately transferred by the officer collecting same to the superintendent, and by him to the state treasurer, who shall immediately credit the same to the state highway fund.

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

Section 3. Whereas an early operation of this act is required to preserve the public peace, health and safety, an emergency is therefore declared to exist and this act is hereby exempt from the operation of the referendum provisions of the state constitution and shall take effect and be in full force and effect from and after its passage and its approval by the Governor.

Approved December 31, 1931.

CHAPTER 2.

(House Bill No. 11.)

AN ACT

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

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

Section 1. That the sum of twenty-eight thousand, two hundred and eighteen dollars, or as much thereof as may be necessary, is hereby appropriated out of the general fund of the state treasury of the State of Arizona, for the several objects and purposes hereinafter named:

(1) The sum of seventeen thousand, two hundred and twenty dollars, or as much thereof as may be necessary is hereby appropriated for the payment of the salaries of the members of the First Special Session of the Tenth Legislature of the State of Arizona.

(2) The sum of four thousand, six hundred and ninety-eight dollars, or as much thereof as may be necessary, is hereby appropriated for the payment of employees of said legislature; one thousand, seven hundred and fifty dollars, or as much thereof as may be necessary, for the payment of employees of the Senate; and two thousand, nine hundred and forty-eight dollars, or as much thereof as may be necessary, for payment of employees of the House.

(3) The sum of two thousand, six hundred dollars, or as much thereof as may be necessary, is hereby appropriated for the payment of mileage of the members of said legislature.

(4) The sum of three thousand, seven hundred dollars, or as much thereof as may be necessary, is hereby appropriated for the payment of the contingent expenses of said Legislature; (a) six hundred dollars, or as much thereof as may be necessary, for the contingent expenses of the Senate; (b) nine hundred and fifty dollars, or as much thereof as may be necessary, for the contingent expenses of the House; (c) one thousand, five hundred dollars, or as much thereof as may be necessary, for the expense of printing the journals of the House and the Senate; (d) six hundred fifty dollars, or as much thereof as may be necessary, for the purpose of completing the records of said Legislature, indexing the journals of both houses of the Legislature; three hundred and fifty dollars thereof is apportioned to the House and three hundred dollars thereof is apportioned to the Senate.

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

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

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

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

Approved January 2, 1932.

CHAPTER 3.

(House Bill No. 3.)

AN ACT

MAKING A DEFICIENCY APPROPRIATION FOR
THE ARIZONA STATE FAIR COMMISSION.

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

Section 1. There is hereby appropriated out of the general fund, from any money not otherwise appropriated, the sum of fifteen thousand, eight hundred dollars or so much thereof as may be necessary, to pro-

vide for a deficiency existing in that portion of the appropriation to the Arizona State Fair Commission for the Twentieth Fiscal Year, entitled "For other salaries and wages, operation, travel, capital investment and repairs and replacements."

Section 2. The state auditor is authorized and directed to draw warrants against this appropriation not to exceed the sum of fifteen thousand, eight hundred dollars, as directed by the Arizona State Fair Commission, and the state treasurer is authorized to pay the same.

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

Approved January 4, 1932.

CHAPTER 4.

(Senate Bill No. 8.)

AN ACT

AUTHORIZING AND DIRECTING THE STATE HIGHWAY COMMISSION TO CONSTRUCT A BRIDGE, AT ITS SOLE COST AND EXPENSE, ACROSS THE VERDE RIVER AT OR NEAR CAMP VERDE ON SECTION C, OF ARIZONA FOREST ROUTE NO. 9, ON THE CLARKDALE-GLOBE-NATIONAL FOREST HIGHWAY, OTHERWISE KNOWN AS THE CLARKDALE-CAMP VERDE-FOSSIL CREEK HIGHWAY; PRESCRIBING THE AMOUNT TO BE EXPENDED IN THE CONSTRUCTION OF SAID BRIDGE; MAKING AVAILABLE FOR SUCH PURPOSE THE FUND HERETOFORE APPROPRIATED UNDER CHAPTER 106, LAWS OF 1927 AND CHAPTER 65, LAWS OF 1929; BARRING CLAIMS FOR DAMAGES FOR INUNDATION OF SAID BRIDGE; MAKING PROVISIONS FOR THE VALIDITY OF THE REMAINDER OF THE LAW IF PART OF LAW IS FOUND UNCONSTITUTIONAL; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

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

Section 1. The State Highway Commission is hereby authorized and empowered to construct a bridge, at its sole cost and expense, across the Verde River at or near Camp Verde on Section C, of Arizona Forest Route No. 9, on the Clarkdale-Globe-National Forest Highway, otherwise known as the Clarkdale-Camp

Verde-Fossil Creek Highway, and to expend thereon not to exceed the sum of sixty-five thousand dollars.

Section 2. The fund of sixty-five thousand dollars heretofore created and appropriated by Chapter 106, Laws of 1927, and Chapter 65, Laws of 1929, is hereby made available for the purpose of carrying out the provisions of this act.

Section 3. The state auditor is hereby authorized to draw his warrant upon presentation of claims duly itemized and verified by the state engineer, and the state treasurer is authorized to pay the same.

Section 4. Upon the building of a dam across the Verde River at such location as to back up water and inundate said bridge or any highway leading to the same, then the State, and all counties thereof, are hereby barred from making any claim for damages arising out of such inundation against the agency building the dam, if built to store water for irrigation purposes or for the generation of power for said district.

Section 5. If any section, phrase, or sentence of this act shall be declared unconstitutional, it shall not affect the constitutionality or validity of the remainder of the act.

Section 6. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Section 7. To preserve the public peace, health and safety, it is necessary that this act shall become immediately operative. It is therefore declared to be an emergency measure, and shall take effect upon its passage in the manner provided by law.

Approved January 5, 1932.

CHAPTER 5

(Senate Bill No. 18)

AN ACT

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

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

Section 1. The following sums herein set forth are hereby appropriated for the State Hospital for the Insane for the periods of time and for the purposes designated:

For salaries and wages for the following positions:	
Attendants, Periodic to June 30, 1932.....	\$1,875.00
Attendants, Periodic, July 1, 1932 to June 30, 1933, inclusive	3,750.00
One physician, to June 30, 1932, inclusive.....	900.00
One physician, July 1, 1932 to June 30, 1933, inclusive	1,800.00
One dental surgeon, to June 30, 1932.....	750.00
One dental surgeon, July 1, 1932 to June 30, 1933, inclusive	1,500.00
	\$10,575.00
Total salary and wages.....	
Operation:	
To provide for sixty more patients (180 actual increase since January) January 1, 1932 to June 30, 1932, inclusive.....	\$ 3,000.00
July 1, 1932 to June 30, 1933, inclusive	6,000.00
	9,000.00
Total Operation	9,000.00
Total Appropriation	\$19,575.00

Section 2. The state auditor is hereby authorized and directed to draw warrants on the state treasurer to and not to exceed the amounts herein set forth and for the purposes herein specified, and the state treasurer is hereby authorized and directed to pay said warrants out of the general fund of the state and appropriation herein made.

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

Section 4. Whereas the preservation of the public peace, health and safety makes it necessary that the provisions of this act shall become immediately operative, an emergency is hereby declared to exist, and this act is hereby exempt from the operation of the referendum provisions of the state constitution and shall take effect and be in full force and effect from and after its passage and approval by the Governor.

Approved January 7, 1932.

CHAPTER 6.

(Senate Bill No. 3.)

AN ACT

PROHIBITING ANY PERSON OPERATING CERTAIN MOTOR VEHICLES FOR A LONGER PERIOD THAN TWELVE HOURS IN ANY TWENTY-FOUR HOUR PERIOD.

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

Section 1. Any person operating as driver, or requiring or permitting another to operate a motor vehicle as driver or for the transportation of passengers

or property for hire, when such operator has been on duty in any capacity for a longer period than twelve hours in any twenty-four hour period, except in case of emergency where life or property is in imminent danger, but in any event in excess of fifteen hours, whether or not such tour of duty be wholly within this State or partly within this State and partly without, is guilty of a misdemeanor.

Approved January 9, 1932.

CHAPTER 7.

(Senate Bill No. 4.)

AN ACT

AMENDING SEC. 774, REVISED CODE OF 1928, STATE OF ARIZONA, ENLARGING THE POWERS OF COUNTY BOARDS OF SUPERVISORS SO THEY MAY ENTER INTO AGREEMENTS WITH THE GOVERNMENT OF THE UNITED STATES FOR THE ACQUIRING OF RIGHTS OF WAY, CONSTRUCTION, RECONSTRUCTION AND MAINTENANCE OF HIGHWAYS IN THE RESPECTIVE COUNTIES AND VALIDATING SUCH AGREEMENTS HERETOFORE MADE; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 774, Revised Code of 1928, is hereby amended to read as follows:

Sec. 774. POWERS OF BOARD ENUMERATED. The Board of Supervisors, under such limitations and restrictions as are prescribed by law, may: (1). Su-

pervise the official conduct of all county officers, and officers of all districts and other subdivisions of the county charged with assessing, collecting, safekeeping, management or disbursement of the public revenues, see that they faithfully perform their duties, direct prosecutions for delinquencies, and, when necessary, require renewals of their official bonds and make reports, and present their books and accounts for inspection; (2) divide the counties into such districts or precincts as required by law, change the same and create others as convenience requires; (3) establish, abolish and change electric precincts, and appoint inspectors and judges of elections, canvass election returns, declare the result and issue certificates thereof; (4) lay out, maintain, control and manage public roads, ferries and bridges within the county and levy such tax therefor authorized by law; (5) provide for the care and maintenance of the indigent, sick and the dependent poor of the county; erect and maintain homes and hospitals therefor; provide in their discretion a farm in connection with the county hospital, and make regulations for working the same; (6) provide suitable rooms for county purposes; (7) purchase, receive by donation, or lease any real or personal property necessary for the use of the county prison, take care of, manage and control the same, but no purchase of real property may be made unless the value has been previously estimated by three disinterested citizens of the county, appointed by the board for that purpose, and no more than the appraised value may be paid therefor; (8) cause to be erected and furnished a court house, jail, hospital and such other buildings as necessary, and construct and establish a branch jail, when necessary, at a point distant from the county seat; (9) sell at public auction at the court house door, after thirty days' previous notice given by publication in a newspaper of the county, and convey to the highest

bidder, for cash, any property belonging to the county and by the board deemed not needful for the use of the county, paying the proceeds into the county treasury for the use of the county; (10) examine and exhibit the accounts of all officers having the care, management, collection or disbursement of money belonging to the county, or appropriated by law or otherwise for its use and benefit; (11) examine, settle and allow all accounts legally chargeable against the county, and order warrants to be drawn on the county treasurer therefor, and provide for the issuing of the same; (12) levy such tax annually on the taxable property of the county as may be necessary to defray the general current expenses thereof, including salaries otherwise unprovided for, not exceeding two dollars on every one hundred dollars of value for any one year; and levy such other taxes as are required to be levied by law; (13) equalize assessments; (14) direct and control the prosecution and defense of all actions to which the county is a party, and compromise the same; (15) insure the county buildings in the name of and for the benefit of the county; (16) fill by appointment all vacancies occurring in county or precinct offices; (17) adopt provisions for the preservation of the health of their respective counties as necessary, and provide for the expenses thereof; (18) contract for the county printing and advertising, and provide books and stationery for county officers; (19) provide for the re-binding of any county records, or, if necessary, the transcribing of any records; (20) make and enforce such rules and regulations for the government of their body, the preservation of order and the transaction of business as necessary; (21) adopt a seal for the board, a description and impression whereof must be filed by the clerk in the office of the county recorder, and secretary of state; (22) do and perform all other acts and things necessary to the full discharge of the duties as

the legislative authority of the county government; but a supervisor shall not vote upon any measure in which he, or any member of his family, or partner, may be pecuniarily interested; (23) make and enforce all local, police, sanitary and other regulations not in conflict with general laws; (24) establish, maintain and conduct, or aid in establishing, maintaining and conducting public aviation fields, and purchase, receive by donation, or lease any property necessary therefor; may lease or sell the same to the United States; or exchange lands acquired pursuant hereto for other lands, or act in conjunction with the United States in maintaining, managing and conducting the same. When leases are made to the United States or to any department thereof the lease may provide for a nominal rental. When any such property be not needed for the purposes herein mentioned it shall be sold by the board and the proceeds paid into the general fund of the county; (25) acquire and hold property for the use of county fairs and conduct, take care of and manage the same; (26) authorize the sheriff to offer a reward, not exceeding five hundred dollars in one case, for the apprehension of any person convicted of or charged with crime; (27) contract for the transportation of insane persons from their county to the State Hospital for the Insane, or direct the sheriff to transport such persons and allow the expenses thereof; (28) bury deceased indigents and mark their graves with a stone, giving the name, age, and date of death; (29) sell or grant to the United States the title or interest of the county in any toll road or toll train in or partly within a national park, upon such terms and considerations as may be agreed upon by the board and the secretary of the Interior of the United States; (30) county boards of supervisors are hereby authorized and empowered to enter into agreements for acquiring rights of way, construction, reconstruction or maintenance of high-

ways in their respective counties with the government of the United States, acting through its duly authorized officers or agents pursuant to any act of Congress. Agreements heretofore entered into by boards of supervisors with the government of the United States for acquiring right of way, construction, reconstruction or maintenance of highways in their respective counties are hereby validated and confirmed. The boards of supervisors may pay as rewards for the destruction of wild animals in their counties, as follows: Lobos or timber wolves, mountain lions, pumas or panthers, ten dollars each; coyotes, two dollars each; raccoons, twenty-five cents each; lynx and wildcats, one dollar each; and jackrabbits, gophers and prairie dogs, five cents each. The person claiming the reward shall produce the entire hide of such animals, except jackrabbits, the ears of which shall be sufficient, before the board of the county in which such animal was killed. When the hide of such animal is produced the board shall mark or mutilate same in such manner that the bounty cannot again be collected, but in such a way as to injure as little as possible the commercial value of said hide, which shall then become the property of the county. The board shall examine such persons and other witnesses on oath, touching the time when, and the place where such animal was taken and killed, and the affidavit of at least one person other than the claimant shall be filed stating that he saw the carcass of the animal freshly killed, in the possession of the claimant and in the county, the date thereof, and a description of the animal.

Each member and the clerk, may administer oaths, but they shall charge no fees therefor.

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

Section 3. Whereas the preservation of the public peace, health and safety makes it necessary that this act shall become immediately operative, it is therefore declared to be an emergency measure and is hereby exempt from the referendum provisions of the State constitution and shall take effect and be in full force and effect from and after its passage and approval by the Governor.

Approved January 9, 1932.

CHAPTER 8.

(Senate Bill No. 11.)

AN ACT

FOR THE RELIEF OF UNEMPLOYMENT AND TO PROVIDE EMPLOYMENT FOR THE CITIZENS OF THE STATE OF ARIZONA; TO AMEND SECS. 3344, 3360, 3361, 3424 AND 3430 OF ARTICLE II, CHAPTER 81, REVISED CODE OF ARIZONA, 1928, RELATING TO IRRIGATION DISTRICTS AND AUTHORIZING AND PROVIDING FOR THE CREATION AND ESTABLISHMENT OF A BONDHOLDERS' COMMITTEE; PROVIDING FOR MEETING OF THE BONDHOLDERS OF SUCH DISTRICTS; FORMULATION AND PERFORMANCE OF BONDHOLDERS' AGREEMENT; PRESCRIBING THE POWERS AND DUTIES OF BONDHOLDERS' COMMITTEE; RELATING TO THE USE OF INTEREST COUPONS; DISTRIBUTION OF BOND INTEREST; DISTRICT RIGHTS; ISSUANCE OF COURT WRITS; REPEALING ALL LAWS IN CONFLICT THEREWITH; AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 3344, Article II, Chapter 81, Revised Code of Arizona 1928, is hereby amended to read as follows:

Section 3344. DISTRIBUTION OF WATER; PRIORITIES. Subject to the law of priority, all water of the district available for distribution shall be apportioned to the lands thereof pro rata; provided, however, that whenever water costs shall under the prac-

tice of the district be defrayed by a water tax, the district board may, at its discretion, withhold water service from any tract or tracts of land under such rules and regulations as it may promulgate, pending the payment of water tax assessed against such tract or tracts of land. The board of directors of any district may provide that charges for water service shall become a lien upon the land served until paid in full.

Section 2. Sec. 3360, Article II, Chapter 81, Revised Code of Arizona 1928, is hereby amended to read as follows:

Sec. 3360. TAX RATE; HOW DETERMINED. The Board of Supervisors of each county in which any taxable lands of an irrigation district are situated shall add to the amount by the board of directors of that district certified as being the total amount necessary to be raised by taxation for any fiscal year, an additional amount equal to fifteen per centum of the gross amount so certified, and based upon the total so made, shall fix and determine the rate amount per acre at which each acre of taxable lands of such district shall be taxed for the district purposes in such county. At the acreage amount of taxes so fixed the total of each assessment shall be computed and extended upon the rolls by the same officers who are by law authorized to compute and extend State and county taxes thereon; assessing said amount to the same person, firms, corporations or unknown owners to whom the State and county taxes are assessed upon the same real estate on the said rolls, and the board shall levy the taxes so assessed in the same manner and at the same time as the levy of State and county taxes. When so levied such district taxes shall become and be a lien to the amount thereof upon the real estate assessed therewith, which lien shall continue until such taxes and all penalties and interest therein are paid.

The fiscal year of irrigation districts shall begin on the 1st day of July and end on the 30th day of the next ensuing June. Whenever any tax shall have once been levied and assessed to meet any existing obligation and said tax shall be then in force, uncollected and unexpended, there shall be no re-assessment or second levy for the same purposes, whether or not said obligation shall be changed in form.

Section 3. Sec. 3361, Article II, Chapter 81, Revised Code of Arizona 1928, is hereby amended to read as follows:

Sec. 3361. SUPERVISORS TO ACT ON FAILURE OF DISTRICT BOARD. Should the board of directors neglect, fail or refuse to provide estimates and certificates as the bases for district levy and collection of taxes, at any time, the board of supervisors shall make such levy in such amount as they may deem sufficient for the purpose of the district for any fiscal year. Such board of supervisors, upon the request of any person holding any fully matured, unpaid and undisputed evidence of district indebtedness which shall first have been presented to the district board of directors for inclusion in the district budget, and which shall have been omitted therefrom, shall make such levy of taxes upon the taxable property of the district as will provide for the payment of such indebtedness of the district held by such person, and such other indebtedness as shown by such person to exist, and levies so made shall be collected and enforced in the same manner as regular assessments and tax levies for district purposes.

Section 4. Sec. 3424, Article II, Chapter 81, Revised Code of Arizona 1928, is hereby amended to read as follows:

Sec. 3424. DISTRICTS; PUBLIC CORPORATIONS. All irrigation districts heretofore or hereafter organized under the laws of the State of Arizona are hereby declared to have been and be public corporations and political subdivisions of the State, and municipal corporations under Section 2, Article IX, Constitution of the State of Arizona. Under all laws of the State of Arizona, affecting or relating to irrigation districts, such districts shall be deemed, held and construed to be public corporations and entitled to all exemptions, rights and privileges of public and municipal corporations in the construction and application of such constitutional and statutory provisions, and all property of such district shall be public property.

Section 5. Sec. 3430, Article II, Chapter 81, Revised Code of Arizona 1928, is hereby amended to read as follows:

Sec. 3430. DISTRICT ASSESSMENTS NOT TO BE LIEN AGAINST STATE; PROCEEDINGS ON BOND DEFAULTS; INTEREST.

(a) Nothing in this article shall be construed as creating any lien as against the interest of the State in any State lands, nor any obligations against the State of Arizona to pay charges, assessments or debts incurred by irrigation districts against State lands located within such district.

(b) Any irrigation district which shall be in default or about to default in the discharge of its financial obligations in respect to any issued and outstanding bonds and or any holder of any bond in respect to which any irrigation district may then be in default may petition the State Board of Certification to call a meeting of the holders of all the outstanding bonds for

the purposes and with the powers hereinafter provided. The petition in behalf of such irrigation district shall be by resolution of its board of directors, signed by the president and attested by the secretary of the district, setting forth the difficulties and the problems of the district and the relief sought. The petition in behalf of the holder of any such bond shall be subscribed and sworn to by such holder, shall describe the nature of the obligation of the district in respect to which default shall exist and to which shall be attached the certificate of the county treasurer, by or through whom such obligation is due to be paid, that such obligation is the obligation of such district, is outstanding and unpaid and that such district is in default in respect thereto. Upon the filing of any such petition, the chairman of the State Board of Certification shall fix a date for the hearing of such petition by said State Board of Certification, and shall call a meeting thereof for such purpose and give written notice of the time, place and purpose thereof, served upon the secretary of such district not less than ten or more than thirty days immediately preceding the date of such meeting, and published for at least ten days immediately preceding the date of such meeting, in a newspaper of general circulation in the county in which the principal office of such district is situated. At the time and place designated or such continuations thereof as may be ordered, the State Board of Certification shall hear evidence in support of and against the granting of such petition. If the State Board of Certification be satisfied that any such petition filed in behalf of any such district is duly authorized and executed, and/or that any such petition filed by such holder of any such bond is in the form hereinabove provided and that such district is in default in respect to the obligation described therein, such petition shall be granted forthwith, and the State Board of Certifica-

tion shall immediately thereupon by resolution call a meeting of the holders of all the issued and outstanding bonds of such district, to be held at the State Capitol in the City of Phoenix on a date fixed which shall be not less than sixty nor more than ninety days from the date of the adoption of such resolution, and shall cause notice of the time, place and purpose of such meeting to be given to all concerned by causing said notice to be published for at least two weeks immediately preceding the date of such meeting in a daily newspaper published in the City of Phoenix and of general circulation in the State of Arizona and in at least two issues immediately preceding the date of such meeting of at least one financial journal of national circulation published in the City of New York.

(c) The holders of such bonds shall meet together with the board of directors of such district at the time and place of such meeting provided in the notice thereof, organize and proceed immediately to the selection of a committee, which shall be designated and function as (Insert name of irrigation district affected) Committee. Said committee shall be composed of nine members, three of whom shall be selected from and by the vote of holders of such bonds present or represented and voting at such meeting; three of whom shall be selected by the board of directors of any such district from their own number, and the remaining three, who shall be the members of the State Board of Certification. Vacancies in the representatives of the district on said committee shall be filled by the district board of directors, and vacancies in the bond representatives by the remaining members of the bondholders representatives.

Each bondholder at all meetings of the bondholders authorized by this Act and/or by the bondholders'

agreement, hereinafter provided for, shall be entitled to one vote for each one dollar or major fraction thereof of the principal amount of such bonds by him held, certified, as hereinafter provided, by the State Treasurer. Such votes may be cast in person or by proxy in writing, signed and acknowledged as deeds are required to be acknowledged, by the holder of such bonds, such proxy having been first filed with and approved by the treasurer of the State of Arizona. No holder of any such bond shall be entitled to vote in person or by proxy, unless he shall have first surrendered to and deposited with said treasurer the bonds upon which he desires to vote, to be held and dealt with by said treasurer pursuant to the provisions of the bondholders' agreement, and any amendments thereof, as hereinafter provided. Upon convening of the meeting the said treasurer shall supply said meeting with a certified list of all bonds deposited with him, the names of the holders thereof, proxies approved, and the number of votes each holder shall be entitled to cast in person or by proxy, as hereinabove provided. The majority vote of all such holders entitled to vote at such meeting in person or by proxy shall govern.

(d) Immediately upon selection said committee shall proceed to and formulate a plan to be known as "Bondholders' Agreement" in respect to the district affected and the continuance of its business and affairs in such manner as to restore its solvency at the earliest practical date and as soon as may be, report the same to said meeting, which may be adjourned from day to day until such report shall have been received. Said report of the committee shall be acted upon by the meeting and adopted with such changes as shall be voted at such meeting. The said meeting shall convene or stand adjourned from day to day for the purpose herein comprehended for a period not to exceed

ninety days from the convening of the meeting, and in the event such meeting be unable and fail to agree upon such bondholders' agreement within such period the said meeting shall stand adjourned sine die, and said State Treasurer shall return the bonds so deposited with him to the respective and proper holders thereof.

(e) Said bondholders' agreement shall empower said committee, and said committee shall be charged with the execution of the plan contained therein. Immediately upon the adoption of said bondholders' agreement and the deposit with the treasurer of the State of Arizona, subject to the provisions of this Act and of said bondholders' agreement and any amendments thereof, of bonds aggregating at least fifty-one per cent of the principal amount of all bonds of such district then outstanding and the approval of said agreement by the board of directors of such district, said committee shall enter upon the discharge of its duties with the powers expressed or implied in said bondholders' agreement; provided, that in the event that the bonds of the district deposited with the said State Treasurer at the end of six months from the date of the adoption of the bondholders' agreement, as aforesaid, shall be less than said fifty-one per cent of the principal amount of all bonds of such district then outstanding, said bondholders' agreement shall be abrogated and the committee discharged and said State Treasurer shall return any bonds theretofore deposited with him to the respective and proper holders thereof.

(f) In the event said committee shall determine at any time that it is necessary or desirable to change or deviate from the terms, conditions and proposals of the plan adopted and set forth in said bondholders' agreement, it shall reduce the proposed change or de-

viation to writing and submit the same to the district board of directors for approval or rejection. In the event that said proposed change or deviation is approved by the district board of directors, the committee shall mail a copy thereof, postage prepaid, to each bondholder who shall have deposited his bonds, as aforesaid, to the last known place of residence of such holder. The changes or deviations proposed by the committee and approved by the board of directors shall become a part of said bondholders' agreement and binding upon all bondholders who shall not have withdrawn their deposited bonds within thirty days from the date of the deposit of said copies in the United States post office at the City of Phoenix.

(g) Any bondholders may at any time deposit his bonds with said treasurer and thereafter be entitled to the benefits and subject to the liabilities of said bondholders' agreement and any amendments thereof.

(h) The actual expenses of the committee incurred in the performance of the duties imposed hereby and/or by said bondholders' agreement shall be paid as other operating expenses of the district. In the event such district does not have the funds available to meet such expenses currently and as needed, the board of directors of the district effected may and it is directed hereby to issue from time to time its certificates of indebtedness in amount required to meet such expense as herein contemplated, to bear interest at the rate of not to exceed eight per centum per annum. The board of directors of the district affected shall include in the next ensuing budget the amount of all outstanding certificates of indebtedness, together with the interest that has accrued and the interest estimated to accrue to the estimated date of payment.

(i) Immediately upon said bondholders' agreement becoming effective, as hereinbefore provided, said committee shall be, and is hereby endowed with and shall have authority to perform, enforce and carry out, all and singular, the terms and conditions of said bondholders' agreement, with all of the powers expressed therein or implied therefrom.

(j) When all bond obligations of the district affected, accrued, or to accrue during the operation of said bondholders' agreement and the expense incident thereto, shall have been discharged in full, and upon the certificate of the State Treasurer to that effect filed with the State Board of Certification, said bondholders' agreement and said committee shall stand abrogated and discharged, and all right and powers of the district restricted or suspended by said bondholders' agreement shall be restored.

(k) Upon the granting of such petition and during the retention of jurisdiction by said committee, if there shall be in the district treasury at any time any funds available for the payment of bonds or interest thereon, but said amount shall not be sufficient to pay all outstanding bonds and/or interest coupons then due, such funds shall be held until they amount to at least twenty per cent (20%) of the total due all outstanding bonds and coupons and shall then be apportioned and paid to the holders of such bonds which are there on deposit with the State Treasurer.

(l) Whenever the committee shall have acquired jurisdiction hereunder and during the continuance thereof, no bond interest coupon shall be received and/or accepted in payment or discharge of any district tax other than and except for the payment of taxes levied for the payment and satisfaction of bond interest or bond principal.

Section 6. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Section 7. If any section, sub-section, sentence, clause or phrase of this act is for any reason held to be unconstitutional or unenforceable, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act and each section, sub-section, sentence, clause and phrase hereof, irrespective of the fact that any one or more of the sections, sub-sections, sentences, clauses or phrases be declared unconstitutional or unenforceable.

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

Approved January 9, 1932.

CHAPTER 9.

(House Bill No. 13.)

AN ACT

REQUIRING LICENSES FOR THE OPERATION, MAINTENANCE, OPENING OR ESTABLISHMENT OF STORES IN THIS STATE; PRESCRIBING THE LICENSE AND FILING FEES TO BE PAID THEREFOR, THE DISPOSITION THEREOF, AND THE POWERS AND DUTIES OF THE STATE TAX COMMISSION IN CONNECTION THEREWITH; PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF; PROVIDING FUNDS FOR THE RELIEF OF UNEMPLOYMENT; AND REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH.

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

Section 1. STORES—OPERATING, MAINTAINING, OPENING OR ESTABLISHING WITHOUT LICENSE DECLARED UNLAWFUL. From and after the first day of July, 1932, it shall be unlawful for any person, firm, corporation, association or co-partnership, either foreign or domestic, to operate, maintain, open or establish any store in this State without first having obtained a license so to do from the State tax commission, as hereinafter provided.

Section 2. APPLICATION FOR LICENSE TO STATE TAX COMMISSION; FEES. Any person, firm, corporation, association or co-partnership desiring to operate, maintain, open or establish a store in this State shall apply to the State tax commission

for a license so to do. The application for a license shall be made on a form which shall be prescribed and furnished by the State tax commission, and shall set forth the name of the owner, manager, trustee, lessee, receiver or other person desiring such license; the name of such store; the location, including the street number, of such store; and such other facts as the State tax commission may require. If the applicant desires to operate, maintain, open, or establish more than one such store, he shall make a separate application for a license to operate, maintain, open or establish each such store, but the respective stores for which the applicant desires to secure licenses may all be listed on one application blank. Each such application shall be accompanied by a filing fee of fifty cents, and by the license fee as prescribed in Section 5 of this act.

Section 3. EXAMINATION, CORRECTION OF APPLICATION, ISSUANCE, DISPLAY OF LICENSE. As soon as practicable after the receipt of any such application, the State tax commission shall carefully examine such application to ascertain whether it is in proper form and contains the necessary and requisite information. If, upon examination, the State tax commission shall find that any such application is not in proper form and does not contain the necessary and requisite information, it shall return such application for correction. If an application is found to be satisfactory, and if the filing and license fees, as herein prescribed, shall have been paid, the State tax commission shall issue to the applicant a license for each store for which an application for a license shall have been made. Each license shall display the license so issued in a conspicuous place in the store for which such license is issued.

Section 4. EXPIRATION, LAPSE OF LICENSES ;

RENEWALS. All licenses shall be so issued as to expire on the thirty-first day of December of each calendar year. On or before the first day of January of each year, every person, firm, corporation, association or co-partnership having a license, shall apply to the State tax commission for a renewal license for the calendar year next ensuing. All applications for renewal licenses shall be made on forms which shall be prescribed and furnished by the State tax commission. No license shall lapse prior to the thirty-first day of January of the year next following the year for which such license was issued, and if, by such thirty-first day of January, an application for a renewal license has not been made, the State tax commission shall notify such delinquent license holder thereof, by registered mail, and if application is not made for renewal license issued on or before the last day of February, next ensuing, the former license shall lapse and become null and void. Each such application for a renewal license shall be accompanied by a filing fee of fifty cents, and by the license fee as prescribed in Section 5 of this act.

Section 5. ANNUAL LICENSE FEES. Every person, firm, corporation, association or co-partnership opening, establishing, operating or maintaining one or more stores or mercantile establishments, within this State, under the same general management, supervision or ownership, shall pay the license fees hereinafter prescribed for the privilege of opening, establishing, operating or maintaining such stores or mercantile establishments. The license fee herein prescribed shall be paid annually, and shall be in addition to the filing fee prescribed in Sections 2 and 4 of this act.

The license fees herein prescribed shall be as follows:

(1) Upon one store the annual license fee shall be three dollars for each such store;

(2) Upon two stores or more, but not to exceed five stores, the annual license fee shall be five dollars for each such additional store;

(3) Upon each store in excess of five, but not to exceed ten, the annual license fee shall be fifteen dollars for each such additional store;

(4) Upon each store in excess of ten, but not to exceed twenty, the annual license fee shall be twenty dollars for each such additional store;

(5) Upon each store in excess of twenty the annual license fee shall be twenty-five dollars for each such additional store.

Section 6. FEES FOR LICENSES ISSUED PRIOR TO OR AFTER JULY FIRST. Each and every license issued prior to the first day of July of any year shall be charged for at the full rate, and each and every license issued on or after the first day of July of any year shall be charged for at one-half of the full rate, as prescribed in Section 5 of this act.

Section 7. PARTIES TO WHICH ACT APPLIES. The provisions of this act shall be construed to apply to every person, firm, corporation, co-partnership or association, either domestic or foreign, which is controlled or held with others by majority stock ownership or ultimately controlled or directed by one management or association of ultimate management.

Section 8. DEFINITION OF TERM "STORE." The term "store" as used in this act shall be construed to mean and include any store or stores or any mercantile establishment or establishments at fixed places

of business which are owned, operated, maintained or controlled by the same person, firm, corporation, co-partnership or association, either domestic or foreign, in which goods, wares or merchandise of any kind are sold, either at retail or wholesale.

Section 9. PENALTY. Any person, firm, corporation, co-partnership or association who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor. Each and every day that such violation shall continue shall constitute a separate and distinct offense.

Section 10. EXPENSES OF ADMINISTRATION; TRANSFER OF ACCRUING MONEYS. Any and all expenses incurred by the State tax commission in the administration of this act shall be paid out of the funds accruing from the fees imposed by and collected under the provisions of this act. All money collected under the provisions of this act, less the expenses incurred in the administration of this act, shall be paid into the State treasury, monthly, by the State tax commission and shall be added to and shall constitute a part of the general fund.

Section 11. CLERICAL ASSISTANTS; PAYMENT OF EXPENSES; INITIAL APPROPRIATION. The State tax commission is hereby authorized to employ such clerical assistance as may be necessary, not to exceed one clerk, to carry out and administer the provisions of this act, and to prepare and print such blanks, forms, reports, receipts and any and all other things which may be necessary to provide for the administration of this act, and to pay any and all such expenses so incurred out of the fund collected under the provisions of this act. The sum of two thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the

general fund of the State treasury not otherwise appropriated, to be available upon the taking effect of this section, and to be used by the State tax commission in defraying any expenses which may be incurred in the administration and in preparing to administer this act before sufficient funds shall have been collected from license fees, as hereinbefore provided. As soon as a sufficient amount of license fees shall have been collected under the provisions of this act, the two thousand dollars hereby appropriated, or so much thereof as shall have been used, shall be returned to the general fund.

Section 12. VALIDITY. If any section, provision or clause of this act should be declared invalid, such invalidity shall not be construed to affect the portions of the act not so held invalid.

Section 13. ACT IN EFFECT FROM AND AFTER JULY 1, 1932. This act shall be in effect from and after the first day of July, 1932, except Section 11, which shall be in effect ninety days after receiving the signature of the Governor.

Section 14. UNEMPLOYMENT RELIEF. This law is enacted for the purpose of relieving unemployment.

Section 15. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved January 9, 1932.

CHAPTER 10.

(House Bill No. 16.)

AN ACT

AMENDING SEC. 3023, CHAPTER 71, REVISED CODE 1928, RELATING TO FEES OF THE STATE LAND DEPARTMENT; APPROPRIATING CERTAIN OF SUCH FEES TO SAID DEPARTMENT; AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 3023, Revised Code 1928, is hereby amended to read as follows:

Sec. 3023. FEES. The commissioner shall charge the following fees: For filing application for selection of public lands, three dollars; for filing bonds, one dollar; filing application for lease or purchase, one dollar; issuing lease, one dollar and fifty cents; issuing certificate of purchase, three dollars; issuing patent, five dollars; filing application for reimbursement, two dollars; filing application for transfer or assignment of lease, or certificate of purchase, or transferring lease, one dollar and fifty cents; transferring certificate of purchase, three dollars; filing application for right of way, five dollars; filing application to cut timber or wood, or use any product of State lands, two dollars; issuing permit to contract to cut timber or wood, or use any product of State lands, two dollars; filing and approving bond, two dollars; making certified copy of proceedings or other records of the commissioner, twenty cents per folio; classification and appraisal fee, two per cent of the purchase price for all improvement and land sold. The classifi-

cation and appraisalment fee, when the same amounts to twenty-five cents or over per acre, may be paid in installments of twenty per cent of such fee annually for five years, at the time annual payments on the land are made. If an application is rejected, the filing fee shall be refunded, except that the department may retain selection and purchase fees if field examination shall have theretofore been made.

Section 2. The classification and appraisalment fees heretofore created are hereby appropriated for the use and benefit of the State land department. Said fees shall be paid into the State treasury as other State funds and all claims shall be drawn in the manner provided by law, approved by the State auditor and paid by the State treasurer, if and when found to be in proper order; provided any fees remaining unused at the close of each fiscal year shall revert to the general fund.

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

Approved January 9, 1932.

CHAPTER 11.

(House Bill No. 15.)

AN ACT

TO AMEND SEC. 2980, ARTICLE 4, CHAPTER 71, REVISED CODE 1928, RELATING TO STATE LANDS; AUTHORIZING THE STATE LAND COMMISSIONER TO RECEIVE ADVANCES FOR EXPENSE OF SELLING STATE LAND OR MAKING SELECTIONS; PROVIDING FOR THE REIMBURSEMENT OF SUCH APPLICANT WHEN UNSUCCESSFUL IN PROCURING LEASE OR PURCHASE OF LAND; AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 2980, Article 4, Chapter 71, Revised Code 1928, is hereby amended to read as follows:

Sec. 2980. SALE OF LANDS UPON APPLICATION, TIMBER; ADVANCING EXPENSE OF SALE OR SELECTION. Upon receipt of the application the commissioner shall, under such rules and regulations as the department may adopt, cause such lands to be sold, if they are not such as are prohibited by law to be sold. Lands containing timber of such value that it should in the opinion of the commissioner be sold separately from the land, shall not be subject to sale until after said timber is sold.

Whenever an application shall be filed with the State land department for the selection or sale of land under the established laws of this State, and the State land commissioner concludes that the benefit to be derived from said selection or sale is less than the ex-

pense involved, he may, in his discretion, accept from the applicant an amount of money sufficient to pay the expense incidental to such selection or sale; provided, however, that if such applicant shall fail to secure lease after selection of land, or shall fail to purchase land, after bidding on same, the successful lessee or purchaser shall reimburse the original applicant for any funds so advanced.

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

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

Approved January 9, 1932.

CHAPTER 12.

(House Bill No. 17.)

AN ACT

MAKING AN APPROPRIATION FOR THE STATE LAND DEPARTMENT; AND DECLARING AN EMERGENCY.

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

Section 1. For the purpose of providing for an emergency existing in the State land department, there is hereby appropriated for the said State land department out of any money in the general fund not

otherwise appropriated, the sum of three thousand, seven hundred fifty dollars, as follows:

Twentieth Fiscal Year	Twenty-First Fiscal Year.
Real Estate Division\$ 500.00	Real Estate Division...\$1,000.00
Travel 1,000.00	
Automobiles 1,250.00	

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

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

Approved January 9, 1932.

CHAPTER 13.

(Senate Bill No. 16.)

AN ACT

TO MAKE AN APPROPRIATION FOR THE STATE PRISON FOR ADDITIONAL GUARDS, FARM EQUIPMENT, PAROLE CLERK, ASSISTANT DOCTOR AND NURSE (PERIODIC), REPAIRS AND REPLACEMENTS AND MISCELLANEOUS EQUIPMENT; AND DECLARING AN EMERGENCY.

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

Section 1. There is hereby appropriated from the general fund moneys not otherwise appropriated, for the use of the State prison, covering the time and for the purposes designated as follows:

4 Guards, January 30, 1932, to June 30, 1932..	\$ 2,880.00
4 Guards, July 1, 1932, to July 1, 1933.....	5,760.00
Parole Clerk, January 1, 1932, to June 30, 1932	900.00
Parole Clerk, July 1, 1932, to June 30, 1933....	1,800.00
Washing Machine for Laundry.....	2,000.00

For the Farm:

Combined Harvester.....	2,000.00
Disc Plow.....	350.00
Hay Baler.....	1,000.00
Harnesses	250.00
Disc Harrow.....	190.00

For the Dairy:

Milk Separator, Butter Making Machine Equipment, New Boilers.....	705.00
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Pipe Fittings, Valves and Equipment and New Water Line to the Dairy Plant.....	695.00
For the Prison Hospital:	
Equipment and Supplies.....	1,000.00
Assistant Doctor and Nurse (periodic), January 1, 1932, to June 30, 1932.....	200.00
Assistant Doctor and Nurse (periodic), July 1, 1932, to June 30, 1933.....	400.00
Prison Repairs and Replacements.....	1,000.00
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Total	\$21,130.00

Section 2. The State auditor is hereby authorized and directed to draw warrants on the State treasurer to and not to exceed the amounts herein set forth and for the purposes herein specified, and the State treasurer is hereby authorized and directed to pay said warrants out of the general fund of the State and the appropriation herein made.

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

Section 4. Whereas the preservation of the public peace, health and safety makes it necessary that the provisions of this act shall become operative immediately, an emergency is hereby declared to exist, and this act is hereby exempt from the operation of the referendum provisions of the State constitution and it shall take effect and be in full force from and after its passage and approval by the Governor.

Approved January 9, 1932.

CHAPTER 14.

(Senate Bill No. 9.)

AN ACT

TO AMEND SEC. 1646 OF THE REVISED CODE OF 1928, AS AMENDED BY CHAPTER 100, LAWS OF THE REGULAR SESSION OF THE TENTH LEGISLATURE RELATING TO THE REGISTRATION OF FOREIGN VEHICLES; AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 1646 of the Revised Code of 1928, as amended by Chapter 100, Laws of the Regular Session of the Tenth Legislature 1931, is hereby amended to read as follows:

Sec. 1646. A foreign vehicle operated within this State for the transportation of persons for compensation or for the transportation of property, or operated in the business of a non-resident, carried on in this State, shall be registered and the same fees paid therefor as required of like vehicles owned by residents. Any vehicle coming into this State with any kind of produce for sale in this State shall, upon entering the State, pay the regular registration and weight fees before selling any portion of the produce so brought into this State. A foreign vehicle operated in this State other than for the transportation of persons for hire or for the transportation of property or in the business of a non-resident carried on in this State, which has been duly registered for the current year in any other state or country, shall be registered, within ten days after commencing to operate the same in this State, in like manner as vehicles owned by residents, but no

fee shall be charged for such registration nor shall any number plates be issued, but in lieu thereof the division shall issue to such non-resident owner a certificate of registration of a distinctive form, containing the date it is issued, a brief description of the vehicle and a statement that the owner has procured registration of such vehicle as a non-resident. No non-resident owner of a vehicle shall operate the same upon the public highways either before or while it is registered under this section, unless there shall be at all times displayed thereon the registration number plates assigned to said vehicle for the current calendar year by the county or state of which the owner is a resident, nor unless the certificate of registration, when issued as in this section provided, shall be placed on the windshield of said motor vehicle in the manner to be specified by the division. Certificates of registration issued to such non-resident owners shall be valid for a period not to exceed four months in the calendar year in which such certificate of registration is issued, except that where such period shall expire in December it shall be extended to the following January first.

Section 2. Should any section, paragraph, sentence, clause or phrase of this act be declared unconstitutional or invalid for any reason, the remainder of said act shall not be affected thereby.

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

Approved January 12, 1932.

CHAPTER 15.

(House Bill No. 37)

AN ACT

TO AMEND SEC. 1587 AND SEC. 1589 OF THE REVISED CODE OF ARIZONA, 1928, RELATING TO SPEED LIMIT ON HIGHWAYS; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 1587, Revised Code of Arizona, 1928, is hereby amended to read as follows:

Sec. 1587. SPEED LIMIT ON HIGHWAYS. No person shall drive a vehicle upon a highway at a speed greater than is reasonable and prudent, having due regard to the traffic, surface and width of the highway and the hazard at intersections and any other conditions then existing.

Nor shall any person drive at a speed which is greater than will permit the driver to exercise proper control of the vehicle and to decrease speed or to stop as may be necessary to avoid colliding with any person, vehicle or other conveyance upon or entering the highway in compliance with legal requirements and with the duty of drivers and other persons using the highway to exercise due care; provided, that this provision shall not be construed to relieve the plaintiff in any civil action from the burden of proving negligence upon the part of the defendant as the proximate cause of an accident. Subject hereto and except where lower speed is specified herein, the

driver of a vehicle shall not drive the same at a speed in excess of that specified as follows:

1. Fifteen miles per hour:

(a) When passing a school building or the grounds thereof during school hours or while children are going to or leaving school during opening or closing hours, or when passing school buses where children are being loaded or unloaded, or

(b) When approaching within one hundred feet of a grade crossing of a steam, electric or street railway where the driver's view of such crossing or of any traffic on such railway within a distance of four hundred feet in either direction is obstructed.

2. Twenty miles per hour:

(a) In any business district as defined herein,
or

(b) upon approaching within fifty feet and in traversing an intersection of highways where the driver's view in either direction along any intersecting highway within a distance of two hundred feet is obstructed, except that when traveling upon a through street or at traffic controlled intersections the district speed shall apply.

3. Twenty-five miles per hour:

(a) In any residence district as defined herein, or

(b) at any railway grade crossing where the view is not obstructed, or

(c) in public parks within cities unless a different speed is indicated by local authorities and duly posted.

4. Thirty-five miles per hour:

outside of business or residence district, except as otherwise limited by this act.

In charging a violation of this section, the complaint shall specify the speed at which the defendant is alleged to have driven, and the speed which this section declares lawful at the time and place of such alleged violation. Any person violating the provisions of this section shall be guilty of a misdemeanor.

Section 2. Section 1589, Revised Code of Arizona, 1928, is hereby amended to read as follows:

Sec. 1589. SPEED LIMIT REGULATED ACCORDING TO WEIGHT AND TIRE EQUIPMENT. In addition to other regulations it shall be unlawful for the driver of a vehicle equipped with pneumatic tires other than passenger vehicles, to drive the same upon a public highway at speeds in excess of the following:

When the gross weight of the vehicle and any load thereon is twenty thousand pounds, but less than twenty-five thousand pounds, thirty-five miles per hour;

When the gross weight of the vehicle and any load thereon is twenty-five thousand pounds, but less than thirty thousand pounds, thirty miles per hour;

When the gross weight of the vehicle and any load thereon is thirty thousand pounds or more, twenty-five miles per hour.

It shall be unlawful for the driver of a motor truck towing a trailer or semi-trailer to drive the same at a speed in excess of twenty miles per hour upon any public highway.

It shall be unlawful for the driver of a vehicle

equipped with other than pneumatic tires to drive the same upon a public highway at speeds in excess of those provided in the following table:

When Gross Weight of Vehicle and Load Is:	Maximum Speed per Hour in Miles.
Nine thousand pounds or more but not not more than twelve thou- sand pounds	25
Over twelve thousand pounds, but not over twenty-two thousand pounds	15
Over twenty-two thousand pounds	12
When a truck or trailer is equipped with tires made wholly or partly of metal	6

Subject to the foregoing limitations when applicable, any truck or trailer equipped with other than pneumatic tires which has a manufacturers rated carrying capacity of four tons or more shall not at any time be driven or moved on any public highway at a speed in excess of fifteen miles per hour. Any person violating the provisions of this section shall be guilty of a misdemeanor.

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

Approved January 12, 1932.

CHAPTER 16.

(Senate Bill No. 8.)

AN ACT

TO AMEND ARTICLE 6, CHAPTER 31, REVISED CODE OF 1928, AS AMENDED BY CHAPTER II, LAWS OF THE REGULAR SESSION OF THE TENTH LEGISLATURE, RELATING TO MOTOR VEHICLE FUEL TAX, AND SEC. 1686 OF THE REVISED CODE OF 1928 AS AMENDED BY CHAPTER 100, LAWS OF THE REGULAR SESSION OF THE TENTH LEGISLATURE, RELATING TO DEFINITIONS OF WORDS AND PHRASES; AND DECLARING AN EMERGENCY.

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

Section 1, Article 6, Chapter 31, Revised Code of 1928, as amended by Chapter 2, Laws of the Regular Session of the Tenth Legislature, is hereby amended to read as follows:

Sec. 1673. AMOUNT OF TAX; WHEN PAYABLE; DISTRIBUTION. Every distributor shall pay to the State, in addition to all other taxes provided by law, a license tax to the State, from the date this law becomes effective to and including the 30th day of June, 1933, of five cents, and thereafter of four cents for each gallon of motor vehicle fuel possessed, refined, manufactured, produced, blended or compounded in this State by such distributor, or imported by such distributor whether in the original package or container in which it was imported, or otherwise. The payment of the tax herein imposed shall not be required on any motor vehicle fuel possessed at the

time this law becomes effective, and upon which a tax has been paid to the State under the provisions of Chapter 31, Revised Code of 1928, and amendments thereto. In the computation of such tax, one per cent of the tax otherwise due shall be deducted before payment for shrinkage. Such license tax accrued in any calendar month shall be paid on or before the fifteenth day of the next succeeding calendar month to the vehicle superintendent, who shall promptly pay three-tenths of all such money to the several county treasurers of the State, in the proportion that the sales of motor vehicle fuel in such county shall bear to the total sales of motor vehicle fuel throughout the State, which shall be used by the counties as may be determined by the boards of supervisors thereof, for the construction, improvement or maintenance of county highways or bridges, or for the retirement of outstanding county highway bonds, or the payment of interest thereon, and seven-tenths of said license taxes to the State treasurer, who shall deposit the same in the State highway fund. The vehicle superintendent shall deduct all exemptions and refunds from the said tax before making the division between the State and counties; providing that after July 1, 1932 the proportion of said tax distributed to the counties shall be two-fifths of said tax and the proportion of said tax distributed to the State shall be three-fifths of said tax.

Sec. 1673a. APPLICATION FOR LICENSES; CONTENTS; LICENSING OF DISTRIBUTORS. It shall be unlawful for any distributor to import, receive, use, sell or distribute any motor vehicle fuel, or to engage in business within this State as such, unless such distributor is the holder of an uncanceled license issued by the vehicle superintendent to engage in such business. To procure such license, every dis-

tributor shall file with the vehicle superintendent an application upon oath, and in such form as said superintendent may prescribe, setting forth:

(a) The name under which the distributor will transact business within this State;

(b) The location, with street number address, of its principal office or place of business within this State;

(c) The name and complete residence address of the owner, or the names and addresses of the partners, if such distributor is a partnership, or the names and addresses of the principal officers, if such distributor is a corporation or association; and if such distributor is a corporation or association, organized under the laws of another state, territory or country, it shall also file with such application a certified copy of the certificate of license issued by the Arizona Corporation Commission, showing that such corporation or association is authorized to transact business in this State.

Upon the filing of an application for a license, and concurrently therewith, a bond or bonds of the character stipulated and in the amount provided for in Sec. 1673b shall be filed with the vehicle superintendent. No license shall issue upon any application unless accompanied by such a bond or bonds.

In the event that any application for a license certificate to transact business as a distributor in this State shall be filed by any person whose license shall at any time theretofore have been cancelled for cause by the vehicle superintendent, or in case said superintendent shall be of the opinion that such application is not filed in good faith, or that such application is filed by some person as a subterfuge for a real person in interest,

whose license or registration shall theretofore have been cancelled for cause by said vehicle superintendent, then and in any of said events, the vehicle superintendent, after a hearing, of which the applicant shall have been given five days' notice in writing, and in which said applicant shall have the right to appear in person or by counsel and present testimony, shall have, and is hereby given, the right and authority to refuse to such person a license certificate to transact business as a distributor in this State.

Upon the filing of the application for a license, a filing fee of twenty-five dollars shall be paid to the vehicle superintendent.

The application in proper form having been accepted for filing, the filing fee paid, and the bond or bonds having been accepted and approved, the vehicle superintendent shall issue to such distributor a license certificate to transact business as a distributor in this State, subject to cancellation of such license as provided by law.

The license certificate so issued by the vehicle superintendent shall not be assignable, and shall be valid only for the distributor in whose name issued, and shall be displayed conspicuously in the principal place of business of said distributor in this State.

The superintendent shall keep and file all applications and bonds with an alphabetical index thereof, together with a record of all licensed distributors.

Sec. 1673b. BOND REQUIRED OF LICENSED DISTRIBUTOR. Every distributor shall file with the vehicle superintendent a bond or bonds, on a form to be approved by said superintendent, and with a surety company authorized by the Arizona Corporation Commission to transact business in this State as sur-

ety thereon and upon which such distributor shall be the principal obligor and the State of Arizona shall be the obligee, conditioned upon the prompt filing of true reports and the payment by such distributor to said superintendent of any and all motor vehicle fuel taxes which are now or hereafter may be levied or imposed by this State, together with any and all penalties and interest thereon, and generally upon faithful compliance with the provisions of this article.

The total amount of the bond or bonds required of any distributor shall be fixed by the vehicle superintendent and may be increased or reduced by him at any time, subject to the limitations herein provided. In fixing the total amount of the bond or bonds required by any distributor, such superintendent must require a bond or bonds equivalent in total amount to one and one-half times the superintendent's estimate of the distributor's monthly license tax, determined in such manner as said superintendent may deem proper; provided, however, that subject to such terms and conditions as said superintendent may prescribe, any distributor may undertake to pay on each Tuesday the license tax accruing on all of the motor vehicle fuel refined, manufactured, produced, blended, compounded, imported or acquired during the week ending the Saturday next preceding, and if any distributor shall so bind himself, said superintendent shall fix his bond or bonds in a total amount equivalent to one and one-half times the license tax accruing on account of the estimated weekly tax on the motor vehicle fuel to be refined, manufactured, produced, blended, compounded, imported or acquired by him, determined in such manner as said superintendent may deem proper; and further provided that the total amount of the bond or bonds required of any distributor shall never be less

than one thousand dollars, nor more than one hundred thousand dollars.

In the event that liability upon the bond or bonds thus filed by the distributor with the vehicle superintendent shall be discharged or reduced, whether by judgment rendered, payment made or otherwise, or if in the opinion of said superintendent any surety on the bond theretofore given shall have become unsatisfactory or unacceptable, then said superintendent may require the distributor to file a new bond or bonds, with satisfactory sureties, in the same amount, failing which said superintendent shall forthwith cancel the license certificate of said distributor. If such new bond or bonds shall be furnished by said distributor as above provided, said superintendent shall cancel and surrender the bond or bonds of said distributor for which such new bond or bonds shall be substituted.

In the event that upon hearing, of which the distributor shall be given five days' notice in writing mailed to the last known address of said distributor, the vehicle superintendent shall decide that the amount of the existing bond or bonds is insufficient to insure payment to this State of the amount of the tax and any penalties and interest for which said distributor is, or may at any time, become liable, then the distributor shall forthwith, upon the written demand of said superintendent, file an additional bond or bonds in the same manner and form, with a surety company thereon approved by said superintendent, in any amount determined by said superintendent to be necessary to secure at all times the payment by such distributor of all taxes, penalties, and interest due under the provisions of this article, failing which said superintendent shall forthwith cancel the license certificate of said distributor.

Any surety on any bond or bonds furnished by any

distributor, as above provided, shall be released and discharged from any and all liability to the State of Arizona accruing on such bond or bonds after the expiration of sixty days from the date upon which such surety shall have lodged with the vehicle superintendent written request to be released and discharged; provided, however, that such request shall not operate to relieve, release or discharge such surety from any liability already accrued, or which shall accrue before the expiration of said sixty-day period. The vehicle superintendent shall promptly, on receipt of notice of such request, notify the distributor who furnished such bond or bonds, and, unless such distributor shall, on or before the expiration of such sixty-day period, file with said superintendent a new bond or bonds, with a surety company satisfactory to said superintendent in the amount and form hereinbefore in this section provided, said superintendent shall forthwith cancel the license of such distributor. If such new bond or bonds shall be furnished by said distributor as above provided, the vehicle superintendent shall cancel and surrender the bond or bonds of said distributor for which such new bond or bonds shall be substituted.

Whenever any distributor shall undertake to pay the license tax in weekly installments, as provided herein, and shall fail to pay the full amount thereof in accordance with the terms and conditions prescribed by the vehicle superintendent, his license may be revoked forthwith, unless he complies immediately with the requirement of this section relating to the filing of a bond or bonds equivalent in total amount to one and one-half times said superintendent's estimate of the distributor's monthly license tax. Nothing in this section shall be construed as relieving any distributor of

the duty of filing the verified monthly report required by this article.

Section 1673c. REPORTS OF DISTRIBUTORS. On or before the fifteenth day of each and every month, every distributor shall file with the vehicle superintendent, on forms prescribed and furnished by said superintendent, a true and verified statement showing the total number of gallons of motor vehicle fuel refined, manufactured, produced, blended compounded, imported or acquired during the preceding calendar month, the number of gallons of motor vehicle fuel sold or otherwise disposed of by him for use in each of the several counties of this State, and such other and further data or information as said superintendent may require.

Sec. 1674. POWER OF VEHICLE SUPERINTENDENT TO CANCEL LICENSES; SURRENDER OF BOND. If a distributor shall at any time file a false report of the data or information required by this article, or shall fail, refuse or neglect to file the monthly report, or any other report required, or that may be required, under or by this article, or to pay the full amount of the tax as required by this article, the vehicle superintendent may forthwith cancel the license of said distributor and notify such distributor in writing of such cancellation by registered mail, mailed to the last known address of such distributor appearing in the files of the motor vehicle division. The vehicle superintendent is hereby given the power to cancel any license hertofore or hereafter issued to any distributor, such cancellation to become effective sixty days from the date of receipt of the written request of such distributor for cancellation thereof, or said superintendent may cancel the license of any distributor upon investigation and sixty days' notice mailed to the last known address of such distributor

if he shall ascertain and find that the person to whom such license has been issued is no longer engaged in the business of a distributor, and has not been so engaged for the period of six months prior to such cancellation. But no such license shall be cancelled upon the request of any distributor until and unless the distributor shall, prior to the date of such cancellation, have paid all taxes payable under the provisions of this article, together with any and all penalties and fines accruing by reason of any failure on the part of said distributor to make accurate reports as required by this article or to pay said taxes or penalties.

In the event that the license of any distributor shall be cancelled by the vehicle superintendent, as hereinbefore in this section provided, and in the further event that said distributor shall have paid to this State all taxes due and payable by him under the provisions of this article upon the receipt, sale or use of motor vehicle fuel, together with any and all interest and penalties accruing by reason of any failure on the part of said distributor to make accurate reports or to pay said tax and interest and penalties, then the vehicle superintendent shall cancel and surrender the bond or bonds theretofore filed by said distributor.

Sec. 1674a. PENALTY FOR FAILURE TO REPORT OR PAY TAXES PROMPTLY. When any distributor shall fail to submit his monthly report to the vehicle superintendent by the fifteenth of the month, or when such distributor fails to submit the data or information required under the provisions of this article in such monthly report, or when such distributor shall fail to pay the amount of taxes due this State when the same shall be payable, a penalty of twenty-five per cent shall be added to the amount of the tax due, and said penalty of twenty-five per cent shall immediately accrue, and thereafter said tax and

penalty shall bear interest at the rate of seven per cent per annum until the same is paid.

Sec. 1674b. VEHICLE SUPERINTENDENT MAY ESTIMATE MOTOR VEHICLE FUEL RECEIVED. Whenever any distributor shall neglect or refuse to make and file any report for any calendar month, as required by this article, or shall file an incorrect or fraudulent report, the vehicle superintendent shall determine, from any information obtainable in his office or elsewhere, the number of gallons of motor vehicle fuel with respect to which the distributor has incurred liability under the motor vehicle fuel tax laws of this State.

In any action or proceeding for the collection of the motor vehicle fuel tax or any interest or penalties imposed in connection therewith, an assessment by the vehicle superintendent of the amount of the tax due or interest or penalties due to the State shall constitute prima facie evidence of the claim of the State, and the burden of proof shall be upon the distributor to show that the assessment was incorrect and contrary to law. The attorney general shall prosecute an action to collect any delinquent tax or penalty.

Sec. 1674c. REPORT FROM PERSONS NOT DISTRIBUTORS; CONTENTS; PENALTY FOR FAILURE TO SUBMIT REPORT. Every person purchasing or otherwise acquiring motor vehicle fuel in tank car or cargo lots and selling, using, or otherwise disposing of the same for delivery in this State not required by the provisions of this article to be licensed as a distributor in motor vehicle fuel, shall file a statement with the vehicle superintendent setting forth the name under which such person is transacting business within this State, the location with street number address of such person's principal office or place of

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

When any person, not required by the provisions of this article to register as a distributor of motor vehicle fuel, purchasing or otherwise acquiring motor vehicle fuel in tank car or cargo lots and selling or otherwise disposing of the same for delivery in this State, shall fail to submit his monthly report to the vehicle superintendent on or before the fifteenth of the month following the month for which the report is made, or when such person shall fail to submit in such monthly report the data required by this article, such person shall be guilty of a misdemeanor and shall be fined an amount not greater than one hundred dollars for

the first offense nor more than one thousand dollars for each subsequent offense.

Sec. 1675. REPORTS FROM CARRIERS TRANSPORTING MOTOR VEHICLE FUEL. Every railroad company, every street, suburban or inter-urban railroad company, every pipe line company, and every common carrier transporting motor vehicle fuel, either in interstate or in intrastate commerce, to points within this State, and every person transporting motor vehicle fuel by whatever manner to a point in this State from any point outside of said State, shall report under oath to the vehicle superintendent on forms prescribed by said superintendent, all deliveries of motor vehicle fuel so made to points within this State.

Such reports shall cover monthly periods, shall be submitted monthly within twenty-five days after the close of the month covered by the report, shall show the name and address of the person to whom the deliveries of motor vehicle fuel have actually and in fact been made, the name and address of the originally named consignee, if motor vehicle fuel has been delivered to any other than the originally named consignee, the point of origin, the point of delivery, the date of delivery, and the number and initials of each tank car and the number of gallons contained therein, if shipped by rail; the license number of each tank truck and the number of gallons contained therein, if transported by motor truck; if delivered by other means, the manner in which such delivery is made; and such other and additional information relative to shipments of motor vehicle fuel as the vehicle superintendent may require.

Sec. 1675a. RETENTION OF RECORDS BY DISTRIBUTORS AND OTHER PERSONS. Each distributor shall maintain and keep, for a period of two

years, such records of motor vehicle fuel received, acquired, used, sold and delivered within this State by such distributor, together with invoices, bills of lading, and other pertinent records and papers as may be required by the vehicle superintendent for the reasonable administration of this article.

It shall be the duty of every person purchasing motor vehicle fuel taxable under this article from a distributor for the purpose of resale, to maintain and keep for a period of one year a record of motor vehicle fuel received, the amount of tax paid to the distributor as part of the purchase price, together with delivery tickets, invoices and bills of lading, and such other records as the vehicle superintendent shall require.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and shall, upon conviction thereof, be sentenced to pay a fine of one thousand dollars and cost of prosecution, or to undergo imprisonment for not more than one year, or both, in the discretion of the court.

Sec. 1675b. INSPECTION OF RECORDS AND EQUIPMENT; HEARINGS; FORMS. The vehicle superintendent, or any deputy, employee or agent authorized by him, is hereby given the authority to examine, during the usual business hours of the day, the records, books, papers, storage tanks and any other equipment of any distributor, purchaser, seller or carrier, pertaining to motor vehicle fuel imported, received, sold, shipped, or delivered, as the case may be, to verify the truth and accuracy of any statement, report or return, or to ascertain whether or not the tax imposed by this article has been paid, and further to examine the records, books, papers, storage tanks, and other equipment of any distributor to determine the financial responsibility of the distributor for the pay-

ment of the taxes imposed by this article. Said superintendent shall have the power, in the enforcement of the provisions of this article, to hold hearings, take the testimony of any person, and for such purpose shall be authorized to issue subpoenas and compel the attendance of witnesses, and shall have the power to conduct such investigations as he may deem necessary; provided, that it shall be unlawful for any person to disclose the information acquired by said superintendent or any agent under the provisions of this section, except when required to do so in a court of law. Provided, further, that this provision shall not be construed to mean that such information or evidence is privileged when used by the State or any officer thereof in any proceeding for the collection of the tax or any prosecution for violation of any of the provisions of this article.

The vehicle superintendent shall have the authority to prescribe all forms upon which reports shall be made to the vehicle division, claims for refund presented to the vehicle division, or forms of record to be used by distributors.

Sec. 1675c. TAX LIEN ON PROPERTY. If any person liable for the tax imposed by the provisions of this article neglects or refuses to pay the same, the amount of such tax (including any interest, penalty or addition to such tax, together with any costs that may accrue in addition thereto) shall be a lien in favor of the State upon all franchises, property and rights to property, whether real or personal, then belonging to or thereafter acquired by such person (whether such property is employed by such person in the prosecution of business or is in the hands of an assignee, trustee or receiver for the benefit of creditors) from the date said taxes are due and payable as provided in this article. Such lien shall have priority over any lien or

incumbrance whatsoever, except the lien of other State taxes having priority by law, and except that such lien shall not be valid as against any bona fide mortgagee, pledgee, judgment creditor, or purchaser whose rights shall have attached prior to the time when the vehicle superintendent shall have filed notice of such lien in the office of the recorder of the county in which the principal place of business of such person is located (for which filing no fee shall be required). Such lien shall continue until the amount of said tax, together with any penalties and interest accruing thereon, is paid. The vehicle superintendent may issue a certificate of release of lien when the amount of such tax, together with any penalties and interest accruing thereon, has been satisfied by such person, and such person may record the same with the recorder of the county in which the notice of lien was filed.

No sheriff, receiver, assignee, master or other officer shall sell the property or franchises of any person who is a distributor without first filing with the vehicle superintendent a statement containing the following information :

1. Name or names of the plaintiff or party at whose instance or upon whose account the sale is made ;
2. Name of the person whose property or franchise is to be sold ;
3. The time and place of sale ;
4. The nature of the property and the location of the same.

It shall be the duty of the vehicle superintendent after receiving notice as aforesaid, to furnish the sheriff, receiver, trustee, assignee, master or other officer,

having charge of the sale, a certified copy or copies of all motor vehicle fuel tax, penalties, and interest on file with the division as liens against such person, and in the event there are no such liens a certificate showing that fact, which certified copy or copies of certificates shall be publicly read by such officer at or immediately before the sale of the property or franchise of such person.

It shall be the duty of the vehicle superintendent to furnish to any person applying therefor a certificate showing the amount of all liens for motor vehicle fuel tax, penalties, and interest that may be of record in the files of the vehicle division against any person under the provisions of this article.

Sec. 1676. DISCONTINUANCE OR TRANSFER OF BUSINESS; PENALTY. Whenever a distributor ceases to engage in business as a distributor within this State by reason of the discontinuance, sale or transfer of the business of such distributor, it shall be the duty of such distributor to notify the vehicle superintendent in writing at least ten days prior to the time the discontinuance, sale or transfer takes effect. Such notice shall give the date of discontinuance and, in the event of a sale or transfer of the business, the date thereof and the name and address of the purchaser or transferee thereof. All taxes, penalties and interest not then due and payable under the provisions of this article shall, notwithstanding, become due and payable concurrently with such discontinuance, sale or transfer, and it shall be the duty of any such distributor concurrently with such discontinuance, sale or transfer, to make a report and pay all such taxes, interest, and penalties, and to surrender to the vehicle superintendent the license certificate theretofore issued to said distributor by said superintendent.

Unless the notice shall have been given to the super-

intendent as above provided, such purchaser or transferee shall be liable to this State for the amount of all taxes, penalties, and interest under this article accrued against any such distributor so selling or transferring his business, on the date of such sale or transfer, but only to the extent of the value of the property and business thereby acquired from such distributor.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and shall, upon conviction thereof, be sentenced to pay a fine of not less than fifty dollars nor more than three hundred dollars and costs of the prosecution or to undergo imprisonment for not more than one year, or both.

Sec. 1676a. WHEN TAX PAYMENT IS IN DEFAULT; PROCEDURE. If any distributor shall be in default for more than five days in the payment of any taxes and interest and penalties thereon payable under the terms of this article, the vehicle superintendent shall issue a warrant under the official seal of this office directed to the sheriff of any county of the State, commanding said sheriff to levy upon and sell the goods and chattels of such distributor, without exemption, found within his jurisdiction, for the payment of the amount of such delinquency with the added interest and penalties and the cost of executing the warrant, and to return such warrant to said superintendent and to pay said superintendent the money collected by virtue thereof within the time to be therein specified, which shall not be less than twenty nor more than sixty days from the date of the warrant. The sheriff to whom any such warrant shall be directed, shall proceed upon the same in all respects and with like effect and in the same manner as prescribed by law in respect to executions issued against goods and chattels upon judgment by a court of record, and shall

be entitled to the same fees for his services in executing the warrant to be collected in the same manner; provided, that nothing in this section shall be construed as forfeiting or waiving any rights to collect such taxes by an action upon any bond that may be filed with said superintendent under the provisions of this article, or by suit or otherwise, and in case such suit, action or other proceeding shall have been instituted for the collection of said tax, such suit, action or other proceeding shall not be construed as waiving any other right herein provided.

Sec. 1676b. REWARD FOR DETECTION OF VIOLATION. The Arizona Highway Commission is authorized to set up in its budget for any fiscal year, an item out of which there may be paid to any person, other than a State officer or employee, who brings to the attention of the vehicle superintendent any distributor who has failed to file the reports required and has failed to pay the tax imposed by this article, such sums as may, in the discretion of said commission, be deemed proper, not exceeding, however, ten per cent of the amount of the tax, penalty, and interest ultimately collected from such distributor as a result thereof.

Sec. 1676c. FAILURE TO FILE STATEMENT; FALSE STATEMENT; DOING BUSINESS WITHOUT LICENSE, ETC.; PENALTIES. Any person who shall refuse or neglect to make any statement, report or return required by the provisions of this article, or who shall knowingly make, or shall aid or assist any other person in making a false statement in a report to the vehicle superintendent, or in connection with an application for refund of any tax, or who shall knowingly collect or attempt to collect or cause to be repaid to him or to any person, either directly or indirectly, any refund of such tax without being entitled to the

same, or who shall engage in business in this State as a distributor without being the holder of an uncancelled license to engage in such business, or who shall sell any motor vehicle fuel, purchased by such person from any person other than a duly licensed distributor upon which the tax herein imposed shall not be paid, shall, upon conviction thereof, be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or imprisonment in the county jail for a term of not less than thirty days, and not more than one year, or both such fine and imprisonment. Each day or part thereof, during which any person shall engage in business as a distributor without being the holder of an uncancelled license, shall constitute a separate offense within the meaning of this section.

Sec. 1677. EXCHANGE OF INFORMATION AMONG THE STATES. The vehicle superintendent shall, upon request duly received from the officials to whom are entrusted the enforcement of the motor vehicle fuel tax laws of any other state, forward to such officer any information which he may have in his possession relative to the manufacture, receipt, sale, use, transportation or shipment by any person of motor vehicle fuel.

Sec. 1677a. LICENSE TAX EXEMPTIONS. Motor vehicle fuel in interstate or foreign commerce not destined or diverted to a point within this State, or motor vehicle fuel sold to the United States or any department thereof for the official use of such department, shall not be subject to the payment of license taxes required in this article.

Sec. 1677b. PERSONS ENTITLED TO REFUND OF FUEL TAX. Any person buying and using motor vehicle fuel other than in motor vehicles upon highways in this State; or who buys such fuel and exports

the same, and who shall have paid the license tax for such fuel, shall be repaid the amount of such tax, upon application to the superintendent, made in accordance with the provisions of this article.

Sec. 1677c. REFUNDS ON MOTOR VEHICLE FUEL NOT USED IN MOTOR VEHICLES OR EXPORTED. When motor vehicle fuel is sold to a person who shall claim to be entitled to a refund of the tax hereunder (by reason of the fact that it was not used in a motor vehicle) the seller of such motor vehicle fuel shall make out in triplicate, on forms prescribed by the superintendent, an invoice setting forth the name and address of the purchaser, the number of gallons of motor vehicle fuel so sold, and such other information as the superintendent shall require. The duplicate of such invoices shall be mailed by the seller to the superintendent not later than the Tuesday of the week next succeeding the sale. The original of such invoice shall be given to the purchaser at the time of sale. Any person who shall be entitled to a refund of the tax with respect to any motor vehicle fuel under the provisions of this article shall be reimbursed to the extent of the amount of the tax paid on such motor vehicle fuel in the following manner, and subject to the following conditions:

(a) All applications for refunds must be filed with the superintendent within six months from the date of purchase or invoice of the motor vehicle fuel with respect to which refund is claimed.

(b) Such application shall be in such form as shall be prescribed and furnished by the vehicle superintendent, shall be sworn to, and shall state the quantity of motor vehicle fuel with respect to which refund is claimed, the purpose for which said motor vehicle fuel was used, date of purchase, from whom purchased,

and such other information as said superintendent shall require.

(c) Such application shall be accompanied by the original invoice or an acceptable duplicate showing such purchase.

(d) In the case of a claim for refund of the license tax paid on motor vehicle fuel exported, the claimant shall make satisfactory proof of export to the vehicle superintendent, and shall file such claim within thirty days from the date of export, and such claim shall be in such form and contain such information as the vehicle superintendent may require. The original invoice or an acceptable duplicate shall accompany the claim.

The above conditions having been fully complied with, the vehicle superintendent shall determine the amount of the refund due on such application and shall certify and refund such amount.

Sec. 1678. VEHICLE SUPERINTENDENT MAY TEST MOTOR VEHICLE FUELS. The superintendent shall have the power to take samples of any liquid believed to be motor vehicle fuel and make or cause to be made, analysis thereof. The University of Arizona shall analyze any samples taken to it by the vehicle superintendent, and promptly furnish to him, free of charge, a full report on such analysis.

Sec. 1678a. DUTY OF RAILROAD COMMON CARRIER. The provisions of this article, except sections 1674b, 1675, 1677a, 1677b, 1677c, 1678, 1678a, 1678b, 1678c and 1679, shall not extend to railroad common carriers not engaged in the business of a distributor for pecuniary gain; provided, that if any railroad common carrier shall import any motor vehicle fuel, it shall, on or before the twenty-fifth day of the month

next succeeding the month in which such fuel was imported, make a verified report to the vehicle superintendent on forms prescribed and furnished by him, the amount of such fuel imported by it; and provided, further, that if any railroad common carrier shall sell or otherwise dispose of, or use in motor vehicles operated upon the highways in this state, any such fuel imported by it, it shall, on or before the twenty-fifth day of the month next succeeding the month in which such motor vehicle fuel was sold, used or otherwise disposed of, make a verified report to the said vehicle superintendent, on forms prescribed and furnished by him, the name of the person or persons to whom such fuel was sold or otherwise disposed of, and if used by it in a motor vehicle operated on the highways in this State, the description of the vehicle in which such fuel was so used, and shall, at the time such report is made, pay to the vehicle superintendent, the license tax required to be paid by distributors under the provisions of this article. Any railroad common carrier shall furnish to the vehicle superintendent such other information in respect to motor vehicle fuel imported by it as the vehicle superintendent may require, and may be required to file a bond with said superintendent in an amount fixed by him to insure compliance herewith.

Sec. 1678b. IMPORTING IN FUEL TANK; PAYMENT OF TAX. Any owner or driver of a motor vehicle importing motor vehicle fuel into this State in the fuel tank or tanks of a motor vehicle, when such tank or tanks contain more than twenty gallons shall immediately, or upon demand of the vehicle superintendent, pay to said superintendent on such excess motor vehicle fuel, the license tax required to be paid by distributors under the provisions of Sec. 1673. Any person violating the provisions of this section shall be guilty of a misdemeanor.

Sec. 1678c. WAYBILLS OR MANIFEST REQUIRED; INSPECTION OF. All persons transporting motor vehicle fuel in interstate commerce shall, at all times have in their possession on the vehicle in which such fuel is transported waybills or manifest showing the consignor, consignee, date of shipment and class of fuel shipped, together with the amount thereof, and which said waybills or manifest may be inspected by the vehicle superintendent at any time.

Sec. 1679. AUTHORITY; ENFORCEMENT; OFFICERS. The highway patrol division of the Arizona highway department and its officers shall have full authority in the enforcement of the provisions of this article.

Section 2. Sec. 1686 of the Revised Code of 1928, as amended by Chapter 100, Laws of the Regular Session of the Tenth Legislature, is hereby amended to read as follows:

Sec. 1686. WORDS AND PHRASES DEFINED. In this and the preceding eight articles, unless the context or subject matter otherwise requires, "the department" shall mean the Arizona State highway department; "the commission" shall mean the Arizona State highway commission; "the State engineer" shall mean the Arizona State highway engineer; "the vehicle division" shall mean the division of motor vehicles of the Arizona State highway department; "the vehicle superintendent" shall mean the superintendent of said division; "the board" shall mean any county board of supervisors; "local authority" shall mean any county, municipal or other local board or body having authority of law to adopt local police regulation; "State route" shall mean any right of way, whether actually used as a highway or not, designated by the commission as a location for the construction of a State high-

way; "State highway" shall mean any State route, or portion thereof, accepted and designated by the commission as such, and maintained by the State; "county highway" shall mean any public road constructed and maintained by a county; "highway" shall mean any way, road or place of whatever nature, open to the use of the public as a matter of right for the purpose of vehicular travel, and embraces culverts, sluices, drains, ditches, water-ways, embankments, retaining walls, trees, shrubs and fences along or upon the same, and within the right of way; "improved highway" shall mean a highway paved with cement concrete, or asphaltic concrete, or a highway having a hard surface and distinct roadway not less than four inches thick, made up of a mixture of rock, sand, or gravel, bound together by an artificial binder other than natural soil; "private road or driveway" shall mean any road or driveway upon private grounds and not open to the use of the public for purposes of vehicular travel; "right of way" shall mean the privilege of the immediate use of the highways; "intersection" shall mean the area embraced within the prolongation of the lateral curb lines or, if none, then the lateral boundary lines of two or more highways which join one another at an angle, whether or not one such highway crosses the other; "safety zone" shall mean the area or space officially set aside within a highway for the exclusive use of the pedestrians, and which is so plainly marked or indicated by proper signs as to be plainly visible at all times when set apart as a safety zone; "business district" shall mean the territory contiguous to a highway when fifty per cent, or more, of the frontage thereon, for a distance of one-fourth of a mile, or more, is occupied by buildings in use for business; "resident district" shall mean the territory contiguous to a highway not comprising a business district when the frontage on such highway, for a distance of one-fourth of

a mile, or more, is mainly occupied by dwellings, or by dwellings and buildings in use for business; "vehicle" shall mean any device, in, upon, or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks; provided, that for the purposes of this chapter relating to the operation of vehicles and rules of the road, a bicycle or ridden animal shall be deemed a vehicle; "motor vehicle" shall mean any self-propelled vehicle, provided that for the purposes of this chapter relating to the imposition of a tax upon motor vehicle fuel the term shall mean any vehicle operated upon the highways of this State which is propelled by the use of motor vehicle fuel; "motor cycle" shall mean any motor vehicle designed to travel on not more than three wheels in contact with the ground, except any such vehicle as may be included within the term "tractor" as herein defined; "truck" shall mean any motor vehicle designed or used primarily for the carriage of property other than the effects of the driver or passengers, and includes a motor vehicle to which has been added a box, platform or other equipment for such carriage; "truck tractor" shall mean any motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load so drawn; "farm tractor" shall mean any motor vehicle designed and used primarily as a farm implement for drawing implement of husbandry; "road tractor" shall mean any motor vehicle designed and used for drawing other vehicles and not so constructed as to carry a load independently, or any part of the weight of a vehicle or load so drawn; "trailer" shall mean any vehicle without motive power, designed for carrying property or passengers wholly on its own structure, and for being drawn by a motor vehicle; "semi-trailer" shall mean

any vehicle of the trailer type, used in conjunction with a motor vehicle, and so designed that some part of its own weight, and that of its own load, rests upon or is carried by another vehicle; "specially constructed vehicle" shall mean any vehicle which shall not have been originally constructed under a distinctive name, make, model, or type, by a generally recognized manufacturer of vehicles; "essential parts" shall mean integral and body parts, the removal, alteration or substitution of which will tend to conceal the identity or substantially alter the appearance of the vehicle; "reconstructed vehicle" shall mean any vehicle which has been assembled or constructed largely by means of essential parts, new or used, derived from vehicles or makes of vehicles of various names, models and types, or which, if originally otherwise constructed, has been materially altered by the removal of essential parts, or by the addition or substitution of essential parts, new or used, derived from other vehicles, or makes of vehicles; "foreign vehicle" shall mean any motor vehicle, trailer or semi-trailer brought into this State, otherwise than in the ordinary course of business by or through a manufacturer or dealer, and which has not been registered in this State; "pneumatic tires" shall mean all tires inflated with compressed air; "solid rubber tires" shall mean every tire made of rubber other than a pneumatic tire; and "metal tires" shall mean all tires the surfaces of which in contact with the highway are wholly or partly of metal or other hard, non-resilient material; "owner" shall mean a person who holds the legal title of a vehicle; if the vehicle is the subject of a lease or an agreement for the conditional sale thereof, with the right of purchase upon performance of the conditions stated in the agreement, and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to possession, then such lessee, conditional vendee or mortgagor shall be

deemed the owner; "dealer" shall mean every person engaged in the business of buying, selling or exchanging motor vehicles, trailers or semi-trailers, and having an established place of business; "manufacturer" shall mean every person engaged in the business of manufacturing motor vehicles, trailers or semi-trailers; "distributor" shall mean every person who refines, manufactures, produces, compounds, blends or imports motor vehicle fuel in the original package or container or otherwise, and shall include every person importing motor vehicle fuel by means of a pipe line or in any other manner, but shall not include persons importing motor vehicle fuel in the fuel tank of a motor vehicle; "operator" shall mean every person other than a chauffeur, who is in actual physical control of a motor vehicle upon a highway, and "chauffeur" shall mean every person who operates a motor vehicle while in use as a public or common carrier, and every person, who, in the course of his employment, drives a vehicle of which he is not the owner, for the purpose of the transportation of persons, or property; "motor vehicle fuel" shall mean and include any inflammable liquid, by whatsoever name such liquid may be known or sold, which is used or usable in motor vehicles, either alone or when mixed, blended or compounded, for the propulsion thereof upon the public highways, including (but the following enumeration shall be without prejudice to the generality of the foregoing definition) kerosene, benzol, and all kinds of naphthas; "service station" shall mean a place operated primarily for the purpose of delivering motor vehicle fuel into the fuel tanks of motor vehicles; "budget" shall mean the annual highway program prepared by the commission.

Section 3. If any section, sub-section, sentence, clause or phrase of this act is for any reason held to be

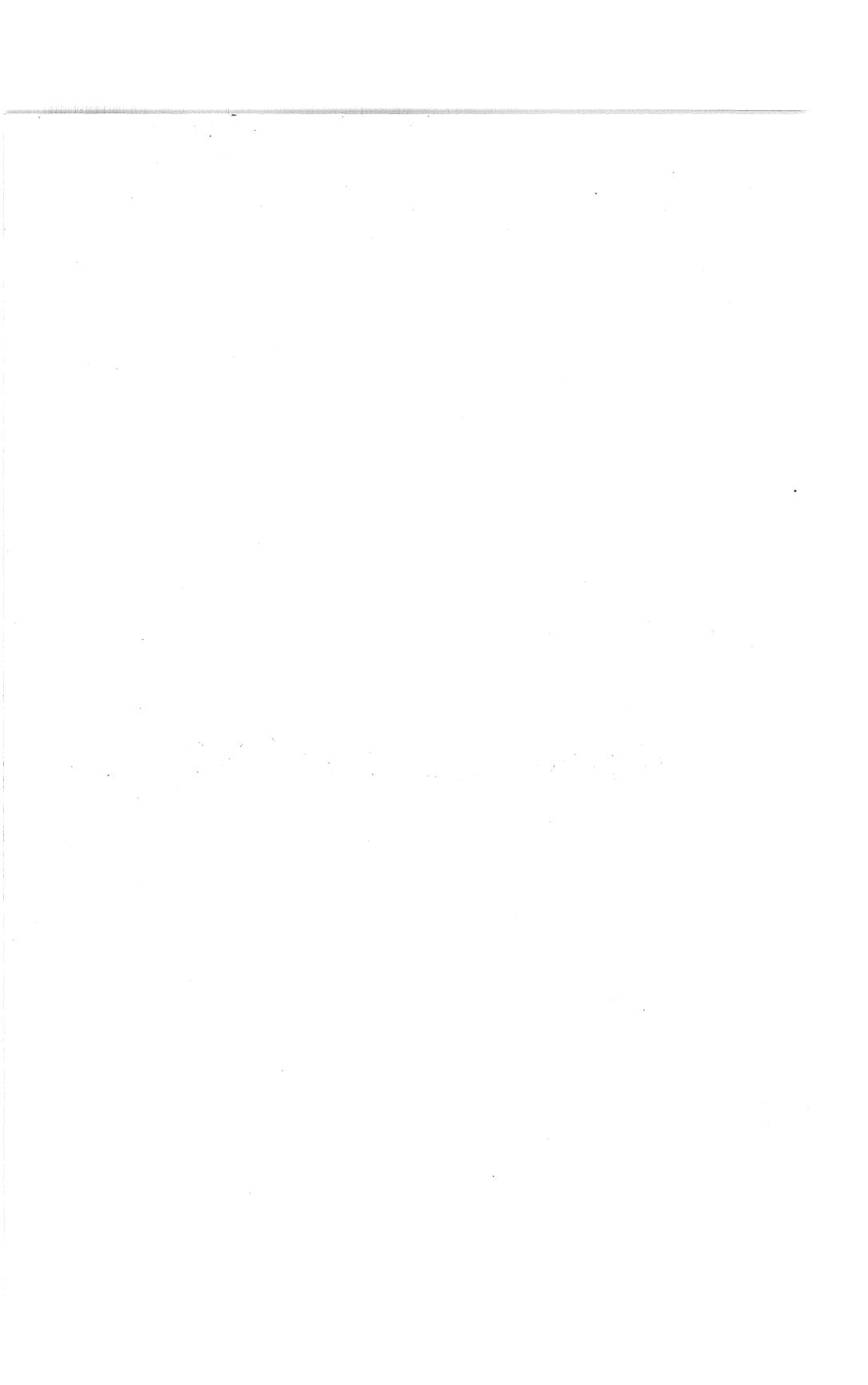
unconstitutional, such decision shall not affect the validity of the remaining portion of this act.

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

Section 5. To preserve the public peace, health and safety, it is necessary that this act shall become immediately operative. It is therefore declared to be an emergency measure, and shall take effect upon its passage in the manner provided by law.

Approved January 18, 1932.

RESOLUTIONS



HOUSE CONCURRENT RESOLUTION NO. 1.

WHEREAS the Supreme Architect of the Universe in His wisdom, has taken from our midst our beloved colleague, Frost L. Benham, a member of the House who served with distinction in the Ninth and Tenth Legislatures of the State of Arizona, and

WHEREAS, by his retiring and dignified manner he has endeared himself in the hearts of his fellow members, and

WHEREAS, for the last fifteen years he was an outstanding leader in civic, charitable and progressive affairs in his community and State, and

WHEREAS, during his term of office he worked untiringly for the development of his State and community, giving unselfishly of his valued counsel and advice, and

WHEREAS, his death is an irreparable loss to the community in which he lived and to the State, and

WHEREAS, in token of appreciation of his high ideals and the love and esteem of his fellow members, it is hereby

RESOLVED, that the House of Representatives of the Tenth Legislature of the State of Arizona in First Special Session assembled, the Senate concurring, does hereby make acknowledgement of Frost L. Benham's patriotic service to his State, and orders engrossed upon its minutes, its deep regret at his untimely demise, and

BE IT FURTHER RESOLVED, that in respect to the memory of our departed colleague, the House of

Representatives stand in silent tribute and prayer for one minute, and

BE IT FURTHER RESOLVED that a suitably engrossed copy of this Resolution, signed by the Speaker of the House and the President of the Senate, be transmitted to the sorrowing widow and family.

Passed the House December 28, 1931.

Passed the Senate December 29, 1931.

Filed December 29, 1931.

MEMORIALS



HOUSE JOINT MEMORIAL NO. 1.

MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO BUILD AND MAINTAIN A ROAD FROM KINGMAN, MOHAVE COUNTY, ARIZONA, TO THE HOOVER DAM, NOW BEING CONSTRUCTED ON THE COLORADO RIVER.

WHEREAS, there is now being constructed on the Colorado River, between the states of Arizona and Nevada, a dam for the storage of water of such colossal magnitude as to dwarf all other engineering feats; and

WHEREAS, there is no direct, adequate or serviceable road connecting convenient shipping or railroad points in Arizona with the said dam; and

WHEREAS, the said dam, designated and known as the Hoover Dam, in honor of the President of the United States, has been under construction for more than one year and in all probability will be many years more in active construction, and a direct road from Kingman, in the county of Mohave, Arizona, would greatly benefit all individuals and industries engaged in the construction of the said dam and greatly benefit the agricultural and other activities of the State of Arizona, it is therefore

RESOLVED, that the House of Representatives, First Special Session, of the Tenth State Legislature of the State of Arizona, the State Senate concurring, does hereby memorialize the Congress of the United States to direct the Secretary of the Interior and make such other provisions as may be necessary, to cause a road to be constructed from the town of Kingman, in Mohave County, Arizona, to the Arizona bank of

the Colorado River, at the said Hoover Dam, from funds appropriated by the Congress for the construction of said Hoover Dam, a distance of approximately eighty-four miles. It is further

RESOLVED, that a copy of this Memorial be forwarded to the Senate and House of Representatives of the United States, a copy to the Secretary of the Interior and a copy each to the representatives in Congress from the State of Arizona.

Passed the House January 5, 1932.

Passed the Senate January 7, 1932.

Approved January 8, 1932.

Filed January 8, 1932.

HOUSE JOINT MEMORIAL NO. 2.

A MEMORIAL TO THE CONGRESS OF THE UNITED STATES REQUESTING THE CONGRESS TO APPROPRIATE OR TO CAUSE THE PROPER GOVERNMENTAL BUREAU TO EXPEND SUFFICIENT FUNDS TO PAY FOR ONE-THIRD THE COST OF CONSTRUCTING A BRIDGE ACROSS THE COLORADO RIVER AT PARKER, ARIZONA.

WHEREAS, the Legislature of the State of Arizona passed a law, approved by the Governor, on March 16th, 1931, being Chapter 75, Session Laws of Arizona 1931, House Bill No. 91, providing that the Arizona highway commission is authorized to co-operate with the State of California and with U. S. Bureau of Indian Affairs or any agency of the United States in

the construction of a highway bridge, together with approaches thereto, over and across the Colorado River in the vicinity of Parker, Arizona, at a point to be mutually determined by the Arizona highway commission, the California highway department, and the U. S. Bureau of Indian Affairs or their duly authorized agents; and

WHEREAS, the state highway commission of the State of Arizona is ready at all times to budget the sum of seventy-five thousand dollars (\$75,000.00) to pay the cost of one-third of constructing such bridge; and

WHEREAS, the cost of the said bridge shall not exceed the sum of two hundred twenty-five thousand dollars (\$225,000.00) and

WHEREAS, the state highway department of the State of California has by official action indicated that it will set aside and budget an actual sum of seventy-five thousand dollars (\$75,000.00) for the payment of one-third the cost of said bridge and is ready at all times to cooperate with the Government of the United States and the State of Arizona in such construction work;

NOW, THEREFORE, your memorialists, the legislature of the State of Arizona, with the governor concurring, herein request the Congress of the United States to authorize the Bureau of Indian Affairs of the United States to expend not to exceed the sum of seventy-five thousand dollars (\$75,000.00) in defraying the cost of one-third of such construction work; or that the Congress enact a law appropriating the said sum of seventy-five thousand dollars (\$75,000.00) for the use of the United States Bureau of Indian Affairs or such other agency of the Government as the Congress may determine and that such

bureau or agency be authorized to cooperate with and enter into an agreement with the State of Arizona through its highway commission and the State of California through its highway department providing for and agreeing to the construction of such bridge.

BE IT FURTHER RESOLVED, that a copy of this Memorial be forwarded to the Senate and House of Representatives of the United States, a copy to the Secretary of the Interior, and a copy to each of the representatives and senators in Congress from the State of Arizona.

Passed the House January 5, 1932.

Passed the Senate January 6, 1932.

Approved January 7, 1932.

Filed January 7, 1932.

HOUSE JOINT MEMORIAL NO. 4.

TO THE HONORABLE HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA,
IN CONGRESS ASSEMBLED:

Your memorialist, the Tenth Legislature of the State of Arizona, in special session convened, respectfully represent:

WHEREAS the present deplorable condition of the copper industry and the great distress throughout the eleven western states is directly attributable to the dumping upon the market of the United States of foreign copper produced by cheap foreign native labor. That back of this activity is a well organized effort to

permanently destroy the copper production industry of this country; that engaged in this effort is a combination of interests made up of foreign governments, foreign corporations, cessionaries of foreign governments, including American citizens, all acting in concert against the economic peace and welfare of our people. So great has become the power of this international combination that life's comforts and necessities of the people of whole states may be and are jeopardized by their activities and their mandates. Thus had been set up in the world a super-economic empire so powerful that our State government lies impotent and helpless while due to their manipulations of the fruits of our industry, our citizens are ruthlessly deprived of their means of making a living and go marching into an ever-increasing bread line. Only the national government itself has sufficient power to cope with the subtleties and machinations of such a gigantic scheme. A mere State government does not possess the constitutional power to protect its people against the operations of such a public menace. A foreign economic war has been declared against industry supporting our State and its people, and this war is now receiving aid, comfort, assistance and direction from certain American citizens, great capitalists, "boring from within." During the past several sessions of Congress representatives from states affected have introduced bills designed to remedy this condition, but these bills died in committee without hearings being allowed.

WHEREAS, through the exercise of this international control a foreign influence has the power to reach into our States snatching the means of livelihood from our people and transferring our employment to the under-fed, under-clothed, under-paid foreign native in order to produce cheaper copper which, when accomplished, is dumped back upon our domestic mar-

ket at prices less than we can produce it domestically;
and

WHEREAS, unemployment is increasing in Arizona and once again the copper mining companies are posting notices of labor curtailment in order to comply with an international copper agreement forced upon them because copper remains unprotected upon the free list subject to the devastations of foreign dictation; and

WHEREAS, the State Legislature of Arizona did memorialize Congress upon this subject at its Tenth Session, 1931, and at the Conference of Governors held at Portland, Oregon, on October 28th, 1931, representing eleven western states including the states of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming, did upon that date pass a resolution upon this subject, copies of which memorial and resolution are included and made a part of this resolution; and

WHEREAS, since the dates of the passage of this memorial and resolution, the unemployment conditions have grown steadily worse and the imports of cheap foreign produced copper have been steadily increasing, and the number of unemployed persons receiving aid has increased proportionately with the quantity of foreign copper imported into this country. On the other hand, while our domestic mines have been steadily decreasing their output, the foreign mines have gained in theirs, showing their ability to produce copper at a profit under present price conditions which destroy our industry and starve our people. The price has declined from an average of 18.107 cents for 1929, down to 7.25 cents at the close of 1931. While many foreign mines were producing at capacity, the price reached an all-time lowest level of 6.25 cents, which is about half of the cost of production in this country. These

conditions indicate that it will require at least a six-cent copper tariff to turn the tide and secure to our people the blessing of liberty and the peace of prosperity. These conclusions have not been reached through studio calculations, but by actual contacts dealing with the industry and by actually facing the brunt of the fight on the firing line of an unfair competition imposed by un-American tactics, un-American standards of business and living;

THEREFORE, BE IT RESOLVED by this assembled body, that it respectfully requests that a public hearing be granted by the Ways and Means Committee of the House of Representatives of the United States Congress to which has been referred Bill H. R. 317, introduced December 8th, by Congressman James of Michigan, and also H. R. 266, introduced by Congressman Evans of Montana and including in the hearing such other bills as may be introduced upon the same subject and referred to the Ways and Means Committee;

AND BE IT FURTHER RESOLVED that it respectfully request that the Ways and Means Committee in calling this hearing give sufficient notice so that people living in the far west may have time to attend;

AND BE IT FURTHER RESOLVED that the Secretary of State of the State of Arizona is authorized and directed to forward this memorial to the House of Representatives of the United States, and that copies thereof be sent to the Senators and Representatives in Congress from this State.

Passed the Senate January 9, 1932.

Passed the House January 9, 1932.

Approved January 9, 1932.

Filed January 11, 1932.



SENATE JOINT RESOLUTION No. 1.

WHEREAS during the period beginning June 20, 1930, up to September 21, 1931, four banks in Yuma County became insolvent, closing their doors with a loss to depositors of two million, one hundred ninety seven thousand, nine hundred and fifty-two dollars and thirty-seven cents, none of which has been repaid; and

WHEREAS, it is the general opinion of the depositors of the defunct Security Trust and Savings Bank, which contained deposits in the sum of five hundred forty thousand, five hundred twenty-four dollars and ten cents, that its liquidation can be best continued by one of the business men of Yuma, who holds the confidence of the community, and who is now in charge of said bank, but who is about to be removed by the state superintendent of banks; and

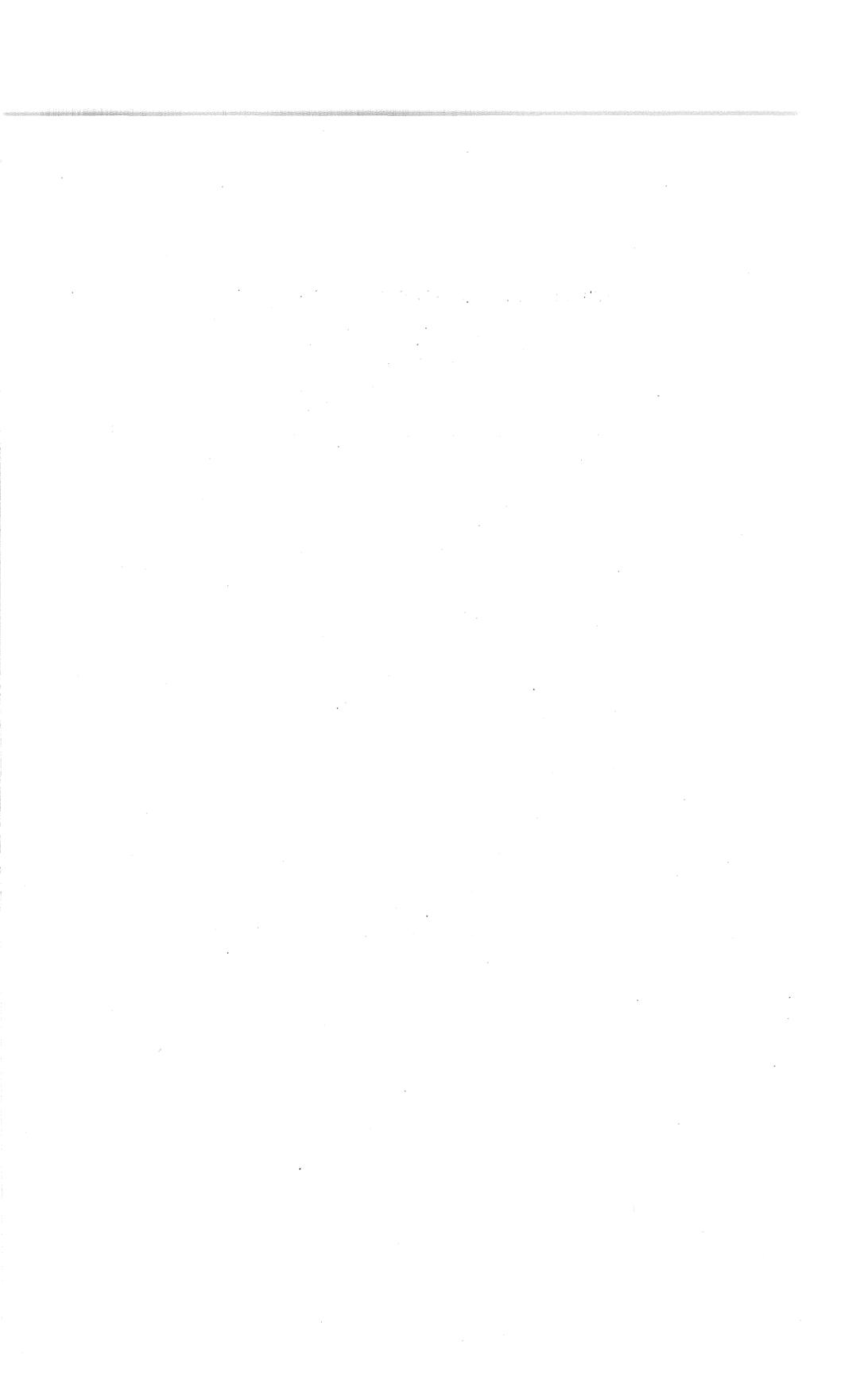
WHEREAS, these deposits are really the property of the depositors and not of the superintendent of banks nor of the state of Arizona,

THEREFORE BE IT RESOLVED by the Legislature of the state of Arizona that it is the sense of this Legislature that the state superintendent of banks of Arizona be requested to allow the depositors of the insolvent Yuma County banks to have a voice in selecting the liquidating agent for liquidating their defunct banks.

Passed the House January 7, 1932.

Passed the Senate January 7, 1932.

Filed with the Secretary of State without the Governor's signature, January 18, 1932.



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