ACTS

Memorials and Resolutions

of the

REGULAR SESSION

Seventeenth Legislature

of the

STATE OF ARIZONA

1945

Regular Session Convened January 8, 1945

Regular Session Adjourned Sine Die March 9, 1945

Publication Authorized

Section 4-201, Arizona Code of 1939

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

Chapter 103, Sub. 6, Laws of 1945

Regular Session, 17th Legislature

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

UNIGRAPHIC 4

AUTHENTICATION

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

THIS IS TO CERTIFY—That the Acts, Memorials and Resolutions published in this volume, are full, true and correct copies of the originals, passed at the Regular Session of the 17th Legislature of the State of Arizona, as they appear on file in the Office of the Secretary of State of Arizona.

That the Regular Session of the 17th Legislature of the State of Arizona was convened at the Capitol, in the City of Phoenix, January 8, 1945, and adjourned sine die on the 10th day of March, 1945.

That the Acts, Memorials and Resolutions passed at said Session were officially published on the 9th day of June, 1945.

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 June, 1945.

DAN E. GARVEY, (Signature)
Secretary of State

MEMBERS OF THE SENATE

SEVENTEENTH LEGISLATURE

OF ARIZONA

1945

County	Name and Party	Address
Apache	Bert J. Colter (D)	Springerville
Cochise	Dan Angius (D)	Bisbee
Cochise	Ralph C. Cowan (D)	McNeal
Coconino	John G. Babbitt (D)	Flagstaff
Gila	James R. Heron (D)	Globe
Gila	S. L. "Steve" Bixby (D)	Globe
Graham	Wesley A. Townsend (D)	Safford
Greenlee	A. C. Stanton (D)	Clifton
Maricopa	Walter J. Thalheimer (D)	Phoenix
Maricopa	David P. Kimball (D)	Phoenix
Mohave	Charles P. Elmer (D)	Kingman
Navajo	Lloyd C. Henning (D)	Holbrook
Pima	Hubert H. D'Autremont (D)	Tucson
Pima	William F. Kimball (D)	Tucson
Pinal	Charles S. Goff (D)	Casa Grande
Santa Cruz	W. H. Hathaway (D)	Nogales
Yavapai	Norman Fain (D)	Prescott
Yavapai	Paul C. Keefe (D)	Clarkdale
Yuma	Hugo B. Farmer (D)	Yuma

MEMBERS OF THE HOUSE

SEVENTEENTH LEGISLATURE

OF ARIZONA

1945

District	Name and Party	Address
	APACHE COUNTY	
	Don F. Riggs (D)	Vernon
	COCHISE COUNTY	
1.	I. A. Rosok (D)	Bisbee
2.	M. F. Ryan (D)	Warren
3.	H. J. Lewis (D)	Douglas
4.	Frank W. Sharpe, Jr. (D)	Douglas
5.	A. R. Spikes (D)	Bowie
	COCONINO COUNTY	
1.	F. L. Christensen (D)	Flagstaff
2.	W. C. Rittenhouse (D)	Williams
	GILA COUNTY	
1.	Robert E. Fitzgerald (D)	Globe
2.	W. G. "Rosie" Rosenbaum (D)	Hayden
3.	Harold Copp (D)	Miami
	GRAHAM COUNTY	
1.	Loren L. Follett (D)	Safford
2.	K. W. Lines (D)	Safford
	GREENLEE COUNTY	
	Fred J. Fritz (D)	Clifton
	MARICOPA COUNTY	
1.	L. S. Norton (D)	Phoenix 11 N. 17th Avenue
2.	O. A. Kane (D)	Phoenix 712 N. 5th Street

3. Fletcher West Timmerman (D) ..... Phoenix
1135 E. Fillmore

4. Cecil A. Bell (D) ..... Phoenix
1315 W. Fillmore

5. G. N. Baker (D) ..... Phoenix
356 N. 1st Avenue

6. Sidney Kartus (D) ..... Phoenix
210-212 South 3rd Avenue

7. Mrs. Laura McRae (D) ..... Phoenix
929 E. Coronado

8. Jack Cummard (D) ..... Mesa
8 South MacDonald

9. Mrs. Claire Phelps (D) ..... Chandler
Box 478

10. Roy A. Taylor (D) ..... Tempe
511 Mill Avenue

11. J. W. Estes (D) ..... Phoenix
1821 E. Adams

12. O. L. McDaniel (D) ..... Glendale
Rt. 1, Box 430

13. T. McGowan (D) ..... Wickenburg

14. L. D. McDonald (D) ..... Buckeye
Box 1179

15. R. F. Kilpatrick (D) ..... Phoenix
Rt. 2, Box 684

16. Carroll Hudson (D) ..... Phoenix
Rt. 12, Box 219

17. J. H. Fairbanks (D) ..... Phoenix
P. O. Box 3981

18. M. Joe Murphy (D) ..... Phoenix
922 West Willetta Street

19. Chas. H. Abels (D) ..... Phoenix
c-o Cave Creek Stage

20. Kenneth K. Pound (D) ..... Phoenix
P. O. Box 3405

21. Al Linsey (D) ..... Phoenix
800 E. Roosevelt

22. H. C. Armstrong (D) ..... Tolleson
Rt. 1

23. Joe M. Rumsey (D) ..... Phoenix
Rt. 10, Box 1158

MOHAVE COUNTY

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

NAVAJO COUNTY

1. Jno. L. Westover (D) ..... Joseph City
2. Clay B. Simer (D) ..... Winslow

PIMA COUNTY

1. Joseph J. O'Neill (D) ..... Ajo
2. Bob Barber (D) ..... Tucson
   7 Mi. on Ajo Road
3. Ray Martin (D) ..... Tucson
   25 E. Corral
4. John Henry Ayraud (D) ..... Tucson
   326 W. District St.
5. John S. Hardwicke (D) ..... Tucson
   116 North Tyndall Ave
6. D. M. Penny (D) ..... Tucson
   445 E. Mabel St.
7. Robert H. Forbes (D) ..... Tucson
   105 Olive
8. A. Berky (D) ..... Tucson
   2821 E. Waverly
9. James W. Ewing (R) ..... Tucson
   North Campbell Ave.

PINAL COUNTY

1. O. W. Rugg (D) ..... Casa Grande
2. George Ernst (D) ..... Ray

SANTA CRUZ COUNTY

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

YAVAPAI COUNTY

1. R. E. "Bob" Perkins (D) ..... Prescott
   Jerome Route
2. Ralph C. Hooker (D) ..... Prescott
   444 Park Avenue
3. Leonard Klein (D) ..... Clarkdale
   Box 155
4. Harry E. Metz (D) ..... Jerome
   500 Level

YUMA COUNTY

Northern. Clara Osborn Botzum (D) ..... Parker
Southern. N. S. McCallum (D) ..... Yuma
296 Main Street

ORDER OF ACTS

ORDER OF ACTS

REGULAR SESSION OF THE SEVENTEENTH LEGISLATURE, STATE OF ARIZONA

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1.	H. B.	21	Making an appropriation for the payment of the current and contingent expenses of the seventeenth legislature, regular session, and declaring an emergency. Approved January 12, 1945. Effective January 12, 1945	1
2.	H. B.	22	Making an emergency appropriation to the Department of Library and Archives, for the state legislative bureau, and declaring an emergency. Approved January 12, 1945. Effective January 12, 1945	2
3.	H. B.	23	Making an emergency appropriation to the Governor, for the fund for capitol buildings and grounds, and declaring an emergency. Approved January 12, 1945. Effective January 12, 1945	3
4.	H. B.	2	Relating to motor vehicles, and extending the period of payment of 1945 registration fees, without penalty, to April 1, 1945; and declaring an emergency. Approved January 30, 1945. Effective January 30, 1945.	4
5.	H. B.	36	Relating to counties and county officers; providing for the recording of instruments and the keeping of records by the County Recorder; amending section 17-801, Arizona Code of 1939; and declaring an emergency. Approved February 3, 1945. Effective February 3, 1945	4
6.	H. B.	75	Making an appropriation to the state prison, and declaring an emergency. Approved February 7, 1945. Effective February 7, 1945.	5

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7.	H. B. 107	Making an appropriation to the Arizona state school for the deaf and the blind, for the purchase of land, and declaring an emergency. Approved February 15, 1945. Effective February 15, 1945.	6
8.	S. B. 17	Relating to natural and artificial places, objects and things; declaring the public policy of the state in relation thereto; prohibiting the change of names and descriptions of said places, things and objects by state officers, departments, agencies and employees and fixing a penalty for violation of this Act. Approved February 16, 1945. Effective June 9, 1945.	7
9.	S. B. 31	Relating to the investment of moneys in the permanent funds of the state or other moneys authorized by law to be invested in securities and amending section 10-308, Arizona Code of 1939, and declaring an emergency. Approved February 20, 1945. Effective February 20, 1945.	8
10.	S. B. 22	Relating to war veterans; providing for veterans' guardianship, and repealing article 2, chapter 42, Arizona Code of 1939; and declaring an emergency. Approved February 20, 1945. Effective February 20, 1945.	9
11.	H. B. 50	Relating to motor vehicles; prescribing regulations relating to the size and weight of vehicles on highways; amending article 1, chapter 66, Arizona Code of 1939, by adding section 66-129a; amending sections 66-127 and 66-129, and repealing section 66-103. Approved February 20, 1945. Effective June 9, 1945.	19
12.	H. B. 18	Relating to birth or death certificates and amending sections 69-609, 68-610 and 68-616, Arizona Code of	

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		1939; adding new section 68-616a; repealing Acts in conflict; and declaring an emergency. Approved February 20, 1945. Effective February 20, 1945.	21
13.	H. B. 135	Relating to the state capitol; making an appropriation; and declaring an emergency. Approved February 26, 1945. Effective February 26, 1945.	25
14.	H. B. 97	Making an appropriation for the relief of the Convent of the Good Shepherd and the Florence Crittenton Home, and declaring an emergency. Approved February 26, 1945. Effective February 26, 1945.	26
15.	H. B. 56	Relating to unclaimed money or property in the hands of public officials; providing for the disposal thereof; and declaring an emergency. Approved February 26, 1945. Effective February 26, 1945.	27
16.	H. B. 83	Relating to counties and county officers; prescribing a license tax on dogs; amending section 17-1607, Arizona Code of 1939; and declaring an emergency. Approved February 26, 1945. Effective February 26, 1945.	28
17.	H. B. 8	Relating to the education of crippled children; making an appropriation and providing for its disbursement. Approved February 28, 1945. Effective June 9, 1945.	30
18.	S. B. 23	Relating to predatory animals, noxious rodents and related animals; providing for cooperation of the state and counties with the United States in control and destruction of predatory animals, noxious rodents, and related animals, repealing section 50-504 and section 17-357, Arizona Code of 1939, and Acts or	

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			parts of Acts that are in conflict with this Act. Approved February 28, 1945. Effective June 9, 1945.	31
19.	S. B.	8	Relating to livestock; making it an offense to overstock unenclosed land with intent to trespass on the land of another, and prescribing penalties. Approved February 28, 1945. Effective June 9, 1945.	33
20.	S. B.	41	Relating to damages to livestock by railroads; requiring the keeping of records of stock killed or crippled, and amending section 50-701, Arizona Code of 1939. Approved February 28, 1945. Effective June 9, 1945.	34
21.	H. B.	115	Making an appropriation for the use of the Attorney General of Arizona to defray court costs and traveling expenses in a case now pending in the Supreme Court of the United States, entitled Southern Pacific Company vs. State of Arizona, an action brought under section 69-119, Arizona Code of 1939, commonly known as the "Arizona Train Limit Law"; providing that the appropriation shall not revert at the end of the fiscal year and further providing that all or any part of the appropriation may be expended during any one quarter of the fiscal year; and declaring an emergency. Approved February 28, 1945. Effective February 28, 1945.	35
22.	S. B.	36	Relating to aviation; authorizing cities, villages or towns to acquire airports and landing fields and to dispose of the same, and amending section 47-101, Arizona Code of 1939. Approved March 1, 1945. Effective June 9, 1945.	36
23.	S. B.	60	Relating to livestock, and prescrib-	

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			ing requirements of "fresh meat" used for animal food; and declaring an emergency. Approved March 2, 1945. Effective March 2, 1945.	37
24.	H. B.	70	Making an appropriation to the University of Arizona for the purchase, establishment and maintenance of an experimental farm in Graham county; and declaring an emergency. Approved March 2, 1945. Effective March 2, 1945.	38
25.	H. B.	51	Relating to mines and mining; providing for the appointment of deputy mine inspectors; amending section 65-202, Arizona Code of 1939. Approved March 2, 1945. Effective July 1, 1945.	39
26.	S. B.	40	Relating to livestock; defining certain unlawful acts relating to the duties of livestock inspectors and to the inspection of livestock, and prescribing penalties. Approved March 3, 1945. Effective June 9, 1945.	40
27.	S. B.	29	Relating to education; prescribing qualifications and term of office of members of the boards of education of the Arizona state teachers colleges, and amending section 54-1303, Arizona Code of 1939; and declaring an emergency. Approved March 3, 1945. Effective March 3, 1945.	41
28.	S. B.	30	Relating to juvenile delinquents and dependents; providing for the care of juveniles, and amending sections 46-133 and 46-136, Arizona Code of 1939; and declaring an emergency. Approved March 5, 1945. Effective March 5, 1945.	42
29.	S. B.	72	Relating to libraries; providing for the levying of taxes for public libraries and reading rooms in cities and	

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30.	S. B. 52	Relating to vital statistics; providing for blood test for syphilis during pregnancy, and prescribing a certificate therefor. Approved March 5, 1945. Effective June 9, 1945.	44
31.	H. B. 116	Relating to soil conservation; amending sections 75-1703, 75-1704, 75-1706, 75-1708, 75-1709, and 75-1712, supplement to Arizona Code of 1939 (sections 3, 4, 6, 8, 9, and 12, chapter 43, session laws of 1941, regular session); amending article 17, chapter 75, Arizona Code of 1939, by adding sections 75-1704a, 75-1704b, 75-1706a, 75-1706b, 75-1706c, 75-1706d, 75-1706e, 75-1706f, 75-1708a, 75-1708b, and 75-1712a, and repealing sections 75-1707 and 75-1713, supplement to Arizona Code of 1939 (sections 7 and 13, chapter 43, session laws of 1941, regular session). Approved March 5, 1945. Effective June 9, 1945.	45
32.	S. B. 37	Relating to the state highway department; amending sections 59-101, 59-104, 59-105, 59-106, 59-107, and 59-108, Arizona Code of 1939; and declaring an emergency. Approved March 6, 1945. Effective March 6, 1945.	59
33.	H. B. 24	Relating to workmen's compensation; defining employers subject to the provisions of the workmen's compensation act and prescribing their liability; amending section 56-928, Arizona Code of 1939; and declaring an emergency. Approved March 6, 1945. Effective March 6, 1945.	65

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34	S. B.	38	Relating to livestock; prescribing the duties of the livestock sanitary board; regulating the inspection and branding of animals, and amending sections 50-102 and 50-301, Arizona Code of 1939. Approved March 6, 1945. Effective June 9, 1945.	66
35.	H. B.	11	Relating to workmen's compensation; providing alternative methods of securing compensation; prescribing regulations governing insurance carriers; amending section 56-955, Arizona Code of 1939; and declaring an emergency. Approved March 6, 1945. Effective March 6, 1945.	69
36.	H. B.	39	Relating to professional and business pursuits; regulating funeral directing and embalming; creating a state board of funeral directors and embalmers; repealing article 10, chapter 67, Arizona Code of 1939; and declaring an emergency. Approved March 7, 1945. Effective March 7, 1945.	70
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38.	H. B.	149	Relating to standard time; establishing the standard time for Arizona; and declaring an emergency. Approved March 7, 1945. Effective March 7, 1945.	86
39.	H. B.	201	Relating to missing military personnel; providing for the appointment of a conservator for property of persons serving in or with the armed forces; and declaring an emergency.	

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41.	H. B.	61	Relating to spirituous liquors, and amending section 72-101. Approved March 7, 1945. Effective June 9, 1945.	90
42.	H. B.	60	Relating to spirituous liquor; providing for proof of age of persons purchasing liquor; prescribing penalties for the unlawful selling or purchasing of liquor, and amending chapter 72, Arizona Code of 1939, by adding sections 72-113a and 72-113b. Approved March 7, 1945. Effective June 9, 1945.	92
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44.	H. B.	40	Relating to the supervisor of parolees and amending section 44-3007, Arizona Code of 1939. Approved March 8, 1945. Effective June 9, 1945.	125

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50.	H. B.	12	Relating to juries; prescribing the kinds of juries and the qualifications of jurors; amending sections 37-101 and 37-102, Arizona Code of 1939, and declaring an emergency. Approved March 9, 1945. Effective March 9, 1945.	130
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53.	H. B.	19	Relating to apprenticeship; providing for voluntary apprenticeship agreements and for the creation of an apprenticeship council, and repealing Chapter 82, session laws of 1941, regular session, and making an appropriation. Approved March 10, 1945. Effective June 9, 1945.	159
54.	H. B.	53	Relating to state lands; providing for the taxation of lands held under certificate of purchase; amending sections 11-422 and 11-424, and repealing section 11-423, Arizona Code of 1939. Approved March 10, 1945. Effective June 9, 1945.	163
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59.	H. B. 65	Relating to professional and business pursuits; providing for the regulation of the practice of optometry; amending section 67-1404, Arizona Code of 1939; adding section 67-1404a; and declaring an emergency. Approved March 10, 1945. Effective March 10, 1945.	167
60.	H. B. 147	Authorizing the payment of claims from the accounts of various state agencies or departments for indebtedness incurred in the past fiscal year, and declaring an emergency. Approved March 10, 1945. Effective March 10, 1945.	169
61.	H. B. 96	Making an appropriation for the relief of the Industrial Commission of Arizona, and declaring an emergency. Approved March 10, 1945. Effective March 10, 1945.	170
62.	H. B. 98	Making an appropriation for the relief of the Industrial Commission, and declaring an emergency. Ap-	

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63.	S. B.	68	Relating to professional and business pursuits; providing for certificates of registration in the basic sciences; permitting reciprocity with other states, and amending section 67-207, Arizona Code of 1939. Approved March 10, 1945. Effective June 9, 1945.	172
64.	S. B.	44	Authorizing the board of regents of the university of Arizona to accept grants of money, and making appropriations for the construction and improvement of university buildings, and declaring an emergency. (Failed to pass with sufficient vote to carry emergency.) Approved March 12, 1945. Effective June 9, 1945.	173
65.	S. B.	53	Authorizing the board of regents of the university of Arizona to construct and equip dormitories, to accept grants of money from a federal agency, to borrow money and issue bonds, and to perform necessary or convenient acts in connection with such projects; and declaring an emergency. Approved March 12, 1945. Effective March 12, 1945.	175
66	H. B.	148	Making an appropriation from the general fund to pay indebtedness incurred by various state departments and agencies not payable out of existing appropriations, and declaring an emergency. Approved March 12, 1945. Effective March 12, 1945.	181
67	H. B.	85	Making an appropriation for the payment of a judgment against the state of Arizona. Approved March 12, 1945. Effective June 9, 1945.	184

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68.	H. B. 146	Authorizing the payment of claims from the Arizona game and fish commission fund for indebtedness incurred in the past fiscal year, and declaring an emergency. Approved March 12, 1945. Effective March 12, 1945.	184
69.	H. B. 134	Relating to precinct officers; prescribing terms of office of justices of the peace and constable; providing for the abolishment of precincts, and amending section 17-504, Arizona Code of 1939. Approved March 12, 1945. Effective June 9, 1945.	185
70.	H. B. 124	For the relief of the Industrial Commission of Arizona. Approved March 12, 1945. Effective June 9, 1945.	186
71.	H. B. 121	Authorizing the state treasurer to pay a warrant for the relief of W. H. Linville, and declaring an emergency. Approved March 12, 1945. Effective March 12, 1945.	186
72.	H. B. 34	Relating to the registrar of contractors; prescribing his qualifications, powers and salary; amending section 67-804, Arizona Code of 1939; and declaring an emergency. Approved March 12, 1945. Effective March 12, 1945.	187
73.	H. B. 15	Relating to social security and welfare; making an appropriation to the state board of social security and welfare; and declaring an emergency. Approved March 12, 1945. Effective March 12, 1945.	188
74.	H. B. 120	Relating to insurance of state institutions; providing a supplemental appropriation to pay insurance premiums for which the appropriation for the current fiscal year is insufficient; and declaring an emer-	

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75.	H. B. 104	Relating to the state prison, and providing for the appointment of subordinate officials. Approved March 12, 1945. Effective June 9, 1945.	189
76.	H. B. 77	Making deficiency appropriations for the payment of contributions of state educational institutions to the normal pension accumulation fund of the Arizona Teachers' Retirement System. Approved March 12, 1945. Effective June 9, 1945.	190
77.	S. B. 75	Providing for the establishment of a memorial to Thomas Edward Campbell; authorizing the appointment of a commission, and making an appropriation. Approved March 12, 1945. Effective June 9, 1945.	191
78.	S. B. 45	Making an appropriation for the Arizona state hospital for the insane; and declaring an emergency. Approved March 12, 1945. Effective March 12, 1945.	192
79.	H. B. 166	Relating to capitol buildings; providing for sundry repairs and replacements to rooms and offices; making an appropriation; and declaring an emergency. Approved March 12, 1945. Effective March 12, 1945.	192
80.	H. B. 136	Relating to education; transferring jurisdiction of the government of the university of Arizona and of the Arizona state teachers colleges at Tempe and at Flagstaff to the board of regents of the university and state colleges of Arizona, and amending sections 54-1314, 54-1315 and 54-1602, Arizona Code of 1939,	

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81.	S. B. 116	Authorizing the board of education of the Arizona state college at Tempe to construct and equip dormitories, to accept grants of money from a federal agency, to borrow money and issue bonds, and to perform necessary or convenient acts in connection with such projects; and declaring an emergency. Approved March 13, 1945. Effective March 13, 1945.	198
82	H. B. 214	Authorizing the board of education of the Arizona state college at Tempe to accept grants of money; making appropriations for the construction and improvement of college buildings; and declaring an emergency. Approved March 13, 1945. Effective March 13, 1945.	204
83.	H. B. 78	Relating to travel of public officials; prescribing the mode of travel and allowable expenses by amending section 12-713, Arizona Code of 1939, as amended, and declaring an emergency. Approved March 13, 1945. Effective March 13, 1945.	205
84.	H. B. 90	Relating to the elimination of scorpions, and other poisonous animals, producing a serum and making an appropriation. Approved March 13, 1945. Effective June 9, 1945.	207
85.	H. B. 33	Relating to wagering or betting on horse racing or dog racing; providing a penalty therefor; and declaring an emergency. Approved March 13, 1945. Effective March 13, 1945.	208

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86.	H. B. 112	Relating to special actions and proceedings; providing for condemnation of a private way of necessity; amending section 27-904, Arizona Code of 1939; and declaring an emergency. Approved March 13, 1945. Effective March 13, 1945.	209
87.	H. B. 54	Relating to state lands; providing for mineral claims thereon and mineral leases thereof, and amending sections 11-1601, 11-1602, 11-1603, 11-1604, 11-1605, Arizona Code of 1939; and repealing section 11-1606, Arizona Code of 1939. Approved March 14, 1945. Effective June 9, 1945.	210
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ACTS

ACTS

CHAPTER 1

(House Bill No. 21)

AN ACT

MAKING AN APPROPRIATION FOR THE PAYMENT OF THE CURRENT AND CONTINGENT EXPENSES OF THE SEVENTEENTH LEGISLATURE, REGULAR SESSION, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. The sum of ninety thousand dollars ($90,000.00) is appropriated to the seventeenth legislature, regular session.

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

1. For the payment of salaries: 1a. of members of the senate, nine thousand one hundred twenty dollars ($9,120.00); 1b. of members of the house of representatives, twenty-seven thousand eight hundred forty dollars ($27,840.00).

2. For the payment of mileage: 2a. of members of the senate, six hundred twelve dollars forty cents ($612.-40); 2b. of members of the house of representatives, one thousand two hundred seven dollars thirty cents ($1,-207.30).

3. For the payment of salaries and wages: 3a. of officers and employees of the senate, five thousand two hundred fifty dollars ($5,250.00); 3b. of officers and employees of the house of representatives, seventeen thousand dollars ($17,000.00).

4. For the payment of the contingent expense: 4a. of the senate, ten thousand nine hundred seventy dollars

thirty cents ($10,970.30); 4b. of the house of representatives, eighteen thousand dollars ($18,000.00).

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

Approved by the Governor—January 12, 1945.

Filed in the office of the Secretary of State—January 12, 1945.

CHAPTER 2

(House Bill No. 22)

AN ACT

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

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

Section 1. APPROPRIATION. The sum of eleven thousand four hundred dollars ($11,400.00) is appropriated to the department of library and archives, for the state legislative bureau.

Section 2. PURPOSE. The appropriation made under the terms of section 1 shall be expended for the following purposes in not more than the following amounts:

1. For the payment of salaries and wages, eleven thousand three hundred dollars ($11,300.00).

2. For the purchase of reference material and supplies, one hundred dollars ($100.00.)

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

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

Approved by the Governor—January 12, 1945.

Filed in the office of the Secretary of State—January 12, 1945.

CHAPTER 3

(House Bill No. 23)

AN ACT

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

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

Section 1. APPROPRIATION. The sum of one thousand two hundred fifty dollars ($1,250.00) is appropriated to the governor, for the fund for capitol buildings and grounds.

Section 2. PURPOSE. The purpose of the appropriation made under the terms of section 1 is to defray the expense of extra janitors and supplies for the seventeenth legislature.

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

Approved by the Governor—January 12, 1945.

Filed in the office of the Secretary of State—January 12, 1945.

CHAPTER 4

(House Bill No. 2)

AN ACT

RELATING TO MOTOR VEHICLES, AND EXTENDING THE PERIOD OF PAYMENT OF 1945 REGISTRATION FEES, WITHOUT PENALTY, TO APRIL 1, 1945; AND DECLARING AN EMERGENCY.

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

Section 1. EXTENSION OF TIME FOR PAYMENT OF REGISTRATION FEES. The provisions of any law to the contrary notwithstanding, no motor vehicle registration fee for the year 1945 shall be deemed delinquent, or penalty collected therefor, if paid on or before April 1, 1945.

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

Approved by the Governor—January 30, 1945.

Filed in the Office of the Secretary of State—January 30, 1945.

CHAPTER 5

(House Bill No. 36)

AN ACT

RELATING TO COUNTIES AND COUNTY OFFICERS; PROVIDING FOR THE RECORDING OF INSTRUMENTS AND THE KEEPING OF RECORDS BY THE COUNTY RECORDER; AMENDING SECTION 17-801, ARIZONA CODE OF 1939; AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 17-801, Arizona Code of 1939, is amended to read:

17-801. RECORDING OF INSTRUMENTS AND KEEPING RECORDS. The recorder shall procure such books for records as the business of his office requires. He shall have the custody of and shall keep all books, records, maps and papers deposited, and authorized to be deposited, in his office. He shall record separately, in typewriting, or in a fair and legible hand, or by the use of photostatic or photographic machines, in large and well-bound separate record books, deeds, grants, transfers, mortgages of, or instruments affecting real property, releases of mortgages, powers of attorney to convey real property, and leases which have been acknowledged as required by law, sales and mortgages of personal property, marriage contracts, official bonds, notices or claims of mechanics' or materialmen's liens, attachments of real property, notices of the pendency of an action affecting real property, the title thereto or possession thereof, instruments describing or relating to the separate property of married women, notices of location of mining claims, certified copies of orders, judgments or decrees of the superior court, declarations of homestead, articles of incorporation and the appointments of statutory agents of corporations, certificates of partnership, and such other writings as are by law required or permitted to be recorded.

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

Approved by the Governor—February 3, 1945.

Filed in the Office of the Secretary of State—February 3, 1945.

CHAPTER 6

(House Bill No. 75)

AN ACT

MAKING AN APPROPRIATION TO THE STATE PRISON, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. The sum of one thousand two hundred dollars is appropriated to the state prison.

Sec. 2. PURPOSE. The purpose of the appropriation made by section 1 is to replace the institution's condemned water heater.

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

Approved by the Governor—February 7, 1945.

Filed in the Office of the Secretary of State—February 7, 1945.

CHAPTER 7

(House Bill No. 107)

AN ACT

MAKING AN APPROPRIATION TO THE ARIZONA STATE SCHOOL FOR THE DEAF AND THE BLIND, FOR THE PURCHASE OF LAND, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. The sum of seven hundred fifty dollars is appropriated to the Arizona state school for the deaf and the blind.

Sec. 2. PURPOSE. The appropriation made by section 1 is for the purpose of purchasing block 34 of El Rio Park addition to the city of Tucson, according to the map or plat of said addition of record in the office of the county recorder of Pima county, for the use of said school.

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

emergency measure, to take effect as provided by law.

Approved by the Governor—February 15, 1945.

Filed in the Office of the Secretary of State—February 15, 1945.

CHAPTER 8

(Senate Bill No. 17)

AN ACT

RELATING TO NATURAL AND ARTIFICIAL PLACES, OBJECTS AND THINGS; DECLARING THE PUBLIC POLICY OF THE STATE IN RELATION THERETO; PROHIBITING THE CHANGE OF NAMES AND DESCRIPTIONS OF SAID PLACES, THINGS AND OBJECTS BY STATE OFFICERS, DEPARTMENTS, AGENCIES AND EMPLOYEES AND FIXING A PENALTY FOR VIOLATION OF THIS ACT.

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

Section 1. PERPETUATION OF HISTORICAL NAMES. It is hereby declared to be the public policy of this state that all natural or artificial objects, places or things continue to be known by the names they now bear so that the historical record of the state may be protected and preserved.

Sec. 2. UNLAWFUL ACTS. It shall be unlawful for any state officer, department, agency or employee to change and record in writing or otherwise in any of the state records, documents or papers, the name of any mountain, canyon, gulch, stream, stream bed or channel, whether flowing or dry, mesa, desert, forest, spring, water hole, bridge, either natural or artificial, cliff, chasm, dam, lake, either natural or artificial, park, mining district, monument, either natural or artificial, road, trail, or any other natural or artificial object.

Sec. 3. PENALTIES. Any person who shall violate any of the provisions of this Act, or who shall aid in, abet or direct a violation of this Act, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than three hundred dollars nor more

than one thousand dollars or by imprisonment in the county jail for not less than three months nor more than six months or by both such fine and imprisonment.

Approved by the Governor—February 16, 1945.

Filed in the Office of the Secretary of State—February 17, 1945.

CHAPTER 9

(Senate Bill No. 31)

AN ACT

RELATING TO THE INVESTMENT OF MONEYS IN THE PERMANENT FUNDS OF THE STATE OR OTHER MONEYS AUTHORIZED BY LAW TO BE INVESTED IN SECURITIES AND AMENDING SECTION 10-308, ARIZONA CODE OF 1939, AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 10-308, Arizona Code of 1939, is amended to read:

10-308. INVESTMENT OF FUNDS; BY WHOM; ON WHAT PROPERTY; RATE. The state treasurer, with the approval of the governor and secretary of state, shall invest any moneys in the permanent funds of the state, or other moneys authorized by law to be invested in securities as defined by law, in bonds of the United States, general obligations and improvement bonds of this state, or of the counties, incorporated cities and towns, or school districts thereof. Said moneys shall not be invested in bonds yielding a lower rate of interest than two per cent per annum.

All bonds or securities now or hereafter belonging to the state, or on deposit with the state, in compliance with any requirement of the law, shall be regularly itemized and inventoried in such manner as by the state auditor directed, and it shall be the duty of the said state treasurer, together with the governor and the secretary of state to provide, at the expense of the state, a safe and secure place of deposit for the keeping of said securities.

No access to and no deposit or withdrawal of said securities from any place, or places of deposit selected by said officers, shall be permitted or made, except in the presence of the treasurer and the secretary of state; provided however, the said officers may, in their place and stead and from time to time, designate to so act in their absence or inability, a deputy treasurer and assistant secretary of state; provided however, that in no case shall all attending officers be such substitutes.

The state auditor, at any time, and in the discharge of his duties as fixed by law, may require that the treasurer, the secretary of state, and the governor, or other officer acting in the place and stead of the governor, permit the inspection, audit and examination of such securities, or any part thereof, as such state auditor may demand or require.

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

Approved by the Governor—February 20, 1945.

Filed in the Office of the Secretary of State—February 20, 1945.

CHAPTER 10

(Senate Bill No. 22)

AN ACT

RELATING TO WAR VETERANS; PROVIDING FOR VETERANS' GUARDIANSHIP, AND REPEALING ARTICLE 2, CHAPTER 42, ARIZONA CODE OF 1939; AND DECLARING AN EMERGENCY.

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

Section 1. SHORT TITLE. This Act may be cited as "the uniform veterans' guardianship Act of 1945."

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

"person" means an individual, a partnership, a corporation or an association;

"veterans administration" means the United States veterans administration, its predecessors or successors;

"income" means moneys received from the veterans administration and revenue or profit from any property wholly or partially acquired therewith;

"estate" means income on hand and assets acquired partially or wholly with income;

"benefits" means all moneys paid or payable by the United States through the veterans administration;

"administrator" means the administrator of veterans affairs of the United States or his successor;

"ward" means a beneficiary of the veterans administration;

"guardian" means any fiduciary for the person or estate of a ward.

Sec. 3. ADMINISTRATOR AS PARTY IN INTEREST. The administrator shall be a party in interest in any proceeding for the appointment or removal of a guardian or for the removal of the disability of minority or mental incapacity of a ward, and in any suit or other proceeding affecting in any manner the administration by the guardian of the estate of any present or former ward whose estate includes assets derived in whole or in part from benefits heretofore or hereafter paid by the veterans administration. Not less than fifteen days prior to hearing in such matter notice in writing of the time and place thereof shall be given by mail, unless waived in writing, to the office of the veterans administration having jurisdiction over the area in which any such suit or any such proceeding is pending.

Sec. 4. APPLICATION. Whenever, pursuant to any law of the United States or regulation of the veterans administration, it is necessary, prior to payment of benefits, that a guardian be appointed for a ward, such appointment may be made in the manner hereinafter provided.

Sec. 5. LIMITATION ON NUMBER OF WARDS.

It is unlawful for any person to accept appointment as guardian if he shall at that time be acting as guardian for five wards, unless all wards be members of the same family. Upon presentation of a petition by an attorney of the veterans administration, alleging that a guardian is acting in a fiduciary capacity for more than five wards and requesting his discharge for that reason, the court, upon proof substantiating the petition, shall require a final accounting forthwith from such guardian and shall discharge such guardian in said case, and forthwith appoint a successor. The limitations of this section are not applicable to a bank or trust company acting as guardian.

Sec. 6. APPOINTMENT OF GUARDIAN. (a) A petition for the appointment of a guardian may be filed by any relative or friend of the ward or by any person authorized by law. If no person is so authorized or if the person so authorized refuses or fails to file such petition within thirty days after mailing of notice by the veterans administration to the last known address of the person, indicating the necessity for the same, a petition for such appointment may be filed by any person resident of the state.

(b) The petition for appointment shall set forth the name, age and place of residence of the ward, the name and place of residence of the nearest relative, if known, and the fact that such ward is entitled to receive benefits payable by or through the veterans administration, and shall set forth the amount of moneys then due and the amount of probable future payments.

(c) The petition shall also set forth the name and address of the person or institution, if any, having actual custody of the ward and the name, age, relationship, if any, occupation and address of the person proposed for appointment as guardian. The court may appoint, in its discretion, and regardless of any law as to priority of persons entitled to appointment, or by nomination in a petition, any other individual or bank or trust company as guardian, if the court believes it is for the best interest of the ward to make such other appointment.

(d) In the case of a mentally incompetent ward the petition shall show that the ward has been rated incompetent by the veterans administration on examination in accordance with the laws and regulations governing the veterans administration.

Sec. 7. EVIDENCE OF NECESSITY FOR GUARD-

IAN OF INFANT. A petition filed for the appointment of a guardian for a minor, followed by a certificate of the administrator or his authorized representative setting forth the age of the minor as shown by the records of the veterans administration and the fact that the appointment of a guardian is a condition precedent to the payment of any moneys due the minor by the veterans administration, shall be prima facie evidence of the necessity for such appointment.

Sec. 8. EVIDENCE OF NECESSITY FOR GUARDIAN FOR INCOMPETENT. A petition filed for the appointment of a guardian for a mentally incompetent ward, followed by a certificate of the administrator or his duly authorized representative that such person has been rated incompetent by the veterans administration on examination in accordance with the laws and regulations governing the veterans administration and that the appointment of a guardian is a condition precedent to the payment of any moneys due such ward by the veterans administration, shall be prima facie evidence of the necessity for such appointment.

Sec. 9. NOTICE. Upon the filing of a petition for the appointment of a guardian under the provisions of this Act, notice therefor shall be given to the ward, to such other persons, and in the manner provided by law and the veterans administration under the provisions of this Act.

Sec. 10. BOND. (a) Upon the appointment of a guardian, he shall execute and file a bond to be approved by the court in an amount not less than the estimated value of the personal estate and anticipated income of the ward during the ensuing year. The bond shall be in the form and be conditioned as required of guardians appointed under the general guardianship laws. The court shall have power from time to time to require the guardian to file an additional bond.

(b) When a bond is tendered by a guardian with personal sureties, there shall be at least two such sureties and they shall file with the court a certificate under oath which shall describe the property owned, both real and personal, and shall state that they are each worth the sum named in the bond as the penalty thereof over and above all their debts and liabilities and exclusive of property exempt from execution. Notwithstanding such tender, the court may require additional security or may

require a corporate surety bond, the premium thereon to be paid from the ward's estate.

(c) Provided, however, that the court may in its discretion require no bond to be given.

Sec. 11. PETITIONS AND ACCOUNTS, NOTICES AND HEARINGS. (a) Every guardian who has received or shall receive on account of his ward any moneys or other thing of value from the veterans administration shall file with the court annually, on or before the anniversary date of the appointment, in addition to such other accounts as may be required by the court, a full, true, and accurate account under oath of all moneys or other things of value so received by him, all earnings, interest or profits derived therefrom, and all property acquired therewith and of all disbursements therefrom, and showing the balance thereof in his hands at the date of such account and how invested.

(b) The guardian, at the time of filing the account, shall exhibit all securities or investments held by him to an officer of the bank or other depository wherein the securities or investments are held for safekeeping, or to an authorized representative of the corporation which is surety on his bond, or to the judge or clerk of a court of record, or, upon request of the guardian or other interested party, to any other reputable person designated by the court, who shall certify in writing that he has examined the securities or investments and identified them with those described in the account, and shall note any omissions or discrepancies. If the depository is the guardian, the certifying officer shall not be the officer verifying the account. In such case, the guardian may exhibit the securities or investments to the judge of the court, who shall endorse on the account and copy thereof a certificate that the securities or investments shown therein as held by the guardian were each in fact exhibited to him and that those exhibited to him were the same as those shown in the account, and shall note any omission or discrepancy. Such certificate and the certificate of an official of the bank in which are deposited any funds for which the guardian is accountable, showing the amount on deposit, shall be prepared and signed in duplicate and one of each shall be filed by the guardian with his account.

(c) At the time of filing in the court any account, a certified copy thereof and a signed duplicate of each of the certificates filed with the court shall be sent by the guardian to the office of the veterans administration

having jurisdiction over the area in which the court is located. A duplicate signed copy or a certifed copy of any petition, motion or other pleading pertaining to an account, or to any matter other than an account which is filed in the guardianship proceedings or in any proceedings for the purpose of removing the disability of minority or mental incapacity, shall be furnished by the person filing the same to the proper office of the veterans administration. Unless hearing be waived in writing by the attorney of the veterans administration, the court shall fix a time and place for the hearing on such account, petition, motion or other pleading not less than fifteen days nor more than thirty days from the date same is filed, unless a different available date be stipulated in writing. Unless waived in writing, written notice of the time and place of hearing shall be given the veterans administration office concerned and to the guardian and any other entitled to notice not less than fifteen days prior to the date fixed for such hearing. The notice may be given by mail, in which event it shall be deposited in the mails not less than fifteen days prior to the hearing date. The court, or clerk thereof, shall mail to the veterans administration office a copy of each order entered in any guardianship proceeding wherein the administrator is an interested party.

(d) If the guardian is accountable for property derived from sources other than the veterans administration, he shall be accountable as is or may be required under the applicable law pertaining to the property of minors or persons of unsound mind who are not beneficiaries of the veterans administration, and as to such other property shall be entitled to the compensation provided by such law. The account for other property may be combined with the account filed in accordance with this section.

Sec. 12. PENALTY FOR FAILURE TO ACCOUNT. If any guardian shall fail to file with the court as required by this Act any account as required by this Act, or by an order of the court, when such account is due or within thirty days after citation issues as provided by law, or shall fail to furnish the veterans administration a true copy of any account, petition or pleading as required by this Act, such failure shall in the discretion of the court be ground for his removal.

Sec. 13. COMPENSATION OF GUARDIANS. Compensation payable to guardians shall be based upon services rendered and shall not exceed five per cent of the amount of moneys received during the period covered

by the account. In the event of extraordinary services rendered by any guardian, the court, upon petition and hearing thereon may authorize reasonable additional compensation therefor. A copy of the petition and notice of hearing thereon shall be given the proper office of the veterans administration in the manner provided in the case of hearing on a guardian's account or other pleading. No commission or compensation shall be allowed on the moneys or other assets received from a prior guardian nor upon the amount received from liquidation of loans or other investments.

Sec. 14. INVESTMENTS. Every guardian shall invest the surplus funds of his ward's estate in such securities or property as authorized under the laws of this state but only upon prior order of the court; except that such funds may be invested, without prior court authorization, in direct unconditional interest-bearing obligations of this state or of the United States and in obligations the interest and principal of which are unconditionally guaranteed by the United States government. A duplicate signed copy or certified copy of the petition for authority to invest shall be furnished the proper office of the veterans administration, and notice of hearing thereon shall be given said office as provided in the case of hearing on a guardian's account.

Sec. 15. MAINTENANCE AND SUPPORT. A guardian shall not apply any portion of the income of the estate for the support or maintenance of any person other than the ward, the spouse and the minor children of the ward, except upon petition to and prior order of the court after a hearing. A duplicate signed copy or certified copy of the petition shall be furnished the proper office of the veterans administration and notice of hearing thereon shall be given the office as provided in the case of hearing on a guardian's account or other pleading.

Sec. 16. PURCHASE OF HOME FOR WARD. (a) The court may authorize the purchase of the entire fee simple title to real estate in this state in which the guardian has no interest, but only as a home for the ward, or to protect his interest, or where not a minor as a home for his dependent family. The purchase of real estate shall not be made except upon the entry of an order of the court after hearing upon verified petition. A copy of the petition shall be furnished the proper office of the veterans administration and notice of hearing thereon shall be given the office as provided in the case of hearing on a guardian's account.

(b) Before authorizing any investment the court shall require written evidence of value and of title and of the advisability of acquiring such real estate. Title shall be taken in the ward's name.

(c) This section does not limit the right of the guardian on behalf of his ward to bid and to become the purchaser of real estate at a sale thereof pursuant to decree of foreclosure of lien held by or for the ward, or at a trustee's sale, to protect the ward's right in the property so foreclosed or sold, nor does it limit the right of the guardian, if such be necessary to protect the ward's interests and upon prior order of the court in which the guardianship is pending, to agree with co-tenants of the ward for a partition in kind, or to purchase from such co-tenants the entire undivided interests held by them, or to bid and purchase the same at a sale under a partition decree, or to compromise adverse claims of title to the ward's realty.

Sec. 17. COPIES OF PUBLIC RECORDS TO BE FURNISHED. Whenever a copy of any public record is required by the veterans administration to be used in determining the eligibility of any person to participate in benefits made available by the veterans administration, the official charged with the custody of the public record shall without charge provide the applicant for benefits or any person acting on his behalf or the authorized representative of the veterans administration with a certified copy of the record.

Sec. 18. DISCHARGE OF GUARDIAN AND RELEASE OF SURETIES. A certificate by the veterans administration showing that a minor ward has attained majority, or that an incompetent ward has been rated competent by the veterans administration upon examination in accordance with law shall be prima facie evidence that the ward has attained majority, or has recovered his competency. Upon hearing after notice as provided by this Act and the determination by the court that the ward has attained majority or has recovered his competency, an order shall be entered to that effect, and the guardian shall file a final account. Upon hearing after notice to the former ward and to the veterans administration as in the case of other accounts, upon approval of the final account, and upon delivery to the ward of the assets due him from the guardian, the guardian shall be discharged and his sureties released.

Sec. 19. COMMITMENT. (a) Whenever, in any pro-

ceeding under the laws of this state for the commitment of a person alleged to be of unsound mind or otherwise in need of confinement in a hospital or other institution for his proper care, it is determined after such adjudication of the status of such person as may be required by law that commitment to a hospital for mental diseases or other institution is necessary for safekeeping or treatment, and it appears that such person is eligible for care or treatment by the veterans administration or other agency of the United States government, the court upon receipt of a certificate from the veterans administration or such other agency showing that facilities are available and that such person is eligible for care or treatment therein, may commit such person to said veterans administration or other agency. The person whose commitment is sought shall be personally served with notice of the pending commitment proceeding in the manner provided by law, and nothing in this Act shall affect his right to appear and be heard in the proceedings. Upon commitment, such person, when admitted to any facility operated by any agency of the United States government within or without the state shall be subject to the rules and regulations of the veterans administration or other agency. The chief officer of any facility of the veterans administration or institution operated by any other agency of the United States government to which the person is committed, shall with respect to such person be vested with the same powers as superintendents of state hospitals for mental diseases within this state with respect to retention of custody, transfer, parole or discharge. Jurisdiction is retained in the committing or other appropriate court of the state to at any time inquire into the mental condition of the person committed, and to determine the necessity for continuance of his restraint, and all commitments pursuant to this Act are so conditioned.

(b) The judgment or order of commitment by a court of another state or of the District of Columbia, committing a person to the veterans administration or other agency of the United States government for care or treatment shall have the same force and effect as to the committed person while in this state as in the jurisdiction in which is situated the court entering the judgment or making the order; and the courts of the committing state, or of the District of Columbia, shall be deemed to have retained jurisdiction of the person so committed for the purpose of inquiring into the mental condition of such person, and of determining the necessity for continuance of his restraint, as is provided in subsection (a) with respect to persons committed by the

courts of this state. Consent is given to the application of the law of the committing state or District of Columbia in respect to the authority of the chief officer of any facility of the veterans administration, or of any institution operated in this state by any other agency of the United States government, to retain custody, or to transfer, parole or discharge the committed person.

(c) Upon receipt of a certificate of the veterans administration or other agency of the United States that facilities are available for the care or treatment of any person theretofore committed to a hospital for the insane or other institution for the care or treatment of persons similarly afflicted and that such person is eligible for care or treatment, the superintendent of such institution may cause the transfer of the person to the veterans administration or other agency of the United States government for care or treatment. Upon effecting any such transfer, the committing court or proper officer thereof shall be so notified by the transferring agency. No person shall be transferred to the veterans administration or other agency of the United States government if he be confined pursuant to conviction of a felony or misdemeanor or if he shall have been acquitted of the charge solely on the ground of insanity, unless prior to transfer the court originally committing the person shall enter an order for the transfer after appropriate motion and hearing. A person transferred as provided in this section is deemed to be committed to the veterans administration or other agency of the United States government pursuant to the original commitment.

Sec. 20. APPLICATION OF ACT. The provisions of this Act relating to surety bonds and the administration of estates of wards shall apply to all income and estate as defined in section 2, whether the guardian shall have been appointed under this Act or under any other law of the state, special or general, prior or subsequent to the enactment hereof.

Sec. 21. REPEAL. Article 2, chapter 42, Arizona Code of 1939, is repealed. This section does not negative an implied repeal of any statute which conflicts with this Act.

Sec. 22. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—February 20, 1945.

Filed in the Office of the Secretary of State—February 20, 1945.

CHAPTER 11

(House Bill No. 50)

AN ACT

RELATING TO MOTOR VEHICLES; PRESCRIBING REGULATIONS RELATING TO THE SIZE AND WEIGHT OF VEHICLES ON HIGHWAYS; AMENDING ARTICLE 1, CHAPTER 66, ARIZONA CODE OF 1939, BY ADDING SECTION 66-129a; AMENDING SECTIONS 66-127 AND 66-129, AND REPEALING SECTION 66-103.

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

Section 1. Sec. 66-127, Arizona Code of 1939, is amended to read:

66-127. SIZE OF VEHICLES AND LOADS. No vehicle shall exceed a total outside width, including any load thereon, of one hundred two inches, and the overall body width of such vehicle shall not exceed eight feet. The width of a farm tractor shall not exceed nine feet. No vehicle shall exceed a height of thirteen feet and six inches, nor a length of thirty-five feet, except that the state highway commission may authorize a length of forty feet for a single truck over designated routes when, in its judgment, the road conditions are such that no hazard exists on the route which would imperil life, property, or safe travel thereon, and no combination of vehicles coupled together shall exceed a total length of sixty-five feet, nor carry a load extending more than three feet beyond the front thereof. No passenger vehicle shall carry a load extending beyond the line of the fenders on the left side of the vehicle, nor extending more than six inches beyond the line of the fender on the right side thereof. The limitation as to size shall not apply to implements of husbandry temporarily moved upon the public highway.

Sec. 2. Sec. 66-129, Arizona Code of 1939, is amended to read:

66-129. AXLE WEIGHT LIMITS. The gross weight imposed upon the highway by the wheels on any one axle of a vehicle shall not exceed eighteen thousand pounds and the gross weight upon any wheel or wheels supporting one end of an axle and resting upon the

roadway shall not exceed nine thousand five hundred pounds.

Sec. 3. Article 1, chapter 66, Arizona Code of 1939, is amended by adding section 66-129a:

66-129a. RATIO OF WEIGHT TO LENGTH. (a) Except as provided in subsection (b), no vehicle or combination of vehicles shall be operated the gross weight of which with load exceeds that given by the formula W equals eight hundred multiplied by (L plus forty). W equals the total gross weight with load in pounds; L equals the distance in feet between the first and last axles of the vehicle or combination of vehicles.

(b) Until January 1, 1955, the formula applicable to any vehicle or combination of vehicles first registered prior to the date this Act takes effect, having a distance of not less than twenty-five nor more than forty-five feet between the first and last axles of the vehicle or combination thereof, shall be W equals eight hundred fifty multiplied by (L plus forty). W equals the total gross weight with load in pounds; L equals the distance in feet between the first and last axle of the vehicle or combination of vehicles.

(c) Except as provided in subsection (d), the total gross weight with load imposed on the highway by any two or more consecutive axles of any vehicle or combination of vehicles, where the distance between the first and last axles thereof is eighteen feet or less, shall not exceed that given by the formula W equals seven hundred multiplied by (L plus forty). W equals total gross weight with load in pounds, imposed on the roadway by such group of axles; L equals the distance in feet between the first and last axles of the group.

(d) Until January 1, 1955, the formula applicable to any vehicle or combination of vehicles registered prior to January 1, 1945, having a group of two or more axles and the distance between the first and last axles of the group is between fourteen and eighteen feet, both inclusive, shall be W equals seven hundred fifty multiplied by (L plus forty). W equals the total gross weight with load in pounds imposed on the roadway by the group of axles; L equals the distance in feet between the first and last axles of the group.

(e) The provisions of this section shall not apply to traction engines or tractors the propulsive power of

which is exerted only by means of a flexible band or chain known as a movable track, when the portions of the movable tracks in contact with the surface of the highway present plane surfaces.

(f) Any peace officer believing the weight of a vehicle and load is unlawful may weigh the same by portable or stationary scales. If the weight is found to exceed the lawful limit the officer may require the driver to immediately unload such portion of the load as may be necessary to decrease the weight to the maximum specified by law.

Sec. 4. REPEAL. Section 66-103, Arizona Code of 1939, is repealed. This section does not negative an implied repeal of any statute which conflicts with this Act.

Approved by the Governor—February 20, 1945.

Filed in the office of the Secretary of State—February 20, 1945.

CHAPTER 12

(House Bill No. 18)

AN ACT

RELATING TO BIRTH OR DEATH CERTIFICATES AND AMENDING SECTIONS 68-609, 68-610 and 68-616, ARIZONA CODE OF 1939; ADDING NEW SECTION 68-616a; REPEALING ACTS IN CONFLICT; AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 68-609, Arizona Code of 1939, is amended to read:

68-609. BIRTH OR DEATH CERTIFICATE; DUTY TO REPORT BIRTH. Within ten days after the date of any birth, there shall be filed with the local registrar of the district in which the birth occurred, by the physician, midwife, or person acting as midwife, in attendance upon a birth, a certificate of birth upon a form prescribed by the state board of health. If no such

person is in attendance upon the birth, the father or mother of the child, the householder or owner of the premises where the birth occurs, or the manager or superintendent of the institution where birth occurs, in the order named, shall report such birth to the local registrar within ten days. Should the physician, midwife, or person acting as midwife, be unable by diligent inquiry, to obtain the information required, or in the case of births reported by some other person, the local registrar shall procure from the most authentic source such information as will enable him to prepare the certificate. A person shall answer correctly all questions of the registrar with respect to such birth, and when requested by the registrar, verify over his signature such statements. Any person who shall knowingly insert in a birth or death certificate false information as to any matter covered thereby, and any person who shall knowingly impart to another false information as to any fact required to be shown in a birth or death certificate with the intent that such information shall be placed in a birth or death certificate, shall be guilty of a misdemeanor.

Sec. 2. Sec. 68-610, Arizona Code of 1939, is amended to read:

68-610. RECORD OF BIRTH; CONTENTS. The certificate of birth shall contain:

1. Place of birth, including state, county, town, village or city; if in a city, the street and house number; if in a hospital or other institution, the name thereof;

2. Full name and sex of child. If the child dies without a name, before the certificate is filed, the words "died unnamed"; if not named at the date of filing the space for the name shall be filled out subsequently by a supplemental report;

3. Whether a twin, triplet, or other plural birth, of which a separate certificate shall be filed for each child in the order of birth;

4. Date of birth, including the year, month, and day;

5. Full name, residence, color or race of father, and age;

6. Birthplace of father; at least state or foreign country, if known;

7. Occupation of father, if engaged in any remunerative employment, with the trade, profession, or kind of work, and the general nature and name of the business in which employed;

8. Maiden name, residence, color or race of mother, and age;

9. Birthplace of mother; at least state or foreign country, if known;

10. Occupation of mother, if engaged in any remunerative employment, with the trade, profession, or kind of work, and the general nature and name of the business in which employed;

11. Number of children born to the mother, including present birth, and number of those living;

12. Date received by local registrar;

13. Registrar's signature.

When a certificate of a living child is presented without the statement of the given name, the local registrar shall deliver to the parents of the child a special blank for a supplemental report of the given name of the child, to be filled out as directed, and returned to the local registrar as soon as the child shall have been named.

Sec. 3. Sec. 68-616, Arizona Code of 1939, is amended to read:

68-616. CERTIFICATE OF RECORD OF BIRTH OR DEATH. The state registrar shall, upon request, supply to any applicant a certificate of the record of any birth or death, for the making and certification of which he shall charge a fee of fifty cents. The certificate of the record of death shall be a certified copy of the certificate of death on file with the registrar. The certificate of the record of birth shall contain the following:

1. Place of birth, including state, county, town, village or city; if in a city, the street and house number; if in a hospital or other institution, the name thereof;

2. Full name and sex of child;

3. Whether a twin, triplet, or other plural birth;

4. Date of birth, including the year, month, and day;

5. Full name, residence, color or race of father, and age, at time of this birth;

6. Birth place of father; at least state or foreign country, if known;

7. Full maiden name, residence, color or race of mother, and age, at time of this birth;

8. Birth place of mother; at least state or foreign country, if known;

9. Attendant's signature;

10. Date filed by registrar.

Any such certificate of the record of a birth or death, when properly issued by the registrar, shall be prima facie evidence of the facts therein stated. Except pursuant to appropriate legal process of a court of competent jurisdiction the state registrar shall not disclose, either in certified copies of his records or otherwise, the marital status of the mother of any child.

The registrar shall, upon the request of any parent or guardian, supply without fee, a certificate of the record of the birth of the child or ward of such parents or guardian when the same shall be necessary for admission to school, or for the purpose of securing employment; and the United States census bureau may obtain, without expense to the state, transcripts or certificates of the record of births and deaths without payment of the fees herein prescribed.

The state registrar shall not disclose the contents of the records of births on file with him, provided that he shall, pursuant to appropriate legal process of a court of competent jurisdiction, produce his original records of births or deaths for inspection in such court in a proceeding pending before it and may, in such case, furnish a certified copy thereof for use in such proceeding which certified copy shall have the same force and effect as evidence as the certificate of the record of birth or death hereinabove provided.

The foregoing shall in no manner interfere with the issuance of delayed birth certificates.

Sec. 4. Sec. 68-616, Arizona Code of 1939, is amended by adding Sec. 68-616a to read:

68-616a. ADOPTION. In cases of adoption the state registrar upon receipt of a certified copy of an order or decree of adoption shall prepare a supplementary certificate in the new name of the adopted person, and seal and file the original certificate of birth with said certified copy attached thereto. Such sealed documents may be opened by the state registrar only upon the demand of the adopted person if of legal age or by an order of court of competent jurisdiction. Upon receipt of a certified copy of a court order of annulment of adoption the state registrar shall restore the original certificate to its original place in the files.

Sec. 5. REPEALING CLAUSE. All Acts or parts of Acts in conflict herewith are hereby repealed.

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

Approved by the Governor—February 20, 1945.

Filed in the Office of the Secretary of State—February 20, 1945.

CHAPTER 13

(House Bill No. 135)

AN ACT

RELATING TO THE STATE CAPITOL; MAKING AN APPROPRIATION; AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. The sum of five thousand five hundred dollars or so much thereof as may be necessary, is appropriated to the governor.

Sec. 2. PURPOSE. The appropriation made by sec-

tion 1 is for the purpose of installing a new roof deck, consisting of superstructure and first quality roofing material, on the department of justice addition to the state capitol.

Sec. 3. SPECIAL PROVISIONS. The work authorized by this Act shall be performed in accordance with the provisions of chapter 9, Arizona Code of 1939. The state registrar of contractors shall inspect the work, and its acceptance shall be subject to his approval. Provided, such contract shall run for a twenty year period, covering leakage, workmanship and material.

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

Approved by the Governor—February 26, 1945.

Filed in the office of the Secretary of State—February 26, 1945.

CHAPTER 14

(House Bill No. 97)

AN ACT

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

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

Section 1. APPROPRIATION. Ten thousand nine hundred six and 63/100 dollars ($10,906.63) is hereby appropriated from the general fund to the board of directors of state institutions for juveniles for the relief of the Convent of the Good Shepherd and the Florence Crittenton Home.

Sec. 2. PURPOSE. Ten thousand eight hundred seventy-six and 33/100 dollars ($10,876.33) of this appropriation shall be applied only to and in satisfaction of certificates of indebtedness (certificate No. 18 in the

amount of three thousand nine hundred and 96/100 dollars ($3,900.96), certificate No. 21 in the amount of six thousand seven hundred fifty and 97/100 dollars ($6,750.97), and certificate No. 23 in the amount of two hundred twenty-four and 40/100 dollars ($224.40) of the Convent of the Good Shepherd based upon care of girl juvenile offenders during the months of May and June of 1944, and for which the appropriation for that purpose for the fiscal year ending June 30, 1944, was insufficient.

Thirty and 30/100 dollars ($30.30) of this appropriation shall be applied only to and in satisfaction of certificates of indebtedness (certificate No. 22 in the amount of twenty-seven dollars ($27.00), and certificate No. 24 in the amount of three and 30/100 dollars ($3.30) of the Florence Crittenton Home based upon care of girl juvenile offenders for the month of June of 1944, and for which the appropriation for that purpose for the fiscal year ending June 30, 1944, was insufficient.

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

Approved by the Governor—February 26, 1945.

Filed in the office of the Secretary of State—February 26, 1945.

CHAPTER 15

(House Bill No. 56)

AN ACT

RELATING TO UNCLAIMED MONEY OR PROPERTY IN THE HANDS OF PUBLIC OFFICIALS; PROVIDING FOR THE DISPOSAL THEREOF; AND DECLARING AN EMERGENCY.

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

Section 1. DISPOSAL OF UNCLAIMED MONEY OR PROPERTY. All money or property: 1. used as evi-

dence and remaining unclaimed in the hands of a state, county, city or town officer more than six months after final disposition of the cause in which so used; 2. seized by a peace officer as being used unlawfully or for an unlawful purpose and held unclaimed for a period of six months from the date of seizure, or, 3. coming into the hands of any state, county, city or town officer as lost, unclaimed, or contraband, and held unclaimed for six months from the date received, shall, if no other disposal is prescribed by law, be delivered to the state treasurer if held by a state officer, to the county treasurer if held by a county officer, or to the city or town treasurer if held by a city or town officer. Money so delivered shall be deposited in the general fund of the state, county, city, or town, as the case may be.

Sec. 2. SALE OF PROPERTY. Except as provided in section 3, the treasurer to whom personal property is delivered pursuant to section 1 shall sell the same in the manner provided by law for the sale of personal property under execution in a civil action. The proceeds shall be paid into the general fund of the jurisdiction under whose authority the property is sold. Sales under this section shall be held on the second Tuesday in March and the second Tuesday in September of each year.

Sec. 3. DESTRUCTION OF PROPERTY. Property seized as being used unlawfully or for an unlawful purpose shall be destroyed if it fails to sell at any sale as provided in this Act. Property which is so designed or constructed that it cannot be used for any purpose lawful in this state shall not be sold.

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

Approved by the Governor—February 26, 1945.

Filed in the Office of the Secretary of State—February 26, 1945.

CHAPTER 16

(House Bill No. 83)

AN ACT

RELATING TO COUNTIES AND COUNTY OFFICERS; PRESCRIBING A LICENSE TAX ON DOGS; AMENDING SECTION 17-1607, ARIZONA CODE OF 1939; AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 17-1607, Arizona Code of 1939, is amended to read:

17-1607. TAX ON DOGS. (a) The owner, keeper, or claimant thereof shall pay for each dog owned, kept, or claimed an annual license tax of one dollar if a male and two dollars if a female dog. The constable or peace officer of each precinct shall collect the tax. He shall record in a book kept for the purpose the name of the owner of each dog on which the tax is collected, a brief description of the animal, and the amount collected, and shall furnish the person paying the tax with a metallic tag indicating the year for which the tax is paid, which shall be attached to the dog by a collar.

(b) The license prescribed by this section shall expire on January 1 of each year. All dogs found running at large, in an area designated by the state veterinarian as a rabies control area, without a collar and tag, after May 1, may be killed by the constable, or in other than designated rabies control areas shall be confined and kept for at least five days and not exceeding thirty days, subject to redemption by the owner or by any other person, upon payment of the license tax together with the reasonable cost of feeding and keeping such dog.

There shall be furnished by the county board of health, rabies serum, and it shall be required that the animal be innoculated prior to issuance of tag.

(c) The constable or peace officer shall promptly, and not later than the second Monday of each month, pay all moneys collected for dog license taxes to the county treasurer of the county in which the tax is collected. The treasurer shall place the sum to the credit of the respective county boards of supervisors in a fund to be known as the rabies control fund, which shall be used for the enforcement of this Act and for all phases of rabies control as deemed necessary by the county board of health. Any balance in excess of five hundred dollars remaining in the fund at the end of each fiscal year shall revert to the county school fund.

(d) Any constable or peace officer who fails, neglects or refuses to discharge the duties imposed upon him under the provisions of this Act shall be guilty of a misdemeanor.

(e) This Act shall not apply to incorporated cities or towns which impose by ordinance, as prescribed by law, a tax on dogs.

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

Approved by the Governor—February 26, 1945.

Filed in the Office of the Secretary of State—February 26, 1945.

CHAPTER 17

(House Bill No. 8)

AN ACT

RELATING TO THE EDUCATION OF CRIPPLED CHILDREN; MAKING AN APPROPRIATION AND PROVIDING FOR ITS DISBURSEMENT.

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

Section 1. APPROPRIATION. There is hereby appropriated to the state superintendent of public instruction the sum of three thousand six hundred dollars ($3,600.00) for each of the thirty-fourth and thirty-fifth fiscal years. This appropriation shall not be subject to the quarterly allotment or expenditure limitations of sec. 2, article 4, chapter 86, session laws of 1943.

Sec. 2. PURPOSE. The above appropriation shall be expended by the Maricopa county school superintendent for the education of the patients at the convalescent home for crippled children. The Maricopa county school superintendent shall present his claims for expenditures to the state superintendent of public instruction for payment and he shall authorize them to be paid as provided

by law.

Approved by the Governor—February 28, 1945.

Filed in the Office of the Secretary of State—February 28, 1945.

CHAPTER 18

(Senate Bill No. 23)

AN ACT

RELATING TO PREDATORY ANIMALS, NOXIOUS RODENTS AND RELATED ANIMALS; PROVIDING FOR COOPERATION OF THE STATE AND COUNTIES WITH THE UNITED STATES IN CONTROL AND DESTRUCTION OF PREDATORY ANIMALS, NOXIOUS RODENTS, AND RELATED ANIMALS, REPEALING SECTION 50-504 AND SECTION 17-357, ARIZONA CODE OF 1939, AND ACTS OR PARTS OF ACTS THAT ARE IN CONFLICT WITH THIS ACT.

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

Section 1. COOPERATION FOR CONTROL OF PREDATORY ANIMALS, NOXIOUS RODENTS AND RELATED ANIMALS. The livestock sanitary board is authorized and directed to cooperate with the fish and wildlife service of the United States Department of the Interior in the control and destruction of predatory animals, noxious rodents and related animals injurious to livestock, poultry, game, agriculture, other industries, and the public health in accordance with organized and systematic plans of the fish and wildlife service. For such purpose the livestock sanitary board is directed to enter into written agreements with the fish and wildlife service regarding the methods and procedure to be followed, the extent of supervision to be exercised by the livestock sanitary board and the fish and wildlife service respectively, and the use and expenditure of state funds. The livestock sanitary board, in cooperation with the fish and wildlife service, may also enter into cooperative agreements with other governmental agencies and counties of the state to promote the control and destruction of predatory animals, noxious rodents and related animals.

Sec. 2. FISCAL CONDITIONS. The livestock sanitary board is authorized to approve expenditures for equipment, materials, supplies, transportation and other expenses, including personal services, necessary to discharge the duties and functions imposed upon it by this Act. Claims drawn upon any appropriation made to carry out the provisions of this Act shall be certified as to correctness by the district agent of the fish and wildlife service or some person designated by him.

Sec. 3. DISPOSITION OF FURS, SKINS, AND SPECIMENS. All furs, skins, or specimens taken by hunters, whose salaries are paid out of any state appropriation made for the purpose of carrying out the provisions of this Act, shall be disposed of as the livestock sanitary board shall determine to be for the best interest of the state, but if sold the net proceeds thereof shall be credited to the general fund of the state.

Sec. 4. PURCHASE AND DISPOSITION OF RODENT CONTROL SUPPLIES, INCLUDING RODENT BAITS, EQUIPMENT AND MATERIALS. The livestock sanitary board, in cooperation with the fish and wildlife service, is authorized to purchase rodent control supplies, including rodent baits, equipment and materials for use of cooperating governmental agencies and counties in the control of noxious rodents and related animals, and to make these supplies, baits, equipment and materials available to cooperators at approximate cost. The receipts from the sale of such supplies, baits, equipment and materials shall be credited to the general fund of the state.

Sec. 5. COUNTIES AUTHORIZED TO ENTER INTO AGREEMENTS. The boards of supervisors of the several counties are authorized to perform within their respective counties predatory animal, noxious rodent and related animal control work as defined by section 1 of this Act; to enter into cooperative agreements with the livestock sanitary board and the fish and wildlife service; and to make necessary expenditures from any special contingent or general county fund available for the purpose.

Sec. 6. REPEALING CLAUSE. Section 50-504 and section 17-357, Arizona Code of 1939, and Acts or parts of Acts that are in conflict with this Act, are hereby repealed.

Approved by the Governor—February 28, 1945.

Filed in the Office of the Secretary of State—February 28, 1945.

CHAPTER 19

(Senate Bill No. 8)

AN ACT

RELATING TO LIVESTOCK; MAKING IT AN OFFENSE TO OVERSTOCK UNENCLOSED LAND WITH INTENT TO TRESPASS ON THE LAND OF ANOTHER, AND PRESCRIBING PENALTIES.

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

Section 1. Article 36, chapter 43, Arizona Code of 1939, is amended by adding section 43-3615, to read:

43-3615. OVERSTOCKING UNENCLOSED LAND. Any person who overstocks with livestock an unenclosed tract or parcel of land or range which he owns or has the lawful right to use, with the intent that such livestock shall leave the land on which so placed and graze or feed upon the land of another person, and such livestock do leave such land and graze or feed upon the land or range of another person, to the injury of such other person, is guilty of a misdemeanor and subject to a fine of not less than one hundred nor more than five hundred dollars, or imprisonment for not more than six months, or both, and in addition thereto is liable to the injured person in damages as for willful trespass. For the purposes of this section "overstock" means to release on a tract or parcel of unenclosed land a greater number of livestock than the grass or other forage normally produced thereon under average conditions will reasonably sustain; "livestock" shall be construed to include neat animals, horses, mules, asses, sheep and goats.

Such overstocking shall be prima facie evidence of the intent that such livestock shall leave the land on which so placed and graze or feed upon the land of another person.

Approved by the Governor—February 28, 1945.

Filed in the office of the Secretary of State—February 28, 1945.

CHAPTER 20

(Senate Bill No. 41)

AN ACT

RELATING TO DAMAGES TO LIVESTOCK BY RAILROADS; REQUIRING THE KEEPING OF RECORDS OF STOCK KILLED OR CRIPPLED, AND AMENDING SECTION 50-701, ARIZONA CODE OF 1939.

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

Section 1. Sec. 50-701, Arizona Code of 1939, is amended to read:

50-701. RECORD OF STOCK KILLED OR CRIPPLED. (a) Every railroad in this state, upon discovery of any livestock killed or crippled upon a section of such railroad, shall immediately make a report thereof to an inspector of the livestock sanitary board, or to such other person as may be designated by the board for the purpose of receiving such report. The report shall designate the place where such livestock may be found, and the board, or the person designated by it, shall promptly inspect the stock, notify the owner and make a report of such inspection, which report shall include the age, color, sex, approximate weight, marks and brands of such stock. One copy of such report shall be transmitted by the inspector to the board, one to the owner of such stock, and one to the railroad. A copy of the report transmitted to the railroad shall be posted by it on Monday of each week at the section house or station house nearest the scene of the accident and be kept posted for thirty (30) days. No dead animal covered by this section may be destroyed by the railroad until the inspection herein required is made; provided that, if such inspection shall not be made within twenty-four (24) hours of the transmittal of a report by the railroad, the railroad may bury stock and shall thereupon promptly notify the board, or person designated by it, of the place of burial so that inspection may be made as herein required.

(b) Any railroad which shall fail to make and post a report, as herein required, shall be guilty of a misdemeanor and upon conviction fined not more than three hundred dollars ($300.00).

(c) The term "railroad" as used herein shall include

any person, firm or corporation operating a railroad.

Approved by the Governor—February 28, 1945.

Filed in the office of the Secretary of State—February 28, 1945.

CHAPTER 21

(House Bill No. 115)

AN ACT

MAKING AN APPROPRIATION FOR THE USE OF THE ATTORNEY GENERAL OF ARIZONA TO DEFRAY COURT COSTS AND TRAVELING EXPENSES IN A CASE NOW PENDING IN THE SUPREME COURT OF THE UNITED STATES, ENTITLED SOUTHERN PACIFIC COMPANY VS. STATE OF ARIZONA, AN ACTION BROUGHT UNDER SECTION 69-119, ARIZONA CODE OF 1939, COMMONLY KNOWN AS THE "ARIZONA TRAIN LIMIT LAW"; PROVIDING THAT THE APPROPRIATION SHALL NOT REVERT AT THE END OF THE FISCAL YEAR AND FURTHER PROVIDING THAT ALL OR ANY PART OF THE APPROPRIATION MAY BE EXPENDED DURING ANY ONE QUARTER OF THE FISCAL YEAR; AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. There is hereby appropriated out of the general fund of the State of Arizona, from any of said fund not otherwise appropriated, the sum of seven hundred fifty ($750.00) dollars for the use of the attorney general of the State of Arizona, to be expended by the attorney general in connection with a case now pending in the supreme court of the United States entitled Southern Pacific Company, a corporation, vs. State of Arizona; same being an action brought under the provisions of section 69-119, Arizona Code of 1939, and commonly known as "Arizona Train Limit Law". Said expenditures shall be for the following purposes: Travel expenses to cover cost of transportation from Phoenix, Arizona to Washington, D. C. and return, and per diem expenses for meals and lodging, not to exceed

$10.00 per day and court costs in the supreme court of the United States.

Sec. 2. The appropriation hereby made shall not revert at the end of the fiscal year, and all or any part of said appropriation may be expended during any one quarter of the fiscal year.

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

Approved by the Governor—February 28, 1945.

Filed in the office of the Secretary of State—February 28, 1945.

CHAPTER 22

(Senate Bill No. 36)

AN ACT

RELATING TO AVIATION; AUTHORIZING CITIES, VILLAGES OR TOWNS TO ACQUIRE AIRPORTS AND LANDING FIELDS AND TO DISPOSE OF THE SAME, AND AMENDING SECTION 48-101, ARIZONA CODE OF 1939.

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

Section 1. Sec. 48-101, Arizona Code of 1939, is amended to read:

48-101. AIRPORTS AND LANDING FIELDS. The governing body of any city, village or town may acquire, establish, construct, own, control, lease, equip, improve, maintain, operate and regulate airports or landing fields for the use of airplanes and other aircraft, within or without the limits of such municipality, and for any such purpose may use any property suitable therefor now owned or that may hereafter be acquired by such city, village or town. Any such governing body may also, by proper resolution, sell, lease and dispose of any airport or landing field acquired under this statute, and

if made to the county in which the airport or landing field is located, to the state, or to the United States or any of its agencies, it may be made without advertising as prescribed by section 16-802, Arizona Code of 1939, and for a nominal consideration.

Approved by the Governor—March 1, 1945.

Filed in the office of the Secretary of State—March 1, 1945.

CHAPTER 23

(Senate Bill No. 60)

AN ACT

RELATING TO LIVESTOCK, AND PRESCRIBING REQUIREMENTS OF "FRESH MEAT" USED FOR ANIMAL FOOD; AND DECLARING AN EMERGENCY.

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

Section 1. FRESH MEAT FOR ANIMAL FOOD. (a) All fresh meat intended for use as food for animals and not inspected for human consumption shall be decharacterized by the addition of charcoal at the ratio of one pound of charcoal to each one hundred pounds of fresh meat, the charcoal being uniformly mixed throughout the fresh meat.

(b) The livestock sanitary board is authorized to inspect any fresh meat intended for use as food for animals.

(c) For the purposes of this Act, "fresh meat" means meat of the horse, the mule, the ass, the burro, the cow, the sheep, or the goat, and includes any product containing any such meat; "slaughterhouse" or "establishment" means a house or place in which horses, asses, mules, burros, cows, sheep and goats are slaughtered, packed, or processed.

Sec. 2. PENALTY. The sale or offering for sale of any fresh meat intended for use as food for animals without complying with the provisions of this Act is a misdemeanor. Any person or operator of a slaughter-

house or establishment who violates any provision of this Act shall, upon conviction, be punished by a fine of not less than fifty nor more than three hundred dollars, imprisonment in the county jail not less than thirty nor more than one hundred eighty days, or both.

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

Approved by the Governor—March 2, 1945.

Filed in the office of the Secretary of State—March 2, 1945.

CHAPTER 24

(House Bill No. 70)

AN ACT

MAKING AN APPROPRIATION TO THE UNIVERSITY OF ARIZONA FOR THE PURCHASE, ESTABLISHMENT AND MAINTENANCE OF AN EXPERIMENTAL FARM IN GRAHAM COUNTY; AND DECLARING AN EMERGENCY.

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

Section 1. AUTHORIZATION TO PURCHASE EXPERIMENTAL FARM. The board of regents of the University of Arizona is authorized to purchase the necessary land in Graham county and the necessary equipment and facilities to establish therewith an experimental farm for field and horticultural crops, including livestock, to be operated by and in connection with the agricultural experimental station of the University of Arizona.

Sec. 2. APPROPRIATION. The sum of eighty-two thousand dollars is appropriated to the board of regents of the University of Arizona for the following purposes:

(a) The sum of sixty thousand dollars is appropriated for the purpose authorized in section 1 above.

(b) The sum of twenty-two thousand dollars is ap-

propriated for the operation and maintenance of said experimental farm, one-half thereof to be available during the thirty-fourth fiscal year and the remaining one-half during the thirty-fifth fiscal year.

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

Approved by the Governor—March 2, 1945.

Filed in the office of the Secretary of State—March 2, 1945.

CHAPTER 25

(House Bill No. 51)

AN ACT

RELATING TO MINES AND MINING; PROVIDING FOR THE APPOINTMENT OF DEPUTY MINE INSPECTORS; AMENDING SECTION 65-202, ARIZONA CODE OF 1939.

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

Section 1. Sec. 65-202, Arizona Code of 1939, is amended to read:

65-202. APPOINTMENT OF DEPUTY INSPECTORS. The state mine inspector shall appoint three deputies having the same qualifications as the mine inspector. Commencing July 1, 1945, they shall each receive a salary of three thousand dollars per annum and necessary traveling expenses as allowed for state officials. The mine inspector shall have a seal bearing the words: "Mine inspector, State of Arizona," which shall be affixed to official documents.

Approved by the Governor—March 2, 1945.

Filed in the Office of the Secretary of State—March 2, 1945.

CHAPTER 26

(Senate Bill No. 40)

AN ACT

RELATING TO LIVESTOCK; DEFINING CERTAIN UNLAWFUL ACTS RELATING TO THE DUTIES OF LIVESTOCK INSPECTORS AND TO THE INSPECTION OF LIVESTOCK, AND PRESCRIBING PENALTIES.

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

Section 1. ALTERATION OF INSPECTION CERTIFICATE. Any person who alters an inspection certificate, or any copy thereof, issued by an inspector or other agent of the livestock sanitary board, is guilty of a misdemeanor.

Sec. 2. UNLAWFUL ACTS OF INSPECTOR. Any inspector who: 1. knowingly issued a false certificate of inspection; 2. knowingly swears falsely to any report made by him to the board; 3. accepts any bribe or compensation for failure to perform any duty imposed by this Act or by the regulations of the board, is guilty of a misdemeanor.

Sec. 3. CHANGE OR SUBSTITUTION OF ANIMALS. Any person who removes any animal and substitutes another therefor or adds other animals to any lot of livestock for which an inspector has issued a certificate of inspection for shipment, sale or slaughter, is guilty of a misdemeanor.

Sec. 4. PENALTY. The violation of any provision of this Act shall, upon conviction, be punished by a fine of not less than one hundred nor more than three hundred dollars, imprisonment in the county jail not less than sixty nor more than one hundred eighty days, or both.

Approved by the Governor—March 3, 1945.

Filed in the Office of the Secretary of State—March 3, 1945.

CHAPTER 27

(Senate Bill No. 29)

AN ACT

RELATING TO EDUCATION; PRESCRIBING QUALIFICATIONS AND TERM OF OFFICE OF MEMBERS OF THE BOARDS OF EDUCATION OF THE ARIZONA STATE TEACHERS COLLEGES, AND AMENDING SECTION 54-1303, ARIZONA CODE OF 1939; AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 54-1303, Arizona Code of 1939, is amended to read:

54-1303. MEMBERSHIP OF BOARDS AND TERM OF OFFICE. (a) The board of education of each of the state teachers' colleges shall be composed of the state superintendent of public instruction, ex-officio, who shall be the chairman, and six members appointed by the governor, subject to confirmation by the senate. The terms of two of the appointive members of each board shall end respectively on the first Monday of January of the first, second and third odd-numbered years following the effective date of this Act. Thereafter the term of each member shall be six years. Appointment to fill a vacancy resulting otherwise than from expiration of term shall be effective until the end of the next succeeding session of the senate, and following confirmation by the senate such appointment shall be for the unexpired portion of the term. One member of the board shall be chosen as secretary.

(b) Appointive members of the board shall receive five dollars per diem while in attendance upon meetings of the board and mileage and traveling expenses allowed state officers.

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

Approved by the Governor—March 3, 1945.

Filed in the office of the Secretary of State—March 3, 1945.

CHAPTER 28

(Senate Bill No. 30)

AN ACT

RELATING TO JUVENILE DELINQUENTS AND DEPENDENTS; PROVIDING FOR THE CARE OF JUVENILES, AND AMENDING SECTIONS 46-133 AND 46-136, ARIZONA CODE OF 1939; AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 46-133, Arizona Code of 1939, is amended to read:

46-133. WHEN CHILD MAY NOT BE COMMITTED. (a) No delinquent child under the age of twelve years shall be committed to the state industrial school, nor to any school or institution for girl juvenile offenders, unless, after the care given it by probation, the court finds that the interests of the child and the welfare of the community demand its commitment, nor shall any neglected or dependent child be committed to any such school.

(b) No child shall be received by the state industrial school, or by any school or institution for girl juvenile offenders, except upon commitment by a juvenile court.

(c) Every juvenile offender shall be given a medical examination prior to commitment by the court.

Sec. 2. Sec. 46-136, Arizona Code of 1939, is amended to read:

46-136. WHEN BOARD MAY RELEASE CHILD. When it appears to the board of directors of state institutions for juveniles that there is reasonable probability that a child committed to the state industrial school, or to a school or institution for girl juvenile offenders will, if at liberty, observe the law, and that its release will not be incompatible with the welfare of society or detrimental to its own good, the board may issue to such child an absolute release. The board shall entertain no other petition or form of application for the release of a child. When a child is so discharged the board shall promptly notify the committing board, and the proba-

tion officer shall keep a record thereof.

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

Approved by the Governor—March 5, 1945.

Filed in the Office of the Secretary of State—March 5, 1945.

CHAPTER 29

(Senate Bill No. 72)

AN ACT

RELATING TO LIBRARIES; PROVIDING FOR THE LEVYING OF TAXES FOR PUBLIC LIBRARIES AND READING ROOMS IN CITIES AND TOWNS, AND AMENDING SECTION 16-1201, ARIZONA CODE OF 1939.

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

Section 1. Sec. 16-1201, Arizona Code of 1939, is amended to read:

16-1201. LEVY OF TAX FOR LIBRARY PURPOSES. Any city or town may levy annually, in addition to all other taxes, a tax on the assessed value of all property in such city or town, for the purpose of establishing and maintaining therein free public libraries and reading rooms, purchasing books, journals and other publications, and erecting and maintaining such buildings as may be necessary therefor, not to exceed one mill.

Approved by the Governor—March 5, 1945.

Filed in the Office of the Secretary of State—March 5, 1945.

CHAPTER 30

(Senate Bill No. 52)

AN ACT

RELATING TO VITAL STATISTICS; PROVIDING FOR BLOOD TEST FOR SYPHILIS DURING PREGNANCY, AND PRESCRIBING A CERTIFICATE THEREFOR.

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

Section 1. PRENATAL EXAMINATION. (a) Any physician attending a pregnant woman for conditions relating to her pregnancy shall, during the period of gestation or at delivery, at the time of first examination, take or cause to be taken a sample of the blood of such woman, and shall submit the same to an approved laboratory for a standard serological test for syphilis. Any other person permitted by law to attend pregnant women but not permitted to take blood samples, shall cause a sample of blood of any pregnant woman attended by him to be taken by a duly licensed physician of medicine and surgery, who shall have the sample submitted to an approved laboratory for a standard serological test for syphilis.

(b) For the purpose of this Act "standard serological test" means a test for syphilis approved by the state board of health, made at a laboratory approved by the board to make such tests. Any laboratory test required by this Act shall be made by the state laboratory without charge.

Sec. 2. CERTIFICATE. Whenever a birth or stillbirth is reported, the attending physician or other person required to make a report of the birth shall state on the certificate whether a blood test for syphilis was made upon a specimen of blood taken from the woman who bore the child and the approximate date when the specimen was taken.

Approved by the Governor—March 5, 1945.

Filed in the Office of the Secretary of State—March 5, 1945.

CHAPTER 31

(House Bill No. 116)

AN ACT

RELATING TO SOIL CONSERVATION; AMENDING SECTIONS 75-1703, 75-1704, 75-1706, 75-1708, 75-1709, AND 75-1712, SUPPLEMENT TO ARIZONA CODE OF 1939 (SECTIONS 3, 4, 6, 8, 9, AND 12, CHAPTER 43, SESSION LAWS OF 1941, REGULAR SESSION); AMENDING ARTICLE 17, CHAPTER 75, ARIZONA CODE OF 1939, BY ADDING SECTIONS 75-1704a, 75-1704b, 75-1706a, 75-1706b, 75-1706c, 75-1706d, 75-1706e, 75-1706f, 75-1708a, 75-1708b, AND 75-1712a, AND REPEALING SECTIONS 75-1707 AND 75-1713, SUPPLEMENT TO ARIZONA CODE OF 1939 (SECTIONS 7 AND 13, CHAPTER 43, SESSION LAWS OF 1941, REGULAR SESSION).

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

Section 1. Sec. 75-1703, supplement to Arizona Code of 1939 (section 3, chapter 43, session laws of 1941, regular session), is amended to read:

75-1703. DEFINITIONS. In this Act, unless the context otherwise requires:

"district" means a soil conservation district organized in accordance with the provisions of this Act;

"supervisor" means a member of the governing body of a district, elected or appointed in accordance with the provisions of this Act;

"department" means the state land department;

"commissioner" or "state soil conservation commissioner" means the state land commissioner;

"petition" means a petition for the creation of a district;

"nominating petition" means a petition to nominate candidates for the office of supervisor;

"agency of the state" includes the government of the

state and any subdivision, agency, or instrumentality, corporate or otherwise, of the state government;

"United States" or "agencies of the United States" includes the United States of America, the United States department of agriculture, and any other agency or instrumentality, corporate or otherwise, of the United States of America;

"government" or "governmental" includes the government of the state, the government of the United States, and any subdivision, agency or instrumentality, corporate or otherwise, of either of them;

"land owner" or "owner of land" means any person, firm, or corporation, including the State of Arizona, holding title to any irrigated or dry farming lands used for agricultural purposes lying within a district organized or proposed to be organized under the provisions of this Act, and includes a buyer on contract who is the occupant of land;

"qualified elector" means a person who is a land owner and a qualified elector of the state;

"due notice" means notice published at least twice, with an interval of at least six days between the two publication dates, in a newspaper or other publication of general circulation within the area affected, or, if there is no publication of general circulation within the area affected, in a newspaper of general circulation in the county in which the area is situated;

"agricultural lands" or "lands" means irrigated farming lands or dry farming lands devoted to the purposes of agriculture.

Sec. 2. Sec. 75-1704, supplement to Arizona Code of 1939 (section 4, chapter 43, session laws of 1941, regular session), is amended to read:

75-1704. DIVISION OF SOIL CONSERVATION. For the purpose of administering this Act there shall be a division of the state land department, which shall be known as the division of soil conservation, under the authority and direction of the state soil conservation commissioner.

Sec. 3. Article 17, chapter 75, supplement to Arizona

Code of 1939 (chapter 43, session laws of 1941, regular session), is amended by adding section 75-1704a, to read:

75-1704a. STATE SOIL CONSERVATION COMMISSIONER. (a) The powers, functions and duties heretofore vested in and imposed upon the state soil conservation committee are vested in and imposed upon the state soil conservation commissioner.

(b) The state land commissioner shall be ex-officio the state soil conservation commissioner. He shall serve as such without additional compensation, but shall be reimbursed for traveling and other expenses incurred in the performance of the duties imposed upon him by this Act.

(c) The commissioner may appoint an administrative officer of the division of soil conservation, a secretary, and such other assistants as may be required, assign their duties, define their powers, determine the amount of bond required of such as may be entrusted with funds or property, and fix their compensation.

(d) The commissioner may invite the United States secretary of agriculture to appoint a person and may invite the director of the agricultural extension service of the university of Arizona to serve with him or assist him in an advisory capacity only. He may request the supervising officer of any state agency or institution of learning to detail members of the staff or personnel thereof to make surveys, studies, and special reports needed in the performance of his functions, and insofar as the resources and needs of the agency or institution will permit, his request may be complied with.

(e) The commissioner shall adopt a seal, which shall be judicially noticed, and shall hold such public hearings, provide for the keeping of a record of all proceedings, promulgate such orders, rules and regulations and perform such other acts as may be necessary to carry out the provisions of this Act.

Sec. 4. Article 17, chapter 75, supplement to Arizona Code of 1939 (chapter 43, session laws of 1941, regular session), is amended by adding section 75-1704b, to read:

75-1704b. DUTIES OF COMMISSIONER. The state soil conservation commissioner shall:

1. Offer appropriate assistance to the supervisors of

soil conservation districts, in the carrying out of their powers and programs.

2. Keep the supervisors of each soil conservation district informed of the activities and experiences of other districts, and facilitate cooperation and interchange of advice and experience between districts.

3. Coordinate the programs of the several soil conservation districts insofar as possible, by advice and consultation.

4. Secure the cooperation and assistance of the United States, its agencies, and agencies of this state, in the work of soil conservation districts.

5. Disseminate information throughout the state concerning the activities and program of the soil conservation districts, and encourage the formation of districts in areas where their organization is desirable.

Sec. 5. Sec. 75-1706, supplement to Arizona Code of 1939 (section 6, chapter 43, session laws of 1941, regular session), is amended to read:

75-1706. PETITION FOR CREATION OF DISTRICT. (a) Twenty-five or more owners of agricultural land, but not less than twenty per cent of the owners of land lying within the limits of a proposed district, or if there be fewer than twenty-five owners of land in the proposed district, not less than twenty-five per cent of all such owners, may petition the commissioner, asking that a soil conservation district be organized. The petition shall contain:

1. The proposed name of the district.

2. A declaration that there is need, in the interest of preservation of property, health, safety, and public welfare, for a soil conservation district in the territory described.

3. A description of the territory proposed to be organized. The description need not be by legal subdivisions or by metes and bounds, but shall be deemed sufficient if generally accurate.

4. A request that the commissioner: 1. determine that the district be created; 2. that he define the bound-

aries of the proposed district, and, 3. that a referendum be held within the territory so defined on the question of the creation of a district.

Sec. 6. Article 17, chapter 75, supplement to Arizona Code of 1939 (chapter 43, session laws of 1941, regular session), is amended by adding section 75-1706a, to read:

75-1706a. HEARING ON PETITION. Within ninety days after a petition has been formally accepted by the commissioner, notice shall be given by publication in at least two issues, at intervals of not less than six days, of a newspaper of general circulation within the area affected, or if there be no such newspaper, a newspaper of general circulation within the county, of a hearing upon: 1. the desirability and necessity, in the interest of preservation of property, health, safety, and public welfare, of the creation of such district; 2. the appropriate boundaries to be assigned to the district; 3. the propriety of the petition and other proceedings taken, and, 4. upon all related questions. All owners of land within the limits of the territory described in the petition and of lands within any territory considered for addition to the described territory, and all other interested parties, shall have the right to attend and be heard. If it appears on the hearing that it is desirable to include within the proposed district territory outside the area described in the petition, the hearing shall be adjourned and notice of further hearing given, in the manner provided, in the entire area considered for inclusion in the district.

Sec. 7. Article 17, chapter 75, supplement to Arizona Code of 1939 (chapter 43, session laws of 1941, regular session), is amended by adding section 75-1706b, to read:

75-1706b. DETERMINATION BY COMMISSIONER. (a) If, after final hearing upon a petition, the commissioner determines, upon the facts presented and other relevant information, that there is need for a soil conservation district within the territory considered he shall record such determination and define the boundaries of the district. In defining the boundaries, he shall consider: 1. the topography of the area; 2. the character of soils; 3. the distribution of erosion; 4. prevailing land use practices; 5. the desirability and necessity of including within the boundaries of the district the particular lands under consideration and the benefits to be received from being included; 6. the relation of the proposed area to existing watersheds and agricultural regions, and to other districts already organized or proposed for organization,

and, 7. such other physical, geographical, and economic factors as are relevant.

(b) In the event the commissioner determines that there is no need for a district to function in the territory considered, he shall record such determination and deny the petition.

(c) After the expiration of eighteen months from the date of entry of a determination by the commissioner that operation of a proposed district is not administratively and economically feasible, and denial of a petition pursuant to that determination, petitions may again be filed and action taken in accordance with the provisions of this Act.

Sec. 8. Article 17, chapter 75, supplement to Arizona Code of 1939 (chapter 43, session laws of 1941, regular session), is amended by adding section 75-1706c, to read:

75-1706c. REFERENDUM AND ELECTION. (a) Within a reasonable time after the commissioner has recorded his determination that there is need for the organization of a district and defined the boundaries thereof, he shall hold a referendum within the proposed district upon the question of the creation of the district, and an election to elect three supervisors. He shall promulgate regulations for the conduct of such referendum and election and prescribe procedure for the determination of persons eligible to vote. The referendum and election of supervisors shall be conducted by separate ballots.

(b) The ballot for the referendum shall: 1. describe the boundaries of the proposed district as determined by the commissioner; 2. contain the propositions: "For the creation of a soil conservation district" and "Against the creation of a soil conservation district," with a square after each proposition, and, 3. an instruction to mark an X in the square after the proposition for which the voter wishes to vote.

(c) Only owners of land lying within the boundaries of the territory described shall be eligible to vote on the referendum, but any such owner who is not a qualified elector of the district, or any owner who is a qualified elector but is unable, because of illness or absence from the district, to appear at the polls, may appoint in writing, on a form prescribed by the commissioner, a qualified elector of the district as his agent or proxy. The ap-

pointment of agent or proxy shall be presented to the board of election, and if it is found to be bona fide and in proper form, the holder thereof shall be allowed to vote in behalf of the owner executing the same, on the question of creation of the district only. The appointment shall be filed with the ballots and other election returns.

(d) Candidates for supervisor shall file nomination petitions with the commissioner in the manner prescribed by the commissioner. Any qualified elector of the proposed district may sign the petitions of not more than three candidates. The names of candidates shall appear on the election ballot in alphabetical order by surnames, with a square opposite each name, and an instruction to mark an X in the squares opposite the names of not more than three candidates for whom the voter wishes to vote.

(e) No informality in the conduct of any referendum or election held under the provisions of this Act, or in any matter relating thereto, shall invalidate the result thereof, if notice shall have been given substantially as prescribed in section 75-1706a, and the referendum and election shall have been fairly conducted. All expenses of any referendum and election shall be paid by the commissioner.

Sec. 9. Article 17, chapter 75, supplement to Arizona Code of 1939 (chapter 43, session laws of 1941, regular session), is amended by adding section 75-1706d, to read:

75-1706d. PROCLAMATION OF RESULTS OF REFERENDUM AND ELECTION. (a) If not less than sixty-five per cent of the land owners voting at the referendum and the owners of not less than fifty per cent of the land, other than publicly owned, lying within the proposed district, vote in favor of the creation thereof, the commission shall declare the district organized; otherwise he shall declare the proposal defeated.

(b) The three candidates receiving the highest number of votes at the election for supervisors shall be declared elected. Their terms shall begin upon the date of filing the oath of office with the secretary of state. The term of the candidate receiving the largest number of votes shall terminate on May 31 of the third even-numbered year, of the candidate receiving the next largest number of votes on May 31 of the second even-numbered year, and of the candidate receiving the next largest

number of votes on May 31 of the first even-numbered year following the election.

Sec. 10. Article 17, chapter 75, supplement to Arizona Code of 1939 (chapter 43, session laws of 1941, regular session), is amended by adding section 75-1706e, to read:

75-1706e. PROCEEDINGS BY ORGANIZED DISTRICT. (a) A district is declared to be organized, and, shall be a body corporate, upon the taking of the following steps:

1. The supervisors elected as provided in section 75-1706d shall present to the secretary of state an application, signed and acknowledged by each supervisor, setting forth: 1a. that a petition for the creation of the district was approved by the state soil conservation commissioner pursuant to the provisions of the Act; 1b. the name and official residence of each supervisor, and a certified copy of their notification of election; 1c. the name proposed for the district; 1d. the location of the proposed office of the supervisors of the district. The application shall be accompanied by a certificate of the commissioner which shall set forth: 1e. the boundaries of the district as determined by him; 1f. that a petition was filed, notice issued, and hearing held as prescribed by law; 1g. the need for a soil conservation district to function in the proposed territory was determined by the commissioner; 1h. that notice was given and a referendum on the question of the creation of the district and an election of supervisors were held; 1i. that the results of the referendum showed not less than sixty-five per cent of the votes cast, representing not less than fifty per cent of the owners of land, to be in favor of the creation of the district, and, 1j. that the supervisors signing the application are the duly elected supervisors of the district.

2. The secretary of state shall examine the application and statement and, if he finds that the name proposed for the district is not identical with nor so similar to that of any other soil conservation district as to lead to confusion, he shall record them. If the name proposed is identical with or so similar to another soil conservation district as to lead to confusion, he shall certify that fact to the commissioner, who shall submit another name. Upon receipt of a new name, free from defects, the secretary of state shall record the application and statement.

(b) The secretary of state shall issue to the super-

visors a certificate, under the seal of the state, certifying the organization of the district, and shall record the certificate with the application and statement. The district shall include the territory as determined by the commissioner, but in no event shall it include any area within the boundaries of another district.

(c) In any suit, action, or proceeding involving the validity or enforcement of, or relating to, any contract, proceeding, or action of the district, the district shall be deemed to have been established in accordance with the provisions of this Act upon proof of the issuance of the certificate of organization by the secretary of state. A copy of the certificate certified by the secretary of state shall be admissible in evidence in any suit, action, or proceeding, and shall be proof of the filing and contents thereof.

Sec. 11. Article 17, chapter 75, supplement to Arizona Code of 1939 (chapter 43, session laws of 1941, regular session), is amended by adding section 75-1706f, to read:

75-1706f. ADDITION OF TERRITORY. Territory adjacent to an organized district may be included therein upon a petition signed by seventy-five per cent of the owners of land within the territory proposed for addition, filed with the district supervisors, requesting the inclusion of their lands in the district. The supervisors shall hold a public hearing upon the advisability and feasibility of including the additional territory, notice of which shall be given by posting at least two weeks prior to the date of the hearing in the office of the supervisors, and such other public notice as the supervisors may deem proper. If, after such hearing, the supervisors recommend and the commissioner, upon a review of the findings of the supervisors, shall approve, the additional land shall be considered a part of the district. The commissioner shall certify the action to the secretary of state, and the certificate shall be filed with the original certificate of organization of the district.

Sec. 12. Sec. 75-1708, supplement to Arizona Code of 1939 (section 8, chapter 43, session laws of 1941, regular session), is amended to read:

75-1708. SUPERVISORS. (a) The governing body of a soil conservation district shall consist of three supervisors. Except as to the first supervisors, whose election and terms are prescribed in section 75-1706d, the term

of each supervisor shall be six years, beginning on the first day of June following his election.

(b) An election shall be held on the first Saturday in May of each even-numbered year, at which one supervisor for each district in the state shall be elected. Any person desiring to be a candidate shall file with the commission a nomination petition, in such form as the commissioner shall prescribe, at least ten days prior to the election, containing the signatures of not less than twenty-five qualified electors of the district. No person shall be eligible to be a candidate for supervisor unless he is a qualified elector of the district. The names of candidates shall appear on the ballot in alphabetical order by surnames, with a square after each name and an instruction to mark an X in the square after the name of the voter's choice. Only qualified electors of the district shall have the right to vote. In case two or more candidates shall receive the same number of votes, the successful candidate shall be determined by lot.

Sec. 13. Article 17, chapter 75, supplement to Arizona Code of 1939 (chapter 43, session laws of 1941, regular session), is amended by adding section 75-1708a, to read:

75-1708a. ORGANIZATION AND VACANCIES. (a) At the first meeting of the supervisors following the election, they shall organize by electing a chairman and a secretary from among their number, to serve for the ensuing two years.

(b) In the event of a vacancy in the office of supervisor, resulting otherwise than from expiration of term, the commissioner may appoint a qualified elector of the district to serve until June 1 of the next even-numbered year, when a successor shall be elected for the remainder of the term, if any. The terms of supervisors serving at the time this Act takes effect are extended to June 1 of the next even-numbered year following the expiration of their terms and their successors shall be elected at the general election held on the first Saturday in May preceding the expiration of the term so extended.

Sec. 14. Article 17, chapter 75, supplement to Arizona Code of 1939 (chapter 43, session laws of 1941, regular session), is amended by adding section 75-1708b, to read:

75-1708b. POWERS AND DUTIES OF SUPERVISORS. (a) The supervisors shall: 1. provide for the

keeping of a record of all proceedings, resolutions, regulations, and orders issued or adopted, and, 2. furnish to the commissioner copies of such ordinances, rules, regulations, orders, contracts, forms or other documents adopted or employed, and such information concerning their activities as the commissioner may request.

(b) The supervisors may delegate to the chairman or any member, or to any agent or employee, such powers and duties as they may deem proper.

(c) The supervisors may invite the governing body of the county or any city or town located near the district to designate a representative to advise and consult with them on questions affecting the property, water supply, or other interests of such county, city or town.

Sec. 15. Sec. 75-1709, supplement to Arizona Code of 1939 (section 9, chapter 43, session laws of 1941, regular session), is amended to read:

75-1709. POWERS OF DISTRICT. (a) In addition to all other powers, a soil conservation district shall have power to:

1. Conduct surveys, investigations, and research relating to the character of soil erosion and the preventive and control measures needed, to publish the results thereof, and to disseminate information concerning preventive and control measures. In order to avoid duplication of research activities, no district shall initiate any research program except in cooperation with the government of the state or any of its agencies, or with the United States or any of its agencies.

2. Conduct demonstration projects within the district, on lands owned or controlled by the state or any of its agencies, with the consent and cooperation of the agency having jurisdiction thereof, and on any other lands within the district upon obtaining the consent of the owner thereof or the necessary rights or interests therein, in order to demonstrate by example the means, methods and measures by which soil and soil resources may be conserved, and soil erosion and soil washing prevented and controlled.

3. Carry out preventive control measures within the district, including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation, changes in the use of land and other measures enumer-

ated in this Act, on lands owned or controlled by the state or any of its agencies, with the consent and cooperation of the agency having jurisdiction thereof, and on any other lands within the district upon obtaining the consent of the owner or the necessary rights or interests therein.

4. Cooperate or enter into agreements with, and, within the limits of available appropriations, furnish financial or other aid to any agency, governmental or otherwise, or any owner of lands within the district, in carrying on erosion control and prevention operations, subject to such conditions as the supervisors may deem necessary.

5. Obtain options upon and acquire, by purchase, exchange, lease, gift, grant, bequest, devise or otherwise, any property, real or personal, or rights or interests therein; maintain, administer, and improve any properties acquired; receive income therefrom and expend the same in carrying out the purpose of this Act; and sell, lease or otherwise dispose of any property or interest therein in furtherance of the purposes of this Act.

6. Make available on such terms as it shall prescribe, to land owners within the district, agricultural and engineering machinery and equipment, fertilizer, seed, and such other material or equipment as will assist the land owners to carry on operations upon their lands for the conservation of soil resources and for the prevention and control of soil erosion.

7. Construct, improve, and maintain such structures as may be necessary or convenient for the performance of any operation authorized by this Act.

8. Develop, publish, and bring to the attention of owners of lands within the district, comprehensive plans for the conservation of soil resources and for the control and prevention of soil erosion within the district, which plans shall specify in such detail as may be feasible the acts, procedures, performances, and avoidances necessary or desirable for the effectuation of the plans, including the specification of engineering operations, methods of cultivation, the growing of vegetation, cropping programs, tillage practices, and changes in use of land.

9. Sue and be sued in the name of the district; have a seal, which shall be judicially noticed; have perpetual succession unless terminated as provided in this Act;

make and execute contracts and other instruments, necessary or convenient to the exercise of its powers; and make and from time to time amend and repeal rules and regulations not inconsistent with this Act, to carry into effect its purposes and powers.

10. Accept donations, gifts, and contributions in money, services, materials, or otherwise, from the United States or any of its agencies, or from the state or any of its agencies, and to use or expend the same in carrying on its operations.

(b) No provision of law with respect to the acquisition, operation, or disposition of property by other public bodies shall be applicable to a district organized under this Act unless specifically stated therein.

(c) After the formation of any district under the provisions of this Act, all participation hereunder shall be purely voluntary, any provision of this Act to the contrary notwithstanding.

(d) The exercise of any of the powers conferred upon soil conservation districts by this Act which requires the performance of work or operations upon lands, or the construction, improvement or maintenance of structures, shall be limited to the performance of such work and operations and the construction, improvement and maintenance of structures on lands within the boundaries of soil conservation districts organized under this Act, except that work necessary to control erosion affecting lands within a district may be performed on lands outside the district within a distance of one mile from the boundary of district lands, upon the request or with the consent of the owner of such non-district lands.

Sec. 16. Sec. 75-1712, supplement to Arizona Code of 1939 (section 12, chapter 43, session laws of 1941, regular session), is amended to read:

75-1712. DISSOLUTION OF DISTRICT. (a) At any time after five years following the organization of a district, any twenty-five owners of land lying within the boundaries of the district may file a petition with the commissioner praying that the operations of the district be terminated and its existence discontinued. The commissioner shall conduct such public meetings and hearings upon the petition as may be necessary to assist in the consideration thereof. Within sixty days after the filing of the petition, the commissioner shall give notice of the

holding of a referendum, and shall supervise the same and issue appropriate regulations governing the conduct thereof. The question shall be submitted by ballots upon which the propositions: "For terminating the existence of the (name of district)" and "Against terminating the existence of the (name of district)," shall be printed, with a square after each proposition and an instruction to mark an X in the square following the proposition for which the voter desires to vote. Only owners of lands lying within the boundaries of the district shall be eligible to vote on the referendum. No informality in the conduct of the referendum or in any matter relating thereto shall invalidate the referendum or the result thereof, if due notice thereof shall have been given substantially as provided in this Act and the referendum shall have been fairly conducted.

(b) If sixty-five per cent of the land owners voting thereon vote to terminate the existence of a district, the commissioner shall advise the supervisors to wind up the affairs of the district. The supervisors shall dispose of all property belonging to the district at public auction and shall pay over the proceeds of the sale to the state treasury. The supervisors shall thereupon file a verified application with the secretary of state for the discontinuance of the district, together with the certificate of the commissioner setting forth the determination of the commissioner that the continued operation of the district is not administratively feasible. The application shall recite that the property of the district has been disposed of and the proceeds paid over as provided in this section, and shall include a full accounting of the properties and the proceeds of the sale. The secretary of state shall issue to the supervisors a certificate of dissolution, and shall record the same in his office.

(c) The state soil conservation commissioner shall not entertain a petition for the discontinuance of any district nor conduct a referendum thereon nor make any determination pursuant thereto, more often than once in five years.

Sec. 17. Article 17, chapter 75, supplement to Arizona Code of 1939 (chapter 43, session laws of 1941, regular session), is amended by adding section 75-1712a, to read:

75-1712a. STATUS FOLLOWING DISSOLUTION. (a) Upon the issuance of a certificate of dissolution as provided in section 75-1712, the ordinances and regula-

tions theretofore in force within the district shall be of no further effect. Any contract theretofore entered into, to which the district or supervisors are parties, shall remain in force for the period provided therein, and the commissioner shall be substituted for the district or supervisors as parties thereto. The commissioner shall be entitled to all benefits and subject to all liabilities under any such contract and shall have the same right and liability to perform, require performance, sue and be sued thereon, and to modify or terminate the contract by mutual consent or otherwise, as the supervisors of the district would have had. Dissolution shall not affect the lien of any judgment entered under the provisions of this Act, nor the pendency of any action instituted under the same, and the commissioner shall succeed to all the rights and obligations of the district or supervisors as to such liens and actions.

Sec. 18. REPEAL. Sections 75-1707 and 75-1713, supplement to Arizona Code of 1939 (sections 7 and 13, chapter 43, session laws of 1941, regular session), are repealed. This section does not negative an implied repeal of any statute which conflicts with this Act.

Sec. 19. SEVERABILITY. If any provision of this Act be held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end the provisions of the Act are declared to be severable.

Approved by the Governor—March 5, 1945.

Filed in the office of the Secretary of State—March 5, 1945.

CHAPTER 32

(Senate Bill No. 37)

AN ACT

RELATING TO THE STATE HIGHWAY DEPARTMENT; AMENDING SECTIONS 59-101, 59-104, 59-105, 59-106, 59-107, AND 59-108, ARIZONA CODE OF 1939; AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 59-101, Arizona Code of 1939, is amended to read:

59-101. HIGHWAY DEPARTMENT AND HIGHWAY COMMISSION. (a) The highways of the state shall be administered by the Arizona highway department. Control of the department is vested in the state highway commission.

(b) The state highway commission shall consist of five members, one from each of the five highway districts into which the state shall be divided, as follows:

1. First district: Maricopa and Yuma counties.

2. Second district: Pima, Pinal and Santa Cruz counties.

3. Third district: Cochise, Graham and Greenlee counties.

4. Fourth district: Apache, Gila and Navajo counties.

5. Fifth district: Coconino, Mohave and Yavapai counties.

(c) The members of the commission shall be appointed by the governor with the advice and consent of the senate, one for a term ending January 31, 1940; one each for terms ending one, two, three and four years thereafter. Following the expiration of such terms, respectively, the term of each member shall be five years.

(d) Each member shall receive a salary of fifteen dollars per day, for not to exceed one hundred days in any year, and the same travel allowance and mileage as is provided for other state officers. Said salary, travel allowance and mileage shall be allowed for attendance at stated or special meetings, and for all highway services performed by the members at any place within or without the state when authorized by the commission.

Sec. 2. Sec. 59-104, Arizona Code of 1939, is amended to read:

59-104. OFFICES, OFFICERS AND MEETINGS; MAJORITY TO ACT. Permanent offices of the commission shall be maintained in the building of the department. The commission may meet, where necessary, at any place within the state and perform all functions and duties with like effect as if performed at its permanent offices. The commission shall meet at its offices on January 31st

of each odd numbered year and elect a chairman and vice-chairman to serve for two years. The commission shall hold such other regular meetings as it may determine. Special meetings may be called by the chairman, with the concurrence of not less than two members, or by the secretary, with the consent and approval of not less than three members. Such concurrence, consent and approval shall be in writing or by telegraph. The concurrence of a majority of all the members is necessary for the authorization of any action.

Sec. 3. Sec. 59-105, Arizona Code of 1939, is amended to read:

59-105. POWERS AND DUTIES OF COMMISSION. The commission shall:

1. Lay out and establish a complete system of state routes; issue a map showing such routes; determine what state routes or portions thereof shall be accepted as state highways; and what state routes or portions thereof shall be improved at the expense of the state;

2. Direct the state engineer to establish, open, relocate, alter, widen, change, vacate or abandon any portion of a state route or state highway;

3. Pass upon projects submitted by the state engineer for construction in cooperation with the United States, and authorize the state engineer to enter into contracts on behalf of the state with the United States, for the cooperative construction and maintenance of federal aid highways within this state;

4. Authorize the state engineer to enter into agreements on behalf of the state with counties, cities, or road districts of the state, for the improvement or maintenance of state routes, or for the joint improvement and maintenance thereof, and to enter into contracts for the construction of state highways;

5. Prescribe rules and regulations for the expenditures, by or under the direction of the secretary, of all money in the state highway fund;

6. Exercise complete and exclusive control and jurisdiction of the state highways, and prescribe such rules and regulations to govern the use of all state highways as it may deem necessary for public safety and conven-

ience, and to prevent the abuse, and unauthorized use of such highways;

7. Prescribe standard board and road signs, or other devices, and provide a uniform system of marking and signalling, on all state routes and state highways, and regulate the use of advertising sign boards and road signs on state roads or state highways;

8. Prescribe rules and regulations for the closing of state highways under construction or repair;

9. Prescribe the qualifications of employees of the department, and inquire into their official conduct;

10. Require from the state engineer complete information concerning the work under his charge, and require him to make such special investigations, and compile such special data, as it may deem to be of value to the department;

11. Supervise and administer, through the secretary, the motor vehicle division of the department, and adopt, upon recommendation of the secretary, rules and regulations for the collection of all taxes and license fees, required to be paid into the vehicle division;

12. Enter into agreement with the governor for the labor upon highways of the inmates of the state prison, or other state institutions, but nothing contained herein shall permit the contracting of prison labor to private persons;

13. Provide for the assembling and distribution of information to the public, relating to the highways, and activities of the department;

14. Exercise such other powers and duties as may be necessary to fully carry out the foregoing provisions, and, in general, exercise those powers and duties which relate to the adoption and carrying out of the policies of the department and the control of its financial affairs.

15. For the purpose of augmenting tourist travel to and through this state the highway commission is hereby authorized to expend moneys from the highway funds for advertising places and matters of scenic or historic interest, climate, possibilities of successful pursuits or industrial enterprises and any other matters or objects,

which, in the discretion of said commission, tends to attract travelers or prospective travelers to or through this state. This authorization shall extend only to the subject matter incorporated in the publication known as the Arizona Highways Magazine and to the publication of maps, mats, pamphlets and other informative material designed to carry out the provisions of this Act.

Sec. 4. Sec. 59-106, Arizona Code of 1939, is amended to read:

59-106. SECRETARY AND STATE HIGHWAY ENGINEER. The commission, at its meeting held January 31st of each odd numbered year, shall appoint a secretary and a state highway engineer by and with the consent and advice of the governor, who shall hold office at the pleasure of the commission.

The engineer shall be a civil engineer duly registered to practice as such in the state of Arizona and who shall be familiar with the theory of and experienced in the practice of highway construction and maintenance. His salary shall be fixed by the state highway commission for the term of his appointment and shall not exceed the sum of seven thousand five hundred dollars per year.

The commission shall appoint a secretary for a like period of two years whose salary shall be fixed by the state highway commission for the term of his appointment and shall not exceed the sum of seven thousand five hundred dollars per year.

Sec. 5. Sec. 59-107, Arizona Code of 1939, is amended to read:

59-107. POWERS AND DUTIES OF SECRETARY AND STATE HIGHWAY ENGINEER. The secretary shall be the chief executive and administrative officer of the department and shall have charge of the administration of all highway affairs authorized by the commission and not herein specifically delegated to the state highway engineer, with power and duty to:

1. Direct the organization of the department; appoint, suspend and discharge, fix the duties, and prescribe rules and regulations for the conduct of all employees, subject to the approval of the commission;

2. Make monthly reports to the commission of all expenditures by the department and the work accom-

plished under his direction, together with such other matters as he may deem proper;

3. Assign to the commission, upon request, such clerks or other employees as it may request;

4. Exercise such other powers as may be necessary to carry on the work of the department, and perform such other duties as the commission may prescribe, or as may be prescribed by law, as a member of other boards and commissions of the state.

The state highway engineer shall have charge of all highway work and maintenance authorized by the commission, with power and duty to:

1. Prepare all plans and specifications for work on state highways or state routes, approved by the commission;

2. Advertise for competitive bids for work on state highways or state routes, and upon the authorization of the commission, award and enter into contracts for the same;

3. Supervise all construction work on state highways and state routes, authorized by the commission, and have charge of the maintenance and upkeep of all such highways and routes;

4. Approve all payments for work done by the state on or in connection with state highways or state routes, and no claim shall be allowed by the state auditor for such work without the written approval of the state engineer or his authorized and bonded agent.

It is the intent and purpose of this Act that the secretary shall have control, with the consent of the commission, of all administrative functions of the state highway department, and that the state engineer shall have control, with the consent of the commission, of all highway construction and maintenance. In the State Highway Code wherever a conflict appears with respect to the duties of the state engineer and secretary the commission shall determine which officer has control, and in such cases where the duties are determined to be those of the secretary the words "state highway engineer" shall be construed to mean "secretary" only.

Sec. 6. Sec. 59-108, Arizona Code of 1939, is amended to read:

59-108. PROHIBITING POLITICAL ACTIVITY. No commissioner, state highway engineer, secretary or any employee of the Arizona highway department, shall serve on any committees of any political party, nor engage in political activities other than voting. Any violation of this section shall be cause for dismissal or removal from the department.

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

Approved by the Governor—March 6, 1945.

Filed in the Office of the Secretary of State—March 6, 1945.

CHAPTER 33

(House Bill No. 24)

AN ACT

RELATING TO WORKMEN'S COMPENSATION; DEFINING EMPLOYERS SUBJECT TO THE PROVISIONS OF THE WORKMEN'S COMPENSATION ACT AND PRESCRIBING THEIR LIABILITY; AMENDING SECTION 56-928, ARIZONA CODE OF 1939; AND DECLARING AN EMERGENCY.

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

Section 1. Section 56-928, Arizona Code of 1939, is amended to read:

56-928. EMPLOYERS SUBJECT TO LAW. (a) Employers subject to the provisions of this article are: 1. the state, 2. each county, city, town, municipal corporation, and school district, and, 3. every person who has in his employ three or more workmen or operatives regularly employed in the same business or establishment, under contract of hire, except agricultural workers not employed in the use of machinery, and domestic servants; but

exempted employers of agricultural workers or domestic servants, or employers of less than three workmen or operatives, may come under the provisions of this article by complying with its provisions and the rules and regulations of the commission. For the purposes of this section "regularly employed" includes all employments, whether continuous throughout the year, or for only a portion of the year, in the usual trade, business, profession, or occupation of an employer.

(b) When an employer procures work to be done for him by a contractor over whose work he retains supervision or control, and such work is a part or process in the trade or business of the employer, then such contractors and the persons employed by him, and his sub-contractor, and persons employed by the sub-contractor, are within the meaning of this section, employees of the original employer.

(c) A person engaged in work for another, and who while so engaged is independent of the employer in the execution of the work, not subject to the rule or control of the person for whom the work is done, but is engaged only in the performance of a definite job, or piece of work, and subordinate to the employer only in effecting a result in accordance with the employer's design, is an independent contractor, and an employer within the meaning of this section.

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

Approved by the Governor—March 6, 1945.

Filed in the Office of the Secretary of State—March 6, 1945.

CHAPTER 34

(Senate Bill No. 38)

AN ACT

RELATING TO LIVESTOCK; PRESCRIBING THE DU-

TIES OF THE LIVESTOCK SANITARY BOARD; REGULATING THE INSPECTION AND BRANDING OF ANIMALS, AND AMENDING SECTIONS 50-102 AND 50-301, ARIZONA CODE OF 1939.

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

Section 1. Sec. 50-102, Arizona Code of 1939, is amended to read:

50-102. GENERAL DUTIES OF BOARD. (a) The board shall:

1. Exercise general supervision over the livestock interests of the state, protect the industry from theft and from contagious and infectious diseases, and the public from diseased and unwholesome meat products.

2. Advise and recommend legislation fostering the livestock industry.

3. Appoint and fix the salary of a secretary, who shall file an oath of office and give bond payable to the state in the sum of two thousand dollars.

4. Employ such other clerical help as it shall deem necessary.

5. Appoint inspectors and deputies to further the objects specified in paragraph 1, who shall be under the direction and control of the board.

6. Keep a permanent record of its acts and of the acts and reports of its inspectors and detectives.

7. Assist in the prosecution of persons charged with the violation of the livestock laws.

(b) The board shall have power to:

1. Call upon any cattle inspector or peace officer to execute its orders, and its orders shall be obeyed.

2. Issue or revoke permits for the shipment of horses, mules, and asses being moved from time to time upon construction work within the state without brand inspection.

3. Waive the inspection of livestock before slaugh-

ter, or grant permission to transfer or sell hides of neat animals, horses, mules or asses without the same being tagged or marked, but such hides shall be inspected and the regular inspection fee paid thereon prior to shipment or sale.

4. Prescribe and enforce rules and regulations in conformity with this article, waiving inspections or inspection fees in such cases as the board may deem advisable.

(c) The board shall have power, by and with the advice of the state veterinarian, to make rules and regulations:

1. To control the importation of animals into the state; establish quarantine, provide its boundaries and give notice thereof, and do all things necessary to effect the object of such quarantine and to protect the livestock industry from and prevent the spread of contagious or infectious diseases.

2. For the slaughter of animals affected with contagious or infectious diseases, and for the disposition of the carcasses of animals so slaughtered, when such action appears necessary to prevent the spread of any contagion or infection among livestock.

3. To govern the importation, manufacture, sale, distribution or use within the state of serums, vaccines and other biologics intended for diagnostic or therapeutic uses with animals, and to regulate the importation, manufacture, or use of virulent blood or living virus of any diseases affecting animals.

4. To sell livestock straying from its accustomed range. All moneys received by the board from the sale of strays shall be remitted every fifteen days to the state treasurer and deposited in a special fund designated as the "stray fund," from which claims by owners of such strays may be paid, by the state auditor, if made within one year from the date of sale. All moneys which have remained in the "stray fund" unclaimed for a period of one year shall revert to the general fund.

Sec. 2. Sec. 50-301, Arizona Code of 1939, is amended to read:

50-301. LIVESTOCK INSPECTORS. The board may appoint livestock inspectors, and upon petition of not less

than five cattlemen, each of whom shall be the owner of not less than fifty head of livestock in the state, shall appoint an inspector at any point where there is no regularly appointed and acting inspector. Each inspector so appointed shall take the oath of office and give bond to the state in the sum of one thousand dollars for the faithful performance of his duties, and may appoint deputies to enforce the livestock laws.

Approved by the Governor—March 6, 1945.

Filed in the Office of the Secretary of State—March 6, 1945.

CHAPTER 35

(House Bill No. 11)

AN ACT

RELATING TO WORKMEN'S COMPENSATION; PROVIDING ALTERNATIVE METHODS OF SECURING COMPENSATION; PRESCRIBING REGULATIONS GOVERNING INSURANCE CARRIERS; AMENDING SECTION 56-955, ARIZONA CODE OF 1939; AND DECLARING AN EMERGENCY.

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

Section 1. Section 56-955, Arizona Code of 1939, is amended to read:

56-955. PAYMENT WHEN NO DEPENDENT SURVIVES. In the case of an injury resulting in death, where there is no dependent, the employer, or insurance carrier, or the state compensation fund, as the case may be, shall pay the burial expenses of the deceased, as provided herein, and shall pay into the State treasury the sum of one thousand one hundred fifty dollars. Such payments shall be placed in a special fund for the purposes following:

(a) For the purpose of enabling the commission to provide such additional awards as may be necessary to enable injured employees to accept the benefits of any law of the State, or of the United States, or both jointly,

for the promotion of vocational rehabilitation of persons disabled in industry.

(b) In the discretion of the commission, to provide additional awards for injured employees in such sums as may be necessary where the employees' compensable permanent disabilities are of such a nature as to prevent them from caring for their persons and their bodily functions, and where the employees' resources are insufficient to provide such unusual expenses of care and attendance.

(c) An employee who shall lose by separation, or who shall sustain the permanent and complete loss of the use of a hand, an arm, a foot, a leg or an eye, and who shall have previously lost by separation, or have permanently and completely lost the use of a hand, an arm, a foot, a leg or an eye, and thereby, as a result of the subsequent loss, shall become in fact totally and permanently disabled, shall receive the compensation provided by Sec. 56-957 for such subsequent loss, and shall in addition thereto, after the termination of the period of compensation provided by Sec. 56-957, if the permanent total disability continue thereafter, receive compensation at the rate provided in Subdivision (b) of Section 56-956, such additional compensation, however, to be paid solely out of the fund created by Section 56-955.

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

Approved by the Governor—March 6, 1945.

Filed in the Office of the Secretary of State—March 6, 1945.

CHAPTER 36

(House Bill No. 39)

AN ACT

RELATING TO PROFESSIONAL AND BUSINESS PURSUITS; REGULATING FUNERAL DIRECTING AND

EMBALMING; CREATING A STATE BOARD OF FUNERAL DIRECTORS AND EMBALMERS; REPEALING ARTICLE 10, CHAPTER 67, ARIZONA CODE OF 1939; AND DECLARING AN EMERGENCY.

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

Section 1. SHORT TITLE. This Act may be cited as "the funeral directors and embalmers law of 1945".

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

"board" means the state board of funeral directors and embalmers;

"embalming" means the disinfection, preservation, or attempted disinfection or preservation of the dead human body;

"embalmer" means a person engaged in the art of disinfecting or preserving dead human bodies and preparing them for transportation;

"funeral directing" means the business or profession, for profit, of disposing of dead human bodies, or of maintaining a funeral establishment;

"funeral director" means a person engaged in funeral directing or in the management of a funeral establishment;

"funeral establishment" means a business at a specific location devoted exclusively to the care and preparation for burial or transportation of dead human bodies;

"apprentice embalmer" means a person engaged in the study of the art of embalming under the instruction and supervision of a practicing embalmer;

"disciplinary action" means action by the board to revoke or suspend the certificate of any person subject to the provisions of this Act who violates any thereof or the rules and regulations of the board made in conformity therewith.

Sec. 3. COMPLIANCE WITH ACT. It is unlawful to practice the business of funeral directing or the art

of embalming, or to engage as an assistant or apprentice in such business or art, or to maintain and operate any establishment for the care and preparation for burial or transportation of dead human bodies, except as provided in this Act.

Sec. 4. CERTIFICATE OF QUALIFICATION REQUIRED. (a) Except as otherwise provided, any person desiring to engage in the business of funeral directing or the art of embalming shall first procure from the state board of funeral directors and embalmers a certificate of qualification therefor.

(b) Upon application to the board for a certificate of qualification, on a form prescribed by the board, accompanied by the appropriate examination fee, the board, if the applicant is found from the application to be eligible therefor, shall make an examination of the applicant's qualifications, and if found to be satisfactory a certificate of qualification to engage in the business of funeral directing or the art of embalming, as the case may be, shall be issued.

Sec. 5. APPLICATION AND ELIGIBILITY FOR EXAMINATION AS EMBALMER. (a) An application for a certificate of qualification to practice embalming must set forth that the applicant is twenty-one years of age or over, a bona fide resident of the state, and of good moral character. It must also show that he: 1. is a graduate of a standard four-year high school course, or the equivalent; 2. has had two years of practical training and instruction as an apprentice under a qualified practicing embalmer; 3. has embalmed not less than fifty human bodies while receiving such training and instruction, and, 4. is a graduate of a regular course of instruction in a college of embalming approved by the board. The application must be endorsed by two qualified funeral directors who are embalmers, and who certify that they are familiar with and vouch for the applicant's character, reputation, and professional attitudes. It shall be executed under oath by the applicant, and accompanied by an examination fee of twenty-five dollars.

(b) If the application is in proper form and it appears to the board that the applicant meets the eligibility requirements as set forth in subsection (a), a time and place shall be set for examination, and the secretary shall notify the applicant thereof.

Sec. 6. EXAMINATION FOR EMBALMER. (a) Ex-

amination for a certificate of qualification as an embalmer shall be given at a regularly called meeting of the board, at which the board shall inquire into and determine the applicant's knowledge of embalming and related subjects. The examination shall consist of not less than seventy written questions on the subjects of anatomy, embalming and subjects taught by a recognized school of embalming, and not less than thirty oral questions on the several subjects relating thereto. The oral examination, when possible, shall be of a demonstrative nature conducted upon a cadavar.

(b) If the applicant correctly answers seventy-five per cent or more of the oral and seventy-five per cent or more of the written questions propounded he shall be given a certificate of qualification to practice embalming.

(c) All examination papers, questions and answers, and credits allowed by the board in an examination for a certificate of qualification to practice the profession of embalming shall be kept on file by the secretary of the board for one year, after which they shall be deposited in the state archives in the department of library and archives.

Sec. 7. EMBALMER'S CERTIFICATE. The certificate of qualification to practice embalming shall be in a form prescribed by the board and shall: 1. specify the name of the person to whom issued; 2. state that he is authorized to practice embalming in the state; 3. bear a consecutive serial number, and, 4. be signed by all members of the board and by the recipient. The certificate shall be displayed conspicuously in the holder's place of business or employment.

Sec. 8. SECOND EXAMINATION. Any applicant who fails to pass the examination for a certificate to practice embalming may apply for another examination within one year, and if no reason appears why the application should be denied, he shall be given a second examination in the manner provided in sections 5 and 6, upon payment of a further examination fee of five dollars.

Sec. 9. APPLICATION AND REQUIREMENTS FOR FUNERAL DIRECTOR. An application for a certificate of qualification as a funeral director must set forth that the applicant is twenty-one years of age or over, a bona fide resident of Arizona, and of good moral character. It must also show that he: 1. is a graduate of a stand-

ard four-year high school course, and, 2. for not less than one year previous to the filing of his application has been a qualified practicing embalmer associated with a qualified practicing funeral director, and the applicant shall declare that the establishment in which he plans to conduct the business of funeral director is or will be constructed, equipped and maintained in accordance with the provisions of this Act and the rules and regulations of the board. The application must be endorsed by two reputable persons familiar with the applicant, who vouch for his reputation, character and professional attitude. It shall be executed under oath by the applicant, and accompanied by the funeral director examination fee of twenty-five dollars.

Sec. 10. EXAMINATION AND CERTIFICATE AS FUNERAL DIRECTOR. (a) Upon receipt of an application for a certificate of qualification as a funeral director, in proper form and containing the information prescribed by section 9, the board shall cause an investigation to be made of the applicant's character, ability and experience, and, if the application is by or in behalf of a partnership or other organization, of the similar qualities of its officers and members. The board shall also ascertain the facts with respect to the adequacy of equipment and physical condition of the proposed funeral establishment, and for such purpose an inspection may be made by a member of the board or by an inspector appointed by it.

(b) For the purposes of such investigation the board shall have the power to subpoena witnesses, administer oaths, and take testimony with respect to the character of the applicant or any matter affecting the application at a hearing held after sufficient notice has been given.

(c) If the board finds that the applicant's character, ability and experience are satisfactory, and is satisfied from all the evidence that the proposed funeral establishment is or will be properly constructed and equipped, a certificate of qualification as a funeral director shall be issued.

(d) A certificate of qualification as a funeral director shall not be assignable, nor valid for any person other than the one named therein.

(e) Every application for a certicate of qualification as a funeral director shall be acted upon and approved or denied within ninety days from the filing date or, in

the event a hearing is held, within thirty days from the close of the hearing.

Sec. 11. RECIPROCAL CERTIFICATE. Any applicant for a certificate of qualification as a funeral director or a certificate to practice embalming shall be granted a reciprocity certificate without examination, upon payment of the fee prescribed by this Act, and the submission of satisfactory evidence that he holds a valid certificate as a funeral director or an embalmer, as the case may be, in a state in which the requirements for receiving such certificates are at least equal to those prescribed in this Act, and which extends similar reciprocal privileges to persons licensed in this state.

Sec. 12. ANNUAL RENEWAL OF CERTIFICATE. (a) Every certificate of qualification to practice funeral directing or embalming expires on June 30 of each year and must be renewed as provided in this section.

(b) Upon application to the board, on a form prescribed by it, and payment of the renewal fee of five dollars for a qualified embalmer or ten dollars for a qualfor a qualified funeral director, the certificate shall be renewed for a period of one year. If the annual renewal fee be not paid when due a delinquency penalty of two dollars for a qualified embalmer or ten dollars for a qualified funeral director shall be added to the fee for the renewal of any such certificate. If the annual renewal fee and delinquent penalty be not paid within thirty days after the delinquent date the certificate shall lapse.

(c) Any funeral director or embalmer whose certificate is permitted to lapse shall be required, when applying for reinstatement, to meet all the conditions and requirements imposed upon applicants not previously qualified by the board.

Sec. 13. TITLE OF FUNERAL DIRECTOR. A person receiving a certificate of qualification as a funeral director shall be known as a "funeral director", and "undertaker", or a "mortician", or any other title implying that he is engaged in the business of funeral directing. It is unlawful for any person not a funeral director qualified as provided in this Act, to practice, advertise, or assume any title which would imply that he is engaged as a funeral director.

Sec. 14. APPRENTICE EMBALMER. (a) Within thirty days after beginning a course of preliminary in-

struction and training under a qualified, practicing embalmer, every apprentice embalmer shall make application, on a form prescribed by the board, for a certificate of registration as such. The application shall state under oath the applicant's qualifications for a certificate; shall be endorsed by the applicant's employer, who vouches for his integrity and ability, and shall be accompanied by a registration application fee of one dollar. The applicant must be nineteen years of age or over, of good moral character, and a graduate of a standard four-year high school course.

(b) If the application is in proper form and no reason is found to exist for the denial of the application the secretary of the board may, at his discretion, issue a certificate of apprentice registration. If the secretary is not satisfied regarding the qualifications of the applicant, the secretary shall submit the application to the board. The board may approve the application or, after notice and hearing, may reject the same by a majority vote.

Sec. 15. SUPERVISION OF REGISTERED APPRENTICES. (a) The board shall have supervision and control over all registered apprentice embalmers. Thirty days after receiving preliminary instruction and training an apprentice shall file with the secretary a report of employment, signed by his employer. Ninety days thereafter he shall file an additional report, verified under oath, showing the beginning date of his then employment and the name and location of the embalmer under whom he is receiving instruction and training. Should such instruction and training be under more than one embalmer, he shall give the dates of the ending and beginning of each period of instruction in order, and the name and location of each instructor from whom received.

(b) No apprentice shall embalm or assist in embalming a dead human body, except under the direct supervision of a qualified, practicing embalmer.

Sec. 16. ANNUAL RENEWAL FEE FOR APPRENTICE. Every certificate of apprentice registration shall be subject to an annual renewal fee of one dollar, which shall be paid not later than June 30 of each year following such registration. Any certificate of apprentice registration which is not renewed by June 30 shall be subject to a penalty of five dollars if paid within thirty days of the date of delinquency. If the renewal fee and penalty be not paid within thirty days the certificate of apprentice registration shall lapse.

Sec. 17. RE-REGISTRATION OF APPRENTICE EMBALMER. Within one year after the suspension, revocation, or lapse of the certificate of registration of an apprentice embalmer, he may apply for re-registration. If the circumstances warrant, the board may allow credit for time actually served by the apprentice under a previous registration, but in the event the previous registration was suspended or revoked, not more than seventy-five per cent of previous time served shall be allowed.

Sec. 18. ASSISTANT FUNERAL DIRECTOR. (a) Any employee holding a certificate of qualification as an embalmer may make application on a form prescribed by the board, for a certificate of registration as assistant funeral director. The application must contain the recommendation of the applicant's employer, who shall himself be a qualified funeral director. It shall be accompanied by a fee of five dollars for an assistant's certificate of registration.

(b) If the application is in proper form, and no reason appears for rejecting the application, the secretary shall issue an assistant's certificate of registration, which shall show: 1. name of the holder; 2. date of issuance; 3. name and address of the holder's qualified employer, and, 4. number of the employer's certificate of qualification.

(c) A certificate of registration as assistant funeral director shall be valid only during the holder's period of service under the funeral director whose name appears thereon. The holder of a certificate of registration as assistant funeral director who changes his place of employment may make application to the board for a transfer of his certificate. It shall be accompanied by the previous certificate, the written recommendation of the applicant's new employer, and a fee of five dollars for transfer of certificate.

Sec. 19. FUNERAL ESTABLISHMENT. Every funeral establishment operated under the provisions of this Act shall maintain: 1. a chapel for conducting funeral services; 2. a preparation room, with sanitary flooring, drainage, and ventilation, and equipped with instruments and supplies necessary for the preparation and embalming of dead human bodies for burial or transportation; 3. a display room for funeral caskets and shipping cases, and, 4. a hearse or funeral coach properly equipped for the purpose, and kept in a sanitary and professional manner.

Sec. 20. MULTIPLE FUNERAL ESTABLISHMENTS. (a) Any applicant for a certificate of qualification as funeral director proposing to engage in or conduct more than one funeral establishment shall make an application and procure a certificate of qualification for each such location.

(b) Not more than one person, partnership, association, corporation, or other organization engaged in business as a funeral director shall transact business in the same funeral establishment.

Sec. 21. EMBALMING ONLY BY QUALIFIED EMBALMER. (a) No dead human body shall be embalmed except by a qualified practicing embalmer or by a registered apprentice under the direct supervision of a qualified embalmer.

(b) When a dead human body is embalmed, the qualified embalmer who embalms or supervises the embalming shall certify to the same over his signature and the number of his certificate of qualification.

Sec. 22. CHANGE OF LOCATION OR NAME. A funeral director desiring to change the location or name of his business shall apply, on a form prescribed by the board, for a permit to do so. The application shall be accompanied by a change of location or name fee of ten dollars. Upon receipt of a report from a member of the board or an inspector appointed by the board that the proposed new location conforms to all sanitary and physical requirements prescribed by this Act and by the rules and regulations of the board, or that the proposed new name conforms to professional standards, the secretary shall issue a permit to the applicant to change the location or name of his place of business.

Sec. 23. DEATH OF FUNERAL DIRECTOR. (a) When a qualified funeral director dies leaving an established funeral business, the surviving spouse shall have the right to make application for examination as a funeral director. The application shall be in writing, under oath, on a form prescribed by the board, and shall state the facts in the case. The board may, in its discretion, certify the applicant for the examination prescribed for funeral directors, in which event the requirements with respect to prior experience as a qualified practicing embalmer and association with a qualified practicing funeral director shall be waived. The qualification examination fee shall in such case be five dollars.

(b) When a funeral director dies leaving an established funeral business and there is no surviving spouse the board may issue a special permit to the legal representative of the estate for a period not to exceed nine months, to afford opportunity for the termination, transfer, or disposal of the business. The legal representative shall be required to prove good character. The fee for issuance of a special permit shall be five dollars.

(c) All dead human bodies embalmed for a funeral establishment operating under a special permit shall be embalmed by a qualified, practicing embalmer, or by a registered apprentice under the direct supervision of a qualified embalmer.

Sec. 24. COLLEGE OF EMBALMING. The board shall approve such colleges of embalming as it deems equipped to give adequate instruction and training in the art of embalming, but it shall approve no college which does not offer a regular nine months' course in which the courses pertaining to anatomy, physiology, chemistry, principles and methods of embalming, restorative art, bacteriology, public health, and sanitation, are covered.

Sec. 25. SERVICEMEN EXEMPT. Every funeral director, embalmer, or apprentice embalmer serving in the armed forces of the United States in time of war, who holds a certificate of qualification or registration under the provisions of this Act shall be exempt from the payment of renewal fees for the duration of the war and six months thereafter, or for a period of six months following discharge from the armed forces.

Sec. 26. DISCIPLINARY CONTROL. The board shall have power to take disciplinary action against any embalmer or funeral director charged with the commission of any of the following acts:

1. Fraud or misrepresentation in obtaining a certificate of qualification, whether in the application or the qualification examination.

2. Habitual drunkenness, narcotic addiction, or conviction of a crime involving moral turpitude.

3. Bribing or offering to bribe, directly or indirectly, a member of the board, to influence his action in the performance of his duty.

4. Willful interference with an embalmer or a funeral director having lawful custody of a dead human body in the performance of his duty to embalm or prepare the same for burial or transportation.

5. Paying or causing to be paid to any person, money or other valuable consideration, to secure business from or through such person.

6. Violation of any law of the state or of the rules and regulations of the state board of health pertaining to the embalming and preparation of dead human bodies.

7. Certifying falsely to having embalmed or prepared a dead body, which body was embalmed or prepared by a person other than himself or an apprentice under his direct supervision.

8. Falsely printing or marking any service or merchandise with the intention of deceiving the public with respect to the brand, grade, or quality of such service or merchandise.

9. Defaming a funeral director by falsely imputing to him dishonorable conduct, inability to perform contracts, or the handling of inferior merchandise.

10. Shipping or delivering, with intent to deceive, any merchandise or supplies not in conformity with samples previously submitted to the purchaser.

11. Employing or otherwise engaging agents to solicit business.

12. Knowingly engaging in advertising which is misleading or inaccurate in any material particular.

13. Participating in any enterprise or plan whereby the public is defrauded.

14. Issuing a burial contract or certificate in anticipation of the death of a person.

15. The violation of any other provision of this Act or regulation of the board not in conflict therewith, for the handling, custody, care, preparation, or transportation of dead human bodies constitutes a ground for disciplinary action.

Sec. 27. DISCIPLINARY PROCEDURE. Upon the filing with the board of a complaint in writing and under oath, or when the board on its own motion directs the secretary to file a complaint, charging a possessor of a certificate issued under the authority of this Act with the commission of an offense subject to disciplinary control, the board shall conduct an investigation, and if there appears reason to believe that the person charged may have committed the act imputed to him, a time and place shall be set for a public hearing. The secretary shall serve the accused, by registered mail, with a copy of the complaint, together with a notice setting forth the charge or charges to be heard and the time and place of the hearing, which time shall be not less than ten days succeeding the mailing of notice.

Sec. 28. CONDUCT OF HEARING. (a) At the time and place fixed for the hearing of charges against a possessor of a certificate issued under the provisions of this Act the accused shall appear before the board, in person or by counsel, to present any defense he may have. The board may subpoena witnesses, administer oaths, and hear or receive testimony, either oral or documentary, for and against the accused. If from the evidence submitted the board is satisfied of the guilt of the accused it may, at its discretion, revoke or suspend his certificate.

(b) Upon the revocation of a certificate of qualification the fact shall be noted upon the records of the board and the certificate shall be deemed to be cancelled as of such date.

Sec. 29. REVIEW BY A COURT. (a) Any final order of the board suspending or revoking a certificate of qualification shall be subject to review. The person aggrieved by the decision may, within thirty days thereafter, appeal to the superior court of the county in which the appellant resides and the court shall inquire into the cause for suspension or revocation. Notice of such appeal shall be served by leaving with any member of the board an attested copy of the same, within thirty days after notification by the board of its decision. Hearings on the appeal shall be conducted in accordance with the rules of the court for review in similar cases. The appellant may request of the board, in writing, a certified transcript of all papers on file with the board relating to the decision and also all evidence taken at the hearing. Upon receipt of such request the secretary shall file with the clerk of the court a certified transcript of the evidence taken.

(b) If, in the opinion of the court, suspension or revocation of the certificate was made without just cause, the court may extend proper relief. The costs of the appeal shall be assessed by the court against the losing party.

(c) Upon the filing of an appeal, the court may, in its discretion, stay the decision of the board upon such terms as it may impose; otherwise the appeal shall not suspend the operation of the board's decision.

Sec. 30. PENAL PROVISIONS. (a) It is unlawful:

1. For any embalmer, having knowledge of a fact sufficient to raise suspicion of crime related to the cause of death, to embalm a dead human body without permission of the coroner or other proper official in whose jurisdiction the embalming is to be performed.

2. To disinter a dead human body for removal to another cemetery or city or town except under the direct supervision of a qualified funeral director. The remains of a deceased person may be removed from a plot in a cemetery with the consent of the cemetery authority and the written consent, in the order named, of: 2a. the surviving spouse; 2b. the surviving children; 2c. the surviving parents; 2d. the surviving brothers or sisters, and, 2e. upon direct order of a court or coroner.

3. To use, for burial purposes, any casket previously used as a receptacle for or in connection with the burial or other disposition of a dead human body.

4. For a funeral director or embalmer, or agent thereof, after a death or while a death is impending, to pay, offer to pay, or cause to be paid, directly or indirectly, a sum of money or other valuable consideration for the securing of business.

5. To pay, cause to be paid, or offer to pay a funeral director or embalmer, or an agent or employee of either, a commission, bonus, rebate or other consideration as an inducement to recommend or cause a dead human body to be unlawfully disposed of in a crematory, mausoleum, or cemetery.

6. For any person to engage in, or hold himself out as engaging in the business of embalming or of funeral directing, unless so certified by the board of funeral directors and embalmers.

7. For any funeral establishment or funeral director to advertise under any name which tends to mislead the public or which sufficiently resembles the professional or business name of another qualified director as to occasion confusion or misunderstanding.

(b) The violation of any provision of this Act is a misdemeanor, and shall be punished, upon conviction, by a fine of not less than twenty-five nor more than five hundred dollars, imprisonment in the county jail not to exceed one hundred eighty days, or both.

Sec. 31. STATE BOARD. (a) The state board of funeral directors and embalmers shall be composed of three members, two of whom shall be qualified practicing funeral directors and embalmers and one a qualified employed embalmer, residents of the state. They shall be appointed by the governor, with the advice and consent of the senate, for terms of two years each, beginning July 1. Any appointment to fill a vacancy resulting other than from expiration of term shall be for the unexpired portion of the term. The governor may remove any member for incompetence or improper conduct. Revocation of the certificate of qualification of any member shall automatically remove the member from office.

(b) Before entering upon the duties of the office, each appointee shall make oath before an officer competent to administer oaths that he is legally qualified to hold the office and will faithfully perform the duties thereof.

(c) Members of the board shall receive a per diem of ten dollars while in attendance upon meetings, and expenses incurred in the performance of duties authorized by the board.

Sec. 32. OFFICERS. The officers of the board shall consist of a president, a secretary, and a treasurer. They shall be chosen by the members of the board from among their own number. The term of each officer shall be one year, ending June 30, or until his successor is elected and qualifies. The secretary and the treasurer shall each furnish a surety bond, conditioned upon the faithful discharge of their duties, in amounts to be fixed in the by-laws, which shall run to the state and be approved by the state treasurer.

Sec. 33. DUTIES AND POWERS OF BOARD. (a) It shall be the duty of the board to administer this Act,

to see that its provisions and the rules and regulations of the board are complied with and impartially enforced, and that all laws relating to the preparation and care of dead human bodies for transportation and the operation and maintenance of funeral establishments are observed.

(b) The board shall adopt rules and regulations not inconsistent with the provisions of this Act, which shall be uniform in application and effect, for the practice of funeral directing and embalming, which rules and regulations shall be binding upon all funeral directors, embalmers, and apprentice embalmers.

(c) The members of the board shall sign all certificates of qualification.

(d) The board is authorized to employ legal assistance to represent it whenever necessary, at such compensation as the board may determine, and to pay the fees and expenses of witnesses appearing in any proceeding before the board.

Sec. 34. SECRETARY. (a) The secretary shall be the executive officer of the board, keep a record of its proceedings and of all transactions and orders thereof, and see that the instructions of the board are duly executed. He shall be the custodian of the official seal and affix an impression of the same to all certificates or other documents requiring formal authentication.

(b) The secretary shall:

1. Maintain a complete current record of the name, place of business, and residence of each qualified embalmer and funeral director, and of each registered apprentice, and upon the issuance, lapse, revocation, or reinstatement of any certificate of qualification or registration shall promptly report the same to the clerk of the superior court of the county and the registrar of vital statistics of the city or town in which the person to whom such certificate is issued resides, and to the state board of health.

2. Provide each holder of a certificate of qualification or of registration with a copy of the by-laws and regulations adopted by the board.

Sec. 35. MEETINGS. The board shall hold one regular annual meeting, and such other meetings as may

be necessary. Special meetings may be called by the president of the board or by any two members. The time and place of the regular annual meeting and method of giving notice of special meetings shall be fixed by the rules or by-laws adopted by the board. A majority of the board members shall constitute a quorum to do business.

Sec. 36. FEES, CLAIMS, AND APPROPRIATION. (a) All fees and other revenue accruing to the board shall be paid to the treasurer, and by him deposited with the state treasurer, through the state auditor, ninety per cent of such fees to be placed in the funeral directors' and embalmers' fund, and ten per cent to the general fund.

Sec. 37. REPEAL. Article 10, section 67, Arizona Code of 1939, is repealed. This section does not negative an implied repeal of any statute which conflicts with this Act.

Sec. 38. EMERGENCY. To preserve the public peace, health, and safety, it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 7, 1945.

Filed in the Office of the Secretary of State—March 7, 1945.

CHAPTER 37

(House Bill No. 182)

AN ACT

RELATING TO PUBLIC WELFARE; VALIDATING AND APPROVING TAXES HERETOFORE LEVIED FOR OLD AGE ASSISTANCE AND THE EXPENDITURE THEREOF; LIMITING FUTURE EXPENDITURES FOR PUBLIC WELFARE; REPEALING SECTION 70-224, ARIZONA CODE OF 1939; AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION AND EXPENDITURE

OF FUNDS PRIOR TO JULY 1, 1945. All taxes levied and money appropriated prior to July 1, 1945, by following the procedures prescribed by the provisions of section 70-224, Arizona Code of 1939, are hereby ratified, validated and approved, and the lawful expenditure of money appropriated in said manner is hereby authorized and approved. On and after July 1, 1945, the provisions of section 70-224, Arizona Code of 1939, are repealed and shall be of no further force or effect after said date.

Sec. 2. EXPENDITURES FOR PUBLIC WELFARE. From and after July 1, 1945, the total amount which may be expended in each fiscal year by the state board of social security and welfare for each of the objects and purposes provided by chapter 70 of the Arizona Code of 1939, and any amendments thereto, shall, in no event, exceed the amount appropriated in the biennial general appropriation bill for each such object or purpose and any funds granted by the federal government for such object or purpose, together with such additional amounts as may be appropriated therefor by any special legislative appropriation bill other than section 73-1322, Arizona Code of 1939, as amended by initiative measure of 1942. If, at the end of any fiscal year, there shall be an unencumbered balance of the appropriation for such fiscal year made to the state board of social security and welfare for any such object or purpose, such balance shall be deemed to consist exclusively of funds other than those credited to the state board of social security and welfare pursuant to section 73-1322, Arizona Code of 1939, as amended by initiative measure of 1942.

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

Approved by the Governor—March 7, 1945.

Filed in the office of the Secretary of State—March 7, 1945.

CHAPTER 38

(House Bill No. 149)

AN ACT

RELATING TO STANDARD TIME; ESTABLISHING

THE STANDARD TIME FOR ARIZONA; AND DECLARING AN EMERGENCY.

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

Section 1. STANDARD TIME. The standard time in Arizona shall be the solar time of the one hundred fifth meridian west of Greenwich, commonly known as Standard Mountain Time.

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

Sec. 3. REPEAL. Chapter 7, session laws of 1944, second special session, is repealed.

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

Approved by the Governor—March 7, 1945.

Filed in the office of the Secretary of State—March 7, 1945.

CHAPTER 39

(House Bill No. 201)

AN ACT

RELATING TO MISSING MILITARY PERSONNEL; PROVIDING FOR THE APPOINTMENT OF A CONSERVATOR FOR PROPERTY OF PERSONS SERVING IN OR WITH THE ARMED FORCES; AND DECLARING AN EMERGENCY.

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

Section 1. APPOINTMENT OF CONSERVATOR.

When any person, hereinafter referred to as an absentee, serving in or with the armed forces of the United States, or as a merchant seaman, who has been reported or listed as missing, missing in action, or interned in a neutral country, or beleaguered, besieged, or captured by an enemy, has an interest in any form of property in or is a legal resident of the state and has not provided an adequate power of attorney authorizing another to act in his behalf in regard to such property or interest, the superior court of the county of such absentee's legal domicile or where such property is situated, upon petition alleging the foregoing facts and showing the necessity for providing care of the property of the absentee made by any person who would have an interest in the property were the absentee deceased, or on the court's own motion, after notice to or on receipt of proper waivers from the heirs and next of kin of the absentee as provided by law for the administration of an estate, and upon good cause being shown, may, after finding the facts to be as aforesaid, appoint a conservator to take charge of the absentee's estate, under the supervision and subject to the further orders of the court.

Sec. 2. POWERS OF CONSERVATOR. The court shall have full discretionary authority to appoint any suitable person as conservator and may require him to post an adequate surety bond and to make such reports as the court may deem necessary. The conservator shall have the same powers and authority as the guardian of the property of an infant or incompetent and shall be considered as an officer or arm of the court.

Sec. 3. TERMINATION OF CONSERVATORSHIP. Upon petition signed by the absentee, or on petition of an attorney-in-fact acting under an adequate power of attorney, the court shall direct the termination of the conservatorship and the transfer of all property held thereunder to the absentee or to the designated attorney-in-fact. If at any time subsequent to the appointment of a conservator it shall appear that the absentee has died and an executor or administrator has been appointed for his estate, the court shall direct the termination of the conservatorship and the transfer of all property of the deceased absentee held thereunder to such executor or administrator.

Sec. 4. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an

emergency measure, to take effect as provided by law.

Approved by the Governor—March 7, 1945.

Filed in the office of the Secretary of State—March 7, 1945.

CHAPTER 40

(House Bill No. 68)

AN ACT

RELATING TO TAXATION; PROVIDING FOR THE TAXATION OF SAVINGS AND LOAN ASSOCIATIONS MEASURED BY THEIR NET INCOME, AND PROVIDING FOR THE TAXATION OF REAL PROPERTY OWNED BY SUCH ASSOCIATIONS.

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

Section 1. TAX ON BUILDING AND LOAN AND SAVINGS AND LOAN ASSOCIATIONS. (a) Every building and loan or savings and loan association located or doing business within the state, including federal savings and loan associations, shall annually pay a tax measured by its net income received after December 31, 1945, from all sources, including interest on bonds and other securities issued by or under authority of the United States, the state of Arizona or any political or other subdivision, or municipal or other public corporation thereof, computed at the rate of five per cent of the amount of such net income. The tax imposed by this section shall be in lieu of any tax on the shares of stock or on net income of any such association.

(b) For the purposes of this Act "net income" means the gross income of any such association, as defined by section 73-1506, Arizona Code of 1939, and subsection (a) of this section, less: 1. the deductions allowable under sections 73-1510 and 73-1511, Arizona Code of 1939, and, 2. dividends or return paid or credited by such association on withdrawable savings accounts, investors shares and share accounts.

Sec. 2. PROVISIONS OF INCOME TAX ACT MADE APPLICABLE. The provisions of the income tax act

of 1933 (article 15, chapter 73, Arizona Code of 1939) not in conflict with this Act, shall be applicable to the tax prescribed in section 1.

Sec. 3. DISTRIBUTION OF INCOME TAX COLLECTED. The tax paid by any building and loan or savings and loan association under the provisions of section 1, shall be distributed by the state treasurer, fifty per cent thereof to the general fund of the state, and twenty-five per cent to the county and twenty-five per cent to the city in which the offices of such association are located.

Sec. 4. REAL PROPERTY TAXED. Beginning January 1, 1946, the real property of every building and loan or savings and loan association located or doing business within the state, including federal savings and loan associations, shall be assessed and taxed as other real property is taxed in the state of Arizona and in the political subdivisions wherein the real property is situate, and the proceeds thereof shall be used for the same purposes as taxes levied and assessed on other real estate.

Approved by the Governor—March 7, 1945.

Filed in the office of the Secretary of State—March 7, 1945.

CHAPTER 41

(House Bill No. 61)

AN ACT

RELATING TO SPIRITUOUS LIQUORS, AND AMENDING SECTION 72-101.

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

Section 1. 72-101. DEFINITIONS. In this act, unless the context otherwise requires:

"Spirituous liquor" includes alcohol, brandy, whiskey, rum, tequilla, mescal, gin, wine, porter, ale, beer, any malt liquor, malt beverage, absinthe or compound or mixture of any of them, or of any of them with any vegetable or other substance, alcohol bitters, bitters con-

taining alcohol, and any liquid mixture or preparation, whether patented or otherwise, which produces intoxication, fruits preserved in ardent spirits, and beverages containing more than one-half of one per cent of alcohol by volume;

"Beer" means any beverage obtained by the alcoholic fermentation, infusion or decoction of barley malt, hops, or other ingredients not drinkable, or any combination of them;

"Wine" means the product obtained by the fermentation of grapes or other agricultural products containing natural or added sugar or any such alcoholic beverage fortified with grape brandy and containing not more than twenty-four (24) per cent of alcohol by volume.

"Sell" includes to solicit or receive an order for, to keep or expose for sale, to deliver for value, to peddle, to keep with intent to sell, and to traffic in:

"Person" includes partnership, association, company or corporation, as well as a natural person;

"Company" or "association," when used in reference to a corporation, includes successors or assigns;

"Traveler" means a person who in consideration of a given price per day, or fraction of a day, on the American or European plan, or per meal, is furnished by another person with food or lodging, or both, or is in transit on a public conveyance.

"Hotel" means any establishment provided with accommodations where, in consideration of payment, food and lodging are customarily furnished to travelers and where spirituous liquors are sold in the original container or by individual portions;

"Vehicle" means any means of transportation by land, water, or air, and includes everything made use of in any way for such transportation;

"Off-sale retailer" means any person operating a bona fide regularly established retail liquor store selling spirituous liquors, wines and beer, and any established retail store selling commodities other than spirituous liquors and engaged in the sale of spirituous liquors only in the original package, to be taken away from the premises of such retailer and to be consumed off said premises;

"On-sale retailer" means any person operating an establishment where spirituous liquors are sold in the original container and in individual portions for consumption on the premises;

"Broken package" means any container of spirituous liquor on which the United States tax seal has been broken or removed, or from which the cap, cork or seal placed thereupon by the manufacturer has been removed.

"Election days" means the biennial primary election for the nomination of United States, state, county and precinct officers, the biennial general election, and such regular primary and general elections as are prescribed by the charter or ordinances of any city or town in which the place of business of any licensee is located.

Approved by the Governor—March 7, 1945.

Filed in the office of the Secretary of State—March 7, 1945.

CHAPTER 42

(House Bill No. 60)

AN ACT

RELATING TO SPIRITUOUS LIQUOR; PROVIDING FOR PROOF OF AGE OF PERSONS PURCHASING LIQUOR; PRESCRIBING PENALTIES FOR THE UNLAWFUL SELLING OR PURCHASING OF LIQUOR, AND AMENDING CHAPTER 72, ARIZONA CODE OF 1939, BY ADDING SECTIONS 72-113a AND 72-113b.

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

Section 1. Chapter 72, Arizona Code of 1939, is amended by adding section 72-113a, to read:

72-113a. SELLING OR GIVING LIQUOR TO MINOR. (a) Any licensee, employee, or other person who questions, or has reason to question whether a person ordering, purchasing, attempting to purchase, or otherwise procuring or attempting to procure the serving or delivery of spirituous liquor, has attained the age of twenty-

one years, may require such person to exhibit written proof of age, in the form of a birth certificate or a certified copy thereof, or other written evidence of age issued by the proper authorities of the state, county or municipality of the person's birth. Any licensee, employee or other person who sells, gives, serves, or furnishes any spirituous liquor to a person who is in fact under the age of twenty-one years, without having required the written evidence of such person's age as required by this section, shall be deemed to have had constructive knowledge thereof.

(b) Any person under twenty-one years of age who shall offer or present to any licensee, employee or other person a fradulent or false certificate of birth or other written evidence of age, or a certificate of birth or other written evidence of age which is not actually his own, or who shall otherwise misrepresent his age, for the purpose of inducing the licensee or employee to sell, give, serve or furnish spirituous liquor contrary to law, is guilty of a misdemeanor.

(c) Any person who shall influence, or attempt to influence the sale, giving, or serving of spirituous liquor to a person under twenty-one years of age by misrepresenting the age of such person, or who shall order, request, receive or procure spirituous liquor from any licensee, employee or other person for the purpose of selling, giving or serving the same to a person under twenty-one years of age is guilty of a misdemeanor.

Sec. 2. Chapter 72, Arizona Code of 1939, is amended by adding section 72-113b, to read:

72-113b. TWENTY-FIRST BIRTHDAY CARD. (a) Every person who attains the age of twenty-one years may register with the clerk of the superior court of the county or with the clerk of the municipality in which the person resides or is temporarily located: 1. his or her name; 2. address; 3. whether the address is permanent or temporary, and, 4. date of twenty-first birthday, and shall receive a registration card so certifying, which shall be signed by the registrant and attested by the registering officer. The registration card shall be exhibited upon the demand of any licensee, employee or other person selling, giving or disposing of spirituous liquor, or of any agent of the department of liquor licenses and control or any peace officer.

(b) Any misrepresentation as to age or other deceit practiced in the procurement of a registration card, or

the use or exhibition for the purpose of procuring spirituous liquor, of a registration card other than of the person using or exhibiting the same, is a misdemeanor.

(c) The superintendent of liquor licenses and control shall prescribe the form of the twenty-first birthday card, and shall provide each registering office with a quantity of the same.

(d) Any person violating any provision of this Act shall upon conviction be punished by a fine of not less than one hundred nor more than one thousand dollars, by imprisonment in the county jail not less than thirty days nor more than one year, or both.

Approved by the Governor—March 7, 1945.

Filed in the office of the Secretary of State—March 7, 1945.

CHAPTER 43

(Senate Bill No. 73)

AN ACT

RELATING TO THE ORGANIZATION OF DISTRICTS TO MAKE STREET, SEWER AND OTHER LOCAL IMPROVEMENTS BY SPECIAL ASSESSMENTS IN UNINCORPORATED TOWNS OR SETTLEMENTS, AUTHORIZING THE ISSUANCE OF BONDS FOR SUCH IMPROVEMENTS, PROVIDING FOR THE COLLECTION OF SAID ASSESSMENTS AND THE GUARANTEE AND PAYMENT OF SAID BONDS, AND AUTHORIZING SUCH DISTRICTS TO LEVY AND COLLECT TAXES FOR THE OPERATION AND MAINTENANCE OF SAID IMPROVEMENTS AND THE STREETS WITHIN SUCH DISTRICTS.

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

Section 1. SHORT TITLE. This Act may be cited as "the district improvement Act of 1945."

Sec. 2. AUTHORIZATION FOR DISTRICTS. An improvement district may be established in any unincorporated town or settlement by the board of super-

visors of the county in which the proposed district is located for the purpose of making street, sewer and other local improvements by special assessments in such districts, issuing bonds for such improvements and levying taxes to operate and maintain said improvements and the streets within such districts. No territory situated within an incorporated city or town, nor any lands not subdivided by recording a plat or offering for sale or by leasing, occupying, constructing improvements thereon, or laying out the same into lots or blocks intended or adapted for use as business or residence lots or blocks, shall be included within such district at the time of its establishment.

Neither shall there be included in such district any lands owned or held by any common carrier for use in connection with interstate or intrastate commerce, any patented or unpatented mining claims, any lands used or occupied for mining or metallurgical purposes, nor, without the consent of the owner, any lands from which lots or blocks have not been offered generally for sale since such lands were subdivided.

Sec. 3. PETITION. (a) A petition addressed to the board of supervisors, requesting the establishment of an improvement district, may be filed with the clerk of the board, if signed by a majority of the persons owning real property or by the owners of fifty-one per cent or more of the real property within the limits of the proposed district.

(b) A petition with the required number of signatures shall not be declared void on account of any alleged defect, but the board of supervisors shall allow the petition to be amended in form and substance to conform to the requirements of this Act. One or more similar petitions, or copies of the same petition with additional signatures, for the establishment of any improvement district may be filed prior to the time of the hearing on the first petition, and shall be considered as though filed with the first petition. The petition shall be presumed to contain the signatures of the persons whose signatures appear thereon, unless the contrary is proved.

(c) The petition shall set forth: 1. the name of the proposed improvement district; 2. the necessity for the proposed district; 3. that the public convenience, necessity, or welfare will be promoted by the establishment of the district and that the property to be included therein will be benefited; 4. the boundaries of the proposed district; 5. a general outline of the proposed im-

provement; and, 6. such other matters as are required by this Act. Each copy of the petition shall be verified by one of the petitioners, and shall be accompanied by a plat or sketch indicating the approximate area and boundaries of the district.

Sec. 4. BOND OF PETITIONERS. At the time of filing a petition for the establishment of an improvement district, or at any time thereafter but before publication of the notice of the hearing on the petition, a bond shall be filed by the petitioners, with security approved by the board of supervisors, sufficient to pay the expenses connected with the proceedings in case the board of supervisors refuses to establish the district. If at any time during the proceedings the board determines the bond to be insufficient, it may order the filing of an additional bond within a time fixed, not less than ten days from the date of its order. Upon failure of the petitioners to file the additional bond, the petition shall be dismissed by the board of supervisors.

Sec. 5. HEARING. (a) Upon receipt of the petition the board of supervisors shall set a date for a hearing thereon, to be not later than thirty days from the date of presentation of the petition. At the hearing all interested property owners may appear and be heard on any matter relating to the establishment of the proposed improvement district. Any person wishing to object to the establishment of the district may, before the date set for the hearing, file his objections with the clerk of the board of supervisors.

(b) Notice announcing the hearing and stating the boundaries of the proposed district shall be posted in not less than three public places within the proposed district for not less than ten days prior to the date of the hearing, and shall be published twice in a newspaper published in the county and of general circulation within the proposed district. The publications in a newspaper shall be one week apart, and the first publication shall be not less than ten days prior to the date of the hearing.

Sec. 6. ESTABLISHMENT OF DISTRICT. (a) Upon the hearing, if it appears after consideration of all objections that the petition is signed by the requisite number of owners of real property, and that the public convenience, necessity, or welfare will be promoted by the establishment of the district, the board of supervisors by formal order, shall declare its findings, establish the boundaries, and declare the improvement district organized under a corporate name by which it shall be known

in all proceedings. Thereafter the district shall be a body corporate with the powers of a municipal corporation for the purposes of carrying out the provisions of this Act.

(b) If the board of supervisors finds that the territory set out in the petition should not be incorporated into an improvement district, it shall dismiss the proceedings and tax the costs against the signers of the petition, and may collect the costs on the bond of the petitioners. If the district is established, certified bills covering the costs of the board of supervisors and the disbursements of the petitioners shall be presented to the board of directors of the district and paid out of the funds of the district.

(c) In the event it appears to the board of supervisors at the hearing that territory not included in the petition should be included within the improvement district, the real property owners in the additional territory shall be notified in like manner as provided in connection with the original hearing, and a subsequent hearing shall be held on the question of including the additional territory. In establishing the improvement district, the board shall eliminate any territory described in the petition which it finds will not be benefited by the establishment of the district.

(d) Additions to and alterations of an improvement district shall be made in the manner provided for the establishment of the district.

Sec. 7. REVIEW. Any party aggrieved by any act of the board of supervisors in the establishment of an improvement district may bring an action in the superior court of the county in which the district is located to set aside the action of the board, not later than twenty days after final determination by the board.

Sec. 8. BOARD OF DIRECTORS. Districts organized under this Act shall be governed by the board of supervisors of the county in which the district is situated and said board of supervisors shall be deemed to be the board of directors of the district. Said directors shall receive no compensation for their services as such but shall be reimbursed for their necessary expenses in attending district meetings.

Sec. 9. POWERS OF DISTRICT. In addition to the powers specifically granted by or reasonably inferred from the provisions of this Act an improvement district

through its board of directors shall have power: 1. to acquire by gift, purchase, condemnation or otherwise in the name of the district and to own, control, manage and dispose of any real or personal property or interest therein necessary or convenient for the construction, operation and maintenance of any of the improvements herein provided for; 2. to join with any other improvement district or any city, town, governmental agency or person in the construction, operation or maintenance of any of the improvements hereby authorized; 3. to join with any other improvement district or any city, town or county in improving streets running upon or along the boundary of the district and to levy assessments and issue bonds for the district's proportionate part of the cost of such improvements; 4. to sell, lease or otherwise dispose of any property of the district or interest therein whenever the same is no longer required for the purposes of the district or the use of which may be permitted without interfering with the use thereof by the district; 5. to sell or otherwise dispose of any property or material acquired in the construction or operation of any improvements as a by-product or otherwise, and to acquire rights-of-way for such disposal by condemnation or otherwise; 6. to do all things incidental to the exercise of the powers granted in this Act.

Sec. 10. STREETS DECLARED PUBLIC. All streets, lanes, alleys, places, courts, avenues, boulevards, highways, crossings, intersections, public ways and grounds in an improvement district organized under this Act, open to the public use or dedicated to public use by a plat of record or otherwise, shall be deemed to be public and subject to improvement and maintenance under this Act and the board of directors of the district is hereby invested with jurisdiction to order to be done thereon any work or improvement mentioned in this Act, provided that no provision of this Act nor any proceeding or improvement had or made under this Act shall be held to impose on the county the duty of maintaining the same as county roads or highways unless and until the county shall take them over as county roads or highways by appropriate resolution to that effect. If there shall be in any such district any public roads or highways which are maintained by the county, such county roads or highways may be improved by the district under the provisions of this Act and in such case the resolution of intention for the improvement shall state what portion, if any, of the cost of the improvement will be paid by the county and to what extent the county will maintain said public road or highway after the improvement is made.

Sec. 11. DISTRICT MAY ORDER PUBLIC IM-

PROVEMENT. Whenever the public interest or convenience may require, the board of directors of any improvement district is hereby authorized and empowered to order the whole or any portion, either in length or width, of one or more of the streets of any such district graded or regraded, paved or repaved, or otherwise improved or reimproved; and to order the construction, reconstruction or repair of any tunnel, subway, viaduct or conduit in, on, under or over any street, or land of the district or any land on, under or over which the district may have an easement or right-of-way therefor; also to order the construction or reconstruction of sidewalks, crosswalks, curbs, gutters, culverts, bridges, tunnels, siphons, manholes, steps, parkings and parkways; also pipes, hydrants and appliances for fire protection; also to order sewers, ditches, drains, conduits, pipe lines and channels for sanitary and drainage purposes, or either or both thereof, with outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, connecting sewers, ditches, drains, conduits, channels and other appurtenances in, under, over or through any street, or any land of the district or any right-of-way granted or obtained for such purpose, either within or without the district limits; also waterworks, ditches, canals, channels, conduits, pipe lines and siphons, together with the necessary or usual appurtenances for carrying storm water or water from irrigation ditches, water courses, streams or springs into, through or out of such district in, under, over or through any street, or any land of the district or any right-of-way granted or obtained for such purpose, either within or without the district limits; also breakwater levees or walls to protect the streets of such district from injury; also lighting plants and poles, wires, conduits, lamps, standards, and other appliances for the purpose of lighting and beautifying the streets improved; also the construction or reconstruction of any work incidental to or connected with any such improvement.

Sec. 12. RESOLUTION OF INTENTION; MAY MAKE COST PAYABLE BY PROPERTY OWNERS OF ASSESSMENT DISTRICT IMPROVED; ALTERNATIVE PLANS. Before ordering any improvement authorized herein, the board of directors of the district shall pass a resolution of intention so to do, briefly describing the improvement. By such resolution of intention, and the proceedings subsequent thereto, one or more of the improvements may be made on one or more streets or any portion or portions thereof and shall constitute one improvement and be constructed under one contract. If any such work is already done for any lot such lot shall be excepted from the assessment therefor to the extent

of the work done. Whenever the proposed improvement, in the opinion of said board of directors, is of more than local or ordinary public benefit, it may make the expense of such improvement chargeable upon an assessment district, and shall describe the extent of said assessment district in general terms in its resolution of intention, either by reference to street lines or block numbers, or by designating its exterior boundaries by their courses and distances from the street or streets the improvement of which is contemplated, and may refer for a more particular description thereof to a map on file with the district engineer of said district, showing the exterior boundary lines of said assessment district, and delineating block and lot numbers or containing such details as will show the location of such lines. Provided, that the said board of directors, in such resolution of intention, may provide that the improvement described therein may be made according to any of several alternative plans and specifications, in accordance with any one of several alternative methods, classes or kinds of construction, and calling for any of several alternative classes and kinds of material to be thereafter determined by the said board of directors.

Sec. 13. PLANS AND ESTIMATES. Before passing the resolution of intention, plans and specifications and estimates of the cost and expenses thereof shall be prepared by the district engineer and filed with the clerk, and the assessment for any lot shall not exceed its proportion of the estimate.

Sec. 14. BEFORE INCURRING ANY EXPENSES FOR WHICH THE DISTRICT MAY BECOME LIABLE THE BOARD OF DIRECTORS SHALL REQUIRE THAT THERE BE FILED WITH THE CLERK A PETITION SIGNED BY PROPERTY OWNERS AS HEREINAFTER PROVIDED. Said petition may consist of one or more like or similar instruments filed with the clerk. The sufficiency of the signatures thereto shall be determined by the rules prescribed for determining the sufficiency of protests against the improvement. Said petition may be accepted as sufficient by the board of supervisors if it or the several parts thereof have attached thereto the affidavit of a property owner whose property is subject to assessment for the improvement, stating on his oath that he has examined the petition and that the signatures thereto are the genuine signatures of the owners of a majority of the frontage of the property, fronting on the proposed improvement, or if the cost of said improvement is proposed to be made chargeable upon an assessment district, the owners of a majority of the frontage of

property contained within the limit of said assessment district.

Sec. 15. PUBLICATION OF NOTICE OF RESOLUTION AND OF PASSAGE. Said resolution of intention shall be published in successive issues five times in a daily newspaper, or two times in a weekly or semi-weekly newspaper, published or of general circulation in the said district. The superintendent of streets shall also cause to be conspicuously posted along the line of said proposed improvement, at not more than three hundred feet in distance apart, notices of the passage of said resolution. Said notice shall be headed "Notice of proposed improvement", in letters at least one inch in height, and shall state the fact of the passage of the resolution of intention, and briefly describe the improvement proposed.

Sec. 16. PROTEST OF PROPERTY OWNER. The owners of a majority of the frontage of the property fronting on said proposed improvement, or when the cost of said improvement has been made chargeable upon an assessment district, then the owners of a majority of the frontage of property contained within the limits of said assessment district, may make a written protest against said improvement within fifteen days after the date of the last publication of the resolution of intention or within fifteen days after the completion of the posting of notices by the superintendent of streets if such date be subsequent to the day of said last publication. Such protest shall show a description of the property and the amount of the frontage owned by each signer together with his post office address, and shall be filed with the clerk who shall indorse thereon the date of delivery to him, and such protests so delivered and indorsed, if sufficient, shall be a bar to any further proceedings in making said improvement for six months from the date such protest is filed, unless the owners of one-half or more of the frontage as aforesaid shall meanwhile petition for the said work to be done; and no portion of the improvement included in any proceeding barred by such protest shall be included within a new proceeding within six months from the filing of such protest, unless the owners of one-half or more of the frontage of property fronting upon such portion petition for said work to be included in such new proceeding.

When the cost of the improvement has been made chargeable upon an assessment district, objections to the extent of the district to be assessed to pay the expenses of said improvement may be made by an owner in said assessment district within the time provided for the filing

of protests against the work. Such objections shall show the amount of frontage owned by each signer, and his post office address. Whenever such objection to the extent of the proposed assessment district shall have been filed, the board of directors of said district shall fix a time for hearing the same, and the clerk shall notify the objectors by mail to the address given by each objector, of the date of the hearing at least ten days prior to said hearing. At the hearing, which may be adjourned, the board of directors shall hear and pass upon the objections, and its decisions shall be final and conclusive. It may modify the extent of the proposed assessment district, in which event a new resolution of intention shall be passed containing a description of the modified assessment district, which shall be published, and notices thereof posted as required of an original resolution of intention.

Sec. 17. RESOLUTION OF IMPROVEMENT; NOTICE; BIDS. When no protests against such work or no objections as to the extent of the proposed assessment district have been filed within the time specified, or when a protest is found by the board of directors to be insufficient, or when the objections to the extent of the proposed district shall have been heard and denied, the board of directors shall have immediate jurisdiction to order, by resolution, the proposed improvements described in the resolution of intention. Such resolution need not fully describe the improvement nor the extent of the assessment district, but may refer to the resolution of intention for such description. The superintendent shall then publish a notice of the passage of the resolution ordering the work, and inviting sealed proposals or bids for making the improvement therein ordered, twice in one or more daily newspapers or once in a weekly or semi-weekly newspaper, published or circulated in said district, and post a copy of such notice conspicuously for five days on or near the door of the meeting place of said board of directors. Said notices shall state the time within which proposals may be filed with the clerk, which shall not be less than ten days from the date of the first publication of the notice. Whenever in the resolution of intention the board of directors shall have provided for alternative plans and specifications, the invitation for proposals or bids for making said improvement may require separate bids according to each of the several alternative plans and specifications.

Sec. 18. RULES GOVERNING HEARING OF PROTESTS. In determining protests and objections, the board of directors shall be guided by these rules: Each paper containing signatures shall have attached thereto

the affidavit of an owner to be assessed, stating that each signature to said paper was affixed thereto in his presence and is the signer's genuine signature; the protest or objection shall be counted only for the property described as belonging to the signer, a signature without such description shall not be counted; the signature of one co-tenant, or, of community property, the signature of either spouse, is sufficient for a protest if no objection to such signature be made by the other co-tenant or spouse; if so, then the protest shall be counted only to the extent of the signer's interest in the property; a protest or objection signed by a guardian, executor, administrator, or trustee, is valid without an order of court therefor; a protest or objection by a person in possession under contract of purchase is valid; when several persons have a claim to or an interest in property, the signature of either is sufficient unless questioned by another having such claim or interest, whereupon the wishes of the person legally entitled to possession of the property at the date of the protest shall control; a protest or objection signed by an agent or an attorney in fact shall be disregarded unless the authority of such agency or power has been recorded with the county recorder, or written or telegraphic authority is attached to the protest or objection before the expiration of the time for filing such protest or objection; a signature may be withdrawn from a protest or objection by filing the withdrawal with the clerk in his office at or before five o'clock p. m., of the last day set for the filing of protests; and objection to the signature of a co-tenant, spouse, claimant or person interested may be filed, and the authority of an agent or attorney in fact questioned, at any time before the board of directors finally passes upon the sufficiency of such protest, but an agency or authority may not be revoked, as to such signature, after the expiration of the protest period.

The board of directors may fix a date for a hearing upon the sufficiency of a protest, which date shall be within thirty days from the expiration of the protest period, and give notice of such hearing by publication twice in a daily, or once in a weekly or semi-weekly paper published or circulated in such district or county, and by mailing such notice to each protestant to his address of record. The notice shall require all persons signing such protest, their agents or attorneys, to appear and show cause why the protest should not be overruled. Upon the hearing the board of directors may disregard all signatures of which the right to sign does not appear from the records of the county recorder, and is not supported by evidence at the hearing.

Sec. 19. PROCEEDINGS WHEN PUBLIC PROPERTY IS INVOLVED. Whenever any lot belonging to the United States, the state of Arizona, to a county, city, school district, or to any political subdivision or institution of the state or county, shall front upon the proposed work or improvement, or be included within the assessment district declared by the board of directors in its resolution of intention to be the district to be assessed to pay the costs and expenses thereof, the board of directors shall, in the resolution of intention, declare whether or not said lot shall be omitted from such assessment thereafter to be made. If so omitted from the assessment, then the total expense of all work done shall be assessed on the remaining lots fronting on the work or improvement, or lying within the assessment district, without regard to such omitted lot. If the board of directors shall declare that said lot be included in the assessment, or if no declaration is made respecting such lots, then said district shall be liable for such sum as thereafter may be assessed against such lot, and be payable by the said district; the amount of the assessment levied against such lot may, however, be included in any bonds issued for such improvement, and if so included, said assessments shall bear the same interest, and be payable by the district in instalments, as assessments against property of private persons. The district may contract with the state of Arizona, or body to which such lot belongs, for the payment to the district of such assessment and interest, as same becomes due and payable, and the state of Arizona, or such body, shall perform such contract.

Sec. 20. COSTS MAY BE ORDERED PAID FROM OTHER SOURCES. Whenever any money shall be available from the county, or a state or federal agency, or the general fund of the district, or any other source, for paying the cost of the whole or any part of any of the work provided for in the resolution of intention, in its discretion the board of directors may in the resolution of intention or in any resolution adopted before the assessment is finally approved, order that such money shall be applied to the whole or such portion of the improvements for which it is available and direct the remainder of said costs and expenses to be assessed proportionately upon the lots liable to be assessed for such improvement.

Sec. 21. PROPOSAL OR BIDS; OPENING AND AWARDING OF CONTRACTS; RIGHTS OF PROPERTY OWNERS WHERE ALTERNATIVE SPECIFICATIONS AND MATERIALS SUBMITTED. Proposals or bids of-

fered shall be accompanied by a bond payable to the district, for an amount not less than ten per centum of the aggregate proposal; alternative bids may be accompanied by one bond at least equal to ten per centum of the amount of the highest proposal submitted. The board of directors of said district shall, in open session, open, examine and publicly declare the proposals or bids, and may reject any or all proposals or bids if it deem this for the public good, and shall reject all proposals other than the lowest and best proposal or bid of a responsible bidder; and may award the contract for such work or improvement to the lowest and best responsible bidder at the price named in his bid, upon motion, noted in its minutes, and upon a majority vote of its members.

When the resolution of intention to make such improvement and the resolution ordering the work has provided for alternative plans and specifications, and the notice has invited separate proposals or bids in accordance with such alternative plans and specifications, the board of directors shall not award the contract for such improvement until fifteen days after said proposals or bids have been opened, examined and declared, and if within said period the owners of a majority of the frontage of property fronting on said proposed improvement, or when the cost of said improvement has been made chargeable upon an assessment district, then the owners of a majority of the frontage of property contained within the limits of said assessment district, shall in writing require that said proposed improvement be constructed in accordance with any particular one of said alternative plans and specifications, then the said board of directors shall so determine and require, and shall award the contract to the lowest and best responsible bidder therefor accordingly. Should no such written requirement be so filed, then the board of directors shall determine which of the alternative plans and specifications shall be adopted, having in view the cost and efficiency thereof, and shall award the contract accordingly.

Sec. 22. NOTICE OF AWARD; READVERTISING FOR BIDS. Notice of such award of contract shall be published twice in a daily newspaper or once in a weekly or semi-weekly newspaper, published or of general circulation in said district. At any time within fifteen days from the date of the first publication, any person having any interest in any lot liable to assessment, claiming that any of the previous acts or proceedings relating to said improvements are irregular, illegal or faulty, may file with the clerk a written notice specifying in what respect said acts and proceedings are irregular, illegal

or faulty, and all objections to any act or proceeding prior to said notice of award not so made shall be waived, except as to matters directly affecting the jurisdiction of the board of directors. If the board of directors find any objection well taken, it may abandon the said proceedings, or correct or modify any portion of the same, and proceed as in the first instance. Within twenty days from the date of the first publication, if no objections have been filed, the successful bidder shall enter into a contract to make said improvement according to his bid, and if objections are filed and are rejected by the board of directors, then within five days from receiving notice from the clerk of such rejection. If such bidder fails to enter into such contract within said period, then the board of directors without further proceedings shall again advertise for proposals or bids as in the first instance, and such bidder shall be liable upon his bond accompanying the bid for all costs and damages incurred and sustained by the district by reason of the failure to enter into such contract.

Sec. 23. CONTRACT; SUPERVISION OF WORK; DILIGENCE IN PROSECUTION. The superintendent of streets shall make all written contracts and receive all bonds herein authorized. Such contracts shall specify a reasonable time for the completion of the improvement. The board of directors may prescribe a form of contract not inconsistent herewith and fix a reasonable time for the completion of the work, which time may be extended from time to time by the superintendent with its consent. The work shall be done under the direction of the superintendent, but the board of directors may prescribe rules and regulations relating to the supervision of the work. If the work is not prosecuted with diligence, said board of directors, after hearing upon notice served upon the contractor and his bondsmen, may prescribe such terms and conditions as to it may seem fit and proper before permitting the contractor to continue with the work. Upon the completion of the work the contractor shall be entitled to the issuance and delivery of the assessment as hereinafter provided.

Sec. 24. BOND OF CONTRACTOR; CLAIMS AGAINST AND ACTION THEREON. The contractor shall, before executing the contract, file with the superintendent of streets a bond, to be approved by the superintendent, in a sum not less than one-fourth of the contract price, and payable to the district, conditioned for the faithful performance of the contract; and shall also, before executing the contract, file with the superintendent a bond, to be approved by the superintendent, in a

sum not less than one-half the total amount payable by the terms of said contract, which bond shall be payable to the district for the benefit of all persons who may have claims against said contractor or his assigns or against any subcontractor under said contract, for or on account of labor or services performed or material or property furnished for or used in the said work or improvement, or the performance thereof, and shall provide that if the contractor or his assigns, or any subcontractor fails to pay all moneys due or to become due for or on account of any materials or property so furnished for said improvement or used in the said work or improvement, or for any work, labor or services done thereon or furnished thereon, the sureties will pay the same to an amount not exceeding the sum specified in said bond. Any person having any claim on said bond may, within ninety days from the time the assessment for said improvement is finally approved by the board of directors, file with the superintendent a verified statement of his claim, and within ninety days thereafter may commence an action on said bond in his own name, for the recovery of the amount due on said claim together with a reasonable attorney's fee to be fixed by the court.

The superintendent shall submit such bonds accepted by him to the board of directors at its first meeting after such acceptance, and if said board of directors shall find any of said bonds unsatisfactory, it shall require a new bond, satisfactory to it to be filed in place thereof, and if such new bond shall not be filed within a reasonable time to be specified by said board of directors, the contract shall be forfeited by the contractor.

Sec. 25. SUCCESSFUL BIDDER TO ADVANCE COSTS EXPENDED BY DISTRICT. Before the contract is entered into, the bidder to whom the award was made, shall advance to the superintendent of streets, for payment by him, the costs of publication of the notices, resolutions, orders, and other expenses required under the proceedings herein. If the work is abandoned by the district before the letting of the contract, such costs incurred previous to the abandonment shall be paid by the district.

Sec. 26. SPECIAL ASSESSMENTS; PROCEEDINGS TO LEVY; WARRANT AND RECORD OF SAME. The district engineer shall make duplicate diagrams of the property fronting upon the proposed work or improvement, or contained within the assessment district when the expenses of the proposed improvement are to be assessed upon a district. Such diagram shall show each

separate lot, numbered consecutively, the area in square feet of each lot, and the relative location of the same to the work proposed to be done. When said diagrams shall have been approved by the board of directors, and the clerk has certified the fact and the date thereof, said diagrams shall be delivered to the superintendent of streets. The superintendent shall, as soon as the contractor has fulfilled his contract to the satisfaction of said superintendent, estimate on the lots fronting on said work when no district has been established, or when a district has been established upon the lots within said district, the benefits arising from such work and received by each lot, and shall thereupon make an assessment to cover the sum due for the work performed and specified in said contract, and, in addition thereto, the incidental expenses, and shall assess upon and against said lots the total amount of the costs and expenses of such work. In so doing he shall assess said total sum upon the several lots, each respectively in proportion to the benefits to be received by each lot. When the work shall not have been declared by the resolution of intention to be of more than local or ordinary public benefit, and shall not have been made assessable upon an assessment district, the lots liable to be assessed for such improvement shall be those fronting upon the street or streets improved, and those situated in the quarter blocks and irregular blocks adjoining and cornering upon the crossings, or where there is a termination, in the two quarter blocks adjoining and cornering on the same, half-way to the next main street crossing and all the way to a boundary line of the district when no cross street intervenes.

Such assessment shall cover the sum due for the work performed as specified in said contract, and, in addition thereto, all incidental expenses. Such incidental expenses shall include the compensation of the district engineer for work done by him, the cost of printing, advertising and posting, the compensation of the person appointed by the superintendent to take charge of and superintend the work of constructing said improvements, and the expenses of making the assessment. The amount of all such incidental expenses shall be settled and allowed by the superintendent upon verified itemized bills. Said assessment shall briefly refer to the contract, and the amount to be paid therefor, together with the incidental expenses, the amount of each assessment, the name of the owner of each lot, if known; if unknown, the word "unknown" shall be written opposite the number of the assessment, together with the amount assessed thereon. The assessments upon the lots assessed shall be consecutively numbered, and the diagram shall be numbered to

correspond with the numbers of the assessments. To the assessment shall be attached a warrant signed by the superintendent and countersigned by the chairman of the board of directors and shall be substantially in the following form:

> "By virtue hereof, I (name of superintendent of streets), of the (name of district), by virtue of the authority vested in me as said superintendent of streets, do authorize and empower (name of contractor), his agents or assigns, to demand and receive the several assessments upon the assessment hereto attached, and this shall be his warrant for the same."

Said warrant and assessment shall be recorded in the office of the superintendent and one diagram shall be there filed. When so recorded, the several amounts assessed shall be a lien upon the lots assessed, for a period of two years from the recording, and from the recording shall be notice to all persons interested in the work of the contents of the record thereof.

Sec. 27. DEMAND ON PROPERTY OWNER; RECORDING WARRANT; HEARING ON ASSESSMENT. After said warrant and assessment are recorded, the same shall be delivered to the contractor, together with one of the diagrams, and by virtue of said warrant, said contractor is authorized to demand and receive the amount of the several assessments. The contractor shall call upon the person assessed, if he can conveniently be found, and demand payment, and if paid the contractor shall give a receipt therefor, which, when presented to the superintendent shall authorize him to release such assessment when demanded by the owner. The contractor shall promptly notify the superintendent of all payments made to him, whereupon the superintendent shall release assessments which have been fully paid. Whenever the name of the owner of the lot is stated as "unknown" on the assessment, then the contractor shall demand payment on the premises of a person in possession, if unoccupied or the person in possession cannot be found, demand is unnecessary. The warrant shall be returned to the superintendent of streets within thirty days after its date with a "return" endorsed thereon, signed by the contractor, verified upon oath stating the nature and character of the demand, and whether any assessments remain unpaid in whole or in part, and the amount thereof. Thereupon the superintendent shall record the return so made in the margin of the record of the warrant, and assessment. After the return of the assessment and

warrant as aforesaid, all amounts remaining due thereof shall draw interest at the rate of eight per centum per annum until paid.

Upon the recording of the assessment and warrant, the superintendent of streets shall notify the board of directors of the district of such recording, and it shall thereupon fix a time when it will hear and pass upon the assessment, and the proceedings theretofore had and taken, which shall not be less than twenty days from the date of such recording, and cause notice thereof to be given by publication for five days in a daily newspaper published or circulated in said district, or two times in a semi-weekly or weekly newspaper so published. The owners, the contractor, and all other persons directly interested in the work or in the assessment, having any objection to the legality of the assessment or to any of the previous proceedings connected therewith, or who claim that the work has not been performed according to the contract, may, prior to the time fixed for said hearing, file a written notice briefly specifying the grounds of their objections. At the time fixed for the hearing or at any time not later than ten days thereafter to which such hearing may be postponed, the board of directors shall hear and pass upon the objections. The decision of the board of directors shall be final and conclusive upon all persons entitled to object as to all errors, informalities, and irregularities which said board of directors might have remedied or avoided at any time during the progress of the proceedings. If the board of directors finds that the contract has not been fully performed, it shall suspend the assessment until such time as in its opinion said contract shall thereafter be fully performed, whereupon by its order the date of said assessment and warrant shall be changed to such date and said warrant and assessment shall thereafter be effective as of the date of said order. It may modify the amounts of the several assessments after hearing, and may in its discretion order a new assessment to be made.

Sec. 28. ACTION TO COLLECT AND FORECLOSURE ON LIEN. At any time after thirty-five days from the date of the said warrant, or if any objection filed with the board of directors as provided in the preceding section be denied, at any time after five days from its decision, the contractor may sue the owner of the lot assessed and recover the amount of any assessment remaining unpaid with interest thereon at the rate of eight per cent per annum until paid, and to foreclose the lien of such assessment. Where personal demand has been made, and the owner has refused to pay such assessment

so demanded, the plaintiff may recover a reasonable attorney's fee. Only one action shall be commenced for the foreclosure of liens arising under a single proceeding, against the same defendant.

The said warrant, assessment and diagram, with the affidavit of demand and nonpayment, shall be prima facie evidence of the regularity and correctness of the assessment, and of the prior proceedings and acts of the superintendent and board of directors, upon which said warrant, assessment and diagram are based, and like evidence of the right of the plaintiff to recover.

Sec. 29. NEW ASSESSMENT WHERE FORMER HELD INVALID; JUDGMENT AGAINST OWNER FOR BENEFITS. If the lien of any assessment or reassessment, or of any bond issued to represent the amount assessed on any lot shall be held invalid by a court because a portion of the improvement ordered was without the power of the board of directors to order, or was not properly embraced with the contract for said work, or in the assessment made to cover the expenses, the owner of the warrant or the holder of such bond shall be entitled to a decree determining what portion of said assessment was legal, and there shall thereafter be issued to him by the superintendent within sixty days, and in accordance with the directions of such decree, a new assessment for an amount which the court shall have found was the reasonable value of the portion of the improvement legally authorized by the proceedings, which amount shall be re-assessed upon the property in the same manner and with like effect as provided for issuing the original assessment, and may be enforced as an original assessment, and the holder of bonds representing the original assessment shall be entitled to new bonds, on each lot representing the amount of such re-assessment.

If the lien of an assessment, or of a bond issued therefor, shall be held invalid by a court for any cause arising subsequent to the acquiring of jurisdiction by the legislative body to order said work; or when such lien shall have been defeated or held invalid for any cause, and it shall also appear that the owner of the property, holding the same at the time the notice of the award of contract was published, shall have had personal knowledge of the intention to order the same, and shall not have filed a protest against the improvement or a notice of his objection to the award of contract, the owner of such assessment or bond may recover from such owner of the lot covered by such assessment, such sum as the court shall find such lot to have been actually benefited by the said

improvement, not exceeding the amount which would have been properly assessable against said lot.

Sec. 30. ASSESSMENT WHEN PORTION OF WORK COMPLETED. The board of directors may, in its discretion, upon the completion of any portion of the improvement for which the contract price equals twenty thousand dollars or more, order the superintendent to make an assessment for the proportionate part of the contract completed and thereon proceedings and rights of collection of such proportionate amount shall be had as provided herein, and if the resolution of intention for said improvement shall provide for the issuance of improvement bonds they shall be issued and delivered to the contractor for the proportionate amount of the contract price so assessed.

Sec. 31. ENGINEER'S DUTIES; SUPERINTENDENT MAY APPOINT OVERSEER. The board of directors shall appoint a qualified engineer as district engineer who shall do the surveying and other engineering work necessary to be done, prepare the plans, specifications and estimates, and shall survey and measure the work to be done under improvement contracts and estimate the cost of the work. Every certificate signed by him in his official character shall be prima facie evidence of the truth of its contents. He shall keep a record of all surveys made by him which shall become the property of the district and be filed in the office of the board of directors. The superintendent shall keep his office and records in the office of the board of directors and may appoint a suitable person to take charge of and superintend the construction of any improvement and see that the contract is fulfilled. Such person shall be allowed such compensation as the board of directors shall fix.

Sec. 32. JURISDICTION NOT LOST BY FAILURE TO MEET AND ADJOURN; NOTICE OF HEARINGS. Whenever in proceedings hereunder the time and place for hearing by a board of directors is fixed and from any cause the hearing is not then and there held or regularly adjourned to a time and place fixed, the power of the board of directors in the premises shall not thereby be divested or lost, but the board of directors may thereafter fix a time and place for the hearing and cause notice thereof to be given by publication by at least one insertion in a newspaper published or circulated in said district and designated by the board of directors; such publication to be at least five days before the date of the hearing, and thereupon the board of directors shall have power to act as in the first instance.

Sec. 33. CORRECTION OF ASSESSMENT BY AGREEMENT. After any assessment shall have been approved by the board of directors, and the contractor and all persons having an interest in any lot assessed shall, by instrument in writing, duly acknowledge, request said board of directors to modify or correct any assessment, the board of directors may order such modification or correction to be made, and direct the superintendent to note such modification or correction on his record of the assessment, together with the date the same is made. Such modification or correction shall not affect the rights of persons under the assessment who have not joined in the request.

Sec. 34. DISTRICT MAY ISSUE BONDS FOR THE IMPROVEMENT; FUND FOR PAYING. The board of directors of a district may in its discretion determine that improvement bonds be issued by such district, to represent the cost and expense of the work or improvement constructed hereunder. Such bonds shall be issued in the name of the district but shall be made payable only out of the special fund collected by the district from special assessments levied and assessed upon the lots fronting upon the street improved and those situated in the quarter block and irregular blocks adjoining and cornering upon the crossings, or where there is a termination in the two quarter blocks adjoining and cornering upon the same half way to the next main street crossing, and all the way to a boundary line of said district when no cross street intervenes; or if an assessment district has been created by the resolution of intention for said work upon the lots included within the limits of said assessment district; all sums collected from said special assessments shall be placed in said special fund and shall be used for no other purpose than the payment of the principal and interest of said bonds.

Sec. 35. RESOLUTION OF INTENTION TO IMPROVE; NOTICES; PROCEDURE. When the board of directors shall determine that improvement bonds be issued, it shall so declare in the resolution of intention for said work and shall specify the rate of interest which they shall bear, and a notice that said bonds will be paid out of a special fund collected in not to exceed ten annual instalments from the assessments of twenty-five dollars or over, remaining unpaid thirty days after the date of the warrant or five days after the decision of the board of directors upon an objection shall be included in the warrant. All other proceedings for the work up to and including the approval of the assessment by the board of directors, and including the delivery of the assessment

to the contractor, demand of payment of the several assessments and the return and record thereof, shall be in all respects as heretofore provided.

Sec. 36. ISSUANCE OF BONDS; RESOLUTION TO RECITE TERMS. After the full expiration of the prescribed time from the date of the warrant, and after the superintendent shall have recorded the return, he shall make and certify to the clerk a complete list of all assessments unpaid, which amount to twenty-five dollars or over, upon any assessment. If any person before the certification of said list to the clerk shall present to the superintendent his affidavit that he is the owner of a lot in said list, accompanied by the certificate of a searcher of records that he is such owner of record, and notifies said superintendent in writing that he desires no bond to be issued for the assessment upon said lot, then said assessment shall not be included in said list, and remain collectable as herein provided. Omission to file such notice shall bar any defense against said bonds except that the board of directors did not have jurisdiction to issue the same.

The clerk shall present said list to the board of directors at its next meeting, and the board of directors shall thereupon, by resolution, direct improvement bonds to be issued to the contractor for the amount of the assessments remaining unpaid, prescribing the number and denomination of said bonds, and the times when payable, which shall be so fixed that an approximately equal amount of the total sum shall be paid each year until the whole amount is paid, not exceeding ten years and three months from the date of the bonds. So far as practicable, the denominations of said bonds shall be fixed at one hundred dollars or some multiple thereof, not exceeding one thousand dollars. The bonds shall be issued as of the date of the warrant, and shall bear interest from said date at the rate specified in the resolution of intention, not exceeding six per cent per annum. They shall have semi-annual interest coupons thereto attached, the first of which shall be payable on the first day of January or July, as the case may be, occurring ninety days after the date of the bond, and shall be for the interest accrued at that time. The due date of all of said bonds shall be the first day of January, in the years in which they respectively become due.

Sec. 37. FORM OF BOND; HOW EXECUTED. Said bonds shall be signed by the chairman of the board of directors, attested by the clerk, and sealed with the corporate seal; the interest coupons shall bear the facsimile

signature of said chairman and clerk. The bonds shall be substantially in the following form:

"State of Arizona. County of ....
Improvement District bond.

Know all men by these presents: That the.....
Improvement District of.....County, Arizona, a duly organized improvement district, promises to pay as hereinafter stated to the bearer hereof, on the .....day of....., the sum of..... dollars, together with interest on said sum, at the rate of ..... per cent per annum, payable semi-annually on the first days of January and July of each year, as evidenced by and upon the presentation and surrender of the interest coupons hereto attached as they severally become due. Both principal and interest are hereby made payable at the office of the county treasurer of ..... county, Arizona. This bond is issued in pursuance of law, and is one of a series of ..... bonds of like tenor and date for the total sum of ..... dollars issued for that certain improvement in said district consisting of (briefly describing improvement), initiated by resolution No. ..... of (name of district), and is payable only out of the special fund to be collected from special assessments imposed on the lots, or parcels of land fronting on or benefited by said improvement. Said special fund is set apart by law for the payment of said bonds, and can be used for no other purpose. It is hereby certified and declared that the improvement for which this series of bonds is issued is authorized by law, that all the acts, conditions and things required to be done, precedent to and in the issuing of this series of bonds, have been done and performed in regular and due form as required by the laws of the state of Arizona, and all ordinances and resolutions of said district, that the special assessments out of which said bonds are to be paid are first liens on the property assessed, subject only to the lien for general taxes and prior special assessments, and any bona fide purchaser for value of this bond has the right to rely on the recitals herein contained. For the assessment or reassessment, collection and payment of said special assessments, the full faith and diligence of said district are hereby irrevocably pledged."

Sec. 38. ASSESSMENTS CERTIFIED; PAYABLE OUT OF BONDS; INSTALMENTS; ADVANCE PAY-

MENTS. The superintendent at the time he certifies the list of assessments unpaid to the clerk, shall write the word "certified" on the record of the assessment, opposite each assessment included in said list, and thereupon all assessments of twenty-five dollars or over shall cease to be payable in cash and shall thereafter be payable only in equal annual instalments on the first day of December in each year preceding the first day of January on which the bonds become due, and the lien of each assessment on the property assessed shall continue and remain in full force and effect until the expiration of two years after the last instalment on said assessment shall become due, or until said assessment shall be fully paid. An uncollected instalment shall be added to the succeeding instalment and, together with interest and penalties, be payable therewith. The number of instalments in which said assessment shall be payable shall correspond to the number of years in which there are bonds to be paid, but the total number of instalments shall not exceed ten. All assessments of twenty-five dollars or more not paid before the certification of assessments unpaid to the clerk shall bear interest from the date of the warrant at the same rate as that specified for the bonds in the resolution of intention. Said interest shall be payable on the first days of June and December of each year, immediately before the interest becomes due on the bonds. The board of directors may provide for receiving payment of the instalments of said assessment before they become due, and using the proceeds thereof in redeeming such bonds as may be presented for redemption by the owners thereof, or for investing the same in improvement bonds for other work or other satisfactory investment, but no investment of such funds shall be made so as to prejudice the prompt payment of the bonds at the date on which they become due.

Sec. 39. COLLECTION OF ASSESSMENTS. All assessments not certified to the clerk shall remain collectable by the contractor as herein provided, but the superintendent of streets shall promptly collect all instalments of principal and interest on the assessments so certified to the clerk; he shall, thirty days before any instalment of principal or interest becomes due give notice: (a) by mail to every person interested who shall have filed his name and address with the superintendent of streets, and (b), by publication in not smaller than eighteen point type, at least two times in a daily newspaper published or circulated in such district, or at least two successive insertions in a weekly or semi-weekly newspaper so published or circulated. Such notice shall serve for all assessments in said district becoming due on the date spec-

ified therein, and shall be substantially in the following form:

> "..... Improvement District
> Notice of special assessments due on improvements. All persons owning property heretofore assessed for improvements, will take notice that an instalment of ..... becomes due and payable on or before the ..... day of .....19..... and if not so paid on or before said date the same will become delinquent and five per cent penalty will be added to the amount thereof."

The board of directors may publish a more detailed notice, in smaller type, but the heading of the notice shall not be smaller type than eighteen point. The first publication of said notice shall be at least thirty days before said instalment is payable. When an instalment is paid, the street superintendent shall note in his record the date of the payment, the name of the person by or for whom the same is paid and shall, if requested, give receipt therefor. On the day succeeding the date on which such instalment becomes due all instalments unpaid shall become delinquent, and the street superintendent shall certify such fact on his records and mark each such instalment delinquent and add five per cent to the amount of each such instalment. The method of publication of notice herein contained shall apply to and govern all bonds and assessments heretofore issued and levied, and all notices of special assessments due on improvements shall be given and published in accordance herewith.

Sec. 40. PUBLICATION OF DELINQUENT PROPERTY OWNERS; NOTICE OF SALE. The superintendent shall, within twenty days from the date of such delinquency, begin the publication of the list of the assessments on which any instalment is delinquent, which list must contain a description of each parcel of property, and opposite each description the name of the owner as stated in the assessment, or if no name is stated in the assessment, the word "unknown", and the amount of the instalment delinquent, together with penalty and costs due, including the cost of advertising. The superintendent shall append to and publish with said list, a notice that unless each delinquent instalment, together with the penalty and costs thereon, is paid, the whole amount of said assessment will be declared due by him, and the property upon which such assessment is a lien will be sold at public auction at a time and place to be specified in the notice. The publication shall be for a period of ten days

in some daily newspaper published or circulated in the district, or for two weeks in a weekly newspaper so published or circulated; if in a daily newspaper, such publication shall be made in two issues of such paper, and eight days shall intervene between the first and the last publication. The time of sale must not be less than five days nor more than ten days after the last publication, and the place of sale must be in or in front of the office of the superintendent, or in or in front of the usual place of meeting of the board of directors of said district.

Sec. 41. PAYMENT AFTER DELINQUENCY AND BEFORE SALE. At any time prior to the sale of any lot assessed, any person may pay the delinquent instalment on such lot together with the penalty, and costs then due, including the cost of advertising whereupon the superintendent shall note the date of payment, the name of the person by or for whom the same is paid, and the amount paid, on his records.

Sec. 42. SALE; DISTRICT MAY PURCHASE WHERE NO BIDDERS. On the day fixed for the sale, the superintendent must at the hour of ten o'clock, or any time thereafter to which the sale may be adjourned, begin the sale of the property advertised, commencing at the head of the list and continuing in the numerical order of lots, until all are sold; he may postpone or continue the sale from day to day until all the property is sold. Each lot separately assessed must be offered for sale separately. The sale shall be for the entire assessment including the delinquent instalment, and the person who will take the least quantity of land and then and there pay the amount of the assessment, penalty and costs due, including fifty cents to the superintendent for a certificate of sale, shall become the purchaser. If there is no purchaser for any lot so offered for sale, the same shall be struck off to the district as the purchaser, for the amount of the entire assessment and the district shall thereupon assume as a general obligation the amount of said assessment and interest accruing thereon, subject to the limitation provided in section 51 hereof. The district may sell any lot, so purchased after the expiration of the time for redemption, at public or private sale. All moneys received by the district from the redemption of property purchased by it and from the sale by it of property so purchased, shall be paid into the special fund for the payment of the bonds until said special fund is made sufficient to pay all outstanding bonds.

Sec. 43. CERTIFICATE OF SALE BY SUPERIN-

TENDENT OF STREETS; ENTRIES ON RECORDS. After making the sale, the superintendent shall execute, in duplicate, a certificate of sale stating the description of the property sold, the name of the owner thereof as given on the record of the assessment, that said property was sold for a delinquent assessment, specifying the improvement for which the same was made, the amount for which such property was sold, the date of sale, the name of the purchaser, and the time when the purchaser will be entitled to a deed, and file one copy of such certificate in his office, and deliver the other to the purchaser, or if the district is the purchaser, to the clerk, who shall file the same in his office. On the filing of the copy of such certificate in the office of the superintendent, the lien of the assessment shall vest in the purchaser, and is only divested by a redemption of the property, as herein provided. The superintendent shall also enter on the record of the assessment, opposite the description of each lot offered for sale, a description of the part thereof sold, the amount for which the same was sold, the date of the sale, and the name of the purchaser.

Sec. 44. REDEMPTION BY OWNER. Redemption may be made by any party having an interest in the lot, at any time before the execution and delivery of a deed therefor, by paying to the superintendent the amount for which the property was sold, and five per cent thereon if paid within three months from the date of sale; ten per cent if paid within six months; twelve per cent if paid within nine months; fifteen per cent if paid within twelve months, or twenty per cent if paid at any time after twelve months. When redemption is made, the superintendent shall note that fact on the duplicate certificate of sale in his office, and deposit the amount paid with the treasurer, who shall credit the purchaser named in the certificate of sale with the said amount, and pay the same to such purchaser or his assignee, upon the surrender of the certificate of sale. When the district is the purchaser, the treasurer shall notify the clerk of the redemption, and such clerk shall thereupon cancel the certificate of sale in his office.

Sec. 45. DEED TO PURCHASER; NOTICE TO OWNER; REDEMPTION AFTER NOTICE; EFFECT OF DEED. After the expiration of twelve months from the date of sale, the superintendent must execute to the purchaser, or his assignee, on his application, if he has fully complied with this section, a deed to the property sold, in which shall be recited substantially the matters contained in the certificate, any assignment thereof, and that no person has redeemed the property. The super-

intendent shall receive from the applicant for a deed, one dollar for making such deed, unless the district is the purchaser. The purchaser must, at least thirty days before he applies for a deed, serve upon the owner, and if occupied, upon the occupant of the property, a written notice that said property, giving the description, has been sold for a delinquent assessment, specifying the improvement for which the same was made, the amount for which it was sold, the amount necessary to redeem at the time of giving notice, and the time when such purchaser or assignee will apply to the superintendent for a deed. If the owner cannot be found, after due diligence, the notice must be posted in a conspicuous place upon the property, at least thirty days before the time stated therein of the application for a deed. The applicant shall file with the superintendent an affidavit showing that notice of such application has been given, as herein required and if the notice was not served on the owner personally, that due diligence was used to find said owner. If redemption of the property is made after such affidavit is filed, and more than eleven months from the date of sale, the person making such redemption must pay, for payment to the purchaser, in addition three dollars for the service of notice and the making of such affidavit. The deed of the superintendent shall be prima facie evidence of the truth of all matters recited therein, and of the regularity of all proceedings prior to the execution thereof, and of title in the grantee.

Sec. 46. MONEY TO BE PAID TO TREASURER AND PLACED IN SPECIAL FUND. The superintendent shall promptly pay to the treasurer all moneys collected by him from any sales. The treasurer, on receipt thereof, shall place the same in the special fund hereby created for the payments of the bonds issued for said improvement.

Sec. 47. ALTERNATIVE MANNER OF COLLECTION. The board of directors may by resolution, passed before or after the issuance of such bonds, provide that the assessments for the payment of said bonds be collectable in the manner and by the officers provided by law, for the collection and enforcement of the general taxes levied by such district. Such resolution shall be general in terms and shall apply to assessments for all improvement bonds issued whether issued before or after the passage of said resolution. The time for the payment of the respective instalments of principal and interest under such resolution shall be the last regular date for the payment of general taxes of said district before the date at which such instalment of principal or interest

would become delinquent, and the delinquency thereof and the penalties incurred for delinquency and the method of collection under such resolution shall be the same as for general taxes of said district. The board of directors adopting such method of collection may at any time repeal the resolution providing therefor, and upon such repeal the provisions for the collection of such assessments heretofore provided shall again become effective. When any instalment of any assessment shall not be collected when due, the same may be added to and collected with any succeeding instalment.

Sec. 48. DEFICIENCY IN FUND; LIABILITY OF DISTRICT. If there be a deficiency in the funds collected from such special assessments, by reason of the inadequacy of the method of collection adopted by the district under the preceding section the district shall make good such deficiency, reimbursing itself out of the funds collected from such instalments when the same are received; if such method has not been adopted, the district may, but is not obligated to make good such deficiency by a temporary loan out of some other fund.

Sec. 49. DISTRICT MAY RE-ASSESS WHEN ORIGINAL ASSESSMENT INVALIDATED. Whenever the assessment on any lot levied for said improvement, or part thereof, or the entire assessment, shall be adjudged void for any reason, the board of directors of such district shall cause to be levied and assessed upon the lot on which such assessment has been held void, or upon all the lots included within the limits assessed for said work, a new assessment sufficient to provide for the payment of principal and interest on all bonds then unpaid. Such reassessment shall be made as nearly as practicable in the same manner, and with like effect, as the original assessment. In case of partial deficit the board of directors may, in its discretion, pay such deficit out of the general fund of the district.

Sec. 50. PROOF OF PUBLICATION AND POSTING. Unless otherwise hereinbefore provided, proof of publication, or of posting resolutions or notices shall be made by the affidavit of the person required to make such publication or do such posting. Such affidavit shall state the manner of such publication or posting, and the dates thereof, and shall have attached thereto a copy of such publication or notice posted, and shall be filed in the office of the clerk.

Sec. 51. GENERAL OBLIGATIONS OF DISTRICT. General obligations of the district shall be provided for

by the levy and collection of taxes upon all the property real and personal in the district. Such general obligations shall be limited to the following: 1. the cost of operation, maintenance and repair of improvements made under this Act, and the cost of operation, and maintenance of streets within the district to the extent that any of the foregoing costs are not assumed by the county; 2. the payment of that portion of the cost of any improvement authorized to be assessed as a general obligation of the district by the resolution of intention and contract, including assessments on public property imposed upon the district under the provisions of section 19 of this Act; 3. the payment of the purchase price of lots sold to district under the provisions of section 42 of this Act provided that the total amount of taxes levied upon all the property of the district for the purchase price of lots sold under any proceeding shall be limited to twenty per cent of the amount of the bonds issued under said proceeding; 4. the payment of preliminary incidental costs for which the district has become liable by abandonment of improvement proceedings under the provisions of section 25 of this Act.

Sec. 52. DUTY OF BOARD TO MAKE ESTIMATE. It is hereby made the duty of the boards of directors of districts organized hereunder to make annual statements and estimates for said district, publish notice thereof, have hearings thereon, and adopt the same at the times and in the manner provided for county statements and estimates by sections 73-502 and 73-503, Arizona Code 1943 Supplement.

Sec. 53. LEVY AND COLLECTION OF TAXES. It shall be the duty of the board of supervisors to levy upon all the property of such districts, and collect as state and county taxes are collected, the amounts shown by said statements and estimates as adopted by the board of directors. All statutes providing for the levy and collection of state and county taxes, including collection of delinquent taxes and sale of property for nonpayment of taxes, are hereby made applicable to the general obligation district taxes herein provided to be levied.

Sec. 54. DUTY OF COUNTY. The duty of the county to construct and maintain roads and highways within the boundaries of an improvement district shall not be impaired or abridged by the establishment of such district. The county and the district shall cooperate in expending moneys that may be available in their respective funds in a manner that will be of the greatest benefit to the inhabitants of the district.

Sec. 55. SERVICES OF COUNTY EMPLOYEES. Supervision of construction work and clerical services performed by county employees in connection with special assessment proceedings shall be charged to the proceedings as incidental expenses. Services of the street superintendent and other employees and costs of publication of notices and other costs of collection of special assessment shall be borne by the county, the additional county taxes collected by the county on the increased value of the lands in the district created by the improvement being deemed sufficient compensation to the county for such collection services.

Sec. 56. SURPLUS IN SPECIAL FUND. If any money or property shall remain in the special fund for any bond issue after all such bonds are fully paid, it shall go to the general fund of the district.

Sec. 57. DISSOLUTION OF DISTRICT. Any district organized under this Act shall be dissolved by its board of directors when all bonds and other obligations of the district are paid or have become barred by the statute of limitations and the operation and maintenace functions of the district or the major part thereof have been taken over by an incorporated city or town or by the county.

Sec. 58. DEFINITION OF TERMS. Words and phrases used in this Act, unless the context otherwise requires, mean and include:

"Unincorporated town or settlement" includes any community of inhabitants, of whatever size, not within the limits of an incorporated city or town, so situated that any of the improvements provided for in this Act might reasonably or properly be made or constructed for the benefit of said community of inhabitants under existing special assessment statutes if the same were situated within an incorporated city or town.

"Street" includes avenues, alleys, highways, lanes, crossings, intersections, courts, places and grounds now open or dedicated or hereafter opened or dedicated to public use and public ways. "Sewers" includes tunnels, excavations, ditches, drains, conduits, channels, outlets, outfalls, cesspools, manholes, catch basins, flush tanks, septic tanks, connecting sewers of every character, machinery, apparatus, equipment and all appliances and structures necessary or incidental to the construction, installation or operation of a complete sewer system for either sanitary or drainage purposes. "Lighting

plants" includes electric light plants, electric power plants, gas plants, distribution systems, poles, parts, pipes, conduits, wires, tanks, reservoirs, generators for gas or electricity, transmission lines, towers, lamps, transformers of every character, machinery, apparatus, equipment and all appliances and structures necessary or incidental to the construction, installation or operation of a complete electric light power and gas plant and distribution system placed on the streets improved though extended beyond.

"Work" or "improvement" includes any or all of the improvements mentioned and authorized to be made in this Act; also the construction, reconstruction and repair of all or any portion of any such improvements and also all labor, services, incidental expenses and material necessary or incidental thereto. "Engineer" or "district engineer" includes any person who may be designated or employed by the board of directors of the district to perform any or all of the engineering work authorized to be done by the district under this Act. "Clerk" or "district clerk" means the clerk of the board of supervisors who shall be the clerk of the district and shall perform the duties devolving upon the clerk under this Act and in whose office shall be filed all papers directed or required to be filed with the clerk. "Treasurer" or "district treasurer" means the treasurer of the county in which the district is situated who shall be the treasurer of the district. "Street superintendent" or "superintendent" shall be an employee of the county designated by the board of supervisors to perform the duties prescribed for street superintendent for all of the districts organized in the county under this Act. "Block" means any parcel of ground, whether regular or irregular, which is bounded by streets or by one or more streets and by one or more boundary lines of the district. "Lot" includes any portion, piece, parcel or subdivision of land, but shall not include property owned or controlled by any person as a railroad right of way. "Chairman of the board of directors" is the person designated by the board of directors to preside over their meetings. "Contractor" includes his personal representative or assignee. "Owner" means the person in whom on the day the action or proceeding is commenced appears the legal title to the lot by deed recorded in the recorder's office or the person in possession of the lot under claim, title or exercising acts of ownership over the same for himself or as the personal representative of the owner. "Improvement bond" means one of the bonds issued under the provisions hereof. "Assessment" or "assessment roll" means a special assessment made under the provisions

hereof. "Delinquency" shall mean delinquency in the payment of an assessment. "Time of delinquency" shall mean the time fixed when assessments become delinquent.

Approved by the Governor—March 7, 1945.

Filed in the Office of the Secretary of State—March 7, 1945.

CHAPTER 44

(House Bill No. 40)

AN ACT

RELATING TO THE SUPERVISOR OF PAROLEES AND AMENDING SECTION 44-3007, ARIZONA CODE OF 1939.

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

Section 1. Sec. 44-3007, Arizona Code of 1939, is amended to read:

44-3007. SUPERVISOR OF PAROLEES. (a) There shall be a supervisor of parolees, whose duty it shall be: 1. to make investigations, and to collect information which will assist the board of pardons and paroles in passing upon applications of inmates of the state prison, for paroles; 2. to keep a record of parolees, and of the reports of parolees who are required to report to the board, and, 3. to contact parolees and give field supervision whenever possible.

(b) The chairman of the board of pardons and paroles shall be ex officio the supervisor of parolees. He shall receive for his services as supervisor of parolees ten dollars ($10.00) per day while actually serving in such capacity, but shall not receive such compensation for any day for which he draws compensation as chairman of the board of pardons and paroles. He shall also receive the traveling expenses allowed public officers while engaged in the performance of his duties.

Approved by the Governor—March 8, 1945.

Filed in the office of the Secretary of State—March 8, 1945.

CHAPTER 45

(House Bill No. 80)

AN ACT

RELATING TO DENTISTRY; AMENDING SECTIONS 67-916 AND 67-917, ARIZONA CODE, 1939; AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 67-916, Arizona Code, 1939, is amended to read:

67-916. DENTAL BOARD FUND. The secretary shall monthly transmit to the state treasurer all fees, fines and other revenue received by the board, accompanied by a statement showing the source thereof. The treasurer shall place ten per cent (10%) of all such receipts to the credit of the general fund for the support and maintenance of the state government. The balance of all fees, fines and other revenue, to wit: Ninety per cent (90%) of the total of all revenue received by the board shall be placed by the state treasurer to the credit of the "dental board fund." All administrative expenses of the board authorized by this act, and all expenditures of the board in connection with the enforcement of this act shall be paid out of the dental board fund.

Sec. 2. Sec. 67-917, Arizona Code, 1939, is amended to read:

67-917. ANNUAL REGISTRATION, FORFEITURE OF LICENSE, REINSTATEMENT. On or before July 1 of each year, beginning with July 1, 1945, every licensed dentist shall pay an annual registration fee of not to exceed five dollars ($5.00). Said fee shall be five dollars ($5.00) for the fiscal year beginning July 1, 1945, and for each succeeding fiscal year until changed by order of the board. Failure to pay said annual registration fee shall ipso facto work a forfeiture of license, but upon written application and payment within the fiscal year of such forfeiture, of a fine of ten dollars ($10.00), or if after such fiscal year, of a fine equal to the examination fee current at the time of application, the board shall, without examination, reinstate said license. Whenever issued, such reinstatement shall be as of the date

of application, and shall entitle the applicant to an annual registration receipt only for such fiscal year.

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

Approved by the Governor—March 8, 1945.

Filed in the office of the Secretary of State—March 9, 1945.

CHAPTER 46

(House Bill No. 67)

AN ACT

MAKING AN APPROPRIATION FOR THE RELIEF OF THE SUGGS INSURANCE AGENCY.

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

Section 1. APPROPRIATION. The sum of three hundred seventy dollars and no/100 ($370) is appropriated from the general fund to the governor for the relief of the Suggs Insurance Agency.

Sec. 2. PURPOSE. The sum appropriated shall be expended for payment of two claims for outstanding insurance premiums upon the state capitol for which the appropriation for that purpose was insufficient.

Approved by the Governor—March 8, 1945.

Filed in the office of the Secretary of State—March 9, 1945.

CHAPTER 47

(House Bill No. 57)

AN ACT

RELATING TO THE "ARIZONA HIGHWAYS" MAGAZINE; MAKING AN APPROPRIATION; AMENDING SECTIONS 59-701 AND 59-702, ARIZONA CODE OF 1939, AS AMENDED; AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 59-701, Arizona Code of 1939, as amended, is amended to read:

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

(b) From and after the expiration date of all presently existing subscriptions, and, in the case of new subscriptions, not later than the beginning of the next fiscal year, annual subscriptions to "Arizona Highways" shall be sold at not less than two dollars per year, not less than twenty-five cents per single copy, but the publication shall be provided free of charge to libraries, schools, chambers of commerce, and to such hotels, tourist agencies, visitors, and prospective visitors, and to such other persons or agencies, and in such quantities, as the commission shall deem beneficial in carrying out the purposes of this Act. Provided that in no case the number of free copies each month shall exceed ten per cent of the total number of paid subscriptions.

Sec. 2. Sec. 59-702, Arizona Code of 1939, as amended, is amended to read:

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

(b) In addition to the authorization contained in subsection (a), there is appropriated out of the current revenues of the magazine "Arizona Highways" all of the subscriptions and sales.

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

Approved by the Governor—March 8, 1945.

Filed in the Office of the Secretary of State—March 9, 1945.

CHAPTER 48

(House Bill No. 170)

AN ACT

RELATING TO VETERANS; PROVIDING THAT MINORITY SHALL NOT BE A LEGAL DISABILITY IN RECEIVING SERVICEMEN'S BENEFITS; AND DECLARING AN EMERGENCY.

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

Section 1. MINORITY NOT A DISABILITY. No veteran entitled to benefits under the provisions of the servicemen's readjustment Act of 1944 (chapter 268, Public 346, 78th congress, second session), or the spouse of any such veteran, shall be under legal disability by reason of minority to make any contract, nor shall any contract made by any such veteran or spouse be invalid or voidable, by reason of the minority of such veteran or spouse.

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

Approved by the Governor—March 8, 1945.

Filed by the Secretary of State March 9, 1945.

CHAPTER 49

(House Bill No. 45)

AN ACT

RELATING TO WILLS; PROVIDING FOR PERSONS AGED EIGHTEEN (18) YEARS OR UPWARDS AND ENGAGED IN ACTUAL MILITARY SERVICE IN THE ARMED FORCES OF THE UNITED STATES AND AMENDING CHAPTER 41, SECTION 41-101, ARIZONA CODE OF 1939; AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 41-101, Arizona Code of 1939, is amended to read:

41-101. TESTAMENTARY CAPACITY—DIVISABLE ESTATE. Every person of sound mind, aged twenty-one (21) years or upwards, or who may be or had been lawfully married, or who is of the age of eighteen (18) years or more and is serving in the armed forces of the United States including component auxiliaries thereof, may make a last will and testament devising and bequeathing all the estate, right, title, and interest in possession, reversion or remainder, which he has, or at the time of his death shall have, of, in or to any property whatever, subject to the limitations prescribed by law.

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

Approved by the Governor—March 8, 1945.

Filed in the office of the Secretary of State—March 9, 1945.

CHAPTER 50

(House Bill No. 12)

AN ACT

RELATING TO JURIES; PRESCRIBING THE KINDS OF JURIES AND THE QUALIFICATIONS OF JURORS; AMENDING SECTIONS 37-101 AND 37-102, ARIZONA CODE OF 1939, AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 37-101, Arizona Code of 1939, is amended to read:

37-101. KINDS OF JURIES AND NUMBER OF JURORS. (a) A grand jury shall be composed of not less than sixteen nor more than twenty-one persons.

(b) A trial jury in a court of record shall be composed of twelve persons, unless in a civil action, the parties consent to try with a less number, not less than three. Such consent shall be entered in the minutes of the trial.

(c) A jury in a court of a justice of the peace shall be composed of twelve persons in a criminal action and six persons in a civil action, unless, in a civil action, the parties consent to try with a less number, not less than three.

(d) A jury of inquest shall be composed of not less than six, nor more than twelve persons.

Sec. 2. Sec. 37-102, Arizona Code of 1939, is amended to read:

37-102. QUALIFICATIONS. Every juror, grand and petit, shall be a citizen of the United States, a resident of the county for at least six months next prior to being summoned as a juror, sober and intelligent, of sound mind and good moral character, over twenty-one years of age, shall understand the English language, and shall not have been convicted of a felony or be under indictment or other legal accusation of larceny or any felony.

Any woman shall be exempt from jury duty by requesting her name be stricken from the jury list. Such request shall be in writing and placed on file with the county board of supervisors. The clerk of the board shall prepare a certified list of the persons filing such statements, and deliver the same to the clerk of the superior court, who shall file the same. A person failing to file such statement shall not be exempt from jury service.

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

Approved by the Governor—March 9, 1945.

Filed in the office of the Secretary of State—March 9, 1945.

CHAPTER 51

(House Bill No. 152)

AN ACT

RELATING TO THE LUXURY AND PRIVILEGE TAX; AMENDING SECTION 73-1403, ARIZONA CODE 1939, ANNOTATED, AS AMENDED, AND SECTION 73-1406, ARIZONA CODE 1939, ANNOTATED; AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 73-1403, Arizona Code Annotated, 1939, as amended, is amended to read:

73-1403. REVENUE STAMPS. The state tax commission shall prepare and have on hand official adhesive stamps of various types according to the classifications, as contained in section 1, section 73-1402, as amended by chapter 84, session laws of 1943, of luxuries upon which a tax is imposed by this article, and a stamp required to be affixed to the article sold; said stamps shall be of a character that they cannot be removed when once attached to an article without destroying them. Such official stamps shall be printed on durable material, and shall set forth plainly on the face of each such stamp the denomination thereof, the facsimile signature of the chairman of the state tax commission at the time of the printing thereof, and the classification of the luxury upon which such stamp is to be affixed. Such official stamps shall be obtainable by wholesalers or retailers by purchase at ninety-five per cent (95%) of the face price thereof from the state tax commission at Phoenix, Arizona.

Sec. 2. Sec. 73-1406, Arizona Code Annotated, 1939, is amended to read:

73-1406. STAMPS TO ACCOMPANY SALES OR DELIVERIES. All tobacco, cigars, and cigarettes on which a tax is imposed by the provisions of this act, sold or delivered by any licensed wholesaler, shall have affixed thereon the luxury stamps in the amount of the tax imposed. Any wholesaler violating any provision of this section shall be guilty of a misdemeanor, and upon conviction punished by a fine of not less than two hundred ($200) nor more than three hundred dollars ($300), imprisonment not less than fifteen (15) nor more than sixty (60) days, or both. In the event any wholesaler is convicted of a second violation of this section, his license may be revoked by the commission for a period not to exceed one (1) year.

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

Approved by the Governor—March 9, 1945.

Filed in the office of the Secretary of State—March 9, 1945.

CHAPTER 52

(House Bill No. 1)

AN ACT

RELATING TO GAME AND FISH; REPEALING SECTIONS 57-123a, 57-129, 57-130, 57-131, 57-132, 57-133, 57-134, 57-136, 57-401, and 57-402, ARIZONA CODE OF 1939, AND AMENDING SECTIONS 57-101, 57-103, 57-104, 57-105, 57-106, 57-107, 57-108, 57-109, 57-110, 57-111, 57-112, 57-113, 57-114, 57-115, 57-116, 57-117, 57-118, 57-119, 57-121, 57-122, 57-124, 57-125, 57-126, 57-127, 57-128, 57-135, 57-137, 57-139, 57-141, and 57-146, ARIZONA CODE OF 1939, AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 57-101, Arizona Code of 1939, is amended to read:

57-101. DEFINITIONS. Terms as used herein shall mean:

To "take" birds, animals, or fish, or birds' nests or eggs, or spawn or eggs of fish, shall mean the pursuit, hunting, capture, or killing of birds, animals, including amphibians, or fish, or collection of birds' nests or eggs, or spawn or eggs of fish, and shall include pursuing, shooting, hunting, killing, capturing, taking, snaring, netting, placing or using any net or other device, and all lesser acts such as disturbing or annoying.

"trap or trapping" shall mean taking in any manner except with gun or implement in hand.

"angling" shall mean the taking of game fish by one line and one hook; or by one line and one artificial lure which may have attached more than one hook; or by one line and not to exceed two artificial flies or lures. The line may be held in hand or attached to a rod but in either case must be constantly attended. Each person shall be limited to one line or one rod and one line. In every case said hook, hooks, flies or lures are to be used in such manner that the fish voluntarily take it or attempt to take it in their mouths.

"open season" is the time during which game birds, game animals, including amphibians, or game fish may be lawfully taken, and includes the first and last days thereof.

"closed season" is the time during which game birds, game animals, including amphibians, or game fish may not be taken.

"game" includes game animals, including amphibians, game birds and game fish.

"game animals" are: deer, wapiti (elk), antelope, mountain sheep, bison (buffalo), peccary or javelina, tree squirrels, cottontail rabbits and bullfrogs.

"big game" are: wild turkey, deer, wapiti (elk), antelope, mountain sheep, bison (buffalo), peccary or javelina.

In addition to being classified as a game animal under this Act, bison (buffalo) are also hereby defined as being a neat animal.

"small game" are game birds of all kinds except wild

turkey and all game animals, inculding amphibians, not listed as big game.

"fur-bearing animals" are: muskrats, raccoons, coati, opossums, otters, mink, beavers, badgers and ringtail cats.

"predatory animals" are: foxes, skunks, mountain lions, coyotes, wolves, jaguars, weasels, bobcats, ocelots, porcupines, feral house cats and bears.

Silver, silver-black, black and cross foxes in captivity are to be considered domestic animals and protected by applicable statutes. Silver, silver-black, black and cross foxes, which of their nature, in the absence of efforts for their domestication, were known as wild, whenever the same shall have been brought into or born in restraint or captivity upon any farm or ranch for the purpose of cultivating or pelting their furs, together with their offspring and increase, are and shall be considered and classified as domestic animals for the purpose of and within the meaning of any statute or law relating generally to domestic animals, other than dogs and cats or other pets.

"non-game animals" are all wild animals except game animals, fur-bearing animals and predatory animals.

"upland game birds" are: quail, partridge, grouse, pheasants and chukars.

"migratory game birds" are: anatidae or waterfowl, including brant, wild ducks, geese and swans, gruidae or cranes, including little brown and sand hill and whooping cranes, rallidae or rails, including coots, gallinules and sora and other rails, limicolae or shore birds, including avocets, curlews, dowitchers, godwits, knots, oyster catchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turnstones, willets, woodcock and yellow-leg; and columbidae, or pigeons, including doves and wild pigeons.

"non-game birds" are: all wild birds except upland game birds and migratory game birds.

"game fish" are: trout of all species, including charrs, grayling small and large mouthed black bass, crapple, perch, bluegill and all species of catfish.

"non-game fish" are: all the species of fish except game fish.

"guide" means any person who shall for pay, aid or assist any person or persons in locating, pursuing, hunting or killing any of the game birds, animals or fish mentioned in this Act.

Whenever or wherever used in this Act, unless contrary intention is evident from the context, the word "person" shall include individuals, copartnerships, associations and corporations; the singular shall include the plural; and the masculine shall include the feminine and neuter.

Whenever or wherever used in this Act, the words "he", "him" and "his" shall include individuals of either sex, copartnerships, associations and corporations and the singular shall include the plural.

"preceding license year" shall mean the last year, preceding the present in which any person held a valid license to hunt, fish, trap, guide or engage in the business of fur dealer.

"license year" shall mean the twelve-month period between July 1 and June 30, both dates inclusive.

Sec. 2. Sec. 57-103, Arizona Code of 1939, is amended to read:

57-103. OFFICE AND PLACE OF HEARING; GENERAL POWERS AND DUTIES OF THE COMMISSION. The commission shall have its principal office at the state capitol, but meetings of the commission may be held at any time or place within the state. Any investigation, inquiry or hearing which the commission may undertake or hold may be undertaken or held by or before any commissioner or the secretary of the commission, and the same shall be deemed to be the investigations, inquiries, hearings and decisions of the commission, when approved by it and entered by it in its minute book, and every order made by a commissioner or the secretary of the commission, when approved and confirmed by the commission and ordered filed in its office, shall be deemed to be the order of the commission.

The commission shall meet at least once quarterly; meetings may be held at the call of the chairman or a majority of the commission.

The commission shall make such rules and regulations

and establish such services as it may deem necessary to carry out the provisions and purposes of this Act.

The commission shall have charge of and be responsible for the control and management of the propagation and distribution of wild birds, wild animals including amphibians and fish. It shall have charge of and be responsible for the conduct and control of all hatching stations, rearing ponds, game farms and all other facilities owned, operated or hereafter acquired by the state, may issue permits and licenses to persons to operate game farms, fish hatcheries and rearing ponds, regulate the same and revoke such permits or licenses for noncompliance with its orders. It shall be responsible for the enforcement of all laws for the protection of wild birds, wild animals including amphibians and fish. It shall have the exclusive power to expend funds arising from appropriations, licenses, gifts or other sources, specifically provided for the protection, preservation, or propagation of birds, game animals, amphibians or fish.

The commission shall by order open, close or alter seasons and establish bag limits for any species of wild animal including amphibian, wild bird, or fish; provided, however, that such commission order to open any such season shall be issued not less than thirty days prior to such opening season date. Closed season is hereby declared as in effect unless so opened by commission order. Such order may be made to apply throughout the state, or to a particular part thereof, or to a particular stream or lake or part thereof. The commission may establish and open refuges and safe sanctuaries in which game, fur-bearing animals and birds may breed and replenish adjacent areas, and may designate certain areas as rest grounds for migratory birds, in which hunting shall be forbidden or restricted at such times as the commission may designate, endeavoring as much as possible to establish small refuges rather than large preserves, not to close large areas to hunting, nor to interfere unnecessarily with the hunting of migratory birds, but to provide havens in which they can rest and feed without molestation.

The commission may remove or permit to be removed from public or private waters fish which hinder or prevent the propagation of game or food fish, and fish so taken may be disposed of in such manner as it may designate.

The commission may in the name of the state, with the approval of the governor, acquire by purchase, gift, or condemnation, lands and water for the use as fish

hatcheries or game farms, and areas suitable for game refuges hunting grounds, or for any other purposes necessary to carry out the provisions of this Act. It may purchase animals, birds and fish and fish spawn or eggs for the purpose of stocking public lands and waters of the state, and sell fish fry and fingerlings to stock private waters, and may take at any time in any manner, animals, birds' eggs, fish and eggs and milt of fish for propagation and restocking purposes, or for use at a state game farm or fish hatchery.

No person shall plant any game fish or other fish, fish fry, or spawn in any of the bodies of water in the state, nor introduce nor liberate any game birds, or game animals, or any other wild animals, on the lands or in the coverts of the state without the written consent of the commission. The commission may enter into cooperative agreement with any federal department having jurisdiction over any federally controlled game refuges in Arizona, in carrying out such rules and regulations as may be established by such department for the protection and perpetuation of game animals thereon, or for the disposition of surplus game animals therefrom, and it shall be lawful to possess, or remove from the state any animals killed or captured in compliance with such agreement or regulation, when such animals are tagged or marked as to establish their identity as animals taken on such federal land.

When it is proven to the satisfaction of the commission that game birds or game animals or fur-bearing animals are materially destroying property, or otherwise becoming a nuisance, or the sexes are not balanced properly, or the natural food supply is insufficient, the commission may at any time remove or have removed such animals or birds regardless of protection afforded by this and other Acts heretofore.

The commission shall investigate complaints concerning game birds, game animals or fur-bearing animals destroying property or otherwise becoming a nuisance when it is deemed by the commission that such complaints are the expression of a substantial majority of the users of the public and private lands in any county or counties or part of a county or counties embracing not less than one hundred thousand acres, and within sixty days after such complaint has been received by the commission it shall notify at least one of the complaining parties in writing of its decision in the matter.

Sec. 3. Sec. 57-104, Arizona Code of 1939, is amended to read:

57-104. PUBLICATION OF ORDERS AND REGULATIONS OF COMMISSION; SIGNBOARDS OF REFUGES; POSTED LANDS. Rules, regulations and orders of the commission having general application throughout the state shall be published in such manner as the commission may determine so as to give them general publicity; those of special character having local application only shall be published once in some newspaper published in and having general circulation in the locality wherein such rules, regulations, and orders are applicable and a copy of such rules, regulations and orders shall be posted in three conspicuous places in the locality in which they are applicable. Notices or signboards with an area of not less than one square foot shall be conspicuously posted by the commission close to and along the entire boundary of any refuge, sanctuary, rest ground, lake or stream or portion thereof closed to hunting or fishing by orders of the commission, warning all persons against hunting, fishing, or tresspassing therein. As many of such notices or signboards shall be posted as the commission may determine to be necessary to give public notice of the location of the boundaries of such refuge, sanctuary, rest ground or other closed area. Such notices or signboards are to be removed immediately following the reopening of any refuge, sanctuary, rest ground, lake or stream or portion thereof. An order of the commission closing any area to hunting or fishing shall not become effective until such order has been published as herein required, and a certified copy of the order filed in the office of the recorder of the county or counties in which such closed area is located.

It shall be unlawful for any person to enter upon any game refuge, sanctuary, rest ground or other area closed to hunting and drive or attempt to drive game animals or game birds off of such game refuge, sanctuary, rest ground, or other area closed to hunting, into an unprotected area.

It shall be unlawful for any person to carry, transport or have in his possession firearms or other devices for the taking of game within or upon any game refuge, sanctuary or rest ground closed to hunting except under seal or by written consent of the commission; provided, however, that this section shall not apply to officers of the law in performance of their official duties, nor to persons traversing such refuges, sanctuaries or rest grounds over public roads with firearms or devices un-

loaded, including the magazines of guns; nor to owners or lessees of real property or public land permittees on any refuge, sanctuary or rest ground; provided further that permits may be issued by the commission to stockmen, licensed trappers, ranchers or their employees to carry firearms or other taking devices while engaged in the performance of their lawful affairs on or within any refuge, sanctuary or rest ground, except, however, the provisions of this section shall not prohibit a landowner, lessee, permittee, and his employees from carrying arms for the protection against predatory animals.

No person shall take or destroy any animal, including amphibian, bird, or fish, or bird's nest or egg, or eggs or spawn of fish on any refuge, sanctuary, rest ground, or other area closed to hunting or fishing by order of the commission; provided, it shall be lawful for a duly accredited employee of the state, or of the federal government to take predatory animals or rodents on any such closed area.

Landowners or lessees desiring to prohibit hunting or shooting on their lands shall post such lands, using a notice or signboards not less than one square foot in area with the wording of the same plainly legible, and including thereon the name of the landowner or the lessor. State lands under lease may not be posted except by consent of the commission. Such notices or signboards shall be placed in such manner as to be most conspicuous and at not more than quarter-mile intervals.

Sec. 4. Sec. 57-105, Arizona Code of 1939, is amended to read:

57-105. STATE GAME AND FISH DIRECTOR; OTHER EMPLOYEES; SALARY. The commission shall appoint a state game and fish director who shall be the general manager for the game and fish commission and who shall possess a thorough knowledge of animals, birds and fish, and the requirements for their conservation. The state game and fish director shall act as secretary to the commission and shall serve for a term of four years, unless removed by the commission, after hearing, for inefficiency, neglect of duty or misconduct in office. If removed, the commission shall file in the office of the secretary of state a complete statement of all charges made against him and its findings thereon, together with a complete record of the proceedings. The state game and fish director shall not hold any other office, and shall devote his entire time to the duties of his office.

The state game and fish director may appoint, with the approval of the commission, game rangers, for the payment of whose salary money is available in the game and fish protection fund. The game rangers shall be located in the different sections of the state where their services are most needed. The commission shall fix the salaries of the game rangers, provided, however, that they shall not receive more than one hundred eighty dollars per month during their first two years of service, nor more than two hundred dollars per month for their third and fourth years of service, nor more than two hundred twenty dolars per month for their fifth and sixth years of service in the department, and in no event shall they receive more than two hundred and fifty dollars per month and special game rangers shall receive not more than one hundred fifty dollars per month; provided further that the state game director and rangers shall be paid their actual and necessary traveling expenses incurred in the performance of their duties, not exceeding one hundred dollars during any one month. The salaries and expenses of the game rangers shall be paid out of the game and fish protection fund, and provided further that the compensation for the state game director shall not exceed four thousand five hundred dollars per annum.

Sec. 5. Sec. 57-106, Arizona Code of 1939, is amended to read:

57-106. POLITICAL ACTIVITY PROHIBITED. Neither the state game and fish director or any other employee shall take active part in any political campaign, nor use his office or influence in any way whatsoever in interfering with an election or affecting the results thereof.

Failure to abide by the provisions of this section shall constitute grounds for dismissal of the state game and fish director or any other employee of the commission.

Sec. 6. Sec. 57-107, Arizona Code of 1939, is amended to read:

57-107. BONDS OF DIRECTOR AND EMPLOYEES. For the faithful performance of their duties the state game and fish director shall give to the state of Arizona a bond in the sum of ten thousand dollars and each game ranger, except special game rangers serving without pay, shall give to the state of Arizona a bond in the sum of two thousand dollars. All other employees of the commission who handle funds or who are in charge of state-owned property or who are authorized to expend the

funds of the commission are to be bonded in such sums as the commission shall order.

The premiums for such bonds are to be paid from the state game and fish protection fund.

Sec. 7. Sec. 57-108, Arizona Code of 1939, is amended to read:

57-108. DUTIES AND POWERS OF STATE GAME AND FISH DIRECTOR AND GAME RANGERS. The state game and fish director shall have general supervision and control of all employees and under the supervision and direction of the commission enforce all provisions of this Act. The state game and fish director and his game rangers may execute all warrants issued for a violation of this Act; serve subpoenas issued in any matter arising under this Act; and, excepting peace officers, may search without warrant where he has sufficient cause to believe that animals, including amphibians, birds or fish, or any part thereof, or the nests or eggs of birds, or spawn or eggs of fish, are possessed in violation of law, and in such case examine without warrant, the contents of any aircraft, boat, vehicle, box, locker, basket, crate, game bag or other package, to ascertain whether any of the provisions of this Act have been or are being violated; seize all animals, including amphibians, birds, or fish, or parts thereof, or nests or eggs or birds taken or possessed in violation of law, or showing evidence of illegal taking, and seize all devices illegally used in taking animals, including amphibians, birds or fish, and firearms illegally possessed and to hold the same subject to the order of the court or of the commission, and generally exercise the powers of peace officers in the enforcement of this Act.

Sec. 8. Sec. 57-109, Arizona Code of 1939, is amended to read:

57-109. RELATING TO THE TAKING OF GAME ANIMALS, BIRDS AND FISH. All fish or bullfrogs found in any of the waters of this state (except those impounded by the owner or lessee of land in private ponds or tanks), and all wild animals and wild birds, both resident and migratory, native or introduced, found in this state are hereby declared to be the property of the state and may be taken only at such times and in such manner as herein provided or as provided or prescribed by the commission.

It shall be unlawful for any person except by order

of the commission to take or attempt to take any fish or amphibian in any lake, stream or pond which is used by the state or the federal government for the propagation or rearing of fish or amphibians.

It shall be unlawful for any person except by order of the commission to take or attempt to take any game animal, including amphibian, or game bird from or within any hatchery, game farm or other area used by the state or the federal government for the propagation or rearing of game animals, including amphibians, or game birds. Game animals, including amphibians, and game birds shall be taken only during daylight hours, unless otherwise prescribed by the commission. No person shall take any game animal, including amphibians, game bird or game fish, by the aid or with the use of any jacklight, or other artificial light, net, trap, snare, saltlick, scaffold, deadfall, pit, explosive, bird lime or poison, nor shall any person use part of any protected bird, game animal, including amphibians, or game fish as bait in taking any wild animal or fish; nor shall game girds or game animals be hunted, pursued, shot at or taken from any vehicle, automobile, aircraft, powerboat, sailboat, and boat under sail, or any floating device towed by power boat or sailboat; nor shall any person shoot any firearm upon, from, across or into any public highway or railway. It shall be unlawful for any person to have in his possession any big game unless said game is tagged with the form or tag provided by the commission. A person may take small game animals, except squirrel, and game birds during the open season therefor from blinds and with the aid of dogs and use of decoys, unless specifically prohibited herein, or by order of the commission. No big game animal may be taken with the aid of a dog or dogs.

Game fish may be taken only by angling.

The commission shall prescribe seasons, bag limits, and other regulations pertaining to the taking of migratory birds in accordance with the Migratory Bird Treaty Act and regulations issued thereunder from time to time, but the commission may shorten or modify seasons, bag limits and other regulations on migratory birds as may be deemed necessary.

No person shall bait any waters for the purpose of entrapping migratory waterfowl. The commission shall prescribe the manner, methods and devices which may be used in hunting, taking or killing game animals, including amphibians, and game birds.

Sec. 9. Sec. 57-110, Arizona Code of 1939, is amended to read:

57-110. PROTECTION NON-GAME BIRDS. The commission is hereby charged, in addition to its other duties, with the responsibility of protecting and conserving the non-game birds of this state, and is hereby authorized to make any further necessary regulations for that purpose if not herein provided; provided, however, that nothing shall prohibit the commission from making regulations for the control of species that are or may become inimical to the public interest.

Song and insectivorous birds. Killing prohibited. It shall be unlawful for any person or persons in this state to shoot, ensnare or trap for the purpose of killing or in any other manner to injure or destroy any song bird, or birds whose principal food consists of insects; provided, further, it shall be unlawful for any person to injure, destroy or rob the nests or eggs of any birds protected by the laws of this state, or to molest, harass or annoy such birds upon their nests; and provided, further, that nothing in this Act shall be construed to prohibit the killing of such birds for scientific purposes under permits from the commission.

Song and insectivorous birds include but are not limited to: all species of thrushes, thrashers, mocking-birds, wrens, warblers, gnat-catchers, flycatchers, swallows, swifts, strikes, vireos, tanagers, hummingbirds, nuthatches, creepers, dippers, kinglets, pipits, waxwings, silky flycatchers, titmice, larks, meadowlarks, orioles, redwing blackbirds, grosbeaks, (including pyrrhuloxia), cardinals, buntings, finches, sparrows, including juncos (but excluding the English or house sparrow), flickers, cuckoos, (including roadrunner or chaparral cock), and trogons, goat suckers, woodpeckers except sapsuckers. Also considered beneficial, and protected are audobon caracaras, eagles, (but not including golden eagles), vultures, gulls, terns, shorebirds, inca doves, ground doves, all hawks except cooper hawks, sharp shinned hawks, goshawks, ospreys, all owls except great horned owls.

Certain non-game birds unprotected. English or house sparrows, crows, ravens, starlings, magpies, sapsuckers, cowbirds, grackles, great horned owls, kingfishers, jays, cooper hawks, sharp shinned hawks, goshawks and ospreys and their nests and eggs may be taken in any number and may be possessed, bought, sold or transported at any time.

Sec. 10. Sec. 57-111, Arizona Code of 1939, is amended to read:

57-111. UNLAWFUL TAKING DEVICES; PUBLIC NUISANCE. It shall be unlawful for any person to take into the field or forest, or to have in his possession, while hunting wild animals, including amphibians, or birds, any device designated to silence, muffle or minimize the report of any firearm, whether separated from or attached to such firearm.

Each net, trap, explosive, poisonous or stupefying substance, or device set, used or intended for use in taking animals, including amphibians, birds or fish in violation of this Act is hereby declared to be a public nuisance, and when found, may be abated and summarily destroyed by any person, and each officer authorized to enforce this Act shall seize and summarily destroy any such device, or such devices may be retained by the commission, but nothing in this Act shall prevent the commission from using proper means for the promotion of game and fish propagation and culture. The commission or its representatives may seize and hold the firearm or other implement of any violator of this Act pending his case in court. If the court finds said firearm or implement a nuisance, said firearm or implement may be confiscated and disposed of by the commission.

Sec. 11. Sec. 57-112, Arizona Code of 1939, is amended to read:

57-112. DISPOSITION OF SEIZED ANIMALS, INCLUDING AMPHIBIANS, BIRDS, FISH AND FIREARMS. The edible portions of all game animals, including amphibians, game birds and fish seized under the provisions of this Act shall be disposed of by the commission by gift to charitable institutions for use as food. Non-game birds and the plumes or skins of game birds of foreign species shall be disposed of by the commission by gift to scientific institutions, or may be kept by the commission for scientific or educational purposes, or may be destroyed. A receipt shall be taken from the donee and a record of such gifts kept by the commission.

The head, antlers, horns, hide, skin, feet or parts of any game animals, other than the edible portions thereof, or firearms, implement or other article seized under this Act may after judgment, or if the person offending cannot be ascertained, then without judgment, be sold by the commission at public auction to the highest bidder after notice by publication at least once in a newspaper

of general circulation in the county where such sale is to be held, the date of the sale to be not less than five nor more than thirty days after the last day of such publication. The purchaser may possess the same without thereby offending this Act. The money obtained from the sale of such property shall be paid to the state treasurer to the credit of the state game and fish protection fund. The state game and fish director and each game ranger shall make full and complete report to the commission of all property by him seized, showing a description of the property, the person from whom it was seized, the price received therefor upon public sale, and the disposition of the money. The commission shall keep a record thereof. Provided further, that at the discretion of the commission, game animal, including amphibian, game fish and game bird specimens or parts thereof seized under the provisions of this Act may be given to scientific institutions or public museums.

Sec. 12. Sec. 57-113, Arizona Code of 1939, is amended to read:

57-113. POSSESSION, STORAGE, TRANSPORTATION, IMPORTATION, PURCHASE OR SALE OF ANIMALS, INCLUDING AMPHIBIANS AND BIRDS. Where the possession, transportation, purchase or sale of any wild animal, including amphibian, wild bird, or fish, or any part thereof, is restricted or unlawful, the possession, transportation, purchase or sale of such animal, including amphibian, bird or fish, or any part thereof coming from or taken without the state, whether belonging to the same or a different species from that native to this state, but belonging to the same family as those protected by this Act, is, unless otherwise herein provided, unlawful.

Game animals, including amphibians, and fur-bearing animals, game fish and game birds (excepting migratory birds or parts thereof lawfully taken without the state may be transported into this state when accompanied by evidence, issued by the state or country where taken, showing that such game animals, including amphibians and fur-bearing animals, game fish and game birds (except migratory birds) were lawfully taken.

Migratory game birds may be possessed and transported into this state only in accordance with the Migratory Bird Treaty Act and regulations thereunder.

Fur or fur-bearing animals lawfully taken, non-game animals, non-game amphibians, fish and birds for which

no closed season or protection is provided may be possessed or transported at any time.

Any person holding a valid license may transport during the open season therefor, game animals, including amphibians, game birds and game fish, or parts thereof, lawfully taken, but not to exceed one day's bag or possession limit, within the state or from a point within to a point without the state, otherwise than by parcel post, but he shall not transport out of the state more than the bag limit of big game or more than one day's bag or possession limit in any one calendar week, of other game animals, including amphibians, game birds or game fish.

The heads, antlers, hides, feet or skin of game animals, including amphibians, game birds or game fish, lawfully taken, may be transported and mounted specimens of the same bought or sold, except that the skins of migratory game birds may be sold or transported only in accordance with the United States Migratory Bird Treaty Act and regulations thereunder.

Game animals, including amphibians, game birds, excepting migratory birds, and game fish and parts thereof lawfully taken during the open season, may be possessed during the open season therefor and for sixty days thereafter without a permit.

To persons desiring to keep lawfully taken and possessed game, excepting migratory game, for a longer period than sixty days after the close of the open season for such game, the commission shall issue a permit, in any form it shall prescribe, which shall entitle the holder thereof to possess such lawfully taken game for an additional period of time not to exceed five months. A fee of fifty cents shall be collected by the commission for each such permit issued.

Migratory game shall be possessed only in accordance with the migratory bird treaty.

The possession of game sixty-one days or more after the close of the open season for such game and possessed without permit, shall be prima facie evidence that such possession is illegal.

The commission shall determine and apply such regulations as it may deem necessary covering the storage

of game in any public cold storage warehouse or other facility for the prevention of the spoilage of food.

Any package in which any game animal, including amphibians, game bird, or game fish, or part thereof, or egg or nest of any wild bird, non-game animal, fish or bird, or fur-bearing animal, is transported shall have clearly and conspicuously marked on the outside thereof, the names and addresses of the consignor and the consignee, together with an accurate statement of its contents, and the number of the shipping permit where such permit is required.

Any package or shipment of any game animals, including amphibians, fur-bearing animals, game birds, or game fish, or parts thereof, offered to or in the possession of any common carrier shall be construed to be and remain in the possession of the consignor until delivered to the consignee; provided, that if or when any common carrier is not able, or refuses or neglects to show from whom any consignment or shipment of game animals, including amphibians, fur-bearing animals, game birds or game fish, or parts thereof, was received, the consignment or shipment is hereby declared to be in the possession of the common carrier having same in transit.

No person shall take any wild bird, wild animal, including amphibians, or fish, or the nest or egg of any wild bird, or the spawn or eggs of fish, or possess, buy, sell, offer or expose for sale, or transport, or receive from another, any such bird, animal, including amphibian, or fish, or part thereof, or any bird's nest or egg, or any spawn or eggs of fish, or amphibians, except as expressly permitted by this Act. The possession of any game animal, including amphibian, game bird, or game fish, or part thereof, in any hotel, restaurant, cafe, market or store, shall be prima facie evidence of the possession thereof for the purpose of sale in violation of this Act, but this provision shall not prohibit a person lawfully obtaining such game animal, game amphibian, game bird, or game fish from having it prepared in a public eating place and served to himself and guests or placed in storage in accordance with the provisions of this Act.

Sec. 13. Sec. 57-114, Arizona Code of 1939, is amended to read:

57-114. TRANSPORTATION OF GAME OR FUR-BEARING ANIMALS, BIRDS, OR FISH BY COMMON CARRIER. No common carrier shall transport any game

animal, fur-bearing animal, game bird, or game fish, or any part thereof, or the nest or egg of any bird, or receive or possess the same for transport, unless the person offering the same for shipment exhibits to the carrier a valid license for the taking of the thing offered for shipment, and has securely attached to it a valid shipping permit issued hereunder, or a coupon detached from such permit. Specimens for scientific purposes taken or possessed under a regularly issued permit for the collection and possession of wild animals, wild birds, their nests or eggs, may be received and transported to points within or without this state when the words "specimens for scientific purposes" are indorsed on such shipment, and a scientific permit is exhibited to the carrier at the time the package is offered for shipment.

Sec. 14. Sec. 57-115, Arizona Code of 1939, is amended to read:

57-115. LICENSE FEES. Licenses shall be divided into classes and fees paid therefor as follows, except that when, at the discretion of the commission, it becomes necessary to limit or further regulate the taking of any game fish, game bird, or game animal, including amphibian, it may order the issuance of an additional license or permit and fix fees therefor.

Class A, sportsman's license, resident fishing and big and small game hunting license, three dollars and fifty cents.

Class B, resident big and small game hunting license, two dollars and fifty cents.

Class C, resident fishing license, one dollar and seventy-five cents.

Class D, nonresident fishing and big and small game hunting license, twenty-five dollars.

Class E, nonresident small game hunting license, ten dollars.

Class F, nonresident annual fishing license, four dollars.

Class G, nonresident five-day fishing license, two dollars and twenty-five cents.

Class H, alien fishing and big and small game hunting license, one hundred dollars.

Class I, alien fishing and small game hunting license, forty dollars.

Class J, special license, alien applicant for citizenship fishing and big and small game hunting license, twenty-five dollars.

Class K, special license, alien applicant for citizenship fishing and small game hunting, ten dolars.

Class L, resident guide license, ten dollars.

Class M, resident trapper's license issued to the holders of a legal big game hunting license or any resident of the state under sixteen years of age, no charge.

Class N, nonresident trapper's license, four dollars and fifty cents. No license to trap shall be issued to an alien.

Class O, taxidermist license, five dollars.

Class P, resident or nonresident fur dealer's license, ten dollars.

Classes A, D, H and J include all species of game and fish; class B includes all species of game; class E includes all species of small game; classes I and K include all species of fish and small game; classes M and N include all species of predatory and legal fur-bearing animals; and classes C, F and G include all species of fish that may be taken under this Act.

An alien applicant for citizenship may not receive during the pendence of his application more than two class J or K licenses.

A resident for the purpose of this Act is defined to be a citizen of the United States who has been a bona fide resident of this state for one year immediately preceding the date of application for license. A complimentary license may be issued by the commission to a pioneer seventy years of age or older who has been a resident of this state for twenty-five or more consecutive years. It shall be unlawful for any person to obtain by fraud or misrepresentation a license to take game or fish and such license so fraudulently obtained shall be void and of no effect from the date of issuance thereof. Provided further that this section shall take effect on January 1, 1946.

And provided, further, that all classes of licenses issued between January 1, 1946 and June 30, 1946 inclusive, shall be issued for a fee of one-half of the annual rate and shall expire on June 30, 1946.

Sec. 15. Sec. 57-116, Arizona Code of 1939, is amended to read:

57-116. SOLDIERS HUNTING AND FISHING LICENSES. In addition to the classes of hunting and fishing licenses now provided by law there shall be a special hunting and fishing license, issued only to members of the armed forces on active duty with the United States and stationed in the state of Arizona. The license shall entitle the holder thereof, in season and subject to the bag limits, to take small game and fish in the state of Arizona. Such license shall be valid for the same period as other licenses and the fee for such license shall be three dollars and fifty cents, provided, however, that this form of license shall be terminated and this section inoperative on July 1 following that year in which a state of war no longer exists between the United States and any foreign nation.

Sec. 16. Sec. 57-117, Arizona Code of 1939, is amended to read:

57-117. LICENSE REQUIRED; MINORS; FORM AND CONTENTS OF LICENSE; SALE OF LICENSES; DISPOSITION OF FEES; REPORT OF LICENSING AGENTS. No person shall take fish, birds or animals in this state, unless, at the time of such taking, he shall have proper license on his person and shall exhibit the same upon request for inspection to any person, except that it shall be lawful for a resident of this state under the age of sixteen years to fish during the open season, and when accompanied by a person holding a valid license, to take small game during open season, even though such resident child has no license, provided that not more than two such resident children shall accompany such person holding a valid license, but no child, either resident or nonresident shall take any big game without first obtaining a license as herein provided, and provided further, that a license to take big game shall not be issued to any child under twelve years of age.

Form and contents of license; shipping coupons. The form of license shall be determined and the license blanks prepared by the commission and by it furnished and charged to the person authorized to issue licenses. Each

license shall be accompanied by a shipping permit, authorizing the licensee to ship either within or out of the state not to exceed the possession limit of game or fish, which permit or coupon thereof must be attached to the shipment. If a resident desires, and is entitled to make an additional shipment either within or out of the state; or a nonresident desires, and is entitled to make an additional shipment either within or out of the state, he shall first secure from the commission, an additional permit or tag authorizing the shipment, which permit or tag shall be attached to the shipment. The commission shall provide the state game and fish director and his game rangers with coupons or shipping permit blanks or tags which shall be issued by them, in accordance with the provisions of this section, upon payment of a fee of twenty-five cents each. The license shall be issued in the name of the commission, sealed with its seal and countersigned by the officer issuing the same. Each license shall be signed by the licensee in ink on the face thereof and any license not so signed is invalid.

With each license authorizing the killing or taking of big game, the commission shall provide suitable forms or tags which are to be immediately attached to the horns, feet or skin of such big game when killed or taken.

If metal tags are used for this purpose the commission may assess and collect not to exceed twenty-five cents for each tag so issued.

It shall be unlawful for any person to apply for and sign as licensee in any one license year more than one original license permitting the taking of big game. Provided, however, that a duplicate of such license may be obtained by the licensee upon affirming in writing that the original license has been lost and including therewith a statement as to which, if any, big game stubs or tags have been used. All duplicate licenses must be obtained from the person or agent who issued the original license or from the office of the commission. To be valid each duplicate license must carry in ink in all spaces provided therefor the number of the original license. The commission shall assess and collect a fee of fifty cents for each duplicate license issued.

Effective on and after July 1, 1946, all licenses issued, except any special license set by the commission and license class G, shall be for the license year and shall expire on the first thirtieth day of June following date of issue.

Sale of licenses. Hunting, fishing and trapping licenses or other license forms so ordered by the commission, shall be issued by such persons as may be designated for that purpose by the commission.

When required by the commission, persons so designated or empowered shall pay the premiums for and give to the state a bond in the sum of one thousand dollars and such person is to continue under such bond during the entire time he is designated or empowered to issue licenses.

Disposition of fees. All persons issuing licenses shall on the first Tuesday of each month, transmit to the commission all license fees, with a legible statement setting forth the name and residence of each licensee, the serial number and class of and the amount paid for each license issued during the previous month. Persons issuing licenses other than the state game and fish director, shall retain as their compensation, five per cent of all license fees collected.

Report of licensing agent. On the thirtieth day of June of each year or on demand of the commission, all persons authorized to issue licenses shall return to the commission all duplicate stubs, unused licenses and big game tags furnished such persons during the entire license year, together with a final report recapitulating and tabulating the total number of licenses issued and the total amount of license money received. The commission shall enforce the making of such return and any person failing to comply with the provisions of this section shall be deemed guilty of a misdemeanor.

Sec. 17. Sec. 57-118, Arizona Code of 1939, is amended to read:

57-118. TRAPPERS. The holder of a legal big game hunting license or any resident of the state under sixteen years of age may secure a free trapping license which shall entitle the holder thereof to trap fur-bearing and predatory animals, except beaver, provided, however, that a license to trap shall not be issued to any alien. Each trap shall have a brand of identification stamped thereon or carry a metal tag bearing the registered number of the owner of the traps, such brand or metal tag to remain thereon during his period of ownership and shall be recorded on his trapping license.

Every trapper shall keep an accurate register of his

catches and shall make a report of the same for the preceding year to the state game and fish commission.

Daily inspection must be made of traps when in use.

It shall be unlawful for any person to remove a fur-bearing or predatory animal from any trap not belonging to him.

Sec. 18. Sec. 57-119, Arizona Code of 1939, is amended to read:

57-119. GUIDES; LICENSES; FEE; REPORTS. No person shall act as a guide, as defined herein, without having satisfied the commission of his reliability and having procured proper license therefor, which license must be carried on his person while he is so acting. No guide license shall be granted, except to a citizen of the United States and a bona fide resident of this state twenty-one years of age or over. Each licensed guide shall act without pay as a game ranger, with the powers and duties of that office. If a licensed guide fails or neglects to enforce the provisions of this Act, or violates or connives or assists in any violation of this Act, his license may be revoked by the commission and he also shall be liable to punishment as for a violation of this Act.

At the end of each license year or earlier at the request of the commission, all persons acting as guide shall report to the commission on forms provided therefor the name and address of each person guided by him, number of days he has been so employed by such person and as nearly as practicable the number of game animals, birds and fish taken by such person during the current license year.

No license to guide shall be issued to any person who has failed to supply such report to the commission for his "preceding license year".

No person acting as guide shall carry firearms other than revolver or pistol while so acting.

Sec. 19. Sec. 57-121, Arizona Code of 1939, is amended to read:

57-121. LICENSE TO PRACTICE TAXIDERMY. It shall be unlawful for any person to engage in the business of a taxidermist, to prepare or mount the skins or dead bodies of animals or birds of this state for profit, unless

such person shall first obtain a license from the commission, which may be granted to any person at the discretion of the commission upon the payment of five dollars.

Sec. 20. Sec. 57-122, Arizona Code of 1939, is amended to read:

57-122. REGISTER OF ALL WORK DONE; PERMIT TAG; VIOLATION; PENALTY. A taxidermist mounting or preparing specimens of animals, birds or fish shall attach his permit number to the specimen, such tag or permit to be furnished by the commission, and shall keep a register of the names of all persons who furnished the raw or unmounted specimens, and of the species of bird or animal received, and when and where killed. He shall exhibit such register, together with all the unmounted skins in his possession, to any game ranger or officer charged with the enforcement of the game laws upon request. All licensed taxidermists shall, between the first and tenth day of each April, July, October and January, report to the commission giving a complete record on forms provided therefor of all mountings made the previous three months, listing the name and address of persons who furnished or provided the raw or unmounted specimens. A taxidermist violating any provisions of this article shall be guilty of a misdemeanor, and his license shall be revoked by the commission.

Sec. 21. Sec. 57-124, Arizona Code of 1939, is amended to read:

57-124. FUR DEALERS; LICENSE REQUIRED. Effective January 1, 1946 no person, firm or corporation, either for his or its own account or as agent for another shall engage in the business of buying, selling, dealing or the tanning and dressing of raw or unprocessed hides or pelts of wild animals, except the trapper selling his own catch, until such person, firm or corporation shall have procured a license to do so. Any person, firm or corporation engaged in the business of manufacturing furs, who buys raw or unprocessed hides or pelts of wild animals, shall be considered a dealer in raw or unprocessed hides and pelts and must procure a fur dealer's license. Any person holding a fur dealer's license under this Act shall be eligible to buy furs, hides or pelts legally taken.

At the end of each license year or more frequently if requested by the commission fur dealers shall report to the commission on forms furnished therefor, giving the type of fur or skin handled, name and address of the

person from whom purchased and the date purchased during the current year.

No license to engage as a fur dealer shall be issued to any person who has failed to supply such report to the commission for his "preceding license year."

A fur dealer violating any provisions of this article shall be guilty of a misdemeanor, and his license shall be revoked by the commission.

Sec. 22. Sec. 57-125, Arizona Code of 1939, is amended to read:

57-125. DUTIES OF SHERIFFS AND OTHER PEACE OFFICERS. All county, city and town peace officers are hereby made ex officio special game rangers and it shall be their duty to aid in the enforcement of this Act.

Sec. 23. Sec. 57-126, Arizona Code of 1939, is amended to read:

57-126. PENALTIES. Unless a different or other penalty or punishment is herein specifically prescribed a person who violates any provision of this Act, or who violates or fails to comply with any lawful order, rule, or regulation adopted by the commission is guilty of a misdemeanor, and in addition thereto, is liable to an additional penalty of twenty-five dollars for each animal, bird, or fish or part thereof, or each nest or egg of any bird bought, sold, offered for sale, taken, possessed, or transported, in violation of this Act.

Any person who takes, possesses, transports, buys, sells, or offers for sale, any deer, wapiti (elk), antelope, beaver, bison (buffalo), mountain sheep, or peccary or javelina, or wild turkey, or any part of any such animal, or bird, in violation of this Act, or any lawful rule or regulation of the commission, or who detaches or removes from the carcass of any such animal, or bird, a portion thereof and thereby removes or conceals evidence of sex, or legality, or who shall use any explosive compound or any corrosive or narcotic poison or other deleterious substances for the purpose of catching, stunning, or killing fish or birds shall be guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred dollars nor more than three hundred dollars, or by imprisonment in the county jail for not less than three months nor more than six months, or by both such fine

and imprisonment; and in addition thereto, is liable to an additional penalty of fifty dollars for each animal or part thereof, or fish, or bird, taken, destroyed, possessed, transported, bought, sold, or offered for sale in violation of this Act.

Any public officer who fails to perform any duty imposed by any of the provisions of this Act, or any lawful rule or regulation of the commission, is guilty of a misdemeanor.

Any person having knowledge of any violations of the provisions of this Act, and failing to report same to proper authorities; or who takes or destroys any animal, bird, or fish, or bird's nest or egg, or eggs or spawn of fish in violation of this Act on any refuge, sanctuary, rest ground or area established by order of the commission and contrary to such order; or who while hunting, trapping, or fishing, wilfully or without cause or reason destroys, injures, or molests any livestock, growing crops, or other improvements; or who without permission of the owner or resident, shoots or attempts to shoot or otherwise takes any game within one-fourth mile of any farm house or other residence or cabin, lodge, or building; or who takes any bird, game animal or game fish, except by permission granted by the commission, and wilfully leaves such bird, animal, or fish or any edible portion of same, to go to waste, or who uses more than once any shipping permit or coupon issued by the commission, is guilty of a misdemeanor.

In addition to other penalties prescribed by this Act, the commission may revoke a license issued to any person under this Act and deny him the right to secure another license or to hunt, fish, or trap anywhere in this state, with or without a license, for a period of from one to five years, if said licensee or person has either been convicted or has signed an acknowledgment of violating any provision of this Act, or of any lawful rule or regulation of the commission, or if such licensee or person has been convicted in any court of having destroyed or carried away notices posted by the commission or personal property, or crops of any kind on or from the premises on which he may have been hunting, fishing, or trapping, or attempting to take any wild animals, birds, or fish, or has been convicted of being careless in the use of firearms while hunting and thereby caused an injury to human life or livestock or has been convicted of causing forest fires or being intoxicated while using firearms for the purpose of hunting.

To deny any person the right to secure a license or to hunt, fish, or trap anywhere in this state for any period, the commission shall send a written notice to that effect to such person at his last known address, either by registered mail or by having it delivered in person by a representative of the commission. The commission shall furnish in writing, to the officers or persons authorized to issue licenses, the name and address of such person and the term for which he has been denied the right to secure a license, or to hunt, fish, or trap in this state, together with any other information the commission may deem necessary.

Any person who shall violate any provision of this Act, for which violation a penalty is not otherwise provided for in this Act shall be guilty of a misdemeanor.

Sec. 24. Sec. 57-127, Arizona Code of 1939, is amended to read:

57-127. POLLUTION OF WATER. The commission is hereby authorized to bring suit in the name of Arizona against any person, corporation, agency or municipality, to restrain or enjoin such person, corporation, agency or municipality from discharging or dumping into any stream or body of water in the state any poisonous, deleterious or polluting substance or waste that is or may be injurious to fish or fish life, shell fish or wildlife.

Sec. 25. Secs. 57-123a, 57-129, 57-130, 57-131, 57-132, 57-133, 57-134, 57-136, 57-401 and 57-402, Arizona Code of 1939, are hereby repealed, including all Acts or parts of Acts, in conflict with or which are inconsistent with the provisions of this Act.

Sec. 26. SEVERABILITY. Should any section, paragraph, sentence, clause or phrase of this Act be declared unconstitutional or invalid for any reason, the remainder of said Act shall not be affected thereby.

Sec. 27. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared an emergency measure, to take effect as provided by law.

Approved by the Governor—March 9, 1945.

Filed in the Office of the Secretary of State—March 9, 1945.

CHAPTER 53

(House Bill No. 19)

AN ACT

RELATING TO APPRENTICESHIP; PROVIDING FOR VOLUNTARY APPRENTICESHIP AGREEMENTS AND FOR THE CREATION OF AN APPRENTICESHIP COUNCIL, AND REPEALING CHAPTER 82, SESSION LAWS OF 1941, REGULAR SESSION, AND MAKING AN APPROPRIATION.

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

Section 1. APPRENTICESHIP COUNCIL. (a) The apprenticeship council shall be composed of six representatives, three of whom shall come from and be representative of the employer groups or organizations, and three representatives from bona fide employee organizations and one non-voting public representative not employed by the State, and shall be appointed by the director or head of the department of labor, or if there be no department of labor, by the governor. One representative each of employers and employees shall be appointed for terms ending on the first Monday of February, 1948, 1949 and 1950 respectively, and thereafter each member shall be appointed for a term of three years. Any vacancy occasioned otherwise then by expiration of term shall be filled for the unexpired portion of the term. The official designated by the state board for vocational education to have charge of trade and industrial education, the director or head of the department of labor if there be such, and the state official having immediate charge of the state public employment service, shall be ex-officio members of the council without vote.

(b) Members of the apprenticeship council not otherwise compensated by public moneys, shall receive ten dollars ($10.00) per day while in attendance upon meetings of the council, not exceeding four meetings in any fiscal year, or while performing necessary duties authorized by the council, and reimbursement as prescribed by law for state officers for expenses incurred in the performance of such duties.

(c) The appointive power designated in subsection (a) is authorized to appoint such additional personnel as may be necessary to aid the apprenticeship council in the execution of its functions under this Act.

(d) At the call of and subject to the approval of the appointive authority the apprenticeship council shall: 1. designate from its membership a chairman and a secretary, neither of whom shall be employees of the state; 2. formulate policies for the effective administration of this Act; 3. establish standards for apprenticeship agreements which in no case shall be lower than those prescribed by this Act; 4. issue such rules and regulations as may be necessary to carry out the intents and purposes of this Act; 5. perform such other functions relative to apprenticeship as the appointive authority may direct, and, 6. not less than once each year, make to the appointive authority a report covering the activities and findings of the council, which shall be transmitted to the legislature and the public.

Sec. 2. JOINT APPRENTICESHIP COMMITTEES. (a) Joint apprenticeship committees shall be approved by the apprenticeship council in any trade or group of trades or individual plants or establishments or political subdivisions in cities or trade areas, whenever justified by apprentice training needs. Such committees shall be composed of equal numbers of employer and employee representatives appointed by the respective employer and employee organizations in the trade or group of trades affected, or in the case of individual plants or establishments the members of the committee shall be appointed by the employer and the employee organization or organizations, or the apprenticeship council may act as such committee where there is no employee organization. The duties of the joint apprenticeship committees shall be to establish schedules for work experience training, assist in developing wage rates and working conditions for the apprentices, ascertain employer needs in the trade, specify the appropriate ratio of apprentices to journeymen, cooperate with school authorities in regard to education of apprentices in technical and theoretical subjects related to their trades and adjust apprenticeship differences.

(b) In the event the employees are not members of a bona fide union, standards of apprenticeship submitted by an employer or establishment conforming to the standards established under this Act may be recognized by the state apprenticeship council. Any such standards must meet the minimum standards of the state apprenticeship council.

(c) Related and supplemental instruction for apprentices, coordination of instruction with job experiences, and the selection and training of teachers and coordinators for such instruction shall be the responsibility of state

and local boards responsible for vocational education.

Sec. 3. DEFINITION OF APPRENTICE. The term "apprentice" as used herein means a person at least sixteen years of age who has entered into a written agreement with an employer or his agent, an association of employers, an organization of employees, or a joint committee representing employers and employees, which apprenticeship agreement provides for not less than four thousand hours of reasonably continuous employment for such person, and for his participation in an approved schedule of on-the-job work experience through employment, and at least one hundred forty-four hours per year of related supplemental instruction.

Sec. 4. CONTENTS OF APPRENTICESHIP AGREEMENT. Every apprenticeship agreement entered into under this Act shall contain:

1. The names of the contracting parties.

2. The date of birth of apprentice.

3. A statement of the trade, craft, or business which the apprentice is to be taught, and the time at which the apprenticeship will begin.

4. A statement showing the number of hours to be spent by the apprentice in work and the number of hours to be spent in related and supplemental instruction, which instruction shall be not less than one hundred forty-four hours per year.

5. A statement setting forth a schedule of the work processes in the trade or industry divisions in which the apprentice is to be taught and the approximate time to be spent at each process.

6. A statement of the graduated scale of wages to be paid the apprentice and whether the required school time shall be compensated.

7. A statement providing for a period of probation during which time the apprenticeship agreement may be terminated by either party to the agreement upon notification in writing to the apprenticeship council, and providing that after such probationary period the apprenticeship agreement may be terminated for cause by the joint apprenticeship committee upon notification to the

apprenticeship council setting forth the reasons for such termination.

8. A statement that the services of the apprenticeship council may be utilized for consultation regarding the settlement of differences arising out of the apprenticeship agreement where such differences cannot be adjusted locally or in accordance with the established trade procedure.

9. A statement that if an employer is unable to fulfill his obligation under the apprenticeship agreement he may transfer such obligation to another employer and the apprenticeship council shall be notified of such transfer in writing.

10. Such additional terms and conditions as may be prescribed or approved by the council not inconsistent with the terms of this Act.

Sec. 5. LIMITATION. The provisions of this Act shall apply only to such persons, firms, political subdivisions, corporations, employer associations, or bona fide organizations of employees as voluntarily elect to conform with its provisions.

Sec. 6. APPROPRIATION. The sum of four thousand dollars is appropriated for the thirty-fourth fiscal year, and four thousand dollars for the thirty-fifth fiscal year to the apprenticeship council for the payment of per diem and travel expenses of members of the council, salaries, the purchase of supplies, and the payment of necessary expenses incurred in administering this Act.

Sec. 7. REPEAL. Chapter 82, Session Laws of 1941, regular session, is repealed. This section does not negative an implied repeal of any statute which conflicts with this Act.

Approved by the Governor—March 10, 1945.

Filed in the Office of the Secretary of State—March 10, 1945.

CHAPTER 54

(House Bill No. 53)

AN ACT

RELATING TO STATE LANDS; PROVIDING FOR THE TAXATION OF LANDS HELD UNDER CERTIFICATE OF PURCHASE; AMENDING SECTIONS 11-422 AND 11-424, AND REPEALING SECTION 11-423, ARIZONA CODE OF 1939.

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

Section 1. Sec. 11-422, Arizona Code of 1939, is amended to read:

11-422. TAXATION OF LANDS SOLD. All lands sold under the provisions of this article shall be subject to taxation as other lands, and the taxes assessed thereon collected and enforced as against other lands. If not paid by the purchaser when the next annual deferred payment on the land becomes due, it shall constitute a forfeiture of the land to the state, as for failure to make payments when due upon the payment of taxes on lands held under certificate of purchase from the state land department, the county treasurer to whom such taxes are paid shall immediately furnish to the state land department a statement of the taxes paid, on forms supplied by the state land department for that purpose.

Sec. 2. Sec. 11-424, Arizona Code of 1939, is amended to read:

11-424. REPORT TO ASSESSOR. As soon as possible after a sale of any state land, the commissioner shall transmit to the assessor of the county in which the land is situated, a description of the same, the name of the purchaser and the amount paid for the land and the improvements thereon separately.

Sec. 3. REPEAL. Sec. 11-423, Arizona Code of 1939, is repealed. This section does not negative an implied repeal of any statute in conflict with this Act.

Approved by the Governor—March 10, 1945.

Filed in the Office of the Secretary of State—March 10, 1945.

CHAPTER 55

(House Bill No. 169)

AN ACT

RELATING TO AGRICULTURAL AND VEGETABLE SEED; PRESCRIBING THE AMOUNTS OF TESTING FEES, AND AMENDING SECTION 49-517 (SECTION 9, CHAPTER 81, SESSION LAWS OF 1941, REGULAR SESSION), ARIZONA CODE OF 1939.

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

Section 1. Sec. 49-517 (section 9, chapter 81, session laws of 1941, regular session), Arizona Code of 1939, is amended to read:

49-517. TESTING FEES. Any citizen of the state may submit to the seed testing laboratory samples of agricultural or vegetable seed for analysis. Any such sample shall be tested upon payment of a minimum fee of seventy-five cents for germination or for purity, and of one dollar and fifty cents for both germination and purity. The fees shall be proportionately higher when more than the usual amount of time is required. The fees may be increased or decreased by the state entomologist as may be required to meet the expenses incurred in the enforcement of this Act.

Approved by the Governor—March 10, 1945.

Filed in the Office of the Secretary of State—March 10, 1945.

CHAPTER 56

(House Bill No. 181)

AN ACT

RELATING TO TAXATION; PROVIDING FOR AN ANNUAL AD VALOREM TAX LEVY; AMENDING SECTION 73-501, ARIZONA CODE OF 1939; AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 73-501, Arizona Code of 1939, is amended to read:

73-501. ANNUAL LEVY. On or before the second Monday of August of each year, the state board of equalization shall make and enter on its records an estimate of the amount of money to be received during the current fiscal year from each source of revenue other than direct property taxation. On the second Monday of August in each year, the state board of equalization shall levy upon the real and personal property within the state such sum of money as shall be necessary, with all other sources of revenue as estimated by the state board of equalization and all unencumbered balances on hand at the close of the preceding fiscal year, as fixed by law, to defray the necessary expenses of the state for the current fiscal year, including interest and principal of the bonds of the state, and shall fix the rate of taxation required to produce the amount of such levy. Upon the same property and upon the same valuation the board of supervisors of each county shall levy for the same fiscal year, all taxes to be levied and collected for all county purposes in amounts as limited and for the purposes specified in this article.

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

Approved by the Governor—March 10, 1945.

Filed in the Office of the Secretary of State—March 10, 1945.

CHAPTER 57

(House Bill No. 59)

AN ACT

RELATING TO INCOME TAX, AND PROVIDING A METHOD OF EXECUTING INCOME TAX RETURNS, AND DECLARING AN EMERGENCY.

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

Section 1. CERTIFICATION OF INCOME TAX RETURN IN LIEU OF ACKNOWLEDGEMENT. Any person required by the provisions of the income tax Act of 1933 (article 15, chapter 73, Arizona Code of 1939), to file a return with the state tax commission, may in lieu of acknowledging the same before a notary public or other person authorized to take acknowledgements, affix his signature thereto, accompanied by a certification, under penalty of perjury, that the return has been examined by the signer and is to the best of his knowledge and belief a true, correct and complete return, and such return shall be accepted as being duly executed.

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

Approved by the Governor—March 6, 1945.

Filed in the Office of the Secretary of State—March 10, 1945.

CHAPTER 58

(House Bill No. 74)

AN ACT

RELATING TO LEASING OF STATE LANDS; PROVIDING A METHOD OF EXECUTING APPLICATION FOR LEASE; AMENDING SECTION 11-301, ARIZONA CODE OF 1939; AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 11-301, Arizona Code of 1939, is amended to read:

11-301. APPLICATION FOR LEASE. (a) All state lands shall be subject to lease as herein provided, for a term of not more than ten years for agricultural and grazing purposes, without advertising. Such leases shall be granted according to the constitution, the law and the rules and regulations of the department.

(b) No lease will be granted under this section without application therefor. All applications for lease shall be made upon forms prepared and furnished by the commissioner and shall be signed and sworn to by the applicant or his authorized agent or attorney, and filed with the commissioner. In lieu of signing and swearing to the same before a notary public or other person authorized to take acknowledgements, the applicant may affix his signature to the application, accompanied by a certification, under penalty of perjury, that the information contained and statements therein made are to the best of his knowledge and belief true, correct and complete, and such application shall be accepted as being duly executed. Any material false statement or concealment of facts made by any applicant, his authorized agent or attorney, in his application to lease, which statement, if known to the department would have prevented its issue in the form or to the person issued, shall be grounds for cancellation of any lease issued upon such application.

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

Approved by the Governor—March 10, 1945.

Filed in the Office of the Secretary of State—March 10, 1945.

CHAPTER 59

(House Bill No. 65)

AN ACT

RELATING TO PROFESSIONAL AND BUSINESS PURSUITS; PROVIDING FOR THE REGULATION OF THE PRACTICE OF OPTOMETRY; AMENDING SECTION 67-1404, ARIZONA CODE OF 1939; ADDING SECTION 67-1404a; AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 67-1404, Arizona Code of 1939, is amended to read:

67-1404. APPLICATION FOR EXAMINATION. (a) Any person over the age of twenty-one years, of good moral character, desiring to engage in the practice of optometry, may file with the secretary of the board a verified application for examination accompanied by an application fee of twenty-five dollars. The application shall be filed not less than two weeks prior to the date on which an examination is to be held, and shall show: 1. the applicant's name, age, nationality and address; 2. graduation from a high school giving a regular four-year course, accredited by the University of Arizona, or other school which in the judgment of the board affords an equal preliminary education, and, 3. graduation from a school or university meeting the requirements of section 67-1403, as evidenced by a diploma or certificate satisfactory to the board. In lieu of the evidence of education, the applicant may furnish a certificate issued by the board of optometry or other agency of another state or foreign country authorized by law to grant licenses to practice optometry, evidencing that the applicant has been a licensed practitioner of optometry in such state or foreign country for not less than five years, and shall furnish such further evidence as the board may require concerning his knowledge of and ability in the practice of optometry and the class of practice he has previously pursued.

(b) Examinations shall be held at least once each year, at the capitol, and at such other times and places as the board or the governor may designate. Notice of an examination shall be given not less than thirty days prior to the date thereof.

Sec. 2. Article 14, chapter 67, Arizona Code of 1939, is amended by adding section 67-1404a:

67-1404a. CERTIFICATE OF REGISTRATION. (a) The board shall examine applicants for a certificate of registration only in the subjects prescribed in section 67-1403. Any applicant obtaining a grade of seventy-five per cent or more in each subject shall be issued a certificate of registration upon the payment of a registration fee of ten dollars. The certificate shall be in force until the first day of July next succeeding.

(b) On or before June 30 of each year the holder of a certificate of registration shall pay to the secretary-treasurer of the board a renewal fee of ten dollars. He shall keep the certificate conspicuously posted in his place of business. Failure to pay the annual renewal fee in advance shall void the certificate and it shall not be re-

stored except upon written application and payment to the board of a penalty, to be fixed by the board, not exceeding twenty-five dollars, and all delinquent renewal fees.

(c) The holder of the certificate shall notify the board in writing of the place where he intends to begin practice, and of any subsequent changes of his business location.

(d) The holder of a certificate of registration shall, before beginning practice in any location, file the same, or a certified copy thereof, for record with the county recorder of each county in which he intends to practice. It shall be unlawful to engage in the practice of optometry in any county until the certificate, or a copy thereof, has been so recorded, except that temporary visitant practice away from the holder's regular place of business shall be permitted.

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

Approved by the Governor—March 10, 1945.

Filed in the Office of the Secretary of State—March 10, 1945.

CHAPTER 60

(House Bill No. 147)

AN ACT

AUTHORIZING THE PAYMENT OF CLAIMS FROM THE ACCOUNTS OF VARIOUS STATE AGENCIES OR DEPARTMENTS FOR INDEBTEDNESS INCURRED IN THE PAST FISCAL YEAR, AND DECLARING AN EMERGENCY.

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

Section 1. AUTHORIZATION. The sum of one hundred sixty-six dollars and forty-seven cents ($166.47) is hereby authorized to be paid from the unexpended bal-

ances of the various departments as specified in section 2 for the relief of claimants in the amounts set opposite their names.

Sec. 2. PURPOSE. The sum specified in section 1 is in full satisfaction of the following listed claims, for expenses incurred by state agencies, and unpaid for the reasons as specifically stated. The state auditor shall draw his warrants against the unexpended balances of the various departments on claims bearing the approval of the respective state departments or agencies which incurred the obligations.

(1) State board of embalming, to pay a claim for an expenditure which was not encumbered before the close of the fiscal year and the claim was not presented within the time limitation: Alvin Bring—$10.00.

(2) State board of optometry, to pay claims for expenditures which were not encumbered before the close of the fiscal year and the claims were not presented within the time limitation: Dr. G. W. Patterson, two claims in the total amount of $20.00.

(3) State board of pharmacy, (a) to pay a claim for an expenditure which was not encumbered before the close of the fiscal year and the claim was not presented within the time limitation: Arizona Printers, Inc.—$85.80; (b) to pay a claim which was not presented within the time limitation; H. M. Clark Office Supply Co.—$50.67.

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

Approved by the Governor—March 10, 1945.

Filed in the Office of the Secretary of State—March 10, 1945.

CHAPTER 61

(House Bill No. 96)

AN ACT

MAKING AN APPROPRIATION FOR THE RELIEF OF

THE INDUSTRIAL COMMISSION OF ARIZONA, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. Thirty-three dollars and twenty-two cents ($33.22) is hereby appropriated from the administration account of the state board of social security and welfare for the relief of the industrial commission of Arizona.

Sec. 2. PURPOSE. This appropriation shall be applied only to and in satisfaction of certificate of indebtedness No. 14 issued by the state auditor based upon the earned premium for occupational disease insurance for the period from March 6, 1943, to June 30, 1943.

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

Approved by the Governor—March 10, 1945.

Filed in the Office of the Secretary of State—March 10, 1945.

CHAPTER 62

(House Bill No. 98)

AN ACT

MAKING AN APPROPRIATION FOR THE RELIEF OF THE INDUSTRIAL COMMISSION, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. Seventeen thousand three hundred thirty-six dollars and forty-six cents ($17,-336.46) is hereby appropriated from the general fund of the state of Arizona for the relief of the industrial commission.

Sec. 2. PURPOSE. One thousand four hundred

eighteen dollars and sixty-six cents ($1,418.66) is appropriated from the general fund to the state auditor for the relief of the industrial commission of Arizona to pay certificates of indebtedness (No. 15 in the amount of $324.44, No. 16 in the amount of $518.26, No. 20 in the amount of $197.54, No. 25 in the amount of $217.19 and No. 26 in the amount of $161.23) for occupational disease earned premiums for the period from March 6, 1943, to December 31, 1944.

Fifteen thousand nine hundred seventeen dollars and eighty cents ($15,917.80) is appropriated from the general fund to the workmen's compensation fund for the relief of the industrial commission of Arizona to pay certificates of indebtedness (No. 2 in the amount of $4,603.04, No. 17 in the amount of $3,052.84 and No. 19 in the amount of $8,261.92) for workmen's compensation insurance earned premiums.

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

Approved by the Governor—March 10, 1945.

Filed in the Office of the Secretary of State—March 10, 1945.

CHAPTER 63

(Senate Bill No. 68)

AN ACT

RELATING TO PROFESSIONAL AND BUSINESS PURSUITS; PROVIDING FOR CERTIFICATES OF REGISTRATION IN THE BASIC SCIENCES; PERMITTING RECIPROCITY WITH OTHER STATES, AND AMENDNG SECTION 67-207, ARIZONA CODE OF 1939.

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

Section 1. Sec. 67-207, Arizona Code of 1939, is amended to read:

67-207. CERTIFICATE OF REGISTRATION. (a)

If in such examination the applicant attains a grade of seventy-five per cent in each subject he shall receive a certificate of registration in the basic sciences, signed by the president and secretary and sealed with the seal of said board. If he fails in one or two subjects only, he may be re-examined in the subject or subjects in which he failed at any examination within one year, without further application or examination fee, and upon attaining a grade of seventy-five per cent therein, he shall receive his certificate of registration in the basic sciences. If he fails in three or more of the subjects, he may make a new application for examination in all subjects and again pay the secretary-treasurer of said board the examination fee of twenty dollars.

(b) An applicant, a citizen of the United States, furnishing satisfactory proof of a certification, registration, or license issued to such applicant within any state or territory of the United States in which the requirements for the registration of said applicant at the date of issuance of his license shall be deemed by the board to be equivalent to those of Arizona, shall be eligible for registration by reciprocal endorsement at the discretion of the board, upon payment of the registration fee prescribed in section 67-206.

Approved by the Governor—March 10, 1945.

Filed in the Office of the Secretary of State—March 10, 1945.

CHAPTER 64

(Senate Bill No. 44)

AN ACT

AUTHORIZING THE BOARD OF REGENTS OF THE UNIVERSITY OF ARIZONA TO ACCEPT GRANTS OF MONEY, AND MAKING APPROPRIATIONS FOR THE CONSTRUCTION AND IMPROVEMENT OF UNIVERSITY BUILDINGS; AND DECLARING AN EMERGENCY.

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

Section 1. POWER TO ACCEPT GRANTS OF

MONEY. The board of regents of the university of Arizona shall have the power to accept grants of money from the United States of America or any of its officers or agencies designated or created to make grants for public construction work.

Sec. 2. APPROPRIATIONS. Conditional upon the receipt of a grant of money as designated in section 1, in an amount equal to at least thirty per cent of the total cost of construction or equipment, the following sums are appropriated to the board of regents of the university of Arizona:

1. For the thirty-fourth fiscal year, the sum of three hundred sixty-two thousand three hundred eighty-seven dollars, for an aeronautical engineering building, a dairy building, an addition to the law building for housing the law library, and the equipment of such buildings, the extension of the heating, lighting, and other service facilities, and the erection, improvement, extension, repair, replacement, additions to, and equipment of, such other buildings as the board of regents shall deem necessary.

2. For the thirty-fifth fiscal year, the sum of four hundred twenty-nine thousand seven hundred three dollars, for a science building, an addition to the chemistry-physics building, alteration of the engineering building, and the equipment of such buildings, the further extension of the heating, lighting, and other service facilities, or the erection, improvement, extension, repair, replacement, additions to, and equipment of such other buildings as the board of regents shall deem necessary.

Sec. 3. LAPSING OF APPROPRIATIONS. The appropriations made in section 2 shall not lapse until the purposes for which the appropriations are made shall have been accomplished or abandoned unless the appropriations have stood for a period of four years following the formal termination of the existing state of war between the United States of America and its foreign enemies without an expenditure therefrom or encumbrance thereon.

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

(Failed to pass with sufficient votes to carry emergency.)

Approved by the Governor—March 12, 1945.

Filed in the Office of the Secretary of State—March 12, 1945.

CHAPTER 65

(Senate Bill No. 53)

AN ACT

AUTHORIZING THE BOARD OF REGENTS OF THE UNIVERSITY OF ARIZONA TO CONSTRUCT AND EQUIP DORMITORIES, TO ACCEPT GRANTS OF MONEY FROM A FEDERAL AGENCY, TO BORROW MONEY AND ISSUE BONDS, AND TO PERFORM NECESSARY OR CONVENIENT ACTS IN CONNECTION WITH SUCH PROJECTS; AND DECLARING AN EMERGENCY.

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

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

"institution" means the university of Arizona, and includes the board of regents;

"board" means the board of regents or other governing body of the institution;

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

"project" means dormitory buildings constructed pursuant to this Act and includes the equipment therefor;

"acquire" includes purchase, erect, build, construct, reconstruct, repair, replace, extend, better, equip, develop, improve, and embelish;

"federal agency" means the United States of America or any of its officers or agencies designated or created to make grants of money for public construction work.

Sec. 2. POWERS. The institution shall have power in its proper name, to: 1. acquire any project or projects,

and own, operate and maintain the same; 2. accept grants of money from a federal agency; 3. borrow money and issue bonds and provide for the payment of the same and for the rights of the holders thereof, and, 4. perform all acts and do all things necessary or convenient to carry out the powers granted by this Act.

Sec. 3. ISSUANCE OF BONDS. The institution is authorized from time to time to issue negotiable bonds in various amounts, but not exceeding in the aggregate the sum of one million dollars, for the purpose of acquiring projects in the form of dormitory buildings and the equipment therefor. The bonds shall be authorized by resolution of the board. The bonds may be issued in one or more series, bear such date or dates, be in such denomination or denominations, mature at such time or times, not exceeding thirty years from the respective dates thereof, mature in such amount or amounts, bear interest at such rate or rates not exceeding five per cent per annum, payable semi-annually, be in such form either coupon or registered, carry such registration privileges, be executed in such manner, be payable in such medium of payment, at such place or places, be subject to such term of redemption, with or without premium, as such resolution or other resolutions may provide. The bonds may be sold at not less than par. The bonds shall be fully negotiable within the meaning and for all the purposes of chapter 52, Arizona Code of 1939.

Sec. 4. POWERS TO SECURE BONDS. In connection with the issuance of the bonds authorized by section 3, or in order to secure the payment of such bonds and interest thereon, the institution shall have power by resolution of its board, to:

1. Fix and maintain fees, rentals and other charges from students, faculty members and others using or being served by, or having the right to be served by, any project.

2. Provide that bonds issued under this Act shall be secured by a first, exclusive and closed lien on the income and revenue derived from, and shall be payable from fees, rentals and other charges from students, faculty members and others using or being served by, or having the right to use, or the right to be served by, any project.

3. Pledge and assign to, or in trust for the benefit of, the holder or holders of the bonds issued hereunder,

an amount of the income and revenue derived from fees, rentals and other charges from students, faculty members and others using or being served by, or having the right to use, or the right to be served by, any project.

4. Covenant with or for the benefit of the holder or holders of bonds issued under this Act to acquire any project, that so long as any such bonds shall remain outstanding and unpaid the institution will fix, maintain and collect in such installments as may be agreed upon an amount of the fees, rentals and other charges from students, faculty members and others using or being served by, or having the right to use, or the right to be served by, any project, which shall be sufficient to pay when due the bonds issued hereunder to acquire such project, and interest thereon, and to create and maintain reasonable reserves therefor, and to pay the costs of operation and maintenance of such project, including, but not limited to, reserves for extraordinary repairs, insurance and maintenance, which costs of operation and maintenance shall be determined by the board in its absolute discretion.

5. Make and enforce and agree to make and enforce parietal rules that shall insure the use of any project by all students in attendance at the institution to the maximum extent to which such project is capable of serving such students, or if the project is designed for occupancy as living quarters for the faculty members, by as many faculty members as may be served thereby.

6. Covenant that so long as any of the bonds issued under this Act shall remain outstanding and unpaid it will not, except upon such terms and conditions as may be determined: 1. voluntarily create or cause to be created any debt, lien, pledge, assignment, encumbrance or other charge having priority to or being on a parity with the lien of the bonds issued under this Act upon any of the income and revenues derived from fees, rentals and other charges from students, faculty members and others using or being served by, or having the right to use, or the right to be served by, any project; 2. convey or otherwise alienate the project to acquire which such bonds shall have been issued, or the real estate upon which such project shall be located, except at a price sufficient to pay all the bonds then outstanding issued under this Act to acquire such project and interest accrued thereon, and then only in accordance with any agreements with the holder or holders of such bonds, or, 3. mortgage or otherwise voluntarily create or cause to

be created any encumbrance on the project to acquire which such bonds shall have been issued or the real estate upon which it shall be located.

7. Covenant as to the procedure by which the terms of any contract with a holder or holders of such bonds may be amended or abrogated, the amount or percentage of bonds the holder or holders of which must consent thereto, and the manner in which such consent may be given.

8. Vest in a trustee or trustees the right to receive all or any part of the income and revenue pledged and assigned to, or for the benefit of, the holder or holders of bonds issued hereunder, and to hold, apply and dispose of the same and the right to enforce any covenant made to secure or pay or in relation to the bonds; execute and deliver a trust agreement or trust agreements which may set forth the powers and duties and the remedies available to such trustee or trustees and limiting the liabilities thereof and describing what occurrences shall constitute events of default and prescribing the terms and conditions upon which such trustee or trustees or the holder or holders of bonds of any specified amount or percentage of such bonds may exercise such rights and enforce any and all such covenants and resort to such remedies as may be appropriate.

9. Vest in a trustee or trustees or the holder or holders of any specified amount or percentage of bonds the right to apply to any court of competent jurisdiction for and have granted the appointment of a receiver or receivers of the income and revenue pledged and assigned to or for the benefit of the holder or holders of such bonds, which receiver or receivers may have and be granted such powers and duties as such court may order or decree for the protection of the bondholders.

Sec. 5. MONEYS OF INSTITUTION. No moneys derived from the sale of bonds of the institution or otherwise borrowed by the institution under the provisions of this Act, shall be required to be paid into the state treasury but shall be deposited by the treasurer or other fiscal officer of the institution in a separate bank account or accounts in such bank or banks or trust company or trust companies as may be designated by the board and all deposits of such moneys shall, if required by the board, be secured by obligations of the United States of America, of a market value equal at all times to the amount of the deposit; and all banks and trust companies are authorized to give such security. Such money shall

be disbursed as may be directed by the board and in accordance with the terms of any agreements with the holder or holders of any bonds. This section shall not be construed as limiting the power of the institution to agree in connection with the issuance of any of its bonds as to the custody and disposition of the moneys received from the sale of such bonds or the income and revenue of the institution pledged and assigned to or in trust for the benefit of the holder or holders thereof.

Sec. 6. VALIDITY OF BONDS. The bonds bearing the signatures of officers in office on the date of the signing thereof shall be valid and binding obligations, notwithstanding that before the delivery thereof and payment therefor any or all the persons whose signatures appear thereon shall have ceased to be officers of the institution issuing the same. The validity of the bonds shall not be dependent on nor affected by the validity or regularity of any proceedings to acquire the project financed by the bonds or taken in connection therewith.

Sec. 7. PROHIBITIONS AGAINST OBLIGATING THE STATE OF ARIZONA. Nothing in this Act shall be construed to authorize the institution to contract a debt on behalf of, or in any way to obligate, the state of Arizona, or to pledge, assign or encumber in any way, or to permit the pledging, assigning or encumbering in any way of, appropriations made by the legislature, or revenue derived from the investment of the proceeds of the sale, and from the rental of such lands as have been set aside by the Enabling Act approved June 20, 1910, or other legislative enactments of the United States, for the use and benefit of the institution.

Sec. 8. BONDS OBLIGATIONS OF INSTITUTION. All bonds issued pursuant to this Act shall be obligations of the institution issuing such bonds, payable only in accordance with the terms thereof, and shall not be obligations general, special or otherwise of the state of Arizona. Such bonds shall not constitute a debt, legal or moral, of the state of Arizona, and shall not be enforceable against the state, nor shall payment thereof be enforceable out of any funds of the institution issuing said bonds other than the income and revenues pledged and assigned to, or in trust for the benefit of, the holder or holders of such bonds.

Sec. 9. CERTIFICATION OF BONDS BY ATTORNEY-GENERAL. The institution may submit to the attorney-general of the state of Arizona any bonds to be issued under this Act after all proceedings for the issu-

ance of such bonds have been taken. Upon the submission of such proceedings to the attorney-general, it shall be his duty to examine into and pass upon the validity of the bonds and the regularity of all proceedings in connection therewith. If such proceedings conform to the provisions of this Act, and the bonds when delivered and paid for will constitute binding and legal obligations of the institution enforceable according to the terms thereof, the attorney-general shall certify in substance upon the back of each of said bonds that it is issued in accordance with the constitution and laws of the state of Arizona.

Sec. 10. EXCISION OF UNCONSTITUTIONAL OR INEFFECTIVE PARTS OF ACT. It is declared that the sections, clauses, sentences and parts of this Act are severable, are not matters of mutual essential inducement, and any of them may be excided by any court of competent jurisdiction if this Act would otherwise be unconstitutional or ineffective. It is the intention of this Act to confer upon the institution the whole or any part of the powers in this Act provided for, and if any one or more sections, clauses, sentences and parts of this Act shall for any reason be questioned in any court of competent jurisdiction and shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provision or provisions so held unconstitutional or invalid, and the inapplicability or invalidity of any section, clause, sentence or part of this Act in any one or more instances shall not be taken to affect or prejudice its applicability or validity in any other instance.

Sec. 11. SUPPLEMENTAL NATURE OF ACT, CONSTRUCTION AND PURPOSE. The powers conferred by this Act shall be in addition to and supplemental to the powers conferred by any other law, general or special, and bonds may be issued under the provisions of this Act notwithstanding the provisions of and without regard to the procedure required by any other such law. Insofar as the provisions of the Act are inconsistent with the provisions of any other law, general or special, the provisions of this Act shall be controlling. Except in pursuance of any contract or agreement theretofore entered into by the institution, the institution shall not borrow any money or issue any bonds pursuant to the provisions of this Act after the expiration of four years following the formal termination of the existing state of war between the United States and its foreign enemies.

Sec. 12. EMERGENCY. To preserve the public peace,

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

Approved by the Governor—March 12, 1945.

Filed in the office of the Secretary of State—March 12, 1945.

CHAPTER 66

(House Bill No. 148)

AN ACT

MAKING AN APPROPRIATION FROM THE GENERAL FUND TO PAY INDEBTEDNESS INCURRED BY VARIOUS STATE DEPARTMENTS AND AGENCIES NOT PAYABLE OUT OF EXISTING APPROPRIATIONS, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. The sum of three thousand four hundred eighty-seven dollars and fifty cents ($3,487.50) is appropriated from the general fund for the relief of the claimants named in section 2, in the amounts set opposite their names.

Sec. 2. PURPOSE. The sum specified in section 1 is appropriated for the satisfaction of the following listed claims, for expenses incurred by state agencies, and unpaid for the reasons specifically stated. The state auditor shall draw his warrants from the general fund on claims bearing the approval of the respective state departments or agencies which incurred the obligations.

(1) Attorney general, to pay two claims for expenditures which exceeded the appropriations: The Gilbert Enterprise—$42.00; Western Union—$42.44.

(2) Superior courts commissioners, to pay two claims for expenditures which were not encumbered before the close of the fiscal year: William H. Westover—$17.50; Edward S. Lyman—$7.50.

(3) Capitol building and grounds, to pay a claim for

an expenditure which was not encumbered before the close of the fiscal year and the claim was not presented within the time limitation: Karlson Machine Works—$5.00.

(4) Arizona state teachers college at Flagstaff, to pay a payroll claim which was not encumbered before the close of the fiscal year: Jane Belin—$8.10 and Joyce Payne—$3.24.

(5) Arizona state school for the deaf and blind, to pay a claim for an expenditure which was not encumbered before the close of the fiscal year and the claim was not presented within the time limitation: Hearn and Caid—$100.32.

(6) Governor, to pay a claim for fire insurance on the state hospital which was not encumbered before the close of the fiscal year and the claim was not presented within the time limitation: Butler Insurance Agency—$56.80.

(7) Arizona state laboratory, (a) to pay a claim for an expenditure which was not encumbered before the close of the fiscal year and the claim was not presented within the time limitation: Roy L. Perry—$5.40; (b) to pay two claims which exceeded the appropriation: Marion E. Stroud—$16.33, and Roy L. Perry—$2.10.

(8) Arizona state board of health, to pay a claim for an expenditure which was not encumbered before the close of the fiscal year and the claim was not presented within the time limitation: Dorsey-Burke Drug Co.—$1.00.

(9) State land department, to pay four claims for expenditures which were not encumbered before the close of the fiscal year and the claims were not presented within the time limitation: Monroe Calculating Machine Co., Inc.—two claims in the total amount of $24.00; E. R. Spear—$1.50; Tucson Blue Print Company—$15.75.

(10) Board of directors of state institutions for juveniles, to pay four claims for indebtedness incurred in excess of the appropriation: J. Reichert, M. D.—$275.00; Maricopa County Juvenile Probation Office—$112.35; St. Joseph's Hospital—two claims in the total amount of $242.14.

(11) State tax commission, to pay ten claims for

expenditures which were not encumbered before the close of the fiscal year and the claims were not presented within the time limitation: Underwood Elliott Fisher Co. —$5.70; Joseph T. Morgan—$207.78; Ed Luke Motor Co. —$8.43; Crystal Ice and Cold Storage Company—two claims in the total amount of $19.89; Commerce Clearing House, Inc.—$61.00; Pioneer Hotel—two claims in the total amount of $330.48; International Business Machines, Corp.—two claims in the total amount of $241.39.

(12) Industrial School, (a) to pay indebtedness for which no funds were available: National Probation Association—$100.00; (b) to pay a claim for an expenditure which was not encumbered before the close of the fiscal year and the claim was not presented within the time limitation: Dadson's Ice Service—$15.00.

(13) Board of directors of state institutions, to pay ten claims for indebtedness which exceeded the appropriation: J. L. Stockton Lumber Company—two claims in the total amount of $373.91; Cuddihy Roofing & Materials Co. assigned by Claude Greer—$129.38; Cuddihy Roofing & Materials Co. assigned by Earl Platt—$129.38; A. V. Tate—six claims in the total amount of $750.00.

(14) Board of social security and public welfare, (a) to pay claims which were not encumbered before the close of the fiscal year and the claims were not presented within the time limitation: Lawrence Anderman, M. D. —$15.00; The Baltimore Eye, Ear and Throat Hospital—$78.03; Shell Oil Company, Inc.—$21.91; Monroe Calculating Machine Company, Inc.—two claims in the total amount of $6.75; (b) to pay a claim which was not presented within the time limitation: Fifth Avenue Grocery —$15.00.

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

Approved by the Governor—March 12, 1945.

Filed in the office of the Secretary of State—March 12, 1945.

CHAPTER 67

(House Bill No. 85)

AN ACT

MAKING AN APPROPRIATION FOR THE PAYMENT OF A JUDGMENT AGAINST THE STATE OF ARIZONA.

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

Section 1. APPROPRIATION. There is hereby appropriated out of the general fund of the State from any moneys not heretofore appropriated, the sum of five hundred ninety-four and 10/100 dollars for the purpose of satisfying that certain judgment entered in the superior court of the state of Arizona in and for the county of Yuma, in case No. 8471, entitled Sophia G. Kennedy, Gertie Kennedy Golden and Daisy Kennedy vs. State of Arizona, recorded in Book 5 at page 6 of the judgment docket of said court, and the auditor is hereby authorized to draw her warrant in payment of such judgment.

Approved by the Governor—March 12, 1945.

Filed in the office of the Secretary of State—March 12, 1945.

CHAPTER 68

(House Bill No. 146)

AN ACT

AUTHORIZING THE PAYMENT OF CLAIMS FROM THE ARIZONA GAME AND FISH COMMISSION FUND FOR INDEBTEDNESS INCURRED IN THE PAST FISCAL YEAR, AND DECLARING AN EMERGENCY.

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

Section 1. AUTHORIZATION. The sum of one hundred fifty-one dollars and twenty-eight cents ($151.28) is hereby authorized to be paid from the unexpended balance in the Arizona Game and Fish Commission Fund

to pay claims for expenditures which were not encumbered before the close of the fiscal year and the claims were not presented for payment within the time limitation: Arizona Game Protective Association—seventy-five dollars ($75.00); Western Union—six dollars and sixty-eight cents ($6.68); Delbert L. English—twenty-eight dollars and twenty-five cents ($28.25); T. T. Frazier—two claims in the total amount of forty-one dollars and thirty-five cents ($41.35).

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

Approved by the Governor—March 12, 1945.

Filed in the office of the Secretary of State—March 12, 1945.

CHAPTER 69

(House Bill No. 134)

AN ACT

RELATING TO PRECINCT OFFICERS; PRESCRIBING TERMS OF OFFICE OF JUSTICES OF THE PEACE AND CONSTABLE; PROVIDING FOR THE ABOLISHMENT OF PRECINCTS, AND AMENDING SECTION 17-504, ARIZONA CODE OF 1939.

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

Section 1. Sec. 17-504, Arizona Code of 1939, is amended to read:

17-504. PRECINCT OFFICERS. The officers of justice precincts shall be a justice of the peace and a constable, who shall be elected by the qualified electors of the precinct at the general election for state and county officers for terms of four years each. The board of supervisors shall divide the county into justice precincts and name or number the same, and may change or abolish any such precinct, or redistrict the county, but no abolishment of a precinct shall take effect until the

expiration of the term of office of the then justice and constable of the abolished precinct.

Approved by the Governor—March 12, 1945.

Filed in the office of the Secretary of State—March 12, 1945.

CHAPTER 70

(House Bill No. 124)

AN ACT

FOR THE RELIEF OF THE INDUSTRIAL COMMISSION OF ARIZONA.

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

Section 1. APPROPRIATION. The sum of one thousand nine hundred eighteen dollars seventy-eight cents is appropriated for the relief of the industrial commission of Arizona, for credit to the state compensation fund.

Sec. 2. BASIS OF CLAIM. Payment of the sum appropriated shall be in full satisfaction of the claim of the industrial commission of Arizona for the reimbursement of the state compensation fund for taxes on workmen's compensation insurance premiums erroneously paid to the Arizona corporation commission and credited to the general fund, during the years 1936 to 1941, inclusive, by the Hartford Accident and Indemnity Company and the Employers Liability Assurance Corporation, Ltd.

Approved by the Governor—March 12, 1945.

Filed in the office of the Secretary of State—March 12, 1945.

CHAPTER 71

(House Bill No. 121)

AN ACT

AUTHORIZING THE STATE TREASURER TO PAY A

WARRANT FOR THE RELIEF OF W. H. LINVILLE, AND DECLARING AN EMERGENCY.

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

Section 1. AUTHORIZATION. The state treasurer is hereby authorized to pay highway warrant No. 16173, dated June 17, 1941, in the amount of $100.00, issued to Eugenia Mills Owens and now held by W. H. Linville. Payment of this warrant was stopped June 25, 1943, under the provisions of section 10-929 Arizona Code, 1939, Annotated.

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

Approved by the Governor—March 12, 1945.

Filed in the office of the Secretary of State—March 12, 1945.

CHAPTER 72

(House Bill No. 34)

AN ACT

RELATING TO THE REGISTRAR OF CONTRACTORS; PRESCRIBING HIS QUALIFICATIONS, POWERS AND SALARY; AMENDING SECTION 67-804, ARIZONA CODE OF 1939; AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 67-804, Arizona Code of 1939, is amended to read:

67-804. REGISTRAR OF CONTRACTORS. The governor shall appoint a registrar of contractors, who shall be an experienced contractor, for a term coterminous with that of the governor, or until his successor is appointed and qualifies. The registrar shall file with the secretary of State a bond in the amount of five thousand dollars, payable to the State. The registrar is empowered

to employ such assistance and procure such equipment and records as may be necessary to carry out the provisions of this Act. He shall receive a salary of three thousand six hundred dollars per annum, payable out of the contractors' license fund.

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

Approved by the Governor—March 12, 1945.

Filed in the Office of the Secretary of State—March 12, 1945.

CHAPTER 73

(House Bill No. 15)

AN ACT

RELATING TO SOCIAL SECURITY AND WELFARE; MAKING AN APPROPRIATION TO THE STATE BOARD OF SOCIAL SECURITY AND WELFARE; AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. There is hereby appropriated from the general fund of the state to the state board of social security and welfare, for the thirty-third fiscal year (1944-45), seventy-five thousand dollars ($75,000.00), for the following purposes:

(a) Sixty-five thousand dollars ($65,000.00) to meet the deficiency arising out of the operation of the aid to the needy blind;

(b) Ten thousand dollars ($10,000.00) to meet the deficiency in the operation of the state welfare sanitarium.

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

Approved by the Governor—March 12, 1945.

Filed in the Office of the Secretary of State—March 12, 1945.

CHAPTER 74

(House Bill No. 120)

AN ACT

RELATING TO INSURANCE OF STATE INSTITUTIONS; PROVIDING A SUPPLEMENTAL APPROPRIATION TO PAY INSURANCE PREMIUMS FOR WHICH THE APPROPRIATION FOR THE CURRENT FISCAL YEAR IS INSUFFICIENT; AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. The amount of $5,500.00 is hereby appropriated from the general fund to the governor for the payment of premiums on insurance policies and shall be a supplement to the appropriations for the fiscal year ending June 30, 1945.

Sec. 2. PURPOSE. The following amounts shall be applied to the departments as specifically specified and shall be applied only to and in satisfaction of fire insurance premiums which become due between the period of January 1, 1945, and June 30, 1945; (a) Industrial School, in the amount of $2,500.00; (b) State Prison, in the amount of $500.00; (c) capitol building and grounds, in the amount of $2,500.00, said appropriations to be in addition to those amounts already appropriated.

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

Approved by the Governor—March 12, 1945.

Filed in the Office of the Secretary of State—March 12, 1945.

CHAPTER 75

(House Bill No. 104)

AN ACT

RELATING TO THE STATE PRISON, AND PROVIDING FOR THE APPOINTMENT OF SUBORDINATE OFFICIALS.

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

Section 1. PRISON OFFICIALS. The superintendent of the state prison shall appoint an assistant superintendent, a secretary, a physician, a parole clerk, two chaplains, one of whom shall be of a protestant denomination and one of the Catholic faith, and such other employees as may be necessary, and fix their compensation within the limits of legislative appropriations therefor.

Approved by the Governor—March 12, 1945.

Filed in the Office of the Secretary of State—March 12, 1945.

CHAPTER 76

(House Bill No. 77)

AN ACT

MAKING DEFICIENCY APPROPRIATIONS FOR THE PAYMENT OF CONTRIBUTIONS OF STATE EDUCATIONAL INSTITUTIONS TO THE NORMAL PENSION ACCUMULATION FUND OF THE ARIZONA TEACHERS' RETIREMENT SYSTEM.

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

Section 1. APPROPRIATION. The sum of eighteen thousand three hundred three dollars forty cents is appropriated to the following state educational institutions and agencies; in the amounts respectively set opposite each: state superintendent of public instruction, one thousand eight hundred five dollars sixty-four cents; Arizona state teachers college, Flagstaff, six thousand one hundred twenty-nine dollars fifty cents; Arizona state teachers college, Tempe, nine thousand fifty-eight dollars four cents; state school for the deaf and the blind, Tucson, one thousand three hundred ten dollars twenty-two cents.

Sec. 2. PURPOSE. The purpose of this appropriation is to pay the contribution of the several educational institutions and agencies to the normal pension accumulation fund of the Arizona teachers' retirement system for the thirty-second and thirty-third fiscal years, as prescribed by subsection (b), section 15, chapter 61, session laws of 1943, regular session.

Approved by the Governor—March 12, 1945.

Filed in the Office of the Secretary of State—March 12, 1945.

CHAPTER 77

(Senate Bill No. 75)

AN ACT

PROVIDING FOR THE ESTABLISHMENT OF A MEMORIAL TO THOMAS EDWARD CAMPBELL; AUTHORIZING THE APPOINTMENT OF A COMMISSION, AND MAKING AN APPROPRIATION.

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

Section 1. CREATION OF COMMISSION. The governor shall appoint five persons, who shall constitute a commission to be known as the Thomas E. Campbell memorial commission, to serve without compensation, for such term as may be required for the performance of the duties imposed by this Act. In the event of any vacancy, the governor shall designate a successor.

Sec. 2. DUTIES OF THE COMMISSION. It shall be the duty of the commission to invite suggestions for a memorial to the late Thomas Edward Campbell, second governor of Arizona (1917, 1919-22), in recognition of his many distinguished services to the state; to consider such suggestions, adopt such plan within the limits of resources available as may seem most appropriate, and cause the plan to be effected.

Sec. 3. AUTHORITY TO RECEIVE CONTRIBUTIONS. The commission shall have authority to receive private contributions to the Thomas E. Campbell memorial fund, not to exceed, when added to the amount made available by legislative appropriation, the sum of thirty thousand dollars.

Sec. 4. APPROPRIATION. The sum of ten thousand dollars is appropriated to the governor, for the use of the Thomas E. Campbell memorial commission, in carrying out the purposes of this Act. Not to exceed ten per cent of such amount shall be available for any ex-

pense of the commission other than the actual execution of the plan adopted as provided in this Act.

Approved by the Governor—March 12, 1945.

Filed in the Office of the Secretary of State—March 12, 1945.

CHAPTER 78

(Senate Bill No. 45)

AN ACT

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

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

Section 1. APPROPRIATION. The sum of twenty-nine thousand three hundred eighty-six dollars and sixty-eight cents ($29,386.68) is appropriated to the Arizona state hospital for the insane, for the thirty-third fiscal year.

Sec. 2. PURPOSE. The purpose of the appropriation made in section 1 is to provide for: 1. fifty-five additional attendants, twenty-three thousand one hundred dollars ($23,100.00); 2. a deficit in the operation and maintenance fund, five thousand seven hundred sixty dollars ($5,760.00); 3. printing annual reports for 1943 and 1944, five hundred twenty-six dollars and sixty-eight cents ($526.68).

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

Approved by the Governor—March 12, 1945.

Filed in the Office of the Secretary of State—March 12, 1945.

CHAPTER 79

(House Bill No. 166)

AN ACT

RELATING TO CAPITOL BUILDINGS; PROVIDING FOR SUNDRY REPAIRS AND REPLACEMENTS TO ROOMS AND OFFICES; MAKING AN APPROPRIATION; AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. The sum of thirty-six thousand five hundred twenty-six dollars is appropriated from the legislative, executive and judicial public buildings land fund to the governor for the purpose of effecting sundry repairs and replacements in and to departmental quarters in the capitol and the Arizona state building, including repairs to the electric wiring system, installation of lighting fixtures, replacement of floor coverings, repairs to furniture, equipment and woodwork, cleaning, painting and decorating, and construction of flood protection wall.

Sec. 2. DISTRIBUTION. Expenditures may be made for the purposes stated in quarters occupied by the following executive, administrative, and legislative departments, in not to exceed the amount set after the name of each such department: 1. governor, one thousand two hundred dollars; 2. secretary of state, two thousand five hundred dollars; 3. state auditor, one thousand dollars; 4. state treasurer, one thousand three hundred dollars; 5. superintendent of public instruction, one thousand six hundred dollars; 6. state mine inspector, four hundred dollars; 7. department of library and archives, two thousand seven hundred dollars; 8. state egg inspector, three hundred fifty-five dollars; 9. state dairy commissioner, three hundred dollars; 10. corporation commission, two thousand eight hundred fifty dollars; 11. state land department, one thousand seven hundred dollars; 12. commission of agriculture and horticulture, one thousand fifty dollars; 13. department of health, five hundred fifty dollars; 14. livestock sanitary board, four hundred fifty dollars; 15. state veterinarian, nine hundred ten dollars; 16. legislative chambers, for floor coverings, painting and decorating, three thousand nine hundred sixty-one dollars; 17. custodian of capitol buildings and grounds, repairs to lobby and hallways of main capitol, four thousand two hundred dollars; repairs to roof of main capitol, one thousand dollars; repairs to electric wiring, seven thousand dollars; construction of flood control wall, one thousand five hundred dollars.

Sec. 3. BIDS AND CONTRACTS. (a) It shall be the duty of the state registrar of contractors to prepare

descriptive lists of materials and services to be supplied under the provisions of this Act, accompanied by sufficient specifications, the items of which lists shall be appropriately classified and so arranged as to permit of itemized estimates on the materials or services in each class to be furnished to or for each department, and shall invite bids for the furnishing of all or any part of such materials and services. One or more contracts shall be let to the lowest and best bidder or bidders. All bids shall be based upon the same or equivalent materials and services, and in every instance shall conform to the specifications. The specifications for repairs and replacements to be effected and of materials and services to be furnished to the several departments shall be approved by the officers respectively in charge thereof, and acceptance thereof shall be subject to such approval.

(b) Any balance remaining in the amount allocated in this Act to any department, after completion of the repairs and replacements therefor, may with the approval of the governor be expended for any other needed repairs or replacements in or on the capitol or the Arizona state building.

Sec. 4. EXEMPTION. The appropriation made by this Act shall be exempt from the provisions of section 7, article 4, chapter 86, session laws of 1943, regular session, relating to lapsation of appropriations.

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

Approved by the Governor—March 12, 1945.

Filed in the Office of the Secretary of State—March 13, 1945.

CHAPTER 80

(House Bill No. 136)

AN ACT

RELATING TO EDUCATION; TRANSFERRING JURISDICTION OF THE GOVERNMENT OF THE UNI-

VERSITY OF ARIZONA AND OF THE ARIZONA STATE TEACHERS COLLEGES AT TEMPE AND AT FLAGSTAFF TO THE BOARD OF REGENTS OF THE UNIVERSITY AND STATE COLLEGES OF ARIZONA, AND AMENDING SECTIONS 54-1314, 54-1315 AND 54-1602, ARIZONA CODE OF 1939, AND REPEALING SECTIONS 54-1302 TO 54-1309, INCLUSIVE, 54-1313, 54-1316, 54-1317, 54-1318, 54-1319, 54-1603 TO 54-1606 INCLUSIVE, 54-1610, ARIZONA CODE OF 1939, AND CHAPTER 27 ARIZONA SESSION LAWS, REGULAR SESSION, 1945.

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

Section 1. Sec. 54-1602, Arizona Code of 1939, is amended to read:

54-1602. BOARD OF REGENTS. The board of regents of the university and state colleges of Arizona shall consist of the governor and the state superintendent of public instruction as ex officio members and, until the first Monday of January, 1947, the eight regularly appointed members of the board of regents of the university of Arizona, the two regularly appointed members of the board of education of the Arizona state teachers' college at Tempe, and the two regularly appointed members of the board of education of the Arizona state teachers' college at Flagstaff, last in office prior to the enactment of chapter 27 Arizona Session Laws, regular session, 1945, and before the passage of this Act. After the first Monday of January, 1947, the board of regents of the university and state colleges of Arizona shall consist of the governor and the state superintendent of public instruction as ex officio members and eight appointed members. Of the eight appointed members of the board, two shall be appointed by the governor, on or after the first Monday of January, 1947, by and with the advice and consent of the senate, for terms of eight years. The six other appointed members of the board shall be the six regularly appointed members of the board of regents of the university of Arizona in office prior to the passage of this Act whose terms expire on the first Monday of January, 1949, 1951, 1953, respectively. Appointments to fill vacancies caused by the expiration of the terms of members constituting the board on and after the first Monday of January, 1947, shall be for eight years and the terms of two members of the board shall expire on the first Monday of January of each odd-numbered year. Members appointed to fill vacancies resulting otherwise than from the expiration of a term shall serve until the

end of the next session of the senate thereafter, during which session an appointment shall be made and confirmed to fill the unexpired term. Before entering upon the duties of his office each appointed member of the board shall take an oath of office and execute a bond in the penal sum of five thousand dollars which shall be subject to the approval of the governor and filed in the office of the state treasurer.

Sec. 2. LEGAL POWERS OF THE BOARD. The board of regents of the university and state colleges of Arizona shall constitute a body corporate, with the name and style "board of regents of the university and state colleges of Arizona" and by that name shall be known; and shall have perpetual succession, and may sue and be sued, contract and be contracted with, and adopt a corporate seal. It shall have power to purchase, receive, hold, make and take leases of, and sell property, real and personal, for the benefit of the state and the use of the institutions under its jurisdiction.

Sec. 3. OFFICERS. The board shall appoint a president, a secretary, a treasurer and such other officers as it deems necessary, from among its members. The offices of secretary and treasurer shall not be held by the same person. The board may require the treasurer to furnish an additional bond. The secretary shall receive such compensation as the board shall determine. Appointed members shall each receive ten dollars per day for each day of attendance upon meetings of the board, and expense allowance and mileage as provided for other state officers. The compensation of no member shall exceed five hundred dollars in any year. A majority of the members shall constitute a quorum for the transaction of business, at any meeting regularly called, but a number less than a quorum may adjourn from time to time.

Sec. 4. TRANSFER OF AUTHORITY AND DESIGNATION OF INSTITUTIONS. The jurisdiction, authority, and duties heretofore vested and imposed upon the board of regents of the university of Arizona, the board of education of the Arizona state teachers' college at Tempe, and the board of education of the Arizona state teachers' college at Flagstaff, are transferred to, vested in, and imposed upon the board of regents of the university and state colleges of Arizona. The university, designated as the university of Arizona, shall be maintained at Tucson, in Pima county, and the state colleges, designated as Arizona state college at Tempe and Arizona state college at

Flagstaff, shall be maintained respectively at Tempe, in Maricopa county, and at Flagstaff in Coconino county, but the university and state colleges may offer extension courses at other places within the state and correspondence courses may be given.

Sec. 5. ADMINISTRATIVE POWERS OF BOARD. The board shall: 1. enact ordinances for the government of the institutions under its jurisdiction; 2. appoint and employ a president or presidents, vice-presidents, deans, professors, instructors, lecturers, fellows, and such other officers and employees as it deems necessary; 3. fix and determine the salaries of persons so appointed and employed; 4. remove any officer or employee when in its judgment the interests of education in this state may require; 5. fix tuitions and fees to be charged, and graduate the same between institutions and between residents, nonresidents, and students from foreign countries; 6. establish curriculums and designate such courses at the several institutions as in its judgment will best serve the interests of the state, and, 7. award such degrees and diplomas upon the completion of such courses and curriculum requirements as it deems appropriate.

Sec. 6. Section 54-1314 Arizona Code of 1939 is amended to read:

54-1314. FUNDS UNDER CONTROL OF BOARD. All money for the use and benefit of the state colleges shall be expended under the direction and control of the board of regents for the support and maintenance of all colleges, for buildings and grounds, and for any other purpose that the board deems expedient if not inconsistent with the provisions of any appropriations.

Sec. 7. Section 54-1315 Arizona Code of 1939 is amended to read:

54-1315. ANNUAL REPORT. Within ninety days after the close of each fiscal year, the board shall make to the governor, a report covering such fiscal year, setting forth the state of progress of the state colleges, the courses of study included in its curricula, the number of professors and other members of its instructional staff employed, the number of students registered in the colleges, the amount of receipts and expenditures, and such other information as the board deems proper.

Sec. 8. REPEAL. Sections 54-1302 to 54-1309 inclusive, 54-1313, 54-1316, 54-1317, 54-1318, 54-1319, 54-

1603 to 54-1606 inclusive and 54-1610, Arizona Code of 1939, and chapter 27 Arizona Session Laws, regular session, 1945, are repealed. This section does not negative an implied repeal of any statute which conflicts with this Act.

Approved by the Governor—March 13, 1945.

Filed in the office of the Secretary of State—March 13, 1945.

CHAPTER 81

(Senate Bill No. 116)

AN ACT

AUTHORIZING THE BOARD OF EDUCATION OF THE ARIZONA STATE COLLEGE AT TEMPE TO CONSTRUCT AND EQUIP DORMITORIES, TO ACCEPT GRANTS OF MONEY FROM A FEDERAL AGENCY, TO BORROW MONEY AND ISSUE BONDS, AND TO PERFORM NECESSARY OR CONVENIENT ACTS IN CONNECTION WITH SUCH PROJECTS; AND DECLARING AN EMERGENCY.

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

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

"college" means the Arizona state college at Tempe, and includes the board of education thereof;

"board" means the board of education of the college or other governing body of the institution;

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

"project" means dormitory buildings constructed pursuant to this Act and includes the equipment therefor;

"acquire" includes purchase, erect, build, construct, reconstruct, repair, replace, extend, better, equip, develop, improve, and embellish;

"federal agency" means the United States of America or any of its officers or agencies designated or created to make grants of money for public construction work.

Sec. 2. POWERS. The college shall have power in its proper name, to: 1. acquire any project or projects, and own, operate and maintain the same; 2. accept grants of money from a federal agency; 3. borrow money and issue bonds and provide for the payment of the same and for the rights of the holders thereof, and, 4. perform all acts and do all things necessary or convenient to carry out the powers granted by this Act.

Sec. 3. ISSUANCE OF BONDS. Conditional upon a grant of money from a federal agency amounting to not less than thirty per cent of the total cost of the project or projects, the college is authorized from time to time to issue negotiable bonds in various amounts, but not exceeding in the aggregate the sum of five hundred thousand dollars, for the purpose of acquiring projects in the form of dormitory buildings, dining rooms and the equipment therefor. The bonds shall be authorized by resolution of the board. The bonds may be issued in one or more series, bear such date or dates, be in such denomination or denominations, mature at such time or times, not exceeding thirty years from the respective dates thereof, mature in such amount or amounts, bear interest at such rate or rates not exceeding five per cent per annum, payable semi-annually, be in such form either coupon or registered, carry such registration privileges, be executed in such manner, be payable in such medium of payment, at such place or places, be subject to such term or redemption, with or without premium, as such resolution or other resolutions may provide. The bonds may be sold at not less than par. The bonds shall be fully negotiable within the meaning and for all the purposes of chapter 52, Arizona code of 1939.

Sec. 4. POWERS TO SECURE BONDS. In connection with the issuance of the bonds authorized by section 3, or in order to secure the payment of such bonds and interest thereon, the college shall have power by resolution of its board, to:

1. Fix and maintain fees, rentals and other charges from students, faculty members and others using or being served by, or having the right to be served by, any project.

2. Provide that bonds issued under this Act shall be

secured by a first, exclusive and closed lien on the income and revenue derived from, and shall be payable from fees, rentals and other charges from students, faculty members and others using or being served by, or having the right to use, or the right to be served by, any project.

3. Pledge and assign to, or in trust for the benefit of, the holder or holders of the bonds issued hereunder, an amount of the income and revenue derived from fees, rentals and other charges from students, faculty members and others using or being served by, or having the right to use, or the right to be served by, any project.

4. Covenant with or for the benefit of the holder or holders of bonds issued under this Act to acquire any project, that so long as any such bonds shall remain outstanding and unpaid the college will fix, maintain and collect in such installments as may be agreed upon an amount of the fees, rentals and other charges from students, faculty members and others using or being served by, or having the right to use, or the right to be served by, any project, which shall be sufficient to pay when due the bonds issued hereunder to acquire such project, and interest thereon, and to create and maintain reasonable reserves therefor, and to pay the costs of operation and maintenance of such project, including, but not limited to, reserves for extraordinary repairs, insurance and maintenance, which costs of operation and maintenance shall be determined by the board in its absolute discretion.

5. Make and enforce and agree to make and enforce parietal rules that shall insure the use of any project by all students in attendance at the institution to the maximum extent to which such project is capable of serving such students, or if the project is designed for occupancy as living quarters for the faculty members, by as many faculty members as may be served thereby.

6. Covenant that so long as any of the bonds issued under this Act shall remain outstanding and unpaid it will not, except upon such terms and conditions as may be determined: 1. voluntarily create or cause to be created any debt, lien, pledge, assignment, encumbrance or other charge having priority to or being on a parity with the lien of the bonds issued under this Act upon any of the income and revenue derived from fees, rentals and other charges from students, faculty members and others using or being served by, or having the right to use, or the right to be served by, any project; 2. convey or

otherwise alienate the project to acquire which such bonds shall have been issued, or the real estate upon which such project shall be located, except at a price sufficient to pay all the bonds then outstanding issued under this Act to acquire such project and interest accrued thereon, and then only in accordance with any agreements with the holder or holders of such bonds, or, 3. mortgage or otherwise voluntarily create or cause to be created any encumbrance on the project to acquire which such bonds shall have been issued or the real estate upon which it shall be located.

7. Covenant as to the procedure by which the terms of any contract with a holder or holders of such bonds may be amended or abrogated, the amount or percentage of bonds the holder or holders of which must consent thereto, and the manner in which such consent may be given.

8. Vest in a trustee or trustees the right to receive all or any part of the income and revenue pledged and assigned to, or for the benefit of, the holder or holders of bonds issued hereunder, and to hold, apply and dispose of the same and the right to enforce any covenant made to secure or pay or in relation to the bonds; execute and deliver a trust agreement or trust agreements which may set forth the powers and duties and the remedies available to such trustee or trustees and limiting the liabilities thereof and describing what occurrences shall constitute events of default and prescribing the terms and conditions upon which such trustee or trustees or the holder or holders of bonds of any specified amount or percentage of such bonds may exercise such rights and enforce any and all such covenants and resort to such remedies as may be appropriate.

9. Vest in a trustee or trustees or the holder or holders of any specified amount or percentage of bonds the right to apply to any court of competent jurisdiction for and have granted the appointment of a receiver or receivers of the income and revenue pledged and assigned to or for the benefit of the holder or holders of such bonds, which receiver or receivers may have and be granted such powers and duties as such court may order or decree for the protection of the bondholders.

Sec. 5. MONEYS OF COLLEGE. No moneys derived from the sale of bonds of the college or otherwise borrowed by the college under the provisions of this Act, shall be required to be paid into the state

treasury but shall be deposited by the treasurer or other fiscal officer of the college in a separate bank account or accounts in such bank or banks or trust company or trust companies as may be designated by the board and all deposits of such moneys shall, if required by the board, be secured by obligations of the United States of America, of a market value equal at all times to the amount of the deposit; and all banks and trust companies are authorized to give such security. Such money shall be disbursed as may be directed by the board and in accordance with the terms of any agreements with the holder or holders of any bonds. This section shall not be construed as limiting the power of the college to agree in connection with the issuance of any of its bonds as to the custody and disposition of the moneys received from the sale of such bonds or the income and revenue of the institution pledged and assigned to or in trust for the benefit of the holder or holders thereof.

Sec. 6. VALIDITY OF BONDS. The bonds bearing the signatures of officers in office on the date of the signing thereof shall be valid and binding obligations, notwithstanding that before the delivery thereof and payment therefor any or all the persons whose signatures appear thereon shall have ceased to be officers of the college issuing the same. The validity of the bonds shall not be dependent on nor affected by the validity or regularity of any proceedings to acquire the project financed by the bonds or taken in connection therewith.

Sec. 7. PROHIBITIONS AGAINST OBLIGATING THE STATE OF ARIZONA. Nothing in this Act shall be construed to authorize the college to contract a debt on behalf of, or in any way to obligate, the state of Arizona, or to pledge, assign or encumber in any way, or to permit the pledging, assigning or encumbering in any way of, appropriations made by the legislature, or revenue derived from the investment of the proceeds of the sale, and from the rental of such lands as have been set aside by the Enabling Act approved June 20, 1910, or other legislative enactments of the United States, for the use and benefit of the college or its predecessors, the normal school.

Sec. 8. BONDS OBLIGATIONS OF INSTITUTION. All bonds issued pursuant to this Act shall be obligations of the college issuing such bonds, payable only in accordance with the terms thereof, and shall not be obligations general, special or otherwise of the state of Arizona. Such bonds shall not constitute a debt, legal or moral, of the state of Arizona, and shall not be

enforceable against the state, nor shall payment thereof be enforceable out of any funds of the college issuing said bonds other than the income and revenues pledged and assigned to, or in trust for the benefit of, the holder or holders of such bonds.

Sec. 9. CERTIFICATION OF BONDS BY ATTORNEY GENERAL. The college may submit to the attorney general of the state of Arizona any bonds to be issued under this Act after all proceedings for the issuance of such bonds have been taken. Upon the submission of such proceedings to the attorney general, it shall be his duty to examine into and pass upon the validity of the bonds and the regularity of all proceedings in connection therewith. If such proceedings conform to the provisions of this Act, and the bonds when delivered and paid for will constitute binding and legal obligations of the college enforceable according to the terms thereof, the attorney general shall certify in substance upon the back of each of said bonds that it is issued in accordance with the constitution and laws of the state of Arizona.

Sec. 10. EXCISION OF UNCONSTITUTIONAL OR INEFFECTIVE PARTS OF ACT. It is declared that the sections, clauses, sentences and parts of this Act are severable, are not matters of mutual essential inducement, and any of them may be excided by any court of competent jurisdiction if this Act would otherwise be unconstitutional or ineffective. It is the intention of this Act to confer upon the college the whole or any part of the powers in this Act provided for, and if any one or more sections, clauses, sentences and parts of this Act shall for any reason be questioned in any court of competent jurisdiction and shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provision or provisions so held unconstitutional or invalid, and the inapplicability or invalidity of any section, clause, sentence or part of this Act in any one or more instances shall not be taken to affect or prejudice its applicability or validity in any other instance.

Sec. 11. SUPPLEMENTAL NATURE OF ACT, CONSTRUCTION AND PURPOSE. The powers conferred by this Act shall be in addition to and supplemental to the powers conferred by any other law, general or special, and bonds may be issued under the provisions of this Act notwithstanding the provisions of and without regard to the procedure required by any other such law. In-

sofar as the provisions of the Act are inconsistent with the provisions of any other law, general or special, the provisions of this Act shall be controlling. Except in pursuance of any contract or agreement theretofore entered into by the college, the college shall not borrow any money or issue any bonds pursuant to the provisions of this Act after the expiration of four years following the formal termination of the existing state of war between the United States and its foreign enemies.

Sec. 12. EMERGENCY. To preserve the public peace, health, and safety, it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 13, 1945.

Filed in the Office of the Secretary of State—March 13, 1945.

CHAPTER 82

(House Bill No. 214)

AN ACT

AUTHORIZING THE BOARD OF EDUCATION OF THE ARIZONA STATE COLLEGE AT TEMPE TO ACCEPT GRANTS OF MONEY; MAKING APPROPRIATIONS FOR THE CONSTRUCTION AND IMPROVEMENT OF COLLEGE BUILDINGS; AND DECLARING AN EMERGENCY.

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

Section 1. POWER TO ACCEPT GRANTS OF MONEY. The board of education of the Arizona state college at Tempe shall have the power to accept grants of money from the United States of America or any of its officers or agencies designated or created to make grants for public construction work.

Sec. 2. APPROPRIATIONS. Conditional upon the receipt of a grant of money as designated in section 1, in an amount equal to not less than thirty per cent of the total cost of construction and equipment, the

following sums are appropriated to the board of education of the Arizona state college at Tempe:

1. For the thirty-fourth fiscal year, the sum of one hundred fifty thousand dollars, for a science education building, an addition to the library and administration building, a campus shop and garage and the equipment of such buildings, the extension of heating, lighting and other service facilities and the erection, improvement, extension, repair, replacement, additions to, and equipment of, such other buildings as the board of education shall deem necessary, or so much of the foregoing construction and improvements as the appropriation will permit.

2. For the thirty-fifth fiscal year, the sum of one hundred fifty thousand dollars, for an auditorium, class room building and additions to heating plant and infirmary and the equipment of such buildings and the extension of heating, lighting and other service facilities, and the erection, improvement, extension, repair, replacement, additions to and equipment of such other buildings as the board of education of the Arizona state college at Tempe shall deem necessary, or so much of the foregoing construction and improvements as the appropriation will permit.

Sec. 3. LAPSING OF APPROPRIATIONS. The appropriations made in section 2 shall not lapse until the purposes for which the appropriations are made shall have been accomplished or abandoned unless the appropriations have stood for a period of four years following the formal termination of the existing state of war between the United States of America and its foreign enemies without an expenditure therefrom or encumbrance thereon; this being an exception to the lapsing provisions of section 7, article 4, chapter 86, Session Laws of 1943.

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

Approved by the Governor—March 13, 1945.

Filed in the Office of the Secretary of State—March 13, 1945.

CHAPTER 83

(House Bill No. 78)

AN ACT

RELATING TO TRAVEL OF PUBLIC OFFICIALS; PRESCRIBING THE MODE OF TRAVEL AND ALLOWABLE EXPENSES BY AMENDING SECTION 12-713, ARIZONA CODE OF 1939, AS AMENDED, AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 12-713, Arizona Code of 1939, is amended to read:

12-713. (a) AUTHORIZATION FOR TRAVEL. Whenever the official duties of a public officer or employee make it necessary for him to travel from his designated post of duty he shall be allowed expenses. All travel shall be authorized by a travel order signed by the head of the issuing department or agency, or by a person to whom such authority has been properly delegated; for travel without the state the order shall be countersigned by the governor.

(b) MEANS OF TRAVEL. (1) First class travel by air, railroad or bus may be allowed, excepting surcharges on extrafare trains. Pullman fares shall be considered as transportation and costs not to exceed a standard lower berth may be allowed each person traveling.

(2) Travel by air may be allowed when in the opinion of the head of the issuing department or agency an emergency exists, or when the cost of the airplane trip, including the subsistence per diem allowance for hotel and meals as prescribed by law, is not in excess of that of first class travel by railroad.

(3) Private conveyance may be allowed for travel within the state by way of the most direct regularly traveled route computed by highway map or speedometer reading, and shall be paid at a rate not to exceed five cents a mile.

When private conveyance is used without the state mileage will not be allowed, but a sum equal to that of first class travel by railroad may be claimed by the employee or officer designated by the head of the issuing department or agency as the employee or officer to whom transportation should be paid.

Mileage may be allowed while attending to official duties within the city limits or vicinity in which the

official station is located but no subsistence may be claimed.

When more than one officer, employee or other public agent traveling on official business is transported in the same private conveyance, one mileage only shall be allowed.

Members of boards of supervisors living without the limits of the county seat shall be allowed mileage from their home to corporate limits of the county seat when attending meetings of the board.

(c) SUBSISTENCE. Claims for lodging and meals shall not exceed six dollars and fifty cents for each twenty-four hour day for each person authorized to travel within the state, and shall not exceed ten dollars for each twenty-four hour day for each person authorized to travel outside the state.

(d) RECEIPTS FOR LODGING AND TRANSPORTATION. Claims which include lodging and transportation by common carrier shall not be allowed unless accompanied by receipts. (Provided that receipts for transportation by means of local street cars, local busses, and local taxi cabs shall not be required and such means of local transportation may be allowed and paid for and shall not be regarded as regular common carrier transportation).

(e) WHO MAY TRAVEL. The provisions of this section shall apply to any public officer, deputy, or employee of the state or of any department, institution, or agency thereof, when traveling under the orders of his superior officer on public business, and to any member of any board, commission, or other agency of the state when traveling on necessary public business.

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

Approved by the Governor—March 13, 1945.

Filed in the Office of the Secretary of State—March 13, 1945.

CHAPTER 84

(House Bill No. 90)

AN ACT

RELATING TO THE ELIMINATION OF SCORPIONS, AND OTHER POISONOUS ANIMALS, PRODUCING A SERUM AND MAKING AN APPROPRIATION.

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

Section 1. APPROPRIATION. Eight thousand eight hundred and seventy-five dollars ($8,875.00) is hereby appropriated from the general fund to the Arizona State Department of Health. This appropriation is not subject to the provisions in the financial code in that it does not revert at the end of the fiscal year.

Sec. 2. PURPOSE. The purpose of this appropriation is to defray the expenses of Dr. Herbert L. Stahnke in producing an anti-scorpion serum: to perfect means of eliminating scorpions in dwelling houses and to continue his research for a chemical antidote for scorpion poisoning; to carry on research on other poisonous animals found in Arizona; to build and equip testing cages and boxes and other equipment; to pay student help; to pay three hundred dollars ($300.00) for two months services of laboratory director each summer; to purchase chemicals and experimental animals and to obtain specimens from various communities; to cooperate with health, safety and governmental agencies, and to pay all general expenses in furthering this work.

Sec. 3. DISPOSITION OF REVENUE. Any funds received from distribution or sale of sera, antidotes, poisons or other products created in the laboratory, shall be deposited with the State Treasurer and credited to the general fund.

Approved by the Governor—March 13, 1945.

Filed in the Office of the Secretary of State—March 13, 1945.

CHAPTER 85

(House Bill No. 33)

AN ACT

RELATING TO WAGERING OR BETTING ON HORSE RACING OR DOG RACING; PROVIDING A PEN-

ALTY THEREFOR; AND DECLARING AN EMERGENCY.

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

Section 1. PENALTY. All forms of wagering or betting on the result of a horse race or dog race, except as provided by law, whether conducted in this state or elsewhere, shall be illegal. Any person directly or indirectly involved in such wagering or betting whether in placing or making a bet or wager for himself or as a book-maker shall be guilty of a misdemeanor.

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

Approved by the Governor—March 13, 1945.

Filed in the Office of the Secretary of State—March 13, 1945.

CHAPTER 86

(House Bill No. 112)

AN ACT

RELATING TO SPECIAL ACTIONS AND PROCEEDINGS; PROVIDING FOR CONDEMNATION OF A PRIVATE WAY OF NECESSITY; AMENDING SECTION 27-904, ARIZONA CODE OF 1939; AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 27-904, Arizona Code of 1939, is amended to read:

27-904. PRIVATE WAY OF NECESSITY CONDEMNATION. An owner or one entitled to the beneficial use of land, mines or mining claims and structures thereon, which is so situated with respect to the land of another that it is necessary for its proper use and enjoyment to have and maintain a private way of necessity over, across, through, and on said premises, may

condemn and take lands of such other, sufficient in area for the construction and maintenance of such private way of necessity; provided that should such condemnation be upon, over, or affect the range lands of another, the area so condemned shall be strictly defined and any livestock driven upon or over such private way shall be accompanied by and under the control of sufficient drivers, or herders, to confine such livestock to the condemned area, and that such livestock shall be so confined to such area and kept moving directly across the property so condemned until the livestock have been completely removed from the condemned area.

Any person violating the above provision shall be guilty of a misdemeanor and subject to a fine of not less than one hundred dollars or more than five hundred dollars, and in addition thereto shall be liable to the injured person for any damages caused.

The term "private way of necessity" as used herein shall mean a right-of-way on, over, across, or through the land of another for means of ingress and egress, and the construction and maintenance thereon of roads, over-head transmission lines, pole lines, power lines, canals, ditches, flumes, pipe lines, drains and tramways for mining, milling, lumbering, agricultural, domestic or sanitary purposes.

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

Approved by the Governor—March 13, 1945.

Filed in the Office of the Secretary of State—March 13, 1945.

CHAPTER 87

(House Bill No. 54)

AN ACT

RELATING TO STATE LANDS; PROVIDING FOR MINERAL CLAIMS THEREON AND MINERAL LEASES THEREOF, AND AMENDING SECTIONS

11-1601, 11-1602, 11-1603, 11-1604, 11-1605, ARIZONA CODE OF 1939; AND REPEALING SECTION 11-1606, ARIZONA CODE OF 1939.

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

Section 1. Sec. 11-1601, Arizona Code of 1939, is amended to read:

11-1601. LOCATION OF MINERAL CLAIM. Any citizen of the United States, partnership or association of citizens, or corporation organized under the laws of the United States or of any state or territory thereof, who discovers a valuable mineral deposit on any state land, may enter upon and locate the same as a mineral claim. The term "mineral" shall include mineral compound and mineral aggregate.

Sec. 2. Sec. 11-1602, Arizona Code of 1939, is amended to read:

11-1602. MANNER OF LOCATING. (a) If the mineral deposit be a vein, lode or ledge, it may be located in the manner provided by law for the location of mineral claims upon the public domain of the United States, in which case, upon obtaining a lease thereon as hereinafter provided, the lessee shall be entitled during the term of his lease to extralateral rights, in such discovery vein only, to the same extent as similar mineral locations upon the public domain of the United States under the provisions of title 30, United States Code, section 26 (U. S. revised statutes, section 2322). (b) Any mineral claim, however, may be located in conformity with the lines of the public land survey, embracing not more than twenty (20) acres, and in such case the location shall be marked upon the ground by erecting a monument or placing a post extending at least three (3) feet above the surface of the ground at each angle corner of the claim, as nearly as may be, and by placing in each monument, or on each post, a memorandum stating the name of the locator, the name of the claim and designating the corner by reference to cardinal points, and within thirty (30) days thereafter, by filing for record, in the office of the recorder of the county in which the claim is situated, a notice of location which shall contain the name of the locator, the name of the claim, the date of location and the legal description of the land claimed.

One copy of the location notice of any claim located

pursuant to this section, together with the recorder's certificate of recordation shall be filed in the office of the state land commissioner within thirty (30) days after the date of location.

Sec. 3. Sec. 11-1603, Arizona Code of 1939, is amended to read:

11-1603. PREFERRED RIGHTS TO LEASE, RENEWALS. The locator of a mineral claim or claims on state lands pursuant to this Act shall have a preferred right to a mineral lease of each claim within ninety days after the date of location, provided that the locator of a mineral claim located pursuant to subsection (a) of section 11-1602 shall be required to perform the discovery work required by law for similar claims under the laws of the United States within such ninety-day period and shall not receive a lease unless he shall submit to the state land commissioner satisfactory proof of the performance of such discovery work within such reasonable time as the land commissioner shall prescribe.

Upon application to the commissioner, not less than thirty (30) nor more than sixty (60) days prior to the expiration of the lease, the lessee of mineral lands, if the lessee be not delinquent in the payment of rental or royalty on the date of expiration of lease, shall have a preferred right of renewal of lease bearing even date with the expiration of the old lease, for a term of twenty (20) years.

Sec. 4. Sec. 11-1604, Arizona Code of 1939, is amended to read:

11-1604. RENTAL AND ROYALTY. (a) The rental of a mineral lease of state lands shall be fifteen dollars ($15.00) per annum, payable in advance at the time of application for lease and at the beginning of each yearly period thereafter. (b) Every mineral lease of state land shall provide for payment to the state by the lessee of a royalty of five (5) per cent of the net value of the minerals produced from the claim. The net value shall be deemed to be the gross value after processing, where processing is necessary for commercial use, less the actual cost of transportation from the place of production to the place of processing, less costs of processing and taxes, if any, levied and paid upon the production thereof. In the case of minerals not processed for commercial use, the net value shall be the gross proceeds, or gross value, at the place of sale or use, less the actual cost of trans-

portation from the place of production to the place of sale or use, less taxes, if any, levied and paid upon the production thereof. Provided that in the case of sand, rock and gravel to be used in the construction of roads, building or other structures the royalty shall be such amount as shall be determined by the state land commissioner under reasonable rules and regulations to be promulgated by him, but not more than five cents (5c) per cubic yard. The minimum rental paid for each year shall be credited upon royalties which may become due during such year. (c) The lessee of any mineral lease may, if not delinquent in the payment of rental or royalty to the date of termination, terminate the same at any time during the term of the lease by giving to the land commissioner thirty (30) days' notice in writing of such termination.

Sec. 5. Sec. 11-1605, Arizona Code of 1939, is amended to read:

11-1605. TERMS OF LEASE. (a) Every mineral lease of state lands shall be for a term of twenty (20) years. The lease shall confer the right:

1. To extract and ship minerals, mineral compounds and mineral aggregates from the claim located within planes drawn vertically downward through the exterior boundary lines thereof. Provided that in the case of leases made pursuant to locations under subdivision (a) of section 11-1602, the lease shall confer extralateral rights in the discovery vein similar to those conferred upon locators in the public domain of the United States under the provision of title 30, United States Code, section 26 (U. S. revised statutes, section 2322);

2. To use so much of the surface as may be required for purposes incident to mining; and,

3. Of ingress to and egress from other state lands, whether or not leased for purposes other than mining. (b) Every mineral lease of state lands shall provide for: 1. The performance of annual labor, as required by the laws of the United States, upon each claim or group of claims in common ownership, commencing at the expiration of one (1) year from the date of location, and for the furnishing of proof thereof to the state land commissioner. 2. The fencing of all shafts, prospect holes, adits, tunnels, and other dangerous mine workings for the protection of live stock. 3. The construction of necessary improvements and the installation of necessary

machinery and equipment, with the right to remove the same upon the expiration, termination, or abandonment of the lease, if all moneys owing to the state under the terms of the lease have been paid. 4. The cutting and use of timber and stone upon the claim, not otherwise appropriated, for fuel, construction of necessary improvements, or for drains, roadways, tramways, supports, or other necessary purposes. 5. The right of the lessee and his assigns to transfer the lease. 6. Termination of the lease by the state land commissioner upon written notice, specifically setting forth the default for which forfeiture is declared, and preserving the right to cure the default within a stated period, to be not less than thirty (30) days.

Sec. 6. REPEAL. Sec. 11-1606, Arizona Code of 1939, and all acts or parts of acts in conflict herewith, are hereby repealed.

Approved by the Governor—March 14, 1945.

Filed in the Office of the Secretary of State—March 14, 1945.

CHAPTER 88

(Senate Bill No. 64)

AN ACT

RELATING TO REPORTS OF THE SUPREME COURT; PROVIDING FOR THE PUBLICATION AND DISTRIBUTION THEREOF, AND AMENDING SECTIONS 19-208 AND 19-209, ARIZONA CODE OF 1939, AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 19-208, Arizona Code of 1939, is amended to read:

19-208. PUBLICATION OF REPORTS. The reporter of decisions shall have no pecuniary interest in such reports. He shall, with the approval of the judges, contract with the person who shall agree to publish and sell such reports on the most advantageous terms to the state. Such contractor shall agree to publish and de-

liver to the secretary of state, within ninety days after the delivery to him of the manuscript of any volume, two hundred and fifty copies of such volume at the contract price per volume. He shall further agree to keep such reports on sale at all times and sell such reports to the residents of the state of Arizona. He shall also furnish the state, at contract price, additional copies thereafter required. The copyright of the reports shall be assigned by the reporter to the secretary of state for the benefit of the state.

Sec. 2. Sec. 19-209, Arizona Code of 1939, is amended to read:

19-209. DISTRIBUTION OF REPORTS. The secretary of state shall deliver to the department of library and archives such number of copies of the supreme court reports as may be necessary for exchange with the libraries of other states and foreign countries; to the law librarian of the university of Arizona, when applied for, not to exceed fifty, for exchange with the law school libraries of other states and territories; to each superior court judge and county attorney and to the reporter of decisions of the supreme court, one copy; to the law library of each county, two copies; to the law library of the university of Arizona, ten copies; to the supreme court, four copies; to the attorney general as many copies as may be required, not to exceed ten copies, and to all other offices, commissions and departments of the state as many copies as may be necessary, to be furnished from volumes on hand, if any, in the possession of the secretary of state, after the specific distribution herein provided shall have been made. The copies of such reports delivered to any person on account of the office held by such person shall remain the property of the state and shall have stamped or written thereon the name of the office on account of which the report was delivered, and shall be kept for the use of such office. The cost of publishing such reports shall be paid out of the appropriation for the supreme court.

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

Approved by the Governor—March 14, 1945.

Filed in the Office of the Secretary of State—March 14, 1945.

CHAPTER 89

(House Bill No. 76)

AN ACT

RELATING TO THE DISPOSAL OF STATE PERSONAL PROPERTY BY ADDING A NEW SECTION TO BE NUMBER 4-318 TO ARTICLE 3, ARIZONA CODE ANNOTATED 1939.

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

Section 1. Sec. 4-318. DISPOSAL OF STATE PERSONAL PROPERTY. The governor, secretary of state and the state auditor shall constitute a property condemnation board and are authorized, and it shall be their duty, from time to time to examine and condemn any personal property belonging to the state, or any of its departments or agencies, when the same shall have been worn out or otherwise become useless to the state, its departments or agencies, and direct the sale of the same in the manner hereinafter provided.

After the condemnation of any such property as provided in the last preceding paragraph, the board may authorize the department in which said equipment is located to advertise the same for sale in a newspaper of general circulation published in the city of Phoenix, for a period of once a week for four consecutive weeks; and if the sale shall be made at any other place than the state capitol, then said advertisement shall also be published in like manner in some newspaper published in the county where said sale is to be made; said advertisement shall state the time and place where the sale is to be made, and said property shall be sold at public auction to the highest bidder, for cash, and the proceeds thereof shall be paid over to the state treasurer and placed to the credit of the general fund. The necessary expenses of advertisement and sale shall be a proper charge against the funds so received and deposited with the said state treasurer, except however the board in its discretion may authorize the department having said equipment to trade the same in on new equipment.

Except as herein provided no personal property of the state, its departments or agencies, shall be sold, exchanged or disposed of; provided, this act shall not apply to property sold or exchanged between the various insti-

tutions, departments or agencies of the state, as otherwise provided by law.

Approved by the Governor—March 14, 1945.

Filed in the Office of the Secretary of State—March 14, 1945.

CHAPTER 90

(House Bill No. 99)

AN ACT

AUTHORIZING THE STATE AUDITOR TO PAY FROM THE HIGHWAY FUND CERTAIN CLAIMS PRESENTED BY THE STATE HIGHWAY ENGINEER AFTER THE EXPIRATION OF THE TIME LIMITATION FOR REGULAR PAYMENT, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION AND AUTHORIZATION. The state auditor is hereby authorized to pay one hundred and sixty claims, in the total amount of $31,289.16, on file in his office which were presented to him after the time limitation for the regular payment of claims. These claims have been approved by the state engineer and audited by the state auditor and have been determined to be legitimate claims against the state highway fund.

Sec. 2. PURPOSE. The state auditor is authorized to draw his warrants on the state highway fund in payment of the following claims: Allison Steel Mfg. Co., two claims in the total amount of $338.75; Oren Arnold, $25.00; Atchison, Topeka & Santa Fe Railway Co., two claims in the total amount of $2,493.26; Arizona Clutch and Brake Supply, $6.41; Arizona Cedar Rapids Co., $42.20; Arizona Express, Inc., two claims in the total amount of $12.53; Alabam Freight Lines, eight claims in the total amount of $63.32; Arizona Auto Parts Co., two claims in the total amount of $10.61; Automotive Sales Co., Inc., two claims in the total amount of $26.31; Arizona Edison Co., Inc., $3.00; Paul Bennett, two claims in the total amount of $353.90; Boulder Dam Line, three claims in the total amount of $3.05; Town of Benson,

$2.50; Brown-Bevis Equipment Co., two claims in the total amount of $205.81; Baum and Adamson, two claims in the total amount of $49.89; Babbitt Brothers Trading Company, two claims in the total amount of $49.27; Capital Auto Parts, $19.24; Central Arizona Light and Power Company, $2.37; Andy Chuka, $12.95; Perry Casey, $345.46; Continental Oil Company, $35.32; Consolidated Motors, two claims in the total amount of $44.30; Consolidated Abstract Company, $25.00; Cameron Trading Post, $33.84; Crystal Ice and Cold Storage Company, $2.55; Harley-Davidson Sales Company, $14.48; Duncan Utilities Company, two claims in the total amount of $65.53; Denton Tire Service, $61.69; Drew and Randall Motor Company, $3.09; Electric Rewinding Company, $9.95; W. F. Fetterly, $24.66; Foxworth-McCalla Lumber Company, $7.55; Flagstaff Auto Supply Company, $1.22; Firestone Stores #1-22, four claims in the total amount of $324.46; Bob Fronske, $35.00; George K. Geyer, $50.00; Glendale Nursery, $4.37; General Auto Parts Company, $1.00; Ersel Garrison, two claims in the total amount of $52.17; Hudson Tire Company, five claims in the total amount of $1,829.97; Holbrook Tribune News, $12.12; The Industrial Commission of Arizona, $12,816.75; Charlie C. Jones Battery and Electric Company, $80.53; Jennings Lumber Company, $52.02; G. H. Kiehm, $15.00; Ray Korte, $17.74; Ed Luke Motor Company, $97.51; The Linde Air Products Company, two claims in the total amount of $34.71; Madison Motors, $6.55; Mangino Bros. Service, $82.49; Marchant Calculating Machine Company, $13.50; Mountain States Telephone and Telegraph Company, two claims in the total amount of $31.65; Motor Supply Company, $2.66; Joseph Muench, $11.00; Neil B. McGinnis Company, three claims in the total amount of $24.11; McNutt Oil and Refining Company, $136.50; Charles C. Niehuis, $39.00; O'Connell Brothers, Inc., $137.46; Parks and Recreation Department, Phoenix, Arizona, $16.52; Parker Electric Supply, $16.37; Pacific Motor Trucking Company, $5.26; Pratt-Gilbert Hardware Company, $9.92; Prescott Lumber Company, two claims in the total amount of $59.68; The Petrol Corporation, $1,645.71; The Photo Shop, two claims in the total amount of $1,063.66; Pitney-Bowes Meter Company, $2.06; Palmer Manufacturing Corp., $33.13; Phoenix Motor Co., two claims in the total amount of $211.35; Phoenix Auto Supply Company, $.40; P. D. O. C., $542.00; Round Valley Light and Power Company, $3.00; Richfield Oil Corporation, $43.75; Ed Rudolph's, $8.32; Robinson's Economy Hardware Store, $9.95; Remington Rand Inc., $18.22; F. Ronstadt Hardware Company, $1,119.45; St. Johns Herald-Observer, $6.50; Southern Pacific Company, eight claims in the total amount of $2,363.68; Carolann Smurthwaite, $22.28;

Semon Bearing Company, $25.57; Smith Heywood Truck Lines, two claims in the total amount of $3.20; Stuckey Auto Supply Company, $218.50; Southwestern Telephone Company, $8.00; Safford Tire and Rubber Company, $21.46; Smith Booth Usher Company, $5.15; Stalie Tire Company, $40.60; Safford Builders Supply Company, $9.79; Sahuaro Petroleum Company, $152.00; Standard Oil Company of California, $119.32; Standard Stations Inc., three claims in the total amount of $1,418.66; The Texas Company, five claims in the total amount of $636.62; Tarr McComb Commercial Company, $2.74; Texas Independent Oil Company, $127.50; Underwood Elliott Fisher Company, two claims in the total amount of $157.72; Union Glass Company, two claims in the total amount of $31.90; Union Oil Company of California, $37.87; Joseph Miller, $196.60; Jules L. Vermeersch, $67.23; Watson and Meehan, $150.21; Westinghouse Electric Supply Company, two claims in the total sum of $186.74; Yuma Ice Delivery, $5.10; The Haloid Company, $39.25; James L. Cobb, Jr., $8.98; E. L. Scudder, $36.00; Robert LaRue, $19.40; Sam Marbell, $10.80; Motor Book Department, $41.10; Wenden Water Works, $6.66.

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

Approved by the Governor—March 13, 1945.

Filed in the Office of the Secretary of State—March 14, 1945.

CHAPTER 91

(House Bill No. 212)

AN ACT

DIRECTING THE MAYOR AND COMMON COUNCIL OF THE CITY OF PRESCOTT TO PAY THE CLAIMS OF SAM HENDRIX & SON, AND OTHER CLAIMANTS; AND DECLARING AN EMERGENCY.

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

Section 1. DIRECTION TO PAY CLAIMS. The mayor and common council of the city of Prescott are directed

to pay the following claims against said city: Sam Hendrix & Son, for lighting equipment and installation, five hundred eighty-eight dollars forty-five cents; Elrod Sales Agency, for heating equipment and installation, one thousand five hundred eighty-six dollars ninety-four cents; E. A. Black, for plumbing and labor, one hundred fifty-nine dollars sixty cents; Arizona Mining Supply Corporation, for hardware, four dollars twenty-seven cents; Foxworth-Galbraith Lumber Company, for lumber, paint and hardware, one thousand ninety-six dollars seventeen cents; Head Lumber Company, for lumber, cement, and building materials, three hundred six dollars sixty-seven cents; Prescott Lumber Company, for lumber, cement, and building materials, six hundred eighty dollars thirty-two cents; Prescott Metal Products Company, for metal for toilet air vents, forty-one dollars eighty cents; Noah's Ark, for bolts, hinges, lifts, and pulls, twenty-two dollars thirty-six cents; Seale's Service Station, for paint, four dollars thirty-two cents; Webb Motors, for paint, twenty-eight dollars eighty-seven cents.

Sec. 2. BASIS OF CLAIMS. Payment of the sums specified in section 1 shall be in full satisfaction of the claims of said persons for services and materials furnished to the city of Prescott in the construction of a building at Earnest A. Love municipal airport, Prescott.

Sec. 3. SOURCE OF PAYMENTS. Any unbudgeted funds in the hands of the city of Prescott shall be applied to the payment of the amounts specified. In the event the unbudgeted funds of the city are not sufficient to pay the whole of said amounts, the mayor and common council shall include in the next annual budget of the city of Prescott an item for the payment of the unpaid amounts of the claims.

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

Approved by the Governor—March 16, 1945.

Filed in the Office of the Secretary of State—March 16, 1945.

CHAPTER 92

(Senate Bill No. 54)
AN ACT
RELATING TO MOTOR VEHICLE DEALERS, MOTOR DEALERS AND WRECKERS, AND PRESCRIBING REGULATIONS WITH RESPECT THERETO; AND REPEALING SECTIONS 66-216, 66-217 AND 66-218, ARIZONA CODE OF 1939.

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

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

"new motor vehicle dealer" shall mean any person who buys, sells, or exchanges, or offers or attempts to negotiate a sale or exchange of any interest in, or who is engaged in the business of selling, new motor vehicles or used motor vehicles taken in trade on new motor vehicles;

"used motor vehicle dealer" shall mean any person, other than a new motor vehicle dealer, who buys, sells or exchanges, or offers or attempts to negotiate a sale or exchange of any interest in, or who is engaged in the business of selling, used motor vehicles;

"motor vehicle dealer" shall mean any new motor vehicle dealer, or any used motor vehicle dealer;

"motor dealer" shall mean any person, other than a new motor vehicle dealer or used motor vehicle dealer, who buys, sells or exchanges, or offers or attempts to negotiate a sale or exchange of any interest in, or who is engaged in the business of selling new, used or reconditioned motor vehicle motors;

"wrecker" shall mean any person who buys or otherwise acquires any motor vehicle solely for the purpose of dismantling any such vehicle and selling or otherwise disposing of any of the parts or accessories thereof;

"motor vehicle" shall mean any automobile, motor bus, motorcycle, truck, truck tractor, or any other self-propelled vehicle, trailer or semi-trailer;

"established place of business" shall mean a permanent, enclosed building or structure, owned either in fee or leased, with sufficient space to display two or more

motor vehicles, and which shall be devoted principally to the use of a motor vehicle dealer in the conduct of the business of such dealer, except in the case of a used motor vehicle dealer an "established place of business" need not be a permanent building or structure or part thereof, but may be a vacant lot or part thereof, but such term shall not mean or include any residence, tent, temporary stand or temporary quarters or permanent quarters occupied pursuant to any temporary arrangement; and except in the case of a motor dealer or wrecker an "established place of business" shall mean a permanent site or location at which the business of a motor dealer or wrecker is or will be conducted.

"new motor vehicle dealer" or "used motor vehicle dealer" shall not mean or include any person disposing of any motor vehicle acquired for his own use and actually used by him when the same shall have been acquired and used in good faith and not for the purpose of avoiding the requirements of law.

Sec. 2. DEALERS REGULATED. No motor vehicle dealer, motor dealer or wrecker shall engage in business except in accordance with the requirements of law. The provisions of this Act shall not apply to any public officer engaged in the discharge of his official duties or to any trustee, receiver or other officer acting under the jurisdiction of any court.

Sec. 3. AUTHORITY OF VEHICLE SUPERINTENDENT. The vehicle superintendent is vested with the power and authority, and it shall be his duty, to supervise and regulate all motor vehicle dealers, motor dealers and wreckers. In the supervision and regulation thereof the vehicle superintendent shall have the right to make such investigations as he may deem necessary and, for the purpose thereof, to require the aid and assistance of the Arizona highway patrol division of the Arizona highway department; to conduct hearings; to compel the attendance of witnesses at such hearings, and to prescribe such rules and regulations as he may determine necessary for the purpose of carrying out the provisions of this Act.

Sec. 4. MOTOR VEHICLE DEALERS' AND WRECKERS' LICENSES; APPLICATION THEREFOR. No person shall engage in the business of a motor vehicle dealer, motor dealer or wrecker except from an established place of business, and without first having obtained from the vehicle superintendent a license authorizing him to engage in such business. A licensee may use unimproved

lots and premises or parts thereof for the display, storage or sale of motor vehicles, or parts or accessories thereof, if such lots or premises be located in the county in which the licensee has an established place of business. Application for license shall be made to the vehicle superintendent in writing, upon forms to be prescribed and furnished by the vehicle superintendent, shall be verified and shall contain:

(a) The name and residence of the applicant; the name and residence of each copartner in the event the applicant is a copartnership, and the name and residence of each principal officer in the event the applicant is a corporation, and the state in which such corporation was organized;

(b) The principal place of business of the applicant;

(c) The established place of business at or from which such business is to be conducted;

(d) The make or makes or new motor vehicles, if any, which applicant will sell or offer for sale within this state;

(e) Such other information as the vehicle superintendent shall require.

Upon the filing of such application, the vehicle superintendent shall forthwith make an investigation concerning the matters and things set forth in said application and shall inspect the place from which the applicant proposes to transact business, and shall make such further investigation as he shall deem necessary. Within twenty days from the filing of such application, if the vehicle superintendent shall determine that said application is made in good faith and that no representation made therein is false or untrue and that the applicant has met the requirements of law, he shall grant such application. If the vehicle superintendent shall determine that the application is not made in good faith or that any false or untrue statement has been made in the application or that the applicant has not met the requirements of law, he shall deny such application and shall advise the applicant in writing of such denial and the grounds therefor. The applicant may, within thirty days from receipt of the notice of denial, petition said vehicle superintendent in writing for a hearing on said application. Upon the filing of such petition, a date for such hearing shall be fixed, and the applicant shall have the right to be present at said hearing and testify in his own behalf and to have

such other persons as he shall desire present and testify at such hearing. The vehicle superintendent shall issue subpoenas to such persons as the applicant shall request, requiring them to be present and to testify at said hearing. A transcript of the testimony of all witnesses taken at such hearing shall be made and preserved. Within ten days after such hearing, the vehicle superintendent shall make written findings of fact and conclusions and shall either grant or finally deny such application. If such application shall be finally denied, the applicant may, within thirty days from the date of such denial, appeal to the superior court of the state of Arizona, in and for the county of Maricopa, from such denial. Such action shall be tried as other civil actions, and the trial shall proceed and be conducted as a trial de novo.

Sec. 5. DISPLAY AND TERM OF LICENSE. Every license issued under the provisions of this Act shall be conspicuously displayed in the established place of business of the licensee and shall expire on the thirty-first day of December of the year in which issued. No such license shall be assignable.

Sec. 6. ESTABLISHED PLACE OF BUSINESS TO BE INDICATED. Every motor vehicle dealer and wrecker shall erect and maintain, at the entrance to his established place of business, a permanent sign indicating that the business of a motor vehicle dealer or wrecker is conducted at or from said premises. Said sign shall be legible at a distance of three hundred feet during daylight.

Sec. 7. FEES AND BOND. Every application shall be accompanied by a filing fee of ten dollars, and every licensee shall pay an annual license fee of five dollars.

Every application shall also be accompanied by a bond in the form to be approved by the vehicle superintendent, and shall be in such amount—but in no event less than one thousand dollars—as the vehicle superintendent shall prescribe, and with a surety company authorized to transact business in this state as surety thereon, and on which such applicant shall be the principal obligor and the state of Arizona shall be the obligee, and such bond shall be conditioned that the applicant will faithfully comply with all of the provisions of the law and that the same shall be non-cancellable for the period of time for which the license to such applicant is issued. Such bond shall inure to the benefit of any person who shall suffer any loss by reason of any unlawful act of the licensee.

Sec. 8. CHANGE OF ESTABLISHED PLACE OF BUSINESS. Before any licensee shall move from one established place of business to another, he shall apply and obtain from the vehicle superintendent consent to such removal. A license shall be obtained for each separate place of business at or from which any licensee shall transact business, provided, that no additional fee shall be charged for more than one license.

Sec. 9. RECORDS TO BE KEPT BY DEALERS AND WRECKERS. Every licensee shall keep and maintain at his established place of business a permanent record in the form prescribed by the vehicle superintendent wherein shall be entered:

(a) A particular description of every motor vehicle of a type subject to registration under the laws of this state which is bought, sold or exchanged by the licensee or received or accepted by the licensee for sale or exchange;

(b) A particular description of every used motor vehicle body, chassis, or motor vehicle motor which is sold or otherwise disposed of;

(c) A particular description of every motor vehicle which is bought or otherwise acquired and wrecked by the licensee;

(d) The name and address of the person from whom any motor vehicle, motor vehicle body, chassis or motor vehicle motor was purchased or otherwise acquired and the date thereof;

(e) The name and address of any person to whom any such motor vehicle, motor vehicle body, chassis or motor vehicle motor was sold or otherwise disposed of and the date thereof, and a sufficient description of such vehicle, body, chassis or motor by name or identifying number or otherwise to identify the same. Every such record shall at all times be open to inspection by the vehicle superintendent or the members of the highway patrol division.

Sec. 10. CANCELLATION OF LICENSES. The license of any licensee shall be cancelled by the vehicle superintendent when he shall determine that the licensee (a) in his application for license has made a material misrepresentation or misstatement; (b) has or is violating any law of the state of Arizona, the enforcement or

administration of which is vested in the vehicle superintendent, or has or is violating any rule or regulation adopted by him pursuant to law; (c) has failed or is failing to keep and maintain any records required to be kept and maintained by him; (d) has no established place of business; (e) has knowingly dealt in stolen motor vehicles or parts or accessories thereof; (f) has failed or is failing, by himself or by his manager, agents or representatives, to devote a substantial portion of his time to the business for which he is licensed, or to be actively or principally engaged therein. The vehicle superintendent, upon determining that any grounds for the cancellation of a license exist, shall give notice thereof to the licensee in writing, and in such notice shall require said licensee to be and appear before him at a given time and place, then and there to show cause, if any there be, why his license should not be cancelled. At the time and place fixed by said vehicle superintendent, which shall be not less than ten days from such notice, said licensee shall appear and be heard and shall have such other persons as he shall desire present and testify at such hearing. The vehicle superintendent shall issue subpoenas to such persons as the licensee shall request, requiring them to be present and testify at said hearing. A transcript of the testimony of all witnesses taken at such hearing shall be made and preserved. Within ten days after such hearing, the vehicle superintendent shall make written findings of fact and conclusions and shall either cancel or decline to cancel the license of said licensee. If such license shall be cancelled, the licensee may, within thirty days from the date of such cancellation, appeal to the superior court of the state of Arizona, in and for the county of Maricopa, from such cancellation. Such action shall be tried as other civil actions, and the trial shall proceed and be conducted as a trial de novo. The order of cancellation of the vehicle superintendent shall not be suspended during the pendency of said appeal.

Sec. 11. RESTRAINING VIOLATIONS OF LAW. Whenever the vehicle superintendent shall have reasonable cause to believe that any licensee has or is violating any law of this state, the enforcement or administration of which is vested in him, or has or is violating any regulation or order adopted by him pursuant to the provisions of law, in addition to any and all other remedies, he may bring and maintain, in the name of and on behalf of the state, an action in the superior court of the state of Arizona, in and for the county of Maricopa, against such licensee to restrain or enjoin him from continuing such violation. The court, in such action, shall proceed as in other actions for injunction.

Sec. 12. CEASE AND DESIST ORDERS. Whenever the vehicle superintendent shall have reasonable cause to believe, from information furnished to him or from any investigation made by him, that any person is engaged in the business of a motor vehicle dealer, motor dealer or wrecker without being licensed as required by law, he shall forthwith issue and serve upon such person, by registered mail, a cease and desist order, requiring him forthwith, upon the receipt of such notice, to cease and desist from further engaging in such business. Upon the failure of such person to comply with such order, the vehicle superintendent shall file an action in the superior court of the state of Arizona, in and for the county of Maricopa, restraining and enjoining such person from engaging in such business. The court in said action shall proceed as in other actions for injunctions.

Sec. 13. EXISTING LICENSES. Every license heretofore issued to any motor vehicle dealer, motor dealer or wrecker shall remain in effect for the period for which issued, except that all such licenses shall be renewed in conformity with the provisions of this Act, and except that any such license may be cancelled for any of the reasons which shall be grounds for the cancellation of any license issued under the provisions of this Act.

Sec. 14. PENALTIES. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding three hundred dollars, or thirty days in jail, or by both such fine and imprisonment.

Sec. 15. REPEAL. Sections 66-216, 66-217 and 66-218, Arizona Code of 1939, are repealed. This section does not negative the implied repeal of any statute in conflict with this Act.

Approved by the Governor—March 16, 1945.

Filed in the Office of the Secretary of State—March 16, 1945.

CHAPTER 93

(Senate Bill No. 96)

AN ACT

RELATING TO ECONOMIC POISONS AND PROVID-

ING FOR THE REGULATION AND CONTROL THEREOF.

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

Section 1. SHORT TITLE. This Act may be cited as the economic poisons Act of 1945.

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

"manufacturer" means a person engaged in the business of preparing, mixing or manufacturing economic poisons;

"sell" or "sale" includes "offer for sale," "expose for sale," "have in possession for sale," "exchange," "barter," or "trade;"

"economic poisons" means and includes any substances, or mixture of substances, intended to be used for preventing, destroying, repelling or mitigating any and all insects, fungi, bacteria, weeds, rodents, predatory animals or any other form of plant or animal life which is, or which the state chemist may declare to be, a pest, which may infest or be detrimental to vegetation, man, animals or be present in any environment whatsoever; except household insecticides, disinfectants and deodorants;

"registrant" means a person who has registered an economic poison and has obtained a certificate of registration from the state chemist;

"brand" means the name, number, trade-mark, or other designation under which economic poison is offered for sale, sold, or distributed in the state of Arizona, and the economic poison itself offered for sale, sold or distributed under such name, number, trade-mark, or other designation;

"label" means the written, printed or graphic matter on the immediate container of the article or on the article itself and also on the outside container or wrapper, if any there be, of the retail package of such article.

"active ingredient" means an ingredient which of itself prevents, destroys, repels, or mitigates the insects or fungi against which the product is to be used;

"inert ingredient" means any material contained in

or mixed with the active ingredient which does not of itself have any effect on the pest to be controlled;

"per cent" or "percentage" means the percentage by weight avoirdupois.

Sec. 3. ENFORCING OFFICIAL. This Act shall be administered by the state chemist. The head of the department of agricultural chemistry and soils of the agricultural experiment station of the university of Arizona is constituted state chemist for the enforcement of this Act.

Sec. 4. DUTIES OF STATE CHEMIST. The state chemist shall enforce the provisions of this Act. He shall perform any duty or exercise any power imposed or conferred by this Act, either individually or through his authorized agents.

The state chemist shall:

(a) Sample, inspect, make analysis of any economic poison transported, sold, offered or exposed for sale, at such times and places and to such extent as he may deem necessary to determine if the economic poison is in compliance with the provisions of this Act, and shall notify the persons affected in case any violation is discovered.

(b) Make such rules and regulations which shall have the force and effect of law as he shall deem necessary for the purpose of carrying out the provisions of this Act. No rule or regulation shall become effective until the expiration of thirty days after it shall have been first promulgated. A copy of such rules and regulations shall be mailed to each registrant on the day the rules and regulations are promulgated. The failure to receive such copy shall be no defense to a violation of such rules or regulations.

Sec. 5. POWERS OF STATE CHEMIST. The state chemist shall have power to:

(a) Enter upon any public or private property during business hours in order to have access to economic poisons subject to this Act;

(b) Provide for and make analysis of economic poisons for dealers and manufacturers on request, fix and collect charges therefor.

Sec. 6. REGISTRATION. (a) It shall be unlawful for any person acting for himself, or as agent, to sell, offer for sale, or expose for sale, within the state, any economic poison that has not been registered as required by this Act.

(b) Any person who may desire to sell or offer for sale, either by himself or through another person, an economic poison in this state, shall first file with the state chemist, on registration forms supplied by him, a signed statement, giving his name and address and the following information with respect to each brand or variously labeled economic poison, in the following order:

(1) The name of each economic poison, exactly as it is to appear on the label. Each variation in name or in composition constitutes a separate item.

(2) Name and formula and percentage by weight of each active ingredient.

(3) Total percentage, by weight, of inert ingredients.

(4) The antidote.

(5) A copy or proof of the label that will be used.

(6) Directions for use wherein indicated.

(c) Every registration of an economic poison under the provisions of this Act shall expire on the thirty-first day of December of the year in which said registration was made.

(d) The state chemist shall issue a certificate of registration to every registrant for each economic poison registered by such registrant under the provisions of this Act.

Sec. 7. REGISTRATION FEES. Any person desiring to register an economic poison under the provisions of this Act shall pay to the state chemist an annual registration fee of twenty-five dollars for the first economic poison registered by him in any calendar year, and an annual fee of ten dollars for each additional economic poison registered by him in any calendar year. After this Act has been in effect for one year the state chemist may, if it appears that the revenue derived from this Act is more than necessary for its administration and operation, reduce the registration fees herein provided. Pro-

vided that where the registration fee has been paid, either by the manufacturer or by the jobber, then in that event nothing in this Act shall be construed as requiring registration by anyone else.

All public officers shall register, without fee, all economic poisons sold by them.

Sec. 8. LABELING. The registrant of any economic poison shall attach to every separate lot, and every separate, finished, sealed, or enclosed container or package of economic poison which he intends to sell within the state of Arizona, a plainly printed label, stating the name, brand or trade-mark, if any, under which sold, and the name and address of the registered manufacturer, importer, or vendor, and the name and percentage, by weight, of each active ingredient, and the total percentage by weight of all inert ingredients, and any other matter otherwise required by law.

Sec. 9. INSPECTION. It shall be the duty of the state chemist, personally or by duly authorized agents, to make such inspection of economic poisons in this state, to have such samples taken, and to have such chemical analysis made as in his judgment may be necessary to ascertain whether or not persons offering for sale, selling or distributing economic poisons are complying with the provisions of this Act.

Sec. 10. LABORATORY. The department of agricultural chemistry and soils of the agricultural experiment station of the university of Arizona is hereby designated as the official testing laboratory for the purpose of enforcement of this Act.

Sec. 11. ADULTERATION. No person shall sell, or offer for sale, any adulterated economic poison. An economic poison is adulterated when:

(a) Its strength or purity falls below the standard or quality which it is represented to have;

(b) Any ingredient necessary to its effectiveness has been wholly or in part abstracted or omitted in its manufacture, or other materials substituted therefor.

Sec. 12. MISBRANDING. No person shall sell, or offer for sale, any misbranded economic poison. An economic poison is misbranded when:

(a) The package or label thereon bears any false or misleading statement, design or device regarding such articles or the ingredients or substances contained therein.

(b) The package or label is falsely branded as to the place of manufacture or production.

(c) It is labeled or branded so as to deceive or mislead the purchaser.

(d) The contents of the package, as originally put up, have been removed in whole or in part and other contents placed in such packages, or the contents of the package are of a quality below that of the guarantee on the label or on the application for registration of the economic poison or of the analysis of the representative sample delivered in connection with the application for registration of the economic poison.

(e) In package form, and the contents, if stated in terms of weight or measure, are not plainly and correctly stated on the outside of the package.

(f) It consists partially or completely of any inert ingredients which are not effective as economic poisons, and does not have the name and percentage of each such inert ingredient plainly and correctly stated on the label. In lieu of naming and stating the percentage of each such inert ingredient, the producer may state the correct name and percentage of each active ingredient which is effective as economic poison, and the total percentage of such inert ingredients present, except that the name and percentage of any ingredient of an economic poison intended for use on or sold for application to any food crop in such a way as to leave a residue declared deleterious to health by the United States Food and Drug Administration or by the state chemist, must be plainly stated on the label.

Sec. 13. EXAMINATIONS. The state chemist may, upon the receipt of a sample of economic poison, accompanied by the required fee, make an analysis, examination or test thereof, and shall inform the sender thereof the results of such analysis, examination or test. The schedule of fees required for analysis, examination or test, shall be fixed by the state chemist.

Sec. 14. NOTICE TO VIOLATOR AND HEARING. When the state chemist becomes cognizant of an apparent violation of any provision of this Act or any rule or

regulation promulgated thereunder, he may cause notice of such fact, together with a copy of the charges, to be served on the persons suspected of the violation. The person notified shall be given an opportunity to be heard under rules and regulations promulgated for that purpose. The provisions of this section shall not be a condition precedent to the institution of any action to prosecute a violation of this Act.

Sec. 15. SEIZURE OF MISBRANDED, ETC., GOODS. The state chemist may seize and quarantine any economic poison which is adulterated, or misbranded within the meaning of this Act, or detrimental to agricultural or to the public health, or which is otherwise not in conformity with any provisions of this Act. It shall be unlawful for any person to transport, destroy or dispose of any quarantined economic poison without securing a permit from the state chemist.

Sec. 16. ENFORCING OFFICERS. No person charged with the enforcement or execution of any of the provisions of this Act shall be directly or indirectly interested in the sale, manufacture or distribution of any economic poison.

Sec. 17. SALE OF SERUMS, TOXINS, REMEDIES. It is unlawful, knowingly, to transport, ship, sell or otherwise dispose of any viruses, serums, remedies, toxins, or analogous products intended for use in the treatment of poultry and domestic animals unless such products have been produced under license of the Bureau of Animal Industry of the United States Department of Agriculture, or which have conformed to the provisions of this Act.

Sec. 18. PENALTIES. Any person who violates any provision of this Act is guilty of a misdemeanor, provided that no prosecution shall be had under the provisions of this Act for any adulteration of an economic poison where the adulteration does not exceed five per cent by weight of any active ingredient thereof.

Sec. 19. PUBLICATIONS. The state chemist is authorized to publish at such times and in such forms as he may deem proper, information concerning the production and use of economic poisons, and shall publish an annual report which shall contain a statement of moneys received and expended. Reports of chemists' findings based on official samples of each brand of economic poison sold within the state as compared with guaranteed analysis registered under section 6, shall be published by the state

chemist annually as promptly as possible after July 1 of each year.

Sec. 20. APPROPRIATION. All moneys collected under the provisions of this Act shall be deposited in the general fund of the university of Arizona in a fund to be known as the economic poisons fund, which fund shall be used solely for the purpose of administering the provisions of this Act, upon the order of the board of regents of the university of Arizona in the same manner as other funds of said university. Such fund shall be exempt from the provisions of section 7, article 4, chapter 86, Session Laws of 1943, regular session, relating to lapsing appropriations.

Sec. 21. EFFECTIVE DATE. This Act shall take effect July 1, 1945.

Approved by the Governor—March 20, 1945.

Filed in the Office of the Secretary of State—March 20, 1945.

CHAPTER 94

(House Bill No. 29)

AN ACT

PROVIDING FOR THE ASSESSING AND COLLECTION OF TAXES ON PERSONAL PROPERTY; DESIGNATING THE COUNTY BOARD OF EQUALIZATION; PRESCRIBING FORMS TO BE USED; REPEALING ALL LAWS OR PARTS IN CONFLICT HEREWITH; AND DECLARED AN EMERGENCY.

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

Section 1. ASSESSMENT OF CERTAIN PERSONAL PROPERTY. The county assessor when he assesses the personal property of any person not owning real estate within the county of two hundred dollar value, shall enter said assessment on a tax roll provided for such purpose, to be known as the unsecured personal property tax roll, showing the name and residence of the person owning such personal property, or having the same in his possession and returning said property for taxation,

if the same be known, a description of said property sufficient to identify the same together with the location of said property and the rate of taxation levied against said property. If the name of the owner of said property be not known said property shall nevertheless be listed and assessed and entered upon said tax roll to "unknown owner". Said tax roll shall provide proper columns for the extension of the tax levied upon said property. The assessor shall have all of the power and authority granted county assessors under section 73-402 Arizona Code 1939 together with all other power and authority granted to county assessors under any law of the state of Arizona and not in conflict with this Act. The duty of the county assessor to assess such property shall continue throughout the year.

Sec. 2. NOTICE OF ASSESSMENT. At the time of making the assessment of said personal property as provided in this Act the assessor shall deliver to the owner of said property if known, or to the person in whose possession the same shall be found at the time of such assessment a notice of assessment in the following form:

"OFFICE OF THE COUNTY ASSESSOR

County of....., State of Arizona

....., Arizona, ...194....

Name .....

Address .....

You are assessed with the following personal property for the year 19.....:

Value:

....

....

....

Total Valuation .....

School District No....., Tax Rate.....

Total Tax .....

The Board of Supervisors will meet as a board of equalization for personal property the first Monday in....., at which time you may appear and object to this assessment.

The tax on your personal property will be due and payable at County Treasurer's office on the second Monday in.....and will become delinquent thirty days thereafter.

Received Copy .....
County Assessor

....
Property owner" Deputy

No attention notice will be sent.

Sec. 3. RETURN OF TAX ROLL. On the last Monday of each month the assessor shall certify to the board of supervisors in the same manner provided for the certification and return of the real property tax roll and said personal property tax roll shall contain all assessments of personal property made by the assessor since the certification and return of the last preceding tax roll. Within thirty days after the date upon which this Act takes effect the assessor shall make up a tax roll of all unsecured personal property assessed prior to the effective date of this Act upon which the tax has not been paid and shall certify the same to the board of supervisors who shall, within five days after the receipt thereof, certify the same to the county treasurer who shall proceed to collect said taxes as herein provided for the collection of unsecured personal property taxes.

Sec. 4. BOARD OF EQUALIZATION. The boards of supervisors of the various counties shall convene on the first Monday of each month as the board of equalization of personal property at which time any person who has been assessed as herein provided and whose name appears on the last personal property tax roll may appear before said board of equalization of personal property and present his objections to such assessment. After hearing such objections said board shall have the power to change and equalize any such assessment. The boards of supervisors sitting as boards of equalization for personal property shall not have the power to adjourn from day to day but shall act as such board of equalization only on the first Monday in each month. Any person dissatisfied with the amount of his assessment as fixed

by the board may on or before the date the taxes become delinquent appeal to the superior court of the county in which said board holds its sessions in the same manner as is provided in paragraph 73-419 Arizona Code of 1939.

Sec. 5. EXTENSION OF TAX. On or before five days after the meeting of the board of equalization for personal property the board of supervisors shall cause the tax to be extended against the property in said personal property tax roll showing the different items of tax charged against each such assessment and the totals thereof and deliver same to the county treasurer. The rate of tax to be levied and extended against said personal property for the entire taxable year shall be the tax rates applicable as of January 1st in the district where such property is located.

Sec. 6. COLLECTION OF TAX; COUNTY TREASURER. Not later than the second Monday in each month the county treasurer shall have the unsecured personal property tax roll of the preceding month available, at which time the taxes as indicated in said roll shall be due and payable and shall be considered delinquent thirty days thereafter. All delinquent taxes shall bear interest at the rate of ten per cent per annum. Said taxes shall be collected and receipted for by the county treasurer and shall be distributed in the same manner as other taxes.

Sec. 7. TAX BILL; SHERIFF. Within five days after such personal property tax shall become delinquent the county treasurer shall make and deliver to the sheriff of the county a tax bill directed to the said sheriff commanding the sheriff to seize and sell said personal property or so much thereof as is necessary to pay said taxes, interest and costs of seizure and sale.

Sec. 8. TAX BILL; SHERIFF'S AUTHORITY. Such a tax bill issued by the treasurer and delivered to the sheriff shall be the sheriff's warrant of authority to seize and sell said personal property or so much thereof as may be necessary to pay the tax, interest and costs of seizure and sale. Said tax bill shall be in the following form:

TAX BILL

.....County, Arizona

In the matter of the delinquent personal property tax assessed against.....
.....

To the sheriff of.....county, Arizona, greetings:

You are hereby commanded, to seize and sell of the personal property of..... the following described personal property: .....
.....,
or so much thereof as may be necessary to pay the sum of $....., delinquent taxes assessed against such property, together with interest on said amount at ten per cent per annum from the.....day of..... 194....., and the cost of sale. This tax bill shall be your warrant of authority to seize said property and make said sale and to make and deliver to the purchaser of said property a bill of sale thereof. You are authorized under this tax bill to seize and sell said property in any county of the State of Arizona, where the same may be found.

Dated this.....day of.....194.....

.....

County Treasurer of.....County, Arizona.

Sec. 9. SALE; SHERIFF. Upon receipt of said tax bill the sheriff shall, within ten days, seize said property wherever the same may be found and advertise the same for sale at public auction for cash in hand. Under the authority of the tax bill issued to the sheriff, it shall be the duty of the sheriff to seize the property wherever the same may be found and may enter any building, dwelling house, grounds or any other place and any enclosures in order to seize said property and said sheriff may call to his aid any and all citizens of the State whenever necessary. After seizing said property the sheriff shall give five days notice of the time, place and terms of said sale by posting three notices of sale in the county where said property is to be sold one notice to be posted at the place where such property is located and the other two in public places in said county; said notices shall describe the property to be sold, the name of the owner or person to whom said property is assessed, the place and time of holding said sale and the amount of taxes for which said property is to be sold. At the time fixed

in said notices the sheriff shall offer for sale at public outcry said property or so much thereof as may be necessary to pay the taxes, interest and costs of sale. Any person may be a bidder at such sale and such property shall be sold to the highest bidder for cash. Provided, however, that if no bid is made for said property in sufficient amount to pay said taxes, interest and costs, the sheriff shall sell said property to the county wherein said property is assessed. After the sale of such property the sheriff shall make, execute and deliver to the purchaser thereof, if said purchaser be other than the county, a bill of sale conveying the title of said property to the purchaser and deliver said property to said purchaser. In the event said property is sold to the county, a bill of sale shall be executed to the county and board of supervisors are hereby authorized, ordered and directed to, as soon as possible, sell said property at public auction or at private sale for the best price obtainable and to execute a bill of sale therefor to the purchaser. At any time prior to the actual sale of said personal property, by the sheriff, the owner thereof or any lien claimant or conditional vendor may redeem said property by paying to the sheriff the taxes, interest and costs; after said property is sold no right to redeem shall exist. The authority of the sheriff's to seize and sell personal property hereunder shall extend to all counties in the State. Except for wilful misconduct, the sheriff shall be liable for no wrongfully seizing or selling any property under the authority of this Act.

Sec. 10. SHERIFF'S RETURN OF SALE. The sheriff shall make return of said tax bill on or before the tenth day of the month following said sale and shall pay to the county treasurer the total amount of all moneys received, if said property be sold to any person other than the county, and the treasurer shall distribute the same to the proper funds and the costs shall be placed in the county expense fund. Any balance remaining in the hands of the treasurer after the payment of said taxes, interest and costs, shall be paid by the treasurer to the owner of said personal property. The sheriff shall charge the same fees for seizure and sale of personal property for taxes as provided to be charged on execution and such other actual expenses not therein provided for.

Sec. 11. LIEN OF TAXES. The tax levied against such personal property shall be a first and prior lien against said property, prior and superior to any and all other liens of every kind and description regardless of when such other lien shall have attached and said lien for taxes shall not be discharged until said taxes are

paid or the title to said property vests in a purchaser of said property for said taxes.

Sec. 12. TAX DEBT AGAINST OWNER. The tax on personal property not secured by real estate shall become a debt against the owner to whom the property is assessed and against his successors and assigns and suit shall be brought against such owner by the county attorney of the county upon request therefor by the county treasurer to recover the whole or any part of said tax. In the event the county treasurer or the sheriff is unable to find sufficient personal property to pay the taxes and costs assessed to the owner thereof and the person or his successor or assigns whose property has been assessed refuses or fails to pay the same or to surrender property sufficient for such purpose the county treasurer shall bring an action in the superior court against such person and his successors and assigns or any of them for the collection of such taxes and costs. Personal judgment may be rendered by the court against any or all such persons.

Sec. 13. IMPROVEMENTS ON UNPATENTED LAND, MINING CLAIMS OR STATE LAND. Improvements, appurtenances, wells, stock tanks and any other fixed property located upon any unpatented land, mining claim or state land not secured by patented real estate shall be assessed as personal property and a description sufficient to identify such property shall be entered on the personal property tax roll of the county and shall be subject to sale as herein provided. Improvements placed on public lands under grazing permits, the title to which passes to the federal government, shall be exempt from taxation.

Sec. 14. PROPERTY IN TRANSIT. Taxes on personal property in transit through a county shall be collected where the owner is domiciled provided, however, this section shall not apply to transient livestock as defined in section 73-408, Arizona Code of 1939, and provided further than transient property which is used in business or commerce within the State shall be assessed where found.

Sec. 15. SALE OF PROPERTY UNLAWFUL. It shall be unlawful for the owner, lien holder or conditional vendor, or any other person to sell or transfer said property or remove the same from its location until and unless said taxes are paid.

Sec. 16. PENALTY. Any person violating any of the

provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than three hundred dollars or by imprisonment in the county jail not less than thirty days nor more than ninety days or by both such fine and imprisonment.

Sec. 17. All Acts or parts of Acts in conflict herewith are hereby repealed.

Sec. 18. SEVERABILITY. If any provision of this Act be held invalid such invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end the provisions of the Act are declared to be severable.

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

Approved by the Governor—March 20, 1945.

Filed in the office of the Secretary of State—March 20, 1945.

CHAPTER 95

(House Bill No. 188)

AN ACT

RELATING TO MUNICIPAL REVENUE BONDS; AMENDING SECTIONS 10 AND 11, CHAPTER 31, ARIZONA SESSION LAWS, 1943; AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 10, chapter 31, session laws of Arizona, 1943 is hereby amended to read as follows:

10. FORM OF BONDS. Bonds issued under this Act shall be fully negotiable within the meaning and for all purposes of chapter 52, revised code of 1939. They may be in one or more series, may bear such dates, may

be payable in such medium of payment, at such places, may carry such registration privileges, shall be executed in such manner, may contain such other terms, covenants and conditions, and be in such form, either coupon or registered, as the governing body may by resolution prescribe. They shall be payable in equal annual installments, or they shall be of such maturities that the amount required for the payment of interest and principal becoming due thereon each year will be substantially the same and in either case the final payment shall be due not more than thirty (30) years from the date of issuance, provided that the first installment may be payable on such date as the governing body shall prescribe, not more than two (2) years from the date of issuance. Any or all of such bonds shall be callable at such times, on such terms and in such manner as the governing body by its resolution shall prescribe. Said bonds shall bear interest not exceeding five per cent per annum, payable semi-annually, at the rate set by the accepted bid and shall be sold at not less than par to the one making the best bid therefor, and the governing body shall call for bids thereon by giving thirty (30) days' notice of such call by publication in a newspaper of general circulation within the county, which notice shall be in such form as shall be prescribed by the governing body. The bids shall be for the entire bond issue unless the governing body by resolution shall allow bidding therefor in parcels of less than the entire issue. Pending the preparation of the definitive bonds, interim receipts or certificates may be issued to the purchasers of said bonds in such form and with such provisions as the governing body may determine.

Sec. 2. Sec. 11, chapter 31, session laws of Arizona, 1943 is hereby amended to read as follows:

11. CHARGES FOR UTILITY UNDERTAKING. The governing body of the municipality issuing the bonds shall prescribe charges, and shall revise the same whenever necessary, so that any utility undertaking for which the bonds were issued shall always remain self-supporting with revenue sufficient: 1. to pay when due all bonds, and interest thereon, for the payment of which the revenue shall have been pledged, encumbered, or charged; 2. to provide for all expenses of operation, maintenance, expansion and replacement of facilities, and, 3. to provide reasonable reserves for said purposes. Until the payment of all bonds on any such public utility issued hereunder and the expiration of the fiscal year of the municipality in which such bonds are paid in full, neither the receipts nor expenditures in connection with the operation of such public utility shall be subject to the

provisions of chapter 73, Arizona Code of 1939 as amended, nor shall such receipts and expenditures, until such time, be included in any budget covered by said chapter 73, Arizona Code of 1939, as amended, provided, that for the purposes of chapter 73, Arizona Code of 1939, as amended, the actual expenditures of any such public utility other than for bond interest and redemption during the fiscal year of the municipality preceding that in which such bonds were paid in full, shall be deemed to have been included in and to have constituted a part of the budget adopted by such municipality for the fiscal year in which such bonds were so paid.

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

Approved by the Governor—March 20, 1945.

Filed in the office of the Secretary of State—March 20, 1945.

CHAPTER 96

(House Bill No. 69)

AN ACT

RELATING TO FINANCIAL INSTITUTIONS; AUTHORIZING INVESTMENTS AND LOANS OF BUILDING AND LOAN OR SAVINGS AND LOAN ASSOCIATIONS; AND DECLARING AN EMERGENCY.

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

Section 1. AUTHORITY TO MAKE LOANS. In addition to all other authority granted to building and loan or savings and loan associations to make loans and investments, such associations are further authorized to make loans, advance credit or purchase obligations representing loans and advances of credit: 1. pursuant to title I of the national housing Act (c. 847, 48 Stat. 1246), as amended, if the federal housing administrator insures the building and loan or savings and loan associations against loss, in accordance with the provisions of such Act, and, 2. to persons qualified under title III of the

servicemen's readjustment Act of 1944 (Public law 346, 78th Congress, second session), or any amendment thereto. If a portion of a loan secured by real property is guaranteed by the administrator of veterans' affairs under said title III, the loan may be in an amount not in excess of the sum of the amount permissible under existing statutes and the portion of the loan so guaranteed; if the full amount of the loan is so guaranteed, any loan may be made. Any loan guaranteed in whole or in part by the administrator of veterans' affairs under said title III may be made on any terms, plans, practices or procedures now or hereafter authorized or required by the administrator of veterans' affairs.

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

Approved by the Governor—March 20, 1945.

Filed in the office of the Secretary of State—March 20, 1945.

CHAPTER 97

(House Bill No. 185)

AN ACT

RELATING TO THE STATE PRISON; AUTHORIZING THE ESTABLISHMENT OF A PLANT FOR THE MANUFACTURE OF LICENSE AND OTHER PLATES; MAKING AN APPROPRIATION; AND DECLARING AN EMERGENCY.

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

Section 1. MANUFACTURING PLANT. A plant shall be established at the state prison for the manufacture of metal license plates, highway markers and other metal plates, signs, markers or other similar articles. The governor is authorized to purchase the necessary machinery and equipment therefor.

Sec. 2. PRISON LABOR. The manufacturing plant authorized by section 1 shall be operated with prison

labor, but the superintendent of the prison may employ such assistants as he shall deem necessary to effectuate the proper operation and management of the plant.

Sec. 3. PLATES TO BE ORDERED FROM PRISON. From and after January 1, 1946, any department or agency of the state required by law to issue, erect or use any metal plate, sign, marker or other article susceptible of manufacture by the plant authorized by this Act shall, not less than six months prior to the date on which such use is required, order from the state prison, the number required of any such article, and accompany the order with complete specifications. The state prison shall charge the department or agency ordering any such article as nearly as may be the normal market price, which shall be paid as other accounts against the purchasing agency.

Sec. 4. RECEIPTS. All receipts from the manufacture and sale of articles ordered as provided in this Act shall be paid to the state treasurer, through the state auditor, and placed in the prison manufacturing fund, which shall be a revolving and continuing fund to be used exclusively for the upkeep, maintenance and operation of the manufacturing plant and the purchase of raw materials, and shall be exempt from the provisions of section 7, article 4, chapter 86, Session Laws of 1943, regular session.

Sec. 5. PENALTY. It is unlawful for any department, agency, officer or other person charged with the purchase or procurement of supplies for such agency, to order or purchase, after January 1, 1946, from any source other than the state prison, any article manufactured by the manufacturing plant authorized by this Act, unless it be found, upon application to the superintendent of the prison, that the article is not or will not be available within the time required. Violation of this section is a misdemeanor.

Sec. 6. APPROPRIATION. The sum of forty thousand dollars is appropriated to the governor, for the purchase of the machinery and equipment authorized by section 1, and the installation thereof, and for the purchase of necessary raw material, or otherwise for carrying out the purposes of this Act.

Sec. 7. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an

emergency measure, to take effect as provided by law.

Approved by the Governor—March 20, 1945.

Filed in the Office of the Secretary of State—March 20, 1945.

CHAPTER 98

(Senate Bill No. 46)

AN ACT

RELATING TO COUNTY, CITY AND TOWN BUDGETS AND TAX LEVIES; AMENDING SECTIONS 73-502, 73-503, 73-504 AND 73-505, ARIZONA CODE OF 1939; AND DECLARING AN EMERGENCY.

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

Section 1. Sec. 73-502, Arizona Code of 1939, is amended to read:

73-502. ANNUAL STATEMENT AND ESTIMATE—PUBLICATION AND NOTICE. The governing board of each county, incorporated city or town, on or before the third Monday in July in each year, shall prepare a full and complete statement of the financial affairs of the preceding fiscal year and an estimate of the different amounts which will be required to meet the public expense for the current fiscal year, which shall include an estimate of the amount of money required for each item of expenditure necessary for county, city or town purposes, the amounts necessary to meet the interest and principal of any bonds, the items and amounts of every special levy provided by law and an amount for contingency or emergency not anticipated. The estimate shall be entered upon the minutes of the governing body and shall be fully itemized in accordance with forms which shall be furnished by the state tax commission showing under separate heads the amounts estimated to be required for each department, public office or official, for each public improvement, for the maintenance of public structures and institutions and the salaries of public officers, the separate amounts proposed for the construction for the maintenance and for engineering and administration of public highways, roads, streets and

bridges, and the amounts proposed for the construction, operation and maintenance of each public utility subject to this article, and a full and complete disclosure and statement of the contemplated expenditures for the ensuing year showing the amount proposed to be expended from each separate fund and the total amount of proposed public expense. The estimate shall contain a statement of the receipts for the previous year from sources other than direct property taxation and the amounts estimated to be received during the current fiscal year from sources other than direct property taxation, the amounts actually levied and the amounts actually collected for county, city or town purposes upon the tax rolls of the previous fiscal year and the amount proposed to be raised by direct property taxation for the current fiscal year, for the general fund, the road fund, schools, bonds, special assessments, district levies, emergency levies and any other special levies specifically authorized by law. The total of amounts proposed for expenditure in said estimates shall not exceed by more than ten per cent the total of amounts proposed for expenditure in the budget adopted for the previous fiscal year, excluding, however, in each case, expenditures for school, bond, special assessment, district levy, primary, general or special election purposes. The estimates, together with a notice that such governing body will meet for the purpose of hearing taxpayers and making tax levies at named times and places, shall be published once a week for at least two consecutive weeks following the tentative adoption of such estimates in the official newspaper of such county, city or town, if there be one, and if not, then in a newspaper of general circulation therein.

Sec. 2. Sec. 73-503, Arizona Code of 1939, is amended to read:

73-503. HEARING ON ESTIMATES AND ADOPTION THEREOF. The governing boards of counties, cities and towns shall meet on the seventh day before the day on which they levy taxes as designated in said notice and any taxpayer may appear and be heard in favor of or against any proposed expenditure or tax levy. When such hearing has been concluded, the governing board shall finally determine and adopt estimates of proposed expenditures for the various purposes set forth in the published proposal which shall constitute the budget of the county, city or town for the current fiscal year. The total of amounts in such budget proposed for expenditure shall not exceed the total of amounts proposed for expenditure in the published estimates, nor shall the total of amounts in such budget proposed for expenditure

exceed by more than ten per cent the total of amounts proposed for expenditure in the budget adopted for the previous fiscal year, excluding expenditures for school, bond, special assessment, district levy, primary, general or special election purposes. No expenditure shall be made for a purpose not included in such budget and no expenditure shall be made, nor debt, obligation or liability be incurred or created in any fiscal year in excess of the amount specified for each purpose in the budget for such fiscal year as finally adopted except when authorized under and pursuant to the provisions of section 73-504, Arizona Code of 1939, as amended, irrespective of whether the county, city or town at any time has received, or has on hand, funds or revenue in excess of those required to meet expenditures, debts, obligations and liabilities incurred under such budget.

Sec. 3. Sec. 73-504, Arizona Code of 1939, is amended to read:

73-504. EMERGENCIES AND DEFICITS, ALLOWANCE AND LEVY—VIOLATIONS—PENALTY. In the event of epidemics or disease, or acts of God, which result in damage or disaster to the works, roads, buildings or property of a county, city or town, or which menace the life, health or property of any considerable number of persons therein, or in the event of any other emergency, the results of which have not been anticipated in the budget and which will require the making of expenditures or the incurring of liabilities or expenses by reason thereof during the current fiscal year, and restricted to cases where no other funds have been provided or appropriated therefor, the governing body may present to the state tax commission in writing the facts thereof requiring the making of such expenditure or the incurring of such additional liability or expense during the fiscal year and therein specify the amount which is deemed necessary therefor. The commission shall fix a day for the hearing of such application not less than ten days after the first publication of notice thereof and shall cause a notice thereof to be published at least once in the official paper for the publishing of notices of proceedings of the applicant, of the time and place when such application will be heard and determined. Such hearing shall be held by the commission or any member thereof, and persons interested may appear and present reasons either favoring or opposing the application. Upon the hearing, at the request of the applicant or any interested taxpayer, a stenographic transcript shall be made of the evidence produced to establish the existence or nonexistence of

the cause specified in the application. If it appear to the commission that one or more of the causes above specified for making such excess expenditure, or incurring such excess liability, exist, it may make an order so declaring and fixing therein an amount of liability which may be incurred, or of expenditures which may be made; if it shall not so appear, the commission shall deny the application. Records of such order shall be kept by the commission and the applicant. Upon the making of an order of allowance, the county, city or town may thereafter incur liabilities or make expenditures in an aggregate amount not exceeding that allowed by the commission for the specified purpose. To the extent that funds from sources other than direct property taxation be not available during the current fiscal year for the payment thereof, the tax levy of the next fiscal year for that county, city or town may include a separate item to cover so much of the authorized expenditures or liabilities as have not been paid and cannot be paid with balances remaining to the credit of any fund within the budget under the control of the governing body after other expenditures and liabilities thereon have been liquidated. Tax levies made pursuant to this section shall not be included for the purpose of determining the ten per cent limit on the increase of tax levies provided in section 73-505. Any officer violating a provision of this article shall be guilty of a misdemeanor and fined not less than $100.00 or more than $300.00.

Sec. 4. Sec. 73-505, Arizona Code of 1939, is amended to read:

73-505. LIMITATION ON INCREASE OF TAX LEVIES. The governing body of each county, city or town, on or before the third Monday in August in each year shall fix, levy and assess the amount to be raised by direct taxation, which, together with all other sources of revenue, as estimated, and unencumbered balances from the previous fiscal year, shall equal the total of amounts proposed to be expended in the budget for the current fiscal year, designate the amounts which shall be levied for each purpose appearing in the adopted budget and fix and determine a rate on each one hundred dollars of taxable property shown by the finally equalized valuations of property, less exemptions, appearing upon the tax rolls for such fiscal year, which when extended upon such valuations will, in the aggregate, produce the entire amount to be raised by direct taxation for that year. The budget estimate as finally adopted shall not exceed by more than ten per cent the total amount proposed for expenditure in the budget adopted for the previous year, after ex-

cluding expenditures for school, bond, special assessment and district levy, primary, general or special election purposes. The amount contained in said budget estimate as finally adopted, required to be raised by direct taxation, shall in no event exceed by more than ten per cent the amount levied upon the tax rolls for the preceding fiscal year after excluding levies for emergency liabilities, schools, bond principal and interest, primary, general or special elections and special assessments and district levies; provided that if no such amount was levied for the preceding fiscal year by such county, town or city, the governing body thereof may include in the budget such amount to be raised by direct taxation as may be found by the state tax commission to be necessary upon application to it and after notice for hearing given and held upon such application in the manner prescribed by section 73-504, Arizona Code of 1939, and the levy authorized shall not be deemed to be for an emergency expenditure and shall constitute the base for computing the ten per cent levy limitation for the budget of the succeeding fiscal year.

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

(Failed to pass with sufficient vote to carry emergency.)

Approved by the Governor—March 20, 1945.

Filed in the Office of the Secretary of State—March 20, 1945.

CHAPTER 99

(Senate Bill No. 34)

AN ACT

RELATING TO ACKNOWLEDGMENTS, AND PROVIDING FOR ACKNOWLEDGMENTS AND OTHER NOTARIAL ACTS BY COMMISSIONED OFFICERS OF THE ARMED FORCES; AND DECLARING AN EMERGENCY.

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

Section 1. ACKNOWLEDGMENTS AND NOTARIAL ACTS BY OFFICERS OF ARMED FORCES. In addition to the acknowledgment of instruments and the performance of other notarial acts in the manner and form otherwise authorized by law, instruments may be acknowledged, documents attested, oaths and affirmations administered, depositions and affidavits executed, and other notarial acts performed, before or by any commissioned officer in the active service of the armed forces of the United States with the rank of second lieutenant or higher in the army or marine corps, with the rank of ensign or higher in the navy or coast guard, or with equivalent rank in any other component part of the armed forces of the United States, by any person who is: 1. a member of the armed forces of the United States; 2. serving as a merchant seaman outside the limits of the United States included within the forty-eight states and the District of Columbia, or, 3. outside said limits by permission, assignment or direction of any department or official of the United States government, in connection with any activity pertaining to the prosecution of any war in which the United States is then engaged.

(b) Such acknowledgment of instruments, attestation of documents, administration of oaths and affirmations, execution of depositions and affidavits, and performance of other notarial acts, heretofore or hereafter made or taken, shall be deemed to be legal and binding, and instruments and documents so acknowledged, authenticated or sworn to shall be admissible in evidence and eligible to record under the same circumstances and with the same force and effect as if made or taken within the state by a duly qualified officer or official.

(c) In the making of acknowledgments and the performing of other notarial acts requiring certification, a certificate endorsed upon or attached to an instrument or document, which shows the date of the notarial act and states, in substance, that the person appearing before the officer acknowledged the instrument as his act or made or signed the instrument or document under oath, shall be sufficient for all intents and purposes. The instrument or document shall not be rendered invalid by the failure to state the place of execution or acknowledgment.

(d) If the signature, rank, and branch of service or subdivision thereof, of any commissioned officer as provided in subsection (a) appear upon an instrument, document or certificate, no further proof of the authority of the officer so to act shall be required and such action

by the commissioned officer shall be prima facie evidence that the person making the oath or acknowledgment is within the purview of this Act.

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

Approved by the Governor—March 20, 1945.

Filed in the Office of the Secretary of State—March 20, 1945.

CHAPTER 100

(Senate Bill No. 67)

AN ACT

RELATING TO INSURANCE, INCORPORATION OF COMPANIES, AMENDMENTS, EXPENSE LIMITATION; ENFORCEMENT AND REGULATION VESTED IN CORPORATION COMMISSION, APPOINTMENT OF DIRECTOR OF INSURANCE, QUALIFICATION, SALARY AND EXPENSES, APPOINTMENT OF DEPUTIES AND ASSISTANTS, FEES BY DOMESTIC, FOREIGN AND ALIEN COMPANIES, PAYMENT OF TAXES, LICENSE FEES, RELIEVING CORPORATE OFFICERS FROM LIABILITY THEREFOR, FILING OF REPORTS, PAYMENT OF PREMIUM TAX, PRESCRIBING LICENSE FEE FOR AGENT'S LICENSE; LICENSING OF AGENTS AND BROKERS, THEIR QUALIFICATIONS, FEES, REVOCATION OF LICENSES; REQUIREMENT OF NEW YORK STANDARD FORM AND MUTUAL POLICIES; WHEN MEDICAL EXAMINATION REQUIRED; AMENDING SECTIONS 61-201, 61-301, 61-322, 61-326, 61-328, 61-336, 61-401, 61-404, 61-406, 61-407, 61-411, 61-501 AND 61-703, REVISED CODE OF 1939, REPEALING SECTION 61-408, AND ALL ACTS OR PARTS OF ACTS IN CONFLICT HEREWITH.

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

Section 1. Sec. 61-201, Arizona Code of 1939, is amended to read:

61-201. INCORPORATION OF COMPANIES; AMENDMENTS; EXPENSE LIMITATION. The number of citizens of the United States, two-thirds of whom shall be residents of this state, who may incorporate a company, are: for a stock company, not less than five; for a mutual company, not less than ten. The company shall incorporate as required by law for other corporations. The articles shall state:

The names and addresses of the incorporators, the name of the company, and the time of its existence;

The object for which the company is formed;

Whether it is a stock or mutual company, and if a mutual company, whether it will insure on the cash premium or assessment plan, and the class or classes of risks wherein it will make insurance;

If a stock company, the amount of the capital stock and the number of shares, and the par value of each share;

If it be a mutual company, the minimum and maximum liability of its members or policyholders for the payment of losses occurring under its policies, which liabilities shall be not less than two nor more than six times the amount of the premium charged;

The number of trustees and directors, which shall not be less than five nor more than fifteen, and their names and addresses; and,

The name of the city or town in which the principal place of business of the company is to be located in this state, and in what counties it intends to transact business.

Amendments may be made to the articles of incorporation by a majority vote of its trustees or directors and a vote and written consent of two-thirds of the capital stock of the company or of its members or policyholders if a mutual company. If the written consent of two-thirds of the capital stock of a stock company, or members or policyholders of a mutual company, has not been obtained, then the vote may be taken at any regular meeting of the stockholders or members called for that purpose in the manner provided in the by-laws of such company for special meetings of stockholders or members. The president and secretary of said company shall certify said amendments in triplicate under the seal of said com-

pany to be correct, filing and keeping them as in the case of original articles of incorporation, and from the time of filing said amendments such company shall have the same powers and the stockholders thereof shall be subject to the same liabilities as if said amendments had been embraced in the original articles of incorporation. A policyholder in a mutual insurance company has the same character of interest and occupies the same relation to the company as the stockholder has and occupies to a stock insurance company.

No such company shall take the name of a domestic insurance company heretofore organized, nor that of an alien or foreign insurance company admitted to this state, nor one so nearly resembling that of either as to be misleading. The expenses of incorporation and organization, including the placing of the capital stock of any company, shall not exceed seven and one-half per cent of the par value of the stock actually sold.

Sec. 2. Sec. 61-301, Arizona Code of 1939, is amended to read:

61-301. REGULATIONS AND ENFORCEMENT VESTED IN CORPORATION COMMISSION; APPOINTMENT OF DIRECTOR OF INSURANCE; QUALIFICATIONS; SALARY AND EXPENSES.

(a) The corporation commission shall enforce all laws respecting insurance companies and shall promulgate such reasonable rules and regulations as may be necessary for the effective execution of such laws and the protection of the insuring public. The commission shall have the sole power to issue certificates of incorporation and certificates of authority to corporations to do insurance business in this state, and shall compile and have printed at the expense of the state, all books, blanks, insurance laws in pamphlet form for distribution, and shall take other measures necessary for the proper administration of the insurance department.

No member of the commission nor any employee thereof shall be directly or indirectly interested in any insurance corporation, except as an ordinary policyholder.

(b) The commission shall appoint a director of insurance who shall have supervision under the commission of the administration of the laws relating to insurance covered by the provisions of this chapter and regulations promulgated by the commission pursuant thereto. The

director of insurance shall be appointed for a term of six years and shall be subject to removal by the commission for cause; he shall receive a salary of not to exceed four thousand two hundred dollars per annum, payable semi-monthly.

The director of insurance shall have been a resident of this state for at least three years prior to such appointment and shall be well versed in insurance matters.

(c) The commission is hereby authorized to employ and appoint such additional deputies, assistants, clerks, actuaries and examiners as may be necessary to carry out the duties imposed upon the commission by this chapter, and to pay the traveling expenses for public purposes of the director, deputies and assistants, not to exceed the amount appropriated by the legislature for these purposes.

The payment of annual dues assessed by the national association of insurance commissioners and the attendants of the regular, special, adjourned and committee meetings of the national association of insurance commissioners by the director of insurance or his deputy are hereby declared to be of public interest, and expenditures made in connection therewith are hereby declared to be for a public purpose.

Sec. 3. Sec. 61-322, Arizona Code of 1939, is amended to read:

61-322. FEES. The fees payable to the state by all domestic, foreign or alien companies shall be as follows, for:

Filing articles of incorporation or charter or certified copy of articles or charter, by-laws or other record of organization required to be filed in the office of the commission, twenty-five dollars;

Filing amended articles of incorporation or charter or by-laws or a certified copy thereof, ten dollars;

Issuing certificate of authority, fifty dollars;

Each renewed certificate of authority, thirty dollars;

Filing annual statement of condition and report of Arizona business, twenty-five dollars;

Copy of papers filed in the office of the commission, per folio, twenty cents;

Filing miscellaneous papers (each) one dollar;

Each agent's license to represent companies, two dollars;

Sec. 4. Sec. 61-326, Arizona Code of 1939, is amended to read:

61-326. PAYMENT OF LICENSE FEES; TAXES; OFFICERS RELIEVED OF PERSONAL LIABILITY THEREFOR. No personal liability shall arise against any director, trustee, officer or agent of any insurance company by reason of any payment made by or on behalf of such company on account of any taxes, licenses or fees paid pursuant to any statute, law or ordinance, even though such statute, law or ordinance be subsequently declared or held to be invalid.

Sec. 5. Sec. 61-328, Arizona Code of 1939 as amended, is amended to read:

61-328. ANNUAL STATEMENT AND TAX.

(a) Every insurance company doing business in this state shall make and file with the commission annually, not later than April 1, a statement under oath, upon a form prescribed by the commission, of the business of the company during the year ended December 31 next preceding, the total amount of gross premiums collected or contracted for on all risks located in this state; the total amount actually paid policyholders for losses and claims; the total amount paid policyholders on cancellations and return premiums, and the amount paid or credited to policyholders as dividends on business in this state, and the amount of insurance written.

(b) Every insurance company doing business in this state except those companies engaged in the class of insurance business described in paragraph 11, section 61-102, Arizona Code of 1939, shall pay to the state treasurer, through the commission, a tax of two per cent of the gross amount of all premiums received on policies and contracts of insurance covering property or other risks within this state during the year ended December 31 next preceding, after deducting from the gross amount of such premiums cancellations, return premiums, dividends, and the amount received as reinsurance premiums on business

in this state. No deduction from the gross amount of premiums shall be made of cash surrender value of life insurance policies or contracts. The tax shall be due at the time of filing the statement required in subsection (a), and shall be payment in full of all demands of any and all taxes on said company or of licenses for conducting said business of insurance, except the fees prescribed for agents' licenses and for the commission, and the tax prescribed in section 61-340.

(c) The tax paid by fire companies shall be apportioned in the manner provided in sections 16-1912 and 16-1913, Revised Code 1939 as amended.

(d) Any company failing or refusing for more than thirty days after April 1 to render the statement and information or to pay the tax prescribed by this section shall be liable to a fine of twenty-five dollars for each additional day of delinquency. Said tax may be collected by distraint and said fine recovered in an action by the commission in the name of the state. All fines shall be paid into the general fund. The commission shall revoke the certificate of authority of a delinquent company until all such taxes and fines are paid.

Sec. 6. Sec. 61-336, Arizona Code of 1939, is amended to read:

61-336. AGENTS' LICENSES. Annually on or before the first day of April, each agent representing companies shall procure an agent's license from the commission, and the company represented by him shall pay the prescribed license fee. Should the same person represent several companies each company so represented must pay a like fee. All agent's licenses shall be transferable upon approval of the commission.

Sec. 7. Sec. 61-401, Arizona Code of 1939, is amended to read:

61-401. AGENTS' LICENSES. Annually, on or before the first day of April, each agent representing an insurance company shall procure an agent's license from the commission, and the company represented by him shall pay the prescribed license fee. Should the same person represent several companies, each company so represented must pay a like fee. Nothing in this section shall be construed as authorizing or permitting the issuance of an agent's license to any person to effect contracts of insurance in a line or lines for which said agent

has not been duly licensed in accordance with the provisions of section 61-406.

Sec. 8. Sec. 61-404, Arizona Code of 1939, is amended to read:

61-404. INSURANCE BROKER DEFINED. An insurance broker is hereby defined to be an individual who shall, for a commission or brokerage consideration, act for or aid in any manner in negotiating contracts of insurance, or in placing risks or soliciting or effecting insurance as agent for an insured or prospective insured other than himself, and not as an insurance solicitor employed by a licensed agent.

Sec. 9. Sec. 61-406, Arizona Code of 1939, is amended to read:

61-406. CORPORATION COMMISSION; APPLICATION FOR LICENSE; FEE. The corporation commission is hereby empowered to prescribe all rules and regulations respecting and controlling the appointment or licensing of agents, brokers or solicitors negotiating or effecting contracts of indemnity, fidelity and surety. Any individual hereafter desiring to engage in the insurance business as agent, broker or solicitor, as herein set out, shall first apply to the corporation commission of this state for a license authorizing him or her to engage in and transact such business respectively, which may lawfully be written in this state. Each such applicant shall be required to take an examination as hereinafter set forth.

Sec. 10. Sec. 61-407, Arizona Code of 1939, is amended to read:

61-407. APPOINTMENT OF EXAMINING BOARD; EXAMINATION OF APPLICANT; ISSUANCE OF LICENSE; TERM; FEES.

(a) APPOINTMENT OF EXAMINING BOARD. The corporation commission shall appoint as deputies three qualified persons for the purpose of examining applicants as to their qualifications. The examiners so appointed shall be persons qualified as agents as herein defined and experienced in the insurance business.

One of said examiners shall be appointed for a term of one year, one for a term of two years, and one for a term of three years. Subsequent appointments shall be

for a term of three years. Said examiners shall serve without compensation but shall be entitled to necessary expenses incurred by them in conducting examinations.

(b) TIME AND PLACE OF HOLDING EXAMINATION; FEE. Examination of applicants shall be conducted at the office of the corporation commission, or such other places as the commission may determine, at least twice but not oftener than four times each year. An examination fee of ten dollars shall be paid by each applicant at the time his application is filed.

(c) EXAMINATION OF APPLICANTS. It shall be the duty of the examining board to subject each first-time applicant for a license, and if the commission deems necessary any applicant for renewal of license whose license has not been renewed for a period of two or more years, to personal written examination as to his qualifications to act as such agent, solicitor or broker; and upon such examination being concluded the examining board shall make a report thereon, together with its recommendations to the corporation commission; if it appear from the application and examination that the applicant is intending in good faith to act as an insurance agent, solicitor or broker, and is of good business reputation, and is qualified in the line or lines of insurance for which he desires to be licensed, and is a resident of this state or maintains his principal office in this state, the corporation commission shall issue to the applicant a license as an insurance agent, solicitor or broker in this state in the line or lines for which said applicant has qualified. Such license shall expire annually in accordance with the rules and regulations of the corporation commission, unless sooner revoked for cause by the corporation commission. The fee to be paid to the corporation commission for each license issued shall be five dollars annually, to be paid by the licensee. It shall be unlawful for any insurance company, directly or indirectly, to pay such license fee or fees.

(d) GROUPING OF INSURANCE. The corporation commission may from time to time make reasonable grouping of the kinds of insurance that may lawfully be written in this state for the purpose of prescribing reasonable examinations for agent's, solicitor's or broker's licenses for each group respectively. For the purposes of this Act such groupings shall be, accident and health, automobile, fire, and casualty insurance.

(e) NONRESIDENT AGENTS. If the applicant be a nonresident agent or broker, the corporation commis-

sion may waive such examination, provided that the state issuing such license requires no like examination of agents or brokers licensed by this state. Each nonresident agent or broker shall pay a license fee of twenty-five dollars.

(f) PERSONS IN MILITARY SERVICE. Persons now in military service of the United States who at the time of enlistment or induction were licensed agents or brokers of insurance in this state shall, upon their return from such military service, be granted licenses of the same character previously held by them without examination.

Sec. 11. Sec. 61-408, Arizona Code of 1939, is hereby repealed.

Sec. 12. Sec. 61-411, Arizona Code of 1939, is amended to read:

61-411. REVOCATION AND SUSPENSION OF LICENSES. The corporation commission shall revoke any license should it appear (a) that such license was obtained by fraud or misrepresentation or primarily for the purpose of effecting contracts of insurance on his own property; (b) that the licensee has solicited or negotiated, or attempted to solicit or negotiate, any contract of insurance outside of the line or lines for which such licensee has been licensed, or that such licensee has solicited a percentage of the premium on any contract of insurance outside of the line or lines for which he has been licensed; (c) that if such licensee has received premiums to which the insurance company is entitled, which are hereby declared to be trust funds, are illegally withheld, or that the licensee has directly or indirectly rebated any portion of the premiums named in any policy of insurance; (d) that such licensee has violated any provisions of the insurance laws of this state.

Before revoking any license the corporation commission shall give the agent or solicitor and the company or companies represented by such agent or solicitor thirty days notice of its intention to revoke such license. The corporation commission shall have the right to immediately suspend any license for cause, and retain all fees paid for such licenses.

Sec. 13. Sec. 61-501, Arizona Code of 1939, is amended to read:

61-501. NEW YORK STANDARD FORM RE-

QUIRED; MUTUAL POLICIES; TERM CONSTRUED. No fire insurance company shall issue any fire insurance policy covering any property or interest therein in this state other than on the form known as the "New York Standard". Every company shall have printed on the face of its policies and on the filing back the words "Stock Company", if issued by a stock company, and shall also have printed on the back the amount of its paid up capital stock. If issued by a mutual company there shall be printed on the face at the top and also on the filing back whether the policy is issued on the cash premium or assessment plan, and the words "Mutual Company", and the policies shall state the contingent mutual liability of its policyholders or members for payment of losses and expenses not provided for by its cash fund until it has accumulated surplus assets of not less than fifty thousand dollars, which it must maintain in securities deposited as required of stock companies, but while it maintains such surplus assets on deposit, it may issue its policies with a statement thereon that the liability of the policyholder is limited to the premium paid.

The word "noon" occurring in the policy shall be construed to be the noon of the standard time of the place where the property covered by the policy is situated; the term "forthwith" or "immediate" in a provision requiring the insured to give notice of loss, shall be construed to mean within a reasonable time.

Sec. 14. Sec. 61-703, Arizona Code of 1939, is amended to read:

61-703. MEDICAL EXAMINATION. No life insurance company shall enter into any contract of insurance in excess of five thousand dollars, upon lives within this state without previously causing to be made a medical examination of the insured by a licensed physician and surgeon. This provision shall not apply to reinstatements of policies previously in force in the company, annuity contracts, contracts combining annuities and life insurance, or the insurance of groups of lives of persons employed in the same company, factory or business enterprise, nor to the conversion of any individual certificate issued in connection with such insurance of groups of lives to another form of insurance contract. Any company violating this section, or any person soliciting, effecting, or attempting to effect a contract of insurance contrary to the provisions hereof shall be fined not less than one hundred nor more than one thousand dollars for each offense.

Sec. 15. REPEAL. All Acts or parts of Acts in conflict herewith are hereby repealed.

Approved by the Governor—March 20, 1945.

Filed in the Office of the Secretary of State—March 20, 1945.

CHAPTER 101

(Senate Bill No. 66)

AN ACT

RELATING TO INSURANCE, MAKING, FILING, APPROVAL AND APPLICATION OF RATES FOR CASUALTY INSURANCE AND FOR GUARANTY AND SURETY BONDS, BY THE ARIZONA CORPORATION COMMISSION; PROVIDING FOR LICENSING OF RATING ORGANIZATIONS; PRESCRIBING FEES AND PENALTIES; PROVIDING FOR JUDICIAL REVIEW OF ACTS OF THE COMMISSION IN CONNECTION THEREWITH, AND AMENDING CHAPTER 61, ARIZONA CODE OF 1939 BY ADDING A NEW ARTICLE 12 THERETO.

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

Section 1. Chapter 61, Arizona Code of 1939, is amended by adding article 12:

Article 12. RATES AND RATING BUREAUS FOR CASUALTY INSURANCE, GUARANTY AND SURETY BONDS.

61-1200. PURPOSES. The purposes of this article are (1) to establish and maintain under authority and jurisdiction of the commission supervision of certain insurance premium rates and procedures in the insurance business, upon the basis of nondiscrimination between risks of essentially the same hazards, and upon a just and equitable basis to insureds and insurers alike; (2) to prohibit such unbridled and unregulated competition between insurers as might result in unfair discrimination or impair the solvency of insurers or adversely affect the public interest; (3) to permit and authorize insurers, under supervision of the commission, to work in

concert through organizations for the purposes of rate-making, making inspections, surveys, investigations, tests, maintaining statistical records, collecting and disseminating information, testing materials and products as to their safety and reliability, establishing scientific standards, engaging in research, and all other purposes which relate directly or indirectly to rate-making and the application of rates to insurable hazards, or to the protection and preservation of life and property.

61-1201. SCOPE OF ARTICLE. The provisions of this article shall apply to all insurance which is described in subdivision (c) of section 61-339, and in section 61-102, subdivision 4, 5, 6, 7, 8, 10 and 12, Arizona Code of 1939, except as follows:

This article shall not apply to subsection 12 of section 61-102, insofar as it does not insure against legal liability for damages resulting from injury to or the death of any person, or injury to or destruction of the property of another, or the loss of, damage to or destruction of motor vehicles, their contents or cargo.

61-1202. DEFINITIONS. As used in this Act:

(a) "rate" means the unit charge by which the measure of exposure or the amount of insurance specified in a policy of insurance or covered thereunder is multiplied to determine the premium or consideration, or the elements and factors forming the basis for the determination or application of the same or both.

(b) "premium" means the consideration paid or to be paid to any insurer for the issuance and delivery of any cover note, binder, policy or contract of insurance.

(c) "rating system" means every schedule, class rate or rating plan, by whatever name described, used by any rating bureau, insurer, or other licensee, in determining or ascertaining a rate.

(d) "rate-making" means the application of rating systems to individual risks or the determination of class rates.

(e) "rating bureau" means any organization engaged in the business of creating, maintaining and applying rating-systems, and engaged in rate-making, making inspections, surveys, and tests, maintaining statistical records, examining business written by members or sub-

scribers, establishing scientific standards, and engaging in safety engineering and all other matters which relate directly or indirectly to rating systems, rate-making, and to the protection and preservation of life and property.

(f) "subscriber" means an insurer which is furnished rating services at its request by a rating bureau of which it is not a member.

(g) "risk" means any interest or liability which is or may be a subject of insurance.

(h) "group of insurers" means one or more insurers having substantially common or affiliated ownership or otherwise constituting substantially one economic entity or operating in this state under common or affiliated management or control or through a common attorney in fact or through several attorneys in fact who have substantially common or affiliated ownership or otherwise constitute substantially one economic entity.

(i) "licensee" means any holder of or applicant for a license issued by the commission.

(j) "commission" means the Arizona corporation commission.

61-1203. MAKING OF RATES. All rates shall be made in accordance with the following provisions:

(1) Due consideration shall be given to past and prospective loss experience within and outside the state, to catastrophe hazards, if any, to a reasonable margin for profit and contingencies, to policyholders' dividends in the case of participating insurers, and to all other relevant factors within and outside the state;

(2) The systems of expense provisions included in the rates for use by any insurer or group of insurers may differ from those of other insurers or groups of insurers to reflect the requirements of the operating methods of any such insurer or group with respect to any kind of insurance, or any subdivision or combination thereof for which the commission approves the application of separate expense provisions;

(3) Risks may be grouped by classifications for the establishment of rates and minimum premiums. Classification rates may be modified to produce rates for individual risks in accordance with rating plans which estab-

lish standards for measuring variations in hazards or expense provisions, or both;

(4) Rates shall be reasonable, adequate and not unfairly discriminatory.

61-1204. FILING OF RATES AND RATING INFORMATION; APPROVAL.

(a) Every insurer shall file with the commission every manual of classification, rules and rates, every rating plan and every modification of any of the foregoing which it proposes to use. Every such filing shall indicate the character and extent of the coverage contemplated and shall be accompanied by the information upon which the insurer supports the filing.

(b) An insurer may satisfy its obligations to make such filings by becoming a member of, or a subscriber to, a licensed rating organization which makes such filings and by authorizing the commission to accept such filings on its behalf.

(c) Any filing made pursuant to this section shall be approved by the commission unless it finds that such filing does not meet the requirements of this Act. As soon as reasonably possible after the filing has been made the commission shall in writing approve or disapprove the same; provided, that any filing shall be deemed approved unless disapproved within thirty days.

(d) Notwithstanding the provisions of subsection (c) of this section, any filing with respect to a fidelity, surety or guaranty bond shall be deemed approved from the date of filing to the date of formal approval or disapproval.

(e) In the event that the commission disapproves a filing it shall specify in what respect it finds that such filing does not meet the requirements of this Act.

(f) If at any time the commission finds that a filing so approved no longer meets the requirements of this Act, it may, after a hearing held on not less than twenty days written notice, specifying the matters to be considered at such hearing, to every insurer and rating organization which made such filing, issue an order withdrawing its approval thereof. Said order shall specify in what respects the commission finds that such filing no longer meets the requirements of this Act and shall

be effective not less than thirty days after its issuance. Copies of such order shall be sent to every such insurer and rating organization.

(g) Any person or organization aggrieved by the action of the commission with respect to any filing may, within thirty days after such action, make written request to the commission for a hearing thereon. The commission shall hear such aggrieved party within thirty days after receipt of such request and shall give not less than ten days written notice of the time and place of the hearing to the insurer or rating organization which made the filing and to any other aggrieved party. Within thirty days after such hearing the commission shall affirm, reverse or modify its previous action specifying its reasons therefor. Pending such hearing and decision thereon the commission may suspend or postpone the effective date of its previous action.

(h) On and after October 1, 1945, no insurer shall make or issue a contract or policy except in accordance with filings which have been approved for said insurer as provided in this Act.

61-1205. RATING ORGANIZATIONS.

(a) A corporation, an unincorporated association, a partnership or an individual, whether located within or outside the state, may make application for license as a rating organization for such kinds of insurance or subdivisions thereof as are specified in its application and shall file therewith (1) a copy of its constitution, its articles of agreement or association or its certificate of incorporation, and of its by-laws and rules governing the conduct of its business, (2) a list of its members and subscribers, (3) the name and address of a resident of the state upon whom notices or orders of the commission affecting such rating organization may be served and (4) a statement of its qualifications as a rating organization. If the commission finds that the applicant is qualified, it shall issue a license specifying the kinds of insurance or subdivisions thereof for which the applicant is authorized to act as a rating organization. Every such application shall be granted or denied in whole or in part by the commission within sixty days of the date of its filing with it. Licenses issued pursuant to this section shall remain in effect until suspended or revoked by the commission. The fee for said license shall be five hundred dollars.

(b) Each rating organization shall, subject to reas-

onable rules and regulations, permit any insurer, not a member, to become a subscriber to its rating services, and shall furnish such services without discrimination to its members and subscribers. The refusal of any rating organization to admit an insurer as a subscriber shall, at the request of such insurer, be reviewed by the commission at a hearing held upon at least ten days written notice to such rating organization and such insurer. Every rating organization shall notify the commission promptly upon the withdrawal or expulsion of any member or subscriber.

(c) No rating organization shall adopt any rule the effect of which would be to prohibit or regulate the payment of dividends to policyholders.

(d) The commission shall, at least once in five years, make or cause to be made an examination of each rating organization licensed in this state. The reasonable costs of such examination shall be paid by the rating organization examined upon presentation to it of a detailed account of such cost. The officers, managers, agents and employees of such rating organization may be examined under oath and shall exhibit all books, records, accounts, documents or agreements governing its method of operation. The commission may waive such examination upon proof that such rating organization has, within a reasonably recent period, been examined by the insurance supervisory official of another state, pursuant to the laws of such state, and upon the filing with the commission of a copy of the report of such examination.

61-1206. DEVIATION IN RATES. Every member of or subscriber to a rating organization shall adhere to the filings made on its behalf by such organization except that any such insurer may make written application to the commission for approval on its behalf of a uniform percentage decrease or increase to be applied to the premiums produced by the rating system so filed for a kind of insurance, or for a subdivision or combination thereof for which the commission has approved the application of separate expense provisions by such rating organization. Such application shall specify the basis for the modification and a copy thereof shall also be sent simultaneously to such rating organization. The commission shall set a time and place for a hearing at which the insurer and such rating organization may be heard and shall give them not less than ten days written notice thereof. The commission shall approve the modification for such insurer if it finds it to be justified. It shall not approve such modification if it finds that the

resulting premiums would be inadequate, unreasonable or unfairly discriminatory.

61-1207. APPEAL BY MINORITY. Any member or subscriber of a rating organization may appeal to the commission from the decision of such rating organization in approving or rejecting any proposed change in or addition to the filings of such rating organization and the commission shall, after a hearing held on not less than ten days written notice to the appellant and to such rating organization, issue an order approving the decision of such rating organization or directing it to give further consideration to such proposal.

If such appeal is based upon the failure of the rating organization to make a filing on behalf of such member or subscriber which is based on a system of expense provisions which differs, in accordance with the right granted in subdivision 2 of section 61-1203 from the system of expense provisions included in a filing made by the rating organization, the commission shall, if it grants the appeal, order the rating organization to make the requested filing for use by the appellant. In deciding such appeal the commission shall apply the standards set forth in section 61-1203.

61-1208. INFORMATION TO BE FURNISHED INSUREDS; HEARINGS AND APPEALS OF INSUREDS. Every rating organization and every insurer which makes its own rates shall, within a reasonable time after receiving written request therefor and upon payment of such reasonable charge as it may make, furnish to any person affected by a rate made by it, or to the authorized representative of such person, all pertinent information as to such rate.

Every rating organization and every insurer which makes its own rates shall provide within this state reasonable means whereby any person aggrieved by the application of its rating system may be heard, in person or by his authorized representative, on his written request to review the manner in which such rating system has been applied in connection with the insurance afforded him. Any party affected by the action of such rating organization or such insurer on such request may, within ten days after written notice of such action, appeal to the commission.

61-1209. RATE ADMINISTRATION.

(a) Recording and reporting of loss experience.

The commission shall, after consultation with all insurers and rating organizations affected thereby, promulgate reasonable rules and statistical plans, which may be modified from time to time and which shall be used thereafter by each insurer in the recording and reporting of its loss experience, in order that the total loss experience of all insurers may be made available at least biennially in such form and detail as may be necessary to aid it in determining whether rating systems comply with the standards set forth in section 61-1203. In promulgating such rules and plans, the commission shall have due regard for the rating systems approved by it, and in order that such rules and plans may be as uniform as is practicable, to the rules and to the form of the plans used in other states. The commission may designate one or more rating organizations or other agencies to gather and compile such experience.

(b) Interchange of rating plan data.

Reasonable rules and plans may be promulgated by the commission, after consultation with all insurers and rating organizations affected thereby, for the interchange of loss experience necessary for the application of rating plans.

(c) Consultation with other states.

In order to further uniform administration of rating laws, the commission and every insurer and rating organization may exchange information and experience data with insurance supervisory officials, insurers and rating organizations in other states and may consult and cooperate with them with respect to rate-making and the application of rating systems.

(d) Rules and regulations.

The commission may make reasonable rules and regulations necessary to effect the purposes of this Act.

61-1210. FALSE OR MISLEADING INFORMATION. No person or organization shall knowingly give false or misleading information to the commission, to any insurer, or to any rating organization, which will in any manner affect the proper determination of rates or premiums.

61-1211. PENALTIES. The commission may suspend the license of any rating organization or insurer which wilfully violates any provision of this Act or which fails

to comply with an order of the commission within the time limited by such order, or any extension thereof which the commission may grant. The commission shall not suspend the license of any rating organization or insurer for failure to comply with an order until the time prescribed for an appeal therefrom has expired or, if an appeal has been taken, until such order has been affirmed. The commission may determine when a suspension of license shall become effective and it shall remain in effect for the period fixed by it, unless it modifies or rescinds such suspension, or until the order upon which such suspension is based is modified, rescinded or reversed.

No license shall be suspended except upon a written decision of the commission, stating its findings, made after a hearing held upon not less than ten days written notice to such person or organization specifying the alleged violation.

61-1212. JUDICIAL REVIEW. Any person, firm, corporation, or association aggrieved by any order or act of the commission under this article may secure a review thereof by action commenced in the Superior court. In such an action the record of any hearing or proceedings that may have been had by the commission shall be admissible in evidence and the court shall have full power to investigate all facts de novo.

If such an action is commenced within thirty days after notice of such order or act has been given to the plaintiff or relator:

(a) where the commission has refused a license to a rating bureau which was engaged in the business of rate-making in or for property or risks located in this state on the effective date of this article, the rating bureau may continue to act as such without license pending final determination of the action.

(b) where the order of the commission provides for a change which results in a decrease in rates, any insurer affected thereby may, with leave of court, pending final determination of the proceedings to review such order, continue to charge rates which obtained prior to such order, on condition that the difference in the rates be deposited in a special account by the insurer affected, to be held in trust by such insurer. Such money shall be retained by the insurer to be paid to the holders of policies issued after the order of the commission and entitled to the reduction as the court may determine.

In other cases the court shall determine, in its discretion, whether to stay the commission's order, pending final determination of the action, and may fix the condition on which such a stay will be granted.

Sec. 2. SEVERABILITY. If any provision of this Act be held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end the provisions of the Act are declared to be severable.

Approved by the Governor—March 20, 1945.

Filed in the Office of the Secretary of State—March 20, 1945.

CHAPTER 102

(Senate Bill No. 65)

AN ACT

RELATING TO THE TRANSACTION OF INSURANCE AND THE SUPERVISION THEREOF BY THE ARIZONA CORPORATION COMMISSION, INCLUDING THE MAKING, FIXING, AND REGULATION OF RATES AND PREMIUMS, THE ESTABLISHMENT, LICENSING AND REGULATION OF RATING BUREAUS AND OTHER ORGANIZATIONS, REQUIRING AND PERMITTING MEMBERSHIP BY INSURERS IN SUCH RATING BUREAUS AND ORGANIZATIONS, PRESCRIBING FEES AND PENALTIES, PROVIDING FOR JUDICIAL REVIEW OF ACTS OF THE COMMISSION IN CONNECTION THEREWITH, PRESCRIBING CERTAIN EXEMPTIONS, AND AMENDING CHAPTER 61, ARIZONA CODE OF 1939, BY ADDING A NEW ARTICLE 11 THERETO.

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

Section 1. Chapter 61, Arizona Code of 1939, is amended by adding article 11:

Article 11. Rates, rating bureaus, organizations.

61-1100. PURPOSE. The purposes of this article are (1) to establish and maintain under authority and

jurisdiction of the commission supervision of certain insurance premium rates and procedures in the insurance business, upon the basis of non-discrimination between risks of essentially the same hazards, and upon a just and equitable basis to insureds and insurers alike; (2) to prohibit such unbridled and unregulated competition between insurers as might result in unfair discrimination or impair the solvency of insurers or adversely affect the public interest; (3) to permit and authorize insurers, under supervision of the commission, to work in concert through organizations for the purposes of rate-making, making inspections, surveys, investigations, tests, maintaining statistical records, collecting and disseminating information, testing materials and products as to their safety and reliability, establishing scientific standards, engaging in research, and all other purposes which relate directly or indirectly to rate-making and the application of rates to insurable hazards, or to the protection and preservation of life and property; and (4) to permit and authorize, subject to supervision by the commission, organizations of insurers and persons engaged in the insurance business which have for their purposes joint and concerted action in controlling costs of transacting insurance, improvement of services to the public, dissemination of knowledge, and education of their members or others in matters pertaining to insurance, but no such organization or the members thereof, through concerted action, shall be permitted to boycott or refuse to do business with any person because of non-membership in such organization or because of membership in any other organization, or for failure to purchase insurance through a member of any such organization.

61-1101. SCOPE OF ARTICLE. The provisions of this article shall apply to all insurance which is described in section 61-102, subdivisions 1, 9, 12 and 13, Arizona Code of 1939, and all parts thereof, except this article shall not apply to:

(a) Any risk within the scope of the Marine Insurance Association Act of June 5, 1940, 41 Stat. 1000, 46 U. S. C. 885;

(b) Insurance on motor vehicles, their contents and cargo;

(c) Mutual fire and lightning insurance companies operating under the provisions of article 6 of this chapter, nor to companies operating under the provisions of subdivision (c) of section 61-339, Arizona Code of 1939;

(d) Workmen's compensation insurance.

61-1102. DEFINITIONS. As used in this Act:

(a) "rate" means the unit charge by which the measure of exposure or the amount of insurance specified in a policy of insurance or covered thereunder is multiplied to determine the premium, or consideration, or the elements and factors forming the basis for the determination or application of the same or both.

(b) "premium" means the consideration paid or to be paid to an insurer for the issuance and delivery of any cover note, binder, policy or contract of insurance.

(c) "rating system" means every schedule, class rate or rating plan, by whatever name described, used by any rating bureau, insurer or other licensee, in determining or ascertaining a rate.

(d) "rate making" means the application of rating systems to individual risks or the determination of class rates.

(e) "rating bureau" means any organization engaged in the business of creating, maintaining and applying rating systems, and engaged in rate making, making inspections, surveys, and tests, maintaining statistical records, examining business written by members or subscribers, establishing scientific standards, and engaging in safety engineering and all other matters which relate directly or indirectly to rating systems, rate making, and to the protection and preservation of life and property.

(f) "subscriber" means an insurer which is furnished rating services at its request by a rating bureau of which it is not a member.

(g) "risk" means any interest or liability which is or may be a subject of insurance.

(h) "group of insurers" means one or more insurers having substantially common or affiliated ownership or otherwise constituting substantially one economic entity or operating in this state under common or affiliated management or control or through a common attorney in fact or through several attorneys in fact who have substantially common or affiliated ownership or otherwise constitute substantially one economic entity.

(i) "licensee" means any holder of or applicant for a license issued by the commission.

(j) "commission" means the Arizona corporation commission.

61-1103. RATING BUREAU LICENSE. On and after October 1, 1945, no rating bureau shall operate in this state without first procuring a license so to act from the commission.

Before a license shall be issued to a rating bureau, a written application shall be filed with the commission on such form as the commission shall require. Each application shall be accompanied by the fee provided in this article.

Each application shall show:

(a) the name and principal office of the applicant;

(b) names and business addresses of all its officers and managers;

(c) names and business addresses of all its insurer members or subscribers;

(d) the class or classes of insurance for which the license is sought;

(e) such other information as the commission may require.

Each applicant shall file with its application true copies of its:

(1) articles of agreement, association or incorporation and the bylaws under which applicant operates or proposes to operate in this state;

(2) form of contracts with subscribers, if any;

(3) rules and regulations for the transaction of its business.

61-1104. MINIMUM REQUIREMENTS. A rating bureau shall not be granted a license as to any class of insurance unless and until five or more insurers have designated such rating bureau to act for them as to such

class of insurance in the manner prescribed in this article.

61-1105. ACTION BY COMMISSION. The commission shall examine each application for license to act as a rating bureau and the documents filed therewith and may make such further investigation of the applicant, its affairs, and its proposed plan of operation, as it deems desirable.

The commission shall issue the license applied for if from such examination and investigation it is satisfied that:

(a) the business reputation of the applicant and its officers is good;

(b) the facilities of the applicant are adequate to enable it to furnish the services it proposes to furnish;

(c) the proposed plan of operation of the applicant is not unfair, unjust or inequitable;

(d) the applicant and its proposed plan of operation conform to the requirements of this article.

Otherwise, the commission shall deny the application and notify the applicant of its decision.

The commission may grant an application in whole or in part and issue a license to a rating bureau to engage in rate making as to one or more of the classes of insurance for which the application is made.

If after a license has been granted, the members and subscribers of any rating bureau are reduced below five insurers, the commission shall cancel the license of that rating bureau. Otherwise, such licenses expire at the close of March 31 of each year. The commission shall prescribe the form of application for renewal of such license, and may decline such an application for any reason for which it may decline an original application.

For the purposes of this section and section 61-1104, all insurers in a group of insurers shall be counted as but one insurer.

61-1106. EFFECT OF LICENSE. The issuance of a license to any such rating bureau by the commission shall constitute an approval by the commission of rates, sched-

ules of rates, tariffs, general basis schedules embodying basic rates, charges, terms, conditions, permits, warranties, forms, standards and other data used for determination of rates, including rules or procedure or operation relating thereto, as submitted with the application, with such exception, if any, as may be prescribed by the commission.

61-1107. OFFICES, RECORDS. Each rating bureau shall maintain an office within this state, and keep an accurate and complete record of its operations in this state and of all work performed by it. Such record shall show all receipts and disbursements, and shall be open at all times to the inspection and examination of the commission.

61-1108. SERVICES OF BUREAU AVAILABLE TO ALL INSURERS. The business of conducting a rating bureau in this state is public service in character and shall be conducted without profit, except that fair and reasonable compensation shall be paid for all service actually rendered.

The services of a rating bureau shall be available, without discrimination, and shall be charged for equally and ratably in proportion to the service rendered, to any and all eligible insurers authorized to transact insurance in this state, and their agents, and to property owners.

The commission may by rule provide for the making of rates for any particular hazard or risk if no licensed rating bureau makes rates for such hazard or risk.

61-1109. RATES TO BE FILED WITH COMMISSION. Every licensed rating bureau shall, before publishing or furnishing any rates, file with the commission, at such places as it may designate, its tariffs, general basis schedules embodying basic rates, charges, credits, terms, conditions, permits, warranties, forms, standards, including rules of procedure or operation relating thereto, and other data necessary to the computation of equitable rates and the making of equitable rules of practice, and shall not vary therefrom until amendments have been approved by the commission.

A rating bureau shall not fix or promulgate a rate which does not accord with its established rules, tariffs, classifications, and schedules.

61-1110. APPROVAL OF RATES BY COMMISSION.

On and after October 1, 1945, no rate, schedule of rates, tariff, general basis schedule embodying basic rates, charges, terms, conditions, permits, warranties, forms, standards, and other data used for determination of rates, including rules of procedure or operation relating thereto, or amendment to any of the foregoing, shall become effective or be charged, applied or enforced in this state by any rating bureau, insurer, agent or other licensee until it shall have been first approved by the commission, except that if rates and rules are adopted by a rating bureau for new risks or types of risks, any member or subscriber may bind such risks at the adopted rates immediately, subject to adjustment or cancellation as the commission may determine if it disapproves or modifies such rates.

61-1111. PROHIBITION RE AMENDMENTS. If any amendment affecting rates or coverages proposed to be made by a rating bureau and filed with the commission will upon becoming effective increase the rate or restrict any form of insurance, or both, an insurer shall not cancel prorata or rewrite any insurance policies prior to expiration thereof for the purposes of avoiding or delaying the application of such increased rate or restriction, or both, to the risks covered by such policies.

The commission may, after hearing, suspend or revoke the license of any agent or other licensee who participates in or procures cancellation or rewriting of any insurance contrary to this section.

61-1112. ANTI-DISCRIMINATORY RATES. The commission shall not approve and a rating bureau shall not fix, determine or promulgate a rate which discriminates unfairly between risks of essentially the same hazard, except that:

(a) Rating bureaus making rates for fire insurance, sprinkler insurance and miscellaneous insurance written in conjunction with fire insurance policies, may employ special schedules and methods, rules and regulations for the determination and promulgation of rates on risks equipped with automatic sprinklers, automatic fire alarm systems or other fire prevention or detection devices, when the rating bureau maintains a special inspection service, or for risks not so equipped when the rating bureau maintains a special inspection service.

(b) A rating bureau may adopt and use merit or experience rating systems which are applicable without

unfair discrimination between risks of essentially the same hazards.

61-1113. RISKS LOCATED IN PART IN THIS STATE. Where an insured's risk is located in part in this state and in part in one or more other states or territories of the United States of America, a rating bureau may, upon receipt of information giving the values of each part of the risk in this state and other states or territories, together with the rates applicable respectively thereto, promulgate and approve an average rate for a single policy of insurance covering the insured's risks in this and other states or territories, based upon a true average of all such rates applicable to the several parts of the risk, applied to the respective values. In such computation the rating bureau shall apply the same rates to the parts of the risks located in this state as would be applied were those parts of the risk separately insured. Such average rate for a risk located in this and other states or territories shall not be considered discriminatory whether higher or lower than the rates ordinarily applicable to similar risks in this state.

61-114. COMMISSION'S POWERS WITH RESPECT TO RATES. The commission may investigate the necessity for a reduction or increase of rates. If upon such investigation it appears that the rates charged in this state are producing a profit in excess of what is reasonable, the commission shall order such reduction of rates as will produce a fair and reasonable profit only. If upon such investigation it appears that the rates charged in this state are inadequate and are not producing a reasonable profit, the commission shall order such increase of rates as will produce a fair and reasonable profit.

In determining the necessity for an adjustment of rates the commission shall give consideration to all factors reasonably attributable to the risks: to the conflagration or catastrophe hazard, including earthquakes, both within and without the state; to the past and prospective loss experience; to a reasonable profit, and, in the case of participating insurers, to policyholders' dividends; and, with respect to fire insurance other than on motor vehicles, to the experience during a period of not less than five years next preceding the year in which the review is made. The commission shall also give consideration to the costs of production with due allowance for fluctuations attributable to causes beyond the control of insurers. Any such reduction or increase in rates ordered by the commission shall be applied by each rating

bureau and its members and subscribers as specified in the commission's order.

61-1115. BUREAU RULES AND REGULATIONS. Every licensed rating bureau may make rules and regulations which shall, when approved by the commission, be binding on its subscribers and members with respect to the classes of insurance as to which it is licensed.

Reasonable rules may be made to limit services to such agents as present evidence that they have authority of the property owner to act for him in matters pertaining to his insurance.

61-1116. POLICYHOLDERS' DIVIDENDS. A rating bureau shall not fix or adopt nor shall the commission approve any rules, the effect of which would be to prohibit the payment of dividends by insurers issuing policies on the participating plan or by mutual or cooperative insurers, but such rating bureau shall fix or adopt rules or regulations requiring that dividends, if any shall be paid in the same percentage amount to all policyholders alike.

61-1117. BUREAU EXAMINATION OF POLICIES AND DAILY REPORTS. Each rating bureau may and upon order of the commission shall provide for such examination of policies or daily reports and binders, renewal certificates, or other evidences of insurance, endorsements, riders, and other evidences of changes in insurance, premiums, or rates, and in the case of cancellation, the cancelled policy or daily report or other document showing the return premiums, upon any and all classes of insurance for which it holds a license from the commission and shall make such rules and regulations governing their submission, evidence of correction, and other matters, as will enable the bureau to determine that every member or subscriber is observing and continues to observe the rules and regulations of the rating bureau. Such rules and regulations may, and upon order of the commission shall provide that, if any insurer does not furnish satisfactory evidence to the rating bureau of the correction of any error or omission previously called to its attention by the rating bureau, it shall be the duty of the rating bureau to notify the commission of the delinquency.

Failure by an insurer, agent, or other licensee to correct any error or omission within a reasonable time after notice thereof from a rating bureau, or after notice

and within the time specified by the commission, is a violation of this article.

61-1118. RATING BUREAU MAY EMPLOY SERVICES OF OTHERS. Rating bureaus may engage in, or employ the services of others to engage in: inspecting and surveying municipalities, political subdivisions and other agencies of the state as to means and facilities for preventing, confining, and extinguishing fires; procuring information for use in estimating, calculating and establishing rates for insurance; furnishing information and advice as to measures to be adopted for the reduction of hazards to life and property; compiling statistics with respect to special coverages and special hazards, and the use of such statistics and information in the computation of rates. The cost of such activities or services shall be considered a proper expense of the rating bureau.

61-1119. MEMBERSHIP IN RATING BUREAUS. On and after October 1, 1945, every insurer shall be a member or subscriber of a rating bureau licensed by the commission as provided in this article. If the rating bureau does not hold a license covering all classes of insurance covered by this article, such insurer may become a member or subscriber of a rating bureau licensed for such other class or classes of insurance.

Every insurer in a group of insurers shall become a member or subscriber of the same rating bureau or bureaus for the same classes of insurance.

61-1120. DESIGNATION BY INSURERS OF RATING BUREAUS. On and after October 1, 1945, every insurer shall designate one or more rating bureaus to act for it in making rates and rules pertaining to each class of insurance covered by this article by filing a statement with the commission verified by oath of one of its principal officers setting forth:

(a) the name and address of each such rating bureau;

(b) that the insurer will be bound by and observe all rules and regulations, rates, classifications and schedules made by each such rating bureau;

(c) if the insurer is a member of a group of insurers, the names of all other insurers in the group.

Upon any change by the insurer in its relationship with any licensed rating bureau or upon becoming a

member or subscriber of any additional rating bureaus, a similar statement shall be filed with the commission.

61-1121. INSURER MUST OBSERVE RATES AND RULES OF RATING BUREAU. On and after October 1, 1945, an insurer authorized to transact any insurance covered by this article shall not fix or make any rate, or schedule of rates, or charge, demand, collect or receive, directly or indirectly, or through any dividend, merit or experience rating plan, special rate, drawback, rebate, concession device, or subterfuge, a rate of insurance or insurance premium which discriminates unfairly between risks within this state of essentially the same hazard, nor shall any such insurer make any such insurance within this state not in accordance with the tariffs, general basic schedules embodying basic rates, charges, credits, terms, conditions, permits, warranties, forms, standards, including rules of procedure or operation relating thereto, and other data necessary to the computation of equitable rates for such insurance, and any amendments thereof, of the rating bureau it has designated to act for it in respect to such insurance under section 61-1120, which have been approved by the commission, except as provided in section 61-1110, and except that rates for insurance in excess of that promulgated by its rating bureau may be charged as to any risk, if the higher rate is charged with the knowledge and written consent of the insured and the approval of the commission.

61-1122. STATISTICAL REPORTS. Every insurer shall file annually with each rating bureau of which it is a member or subscriber, or with such other agency as the commission may approve at the request of such rating bureau, a schedule of its premiums and its losses on risks in this state, on all classes of insurance for which the rating bureau is licensed.

61-1123. OBSERVANCE OF RULES AND RATES OF THE RATING BUREAU AND PENALTIES FOR WILLFUL VIOLATION. Each insurer shall maintain and observe the rules and rates of each rating bureau in respect to the classes of insurance as to which it is a member or subscriber. A rating bureau may make rules and regulations providing monetary and cancellation penalties for willful violation by any member or subscriber of its rates, rules or prescribed practices. All money so received shall be used to defray the expense of operation of the rating bureau.

61-1124. ORGANIZATIONS OTHER THAN RATING BUREAUS. Any organization composed in whole or

part of insurers, or of persons engaged in the insurance business or in auxiliary or affiliated businesses, which has for its purpose joint and concerted action in controlling costs in transacting insurance, improvement of service to the public, dissemination of knowledge, education of its members or other matters pertaining to insurance and not in conflict with the laws of this state, may operate in this state under the supervision of the commission as herein prescribed.

All such organizations operating in this state are subject to examination to the same extent as insurers by the commission and the commission may make such examination whenever it deems it necessary. In making such examination the commission may ascertain whether the purposes, powers, practices and acts of the organization are authorized or permitted by the laws of this state.

Such an organization and its members shall not, through concerted action, boycott or refuse to do business with any person, firm or corporation because of nonmembership in the organization or because of membership in any other organization, or for failure to purchase insurance through a member of the organization.

Such organizations may affiliate with like organizations in this state or in other states or territories or which are national in scope.

61-1125. HEARINGS BY COMMISSION. The commission shall not make any rule, regulation or order under this article without giving the insurers, rating bureaus, organizations, licensees, or others who may be affected thereby, reasonable notice and a hearing, if a hearing is requested. All hearings provided for in this article shall be held at such time and place as shall be designated by written notice given by the commission to the rating bureaus, organizations, insurers, or other licensees who may be affected thereby, at least fifteen days before the date designated therein. Notice to the general public may be given by publication in such manner as the commission may determine. The notice shall state the subject of the inquiry.

At the conclusion of any such hearing, or within ten days thereafter, the commission shall make such orders as it deems necessary in accordance with its findings. Within fifteen days after receiving written notice of any such order, any person affected thereby may, but need not, request a rehearing or review thereof by the com-

mission by filing a written request setting forth a summary of the reasons therefor. The commission may modify, change or rescind its order if it finds that the facts shown warrant such modification, change or rescission.

The provisions of section 61-302 relating to the subpoenaing, attendance and obedience of witnesses apply to hearings and investigations by or under authority of the commission pursuant to this article.

61-1126. PENALTIES. The commission may, after notice and hearing, suspend or revoke the license of a rating bureau for any violation of this article.

61-1127. JUDICIAL REVIEW. Any person, firm, corporation, or association aggrieved by any order or act of the commission under this article may secure a review thereof by action commenced in the Superior court. In such an action the record of any hearing or proceedings that may have been had by the commission shall be admissible in evidence and the court shall have full power to investigate all the facts de novo.

If such an action is commenced within thirty days after notice of such order or act has been given to the plaintiff or relator:

(a) where the commission has refused a license to a rating bureau which was engaged in the business of rate making in or for property or risks located in this state on the effective date of this article, the rating bureau may continue to act as such without license pending final determination of the action.

(b) where the order of the commission provides for a change which results in a decrease in rates, any insurer affected thereby may, with leave of court, pending final disposition of the proceedings to review such order, continue to charge rates which obtained prior to such order, on condition that the difference in the rates be deposited in a special account by the insurer affected, to be held in trust by such insurer. Such money shall be retained by the insurer or paid to the holders of policies issued after the order of the commission and entitled to the reduction as the court may determine.

In other cases the court shall determine, in its discretion, whether to stay the commission's order, pending final determination of the action, and may fix the conditions on which such a stay will be granted.

61-1128. FEES. The commission shall charge and collect in advance the following fees:

(a) for filing an original application for license by a rating bureau, five hundred dollars;

(b) for filing an application for renewal of license by a rating bureau, one hundred dollars.

Sec. 2. SEVERABILITY. If any provision of this Act be held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end the provisions of the Act are declared to be severable.

Approved by the Governor—March 20, 1945.

Filed in the office of the Secretary of State—March 20, 1945.

CHAPTER 103

(House Bill No. 222)

AN ACT

MAKING APPROPRIATIONS FOR THE DIFFERENT DEPARTMENTS OF THE STATE, FOR STATE INSTITUTIONS, FOR PUBLIC SCHOOLS, AND FOR INTEREST ON THE PUBLIC DEBT.

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

Section 1. Subject to applicable state laws, the sums or sources of revenue herein set forth are appropriated for the 34th and 35th fiscal years for the purposes and objects hereinafter specified:

Subdivision 1. GOVERNOR.

	For the 34th Fiscal Year	For the 35th Fiscal Year
Salary of Governor	$ 10,000.00	$ 10,000.00
Executive Secretary	4,800.00	4,800.00

Other Personal Services	16,800.00	16,800.00
Council of State Governments	1,000.00	1,000.00
Conference of Western Governors	5,000.00	5,000.00
Subscriptions and Convention Dues	250.00	250.00
Other Current Expenditures	7,500.00	7,500.00
Insurance:		
Capitol Buildings	1,750.00	1,750.00
Industrial School	1,150.00	1,150.00
Pioneers' Home	450.00	450.00
Prison	1,650.00	1,650.00
State Hospital	3,050.00	3,050.00
Boiler Insurance (3 yr. period)		2,700.00
Cars and Trucks	500.00	500.00
Bonds—Institution Employees	500.00	500.00
Total	$ 54,400.00	$ 57,100.00
	$111,500.00	

GOVERNOR—FOR THE CAPITOL BUILDINGS AND GROUNDS.

	For the 34th Fiscal Year	For the 35th Fiscal Year
Personal Services:		
Custodian	3,000.00	3,000.00
Engineer and Maintenance Man—2 at $2,220.00 each	4,440.00	4,440.00

Elevator Operators 2 at $1,500.00 each	3,000.00	3,000.00
Watchmen—4 at $1,500 each	6,000.00	6,000.00
Maid	1,200.00	1,200.00
Gardener	1,920.00	1,920.00
Head Janitor	1,920.00	1,920.00
Janitors—8 at $1,500.00 each	12,000.00	12,000.00
Yardmen—4 at $1,500.00 each	6,000.00	6,000.00
Periodic Wages (Per Diem)	1,800.00	1,800.00
Other Current Expenditures	19,000.00	19,000.00
Capital Outlay	1,275.00	
Total	$ 61,555.00	$ 60,280.00
	$121,835.00	

GOVERNOR—FOR THE PRESCOTT HISTORICAL SOCIETY.

	For the 34th Fiscal Year	For the 35th Fiscal Year
Lump Sum Appropriation	$ 3,000.00	$ 3,000.00
	$ 6,000.00	

GOVERNOR—FOR THE PIONEERS' HISTORICAL SOCIETY.

	For the 34th Fiscal Year	For the 35th Fiscal Year
Lump Sum Appropriation	$ 3,000.00	$ 3,000.00
	$ 6,000.00	

Grand Total Appropriation	$121,955.00	$123,380.00
	$245,335.00	

Subdivision 2—SECRETARY OF STATE.

	For the 34th Fiscal Year	For the 35th Fiscal Year
Salary of Secretary of State	$ 5,500.00	$ 5,500.00
Other Personal Services	15,500.00	15,500.00
Subscriptions and Dues	100.00	100.00
Other Current Expenditures	2,450.00	2,450.00
Travel—Out of State	200.00	200.00
Capital Outlay	260.00	260.00
Expense of preparing, printing and distributing Session Laws of 1945, 17th Legislature; Session Laws of 1944, 1st and 2nd special sessions, 16th Legislature; initiative measures passed in 1942 and resolutions and memorials of the 17th Legislature	5,000.00	
Expense of preparing, printing and distributing Referendum Publicity Pamphlets		6,000.00
Supplement, Arizona Code	3,000.00	
Total Appropriation	$ 32,010.00	$ 30,010.00
	$ 62,020.00	

Subdivision 3—STATE AUDITOR.

	For the 34th Fiscal Year	For the 35th Fiscal Year
Salary of State Auditor	$ 6,000.00	$ 6,000.00
Other Personal Services	79,000.00	79,000.00
Travel—In State	1,500.00	1,500.00
Travel—Out of State	300.00	300.00

Convention Dues	50.00	50.00
Other Current Expenditures	11,650.00	11,650.00
Capital Outlay	2,800.00	
Total Appropriation	$101,300.00	$ 98,500.00
	$199,800.00	

Subdivision 4—STATE TREASURER.

	For the 34th Fiscal Year	For the 35th Fiscal Year
Salary of State Treasurer	$ 4,500.00	$ 4,500.00
Other Personal Services	11,300.00	11,300.00
Current Expenditures	3,500.00	3,500.00
Capital Outlay—Typewriter		125.00
Total	$ 19,300.00	$ 19,425.00
	$ 38,725.00	

STATE TREASURER—ESTATE TAX DIVISION.

	For the 34th Fiscal Year	For the 35th Fiscal Year
Salary of Estate Tax Collector	$ 4,000.00	$ 4,000.00
Salary of Asst. Estate Tax Collector	2,700.00	2,700.00
Other Personal Services	1,400.00	1,400.00
Other Current Expenditures	3,900.00	3,900.00
Total	$ 12,000.00	$ 12,000.00
	$ 24,000.00	
Grand Total Appropriation	$ 31,300.00	$ 31,425.00
	$ 62,725.00	

Subdivision 5—ATTORNEY GENERAL.

	For the 34th Fiscal Year	For the 35th Fiscal Year
Salary of Attorney General	$ 6,000.00	$ 6,000.00
Other Personal Services	28,000.00	28,000.00
Travel	1,500.00	1,500.00
Subscriptions and Convention Dues	200.00	200.00
Other Current Expenditures	3,000.00	3,000.00
Capital Outlay	500.00	500.00
Total Appropriation	$ 39,200.00	$ 39,200.00
	$ 78,400.00	

Subdivision 6—STATE EXAMINER.

	For the 34th Fiscal Year	For the 35th Fiscal Year
Salary of State Examiner	$ 4,200.00	$ 4,200.00
Other Personal Services	26,700.00	26,700.00
Travel	7,500.00	7,500.00
Other Current Expenditures	1,000.00	1,000.00
Capital Outlay	300.00	
Total Appropriation	$ 39,700.00	$ 39,400.00
	$ 79,100.00	

Subdivision 7—DEPARTMENT OF LIBRARY AND ARCHIVES.

	For the 34th Fiscal Year	For the 35th Fiscal Year
Salary of Director	$ 5,000.00	$ 5,000.00

Lump Sum Appropriation, For Salaries and Wages, including janitor; for operation; for travel; for capital investment; for repairs and replacements; for miscellaneous requirements;	24,650.00	25,100.00
Total Appropriation	$ 29,650.00	$ 30,100.00
	$ 59,750.00	

Subdivision 8—STATE TAX COMMISSION.

	For the 34th Fiscal Year	For the 35th Fiscal Year
Salary of Commissioners	$ 13,500.00	$ 13,500.00
Salary of Secretary	2,700.00	2,700.00
Salary Stenographer	1,800.00	1,800.00
Other Personal Services	236,000.00	236,000.00
Periodic Employment—Racing	5,000.00	9,000.00
Travel	28,000.00	28,000.00
Subscriptions and Dues	365.00	365.00
Other Current Expenditures	45,000.00	45,000.00
Capital Outlay	4,000.00	4,000.00
Total Appropriation	$336,365.00	$340,365.00
	$676,730.00	

Subdivision 9—SUPREME COURT.

	For the 34th Fiscal Year	For the 35th Fiscal Year
Salary of Judges	$ 25,500.00	$ 25,500.00
Salary of Clerk of the Court	3,900.00	3,900.00

Salary of Reporter of Decisions	1,500.00	1,500.00
Other Personal Services	7,200.00	7,200.00
Other Current Expenditures	4,500.00	4,500.00
Travel—Superior Court Judges	300.00	300.00
Capital Outlay	3,000.00	
Total Appropriation	$ 45,900.00	$ 42,900.00
	$ 88,800.00	

Subdivision 10—SUPERIOR COURTS.

	For the 34th Fiscal Year	For the 35th Fiscal Year
Salary of Judges	$ 47,750.00	$ 49,452.95
Periodic Court Commissioners	500.00	500.00
Total Appropriation	$ 48,250.00	$ 49,952.95
	$ 98,202.95	

Subdivision 11—DAIRY COMMISSION.

	For the 34th Fiscal Year	For the 35th Fiscal Year
Salary of Commissioner	$ 3,000.00	$ 3,000.00
Salaries of two Deputy Dairy Commissioners	4,800.00	4,800.00
Other Personal Services	2,100.00	2,100.00
Travel	1,500.00	1,500.00
Other Current Expenditures	450.00	450.00
Total Appropriation	$ 11,850.00	$ 11,850.00
	$ 23,700.00	

Subdivision 12—DEPARTMENT OF HEALTH.

	For the 34th Fiscal Year	For the 35th Fiscal Year
Salary of Superintendent	$ 5,100.00	$ 5,400.00
Salaries—Tuberculosis Control	7,500.00	7,500.00
Salaries—Cooperative Health Units	6,000.00	6,000.00
Other Personal Services	42,000.00	44,000.00
Travel—Tuberculosis Control	3,000.00	3,000.00
Travel	900.00	900.00
Subscriptions and Dues	50.00	50.00
Other Current Expenditures	10,500.00	10,500.00
Capital Outlay	1,000.00	500.00
Total Appropriation	$ 76,050.00	$ 77,850.00
	$153,900.00	

Subdivision 13—BOARD OF BARBER EXAMINERS.

From Collections:

90% of all collections received by the board during the said fiscal years when paid into the treasury is hereby appropriated for personal services, current expenditures and capital outlay. 10% of all collections shall be retained by the state treasurer and credited to the general fund.

Subdivision 14—BOARD OF BEAUTY CULTURIST EXAMINERS.

From Collections:

90% of all collections received by the board during the said fiscal years when paid into the treasury is hereby appropriated for personal services, current expenditures and capital outlay. 10% of all collections shall be re-

tained by the state treasurer and credited to the general fund.

Subdivision 15—STATE BOARD OF CHIROPRACTIC EXAMINERS.

From Collections:

90% of all collections received by the board during the said fiscal years when paid into the treasury is hereby appropriated for personal services, current expenditures and capital outlay. 10% of all collections shall be retained by the state treasurer and credited to the general fund.

Subdivision 16—ARIZONA STATE DENTAL BOARD.

From Collections:

90% of all collections received by the board during the said fiscal years when paid into the treasury is hereby appropriated for personal services, current expenditures and capital outlay. 10% of all collections shall be retained by the state treasurer and credited to the general fund.

Subdivision 17—STATE BOARD OF EMBALMERS.

From Collections:

90% of all collections received by the board during the said fiscal years when paid into the treasury is hereby appropriated for personal services, current expenditures and capital outlay. 10% of all collections shall be retained by the state treasurer and credited to the general fund.

Subdivision 18—BOARD OF MEDICAL EXAMINERS.

From Collections:

90% of all collections received by the board during the said fiscal years when paid into the treasury is hereby appropriated for personal services, current expenditures and capital outlay. 10% of all collections shall be retained by the state treasurer and credited to the general fund.

Subdivision 19—NATUROPATHIC BOARD OF EXAMINERS.

From Collections:

90% of all collections received by the board during the said fiscal years when paid into the treasury is hereby appropriated for personal services, current expenditures and capital outlay. 10% of all collections shall be retained by the state treasurer and credited to the general fund.

Subdivision 20—STATE BOARD OF NURSE EXAMINERS.

From Collections:

90% of all collections received by the board during the said fiscal years when paid into the treasury is hereby appropriated for personal services, current expenditures and capital outlay. 10% of all collections shall be retained by the state treasurer and credited to the general fund.

Subdivision 21—BOARD OF OPTOMETRY.

From Collections:

90% of all collections received by the board during the said fiscal years when paid into the treasury is hereby appropriated for personal services, current expenditures and capital outlay. 10% of all collections shall be retained by the state treasurer and credited to the general fund.

Subdivision 22—ARIZONA BOARD OF PHARMACY.

From Collections:

90% of all collections received by the board during the said fiscal years when paid into the treasury is hereby appropriated for personal services, current expenditures and capital outlay. 10% of all collections shall be retained by the state treasurer and credited to the general fund.

Subdivision 23—STATE BOARD OF CHIROPODY EXAMINERS.

From Collections:

90% of all collections received by the board during the said fiscal years when paid into the treasury is hereby appropriated for personal services, current expenditures and capital outlay. 10% of all collections shall be retained by the state treasurer and credited to the general fund.

Subdivision 24—STATE BOARD OF OSTEOPATHIC EXAMINERS.

From Collections:

90% of all collections received by the board during the said fiscal years when paid into the treasury is hereby appropriated for personal services, current expenditures and capital outlay. 10% of all collections shall be retained by the state treasurer and credited to the general fund.

Subdivision 25—BOARD OF DIRECTORS OF STATE INSTITUTIONS FOR JUVENILES—BOARD EXPENSE.

	For the 34th Fiscal Year	For the 35th Fiscal Year
Personal Services	$ 240.00	$ 240.00
Travel	500.00	500.00
Other Current Expenditures	160.00	160.00
Capital Outlay	100.00	
Total	$ 1,000.00	$ 900.00
	$ 1,900.00	

BOARD OF DIRECTORS OF STATE INSTITUTIONS FOR JUVENILES—FOR THE CARE OF GIRL JUVENILE OFFENDERS.

	For the 34th Fiscal Year	For the 35th Fiscal Year
Lump Sum Appropriation	$ 90,000.00	$ 95,000.00
	$185,000.00	
Grand Total Appropriation	$ 91,000.00	$ 95,900.00
	$186,900.00	

Subdivision 26—BOARD OF PARDONS AND PAROLES.

	For the 34th Fiscal Year	For the 35th Fiscal Year
Salary of Chairman, 10 days @ $7.00	$ 70.00	$ 70.00
Salary of Supervisor of Parolees, 290 days @ $10.00	2,900.00	2,900.00
Other Personal Services	1,800.00	1,800.00
Travel	500.00	500.00
Other Current Expenditures	300.00	300.00
Capital Outlay	135.00	
Total Appropriation	$ 5,705.00	$ 5,570.00
	$ 11,275.00	

Subdivision 27—STATE BOARD OF SOCIAL SECURITY AND WELFARE.

	For the 34th Fiscal Year	For the 35th Fiscal Year
Old Age Assistance	$2,436,500.00	$2,626,500.00
Aid to Dependent Children	400,000.00	421,000.00
Aid to the Blind	189,000.00	194,000.00

Direct Relief	925,000.00	950,000.00
Crippled Children's Service	80,000.00	80,000.00
Child Welfare Service	70,000.00	71,000.00
Welfare Sanitorium	130,000.00	130,000.00
Administration	310,000.00	310,000.00
Total Appropriation	$4,540,500.00	$4,782,500.00
	$9,323,000.00	

The foregoing total appropriation is in addition to funds granted to the state by the federal government for the same purposes, but shall be deemed to include the sums deposited in the state treasury to the credit of the state board of social security and welfare pursuant to the provisions of section 73-1322 Arizona Code, 1939, as amended by initiative measure of 1942.

Subdivision 28—ARIZONA STATE HOSPITAL.

	For the 34th Fiscal Year	For the 35th Fiscal Year
Salary of Superintendent	$ 5,000.00	$ 5,000.00
Other Personal Services	350,000.00	350,000.00
Discharge Money	500.00	500.00
Travel	1,362.00	1,362.00
Subscriptions and Dues	1,000.00	1,000.00
Other Current Expenditures	240,000.00	240,000.00
5 Cottages and Furniture for Doctors	35,000.00	
Miscellaneous Capital Outlay	75,000.00	65,000.00
Total Appropriation	$707,862.00	$662,862.00
	$1,370,724.00	

All payments for maintenance of patients under the authority of Section 8-209 Arizona Code 1939, as amended, when paid into the state treasury during the fiscal years are appropriated for current expenditures; earnings on state lands and interest on the investment of the permanent land funds are appropriated in compliance with the Enabling Act and the Constitution.

Subdivision 29—INDUSTRIAL SCHOOL.

	For the 34th Fiscal Year	For the 35th Fiscal Year
Salary of Superintendent	$ 4,000.00	$ 4,000.00
Assistant Superintendent and Placement Director (Resident)	3,200.00	3,200.00
Secretary-Bookkeeper	2,100.00	2,100.00
Director of Education	2,400.00	2,400.00
Industrial Arts Instructor	2,100.00	2,100.00
Electrical Instructor	1,800.00	1,800.00
Painting Instructor	1,800.00	1,800.00
Band Instructor	2,400.00	2,400.00
Teachers—3 @ $2,100.00 each	6,300.00	6,300.00
First Cook	2,100.00	2,100.00
Mechanic	1,800.00	1,800.00
Dairyman	1,800.00	1,800.00
Carpenter Instructor	1,800.00	1,800.00
Plumbing Instructor	1,800.00	1,800.00
Supervisors—7 @ $1,500 each	10,500.00	10,500.00
Nurse	1,800.00	1,800.00
Second Cook	1,500.00	1,500.00

Nightmen—2 @ $1,320.00 each	2,640.00	2,640.00
Seamstress—½ time	720.00	720.00
Chaplains	240.00	240.00
Caretakers Junior Cottages—Man and Wife	1,800.00	1,800.00
Field Parole Officers—2 @ $2,400.00 each	4,800.00	4,800.00
Dental and Medical Fees	1,600.00	1,600.00
Total Personal Services	$ 61,000.00	$ 61,000.00
Drilling Test Wells and Making Pumping Tests	2,500.00	
Other Current Expenditures	55,000.00	55,000.00
Capital Outlay: Recreation Hall	10,000.00	
Other Capital Outlay	23,000.00	12,000.00
Total Appropriation	$151,500.00	$128,000.00
	$279,500.00	

Earnings on state lands and interest on the investment of the permanent land funds are appropriated in compliance with the Enabling Act and the Constitution.

Subdivision 30—PIONEERS' HOME.

	For the 34th Fiscal Year	For the 35th Fiscal Year
Salary of Superintendent	$ 3,600.00	$ 3,600.00
Other Personal Services	29,000.00	29,000.00
Subscriptions and Dues	341.00	341.00
Travel	250.00	250.00
Other Current Expenditures	50,000.00	50,000.00

Fencing and Reconditioning Cemetery	600.00	
Capital Outlay	500.00	500.00
One Large Cemetery Monument	1,500.00	
Total Appropriation	$ 85,791.00	$ 83,691.00
	$169,482.00	

Earnings on state lands and interest on the investment of the permanent land funds of the Pioneers' Home and the Hospital for Disabled Miners are appropriated in compliance with the Enabling Act and the Constitution.

Subdivision 31—PRISON.

	For the 34th Fiscal Year	For the 35th Fiscal Year
Salary of Superintendent	$ 4,500.00	$ 4,500.00
Other Personal Services	115,500.00	115,500.00
Other Current Expenditures	85,000.00	95,000.00
Matron's Quarters and Women's Ward	20,000.00	
Other Capital Outlay	5,000.00	5,000.00
Total Appropriation	$230,000.00	$220,000.00
	$450,000.00	

Earnings on state lands and interest on the investment of the permanent land funds are appropriated in compliance with the Enabling Act and the Constitution.

Subdivision 32—DEPARTMENT OF HEALTH—RELIEF COMPENSATION.

	For the 34th Fiscal Year	For the 35th Fiscal Year
Fixed Charges	$ 1,946.44	$ 1,946.44
	$ 3,892.88	

Subdivision 33—VETERANS SERVICE OFFICER.

	For the 34th Fiscal Year	For the 35th Fiscal Year
Salary of Veterans Service Officer	$ 3,000.00	$ 3,000.00
Other Personal Services	15,000.00	15,000.00
Travel	2,500.00	2,500.00
Other Current Expenditures	60.00	60.00
Capital Outlay	300.00	300.00
Total	$ 20,860.00	$ 20,860.00
	$ 41,720.00	

VETERANS SERVICE OFFICER—
VETERANS RELIEF COMMISSION.

Relief for Ex-service Men and Dependents.		
Total	$ 10,000.00	$ 10,000.00
	$ 20,000.00	
Grand Total Appropriation	$ 30,860.00	$ 30,860.00
	$ 61,720.00	

Subdivision 34—SUPERINTENDENT OF PUBLIC INSTRUCTION AND COMMON SCHOOLS.

For the board of education; for the support of the primary elementary, grammar, four-year high school grades of the public schools and vocational education, that the sum of money which shall be equal to sixty-five dollars per capita for common school education, and ninety-five dollars per capita for high school education, per annum, computed according to average daily attendance in common and high schools during the previous year as shown by the records of the Superintendent of Public Instruction, which shall constitute the

aggregate sum to be raised by state taxation for the support of common and high school education. This amount shall include the following items:

	For the 34th Fiscal Year	For the 35th Fiscal Year
Salary of Superintendent	$ 5,000.00	$ 5,000.00
Other Personal Services	22,800.00	22,800.00
Travel—In State	2,250.00	2,250.00
Travel—Out of State	400.00	400.00
Special Printing (Study Course Bulletins)	4,250.00	
Subscriptions and Dues	19.00	19.00
Other Current Expenditures	9,231.00	9,481.00
Fixed Charges (Teachers' Retirement)	860.16	860.16
Capital Outlay	250.00	250.00
Total	$ 45,060.16	$ 41,060.16
	$ 86,120.32	

SUPERINTENDENT OF PUBLIC INSTRUCTION AND COMMON SCHOOLS—TEXTBOOKS.

Personal Services	$ 5,850.00	$ 5,850.00
Travel	600.00	600.00
Other Current Expenditures	113,450.00	103,450.00
Total	$119,900.00	$109,900.00
	$229,800.00	

SUPERINTENDENT OF PUBLIC INSTRUCTION AND COMMON SCHOOLS—VOCATIONAL EDUCATION.

Personal Services	$ 12,466.00	$ 12,466.00

Travel	2,300.00	2,300.00
Subscriptions and Dues	120.00	120.00
Other Current Expenditures	2,305.00	2,305.00
Reimbursement to Schools	40,925.00	40,925.00
Capital Outlay	750.00	750.00
Total	$ 58,866.00	$ 58,866.00
		$117,732.00

(The above appropriation is made to enable the state to cooperate with the federal government in carrying out the provisions of an Act of Congress approved February 23, 1917, and Acts amendatory or supplementary thereto, providing for the promotion and development of vocational education.)

SUPERINTENDENT OF PUBLIC INSTRUCTION AND COMMON SCHOOLS—VOCATIONAL REHABILITATION.

Lump Sum Appropriation	$ 12,500.00	$ 15,000.00
		$ 27,500.00

(The above appropriation is made to enable the state to cooperate with the federal government in carrying out the provisions of an Act of Congress approved June 2, 1920, and subsequent amendments, providing for civilian vocational rehabilitation.)

ARIZONA TEACHERS' RETIREMENT SYSTEM.

For carrying out the provisions of 54-1730 Arizona Code of 1939, as amended.		
Total	$100,000.00	$100,000.00
		$200,000.00
Grand Total Appropriation	$336,326.16	$324,826.16
		$661,152.32

Subdivision 34a—JUNIOR COLLEGES.

	For the 34th Fiscal Year	For the 35th Fiscal Year
Phoenix Junior College	$ 15,000.00	$ 15,000.00
Thatcher Junior College	15,000.00	15,000.00
Total	$ 30,000.00	$ 30,000.00
	$ 60,000.00	

Subdivision 35—ARIZONA STATE COLLEGE AT FLAGSTAFF.

	For the 34th Fiscal Year	For the 35th Fiscal Year
Remodeling Cottages	$ 55,000.00	$
Repairs and Replacements	30,000.00	
Fixed Charges (Teachers' Retirement)	2,500.00	2,500.00
Lump Sum Appropriation: For salaries and wages; for operation, including dues, assessments or membership fees in societies, associations and organizations; for travel to attend meetings, conferences and for other college purposes; for capital investment; for repairs and replacements:	213,925.00	213,925.00
Total Appropriation	$301,425.00	$216,425.00
	$517,850.00	

Any unencumbered balance remaining in the Collection Account on June 30, 1945 and June 30, 1946, and all collections received by the college during the said fiscal years when paid into the state treasury are hereby appropriated for personal services, current expenditures, capital outlay and fixed charges; earnings on state lands and interest on the investment of the permanent land

funds are appropriated in compliance with the Enabling Act and the Constitution.

Subdivision 36—ARIZONA STATE COLLEGE AT TEMPE.

	For the 34th Fiscal Year	For the 35th Fiscal Year
Repairs and Replacements	$ 15,000.00	$
Fixed Charges (Teachers' Retirement)	3,723.06	3,723.06
Lump Sum Appropriation: For salaries and wages; for operation, including dues, assessments or membership fees in societies, associations, and organizations; for travel to attend meetings, conferences and for other college purposes; for capital investment; for repairs and replacements:	295,625.00	295,625.00
Total Appropriation	$314,348.06	$299,348.06
	$613,696.12	

Any unencumbered balance remaining in the Collection Account on June 30, 1945 and June 30, 1946, and all collections received by the college during the said fiscal years when paid into the state treasury are hereby appropriated for personal services, current expenditures, capital outlay and fixed charges; earnings on state lands and interest on the investment of the permanent land funds are appropriated in compliance with the Enabling Act and the Constitution.

Subdivision 37—ARIZONA STATE SCHOOL FOR THE DEAF AND BLIND.

	For the 34th Fiscal Year	For the 35th Fiscal Year
Salary of Superintendent	$ 4,000.00	$ 4,000.00
Personal Services	69,000.00	69,000.00
Travel	500.00	500.00

Other Current Expenditures	40,000.00	40,000.00
Insurance	1,175.00	900.00
Fixed Charges (Teachers' Retirement)	834.56	834.56
Subscriptions and Dues	150.00	150.00
Capital Outlay	5,250.00	3,500.00
Baby Grand Piano	700.00	
Total Appropriation	$121,609.56	$118,884.56
	$240,494.12	

Earnings on state lands and interest on the investment of the permanent land funds are appropriated in compliance with the Enabling Act and the Constitution.

Subdivision 38—UNIVERSITY OF ARIZONA.

	For the 34th Fiscal Year	For the 35th Fiscal Year
Lump Sum Appropriation:		
For salaries and wages; for operation, including dues, assessments or membership fees in societies, associations, and organizations; for travel to attend meetings, conferences and for other university purposes; for capital investment; for repairs and replacements:	$852,475.00	$852,475.00
	$1,704,950.00	

All collections received by the University during the said fiscal years when paid into the state treasury are hereby appropriated for personal services, current expenditures, capital outlay and fixed charges; earnings on state lands and interest on the investment of the permanent land funds are appropriated in compliance with the Enabling Act and the Constitution.

Subdivision 39—STATE VETERINARY BOARD.

From Collections:

90% of all collections received by the board during the said fiscal years when paid into the state treasury is hereby appropriated for personal services, current expenditures and capital outlay. 10% of all collections shall be retained by the state treasurer and credited to the general fund.

Subdivision 40—LIVESTOCK SANITARY BOARD—FOR THE LIVESTOCK SANITARY BOARD.

	For the 34th Fiscal Year	For the 35th Fiscal Year
Board Members (per diem)	$ 1,200.00	$ 1,200.00
Personal Services	141,700.00	141,700.00
Travel	750.00	750.00
Subscriptions and Dues	26.00	26.00
Other Current Expenditures	5,474.00	4,274.00
Total	$149,150.00	$147,950.00
	$297,100.00	

STATE VETERINARIAN.

Personal Services	$ 3,000.00	$ 3,000.00
Travel	700.00	700.00
Subscriptions and Dues	25.00	25.00
Other Current Expenditures	575.00	575.00
Total	$ 4,300.00	$ 4,300.00
	$ 8,600.00	

ANIMAL HUSBANDRY.

Lump Sum Appropriation	$ 10,000.00	$ 10,000.00
		$ 20,000.00

(The above appropriation is made to enable the state to cooperate with the United States Bureau of Animal Industry for the eradication of tuberculosis among cattle.)

VOLUNTARY BANGS DISEASE.

Lump Sum Appropriation	$ 10,000.00	$ 10,000.00
		$ 20,000.00

(The above appropriation is made to enable the state to cooperate with the United States Bureau of Animal Industry for the eradication of voluntary Bangs disease among animals.)

PREDATORY ANIMAL CONTROL.

Lump Sum Appropriation	$ 15,000.00	$ 15,000.00
		$ 30,000.00

(The above appropriation is made to enable the State to cooperate with the Federal Wildlife Department for the eradication of predatory animals.)

RODENT CONTROL.

Lump Sum Appropriation	$ 8,000.00	$ 8,000.00
		$ 16,000.00

(The above appropriation is made to enable the state to cooperate with the Federal Wildlife Department for the control of rodents.)

Grand Total Appropriation	$196,450.00	$195,250.00
		$391,700.00

Subdivision 41—SHEEP SANITARY COMMISSION.

	For the 34th Fiscal Year	For the 35th Fiscal Year
Personal Services	$ 6,900.00	$ 6,900.00
Other Current Expenditures	3,900.00	3,900.00
Total Appropriation	$ 10,800.00	$ 10,800.00
	$ 21,600.00	

Subdivision 42—COMMISSION OF AGRICULTURE AND HORTICULTURE.

Salary of Commissioners	$ 900.00	$ 900.00
Other Personal Services	99,210.00	99,210.00
Travel—In State	4,000.00	4,000.00
Travel—Out of State	160.00	160.00
Other Current Expenditures	6,090.00	6,090.00
Subscriptions and Dues	75.00	75.00
Capital Outlay	250.00	250.00
Total	$110,685.00	$110,685.00
	$221,370.00	

RED SCALE ERADICATION.

Lump Sum Appropriation	$ 5,000.00	$ 5,000.00
	$ 10,000.00	
Grand Total Appropriation	$115,685.00	$115,685.00
	$231,370.00	

Subdivision 43—INSPECTOR OF WEIGHTS AND MEASURES.

	For the 34th Fiscal Year	For the 35th Fiscal Year
Salary of Inspector of Weights and Measures	$ 3,000.00	$ 3,000.00
Other Personal Services	2,400.00	2,400.00
Travel	2,000.00	2,000.00
Capital Outlay—Truck	1,000.00	
Other Current Expenditures	500.00	1,500.00
Total Appropriation	$ 8,900.00	$ 8,900.00
	$ 17,800.00	

Subdivision 44—STATE EGG INSPECTOR.

From Collections:

The amount of all fees and receipts from whatever source received during each of the fiscal years, when paid into the state treasury, is hereby appropriated for the payment of salaries and wages; for operation; for travel; for capital investment; for repairs and replacements.

Subdivision 45—ARIZONA FRUIT AND VEGETABLE STANDARDIZATION ACT.

	For the 34th Fiscal Year	For the 35th Fiscal Year
Salary of Supervisor of Inspection	$ 3,000.00	$ 3,000.00
Other Personal Services	1,800.00	1,800.00
Total Appropriation	$ 4,800.00	$ 4,800.00
	$ 9,600.00	

Subdivision 46—BANKING DEPARTMENT.

	For the 34th Fiscal Year	For the 35th Fiscal Year
Salary of Superintendent	$ 5,000.00	$ 5,000.00
Salary of Examiner	3,000.00	3,000.00
Other Personal Services	1,980.00	1,980.00
Travel	1,250.00	1,250.00
Subscriptions and Dues	106.00	106.00
Other Current Expenditures	644.00	644.00
Capital Outlay	75.00	75.00
Administration of Section 51-802 Arizona Code 1939 (Small Loan Business)	500.00	500.00
Total Appropriation	$ 12,555.00	$ 12,555.00
	$ 25,110.00	

Subdivision 47—CORPORATION COMMISSION.

	For the 34th Fiscal Year	For the 35th Fiscal Year
Salary of Commissioners	$ 13,500.00	$ 13,500.00
Salary of Secretary	2,700.00	2,700.00
Other Personal Services	31,000.00	31,000.00
Travel	3,000.00	3,000.00
Solicitor's Service—Washington, D. C.	300.00	300.00
Other Current Expenditures	5,200.00	5,200.00
Capital Outlay	250.00	250.00

INSURANCE DIVISION (Corporation Commission).

Salary of Director	3,600.00	3,600.00
Other Personal Service	9,540.00	9,540.00
Operation	2,125.00	2,125.00
Travel	1,300.00	1,300.00
Total Appropriation	$ 72,515.00	$ 72,515.00
	$145,030.00	

Subdivision 48—INDUSTRIAL COMMISSION.

	For the 34th Fiscal Year	For the 35th Fiscal Year
Salary of Commissioners	$ 15,000.00	$ 15,000.00
Enforcement of Labor and Minimum Wage Laws:		
Personal Services	9,120.00	9,120.00
Subscription and Dues	91.50	91.50
Other Current Expenditures	3,408.50	3,408.50
Capital Outlay	130.00	
Total Appropriation	$ 27,750.00	$ 27,620.00
	$ 55,370.00	

Subdivision 49—STATE MINE INSPECTOR.

	For the 34th Fiscal Year	For the 35th Fiscal Year
Salary of State Mine Inspector	$ 4,500.00	$ 4,500.00
Salary of Deputies—3 @ $3,000.00	9,000.00	9,000.00
Salary of State Mine Dust Engineer	3,600.00	3,600.00

Other Personal Services	1,800.00	1,800.00
Travel	5,000.00	5,000.00
Other Current Expenditures	900.00	900.00
Capital Outlay (File)	75.00	
Total Appropriation	$ 24,875.00	$ 24,800.00
	$ 49,675.00	

Subdivision 50—ARIZONA CIVILIAN DEFENSE BOARD.

	For the 34th Fiscal Year	For the 35th Fiscal Year
Lump Sum Appropriation	$ 2,500.00	$ 2,500.00
	$ 5,000.00	

Subdivision 51—NATIONAL GUARD.

	For the 34th Fiscal Year	For the 35th Fiscal Year
Salary of Adjutant General	$ 3,600.00	$ 3,600.00
Other Personal Services	16,000.00	16,000.00
Travel	50.00	50.00
Subscription and Dues	62.00	62.00
Other Current Expenditures	6,888.00	7,088.00
Capital Outlay	600.00	600.00
Officers Clothing Allowance	60.00	60.00
	$ 27,260.00	$ 27,460.00
	$ 54,720.00	

Subdivision 52—DEPARTMENT OF LIQUOR LICENSE AND CONTROL.

	For the 34th Fiscal Year	For the 35th Fiscal Year
Salary of Superintendent	$ 4,800.00	$ 4,800.00
Other Personal Services	46,400.00	46,400.00
Travel	13,500.00	13,500.00
Subscriptions and Dues	186.95	186.95
Other Current Expenditures	4,788.05	4,788.05
Other Capital Outlay	325.00	325.00
Total Appropriation	$ 70,000.00	$ 70,000.00
	$140,000.00	

Subdivision 53—STATE BOARD OF TECHNICAL REGISTRATION.

From Collections:

90% of all collections received by the board during the said fiscal years when paid into the state treasury is hereby appropriated for personal services, current expenditures and capital outlay. 10% of all collections shall be retained by the state treasurer and credited to the general fund.

Subdivision 54—REGISTRAR OF CONTRACTORS.

From Collections:

90% of all collections received by the board during the said fiscal years when paid into the state treasury is hereby appropriated for personal services, current expenditures and capital outlay. 10% of all collections shall be retained by the state treasurer and credited to the general fund.

Subdivision 55—STATE BOARD OF ACCOUNTANCY.

From Collections:

90% of all collections received by the board during the

said fiscal years when paid into the state treasury is hereby appropriated for personal services, current expenditures and capital outlay. 10% of all collections shall be retained by the state treasurer and credited to the general fund.

Subdivision 56—STATE HIGHWAY.

From the State Highway Fund:

From any unencumbered balances remaining in the state highway account as of June 30, 1945, and June 30, 1946, respectively, from all collections of the Motor Vehicle Division when paid into the state treasury there is hereby appropriated for the particular purposes named below not to exceed the amounts specifically designated for such purposes.

	For the 34th Fiscal Year	For the 35th Fiscal Year
Administration:		
Personal Services	$133,220.00	$133,220.00
Current Expenditures	232,180.00	232,180.00
Capital Outlay	1,169.00	1,169.00
Total Administration	$366,569.00	$366,569.00
Engineering:		
Personal Services	$155,300.00	$155,300.00
Current Expenditures	18,000.00	18,000.00
Capital Outlay—Right of Way	10,000.00	10,000.00
Capital Outlay—Equipment	5,000.00	5,000.00
Total Engineering	$188,300.00	$188,300.00
Shops and Equipment:		
Personal Services	$229,400.00	$229,400.00

Current Expenditures	430,500.00	430,500.00
Maintenance of Houses & Buildings	65,000.00	65,000.00
Total Shops and Equipment	$724,900.00	$724,900.00
Highway Magazine:		
Personal Services	$ 25,860.00	$ 25,860.00
Current Expenditures	74,140.00	74,140.00
Total Highway Magazine	$100,000.00	$100,000.00
Traffic Division:		
Personal Services	$ 18,350.00	$ 18,350.00
Materials & Supplies—Junior School Patrol	1,500.00	1,500.00
Current Expenditures	6,650.00	6,650.00
Total Traffic Division	$ 26,500.00	$ 26,500.00
Planning Survey Division:		
Personal Services	$ 18,350.00	$ 18,350.00
Current Expenditures	6,650.00	6,650.00
Total Planning Survey Division	$ 25,000.00	$ 25,000.00
Motor Vehicle Division:		
Personal Services	$294,480.00	$294,480.00
Current Expenditures	108,500.00	108,500.00
Capital Outlay	3,500.00	3,500.00
Total Motor Vehicle Division	$406,480.00	$406,480.00

Highway Patrol:		
Personal Services	$170,000.00	$170,000.00
Current Expenditures	82,000.00	82,000.00
Capital Outlay—Radio Equipment	10,000.00	10,000.00
Capital Outlay—Office Equipment	500.00	500.00
Total Highway Patrol	$262,500.00	$262,500.00
Fixed Charges (Workmen's Compensation Insurance)	$ 60,000.00	$ 60,000.00
Maintenance:		
8% System	$520,000.00	$520,000.00
Non 8% System	305,000.00	305,000.00
Guide Line Painting	80,000.00	80,000.00
Highway Signs and Markers	25,000.00	25,000.00
Emergency Maintenance	50,000.00	50,000.00
Bridge Repairs	20,000.00	20,000.00
Total Maintenance	$1,000,000.00	$1,000,000.00
Betterments:		
8% and Non 8% Highways	$250,000.00	$250,000.00
Total Betterments	$250,000.00	$250,000.00

Any of such balances and collections under this subdivision in excess of the specific amounts set forth above for the purposes designated are hereby appropriated exclusively for construction of state highways (including the 8% state highway system, the non-8% highway system and matching federal funds) the acquisiton of rights of ways and the costs of field admin-

istration and field engineering on construction projects but only during the period of actual construction.

Total Appropriation	$3,410,249.00	$3,410,249.00
		$6,820,498.00

Subdivision 57—ARIZONA GAME AND FISH COMMISSION—FOR PROTECTION.

From Collections:

All collections received by the commission during the said fiscal years when paid into the state treasury is hereby appropriated for personal services, current expenditures and capital outlay.

ARIZONA GAME AND FISH COMMISSION—FOR WILDLIFE RESTORATION.

Total Appropriation	$ 22,000.00	$ 22,000.00
		$ 44,000.00

(The above appropriation is made to enable the state to cooperate with the federal government in carrying out the provisions of the Federal Wildlife Restoration Act approved September 2, 1937, commonly known as the Pitman-Robertson-Federal Aid.)

Subdivision 58—DEPARTMENT OF MINERAL RESOURCES.

	For the 34th Fiscal Year	For the 35th Fiscal Year
Salary of Director	$ 4,200.00	$ 4,200.00
Assistant Director	4,200.00	4,200.00
Field Engineers	7,200.00	7,200.00
Office Force	3,780.00	3,780.00
Project Engineer (Part time)	500.00	500.00
Travel	5,400.00	5,400.00
Subscriptions and Dues	25.00	25.00

Other Current Expenditures	2,847.50	2,847.50
Capital Outlay	100.00	100.00
Total Appropriation	$ 28,252.50	$ 28,252.50
	$ 56,505.00	

Subdivision 59—LAND DEPARTMENT—
FOR THE LAND DEPARTMENT.

	For the 34th Fiscal Year	For the 35th Fiscal Year
Salary of Commissioner	$ 5,000.00	$ 5,000.00
Other Personal Services	57,160.00	57,160.00
Lumberman and Fire Guards	3,000.00	3,000.00
Travel—In State	2,000.00	2,000.00
Travel—Out of State	1,000.00	1,000.00
Subscriptions and Dues	25.00	25.00
Other Current Expenditures	10,000.00	10,000.00
Farm Loan Litigation	100.00	100.00
Capital Outlay	500.00	500.00
Capital Outlay (Automobile)	1,200.00	
Total	$ 79,985.00	$ 78,785.00
	$158,770.00	

LAND DEPARTMENT—STREAM GAUGING.

Lump Sum Appropriation	$ 15,000.00	$ 15,000.00

(This appropriation is made to enable the state to co-operate with the Federal Government.)

LAND DEPARTMENT—UNDERGROUND WATER DEVELOPMENT.

Lump Sum Appropriation	$ 15,000.00	$ 15,000.00

(This appropriation is made to enable the state to cooperate with the Federal Government.)

Grand Total Appropriation	$109,985.00	$108,785.00
		$218,770.00

Subdivision 60—STATE DAM AND SUPERVISION.

From Collections:

All collections received by the board during the said fiscal years when paid into the state treasury is hereby appropriated for personal services, current expenditures and capital outlay.

Subdivision 61—BOND INTEREST AND REDEMPTION REQUIREMENTS.

	For the 34th Fiscal Year	For the 35th Fiscal Year
Interest on Bonded Debt	$ 4,062.50	$ 3,762.50
Redemption of Debt	11,212.55	11,212.55
Total Appropriation	$ 15,275.05	$ 14,975.05
		$ 30,250.10

Subdivision 62—ARIZONA COPPER TARIFF BOARD.

	For the 34th Fiscal Year	For the 35th Fiscal Year
Lump Sum Appropriation	$ 3,000.00	$ 3,000.00
		$ 6,000.00

Subdivision 63—INDUSTRIAL INSURANCE PREMIUMS.

	For the 34th Fiscal Year	For the 35th Fiscal Year
Fixed Charges:		
Workmen's Compensation Insurance (Exclusive of State Highway Department)	$ 34,000.00	$ 34,000.00
Occupational Disease (Exclusive of State Highway Department)	1,000.00	1,000.00
Total Appropriation	$ 35,000.00	$ 35,000.00
	$ 70,000.00	

Subdivision 64—STATE FAIR COMMISSION.

From Collections:

Any unencumbered balance remaining to the credit of the State Fair Commission on June 30, 1945, and June 30, 1946, and all collections received by the State Fair Commission during the said fiscal years when paid into the state treasury are hereby appropriated for personal services, current expenditures and capital outlay.

Sec. 2. If any section, subsection, sentence, clause or phrase of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act.

Approved by the Governor—March 22, 1945.

Filed in the office of the Secretary of State—March 22, 1945.

MEMORIALS

HOUSE MEMORIAL NO. 4

A MEMORIAL

REQUESTING THE ESTABLISHMENT OF A GOVERNMENT GENERAL HOSPITAL AT FORT HUACHUCA.

TO THE SECRETARY OF WAR OF THE UNITED STATES:

Your memorialist respectfully represents:

The experience following World War I with respect to the care and hospitalization of returned veterans suggests that early steps should be taken for the establishment of adequate hospital facilities for returning soldiers of the present war.

At the military reservation of Fort Huachuca, in southern Arizona, will be found an ideal location for a veterans' hospital of large capacity.

Fort Huachuca, situated on the eastern slope of the Huachuca mountain range in Cochise county, at an elevation of approximately three thousand two hundred feet, possesses one of the mildest year around climates in the nation, a condition highly important in the care and treatment of the classes of cases which are the inevitable product of war.

Early in the present war, the facilities at Fort Huachuca were greatly expanded by the war department, and many permanent installations made at large expense. At the time of such construction it was planned to accommodate approximately twenty-five thousand military personnel. However, fast moving events have reduced the military requirements of the reservation to a comparatively small force.

Since the present buildings at Fort Huachuca are mostly new, facilities for the care of personnel installed, and the reservation being maintained, the establishment of a general government hospital would require only a small additional investment for the remodeling and conversion of the facilities for the purposes of a hospital.

Wherefore your memorialist, the House of Representatives of the State of Arizona, urgently requests:

1. That the Secretary of War give careful consideration to the merits of Fort Huachuca as a location for a general government hospital for sick and disabled returning soldiers.

Adopted by the House of Representatives—February 21, 1945.

Filed in the office of the Secretary of State—February 21, 1945.

HOUSE MEMORIAL NO. 6

A MEMORIAL

URGING THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES TO PASS HOUSE RESOLUTION 141, TO INVESTIGATE WAR PRISON CAMPS.

TO THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES:

Your memorialist respectfully represents:

Several war prison camps are located in central Arizona, at which German prisoners of war are concentrated.

From the time of their establishment discipline at these camps has obviously been extremely lax, and has become increasingly so, having reached a point where it not only is most discreditable to the authorities responsible for the management of the camps, and humiliating to patriotic citizens of the communities where these camps are located, but is also alarming to the populace.

Inefficiency is disclosed by the unusual number of escapes which have occurred and continue to occur. Laxity is shown by the indifference to discipline exhibited by the prisoners, the freedom of movement permitted them, and their frequent exhibitions of contempt for their officers and guards, and for the United States, its flag, its government and its people.

No objection is offered to a policy of considerate treatment of these enemy prisoners, in conformity with the humanitarian principles which animate the American people, but it is an occasion of frequent unfavorable comment by persons familiar with the facts that these war prisoners are provided with supplies of food and of luxuries denied, under existing restrictions, to citizens of the United States.

Wherefore your memorialist, the House of Representatives of the State of Arizona, urgently requests:

1. That House Resolution 141, by Representative Richard F. Harless, for the creation of a special committee to investigate prison camps in the United States, be passed.

2. That steps be taken immediately to correct the conditions complained of.

Passed by the House March 9, 1945 by the following vote: 50 Ayes, 1 Nays, 0 Absent, 7 Excused.

Approved by the Governor—March 10, 1945.

Filed in the Office of the Secretary of State—March 10, 1945.

HOUSE JOINT MEMORIAL NO. 1

A JOINT MEMORIAL

REQUESTING THE GRANTING TO THE STATE OF THE SITE OF MARICOPA WELLS.

TO THE SECRETARY OF THE INTERIOR:

Your memorialist respectfully represents:

High among the factors which contribute to the development and enrichment of a country's culture is the interest shown and pride exhibited by its citizens in the perpetuation of worthy and significant traditions, both national and local. It is important that this interest and pride be kept alive.

There are many instances in which this aim may be effectively served by preservation of historical objects standing not only as visible markers indicating places where significant events transpired but also as mileposts along the path of progress.

Such an object, outstanding among symbols of Arizona's distant past, is old Maricopa Wells, the almost vanished ruins of which, on the south bank of Santa Cruz wash, lie hidden among the mesquite trees and underbrush of the Salt River Indian Reservation, off of any line of travel, forgotten by all but a few.

Years before Arizona was a Territory in its own name, when its Apache-infested stretches lying south of the Gila were only a dangerous area to be crossed to reach the Pacific coast, Maricopa Wells was an important station on the Butterfield overland stage line; in 1864 the site of the first pre-emption claim to public lands of the United States within the new Territory of Arizona; thereafter the center from which radiated roads and trails to all points of the territory, and of a customs house, the junction point to the north of the first military telegraph line, site of a military telegraph office, and by the time of the establishment of the settlements in Salt River valley the largest stage station, Indian trading post, and distribution center on the overland road between Arizona City (Yuma) and Tucson. With its wells of sweet water, to which all roads led, from the east, the west and the north, it played a large part in Arizona's development.

Preservation of the ruins remaining to mark this historic place; the restoration of certain of its salient features, and the construction of roads that will enable the citizens of Arizona and the guests who become interested in the state's traditions and history to visit the same, constitute a cultural and educational Arizona project which will awaken enthusiasm throughout the State.

Wherefore your memorialist, the Legislature of the State of Arizona, urgently requests:

1. That an area, not less than ten acres in extent, embracing the site of Maricopa Wells, be excluded from the Salt River Indian Reservation by executive order and restored to the public domain,

and that by Act of Congress such area be granted to the State of Arizona, for the purposes stated.

2. That the Secretary of the Interior recommend the actions suggested to the President and the Congress respectively.

Passed the House February 17, 1945, by the following vote: 50 Ayes, 0 Nays, 0 Absent, 8 Excused.

Passed the Senate February 19, 1945, by the following vote: 19 Ayes, 0 Nays, 0 Not voting.

Approved by the Governor—February 20, 1945.

Filed in the Office of the Secretary of State—February 20, 1945.

HOUSE JOINT MEMORIAL NO. 2

A JOINT MEMORIAL

REQUESTING THE CONGRESS TO ENACT LEGISLATION TO COMPENSATE THE STATE FOR THE LOSS OF TAXES ON PUBLIC LANDS.

TO THE CONGRESS OF THE UNITED STATES:

Your memorialist respectfully represents:

More than seventy per cent of the area of the state of Arizona is owned and, through its several agencies, controlled by the United States.

From this huge area the state and its political subdivisions receives no revenue in the form of taxes on the land, and from much of it no revenue either direct or indirect.

On the other hand this public land involves great and unavoidable expense to the state, and its political subdivisions and to the taxpayers thereof, for the administration of police protection, the construction and maintenance of highways and bridges, and otherwise.

Wherefore your memorialist, the Legislature of the state of Arizona, requests:

1. That the Congress enact legislation authorizing the payment, by the government of the United States, of taxes on such land, or compensation in lieu thereof, to the state of Arizona and its political subdivisions.

Passed the House February 21, 1945, by the following vote: 51 Ayes, 0 Nays, 0 Absent, 7 Excused.

Passed the Senate March ...., 1945, by the following vote: 18 Ayes, 0 Nays, 1 Not voting.

Approved by the Governor—March 6, 1945.

Filed in the Office of the Secretary of State—March 6, 1945.

HOUSE JOINT MEMORIAL NO. 3

A MEMORIAL

REQUESTING THE ESTABLISHMENT OF ADDITIONAL HOSPITAL BEDS FOR WAR VETERANS IN ARIZONA.

TO THE FEDERAL BOARD OF HOSPITALIZATION:

Your memorialist respectfully represents:

That approximately one thousand beds in Arizona ordinarily served adequately for the hospitalization needs of veterans of World War I, of whom approximately twelve thousand entered World War I service from Arizona, and

That approximately sixty thousand persons has entered World War II service from Arizona, or five times as many as entered World War I service from this State,
Wherefore, your memorialist, the House of Representatives, the

Senate concurring, requests

That the Federal Board of Hospitalization provide for the construction, or acquisition by other means of five thousand additional hospital beds in Arizona.

Passed the House February 27, 1945 by the following vote: 53 Ayes, 0 Nays, 0 Absent, 5 Excused.

Passed the Senate March 10, 1945 by the following vote: 19 Ayes, 0 Nays, 0 Not voting.

Approved by the Governor—March 12, 1945.

Filed in the Office of the Secretary of State—March 12, 1945.

HOUSE JOINT MEMORIAL NO. 4

A JOINT MEMORIAL

REQUESTING THE CONGRESS TO ENACT LEGISLATION TO PROHIBIT OR RESTRICT THE IMPORTATION OF SCRAP METAL.

TO THE CONGRESS OF THE UNITED STATES:

Your memorialist respectfully represents:

When the first world war came to an end the battlefields of France and Belgium were covered with huge quantities of scrap iron, steel, copper, lead and zinc—the remains of implements of war, of lethal missiles with which devastation had been wrought, and the wrecks of all manner of conveyances for the transportation of men and supplies.

The ravaged nations lay prostrate, their people impoverished, homeless, and hungry.

The United States, which had contributed materially to the winning of the war, without hesitation assumed the task of succoring the helpless peoples of the war torn lands. Thousands of shiploads of food and other necessary supplies were dispatched to Europe, and the people of this country are justly proud of their nation's humanitarian achievement.

One phase of the episode, however, was attended with unfortunate results. The presence in Europe's ports of the mercy ships, the vast quantities of scrap metals and wrecked vehicles littering the battlefields, and the cheap labor in unlimited quantities afforded by impoverished populations, presented an opportunity not to be ignored. The ships returned to the United States with cargoes of scrap metals, procured easily and cheaply, in such great quantities as to throw out of adjustment this nation's raw metal industries, and materially to affect its own unemployment problem.

In the light of this experience the merest prudence suggests the wisdom of early steps to prevent a repetition on a many times multiplied scale.

The war now being waged has long since dwarfed the first world war. Against the time when victory will perch on the allied banners the total of expended war implements and materials containing essential metals will mount to fantastic heights. Daily announcements of the dropping of thousands of tons of bombs in a single area and the destruction of thousands of tanks, trucks, motor vehicles, locomotives, cars, and planes on and over the far-flung battlefields of both eastern and western Europe afford indisputable if bewildering evidence.

There is every reason to assume that the conditions which will confront the countries directly concerned will not differ, except for their accentuation, after the conclusion of this war, from those which were confronted before. The ships of this great nation in an endless stream will carry sustenance to the impoverished countries of Europe. War-expended scrap metal will be there in limitless quantities, to be had almost for the taking. The mistake should not again be made of importing it to this country to the detriment of this country's economy, and with little if any benefit to the people of the countries in which it lies.

Wherefore your memorialist, the Legislature of the State of Arizona, urgently requests:

1. That the Congress give early and careful consideration to the subject presented.

2. That the importation of critical scrap metals to the United States be prohibited, except by and for the use of the United States Government, and that, following the war emergency, no such importation be permitted unless for stockpiling purposes.

Passed the Senate March 1, 1945 by the following vote: 19 Ayes, 0 Nays, 0 Not voting;

Passed the House February 28, 1945 by the following vote: 54 Ayes, 2 Nays, 0 Absent, 2 Excused.

Approved by the Governor;March 2, 1945.

Filed in the office of the Secretary of State—March 2, 1945.

HOUSE JOINT MEMORIAL NO. 5

A JOINT MEMORIAL

REQUESTING THAT THE UNALLOTTED PORTION OF THE COLORADO RIVER INDIAN RESERVATION AND IMPROVEMENTS THEREON BE RESERVED AND SET ASIDE FOR THE BENEFIT OF WAR VETERANS.

TO THE CONGRESS AND THE SECRETARY OF THE INTERIOR OF THE UNITED STATES:

Your memorialist respectfully represents:

In excess of 60,000 citizens and residents of Arizona have entered the armed forces of the United States during the present world war.

When the war is over these and thousands of veterans who entered the service from other states will make their homes in Arizona. Many of the latter, seeking rehabilitation and recuperation from the war's effects upon their health will be attracted by this state's salubrious and invigorating climate.

Thus Arizona, to a greater degree than most states, will share with the government of the United States the tremendous responsibility of promoting by all practical means the physical and economic rehabilitation of these men who counted not the cost.

One of the most effective means of discharging this responsibility, with respect to veterans qualified by experience and inclination, will be to provide homes on the land, under conditions favorable for profitable farming.

On the Colorado River, in northern Yuma county, is the Colorado River Indian Reservation, containing approximately 100,000 acres of fertile farm land susceptible of irrigation. Allocation has

been made of 8,330 acres of this land to 833 Indians, representing the entire Indian population of the reservation. Any further allocation would involve the bringing of Indians from other reservations, against the well known disinclination of Indians to leave the homes to which they have been attached all of their lives.

The United States government has expended in the development of the Colorado River Indian Reservation some six and a half million dollars and a water supply adequate for the entire area is available. In addition the approximate sum of nine million dollars has been expended in buildings and equipment for the three Japanese relocation centers of Poston No. 1, Poston No. 2 and Poston No. 3, which plants, with the conclusion of the war or earlier, will not be required for the purpose to which they are now being put.

Wherefore your memorialist, the Legislature of the State of Arizona, respectfully urges:

1. That no further allotments be made of lands of the Colorado River Indian Reservation and that no Indians be transferred thereto from other reservations.

2. That immediate steps be taken to prevent the sale or disposal, by the War Relocation Administration, of the property, equipment and material of the Poston war relocation centers, and to insure the protection of the government's investments in the area.

3. That the available lands of the reservation and improvements thereon be set aside and reserved for farming and other uses by qualified veterans, on such equitable terms as may be determined by the appropriate governmental agency.

4. That the Veterans' Administration be given authority to immediately prepare plans for carrying out the objectives outlined herein.

Passed the House March 2, 1945, by the following vote: 53 Ayes, 0 Nays, 0 Absent, 5 Excused.

Passed the Senate March 3, 1945, by the following vote: 19 Ayes, 0 Nays, 0 Not voting.

Approved by the Governor—March 5, 1945.

Filed in the Office of the Secretary of State—March 5, 1945.

SENATE MEMORIAL NO. 1

A MEMORIAL

REQUESTING CONTINUATION OF THE PREMIUM PRICE PLAN FOR COPPER, LEAD AND ZINC.

TO THE CONGRESS OF THE UNITED STATES AND THE WAR PRODUCTION BOARD:

Your memorialist respectfully represents:

In the interest of the prosecution of the war, the Congress enacted and the War Production Board carried into effect what is known as the premium price plan for copper, lead and zinc.

The premium price plan was designed, not to afford a profit to producers, but to bring out more of these essential metals than the low ceiling prices could provide—to encourage overquota production involving careful planning, capital investment and increased production costs which can only be liquidated over a long period.

Hundreds of producers, large and small, have done and are doing their part to carry out the program.

Announcement has been made that the premium price plan will be closed as of July 31, 1945, and as to certain classes of premiums prior to that date, on thirty days notice.

This action, if carried out, will work a very great and unjustified hardship upon a large number of producers, and especially small mine operators, who have made investments and incurred obligations in compliance with the government's wishes, which have by no means been liquidated, and which were assumed and undertaken with the understanding that the duration of premium prices was guaranteed until the national emergency ends.

Wherefore your memorialist, the Senate of the State of Arizona, urgently requests:

1. That the premium price plan for copper, lead and zinc, including all classes of premiums, be continued to June 30, 1946, and that no provision be made for the cancellation of any class of premiums during the intervening period except in cases necessitating individual operating corrections.

2. That the Congress appropriate sufficient funds for carrying out the existing plan until such date.

Adopted by the Senate February 5, 1945 by the following vote: 18 Ayes, 0 Nays, 1 Not voting.

Approved by the Governor—February 7, 1945.

Filed in the Office of the Secretary of State—February 7, 1945.

SENATE MEMORIAL NO. 2

A MEMORIAL

PRAYING FOR THE RELIEF OF CERTAIN PROPERTY OWNERS OF SANTA CRUZ COUNTY.

TO THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES:

Your memorialist respectfully represents:

Through the establishment by the United States in 1898 of a sixty-foot neutral strip of territory along the boundary between the United States and Mexico, the rights of persons owning property within said area were involved. Particularly were the rights of property owners within that portion of said neutral strip where the same passed through the territory now known as Santa Cruz county, Arizona, affected, inasmuch as the said strip at such location constituted a part of the city of Nogales, and later became what is now known as International street in the said city of Nogales.

In the course of a determination of the rights of parties owning property within the said area, the court of claims of the United States on April 15, 1912, found that the following named persons were entitled to compensation in the amounts set forth respectively, for the taking of their property within said neutral strip as it passed through Santa Cruz county: John T. Brickwood, $3,750.00; Edward Gaynor, $4,250.00; Theodore Gebler, $1,200.00; Lee W. Mix, $1,450.00; Arthur S. Peck, $2,350.00; Thomas S. Casanega, $500.00; Joseph D. Lusignan, $3,250.00; Joseph P. Berger, $1,800.00.

Despite the fact that said court found said persons entitled to compensation in the amounts above set forth, they have never been compensated for the loss of their property in accordance with the findings of the court, or at all, a failure which appears to constitute a clear violation of the provision of the Constitution of the United States that private property may not be taken for public use without compensating the owner therefor.

Wherefore your memorialist, the Senate of the State of Arizona, urgently requests:

1. That the Congress of the United States enact the necessary legislation to pay the persons above named the amounts awarded to them by the United States court of claims as compensation for the land taken by the United States in the establishment of said neutral strip along the boundary between the United States and Mexico.

Adopted by the Senate by the following vote; February 22, 1945: Unanimous.

Approved by the Governor—February 28, 1945.

Filed in the office of the Secretary of State—February 28, 1945.

SENATE CONCURRENT MEMORIAL NO. 1

A CONCURRENT MEMORIAL

REQUESTING THE ESTABLISHMENT OF A NATIONAL CEMETERY IN ARIZONA.

TO THE SECRETARY OF WAR:

Your memorialist respectfully represents:

The state of Arizona, due to climatic conditions highly beneficial to persons afflicted with certain diseases, has attracted to its borders many war veterans.

Due to this migration into the state, from all parts of the Union, of veterans desirous of receiving the benefits of these favorable conditions, the veteran population is greater, proportionately, than in almost any other state.

For the same reason that the veteran population is high the mortality rate is also high. It has been estimated that prior to the outbreak of the present war the number of deaths of veterans in Arizona, within fourteen years, had numbered about four thousand, since which time the number has greatly increased, and will increase much more rapidly as the result of the casualty rate of World War II. A large percentage of such veterans will require burial in a national cemetery.

These facts show that a national cemetery is needed in Arizona at the present time, and that it will become more and more a necessity.

Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, requests:

1. That the Secretary of War cause a survey to be made of feasible sites for a national cemetery in the state of Arizona, for the purpose of ascertaining the most desirable location therefor.

2. That the results of such investigation be conveyed to the governor of Arizona, and that steps be taken looking to the establishment of such national cemetery.

Adopted by the Senate January 23, 1945 by the following vote: Ayes—18, Nays—0, Not voting—1.

Adopted by the House February 8, 1945 by the following vote: Ayes—56, Nays—0, Absent—0, Excused—2.

Filed in the office of the Secretary of State—February 9, 1945.

SENATE CONCURRENT MEMORIAL NO. 3

A CONCURRENT MEMORIAL

REQUESTING THE CONGRESS TO PASS S. 114, TO PAY FOR

LANDS OF THE SAN CARLOS STRIP CEDED BY THE APACHE INDIANS.

TO THE CONGRESS OF THE UNITED STATES OF AMERICA:

Your memorialist respectfully represents:

There is pending in the Congress a bill (S. 114) to authorize payment to the San Carlos Apache Indians for the lands ceded by them in the agreement of February 25, 1896, ratified by the Act of June 10, 1896 (29 Stat. 358), reopening the lands to mineral entry, and making them a part of the public domain.

The bill in question is designed to rectify errors made by governmental agencies in permitting citizens to homestead lands in the so called San Carlos strip and in issuing patents to the state of Arizona and leases to other persons for lands therein, whereas, under the agreement above referred to, the land should have been opened to mineral entry only.

The proposed bill appears to provide the only equitable method of preserving the rights of all parties concerned, and all parties concerned favor passage of the measure. It is unjust that citizens who have expended much time and money in developing lands in the San Carlos strip should be ousted therefrom, when the fault lies not with the citizens but with governmental agencies. It is likewise unjust that the lands be used without compensating the San Carlos Apache Indians therefor, and it appears that, if other settlement be not soon made, the Indians and the Indian Service will demand complete restoration of the lands involved.

It is fitting, also, to call attention to the fact that the longer action is postponed the more complicated the condition becomes. The situation should not be aggravated by continued delay.

Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

1. That the Congress of the United States speedily enact S. 114, authorizing payment to the San Carlos Apache Indians for lands ceded by them, and reopening those lands to mineral entry, in order to settle for all time the confusing and conflicting claims to the lands, and to do justice to all parties.

Adopted by the Senate, February 24, 1945, by the following vote: 17 Ayes, 0 Nays, 2 Not Voting.

Adopted by the House, February 28, 1945, by the following vote: 55 Ayes, 0 Nays, O Absent, 3 Excused.

Filed in the office of the Secretary of State—March 1, 1945.

SENATE JOINT MEMORIAL NO. 2

A JOINT MEMORIAL

REQUESTING THE SENATE OF THE UNITED STATES TO

RATIFY THE TREATY WITH MEXICO RELATING TO THE WATERS OF THE COLORADO, RIO GRANDE AND TIA JUANA RIVERS.

TO THE SENATE OF THE UNITED STATES:

Your memorialist represents:

That it is the belief of this body that the pending treaty between the United States and Mexico, respecting the waters of the Colorado, Rio Grande and Tia Juana rivers, signed at Washington, D. C., February 3, 1944, as clarified by the protocol signed November 14, 1944, will, as it pertains to the waters of the Colorado river, prove very beneficial to the United States and to the State of Arizona.

Wherefore your memorialist, the Legislature of the State of Arizona, requests:

1. That your honorable body ratify the proposed treaty, at the earliest possible date.

Adopted by the Senate—January 11, 1945.

Adopted by the House—January 12, 1945.

Approved by the Governor—January 15, 1945.

Filed in the office of the Secretary of State—January 15, 1945.

SENATE JOINT MEMORIAL NO. 3

A JOINT MEMORIAL

REQUESTING CONGRESS TO PASS THE McCARRAN-SUMNERS BILL.

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES CONGRESS:

Your memorialist respectfully represents:

In view of the numerous regulatory and administrative agencies, possessing quasi-judicial functions, which have in recent years been added to the administrative branch of the federal government, and because of the many rights of citizens affected by the regulations and decisions of these agencies, it is deemed of the highest importance that legislation be enacted prescribing fair and impartial procedure by which these agencies shall be governed in the discharge of their functions, and providing for adequate judicial review of their rulings.

Such legislation is proposed in the McCarren-Sumners bill (S. 7, H. R. 1203), pending before the Congress.

Wherefore your memorialist, the Legislature of the State of Arizona, requests:

1. That the Congress enact the McCarran-Sumners bill.

Adopted by the Senate January 19, 1945 by the following vote: 15 Ayes, 0 Nays, 4 Not voting.

Adopted by the House January 31, 1945 by the following vote: 55 Ayes, 0 Nays, 0 Absent, 3 Excused.

Approved by the Governor—February 3, 1945.

Filed in the Office of the Secretary of State—February 3, 1945.

SENATE JOINT MEMORIAL NO. 5

A JOINT MEMORIAL

URGING EFFORTS IN BEHALF OF NATIONAL AND INTERNATIONAL AGREEMENTS GUARANTEEING FREEDOM OF ACCESS TO AND TRANSPORTATION OF NEWS.

TO THE CONGRESS AND THE SECRETARY OF STATE OF THE UNITED STATES:

Your memorialist respectfully represents:

Freedom of speech and of the press, as guaranteed by the Constitution of the United States, is essential to the proper functioning of democracy, for only when men are free to report the facts of happenings of public import, and to communicate and publish them, can the people have knowledge by which the majority can exercise its will.

Freedom of speech and press is the strongest guarantee of peace in the world, for normal men become killers only under the influence of mass emotion, and the most powerful implement of dictators and rulers who seek to drive their peoples to war is control and distortion of the flow of news. Such control, whether it be direct or indirect, gravely imperils the prospect of peace and human progress, for national prejudices, once aroused, are easily inflamed. People who are made slaves to such passions like to have them confirmed in what they hear and read.

It is a basic democratic principle that the truth will prevail if it is not stifled at the source or before it can be reported to the public. If men are free to get the news of happenings of public import at the source, to transmit it and publish it, truthful men will ever be present to report the truth, and distorted and dishonest reports, spread for ulterior purposes, will be discredited. Thus will war-making schemes of dictators or dictatorial groups be frustrated.

Wherefore your memorialist, the Legislature of the State of Arizona, urges:

1. That the Congress, the Secretary of State of the United States, and all representatives of the United States and official organizations having to do with foreign affairs and with any future peace settlements of this war, endeavor to have incorporated in national and international agreements proper provisions for freedom to report and publish news, and to seek the agreement of all nation that there shall be:

1a. Freedom of access to news at its sources on equal terms to all properly accredited reporters and correspondents, both native and foreign.

1b. Freedom of transmission of news on equal terms to all at reasonable rates and with reasonable promptness.

1c. Freedom of publication of both domestic and foreign news subject only to fair laws against libel and unjustified damage.

Adopted by the Senate February 6, 1945, by the following vote: 19 Ayes, 0 Nays, 0 Not voting.

Adopted by the House February 17, 1945, by the following vote: 51 Ayes, 0 Nays, 0 Absent, 7 Excused.

Approved by the Governor—February 20, 1945.

Filed in the Office of the Secretary of State—February 20, 1945.

RESOLUTIONS

HOUSE RESOLUTION NO. 18

A RESOLUTION

COMMENDING THE UNITED STATES RECLAMATION BUREAU FOR INCLUDING IN ITS COLORADO RIVER PROGRAM TWO GIGANTIC DAMS ABOVE THE GRAND CANYON AND TUNNELS THEREFROM TO DIVERT COLORADO RIVER WATER BY GRAVITY FLOW INTO CENTRAL ARIZONA.

WHEREAS, press dispatches February 13, 1945, stated that the United States Reclamation Bureau has included in its Colorado River program two gigantic dams to be built above Grand Canyon, one dam to be at Bridge Canyon Dam site, together with the longest tunnels in the world, which will divert waters by gravity into central and all Arizona to relieve existing water shortages, irrigate new lands, and generate power; and

WHEREAS, Arizona's rapid growth has drawn so heavily on her surface and underground water on the tributaries that serious water shortage is endangering the already developed reclamation projects throughout the state, which shortage fundamentally can be relieved only through early construction of such above dams and tunnels to bring waters from the Colorado River into Arizona.

Now therefore be it resolved by the House of Representatives of the Legislature of the State of Arizona:

1. That this house commends the Bureau of Reclamation for including the above great Arizona Colorado River projects in its program.

2. That the house requests the bureau to aid in the earliest possible construction of these projects, and all state agencies to cooperate therein.

3. That copies of this resolution be sent to the President, the Secretary of the Interior, Secretary of State, United States Reclamation Bureau, and to the Governor, Attorney-general, Colorado River Commission, and State Land and Water Commissioner of Arizona.

Filed in the office of the Secretary of State—March 5, 1945.

H. C. R. NO. 5

A CONCURRENT RESOLUTION

ON THE DEATH OF HON. ANTHONY ARTHUR JOHNS.

WHEREAS, on May 24, 1944, death overtook Anthony Arthur (Tony) Johns, at his home in Prescott. He was seventy-nine years of age.

"Tony" Johns, as he was universally known, was a native of

Cornwall, England, but sixty-two years of his life were spent in Arizona, and upon this state he left the impress of his vigorous and forceful personality.

As an enthusiastic advocate of civic betterment he was no less known then he was as a miner, road builder, cattleman, and wool-grower. As a public servant he was equally distinguished, having held in turn the offices of undersheriff of Yavapai county, chief of the Prescott fire department, superintendent of the Northern Arizona Fair, member of the state highway commission, and member of the University board of regents.

Perhaps the chief public distinction attained by the deceased was as a member from Yavapai county of the House of Representatives of the Second, Third and Thirteenth, and the Senate of the Fourth State Legislatures. In each of these bodies he was honored by being elected presiding officer—as Speaker of the House of the Third and President of the Senate of the Fourth. In both of these stations he won a reputation for ability and impartiality. Therefore

BE IT RESOLVED by the House of Representatives of the State of Arizona, the Senate concurring:

1. The passing of Anthony Arthur (Tony) Johns from this life is deeply mourned, while consolation is gleaned from the circumstance that his works will long endure as a symbol of the life of a loyal, devoted citizen.

2. The sympathy of the people of Arizona, through their legislative representatives, is extended to the bereaved relatives.

Passed the House—January 16, 1945.

Passed the Senate—January 17, 1945.

Approved by the Governor—January 20, 1945.

Filed in the Office of the Secretary of State—January 22, 1945.

HOUSE JOINT RESOLUTION NO. 1

A JOINT RESOLUTION

ON THE DEATH OF JUDGE HENRY D. ROSS.

WHEREAS, at 5:30 a. m., Friday, the ninth day of February, 1945, the name of Henry Davis Ross was called by Him whose summons comes alike to the exalted and the humblest of the land. Judge Ross passed away at his home in Phoenix, after an illness of a week, at the age of eighty-three years.

The death of this eminent jurist marks the departure of one of Arizona's most distinguished and most highly revered citizens

—the removal of a veritable landmark. From the time of his arrival in Arizona in 1885 at the then frontier town of Flagstaff, in what was Yavapai county, Henry Davis Ross was marked for a career of service to his fellow men. As a teacher, as District Attorney of Yavapai county, first District Attorney of the new county of Coconino, Register of the United States Land Office at Prescott, and again District Attorney of Yavapai county, he so established himself in the hearts of the people, as a man and as a legal authority that when Arizona became a State he was chosen as one of the first three Justices of the Supreme Court, which high post he held through thirty-three years, and when the Judge of All called him to a higher office he was serving his sixth term as Chief Justice.

As distinguished from his other services, and while a resident of Flagstaff, Judge Ross was elected to the Seventeenth Territorial Legislature (1893-4), thus becoming Coconino county's first member of the House of Representatives, in which capacity he was fittingly chosen as the chairman of the Committee on Judiciary. He was a leading and influential member of the legislative body.

Throughout his long residence in Arizona Judge Ross enjoyed the esteem of all citizens as a man of the highest ideals and the most exalted motives, as well as the possessor of attainments and capacity of a high order. Kindly, genial, courteous, considerate, and with a fund of never failing humor, he was loved by all. All of these qualities contributed to his becoming a fixture in the State's highest judicial office, with which distinguished body he served until death, and a fixture in the hearts of the people.

THEREFORE, BE IT RESOLVED by the Legislature of the State of Arizona:

1. The passing of Judge Henry Davis Ross is widely and deeply mourned, not only by the members of this body, but in households throughout the State.

2. To the surviving widow, and to the sons, brother and other bereaved relatives the most sincere condolences are extended.

Approved by the Governor—February 16, 1945.

Filed in the Office of the Secretary of State—February 17, 1945.

SENATE CONCURRENT RESOLUTION NO. 1

A CONCURRENT RESOLUTION

ON THE DEATH OF HON. JAMES E. BABBITT.

WHEREAS, on November 12, 1944, while on a hunting expedition in the snowbound mountain fastnesses of the Fossil Creek country of southwestern Coconino county, death from exposure came tragically to James Edward Babbitt, aged forty-two years.

This dire event snuffed the earthly flame of one of Arizona's

foremost citizens—civic leader, business man, lawyer, statesman. Scion of one of the oldest, most prominent, and most constructive of Northern Arizona's pioneer families, James Edward Babbitt, although still a young man, had in his own right attained a proud station on the State's ladder of fame. Deeply interested in all matters of social, economic or public concern, he was prominent in humanitarian, fraternal, religious, patriotic, political and civic activities. No citizen was held in higher or more general esteem by all classes and creeds of the citizenry.

In 1933 Mr. Babbitt entered the public service as a member of the House of Representatives of the Eleventh Legislature. After serving two terms in the House, he was elected to the Senate of the Thirteenth, and thereafter served continuously in that body, to which he was again re-elected, five days before his death, by the largest vote recorded for any candidate for office in his county.

In his legislative service he was outstanding. Well informed, thorough, and withal conscientious, just and courageous in his consideration of legislative questions, his contribution to the vital law-making function of the state government was most conspicuous. As the head for three successive terms of the important Committee on Appropriations he made a record, both for continuity and merit, rarely equalled. Therefore

BE IT RESOLVED by the Senate of the State of Arizona, the House of Representatives concurring:

1. The passing of Senator James Edward Babbitt creates a void in the legislative body which will be most difficult to fill, and in the mind of every member a sense of irreparable loss.

2. In the name of the people of Arizona, whom it was his proud pleasure to faithfully serve, the deepest sorrow is expressed, and the utmost of sympathy extended to the bereaved wife, children, father, brother, and numerous relatives.

Adopted by the House—January 11, 1945.

Adopted by the Senate—January 11, 1945.

Filed in the Office of the Secretary of State—January 12, 1945.

SENATE CONCURRENT RESOLUTION NO. 6

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA RELATING TO THE EXECUTIVE DEPARTMENT.

BE IT RESOLVED by the Senate of the State of Arizona, the House of Representatives concurring:

1. The following amendment to section 1, article V, Constitution of Arizona, is proposed, to become valid as a part of the

Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation of the governor:

Section 1. The Executive Department of the State shall consist of Governor, Secretary of State, State Auditor, State Treasurer, Attorney-General, and Superintendent of Public Instruction, each of whom shall hold his office for four years beginning on the first Monday of January next after his election.

The persons respectively having the highest number of votes cast for the office voted for shall be elected, but if two or more persons shall have an equal and the highest number of votes for any one of said offices, the two Houses of the Legislature at its next regular session shall elect forthwith, by joint ballot, one of such persons for said office.

The officers of the Executive Department during their terms of office shall reside at the seat of government, where they shall keep their offices and the public records, books and papers. They shall perform such duties as are prescribed by this Constitution and as may be provided by law.

2. The proposed amendment (approved by a majority of the members elected to each house of the legislature, and entered upon the respective journals thereof, together with the ayes and nays thereon) shall be by the secretary of state submitted to the qualified electors at the next regular general election (or at a special election called for that purpose), as provided by article XXI, Constitution of Arizona.

Adopted by the Senate—February 5, 1945.

Adopted by the House of Representatives—February 20, 1945.

Filed in the Office of the Secretary of State—February 21, 1945.

SENATE CONCURRENT RESOLUTION NO. 7

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA RELATING TO COUNTY OFFICERS.

BE IT RESOLVED by the Senate of the State of Arizona, the House of Representatives concurring:

1. The following amendment to section 3, article XII, Constitution of Arizona, is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation of the governor:

Section 3. There shall be, in each county of the State: a Sheriff, a County Attorney, a Recorder, a Treasurer, an Assessor, a Superintendent of Schools, and three

Supervisors, each of whom shall hold his office for a term of four years, beginning on the first Monday in January next after his election. The Supervisors shall be nominated and elected from districts.

2. The proposed amendment (approved by a majority of the members elected to each house of the legislature, and entered upon the respective journals thereof, together with the ayes and nays thereon) shall be by the secretary of state submitted to the qualified electors at the next regular general election (or at a special election called for that purpose), as provided by article XXI, Constitution of Arizona.

Adopted by the Senate—February 7, 1945.

Adopted by the House—February 20, 1945.

Filed in the office of the Secretary of State—February 21, 1945.

SENATE CONCURRENT RESOLUTION NO. 8

A CONCURRENT RESOLUTION

ON THE DEATH OF HON. CHARLES C. GREEN.

WHEREAS, on December 1, 1944, Charles C. Green passed away at his home in Tempe, aged seventy-six years.

Mr. Green was a pioneer whose residence in Arizona dated from 1886. During most of his life in this State he was a farmer in the Phoenix, Mesa and Buckeye areas, and was prominent in the movement to irrigate the Buckeye valley. During all of this time he was deeply interested in public affairs, and exerted his best efforts to the advancement of the state.

In 1917-18 Mr. Green was a representative of Maricopa county in the House of Representatives of the Third Legislature, and in the Fourth Legislature served the people of his county in the Senate. Throughout his legislative career he was known as a sincere, conscientious, prudent lawmaker. Therefore

BE IT RESOLVED by the Senate of the State of Arizona, the House of Representatives concurring:

1. The departure from this life of Hon. Charles C. Green is deeply regretted by the members of this body, whose sympathy is extended to the surviving children and grandchildren.

Adopted by the Senate—January 17, 1945.

Adopted by the House—January 17, 1945.

Filed in the Office of the Secretary of State—January 18, 1945.

SENATE JOINT RESOLUTION NO. 2

A JOINT RESOLUTION

PLEDGING THE SUPPORT OF THE MEMBERS OF THE SEVENTEENTH ARIZONA LEGISLATURE TO THE RECRUITMENT OF AN ARIZONA PLATOON OF MEDICAL TECHNICIANS TO SERVE WITH THE WOMEN'S ARMY CORPS AT ARMY GENERAL HOSPITALS FOR THE CARE OF OUR WOUNDED SOLDIERS.

Thirty thousand wounded men are being returned from overseas to Army general hospitals in this country each month.

Despite an intensive recruiting campaign, only two thousand additional registered nurses have enlisted in the Army during the past year, far too few.

At present each Army nurse in the United States is required to care for twenty-six hospital beds—almost twice as many as can be efficiently handled.

To cope with this situation, the War Department has announced that women between the ages of twenty and forty-nine without prior medical training or experience may enlist in the Women's Army Corps as an Arizona general hospital platoon and will receive training as medical technicians, following which they will be assigned to duty at any one of the five Army general hospitals within the Ninth Service Command, therefore

BE IT RESOLVED by the Legislature of the State of Arizona:

That the need for additional persons to care for our war-wounded is critically urgent and requires the immediate forthright, and favorable attention of the people of Arizona; that the established facilities and agencies of the government of Arizona be made available to assist in the recruitment of the Arizona platoon; and that the Governor of Arizona appoint appropriate personnel to aid in whatever manner possible in the carrying out of this resolution.

Adopted by the House March 10, 1945 by the following vote: 50 Ayes, 0 Nays, 0 Absent, 8 Excused.

Adopted by the Senate March 10, 1945 by the following vote: 18 Ayes, 0 Nays, 1 Not voting.

Approved by the Governor—March 10, 1945.

Filed in the Office of the Secretary of State—March 12, 1945.

INITIATIVE AND REFERENDUM MEASURES

NONE

BILLS VETOED BY THE GOVERNOR

EXECUTIVE OFFICE

STATE HOUSE

PHOENIX, ARIZONA

March
Twenty second
1945

Honorable Dan E. Garvey
Secretary of State
State House

My dear Mr. Secretary:

I hand you herewith House Bill No. 163 of the Seventeenth Legislature being "An Act to provide for, regulate and license racing in the state of Arizona; to establish an Arizona state racing commission; to provide for its powers and duties; to legalize and permit pari-mutuel wagering; to provide for collection of revenue therefrom; to provide for penalties; repealing article 16, sections 73-1601 through 73-1608, Arizona Code, 1939; and declaring an emergency" which I have this day disapproved.

This measure is designed to regulate and license horse and dog racing and pari-mutuel gambling. It creates a Racing Commission and takes control and supervision of racing from the State Tax Commission, an elective Commission directly responsible to the people, and places it under an appointive commission, which removes the control and supervision of racing from direct responsibility to the people. Arizona already has too many appointive boards and commissions. To create another, as this bill does, is but further enthronement of bureaucracy.

It sets up the qualifications of the members of the commission and requires that each member must be selected from certain occupations. It also provides that the commissioners shall be subject to Senate confirmation—another endeavor by the legislative branch of government to have a hand in administering the law which is legislative encroachment upon the powers of the executive department. It would seem that if it is to be the responsibility of the Governor to pick a commission that the selection thereof should be left to his judgment and not hedged about by legislative restrictions.

It sets up a general code governing racing in all its phases and also in certain districts increases the length of time race meets may be held. The rules and regulations set up in the bill governing and supervising horse and dog racing and wagering thereon can be placed in force just as effectively by the Tax Commission under the present law.

The Tax Commission, under the present law, is given authority to issue permits for races. In issuing such permits the very rules and regulations set up in this bill can be made a part of that permit and have the same force and effect as they would have by the enactment of this bill.

Under the circumstances as above stated it appears that the real

purpose of this bill is to take the supervision of racing from the Tax Commission and place it in an appointive commission. However, it does not entirely do that as there is a provision in the bill giving the Tax Commission supervision over the pari-mutuel activities and the general appropriation bill sets up an appropriation of $14,000.00 over a period of two years to finance this Tax Commission supervision although no appropriation is provided for the Commission proposed to be created. In this there is divided authority. The Tax Commission, although relieved of many of its present duties relative to the supervision of racing retains the supervision of the wagering activities thereof. This makes for divided responsibility which creates only confusion, evasion and inefficiency.

Of all governmental functions, it seems that the one above all others that should be under the supervision of elective officials directly responsible to the people, is racing. To remove this supervision from the State Tax Commission and place it under an appointive commission removes such supervision that much farther from direct responsibility to the people and this, in my best judgment, is contrary to sound public policy.

Gambling is gambling notwithstanding how it is dressed. I cannot agree that gambling in any form is conducive to the progress and development of the state or the happiness of its people.

For the above reasons I have this day disapproved House Bill No. 163.

Sincerely,

(Sgd) SIDNEY P. OSBORN,
Governor

SPO:E

HOUSE BILL NO. 163

AN ACT

TO PROVIDE FOR, REGULATE AND LICENSE RACING IN THE STATE OF ARIZONA; TO ESTABLISH AN ARIZONA STATE RACING COMMISSION; TO PROVIDE FOR ITS POWERS AND DUTIES; TO LEGALIZE AND PERMIT PARI-MUTUEL WAGERING; TO PROVIDE FOR COLLECTION OF REVENUE THEREFROM; TO PROVIDE FOR PENALTIES; REPEALING ARTICLE 16, SECTIONS 73-1601 THROUGH 73-1608, ARIZONA CODE, 1939; AND DECLARING AN EMERGENCY.

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

Section 1. CREATING AN ARIZONA STATE RACING COMMISSION. The Arizona state racing commission is hereby created, to consist of three members, to be ap-

pointed by the governor with the advice and consent of the senate, for a term of six years; provided, however, that the terms of the members first appointed shall be two, four and six years, respectively, and they shall be appointed within thirty days after this Act shall become effective.

Sec. 2. QUALIFICATIONS.

1. Each member shall have been a resident of the state of Arizona, a qualified elector and an owner of real property, for at least five years next preceding his appointment.

2. One member must be a breeder of registered thoroughbred horses; one member a breeder of registered quarter horses; and the other member a farmer.

3. Each member, before entering upon his duties, must take an official oath and file an official bond in the principal sum of five thousand dollars.

Sec. 3. DUTIES AND POWERS OF THE COMMISSION.

1. The commission shall have jurisdiction and supervision of all horse and dog races held or conducted in the state of Arizona on which there is wagering.

2. The commission shall have all powers necessary and proper to enable it to carry out, fully and effectually, the purposes of this Act, including the power to make such rules and regulations as may be necessary.

3. The members of the commission shall serve without compensation other than their necessary travel expenses, and may appoint a secretary and such other employees as may be necessary to carry out the provisions of this Act; the compensation of such secretary and other employees to be fixed, and the funds appropriated therefor, by the legislature in its general appropriations bill.

4. The secretary shall keep a full, true and correct record of all proceedings of the commission; preserve all books; documents and papers of the commission, and perform such other duties as the commission may prescribe.

5. The commission may summon witnesses and administer oaths whenever in the judgment of the commis-

sion it may be necessary. Any person failing to obey the summons of the commission, or refusing to testify, shall be guilty of a misdemeanor.

6. The commission may visit, investigate, and place expert accountants, and such other persons as it may deem necessary, in the offices, tracks or places of business of any permittee, for the purpose of satisfying itself that its rules and regulations are being complied with.

Sec. 4. APPLICATION FOR PERMIT. All applications for racing permits shall be made upon forms prescribed by the commission, and contain such information as the commission may require.

Sec. 5. GRANTING PERMITS AND LICENSES.

1. If the commission, after investigation, shall find that the reputation of the applicant, for honesty, integrity and fair dealing, is good, and that the plan submitted for such meeting is in conformity with the rules and regulations of the commission and the provisions of this Act, it shall grant the permit.

2. All permits shall be granted for a period of one year, and be nontransferable.

3. Such officials and persons connected with any racing meet as the commission, in its discretion, may deem proper, shall be licensed for a period of one year, and no permit or license shall be revoked without cause, after hearing.

4. The action of the commission shall be subject to reviewal by the superior court of the county within such permit or license was to be exercised.

Sec. 6. CLASSIFICATION OF RACING PERMITS.

1. For the purpose of this Act there are two kinds of horse race meetings which shall be recognized by this Act.

2. A "class A" meeting shall be one at which registered thoroughbred horses only compete over a course or track one-half mile in circumference or length or longer. A "class A" meeting shall be run under the rules of racing of the New York Jockey Club or other rules and regulations as the commission shall prescribe.

3. A "class B" meeting shall be one at which other

than registered thoroughbred horses may compete. A "class B" meeting shall be run under the rules of racing of the American Quarter Racing Association or such other rules and regulations as the commission may prescribe.

4. No horse shall take part in any race under this Act unless properly identified and registered with one or more of the following agencies: The Thoroughbred Horsemen's Association, The New York Jockey Club, The American Quarter Horse Association, or The American Quarter Racing Association, except as provided in the foregoing subsection 3.

5. This Act shall not apply to horse race meetings within the state conducted by any state, county or district fair, or in connection with any rodeo, when conducted for educational or publicity purposes only and when there shall be no wagering on the outcome of such races.

Sec. 7. RACING DAYS.

1. For the purpose of this section there are four classes of counties within the state of Arizona, as follows:

(a) Counties of the first class are those having a population of 100,000 or more according to the last United States government census;

(b) Counties of the second class are those having a population of 50,000 or more, but less than 100,000 according to the last United States government census;

(c) Counties of the third class are those having a population of 25,000 or more, but less than 50,000 according to the last United States government census;

(d) Counties of the fourth class are those having a population of less than 25,000 according to the last United States government census.

2. In each county of the first class the commission may allow not to exceed sixty days of horse racing per year. When application is made for both "class A" and "class B" permits, these days of racing shall be divided forty-five days for "class A" meetings and fifteen days for "class B" meetings. However, in the event that application is not made for the full number of days allowed in either classification, the additional days may be given to the other classification.

3. In each county of the second class the commission may allow not to exceed thirty days of horse racing per year. When application is made for both "class A" and "class B" permits, these days of racing shall be divided fifteen days for "class A" meetings and fifteen days for "class B" meetings. However, in the event that application is not made for the full number of days allowed in either classification, the additional days may be given to the other classification.

4. In counties of the third class the commission may allow not to exceed fifteen days of racing per year. Not to exceed eight days of "class A" racing may be permitted by the commission, but in the event that no application is made for a "class A" permit, then the whole fifteen days may be allowed for "class B" meetings.

5. In counties of the fourth class the commission may allow not to exceed fifteen days of horse racing each year, the entire fifteen days being allowed to "class B" meetings only.

6. (a) The commission may allow not to exceed forty-five days of dog racing, in the months of February to June, inclusive, of each year, and not to exceed forty-five days of dog racing, in the months of August to December, inclusive, of each year, as defined in section 6, page 3, for "class A" counties.

(b) The commission may allow not to exceed thirty days of dog racing in any calendar year in each county other than "class A".

7. For the purpose of this Act a meeting may consist of a number of consecutive days of racing or it may consist of one or more days of racing per week spread over a period of months. However, the application for permit must state the exact days on which racing will be held.

8. A race meeting in connection with a state fair, when it is operated by the state fair commission in such a manner that all profits derived from such meeting shall accrue to the state fair funds and not to any individual, corporation or association, shall not come under the limitation placed on days of racing in this section but may be issued a permit not to exceed twenty-one additional days of racing.

9. A race meeting in connection with any county or district fair, when operated by such county or district

fair commission in such a manner that all profits derived from such meeting accrue to the county or district and not to any individual, corporation, or association, shall not come under the limitation placed on days of racing in this section but may be issued a permit for not to exceed five additional days of racing in counties of the first and second class, and three additional days in counties of the third and fourth class.

10. The commission shall be the judge of whether or not a state, county or district fair is being operated in accordance with the provisions of this section. Any race meeting held in connection with a state, county or district fair, when the meeting is conducted by any individual, corporation or association other than the properly authorized state, county or district fair commission, shall come under the general provisions of this Act the same as if the horse race meeting were being conducted on a privately owned track, and shall come under the limitation of days of racing for the county where it is held as provided for in this section.

11. The commission may apportion the maximum number of racing days permitted in the respective counties equally to qualified racing associations therein where there are more than one qualified racing association therein.

12. In the event that, because of bad weather or other conditions not within the control of the permittee, racing is not held on any days granted to such permittee as racing days, the commission shall grant an application for additional days of racing to replace the days so lost.

Sec. 8. WAGERING.

1. The commission shall make rules and regulations governing and regulating the wagering on races under the system known as the pari-mutuel method of wagering, which shall be conducted only by the licensee and only by the pari-mutuel method and only within the enclosure and only on the dates for which racing has been authorized by the commission.

2. Each application for a permit to conduct a race meet shall be accompanied by a cash deposit to insure payment of fees, in such amount as the commission may require. Upon the termination of any meet such sum shall be returned to the applicant, after deduction of any fees or charges not theretofore paid by such applicant.

3. Each permittee shall receive nine per cent of the

gross amount of money handled in the pari-mutuel pool operated by the permittee during the period of the permit, plus the odd cents by which the amount payable on each dollar wagered exceeds a multiple of five cents.

4. The state of Arizona shall receive four per cent of all money handled in the pari-mutuel pool operated by the permittee during the period of the permit, such payments to be made daily during each race meet.

5. No fees shall be collected from any state, county or district fair for a race meet held in connection with such fair and operated in such a manner that all profits accrue to the state, county or district fair association, which profit shall not exceed thirteen per cent of the total amount of money handled in the pari-mutuel pool at such races.

6. The Arizona state tax commission is hereby charged with the duty of collecting the fees payable under any permit or license issued by the Arizona state racing commission, and of supervising the pari-mutuel departments of all tracks so authorized. It may recommend to the commission the removal of any employee of any pari-mutuel department or the revocation of the license of any employee or official if it has reason to believe such employee or official has been guilty of any dishonest practice in connection with horse racing or in the operation of the pari-mutuel department. Expenses incurred by the Arizona state tax commission in collecting fees and in supervising mutuel departments and in auditing the books of any permittee shall be paid out of money appropriated by the legislature in accordance with a budget submitted by the Arizona state tax commission. All revenue derived from permits and licenses as provided for in this Act shall be paid to the treasurer of the state of Arizona for inclusion in the general fund.

Sec. 9. PENALTIES.

1. At any race meeting conducted under the provisions of this Act, any person who shall influence or have any understanding or connivance with any owner, jockey, trainer, groom or other person associated with any stable or race in which any horse or dog participates, to predetermine the result of such race, or any person who gives or offers a bribe in any form to any official, owner, trainer, jockey or groom, or who accepts or solicits a bribe in any form, or any person who administers any drug, narcotic or hypnotic, to any horse or dog in order to attempt to affect the result of a horse or dog race by

stimulating or depressing a horse or dog for the purpose of increasing or retarding his speed, or any person who shall have in his possession or use any device, mechanical or electrical, other than the ordinary whip and spur, while riding in any horse race, or who commits any other corrupt or fraudulent practice in relation to racing which might affect the result of the race, shall be guilty of a felony and upon conviction thereof shall be punished by a fine of not more than five thousand dollars, or by imprisonment in the state prison for not less than one year nor more than ten years or by both such fine and imprisonment.

2. Any person violating a provision of this Act for which no other penalty is prescribed shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment for a period of not more than six months, or by both such fine and imprisonment.

Sec. 10. REPEAL OF EXISTING LAWS. Article 16, section 73-1601 through 73-1608 inclusive, Arizona Code of 1939, is hereby repealed. This section does not negative an implied repeal of any statute which conflicts with this Act.

Sec. 11. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Disapproved by the Governor—March 22, 1945.

Filed in the Office of the Secretary of State—March 22, 1945.

EXECUTIVE OFFICE

STATE HOUSE

PHOENIX, ARIZONA

March
Twenty second
1945

Hon. Dan E. Garvey
Secretary of State
Phoenix, Arizona.

My dear Mr. Secretary:

I hand you herewith Senate Bill No. 104, "An Act repealing

article 2, chapter 45, Arizona Code of 1939, relating to criminal identification; and declaring an emergency" which I have this day disapproved.

Senate Bill No. 104 directs that all of the records of the Department of Criminal Identification be transferred to the State Prison at Florence.

It is presumed that the purpose of this measure is to abolish this worthwhile and efficient agency of state government. This presumption is borne out by the fact that no appropriation for the conduct of the department is made in the general appropriation bill.

However, as Senate Bill No. 104 does not abolish the department but merely transfers the records to the State Prison and notwithstanding that no appropriation is made for the conduct of the department, it would follow, if approved, that the Chief of the Bureau and his assistant would receive their salaries notwithstanding.

Every law enforcement agency in Arizona, national, state, county and city, attest to the efficiency of the department and the splendid service it has and is rendering to all enforcement agencies.

To permit this bill to become law would be a hindrance to every law enforcement agency in Arizona. For such reason it is hereby disapproved.

Sincerely,

(Sgd) SIDNEY P. OSBORN,
Governor

SPO:E

SENATE BILL NO. 104

AN ACT

REPEALING ARTICLE 2, CHAPTER 45, ARIZONA CODE OF 1939, RELATING TO CRIMINAL IDENTIFICATION; AND DECLARING AN EMERGENCY.

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

Section 1. Article 2, chapter 45 of the Arizona Code of 1939, is hereby repealed.

Sec. 2. TRANSFER OF RECORDS. All the records of the department of criminal identification are hereby transferred to the state prison at Florence, Arizona.

Sec. 3. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act shall be-

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

Disapproved by the Governor—March 22, 1945.

Filed in the Office of the Secretary of State—March 22, 1945.

EXECUTIVE OFFICE

STATE HOUSE

PHOENIX, ARIZONA

March
Twenty second
1945

Hon. Dan E. Garvey
Secretary of State
Phoenix, Arizona.

My dear Mr. Secretary:

I hand you herewith House Bill No. 102 "An Act relating to the fiscal year of the State of Arizona and amending section 12-413 Arizona Code of 1939" which I have this day disapproved.

The evident purpose of this bill is to place the operation of all departments of state government on a fiscal year basis with the exception of the Corporation Commission which is specifically excepted. The Seventeenth Legislature enacted Senate Bill No. 54 "An Act relating to motor vehicle dealers, motor dealers and wreckers, and prescribing regulations with respect thereto; and repealing sections 66-216, 66-217 and 66-218, Arizona Code of 1939" and the same has been approved, which bill definitely stipulates that dealers' licenses issued by the Motor Vehicle Division of the Highway Department shall be on a calendar year basis.

House Bill No. 102 is a general statute whereas Senate Bill No. 54 is a special act relating particularly to regulation of motor vehicle dealers.

House Bill No. 102 has no repealing section. The general rule is that a special statute is not repealed by a general statute unless the intent of the repeal is manifest. These two acts, passed by the same legislature, are in direct conflict.

There are several other special statutes in conflict with the provisions of House Bill No. 102 which are not, under the general rule, repealed by this latter act. Therefore to permit House Bill No. 102 to become effective would make it difficult if not impossible for several divisions of state government, particularly the

Motor Vehicle division of the State Highway Department, to function.

The purposes which House Bill No. 102 seeks to achieve are excellent however the bill fails to achieve what it is designed to do. For these reasons House Bill No. 102 is disapproved.

Sincerely,

(Sgd) SIDNEY P. OSBORN,
Governor

SPO:E

HOUSE BILL NO. 102

AN ACT

RELATING TO THE FISCAL YEAR OF THE STATE OF ARIZONA AND AMENDING SECTION 12-413 ARIZONA CODE OF 1939.

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

Section 1. Sec. 12-413 Arizona Code of 1939 is amended to read:

12-413. FISCAL YEAR. The fiscal year of the state of Arizona and appropriations shall commence on the first day of July in each year, and it shall be the duty of each department, institution and agency of the state, under the direction and supervision of the state auditor, to set up, maintain and keep their accounts and records on the basis of each fiscal year, and not otherwise; and all licenses, permits, or other authorizations of whatsoever nature issued by the state or any of its departments or agencies for the conduct of any business or the practice of any professional pursuit shall be issued on the basis of each fiscal year, or the fractional part thereof. All annual and biennial reports of state officials required by law to be published, shall be prepared and published for the fiscal year as thus established. Provided; this act shall not apply to any franchise, permit or certificate issued under lawful authority by the corporation commission.

Disapproved by the Governor—March 22, 1945.

Filed in the Office of the Secretary of State—March 22, 1945.

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Memorials and Resolutions

of the

FIRST SPECIAL SESSION

of the

Sixteenth Legislature

of the

STATE OF ARIZONA

1944

First Special Session Convened February 15, 1944

First Special Session Adjourned Sine Die, February 24, 1944

Publication authorized

(Chapter 103, Subdivision 2, Laws of 1945)

Regular Session Seventeenth Legislature

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

AUTHENTICATION

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

THIS IS TO CERTIFY—That the Acts, Memorials and Resolutions published in this volume, are full, true and correct copies of the originals, passed at the First Special Session of the Sixteenth 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 Sixteenth Legislature of the State of Arizona was convened at the Capitol, in the City of Phoenix, February 15, 1944, and adjourned sine die on the 24th day of February, 1944.

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 June, 1945.

DAN E. GARVEY (Signature)

Secretary of State

STATE OF ARIZONA

EXECUTIVE DEPARTMENT

A PROCLAMATION

Calling a Special Session of the Sixteenth Legislature of the State of Arizona

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WHEREAS, the Constitution of the State of Arizona provides (Article IV, Section 3, part 2) that: "The Governor may call a special session (of the Legislature), whenever in his judgment it is advisable. In calling such special session, the Governor shall specify the subjects to be considered * * * "; and

WHEREAS, the Arizona Colorado River Commission and the Governor have negotiated a contract with the United States of America, acting through the Secretary of the Interior, for all waters of the Colorado River available for use in Arizona, which Contract was approved and signed by the Secretary of the Interior on February ninth, 1944; and

WHEREAS, the progress and development of our state is inextricably entwined with Arizona Colorado River development and the placing of waters from that stream on the fertile acres of our state; and

WHEREAS, the effectiveness of the Contract is dependent upon its approval by the Legislature and ratification by the Legislature of the Colorado River Compact signed at Santa Fe, New Mexico, on the twenty-fourth day of November, 1922, it is deemed of paramount importance that the Arizona Legislature be immediately convened in Special Session in order that the necessary steps may be taken to effectuate the Contract and ratify the Compact;

NOW, THEREFORE, I, Sidney P. Osborn, Governor of the State of Arizona, by virtue of the authority in me vested by the Constitution and in pursuance of my duty, do hereby call the Legislature to meet in Special Session at the Capitol in Phoenix on Tuesday, February fifteenth, 1944, at ten o'clock a. m. and specify the following subjects to be considered at such session:

1. Ratification and approval of the Contract between the United States of America, acting through the Secretary of the Interior, and the State of Arizona, acting through the Colorado River Commission and the Governor, signed by the Secretary of the Interior on the ninth day of February, 1944.

2. Ratification of the Colorado River Compact.

3. Enactment of legislation making an appropriation in such amount as the wisdom of the Legislature may direct for use by

the State of Arizona, working in conjunction with the United States Bureau of Reclamation, in planning the development of the Colorado River and the diversion of waters from such river upon Arizona lands.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Arizona to be affixed this Eleventh day of February in the year of Our Lord One Thousand Nine Hundred and Forty-four.

SIDNEY P. OSBORN
Governor

ATTEST:

Dan E. Garvey
Secretary of State

ORDER OF ACTS

ORDER OF ACTS

FIRST SPECIAL SESSION OF THE SIXTEENTH LEGISLATURE, STATE OF ARIZONA

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ACTS

CHAPTER 1

(House Bill No. 4)

AN ACT

MAKING AN APPROPRIATION FOR THE PAYMENT OF CURRENT AND CONTINGENT EXPENSES OF THE FIRST SPECIAL SESSION OF THE SIXTEENTH LEGISLATURE AND REAPPROPRIATING BALANCES IN THE APPROPRIATION FOR CURRENT AND CONTINGENT EXPENSES OF THE REGULAR SESSION OF THE SIXTEENTH LEGISLATURE.

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

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

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

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

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

3. For the payment of attaches salaries: 3a. attaches of the Senate, one thousand eight hundred seventy dollars; 3b. attaches of the House of Representatives, four thousand two hundred ninety dollars.

4. For the payment of contingent expenses: 4a. contingent expenses of the Senate, three thousand five hundred dollars; 4b. contingent expenses of the House of Representatives, five thousand dollars.

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

Approved by the Governor—February 17, 1944.

Filed in the Office of the Secretary of State—February 17, 1944.

CHAPTER 2

(House Bill No. 5)

AN ACT

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

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

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

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

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

Approved by the Governor—February 17, 1944.

Filed in the Office of the Secretary of State—February 17, 1944.

CHAPTER 3

(House Bill No. 6)

AN ACT

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

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

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

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

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

Approved by the Governor—February 17, 1944.

Filed in the Office of the Secretary of State—February 17, 1944.

CHAPTER 4

(House Bill No. 2)

AN ACT

RATIFYING THE CONTRACT BETWEEN THE UNITED STATES AND THE STATE OF ARIZONA FOR STORAGE AND DELIVERY OF WATER FROM LAKE MEAD, AND DECLARING AN EMERGENCY.

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

Section 1. RATIFICATION. There is hereby unconditionally ratified, approved and confirmed, that certain

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

UNITED STATES

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

BOULDER CANYON PROJECT

Arizona-California-Nevada

CONTRACT FOR DELIVERY OF WATER

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

WITNESSETH THAT:

EXPLANATORY RECITALS

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

voir designated Lake Mead of a capacity of about thirty-two million (32,000,000) acre-feet, and

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

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

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

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

DELIVERY OF WATER

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

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

said states as stated in subdivisions (f) and (g) of this Article.

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

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

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

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

(g) Arizona recognizes the rights of New Mexico

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

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

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

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

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

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

Present perfected rights to the beneficial use of waters of the Colorado River system are unimpaired by this contract.

(m) Rights-of-way across public lands necessary or convenient for canals to facilitate the full utilization in Arizona of the water herein agreed to be delivered will be granted by the Secretary subject to applicable federal statutes.

POINTS OF DIVERSION: MEASUREMENTS OF WATER

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

CHARGES FOR STORAGE AND DELIVERY OF WATER

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

than those specified above, shall be as agreed upon between the Secretary and such users at the time of execution of contracts therefor, and shall be paid by such users; provided such charges shall, in no event, exceed 25c per acre-foot.

RESERVATIONS

10. Neither Article 7, nor any other provision of this contract, shall impair the right of Arizona and other states and the users of water therein to maintain, prosecute or defend any action respecting, and is without prejudice to, any of the respective contentions of said states and water users as to (1) the intent, effect, meaning and interpretation of said compact and said act; (2) what part, if any, of the water used or contracted for by any of them falls within Article III (a) of the Colorado River Compact; (3) what part, if any, is within Article III (b) thereof; (4) what part, if any, is excess or surplus waters unapportioned by said Compact; and (5) what limitations on use, rights of use and relative priorities exist as to the waters of the Colorado River system; provided, however, that by these reservations there is no intent to disturb the apportionment made by Article III (a) of the Colorado River Compact between the Upper Basin and the Lower Basin.

DISPUTES AND DISAGREEMENTS

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

RULES AND REGULATIONS

12. The Secretary may prescribe and enforce rules and regulations governing the delivery and diversion of waters hereunder, but such rules and regulations shall be promulgated, modified, revised or extended from time to time only after notice to the State of Arizona and opportunity is given to it to be heard. Arizona agrees

for itself, its agencies and water users that in the operation and maintenance of the works for diversion and use of the water to be delivered hereunder, all such rules and regulations will be fully adhered to.

AGREEMENT SUBJECT TO COLORADO RIVER COMPACT

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

EFFECTIVE DATE OF CONTRACT

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

INTEREST IN CONTRACT NOT TRANSFERABLE

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

APPROPRIATION CLAUSE

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

MEMBER OF CONGRESS CLAUSE

17. No Member of or Delegate to Congress or Resi-

dent Commissioner shall be admitted to any share or part of this contract or to any benefit that may arise herefrom, but this restriction shall not be construed to extend to this contract if made with a corporation or company for its general benefit.

DEFINITIONS

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

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

THE UNITED STATES OF AMERICA
By (s) Harold L. Ickes
Secretary of the Interior

STATE OF ARIZONA,
acting by and through its
COLORADO RIVER COMMISSION
By (s) Henry S. Wright, Chairman
By (s) Nellie T. Bush, Secretary

Approved this 11th day of Feb., 1944

(s) Sidney P. Osborn
Governor of the State of Arizona

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

Approved by the Governor—February 24, 1944.

Filed in the Office of the Secretary of State—February 24, 1944.

CHAPTER 5

(Senate Bill No. 1)

AN ACT

RATIFYING THE COLORADO RIVER COMPACT; AND DECLARING AN EMERGENCY.

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

Section 1. RATIFICATION. The Colorado River Compact executed at Santa Fe, New Mexico, November 24, 1922, by representatives of the States of Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming is unconditionally ratified, approved and confirmed.

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

Approved by the Governor—February 24, 1944.

Filed in the office of the Secretary of State—February 24, 1944.

CHAPTER 6

(Senate Bill No. 4)

AN ACT

MAKING AN APPROPRIATION TO THE STATE LAND DEPARTMENT, TO MAKE SURVEYS OF WATER RESOURCES; AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. The sum of Two Hundred thousand dollars is appropriated to the state land department,

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

Sec. 2. PURPOSE. The purpose of the appropriation made by this Act is to enable the state land com-

missioner to perform the duties imposed upon him by section 75-104, Arizona Code of 1939, to make surveys, investigations and compilations of the water resources in the state, and their potential development. Expenditures from this appropriation shall be made only in cooperation with the United States Bureau of Reclamation.

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

Approved by the Governor—February 24, 1944.

Filed in the office of the Secretary of State—February 24, 1944.

MEMORIALS AND RESOLUTIONS

MEMORIALS

(None)

RESOLUTIONS

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RESOLUTIONS

HOUSE JOINT RESOLUTION NO. 1

A JOINT RESOLUTION

ON THE DEATH OF HONORABLE JOHN C. PHILLIPS.

WHEREAS, John C. Phillips, former Governor of Arizona, and previously a member both of the House of Representatives and of the Senate of the State Legislature, died June 25, 1943, at the age of seventy-three years from a heart attack suffered while sojourning at Lake Mary.

"Judge" Phillips, as he was generally and most familiarly known, was one of Arizona's outstanding and best loved characters. From the position of a common laborer, which he held during the construction of the present capitol, although at the time qualified to practice law, he rose by steps which embraced numerous posts of public trust and responsibility, to be the ninth governor of the state, in 1929-30. Previously he held the offices of probate judge, in territorial days, first judge of the Maricopa county superior court after statehood had been achieved, member of the House of Representatives of the Fourth and Fifth legislatures, and of the Senate of the Sixth legislature. His fame was founded on the punctilious honor and care with which he conducted the affairs of his first public office, that of probate judge, which involved the handling of decedents' estates, and gave him the affectionate but significant sobriquet of "Honest John," but no less exact, considerate, just and kindly were all of his dealings, as public official or as the plain man that he was, throughout life.

John C. Phillips was not only the soul of honor; he was the embodiment of kindness—loving people, sincerely and deeply—and manifesting it by every act and word. "Esteemed in life and mourned in death: what better fortune can the earth afford to anyone who lives or dies." Therefore

BE IT RESOLVED by the Legislature of the State of Arizona:

1. The passing of John C. Phillips constitutes a major loss to the people of Arizona. It is recorded in the journals of the House of Representatives and of the Senate with the deepest regret.

2. In the name of the people he loves, and by whom he was beloved, the utmost of sympathy is extended to the bereaved wife, son and daughters.

Passed by the House—February 21, 1944.

Passed by the Senate—February 23, 1944.

Approved by the Governor—February 24, 1944.

Filed in the Office of the Secretary of State—February 25, 1944.

SENATE CONCURRENT RESOLUTION NO. 1

A CONCURRENT RESOLUTION

ON THE DEATH OF HON. WILLIAM J. GRAHAM.

WHEREAS, on Wednesday, June 30, 1943, death came almost without warning, to William J. (Billy) Graham, at the age of seventy-one years and eleven months.

In "Billy" Graham's passing, the Arizona Legislature has suffered the loss of a veritable landmark; a figure as familiar to its members as the halls in which they meet; a legislative fixture which had come to be regarded as a matter of course, as essential to the procedure as the records he so faithfully kept.

"Billy" Graham began his legislative career immediately following Arizona's accession to statehood, serving with distinction as a member of the House of Representatives of the First and Second legislatures, during the seven epochal sessions of which he became widely known for the enthusiasm and fearlessness with which he espoused those causes in which he felt the deepest concern, and for his steadfast adherence to those things he deemed to be fair and just. In 1925 he became the secretary of the Senate of the Seventh Legislature, and in that capacity, except for the Eighth, in which he occupied the post of assistant secretary, he served continuously to the day of his death. But a few days previously to that lamented event he placed the final touches on the journal of the regular session of the Sixteenth Legislature. To all of his services he gave his utmost exertions, to the integrity of the body of which he formed a vital part his unswerving devotion, and by his course endeared himself to every member and every attache.

By no means solely for his legislative work was "Billy" Graham known. He was deeply concerned for the development of Arizona's great mineral resources, and especially, as the common man that he was, for the development of the holdings of small operators. Hence it was that in 1938 he was chiefly instrumental in the organization of the Small Mine Operators Association, at the head of which active and influential body he remained until his death.

In whatever lot his life was cast, in his every activity "Billy" Graham manifested the attributes of enthusiasm, vigor, and determination; in his attitude toward his fellowman he was invariably honest, frank and just; to his friends he was the very soul of devotion and loyalty. No man can say less of him—no man need say more. Therefore

BE IT RESOLVED by the Senate of the State of Arizona, the House of Representatives concurring:

1. It is with the deepest and most poignant regret and sense of loss that the passing of "Billy" Graham is recorded in the volume of which he was for so long the faithful custodian.

2. The heartfelt sympathy of the members of this body is

extended to the bereaved widow and helpmeet, and to the devoted daughter.

Passed by the Senate—February 18, 1944.

Adopted by the House—February 19, 1944.

Filed in the Office of the Secretary of State—February 21, 1944.

SENATE CONCURRENT RESOLUTION NO. 2

A CONCURRENT RESOLUTION

ON THE DEATH OF HON. FRED T. COLTER.

WHEREAS, on January 8, 1944, Hon. Frederick Tuttle Colter, at the age of sixty-four, succumbed to injuries sustained in an automobile accident, which occurred three days previously; and

WHEREAS, Frederick Tuttle Colter, native of Arizona, educated in its public schools, and lifetime resident of Arizona as territory and state, cowboy, cattleman, businessman, civic enthusiast, constitution-maker, legislator, and leading advocate of highline development of the Colorado river, was one of Arizona's most colorful, most earnest, best known characters.

In addition to serving as a delegate from Apache county in the Constitutional Convention of 1910 which formulated Arizona's organic law, the deceased was a member of the Senate of the Second, Third, Sixth, Seventh and Eighth Legislatures and of the House of Representatives of the Eleventh Legislature, representing his native Apache county, and member of the House of Representatives of the Fifteenth Legislature, representing Maricopa county, in all of which bodies he was known for his fearlessness, aggressiveness and energy.

As head since 1922 of the Arizona Highline Reclamation Association, organized and maintained for the advocacy of diversion of the waters of the Colorado river at a high point on that stream, Mr. Colter gained his greatest fame. In the cause he espoused and of which he was long recognized as the outstanding advocate he may be said to have devoted the best years of his life, unselfishly and unswervingly. Therefore

BE IT RESOLVED by the Senate of the State of Arizona, the House of Representatives concurring:

1. The deep regret of the members of this body for the passing of their long-time fellow member, Hon. Frederick Tuttle Colter, is expressed, and their sympathy extended to the bereaved widow, brother and sister.

Passed by the House—February 18, 1944.

Passed by the Senate—February 17, 1944.

Filed in the Office of the Secretary of State—February 18, 1944.

SENATE JOINT RESOLUTION NO. 1

A JOINT RESOLUTION

ON THE DEATH OF HON. E. E. ELLINWOOD.

WHEREAS, Hon. Everett E. Ellinwood died at his home in Phoenix, August 8, 1943, aged eighty-one years.

The fifty-three years of Mr. Ellinwood's residence in Arizona, beginning at Flagstaff in 1890 and including residence in the cities of Prescott, Tucson, Bisbee and Phoenix, were replete with activities of a professional nature and services of a public character too numerous to be recounted and invariably distinguished for the high order of ability exhibited.

Mr. Ellinwood gave five years of service as United States district attorney for Arizona, following which he engaged in the private practice of law, in which profession he became increasingly important.

In 1910 he was chosen to be a delegate to the Constitutional Convention which formulated Arizona's organic act. In that historic body he was one of the most active and prominent leaders, being a member of the Committee on Judiciary, Private Corporations and Banks, Railroads, Public Debt, Revenue and Taxation, and chairman of the special committee entrusted with the duty of chosing a design for the state seal. In the work of all of these committees he played a leading role.

Mr. Ellinwood's service to the public was crowned by a total of twelve years as chancellor or president of the board of regents of the University of Arizona, a work in which he took the greatest interest and pride, and in recognition of which he was accorded the degree of doctor of laws, accompanied by the testimony that "his interest in the higher education of this state, and in the University of Arizona in particular, has not been exceeded by any other citizen." Therefore

BE IT RESOLVED by the Legislature of Arizona:

1. It is with deep regret that the death of Everett E. Ellinwood is noted.

2. The sympathy of the state to which he gave so much, as expressed by this body, is extended to the surviving wife, daughter and other relatives.

Passed by the House—February 23, 1944.

Passed by the Senate—February 23, 1944.

Approved by the Governor—February 24, 1944.

Filed in the Office of the Secretary of State—February 25, 1944.

SENATE JOINT RESOLUTION NO. 2

A JOINT RESOLUTION

ON THE DEATH OF HON. GREENE H. BOLIN.

WHEREAS, Greene H. (Jack) Bolin died at the city of Phoenix, terminating an illness of many years' standing, on December 7, 1943, at the age of sixty-seven years.

Mr. Bolin, a resident of Arizona since 1889, when he arrived in the mining town of Bisbee, devoted himself to various phases of the mining industry, from laborer in the mines to contractor, lessee and broker. In 1910 he was chosen by his fellow citizens to represent them as a delegate to the Constitutional Convention, and in that body distinguished himself as a champion of the rights of labor, as well as an active participant in all of the proceedings of the Convention. In addition to heading the Committee on Labor he was a member of such other important committees as Rules and Procedure and Education and Public Institutions. Following the Constitutional Convention Mr. Bolin became the new state's first mining inspector, and inaugurated that service of great importance to the safety, health and welfare of the miners. Therefore

BE IT RESOLVED by the Legislature of the State of Arizona:

1. This body notes with deep regret the loss of this valued citizen, whose contribution to the state should not be permitted ever to be erased from the pages of history.

2. To the surviving wife, sons and other relatives of the deceased the condolences of this body are extended.

Adopted by the House—February 23, 1944.

Passed by the Senate—February 23, 1944.

Approved by the Governor—February 24, 1944.

Filed in the Office of the Secretary of State—February 25, 1944.

SENATE JOINT RESOLUTION NO. 3

A JOINT RESOLUTION

ON THE DEATH OF HON. SAMUEL L. KINGAN.

WHEREAS, on May 12, 1943, Hon. Samuel Latta Kingan, died at the city of Tucson, where he had resided since 1900, at the age of seventy-three years.

Mr. Kingan, an outstanding figure in legal and civic circles

in Arizona over a period exceeding three decades, distinguished himself as a member of the Constitutional Convention of 1910, in which body he was a leader in debate as well as an active member of the Committee on Judiciary and of the Committee on Schedule, Mode of Amending and Miscellaneous. As a participant in the work of formulating the organic law of Arizona, as well as for his labors in the field of law and in the upbuilding of his city and county, he made for himself a notable place in the hall of contributors to this state's greatness. Therefore

BE IT RESOLVED by the Legislature of the State of Arizona:

1. The passing of Hon. Samuel Latta Kingan is noted with deep regret.

2. The sympathy of this body is extended to the surviving wife, daughter and other relatives of the deceased.

Passed by the House—February 24, 1944.

Passed by the Senate—February 23, 1944.

Approvde by the Governor—February 24, 1944.

Filed in the Office of the Secretary of State—February 25 1944.

BILLS VETOED BY THE GOVERNOR

(None)

ACTS

Memorials and Resolutions

of the

SECOND SPECIAL SESSION

of the

Sixteenth Legislature

of the

STATE OF ARIZONA

1944

Second Special Session Convened February 25, 1944
Second Special Session Adjourned Sine Die,
March 16, 1944

Publication authorized

(Chapter 103, Subdivision 2, Laws of 1945)

Regular Session Seventeenth Legislature

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

AUTHENTICATION

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

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

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

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 June, 1945.

DAN E. GARVEY, (signature)
Secretary of State

STATE OF ARIZONA

Executive Department

February 24, 1944

PROCLAMATION

Calling a Special Session of the Sixteenth Legislature of the State of Arizona

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WHEREAS, the Constitution of the State of Arizona provides (Article IV, Section 3, Part 2) that: "The Governor may call a special session (of the Legislature) whenever in his judgment it is advisable. In calling such a special session, the Governor shall specify the subjects to be considered * * * "; and

WHEREAS, the right to vote is one of the most cherished and fundamental of all American institutions, and its free exercise is essential to the preservation of democracy and must at all times be encouraged and guaranteed, and

WHEREAS, thousands of Arizona citizens are now defending with their lives those same rights and liberties which the elected officials of Arizona are sworn to uphold, and their willing sacrifices emphasize in bold relief the immediate and urgent obligation now resting on the Legislature and the Governor of this state to guarantee to those same citizens opportunity to vote, and

WHEREAS, the fulfillment of this obligation by the State of Arizona will heighten the morale of our armed forces and result in a more complete expression of the people's will, and further, it is a fundamental of American democracy that these heroic citizens should be afforded full opportunity to exercise their right of suffrage at any and all elections, and simple justice that they and all who have served the nation in former wars be extended the protection of their civil and economic status, and

WHEREAS, these and certain other matters are of such immediate importance as to require legislative consideration at this time;

NOW, THEREFORE, I, Sidney P. Osborn, Governor, by virtue of the authority vested in me by the Constitution of Arizona and with the primary aim of increasing the effectiveness of Arizona's contribution to early victory and lasting peace, hereby call the Sixteenth Arizona State Legislature to meet in special session at the State Capitol on February twenty-fifth, 1944, at ten o'clock a. m., and specify the following subjects to be considered:

1. Amending the election laws and providing all citizens of Arizona now serving their country in all branches of the armed services the opportunity to vote in primary and general elections.

2. Protection of the interests of men and women now serving or who have served in the armed forces of our nation.

3. Increased aid for our older citizens and the blind.

4. Post war planning.

5. Creation of a state reserve fund.

6. Regulation and development of airports and landing fields, and development of aeronautics.

7. Creation of a State Power Authority.

8. Invitation to the Federal Power Commission to make a survey of public utility rates in Arizona and provision for payment of expense thereof.

9. Establishment of legal time.

10. Legislation directing the State Treasurer to transfer to the State Land Commissioner the administration of all outstanding farm loans and lands returned to the State by reason of default in such loans, and appropriation for the reimbursement of permanent funds depleted through such loans.

11. Appropriations for state purposes which the Legislature may deem proper.

12. Salaries of public officials.

13. Submission to the people of legislation and constitutional amendments.

14. Executive appointments.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Arizona to be affixed this Twenty-fourth day of February in the year of our Lord One Thousand Nine Hundred and Forty-four.

SIDNEY P. OSBORN
Governor

ATTEST:

Dan E. Garvey
Secretary of State

ORDER OF ACTS

ORDER OF ACTS

SECOND SPECIAL SESSION OF THE SIXTEENTH LEGISLATURE, STATE OF ARIZONA

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1. H. B. 9	Making an appropriation for the payment of current and contingent expenses of the second special session of the sixteenth legislature and reappropriating balances in the appropriation for current and contingent expenses of the first special session of the sixteenth legislature. (Emergency Clause). Approved March 3, 1944. Effective March 3, 1944	461
2. H. B. 15	Making an emergency appropriation to the Governor, for the fund for capitol buildings and grounds. (Emergency Clause). Approved March 8, 1944. Effective March 8, 1944.	462
3. S. B. 10	Relating to the state board of social security and welfare; appropriating funds for the operation of the state welfare sanatorium by authorizing transfer of unused funds appropriated for other public welfare purposes; and declaring an emergency. Approved March 11, 1944. Effective March 11, 1944.	463
4. H. B. 3	Relating to the permanent funds; making an appropriation to reimburse certain funds; providing for an audit of the accounts of the state loan department of the state treasurer's office, making an appropriation to the state auditor for such purpose, and transferring the administration of remaining securities to the state land department; and declaring an emergency. Approved March 14, 1944. Effective March 14, 1944.	463

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ACTS

CHAPTER 1

(House Bill No. 9)

AN ACT

MAKING AN APPROPRIATION FOR THE PAYMENT OF CURRENT AND CONTINGENT EXPENSES OF THE SECOND SPECIAL SESSION OF THE SIXTEENTH LEGISLATURE AND REAPPROPRIATING BALANCES IN THE APPROPRIATION FOR CURRENT AND CONTINGENT EXPENSES OF THE FIRST SPECIAL SESSION OF THE SIXTEENTH LEGISLATURE.

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

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

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

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

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

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

4. For the payment of contingent expenses: 4a. con-

tingent expenses of the senate, three thousand five hundred dollars; 4b. contingent expenses of the house of representatives, five thousand nine hundred dollars.

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

Approved by the Governor—March 3, 1944.

Filed in the Office of the Secretary of State—March 3, 1944.

CHAPTER 2

(House Bill No. 15)

AN ACT

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

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

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

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

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

Approved by the Governor—March 8, 1944.

Filed in the office of the Secretary of State—March 9, 1944.

CHAPTER 3

(Senate Bill No. 10)

AN ACT

RELATING TO THE STATE BOARD OF SOCIAL SECURITY AND WELFARE; APPROPRIATING FUNDS FOR THE OPERATION OF THE STATE WELFARE SANATORIUM BY AUTHORIZING TRANSFER OF UNUSED FUNDS APPROPRIATED FOR OTHER PUBLIC WELFARE PURPOSES; AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION AND TRANSFER OF FUNDS. As of the effective date of this Act the unexpended balance of funds appropriated under the provisions of subdivision 32, section 1, chapter 96, Session Laws 1943, regular session, to the State Board of Social Security and Wefare for the purpose of "Commodity Distribution" amounting to the sum of $7,887.58 for the thirty-second fiscal year, and the sum of $5,000.00 for the thirty-third fiscal year is hereby transferred and re-appropriated to the State Board of Social Security and Welfare for its use during said fiscal years in the operation of the State Welfare Sanatorium. This appropriation shall be deemed to be in addition to all funds heretofore appropriated to the State Board of Social Security and Welfare for the operation of the State Welfare Sanatorium during the thirty-second and thirty-third fiscal years.

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

Approved by the Governor—March 11, 1944.

Filed in the office of the Secretary of State—March 11, 1944.

CHAPTER 4

(House Bill No. 3)

AN ACT

RELATING TO THE PERMANENT FUNDS; MAKING

AN APPROPRIATION TO REIMBURSE CERTAIN FUNDS; PROVIDING FOR AN AUDIT OF THE ACCOUNTS OF THE STATE LOAN DEPARTMENT OF THE STATE TREASURER'S OFFICE, MAKING AN APPROPRIATION TO THE STATE AUDITOR FOR SUCH PURPOSE, AND TRANSFERRING THE ADMINISTRATION OF REMAINING SECURITIES TO THE STATE LAND DEPARTMENT; AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. The sum of $689,383.-00 is appropriated to the state treasurer, for allocation as provided in section 2.

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

1.	Permanent Common School Fund,	$499,891.00;
2.	University Land Fund,	$ 24,023.00;
3.	Agricultural and Mechanical Colleges Land Fund,	$ 400.00;
4.	School of Mines Land Fund,	$ 400.00;
5.	Hospital for the Insane Land Fund,	$ 2,318.00;
6.	Penitentiary Land Fund,	$ 3,200.00;
7.	Schools and Asylum for the Deaf, Dumb and Blind Land Fund,	$ 4,182.00;
8.	Teachers' Colleges Land Fund,	$ 6,709.00;
9.	University Land Fund created by authority of the Act of Congress approved February 18, 1881 (U.S. Stat. 326),	$148,260.00.

Sec. 3. REIMBURSEMENT. The state treasurer shall ascertain the amount of depletion suffered as of January 31, 1944, by the several funds named in section 2, and from the items of appropriation respectively related there-

to shall transfer to such funds the amount necessary to reimburse them. Any balance remaining of the appropriation shall revert to the general fund.

Sec. 4. AUDIT OF FUNDS. (a) The state auditor is authorized and directed to audit the records of the state treasurer, for the ascertainment of: 1. lands returned to the state through foreclosure of, or on account of indebtedness under farm loans; 2. lands so returned which have since been sold by the state loan board or other officials of the state, and, 3. the status of all accounts of lands so sold, together with unliquidated farm loans, including: 3a. the amount of indebtedness paid; 3b. the amount unpaid; 3c. the amount unpaid but not in default, and, 3d. the amount in default. The state auditor shall report to the legislature the results of such audit.

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

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

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

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

Approved by the Governor—March 14, 1944.

Filed in the office of the Secretary of State—March 14, 1944.

CHAPTER 5

(House Bill No. 5)

AN ACT

MAKING AN APPROPRIATION TO THE NATIONAL GUARD FOR EQUIPMENT AND IMPROVEMENTS IN THE ARMORY AT PRESCOTT, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. The sum of Seven Thousand Seventy-five and 91/100 Dollars ($7,075.91) is appropriated to the National Guard.

Sec. 2. PURPOSE. The purpose of this appropriation is to reimburse the City of Prescott for moneys expended by said City in the installation of a heating plant and miscellaneous equipment in, and for the benefit of, the National Guard Armory at Prescott.

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

Approved by the Governor—March 14, 1944.

Filed in the office of the Secretary of State—March 14, 1944.

CHAPTER 6

(House Bill No. 11)

AN ACT

RELATING TO TEACHERS' COLLEGES; AMENDING SECTION 54-1301, ARIZONA CODE OF 1939; AND DECLARING AN EMERGENCY.

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

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

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

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

Approved by the Governor—March 15, 1944.

Filed in the office of the Secretary of State—March 15, 1944.

CHAPTER 7

(Senate Bill No. 3)

AN ACT

RELATING TO STANDARD TIME; ESTABLISHING THE STANDARD TIME FOR ARIZONA, AND DECLARING AN EMERGENCY.

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

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

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

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

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

Approved by the Governor—March 17, 1944.

Filed in the office of the Secretary of State—March 17, 1944.

CHAPTER 8

(Senate Bill No. 11)

AN ACT

RELATING TO BEAUTY CULTURE; AMENDING SECTION 67-318 AND SECTION 67-327, ARIZONA CODE OF 1939; AND DECLARING AN EMERGENCY.

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

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

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

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

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

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

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

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

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

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

Approved by the Governor—March 17, 1944.

Filed in the Office of the Secretary of State—March 17, 1944.

CHAPTER 9

(Senate Bill No. 13)

AN ACT

RELATING TO COUNTY OFFICIALS, AND PROVIDING FOR THE FIXING OF SALARIES OF CHIEF PROBATION OFFICER OF THE JUVENILE COURT AND HIS DEPUTIES AND OFFICE ASSISTANTS; AND DECLARING AN EMERGENCY.

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

Section 1. SALARIES OF PROBATION OFFICERS. The salaries of the chief probation officer of the juvenile court, and his deputies and office assistants, shall be fixed by the appointing judge with the consent of the board of supervisors, but shall not exceed twenty per cent above the maximum salaries now permitted by law for such officer, deputies and assistants.

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

Approved by the Governor—March 17, 1944.

Filed in the Office of the Secretary of State—March 17, 1944.

CHAPTER 10

(House Bill No. 2)

AN ACT

RELATING TO INCOME TAXES OF MEMBERS OF THE ARMED SERVICES OF THE UNITED STATES AND OF THE UNITED STATES MERCHANT MARINE, AND DECLARING AN EMERGENCY.

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

Section 1. EXEMPTION. There shall be exempt from taxation during the period this Act remains in effect, the income up to Fifteen Hundred Dollars of members of the armed services of the United States, or of the United States Merchant Marine, received for services rendered in the armed services or the merchant marine.

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

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

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

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

Approved by the Governor—March 17, 1944.

Filed in the Office of the Secretary of State—March 18, 1944.

CHAPTER 11

(House Bill No. 13)

AN ACT

RELATING TO EMPLOYMENT SECURITY; PROVIDING FOR PAYMENT OF BENEFITS TO INDIVIDUALS AFTER TERMINATION OF MILITARY SERVICE; AMENDING SECTION 56-1003, ARIZONA CODE OF 1939; AND DECLARING AN EMERGENCY.

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

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

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

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

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

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

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

last earned wages for employment by an employer during the same period.

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

(3) The full-time weekly wage of any individual shall be determined and redetermined at such reasonable time as the commission may find necessary to administer this act and may by regulation prescribe. The period hereinabove referred to shall consist of the next to the last completed calendar quarter immediately preceding the date with respect to which an individual's full-time weekly wage is determined, and such of the seven immediately preceding consecutive calendar quarters as the commission may by regulation prescribe.

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

(e) Part-Time Workers. (1) As used in this subsection the term "part-time worker" means an individual whose normal work is in an occupation in which his services are not required for the customary scheduled full-

time hours prevailing in the establishment in which he is employed or who, owing to personal circumstances, does not customarily work the customary scheduled full-time hours prevailing in the establishment in which he is employed;

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

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

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

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

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

(g) Benefits after Termination of Military Service. Whenever on or after April 1, 1940 an individual entered military service in the armed forces of the United States

and continues such service for at least ninety days falling wholly or in part in the base period, as defined in Section 56-1002 (a) Arizona Code, 1939, and is separated from active service prior to two years after the war under other than dishonorable conditions, the following shall apply:

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

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

Approved by the Governor—March 17, 1944.

Filed in the Office of the Secretary of State—March 18, 1944.

CHAPTER 12

(House Bill No. 16)

AN ACT

MAKING AN APPROPRIATION FOR PAYMENT OF CERTIFICATES OF INDEBTEDNESS FOR THE CARE OF GIRL JUVENILE OFFENDERS, AND DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION. The sum of $4,941.66,

or so much thereof as may be necessary is hereby appropriated from the general fund to the Board of Directors of State Institutions for Juveniles for payment of Certificates of Indebtedness of the Convent of the Good Shepherd and the Florence Crittenton Home.

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

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

Approved by the Governor—March 17, 1944.

Filed in the Office of the Secretary of State—March 18, 1944.

CHAPTER 13

(House Bill No. 28)

AN ACT

RELATING TO LICENSES TO PRACTICE OR ENGAGE IN PROFESSIONAL OR BUSINESS PURSUITS; EXEMPTING MEMBERS OF THE ARMED FORCES FROM THE PAYMENT OF FEES OR DUES, AND DECLARING AN EMERGENCY.

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

Section 1. EXEMPTION FROM PAYMENT OF FEES AND DUES. (a) No member of the armed forces of the United States, or of the United States Merchant Marine, a citizen of the state, who, holds a valid and subsisting license issued by any agency of the state, to practice or engage in a professional or business pursuit in accordance

with the provisions and requirements of chapter 67, Arizona Code of 1939, shall be required to pay any fees or dues for the maintenance or renewal of such license until the termination of the war, or until such person is honorably discharged, whichever is the sooner. All such fees or dues accruing during the period of any such person's membership in the armed forces shall be deemed by the licensing agency to be waived, and upon application within one year following the termination of the war or the honorable discharge of such person, the appropriate licensing agency shall issue a license for the current year without the payment of accrued fees or dues without being required to submit to an examination and without penalty for delinquency.

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

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

Approved by the Governor—March 17, 1944.

Filed in the Office of the Secretary of State—March 18, 1944.

CHAPTER 14

(House Bill No. 29)

AN ACT

MAKING AN APPROPRIATION TO THE COLORADO RIVER COMMISSION, AND DECLARING AN EMERGENCY.

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

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

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

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

Approved by the Governor—March 17, 1944.

Filed in the Office of the Secretary of State—March 18, 1944.

CHAPTER 15

(House Bill No. 35)

AN ACT

RELATING TO THE "ARIZONA HIGHWAYS" MAGAZINE; MAKING AN APPROPRIATION; AMENDING SECTIONS 59-701 AND 59-702, ARIZONA CODE OF 1939; AND DECLARING AN EMERGENCY.

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

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

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

descriptive material designed to carry out the purposes of this Act.

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

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

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

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

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

Approved by the Governor—March 17, 1944.

Filed in the Office of the Secretary of State—March 18, 1944.

CHAPTER 16

(House Bill No. 36)

AN ACT

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

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

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

Sec. 2. PURPOSE. The purpose of this appropriation is 1. to meet the cost of deporting non-resident patients during the thirty-second fiscal year, not to exceed one thousand dollars; 2. to meet the cost of deporting non-resident patients during the thirty-third fiscal year, not to exceed two thousand dollars; 3. for the construction of a slaughter house at the hospital farm and conversion of the present slaughter house into a mattress factory, at a cost not to exceed one thousand three hundred sixty-two dollars sixty cents, which item of appropriation represents insurance collected for the loss of the mattress factory by fire on January 29, 1943, and placed in the general fund.

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

Approved by the Governor—March 17, 1944.

Filed in the Office of the Secretary of State—March 18, 1944.

CHAPTER 17

(House Bill No. 39)

AN ACT

RELATING TO THE VETERANS' SERVICE OFFICER;

AMENDING SECTION 15-101, ARIZONA CODE OF 1939, AND MAKING AN APPROPRIATION.

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

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

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

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

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

Approved by the Governor—March 17, 1944.

Filed in the Office of the Secretary of State—March 18, 1944.

CHAPTER 18

(House Bill No. 40)

AN ACT

MAKING AN APPROPRIATION TO THE VETERANS' RELIEF COMMISSION.

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

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

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

Approved by the Governor—March 17, 1944.

Filed in the Office of the Secretary of State—March 18, 1944.

CHAPTER 19

(House Bill No. 42)

AN ACT

MAKING AN APPROPRIATION TO THE STATE INDUSTRIAL SCHOOL, AND DECLARING AN EMERGENCY.

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

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

Sec. 2. PURPOSE. The purpose of the appropriation made by section 1 is to supplement the appropriation to the state industrial school contained in subdivision 34, section 1, chapter 96 (general appropriation Act), Session Laws of 1943, regular session: 1. for the thirty-second fiscal year: 1a. salaries, three thousand one hundred

forty dollars; 1b. operation, two thousand three hundred seventy-five dollars; 1c. travel, one hundred dollars; 2. for the thirty-third fiscal year: 2a. salaries, thirteen thousand five hundred sixty dollars; 2b. operation, fourteen thousand six hundred twenty-five dollars; 2c. travel, three hundred dollars; 2d. capital investment, fourteen thousand one hundred twenty-five dollars; 2e. repairs and replacements, six thousand dollars.

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

Approved by the Governor—March 17, 1944.

Filed in the Office of the Secretary of State—March 18, 1944.

CHAPTER 20

(House Bill No. 44)

AN ACT

MAKING AN APPROPRIATION TO THE STATE FAIR COMMISSION.

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

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

Sec. 2. PURPOSE. The purpose of this appropriation is to enable the state fair commission to purchase a tract or parcel of land, containing approximately ten acres, adjoining the state fair grounds on the north, in lot 2, section 31, township 2 north, range 2 east, Gila and Salt River Base and Meridian, for the use of the state fair, at a total cost not to exceed the amount of the appropriation.

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

emergency measure, to take effect as provided by law.

Approved by the Governor—March 17, 1944.

Filed in the Office of the Secretary of State—March 18, 1944.

CHAPTER 21

(House Bill No. 1)

AN ACT

RELATING TO ELECTIONS, PROVIDING FOR VOTING BY PERSONS IN THE MILITARY SERVICE, MAKING AN APPROPRIATION THEREFOR, AMENDING ARTICLES 2, 4, 10 AND 13 OF CHAPTER 55, ARIZONA CODE 1939, BY ADDING THERETO SECTIONS 55-203.1, 55-205.1, 55-1301.1, 55-1302.1, 55-1303.1, 55-1305.1, 55-1306.1, 55-1307.1, 55-1309.1, AND AMENDING SECTIONS 55-402, 55-1001, 55-1002, 55-1003, 55-1006, 55-1007, AND DECLARING AN EMERGENCY.

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

Section 1. DEFINITIONS. The term "during the war", when used in this Act, shall mean the period between the passage of this Act and the first day of the first year which follows by at least six months after a state of war no longer exists between the United States and any foreign nation. The term "military service" shall mean service in the Army of the United States, the United States Navy, the Marine Corps, the Coast Guard, Merchant Marines, and all officers of the Public Health Service detailed by proper authority for duty either with the Army or the Navy. The term "person in military service" shall mean a resident of this state on active duty in military service, including any period during which a person in military service is absent from duty on account of sickness, wounds, leave or other lawful cause.

Sec. 2. Chapter 55, article 2, Arizona Code, 1939, is hereby amended by inserting therein section 55-203.1, to read as follows:

55-203.1. REGISTRATION OF PERSONS IN MILI-

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

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

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

1. The name at length of the elector, including christian or given name and middle name, if any, and if of a woman preceded by the designation "Miss" or "Mrs.", as the case may be.

2. Country or state of nativity.

3. Branch of military service.

4. Actual and precise place of legal residence, including name of city or town, if any, street or other location of dwelling place with the number of such dwelling if the same has a number and if not with such description of the place that it can readily be ascertained and identified. In the case of electors who have not maintained a dwelling place after entry into military service, the last dwelling place prior to such entry shall be described.

5. If naturalized, the time, place and court of naturalization.

6. If citizenship is claimed by virtue of father's naturalization, the fact must be established that permanent residence began during applicant's minority.

7. If citizenship by marriage is claimed, the date and

place of marriage and the name of the person to whom married.

8. That the elector is not believed to be registered in any other precinct.

9. That the elector has maintained his legal residence in the state for a period of one year next preceding the general election.

10. That the elector is twenty-one years of age or over.

11. The mailing address of the elector.

12. That the applicant is a spouse, parent, or next of kin, or elector having knowledge of the foregoing facts.

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

"AFFIDAVIT OF REGISTRATION

OF PERSON IN MILITARY SERVICE

STATE OF ARIZONA)
) ss.
County of)

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

1. The elector's full name is..... (To be printed by registration officer)

2. State or country of nativity.....

3. Branch of military service.....

4. The elector's place of residence is..... Precinct, ...(Street, R. F. D. or other description), City of....., State of Arizona.

5. The elector was naturalized by..... Court, ...County, on the.....day of....., A. D., 1.....

6. The elector became a citizen by virtue of the naturalization of elector's father which took place during elector's minority and began to reside permanently in the United States while the elector was a minor.

7. The elector became a citizen by virtue of her marriage on the.....day....., A. D., 1....., to.....(husband) who was then a citizen, or who subsequently became a citizen, of the United States. (NOTE: cross out any of the clauses numbered 5, 6 or 7 which do not apply.)

8. The elector is not believed to be registered in any other county in this State.

9. The elector is a .....man, of approximately .....feet, ...inches in height, and is of the age of..... years. The elector's color is.....

10. The applicant certifies that .....he is the elector's (spouse) (parent) (next of kin) (not related)
(Strike whatever definitions are inapplicable).

11. The applicant certifies that to his best knowledge, information and belief that the elector has no spouse, parent or next of kin.

12. The elector's address in the military service is as follows:

.....
.....
.....

.....
(Applicant sign here)

.....
(Post Office Address of applicant)

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

.....
(Title or designation of officer)

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

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

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

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

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

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

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

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

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

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

55-1002. NOTICE OF PRIMARY ELECTION; PUBLICATION. (a) At least sixty (60) days before the date of any regular primary election, the secretary of state shall prepare and transmit to the boards of supervisors of each county a notice in writing designating the offices for which candidates are to be nominated at such primary election. Upon receipt of such notice the clerk of each board shall forthwith publish so much thereof as may be applicable to his county, once each week for three (3) consecutive weeks in not more than one (1) newspaper of general circulation in the county; such printed notice shall contain only a reference to the law under which the primary is to be held, the date of the primary and the offices to be filled, and shall be substantially in the following form:

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

The sheriff of each county shall, immediately after the publication of such notice, cause a notice of such primary to be posted in three (3) public places in each voting precinct in his county, stating the time and place where the primary will be held in each precinct therein, together with the offices for which the candidates are to be nominated and the names of persons constituting the primary boards. All official notices calling state or county primary elections shall specify that the same shall be held for the nomination of candidates by all political parties and for

the nomination of non-partisan candidates, if any. In city or town primary elections, the duties herein prescribed as devolving upon the secretary of state shall devolve upon the mayor, or similar governing officer or governing board or commission, and the duties herein prescribed as devolving upon the clerk of the board of supervisors shall devolve upon the city or town clerk; and whenever the word "county" is used, "city" or "town" shall be included.

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

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

55-1003. NOMINATING PETITIONS OF CANDIDATES. (a) Any person desiring to become a candidate at such primary election for a party or a non-partisan nomination, shall, if he desires to have his name printed on the official ballot at such primary election, not less than forty (40) days nor more than ninety (90) days before said primary election, file a nomination petition signed by the candidate, giving his place of residence and his post office address, naming the party of which he desires to become a candidate, or that he desires to become a non-partisan candidate, and shall give the date of the primary election and the election at which he desires to become a candidate. Such nomination petitions of candidates for the office of presidential elector, a United States senator, representative in Congress, or for a state office, excepting members of the legislature and superior judges, and for all other offices for which the electors of the entire state, or a subdivision thereof greater than a county, are entitled to vote, shall be filed with the secretary of state; nomination petitions of candidates for members of the legislature, superior judges and for county and precinct offices for which the electors of a county or a subdivision of a county, other than an incorporated city or town, are entitled to vote shall be filed with the clerk of the board of supervisors; nomination petitions of candidates for city or town offices shall be filed with the city or town clerk.

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

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

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

(b) Provided that during the war new political organizations, otherwise complying with subdivision (a) shall, however, file their petitions not less than ninety days or more than one hundred twenty days before the primary election.

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

55-1007. PREPARATION OF PRIMARY BALLOTS; FORM OF BALLOT. (a) At least twelve (12) days before the primary election, each clerk of the boards of supervisors, and at least ten (10) days before the primary election in a city, each city clerk shall prepare sample official ballots printed upon colored paper without indorsement or certificate, and shall forthwith submit the sample ballot of each party to the county chairman

thereof, or in the city primaries to the city chairman thereof, and also mail a copy to each candidate for whom nomination papers have been filed with him, and post a copy of each sample ballot in a conspicuous place in his office. The chairman of each party shall on or before the tenth day preceding such primary election suggest to the clerk any change that he may consider should be made in his party ballot, and if, upon examination the clerk shall find any error or omission in said ballot, he shall correct the ballot. Thereupon the clerk shall cause the ballots to be printed and distributed as required by law in the case of ballots for general election, except that the number of ballots of each party to be furnished to each precinct shall be twice the number of votes cast thereat for the candidates receiving the highest number of votes by the respective parties in the last preceding general election, and provided, that if nomination petitions are filed by a new party, the number of ballots provided shall be twice the number of votes the clerk of the board of supervisors estimates such party will cast.

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

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

Sec. 10. Chapter 55, article 13, Arizona Code, 1939,

is hereby amended by inserting therein section 55-1301.1, to read as follows:

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

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

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

Sec. 12. Chapter 55, article 13, Arizona Code, 1939,

is hereby amended by inserting therein section 55-1303.1, to read as follows:

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

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

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

55-1305.1. BALLOTS TO BE SENT TO ELECTORS IN MILITARY SERVICE. The county recorder, shall mark the name and/or number of the precinct on the envelope and service affidavit, and shall air mail to each elector in the military service as disclosed by his registration records one official military service ballot of the precinct in which the elector has his legal residence or, if a primary election, when registered upon application of another, one official military service ballot for each political party for which official ballots have been printed, and with the ballot the official instruction sheet and an

envelope, with air mail postage prepaid upon being returned, bearing upon the front thereof the name, official title and post office address of such recorder, and upon the other side thereof a printed affidavit in substantially the following form:

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

.....
(Name of Voter)

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

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

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

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

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

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

envelope and the envelope securely sealed and signed by the officer and shall be mailed by the elector.

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

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

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

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

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

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

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

Sec. 18. REIMBURSEMENT OF COUNTIES FOR ADDED EXPENSE AND APPROPRIATION. Each county shall be reimbursed from time to time for the actual and necessary expense of carrying out the provisions of this Act, upon certification by the board of supervisors of such county to the state auditor, that such expense has been incurred, such certification to be in such form as the state auditor shall prescribe. Such reimbursement shall not exceed however, a sum equal to thirty cents (30c) for each person appearing upon the records of the county recorder as a duly registered person in military service. The state auditor shall audit such certifications by the respective boards of supervisors as other claims

against the state are audited, and shall draw his warrant upon the state treasurer for the payment thereof in the manner provided for other claims against the state. The sum of fifteen thousand dollars ($15,000.00) is hereby appropriated to the state auditor out of any moneys in the state treasury not otherwise appropriated, for the purpose of carrying out the provisions hereof.

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

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

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

Approved by the Governor—March 18, 1944.

Filed in the Office of the Secretary of State—March 18, 1944.

CHAPTER 22

(Senate Bill No. 18)

AN ACT

MAKING AN APPROPRIATION TO THE BOARD OF

DIRECTORS OF STATE INSTITUTIONS FOR JUVENILES, FOR THE CARE OF GIRL JUVENILE OFFENDERS; AND DECLARING AN EMERGENCY.

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

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

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

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

Approved by the Governor—March 20, 1944.

Filed in the Office of the Secretary of State—March 20, 1944.

CHAPTER 23

(Senate Bill No. 20)

AN ACT

RELATING TO ASSISTANCE FOR THE NEEDY BLIND; AMENDING SECTION 70-303, ARIZONA CODE OF 1939; AND DECLARING AN EMERGENCY.

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

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

70-303. AMOUNT OF ASSISTANCE. The amount of assistance which any person shall receive shall be determined with due regard to the resources and necessary ex-

penditures of the individual and the conditions existing in each case, and shall be sufficient when added to all other income and support of the recipient, to provide such person with a reasonable subsistence compatible with decency and health. In no event shall the amount of assistance paid under the provisions of this Act to any recipient exceed the sum of fifty dollars for any calendar month.

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

Approved by the Governor—March 20, 1944.

Filed in the Office of the Secretary of State—March 20, 1944.

CHAPTER 24

(House Bill No. 43)

AN ACT

RELATING TO INITIATIVE AND REFEREUDUM PROVIDING FOR THE PREPARATION, PRINTING AND DISTRIBUTION OF PUBLICITY PAMPHLETS AMENDING SECTION 60-107, ARTICLE 1, OF CHAPTER 60, ARIZONA CODE OF 1939, AND DECLARING AN EMERGENCY.

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

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

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

measure or proposed amendment will appear on the ballot and the number by which it will be designated; (3) the arguments for and against the said measure or amendment.

(b) Not later than the tenth day before the primary election the secretary of state shall cause to be delivered to the board of supervisors of each county a quantity of such publicity pamphlets equal to the number of registered voters in each county, according to information which shall be supplied to the secretary of state by the several county recorders immediately upon the closing of registration prior to said primary election; and with the election supplies directed by law to be sent to the voting precincts in each county there shall be sent a quantity of publicity pamphlets equal to the number of registered voters in said voting precincts respectively.

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

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

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

balance remaining of said deposit, after paying said cost, shall be returned to the depositor.

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

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

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

Provided further, that during the war the arguments opposing or advocating any measure as provided in subdivision (d) shall be filed not less than fifteen (15) weeks preceding any regular general election. During the war the pamphlets shall be distributed only in the manner provided in this subsection.

Sec. 2. To enable the secretary of state to comply with the provisions of this act, there is appropriated to the Secretary of State the sum of Six Thousand Dollars ($6,000.00).

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

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

and effect after the expiration of the said period of time as defined in section 3 hereof.

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

Approved by the Governor—March 20, 1944.

Filed in the Office of the Secretary of State—March 20, 1944.

CHAPTER 25

(House Bill No. 33)

AN ACT

MAKING AN APPROPRIATION TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION, FOR THE PURCHASE OF TEXTBOOKS.

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

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

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

Approved by the Governor—March 20, 1944.

Filed in the Office of the Secretary of State—March 20, 1944.

CHAPTER 26

(House Bill No. 27)

AN ACT

RELATING TO ADULT PROBATION; PRESCRIBING THE COMPENSATION OF THE ADULT PROBATION OFFICER, HIS DEPUTIES AND ASSISTANTS, AMENDING SECTION 44-2231, ARIZONA CODE OF 1939; AND DECLARING AN EMERGENCY.

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

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

44-2231. SALARIES AND EXPENSES. The salary of the adult probation officer, and of each deputy or assistant, shall be fixed by the judge making the appointment, but in no instance shall the salary exceed two hundred fifty dollars per month nor shall the salary of each deputy or assistant exceed two hundred twenty-five dollars per month. The actual expenses of any such officer, deputy or assistant, incurred in the performance of his duty or in the execution of the orders of the court shall, when approved by the judge or judges of the criminal division of the superior court, be paid as other county charges.

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

Approved by the Governor—March 20, 1944.

Filed in the Office of the Secretary of State—March 20, 1944.

CHAPTER 27

(House Bill No. 46)

AN ACT

RELATING TO THE STATE EXAMINER; FIXING HIS SALARY, AND AMENDING SECTION 6-104, ARIZONA CODE OF 1939.

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

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

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

(b) The state examiner shall receive a salary of Four thousand Two hundred dollars ($4200.00) per annum, and necessary traveling, clerical and office expenditures.

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

Approved by the Governor—March 20, 1944.

Filed in the Office of the Secretary of State—March 20, 1944.

CHAPTER 28

(House Bill No. 45)

AN ACT

MAKING AN APPROPRIATION TO THE STATE EXAMINER; AND DECLARING AN EMERGENCY.

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

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

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

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

Approved by the Governor—March 20, 1944.

Filed in the Office of the Secretary of State—March 20, 1944.

CHAPTER 29

(Senate Bill No. 29)

AN ACT

RELATING TO PUBLIC OFFICERS AND EMPLOYEES; PROVIDING FOR RESTORATION TO THEIR POSITIONS UPON COMPLETION OF MILITARY OR NAVAL SERVICE; AND DECLARING AN EMERGENCY.

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

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

Sec. 2. NOTIFICATION OF TEMPORARY APPOINTEE. When a vacancy exists through the induction or order of a public officer or employee described in section 1 into the armed forces of the United States, the appointing or employing authority shall inform any person appointed to fill the vacancy that his tenure, apart from other considerations, is contingent upon restoration of the former officer or employee as provided in section 1.

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

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

Approved by the Governor—March 20, 1944.

Filed in the Office of the Secretary of State—March 20, 1944.

CHAPTER 30

(Senate Bill No. 16)

AN ACT

RELATING TO STATE OFFICERS; PRESCRIBING ANNUAL SALARIES; AMENDING SECTION 12-701, ARIZONA CODE OF 1939, AND AMENDING ARTICLE 7, CHAPTER 12, ARIZONA CODE OF 1939, BY ADDING SECTIONS 12-701a, 12-701b, AND 12-701c.

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

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

12-701. SALARIES OF OFFICERS OF STATE EXECUTIVE DEPARTMENT. Officers of the executive de-

partment of the state shall receive the following annual salaries: Governor, ten thousand dollars; secretary of state, five thousand five hundred dollars; state auditor, six thousand dollars; state treasurer, four thousand five hundred dollars; attorney-general, six thousand dollars; superintendent of public instruction, five thousand dollars.

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

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

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

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

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

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

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

Approved by the Governor—March 20, 1944.

Filed in the Office of the Secretary of State—March 20, 1944.

CHAPTER 31

(Senate Bill No. 5)

AN ACT

RELATING TO SALARIES OF COUNTY OFFICERS; PROVIDING FOR A SUPPLEMENTAL BUDGET TO COVER INCREASES; AMENDING SECTIONS 12-704, 12-705, 12-706 AND 12-707, ARIZONA CODE OF 1939, AND REPEALING SECTION 12-708a (CHAPTER 57, SESSION LAWS OF 1943, REGULAR SESSION).

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

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

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

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

and not more than three thousand dollars each for deputy clerk of the court, deputy recorder, deputy treasurer and deputy assessor.

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

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

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

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

12-705. SALARIES IN COUNTIES OF THE SECOND CLASS. (a) In counties of the second class, county officers shall receive the following annual salaries: sheriff, four thousand dollars; clerk of the superior court, recorder, treasurer and ex-officio tax collector, assessor, each two thousand seven hundred dollars; county attorney, three thousand dollars; superintendent of schools,

three thousand dollars; chairman board of supervisors, one thousand eight hundred dollars; members of the board, other than the chairman, one thousand five hundred dollars.

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

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

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

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

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

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

Sec. 5. SUPPLEMENTAL BUDGET. (a) The board of supervisors of any county in which the increase of salaries of county officers, as prescribed by this Act,

shall exceed the budget and tax levy limitations imposed by sections 73-502 and 73-505, Arizona Code of 1939, shall, notwithstanding such limitations, make such supplemental budget provisions and levies of taxes for the fiscal years 1944-45 and 1945-46 as may be necessary to provide for the increase.

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

Sec. 6. REPEAL. Sec. 12-708a, Arizona Code of 1939 (Chapter 57, Session Laws of 1943, Regular Session), is repealed.

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

Approved by the Governor—March 20, 1944.

Filed in the Office of the Secretary of State—March 20, 1944.

CHAPTER 32

(House Bill No. 7)

AN ACT

CREATING AND ESTABLISHING THE POWER AUTHORITY OF THE STATE OF ARIZONA AS A BODY CORPORATE AND POLITIC, DESCRIBING ITS NATURE, SCOPE, GENERAL AND SPECIAL JURISDICTION AND AUTHORITY, POWERS, GOVERNMENT, PERSONNEL AND ROUTINE: PROVIDING FOR THE CONSTRUCTION OF POWER PROJECTS, WORKS AND FACILITIES; PRESCRIBING ALSO FUNCTIONAL AND OPERATING FEATURES; RELATING TO SURVEYS, PLANS, INVESTIGATIONS AND CONSTRUCTION; PROVIDING FOR ITS FISCAL POWERS, INCOME, REVENUE, TOLLS, AND CHARGES FOR ELECTRICITY; AND MAKING AN APPROPRIATION, REPEALING CONFLICTING STATUTES, MAKING PROVISIONS SEPARABLE, AND DECLARING AN EMERGENCY.

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

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

Sec. 2. AUTHORITY—CREATION AND FUNCTIONAL SCOPE. A State Agency to be called the "ARIZONA POWER AUTHORITY" having its principal office at the City of Phoenix, Maricopa County, State of Arizona, is hereby created for the performance of the duties and exercise of the privileges in this Act provided. It shall be a body corporate and politic, have an official seal which shall be judicially noticed; may sue and be sued in its official corporate name, make contracts, hold, use, handle, enjoy, lease, sell, pledge or otherwise dispose of any and all real and personal property, and shall have all the rights appertaining or belonging to general bodies corporate except as herein limited, modified or otherwise provided. All electric energy or power coming under Authority jurisdiction and all property acquired by it shall be held to be public property, and shall have and enjoy the tax exemptions, rights and privileges now or

hereafter granted to operating units; and in the event the Authority shall cease to exist, all its assets remaining after its obligations and liabilities have been satisfied or discharged, shall be ceded and surrendered to the State.

Sec. 3. ELECTRIC POWER JURISDICTION. It shall be the duty of the Authority and it shall have the right and privilege to bargain for, take and receive in its own name on behalf of the State, electric energy developed from the waters of the main stream of the Colorado River by the State or the United States Government or any agencies thereof which by provisions of State or United States Statute, Agreement or Regulation may be made available, allotted or allocated to the State of Arizona in its sovereign capacity. For the purpose of making such power available to the marketing areas of the State, the Authority is empowered to acquire or construct and operate electric transmission systems, standby, or auxiliary plants and facilities and to generate, produce, sell at wholesale, transmit and deliver such electric energy to any operating unit or person engaged in the distribution of power, except as provided in Section 4 hereof; and if conducive to efficiency and convenience, to enter into agreements for interconnection or pooling with projects, plants, systems or facilities of other distributors of electric power. The Authority shall not by definitive contract or agreement obligate or bind itself to take or purchase power from any source until it shall have previously or simultaneously procured purchasers therefor.

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

Sec. 4. FUNCTIONAL SCOPE. The Authority, in the acquisition, construction or operation of electrical transmission systems and other related facilities, shall as far as the best interests of the State require and as far as consistent with and conducive to the purposes and the policies of this Act, co-operate with and utilize established and existing organizations and facilities for distribution and operating purposes; and shall when practical and convenient, bargain and negotiate with the United States Government, its departments or agencies for the inauguration, construction or operation of new projects or enlargement of works or facilities and provide for repayment

of such work or project costs accruing to the Federal Agency or Department concerned, by the application of revenue produced from the operation of such works or projects. Operating units, natural persons engaged in the distribution of electric power and also mutual, cooperative concerns, corporations, firms, business trusts and partnerships, may construct, conduct, operate, handle, acquire and dispose of projects, works, systems or facilities not belonging to or under the Authority jurisdiction; and may also bargain and contract direct with the United States Government or any Department thereof, for electric power not under the jurisdiction of the Authority, and receive use and enjoy such power. The Authority shall have no right or power to create any mortgage lien upon its operating property or facilities or impose any debt, nor to suffer or create any financial obligation whatsoever upon the State of Arizona, or any of its subdivisions. Neither shall this Act be held to modify, alter or change the State Water Code or the functions, powers and duties of any agency or officer thereto appertaining. Nothing in this Act contained shall be construed to authorize or empower the Authority to engage in the retail distribution of electric energy. Provided, that the Authority may sell and deliver electric energy to districts, power or water agencies and to consumers located adjacent to its transmission lines who may be without other means of adequate electric supply. No project, transmission system, work or facility shall be sponsored, inaugurated, constructed or otherwise acquired, unless and until after due investigation and consideration, it is determined by the Authority to be feasible, economically sound and that the project or facility will be self-financing and liquidating within a period of not more than forty (40) years; nor until a definitive contract or agreement shall be executed, as indicated in Section 3 hereof.

Sec. 5. PLANS, EASEMENTS, RIGHTS-OF-WAY. The Authority shall formulate plans and development programs for the practical equable and economical utilization of electric power placed under its supervision and control. It shall, subject to provisions of this Act, proceed to progressively accomplish and place such plans and programs in operation and effect; and for these purposes, the Authority may exercise all or any of the powers and privileges granted by this Act, singly or con-jointly, severally independent or jointly with the United States Government or any Department thereof, with any person or operating unit, and may make application for, obtain, hold and use permits and licenses from the United States or any of its agencies for power sites, rights-of-way, rights and uses and other privileges and shall be qualified

to make applications, appropriations and filings under and in accordance with the Power and Water Code of the State for power in the same manner as any other qualified person or operating unit, but without the payment of any fees or charges for the filing of any maps, plans or other data in connection therewith. The use of necessary real property, now or hereafter owned by the State, not dedicated to public use, which may be necessary as sites for any project, or facility or rights-of-way of the Authority is hereby granted. Whenever any lands or rights-of-way of the State heretofore or hereafter dedicated to public use are necessary for the construction, operation or maintenance of said projects or transmission systems, such lands or rights-of-way may be used therefor but in accordance with the terms and conditions of an agreement to be first entered into between the Authority and any political subdivision or agency having jurisdiction over or control and management of such lands, or rights-of-way. The Authority may also exercise the privilege and right of eminent domain and may condemn private property for public use in the same manner and to the same extent as persons or operating units; and it is hereby declared that any property which may be condemned, taken or appropriated under the provisions of this Act is a public use.

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

sition of electric power by it; and establish appropriate rate schedules for its different classes of services or for its different zones of service. Rates shall not be discriminatory but may be uniform throughout the State or within zones. Agreements for electric service shall not extend for a period of more than twenty (20) years, and schedules may be modified by the Authority agreeable to the provisions of any appertaining agreement or in the absence of such, upon reasonable notice and hearing to the user or purchaser whenever such action is necessary to achieve the purposes and policies of this Act. Any qualified applicant may apply to the Authority for electric services under any established or proposed rate schedule. In times of emergency or power scarcity, preference shall be given to: (1) power or water agencies or municipalities; (2) co-operatives not doing business for profit and primarily supplying power to their own members; and (3) other qualified applicants. In the event there are competing applications for power service by members of the same class, available power shall be apportioned equably and a reasonable time shall be allowed such applicants to construct or acquire the necessary facilities to take or use such power. In the event of conflicting applications of the same class not otherwise adjusted to the mutual satisfaction of such applicants, the authority shall fix a time and place for the holding of a hearing thereon. Notice of hearing shall be published at least once in one or more newspapers of general circulation in the State. Such hearings shall be public and said applicants or any other qualified applicant having a special interest with respect to such electric power block, shall be there afforded an opportunity to be heard. Grounds of protest or objection shall be based on one or more of the provisions of this Section. The jurisdiction of the Authority over the matters entrusted to it shall be exclusive and its findings of fact, if supported by substantial evidence and not arbitrary, capricious or unreasonable shall be conclusive. Any record party in any public power hearing whose interest may be directly affected by any final order or action of the Authority in such rate hearing may appeal to the Superior Court of the State of Arizona in and for the county of Maricopa from any such final order or action of the Authority made, had or taken in the premises upon giving such Cost Bond as may be required and under such terms and conditions as may be ordered by the Appellate Court. The grounds for such appeal shall be stated in a motion for re-hearing filed by such party with the Authority within twenty (20) days after the entry of the order or the taking of the action from which appeal is contemplated. Notice of appeal shall be filed within twenty (20) days after final

order on said motion for re-hearing. Said appeals shall be heard by the Court at its earliest practical convenience and an appeal shall not stay the order or action of the Authority unless so directed by the Appellate Court. In the consideration of any appeal the Court shall give due regard to the findings, orders, and proceedings of the Authority where founded upon substantial evidence.

Sec. 7. CONSTRUCTION WORK AND PURCHASES. The construction of projects or facilities undertaken by the Authority shall be by contract and not by Force Account. No contract for construction work exceeding $5,000.00 in amount, except in cases of emergency to prevent imminent loss or danger, shall be entered into by the Authority except after published notice of not less than ten (10) days. All such contracts shall be let by public bid to the lowest responsible bidder, and the Authority shall be authorized to call for sealed bids and to accept or reject any or all of said bids. Bids shall be accompanied by a reasonable performance bond in such amount as the Authority may demand. Provided, however, that the foregoing provisions shall not apply to any contracts entered into with any Federal Agency. All purchases and contracts made by the Authority for material or services other than personal services shall be made after advertising in such manner and at such times, sufficiently in advance of opening bids, as the Authority deems adequate to insure appropriate notices and opportunity for competition. Such advertisement shall not be required, however, when (1) an emergency requires immediate delivery of the supplies or performance of the services; or (2) repair parts, accessories or supplemental equipment or services are required for supplies or services previously furnished or contracted for; or (3) the aggregate amount involved in the purchase of supplies or procurement of services does not exceed $2,500.00; in any such case the purchase of such supplies or procurement of such services may be made in the open market in the manner common among businessmen. In comparing bids and in making awards the Authority shall give due consideration to such factors as relative quality and adaptability of supplies or services; the bidder's financial responsibility, skill, experience, record of integrity in dealing, and ability to furnish repair and maintenance services; the time of delivery or performance offered; and whether the bidder has complied with the specifications. Provided, however, that the foregoing provisions shall not apply to any contracts entered into with any Federal Agency. The Authority shall protect its interests by providing for and securing necessary indemnity, perform-

ance or other bonds whenever in its judgment the circumstances require such protection.

Sec. 8. CO-OPERATIVE ACTION. Any person or operating unit, or combination thereof, may petition the Authority for the exercise of its powers and privileges in the making of any project or proposed project survey or investigation; or for authorized assistance in the inauguration or completion of any works or projects authorized hereunder. Upon filing of such petition, the Authority may hold and conduct such hearings and make such investigations as may be deemed necessary and advisable, and thereafter take such action as it deems appropriate in the premises and within the sphere of cooperative action as herein provided: (1) the Authority may act as a bargaining and negotiating agency in transactions and dealings between the various departments of the Federal Government and any petitioning persons or operating units; (2) serve as a connecting, intermediate or contracting medium for such petitioners whenever for united or joint participation, such a medium is convenient or essential to the receipt, acceptance, or enjoyment by said petitioners of any financial proposals, grants, or other benefits made available by any Federal Statute or department; and (3) act as a coordinating, clearing, administering, supervising, or activating instrumentality by and through which such petitioners may cooperate or unite through or by contracts or agreements in the application of, or pooling of their resources, functional rights or privileges for common purposes cognizable hereunder. Notwithstanding the provisions of any general, special or local law or statutory regulation, operating units may enter into contracts, agreements and arrangements which may be found necessary for effectuating the intent and securing the benefits of the preceding subsections (1), (2) and (3); and if found convenient and essential to the accomplishment of said purposes, said cooperators may associate themselves in a cooperative corporation under the incorporation laws of the state; and it shall be their respective duties to do and perform all things on their respective parts undertaken by them to be done or performed thereby or thereunder. Nothing contained in this section shall be construed to alter or change any debt limitation of said operating units.

Sec. 9. AUTHORITY TO ACT THROUGH COMMISSION. The purposes of the Authority shall be effectuated by and through a Commission, and other necessary personnel. It shall be the duty of the Commission to administer this Act; to acquire suitable quarters, furniture, furnishings and articles of equipment and necessary sup-

plies; the Authority shall determine its own organization and methods of procedure in accordance with the provisions of this Act; and it shall have power and authority to adopt, amend or rescind the routine and general rules, regulations and forms, and also to prescribe a system of accounts. The Authority is empowered to employ engineering, accounting, legal, skilled and other assistants, fix their compensation, define their duties and provide the conditions of employment. All positions shall be filled by persons selected and appointed on a non-partisan, fitness and qualification basis. If, as and when, the Commission shall employ any person in the capacity of Director, Manager or Chief Engineer, such person so employed, shall be a duly licensed engineer, although not a resident of Arizona or licensed therein, but who is actively engaged in the practice of his profession, trained and experienced in the lines involved in the performance of his official duties and he shall not hold any other public office or have any interest in any business that may be adversely affected by the operation of the Authority in the exercise of its powers and discharge of its duties. The Commission shall cause minutes of its meetings to be kept and may publish so much thereof as the Commission may consider of public interest and benefit and shall make and submit to the Governor on or before the first day of December of each year a report containing a full and complete account of its transactions and proceedings for the preceding fiscal year, together with other facts, suggestions and recommendations deemed of value to the people of the State. The State Treasurer shall be Authority Treasurer without voting privileges or additional compensation. He shall attend meetings when requested to do so by the Board and shall perform all the duties imposed upon him as Authority Treasurer.

Sec. 10. COMPOSITION AND TENURE. The Authority Commission shall consist of five electors qualified by administrative and business experience appointed by the Governor with the approval of the Senate; and the powers and authority vested in them shall be exercised by a majority of the members then in office. The terms of members first taking office shall expire as designated by the Governor at the time of appointment; two at the end of the second year; two at the end of the fourth year; and one at the end of the sixth year from the first day of the month in which the senate confirms the last appointment. Thereafter, the members of the Commission shall hold office for a period of six years. The Commission shall select a Chairman and Vice-Chairman from among their members. The first Chairman and Vice-Chairman selected shall hold office until the first Monday

in January, 1945, and, thereafter, the Chairman and Vice-Chairman shall be elected for terms of two years each. A successor to a member shall have a term of office expiring six years from the date of the expiration of the term for which his predecessor was appointed. Any member appointed to fill a vacancy shall serve only for the unexpired term of the member he succeeds. Members appointed shall be competent to act between the time of their appointment and the time of confirmation or rejection by the Senate. Members of the Commission may be removed by the Governor for cause. Three of the members in office shall constitute a quorum for the transaction of the business of the Authority. No member shall hold any other salaried public office, or be associated with any public service corporation engaged in the business of generating, distributing or selling power to the public generally in Arizona for profit, nor shall any such member have any interest in any business that may be adversely affected by the operation of the Authority in the discharge of its duties.

Sec. 11. ORGANIZATION — COMPENSATION AND OFFICIAL BONDS. Within thirty days after their appointment, members of the Commission shall meet on the call of the Governor and proceed to organize and activate the authority under this Act. The Authority shall provide necessary records, including Order, Resolution and Minute Books. It may act, effectuate, manifest, and record its actions by motion, resolution, order or other appropriate means. Minute, Order and Resolution records shall be orderly arranged and conveniently indexed. Meetings of the Commission shall be public. Records of the Authority shall be public and open for inspection during business hours. The members shall receive a per diem of Fifteen Dollars ($15.00) for time actually spent in the service of the Authority and necessary traveling expenses, but not exceeding a total compensation of Three Thousand Dollars ($3,000.00) per annum, exclusive of allowable expense. The members of the Commission shall attend all meetings thereof, unless excused from attendance by reason of justifiable excuse. They shall devote to their duties as members of said Commission, such time and attention as may be necessary to effectuate the purposes of this Act and to carry out their duties and exercise their powers. The Commission shall designate the person or persons who shall execute all documents and instruments on behalf of the Authority. All commission members in order to qualify for office shall take and subscribe an official oath to perform the duties of their office, and also shall execute an official bond in the sum of Five Thousand Dollars ($5,000.00) with sub-

stantial surety, or sureties, to be approved by the State Treasurer by endorsing his approval in writing upon such bond. Said oath and bond shall thereupon be filed with the State Treasurer. All official oaths and bonds required by this Act shall be in the form prescribed by law for official oaths and bonds of State Officials, and the obligee named in said bond, shall be the State of Arizona.

Sec. 12. FISCAL MATTERS. The provisions of the Budget and Financial Administration Act of 1943, (Chapter 86, Laws 1943, A.C.A., Article 9, Sections 10-902-10-939 inclusive) shall apply and govern under this Act, and the State Auditor shall annually audit the accounts of the Authority. Provided, that the exemption therein granted other industrial or quasi-industrial State agencies including the University of Arizona, shall be applicable to the Authority, viz: The fiscal year of the Authority shall not be divided into fiscal quarters; moneys of the Authority shall be placed in separate funds and not in the general fund. Provisions of said Act relating to classes and objects of funds, and classes and objects of expenditures shall not be applicable except as herein expressly provided. Nothing in said Budget and Financial Administration Act of 1943 shall be construed to require the reversion to the general fund of any moneys, balance, or biennium appropriations made for the Authority. Except as the same may conflict with or be covered or governed by said Budget and Financial Administration Act of 1943, the following budget and fiscal provisions of this section shall apply: Appropriate classification and designations shall be set up in its accounting records so as to provide for safe and orderly division of all moneys received by it, including a reserve fund embracing all moneys required for the payment of revenue bonds both principal and interest thereon, and any and all other obligations for which a reserve is required; and no withdrawals from said reserve funds shall be made, except for the express purposes for which such moneys may have been deposited therein. The State Treasurer shall perform the duties imposed upon him by this Act and Article 4, Vol. 1, Page 347, A.C.A. 1939, in so far as consistent and not in conflict herewith. All money in the Reserve Fund not immediately required for use, and all funds constituting surplus may be invested by the Treasurer in the same manner as he is authorized to invest other public moneys. The provisions of the General Revenue Laws of the State and the provisions of Article 3, Vol. 1, A.C.A. 1939, except as modified to meet special requirements hereof shall be applicable to and under this Act. The Authority shall on or before the first day of July, 1945, and on or before the first day of July in each succeeding fiscal year, adopt

an Administrative Budget for the next succeeding fiscal year. Said budget shall not exceed the sum of Seventy-five Thousand Dollars ($75,000.00) per fiscal year, and shall consist of a full and complete statement of administrative expenditures from said fund during the past fiscal year and an estimate of the different amounts which may be deemed necessary to meet administrative requirements of the Authority for the ensuing year, fixing the amounts proposed for all recurring items of expense and an amount of contingencies or emergencies not anticipated. No administrative expenditure shall be made therefrom in excess of the total amount of such budget. Any economies resulting in balances for any fiscal year shall be available for, and converted into operation funds. The Authority shall for each similar period prepare an operation budget covering operations, and capital items which shall consist of a full and complete statement of all incoming receipts and expenditures for the past fiscal year and an estimate of anticipated income and expenditures for the next ensuing period. Said budget shall also give a complete asset and liability and balance statement and statement of profit and loss, together with itemized statement of cash on hand, commitments, reserves, and obligations anticipated for such ensuing fiscal year; projects and amounts intended to be expended therefor during such ensuing period, together with such other information as to give a full and complete disclosure of its current financial condition. The original of such budgets shall be filed with the State Auditor and copies thereof with the Governor and the State Treasurer and shall be included in the Authority's annual report.

Sec. 13. LEGISLATIVE APPROPRIATIONS. For payment of the costs and expenses of the Authority in organizing, procuring necessary quarters, furniture, appliances, equipment and records; for the payment of salaries, and general administrative and operational purposes, necessary official traveling expenses, not exceeding the statutory allowance for such capital investments and operation expenditures as may be found advisable and feasible under this appropriation, for the period from the effective date of this Act to June 30th, 1944, there is hereby appropriated to the Authority the sum of $25,000.00; for the fiscal year beginning July 1st, 1944, and ending on June 30th, 1945, there is hereby appropriated to the Authority the sum of $75,000.00. Beginning on or before the first day of the thirtieth fiscal year after the effective date of this Act, and on or before the first day of each fiscal year thereafter until payment in full, the Authority shall cause to be paid into the General Fund of the State, out of any of its moneys not otherwise committed or encumbered,

such a sum as will repay to the State of Arizona, in twenty equal annual installments, with interest at three per cent (3%) per annum, from such date until repaid, all moneys received by it by direct appropriation of the State Legislature.

Sec. 14. REVENUE BONDS. Whenever the Authority shall find other indicated methods or procedure inadvisable, inadequate or insufficient for the accomplishment of any transmission system, electrical project work or facility, it may independently or in conjunction with any other optional or alternative plans in this Act outlined issue bonds as in this Act set forth. No revenue bonds shall be issued until provision shall first be made by contracts in accordance with the provisions of this Act, adequate in the judgment of the Authority to insure all necessary fiscal reserves, operation costs, maintenance and depreciation charges and payment of principal and interest of any bonds appertaining to or respecting any proposed project or facility involved and within the time fixed. Neither shall revenue bonds be issued except upon requisition by the Authority and approval by the State Certification Board. The Governor for purposes of and in proceeding under this Act, shall be an ex-officio member of said Board without additional emolument. The requisition shall be signed by the Chairman and the Secretary and shall be accompanied by the findings of the Authority that the issuance of such bonds is necessary and advisable, that all other methods or procedures have been found impractical, inadvisable, or inadequate and that it is for the best public interest that such bonds be issued. All appropriate engineering, economic, and financial data illuminative, informative, or relevant to said proposed bond issue, together with plans and maps and other essential appertaining documentary information, shall accompany said requisition. The requisition shall be in quintuplicate and shall be filed with the Chairman of said Certification Board who at the earliest practical time shall fix a time and place not less than ten nor more than twenty days for hearing upon such requisition. Notice of said hearing shall be published twice in some newspaper of general circulation within the State. At the time and place fixed any person having a special interest in said application who shall have filed written objections may be heard thereon. Except when said Board may determine otherwise, testimony shall be under oath. The hearing may be adjourned from time to time until completed and the decision of the Board shall be final. On completion of hearings, said Certification Board shall promptly adopt its resolution approving or disapproving the requisition in whole or in part and to the extent approved, the Authority

is empowered to issue its revenue bonds from time to time in anticipation of its revenues.

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

and such recital shall be prima facia evidence of their legality and validity. Before delivery or sale the Authority may submit the bonds to the Attorney General of the State, and he shall examine them and inquire into the legality of all proceedings bearing upon the validity of the bonds; if satisfied that they are legally issued, he shall certify in substance on the back of each bond that it is issued in accordance with the constitution and laws of the State of Arizona. Bonds so issued may be sold if and when the money is needed for the purposes for which they were issued. Pending the preparation or execution of definitive bonds, interim receipts or certificates or temporary bonds may be delivered to the purchaser or purchasers of said bonds. Revenue bonds shall not be sold at less than par with accrued interest and the provisions of Sections 16-1611 to 16-1617 inclusive, Article XVI, Chapter XVI, page 607, Vol. 1, A.C.A. 1939, except as modified to meet the special requirements hereof, shall be applicable under this Act.

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

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

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

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

Approved by the Governor—March 27, 1944.

Filed in the Office of the Secretary of State—March 27, 1944.

THE POWER AUTHORITY ACT OF 1944

Statement of Governor Sidney P. Osborn, approving House Bill No. 7, and expressing disapproval of certain amendments thereto.

March
Twenty-seventh
1 9 4 4

Honorable Dan E. Garvey
Secretary of State
State House
Phoenix, Arizona

My dear Mr. Secretary:

Attached hereto is House Bill No. 7, known as the Power Authority Act of 1944, which I have this day approved.

The enactment of this bill, inadequate as it is, marks the first forward movement of the people of Arizona toward success in their struggle to derive benefit from hydro-electric energy now generated and to be generated on the Colorado River. Although this measure, as amended and approved by the Sixteenth Arizona Legislature, represents only a partial advance, it does establish the basis upon which the fight for public power can and will be continued.

Of vital consideration in the signing of this bill is the fact that without some such measure Arizona could not obtain any benefit at all from the electric power alloted to it by act of Congress.

The Power Authority Act of 1944 may be regarded as supplementary to the recent Acts of the Legislature approving the Colorado River Contract and Compact. It culminates a long struggle for public power and emphasizes the trend of public opinion against entrenched monopoly.

It meets the requirements of subsection (c) of Section 5 of the Boulder Canyon Project Act of December 21, 1928 (Public No. 621-70th Congress) and the Boulder Dam Adjustment Act of July 19, 1940 (Public No. 756-76th Congress, approved July 19, 1940) requirement which any state legislation designed to give the people of Arizona the benefits of our power resources must meet in order to be valid and effective.

Properly administered, The Power Authority Act of 1944 will insure this state against the recurring power shortages which in the past have resulted in great damage to agricultural and other industries.

It will obviate the necessity for construction and maintenance of costly Diesel and steam plants operating under a high fuel cost.

It will enable the numerous towns, cities, irrigation, electrical, agricultural improvement and cooperative organizations throughout the state to obtain a stable source of electric power at an economic rate.

It will very materially furnish a yardstick for the appraisement, comparison and reduction of our present high electric rates.

It will constitute an efficient magnet for attracting manufacturing plants and industrial systems for the utilization and fabrication of our mineral, metal, timber, fiber, leather and other raw materials and be of great assistance in establishing a more balanced state economy.

The Bill, as enacted, is substantially as written and introduced, with two exceptions:

1. The amendment concerning existing electric service contracts with the United States Government, contained in Section 3, declaring that

such contracts "shall not be impaired or modified by any of the provisions of, or powers granted by, this Act".

The obvious purpose of this amendment when introduced was to place a barrier between the people of Arizona and their own electric power and to compel them to purchase power through existing distributors; whereas, the purpose and intent of the people is to liberate our citizens from the clutches of the entrenched selfish power interests.

The actual effect of this amendment, however, is exactly nothing. It may in its entirety be considered as surplusage, a useless attempt to defeat the purpose of this Bill. The Act in itself cannot add tenure, privilege, exception, legality or vitality to such agreements or arrangements. Nor can legally existing contracts or agreements be impaired by this legislation.

That the great majority of the House of Representatives was opposed to this attempt to give legislative sanction to these power contracts is clearly indicated by its action in striking the amendment from the Senate Bill by a vote of 42 to 8. The retention of the amendment in the bill finally adopted does not alter that fact. Nor does it alter the legality or the illegality of such contracts.

Whatever may have been the motives behind this amendment, it is totally ineffective.

2. A second amendment to Section 3 does embarrass and impede the Authority in rendering essential service to the citizens of the state in that it unwisely precludes direct service to industrial plants and thus decreases necessary outlets for power available.

However, I am confident that when the people of Arizona find themselves face to face with the greatly increased power demands which the future is certain to create they will take the necessary steps to protect and promote the public welfare. Under such conditions I am equally confident that future legislatures will remedy the temporary effects of this inhibiting amendment.

The permanent location of large post war industries in Arizona, and the resulting employment and prosperity of the people, depend

directly upon an ample supply of power and a drastic reduction of rates. No provision of law which hampers that development will be permitted by future legislatures, or by the people, to remain on the statute books.

At the earliest possible date the obstructive features contained in this section of the Act must be repealed.

For the above reasons, and with the above reservations, I have today approved House Bill No. 7.

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Sincerely,

SIDNEY P. OSBORN

Governor

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MEMORIALS

HOUSE CONCURRENT MEMORIAL NO. 1

A CONCURRENT MEMORIAL

REQUESTING CONGRESS TO ENACT THE PROPOSED "BILL OF RIGHTS" FOR MEN AND WOMEN IN THE ARMED SERVICES.

TO THE CONGRESS OF THE UNITED STATES:

Your memorialist respectfully represents:

There are now approximately ten million persons in the armed forces of the United States.

The nation owes these men and women an eternal debt of gratitude, a debt which can never fully be repaid, but the government can, however inadequately, evidence its appreciation of their services by making the transition period less difficult.

It is therefore incumbent upon the nation to make some provision for these service men and women.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, urgently requests:

1. That the Congress of the United States promptly enact S. 1617, by Senator Clark and others, and H. R. 3917, by Representative Rankin and others, which embody the program of the American Legion, known as the "Bill of Rights" for men and women now in the armed services.

Passed by the House—March 15, 1944.

Passed by the Senate—March 16, 1944.

Approved by the Governor—March 20, 1944.

Filed by the Secretary of State—March 20, 1944.

HOUSE JOINT MEMORIAL NO. 1

A MEMORIAL

RELATING TO THE REMOVAL OF TEMPORARY WAR HOUSING IN ARIZONA TO RURAL AREAS.

TO THE CONGRESS OF THE UNITED STATES AND TO THE UNITED STATES SENATORS AND CONGRESSMEN FROM THE STATE OF ARIZONA:

Your memorialist respectfully represents:

A large number of temporary housing units have been constructed in many localities in Arizona and are being administered by the Federal Public Housing Authority in connection with war activities in this State.

When such war activities are terminated, continued operation of such housing in these localities by the Federal Public Housing Authority will depress the real estate market and have a detrimental effect upon private home-building enterprise.

There exists in certain rural areas in the State a distinct need for improved housing facilities for farmers with small incomes and for farm labor.

Removal of such housing administered by the Federal Public Housing Authority to such rural areas and availability thereof to such farmers and farm labor through the media of authorized local authorities would be in the interest of the State and of the Federal Government.

It is a matter of State concern that the removal and disposition of the temporary housing constructed and administered by the Federal Public Housing Authority for war purposes be effected in a manner designed to protect private enterprise and to effectuate the public purpose of making such housing available to such farmers and farm labor within this State.

Wherefore your memorialist, the Legislature of the State of Arizona prays:

That the Congress authorize the removal of such housing, when no longer essential to the war effort, through the medium of, or by sale or other disposition to, the State of Arizona or to appropriate local public agencies in the State of Arizona, for the purpose of making such housing available to farmers of small income and to farm labor in the State of Arizona, who are in need of improved housing facilities.

Passed by the House—March 15, 1944.

Passed by the Senate—March 15, 1944.

Approved by the Governor—March 17, 1944.

Filed in the Office of the Secretary of State—March 17, 1944.

SENATE MEMORIAL NO. 1

A MEMORIAL

PRAYING CONGRESS TO EXTEND THE CIVILIAN PILOT TRAINING ACT OF 1939.

TO THE CONGRESS OF THE UNITED STATES OF AMERICA:

Your memorialist respectfully represents:

The expansion of civil aeronautics superinduced by the war, and the corollary demand for competent air pilots, will be multiplied in all its phases upon the return of peace activities.

Without the stimulating effect of the Civilian Pilot Training Act of 1939 the need for civilian pilots could not have been met. Without a continuation of the benefits of this Act a tremendous shortage of pilots will occur, and a lucrative and useful field of employment will be denied many thousands of men.

Wherefore your memorialist, the Senate of the State of Arizona, prays:

1. That the Congress pass S. 1432 or H. R. 4079, extending the life of the Civilian Pilot Training Act to July 1, 1949.

Adopted by the Senate—March 13, 1944.

Approved by the Governor—March 14, 1944.

Filed in the office of the Secretary of State—March 14, 1944.

SENATE MEMORIAL NO. 2

A MEMORIAL

ON THE PRESERVATION OF HOME INDUSTRIES.

TO THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES:

Your memorialist respectfully represents:

Agreement should be unanimous that this nation's number one policy, at this time, is the winning of the war at the earliest possible moment, that lives may be saved, the freedom we so highly prize insured, and economic and social dislocation minimized.

It is the paramount duty of every loyal citizen to cheerfully make any necessary sacrifice, to cheerfully endure any inconvenience imposed by the exigencies of the existing emergency.

Nevertheless, while never losing sight of the above primary objectives, it is also of great importance to give consideration to the present and future effects of the disruption of industries essential to the welfare and happiness of the people and the prosperity of communities, states and the nation, and in all possible cases to alleviate conditions which tend to their destruction.

Two of Arizona's major industries are mining and cattle raising. With respect to these vital industries upon which so much depends, both in peace and war, the facts are: 1. that many

mining properties, even properties containing minerals essential to the war effort, are idle, their plants closed, their organizations disrupted, their tax-paying ability reduced to zero, although certain fixed expenses must still be met; 2. that many thousands of cattle fit and ready for use as food are roaming the ranges, an expense rather than as asset to their owners, for the reason that under existing regulations they cannot be consumed locally, although beef is shipped in from packing plants far distant from Arizona, to the further aggravation of the transportation problem.

Furthermore, with respect to the particular industries cited, similar commodities are being imported in large quantities from other countries.

There is no intention, in calling attention to this situation, to criticize the so-called good neighbor policy, but neither is it assumed that this policy, which commends itself to all thoughtful American citizens, contemplates the destruction or crippling of this nation's industries or the impoverishment of its citizens.

Wherefore your memorialist, the Senate of the State of Arizona, urgently requests:

1. That immediate consideration be given to modification of the policy and the alteration of regulations which have the effect of discontinuing mining operations while essential metals susceptible of being produced at home are procured from abroad, and which prevents the marketing of cattle feeding on Arizona's ranges while processed meats are being shipped to many communities well able to supply all local needs.

Adopted by the Senate—March 7, 1944.

Filed in the Office of the Secretary of State—March 23, 1944.

SENATE MEMORIAL NO. 3

A MEMORIAL

REQUESTING THE COORDINATION OF REGULATIONS AFFECTING THE PRODUCTION AND AVAILABILITY OF BEEF.

TO THE PRESDENT AND THE CONGRESS OF THE UNITED STATES:

Your memorialist respectfully represents:

The United States government, through its several agencies charged with the direction and management of phases of the war effort, has consistently and repeatedly appealed to the nation's producers to redouble their efforts in the production of essential foodstuffs, to the end that this country's fighting men may be well fed, the resources of the armed forces of the Allies supplemented, aid extended to ravaged and impoverished peoples, and

adequate subsistence provided for citizens and residents of the United States fighting the war on the home front.

This appeal has with particular emphasis been directed to producers of meat, since it is well understood that meat is a principal and indispensable part of the American diet.

The government's call has met with prompt and whole-hearted response, and all previous records for the production of staple articles of food have been eclipsed.

Despite the efforts which have been put forth and the success, so far as production is concerned, which has attended them, it is an indisputable fact, inconsistent and incongruous as it may seem, that with respect to certain commodities, and conspicuously so with respect to beef, a definite shortage exists throughout the nation.

With the ranges over-populated by a record increase of 12,000,000 head of beef cattle, the markets are illy supplied with beef, and citizens possessed of necessary ration points are unable to have their legitimate wants supplied.

This undesirable condition reaches not only the consumer, but as well vitally affects the producer, who has done all within his power to meet the responsibility placed upon him by his government. His ranges are overcrowded with cattle he cannot sell, to the injury of the ranges, and his breeding stock is becoming over-aged.

These conditions, serious alike to the consumer and the producer, are due, it is felt, to lack of coordination of the policies and regulations of the several governmental agencies whose orders affect the cattle industry, and the failure of certain of such agencies to comprehend the nature of the problems involved. To the consumer, ration points for beef have little value when the beef cannot be found in the markets, although there is an abundance of cattle on the range to meet their demands. To the producer, an increase in herds serves little purpose when he cannot sell his cattle. The packer cannot buy beyond his quota, and therefore is unable adequately to supply the markets.

Wherefore your memorialist, the Senate of the State of Arizona, earnestly requests:

1. That immediate steps be taken to place in the hands of a single agency all questions affecting the production, distribution and sale of meat for food.

2. That such agency be composed of representatives of consumers, producers, and the government.

Adopted by the Senate—March 11, 1944.

Filed in the Office of the Secretary of State—March 23, 1944.

SENATE MEMORIAL NO. 4

A MEMORIAL

RELATING TO THE REGULATION OF THE INSURANCE BUSINESS.

TO THE CONGRESS OF THE UNITED STATES:

Your memorialist respectfully represents:

Bills are now pending in Congress (H. R. 3269, H. R. 3270 and S. 1362) to affirm the intent of the Congress that the regulation of the business of insurance remain within the control of the several states and that the Acts of July 2, 1890, and October 15, 1914, as amended, be not applicable to that business. The bills in question are designed to leave the regulation of the business of insurance with the several states.

The state of Arizona receives from its insurance premium tax law, and from fees for the licensing of insurance companies and insurance agents, an average, based on the revenue during the last five years, of more than a quarter of million dollars annually, such proceeds during the year 1943 amounting to $305,-643.74.

Insurance business in this state is highly competitive. There are at present authorized to do business one hundred forty-three stock fire companies, seven mutual fire companies, one reciprocal fire company, thirty-one stock life insurance companies, eight mutual life insurance companies, eighty-nine miscellaneous stock companies, ten miscellaneous mutual companies, and three miscellaneous reciprocal companies. In the year 1943, 4,627 individual insurance agents were licensed.

A large portion of the premium tax collected from fire insurance companies is set aside under the law for the benefit of the firemen's pension fund.

Fire insurance rates are determined primarily by local conditions, particularly the availability of water supply, fire fighting equipment and the efficiency of fire departments, all matters peculiarly within the jurisdiction of state and local agencies.

By developing safety factors under state regulation the fire insurance rates in Arizona were reduced 53.6% between the years 1926 and 1942.

Should the regulation of insurance companies be withdrawn from the states such action would result in: (a) the loss of a large amount of revenue now paid to the state of Arizona, requiring an increase in taxes upon other properties to supply such deficiency; (b) further encroachment by the federal government on the prerogatives of the state and the withdrawing from state regulation of a matter which can most practically be regulated by state and local agencies; (c) placing under federal regulation the business and means of livelihood of at least 4,627 citizens of Arizona now actively engaged in the insurance business; (d) destruction of the premium and rate structure built up over the

years by competitive methods, which has resulted in a decrease in fire insurance rates in this state of 53.6%.

Wherefore your memorialist, the Senate of the State of Arizona, prays:

1. That the Congress speedily enact the bills H. R. 3269, H. R. 3270 and S. 1362.

Adopted by the Senate—March 14, 1944.

Filed in the Office of the Secretary of State—March 23, 1944.

SENATE JOINT MEMORIAL NO. 2

A JOINT MEMORIAL

REQUESTING THE CONGRESS OF THE UNITED STATES OF AMERICA TO INCREASE THE AMOUNT OF GRANTS TO STATES FOR OLD-AGE ASSISTANCE.

TO THE CONGRESS OF THE UNITED STATES OF AMERICA:

Whereas, under the Acts of Congress now in effect providing for payments to the states for old-age assistance, the amount contributed to the states is limited to one-half of the total of the sums expended during each quarter as old-age assistance, not counting so much of such expenditure with respect to any individual as exceeds forty dollars; and such limitation discourages the states from assuming an unequal share of the expenditures by providing for maximum payments to individuals of more than forty dollars per month, and

Whereas it is recognized by the United States Government and the several departments thereof that the cost of living has greatly increased since the enactment of old-age assistance legislation by the Congress, and the amount presently contributed by the United States does not take into consideration such increased cost of living, and the needy aged will suffer as a result thereof; and

Whereas the dislocation of the civilian population during the present war, caused by the migration of a large segment of the population from their home states to other states, has and will place an undue and unequal burden on certain states, including the state of Arizona, to the advantage of other states; and

Whereas, the mild winters and excellent climatic conditions in Arizona and other southwestern states has induced and will continue to induce large numbers of people to leave their home states and remove to Arizona and such other southwestern states in their latter years of life in order to qualify for old-age assistance; and

Whereas, old-age assistance is, therefore, essentially a national

and federal problem which should be wholly provided for by the national government,

Now therefore, your memorialist, the Legislature of the State of Arizona, prays:

That the Congress of the United States of America speedily enact such legislation as

(1) will recognize that old-age assistance should be wholly assumed by the national government and provide that all amounts paid to aged needy individuals shall be paid by the national government, or as

(2) will provide for payment to the states of an amount for old-age assistance equal to one-half of the total of all sums expended during any quarter up to the maximum amount provided by the law of each state, respectively, to be paid to any individual.

Adopted by the Senate—March 14, 1944.

Adopted by the House—March 16, 1944.

Approved by the Governor—March 17, 1944.

Filed in the Office of the Secretary of State—March 18, 1944.

RESOLUTIONS

H. C. R. 1

A CONCURRENT RESOLUTION

ON THE DEATH IN ACTION OF COL. ARMAN PETERSON, SON OF EX-SPEAKER A. C. PETERSON.

WHEREAS, Col. Arman Peterson, of the United States Army Air Force, was killed July 1, 1943, while leading his Thunderbolt fighter squadron (78th Fighter Group) in action over Europe.

Col. Peterson, at the age of twenty-eight years, was one of the army's youngest colonels, one of America's best known air men in the present war, with forty-three combat missions, on each of which he led his group, to his credit, and holder of the Air Medal, three Oak Leaf Clusters, the Purple Heart, the Silver Star and the Distinguished Flying Cross—the two latter decorations awarded posthumously. On his last mission, as his fighter plane "Flagari"—so named because he "didn't want people to forget the old home town" of Flagstaff—entered a cloud he was heard to say: "There they (German 'bandit' planes) are; here we go." He never returned, but remembrance of this calm, brave Arizonan and his many deeds of heroism will never depart.

Col. Peterson was the son of Hon. A. C. Peterson, highly esteemed ex-Speaker of the House of Representatives of the Fourth legislature, and Mrs. Peterson. Therefore

BE IT RESOLVED by th House of Representatives of the State of Arizona, the Senate concurring:

1. In recording the supreme sacrifice made by Col. Peterson to the cause of human liberty, and expressing their great pride in his heroism, the members of this legislature desire to convey to his father, Hon. A. C. Peterson, ex-Speaker of the House of Representatives, his mother, widow, and daughter, their most profound sympathy.

Passed by the House—February 28, 1944.

Passed by the Senate—March 2, 1944.

Approved by the Governor—March 2, 1944.

Filed in the Office of the Secretary of State—March 3, 1944.

HOUSE JOINT RESOLUTION NO. 2

A JOINT RESOLUTION

ON THE DEATH OF HON. THOMAS E. CAMPBELL.

WHEREAS, Thomas Edward Campbell, former governor of Arizona, passed away March 1, 1944, at a Phoenix hospital, aged

sixty-six years, following a sudden attack suffered on the State Capitol lawn two days previously.

Thomas E. Campbell, or "Tom," as he was affectionately known to many thousands, was born, bred, lived and died an Arizonan—a product of the state of whom all Arizonans, regardless of political or other affiliations, were proud, by no means merely because of his striking appearance, which everywhere attracted attention, not yet for his never-failing geniality, friendliness and courtesy, but for his genuinely admirable qualities of character and splendid attainments.

Begininng his political career as a member from Yavapai county of the House of Representatives of the Twenty-first Territorial Legislature, in 1901, at the age of twenty-three years, he early became a notable figure in political circles, serving in turn as postmaster of Jerome, assessor of Yavapai county, state tax commissioner, and governor, which last named high office he occupied during most of the year 1917, and during two full terms from 1919 to 1922. Subsequently, he filled several posts of importance in the government of the United States, to the credit of his state and of the nation, and was a familiar of three presidents —Harding, Coolidge and Hoover. Throughout his life, in whatever capacity he served, and wherever he might be, he was a constant, creditable, and effective friend of Arizona. Therefore

BE IT RESOLVED by the Legislature of the State of Arizona:

1. The death of Thomas Edward Campbell is a severe loss to the state—a loss mourned alike by the members of this body and by all sectors of Arizona's populace.

2. This body's deepest sympathy, representative of that of the whole people, is extended to the bereaved wife and sons.

Passed the House—March 3, 1944.

Passed the Senate—March 8, 1944.

Approved by the Governor—March 8, 1944.

Filed in the office of the Secretary of State, March 9, 1944.

SENATE CONCURRENT RESOLUTION NO. 6

A CONCURRENT RESOLUTION

ON THE DEATH OF NERI F. OSBORN, SR.

WHEREAS, Neri F. Osborn, Sr., died at his home in Phoenix, October 6, 1943, aged eighty-seven years.

Mr. Osborn was Arizona's oldest legislative attache, having served in 1864 as page in the council of the First Territorial legislature, and was probably the oldest continuous resident. With

the settlers of his time he experienced the days that "tried men's souls." He knew Arizona when the Apaches made it a "dark and bloody ground"; was present at the birth of its permanent capitol; saw the desert places blossom and the hills give up their treasure. He witnessed and shared the struggles of the territory and was part and parcel in the development of the state. As citizen, business man and public servant he gave his best. Of such as he is Arizona's greatness. Therefore

BE IT RESOLVED by the Senate of the State of Arizona, the House of Representatives concurring:

1. Remembrance of Neri F. Osborn, Sr., by his fellow citizens who survive him will ever be accompanied by feelings of the profoundest respect and veneration.

2. The sympathy of members of this body is extended to the bereaved wife, to Governor Sidney P. Osborn, his eldest son, and to his other sons and daughters.

Adopted by the House—March 8, 1944.

Adopted by the Senate—March 8, 1944.

Filed in the office of the Secretary of State—March 10, 1944.

SENATE CONCURRENT RESOLUTION NO. 7

A CONCURRENT RESOLUTION

ENACTING AND ORDERING THE SUBMISSION TO THE PEOPLE OF A MEASURE RELATING TO OLD-AGE ASSISTANCE; PRESCRIBING THE AMOUNT OF ASSISTANCE, AND AMENDING SECTION 70-205, ARIZONA CODE OF 1939.

BE IT RESOLVED by the Senate of the State of Arizona, the House of Representatives concurring:

1. Under the power of the referendum, as vested in the legislature, the following measure, relating to old-age assistance, is enacted, to become valid as a law when approved by a majority of the qualified electors voting thereon and upon proclamation of the governor:

AN ACT

RELATING TO OLD-AGE ASSISTANCE, AND AMENDING SECTION 70-205, ARIZONA CODE OF 1939.

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

Section 1. Sec. 70-205, Arizona Code of 1939, is amended to read:

70-205. AMOUNT OF ASSISTANCE. The amount of assistance which any person shall receive shall be determined with due regard to the resources and necessary expenditures of the individual and the conditions existing in each case, and shall be sufficient when added to all other income and support of the recipient, to provide such person with a reasonable subsistence compatible with decency and health. In no event shall the amount of assistance paid under the provisions of this Act to any recipient exceed the sum of fifty dollars for any calendar month.

2. The secretary of state is directed to submit said measure to the people at the polls, and to cause to be printed on the official ballot at the next regular general election the title and number thereof, as provided by section 1, part 1, article IV, Constitution of Arizona.

Adopted by the Senate—March 15, 1944.

Adopted by the House—March 16, 1944.

Filed in the office of the Secretary of State—March 17, 1944.

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(None)

(Special Sessions)

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