ACTS

RESOLUTIONS and MEMORIALS

OF THE

REGULAR SESSION

Sixth Legislature

OF THE

STATE OF ARIZONA

Amendments to the Constitution, Referendum and Initiative Measures

Showing votes cast for and against at the primary election held September 12, 1922 and general election held November 7, 1922

Session Began January 7, 1923
Session Adjourned March 10, 1923

Publication Authorized
Sub-Div. 8, Sec. 1, Chap. 77, Session Laws,
Sixth Legislature,
State of Arizona
1923

THE MANUFACTURING STATIONERS INC., PHOENIX, ARIZONA

AUTHENTICATION

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

THIS IS TO CERTIFY—That the Acts, Resolutions and Memorials published in this volume, beginning at page one and ending at page 351 hereof, are full, true and correct copies of the originals, passed at the Regular Session of the Sixth Legislature of the State of Arizona, as they appear on file in the Office of the Secretary of State;

That the Regular Session of the Sixth Legislature of the State of Arizona was convened at the Capitol, in the City of Phoenix, January 7th, 1923, and adjourned sine die on the 10th day of March, 1923.

That the Acts, Resolutions and Memorials passed at said Session were officially published on the 10th day of June, 1923.

IN TESTIMONY WHEREOF, I have hereunto set my hand as Secretary, and affixed the Great Seal of the State of Arizona, this 10th day of June, 1923.
(Signed)

James H. Kirby

Secretary of State.

CODES—TERRITORIAL

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

CODES—STATE

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

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The Revised Statutes of Arizona, 1913, Civil and Penal Codes, and the subsequent Session Laws from 1915 to 1923, inclusive, are for sale by the Secretary of State at the following prices, plus postage or express:
Revised Statutes of Arizona, 1913:

Civil Code	$5.00	8 Pounds
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Session Laws of Arizona, 1915	1.30	2 Pounds
Session Laws of Arizona, 1917	2.00	1 Pound
Session Laws of Arizona, 1918	1.25	1 Pound
Sess on Laws of Arizona, 1919	3.00	2 Pounds
Session Laws of Arizona, 1921	2.50	2 Pounds
Session Laws of Arizona, 1922	2.50	2 Pounds
Session Laws of Arizona, 1923	2.50	2 Pounds

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AUDITOR—
Richard H. Ramsey.....Phoenix, Arizona

TREASURER—
Wayne Hubbs.....Phoenix, Arizona

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John W. Murphy.....Phoenix, Arizona

SUPT. PUBLIC INSTRUCTION—
C. O. Case.....Phoenix, Arizona

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D. F. Johnson.....Phoenix, Arizona
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U. S. SENATOR—
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REP. IN CONGRESS—
Carl Hayden (term 1923-1925).....Phoenix, Arizona

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Judge .....Henry D. Ross
Judge .....Frank H. Lyman
Clerk .....Eugenia Davis
Reporter of Decisions.....Alice M. Birdsall

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County Attorney—Levi S. Udall.....St. Johns

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Superior Judge—Albert M. Sames.....Tombstone
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County Attorney—John F. Ross .....Tombstone

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Clerk of Court—J. W. Wentworth.....Globe
County Attorney—J. P. Dougherty.....Globe

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Superior Judge—W. R. Chambers.....Safford
Clerk of Court—H. L. Payne.....Safford
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Superior Judge—Frank B. Laine.....Clifton
Clerk of Court—Ben C. Fehrman.....Clifton
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County Attorney—Ross H. Blakely.....Kingman

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Superior Judge—Richard Lamson.....Prescott
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Gila,	Alfred Kinney	(Dem.)	Globe
Graham,	T. S. Kimball	(Dem.)	Thatcher
Greenlee,	H. A. Elliott	(Dem.)	Clifton
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Mohave,	Kean St. Charles	(Dem.)	Kingman
Navajo,	Robert L. Moore	(Dem.)	Winslow
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Pinal,	Chas. E. MacMillin	(Dem.)	Ray
Santa Cruz,	C. A. Pierce	(Dem.)	Patagonia
Yavapai,	Chas. H. Rutherford	(Dem.)	Jerome
Yavapai,	Howard Cornick	(Dem.)	Prescott
Yuma,	Mulford Winsor	(Dem.)	Yuma

*DIED, July 13, 1923.

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Cochise County, O. S. French ..... D.
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Cochise County, E. A. Watkins ..... R.
Cochise County, J. B. Wylie ..... D.
Coconino County, George W. Copeland ..... D.
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Gila County, J. Tom Lewis ..... D.
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Gila County, John McCormick ..... D.
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Maricopa County, Robert L. Finch ..... R.
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Maricopa County, William Gleason ..... D.
Maricopa County, E. B. Goodwin ..... D.
Maricopa County, Vernettie O. Ivy ..... D.
Maricopa County, H. C. Ludden ..... D.
Maricopa County, O. C. Ludwig ..... D.
Maricopa County, Freeda Marks ..... R.
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Maricopa County, John P. Orme ..... D.
Maricopa County, Dan P. Jones ..... D.
‡Maricopa County, R. E. Payton ..... D.
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Pima County, Howard Griffin ..... D.
Pima County, Ralph Gunst ..... D.
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Pinal County, I. D. Rickerson ..... D.
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Yavapai County, L. W. Douglas .....D.
Yavapai County, Albert M. Jones .....D.
Yavapai County, C. Earl Rogers .....D.
Yuma County, Nellie T. Bush .....D.
Yuma County, Wm. Wisener .....D.

*John R. Bradshaw, member from Maricopa County, Sixth District, appointed by Board of Supervisors of the County of Maricopa on the 25th day of January, 1923, to fill the vacancy occasioned by Mr. Payton's resignation.

†Chas. Miller, member from Maricopa County, Eleventh District, died June 20, 1923.

‡R. E. Payton, member from Maricopa County, Sixth District, resigned January 20th, 1923, on account of ill health.

Deceased, February 4th, 1923.

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which Act is amendatory of an Act of the same Legislative Assembly, entitled "An Act to incorporate the City of Tombstone. To define its limits and rights, to specify its privileges and powers, and to provide for an efficient Government for the same," being Act No. 39 thereof, Approved February 21st, 1881, and to repeal all Acts and parts of Acts in conflict herewith..... 160

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the mother during her sickness, and for the care and support of such child, and for the commitment of the father to the County Jail to enforce compliance with the order of the Court, and for payment of costs of prosecution, and for other purposes, and repealing all statutes or acts or parts of acts in conflict with the provisions of this Act..... 180

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thorizing the refunding, for use on any specific or designated highway project, of funds paid by any political sub-division of the State of Arizona, to the State of Arizona, for the use of the Board of Directors of State Institut'ons and said office of State Engineer of the State of Arizona, for the construction of such specific and designated highway projects and diverted, prior to January 1, 1923, by said Board of Directors of State Institutions and of said office of State Engineer, to purposes other than such specified and designated projects: making an appropriation therefor; providing for the raising of funds to meet such appropriation by means of 25% apportionment of State Road Tax, tax upon passenger capacity per mile, upon designated common carriers; a tax upon truck tonnage of motor truck and tax upon gasoline and other distillates of crude petroleum; regulating and providing for the deposit, use, accounting for and disbursement of monies paid to the State of Arizona by such subdivisions of the State of Arizona for the construction of designated road projects and monies pa'd to the State of Arizona by the United States of America, by virtue of cooperative agreements between the State of Arizona and the United States of America pursuant to an act of the Congress of the United States of America entitled "An Act to provide that the United States shall aid the States in the construction of rural and post roads, and for other purposes" or of any amendment thereto, or pursuant to any

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other act enacted by the Congress of the United States of America for like purposes for the issuance of, registration and payment of negotiable State Warrants and providing for the issuance of negotiable Treasurer's Certificates of the State of Arizona in anticipation of the collection of the taxes authorized by this act; prescribing the form of such Warrants and Certificates, the due date and rate of interest thereon; defining offenses in violation of this act and providing penalties therefor. 207

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ACTS

ACTS

CHAPTER 1.

(House Bill No. 7.)

AN ACT

MAKING AN APPROPRIATION FOR THE CURRENT AND CONTINGENT EXPENSES OF CARRYING ON AND CONDUCTING AND DEFRAYING THE EXPENSES OF THE STATE LEGISLATURE OF THE STATE OF ARIZONA FOR THE SESSION OF 1923 AND DECLARING AN EMERGENCY.

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

Section 1. That the sum of Eighty Thousand Six Hundred Eighty Six ($80,686.00) Dollars, or so much thereof as may be necessary, is hereby appropriated out of the General Fund now in the hands of the State Treasurer of the State of Arizona, for the several objects and purposes hereinafter named.

(1) That the sum of Twenty-seven Thousand Three Hundred ($27,300.00) Dollars is hereby appropriated for the payment of the salaries of the members of the first session of the Legislature of the State of Arizona for the year 1923.

(2) That the sum of Twenty-seven Thousand ($27,000.00) Dollars, or so much thereof as may be necessary, is hereby appropriated for the payment

of employes of the Sixth Session of the State Legislature of Arizona for the year 1923, Twelve Thousand ($12,000.00) Dollars, or so much thereof as may be necessary, for payment of employes of the Senate; and Fifteen Thousand ($15,000.00) Dollars, or so much thereof as may be necessary, for payment of employes of the House.

(3) That the sum of Two Thousand, Three Hundred Eighty Six ($2,386.00) Dollars, or so much thereof as may be necessary, is hereby appropriated for the payment of mileage of the members of said Legislature.

(4) That the sum of Twenty-two Thousand ($22,000.00) Dollars, or so much thereof as may be necessary, is hereby appropriated for the payment of contingent expenses of said Legislature for the year 1923, Eleven Thousand ($11,000.00) Dollars, or so much thereof as may be necessary, for payment of contingent expenses of the Senate; and Eleven Thousand ($11,000.00) Dollars, or so much thereof as may be necessary, for the payment of contingent expenses of the House.

(5) The sum of Two Thousand ($2,000.00) Dollars, or so much thereof as may be necessary, is hereby appropriated for the necessary expenses to be incurred in completing the records of the Legislature, indexing the journals of both Houses, and completing the official records of both Houses of the Regular Session of the Sixth Legislature of the State of Arizona, for the year 1923.

Section 2. All claims for salaries and mileage for the members of the respective Houses of the Legislature shall be honored by the State Auditor upon the presentation of a certificate signed by the presiding officers of the respective Houses of the State Legislature, whereupon the State Auditor

shall issue his warrant upon the State Treasurer for the payment of the same, and the State Treasurer, upon presentation, shall pay the same out of the General Fund herein provided for.

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

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

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

Approved January 16th, 1923.

CHAPTER 2.

(House Bill No. 27.)

AN ACT

MAKING AN APPROPRIATION FOR THE OFFICE OF THE GOVERNOR; PROVIDING FOR THE EMPLOYMENT BY THE GOVERNOR OF AUDITORS, EXAMINERS, STATISTICIANS, ATTORNEYS, ENGINEERS AND SUCH OTHER PERSONS AS MAY BE NECESSARY TO PROPERLY MAKE EXAMINATIONS OF AND REPORTS ON THE INSTITUTIONS OF THE STATE OF ARIZONA AND MAKE EXAMINATIONS OF AND REPORTS ON LAND AND IRRIGATION PROJECTS AND BANKS WITHIN THE STATE OF ARIZONA; AND TO CONDUCT LITIGATION IN THE NAME, AND ON BEHALF, OF THE STATE AS THE GOVERNOR MAY DEEM NECESSARY; AND DECLARING AN EMERGENCY.

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

Section 1. There is hereby appropriated out of any moneys in the general fund of the State of Arizona, not otherwise appropriated, the sum of Ten Thousand ($10,000.00) Dollars, or so much thereof as may be necessary, to be expended under the direction of the Governor of the State of Arizona, upon claims duly approved by the Governor for the purposes hereinafter set forth. The State Auditor is hereby authorized and directed to draw his warrant on the State Treasurer for the amount of such claims and the Treasurer is hereby directed to pay same.

Section 2. So much of the money appropriated by Section 1 of this Act as is necessary, may be expended by and under the direction of the Governor, for the purpose of making an examination and audit of, and report on, any of the institutions of the State of Arizona that the Governor may deem it necessary to examine, audit and have reports on; and the Governor may also use the money so appropriated, or so much thereof as may be necessary, for the purpose of making examinations of and reports on proposed and existing land developments or irrigation projects and banks within the State of Arizona, and for the purpose of conducting litigation in the name, and on behalf, of the State as he may deem necessary to properly protect and establish the interests of the State in such matters. The Governor is hereby empowered to employ such auditors, examiners, statisticians, attorneys, engineers and such other persons as may be necessary to carry out the provisions of this Act, and to pay the necessary, actual travelling expenses of such persons employed.

Section 3. WHEREAS, it is necessary for the preservation of the public peace, health and safety that a thorough examination be made into the financial affairs of several of the public institutions of this State, and that such examination be made as speedily as possible, and it being necessary that funds may be immediately available to make examinations and reports on land developments or irrigation projects and banks in the State, in order that the rights of the State and its people be properly established and safeguarded, therefore, an emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage by the legislature and

approval by the Governor and shall not be subject to the referendum provisions of the State Constitution.

Approved February 6, 1923.

CHAPTER 3.

(House Bill No. 36.)

AN ACT

TO AMEND SECTIONS 1 AND 2 OF CHAPTER 38, (H. B. NO. 3), OF THE SESSION LAWS OF THE THIRD LEGISLATURE OF THE STATE OF ARIZONA, 1917, ENTITLED "AN ACT TO PROVIDE FOR A MINIMUM WAGE FOR WOMEN AND FIXING PENALTY FOR VIOLATION THEREOF."

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

Section 1. That Sections 1 and 2 of Chapter 38, (H. B. 3), of the Session Laws of the Third Legislature of the State of Arizona, 1917, are hereby amended to read as follows:

"Section 1. No person, persons, firm or corporation, transacting business within the state of Arizona, shall employ any female in any store, office, shop, restraurant, dining-room, hotel, rooming-house, laundry or manufacturing establishment at a weekly wage of less than Sixteen Dollars ($16.00) per week; a lesser amount being hereby declared inadequate to supply the necessary cost of living to any such female, to maintain her health, and to provide her with the common necessaries of life.

"Section 2. Any person, persons, firm or

corporation 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 for not less than ten days, nor more than sixty days, or by both such fine and imprisonment, for each separate offense."

Section 3. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved February 13, 1923.

EXECUTIVE OFFICE

State House

Phoenix, Arizona.

February 13th, 1923.

My dear sir:

I am transmitting herewith, with my approval, the following:

House Bill No. 1

An Act to amend Paragraph 2100, Chapter 11, Title 9, Revised Statutes of Arizona, 1913, Civil Code, entitled Corporations in general as amended by Chapter 15, Session Laws of Arizona, 1921, and as amended by Chapter 29, Session Laws of Arizona, 1922, being the Acts respectively of the Regular and Special Sessions of the Fifth Legislature of the State of Arizona, so as to provide that indebtedness heretofore or hereafter authorized by not less than three-fourths of the votes cast by the Stockholders and approved

by the Corporation Commission shall not be subject to the limitation of indebtedness provided by said paragraph, and declaring an emergency.

In signing House Bill No. 1, introduced by Mr. Jones of Maricopa County by request, I do so with a feeling of hesitancy. The reasons given for the necessity of this Act at this time (to aid in the construction of the Mormon Flat Dam) are legitimate and the amended law can be used to good purpose. However, the law does not limit its application to this project, but is subject to the possibility of grave abuse. In signing it, I do so with the expectation that the Corporation Commission or any department of State which might succeed to the duties of the Corporation Commission in case of a reorganization of the State Government, will exercise the utmost caution in permitting corporations to issue evidences of indebtedness in excess of the two-thirds limitation now fixed by law.

Very truly yours,
(Signed) GEO. W. P. HUNT,
Governor.

Hon. James H. Kerby,
Secretary of State,
Phoenix, Arizona.

CHAPTER 4.

(House Bill No. 1)

AN ACT

TO AMEND PARAGRAPH 2100, CHAPTER 11, TITLE 9, REVISED STATUTES OF ARIZONA, 1913, CIVIL CODE, ENTITLED CORPORATIONS IN GENERAL AS AMENDED BY CHAPTER 15, SESSION LAWS OF ARIZONA, 1921, AND AS AMENDED BY CHAPTER 29, SESSION LAWS OF ARIZONA, 1922, BEING THE ACTS RESPECTIVELY OF THE REGULAR AND SPECIAL SESSIONS OF FIFTH LEGISLATURE OF THE STATE OF ARIZONA, SO AS TO PROVIDE THAT INDEBTEDNESS HERETOFORE OR HEREAFTER AUTHORIZED BY NOT LESS THAN THREE-FOURTHS OF THE VOTES CAST BY THE STOCKHOLDERS AND APPROVED BY THE CORPORATION COMMISSION SHALL NOT BE SUBJECT TO THE LIMITATION OF INDEBTEDNESS PROVIDED BY SAID PARAGRAPH, AND DECLARING AN EMERGENCY.

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

Section 1. That Paragraph 2100, Chapter 11, Title 9, of the Revised Statutes of Arizona, 1913, Civil Code, as amended by Chapter 15, Session Laws of Arizona, 1921, and as amended by Chapter 29, Session Laws of Arizona, 1922, being respectively the Acts of the Regular and Special Sessions of the Fifth Legislature of the State of Arizona, be and the same is hereby amended to read as follows:

2100. Before commencing any business except that of forming their own organization, they must adopt articles of incorporation, which shall be signed and acknowledged by them as deeds are required to be acknowledged, and filed in the office of the corporation commission at the State Capitol and a certified copy thereof recorded in the office of the county recorder in each county in the state in which they transact business, where the same shall be indexed in a book provided for that purpose.

The articles of incorporation must contain:

(1). The names, residences, and post office addresses of the corporators, the name of the corporation, and its principal place of business. Provided, however, that the corporate name of every corporation hereafter organized shall indicate by its corporate name the character of the business to be carried on by the corporation; and provided, that not more than one corporation shall have the same corporate name.

(2) The general nature of the business proposed to be tranacted.

(3) The amount of capital stock authorized and the time when and the conditions upon which it is to be paid in; provided, that every corporation may provide for the issuance of one or more classes of stock without any nominal or par value of such number of shares, with such designations, and preferences, if any, as shall be stated and expressed in the articles of incorporation or in any amendment thereof; that the issuance and sale of authorized shares without nominal or par value, from time to time, will be for such consideration as is prescribed in the articles of incorporation or any amendment thereof; that any

and all shares without nominal or par value shall be deemed fully paid and nonassessable.

(4) The time of the commencement and the termination of the corporation.

(5) By what officers or persons the affairs of the corporation are to be conducted and the time at which they are to be elected.

(6) The highest amount of indebtedness or liability, direct or contingent, to which the corporation is at any time to subject itself, which must in no case exceed two-thirds of the amount of the capital stock, and in case of corporations having no par value stock which amount shall be computed by rules and regulations of the Corporation Commission. Such limitation, however, shall not apply to indebtedness incurred under the terms of the War Finance Corporation Act. Provided, that indebtedness heretofore or hereafter authorized by not less than three-fourths of the votes cast in accordance with the provisions of the articles of incorporation and by-laws at any regular or special meeting or election of the stockholders of any corporation and approved by the Corporation Commission of the State of Arizona, shall not be subject to the limitations herein prescribed, and shall not be considered a part of the indebtedness so limited.

(7) Whether private property is to be exempt from corporate debts. Unless so exempted, stockholders are liable for the debts of the corporation, in the proportion to which their stock bears to the whole capital stock.

Section 2. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Section 3. Whereas, the provisions of this

Act are necessary for the preservation of the Public Peace, health and safety, an emergency is hereby declared to exist, and this Act is hereby exempted from the operation of the referendum provisions of the State Constitution, and shall take effect and be in full force and effect from and after its passage and its approval by the Governor.

Approved February 13, 1923.

CHAPTER 5.

(Senate Bill No. 10)

AN ACT

TO AMEND PARAGRAPH 190, OF CHAPTER XXIII, TITLE 1, REVISED STATUTES OF ARIZONA, 1913, CIVIL CODE ENTITLED "OFFICIAL BONDS."

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

Section 1. That Paragraph 190, of Chapter XXIII, of the Revised Statutes of Arizona, 1913, Civil Code, entitled "Official Bonds," be and the same is hereby amended to read as follows:

190. The bonds of notaries public and all county and precinct officers, except supervisors, shall be approved by the chairman of the board of supervisors, who shall report such approval at the next meeting of the board, and no bond shall be filed by any officer required to file any such bonds mentioned in this chapter until such bond has been approved as prescribed by law. The bonds of supervisors shall be approved by the county recorder and filed in his office, and no fee

shall be charged for the filing or recording of any and all bonds of county and precinct officers required to be filed in said office.

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

Approved February 17, 1923.

CHAPTER 6.

(Senate Bill No. 16)

AN ACT AMENDING PARAGRAPH 3254, REVISED STATUTES OF ARIZONA, 1913, CIVIL CODE, IN RELATION TO NO-FENCE DISTRICTS, AS AMENDED BY CHAPTER 105, SESSION LAWS OF ARIZONA, 1919, REGULAR SESSION, AND ADDING A NEW SECTION TO BE KNOWN AS SECTION 3254-A.

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

Section 1. That Paragraph 3254, Revised Statutes of Arizona, 1913, Civil Code, relating to no-fence districts as amended by Chapter 105, Session Laws of Arizona, 1919, Regular Session, and adding a new Section to be known as Section 3254-A, be, and the same is hereby amended to read as follows:

3254. A majority of all taxpayers residing in any unincorporated city or town of more than five hundred inhabitants, or a majority of all taxpayers residing on any portion of the land under any irrigation project containing not less than Fifty thousand (50,000) acres of irrigable

land, and where water is available for such land, or where a majority of all taxpayers residing upon any portions of lands containing not less than ten thousand (10,000) acres in a compact body, and where at least seventy-five per cent in area of said lands is being successfully irrigated by any means whatsoever, may petition the board of supervisors of the county in which such unincorporated city or town or such cultivated district is located, expressing their desire that a no-fence district shall be formed and that no fence shall be required around the lands in such no-fence district, as designated in said petition; and, upon the filing of such petition with the proper board of supervisors, so signed by a majority of the taxpayers residing in such no-fence district, the said board of supervisors shall immediately enter the facts and the order of said board making and establishing such no-fence district, upon the records of said board, and shall publish said order in some newspaper published in said county for four weeks next succeeding; and, from and after the completion of such publication, there shall be no fence required around the lands in said no-fence district; and, it shall be unlawful for any animal to run at large in such district thereafter. A majority of the taxpayers residing in such no-fence district, according to the last preceding assessment roll for county and state taxes shall be deemed a majority of the taxpayers residing in such no-fence district for the purposes of this Act.

3254-A. The owner or owners of any livestock found running at large within the limits of any no-fence district shall be deemed guilty of a misdemeanor.

Approved February 17, 1923.

CHAPTER 7.

(House Bill No. 21)

AN ACT

PROVIDING FOR THE CREATION OF ASSESSMENT DISTRICTS FOR THE PURPOSE OF SUPPLYING POWER TO USERS PRIMARILY FOR THE PURPOSE OF PUMPING WATER FOR IRRIGATION OF ARID LANDS. PROVIDING FOR A JUDICIAL HEARING ON THE PUBLIC CHARACTER OF THE OPERATIONS OF SUCH DISTRICTS AND WHETHER OR NOT THE SAME CONSTITUTES A PUBLIC USE. PROVIDING FOR A HEARING UPON THE BOUNDARIES OF THE DISTRICT. WHAT LANDS WILL BE BENEFITED AND SHALL BE INCLUDED IN THE DISTRICT. PROVIDING FOR NOTICE OF SUCH HEARING ADDRESSED TO ALL OWNERS OF LANDS OR INTERESTS IN LAND AND TO ALL PERSONS IN ANY WAY INTERESTED IN OR AFFECTED BY THE ORGANIZATION OF SUCH DISTRICTS AND FOR APPEAL BY ANYONE FROM ALL OR ANY PART OF THE DECISION OF THE TRIBUNAL DETERMINING ALL QUESTIONS PRELIMINARY TO THE ORGANIZATION OF THE SAME. PROVIDING FOR THE ISSUANCE OF BONDS BY THE DISTRICT AND FOR OTHER MEANS OF RAISING REVENUE FOR THE PROPER CONDUCT OF THE BUSINESS OF THE DISTRICT. PROVIDING FOR THE LAYING OF THE BURDENS OF THE DISTRICT ON THE INTERESTED PARTIES AND MEANS FOR THE COLLECTION OF LEVIES FOR REVENUES.

PROVIDING FOR THE INCLUSION OF LANDS WITHIN THE DISTRICT. FOR THE CONSOLIDATION OF SUCH DISTRICTS AND GENERALLY FOR THE ELECTION OF OFFICERS OF SUCH DISTRICTS AND MEANS AND METHODS AND THE MANNER OF CONDUCTING THE BUSINESS OF THE DISTRICT. AND DECLARING AN EMERGENCY.

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

Section 1. Assessment districts for the purpose of securing power for use primarily for the pumping of water for irrigation may be formed in the following manner and by the following proceedings:

For the purpose of organizing such a district, a petition shall be filed describing a body of land situated in any one or more counties of the State of Arizona, which petition shall accurately define the exterior boundaries of the tract or tracts, or otherwise describe the lands to be included in the proposed district. The body of land thus to be organized as such district need not be composed of contiguous tracts. The petition shall pray that the described body of land be organized into an assessment district under this act and must be signed by at least one-third of the number of resident freeholders within the body of land proposed to be organized as such district, but in no case more than twenty-five subscribers to the organization petition shall be required. The petition must be filed with the board of supervisors of the county in which the proposed district is located and if parts of the proposed district are situated in more than one county, then the petition shall be filed with the board of supervisors

of that county in which is situated a larger part of the lands proposed to be so organized than in any other county.

Section 2. The petitioners shall give such security or make such deposit as the board of supervisors of the county may require of them conditioned upon the payment of all costs if for any reason the district should fail of organization.

Section 3. It shall be the duty of the board of supervisors with which any such petition is filed at the next regular or special meeting thereafter or at a special meeting called sooner for the purpose, to fix a date for a hearing on said petition, naming in their minutes the day and date thereof, the place of hearing, which shall be at the office of the said board of supervisors, unless the board shall determine for the convenience of the parties to hold elsewhere in the county. At said hearing the board of supervisors shall proceed to determine first the question of the public use of the operations of the proposed district. The board shall determine whether or not the lands in the proposed district are arid lands, whether they are fertile and reclaimable, whether there is a supply of water which can be made efficiently available by the use of the proposed power system, and whether on the whole, the development reasonably certain to result from the introduction of power, is of such interest and benefit to the whole district as to impress it with the character of a public use. It shall not be necessary to determine that any underground volume of water is certainly sufficient to irrigate all the lands in the proposed district but it shall suffice if the volume of water is large enough to supply such an amount of the land within the district as will make the results of the introduction

of power a public use and a benefit to the whole district and reasonably certain to enable the system when in full operation to be self-supporting. Nothing in this section or in this act shall be construed as declaring what is or what is not a public use or as limiting the evidence or the scope of the investigation of the board hearing the matter. The board of supervisors hearing the same upon such petition shall have full power to determine the question of the public use involved in the operations of the proposed district, and they shall consider and make their findings by taking into consideration all circumstances, facts and reasons pertinent to the question of the public character of the operations of the proposed district. If there are any such questions upon which there are facts of common knowledge of such probative weight as to make a prima facie case, it shall not be necessary for the board of supervisors to take evidence upon that point and they may take judicial knowledge of the same but they shall hear and consider all competent testimony or evidence offered with reference to the question.

For the purpose of determining the public use of the operations of the proposed district, the board of supervisors hearing the matter is hereby invested with judicial powers and its decision shall be binding upon all persons interested unless reversed on appeal as hereinafter provided and if modified or affirmed it shall be thus binding.

If the board of supervisors hearing the matter shall determine that the operations of the proposed district involve a public use they shall then proceed to the question of calling an organization election for the submitting to the qualified electors of the question whether the proposed lands

shall be organized into a district contemplated in this act. If the petition be found to comply with the provisions of this act and all the proceedings be also in compliance with the same an election shall be called as prayed.

If the board determines to call an organization election they shall then proceed to hear any and all objections which have been made to the inclusion of lands by owners or others interested therein. Owners of lands proposed to be included within the district or any person interested therein, if they desire to be excluded therefrom or to be relieved in whole or in part from bearing the burdens of the district, shall file with the board of supervisors hearing the matter written statements of their objections, stating in an informal way but giving full particulars of their grounds for asking to be excluded from the district or for asking to be relieved from any or all of the burdens of the district and they shall not be excluded unless it be shown that they will not be benefited by the operations of the district. The burden of proof shall be on the objectors and they shall be required to give proof of their rights as claimed in their filed objections.

All persons who have not been included in the proposed districts as defined in the petition shall have the right to appear before the board as parties interested in and affected by the organization of the district and shall have the right to pray their lands be included. If the land thus sought to be included in the district is all patented land and the owners petition to that end the lands thus proposed shall be included by the board of supervisors if this can be done without materially increasing the cost of service and in this they shall take into account the shape of the

proposed tract, whether service can equitably be rendered to users in the territory and all other circumstances having a bearing on the right of inclusion.

No application for inclusion shall be considered except the lands be all patented and all the owners join in the application but with reference to tracts where less than all the owners join in the application such applications shall be made under the provisions of this act in respect to inclusion of lands after the organization has been completed as prayed in the original petition.

Section 4. Notice of the hearing provided for in section three of this act shall be ordered by the board of supervisors and signed by the chairman thereof shall be addressed to all owners of lands or interests in lands, and to all persons interested in or in any manner affected by the organization of the proposed district. It shall state the day and the hour and the place of hearing. It shall only be necessary to state generally, but clearly and fully the objects of the hearing and it shall be served in the following manner. Said notice shall be published in at least one daily or weekly paper in each county in which any part of the proposed district is located, once a week for four consecutive weeks and it shall be posted in one public place in each township or part of township of each range or part of range, meaning one public place in each thirty-six sections or six miles square or part thereof according to Government survey, included in the proposed district and not less than three notices shall be posted in different public places in every county in which any part of the proposed district is situated. The board of supervisors shall designate and appoint some suitable person or persons to

post said notices and procure the publication of the same in the paper or papers as herein provided. Proof of posting shall be by affidavit of the party or parties posting the same and proof of publication shall be as in similar cases provided by law. Said proofs shall be filed with the board at or before the hearing.

The hearing provided for in this and preceding sections of this act, shall not be held less than ten days after the full publications herein provided for, and not less than three weeks and ten days from the date of posting all of the notices herein provided for.

The board of supervisors, before whom the hearing is to be held, for any reason which shall by them be deemed good and sufficient, shall have the power to adjourn the hearing, provided for in section three hereof, from time to time, but no notice of said adjournment need be given, except that the day and hour to which adjournment is ordered must be stated in the minutes or in the resolution of adjournment.

Section 5. When said notice has been fully given, as herein provided, and the hearing held and concluded, the board of supervisors hearing the matter shall make their decision and enter their findings in the minutes of the meeting, and they shall define the boundaries of the district as established in their findings, and they must state clearly any modifications of the liability of land owners for the burdens of the district, and they shall determine and enter in their minutes the name of the district which shall be "Electrical district Number.....of the county of .....and State of Arizona."

Thereupon, they shall appoint three freeholders, residents of the proposed district, who

shall constitute a board of election commissioners, whose duty it shall be to call and conduct the first or organization election.

Section 6. Any person aggrieved by the decision of the board of supervisors upon the hearing provided for in the foregoing sections of this act or any part thereof, is hereby given the right of appeal from the decision or any part thereof, from the finding with regard to the operations of the proposed district being a public use, and from each and every thing which the board may have done in the proceedings to the Superior Court of the county in which the hearing was held, and this right of appeal is accorded to any and all persons interested in, or in any way affected by the decision of the board of supervisors on the trial, whether the said appellants shall have appeared before the board, at the hearing, or have not.

Said appeal shall be taken and perfected by the service of notice within fifteen days from the time of the decision and not thereafter, which notice shall be signed and served as follows.

If by petitioners or interested freeholders, from a refusal of the board of supervisors to call an organization election, the notice shall be signed by three petitioners or interested freeholders and served on the chairman of the board of supervisors having heard the matter. If from the exclusion of lands from the district, the notice shall be signed by one or more petitioners or one or more interested property taxpayers resident of the district or taxpayers in or to the district, and it shall be served on the chairman of the board of supervisors and upon all the owners of land and those interested in lands the exclusion of which is contested by the appeal. If by objectors from

the inclusion of lands within the district it shall be signed by all the objectors and shall be served on the chairman of the board of supervisors and upon any five of the petitioners. Appellants must pay in advance the cost thereof and request in writing the clerk of the board of supervisors hearing the matter to transmit to the Clerk of the Superior Court all papers filed in the controversy with the board of supervisors and a transcript of all of the records of the board pertaining thereto, including all minutes and resolutions of the board of supervisors and upon such request being made and the fees therefor being paid in advance it shall be the duty of such clerk of the board of supervisors to transmit and file the same with the Superior Court of the county as soon as practicable and within five days. If the request be not made or if being made the fees therefor be not paid as herein provided within said fifteen days the appeal shall be waived. Oral notice of appeal may be given at the time of the decision appealed from, which shall be entered in the minutes of the meeting but the request for the certification of the record and payment of the fees in advance must be made within the said fifteen days after the decision or the appeal shall be waived. Service of notice of appeal shall be governed by the law of service of summons in commencing actions in the Superior Court.

Trial of the appeal in the Superior Court shall be de novo and appeal to the Supreme Court shall be governed by the laws of the State of Arizona relating to such proceedings and the rules of the Supreme Court. All appeals in this section provided for shall be tried within thirty days after the decision but the Superior Court may for good cause continue the trial not more than sixty

days but no continuance shall be granted or effective if granted, unless the appellant shall give a good and sufficient bond conditioned to pay the cost of appeal if the decision of the board of supervisors be not reversed which bond shall be in an amount and form prescribed by the judge of said court and approved by him.

No appeal from the inclusion of lands within the district shall hinder or delay the district in the calling of the organization election or hinder in any manner the district and its officers from proceeding to carry out all the objects of its formation except in case the aggregate of appeals from the inclusion of lands shall amount to more than one-third of the area or acreage of the proposed district. During the pendency of appeal, all owners of lands involved in any appeal shall have the right to vote under the same conditions as if their lands were included in the district and without prejudice to their rights on appeal.

Section 7. It shall be the duty of the election commissioners first to nominate nine persons, all of whom shall be resident freeholders of the district and qualified voters, as candidates for election as members of the board of directors of the district, should it be approved by the vote. The election commissioners shall then call an election, giving at least ten days and not more than fifteen days notice thereof, by posting a notice or copy thereof in one public place in each township or part of township of each range or part of range in the proposed district, and not less than three notices at different public places in each county in which any part of the district is located. The notice shall contain the names of candidates for directors, the day of the election, the hours during which the polls will be open,

which shall not be less than eight hours conveniently near the middle of the day, the place or places of voting and, if more than one such place of voting be provided, then the said commissioners shall divide the proposed district into precincts and the notice of election shall define the same in such manner as to indicate to all electors their respective voting places and said notice shall contain a statement that, at the election, it will be decided by the electors whether a certain territory, giving the boundaries thereof or otherwise describing it, shall be organized as an assessment district under this act.

Any five resident freeholders, being qualified electors, shall have the right to nominate two other candidates for election as board members by serving a written demand to that effect on the election commissioners at least five days before the election, and their names shall appear on the ballot following those nominated by the commissioners.

Section 8. The official ballot to be used at said organization election shall, in so far as practicable, correspond to the general laws of Arizona relating to official ballots and in addition shall contain the following. First on the ballot shall appear the question of organization, stated in such plain language that its meaning can be understood. Immediately following, or at one side shall appear the word "yes" with brackets or a square at the immediate right thereof, and the word "no" with brackets or a square at the immediate right thereof in which the electors can by making a cross indicate their vote on the question of perfecting the organization of the district. Immediately below this shall appear the admonition "Vote for seven directors." Following this

shall appear all the nominated candidates in the usual way and form provided by the laws of the State in such cases.

The election commissioners shall have full and complete control of the providing of official ballots and supplies for the election board, and the power of appointing members of the election board, but the election shall be conducted substantially in compliance with regulations of like matters by law, and no departure from the proceedings herein ordered or from the methods of other similar elections shall affect the validity of the result unless it be shown that the will of the electors was not fairly expressed, and in case any election be set aside the same commissioners shall call and conduct another election. The election board or boards shall count the votes and make returns to the election commissioners, and they, the election commissioners, shall on the fifth day after the election meet at the voting place most centrally situated in the district, and at the hour of two in the afternoon canvass the returns and report their findings within five days to the board of supervisors before which the petition was filed.

Section 9. At the first regular or special meeting thereafter, of the board of supervisors, they shall examine the report of the election commissioners and if they find it shown that the election was favorable to the organization, and that a majority of the votes cast at the organization election was in favor of forming the district, they shall make a minute of that fact and by resolution declare the district duly organized. In a separate resolution in appropriate form for recording, they shall set out and define the boundaries of the district, and the clerk of the board of supervisors shall immediately file a certified

copy of the same with the county recorder, and when this certificate is so filed with the county recorder the district and its officers shall at once proceed with the business of the district, the carrying out of the purposes for which it was created as indicated in this Act.

Section 10. Districts thus created under this act shall become and be bodies corporate for the purposes herein specified and such as reasonably may be implied, they shall exercise the power of eminent domain under the constitution and general laws of the State relating to such proceedings they shall have perpetual succession, the power to contract and be contracted with, to sue and be sued in their corporate names, they shall have the right to acquire and hold all real and personal property which shall be needful or useful in the conduct of their business, they shall adopt and use a seal and do all such and everything which is reasonably useful and lawful in carrying out the purposes named in or implied from the provisions of this act.

They shall also have and enjoy all the rights and privileges and powers hereafter conferred upon them by law.

Section 11. The board of directors of any district organized under this act shall have the power and it shall be the duty of such board to manage and control the entire business of the corporation as fully as is recognized by other acts with reference to like districts in the State as well as those which are recognized by the common law and the law of the land as construed by the courts. They may employ all necessary or needful agents, engineers, attorneys and employes, the power to prescribe the duties and compensation of all said employes, to promulgate rules to

govern said employes and for promoting the lawful ends and business of the district. They shall make by-laws, such as they deem expedient and helpful for the government of their own proceedings and the conduct of the business of the district. This section shall be liberally construed for the purpose of forwarding the objects of the organization of the district and in any contingency where it may appear that this section has not enumerated some power the district and its board of directors shall be held to have it, to the end that business of the district may be as efficiently transacted as possible.

Section 12. The compensation of members of the board of directors shall be five dollars for each day or part of a day devoted to the business of the district, and such mileage and expenses as the board by resolution may establish as reasonable.

Section 13. Within six months after the organization, the board of directors of the district, shall prepare a map of the district and file the same with the recorder of the county or counties in which any part of the district may be located, and no district shall be organized which includes any part of the territory of a district already formed or in the process of formation.

Section 14. The board of directors shall consist of seven members, all of whom shall be elected at the organization election but the election commissioners shall by lot in some fair way which they may provide, determine the time they shall serve for the first term, and this shall be in such manner that their terms are distributed over three years as equally as possible, and elections thereafter, shall be of members to take the place of those retiring and for a term of three

years and all such members shall hold until their successors are elected and qualified. The board shall have authority to appoint to fill vacancies on the board, but appointees shall hold only until their successors are elected and qualified.

The board of directors of any district organized under this act shall have the right on their own initiative to submit to the electors at any annual election the question of reducing or increasing the number of members of the board and must so submit the question if requested so to do by a petition signed by qualified electors of the district in a number equal to one-third of the number of votes cast at the last preceding annual election. If reduced the reduction must be to five or three members and if increased the number of directors must remain an odd number in no case being less than three or more than fifteen.

In case of a submission of change in the number of members of the board of directors then at the same election at which the question is submitted there shall be elected the maximum of members necessary to comply with every proposed change in number but those qualifying shall depend upon the result of the vote upon the proposition to change the number and all questions arising in any such contingencies in this and all other elections shall be decided by lot in some fair manner and method by the holdover members of the board.

Section 15. Each member of the board of directors shall execute to the district a bond for the faithful performance of his duties, and the accounting and turning over to the proper officers any money which shall come into his possession, which bond shall be in the sum of one thousand dollars and shall be approved by the

board of supervisors of the county in which the district was organized, and filed with the clerk of the board of directors of the district. On the bond they shall subscribe to an oath of office and shall then be fully qualified to transact the business of the district.

Section 16. The board of directors of the district shall organize each year by electing one of their number chairman and another to act as vice chairman. They shall elect a treasurer of the district and a secretary who, may, or may not, be a member of the board, but his duties shall be clerical only, if not a member of the board, and he shall not sign or attest checks, orders or legal papers of any kind. All papers requiring signatures shall be signed by the chairman of the board, or in case of his absence or inability to act, by the vice chairman and attested by the secretary if a member and if not then in that case by any member of the board but the board may authorize papers to be signed by any of the members in special cases. The board may establish an office, or place of meeting for the transaction of business at any place in the district, or in any city or town in the county in which the organization proceedings were held.

Section 17. Immediately upon their being qualified to do business the board of directors shall fully investigate the different ways by which power can be brought into or generated within or without the district in such a manner as to be efficiently distributed to the users for irrigation purposes. They shall determine what kind of power is most efficient and economical and in what manner and by what means the same can be secured. For the purpose of bringing hydroelectric or any other kind of power into the dis-

trict, if the same can be more efficiently generated or procured at some point, or in some way. outside the district, they are authorized to construct lines, conduits, and all necessary equipment or other means of bringing into the district the power determined to be used and such other construction, plants and equipment as in their judgment is necessary or useful for the purpose of generating or otherwise producing or procuring the power and making it available for use to the users of the district. For the purpose of procuring power the district is authorized to make all necessary or useful construction outside the district but it shall not be authorized to make construction for the purpose of delivering the same outside the boundaries of the district. Having determined upon a general plan, the board of directors of the district shall determine from reliable estimates the character and amount of construction which they have determined upon as necessary to carry out the said general plan.

All the expenses preliminary under this Act to the organization of the district, including all surveyors' services, legal services necessary to the organization of the district and all legitimate and reasonable services rendered before the district is lawfully in authority to bargain for such services, materials or valuable things are declared to be lawful obligations of the district and shall be paid in such sums as the board of directors of the district shall allow, after they have become qualified in office. The board of directors in making their estimates for the first bond issue shall determine the amount of such organization indebtedness and include it in the amount for which the first bonds are proposed to be issued. They shall also, if they deem it advisable include in the

amount for which said first bond issue is proposed the interest on said bonds for not more than the first three years after their issue. They shall upon the record propose the construction, operations and expenditures with no elaborate statement but so fully stated and in such detail as will give the electors a reasonable understanding of the proposed operations and expenditure of the district. They shall then ascertain and determine from reliable estimates, evidences and investigation the cost of construction in the same detail in which they found it to be necessary. Alternative propositions may be made as to details if necessary. All this shall be done in such a way as to give the electors a fair business understanding of the proposed expenditures.

They shall then with all practical haste proceed to call a special election, at which shall be submitted to the electors who, as hereinafter provided are qualified, the question of issuing and selling the negotiable bonds of the district in the sum required to carry out the said general plan as thus proposed. The bonds if voted, shall be sold at such time or times and in such amount or amounts as the board of directors shall deem advisable, and this shall be determined only approximately in the resolutions and so stated in the notice of election.

The bonds shall run for any length of time the board of directors decide upon and submit to the electors, but for not more than a term of thirty years, and they may provide for optional or progressive maturity in the discretion of the directors of the district which shall be included in the notice of bond election. The interest rate on said bonds shall not exceed seven per cent per annum payable semi-annually and they may be

made payable any place in the United States upon which the board of directors and the purchasers agree.

Section 18. Notice of said bond election to determine upon the issuance of the bonds of the district shall contain a general statement of the determinations of the board of directors preliminary thereto, it shall state the date of said election, the hours during which the polls shall be open, which shall not be less than eight hours, conveniently near the middle of the day, the place or places of voting, and such other matters as will give the electors and other interested parties, a fair understanding of the entire proposition to be submitted and voted upon.

Such notices shall be posted at one public place in each township or part of township of each range or part of range, meaning one public place in each six miles square thirty-six sections, according to government survey of lands in the district, but not less than three notices at different public places in each county in which any part of the district is located. The board of directors of the district shall name the election officers in conformity with the general laws on that subject, they shall provide an official ballot and other supplies for the said election officers. Election officers failing to appear for the performance of their duties thirty minutes before the hour of opening of the polls the electors present may elect other qualified electors to fill such vacancies and they are required to do so if the said appointed officers do not appear at the time named for opening the polls.

Notice of said bond election shall also be published in one newspaper in each county in which any part of the district is situated once a

week for two weeks and the election shall be held not less than fifteen days nor more than thirty days after the posting of the notices herein provided for and not less than fifteen days nor more than thirty days after the commencement of all the publications herein provided for.

Section 19. The election officers shall make return within two days to the board of directors and the said board of directors of the district shall on the fifth day after the election meet at the voting place or if more than one at that one most centrally located in the district and at the hour of two (2) o'clock in the afternoon canvass the returns. If it be found that a majority of the votes cast at said election was in favor of the issuance and sale of said bonds the board of directors of the district shall proceed to issue said bonds and sell the same by advertisement and otherwise in conformity with the provision of section 5276 of the 1913 Civil Code of the State of Arizona except as herein more fully set out. The board of directors shall have the right if no satisfactory bids are received at the time of opening the same continue to negotiate for the sale of said bonds for the period of sixty days and if not then sold the same proceedings by advertising again may in the discretion of the board be commenced over again by another advertising.

Section 20. Nothing in this Act contained shall be construed as enacting or declaring power districts organized hereunder to be municipal corporations within the meaning of said constitutional provision but it is enacted that they shall in all respects proceed in the same manner as if they were such corporations coming under the provisions relating to the limit of their indebtedness.

All bonds issued under this Act shall be

signed by the chairman of the board of directors of the district issuing the same and attested by the secretary of the board if a member of the board and if not then and in that case by the treasurer of the said board or some member of the board authorized to do so by resolution, but the coupons may have facsimile signatures of the same officers signing the bonds.

The proceeds of the said bonds shall be paid into the treasury of the district issuing the same but in each case of the sale of bonds the treasurer of the district shall be required by the board of directors issuing the same to give an additional bond in a sum equal to the maximum of funds which will come into his hands as the result of the sale proposed whether it be of the whole or a part of said bonds authorized by the election and an additional bond shall be required if any subsequent sale or new issue shall increase the amount of such funds coming into his possession as such treasurer in excess of the amount of the existing security for the same. The amount of the bond of the treasurer shall at no time be less than the sum of Three thousand dollars but the board shall from time to time adjust the amount of the treasurer's bond in conformity with the intent hereof. Except in case of the sale of bonds or other cases where the amount of funds to come into the possession of the treasurer can be accurately determined the bond shall be not less than seventy-five per cent of the maximum of funds which will probably come into his possession in the judgment of the board of directors but the failure of the board of directors to require such bond or the failure to give the same when required shall in no way effect the validity of bonds issued or invalidate any other action of the district or its board of directors.

Failure to require of the district treasurer bond as provided in this section or failure to use ordinary care in the acceptance of sureties if not a surety company bond of some such company authorized to give such bonds in the State of Arizona shall render the board members jointly and severally liable to the district for losses occurring by reason thereof.

Section 21. The annual election of directors shall be held on the second Saturday in January of each year for the filling of all vacancies occurring by expirations of terms of office or otherwise and for the replacing of appointees to fill vacancies made by the board. Ten days notice of said election shall be given by the posting of notices thereof in one public place in each township or part of township of each range or part of range, as heretofore defined in the district and not less than three notices in different public places in each county in which any part of the district is located. The board of directors shall have power to determine the place or places of voting at any and all elections and in case more than one place of voting is designated then and in that case the board shall divide the district into election precincts which may be changed from time to time and when changed within ninety days before any election the notice of the next election shall contain an accurate description of the precincts as changed. All election expenses shall be paid by the district.

Section 22. The service charges to users within the district shall be uniform and shall not be subject to the control or jurisdiction of the Corporation Commission but charges outside the district, if any, shall be subject to such control. The primary object of the district being the pro-

viding of power for pumping for irrigation service shall not be extended outside the district except there be a surplus of power over and above the needs of irrigation in the district except that districts and the boards of directors thereof shall have authority to make reasonable contracts with the State of Arizona, cities and towns, municipal and other corporations and persons for co-operation in carrying out the construction and other plans of the organization as herein provided. In that they shall have the power and authority to make such contracts as shall be reasonable, taking into account the common needs of the district and their partners in the enterprise.

Section 23. Any district organized under this Act shall have the use of and the right is expressly granted to them to use the public highways and roads, streets and alleys in or outside their district which is needed to bring power into the district but this use shall be under such reasonable restrictions as may be made by the board of supervisors of the counties in which the same are located and the city councils in their respective jurisdictions and in case of controversy over the same the dispute shall be submitted to and decided by the Corporation Commission of Arizona but the right herein must be preserved to the district with necessary limitations only. This use to include the building of transmission lines, the laying of conduits, pipes or other construction necessary or needful in the conduct of the business of the district as organized hereunder.

Section 24. Districts organized under this Act shall have the power and the boards of directors of such districts shall have the power on behalf of their respective districts to acquire for the benefit of the users and people in said dis-

tricts, all such personal and real property, right of way, in or outside the district, franchises, patents, licenses, easements, privileges, exemptions, donations, contracts, leases of power or property, contracts or other useful property, right or thing whatsoever which may be needful or useful in the conduct of the business of the district and to hold, own, use and operate the same. They shall have the power and authority by original construction, leasing or otherwise procuring, holding, owning or operating hydraulic, electric, gas or other generating agencies or plants, whether in existence now or hereafter to be invented or brought into existence or use, together with all other equipment construction or needful instrumentality, right, or things which shall be deemed needful or useful for the purpose of purchasing, leasing, generating or in any manner rendering the power service contemplated in the purposes of the district as herein mentioned or implied, including the leasing or purchasing of power within or without the district and the making of it available for use in the district and they may do this by purchase or lease for distribution to users or they may make any reasonable arrangement by which the users can procure said power direct from the lessors or generators of said power. If the users shall have the right to deal direct with parties supplying power the district and its board shall have the right to levy and collect reasonable surcharge for the revenue of the district but not more than is needed for operating expenses or other general burdens of the district as hereinafter defined.

Section 25. The needful revenues of the district shall be raised in the manner following. It is hereby declared and enacted that an econom-

ical and efficient management of a district organized under this Act is of public interest to all property taxpayers in the district and said property taxpayers should and shall bear a reasonable part of the burdens thereof as in this section provided. The perdiem and expenses of the board of directors of the district, the salary and expenses of the secretary and assistant secretary of the district, if any, the salary and expenses of the treasurer of the district and all compensation paid to similar officers or employees performing similar services as herein provided or by the board now or hereafter ordered including periodical examinations of the finances and affairs of the district and such legal services as may be rendered as counsel in the ordinary current affairs and conduct of the business of the district shall be assessed to, levied upon and paid by all the property, real and personal, taxable in the district in the same way and manner and with the same effect as are levied and paid county, state, school and other taxes, being assessed and levied advalorem according to the value of all the taxable property of the district as assessed for taxation for other purposes. The aggregate of the foregoing items, thus charged as burdens bearable by all the property taxpayers in the district hereinafter will be referred to as "administration expenses."

All burdens of the district, other than those last mentioned as administration expenses, shall be assessed against the real estate taxable in the district and said taxes or assessments shall be levied and collected on a per acre basis as herein provided. These needs of the district other than administration expense will hereinafter be referred to as "general burdens," of the district. In the making of assessment for the funds nec-

essary to pay the said general burdens of the district the board of supervisors of the respective counties in which all or parts of the district are situated shall levy taxes to meet the same and the county assessor prepare for and enter them on the tax lists of the county in which any of the lands are situated in the same manner and with the same effect as would be done if every acre of land in the district were of the same assessed value, whether improved or not improved, thus charging every acre of land in the district with the same proportion of the general burdens of the district as is charged and assessed against every other acre thereof, improvements and personal property bearing no part of the general burdens of the districts. The Legislature reserves the right at any time when it shall deem it to have become more just or expedient to change the provisions of this Act with respect to the placing of the burdens of the district but the lien and all other rights of holders of bonds or other obligations of the district in no way shall be affected by such change and bondholders shall at all times have the right if they elect so to do to enforce and collect their obligations under the law as it existed at the time of the issuance of their bonds.

Section 26. On or before the first day of June of each calendar year the board of directors of each district organized hereunder shall determine the amount of funds necessary to conduct the business of the district on a cash basis up to the time when funds will be available from the next like levy. They shall embody their findings in the premises in a certificate as follows. They shall set out in the said certificate first the items of administration expense needs. This shall be itemized substantially as follows, the compensation and expenses of the board of directors, the

salary and expense of the secretary and assistant secretary, if any, the salary and expense of the treasurer, the compensation and expense of any other employees of the board of directors performing services similar to those last enumerated, the salary and expense of the attorney for the district. The salary of the attorney shall be only that compensation which is paid for legal services as counsel to the board in the ordinary conduct of the business. Compensation paid for litigation, in the proceedings for the issuance of bonds and the like are chargeable to general burdens of the district. The foregoing shall be certified to the board of supervisors as administration expense to be paid by advalorem tax on the assessed value of all property of the district, real and personal, as assessed and taxable in the district for state, county and similar purposes.

Separately in the certificate they shall determine the amount of funds chargeable to the general burdens of the district and necessary to conduct the business of the district on a cash basis until the realization of funds from the next like levy. This shall include all the needs of the district other than those enumerated as administration expense and shall be understandably itemized. It shall contain an estimate of the amount necessary to provide a sinking fund for the redemption of bonds and outstanding time warrants and to meet the current interest on bonds and time warrants, new construction, repairs on old property and construction, payments on contracts, leases, litigation expense and legal services and expense other than that chargeable to administration expense. The certificate in this section last provided for shall be filed with the board of supervisors of each county in which any part of the district is located not later than the

first day of June of each calendar year. Such certificate shall show the aggregate and total of the amount of both items and the amount to be paid by the lands in each county.

Section 27. Beginning with the first of the third year after the issuance of any bonds the board of directors of the district shall include in the certificate referred to in the last preceding section, an amount sufficient to create a sinking fund which will pay the bonds outstanding when they become due. At the same time they shall commence to levy a service charge over and above the cost of the power if purchased or leased by the district or by the users direct, or the actual cost price if generated by the district and such income as the district derives from that source shall go to the general burdens account of the district. The service charge shall at no time be so high as to stifle or materially impair the public service or so high as to constitute an unreasonable burden on the agricultural interests of the district but shall be increased and lessened from time to time in such manner as to promote the public interests of the whole district. All reasonably probable income or increase of income from such sources shall be taken into account in certifying the annual needs of said sinking fund. The service charge shall at no time be more than enough to make the district self-sustaining, taking into account reasonable needs for depreciation, new construction and like requirements not including administration expenses which shall always remain a taxable charge on the district. The sinking fund when amounting to five hundred dollars or any multiple thereof may be loaned on farm lands at not more than thirty-five per cent of their cash value but the loans must be made to mature not

later than the bonds which they are provided to pay.

Section 28. Districts organized under this Act shall have all the rights and privileges granted to them in an Act of the Federal Congress entitled "An Act to promote the reclamation of arid lands, appoved August 11th, 1916, and the provisions of said Act to promote the reclamation of arid lands are hereby made a part of this Act the same as if set out herein in full. Nothing herein shall effect government lands or the Federal Goverment except as expressly authorized by said Act. It shall be within the discretion of the board of directors when they deem such a course advisable to institute proceedings for the purpose of securing the consent and official action of the Secretary of the Interior making said Act operative in the business and affairs of the district.

Nothing herein shall hinder or delay the district from going forward in its organization or in proceeding to carry out all the plans and doing all the things contemplated by this Act and its organization, whether they do or do not secure the operation of said Act to promote the reclamation of arid lands. If the district does not decide to take steps to secure the operation of the said Federal law, or making the effort fails in complying with the Federal requirements, it is left optional with the district to proceed with its business with or without calling into operation the said provisions of said law. The board may at any time at a general election submit a report to the electors of the advantages and disadvantages of securing the operation of the said law, and if a majority of the electors vote in favor of endeavoring to secure the operation of the law it

shall be the duty of the board to prosecute with all reasonable haste and vigor proceedings to the end of securing the approval of the Secretary of the Interior and do all other things necessary to bring the said law into operation in the affairs of the district. They shall also submit that question at the next general election when requested so to do by ten per cent of the qualified electors of the district.

Section 29. When at any time the said Act to promote the reclamation of arid lands, approved August the 11th, 1916, shall become operative in the affairs of the district, the board of directors shall made all the necessary regulations reasonably calculated to secure the collection of such assessments as shall be laid upon the lands of government entrymen, and government lands of all kinds which are not inconsistent with Federal law, and shall comply with all the provisions of said law in certifying the assessments to the proper Federal offices and officials.

The board of directors shall have power to provide for notice to all entrymen or others who have titles to state or government lands only in the process of acquirement, if deemed advisable, and to make and keep such records of the same, which shall be open to inspection of all taxpayers, and in the absence of such provisions for the collection of levies of assessments the same are hereby declared to be liens on said lands or such interests therein as the law allows. This lien shall be foreclosed in similar manner and by proceedings in the Superior Court of the county in which said lands are situated in the manner of foreclosing mortgages, the penalties for delinquency of such assessments shall be in substantially the same amounts and terms and shall attach at sub-

stantially the same time as those of other taxes.

Section 30. Districts organized under this Act shall have the same right as individuals to become purchasers at any tax sale, foreclosure or other sale of lands for non-payment of assessments or taxes due the district, and may as such purchasers pay a price which includes other taxes involved in the same sale when it shall be deemed necessary for the protection of the interest of the district, and they may convey such title when thus acquired to the same extent as individual purchasers, and especially have the power to transfer the rights of filing, and entry, provided in said Act to promote the reclamation of arid lands. All taxes and assessments herein shall become due and delinquent and be collectable by suit or otherwise as are other taxes each year.

Section 31. When at any time, the operation of said Act approved August 11th, 1916, shall become operative in the affairs of the district, the board of directors in making the certificate to the boards of supervisors of the counties in which parts of the district are situated, certify the amount of taxes levied or assessed under said Federal Act and apportion the amounts to be collected by the several counties equitably therewith. Nothing in this Act shall lessen the amount of assessments of other lands assessable by reason of the failure of the collection of assessments on any of the unperfected titles to government or other lands, and the board of directors shall make due allowance in said certificate for probable delay or failure to collect assessments.

Section 32. Whenever a petition shall be presented to the board of directors of any district organized under this Act, for the admission or inclusion of lands within such districts of lands sit-

uated without it, the proceedings shall be in all respects the same and the hearing the same as in the organization of districts, except that the hearing shall be before the board of directors of the district to which application is made instead of before the board of supervisors of the county. Such lands need not be contiguous to the district but shall not be so far removed as to increase materially within the district the cost of service therein rendered.

Such petition for the admission of lands to a district fully organized shall be signed by at least one-third in number of the resident freeholders within the territory sought to be included in the district and the proposed addition must be in a reasonably compact body and of shapely form. Such territory shall be held to have the right to be included in the district, if this can equitably be done, but if an unreasonably large portion of the land is unassessable for any reason or is in such condition that the rendering of service in the territory will be an unjust burden on the district as organized, then it shall constitute good ground for denying the prayer of the petitioners. The board of directors hearing the petition shall have the right to require of the territory thus admitted equitable terms and conditions of admission. Appeal shall be on same terms as in case of forming district.

Whenever two or more districts desire to consolidate the boards of directors of the interested districts shall call elections, or at a general election, submit the question of consolidation to their respective districts and if the vote be favorable to consolidation in each district proposed to be thus consolidated the consolidation shall be perfected as soon thereafter as practicable. In

such case the boards of directors of the districts thus consolidated shall function as one board until the next annual election when there shall be elected but one board of the number in that district, consolidated which had the larger number of board members.

If there be any reasonable adjustment of finances or equities involved in the consolidation the same shall be agreed upon by the respective boards of directors and the substance of the agreement shall be stated in the notice of consolidation election.

At any time before or after consolidation the board of directors may divide the district into divisions not more in number than the number of members of such board, and thereafter members of the board shall be elected from the different divisions according to the jurisdiction of the retiring members. When any district shall be thus divided into separate districts they shall assign by lot, or in some fair method by them devised, the members then in office to different constituencies, conforming as nearly as possible to the residence of holding members and thereafter members must be from the division of retiring members. The division of the district into divisions shall be as equally as practical with respect to territory and population but in this matter the board shall have exclusive discretion. A member to be qualified to hold the office of member of the board of directors shall thereafter be a qualified elector and freeholder of the district which he represents.

Section 33. Nothing in this Act shall be construed as prohibiting the districts organized under it from furnishing power for farm or domestic purposes within the district. The render-

ing of such services shall not impair the use of the same for irrigation purposes.

Section 34. As soon as the board of directors of any district organized under this Act shall have qualified, they shall have the power to issue warrants for needful purposes and deliver them to the parties having claims against the district or they may issue time warrants and sell the same for the purpose of obtaining funds with which to conduct the business of the district and the amount of said time warrants which is to provide for administration expenses shall be made payable at such time as it is reasonably probable that they can be redeemed by the realization of assessments or taxes chargeable against all the property of the district and the amount of warrants which are to provide for the general burdens of the district and for the expenses preliminary to the organization of the district shall be made due and payable at such time as it is reasonably probable that funds to redeem them will be realized from the proceeds of the first sale of bonds.

Section 35. Persons qualified to vote at any and all elections held under this Act, except where herein otherwise specially provided, shall be the property taxpayers who shall also in all respects be qualified electors of the state and of the district organized under this Act.

All taxes and assessments where not herein specially provided for shall be collected by such proceedings, at the same times and with the same penalties as are other taxes in so far as such provisions and proceedings can in reason be substantially adopted for that purpose and this section shall be liberally construed for the promotion of the purposes of the organization of such districts.

Section 36. If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining portions of this chapter. The Legislature hereby declares that it would have passed this chapter, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 37. It is hereby adjudged and declared that existing conditions are such that the operation of this Act is immediately necessary for the preservation of the public peace, health and safety and that therefore an emergency is declared to exist, and this Act shall take effect from and after its passage and its approval by the Governor and is hereby exempted from the operation of the referendum provisions of the State Constitution.

Approved February 19, 1923.

CHAPTER 8.

(House Bill No. 159.)

AN ACT

TO DEFRAY THE CURRENT EXPENSES OF THE STATE HIGHWAY DEPARTMENT, AND APPROPRIATING THE SUM OF $136,000.00 FOR THE PURPOSE OF PAYING THE PAYROLLS OF THE OFFICE OF THE STATE ENGINEER OF THE STATE OF ARIZONA AS OF FEBRUARY 20, 1923; AND THE SUM OF $15,000.00 TO DEFRAY FREIGHT BILLS AND EXPENSE OF THE OFFICE OF THE STATE ENGINEER ON ACCOUNT OF FREIGHT AND EXPENSE ON MATERIALS FURNISHED STATE CONTRACTORS; AND DECLARING AN EMERGENCY.

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

Section 1. For the purpose of defraying the current expenses of the office of the State Engineer of the State of Arizona, there is hereby appropriated out of the General Fund of the State of Arizona, the following sums of money, to be expended by the said office of State Engineer for the purposes hereinafter set forth, to-wit:

The sum of $136,000.00, or as much thereof as may be necessary, for the purpose of paying the payroll account of said office of State Engineer accrued as of the 20th day of February, 1923.

The sum of $15,000.00 or as much thereof as may be necessary, for the purpose of paying freight bills upon materials to be supplied to the

contractors of the State by the State of Arizona subsequent to the effectiveness of this Act.

Said moneys shall be paid as aforesaid upon presentation of duly certified claims of said office of State Engineer to the State Auditor, who shall draw his warrants therefor on the State Treasurer, who shall pay the same out of the General Fund of the State.

Section 2. Whereas, the preservation of the public peace, health and safety makes it necessary that the provisions of this act shall become immediately operative, an emergency is hereby declared to exist, and this Act is hereby exempted from the operation of the referendum provisions of the State Constitution and shall take effect and it shall be in full force and effect from and after the passage by the legislature and its approval by the Governor.

Approved February 19, 1923.

CHAPTER 9.

(House Bill No. 151.)

AN ACT

APPROPRIATING THE SUM OF FIFTY THOUSAND DOLLARS FOR THE PURPOSE OF COMPLETING THE INVESTIGATION OF THE OFFICE OF THE STATE ENGINEER OF THE STATE OF ARIZONA, AND OF THE HIGHWAY DEPARTMENT OF THE STATE OF ARIZONA, AS AUTHORIZED IN SENATE RESOLUTION NO. 3, PASSED BY THE SENATE OF THE SIXTH LEGISLATURE OF THE STATE OF ARIZONA, AND BY HOUSE RESOLUTION NO. 8, PASSED BY THE HOUSE OF REPRESENTATIVES OF THE SIXTH LEGISLATURE OF THE STATE OF ARIZONA; AND DECLARING AN EMERGENCY.

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

Section 1. There is hereby appropriated from the general fund of the State of Arizona the sum of fifty thousand dollars, or as much thereof as may be necessary, for the purpose of paying the expenses of the committees on investigation of State Highway Department and Affairs, acting jointly, authorized, created and empowered by Senate Resolution No. 3, passed by the Senate of the Sixth Legislature of the State of Arizona, and by House Resolution No. 8, passed by the House of Representatives of the Sixth Legislature of the State of Arizona.

Section 2. The monies appropriated by this act shall be paid out upon vouchers duly certified by the Chairman of said Committees, acting joint-

ly, or by the Chairman of any executive committee that may be created by said Committees of Investigation of State Highway Department and Affairs, acting jointly, filed with the auditor of the State of Arizona, who shall draw his warrant therefor upon the State Treasurer of the State of Arizona, who shall pay the same out of the general fund of the State of Arizona.

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

Approved February 20, 1923.

CHAPTER 10.

(House Bill No. 18.)

AN ACT

TO PRESERVE THE PURITY OF ELECTIONS AND PROTECT THE EXERCISE OF THE RIGHT OF FRANCHISE BY ELECTORS; REPEALING ANY ACT IN CONFLICT.

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

Section 1. It shall be unlawful for any corporation, its officers or agents, to make, enforce, or attempt to enforce, any order, rule, or regulation, or adopt any other device or method to pre-

vent an employee from engaging in political activities, accepting candidacy for nomination or election to, or the holding of political office, or from holding a position as a member of any political committee; or from soliciting or receiving funds for political purposes; or from acting as a chairman or participating in a political convention; or assuming the conduct of any political campaign; or for any corporation, its officers or agents to instigate, encourage, aid or assist, whether by personal service or contributing money or anything of value, any employee in its employ to run for or be elected to any political office; or for any corporation, its officers or agents to pay or contribute anything of value, whether in wages, fees or contributions, to any such employee in its employ while such employee is engaged in the official duties of the office to which such employee is elected; or from casting his ballot or vote as his conscience may command. Provided: That nothing in this Act shall be construed as prohibiting any employer from suspending the wages or compensation of any employee elected to office when the duties of such employee in such office shall interfere with the duties of such employee to his employer.

Section 2. Any corporation, its officers or agents, violating any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished, if a corporation, by a fine of not less than five hundred dollars, nor more than five thousand dollars; and if an officer or agent of any such corporation, by a fine of not less than five hundred dollars nor more than five thousand dollars, or by imprisonment in the county jail not less than six months nor more than two years, or by both such fine and imprisonment, in the discretion of the Court.

Section 3. All Acts or parts of Acts in conflict herewith are hereby repealed.

Approved February 23, 1923.

CHAPTER 11.

(House Bill No. 44.)

AN ACT

TO AMEND SECTION 3 OF CHAPTER 31, SESSION LAWS OF ARIZONA, 1922, SPECIAL SESSION, PROVIDING FOR THE OFFICE OF SUPERINTENDENT OF BANKS; FIXING THE TERM OF OFFICE; DEFINING THE QUALIFICATIONS OF THIS OFFICER; PRESCRIBING THE OFFICIAL BOND; AND FIXING THE SALARY; AND REPEALING ALL ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH.

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

Section 1. That Section 3 of Chapter 31, Session Laws of Arizona, 1922, special session, be and the same is hereby amended to read as follows, to-wit:

Section 3. SUPERINTENDENT OF BANKS. The chief officer of such department shall be the Superintendent of Banks, who shall be appointed by the Governor, by and with the advice and consent of the Senate, and such officer shall be appointed to serve until his successor has been appointed and has qualified. No person shall be appointed to the office of superintendent of banks who has not been a citizen of this State for at least two years prior to his appointment and who

has not had at least four years experience in banking, unless he shall have heretofore served as state bank comptroller of this State. Before entering upon the duties of his office he shall qualify by taking and subscribing to the constitutional oath of office and execute to the State a bond, to be approved by the Governor, in the sum of twenty thousand dollars, with a surety company authorized to do business in this State as surety, conditioned for the faithful performance of his duties. The premiums on such bond shall be paid by the State. Said oath and bond shall be filed with the Secretary of State. Said Superintendent of Banks shall receive a salary of three thousand five hundred dollars per annum, payable semi-monthly, and his actual and necessary traveling expenses.

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

Section 3. Whereas, the preservation of the public peace, health and safety makes it necessary that the provisions of this Act shall become immediately operative, an emergency is hereby declared to exist, and this Act is hereby exempted from the operation of the referendum provisions of the State Constitution, and shall take effect and it shall be in full force and effect from and after its passage by the legislature and its approval by the governor.

Approved February 26, 1923.

CHAPTER 12.

(Senate Bill No. 21.)

AN ACT

TO REPEAL CHAPTER 66, SESSION LAWS OF ARIZONA, 1921, CREATING THE OFFICE OF IMMIGRATION COMMISSIONER.

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

Section 1. That Chapter 66, Session Laws of Arizona, 1921, be and the same is hereby repealed.

Approved February 26, 1923.

CHAPTER 13.

(Senate Bill No. 14.)

AN ACT

PROVIDING FOR COUNTERSIGNING WARRANTS OF THE STATE; AND DECLARING AN EMERGENCY.

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

Section 1. That Paragraph 72 of the Revised Statutes of Arizona, 1913, Civil Code, be and the same is hereby amended to read as follows, to-wit:

72. All warrants issued by the state auditor, as authorized by law, must be countersigned by the Governor, or by one of his secretaries for him and in his name, before presentation to the State Treasurer for payment or endorsement, and in

case of absence of the Governor from the state said warrants shall be countersigned by the Secretary of State, and, unless so countersigned, said warrants shall not be considered complete in form or effect as legal obligations against the State.

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

Section 3. Whereas, the preservation of the public peace, health and safety make it necessary that the provisions of this Act shall become immediately operative, an emergency is hereby declared to exist, and this Act is hereby exempted from the operation of the referendum provisions of the State Constitution, and shall take effect and be in full force and effect from and after its passage and its approval by the governor.

Approved February 28, 1923.

CHAPTER 14.

(Senate Bill No. 68.)

AN ACT

AMENDING PARAGRAPH 3341, PARAGRAPH 3345, AS AMENDED BY SECTION 1 OF CHAPTER 68, SESSION LAWS OF ARIZONA, 1919; PARAGRAPH 3346, PARAGRAPH 3351, AS AMENDED BY SECTION 58 OF CHAPTER 35, SESSION LAWS OF ARIZONA, 1922; AND PARAGRAPH 3354, OF THE REVISED STATUTES OF ARIZONA, 1913, CIVIL CODE, PROVIDING FOR THE RECALL OF TRUSTEES OF ARIZONA DISTRICTS.

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

Section 1. That Paragraph 3341 of the Revised Statutes of Arizona, 1913, Civil Code, be and the same is hereby amended to read as follows, to-wit:

3341. Every recall petition must contain a general statement, in not more than two hundred words, of the grounds of such demand, and must be filed in the office of the secretary of state if for a state officer; and with the clerk of the board of supervisors if for a county officer, superior court judge, or member of the legislature; and with the city or town clerk if for a city or town officer; and with the county school superintendent if for a trustee of a school district.

Section 2. That Paragraph 3345, Revised Statutes of Arizona, 1913, Civil Code, as amended by Section 1 of Chapter 68, Session Laws of Arizona, 1919, be and the same is hereby further amended to read as follows, to-wit:

3345. If an officer against whom a recall petition is filed desires to tender his resignation, he may do so by filing a written tender thereof with the officer with whom the recall petition demanding his recall is filed, and in such event his resignation shall be accepted and the vacancy shall be filled as provided by law. If, however, he shall not resign within five days after the recall petition is filed, a special election shall be ordered to be held not less than twenty nor more than thirty days after such order, to determine whether such officer shall be recalled. Said election shall be called, if for a state office, by the Governor; if for a county officer, or judge or other officer of the superior court of any county, or member of the legislature elected from such county, then by the Board of Supervisors of that county, and if for a city or town officer, then by the common council or legislative body for that city or town, by whatsoever name such body may be known, and if for a trustee of a school district then by the county school superintendent of the county wherein such school district is located; provided, if said recall petition is against an officer who is directed by this section to call such election it shall be called, if for a state office, by the Secretary of State, if for a county office, by the clerk of the Superior Court, and if for a city or town office, by the city or town clerk.

Section 3. That Paragraph 3346 of the Revised Statutes of Arizona, 1913, Civil Code, be and the same is hereby amended to read as follows, to-wit:

3346. Notice of the election provided for in the preceding paragraph shall be published by the secretary of state, if for a state officer, for not less than ten days in a newspaper of general

circulation throughout the state; and if a county officer, by the board of supervisors, in a newspaper of general circulation throughout the county; and if for a city officer, by the city clerk, in a newspaper of general circulation throughout the city; and if for a town election, the town clerk shall cause to be posted, not less than fifteen days before such election, at three conspicuous places within the town, a notice of such election; and if for a trustee of a school district in which a newspaper of general circulation is published, the county school superintendent shall cause such notice to be published therein for not less than six days; and if for a trustee of a school district in which no such newspaper is published, the county school superintendent shall cause to be posted, not less than fifteen days before such election, at three conspicuous places within the district, a notice of such election.

Section 4. That Paragraph 3351, Revised Statutes of Arizona, 1913, Civil Code, as amended by Section 58 of Chapter 35, Session Laws of Arizona, 1922, be and the same is hereby further amended to read as follows, to-wit:

3351. No recall petition shall be circulated against any officer until he shall have held his office for a period of six months, except that it may be filed against a member of the legislature at any time after five days from the beginning of the first session after his election. After one recall petition and election no further recall petition shall be filed against the same officer during the term for which he was elected unless the petitioners signing such petition shall first pay into the public treasury, from which was paid the expenses of such preceding election, all the expenses thereof. The expenses of a state recall

election shall be paid from the funds of the state; and for a county election, from the funds of the county; and for a city or town election, from the funds of the city or town; and for a trustee of a school district, from the funds of such school district. The boards of supervisors of the several counties and the secretary of state shall approve all claims for the payment of expenses incurred in conducting a recall election for state officers, and when so approved, the secretary of state shall present such claims to the state auditor, who shall draw his warrants therefor on the State Treasurer, who shall pay the same from the general fund as authorized in the general appropriation act.

Section 5. That Paragraph 3354 of the Revised Statutes of Arizona, 1913, Civil Code, be and the same is hereby amended as follows, to-wit:

3354. The recall election board shall consist of one inspector and two judges, who, together with two clerks, shall be appointed for each precinct if for a state or county election and shall be paid in like manner as provided for boards of election. If for a city or town election, the recall election board shall be appointed by the clerk of such city or town and shall be paid in like manner as provided for city or town elections. And if a trustee of a school district election, the recall election board shall be appointed by the county school superintendent, and shall be paid at the rate provided by law for boards of election for state or county elections from the moneys of such school district.

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

Approved February 28, 1923.

CHAPTER 15.

(House Bill No. 2.)

AN ACT

TO REGULATE THE PRACTICE OF VETERINARY MEDICINE AND SURGERY IN THE STATE OF ARIZONA; AND TO ESTABLISH A BOARD OF EXAMINERS IN VETERINARY MEDICINE AND SURGERY; AND TO DEFINE CERTAIN OFFENSES; AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ACT.

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

Section 1. That there be and is hereby created a state board of veterinary medical examiners to be appointed by the Governor of the State of Arizona, which shall consist of three reputable practitioners of veterinary medicine and surgery, who shall have graduated from some college authorized by law and recognized by the American Veterinary Medical Association to confer degrees and each of which practitioners shall have actually and legally practiced veterinary medicine in this State for at least two years, and who after the first board has been appointed, shall be licensed under this Act. One member shall be appointed for one year, one for two years, and one for three years, and, thereafter, appointments shall be made for the term of three years. The Arizona Veterinary Medical Association shall, at each annual meeting, prepare a complete list of all qualified veterinarians in the State, which list shall be transmitted under seal by the President and Secretary of such association prior to May 1st, to the Governor, who shall, prior

to August 1st, appoint from such list the examiners that will be required to fill any vacancies that may occur from expiration of term on July 31st. Any other vacancy, however occurring, shall likewise be filled, by the Governor for the unexpired term. Each such veterinarian, before appointment, shall furnish to the Governor proof that he has received a degree in veterinary medicine from an authorized veterinary medical school. If no such list as hereinabove provided shall have been furnished, the governor may make appointments from members of the veterinary profession in good standing in Arizona without restriction. The governor may, after due notice and hearing, remove any examiner for misconduct, incapacity or neglect of duty.

Section 2. Every veterinary medical examiner, before beginning his term of office, shall file with the Secretary of State, the Constitutional oath of office. The Board shall annually elect from its members a president, vice-president and secretary-treasurer, and shall hold two regular meetings each year. At any meeting a majority shall constitute a quorum. If any member of the Board shall, without cause, absent himself from two of its regular meetings consecutively, his office shall be deemed vacant. The Board may take testimony and proofs concerning all matters within its jurisdiction. The Board may make all bylaws and rules not inconsistent with law needed in performing its duties, and shall serve without compensation.

Section 3. The secretary-treasurer shall give bond in such sum and with such conditions as the Board may from time to time direct. The Board shall keep full and complete minutes of its proceedings and of its receipts and disbursements,

and a full and accurate list of all persons licensed and registered by it, and such records shall be public records, and shall, at all times, be open to public inspection. The secretary-treasurer of said Board shall be the legal custodian of all moneys received for licenses or certificates of registration, as provided by this article, and shall forward the same to the Treasurer of the State of Arizona, and receive his official receipt for same. Said Board shall, not later than July 15th, of each year, submit to the Governor a full and complete report of its proceedings during the twelve months immediately preceding.

Section 4. Any person desiring to begin the practice of veterinary medicine or veterinary surgery in the State of Arizona, or who shall desire to hold himself or herself out to the public as a practitioner of veterinary medicine or veterinary surgery, except as provided in Section Ten of this Act, shall make application to said Board of Examiners for license so to do. Such application shall be upon a form furnished by said Board, and shall be accompanied by satisfactory evidence of the good moral character of the applicant, and shall present evidence of having graduated in and received a degree from a legally authorized veterinary medical school recognized by the American Veterinary Medical Association. Every person applying to said Board for license to practice shall pay to the Board the fee of ten dollars ($10.00), which fee shall in no case be refunded, and which shall become a part of the funds of the treasury of the Board. Said Board shall, by means of such oral or written examination, as the Board, by and with the approval of the governor may designate, ascertain the professional qualifications for license of all applicants

under this Act, and shall issue such license to all who are found upon examination to be in the judgment of said Board competent to practice, and no such license shall be issued to any person who is not found by such examination to be competent. Such examinations shall be held at a time and place or places specified by said Board, and shall include suitable questions for a thorough examination in the various subjects of veterinary medicine and surgery as deemed advisable by the Board. Said Board shall consecutively number all applications received and note upon each the disposition made of it and preserve same for reference, and shall number consecutively all licenses issued. Provided that veterinarians holding a diploma from a recognized veterinary medical school, who are at the time of the passage and approval of this Act engaged in the practice of veterinary medicine in the State of Arizona, and all persons who, at the time of the passage and approval of this Act, have regularly and actively engaged in the practice of veterinary medicine in the State of Arizona, for a period of at least thirty days, shall be entitled to a license without such examination. Candidates shall be required to make an average of sixty per cent in the various subjects of the examination.

Section 5. Any person desiring to continue the practice of treating domestic animals in the State of Arizona, who is not a graduate shall make application to the board of veterinary medical examiners on or before July 1, 1923, so to do. Such application shall be upon a form furnished by said board and shall be accompanied by the fee prescribed in Section 4 of this Act, and satisfactory evidence of good moral character of the applicant, who shall present satisfactory evidence

of having resided in the State of Arizona for a period of three years previous to the passage and approval of this Act, and of having treated domestic animals as his or her vocation during that period; whereupon, a license shall be granted without examination. Such license shall entitle him or her to all the rights and privileges of this Act, including the title which has been affixed to his or her name through common use of the public.

Section 6. A Farrier is defined as any person who has had experience in treating diseases of domestic animals.

Section 7. The State Board of Veterinary Medical Examiners will, at the conclusion of a regular examination, if in their judgment the applicant is duly qualified therefor, issue a license to practice veterinary medicine and surgery, or farriery. Every license so granted by the Board shall be issued under seal and shall be signed by each acting Veterinary Medical Examiner of the Board, and shall state that the licensee has given satisfactory evidence of fitness as to character, veterinary medical education, and all other matters required by law, and that after full examination he or she has been found duly qualified to practice. Every person licensed by the Board to practice veterinary medicine or surgery or farriery in this State, shall procure from the Secretary of the Board, on or before July 1st annually, his certificate of registration. Such certificate shall be issued by the secretary upon the payment of a fee to be fixed by the Board, not exceeding the sum of two dollars ($2.00), and certificates so issued shall be prima facie evidence of the right of the holder to practice veterinary medicine or veterinary surgery or farriery in this State during

the time for which they are issued. Any certificate of license granted by the Board, may be revoked upon conviction of the party holding such certificate or license, of a violation of any of the provisions of this Act.

Section 8. Every person practicing veterinary medicine or veterinary surgery in the State of Arizona, or representing himself as so practicing, shall display or cause to be displayed conspicuously in his or her usual place of business, license and certificate of registration issued to him or her pursuant to the provisions of this Act.

Section 9. Any person shall be regarded as practicing veterinary medicine or surgery in the State of Arizona, who shall append or cause to be appended to his name upon any display or advertisement published the letters D. V. D., V. D., V. S., D. V. M., V. M. D., M. D. C., D. V. S., or M. R. C. V. S., or the words "Veterinary", "Veterinarian", "Veterinary Surgeon", "Veterinary Dentist", "Veterinary Horseshoer", "Horse Dentist" or "Horse Doctor", or who shall publicly profess to do any of these things, directly or indirectly, as a veterinarian for compensation. No person shall practice veterinary medicine or veterinary surgery, or farriery, in the State of Arizona after July 1, 1923, unless licensed by the State Board of Veterinary Medical Examiners of the State of Arizona, and registered as required by this article; nor shall any person practice veterinary medicine, surgery, or farriery, whose authority to practice is, by and with the consent and approval of the governor, suspended or revoked by said Board.

Section 10. On hearing, the Board, by and with the approval of the governor may revoke any certificate which is obtained by fraud or where the holder is guilty of gross moral or professional misconduct.

Section 11. This Article shall not be construed to affect commissioned veterinary medical officers serving in the United States Army or in the United States Bureau of Animal Industry while so commissioned; or any person treating an animal belonging to himself, or the animal of his employer while in the regular service of such employer, or, the animal of another without fee therefor, or any lawfully qualified veterinarian in other states or any foreign country meeting legally registered veterinarian in this State in consultation; or any veterinarian residing on a border of a neighboring state and duly authorized under the laws thereof to practice veterinary medicine therein, whose practice extends into this state, and who does not open an office or appoint a place to meet clients or receive calls within this State.

Section 12. Any person who shall practice veterinary medicine or farriery under a false or assumed name or who shall falsely personate another practitioner of a like or different name, shall be guilty of a misdemeanor; and any person guilty of violating any of the other provisions of this article, or who shall buy, sell or fraudulently obtain any veterinary medical diploma, license, record of registration, or who shall aid or abet such buying, selling or fraudulently obtaining, or who shall practice veterinary medicine or farriery under cover of a license or diploma illegally obtained or signed or issued unlawfully under fraudulent representation, or mistake of fact in material regard, shall attempt to practice veterinary medicine or farriery, and any person who shall, without having been authorized so to do legally, append any veterinary title to his or her name, or shall assume or advertise any veterinary

title in such manner as to convey the impression that he or she is a lawful practitioner of veterinary medicine or farriery, shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not more than fifty dollars ($50.00), or by imprisonment in the county jail not more than twenty-five days, or both such fine and imprisonment.

Section 13. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 1, 1923.

CHAPTER 16.

(Senate Bill No. 44.)

AN ACT

FOR THE RELIEF OF THE UNITED VERDE COPPER COMPANY, FOR SERVICES RENDERED TO EMPLOYEES OF THE STATE ENGINEER'S DEPARTMENT.

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

Section 1. That the sum of one thousand five hundred and thirty-one dollars and eighty cents ($1,531.80) be, and the same is hereby appropriated out of the General Fund of the State of Arizona, and the appropriation made for the State Road Tax, Twenty-five Per Cent Account, in payment of its claim, on account of surgical treatment and care by it supplied to certain employees of the Arizona Highway Department, and the State Auditor is hereby authorized to audit and allow such claim when presented by the

State Engineer, and the State Treasurer is authorized to pay the same.

Approved March 1st, 1923.

CHAPTER 17.

(Senate Bill No. 8.)

AN ACT

FOR THE RELIEF OF JOHN KNAIER ON ACCOUNT OF INJURIES RECEIVED WHILE IN THE EMPLOY OF THE STATE OF ARIZONA ON THE 25TH DAY OF AUGUST, 1921, IN CONSTRUCTION WORK ON THE RILLITO BRIDGE, REQUIRING THE EXECUTION OF A RELEASE TO THE STATE OF ARIZONA AND MAKING AN APPROPRIATION THEREFOR; AND DECLARING AN EMERGENCY.

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

Section 1. There is hereby appropriated from the general fund of the State of Arizona out of the monies therein not otherwise appropriated, the sum of Four Hundred Thirteen ($413.00) Dollars, and the State Auditor is hereby directed to draw his warrant on the State Treasurer for said amount in favor of John Knaier on account of personal injuries by him received on the 25th day of August, 1921, while in the employ of the State of Arizona and on construction work on the Rillito Bridge, and the State Treasurer is hereby authorized to pay the same, provided that the said John Knaier shall first make, execute and deliver to the State Auditor his release in full of

the State of Arizona, on account of said injuries in the form and manner approved by the Attorney General of the State of Arizona.

Section 2. Whereas, the preservation of the public peace, health and safety makes it necessary that the provisions of this Act shall become immediately operative, an emergency is hereby declared to exist, and this Act is hereby exempted from the operation of the referendum provisions of the State Constitution, and shall take effect and it shall be in full force and effect from and after its passage by the legislature and its approval by the Governor.

Approved March 1st, 1923.

CHAPTER 18.

(Senate Bill No. 81.)

AN ACT

TO PROVIDE FOR THE APPOINTMENT OF A COMMISSION TO CONSIST OF THE ATTORNEY GENERAL, THE GOVERNOR, AND STATE ENGINEER TO CONFER WITH A COMMISSION OF THE STATE OF CALIFORNIA IN RESPECT TO THE LOCATION AND RE-LOCATION OF THE COMMON BOUNDARY OF SAID STATES, AND TO REPORT CONCERNING THE SAME AND CONCERNING AN AGREEMENT BETWEEN SAID STATES AS TO MEASURES FOR THE STRAIGHTENING, CONTROLLING AND IMPROVEMENT OF THE CHANNEL OF THE COLORADO RIVER, AND TO PROVIDE FOR THE EXPENSES OF SAID COMMISSION.

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

Section 1. There is hereby created for the purposes hereinafter set out a commission, which shall consist of the governor, the attorney general, and the state engineer. The governor is further empowered and directed to forward a copy of this Act to the governor of the State of California and to request that the governor or legislature of that state appoint representatives of and for the state of California to confer with and act in conjunction with said commission for the purposes hereinafter specified, provided that said state of California will pay all expenses and charges of said representatives so appointed on its behalf.

Section 2. It shall be the duty of said Commission to confer and act in conjunction with said representatives to be appointed on behalf of the State of California, for the following purposes, to-wit:

(a) To investigate and report as to the location of the common boundary between the two states, in respect to the present channel of the Colorado River from the Southern boundary of the State of Nevada to the international boundary between the United States and Mexico, especially in the localities of the Palo Verde Valley, State of California, and the Parker and Cibola Valleys, State of Arizona;

(b) To investigate and report as to the necessity and advisability of re-locating said common boundary in said localities, and elsewhere, and if such re-location is deemed advisable, to make recommendations as to defining or re-locating said boundary.

(c) To investigate and report as to the necessity and advisability of an agreement between said two states, permitting either state or any agency or political subdivision thereof, to straighten, control and improve the channel of said river in said localities.

(d) To hold such hearings and conferences, in either of said two states, as may be requisite in the premises.

(e) To report to the Governor of this State, prior to the session of the Legislature in the year 1925, the findings and recommendations of said Commission, looking toward joint action by this state and the State of California in the premises.

Approved March 1, 1923.

CHAPTER 19.

(Senate Bill No. 26.)

AN ACT

TO AMEND SECTION SEVEN OF CHAPTER 144, SESSION LAWS OF ARIZONA, 1919, REGULAR SESSION, KNOWN AS THE BOND ACT OF 1919, AND PERTAINING TO A SYSTEM OF IMPROVEMENT BONDS TO BE ISSUED BY MUNICIPALITIES, RELATING TO WHAT IS KNOWN AS THE IMPROVEMENT ACT OF 1912.

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

Section 1. That Section 7 of Chapter 144, Session Laws on Arizona, 1919, Regular Session, is hereby amended to read as follows:

Section 7. The street superintendent shall, within ten days from the date of such delinquency, begin the publication of the list of the assessments on which any installment is delinquent, which list must contain a description of each parcel of property, and opposite or against 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 installment delinquent, together with penalty and costs due, including the cost of advertising. The street superintendent shall append to and publish with said list, a notice that unless each delinquent installment, together with the penalty and the 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 must be made for a period of ten days in some daily newspaper published and circulated in the municipality, or for two weeks in a weekly newspaper so published and circulated. If publication is made in a daily newspaper, such publication shall be made in two issues of such paper, provided that 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 street superintendent, or in or in front of the usual place of meeting of the legislative body of said municipality.

Approved March 1, 1923.

CHAPTER 20.

(Senate Bill No. 80.)

AN ACT

FOR THE PROTECTION OF FARMING LANDS AND FARMING COMMUNITIES BY PROVIDING FOR THE ELIMINATION AND CONTROL OF NOXIOUS WEEDS AND GRASSES; PROVIDING FOR THE ORGANIZATION AND ESTABLISHMENT OF "ANTINOXIOUS WEED DISTRICTS"; DEFINING THEIR POWERS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES FOR DISTRICT PURPOSES; CREATING A LIEN UPON THE REAL PROPERTY OF SUCH DISTRICTS FOR TAXES ASSESSED AND PROVIDING FOR THE ENFORCEMENT AND COLLECTION OF SUCH TAXES; PROVIDING FOR THE APPOINTMENT OF NOXIOUS WEED INSPECTORS AND FOR THE PAYMENT OF THEIR SALARIES AND EXPENSES; DEFINING CRIMES AGAINST THE DISTRICT AND OFFICERS THEREOF AND PROVIDING A PENALTY THEREFOR.

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

Section 1. Whenever a majority of the holders of title or evidence of title, including receipts or other evidence of the rights of entrymen on lands under any law of the United States, or of this state, to lands in any district, desire to provide for the eradication and control of noxious weeds and grasses within their district, they may propose the organization of an anti-noxious weed district, under the provisions of this chapter; and

when so organized, such district shall have the powers conferred, or that may hereafter be conferred by law upon such anti-noxious weed districts; provided, that such district shall be wholly within one county of the state and shall embrace not more than sixty thousand acres of irrigable farming land.

Section 2. For the purpose of the creation of anti-noxious weed districts, as provided by this act, a petition shall be filed with the board of supervisors of the county, which petition shall state that it is the purpose of the petitioners to organize an anti-noxious weed district, under the provisions of this act, shall contain a general description of the boundaries and an estimate of the total acreage to be included within such proposed district, and shall further set forth the name, by its common nomenclature, the character and objectionable features of the noxious weed or weeds, shrub, grass or vine growing within the boundaries of said proposed district, which it is the purpose, through the creation of such district, to eradicate or control. Said petition shall contain the signatures of not less than 25% of the holders of title or evidence of title to real property within the proposed district, as such holders of title are defined in paragraph one hereof. Each signer shall describe the lands to which he holds title, or evidence of title in such proposed district. Said petition shall further pray that the said board of supervisors define and establish the boundaries of said proposed district and submit the question of final organization thereof to the vote of the electors, qualified as prescribed by this act, and shall further designate a committee of three of said petitioners to file said petition with the board of supervisors, as provided by law.

Section 3. At the time of filing said petition, a good and sufficient bond in double the amount of probable cost of organizing such district, which amount shall be fixed by the clerk of the board of supervisors of the county, shall be filed with the board of supervisors of the county; said bond shall be conditioned for the payment to the county of all expenses incurred by the board of supervisors in any proceedings, in case the organization of said district shall not be effected. Said bond shall be approved by the chairman of the board of supervisors. In case the organization of such district shall be effected, then all expenses incurred by the county in such proceedings, shall become county expenses and shall be repaid to the county by said district from moneys received from the first collection of taxes made by said district.

Section 4. When such petition has been filed with the board of supervisors and approved, said board of supervisors shall fix a time for the hearing of such petition before the board, which time shall be not less than three weeks nor more than seven weeks subsequent to the date of the filing of such petition. The board of supervisors shall cause a notice of said petition, signed by the clerk of the board of supervisors, defining generally the purposes of such petition and the lands to be included within the proposed district, and giving the time and place of hearing of the same, to be published in at least two issues of a newspaper, published in said county, if there shall be one, and by posting copies of said notice in not less than three conspicuous places in said proposed district, at least two weeks before date set for hearing. Proof that said petition was signed by the persons whose names appear thereon and proof of the giving of notice of hearing, shall be

made by an affidavit or affidavits of persons having knowledge of the facts, and shall be filed with the board, and when so made and filed, shall be prima facie evidence that the petitioners are entitled to the hearing prayed for in said petition and of the truth of all matters set forth in said petition.

Section 5. At the time and place of such hearing, the supervisors shall proceed to hear matters relative to the organization of said proposed district and shall define the boundaries thereof and determine the lands to be included in said proposed district, and act upon all matters coming before the board affecting the creation of said district. After such hearing, the said board may by final order duly entered, either refuse the prayer of said petitioners or grant the same, and where such prayer is granted, shall define and establish the boundaries of said proposed district and designate the lands therein for district purposes and designate the name of said district; provided, that said board shall not change the boundaries as described in the petition, in such manner as to change the object of said petition.

Section 6. Any holder of title or evidence of title of lands within said proposed district as defined herein, who deems himself aggrieved by the final order of the board of supervisors, referred to in section five hereof, may commence an appropriate action in the superior court of the county in which said district is located, to determine the validity of such order. Said action shall be commenced by filing in the office of the board of supervisors of the county a notice in writing, within ten days subsequent to the making of such order, stating that it is the intention of such holder to institute such action in the su-

perior court; within thirty days after the issuance of said order, such person shall file his action in the superior court of such county, after the expiration of which time any such action shall be barred.

Section 7. If the prayer of the petitioners is granted, the board of supervisors shall, by further order duly entered upon its record, call an election of the qualified electors of said proposed district to be held for the purpose of determining whether said proposed district shall be organized under the provisions of this act. Said board in said order shall designate at least one polling place within the district and shall name three judges of election for each polling place designated. Said board shall cause notice of said election to be issued, given and published in the same manner as the notice of the filing of the original petition. The ballots to be used and cast at such election for the formation of such district, shall be supplied by the board of supervisors and shall be in form prescribed by them. Provided, that such ballots shall contain blank spaces for the names of three persons to be voted for as members of the board of directors of said district. At said election, the polls shall be open from 8 o'clock A. M. until 6 o'clock P. M. Immediately after the closing of the polls the judges of election shall ascertain the result of the vote and within two days after said election shall certify the results thereof to the board of supervisors, and with such certificate, shall return to said board all ballots used in said election and all records made thereof. The judges appointed for such election shall have power to administer oaths for the purpose of such election.

Section 8. The directors elected at said

election shall hold office for a period of one year from and after the final organization of the district. Each year thereafter an election shall be held in said district for the election of directors, which election shall be held in all respects as prescribed in section seven hereof.

Section 9. The board of supervisors shall meet on the second Monday next succeeding such election and canvass the votes cast thereat; and if upon such canvass, it appears that at least a majority of the votes cast at said election, have voted in favor of such district, the board shall, by an order duly entered on their record, declare such district organized under the name and style previously designated; shall declare the persons receiving the highest number of votes to be duly elected as directors of said district, and in said order shall describe the boundaries of the district and the lands included in said district for district purposes. Said board shall cause a copy of said order, including a map of said district, to be duly certified by the clerk of the board of supervisors and filed for record in the office of the county recorder of the county. Upon such filing, the organization of the district shall be completed and the directors elected shall, within fifteen days after the record of said order, qualify and immediately enter upon the duties of their office.

Section 10. A qualified elector, under the provisions of this act, shall mean persons of the age of twenty-one years or over, who possess the property qualifications provided in section one hereof, who have possessed such qualifications for ninety days immediately preceding the date of the election at which they voted, and who have resided continuously for six months immediately preceding such election within the boundaries of

said proposed district. Provided, that when the real holder of such recorded title is a married person, then the spouse in whose name such title stands, shall be entitled to vote at such election.

Section 11. The officers of such district shall consist of the three directors elected and of a secretary and inspector appointed by the board. The treasurer of the county, in which said district is located, shall be ex officio treasurer of such district. All such officers shall hold office until their successors are elected or appointed and shall qualify.

Section 12. The validity of the final order of the board of supervisors, creating such district, may be tested by appropriate proceedings in the superior court by any qualified elector in the same form and subject to the same limitations as provided in section six of this act.

Section 13. The board shall have power, and it shall be their duty, to manage and conduct the affairs of the office of the district, employ all inspectors, agents, attorneys and employees, fix their compensation, establish necessary rules and regulations for the government of the district and to perform all such acts as shall be necessary to fully carry out the purposes of this act.

Section 14. An inspector shall be appointed by the board of directors who shall hold his office at the will of the board of directors. It shall be the duty of the said inspector to examine and inspect all lands lying within the boundaries of the said district from time to time, as may become necessary, and any and all irrigation canals, ditches, rights of way, or laterals therein, and all roads, highways, streets, alleys or other thoroughfares or premises within the said district. If upon such examination or examinations he shall

find noxious weeds or grasses of the kind and character named and described in the petition for the formation of such district, he shall immediately report such fact to the board of directors.

The board of directors, upon receipt of such notice, shall cause to be served upon the owner or owners, lessee or tenant or upon any person lawfully in charge of such infected lands or premises, canals, ditches, laterals, rights of way, streets, alleys or other thoroughfares of the presence of such noxious weeds or grasses. Said notice shall be served in the same manner as original summons in the superior courts of the state.

Section 15. If within five days after the service of such notice the owner, lessee, tenant or person in charge of such infected land has not taken adequate steps for the eradication of the noxious weeds or grasses complained of, or having commenced said work neglects, fails or refuses diligently to prosecute the same, or if, in any event, the said owner, lessee, tenant or person in charge allows and permits any of said noxious weeds or grasses to go to seed, the said owner, lessee, tenant or person in charge, shall be guilty of a misdemeanor and punished by a fine of not less than fifty ($50.00) dollars nor more than five hundred ($500.00) dollars, or by confinement in the county jail for not less than ten nor more than ninety days, or by both such fine and imprisonment. It shall be the duty of said inspector, under the order of the board of directors, to prosecute any person guilty of the offense or offenses described in this section. It shall be the duty of the county attorney of the county to conduct all prosecutions brought under this act.

Section 16. The board of directors shall have the right and power to declare and enforce

a quarantine against any premises within the boundaries of said district upon which any noxious weed or weeds, shrub, grass or vine as defined in this Act, are found to exist, and to order that no article or product of any kind or character capable of carrying or transmitting the seed of any such weed, grass or vine, growing on the said land, be removed therefrom during the period of such quarantine. Notice of such quarantine shall be served upon the owner, lessee, tenant or person in charge of such premises in the same manner as an original summons in the superior court. In event the owner, lessee, tenant or person in charge of any infected land shall fail to take adequate steps for the eradication of the noxious weeds or grasses complained of, or having commenced said work shall neglect, fail or refuse diligently to prosecute the same to successful termination, as provided in this Act, the board of directors may order and direct the inspector to enter in and upon such premises and remove and eradicate and cause to be removed and eradicated therefrom such noxious weeds or grasses. Such entry upon such premises shall be made by said inspector without further notice to such owner, lessee, tenant or person in charge. The actual cost and expense of removing and eradicating such noxious weeds or grasses from said premises shall be and is hereby declared to be a lien upon said premises and it shall be the duty of the board of directors to enforce said lien by appropriate civil action in the superior court of the county wherein such district exists.

Section 17. Any owner, lessee, tenant or person in charge of premises which have been quarantined under the provisions of this act, who neglects, fails or refuses to obey such quarantine, or any person who aids, abets or assists in the

violation of such quarantine, shall be guilty of misdemeanor and punished as prescribed in section fifteen.

Section 18. Any person who interferes with any of the officers, agents, or employees of the noxious weed district in the discharge of his or their duty, shall be deemed guilty of misdemeanor and upon conviction shall be punished by a fine of not less than fifty ($50.00) dollars nor more than five hundred ($500.00) dollars, or by imprisonment for not less than ten days nor more than ninety days, or by both such fine and imprisonment.

Section 19. The board of supervisors of any county in which a noxious weed district has been established shall, at the time of its annual meeting for the purpose of fixing the county tax levy for the ensuing year, provide for such additional taxes as will be necessary to defray the expenses of enforcing the provisions of this act. The tax levy so provided for by the board of supervisors shall be assessed against and collected from the holders of title or evidence of title to lands within the district, as defined in section one of this act, on the basis of acreage owned, and shall be collected as other taxes are collected; in the event of nonpayment, such taxes shall be and become a lien upon such real property, enforcible and collectable as other tax liens upon real property. At the first meeting of the board of supervisors, after this act shall become law, for the purpose of fixing the annual tax levy, as set forth in this section, the board of supervisors shall include in its estimate, for the purpose of determining the necessary taxes to be assessed, such expenditures as may have already been made in connection with the formation of such district.

Section 20. This Act shall be taken and deemed to be cumulative to any Act or Acts now in force in the State of Arizona, and not in repeal thereof.

Approved March 1, 1923.

CHAPTER 21.

(Senate Bill No. 18.)

AN ACT

ESTABLISHING A CLOSED SEASON FOR BEAVER DURING WHICH NO PERSON SHALL TAKE, KILL, OR DESTROY SUCH ANIMAL; AND DECLARING AN EMERGENCY.

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

Section 1. Every person who takes, kills, or destroys, or has in his possession, whether taken or killed in the State of Arizona or shipped into the State from any other state or from any foreign country, any Beaver, during the period of time ending on the fifteenth day of April, in the year Nineteen hundred twenty-five, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished in the manner provided by law.

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

Section 3. Whereas, the preservation of the public peace, health and safety make it necessary that the provisions of this Act shall become immediately operative, an emergency is hereby de-

clared to exist, and this Act is hereby exempted from the operation of the referendum provisions of the State Constitution, and shall take effect and be in full force and effect from and after its passage and its approval by the governor.

Approved March 2, 1923.

CHAPTER 22.

(House Bill No. 41.)

AN ACT

TO AMEND CHAPTER IV, TITLE X, REVISED STATUTES OF ARIZONA, 1913, CIVIL CODE, PERTAINING TO DUTIES OF BOARDS OF SUPERVISORS, BY ADDING A NEW PARAGRAPH TO BE KNOWN AS PARAGRAPH 2414-A; AND REPEALING ALL ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH.

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

Section 1. That Chapter IV, Title X, Revised Statutes of Arizona, 1913, Civil Code, pertaining to duties of Boards of Supervisors be and the same is hereby amended by adding thereto a new paragraph as follows:

2414-A. Any officer or officers, violating any of the provisions of Paragraph 2414 of this Code, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one hundred dollars, nor more than three hundred dollars.

Section 2. All acts and parts of acts in con-

flict with the provisions of this act are hereby repealed.

Approved March 2, 1923.

CHAPTER 23.

(House Bill No. 201.)

AN ACT

MAKING AN ADDITIONAL APPROPRIATION FOR THE CURRENT AND CONTINGENT EXPENSES OF CARRYING ON AND CONDUCTING AND DEFRAYING THE EXPENSES OF THE STATE LEGISLATURE OF THE STATE OF ARIZONA FOR THE SESSION OF 1923, AND DECLARING AN EMERGENCY.

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

Section 1. That the sum of Ten Thousand ($10,000.00) Dollars is hereby appropriated out of the General Fund now in the hands of the State Treasurer of the State of Arizona, or so much thereof as may be necessary for the several objects and purposes hereafter named.

(1) That the sum of Forty-five Hundred ($4500) Dollars is hereby appropriated for the payment of the employees of the Sixth Session of the State Legislature of Arizona, for the year 1923, or so much thereof as may be needed.

(2) That the sum of Fifty-five Hundred ($5500) Dollars is hereby appropriated for the payment of contingent expenses of the said Legislature for the year 1923, or so much thereof as may be needed.

Section 2. All claims for salaries for clerks and employees of the respective House of the Legislature shall be honored by the State Auditor upon presentation of a certificate signed by the presiding officers of the State Legislature, whereupon the State Auditor shall issue his warrant upon the State Treasurer for the payment of the same, and the State Treasurer, upon presentation shall pay the same out of the general fund herein provided for.

Section 3. It is provided that said salaries of the said employees of the Legislature shall be payable on Monday of each and every week during the session of said Legislature and that the incidental expenses shall be payable whenever the proper voucher shall be presented.

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

Approved March 5, 1923.

CHAPTER 24.

(Senate Bill No. 27.)

AN ACT

TO ESTABLISH A GAME REFUGE TO BE KNOWN AS THE COCONINO-YAVAPAI STATE GAME PRESERVE.

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

Section 1. For the better protection of the wild game birds and game animals of Arizona, and to provide a safe breeding place and refuge therefor, from which the surrounding country may be stocked and replenished with game, the following described area, lying within the counties of Coconino and Yavapai is hereby withdrawn and set aside for the purpose herein stated, and shall be designated as the Coconino-Yavapai Game Preserve:

Beginning at Bear Springs in Coconino County on the Northwestern borders of what is known as the Johnson Cattle Company's Range; thence North and East along the drift fence forming the Northern boundary of what is known as the Johnson Cattle Company's Range to Sycamore Canyon; thence in a southerly direction down said Sycamore Canyon to the point where it joins the Verde river; thence in a Westerly direction up the Verde river to a point where Bear Canyon empties into said Verde river; thence in a Northerly direction up said Bear Canyon to Bear Springs; the point of beginning, embracing an area of approximately twelve (12) miles East and West by eighteen (18) miles North and South, provided that no part of the Verde river shall be included within the said boundaries.

Section 2. It shall be unlawful for any person or persons to hunt, trap, kill, capture or pursue any bird or animal of any kind whatsoever within the limits of this or any other State Game Preserve within the State of Arizona; provided, that the provisions of this Act shall not apply to the killing, capture or destruction of any mountain lion, wolf, fox, coyote, lynx, wildcat or other obnoxious predatory animal; under such regulations as the State Game Warden may prescribe, provided further that this Act shall in no wise interfere with the grazing of any stock on the Game Preserve, as permitted by the United States Government.

Any person or persons violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and shall upon conviction, be punished by a fine of not less than fifty dollars nor more than two hundred fifty dollars, or by imprisonment in the county jail for a period of not less than three months nor more than one year, or by both such fine and imprisonment, in the discretion of the court.

Section 3. The State Game Warden shall have the entire supervision of the Coconino- Yavapai preserve, hereby created.

Section 4. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved March 5, 1923.

CHAPTER 25

(Senate Bill No. 66)

AN ACT

PROVIDING FUNDS FOR THE MAINTENANCE OF STATE ROADS; PROVIDING FOR THE DISPOSITION OF ALL FUNDS NOW IN CUSTODY OF THE STATE TREASURER, RECEIVED FROM AUTOMOBILE AND OTHER MOTOR PROPELLED VEHICLE LICENSES; PROVIDING FOR THE DISPOSITION AND EXPENDITURE OF ALL FUTURE LICENSE FEES RECEIVED BY THE STATE TREASURER FROM AUTOMOBILE AND OTHER MOTOR PROPELLED VEHICLES; AND REPEALING ALL ACTS AND PARTS OF ACTS IN CONFLICT WITH THE PROVISIONS OF THIS ACT.

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

Section 1. That all monies in the State Treasury, and under the control and custody of the State Treasurer, received by him, prior to the effectiveness of this Act, as fees paid for license of automobiles or other motor propelled or driven vehicles and all such monies by him so received subsequently to the effectiveness of this Act, shall immediately upon the effectiveness of this Act or upon receipt of such monies subsequently to the effectiveness of this Act, be immediately placed in and credited to a separate account in the general fund to be known and designated as State Highway Maintenance Account, to be subject to the control and disposition of the Board of Directors of State Institutions, and by them to be expended through the State Engineer for the ex-

clusive use and purpose of the maintenance of State Highways and roads.

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

Section 3. Whereas, the preservation of the public peace, health and safety makes it necessary that the provisions of this Act shall become immediately operative, an emergency is hereby declared to exist, and this Act is hereby exempted from the operation of the referendum provisions of the State Constitution, and shall take effect and it shall be in full force and effect from and after its passage by the legislature and its approval by the governor.

Approved March 5th, 1923.

CHAPTER 26.

(Senate Bill No. 70.)

AN ACT

PROVIDING FOR A CONTINUING INVENTORY OF STATE PROPERTY, NAMING THE STATE AUDITOR AS OFFICER IN CHARGE, REQUIRING ALL DEPARTMENTS OF STATE TO FURNISH REPORTS AND PROVIDING PENALTY FOR FAILURE TO COMPLY.

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

Section 1. That it is the duty of the State Auditor to keep a continuing inventory showing classification, appraisement, situation and use of all state property. Each state officer, depart-

ment head or other person having in his possession or under his control any state property, shall report in writing to the State Auditor from time to time as requested in writing by the State Auditor concerning said property in such way as will best assist the State Auditor in maintaining the said inventory. No claim for the services of any such state officer, department head or other person that fails, neglects or refuses for the period of thirty days after being so requested to make the said report, shall be audited until he shall have made and filed the said report with the State Auditor. The State Auditor shall submit to each regular session of the Legislature a condensed form of the said inventory as of the close of the fiscal year last preceding the convening of the said Legislature.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 5, 1923.

CHAPTER 27.

(House Bill No. 66.)

AN ACT

PROVIDING FOR THE FURTHER PROTECTION OF SMALL GAME; PROHIBITING THE HUNTING AND SHOOTING OF QUAIL, WHITE WINGS, AND DOVES FROM AUTOMOBILES AND OTHER VEHICLES, AND PRESCRIBING PENALTIES THEREFOR; AND REPEALING ALL ACTS AND PARTS OF ACTS IN CONFLICT WITH THE PROVISIONS HEREOF.

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

Section 1. That on and after the date that this act shall become effective, it shall be unlawful for any person or persons to hunt or shoot quail, white wings and doves from any automobile, auto truck, motorcycle, or other vehicle, while said automobile, auto truck, motorcycle or other vehicle is in motion or standing still.

Section 2. Any person violating the provisions of Section 1 hereof shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail for a period of not less than thirty days nor more than ninety days.

Section 3. Every justice of the peace within the state before whom a conviction under the provisions of the preceding sections has been had, shall immediately thereafter notify the State Game Warden of such conviction, and the said State Game Warden shall thereupon cancel the hunting license issued to the said convicted individual, and shall refuse to issue a new hunting

license for the period of one year from the date of such conviction.

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

Approved March 6, 1923.

CHAPTER 28.

(House Bill No. 69.)

AN ACT

PROVIDING FOR THE PROTECTION OF PEDESTRIANS AND VEHICLES OF ALL KINDS USED IN GENERAL TRAFFIC; DECLARING THE DRIVING AND OPERATION OF A MOTOR VEHICLE WHILE INTOXICATED A MISDEMEANOR PUNISHABLE BY IMPRISONMENT IN THE COUNTY JAIL; PROVIDING PUNISHMENT FOR A SECOND OFFENSE; AND REPEALING ALL ACTS AND PARTS OF ACTS IN CONFLICT WITH THE PROVISIONS OF THIS ACT; AND DECLARING AN EMERGENCY.

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

Section 1. Any person operating or driving any automobile, motorcycle, motor truck, or other motor vehicle who becomes or is intoxicated while so engaged in operating or driving such automobile, motorcycle, motor truck, or other motor vehicle, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be imprisoned in the county jail for a period of not less than thirty days nor more than ninety days.

Section 2. Any person found guilty of a second offense of driving any motor vehicle while in a state of intoxication, as provided in Section 1 hereof, shall be punished by imprisonment in the county jail for the period of six months, and in addition thereto be prohibited from driving any automobile, motorcycle or other motor vehicle for one year from the date of said conviction. Any persons, after being convicted under this section, who shall drive or operate any motor truck, automobile, motorcycle or other motor vehicle during said prohibited period of one year shall be deemed guilty of a misdemeanor and upon conviction thereof shall be imprisoned in the county jail for a period of six months.

Section 3. In the event the person convicted for operating or driving an automobile, motorcycle, motor truck, or other motor vehicle, under the provisions of the preceding sections, is a public chauffeur, licensed under the laws of the State of Arizona, the county assessor of the county in which said conviction was had, or other proper public officer, shall immediately cancel the license of the said chauffeur, and same shall be immediately declared null and void, and the person so convicted and punished shall not be eligible to apply for or receive a license as a public chauffeur, or be permitted to drive or operate an automobile, motor truck, motorcycle, or other motor vehicle for a period of one year from the date of his conviction for said second offense.

Section 4. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Section 5. Whereas, the preservation of the public peace, health and safety makes it necessary that the provisions of this Act shall become

immediately operative, an emergency is hereby declared to exist, and this Act is hereby exempted from the operation of the referendum provisions of the State Constitution, and shall take effect and it shall be in full force and effect from and after its passage by the legislature and its approval by the governor.

Approved March 6, 1923.

CHAPTER 29.

(Substitute Senate Bill No. 65.)

AN ACT

TO AMEND SECTION 641 OF TITLE XVII (PERTAINING TO "OFFENSES AGAINST STOCK RAISERS"), REVISED STATUTES OF ARIZONA, 1913, PENAL CODE, AS AMENDED BY CHAPTER 39, SESSION LAWS OF ARIZONA, 1921, AND EXEMPTING FROM THE ACT ANY CATTLE RANGE CONVERTED BY PURCHASER OR OWNER INTO SHEEP RANGE.

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

Section 1. That Section 641 of Title XVII, Revised Statutes of Arizona, 1913, Penal Code, as amended by Chapter 39, Session Laws of Arizona, 1921, is hereby amended so as to read as follows:

"641. Any person owning or having charge of sheep or goats who herds, grazes or pastures the same or permits or suffers the same to be herded, grazed or pastured on any cattle range previously occupied by cattle or upon any range

usually occupied by a cattle grower either as a spring, summer or winter range for his cattle, is guilty of misdemeanor; but the priority of right between cattle and sheep owners to any range is determined by priority in the usual and customary use of such range either as a cattle or sheep range.

Providing that nothing herein contained shall be construed as prohibiting the herding or grazing of sheep over or upon any mixed range, and

Provided further that any person, firm or corporation who may have heretofore purchased or may hereafter purchase any entire cattle range or lands or right to possession or use thereof, theretofore used as a cattle range or cattle grazing ground, or the grantees or assigns of any such person, firm or corporation, may thereafter use the same as lambing grounds or grazing grounds for sheep, subject otherwise to the provisions of this act.

Sheep and goats, when being moved from their accustomed range to a shipping point to be shipped or to lambing grounds for lambing purposes or when being returned from a shipping point where they were unloaded from cars or being returned to their accustomed range from said lambing grounds where they were located during lambing time, shall, when off a designated stock driveway and crossing a range which is being and has been used as a cattle range, travel at least three miles per day. That in moving from their accustomed range to said shipping point or lambing grounds or from such lambing grounds or unloading point to their accustomed range, they shall travel by the most direct practicable route to one of the Arizona stock driveways designated by the United States Government or to any other

stock driveway hereafter fixed and determined and shall thence travel over and on such driveway and not depart therefrom until they reach a point nearest to their said shipping point or their usual lambing grounds and travel thence from said point by the nearest practicable route to said shipping point or lambing grounds, traveling at the rate of not less than three miles per day while crossing a cattle range and shall pursue the same course, traveling at the same rate, when going from said lambing point or unloading place back to their accustomed range. Provided, however, that when they are upon one of the aforesaid designated trails or upon any trail hereafter established, they shall travel at such rate as they may deem proper; and provided further, that nothing in the provisions of this paragraph shall be construed to give the right for any such sheep or goats to travel over, be herded on or graze upon the lands or possessory rights to lands of another.

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

Approved March 7, 1923.

CHAPTER 30.

(Substitute House Bill No. 52.)

AN ACT

TO AMEND SECTION 1 OF CHAPTER 131 (S. B. 106), ACTS OF THE FIFTH STATE LEGISLATURE OF THE STATE OF ARIZONA, 1921, ENTITLED "AN ACT AUTHORIZING AND EMPOWERING THE COURTS IN PERSONAL INJURY CASES TO ORDER AND DIRECT A PHYSICAL EXAMINATION OF THE PERSON INJURED".

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

Section 1. That Section 1 of Chapter 131 of the Acts of the Fifth State Legislature of the State of Arizona, 1921, be and the same is hereby amended to read as follows:

"Section 1. On or before the trial of any action brought to recover damages for injury to the person, the court before whom such action is pending may, from time to time, on application of any party therein, order and direct an examination of the person injured, as to the injury complained of, by a competent and disinterested physician or physicians, surgeon or surgeons, in order to qualify the person or persons making such examination, to testify in the said cause as to the nature, extent, and probable duration of the injury complained of; and the court may in such order direct and determine the time and place of such examination, and shall assess the cost thereof against the party or parties requesting same; provided, this Act shall not be con-

strued to prevent any other person or physician from being called and examined as a witness."

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

Approved March 7, 1923.

CHAPTER 31.

(House Bill No. 125.)

AN ACT

MAKING AN APPROPRIATION FOR THE LIVE STOCK SANITARY BOARD TO BE USED IN INSPECTING AND ERADICATING OF TUBERCULOSIS IN DAIRY CATTLE OF THIS STATE AND REIMBURSING OWNERS FOR DAIRY CATTLE WHEN SLAUGHTERED, AND DECLARING AN EMERGENCY; AND REPEALING ALL ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH.

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

Section 1. There is hereby appropriated out of any moneys in the general fund of the State of Arizona not otherwise appropriated, the sum of Ten Thousand ($10,000.00) Dollars, or so much thereof as may be necessary to be expended under the direction of the Live Stock Sanitary Board of the State of Arizona, upon claims duly approved by the said Board for the purpose hereinafter set forth. The State Auditor is hereby authorized and directed to draw his warrant on the State Treasurer for the amount of such claims

and the Treasurer is hereby directed to pay same subject to the condition that for each dollar expended therefrom a like amount shall have been appropriated by the Federal Government and allotted to this state and expended concurrently with the expenditure of said appropriation.

Section 2. So much of the money appropriated by Section 1 of this Act as is necessary may be expended by and under the direction of the Live Stock Sanitary Board for the purpose of carrying on the inspection of the dairy cattle of this State and to reimburse owners of any cattle that have been found to be affected with tuberculosis, and ordered to be slaughtered therefor.

Section 3. Whereas it is necessary for the preservation of the public peace, health and safety that a thorough inspection be made of all the dairy cows of this state, and that such inspection be made as speedily as possible, and it being necessary that funds may be immediately available to carry on such inspection, in order that the health and safety of the people of Arizona be safeguarded therefrom an emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage by the Legislature and approval by the Governor and shall not be subject to the referendum provisions of the State Constitution.

Section 4. All acts and parts of acts in conflict with the provisions of this Act are hereby repealed.

Approved March 7, 1923.

CHAPTER 32.

(House Bill No. 111.)

AN ACT

TO AMEND SECTION 3 OF CHAPTER 98 OF THE SESSION LAWS OF THE ARIZONA STATE LEGISLATURE, FOURTH REGULAR SESSION, 1919, ENTITLED "AN ACT TO AMEND PARAGRAPHS 3264, 3265, 3266, 3267, 3269, 3271, CHAPTER II, TITLE 17, REVISED STATUTES OF ARIZONA, 1913, CIVIL CODE, RELATING TO FIRE COMPANIES IN UNINCORPORATED CITIES AND TOWNS", BEING AMENDATORY OF CHAPTER 60, SESSION LAWS OF THE SECOND REGULAR SESSION, LEGISLATURE OF THE STATE OF ARIZONA, 1915.

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

Section 1. That Section 3 of Chapter 98 of the Session Laws of the Fourth Regular Session, Legislature of the State of Arizona, 1919, entitled "An act to amend Paragraphs 3264, 3265, 3266, 3267, 3269, 3271, Chapter II, Title 17, Revised Statutes of Arizona, 1913, Civil Code, relating to Fire Companies in unincorporated cities and towns", being amendatory to Chapter 60, Session Laws of Arizona, Regular Session, 1915, be and the same is hereby amended to read as follows:

"Section 3. Within ten days after said Volunteer Fire Company shall be duly organized as aforesaid, and annually thereafter, the members thereof shall hold a meeting and over the signature of the chief, and of the Secretary and Treasurer of the company shall certify to the Board of

Supervisors an estimate of the amount of money required for the equipment and maintenance of said Volunteer Fire Company for the ensuing year, whereupon, it shall be the duty of the Board of Supervisors to levy and assess against all property real and personal situated within the boundaries of said unincorporated town, towns, or settlements, as described in the petition aforesaid, as the same may appear upon the last assessment roll of said county, a tax not to exceed seven mills for each dollar's worth of said property, and to make a return of said levy and assessment to the tax collector and Treasurer of such county, at the same time and in the same manner as the levy of State and County taxes are returned, whose duty it shall be to collect said taxes at the same time and in the same manner and as a part of the other duties provided by law for the collection of State and County taxes. Said taxes shall be due and payable within the same time and in the same manner as State and County taxes, and if not paid within such time shall be deemed delinquent. Said taxes shall constitute a lien upon the real estate upon which they are levied from and after the date of the levy and assessment thereon by the Board of Supervisors, and the collection thereof with legal penalties may be enforced by the foreclosure of such lien, or by the seizure and distraint of personal property, in all respects as is now or may be provided by law for the collection of delinquent State and County taxes. Upon the receipt of said taxes by the Tax Collector and Treasurer, the same shall be kept by him in a separate fund to be known as the Volunteer Fire Fund of such unincorporated town, towns or settlements (naming it or them)."

Section 2. All acts and parts of acts in con-

flict with the provisions of this act are hereby repealed.

Approved March 7, 1923.

CHAPTER 33.

(House Bill No. 72.)

AN ACT

PROVIDING FOR ALTERNATE JURORS IN CRIMINAL CASES, AND PROVIDING THE METHOD OF CHOOSING ALTERNATE JURORS AND THEIR RIGHTS AND DUTIES, AND REPEALING ALL ACTS AND PARTS OF ACTS INCONSISTENT OR IN CONFLICT THEREWITH.

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

Section 1. Whenever, in the opinion of a judge of a superior court about to try a defendant against whom has been filed any indictment or information for a crime, the trial is likely to be a protracted one, the court may cause an entry to the effect to be made in the minutes of the court, and thereupon, immediately after the jury is impaneled and sworn, the court may direct the calling of one or two additional jurors, in its discretion, to be known as "alternate jurors." Such jurors must be drawn from the same source, and in the same manner, and have the same qualifications as the jurors already sworn, and be subject to the same examination and challenges; provided, that the prosecution shall be entitled to one, and the defendant to two, peremptory challenges to such alternate jurors. Such alternate

jurors shall be seated near, with equal power and facilities for seeing and hearing the proceedings in the case, and shall take the same oath as the jurors already selected, and must attend at all times upon the trial of the cause in company with the other jurors; and for a failure so to do are liable to be punished for contempt. They shall obey the orders of and be bound by the admonition of the court upon each adjournment of the court; but if the regular jurors are ordered to be kept in the custody of the sheriff during the trial of the cause, such alternate jurors shall also be kept in confinement with the other jurors; and except, as hereinafter provided, shall be discharged upon the final submission of the case to the jury. If, before the final submission of the case, a juror die, or become ill, so as to be unable to perform his duty, the court may order him to be discharged and draw the name of an alternate, who shall then take his place in the jury-box, and be subject to the same rules and regulations as though he had been selected as one of the original jurors.

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

Approved March 7, 1923.

CHAPTER 34.

(House Bill No. 60.)

AN ACT

TO AMEND SUBDIVISION (3), PARAGRAPH 2293, CHAPTER XI, TITLE IX, REVISED STATUTES OF ARIZONA, 1913, CIVIL CODE, ENTITLED "PUBLIC SERVICE CORPORATIONS AND CORPORATION COMMISSION," AS AMENDED BY CHAPTER 14, SESSION LAWS OF ARIZONA, 1921.

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

Section 1. That Subdivision (3), Paragraph 2293, Chapter XI, Title IX, Revised Statutes of Arizona, 1913, Civil Code, as amended by Chapter 14, Session Laws of Arizona, 1921, be and the same is hereby amended to read as follows:

(3) No common carrier subject to the provisions of this chapter shall, directly or indirectly, issue, give or tender any free ticket, free pass, or free or reduced rate transportation for passengers between points within this state, except to its employees, its officers, agents, surgeons, physicians, and attorneys at law, and their families; to members of the police force and fire departments in regularly organized cities and towns, when on duty, whether uniformed or not; to ministers of religion, traveling secretaries of Railroad Young Men's Christian Association, inmates of hospitals, and charitable and eleemosynary institutions and persons exclusively engaged in charitable and eleemosynary work; to indigent, destitute, and homeless persons, and to such persons when transported by charitable societies or hospitals, and

the necessary agents employed in such transportation; to inmates of the National Homes, or state homes, for disabled volunteer soldiers, and of Soldiers' and Sailors' homes, including those about to enter and those returning after discharge, and boards of managers of such homes; to necessary caretakers of live stock, poultry, milk and fruit; to employees on sleeping cars, express cars, and to linemen of telegraph and telephone corporations; to railway mail service employees, post office inspectors, custom inspectors and immigration inspectors; the newsboys on trains, baggage agents, witnesses attending any legal investigation in which the common carrier is interested, persons injured in wrecks and physicians and nurses attending such persons, when authorized by the corporation commission; provided that the term "employee" as used in this section shall include furloughed, pensioned and superanuated employees, persons who have become disabled or infirm in the service of any such common carrier, and the remains of a person killed in the employment of a common carrier, and ex-employees traveling for the purpose of entering the service of any such common carrier, and the term "families" as used in this section shall include the families of those persons named in this proviso, also the families of persons killed, and the widows during widowhood, and minor children, during minority, of persons who died while in the service of any such common carrier. Nothing in this chapter shall be construed to prohibit the interchange of passes for the officers, agents and employees of common carriers, and their families; nor to prohibit any common carrier from carrying passengers free with the object of providing relief in cases of general epidemic, pestilence, or other calamitous visitation; and pro-

vided further, that these provisions shall not be construed to prohibit the privilege of passes or franks or the exchange thereof, with each other, for the officers, agents, employees, and their families of all common carriers subject to the provisions of this chapter.

And provided further, that with the consent of the corporation commission, every common carrier may transport free, or at reduced rates, ex-soldiers, ex-sailors and ex-marines, for the purpose of attending any convention, contractors and their employees, material or supplies for use or engaged in carrying out their contracts with said common carriers, for construction, operation, or maintenance work, or work incidental thereto, on the line of the issuing carrier, to the extent only that such free or reduced rate transportation is provided for in the specifications upon which the contract is based and in the contract itself.

Common carriers may also enter into contracts with each other for an exchange of service.

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

Approved March 7, 1923.

CHAPTER 35.

(Senate Bill No. 73.)

AN ACT

TO AMEND SECTIONS 1 AND 2 OF CHAPTER 53, SESSION LAWS OF ARIZONA, 1921, ENTITLED "AN ACT TO PREVENT DELINQUENCY OR DEPENDENCY AMONG MINOR CHILDREN OF THIS STATE BY PROVIDING FOR CHILD WELFARE BOARDS WITH CERTAIN POWERS AND DUTIES; BY PROVIDING FOR ALLOWANCE TO WIDOWS AND DESERTED MOTHERS OR MINOR CHILDREN IN CERTAIN CASES; MAKING APPROPRIATIONS FOR CARRYING OUT THE PROVISIONS OF THE ACT; PROVIDING FINES AND PENALTIES FOR FALSELY OBTAINING RELIEF UNDER THE PROVISIONS OF THE ACT AND FOR VIOLATIONS OF ITS PROVISIONS, AND REPEALING CHAPTER 70, SESSION LAWS OF ARIZONA, 1917".

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

Section 1. That Section 1 of Chapter 53, Session Laws of Arizona, 1921, be and the same is hereby amended to read as follows:

Section 1. There shall be appointed by the Governor of this State, a board to consist of three members, to constitute and comprise a State Child Welfare Board. They shall be appointed for a term of two years and the term of office of the first board appointed shall expire on the 31st day of December, 1924. In case of death or resignation, the appointment to fill the vacancy thereby

created shall be made only for the unexpired term. At least two members of said board shall be women. Members of such board shall serve without salary or compensation, except that each member shall be reimbursed for actual and necessary expenses incurred in traveling in the discharge of duties required by this Act.

Section 2. That Section 2 of Chapter 53, Session Laws of Arizona, 1921, be and the same is hereby amended to read as follows:

Section 2. Immediately after the appointment of the first members of above board, on a day to be named in their appointment, the members thereof shall meet at the Capitol Building at such place therein as may be assigned for such meeting, and then organize by the election of a chairman and secretary. The chairman shall preside at all meetings of the board when in attendance, and shall perform such other acts as may be directed by resolutions of the Board from time to time adopted. The secretary of the Board shall keep a record of all meetings of the Board, of all resolutions adopted by the Board, and records of other orders by the Board made. The secretary shall perform such duties as imposed upon that officer by this Act, and by orders and resolutions of the Board not inconsistent with this Act. The secretary shall receive a salary of not to exceed eighteen hundred dollars per annum, together with actual and necessary traveling expenses incurred when actually engaged in performing the duties of this office. The secretary shall give all of his or her time to such duties, and while employed as such secretary shall not engage in any other employment whatever.

Approved March 8, 1923.

CHAPTER 36.

(Senate Bill No. 79.)

AN ACT

IN RELATION TO CORPORATIONS; PRESCRIBING PENALTIES FOR FAILURE TO COMPLY WITH THE CORPORATION ANNUAL REPORT AND ANNUAL REGISTRATION LAW; CONFERRING AUTHORITY UPON THE CORPORATION COMMISSION IN ENFORCEMENT OF THE SAME; DECLARING VOID CONTRACTS ENTERED INTO BY CORPORATIONS WHILE DELINQUENT UNDER SAID LAW, AND PRESCRIBING PROCEDURE TO ANNUL CORPORATIONS FAILING TO MAINTAIN STANDING ACCORDING TO LAW.

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

Section 1. For the purpose of carrying out the provisions of this act, the Corporation Commission is hereby declared to be and shall be deemed a court of record of original jurisdiction.

Section 2. Whenever any corporation has failed or hereafter shall fail for a period of two (2) years, to pay the annual state corporation registration fee or the annual report filing fee, or either or both such fees, as required by Paragraph 2274 of the Revised Statutes of Arizona, 1913, Civil Code, or any acts amendatory thereto, the Corporation Commission shall upon its own motion cause a complaint to be made before the Corporation Commission setting forth the failure of such corporation to pay the required fee or fees.

Upon the filing of the complaint the Commission shall have a summons issued. A copy of the complaint shall accompany the summons. The summons shall require the corporation named therein to appear and answer the complaint before the Corporation Commission within the time prescribed herein exclusive of the day of service, and shall state that if the corporation fails to appear and answer the said complaint judgment by default will be taken against it. The time in which summons shall require the corporation to answer the complaint shall be as follows:

(1) If the corporation is a domestic corporation, twenty days.

(2) If the corporation is a foreign corporation, thirty days.

(3) If the corporation is an alien corporation, ninety days. Service of summons may be had in accordance with the provisions of the general laws of this state, and may be made personally or by mailing in a sealed envelope, registered, with postage prepaid. Whenever any corporation does not have an officer or agent in this state upon whom legal service of process can be made, the Corporation Commission will immediately mail such summons in a sealed envelope, registered, with postage prepaid, to the office of the corporation, or to the president, secretary, or any director or officer of such corporation as may appear or be ascertained by the Corporation Commission from articles of incorporation or other papers on file in its office, or otherwise. If the Corporation Commission fails to find any officer or agent of such corporation upon whom process may be served in accordance with the provisions of this section, it shall cause such summons to be published in this State in a newspaper of general

circulation in the county where the principal office of the corporation is located as shown by the articles of incorporation or other papers on file in the office of the Corporation Commission, if such corporation is a domestic corporation, or in the county or counties in which the papers on file in the office of the Corporation Commission show that statutory agents were appointed, if such corporation is a foreign or an alien corporation. Such publication shall be made for a period of two successive issues. Upon said publication being completed proof of publication shall be filed with the Corporation Commission by such newspaper.

Section 3. Whenever the time required to answer the summons of the Commission shall have expired the cause shall be deemed at issue.

Section 4. Whenever the corporation served shall not have made answer within the required time judgment may be entered against it as herein provided.

Section 5. On such days as may be fixed by the Commission, the docket shall be called, and all causes at issue shall be set for hearing at such times as the Commission may direct, or for good cause shown, the hearing of any cause shall be postponed.

Section 6. Whenever the Corporation Commission after hearing shall find that any corporation has failed for a period of two (2) years to pay the annual registration fee as required by law, or to file the annual report as required by law, or either or both, it shall forthwith issue a decree or order declaring such corporation to be defunct and inoperative and no longer competent to transact business within the State of Arizona,

Provided, that any such defunct corporations, upon the payment of all such delinquent fees to-

gether with the costs of such action shall thereupon become reinstated, revived and operative again: Provided, further that where such reinstatement is not applied for within six months from date of such order or decree, the Corporation Commission shall declare by order or decree that such defunct and inoperative corporation is legally dead, and its certificate of incorporation or license to do business within the State of Arizona shall be revoked, cancelled, and annulled, and the records of the Corporation Commission made to so indicate.

Section 7. Appeal from any order or decree of the Commission may be made to the superior court in accordance with the laws governing public service corporations.

Section 8. The penalties provided in this act shall be construed to be in addition to any penalties now prescribed by law for corporations violating the provisions of the laws governing corporations in general.

Section 9. All acts and parts of acts in conflict with this act are hereby repealed.

Approved March 10, 1923.

CHAPTER 37.

(Senate Bill No. 77.)

AN ACT

PROVIDING FOR THE HOLDING OF SPECIAL ELECTIONS TO FILL VACANCIES OCCURRING AMONG THE MEMBERS OF THE LEGISLATURE, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

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

Section 1. Whenever a vacancy occurs among the members of either house of the Legislature prior to a regular session or at any time during the first forty-five days thereof, or should a vacancy occur prior to or exist on the date that a special session is called, or during any special session thereof, if, in the opinion of the Governor, such special session is likely to continue for a sufficient period of time, the Governor shall call a special election to fill such vacancy and shall issue his proclamation therefor as herein provided.

Section 2. Such proclamation of the Governor shall be addressed to the board of supervisors of the county wherein such vacancy exists and shall direct the board of supervisors thereof to make all preparations necessary and convenient for holding a special election in the county or legislative district therein, as the case may be, for the filling of such vacancy, on the day of election therein named.

Section 3. Upon the receipt of such proclamation the board of supervisors to whom the same is addressed shall, forthwith, make all preparations necessary and convenient for holding a special election as in such proclamation directed,

and, in the event the election district wherein such vacancy exists includes the entire county or constitutes a subdivision thereof wherein is published one or more newspapers of general circulation therein, publish such proclamation, together with notice of the preparations made by it for holding such special election, in one or more of such newspapers for such period of time as it may deem sufficient to advise the electors of the holding of such special election; and in the event that no such newspaper is published in such district then the board of supervisors shall cause such proclamation, together with such notice, to be posted in five public places within such district.

Section 4. Any person desiring to become a candidate for the office to be filled at such special election shall, not less than five days prior to the date of such special election, file a nomination petition, in the form provided by law, with the clerk of the board of supervisors, designating the party name under which he desires to be a candidate, which party name shall be that of a political party entitled by law to have the names of its candidates printed on the official ballot, together with nomination papers, in the form provided by law, signed by not less than three per cent and not more than ten per cent of the party vote cast in the district at the last preceding general election at which a governor was chosen, and such percentages shall be based on such vote for governor; any person desiring to become an independent candidate may do so upon compliance with the law relating to independent candidates at general elections not inconsistent with the provisions of this act.

Section 5. No registration of electors shall be held for such special election, but electors

eligible to vote thereat shall be those who were registered at the last preceding general registration, and are qualified electors on the day of such special election, those eligible to register during such last preceding general registration, but who did not so register, and those who are qualified electors on the day of such special election, having become such since the close of such last preceding general registration.

Section 6. The election shall be held, the ballots therefor shall be prepared, boards of election shall be appointed, challenges may be made, such election shall be conducted, and the vote shall be canvassed and returned, as is provided by law for the performance of these several duties, except as is herein otherwise directed.

Section 7. The board of supervisors shall convene on the third day after the holding of any special election, canvass the returns thereof; declare the result, and issue a certificate of election to the successful candidate.

Section 8. Within five days after the holding of any such special election the several candidates thereat and campaign committees taking part therein shall file with the board of supervisors their statements of campaign receipts and expenditures in the manner provided therefor by the general law.

Section 9. Every act declared in Title IV of the Revised Statutes of Arizona, 1913, Penal Code, to be an offense against the elective franchise is so declared to be an offense against the elective franchise under the provisions of this act and any person found guilty of the commission thereof shall be punished therefor as is provided in said Title IV for the punishment of a like offense.

Section 10. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 10, 1923.

CHAPTER 38.

(House Bill No. 13.)

AN ACT

TO AUTHORIZE JUDGES OF THE SUPERIOR COURT TO MAKE ORDERS IN CERTAIN MATTERS OUTSIDE THE COUNTY IN WHICH SUCH ORDERS ARE PENDING.

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

Section 1. Whenever the Judge of a Superior Court shall have heard a motion, demurrer, or other matter, in any civil suit or proceedings in another county, and shall have taken the same under advisement, he may thereafter make an order in writing and sign and transmit the same by mail to the clerk of the court wherein such suit or proceeding is pending, and such written order when filed with the clerk shall have the same force and effect as if made within the county where such suit or proceeding is pending.

Section 2. Any Judge of the Superior Court who has heard and determined any civil action or proceeding in another county, may enlarge or extend the time for hearing or determine a motion for a new trial or to set aside the judgment, or to file or serve a bill of exceptions, statement of facts or transcript of the reporter's notes, by a written order signed by such judge, and trans-

mitted by mail to the clerk of the court in which such action or proceeding is pending, and such order when filed with the clerk shall have the same force and effect as if made within the county where the suit or proceeding is pending.

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

Approved March 10, 1923.

CHAPTER 39.

(House Bill No. 19.)

AN ACT

TO PROVIDE FOR THE RELIEF OF W. C. PACKER AND TO MAKE APPROPRIATION THEREFOR.

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

Section 1. That there be and is hereby appropriated, out of the general fund of the State of Arizona out of any moneys not otherwise appropriated, the sum of one thousand ($1000.00) dollars for the relief of the said W. C. Packer; and that the State Auditor is hereby authorized to draw his warrant on the State Treasurer in favor of said W. C. Packer for the above named sum; and the State Treasurer is hereby authorized and instructed to pay the said sum out of any money in the state treasury not otherwise appropriated; conditioned, however, that said sum be a full and complete discharge of any liability of the

State of Arizona to said W. C. Packer growing out of said injury.

Approved March 10, 1923.

CHAPTER 40.

(House Bill No. 58.)

AN ACT

TO PROVIDE FOR THE RELIEF OF ALTA MOORE, SURVIVING WIDOW OF CHARLES E. MOORE, KILLED BY AN EXPLOSION WHILE IN THE SERVICE OF THE STATE OF ARIZONA, AND TO MAKE AN APPROPRIATION THEREFOR.

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

Section 1. That Whereas, Charles E. Moore, while in the service and employ of the Highway Department of the State of Arizona, as a laborer upon the construction of the Superior-Miami Highway, was killed in the performance of his duty and in the course of his employment by a premature explosion of blasting powder, on the 8th day of October, 1921, his said death being caused by an accident due to conditions of his said hazardous occupation and not caused nor contributed to by his own negligence; and whereas the said Charles E. Moore left surviving and entirely dependent upon him, Alta Moore, his widow, who has no remedy nor relief at law against the State of Arizona for the said accidental death of her husband; there is hereby appropriated out of the General Fund of the State of Arizona, out of any moneys not otherwise ap-

propriated the sum of Three Thousand ($3,000.00) Dollars, payable in monthly installments of Fifty Dollars ($50.00) each, for the relief of the said Alta Moore, and the State Auditor is hereby authorized to draw his warrant of Fifty Dollars ($50.00) on the first day of each and every month after this Act shall be in full force and effect until said warrants aggregate the said sum of Three Thousand Dollars ($3,000.00), upon the State Treasurer in favor of Alta Moore; and the State Treasurer is hereby authorized and instructed to pay the said installments out of any money in the State treasury not otherwise appropriated; conditioned, however, that said sum of Three Thousand Dollars ($3,000.00) shall be a full and complete satisfaction of any and all claims which the said Alta Moore may now have, or might hereafter have against the State of Arizona as result of the said death of Charles E. Moore, heretofore mentioned.

CHAPTER 41.

(House Bill No. 74.)

AN ACT

FOR THE RELIEF OF BRIGIDO HURTADO AND PROVIDING AN APPROPRIATION THEREFOR.

WHEREAS, ONE BRIGIDO HURTADO was severely injured near Seligman, Arizona, on or about the 13th day of June, 1922, while working on the State Highway, for the State of Arizona, by a large steam shovel, whereby his left leg was crushed at and below the knee joint, thus rendering him helpless and wholly incapacitated for

some time thereafter, during the acute stage of said injury; and

WHEREAS, he was engaged in the regular course of his employment for the State of Arizona, under the direction and at the request of his superiors, at the time of receiving said injury, and from which injury he endured much prolonged physical pain and suffering, resulting in a permanent stiffening of the knee, therefore,

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

Section 1. That there is hereby appropriated out of the General Fund the sum of six hundred ($600.) Dollars, payable in monthly instalments of Twenty-five ($25.00) Dollars each, for the relief of the said Brigido Hurtado, and the State Auditor is hereby authorized to draw his warrant of Twenty-five Dollars on the first day of each and every month after this Act shall be in full force and effect until said warrants aggregate the sum of Six Hundred ($600.) Dollars, upon the State Treasurer in favor of Brigido Hurtado; and the State Treasurer is hereby authorized and instructed to pay the said instalments out of any money in the State Treasury not otherwise appropriated; CONDITIONED, HOWEVER, that said sum of Six Hundred ($600.) Dollars shall be a full and complete satisfaction of any and all claims which the said Brigido Hurtado may now have or might hereafter have against the State of Arizona as result of the said injury heretofore mentioned.

Approved March 10, 1923.

CHAPTER 42.

(House Bill No. 79.)

AN ACT

FOR THE RELIEF OF C. RAPIER, INJURED WHILE IN THE SERVICE OF THE STATE OF ARIZONA, AND MAKING AN APPROPRIATION THEREFOR.

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

Section 1. That, WHEREAS, C. RAPIER, while in the employ of the State Engineer of Arizona, on the Superior Highway, sustained personal injuries through an explosion, which injuries arose out of and in the course of such employment on said highway, and resulted in three (3) ribs being broken, his scalp being so severely burned that no hair will grow thereon, and his hearing being permanently impaired, and his left hand badly burned, which injuries caused him to be incapacitated to the extent that is hereby declared to be a temporary disability; THEREFORE, for the purpose of compensating said C. Rapier, there is hereby appropriated, out of the General Fund of the State of Arizona, from any moneys not otherwise appropriated, the sum of One Thousand Dollars ($1,000.00) payable in monthly instalments of Fifty Dollars ($50.00) each.

Section 2. The State Engineer of Arizona is hereby authorized to make a proper claim upon the State Auditor for said C. Rapier and the State Auditor is hereby authorized to draw his warrant of Fifty Dollars ($50.00) on the first day of each and every month after this act shall be in full force and effect until said warrants aggregate

the said sum of One Thousand Dollars ($1,000.00), upon the State Treasurer in favor of C. Rapier; and the State Treasurer is hereby authorized and instructed to pay the said instalments out of any money in the State treasury not otherwise appropriated; conditioned, however, that said sum of One Thousand Dollars ($1,000.00) shall be a full and complete satisfaction of any and all claims which the said C. Rapier may now have or might hereafter have against the State of Arizona as result of the said injuries to said C. Rapier, heretofore mentioned.

Approved March 10, 1923.

CHAPTER 43.

(House Bill No. 91.)

AN ACT

PROVIDING FOR THE CARE AND PRESERVATION OF THE TUMACACORI MISSION, SITUATED IN THE COUNTY OF SANTA CRUZ, STATE OF ARIZONA, AND PROVIDING AN APPROPRIATION THEREFOR.

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

Section 1. That there is hereby appropriated out of the General Fund of the State the sum of one thousand dollars for the purpose of caring for and preserving the Tumacacori Mission, situated in the County of Santa Cruz, State of Arizona.

Section 2. Immediately upon the becoming effective of this Act the State Auditor is author-

ized and empowered to draw his warrant in the sum of one thousand dollars hereby appropriated in favor of the caretaker, or his successor, of said Tumacacori Mission, and the State Treasurer is hereby empowered and directed to pay said warrant.

Section 3. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved March 10, 1923.

CHAPTER 44.

(House Bill No. 92.)

AN ACT

TO AMEND SUBDIVISION 6 OF SECTION 1 OF CHAPTER 42, SPECIAL SESSION OF THE FIFTH LEGISLATURE; AND DECLARING AN EMERGENCY.

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

Section 1. That Subdivision 6 of Section 1 of Chapter 42, Special Session of the Fifth Legislature be amended to read as follows:

Subdivision 6. For the Secretary of State.

For Salaries and Wages $17,905

For the following positions not to exceed the annual rates herein specified:

1	Secretary of State.....	$3,500 per annum
1	Assistant Secretary	3,000 per annum
1	Clerk	1,800 per annum
1	Clerk	1,620 per annum
2	Stenographers at $1800.....	3,600 per annum

Temporary Clerks (Referendum and Motor Vehicle)	2,325 per annum	
Extra Clerical Hire	2,060 per annum	
For Operation		$24,610
For Repairs and Replacement		200
For Capital Investment		3,000
For Travel		1,000
For Contingencies		1,000
Total		$47,715

Section 2. Whereas an early operation of this Act is necessary to preserve the public peace, health and safety, an emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage and approval by the Governor, and is hereby exempt from the referendum provisions of the State Constitution.

Approved March 10, 1923.

CHAPTER 45.

(House Bill No. 96.)

AN ACT

TO AMEND PARAGRAPH 4643, TITLE 44 OF THE REVISED STATUTES OF ARIZONA, 1913, CIVIL CODE, ENTITLED "PUBLIC MONEYS".

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

Section 1. That Paragraph 4643 of Title 44, of the Revised Statutes of Arizona, 1913, be and the same is hereby amended to read as follows:

4643. Any such bank deciding to avail itself of the benefits of the provisions of the next preceding section shall make, execute and deliver a bond or bonds issued by some surety company whose name appears on the list of such approved companies of the Treasury Department of the United States and authorized to do business in this State, which said bond or bonds shall be approved as to form by the Attorney General of the State in the case of state moneys, and by the County Attorney of the County interested in the case of county moneys, in a penalty which shall not be less than the amount which the said bank may be entitled to receive on deposit under the provisions of the next preceding section; providing, however, that any said bank desiring so to do may deposit with the State Treasurer or with the County Treasurer, as the case may be, in lieu of a surety bond, regularly issued and interest bearing bonds of the following character: United States Government bonds, State, County, Municipal and School District improvement bonds; provided further, that any such state, county, municipal and school district bonds accepted as surety as herein provided, shall be accepted at the actual value thereof, if not above par, and if at any time the actual or market value thereof should drop to below par, such additional bonds as may be required to guarantee said deposit or deposits, shall be demanded by the state or county treasurer, as the case may be, and shall be deposited by the bank affected; conditioned that such bank will promptly pay out to the parties entitled thereto, of public moneys in its hands, upon lawful demand therefor, and will, whenever thereunto required by law, pay over to the State Treasurer such moneys with interest thereon as hereinafter provided in the case of State moneys,

and to the county treasurer such moneys, with interest as hereinafter provided, in the case of County moneys.

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

Approved March 10, 1923.

CHAPTER 46.

(House Bill No. 103.)

AN ACT

TO PROVIDE FOR THE PAYMENT OF TAXES LEVIED AND ASSESSED ON ACCOUNT OF IRRIGATION DISTRICTS, DRAINAGE DISTRICTS AND AGRICULTURAL IMPROVEMENTS DISTRICTS, ORGANIZED UNDER THE LAWS OF THE STATE OF ARIZONA, SEPARATELY AND WITHOUT AT THE SAME TIME PAYING OTHER STATE AND COUNTY TAXES ASSESSED AGAINST THE SAME PROPERTY; AND TO REQUIRE THE COUNTY TREASURER TO RECEIVE AND RECEIPT FOR TAXES SO PAID.

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

Section 1. Where a tract of land is assessed for taxes levied and assessed on account of any irrigation district, drainage district or agricultural improvement district, organized under the laws of this State, such tax and each installment thereof for any such district, may be paid separately and without at the same time paying other State

and County taxes assessed against the same property and the County Treasurer shall receive such payments of such tax, giving the person paying the same a receipt therefor showing the name of the district, a description of sufficient certainty to identify the property assessed for such tax, the total amount of such tax, the amount paid and the name of the person paying such tax; but nothing in this act shall be construed or held to permit the payment of any other State or County tax without at the same time paying the taxes assessed against the same property on account of any such district.

Section 2. This Act shall not affect taxes due prior to the year 1924.

Section 3. All acts and parts of acts in conflict with the provisions of this Act are hereby repealed.

Approved March 10, 1923.

CHAPTER 47.

(Substitute House Bill No. 113.)

AN ACT

PROVIDING FOR THE SEQUESTRATION OF DAIRY CATTLE AND ALL GRADES OF HOGS AND CATTLE CLASSIFIED AND KNOWN AS "BREEDING STOCK", EXCLUSIVE OF RANGE CATTLE, BROUGHT INTO THE STATE OF ARIZONA, PENDING INSPECTION THEREOF; AND FIXING A PENALTY FOR ANY VIOLATION OF THIS ACT.

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

Section 1. All dairy cattle and all grades of hogs and cattle classified and known as "breeding stock", exclusive of range cattle, shipped or transported in any manner into the State of Arizona from another state of the United States or from a foreign country shall be kept by the owner thereof, or the person having the control and charge thereof, sequestered and separated from other cattle and live stock for a period of sixty (60) days from and after the date of their arrival in the state.

Section 2. At the expiration of sixty (60) days from the date of their said arrival within the state, said dairy cattle and other livestock enumerated in Section 1 hereof shall be inspected by the State Veterinarian or by a veterinarian appointed under the provisions of Chapter 30, Session Laws, A. D. 1921, and the tuberculin test applied, in all respects according to the limitations and conditions, and subject to the penalties prescribed in said Chapter 30. In the event that

said live stock, or any of them, are determined by said test, or otherwise, to be afflicted with tuberculosis, the same shall be disposed of in all respects as prescribed in said Chapter 30. PROVIDED, however, that no compensation shall be paid by the State of Arizona for the condemnation, killing or disposition of any animal, under this Act.

Section 3. Any person having control or charge of any of the live stock enumerated in Section 1 hereof shipped into this state, who shall fail, refuse or neglect to keep such live stock sequestered, as provided in Section 1 hereof, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed Two Hundred and Fifty ($250.00) Dollars for each offense, or by imprisonment in the County Jail not less than Thirty (30) days nor more than Six (6) months, or by both such fine and imprisonment.

Section 4. This Act shall be deemed cumulative and in addition to the provisions of said Chapter 30, and shall in no manner be construed so as to repeal any of the provisions of said Chapter 30.

Section 5. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved March 10, 1923.

CHAPTER 48.

(House Bill No. 117.)

AN ACT

RELATING TO LOPHOPHORA WILLIAMSII OR PEYOTE (PELLOTE) AND AGAVA AMERICANA (COMMONLY KNOWN AMONG THE INDIANS AS MESCAL); PROHIBITING THE USE OR POSSESSION THEREOF, TRAFFIC THEREIN, AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ACT.

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

Section 1. That it shall be unlawful for any person, firm, corporation or association to sell, furnish or give away, or offer to sell, furnish or give away, or to have in his or its possession Peyote (Pellote), botanically known as Lophophora Williamsii; or Agava Americana, commonly known as the mescal button; or any compound, derivative or preparation thereof.

Section 2. Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed $300.00, or by imprisonment in the county jail for a period of not to exceed six months, or by both such fine and imprisonment.

Section 3. All acts and parts of acts in conflict with the provisions of this Act are hereby repealed.

Approved March 10, 1923.

CHAPTER 49.

(House Bill No. 130.)

AN ACT

FOR THE RELIEF OF WILLIAM JOHN WALSH, INJURED BY AN ACCIDENT WHILE IN THE SERVICE OF THE STATE OF ARIZONA, AND MAKING AN APPROPRIATION THEREFOR.

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

Section 1. That, whereas, William John Walsh, while in the employment of the State Engineer of Arizona sustained personal injuries arising out of and in the course of such employment, resulting in the permanent loss of the sight of his right eye and impairment of his left eye, causing him to be permanently injured.

THERE IS HEREBY APPROPRIATED from the general fund of the State of Arizona, from any moneys not otherwise appropriated, the sum of Twenty-five Hundred ($2500.00) & no/100 Dollars, payable in monthly instalments of One Hundred ($100.00) Dollars each; and the State Auditor is hereby authorized and directed to draw his warrant, of One Hundred ($100.00) Dollars on the first day of each and every month after this Act shall be in full force and effect until said warrants shall aggregate the sum of Twenty-five Hundred ($2500.00) Dollars, upon the State Treasurer in favor of William John Walsh; and the State Treasurer is hereby authorized and instructed to pay the said instalments out of any money in the State Treasury not otherwise appropriated; CONDITIONED, however, that said sum of Twenty-five Hundred ($2500.00)

Dollars shall be a full and complete satisfaction of all claims which the said William John Walsh may now have or might hereafter have against the State of Arizona as result of the said injuries heretofore mentioned.

Approved March 10, 1923.

CHAPTER 50.

(House Bill No. 137.)

AN ACT

TO PROVIDE FOR THE RECORDATION OF COMMODITY MARKETING AGREEMENTS ENTERED INTO WITH CO-OPERATIVE MARKETING ASSOCIATIONS ORGANIZED UNDER THE CO-OPERATIVE MARKETING LAW.

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

Section 1. Marketing agreement means any contract entered into between a commodity co-operative marketing association organized under the co-operative marketing law and its members, by the terms of which a subscribing grower, and all other growers signing similar contracts, agree to sell the agricultural products mentioned in said contract to or through such association.

Section 2. The association may file one of the executed marketing agreements in the office of the County Recorder in the county in which the subscribing member is producing or proposing to produce the products to be marketed for him, and such agreement shall be known, for the purpose of this Act, as the Pilot Agreement.

Section 3. After the recordation of such Pilot Agreement the association may, in lieu of filing or recording all other agreements obtained from its members, cause to be prepared and signed by its secretary an affidavit reciting that the association has executed contracts from each of its members giving the names and addresses, and a description of the premises owned or leased by each of said members, and giving the date on which the contracts were executed by the members, and such affidavit, when filed by the association with the County Recorder, shall be recorded by the County Recorder in the book of Miscellaneous Records. Such association may from time to time file for recordation supplemental affidavits covering additional contracts.

Section 4. The filing of such Pilot Agreement and affidavit or affidavits shall convey full notice of such rights as such associations may have in and to the products of the subscribing members mentioned in said Pilot Agreement and said affidavit.

Section 5. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved March 10, 1923.

CHAPTER 51.

(House Bill No. 144.)

AN ACT

TO DETERMINE THE RESULT OF AN ELECTION IN CASE OF A TIE VOTE.

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

Section 1. That if any two or more persons have an equal number of votes for the same office at any election in this state, and a higher number than any other person, the official or officials whose duty it is to declare the result, shall determine by lot which of the candidates shall be declared elected. Ten days previous notice to such candidates for a State office, and five days notice to such candidates for other offices, shall be given in writing, by such officer or officers of the time of determining said result.

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

Approved March 10, 1923.

CHAPTER 52.

(House Bill No. 146.)

AN ACT

GRANTING TO REGULARLY GRADUATED AND REGISTERED NURSES WITHIN THE STATE OF ARIZONA, THE RIGHT TO ADMINISTER ANAESTHETICS UNDER THE DIRECTION AND SUPERVISION OF LEGALLY QUALIFIED PHYSICIANS AND SURGEONS.

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

Section 1. That all regularly graduated and registered nurses within the State of Arizona, shall be empowered to administer anaesthetics under the direction of and in the immediate presence of a licensed physician or surgeon, provided such nurse has taken a prescribed course of anaesthesia at a hospital in good standing, or is a graduate in the science of anaesthesia from some recognized school or college.

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

Approved March 10, 1923.

CHAPTER 53.

(House Bill No. 164.)

AN ACT

PROHIBITING ANY PERSON WILLFULLY OR NEGLIGENTLY TO SET FIRE, OR CAUSE OR PROCURE FIRE TO BE SET, TO ANY FOREST, BRUSH OR OTHER INFLAMMABLE VEGETATION GROWING OR BEING ON LANDS NOT HIS OWN, OR TO ALLOW FIRE TO ESCAPE FROM HIS CONTROL, OR TO BURN BRUSH, ETC., ON HIS OWN LANDS OR LANDS OF ANOTHER, PROHIBITING ANY PERSON TO BUILD A CAMP FIRE ON LANDS NOT HIS OWN WITHOUT PROPER PRECAUTION, OR TO LEAVE ON SUCH LANDS A CAMP FIRE UNATTENDED, OR TO PERMIT A CAMP FIRE TO SPREAD THEREON, OR IN ANY MANNER TO START A FIRE IN FOREST MATERIAL NOT HIS OWN AND LEAVE SAME UNQUENCHED; REQUIRING THE USE OF ADEQUATE SPARK ARRESTERS ON LOCOMOTIVES OR ENGINES USING FUEL OTHER THAN OIL ON OR NEAR FORESTED LANDS; PRESCRIBING PENALTIES FOR VIOLATION OF THE PROVISIONS HEREOF; AND REPEALING SECTIONS 390 AND 391, REVISED STATUTES OF ARIZONA, 1913, PENAL CODE.

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

Section 1. Any person who shall willfully or negligently commit any of the acts hereinafter enumerated in this section shall be deemed guilty

of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five nor more than five hundred dollars, or imprisonment in the county jail for not less than fifteen days nor more than six months, or both such fine and imprisonment.

(a) Set fire, or cause or procure fire to be set to any forest, brush or other inflammable vegetation growing or being on lands not his own, without the permission of the owner of such lands; provided, that no person shall be convicted under this section who shall have set in good faith and with reasonable care, a back-fire for the purpose of stopping the progress of a fire then actually burning.

(b) Allow fire to escape from the control of the person or persons having charge thereof, or to spread to the lands of any person other than the builder of such fire without using every reasonable and proper precaution to prevent such fire from escaping.

(c) Burn brush, stumps, logs, rubbish, fallen timbers, fallows, grass or stubble, whether on his own land or that of another, without taking every proper and reasonable precaution both before the lighting of said fire and at all times thereafter to prevent the escape thereof.

Section 2. Any person who builds a camp fire upon lands within this State, not his own, without clearing the ground immediately around it free from material which will carry fire, or who leaves thereon a camp fire burning and unattended, or who permits a camp fire to spread thereon, or who shall by throwing away any lighted cigar, cigarette, match, or by use of fire-arms, or in any other manner start a fire in forest material not his own, and leave same unquenched, shall, upon

conviction be punished by a fine of not less than ten dollars ($10.00) nor more than one hundred dollars ($100.00), or by imprisonment for not more than fifty (50) days.

Section 3. From May 1 to July 31 of each year it shall be unlawful for any person, firm or corporation, or employee thereof, to use or operate any locomotive, logging engine, portable engine, traction engine or stationary engine using fuel other than oil, on or near forest land, which is not provided with an adequate spark arrester kept in constant use and repair. Any person, firm or corporation who shall willfully or negligently fail to comply with the foregoing provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine for each engine or locomotive without such spark arrester of not less than twenty-five dollars ($25.00), nor more than one hundred dollars ($100.00), and shall be enjoined from further use of such engine or locomotive until such spark arrester is provided. Escape of fire from any engine shall be a prima facie evidence that such appliance has not been adequately maintained in compliance with this action.

Section 4. Superior Court Judges in their respective districts shall have authority to appoint such number of voluntary forest fire wardens as they may deem necessary for the proper protection of the forested lands within such district. Such voluntary forest wardens shall serve without pay. The commissions issued as aforesaid shall expire on November 1 of each year.

Section 5. Voluntary forest fire wardens and all peace officers of the State including Deputy Game and Fish Wardens shall have the power to make arrests on warrants issued by any magis-

trate of the State for violation of any of the State forest fire laws, or without warrant for violation thereof committed in their presence, and shall not be liable to civil action for trespass for acts done in the discharge of their duties.

Section 6. Sections 390 and 391, Revised Statutes of Arizona, 1913, Penal Code, are hereby repealed.

Approved March 10, 1923.

CHAPTER 54.

(House Bill No. 172.)

AN ACT

FOR THE PROTECTION OF THE POULTRY INDUSTRY; TO PROVIDE A GUARANTEED ANALYSIS OF EGG MASH; PROVIDING A PENALTY FOR ANY FALSE STATEMENTS OR REPRESENTATIONS PERTAINING THERETO, AND PROVIDING A PENALTY FOR ANY VIOLATIONS HEREOF.

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

Section 1. That chicken or hen food, commonly known or designated as "Egg Mash", manufactured in this state, or shipped into this state, by manufacturers, jobbers, or dealers therein, shall be plainly marked and labeled as to the actual ingredients and chemical analysis thereof, by attaching to each original sack, bag, or other container, of a plainly marked tag, to be not less than 2½x5″ in size, on which is distinctly printed the analysis, guaranteed by the manufacturer, of the ingredients thereof.

Section 2. After the date when this Act shall become effective, it shall be unlawful to sell, expose for sale, or offer for sale, within the State of Arizona, any hen or chicken food, unless plainly marked as provided in Section 1 hereof.

Section 3. Any violations of the provisions of this Act shall be deemed a misdemeanor, and any person, firm or corporation found guilty thereof shall be punished by a fine of not less than twenty-five ($25.00) dollars, nor more than fifty ($50.00) dollars, or by imprisonment in the county jail for a period of not less than thirty (30), nor more than sixty (60) days.

Section 4. All acts and parts of acts in conflict with the provisions of this Act are hereby repealed.

Approved March 10, 1923.

CHAPTER 55

(House Bill No. 127)

AN ACT

PROVIDING FOR THE RELIEF OF FRANK HILLMAN, OF COCHISE COUNTY, ARIZONA, FOR RENTAL OF LIVE STOCK AND WAGONS, FOR DAMAGES SUSTAINED BY LOSS THEREOF WHILE RENTED TO THE STATE HIGHWAY DEPARTMENT, AND MAKING AN APPROPRIATION THEREFOR.

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

Section 1. There is hereby appropriated, out of the general fund of the State of Arizona,

the sum of Eight Hundred Seventy-nine ($879.00) Dollars, for the purpose of paying the claim of Frank Hillman, of Cochise County, Arizona, against the State Highway Department, for the rental of six (6) mules and two (2) dump wagons for a period commencing May 1, 1917, in the sum of.....$229.00

For one (1) mule rendered worthless and ruined while rented to the State Highway Department..... 200.00

For two (2) dump wagons lost by the said State Highway Department and never returned to the said Hillman at $225.00 each 450.00

Total.....$879.00

which claim is verified and approved by the Chief Clerk of the State Highway Department.

Section 2. Immediately after this Act shall have become effective the State Auditor is authorized and instructed to draw his warrant in the sum of Eight Hundred Seventy-nine ($879.00) Dollars, payable to the said Frank Hillman, beneficiary herein, and the State Treasurer is hereby authorized and instructed to pay same.

Section 3. All acts and parts of acts in conflict with the provisions of this Act are hereby repealed.

Approved March 10, 1923.

CHAPTER 56

(House Bill No. 78)

AN ACT

FOR THE RELIEF OF W. T. ESPEY, INJURED WHILE IN THE SERVICE OF THE STATE OF ARIZONA, AND MAKING AN APPROPRIATION THEREFOR.

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

Section 1. That, WHEREAS, W. T. ESPEY while in the employ of the State Engineer of Arizona at Tortilla Flats on the Apache Trail sustained personal injuries arising out of and in the course of such employment resulting in the loss of his right eye, causing him to be incapacitated to an extent that is hereby declared to be a permanent disability; THEREFORE, there is hereby appropriated out of the General Fund of the State of Arizona from any moneys not otherwise appropriated the sum of Two Thousand Five Hundred Dollars ($2,500.00) payable in monthly installments of fifty dollars ($50.00) each to compensate W. T. ESPEY for said injuries.

Section 2. The State Engineer of Arizona is hereby authorized to make a proper claim upon the State Auditor for said W. T. ESPEY and the State Auditor is hereby authorized to draw his warrant of Fifty Dollars ($50.00) on the first day of each month after this Act shall be in full force and effect until said warrants aggregate the said sum of Two Thousand Five Hundred Dollars ($2500.00), upon the State Treasurer in favor of W. T. Espey; and the State Treasurer is hereby authorized and instructed to pay the said installments out of any money in the State Treasury

not otherwise appropriated; conditioned, however, that said sum of Two Thousand Five Hundred Dollars ($2500.00) shall be a full and complete satisfaction of any and all claims which the said W. T. Espey may now have or might hereafter have against the State of Arizona as result of the said injuries to said W. T. Espey, heretofore mentioned.

Approved March 10, 1923.

CHAPTER 57

(House Bill No. 124)

AN ACT

TO PROVIDE FOR RELIEF OF CHARLES KORRICK & BRO. AND MAKING AN APPROPRIATION THEREFOR.

WHEREAS, Charles Korrick & Bro. sold to the Arizona State Industrial School at Fort Grant, Arizona, on October 12, 1918, certain merchandise consisting of 120 pair of shoes, amounting to the sum of Two Hundred Forty Eight and 34/100ths ($248.34) Dollars; and

WHEREAS, the auditing of said bill was delayed in the office of the former State Auditor due to the fact that that office had mislaid the proof of claim and papers in support thereof, and that when the same were found by said State Auditor's office one year had expired; and

WHEREAS, the present State Auditor refuses to pay said claim for the reason that it was not audited within one year, the time required by law; and

WHEREAS, the Superintendent of the Arizona State Industrial School states that the above claim is correct and should be paid; Now, Therefore,

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

Section 1. That there is hereby appropriated out of any funds in the State Treasury not otherwise appropriated the sum of Two Hundred Forty Eight and 34/100ths ($248.34) Dollars for the purpose of paying the claim of Charles Korrick & Bro. against the Arizona State Industrial

School, and the State Auditor is hereby authorized and directed to draw his warrant in said sum to Charles Korrick & Bro., and the State Treasurer is hereby authorized and directed to pay said warrant.

Approved March 10, 1923.

CHAPTER 58

(House Bill No. 29)

AN ACT

TO AMEND PARAGRAPH 3025, REVISED STATUTES OF ARIZONA, 1913, CIVIL CODE, PERTAINING TO THE DUTIES OF BOARDS OF ELECTION AND PROVIDING THAT ANY CANDIDATE AT A PRIMARY ELECTION RECEIVING FIFTY-ONE PER CENTUM OR MORE OF THE TOTAL VOTE CAST AT SUCH PRIMARY ELECTION FOR ALL CANDIDATES FOR SUCH NOMINATION SHALL BE DECLARED THE ONLY NOMINEE WHOSE NAME SHALL BE PLACED ON THE OFFICIAL BALLOT AT THE ENSUING ELECTION.

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

Section 1. That paragraph 3025 of Chapter XII, Title 12, Revised Statutes of Arizona, 1913, Civil Code, be and the same is hereby amended to read as follows:

3025. The Boards of election shall be chosen for said primary elections as in general elections and shall perform the duties imposed on said Boards for the general elections; they shall make

and sign a statement giving the names of persons voted for, the office for which each sought the nomination, and the number of votes received by each, fully certifying the results of such election. Such statements shall become a part of the official returns of such primary election at the close of any precinct count. The Board of Election for such precinct, in such primary election, shall give a certificate of the vote cast in the precinct, for all candidates of each political party to some person authorized, in writing, by the chairman of the County Central Committee, or the city or town Committee as the case may be, of such political party to receive such certificate or in case such person is not present, to any person who is known to be a member of such party. The returns shall be made as in general elections. When the Board of Supervisors, or City or Town Council as the case may be, has completed its tabulation of precinct returns, the person having the largest number of votes for the nomination of any office in the political party of which he was set forth on said ballots as a candidate for the nomination shall be declared the nominee of such party for such office, and be given a certificate of nomination for the same which shall entitle him to have his name placed upon the official ballot at the ensuing election as the nominee of such party for such office. A candidate for a non-partisan nomination for any office who has received the largest number of votes of the candidates for the nomination for that office upon the non-partisan ticket shall be declared a non-partisan nominee for such office, or in case more than one candidate shall be necessary to fill the offices sought those candidates to the required number, who shall have received the largest number of votes, as herein provided, shall be de-

clared the non-partisan nominees for said office, which shall entitle him or them to have his or their names placed upon the official ballot at the ensuing election as non-partisan nominees; provided, that should any candidate of any political party or any non-partisan candidate for any nomination for which one nominee is to be selected at any such primary received that number of votes for such nomination that will constitute fifty-one per centum or more of the total number of votes cast at such primary election shall be the only nominee for such office whose name shall be printed on the official ballot to be used at the ensuing election; provided further, that immediately below the space in which is printed the name of the nominee as aforesaid there shall be a blank space containing a blank line and a square in the form provided for use on such official ballot which the elector may use for writing in the name of any other person of his choice as a candidate for such office, and all votes so cast for any person by writing his name therein, if otherwise in conformity with law, shall be counted for such person as a candidate for such office.

The board of supervisors of each county shall meet on the Monday following any regular primary election and begin canvassing the vote of the county in such election, and said board shall meet from day to day until such canvass is completed.

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

Approved March 10, 1923.

"The Referendum having been applied to this Act, it shall be referred to the qualified

electors at the next General Election, and shall become a law when approved by a majority of the vote cast thereon, and upon proclamation of the Governor, and not otherwise."

(Signed) JAMES H. KERBY,
Secretary of State.

CHAPTER 59

(Senate Bill No. 108)

AN ACT

RELATING TO PUBLIC PARKS IN CITIES AND TOWNS AND BONDS ISSUED THEREFOR, WITH AN EMERGENCY CLAUSE.

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

Section 1. Any incorporated city or town in this state shall have the power to establish and maintain public parks and to acquire, hold and improve real property for that purpose; and any bonds issued by a city or town for such purpose within two years next preceding that date upon which this Act becomes a law are hereby validated.

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

Section 3. Whereas, an early operation of this Act is required to preserve the public peace, health and safety, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval by the Governor, and is hereby exempted

from the operation of the referendum provisions of the State Constitution.

Approved March 12, 1923.

CHAPTER 60

(Senate Bill No. 107)

AN ACT

FOR THE RELIEF OF FRED AND MARY F. PLATTEN FOR DAMAGES INCURRED AND SUFFERED BY FAILURE OF THE ARIZONA STATE HIGHWAY DEPARTMENT TO COMPLY WITH AGREEMENT IN THE CONSTRUCTION OF HIGHWAYS; REGARDING THE EXECUTION OF A RELEASE TO THE STATE OF ARIZONA; AND PROVIDING FOR AN APPROPRIATION.

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

Section 1. There is hereby appropriated from the general Fund of the State of Arizona the sum of Four Hundred ($400.00) Dollars in payment for damages suffered by Fred and Mary F. Platten, of Williams, Coconino County, Arizona, for the failure and neglect of the Arizona State Highway Department to comply with its contract and agreement when building roads through the lands and premises of the said Fred and Mary F. Platten, as follows:

Loss of pasture for fall and winter, eaten up by range stock, let in by broken fences, due to neglect of the State Highway Department $175.00

Loss of two (2) steers, valued at $10.00 each	20.00
Cost of rounding up six (6) steers, lost by broken fences as aforesaid	10.00
Loss of two (2) colts for the same reason	25.00
Loss of two (2) saddle horses for same reason, $75.00 each	150.00
To three (3) bales of wire, one-quarter of a mile in length, loaned to Jack Lee, Corral Foreman of the State Highway Department, and never returned	20.00
Total	$400.00

Section 2. The State Auditor is hereby authorized and instructed to issue his warrant in favor of the said Fred and Mary F. Platten, jointly, in the sum of Four Hundred ($400.00) Dollars, in payment for said claim, and the State Treasurer is hereby empowered and directed to pay same, provided that the said Fred and Mary F. Platten shall first make, execute and deliver to the State Auditor their release in full to the State of Arizona on account of all damages suffered by them; said release to be in the form and manner approved by the Attorney General of the State.

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

Approved March 12, 1923.

CHAPTER 61

(Senate Bill No. 71)

AN ACT

TO PROVIDE FOR THE RELIEF OF C. D. ARCHIBALD, AND TO MAKE APPROPRIATION THEREFOR.

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

Section 1. That, whereas, C. D. Archibald was in the employ of the State of Arizona in connection with the construction of a state highway west of Tempe, in the County of Maricopa, on the 16th day of May, 1919; that on said day, while in the discharge of his regular duties, while placing a charge of giant powder same was prematurely discharged, owing to a defective fuse, severely injuring the said C. D. Archibald, and permanently injuring the sight of his right eye.

Section 2. That there is hereby appropriated out of the general fund of the state the sum of Five Hundred Dollars ($500) for the relief of the said C. D. Archibald, and the state auditor is hereby authorized and instructed to draw his warrant in favor of the said C. D. Archibald, and the state treasurer is hereby authorized and instructed to pay same. Provided, however, that the sum hereby appropriated and paid to the said C. D. Archibald be in full and complete satisfaction and payment of all claims against the state arising out of said accident and injury aforesaid, on the part of the State of Arizona.

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

Approved March 12, 1923.

CHAPTER 62

(House Bill No. 150)

AN ACT

FOR THE RELIEF OF DORRIS DANA, MAKING AN APPROPRIATION THEREFOR AND PROVIDING FOR A TRUSTEESHIP OF THE FUNDS APPROPRIATED.

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

Section 1. That whereas, on the ninth day of April, 1922, A. W. Dana, a deputy sheriff of the county of Maricopa, State of Arizona, while in the performance of his official duties as such deputy sheriff, came to his death as the result of a motorcycle accident at Phoenix, in said county and state, and said A. W. Dana left surviving him Dorris Dana, his wife, one child of the age of about one year, and one posthumous child; and whereas, said A. W. Dana came to his death while attempting to enforce the laws of the State of Arizona; and whereas, his said surviving widow and children are without means of support, there is hereby appropriated out of the General Fund of the State of Arizona, for the relief of the said Dorris Dana and her said children, the sum of Three Thousand Dollars ($3,000.00), payable in monthly installments of one hundred dollars each, and the State Auditor is hereby authorized to draw his warrant for one hundred dollars on the first day of each and every month after this Act shall be in full force and effect until said warrants aggregate the said sum of Three Thousand Dollars ($3,000.00), upon the State Treasurer in favor of the said Dorris Dana; and the State Treasurer is hereby authorized and instructed to

pay the said installments out of any money in the State Treasury not otherwise appropriated; conditioned, however, that said sum of Three Thousand Dollars ($3,000.00) shall be a full and complete satisfaction of any and all claims which the said Dorris Dana may now have or might hereafter have against the State of Arizona as a result of the death of said A. W. Dana, which sum shall be free from the lien or claim of any person in connection with the passage of this Act or otherwise.

Approved March 12, 1923.

CHAPTER 63

(House Bill No. 182)

AN ACT

FOR THE RELIEF OF JOHN HENDRICKS, IN THE SUM OF ONE HUNDRED THIRTY-SEVEN AND 98/100 ($137.98) DOLLARS, FOR RENTAL OF MULES TO THE STATE PENITENTIARY AND IN PAYMENT FOR CORN CROP DESTROYED BY HOGS OWNED BY THE STATE; PROVIDING FOR A RELEASE TO THE STATE OF ARIZONA, AND PROVIDING FOR AN APPROPRIATION.

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

Section 1. There is hereby appropriated from the General Fund of the state the sum of One Hundred Thirty-seven and 98/100 ($137.98) Dollars, in payment for

Rental of four (4) mules to the State Penitentiary, at Florence, Arizona, from

July 20th to September 10, 1921, inclusive, fifty-three (53) days at One and 66/100 ($1.66) Dollars per day	$ 87.98
To damage to corn crop destroyed by hogs owned by the state, at the State Penitentiary	50.00
	$137.98

Section 2. The state auditor is hereby authorized and instructed to issue his warrant in favor of the said John Hendricks, in the sum of One Hundred Thirty-seven and 98/100 ($137.98) Dollars, in payment for said claim, and the state treasurer is hereby empowered and directed to pay same, provided that the said John Hendricks shall first make, execute and deliver to the state auditor his release in full to the State of Arizona, on account of damages suffered by him; said release to be in the form and manner approved by the attorney general of the state.

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

Approved March 12, 1923.

CHAPTER 64

(House Bill No. 90)

AN ACT

TO AMEND AN ACT OF THE ELEVENTH LEGISLATIVE ASSEMBLY OF THE TERRITORY OF ARIZONA, 1881, BEING ACT NO. 68 THEREOF, APPROVED MARCH 4TH, 1881, ENTITLED "AN ACT TO ENLARGE THE LIMITS OF THE CITY OF TOMBSTONE, ARIZONA TERRITORY," WHICH ACT IS AMENDATORY OF AN ACT OF THE SAME LEGISLATIVE ASSEMBLY, ENTITLED "AN ACT TO INCORPORATE THE CITY OF TOMBSTONE. TO DEFINE ITS LIMITS AND RIGHTS, TO SPECIFY ITS PRIVILEGES AND POWERS, AND TO PROVIDE FOR AN EFFICIENT GOVERNMENT FOR THE SAME," BEING ACT NO. 39 THEREOF, APPROVED FEBRUARY 21ST, 1881, AND TO REPEAL ALL ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH.

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

Section 1. That Act No. 68 of the Eleventh Legislative Assembly of the Territory of Arizona, 1881, approved March 4th, 1881, entitled "an act to enlarge the limits of the city of Tombstone, etc.," which Act is amendatory of an act of the same Legislative Assembly, numbered 39, approved February 21st, 1881, entitled "an act to incorporate the city of Tombstone, to define its limits and rights, etc.", be and the same hereby is amended to read as follows:

Section 1. That the limits of the City of

Tombstone, Arizona, be, and the same is hereby increased as follows, to-wit:

Commencing at an initial monument at the intersection of the center line of Seventh Street with the south line of Toughnut Street, which monument is more particularly described as follows: The monument is of granite, pyramidal in shape, and two (2) feet square at the base, one (1) foot square at the apex, and three (3) feet high, showing one (1) foot above the ground. Upon the north face is inscribed "Initial Monument City of Tombstone," and upon the south face, "South Line of C. of T." Upon the apex is inscribed a cross, the lines of which are on the true meridian, and their intersection is the point of beginning; thence south one hundred and fifty (150) feet to a monument of stones; thence east one mile to a monument of stones; thence north one hundred and fifty (150) feet to a monument of stones; thence west one mile to the place of beginning.

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

Approved March 12, 1923.

CHAPTER 65

(House Bill No. 51)

AN ACT

AMENDING SECTION 1 OF CHAPTER 104, SESSION LAWS OF ARIZONA, 1921, CREATING THE OFFICE AND PRESCRIBING THE DUTIES AND POWERS OF MATRONS OF COUNTY, CITY AND TOWN JAILS, SO AS TO MAKE COMPULSORY THE APPOINTMENT OF SUCH MATRON IN CERTAIN CASES.

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

Section 1. That Section 1 of Chapter 104, Session Laws of Arizona, 1921, be and the same is hereby amended to read as follows:

Section 1. In all first and second class counties, the Sheriff, by and with the consent of the Board of Supervisors, and in all cities and towns having a population of five thousand or more, the chief of police or town marshal thereof, by and with the consent of the governing body of such city or town, may appoint and deputize at a salary to be approved by such board of supervisors or governing body, a matron of the county jail or of the city or town jail, as the case may be. In all other class counties, cities or towns, the sheriff, chief of police or town marshal may, when authorized by the board of supervisors or the governing body of such city or town, appoint and deputize a matron of the county, city or town jail, at a salary to be approved by such board of supervisors or the governing body of such city or town, provided, that in any county, city or town, not having a regularly appointed matron, as here-

in provided, at any time any female shall be incarcerated in any county, city or town jail, it shall be the duty of the sheriff, chief of police, or town marshal to appoint and deputize, temporarily, a matron for the period of the incarceration of such female at a salary not to exceed five dollars ($5.00) per diem.

Such matron shall be a woman not less than forty years of age, and of good moral character.

She shall have free access, at all reasonable times, to the immediate presence of all female prisoners in the jail of which she is matron, including the right of personal visitation and conversation with them; and in all cases of searching the person of female prisoners in such jail, the matron exclusively shall make such search; and the matron shall by example, advice and admonition employ her best abilities to secure and promote the health, welfare, and reformation of all such prisoners.

The term of office of such matron, except in the case of temporary appointment, shall be two years in the county jails, one year in city or town jails, from her appointment and qualification and until her successor is appointed and qualified.

Approved March 13, 1923.

CHAPTER 66

(Senate Bill No. 133)

AN ACT

AUTHORIZING THE LOAN COMMISSIONERS OF THE STATE OF ARIZONA TO ANTICIPATE THE COLLECTION OF TAXES LEVIED FOR STATE PURPOSES BY ISSUING BONDS PAYABLE SOLELY FROM THE PROCEEDS OF SUCH TAXES; PROVIDING FOR THE SALE OF SUCH BONDS AND AN APPROPRIATION FOR EXPENSES IN ISSUING SAME AND OTHER DETAILS IN RESPECT THEREOF; AND DECLARING AN EMERGENCY.

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

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

Section 2. Such bonds shall be signed by the Governor, attested by the State Auditor, and countersigned by the State Treasurer, be payable within six months from date, bear such rate of interest not in excess of five (5%) per cent per annum, bear such date and be payable at such

place all as may be determined and designated by said Loan Commissioners. Each bond shall specifically recite that it is issued in anticipation of State taxes heretofore levied for the fiscal year (herein insert year for which taxes are levied) and that it is payable solely from the proceeds of such taxes and is issued pursuant to this Act, naming the title hereof.

Section 3. The total amount of such bonds including both principal thereof and interest thereon issued for any fiscal year shall not exceed seventy-five per cent of the amount of State taxes for such fiscal year which are uncollected and not in the State Treasury at the time such bonds are issued providing that not more in aggregate than seventy-five per cent of such uncollected taxes shall be issued in such bonds or in warrants as provided by any other law of the State of Arizona.

Section 4. Such bonds shall be authorized by a resolution of the Loan Commissioners who shall fix the manner, terms and conditions for the sale thereof and shall prescribe the forms of the bonds and the form of the coupons representing the interest thereon, and the manner in which the coupons shall be signed.

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

Section 6. When such bonds are issued in anticipation of the collection of taxes so levied, then all such taxes collected shall be kept by the State Treasurer and used by him solely for the purpose of paying such bonds and the interest thereon until all of the bonds issued in anticipation of such tax collections shall be paid in full, both principal and interest, and such bonds and

the interest thereon shall be payable from the taxes so collected, but such interest may be paid by the State Treasurer, out of the General Funds of the State.

Section 7. The holder of any bond issued herein in his own name and on his own behalf, or on behalf of all other such bond holders, by mandamus proceeding in the Supreme Court of the State of Arizona, may compel the performance of any duty imposed by this Act, which duty any officer has failed to perform.

Section 8. The provisions of this Act shall apply to all uncollected taxes for the years 1922, 1923 and the first half of 1924.

Section 9. There is hereby appropriated the sum of five hundred dollars ($500.00) to carry out the provisions of this Act, which shall be paid upon duly itemized and sworn claims approved by the secretary of the loan commission, to the State Auditor, who shall draw his warrant therefor on the State Treasurer, who shall pay the same out of the General Fund.

Section 10. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Section 11. Whereas, an early operation of this Act is required to preserve the public peace, health and safety, an emergency is hereby declared to exist and this Act is hereby exempted from the operation of the referendum provisions of the State Constitution and shall take effect and be in full force and effect from and after its passage and its approval by the Governor.

Approved March 13, 1923.

CHAPTER 67

(House Bill No. 140

AN ACT

FOR THE RELIEF OF EDWARD J. HARRINGTON, TO REIMBURSE HIM FOR SERVICES RENDERED, AND OUTLAYS MADE AND FOR PROPERTY APPROPRIATED BY THE AGENTS OF THE STATE, AND MAKING AN APPROPRIATION THEREFOR.

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

Section 1. That WHEREAS, by written contract of date September 20, 1920, EDWARD J. HARRINGTON, on his own behalf but under the name and title of Western Building & Construction Company, entered into a contract with Thomas Maddock, State Engineer of the State of Arizona, to construct a reinforced concrete bridge across Granite Creek on the Prescott-Jerome Highway, Federal Aid Project 19-B, and

WHEREAS, the plans for said work showed that the depth of the excavation necessary to be made in the creek over which said bridge was to be built for the purpose of placing therein the pier upon which to rest the bridge, was approximately ten feet from the bed of said creek to bed rock; whereas it was and is much deeper to bed rock, the exact depth being unknown, and under said contract the said Harrington excavated a distance all told of nineteen feet, pumping extraordinary quantities of water without reaching bed rock at which depth it was necessary to put in piling, and by reason of the premises the cost of doing said work exceeded the amount of the contract price in the sum of $4,513.81, not at all

compensated for by any profit on said contract upon which contract as a whole said Harrington sustained loss in a greater sum than the entire amount herein granted, and

WHEREAS, the said Harrington, in filing his proposal to do said work and in entering into said contract, relied, as he had a right to rely under his contract upon the approximate accuracy of the plans prepared by the State Highway Department, and that the depth to bedrock had been estimated in good faith whereas in truth and in fact though professing so to obtain such information with approximate accuracy, there was an entire omission on the part of the agents and employees of the State to secure any information concerning that detail of said plan, and,

WHEREAS, the State Highway Department has promised to make the said Harrington whole for the outlay and,

WHEREAS, also certain lumber of the said Harrington which was brought by him to the place in question for use on the job was in fact used by the State for its own purposes which lumber had a value of $981.20, and

WHEREAS, the State having received the benefit of said services and having used said lumber, is under a moral and equitable obligation to reimburse the said Harrington for the benefit received by the State in the premises, there is hereby appropriated from the general fund of the State of Arizona from any moneys not otherwise appropriated, a sufficient amount to pay the said Edward J. Harrington the sum of $5495.01;

Section 2. The State Auditor is hereby authorized upon the claim of the said Edward J. Harrington filed with him hereunder, to draw his warrant upon the State Treasurer for the sum

herein specified, and the State Treasurer is hereby empowered and directed to pay the same out of any moneys not otherwise appropriated.

Section 3. All acts and parts of acts in conflict with the provisions hereof are hereby repealed.

Approved March 13, 1923.

CHAPTER 68

(Senate Bill No. 132)

AN ACT

PROVIDING FOR THE PAYMENT OF STATE WARRANTS AND AUTHORIZING THE STATE LOAN COMMISSIONERS OF THE STATE OF ARIZONA TO ANTICIPATE THE COLLECTION OF TAXES LEVIED FOR STATE PURPOSES BY AUTHORIZING THE AUDITOR OF THE STATE TO ISSUE WARRANTS FOR REGISTRATION PAYABLE SOLELY FROM THE PROCEEDS OF SUCH TAXES; FIXING THE RATE OF INTEREST TO BE PAID ON SUCH REGISTERED WARRANTS; PROVIDING A DUE DATE THEREFOR; AUTHORIZING THE ISSUANCE AND PRESCRIBING THE FORM OF TREASURER'S CERTIFICATES IN AMOUNTS OF FIVE HUNDRED DOLLARS OR MORE IN PAYMENT OF SUCH WARRANTS; AND DECLARING AN EMERGENCY.

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

Section 1. Whenever the Legislature shall have made appropriations for any fiscal year as

authorized by law and taxes shall have been levied upon the taxable property within this State sufficient to provide funds to pay such appropriations and the Loan Commissioners of the State of Arizona shall have ascertained that the proceeds of such taxes will not be in the State treasury in time to pay in cash the expenses provided for by such appropriations, then the State Loan Commissioners may, from time to time, authorize the auditor of the State to issue his warrants for registration, as hereinafter provided, in the amount or amounts during any one fiscal year in the aggregate not to exceed 75% of the amount of State taxes for such fiscal year which are uncollected and not in the State treasury at the time during such fiscal year such registration of warrants shall be first authorized by said Loan Commissioners.

Section 2. Said warrants shall bear such rate of interest not to exceed 5½% per annum from date of presentation as hereinafter provided, as shall be prescribed by said Loan Commissioners.

Section 3. Said warrants shall be payable at a date fixed by said Loan Commissioners which shall be not later than a month following the next succeeding date of State tax delinquency.

Section 4. Each of such warrants for Registration shall be issued in the form and manner as provided by law in the case of other warrants and in conformity with the provisions of this Act and shall specifically recite that it is issued in anticipation of State taxes theretofore levied for the fiscal year (naming the year for which taxes are levied) and that it is payable solely from the proceeds of such taxes and is issued pursuant to this Act, naming the title thereof; the rate of interest and the due date thereof as authorized by

said Loan Commissioners of the State of Arizona, and that such warrant is issued for presentation to and registration by the Treasurer of the State of Arizona in conformity to the provisions of this Act.

Section 5. Upon presentation to the State Treasurer of any State Warrant for Registration, if he has not the funds in hand to pay the same, he shall endorse the date of its presentation upon the back of the warrant and register the same in his office for payment upon the due date named therein and upon the due date named therein shall pay the same together with the interest named therein.

Section 6. If at any time any holder or holders of such warrants for Registration in an aggregate amount of five hundred ($500.00) dollars, or more, shall present the same for registration to the Treasurer of the State of Arizona, he shall take up and cancel as paid such warrants and in lieu thereof issue and deliver to such holder his Treasurer's certificate in the principal sum of the aggregate amount of such warrants to bear interest at the rate specified in such warrants from the date of their presentation to the Treasurer until paid and which shall recite that the State of Arizona will pay to the order of (naming such holder) the sum of (naming the aggregate sum of such warrants) on or before (naming the due date of such warrants) with interest thereon at the rate of (naming the rate of interest provided in such warrants) as payment in full of warrants for Registration of the State of Arizona (inserting the number of such warrants); and each of such Treasurer's certificates shall specifically recite that it is issued in anticipation of State taxes theretofore levied for the fiscal year

(naming the year for which taxes are levied) and that it is payable solely from the proceeds of such taxes and is issued pursuant to this Act, naming the title thereof.

Said certificates shall be signed by the Treasurer of the State of Arizona and countersigned by the Governor of the State of Arizona.

Section 7. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Section 8. Whereas, the preservation of the public peace, health and safety makes it necessary that the provisions of this Act shall become immediately operative, an emergency is hereby declared to exist, and this Act is hereby exempted from the operation of the referendum provisions of the State Constitution, and shall take effect and it shall be in full force and effect from and after its passage by the Legislature and its approval by the Governor.

Approved March 13, 1923.

CHAPTER 69

(House Bill No. 24)

AN ACT

DEFINING THE POWERS OF THE STATE BOARD OF HEALTH FOR THE CONTROL AND ERADICATION OF TUBERCULOSIS, ANTHRAX AND OTHER DISEASES DANGEROUS TO HUMAN HEALTH AND LIFE AMONG DAIRY COWS; PRESCRIBING THE POWERS AND DUTIES OF THE STATE BOARD OF HEALTH AND THE STATE VETERINARIAN IN RELATION THERETO; AUTHORIZING THE ESTABLISHMENT OF QUARANTINES AND THE ADOPTION OF SANITARY MEASURES IN CONNECTION THEREWITH; PROVIDING FOR THE SLAUGHTER OF DISEASED COWS AS HEREIN DIRECTED; PROVIDING FOR THE PASTEURIZATION AND STERILIZATION OF MILK USED IN THE PRODUCTION OR MANUFACTURE OF DAIRY PRODUCTS; PROVIDING FOR THE SUPERVISION BY THE STATE BOARD OF HEALTH OF MILK USED IN THE PRODUCTION OR MANUFACTURE OF DAIRY PRODUCTS; AUTHORIZING THE STATE BOARD OF HEALTH, ANY MEMBER THEREOF, AND THE STATE VETERINARIAN TO CALL UPON ANY SHERIFF, DEPUTY SHERIFF, CONSTABLE, CATTLE INSPECTOR, OR POLICE OFFICER OF ANY CITY OR TOWN, FOR AID IN THE ENFORCEMENT OF THIS ACT; PROVIDING PENALTIES FOR VIOLATIONS OF THIS ACT; WITH AN EMERGENCY.

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

Section 1. Whenever the State Board of Health believes, or has reason to believe, that tuberculosis, anthrax, or any other diseases dangerous to human health or life, exists among one or more cows kept for the production of milk, or giving milk, it may direct the state veterinarian to establish a quarantine of such cow, or cows, and to make an examination thereof to determine the presence of any such disease. Upon the receipt of such direction, the state veterinarian, or such deputy as he shall designate, shall proceed to the place named in such direction where such cow, or cows, are kept and make an examination thereof to determine the presence of any such disease. In the event that any such cow is thereupon found to be diseased with tuberculosis, according to the test conducted, the state veterinarian shall proceed in the manner directed in Chapter 30, of the Acts of the Fifth Legislature, Regular Session, 1921, and, for the purpose of this Act, said Chapter 30, is made a part hereof, and is supplementary and cumulative hereto as to the authority therein for carrying out the aforesaid directions. At the time of the establishment of a quarantine under the authority of this Act, the state veterinarian may adopt such sanitary regulations in relation thereto as he shall deem necessary to prevent the spread of any such disease. Such quarantine shall be continued until any such diseased cow has been removed and danger from such disease abated.

Section 2. No person, co-partnership, association, firm or corporation engaged in the production or manufacture of milk or milk products, shall sell, give away, exchange, or barter any

milk, or milk products, in its or their raw, unpasteurized or unsterilized state, from any cow afflicted with a disease dangerous to human health or life, after receiving notice of the presence of such disease in such cow from the State Board of Health, or the state veterinarian, provided, that nothing in this Act shall be construed as prohibiting any person, co-partnership, association, firm or corporation from marketing his or its milk, or milk products, through channels or methods which insure, to the satisfaction of the State Board of Health, that said milk or milk products, are, at all times, thoroughly and effectively pasteurized or otherwise sterilized, before being offered to the consuming public as food.

Section 3. The State Board of Health, any member thereof, and the state veterinarian shall have power and authority to call upon any sheriff, deputy sheriff, constable, cattle inspector, or police officer of any city or town for aid in the execution of the provisions of this Act, and it is hereby made the duty of any such officer to render such aid when so directed.

Section 4. Any person violating any provision of this Act is guilty of a misdemeanor and, upon conviction therefor, shall be punished in the manner provided by law for the punishment of misdemeanors.

Section 5. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Section 6. Whereas, the prevention of diseases among dairy cattle is necessary for preservation of the public peace, health, and safety, therefore, an emergency is hereby declared to exist and this Act is hereby exempted from the operation of the referendum provisions of the

State Constitution and statutes and shall become immediately operative and be in full force and effect from and after its passage by the legislature and approval of the Governor.

Approved March 12, 1923.

CHAPTER 70

(House Bill No. 156)

AN ACT

PROVIDING FOR THE ACCEPTANCE BY THE STATE OF THAT CERTAIN ACT OF THE SIXTY - SEVENTH CONGRESS, BEING CHAPTER 135 OF THE STATUTES PASSED AT THE FIRST SESSION THEREOF, ENTITLED, "AN ACT FOR THE PROMOTION OF THE WELFARE AND HYGIENE OF MATERNITY AND INFANCY, AND FOR OTHER PURPOSES," APPROVED NOVEMBER 23, 1921; DESIGNATING THE STATE AGENCY FOR CARRYING OUT THE PROVISIONS OF SAID ACT IN THIS STATE; PRESCRIBING THE POWERS AND DUTIES OF SAID AGENCY AND MAKING AN APPROPRIATION.

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

Section 1. That the State of Arizona hereby agrees to and accepts the conditions of that certain act of the Sixty-Seventh Congress, being Chapter 135 of the Statutes passed at the first session thereof, entitled, "An Act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes," approved No-

vember 23, 1921, and hereby designates the Child Hygiene Division of the State Board of Health as the State Agency possessing all necessary powers to co-operate with the Children's Bureau of the Department of Labor for the administration of the provisions of said Act of Congress in this State.

Section 2. That for the purpose of obtaining a sum sufficient for the maintenance of the services, and facilities, provided for in said Act of Congress, there is hereby appropriated for each of the fiscal years beginning on the first day of July, 1923, and the first day of July, 1924, the sum of Seven Thousand two hundred fifty-four dollars which shall be paid upon duly itemized and sworn claims, approved by the Superintendent of Public Health, on the State Auditor, who shall draw his warrants therefor on the State Treasurer, who shall pay the same out of the general fund as authorized and directed by the Legislature in the general appropriation bill; and the sum apportioned to the State by the United States under the terms of said Act of Congress making an appropriation equal to the appropriation made by the State shall be available for the use of said Child Hygiene Division for the work authorized in such Act of Congress in this State.

Section 3. The Director of the Child Hygiene Division of the State Board of Health shall adopt plans for carrying out the provisions of said Act of Congress within this State which plans shall be in conformity with the provisions of said Act of Congress and of this act, and shall submit such plans to the Superintendent of Public Health for approval, and, upon such approval, said Superintendent of Public Health shall submit such plans to said Children's Bureau of the Depart-

ment of Labor for its approval, and the Superintendent of Public Health shall adopt any amendments to such plans made by said Children's Bureau and shall observe and carry out the provisions of said plans as approved by said Children's Bureau.

Section 4. No official, or agent, or representative of the Child Hygiene Division of the State Board of Health, in carrying out the provisions of this Act, shall enter any house or take charge of any child over the objection of the parents, or either of them, or the person standing in loco parentis, or having custody of such child.

Section 5. Nothing in this Act shall be construed as limiting the power of a parent or guardian or person standing in loco parentis to determine what treatment or correction shall be employed for such purpose.

Section 6. The State Board of Health shall cause reports to be made concerning the operations and expenditures of the Child Hygiene Division to said Children's Bureau in such manner and form and at such times as said Children's Bureau shall direct.

Section 7. No moneys apportioned to this State under said Act of Congress shall be applied, directly or indirectly, to the purchase, erection, preservation, or repair of any building or buildings or equipment or for the purchase or rental of any buildings or lands, nor shall any such moneys appropriated by this State for the purposes and in accordance with the provisions with said Act of Congress be used for the payment of any maternity or infancy pension, stipend, or gratuity.

Section 8. All Acts and parts of Acts in

conflict with the provisions of this Act are hereby repealed.

Approved March 13, 1923.

CHAPTER 71

(Senate Bill No. 158)

AN ACT

TO PROVIDE AN ANNUAL TAX SUFFICIENT, WITH OTHER SOURCES OF REVENUE, TO DEFRAY THE NECESSARY ORDINARY EXPENSES OF THE STATE FOR EACH OF THE FISCAL YEARS ENDING JUNE 30, 1924, AND JUNE 30, 1925; TO PAY DEFICITS FOR THE PRECEDING FISCAL YEAR; TO PROVIDE A SINKING FUND, AND, TO PAY THE ANNUAL INTEREST ON THE STATE DEBT.

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

Section 1. There is hereby levied upon the real and personal property within the State of Arizona, for the fiscal years ending June 30, 1924, and June 30, 1925, the rate of taxation to be fixed by the State Board of Equalization as provided by law, based upon the total assessed valuation of all property in the State of Arizona, an annual tax sufficient, with other sources of revenue, to defray the necessary ordinary expenses of the State for each of these fiscal years, as authorized by law; to pay the deficits for the preceding fiscal year; to provide a sinking fund, and to pay the annual interest on the State debt.

Approved March 13, 1923.

CHAPTER 72

(House Bill No. 101)

AN ACT

TO PROVIDE A BASTARDY LAW AND TO PROVIDE FOR THE CARE, SUPPORT, MAINTENANCE, AND EXPENSE OF ANY BASTARD CHILD, OR ANY EXPECTED CHILD WHICH IF BORN ALIVE MIGHT BE A BASTARD, AND PROCEDURE FOR DETERMINING THE FATHER THEREOF, AND A TRIAL IN SUCH MATTER, AND FOR THE GIVING OF A BOND TO THE COUNTY CONDITIONED TO INDEMNIFY SUCH COUNTY AGAINST ALL CHARGES FOR THE MAINTENANCE OF THE CHILD BORN, OR THAT MAY BE BORN, AND FOR A COMPLAINT, EXAMINATION, RECOGNIZANCE BY THE DEFENDANT, TRIAL, ADJUDICATION OR JUDGMENT, ORDER FOR MAINTENANCE, BOND, PAYMENT OF EXPENSES INCURRED BY COUNTY FOR THE LYING-IN AND SUPPORT, AND ATTENDANCE UPON THE MOTHER DURING HER SICKNESS, AND FOR THE CARE AND SUPPORT OF SUCH CHILD, AND FOR THE COMMITMENT OF THE FATHER TO THE COUNTY JAIL TO ENFORCE COMPLIANCE WITH THE ORDER OF THE COURT, AND FOR PAYMENT OF COSTS OF PROSECUTION, AND FOR OTHER PURPOSES, AND REPEALING ALL STATUTES, OR ACTS, OR PARTS OF ACTS IN CONFLICT WITH THE PROVISIONS OF THIS ACT.

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

Section 1. On complaint being made to a justice of the peace by any woman who is delivered of a bastard child, or pregnant with a child which, if born alive, might be a bastard, accusing any person of being the father of such child, the justice shall take the complaint in writing, under her oath, and thereupon shall issue his warrant, directed to the sheriff or any constable of his county, commanding him forthwith to bring such accused person before him to answer such complaint; which warrant may be executed anywhere within this state.

Section 2. The justice shall enter an action in his docket, in which the state shall be plaintiff, and the accused defendant, and shall make such other entries as are required in criminal actions. On the return of the warrant with the accused, the justice shall examine under oath the complainant, and such other witnesses as may be produced by the parties, respecting the complaint, and shall reduce such examination to writing.

Section 3. If the defendant pays, or secures to be paid, to the complainant such sum of money or other property as she, with the written approval of the board of supervisors of the county, may agree to receive in full satisfaction, a memorandum of which agreement and approval the justice shall enter in his docket, and shall also pay the costs of prosecution and the expenses incurred by such county for the lying-in and support of and attendance upon the mother during her sickness, and give bond to the county, approved by the justice, conditioned to indemnify such county against all charges for the maintenance of the child born, or that may be born, the justice shall discharge him.

Section 4. If the defendant does not comply

with the provisions of the preceding section, and there is probable cause to believe him guilty as charged in the complaint, the justice shall require him to enter into a recognizance, with sureties approved by the justice, in a sum not less than Five Hundred ($500.00) Dollars nor more than One Thousand ($1,000.00) Dollars, to appear before the superior court of the proper county and answer said complaint and abide the order of such court thereon. If he fails to give such recognizance, the justice shall commit him to the county jail, there to be held to answer such complaint. Thereupon the justice shall certify the examination, and return the same, and all process and papers in the case to the clerk of such court.

Section 5. Upon trial, the issue shall be whether the defendant is guilty or not guilty. If he is found guilty, or admits the truth of the accusation, he shall be adjudged to be the father of such child and shall be charged with its maintenance until such child attains its majority. The court in its judgment shall direct the amount which shall be paid by the father for the support of such child and the manner in which such payment shall be made, and shall also direct the payment of the costs of prosecution by said defendant. The court may from time to time after the entry of said judgment, on petition of either of the parties, or upon its own motion, amend, revise, and alter such portions of the judgment as relate to the payment of money for the maintenance of said child, as may be deemed just and as the welfare of said child may require. The examination taken before the justice shall in all cases be read to the jury when demanded by the defendant.

Section 6. The person so adjudged to be the

father of such child shall give bond to the county, approved by the court, for the performance of such judgment and order, and also for the payment of all expenses incurred by the county for the lying-in, support of, and attendance upon, the mother during her sickness, and for the care and support of such child prior to the giving of such bond. If he fails to give such bond, and to pay the costs of prosecution, he shall be committed to the county jail, there to remain until he complies with such order or is discharged as provided by law.

Section 7. Any person who has been imprisoned ninety days for failure to comply with any such judgment and order, may apply to said court, by petition setting forth his inability to comply therewith, and praying to be discharged from imprisonment, and shall attach to such petition a verified schedule of all his property, money, and effects, whether exempt from execution or otherwise. Thereupon the court shall appoint a time and place for hearing said application, of which the petitioner shall give at least fifteen days' notice to the complainant and board of supervisors.

Section 8. At the hearing the defendant shall be examined on oath in reference to the facts set forth in such petition and his ability to comply with such judgment and order, and his ability to earn money to comply therewith, and any other legal evidence in reference to such matters may be produced by any of the parties interested. If it appears that such defendant is unable to comply with such judgment and order, the court may direct his discharge from custody, upon his making affidavit that he has not in his own name any property, real or personal, and has no

such property conveyed or concealed, or in any manner disposed of with design to secure the same to his use or to avoid in any manner compliance with such judgment and order. If upon such hearing it appears that the defendant has property, but not sufficient to comply with such judgment and order, the court may make such order, concerning the same, in connection with such discharge, as justice may require.

Section 9. At any time after such discharge upon a petition showing that the defendant is able to comply with the judgment, or is earning or capable of earning sufficient money to comply therewith, the court shall issue an order requiring him to show cause, at a time and place to be fixed by the court, why he should not comply with the judgment; which order shall be served in the same manner as a summons in a civil action. If it shall appear upon the hearing that the defendant is able to comply with the judgment, or is earning or is capable of earning sufficient money to comply therewith, the court may order the defendant to comply with the judgment and make the payments therein provided within such time as may be directed in the matter, or, in default thereof, that the defendant be committed to the county jail as provided in the case of failure to comply with the terms of such judgment.

Section 10. The mother of such child, or such board of supervisors, at any time after the defendant is discharged, may recover of him by action any sum of money which ought to have been paid pursuant to such judgment and order; and, if the mother shall fail to prosecute any such action begun by her, the board of supervisors, or any person interested in the support of such child, may prosecute the same to final judgment.

Section 11. If any woman is delivered of a bastard child which is, or is likely to become, a public charge, or is pregnant with a child likely to be born a bastard and public charge, the board of supervisors of the county where she resides, or any member thereof, may apply to a justice of the peace of the county to inquire into the facts and circumstances of the case.

Section 12. Such justice may summon the woman to appear before him, and may examine her on oath respecting the father of such child, the time when and place where it was begotten, and any other facts he deems necessary for the discovery of the truth, and thereupon shall issue his warrant to apprehend the putative father. Thereafter the proceedings shall be the same as if the complaint had been made by such woman and with like effect, and in all cases the board and the accused may require the attendance of such woman as a witness.

Section 13. The board of supervisors either before or after judgment, may make such compromise and settlement with the putative father of any bastard child, relative to its support, as they deem equitable and just, and thereupon may discharge him from all liability for the support of such child.

Section 14. This Act shall be deemed cumulative to Chapter 114, Acts of the Fifth State Legislature, Regular Session, 1921.

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

Approved March 14, 1923.

CHAPTER 73

(House Bill No. 28)

REFERENDUM MEASURE

AN ACT

TO AMEND SECTION 1 OF SUBDIVISION 2, ("THE LEGISLATURE"), OF ARTICLE 4 OF THE CONSTITUTION OF THE STATE OF ARIZONA, AS AMENDED BY INITIATIVE PETITION, FILED IN THE OFFICE OF THE SECRETARY OF STATE, JULY THIRD, 1918, AND APPROVED BY A MAJORITY OF THE VOTES CAST THEREON AT THE GENERAL ELECTION, HELD ON THE FIFTH DAY OF NOVEMBER, 1918.

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

Section 1. That Section 1 of Subdivision 2 ("The Legislature"), of Article 4 of the Constitution of the State of Arizona be and the same is hereby amended so as to read as follows:

Section 1. Until otherwise provided by law the Senate shall consist of nineteen members, apportioned among the several counties as follows:

Apache County, one Senator; Cochise County, two Senators; Coconino County, one Senator; Gila County, two Senators; Graham County, one Senator; Greenlee County, one Senator; Maricopa County, two Senators; Mohave County, one Senator; Navajo County, one Senator; Pima County, two Senators; Pinal County, one Senator; Santa Cruz County, one Senator; Yavapai County, two Senators; Yuma County, one Senator. There shall be elected from each county, at large, the number of Senators to which such

County is entitled, and there shall be elected from each County in the manner hereinafter directed, one representative for each thirty-five hundred (3,500) votes, or major fraction thereof, cast in such County for the office of Governor at the last preceding general election, to be determined from the official canvass of all votes cast for all candidates for such office of Governor, and provided that no County shall have a smaller number of representatives than that to which it is now entitled.

Within twelve months from the time this amendment is declared adopted, the Board of Supervisors of each County entitled to more than one representative shall divide such County into as many legislative districts as there may be representatives to be elected from such County and each of such districts shall be entitled to elect one representative. Such division shall be so made that the legislative districts within a County shall contain, as nearly as may be, the same voting population. Such district shall be compact in form, and no such district shall include non-contiguous portions of any County. Before establishing such districts, the Board of Supervisors shall give at least thirty days' notice of their intention so to do, by publishing the same in two successive issues of some newspaper of general circulation published in such County. The order of the Board of Supervisors establishing such districts shall clearly and explicitly define the boundaries thereof, and shall be entered in full on the official records of the proceedings of such Board.

Any such County shall be redistricted by such Board of Supervisors not less than six months

prior to each regular election for representatives, when by reason of the number of votes therein cast for the office of Governor at the last preceding general election, it shall be entitled to a greater number of representatives. In Counties entitled to but one representative, such representative shall be elected from the County at large."

Section 2. That said proposed amendment set forth herein is hereby approved, in accordance with the provisions of Section 1, Article 21, of the Constitution of the State of Arizona.

Section 3. When said proposed amendment shall be approved by a majority of each house of the Legislature and entered on the respective Journals thereof, together with the ayes and nays thereon, the Secretary of State shall submit such proposed amendment to the vote of the people at the next general or regular election, to be held on the first Tuesday after the first Monday in November of the year 1924.

Passed the House, Feb. 12, 1923.
Passed the Senate, Mar. 7, 1923.
Filed March 14, 1923.

JAMES H. KERBY,
Secretary of State.

CHAPTER 74

(House Bill No. 167)

AN ACT

PROVIDING FOR THE REGISTRATION OF MUNICIPAL AND COUNTY BONDS.

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

Section 1. All municipal and county bonds, payable to bearer, issued by any city or county may be registered as to the principal thereof by the clerk of the municipality or clerk of the board of supervisors of the county issuing them, except that in any city having a comptroller the registration shall be by that officer. Registration by city clerks and clerks of the board of supervisors of the several counties shall be entered in the books which they are required by law to keep for bonding records in general; and registrations by comptrollers shall be entered in separate books furnished for that purpose by their respective cities.

Section 2. Upon the presentation of any such bond to the proper registration officer by the lawful holder thereof such officer shall enter in his registration book the name of the holder, a description of the bond, the date of registry, and such other information as such officer may deem necessary. At the same time such officer shall print, stamp or write upon said bond a certificate signed by him to the effect that the bond is registered, and that the principal is payable to the registered holder thereof only, naming him, or his duly appointed legal representatives.

Section 3. The coupons of any registered bond shall continue to be negotiable and payable

to bearer and remain unaffected by the registration; but the principal of the bond shall be payable and be paid to no person other than the duly registered holder or his duly appointed legal representative, unless the bond shall be subsequently registered in the name of another person or made payable again to bearer.

Section 4. The registered holder of any such bond may, either in person or by a national or state bank or trust company authorized to do business as such in the municipality or county, present the bond to the proper registration officer, together with a written request indorsed on the bond purporting to be signed by such registered holder or by his legal representative that the bond be registered in the name of another person or persons, or that the registry be canceled and the bond be made payable again to bearer; and thereupon such registration officer shall enter in his registration book a notation canceling the last former registration and registering the bond anew in the name of the person or persons designated in such request, and shall print, stamp or write upon said bond a certificate such as is required in case of an original registration; or, if the request is that the bond be made payable to bearer, the notation canceling the existing registration shall so state, and the certificate upon the bond shall declare that the bond is payable to bearer.

Section 5. The registered holder of any such bond may authorize any bank or trust company mentioned in Section 4 to present such bond to the treasurer of the municipality or county that issued it for payment of the principal thereof; or, if the bond is the obligation of a city, and such city has a fiscal agent or agents outside of

the state, he may authorize any national or state bank or any trust company doing a banking or trust company business in a city wherein such a fiscal agent is located, to make such presentment to such fiscal agent for payment of principal; and payment accordingly to any such bank or trust company by such treasurer or by such fiscal agent upon such presentation shall constitute payment and satisfaction of the municipal or county obligation.

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

Approved March 14, 1923.

CHAPTER 75

(Senate Bill No. 45)

AN ACT

TO AMEND SECTION 1, SECTION 2, SECTION 5, SECTION 7, PART 3 OF SECTION 8, SECTION 11, PART 2 OF SECTION 12, AND SECTION 14 OF CHAPTER 135, SESSION LAWS OF ARIZONA, 1921, ENTITLED "AN ACT TO REGULATE THE PRACTICE OF THE PROFESSIONS OF ARCHITECTURE, ASSAYING, ENGINEERING, AND LAND SURVEYING, ETC."

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

Section 1. That Section 1 of Chapter 135, Session laws of Arizona, 1921, be and the same is hereby amended to read as follows:

Section 1. In order to safeguard life, health and property, any person practicing or offering to practice as an architect, a professional engineer, a land surveyor, or an assayer in this state shall hereafter be required to submit evidence that he is qualified so to practice, and shall be registered as hereinafter provided; and from and after January 1, 1924, it shall be unlawful for any person to practice, or to offer to practice in this State as an architect, a professional engineer (hereinafter called an engineer), a land surveyor, or an assayer, except under the provisions of this Act or of those portions still valid of Chapter 135, Session Laws of Arizona, 1921; provided, however, that no one already registered under the laws of this State as an architect, an engineer, a land surveyor, or an assayer at the time this Act becomes effective shall be required to submit additional evidence of his eligibility of his registration.

Section 2. That Section 2 of Chapter 135, Session Laws of Arizona, 1921, be and the same is hereby amended to read as follows:

Section 2. Nothing in this Act or in Chapter 135, Session Laws of Arizona, 1921, shall be construed as requiring registration of any individual for the purpose of practicing architecture, engineering, land surveying, or assaying on property owned or leased by said individual or by a firm or corporation employing him on a full-time basis, unless the same involves the public safety or health. As used in this Act and in Chapter 135, Session Laws of Arizona, 1921, the terms "professional engineer" and "engineer" shall be considered to include anyone claiming to be a mining engineer, a mining geologist, or a geologist who shall make or offer to make examina-

tions for the public, and prepare or offer to prepare reports bearing upon the probable economic worth of deposits or reputed deposits of metallic or non-metallic minerals, rocks, coal, asphalt, petroleum, oil shale, or natural gas; and the work of such people shall be included under the term "professional engineering" and "engineering".

Section 3. That Section 5 of Chapter 135, Session Laws of Arizona, 1921, be and the same is hereby amended to read as follows:

Section 5. The board shall hold a meeting within thirty days after its members are first appointed, and thereafter shall hold at least two regular meetings each year. Special meetings shall be held at such times as the by-laws of the board may provide. Notice of such meetings shall be given in such manner as the by-laws may provide. The board shall elect annually from its members, a chairman, a vice-chairman, and a secretary. A quorum of the board shall consist of not less than four members, of whom at least one shall be an architect, and at least two shall be engineers.

Section 4. That Section 7 of Chapter 135, Session Laws of Arizona, 1921, be and the same is hereby amended to read as follows:

Section 7. The board shall keep a record of its proceedings, and a register of all applicants for registration, which shall show for each the date of the application, name, age, educational and other qualifications, place of business and place of residence, whether an examination was or was not required, whether the applicant was rejected or a certificate of registration granted, and the date of such action. The books and register of the board shall be prima facie evidence of all matters recorded therein. A roster show-

ing the names and places of business and of residence of all registered architects, engineers, land surveyors and assayers, shall be prepared by the secretary of the Board during the month of October of each year; such roster shall be printed out of the funds of the board. On or before the first day of January of each year the board shall submit to the governor a report of its transactions for the year, together with a complete statement of its expenditures, certified by the chairman and secretary, and a copy of said roster of registered architects, registered engineers, registered land surveyors, and registered assayers. A copy of this report shall be filed with the secretary of state, with the clerk of the board of supervisors of each county, and with the clerk of each city or town in the state.

Section 5. That Part 3 of Section 8 of Chapter 135, Session Laws of Arizona, 1921, be and the same is hereby amended to read as follows:

To any person who holds a like unexpired certificate of registration issued to him by proper authority in the District of Columbia, in any state or territory of the United States, or in any foreign country or political subdivision thereof in which the requirements for the registration of architects, engineers, land surveyors, or assayers are of a standard satisfactory to the board; provided, however, that no person shall be eligible for registration who is under twenty-five years of age, who is not of good character and repute, and who has not been actively engaged for six or more years in architectural or engineering work or for three or more years in land surveying or assaying work of a character satisfactory to the board. However, each year of teaching, or of study satisfactorily completed, of architecture, engineer-

ing, or assaying in a school of standing satisfactory to the board shall be considered as equivalent to one year of such active engagement.

Any person who holds an unexpired card or certificate of reciprocal registration issued by any state, province, or country in conformity with the regulations of the Council of State Boards of Engineering Examiners shall be granted registration without examination, and a certificate of registration shall be issued to him on payment of one dollar ($1.00).

Unless disqualifying evidence be before the board, the following facts established in the application shall be regarded as prima facie "evidence satisfactory to the board" that the applicant is fully qualified to practice architecture, engineering, land surveying, or assaying:

(A) Six or more years of active engagement in architectural or engineering work or three or more years in land surveying or assaying work of a character satisfactory to the board; or,

(B) Graduation, after a course of not less than four years, in architecture, engineering, assaying, or land surveying, from a school or college approved by the board as of satisfactory standing, and an additional two years of active engagement in architectural or engineering work of a character satisfactory to the board if the applicant desires registration as an architect or as an engineer.

Applicants for registration, in cases where the evidence originally presented in the application does not appear to the board to be conclusive or warranting the issuance of a certificate, may present further evidence, which may include the results of a required examination, for the consideration of the board.

In case the board denies the issuance of a certificate to an applicant, the registration fee deposited shall be returned by the board to the applicant.

Certificates of registration shall expire on the last day of the month of December following their issuance or renewal and shall become invalid on that date unless renewed. It shall be the duty of the secretary of the board to notify every person under this Act and those portions still valid of Chapter 135, Session Laws of Arizona, 1921, of the date of the expiration of his certificate and the amount of the fee required for its renewal for one year; such notice shall be mailed at least one month in advance of the date of the expiration of said certificate. Renewal may be effected at any time during the month of December by the payment of a fee of five dollars ($5.00). The failure on the part of any registrant to renew his certificate annually in the month of December as required above shall not deprive such person of the right of renewal, but the fee to be paid for the renewal of a certificate after the month of December shall be increased ten per cent (10%) for each month or fraction of a month that payment for renewal is delayed; provided, however, that the maximum fee for a delayed renewal shall not exceed twice the normal renewal fee.

Section 6. That Section 11 of Chapter 135, Session Laws of Arizona, 1921, be and the same is hereby amended to read as follows:

Section 11. Any person who after January 1, 1924, is not legally authorized to practice as an architect, an engineer, a land surveyor, or an assayer in this State, according to the provisions of this Act or of those portions still valid of Chap-

ter 135, Session Laws of Arizona, 1921, and shall so practice or offer to practice in this State, except as provided in Section 12 of Chapter 135, Session Laws of Arizona, 1921, as herewith amended, or who shall do work for the State, a county, a city, a town, or a village in violation of Section 14 of Chapter 135, Session Laws of Arizona, 1921, as herewith amended, or who shall present or attempt to file as his own a certificate of registration of another, or who shall give false or forged evidence of any kind to the board or to any member thereof in obtaining a certificate of registration, or who shall falsely impersonate any other practitioner of like or different name, or who shall use or attempt to use an expired or revoked certificate of registration, or shall in any other particular violate the provisions of this Act or of those portions still valid of Chapter 135, Session Laws of Arizona, 1921, shall be deemed guilty of a misdemeanor, and shall for each such offense of which he is convicted be punished by a fine of not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00), or by imprisonment for not more than six months, or by both such fine and imprisonment. However, nothing in this Act or in Chapter 135, Session Laws of Arizona, 1921, shall be construed as excluding any registered architect from the practice of engineering, or as excluding any registered engineer from the practice of architecture, land surveying, or assaying; and, further, nothing in this Act, or in Chapter 135, Session Laws of Arizona, 1921, shall be construed as requiring registration of a person who shall design or offer to design structures that are each estimated to cost not to exceed five thousand dollars ($5,000.00) to construct.

Section 7. That part 2 of Section 12 of Chapter 135, Session Laws of Arizona, 1921, be and the same is hereby amended to read as follows:

Practice as an architect, engineer, land surveyor, or assayer in Arizona for a period of not more than ninety days in any calendar year, without being registered in the State by any person holding an unexpired certificate of registration issued by any state, province or country, where the requirements for registration are satisfactory to the board provided such person files with the board, a certified copy of his certificate of registration, and provided further, that before practicing at any time in the State he also informs the board in writing of his intention so to practice, and the approximate length of time that the work will probably consume.

Section 8. That Section 14 of Chapter 135, Session Laws of Arizona, 1921, be and the same is hereby amended by the addition thereto of the following clause:

No penalty shall be assessed against any unregistered person doing such work as is mentioned in Section 14 of Chapter 135, Session Laws of Arizona, 1921, for so long a time as the board may require to act on his application if such person applies for registration as soon as possible after such work has been begun.

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

Approved March 15, 1923.

SENATE BILL No. 156

The Highway Bill

and

Correspondence Pertaining Thereto

EXECUTIVE OFFICE

State House

Phoenix, Arizona

March 20, 1923

My Dear Mr. Kerby:

I am sending you with my signature and approval, with the exception of certain items which I have enumerated and which are listed in detail below, Senate Bill No. 156, An Act:

"TO PROVIDE FUNDS FOR THE CONSTRUCTION AND COMPLETION OF CERTAIN DESIGNATED HIGHWAY PROJECTS, WITHIN THE STATE OF ARIZONA, INITIATED OR AUTHORIZED, BUT NOT COMPLETED BY THE BOARD OF DIRECTORS OF STATE INSTITUTIONS AND OFFICE OF STATE ENGINEER, PRIOR TO JANUARY FIRST, 1923; AUTHORIZING THE REFUNDING, FOR USE ON ANY SPECIFIC OR DESIGNATED HIGHWAY PROJECT, OF FUNDS PAID BY ANY POLITICAL SUBDIVISION OF THE STATE OF ARIZONA, TO THE STATE OF ARIZONA, FOR THE USE OF THE BOARD OF DIRECTORS OF STATE INSTITUTIONS AND OF SAID OFFICE OF STATE ENGINEER OF THE STATE OF ARIZONA, FOR THE CONSTRUCTION OF SUCH SPECIFIC AND DESIGNATED HIGHWAY PROJECTS AND DIVERTED PRIOR TO JANUARY FIRST, 1923, BY SAID BOARD OF DIRECTORS OF STATE INSTITUTIONS AND OF SAID OFFICE OF STATE ENGINEER, TO PURPOSES OTHER THAN SUCH SPECIFIED AND DESIGNATED PROJECTS; MAKING AN APPROPRI-

ATION THEREFOR; PROVIDING FOR THE RAISING OF FUNDS TO MEET SUCH APPROPRIATION BY MEANS OF 25% APPORTIONMENT OF STATE ROAD TAX, TAX UPON PASSENGER CAPACITY PER MILE, UPON DESIGNATED COMMON CARRIERS; A TAX UPON TRUCK TONNAGE OF MOTOR TRUCKS AND TAX UPON GASOLINE AND OTHER DISTILLATES OF CRUDE PETROLEUM: REGULATING AND PROVIDING FOR THE DEPOSIT, USE, ACCOUNTING FOR AND DISBURSEMENT OF MONEYS PAID TO THE STATE OF ARIZONA BY SUCH SUBDIVISIONS OF THE STATE OF ARIZONA FOR THE CONSTRUCTION OF DESIGNATED ROAD PROJECTS AND MONEYS PAID TO THE STATE OF ARIZONA BY THE UNITED STATES OF AMERICA BY VIRTUE OF COOPERATIVE AGREEMENTS BETWEEN THE STATE OF ARIZONA AND THE UNITED STATES OF AMERICA PURSUANT TO AN ACT OF THE CONGRESS OF THE UNITED STATES OF AMERICA ENTITLED 'AN ACT TO PROVIDE THAT THE UNITED STATES SHALL AID THE STATES IN THE CONSTRUCTION OF RURAL AND POST ROADS, AND FOR OTHER PURPOSES' OR OF ANY AMENDMENT THERETO, OR PURSUANT TO ANY OTHER ACT ENACTED BY THE CONGRESS OF THE UNITED STATES OF AMERICA FOR LIKE PURPOSES; PROVIDING FOR THE ISSUANCE OF, REGISTRATION AND PAYMENT OF NEGOTIABLE STATE WARRANTS AND PROVIDING FOR THE ISSUANCE OF NEGOTIABLE TREASURER'S CERTIFICATES OF

THE STATE OF ARIZONA IN ANTICIPATION OF THE COLLECTION OF THE TAXES AUTHORIZED BY THIS ACT; PRESCRIBING THE FORM OF SUCH WARRANTS AND CERTIFICATES, THE DUE DATE AND RATE OF INTEREST THEREON; DEFINING OFFENSES IN VIOLATION OF THIS ACT AND PROVIDING PENALTIES THEREFOR;"

Analysis of the condition of the State Highway finances, as such information has been made available to this office, proves conclusively the requirement of emergent provision of funds, in an amount approximately of one and one-half millions of dollars, to complete road projects to which the State, has been, heretofore committed.

In the light of further eliminations of appropriations contained in this act, which I am constrained to make for the reasons hereinafter set forth, and in the appreciation of the fact, that our State is at this time most unfortunately unable to bear the burden of new and additional taxes for road or other purposes, I have determined, to meet the emergency, that the levy of ten cents upon each one hundred dollars of assessed valuation, shall be used exclusively in the construction and for the completion of those road projects to which the State has been committed. These projects lie in and through each of the counties of the State, and the expenditure of this fund for such purposes, to the exclusion of any division to the 75% apportionment account, is certainly in the interest not only of relieving the present chaotic condition of State highway finances but in the direct interest of road construction for the benefit of each of the counties of the State. To continue the 75% apportionment during the pres-

ent emergency would entail one of two consequences; either, a tax must be paid in excess of the ten cent levy to finance State work, which I believe would add a burden unbearable at this time upon the people of the State, or, the State Highway Department must limit itself in the construction of those projects to which the State has been committed, to use of the 75% fund within the confines of the respective counties. In some of the counties the apportionment is more than sufficient, and in others it is far too small, to enable the desired construction to be done,—which on the whole, would result in an utter lack of provision to meet the existing emergency.

Without committing myself to an expression of an opinion upon the desirability of a permanent elimination of the 75% fund or account, the following ideas occur and are pertinent in this connection. The reasons which dictated the establishment of the 75% fund have ceased to exist or are of little relative importance. Apprehension was formerly entertained, that if provision were not made by statute for the equitable division among counties of road monies, political manipulation would work to the undue advantage of the larger and more politically powerful counties and to the disadvantage of their weaker and smaller sisters. But the advent of federal cooperation in the building of State roads and the consequent supervision by the Federal Government, resulting in the establishment of the 7% system and providing for the construction of an unified State system of roads, running through and benefiting all of the counties of the State, have entirely assured the respective counties of a fair and equitable division and expenditure of road monies, which is at once to the interest of the several counties and of the entire State of Arizona.

I disapprove and veto for reasons stated, that portion of Section 10, beginning after the "," after the word "bridges" in the last line of Subdivision "a" Section 10, down to and including the word "account" in the last line of paragraph 2 of Section 10 which reads as follows:

"as follows: 25% of said tax, hereinafter provided, for, shall be as paid into the treasury of the State of Arizona, deposited by the Treasurer of the State of Arizona, in a separate account, in the General Fund of the State, to be known and designated as the 25% apportionment account."

Paragraph 3 of Subdivision "a" of Section 10 beginning with the word "seventy" in line 1 and ending with the word "responsibility" in the last line of the paragraph which reads as follows:

"Seventy-five (75%) of such "State Road Tax Fund," herein provided, for, shall be apportioned to the several counties in the amount to each county of 75% of the taxes collected under this act by said county, and such amount shall be subject to be paid out for the construction, reconstruction, repair, improvement and maintenance of public highways, roads and bridges in the manner as in this act provided for the work in this act provided for within such county upon the authority and under the direction of the County Board of Supervisors of such county and the State Engineer who are hereby charged with such responsibility."

I also disapprove of and veto Paragraphs (a) and (b) of Subdivision 11, Section 10 which reads as follows:

(a) "There hereby is authorized to be levied and collected (one-half mill) tax per each scheduled passenger capacity mile, which hereby

is defined to mean a tax of (one-half mill) on each and every unit of seating capacity operating over each and every mile between fixed termini, or otherwise, in the State of Arizona, as per schedules on file with the Corporation Commission, or otherwise.

(b) "There is hereby authorized to be levied and collected a (two-mill tax) per each scheduled truck ton capacity or fraction of truck ton capacity mile, which hereby is defined to mean, a tax of (two mills) on each and every actual truck ton or fration of truck ton capacity load operating over each and every mile between fixed termini, or otherwise, in the State of Arizona, as per schedules on file with the Corporation Commission or otherwise."

This tax is a non-economic tax. The amount assessed is too low and the cost of collection too high to justify the levying and collection of this tax.

I also veto and disapprove Paragraph (a) Subdivision 111 of Section 10, which reads as follows:

"That each and every dealer, as defined in this Act, who is now engaged or who may hereafter engage in his own name, or in the name of others, or in the name of his representatives or agents of this State in the sale, use or distribution, as dealers and other distributors of gasoline or other distillates of crude petroleum shall not later than the fifteenth (15th) day of each calendar month render a statement to the Secretary of the State of Arizona of gasoline and other distillates of crude petroleum sold, used or distributed by him or them in the State of Arizona during the preceding calendar month, and collect a license tax of three (3) cents per gallon on all gasoline and other distillates of crude petroleum

so sold, used or distributed for use in motor propelled or motor driven vehicles, as shown by such statement in the manner and within the time hereinafter provided, which tax shall be added to the sale price of the dealer as herein defined when sold, used or distributed for the use in said motor propelled or motor driven vehicles only."

I believe that a gasoline tax can be justified for the maintenance of roads, but I am very skeptical of the advisability of inaugurating the policy of paying the cost of constructing roads by taxing gasoline. I also think the tax of three cents is too high under present conditions.

I also veto and disapprove of that part of Paragraph (d) of Subdivision 111 of Section 10 beginning after the "," in the 4th line down to and including the word "fund" in the 5th line, which reads as follows:

"and the State Treasurer shall place one-quarter of the same in said 25% apportionment account of the General Fund,"

That portion of Paragraph (d), Subdivision 111 of Section 10 beginning with the word "and" in the 5th line and ending with the "," after the word "fund" in line Six, which reads as follows:

"and one-quarter of same to the account of the seventy-five percent apportionment account of the General Fund,"

That portion of Paragraph (d), Subdivision 111, Section 10 beginning with the word "and" in the 6th line and ending with the ")" in the 11th line, which reads as follows:

"and said Secretary of State shall promptly pay the remaining one-half of such tax to the several county treasurers of the State of Arizona, in proportion to the amount of such tax received

from the respective counties, which shall be used by the said several counties as may be determined by the Board of Supervisors thereof, for the maintenance of county roads and highways.)"

Very sincerely yours,
(Signed) GEO. W. P. HUNT,
GOVERNOR.

Hon. James H. Kerby,
Secretary of State,
Phoenix, Arizona.

CHAPTER 76

State of Arizona
Sixth Legislature
Regular Session

House Bill No.
Senate Bill No. 156

Introduced by Joint Committee of Investigation of
State Highway Department and Affairs

AN ACT

TO PROVIDE FUNDS FOR THE CONSTRUCTION AND COMPLETION OF CERTAIN DESIGNATED HIGHWAY PROJECTS, WITHIN THE STATE OF ARIZONA, INITIATED OR AUTHORIZED, BUT NOT COMPLETED BY THE BOARD OF DIRECTORS OF STATE INSTITUTIONS AND OFFICE OF STATE ENGINEER, PRIOR TO JANUARY 1, 1923; AUTHORIZING THE REFUNDING, FOR USE ON ANY SPECIFIC OR DESIGNATED HIGHWAY PROJECT, OF FUNDS PAID BY ANY POLITICAL SUB-DIVISION OF THE STATE OF ARIZONA, TO THE STATE OF ARIZONA, FOR THE USE OF THE BOARD OF DIRECTORS OF STATE INSTITUTIONS AND OF SAID OFFICE OF STATE ENGINEER OF THE STATE OF ARIZONA, FOR THE CONSTRUCTION OF SUCH SPECIFIC AND DESIGNATED HIGHWAY PROJECTS AND DIVERTED, PRIOR TO JANUARY 1, 1923, BY SAID BOARD OF DIRECTORS OF STATE INSTITUTIONS AND OF SAID OFFICE OF STATE ENGINEER, TO PURPOSES OTHER THAN SUCH SPECIFIED AND DESIGNATED PROJECTS: MAKING AN APPROPRIATION THEREFOR: PROVIDING FOR THE RAISING OF FUNDS TO MEET SUCH APPROPRIATION BY MEANS OF 25% APPORTIONMENT OF STATE ROAD TAX, TAX UPON PASSENGER CAPACITY PER MILE, UPON DESIGNATED COMMON CARRIERS; A TAX UPON TRUCK TONNAGE OF MOTOR TRUCKS AND TAX UPON GASOLINE AND OTHER DISTILLATES OF CRUDE PETROLEUM; REGULATING AND PROVIDING FOR THE DEPOSIT, USE, ACCOUNTING FOR AND DISBURSEMENT OF MONIES PAID TO THE STATE OF ARIZONA BY SUCH SUB-DIVISIONS OF THE STATE OF ARIZONA FOR THE CONSTRUCTION OF DESIGNATED ROAD PROJECTS AND MONIES PAID TO THE STATE OF ARIZONA BY THE UNITED STATES OF AMERICA, BY VIRTUE OF COOPERATIVE AGREEMENTS BETWEEN THE STATE OF ARIZONA AND THE UNITED STATES OF AMERICA PURSUANT TO AN ACT OF THE CONGRESS OF THE UNITED STATES OF AMERICA ENTITLED "AN ACT TO PROVIDE THAT THE UNITED STATES SHALL AID THE STATES IN THE CONSTRUCTION OF RURAL AND POST ROADS, AND FOR OTHER PURPOSES" OR OF ANY AMENDMENT THERETO, OR PURSUANT TO ANY OTHER ACT ENACTED BY THE

CONGRESS OF THE UNITED STATESOF AMERICA FOR LIKE PURPOSES; PROVIDING FOR THE ISSUANCE OF, REGISTRATION AND PAYMENT OF NEGOTIABLE STATE WARRANTS AND PROVIDING FOR THE ISSUANCE OF NEGOTIABLE TREASURER'S CERTIFICATES OF THE STATE OF ARIZONA IN ANTICIPATION OF THE COLLECTION OF THE TAXES AUTHORIZED BY THIS ACT; PRESCRIBING THE FORM OF SUCH WARRANTS AND CERTIFICATES, THE DUE DATE AND RATE OF INTEREST THEREON; DEFINING OFFENSES IN VIOLATION OF THIS ACT AND PROVIDING PENALTIES THEREFOR; ~~AND DECLARING AN EMERGENCY.~~

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

Section 1. For the purpose of construction and completion of those certain highway projects hereinafter specified, within the State of Arizona, initiated or authorized but uncompleted by the Board of Directors of State Institutions, and by the Office of State Engineer, of the State of Arizona, prior to January 1, 1923, and for the purpose of refunding for use on specific and designated highway projects of funds paid by political sub-divisions of the State of Arizona to the State of Arizona, for the use of said Board of Directors of State Institutions and of said office of State Engineer of the State of Arizona, for the construction of such specific and designated highway projects, and diverted, prior to January 1, 1923, by said Board of Directors of State Institutions and said office of State Engineer, to purposes other than such specific and designated projects, the following appropriations, transfers and funds, limitations and authorizations of expenditure of funds and appropriations are made.

Section 2. For the purpose of refunding for use on the specific and designated highway projects, hereinafter named, of funds paid by the counties of the State of Arizona, hereinafter named, to the State of Arizona, for the use of said Board of Directors of State Institutions and said State Engineer, for the construction of such specific and designated projects, and diverted prior to January 1, 1923, by said Board of Directors of State Institutions and said office of State Engineer, to purposes other than the construction of said specific and designated projects, the State Treasurer is hereby authorized and directed, immediately upon the passage of this Act and its

approval by the Governor, to make transfers out of any monies in the 25% apportionment account in the General Fund of the State of Arizona, as follows:

a. The sum of 9,061.79 dollars, which shall be deposited by the State Treasurer in a segregated account within the General Fund in favor of Federal Aid project of the State of Arizona, No. 51, now in course of construction, or to be constructed in Coconino County.

b. The sum of 103,219.84 dollars, which shall be deposited by the State Treasurer in a segregated account within the General Fund in favor of Federal Aid project of the State of Arizona, Nos. 61 and 62 now in the course of construction, or to be constructed in Yavapai County.

c. The sum of 98,759.73 dollars, which shall be deposited by the State Treasurer in a segregated account within the General Fund in favor of Federal Aid project of the State of Arizona, No. 55, now in the course of construction, or to be constructed in Yuma County.

d. The sum of 64,817.19 dollars, which shall be deposited by the State Treasurer in a segregated account within the General Fund in favor of Federal Aid project of the State of Arizona, No. 43, now in the course of construction, or to be constructed in Graham County.

e. The sum of 42,316.07 dollars, which shall be deposited by the State Treasurer in a segregated account within the General Fund in favor of Federal Aid project of the State of Arizona, No. 56, now in the course of construction, or to be constructed in Maricopa County.

f. The sum of 123,863.78 dollars, which shall be deposited by the State Treasurer in a segregated account within the General Fund in

favor of Federal Aid project of the State of Arizona, No. 59, now in the course of construction, or to be constructed in Maricopa County.

g. The sum of 15,262.64 dollars, which shall be deposited by the State Treasurer in a segregated account within the General Fund in favor of Federal Aid project of the State of Arizona, No. 60, now in the course of construction, or to be constructed in Apache County.

Section 3. All monies received from the United States of America, by virtue of any cooperative agreements for the construction of any of the propects named in Section 2 of this Act, between the State of Arizona, and the United States of America, pursuant to the terms of the Act of the Congress of the United States of America, entitled, "An Act to provide that the United States shall aid the States in the construction of rural and post roads, and for other purposes," or of any amendment thereto, or pursuant to any other act of the Congress of the United States of America, enacted for like purposes, shall, when received by the Treasurer of the State of Arizona, be by him deposited to the credit of the respective segregated accounts within the General Fund of the State, of the project or projects, named in Section 2 of this Act, on account of which such monies were so paid by the United States of America.

Section 4. The monies in any of such segregated accounts, as provided in Sections 2 and 3, of this Act, shall be paid out, for and only for, the purposes as following:

First: The reimbursement of the State of Arizona for any expenditures by it in the construction of such project, which reimbursement shall be to the account within said General Fund

from which said expenditures by the State of Arizona were made.

Such reimbursement shall be made by appropriate transfers upon the books of the Auditor and Treasurer of the State of Arizona, and such monies, so transferred, shall immediately, upon such transfer, be available for expenditure from the account, to which transferred, for the purposes of such account, as authorized by law.

Second: For the construction and completion of such project, and for such purpose, shall be paid out, upon vouchers of said office of State Engineer, hereinafter in this Act designated, "State Engineer" approved by said Board of Directors of State Institutions, hereinafter in this Act designated as "Board," to the State Auditor, who shall draw his warrant therefor, which shall show on account of which of said projects, named in Section 2 of this Act, such warrant is drawn, to the State Treasurer, who shall pay the same out of the said segregated account of such project, in the General Fund, and not otherwise.

Provided, that, when the above purposes are fully satisfied, any balance remaining in such segregated account, shall be transferred, by the Auditor and Treasurer of the State of Arizona, to the 25% apportionment account, within said General Fund, and may thereafter be available for expenditure for the purposes of such account, as authorized by law; except there shall have been an agreement between the State of Arizona and the political subdivision of the State of Arizona respecting the disposition of any such balance remaining of the funds so paid to the State of Arizona after the completion of the road project to which applicable, in which event, such balance shall be paid out in accordance with such

agreement, upon vouchers of said State Engineer, approved by said Board, to the Auditor of the State of Arizona, who shall draw his warrant therefor, reciting the account out of which payable, to the State Treasurer, who shall pay the same out of such balance remaining in such account, and not otherwise.

Section 5. There is hereby appropriated from the funds and monies hereafter in this Act created or designated, the sum of 1,550,000.00 dollars, which shall be paid when and as available to the credit of said 25% apportionment account, in said General Fund, to be expended for, and only for the following purposes:

First: The refunding for use on any specific or designated highway project, of funds paid by any political subdivision of the State of Arizona, to the State of Arizona, for the use of said Board and said State Engineer, for the construction of such specific and designated highway project, and diverted prior to January 1, 1923, by said Board and said State Engineer, to purposes other than the construction of such specific and designated project.

At any time the Board shall discover any funds so to have been diverted, immediately upon the ascertainment of the amount thereof, other than those mentioned in Section 2 of this Act, it shall so certify to the Auditor and Treasurer of the State of Arizona, who shall immediately transfer from said 25% apportionment account, such sum of money which shall be credited forthwith to the segregated account within the General Fund in favor of the specific and designated highway project for the construction of which such funds of such political subdivision were originally paid to the State of Arizona, and shall

be expended only, as provided in Section 4 of this Act.

Second: For the construction and completion of those certain highway projects, within the State of Arizona initiated or authorized, but not completed by the Board of Directors of State Institutions, and by the office of State Engineer of the State of Arizona, prior to January 1, 1923, named and described as follows:

a. Federal Aid Project No. 19, Prescott Jerome Lonesome Valley. Located Jaeger Canyon to Granite Dells.

b. Federal Aid Project No. 20, Town of Winslow, paving.

c. Federal Aid Project No. 22, Winslow to Coconino County Line, located West of City limits of Winslow to West boundary of Navajo County.

d. Federal Aid Project No. 23, Florence Superior, A. B. C. D. E. F., located north end of Florence Bridge to Superior.

e. Federal Aid Project No. 25, Tucson Nogales Bridges.

f. Federal Aid Project No. 36, Prescott-Jerome, located City Limits of Prescott to end of Project No. 19.

g. Federal Aid Project No. 39, Topock-Oatman Section 1, located Topock to twenty-three miles northerly.

h. Federal Aid Project No. 40, Holbrook-Winslow, Schedules 1, 2, 3, 4, located Winslow to Holbrook.

i. Federal Aid Project No. 42, Holbrook St. Johns, located Stations 0 plus 00 to 566 plus 00.

j. Federal Aid Project No. 43, Geronimo-

Solomonville, located Central to one-half mile Southeast of Safford.

k. Federal Aid Project No. 48 Glendale-Marinette, located City Limits of Glendale to Marinette.

l. Federal Aid Project No. 53, Phoenix-Yuma, located Gila Bend to Gillespie Dam.

m. Federal Aid Project No. 54, Kingman-Oatman (Kingman Goldroads), located Sacramento Wash to Little Meadows.

n. Federal Aid Project No. 55, Yuma-Phoenix Section 1 and 2 located Welton to County Line.

o. Federal Aid Project No. 56, Phoenix Yuma, located Gila Bend to Piedra.

p. Federal Aid Project No. 57, Ash Fork-Seligman, located Eight miles east of Pineveta to one mile West of Crookton.

q. Federal Aid Project No. 59, Phoenix-Prescott (Phoenix Wickenburg), located Hot Springs Junction to East end of Wickenburg bridge.

r. Federal Aid Project No. 60, St. Johns-Springerville, located St. Johns to thirteen and one-half miles south.

s. Federal Aid Project No. 61, Prescott Ash Fork, Schedules A, B, C, D, located End of Project No. 36, to Forest Boundary.

t. Federal Aid Project No. 62, Prescott Ash Fork, Schedules 1, 2, 3, 4, located End of Project No. 61, to Ash Fork.

u. Federal Aid Project No. 63, Geronimo Solomonville, located Mathews Wash to Central.

v. Federal Aid Project No. 64, Gillespie Dam-Hassayampa River, located Gillespie Dam to Hassayampa River.

w. Federal Aid Project No. 65, Mesa Superior, located Eastern Canal to four miles east.

x. Federal Aid Project No. 66, Tucson Nogales Bridges.

y. Federal Aid Project No. 67, Geronimo-Solomonville, located Safford to Solomonville.

z. Federal Aid Project No. 68, St. Johns-Springerville, located End of Federal Aid 60 to Springerville.

aa. Federal Aid Project No. 69, Phoenix-Yuma, located County Line to Piedra.

bb. Federal Aid Project No. 70, Phoenix Wickenburg, located Marinette to four miles West.

cc. Federal Aid Project No. 71, Phoenix-Yuma, located Buckeye to Hassayampa River.

dd. Federal Aid Project No. 72, White-Spar-Congress Junction (Phoenix Prescott) located White Spar to Congress Junction.

ee. Federal Aid Project No. 73, Springerville-New Mexico State Line, located Springerville to a point ten miles East.

ff. Federal Aid Project No. 74, Flagstaff-Winslow, located Coconino County Line to Canyon Diablo Bridge.

gg. Non-Federal Aid Project Adamana Lupton, located from Adamana to Lupton.

hh. Non-Federal Aid Project, Apache Trail, from Highway Junction about fourteen miles east of Mesa to Roosevelt Dam.

ii. Non-Federal Aid Project, Ash Fork-Pineveta, From Ash Fork to Pineveta.

jj. Non-Federal Aid Project, Holbrook St. Johns, Concho bridge, at Concho (about 60 foot bridge).

kk. Non-Federal Aid Project, Kingman East, Kingman Hackberry Section, one and one-half miles Northeast from Kingman.

ll. Non-Federal Aid Project, Phoenix Yuma Arlington Bridge. Over Hassayampa River about two miles East of Arlington.

mm. Non-Federal Aid Project, Holbrook Lupton Allentown Bridge, Fifteen Miles West of Lupton or four miles from Allentown.

nn. Non-Federal Aid Project, Tucson Florence, Pima County, from Tucson to County Line.

oo. Non-Federal Aid Project, Tucson Florence, Pinal County from County Line to Florence.

pp. Non-Federal Aid Project, Holbrook Lupton Rio Puerco Bridge at Sanders, nine miles West of Lupton.

qq. Non-Federal Aid Project, Nogales Fairbanks Patagonia Bridge, at Patagonia over the Sonoita River.

rr. Non-Federal Aid Project, Chandler Casa Grande, six miles South of Chandler to eight miles North of Casa Grande.

ss. Non-Federal Aid Project, Douglas Rodeo Dips, over various washes on Douglas Rodeo highway.

tt. Non-Federal Aid Project, Nogales Willows paving, extending six miles North of Nogales.

uu. Non-Federal Aid Project, Holbrook Lupton, Lupton Bridge at Lupton.

vv. Non-Federal Aid Project, Mesa Superior resurfacing from Florence, Superior Mesa Junction, five miles Northwest.

Section 6. Said Board is hereby authorized to enter into agreements with any political subdivision of this State, by and through the proper

governing body thereof, for the use by the State of Arizona, of bond or other monies of such political subdivision, for the construction and completion of the road projects, enumerated in Section 5, of this Act, or for other projects as may be approved by such Board; provided that such road project is situated within the corporate boundaries of such political subdivision and not otherwise.

Such agreement shall be in writing, executed in duplicate, and shall specifically recite:

(a) By suitable designation, each road project so to be constructed, and the amount of money to be paid by such political subdivision to the State of Arizona for the construction of each of such road projects.

(b) That the money so to be supplied by such political subdivision shall on, or before, a date or dates specified in such agreement be paid by such political subdivision to the Treasurer of the State of Arizona, to be held and disposed of by him, as hereinafter in this section provided.

(c) All monies received from the United States of America, by virtue of any cooperative agreement, under the authority mentioned in Section 3 of this Act, for the construction of such road project between the State of Arizona and the United States of America, shall be deposited with the Treasurer of the State, to be held and disposed of by him, as hereinafter in this section provided.

On or before the date or dates provided in such contract, for the payment of such political subdivision of such monies, such political subdivision shall cause to be deposited the amount of money agreed upon with the Treasurer of the State of Arizona, who shall deposit the same in

a segregated account within said General Fund, in favor of such road project.

All monies received by the Treasurer of the State of Arizona from the United States of America, by virtue of any cooperative agreement, under the authority mentioned in Section 3 of this Act, for the construction of any such road project, between the State of Arizona and the United States of America, shall be deposited by such Treasurer in the Segregated account within the said General Fund, in favor of the road project, on account of which such monies were so paid by the United States of America.

The monies in any of said segregated accounts, as provided in this section, shall be paid out for and only for, the purposes as follows:

First: The reimbursement of the State of Arizona for any expenditures by it in the construction of such project, which reimbursement shall be to the account within said General Fund from which said expenditures by the State of Arizona were made.

Such reimbursement shall be made by appropriate transfers upon the books of the Auditor and Treasurer of the State of Arizona, and such monies so transferred, shall immediately, upon such transfer, be available for expenditure from the account to which transferred, for the purposes of such account, as authorized by law.

Second: For the construction and completion of such project, and for such purpose, shall be paid out, upon vouchers of said office of State Engineer, approved by said Board, to the State Auditor, who shall draw his warrant therefor, which shall show on account of which of such projects such warrant is drawn, to the State Treasurer, who shall pay the same out of the

said segregated account of such project in the General Fund, and not otherwise.

Provided, that, when the above purposes are fully satisfied, any balance remaining in such segregate account, shall be transferred, by the Auditor and Treasurer of the State of Arizona, to said 25% apportionment account, within said General Fund, and may thereafter be available for expenditure from that account, for the purpose of such account, as authorized by law; except there shall have been an agreement between the State of Arizona and the political subdivision of the State of Arizona respecting the dispposition of any such balance remaining of the funds so paid to the State of Arizona, after the completion of the road project to which applicable, in which event, such balance shall be paid out in accordance with such agreement, upon vouchers of said State Engineer, approved by said Board, to the Auditor of the State of Arizona, who shall draw his warrant therefor, reciting the account out of which payable, to the State Treasurer, who shall pay the same out of such balance remaining in such account, and not otherwise.

Section 7. All monies received subsequent to the time this Act takes effect either by way of bond or other monies of any political subdivision of the State of Arizona, for the construction of specified and designated highways, under agreement executed by and between said Board and such political subdivision, prior to the passage of this Act, and its approval by the Governor, and all monies received by the Treasurer of the State of Arizona from the United States of America, by virtue of any cooperative agreement, under the authority mentioned in Section 3 of this Act, for the construction of such specific and designated

highway between the State of Arizona and the United States of America, shall be deposited with the Treasurer of the State of Arizona, who shall deposit the same in a segregated account, within said General Fund, and in favor of such specified and designated highway, and shall be held and disposed of by such treasurer upon all the terms and conditions applicable thereto, and set forth in Section 6 of this Act.

Section 8. It shall be unlawful for the said State Engineer, Board, Auditor or Treasurer of the State of Arizona to receive, employ, use, dispose of, deposit, or otherwise handle any bond or other monies of any political subdivision of this State, for the purpose of highway construction, or any monies received from or paid by the United States of America, by virtue of any cooperative agreement, under the authority mentioned in Section 3 of this Act, executed between the State of Arizona and the United States of America, and paid by the United States of America, on account of the construction of any such highway as defined in this section, except as authorized and provided in this Act.

Section 9. All monies paid to the Treasurer of the State of Arizona, by the United States of America, by virtue of any cooperative agreement, under the authority mentioned in Section 3 of this Act, between the State of Arizona and the United States of America, for the construction of any road or highway project in the state of Arizona, and for the construction of which no monies of any political subdivision of the State of Arizona have been used, applied or provided, shall immediately, upon receipt by the Treasurer of the State of Arizona, be, by the Treasurer and Auditor of the State of Arizona, transferred to said 25% ap-

portionment account within such General Fund, and, thereafter shall be available for expenditure for the purposes of such account, as authorized by law.

Section 10. For the purpose of providing said sum of $1,550,000.00, appropriated in Section 5 of this Act, the following monies, funds and license taxes are hereby designated and created:

Sub-Division 1.

(a) There shall be annually levied and collected in the manner in which other State Taxes are levied and collected, by a levy of the officials provided by law, a tax of ten (.10) cents on each one hundred ($100.00) dollars, of the assessed valuation of taxable property within the State, for the purpose of the construction, reconstruction, repairing, improving and maintaining State Highways and bridges, as follows:

25% of such tax, herein provided, for, shall be as paid into the treasury of the State of Arizona, deposited by the Treasurer of the State of Arizona, in a separate account, in the general fund of the State, to be known and designated as 25% apportionment account.

Seventy-five per cent (75%) of such "State Road Tax Fund, herein provided, for, shall be apportioned to the several counties in the amount to each county of seventy-five per cent of the taxes collected under this act, by said county, and such amount shall be subject to be paid out for the construction, reconstruction, repair, improvement and maintenance of public highways roads and bridges in the manner as in this act provided for the work in this act provided for within such county upon the authority and under the direction of the county board of supervisors of such county and the State Engineer who are hereby charged with such responsibility.

SUB-DIVISION II.

(a). There hereby is authorized to be levied and collected a (one-half mill) tax per each scheduled passenger capacity mile, which hereby is defined to mean a tax of (one-half mill) on each and every unit of seating capacity operating over each and every

~~seating capacity operating over each and every~~ mile between fixed termini, or otherwise, in the State of Arizona, as per schedules on file with the Corporation Commission, or otherwise.

(b) There hereby is authorized to be levied and collected a two mill tax per each scheduled truck ton capacity, or fraction of truck ton capacity mile, which hereby is defined to mean, a tax of two mills on each and every actual truck ton or fraction of truck ton capacity load operating over each and every mile between fixed termini, or otherwise, in the State of Arizona, as per schedules on file with the Corporation Commission or otherwise.

(c) Such one-half mill tax per each scheduled passenger capacity mile and such two mill tax per each scheduled truck ton, or fraction of truck ton, capacity mile, shall be levied only upon those common carriers operating motor vehicles over improved or portions of improved State, County or Municipal highways, within the State of Arizona, and shall be remitted to the office of the Corporation Commission of the State of Arizona, on or before the 15th day of each month, for the next calendar month preceding, which said money so received by the Corporation Commission, shall be immediately when received, transferred by said Corporation Commission to the Treasurer of the State of Arizona, who shall deposit the same in said 25% apportionment account in the General Fund of State.

Every common carrier operating motor vehicles over improved or portions of improved State, County or Municipal highways within the State of Arizona, against whom such taxes are hereinbefore in this Subdivision defined, are levied, shall submit to the office of the Corporation Commission, together with such taxes, or forms prescribed, prepared and furnished by the Corporation Commission, a sworn statement reciting, the seating capacity of each and every motor vehicle operated, the mileage over which such seating capacity was operated, the truck ton capacity, or fraction of truck ton capacity of each and every truck operated and the mileage over which such truck ton capacity, or fraction of truck ton

capacity was operated.

SUB-DIVISION III.

(a) That ~~(in addition to the taxes now provided by law,)~~ each and every dealer, as defined in this Act, who is now engaged or who may hereafter engage in his own name, or in the name of others, or in the name of his representative or agents of this State in the sale, use or distribution, as dealers and distributors of gasoline or other distillates of crude petroleum shall not later than the fifteenth (15) day of each calendar month render a statement to the Secretary of State of the State of Arizona of gasoline and other distillates of crude petroleum sold, used or distributed by him or them in the State of Arizona during the preceding calendar month, and collect a license tax of three (3) cents per gallon on all gasoline and other distillates of crude petroleum so sold, used or distributed for use in motor propelled or motor driven vehicles, as shown by such statement in the manner and within the time hereinafter provided, which tax shall be added to the sale price of the dealer as herein defined when sold, used or distributed for such use in said motor propelled or motor driven vehicles only.

(b) All dealers in gasoline and other distillates of crude petroleum in the State of Arizona shall file a duly acknowledged certificate with the Secretary of State of the State of Arizona, on forms prescribed, prepared and furnished by the Secretary of State, which shall contain: The name under which such dealer is transacting business within the State of Arizona; such certificate shall state the place or places of business and location of distributing stations of the dealer in the State of Arizona; the name and address of the managing agent; the names and addresses of the several persons constituting the firm or partnership, and if a corporation, the corporate name under which it is authorized to transact business and the names and addresses of its principal officers, resident general agent and attorney in fact. If such dealer is an association of persons, firm, partnership or corporation organized under the laws of another state, territory or country

if it has not already done so it must first comply with the laws of Arizona relating to the transaction of its, appropriate business therein. No dealer as herein defined, shall, after this law goes into effect, sell or distribute any gasoline or other distillates of crude petroleum until such certificate is furnished as required by this Act.

(c) Every dealer in gasoline and other distillates of crude petroleum shall render to the Secretary of State of the State of Arizona, on or before the fifteenth (15) day of each month, on forms prescribed, prepared and furnished by the Secretary of State, a sworn statement of the number of gallons of gasoline and other distillates of crude petroleum sold or used by him or them during the preceding calendar month together with the number of gallons of gasoline or other distillates of crude petroleum sold or used by him or them during the preceding calendar month for use in motor propelled or motor driven vehicles as defined herein, which statement shall be sworn to by one of the principal officers in case of a domestic corporation or by the resident general agent or attorney in fact in case of a foreign corporation; by the managing agent or owner in case of a firm association, and shall contain the total number of gallons of gasoline and other distillates of crude petroleum, sold, used or distributed. Bills shall be rendered to all purchasers of gasoline or other distillates of crude petroleum by dealers, as herein defined. Said bills shall contain a statement printed thereon in a conspicuous place that the dealer in gasoline has assumed the liability to the State for the license tax herein imposed and that he or they will pay said license tax on or before the fifteenth (15) day of the following month. In addition to the statement herein prescribed, the dealer shall pre-

sent to the Secretary of State, on a form prescribed, prepared and furnished by the Secretary of State, a statement signed by the purchaser of any gasoline or other distillates of crude petroleum purchased for any other purpose than use in motor propelled or motor driven vehicles as herein defined, showing the number of gallons of gasoline or other distillates of crude petroleum so purchased, and the purpose of use for which such gasoline or other distillates of crude petroleum is purchased. Failure to present such statement so signed by said purchaser shall be prima facie evidence that the gasoline or other distillates of crude petroleum was sold or distributed by said dealer for use in motor propelled or motor driven vehicles as herein defined, and the dealer shall pay the license tax herein prescribed on all such gasoline and other distillates of crude petroleum not accounted for by such statement from such purchaser.

(d) Said license tax shall be paid on or before the fifteenth (15th) day of each month to the Secretary of State, who shall receipt to the dealer therefor, and promptly turn over to the State Treasurer as are other receipts of his office, and the State Treasurer shall place one-quarter of the same in said 25% apportionment account in the General Fund and one-quarter of the same to the account of the 75% apportionment account of the General Fund, and said Secretary of State shall promptly pay the remaining one-half of such tax to the several county treasurers of the State of Arizona, in proportion to the amount of such tax received from the respective counties, which shall be used by the said several counties as may be determined by the

board of supervisors thereof, for the maintenance of county roads and highways.

(e) Every dealer in gasoline and other distillates of crude petroleum as in this Act defined shall keep a record of all purchases, receipts, sales and distribution of gasoline and other distillates of crude petroleum; such records shall at all times during the business hours of the dealer be subject to inspection by the Secretary of State or his deputies, or such other officers as may be duly authorized by said Secretary of State.

(f) Said license tax shall not be imposed upon gasoline and other distillates of crude petroleum when sold for exportation from the State of Arizona to any other state or nation, or when sold to the government of the United States or when sold or distributed for use in motor propelled or motor driven farm tractors or other motor propelled or motor driven farm machinery and implements, or motor propelled or motor driven vehicles running only upon rails or tracks.

(g) Any dealer, association or person, firm or corporation violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed one thousand dollars ($1,000.00) or by imprisonment in the county jail for a period not to exceed six (6) months, or by both such fine and imprisonment.

(h) Whenever any dealer as defined herein shall fail to pay such license tax as herein provided for a period of thirty (30) days from and after the date when the same should have been paid as required by this Act, the attorney general shall commence and prosecute to final determination an action at law to collect the same.

(i) The following words, terms and phrases

used in this subdivision are, for the purposes thereof, defined as follows:

The term "dealer" is hereby defined as any person, firm or corporation who imports or causes to be imported gasoline or other distillates of crude petroleum for use, distribution or sale in, and after the same reaches the State of Arizona; and also any person, firm or corporation who produces, refines, manufactures or compounds such gasoline or other distillates of crude petroleum in the State of Arizona for use, distribution or sale in this State.

"Motor propelled or motor driven vehicles" is defined to mean all vehicles propelled or driven by power, other than muscular power, except farm tractors and farm machinery and implements, and such motor propelled or motor driven vehicles as run only upon rails or tracks.

Section 11. Any monies remaining in said 25% apportionment account, in the General Fund, after the performance of all things required to be done in this Act and after the construction and completion of all road projects enumerated in this Act, and all monies accruing to said 25% apportionment account thereafter, shall be available for the purpose of such account, as authorized by law.

Section 12. Whenever there shall not be in said 25% account, in said General Fund, sufficient money to pay in cash the expenses provided for by said appropriation of $1,550,000.00, provided in Section 5 of this Act, as such expenses shall occur, then the State Auditor hereby is authorized to issue from time to time his warrants for Registration, in an aggregate amount of $1,550,000.00, inclusive of the aggregate amount of warrants issued and paid out of said 25% ap-

portionment account in the usual course and without registration or issuance of Treasurer's certificates, as herein provided, and inclusive of the aggregate amount of interest paid or to be paid thereon, as hereinafter provided, and upon duly verified claims therefor presented by the State Engineer, and approved by the Board of Directors of State Institutions for the payment of expenses authorized by this Act. Each of such warrants for Registration shall be issued in the form and manner as provided by law in the case of other warrants and in conformity with the provisions of this section of this Act; and shall specifically recite that it is issued in anticipation of certain State taxes heretofore levied, viz: 25% apportionment of State road tax authorized and provided for in subdivision 1 of Section 10 of this Act, one-half mill tax on passenger capacity per mile of motor vehicles and two mill tax upon the truck ton or fraction of truck ton capacity of motor vehicles, as authorized and provided in subdivision II of Section 10 of this Act; one-quarter of the gasoline tax authorized and provided for in subdivision III of Section 10 of this Act; and that it is payable solely from the proceeds of such taxes and is issued pursuant to this Act, naming the chapter thereof and the Session Laws of Arizona, 1923, Regular Session; and that such warrant is issued for presentation to and registration by the Treasurer of the State of Arizona in conformity with the provisions of this Section of this Act.

Said warrants shall bear interest at the rate of not to exceed five and one-half per cent per annum from date of presentation, said interest to be fixed by the State Loan Board as hereinafter provided.

Said warrants shall be payable at a date fixed by said Auditor, not to exceed six months from the date of issuance.

Upon presentation to the State Treasurer of any of said warrants for Registration, if he has not the funds in hand to pay the same, he shall endorse the date of its presentation upon the back of such warrant and register the same in his office for payment upon the due date named therein and on or before the due date named therein shall pay the same, together with the interest accrued thereon and charge the amount of such warrant, principal and interest, to said 25% account in said General Fund.

If at any time any holder or holders of such warrants for Registration in an aggregate amount of $500.00 or more, shall present the same for registration to the Treasurer of the State of Arizona, he shall take up and cancel as paid such warrants and in lieu thereof issue and deliver to such holder his Treasurer's certificate in the principal sum of the aggregate amount of such warrants, to bear interest at the rate specified in such warrants from the date of their presentation to the Treasurer, and which shall recite that the State of Arizona will pay to the order of (naming such holder) the sum of (naming the aggregate sum of such warrants), on or before, (naming the due date of such certificate, which shall not exceed six months from the date of presentation of said warrants) with interest thereon at the rate of not to exceed five and one-half per cent per annum as fixed by the State Loan Board until paid, as payment in full of warrants for Registration of the State of Arizona, (inserting the numbers of such warrants) ; and each of said Treasurer's certificates shall specifically recite

that it is issued in anticipation of certain State taxes heretofore levied, viz: 25% apportionment of State Road tax, authorized and provided for in subdivision I of Section 10 of this Act; one-half mill tax on passenger capacity per mile of motor vehicles and two mill tax upon truck ton or fraction of truck ton capacity of motor vehicles as authorized and provided in subdivision II of Section 10, of this Act; and one-quarter of gasoline tax, authorized and provided in subdivision III of Section 10, of this Act; and that it is payable solely from the proceeds of such taxes and is issued pursuant to this Act, naming the chapter thereof, and the Session Laws of Arizona, 1923, Regular Session. Such certificates shall be signed by the Treasurer of the State of Arizona and countersigned by the Governor of the State of Arizona, and on or before the due date named therein the Treasurer shall pay the same, together with the interest accrued thereon and charge the amount of such certificates, principal and interest, to said 25% account in said General Fund.

When such warrants are issued in anticipation of the collection of said taxes and are registered as provided herein and when such Treasurer's certificates are issued in anticipation of the collection of such taxes, then all such taxes collected, shall be kept by the State Treasurer and used by him solely for the purpose of paying such warrants so registered with him and the interest thereon and of such certificates so issued by him, until all of such warrants so issued and registered and all of such certificates so issued in anticipation of such tax collections shall be paid in full, both principal and interest.

Section 13. The Corporation Commission shall prescribe all proper rules and regulations

for carrying into effect and as supplemental to the provisions of subdivision II of Section 10 of this Act.

Section 14. Every act done or omitted to be done in violation of the provisions of this Act is declared to be unlawful. Every officer, person, firm, corporation or association of persons who does or omits to do any act so declared to be unlawful shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished under the provisions of the penal code provided in cases of misdemeanor.

The penalties provided in this Act shall be cumulative and in addition to all rights of action which may be provided for the recovery of money used or appropriated by said officers without authority of law.

Section 15. All acts and parts of acts in conflict with the provisions of this Act are hereby repealed.

Section 16. The monies herein appropriated, and provided to be paid in to said 25% apportionment account except as provided in Section 11 of this Act, shall be paid out in payment of the costs of construction, including overhead and engineering, of the Road projects herein enumerated, either in aid of, or in co-operation with monies of political subdivisions of the State of Arizona, under agreements as herein authorized, or without such aid and co-operative monies, upon the sworn vouchers of the said State Engineer, approved by said Board, to the State Auditor, who shall draw his warrants therefor on the State Treasurer, who shall pay the same out of said 25% apportionment account in the General Fund.

~~Section 17. WHEREAS, the preservation of the public peace, health and safety makes it necessary that the provisions of this Act shall become immediately operative, an emergency is hereby declared to exist, and this Act is hereby exempted from the operation of the referendum provisions of the State Constitution, and shall take effect and it shall be in full force and effect from and after its passage by the Legislature and its approval by the Governor.~~

The enactment of Section 17, I hereby certify was made prior to and without the passage and signing of this Bill.
L. L. Williams

Filed in the Office of the Secretary of the State of Arizona this 20th day of March A.D. 1923 at 11:50 A.M.
Patrick Tyrrell
Secretary of State

Passed the Senate May 10, 1923
BY THE FOLLOWING VOTE: 17 AYES
3 NAYS, 2 ABSENT, 0 EXCUSED.
Mulford Winsor
PRESIDENT OF SENATE
L. L. Williams
SECRETARY of SENATE

Passed the House May [illegible]
by the following vote: 30 AYES
14 NAYS, 1 ABSENT
Dan S. Jones
May Belle Craig

Executive Department of Arizona
Office of the GOVERNOR
This Bill was received by the Governor this 19 day of March 1923 at 10 o'clock A.M.
H. B. McClinchey
Secretary to the Governor

Approved with the exceptions which I have vetoed and which are set out in detail in letter of transmittal
March 20-1923
Geo. W. P. Hunt
Gov.

March 20, 1923.

Honorable Geo. W. P. Hunt,
Governor of Arizona,
State House, Phoenix, Arizona.
Dear Sir:

This is to advise you that on this 20th day of March, 1923, at 11:50 o'clock A. M., I received from your office Senate Bill No. 156, with notations as follows:

Page 2, in the title, line 8, the words "and declaring an emergency" were crossed out with lead pencil.

Page 13, short page, contains part of Section 8; all of Section 9, and three lines of Section 10, numbered 13 with lead pencil.

Page 14, in margin opposite line 1, "cross in circle" with lead pencil. Line 1, the letter "a in parenthesis" with ink. Sub-division II, Paragraph (a) in line 2, the words "one-half mill" enclosed in parenthesis, with lead pencil; line 3, same sub-division and paragraph, the words "one-half mill" enclosed in parenthesis, with lead pencil; also opposite sub-division II, in margin "cross in circle" with pencil.

Page 14-a, in line 1, the words "seating capacity operating over each and every" were crossed out with ink. Paragraph (b), in line 2 of said paragraph the words "two mill tax" were enclosed in parenthesis, with lead pencil; the same paragraph in line 3 and 4, the words "a tax of two mills" were enclosed in parenthesis, with

pencil; paragraph (c), in line 1 of said paragraph the words "one-half mill" were enclosed in parenthesis in pencil; same paragraph (c), in line 4, the words "over improved or portions of improved," were enclosed in parenthesis, with lead pencil.

Page 15. Opposite subdivision III, in margin, "cross in circle" with lead pencil. Under subdivision III, paragraph (a), in line 1 of said paragraph the words "in addition to the taxes now provided by law" were crossed out with ink; same subdivision and paragraph in line 11, the word and figure "(3) cents" were enclosed in parenthesis, with lead pencil.

Page 16, in line 21, after the word sold the word "used" was inserted in ink.

Page 17. Paragraph (d) enclosed in parenthesis with lead pencil. Paragraph (f) in line 5 of said paragraph, the word "motor" was inserted on typewriter, after the word other and before the word propelled.

Page 19. Opposite Section 12, line 1, in margin, "cross in circle" with pencil. Section 12 in line 3, the words "said appropriation of $1,550,000.00" were under-lined with pencil.

Page 20. Opposite first paragraph on page "cross in circle" in margin, with pencil. In line 28, second paragraph on page, the word "mill" was inserted on typewriter, after the word one-half and before the word tax.

Page 22. All of Section 17 was crossed out with ink, see notation by Secretary of the Senate.

Pages Nos. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 14-A, 15, 17, 18, were numbered with lead pencil.

I am calling this to your attention because

this is the first bill that has come to this office with such corrections. I presume, however, that the reason for this was because the bill in all probability was not engrossed.

I hereby certify that the foregoing is a true and correct copy of the notations on Senate Bill No. 156, when received in this office.

(Signed) JAMES H. KERBY,
Secretary of State.

JHK-FC.
(Seal of Secretary)

Delivered this letter to Governor March 20, 1923, at 3:30 P. M.

Office of
SECRETARY OF STATE
Capitol Building
Phoenix.

March 21, 1923.

Mr. L. S. Williams,
Secretary of the Senate,
State House, Phoenix, Arizona.
Dear Sir:

Attached hereto please find copy of letter to the Governor, dated March 20, 1923, relative to Senate Bill No. 156, and would ask if this is the form in which the bill was delivered to the Governor.

If your records show otherwise, kindly advise me.

Very truly yours,
(Signed) JAMES H. KERBY,
Secretary of State.

JHK—FC.

Arizona State Senate
Sixth Legislature

Hon. James H. Kerby,
Secretary of State,
Phoenix, Arizona.
Dear Sir:

Permit me to acknowledge receipt of your favor of today calling attention to the physical condition of Senate Bill 156 and asking if its present form is that in which it was delivered to the Governor.

In reply I will state that Senate Bill No. 156 was, during the closing hour of the Sixth Legislature, amended in certain respects by the House. The Senate accepted the House amendments, and as there was not sufficient time remaining in which to engross the Bill and return the same to the Senate, the House transmitted the Bill to the Senate in the form it now presents.

The pencil and ink notations enumerated by you appeared on the Bill when it was returned to the Senate by the House, as I recall it.

Very truly yours,
L. S. WILLIAMS,
Secretary of the Senate

Phoenix, Arizona,
March 21st., 1923.

Office of
SECRETARY OF STATE
Capitol Building
Phoenix.

March 21, 1923.

Mrs. May Belle Craig,
Chief Clerk of the
House of Representatives,
State House, Phoenix, Arizona.
Dear Madam:

Attached hereto please find copy of letter to the Governor, dated March 20, 1923, relative to Senate Bill No. 156, and would ask if this is the form in which the bill was delivered to the Governor.

If your records show otherwise, kindly advise me.

Very truly yours,
(Signed) JAMES H. KERBY,
Secretary of State.

JHK—FC.

House of Representatives
Sixth Legislature
Phoenix

March 30, 1923.

Hon. James H. Kerby,
Secretary of State,
State House,
Phoenix, Arizona.
Dear Sir:

I have your letter of the 21st inst., with attached copy of your letter of March 20, 1923, to the Governor, concerning the form in which Senate Bill No. 156 was delivered to the Governor.

As the bill in question is a Senate bill, and was therefore delivered to the Governor by the Senate, my reply can only convey information covering the form in which the bill was delivered to the Senate by the House.

The bill came to the House in the final hours of the session and, while materially amended by the House, the need for speed was so urgent that there was no time allowed to engross the bill properly after all of the amendments were finally adopted. Hence the insertions, eliminations, etc., noted by you.

The notations listed in your letter to the Governor check with our records, showing that the bill was delivered to the Senate in such form, except as to the following:

The words enclosed in parenthesis on pages 14, 14-A, 15 and 17.

The "cross in circle" on margins of pages 14, 14-A, 15, 19 and 20.

The pencil underlining of the words and figures "said appropriation of $1,550,000.00", on page 19, Section 12, line 3.

Very truly yours,
MAY BELLE CRAIG,
Chief Clerk.

Office of
SECRETARY OF STATE
Capitol Building
Phoenix.

April 23, 1923.

Hon. John W. Murphy,
Attorney General,
State House,
Phoenix, Arizona.
My dear Sir:

I am attaching hereto a certified copy of Senate Bill No. 156, together with copy of the Governor's veto on certain portions thereof, and correspondence from this office pertaining to the condition of the bill as it was transmitted to this office.

It is a duty of this office to publish the session laws, and this duty, of course, relates to Senate bill No. 156 as to all other laws. It is also incumbent upon this office, under the terms of the bill as it passed the legislature, to administer certain of its provisions. So many questions arise, which would seem to bear upon the publication, and perhaps affect the administration of the measure, that it becomes necessary, in order that the proper procedure may be followed, to have your official opinion on a number of questions:

Senate Bill No. 156, as it came to this office and, according to the correspondence with the chief executive, a copy of which is attached, as it was delivered to the Governor upon its passage by the legislature contained numerous marks, in-

terlineations and corrections. As to this phase of the situation, these questions arise:

1. Should Senate Bill No. 156 be published showing the exact condition of the bill as received by this office, with all the irregularities, stricken words, lines and sections, together with pencil and ink notations, set out?

2. Is it essential, when alterations and amendments have been made to a bill, that the legislature correctly engross the same before presenting it to the Governor for his approval or disapproval?

3. What effect does it have, if any, upon the validity of a bill, when changes and amendments, alterations and corrections in both pencil and ink are shown upon the official copy thereof and it appears by the Journal of the legislature that such changes and amendments, alterations and corrections were authorized? And what effect if the Journals do not show them to have been authorized?

As set out in the message accompanying the filing of Senate Bill No. 156 in this office, the Governor purported to veto certain provisions, paragraphs and words thereof. In order that this office may know in what form the bill should be published, I should like to have your answer to the following questions:

1. To what extent, if any, does the constitution of Arizona confer upon the Governor the power of legislation, or, in other words, the power to amend a bill passed by the legislature?

2. Assuming that the act of the Governor, in vetoing certain provisions, paragraphs and words of the bill was based upon the power given him by the constitution to object to one or more

items of appropriation, is Senate Bill No. 156, in your opinion, such a bill?

3. Do the several provisions, paragraphs and words by him vetoed, namely, (a) the imposition of a tax on gasoline, (b) the imposition of a tax on passengers carrying motor vehicles, (c) the imposition of a tax on freight carrying motor vehicles, (d) the allocation of the direct tax for highway purposes into what are commonly known as the twenty-five per cent and seventy-five per cent funds—or any of them, constitute "items of appropriation?"

4. By what rules, both as to construction and form, are "items of appropriation" to be identified?

5. Specifically, can such an item begin in one paragraph and end in another, as in the case of at least one provision of Senate Bill No. 156 which comes under the Governor's veto?

6. If the Governor exceeded his constitutional power in attempting to veto the provisions, paragraphs and words set out in his message accompanying the filing of the bill in this office, what is the status of the bill and of such provisions, paragraphs and words?

7. Should the bill be published as a law, in the form in which it passed the legislature, or as it would be, after eliminating the portions vetoed?

In the absence of the filing of a referendum petition against the measure it will become effective June 9th. As bearing upon the administration of its provisions the following questions suggest themselves:

1. If the Governor was exercising a constitutional power in vetoing the certain provisions,

paragraphs and words embraced in his message, what is the effect of the veto upon those provisions of the bill which relate to the subjects embraced in the veto, but are not included therein?

2. If the Governor was exercising a constitutional power, will the present one cent tax on gasoline be and remain in effect?

3. In the event that it will, should the allocation of the receipts from such tax be in conformity with the existing law or with the provisions of Senate Bill No. 156?

4. If the Governor was exercising a constitutional power, what will be the exact reading of the gasoline tax law, considering the parts of this measure not affected by the veto and the law now in effect, Chapter 24, Session Laws of Arizona, 1922?

5. If the Governor exercised a constitutional power in his veto, does Section 12 of Senate Bill No. 156 restore, or in any way affect, the vetoed portion of Section 10 relating to the gasoline tax?

6. If the Governor exercised his constitutional right of veto, should Senate Bill No. 156, as of the date of June 9th, be administered upon the theory that all of its provisions, as the measure passed the legislature, are in full force and effect?

7. What effect would it have upon the administration of the law should a court action be instituted to test its validity, or to test the validity of the Governor's action thereon?

8. If the Governor exceeded his constitutional power in vetoing the provision for the imposition of a three cent gasoline tax, will both the

three-cent gasoline tax and the one cent gasoline tax now provided by law be in effect?

9. In the event that they should be, what portion of the monies collected from the two taxes will go to the State Treasurer and what portion to the treasurers of the counties in which the gasoline is sold?

It is apparent under the peculiar and extraordinary circumstances so many confusing situations might arise, that this series of questions could be further continued. I believe, however, that the questions asked are valid and pertinent, as they directly relate to actions which should be taken by this office in the performance of duties devolving upon it.

For whatever purpose taxation may properly have, its fundamental purpose is to provide revenue which, it will be agreed, ought to be raised as adequately, conveniently and economically as possible. Therefore, I heartily endorse the Governor's veto of the Three (3) cent gasoline tax, inasmuch as the original bill only provided for a further additional tax burden on the one class of property, and did not eliminate the license tax or property tax in lieu thereof.

I shall highly appreciate your prompt consideration.

Very truly yours,
(Signed) JAMES H. KERBY,
Secretary of State.

JHK—FC.

EXECUTIVE OFFICE
State House
Phoenix, Arizona.

March 20, 1923.

My dear Mr. Kerby:

I am transmitting herewith with my signature and approval, with the exception of certain items and subdivisions listed in detail below of which I disapprove for reasons hereinafter stated, House Bill No. 179,

AN ACT

"Making appropriations for the different departments of State, for state institutions, for public schools, for state departments, activities, agencies, and purposes appurtenant thereto; and for the interest on and redemption of the public debt; providing for the manner in which appropriations for labor shall be expended and the manner in which and conditions under which all appropriations herein shall be paid, all for the fiscal years beginning July 1st, 1923, and ending June 30th, 1924, and beginning July 1st, 1924, and ending June 30th, 1925; all of which constitutes a general appropriation bill for the said fiscal years."

I disapprove and veto the following items:

Sub. 4. For State Treasurer:

One accountant .....$2,700. per annum

Sub. 6. For Corporation Commission

One Stenographer ..... 1,680. per annum
For contingencies ..... 2,500. per annum

There is hereby appropriated for the fiscal year beginning July 1, 1924, and end-

ing June 30, 1925, for the collection of delinquent corporation fees .....15,000.

Sub. 11. For Board of Directors of State Institutions Asylum for the Insane:
For travel ..... 400. per annum
For capital investment..... 1,000. per annum

Sub. 12. For Board of Directors of State Institutions for Industrial School:
Capital Investment for year beginning July 1st, 1924 and ending June 30th, 1925 .....$3,600.
Appropriation for fiscal year beginning July 1st, 1923 and ending June 30, 1924, for Ice Plant .....$2,500.

Sub. 14. For Board of Directors of State Institutions for Prison, for year beginning July 1st, 1923, and ending June 30th, 1924,
A. One automobile and one truck .....$2,000.

Sub. 23. For State Law and Legislative Reference Library.
One clerk and stenographer..$1,500. per annum

Sub. 25. For Commission of Agriculture and Horticulture
One Field Entomologist.....$2,600. per annum

Sub. 41. For State Land Commissioner.
For replacement of automobiles to be expended during

the fiscal year beginning July 1st, 1924 and ending June 30th, 1925 ..... 1,500.

For cooperation with the U. S. Reclamation Service to determine the feasibility of irrigation projects ..... 5,000. per annum

Sub. 40. For Water Commissioner

Salaries and Wages .....$17,500 per annum

For the following positions not to exceed the annual rates herein specified:

1 Commissioner .....$4,000 per annum
1 Secretary ..... 3,000 per annum
1 Stenographer ..... 1,800 per annum
1 Engineer ..... 2,700 per annum
1 Draftsman ..... 1,800 per annum
1 Rodman ..... 1,200 per annum
Gauge Readers ..... 1,800 per annum
Special Services ..... 1,200 per annum

I have eliminated the items above enumerated because in the present condition of the finances of the State, I believe that the business of the State and the prosperity and welfare of its citizens can be maintained without these items.

I desire to call your attention to the fact that the subtotals for the State Treasurer, Board of Directors of State Institutions for the Industrial School, Pioneers' Home and the State Prison, the State Examiner, Commission of Agriculture and Horticulture, State Land Commissioner, and the appropriation for the State Game Warden from the State Game Protection Fund are inaccurate. Some of these totals will need further revision due to the deduction of the items I have vetoed.

Respectfully yours,
(Signed) Geo. W. P. Hunt,
Governor.

Hon. James H. Kerby,
Secretary of State,
Phoenix, Arizona.

Chapter 77.

(HOUSE BILL NO. 179)

AN ACT

MAKING APPROPRIATIONS FOR THE DIFFERENT DEPARTMENTS OF STATE, FOR STATE INSTITUTIONS, FOR PUBLIC SCHOOLS, FOR STATE DEPARTMENTS, ACTIVITIES, AGENCIES, AND PURPOSES APPURTENANT THERETO; AND FOR THE INTEREST ON AND REDEMPTION OF THE PUBLIC DEBT; PROVIDING FOR THE MANNER IN WHICH APPROPRIATIONS FOR LABOR SHALL BE EXPENDED AND THE MANNER IN WHICH AND CONDITIONS UNDER WHICH ALL APPROPRIATIONS HEREIN SHALL BE PAID, ALL FOR THE FISCAL YEARS BEGINNING JULY 1, 1923, AND ENDING JUNE 30, 1924, AND BEGINNING JULY 1, 1924, AND ENDING JUNE 30, 1925; ALL OF WHICH CONSTITUTE A GENERAL APPROPRIATION BILL FOR SAID FISCAL YEARS.

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

Section 1. The following sums herein set forth are hereby appropriated for the fiscal years beginning July 1st, 1923, and ending June 30, 1924, and beginning July 1st, 1924, and ending June 30, 1925, for the several purposes and ob-

jects as hereinafter specified; and the State Auditor is hereby authorized and directed to draw warrants on the State Treasurer to and not to exceed the amounts herein set forth and for the purposes herein specified; and the State Treasurer is hereby authorized and directed to pay said warrants out of the General Fund of the State and the appropriation for the respective state Agencies herein made.

Subdivision 1. For the Governor:

For the fiscal year beginning July 1, 1923 and ending June 30, 1924:		
Salaries and wages		$19,600.00
For traveling expenses	$2,000.00	
For operation	8,475.00	
For rewards	1,000.00	
For repairs and replacements	150.00	11,625.00
Total appropriation		31,225.00
For the fiscal year beginning July 1, 1924 and ending June 30, 1925:		
Salaries and wages		20,900.00
For traveling expenses	2,000.00	
For operation	7,475.00	
For rewards	1,000.00	
For repairs and replacements	150.00	10,625.00
Total appropriation for two years		$62,750.00

Subdivision 2. For the State Auditor:

For salaries and wages for each of the fiscal years beginning July 1, 1923

and ending June 30, 1924, and beginning July 1, 1924 and ending June 30, 1925.....$19,500.00 per annum

For the following positions, not to exceed the annual rates herein specified:

1 Auditor	$3,000.00 per annum
1 Deputy Auditor	2,700.00 per annum
1 Claim Accountant	2,100.00 per annum
1 Bookkeeper	2,400.00 per annum
1 Assistant Bookkeeper	1,800.00 per annum
1 Warrant Registrar	2,100.00 per annum
1 Assistant Warrant Registrar	1,800.00 per annum
1 Stenographer	1,800.00 per annum
1 Inventory Accountant	1,800.00 per annum
For Operation	1,976.00 per annum
For Travel	500.00 per annum
For Repairs and replacements	300.00 per annum
For contingencies	500.00 per annum

Total appropriation for two years 45,552.00

Subdivision 3. For the State Banking Department:

For Salaries and Wages for each of the fiscal years beginning July 1, 1923, and ending June 30, 1924, and beginning July 1, 1924, and ending June 30, 1925..$10,800.00 per annum

For Salaries and Wages for the following positions

not to exceed the annual rates herein specified:		
1 Superintendent of Banks	3,500.00 per annum	
1 Deputy and Chief Examiner	2,700.00 per annum	
1 Accountant-Stenographer	2,100.00 per annum	
For special examinations	2,500.00 per annum	
For travel	3,000.00 per annum	
For operation	2,000.00 per annum	
For auditing State and Private books and accounts pertaining to banking affairs and convictions in the State, provided that all expenditures under this item shall be approved by the Committee on Banking and Insurance, of the Senate of the Sixth Legislature, State of Arizona, Regular Session for the year 1923-1924	10,000.00	
Total appropriation for two years		$41,600.00
Subdivision 4, For the State Treasurer:		
For salaries and wages for each of the fiscal years beginning July 1, 1923, and ending June 30, 1924, and beginning July 1, 1924, and ending June 30, 1925	$13,700.00 per annum	
For the following positions not to exceed the an-		

nual rates herein specified:

1 State Treasurer	$3,000.00 per annum
1 Deputy State Treasurer	2,700.00 per annum
1 Inheritance Tax Clerk	2,400.00 per annum
1 Stenographer and Securities Clerk	2,000.00 per annum
1 Assistant Inheritance Tax Clerk and Stenographer	2,000.00 per annum
1 Bookkeeper	2,000.00 per annum
1 Accountant	2,700.00 per annum
For operation	3,825.00 per annum
For travel	1,750.00 per annum
Capital Investment	300.00 per annum
For Repairs and Replacements	25.00 per annum

Total appropriation for two years.....$45,400.00

Subdivision 5. For the State Tax Commission:

For salaries and wages for each of the fiscal years beginning July 1, 1923 and ending June 30, 1924, and beginning July 1, 1924 and ending June 30, 1925.....$18,500.00 per annum

For the following positions, not to exceed the annual rates herein specified:

3 Commissioners @ $3,000	$ 9,000.00 per annum
1 Secretary	2,700.00 per annum
1 Accountant	2,700.00 per annum

1 Reporter	1,800.00 per annum
1 Stenographer	1,800.00 per annum
Extra Clerical Help	500.00 per annum
For Operation	2,800.00 per annum
For Special Legal Counsel	2,500.00 per annum
For defense of tax suits (exclusive of legal counsel)	5,000.00 per annum
For travel	3,700.00 per annum
For State Board of Equalization	1,500.00 per annum

Total appropriation for two years.....$68,000.00

Subdivision 6. For the Corporation Commission:

For Salaries and Wages for each of the fiscal years beginning July 1, 1923, and ending June 30, 1924, and beginning July 1, 1924, and ending June 30, 1925.....$59,220.00 per annum

For the following positions, not to exceed the annual rates herein specified:

3 Commissioners @ $3,000	$ 9,000.00 per annum
1 Secretary	2,760.00 per annum
1 Auditor	2,700.00 per annum
1 Reporter	2,700.00 per annum
1 Stenographer	1,680.00 per annum
1 Rate Expert	2,700.00 per annum
1 Rate Clerk	2,100.00 per annum
1 Stenographer	1,800.00 per annum
1 Chief Clerk	2,400.00 per annum

1 Stenographer	1,680.00 per annum
1 Stenographer	1,560.00 per annum
1 Typist	1,560.00 per annum
1 Engineer	2,700.00 per annum
1 Assistant Engineer	2,100.00 per annum
1 Stenographer	1,980.00 per annum
1 Stenographer	1,680.00 per annum
1 Stenographer	1,800.00 per annum
1 Investment Clerk	2,700.00 per annum
1 Investment Stenographer	1,680.00 per annum
1 Investment Stenographer	1,680.00 per annum
1 Typist	1,560.00 per annum
1 Mailing and Reception Clerk	1,560.00 per annum
Extra Clerical Hire	1,800.00 per annum
1 Assistant Secretary	1,980.00 per annum
1 Stenographer	1,680.00 per annum
1 Stenographer	1,680.00 per annum
For Operation	11,000.00 per annum
For Travel	5,000.00 per annum
For investigation of railroad accidents (For Travel)	2,000.00 per annum
For capital investment	1,000.00 per annum
For contingencies	2,500.00 per annum
There is hereby appropriated for the fiscal year beginning July 1, 1923, and ending June 30, 1924, for the collection of delinquent corporation fees	25,000.00

There is hereby appropriated for the fiscal year beginning July 1, 1924, and ending June 30,

1925, for the collection of delinquent corporation fees..... 15,000.00

Total appropriation for two years.....$201,440.00

Subdivision 7. For the State Mine Inspector:

For Salaries and Wages for each of the fiscal years beginning July 1, 1923, and ending June 30, 1924, and beginning July 1, 1924, and ending June 30, 1925.....$12,075.00 per annum

For the following positions, not to exceed the annual rates herein specified:

State Mine Inspector....$ 3,000.00 per annum
Deputy Mine Inspector 2,400.00 per annum
Deputy Mine Inspector 2,400.00 per annum
Deputy Mine Inspector 2,400.00 per annum
Stenographer ..... 1,800.00 per annum
Extra Clerical Hire..... 75.00 per annum
For Operation ..... 1,420.00 per annum
For travel ..... 6,000.00 per annum

For fiscal year beginning July 1, 1923, and ending June 30, 1924

For automobile 700.00

Total appropriation for two years.....$39,690.00

Subdivision 8. For the Secretary of State:

For Salaries and Wages for each of the fiscal years beginning July 1, 1923,

and ending June 30, 1924, and beginning July 1, 1924, and ending June 30, 1925		$17,600.00 per annum
For the following positions, not to exceed the annual rates herein specified:		
1 Secretary of State	$ 3,500.00 per annum	
1 Assistant Secretary of State	3,000.00 per annum	
1 Accountant and Statistician	2,100.00 per annum	
1 Operator for Addressograph and Stencil Cutter	1,800.00 per annum	
1 Stenographer	1,800.00 per annum	
1 Stenographer	1,800.00 per annum	
Extra Clerks for Motor Vehicle Department, Initiative and Referendum Pamphlet, and making certified copies of Laws and Office Documents	3,600.00 per annum	
For the operation for the fiscal year beginning July 1, 1923, and ending June 30, 1924		16,750.00
For operation for the fiscal year beginning July 1, 1924, and ending June 30, 1925		16,750.00
For travel		1,000.00 per annum
For repair and replacements		300.00 per annum
For contingencies		500.00 per annum

For fiscal year beginning July 1, 1923, and ending June 30, 1924, Capital Investment	825.00
Printing Session Laws.....	500.00
Total appropriation for two years.....	$73,625.00

Subdivision 9. For the Board of Directors of State Institutions:

For Salaries and Wages for each of the fiscal years beginning July 1, 1923, and ending June 30, 1924 and beginning July 1, 1924 and ending June 30, 1925.....	$12,700.00 per annum
For the following positions, not to exceed the annual rates herein specified:	
1 Secretary and Purchasing Agent (Combined)	$ 4,800.00 per annum
1 Stenographer and Bookkeeper	2,000.00 per annum
1 Stenographer and Bookkeeper	1,800.00 per annum
1 Stenographer and Bookkeeper	1,800.00 per annum
1 Order Clerk	1,800.00 per annum
Extra Clerical Hire.....	500.00 per annum
For Operation	2,500.00 per annum
For Travel	300.00 per annum
For office equipment and repairs	800.00 per annum
Total.....	$16,300.00 per annum

Subdivision 10. For the Board of Directors of State Institutions for Free Employment Office:

For Salaries and Wages for each of the fiscal years beginning July 1, 1923, and ending June 30, 1924, and beginning July 1, 1924, and ending June 30, 1925	$ 1,800.00 per annum	
For the following positions, not to exceed the annual rates herein specified:		
Stenographer	$ 1,800.00	
For Operation	700.00 per annum	
Total	$2,500.00 per annum	

The said appropriation to the Free Employment Bureau is made subject to the condition that for each dollar expended therefrom a like amount shall have been appropriated by the Federal Government and allotted to this State and expended concurrently with the expenditure of said appropriation.

Estimated income from State tax for biennium	$ 5,000.00
Estimated income from U. S. Government for biennium	5,000.00
Estimated gross amount required for biennium	10,000.00

Subdivision 11. For the Board of Directors of State Institutions for Asylum for the Insane.

For Salaries and Wages for each of the fiscal years beginning July 1, 1923, and ending June 30, 1924, and beginning

July 1, 1924, and ending June 30, 1925.....$64,120.00 per annum

For the following positions, not to exceed the annual rates herein specified:

Superintendent	$ 3,000.00 per annum
Physician	2,400.00 per annum
Supervisor	1,380.00 per annum
Physician	2,400.00 per annum
Nurse (charge)	1,200.00 per annum
Laundryman	960.00 per annum
Laundress	780.00 per annum
5 Nurses @ $75.00 $900.00 a year	4,500.00 per annum
18 Attendants @ $65.00 $780.00 a year	14,040.00 per annum
28 Attendants @ $60.00 $720.00 a year	15,840.00 per annum
Steward	1,800.00 per annum
Secretary (Stenographer)	1,200.00 per annum
Farmer	1,500.00 per annum
Dairyman	900.00 per annum
Poultryman	900.00 per annum
Engineer	1,500.00 per annum
Plumber	1,080.00 per annum
Cook	1,200.00 per annum
Assistant Cook	840.00 per annum
Domestic for Superintendent	780.00 per annum
Baker	1,200.00 per annum
Seamstress	900.00 per annum
Night Nurse	1,020.00 per annum
Gardner	1,000.00 per annum
Firemen (2)	1,800.00 per annum
For Operation	79,750.00 per annum
For Travel	400.00 per annum

Capital Investment	1,000.00 per annum
Repairs	9,000.00 per annum

Total appropriation for two years....	$308,540.00
Estimated income from other than State Tax	4,000.00 per annum
Amount to be raised by direct State tax for two years	$300,540.00

Subdivision 12. For the Board of Directors of State Institutions for the Industrial School:

For Salaries and Wages for each of the fiscal years beginning July 1, 1923 and ending June 30, 1924 and beginning July 1, 1924 and ending June 30, 1925.....	$21,260.00 per annum

For the following positions, not to exceed the annual rates herein specified:

Superintendent	$ 3,000.00 per annum
Assistant Superintendent	1,800.00 per annum
Detail Officer	1,380.00 per annum
Doctor	2,000.00 per annum
Girl's Matron	1,200.00 per annum
Teacher	1,200.00 per annum
Bandmaster	1,200.00 per annum
Engineer	1,500.00 per annum
Farmer	1,140.00 per annum
Truck Driver	1,080.00 per annum
Housekeeper	960.00 per annum
Cook--General Kitchen	1,200.00 per annum
4 Guards at $900.00....	3,600.00 per annum

For Operation	28,834.00	per annum
For Travel	1,150.00	per annum
Capital Investment	3,600.00	per annum
Repairs	5,200.00	per annum

Total Appropriation for two years	118,688.00	
Estimated income from other than State taxes for two years	3,468.00	
Amount to be raised by direct State tax	57,610.00	per annum
Appropriation for fiscal year beginning July 1, 1923, and ending June 30, 1924,		
For Ice Plant	2,500.00	
Total amount to be raised by direct State tax for two years	$115,220.00	

Subdivision 13. For the Board of Directors of State Institutions for Pioneers' Home:

For Salaries and Wages for each of the fiscal years beginning July 1, 1923, and ending June 30, 1924, and beginning July 1, 1924, and ending June 30, 1925	$17,180.00	per annum
For the following positions not to exceed the annual rates herein specified:		
Superintendent	$ 2,000.00	per annum
Bookeeper	900.00	per annum
5 Nurses @ $900.00	4,500.00	per annum
Physician	1,200.00	per annum

2 Waitresses @ $720	1,440.00 per annum
Cook	1,200.00 per annum
Cook	900.00 per annum
Dishwasher	720.00 per annum
Engineer	1,200.00 per annum
Barber	600.00 per annum
Janitor	180.00 per annum
Head Matron	900.00 per annum
Matron	720.00 per annum
Baker	720.00 per annum
For Operation	38,000.00 per annum
For Travel	200.00 per annum
Capital Investment	2,300.00 per annum
Repairs	1,200.00 per annum

Total appropriation for two years	115,160.00 per annum
Estimated income from other than State Tax	2,000.00 per annum
Amount to be raised by direct State tax for two years	111,160.00

Subdivision 14. For the Board of Directors of State Institutions for the Prison:

For Salaries and Wages for each of the fiscal years beginning July 1, 1923, and ending June 30, 1924, and beginning July 1, 1924, and ending June 30, 1925	$57,860.00 per annum
For the following positions, not to exceed the annual rates herein specified:	
Superintendent	$ 3,000.00 per annum
Assistant Superintendent	2,000.00 per annum

Secretary	2,000.00 per annum	
Physician	2,000.00 per annum	
Parole Clerk	2,000.00 per annum	
Chaplains (2@$200.00)	400.00 per annum	
Shoe Shop Foreman	1,800.00 per annum	
School Teacher	1,440.00 per annum	
Farm Superintendent	1,800.00 per annum	
Engineer	2,180.00 per annum	
Yard Captain	1,800.00 per annum	
24 Guards at $1440 per annum	34,560.00 per annum	
Temporary Guards	1,800.00 per annum	
Dental Services	500.00 per annum	
Parole Investigator	600.00 per annum	
For Operation		95,000.00 per annum
For Travel		2,500.00 per annum
Repairs		7,000.00 per annum
Capital Investment		4,650.00 per annum
For the year beginning July 1, 1923, and ending June 30, 1924:		
A—1 Automobile and 1 Truck		2,000.00
B—For a Flour Mill		3,500.00
Total appropriation for two years		339,520.00
Estimated income from other than State Tax		3,500.00
Amount to be raised by direct State Tax		332,020.00

Subdivision 15. For the Board of Directors of State Institutions for the Capitol Building and Grounds.

For Salaries and Wages for each of the fiscal years

beginning July 1, 1923, and ending June 30, 1924, and beginning July 1, 1924, and ending June 30, 1925.....$21,030.00 per annum

For the following positions, not to exceed the annual rates herein specified:

Custodian	$ 2,400.00 per annum
Watchman	1,500.00 per annum
Watchman	1,500.00 per annum
Elevator Operator	1,200.00 per annum
6 months furnace man	900.00 per annum
Porter	1,200.00 per annum
6 Janitors @ $1080 per year	6,480.00 per annum
Gardner, Head	1,140.00 per annum
3 Assistant Gardners @ $1140 per year	3,420.00 per annum
Extra Laborers	1,290.00 per annum
For Operation	14,715.00 per annum
For capital investment	1,750.00 per annum
For repairs	4,500.00 per annum

Total appropriation for two years.....$83,990.00

Subdivision 16. For the Board of Directors of State Institutions:

For the purpose of securing framed portraits of certain legislative official....$300.00

For the purpose of securing the framed portrait of Thomas E. Campbell, former Governor of Arizona..... 300.00

Total Appropriation.....$600.00

Subdivision 17. For the Board of Directors of State Institutions for the Fair Commission:

Salaries and Wages for each of the fiscal years beginning July 1, 1923, and ending June 30, 1924, and beginning July 1, 1924 and ending June 30, 1925	$10,021.00 per annum
For the following positions not to exceed the following:	
Fair Commissioners	$ 900.00 per annum
Secretary	1,800.00 per annum
Custodian	1,800.00 per annum
Stenographic and Clerical Hire	850.00 per annum
Superintendent of Concessions	300.00 per annum
Publicity Agent	200.00 per annum
Superintendent of Entries	200.00 per annum
Miscellaneous Labor	200.00 per annum
Payroll by Department	
Child Hygiene	96.00 per annum
Mineral	172.00 per annum
Fine Arts	129.00 per annum
Grandstand	500.00 per annum
Domestic Science	250.00 per annum
Police	500.00 per annum
Agriculture	200.00 per annum
Swine	24.00 per annum
Playground	100.00 per annum
Dairy	100.00 per annum
Cashier and Ticket Sellers	1,000.00 per annum
Judges	300.00 per annum
Indian Superintendent	100.00 per annum
Extra Help Various Departments	300.00 per annum
For Operation	50,000.00 per annum
For Repairs	2,000.00 per annum

For County and District Fair Assistance ..... 14,000.00 per annum

Provided, that last-named appropriations is conditioned upon Boards of Supervisors of each of said counties appropriating not less than $1,000.00 each for County Fair purposes.

TOTAL Appropriation for two years $152,042.00

Subdivision 18. For the State Child Welfare Board:

For each of the fiscal years beginning July 1, 1923, and ending June 30, 1924, and beginning July 1, 1924, and ending June 30, 1925:

Salary of 1 Secretary.....$ 2,400 per annum
Operation ..... 25,600.00 per annum
For Travel..... 2,000.00 per annum

Total Appropriation for two years $60,000.00

Subdivision 19. For Arizona State Board of Health:

For Salaries and Wages for each of the fiscal years beginning July 1, 1923, and ending June 30, 1924, and beginning July 1, 1924, and ending June 30, 1925.....$9,500 per annum

For the following positions

not to exceed the annual rates herein specified:

1 State Superintendent of Public Health.....$3,800.00 per annum
Executive Secretary..... 2,100.00 per annum
Statistician ..... 1,800.00 per annum
Emergency Help, nurse Clerical services, etc. .... 1,800.00 per annum
For Operation..... 6,450.00 per annum
For Travel..... 2,800.00 per annum
Capital Investment..... 175.00 per annum
Repairs and replacements.... 130.00 per annum
For Sheppard-Towner cooperation ..... 7,254.00 per annum

Total appropriation for two years $52,618.00

Subdivision 20. For the State Laboratory:

For each of the fiscal years beginning July 1, 1923, and ending June 30, 1924, and beginning July 1, 1924, and ending June 30, 1925:

For Salaries and Wages.....$4,500.00 per annum
For the following positions not to exceed the annual rates herein specified:

1 Director.....$3,000.00 per annum
1 Bacteriologist..... 1,500.00 per annum
For Operation..... 350.00 per annum
For Travel..... 334.00 per annum
For Laboratory Equipment.... 300.00 per annum
For Contingencies..... 216.00 per annum

Total Appropriation.....$5,600.00 per annum

Subdivision 21. For the Supreme Court:

For Salaries and Wages for each of the fiscal years beginning July 1, 1923, and ending June 30, 1924, and beginning July 1, 1924, and ending June 30, 1925	$25,200.00 per annum
For the following positions, not to exceed the annual rates herein specified:	
3 Judges $5,000.00 per year	$15,000.00 per annum
1 Clerk	2,700.00 per annum
3 Secretaries @ $2,100 per year	6,300.00 per annum
1 Reporter of Decisions	1,200.00 per annum
For Operations:	
(a) General	1,000.00 per annum
(b) For Printing Supreme Court Records	1,500.00 per annum
(c) Expenses of Superior Court Judges, while sitting in place of Supreme Judges disqualified	400.00 per annum
Total Appropriations	$28,100.00 per annum

Subdivision 22. For the Attorney General:

For Salaries and Wages for each of fiscal years beginning July 1, 1923, and ending June 30, 1924, and beginning July 1, 1924, and ending June 30, 1925	$17,800.00 per annum
For the following positions,	

not to exceed the annual rates herein specified:

1 Attorney General	$ 4,000.00 per annum
1 Assistant Attorney General	3,000.00 per annum
1 Assistant Attorney	3,000.00 per annum
General Special Assistants	2,200.00 per annum
1 Law Clerk	2,000.00 per annum
Stenographic and Clerical Hire	3,600.00 per annum
For Operation	3,000.00 per annum
For Travel	1,600.00 per annum
For Repairs	100.00 per annum
For Contingencies (Federal Litigation)	700.00 per annum
Total appropriation	$23,200.00 per annum

Subdivision 23. For the State Law and Legislative Reference Library:

For Salaries and Wages for each of the fiscal years beginning July 1, 1923, and ending June 30, 1924, and beginning July 1, 1924, and ending June 30, 1925	$6,300.00 per annum

For the following positions, not to exceed the annual rates herein specified:

1 State Librarian	$3,000.00 per annum
1 Assistant Librarian	1,800.00 per annum
1 Clerk and Stenographer	1,500.00 per annum
For Operation	400.00 per annum
For Travel	500.00 per annum
For Repairs	100.00 per annum

For Books, periodicals, and all other necessary expenses ..... 4,000.00 per annum

Total Appropriation.....$11,300.00 per annum

Subdivision 24. For the State Examiner:

For Salaries and Wages for each of the fiscal years beginning July 1, 1923, and ending June 30, 1924, and beginning July 1, 1924, and ending June 30, 1925.....$12,400.00 per annum

For the following positions, not to exceed the annual rates herein specified:

1 State Examiner .....$2,500.00 per annum
1 Chief Deputy Examiner ..... 2,400.00 per annum
3 Deputy State Examiners at $2,100.00 per year ..... 6,300.00 per annum
Extra Clerical Hire..... 1,200.00 per annum
Operation ..... 500.00 per annum
Travel ..... 10,000.00 per annum

TOTAL appropriation for two years.....$43,800.00

Subdivision 25. For the Commission of Agriculture and Horticulture:

For Salaries and Wages for each of the fiscal years beginning July 1, 1923, and ending June 30, 1924, and beginning July 1, 1924, and ending June 30, 1925.....$38,300.00

For the following positions, not to exceed the annual rates herein specified:	
Commissioners (3) @ $300.00	$ 900.00 per annum
State Entomologist	3,600.00 per annum
Field Entomologist	2,600.00 per annum
Entomologist Orange Pest	1,800.00 per annum
Plant Pathologist and Secretary to Commission	2,700 per annum
Entomologist Quarantine Inspector, Yuma	2,500.00 per annum
Assistant Quarantine Inspector, Yuma	1,400.00 per annum
Stenographer	1,800.00 per annum
Quarantine Inspector, Phoenix	1,800.00 per annum
Quarantine Inspector, Tucson	1,800.00 per annum
Crop Pest Inspector, Phoenix	1,500.00 per annum
Miscellaneous Crop Pest Inspectors	3,300.00 per annum
Bee Disease Eradication and Bee Inspector	5,000.00 per annum
Road Inspectors and Policing East and West State Boundary Roads	5,000.00 per annum
Field Scouts	2,000.00 per annum
For Operation	8,000.00 per annum
For Travel	6,500.00 per annum
Capital Investment	1,500.00 per annum
Repairs to Motor Vehicles	800.00 per annum
For Contingencies	500.00 per annum

Total appropriation for two

years $111,200.00

Subdivision 26. For the Office of State Dairy Commissioner:

For Salaries and Wages for each of the fiscal years beginning July 1, 1923, and ending June 30, 1924, and beginning July 1, 1924, and ending June 30, 1925.....$ 5,400.00 per annum

For the following positions not to exceed the annual rates herein specified:

1 Dairy Commissioner....$3,000.00 per annum

1 Deputy Dairy Commissioner ..... 2,400.00 per annum

For Operation..... 645.00 per annum

For Travel..... 3,000.00 per annum

Total Appropriation for two years $18,090.00

Subdivision 27. For the State Inspector of Weights and Measures for each of the fiscal years beginning July 1, 1923, and ending June 30, 1924, and beginning July 1, 1924, and ending June 30, 1925:

1 Inspector.....$2,400.00 per annum

For Operations ..... 200.00 per annum

For Travel ..... 1,800.00 per annum

Total Appropriation.....$4,400.00 per annum

Subdivision 28. For the Sheep Sanitary Commission:

For Salaries and Wages for each of the fiscal years beginning July 1, 1923, and ending June 30,

1924, and beginning July 1, 1924, and ending June 30, 1925.....$5,600.00 per annum

For the following positions, not to exceed the annual rates herein specified:

1 Secretary.....$ 600.00 per annum
For Inspectors..... 5,000.00 per annum
For Operation..... 100.00 per annum
For Travel..... 1,800.00 per annum

TOTAL .....$7,500.00 per annum

Total Appropriation for the two fiscal years beginning July 1, 1923, and ending June 30, 1924, and beginning July 1, 1924, and ending June 30, 1925.....$7,500.00 per annum

Subdivision 29. For the Livestock Sanitary Board:

For Salaries and Wages for each of the fiscal years beginning July 1, 1923, and ending June 30, 1924, and beginning July 1, 1924, and ending June 30, 1925.....$ 7,000.00 per annum

For the following positions not to exceed the annual rates herein specified:

1 Secretary .....$2,400.00 per annum
1 Bookkeeper ..... 1,800.00 per annum
Recording Clerk ..... 1,800.00 per annum
Per diem board members 1,000.00 per annum
For Operation..... 2,000.00 per annum

For Travel ..... 1,000.00 per annum

Total .....$10,000.00 per annum

In addition to the appropriation made in the preceding paragraph a sum of money equivalent to the unexpended balance on hand on June 30, 1923, in the License and Inspection Fund, provided for in paragraph 3736, Revised Statutes of Arizona, 1913, Civil Code, and all moneys and fees received by the Livestock Sanitary Board during the fiscal year beginning July 1, 1923, and ending June 30, 1924, and beginning July 1, 1924, and ending June 30, 1925, for the purpose of contributing to the payment of the expenses of operation of said Board, not hereinbefore included.

The Livestock Sanitary Board for the State Veterinarian:

1 State Veterinarian.....$ 1,800.00 per annum
For Operation..... 500.00 per annum
For Travel..... 1,000.00 per annum

For the Livestock Sanitary Board for the purpose of co-operation with the United States Bureau of Animal Industry for the eradication of tuberculosis in cattle.....$50,000.00 per annum

The said appropriation to the Livestock Sanitary Board is made subject to the condition that for each dollar expended therefrom, a like amount shall have been appropriated by the Federal Government and allotted to this State and expended concurrently with the expenditures of $50,000.00 above set out.

For the Livestock Sanitary Board for the purpose of co-operation with the United States Biological Survey Bureau:

For the eradication of predatory animals.....$15,000.00 per annum

Said appropriation of $15,000.00 per annum to the Livestock Sanitary Board for the eradication of predatory animals is made subject to the conditions that for each dollar expended therefrom a like amount shall have been appropriated by the Federal Government and allotted to this State and expended concurrently with the expenditure of said appropriation.

Total appropriation for two years $156,000.00

Subdivision 30. For the University of Arizona:

For the purpose of cooperation with the United States Biological Bureau for each of the fiscal years beginning July 1, 1923, and ending June 30, 1924, and beginning July 1, 1924, and ending June 30, 1925:

For the eradication of injurious Rodents.....$15,000.00

The said appropriation to the University of Arizona is made subject to the conditions that for each dollar expended therefrom, a like amount shall have been appropriated by the Federal Government and allotted to this State and expended concurrently with the expenditure of the said appropriation.

Estimated income from State Tax.....$15,000.00 per annum

Estimated income from U. S. Government..... 15,000.00 per annum

Estimated gross amount required ..... 30,000.00 per annum

That sum of money for each of the fiscal years beginning July 1, 1923, and ending June

30, 1924, and beginning July 1, 1924, and ending June 30, 1925, equal to 85/100 of one mill on the dollar upon the assessed valuation of all taxable property within the State of Arizona for each of the above mentioned fiscal years, for the improvement, support and maintenance of the University of Arizona, including the payment of salaries, current expenses, purchase of equipment, making necessary repairs, construction of new buildings, purchase of land, and in general for the payment of all expenses connected with the management of said institution as the Board of Regents thereof may from time to time determine.

The State Board of Equalization shall upon determining the aggregate assessed valuation of all taxable property with the State compute the amount of money so determined and certify the same over its seal to the State Auditor and State Treasurer, and the State Auditor is hereby authorized to draw his warrants upon the presentation of claims by the Board of Regents approved by the President of said University, or his duly authorized representative, and the State Treasurer is hereby authorized and directed to pay the same to the aggregate amount of money so computed and certified. In addition to the appropriation made in the preceding paragraphs, the amount of all Federal Aid Funds, County Extension Funds, Farms Sales Funds, Dormitory Funds, Matriculation Funds, Student Breakage Funds, Timber Rentals, and all other receipts received by and for the University, is hereby appropriated for the improvement, support and maintenance of the University of Arizona.

Estimated income by above State Tax
for the fiscal year beginning July

1, 1923, and ending June 30, 1924	$ 573,750.00
Estimated income by above State Tax for the fiscal year beginning July 1, 1924, and ending June 30, 1925	637,500.00
Estimated income other than by direct tax, for the fiscal year beginning July 1, 1923, and ending June 30, 1924	270,486.23
Estimated income other than by direct tax, for the fiscal year beginning July 1, 1924, and ending June 30, 1925	278,441.23
Estimated gross amount required for the fiscal years beginning July 1, 1923, and ending June 30, 1924, and beginning July 1, 1924, and ending June 30, 1925	$1,760,177.46

Subdivision. 31.

For the University of Arizona for the purpose of awarding County Scholarships pursuant to law for each of the fiscal years beginning July 1, 1923, and ending June 30, 1924, and beginning July 1, 1924, and ending June 30, 1925.....$7,000.00 per annum

Subdivision 32. For Superior Courts, State of Arizona:

For salaries of Superior Court Judges pursuant to law, for each of the fiscal years beginning July 1, 1923, and ending June 30, 1924, and beginning July 1, 1924,

and ending June 30, 1925 .....$36,800.00 per annum

For Court Commissioners as provided by Paragraph 379, Revised Statutes of Arizona, (1913) Civil Code, for each of the fiscal years beginning July 1, 1923, and ending June 30, 1924, and beginning July 1, 1924, and ending June 30, 1925 ..... 250.00 per annum

Subdivision 33. For the State Board for the Control of Vocational Education and Vocational Rehabilitation:

For Salaries and Wages for each of the fiscal years beginning July 1, 1923, and ending June 30, 1924, and beginning July 1, 1924, and ending June 30, 1925.....$23,200.00 per annum

For the following positions, not to exceed the annual rates herein specified:

1 Director of Research and Assistant Director of Vocational Education .....$4,000.00 per annum

1 Assistant Director of Research ..... 2,400.00 per annum

1 Assistant Director of Americanization .... 2,400.00 per annum

Stenographer for Research ..... 1,800.00 per annum

Stenographer for Vocational Education	1,800.00 per annum
Supervisor and Teacher Trainer for Trades and Industries	3,000.00 per annum
Supervisor and Teacher Trainer for Agriculture	3,000.00 per annum
Supervisor and Teacher Trainer for Home Economics	3,000.00 per annum
Stenographer for Supervisors and Teacher Trainers	1,800.00 per annum
For Operation	2,400.00 per annum
For reimbursement for teachers' salaries	45,000.00 per annum
For Travel	4,500.00 per annum
Capital Investment	1,000.00 per annum
For Americanization salaries	20,000.00 per annum
For Vocational Rehabilitation	10,000.00 per annum
Total Appropriation	106,100.00 per annum
Less Federal Allotments	25,000.00 per annum
Total to be raised by State Tax for two years	162,200.00

The said appropriation to the State Board for the control of Vocational Education is made subject to the rules and regulations prescribed for the proper and economical administration of said fund by the Board for the control of Vocational Education.

So much money of the above appropriation as the State Board for the control of Vocational

Education shall deem advisable to be expended concurrently with money allotted by the Federal Government for the encouragement of Vocational Education and Vocational Rehabilitation is hereby appropriated for that purpose.

Subdivision 34. For the Northern Arizona Normal School:

For each of the fiscal years beginning July 1, 1923, and ending June 30, 1924, and beginning July 1, 1924, and ending June 30, 1925.

For salaries and wages	
For the President	$ 5,000.00 per annum
All other salaries	85,000.00 per annum
Total Salaries	$90,000.00 per annum
For Operation	27,000.00 per annum
For Travel	1,000.00 per annum
For Capital Investment	6,000.00 per annum
For repairs	3,000.00 per annum
For contingencies	1,000.00 per annum
Total Appropriation for two years	$256,000.00
Estimated income from other than State Tax for two years	11,450.00
Amount to be raised by direct State Tax for two years	$244,550.00

Subdivision 35. For the Tempe Normal School:

For each of the fiscal years beginning July 1, 1923, and ending June 30, 1924, and beginning July

1, 1924, and ending June 30, 1925.

For Salaries and Wages for the President	$ 5,000.00 per annum	
All other salaries	95,000.00 per annum	
Total Salaries		$100,000.00 per annum
For Operation	23,000.00 per annum	
For Travel	1,000.00 per annum	
For Capital Investment	8,000.00 per annum	
For Repairs and Replacements	7,500.00 per annum	
For Contingencies	1,000.00 per annum	
Total Appropriation for two years		281,000.00
Estimated income from other than State tax for two years	11,450.00	
Amount to be raised by direct State tax for two years		269,550.00

Subdivision 36. For the State Board of Education:

For the support of the public schools that sum of money which shall be equal to twenty-five dollars ($25.00) per capita on all pupils in average daily attendance in the common and high schools of the State, as shown by the records of the State Superintendent of Public Instruction for the preceding year. This amount shall include the following items:

For Salaries and Wages for each of the fiscal years beginning July 1, 1923, and ending June 30, 1924, and beginning July 1, 1924, and ending June 30, 1925 ..... $16,150.00 per annum

For the following positions, not to exceed the annual rates herein specified:

1 Superintendent	$3,000.00 per annum
1 Assistant Superintendent	2,700.00 per annum
2 Stenographers at $1800 per year	3,600.00 per annum
Extra Clerical Hire	1,800.00 per annum
For travel per diem State Board of Education	1,600.00 per annum
1 Fieldman	2,700.00 per annum
For State Teachers Examinations	750.00 per annum
For Operation	130,900.00 per annum
For Travel	6,300.00 per annum

In addition to the appropriations made in the preceding paragraphs, the amount of all moneys received from National Forests, interest collected on deferred payments on the purchase of State Lands, the rentals collected from leases of State lands, and the income from the investment of permanent funds as prescribed by the Enabling Act and the State Constitution and incomes from toll roads, bridges, and ferries tax, for the maintenance of the public schools.

The said appropriation to the State Board of Education and for the support of the common schools is made subject to the rules and regulations prescribed for the proper and economical administration of said fund by the State Board of Education.

Subdivision 37. For the University of Arizona for the purpose of maintaining the State School for the Deaf, Dumb and Blind:

Operating expenses for the fiscal year

beginning July 1, 1923, and ending June 30, 1924	$31,000.00
Operating expenses for the fiscal year beginning July 1, 1924, and ending June 30, 1925	32,600.00
Maintenance expenses for the fiscal year beginning July 1, 1923, and ending June 30, 1924	400.00
Maintenance expenses for the fiscal year beginning July 1, 1924, and ending June 30, 1925	800.00
Capital expenses for the fiscal year beginning July 1, 1923, and ending June 30, 1924	7,633.00
Capital expenses for the fiscal year beginning July 1, 1924, and ending June 30, 1925	8,600.00
Total appropriations for the fiscal years beginning July 1, 1923, and ending June 30, 1924, and beginning July 1, 1924, and ending June 30, 1925	$81,033.00

Subdivision 38. For the office of the State Historian:

For each of the fiscal years beginning July 1, 1923, and ending June 30, 1924, and beginning July 1, 1924, and ending June 30, 1925:

For salaries and wages.....$ 4,200.00 per annum

For the following positions not to exceed the annual rates herein specified:

1 Historian .....$2,400.00 per annum

1 Office Secretary ..... 1,500.00 per annum

Extra Clerical Hire ..... 300.00 per annum
Operation ..... 500.00 per annum
For publications..... 1,000.00 per annum
For Travel ..... 800.00 per annum
Total Appropriation.... 6,500.00 per annum

Subdivision 39. For Pioneer's Historical Society:

For salaries and wages for each of the fiscal years beginning July 1, 1923, and ending June 30, 1924, and beginning July 1, 1924, and ending June 30, 1925.....$ 720.00 per annum

For the following positions not to exceed the annual rates herein specified:

Secretary .....$ 600.00 per annum
Janitor ..... 120.00 per annum
For Operation ..... 720.00 per annum

Total Appropriation....$ 1,440.00 per annum

Total appropriation for the two fiscal years beginning July 1, 1923, and ending June 30, 1924, and beginning July 1, 1924, and ending June 30, 1925 .....$ 2,880.00

Subdivision 40. For the Office of Water Commissioner:

Salaries and Wages .....$17,500.00 per annum

For the following positions not to exceed the annual rates herein specified:

1 Commissioner .....$4,000.00 per annum

1 Secretary	3,000.00 per annum
1 Stenographer	1,800.00 per annum
1 Engineer	2,700.00 per annum
1 Draftsman	1,800.00 per annum
1 Rodman	1,200.00 per annum
Gauge Readers	1,800.00 per annum
Special Services	1,200.00 per annum
For Operation	2,200.00 per annum
For Travel	2,800.00 per annum
For Contingencies	500.00 per annum
TOTAL	23,000.00 per annum
Estimated income from other than State Tax	3,000.00 per annum
Amount to be raised by direct State Tax for two years	$40,000.00

Subdivision 41. For the State Land Commission:

For each of the fiscal years beginning July 1, 1923, and ending June 30, 1924, and beginning July 1, 1924, and ending June 30, 1925,

Salaries and Wages	$50,200.00 per annum

For the following positions not to exceed the annual rates herein specified:

1 Commissioner	$3,600.00 per annum
1 Deputy Commissioner	3,000.00 per annum
1 Chief Accountant	2,700.00 per annum
1 Cashier	2,400.00 per annum
1 Bookkeeper	1,800.00 per annum
1 Assistant Bookkeeper	1,800.00 per annum
1 Clerk (in charge of application division)	1,800.00 per annum

1 Clerk (in charge of leasing division)	1,800.00 per annum
1 Clerk (in charge of selection division)	1,800.00 per annum
1 Stenographer (Commissioner)	1,800.00 per annum
1 Stenographer (application and leasing)	1,800.00 per annum
1 Stenographer (Acct. Dept.)	1,500.00 per annum
1 Clerk and Typist (Application Division)	1,500.00 per annum
1 Clerk (filing)	1,500.00 per annum
1 Clerk and Typist (Leasing Dept.)	1,500.00 per annum
1 Clerk (Application Division)	1,500.00 per annum
Extra Clerical Assistance	1,000.00 per annum
Engineer and Appraiser	2,580.00 per annum
Engineer and Appraiser	2,490.00 per annum
Engineer and Appraiser	2,400.00 per annum
State and County Appraiser	2,000.00 per annum
Clerk Engineering Dept.	1,800.00 per annum
Real Estate Secretary	2,100.00 per annum
Forest Ranger Patrol and Outlook	2,500.00 per annum
For Operation	9,258.00 per annum
For Travel	3,000.00 per annum
For Capital Investment	800.00 per annum
For repairs and replacement	700.00 per annum
For contingencies	1,500.00 per annum

For replacement of automobiles to be expended during the fiscal year beginning July 1, 1923 and ending June 30,

1924 ..... 1,500.00 per annum

For cooperation with the Reclamation Service of the United States to determine the feasibility of irrigation projects ..... 5,000.00 per annum

TOTAL Appropriations for two years 143,916.00

Subdivision 42. For the Arizona Land Settlement Commission to be expended during the biennium beginning July 1, 1923 and ending June 30, 1925:

For the purposes provided by the Arizona Land Settlement Act $98,679.02

Subdivision 43. For the National Guard of Arizona:

For each of the fiscal years beginning July 1, 1923, and ending June 30, 1924, and beginning July 1, 1924, and ending June 30, 1925.....$42,000.00 per annum

For Americanization for each of the fiscal years beginning July 1, 1923 and ending June 30, 1924, and beginning July 1, 1924 and ending June 30, 1925..... 3,000.00 per annum

For building of a Hay Shed and Stable for Mesa Armory, for the year beginning July 1, 1923, and ending June 30, 1924 ..... 1,500.00

TOTAL APPROPRIATIONS FOR TWO YEARS $91,500.00

Subdivision 44. For the Premium on Bonds of State Officials pursuant to law .....$ 550.00 per annum

Subdivision 45. For the Board of Examiners for the examination of applicants for admission to the bar ..... 600.00 per annum

Subdivision 46. For the Board of Pardons and Paroles:

For salaries and wages for each of the fiscal years beginning July 1, 1923, and ending June 30, 1924, and beginning July 1, 1924, and ending June 30, 1925..... 1,000.00 per annum

Total appropriations for the two fiscal years beginning July 1, 1923 and ending June 30, 1924, and beginning July 1, 1924 and ending June 30, 1925..... $2,000.00

Subdivision 47. For the State Board of Dental Examiners:

For each of the fiscal years beginning July 1, 1923, and ending June 30, 1924, and beginning July 1, 1924, and ending June 30, 1925.....$ 1,500.00 per annum

Subdivision 48. For the State Board of Chiropractic Examiners:

For each of the fiscal years beginning July 1, 1923, and ending June 30, 1924, and beginning July 1, 1924, and ending June 30, 1925:

The amount of all fees received by the State Board of Chiropractic Examiners during each of said fiscal years when paid into the State Treasury are hereby appropriated for the purpose of contributing to the payment of expenses of the operation of said Board.

Estimated income other than by direct State Tax 800.00

Subdivision 49. For the Board of Medical Examiners:

For the fiscal years beginning July 1, 1923, and ending June 30, 1924, and beginning July 1, 1924 and ending June 30, 1925:

The amount of all fees received by the Board of Medical Examiners during each of the said fiscal years when paid into the State Treasury are hereby appropriated for the purpose of contributing to the payment of expenses of the operation of said Board.

Estimated income other than by direct State Tax ..... 800.00 per annum

Subdivision 50. For the State Board of Registration:

For each of the fiscal years beginning July 1, 1923, and ending June 30,

1924, and beginning July 1, 1924, and ending June 30, 1925:

The amount of all fees received by the State Board of Registration during each of said fiscal years when paid into the State Treasury are hereby appropriated for the purpose of contributing to the payment of expenses of the operation of said Board.

Estimated income other than by direct State Tax ..... $800.00 per annum

Subdivision 51. For the State Board of Nurse Examiners:

For each of the fiscal years beginning July 1, 1923, and ending June 30, 1924, and beginning July 1, 1924, and ending June 30, 1925:

The amount of all fees received by the State Board of Nurse Examiners during each of said fiscal years when paid into the State Treasury are hereby appropriated for the purpose of contributing to the payment of expenses of the operation of said Board.

Estimated income other than by direct State Tax .....$ 500.00 per annum

Subdivision 52. For the Arizona State Board of Examiners in Optometry:

For each of the fiscal years beginning July 1, 1923, and ending June 30, 1924, and beginning July 1, 1924, and ending June 30, 1925:

The amount of all fees received by the Arizona State Board of Examiners in Optometry during each of said fiscal years, when paid into the State Treasury are hereby appropriated for the purpose of contributing to the payment of expenses of the operation of said Board.

Estimated income other than by direct State Tax .....$ 500.00 per annum

Subdivision 53. For the State Board of Embalming:

For each of the fiscal years beginning July 1, 1923, and ending June 30, 1924, and beginning July 1, 1924, and ending June 30, 1925:

The amount of all fees received by the State Board of Embalming, during each of said fiscal years, when paid into the State Treasury, are hereby appropriated for the purpose of contributing to the payment of expenses of the operation of said Board.

Estimated income other than by direct State Tax .....$ 500.00 per annum

Subdivision 54. For the State Board of Pharmacy:

For each of the fiscal years beginning July 1, 1923, and ending June 30, 1924, and beginning July 1, 1924, and ending June 30, 1925:

The amount of all fees received by the Board of Pharmacy during each of the said fiscal years when paid into the State Treasury are here-

by appropriated for the purpose of contributing to the payment of expenses of the operation of said Board:

Estimated income other than by direct State Tax .....$ 500.00 per annum

Subdivision 55. For the State Game Warden for each of the fiscal years beginning July 1, 1923 and ending June 30, 1924, and beginning July 1, 1924, and ending June 30, 1925:

For Salaries and Wages.....$ 4,200.00 per annum
1 Game Warden .....$2,400.00 per annum
1 Office Deputy ..... 1,800.00 per annum
For Travel ..... 1,000.00 per annum

Total Appropriations .....$ 5,200.00 per annum

The following sums herein set forth are hereby annually appropriated for the several purposes as hereinafter set forth, and the State Auditor is hereby authorized and directed to draw his warrants on the State Game Protection Fund to the amounts herein set forth and for the purposes herein specified; and the State Treasurer is hereby authorized and directed to pay said warrants out of the State Game Protection Fund in the State Treasury:

For the State Game Warden:

For Salaries and Wages for each of the fiscal years beginning July 1, 1923 and ending June 30, 1924, and beginning July 1, 1924 and ending June 30, 1925.....$ 5,640.00 per annum

For the following positions not to exceed the an-

nual rates herein specified:		
2 Field Deputies at $1,200.00	2,400.00 per annum	
Extra Deputies (part time)	3,240.00 per annum	
For travel		4,000.00 per annum
For operation for the fiscal year beginning July 1, 1923 and ending June 30, 1924	10,335.00	
For operation for the fiscal year beginning July 1, 1924 and ending June 30, 1925	11,200.00	
For repairs and replacements for the fiscal year beginning July 1, 1923 and ending June 30, 1924		$ 25.00
For repairs and replacements for the fiscal year beginning July 1, 1924 and ending June 30, 1925		60.00 per annum
For capital investment for the fiscal year beginning July 1, 1923 and ending June 30, 1924	1,000.00 per annum	
For capital investment for the fiscal year beginning July 1, 1924 and ending June 30, 1925	100.00 per annum	
Total appropriation		$31,000.00 per annum

The appropriations herein made are subject to the provisions of Chapter 35, Laws of 1922, Special Session of the Arizona Legislature.

Subdivision 56. For Interest on the Public Debt:

For each of the fiscal years beginning July 1, 1923, and ending June 30, 1924, and beginning July 1, 1924, and ending June 30, 1925	$35,776.26 per annum

For redemption of the Public Debt:

For each of the fiscal years beginning July 1, 1923, and ending June 30, 1924, and beginning July 1, 1924, and ending June 30, 1925	35,241.34 per annum
To reimburse the General Fund of the State account of the money expended for the redemption of St. Louis Exposition Bond for the year July 1, 1922 to June 30, 1923	1,662.44

Subdivision 57. There is hereby appropriated out of the General Fund for each of the fiscal years beginning July 1, 1923 and ending June 30, 1924, and beginning July 1, 1924, and ending June 30, 1925, the sum of $7,000.00 for the purpose of installation and maintenance of stream gauging stations on the Colorado River and its principal tributaries in Arizona, exclusive of any money appropriated for the Gila River and its tributaries.

There is also appropriated out of the General Fund for the fiscal year beginning July 1, 1923 and ending June 30, 1924 and sum of $11,800.00 and for the fiscal year beginning July 1, 1924,

and ending June 30, 1925, the sum of $10,000.00 making a total for the biennium of $21,800.00 to be used for the purpose of installation maintenance and continuation of stream gauging stations on rivers and streams other than the main Colorado River.

The above moneys are to be expended under the direction of the State Water Commissioner in co-operation of the United States Geological Survey as set forth in the budget submitted by the said United States Geological Survey for the biennium beginning July, 1923, and ending June 30, 1925; it being understood that the United States Geological Survey will match the State Funds herein appropriated as far as may be possible with such funds as the Federal Government may designate and appropriated for the carrying on of this work in Arizona.

There is hereby appropriated for investigation and survey of the Colorado River projects whatever balance may be on hand in the State Treasury out of the $20,000.00 appropriated by the Fifth State Legislature, Special Session, 1922, to complete the work now being done by the Arizona Engineering Commission under the direction of Mr. E. C. LaRue of the United States Geological Survey, Estimated balance on hand July 1, 1923 .....$5,000.00

Section 2. In all cases where money appropriated under the provisions of this Act is or shall be expended for labor, only citizens of the United States or wards of the United States shall be employed and actual bona fide resident citizens of the State shall be given the preference whenever such labor as may be required can be found within this State, and before any labor can be sought outside of this State, either directly or indirectly,

the person, contractor, firm or corporation, shall file with the State Auditor a verified written statement setting out in detail the effort put forth, showing his, their or its inability to secure labor as is required within this State, and if the Auditor is satisfied of such inability, then the Auditor may execute a release permitting the bringing into this State such citizens only of the United States as may be needed for such work. Before any money herein appropriated shall be paid out for labor or construction, a verified statement shall be filed with the Auditor, showing strict compliance with the provisions of this section. If the provisions of this section are not complied with, it shall be unlawful to pay out any of the moneys herein appropriated; and any contract entered into wherein the provisions of this section have not been complied with shall be void; provided, that nothing herein shall be construed to prevent the working of prisoners by the State.

Section 3. All claims for moneys appropriated or the disposition of which is provided for by the provisions of this Act shall be itemized and accompanied by proper vouchers, and each claim shall be audited by the State Auditor who shall reject any voucher or claim or any part thereof, the money for which has not been previously appropriated by law. All said claims shall be verified and the form of said claim and the verification thereof shall be prescribed by the State Auditor. The State Auditor is hereby authorized and directed to draw his warrant upon the proper fund for the amount audited by him and the State Treasurer is hereby authorized and directed to pay said warrant out of the fund upon which it is drawn, provided, that all claims for moneys appropriated by this Act shall be fully

itemized and that no items shall be grouped under the words "incidentals" or other general term covering more than one item; should any such items be grouped under the head of "incidentals" or other general term the State Auditor is hereby authorized and directed to reject such claim until it is properly itemized.

Approved with the exception of certain items which I have vetoed and listed in the letter transmitting this bill March 20, 1923.

EXECUTIVE OFFICE
State House
Phoenix, Arizona

March 21, 1923.

My Dear Mr. Kerby:

Substitute House Bill No. 57 has been in my hands now for ten days since the adjournment of the Legislature, it is therefore the law and I am herewith transmitting it to your office for filing.

I am somewhat doubtful of the advisability of enacting this character of legislation. Experience has proven that repressive legislation enacted to meet one situation frequently results in it being applied to persons and organizations who were not considered at all at the time of the passage.

I have in mind, for instance, the Sherman Anti-Trust Law, which was passed to curb the trusts of the country, but which has done little to prevent the consolidation of our industries into a few large corporations, which have been employed so often by the Federal courts in hampering and restricting the activities of labor organizations.

The fact that the Democratic Platform pledged the enactment of some such legislation, impelled me to permit the bill to become a law.

Very truly yours,
(Signed) GEO. W. P. HUNT,
Governor.

Hon. James H. Kerby,
Secretary of State,
Phoenix, Arizona.

CHAPTER 78.

(Substitute House Bill No. 57.)

AN ACT

REGULATING AND RESTRICTING THE USE OF MASKS AND DISGUISES, AND PROVIDING PENALTIES.

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

Section 1. Every person who shall wear any mask or personal disguise with intent to disturb, annoy, alarm or intimidate any person in this State, or for the purpose of escaping detection or identification in the commission of any public offense, or for the purpose of evading arrest, and every person who, while masked or personally disguised, whether completely or partially, shall disturb, annoy, alarm or intimidate, or shall attempt to disturb, annoy, alarm or intimidate, any person in this State, shall be guilty of a felony.

Section 2. Every person who shall organize or assist in organizing, or shall become or remain a member of, any order, society, association, corporation or other organization, the members of

which wear masks or personal disguises, whether complete or partial, with the intent or for any of the purposes mentioned in Section 1 of this Act, shall be guilty of a felony.

Section 3. Every Act which, under the laws of this State, would otherwise be a misdemeanor only, shall, if committed by any person wearing any mask or personal disguise, whether complete or partial, be deemed to be a felony, and the person guilty thereof shall be punished as hereinafter provided.

Section 4. Every person who, while masked or personally disguised, whether completely or partially, shall commit any felony, shall, in addition to the punishment otherwise provided by law for such felony, be further punished as hereinafter provided.

Section 5. Every person who shall be guilty of any felony defined in this Act, and every person who shall commit any other felony while masked or personally disguised, whether completely or partially, shall, upon conviction thereof, be punished by imprisonment in the State prison for not less than one year nor more than fifteen years.

Section 6. This Act shall not be construed as applying or as having any reference whatever to the wearing of masks or disguises in any room or building by persons peaceably and lawfully assembled therein, with the permission of the owner thereof, for the purpose of amusement or entertainment or attendance at meetings of fraternal organizations.

"This Bill having remained with the Governor ten days, Sundays excluded, after the final adjournment of the legislature, and not having

been filed with his objections, has become a law this 21st day of March, 1923."

(Signed) JAMES H. KERBY,
Secretary of State.

RESOLUTIONS

SENATE RESOLUTION NO. 2

WHEREAS, a condition of dissatisfaction, distrust and general lack of confidence exists today throughout the State of Arizona, pertaining to the general banking situation; and

WHEREAS, following a period of unprecedented adversity in the general business and principal enterprises of the State, a number of banks in diverse sections of the State suspended business, with the result that Bank patrons lost all or nearly all of their deposits, and at a time when the representations of the banking interests tended to the general belief that the banks were sufficiently sound and solvent to aid the financially stricken business man, ranchman and miner; and

WHEREAS, the failure of the "Central Bank of Phoenix", its reopening under the name of the "Bank of Phoenix," and its subsequent, second failure, causing a loss of hundreds of thousands of dollars to its depositors, together with the possible or probable loss of nearly one half million dollars of the funds of the State of Arizona, is now and has been the paramount subject of indignant speculation and surmise on the part of thousands of our citizens; and

WHEREAS, the Honorable Geo. W. P. Hunt, Governor of Arizona, did, in his message to the Sixth State Legislature delivered by him on the 8th day of January, 1923, call the attention of the legislature to the banking situation within the State, and in the following language did urge the said Sixth State Legislature to investigate:

> "In order that the integrity of our financial institutions may not be impaired and that the public confidence in the banks may

be assured, a thorough investigation of the banking situation in Arizona should be made by the Legislature."

"It is imperative, if sound credit is to be maintained, that the banks of the State have the implicit confidence of the people, and I trust that your investigation may be thorough and unbiased."

Now, therefore,

BE IT RESOLVED, by the State Senate of the Sixth Legislature of the State of Arizona, that "in order that the integrity of our financial institutions may not be impaired and that the public confidence in the banks may be assured, a thorough investigation of the banking situation in Arizona", to include the various departments thereof,—trust departments, insurance departments, etc., be made.

IT IS FURTHER RESOLVED, that the Committee on Banking and Insurance of the State Senate be and hereby is authorized to immediately make such an investigation; and full power and authority is hereby vested in said Committee to make such thorough and careful investigation of the banking situation within the State as will make known all facts contemplated by the spirit and the letter of these Resolutions and the Governor's message.

IT IS FURTHER RESOLVED, that the said Committee for the purposes of said investigation, report and recommendations shall have all the power and authority conferred upon legislative committees by the general law of the State of Arizona, and the rules of the said Senate, and shall have the general authority to do and perform all things and acts and employ such assistance and assistants, as by it shall be deemed nec-

essary and required to perform, carry out and complete the objects and purposes herein set forth and by this resolution comprehended, and be it further

RESOLVED, that the expenses of the said committee shall be paid from the fund of said Senate appropriated for contingent expense upon vouchers properly certified by the Chairman of said Committee which shall be paid as ordinary Legislative charges and expense of the Legislature of the State of Arizona.

FURTHER RESOLVED, that the said Committee on Banking and Insurance OF THE State Senate, be directed to proceed with all due diligence in the prosecution of this investigation and report its findings and recommendations to the said State Senate at least one week prior to the adjournment of the present legislative session.

Passed by Senate January 16, 1923.

SENATE RESOLUTION NO. 3

BE, AND IT HEREBY IS RESOLVED, by the Senate of the Sixth Legislature of the State of Arizona, in regular session assembled, that a legislative committee of said Senate, to be styled, COMMITTEE OF INVESTIGATION OF STATE HIGHWAY DEPARTMENT AND AFFAIRS," to consist of three members of the said Senate, to be

forthwith appointed by the President of the Senate, with instructions and full power and authority to investigate, report and make recommendations upon all affairs and matters pertaining to the highways and highway or public road system of the State of Arizona, The Highway Department of the State of Arizona and the office of State Engineer of the State of Arizona, over the period of the existence of such department or office and of its or their predecessors in function and control of the said highways and highway or public road system of the State of Arizona, and to make written findings as to such investigation and written recommendations as to the organization, financing, control and operation of the said department or office, and to transmit the same to the Governor of the State of Arizona and to the President of said Senate, at the earliest practical moment, and be it further,

RESOLVED, that for the purposes of said investigation, report and recommendations, said Committee shall be empowered and shall have the authority, by and through its members, agents and appointees to demand, receive and examine all records, of whatsoever kind and nature, of any and all Departments of State, State and County Agencies, of any political subdivision of the State and of any individual, partnership, association or corporation, in any way or manner, directly or indirectly connected or concerned with, relating or pertaining to any activity, project or other business of any kind whatsoever, carried on or conducted by said Highway Department or office of State Engineer, or in association therewith or by contract or other arrangement therewith, and be it further,

RESOLVED, that the said Committee for the

purposes of said investigation, report and recommendations shall have all the power and authority conferred upon legislative committees by the general law of the State of Arizona, and the rules of the said Senate, and shall have the general authority to do and perform all things and acts and employ such assistant and assistants, as by it shall be deemed necessary and required to perform, carry out and complete the objects and purposes herein set forth and by this resolution comprehended, and be it further

RESOLVED, that the expenses of the said committee shall be paid from the fund of said Senate appropriated for contingent expense upon vouchers properly certified by the Chairman of said Committee which shall be paid as ordinary Legislative charges and expense of the Legislature of the State of Arizona.

Passed the Senate January 13, 1923.

SENATE RESOLUTION NO. 6

WHEREAS, the Pioneer of Arizona who blazed the trails that made it possible for a younger generation to enter the state in Pullman cars; who fought the Indians that a younger generation might profit from the treasures of the mines and the riches of the soil, are deservedly destined for an eternal shrine in the Hall of Fame of the State, and

WHEREAS, there is visiting the City of Phoenix at this time a pioneer of pioneers, a man who arrived in Arizona on Christmas Day, 1861, the oldest living Pioneer of Arizona, a prospector,

a miner, a stock raiser, a farmer and a merchant; a man who has served his county and state as a member of early Territorial Legislatures, the Honorable Sol Barth; it is therefore

RESOLVED, by the Senate of the Sixth Legislature of the State of Arizona that as a mark of respect to this venerable pioneer of the State, that the privileges of the floor be extended to the Honorable Sol Barth of Apache County.

Passed the Senate January 23, 1923.

SENATE RESOLUTION NO. 7

Whereas, there was called to the Heavenly Kingdom on the nineteenth day of January, 1923, after a long period of suffering, marked with fortitude and loving resignation, the spirit of a Christian wife and mother, Mrs. Lida Norris Ross, wife of John Wilson Ross, of Bisbee, Arizona; and

Whereas, Lida Norris Ross was a lady of that motherly school living and always doing for those she loved, always devoted to and working for the advancement of the interests of her husband, John Wilson Ross, former Associate Justice of the Supreme Court of the State of Arizona, himself esteemed and respected both as a lawyer and a judge; and,

Whereas, the countless numbers of the friends of the departed and her esteemed husband, were overcome by profound sorrow by the passing of this estimable and much beloved lady, it is

Resolved, by the Senate of the Sixth Legislature of the State of Arizona, that out of respect

to the memory of the deceased, and as a tribute to its respect and esteem of her bereaved husband, John Wilson Ross, that these Resolutions be spread on the Journal of this day's proceedings and a suitably engrossed copy, signed by the President and Secretary of the Senate, be transmitted to the said Honorable John Wilson Ross.

Passed the Senate January 26, 1923.

SENATE RESOLUTION NO. 10

WHEREAS certain data and information is now in the custody of the Arizona State Water Commission which may be of material benefit to the State Legislature in arriving at definite conclusions pertaining to the future utilization of the waters of the Colorado River, it is therefore

RESOLVED, that the Senate of the Sixth Legislature of the State of Arizona, in regular session assembled do direct the following questionnaire to the said State Water Commissioner, and request that replies thereto be by him submitted within five days from the date of the passage thereof:

1. How many applications for power sites and dam sites on the Colorado River are now on file in the Water Commissioner's office?

2. By whom were the applications filed? And when?

3. In the case of each applicant, what do the records and information in possession of the Water Commissioner state in respect to:

a. Financial disclosures bearing upon ability to finance the project?

b. What is known about the personnel of the applicant or applicants in respect to their business and financial connections?

c. Will the project be publicly owned and controlled or privately owned and controlled?

d. What irrigation service will be rendered to Arizona districts with rates for water?

e. What power service will be rendered to Arizona and what power rates will be guaranteed?

f. What will be the length of time of construction of the project, approximately?

g. In each case what relation has the proposed project to the best interest of the public?

4. How many licenses have been issued by the Water Commissioner for the construction of dams and power sites, and where are such proposed dams and power sites located?

a. Has the license been issued for the Diamond Creek site on the Colorado River? On the assumption that such is the case, who are the applicants and associates upon whose request the Diamond Creek license was issued?

b. Who are the owners of the Diamond Creek license and who are the associates of the owners in the proposed financing?

c. From what source will the funds come in the financing of the Diamond Creek project?

d. In whose control will be the Diamond Creek project when financed and constructed?

e. Will the Southern California Edison Company be interested in the Diamond Creek Project?

f. What power rates are guaranteed to the public of Arizona by the promoters of the Diamond Creek project?

g. What power distribution service is promised for various parts of Arizona by the promoters of the Diamond Creek project?

h. What are the full details within the knowledge of the Water Commissioner about all matters associated with the Diamond Creek project and bearing upon the question of the best interest of the people of the State of Arizona?

Passed the Senate February 17, 1923.

SENATE RESOLUTION NO. 11

BE, AND IT IS HEREBY RESOLVED that the sum of Five Thousand ($5,000.00) Dollars, remaining unexpended in the Senate Contingent Fund as provided by House Bill No. 7, passed by the Sixth Legislature of the State of Arizona, Regular Session, be, and the same is hereby set aside for the sole use of the Committee on Banking and Insurance to be expended by it pursuant to the directions and authorities of Senate Resolution No. 2.

Passed the Senate February 19, 1923.

SENATE RESOLUTION NO. 13

Be, and it is hereby Resolved: That no bills be introduced after the 26th day of February, 1923, unless presented by a standing or special committee, or by unanimous consent.

Passed the Senate February 24, 1923.

SENATE RESOLUTION NO. 14

BE AND IT IS HEREBY RESOLVED that all expenses of the committee heretofore appointed by the President of the Senate to investigate the Lyman Dam in the State of Arizona be paid out of the contingent fund of the Senate, authorized and provided in House Bill No. 7, passed by the Sixth Legislature of the State of Arizona, upon duly itemized and sworn claims therefor, approved by the chairman of such committee and the President of the Senate.

Passed the Senate March 2, 1923.

RESOLUTION 15.

That the Attaches of the State Senate be paid for a period of five days; said payment to be made from the Senate Contingent Fund.

Passed the Senate March 9, 1923.

HOUSE RESOLUTION NO. 8

BE, AND IT IS HEREBY RESOLVED, By the House of the Sixth Legislature of the State of Arizona, in regular session assembled, that a legislative committee of said House, to be styled, COMMITTEE OF INVESTIGATION OF STATE HIGHWAY DEPARTMENT AND AFFAIRS, to consist of three members of the said House, be forthwith appointed by the Speaker of the House, with instructions and full power and authority to investigate, report and make recommendations upon all affairs and matters pertaining to the highways and highway or public road system of

the State of Arizona, the Highway Department of the State of Arizona and the office of State Engineer of the State of Arizona, over the period of the existence of such department or office and of its or their predecessors in function and control of the said highways and highway or public road system of the State of Arizona, and to make written findings as to such investigation and written recommendations as to the organization, financing, control and operation of the said department or office, and to transmit the same to the Governor of the State of Arizona and to the Speaker of the House, at the earliest practical moment, and be it further

RESOLVED, That for the purposes of such investigation, report and recommendations, said Committee shall be empowered and shall have the authority, by and through its members, agents and appointees to demand, receive and examine all records, of whatsoever kind and nature, of any and all departments of State, State and County Institutions, State and County Agencies, of any political subdivision of the State and of any individual, partnership, association or corporation, in any way or manner, directly or indirectly connected or concerned with, relating or pertaining to any activity, project or other business of any kind whatsoever, carried on or conducted by said Highway Department or office of State Engineer, or in association therewith or by contract or other arrangement therewith, and be it further

RESOLVED, That the said Committee for the purpose of said investigation, report and recommendations shall have all the power and authority conferred upon legislative committees by the general law of the State of Arizona, and the

rules of said House, and shall have the general authority to do and perform all things and acts and employ such assistance and assistants, as by it shall be deemed necessary and required to perform, carry out and complete the objects and purposes herein set forth and by this resolution comprehended, and be it further

RESOLVED, That the expenses of the said Committee shall be paid from the fund of said House appropriated for contingent expense upon vouchers properly certified by the Chairman of said Committee which shall be paid as ordinary Legislative charges and expense of the Legislature of the State of Arizona.

Passed the House January 18, 1923.

HOUSE RESOLUTION NO. 19

BE IT RESOLVED By The House of Representatives of the Regular Session of the Sixth Legislature of the State of Arizona:

That out of the sum of money appropriated in Subdivision numbered (2) of Section 1 of House Bill No. 7 of the Regular Session of the Sixth Legislature of the State of Arizona, approved January 16, 1923, each and every attache employed by the House of Representatives be paid a full week's pay for the week ending March 10, 1923.

Passed the House March 8, 1923.

HOUSE RESOLUTION NO. 20

BE IT RESOLVED by the House of Representatives of the Regular Session of the Sixth Legislature of the State of Arizona:

That out of the sum of money appropriated in Subdivision numbered (2) of Section 1 of House Bill No. 7 of the Regular Session of the Sixth Legislature of the State of Arizona, approved January 16, 1923, or any balance available in Sub. 1, Sec. 1, House Bill 201, each and every attache employed by the House of Representatives be paid a full week's pay for the week ending March 10, 1923.

Passed the House March 9, 1923.

JOINT RESOLUTIONS

SENATE JOINT RESOLUTION NO. 3

WHEREAS, the Washington Monument was erected to commemorate the noble services of the "Father of His Country" to Our Land during the perilous period of the formation of the Nation, and to perpetuate the memory of those services in the minds of posterity;

AND WHEREAS, each State of the Union was asked to contribute a stone to be placed in this Monument;

AND WHEREAS, The Arizona Chapter of the Daughters of the American Revolution has undertaken the noble and patriotic service of securing and arranging for transportation to Washington of a stone from the Petrified Forest as Arizona's contribution to this memorial of Washington;

NOW THEREFORE, BE IT RESOLVED by the Sixth Legislature of the State of Arizona, assembled in regular session, that the Secretary of War is hereby authorized to place this stone, secured by the Arizona Chapter of the Daughters of the American Revolution, in the Washington monument, for and on behalf of the State of Arizona, as its offering for this shrine of the "Father of His Country", with the earnest hope and devout prayer that our great Nation and the memory of Washington may be as imperishable through the ages as is this symbol from Arizona;

AND BE IT FURTHER RESOLVED, that the Governor is hereby authorized to present this stone to the Nation in person or to designate and delegate such representative as he may select to

perform this distinguished duty for and on behalf of the State;

AND BE IT FURTHER RESOLVED, that a copy of this resolution be transmitted by the Governor to the Secretary of War.

Passed the Senate March 5, 1923.

Passed the House March 6, 1923.

CONCURRENT RESOLUTIONS

CONCURRENT RESOLUTION NO. 2

WHEREAS, Continued improvement in the health of the Honorable Woodrow Wilson is reported, thereby permitting his occasional public appearance, and

WHEREAS, This fact is a matter of gratification to the people of the State of Arizona as well as to the nation as a whole, therefore

BE IT RESOLVED By the Senate of the Sixth Legislature of the State of Arizona, the House concurring, that the following telegram be signed by the President of the Senate and the Speaker of the House of Representatives and transmitted by wire to the Honorable Woodrow Wilson, Washington, D. C.

> The Legislature of the State of Arizona desires to extend to you its sincerest and heartiest congratulations upon the reported continuation of improvement in your health, for which it gratefully thanks Almighty God; and to express to you its renewed confidence in the ultimate triumph of the ideals expressed and the policies exemplified in your statesmanship.

Passed the Senate, January 19, 1923.

Passed the House, January 19, 1923.

SENATE CONCURRENT RESOLUTION NO. 6

Whereas the railroad shop craft workers have been on strike throughout the Nation since July 1, 1922, and the railroads in Arizona have been affected thereby, and

Whereas the President of the United States did on July 31, 1922, submit to the railroad com-

panies and the striking shop craft workers a proposition for the settlement and adjustment of the differences between the companies and the workers, which said proposition has been accepted by the workers throughout the Nation and by one hundred and forty-eight (148) of the leading railroad companies, and

Whereas the Atchison, Topeka & Santa Fe Ry., the Southern Pacific Railroad Co., and the Arizona Eastern Ry. Co., three roads operating in and through the State of Arizona, have refused and still refuse to accept the proposition aforesaid for the settlement of said strike, and

Whereas the said refusal of the said three companies to adjust said strike has resulted in faulty railroad equipment and rolling stock, resulting in numerous wrecks, late trains, bad transportation facilities both passenger and freight, and in general, working hardships upon the train crews and the public at large, therefore

Be It Resolved that the Sixth Legislature of Arizona, in Regular Session assembled, petition the President of the United States to take such steps and use such force as may be necessary to cause said three railway companies, operating in this State, to adjust and compromise said differences with their employees in accordance with the President's proposition dated July 31, 1922, to the end that transportation facilities in Arizona may be made safe and adequate for the public good.

Passed the Senate March 7, 1923.

Passed the House March 8, 1923.

SENATE CONCURRENT RESOLUTION NO. 15

Whereas, the Joint Committee appointed by the House and Senate of the Sixth Legislature of the State of Arizona to investigate the condition and affairs of the Lyman Dam Project in Apache County, Arizona, did make a careful investigation of such condition and affairs, and in conjunction with engineers selected by your committee, inspected said project and made and filed a complete report with the Senate and House of the Sixth Legislature and after such examination and inspection, said Committee was of the opinion that some action on the part of the Legislature is necessary to protect the interest of the State and land owners under said project, but that by reason of the short period of time left after the filing of this report, the Legislature was unable to work out and enact any legislation that would remedy the situation and protect the interest of the State and the land owners under said project, and

Whereas, there is a very serious probability that certain legislation which has been proposed at this session of the legislature, will probably not obtain the necessary relief, and safeguard the rights and interests of the said land owners, and the State of Arizona.

Therefore, be it resolved by the Sixth Legislature of the State of Arizona that it is a matter of great importance to the land owners under said project and the State of Arizona, that legislation be carefully considered and enacted to relieve the above situation as it now exists; and to safeguard the rights of the State and the land owners and, that, at the next meeting of this or the succeeding Legislature, legislation on this subject be considered and enacted at the earliest

possible date to carry out the sense of this resolution.

Passed the House March 10, 1923.

Passed the Senate March 10, 1923.

HOUSE CONCURRENT RESOLUTION NO. 3 FOR THE ANNUAL DISPLAY OF THE AMERICAN FLAG ON MOTHER'S DAY, THE SECOND SUNDAY IN MAY.

WHEREAS, The services rendered the United States by our American Homes is the supreme source of our country's strength and aspiration; and

WHEREAS, We honor ourselves, our homes, state and nation when we do anything to give emphasis to the home as the fountainhead of the state; and

WHEREAS, The American mother has done, and is doing, so much for the home, the moral and industrial uplift and religion, hence so much for good government, patriotism, humanity and religion; and,

WHEREAS, Many of the states of the Union, recognizing the wonderful spirit of good encompassing such a measure, have already adopted a like Resolution, formulated by the "Mother's Day International Association," therefore, be it

RESOLVED: That the Sixth Legislature of the State of Arizona requests the Governor to issue annually a proclamation calling upon our state officials to display the United States Flag on all state and school buildings, and the people of the state to display the flag at their homes, lodges, churches, places of business and other suitable places, on the

SECOND SUNDAY IN MAY, KNOWN AS MOTHER'S DAY, Founded by ANNA JARVIS of Philadelphia, Pa., as a public expression of love and reverence for the homes of our state, especially for their mothers and other patriotic women therein, and the Governor urge the celebration of Mother's Day, in said proclamation in such a way as will deepen home ties and inspire better homes and closer union between the commonwealth, its homes and their sons and daughters.

Passed the House, January 26, 1923.

Passed the Senate, January 27, 1923.

HOUSE CONCURRENT RESOLUTION NO. 8

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE REGULAR SESSION OF THE SIXTH LEGISLATURE OF THE STATE OF ARIZONA THE SENATE CONCURRING:

That out of the sum of money appropriated in subdivision numbered (4) of Section 1 of House Bill No. 7 of the Regular Session of the Sixth Legislature of the State of Arizona approved January 16, 1923, and/or out of the sum of money appropriated in subdivision numbered (2) of Section 1 of House Bill No. 201 of the Regular Session of the Sixth Legislature of the State of Arizona approved March 5, 1923, there is hereby set aside and reserved the sum of One Thousand ($1,000) Dollars to pay all the necessary expenses of completing the records of both Houses of said session of the legislature, comparing the journals of both houses, revising and proofread-

ing the printed journals and indexing the same, and for doing all things necessary and proper to complete the official records of both Houses of the legislature;

Five Hundred ($500.00) Dollars to be expended for the work in the House of Representatives by and under the direction and authority of the Chief Clerk of said House, or his assistant, and Five Hundred ($500.00) Dollars to be expended for the work in the Senate by and under the direction and authority of the Secretary of the Senate, or his assistant.

On the filing of claims approved by the Governor of the State of Arizona, together with a certificate from the Secretary of State that the journal of the House, in the case of payment for the work in the House, and that the journal of the Senate, in case of payment for the work in the Senate, has been filed in his office, the Auditor is hereby authorized and directed to draw his warrants on the State Treasurer for all claims so approved; and the State Treasurer is hereby authorized and directed to pay the said warrants from the fund above named.

Passed the Senate March 8th, 1923.

Passed the House March 8th, 1923.

HOUSE CONCURRENT RESOLUTION NO. 6

WHEREAS, since July 1st, 1922, the date of the Federated Shop Craft strike, the Government of the United States of America has seen fit to deputize thousands of citizens as Deputy United States Marshals, seemingly upon the solicitation of the Railroad Managements, to see that the

laws and Federal Injunction were not violated by the strikers, and

WHEREAS, there are 91,112 locomotives and 5,682,323 cars used for transportation service, fifty Federal Locomotive Inspectors were assigned to inspect the 91,112 locomotives and fifty Safety Car Inspectors were assigned to inspect the 5,682,323 cars, it being their duty to see that the Railroad Companies do not operate locomotives or cars which are not in the condition required by the United States law and the regulations of the Interstate Commerce Commission; and, an official report of the Interstate Commerce Commission dated August 29, 1922, states that in a typical month recently only 4,085 locomotives were inspected and 2,456 or 60% were defective. At that rate approximately eighteen months elapsed between inspections and the percentage found defective speaks for itself, and

WHEREAS, it is common knowledge that the Railroads are now operating or causing to be operated locomotives and the cars in violation of the laws, thereby endangering the lives of the railroad employees and the traveling public, and

WHEREAS, charges that the Railroads are operating or causing to be operated bad order equipment, supported by specific cases and facts, have been brought to the attention of the Chief Federal Locomotive and Safety Car Appliance Inspector, and

WHEREAS, such charges in fact are invariably in the form of an apology for their inability on account of an insufficient number of inspectors to properly enforce the law and regulations of the Interstate Commerce Commission,

THEREFORE BE IT RESOLVED BY THE SIXTH LEGISLATURE OF THE STATE OF

ARIZONA, in Regular Session Assembled, that we respectfully request the United States Government to appoint and deputize United States Locomotive and Safety Car Appliance Inspectors in sufficient number to cover three eight hour shifts in every terminal, one Federal Locomotive Inspector and one Safety Car Appliance Inspector, to be assigned to each of the three shifts, and

RESOLVED, that action be taken at once to protect the lives and limbs of not only the employees assigned by the railroads to use the equipment in violation of the law but also to protect the lives and limbs of the unsuspecting traveling public who are dependent upon the Government for the enforcement of the rules guaranteeing them safety from defective equipment, and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the President of the United States, the Chairman of the Interstate Commerce Commission, United States Senators and Representatives in Congress, requesting their support and aid in the interest of the citizens of the United States, and

BE IT FURTHER RESOLVED, that a copy of this Resolution be submitted to the Newspapers of the community for publication.

Passed the Senate, March 6, 1923.

Passed the House, February 23, 1923.

MEMORIALS

SENATE MEMORIAL NO. 1

To the Senate and House of Representatives of the Congress of the United States of America, in Congress assembled:

Your memorialist, the Sixth Legislature of the State of Arizona, in regular session convened, respectfully represents:

That of the seventy-three million of acres of land comprising the State of Arizona, approximately one-half are reserved by the government of the United States;

That over these reserved lands the State of Arizona exercises no supervision nor jurisdiction;

That twenty millions of acres of these lands are reserved by the government of the United States to the use and benefit of the Indian peoples in the State of Arizona;

That the above condition exists in many states;

That these Indian reservations are so situate as to prevent a systematic development and extension of county, state or national highways without the co-operation and assistance of the government of the United States;

That the Congress of the United States in enacting a most beneficient national road law, has wholly failed to make any provision for the construction and maintenance of highways over and upon the lands reserved by the federal government to the use and benefit of its Indian wards.

Whereas, adequate transportation facilities are a vital factor in the prosperity and civilization of any country, and are essential to the development of its agriculture and manufactories, to the working of its forests and mines, and to

the spread of education and enlightenment among its citizens; and,

Whereas, the public roads of Arizona are for a large percentage of her citizens, and especially for the forty-two thousand Indian wards of the federal government, the only avenues of transportation leading from the point of production to the point of consumption or rail shipment, and these avenues are only now in the process of their development; and,

Whereas, a very large portion of the State of Arizona is held in reserve by the government of the United States to the use and benefit of its Indian wards, and these reservations are so situated as to prevent any economic or systematic road building activities on the part of the state government as continuous highways are rendered impractical; and,

Whereas, a further inequity results from the fact that traffic in its development takes no account of reservation and state boundaries, and the state government is powerless to provide for the extension of its highway system through the adjoining and intervening reservations; and,

Whereas, the improvement of highways should be commensurate with their importance, and a system of highways upon the Indian reservation in Arizona, would form the only avenue by which the Indian nations could transport their products to a market, or over which the many thousands of tourists from all parts of the United States could pass to view the marvelous beauties of our natural and historical wonders.

Therefore, be it resolved, by the Senate and the House of Representatives of the Legislature of the State of Arizona,

That the development of the material resources of the Indian peoples of Arizona can best be furthered, their material prosperity best enhanced, their education and civilization more readily achieved, and that close association with civilization which has proved to be the efficient means of equipping them to share in the responsibilities of life most certainly assured, by means of highways constructed and maintained over and upon the lands reserved by the government of the United States to their use and benefit; and,

Be it further resolved, that the Congress of the United States be and it is hereby urged to enact any legislation which may be necessary to provide adequate appropriation for the construction and maintenance of highways over and upon Indian reservations in Arizona joining to and in conjunction with the system of state highways.

Resolved further, that a copy of this Memorial, and these resolutions be forwarded to the President of the United States, the President of the Senate, and the Speaker of the House of Representatives, the Secretary of the Interior, the Commissioner of Indian Affairs, and to Representatives of Arizona in Congress; and, that our Representatives in Congress be and they are hereby requested to do all in their power to accomplish the enactment of such legislation.

SENATE MEMORIAL NO. 2

TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA:

Your Memorialist, Sixth Legislature of the State of Arizona, respectfully represents that:

Whereas, the government of the United States by legislative enactment has withdrawn from public entry and settlement 156,666,045 acres of land in the states of California, Oregon, Washington, Idaho, Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, and Nevada, for the purpose of creating national forests; and

Whereas, there is now standing on this land nearly 500,000,000,000 feet board measure of merchantable timber; and

Whereas, 11,355,846 acres of our national forests are within the confines of the State of Arizona, upon which acreage it is estimated by Hon. William B. Greeley, U. S. Forester, that there is now standing over 12,444,000,000 board feet of timber; and

Whereas, over 5,000,000,000 board feet of merchantable timber within our national forests has been destroyed by forest fires during the past five years; and

Whereas, over 18,000,000 acres of national forest lands were by forest fires burned during the summers of 1918 and 1919; and

Whereas, in many instances these national forest fires have spread over large tracts of privately owned timber destroying large tracts of virgin forests and thereby causing tremendous losses to the owners of the land; and

Whereas, the government of the United States has withdrawn this land from entry and pays no taxes on same leaving the whole burden of taxation including all pioneer work upon the people of the several counties of this state some of which counties are as high as..... national forest; and

Whereas, the timber in our national forests is worth at three dollars per thousand stumpage approximately $1,500,000,000 which pays no tax whatever while many of our counties are bonded to the constitutional limit for highway purposes much of the money having been used for the construction of highways adjacent to or through national forests, and

Whereas, there is no way known to man whereby these forests may be saved from destruction by fire except in the construction of permanent commercial highways through and adjacent to our national forests so that the ripe timber may be moved to market and so that fire fighters may be taken quickly to the blaze after it has been discovered; now, therefore, be it

Resolved by the Sixth Legislature of the State of Arizona:

That the Congress of the United States be, and the same is hereby memorialized, to provide by appropriation of funds from our national treasury or by sale of bonds on our national forest timber the necessary funds with which to construct a system of highways through and adjacent to our national forests commensurate with their need of protection against destruction by fire. And be it further

Resolved, that the Secretary of State of the State of Arizona, be, and he is hereby authorized and directed to transmit a copy of this memorial to the President of the United States Senate, the Speaker of the House of Representatives of the United States of America and to each United States Senator and Representative in Congress from Arizona, United States Commissioner of Indian Affairs, United States Bureau of Public

Roads, The Secretary of Agriculture, and Hon. William B. Greeley, U. S. Forester.

Passed by the Senate March 3rd, 1923.

SENATE MEMORIAL NO. 4

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES:

Your memorialist, the Senate of the Sixth Legislature of the State of Arizona, in regular session assembled, respectfully represents:

That the last three years have been years of unprecedented severity and unwonted hardships upon the farmers of Arizona; that the high cost of production, the low price of products, inadequate and imperfect agricultural financing, and excessive transportation charges have conspired to create a condition of the utmost gravity to those engaged in agriculture;

That this condition is greatly accentuated on the federal reclamation projects within the state, where large capital investment, high interest rates, heavy taxes, construction costs and charges for operation and maintenance add their burdens to the onerous conditions to which all agricultural enterprises are being subjected;

That there is no thought or disposition on the part of the farmers, under the federal reclamation projects within this State, to repudiate or evade the payment of any proper charge laid or levied against them, but on the contrary they have an earnest desire and a fixed determination to overcome the difficulties which beset them, to solve the problems which confront them, and to

work out, with such assistance and consideration only as is reasonable and just and fair, their ultimate salvation.

To make this possible, however, such consideration must be shown and such assistance rendered; time must be given and opportunity afforded for recovery from the effect of a period of unexampled depression.

WHEREFORE, your memorialist, the Senate of the Sixth Legislature of the State of Arizona, prays that such legislation may be enacted, by the Congress of the United States, as will do justice to the sorely tried farmer under federal reclamation projects; encourage and inspire them to renewed and hopeful efforts, and afford them reasonable prospect of success in their earnest endeavors; that as a temporary and emergency expedient, through some such measure as that introduced in the Senate of the United States on January 5, 1923, by Senator McNary of Oregon and known as S. 4187, the time may be extended for the payment of charges now due on reclamation projects for construction and operation and maintenance costs; and that, as a measure of permanent and fundamental relief, a law may be enacted extending the period of payments for the construction of reclamation projects from twenty to forty years.

And your memorialist will ever pray.

Passed the Senate, February 21, 1923.

HOUSE MEMORIAL NO. 1

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES:

Your memorialist, the House of Representatives of the Sixth Legislature of the State of Arizona, in regular session assembled, respectfully represents:

That the last three years have been years of unprecedented severity and unwonted hardships upon the farmers of Arizona; that the high cost of production, the low price of products, inadequate and imperfect agricultural financing, and excessive transportation charges have conspired to create a condition of the utmost gravity to those engaged in agriculture;

That this condition is greatly accentuated on the federal reclamation projects within the state, where large capital investment, high interest rates, heavy taxes, construction costs and charges for operation and maintenance add their burdens to the onerous conditions to which all agricultural enterprises are being subjected;

That there is no thought or disposition on the part of the farmers, under the federal reclamation projects within this State, to repudiate or evade the payment of any proper charge laid or levied against them, but on the contrary they have an earnest desire and a fixed determination to overcome the difficulties which beset them, to solve the problems which confront them, and to work out, with such assistance and consideration only as is reasonable and just and fair, their ultimate salvation.

To make this possible, however, such consideration must be shown and such assistance ren-

dered; time must be given and opportunity afforded for recovery from the effect of a period of unexampled depression.

WHEREFORE, your memorialist, the House of Representatives of the Sixth Legislature of the State of Arizona, prays that such legislation may be enacted, by the Congress of the United States, as will do justice to the sorely tried farmer under federal reclamation projects; encourage and inspire them to renewed and hopeful efforts, and afford them reasonable prospect of success in their earnest endeavors; that as a temporary and emergency expedient, through some such measure as that introduced in the Senate of the United States on January 5, 1923, by Senator McNary of Oregon and known as S. 4187, the time may be extended for the payment of charges now due on reclamation projects for construction and operation and maintenance costs; and that, as a measure of permanent and fundamental relief, a law may be enacted extending the period of payments for the construction of reclamation projects from twenty to forty years.

And your memorialist will ever pray.

Passed the House, Feb. 23, 1923.

JOINT MEMORIALS

SENATE JOINT MEMORIAL NO. 1

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

Your Memorialist, the Sixth Legislature of the State of Arizona, in its regular session assembled, respectfully represents:

That Arizona, the youngest of the States and the last frontier of the continental United States, is the home of a citizenry animated by the virile Americanism of the great southwest, devoted to the upbuilding of the character of its people, and maintaining a very high rank in the standing of its educational institutions, yet handicapped by an appalling percentage of illiteracy due, in a large measure, to the steadily increasing number of its foreign born population;

That there is now pending before the Congress of the United States a bill for the restriction of immigration;

Now, therefore, it is respectfully suggested that it is an error to assume that the traditional policy of America has been to provide an asylum and a haven of refuge for the poor and the oppressed of every land. From the very foundation of the Republic there has been shown a desire that there should be some restriction. Washington questioned the advisability of immigration, except of certain skilled mechanics. Jefferson expressed the wish that there were an ocean of fire between this country and Europe, so that it might be impossible for any more immigrants to come here. That it is true that immigration was welcomed and encouraged for many years because it was regarded as a source of national

strength, the country was sparsely settled, there was much free land, and an insufficient amount of labor.

That in the face of cold, hard, present-day facts, this policy should be abandoned. The supply of public lands is no longer adequate to meet the demands of our own people; acute labor problems have arisen; immigration has increased enormously and fundamentally changed its character; the country has become congested with aliens; and we have failed to assimilate them.

That it is un-American for us to permit any such influx of alien immigrants as will make the process of assimilation and amalgamation of our foreign population any more difficult than it already is.

That it is for the best interests of the alien as well as of America that our immigrants should be numerically restricted and wisely and carefully selected from those who are physically sound, mentally alert, and able and willing to be assimilated in an American race worthy to carry on the ideals and traditions of the founders of this country.

That the need of labor in this country is over emphasized, but if such need exists, ignorant, unskilled, non-English speaking foreigners would not meet the need, and would prove in the future as in the past to be both socially and politically very expensive.

That it is of vital consequence that the quality of the aliens who come to us from other lands should be of the best, so that they shall not injure, but will contribute to the maintenance of the high mental and physical standards required of the American race of the future.

WHEREFORE, your memorialist, urges the adoption of the necessary legislation to prevent the influx of alien immigration.

And it is hereby ordered, That his excellency, the Governor of the State of Arizona, be requested to transmit a copy of the foregoing to the President of the United States, to each House of Congress, and to Arizona's Senators and Representative in Congress.

Passed the Senate, February 17, 1923.

Passed the House, February 27, 1923.

SENATE JOINT MEMORIAL NO. 2

WHEREAS, there has been appointed by the 67th Congress, 4th Session, of the United States, under the provisions of H. J. Res. 441, a joint commission known as the JOINT COMMISSION OF GOLD AND SILVER INQUIRY, which said Commission in its report to the Congress, under date of February 17, 1923, accompanying said H. J. Res. 441, has set forth the facts pertaining to the reduced production of gold and silver within the United States during recent years; has defined the causes and power controlling the market value of silver; has advanced the belief that the present strain upon world credit can best be relieved by an increased metallic reserve for monetary purposes, and recommends the creation by Congress of a Fact Finding Commission to thoroughly investigate the many complex questions relating to the cost of production, reduction, refining, transportation, marketing and uses of gold and silver; and

WHEREAS, the State of Arizona has today within its confines, mines of both gold and silver,

long idle on account of most unfavorable conditions pertaining to price, the cost of production, etc., and

WHEREAS, the general prosperity of Arizona will be greatly increased by the resumption of its activities in gold and silver mining, it is therefore

RESOLVED, that the Senate of the Sixth Legislature of the State of Arizona, the House of Representatives concurring to hereby endorse and approve the action of the Congress of the United States, as outlined in H. J. Res. 441, and does heartily approve the recommendations of the said Joint Commission of Gold and Silver Inquiry for the further investigation by a Fact Finding Commission, as set forth in its report to the National House of Representatives. It is further

RESOLVED, that a copy of this Memorial and these resolutions be forwarded to the Joint Commission of Gold and Silver Inquiry of the House of Representatives, Washington, D. C., and a copy to Congressman Carl Hayden and Senators Henry F. Ashurst and Ralph Cameron, requesting their support for the furtherance of any National Legislative action tending to the resumption of the gold and silver mining within the State.

Approved, March 5th, 1923.

HOUSE JOINT MEMORIAL NO. 1

TO THE HONORABLES, THE SECRETARY OF THE INTERIOR, AND THE SECRETARY OF AGRICULTURE, WASHINGTON, D. C.:

Your Memorialist, the Sixth Legislature of the State of Arizona, respectfully represents; that as

The growing and raising of grange cattle is one of the great basic industries of the State of Arizona, the greater part of the herds being grazed and maintained upon the lands of the National Forests and upon the lands of the various Indian Reservations; and as

The cattle industry in the State of Arizona, during the last two years in particular, has been and is now in a state of marked depression and has been maintained to great monetary loss on the part of the owners thereof; and

Unless some substantial relief be granted the owners of the herds grazing on said lands aforesaid, the complete collapse of said industry seems sure and certain; and to the end that aid to be given said owners in preventing said loss and resulting in a serious depletion of the nation's food supply, therefore;

It is respectfully requested that the Department of Agriculture and the Department of the Interior grant the owners of herds of cattle now occupying grazing areas in the National Forests and Indian Reservations of the State of Arizona, the privilege of maintaining said herds on said lands free of any charge or fee to be made therefor, for a period of two years from the date thereof; and that

It be ordered that engrossed copies of this

memorial be sent the Honorables, the Secretary of the Interior, the Secretary of Agriculture, and Arizona's Senators and Representatives in Congress, and that the latter are urged to use every honorable means to secure the relief asked for in this memorial.

Passed the Senate, February 12, 1923.

MESSAGE

OF

GEORGE W. P. HUNT

GOVERNOR OF ARIZONA

TO THE

SIXTH STATE LEGISLATURE

PHOENIX

JANUARY 8, 1923

MESSAGE OF THE GOVERNOR

MR. PRESIDENT, MR. SPEAKER, MEMBERS OF THE SENATE AND HOUSE OF REPRESENTATIVES OF THE SIXTH LEGISLATURE:

When Arizona was admitted to statehood it was little dreamed that we, her people, would be confronted with so many tremendous and vital problems as has been the case during the past ten years. It could not be foreseen that, almost before the fundamental law of Arizona could be put into operation, our country would be plunged into the greatest war the world has ever known, and that the resources of Arizona would play such an important part in protecting and shaping the destiny of the world.

When the Constitution of Arizona was adopted it was hailed in many quarters as being too progressive—too radical. Time and experience have proven that the underlying principles upon which the government of Arizona is based, are sound. Our institutions were put to the test during the greatest crisis in the history of our nation and emerged from that experience completely vindicated.

The tremendous task of financing the war and of paying the interest on the public debt, added to the ordinary cost of government, has become a severe burden to the taxpayers of the State and Nation. This burden has become heavier in Arizona, due to the depression in industry and the loss of markets for the products of our mines and farms.

Having tested our Constitution and laws and found them fundamentally sound, our citizens must now bend their energies toward finding the leaks and stopping any unnecessary expenditures. Economy must be the watchword for the next few years in Arizona. The State government and its various subdivisions must apply to their activities the same principles which guide the thrifty individual in times of stress. Luxuries, which in times of prosperity contribute to the enjoyment of life, should be done away with. Simpler forms of living should be adopted; unnecessary expenditures should be curtailed; and by the practice of economy a healthy financial condition can be maintained.

The burden of taxation in Arizona is proving to be a menace both to the individual and to industry. Hundreds of farmers have lost their homesteads; stockmen have lost their cattle and ranges; business men have become insolvent; working men have lost their homes and savings and have been forced to seek employment in other States.

The taxpayers are unable to meet the present high cost of government and at the same time continue to carry their various occupations forward to success. This being the condition facing us today, retrenchment of State expenditures must be effected.

The Democratic party, to whom the citizens of Arizona have entrusted the administration of the affairs of the State for the coming two years, has made a definite pledge of economy and efficiency in the administration of the business of the State. This pledge must be redeemed. Economy means getting the maximum value for the money expended.

In order that economy may be practiced without impairment of the efficiency of the State departments and institutions, responsibility must be definite. Each branch, office, department and subdivision of the government must be so organized and directed that there can be no evasion of responsibility for the conduct of its affairs. By referring to economy, efficiency and responsibility so early in my message, I do so to give added emphasis to this important matter.

I have always believed in and sponsored progressive measures. I have always worked and striven for the advancement of those principles of progressive popular rule that makes for high governmental ideals. I believe it is a matter of continuing pride, in which I am sure all true Arizonans will join, that the world-wide movement toward release from political thralldom, freedom from class inequalities and oppressive government operation, finds its best expression in the progressive features of the Constitution and laws of Arizona.

Recent political events of national and international magnitude and of world-wide importance, clearly prove that the people are awakening to their political and economic necessities, duties and responsibilities. The overwhelming triumph of militant democracy and the simultaneous election of forward looking men to high positions of trust and responsibility in the affairs of the government of this Nation, vindicate the principles of popular government. These principles have long been synonymous with democracy and disclose a remarkable growth of progressive ideals. The almost unanimous determination on the part of the people to assume full control of the government which, while over them, is right-

fully of and for them, marks a decided epoch in the history of the advancement of civilization and political freedom.

The Democratic party in Arizona based its appeal for the suffrage of the voters on its declarations set out in its platform, and made pledges which must now be translated into law. The promises made in the platform are binding upon every Democratic officer of the State.

The Democratic platform is too long to review in detail. In the course of this message I shall refer to some of its pledges, not singling them out as of more importance than others, but to add some suggestions concerning such legislation.

RESPONSIBILITY IN GOVERNMENT.

The government of the state is composed of three separate and distinct departments—the legislative, executive and judicial. The duties of each department are defined in the Constitution. Each branch of the government has responsibilities peculiarly belonging to it.

The executive branch of the government is concerned primarily with the administration and the enforcement of the laws.

Any laws which would tend to hamper or restrict the efficient exercise of the authority of the administrative branch of the government are not for the best interest of the State.

Previous legislatures, for one cause or another, have at various times enacted laws, which provided for the creation of various offices, boards or commissions, in which the terms of the officers or commissioners were fixed for definite periods of time.

When the people of the State of Arizona elect the Governor and other administrative officers they hold them responsible for the administration of the affairs of the State Government. The Governor of the State in particular is held responsible for the administration. While in theory and in fact the law may provide otherwise, and he may have nothing to do with administering the affairs of certain offices, yet the electorate as a rule does not investigate to ascertain whether or not he may be actually responsible if anything proves unsatisfactory.

Certain laws which contain provisions that appointive officers therein designated, shall hold office for a period longer than the term of the official making the appointment, do not tend to carry out the idea that officers elected by the people shall be responsible to the people for the conduct of the government of the State.

In this connection I desire to call your attention to the various officers, boards and commissions which may be considered as coming within the purport of this portion of my message. They may be divided into three categories:

First—Boards and commissions composed of several State officers.

Second—Officers, boards and commissions appointed by the Governor whose terms of office extend beyond the term of the Governor making the appointment.

Third—Administrative positions created by the Legislature, wherein the Legislature appoints the officials.

The attention of the Legislature is called to the fact that the law which created the Land Board was vetoed by the Governor, but was pass-

ed by the Legislature over the Governor's veto. The administration of the affairs of the Land Board made it a matter of political controversy in several State campaigns.

I have always been a firm believer that elected officials should assume the responsibility for the administration of the affairs of their several offices. I therefore recommend that the law creating the Land Board be amended and that the authority to appoint the Land Commissioner be vested in the Governor.

Another matter I desire to call to your attention is the present Board of Pardons and Parols. The law which provides that the State Superintendent of Public Instruction shall be a member of that board is, in my opinion, a mistaken policy. The man or woman whose duty it is to superintend the education of the youth of our state should not be called to pass upon whether or not persons convicted of crime should be liberated or confined in the State penitentiary. This officer should not be called upon to decide whether or not persons convicted and sentenced to hang should have the death penalty inflicted or commuted. I therefore recommend for your consideration the proposition of submitting a referendum measure to the people of the State, providing for the repeal of this law and the creation of a Board of Pardons and Paroles, composed of three persons, other than State officers, to be appointed by the Governor, with the approval of the Senate, which will provide that the terms of the members of the board shall expire every two years, in order that every incoming Executive shall have the appointing of a board in sympathy with the policy of the administration.

Under the head of subdivision Number Two,

I desire to call your attention to the laws creating the offices of State Historian, the Commission of Agriculture and Horticulture, the State Superintendent of Banks, the State Child Welfare Board, and the Board of Regents of the University of Arizona.

Under the provisions of these laws the terms of the office extend beyond the term of the Governor who makes the appointment. This leaves the situation in such shape that these officers, boards and commissions may perform their duties in a manner wholly in opposition to the policy of the State administration. I therefore recommend that these laws be amended in the case of officers, so that the term of no appointive officer shall extend beyond the term of the Governor who makes the appointment. In the cases of boards and commissions, I recommend that the laws be amended to so provide that the terms of at least a majority of the members of the boards or commissions shall expire every two years, in order that each incoming administration may be assured of having the various parts of our governmental machine working in harmony with the officers elected by the people.

Under the third head I desire to point out that, in spite of the decision of the Supreme Court, I am still convinced that when the Legislature enacts a law creating an appointive office, and in that law names the person to fill the office so created, it is an infringement upon the duties and prerogatives of the executive and administrative branch of the government. I therefore recommend that the laws creating the offices of State Librarian and State Historian be amended to provide that these officers be appointed by the Governor.

THE STATE GAME WARDEN

I recommend that the Legislature make a thorough investigation of the office of the State Game Warden. If it be found that any legislation is needed to provide for the better administration of the duties of this office, I recommend that such laws be enacted.

THE MEMBERS OF THE LEGISLATURE AND ADMINISTRATIVE POSITIONS.

When the fathers of the American Republic drafted the Constitution they tried to eliminate the mistakes which had caused the downfall of other governments. They knew that an oligarchy established by office-holders helped to ruin Greece and Rome.

The members of the Convention which drafted the Constitution of the United States provided for three separate and distinct departments of government. The Constitution of the State of Arizona contains a like provision.

The Fifth State Legislature repealed certain provisions of the law prohibiting members of the Legislature from being elected or appointed to administrative positions.

Section 4 of Subdivision 2 of Article IV of the Constitution of Arizona provides:

> "No person holding any public office of profit or trust under the authority of the United States, or of this State, shall be a member of the Legislature; provided, that appointments in the State Militia and the offices of Notary Public, Justice of the Peace, United States Commissioner and Postmasters of the fourth class shall not work disqualification for membership within the meaning of this section."

The action of the Fifth Legislature in amending the law so as to permit members of the Legislature to hold administrative positions is, in my opinion, unconstitutional. I therefore recommend that Paragraphs 45, 47 and 48 of Chapter 4, Title I, Revised Statutes of Arizona 1913, Civil Code, entitled "State Government," be re-enacted, and that Chapter 8 of the Session Laws of 1921 be repealed.

VACANCIES IN THE LEGISLATURE

Your attention is called to Section 2, Article IV of the Constitution of Arizona, which reads:

> "No person shall be a member of the Legislature unless he shall be a citizen of the United States at the time of his election and shall have been a resident of Arizona at least three years and of the County from which he is elected at least one year."

The Fifth Legislature repealed Sections 223 and 224 of the Revised Statutes of Arizona, 1913, Civil Code, which provided a method for electing members of the Legislature to fill vacancies and enacted Chapter 36 of the Session Laws of 1921 to provide that vacancies in the Legislature should be filled by the Board of Supervisors of the county where such vacancy occurs.

I call this matter to your attention because I believe that the law enacted by the Fifth Legislature is clearly unconstitutional, and that this method of filling vacancies was never contemplated by the Constitutional Convention goes without saying.

I recommend that Sections 223 and 224 of the Revised Statutes of Arizona, 1913, be re-enacted, and Chapter 36 of the Session Laws of 1921 be repealed.

NEPOTISM.

The practice of elected and appointed officials of selecting members of their immediate families for positions of trust and profit under their administration has been a source of great dissatisfaction and severe criticism. Much may be said on both sides of the question. Yet in a democracy it is not conducive to public confidence that this condition should become a general practice. I suggest the advisability of enacting a law applicable to all State, county and municipal officers, which will provide that no elected or appointed official shall appoint a member of his immediate family to a position of trust and profit under him.

OFFICE ADMINISTRATION.

I recommend that the present law which requires the Governor to countersign all State warrants, be amended to provide that the Governor shall designate one of his clerical staff to countersign warrants. This is purely a clerical detail, with an occasional exception, and it means several hours' labor which can be employed on more important matters.

PUBLIC HEALTH

No question is of greater importance to the people of Arizona than that of public health. The smallpox, influenza and other epidemics which ravaged Arizona during recent years indicate the necessity of an adequate public health department.

The fact that many people come to Arizona primarily because of its healthful climate, adds to our problems. Children require that the milk supply of the State be produced under the great-

est possible sanitary conditions and that it possess the maximum food value.

Many people who come to Arizona from other States and from Mexico are afflicted with communicable diseases, and require prompt and careful supervision.

The Department of Public Health should be adequately financed and the personnel of the department so organized that its maximum efficiency may be obtained. I therefore recommend for your consideration the reorganization of the Department of Public Health on a plan which will be submitted to you in the form of bills. Included in the plan is the recommendation placing the inspection of dairies under the control of the Superintendent of Public Health.

By this plan the Dairy Commissioner and his deputy will be eliminated. In their places two inspectors will be in the field as deputy State Health Officers to inspect dairies. The plan will further provide that the State Veterinarian shall examine cattle under the direction of the State Superintendent of Public Health.

I also recommend for your consideration the advisability of placing the county health officers under the direction of the State Superintendent of Public Health, in order that a comprehensive plan may be put into operation for the improvement of sanitary conditions, and to effectively cope with epidemics.

EDUCATION.

The very existence of a democratic form of government depends upon the intelligence of the citizens of the State. Education is therefore the most vital subject with which governments have

to deal. It is one of the subjects to which this Legislature should devote its earnest attention.

The State of Arizona has always recognized and has striven to fulfill its duty to give a free education to every child within its borders. Yet statistics now available indicate that a very serious condition exists in this State with reference to our school system.

Our educational problems are many and complex. The difficulty lies in the right approach in order to find the proper solution.

I think that the great majority of our citizens are agreed on the following fundamental principles:

First—That our educational system should be adequately financed by the State.

Second—That the children in the rural districts are entitled to just as good an education as the children in the cities and towns.

Third—That our primary and secondary schools as well as our higher institutions of learning should be employed in such a manner as to enable the maximum of our citizens to obtain the benefits of education.

Fourth—That the duty of the State to educate its citizens is not confined solely to children, but extends to adults, especially to illiterate adults, and to make suitable provision for the rehabilitation of those crippled in industry or otherwise; and to establish classes for the purpose of teaching aliens the tenets of our Constitution and laws, to better fit them for the privileges and responsibilities of American citizenship.

The time has arrived when our school system

should be looked upon as the most important business enterprise in which the State is engaged. While it is essential that every dollar necessary to provide for the education of our citizens should be appropriated from the public moneys, yet the increasing tax burden, of which over fifty per cent is spent for education, is becoming so heavy that our citizens are finding it impossible to endure. It is therefore imperative that our schools be administered in a business-like manner, in order that the leaks and waste may be eliminated.

The solution of our rural school problem is possibly our greatest difficulty, because it is essential that every child should be given an opportunity to secure a good elementary and high school education. There is a growing sentiment throughout the State that our so-called little red schoolhouse is not very efficient. We should take steps to see that the rural schools—the weak link in our school system—are improved.

I desire to emphasize the necessity for vocational education. A large portion of children leave school between the ages of 14 and 16 years, and statistics of school attendance and illiteracy in Arizona are not at all flattering to the State.

In an industrial State like Arizona it is necessary that educational training in trades and industry and agricultural pursuits should be emphasized. Vocational education for the rehabilitation of those who may be crippled in industry or otherwise, is imperative also.

The increasing number of adult illiterates in our industrial communities, which is complicated still further by the fact that a great many of them

are aliens, is an additional reason for stressing this phase of our educational problems.

Some plan should be formulated to utilize the extension service of the State University, either through lectures illustrated with stereopticon slides or by some other method, to reach those who are in need of the advantages of such education.

The necessity for the reorganization of the business methods of our schools is illustrated by the manner in which the text-books and supplies are handled. There is a system in vogue now whereby an individual or firm is designated as a "depository," and the "depository" is paid a percentage of the cost of the books as compensation for handling them. As the State purchases something over $100,000 worth of textbooks a year, the "depository" who receives ten per cent of the value, is paid compensation far in excess of the service rendered. This system lends itself to abuse through wasteful purchasing, and is a possible source of graft.

In addition to this, there seems to have been no adequate record kept of the sale of books or of fines collected for the mutilation or destruction of the books provided by the State. The whole system of supervision and distribution of the textbooks by the State should be reorganized and put on a business basis.

Much money is wasted annually in the purchase of supplies in the various school districts. Methods should be established whereby school supplies can be purchased through a central agency, instead of each district purchasing for itself.

A uniform system of accounting should be perfected and the supplies of each district ac-

counted for in a manner which would tend to promote greater efficiency and economy.

The regulation for the granting of teachers' certificates in Arizona should be strengthened. The practice of nepotism in the employment of teachers by school officials should be discouraged. Incompetent, inefficient, indolent and careless teachers should be weeded out of the schools and encouragement given to educators who take a serious view of the duties of their profession.

I call your attention to the glaring contrast to be found in comparing the salaries of city and town superintendents to those of the State and County superintendents of schools.

There are many additional matters which might be called to your attention, suggesting the necessity for an analytical survey by men who understand the working out of school problems.

I therefore recommend that the Legislature appropriate adequate funds to finance a survey of the primary and secondary schools of the State, under the supervision of the State Board of Education.

THE STATE UNIVERSITY.

The University of Arizona has done splendid work for the advancement of the State. Its possibilities have, however, not been fully developed. Many improvements can be effected.

It has long been my hope to some day see every student at the University, with the exception of those living at home or with relatives, housed on the campus. It is impracticable to do this at the present time because of the lack of adequate housing facilities. Economy in State expenditures at present is so essential that it does

not permit of providing the necessary appropriations to carry out this idea.

I desire to take this opportunity to compliment the President of the University upon his efforts to co-operate in the policy of retrenchment in expenditures which is so necessary at present. The budget of the University for the next fiscal year is less than the appropriations for the current year, and, in addition to this, the new budget provides for taking care of an increased student enrollment of from fifteen to eighteen per cent.

DEAF, DUMB AND BLIND SCHOOL.

The school for the education of the deaf, dumb and blind children of the State, located at Tucson, is administered by the President of the University of Arizona, under the direction of the Board of Regents.

Both the President of the University and the superintendent of the school have suggested the advisability of relieving the University of the duties of the education of the deaf, dumb and blind children.

I therefore recommend that the administration of the deaf, dumb and blind school be placed under the control of the Board of Directors of State Institutions.

PENALTIES FOR NON-PAYMENT OF TAXES.

Campaigns have been conducted during recent months to raise several hundred dollars to finance a nation-wide advertising campaign for the purpose of bringing the resources of Arizona to the attention of prospective settlers and investors.

During the last few months several hundred farmers in the Salt River Valley have either had

the mortgages on their properties foreclosed or have been obliged to execute deeds in order to avoid foreclosure. This condition is not conducive to the development of the resources of the State of Arizona.

The depression in the farming districts was caused by conditions beyond the control of the farmers. The bankers and others, upon whom the farmers depended for credit, advised the cultivation of certain crops. When the market for these crops failed, the farmers were left to carry the load. As a result of depressed economic conditions and the deflated market for agricultural products the burden on the farmer is oppressive.

Taxes have become delinquent. In many cases the time provided by law has arrived when the county authorities must proceed to advertise the property for sale to pay delinquent taxes.

The fact that the farmers of the State are undergoing such difficulties is causing distress to business men who have extended credits and consequently find themselves unable to pay their taxes, with the result that tax delinquency is proving to be a very embarrassing problem in getting back to normal conditions.

The provisions of law requiring interest, fees, penalties and costs to be added to the amount due for delinquent taxes is a burden which, at this time, is bearing heavily upon the citizens of our State and is actively interfering with the successful conduct of business affairs.

The total penalties provided by law for tax delinquency amount to practically an interest rate of fourteen per cent. If the taxpayer is forced to borrow money at the rate of ten per cent to pay these taxes it is a burden which would prove prohibitive even in prosperous times.

In order to relieve the people from the distressing conditions enumerated above and to enable them to pursue their vocations without fear of the loss of their farms, ranches, homes or business, I recommend that the time of payment of delinquent taxes be extended for a sufficient time to permit the harvesting of at least one or two crops, and that in addition any delinquent taxpayer who pays his taxes within a reasonable time after the next or succeeding harvest be exempted from the interest, fees, penalties and costs now provided by law to be collected for such delinquency.

TAX ANTICIPATION BONDS.

The policy of financing government expenditures by issuing tax anticipation bonds is bad in theory and wrong as a policy. So far as I have been able to learn, it is a system that is not in wide use in the United States. It comes from the Old World—from bankrupt countries which are mortgaging the future in order to live in the present.

Plausible arguments may be advanced in justification of the use of anticipation bonds to meet emergency requirements, but I desire to impress upon the members of the Legislature that it is preferable, even though there may be added interest, to follow the policy which prevailed in the past, of issuing State warrants.

Tax anticipation bonds which are sold through banking syndicates on Wall Street, or what typifies Wall Street in other cities, means that the interest on these bonds leaves the State permanently, whereas interest paid on State warrants remains in Arizona for reinvestment and the development of Arizona enterprises.

May I not suggest to the members of the Legislature the imperative necessity, if the resources of Arizona are to be developed and the prosperity of the citizens of the State is to be assured, that a greater portion of the wealth produced in Arizona be kept in Arizona? Tax anticipation bonds —the Old World method of financing governments—should not appeal to the citizens of Arizona as a sound method of meeting our financial requirements.

EMERGENCY INVESTIGATION FUND.

Several matters of importance to the State are now pending which may become critical during the course of the coming two years.

In order to cope with any situation in this connection which may develop, and be able to properly protect the interests of the State, I deem it advisable to request the Legislature to appropriate a sum of money sufficient to enable the Governor to employ assistants for the purpose of investigation, securing of audits for engineering work, and for the employment of attorneys and clerical help.

I assure the members of the Legislature that if it is necessary to spend any of this money it will be done in an economical manner.

BANKING.

The laws of Arizona require banks to conduct their affairs along certain sound business lines defined in the statutes, and bank examiners are paid by the State to enforce the law.

Depositors in banks do not have the time or the opportunity to investigate fully the financial condition of these institutions. They are not trained to pick up a bank statement and decide

whether or not the financial condition of the bank is sound. They do rely upon the State to enforce the provisions of law which require the banks to maintain a certain financial standing and thus protect their depositors.

The depositors are entitled to know that the banks of Arizona are sound. The banking code contains provisions which deny the public access to the figures showing the conditions of the funds, and it is made a felony to spread false reports affecting the security of these institutions. This creates a feeling of confidence among the people generally that the State guarantees the solvency of the banks. This being true, it is the duty of the State to see that these funds are amply protected.

In spite of this fact, several bank failures have occurred in Arizona during the last two years. Rumors continue to circulate which do not add to the prestige of some of our banking institutions.

In order that the integrity of our financial institutions may not be impaired and that the public confidence in the banks may be assured, a thorough investigation of the banking situation in Arizona should be made by the Legislature.

The affairs of the Central Bank of Phoenix, later reopened under the name of the "Bank of Phoenix," in particular should receive your attention. The judge of the Superior Court of Maricopa County, before whom application was made for the appointment of a receiver, has had the affairs of this defunct institution under his control for several months. The receiver appointed by the court made no report of the assets and liabilities of the bank until the term of office of the Judge was about to expire, in spite of the fact

that a petition was filed with the court several months ago requesting that such a report be filed.

It is imperative, if sound credit is to be maintained, that the banks of the State have the implicit confidence of the people, and I trust that your investigation may be thorough and unbiased.

STATE BANKING DEPARTMENT.

The policy of paying higher salaries to appointive officials than those paid to elected State officials, who have equally if not greater responsibilities than those devolving upon such appointive officials is, in my opinion, unwarranted.

Also the policy of fixing a term of office for an appointive official extending beyond the term of the official making the appointment is an unwise policy; one which does not promote efficiency or economy.

In this connection I recommend that the law creating the office of State Superintendent of Banks be amended to provide that the term of this officer will not extend beyond the term of the Governor making the appointment.

I further recommend that the salary of the State Superintendent of Banks be fixed at a sum not to exceed that received by elective heads of State departments; that the law providing the qualifications for holding this office be amended so that it does not create a little trust whereby only bankers are qualified for this position; and that the law be amended to provide for the elimination of one of the deputies, as I think there is not sufficient work to justify the staff provided for in the present law.

DEPOSITORS' BANK GUARANTY LAW.

Several States now have statutes which provide for a depositors' bank guaranty law. I

recommend that the Legislature investigate the advisability of such legislation and the enactment of such laws as will adequately protect the funds of the depositors of the State banks.

PROTECTION OF THE FINANCES OF THE MUNICIPALITIES OF THE STATE.

I recommend that appropriate legislation be enacted, directing that banking institutions, used as depositories of the moneys of the municipalities, be required to provide an adequate bond for the purpose of safeguarding the deposits of public funds.

CO-OPERATIVE MARKETING.

Experience has proven the value and the necessity for the co-operative marketing of the produce of the farm and the range. The products of the State of Arizona can be handled most effectively by this method. Experts on the subject maintain that proper legislation is necessary to sufficiently safeguard co-operative institutions.

In the recent primary election an amendment to the Constitution was proposed to meet this situation. Due to the fact that other amendments, which would have destroyed the progressive features in our basic law, were before the electors at the same time, the opportunity was not fairly presented to the people of the State to pass on the so-called "co-operative marketing" amendment independently of the other measures.

I therefore recommend that the Legislature investigate the subject fully for the purpose of ascertaining what additional legislation may be required, if any, to properly safeguard the interests of producers and consumers, and that such legislation be enacted as may be found essential.

STATE WAREHOUSES.

The Constitution of Arizona permits the State to engage in industrial pursuits. To render this constitutional provision useful, machinery should be provided for carrying it into effect.

The needs of agriculture, the handicaps under which the farmer is forced to labor and particularly the problem of marketing his crops, suggest the advisability of the construction of warehouses, by the State, wherein the products of the farm may be safely stored until the market can absorb them, thereby preventing the dumping of a greater volume of food products on the open market than the public is able to buy.

The farmers of Arizona who have suffered so much during the past few years should be assisted in their efforts to remove the tremendous burden of debt under which they are now laboring. I therefore recommend that the Legislature enact such laws and make such appropriations as may be found necessary to establish State warehouses for agricultural products in the various farming districts of Arizona.

A STATE CEMENT PLANT.

My attention has been called to a statement that the freight charges on the cement used in the construction of the Maricopa County Highway system, under the $8,500,000 bond issue, amounted to $803,791.94. When the numerous other highway projects in Arizona which require the use of cement are included it will be seen that the cost of shipping cement into Arizona is excessive.

I therefore recommend that an investigation be conducted as to the feasibility and advisability of the erection of a cement plant by the State, to manufacture cement for the use of the State and

its subdivisions. Any surplus to be sold on the open market.

GOOD ROADS.

Good roads are the arteries through which the State's commerce circulates. The future growth of the State depends upon their extension and improvement.

Too much money cannot be expended—granting that it is wisely spent—in extending the road systems of Arizona.

I do not desire to consume your time in reading an essay on the necessity of building roads, because I know that the members of the Legislature and the people of the State realize the necessity of extending our highways. However, I desire to impress upon you the imperative need of the utmost economy at this time and until the taxpayers of the State have had an opportunity to recover from the effects of the business depression of the past few years.

I believe that the most important matter before the Legislature in connection with road construction is to provide for the completion of the main trunk lines running east and west and north and south.

Of equal, if not greater, importance is the problem of maintaining the highways already constructed. The contracts entered into with the United States Government, when federal aid was secured for the construction of roads, require that the highways constructed be maintained up to a fixed standard.

I know of no more extravagant method of wasting the public money than that of building roads and then permitting them to lapse into disrepair. I therefore recommend that the Legisla-

ture appropriate adequate funds to maintain all the highways now constructed and to extend new construction as far as it is economically prudent.

LABOR AND INDUSTRIAL PROBLEMS.

The mining industry of the State of Arizona is undergoing a period of transition. The old-time hard-rock miners, whose adventurous lives have been celebrated in song and story, the men and women who blazed the trails and whose pioneering work opened up the treasures of the West to the markets of the world, are rapidly becoming a tradition. Those of us who have lived in Arizona for the last quarter of a century or longer can appreciate and regret the passing of the sterling race of men and women who made possible the development of this wonderful commonwealth.

The establishment during recent years of the tremendous industrial enterprises, which operate with machine-like methods and whose organizations are so large and so complicated that the human equation is frequently overlooked, is creating new questions for our civilization to solve. It is not my intention or purpose to criticize or find fault with large corporations as such. They have a very material place in our civilization. Yet they are subject to criticisms which challenge statesmanship and demand constructive measures to meet the problems they create. The principal objection to large corporations is that those responsible for their management are often too far removed from the human factors to understand the problems and necessities of the ordinary man.

The primary unit of American life is the home. The best guarantee of the maintenance of those principles of liberty, law and order, upon

which our government is founded, comes through the increase of home ownership in our State and Nation. It is through home ownership that people become permanent citizens and contribute to the progress and development of the State.

In many communities in Arizona the inhabitants reside almost exclusively in houses leased from large corporations. These people are deprived of the most worthwhile thing in life—the building and furnishing of a place they may call home.

Good American citizenship is difficult to promote where the only incentive for a man is to work for day's wages, live in a company-owned house and be deprived of the opportunity of entering business or owning a home, unless he moves into another community.

Wherever the permanency of the industry will permit, home ownership should be fostered and encouraged, the inhabitants of industrial communities should be encouraged and aided in the work of building up towns and cities where the property will be owned by the residents. Home should mean more to our people than a mere place of temporary habitation, if we are to have a contented and happy people. In communities where the majority of the people reside in company-owned houses they should be guaranteed the right to exercise those principles of self-government which are the inherent right of every American citizen.

The restriction of the activities of such institutions as curtail and stifle individual initiative and opportunity, and cause the centralization of the industry and commerce of the whole communities to come under the control of a single cor-

poration, should receive your careful consideration.

The problem created by the influx of aliens into our industrial communities, where comparatively little is being done to instruct them in the principles of democracy and the ideals of our country, is a cause for concern and merits your serious study.

Sane statesmanship points to the urgent necessity of recognizing the change in the outlook, philosophy, method and mode of living of those men and women who, to such a large extent, are now taking their places in the industries of our State. They must be taught the precepts upon which our government is founded, in order that economic wars may be prevented. I cannot lay too much stress upon the urgency of legislation dealing with the problems outlined in the previous paragraphs. The future prosperity of the men and women of Arizona and the economic development of the State itself depend upon the equitable solution of these pressing economic questions.

ESPIONAGE.

European countries have long experimented with espionage systems. Every act and almost every thought of the inhabitants of some countries were known and recorded in the offices of the secret police. In no country of the world was this system carried to such an extent as in Germany under the Kaiser. The condition was probably one of the main causes which brought such complete disaster to that great country. The United States, as far as government is concerned, has been singularly free from this policy.

However, there has grown up in this country

a spy system in industry which is not confined to securing legitimate knowledge connected with the operation of industry, but has spread out so that in some communities every man is under suspicion. Neighbors and friends suspect one another. This system breeds hatred and suspicion, instead of friendliness and co-operation. This is not a healthy condition in a democracy.

Some corporations and some evil political influences employ so-called detectives or operatives, in political campaigns, to besmirch the character of candidates for public office and, in some instances, it has been charged, to corrupt and debauch the electorate. These sinister detective agencies have sometimes resorted to criminal means in order to influence the result of an election.

Students of this condition assert that as a usual thing men engaged in the "spy business" are subnormal. I would therefore recommend that a law be enacted to as far as possible suppress the activities of such agencies in Arizona. In my opinion this can best be accomplished by providing for the regulation of private detective agencies, so that only American citizens may be so employed, and that the photograph and description of each man or woman employed as a private detective be kept on file with the Secretary of State, with the Sheriff and County Attorney of each county in which they operate, and with the chief of police of each town in which any such individual is employed.

FREE SPEECH.

The greatest safety-valve to alleviate discontent, in any country, is the right to expound ideas, advocate governmental reform and criticize pub-

lic officials or governmental institutions. The founders of this Republic and the authors of the Constitution of the United States provided for freedom of speech and the freedom of the press. The Constitution of the State of Arizona contains like provisions.

At this time, when the nations of the world are undergoing rapid changes in government, any attempt to tie down this safety-valve is a dangerous expedient.

In this connection I desire to suggest that the widest possible latitude in public discussion should be permitted. Meetings on street corners, where it will not interfere with the traffic, in the parks or on vacant lots, should not be interfered with as long as public peace is maintained.

Oratory cannot injure the government of our country. Suppression of free speech may cause a revolution. Public authorities should under no circumstances attempt to prevent the free exercise by every citizen of his constitutional rights of expressing his opinion in public.

In order to curb freedom of speech, it has become customary in some communities in Arizona to resort to the use of the vagrancy laws to compel persons, who insist on expressing ideas which the authorities of such communities disapprove of, to either leave town or be imprisoned as vagrants, and in some cases men who were taxpayers and who had money in the banks have been arrested and confined in jail as vagrants for the public expression of opinions not approved of by those authorities. This situation is intolerable and cannot be permitted to continue to exist.

I therefore recommend that the Legislature enact such laws as will give the people access to auditoriums in our public buildings for political

and social gatherings, and to conserve to the people the right to express their opinions.

PEACE OFFICERS.

The Committee on Education and Labor of the United States Senate, after making an investigation of the activities of peace officers who receive their pay from private corporations, though acting under the authority of the State or some subdivision thereof, made the following pungent comment:

> "The system of paying deputy sheriffs out of funds contributed by private employers is a vicious and un-American policy, and a practice which should cease. Public officers should be paid out of the public treasury."

It is needless to say that every American citizen who believes in a government of the people, by the people and for the people, will endorse this comment of the committee.

In certain communities of the State of Arizona a custom has prevailed whereby certain corporations have paid the salaries of deputy sheriffs, constables and the justice of the peace. I recommend that appropriate legislation be enacted which will prohibit peace officers receiving a salary or remuneration from any private employers.

ENFORCEMENT OF LAW.

The government of this Nation is safe for its people, and its institutions will prosper just so long as we have a government of law enforced by duly constituted authorities. When any class, sect or organization pre-empts the authority and arrogates to themselves the power to set aside the

provisions of law, and in place thereof sets up their will and desires for the meting out of punishment or reward, our government is then in real danger of collapse.

As a citizen cannot choose what laws he will obey, so likewise those charged with law enforcement cannot choose the laws they will enforce. Those charged with law enforcement must enforce all the laws, and all good citizens must obey all laws. Neither can exercise any right or choice in this matter without placing themselves above the law.

Dangerous forces are at work throughout the world. Mob law is on the increase. Force is being resorted to, instead of an appeal being made to law and justice, in the settlement of differences arising as a result of our complex civilization.

Malign influences which have unloosed the monsters of hate, fear, prejudice and suspicion among neighbors and citizens should be destroyed as un-American and destructive of those tenets of freedom sponsored by the men who left their footprints upon the snow of Valley Forge.

I therefore recommend the enactment of such laws as may be necessary to curb the usurpation of governmental functions by persons or organizations.

A HOME FOR DISABLED MINERS.

When Arizona was admitted to statehood, the Congress of the United States set aside a grant of land to partly provide for the maintenance of a home or hospital for disabled miners. The increasing number of men who have served in developing the mining industry of the State and who, because of injuries, sickness and age, are approaching the time when they are no

longer able to earn a livelihood, suggests the wisdom of providing the necessary means to finance the establishment of a miners' hospital and home. As a test for admittance to the hospital or home, the word "miner" should be used in its broadest sense, as including those engaged in the mining industry. In connection with this matter, I suggest that if the Legislature provides for the establishment of such an institution, that Congress be petitioned, through Arizona's representatives in Washington, to set aside an additional number of acres of land in Arizona for the maintenance of the institution.

THE STATE'S LIABILITY TO ITS INJURED EMPLOYEES.

Modern justice insists that injuries sustained by a workman during the course of his employment should be a charge on the private employers throughout the United States. Many States have also enacted laws putting this principle into effect as it applies to State employment.

The State of Arizona, however, has no provisions of law to compensate its employees who are injured while in its employment. In addition to this, the State does not recognize any liability to a workman for personal injuries sustained by him while in its employ.

Paragraph 1791 of the Civil Code provides that the State may be sued for negligence, although this statute does not fix any liability upon the State to answer in damages. Such has been the holding of the Supreme Court of Arizona in the case of State versus Sharp, and subsequent cases.

I recommend that Section 1791 of the Civil Code be amended to provide that the State shall

recognize its liability to an injured workman, and compensate him for damages growing out of personal injuries sustained while in the employ of the State, and that such responsibility shall also extend to the heirs-at-law of any workman who may be killed as a result of such employment.

CODE REVISION.

The laws of Arizona are now printed in the civil and penal codes adopted in 1913. To these laws many amendments have been made, as set out in the session laws of 1915, 1917, 1918, 1919, 1921 and 1922.

Many conflicting provisions are to be found, together with much loose and indefinite language. Many of these laws have been declared unconstitutional by the courts. The statutes are encumbered in such a manner as to create confusion, cause uncertainties and obstruct justice. Attorneys complain of the inadequacy of the indexing.

At this time it would seem to be both wisdom and economy to provide for a revision of the State codes.

I therefore recommend that the Legislature investigate this subject and provide a method for having this work done in a comprehensive and adequate manner at a minimum cost.

ELECTION LAWS.

The direct primary method of nominating candidates for office has proven to be best adapted to meet conditions in a democracy. The Arizona direct primary law is defective in that it permits adherents of a minority party to register and vote in the primary of a majority party for motives which may be open to question. I therefore recommend that the primary law be amend-

ed to provide that any candidate for office who receives a majority of all the votes cast at the primary, shall be declared elected, and shall not be required to run in the general election.

MILITARY CODE.

When the question of selecting the Adjutant General for the State arose, I was informed by military men that there were only a handful of men in Arizona who were qualified, under the provisions of the present law, to hold the office. There are many men in Arizona who were trained in the great world war, and as a result of this experience are qualified to hold the office of Adjutant General with credit to themselves and advantage to the State, but who are ineligible under the provisions of the present law.

It is detrimental to the State to confine eligibility to hold office to only a few men when many others are qualified. I therefore recommend that Chapter 144 of the Session Laws of 1921 be amended, and that the qualifications for Adjutant General be made more liberal and more in line with the tenets of a democracy.

STATE INSANITY LAW.

Your attention is called to a recent decision in the Superior Court of Maricopa county, by Judge Elmo Bollinger, declaring the Arizona statutes governing the commitment of persons to the State Asylum to be unconstitutional, and I suggest the enactment of whatever amendments may be necessary to remedy the defects in this law.

GASOLINE TEST.

Numerous complaints are made from time to time that gasoline and oil sold in Arizona are of

poor grades. The State possesses no means of determining whether or not these complaints are justified. I therefore recommend that the Legislature enact a law providing for a standard gasoline and oil test, to be conducted by the State Sealer of Weights and Measures. The cost for making such tests to be defrayed by a fee to be charged for each examination.

THE COLORADO RIVER PACT.

Before many years have passed, some of the great mines of the State which are now bearing the major portion of taxation will in all probability be depleted and remain but a memory. It is imperative that we look into the future and plan the development of other resources to take the place of those industries. We have no unlimited field from which to choose. We have a vast potential resource still undeveloped in the Colorado River which offers great possibilities toward the irrigation of our arid land, and the almost unlimited creation of cheap electrical power for the operation of our industries.

If it is at all practicable, and men who have studied the proposition carefully say that it is, to utilize the waters of the Colorado River to irrigate over two million acres of land in Arizona, then we should bend every energy toward the achievement of this purpose. Arizona cannot afford to give away her greatest natural resource, with millions of acres awaiting development, and she cannot afford to plunge blindly into a contract that may be unfair to her. Her people must know what the development of the gigantic enterprise of harnessing the waters of the Colorado River means to the State. We must know how much water can be used in Arizona, how many

acres can be irrigated, and what steps are necessary to secure the quantity needed for the adequate development of our State.

The most important problem before this Legislature is that of whether or not it is advisable for Arizona to enter into the compact which was drafted at Bishop's Lodge, near Santa Fe, New Mexico, by representatives of the States of Wyoming, Colorado, New Mexico, Utah, Nevada, California, Arizona and the United States Government. It is most important that this subject be fully investigated before the State is committed to any irrevocable line of action.

The danger of the loss of life and the destruction of property which hangs over the Yuma and Imperial valleys, due to the menace of the uncontrolled flood waters of the Colorado River, makes it imperative that this menace be removed at the earliest possible time.

Whether the proposed pact will facilitate the early harnessing of the river is debatable. The pact contains no provisions for the construction of any dams. It is essential that in considering the provisions of the pact, all factors be taken into consideration, including those omitted from the pact.

The Fourth Arizona Legislature in 1919 enacted a law, which was approved March 17, 1919, creating the Arizona Resources Board, with full power to secure such information as would aid in estimating the area possible to irrigate in Arizona from the waters of the Colorado River, and $10,000 per year was appropriated for the use of this Board. The Fifth Arizona Legislature created the office of Water Commissioner in an act approved March 5, 1921, appropriated $25,000, and authorized the Water Commissioner to

expend the money to secure information as to the possibilities of the development of the Colorado River.

So far as I have been able to discover, very little information of a constructive nature is now available as a result of the expenditure of any of these funds.

I have listened patiently during the past few weeks to many conflicting opinions with reference to the development of the power and irrigation possibilities of the Colorado River. Advocates of the proposed pact interpret its provisions in one way, and its opponents in another. The pact is written in very simple language; it should not be necessary to draw any fine-spun conclusions. The language appears to me to be definite.

It is regrettable that sufficient data is not available at this time to present to the Legislature to aid in its consideration of the pact. However, from such information as is available, several matters in the pact are worthy of your special attention.

First, of course, is the necessity of flood control.

Second, is the apportionment of the water between the upper and lower basins.

Third, are the provisions of sub-sections (a) and (b) of Article 2 of the pact, defining the "Colorado River System" and the "Colorado River Basin."

Fourth, is the fact that the pact provides for an estimated surplus of six million acre feet of water, capable of irrigating over a million acres of land, which is to be permitted to flow to the sea or to be used in Mexico for a period of forty years.

Fifth, is the question of the provision of the pact which would permit the so-called upper basin States to utilize four million acre feet of water, in addition to that already being consumed for agricultural purposes, which would reduce the potential power resources of the river to an extent which would appear to be an economic waste.

Sixth, is that the proposed division of the waters of the "Colorado River System" apparently does a grave injustice to Arizona in the apportionment of the waters of the Colorado River for irrigation purposes above the mouth of the Gila River.

Seventh, it is apparent that, as a matter of equity, which is tentatively suggested by the pact itself, that water rights which may be obtained by Mexico, because of that country having first put the waters to beneficial use, may deprive all of the seven States within the Colorado River Basin of six or more million acre feet in perpetuity. The pact proposes to permit, as far as the United States is concerned, the waters to run to the sea for forty years, after which time it is then proposed that the water be apportioned.

The time has been too short since I assumed the office of Governor, to permit that a sufficient study be made of whatever data may be in the office of the Governor or the Water Commissioner. I shall be glad to place at your disposal all the information in my possession to aid you in coming to a decision on the merits of the pact. It is quite probable that before the Legislature adjourns I shall submit for your consideration a special message on this subject.

May I not urge that every paragraph of the

pact be scrutinized and studied carefully before any conclusions are arrived at as to whether or not Arizona should become a party to this contract?

A few months or years is a short span in the life of a State or Nation. Care should be exercised that rights which Arizona may now have, which might make it an agricultural paradise and an industrial empire, may not be contracted away in perpetuity, because of lack of understanding of the kind of agreement it is proposed to enter into.

This subject is bigger than political parties; it is bigger than statesmen; it is bigger than any man or the ambitions of any man; it is a question of what is the best thing to do for Arizona and the States of the Colorado Basin, for America, and for the peace of the world.

I am not an alarmist, but I think it well to call your attention to the fact that American land speculators are seeking to reap huge profits from Japanese financiers interested in lands in Lower California proposed to be irrigated from the waters of the Colorado River. These matters were reported in recent issues of the Los Angeles, California, papers and should be seriously studied in connection with any proposed development made possible through the control of the flood waters of the Colorado River Basin.

At an early date I shall formally lay before you, for your consideration, the pact entered into by the seven States in the Colorado River Basin and the United States.

For your immediate information I am having the pact printed as Appendix A of this message.

CONCLUSION.

In concluding this message I wish to assure the members of the Sixth Legislature that it is my earnest desire to work with you for the best interests of the State on all occasions, and to be constantly at your service in assisting in the framing and adoption of such legislation as will help to solve the many problems which now confront the people of Arizona.

I respectfully suggest, in view of the many important questions which this Legislature will be called upon to consider, the urgency of earnest work and economy of time. I want to impress upon the members the necessity for the most strict financial economy—not penuriousness—but economy which takes into account systematic business methods. The work will be hard and the next two months will be strenuous ones. I suggest that the Legislature scrutinize every proposed appropriation carefully before it is passed, and I assure you that I certainly shall do the same prior to giving it my approval. Working in cooperation, I feel confident that we can fulfill our pledges to the people, of reducing the tax burden of the State.

I trust that the friendliest and most amicable relations may prevail between the members of the Sixth Legislature and that personal feelings, if any exist, may be laid aside, selfish ideas abandoned, and individual ambition subordinated for the public good and the welfare of Arizona.

GOVERNOR'S MESSAGE

ON THE

COLORADO RIVER COMPACT

AND

CERTIFIED COPY

OF THE

COLORADO RIVER COMPACT

STATE OF ARIZONA
OFFICE OF THE SECRETARY

UNITED STATES OF AMERICA,
STATE OF ARIZONA, } ss.

I, JAMES H. KERBY, Secretary of State, do hereby certify that the within is a true correct and complete transcript of the "Colorado River Compact," signed November 24th, 1922, at the City of Santa Fe, New Mexico, and filed in this office on the 26th day of December, 1922, all of which is shown by the official copy on file in this Department.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of Arizona. Done at Phoenix, the Capital, this 19th day of January, A. D. 1923.

(SEAL) JAMES H. KERBY,
Secretary of State.

No. 6037

UNITED STATES OF AMERICA

(SEAL)

DEPARTMENT OF STATE

TO ALL WHOM THESE PRESENTS SHALL COME, GREETING:

I CERTIFY That the document hereunto annexed is a true copy from the original in the archives of this Department.

(Colorado River Compact signed November 24th, 1922, at the City of Santa Fe, New Mexico.)

IN TESTIMONY WHEREOF, I, Charles E. Hughes, Secretary of State, have hereunto caused the Seal of the Department of State to be affixed and my name subscribed by the Chief Clerk of the said Department, in the District of Columbia, this 15th day of December, 1922.

(Signed) Charles E. Hughes
Secretary of State.

(SEAL) (Signed) By Ben G. Davis
Chief Clerk.

SPECIAL MESSAGE OF THE GOVERNOR

SUBMITTING

THE COLORADO RIVER PACT

MR. PRESIDENT, MR. SPEAKER, MEMBERS OF THE SENATE AND HOUSE OF REPRESENTATIVES OF THE SIXTH LEGISLATURE:

In laying before you the official copy of the compact between the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, Wyoming and between the United States of America respecting the use and distribution of the water of the Colorado River and the rights of said states and the United States thereto, I place in your hands the future destiny of the State of Arizona.

In the negotiation of the compact the State of Arizona was represented on the joint commission by Mr. W. S. Norviel, State Water Commissioner, who was appointed to represent Arizona by Governor Thomas E. Campbell, acting under the authority of Chapter 46, Senate Bill 64, of the Session Laws of 1921, which reads as follows:

AN ACT

Providing for the Appointment of a Representative on Behalf of the State of Arizona to Negotiate a Compact and Agreement Between the States of Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming, and Between Said States and the United States of America Respecting

the Use and Distribution of the Waters of the Colorado River and the Rights of Said States and the United States Thereto, and Making an Appropriation Therefor.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ARIZONA:

Section 1. The Governor of Arizona shall appoint the State Water Commissioner, who shall serve without additional compensation, as the representative of the State of Arizona, who shall be duly authorized to represent the State of Arizona on a joint commission to be composed of a representative of Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming, and a duly authorized representative of the United States of America, such commission to be constituted for the purpose of negotiating and entering into a compact or agreement between the said States, and between said States and the United States, with the consent of Congress, respecting the further utilization and disposition of the waters of the Colorado River and the streams tributary thereto, and fixing and determining the rights of the said States and the rights of the United States in and to the use and disposition of the waters of said stream and the benefits to be derived therefrom, provided, however, that any compact or agreement so entered into by said States and the United States shall not be binding or obligatory upon any of the high contracting parties thereto unless and until the same shall have been ratified and approved by the Legislatures of the said States and by the Congress of the United States.

Sec. 2. The Governor of Arizona shall notify the respective Governors of the States of Cal-

ifornia, Colorado, Nevada, New Mexico, Utah and Wyoming, of the appointment of the representative of Arizona as soon as said representative shall have been appointed and qualified, but said representative shall not enter upon the performance of his duties until a representative to serve upon said joint commission shall have been named and qualified for each of the said States named in Section 1 hereof, provided however, that said representative shall proceed immediately after the passage of this Act and its approval by the Governor, in carrying out the provisions of Section 3 hereof as pertains to the Colorado River within the boundaries of the State of Arizona, and that the securing of the necessary data and information called for by this Act shall not be contingent upon appointment and qualification of the representatives of the other States concerned or the representative of the United States of America.

Sec. 3. Said representative of the State of Arizona shall have full authority to make or cause to be made any and all investigations of the Colorado River and the drainage area thereof, which may become necessary in order to sufficiently advise said representative of the physical conditions obtaining upon said stream and the drainage area thereof, and of the present and future needs of the State of Arizona and its citizens in the use and benefit of the waters of said stream. To that end, said representative shall have authority to administer oaths, examine and require the attendance of witnesses, and to perform such other duties and gather such data as may be necessary to sufficiently apprise said representative of the facts and furnish him with adequate information in order that he may properly

perform his duties as representative of the State of Arizona upon said joint commission.

Sec. 4. For the purpose of carrying out the provisions of this Act, including the payment of an equitable portion of the cost and expenses of said joint commission, there is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of Twenty-five Thousand Dollars ($25,000.00) or so much thereof as may be necessary, for the purposes herein provided. Said appropriation may be used within or without the State of Arizona. The said representative shall employ such clerical and technical assistants as may be deemed necessary to accomplish the objects of this Act. The compensation of the necessary assistants, together with all traveling expenses, and all other costs, charges and necessary expenditures hereunder, shall be paid semi-monthly upon vouchers approved by the State Water Commissioner and warrants drawn for the payment thereof by the State Auditor in the ordinary manner upon the State Treasurer.

Sec. 5. The State Legislature finds, determines and hereby declares that this Act and each and every sentence, phrase and clause thereof is necessary for the immediate preservation of the public peace, health and safety of the State, and that an emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage and approval by the Governor, and shall be exempt from the operation of the referendum provisions of the State Constitution of the State of Arizona.

Sec. 6. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved March 5th, 1921.

Under the provisions of the foregoing law the duties of the Governor are solely ministerial and the compact, if it is to become effective, must be approved by the Legislature.

It is doubtful if any other question will ever arise in Arizona which will mean more to the people and have a greater influence on the development of the State than your action on this proposed compact.

As a citizen of Arizona, and as Governor of the State, I adjure you to study its provisions carefully. Your decision concerning this measure will be scrutinized and studied by the present generation of our people and by posterity.

The deplorable lack of adequate and reliable information in connection with the potential acreage in Arizona which might be irrigated from the waters of the Colorado River adds to your difficulty in determining the wisest and best course for Arizona to adopt in connection with the proposed pact.

A survey is now being made on the Colorado River under the direction of the United States Geological Survey. In a letter under date of January 15th, Mr. Larue informed me that his report would not be ready for publication before July 1st of this year.

The importance of this question, and the fact that the future development of this State largely depends upon the application of the water and power of the Colorado River, suggests the necessity of the Legislature taking such time as may be necessary to secure accurate and adequate information to enable you, as the representatives of the people of Arizona, to act wisely upon this most important subject.

I desire to repeat what I said in my message to the Legislature that "this subject is bigger than political parties; it is bigger than statesmen; it is bigger than any man or the ambitions of any man; it is a question of what is the best thing to do for Arizona and the States of the Colorado Basin, for America, and for the peace of the world."

It is my desire to be helpful to you as the representative of the people of Arizona in determining the best course for the State in this matter. Such information as I have been able to assemble in the short period of time at my command is available for your use, and such facilities as the Governor's office may possess for securing additional data will be placed at your disposal.

If you find that the limited information, data and statistics available for your use is insufficient to justify the State of Arizona entering into this compact at present, I recommend that you make suitable provisions to secure the data necessary for the information of the people of Arizona in order that the interest of our State may be conserved.

Accompanying this message I herewith place in your hands a certified copy of the Colorado River Compact for such action as you may deem prudent.

COLORADO RIVER COMPACT.

The States of Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming, hav-

ing resolved to enter into a compact under the Act of the Congress of the United States of America approved August 19, 1921 (42 Statutes at Large, Page 171) and the Acts of the Legislatures of the said States, have through their Governors appointed as their Commissioners:

W. S. Norviel, for the State of Arizona;

W. F. McClure, for the State of California;

Delph E. Carpenter, for the State of Colorado;

J. G. Scrugham, for the State of Nevada;

Stephen B. Davis, Jr., for the State of New Mexico;

R. E. Caldwell, for the State of Utah;

Frank C. Emerson, for the State of Wyoming, who, after negotiations participated in by Herbert Hoover, appointed by the President as the representative of the United States of America, have agreed upon the following articles:

ARTICLE I.

The major purposes of this compact are to provide for the equitable division and apportionment of the use of the waters of the Colorado River System; to establish the relative importance of different beneficial uses of water; to promote interstate comity to remove causes of present and future controversies; and to secure the expeditious agricultural and industrial development of the Colorado River Basin, the storage of its waters and the protection of life and property from floods. To these ends the Colorado River Basin is divided into two Basins, and an apportionment of the use of part of the water of the Colorado River System is made to each of them, with the provision that further equitable apportionments may be made.

ARTICLE II.

As used in this compact:

(a) The term "Colorado River System" means that portion of the Colorado River and its tributaries within the United States of America.

(b) The term "Colorado River Basin" means all of the drainage area of the Colorado River System and all other territory within the United States of America to which the waters of the Colorado River System shall be beneficially applied.

(c) The term "States of the Upper Division" means the States of Colorado, New Mexico, Utah and Wyoming.

(d) The term "States of the Lower Division" means the States of Arizona, California and Nevada.

(e) The term "Lee Ferry" means a point in the main stream of the Colorado River one mile below the mouth of the Paria River.

(f) The Term "Upper Basin" means those parts of the States of Arizona, Colorado, New Mexico, Utah and Wyoming within and from which waters naturally drain into the Colorado River System above Lee Ferry, and also all parts of said States located without the drainage area of the Colorado River System which are now or shall hereafter be beneficially served by waters diverted from the System above Lee Ferry.

(g) The term "Lower Basin" means those parts of the States of Arizona, California, Nevada, New Mexico and Utah within and from which waters naturally drain into the Colorado River System below Lee Ferry, and also all parts of said States located without the drainage area of the Colorado River System which are now or

shall hereafter be beneficially served by waters diverted from the System below Lee Ferry.

(h) The term "domestic use" shall include the use of water for household, stock, municipal, mining, milling, industrial and other like purposes, but shall exclude the generation of electrical power.

ARTICLE III.

(a) There is hereby apportioned from the Colorado River System in perpetuity to the Upper Basin and to the Lower Basin respectively the exclusive beneficial consumptive use of 7,500,000 acre feet of water per annum, which shall include all water necessary for the supply of any rights which may now exist.

(b) In addition to the apportionment in paragraph (a), the Lower Basin is hereby given the right to increase its beneficial consumptive use of such waters by one million acre feet per annum.

(c) If, as a matter of international comity, the United States of America shall hereafter recognize in the United States of Mexico any right to the use of any waters of the Colorado River System, such waters shall be supplied first from the waters which are surplus over and above the aggregate of the quantities specified in paragraphs (a) and (b); and if such surplus shall prove insufficient for this purpose, then the burden of such deficiency shall be equally borne by the Upper Basin and the Lower Basin, and whenever necessary the States of the Upper Division shall deliver at Lee Ferry water to supply one-half of the deficiency so recognized in addition to that provided in paragraph (d).

(d) The States of the Upper Division will

not cause a flow of the river at Lee Ferry to be depleted below an aggregate of 75,000,000 acre feet for any period of ten consecutive years reckoned in continuing progressive series beginning with the first day of October next succeeding the ratification of this compact.

(e) The States of the Upper Division shall not withhold water, and the States of the Lower Division shall not require the delivery of water which cannot reasonably be applied to domestic and agricultural uses.

(f) Further equitable apportionment of the beneficial uses of the waters of the Colorado River System unapportioned by paragraphs (a), (b) and (c) may be made in the manner provided in paragraph (g) at any time after October first, 1963, if and when either Basin shall have reached its total beneficial consumptive use as set out in paragraphs (a) and (b).

(g) In the event of a desire for a further apportionment as provided in paragraph (f) any two signatory States, acting through their Governors, may give joint notice of such desire to the Governors of the other signatory States and to the President of the United States of America, and it shall be the duty of the Governors of the signatory States and of the President of the United States of America forthwith to appoint representatives, whose duty it shall be to divide and apportion equitably between the Upper Basin and Lower Basin the beneficial use of the unapportioned water of the Colorado River System as mentioned in paragraph (f), subject to the legislative ratification of the signatory States and the Congress of the United States of America.

ARTICLE IV.

(a) Inasmuch as the Colorado River has ceased to be navigable for commerce and the reservation of its waters for navigation would seriously limit the development of its Basin, the use of its waters for purposes of navigation shall be subservient to the uses of such waters for domestic, agricultural and power purposes. If the Congress shall not consent to this paragraph, the other provisions of this compact shall nevertheless remain binding.

(b) Subject to the provisions of this compact, waters of the Colorado River System may be impounded and used for the generation of electrical power, but such impounding and use shall be subservient to the use and consumption of such water for agricultural and domestic purposes and shall not interfere with or prevent use for such dominant purposes.

(c) The provisions of this article shall not apply to or interfere with the regulation and control by any state within its boundaries of the appropriation, use and distribution of the water.

ARTICLE V.

The chief official of each signatory State charged with the administration of water rights, together with the Director of the United States Reclamation Service and the Director of the United States Geological Survey shall co-operate, ex-officio:

(a) To promote the systematic determination and co-ordination of the facts as to flow, appropriation, consumption and use of water in the Colorado River Basin, and the interchange of available information in such matters.

(b) To secure the ascertainment and publication of the annual flow of the Colorado River at Lee Ferry.

(c) To perform such other duties as may be assigned by mutual consent of the signatories from time to time.

ARTICLE VI.

Should any claim or controversy arise between any two or more of the signatory States: (a) with respect to the waters of the Colorado River System not covered by the terms of this compact; (b) over the meaning or performance of any of the terms of this contract; (c) as to the allocation of the burdens incident to the performance of any article of the compact or the delivery of waters as herein provided; (d) as to the construction or operation of works within the Colorado River Basin to be situated in two or more States; or to be constructed in one State for the benefit of another State; or (e) as to the diversion of water in one State for the benefit of another State; the Governors of the States affected, upon the request of one of them, shall forthwith appoint Commissioners with power to consider and adjust such claim or controversy, subject to ratification by the Legislatures of the States so affected.

Nothing herein contained shall prevent the adjustment of any such claim or controversy by any present method or by direct future legislative action of the interested States.

ARTICLE VII.

Nothing in this compact shall be construed as affecting the obligations of the United States of America to Indian Tribes.

ARTICLE VIII.

Present perfected rights to the beneficial use of waters of the Colorado River System are unimpaired by this compact. Whenever storage capacity of 5,000,000 acre feet shall have been provided on the main Colorado River within or for the benefit of the Lower Basin, then claims of such rights, if any, by appropriators or users of water in the Lower Basin against appropriators or users of water in the Upper Basin shall attach to and be satisfied from water that may be stored not in conflict with Article III.

All other rights to beneficial use of waters of the Colorado River System shall be satisfied solely from the water apportioned to that Basin in which they are situate.

ARTICLE IX.

Nothing in this compact shall be construed to limit or prevent any State from instituting or maintaining any action or proceeding, legal or equitable, for the protection of any right under this compact or the enforcement of any of its provisions.

ARTICLE X.

This compact may be terminated at any time by the unanimous agreement of the signatory States. In the event of such termination all rights established under it shall continue unimpaired.

ARTICLE XI.

This compact shall become binding and obligatory when it shall have been approved by the Legislatures of each of the signatory States and by the Congress of the United States. Notice of approval by the Legislatures shall be given by

the Governors of each signatory State to the Governors of other signatory States and to the President of the United States, and the President of the United States is requested to give notice to the Governors of the signatory States of approval by the Congress of the United States.

IN WITNESS WHEREOF, the Commissioners have signed this compact in a single original, which shall be deposited in the archives of the Department of State of the United States of America and of which a duly certified copy shall be forwarded to the Governor of each of the signatory States.

Done at the City of Santa Fe, New Mexico, the twenty-fourth day of November, A. D. One thousand nine hundred and twenty-two.

(Signed) W. S. Norviel
(Signed) W. F. McClure
(Signed) Delph E. Carpenter
(Signed) J. G. Scrugham
(Signed) Stephen B. Davis, Jr.
(Signed) R. E. Caldwell
(Signed) Frank C. Emerson

APPROVED:
(Signed) Herbert Hoover

PROCLAMATION

OF

GOVERNOR OF ARIZONA

CALLING

THE FIFTH LEGISLATURE

OF THE

STATE OF ARIZONA

IN

SPECIAL SESSION

ON

FEBRUARY 15, 1922

JANUARY 30, 1922

PROCLAMATION
EXECUTIVE DEPARTMENT
STATE OF ARIZONA

A PROCLAMATION CALLING THE LEGISLATURE OF THE STATE OF ARIZONA IN SPECIAL SESSION.

WHEREAS, Certain emergencies having arisen in connection with the fiscal affairs of the State of Arizona, particularly in relation to the University of Arizona, which is without necessary funds for current expenses, pending final collection of the mill tax provided for in Chapter 81, Session Laws of Arizona, 1921, and

WHEREAS, Present economic conditions make advisable the reconsideration of all existing appropriation laws, with a view to having those laws more nearly conform to the financial situation of today, and

WHEREAS, It has become apparent that the fiscal code of the state no longer functions to the best advantage of our commonwealth, and

WHEREAS, A new banking code has become imperative, and

WHEREAS, For the sake of greater efficiency and economy in state, county and municipal government, certain governmental agencies and activities in connection therewith should be more closely co-ordinated, and in some cases abolished, and expenditures of such agencies and activities revised, and

WHEREAS, It has been ascertained that our laws governing the formation of irrigation, drain-

age and electrical distircts do not subserve all the purposes of their enactment, and

WHEREAS, Legislative amendment has brought into question the validity of bonds issued under and by virtue of Chapter 53, Session Laws of 1912, as amended by the second and third state legislatures, and has had the tendency to eliminate competitive bidding for paving and other public improvements, and

WHEREAS, A more equitable method of taxing and licensing automobiles is desirable and more adequate regulations governing the use of public highways by motor and other vehicles have become necessary by reason of increased mileage and types of roads and highways constructed, under construction and which will be built in the immediate future, and

WHEREAS, Sound political economy dictates that the state should derive greater revenue from the estates of residents of Arizona and from the estates of decedents of other states with property in Arizona, and

WHEREAS, The constitution of the state fails in certain particulars to meet existing and possible future contingencies having a direct and important bearing upon our material welfare,

NOW THEREFORE, I, Thomas E. Campbell, governor of the State of Arizona, by virtue of the power and authority vested in me by the constitution of the state, do hereby convene the fifth legislature of the State of Arizona in special session at Phoenix, Arizona, the capital of said state, at the hour of 12, noon, on Wednesday, the 15th day of February, 1922, for the following purposes, to-wit:

1. To enact such legislation as will provide and make available cash funds for current ex-

penses and maintenance of the different departments of state, for state institutions, for public schools, and for interest on the public debt;

2. To consider all existing appropriation laws, revising such appropriation laws and appropriations to conform to present economic conditions;

3. To adopt a fiscal code by enactment of new laws or amendments of existing laws, providing for the creation of a general fund, and establishing certain limitations as to expenditures therefrom;

4. To enact a banking code for state banks and banking institutions now engaged or hereafter engaging in the business of banking in this state;

5. To consider governmental machinery, state, county and municipal, with a view to more closely co-ordinating, or abolishing, certain agencies and activities, and revising expenditures in connection therewith;

6. To consider the question of enacting and to enact new legislation, or the amendment of existing laws relating to the general subject of irrigation, drainage and electrical districts;

7. To consider and enact amendments to the Improvement Act of 1912 and acts amendatory or supplementary thereto, with the object of restoring competitive bidding, and eliminating any legal doubt or question as to the validity of bonds issued thereunder;

8. To amend Chapter 8, Title 50, Revised Statutes of Arizona, 1913, entitled, "Use of Public Highways by Motor Vehicles," and all acts supplementary or amendatory thereto;

9. To revise Chapter 13, Title 49, Revised

Statutes, 1913, entitled, "Inheritance Tax," and all acts amendatory thereto;

10. To draft such amendments to the constitution as the judgment of the legislature may dictate, to revise or repeal any proposed constitutional amendment, and to enact such legislation as will provide for the submission of such amendments to the people of the state of Arizona at the next general election or at a special election to be called for that purpose.

And to take such action relative to the above subjects hereinbefore referred to as the legislature may deem wise and expedient.

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

Done at Phoenix, the Capital, this
30th day of January, A. D., 1922.

THOS. E. CAMPBELL,
Governor.

Attest:
(Seal)
ERNEST R. HALL,
Secretary of State.

PROCLAMATION

OF

GOVERNOR OF ARIZONA

CALLING FOR

SPECIAL ELECTION

ON

SEPTEMBER 12, 1922

JANUARY 7, 1922

EXECUTIVE DEPARTMENT
STATE OF ARIZONA

Proclamation of Special Election

WHEREAS, it is provided by Chapter 12 of the Session Laws of the First Special Session of the Fifth State Legislature, 1922, that a special election for the purpose of submitting to the qualified electors certain proposed amendments to the Constitution of the State of Arizona, shall be held on the eighth Tuesday prior to the general election in the year 1922; and

WHEREAS, it is provided by Section 3 of said Chapter 12 that not less than ninety days before the date of said special election the Governor shall proclaim said special election, in accordance with the provisions of said Section 3 of Chapter 12;

NOW THEREFORE, I, THOMAS E. CAMPBELL, Governor of the State of Arizona, in pursuance of my duty as prescribed by law, do hereby proclaim that a special election has been called by the Legislature of the State of Arizona to be held on the eighth Tuesday prior to the general election in the year 1922, to-wit: on the twelfth day of September, 1922, which is the same day as the primary election in the year 1922, for the purpose of submitting to the qualified electors of the State of Arizona certain proposed amendments to the Constitution of this State. The nature of the proposed constitutional amendments to be submitted at the said special election follows:

A proposal to amend Article IX of the Con-

stitution of the State of Arizona so as to provide:

(1) That the exemption to widows from taxation, provided they do not own over five thousand dollars worth of property, shall be two thousand dollars instead of one thousand dollars as at present. That

(2) All taxes levied and collected for State purposes, and all other revenues collected for State purposes, shall be paid into the State Treasury in money only; and no State department or official shall maintain or keep any depository for State funds separate and apart from the State treasury.

(3) That the debt limit of the State may be increased from its present limit of three hundred and fifty thousand dollars ($350,000) to an amount equal to four per centum of the assessed valuation of the State, by majority vote of the real property taxpayers, who shall also be qualified electors of the State of Arizona.

(4) That in all city, county, school district and other bond elections, no bonded indebtedness shall be created except by a vote of the real property taxpayers, who shall in all other respects be qualified electors.

A proposal to amend Section 10 of Article VII of the Constitution of the State of Arizona so as to authorize the Legislature to enact laws providing for nomination of candidates for all elective offices. The Constitution at present requires enactment of a direct primary election law.

A proposal to Amend Section 11 of Article VII of the Constitution of the State of Arizona to provide that there shall be a general election every two years for Representative in Congress and any other officers required. This to harmonize the election system in conformity with other

proposed amendments to bring about four year terms for State and County officers.

A proposal to Amend Section 3 of Article XII of the Constitution of the State of Arizona, relative to county officers, so as to provide that all county officers hereafter elected shall be elected for terms of four years each.

A proposal to Amend Section 1 of Article V of the Constitution of the State of Arizona to the effect that "The Executive Department of the State shall consist of Governor, Secretary of State, State Auditor, State Treasurer and Attorney General, each of whom shall hold his office for four years beginning on the first Monday of January next after his election. The terms of office of those elected at the general election in 1922 shall begin on the first Monday in January, 1923, and shall end on the first Monday in January, 1927, or when their successors are elected and qualified. Unless otherwise provided for by this Constitution, a State Superintendent of Public Instruction shall be appointed by the State Board of Education, and his term of office and salary shall be prescribed by said Board."

A proposal to amend Section 21 of Subdivision 2 of Article IV of the Constitution of the State of Arizona, to the effect that members of the Legislature elected at the general election in 1922 shall hold office until the first Monday in January, 1927, and the terms of office of members thereafter be four years.

A proposal to amend Section 5 of Subdivision 2 of Article IV of the Constitution of the State of Arizona so as to remove the present restriction to the effect that no member of the Legislature during the term for which he shall have been elected to any civil office of profit under the laws

of this State, which shall have been created, or the emoluments of which shall have been increased during said term.

A proposal to amend Article XIV of the Constitution of the State of Arizona relative to corporations other than municipal by adding a new section authorizing the organization of associations or producers of agricultural products, corporate or otherwise, with or without capital stock, for the mutual benefit of the members thereof, and providing that the Legislature shall enact such laws as shall provide methods of conducting all such associations or corporations.

A copy of said proposed amendments may be obtained by each registered voter from the County Recorder or from the registering officer by whom such voter shall have been registered.

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

Done at Phoenix, the Capital, this
(SEAL) 7th day of June, 1922.

(Signed) THOMAS E. CAMPBELL,
Attest: Governor of Arizona.
ERNEST R. HALL, (Signed)
Secretary of State.

PROPOSED

CONSTITUTIONAL AMENDMENTS

Passed by the Legislature and Referred to the People

To be Voted on at the

SPECIAL ELECTION

SEPTEMBER 12, 1922

Showing the Vote Cast for and Against Each Amendment

PROPOSED AMENDMENT OF THE CONSTITUTION OF THE STATE OF ARIZONA

To be submitted to the qualified electors of the State of Arizona for their approval or rejection at the

SPECIAL ELECTION
to be held

ON THE TWELFTH DAY OF SEPTEMBER, 1922.

(On Official Ballot Nos. 100 and 101.)

SENATE BILL NO. 14.

AN ACT

PROPOSING TO AMEND THE CONSTITUTION OF THE STATE OF ARIZONA BY AMENDING ARTICLE IX THEREOF, SO AS TO PROVIDE THAT ALL REVENUES OF EVERY KIND COLLECTED FOR STATE PURPOSES SHALL BE PAID INTO THE STATE TREASURY; TO INCREASE THE DEBT LIMIT OF THE STATE AFTER ASSENT BY QUALIFIED REAL PROPERTY TAXPAYERS; AND REPEALING ALL CONSTITUTIONAL PROVISIONS IN CONFLICT WITH SAID PROPOSED AMENDMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ARIZONA:

Section 1. It is proposed to amend Article IX of the Constitution of the State of Arizona, to read as follows:

ARTICLE IX.

PUBLIC DEBT, REVENUE AND TAXATION.

Section 1. The power of taxation shall never be surrendered, suspended, or contracted away. All taxes shall be uniform upon the same class of property within the territorial limits of the authority levying the tax, and shall be levied and collected for public purposes only.

Section 2. That there shall be exempted from taxation all Federal, State, county and municipal property. Property of educational, charitable, and religious associations or institutions not used or held for profit, may be exempted from taxation by law. Public debts, as evidenced by the bonds of Arizona, its counties, municipalities, or

other subdivisions, shall also be exempt from taxation. There shall further be exempt from taxation the property of widows, residents of this state, not exceeding the amount of two thousand dollars, where the total assessment of such widow does not exceed five thousand dollars. All property in the State not exempt under the laws of the United States or under this constitution, or exempted by law under the provisions of this section, shall be subject to taxation as provided by law. This section shall be self-executing.

Section 3. The Legislature shall provide by law for an annual tax sufficient, with other sources of revenue, to defray the necessary ordinary expenses of the State for each fiscal year. And for the purpose of paying the State debt, if there be any, the Legislature shall provide for levying an annual tax sufficient to pay the annual interest and the principal of such debt within twenty-five years from the final passage of the law creating the debt.

No tax shall be levied except in pursuance of law, and every law imposing a tax shall state distinctly the object of the tax, to which object only it shall be applied.

All taxes levied and collected for State purposes, and all other revenues collected for State purposes, shall be paid into the State treasury in money only; and no State department or official shall maintain or keep any depository for State funds separate and apart from the State treasury.

Section 4. The fiscal year shall commence on the first day of July in each year. An accurate statement of the receipts and expenditures of the public money shall be published annually, in such manner as shall be provided by law. Whenever the expenses of any fiscal year shall exceed the income, the Legislature may provide for levying a tax for the ensuing fiscal year sufficient, with other sources of income, to pay the deficiency, as well as the estimated expenses of the ensuing fiscal year.

Section 5. The State many contract debts to supply the casual deficits or failures in revenues, or to meet expenses not otherwise provided for; but except as hereinafter in this Section provided for, the aggregate amount of such debts, direct and contingent, whether contracted by virtue of one or more laws or at different periods of time, shall never exceed the sum of three hundred and fifty thousand dollars; and the money arising from the creation from such debts shall be applied to the purposes for which

it was obtained, or to repay the debts so contracted, and to no other purpose or purposes.

In addition to the above limited power to contract debts, the State may borrow money to repel invasion, suppress insurrection or defend the State in time of war; but the money thus raised shall be applied exclusively to the object for which the loan shall have been authorized, or to the payment of the debt thereby created. No money shall be paid out of the State Treasury, except in the manner provided by law.

In addition to the above limited power to contract debts, the State may incur further indebtedness in the manner to be provided for by law, but the aggregate amount of such further indebtedness, whether contracted by virtue of one or more laws or at different periods of time, shall never exceed a sum equal to four per centum of the assessed value of the taxable property within the State; provided, however, that such additional debts or indebtedness within said limit of four per centum of the taxable property of the State for any purpose shall not be incurred without first obtaining the assent of a majority of the real property taxpayers of the State, who must in all respects also be qualified electors of the State, voting at an election to be held for that purpose. The value of the taxable property for the purposes of said election shall be ascertained by the last assessment for State and County purposes previous to the date upon which such election shall be held.

Section 6. Incorporated cities, towns, and villages may be vested by law with power to make local improvements by special assessments, or by special taxation of property benefited. For all corporate purposes, all municipal corporations may be vested with authority to assess and collect taxes.

Section 7. Neither the State, nor any county, city, town, municipality, or other subdivision of the State shall ever give or loan its credit in the aid of, or make any donation or grant, by subsidy or otherwise, to any individual, association, or corporation, or become a subscriber to, or a shareholder in, any company or corporation, or become a joint owner with any person, company or corporation, except as to such ownerships as may accrue to the State by operation or provision of law.

Section 8. No county, city, town, school district, or

other municipal corporation shall for any purpose become indebted in any manner to an amount exceeding four per centum of the taxable property in such county, city, town, school district, or other municipal corporation, without the assent of a majority of the real property taxpayers, who must also in all respects be qualified electors, therein voting at an election provided by law to be held for that purpose, the value of the taxable property therein to be ascertained by the last assessment for State and county purposes, previous to incurring such indebtedness; except that in incorporated cities and towns assessments shall be taken from the last assessment for city or town purposes; provided, that under no circumstances shall any county or school district become indebted to an amount exceeding ten per centum of such taxable property, as shown by the last assessment roll thereof; and provided, further, that any incorporated city or town, with such assent, may be allowed to become indebted to a larger amount, but not exceeding fifteen per centum additional, for supplying such city or town with water, artificial light, or sewers, when the works for supplying such water, light or sewers are or shall be owned and controlled by the municipality.

Section 9. Every law which imposes, continues, or revives a tax shall distinctly state the tax and objects for which it shall be applied; and it shall not be sufficient to refer to any other law to fix such tax or object.

Section 10. No tax shall be laid or appropriation of public money made in aid of any church, or private or sectarian school, or any public service corporation.

Section 11. The manner, method and mode of assessing, equalizing and levying taxes in the State of Arizona, shall be such as may be prescribed by law.

Section 12. The law-making power shall have authority to provide for the levy and collection of license, franchise, gross revenue, excise, income, collateral and direct inheritance, legacy and succession taxes, also graduated income taxes, graduated collateral and direct inheritance taxes, graduated legacy and success taxes, stamp, registration, production, or other specific taxes.

Section 13. The Legislature shall enact such laws as shall be necessary to provide for the manner of calling and conducting any election hereunder and to fully carry out the provisions of this article.

Section 14. All provisions of the Constitution of the State of Arizona in conflict with this Article are hereby repealed.

Passed the Senate March 1, 1922.
Passed the House March 8, 1922.
Filed March 13, 1922.
100 Yes. 12033.
101 No. 24422.

PROPOSED AMENDMENT TO THE CONSTITUTION.

PROPOSED BY THE SPECIAL SESSION OF THE FIFTH STATE LEGISLATURE.

To be submitted to the qualified electors of the State of Arizona for their approval or rejection at the

SPECIAL ELECTION

to be held

ON THE TWELFTH DAY OF SEPTEMBER, 1922.

(On Official Ballot Nos. 102 and 103.)

SENATE BILL NO. 16.

AN ACT

PROPOSING TO AMEND SECTION 10 OF ARTICLE VII OF THE CONSTITUTION OF THE STATE OF ARIZONA RELATIVE TO NOMINATION OF CANDIDATES FOR OFFICE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ARIZONA:

Section 1. That it is hereby proposed to amend Section 10 of Article VII of the Constitution of the State of Arizona, to read as follows:

Section 10. The Legislature shall enact laws providing for the nomination of candidates for all elective State, County, Precinct and Municipal offices, including candidates for United States Senator and for Representative or Representatives in Congress.

Passed the Senate March 1, 1922.
Passed the House March 8, 1922.
Filed March 13, 1922.
102 Yes. 7774.
103 No. 26302.

PROPOSED AMENDMENT TO THE CONSTITUTION.

PROPOSED BY THE SPECIAL SESSION OF THE FIFTH STATE LEGISLATURE

To be submitted to the qualified electors of the State of Arizona for their approval or rejection at the

SPECIAL ELECTION
to be held

ON THE TWELFTH DAY OF SEPTEMBER, 1922.

(On Official Ballot Nos. 104 and 105.)

SENATE BILL NO. 17.

AN ACT

PROPOSING TO AMEND SECTION 11 OF ARTICLE VII OF THE CONSTITUTION OF THE STATE OF ARIZONA RELATIVE TO GENERAL ELECTIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ARIZONA:

Section 1. That it is hereby proposed to amend Section 11 of Article VII of the Constitution of the State of Arizona to read as follows:

Section 11. There shall be a general election on the first Tuesday after the first Monday in November, 1922, and biennially thereafter. At each general election there shall be elected a Representative or Representatives in Congress, and such other officers as by this Constitution or by law are required to be elected at such time.

Passed the Senate March 1, 1922.
Passed the House March 9, 1922.
Filed March 13, 1922.
104 Yes. 7487.
105 No. 25602.

PROPOSED AMENDMENT TO THE CONSTITUTION.

PROPOSED BY THE SPECIAL SESSION OF THE FIFTH STATE LEGISLATURE

To be submitted to the qualified electors of the State of Arizona for their approval or rejection at the

SPECIAL ELECTION

to be held

ON THE TWELFTH DAY OF SEPTEMBER, 1922.

(On Official Ballot Nos. 106 and 107.)

SENATE BILL NO. 18.

AN ACT

PROPOSING TO AMEND SECTION 3 OF ARTICLE XII OF THE CONSTITUTION OF THE STATE OF ARIZONA RELATIVE TO COUNTY OFFICERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ARIZONA:

Section 1. That it is hereby proposed to amend Section 3 of Article XII of the Constitution of the State of Arizona to read as follows:

Section 3. Subject to change by law, there are hereby created in and for each organized county of the State the following officers who shall be elected by the qualified electors thereof: Sheriff, Recorder, Treasurer, School Superintendent, County Attorney, and Assessor, each of whom shall be elected for a term of four years, and such officers elected at the general election in 1922, shall serve until the first Monday in January, 1927; and three Supervisors whose terms of office shall be as follows: The Supervisor who received the highest number of votes at the general election in 1920 shall hold office until the first Monday in January, 1925, and the other two Supervisors shall hold office until the first Monday in January, 1923. Supervisors elected at the general election in 1922 and at subsequent general elections shall hold office for four years.

Passed the Senate March 1, 1922.
Passed the House March 9, 1922.
Filed March 13, 1922.
108 Yes. 6988.
109 No. 25710.

PROPOSED AMENDMENT OF THE CONSTITUTION OF THE STATE OF ARIZONA

To be submitted to the qualified electors of the State of Arizona for their approval or rejection at the

SPECIAL ELECTION

to be held

ON THE TWELFTH DAY OF SEPTEMBER, 1922.

(On Official Ballot Nos. 108 and 109.)

SENATE BILL No. 19.

AN ACT

PROPOSING TO AMEND SECTION 1 OF ARTICLE V OF THE CONSTITUTION OF THE STATE OF ARIZONA RELATIVE TO EXECUTIVE DEPARTMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ARIZONA:

Section 1. That it is hereby proposed to amend Section 1 of Article V of the Constitution of the State of Arizona, to read as follows:

Section 1. The Executive Department of the State shall consist of Governor, Secretary of State, State Auditor, State Treasurer and Attorney General, each of whom shall hold his office for four years beginning on the first Monday of January next after his election. The terms of office of those elected at the general election in 1922 shall begin on the first Monday in January, 1923, and shall end on the first Monday in January, 1927, or when their successors are elected and qualified. Unless otherwise provided for by this Constitution, a State Superintendent of Public Instruction shall be appointed by the State Board of Education, and his term of office and salary shall be prescribed by said Board.

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.

Passed the Senate March 1, 1922.
Passed the House March 9, 1922.
Filed March 13, 1922.
108 Yes. 6988.
109 No. 25710.

PROPOSED AMENDMENT TO THE CONSTITUTION.

PROPOSED BY THE SPECIAL SESSION OF THE FIFTH STATE LEGISLATURE

To be submitted to the qualified electors of the State of Arizona for their approval or rejection at the

SPECIAL ELECTION

to be held

ON THE TWELFTH DAY OF SEPTEMBER, 1922.

(On Official Ballot Nos. 110 and 111.)

SENATE BILL NO. 20.

AN ACT

PROPOSING TO AMEND SECTION 21 OF SUBDIVISION 2 OF ARTICLE IV, OF THE CONSTITUTION OF THE STATE OF ARIZONA, RELATIVE TO TERMS OF MEMBERS OF THE LEGISLATURE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ARIZONA:

Section 1. That it is hereby proposed to amend Section 21 of Subdivision 2 of Article IV of the Constitution of the State of Arizona, to read as follows:

Section 21. The members of the Legislature elected at the general election in 1922 shall hold office until the first Monday in January, 1927. The terms of office of the members of succeeding Legislatures shall be four years.

Passed the Senate March 1, 1922.
Passed the House March 9, 1922.
Filed March 13, 1922.
110 Yes. 7292.
111 No. 25659.

PROPOSED AMENDMENT TO THE CONSTITUTION.

PROPOSED BY THE SPECIAL SESSION OF THE FIFTH STATE LEGISLATURE

To be submitted to the qualified electors of the State of Arizona for their approval or rejection at the

SPECIAL ELECTION

to be held

ON THE TWELFTH DAY OF SEPTEMBER, 1922.

(On Official Ballot Nos. 112 and 113.)

SENATE BILL NO. 35.

AN ACT

PROPOSING TO AMEND SECTION 5 OF SUBDIVISION 2 OF ARTICLE IV OF THE CONSTITUTION OF THE STATE OF ARIZONA RELATIVE TO THE LEGISLATURE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ARIZONA:

Section 1. That it is hereby proposed to amend Section 5 of Subdivision 2 of Article IV of the Constitution of the State of Arizona to read as follows:

Section 5. No member of the Legislature, during the term for which he shall have been elected, shall be appointed to any civil office of profit under this State, which shall have been created, or the emoluments of which shall have been increased, during said term.

Passed the Senate March 10, 1922.
Passed the House March 21, 1922.
Filed March 22, 1922.
112 Yes. 6899.
113 No. 25095.

PROPOSED AMENDMENT TO THE CONSTITUTION.

PROPOSED BY THE SPECIAL SESSION OF THE FIFTH STATE LEGISLATURE

To be submitted to the qualified electors of the State of Arizona for their approval or rejection at the

SPECIAL ELECTION

to be held

ON THE TWELFTH DAY OF SEPTEMBER, 1922.

(On Official Ballot Nos. 114 and 115.)

SENATE BILL NO. 41.

AN ACT

PROPOSING TO AMEND ARTICLE XIV OF THE CONSTITUTION OF THE STATE OF ARIZONA RELATIVE TO CORPORATIONS OTHER THAN MUNICIPAL.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ARIZONA:

Section 1. That it is hereby proposed to amend Article XIV of the Constitution of Arizona by adding a section to be known as Section 20:

Section 20. That persons engaged in the production of agricultural products as farmers, planters, ranchmen, dairymen, nut or fruit growers may act together in associations, corporate or otherwise, with or without capital stock, in collectively processing, preparing for market, handling, and marketing in interstate and foreign commerce, such products of persons so engaged. Such associations may have marketing agencies in common; and such associations and their members may make the necessary contracts and agreements to effect such purposes: Provided, however, that such associations are operated for the mutual benefit of the members thereof, as such producers, and conform to one or both of the following requirements:

First. That no member of the association is allowed more than one vote because of the amount of stock or membership capital he may own therein, or

Second. That the association does not pay dividends on stock or membership capital in excess of eight (8) per centum per annum.

Third. That the association shall not deal in the products of nonmembers to an amount greater in value than such as are handled by it for members.

The Legislature shall enact such laws as shall provide methods of conducting all such associations or corporations.

Passed the Senate March 15, 1922.
Passed the House March 21, 1922.
Filed March 22, 1922.
114 Yes. 13848.
115 No. 20559.

PROPOSED

CONSTITUTIONAL AMENDMENTS

Passed by the Legislature and Referred to the People

AND

INITIATED MEASURES

Initiated by the People Voted on at the

GENERAL ELECTION

NOVEMBER 7, 1922

Showing the Vote Cast for and Against Each Amendment

PROPOSED AMENDMENT TO THE CONSTITUTION OF THE STATE OF ARIZONA.

To be submitted to the qualified electors of the State of Arizona for their approval or rejection at the

REGULAR GENERAL ELECTION

to be held

ON THE SEVENTH DAY OF NOVEMBER, 1922

(On Official Ballot Nos. 100 and 101.)

AN ACT

TO AMEND THE CONSTITUTION OF THE STATE OF ARIZONA BY ADDING SECTION 5A IMMEDIATELY FOLLOWING SECTION FIVE OF ARTICLE NINE, AND PROVIDING FOR THE ISSUANCE OF BONDS FOR PAVING OF A HIGHWAY FROM THE HASSAYAMPA RIVER TO THE COLORADO RIVER.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

That the Constitution of the State of Arizona be, and the same is hereby amended by adding Section 5A at the end of Section 5 of Article 9 of said Constitution, said Section 5A to read as follows:

"Section 5A: In addition to all other state debts two million five hundred thousand dollars of bonds of the State of Arizona shall be issued and sold and the proceeds thereof placed in the State Road Fund and used by the State Engineer, under the direction of the Board of Directors of State Institutions, for the purpose of surveying, locating, constructing and paving a permanent hard surface state highway from that bridge now in course of construction over the Hassayampa River in Township 1 South, Range 5 West of the Gila and Salt River Base and Meridian, by the shortest feasible route to that point on the Colorado River at, or near, Ehrenburg directly opposite the causeway on the California side of the Colorado River and leading toward Blythe, California; unless some other point on the Colorado River in the vicinity of Ehrenberg shall be agreed upon by the Highway Departments of the States of California and Arizona.

The State Highway shall be paved throughout its entire length with a permanent hard surface and the perma-

nent hard surface shall not be less than sixteen feet wide, nor less than six inches thick throughout the course of said highway.

Immediately after the first of January, 1923, the Loan Commissioners of the State of Arizona and the State Treasurer shall proceed to issue and sell negotiable coupon bonds of the State of Arizona in the amount of two million five hundred thousand dollars ($2,500,000.00) for the purpose of providing funds for the construction of said state highway. Said bonds shall be issued and sold and provision for payment made in the manner provided by Chapter 1 of Title 52, of the Revised Statutes of the State of Arizona, Civil Code 1913.

In the event the funds herein provided are not exhausted by the construction of said state highway, the State Treasurer shall remove any remainder from the State Road Fund and place it in the sinking fund for the redemption of the bonds herein provided."

Filed July 7, 1922.
100 Yes. 22130.
101. No. 24688.

PROPOSED AMENDMENT TO THE CONSTITUTION OF THE STATE OF ARIZONA.

To be submitted to the qualified electors of the State of Arizona for their approval or rejection at the

REGULAR GENERAL ELECTION

to be held

ON THE SEVENTH DAY OF NOVEMBER, 1922

(On Official Ballot Nos. 102 and 103.)

AN ACT

TO AMEND ARTICLE XI OF THE CONSTITUTION OF THE STATE OF ARIZONA PERTAINING TO "EDUCATION;" AND REPEALING PROVISIONS OF THE CONSTITUTION INCONSISTENT HEREWITH.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

Section 1. That Article XI of the Constitution of the State of Arizona relating to "Education" shall be amended so as to be and read as follows:—

ARTICLE XI.

EDUCATION.

Section 1. The Legislature shall enact such laws as will provide for the establishment and maintenance of a general and uniform public school system, which system shall include kindergarten schools, common schools, high schools, normal schools, normal colleges, industrial schools, a university, and such other schools as may be necessary to meet the educational needs of the state. The Legislature shall also enact such laws as will provide for the education and care of the deaf, dumb and blind.

Section 2. The power for general supervisions, government and control of the public school systems, except the University of Arizona, is vested in a state Board of Education.

Section 3. The State Board of Education shall consist of seven members who shall be appointed by the Governor, each of whom shall hold office for seven-year terms, beginning on the first day of January, 1923, except that the terms of office of those first appointed after this provision becomes effective shall be stated definitely in the commission issued as extending for terms of one, two, three, four, five, six and seven years, respectively. Appointment shall be made in such manner that the resulting membership shall include not more than four members of any one political party. It shall be the duty of the Governor to fill all vacancies in the membership of the Board, by appointment within thirty days after such vacancies occur; such appointees to hold office for the unexpired terms of the members they succeed. The members of the State Board of Education shall receive no salary, but the Legislature, by specific appropriation, shall provide for the payment of expenses of the Board and its members. A State Superintendent of Public Instruction shall be appointed by the State Board of Education, provided that no restriction of residence shall limit the Board in its selection. The Board shall have power to prescribe the qualifications duties, powers and fix the salary of the State Superintendent, who shall be executive officer of the Board. The first Superintendent of Public Instruction shall be appointed immediately after the first Monday in January, 1925. The Legislature may provide additional powers and duties of the Board not inconsistent with those specified herein, and may prescribe as to the manner and methods of procedure of

such Board in the exercise of its powers and duties; provided: Until such provision is made, and in cases where no provision is made, the Board may determine its own mode of procedure in any case.

The members of the Board and the Superintendent of Public Instruction shall take an oath of office before entering upon the discharge of the duties of their respective offices.

Section 4. The State University shall be governed and controlled by a Board of Regents. The number of members and their tenure of office shall be fixed by the Legislature. The Governor and State Superintendent of Public Instruction, each ex-officio, shall be members of such board. All other members thereof shall be appointed by the Governor. The state university shall include an agricultural college, a college of mines and engineering, and such other colleges, schools and departments as may be determined by the Board of Regents of the University.

Section 5. The University and all other state educational institutions shall be open to students of both sexes, and the instruction furnished shall be as nearly free as possible.

Section 6. The Legislature shall provide for a system of common schools by which a free school shall be established and maintained in every school district, for at least eight months in each year, which school shall be open to all pupils between the ages of six and twenty-one years.

Section 7. No sectarian instruction shall be imparted in any school or state educational institution which may be established under this Constitution, and no religious or political test or qualification shall ever be required as a condition of admission into any public educational institution of the state as teacher, student or pupil; but the liberty of conscience hereby secured shall not be so construed as to justify practices or conduct inconsistent with the good order, peace, morality, or safety of the State, or with the rights of others.

Section 8. A permanent state school fund for the use of common schools shall be derived from the sale of public school lands, or other public lands specified in the Enabling Act approved June 20, 1910; from all estates or distributive shares of estates that may escheat to the State; from all unclaimed shares and dividends of any corporation incorporated under the laws of Arizona; and from all gifts,

devises, or bequests made to the State for general educational purposes.

The income derived from the investment of the permanent state school fund, and from the rental derived from school lands, with such other funds as may be provided by law, shall be apportioned annually to the various counties of the State in proportion to the average daily attendance of the pupils of school age residing therein.

Section 9. The amount of this apportionment shall become a part of the county school fund, and the Legislature shall enact such laws as will provide for increasing the county fund sufficiently to maintain all the public schools of the county for a minimum term of eight months in every school year. The laws of the state shall enable cities and towns to maintain free high schools, industrial schools and commercial schools.

Section 10. The revenue for the maintenance of the respective educational institutions shall be derived from the income 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 enactment of the United States for the use and benefit of the respective state educational institutions. In addition to such income the Legislature shall make such appropriations, to be met by taxation, as will insure the proper maintenance of all state educational institutions, and shall make such special appropriations as will provide for their development and improvement.

Section 11. All provisions of the State Constitution inconsistent herewith are hereby repealed.

Filed July 7, 1922.
102 Yes. 14212.
103 No. 24062.

REFERENDUM ORDERED BY THE LEGISLATURE.

To be submitted to the qualified electors of the State of Arizona for their approval or rejection at the

REGULAR GENERAL ELECTION

to be held

ON THE SEVENTH DAY OF NOVEMBER, 1922

(On Official Ballot Nos. 300 and 301.)

(House Bill No. 120.)

AN ACT

TO REPEAL INITIATIVE MEASURE FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 6, 1916, AND APPROVED BY A MAJORITY OF THE VOTES CAST THEREON AT THE GENERAL ELECTION, HELD ON THE 7TH DAY OF NOVEMBER, 1916, ENTITLED "AN ACT RELATING TO THE PRESERVATION OF FISH AND GAME AND AMENDING PARAGRAPHS 654 AND 670, TITLE 18, PENAL CODE OF THE REVISED STATUTES OF ARIZONA, 1913;" AND REPEALING ALL ACTS IN CONFLICT HEREWITH; AND TO PROVIDE FOR THE SUBMISSION OF SUCH PROPOSED ACT TO THE PEOPLE OF THE STATE OF ARIZONA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ARIZONA:

Section 1. That it is hereby proposed that there shall be submitted to the people of the State of Arizona, under the provisions of Section 1, Article 4, of the Constitution of Arizona, an Act, in title and form as follows, to-wit:

"AN ACT

To repeal initiative measure filed in the office of the Secretary of State July 6, 1916, and approved by a majority of the votes cast thereon at the general election, held on the 7th day of November, 1916, entitled 'An Act relating to the preservation of fish and game and amending paragraphs 654 and 670, Title 18, Penal Code, of the Revised Statutes of Arizona, 1913;' and repealing all Acts in conflict herewith.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

Section 1. That the initiative measure filed in the office of the Secretary of State July 6, 1916, and approved by a majority of the votes cast thereon at the general election held on the 7th day of November, 1916, entitled An Act relating to the preservation of fish and game and amending paragraphs 654 and 670, Title 18, Penal Code of the Revised Statutes of Arizona, 1913, be and the same is hereby repealed.

Section 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed."

Section 2. The submission to the people of the State of Arizona of said proposed Act, as set forth in Section 1 of this Act, is hereby ordered, in accordance with the provisions of Section 1, Article 4, of the Constitution of Arizona.

Section 3. When this Act shall receive the affirmative vote of a majority of each House of the Legislature, and shall be entered on the respective Journals thereof, together with the ayes and nays thereon, the Secretary of State shall submit such proposed Act to the people of the State of Arizona, at the next regular or general election.

Passed the House February 17th, 1921.

Passed the Senate March 10th, 1921.

Approved March 14th, 1921.

Filed in the Office of the Secretary of State March 14th, 1921.

300 Yes. 10555.
301 No. 23014.

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