

1958 SESSION LAWS

STATE OF ARIZONA

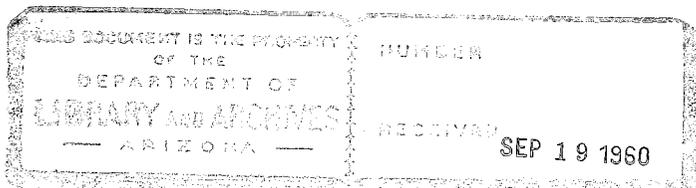
Twenty-third Legislature

Second Regular Session



WESLEY BOLIN

Secretary of State



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LAWS OF ARIZONA

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STATE OF ARIZONA

U. S. ELECTIVE OFFICIALS

Office	Name and Party	Address
SENATORS—	Carl Hayden (D).....	Phoenix
	Barry Goldwater (R).....	Phoenix

REPRESENTATIVES

District No. 1—	John J. Rhodes (R).....	Mesa
District No. 2—	Stewart L. Udall (D).....	Tucson

(Addresses as given are the home addresses. Official mail should be addressed to Washington, D. C.)

STATE ELECTIVE OFFICIALS

1957-1958

SUPREME COURT	Name	Address
	Chief Justice—Levi S. Udall (D).....	209 Capitol Bldg.
	Judge—Dudley W. Windes (D).....	209 Capitol Bldg.
	Judge—M. T. Phelps (D).....	209 Capitol Bldg.
	Judge—Fred C. Struckmeyer, Jr. (D).....	209 Capitol Bldg.
	Judge—J. Mercer Johnson* (D).....	209 Capitol Bldg.
GOVERNOR—	Ernest W. McFarland (D).....	204 Capitol Bldg.
SECRETARY OF STATE—	Wesley Bolin (D).....	203 Capitol Bldg.
ATTORNEY GENERAL—	Robert Morrison (D).....	108 Capitol Bldg.
TREASURER—	J. W. Kelly (D).....	10 Capitol Bldg.
AUDITOR—	Jewel W. (Mrs. Lon) Jordan (D).....	104 Capitol Bldg.
SUPT. OF PUBLIC INSTRUCTION		
	M. L. Brooks (D).....	1730 W. Adams St.
MINE INSPECTOR—	Roy V. Hersey** (D).....	109 Capitol Bldg.
TAX COMMISSION		
	Chairman—Thad M. Moore (D).....	101 Capitol Bldg.
	Member—William E. Stanford (D).....	101 Capitol Bldg.
	Member—Warren Peterson (D).....	101 Capitol Bldg.
CORPORATION COMMISSION		
	Member—William T. Brooks (D).....	New State Bldg.
	Member—E. T. "Eddie" Williams, Jr. (D).....	New State Bldg.
	Member—George (Duke) Senner*** (D).....	New State Bldg.

* Appointed to succeed Arthur T. LaPrade, deceased.

** Appointed to succeed Edward (Ed) Massey, deceased.

*** Appointed to succeed Mit Sims, deceased.

ARIZONA COURTS

1957-58

U. S. DISTRICT COURT IN ARIZONA

Judge Dave W. Ling.....	Phoenix and Prescott
William H. Loveless, Clerk.....	Phoenix
Jack D. H. Hays, U. S. District Attorney.....	Phoenix
Stanley A. Jerman, Referee in Bankruptcy.....	Phoenix
F. A. Hickernell, Probation Officer.....	Phoenix
Judge James A. Walsh.....	Tucson and Globe
Catherine A. Dougherty, Chief Deputy Clerk.....	Tucson
Archie M. Meyer, U. S. Marshal.....	Tucson
Richard C. Griffith, Chief Deputy U. S. Marshal.....	Tucson
Edward Dougherty, Probation Officer.....	Tucson
Fred Baker, Official Reporter.....	Tucson
Robert S. Murlless, Ass't U. S. Dist. Attorney.....	Phoenix
Robert Royston, Ass't U. S. Dist. Attorney.....	Tucson

SUPREME COURT OF ARIZONA

Levi S. Udall, Chief Justice.....	State House, Phoenix
Dudley W. Windes, Judge.....	State House, Phoenix
M. T. Phelps, Judge.....	State House, Phoenix
Fred C. Struckmeyer, Jr., Judge.....	State House, Phoenix
J. Mercer Johnson, Judge.....	State House, Phoenix
Eugenia Davis, Clerk.....	State House, Phoenix

SUPERIOR COURT OF ARIZONA

Judge	County	County Seat
J. Smith Gibbons—Apache.....		St. Johns
Frank E. Thomas—Cochise.....		Bisbee
H. L. Russell—Coconino.....		Flagstaff
Sam Lazovich—Gila.....		Globe
Jesse A. Udall—Graham.....		Safford
Porter Murry—Greenlee.....		Clifton
Fred J. Hyder—Maricopa, Division 1.....		Phoenix
Charles C. Bernstein—Maricopa, Division 2.....		Phoenix
Henry S. Stevens—Maricopa, Division 3.....		Phoenix
Francis J. Donofrio—Maricopa, Division 4.....		Phoenix
Lorna E. Lockwood—Maricopa, Division 5.....		Phoenix
Renz L. Jennings—Maricopa, Division 6.....		Phoenix
Elbert R. Thurman*—Maricopa, Division 7.....		Phoenix
Warren L. McCarthy—Maricopa, Division 8.....		Phoenix
R. C. Stanford, Jr.—Maricopa, Division 9.....		Phoenix
Yale McFate—Maricopa, Division 10.....		Phoenix
Charles P. Elmer—Mohave.....		Kingman
Don T. Udall—Navajo.....		Holbrook
John Molloy—Pima, Division 1.....		Tucson
Lee Garrett—Pima, Division 2.....		Tucson
Robert S. Tullar—Pima, Division 3.....		Tucson
Herbert F. Krucker—Pima, Division 4.....		Tucson
W. C. Truman—Pinal.....		Florence
Gordon Farley—Santa Cruz.....		Nogales
W. C. Patterson—Yavapai.....		Prescott
Henry C. Kelly—Yuma.....		Yuma

* Appointed to succeed Alex B. Baker, deceased.

CLERKS OF THE SUPERIOR COURT

Clerk	County	County Seat
Merle W. Heap (D)	—Apache	St. Johns
M. E. "Rusty McPherson (D)	—Cochise	Bisbee
Mary P. Lewis (D)	—Coconino	Flagstaff
Arnold M. Ambos (D)	—Gila	Globe
Mrs. Cleora Hancock (D)	—Graham	Safford
Harriet Sweeting (D)	—Greenlee	Clifton
Walter S. Wilson (D)	—Maricopa	Phoenix
C. B. "Kirk" Tatum (D)	—Mohave	Kingman
Lafe S. Hatch (D)	—Navajo	Holbrook
Grayce Gibson O'Neill (D)	—Pima	Tucson
Clyde H. Lamar** (D)	—Pinal	Florence
Mrs. Dorothy Titcomb (D)	—Santa Cruz	Nogales
Nellie Marshall Prince (D)	—Yavapai	Prescott
James B. McLay (D)	—Yuma	Yuma

** Appointed to succeed T. J. Marks, retired.

ELECTIVE COUNTY OFFICIALS FOR ARIZONA

1957-1958

COUNTY	COUNTY SEAT	ASSESSOR	ATTORNEY
Apache	St. Johns	Parley Heap (D)	D. L. Greer (D)
Cochise	Bisbee	Sam R. Clark (D)	Lloyd C. Helm (D)
Coconino	Flagstaff	Durward L. McKinney (D)	Laurence T. Wren (D)*
Gila	Globe	Margarite H. Webb (D)	Harold Beelar (D)
Graham	Safford	Robert Goodman (D)	Ruskin Lines (D)
Greenlee	Clifton	William Paterson (D)	James Boyce Scott (D)
Maricopa	Phoenix	C. L. Sparks (D)	Charles Stidham (D)
Mohave	Kingman	W. D. Lawe (D)	Carl D. Hammond (D)
Navajo	Holbrook	Arthur Palmer (D)	Edwin R. Powell (D)
Pima	Tucson	Leo J. Finch (D)	Raul H. Castro (D)
Pinal	Florence	Wyly Parsons (D)	Timothy J. Mahoney (D)
Santa Cruz	Nogales	Frank A. Bennett (D)	James D. Hathaway (D)
Yavapai	Prescott	Joel H. Baldwin (D)	Jack L. Ogg (D)
Yuma	Yuma	A. O. Williamson (D)	Bill Helm (D)

* Appointed to succeed H. K. Mangum, resigned.

COUNTY	COUNTY SEAT	RECORDER	SHERIFF
Apache	St. Johns	Virgie Heap (D)	Emilio Garcia (D)
Cochise	Bisbee	P. W. Newbury (D)	W. J. Howard (D)
Coconino	Flagstaff	Edna Mae Thornton (D)	Cecil D. Richardson (D)
Gila	Globe	Joseph Kinsman (D)	Jack Jones (D)
Graham	Safford	Lyle H. Grant (D)	H. (Skeet) Bowman (D)
Greenlee	Clifton	Mrs. Don C. Marsh (D)	Fred Carrell (D)
Maricopa	Phoenix	N. C. "Kelly" Moore (D)	L. C. "Cal" Boies (D)
Mohave	Kingman	Peggy B. Smith (D)	Frank L. Porter (D)
Navajo	Holbrook	Elda R. Probst (D)	L. Ben Pearson (D)
Pima	Tucson	Anna Sullinger (D)	James W. Clark (R)
Pinal	Florence	Sophie M. Smith (D)	Laurence R. White (D)
Santa Cruz	Nogales	Mary B. Bacelier (D)	J. J. Lowe (D)
Yavapai	Prescott	Frank C. Bauer (D)	James G. Cramer (D)
Yuma	Yuma	Vernon C. Wright (D)	T. H. (Pete) Newman (D)

COUNTY	COUNTY SEAT	SCHOOL SUPERINTENDENT	TREASURER
Apache	St. Johns	Roland S. Hamblin (D)	Wallace DeWitt (D)
Cochise	Bisbee	Patricia (Pat) Goren (D)	F. C. Alexander (D)
Coconino	Flagstaff	Bessie Kidd Best (R)	Rose Stacy (D)
Gila	Globe	Jess G. Hayes (D)	Roy Wood (D)
Graham	Safford	Wilford Hamblin (D)	Lola Hubbard (D)
Greenlee	Clifton	Esthermae F. Kleinman (D)	Gladys Sidebotham (D)
Maricopa	Phoenix	W. W. "Skipper" Dick (D)	Phil A. Isley (D)
Mohave	Kingman	Bernice B. Hulet (D)	Ruth Moser (D)
Navajo	Holbrook	Margaret Porter (D)	A. L. Johnson (D)
Pima	Tucson	Florence Reece (D)	Carroll H. Christian (D)
Pinal	Florence	Mary C. O'Brien (D)	Alice M. Diffin (D)
SantaCruz	Nogales	Cora Everhart (D)	George (Coki) Lowe (D)
Yavapai	Prescott	Sarah Folsom (R)	Paul J. Wedepohl (D)
Yuma	Yuma	Gwyneth Ham (D)	Coila Smith (D)

COUNTY BOARDS OF SUPERVISORS OF ARIZONA

1957-1958

APACHE COUNTY—St. Johns

Dist. No. 1 Arlo B. Lee (D) St. Johns
 Dist. No. 2 Melvin Crosby (D) Eagar
 Dist. No. 3 J. J. (Joe) Linnane (D) Chambers
 Clerk: Benj. Burgess

COCHISE COUNTY—Bisbee

Dist. No. 1 Bert B. Watkins (D) Warren
 Dist. No. 2 Joe G. Good (D) Douglas
 Dist. No. 3 W. R. Moore (D) Willcox
 Clerk: Mrs. Harriett Heister

COCONINO COUNTY—Flagstaff

Dist. No. 1 J. D. Tissaw, Sr. (R) Flagstaff
 Dist. No. 2 Harold H. Huffer (D) Flagstaff
 Dist. No. 3 Charles Gordon McDowell (D) Williams
 Clerk: Jane Burns

GILA COUNTY—Globe

Dist. No. 1 Ben Armer (D) Globe
 Dist. No. 2 J. J. McGoey (D) Miami
 Dist. No. 3 Steve Bryant (D) Miami
 Clerk: Louise Rothengatter

GRAHAM COUNTY—Safford

Dist. No. 1 Vearl A. Lines (D) Safford
 Dist. No. 2 Keith E. Smith (D) Thatcher
 Dist. No. 3 Willie Hinton (D) Ft. Thomas
 Clerk: W. L. Buffington

GREENLEE COUNTY—Clifton

Dist. No. 1 G. M. Callicotte (D) Clifton
Dist. No. 2 Clifford C. Martin (D) Morenci
Dist. No. 3 S. A. Foster (D) Duncan
Clerk: Matt Danenhauer

MARICOPA COUNTY—Phoenix

Dist. No. 1 James E. Lindsay (D) Phoenix
Dist. No. 2 James G. Hart, Sr. (R) Phoenix
Dist. No. 3 James T. O'Neill (D) Phoenix
Clerk: Mrs. Rhea Averill

MOHAVE COUNTY—Kingman

Dist. No. 1 George C. Ricca (D) Oatman
Dist. No. 2 George A. Prentice (D) Kingman
Dist. No. 3 Ray Van Marter (D) Kingman
Clerk: Dean Handley

NAVAJO COUNTY—Holbrook

Dist. No. 1 Ben R. Hunt (D) Holbrook
Dist. No. 2 H. R. McHood (D) Winslow
Dist. No. 3 Virgil M. Flake (D) Snowflake
Clerk: Dorothy J. Leavitt

PIMA COUNTY—Tucson

Dist. No. 1 Dennis Weaver (R) Tucson
Dist. No. 2 Lambert Kautenburger (D) Tucson
Dist. No. 3 Thomas S. Jay (D) Ajo
Clerk: Mrs. Elsa B. Hanna

PINAL COUNTY—Florence

Dist. No. 1 Jay Bateman (D) Ray
Dist. No. 2 J. W. Spray (D) Superior
Dist. No. 3 David C. Davis (D) Coolidge
Clerk: Mrs. Eleanor K. Caffall

SANTA CRUZ COUNTY—Nogales

Dist. No. 1 Edward Bayze, Jr. (D) Nogales
Dist. No. 2 Gilbert C. Soto (D) Nogales
Dist. No. 3 K. W. (Bill) Holbrook (R) Patagonia
Clerk: Estella Holler Garaygordobil

YAVAPAI COUNTY—Prescott

Dist. No. 1 John J. Pruitt (D) Prescott
Dist. No. 2 Marvin E. Rohrer (R) Prescott
Dist. No. 3 Taylor E. Estes (D) Clarkdale
Clerk: Dorothy B. Manton

YUMA COUNTY—Yuma

Dist. No. 1 M. G. Miniken (D) Yuma
Dist. No. 2 Otis Shipp (D) Yuma
Dist. No. 3 Glen Strohm (D) Parker
Clerk: R. L. Odom

1958

JUSTICES OF THE PEACE AND CONSTABLES

APACHE COUNTY

DISTRICT	JUSTICE OF PEACE	CONSTABLE
St. Johns	Edward E. Carter (D) St. Johns, Arizona	Carl J. Mineer (D) St. Johns, Arizona
Concho	E. M. DeGlane (D) Concho, Arizona	Leo M. Garcia (D) Concho, Arizona
McNary	Rand F. Sprankle (D) McNary, Arizona	Edgar B. Merrill (D) McNary, Arizona
Round Valley, Greer, Eagar, Springerville	J. Wesley Burk (D) Eagar, Arizona	G. L. Maxwell (D) Springerville, Arizona
Puerco	Walter F. Tecklenburg (D) Chambers, Arizona	Jeff N. Lauderdale (D) Sanders, Arizona
Vernon	Chas. F. Gillespie (D) Vernon, Arizona	Donald E. Goodman (D) Vernon, Arizona
Ganado, Dinnehotso, Salina Rough Rock	None	None
Alpine (Nutrioso)	Emery Mangum (D) Nutrioso, Arizona	Arlo Jepson (D) Alpine, Arizona

COCHISE COUNTY

Ash, Naco, Bisbee, Don Luis, Warren, Lowell	L. T. Frazier (D) Bisbee, Arizona	
Douglas, Central, Bridge, Lusk, McNeal, Webb, Paradise, Pirtleville, Whitewater	George W. Martin (D) Douglas, Arizona	D. W. Murray (D) Douglas, Arizona
Benson, Pool, Robinson, St. David, Pomerene	Harold W. Holcomb (D) Benson, Arizona	Bill George (D) St. David, Arizona
Cochise, Dos Cabezas, Dragoon, El Dorado, Pearce, Wilgus, Willcox Tombstone	W. L. Chastain (D) Willcox, Arizona	None
Bowie, San Simon	J. T. Castles, III (D) Tombstone, Arizona	None
Buena, Fairbank, Hereford	T. W. Cook (D) Bowie, Arizona	None
	None	None

COCONINO COUNTY

Flagstaff, Bellemont, Mormon Lake, Tuba City, Cameron, Canyon Diablo, Leupp, Happy Jack, Red Lake	James F. Brierly (D) Flagstaff, Arizona	Cliff Simmons (D) Flagstaff, Arizona
Williams, Parks	Thomas E. Way (R) Williams, Arizona	None
Grand Canyon	S. G. Stephens (R) Grand Canyon, Arizona	Buford B. Belgard (R) Grand Canyon, Arizona
Fredonia, Marble Canyon	Joseph Brooksby (D) Fredonia, Arizona	None
East Flagstaff	Jack Newsum (D) Box 147 Winslow, Arizona	None
Sedona	Elmer A. Purtyman (D) Sedona, Arizona	None
Page	Austin Downes (D) c/o General Delivery Page, Arizona	None

DISTRICT**JUSTICE OF PEACE****CONSTABLE****GILA COUNTY**

Globe	Clyde Shute (D) Globe, Arizona	W. S. Edwards (D) Globe, Arizona
Miami, Claypool, Central Heights	John Carpenter (D) Miami, Arizona	W. P. Ellis (D) Miami, Arizona
Hayden, Winkelman	Rex Curtis (D) Hayden, Arizona	Wm. A. Pratt (D) Hayden, Arizona
Roosevelt, Payson	Calvin N. Greer (D) Payson, Arizona	Wm. E. Jackson (D) Payson, Arizona
Young	Wm. L. Turner (D) Young, Arizona	Carl Thurlo (D) Young, Arizona
Pine	Isaac Hunt (D) Pine, Arizona	William S. Lazear (D) Pine, Arizona

GRAHAM COUNTY

Safford, Lebanon, Solomon, Layton	Jay Nelson (D) Safford, Arizona	None
Thatcher, Central, Pima, Glenbar, Ashurst, Bryce, Eden Ft. Thomas, Bylas, Geronimo	Jesse L. Green (D) Thatcher, Arizona C. J. Grover (D) Ft. Thomas, Arizona	None
Bonita, Klondyke	James DuBois (D) Bonita, Arizona	

GREENLEE COUNTY

Clifton, Blue, Eagle	Jesse Simmons Clifton, Arizona	
Morenci	J. C. Cooper, Sr. (D) Morenci, Arizona	C. J. Russell (D) Morenci, Arizona
Duncan, Franklin, York-Sheldon	J. B. Wright (D) Duncan, Arizona	

MARICOPA COUNTY

Buckeye, Arlington, Palo Verde, Liberty, Tonopah	Bill Meck (D) Buckeye, Arizona	Murrell Flood (D) Buckeye, Arizona
Chandler, Queen Creek, Higley	Coy Beasley (D) Chandler, Arizona	Charlie Southard (D) Chandler, Arizona
Gila Bend, Homestead, Sentinel	John H. Hunt (R) Gila Bend, Arizona	Jack Mullenax (D) Gila Bend, Arizona
Gilbert	W. C. McConnell (D) Gilbert, Arizona	Hubert Harmon (D) Gilbert, Arizona
Glendale	C. F. Carden (D) Glendale, Arizona	Frank C. Sheets (D) Glendale, Arizona
Alma, Lehi, Fish Creek, Sunflower, Mesa Cotton City, Peoria	Lawrence E. Mulleneaux Mesa, Arizona (D) John L. Meyer (D) Peoria, Arizona	A. W. Hawkins (D) Mesa, Arizona John C. Ramsey, Jr. (D) Peoria, Arizona
East Phoenix	Ida Westfall (D) Phoenix, Arizona	J. G. Hickey (D) Phoenix, Arizona
West Phoenix	Al J. Flood (D) Phoenix, Arizona	A. B. Spain (D) Phoenix, Arizona
Northeast Phoenix	Charles F. Coppock (R) Phoenix, Arizona	Robert G. Bruce (R) Phoenix, Arizona
Northwest Phoenix	C. Stanley Kimball (D) Phoenix, Arizona	John H. Shumaker (D) Phoenix, Arizona
Scottsdale	Ben E. Fox (D) Scottsdale, Arizona	Wilbur L. Robertson (D) Scottsdale, Arizona

DISTRICT	JUSTICE OF PEACE	CONSTABLE
Kyrene, Tempe	Ralph W. Fowler (D) Tempe, Arizona	John H. Gregg (D) Tempe, Arizona
Avondale, Orme, Cartwright, Cashion, Fowler, Goodyear, Tolleson	Arthur Webster (D) Tolleson, Arizona	R. H. Brummell (D) Avondale, Arizona
Wickenburg, Aguila, Morristown	R. L. Westfall (D) Wickenburg, Arizona	Clyde A. Hall (D) Wickenburg, Arizona

MOHAVE COUNTY

Kingman, Yucca, Oatman, Chloride, Hackberry, Alamo Crossing, Owens, etc. Littlefield	Ora Gruninger (D) Kingman, Arizona	Walter Black (D) Kingman, Arizona
Mt. Trumbull	Clifford Peterson (D) Littlefield, Arizona	
Short Creek, Cane Beds, Tuweep, Moccasin Bullhead City, Davis Dam	James G. Bundy (D) Mt. Trumbull, Arizona Jerold R. Williams (D) Short Creek, Arizona Ethelyn Buck (D) Bullhead City, Arizona	

NAVAJO COUNTY

Holbrook, Kayenta, Keams Canyon, Woodruff Winslow, Oraibi, Polacca, Tees To, Toreva Snowflake, Taylor, Shumway, Heber, Overgaard Clay Springs, Pinedale	A. G. McCloskey (D) Holbrook, Arizona E. R. Crozier (D) Winslow, Arizona Russell Hakes (R) Snowflake, Arizona Ben L. Perkins (D) Clay Springs, Arizona Wm. H. Lewis (D) Show Low, Arizona Newell Kay (D) Joseph City, Arizona Martha McNary Wilson Pinetop, Arizona (R)	Nick Apodaca (D) Holbrook, Arizona Elmer L. Randolph (D) Winslow, Arizona Timothy A. Carragher, Sr. Snowflake, Arizona (R) Stanley Brewer (R) Clay Springs, Arizona James H. Newton (D) Show Low, Arizona John L. Bushman (D) Joseph City, Arizona Thomas W. Frost (D) Lakeside, Arizona
Linden, Show Low, Cibecue		
Joseph City		
Lakeside, Pinetop, Whiteriver		

PIMA COUNTY

Tucson 1	Edward J. Valeski (R) Courthouse, Tucson	Robert Sigourney (R) Courthouse, Tucson
Tucson 2	Clark H. Johnson (D) Courthouse, Tucson	Ed F. Echols (D) Courthouse, Tucson
Tucson 3	Noal Talley (D) Ajo, Arizona	Thomas F. Larremore (D) Ajo, Arizona
Ajo	Norman H. Green (D) Courthouse, Tucson	William Sartori (D) Courthouse, Tucson
Tucson 4		

PINAL COUNTY

Florence	Lottie Devine (D) Florence, Arizona	Pete C. Van Haren (D) Florence, Arizona
Casa Grande, Sacaton	J. E. McFaddin (D) Casa Grande, Arizona	George D. Pickerel (D) Casa Grande, Arizona
Eloy, Red Rock	Norman Murphey (D) Eloy, Arizona	Hubert Wilks (D) Eloy, Arizona
Stanfield, Maricopa	E. L. Hollingworth (D) Stanfield, Arizona	Stanley Dean (D) Stanfield, Arizona

DISTRICT**JUSTICE OF PEACE****CONSTABLE**

Oracle, San Manuel	Lewis T. Derwin (D) Oracle, Arizona	None
Mammoth, Tiger	John Carnighan (D) Mammoth, Arizona	Harry R. Clark (D) Mammoth, Arizona
Aravaipa, Dudleyville	Mrs. Viola Seal (D) Hayden Junction, Arizona	Dale E. Collier (D) Hayden Junction, Arizona
Coolidge	S. A. Westerman Coolidge, Arizona	Asa F. Gardner (D) Coolidge, Arizona
Ray, Kelvin	Gerald H. Crandall (D) Ray, Arizona	W. W. Craig (D) Ray, Arizona
Superior	Dale D. Webb (D) Superior, Arizona	Alex Arnett (D) Superior, Arizona
Goldfield, Apache Junction	Norman L. Teason (D) Rt. 2 Box 568, Mesa	Grady Haskins (D) Rt. 2 Box 568, Mesa
Maricopa	Frank Lombard (D) Maricopa, Arizona	Hubert Ashby (D) Maricopa, Arizona

SANTA CRUZ COUNTY

Nogales, Santa Cruz	Fred U. Allen (D) Nogales, Arizona	A. J. Baca (D) Nogales, Arizona
Patagonia, San Rafael, Elgin	Oliver J. Rothrock (D) Patagonia, Arizona	

YAVAPAI COUNTY

Ash Fork	J. J. Slamon (R) Ash Fork, Arizona	
Bagdad	Stanley R. Wright (D) Bagdad, Arizona	Sid Despain (D) Bagdad, Arizona
Camp Verde, Beaver Creek, Cherry Creek, Childs Congress-Yarnell, Castle Hot Springs, Rincon, Constellation Mayer, Bumble Bee, Cleator, Crown King, Humboldt, Rock Springs	Lisle A. Watts (R) Camp Verde, Arizona Jerold P. Kolar (R) Yarnell, Arizona Marion T. Burleson (D) Humboldt, Arizona	Clyde A. McDonald (D) Mayer, Arizona
Prescott, Camp Wood, Chino Valley, Groom Creek, Hillside, Kirkland, Miller Valley, Skull Valley, Wagoner, Walnut Creek, Walnut Grove, Whipple Seligman	Dan Seaman (D) Prescott, Arizona Walter T. Barber (R) Seligman, Arizona	Charles F. Hines (D) Prescott, Arizona
Upper Verde, Clarkdale, Cottonwood, Jerome, Oak Creek, Red Rock	W. J. Finnegan (D) Clarkdale, Arizona	Paris E. Webb (D) Cottonwood, Arizona

YUMA COUNTY

Yuma, Dome, Laguna, Rood, Crane, Blaisdell Somerton, Gadsden	Ersel C. Byrd (D) Yuma, Arizona C. R. Cavanah (D) Somerton, Arizona	B. W. Long (D) Yuma, Arizona John Pool, Jr. (D) Somerton, Arizona
Wellton, Roll, Mohawk, Aztec, Hyder Quartzsite, Cihola	Geo. T. Witten (D) Wellton, Arizona George Hagley (D) Quartzsite, Arizona	Floyd L. Killman (D) Wellton, Arizona Hugh F. Wright (D) Quartzsite, Arizona
Salome, Wenden, Vicksburg	W. D. Davis (D) Salome, Arizona	Ernest Bashor (D) Salome, Arizona
Parker, Bouse	O. N. Hamilton (D) Parker, Arizona	Henry Horn (D) Parker, Arizona

ACTS

MEMORIALS AND RESOLUTIONS

of the

SECOND REGULAR SESSION

of the

TWENTY-THIRD LEGISLATURE

of the

STATE OF ARIZONA

1958



SECOND REGULAR SESSION CONVENED

JANUARY 13, 1958

SECOND REGULAR SESSION ADJOURNED SINE DIE

MARCH 15, 1958 AT 6:07 P.M.

Publication Authorized
Paragraph 9a, Section 41-121,
Arizona Revised Statutes as amended by
Chapter 81, Laws of 1957
Twenty-third Legislature
First Regular Session.
Chapter 102, Laws of 1958
Second Regular Session, Twenty-third Legislature

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

AUTHENTICATION

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

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

That the Second Regular Session of the Twenty-third Legislature of the State of Arizona was convened at the Capitol, in the City of Phoenix, January 13, 1958, and adjourned sine die on the 15th day of March, 1958.

IN TESTIMONY WHEREOF, I have hereunto set my hand as Secretary and affixed the Great Seal of the State of Arizona, this 1st day of April, 1958.



/s/ WESLEY BOLIN
Secretary of State

MEMBERS OF THE SENATE

TWENTY-THIRD LEGISLATURE
OF ARIZONA

1958

County	Name and Party	Address
Apache	Lynn Lockhart (D).....	Springerville
	Melvin C. Greer (D).....	St. Johns
Cochise	Dan S. Kitchel (D).....	Bisbee
	A. R. Spikes (D).....	Douglas
Coconino	Robert W. Prochnow (D).....	Flagstaff
	Fred F. Udine (D).....	Williams
Gila	Clarence L. Carpenter (D).....	Miami
	William A. Sullivan (D).....	Globe
Graham	W. B. Mattice (D).....	Pima
	Wilford R. Richardson (D).....	Safford
Greenlee	M. L. (Marshall) Simms (D).....	Clifton
	Carl Gale (D).....	Duncan
Maricopa	Joe Haldiman, Jr. (D).....	Phoenix
	Frank G. Murphy (D).....	Phoenix
Mohave	Earl Cook (D).....	Kingman
	Robert E. Morrow (D).....	Kingman
Navajo	J. Morris Richards (D).....	Winslow
	William R. Bourdon (R).....	Snowflake
Pima	Harry Ackerman (D).....	Tucson
	Hiram S. (Hi) Corbett (R).....	Tucson
Pinal	Charles S. Goff (D).....	Casa Grande
	Ben Arnold (D).....	Coolidge
Santa Cruz	Neilson Brown (D).....	Nogales
	C. B. (Bert) Smith (D).....	Nogales
Yavapai	Chas. H. (Chick) Orme, Sr. (D).....	Mayer
	David H. Palmer (D).....	Prescott
Yuma	Ray H. Thompson (D).....	Parker
	Harold C. Giss (D).....	Yuma

MEMBERS OF THE HOUSE
 TWENTY-THIRD LEGISLATURE
 OF ARIZONA
 1958

District	Name and Party	Address
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APACHE COUNTY

	James S. Shreeve (D).....	St. Johns
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COCHISE COUNTY

- | | | |
|----|---|---------|
| 1. | Clyde M. Dalton (D).....
Box 1609 | Bisbee |
| 2. | H. J. (Duffy) Lewis (D).....
733 12th St. | Douglas |
| 3. | Charles O. Bloomquist (D).....
1206 11th St. | Douglas |
| 4. | W. L. "Tay" Cook (D)..... | Willcox |

COCONINO COUNTY

- | | | |
|----|--|-----------|
| 1. | Thos. M. (Tommy) Knoles, Jr. (D).....
Box 179 | Flagstaff |
| 2. | Harold J. Scudder (D).....
Box 16 | Williams |

GILA COUNTY

- | | | |
|----|--|-------|
| 1. | Louis B. Ellsworth, Jr. (D)..... | Globe |
| 2. | Nelson D. Brayton (D).....
823 Merritt St. | Miami |
| 3. | Edwynne C. "Polly" Rosenbaum (D).....
Box 609 | Globe |

GRAHAM COUNTY

- | | | |
|----|------------------------|---------|
| 1. | E. L. Tidwell (D)..... | Safford |
| 2. | Milton Lines (D)..... | Pima |

GREENLEE COUNTY

1. Tom W. Berry (D).....Clifton
Box 791
2. G. O. "Sonny" Biles (D).....Morenci
Box 747

MARICOPA COUNTY

1. Ed Ellsworth (D).....Chandler
Box 75
2. Vernon Hathcock (R).....Mesa
1104 South Extension Road
3. Laron Waldo DeWitt (R).....Mesa
1018 W. 8th St.
4. J. O. Grimes (D).....Tempe
622 Lemon St.
5. W. W. Mitchell, Sr. (D).....Tempe
Box 426
6. Carl Austin (D).....Phoenix
4442 South 8th Pl.
7. J. R. (Dick) Johnson (D).....Phoenix
21 South 28th Ave.
8. Carl Sims, Sr. (D).....Phoenix
1304 W. Magnolia St.
9. Arlo O. Gooch (D).....Phoenix
2316 South 15th Pl.
10. Sherman R. Dent (D).....Phoenix
512 South 24th St.
11. Bob E. Wilson (D).....Phoenix
513 N. 47th Pl.
12. Marie S. Earl (D).....Phoenix
2016 E. Moreland
13. Conrad James Carreon (D).....Phoenix
806 N. Third St.
14. William J. Harkness (D).....Phoenix
1421 E. Belleview
15. L. S. Dick Adams (D).....Phoenix
418 N. 18th Dr.

16. Geraldine F. (Gerry) Eliot (R).....Phoenix
340 W. Latham Ave.
17. Jack E. Gardner (D).....Phoenix
2922 W. Garfield St.
18. Robert (Bob) Brewer (R).....Phoenix
2536 W. Mulberry Drive
19. Carl C. Andersen (R).....Phoenix
824 W. Edgemont Ave.
20. Malcolm L. Lentz (R).....Phoenix
58 West Edgemont
21. Emogene M. Jennings (R).....Phoenix
119 E. Coronado Road
22. W. I. (Ike) Lowry (R).....Phoenix
2922 E. Manor Drive
23. Lillian Retzloff (D).....Phoenix
2849 Greenfield Road
24. Ruth Adams White (R).....Phoenix
6106 E. Camelback Road
25. Isabel Burgess (R).....Phoenix
2501 E. Pinchot St.
26. David H. Campbell (R).....Phoenix
2546 E. Roma
27. Del Rogers (D).....Phoenix
4021 N. 14th St.
28. Robert C. Forquer (R).....Phoenix
3601 N. 15th Ave.
29. John C. Hughes (D).....Phoenix
5638 N. 7th Dr.
30. R. H. (Bob) Wallace (R).....Phoenix
71 E. Pierson
31. Arthur B. Schellenberg (R).....Phoenix
212 E. Hayward Ave.
32. William Joseph Kamp (D).....Phoenix
1439 E. Hatcher Road
33. Bill Stephens (D).....Phoenix
5735 N. 32nd Drive
34. W. B. Barkley (D).....Glendale
40 West "E" Avenue

- 35. Lewis B. Bramkamp (D).....Wickenburg
Box 847
- 36. S. Earl Pugh (D).....Phoenix
3440 W. Palm Lane
- 37. T. C. (Doc) Rhodes (D).....Avondale
Box 146

MOHAVE COUNTY

- J. J. Glancy (D).....Kingman
1712 E. Jefferson

NAVAJO COUNTY

- 1. Augusta T. Larson (R).....Lakeside
Box 238
- 2. Lee F. Dover (D).....Winslow
1100 Warren Avenue

PIMA COUNTY

- 1. Eaner T. Seaberg (D).....Ajo
311 Vananda
- 2. James N. Corbett, Jr. (D).....Tucson
534 W. Sahuaro St.
- 3. Etta Mae Hutcheson (D).....Tucson
337 South Fourth Ave.
- 4. William M. Carson (D).....Tucson
162 W. District
- 5. Dr. Thomas D. Fridena (D).....Tucson
717 N. Sixth Ave.
- 6. Douglas S. Holsclaw (R).....Tucson
1746 East Fifth St.
- 7. Julliette C. Willis (R).....Tucson
123 Sierra Vista Drive
- 8. V. S. "John" Hostetter (R).....Tucson
100 Calle Encanto
- 9. Marvin L. Burton (D).....Tucson
601 E. Mohave Road
- 10. Alvin Wessler (R).....Tucson
1711 N. Desmond Lane

11. James W. Carroll (D).....Tucson
6009 E. Beverly Drive
12. John H. Haugh (R).....Tucson
Rt. 6 Box 655
13. Keith Brown (R).....Continental
14. Frank G. Robles (D).....Tucson
349 West Blenman St.
15. W. G. "Bill" Bodell (R).....Tucson
3221 Flanwill
16. Harold L. Cook (D).....Tucson
2022 E. Silvosa

PINAL COUNTY

1. Harry Bagnall (D).....Coolidge
2. Frederick S. Smith (D).....Superior
3. E. Blodwen Thode (D).....Casa Grande

SANTA CRUZ COUNTY

- Robert H. Hathaway (D).....Nogales
Duquesne Road

YAVAPAI COUNTY

1. Mabel S. Ellis (D).....Prescott
107 E. Gurley St.
2. Dick W. Martin (R).....Prescott
Box 1270
3. Milton O. "Mo" Lindner (D).....Clarkdale
Box 606

YUMA COUNTY

1. Robert L. (Bob) Klauer (D).....Yuma
869 1st St.
2. John C. Smith, Jr. (D).....Somerton
Rt. 1 Box 40
3. Al Lindsey (D).....Yuma
2415 Fourth Ave.

**ORDER OF
ACTS**

ORDER OF ACTS
TWENTY-THIRD LEGISLATURE
SECOND REGULAR SESSION

Chapter	Bill No.	Contents
1	HB 5	Relating to the State Planning and Building Commission, and providing for the reallocation of funds. (Emergency clause) Approved January 24, 1958 Effective January 24, 1958
2	HB 73	Relating to the authority of the Board of Regents of the University and State Colleges of Arizona to construct, equip, furnish and maintain a stadium at the Arizona State College at Tempe and for that purpose to accept gifts, to borrow money and issue bonds, and to perform necessary or convenient acts in connection with such projects; reducing the aggregate principal amount of the bonds that may be issued under this authority; extending the period of time within which money may be borrowed or bonds issued pursuant thereto; and amending sections 3 and 11, chapter 104, Laws of 1949, regular session. (Emergency clause) Approved January 24, 1958 Effective January 24, 1958
3	SB 24	Relating to public buildings and improvements; reallocating funds to the state department of public welfare for construction and equipping of a surgical and outpatient wing to the crippled children's hospital by the department of public welfare. (Emergency clause) Approved February 21, 1958 Effective February 21, 1958
4	SB 43	Making a supplemental appropriation to the State Highway Department. (Emergency clause) Approved February 28, 1958 Effective February 28, 1958

Chapter Bill No.

Contents

- 5 Sub. HB 44 Relating to the power of Cochise, Graham and Gila Counties, the City of Douglas, and the Towns of Safford and Thatcher to cooperate with the United States in flood control projects, with limitations, and amending sections 45-2335 and 45-2336, Arizona Revised Statutes.
Approved February 28, 1958
Effective June 14, 1958
- 6 HB 62 Relating to Volunteer Fire Companies; providing for deletion of annexed territory from the territory of a volunteer fire company; prescribing responsibility of city or town where annexed territory is not provided with fire protection, and amending title 9, chapter 9, article 1, Arizona Revised Statutes, by adding section 9-1007.01.
Approved February 28, 1958
Effective June 14, 1958
- 7 SB 202 Relating to fiscal procedures; providing for presentation, approval and payment of claims and payrolls, and amending section 35-181, Arizona Revised Statutes.
(Emergency clause)
Approved March 4, 1958
Effective March 4, 1958
- 8 SB 5 Relating to Crimes; defining wilful concealment or shoplifting of merchandise; providing penalties; providing for arrest without warrant; providing a defense against false arrest suits, and amending title 13, chapter 2, article 38, Arizona Revised Statutes, by adding sections 13-673 to 13-675, inclusive.
Approved March 7, 1958
Effective June 14, 1958
- 9 SB 15 Relating to Justices of the Peace; authorizing justices of the peace to act in other precincts within the county or in adjoining precincts regardless of counties, and amending section 22-114, Arizona Revised Statutes.
Approved March 7, 1958
Effective June 14, 1958

Chapter	Bill No.	Contents
10	SB 21	Reallocating funds appropriated to the Board of Directors of State Institutions for Juveniles for the State Industrial School. (Emergency clause) Approved March 7, 1958 Effective March 7, 1958
11	SB 40	Making an appropriation to the Livestock Sanitary Board for the relief of lion bounty claimants. (Emergency clause) Approved March 7, 1958 Effective March 7, 1958
12	SB 81	Making an appropriation to the State Department of Health for the State Tuberculosis Sanatorium. (Emergency clause) Approved March 7, 1958 Effective March 7, 1958
13	SB 94	Relating to State Aviation Authority; prescribing powers and duties of the State Aviation Authority, and amending section 2-123, Arizona Revised Statutes. Approved March 7, 1958 Effective June 14, 1958
14	SB 95	Making an appropriation to the State Land Department. Approved March 7, 1958 Effective March 7, 1958
15	SB 159	Making an Appropriation to the Legislature. (Emergency clause) Approved March 7, 1958 Effective March 7, 1958
16	HB 107	Relating to Volunteer fire companies; providing for the purchase of rescue equipment by volunteer fire companies, and amending section 9-1004, Arizona Revised Statutes. Approved March 7, 1958 Effective June 14, 1958

Chapter	Bill No.	Contents
17	HB 108	Relating to County Officers; prescribing the salaries of the Deputy County Attorney, Deputy Assessor and Deputy Superintendent of Schools in Counties of the first class having a population of less than twenty thousand, and amending Section 11-418, Arizona Revised Statutes. Approved March 7, 1958 Effective June 14, 1958
18	HB 120	Relating to Livestock and Animals; prescribing penalties for unlawfully killing, selling or purchasing the livestock of another, and amending section 24-246, Arizona Revised Statutes. Approved March 7, 1958 Effective June 14, 1958
19	HB 148	Relating to Children; providing for the placement of dependent or neglected children, and amending sections 8-225 and 8-231, Arizona Revised Statutes. Approved March 7, 1958 Effective June 14, 1958
20	HB 72	Relating to seizure and destruction of gambling devices; notice of intent to destroy; waiting period; jurisdiction of actions for recovery of devices; disposition of seized money, and amending title 13, chapter 2, article 21, Arizona Revised Statutes, by adding section 13-439. Approved March 7, 1958 Effective June 14, 1958
21	HB 135	Relating to Education; providing for a child to attend a common or high school in the district or adjoining the district in which the corrective institution having his legal custody or guardianship is located; providing for payment of tuition, and amending sections 15-302 and 15-304, Arizona Revised Statutes. Approved March 7, 1958 Effective June 14, 1958

Chapter	Bill No.	Contents
22	SB 114	<p>Relating to corporations; providing for issuance of preferred stock in series and for the amendment of articles of incorporation; amending sections 10-122 and 10-321, Arizona Revised Statutes, and amending title 10, chapter 1, Article 3, Arizona Revised Statutes, by adding section 10-152.01. (Emergency clause) Approved March 8, 1958 Effective March 8, 1958</p>
23	HB 242	<p>Relating to Commercial and customer-formula feeds, and amending section 24-901, Arizona Revised Statutes. Approved March 8, 1958 Effective June 14, 1958</p>
24	HB 240	<p>Relating to the Livestock Sanitary Board; providing for the appointment of members, and amending section 24-102, Arizona Revised Statutes. (Emergency clause) Approved March 10, 1958 Effective March 10, 1958</p>
25	SB 113	<p>Relating to Corporations and Associations; providing for appointment of statutory agents by foreign corporations; amending sections 10-481, 10-483, and 10-484, Arizona Revised Statutes, and amending title 10, chapter 1, article 17, Arizona Revised Statutes, by adding section 10-484.01. Approved March 10, 1958 Effective July 1, 1958</p>
26	SB 115	<p>Relating to Corporations; providing for payment of fees and penalties by corporations; providing for annual reports and fees and for mailing report forms by corporation commission, and amending sections 10-104 and 10-211, Arizona Revised Statutes. (Emergency clause) Approved March 10, 1958 Effective March 10, 1958</p>

Chapter	Bill No.	Contents
27	SB 8	Relating to Public Officers; prescribing office hours for state offices; providing a permissive five-day week for county offices; authorizing Boards of Supervisors to establish nine-hour period each day for such offices to be open; amending section 38-401, Arizona Revised Statutes, and amending title 11, chapter 3, article 1, Arizona Revised Statutes, by adding section 11-413.01. Approved March 14, 1958 Effective June 14, 1958
28	SB 50	Making an appropriation to the Arizona Commission of Agriculture and Horticulture for eradication of the khapra beetle. (Emergency clause) Approved March 14, 1958 Effective March 14, 1958
29	HB 118	Relating to the powers and duties of school district boards of trustees, and amending section 15-445, Arizona Revised Statutes. Approved March 14, 1958 Effective June 14, 1958
30	SB 88	Relating to Employment Security; defining base period; excluding certain payments from the definition of wages; prescribing and lowering employer contribution rates and adjustment thereof; increasing amount of benefits to employees, and amending sections 23-605, 23-622, 23-730 and 23-779, Arizona Revised Statutes. Approved March 15, 1958 Effective July 1, 1958
31	SB 116	Making an appropriation to the State Department of Health. Approved March 15, 1958 Effective March 15, 1958
32	SB 123	Making an appropriation for the relief of the Industrial Commission of Arizona. (Emergency clause) Approved March 15, 1958 Effective March 15, 1958

Chapter	Bill No.	Contents
33	SB 139	Making an appropriation from the State Land Department fund for the relief of the Forest Service of the United States Department of Agriculture. (Emergency clause) Approved March 15, 1958 Effective March 15, 1958
34	SB 142	Making an appropriation to the State Auditor on behalf of certain departments of the state for the payment of unpaid obligations for old-age and survivors' insurance contributions. Approved March 15, 1958 Effective March 15, 1958
35	SB 136	Relating to State Mineral Leases; prescribing the amount of rent or royalties; providing for termination of leases by the lessee, and amending section 27-234, Arizona Revised Statutes. Approved March 15, 1958 Effective June 14, 1958
36	SB 16	Relating to Child Welfare and Placement; providing that a licensed child welfare agency may require the person petitioning to become the adoptive parent of a child to pay the agency a fee, and amending section 8-511, Arizona Revised Statutes. Approved March 17, 1958 Effective June 14, 1958
37	SB 17	Relating to counties; increasing amount counties may expend for operation of county immigration office, and amending section 11-259, Arizona Revised Statutes. Approved March 17, 1958 Effective June 14, 1958
38	SB 49	Relating to Divorce; prescribing residence requirements of plaintiff, and amending sections 12-401 and 25-311, Arizona Revised Statutes. Approved March 17, 1958 Effective June 14, 1958

Chapter	Bill No.	Contents
39	SB 65	Relating to taxation; providing an exemption from county license tax for public exhibitions when license is required by ordinance of a city or town, and amending section 42-1101, Arizona Revised Statutes. (Emergency clause) Approved March 17, 1958 Effective March 17, 1958
40	SB 78	Relating to contractors; exempting from licensing owners of property who construct buildings not for sale; prescribing grounds for suspension or revocation of license; prescribing the effect of advertising; prescribing penalty; amending sections 32-1121 and 32-1154, Arizona Revised Statutes, and amending title 32, chapter 10, article 3, Arizona Revised Statutes, by adding section 32-1165. Approved March 17, 1958 Effective June 14, 1958
41	SB 87	Relating to certificate of nomination; method and time of filing; form; qualifications and number of petitioners required, and amending section 16-601, Arizona Revised Statutes. Approved March 17, 1958 Effective June 14, 1958
42	SB 96	Making an appropriation to the Arizona State School for the Deaf and the Blind. Approved March 17, 1958 Effective March 17, 1958
43	SB 119	Relating to Common Motor Carriers; prescribing requirements for issuance of a certificate of convenience and necessity; providing exemptions, and amending section 40-607, Arizona Revised Statutes. Approved March 17, 1958 Effective June 14, 1958
44	SB 140	Relating to the State Retirement System; providing for interest credits to the account of a withdrawing member, and amending section 38-758, Arizona Revised Statutes. Approved March 17, 1958 Effective June 14, 1958

Chapter	Bill No.	Contents
45	SB 150	Relating to Electric Cooperatives; providing for the election of Board of Directors, and amending section 10-758, Arizona Revised Statutes. Approved March 17, 1958 Effective June 14, 1958
46	SB 165	Relating to Budget limitations; allowing permissible increases due to annexation, and amending title 42, chapter 2, article 4, Arizona Revised Statutes, by adding section 42-305.01. Approved March 17, 1958 Effective June 14, 1958
47	HB 4	Relating to Public Lands; creating a special fund known as the state public roads and public education fund; prescribing the monies to be deposited therein; providing for disposition of monies deposited in fund, and amending title 37, chapter 3, Arizona Revised Statutes, by adding article 3, section 37-741. Approved March 17, 1958 Effective June 14, 1958
48	HB 22	Relating to electors; prescribing the time during which electors may register to vote, and amending section 16-107, Arizona Revised Statutes. Approved March 17, 1958 Effective June 14, 1958
49	HB 81	Relating to Public Health, providing for the licensing of maternity homes, and amending sections 36-401, 36-441, and 36-442, Arizona Revised Statutes. Approved March 17, 1958 Effective June 14, 1958
50	HB 104	Relating to Flood Control; empowering Santa Cruz County to take such action as may be necessary to cooperate with and receive assistance from the United States in Flood Control projects; prescribing limitations on such power, and amending title 45, chapter 10, article 3, Arizona Revised Statutes, by adding section 45-2337. Approved March 17, 1958 Effective June 14, 1958

Chapter	Bill No.	Contents
51	HB 150	Relating to the Registrar of Contractors; granting registrar authority to purchase building and lot. (Emergency clause) Approved March 17, 1958 Effective March 17, 1958
52	HB 169	Relating to Hospitals and other health centers; providing for the regulation thereof; amending section 36-445, Arizona Revised Statutes; amending title 36, chapter 4, article 1, Arizona Revised Statutes, by adding section 36-401.01, and amending title 36, chapter 4, article 3, Arizona Revised Statutes, by adding sections 36-442.01, 36-442.02 and 36-446. Approved March 17, 1958 Effective June 14, 1958
53	HB 188	Relating to cities and towns; providing for the issuance of bonds for refunding revenue-producing bonds, and amending title 9, chapter 5, article 3, Arizona Revised Statutes, by adding section 9-535.01. (Emergency clause) Approved March 17, 1958 Effective March 17, 1958
54	HB 213	Relating to elections and electors, and amending sections 16-141, 16-148, 16-151, 16-301, 16-864, 16-921, 16-960, and 16-1102, Arizona Revised Statutes. Approved March 17, 1958 Effective June 14, 1958
55	HB 228	Reallocating funds appropriated to the Arizona National Guard. (Emergency clause) Approved March 17, 1958 Effective March 17, 1958
56	HB 229	Relating to fiscal procedures; providing for the establishment of a revolving fund for the office of the State Treasurer, and amending section 35-193, Arizona Revised Statutes. Approved March 17, 1958 Effective June 14, 1958

Chapter	Bill No.	Contents
57	HB 241	Making a supplemental appropriation to the Apprenticeship Council. (Emergency clause) Approved March 17, 1958 Effective March 17, 1958
58	HB 244	Making a supplemental appropriation to the Board of Barber Examiners. (Emergency clause) Approved March 17, 1958 Effective March 17, 1958
59	HB 253	Relating to irrigation districts, drainage districts, flood control districts, agricultural improvement districts, electrical districts, and power districts; providing for retirement benefits for employees of such districts; authorizing the adoption of retirement plans and the expenditure of moneys therefor; and amending title 45, chapter 9, Arizona Revised Statutes, by adding article 7, sections 45-2196 to 45-2199.05, inclusive. Approved March 17, 1958 Effective June 14, 1958
60	HB 257	Relating to elections; providing for the preparation and distribution of precinct registers, and amending section 16-154, Arizona Revised Statutes. Approved March 17, 1958 Effective June 14, 1958
61	HB 175	Relating to State Monuments; providing for construction of a state monument in memory of Spanish-American War Veterans of this state, and making an appropriation. Approved March 17, 1958 Effective June 14, 1958
62	SB 41	Relating to the Sale of State Land; prescribing a classification and appraisal fee; prescribing the terms of sale; providing for the method of payment, and amending sections 37-241 and 37-108, Arizona Revised Statutes. Approved March 17, 1958 Effective June 14, 1958

Chapter	Bill No.	Contents
63	SB 158	Relating to Elections; prescribing limitations on expenditures by candidates in Primary Elections, and amending section 16-426, Arizona Revised Statutes. Approved March 17, 1958 Effective June 14, 1958
64	CB 182	Relating to County Officers; providing for reimbursement of expenditures made in good faith by county board of supervisors of Santa Cruz County. Approved March 17, 1958 Effective June 14, 1958
65	SB 227	Relating to flood control; empowering Pinal County to take such action as may be necessary to cooperate with and receive assistance from the United States in Flood Control Projects; prescribing limitations on such power, and amending title 45, chapter 10, article 3, Arizona Revised Statutes by adding sections 45-2334.01 and 45-2334.02. Approved March 17, 1958 Effective June 14, 1958
66	SB 230	Making a supplemental appropriation to the department of Public Welfare. (Emergency clause) Approved March 17, 1958 Effective March 17, 1958
67	SB 233	Making an appropriation to the Superintendent of Public Instruction for the Purchase of Textbooks. (Emergency clause) Approved March 17, 1958 Effective March 17, 1958
68	HB 189	Relating to Cities and Towns; providing limitations on issuance of bonds for public improvements, and amending section 9-789, Arizona Revised Statutes. (Emergency clause) Approved March 17, 1958 Effective March 17, 1958

Chapter	Bill No.	Contents
69	HB 191	Relating to Elections and Electors; providing for appointment of a vice chairman and vice chairwoman by county committees, and amending section 16-232, Arizona Revised Statutes. Approved March 17, 1958 Effective June 14, 1958
70	HB 200	Relating to counties and municipalities; providing for cooperative agreements between governing bodies for the establishment, development or maintenance of public parks, and amending sections 11-933 and 11-934, Arizona Revised Statutes. Approved March 17, 1958 Effective June 14, 1958
71	HB 280	Relating to nursing; prescribing penalties and violations, and amending section 32-1667, Arizona Revised Statutes. Approved March 17, 1958 Effective June 14, 1958
72	HB 295	Relating to certified public accountants; providing for the establishment of a board of Accountancy fund, and amending section 32-705, Arizona Revised Statutes. Approved March 17, 1958 Effective July 1, 1958
73	HB 296	Relating to Board of Chiropractic Examiners; providing compensation for members; establishing a Board of Chiropractic Examiners fund; amending section 32-903, Arizona Revised Statutes, and amending title 32, Chapter 8, Article 1, Arizona Revised Statutes, by Adding Section 32-906. Approved March 17, 1958 Effective July 1, 1958
74	HB 297	Relating to dispensing opticians; providing for the establishment of a Board of Dispensing Opticians Fund, and amending title 32, chapter 15.1, article 2, Arizona Revised Statutes, by adding section 32-1686. Approved March 17, 1958 Effective July 1, 1958

Chapter	Bill No.	Contents
75	HB 301	Relating to Motor Vehicles; providing for exception to single-axle load limit, and amending section 28-1008, Arizona Revised Statutes. Approved March 17, 1958 Effective June 14, 1958
76	HB 141	Relating to Precinct Officers; prescribing the salary of Justices of the Peace and Constables, and amending section 11-424, Arizona Revised Statutes. Approved March 15, 1958 Effective June 14, 1958
77	HB 160	Relating to Employment Security; exempting golf caddies, and amending section 23-617, Arizona Revised Statutes. Approved March 17, 1958 Effective June 14, 1958
78	HB 264	Relating to Insurance; prohibiting lenders of money on the security of real or personal property from requiring the placing of insurance with an insurer or person specified by the lenders, and amending title 20, chapter 2, article 6, Arizona Revised Statutes, by adding sections 20-452.01 through 20-452.04, inclusive. Approved March 17, 1958 Effective June 14, 1958
79	SB 73	Relating to jurisdiction and venue in criminal cases; providing for notice to attorney general ten days prior to proceedings in trial court subsequent to original trial and sentencing, and amending title 13, chapter 6, article 1, Arizona Revised Statutes, by adding section 13-1516. Approved March 18, 1958 Effective June 14, 1958
80	SB 91	Relating to game and fish; providing for revision of Game and Fish Laws; prescribing penalties; repealing and re-enacting chapter 1 to 4, inclusive, title 17, Arizona Revised Statutes, and making an appropriation. Approved March 18, 1958 Effective July 1, 1958

Chapter	Bill No.	Contents
81	SB 104	Relating to cities and towns; providing certain jurisdiction over subdivisions of property within three miles of any city or town having an ordinance establishing minimum subdivision standards and controls, and amending section 9-474, Arizona Revised Statutes. Approved March 18, 1958 Effective June 14, 1958
82	SB 198	Relating to horse, harness and dog racing; providing that an applicant for a license shall give a surety bond to the state, and amending section 5-107, Arizona Revised Statutes. Approved March 18, 1958 Effective June 14, 1958
83	HB 3	Making a reappropriation of funds and an appropriation to the Arizona Interstate Stream Commission. (Emergency clause) Approved March 18, 1958 Effective March 18, 1958
84	HB 55	Relating to Mental Health; providing procedures for the hospitalization, care, treatment and release of mentally ill persons; repealing sections 36-212 to 36-216, inclusive, Arizona Revised Statutes, and repealing and re-enacting title 36, chapter 5, article 1, Arizona Revised Statutes. Approved March 18, 1958 Effective June 14, 1958
85	HB 163	Relating to the county Recorder; requiring notices of federal tax liens on motor vehicles to be filed at the motor vehicle division for constructive notice, and amending section 11-464, Arizona Revised Statutes. Approved March 18, 1958 Effective June 14, 1958
86	HB 154	Relating to Crimes; prescribing punishment for drawing check or draft on no account or insufficient account with intent to defraud; prescribing notice of protest as prima facie evidence of knowledge of insufficiency of funds or credit, and amending section 13-316, Arizona Revised Statutes. Approved March 18, 1958 Effective June 14, 1958

Chapter	Bill No.	Contents
87	HB 197	Relating to Public Health; providing for district departments of health; providing funds for the operation thereof; amending sections 36-182 and 36-185, Arizona Revised Statutes, and amending title 36, chapter 1, article 4, Arizona Revised Statutes, by adding section 36-184.01. Approved March 18, 1958 Effective June 14, 1958
88	SB 69	Relating to Education; defining powers and duties of boards of trustees; amending sections 15-441 and 15-453, Arizona Revised Statutes, and amending title 15, chapter 4, article 2, Arizona Revised Statutes, by adding section 15-436.01. (Emergency clause) Approved March 18, 1958 Effective March 18, 1958
89	SB 144	Relating to State Lands; providing for the transfer of Papago Park to the Arizona State Parks Board; authorizing the Arizona State Parks Board to lease or sell said lands under certain terms and conditions; classifying said lands, and prescribing procedure for sale or lease thereof. (Emergency clause) Approved March 18, 1958 Effective March 18, 1958
90	SB 225	Relating to the Legislature; providing for payment of an annual salary and reimbursement for expenses to members of the Legislature; providing for the conditional amendment of section 41-1103, Arizona Revised Statutes, and the conditional repeal of sections 41-1134 and 41-1302, Arizona Revised Statutes. Approved March 18, 1958 Effective June 14, 1958
91	SB 84	Relating to Fruit-Vegetable Standardization, and amending sections 3-483, 3-484, 3-489, and 3-490, Arizona Revised Statutes. Approved March 18, 1958 Effective June 14, 1958

Chapter	Bill No.	Contents
92	SB 102	<p>Relating to Education; modifying the processing, certification and contract requirements affecting Arizona students under the compact for Western Regional Cooperation in Higher Education, and amending sections 15-763 and 15-764, Arizona Revised Statutes.</p> <p>(Emergency clause)</p> <p>Approved March 18, 1958</p> <p>Effective March 18, 1958</p>
93	SB 105	<p>Relating to State Government; authorizing the State Planning and Building Commission to contract for the installation and maintenance of a central telephone switchboard system for all state departments; granting authority to the commission to operate the central system and to bill each department for its proportionate cost; creating a telephone revolving fund; amending title 41, chapter 3, article 5.1, Arizona Revised Statutes, by adding sections 41-571.16 and 41-571.17; repealing chapter 15, laws of 1951, and making an appropriation.</p> <p>Approved March 18, 1958</p> <p>Effective June 14, 1958</p>
94	SB 111	<p>Relating to auctions; providing for the licensing and regulation of auctions of jewelry; prescribing fees and penalties, and amending title 44, chapter 11, Arizona Revised Statutes, by adding article 5, sections 44-1671 to 44-1686, inclusive.</p> <p>Approved March 18, 1958</p> <p>Effective June 14, 1958</p>
95	SB 195	<p>Relating to State Retirement System; prescribing exemption of certain employees from compulsory retirement; providing continued employment for five terms of one year each after compulsory retirement age, and amending section 38-759, Arizona Revised Statutes.</p> <p>Approved March 18, 1958</p> <p>Effective June 14, 1958</p>

Chapter	Bill No.	Contents
96	SB 226	<p>Calling a special election to submit to a vote of the people proposed amendments to the constitution of Arizona, and providing for publicity. (Emergency clause) Approved March 18, 1958 Effective March 18, 1958</p>
97	HB 90	<p>Relating to Boxing and Wrestling; providing that professional boxing and wrestling shall be regulated by the State Athletic Commission in certain counties; creating an Arizona State Athletic Commission; prescribing the powers and duties thereof; prescribing penalties; amending title 5, chapter 2, article 1, Arizona Revised Statutes, by adding section 5-206, and amending title 5, chapter 2, Arizona Revised Statutes, by adding article 2, sections 5-221 to 5-236, inclusive. Approved March 18, 1958 Effective June 14, 1958</p>
98	HB 97	<p>Relating to archives and public records; creating a Board of History and Archives; prescribing the powers and duties of the Board; authorizing the Governor to settle disputes as to legal, administrative or historical value of certain records, and amending title 41, chapter 4, Arizona Revised Statutes, by adding article 1.1, sections 41-721 to 41-727, inclusive. (Emergency clause) Approved March 18, 1958 Effective March 18, 1958</p>
99	HB 238	<p>Relating to Education; creating a Junior College survey committee to make a survey of Junior Colleges and related programs for the state of Arizona; providing for the appointment of a director of the survey and other employees and fixing their compensation, and making an appropriation. (Emergency clause) Approved March 18, 1958 Effective March 18, 1958</p>

Chapter	Bill No.	Contents
100	Sub.HB 151	Relating to Boating and Water Safety; providing for the safe operation and safety equipment of watercraft; prohibiting the dumping of refuse on waterways or shorelines of the state; providing for enforcement, and amending title 5, Arizona Revised Statutes, by adding chapter 3, article 1, sections 5-301 to 5-313, inclusive. (Emergency clause) Approved March 20, 1958 Effective March 20, 1958
101	SB 66	Relating to Cosmetology; creating a State Board of Cosmetology; prescribing its powers and duties; providing for licensing and regulation of cosmetology shops, schools, cosmetologists, instructors, manicurists and finger wavers; prescribing penalties; repealing chapter 5 of title 32, Arizona Revised Statutes, and amending title 32, Arizona Revised Statutes, by adding a new chapter 5, articles 1, 2, and 3, sections 32-501 to 32-506, 32-521 to 32-530, and 32-551 to 32-554, inclusive. (Emergency clause) Approved March 20, 1958 Effective March 20, 1958
102	HB 330	Relating to appropriations for the different departments of the state, for state institutions, and for public schools. Approved March 21, 1958 Effective July 1, 1958
103	HB 234	Relating to State Highways; providing for the purchase, sale or condemnation of land for highway purposes, and amending section 18-155, Arizona Revised Statutes. Approved March 21, 1958 Effective June 14, 1958

VETOED MEASURES

SB	86	Relating to State Fair Commission; defining the powers and duties of the State Fair Commission, and amending section 3-1003, Arizona Revised Statutes. Disapproved March 17, 1958 Filed March 17, 1958
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Bill No.	Contents
SB 74	<p>Relating to the Attorney General; empowering the Attorney General to initiate appeals from lower courts in cases where the state or an agency, board, commission or officer thereof is a party, and amending title 41, chapter 1, article 5, Arizona Revised Statutes, by adding section 41-192.01. Disapproved March 18, 1958 Filed March 18, 1958</p>
SB 85	<p>Relating to Horse, Harness and Dog Racing; providing for the disposition of revenue; allotting to the State Fair fund five per cent of the revenue received from Horse, Harness and Dog Racing permittees, permits and Licenses; providing limitation on the amount thereof, and amending section 5-113, Arizona Revised Statutes. Disapproved March 17, 1958 Filed March 17, 1958</p>
SB 194	<p>Relating to Alcoholic Beverages; providing for an airline license; prescribing fees, and amending title 4, chapter 2, article 1, Arizona Revised Statutes, by adding section 4-209.01. Disapproved March 18, 1958 Filed March 18, 1958</p>
SB 112	<p>Relating to Contractors; providing for appointment, term and compensation of the Registrar of Contractors, and amending section 32-1103, Arizona Revised Statutes. Disapproved March 18, 1958 Filed March 18, 1958</p>
HB 221	<p>Relating to Railroad Crossings; authorizing the corporation commission to require the installation of automatic warning devices; providing the apportionment of the cost of acquisition and installation thereof; providing for agreements for sharing the cost thereof; authorizing political subdivisions to receive reimbursement from the State Highway Fund, amending title 40, chapter 2, article 6, Arizona Revised Statutes, by adding section 40-337.01. Disapproved March 18, 1958 Filed March 18, 1958</p>

**GOVERNOR'S
MESSAGE**

MESSAGE

of

ERNEST W. McFARLAND

Governor of Arizona

to

The Second Regular Session

of the

Twenty-third Legislature

January 13, 1958

As we meet here today it is well that we take stock of the situation as it exists in our state, in the nation, and in the whole world. This is a time when the democratic processes are being challenged. It is our duty to give an account of our accomplishments, and to take note of those things which are needed most to prove that our democratic way is able to meet every test; that it may prove itself again and again and again; that the whole world may know that we will survive the encroachment of aggressors from without and decay from within. This can be done only by the goals we are able to reach and the advancements we make and hold. We face a challenge. Our responsibility is great.

I appear before you today to discharge my responsibility under the constitution of our state which makes it the duty of the governor to "communicate by message to the legislature at every session the condition of the state, and recommend such matters as he shall deem expedient." As I have said to you before, I recognize where my responsibility ends, and where that of the legislature begins.

A year ago I was able to say to you that our growth in business had caught up with our growth in population. This condition helped us solve some of our problems. It is ever our duty to work for a balanced economy and for more new industry, that there may be enough jobs to meet the needs of our increasing population. Government must pull our economic forces together for the good of all the people. We must have the vision to do those things today which are necessary to meet the needs of tomorrow. The people expect and have a right to demand that we rise above selfish and special interests, that we forget prejudices and exercise our vision to build beyond petty aims.

In making my recommendations, I recognize that it is just as important to refuse to do those things which are not needed and which unnecessarily burden and disturb the people as it is to do the things which are desirable and necessary. Neither industry nor the people should be saddled with unnecessary laws.

You recommended annual sessions of the legislature and the people voted their approval, so that you might have the opportunity to finish the work started in the first session and to take up any new matters which might develop during that year. I outlined the things which I thought should be done at the first session so it seems unnecessary to detail them in my message today.

As I stated then, the people want and are entitled to your consideration of equal opportunity in every endeavor in business, employment, education, recreational facilities, and public accommodations. They want our government to reflect the dignity and equality of all men. At this time, when our government is being watched as never before by other nations, this becomes even more important. We have made great gains in this regard in the last three years; however, I point out that a public accommodations bill introduced in the last session did not pass.

EDUCATION

The importance of education is being pointed up today more than ever before in the history of our nation. Arizona has kept pace in our educational system. The legislature three years ago provided more money on a state level. More has been expended, for both operation and capital outlay for higher education, than during any other period in the history of our state.

There has already been appropriated by this legislature an amount in excess of \$11,000,000 for construction at our state colleges and university. This year's request for operating these institutions will exceed another \$11,000,000 from the state's general fund.

You have met the challenge, and have recognized the necessity of progress. Last year I recommended that ADA assistance should be placed on a current basis as a means of keeping pace with the rapid increase in enrollment. I still believe this should be done; however, I call your attention to the fact, as I shall outline in discussing the budget, that revenues for next year will not support appropriations in

excess of those required by the present laws. I therefore recommend that if you deem it appropriate to place ADA on a current basis you increase the tax on luxury items to produce additional revenue to meet the increased cost.

The last legislature submitted a constitutional amendment adopted by the people last year, which permitted an exchange of teachers under federal law. As recommended by our State Board of Regents, I suggest that a constitutional amendment be submitted to remove the restrictions prohibiting the employment of aliens by our institutions of higher learning. This has become increasingly important because of the need for stepping up our scientific research program.

In dealing with education, we must not overlook the necessity of providing educational opportunities for all — namely, the mentally limited, physically handicapped, emotionally disturbed, and intellectually gifted. I therefore recommend that you give careful study to the needs of these children toward the end that a better program may be developed for the future.

WELFARE

As always, I place a high priority on the subject of public welfare. Last year I pointed out that the federal government had increased aid to the aged and blind from \$35 to \$39, a maximum increase of \$4 per month, and had provided an increase of \$5 per month for dependent children. It is my firm conviction that this was done, not for the purpose of giving assistance to the state, but for the purpose of increasing assistance to people in need. I recommended that you pass these benefits on to these people, also that consideration be given to matching the same from state funds. I am firmly convinced that the least which should be done is to give these people the increase provided by the federal government.

I know you are aware that no increased assistance has been provided for the aged and blind since 1952. The increase in assistance to dependent children by the last legislature was helpful, but inadequate. The formulas set up by the federal government provide for these increases regardless of any increase in the maximum by the state. Therefore, in cases where there would be no increase beyond the present maximum, there would be no additional cost to the state of Arizona. This increase in maximum would provide assistance where it is most needed.

Here, again, may I remind you that if this additional assistance is provided, new revenue will be needed. It is my

opinion that help to both welfare and education could be met by an increase in the luxury tax. Surely the people of this state would be willing to pay a little more for their luxuries in order that the needs of these people can be met and to achieve a more equitable distribution of the cost of schools. This can be done, and still keep the tax on luxuries below that of many other states.

In connection with the subject of welfare, I have been aware for some time of a vacuum which exists in our program for the care of Arizona's pioneers to whom the entire state owes a debt of gratitude and consideration.

While the Arizona Pioneers' Home is an outstanding institution, and does a splendid job of caring for many of the state's trail blazers, it is intended primarily as a home for those old timers who still retain most of their physical abilities.

However, there are many others — equally deserving — whose infirmities require hospitalization to a degree not available at the Pioneers' Home. I feel strongly that adequate facilities should be made available as speedily as possible for the men and women of this deserving group whose courage and faith in the facing of early-day hardships and dangers made possible our dynamic Arizona of today.

I earnestly recommend that you give serious consideration to the establishment of an Arizona Pioneers' Hospital.

HIGHWAYS

I can add little to my message of a year ago on the importance of building highways. I recommended then an increase of one cent in the fuel tax to meet increased demands. Although you did not see fit to follow my recommendation, I offer no criticism, for, while it is my duty to recommend, I fully recognize it is your responsibility to decide.

I look upon money spent on highways as an investment. It is an investment which pays dividends to the people. The extra money we pay in gasoline taxes comes back to us in a saving on the wear on our automobiles and a gain in highway safety.

Arizona last year made great strides in highway building. One year ago the Arizona Highway Department had a little more than \$13,000,000 worth of highway work under construction. Today the amount under construction exceeds \$25,000,000.

Since the start of the interstate system in our state, contracts have been awarded, most of them within the past six months, for projects totalling nearly 86 miles in length, and costing more than \$11,000,000.

Also interesting is the fact that during the first three months of 1958, 11 additional interstate projects are scheduled for the calling of bids. These projects, in various parts of the state, total more than 80 miles of an estimated cost at more than \$19,000,000.

There are approximately two million cars traveling annually through our state which help pay for our highways. These roads are needed, not only to increase tourist trade and for expansion of new industries, but also as indispensable aids to progress and development. While the federal government has provided more money for interstate roads, our needs for access roads are greater than ever before.

HIGHWAY SAFETY

In order to insure highway safety, we must use every means at our command to cut down the accident and death rates. I was proud of our record in 1955 when we succeeded in reducing highway fatalities from 423 in 1954 to 361. We employed every means possible, including the use of liquor control cars, national guardsmen, and maintenance cars in the highway department. However, during 1956, money was not available for the use of the national guard. Demands on other departments did not permit the use of their cars to the same extent as in 1955, so I had to report to you a year ago that during 1956, 484 persons lost their lives in traffic accidents.

You increased the number of highway patrolmen by 25. These patrolmen were trained, and went to work on the highways on July 1st. I am happy to report that highway deaths in our state dropped last year by 29, a reduction of 20 being on state highways. It is highly significant that the percentage of fatal accidents during the first halves of 1956 and 1957 was identical, and that the saving of 20 lives occurred in the last half of 1957, after these 25 patrolmen were on the highways.

I recommend that you consider a further increase in the number of highway patrolmen to meet the new demands caused by the steady increase in the number of miles traveled in our state.

In 1957 there was an increase of some 53,000 cars registered in the state of Arizona, over 1956. There were approx-

imately 200,000 more out-of-state cars traveling through Arizona in 1957.

I should like to report that we have established an unofficial governor's coordinating committee of officials charged with the responsibility of highway safety and enforcement of laws. This committee has followed the recommendations made by the Governors' Conference Committee on Highway Safety. Our committee is continuing to meet and function in order that safety work in the various departments may be better coordinated; that those charged with education and enforcement, also the courts, may know the views of the others, and better carry out their respective duties.

WATER

At each session of the legislature I have stressed the importance of an adequate water supply, which is absolutely essential if we expect to grow, prosper, or even maintain our basic economy. I cannot over-emphasize the importance of an adequate water supply for industry, domestic use, and agriculture. As I have said many times, we have borrowed on our underground water in the hope that we would finally obtain additional water from the main stream of the Colorado River which rightfully belongs to us. Our only chance to secure this water is to win the present suit before the U. S. Supreme Court. At the request of the Interstate Stream Commission and the attorneys, I assisted in the argument before the Supreme Court of the United States, resulting in a decision which for the first time halted California's delaying tactics. At their request, I also advised and counseled with them both here and in San Francisco during the course of the trial in order to be of every possible assistance. You may be assured that I shall continue to cooperate in every way possible to help win this suit, the importance of which cannot be over-emphasized.

This law suit is necessarily expensive. I know the request for appropriations may seem high. It is my opinion that the Arizona case has been well presented up to the present time. We cannot afford to let down now. I feel we must rely upon recommendations of those charged with this responsibility. We must not fail to do everything possible to win this suit which means so much to us.

HEALTH

Health is another subject which must always remain of paramount importance. I am happy to report that substantial progress has been made during the past three years as a result of legislation which you have adopted. These results

are particularly apparent in the fields of tuberculosis and polio. For example, there was a decrease of 20 per cent in the number of tuberculosis cases in 1957, as compared with 1956. A similar gratifying situation exists with reference to the scourge of polio. In 1956, 128 cases of polio were reported, resulting in nine deaths. During 1957 there were only 45 cases, and no deaths occurred during the year.

Other advances have been made on many other fronts. The function of the Health Department is to protect the general health of the people of our state, and to take such steps as are necessary to prevent the start and spread of contagious diseases. These aims have been materially advanced during the year just past.

AGRICULTURE

This is a subject of great importance to our state. I recommended to you a year ago that careful study be given to establishing an effective agricultural department. I recognize the difficulty of dealing with this subject when we have so many boards and commissions dealing with various phases of this subject. However, in my judgment, there is a definite need for coordinating this work under one head. Arizona stands out as an example of progress in the agricultural field, and we must maintain this position.

A good example of what can be accomplished by coordinated effort is the record of the State Dairy Commission during the last three years. Three years ago, California milk was coming into Arizona in large quantities. Today there is no California milk entering our state, and there has not been for more than a year. Three years ago income to the dairy farmers of Arizona was \$17,000,000 annually; today it is crowding \$21,000,000. Three years ago the dairy industry had a replacement value of \$100,000,000 while today it is a \$150,000,000 industry.

The cattle disease known as brucellosis is rapidly being eliminated. Nine counties now are certified free of brucellosis, and two more have been practically qualified.

LABOR

We must always keep in mind the importance of protecting the individual who earns a livelihood from daily labor. We must maintain those conditions which better prepare us to meet the needs for skilled labor and encourage skilled labor to come into our state if we are to retain and increase industry. Our Apprenticeship Council has done a good job in this regard.

During the fiscal year 1956-57 the Council completed training of 284 skilled men in 86 different crafts. At the moment, there are 1710 young men in the apprenticeship training program in every branch of industry. The Arizona Apprenticeship Council training program is viewed as a major drawing card to industries which are considering locations in Arizona.

I was happy to sign the bill enacted by the last legislature increasing maximum unemployment compensation from 20 weeks to 26 weeks, and the maximum amount from \$26 to \$30 per week. Since that time the cost of living has continued to rise. Both the Employment Security Commission and its Advisory Council have recommended another increase in the maximum weekly benefit to \$35 per week. Many feel that the increase should be much higher. I therefore recommended to you that, because of the increase in the cost of living, it is most important that a substantial increase be made, and in no event should it be less than the joint recommendation of the Commission and the Council.

I wish also to renew my recommendation for an independent labor department. My reasons therefor were set forth in previous messages to the legislature.

TAXATION

There is little I can add to my recommendations of a year ago in regard to taxation. The big problem will probably always be equalization. This cannot be brought about wholly without proper revaluations. The Tax Commission and the assessors have made tangible advances in this regard. As I have said before, additional studies on this subject should be made, vested largely in the State Tax Commission.

As one specific recommendation, I suggest that legislation be enacted allowing persons who erroneously pay their property taxes twice to recover the over-payment.

FIVE-DAY WORK WEEK

It has become increasingly difficult for both state and county departments to meet competition in obtaining employees. One reason for this is that industry generally operates on a five-day work week. Those employed by contractors doing work for the state are on a five-day week. To meet this situation, the Highway Department reduced its work week, wherever possible, to five days.

I submit it is unfair to ask employees in the various departments to work six days a week when their neighbors,

who are employed in private industry, enjoy the benefits of a five-day week. I believe such a reduction will help to meet the competition of private industry, and will create greater efficiency in our departments. As it now stands, most departments maintain only skeleton staffs on Saturdays, in order to comply with an out-moded law. This is a waste of money.

I therefore recommend that all county and state employees be placed on a five-day work week.

MINING

I feel that a report is due on the work of the Arizona Copper Tariff Board. As chairman of the Natural Resources Committee at the Governors' Conference in Williamsburg, Virginia, last summer, I pointed out that the price of copper had sharply decreased in the course of a year, and summarized what that condition meant to the copper industry and the copper-producing states, particularly the state of Arizona, which produces almost half of the nation's copper. I recommended at the Governors' Conference that the price floor should be increased, and that the import tax should be increased to 4 cents.

Since then I have had many conferences with our Copper Tariff Board. As a result of those conferences, and the Board's consultation with those concerned with the same problem in other states, we have recommended that the Congress of the United States pass a bill increasing the import tax on copper to 4 cents when the price of that metal falls below 30 cents. This bill, of course, must originate in the House of Representatives. Our representatives in the House agreed to sponsor the legislation, as recommended.

I have written the Governors of all the states asking for support for this legislation, and I am happy to report that many favorable replies have been received. It is gratifying to know that you have in the past and will in the future do everything possible to encourage the passage of this legislation.

COURTS

An effective means of decreasing the backlog of work in our courts would be a constitutional amendment permitting the use of retired judges. I am sure this would meet with their approval. Retired judges of the federal court are permitted to try cases, and many of them continue to do part-time work for the remainder of their active lives. This amendment is recommended by the Supreme Court and the judges' association. I therefore recommend that you submit

to the voters a constitutional amendment providing that: Any retired judge of the Supreme or Superior Court who is drawing retirement pay is, with the consent of the litigants involved, qualified and empowered to serve, without additional compensation, as a Supreme or Superior Court Judge upon the call of the court in which he is asked to serve, provided, however, that, when serving outside his county of residence, he shall receive his necessary traveling and sustenance expenses.

OIL AND GAS

Because of the increase in exploration activities in oil and gas in our state, many well-informed persons believe there is a strong possibility that oil and gas will be discovered in large quantities in the near future. Receipts from oil and gas leases by the State Land Department from July 1, 1956, to June 30, 1957, were \$412,407.90. This activity has continued to increase since that date.

In order that we would not be found wholly unprepared, I appointed an unofficial oil and gas commission to study what would be needed, if anything, in the way of legislation in the event such a discovery should be made. We included on that committee Tay Cook, the Speaker of the House, who has given a lot of study to this problem, and Senator Lynn Lockhart, who has had practical experience. The latter was designated as the Senate representative by President Clarence Carpenter. I recommend that you give careful study and consideration to the recommendations of this committee.

BUDGET

(As printed in the budget book itself.)

SUMMARY

This year I have combined my general and budget messages. This will enable you to give immediate consideration not only to general legislation but to the financial structure of our state.

I have not attempted in this message to detail all the things you may find desirable to consider. There are many others of importance, such as a study of air pollution, aid to veterans, rehabilitation of Indians, consideration of election laws, youth benefits, and adequacy of industrial compensation for injuries suffered in the course of employment, which I have discussed in prior messages to the legislature.

There is another matter which you may want to consider seriously. That is the necessity of strengthening our rehabilitation program for those who for one reason or another find themselves in prison or other corrective institutions. This applies, of course, to adults, and particularly to youthful offenders. The question of rehabilitation has assumed greater importance in recent years. We should be ever ready to aid in a program of human salvage.

Your time is, of course, limited. I have also submitted specific recommendations in regard to our budget. These suggestions and recommendations are part of my constitutional duty. The responsibility now rests with you.

I shall, as I have in the past, work with you in a spirit of harmony. I believe the greatest good can be accomplished in this manner. I submit that my treatment of bills passed in the last legislature is proof of that statement. I carefully weighed every bill adopted, and resolved any doubts in favor of the legislature. This is evidenced by the fact that I vetoed only four of the bills you passed during the last session. One of those was disapproved because I agreed with the attorney general that it was unconstitutional. Some of the bills signed into law were sponsored by members of the opposite party. If there were ever a time in the history of our state which demands that we rise above petty politics, that time most certainly confronts us today.

I repeat that our legislative processes are being watched by the whole world. I have confidence that you will give your very best. Again I say that, regardless of political faith, I invite each member of this legislature to confer freely with me on any subject. I want to help.

God has blessed us in solving our problems in the past. With His help we can look to the future with confidence and faith.

BUDGET MESSAGE

of

ERNEST W. McFARLAND

Governor of Arizona

to

The Second Regular Session

of the

Twenty-third Legislature

January 13, 1958

A good budget must necessarily do two things: it must provide for services which are necessary and demanded by the people, but it must not exceed the amount that the same people can afford to pay. It must ever be kept before us, and by you in making appropriations, that the tax rate is determined by the amount of the appropriations.

I have said many times that, in my opinion, appropriations above those of previous years should be supplied largely by increased revenues from expansion and the growth of wealth and population of our state. Excessive taxes discourage new industry, and if personal taxes are too high — whether they be income, sales, or ad valorem — labor will seek other areas of employment, thus eliminating one of the foremost incentives which encourages industry to expand and new industry to come into our State.

When I became governor in 1955, I pointed out in my first message that a reliable analyst had said that while our population had grown 35 per cent in recent years, our business volume had increased at a far lesser ratio. I was able to report to you a year ago that I had been informed by the same source that this situation no longer existed, and that our growth in business had caught up with our growth in population. This I feel has been due in large part to the encouragement that we have given to industry — such as the repeal of the tax on sales to the Federal Government.

The Legislature is to be commended for not increasing the tax burden. The increase in the State ADA allowance of \$32 per pupil was an equalization in school taxes, and was not an increase in taxes. This much of the school burden was shifted from the district to the state level. As a result of the

legislation which shifted this load, the very next year 57 per cent of our school districts were able to reduce their district tax rates, and an additional 4 per cent maintained their previous rates. All of this was accomplished despite increased enrollment in that fiscal year.

If the amount which was passed on to the school districts in 1955-56 had not been done, the State ad valorem tax rate would have been reduced by 51 cents, making our State ad valorem tax 74 cents instead of \$1.25. In the fiscal year 1956-57, the increase in the State's share amounted to 47 cents of the State tax rate; so, instead of a dollar rate, we then would have had a State ad valorem rate of 53 cents, the lowest in years. If the increased State share had been carried by the districts as previously, our State rate for this current year would have been 84 cents, instead of \$1.35. So it can readily be seen that you have followed a pattern of keeping increased appropriations for State agencies commensurate with increases in revenue. For this record I wish to compliment you.

Now we must give consideration to the amount to be appropriated for the 1958-59 fiscal year, and, in doing so, it becomes my duty to project to the best of my ability what may reasonably be expected in the way of revenue, taking into consideration the usual income and the extent to which it will meet the amount of requested budgets which have been submitted to you today by the various departments.

This particular year is a critical one, and we must weigh carefully every appropriation if we are to stay within the rule of limiting increased appropriations to increased revenue. This year has been made critical partly by the drop in the price of copper. Previously, the copper industry contributed 22 per cent of the total tax load in the State. In one year's time the price of copper dropped from 46 cents to 26 cents. As a result, the industry reduced production. Both have greatly curtailed the amount of revenue from sales and income taxes. This has pyramided because, while the mining industry has not at this time laid off men, it has cut back to a 40-hour week, which has reduced the wages of employees an average of \$43.58 per month. Thus the State's revenue derived from sales and income taxes from both the mine owners and employees is materially reduced. The sales tax revenue is decreased not only by the price and amount of copper produced, but also by a reduction in the amount of goods purchased by employees and mine owners. This is reflected in the economy of the business men not only in the mining communities but in all communities in the State.

This year I again appointed a committee to give me an estimate of the amount of revenue which could be expected in this current year. This committee is composed of Jewel Jordan, our State Auditor; William Stanford, State Tax Commissioner; and Wilson R. Bland, professional auditor for the Executive Office. It is my opinion that our budget should be limited to the amount of money which we may expect to raise with a reasonable tax. I asked this committee to give an estimate of the amount of revenue that could be expected from an ad valorem tax rate not to exceed that of last year, namely, \$1.35 per hundred dollars of assessed valuation. The figures given me are depicted more in detail in the budget charts.

The total of the budget requests from the general fund for governmental operations, as submitted by the departments, amounts to \$67,905,647. This does not reflect the request for construction contained in the prison budget. This is an increase of \$8,067,742 over last year's operating budget, which is solely for operation expense, and does not include capital outlay. Of this \$1,675,261 is for higher education. \$2,013,458 is for the increase in the ADA allotments as fixed by law. The increase in the amount is due to increase in enrollment in our schools. The other sum is due to an increase in requests from our institutions of higher learning. This leaves a requested increase of \$4,379,023 for the operation of the rest of our State Government.

I have felt that I should accept the recommendations in regard to higher education. I realize that it is climbing each year, but with the international situation as it is, and when there is such a demand for scientists and skilled people in practically every line of endeavor, I am not inclined to recommend a cut in the budget for education. However, it is one that I know the Legislature will want to examine carefully to determine if there is any possibility of saving. As to the rest of the operating budget, there comes a time when there should be no increase in the cost of general government, and I think this is one of those years. Some departments may need a little additional money, but others should require less.

As I have pointed out, this only takes care of the operating expense, which leaves no money for capital outlay, except in the last session of the Legislature there was appropriated \$5,078,200 for higher education to be paid out of this year's budget. This year the budget committee has taken into consideration what could reasonably be expected in the way of a surplus. This is estimated at approximately \$7,166,650. I

call your attention, however, to the fact that this is on a projection of what has been taken in during the first five months and a further decline might materially decrease this estimated surplus. I further call your attention to the fact that you have already appropriated a large portion of this surplus for capital outlay for higher education.

I have likewise pointed out on many occasions that our building program for the State has lagged in years past — that we have had a lack of projected planning as to the needs of our fast-growing State. There have been years when our ad valorem tax rate was unusually low simply because needed capital outlay appropriations were not made. You have tried to correct this. The last Legislature provided for a building and planning commission. The first session of this Legislature appropriated money for the continuance of the work of this commission. However, the appropriations for construction of new buildings must be adjusted to the incomes of the respective years.

It is, therefore, my recommendation as to capital outlay that the building program be confined to those appropriations which you made last year which will come out of this year's revenues, and other money which has been set aside for capital building. The remainder of the request should be met by the Planning and Building Commission's making application to the Federal Government for architects' fees so that the plans may be ready for construction at a time when the Legislature will not be faced with a prior appropriation out of current year revenues such as exists today. Money for architects' fees received from the Federal Government is only repayable if the buildings are constructed. If they are never built the Federal Government does not require a return of the architects' fees. This money is advanced by the Federal Government without an interest charge, solely for the purpose of building up a backlog for construction purposes in the event economic conditions further worsen.

I would recommend the balance of \$319,826 estimated revenue be appropriated for capital outlay for construction of the most urgent projects. However, I want to call your attention to the fact that we cannot count on this amount of surplus, if additional appropriations are made during this session which would come out of the 1957-58 revenues instead of the 1958-59 revenues. Whatever appropriations are made, if any, would have to be subtracted from the estimated surplus.

I also feel that I should call your attention to the ratio for each one million dollars in appropriations. It will be an additional 7.7 cents for each million dollars appropriated. In

other words, if you want to exceed these recommendations to the extent of three million dollars, you can expect a 23-cent higher tax rate, making a total of \$1.58.

I regret that circumstances require that I paint this gloomy picture to you, but it is no more than you have been reading in reports from our federal government. On the credit side of the picture, I would point out that the State of Arizona is on a cash basis, and there is not one cent of bonded indebtedness against our State.

I am fully aware that when money conditions get tight there is always a tendency to want to pass various tax bills, but I again say to you that whatever sum you appropriate has to come out of the pockets of the people. You can shift it around from one taxpayer to another, but it has to come from some place. That does not mean that you should not be always studying our tax structure with the object of making it more equitable in order that no one escape his just portion of the taxes.

But let me leave this thought with you — that with the income, particularly of the laborers in the mines and the farmers, on the decline, there should be no increase in the tax for food and drugs. I would call your attention to the fact that the aged, blind, dependent children, and those who are on retirement — and others on small fixed incomes — would be called upon to pay this burden. In other words, to increase this tax would create a great hardship on a class of people that is least able to pay. I also want to remind you that any increase in the taxes already existing should be carefully weighed to determine whether it would make an unbearable burden upon business and industry.

Summing up my suggestions, I recommend that the total appropriations for operating expense, other than for schools, be limited to the same as that appropriated for last year, to-wit: the sum of \$25,313,124; that ADA receive the sum of \$27,182,064, which increase is mandatory because of the increase in enrollment; that the sum of \$11,041,436 be appropriated for operation of higher education; making a total of \$63,536,624 for operation; that the building and planning commission go ahead with architectural plans, and that capital outlay appropriations be limited to the sum of \$319,826, and money already set aside for capital outlay, this being largely on account of the \$5,078,200 appropriated last year to be raised out of this year's revenue.

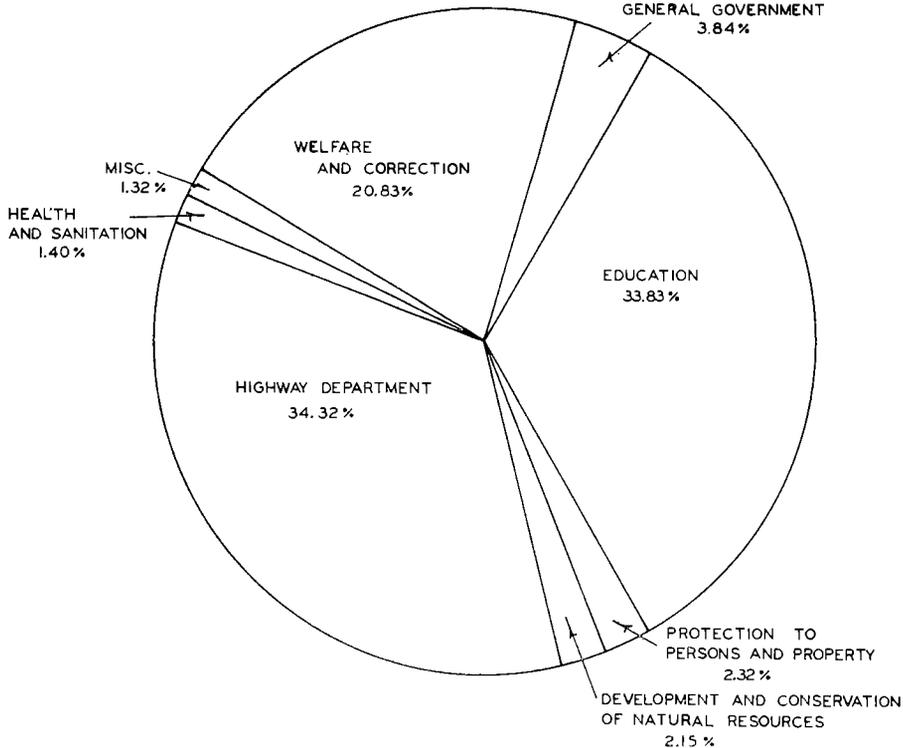
If the additional money which was allotted to our State last year by the Federal Government for the aged, blind, and

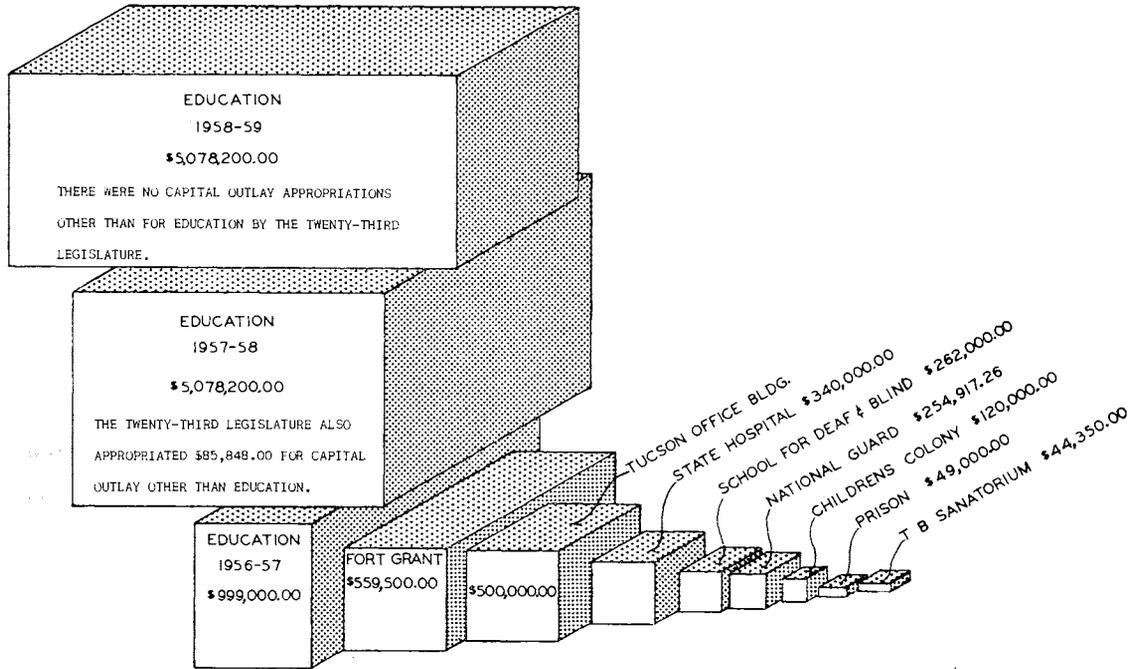
dependent children, is passed on to them, in accordance with my recommendations, I suggest this sum be made up by increasing the luxury tax. I have not included the appropriations from special funds such as the Highway Department and the Fish and Game Department which are limited by their revenues. The total sum which I recommend under present law to be appropriated from the general fund for the current year is \$63,856,450. This, together with the capital outlay already appropriated, is all that can be reasonably counted on for appropriations and be sure of maintaining our tax structure.

ERNEST W. McFARLAND
GOVERNOR

Governmental Costs 1956-57

(BY FUNCTION)



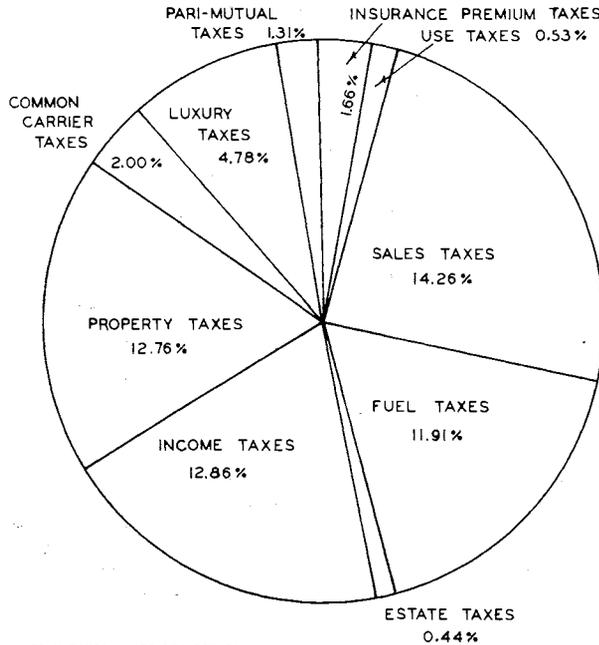
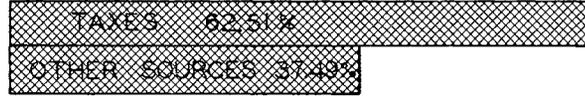


CAPITAL OUTLAY
 APPROPRIATIONS BY FIRST REGULAR SESSION
 TWENTY-THIRD LEGISLATURE

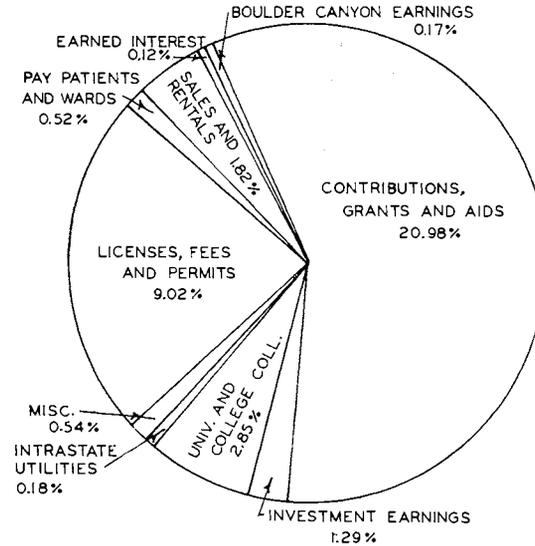
	(1958-59	-	\$5,078,200.00
APPROPRIATIONS:	1957-58	-	\$5,164,084.00
	(1956-57	-	\$3,129,267.26

Where We Got the Money

1956-57



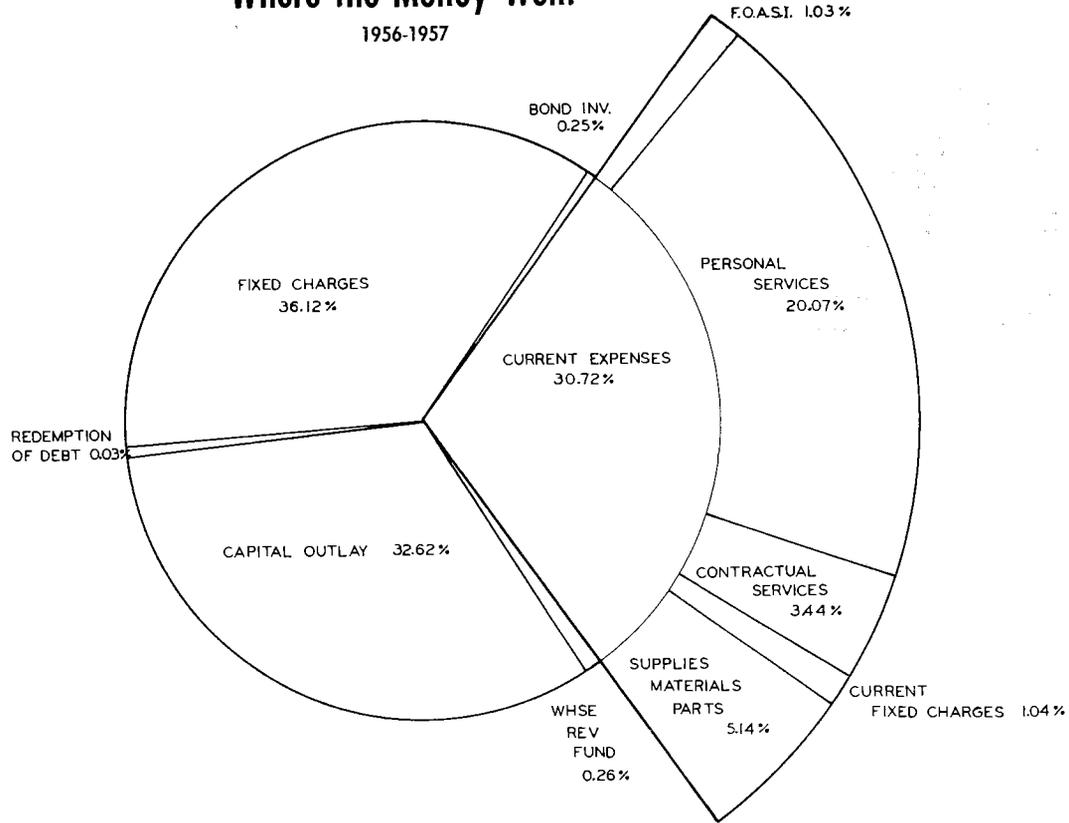
FROM TAXES - \$72,124,393.06



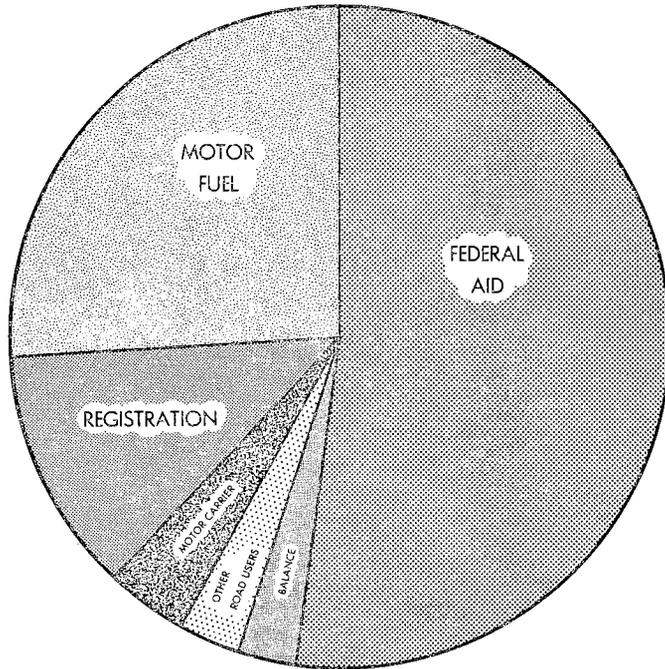
FROM OTHER SOURCES - \$43,264,347.17

Where the Money Went

1956-1957

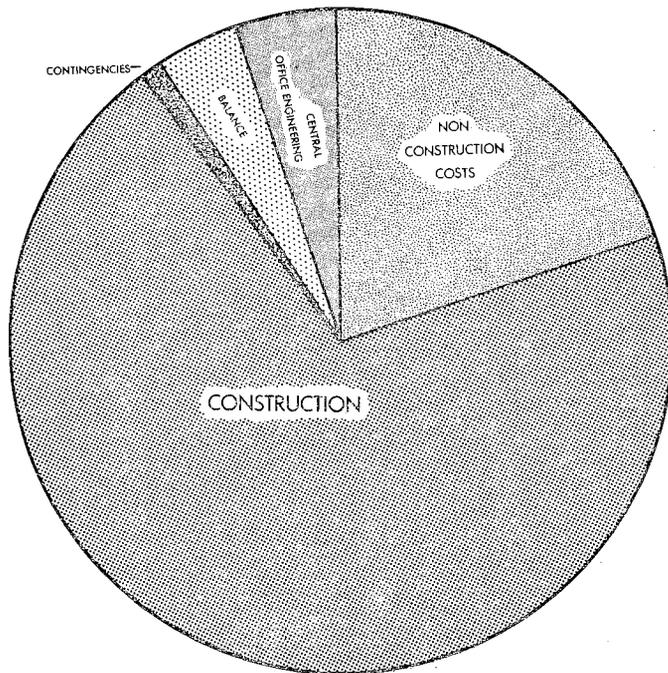


Estimated Highway Revenues 1958-59



The Highway Department budget is treated separately and apart from the general budget because that department has made its own estimate of anticipated revenues. Money for the department comes from the fuel tax, miscellaneous and funds received from the federal government. It should be noted that neither highway department revenues or expenditures affect the general fund. Gross revenue from current state sources for 1958-59 is estimated at \$26,500,000. Federal aid is estimated at an additional \$31,000,000. To this has been added an estimated balance as of June 30, 1958, of \$2,000,000, raising to \$59,500,000 estimated total funds available for the next fiscal year.

Estimated Highway Expenditures 1958-59



The Arizona Highway Department, in its analysis of revenues and expenditures for the next fiscal year, estimates that \$42,000,000 will be spent for construction of highways during 1958-59. This includes \$40,000,000 for Federal aid projects (including state matching money) and \$2,000,000 for non-Federal aid projects. The analysis also estimates that other costs of the department will total \$15,235,000. Of this sum, \$1,850,000 will be required for operation of the Arizona Highway Patrol; \$2,540,000 will go for administration, overhead, taxes and retirement; \$5,970,000 has been earmarked for maintenance; \$1,640,000 will be required for the Motor Vehicle Division; Central Office engineering costs will take \$2,985,000 and highway building contingencies have been set at \$250,000. This will leave an estimated unexpended balance of \$2,265,000 as of June 30, 1959.

1958-1959 Fiscal Year

**ESTIMATED RECEIPTS FROM SOURCES OTHER THAN
DIRECT TAX LEVY**

Income Tax	\$13,500,000.00
Luxury Tax	5,600,000.00
Parimutuel Tax	1,375,000.00
Sales Tax	15,168,000.00
Use Tax	725,000.00
Insurance Premium Tax.....	1,900,000.00
Motor Vehicle Lieu Tax.....	1,900,000.00
All Other	3,850,000.00
Boulder Dam Adjustment Act	200,000.00
Sub Total	<u>\$44,218,000.00</u>
Cash Balance (Unappropriated Surplus).....	7,166,650.00
Total Revenue without Direct Tax Levy.....	<u>\$51,384,650.00</u>

**ESTIMATE OF UNAPPROPRIATED SURPLUS JUNE 30,
1958**

State Budget of 1957-58	\$64,918,519.00
Less: Receipts from Sources other than Property Tax	
Sales Tax	\$17,250,000.00
Use Tax	725,000.00
Income Tax	13,500,000.00
Luxury Tax	5,850,000.00
Parimutuel Tax	1,500,000.00
Insur. Premium Tax	2,000,000.00
Motor Vehicle Lieu Tax..	2,100,000.00
All other	4,600,000.00
	<hr/>
	\$47,525,000.00
Property Tax assuming full collection of '57 levy	\$16,913,734.00
Unappropriated Surplus at June 30, 1957.....	6,746,435.00
Reversions	900,000.00
	<hr/>
	\$72,085,169.00
	<hr/> <hr/>
Estimated Unappropriated Surplus at June 30, 1958	\$ 7,166,650.00
	<hr/> <hr/>

**ANALYSIS OF REVENUE, SURPLUS AND BUDGET
RECOMMENDATIONS**

Estimated Surplus 6-30-58.....	\$ 7,166,650.00
Estimated Revenues other than Ad Valorem Taxes	44,218,000.00
Estimated Ad Valorem 1.35 x \$1,300,000,000.00*....	17,550,000.00
	\$68,934,650.00
Less Appropriations Capital Outlay 1st Session 23rd Legislature	5,078,200.00
	Amount available for Appropriations
	\$63,856,450.00
 Estimated A. D. A. 1958-1959	 \$27,182,064.00
Appropriations for High- er Education	11,041,436.00
General Government.....	25,313,124.00
	\$63,536,624.00
Balance recommended for Appropriations for Capital Outlay	319,826.00
	\$63,856,450.00

*Estimated Assessed Valuation for 1958

GENERAL FUND

Summary

	Requested 1958-1959	Appropriated 1957-1958
General Government	\$ 3,986,576.00	\$ 3,578,955.00
Health & Sanitation.....	1,548,102.00	1,317,324.00
Welfare & Correction.....	17,015,493.00*	14,666,024.00
Education	39,421,849.00	35,588,445.00
Protection To Persons & Property	3,209,434.00	2,524,964.00
Development & Conserva- tion of Natural Resources	937,130.00	912,791.00
Miscellaneous	1,787,063.00	1,200,003.00
Grand Totals	<u>\$67,905,647.00</u>	<u>\$59,788,506.00</u>

*Does not include \$1,451,044.00 Capital Outlay requested by State Prison.

The above includes the Departmental requests as submitted to the Governor's office for fiscal 1958-1959 and the amounts appropriated for the same Departments in the General Appropriations Bill passed by the 1st regular session of the 23rd Legislature for the current year's operation.

MESSAGE OF GOVERNOR ERNEST W.
McFARLAND TO THE LEGISLATURE,
MARCH 4, 1958

In my message to you in January, I outlined the things which I thought should be done at this session. I pointed out at that time that I recognized it is just as important to refuse to do those things which are not needed and which would be an unnecessary burden on the people as it is to do those things which are desirable and necessary. However, I want to say to you now that you cannot make a record merely by refusing to do the things that are unnecessary. This must be coupled with affirmative action on those matters necessary for the welfare and development of our State.

There are certain measures which, in my judgment, demand your most serious attention. I have at times outlined a priority for the consideration of bills. Because the time remaining at this session is so short, I am now recommending that you give priority to a few which I consider most necessary, and which in my judgment require action before your adjournment.

First, I point out that at all sessions of the legislature since I became governor, I recommended that assistance to education be placed on a current basis. Both the Democratic and the Republican platforms have advocated placing ADA allotments on a current basis. I submit that public officials face the responsibility of carrying out their campaign pledges to the people.

Arizona is a growing state. Assistance is needed by the students going to school today, and this help should not be allocated on the number of students who went to school yesterday. Let us consider another viewpoint. Suppose, for some reason, 50 percent of the people would move out of a community, leaving that community with half of the school attendance it had last year. Is there any reason why ADA assistance should be given on a basis of double the attendance the school has this year?

Where the school attendance has doubled, it is even more important that the district have assistance on the basis of attendance this year rather than last, because the education of the students may otherwise suffer.

This is the minimum that should be done for education in this state. As I have often said in the past, such an adjustment would constitute not an increase but a continuing equalization of taxes.

Another subject which I pointed out as being important was that of passing on to the aged, the blind, and dependent children the assistance which was voted by the federal government. Let us remember that this was done — not for the purpose of reducing the state's share — but for the purpose of enabling these deserving people to meet the increased cost of living, which, as you know, went up again in January.

Here, again, I consider this the minimum that should be done for the aged, many of whom are pioneers who built the foundations of the great state we have today, and for our unfortunate blind citizens and our needy children. Those unwilling to take care of these people cannot expect their state to grow and prosper.

In my January message I drew a blueprint which recommended an increase in the tax on luxuries to provide the funds necessary for these purposes. An increase of two cents per package on cigarets alone would raise some two and a quarter million dollars. According to our estimates, this would cover the increased cost of placing education on a current basis. There could be a similar increase in the tax on intoxicating liquor which would provide ample funds for increased aid to the blind, the aged, and dependent children.

However, if you do not feel that this full step should be taken on education this year, I suggest as a compromise that it be made effective for the last half of next year, which would cut in half the amount necessary to provide these increases.

I know there is some objection to increasing any form of taxes; however, where the education of children and the care of the needy are involved those who use luxuries should be willing to pay a little more, at least until the tax structure of the state is improved. This may happen in the next two years. If you think it advisable, this tax increase could be limited to that period of time. Surely there should be no objection to this increase at least for a limited time in view of the fact that the per capita expenditure in the United States for liquor and tobacco is more than double that for education.

On February 19, I sent you a message again recommending an increase of one cent in the fuel tax, in order to obtain more money for the building of highways in our state. I consider this most important, as I stressed in my letter to you at that time. I shall not re-iterate the reason I gave at that time.

Another recommendation which I deem important is an increase in the unemployment benefits. This was recommended, not only by the Employment Security Commission

but by its Advisory Council which consisted of representatives of both labor and management. I call your attention to the fact that the representatives of management are competent businessmen, who, after careful study, found these added benefits would not require any increase in contributions to the fund. There is now on deposit some \$58,000,000 in the unemployment compensation fund. As I have just pointed out, the cost of living has increased. I therefore recommend and plead with you to consider seriously the effect of this situation on the unemployed in this state.

I have pointed out to you before that I think I know where the duties of a governor begin and where they end. I have not been one of those who has complained about the action or inaction of the legislature. I think that, taken as a whole, the record of the legislature since I've been governor has been good. However, I must say to you in frankness that I think there are certain things that the legislature owes the people in regard to the recommendations of the governor. Where the legislators understand and have considered for years the effects of recommended major legislation it should be voted up or down. The people are entitled to know how their representatives stand upon these important measures. Such measures should not be buried in committees.

I say this to you in all kindness. I have been in the position in which you find yourselves today. I too have served in a legislative branch of government, and can fully appreciate your position. On the other hand, I have seen recommendations of the chief executive voted upon because the President of the United States made the recommendation. I have seen them voted down. As a matter of fact, I have helped vote some down. But at least they were presented for debate and vote. They were killed, not by being buried in committee, but by a vote on the floor.

But, of course, I hope these measures will be adopted. This session is fast drawing to a close; however, with hard work, enough time remains for you to establish an outstanding record by the passage of these measures.

ACTS

ACTS

CHAPTER 1

House Bill No. 5

AN ACT

RELATING TO THE STATE PLANNING AND BUILDING COMMISSION, AND PROVIDING FOR THE REALLOCATION OF FUNDS.

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

Section 1. REALLOCATION

The sum of one hundred sixty-nine thousand fifty-nine dollars twelve cents, being the total sum remaining in the account designated by the State Auditor as account number 1-1-20-000-0502, and available for expenditure by the State Planning and Building Commission for the purpose of acquiring land in Tucson, Arizona, which purpose is now completed, is hereby reallocated to the State Planning and Building Commission, to be added to the sum of five hundred thousand dollars appropriated under the terms of Chapter 58, Laws of 1957, First Regular Session, and is made immediately available for the purpose of constructing, in Tucson, Arizona, a state office building in accordance with the plans approved by the Legislature under the terms of Chapter 58, Laws of 1957, First Regular Session.

Sec. 2. EMERGENCY

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

Approved by the Governor—January 24, 1958

Filed in the Office of the Secretary of State—January 24, 1958.

CHAPTER 2

House Bill No. 73

AN ACT

RELATING TO THE AUTHORITY OF THE BOARD OF REGENTS OF THE UNIVERSITY AND STATE COLLEGES OF ARIZONA TO CONSTRUCT, EQUIP, FURNISH AND MAINTAIN A STADIUM AT THE ARIZONA STATE COLLEGE AT TEMPE AND FOR THAT PURPOSE TO ACCEPT GIFTS, TO BORROW MONEY AND ISSUE BONDS, AND TO PERFORM NECESSARY OR CONVENIENT ACTS IN CONNECTION WITH SUCH PROJECTS; REDUCING THE AGGREGATE PRINCIPAL AMOUNT OF THE BONDS THAT MAY BE ISSUED UNDER THIS AUTHORITY; EXTENDING THE PERIOD OF TIME WITHIN WHICH MONEY MAY BE BORROWED OR BONDS ISSUED PURSUANT THERETO; AND AMENDING SECTIONS 3 AND 11, CHAPTER 104, LAWS OF 1949, REGULAR SESSION.

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

Section 1. Sec. 3, Chapter 104, Laws of 1949, Regular Session, is amended to read:

Sec. 3. ISSUANCE OF BONDS

The board shall have power and is hereby authorized from time to time to issue negotiable bonds in various amounts, but not exceeding in the aggregate principal amount the sum of two hundred thousand dollars, for the purpose of acquiring a project in the form of a stadium at the institution with equipment and furnishings therefor. The bonds shall be authorized by resolution of the board. The bonds may be issued in one or more series, bear such date or dates, be in such denomination or denominations, mature at such time or times not exceeding thirty years from the respective dates thereof, mature in such amount or amounts, be callable at such time or times, bear interest payable semi-annually at such rate or rates, be in such form either coupon or registered, carry such registration privileges, be executed in such manner, be payable in such medium of payment, at such place or places, be subject to such terms of redemption with or without premium, as such resolution or other resolutions may provide. The bonds may be sold at not less than par. The bonds shall be fully negotiable within the meaning and for all the purposes of Chapter 4, Title 44, Arizona Revised Statutes.

Sec. 2. Sec. 11, Chapter 104, Laws of 1949, Regular Session, is amended to read:

Sec. 11. SUPPLEMENTAL NATURE OF ACT, CONSTRUCTION AND PURPOSE

The powers conferred by this act shall be in addition to and supplemental to the powers conferred by any other law, general or special, and bonds may be issued hereunder notwithstanding the provisions of any other such law and without regard to the procedure required by any other such law. In so far as the provisions of the act are inconsistent with the provisions of any other law, general or special, the provisions of this act shall be controlling. Except in pursuance of any contract or agreement theretofore entered into by the board, the board shall not borrow any money or issue any bonds pursuant to the provisions of this act after January 1, 1963.

Sec. 3. EMERGENCY

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

Approved by the Governor—January 24, 1958.

Filed in the Office of the Secretary of State—January 24, 1958.

CHAPTER 3

Senate Bill No. 24

AN ACT

RELATING TO PUBLIC BUILDINGS AND IMPROVEMENTS; REALLOCATING FUNDS TO THE STATE DEPARTMENT OF PUBLIC WELFARE FOR CONSTRUCTION AND EQUIPPING OF A SURGICAL AND OUTPATIENT WING TO THE CRIPPLED CHILDREN'S HOSPITAL BY THE DEPARTMENT OF PUBLIC WELFARE.

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

Section 1. REALLOCATION OF FUNDS

The total amounts in all of the state department of public welfare's special donations accounts received from private sources for the benefit of crippled children of the state of Arizona are reallocated to the state department of public welfare, to be used for the purposes set forth in section 2.

Sec. 2. PURPOSE

The state department of public welfare is authorized to undertake the construction and equipping of a surgical and out-patient wing to the crippled children's hospital. Of the funds reallocated, the department may expend approximately eighty thousand dollars for construction and equipment, but not to exceed the aggregate total of all funds referred to in section 1.

Sec. 3. EMERGENCY

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

Approved by the Governor—February 21, 1958.

Filed in the Office of the Secretary of State—February 21, 1958.

CHAPTER 4

Senate Bill No. 43

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE
STATE HIGHWAY DEPARTMENT.

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

Section 1. APPROPRIATION

Out of any unappropriated balances accruing to the state highway fund for the forty-sixth fiscal year, and in addition to the appropriation in subdivision 77, section 1, chapter 100, Laws of 1957, first regular session, there is appropriated for the forty-sixth fiscal year the sum of twenty-one thousand dollars for construction and maintenance by the state highway department of the following county roads now designated as state routes:

1. In Gila County, approximately thirty-six and one-half miles from State Highway 88 near Roosevelt Dam northwesterly to the intersection of said state route with the Bush Highway (Phoenix - Payson Route)	\$10,000.00
2. In Graham County, approximately seventeen miles from State Highway 666 westerly to Fort Grant via Bonita	\$ 5,500.00
3. In Yuma County, approximately seventeen miles from State Highway 72 at Parker northeast to vicinity of Parker Dam on the East side of the Colorado River	\$ 5,500.00
Total	\$21,000.00

Sec. 2. EMERGENCY

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

Approved by the Governor—February 28, 1958.

Filed in the Office of the Secretary of State—February 28, 1958.

CHAPTER 5

Substitute House Bill No. 44

AN ACT

RELATING TO THE POWER OF COCHISE, GRAHAM AND GILA COUNTIES, THE CITY OF DOUGLAS, AND THE TOWNS OF SAFFORD AND THATCHER TO CO-OPERATE WITH THE UNITED STATES IN FLOOD CONTROL PROJECTS, WITH LIMITATIONS, AND AMENDING SECTIONS 45-2335 AND 45-2336, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 45-2335, Arizona Revised Statutes, is amended to read:

45-2335. POWER OF COCHISE, GRAHAM AND GILA COUNTIES AND THE TOWNS OF SAFFORD AND THATCHER AND THE CITY OF DOUGLAS TO COOPERATE WITH THE UNITED STATES IN FLOOD CONTROL PROJECTS

A. The Boards of Supervisors of Cochise, Graham and Gila Counties and the governing bodies of the Towns of Safford and Thatcher and the City of Douglas are empowered to cooperate with the United States or any instrumentality, department or agency thereof for the construction, as authorized by any act of Congress, of a flood control project or projects within the county for local flood protection.

B. Pursuant to the powers granted by the provisions of Subsection A, Cochise, Graham and Gila Counties and the Towns of Safford and Thatcher and the City of Douglas are authorized in relation to the flood control project or projects described in Subsection A of this Section to:

1. Acquire and provide, without cost to the United States, land, easements and rights of way necessary for the construction of flood control projects.

2. Hold and save the United States or any instrumentality, department or agency thereof, free from any claim for damages arising from the construction, maintenance and operation of flood control projects.

3. Construct and carry out, maintain and operate, upon completion, all such works in accordance with regulations prescribed by the Secretary of the Army, or any authorized agent of the United States.

4. Establish and enforce flood-channel limits and regulations, if any, satisfactory to the Secretary of the Army.

5. Enter into an agreement with the Federal Government for the payment, on a pro rata basis, of the cost of construction and maintenance of any project under the provisions of this Section.

Sec. 2. Sec. 45-2336, Arizona Revised Statutes, is amended to read:

45-2336. LIMITATIONS ON POWERS

Notwithstanding anything to the contrary herein set forth, neither the Boards of Supervisors of Cochise, Graham or Gila Counties nor the governing bodies of the Towns of Safford or Thatcher or the City of Douglas shall exercise any power or authority granted by Section 45-2335, nor

shall they undertake or cooperate in either the planning, authorization, construction, acquisition, extension, improvement, maintenance, or operation of any flood control structures, dams, systems or projects on any portion of a watershed supplying water to any dam and reservoir existing within the State of Arizona having a designed water storage capacity of fifty thousand acre feet or more, or to any existing diversion dam and canal system having facilities within the State of Arizona designed to divert and carry not less than one thousand cubic feet per second, without first having obtained the written consent of the agency, district, association, company or organization owning or operating or being served by such dam, reservoir, diversion dam and canal system. Such consent, however, shall only be required from irrigation districts and agricultural improvement districts organized pursuant to the laws of the State of Arizona and now presently defined under Title 45, Arizona Revised Statutes, and any other associations or organizations operating such dams, reservoirs, diversion dams and canal systems as a part of a federal reclamation project.

Approved by the Governor—February 28, 1958.

Filed in the Office of the Secretary of State—February 28, 1958.

CHAPTER 6

House Bill No. 62

AN ACT

RELATING TO VOLUNTEER FIRE COMPANIES; PROVIDING FOR DELETION OF ANNEXED TERRITORY FROM THE TERRITORY OF A VOLUNTEER FIRE COMPANY; PRESCRIBING RESPONSIBILITY OF CITY OR TOWN WHERE ANNEXED TERRITORY IS NOT PROVIDED WITH FIRE PROTECTION, AND AMENDING TITLE 9, CHAPTER 9, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-1007.01.

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

Section 1. Title 9, Chapter 9, Article 1, Arizona Revised Statutes, is amended by adding Section 9-1007.01, to read:

9-1007.01. DELETION OF ANNEXED AREA FROM FIRE COMPANY TERRITORY; PROVISION FOR CONTINUED PROTECTION

A. When any part or all of the territory of any volunteer fire company is annexed to any city or town providing regular fire department service to its residents, such annexed territory shall be excluded from the jurisdiction of the volunteer fire company.

B. Upon the effective date of the annexation no assessment or tax levy against the residents of the annexed area shall thereafter be made by the county board of supervisors for the volunteer fire company, except as may be necessary to pay valid claims existing against the volunteer fire company at the time of annexation.

C. Where a city or town provides regular fire protection to its residents and is unable to provide satisfactory fire protection to annexed territory such city or town shall immediately contract with the volunteer fire company in proximity to the annexed territory for the purpose of supplying fire protection until the city or town is able to provide satisfactory fire protection.

Approved by the Governor—February 28, 1958.

Filed in the Office of the Secretary of State—February 28, 1958.

CHAPTER 7

Senate Bill No. 202

AN ACT

RELATING TO FISCAL PROCEDURES; PROVIDING FOR PRESENTATION, APPROVAL AND PAYMENT OF CLAIMS AND PAYROLLS, AND AMENDING SECTION 35-181, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 35-181, Arizona Revised Statutes, is amended to read:

35-181. PRESENTATION, APPROVAL AND PAYMENT OF CLAIMS AND PAYROLLS

A. All claims against the state for obligations authorized, required or permitted to be incurred by any state officer or agency, shall be paid only in the following manner:

The claimant shall present an itemized claim, sworn to by him and approved by the head official of each office or state agency under which the obligation was incurred, or by some other person thereof, if expressly authorized to approve the claim. Such claim shall be so presented within one year after the claim accrues, and not afterward. The claim shall then be presented to the state auditor and, if approved, the auditor shall draw his warrant therefor on the state treasurer, who shall pay it when countersigned by the governor but only from the appropriation made therefor.

B. The head of each budget unit shall prepare and present payrolls to the state auditor. The budget head shall certify on each payroll claim that the persons whose names appear have performed the services required by law, and the amount opposite the name is due and unpaid. Each employee shall sign a payroll claim which acknowledges the amount opposite his name is due for services rendered and shall certify that he is a citizen of the United States.

C. No claim shall be presented to the state auditor for railroad mileage scrip books, and no warrants shall be issued by the state auditor in payment therefor.

D. Any claim made and approved contrary to subsection A, in the absence of fraud or bad faith on the part of the claimant or disbursing officer, may be amended at any time to conform to the requirements of subsection A and upon amendment such claim shall be exempt from the provisions of section 35-211.

E. Any public funds paid or received pursuant to law, in the absence of fraud or bad faith in the disbursement or receipt of such funds prior to such law being declared unconstitutional by the supreme court of the state of Arizona, shall be exempt from the provisions of section 35-211.

Sec. 2. EMERGENCY

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

Approved by the Governor—March 4, 1958.

Filed in the Office of the Secretary of State—March 4, 1958.

CHAPTER 8

Senate Bill No. 5

AN ACT

RELATING TO CRIMES; DEFINING WILFUL CONCEALMENT OR SHOPLIFTING OF MERCHANDISE; PROVIDING PENALTIES; PROVIDING FOR ARREST WITHOUT WARRANT; PROVIDING A DEFENSE AGAINST FALSE ARREST SUITS, AND AMENDING TITLE 13, CHAPTER 2, ARTICLE 38, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 13-673 TO 13-675, INCLUSIVE.

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

Section 1. Title 13, chapter 2, article 38, Arizona Revised Statutes, is amended by adding sections 13-673 to 13-675, inclusive, to read:

13-673. WILFUL CONCEALMENT OR SHOPLIFTING OF MERCHANDISE IN STORE; PENALTY

A person who wilfully takes possession of any goods, wares or merchandise offered for sale by any wholesale or retail store or other mercantile establishment without the knowledge or consent of the seller, with the intention of converting such goods, wares or merchandise to his own use without having paid the purchase price thereof, is guilty of shoplifting or wilful concealment, punishable upon conviction by a fine of not more than two hundred dollars, imprisonment for not more than thirty days, or by both such fine and imprisonment.

13-674. ARREST WITHOUT WARRANT

A peace officer may, upon a charge being made and without a warrant, arrest any person whom he has reasonable cause to believe has committed or attempted to commit the crime of shoplifting or wilful concealment of merchandise in any wholesale or retail store or other mercantile establishment.

13-675. DEFENSE TO CHARGE OF FALSE ARREST

Reasonable cause shall be a defense to a civil or criminal action brought for false arrest, false imprisonment or wrongful detention against a peace officer, merchant or merchant's employee, by a person suspected of shoplifting or wilful concealment of goods, wares or merchandise as provided in sections 13-673 and 13-674.

Approved by the Governor—March 7, 1958.

Filed in the Office of the Secretary of State—March 7, 1958.

CHAPTER 9

Senate Bill No. 15

AN ACT

RELATING TO JUSTICES OF THE PEACE; AUTHORIZING JUSTICES OF THE PEACE TO ACT IN OTHER PRECINCTS WITHIN THE COUNTY OR IN ADJOINING PRECINCTS REGARDLESS OF COUNTIES, AND AMENDING SECTION 22-114, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 22-114, Arizona Revised Statutes, is amended to read:

22-114. AUTHORITY TO ACT IN OTHER PRECINCTS WITHIN THE COUNTY OR ADJOINING PRECINCTS; EXPENSES

A. Each justice of the peace within a county may, in the absence, illness, inability to act or upon the request of the justice of the other precinct, preside in any other precinct within the county or in any precinct adjoining the precinct in which he was elected regardless of the county in which such adjoining precinct may be located.

B. Each justice of the peace while in attendance in another precinct under the authority of this section may execute process, preside over the trial of cases, and otherwise perform all the duties of the justice of the other precinct and the expense of travel to perform such functions outside the precinct for which the justice of the peace is elected shall be a county charge to be paid by the county in which the justice of the peace renders the service.

C. When two or more justice courts are located within the same city, the justice of one precinct may perform for and on behalf of the justice of the other precinct without being physically present within the precinct of the other justice

of the peace, and in such cases no travel expense shall be paid.

Approved by the Governor—March 7, 1958.

Filed in the Office of the Secretary of State—March 7, 1958.

CHAPTER 10

Senate Bill No. 21

AN ACT

REALLOCATING FUNDS APPROPRIATED TO THE
BOARD OF DIRECTORS OF STATE INSTITUTIONS
FOR JUVENILES FOR THE STATE INDUSTRIAL
SCHOOL.

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

Section 1. REALLOCATION OF FUNDS

All balances remaining unexpended and unencumbered of the appropriation made to the board of directors of state institutions for juveniles for the state industrial school under the terms of chapter 51, Laws of 1957, first regular session, are hereby reallocated to the board of directors of state institutions for juveniles for the state industrial school for any or all of the following purposes:

1. Drilling of deep water wells, including casing.
2. Purchase and installation of pump or pumps and necessary equipment.
3. Repair and construction of water lines, including purchase of pipe and other necessary equipment and supplies.
4. Purchase and installation of a one million gallon capacity water storage tank.
5. Construction and equipping of two dormitories for sixty boys each.
6. Construction of three homes.
7. Construction and equipping of one classroom building consisting of three rooms.

8. Construction and equipping of one bachelor quarters for ten men.

9. Construction and equipping of one vocational building.

10. Repair and remodeling of existing apartment house.

Sec. 2. EXEMPTION

The sums reallocated under the terms of section 1 are exempt from the provisions of sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing appropriations.

Sec. 3. EMERGENCY

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

Approved by the Governor—March 7, 1958.

Filed in the Office of the Secretary of State—March 7, 1958.

CHAPTER 11

Senate Bill No. 40

AN ACT

MAKING AN APPROPRIATION TO THE LIVESTOCK SANITARY BOARD FOR THE RELIEF OF LION BOUNTY CLAIMANTS.

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

Section 1. APPROPRIATION

The sum of nine hundred seventy-five dollars is appropriated to the livestock sanitary board, out of the unexpended balance of the appropriation for payment of bounty, as provided by subdivision 66, section 1, chapter 100, Laws of 1957, first regular session.

Sec. 2. PURPOSE

The appropriation made under the terms of section 1 is for the relief of the following claimants of bounties for

lions killed during the fiscal year ending June 30, 1957, which bounties were not paid because of insufficient funds:

1. Ted Ferguson, four lions	\$300.00
2. Dick Stephens, two lions	150.00
3. Alfredo Heredia, one lion	75.00
4. Earle D. Osborne, three lions	225.00
5. Herschel Downs, one lion	75.00
6. Gary Martin, two lions	150.00
	<hr/>
Total	\$975.00

Sec. 3. EMERGENCY

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

Approved by the Governor—March 7, 1958.

Filed in the Office of the Secretary of State—March 7, 1958.

CHAPTER 12

Senate Bill No. 81

AN ACT

MAKING AN APPROPRIATION TO THE STATE DEPARTMENT OF HEALTH FOR THE STATE TUBERCULOSIS SANATORIUM.

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

Section 1. APPROPRIATION; PURPOSE

In addition to the appropriation made under the terms of chapter 67, Laws of 1957, first regular session, and any other appropriations heretofore made, the sum of nine thousand five hundred dollars is appropriated to the state department of health for the Arizona tuberculosis sanatorium, to be available for the purpose of completing improvements started under paragraph 3, section 1, chapter 67, Laws of 1957, first regular session, and, in addition, for construction of toilet facilities for female employees.

Sec. 2. EXEMPTION

The appropriation made by this act is exempt from the provisions of sections 35-173 and 35-190, relating to quarterly allotments and lapsing appropriations.

Sec. 3. EMERGENCY

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

Approved by the Governor—March 7, 1958.

Filed in the Office of the Secretary of State—March 7, 1958.

CHAPTER 13

Senate Bill No. 94

AN ACT

RELATING TO STATE AVIATION AUTHORITY; PRESCRIBING POWERS AND DUTIES OF THE STATE AVIATION AUTHORITY, AND AMENDING SECTION 2-123, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 2-123, Arizona Revised Statutes, is amended to read:

2-123. POWERS AND DUTIES

A. The authority shall cooperate with all organizations, state, local and federal, for the purpose of encouraging and advancing aviation in this state.

B. The authority may assemble and distribute to the public information relating to aviation, landing fields, beaches and other matters pertaining to aviation, and may accept in the name of the state federal monies made available for the advancement of aviation.

C. The authority may distribute monies appropriated to it from the state aviation fund for construction and development of publicly owned and operated airport facilities in counties and incorporated cities and towns. The distribution of such monies shall be made according to the

need for such facilities as shall be determined by the authority.

Approved by the Governor—March 7, 1958.

Filed in the Office of the Secretary of State—March 7, 1958.

CHAPTER 14

Senate Bill No. 95

AN ACT

MAKING AN APPROPRIATION TO THE STATE LAND DEPARTMENT.

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

Section 1. APPROPRIATION

There is appropriated to the state land department the sum of twenty-five thousand dollars as a supplemental appropriation for the balance of the fiscal year ending June 30, 1958, for personal services, supplies and capital outlay, to be used by the land department in the processing of leases of state lands for oil and gas during the balance of the fiscal year, and for accumulating data in connection with oil and gas conservation.

Sec. 2. EXEMPTION

This appropriation is exempt from the provisions of section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Approved by the Governor—March 7, 1958.

Filed in the Office of the Secretary of State—March 7, 1958.

CHAPTER 15

Senate Bill No. 159

AN ACT

MAKING AN APPROPRIATION TO THE LEGISLATURE.

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

Section 1. APPROPRIATION; PURPOSE

The sum of seventy-five thousand dollars is appropriated to the legislature, of which twenty-five thousand dollars shall be allocated to the Arizona state senate for the purpose of payment of the current and contingent expenses of the second regular session of the twenty-third legislature, and fifty thousand dollars to the Arizona legislative council for the purpose of carrying out its powers and duties as prescribed by law.

Sec. 2. EXEMPTION

The appropriation made by the provisions of section 1 is exempt from the provisions of sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing appropriations.

Sec. 3. EMERGENCY

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

Approved by the Governor—March 7, 1958.

Filed in the Office of the Secretary of State—March 7, 1958.

CHAPTER 16

House Bill No. 107

AN ACT

RELATING TO VOLUNTEER FIRE COMPANIES; PROVIDING FOR THE PURCHASE OF RESCUE EQUIPMENT BY VOLUNTEER FIRE COMPANIES, AND AMENDING SECTION 9-1004, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 9-1004, Arizona Revised Statutes, is amended to read:

9-1004. MEETINGS OF FIRE COMPANIES; EXPENDITURES

A. The company shall hold regular monthly meetings, and may:

1. With the approval of the board of supervisors:
 - (a) Purchase apparatus and water for fire protection.
 - (b) Purchase rescue equipment consisting of, among other things, a resuscitator and a vehicle to be used as an ambulance in case of emergency for protection of lives.
 - (c) Employ help necessary for fire protection.
2. By a majority vote of its members, authorize its chief to enter into an agreement for procuring the services of an organized fire department of a neighboring city, town or settlement without impairing its powers hereinbefore granted.

B. The fire chief and the secretary-treasurer of the company shall draw warrants on the county treasurer for money required by the company for the aforesaid purposes, and when countersigned by the chairman of the board of supervisors shall be a sufficient warrant to authorize the county treasurer to pay it from such volunteer fire company fund.

C. The company shall not incur any debt or liability in excess of the money actually available and unencumbered at the time in the fund.

Approved by the Governor—March 7, 1958.

Filed in the Office of the Secretary of State—March 7, 1958.

CHAPTER 17

House Bill No. 108

AN ACT

RELATING TO COUNTY OFFICERS; PRESCRIBING THE SALARIES OF THE DEPUTY COUNTY ATTORNEY, DEPUTY ASSESSOR AND DEPUTY SUPERINTENDENT OF SCHOOLS IN COUNTIES OF THE FIRST CLASS HAVING A POPULATION OF LESS THAN TWENTY THOUSAND, AND AMENDING SECTION 11-418, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 11-418, Arizona Revised Statutes, is amended to read:

11-418. SALARIES IN COUNTIES OF THE FIRST CLASS

A. In a county of the first class having a population of one hundred thousand or over, as determined by the official census of the United States, county officers shall receive the following annual salaries:

1. Sheriff, eight thousand six hundred forty dollars.
2. County attorney, eleven thousand five hundred twenty dollars.
3. Superintendent of schools, seven thousand two hundred dollars.
4. Clerk of the superior court, seven thousand two hundred dollars.
5. Recorder, seven thousand two hundred dollars.
6. Treasurer and ex officio tax collector, seven thousand two hundred dollars.
7. Assessor, seven thousand two hundred dollars.

B. Each of the officers named in subsection A shall appoint a chief deputy, who shall receive an annual salary agreed upon by the officer appointing the deputy and the board of supervisors in an amount not to exceed eighty per cent of the salary prescribed for the officer making the appointment.

C. In a county of the first class having a population of one hundred thousand or over, as determined by the official census of the United States, members of the board of supervisors shall receive an annual salary of seven thousand two hundred dollars each.

D. In a county of the first class having a population of less than one hundred thousand, county officers shall receive the following annual salaries:

1. Sheriff, eight thousand six hundred forty dollars.
2. County attorney, seven thousand two hundred dollars.
3. Clerk of the superior court, seven thousand two hundred dollars.
4. Recorder, seven thousand two hundred dollars.

5. Treasurer and ex officio tax collector, seven thousand two hundred dollars.

6. Assessor, seven thousand two hundred dollars.

7. Superintendent of schools, seven thousand two hundred dollars.

8. Chairman of the board of supervisors, four thousand three hundred twenty dollars.

9. Members of the board of supervisors other than the chairman, three thousand nine hundred sixty dollars each.

E. Each of the officers named in subsection D, other than the board of supervisors, may appoint a chief deputy, who shall receive an annual salary agreed upon by the officer appointing the deputy and the board of supervisors in an amount not to exceed eighty per cent of the salary prescribed for the officer making the appointment.

F. In a county of the first class having a population of less than twenty thousand a chief deputy shall not be appointed unless authorized by the board of supervisors who shall fix the annual salary of such chief deputy at not to exceed the following amounts:

1. Deputy sheriff, five thousand four hundred dollars.

2. Deputy county attorney, four thousand eight hundred dollars.

3. Deputy clerk of the court, four thousand eight hundred dollars.

4. Deputy recorder, four thousand eight hundred dollars.

5. Deputy treasurer, four thousand eight hundred dollars.

6. Deputy assessor, four thousand eight hundred dollars.

7. Deputy superintendent of schools, four thousand eight hundred dollars.

Approved by the Governor—March 7, 1958.

Filed in the Office of the Secretary of State—March 7, 1958.

CHAPTER 18

House Bill No. 120

AN ACT

RELATING TO LIVESTOCK AND ANIMALS; PRESCRIBING PENALTIES FOR UNLAWFULLY KILLING, SELLING OR PURCHASING THE LIVESTOCK OF ANOTHER, AND AMENDING SECTION 24-246, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 24-246, Arizona Revised Statutes, is amended to read:

24-246. UNLAWFULLY KILLING, SELLING OR PURCHASING LIVESTOCK OF ANOTHER; PENALTY; EXCEPTION

A. A person who feloniously or knowingly kills or sells livestock, sheep, goats or swine of another, the ownership of which is known or unknown, or who wilfully and feloniously purchases livestock, sheep, goats or swine of another, the ownership of which is known or unknown, from a person not having the lawful right to sell or dispose of such animals, is guilty of a felony.

B. This Section shall not apply to taking up animals under the estray laws.

Approved by the Governor—March 7, 1958.

Filed in the Office of the Secretary of State—March 7, 1958.

CHAPTER 19

House Bill No. 148

AN ACT

RELATING TO CHILDREN; PROVIDING FOR THE PLACEMENT OF DEPENDENT OR NEGLECTED CHILDREN, AND AMENDING SECTIONS 8-225 and 8-231, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 8-225, Arizona Revised Statutes, is amended to read:

8-225. CUSTODY OF CHILD PENDING HEARING

A. Pending final disposition, the child shall be subject to the order of the court and may be permitted to remain in the control of his parents, guardian or person having his custody, or the probation officer, or he may be detained in a place provided by state or county authorities, or by an association or agency, public or private, for the care of delinquent, neglected or dependent children.

B. A dependent and neglected child shall be placed in the home of a maternal or paternal relative whenever possible, providing the home and the ability of the relative to provide proper care is approved by the court.

Sec. 2. Sec. 8-231, Arizona Revised Statutes, is amended to read:

8-231. DISPOSITION AND COMMITMENT; SUPPORT; TRANSFER OF RECORDS; REMOVAL FROM STATE

A. The judge shall make such order for the commitment, custody and care of the child as the child's welfare and the interests of the state require. He may commit the child:

1. To the care of his parents, subject to supervision of the probation officer.
2. To a probation officer, subject to such conditions as the judge may impose.
3. To a suitable institution.
4. To an association willing to receive him.
5. To a reputable citizen of good moral character.
6. To an appropriate public or private agency authorized to care for children.
7. To a suitable school.
8. To the state industrial school.
9. To an institution provided for girl juvenile offenders.
10. To maternal or paternal relatives, provided they are physically and financially able to provide proper care.

B. The juvenile court may make an order directing the parent of a child to contribute to his support such sum as the judge may determine, or may allow a reasonable sum for the support of the child at the expense of the county.

C. When the court commits a child to an institution or agency, it shall transmit with the order of commitment a summary of its information concerning the child.

D. The juvenile court may permit removal from the state of a neglected, dependent or delinquent child, by the person to whom his care may be temporarily awarded, upon such recognizance, with or without sureties, as may satisfy the court, obligating the person to produce the child when required by the court.

Approved by the Governor—March 7, 1958.

Filed in the Office of the Secretary of State—March 7, 1958.

CHAPTER 20

House Bill No. 72

AN ACT

RELATING TO SEIZURE AND DESTRUCTION OF GAMBLING DEVICES; NOTICE OF INTENT TO DESTROY; WAITING PERIOD; JURISDICTION OF ACTIONS FOR RECOVERY OF DEVICES; DISPOSITION OF SEIZED MONEY, AND AMENDING TITLE 13, CHAPTER 2, ARTICLE 21, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-439.

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

Section 1. Title 13, chapter 2, article 21, Arizona Revised Statutes, is amended by adding section 13-439, to read:

13-439. SEIZURE AND DESTRUCTION OF GAMBLING DEVICES; NOTICE OF INTENT TO DESTROY; WAITING PERIOD; JURISDICTION OF ACTIONS FOR RECOVERY OF DEVICES; DISPOSITION OF SEIZED MONEY

In addition to any other remedy provided by law any machine or other device, the possession or control of which is penalized by the laws of this state prohibiting lotteries or gambling, may be seized by any peace officer, and any such machine or device heretofore or hereafter seized by such officer may be destroyed as provided in this section. After a period of six months has elapsed from the time of the seizure, a notice of intention summarily to destroy such

machine or device as provided in this section shall be posted in a conspicuous place upon the premises in or upon which such machine or device was seized. Such machine or device shall be held by such officer for thirty days after such posting, and if no action is commenced to recover possession of such machine or device within such time the same shall be summarily destroyed by such officer, or if the possession or control of such machine or device is or has been held by the court in any such action to be in violation of the laws of this state prohibiting lottery or gambling, or any of them, the same shall be summarily destroyed by such officer as soon as practicable after the decision of the court has become final. The superior court shall have jurisdiction of any such actions or proceedings commenced to recover the possession of such machine or device or any money seized in connection therewith. Any and all money seized in or in connection with such machine or device shall, immediately after such machine or device has been so destroyed, be paid into the treasury of the city or county where seized, said money to be deposited in the general fund.

Approved by the Governor—March 7, 1958.

Filed in the Office of the Secretary of State—March 7, 1958.

CHAPTER 21

House Bill No. 135

AN ACT

RELATING TO EDUCATION; PROVIDING FOR A CHILD TO ATTEND A COMMON OR HIGH SCHOOL IN THE DISTRICT OR ADJOINING THE DISTRICT IN WHICH THE CORRECTIVE INSTITUTION HAVING HIS LEGAL CUSTODY OR GUARDIANSHIP IS LOCATED; PROVIDING FOR PAYMENT OF TUITION, AND AMENDING SECTIONS 15-302 AND 15-304, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 15-302, Arizona Revised Statutes, is amended to read:

15-302. ADMISSION OF PUPILS; RESIDENTS; NON-RESIDENTS; EXCLUSION OF CERTAIN CHILDREN

A. All schools other than high schools and evening or night schools shall, unless otherwise provided by law, admit children between the ages of six and twenty-one years who reside in the district.

B. The governing board may admit children who do not reside in the district but who reside within the state upon such terms as it prescribes.

C. Children of nonresidents of the state may be admitted upon payment of a reasonable tuition fixed by the board.

D. The board may exclude children of filthy or vicious habits or children suffering from contagious or infectious diseases.

E. Governing school boards may admit children who are actually residents in rehabilitation or corrective institutions.

Sec. 2. Sec. 15-304, Arizona Revised Statutes, is amended to read:

15-304. CERTIFICATE OF EDUCATIONAL CONVENIENCE; ISSUANCE; EFFECT ON ATTENDANCE RECORDS; TUITION CHARGES

A. A pupil precluded by distance or lack of adequate transportation facilities from attending a common or high school in the district or county of his residence may apply to the county school superintendent for a certificate of educational convenience. If it appears to the superintendent that it is not feasible for the pupil to attend the common or high school in the district or county of residence, he shall issue a certificate authorizing the pupil to attend a common or high school in an adjoining district or county, whether within or without the state. Such attendance, when certified to the county superintendent by the official in charge of the school attended, shall be deemed for the purpose of determining average daily attendance to be attendance in the common or high school of the county or district of the student's residence. If tuition is charged for nonresidence attendance by the school attended, the county school superintendent shall draw a warrant on the county treasurer in favor of such school for the amount charged, in conformity with the provisions of section 15-449.

B. In the event of an order issued by the superior court placing the custody or legal guardianship of a child in a rehabilitation or corrective institution, the county school superintendent of the county containing the school district of the pupil's immediate residence shall issue a certificate of convenience for such child to attend a school in the

district or adjoining the district containing such corrective institution. The attendance of such pupil shall be deemed, for the purpose of determining average daily attendance, to be attendance in the common or high school of the district from where such child was transferred. Tuition may be charged in the district of actual attendance as for non-resident attendance. The county school superintendent shall draw a warrant upon the county treasurer in favor of the school of actual attendance for the amount charged, whether for common or high school attendance, in conformity with the provisions of section 15-449.

Approved by the Governor—March 7, 1958.

Filed in the Office of the Secretary of State—March 7, 1958.

CHAPTER 22

Senate Bill No. 114

AN ACT

RELATING TO CORPORATIONS; PROVIDING FOR ISSUANCE OF PREFERRED STOCK IN SERIES AND FOR THE AMENDMENT OF ARTICLES OF INCORPORATION; AMENDING SECTIONS 10-122 AND 10-321, ARIZONA REVISED STATUTES, AND AMENDING TITLE 10, CHAPTER 1, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 10-152.01.

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

Section 1. Sec. 10-122, Arizona Revised Statutes, is amended to read:

10-122. CONTENTS OF ARTICLES

The articles of incorporation shall contain:

1. The name of the corporation indicating therein the character of the business to be carried on by the corporation and no corporation shall take a name which is the same as, or deceptively similar to, the name of another existing corporation of this state or of any foreign corporation licensed to do business in this state, unless, at the time of filing its articles of incorporation with the corporation commission as required by this section, the incorporators file with the corporation commission a consent to the use of such name, such consent to be in the form of a duly authenticated copy of a resolution specifically authorizing the use of its name by the board of directors of any exist-

ing corporation of this state or of any foreign corporation licensed to do business in this state which has a name which is the same or deceptively similar to the name which the corporation applying for license seeks to use as its own.

2. The principal place of business of the corporation.
3. The general nature of the business to be transacted.

4. The amount of capital stock authorized and the time when and the conditions upon which it is to be paid in. The articles may provide for the issuance of one or more classes of stock and stock without par value, in such number of shares with such rights and preferences as shall be stated in the articles. The articles may also provide that the issuance and sale of shares without par value will be for such consideration as prescribed in the articles and that such shares shall be deemed fully paid and non-assessable. If any class of stock which is preferred as to dividends or assets is to be issued in series, as provided in section 10-152.01, the articles shall provide either:

(a) The designations, preferences, privileges and voting powers of the first series of such class, and the restrictions or qualifications thereof, and that the board of directors is authorized to fix from time to time before issuance the designations, preferences, privileges and voting powers of the shares of each subsequent series of such class, and the restrictions or qualifications thereof, or

(b) That the board of directors is authorized to fix from time to time before issuance the designations, preferences, privileges and voting powers of the shares of each series of such class, and the restrictions or qualifications thereof.

5. The name, residence and post-office address of each incorporator.

6. The time of commencement and termination of the corporation.

7. By what officers the affairs of the corporation are to be conducted, and the time of their election.

8. The highest amount of indebtedness or liability, direct or contingent, to which the corporation is at any time to subject itself, as determined and limited by the provisions of section 10-173.

9. Whether private property of the shareholders is to be exempt from corporate debts, and unless so exempted, the shareholders shall be liable for the debts of the corporation

THE CORPORATION OF THE STATE OF ARIZONA
SECRETARY OF STATE

in the proportion their stock bears to the whole capital stock.

Sec. 2. Title 10, chapter 1, article 3, Arizona Revised Statutes, is amended by adding section 10-152.01, to read:

10-152.01. PREFERRED AND COMMON SHARES

A. Every private corporation organized for profit shall have power to create and issue shares of stock. Every such corporation shall have power to create and issue one or more classes of shares, with such designations, preferences, privileges and voting powers or restrictions or qualifications thereof as the articles of incorporation or a consolidation agreement or any amendment to the articles of incorporation or a consolidation agreement provides.

B. If any class of stock is preferred as to dividends or assets, the articles of incorporation or a consolidation agreement or any amendment to the articles of incorporation or a consolidation agreement may authorize the issuance from time to time in one or more series of the shares of any such class, and may authorize the board of directors to fix from time to time before issuance the designations, preferences, privileges and voting powers of the shares of each series of such class, and the restrictions or qualifications thereof. Subject to the provisions of section 10-271 the shares of all series of the same class having voting power shall not have more than one vote each, and when the stated dividends and amounts payable on liquidation are not paid in full, the shares of all series of the same class shall share ratably in the payment of dividends including accumulations, if any, in accordance with the sums which would be payable on said shares if all dividends were declared and paid in full, and in any distribution of assets other than by way of dividends in accordance with the sums which would be payable on such distribution if all sums payable were discharged in full.

C. Before the issuance of the shares of each series of such class, unless stated in respect to the first series in the articles of incorporation or a consolidation agreement or any amendment to the articles of incorporation or a consolidation agreement, and in that case before the issuance of each subsequent series, the corporation shall file and record in the manner set forth in section 10-123, a certificate entitled and endorsed "certificate of (name of corporation) pursuant to section 10-152.01".

D. Such certificate shall state:

1. The name of the corporation and if it has been changed, the name under which it was originally incorporated;
2. The date of filing the articles of incorporation in the office of the Arizona corporation commission;
3. That under the authority of the articles of incorporation the board of directors has authorized the issuance of the series of shares of preferred stock, and the designations, preferences, privileges and voting powers of the shares of the series, and the restrictions or qualifications thereof, as fixed by the board of directors before issuance of such series.

E. Such certificate shall be subscribed and acknowledged by the president or a vice-president and the secretary or an assistant secretary, who shall make and annex an affidavit stating that they have been authorized to execute and file such certificate.

Sec. 3. Sec. 10-321, Arizona Revised Statutes, is amended to read:

10-321. AMENDMENT OF ARTICLES; CHANGE IN AMOUNT OF CAPITAL STOCK; NOTICE

Subject to the provisions of the articles of incorporation the capital stock of a corporation may be increased or decreased, and the articles of incorporation, which for the purposes of this section only, shall include any and all certificates filed pursuant to section 10-152.01, may be amended by the affirmative vote of a majority of the issued and outstanding shares of stock of the corporation. Articles of incorporation may be amended to include any provision which might lawfully be inserted in articles of incorporation filed for the first time at the date of such amendment. At least thirty days notice in writing of the proposed increase or decrease or the proposed amendment shall be given the shareholders of the corporation.

Sec. 4. EMERGENCY

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

Approved by the Governor—March 8, 1958.

Filed in the Office of the Secretary of State—March 10, 1958.

CHAPTER 23

House Bill No. 242

AN ACT

RELATING TO COMMERCIAL AND CUSTOMER-FORMULA FEEDS, AND AMENDING SECTION 24-901. ARIZONA REVISED STATUTES.

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

Section 1. Sec. 24-901, Arizona Revised Statutes, is amended to read:

24-901. DEFINITIONS

In this article, unless the context otherwise requires:

1. "Brand" means the term, design or trademark and other specific designation under which an individual commercial feed is distributed in this state.

2. "Commercial feed" means all materials distributed for use as feed for animals other than man except:

(a) Unmixed whole seeds and meals made directly from the entire seeds.

(b) Unground hay.

(c) Whole or ground straw, stover, silage, cobs and hulls when not mixed with other materials.

3. "Customer-formula feed" means a mixture of commercial feed or feed materials, or both, each batch of which is mixed according to the specific instructions of the final purchaser.

4. "Distribute" means to offer for sale, sell, barter or otherwise supply commercial feeds or customer-formula feeds, except that the term "distribute" shall not include or apply to any feeds supplied for consumption on the premises of the supplier.

5. "Feed ingredient" means each of the constituent materials making up a commercial feed.

6. "Label" means a display of written, printed or graphic matter upon or affixed to the container in which a commercial feed is distributed, or on the invoice or delivery slip with which a commercial feed or customer-formula feed is distributed in bulk.

7. "Official sample" means any sample of feed taken by the state chemist or his agent and designated as official by the state chemist.

8. "Per cent" or "percentage" means percentage by weight.

9. "Person" includes individual, partnership, corporation, firm, association and agent.

10. "Sell" or "sale" includes exchange.

11. "Ton" means a net weight of two thousand pounds avoirdupois.

Approved by the Governor—March 8, 1958.

Filed in the Office of the Secretary of State—March 10, 1958.

CHAPTER 24

House Bill No. 240

AN ACT

RELATING TO THE LIVESTOCK SANITARY BOARD;
PROVIDING FOR THE APPOINTMENT OF MEMBERS,
AND AMENDING SECTION 24-102, ARIZONA RE-
VISED STATUTES.

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

Section 1. Sec. 24-102, Arizona Revised Statutes, is amended to read:

24-102. LIVESTOCK SANITARY BOARD; MEMBERS;
APPOINTMENTS; TERM; BOND; REPORTS;
LIMITATIONS ON SESSIONS; COMPENSA-
TION

A. There shall be a livestock sanitary board composed of five members all of whom are qualified electors, provided that no more than two members from any one county shall be represented on the board at any time. The members shall represent the following categories:

1. Two members from the range cattle growing industry.
2. One member from the cattle feeding industry.
3. One member shall be a producing dairy man.
4. One member shall be a packing house operator.

All members of the board shall be actively engaged operat-

ing owners of the type of business they represent on the board. If a member acquires his representation through his affiliation with a corporation, such member shall be actively engaged in managing the corporation and his primary source of income shall be derived from the corporation. In addition, the member shall be the owner or principal stockholder of the corporation. Members shall be appointed by the governor with the advice and consent of the senate, for terms of office of five years each. Of the two members appointed upon the enactment of this section, one shall be a producing dairy man who shall be appointed for a term ending June 30, 1959, and the second shall be a packing house operator who shall be appointed for a term ending June 30, 1960. As the terms of the other three members expire, one shall be appointed for a term ending June 30, 1961, the second for a term expiring June 30, 1962, and the term of the third appointment shall expire June 30, 1963. Thereafter all appointments shall be for a term of five years, and appointment to fill a vacancy caused other than by expiration of term shall be for the unexpired portion of the term only.

B. Each member of the board shall execute a bond to the state in the principal amount of two thousand dollars, conditioned upon the faithful performance of his duties.

C. The board shall keep a complete record of its proceedings, make reports to the governor as required by him, and make biennial reports to the legislature.

D. Each member shall receive ten dollars per day for the time necessarily employed in discharging his duties, but in no year shall the board be in session more than sixty days, except upon call of the governor. Members of the board shall receive mileage allowance in attending meetings.

Sec. 2. EMERGENCY

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

Approved by the Governor—March 10, 1958.

Filed in the Office of the Secretary of State—March 10, 1958.

CHAPTER 25

Senate Bill No. 113

AN ACT

RELATING TO CORPORATIONS AND ASSOCIATIONS; PROVIDING FOR APPOINTMENT OF STATUTORY AGENTS BY FOREIGN CORPORATIONS; AMENDING SECTIONS 10-481, 10-483, AND 10-484, ARIZONA REVISED STATUTES, AND AMENDING TITLE 10, CHAPTER 1, ARTICLE 17, ARIZONA REVISED STATUTES, BY ADDING SECTION 10-484.01.

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

Section 1. Sec. 10-481, Arizona Revised Statutes, is amended to read:

10-481. REQUIREMENTS FOR DOING BUSINESS; EXCEPTIONS

A. A foreign corporation before entering upon, doing or transacting any business, conducting any enterprise, or engaging in any occupation in this state shall:

1. File with the corporation commission a certified copy of its articles of incorporation or charter and all amendments thereto, or its restated articles of incorporation when restated articles are authorized in the state in which the corporation is domiciled, together with a certificate of good standing, all issued by an officer or agency properly authorized in the state in which the corporation was organized. The date of certification of such instruments shall be within sixty days before they are filed in this state.

2. File with the corporation commission a certificate, in the form prescribed by the commission, designating the address of the statutory office of the corporation in this state which may be, but need not be, the same as its place of business in this state, and appointing a statutory agent upon whom notices and processes, including service of summons, may be served, which agent may be a natural person, a bona fide resident of this state for at least three years, or a domestic corporation or foreign corporation licensed to transact business in this state, empowered by its articles of incorporation to act as such agent, whose business address, if a corporation, shall be identical with such statutory office, and file with the corporation commission, in the form prescribed by the commission, an irrevocable consent to service of pleadings or process which shall become effective upon the revocation, annulment or volun-

tary withdrawal of the license of the corporation to do business in this state, and which shall provide that actions arising out of or involving business done or transactions arising in this state may be commenced against the corporation in any court of competent jurisdiction within this state, by the service of pleadings or process upon the commission. The commission, upon being served, shall forward by registered mail a duplicate copy of the pleading or process, or both, to the last address of the corporation on file with the commission against which the pleading or process is directed.

3. Pay the fees prescribed by law.

B. No license to do business in this state shall be issued by the corporation commission to any foreign corporation whose name is the same as, or deceptively similar to, the name of any existing corporation of this state or of any other foreign corporation licensed to do business in this state, unless, at the time of applying for the license and filing its articles of incorporation with the corporation commission as provided in this section, such foreign corporation files with the corporation commission a consent to the use of such name, the consent to be in the form of a duly authenticated copy of a resolution specifically authorizing the use of its name by the board of directors of any existing corporation of this state or of any foreign corporation licensed to do business in this state which has a name which is the same or deceptively similar to the name which the corporation applying for license seeks to use as its own.

C. Upon filing the certified copy of the articles of incorporation, appointment of agent, filing consent to service of pleadings and process and payment of the license fee, the corporation commission shall issue to the corporation a license to do business in this state and it may thereupon commence business.

D. The articles shall be published as required for domestic corporations, and the acts of the foreign corporation shall be valid from the date of issuance of the license to it to do business in this state if publication of its articles is made and affidavit thereof filed within three months after filing the certified copy of its articles with the corporation commission.

E. This section shall not apply to insurance corporations, nor to any corporation transacting in this state only the business of lending funds to religious, social or benevolent associations.

Sec. 2. Sec. 10-483, Arizona Revised Statutes, is amended to read:

10-483. ABSENCE OF AGENT FROM STATE

Whenever a foreign corporation licensed to transact business in this state shall fail to maintain a statutory agent in this state for a period of three months consecutively, and no other agent is appointed within thirty days after expiration of such three month period, the right of the corporation to transact business shall cease, and all acts or contracts performed or made thereafter shall, at the option of any person interested, be null and void.

Sec. 3. Sec. 10-484, Arizona Revised Statutes, is amended to read:

10-484. PRIVILEGES, OBLIGATIONS AND PROHIBITIONS

A. Upon complying with the provisions of this article, a foreign corporation shall have the same rights and privileges held by a domestic corporation, except as provided in subsections D and E of this section.

B. Every foreign corporation licensed to do business in this state shall file with the corporation commission a certified copy of each amendment to its articles of incorporation or its restated articles of incorporation within sixty days after filing either of them in the state in which the foreign corporation is domiciled.

C. Every foreign corporation licensed to do business in this state may surrender its license by filing with the corporation commission, in the form prescribed by it, a notice of withdrawal, or by filing a certified copy of a resolution of dissolution as prescribed by the laws of the state in which the corporation is domiciled, a notice from the state tax commission as provided in section 10-367, and by payment of any applicable fee authorized by statute.

D. No corporation organized under any jurisdiction other than the United States, or any political subdivision or possession thereof, shall own or hold land within this state.

E. No foreign corporation shall be appointed to act as executor, administrator, trustee or guardian of the estate of a minor or incompetent person, or in any other fiduciary capacity except as testamentary trustees.

F. A foreign corporation may change the address of its statutory office in this state, or the statutory agent, or

both, upon filing with the corporation commission a certificate of change, in the form prescribed by the commission, and payment of a fee of one dollar.

Sec. 4. Title 10, chapter 1, article 17, Arizona Revised Statutes, is amended by adding section 10-484.01, to read:

10-484.01. EFFECT ON STATUTORY AGENTS; REVOCATION OF EXISTING AGENTS

A. All appointments of statutory agents by a foreign corporation made prior to and which are in effect on June 30, 1958, shall continue in full force and effect until revoked as provided in subsection B.

B. If the corporation has appointed more than one statutory agent in this state, it may file with the corporation commission a certificate, in the form prescribed by the commission, designating one of such statutory agents as its statutory agent pursuant to section 10-481 and revoking the appointment of all other statutory agents.

Sec. 5. EFFECTIVE DATE

This act shall become effective July 1, 1958.

Approved by the Governor—March 10, 1958.

Filed in the Office of the Secretary of State—March 10, 1958.

CHAPTER 26

Senate Bill No. 115

AN ACT

RELATING TO CORPORATIONS; PROVIDING FOR PAYMENT OF FEES AND PENALTIES BY CORPORATIONS; PROVIDING FOR ANNUAL REPORTS AND FEES AND FOR MAILING REPORT FORMS BY CORPORATION COMMISSION, AND AMENDING SECTIONS 10-104 AND 10-211, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 10-104, Arizona Revised Statutes, is amended to read:

10-104. FEES; PENALTIES

A. Except as otherwise provided by law, the corporation commission shall charge and collect in advance and remit to the state treasury the following fees:

1. Filing articles of incorporation of domestic and foreign corporations not for profit, ten dollars.

2. Filing articles of incorporation of domestic corporations, twenty-five dollars.

3. Filing certified copies of articles of incorporation and all amendments thereto to date of filing, or restated articles of incorporation, if restated articles are provided for in the state in which the corporation is domiciled, of foreign corporations, fifty dollars.

4. Filing amendment to articles of incorporation or restated articles which include the amendment, ten dollars.

5. Issuing certificate of incorporation of domestic corporations, ten dollars.

6. Issuing license to do business of foreign corporations, ten dollars.

7. Filing appointment of statutory agent, five dollars.

8. Filing resignation or revocation of statutory agent, one dollar.

9. Filing resolution of renewal of corporate existence, five dollars.

10. Filing resolution of dissolution of corporate existence, ten dollars.

11. Filing notice of withdrawal of foreign corporations, ten dollars.

12. Issuing certificate of good standing or certificate of compliance of corporations, five dollars.

13. Filing agreement of merger or consolidation of corporations, ten dollars.

14. Affixing seal and certificate to copy, two dollars.

15. Acceptance by the corporation commission of copies of process sought to be served on a corporation, five dollars for each service.

16. Copy or reproduction of documents on file at fees established from time to time by the commission but in no event less than twenty cents per folio.

17. Checking each corporation record and answering inquiry as to corporate existence, names and addresses of officers and statutory agent, one dollar to nonresidents, and without charge to residents of this state.

18. Filing any document for which specific fees have not been fixed, one dollar.

19. Filing affidavit of publication required by law, no charge.

20. Filing reservation of a corporate name for the use of a corporation to be organized under the laws of this state for a period not to exceed sixty days, five dollars.

21. Filing annual report of domestic and foreign corporations, twenty-five dollars.

22. Reinstatement of domestic or foreign corporations when certificate of incorporation or license has been revoked, twenty-five dollars plus accumulated fees and penalties as prescribed by subsection B.

B. The commission shall assess, and upon collection, remit to the state treasury the following penalties:

1. If the annual report is not filed and the registration fee not paid within the time specified in section 10-211, a penalty of twenty per cent per month or any fraction thereof of the fees then due shall accrue until payment is made or the charter revoked as provided in section 10-212, but such penalty shall not exceed an amount equal to such fees and no penalties shall accrue to those fees which became delinquent prior to July 1, 1958, except as otherwise provided by law.

2. If a foreign corporation fails to file any amendment or restated articles which include an amendment within sixty days after the time of filing in the state in which the corporation is domiciled, a penalty of fifty dollars shall accrue and become payable in addition to the fee for filing the amendment, but the penalty shall not accrue to amendments filed in the state in which the corporation is domiciled prior to July 1, 1953, if all amendments or restated articles of incorporation which include the amendment are filed with the corporation commission prior to October 1, 1953.

Sec. 2. Sec. 10-211, Arizona Revised Statutes, is amended to read:

10-211. ANNUAL REPORT AND FEES

A. Every corporation organized or doing business in this state, except religious corporations and corporations otherwise exempt by law, shall each year pay an annual registration fee as prescribed by law, and file with the corporation commission, in a form prescribed by the commission, an annual report subscribed and sworn to by its duly authorized officers, containing information as of the close of the fiscal year adopted by the corporation for the purposes of title 43 relating to taxation of income, which shall include:

1. A statement of its financial condition.
2. The amount of its capital stock paid up and issued.
3. The names and addresses of its officers and directors and the name and address to which the corporation commission shall mail the annual report form provided for in this section.

B. The corporation commission shall annually mail a copy of the prescribed report form to each corporation required to file the report. The report form shall be mailed to the corporation at the address given to the commission in the report filed by each corporation for the previous year, and if no name or address was then furnished the commission, or there was no report filed by the corporation for such year, the form shall be mailed to the statutory agent of the corporation. If such report is not received within 60 days following the time fixed for filing, notice of delinquency shall be sent by certified or registered mail with return receipt requested.

C. The date of filing the annual report and paying the annual fee for each corporation shall be on or before the fifteenth day of the fourth month after the close of the fiscal year adopted by the corporation for the purposes of title 43 relating to taxation of income.

D. Every corporation organized or licensed to do business in this state before July 1, 1957, shall file its next report required under the provisions of subsection B of this section, but the fee shall be computed at the rate of one-twelfth of the then applicable annual fee for each month or fraction thereof between the date of the information contained in such report and the date of the information contained in the last preceding report.

E. Every corporation organized or licensed to do business in this state on or after July 1, 1957, shall file a report as prescribed in subsection B, and shall pay a fee computed upon the schedule as prescribed by the law then

in effect. The fee shall be computed at the rate of one-twelfth of the applicable annual fee for each month or fraction thereof between the date upon which the corporation was organized or licensed to do business in this state and the close of the fiscal year adopted by the corporation for the purposes of title 43 relating to taxation of income.

F. If a corporation is unable to file the annual report required by subsection A within the period of time prescribed by this section, the corporation shall, within such period, make written request to the corporation commission for an additional period of time, not to exceed six months, in which to make the annual report. The request for an additional period of time shall be accompanied by the annual registration fee required by law. Upon receipt of the written request and the registration fee, the corporation commission shall grant the request.

Sec. 3. EMERGENCY

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

Approved by the Governor—March 10, 1958.

Filed in the Office of the Secretary of State—March 10, 1958.

CHAPTER 27

Senate Bill No. 8

AN ACT

RELATING TO PUBLIC OFFICERS; PRESCRIBING OFFICE HOURS FOR STATE OFFICES; PROVIDING A PERMISSIVE FIVE-DAY WEEK FOR COUNTY OFFICES; AUTHORIZING BOARDS OF SUPERVISORS TO ESTABLISH NINE-HOUR PERIOD EACH DAY FOR SUCH OFFICES TO BE OPEN; AMENDING SECTION 38-401, ARIZONA REVISED STATUTES, AND AMENDING TITLE 11, CHAPTER 3, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 11-413.01.

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

Section 1. Title 11, chapter 3, article 1, Arizona Revised Statutes, is amended by adding section 11-413.01, to read:

11-413.01. PERMISSIVE FIVE-DAY WEEK

A. The board of supervisors in any county, in lieu of the provisions of section 11-413, may provide by resolution that county offices shall be open for the transaction of business each day from Monday through Friday only, if the board deems that service to the public will not be impaired thereby.

B. The resolution adopted by the board shall provide that every county office shall be open, except on legal holidays, for the transaction of business from Monday through Friday, and shall establish a nine-hour period between the hours of eight o'clock a.m. and six o'clock p.m. during which such offices shall remain open; provided that the criminal division of the sheriff's office shall be open at all times.

Sec. 2. Sec. 38-401, Arizona Revised Statutes, is amended to read:

38-401. OFFICE HOURS FOR STATE OFFICES

Unless otherwise provided by law, and except on holidays, state offices shall be kept open for transaction of business from eight o'clock a.m. until five o'clock p.m. each day from Monday through Friday.

Approved by the Governor—March 14, 1958.

Filed in the Office of the Secretary of State—March 14, 1958.

CHAPTER 28

Senate Bill No. 50

AN ACT

MAKING AN APPROPRIATION TO THE ARIZONA COMMISSION OF AGRICULTURE AND HORTICULTURE FOR ERADICATION OF THE KHAPRA BEETLE.

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

Section 1. APPROPRIATION

The sum of forty-four thousand eight hundred eighty dollars is appropriated to the use of the Arizona commission of agriculture and horticulture.

Sec. 2. PURPOSE

The purpose of the appropriation made in section 1 is to enable the Arizona commission of agriculture and horticulture to cooperate with the United States department of agriculture to eradicate the Khapra beetle, a dangerous pest of grain and food products, wherever found within the state of Arizona by fumigation of infested buildings, spraying of infested grounds, and otherwise treating premises found to be infested with the Khapra beetle.

Sec. 3. EXEMPTION

The appropriation made under the terms of section 1 is exempt from the provisions of sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing appropriations.

Sec. 4. EMERGENCY

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

Approved by the Governor—March 14, 1958.

Filed in the Office of the Secretary of State—March 14, 1958.

CHAPTER 29

House Bill No. 118

AN ACT

RELATING TO THE POWERS AND DUTIES OF SCHOOL DISTRICT BOARDS OF TRUSTEES, AND AMENDING SECTION 15-445, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 15-445, Arizona Revised Statutes, is amended to read:

15-445. CONTROL OF SCHOOL PROPERTY

A. The board of trustees shall:

1. Manage and control the school property within its district.

2. Purchase school furniture, apparatus, equipment, library books and supplies for the use of the schools.

3. Rent, furnish, repair and insure the school property of the district.

4. Construct school buildings when directed to do so by a vote of the district.

5. Make in the name of the district conveyances of property belonging to the district and sold by the board.

6. Purchase or sell school sites when authorized by a vote of the district, but such authorization shall not necessarily specify the site to be purchased.

7. Construct, improve and furnish buildings used for school purposes when such buildings or premises are leased from the National Park Service, when directed to do so by a vote of the district.

B. The board may include in its annual budget items for the purchase of sites or the erecting or purchasing of school buildings, and for the improving and furnishing of buildings used for school purposes when such buildings are leased from the National Park Service. The county superintendent shall include such items in his estimate to the board of supervisors, and the board of supervisors may, in its discretion, make a levy on the property of the district sufficient to produce the amount asked for, but a levy for such purpose shall not exceed ten cents on each one hundred dollars of property valuation.

Approved by the Governor—March 14, 1958.

Filed in the Office of the Secretary of State—March 15, 1958.

CHAPTER 30

Senate Bill No. 88

AN ACT

RELATING TO EMPLOYMENT SECURITY; DEFINING BASE PERIOD; EXCLUDING CERTAIN PAYMENTS FROM THE DEFINITION OF WAGES; PRESCRIBING AND LOWERING EMPLOYER CONTRIBUTION RATES AND ADJUSTMENT THEREOF; INCREASING AMOUNT OF BENEFITS TO EMPLOYEES, AND AMENDING SECTIONS 23-605, 23-622, 23-730 AND 23-779, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 23-605, Arizona Revised Statutes, is amended to read:

23-605. BASE PERIOD

“Base period” means the first four of the last five completed calendar quarters immediately preceding the first day of an individual’s benefit year, except that the base period of an individual whose new benefit year overlaps his last preceding benefit year shall consist of those four completed calendar quarters immediately following his previous base period.

Sec. 2. Sec. 23-622, Arizona Revised Statutes, is amended to read:

23-622. WAGES

A. “Wages” means all remuneration for services from whatever source, including commissions and bonuses and the cash value of all remuneration in any medium other than cash. The reasonable cash value of remuneration in any medium other than cash shall be estimated and determined in accordance with regulations prescribed by the commission.

B. “Wages” shall not include:

1. For the purpose of sections 23-604, 23-726 and 23-728, that part of the remuneration which, after remuneration, equal to three thousand dollars has been paid in a calendar year to an individual by an employer or his predecessor with respect to employment during any calendar year unless that part of the remuneration in excess of three thousand dollars is subject to a tax, under federal law, against which credit may be taken for contributions required to be paid into a state unemployment fund by employers subject to the federal law.

2. The amount of any payment made to or on behalf of an employee or any of his dependents under a plan or system established by an employing unit which makes provision for individuals in its employ generally or for a class or classes of such individuals, including any amount paid by an employing unit for insurance or annuities or into a fund to provide for any such payment on account of retirement, sickness or accident disability, medical and hospitalization expenses in connection with sickness or accident disability, or death.

3. The payment by an employing unit, without deduction from the remuneration of the individual in its employ, of the tax imposed upon an individual in its employ under section 3101 of the federal internal revenue code with respect to services performed.

4. Any payment made to an employee on account of retirement, including any amount paid by an employing unit for insurance or annuities, or into a fund, to provide for any such payment.

5. Any payment on account of sickness or accident disability, or medical or hospitalization expenses in connection with sickness or accident disability, made by an employing unit to, or on behalf of, an employee after the expiration of six calendar months following the last calendar month in which the employee worked for such employing unit.

6. Any payment made to, or on behalf of, an employee or his beneficiary from or to a trust described in section 401 (A) of the Federal Internal Revenue Code of 1954 which is exempt from tax under section 501 (A) of such code at the time of the payment unless the payment is made to an employee of the trust as remuneration for services rendered as an employee and not as a beneficiary of the trust, or under or to an annuity plan which, at the time of such payment, meets the requirements of section 401 (A) (3), (4), (5) and (6) of such code.

7. Remuneration paid in any medium other than cash to an employee for service not in the course of the employing unit's trade or business.

8. Any payment, other than vacation or sick pay, made to an employee after the month in which he attains the age of sixty-five, if he did not work for the employer in the period for which the payment is made.

9. Dismissal payments which the employing unit is not legally required to make.

Sec. 3. Sec. 23-730, Arizona Revised Statutes, is amended to read:

23-730. VARIATION AND ADJUSTMENT OF CONTRIBUTION RATES

Variations from the standard rate of contribution shall be determined in accordance with the following requirements:

1. If the total of all an employer's contributions, paid on or before July 31 of the preceding calendar year with respect to wages paid by him prior to July 1 of such preceding calendar year, exceeds the total benefits which were chargeable to his account and were paid prior to July 1 of such preceding calendar year, with respect to weeks of unemployment beginning prior to such July 1, his contri-

bution rate for the ensuing calendar year subject to the adjustments provided by this section, shall be:

(a) Two and seven-tenths per cent if such excess is less than three per cent of his average annual payroll.

(b) Two and one-half per cent if such excess equals or exceeds three but is less than four per cent of his average annual payroll.

(c) Two and one-fourth per cent if such excess equals or exceeds four but is less than five per cent of his average annual payroll.

(d) Two per cent if such excess equals or exceeds five but is less than six per cent of his average annual payroll.

(e) One and three-fourths per cent if such excess equals or exceeds six but is less than seven per cent of his average annual payroll.

(f) One and one-half per cent if such excess equals or exceeds seven but is less than eight per cent of his average annual payroll.

(g) One and one-fourth per cent if such excess equals or exceeds eight but is less than nine per cent of his average annual payroll.

(h) One per cent if such excess equals or exceeds nine but is less than ten per cent of his average annual payroll.

(i) Three-fourths per cent if such excess equals or exceeds ten but is less than eleven per cent of his average annual payroll.

(j) One-half per cent if such excess equals or exceeds eleven per cent but is less than twelve per cent of his average annual payroll.

(k) One-fourth per cent if such excess equals or exceeds twelve per cent of his average annual payroll.

2. If on July 31 of any year the total assets of the fund, excluding contributions not yet paid on July 31 of such year, constitute the following percentage ratios to total taxable payrolls for the fiscal year ending June 30 of such year, all employers eligible for a rate of less than two and seven-tenths per cent under paragraph 1 of this section shall have the rate to which they are entitled adjusted proportionately to provide an approximate average tax yield from all employers for the ensuing calendar year in amounts based upon per cent of assets in the fund to total taxable payrolls as follows:

(a) For assets equal to or in excess of thirteen per cent of total taxable payrolls for the preceding fiscal year an average rate of eight-tenths per cent.

(b) For assets equal to or in excess of eleven per cent but less than thirteen per cent of the total taxable payrolls for the preceding fiscal year an average rate of one per cent.

(c) For assets equal to or in excess of eight per cent but less than eleven per cent of the total taxable payrolls for the preceding fiscal year an average of one and twenty-five one-hundredths per cent.

(d) For assets equal to or in excess of five per cent but less than eight per cent of the total taxable payrolls for the preceding fiscal year the average rate paid by each employer shall be one and one-half per cent.

(e) For assets equal to or in excess of three and one-half per cent but less than five per cent of the total taxable payrolls for the preceding fiscal year an average of one and eight-tenths per cent.

(f) For assets less than three and five-tenths per cent of the total taxable payrolls for the preceding fiscal year, no employer's rate shall be less than two and seven-tenths per cent.

3. In computing an employer's adjusted rate to provide the percentage of average tax yield as provided by paragraph 2 of this section, such adjusted rate shall be calculated to the nearest five-hundredths per cent. In no event shall an employer's adjusted rate be less than one-tenth per cent.

Sec. 4. Sec. 23-779, Arizona Revised Statutes, is amended to read:

23-779. AMOUNT OF BENEFITS

A. An individual's weekly benefit amount shall be an amount equal to one twenty-fifth of his total wages for insured work paid during that quarter of his base period in which such total wages were highest, but if such amount is more than thirty-five dollars the weekly benefit amount shall be thirty-five dollars, or if less than ten dollars the weekly benefit amount shall be ten dollars, and if not a multiple of one dollar shall be computed to the next higher multiple of one dollar. If an individual fails to qualify for a weekly benefit amount of one twenty-fifth of his high quarter earnings, but can qualify for a weekly benefit of one dollar less than one twenty-fifth of his high quarter

earnings, his weekly benefit amount shall be such lesser amount, but in no event less than ten dollars.

B. Each eligible individual unemployed with respect to any week shall be paid with respect to such week a benefit in an amount equal to his weekly benefit amount less that part of the wages, if any, payable to him with respect to such week which is in excess of ten dollars. The benefit, if not a multiple of one dollar, shall be computed to the next higher multiple of one dollar.

Sec. 5. TRANSITIONAL PROCEDURE

The provisions of Section 23-779 shall apply July 1, 1958, to all benefit years beginning after June 30, 1958, and the insured status of all claimants who have a benefit year current on and after July 1, 1958 shall be redetermined and benefits shall be paid in accordance with this provision, provided that no insured worker shall have his benefits reduced or denied by redetermination resulting from the application of this provision.

Sec. 6. EFFECTIVE DATE

This act shall be effective on July 1, 1958.

Approved by the Governor—March 15, 1958.

Filed in the Office of the Secretary of State—March 15, 1958.

CHAPTER 31

Senate Bill No. 116

AN ACT

MAKING AN APPROPRIATION TO THE STATE DEPARTMENT OF HEALTH.

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

Section 1. APPROPRIATION

There is appropriated to the state department of health the sum of nineteen thousand seven hundred twenty-nine dollars, to be available as provided in section 2.

Sec. 2. PURPOSE

The appropriation made under the terms of section 1 is for the purpose of enabling the state department of health to purchase and install necessary equipment and cabinet work, move and install equipment now owned by the state

department of health, and to refurbish quarters in the southeast basement of the Coconino county courthouse in Flagstaff, Arizona, to accommodate the northern Arizona branch of the state laboratory.

Sec. 3. EXEMPTION

The appropriation made by this act is exempt from the provisions of sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing appropriations.

Approved by the Governor—March 15, 1958.

Filed in the Office of the Secretary of State—March 15, 1958.

CHAPTER 32

Senate Bill No. 123

AN ACT

MAKING AN APPROPRIATION FOR THE RELIEF OF THE INDUSTRIAL COMMISSION OF ARIZONA

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

Section 1. APPROPRIATION

The sum of twenty-four thousand seven hundred sixty-six dollars forty-three cents is appropriated for the relief of the industrial commission of Arizona.

Sec. 2. PURPOSE

A. Payment of the sum appropriated in section 1 shall be in full satisfaction and discharge of the following certificates of indebtedness issued by the state auditor to the industrial commission of Arizona, the numbers of which and dates and amounts of which are as follows:

1. Number 9, dated April 1, 1957, in the amount of one hundred sixty-nine dollars forty-three cents, for occupational disease premium.

2. Number 10, dated June 29, 1957, in the amount of twenty-three thousand eight hundred sixty dollars eighteen cents, for workmen's compensation premium.

3. Number 11, dated June 29, 1957, in the amount of six hundred eleven dollars seventy-nine cents, for occupational disease premium.

4. Number 12, dated June 29, 1957, in the amount of one hundred twenty-five dollars three cents, for workmen's compensation premium.

B. The certificates of indebtedness described in subsection A were issued by the state auditor for the purposes therein indicated when no funds were available to cover payment of the same.

Sec. 3. EMERGENCY

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

Approved by the Governor—March 15, 1958.

Filed in the Office of the Secretary of State—March 15, 1958.

CHAPTER 33

Senate Bill No. 139

AN ACT

MAKING AN APPROPRIATION FROM THE STATE LAND DEPARTMENT FUND FOR THE RELIEF OF THE FOREST SERVICE OF THE UNITED STATES DEPARTMENT OF AGRICULTURE.

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

Section 1. APPROPRIATION

The sum of eighty-one dollars forty-six cents is appropriated from the state land department fund for the relief of the forest service of the United States department of agriculture.

Sec. 2. BASIS OF CLAIM

The sum appropriated under the terms of section 1 is in full satisfaction of claims arising from obligation for the state of Arizona to reimburse the federal government for the payment of fire fighters' and forest officers' wages and equipment used in connection with the suppression of forest fires on state university lands, and for which no funds were available to pay this obligation in the land department appropriation. Basis of claim is in accordance with cooperative agreement No. 1224-A dated July 1, 1948, as amended May 2, 1956.

Sec. 3. EMERGENCY

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

Approved by the Governor—March 15, 1958.

Filed in the Office of the Secretary of State—March 15, 1958.

CHAPTER 34

Senate Bill No. 142

AN ACT

MAKING AN APPROPRIATION TO THE STATE AUDITOR ON BEHALF OF CERTAIN DEPARTMENTS OF THE STATE FOR THE PAYMENT OF UNPAID OBLIGATIONS FOR OLD-AGE AND SURVIVORS' INSURANCE CONTRIBUTIONS.

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

Section 1. APPROPRIATION

The sum of three thousand four hundred ten dollars sixteen cents is appropriated from the general fund to the state auditor for the purpose of making delinquent payments to the contribution fund created by section 38-705, Arizona Revised Statutes. The sum so provided shall be in behalf of the following departments in the amounts set forth:

1. Attorney General	\$ 20.80
2. Dept. of Health	.42
3. Dept. of Public Welfare	2.14
4. State Prison	2,386.90
5. State Hospital	871.48
6. Bureau of Criminal Identification	1.40
7. Commission of Agriculture and Horticulture	.43
8. Corporation Commission	.35
9. Racing Commission	106.95
10. Prescott Historical Society	11.27
11. Civil Air Patrol	4.00
12. Arizona State School for the Deaf and the Blind	4.02
Total	\$3,410.16

Sec. 2. APPROPRIATION

The sum of two hundred two dollars fifty cents is appropriated from the state highway fund for the state highway department to the state auditor for the purpose of making payment to the contribution fund created by section 38-705, Arizona Revised Statutes.

Sec. 3. PURPOSE

Payment of the sums provided in sections 1 and 2 of this act shall be in satisfaction of past obligations of the named departments to the contribution fund for old-age and survivors' insurance contributions paid to the federal government by the employment security commission in behalf of employees of the named departments.

Approved by the Governor—March 15, 1958.

Filed in the Office of the Secretary of State—March 15, 1958.

CHAPTER 35

Senate Bill No. 136

AN ACT

RELATING TO STATE MINERAL LEASES; PRESCRIBING THE AMOUNT OF RENT OR ROYALTIES; PROVIDING FOR TERMINATION OF LEASES BY THE LESSEE, AND AMENDING SECTION 27-234, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 27-234, Arizona Revised Statutes, is amended to read:

27-234. RENT; ROYALTY; TERMINATION OF LEASE BY LESSEE

A. The rental for a mineral lease of state lands shall be fifteen dollars per annum, payable in advance at the time of application for lease and at the beginning of each yearly period thereafter.

B. Every mineral lease of state land shall provide for payment to the state by the lessee of a royalty of five per cent of the net value of the minerals produced from the claim. The net value shall be deemed to be the gross value after processing, where processing is necessary for com-

mercial use, less the actual cost of transportation from the place of production to the place of processing, less costs of processing and taxes levied and paid upon the production thereof. In case of minerals not processed for commercial use, the net value shall be the gross proceeds, or gross value, at the place of sale or use, less the actual cost of transportation from the place of production to the place of sale or use, less taxes, if any, levied and paid upon the production thereof.

C. In the case of limestone, silica, shale, and clay manufactured into building materials, the royalty shall be three cents per gross short ton of material removed. The three cents per ton royalty shall be based on the average regional wholesale price of the building materials so manufactured over the twelve-month period immediately preceding the effective date of this section. The royalty shall be adjusted at the end of each five-year period thereafter in direct proportion to the decrease or increase in the five-year average of the average yearly regional prices for such building materials over the preceding five-year period, providing the decrease or increase amounts to ten per cent or more of the previous base price.

D. In case of sand, rock and gravel to be used in the construction of roads, buildings or other structures, the royalty shall be the amount as determined by the commissioner under reasonable rules and regulations promulgated by him, but not more than five cents per cubic yard.

E. The minimum rental paid for each year shall be credited upon royalties which may become due during the year.

F. The lessee of any mineral lease may, if not delinquent in the payment of rent or royalty to the date of termination, terminate the lease at any time during its term by giving the commissioner thirty days' notice of termination in writing.

Approved by the Governor—March 15, 1958.

Filed in the Office of the Secretary of State—March 15, 1958.

CHAPTER 36

Senate Bill No. 16

AN ACT

RELATING TO CHILD WELFARE AND PLACEMENT;
PROVIDING THAT A LICENSED CHILD WELFARE

AGENCY MAY REQUIRE THE PERSON PETITIONING TO BECOME THE ADOPTIVE PARENT OF A CHILD TO PAY THE AGENCY A FEE, AND AMENDING SECTION 8-511, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 8-511, Arizona Revised Statutes, is amended to read:

8-511. PLACEMENT IN FAMILY HOME

A. A licensed child welfare agency, if so authorized in its license, may place a child in a family home for care or for adoption. The agency shall maintain careful supervision of all children placed by it in family homes, and its representatives shall visit the homes as often as necessary to promote the welfare of the children. The responsibility of the agency for a child placed in a family home shall be defined in writing and accepted by the person receiving the child. Any child so placed may be taken from the family home when the responsible child welfare agency is satisfied that the child's welfare requires it.

B. Whenever an application is filed with a licensed child welfare agency for the adoption of a child, the agency may, after the filing of final adoption findings in the superior court, require the person petitioning to become the adoptive parent to pay the agency a fee to be established by the state department of public welfare based upon the costs of the services rendered, but in no event to exceed two hundred dollars. The agency may defer, waive or reduce the fee when its payment would cause economic hardship to the adoptive parent and be detrimental to the welfare of the adopted child. The person receiving a child from a child welfare agency for the purpose of adoption shall not receive any compensation for the care, clothing or medical attendance of the child.

C. All fees collected or received by licensed county child welfare agencies shall be paid to the state department of public welfare and remitted by it to the state treasurer and deposited in the general fund.

D. Except as otherwise provided in this section or by law, no person other than the child's parent, guardian or relative within the second degree of consanguinity or affinity shall place any child under the care and control of any other person.

Approved by the Governor—March 17, 1958.

Filed in the Office of the Secretary of State—March 17, 1958.

CHAPTER 37

Senate Bill No. 17

AN ACT

RELATING TO COUNTIES; INCREASING AMOUNT COUNTIES MAY EXPEND FOR OPERATION OF COUNTY IMMIGRATION OFFICE, AND AMENDING SECTION 11-259, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 11-259, Arizona Revised Statutes, is amended to read:

11-259. COUNTY IMMIGRATION COMMISSIONER

A. The board may appoint a county commissioner of immigration who shall hold office for two years and shall receive an annual salary not exceeding six hundred dollars. The commissioner shall:

- 1. Provide information requested by persons desiring to immigrate to the county or make investments therein.
- 2. Correspond with immigration bureaus, chambers of commerce, tourist bureaus or other commercial bodies, and provide data for the guidance of prospective immigrants or tourists.
- 3. Furnish reliable information regarding localities in the county where the settler or tourist may choose a home or make investments.
- 4. Issue maps and pamphlets on the resources of the county.
- 5. Promote tourist travel or the investment of capital, and distribute such documents to insure their most useful circulation.

B. The commissioner may hire necessary clerks, prescribe their duties and fix their compensation. Such expenditures shall be first authorized by the board when approving the annual budget, and when so authorized shall be included in the amount to be collected by the annual county tax levy.

C. Counties of the first class having a population of one hundred thousand or over, as determined by the last official census of the United States, may expend a further sum not exceeding one hundred thousand dollars annually for the purposes prescribed herein.

D. Counties of the first class having a population of less than one hundred thousand, as determined by the last official census of the United States, may expend a further sum not exceeding fifty thousand dollars annually for the purposes prescribed herein.

E. Counties of the second class may expend a sum not exceeding ten thousand dollars annually for the purposes prescribed herein.

F. Counties of the third class may expend a sum not exceeding five thousand dollars annually for the purposes prescribed herein.

Approved by the Governor—March 17, 1958.

Filed in the Office of the Secretary of State—March 17, 1958.

CHAPTER 38

Senate Bill No. 49

AN ACT

RELATING TO DIVORCE; PRESCRIBING RESIDENCE REQUIREMENTS OF PLAINTIFF, AND AMENDING SECTIONS 12-401 AND 25-311, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 12-401, Arizona Revised Statutes, is amended to read:

12-401. VENUE

No person shall be sued out of the county in which he resides, except:

1. When defendant or all of several defendants reside without the state or their residence is unknown, the action may be brought in the county in which the plaintiff resides.

2. A married woman may be sued in the county in which her husband resides unless she is living separate and apart from him.

3. Transient persons may be sued in any county in which found.

4. Persons who have contracted a debt or obligation in one county and thereafter remove to another county may be sued in either county.

5. Persons who have contracted in writing to perform an obligation in one county may be sued in such county or where they reside.

6. Persons who have contracted a debt or obligation without the state may be sued in any county in which found.

7. When there are several defendants residing in different counties, action may be brought in the county in which any of the defendants reside.

8. Actions against executors, administrators and guardians as such, to establish a money demand against the estate represented by them, shall be brought in the county in which the estate is being administered.

9. In cases of fraud and defalcation of public officers action may be brought in the county in which the fraud was committed or the defalcation occurred, or in which the defendant or any of several defendants reside or may be found.

10. When the foundation of the action is a crime, offense or trespass for which an action in damages may lie, the action may be brought in the county in which the crime, offense or trespass was committed or in the county in which the defendant or any of the several defendants reside or may be found, but any action for damages against the editor, proprietor or publisher of a newspaper or periodical published in the state for publication of an alleged libelous statement shall be brought in the county in which the principal publication office of the newspaper or periodical is located or in the county where the plaintiff resided at the time of publication of such statement.

11. Actions for the recovery of personal property may be brought in the county in which the property may be or in which the defendant or any of several defendants may be found.

12. Actions for the recovery of real property, for damages thereto, for rents, profits, use and occupation thereof, for partition thereof, to quiet title thereto, to remove a cloud or incumbrance on the title thereto, to foreclose mortgages and other liens thereon, to prevent or stay waste or injuries thereto, and all other actions concerning real property, shall be brought in the county in which the real property or a part thereof is located.

13. Actions for divorce shall be brought in the county in which the plaintiff is residing at the time the action is filed.

14. Actions to enjoin execution of judgments or to stay proceedings in any action shall be brought in the county in which the judgment was rendered or the action is pending.

15. Actions against counties shall be brought in the county sued unless there are several counties defendants, when it may be brought in any one of the counties.

16. Actions against public officers shall be brought in the county in which the officer, or one of several officers holds his office.

17. Actions on behalf of the state shall be brought in the county in which the seat of government is located.

18. Actions against railroad companies, insurance companies, telegraph or telephone companies, joint stock companies and other corporations may be brought in any county in which the cause of action, or a part thereof, arose, or in the county in which defendant has an agent or representative, owns property or conducts any business.

19. Where part of a river, water-course, highway, road or street is the boundary line between two counties, the courts of each of the counties shall have concurrent jurisdiction in actions over such parts of the river, water-course, highway, road or street.

Sec. 2. Sec. 25-311, Arizona Revised Statutes, is amended to read:

25-311. RESIDENCE OF PLAINTIFF

An action for divorce shall not be maintained unless the plaintiff, at the time of filing the complaint, has been an actual bona fide resident of the state for one year and is a resident of the county where the action is filed.

Approved by the Governor—March 17, 1958.

Filed in the Office of the Secretary of State—March 17, 1958.

CHAPTER 39

Senate Bill No. 65

AN ACT

RELATING TO TAXATION; PROVIDING AN EXEMPTION FROM COUNTY LICENSE TAX FOR PUBLIC EXHIBITIONS WHEN LICENSE IS REQUIRED BY ORDINANCES OF A CITY OR TOWN, AND AMEND-

ING SECTION 42-1101, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 42-1101, Arizona Revised Statutes, is amended to read:

42-1101. BUSINESS OR OCCUPATION LICENSES

A. Except as provided in subsection C a license shall be obtained before the commencement of any business or occupation subject to the payment of a license tax under article 2 of this chapter from the sheriff of the county in which the applicant desires to transact the business or occupation. The license shall authorize the licensee to transact the business or occupation described in the license in the city, town or particular locality designated by the applicant for the license. Separate licenses shall be obtained for each branch establishment or separate business house located in the same county.

B. Licenses required by ordinances of a city or town shall be in addition to the license required by this chapter, except as provided in subsection C.

C. Every manager or lessee of a theatrical exhibition, concert, show or other public exhibition for which an admission charge is required, who is directed under the terms of an ordinance to pay a license tax to a city or town, shall be exempt from the payment of the license tax provided by section 42-1131.

Sec. 2. EMERGENCY

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

Approved by the Governor—March 17, 1958.

Filed in the Office of the Secretary of State—March 17, 1958.

CHAPTER 40

Senate Bill No. 78

AN ACT

RELATING TO CONTRACTORS; EXEMPTING FROM LICENSING OWNERS OF PROPERTY WHO CON-

STRUCT BUILDINGS NOT FOR SALE; PRESCRIBING GROUNDS FOR SUSPENSION OR REVOCATION OF LICENSE; PRESCRIBING THE EFFECT OF ADVERTISING; PRESCRIBING PENALTY; AMENDING SECTIONS 32-1121 AND 32-1154, ARIZONA REVISED STATUTES, AND AMENDING TITLE 32, CHAPTER 10, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-1165.

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

Section 1. Sec. 32-1121, Arizona Revised Statutes, is amended to read:

32-1121. PERSONS NOT REQUIRED TO BE LICENSED

This chapter shall not be construed to apply to:

1. An authorized representative of the United States government, the state, or any county, incorporated city or town, reclamation district, irrigation district or other municipality or political subdivision of the state.

2. Trustees of an express trust or officers of a court, if they are acting within the terms of their trust or office.

3. Public utilities operating under regulations of the corporation commission on construction, repair or operation incidental to discovering or producing petroleum or gas, or the drilling, testing, abandoning or other operation of a petroleum or gas well, when performed by an owner or lessee.

4. Owners of property who build structures thereon for the occupancy of such owners and which structures are not offered for sale. In all actions brought under this chapter, proof of the sale or offer for sale by the owner-builder of two such structures, not constructed by a licensed contractor, within a period of one year after completion of such structures is prima facie evidence that the structures were undertaken and constructed for purposes of sale. In this chapter the term "sale" includes any arrangement between two or more persons as a result of which there is an agreement to transfer property for a consideration.

5. The sale or installation of finished products, materials or articles of merchandise which are not actually fabricated into and do not become a permanent fixed part of the structure.

6. Architects preparing plans and specifications and supervising construction of a building or structure.

7. Engineers surveying or designing structures.

8. Construction or operation incidental to construction and repair of irrigation and drainage ditches of regularly constituted districts or reclamation districts, or to farming, dairying, agriculture, viticulture, horticulture or stock or poultry raising, or clearing or other work upon land in rural districts for fire prevention purposes, except when performed by a licensee under this chapter.

Sec. 2. Sec. 32-1154, Arizona Revised Statutes, is amended to read:

32-1154. GROUNDS FOR SUSPENSION OR REVOCATION OF LICENSE

The registrar may upon his own motion, and shall upon the verified complaint in writing of any person, investigate the acts of any contractor within the state, and may temporarily suspend, with or without the imposition of specific conditions, or permanently revoke any or all licenses issued under this chapter if the holder thereof, while a licensee hereunder, is guilty of or commits any of the following acts or omissions:

1. Abandonment of a contract or refusal to perform after submitting a bid on work without legal excuse therefor.

2. Diversion of funds or property received for prosecution or completion of a specific contract, or for a specified purpose in the prosecution or completion of a contract, and their application or use for any other contract, obligation or purpose, where the contractor does not have immediately available other funds to complete the original contract.

3. Wilful departure from or disregard of plans or specifications or any building code, in any material respect, and prejudicial to another without consent of the owner or his duly authorized representative, and without the consent of the person entitled to have the particular construction project or operation completed in accordance with such plans and specifications and code.

4. Wilful or deliberate disregard and violation of any rule or regulation lawfully promulgated by the registrar pertaining to construction of buildings, or of any rule or regulation lawfully promulgated by the registrar which is necessary to effectually carry out the provisions and intent of this chapter, or of safety laws or labor laws of the federal government or the state, or failure to carry unemployment and social security insurance, workmen's compensation insurance, or failure to pay premiums or charges before they become delinquent.

5. Failure to keep records showing all receipts and disbursements of the licensee in all his transactions as a contractor, as that term is defined in this chapter.

6. Misrepresentation of a material fact by the applicant in obtaining a license.

7. The doing of a wrongful or fraudulent act by the licensee as a contractor resulting in another person being substantially injured.

8. The filing of a voluntary petition in bankruptcy or a licensee being adjudicated a bankrupt.

9. Conviction of a felony.

10. Failure in a material respect by the licensee to complete a construction project or operation for the price stated in the contract therefor, or in any modification of the contract.

11. Aiding or abetting an unlicensed person to evade the provisions of this chapter or knowingly combining or conspiring with an unlicensed person, or allowing one's license to be used by an unlicensed person or acting as agent, partner, associate or otherwise, of an unlicensed person with intent to evade provisions of this chapter.

12. Wilful or deliberate failure by a licensee or agent or official thereof to pay monies when due for materials or services rendered in connection with his operations as a contractor when he has the capacity to pay or when he has received sufficient funds therefor as payment for the particular construction work project or operation for which the services or materials were rendered or purchased.

13. Failure of a contractor to comply with any safety laws or code of the state.

14. Failure in any material respect to comply with the provisions of this chapter.

15. Knowingly enter into a contract with a contractor for work to be performed for which a license is required with a person not duly licensed in the required classification.

16. Acting in the capacity of a contractor under any license issued hereunder in a name other than as set forth upon the license.

17. False, misleading or deceptive advertising whereby any member of the public may be misled and injured.

18. Knowingly contracting beyond the scope of the license or licenses of licensee.

19. Contracting or offering to contract or submitting a bid while the license is under suspension.

20. Failure to notify the registrar in writing within a period of thirty days of any disassociation of the person who qualified for the license. Such licensee shall have sixty days from the date of such disassociation to qualify through another person.

Sec. 3. Title 32, chapter 10, article 3, Arizona Revised Statutes, is amended by adding section 32-1165, to read:

32-1165. ADVERTISING; EFFECT OF; PENALTY

It is a misdemeanor for any person to advertise that he is able to perform any service or contract for compensation subject to regulation by the registrar under the terms of this chapter unless a license under the terms of this chapter shall be first obtained regardless of whether his operations as a contractor are otherwise exempt.

Approved by the Governor—March 17, 1958.

Filed in the Office of the Secretary of State—March 17, 1958.



CHAPTER 41
Senate Bill No. 87
AN ACT

RELATING TO CERTIFICATE OF NOMINATION; METHOD AND TIME OF FILING; FORM; QUALIFICATIONS AND NUMBER OF PETITIONERS REQUIRED, AND AMENDING SECTION 16-601, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 16-601, Arizona Revised Statutes is amended to read:

16-601. CERTIFICATE OF NOMINATION; METHOD AND TIME OF FILING; FORM; QUALIFICATIONS AND NUMBER OF PETITIONERS REQUIRED

A. Candidates for public office may be nominated otherwise than by primary election or by party committee in the manner set forth in this section.

B. A certificate of nomination stating the name of the office to be filled, the name and residence of the candidate and other information required by this section, shall be filed with the officer with whom primary nomination papers are required to be filed within ten days after the primary election. The certificate shall be signed only by voters who have not signed the nomination papers of a candidate for the office to be voted for at the last primary election, and who have not voted for any candidate for that office at the primary election.

C. The certificate of nomination shall be in substantially the following form:

“The undersigned, qualified electors of the precinct of county, state of Arizona, do hereby nominate, who resides at in the county of, as a candidate for the office of.....at the general (or special, as the case may be) election to be held on the.....day of....., 19.....

I hereby declare that I have not signed the nomination papers of any candidate for the office to be voted for at the last primary election, and that I did not vote for any candidate for such office at the last primary election, and I do hereby select the following designation under which name the said candidate shall be placed on the official ballot (here insert such designation not exceeding three words in length as the signers may select).

Names of signers. Place of residence. Date of signing.”

D. The certificate of nomination shall conform as nearly as possible to the provisions relating to nomination papers of candidates to be voted for at primary elections, and shall be signed by at least one per cent of the qualified electors of the state, county, subdivision or district for which the candidate is nominated.

E. The percentage of qualified electors necessary to sign the certificate of nomination shall be determined by the total vote cast for governor in the state, county, subdivision or district at the last general election at which a governor was elected.

Approved by the Governor—March 17, 1958.

Filed in the Office of the Secretary of State—March 17, 1958.

CHAPTER 42

Senate Bill No. 96

AN ACT

MAKING AN APPROPRIATION TO THE ARIZONA STATE SCHOOL FOR THE DEAF AND THE BLIND.

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

Section 1. APPROPRIATION

A. The sum of six thousand dollars is appropriated to the Arizona state school for the deaf and the blind.

B. In addition to the sum appropriated in subsection A, the sum of three thousand five hundred dollars is appropriated to the Arizona state school for the deaf and the blind from a fund in the office of the state auditor entitled "School for the Deaf and the Blind—Insurance Recoveries Fund—Account #5-0-04-20-0000."

Sec. 2. PURPOSE

The sums appropriated by the provisions of section 1 shall be used by the Arizona state school for the deaf and the blind for construction of a garage.

Sec. 3. EXEMPTION

The appropriation made under the terms of this act is exempt from the provisions of sections 35-173 and 35-190, relating to quarterly allotments and lapsing appropriations.

Approved by the Governor—March 17, 1958.

Filed in the Office of the Secretary of State—March 17, 1958.

CHAPTER 43

Senate Bill No. 119

AN ACT

RELATING TO COMMON MOTOR CARRIERS; PRESCRIBING REQUIREMENTS FOR ISSUANCE OF A CERTIFICATE OF CONVENIENCE AND NECESSITY; PROVIDING EXEMPTIONS, AND AMENDING SECTION 40-607, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 40-607, Arizona Revised Statutes, is amended to read:

40-607. CERTIFICATE OF CONVENIENCE AND NECESSITY REQUIRED TO OPERATE COMMON MOTOR CARRIER; APPLICATION; NOTICE; HEARING; ISSUANCE OF CERTIFICATE

A. A common motor carrier shall not operate within this state as such without first having obtained from the commission a certificate of public convenience and necessity. Application for a certificate shall be made to the commission in duplicate, in writing, shall be verified, and shall contain:

1. The name and address of applicant, and the names and addresses of its officers, if any.

2. The principal place of business of applicant.

3. The public highways over which, and the fixed termini or regular route, if any, between or over which applicant desires to operate.

4. The kind of transportation, whether for property or passengers, together with the description and character of the vehicles which applicant proposes to use, including the seating capacity thereof, if for passenger transportation, or the tonnage thereof, if for property transportation.

5. The proposed time schedule, and a schedule of tariffs showing the fares or rates to be charged between the points to be served.

6. Such other information as the commission requires, and upon such forms as the commission prescribes.

B. The commission, upon the filing of an application for a certificate, shall set a time and place for hearing thereon, which time shall be not less than ten days after the filing. The commission shall cause notice of the hearing to be mailed to every operating common carrier, or every carrier which has applied for a certificate to operate, in the territory proposed to be served by the applicant, and to other interested parties as determined by the commission. Such common carrier or interested party may attend the hearing and offer testimony for or against granting of the certificate. Notice of the hearing shall also be given by the applicant at least three full days prior to the hearing by publication in a newspaper of general circulation in the county in which the hearing is to be held.

C. If, after a hearing on the application, the commission finds from the evidence that the public convenience and necessity requires the proposed service or any part thereof, and that the applicant is a fit and proper person to receive a certificate, it may issue the certificate as applied for,

or issue it for only partial exercise of the privilege sought, and may attach to exercise of the right granted by the certificate terms and conditions which it deems the public convenience and necessity require, but, except as to garage tow trucks, ambulances, funeral coaches and common carriers of farm products, when an applicant requests a certificate to operate over a route, or in a territory already served by a common motor carrier, the commission may, after hearing, issue a certificate only when the existing common motor carrier operating over the route or serving the territory, will not provide service deemed satisfactory by the commission.

Approved by the Governor—March 17, 1958.

Filed in the Office of the Secretary of State—March 17, 1958.

CHAPTER 44

Senate Bill No. 140

AN ACT

RELATING TO THE STATE RETIREMENT SYSTEM;
PROVIDING FOR INTEREST CREDITS TO THE ACCOUNT OF A WITHDRAWING MEMBER, AND AMENDING SECTION 38-758, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 38-758, Arizona Revised Statutes, is amended to read:

38-758. TERMINATION OF MEMBERSHIP BEFORE RETIREMENT

A. A member who terminates employment prior to the completion of five years of creditable service shall be paid upon application the amount of his employee contributions together with interest compounded annually at the rate or rates established by board regulations and he will cease to be a member. If such member upon termination of employment with less than five years creditable service does not terminate his membership and re-enters service within twenty-four months following termination of his employment, all membership rights shall be restored to him, including prior service credits, if any. In any event, a member whose employment is terminated with less than five years creditable service shall cease to be a member, and

his contributions with interest compounded annually at the rate or rates established by board regulations shall be refunded to him if in any period of six consecutive years after last becoming a member he is absent from service for more than five years, except in military service of the United States.

B. A member who terminates employment, other than by death, with not less than five years creditable service preceding termination and before age sixty shall be paid in a lump sum upon application the amount of his employee contributions with interest compounded annually at the rate or rates established by board regulations. Payment shall be made in accordance with board regulations. If such former member re-enters service in a position subject to this article, his membership shall commence in the same manner as any other new member, except that previous service shall be included in creditable service, and he shall not be entitled to a pension for prior service credits upon retirement.

C. In lieu of the withdrawal and membership cancellation election provided in subsection B of this section, the member concluding his employment after completing not less than five years of creditable service may leave his funds on deposit with interest until he attains retirement age, at which time he may elect either:

1. A life annuity derived from retirement account commencing at age sixty-five and prior service pension, if any, commencing at age sixty-five.

2. A life annuity derived from his retirement account commencing on or after age sixty and the actuarial equivalent of his prior service pension, if any, payable concurrently with such life annuity.

3. The actuarial equivalent of such retirement benefits under one of the options set forth in subsection B of section 38-759.

4. In lieu of the benefits provided in this subsection a member may elect the actuarial equivalent of the total monthly retirement benefit as described commencing on or after age sixty but adjusted so that he receives a larger payment before age sixty-five and a smaller payment after age sixty-five in such amounts that his total monthly benefits under the act together with his expected social security benefits will provide a level monthly income for life from the date of commencement of benefits.

D. If the member with more than five years creditable service resumes employment prior to the submission and approval of a retirement application, contributions will be credited to his existing retirement account and the additional membership credit will be included in his creditable service.

E. Upon the death of a member prior to retirement and before completion of five years creditable service, the designated beneficiary or the estate of the deceased member shall be entitled to a cash refund of the employee contributions together with interest compounded annually at the rate or rates established by board regulations. If the death of the member occurs after the completion of five years creditable service, and at a date subsequent to July 1, 1957, then the designated beneficiary or the estate of the deceased shall be entitled to a payment equal to the balance in the deceased member's retirement account.

Approved by the Governor—March 17, 1958.

Filed in the Office of the Secretary of State—March 17, 1958.

CHAPTER 45

Senate Bill No. 150

AN ACT

RELATING TO ELECTRIC COOPERATIVES; PROVIDING FOR THE ELECTION OF BOARD OF DIRECTORS, AND AMENDING SECTION 10-758, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 10-758, Arizona Revised Statutes, is amended to read:

10-758. BOARD OF DIRECTORS; COMPENSATION; TERM; QUORUM

A. The business of a cooperative shall be managed by a board of not less than five directors, each of whom shall be a member of the cooperative or of another cooperative which is a member thereof. The bylaws shall prescribe the number of directors, their qualifications other than those prescribed in this article, the manner of holding meetings of the board of directors and of electing successors to directors who resign or die or who are otherwise incapable of

acting. The bylaws may also provide for the removal of directors from office and for the election of their successors.

B. Directors shall not receive salaries for their services as directors and, except in emergencies, shall not be employed by the cooperative in any capacity involving compensation without the approval of the members. The bylaws may, however, prescribe a fixed fee, and provide that expenses of attendance may be allowed to each director for attendance at each meeting of the board of directors.

C. The directors of a cooperative named in the articles of incorporation, consolidation, merger or conversion, shall hold office until the next annual meeting of the members and until their successors are elected and qualify. At each annual meeting, or, in case of failure to hold the annual meeting as specified in the bylaws, at a special meeting called for that purpose, the members shall elect directors to hold office until the next annual meeting of the members, except as otherwise provided in this article. Each director shall hold office for the term for which he is elected and until his successor is elected and qualifies.

D. Instead of electing all the directors annually, the bylaws may provide that half of them, or a number as near thereto as possible, shall be elected to serve until the next annual meeting of the members and that the remaining directors shall be elected to serve until the second annual meeting. Thereafter, as directors' terms expire, the members shall elect their successors to serve until the second succeeding annual meeting after their election.

E. Instead of electing the directors as provided in subsections C or D of this section, the bylaws may also provide that one-third of the directors, or a number as near thereto as possible, shall be elected at each annual meeting to serve for a term of three years.

F. A majority of the board of directors shall constitute a quorum.

G. If a husband and wife hold a joint membership in a cooperative, either one, but not both, may be elected a director.

H. The board of directors may exercise all the powers of a cooperative not conferred upon the members by this article, or its articles of incorporation or bylaws.

Approved by the Governor—March 17, 1958.

Filed in the Office of the Secretary of State—March 17, 1958.

CHAPTER 46

Senate Bill No. 165

AN ACT

RELATING TO BUDGET LIMITATIONS; ALLOWING PERMISSIBLE INCREASES DUE TO ANNEXATION, AND AMENDING TITLE 42, CHAPTER 2, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 42-305.01.

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

Section 1. Title 42, chapter 2, article 4, Arizona Revised Statutes, is amended by adding section 42-305.01, to read:

42-305.01. PERMISSIBLE INCREASES DUE TO ANNEXATION

A. In the event a city or town has annexed any territory during the preceding fiscal year, but prior to May 1 thereof, the base for computing the ten per cent limitations set forth in sections 42-302, 42-303 and 42-304 may be increased by that percentage by which the assessed valuation of all taxable property in such city or town was increased by such annexation. Annexations which occur after May 1 through the close of the fiscal year, for the purpose of determining the permissible increase due to annexation, shall be considered as annexations of the succeeding fiscal year.

B. For the fiscal year 1958-1959, the percentages of increase in assessed valuation due solely to annexation during each of the fiscal years 1953-1954, 1954-1955, 1955-1956, 1956-1957 and 1957-1958 shall be combined, and the total thereof shall be the percentage by which the base may be increased for computing the ten per cent limitations set forth in sections 42-302, 42-303 and 42-304; provided, however, that such city or town may, in its discretion, determine the monetary increase thus permitted for the year 1958-1959 and in lieu of applying the full amount thereof to the 1958-1959 budget, apply any part of said amount to increase the base of the budget for any of the fiscal years 1958-1959, 1959-1960, 1960-1961, 1961-1962, 1962-1963, but in any event not totaling in excess of said permitted monetary increase in said five-year period.

C. The governing body of each city or town which elects to increase the budget base pursuant to this section shall include in the statement and estimate required by section 42-302, and as a separate part thereof, a statement showing:

1. The assessed valuations and the increases in assessed valuations due to annexation, as of the effective dates of such annexation, upon which the percentage increase is computed.

2. The percentage of increase in the budget base permitted by this section.

3. The monetary equivalent of such allowable percentage increase.

4. That portion of such monetary equivalent which is to be used in the current fiscal year, together with those portions thereof used in previous fiscal years of the aforesaid five-year period.

Approved by the Governor—March 17, 1958.

Filed in the Office of the Secretary of State—March 17, 1958.

CHAPTER 47

House Bill No. 4

AN ACT

RELATING TO PUBLIC LANDS; CREATING A SPECIAL FUND KNOWN AS THE STATE PUBLIC ROADS AND PUBLIC EDUCATION FUND; PRESCRIBING THE MONIES TO BE DEPOSITED THEREIN; PROVIDING FOR DISPOSITION OF MONIES DEPOSITED IN FUND, AND AMENDING TITLE 37, CHAPTER 3, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 3, SECTION 37-741.

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

Section 1. Title 37, Chapter 3, Arizona Revised Statutes, is amended by adding Article 3, Section 37-741, to read:

37-741. PUBLIC ROADS AND PUBLIC EDUCATION FUND; PURPOSES; APPROVAL OF EXPENDITURES BY LEGISLATURE

A. There is created a special fund known as the State Public Roads and Public Education Fund. There shall be deposited in the fund all monies received by the state as its distributive shares of the amounts collected by the United States Government under the provisions of the Act of Congress of February 25, 1920, Chapter 85 (41 Stat. 437) and acts amendatory thereof, entitled, "an act to promote the

mining of coal, phosphate, oil, oil shale, gas and sodium on the public domain”.

B. Within thirty days after the effective date of this Section, the State Treasurer and the State Auditor shall transfer from the permanent common school fund to the fund created by this Section the total amount of all monies received by the state under such Act of Congress since February 25, 1920, and deposited in the permanent common school fund.

C. No monies shall be expended from the fund created by Subsection A of this Section without prior approval therefor by an act of the Legislature. The Legislature may authorize expenditures from the fund for any of the following purposes:

1. For construction and maintenance of public roads.
2. For the support of public schools or other public educational institutions.

Approved by the Governor—March 17, 1958.

Filed in the Office of the Secretary of State—March 17, 1958.

CHAPTER 48

House Bill No. 22

AN ACT

RELATING TO ELECTORS; PRESCRIBING THE TIME DURING WHICH ELECTORS MAY REGISTER TO VOTE, AND AMENDING SECTION 16-107, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 16-107, Arizona Revised Statutes, is amended to read:

16-107. CLOSING OF REGISTRATIONS

A. No elector shall be registered to vote in a primary election between five o'clock P. M. of the day which is four months preceding the date of the next general election and six o'clock P. M. of the day of the primary election.

B. No elector shall be registered between five o'clock P. M. of the seventh Monday preceding a general election and six o'clock P. M. of the day thereof.

Approved by the Governor—March 17, 1958.

Filed in the Office of the Secretary of State—March 17, 1958.

CHAPTER 49

House Bill No. 81

AN ACT

RELATING TO PUBLIC HEALTH; PROVIDING FOR THE LICENSING OF MATERNITY HOMES, AND AMENDING SECTIONS 36-401, 36-441, AND 36-442, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 36-401, Arizona Revised Statutes, is amended to read:

36-401. DEFINITIONS

In this Chapter, unless the context otherwise requires:

1. "Hospital" means an institution for the diagnosis, care or treatment of two or more unrelated persons suffering from illness, injury or deformity, or for the rendering of obstetrical or other medical or nursing care other than in an emergency. The word hospital shall not be construed to include the office or clinic of a physician or practitioner nor shall patients recovering from minor surgical procedures be classed as hospital patients.

2. "Nursing home" means a sanatorium, rest home, home for aged and infirm persons and related institutions which render nursing care for two or more unrelated persons but do not receive acutely ill patients or patients such as surgical or maternity cases.

3. "Maternity home" means a residence or similar building in which the only service rendered is to maternity patients and infants born therein. Any home which receives more than one maternity patient, exclusive of relatives, within a six-month period is deemed to be a maternity home.

Sec. 2. Sec. 36-441, Arizona Revised Statutes, is amended to read:

36-441. HOSPITAL, MATERNITY HOME AND NURSING HOME LICENSES; ISSUANCE BY STATE DEPARTMENT OF HEALTH

A. No person, partnership, association or corporation, nor any state, county or local governmental unit, nor any division, department, board or agency thereof, shall establish, conduct or maintain in this state a hospital, maternity home or nursing home without first obtaining a license therefor in the manner provided by this Chapter.

B. The State Department of Health shall issue a hospital, maternity home or a nursing home license to an institution which complies with the provisions of this Chapter and the rules and regulations adopted thereunder.

Sec. 3. Sec. 36-442, Arizona Revised Statutes, is amended to read:

36-442. APPLICATION FOR LICENSE; CONTENTS; FEE; RESTRICTIONS; RENEWAL

A. Application for a hospital, maternity home or nursing home license shall be made to the State Department of Health on a form prescribed by the Department, and shall state:

1. The full name and address of the institution for which license is sought.
2. The full name and address of the owner.
3. The names of persons who control the institution.
4. The type of institution to be operated.
5. Such other information as the State Department of Health deems necessary.

B. The application shall be signed, in the case of an individual or partnership, by the owner of the institution, or in the case of a corporation, by two of the officers thereof, or in the case of a governmental unit, by the head of the governmental department having jurisdiction thereof.

C. The application shall be filed under oath with the State Department of Health. If the application is for a hospital or maternity home license a fee of ten dollars shall be paid. If the application is for a nursing home license a fee of five dollars shall be paid. If the license is denied, the fee shall be refunded to the applicant.

D. A license shall be issued only for the premises and to the persons named in the application and shall not be transferable or assignable. A license expires one year from the date of issuance, and in the case of hospitals or maternity homes, a fee of ten dollars, and in the case of nursing homes a fee of five dollars shall be charged for the renewal thereof. Each institution shall post its license in a conspicuous place.

Approved by the Governor—March 17, 1958.

Filed in the Office of the Secretary of State—March 17, 1958.

CHAPTER 50

House Bill No. 104

AN ACT

RELATING TO FLOOD CONTROL; EMPOWERING SANTA CRUZ COUNTY TO TAKE SUCH ACTION AS MAY BE NECESSARY TO COOPERATE WITH AND RECEIVE ASSISTANCE FROM THE UNITED STATES IN FLOOD CONTROL PROJECTS; PRESCRIBING LIMITATIONS ON SUCH POWER, AND AMENDING TITLE 45, CHAPTER 10, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 45-2337.

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

Section 1. Title 45, chapter 10, article 3, Arizona Revised Statutes, is amended by adding section 45-2337, to read:

45-2337. POWER OF SANTA CRUZ COUNTY TO COOPERATE WITH AND RECEIVE ASSISTANCE FROM THE UNITED STATES IN FLOOD CONTROL PROJECTS

A. The board of supervisors of Santa Cruz county is empowered to cooperate with and receive assistance from the United States or any instrumentality, department or agency thereof for the construction, at the expense of the United States, as authorized pursuant to any act of Congress, of a flood control project or projects within the county for local flood control.

B. Pursuant to the powers granted by the provisions of subsection A, the board of supervisors of Santa Cruz county is authorized in relation to the flood control project or projects described in subsection A to:

1. Acquire and provide, without cost to the United States, land, easements and right of ways necessary for flood control works of improvement.

2. Hold and save the United States or any instrumentality, department or agency thereof, free from any claim for damages arising from the construction, maintenance and operation of flood control works of improvement.

3. Construct, carry out, maintain and operate all such works in accordance with regulations prescribed by the secretary of the army or any authorized agent of the United States.

4. Establish and enforce flood-channel limits and regulations, if any, satisfactory to the secretary of the army or any authorized agent of the United States.

C. Notwithstanding anything to the contrary herein set forth, the board of supervisors of Santa Cruz county shall not exercise any power or authority granted by paragraphs A and B hereof, nor shall they undertake or cooperate in either the planning, authorization, construction, acquisition, extension, improvement, maintenance or operation of any flood control structures, dams, systems or projects on any portion of the Santa Cruz river watershed, or its tributaries, without having first obtained the written consent of the city of Tucson, the town of Eloy, the city of Casa Grande, and of any and all irrigation districts or electrical districts, the whole or any part of whose underground or surface waters are obtained and derived from the Santa Cruz river and the tributaries.

Approved by the Governor—March 17, 1958.

Filed in the Office of the Secretary of State—March 17, 1958.

CHAPTER 51

House Bill No. 150

AN ACT

RELATING TO THE REGISTRAR OF CONTRACTORS;
GRANTING REGISTRAR AUTHORITY TO PURCHASE
BUILDING AND LOT.

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

Section 1. AUTHORIZATION

The registrar of contractors is authorized to purchase for a sum not to exceed ten thousand dollars the building and lot identified as follows:

Lot 30, block 5, Capitol addition, as per map recorded in book 1, page 62 of maps, in the office of the county recorder of Maricopa County, Arizona, also known as 1826 W. Adams Street, Phoenix, Arizona.

However, the amount paid therefor shall not exceed the appraised value as fixed by a committee of three appraisers to be appointed by the governor, each of whom shall be a member of the American institute of real estate appraisers (MAI).

Sec. 2. FUND; PURPOSE

The sum expended as provided in section 1, together with the cost of appraisal, shall be paid from the contractors' license fund. The property shall be used for carrying out the powers and duties of the registrar of contractors.

Sec. 3. EMERGENCY

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

Approved by the Governor—March 17, 1958.

Filed in the Office of the Secretary of State—March 17, 1958.

CHAPTER 52

House Bill No. 169

AN ACT

RELATING TO HOSPITALS AND OTHER HEALTH CENTERS; PROVIDING FOR THE REGULATION THEREOF; AMENDING SECTION 36-445, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-401.01, AND AMENDING TITLE 36, CHAPTER 4, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 36-442.01, 36-442.02 AND 36-446.

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

Section 1. Title 36, chapter 4, article 1, Arizona Revised Statutes, is amended by adding section 36-401.01, to read:

36-401.01. PURPOSE OF CHAPTER

The purpose of this chapter is for the development, establishment and enforcement of standards for the care, treatment, health, safety, welfare and comfort of individuals in hospitals, nursing homes and maternity homes, and for the construction, general hygiene, maintenance and operation of maternity homes, nursing homes and hospitals which, in the light of advancing knowledge, will promote safe and adequate accommodation, care and treatment of individuals in such institutions.

Sec. 2. Title 36, chapter 4, article 3, Arizona Revised Statutes, is amended by adding section 36-442.01, to read:

36-442.01. ISSUANCE OF LICENSE

Upon receipt of an application for license the state department of health shall issue a license if it appears applicant is a person of good moral character, is fit and qualified, and if the maternity home, nursing home or hospital meets the requirements of this chapter.

Sec. 3. Title 36, chapter 4, article 3, Arizona Revised Statutes, is amended by adding section 36-442.02, to read:

36-442.02. INSPECTIONS AND INVESTIGATIONS

A. The state department of health or its designated representatives shall make such inspections and investigations as may be deemed necessary to determine the conditions existing in each case, and a written report of such inspections and investigations shall be filed with the department of health.

B. The state board of health may designate and use county departments of health and public welfare, county attorneys and county sheriffs as their agents in making such inspections and investigations as are deemed necessary or advisable, and in making such inspections and investigations the county authorities designated shall perform such duties and shall have such powers as are prescribed by law.

Sec. 4. Sec. 36-445, Arizona Revised Statutes, is amended to read:

36-445. VIOLATION; PENALTY

A. Violation of any provision of this chapter or the rules and regulations adopted thereunder is a misdemeanor punishable by a fine of not more than one hundred dollars for the first offense and five hundred dollars for each subsequent offense.

B. In the instance of violation by a hospital, nursing home or maternity home, each day of violation shall constitute a separate offense.

Sec. 5. Title 36, chapter 4, article 3, Arizona Revised Statutes, is amended by adding section 36-446, to read:

36-446. UNLAWFUL ACTS

It is unlawful in any maternity home, nursing home or hospital to:

1. House, care for or permit the housing or care of patients in an attic or basement, on a floor, or in any area not

approved by the state department of health in compliance with rules and regulations adopted and promulgated under this chapter relating to the physical and mental condition of the patient.

2. Abuse, neglect, or submit to cruel treatment any patient.

3. Use portable kerosene heaters or lamps for the purpose of heating or lighting.

Approved by the Governor—March 17, 1958.

Filed in the Office of the Secretary of State—March 17, 1958.

CHAPTER 53

House Bill No. 188

AN ACT

RELATING TO CITIES AND TOWNS; PROVIDING FOR THE ISSUANCE OF BONDS FOR REFUNDING REVENUE-PRODUCING BONDS, AND AMENDING TITLE 9, CHAPTER 5, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-535.01.

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

Section 1. Title 9, chapter 5, article 3, Arizona Revised Statutes, is amended by adding section 9-535.01, to read:

9-535.01. REFUNDING BONDS FOR REVENUE-PRODUCING UNDERTAKINGS

Bonds may also be issued hereunder for the purpose of refunding any bonds theretofore issued under authority of this article. No election on the issuance of such bonds shall be required, but if such bonds are combined into a single issue with bonds authorized for nonrefunding purposes hereunder, the bonds so authorized for nonrefunding purposes shall have been submitted at an election as otherwise provided in this article. Refunding bonds issued hereunder shall have such details, shall bear such rate or rates of interest, and shall be otherwise issued and secured as provided by the governing body of the city or town and as otherwise provided in this article, provided, however, that such changes in the security and revenues pledged to the payment thereof may be made by the governing body as may be provided by it in the proceedings authorizing such bonds, but in no event shall such bonds ever become a general obligation of

the municipality issuing such refunding bonds. Refunding bonds issued hereunder may be exchanged for a like principal amount of the bonds to be refunded, may be sold in the manner herein provided for the sale of other revenue bonds, or may be exchanged in part and sold in part. If sold, the proceeds of such bonds may be deposited in escrow for the payment of the bonds to be refunded, provided such bonds mature or are callable for redemption under their terms within six months from the date of the delivery of the refunding bonds. No refunding bonds may be issued hereunder in a principal amount in excess of the principal amount of the bonds to be refunded, nor may any bonds not maturing or callable for redemption under their terms, as above provided, be refunded hereunder without the consent of the holders thereof.

Sec. 2. EMERGENCY

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

Approved by the Governor—March 17, 1958.

Filed in the Office of the Secretary of State—March 17, 1958.

CHAPTER 54

House Bill No. 213

AN ACT

RELATING TO ELECTIONS AND ELECTORS, AND AMENDING SECTIONS 16-141, 16-148, 16-151, 16-301, 16-864, 16-921, 16-960, AND 16-1102, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 16-141, Arizona Revised Statutes, is amended to read:

16-141. DEPUTY REGISTRARS; NUMBER; SELECTION AND APPOINTMENT PROCEDURE; QUALIFICATIONS

A. When the county recorder deems it necessary or advisable in order to expedite or facilitate the registration of electors in any precinct, he may commission deputy registration officers for that purpose. In commissioning deputy

registration officers, the county recorder may appoint in each precinct in the county deputy registrars of a number not greater than twice the number of political parties having candidates on the ballot in the last general election.

B. Before making an appointment of any deputy registrar, the county recorder shall request the county chairman of each such political party to recommend persons for appointment, and if a county chairman within ten days of such request nominates persons who are otherwise qualified, the persons appointed shall be selected from those so recommended. Each such political party shall be entitled to an equal number of deputy registrars in each precinct.

C. Deputy registrars shall be qualified electors of the precinct for which they are appointed, shall have a fixed office, place of business or residence, shall be qualified to take acknowledgments of affidavits of registration, and may take registrations in and for any precinct in the county. No person who is a public officer or a candidate for office, other than a candidate for the office of precinct committeeman, shall be appointed a deputy registrar. Deputy registrars shall serve without pay.

D. In addition to the deputy registration officers appointed under the provisions of this section, the county recorder may, in order to expedite and facilitate the registration of electors, appoint such number of additional deputy registration officers in any precinct as he deems necessary or advisable.

Sec. 2. Sec. 16-148, Arizona Revised Statutes, is amended to read:

16-148. CANCELLATION OF REGISTRATION UPON
NEW AFFIDAVIT OF REGISTRATION EF-
FECTING CHANGE OF PRECINCT, PARTY,
ADDRESS OR NAME

A. Upon receipt of a new affidavit of registration which effects a change of precinct, political party, address or name, the county recorder shall remove the affidavit of registration to which it relates from the general county register, stamp the latter "canceled" and place the affidavit in a cancellation file.

B. Except as provided by subsection C of this section, all canceled affidavits of registration shall be arranged and preserved in like manner as affidavits of registration.

C. The county recorder may provide for preservation of canceled affidavits of registration by microfilming, and

upon microfilming of such affidavits, the original copies may be destroyed.

Sec. 3. Sec. 16-151, Arizona Revised Statutes, is amended to read:

16-151. CANCELLATION FOR FAILURE TO VOTE

A. Following the general election in each even-numbered year the county recorder shall procure from the board of supervisors of the county the poll lists containing the names of all electors who voted at such general election and also the names of all electors who voted at the preceding primary election, and the registration of an elector who voted at neither the primary nor the general election shall be canceled and removed from the general county register.

B. The recorder shall indicate on the face of a canceled registration the date of cancellation and the fact that it was for failure to vote, and shall file the canceled registration in its proper place in the cancellation binder. The canceled registration may be disposed of under the conditions and in the manner prescribed by subsection C of section 16-148.

Sec. 4. Sec. 16-301, Arizona Revised Statutes, is amended to read:

16-301. FILING OF NOMINATING PETITIONS

A. Any person desiring to become a candidate at a primary election for a party or a nonpartisan nomination and to have his name printed on the official ballot, shall, not less than sixty nor more than ninety days before the primary election, file a nomination petition signed by the candidate, giving his place of residence and post office address, naming the party of which he desires to become a candidate, or that he desires to become a nonpartisan candidate, and giving the date of the primary election and the election at which he desires to become a candidate.

B. The nomination petition of a candidate for the office of presidential elector, United States senator, representative in congress, or for a state office, excepting a member of the legislature or superior court judge, or for any other office for which the electors of the entire state or a subdivision thereof greater than a county are entitled to vote, shall be filed with the secretary of state. The nomination petition of a candidate for member of the legislature, superior court judge or for a county and precinct office for which the electors of a county or a subdivision of a county other than an incorporated city or town, are entitled to vote, shall be filed with the clerk of the board of supervisors.

The nomination petition of a candidate for a city or town office shall be filed with the city or town clerk.

Sec. 5. Sec. 16-864, Arizona Revised Statutes, is amended to read:

16-864. HOURS POLLS OPENED AND CLOSED; PROCLAMATION OF OPENING AND CLOSING POLLS

A. The polls shall be opened in every precinct at six o'clock a.m. on the day of election, and shall be closed at seven o'clock p.m.

B. The election marshal shall proclaim the opening of the polls, and shall proclaim the closing of the polls one hour and thirty minutes before closing, fifteen minutes before closing and at the moment of closing. The inspector and two judges shall determine when the hour for closing the polls has arrived.

C. Any person who at the moment of closing is within the polling place shall be allowed to prepare and deposit his ballot.

Sec. 6. Sec. 16-921, Arizona Revised Statutes, is amended to read:

16-921. GROUNDS FOR CHALLENGING VOTER

A person offering to vote may be orally challenged by any registered elector of the county upon any of the following grounds:

1. That he is not the person whose name appears upon the register.

2. That he has not resided within the state for one year next preceding the election.

3. That he has not resided within the county for thirty days next preceding the election, or has moved from the precinct prior to the closing date for registration and has not reregistered.

4. That he has voted before at that election.

5. That he has been convicted of a felony and has not been restored to civil rights.

6. That he has made a bet on the result of the election.

7. That not being prevented by physical disability from doing so, he is unable to read the constitution of the United States in the English language in such manner as to show

he is neither prompted nor reciting from memory, or he is unable to write his name.

Sec. 7. Sec. 16-960, Arizona Revised Statutes, is amended to read:

16-960. DISPOSITION OF OFFICIAL RETURNS AND BALLOTS

A. Upon receipt of the packages and envelopes containing the returns and the voted ballots, the clerk of the board of supervisors shall deposit the package or envelope containing the ballots in the safe of the county treasurer, who shall keep it unopened and unaltered for six months, at which time he shall destroy it without opening or examining the contents.

B. If a recount is ordered or a contest begun within six months, the county treasurer may be ordered by the court to deliver to it the packages or envelopes containing the ballots, and thereupon they shall be in the custody and control of the court.

C. The clerk of the board of supervisors shall produce the other packages or envelopes before the board of supervisors when it is in session for the purpose of canvassing the returns.

Sec. 8. Sec. 16-1102, Arizona Revised Statutes, is amended to read:

16-1102. APPLICATION FOR BALLOT

A.. Within the thirty days next preceding the Saturday before any primary or general election, or a special election called pursuant to section 1, article 21 of the constitution, an elector may make a written request to the county recorder of the county in which the elector is registered for an application for a ballot and an official absent or disabled voter's ballot, or, if absent from the state during the thirty days next preceding the election, may upon the application blank provided therefor apply for such ballot by appearing before a notary public or other officer qualified to administer oaths within the state of temporary residence, swearing and subscribing to the application and returning the original and duplicate to the recorder of the county in which the elector is registered.

B. Upon receipt of such application, if in proper form, the recorder shall mail postage prepaid to the elector the ballot applied for, together with the envelope for its return. After making and subscribing the affidavit provided for upon the return envelope, the elector may mark the ballot

and return it to the recorder of the county in which he is registered.

C. The recorder may, when deemed expedient, mail the application with the ballot and determine the sufficiency of the application upon receipt of the ballot and the application.

D. To and including the last Monday before election the recorder may, in his discretion, direct the voting of an elector who by reason of sudden illness is prevented from voting at the polls, if the illness was not anticipated in time to make application as provided by law, or direct the voting of a disabled elector when it appears that the request of the elector was received before five o'clock p.m. on the Friday preceding the election.

Approved by the Governor—March 17, 1958.

Filed in the Office of the Secretary of State—March 17, 1958.

CHAPTER 55

House Bill No. 228

AN ACT

REALLOCATING FUNDS APPROPRIATED TO THE ARIZONA NATIONAL GUARD.

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

Section 1. REALLOCATION OF FUNDS; PURPOSE

From the sum of five thousand dollars appropriated to the Arizona national guard under the terms of subdivision 67, section 1, chapter 100, Laws of 1957, and allocated to "Professional Fees," the sum of one thousand seven hundred eighty-one dollars fifty cents is reallocated to the national guard for the purpose of making payment for professional services contracted for and performed before July 1, 1957, in giving physical examinations, and for which services no funds were then available.

Sec. 2. EXEMPTION

The sum reallocated under the terms of section 1 is exempt from the provisions of section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Sec. 3. EMERGENCY

To preserve the public peace, health and safety, it is necessary that this act become immediately operative. It

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

Approved by the Governor—March 17, 1958.

Filed in the Office of the Secretary of State—March 17, 1958.

CHAPTER 56

House Bill No. 229

AN ACT

RELATING TO FISCAL PROCEDURES; PROVIDING FOR THE ESTABLISHMENT OF A REVOLVING FUND FOR THE OFFICE OF THE STATE TREASURER, AND AMENDING SECTION 35-193, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 35-193, Arizona Revised Statutes, is amended to read:

35-193. REVOLVING FUNDS

A. The supervisory official of a budget unit the activities of which require immediate cash outlays for postage, c.o.d. packages, travel or other minor disbursements which are proper as ultimate claims for payment from state funds, and the state treasurer for the purpose of cashing checks and warrants, may apply to the state auditor to provide a revolving fund in any amount not to exceed one thousand dollars for any department except the university of Arizona which shall not exceed ten thousand dollars, the state fair commission which shall not exceed fifteen thousand dollars, the office of the state treasurer which shall not exceed five thousand dollars, and the state tax commission, the state college at Tempe, the state college at Flagstaff, the state game and fish commission, and the Arizona state hospital, and the state department of public welfare, and the employment security commission, each of which shall not exceed two thousand five hundred dollars.

B. The application for a revolving fund shall state the purposes for which required, the amount deemed necessary and the particular person who shall have custody of and be charged with the handling and accounting of the fund.

C. The state auditor shall allow the application, draw a warrant to the order of the officer applying therefor, and

charge the amount thereof against the appropriation made to that budget unit, but no such revolving fund shall be established unless the applicant therefor is bonded for an amount equal to twice the amount of the revolving fund.

D. The manner of accounting for a revolving fund shall be determined by the state auditor, and the officer applying therefor shall return the full amount of the revolving fund to the state treasurer on or before the close of the fiscal year in which the fund was established.

E. Any time during the fiscal year, at the request of the state auditor, the applicant shall return to the state treasurer the full amount of the revolving fund or amount requested and no claims for services of the officer applying therefor or the head of the budget unit shall be audited until such request has been complied with.

Approved by the Governor—March 17, 1958.

Filed in the Office of the Secretary of State—March 17, 1958.

CHAPTER 57

House Bill No. 241

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE APPRENTICESHIP COUNCIL.

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

Section 1. APPROPRIATION

In addition to the appropriation made under the terms of subdivision 53, section 1, chapter 100, Laws of 1957, first regular session, the sum of six hundred dollars is appropriated to the apprenticeship council.

Sec. 2. PURPOSE

The sum appropriated under the terms of section 1 shall be immediately available for the balance of the fiscal year ending June 30, 1958, for payment of travel—in state.

Sec. 3. EXEMPTION

The appropriation made under the terms of this act is exempt from the provisions of section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Sec. 4. EMERGENCY

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

Approved by the Governor—March 17, 1958.

Filed in the Office of the Secretary of State—March 17, 1958.

CHAPTER 58

House Bill No. 244

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE BOARD OF BARBER EXAMINERS.

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

Section 1. APPROPRIATION

In addition to the sums appropriated under the terms of subdivision 17, section 1, chapter 100, Laws of 1957, first regular session, there is appropriated from the board of barber examiners fund to the board of barber examiners the sum of one hundred thirty-eight dollars for the purpose of payment by the board of charges incurred in renting space and purchasing supplies necessary for the giving of license examinations to applicants.

Sec. 2. EMERGENCY

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

Approved by the Governor—March 17, 1958.

Filed in the Office of the Secretary of State—March 17, 1958.

CHAPTER 59

House Bill No. 253

AN ACT

RELATING TO IRRIGATION DISTRICTS, DRAINAGE DISTRICTS, FLOOD CONTROL DISTRICTS, AGRICULTURAL IMPROVEMENT DISTRICTS, ELECTRICAL DISTRICTS, AND POWER DISTRICTS; PROVIDING FOR RETIREMENT BENEFITS FOR EMPLOYEES OF SUCH DISTRICTS; AUTHORIZING THE ADOPTION OF RETIREMENT PLANS AND THE EXPENDITURE OF MONEYS THEREFOR; AND AMENDING TITLE 45, CHAPTER 9, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 7, SECTIONS 45-2196 TO 45-2199.05, INCLUSIVE.

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

Section 1. Title 45, chapter 9, Arizona Revised Statutes, is amended by adding a new article 7, sections 45-2196 to 45-2199.05, inclusive, to read:

ARTICLE 7. DISTRICT EMPLOYEES' RETIREMENT PLANS

45-2196. DEFINITIONS

In this article, unless the context otherwise requires:

1. "Compensation" means money paid to an employee of a district for services in the form of a fixed salary or wages at the end of established pay periods, which, in the case of employees with fluctuating rates of pay, shall be considered as being the guaranteed rate of pay, and which, in the case of employees with dual rates, shall be for the primary occupation. Such fixed salary or wage rates for any regularly established pay period shall be that which is in effect on the first day of each such period. "Compensation" does not include payments for overtime and bonuses over and above fixed salaries or wages for normal hours of service.

2. "District" means an irrigation district, drainage district, flood control district, agricultural improvement district, electrical district, or power district organized pursuant to the laws of this state.

3. "District contributions" means sums of money paid by a district to finance a retirement plan.

4. "Employee" means a person in the service of a district whose customary employment is for an average of not less than thirty hours a week and for twelve months a year.

5. "Employee contributions" means sums of money paid by the employees of a district for participation in a retirement plan.

6. "Governing body" of a district means the body, board, commission, officer or officers, or other authority having charge of the finances of the district.

7. "Participant" means an employee of a district who is eligible under the provisions of section 45-2199 for participation in the retirement plan adopted by a district.

8. "Plan" means a retirement plan authorized by section 45-2197.

9. "Prior service" means service for a district by any employee for any period not exceeding twenty-five years immediately prior to the adoption of a retirement plan.

10. "Termination of service" means the cessation of employment of an employee by a district, but service shall not be deemed terminated by reason of any military absence, or any leave of absence or furlough granted by the district.

45-2197. DISTRICT RETIREMENT PLANS AUTHORIZED; BENEFITS PROVIDED

A. A district which is not participating in the state retirement system provided by title 38, chapter 5, article 2, or the employees of which are not members of the state employees' retirement system may, by appropriate action of a majority of its governing body, adopt a retirement plan for its employees.

B. Any such retirement plan may provide for such of the following benefits in such amounts and at such times as the governing body of a district may determine:

1. Retirement income or pensions for eligible district employees upon attaining age not less than sixty years payable in installments not more frequently than monthly, either from a trust fund and the income therefrom created by employees' and district contributions, or by the purchase of single premium annuity contracts with legal reserve life insurance companies authorized to transact business in Arizona in such amounts as the balance in the employees' accounts on the books of the trust fund will provide.

2. The purchase by the district of a group annuity contract with a reserve life insurance company providing for retirement income upon attaining age not less than sixty years, for death benefits of a participant prior to his retirement, and for any of the other benefits mentioned in this section.

3. Payment of retirement pension or income upon an employee being totally and permanently disabled to the extent to which he is prevented from engaging in his normal occupation with the district, such disability retirement income to commence at such time as the plan adopted by the governing body of a district shall provide.

4. Termination of service withdrawal benefits after both the attainment of age fifty and five years participation in the plan.

5. The establishment of nonforfeitable interests of various types in any trust fund or annuity contract upon termination of service after not less than five years of continuous participation in the plan, depending upon the period of continuous participation.

6. Prior service retirement income and benefits.

C. The governing body is authorized to adopt such other provisions in a plan as it may deem to be for the best interests of the participants and the district and which are actuarially sound and not in conflict with the provisions of this article.

45-2198. TYPES OF RETIREMENT PLANS; TRUST FUND; INSURED PLAN

The plan adopted may provide for either:

1. The creation of a retirement trust fund to consist of all contributions made by the district and the participants and the net income produced by the investment of the trust fund. The trust fund shall be held, managed and administered by a trustee pursuant to an agreement between the district and the trustee. The governing body of the district is authorized to enter into an agreement with a bank or corporation empowered to exercise trust powers providing for the holding, management, administration, and disposition of the trust fund upon such terms and under such conditions as the governing body may determine to be in the best interest of the participants and the district and to afford the greatest actuarially sound benefits to the participants. Such trustee shall be a corporation or association organized under the laws of this state or of the United States and shall have been engaged in

business not less than ten years. The trust funds may be invested in any of the securities or obligations prescribed by section 38-757, or as hereafter amended, for the investment of funds of the state retirement system.

2. A group annuity contract with a legal reserve insurance company for the purpose of providing for the purchase of annuities, the payment of death and termination benefits, and such other benefits as shall be provided by the plan. The insurance company shall be authorized to transact business in the state for the purposes of issuing such group annuity contracts.

45-2199. ELIGIBILITY AND PARTICIPATION

Each employee of a district shall be eligible to participate in the plan adopted if he has been continuously employed by the district for a period of not less than twenty-four months prior to the effective date of the plan adopted by a district, or for such longer period as may be provided in the plan. The plan may provide that an employee who shall have attained a specified age or who has been continuously employed by the district a specified number of years will not be eligible. Each other employee shall become eligible to participate on the first day of the month coinciding with or immediately following the completion of not less than twenty-four months continuous service with the district or such longer period as may be provided in the plan adopted. Each eligible employee shall become a participant as of his first eligibility date provided he makes a written application to the district on forms furnished by it within one month after his first date of eligibility. Each other eligible employee may become a participant on the first day of the month following the month in which he makes written application therefor, in which case he will be ineligible for prior service retirement benefits which may be provided by the plan.

45-2199.01. EMPLOYEE AND DISTRICT CONTRIBUTIONS; ADMINISTRATION EXPENSES

A. A plan shall provide for contributions by each participant of not less than three percent of his compensation, and the district shall deduct the amount from each payment of compensation to a participant. All such amounts shall be used and applied by the district for providing the benefits described in section 45-2197. No part of the participants' contributions shall be expended for the administration of the plan.

B. A district may contribute from its funds an amount not less than that contributed by participants.

C. A district may also expend from its funds such amount or amounts as shall be required to provide prior service retirement income to employees entitled thereto. Such amount or amounts may be expended by a district at such time or times as in the judgment of the governing board of the district may be necessary under the plan adopted.

D. In addition the district may expend such reasonable amounts as may be necessary to pay the cost of administering the plan, including, but not limited to, the reasonable expenses and compensation of a trustee if the funds contributed by the participants and the district are held and managed by a trustee.

45-2199.02. RETIREMENT OR ADVISORY COMMITTEE

A. The governing body may appoint a retirement or advisory committee of either three or five persons, as shall be determined by the governing body of the district, and a majority of the members of such committee shall constitute a quorum. Any determination or action of a majority of the members shall be conclusive with respect to all persons affected thereby. The committee shall have the responsibility for the general administration of the plan, and may adopt rules, mortality tables, interest rates and other factors to be used for all actuarial calculations, any or all of which may from time to time be amended or changed. The committee shall have such other powers as may be embodied in the adopted plan and as shall be necessary properly to carry out its duties.

B. If the committee consists of three members, it shall be comprised of one member of the governing body of the district, a participant, and a qualified elector of the district. If the committee consists of five members, it shall be comprised of one member of the governing body, two participants and two qualified electors of the district. Members shall be appointed for such terms, not exceeding three years, as the governing body of the district shall determine. The terms of the members need not expire concurrently. Any member may be removed by the governing body for cause, including, but not limited to, neglect of duty. Vacancies may be filled for the unexpired term by the governing body. Members of the committee shall serve without compensation but shall be paid by the district for their actual reasonable expenses.

45-2199.03. EXEMPTION FROM TAXATION AND EXECUTION; NON-ASSIGNABILITY OF BENEFITS

The benefits, annuities and pensions, the employee and district contributions, the securities in which any trust fund

provided for in a plan shall be invested, shall be exempt from state, county and municipal taxes and shall not be subject to execution or attachment, garnishment, bankruptcy proceedings or other legal process. No participant or beneficiary, or any other person having or claiming to have any interest of any kind or character in or under any plan adopted by a district, or any part thereof, or payment therefrom, shall have any right to sell, assign, transfer, convey, hypothecate, anticipate, or otherwise dispose of such interest.

45-2199.04. EXPENDITURE OF DISTRICT FUNDS

The governing body of a district is authorized to expend all necessary funds for the purposes of carrying out any plan adopted by a district. There shall be included in each annual levy of district taxes or assessments a sufficient amount for such purposes.

45-2199.05. EXCLUSION OF EXISTING RETIREMENT PLANS

No employees' retirement plan heretofore adopted or entered into by a district and now in effect shall be affected by any provision of this article; and any such plan may be continued in all respects as though this article had not been enacted.

Sec. 2. SEVERABILITY

If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Approved by the Governor—March 17, 1958.

Filed in the Office of the Secretary of State—March 17, 1958.

CHAPTER 60

House Bill No. 257

AN ACT

RELATING TO ELECTIONS; PROVIDING FOR THE PREPARATION AND DISTRIBUTION OF PRECINCT REGISTERS, AND AMENDING SECTION 16-154, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 16-154, Arizona Revised Statutes, is amended to read:

16-154. PRECINCT REGISTERS; DATE OF PREPARATION; CONTENTS; COPIES

A. Within forty days after the close of registration for the primary election and by the fifth day preceding the general election the county recorder shall prepare from the original affidavits of registration five typed lists of all uncanceled registrations of each precinct in the county and such lists shall be the official precinct register.

B. The official precinct registers shall contain the names in full, party affiliation, date of registration and residence address of each elector in the respective precincts. The names therein shall have the same alphabetical order or arrangement as the original affidavits of registration, and in a column to the left of the names, such names shall be numbered consecutively beginning with number 1 in each precinct register.

C. In a county having a population in excess of one hundred twenty-five thousand as shown by the preceding federal census, the county recorder shall, in addition to preparing the official precinct registers, provide a means for mechanically reproducing the precinct registers and shall deliver, without charge, two copies of each precinct register within the county to the county chairman of each party which had candidates appearing upon the ballot at the last general election. The copies of the precinct registers shall be on individual cards which shall include:

1. Name in full.
2. Party affiliation.
3. Date of registration.
4. Residence address of the elector.

D. The names on the precinct registers shall be in the same alphabetical order or arrangement as the original affidavits of registration and any changes, additions or deletions to the precinct registers shall be delivered to each county chairman regularly but not later than twenty days following such changes, additions or deletions.

E. The county recorder shall, upon request, prepare additional copies of any precinct register and furnish them to any person requesting them upon payment of a fee equal

to one cent for each name appearing on the register for each copy thereof so furnished.

Sec. 2. EFFECTIVE DATE

The provisions of subsection C of section 16-154 shall be carried out within thirty days after the effective date of this act.

Approved by the Governor—March 17, 1958.

Filed in the Office of the Secretary of State—March 17, 1958.

CHAPTER 61

House Bill No. 175

AN ACT

RELATING TO STATE MONUMENTS; PROVIDING FOR CONSTRUCTION OF A STATE MONUMENT IN MEMORY OF SPANISH-AMERICAN WAR VETERANS OF THIS STATE, AND MAKING AN APPROPRIATION.

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

Section 1. AUTHORIZATION FOR CONSTRUCTION OF STATE MONUMENT IN MEMORY OF SPANISH-AMERICAN WAR VETERANS

There shall be a state monument constructed in memory of the Spanish-American war veterans of this state. The monument shall be constructed at the southwest corner of Armory Park in Tucson, and at a cost not to exceed five thousand dollars.

Sec. 2. APPOINTMENT OF COMMITTEE

For the purpose of carrying out the provisions of section 1 of this act, the president of the senate and the speaker of the house of representatives shall appoint a committee consisting of three members. Each member appointed shall be a resident of this state and a veteran of the Spanish-American war.

Sec. 3. CONDITIONAL APPROPRIATION

There is appropriated to the committee provided for in section 2 of this act the sum of two thousand five hundred dollars. The sum appropriated is for the purpose of carrying out the provisions of this act in conjunction with the cooperation of and financial assistance from the Arizona

Spanish-American war veterans' organization. The sum appropriated is conditioned upon the payment of the sum of two thousand five hundred dollars by the Arizona Spanish-American war veterans' organization toward construction of the monument.

Approved by the Governor—March 17, 1958.

Filed in the Office of the Secretary of State—March 17, 1958.

CHAPTER 62

Senate Bill No. 41

AN ACT

RELATING TO THE SALE OF STATE LAND; PRESCRIBING A CLASSIFICATION AND APPRAISAL FEE; PRESCRIBING THE TERMS OF SALE; PROVIDING FOR THE METHOD OF PAYMENT, AND AMENDING SECTIONS 37-241 AND 37-108, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 37-241, Arizona Revised Statutes, is amended to read:

37-241. TERMS OF SALE OF STATE LAND; PAYMENT

A. The terms of sale of state land shall be as follows:

1. Seven per cent of the appraised value to be paid in cash or cashier's check upon announcement of the successful bidder, five per cent of the appraised value to be applied to the principal and two per cent of the appraised value as the classification and appraisal fee provided for in section 37-108, subsection A, paragraph 15.

2. If the amount bid for the land exceeds the appraised value, further payment shall be made within thirty days so that the total amount paid at said time when added to the amount paid on the date of sale shall equal seven per cent of the amount bid, and said amount shall be allocated to the principal and the classification and appraisal fee in the same manner as is provided in paragraph 1 of this subsection.

B. Upon payment of the amounts provided in subsection A, and upon compliance by the purchaser with the requirements of title 37, chapter 2, article 3, and the payment of

certificate of purchase fee, a certificate of purchase shall issue as provided in section 37-244.

C. If the purchaser fails to complete the payment of seven per cent of his bid, or to enter into a contract of sale within the time provided, he shall forfeit all amounts paid, which shall be paid into the general fund and the classification and appraisal fund in the same proportion as in subsection A of this section. The balance of the purchase price shall be in thirty-eight annual payments, with interest on the amount unpaid at the rate of five per cent per annum, payable annually.

D. Upon payment of six months' interest in advance, the purchaser may discharge the entire debt at any time and be entitled to a patent for the land, provided that if the entire purchase price, together with the classification and appraisal fee, is paid on the date of sale or within thirty days thereafter, no interest shall be charged.

Sec. 2. Sec. 37-108, Arizona Revised Statutes, is amended to read:

37-108. FEES

A. The state land department shall charge the following fees:

1. Filing application for selection of public lands, three dollars.
2. Filing bonds, one dollar.
3. Filing application for lease or purchase, one dollar.
4. Issuing lease, one dollar and fifty cents.
5. Issuing certificate of purchase, three dollars.
6. Issuing patent, five dollars.
7. Filing application for reimbursement, two dollars.
8. Filing application for transfer or assignment of lease, or certificate of purchase, or transferring lease, one dollar and fifty cents.
9. Transferring certificate of purchase, three dollars.
10. Filing application for right of way, five dollars.
11. Filing application to cut timber or wood or use any product of state lands, two dollars.
12. Issuing permit to contract to cut timber or wood or use any product of state lands, two dollars.

13. Filing and approving bond, two dollars.
14. Making certified copy of proceedings or other records of the commissioner, twenty cents per folio.
15. Classification and appraisal fee, two per cent of the purchase price for all improvements and land sold.
- B. If any application is rejected, the filing fee shall be refunded, except that the department may retain selection and purchase fees if field examination has theretofore been made.

Approved by the Governor—March 17, 1958.

Filed in the Office of the Secretary of State—March 17, 1958.

CHAPTER 63

Senate Bill No. 158

AN ACT

RELATING TO ELECTIONS; PRESCRIBING LIMITATIONS ON EXPENDITURES BY CANDIDATES IN PRIMARY ELECTIONS, AND AMENDING SECTION 16-426, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 16-426, Arizona Revised Statutes, is amended to read:

16-426. LIMITATION ON EXPENDITURES BY CANDIDATES

Candidates for nomination at any primary election shall be limited in amount of expenditures for the primary election to the following amounts respectively, exclusive of any amounts of money expended for stationery, postage, printing and advertisements in newspapers, motion pictures, radio and television broadcasts, outdoor advertising signs, and necessary personal, traveling or subsistence expenses:

1. For United States senator, not exceeding thirty-five hundred dollars.
2. For member of congress or governor, not exceeding twenty-five hundred dollars.
3. For supreme court judge, not exceeding one thousand dollars.

4. For any other office for which the electors of the entire state vote, not exceeding fifteen hundred dollars.

5. For superior court judge or state senator, not exceeding two hundred fifty dollars.

6. For any other office for which the electors of an entire county vote, not exceeding five hundred dollars.

7. For state representative, not exceeding two hundred fifty dollars, but in counties electing more than one representative, not exceeding one hundred fifty dollars by each candidate for representative.

8. For any office for which the electors of a district or a subdivision of a county vote, other than state representatives, not exceeding one hundred fifty dollars.

9. For mayor in cities or towns having a population of five thousand or over, not exceeding three hundred fifty dollars.

10. For any other office for which the electors of an entire city or town having a population of five thousand or over vote, not exceeding two hundred fifty dollars.

11. For any office for which the electors of a city or town ward or subdivision of a city or town vote, not exceeding two hundred dollars.

12. For mayor in cities or towns having a population of less than five thousand, not exceeding two hundred fifty dollars.

13. For any other office for which the electors of an entire city or town having a population of less than five thousand vote, not exceeding two hundred dollars.

Approved by the Governor—March 17, 1958.

Filed in the Office of the Secretary of State—March 17, 1958.

CHAPTER 64

Senate Bill No. 182

AN ACT

RELATING TO COUNTY OFFICERS; PROVIDING FOR REIMBURSEMENT OF EXPENDITURES MADE IN GOOD FAITH BY COUNTY BOARD OF SUPERVISORS OF SANTA CRUZ COUNTY.

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

Section 1. REIMBURSEMENT AUTHORIZATION

A. During the period from July 1, 1955, through June 30, 1956, the duly elected, qualified and acting county board of supervisors of Santa Cruz county incurred expenditures in the name of the county in excess of the budget for the fiscal year 1955-56 without first having obtained the approval of the Arizona state tax commission. The expenditures, amounting to nine thousand seven hundred sixty dollars thirty-six cents, were incurred by the board in good faith and were made for the purpose of taking care of indigents, repair roads damaged by storms, and for other county services required by law.

B. A taxpayer's suit was filed against the then county board of supervisors and the court rendered a judgment in favor of the taxpayers and against the then supervisors for the total amount of nine thousand seven hundred sixty dollars thirty-six cents as having been the sum expended in advance of the approval by the state tax commission to exceed the county budget. The county of Santa Cruz received the full benefit of the expenditures but there is no way under the present laws by which the members of the then county board of supervisors may be reimbursed for the amount of the judgment.

C. Even though the authorization to exceed the budget of Santa Cruz was not received prior to the incurring of the expenditures, the Arizona tax commission did subsequent to the expenditures authorize the county of Santa Cruz to exceed its budget covering the expenditures. For the reason that the authorization was subsequently given by the state tax commission for the expenditures in question and there is no way under the law that reimbursement can be authorized, the county board of supervisors of Santa Cruz county are hereby directed to reimburse present and former members of the board of supervisors who are required by the court judgment to pay to the county of Santa Cruz the amount of nine thousand seven hundred sixty dollars thirty-six cents.

Approved by the Governor—March 17, 1958.

Filed in the Office of the Secretary of State—March 17, 1958.

CHAPTER 65

Senate Bill No. 227

AN ACT

RELATING TO FLOOD CONTROL; EMPOWERING PINAL COUNTY TO TAKE SUCH ACTION AS MAY BE NECESSARY TO COOPERATE WITH AND RECEIVE ASSISTANCE FROM THE UNITED STATES IN FLOOD CONTROL PROJECTS; PRESCRIBING LIMITATIONS ON SUCH POWER, AND AMENDING TITLE 45, CHAPTER 10, ARTICLE 3, ARIZONA REVISED STATUTES BY ADDING SECTIONS 45-2334.01 AND 45-2334.02.

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

Section 1. Title 45, chapter 10, article 3, Arizona Revised Statutes, is amended by adding sections 45-2334.01 and 45-2334.02, to read:

45-2334.01. POWER OF PINAL COUNTY TO COOPERATE WITH AND RECEIVE ASSISTANCE FROM THE UNITED STATES IN FLOOD CONTROL PROJECTS

A. The board of supervisors of Pinal county is empowered to cooperate with and receive assistance from the United States or any instrumentality, department or agency thereof for the construction, at the expense of the United States, as authorized pursuant to any act of congress, of a flood control project or projects within the county for local flood control.

B. Pursuant to the powers granted by the provisions of subsection A, Pinal county is authorized in relation to the flood control project or projects described in subsection A, to:

1. Acquire and provide, without cost to the United States, land, easements and right of ways necessary for flood control works of improvement.

2. Hold and save the United States or any instrumentality, department or agency thereof, free from any claim for damages arising from the construction, maintenance and operation of flood control works of improvement.

3. Construct, carry out, maintain and operate all such works in accordance with regulations prescribed by the secretary of the army or any authorized agent of the United States.

4. Establish and enforce flood-channel limits and regulations, if any, satisfactory to the secretary of the army or any authorized agent of the United States.

45-2334.02. LIMITATIONS ON POWERS

Notwithstanding anything to the contrary herein set forth, the board of supervisors of Pinal county shall not exercise any power or authority granted by section 45-2334.01, nor shall they undertake or cooperate in either the planning, authorization, construction, acquisition, extension, improvement, maintenance, or operation of any flood control structures, dams, systems or projects on any portion of a watershed supplying water to any dam and reservoir existing within the state of Arizona having a designed water storage capacity of fifty thousand acre feet or more, or to any existing diversion dam and canal system having facilities within the state of Arizona designed to divert and carry not less than one thousand cubic feet per second, without first having obtained the written consent of the agency, district, association, company or organization owning or operating or being served by such dam, reservoir, diversion dam and canal system. Such consent, however, shall only be required from irrigation districts and agricultural improvement districts organized pursuant to the laws of the state of Arizona and now presently defined under title 45, and any other associations or organizations operating such dams, reservoirs, diversion dams and canal systems as a part of a federal reclamation project.

Approved by the Governor—March 17, 1958.

Filed in the Office of the Secretary of State—March 17, 1958.

CHAPTER 66

Senate Bill No. 230

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE
DEPARTMENT OF PUBLIC WELFARE.

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

Section 1. APPROPRIATION

In addition to the sum of seven hundred ninety-one thousand five hundred fifty dollars appropriated to the department of public welfare for unallocated assistance and services under the terms of subdivision 31, section 1, chapter 100, Laws of 1957, first regular session, the sum of fifty thousand dollars is hereby appropriated to the department of public welfare to be immediately available for unallocated assistance and services.

Sec. 2. EMERGENCY

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

Approved by the Governor—March 17, 1958.

Filed in the Office of the Secretary of State—March 17, 1958.

CHAPTER 67

Senate Bill No. 233

AN ACT

MAKING AN APPROPRIATION TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION FOR THE PURCHASE OF TEXTBOOKS.

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

Section 1. APPROPRIATION

The sum of twenty-five thousand seven hundred fifty dollars is appropriated from the state school fund to the superintendent of public instruction for the purchase of textbooks.

Sec. 2. EMERGENCY

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

Approved by the Governor—March 17, 1958.

Filed in the Office of the Secretary of State—March 17, 1958.

LAWS OF ARIZONA

CHAPTER 68

House Bill No. 189

AN ACT

RELATING TO CITIES AND TOWNS; PROVIDING LIMITATIONS ON ISSUANCE OF BONDS FOR PUBLIC IMPROVEMENTS, AND AMENDING SECTION 9-789, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 9-789, Arizona Revised Statutes, is amended to read:

9-789. ISSUANCE OF BONDS FOR PUBLIC IMPROVEMENTS; LIMITATIONS OF AMOUNT, SUCCESSIVE BORROWINGS

No city or town may issue bonds hereunder in such aggregate amount that fifty per cent of the revenues received by it from the motor vehicle fuel tax in the year preceding the borrowing of money hereunder will not be sufficient to pay annual principal and interest requirements of such bonds. Subject to such limitation, successive borrowings may be made hereunder.

Sec. 2. EMERGENCY

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

Approved by the Governor—March 17, 1958.

Filed in the Office of the Secretary of State—March 17, 1958.

CHAPTER 69

House Bill No. 191

AN ACT

RELATING TO ELECTIONS AND ELECTORS; PROVIDING FOR APPOINTMENT OF A VICE CHAIRMAN AND VICE CHAIRWOMAN BY COUNTY COMMITTEES, AND AMENDING SECTION 16-232, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 16-232, Arizona Revised Statutes, is amended to read:

16-232. MEETING, ORGANIZATION AND OFFICERS OF COUNTY COMMITTEE

The county committee shall meet on the Friday next preceding the last Monday of the month in which the primary election for state and county officers is held and organize by electing from its membership a chairman, a vice chairman, a vice chairwoman, a secretary and a treasurer. The latter two offices may be filled by the same person. The chairman of the county committee shall be ex officio a member of the state committee.

Approved by the Governor—March 17, 1958.

Filed in the Office of the Secretary of State—March 17, 1958.

CHAPTER 70

House Bill No. 200

AN ACT

RELATING TO COUNTIES AND MUNICIPALITIES; PROVIDING FOR COOPERATIVE AGREEMENTS BETWEEN GOVERNING BODIES FOR THE ESTABLISHMENT, DEVELOPMENT OR MAINTENANCE OF PUBLIC PARKS, AND AMENDING SECTIONS 11-933 AND 11-934, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 11-933, Arizona Revised Statutes, is amended to read:

11-933. COOPERATIVE AGREEMENT BETWEEN GOVERNING BODIES; PROHIBITIONS

A. The governing body of a county or municipality may enter into a cooperative agreement with the governing body of another county or municipality, within or without the state, for the establishment, development or maintenance of a public park.

B. Such an agreement with a governmental unit without the state, which contains any provision prohibited by the law of either state, shall not be valid, nor shall the governing body expend, undertake or agree to expend, under the terms of such agreement or in connection with the establishment, development or maintenance of a public park embraced therein, funds of the county or municipality without the territorial limits of the county.

C. The governing body of a county having a population of more than one hundred twenty-five thousand according to the last official United States census, may, in addition to the provisions of subsections A and B of this section, enter into a cooperative agreement with the United States or any agency or instrumentality thereof for the establishment, development or maintenance of a public park, provided that in the case of the establishment of a new public park or the expansion of an existing public park, permission shall be obtained in advance from any person already using any multiple use public domain or state land for another purpose. An agreement entered into between the governing body of a county and the United States or an instrumentality thereof under the terms of this subsection for the establishment, development or maintenance of a public park may provide for supervision and control of the park by the United States or an agency or instrumentality thereof.

Sec. 2. Sec. 11-934, Arizona Revised Statutes, is amended to read:

11-934. PARK COMMITTEE; MEMBERS; COMPENSATION

A. Except as provided by subsection C of section 11-933, a public park shall be under the supervision and control of a park committee, which shall make rules and regulations necessary for the government and control of the park.

B. The park committee shall consist of three members appointed by the governing body for terms of six years, which shall be arranged so that the term of one member shall expire every two years.

C. The members of the park committee shall receive no compensation for their services.

Approved by the Governor—March 17, 1958.

Filed in the Office of the Secretary of State—March 17, 1958.

CHAPTER 71

House Bill No. 280

AN ACT

RELATING TO NURSING; PRESCRIBING PENALTIES
AND VIOLATIONS, AND AMENDING SECTION
32-1667, ARIZONA REVISED STATUTES.**Be it enacted by the Legislature of the State of Arizona:**

Section 1. Sec. 32-1667, Arizona Revised Statutes, is amended to read:

32-1667. VIOLATIONS; PENALTIES

A. A person is guilty of a misdemeanor who:

1. Sells or fraudulently obtains or furnishes any nursing diploma, certificate, license, permit or record, or aids or abets therein.

2. Practices professional nursing as defined in this chapter unless he holds a valid license currently in force.

3. Uses in connection with his name any designation tending to indicate or imply that he is a graduate registered or professional nurse or a licensed practical nurse unless duly licensed under this chapter and the license is then in full force.

4. Operates a school of nursing unless the school has been duly accredited by the board and the accreditation is then in force.

5. Practices nursing under cover of any diploma, license, permit or record illegally or fraudulently obtained, signed or issued unlawfully or because of fraudulent representation.

6. Violates any provision of this chapter.

B. A person guilty of violating this section shall be punished by a fine of not less than one hundred dollars for the first offense, and for each subsequent offense by a fine of three hundred dollars, by imprisonment for not more than six months, or both.

Approved by the Governor—March 17, 1958.

Filed in the Office of the Secretary of State—March 17, 1958.

CHAPTER 72

House Bill No. 295

AN ACT

RELATING TO CERTIFIED PUBLIC ACCOUNTANTS; PROVIDING FOR THE ESTABLISHMENT OF A BOARD OF ACCOUNTANCY FUND, AND AMENDING SECTION 32-705, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 32-705, Arizona Revised Statutes, is amended to read:

32-705. BOARD OF ACCOUNTANCY FUND

All money received by the board shall be paid to the state treasurer monthly. The state treasurer shall deposit ten per cent thereof in the general fund and ninety per cent in the board of accountancy fund for the payment of salaries and other expenses of the board when appropriated for such purposes.

Sec. 2. EFFECTIVE DATE

The provisions of this act shall be effective on July 1, 1958.

Approved by the Governor—March 17, 1958.

Filed in the Office of the Secretary of State—March 17, 1958.

CHAPTER 73

House Bill No. 296

AN ACT

RELATING TO BOARD OF CHIROPRACTIC EXAMINERS; PROVIDING COMPENSATION FOR MEMBERS; ESTABLISHING A BOARD OF CHIROPRACTIC EXAMINERS FUND; AMENDING SECTION 32-903, ARIZONA REVISED STATUTES, AND AMENDING TITLE 32, CHAPTER 8, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-906.

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

Section 1. Sec. 32-903, Arizona Revised Statutes, is amended to read:

32-903. COMPENSATION

The board shall fix the salary of the secretary-treasurer at not to exceed twelve hundred dollars per year. The members of the board shall receive ten dollars for each day they are actually engaged in the discharge of their duties, and shall receive mileage from their places of residence to the place of meeting of the board.

Sec. 2. Title 32, chapter 8, article 1, Arizona Revised Statutes, is amended by adding section 32-906, to read:

32-906. BOARD OF CHIROPRACTIC EXAMINERS FUND

All money received by the board shall be paid to the state treasurer monthly. The state treasurer shall deposit ten per cent thereof in the general fund and ninety per cent in the board of chiropractic examiners fund for the payment of salaries and other expenses of the board when appropriated for such purposes.

Sec. 3. EFFECTIVE DATE

The provisions of this act shall be effective on July 1, 1958.

Approved by the Governor—March 17, 1958.

Filed in the Office of the Secretary of State—March 17, 1958.

CHAPTER 74

House Bill No. 297

AN ACT

RELATING TO DISPENSING OPTICIANS; PROVIDING FOR THE ESTABLISHMENT OF A BOARD OF DISPENSING OPTICIANS FUND, AND AMENDING TITLE 32, CHAPTER 15.1, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-1686.

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

Section 1. Title 32, chapter 15.1, article 2, Arizona Revised Statutes, is amended by adding section 32-1686, to read:

32-1686. BOARD OF DISPENSING OPTICIANS FUND

All money received by the board shall be paid to the state treasurer monthly. The state treasurer shall deposit ten per cent thereof in the general fund and ninety per cent in the

board of dispensing opticians fund for the payment of salaries and other expenses of the board when appropriated for such purposes.

Sec. 2. EFFECTIVE DATE

The provisions of this act shall be effective on July 1, 1958.

Approved by the Governor—March 17, 1958.

Filed in the Office of the Secretary of State—March 17, 1958.

CHAPTER 75

House Bill No. 301

AN ACT

RELATING TO MOTOR VEHICLES; PROVIDING FOR EXCEPTION TO SINGLE-AXLE LOAD LIMIT, AND AMENDING SECTION 28-1008, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 28-1008, Arizona Revised Statutes, is amended to read:

28-1008. SINGLE-AXLE LOAD LIMIT; EXCEPTION

A. The gross weight imposed on the highway by the wheels of any one axle of a vehicle shall not exceed eighteen thousand pounds, provided that the commission may in accordance with the provisions of section 28-1011 issue a special permit for the purpose of moving from job to job within the state and from job to place of servicing and return within the state, road machinery which exceeds the maximum weight specified in this section.

B. For the purposes of this article an axle load means the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle.

C. This section shall not be construed to limit in any manner the power of the commission and local authorities to issue special permits pursuant to the provisions of section 28-1011.

Approved by the Governor—March 17, 1958.

Filed in the Office of the Secretary of State—March 17, 1958.

CHAPTER 76

House Bill No. 141

AN ACT

RELATING TO PRECINCT OFFICERS; PRESCRIBING THE SALARY OF JUSTICES OF THE PEACE AND CONSTABLES, AND AMENDING SECTION 11-424, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 11-424, Arizona Revised Statutes, is amended to read:

11-424. SALARIES OF PRECINCT OFFICERS

A. At the regular June meeting of the several boards of supervisors preceding a general election, the boards shall fix the salaries of all precinct officers, except those justices of the peace and constables whose salaries are specifically fixed by subsection B of this section, for the two-year period commencing on the first day of the following January.

B. The annual salaries of justices of the peace and constables shall be:

1. In precincts having more than one thousand and not to exceed two thousand five hundred registered voters, the justices of the peace shall receive not less than three thousand six hundred nor more than four thousand eight hundred dollars.

2. In precincts having more than two thousand five hundred and not to exceed five thousand registered voters, the justices of the peace shall receive not less than four thousand eight hundred and not to exceed six thousand dollars.

3. In precincts having more than five thousand and not to exceed ten thousand registered voters, the justices of the peace shall receive not less than six thousand nor more than six thousand eight hundred dollars.

4. In precincts having more than ten thousand registered voters, the justice of peace shall receive seven thousand two hundred dollars, and the constables shall receive not less than four thousand five hundred nor more than five thousand six hundred dollars.

C. The salary of a justice of the peace or constable appointed to fill a vacancy caused otherwise than by expiration of term shall be the same as that of his predecessor.

D. As used in this section, "registered voter" means a qualified elector of a precinct registered on the date of an election of precinct officers.

Approved by the Governor—March 15, 1958.

Filed in the Office of the Secretary of State—March 17, 1958.

CHAPTER 77

House Bill No. 160

AN ACT

RELATING TO EMPLOYMENT SECURITY; EXEMPTING GOLF CADDIES, AND AMENDING SECTION 23-617, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 23-617, Arizona Revised Statutes, is amended to read:

23-617. EXEMPT EMPLOYMENT

"Exempt employment" means and includes:

1. Agricultural labor as defined in section 23-603.
2. Domestic service in a private home, local college club or local chapter of a college fraternity or sorority.
3. Service performed as an officer or member of the crew of a vessel on the navigable waters of the United States.
4. Service performed by an individual in the employ of his son, daughter or spouse, and service performed by a child under the age of twenty-one years in the employ of his father or mother.
5. Service performed in the employ of the United States government or an instrumentality of the United States exempt under the constitution of the United States from the contributions imposed by this chapter, except that to the extent congress shall permit states to require instrumentalities of the United States to make payments into an unemployment fund under a state unemployment compensation law, all of the provisions of this chapter shall be applicable to such instrumentalities, in the same manner, to the same extent and on the same terms as to all other employers, employing units, individuals and services, but if this state shall not be certified for any year by the secretary of labor of the

United States under section 3304 of the federal internal revenue code, the payments required of such instrumentalities with respect to the year shall be refunded by the commission from the fund in the same manner and within the same period as is provided in section 23-742 with respect to contributions erroneously collected.

6. Service performed in the employ of this or another state, or any political subdivision thereof, or an instrumentality of one or more thereof which is wholly owned by this state or by one or more states or political subdivisions and which exercises only governmental as distinguished from proprietary functions, and service performed in the employ of an instrumentality of this state or of one or more states or political subdivisions to the extent the instrumentality, with respect to such service, is exempt under the constitution of the United States from the tax imposed by section 3301 of the federal internal revenue code, but this state or any other state, or a political subdivision thereof, or instrumentality of any one or more of the foregoing which is wholly owned by this state or by one or more states or political subdivisions may elect coverage whether or not the service performed is governmental or proprietary for any such state or political subdivision thereof or any instrumentality thereof or any department thereof in the manner prescribed and subject to the terms of section 23-725, and any instrumentality and political subdivision of this state may appropriate funds to pay contributions as required by this chapter.

7. Service with respect to which unemployment compensation is payable under an unemployment compensation system established by an act of congress.

8. Service performed in any calendar quarter in the employ of an organization exempt from income tax under sections 501 and 521 of the federal internal revenue code, if:

(a) The remuneration for such service does not exceed forty-five dollars, or

(b) Such service is in connection with the collection of dues or premiums for a fraternal beneficiary society, order or association, and is performed away from the home office, or is ritualistic service in connection with any such society, order or association, or

(c) Such service is performed by a student enrolled and regularly attending classes at a school, college or university.

9. Service performed in the employ of an agricultural or horticultural organization exempt from income tax under section 501 (5) of the federal internal revenue code.

10. Service performed in the employ of a voluntary employees' beneficiary association providing for the payment of life, sick, accident or other benefits to the members of the association or their dependents, if no part of its net earnings inures, other than through such payment, to the benefit of a private shareholder or individual, and eighty-five per cent or more of the income consists of amounts collected from members for the sole purpose of making such payments and meeting expenses.

11. Service performed in the employ of a voluntary employees' beneficiary association providing for the payment of life, sick, accident or other benefits to the members of the association or their dependents or designated beneficiaries if admission to membership in the association is limited to individuals who are officers or employees of the United States government and no part of the net earnings of the association inures, other than through such payment, to the benefit of a private shareholder or individual.

12. Service performed in any calendar quarter in the employ of a school, college or university, not exempt from income tax under section 501 of the federal internal revenue code, if the service is performed by a student enrolled and regularly attending classes at the school, college or university, and the remuneration for the service does not exceed forty-five dollars, exclusive of room, board and tuition.

13. Service performed in the employ of a corporation, community chest, fund or foundation, organized and operated exclusively for religious, charitable, scientific, literary or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of a private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation.

14. Service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual enrolled and regularly attending classes in a nurses' training school chartered or approved pursuant to state law, and service performed as an interne in the employ of a hospital by an individual who has completed a four years' course in a medical school chartered or approved pursuant to state law.

15. Service performed by an individual for a person as an insurance agent or as an insurance solicitor, if all service

performed by the individual for such person is performed for remuneration solely by way of commission.

16. Service performed by an individual in the delivery, distribution or sale of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution.

17. Service performed by an individual for a person as a real estate broker or a real estate salesman, if all service performed by the individual for such person is performed for remuneration solely by way of commission.

18. Service performed in the employ of a foreign government including service as a consular or other officer or employee or a nondiplomatic representative.

19. Service performed in the employ of an instrumentality wholly owned by a foreign government if:

(a) The service is of a character similar to that performed in foreign countries by employees of the United States government or of an instrumentality thereof, and

(b) The commission finds that the United States secretary of state has certified to the United States secretary of the treasury that the foreign government with respect to whose instrumentality exemption is claimed grants an equivalent exemption with respect to similar service performed in the foreign country by employees of the United States government and of instrumentalities thereof.

20. Service covered by an arrangement between the commission and the agency charged with the administration of any other state or federal unemployment compensation law pursuant to which all services performed by an individual for an employing unit during the period covered by the employing unit's duly approved election, is deemed to be performed entirely within such agency's state.

21. Casual labor not in the course of the employer's trade or business, including any work performed as a golf caddy.

Approved by the Governor—March 17, 1958.

Filed in the Office of the Secretary of State—March 17, 1958.

CHAPTER 78

House Bill No. 264

AN ACT

RELATING TO INSURANCE; PROHIBITING LENDERS OF MONEY ON THE SECURITY OF REAL OR PERSONAL PROPERTY FROM REQUIRING THE PLACING OF INSURANCE WITH AN INSURER OR PERSON SPECIFIED BY THE LENDERS, AND AMENDING TITLE 20, CHAPTER 2, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 20-452.01 THROUGH 20-452.04, INCLUSIVE.

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

Section 1. Sec. 20-452 of title 20, chapter 2, article 6, Arizona Revised Statutes, is amended by adding sections 20-452.01 through 20-452.04, inclusive, to read:

20-452.01. DESIGNATION OF PARTICULAR INSURER OR PERSON TRANSACTING INSURANCE PROHIBITED

No person engaged in the business of financing the purchase of real or personal property or of lending money on the security of real or personal property, and no trustee, director, officer, agent or other employee, or affiliate of, any such person shall require, as a condition precedent to financing the purchase of such property or to lending money upon the security thereof, or as a condition prerequisite for the renewal or extension of any such loan or for the performance of any other act in connection therewith, that the person for whom such purchase is to be financed or to whom the money is to be loaned, or for whom such extension, renewal or other act is to be granted or performed, negotiate any insurance or renewal thereof covering such property through a particular insurer or person transacting insurance.

20-452.02. EXCEPTIONS

Sec. 20-452.01 shall not prevent:

(a) The exercise by any person engaged in such business of his right to approve or disapprove of the insurer selected to underwrite the insurance, nor of his right to furnish such insurance or to renew any insurance required by the contract of sale or trust deed or other loan agreement if the borrower or purchaser shall have failed to furnish the insurance or renewal thereof within such reasonable time or form as may be specified in the sale or loan agreement.

(b) Any lender from recommending to any borrower or prospective borrower the placing of insurance with a specified insurer, or through a specified insurer or person transacting insurance, as long as such recommendation does not violate the provisions of section 20-452.01.

(c) The free choice of insurer or person transacting insurance by any borrower or purchaser at any time, and he may revoke any designation of insurer or person transacting insurance at any time, irrespective of the provisions of any loan or purchase agreement or trust deed.

20-452.03. EVIDENCE OF NONVIOLATION

In any trial, hearing or proceeding to determine a violation of section 20-452.01, a written statement or authorization signed by the person for whom any purchase is financed, to whom any money is loaned or for whom any extension, renewal or other act in connection with a loan is to be granted or performed, declaring that such person voluntarily chooses the insurer or person transacting insurance through whom the insurance or its renewal was transacted, and that the choice of such insurer or person transacting insurance was not made a condition precedent to such purchase, loan, extension, renewal or other act, shall be prima facie evidence that no violation of section 20-452.01 has occurred, if the borrower or purchaser in his own handwriting shall have written the name of his chosen insurer or person transacting insurance on a written statement or authorization of such insurer or person transacting insurance.

20-452.04. INVESTIGATION BY DIRECTOR OF ALLEGED VIOLATIONS

The director may investigate any person, whether licensed or not, for the purpose of determining if there has been any violation of section 20-452.01; however, if such investigation be upon a complaint, the complainant must be party to the contract of sale, trust deed, mortgage, or loan agreement, and must make such complaint within three months of the execution or any modification thereof.

Approved by the Governor—March 17, 1958.

Filed in the Office of the Secretary of State—March 17, 1958.

CHAPTER 79

Senate Bill No. 73

AN ACT

RELATING TO JURISDICTION AND VENUE IN CRIMINAL CASES; PROVIDING FOR NOTICE TO ATTORNEY GENERAL TEN DAYS PRIOR TO PROCEEDINGS IN TRIAL COURT SUBSEQUENT TO ORIGINAL TRIAL AND SENTENCING, AND AMENDING TITLE 13, CHAPTER 6, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-1516.

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

Section 1. Title 13, chapter 6, article 1, Arizona Revised Statutes, is amended by adding section 13-1516, to read:

13-1516. JURISDICTION OF THE COURT IN PROCEEDINGS SUBSEQUENT TO TRIAL AND SENTENCING

Whenever any further proceedings are instituted before the trial court subsequent to the original trial and sentencing, excepting motions for new trial made within one year after the rendition of the verdict or the finding of the court, the court in the same action shall have jurisdiction to hear such matter only after due proof has been made that notice of such proceeding has been given to the attorney general at least ten days prior to such hearing.

Approved by the Governor—March 18, 1958.

Filed in the Office of the Secretary of State—March 18, 1958.

 CHAPTER 80

Senate Bill No. 91

AN ACT

RELATING TO GAME AND FISH; PROVIDING FOR REVISION OF GAME AND FISH LAWS; PRESCRIBING PENALTIES; REPEALING AND RE-ENACTING CHAPTERS 1 TO 4, INCLUSIVE, TITLE 17, ARIZONA REVISED STATUTES, AND MAKING AN APPROPRIATION.

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

Section 1. REPEAL

Chapters 1 to 4, inclusive, title 17, Arizona Revised Statutes, are repealed.

Sec. 2. RE-ENACTMENT

Title 17, Arizona Revised Statutes, is amended by re-enacting chapters 1 to 4, inclusive, to read:

CHAPTER 1

GENERAL PROVISIONS

ARTICLE 1. DEFINITIONS AND AUTHORITY
OF THE STATE

17-101. DEFINITIONS

A. In this title, unless the context otherwise requires:

1. "Angling" means the taking of fish by one line and not to exceed two hooks, or by one line and one artificial lure which may have attached more than one hook, or by one line and not to exceed two artificial flies or lures.

2. "Bag limit" means the maximum limit, in number or amount, of wildlife which may lawfully be taken by any one person during a specified period of time.

3. "Closed season" means the time during which wildlife may not be lawfully taken.

4. "Commission" means the Arizona game and fish commission.

5. "Department" means the Arizona game and fish department.

6. "Device" means any net, trap, snare, salt lick, scaffold, deadfall, pit, explosive, poison or stupefying substance, crossbow, firearm, bow and arrow, or other device used for taking wildlife.

7. "Guide" means a person who for pay, aids or assists any person in taking wildlife.

8. "License year" means the twelve-month period between July 1 and June 30, inclusive.

9. "Nonresident" means a citizen of the United States who has not been a bona fide resident of the state of Arizona for one year immediately preceding the date of application for a license, or an alien.

10. "Open season" means the time during which wildlife may be lawfully taken.

11. "Possession limit" means the maximum limit, in number or amount of wildlife, which may be possessed at one time by any one person.

12. "Resident" means a citizen of the United States who has been a bona fide resident of the state of Arizona for one year immediately preceding the date of application for a license, or a member of the armed forces who has been stationed in Arizona for a period of one year immediately preceding the date of application for a license.

13. "Road" means any maintained right of way for public conveyance.

14. "Statewide" means all lands except those areas lying within the boundaries of state and federal refuges, parks and monuments, unless specifically provided differently by commission order.

15. "Take" means pursuing, shooting, hunting, killing, capturing, snaring, netting, placing or using any net or other device, or trapping wildlife.

16. "Trap" or "trapping" means taking of wildlife in any manner except with gun or implement in hand.

17. "Wildlife" means all wild mammals, wild birds and the nests or eggs thereof, Gila monsters and horned lizards, amphibians, and fish, including their eggs or spawn.

18. "Zoo operator" means any person engaged for capital gain in the operation of a zoo or otherwise holding wildlife in captivity for exhibition purposes.

B. The following definitions of wildlife shall apply:

1. Game mammals are deer, elk, bear, antelope, mountain sheep, bison (buffalo), peccary (javelina), tree squirrel and cottontail rabbit.

2. Big game are wild turkey, deer, elk, antelope, mountain sheep, bison (buffalo), and peccary (javelina).

3. Small game are game birds of all kinds, except wild turkeys, and all game animals not listed as big game.

4. Fur-bearing animals are muskrats, raccoons, coati-mundi, opossums, otters, mink, beaver, badgers and ring-tail cats.

5. Predatory animals are foxes, skunks, mountain lions, coyotes, wolves, jaguars, weasels, bobcats, ocelots, porcupines and feral house cats.

6. Nongame animals are all wild animals except game animals, fur-bearing animals and predatory animals.

7. Upland game birds are quail, partridge, grouse, pheasants and chukars.

8. Migratory game birds are waterfowl, including brandt, wild geese and swans; cranes, including little brown, sand hill and whooping cranes; rails including coots, gallinules, sora and other rails; shore birds, including avocets; curlews, dowitchers, godwits, knots, oyster catchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turnstones, willetts, woodcock and yellow legs; wild doves and wild pigeons.

9. Nongame birds are all birds except upland game birds and migratory game birds.

10. Song or insectivorous birds include, but are not limited to, all species of thrushes, thrashers, mockingbirds, wrens, warblers, gnatchers, flycatchers, swallows, swifts, shrikes, vireos, tanagers, hummingbirds, nuthatches, creepers, dippers, kinglets, pipits, waxwings, silky flycatchers, titmice, larks, meadowlarks, orioles, redwing blackbirds, grosbeaks (including pyrrhuloxia), cardinals, buntings, finches, sparrows (including juncos, but excluding the English or house sparrow), flickers, cuckoos (including roadrunner or chaparral cock) and trogons, goatsuckers, woodpeckers (except sapsuckers), audobon caracaras, eagles (but not including golden eagles), vultures, gulls, terns, shorebirds, inca doves, ground doves, all hawks (except cooper hawks, sharp shinned hawks, goshawks and ospreys) and all owls (except great horned owls).

11. Game fish are trout of all species, bass of all species, pike of all species, catfish of all species, and sunfish of all species.

12. Nongame fish are all the species of fish except game fish.

13. Protected reptiles are gila monsters and horned lizards.

14. Amphibians are American bullfrogs.

17-102. WILDLIFE AS STATE PROPERTY; EXCEPTIONS

Wildlife, both resident and migratory, native or introduced, found in this state except fish and bullfrogs im-

pounded in private ponds or tanks or wildlife and birds reared or held in captivity under permit from the commission, are property of the state and may be taken at such times, in such places, in such manner and with such devices as provided by law or rule of the commission.

17-103. DUTIES OF COUNTY ATTORNEYS

Each county attorney shall prosecute and defend on behalf of the state, in all courts of the county, all actions, criminal or civil, arising under this title in which the state, commission member, or department employee is a party thereof.

17-104. DUTIES OF PEACE OFFICERS AS SPECIAL GAME RANGERS

All county, city and town peace officers are ex officio special game rangers and are required to carry out the duties of this title.

17-105. IMMUNITY OF WITNESSES

No person called upon by the state to testify as a witness in any action brought under this title shall be excused or exempted from so testifying or from producing documentary evidence on the ground that the testimony or evidence might incriminate him, but the person shall not thereafter be prosecuted for an offense concerning which he is called upon to give such testimony or evidence.

CHAPTER 2

GAME AND FISH DEPARTMENT AND GAME AND FISH COMMISSION

ARTICLE 1. MEMBERSHIP

17-201. GAME AND FISH DEPARTMENT AND GAME AND FISH COMMISSION MEMBERS; APPOINTMENT; REMOVAL; MEETINGS

A. The laws of the state relating to wildlife shall be administered by the game and fish department. Control of the department is vested in the game and fish commission. The commission shall consist of five members, appointed by the governor with the advice and consent of the senate. Not more than three members shall be members of the same political party, and all members shall be residents of different counties. Members shall be well informed on the subject of wildlife and requirements for its conservation. Appointments shall be for a term of five years, but an appoint-

ment to fill a vacancy shall be for the unexpired portion of a term.

B. The governor may, after public hearing, remove a member for inefficiency, neglect of duty or misconduct in office. Upon removal of a member the governor shall file in the office of the secretary of state a complete statement of all charges made against the members and his findings thereon, together with a complete record of the proceedings.

C. Each member of the commission while attending general or specific meetings of the commission or while performing official duties for the commission shall receive a per diem of fifteen dollars plus necessary travel and other expenses as provided by law for state officers. A commission member who is otherwise employed as a public officer shall not receive such payment if it is prohibited by law. Compensation and expenses shall be paid monthly from the game and fish fund.

D. Members shall qualify by giving bond to the state in the principal amount of five thousand dollars, conditioned upon faithful performance of their duties. Premiums on the bonds shall be paid from the game and fish fund.

E. The commission shall have its principal office at the state capital but meetings may be held at any time or place within the state. The commission shall meet at least once quarterly. Meetings may be held at the call of the chairman or majority of the commission. A majority of the commission shall constitute a quorum to transact business.

ARTICLE 2. DIRECTOR AND EMPLOYEES

17-211. DIRECTOR; SELECTION; REMOVAL; POWERS AND DUTIES; EMPLOYEES

A. The commission shall appoint a director of the Arizona game and fish department, who shall be the chief administrative officer of the game and fish department, and shall fix his annual salary at not to exceed ten thousand five hundred dollars. The director shall be selected on the basis of administrative ability and general knowledge of wildlife management. The director shall act as secretary to the commission, and shall serve for a term of five years, but he may be removed by the commission, after public hearing, for inefficiency, neglect of duty or misconduct in office. If the director is removed, the commission shall make, in its minutes, a complete statement of the proceedings and all charges made against the director, and its findings thereon. The director shall not hold any other office, and shall devote his entire time to the duties of his office.

B. The commission shall prepare an examination for the post of director to comply with the requirements of this title. The examination shall be conducted at the offices of the commission at the capital to establish an active list of eligible applicants. The director shall be selected from those scoring satisfactory grades and having other qualities deemed advisable by the commission, and the commission may call for additional examinations from time to time for selection of a new list of eligible applicants to fill a vacancy.

C. The director may appoint employees necessary to carry out the purposes of this title, when funds for the payment of their salaries are appropriated. Department employees shall be located in different sections of the state where their services are most needed. All appointments must be made in accordance with procedures, salary grades and qualifications established by the commission. The director may dismiss an employee for inefficiency, neglect of duty or misconduct. Such employee shall be entitled to an appeal before the commission after filing a written request for a hearing within thirty days after date of discharge. The director shall file in the department office a complete statement of charges made against the employee and the findings thereon after such written request is received. If the employee fails to file such request within the thirty-day period his rights to appeal are waived and the action of the director shall be final.

D. The director and department personnel shall be paid their actual and necessary subsistence and traveling expenses as the commission may prescribe, but such expenses shall not exceed those prescribed by law for other state employees.

E. The director shall have general supervision and control of all activities, functions and employees of the department and shall enforce all provisions of this title, including all commission rules and regulations. Game rangers and wildlife managers may, in addition to other duties:

1. Execute all warrants issued for a violation of this title.
2. Execute subpoenas issued in any matter arising under this title.
3. Search without warrant any aircraft, boat, vehicle, box, game bag or other package where there is sufficient cause to believe that wildlife or parts thereof is possessed in violation of law.

4. Inspect all wildlife taken or transported and seize all wildlife taken or possessed in violation of law, or showing evidence of illegal taking.

5. Seize as evidence devices used illegally in taking wildlife and hold them subject to provisions of section 17-240.

6. Generally exercise the powers of peace officers with primary duties the enforcement of this title.

7. Seize devices that cannot be lawfully used for the taking of wildlife and are being so used and hold and dispose of same pursuant to section 17-240.

17-212. BONDS OF DIRECTOR AND EMPLOYEES; PREMIUMS

A. The director shall execute and deliver to the state a bond in the principal amount of ten thousand dollars and each enforcement officer except special officers serving without pay, shall execute and deliver to the state a bond in the principal amount of two thousand dollars conditioned on faithful performance of their duties. All other employees of the department who handle funds or are in charge of property owned by the state or are authorized to expend funds of the department shall execute bonds for the principal amounts and conditions as the commission directs.

B. Premiums for the bonds shall be paid from the game and fish fund.

17-213. PROHIBITION ON POLITICAL ACTIVITY

Neither the director nor any employee of the department shall take active part in a political campaign nor use his office to influence in any way an election or the results thereof. Failure to abide by the provisions of this section shall constitute grounds for dismissal of the director or any employee.

ARTICLE 3. POWERS AND DUTIES

17-231. GENERAL POWERS AND DUTIES OF THE COMMISSION

A. The commission shall:

1. Make rules and regulations and establish services it deems necessary to carry out the provisions and purposes of this title.

2. Establish broad policies and long range programs for the management, preservation and harvest of wildlife.

3. Establish hunting and fishing regulations and prescribe the manner and methods which may be used in taking wildlife.

4. Be responsible for the enforcement of laws for the protection of wildlife.

5. Prescribe grades, qualifications and salary schedules for department employees.

6. Provide for the assembling and distribution of information to the public relating to wildlife and activities of the department.

7. Prescribe rules and regulations for the expenditure, by or under the control of the director, of all funds arising from appropriation, licenses, gifts or other sources specifically provided for the preservation or propagation of wildlife.

8. Exercise such powers and duties necessary to carry out fully the provisions of this title and in general exercise powers and duties which relate to adopting and carrying out policies of the department and control of its financial affairs.

B. The commission may:

1. Conduct investigations, inquiries or hearings in the performance of its powers and duties.

2. Establish game management units or refuges for the preservation and management of wildlife.

3. Construct and operate game farms, fish hatcheries, fishing lakes, or other facilities for or relating to the preservation or propagation of wildlife.

4. Expend funds to provide training in the safe handling and use of firearms and safe hunting practices.

5. Remove or permit to be removed from public or private waters fish which hinder or prevent propagation of game or food fish, and fish so taken may be disposed of in such manner as it may designate.

6. Purchase, sell or barter wildlife for the purpose of stocking public or private lands and waters, and may take at any time in any manner wildlife for research, propagation and restocking purposes, or for use at a game farm or fish hatchery.

7. Enter into agreements with the federal government, other states or political subdivisions of the state, and with

private organizations for the construction and operation of facilities, and for management studies, measures, or procedures for or relating to the preservation and propagation of wildlife, and expend funds for carrying out such agreements.

17-232. AGREEMENTS WITH OTHER STATES FOR RECIPROCAL USE OF LICENSES

The commission, subject to the approval of the governor and the attorney general, is authorized to enter into reciprocal agreements with corresponding state or county agencies of adjoining states pertaining to the establishment of a basis whereby licenses or permits issued by either of the parties may be used by the licensees within the jurisdiction of either party to the agreement.

17-233. ACQUISITION AND DISPOSITION OF BUFFALO AND BUFFALO MEAT

The commission may purchase, sell, barter, or give away buffalo or buffalo meat provided the same may be given only to public institutions or charitable institutions and monies derived therefrom shall be deposited in the game and fish fund.

17-234. OPEN OR CLOSED SEASONS; BAG LIMITS; POSSESSION LIMITS

The commission shall by order open, close or alter seasons and establish bag and possession limits for wildlife, but a commission order to open a season shall be issued not less than ten days prior to such opening date. The order may apply statewide or to any portion of the state. Closed season shall be in effect unless opened by commission order.

17-235. MIGRATORY BIRDS

The commission shall prescribe seasons, bag limits, possession limits and other regulations pertaining to taking migratory birds in accordance with the migratory bird treaty act and regulations issued thereunder, but the commission may shorten or modify seasons, bag and possession limits and other regulations on migratory birds as it deems necessary.

17-236. KILLING SONG OR INSECTIVOROUS BIRDS

It is unlawful for a person to take or injure any song or insectivorous bird, or rob the nests or eggs of birds protected by the laws of this state, or to molest, harass or annoy such birds upon their nests, but nothing in this title shall

be construed to prohibit the taking of such birds for scientific purposes under permits issued by the commission.

17-237. POLLUTION OF WATERS

The commission is authorized to bring suit in the name of the state against any person, corporation, or government agency, to restrain or enjoin the person, corporation, or government agency from discharging or dumping into a stream or body of water in the state any deleterious substance which is injurious to wildlife.

17-238. SPECIAL LICENSES FOR FIELD TRIALS, SHOOTING PRESERVES, AND FOR COLLECTING OR HOLDING WILDLIFE IN CAPTIVITY

A. The commission may adopt rules and regulations and issue licenses for the conduct of field trials, shooting preserves, private wildlife farms and zoos, or for the personal use of wildlife so as to safeguard the interests of the wildlife of the state.

B. The commission, at its discretion and under such regulations as it deems necessary, may issue a permit to take wildlife for scientific purposes to any person or duly accredited representative of public educational or scientific institutions, or governmental departments of the United States engaged in the scientific study of wildlife.

C. A person holding a permit issued pursuant to this section may, upon advance approval by the commission, buy, sell and transport wild life legally possessed. Each person receiving a permit under this section shall file with the department within fifteen days after requested by the department a report of his activities under the permit. The commission may revoke such licenses or permits for non-compliance with regulations.

17-239. WILDLIFE DEPREDATIONS; INVESTIGATIONS; CORRECTIVE MEASURES; DISPOSAL; REPORTS

A. Any person suffering property damage from wildlife may exercise all reasonable measures to alleviate such damage except that reasonable measures shall not include injuring or killing game mammals or game birds.

B. Any person suffering such property damage may, after resorting to such relief as is provided in subsection A, file a written report with the director, advising him of the damage suffered, and the species of animals causing such damage, and the director shall forthwith order an

investigation and report by an employee trained in the handling of wild animal depredation.

C. The department shall provide technical advice and assist in the necessary anti-depredation measures recommended in the report.

D. If removal of animals is found to be necessary to relieve damage, the commission may establish special seasons, special bag limits, and either set reduced fees or waive any or all license fees required by this act, to crop such wildlife, or the department may trap or capture such animals for removal. If the commission determines that such cropping by hunters is impractical, it may issue a special permit for taking such wildlife to the land owner suffering damage, provided that the edible portions of all such wildlife taken by the person suffering damage is turned over to an agent of the department for delivery to a public institution or charitable organization.

E. In the event any person suffering property damage from wildlife is dissatisfied with the decision of the commission, he shall have the right of appeal to the superior court under the provisions of the administrative review act.

17-240. DISPOSITION OF WILDLIFE; DEVICES; UNLAWFUL DEVICES; NOTICE OF INTENTION TO DESTROY; WAITING PERIOD; DESTRUCTION; JURISDICTION OF RECOVERY ACTIONS; SALE OF UNCLAIMED PROPERTY

A. Wildlife seized under this title may be disposed of in such manner as the commission or the court may prescribe, except that the edible portions shall be given to public institutions or charitable organizations.

B. Devices, excepting firearms, which cannot be used lawfully for the taking of wildlife and being so used at the time seized may be destroyed. Notice of intention to destroy such devices as prescribed in this section must be sent by registered mail to the last known address of the person from whom seized if known and posted in three conspicuous places within the county wherein seized, two of said notices being posted in the customary place for posting public notices about the county courthouse of said county. Such device shall be held by the department for thirty days after such posting and mailing, and if no action is commenced to recover possession of such device within such time, the same shall be summarily destroyed by the department, or if such device shall be held by the court in any such action to have been used for the taking of wildlife, then such device shall be summarily destroyed

by the department immediately after the decision of the court has become final. The justice court shall have jurisdiction of any such actions or proceedings commenced to recover the possession of such devices.

C. Devices other than those referred to in subsection B, including firearms seized under this title shall, after final disposition of the case, be returned to the person from whom the device was seized. If the person from whom the device was seized cannot be located or ascertained, the device seized shall be retained by the department at least thirty days after final disposition of case, and all devices so held by the department shall be sold biannually at public auction. If no complaint is filed the device shall be returned to the person from whom seized within thirty days from the date seized.

D. A complete report of all wildlife and devices seized by the department showing a description of the items, the person from whom it was seized, if known, and a record of the disposition shall be kept by the department. The money derived from the sale of any devices shall be deposited in the game and fish fund.

17-241. ACQUISITION AND DISPOSITION OF LANDS AND WATERS

A. The commission, in the name of the state, with the approval of the governor may:

1. Acquire by purchase, lease, exchange, gift or condemnation lands for use as fish hatcheries, game farms, firing ranges, reservoir sites or rights of way to fishing waters.

2. Acquire by purchase, lease, exchange or gift lands or waters for use as fish hatcheries, game farms, shooting areas, firing ranges or other purposes necessary to carry out the provisions of this title.

3. Acquire by condemnation waters for use as fish hatcheries.

The acquisition of land acquired by condemnation shall be limited to a maximum of one hundred sixty acres unless first approved by the legislature.

B. The commission may, with approval of the governor and state land commissioner, lease, sublease, exchange, or sell, in the name of the state, any land acquired by gift, purchase, lease, exchange, or other method.

C. Notwithstanding any other provision of law, the sale or transfer of any lands under the provisions of this section

shall be subject to a reservation to the state of all mineral rights and may be subject to the right of entry thereon by the public for hunting and fishing purposes.

D. Money derived from a sale or lease shall be deposited in the game and fish fund.

17-242. GUARANTEEING IRRIGATION DISTRICT ASSESSMENT; SALE OF LAND LOCATED WITHIN FEDERAL RECLAMATION PROJECTS AND IRRIGATION DISTRICTS

A. The commission, by and with the approval of the governor and state land commissioner, may make contracts with irrigation districts in the name of the state to guarantee the payment of and to pay to the irrigation district the full amount of district assessments or charges against land owned by the game and fish commission located within a federal reclamation project, or an irrigation district which is served wholly or in part by such federal reclamation project, at any time such assessments or charges become delinquent.

B. If the commission sells any of the land referred to in subsection A, it shall require at least one-fourth of the sale price to be paid at the time of sale and the balance payable in not less than twenty years. The contract of sale or other document of sale shall require that the purchaser pay such irrigation district assessments or charges before delinquency, and that failure to do so shall constitute a breach of the terms of sale. If a purchaser defaults in the payment of such irrigation district assessments or charges and the interest of the purchaser in such land is terminated, the subsequent purchaser shall pay to the commission as reimbursement the full amount of delinquent assessments due upon such land.

C. The contract or other document of sale shall also require that if the purchaser defaults upon any term or condition of the sale and does not remedy the default within six months, the irrigation district may perform or remedy the default of the purchaser. When the irrigation district cures the default in the terms of sale, the interest of the purchaser shall be cancelled and his interest in such land shall be transferred to the irrigation district subject to the contract of sale.

D. Nothing in this section shall be construed as creating any lien upon state lands or against the interest of the state therein, or as creating any obligation of the state to pay any charges, assessments or debts incurred by any districts other than those described in this section.

17-243. SALE OF SURPLUS PRODUCTS OF FEDERAL AID PROJECTS; DISPOSITION OF PROCEEDS

The commission may sell surplus products of federal aid wildlife projects. The proceeds of such sale shall be placed in a special game and fish fund to be known as the federal aid wildlife projects maintenance fund and may be used by the commission for maintenance of federal aid projects wherever located in the state.

17-244. BULLETIN; REFUGE SIGNBOARDS; POSTED LANDS

A. A hunting and fishing bulletin shall be available through all license dealers and at such places as the commission may designate.

B. Notices or signboards shall be of a size not less than eight by eleven inches and as many of the notices or signboards shall be posted as the commission determines necessary to give public notice of the location of the boundaries of the closed area. The notices or signboards shall be removed immediately upon the reopening of such closed area.

17-245. GAME MANAGEMENT UNITS OR REFUGES; ESTABLISHMENT

In the establishment of game management units or refuges the commission shall describe such areas by commission order and shall file copies of the order with the county recorder of the county or counties in which such area is located. One copy of each order shall be kept on file in the Phoenix office of the commission.

ARTICLE 4. FISCAL PROVISIONS**17-261. GAME AND FISH FUND**

The department shall on or before the fifth day of each month pay to the state treasurer the money received from licenses or from any other source under this title, and the state treasurer shall deposit the money in a special fund to be known as the game and fish fund which is set aside, appropriated and made available to the commission in carrying out the provisions of this title, and such funds shall be used for no other purpose. Expenditures of such funds shall be under control of the budget laws of the state, and no money shall be expended from such funds except:

1. By the annual budget and to match federal grants for wildlife restoration as provided for by the legislature.

2. For emergency purposes not to exceed twenty-five thousand dollars in any one fiscal year when authorized by the governor and state auditor.

17-262. INVESTMENT OF SURPLUS FUNDS

Whenever the commission determines that a portion of the money in the game and fish fund is not required to be used for a period of three months the commission may, with the advice of the state treasurer, invest such money in readily negotiable interest bearing United States treasury bonds, notes, bills, or certificates of indebtedness having a maturity of thirteen months or less from the date of purchase. All interest earned shall be credited to the game and fish fund.

17-263. MEMBERSHIP DUES

The department may expend funds for membership dues in organizations dealing directly with fish and game management in the United States.

17-264. BUDGET APPROPRIATION

The legislature shall, in its general appropriation measure and in accordance with the budget laws of the state, make an appropriation for the operation of the commission and department, the appropriation to be payable from game and fish funds.

17-265. GAME AND FISH FEDERAL RECLAMATION TRUST FUND

There shall be a game and fish federal reclamation trust fund which shall be held by the state treasurer. All payments made by the commission for the assessments or charges referred to in section 17-242, and all payments received by it as reimbursement therefor, shall be drawn from and credited to the trust fund. The funds shall not revert to the general fund and shall not be subject to chapter 1 of title 35.

17-266. CONSTRUCTION, RECONSTRUCTION, PURCHASE OF EQUIPMENT, MATERIALS AND SUPPLIES; BIDS; EXEMPTION

A. Notwithstanding the provisions of section 34-201, the department may, without calling for bids, expend:

1. For an item of construction or reconstruction, not to exceed fifteen thousand dollars, in addition to any funds heretofore expended on any such item.

2. For purchase of equipment, not to exceed ten thousand dollars.

3. For purchase of supplies or materials, not to exceed two thousand five hundred dollars.

B. The commission shall call for bids on all items of construction or reconstruction and purchases of equipment, materials or supplies which exceed the amounts respectively provided in subsection A, and the bids shall be called in the manner provided in subsection A of section 34-201. Should a bid satisfactory to the commission be received, it may let a contract to the lowest responsible bidder conditioned upon the contractor further qualifying as provided by law. If the bids received are not satisfactory a second call shall be made. If the bids are again rejected by the commission, it may construct or reconstruct the item or purchase, the equipment, supplies or material, in such manner as it may deem most advantageous to the state.

C. Bids shall be called for by advertising in a newspaper of general circulation published within the state. If the call for bids is made in a weekly newspaper, publication shall be for two consecutive insertions one week apart. If the call for bids is made in a daily newspaper, publication shall be made by two insertions made not less than six or more than ten days apart.

CHAPTER 3

TAKING AND HANDLING OF WILDLIFE

ARTICLE 1. GENERAL REGULATIONS

17-301. TIMES WHEN WILDLIFE MAY BE TAKEN; METHODS OF TAKING

A. Wildlife, except fish and bullfrogs, shall be taken only during daylight hours unless otherwise prescribed by the commission. No person shall take or attempt to take any species of wildlife by the aid or with the use of a jacklight, other artificial light, or illegal device, except as provided by commission order, nor shall any person use protected wildlife or any edible part thereof as bait in taking any animal.

B. Wildlife, except fish and bullfrogs, shall not be taken from a vehicle, automobile, aircraft, train, powerboat, sailboat, boat under sail, or a floating object towed by powerboat or sailboat, nor shall a person shoot from a vehicle or otherwise wantonly or wilfully discharge any firearm upon, from, across or into a road or railway.

C. Fish may be taken only by angling unless otherwise provided by the commission. The line shall be constantly attended. In every case the hook, fly or lure shall be used in such manner that the fish voluntarily take or attempt to take it in their mouths.

17-302. TAKING OF STOCK-KILLING BEAR; REPORT

A. A landowner or lessee, who is a livestock operator, may authorize the taking of stock-killing bear.

B. Within ten days after the taking of such a bear, the landowner or lessee shall report to the department stating the location where the bear was taken and the number and kind of stock killed.

C. No portion of a bear taken pursuant to this section shall be retained by any person.

17-303. TAKING OR DRIVING WILDLIFE FROM CLOSED AREAS

It is unlawful for any person, except by commission order, to enter upon a game refuge or other area closed to hunting and take, drive or attempt to drive wildlife from such areas.

17-304. PROHIBITION BY LANDOWNER UPON HUNTING; POSTING; EXCEPTION

Landowners or lessees of private land desiring to prohibit hunting or shooting on their lands shall post such lands, using a notice or signboard not less than eight inches by eleven inches with the wording plainly legible.

State or federal lands including those under lease may not be posted except by consent of the commission. The notices or signboards shall be located where they will be most conspicuous and at intervals of not more than one-quarter mile so as to warn all persons against hunting, fishing or trespassing therein. The entry of any person for the taking of wildlife shall not be grounds for an action for trespassing unless the land has been posted as provided for herein.

17-305. CARRYING FIREARMS OR GAME-TAKING DEVICES IN CLOSED AREAS; EXCEPTIONS; PERMITS

A. It is unlawful for a person to carry, transport or have in his possession devices for taking game within or upon a game refuge except under seal or by written consent of the commission.

B. This section shall not apply to officers of the law in performance of official duties; nor to persons traversing such refuges or over roads therein carrying unloaded devices.

C. The provisions of this section shall not prohibit a landowner, lessee, permittee, their employees, or licensed trappers from carrying arms while in the performance of their lawful duties.

17-306. INTRODUCTION OR LIBERATION OF WILDLIFE

No person shall introduce or liberate any wildlife within the state except as authorized by the commission.

17-307. POSSESSION; GIFT AND STORAGE OF WILDLIFE

No person shall buy, sell or offer for sale any species of wildlife except such species as the commission may declare salable in the interest of conservation and those imported or taken from a commercial wildlife breeding or processing establishment. This provision shall not prohibit a person lawfully obtaining protected wildlife from making a gift of it to any person or having it prepared in a public eating place and served to himself and guests or placed in storage in accordance with the provisions of this title.

17-308. UNLAWFUL CAMPING

It is unlawful for a person to camp within one-fourth mile of a water hole or in an area posted prohibiting camping therein, in such a manner that wildlife or domestic stock will be denied access to the only reasonably available water.

17-309. VIOLATIONS AND PENALTIES

A. It is unlawful for a person to:

1. Violate any provision of this title or a rule or regulation prescribed under the provisions of this title.

2. Take, possess, transport, buy, sell, offer or expose for sale wildlife except as expressly permitted by this title.

3. Destroy, injure or molest livestock, growing crops, personal property, notices or signboards, or other improvements while hunting, trapping or fishing.

4. Shoot or attempt to shoot any wildlife within one-fourth mile of an occupied farmhouse or other residence,

cabin, lodge or building, without permission of the owner or resident.

5. Take a game bird, game mammal or game fish and wilfully permit an edible portion thereof to go to waste.

6. Take big game with the aid of dogs.

7. Make more than one use of a shipping permit or coupon issued by the commission.

8. Obtain a license during the period for which his license has been revoked.

9. Litter hunting and fishing areas while taking wildlife.

10. Have in possession while hunting any contrivance designed to silence, muffle or minimize the report of a firearm.

B. Unless a different or other penalty or punishment is specifically prescribed a person who violates any provision of this title, or who violates or fails to comply with a lawful order, rule or regulation of the commission, is guilty of a misdemeanor punishable by a fine of not more than three hundred dollars, by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

C. A person who takes, possesses, transports, buys, sells or offers for sale big game species or any part thereof in violation of this title or a lawful rule or regulation of the commission, or who detaches or removes from the carcass of a big game animal a portion thereof and thereby conceals evidence of legality, or who uses an explosive compound or a corrosive, narcotic poison or other deleterious substance for the purpose of taking, stunning or killing fish or birds is guilty of a misdemeanor, punishable by a fine of not more than three hundred dollars, by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

D. A public officer who fails to enforce a lawful rule or regulation of the commission or this title, is guilty of a misdemeanor.

17-310. AGREEMENT TO APPEAR IN COURT

Game rangers, wildlife managers, and other peace officers may take any person before a magistrate within the county in which an offense is committed for a violation of any

provision of this title, but any person apprehended for violating any provision of this title punishable as a misdemeanor may be issued a notice to appear before such magistrate bearing the date, time and place for such appearance, the offense charged, and the location or approximate location where the violation was committed. The notice shall be signed by the person notified to appear, and he shall be given a copy thereof and thereupon may be released from custody. Failure of such person to appear at the time and place specified shall be cause for issuance of a warrant for his arrest for failure to appear.

17-311. DUTY TO REPORT SHOOTING ACCIDENT RESULTING IN INJURY OR DEATH; DUTY TO GIVE ASSISTANCE; AUTHORITY OF OFFICERS

A. Any person who, while taking wildlife, is involved in a shooting accident resulting in injury to another person shall render every possible assistance to the injured person, and if the accident is fatal, he shall immediately report the accident to the nearest law enforcement officer available and render such assistance as may be required.

B. Such person shall within ten days file with the department a full and complete written report of such accident.

17-312. MISUSE OF FIREARMS

A. It is unlawful for any person while taking wildlife, or while in any hunting area, to handle or discharge any firearm while intoxicated or in a careless or reckless manner or with wanton disregard for the safety of human life or property.

B. Nothing in this section shall be construed in any way to limit the right of the state to prosecute any person who injures or kills another.

17-313. DISPOSITION OF FINES, FORFEITURES AND PENALTIES; REPORTS

A. Fines, forfeitures and penalties collected for violations of this title shall be paid immediately by the officer collecting or receiving them to the state treasurer, who shall credit the money to the game and fish fund.

B. The state treasurer shall render a monthly statement to the commission on or before the tenth day of each month showing all monies received and paid by him during the preceding month under the provisions of this title.

C. Each justice of the peace and each clerk of a court of record shall, within twenty days after a judgment has been rendered under the provisions of this title, report in writing to the commission the results of the prosecution, the amount of fines, forfeitures and penalties collected, and disposition thereof.

ARTICLE 2. LICENSES

17-331. LICENSE REQUIRED

No person, except as provided by this title, or commission order, shall take any wildlife in this state unless at the time of taking he has a valid license therefor on his person and exhibits it upon request for inspection to any game ranger, wildlife manager or peace officer.

17-332. FORM AND CONTENTS OF LICENSE; DUPLICATE LICENSES; PERIOD OF VALIDITY

A. Licenses shall be prepared by the department and furnished and charged to dealers authorized to issue licenses. The license shall be issued in the name of the department and countersigned by issuing dealer. Each license shall be signed by the licensee in ink on the face thereof and any license not so signed is invalid. With each license authorizing the taking of big game the department shall provide such tags as the commission may prescribe, which the licensee shall attach to the game animal in such manner as prescribed by the commission.

B. The commission shall issue with each license a shipping permit entitling the holder of the license to a shipment of game or fish as provided by article 4 of this chapter.

C. It shall be unlawful, except as provided by the commission, for any person to apply for and sign as licensee in any one license year more than one original license permitting the taking of big game species. The dealer who sold the original license or the department may issue a duplicate license provided the person requesting such license furnishes the information deemed necessary. A fee of one dollar shall be collected for each duplicate license issued.

D. No license or permit is transferable, nor shall it be used by anyone except that person to whom such license or permit was issued, and no refunds can be made for the purchase thereof.

E. All licenses issued, except any special licenses issued by the commission and nonresident five-day and pioneer complimentary license, and California-Arizona Colorado

river special use stamps, shall be for the license year and shall expire on June 30 following date of issuance.

17-333. LICENSES; CLASSES; FEES

A. Licenses shall be divided into classes and fees paid therefor as follows:

1. Class A, resident warm water fishing license, one dollar fifty cents; nonresident, five dollars.

2. Class B, resident trout license, two dollars fifty cents; nonresident, ten dollars.

3. Class C, combination resident warm water and trout license, three dollars fifty cents.

4. Class D, nonresident fishing license (five-day warm water only), three dollars.

5. Class E, nonresident fishing license (five-day trout only), five dollars.

6. Class F, Colorado River fishing license, valid for the taking of bullfrogs and all species of fish, nonresident, ten dollars.

7. Class G, combination general hunting and fishing license, valid for the taking of bullfrogs and all species of fish, small game, fur-bearing animals, predatory animals, nongame animals, upland game birds and migratory game birds, resident, seven dollars; nonresident, twenty-five dollars.

8. Class H, general hunting license, valid for the taking of small game, fur-bearing animals, predatory animals, nongame animals, upland game birds and migratory game birds, resident, four dollars; nonresident, twenty dollars.

9. Class I, special season archery license and tag, valid for the taking of wildlife in special archery areas and seasons, nonresident, fifteen dollars.

10. Class J, special resident bow and arrow license and tag, valid for the taking of wildlife in special archery areas and seasons, three dollars.

11. Class K, special predator hunting license, valid for the taking of predatory animals, nonresident, five dollars.

12. Javelina tag, validates Class G or H license for the taking of javelina, resident, one dollar; nonresident, one dollar.

13. Turkey tag, validates Class G or H license for the taking of turkey, resident, one dollar; nonresident, one dollar.

14. Bear tag, validates Class G or H license for the taking of bear, resident, one dollar; nonresident, ten dollars.

15. Deer tag, validates Class G or H license for the taking of deer, resident, one dollar; nonresident, twenty-five dollars.

16. Antelope tag, validates Class G or H license for the taking of antelope, resident, six dollars; nonresident, thirty-five dollars.

17. Elk tag, validates Class G or H license for the taking of elk, resident, eleven dollars; nonresident, fifty-five dollars.

18. Bighorn sheep tag, validates Class G or H license for the taking of bighorn sheep, resident, twenty dollars; nonresident, one hundred twenty-five dollars.

19. Private fish or game farm license, fifteen dollars.

20. Commercial rough fish seining license, ten dollars.

21. Minnow dealers license, ten dollars.

22. Guide license, ten dollars.

23. Taxidermist license, ten dollars.

24. Wildlife hobby license, one dollar.

25. Zoo license, fifteen dollars.

26. Trapping license, valid for the taking for fur-bearing animals, predatory animals and nongame birds, one dollar.

27. Shooting preserve license, twenty-five dollars.

28. Field trial license, one dollar.

B. The license fees set forth in subsection A are the maximum amounts which may be charged, but the commission may, at its discretion, reduce license fees any amount deemed necessary. If it becomes necessary to limit or further regulate the taking of any species of wildlife, the commission may order issuance of an additional license or permit and fix fees therefor.

17-334. SALE OF LICENSES; BONDS OF LICENSE DEALERS

A. Hunting, fishing and other licenses shall be issued by such person as may be designated license dealers by the commission. The commission may suspend or revoke a dealer's license for failure to comply with rules and regulations specified by commission order.

B. License dealers shall furnish the state a bond in an amount deemed necessary by the commission to protect the interest of the state, and premiums on such bonds shall be paid by the license dealer.

17-335. MINORS; BLIND RESIDENTS

A. A blind resident or a resident or nonresident under the age of fourteen years may fish without a license and shall be entitled to the same privileges as the holder of a valid license, except that such person shall be entitled only to one-half the legal bag and possession limit of trout.

B. A resident or nonresident under the age of fourteen years may, without a license, when accompanied by a person holding a valid hunting license, take wildlife, except big game species, during open season, but not more than two such children shall accompany a person holding such a license.

C. No child under the age of twelve excepting those having satisfactorily completed the Arizona firearms safety course, shall take big game.

D. The proper license shall be required, except as otherwise specified by the commission, for taking of big game species.

17-336. COMPLIMENTARY LICENSES

A complimentary license may be issued by the commission to a pioneer seventy years of age or older who has been a resident of this state for twenty-five or more consecutive years immediately preceding application for such a license.

17-337. SOLDIER'S HUNTING AND FISHING LICENSES

A member of the armed forces of the United States on active duty and stationed in this state may purchase a resident license permitting the taking of wildlife, except big game species.

17-338. DISPOSITION OF FEES FROM SALE OF LICENSES OR PERMITS

A. License dealers shall by the tenth day of each month transmit to the department all license or permit fees collected and furnish such information as the commission may prescribe.

B. Persons issuing licenses or permits other than the department shall retain as their compensation five per cent of all license or permit fees collected.

17-339. REPORTS AND RETURNS BY LICENSING DEALERS; PENALTY FOR NONCOMPLIANCE

Each license dealer shall by the tenth day of July, or on demand of the commission, return to the department all duplicate stubs, unused licenses, permits and big game tags together with a full and complete report of the licenses and permits issued and the money received during the license year. Failure to make such return within thirty days shall automatically cancel said license dealership, and failure to comply with the provisions of this section is a misdemeanor.

17-340. REVOCATION AND DENIAL OF RIGHT TO OBTAIN LICENSE; NOTICE

A. Upon conviction and in addition to other penalties prescribed by this title, the commission, after public hearing, may revoke or suspend a license issued to any person under this title, and deny him the right to secure another license to take wildlife for a period of not to exceed five years for:

- 1. Taking or unlawful possession of wildlife during closed season.
- 2. Careless use of firearms which has resulted in injury or death of any person.
- 3. The wilful destruction of property while taking wildlife.
- 4. Littering public hunting or fishing areas while taking wildlife.

B. In carrying out the provisions of this section the director shall notify such person or licensee by registered mail within ninety days after conviction, to appear and show cause why his license should not be revoked or suspended.

C. The commission shall furnish to license dealers the names and addresses of persons whose licenses have been revoked or suspended, and the periods for which they have been denied the right to secure licenses.

17-341. OBTAINING LICENSE OR PERMIT BY FRAUD;
PENALTY

A. It is unlawful for a person to obtain by fraud or misrepresentation a license or permit to take wildlife and a license or permit so obtained is void and of no effect from the date of issuance thereof.

B. Any person who violates this section shall be punishable by a fine of not less than fifty nor more than three hundred dollars, by imprisonment in the county jail for not less than thirty days nor more than six months, or by both such fine and imprisonment.

17-342. COLORADO RIVER SPECIAL USE PERMIT

A. A person taking fish for purposes other than for profit from or while on a boat or other floating device on the waters of the Colorado river and on adjacent waters where the river forms a boundary between the states of Arizona and California, shall have in his possession a valid angling or fishing license issued by either the state of Arizona or the state of California. In addition to one of the above described licenses, such person shall have in his possession a valid California or Arizona-Colorado river special use permit, as provided by sections 17-343 and 17-344, which shall be obtained on payment of a fee to be fixed by the commission at not to exceed two dollars.

B. A person having in his possession a valid Arizona fishing license must have a California-Colorado river special use permit to legally fish the waters described in subsection A. A person having in his possession a valid California angling license must have an Arizona-Colorado river special use permit to legally fish the waters described in subsection A. Such special use permit when accompanied by the proper license will allow the holder to fish in any portion of such waters and permit him to enter the waters from any point.

C. Shore line fishing does not require a Colorado river special use permit as long as the fisherman remains on the shore of the state from which he holds a valid license and does not embark on the water.

17-343. RECIPROCAL SALE OF LICENSES AND SPECIAL USE PERMITS

The Arizona game and fish department and the California department of fish and game may enter into a reciprocal agreement to handle licenses and special use permits of either state and issue them to their authorized dealers. Arizona shall by August 31 of each year make an audit report together with remittance to California covering such sales. California shall by March 31 of each year make an audit report and remittance to Arizona covering such sales.

17-344. PERIOD OF VALIDITY OF SPECIAL PERMITS

Arizona-Colorado river special use permits shall be valid from January 1 to December 31, inclusive. California-Colorado river special use permits shall be valid from July 1 to June 30, inclusive.

ARTICLE 3. TRAPPERS, GUIDES AND TAXIDERMISTS

17-361. TRAPPERS; LICENSING; RESTRICTIONS; DUTIES; REPORTS

A. The holder of a trapper's license and a resident under the age of fourteen years may trap predatory, nongame, and fur-bearing mammals under such restrictions as the commission may specify.

B. All traps shall be plainly identified with the name, address, or registered number of the owner, and such markings of identification shall be filed with the department. All traps in use shall be inspected daily.

C. It shall be unlawful for a person to disturb the trap of another unless authorized to do so by the owner.

17-362. GUIDES; APPOINTMENT; LICENSES; DUTIES; REPORTS; CARRYING FIREARMS

A. No person shall act as a guide without first satisfying the director of his qualifications and without having procured a license therefor. No person under the age of twenty-one years nor any nonresident shall be issued a guide license. If a licensed guide fails to comply with the provisions of this title or is convicted of violating any provision of this title, his license may, after public hearing, be revoked by the commission and he shall be liable to punishment as for a violation of this title.

B. By July 10, or at the request of the commission, guides shall report to the department, on forms provided therefor, the name and address of each person guided, the number

of days he has been so employed and the number and species of game animals taken. No guide license shall be issued to any person who has failed to deliver the report to the department for his preceding license year, or until meeting such requirements as the commission may prescribe.

C. No person acting as guide shall carry firearms other than a revolver or pistol.

17-363. LICENSE TO PRACTICE TAXIDERMY

A. No person shall engage in the business of a taxidermist or dealing in furs or hides without a license which may be granted to any person at the discretion of the commission.

B. A Taxidermist shall keep a register, and exhibit it upon request, of the names and addresses of persons who furnish raw and unmounted specimens, the date and number of each species of wildlife received, and shall by the tenth day of October, January, April and July, file a report with the department of such entries on forms provided therefor.

ARTICLE 4. TRANSPORTATION AND STORAGE

17-371. TRANSPORTATION

A. A person may transport in his possession his legally taken wildlife, or may authorize the transportation of his legally taken big game, provided such big game or any part thereof has attached thereto a valid transportation permit issued by the department. Such wildlife shall be transported in such manner that it may be inspected by authorized persons upon demand until the wildlife is packaged or stored. Species of wildlife, other than game species, may be transported in any manner unless otherwise specified by the commission. A person possessing a valid license may transport lawfully taken wildlife other than big game given to him but in no event shall any person possess more than one bag or possession limit.

B. A holder of a resident license shall not transport from a point within to a point without the state any big game species or parts thereof without first having obtained a special permit issued by the department or its authorized agent.

C. Migratory birds may be possessed and transported in accordance with the migratory bird treaty act and regulations thereunder.

D. Heads, horns, antlers, hides, feet, or skin of wildlife lawfully taken, or the treated or mounted specimens thereof,

may be possessed, sold and transported at any time, except that migratory birds may be possessed and transported only in accordance with federal regulations.

17-372. SHIPMENT BY COMMON CARRIER

A. A common carrier shall not transport any wildlife except as provided for under this title.

B. Wildlife may be shipped during the open season, or within five days thereafter, but such shipment shall not exceed the possession limit for any one species and no more than one such possession limit may be shipped in a period of seven consecutive days. When shipped a valid permit shall be firmly attached to such shipment and the specimens shall be clearly and conspicuously labeled with the name and address of the consignor and consignee and an accurate statement of the contents of package.

C. A resident may ship wildlife as provided under this section, except that a holder of a resident license shall not ship or offer for shipment from a point within to a point without the state any big game species or parts thereof without first having obtained a special permit issued by the department or its authorized agent.

17-373. STORAGE

Commercial food establishments processing or storing wildlife shall stamp all packages containing such wildlife with a stamp furnished by the department and such packages shall be marked with the date received or processed. The operator of such establishment shall keep a record, and exhibit it upon request, of the names and addresses of persons who furnish such wildlife for processing or storage, the date, amount, and species of such wildlife received.

CHAPTER 4

CONSERVATION PROJECTS AND FEDERAL COOPERATION

ARTICLE 1. RESTORATION PROJECTS

17-401. DEFINITIONS

In this article, unless the context otherwise requires:

1. "Secretary" means the secretary of the interior of the United States, or any officer or agency of the United States authorized to administer the restoration acts.

2. "Restoration acts" means the Pittman-Robertson federal aid in wildlife restoration act found in 50 stat. 917; 16 U.S.C. 669-669; and the Dingell-Johnson federal aid in fish restoration act found in 64 stat. 430; 16 U.S.C. 777-777K, and includes the rules and regulations issued by the secretary pursuant thereto.

3. "Restoration projects" or "projects" means a project for selection, restoration, rehabilitation or improvement of areas of land or water adaptable as feeding, resting or breeding places for wildlife or fish, and includes acquisition by purchase, lease or gift of the property or interest therein as may be suitable or capable of being made suitable therefor, and the construction of such works as may be necessary to efficient administration of wildlife resources, and such preliminary or incidental expenses as may be incurred in and about the project.

17-402. ACCEPTANCE OF FEDERAL AID ACTS

A. The state assents to the provisions of public law 415, 75th congress, chapter 899, first session, and public law 861, 81st congress.

B. The commission shall be the agency of the state for the purposes of this article.

17-403. RESTORATION PROJECTS

The commission may cooperate and enter into agreements with the secretary for establishment, maintenance and completion of restoration projects, pursuant to the restoration acts.

17-404. ACQUISITION OF LANDS

The commission, in the name of the state and with approval of the governor, may acquire by purchase, lease or gift, either for cash or upon installments, such lands or other property or interest therein as may be necessary for the purpose of carrying on a restoration project pursuant to an agreement entered into between the commission and the secretary.

17-405. ACCEPTANCE OF GRANTS

A. The commission shall notify the secretary of its desires to avail itself of monies apportioned not later than sixty days after receipt of certification by the secretary of the estimated amount to be apportioned to this state.

B. Upon receipt of final certification by the secretary of the amount apportioned to this state for any fiscal year pursuant to the restoration acts, the state treasurer shall transfer this state's one-third share of the amount so apportioned from any monies appropriated by the legislature of this state for the specific purpose of carrying out the provisions of the restoration acts, and if the monies are insufficient, the commission may transfer from the game and fish fund such sum as it deems advisable to further match the federal apportionments. Monies received from the federal aid to restoration funds of the United States established and maintained pursuant to the restoration acts shall be deposited in the restoration accounts. Claims against the accounts shall be made and paid in the manner provided by law for payment of claims against the game and fish fund.

C. Monies in the restoration accounts shall be expended solely for work allowable under the provisions of the restoration acts and for which the secretary agrees to contribute a sum not to exceed seventy-five per cent of the cost from the federal aid to restoration funds.

17-406. REVOLVING FUND; APPROPRIATION; PURPOSE AND REIMBURSEMENT

A. There is established a permanent revolving fund to be known as the game and fish restoration revolving fund.

B. The fund is appropriated for the initial financing or continuation of projects approved in compliance with the provisions of the restoration acts of congress known as the Pittman-Robertson act and the Dingell-Johnson act and provisions of section 17-402.

C. Funds received from the secretary for deposit in the restoration accounts shall be deposited to the credit of the revolving fund to the extent of expenditures therefrom.

D. This article is exempt from the provisions of section 35-190 relating to lapsing appropriations.

ARTICLE 2. FISH HATCHING AND CULTURE

17-421. RIGHT TO CONDUCT FISH HATCHING AND CULTURE; LIMITATIONS

A. The secretary of the interior is granted the privilege to conduct fish hatching, fish culture and other operations connected therewith, including the acquisition of land, with the approval of the commission, in any manner and at any

time that may be considered by the secretary necessary and proper, any laws of the state to the contrary notwithstanding.

B. Nothing in this section shall be construed as permitting or granting to the secretary jurisdiction over or interference with the established activities or facilities of the department nor shall this section be construed as contravening any law of this state relating to public health or water rights.

Sec. 3. APPROPRIATION

The sum of one hundred fifty thousand dollars is appropriated to the Commission from the game and fish fund to be deposited in the game and fish restoration revolving fund.

Sec. 4. EFFECTIVE DATE

This act shall become effective July 1, 1958.

Approved by the Governor—March 18, 1958.

Filed in the Office of the Secretary of State—March 18, 1958.

CHAPTER 81

Senate Bill No. 104

AN ACT

RELATING TO CITIES AND TOWNS; PROVIDING CERTAIN JURISDICTION OVER SUBDIVISIONS OF PROPERTY WITHIN THREE MILES OF ANY CITY OR TOWN HAVING AN ORDINANCE ESTABLISHING MINIMUM SUBDIVISION STANDARDS AND CONTROLS, AND AMENDING SECTION 9-474, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 9-474, Arizona Revised Statutes, is amended to read:

9-474. SUBDIVISION PLATS; PROJECTION OF STREET AND ALLEY LINES; APPROVAL; SURVEY

A. When the owner of land, the whole or part of which is in an unincorporated area within three miles from the corporate limits of a city or town having an ordinance establishing minimum subdivision standards and controls, desires

to subdivide the land into lots for the purpose of selling it by reference to a map or plat, he shall first give written notice to the city or town of his intention to subdivide the land, naming and describing the land so that it may be identified upon the ground, and shall submit to the city or town a tentative plat of the land showing the manner in which he desires to subdivide the land.

B. If the city or town desires that the streets or alleys of the tract conform with the projected streets or alleys of the city or town, or of an adopted plan of the city or town, then the city or town may, at its cost, project the lines of its streets and alleys to the nearest outer boundary lines of the subdivision and thereon mark the same, and shall supply the owner with the courses of the lines.

C. The city or town may also submit to the owner a written report recommending changes in the submitted plat of the location or dimension of streets, alleys, parks, easement for rights of way or property intended to be devoted to the use of the public. One copy of the report shall be delivered to the board of supervisors of the county.

D. If the report is given to the owner or the lines are so marked and the courses given the owner within thirty days from the date of service of notice of intention to the city or town, then the owner shall cause the land to be subdivided into blocks, lots, streets, alleys, parks and parkways, so as reasonably to conform to the report and the projected lines and the courses thereof, and shall prepare in duplicate an accurate map or plat thereof on cloth, drawn and attested by a civil engineer from his survey of the ground. The engineer shall, in making the surveys, leave sufficient permanent monuments so that another surveyor or engineer may retrace his work. The nature and location of the monuments shall be plainly shown on the plat.

E. The plat shall particularly set forth and describe:

1. Parcels of ground within the tract or subdivision to be used for public purposes or offered for dedication for public uses, and their dimensions, boundaries and courses.

2. Either by number or letter, lots intended for sale, or reserved for private use, and their dimensions, boundaries and courses.

3. The location of the subdivision into lots with reference to adjacent subdivisions, the maps or plats of which have been previously recorded, or if none, then with reference to corners of a United States survey, or if on land unsurveyed

by the United States, then to some prominent artificial monument established for such purpose.

Approved by the Governor—March 18, 1958.

Filed in the Office of the Secretary of State—March 18, 1958.

CHAPTER 82

Senate Bill No. 198

AN ACT

RELATING TO HORSE, HARNESS AND DOG RACING; PROVIDING THAT AN APPLICANT FOR A LICENSE SHALL GIVE A SURETY BOND TO THE STATE, AND AMENDING SECTION 5-107, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 5-107, Arizona Revised Statutes, is amended to read:

5-107. APPLICATION FOR PERMIT; CASH DEPOSIT; RETURN; BOND

Application for a racing permit shall be made on a form prescribed by the commission, shall contain such information as the commission may require, and shall be accompanied by a cash deposit in such amount, not to exceed five thousand dollars, as the commission deems necessary to insure payment of fees. Upon the termination of a racing meet, the deposit shall be returned to the applicant, less fees or charges remaining unpaid. In addition to the cash deposit required by this section, the application shall be accompanied by a bond payable to the state in such amount, not to exceed fifty thousand dollars, as the commission deems necessary, with a surety or sureties to be approved by the commission and conditioned that the applicant shall faithfully pay the prescribed fees.

Approved by the Governor—March 18, 1958.

Filed in the Office of the Secretary of State—March 18, 1958.

CHAPTER 83

House Bill No. 3

AN ACT

MAKING A REAPPROPRIATION OF FUNDS AND AN APPROPRIATION TO THE ARIZONA INTERSTATE STREAM COMMISSION.**Be it enacted by the Legislature of the State of Arizona:**

Section 1. REAPPROPRIATION

A. All sums remaining unexpended and unencumbered of the appropriation made to the Arizona interstate stream commission under the provisions of subdivision 80, chapter 100, Laws of 1957, are reappropriated to the Arizona interstate stream commission in a lump sum for use in carrying out the functions, powers and duties of the commission.

B. In addition to the reappropriation made under the provisions of subsection A of this section, there is appropriated to the Arizona interstate stream commission the sum of two hundred thousand dollars for its use in carrying out the functions, powers and duties of the commission.

Sec. 2. CONDITIONAL REAPPROPRIATION

From the sums remaining unexpended and unencumbered of the appropriation made to the Arizona interstate stream commission under the provisions of chapter 150, Laws of 1956, second regular session, the sum of seventy thousand dollars is reappropriated to the Arizona interstate stream commission in a lump sum for use in carrying out the functions, powers and duties of the commission, but the monies reappropriated by this section shall not become available to the commission until the monies appropriated and reappropriated under the terms of section 1 of this act are expended or encumbered.

Sec. 3. LIMITATION

Such part of the funds reappropriated by this act as may be expended or paid out for technical or professional services shall be so expended or paid out only where the utilization of such technical or professional services has theretofore been approved by a majority of the commission at a meeting thereof held pursuant to law.

Sec. 4. EXEMPTION

The sums reappropriated under the provisions of section 1 are exempt from the terms of sections 35-173 and 35-190, relating to quarterly allotments and lapsing appropriations.

Sec. 5. EMERGENCY

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

Approved by the Governor—March 18, 1958.

Filed in the Office of the Secretary of State—March 18, 1958.

CHAPTER 84

House Bill No. 55

AN ACT

RELATING TO MENTAL HEALTH; PROVIDING PROCEDURES FOR THE HOSPITALIZATION, CARE, TREATMENT AND RELEASE OF MENTALLY ILL PERSONS; REPEALING SECTIONS 36-212 TO 36-216, INCLUSIVE, ARIZONA REVISED STATUTES, AND REPEALING AND RE-ENACTING TITLE 36, CHAPTER 5, ARTICLE 1, ARIZONA REVISED STATUTES.

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

Section 1. Title 36, chapter 5, article 1, Arizona Revised Statutes, sections 36-501 to 36-510, inclusive, is repealed and a new title 36, chapter 5, article 1, sections 36-501 to 36-526, inclusive, is enacted, to read:

CHAPTER 5**MENTAL HEALTH****ARTICLE 1. ADMISSIONS, HEARINGS, COMMITMENT AND RELEASE****36-501. DEFINITIONS**

In this article, unless the context otherwise requires:

1. "State hospital" means the Arizona state hospital.
2. "Board" means the state hospital board.
3. "Superintendent" means the superintendent of the state hospital.
4. "Designated facility" means a hospital licensed for the care of mental illness pursuant to the provisions of article 3 of chapter 4, title 36, Arizona Revised Statutes.
5. "Mental illness or mentally ill" means a psychiatric disorder which substantially impairs mental health; or a psychiatric disorder to such a degree that a person having such is likely to be dangerous to himself or the person or property of others; and, in either case, is in need of supervision, care, treatment or hospitalization.
6. "Proposed patient" means a person respecting whom a petition has been filed for observation, care or treatment in the state hospital or other designated facility.
7. "Patient" means a person hospitalized for observation, care or treatment in the state hospital or other designated facility.
8. "Licensed physician" means any physician or surgeon licensed under the laws of this state to practice medicine pursuant to chapters 13 or 17, title 32, Arizona Revised Statutes.
9. "Designated examiner" means a licensed physician selected by the superior court. Whenever possible, the designated examiner shall be a licensed physician experienced in the diagnosis, treatment and care of mental illness.

36-502. VOLUNTARY ADMISSIONS

Pursuant to rules and regulations prescribed by the board, the state hospital may hospitalize for observation, diagnosis, care or treatment any person who is mentally ill and who voluntarily makes written petition therefor on a form prescribed by the board. If such person be less than twenty-one years of age the petition shall be signed by the parent, guardian, or adult next of kin of the proposed patient.

36-503. PAYMENT OF EXPENSES OF VOLUNTARY ADMISSIONS

The board shall establish the amount which will fully reimburse the state for the expense of housing, board, care and treatment of the patient. It shall charge the patient all or such portion of said established amount as the patient can afford. If the patient is indigent, no charge shall be made.

The board shall require satisfactory provision to be made for prompt payment of the charge made to the state treasurer, through the state auditor, which shall be credited to the fund for operation and maintenance of the state hospital.

36-504. COMPLETE DISCHARGE OF VOLUNTARY PATIENTS

A. The superintendent shall completely discharge any voluntary patient who has recovered; or who is not likely to be dangerous to himself or the person or property of others and who is no longer benefiting from the observation, diagnosis, care or treatment available.

B. A voluntary patient shall be given a complete discharge within five days after he requests the same in writing, or, if under the age of twenty-one, within five days after a request for his discharge has been made in writing by his parent, guardian or adult next of kin; provided, however, if the superintendent believes such patient is likely to be dangerous to himself or the person or property of others the superintendent shall file a certificate to that effect with the superior court within said five days and such filing shall postpone the said discharge until the commencement of proceedings for judicial commitment but in no event for more than five days from the date of filing said certificate.

36-505. ADMISSION BY MEDICAL CERTIFICATION

A. A person under the age of sixty-five may be hospitalized in the state hospital or other designated facility under the following conditions:

1. Upon written petition by a friend, relative, spouse or guardian, a health, public welfare or peace officer, or the head of any institution in which such proposed patient may be, to the superior court of the county in which the proposed patient resides or is found, stating the belief of the one making the petition that the proposed patient is mentally ill and the grounds for such belief, and

2. Certification to the superior court by two designated examiners that they have examined the proposed patient within seven days of the date of the petition and are of the opinion that he is mentally ill and will benefit from observation, diagnosis, care or treatment available in the state hospital or other designated facility.

B. The proposed patient, or if under the age of twenty-one, his spouse, parent, guardian, or adult next of kin, shall be served with a copy of the petition and certifications, together with a form of notice and consent. The notice and

consent shall set forth in full the provisions of section 36-506 setting forth his right to release hereunder and provide for the signature of the proposed patient or if under the age of twenty-one, the signature of his spouse, parent, guardian or adult next of kin, acknowledging that (1) he has been served with a copy of the petition and certifications and (2) informed of the provisions of section 36-506 and (3) that he consents to hospitalization by medical certification, said notice and consent when executed, shall be then filed with the superior court.

C. Within fifteen days from the date of filing the petition, certifications and the executed notice and consent, and if the court believes it to be in the best interest of the proposed patient for whom the petition is made it shall approve the petition; otherwise the petition shall be denied. If the petition be approved, the court shall authorize any health or peace officer or responsible friend or member of the family to transport the proposed patient to the state hospital or other designated facility.

D. When a petition is filed, neither the person making or filing the petition, nor his superiors, nor the department, hospital or institution to which he is attached nor its employees shall be liable thereby except upon proof of actual malice.

36-506. COMPLETE DISCHARGE OF PATIENTS ADMITTED BY MEDICAL CERTIFICATION

A. The superintendent shall give a complete discharge to any patient hospitalized by medical certification who has recovered; or who is not likely to be dangerous to himself or the person or property of others and who is no longer benefiting from the observation, diagnosis, care or treatment available.

B. The superintendent shall give a complete discharge to any patient hospitalized by medical certification within seventy-two hours of the receipt of a request therefor in writing made by the patient or by his guardian, spouse or adult next of kin; provided, however, if the superintendent believes such patient is likely to be dangerous to himself or the person or property of others, the superintendent shall file a certificate to that effect with the superior court within said seventy-two hours and such filing shall postpone the complete discharge until the commencement of proceedings for judicial commitment but in no event for more than five days from the date of filing of said certificate.

C. A copy of the complete discharge shall be sent to the clerk of the court where the admission proceedings were held.

36-507. ADMISSION BY EMERGENCY CERTIFICATION

A. In the event a person of any age is mentally ill to such a degree that he is likely to cause injury to himself or the person or property of others, such person may be given emergency hospitalization in the state hospital or other designated facility under the following conditions:

1. Upon written petition by a friend, relative, spouse or guardian, a health, public welfare or peace officer, or the head of any institution in which such proposed patient may be, to the superior court of the county in which the proposed patient resides or is found, stating the belief of the one making the petition that the proposed patient is mentally ill to such a degree that he is likely to cause injury to himself or the person or property of others if not immediately hospitalized, and the grounds for such belief, and

2. Certification by at least one designated examiner to the effect that he has examined the proposed patient within one day of the date of the petition and is of the opinion that the proposed patient is mentally ill to a degree that he is likely to injure himself or the person or property of others if not immediately hospitalized.

B. The proposed patient, or his spouse, parent, guardian or adult next of kin, shall be served with a copy of the petition and certification, and a copy of sections 36-506 and 36-508 setting forth his right to release hereunder.

C. Within three days from the date of filing the certification, and if the court believes it to be in the best interest of the proposed patient, it shall approve the same; otherwise the petition shall be denied. If the petition be approved, the court shall authorize any health or peace officer to take the proposed patient into custody and transport him to the state hospital or other designated facility.

D. When a petition is filed, neither the person making or filing the petition, nor his superiors, nor the department, hospital or institution to which he is attached nor its employees shall be liable thereby except upon proof of actual malice.

36-508. COMPLETE DISCHARGE OF PATIENTS ADMITTED BY EMERGENCY CERTIFICATION

Patients hospitalized under emergency certification shall be given a complete discharge pursuant to the procedure set forth herein for the complete discharge of patients hospitalized under medical certification.

36-509. PETITION FOR EXAMINATION INTO MENTAL HEALTH

A. A friend, relative, spouse or guardian, a health, public welfare or peace officer, attending physician or the head of any institution in which the proposed patient may be, may file in the superior court a verified petition alleging that a person residing in the county is mentally ill and in need of supervision, care or treatment, and requesting that examination be made into the mental health of such person and that provision be made as provided by this article for his welfare.

B. The county attorney shall prepare the petition and other forms required in the proceeding when requested by a party who desires to file the petition or other form.

C. When a petition is filed, neither the person making or filing the petition, nor his superiors, nor the department, hospital or institution to which he is attached nor its employees shall be liable thereby except upon proof of actual malice.

36-510. ORDERS FOR EXAMINATION AND SAFEKEEPING PENDING HEARING

A. When it appears on a petition filed under the provisions of this article to the satisfaction of a judge of the superior court of a county that a person residing therein is mentally ill and in need of supervision, treatment or care, the judge shall make orders which are necessary to provide for examination into the mental health of the person and for his apprehension and safekeeping in the county hospital or other place, except the state hospital, which will afford access to designated examiners for the purpose of examination and which will provide for the safety and comfort of such person and others pending the hearing.

B. The county hospital shall accept the proposed patient as a county charge and take reasonable measures, including provision for medical care necessary to assure proper and humane care of the proposed patient temporarily detained pursuant to this section.

36-511. APPREHENSION OF PERSON ALLEGED TO BE MENTALLY ILL; INVENTORY AND CARE OF PERSONAL PROPERTY

A. An officer shall, pursuant to an order for detention, apprehend the proposed patient specified and cause him to be delivered to the place designated by the order until examination and hearing can be had.

B. At the time of apprehension or within a reasonable time thereafter, the officer shall take necessary precautions to preserve and safeguard the personal property in actual possession of or in the premises occupied by the apprehended person pending determination of the proceedings. The officer shall then furnish to the court a full, complete and itemized report of the proposed patient's property so preserved and safeguarded and its disposition and thereupon the responsibility of the officer is terminated.

C. Pending the examination an order may be made for the care, custody and confinement of the apprehended person, and for the preservation and safeguarding of his property as appears for the best interest, welfare and health of the proposed patient.

36-512. EMERGENCY APPREHENSION AND DETENTION

A. If a person becomes mentally ill during the nighttime, on a legal holiday or at a time when a judge of the superior court is not available, and immediate emergency apprehension, supervision, treatment, care or restraint is necessary, the person may be detained in quarters provided in a hospital, sanitarium or the county hospital, but not in the state hospital, solely on delivery of a petition alleging mental illness.

B. The petition shall be executed as provided by section 36-509 and delivered to the person in charge of the hospital or sanitarium, until such time as it may be presented to a judge of the superior court, but not to exceed forty-eight hours unless a legal holiday falls on Saturday or Monday, and then not to exceed seventy-two hours.

36-513. NOTICE OF HEARING; CONTENTS; SERVICE; EXCEPTION

A. At least two days before the date of the hearing and examination as set forth in the order for detention, a copy of the petition, the order for detention and the notice shall be served on the proposed patient.

B. The notice shall fix the time and place for hearing which shall be held in the courtroom or other place within the county which the court may designate to insure humane treatment with due regard to the comfort and safety of the proposed patient and others. The court may exclude all persons not necessary or appropriate for the conduct of the proceedings.

C. The notice shall inform the proposed patient of his rights to contest the petition, to secure witnesses and to be represented by counsel.

D. Service of the petition and notice on the proposed patient may be dispensed with on order of the court if two physicians state in writing under oath that personal service would in their opinion be detrimental to the proposed patient. Under such circumstances the petition and notice may be served upon a guardian, spouse or adult next of kin, or a person in whose premises the proposed patient is living.

E. Nothing in this article shall be construed to prevent conducting the hearing in open court upon demand by the proposed patient, his guardian, spouse or adult next of kin or by his attorney.

36-514. APPOINTMENT OF COUNSEL AND DESIGNATED EXAMINERS; HEARING; ORDER FOR CONFINEMENT

A. At the time of apprehension or during detention, but before the hearing, the proposed patient apprehended shall be permitted to consult an attorney to represent him at the hearing. If he is not represented by an attorney, the court shall, before the hearing, appoint an attorney to represent him.

B. The judge shall require two or more witnesses acquainted with the proposed patient at the time of the alleged mental illness to be summoned for the hearing and examination, who shall be examined on oath as to the conversation, manners and general conduct of the proposed patient. The judge shall also appoint and require two or more designated examiners to be present at the examination. On the basis of the testimony and a personal examination of the proposed patient, the designated examiners shall make a written statement under oath stating their opinion as to the mental health of the proposed patient, whether he has a mental illness likely to be dangerous to himself or to the person or property of others if he is permitted to be at large, and whether the mental illness is likely to be temporary or permanent.

C. If the court finds that the proposed patient is mentally ill to such a degree that he is in danger of injuring himself or the person or property of others if permitted to remain at liberty, it shall order and direct his confinement in the state hospital or other designated facility, or to the veterans administration pursuant to section 14-898. The patient shall be so confined and not discharged until sufficiently restored to reason, unless the order of commitment provided for observation of the patient as provided by law. If the court finds the proposed patient is not mentally ill to such a degree that he is in danger of injuring himself or the person or property of others it shall deny the petition.

D. If upon completion of the hearing and consideration of the examination and the record, the court, in addition to committing the proposed patient as provided in subsection C of this section, shall also adjudge the proposed patient as incompetent, it may appoint a guardian for the estate of the proposed patient at the time of the judgment of incompetency. However, unless adjudged incompetent, the proposed patient shall be considered competent and retain his civil rights. In the event a guardian is appointed, the court shall file with the clerk of the court a certificate so stating. And thereafter all proceedings relating to such guardianship shall be had as provided by law for guardians of estates.

36-515. ADMISSION OF PATIENTS; OBSERVATION; RELEASE OR COMMITMENT

Admission of a patient to the state hospital shall be governed by article 1 of chapter 5, this title, and section 31-126. If after following the procedure prescribed by section 36-514 the court cannot definitely determine the proposed patient's mental condition, it may order him confined in the state hospital for observation. A patient received for observation shall not be detained at the hospital for more than thirty days unless the superintendent deems the detention necessary and so certifies to a judge of the superior court of Maricopa county. The judge shall thereupon hold another hearing pursuant to section 36-514 and shall thereafter proceed as said section provides.

36-516. RE-EXAMINATION OF JUDICIAL ORDER OF HOSPITALIZATION BY PETITION

Any patient hospitalized pursuant to section 36-514 shall be entitled to a re-examination of the order for his hospitalization on his own petition, or that of his guardian, parent, spouse, relative or friend, to the superior court of the county in which he is hospitalized. Upon receipt of the petition, the

court shall conduct proceedings in accordance with section 36-514 except that such proceedings shall not be required to be conducted if the petition is filed sooner than one year after the issuance of the order of commitment or sooner than one year after the filing of a previous petition under this section. The costs of proceedings for such judicial determination shall be paid by the patient, his parent, spouse, guardian or estate to the extent able as determined in the same manner as provided in section 36-520. The balance of such costs shall be paid by the county in which the patient resided or was found prior to hospitalization. The clerk of the superior court in the county where the proceedings are held shall certify to the board of supervisors of the county where the patient resided or was found prior to hospitalization that such proceedings were held and the amount of the balance of the incurred costs.

36-517. COMPENSATION OF PHYSICIANS

When a physician is appointed to examine a proposed patient the physician shall be paid compensation in an amount the judge of the superior court determines, subject to the same limitations imposed upon compensation for attorneys in sanity hearings, as provided by section 13-1673.

36-518. TRANSPORTATION OF PATIENT TO HOSPITAL; TEMPORARY DETENTION PENDING TRANSPORTATION

A. When a proposed patient is about to be hospitalized under the provisions of sections 36-505, 36-507 or 36-514, the board of supervisors of the county shall, upon the request of a person having a proper interest in the proposed patient's hospitalization, arrange for the proposed patient's transportation to the hospital with suitable medical or nursing attendants and by such means as may be suitable for his medical condition. When practicable, the proposed patient shall be permitted to be either transported or accompanied by one or more of his friends or relatives. No female proposed patient shall be transported to the hospital without the attendance of some other female or some relative.

B. Pending his removal to the state hospital, or other designated facility, a proposed patient ordered to be hospitalized pursuant to this article may be detained in his home, a public or private hospital, or any other suitable place under such reasonable conditions as the board of supervisors may fix, but if other facilities are available, he shall not be detained in a nonmedical facility used for the detention of individuals charged with or convicted of penal offenses. The

board of supervisors shall take such reasonable measures, including provision for medical care, as may be necessary to assure proper care of a proposed patient temporarily detained pursuant to this section.

C. The costs and charges therefor shall be a county charge.

36-519. NOTICE OF ADMISSION OF PATIENT

When a patient has been admitted to the state hospital pursuant to sections 36-505, 36-507 or 36-514, on the application of any person other than the patient's guardian, spouse or adult next of kin, the superintendent shall immediately notify the patient's guardian, spouse or adult next of kin, if known.

36-520. PAYMENT OF COSTS AND EXPENSES BY PERSON HOSPITALIZED OTHER THAN VOLUNTARY; ASCERTAINMENT OF ABILITY TO PAY; APPOINTMENT OF GUARDIAN

A. The superior court shall direct a discreet person to inquire into the ability of a person proposed to be hospitalized or hospitalized in the state hospital pursuant to sections 36-505, 36-507 or 36-514, to bear the charges and expenses of his examination, detention, commitment, delivery, and maintenance. Such person shall submit to the court a written report under oath of all assets of the patient or proposed patient within or without the state which such person has discovered or of which he is informed. The report shall be filed with the clerk of the court and a copy forwarded to the state hospital.

B. If the patient or proposed patient is able to pay all or any portion of the charges from money or property owned by him, the court shall order the payment of such amount of the charges as the patient or proposed patient can afford for examination, detention, commitment and delivery. The court shall also order the payment of the maintenance charge while hospitalized at as much as the patient or proposed patient can afford of the monthly per capita cost for treatment and maintenance as estimated by the superintendent.

C. The court may, if necessary, appoint a guardian of the estate and property of the patient or proposed patient as in other cases of guardianship in order to carry out the provisions of this section. In the event a guardian is appointed, the court shall file with the clerk of the court a certificate so stating. And thereafter all proceedings relating to such

guardianship shall be had as provided by law for guardians of estates.

D. The patient, or if a guardian is appointed, the guardian shall pay the amount ordered by the court for the patient's examination, detention, commitment and delivery to the treasurer of the county where the proceedings were held. The patient, or if a guardian is appointed, the guardian, shall pay the amount ordered by the court for maintenance to the state hospital. Such amount shall be collected by its business manager.

E. Monies collected for maintenance, together with monies collected for the care of voluntary patients, and, monies collected from the United States or an agency or instrumentality thereof for the hospitalization of Indian wards of the government or other persons hospitalized in the state hospital pursuant to federal action are appropriated to the state hospital for the operation and maintenance fund. The monies collected shall be paid to the state treasurer through the state auditor.

F. The charges fixed by the court as provided by this section and ordered paid by the patient or his estate shall, upon filing with the county recorder, become a lien upon all property of the patient or his estate.

G. The county attorney of each county shall, upon order of a judge of the superior court, proceed to enforce the lien and collect the charges from the patient or his estate if the charges become delinquent.

H. All costs in connection with a patient hospitalized in a designated facility other than the state hospital shall be borne by the patient, his parents, spouse, guardian or estate. In the event the patient, his parents, spouse or guardian ceases or refuses to pay the costs of hospitalization of the patient at a designated facility, the patient shall forthwith be transferred to the state hospital.

36-521. CRUELTY TO MENTALLY ILL PERSON; PENALTY

A person guilty of any harsh, cruel or unkind treatment of, or any neglect of duty toward, a mentally ill person, is guilty of a misdemeanor.

36-522. MENTALLY ILL NONRESIDENTS; DISPOSITION AND ADMISSION

A. The superintendent may return a nonresident of this state admitted to the state hospital to the home of known rel-

atives or friends or to proper authorities in the state of his residence.

B. For the purpose of this section, a nonresident is a person who has not resided in this state continuously for at least one year immediately preceding his admittance to the state hospital or other designated facility.

36-523. TRANSFER OF PATIENT TO A DESIGNATED FACILITY; NOTICE OF TRANSFER; TRANSFER TO FEDERAL AGENCIES

A. The superintendent may, with the written consent of the patient, his parents, spouse or guardian, transfer, or authorize the transfer of a patient admitted pursuant to sections 36-505, 36-507 or 36-514, from the state hospital to another designated facility if the superintendent determines that it would be in the best interests of the patient so to do and the designated facility will accept the patient, and if the patient, his parents, spouse or guardian agree to pay the costs of hospitalization of the patient at the designated facility. When a patient is transferred, written notice thereof shall be given to his guardian, parents or spouse, or, if not known, to his nearest known relative or friend.

B. Transfers to federal agencies shall be accomplished pursuant to section 14-898.

36-524. CONDITIONAL DISCHARGE OF PATIENT; REHOSPITALIZATION OF CONDITIONALLY DISCHARGED PATIENT; COMPLETE DISCHARGE; NOTICE; RESTORATION TO COMPETENCY

A. The superintendent may conditionally discharge an improved patient hospitalized under the provisions of sections 36-505, 36-507 or 36-514, on the condition that he will receive outpatient or non-hospital treatment or on such other reasonable conditions as the superintendent may specify.

B. Within one year from the date of a conditional discharge, the superintendent shall re-examine the case and, based upon such re-examination, shall either rehospitalize the person conditionally discharged, continue the conditional discharge or give a complete discharge to such person. In the event a complete discharge is given, a copy of such discharge shall be sent to the clerk of the court where the admission proceedings were held.

C. The superintendent may issue an order for the immediate rehospitalization of a conditionally discharged person

when he has reason to believe that conditions justifying rehospitalization exist. The order, when approved by a judge of the superior court in the county in which the conditionally discharged person is a resident or present, shall authorize any health, public welfare or peace officer to take such person into custody and transport him to the state hospital.

D. The superintendent, as frequently as necessary, shall examine or cause to be examined every patient. When the superintendent determines that the conditions justifying hospitalization under section 36-514 no longer obtain, he shall give the patient a complete discharge. A copy of the complete discharge shall be sent to the clerk of the court where such proceedings were held.

E. Upon complete or conditional discharge, all articles of value taken from the patient when he entered the hospital shall be returned and he shall be paid monies received for his benefit not disposed of according to law, together with money earned by him during confinement.

F. Prior to complete or conditional discharge of a patient, his guardian, relatives, or friends shall be notified to appear and receive him. If the patient is indigent he shall be returned decently clothed and provided with nontransferable transportation and five dollars in cash, to the county from which committed, and to the receipt of the proper agency, if any, whose duty it is to provide for his care.

G. Any person adjudicated incompetent receiving a complete discharge from the state hospital or other designated facility, who, in the opinion of the superintendent, has been restored to competency and able to manage his own affairs, shall be furnished by the superintendent with a certificate to that effect. A certified copy of the certificate shall be sent by the superintendent to the superior court under whose order the patient was hospitalized. Thereupon the court shall enter an order that the person has been restored to full competency and to full civil rights. The person may present the certificate to any superior court and the court shall enter an order that the person has been restored to full competency and to full civil rights.

36-525. NOTICE OF HOSPITALIZATION IN A DESIGNATED FACILITY OTHER THAN THE STATE HOSPITAL

In the event the court shall hospitalize any patient in a designated facility other than the state hospital pursuant to the terms of this article, the court shall send notice thereof to the superintendent.

36-526. OPERATION OF ARTICLE

A. All actions or proceedings commenced on or after the effective date of this article shall be governed by its provisions.

B. Nothing contained in this article shall be construed to alter or change any law providing specifically for the commitment and care of the criminally insane.

C. The authority and responsibility of the superintendent relating to admissions, certifications, notices, petitions, conditional discharge, rehospitalization and complete discharge of patients admitted to the state hospital shall be equally applicable to patients admitted or transferred to other designated facilities. The superintendent shall have the right to enact such rules and regulations applicable to other designated facilities as may be necessary for him to discharge said authority and responsibility.

Sec. 2. REPEAL

Sections 36-212 to 36-216, inclusive, Arizona Revised Statutes, are repealed.

Approved by the Governor—March 18, 1958.

Filed in the Office of the Secretary of State—March 18, 1958.

CHAPTER 85

House Bill No. 163

AN ACT

RELATING TO THE COUNTY RECORDER; REQUIRING NOTICES OF FEDERAL TAX LIENS ON MOTOR VEHICLES TO BE FILED AT THE MOTOR VEHICLE DIVISION FOR CONSTRUCTIVE NOTICE, AND AMENDING SECTION 11-464, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 11-464, Arizona Revised Statutes, is amended to read:

11-464. FEDERAL TAX LIEN NOTICES; LIENS ON REGISTERED MOTOR VEHICLES; CERTIFICATES OF DISCHARGE

A. The recorder shall file, without fee, notices of liens for internal revenue taxes payable to the United States, and certificates discharging such liens, but no such lien affecting any registered motor vehicle shall be valid against any creditor of an owner acquiring a lien by levy or attachment, subsequent purchasers or subsequent encumbrances, until the requirements of Section 28-325 have been complied with.

B. The recorder shall enter notice of the tax lien in an alphabetical federal tax lien index, showing on one line the name and residence of the taxpayer, the collector's serial number of such notice, the time of filing and the amount of tax and penalty assessed.

C. When a certificate of discharge of the lien is filed the recorder shall enter it, with the date of filing, in the federal tax lien index on the line where the notice of the lien is entered, and attach the certificate of discharge to the original notice of lien.

Approved by the Governor—March 18, 1958.

Filed in the Office of the Secretary of State—March 18, 1958.

CHAPTER 86

House Bill No. 154

AN ACT

RELATING TO CRIMES; PRESCRIBING PUNISHMENT FOR DRAWING CHECK OR DRAFT ON NO ACCOUNT OR INSUFFICIENT ACCOUNT WITH INTENT TO DEFRAUD; PRESCRIBING NOTICE OF PROTEST AS PRIMA FACIE EVIDENCE OF KNOWLEDGE OF INSUFFICIENCY OF FUNDS OR CREDIT, AND AMENDING SECTION 13-316, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 13-316, Arizona Revised Statutes, is amended to read:

13-316. DRAWING CHECK OR DRAFT ON NO ACCOUNT OR INSUFFICIENT ACCOUNT WITH INTENT TO DEFRAUD; PUNISHMENT; DEFINITION OF CREDIT; PRIMA FACIE EVIDENCE

A. A person who, for himself or for another, wilfully with intent to defraud, makes, draws, utters or delivers to another person or persons a check or checks or draft or drafts on a bank or depository for payment of money, knowing at the time of such making, drawing, uttering or delivery, that he or his principal does not have an account or does not have sufficient funds in, or credit with, such bank or depository to meet the check or checks or draft or drafts in full upon presentation, shall be punished as follows:

1. If the check or draft or the total of the checks or drafts amounts to a sum of twenty-five dollars or more, he is guilty of a felony.

2. If the check or draft or the total amount of the checks or drafts amounts to a sum of less than twenty-five dollars, he is guilty of a misdemeanor.

3. If the check or draft in any amount is drawn on a bank or depository in which he knowingly does not have an account, he is guilty of a felony.

B. The word "credit" as used in this section shall be construed to be an arrangement or understanding with the bank or depository for payment of the check or draft.

C. Where a check, draft or order is protested, on the ground of insufficiency of funds or credit, the notice of formal protest thereof shall be admissible as proof of presentation, nonpayment and protest shall be prima facie evidence of the insufficiency of funds or credit with the bank or depository, or person, or firm, or corporation.

Approved by the Governor—March 18, 1958.

Filed in the Office of the Secretary of State—March 18, 1958.

CHAPTER 87

House Bill No. 197

AN ACT

RELATING TO PUBLIC HEALTH; PROVIDING FOR DISTRICT DEPARTMENTS OF HEALTH; PROVIDING FUNDS FOR THE OPERATION THEREOF; AMENDING SECTIONS 36-182 AND 36-185, ARIZONA REVISED STATUTES, AND AMENDING TITLE 36, CHAPTER 1, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-184.01.

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

Section 1. Sec. 36-182, Arizona Revised Statutes, is amended to read:

36-182. ESTABLISHMENT OF LOCAL HEALTH DEPARTMENTS; POWERS; EXPENDITURES; PLAN FOR LOCAL HEALTH DEPARTMENTS

A. For the purpose of providing local full time public health service, the board of supervisors of a county may:

- 1. Establish a county department of health.
- 2. Enter into a cooperative agreement with a city or cities for establishment of a city-county department of health. The establishment of any such department, and any agreement for the establishment of a city-county department of health, is subject to approval by the state department of health and to the provisions of this article.
- 3. Enter into a cooperative agreement with one or more counties for establishment of a district department of health. The establishment of any such department, and any agreement for the establishment of a district department of health, is subject to approval by the state department of health and to the provisions of this article.

B. A department of health established under the provisions of this article may:

- 1. Develop health services with the use of any federal, state or local funds or any combination thereof.
- 2. Expend monies budgeted for use of the department with the approval of the local board of health.

C. The state department of health, with the approval of the state board of health, shall prepare a plan for recommendation to the counties, which shall outline a practical grouping of cities and counties of sufficient population and of such area as may be sustained with reasonable economy and efficient administration in order to provide efficient and effective local health services.

Sec. 2. Title 36, chapter 1, article 4, Arizona Revised Statutes, is amended by adding section 36-184.01, to read:

**36-184.01. DISTRICT HEALTH DEPARTMENTS;
MEMBERSHIP; FUNDS**

A. For a district department of health the boards of supervisors of the counties concerned, acting jointly, shall appoint a board to consist of the following members:

1. A member of each county board of supervisors.
2. One physician from each county to be chosen from a list of three names submitted by the medical societies of the respective counties.
3. Two citizens of each county selected for their interest in public health.

B. The members appointed to serve from the boards of supervisors shall serve during their terms of office, one medical society member and one citizen member shall serve for one year, and one medical society member and one citizen member for three years. Members for whom no initial term is provided shall serve for four years. Thereafter the term of each member, other than the boards of supervisor members, shall be four years. Appointment to fill a vacancy on any board caused other than by expiration of term shall be for the unexpired portion of the term. The director of a district health department shall serve, without vote, as an ex officio member of the board.

C. In a district unit the treasurer of the county with the largest population shall, in addition to his regular duties, act as the official depository for all district unit funds.

Sec. 3. Sec. 36-185, Arizona Revised Statutes, is amended to read:

36-185. LOCAL DEPARTMENT OF HEALTH FUNDS

A. A county board of health shall annually, before June 1 each year, estimate the cost of maintaining the department for the ensuing fiscal year, and also the amounts of money that may be available from unexpended surpluses or from grants or donations. The estimates shall be submitted in the form of a budget on or before June 1 each year to the board of supervisors, and the board of supervisors shall provide any money necessary to cover the cost of maintaining the department for the ensuing fiscal year.

B. A city-county board of health shall annually, before June 1 each year, estimate the cost of maintaining the department for the ensuing year, and also the amounts of money that may be available from unexpended surpluses or from grants or donations. The estimates shall be submitted in the form of a budget on or before June 1 each year to the board of supervisors and to the city council or councils, and such board of supervisors and city council or councils shall provide any money necessary to cover the cost of maintaining the department for the ensuing fiscal year. The cost shall be shared on an equal per capita basis, based on the last official census of the population of each city participating and the population of the county outside of the area of the cities.

C. A district board of health shall annually, before June 1 each year, estimate the cost of maintaining the department for the ensuing year, and also the amounts of money that may be available from unexpended surpluses or from grants or donations. The estimates shall be submitted in the form of a budget on or before June 1 of each year to the board of supervisors of each county within the district, and each such board of supervisors shall provide any money necessary to cover the cost of maintaining the department for the ensuing fiscal year. The cost shall be shared on an equal per capita basis, based on the last official census of the population of each county participating.

D. Local health department funds made available under this article shall be nonreverting and nonlapsing funds.

Approved by the Governor—March 18, 1958.

Filed in the Office of the Secretary of State—March 18, 1958.

CHAPTER 88

Senate Bill No. 69

AN ACT

RELATING TO EDUCATION; DEFINING POWERS AND DUTIES OF BOARDS OF TRUSTEES; AMENDING SECTIONS 15-441 AND 15-453, ARIZONA REVISED STATUTES, AND AMENDING TITLE 15, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-436.01.

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

Section 1. Title 15, chapter 4, article 2, Arizona Revised Statutes, is amended by adding section 15-436.01, to read:

15-436.01. AUTHORITY TO PROVIDE INSURANCE FOR BOARD OF TRUSTEES

The board of trustees may provide financial protection for its members against damages incurred because of their position as members of the board, through the purchase of surety bonds and public liability and property damage insurance.

Sec. 2. Sec. 15-441, Arizona Revised Statutes, is amended to read:

15-441. RULE-MAKING AUTHORITY

The board of trustees shall prescribe and enforce rules for the government of the schools, not inconsistent with law or rules prescribed by the state board of education.

Sec. 3. Sec. 15-453, Arizona Revised Statutes, is amended to read:

15-453. INSURANCE ON SCHOOL BUS OPERATOR; AUTHORITY OF BOARD TO PURCHASE

A. The board of trustees may purchase public liability and property damage insurance covering school bus drivers while driving school busses.

B. The governing board of any school district may require the operator of a school bus used for transportation of pupils attending schools in the district to carry public liability insurance in amounts not to exceed twenty thousand dollars for personal injury to any one person, and one hundred thousand dollars for personal injuries arising out of any one accident, covering any liability to which the operator

may be subject on account of personal injuries to a passenger or other person caused or contributed to by an act of the operator while operating a school bus. If the policy of insurance is filed with and approved by the governing board of the school district, the governing board may increase the compensation otherwise payable to the operator by an amount equal to the cost to the operator of the insurance.

Sec. 4. EMERGENCY

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

Approved by the Governor—March 18, 1958.

Filed in the Office of the Secretary of State—March 18, 1958.

CHAPTER 89

Senate Bill No. 144

AN ACT

RELATING TO STATE LANDS; PROVIDING FOR THE TRANSFER OF PAPAGO PARK TO THE ARIZONA STATE PARKS BOARD; AUTHORIZING THE ARIZONA STATE PARKS BOARD TO LEASE OR SELL SAID LANDS UNDER CERTAIN TERMS AND CONDITIONS; CLASSIFYING SAID LANDS, AND PRESCRIBING PROCEDURE FOR SALE OR LEASE THEREOF.

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

Section 1. TRANSFER OF LAND

The jurisdiction and administration of the land lying east of the city of Phoenix, known as Papago Park is transferred as of the effective date of this act from the state land department to the Arizona state parks board, said land being more precisely described, according to the official plat of the survey of said land on file in the general land office, as follows:

DESCRIPTION OF LANDS IN PAPAGO PARK

Southeast quarter of Section thirty-three, in Township two north, Lots six, seven, ten, and eleven of Section three; Lots one and two, the south half of the north half and the

south half of Section four; the south half of the northeast quarter, and the east half of the southeast quarter of Section five; the north half of the northeast quarter, the north half of the north half of the northwest quarter, the southeast quarter of the northeast quarter of the northwest quarter, the east half of the southeast quarter of the northwest quarter, except for Lots seven and eight of said Section nine; and the Lots one and two of Section ten; in Township one north, all in Range four east of the Gila and Salt River base and meridian, Arizona; containing one thousand one hundred seventy-six and thirty-four hundredths acres.

Sec. 2. USE, LEASE OR SALE OF LANDS

The state parks board is hereby authorized and empowered to develop, operate and maintain the lands hereby transferred to it for the purposes set forth in Patent No. 1093785 from the United States of America to the State of Arizona, dated November 17, 1937, or it may lease or sell said lands in one parcel to any municipality for such purposes.

Sec. 3. MANDATORY PROVISIONS

Any leases or deed made under the authority of this act must contain the following terms and stipulations:

1. The lands shall be used only for municipal, park, recreation, or public convenience purposes, and if the lands or any part thereof shall be abandoned for such use, such lands, or such part, shall revert to the State of Arizona.

2. All leases and any deed shall be subject to any existing leases or permits on the lands or any parts thereof, and the holders of said leases or permits shall have the right to successive renewals thereof for terms of five years each for as long as said lessee or permittee shall comply with the terms of said lease or permit.

3. The lessee or grantee shall maintain and keep in good repair any monument, marker, or tomb on said lands.

Sec. 4. CLASSIFICATION OF LANDS; PROCEDURE FOR LEASE OR SALE

The lands herewith transferred to the state parks board are classified as commercial, and any lease or sale thereof, together with the rights of removal of improvements or reimbursement for such improvements shall be made in substantial conformity with the laws relating to the procedure for the sale or lease of state lands by the state land department insofar as the same may be applicable, except that the state parks board shall perform the duties required of the state land commissioner.

Sec. 5. EMERGENCY

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

Approved by the Governor—March 18, 1958.

Filed in the Office of the Secretary of State—March 18, 1958.

CHAPTER 90

Senate Bill No. 225

AN ACT

RELATING TO THE LEGISLATURE; PROVIDING FOR PAYMENT OF AN ANNUAL SALARY AND REIMBURSEMENT FOR EXPENSES TO MEMBERS OF THE LEGISLATURE; PROVIDING FOR THE CONDITIONAL AMENDMENT OF SECTION 41-1103, ARIZONA REVISED STATUTES, AND THE CONDITIONAL REPEAL OF SECTIONS 41-1134 AND 41-1302, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 41-1103, Arizona Revised Statutes, is amended to read:

41-1103. REIMBURSEMENT OF EXPENDITURES

A. Commencing with the first regular session of the twenty-fourth legislature, members of the legislature shall each receive a salary of one thousand eight hundred dollars as compensation for services in each regular session, to be payable at the rate of two hundred dollars each week for the first nine weeks of each regular session. In addition, members of the legislature shall each receive a salary of twenty dollars for each day for a period of not to exceed twenty days in any one special session, and for each day required for meetings called by or at the direction of the presiding officer of either house of the legislature. In no event, however, shall the total salary paid under the provisions of this subsection exceed three thousand six hundred dollars per annum to any one member of the legislature.

B. In addition to the salary provided in subsection A, each member of the legislature shall also be reimbursed for travel and other necessary expenses incurred in attendance upon regular sessions, special sessions or other meetings called by or at the direction of the presiding officer of either house of the legislature at the same rate and in the same manner as for other public officers, except that such reimbursement shall not be paid for any regular session or special session to members of the legislature whose usual place of residence is within the city limits of the city in which the state capitol building is situate, and except that reimbursement shall not be paid for any other meetings to members of the legislature whose usual place of residence is within the city limits of the city at which such meeting is held.

Sec. 2. REPEAL

Sections 41-1134 and 41-1302, Arizona Revised Statutes, are repealed.

Sec. 3. CONDITIONAL ENACTMENT

The amendment and repeal proposed by sections 1 and 2 of this act shall not become effective until such time as the Constitution of Arizona is amended by vote of the people to provide members of the legislature with an annual salary and reimbursement for expenditures.

Approved by the Governor—March 18, 1958.

Filed in the Office of the Secretary of State—March 18, 1958.

CHAPTER 91

Senate Bill No. 84

AN ACT

RELATING TO FRUIT-VEGETABLE STANDARDIZATION, AND AMENDING SECTIONS 3-483, 3-484, 3-489, AND 3-490, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 3-483, Arizona Revised Statutes, is amended to read:

3-483. SUPERVISOR OF INSPECTION; APPOINTMENT; OATH; BOND; DEPUTIES AND CLERKS; QUALIFICATIONS

A. There is created the office of supervisor of inspection, hereinafter referred to as the supervisor.

B. The supervisor, who shall enforce this article, shall be appointed by and shall hold office at the pleasure of the dean of agriculture of the university of Arizona, who shall also supervise and direct the supervisor.

C. The supervisor may employ and discharge deputies and clerks as his needs may require. No person related to the supervisor by blood or marriage shall be appointed deputy or clerk.

D. The supervisor shall take and file the oath of office, and shall give a surety bond to the state for the faithful performance of his duties.

E. The supervisor and deputies shall be experienced in the inspection of fruits and vegetables and in commercial packing practices.

Sec. 2. Sec. 3-484, Arizona Revised Statutes, is amended to read:

3-484. SUPERVISOR, DEPUTIES AND CLERKS; SALARIES; EXPENSES

A. The salary of the supervisor shall be fixed annually by the dean of agriculture in an amount not exceeding eight thousand eight hundred dollars per annum. The supervisor shall, with the approval of the dean of agriculture, fix the salaries and duties of each deputy and clerk. Travel expenses and subsistence shall be allowed in the manner and amounts provided for by sections 38-621 to 38-627, inclusive.

B. The salary of the supervisor in excess of six thousand dollars per annum and all expenses properly incurred in the enforcement of this article, including but not limited to salaries, travel and subsistence expenses, and office expenses, shall be paid from the fruit and vegetable revolving fund provided for in section 3-490.

Sec. 3. Sec. 3-489, Arizona Revised Statutes, is amended to read:

3-439. APPROPRIATION ON ACCOUNT OF SALARY OF SUPERVISOR

There is appropriated from the general fund of the state, not otherwise appropriated, the sum of six thousand dollars

annually on account of the salary of the supervisor, which shall be added to the annual appropriation made for the division of agriculture of the university of Arizona, to be disbursed by the state treasurer upon approval of the dean of agriculture.

Sec. 4. Sec. 3-490, Arizona Revised Statutes, is amended to read:

3-490. CHARGES FOR SHIPMENTS; REVOLVING FUND; WEEKLY PAYMENTS; ACCOUNTING BY SUPERVISOR; AUDIT; EXCESS FUNDS

A. To provide the necessary funds for the enforcement of this article, in addition to the appropriation authorized by section 3-489, there shall be collected from each shipper a fixed charge for each carload lot or equivalent lot of each kind of fruit and vegetable shipped under the regulations of this article, which charge shall be paid into a fund designated as the fruit and vegetable revolving fund.

B. The amount of the charges provided for in subsection A shall be established by the supervisor from year to year, with the approval of the dean of agriculture, but shall not be in amounts greater than are necessary to provide funds required to defray all the proper expenses of carrying out the provisions of this article.

C. The charges shall be paid to the supervisor in weekly installments by the shipper, and each installment shall be full payment of all charges accruing against the shipper for shipments made during the current week. The supervisor is authorized to calculate the amount of the charges within the limitations of this section, and is authorized to examine the shipping records of licensees to determine and verify the correct amount of charges due.

D. The supervisor shall make a detailed accounting to the dean of agriculture on November 1 of each year of all monies paid into and disbursed from the fruit and vegetable revolving fund during the year ending August 31. An audit by a certified public accountant shall be attached to the accounting.

E. The amount of the revolving fund remaining unexpended on August 31 of each year shall be carried forward to the following year and the amount thereof shall be taken into account by the supervisor in fixing the charges for such year.

Approved by the Governor—March 18, 1958.

Filed in the Office of the Secretary of State—March 19, 1958.

CHAPTER 92

Senate Bill No. 102

AN ACT

RELATING TO EDUCATION; MODIFYING THE PROCESSING, CERTIFICATION AND CONTRACT REQUIREMENTS AFFECTING ARIZONA STUDENTS UNDER THE COMPACT FOR WESTERN REGIONAL COOPERATION IN HIGHER EDUCATION, AND AMENDING SECTIONS 15-763 AND 15-764, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 15-763, Arizona Revised Statutes, is amended to read:

15-763. PROCESSING AND CERTIFICATION OF STUDENTS

A. The board shall, within the limitations and on the terms fixed by the commission and by this article, determine the number of students desiring to take advantage of the educational facilities afforded by the compact, and from those indicating such a desire, select a group in each allowable professional field equal to three times the number possible for participation in a given school year, or the total number applying and eligible, whichever is the smaller number of such students. In making the selections the board shall only include students who:

1. Have at least an average scholastic attainment record.
2. Are citizens of the United States.
3. Have been actual bona fide residents of Arizona for at least the last five years.
4. Have completed such preliminary education as will qualify them for admission to the professional or graduate school provided by the commission.

B. The names of the students selected shall be certified by the board to the commission through the Arizona members of the commission, along with such data as the commission may require.

Sec. 2. Sec. 15-764, Arizona Revised Statutes, is amended to read:

15-764. CONTRACT WITH STUDENT CERTIFIED

A. Before certifying a student to the commission the board shall, on behalf of the state, enter into a written contract with the student. The contract shall set forth the methods and terms of repayment by the student to the state and shall be on terms and conditions and in a form provided by the board. The contract shall provide:

1. That the student shall within one year after completing his professional education and internship, begin the practice of his profession within Arizona. If the student engages in postgraduate studies and does so without a lapse of more than one year following the completion of his professional course, then he shall begin practice within the state within one year after completing the graduate studies. If the student is ordered into military service, or for other cause beyond his control deemed sufficient by the board is unable to begin the practice of his profession within one year after completing his professional education, internship and any graduate studies, then he shall begin practice within the state within one year after completing his military service or the termination of such other cause.

2. That if the student engages in the practice of his profession within the state his indebtedness to the state may be discharged:

(a) By payment to the state of one-half of all sums expended by the state for and in behalf of the student with interest at the rate of four per cent per annum from the date or dates of disbursement by the state.

(b) For each year of practice or internship within the state there shall be discharged his obligation for one year of study for which a portion of the cost was paid by the state, except that each six months of practice shall discharge his obligation for one year of study if such practice is confined to a locality where there is an exceptional need for his professional services as determined and certified by the board of examiners or licensing board of his profession.

3. That if the student fails to complete the required course of professional study, or if the course of study is interrupted by one school year or more for a cause or causes not resulting from required military service or other cause beyond his control deemed sufficient by the board, or if the student fails to practice his profession within the state for such continuous time as completely discharges his obligation, except for delays resulting from an excusable cause as prescribed in this section, one-half of the entire sum paid for

or on behalf of the student by the state and not repaid or discharged as herein provided shall be due and payable forthwith with interest at the rate of four per cent per annum from the date or dates of disbursement by the state, but the board may extend the time of payment over a period not exceeding ten years and shall not require payment of interest during the existence of any excusable cause as prescribed in this section.

4. That if the student does not begin practice in this state within the time prescribed in this section but shall have repaid an agreed part of the sum expended by the state in his behalf, the board may permit him to discharge the balance of his obligation by subsequent practice within this state.

5. That in the event of the death of the student during the period of his education, internship or practice, his obligation to the state under this article shall cease except as to any portion thereof which is then due.

B. The provisions of this section shall apply not only to contracts entered into under this article subsequent to the effective date of this section, but in addition, upon application of the student and consent of the board, to contracts heretofore entered into under this article.

Sec. 3. EMERGENCY

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

Approved by the Governor—March 18, 1958.

Filed in the Office of the Secretary of State—March 19, 1958.

CHAPTER 93

Senate Bill No. 105

AN ACT

RELATING TO STATE GOVERNMENT; AUTHORIZING THE STATE PLANNING AND BUILDING COMMISSION TO CONTRACT FOR THE INSTALLATION AND MAINTENANCE OF A CENTRAL TELEPHONE SWITCHBOARD SYSTEM FOR ALL STATE DEPARTMENTS; GRANTING AUTHORITY TO THE COMMISSION TO OPERATE THE CENTRAL SYSTEM AND TO

BILL EACH DEPARTMENT FOR ITS PROPORTIONATE COST; CREATING A TELEPHONE REVOLVING FUND; AMENDING TITLE 41, CHAPTER 3, ARTICLE 5.1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 41-571.16 AND 41-571.17; REPEALING CHAPTER 15, LAWS OF 1951, AND MAKING AN APPROPRIATION.

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

Section 1. Title 41, chapter 3, article 5.1, Arizona Revised Statutes, is amended by adding section 41-571.16, to read:

41-571.16. AUTHORITY TO CONTRACT

A. The commission shall enter into a contract with a public utility corporation authorized to do business in the state of Arizona, for the installation and maintenance of a centralized telephone switchboard in the capitol building, and to furnish full and complete telephone service to the state of Arizona, its officers, departments and agencies in the entire capitol area through the switchboard.

B. The commission shall operate the central switchboard system provided in subsection A and each office, department or other state agency shall pay from available funds the proportionate cost of the service as determined by the commission. In carrying out the provisions of this subsection the commission may employ telephone operators or any other employees required to administer efficiently the central switchboard system.

Sec. 2. REPEAL

Chapter 15, Laws of 1951, is repealed.

Sec. 3. Title 41, chapter 3, article 5.1, Arizona Revised Statutes, is amended by adding section 41-571.17, to read:

41-571.17. TELEPHONE REVOLVING FUND

There is created a telephone revolving fund for the purpose of the payment of any costs incurred in the operation of the central switchboard system. All monies received by the commission in payment for telephone services shall be deposited in this fund.

Sec. 4. APPROPRIATION

The sum of thirty thousand dollars is appropriated to the state planning and building commission to be deposited in the telephone revolving fund. The funds so appropriated

shall be used for the payment of any costs incurred in the operation of the central switchboard system. Monies received by the commission in payment for telephone service shall be deposited by the commission in the telephone revolving fund.

Sec. 5. EXEMPTION

The appropriation made under the terms of section 4 is exempt from the provisions of sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing appropriations.

Approved by the Governor—March 18, 1958.

Filed in the Office of the Secretary of State—March 19, 1958.

CHAPTER 94

Senate Bill No. 111

AN ACT

RELATING TO AUCTIONS; PROVIDING FOR THE LICENSING AND REGULATION OF AUCTIONS OF JEWELRY; PRESCRIBING FEES AND PENALTIES, AND AMENDING TITLE 44, CHAPTER 11, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 5, SECTIONS 44-1671 TO 44-1686, INCLUSIVE.

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

Section 1. Title 44, chapter 11, Arizona Revised Statutes, is amended by adding article 5, sections 44-1671 to 44-1686, inclusive, to read:

ARTICLE 5. JEWELRY AUCTIONS

44-1671. DEFINITIONS

In this article, unless the context otherwise requires:

1. "Jewelry" includes gold, platinum, silver, gold-filled or plated ware, diamonds and other precious or semiprecious stones whether mounted or unmounted, cultured pearls,

watches, clocks, and goods, wares and merchandise commonly classified as jewelry and commonly offered for sale in jewelry stores.

2. "Auction" means the sale of jewelry at either private or public sale, upon oral or written bids, to the highest bidder, and includes all such sales by whatever name called.

44-1672. LICENSE REQUIRED

It is unlawful to sell, offer for sale, or attempt to sell at auction any jewelry without a license as provided in this article, except as exempted by section 44-1685.

44-1673. APPLICATION FOR LICENSE; CONTENTS

A. Not less than thirty days nor more than sixty days prior to the date of a proposed auction, any person desiring to sell at auction any jewelry shall apply to the board of supervisors of the county in which the auction is to be conducted for a license to conduct the auction. The application shall contain:

1. The name, residence, address and business address of applicant.

2. The purpose for which the auction is to be held.

3. The type and location of business, if any, engaged in by the applicant during the two years immediately preceding the date of application.

4. Whether the proposed auction is to be held at the applicant's existing regularly established place of business.

5. Whether applicant will personally participate at the auction.

6. Whether any addition to the stock to be sold at auction has been made within sixty days prior to the auction.

7. The name, address and occupational history for the two years immediately preceding the date of application of any person who will participate in conducting the auction.

B. The application shall also contain a statement whether applicant has conducted any auction of jewelry within a period of five years prior to the date of application, and, if so, a statement when and where such auction was held. The application shall further indicate that no person will be employed in any manner in the conduct of the auction who has been convicted of any violation of this article within the six-year period immediately preceding the date of application.

44-1674. INVENTORY

The application shall have attached thereto a detailed inventory listing each article to be auctioned, together with an inventory number for each article to be auctioned, and a detailed itemization of the quantity, quality, kind or class of each article to be sold and the wholesale cost or invoice price thereof.

44-1675. VERIFICATION

The applicant shall verify under oath or affirmation that all the data and statements in the application and inventory are true and correct.

44-1676. FEE AND BOND

A. In addition to the inventory, the applicant shall submit, together with the application, a fee of two hundred dollars, and shall file with the county board of supervisors a bond in a form approved by the board, executed by a surety company authorized to do business in this state, in an amount equal to one-half of the cost value of the articles inventoried for sale, said bond to be approved by the board of supervisors.

B. The bond shall run to the state of Arizona and shall be conditioned that it is for the use or benefit of the person who may be damaged by the violation of any provision of this article by the licensee, his employees or agents, or who may have the cause of action against said licensee, his employees or agents by reason of any matters arising out of the conduct of the auction. Any such person shall have, in addition to any other right of action which he may have, a right of action on the bond for all damages not exceeding one thousand dollars, and the aggregate liability of the surety upon the bond for all claims which may arise thereunder shall not exceed the sum specified in the bond.

44-1677. ISSUANCE OF LICENSE

The board of supervisors shall issue a license to conduct an auction of jewelry if it finds the application, inventory, fee and bond are in order, and further finds that the applicant has not been convicted of violating any provision of this article within a period of six years immediately preceding the date of application. The license shall be issued for a period of not more than thirty consecutive days, legal holidays excepted.

44-1678. NUMBERING OF INVENTORIED ARTICLES; SUBSEQUENT INVENTORY; INTENT TO DEFRAUD

A. No article shall be sold at the auction for which the license was obtained unless there is securely attached to the article sold a tag, card or label bearing accurate reference to the written inventory prescribed in section 44-1674, upon which shall be plainly written or printed a true statement of the kind, quality and weight of the metal of which the article is made or composed and the percentage of karat or purity of such metal. If the article is plated or overlaid, then the label shall contain a true statement of the kind of plate and percentage of purity thereof, and the kind of metal or material covered. If the article is a precious or semiprecious stone, the statement shall contain the true name, weight, quality and fineness thereof. If the article is a watch or clock, the statement shall contain the true name of the manufacturer thereof. If a second-hand or old movement or substitute part or movement of any watch or clock is offered for sale in a new case, such fact shall be set forth in the attached statement, and no such article so sold or offered for sale shall bear any false or misleading name, description or entry thereon.

B. The tag, card or label shall remain securely attached to any article sold or offered for sale, and shall be delivered to the purchaser by the person selling the same as a correct description or representation of the article sold. If there is more than one of the same kind of article to be sold, then the tag, card or label shall indicate the chronological number of the respective articles of the same class sold.

C. No article shall be sold at the auction for which the license was obtained unless it was listed in the inventory accompanying the application, except that such articles may be sold if listed on a supplementary inventory subsequently approved by a majority of the board of supervisors of the county in which the auction is held.

D. It shall be presumptive evidence of intent to defraud or to violate the provisions of this article where goods, wares, merchandise or articles sold or offered for sale under the provisions of this article fail to agree with the description contained on the tag, card or label provided for in this section.

**44-1679. ARTICLES STOCKED WITHIN SIXTY DAYS
PRIOR TO APPLICATION**

No article shall be listed in the inventory and any supplement thereto or sold at the auction which was purchased or stocked by the applicant within sixty days immediately preceding the date of application.

44-1680. REPRESENTATION OF ARTICLES

At an auction held under the provisions of this article, the licensee and his employees and agents shall represent to the public the true manufacture, quality and kind of articles to be sold. Upon request of any person, a copy of the inventory shall be shown.

44-1681. RETURN OF PURCHASES

The licensee shall cause to be displayed in a prominent place on the premises where the auction is being conducted a notice that all merchandise may be returned, if it is at the time in the same condition as when purchased, for the amount paid, if returned within forty-eight hours from the time of purchase and if the merchandise sold fails to agree with the description contained on the tag, card or label. The notice shall be of sufficient size as to be readily discernible by the bidders.

**44-1682. SUSPENSION, RESTORATION OF LI-
CENSES; APPEAL**

The board of supervisors may suspend and restore licenses as they may deem necessary or reasonable to insure compliance with the provisions of this article. Appeal from a decision of the board of supervisors may be made by the licensee or any aggrieved person within ten days from date of filing of the decision of the board of supervisors, to the superior court of the county in which the license was issued. The appeal may be taken by the issuance of an order to show cause directed to the board of supervisors, or by any other appropriate legal remedy afforded by law.

44-1683. LICENSEE'S RESPONSIBILITY

The licensee shall be responsible for compliance with the provisions of this article whether he is present at or absent from the auction.

44-1684. SALE OF ARTICLES DESCRIBED FALSELY

No article shall be sold at auction which has been falsely described or concerning which any false statement has been made by the licensee or his employee or agent.

44-1685. APPLICATION OF ARTICLE

A. This article shall not apply to any sale of second-hand jewelry, judicial sales or government sales, sales by an executor, administrator, guardian, receiver, or trustee in bankruptcy authorized by any court of competent jurisdiction, or any other sale authorized by law.

B. A license issued under the provisions of this article shall be in addition to any license required by the ordinance of any city or town in which the auction is to be conducted.

44-1686. PENALTIES

Violation of any provision of this article is a misdemeanor punishable upon conviction by a fine of not to exceed three hundred dollars, imprisonment in the county jail for not to exceed six months, or both.

Approved by the Governor—March 18, 1958.

Filed in the Office of the Secretary of State—March 19, 1958.

 CHAPTER 95

Senate Bill No. 195

AN ACT

RELATING TO STATE RETIREMENT SYSTEM; PRESCRIBING EXEMPTION OF CERTAIN EMPLOYEES FROM COMPULSORY RETIREMENT; PROVIDING CONTINUED EMPLOYMENT FOR FIVE TERMS OF ONE YEAR EACH AFTER COMPULSORY RETIREMENT AGE, AND AMENDING SECTION 38-759, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 38-759, Arizona Revised Statutes, is amended to read:

38-759. RETIREMENT FOR SERVICE

A. A member upon attaining age sixty-five may retire from state service and upon application shall receive a life pension payable in equal monthly instalments derived from his prior service credit, if any, together with an annuity for life derived from his retirement account. The annuity shall be payable in equal monthly instalments, the amount of which instalments shall be determined by the interest and life expectancy tables applicable at the date of commencement of retirement and based upon the attained age of the annuitant at the commencement of retirement. A member who has retired and is receiving benefits pursuant to this subsection whose death occurs prior to receipt of annuity payments in an amount equal to his retirement account balance immediately preceding retirement, shall have paid to his designated beneficiary or his estate in a lump sum the difference between the said retirement account balance and the total amount of annuity payments received.

B. A member upon attaining age sixty-five with creditable service of not less than five years may retire from state service and may, upon application, elect to receive in lieu of his prior service pension, if any, and the annuity payments from his account provided in subsection A the actuarial equivalent of such retirement benefits under one of the following options:

1. A life income paying a maximum monthly benefit with all benefits ceasing at death.
2. An income for ten years certain and for life thereafter, payable monthly to the retired member in an amount actuarially ascertained to assure one hundred twenty payments to the retired member or to his designated beneficiary or estate.
3. A monthly income during the joint lifetime of the retired member and another person who has been designated in writing to the board at time of retirement, and upon the death of the retired member or the other person two-thirds of this amount shall be paid during the surviving lifetime.

C. The options provided under subsection B shall be elected at the time the retirement application is made and shall become effective and irrevocable upon payment of the first monthly amount.

D. A member who has attained age sixty with creditable service of not less than five years may retire from state service and upon application receive a life annuity derived from his retirement account and the actuarial equivalent of his prior service pension payable concurrently with such life annuity. The pension and annuity shall be determined and paid in the manner set forth in subsection A of section 38-759.

E. In lieu of the benefits provided in subsection D, said member may, upon application, elect to receive the actuarial equivalent of such retirement benefits under one of the options set forth in subsection B of section 38-759.

F. If a member returns to service after having been retired, his membership shall be reinstated and no further payments shall be made to him until subsequent retirement from service, at which time his retirement benefits shall be recomputed on the basis of his then attained age and after adjustment for retirement benefits previously received.

G. Notwithstanding anything to the contrary herein, a member who retires from service pursuant to this section and whose total monthly benefit is less than ten dollars, shall be paid in a lump sum the actuarial equivalent of such monthly benefit.

H. All state officers and employees and officers and employees who are declared by law to be subject to article 2 of chapter 5 of this title, except elected officials or officers designated by law for a definite or an indefinite term and appointive members of boards and commissions, who have attained or exceeded the age of seventy years on and after July 1, 1954, shall be compulsorily retired and shall not be compensated for state service nor be paid retirement benefits of any kind except as provided by article 2 of chapter 5 of this title. The provisions of this subsection shall likewise apply to officers and employees of political subdivisions of the state, except that the date on which such retirement shall be compulsory shall be July 1 of the year following the effective date of their employer's retirement system established under the provisions of section 38-752.

I. Employees of institutions under control of the board of regents of the university and state colleges of Arizona who reach the age of seventy, as long as they continue to render valuable service to the institution employing them, may continue to be employed at the discretion of the board of regents. Any other employee, except an employee of a political subdivision whose compensation is provided wholly or in part from state funds who is declared by law after July 3, 1955, to be a state employee for retirement purposes, who has attained age seventy and who is certified by his appointing authority as specially fitted by reason of long experience to perform the duties of his position shall, if he so desires, upon request of his appointing authority and approval of the governor, if a state employee, or approval of the governing body of the political subdivision if an employee thereof, be continued in service for such period or periods as may be requested by the appointing authority, but that no term of continued employment shall exceed one year and no more than five such terms may be approved. If employment beyond the age of seventy is extended pursuant to this subsection, no further contributions shall be made either by the employer or the employee, nor shall such continuing employee be entitled to any change in the benefits as computed at the age of seventy, except in respect of that portion of the benefit derived from his retirement account with interest accruals.

Approved by the Governor—March 18, 1958.

Filed in the Office of the Secretary of State—March 19, 1958.

CHAPTER 96

Senate Bill No. 226

AN ACT

CALLING A SPECIAL ELECTION TO SUBMIT TO A VOTE OF THE PEOPLE PROPOSED AMENDMENTS TO THE CONSTITUTION OF ARIZONA, AND PROVIDING FOR PUBLICITY.

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

Section 1. SPECIAL ELECTION

Under the authority of and in accordance with the provisions of section 1, article 21, Constitution of Arizona, a spe-

cial election is called to be held September 9, 1958, and to be conducted by the officers conducting regular elections.

Sec. 2. PURPOSE OF ELECTION

The purpose of the special election called under the provisions of section 1 is to submit to a vote of the people certain amendments of the Constitution of Arizona proposed by the legislature and approved by a majority of the members elected to each house thereof, as follows:

1. An amendment relating to the legislature; prescribing the salaries and expenses of members of the legislature, and amending article 4, part 2, section 1, paragraph 2, Constitution of Arizona.

2. An amendment to article 6 of the Constitution of Arizona, by adding section 26, relating to retired judges.

Sec. 3. PUBLICITY

The secretary of state shall cause to be printed in pamphlet form a true copy of the title and text of each such proposed amendment, with the number and form in which the title thereof will be printed on the official ballot, together with such arguments, as provided by section 19-123, Arizona Revised Statutes, as may be submitted to him, not later than June 30, 1958. Not less than ten days before the special election, as provided in section 1, the secretary of state shall cause each such proposed amendment to be published for a period of at least three days in a daily newspaper or, if there is no such newspaper, at least one time in a weekly newspaper in every county of the state in which a newspaper is published. Within thirty days before the special election, called as provided in section 1, the secretary of state shall cause to be delivered to the county recorder in each county a quantity of such publicity pamphlets equal to the number of registered voters in each county, according to the registration lists of each county as shown by the last preceding general election. The secretary of state shall also make such other distribution of the pamphlets as he may deem advisable.

Sec. 4. EMERGENCY

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

Approved by the Governor—March 18, 1958.

Filed in the Office of the Secretary of State—March 19, 1958.

CHAPTER 97

House Bill No. 90

AN ACT

RELATING TO BOXING AND WRESTLING; PROVIDING THAT PROFESSIONAL BOXING AND WRESTLING SHALL BE REGULATED BY THE STATE ATHLETIC COMMISSION IN CERTAIN COUNTIES; CREATING AN ARIZONA STATE ATHLETIC COMMISSION; PRESCRIBING THE POWERS AND DUTIES THEREOF; PRESCRIBING PENALTIES; AMENDING TITLE 5, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 5-206, AND AMENDING TITLE 5, CHAPTER 2, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 2, SECTIONS 5-221 TO 5-236, INCLUSIVE.

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

Section 1. Title 5, chapter 2, article 1, Arizona Revised Statutes, is amended by adding section 5-206, to read:

5-206. APPLICABILITY

The provisions of this article shall be applicable only to those counties which have a population of less than one hundred twenty-five thousand, according to the latest federal decennial census, who have not through their board of supervisors requested the state athletic commission to assume supervision of boxing and wrestling as provided in article 2 of this chapter.

Sec. 2. Title 5, chapter 2, Arizona Revised Statutes, is amended by adding article 2, sections 5-221 to 5-236, inclusive, to read:

ARTICLE 2. ARIZONA STATE ATHLETIC COMMISSION

5-221. DEFINITIONS

In this article, unless the context otherwise requires:

1. "Commission" means the Arizona state athletic commission.

2. "Professional" means any person who competes for a money prize or a prize that exceeds the value of thirty-five

dollars or teaches or pursues or assists in the practice of boxing or wrestling as a means of obtaining a livelihood or pecuniary gain.

3. "Secretary" means the executive secretary of the commission.

5-222. APPLICABILITY; RESOLUTION OF BOARD OF SUPERVISORS

A. Any county with a population of one hundred twenty-five thousand or over, according to the latest federal decennial census shall be subject to the provisions of this article.

B. Any county with a population of less than one hundred twenty-five thousand, according to the latest federal decennial census, may be subject to the provisions of this article if the board of supervisors of such county passes a resolution requesting the state athletic commission to assume jurisdiction of professional boxing and wrestling within such county.

5-223. ARIZONA STATE ATHLETIC COMMISSION

There is created the Arizona state athletic commission consisting of three members appointed by the governor with the consent of the senate. Of the members first appointed, one shall serve for a term expiring on January 1, 1959, and one each for terms expiring one and two years thereafter. Their successors shall be appointed for terms of three years. The commissioners shall receive fifteen dollars for each day they act in their official capacity, not to exceed one hundred days each year, and travel expenses as provided by law for other public officers.

5-224. APPOINTMENT OF OFFICERS AND EMPLOYEES; RULE-MAKING POWERS OF BOARD

A. The commission may appoint an executive secretary, deputies, medical doctors and other personnel as required to perform the duties prescribed by the commission. The secretary shall receive an annual salary not to exceed six thousand dollars.

B. The commission shall obtain from a physician licensed to practice in this state regulations and standards for the physical examination of professional boxers and wrestlers. A schedule of fees to be paid physicians by the contestant for the examination shall be set by the commission.

C. The commission may make rules and regulations for the administration of this article.

5-225. REGULATION OF PROFESSIONAL BOXING AND WRESTLING EXHIBITIONS

All professional boxing, sparring or wrestling matches or exhibitions shall be subject to the provisions of this article. The commission shall for each of these matches or exhibitions:

1. Direct a deputy to be present.
2. Direct the deputy to make a written report.
3. Issue a license for the use of the building.
4. Direct that military law be complied with when a license is issued in a state or city-owned armory.
5. Refuse to issue a license where the building is used wholly for religious services.

5-226. EXCEPTIONS

The provisions of this article shall not apply to:

1. Any person employed by any public, private or parochial school, college, or university, or equivalent institutions of learning, when the trainee or contestant is an amateur, nor to a trainee or contestant in such educational institution.
2. Any person employed by a governmental unit, or non-profit organization when the trainee or contestant is an amateur.
3. Any amateur boxing, sparring or wrestling match or exhibition.

5-227. JURISDICTION OF COMMISSION

A. The commission shall:

1. Have sole direction, management, control and jurisdiction over all professional boxing, sparring and wrestling matches and exhibitions conducted, as provided by the provisions of this article.
2. Have sole control, authority and jurisdiction, as provided in this article, over all licenses to hold professional boxing, sparring and wrestling matches and exhibitions.
3. Issue licenses, as provided in this article, to any person who is a participant in professional boxing, sparring or wrestling matches or exhibitions.

5-228. PERSONS REQUIRED TO PROCURE LICENSES

All corporations, referees, judges, matchmakers, professional boxers, professional wrestlers, and their managers shall not later than September 30, 1958, be licensed by the commission, and no such person shall be permitted to participate in any professional boxing, sparring or wrestling match or exhibition, or the holding thereof, unless he shall have first procured a license from the commission.

5-229. LICENSES TO CONDUCT MATCHES

A. The commission may in its discretion issue a license to conduct, hold or give boxing, sparring or wrestling matches or exhibitions, subject to the provisions of this article, to any corporation duly incorporated under the laws of this state, but not otherwise, or to any other qualified person.

B. The applicant for the license shall submit to the commission proof that he can furnish suitable premises in which such match or exhibition is to be held.

C. Upon written application and the payment of a fee of twenty-five dollars which shall accompany the application, the commission may grant to any person holding a license issued under the provisions of this article the privilege of holding such a match or exhibition on a specified date in other premises, or in another location, than the premises or location previously approved by the commission, subject to the rules and regulations of the commission.

5-230. LICENSE AND REGISTRATION FEES; TERM OF LICENSES AND REGISTRATIONS; RENEWALS

A. Each applicant for a license or a registration shall, before a license is issued by the commission, pay to the commission an annual license or registration fee as follows:

1. Corporations, one hundred dollars.
2. Judges, five dollars.
3. Managers, fifteen dollars.
4. Matchmakers, twenty-five dollars.
5. Professional boxers, five dollars.
6. Professional wrestlers, five dollars.
7. Referees, twenty-five dollars.

B. Each license or registration or renewal thereof issued pursuant to this section on or after October 1, 1958, shall be effective for a license or registration year expiring on September 30 following the date of its issuance. The annual license or registration fee shall be the fee due and payable therefor and shall be paid in advance at the time application is made, and each license or registration may be renewed for a period of one year upon the payment of the annual fee.

C. Within three years from the date of payment and upon audit of the post auditor, the commission may refund any fee, unforfeited posted guarantee or tax paid pursuant to this article for which no license or registration is issued or no service rendered, or refund that portion of the payment that is in excess of the amount prescribed by statute.

5-231. FINANCIAL INTEREST IN BOXER OR WRESTLER PROHIBITED

No person shall have, either directly or indirectly, any financial interest in a boxer or wrestler competing on premises owned or leased by the person, or in which such person is otherwise interested.

5-232. AGE OF PARTICIPANTS

No person under the age of twenty-one years shall participate in any professional boxing or sparring match of more than eight rounds, nor in any wrestling match or exhibition.

5-233. EXAMINATION; ATTENDANCE OF PHYSICIAN

A. All boxers shall be examined by a physician designated by the commission before entering the ring and the examining physician shall immediately file with the commission a written report of the examination. The cost of the examination shall be paid by the person conducting the contest or exhibition.

B. Every person holding or sponsoring any professional boxing, sparring or wrestling match or exhibition shall have in attendance at every boxing or sparring match or exhibition a physician designated by the commission. The commission may establish a schedule of fees to be paid to each physician by the person or by the promoter.

5-234. ATTENDANCE BY PEACE OFFICERS

In the event a professional boxing, sparring or wrestling match or exhibition is held within the corporate limits of a

city or town, the chief of police thereof shall assign not less than one officer to attend the match or exhibition, and in the event a professional boxing, sparring or wrestling match or exhibition is being held without the corporate limits of a city or town, the county sheriff shall assign not less than one of his deputies to attend the match or exhibition. The officer or deputy, as the case may be, shall be charged with the duty of preventing disturbances amounting to breach of the peace by spectators at such match or exhibition.

5-235. LEVY OF TAX; REVOCATION OF LICENSES; DISPOSITION

A. Any person who promotes a professional boxing or wrestling match or exhibition shall within ten days thereafter pay to the commission two per cent of the gross receipts of such match or exhibition which shall be in addition to any other taxes levied on such person.

B. After reasonable notice and hearing open to the public, the commission may revoke the license of any person or corporation licensed under the provisions of this article for violation of this article or the rules and regulations of the commission promulgated hereunder.

C. At the end of each month the secretary of the commission shall report to the state auditor the total amount received under this article from all sources including license or registration fees, and shall deposit the amount with the state treasurer, who shall place it in a special fund known as the state athletic commission fund.

D. Ninety per cent of all money deposited with the state treasurer shall constitute a separate and permanent fund for the maintenance of the commission and for the enforcement of this article, and the remainder shall be credited to the general fund of the state.

5-236. PENALTY

A person who conducts, holds or gives professional boxing, sparring or wrestling matches or exhibitions or participates in any professional boxing, sparring or wrestling match or exhibition as a referee, judge, matchmaker, boxer, wrestler or manager without first having procured an appropriate license as prescribed in this article is guilty of a misdemeanor.

Approved by the Governor—March 18, 1958.

Filed in the Office of the Secretary of State—March 19, 1958.

CHAPTER 98

House Bill No. 97

AN ACT

RELATING TO ARCHIVES AND PUBLIC RECORDS; CREATING A BOARD OF HISTORY AND ARCHIVES; PRESCRIBING THE POWERS AND DUTIES OF THE BOARD; AUTHORIZING THE GOVERNOR TO SETTLE DISPUTES AS TO LEGAL, ADMINISTRATIVE OR HISTORICAL VALUE OF CERTAIN RECORDS, AND AMENDING TITLE 41, CHAPTER 4, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 1.1, SECTIONS 41-721 TO 41-727, INCLUSIVE.

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

Section 1. Title 41, chapter 4, Arizona Revised Statutes, is amended by adding article 1.1, sections 41-721 to 41-727, inclusive, to read:

ARTICLE 1.1. BOARD OF HISTORY AND ARCHIVES

41-721. BOARD OF HISTORY AND ARCHIVES; MEMBERS

A. The board of history and archives shall be composed of the director of the department of library and archives, the attorney general, the post auditor and when the public records of a city, county or other political subdivision of the state other than a state department is involved, the state examiner. The director of the department of library and archives shall be chairman of the board.

B. Whenever a public officer has public records in his custody which may be of legal, administrative, historical or other value, and determination of such value is to be made by the board, the public officer having custody of the records shall become a member of the board solely for the purpose of making such determination. If the public records are in the custody of the director of the department of library and archives, the attorney general, the post auditor or the state examiner, the board of history and archives shall consist of the members appointed by this section.

41-722. POWERS OF BOARD

The board of history and archives may:

1. Determine whether public records presented to it are of legal, administrative, historical or other value.
2. Dispose of records determined to be of no legal, administrative, historical or other value, provided the determination meets the approval of a majority of the members of the board of history and archives.
3. Accept those records deemed by a public officer having custody thereof to be unnecessary for the transaction of the business of his office, and deemed by the board of history and archives to be of legal, administrative, historical or other value.
4. Check public records of any public office which terminates its functions and existence.
5. When it fails to agree as to the legal, administrative, historical or other value of public records, request the governor to make a determination as to whether the records shall be disposed of in the interest of conservation of space, economy or safety.

41-723. RECORDS

“Records” means all books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by any governmental agency in pursuance of law or in connection with the transaction of public business and preserved or appropriate for preservation by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the government, or because of the informational and historical value of data contained therein. Library or museum material made or acquired solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications or documents intended for sale or distribution to interested persons, are not included within the definition of “records” as used in this article.

41-724. DETERMINATION OF VALUE; DISPOSITION

Every public officer who has public records in his custody shall consult periodically with the board of history and archives and the board shall determine whether the records in question are of legal, administrative, historical or other value. Those records determined to be of no legal, administrative, historical or other value shall be disposed of by such method as the board may specify. A list of all records so disposed of, together with a statement signed by members of the board certifying compliance with this article, shall be

filed and preserved in the office from which the records were drawn and in the files of the department of library and archives.

41-725. TRANSFER OF RECORDS; DISPOSAL; PROTECTION

A. Those records deemed by the public officer having custody thereof to be unnecessary for the transaction of the business of his office, and yet deemed by the board of history and archives to be of legal, administrative, historical or other value, may be transferred with the consent of the board to the custody of the department of library and archives. A general description of all records so transferred, together with a statement certifying compliance with this article, signed by members of the board, shall be preserved in the files of the offices from which the records were drawn and in the files of the department of library and archives.

B. All public records of any public office, upon the termination of the existence and functions of that office, shall be checked by the board and either disposed of or transferred to the custody of the department of library and archives, in accordance with the procedure of this article. When a public office is terminated or reduced by the transfer of its powers and duties to another office or to other offices, its appropriate public records shall pass with the powers and duties so transferred.

C. Except as herein provided, the director of the department of library and archives, and every other custodian of public records, shall carefully protect and preserve them from deterioration, mutilation, loss or destruction and, whenever advisable, shall cause them to be properly repaired and renovated. All paper, ink and other materials used in public offices for the purpose of permanent records shall be of durable quality.

41-726. ACCESS TO PUBLIC RECORDS

The director of the department of library and archives, in person or through a deputy, shall have the right of reasonable access to all nonconfidential public records in the state, or any public office of the state of Arizona or any county, city, municipality, district or political subdivision thereof, because of the historical and research value of data contained therein, with a view to securing their safety and determining their need for preservation or disposal.

41-727. DISAGREEMENT AS TO VALUE OF RECORDS

In the event the board determines that any records in the custody of a public officer, but not those in the custody of a public officer of any county, city, municipality, district or political subdivision thereof, are of no legal, administrative, historical or other value, but the public officer having custody of the records or from whose office the records originated fails to agree with the determination or refuses to agree to the disposal of the records, the board of history and archives may request the governor to make his determination as to whether the records should be disposed of, in the interests of conservation of space, economy or safety.

Sec. 2. EMERGENCY

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

Approved by the Governor—March 18, 1958.

Filed in the Office of the Secretary of State—March 19, 1958.

CHAPTER 99

House Bill No. 238

AN ACT

RELATING TO EDUCATION; CREATING A JUNIOR COLLEGE SURVEY COMMITTEE TO MAKE A SURVEY OF JUNIOR COLLEGES AND RELATED PROGRAMS FOR THE STATE OF ARIZONA; PROVIDING FOR THE APPOINTMENT OF A DIRECTOR OF THE SURVEY AND OTHER EMPLOYEES AND FIXING THEIR COMPENSATION, AND MAKING AN APPROPRIATION.

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

Section 1. SURVEY AUTHORIZED; PURPOSES

There is created a junior college survey committee to undertake and complete a thorough survey relative to the establishment of junior colleges, including the criteria for establishment, the scope of education offered, including consideration of university parallel and technical instruction, the curricula, potential enrollment of students, desirable and justifiable locations, financial support, their coordination with high schools and with colleges and universities, and any other means that may offer equalization of educational opportunity to Arizona students most effectively and economically.

Sec. 2. SURVEY COMMITTEE; DUTIES AND COMPENSATION

A. The junior college survey committee shall consist of the president of the state university or his appointee, the presidents of the state colleges or their appointees, and the deans of the state supported junior colleges or their appointees; a member of the Arizona association of secondary school principals chosen by its executive board; three members of the senate, appointed by the president of the senate, and three members of the house of representatives, appointed by the speaker of the house. The committee shall select its own chairman at its first meeting.

B. The junior college survey committee shall:

1. Employ a qualified professional director of the survey not presently associated with any state board or institution and such other personnel required to complete the survey, and fix their compensation.

2. In cooperation with professional employees, plan and supervise the survey; and based upon the facts, projections and recommendations of the survey, prepare a report with specific recommendations as to the state's needs for junior colleges and means of meeting to the highest degree possible the needs for education beyond the high school level in the entire state. The report shall be completed not later than December 1, 1958, and shall be presented to the twenty-fourth legislature, first regular session.

C. The members of the committee shall receive no compensation for their services but shall be reimbursed for travel and actual and necessary expenses incurred in the performance of official duties as provided by law for other state officers.

Sec. 3. APPROPRIATION

There is appropriated to the survey committee the sum of thirty thousand dollars for the purpose of carrying out the provisions of this act.

Sec. 4. EXEMPTION

The appropriation made by this act is exempt from the provisions of sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing appropriations.

Sec. 5. EMERGENCY

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

Approved by the Governor—March 18, 1958.

Filed in the Office of the Secretary of State — March 19, 1958.

CHAPTER 100

Substitute House Bill No. 151

AN ACT

RELATING TO BOATING AND WATER SAFETY; PROVIDING FOR THE SAFE OPERATION AND SAFETY EQUIPMENT OF WATERCRAFT; PROHIBITING THE DUMPING OF REFUSE ON WATERWAYS OR SHORELINES OF THE STATE; PROVIDING FOR ENFORCEMENT, AND AMENDING TITLE 5, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 3, ARTICLE 1, SECTIONS 5-301 TO 5-313, INCLUSIVE.

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

Section 1. Title 5, Arizona Revised Statutes, is amended by adding chapter 3, article 1, sections 5-301 to 5-313, inclusive, to read:

CHAPTER 3
BOATING AND WATER SPORTS
ARTICLE 1. GENERAL PROVISIONS

5-301. DEFINITIONS

In this article, unless the context otherwise requires:

1. "Person" includes any individual, firm, corporation, partnership or association, and any agent, assignee, trustee, executor, receiver or representative thereof.
2. "Watercraft" means any boat, raft or other contrivance used or designed for navigation on water.
3. "Waterway" means any body of water upon which a watercraft is able to be navigated.

5-302. APPLICABILITY OF PROVISIONS

The provisions of this chapter apply to all watercraft operating on all of the waterways of this state, and shall be enforced on waterways under federal jurisdiction insofar as they do not conflict with rules and regulations of the United States Coast Guard or other federal regulations, but the provisions of this chapter, with the exception of sections 5-306, 5-311 and the penalties prescribed by section 5-313 for violation of such sections, shall not apply to waters common to interstate boundaries.

5-303. CARELESS OPERATION

Any person who operates any watercraft in a careless or heedless manner so as to be grossly indifferent to the safety of any person or property is guilty of careless operation.

5-304. INTERFERENCE WITH NAVIGATION

No person shall operate any watercraft in a manner which shall unreasonably or unnecessarily interfere with other watercraft or with the free and proper use of the waterways of the state or areas used for launching watercraft onto such waterways. Anchoring in heavily traveled channels or blocking launching areas shall constitute such interference.

5-305. INCAPACITY OF OPERATOR

A. No person who is under the influence of intoxicating liquor or narcotic or habit-forming drugs, or who by reason of mental or physical disability is incapable of operating a

watercraft under the prevailing circumstances, shall operate or be in actual physical control of any watercraft.

B. No owner of any watercraft or any person having a watercraft in his charge or control shall knowingly permit such watercraft to be operated by any person who is under the influence of intoxicating liquor, narcotic or habit-forming drugs, or who is by reason of mental or physical disability incapable of operating the watercraft under the prevailing circumstances.

5-306. ACCIDENTS

The operator of any watercraft involved in an accident resulting in injury or death to any person or in property damage shall immediately stop such watercraft at the scene of such accident and shall give his name and address, and the name and address of the owner, to the person struck or the operator or occupants of the watercraft collided with or property damaged, shall render to any person injured in such an accident reasonable assistance, and shall promptly report such accident to the nearest or most convenient law enforcement agency or office.

5-307. OVERLOADING

No watercraft shall be loaded with passengers or cargo beyond its safe carrying capacity.

5-308. WATER SKIING

A. No watercraft which shall have in tow a person or persons on water skis, surfboard or similar contrivance, shall be operated in or upon any waterway unless such watercraft shall be occupied by at least two persons. One person shall operate the boat and observe boat traffic at all times and the second person shall observe the towed person. The provisions of this subsection shall not apply to waters common to interstate boundaries.

B. No watercraft shall have in tow a person on water skis, surfboard or similar contrivance from the period of one hour after sunset to one hour before sunrise.

5-309. LIFE PRESERVERS

All watercraft shall carry a United States Coast Guard approved life jacket, ring buoy, buoyant vest, buoyant belt or buoyant cushion in serviceable condition for each person on board. Any child under eight years of age shall wear a life

preserver at all times while on board a watercraft. Any person unable to swim shall wear a life preserver or buoyant belt at all times while being towed behind a watercraft.

5-310. LIGHTS

All watercraft when under way or when anchored in a normal passageway for other watercraft shall from sunset to sunrise carry and display a steady light or lights visible throughout a full circle for a distance of not less than one mile.

5-311. DUMPING REFUSE, RUBBISH, OR DEBRIS ON WATERWAYS

No person shall dump, deposit, place, throw or leave refuse, rubbish, debris, filthy or odoriferous objects, substances or other trash on any waterways or the shorelines of any waterways of the state.

5-312. ENFORCEMENT

A. All peace officers of the state, counties and cities shall enforce the provisions of this chapter.

B. In the enforcement of sections 5-307 to 5-310, inclusive, the operator of the watercraft shall be ordered ashore to correct the violation, or issued a warning order to equip his watercraft properly.

C. Each failure to obey an order or to comply with a warning order issued under the provisions of subsection B of this section shall constitute a separate offense punishable as a separate violation of this article.

5-313. VIOLATIONS; PENALTY

Any person who violates any provision of this chapter is guilty of a misdemeanor punishable by a fine of not more than three hundred dollars, by imprisonment for not more than ninety days, or both.

Sec. 2. EMERGENCY

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

Approved by the Governor—March 20, 1958.

Filed in the Office of the Secretary of State—March 20, 1958.

CHAPTER 101

Senate Bill No. 66

AN ACT

RELATING TO COSMETOLOGY; CREATING A STATE BOARD OF COSMETOLOGY; PRESCRIBING ITS POWERS AND DUTIES; PROVIDING FOR LICENSING AND REGULATION OF COSMETOLOGY SHOPS, SCHOOLS, COSMETOLOGISTS, INSTRUCTORS, MANICURISTS AND FINGER WAVERS; PRESCRIBING PENALTIES; REPEALING CHAPTER 5 OF TITLE 32, ARIZONA REVISED STATUTES, AND AMENDING TITLE 32, ARIZONA REVISED STATUTES, BY ADDING A NEW CHAPTER 5, ARTICLES 1, 2, AND 3, SECTIONS 32-501 TO 32-506, 32-521 TO 32-530, AND 32-551 TO 32-554, INCLUSIVE.

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

Section 1. REPEAL

Chapter 5 of title 32, Arizona Revised Statutes, is repealed.

Sec. 2. Title 32, Arizona Revised Statutes, is amended by adding a new chapter 5, articles 1, 2, and 3, sections 32-501 to 32-506, 32-521 to 32-530, and 32-551 to 32-554, inclusive, to read:

CHAPTER 5

COSMETOLOGY

ARTICLE 1. BOARD OF COSMETOLOGY

32-501. DEFINITIONS

In this chapter, unless the context otherwise requires:

1. "Board" means the board of cosmetology.
2. "Cosmetology" means any one or a combination of any of the following practices when performed upon the head, face, neck, shoulders, arms or hands of persons for cosmetic purposes only:

(a) Massaging, cleansing, stimulating, manipulating, exercising, beautifying or applying oils, creams, antiseptics, clays, lotions or other preparations, either by hand or by mechanical or electrical appliances.

(b) Styling, arranging, dressing, curling, waving, permanent waving, cleansing, singeing, bleaching, dyeing, tinting, coloring or similarly treating the hair of the head of a person.

(c) Cutting, clipping or trimming the hair of women or girls only by the use of scissors, shears, clippers or other appliances.

(d) Arching eyebrows, or tinting eyebrows and eyelashes.

(e) Removing superfluous hair from the face, neck, shoulders or arms of a person by the use of depilatories.

(f) Cleansing, dressing or polishing the nails of a person referred to in this chapter as manicuring.

(g) Manicuring, but manicuring may be practiced under a separate license issued by the board.

3. "Cosmetology shop" means a place, shop or establishment in which cosmetology is practiced.

4. "Cosmetologist", "manicurist", "instructor" and "finger waver" means persons respectively licensed as such under this chapter.

5. "Finger waving" means waving hair in a barber shop with comb, wave solution and fingers without the formation of any curls or use of pins, clamps or clips.

6. "Graduate" means a person who has completed successfully the required course of study offered by a school of cosmetology.

7. "Instructor" means a person licensed to teach in a school of cosmetology.

8. "License" means the privilege granted by this chapter and evidenced by a certificate issued by the board to the applicant therefor who is entitled thereto by complying with the requirements provided by this chapter.

9. "Manicuring" means cleansing, massaging hands and arms and dressing or polishing nails of persons.

10. "Medical certificate" means a certificate from a duly licensed physician and surgeon certifying that the person in question has been examined by him not more than ninety days prior to the date of application for a license under this chapter and that such person is free from any contagious, infectious or communicable disease.

11. "School of cosmetology" means a school teaching cosmetology and licensed as such under this chapter.

12. "Secretary-treasurer" means the member of the board of cosmetology designated by it as its secretary-treasurer.

13. "Student" means any person enrolled and pursuing a course of study in a school of cosmetology.

"Student instructor" means a cosmetologist who is receiving instruction in teachers' training in a licensed school of cosmetology under direct supervision of a licensed instructor.

32-502. BOARD OF COSMETOLOGY; QUALIFICATIONS; TERM

A. There shall be a state board of cosmetology which shall consist of three members appointed by the governor. Upon expiration of the term of a member the governor shall appoint a member for a term of three years to begin and end on June 22. An appointment made to fill a vacancy occurring other than by expiration of a term shall be for the unexpired portion of the term of such board member. The board shall be nonpartisan.

B. Each member of the board shall be a person who has been licensed and actively practicing in this state either as a cosmetologist or as an instructor in cosmetology for a period of at least five of the seven years immediately preceding his appointment.

C. The governor may remove a member of the board for incompetency, disability, immorality or for any abuse of his official powers or duties or for any other good cause shown and shall fill any vacancy thus created by an appointment within thirty days thereafter.

32-503. ORGANIZATIONS; MEETINGS; COMPENSATION; PERSONNEL

A. The board shall select a president, vice president and secretary-treasurer from among its membership. The president shall preside at meetings of the board and shall act as the chief administrative officer of the board, except as in this chapter otherwise specified. The vice president shall perform the duties of the president in absence or disability of the president and shall perform such other duties as may be prescribed by the board. The duties of the secretary-treasurer shall be as prescribed by this chapter.

B. The board shall hold annual meetings on the second Monday of January of each year in the city of Phoenix, at which time the board shall select its officers as provided in this chapter. The board may hold other meetings from time to time and at such places as shall be designated in the call therefor which meetings may be held upon call of the president of the board or a majority of its members pursuant to reasonable notice thereof sent to each member, unless such notice is waived by all board members. A majority of the board shall constitute a quorum for the purpose of exercising all the powers and duties of the board. The board shall maintain suitable offices for the conduct of its business.

C. Each member of the board shall receive a salary not to exceed four hundred dollars per month and necessary travel expense as provided by law for state officers. The members shall devote their full time in performing their duties as members of the board.

D. The board may employ inspectors and clerical help necessary to carry out the provisions of this chapter, and fix such employees' compensation.

E. All salaries and expenditures authorized by this chapter shall be paid from the board of cosmetology fund within the limitation of the annual general appropriation bill.

32-504. POWERS AND DUTIES OF BOARD

A. The board shall:

1. Prepare and conduct all examinations for applications for licenses under this chapter, issue licenses, conduct hearings, revoke or suspend licenses, and administer and enforce all provisions of this chapter and all rules and regulations adopted by the board pursuant to the authority granted by this chapter.

2. Collect all fees provided for by this chapter and make dispositions of them as provided in section 32-506.

3. Make and maintain a record of its acts and proceedings, including, but not limited to, the issuance, refusal, renewal, suspension or revocation of the licenses provided for in this chapter.

4. Maintain a register of all licenses issued and registered under this chapter, which register shall include the following information:

(a) The names and residence addresses of all persons licensed under this chapter.

(b) The names and business addresses of all shops and schools of cosmetology licensed under this chapter.

(c) The date of issuance and number of all issued licenses.

(d) The dates of inspections made by the board and the statistical or other information pertaining to such inspections.

5. Have a seal, the imprint of which, together with the signatures of the president or vice president of the board and the secretary-treasurer thereof, shall be used to evidence its official acts.

6. Keep the records of the board open to public inspection at all reasonable times.

7. Make an annual report to the governor on or before October 1 of each year covering its official acts and financial transactions during the preceding calendar year and may make whatever recommendations it deems necessary.

B. The board may:

1. Adopt and enforce such rules and regulations as may be necessary for the administration of this chapter.

2. Set minimum sanitary requirements in aid of safe and healthy operation of shops and schools.

3. Authorize any member, employee or agent to enter upon the premises of any cosmetology shop or school during business hours to inspect same.

32-505. SECRETARY-TREASURER; DUTIES; BOND

A. The board shall appoint a secretary-treasurer from among its membership who shall hold such office at the pleasure of the board, but no additional salary shall be paid therefor to such board member.

B. The secretary-treasurer shall:

1. Collect and properly account for all monies due and payable to the board.

2. Pay to the state treasurer all monies received by the board.

3. Prepare statements for all authorized expenditures of the board and obtain warrants therefor from the state auditor.

4. Act as custodian of the seal, books, records and minutes of meetings and proceedings of the board.

5. Do and perform all other duties imposed upon him by this chapter or reasonably required of him by the board through its rules and regulations or by resolution.

6. Give a bond payable to the state in the amount of five thousand dollars for the faithful performance of his duties with such surety and at such time as the board deems proper, the premium for which shall be paid by the board as an authorized expenditure.

32-506. BOARD OF COSMETOLOGY FUND; DISBURSEMENTS

A. All monies received by the board from whatever source shall be paid to the secretary-treasurer who shall issue receipts therefor. The secretary-treasurer shall, before the end of each calendar month, deposit the monies with the state treasurer, who shall transfer ninety per cent to a special fund, to be known as the board of cosmetology fund and deposit the remaining ten per cent in the general fund. All such monies deposited to the board of cosmetology fund shall be held for the use of the board for the administration and enforcement of this chapter and all monies expended by the board under this chapter shall be paid from the fund.

B. All monies paid from the fund shall be on warrants drawn on the state auditor upon presentment of a proper claim or voucher by the board, approved and signed by the president or vice president and secretary-treasurer thereof.

ARTICLE 2. LICENSING

32-521. PERSONS NOT REQUIRED TO BE LICENSED

The following persons are exempt from this chapter while in the proper discharge of their professional duties:

1. Persons licensed under the laws of this state to practice medicine and surgery, osteopathy, chiropody or chiropractic.

2. Commissioned physicians and surgeons serving in the armed forces of the United States or other federal agencies.

3. Registered nurses, undertakers and morticians licensed under the laws of this state.

4. Barbers licensed under the laws of this state, unless applying for a finger waving license under section 32-525.

32-522. COSMETOLOGIST; QUALIFICATIONS OF APPLICANT; RECIPROCITY PROVISIONS

A. A person is entitled to receive a license to practice as a cosmetologist who:

1. Is at least eighteen years of age.
2. Is of good moral character and temperate habits.
3. Has submitted to the board under oath an application for a license on forms supplied by the board.
4. Has completed and received appropriate credits for at least two years of high school education, or its equivalent as prescribed by rules of the board.
5. Submits to the board satisfactory evidence of one of the following:
 - (a) That he is a graduate of a school of cosmetology in this state approved by the board requiring a course of not less than eighteen hundred hours for graduation, or
 - (b) That he is a graduate of a school of cosmetology of another state or country which school had, at the time of graduation, substantially the same requirements as duly licensed schools of cosmetology in this state, or
 - (c) That he has had three years of actual bona fide practical experience under licenses issued by another state or country which has substantially the same cosmetology school educational requirements as this state.
6. Has successfully passed an examination conducted by the board.
7. Submits to the board a medical certificate.
8. Pays the stipulated examination fee prior to taking any examination conducted by the board.

B. Notwithstanding the requirements set forth in subsection A, a person is entitled to receive a license to practice as a cosmetologist who meets the following requirements:

1. Is a resident of this state and at least eighteen years of age.
2. Submits a medical certificate.
3. Is of good moral character and temperate habits.
4. Has completed and received appropriate credits for at least two years of high school education, or its equivalent as prescribed by rules of the board.

5. Has practiced as a licensed cosmetologist for at least five of the seven years immediately preceding the date of application in another state or country, but the privilege conferred by this paragraph shall apply only to holders of licenses issued by states or countries which grant the same privileges to the holders of licenses to practice as cosmetologists issued by this state.

32-523. MANICURIST; QUALIFICATIONS OF APPLICANT

A. A person is entitled to receive a license to practice manicuring who possesses the following qualifications:

1. Is at least eighteen years of age.
2. Is of good moral character and temperate habits.
3. Has completed a manicure course of at least three hundred hours of training in a school of cosmetology licensed under this chapter, or has had within five years next preceding application for a license not less than three years of practical experience in manicuring under a license issued by another state or country.
4. Has completed and received appropriate credits for at least two years of high school education, or its equivalent as prescribed by rules of the board.
5. Has successfully passed an examination conducted by the board.

6. Submits to the board a medical certificate.

B. The applicant for a license as a manicurist shall pay the required examination fee before taking any examination conducted therefor by the board.

32-524. INSTRUCTOR; STUDENT INSTRUCTOR; QUALIFICATIONS OF APPLICANT

A. A person is entitled to receive a license to instruct in a school of cosmetology who possesses the following qualifications:

1. Is the holder of a license as a cosmetologist issued by this state and has practiced as such for not less than one year.
2. Is a high school graduate.
3. Has received in a school of cosmetology not less than five hundred hours of instructor's training within a training period of not more than four months, under the personal supervision of a duly licensed instructor in such school.

4. Has successfully passed an examination conducted by the board.

5. Pays the stipulated examination fee prior to taking any examination therefor conducted by the board.

B. An instructor may practice cosmetology in a shop of cosmetology.

C. A person who has failed to pass an examination for an instructor's license is eligible to retake an examination only if the applicant pursues an additional course of study in a school of cosmetology of not less than three hundred hours to be completed within a period of two months.

D. A person following a course of training for an instructor's license is entitled to assist a licensed instructor in the instruction of other students in the school and shall be known as a student instructor.

32-525. FINGER WAVER; QUALIFICATIONS OF APPLICANT

A. A person is qualified to receive a license to practice as a fingerwaver who meets the following requirements:

1. Is a duly licensed barber under the laws of this state.
2. Is of good moral character and temperate habits.
3. Successfully passes an examination conducted by the board to practice as a finger waver and pays the stipulated examination fee.

B. An applicant for a license as a finger waver who fails to satisfactorily pass the examination required above shall complete a further course of study of not less than one hundred hours in a licensed school of cosmetology which course shall be completed within a period of three months and limited to not more than eight hours of training in any one day before retaking an examination.

32-526. LICENSING OF COSMETOLOGY SHOP

A. A cosmetology shop is entitled to receive a license to operate as such if it meets and maintains the following requirements:

1. Files with the board an application in writing on forms supplied by the board and accompanied by a license fee of twenty-five dollars.

2. Is located in a building or structure occupying either the whole thereof, or separated from the remainder of the building if not occupying the whole thereof.

3. It maintains hot and cold running water and a separate rest room for the use of its patrons.

4. It complies with the rules and regulations issued by the board.

B. The applicant, if an individual, as well as the officers, managers and directors thereof if a corporation or partnership, shall be persons of good moral character and temperate habits.

32-527. LICENSING OF COSMETOLOGY SCHOOL

A. A school of cosmetology is entitled to receive a license to operate as such and to teach cosmetology, manicuring and finger waving, if it fulfills and maintains the following requirements:

1. It files with the board an application in writing on forms supplied by the board and accompanied by a fee of one hundred twenty-five dollars.

2. It requires that all students enrolling should be of good moral character, have completed two years of high school education, or its equivalent, and have submitted a medical certificate and two photographs.

3. It offers a course of instruction which shall include basic fundamentals, theories and practical applications of the science and practice of cosmetology, histology of the hair, skin, muscles and nerves, structure of the head, face, neck, arms and hands, elementary chemistry relating to sterilization and antiseptics, diseases and conditions of the skin, hair, and glands and the four electrical currents used in the science of cosmetology.

4. That before a student is entitled to a certificate of graduation, the student shall complete a full school course of eighteen hundred hours of instruction in cosmetology to be completed within not less than nine months nor more than fifteen months and with not more than eight hours of instruction in any one training day, and successfully passes the school examinations in all phases of cosmetology.

5. It furnishes to the board and maintains in force a bond in the penal sum of five thousand dollars running in favor of the state with surety by a corporate bonding company authorized to do business in this state and conditioned that the school licensed under this chapter shall afford to its students

the full course of instruction required under this chapter, in default of which the full amount of the tuition paid by the student shall be refunded.

6. It has and maintains sufficient beauty equipment and other equipment so as to train properly all the students enrolled in its course in the use, function and operation of the beauty equipment which is at the time in use in the fields of cosmetology.

7. It provides:

(a) Separate lecture or classrooms.

(b) Locker spaces for students.

(c) An area appropriate in size for the placement of the training equipment.

(d) Separate rest room facilities for male and female students.

B. No part of any area used for school purposes shall be used at any time for residential, sleeping or cooking purposes, and there shall be a separate entrance to a school if the school is located in any building or structure used also for residential or eating purposes.

C. Schools having a registered student body enrollment up to twenty students shall provide one licensed instructor and for each additional twenty students enrolled, or any fraction thereof, the school shall provide one additional instructor.

32-528. EXAMINATIONS

A. The board shall conduct examinations required under this chapter no less than every three months at such times and places as determined by the board. Examinations shall be conducted both orally and in writing and shall cover such subject matters and practical demonstrations as the board deems necessary properly to test the knowledge and skill of the applicant and practical demonstrations shall embrace all of the usual practices of cosmetology.

B. A passing grade for an applicant shall be seventy-five per cent.

32-529. LICENSES; ISSUANCE; RENEWAL, RESTORATION; DISPLAY; LOST LICENSE

A. The board shall issue license certificates to all applicants qualifying therefor under this chapter. Licenses are nontransferable and shall expire June 30 of each year.

B. Each applicant desiring to continue to operate or to serve under an issued license may renew the license each year by paying to the board the renewal fee prescribed in section 32-530 and furnish a medical certificate on the applicant, if an individual, or officers and managers actively engaged in the operation of the cosmetology shop, if a corporation or partnership, within thirty days before July 1.

C. A license which has expired and has not been renewed, as provided in subsection B of this section, may be restored upon payment of the restoration fee as provided in section 32-530 and submitting a satisfactory medical certificate to the board as required in subsection B. A license which is in default for more than one year cannot be restored, but the former license holder may apply as an original applicant.

D. An individual license holder whose license has expired while the holder thereof was serving in the armed forces of the United States may have his license renewed during his period of service or within six months thereafter at no additional fee upon furnishing a medical certificate as provided in subsection B.

E. Licenses issued and in force and effect when this chapter takes effect shall continue in force and effect until the time specified in this chapter for renewal subject to the expiration, renewal, restoration, suspension, or revocation provisions of this chapter.

F. Every individual holder of a license shall display his license certificate and picture in a conspicuous place adjacent to or near his work chair or booth and every school or place of cosmetology shall conspicuously display its license in its place of operation.

G. If a license is lost by the holder thereof, the board shall issue a duplicate license upon receiving from the licensee a verified statement that the license is lost, together with a photograph of applicant and the required fee.

32-530. FEES

The board shall charge the following fees:

1. Examining applicant to practice as cosmetologist, fifteen dollars.
2. Issuing license as cosmetologist under section 32-522, subsection A, ten dollars.
3. Issuing license as cosmetologist under section 32-522, subsection B, forty dollars.
4. Renewing license as cosmetologist, five dollars.

5. Restoring expired license as cosmetologist, seven dollars fifty cents.
6. Examining applicant to practice as manicurist, ten dollars.
7. Issuing license as manicurist, five dollars.
8. Renewing license as manicurist, three dollars.
9. Restoring expired license as manicurist, five dollars.
10. Examining applicant to practice as finger waver, fifteen dollars.
11. Issuing license as finger waver, ten dollars.
12. Renewing license as finger waver, five dollars.
13. Restoring expired license as finger waver, seven dollars fifty cents.
14. Examining applicant to practice as instructor, twenty-five dollars.
15. Issuing license as instructor, ten dollars.
16. Renewing license as instructor, five dollars.
17. Restoring expired license as instructor, seven dollars fifty cents.
18. Issuing a license to a school of cosmetology, one hundred twenty-five dollars.
19. Renewing license issued to a school of cosmetology, one hundred twenty-five dollars.
20. Issuing an establishment license to a cosmetology shop, twenty-five dollars.
21. Renewing license for cosmetology shop, five dollars.
22. Restoring expired license for cosmetology shop, fifteen dollars.
23. Reissuing of any lost license, two dollars.

ARTICLE 3. REGULATION

32-551. PROHIBITED ACTS; PENALTIES; INJUNCTIVE RELIEF

A. It is unlawful without an appropriate license issued under this chapter to:

1. Practice cosmetology for compensation.
2. Own, manage, operate or control a school of cosmetology.
3. Own, manage, operate or control a cosmetology shop.
4. Teach in a school of cosmetology.
5. Practice manicuring.
6. Practice as a finger waver or hair styling artist.

B. It is unlawful:

1. For any person who owns, manages or controls a cosmetology shop to employ or use an unlicensed person as a cosmetologist.

2. To operate at the same location or establishment a cosmetology school and a cosmetology shop.

3. For a cosmetology school to advertise for customers or patrons, or to pay compensation to its students, except as prescribed in paragraph 10 of this subsection.

4. To operate a cosmetology shop without at all times having a licensed cosmetologist present and in charge thereof.

5. To operate a cosmetology school without at all times having a licensed instructor present and in charge thereof.

6. To practice cosmetology in any place other than in a licensed establishment as provided in this chapter except when a licensed operator is requested by a customer without solicitation to go to a place other than a licensed establishment and is sent to such customer from a licensed establishment.

7. To obtain or attempt to obtain a license by the use of money, other than the required fee, or any other thing of value or by any fraudulent misrepresentation.

8. To violate any section or part of this chapter required to be done by a licensee.

9. To continue any practice or activity authorized by this chapter by any person while he has an infectious, contagious, or communicable disease.

10. For a school of cosmetology to display a list of prices or service charges where they can be seen from outside of the school establishment, unless the school displays placards of clear and legible type in letters of not less than eight inches in height within the school establishment clearly indicating

to the patrons that the establishment is a school of cosmetology.

11. For an instructor to render cosmetology services in a school of cosmetology except such services as are directly incidental to instruction of students.

12. To do anything prohibited by this chapter or any part thereof.

C. Commission of any of the acts prohibited as provided in subsections A and B, or any violation of this chapter, or violation of any act prohibited by this chapter is a misdemeanor punishable by a fine of not less than one hundred nor more than three hundred dollars or by imprisonment in the county jail for not to exceed thirty days, or both.

D. Regardless of any penalties provided in this chapter, and as an additional remedy, the superior court is vested with jurisdiction to restrain and enjoin any threatened violation of the requirements of this chapter as nuisances per se, or otherwise, and the board, the attorney general or any county attorney or any other person may institute proceedings in equity for the purpose of obtaining equitable relief against violations or threatened violations of any provisions of this chapter. Any person damaged by any violation of this chapter shall also be entitled to actual damages sustained by reason thereof.

32-552. SUSPENSION OF LICENSE; REVOCATION; REFUSAL TO ISSUE; GROUNDS

A. The board shall not issue or renew, and may suspend or revoke, a license already issued, for any one or more of the following causes:

1. Conviction of a felony.
2. Malpractice or incompetency.
3. Affliction of an applicant or licensee with an infectious, contagious or communicable disease.
4. Advertising by means of knowingly false or deceptive statements.
5. Advertising, practicing or attempting to practice under a name or trade name other than the one in which the license certificate is issued.
6. Habitual drunkenness or the habitual use of morphine, cocaine or other habitual drugs.

7. Commission of any offense enumerated in section 32-551.

8. Violation of any health regulation promulgated by a state or local board of health or violation of any sanitary regulation promulgated by the state board of cosmetology in accordance with the standards of such boards of health.

9. Immorality.

10. Wilfully making a false statement on which the board relies or acts.

11. Ceasing to have any qualification required under this chapter to obtain or to continue in force a license.

32-553. COMPLAINTS; HEARINGS; PROCEDURE

A. The board may make investigations and conduct inspections of all places or establishments licensed under this chapter and hold hearings to determine whether a license issued under this chapter should be revoked or suspended. Any board member, the attorney general or the county attorney who has cause to believe that a person holding a license under this chapter is guilty of any conduct set forth in section 32-552 as grounds for a revocation or suspension of a license may file with the board a complaint against such person setting forth the facts constituting the alleged wrongful conduct. A copy of the complaint shall be forwarded by registered or certified mail, within five days after filing with the board, to the person charged with wrongful conduct together with a notice of the time and place of hearing which shall be not less than thirty days after the mailing of the notice.

B. Within ten days after receipt of the copy of the complaint, the person charged shall file an answer with the board specifically admitting or denying each material allegation of the complaint. The accused person shall be entitled to be present in person, to present witnesses and to be represented by his own counsel. The attorney general shall be sent promptly a copy of the complaint and any answer or other pleading filed in the matter and shall represent the board. The board may employ other counsel and pay reasonable fees therefor. The board may take depositions, compel attendance of witnesses and issue subpoenas which may be served by any person authorized by law to serve subpoenas issued out of the superior court and make due return of service thereof. Witnesses shall be entitled to receive fees and mileage on the same basis as is provided by law for attendance in the superior court except witness fees and mileage need not be tendered in advance. The president of the board, or any

other member thereof designated by the board, shall preside at each hearing.

C. Upon conclusion of the hearing, as provided in this section, or not later than fifteen days thereafter, the board shall make and enter upon its records a finding either suspending, revoking or continuing in effect the license under inquiry and shall mail a copy thereof by certified or registered mail to the defendant.

32-554. JUDICIAL REVIEW; APPEAL

The provisions of title 12, chapter 7, article 6 shall apply to and govern every action to review judicially a final decision of the board.

Sec. 3. TRANSFER OF PROPERTY

All records, furniture, property, equipment and forms now in possession of the board of beauty culturist examiners are transferred to the board of cosmetology.

Sec. 4. TRANSFER OF FUNDS

All monies in the board of beauty culturist examiners fund are transferred to the board of cosmetology fund.

Sec. 5. RETENTION OF PRESENT MEMBERS OF THE BOARD OF BEAUTY CULTURIST EXAMINERS

The members of the state board of beauty culturist examiners serving upon the effective date of this act shall continue in their office and shall act as the state board of cosmetology until the expiration of the respective terms for which they were appointed.

Sec. 6. EMERGENCY

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

Approved by the Governor — March 20, 1958.

Filed in the Office of the Secretary of State — March 20, 1958.

CHAPTER 102

House Bill No. 330

AN ACT

RELATING TO APPROPRIATIONS FOR THE DIFFERENT DEPARTMENTS OF THE STATE, FOR STATE INSTITUTIONS, AND FOR PUBLIC SCHOOLS.

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

Section 1. Subject to applicable laws, the sums or sources of revenue herein set forth are appropriated for the forty-seventh fiscal year for the purposes and objects herein specified:

Subdivision 1. ATTORNEY GENERAL — DEPARTMENT OF LAW

Personal Services	
Attorney General	\$ 12,500.00
Assistant Attorneys General	113,500.00
Secretaries	33,700.00
Wages — Court Reporters	1,000.00

Total Personal Services	\$ 160,700.00
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Travel—State	4,000.00
Travel—Out-of-State	1,000.00
Subscriptions and Organization Dues	300.00
Professional Fees	9,500.00
Other Current Fixed Charges	450.00
Other Current Expenditures	12,750.00
Capital Outlay—Books	2,000.00

Total Department of Law	\$ 190,700.00
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REIMBURSABLE SERVICES

Personal Services	16,800.00
Travel—State and Out-of-State	2,000.00
Employers' contribution for Old Age and Survivors' Insurance and State Retirement	966.00
Professional Fees	600.00

Industrial Compensation—State Employees	170.00
Total Reimbursable Services	\$ 20,536.00*
Total Appropriation	\$ 211,236.00

*This appropriation is deemed to include all unexpended balances remaining in the reimbursable fund on June 30, 1958.

Subdivision 2. AUDITOR

Personal Services	\$ 207,601.00
Travel—State	200.00
Travel—Out-of-State	400.00
Subscriptions and Organization Dues	75.00
Other Current Fixed Charges	43,738.00
Other Current Expenditures	49,500.00
Capital Outlay—Equipment	4,330.00
Total Appropriation	\$ 305,844.00

Subdivision 3. CAPITOL BUILDINGS AND GROUNDS

Personal Services	\$ 119,700.00
Other Current Expenditures	71,325.00*
Capital Outlay	
Equipment	2,300.00
Buildings and Improvements	
Deep Wells cleaned and repaired	
Compressors in Capitol and Annex repaired	
Miscellaneous—Wiring, re-roofing, etc.	4,500.00
Total Capital Outlay	6,800.00
Total Appropriation	\$ 197,825.00

*This appropriation is exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 4. DEPARTMENT OF LIBRARY AND ARCHIVES

Personal Services	\$ 44,455.00
Travel—State	300.00
Travel—Out-of-State	300.00
Other Current Expenditures	6,220.00
Capital Outlay	13,755.00
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Total Appropriation	\$ 65,030.00

MICRO-FILM PROJECT

Lump Sum Appropriation	\$ 12,300.00*
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*This appropriation is exempt from the provisions of Sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing appropriations.

LIBRARY EXTENSION SERVICE

Lump Sum Appropriation	\$ 40,000.00*
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The foregoing appropriation is in addition to funds granted to the State by the Federal Government for the same purpose.

*This appropriation is exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Total Appropriation--Library and Archives	\$ <u>117,330.00</u>
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Subdivision 5. ESTATE TAX COMMISSIONER

Personal Services	\$ 21,600.00
Travel—State	300.00
Subscriptions and Organization Dues	150.00
Professional Fees	1,500.00
Other Current Fixed Charges	263.00
Other Current Expenditures	3,150.00
Capital Outlay—Equipment	525.00
	<hr/>
Total Appropriation	\$ <u>27,488.00*</u>

*This appropriation is exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 6. GOVERNOR

Personal Services	\$	59,053.00
Travel—State and Out-of-State		3,000.00
Subscriptions and Organization Dues		650.00
Insurance		60,000.00*
Liability Insurance		50,000.00**
Contingency Reserve for Reimbursable		
Insurance Claims		8,000.00*
Other Current Fixed Charges		250.00
Entertainment and Miscellaneous		
Expense		5,000.00
Emergency Disaster Contingency		5,000.00*
Other Current Expenditures		9,500.00
Capital Outlay—Equipment		1,500.00
Expenses Incurred In Connection With		
the Interstate Oil Compact		1,000.00**
State's Share of Operation For Council		
of State Governments		2,500.00**
Total Appropriation	\$	<u>205,453.00</u>

*These appropriations are exempt from the provisions in Sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing appropriations.

**These appropriations are exempt from the provisions in Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 6.1. STATE PLANNING AND BUILDING COMMISSION

From the remaining sums appropriated and reallocated to the state planning and building commission under the terms of subsections A and C, section 7, chapter 65, Laws of 1956, second regular session, and not heretofore made available for expenditure by legislative approval, the sum of two million nine hundred forty thousand dollars is hereby approved for expenditure by the state planning and building commission for alteration, rehabilitation or repair of the interior and exterior of the existing capitol building and grounds, actual construction of new state office building facilities in the capitol area, and furnishing and equipping of the interior of the Senate and House Chambers in the new state office building facilities, such sum to be exempt from the provisions of sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing appropriations.

Subdivision 7. POST AUDITOR

Personal Services	\$ 83,982.00
Travel—State	3,500.00*
Travel—Out-of-State	400.00
Subscriptions and Organization Dues	75.00
Other Current Fixed Charges	127.00
Other Current Expenditures	2,170.00
Capital Outlay—Equipment	1,500.00

Total Appropriation \$ 91,754.00

*This appropriation is exempt from the provisions in Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 8. SECRETARY OF STATE

Personal Services	\$ 30,708.00
Travel—State	600.00
Travel—Out-of-State	300.00
Subscriptions and Organization Dues	100.00
Other Current Fixed Charges	1,474.00
Other Current Expenditures	6,781.00
Printing Rules and Regulations of State Departments	2,000.00*
Expenses incurred in connection with National Association of National Secretaries of State	300.00*
Arizona Session Laws	6,500.00*
Printing Booklets	2,250.00*
Mortgage Recordation	4,000.00*
Supplements to the Code	12,600.00*

Total Appropriation \$ 67,613.00

*These appropriations are exempt from the provisions in Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 9. STATE EXAMINER

Personal Services	\$ 90,000.00
Travel—State	30,000.00
Travel—Out-of-State	300.00
Subscriptions and Organization Dues	52.00
Other Current Fixed Charges	225.00
Other Current Expenditures	4,450.00
Capital Outlay—Equipment	1,200.00

Total Appropriation \$ 126,227.00

Subdivision 10. STATE RETIREMENT SYSTEM

Personal Services	\$ 74,040.00
Travel—State	5,000.00
Travel—Out-of-State	300.00
Subscriptions and Organization Dues	66.00
Professional Fees	24,750.00*
Expenses incurred in the assistance of counties and municipalities in participation in the Arizona State Retirement System	5,000.00*
Employers' contribution for Old Age and Survivors' Insurance, State Retirement, and Industrial Insurance	4,858.00
Prior Service Funding	579,540.00**
Other Current Fixed Charges	28,542.00
Other Current Expenditures	13,625.00
Capital Outlay—Equipment	1,000.00
Total Appropriation	<u>\$ 736,721.00</u>

*These appropriations are exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

**This amount is the fourth of ten equal annual payments to amortize the total liability of the State for funding prior service credit pensions for State employees and for former members of the Arizona Teachers' Retirement System who became members of the Arizona State Retirement System under the provisions of Sections 15-1469 (d), 38-747, 38-754, Arizona Revised Statutes. This appropriation is exempt from the provisions of Sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing appropriations.

Subdivision 11. STATE TAX COMMISSION

Personal Services	\$ 827,298.00
Travel—State	70,000.00
Travel—Out-of-State	24,000.00
Subscriptions and Organization Dues	250.00
Professional Fees	10,000.00
Other Current Fixed Charges	57,138.00
Other Current Expenditures	43,750.00
Luxury Stamps	38,000.00*
Office Supplies	150,000.00*
Capital Outlay—Office Equipment	23,290.00

Total Appropriation	<u><u>\$ 1,243,726.00</u></u>
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*These appropriations are exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 12. STATE TREASURER

Personal Services	\$ 36,900.00
Travel—State	300.00
Rent—Vault	1,137.00
Bonds of Officials and Employees	525.00
Other Current Fixed Charges	3,638.00
Other Current Expenditures	3,700.00
Capital Outlay—Equipment	400.00
Revolving Fund	5,000.00

Total Appropriation	<u><u>\$ 51,600.00</u></u>
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Subdivision 13. SUPERIOR COURTS

Personal Services	
Salary of Judges	\$ 162,500.00
Periodic Court Commissioners	500.00
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Total Appropriation	\$ 163,000.00
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Subdivision 14. SUPREME COURT

Personal Services	\$ 130,350.00
Travel—State and Out-of-State	800.00
Current Fixed Charges	38.00
Other Current Expenditures	4,700.00
Capital Outlay	
Equipment	1,500.00
Library and Reference Facilities	1,200.00
Publishing Arizona Reports	6,750.00
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Total Capital Outlay	9,450.00
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Total Appropriation	\$ 145,338.00
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Subdivision 15. ARIZONA STATE BOARD OF PHARMACY

From the Arizona State Board of Pharmacy Fund the following is appropriated:

Personal Services	\$ 27,360.00
Travel—State	6,200.00
Travel—Out-of-State	300.00
Subscriptions and Organization Dues	225.00
Professional Fees	750.00
Employers' contribution for Old Age and Survivors' Insurance and State Retirement	1,574.00
Other Current Fixed Charges	1,860.00
Other Current Expenditures	4,600.00
Capital Outlay—Equipment	350.00
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Total Appropriation	\$ 43,219.00
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Subdivision 16. ARIZONA STATE DENTAL BOARD

90% of all collections when paid into the State Treasury is hereby appropriated for current expenditures (including employers' contribution for Old Age and Survivors' Insurance and State Retirement) and capital outlay. 10% shall be credited to the general fund.

Subdivision 17. BOARD OF BARBER EXAMINERS

From the Board of Barber Examiners Fund the following is appropriated:

Personal Services	\$ 14,846.00
Travel—State	3,600.00
Travel—Out-of-State	300.00
Subscriptions and Organization Dues	25.00
Employers' contribution for Old Age and Survivors' Insurance and State Retirement	854.00
Other Current Fixed Charges	380.00
Other Current Expenditures	1,825.00
Capital Outlay—Equipment	400.00
Total Appropriation	<u>\$ 22,230.00</u>

Subdivision 18. BOARD OF BEAUTY CULTURIST EXAMINERS

From the Board of Beauty Culturist Examiners Fund the following is appropriated:

Personal Services	\$ 20,610.00
Travel—State	4,000.00
Travel—Out-of-State	600.00
Subscriptions and Organization Dues	35.00
Professional Fees	150.00
Employers' contribution for Old Age and Survivors' Insurance and State Retirement	1,185.00
Other Current Fixed Charges	2,600.00
Other Current Expenditures	2,635.00
Capital Outlay—Equipment	500.00
Total Appropriation	<u>\$ 32,315.00</u>

Subdivision 19. BOARD OF MEDICAL EXAMINERS

90% of all collections when paid into the State Treasury is hereby appropriated for current expenditures (including employers' contribution for Old Age and Survivors' Insurance and State Retirement) and capital outlay. 10% shall be credited to the general fund.

Subdivision 20. BOARD OF NURSE REGISTRATION AND NURSING EDUCATION

90% of all collections when paid into the State Treasury is hereby appropriated for current expenditures (including

employers' contribution for Old Age and Survivors' Insurance and State Retirement) and capital outlay. 10% shall be credited to the general fund.

Subdivision 21. BOARD OF PHYSICAL THERAPY EXAMINERS

90% of all collections when paid into the State Treasury is hereby appropriated for current expenditures (including employers' contribution for Old Age and Survivors' Insurance and State Retirement) and capital outlay. 10% shall be credited to the general fund.

Subdivision 22. DAIRY COMMISSIONER

Personal Services	\$ 16,670.00
Travel—State	1,600.00
Travel—Out-of-State	300.00
Subscriptions and Organization Dues	15.00
Professional Fees	250.00
Other Current Fixed Charges	50.00
Other Current Expenditures	750.00
Capital Outlay—Equipment	150.00
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Total Appropriation	\$ 19,785.00
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Subdivision 23. NATUROPATHIC BOARD OF EXAMINERS

From the Naturopathic Board of Examiners Fund the following is appropriated:

Lump Sum Appropriation	\$ 1,085.00
(Including employers' contribution for Old Age and Survivors' Insurance and State Retirement)	<hr/> <hr/>

Subdivision 24. STATE BOARD OF CHIROPODY EXAMINERS

From the State Board of Chiropractic Examiners Fund the following is appropriated:

Lump Sum Appropriation	\$ 200.00
(Including employers' contribution for Old Age and Survivors' Insurance and State Retirement)	<hr/> <hr/>

Subdivision 25. STATE BOARD OF CHIROPRACTIC EXAMINERS

From the State Board of Chiropractic Examiners Fund the following is appropriated:

Lump Sum Appropriation	\$ 2,005.00
(Including employers' contribution for Old Age and Survivors' Insurance and State Retirement)	

Subdivision 26. STATE BOARD OF FUNERAL DIRECTORS AND EMBALMERS

From the State Board of Funeral Directors and Embalmers Fund the following is appropriated:

Lump Sum Appropriation	\$ 5,239.00
(Including employers' contribution for Old Age and Survivors' Insurance and State Retirement)	

Subdivision 27. STATE BOARD OF OPTOMETRY

From the State Board of Optometry Fund the following is appropriated:

Lump Sum Appropriation	\$ 2,440.00*
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*This appropriation is exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 28. STATE BOARD OF OSTEOPATHIC EXAMINERS

From the State Board of Osteopathic Examiners Fund the following is appropriated:

Personal Services	\$ 1,800.00
Travel—State	500.00
Travel—Out-of-State	300.00
Subscriptions and Organization Dues	10.00
Employers' contribution for Old Age and Survivors' Insurance and State Retirement	103.00
Other Current Fixed Charges	1,208.00
Other Current Expenditures	900.00

Total Appropriation	\$ 4,821.00
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Subdivision 29. STATE DEPARTMENT OF HEALTH

Personal Services	\$ 420,523.00
Travel—State	53,950.00
Travel—Out-of-State	3,450.00
Subscriptions and Organization Dues	250.00
Professional Fees	4,000.00
Other Current Fixed Charges	7,074.00
Other Current Expenditures	72,550.00
Capital Outlay	
Equipment—Other	2,850.00
Truck	2,500.00
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Total Capital Outlay	\$ 5,350.00
Local Health Work	225,000.00*
Reimbursable for T.B. care by counties	500,000.00
Merit System	12,919.00
	<hr/>
Total Appropriation	<u>\$ 1,305,066.00</u>

The foregoing is the total appropriation to the State Department of Health and shall be deemed to include all fees collected (under the provisions of Section 36-138 Arizona Revised Statutes) and all funds granted to the State Health Department by the Federal Government except project grants for mental and heart disease, cancer diagnostic clinics, child study and counseling service, hospital medical facilities and construction funds and special project grants.

*This appropriation is to provide matching funds to counties for local health work on a 50-50 matching basis and shall be distributed to each county on the basis of not to exceed 30¢ per person within each county as determined by the 1950 Federal Decennial Census.

Subdivision 30. ARIZONA CHILDREN'S COLONY BOARD

Personal Services	\$ 375,230.00
Travel—State	1,000.00
Travel—Out-of-State	450.00
Subscriptions and Organization Dues	75.00
Professional Fees	750.00
Employers' contribution for Old Age and Survivors' Insurance and State Retirement	21,576.00
Other Current Fixed Charges	1,525.00
Other Current Expenditures	250,580.00
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Total Appropriation	<u>\$ 651,186.00</u>

Subdivision 31. DEPARTMENT OF PUBLIC WELFARE

ADMINISTRATION—STATE AND COUNTY OFFICES

Personal Services	\$ 811,040.00
Travel—State	60,000.00
Travel—Out-of-State	2,500.00
Subscriptions and Organization Dues	750.00
Other Current Fixed Charges	7,600.00
Other Current Expenditures	42,500.00
Capital Outlay—Equipment	8,000.00
Joint Merit System	11,652.00

Total Administration—State and County Offices	\$ 944,042.00
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Aid to the Blind	247,587.00
Blind Services	54,900.00
Aid to Dependent Children	2,088,323.00

CRIPPLED CHILDREN'S SERVICES

Personal Services	\$ 223,451.00
Travel—State	3,000.00
Travel—Out-of-State	300.00
Subscriptions and Organization Dues	100.00
Professional Fees	36,000.00
Other Current Fixed Charges	350.00
Other Current Expenditures	76,426.00*
Food	10,000.00
Capital Outlay—Equipment	6,000.00

Total Crippled Children's Services	\$ 355,627.00
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*This appropriation is exempt from the provisions in Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Direct Relief	\$ 1,082,297.00
Foster Home Care	459,000.00
Old Age Assistance	3,191,226.00
Public Assistance Services	37,800.00
Tuberculosis Control	202,968.00*
Unallocated Assistance and Services	700,059.00*

Total Appropriation	\$ 9,363,829.00
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The foregoing total appropriation with the exception of Administration and Crippled Children's Services, is in addi-

tion to funds granted to the State by the Federal Government for the same purposes, but shall be deemed to include the sums deposited in the State Treasury to the credit of the Department of Public Welfare, pursuant to the provisions of Section 42-1341, Arizona Revised Statutes.

Administration is the total appropriation with the exception of funds granted to the State by the Federal Government for Child Welfare Services and Vocational Rehabilitation for the Blind, which shall be available to the Department of Public Welfare, in addition to the appropriations for Child Welfare Services and for Blind Services and for the administration thereof.

*The appropriation for Unallocated Assistance and Services and Tuberculosis Control is exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 32. ARIZONA COMMISSION OF INDIAN AFFAIRS

Lump Sum Appropriation	\$ 9,140.00*
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*This appropriation is exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 33. BOARD OF DIRECTORS OF STATE INSTITUTIONS FOR JUVENILES

BOARD EXPENSES

Personal Services	\$ 2,800.00
Travel—State	1,200.00
Travel—Out-of-State	500.00
Current Fixed Charges	20.00
Other Current Expenditures	175.00

Total Board Expenses	\$ 4,695.00
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Care of Girl Juvenile Offenders	319,063.00
Expenses Incurred for in and out of State Psycho-Therapy Treatment	10,000.00*

Total Appropriation	\$ 333,758.00
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*This appropriation is exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 34. BOARD OF PARDONS AND PAROLES

Personal Services	\$ 32,902.00
Travel—State	9,300.00
Travel—Out-of-State	300.00
Subscriptions and Organization Dues	25.00
Other Current Expenditures	2,020.00
Capital Outlay—Equipment	400.00
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Total Appropriation	\$ 44,947.00
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Subdivision 35. GOVERNOR — ARIZONA RANGERS' PENSION

Pensions	\$ 6,000.00
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Subdivision 36. INDUSTRIAL SCHOOL

Personal Services	\$ 224,100.00
Travel—State	10,800.00
Travel—Out-of-State	400.00
Subscriptions and Organization Dues	75.00
Professional Fees	10,000.00
Boy's Merit Allowance	1,440.00
Food	70,000.00
Construction, Supplies and Materials	34,000.00*
Other Current Fixed Charges	1,545.00
Other Current Expenditures	158,750.00
Capital Outlay	
Equipment	12,100.00
Livestock	850.00
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Total Capital Outlay	12,950.00
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Total Appropriation	\$ 524,060.00
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Earnings on state lands and interest on the investment of the permanent land funds are appropriated in compliance with the Enabling Act and the Constitution.

*This appropriation is exempt from the provisions of Sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing appropriations.

Subdivision 37. PIONEERS' HOME

Personal Services	\$ 104,346.00
Travel—State	300.00
Subscriptions and Organization Dues	500.00

Other Current Fixed Charges	818.00
Other Current Expenditures	59,350.00
Food	61,025.00
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Total Appropriation	\$ 226,339.00
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Earnings on State lands and interest on the investment of the permanent land funds of the Pioneers' Home and the Hospital for Disabled Miners are appropriated in compliance with the Enabling Act and the Constitution.

Subdivision 38. PRISON AND INSTITUTE OF EDUCATIONAL REHABILITATION

Personal Services	\$ 623,885.00
Travel—State	500.00
Travel—Out-of-State	1,500.00
Subscriptions and Organization Dues	100.00
Professional Fees	4,000.00
Discharge Money	8,250.00
Other Current Fixed Charges	800.00
Other Current Expenditures	294,150.00
Food	137,500.00
Uniform Allowance	5,000.00
Construction, Supplies and Materials	400,000.00*
Capital Outlay	
Equipment—including two block machines	30,000.00
Livestock	1,700.00
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Total Capital Outlay	\$ 31,700.00
Canning Plant—Personal Services, Equipment and Supplies	27,994.00
Knitting Mill—Personal Services, Equipment and Supplies	9,369.00
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Total Appropriation	\$ 1,544,748.00
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Earnings on State lands and interest on the investment of the permanent land funds are appropriated in compliance with the Enabling Act and the Constitution.

*This appropriation is exempt from the provisions of Sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing appropriations.

Subdivision 39. STATE DEPARTMENT OF HEALTH —
ARIZONA TUBERCULOSIS SANITORIUM

Personal Services	\$ 190,494.00
Travel—State	300.00
Travel—Out-of-State	300.00
Subscriptions and Organization Dues	250.00
Professional Fees	15,000.00
Other Current Fixed Charges	1,662.00
Other Current Expenditures	45,828.00
Food	43,850.00
Capital Outlay	
Equipment	3,000.00
Buildings and Improvements	12,000.00
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Total Capital Outlay	\$ 15,000.00
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Total Appropriation	\$ 312,684.00
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Subdivision 40. STATE DEPARTMENT OF HEALTH—
RELIEF COMPENSATION

Public Assistance and Rehabilitation	\$ 2,000.00
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Subdivision 41. STATE HOSPITAL

Personal Services	\$ 1,691,795.00
Travel—State	3,000.00
Travel—Out-of-State	
Return of Patients	4,000.00
Other Travel	500.00
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Total Travel—Out-of-State	\$ 4,500.00
Subscriptions and Organization Dues	650.00
Professional Fees	4,000.00
Discharge Fees—Institutional Inmates	200.00
Care of Institutional Patients — Outside	
Services	20,000.00
Food	300,000.00
Revolving Account	2,500.00*
Other Current Fixed Charges	4,712.00
Other Current Expenditures	458,500.00
Capital Outlay	
Equipment—Other than Business	
Office	47,410.00

Buildings and Improvements	23,000.00
Livestock	150.00
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Total Capital Outlay	\$ 70,560.00
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Total Appropriation	\$ 2,560,417.00
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In conformity with Section 36-215, Arizona Revised Statutes, collections received during the fiscal year for maintenance of patients, when paid into the State Treasury are hereby appropriated for current expenditures; earnings on State lands and interest on the investment of the permanent land funds are appropriated in compliance with the Enabling Act and the Constitution.

*This appropriation is exempt from the provisions in Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 42. VETERANS' SERVICE COMMISSION

Personal Services	\$ 24,717.00
Travel—State	5,000.00
Travel—Out-of-State	300.00
Subscriptions and Organization Dues	100.00
Current Fixed Charges	725.00
Other Current Expenditures	1,950.00
Public Assistance Rehabilitation	12,000.00
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Total Appropriation	\$ 44,792.00
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Subdivision 43. ARIZONA STATE COLLEGE AT FLAG-STAFF

Lump Sum Appropriation	\$ 870,385.00*
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*For salaries and wages; for operation, including dues, assessments or membership fees in societies, associations and organizations; for travel to attend meetings, conferences and for other College purposes; for capital investment; for repairs and replacements.

Any unencumbered balance remaining in the collections account on June 30, 1958, and all collections received by the College during the fiscal year, when paid into the State Treasury are hereby appropriated for personal services, current expenditures, capital outlay, and fixed charges; earnings on State lands and interest on the investment of the permanent land funds are appropriated in compliance with the Enabling Act and the Constitution.

Subdivision 44. ARIZONA STATE COLLEGE AT TEMPE

Lump Sum Appropriation	\$ 3,580,786.00*
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*For salaries and wages; for operation, including dues, assessments or membership fees in societies, associations and organizations; for travel to attend meetings, conferences and for other College purposes; for capital investment; for repairs and replacements.

Any unencumbered balance remaining in the collections account on June 30, 1958, and all collections received by the College during the fiscal year, when paid into the State Treasury are hereby appropriated for personal services, current expenditures, capital outlay, and fixed charges; earnings on State lands and interest on the investment of the permanent land funds are appropriated in compliance with the Enabling Act and the Constitution.

Subdivision 45. ARIZONA STATE SCHOOL FOR THE DEAF AND BLIND

Personal Services	\$ 317,214.00
Travel—State	600.00
Travel—Out-of-State	600.00
Subscriptions and Organization Dues	300.00
Food	58,500.00
Professional Fees	3,000.00
Other Current Fixed Charges	10,000.00
Other Current Expenditures	64,500.00
Capital Outlay—Equipment	6,700.00

Total Appropriation	\$ 461,414.00
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In conformity with the Educational Institution Act of 1934, collections received during the fiscal year when paid into the State Treasury are hereby appropriated for fixed charges; earnings on State lands and interest on the investment of the permanent land funds are appropriated in compliance with the Enabling Act and the Constitution.

Subdivision 46. BOARD OF REGENTS OF THE UNIVERSITY AND STATE COLLEGES WESTERN INTERSTATE COMMISSION FOR HIGHER EDUCATION

Western Interstate Commission for Higher Education	\$ 7,000.00
Commission Expenses	3,025.00
Medical Student Subsidy	70,000.00

Dental Student Subsidy	19,200.00
Veterinary Student Subsidy	32,400.00
Total Appropriation	<u>\$ 131,625.00*</u>

*This appropriation is deemed to include all unexpended balances remaining to the credit of the Western Interstate Commission for Higher Education on June 30, 1958.

Subdivision 47. SUPERINTENDENT OF PUBLIC INSTRUCTION AND COMMON SCHOOLS

For the board of education; for the support of the primary, elementary, grammar, four-year high school grades of the public schools and vocational education, a sum of money which shall be equal to \$127.00 per capita for common school education and \$127.00 per capita for high school education per annum, computed according to average daily attendance records of the superintendent of public instruction. Such sum shall constitute the aggregate sum to be raised by the state taxation for the support of common and high school education. This amount shall include the following items:

VOCATIONAL EDUCATION

Personal Services	\$ 32,228.00
Travel—State	3,429.00
Travel—Out-of-State	500.00
Subscriptions and Organization Dues	100.00
Professional Fees	450.00
Other Current Expenditures	3,975.00
Reimbursement for Vocational Training	250,000.00
Total Vocational Education	<u>\$ 290,682.00</u>

This appropriation is made to enable the State to cooperate with the Federal Government in carrying out the provisions of an Act of Congress approved February 23, 1917, and acts amendatory or supplementary thereto, providing for the promotion and development of cooperative Vocational Education.

FOR THE OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION AND COMMON SCHOOLS, SCHOOL LUNCH PROGRAM* AND TEXTBOOKS

Personal Services	\$ 146,035.00
Travel—State	10,000.00
Travel—Out-of-State	1,500.00

Subdivision 49. EDUCATION FOR CRIPPLED CHILDREN

Maricopa County	\$	5,000.00
Pima County		1,800.00
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Total Appropriation	\$	6,800.00
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Subdivision 50. JUNIOR COLLEGES

Phoenix Junior College	\$	150,000.00
Eastern Arizona Junior College		150,000.00
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Total Appropriation	\$	300,000.00
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Subdivision 51. HOMEBOUND STUDENTS

Lump Sum Appropriation	\$	25,000.00
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Subdivision 52. UNIVERSITY OF ARIZONA

Lump Sum Appropriation	\$	6,590,265.00*
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*For salaries and wages; for operation, including dues, assessments or membership fees in societies, associations and organizations; for travel to attend meetings, conferences and for other University purposes; for capital investment; for repairs and replacements.

All collections received by the University during the said fiscal year when paid into the State Treasury are hereby appropriated for personal services, current expenditures, capital outlay and fixed charges; earnings on State lands and interest on the investment of the permanent land funds are appropriated in compliance with the Enabling Act and the Constitution.

Subdivision 53. APPRENTICESHIP COUNCIL

Personal Services	\$	12,915.00
Travel—State		3,500.00
Travel—Out-of-State		300.00
Subscriptions and Organization Dues		40.00
Other Current Fixed Charges		71.00
Other Current Expenditures		2,034.00
Medals and Trophies		225.00
Capital Outlay—Equipment		770.00
		<hr/>
Total Appropriation	\$	19,855.00
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Subdivision 54. ARIZONA DEPARTMENT OF CIVIL AIR
PATROL

Personal Services	\$	3,300.00
Travel—State		300.00
Other Current Fixed Charges		631.00
Other Current Expenditures		8,348.00
		<hr/>
Total Appropriation	\$	12,579.00
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Subdivision 55. ARIZONA FRUIT AND VEGETABLE
STANDARDIZATION ACT

Lump Sum Appropriation	\$	5,800.00
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Subdivision 56. BANKING DEPARTMENT

Personal Services	\$	41,960.00
Travel—State		4,000.00
Travel—Out-of-State		400.00
Subscriptions and Organization Dues		156.00
Other Current Fixed Charges		921.00
Other Current Expenditures		3,079.00
Capital Outlay—Equipment		750.00
		<hr/>
Total Appropriation	\$	51,266.00
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Subdivision 57. BOARD OF PEST CONTROL APPLICA-
TORS

Personal Services	\$	9,900.00
Travel—State		3,500.00
Professional Fees		375.00
Other Current Fixed Charges		960.00
Other Current Expenditures		1,155.00
		<hr/>
Total Appropriation	\$	15,890.00*
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*This appropriation is exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 58. CIVIL DEFENSE AGENCY

Personal Services	\$	15,760.00
Travel—State		1,000.00
Travel—Out-of-State		600.00
Subscriptions and Organization Dues		50.00
Professional Fees		200.00

Other Current Fixed Charges	700.00
Other Current Expenditures	1,820.00
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Total Appropriation	\$ 20,130.00
	<hr/> <hr/>

Subdivision 59. COMMISSION OF AGRICULTURE AND
HORTICULTURE

Personal Services	\$ 364,529.00
Travel—State	16,000.00
Travel—Out-of-State	500.00
Subscriptions and Organization Dues	100.00
Professional Fees	2,500.00
Other Current Fixed Charges	1,225.00
Other Current Expenditures	21,100.00
Uniform Allowance	9,000.00*
Reimbursement to property owners for removal and destruction of Meyer lem- on trees infected with Tristeza Disease	5,000.00
Capital Outlay	3,400.00
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Total Appropriation	\$ 423,354.00
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*This appropriation is to be available at a rate of \$12.50 per month for each man and only at the expiration of each month's service.

Subdivision 60. CORPORATION COMMISSION

ADMINISTRATIVE DIVISION

Personal Services	\$ 34,800.00
Travel—State	3,000.00
Travel—Out-of-State	300.00
Subscriptions and Organization Dues	330.00
Current Fixed Charges	
Bonds of Officials and Employees	150.00
Other Current Expenditures	
Postage	250.00
Telephone, Telegraph, Clock Service	2,500.00
Maintenance of Buildings, Grounds and Equipment	75.00
Other Contractual Services	200.00
Printing and Office Supplies	688.00
Other Supplies—water	150.00
Imprest fund	2,000.00
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Total Other Current Expenditures	\$ 5,863.00
Total Administrative Division	\$ 44,443.00
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ACCOUNTING AND CASHIER DIVISION

Personal Services

Director	\$	4,410.00
Senior Accountant and Cashier		3,630.00
Head Cashier		3,630.00
Clerk—Typist		3,300.00
Cashier		3,000.00

Total Personal Services	\$	17,970.00
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Current Fixed Charges

Bonds of Officials and Employees		150.00
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Other Current Expenditures

Postage		50.00
Telephone, Telegraph, Clock Service		150.00
Maintenance of Buildings, Grounds and Equipment		150.00
Office Supplies and Printing		500.00

Total Other Current Expenditures	\$	850.00
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Capital Outlay—Equipment		250.00
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Total Accounting and Cashier Division	\$	19,220.00
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INCORPORATING DIVISION

Personal Services

Director	\$	4,725.00
Assistant Director		4,095.00
Clerk—Typist		3,300.00
Clerk—Typist		3,300.00
Clerk—Typist		3,300.00
Clerk—Typist		2,980.00

Total Personal Services	\$	21,700.00
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Other Current Expenditures

Postage		2,000.00
Telephone, Telegraph, Clock Service		700.00
Maintenance of Buildings, Grounds and Equipment		912.00
Office Supplies		2,750.00

Total Other Current Expenditures	\$	6,362.00
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Capital Outlay		
Balance for typewriter		150.00
Total Incorporating Division	\$	28,212.00

MOTOR CARRIER DIVISION

Personal Services		
Director	\$	5,700.00
Assistant Director		4,830.00
Registrar of Common Carrier		3,960.00
Stenographer		3,300.00
Insurance Clerk		3,300.00
Plate and License Clerk		3,300.00
Clerk—Typist		3,300.00
Inspector—Tucson		4,200.00
Inspector—Yuma		4,095.00
Inspector—Phoenix		4,095.00
Inspector—Phoenix		4,095.00
Inspector—Flagstaff, Kingman, Winslow		4,095.00
Total Personal Services	\$	48,270.00
Travel—State		10,800.00
Professional Fees		5,000.00
Other Current Expenditures		
Postage		1,000.00
Telephone, Telegraph, Clock Service		1,400.00
Maintenance of Buildings, Grounds and Equipment		200.00
Office Supplies—Printing		2,500.00
Total Other Current Expenditures	\$	5,100.00
Capital Outlay—Equipment		1,500.00
Total Motor Carrier Division	\$	70,670.00

SECURITIES DIVISION

Personal Services		
Director—Statutory	\$	7,200.00
Assistant Director—Statutory		3,600.00
Examiner		4,410.00
Secretary to Division		3,000.00
Examiner		6,000.00
Stenographer		3,600.00
Total Personal Services	\$	27,810.00

Travel—State	1,000.00
Travel—Out-of-State	500.00
Subscriptions and Organization Dues	100.00
Professional Fees	5,000.00
Other Current Expenditures	
Postage	400.00
Telephone, Telegraph, Clock Service	1,100.00
Maintenance of Buildings, Grounds and Equipment	110.00
Office Supplies	2,090.00
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Total Other Current Expenditures \$	3,700.00
Capital Outlay	1,000.00
	<hr/>
Total Securities Division	\$ 39,110.00

TARIFF AND RATE DIVISION

Personal Services	
Director	\$ 7,200.00
Secretary to Division	4,095.00
R/W Safety Inspector	6,000.00
Assistant Director—Rate Expert	6,000.00
Stenographer	3,300.00
Clerk—Part time	500.00
	<hr/>
Total Personal Services	\$ 27,095.00
Travel—State	1,200.00
Travel—Out-of-State	900.00
Subscriptions and Organization Dues	100.00
Professional Fees	1,500.00
Other Current Expenditures	
Postage	100.00
Telephone, Telegraph, Clock Service	850.00
Maintenance of Buildings, Grounds and Equipment	75.00
Office Supplies	500.00
	<hr/>
Total Other Current Expenditures \$	1,525.00
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Total Tariff and Rate Division	\$ 32,320.00

UTILITIES DIVISION

Personal Services	
Director	\$ 6,000.00
Chief Engineer	8,400.00
Assistant Engineer	6,000.00
Secretary to Division	4,410.00

Clerk—Typist	3,300.00
Field Accountant	4,410.00
Inspector—Tucson	4,095.00
Inspector—Tucson	4,095.00
Inspector—Phoenix	4,095.00
Inspector—Phoenix	4,095.00
Inspector—Phoenix	4,095.00
Clerk—Typist	3,300.00
Total Personal Services	\$ 56,295.00
Travel—State	7,200.00
Travel—Out-of-State	500.00
Professional Fees	
Other	7,200.00
Court Reporters	14,000.00
Total Professional Fees	\$ 21,200.00
Other Current Expenditures	
Postage	622.00
Telephone, Telegraph, Clock Service	1,700.00
Maintenance of Buildings, Grounds and Equipment	250.00
Office Supplies	3,500.00
Total Other Current Expenditures	\$ 6,072.00
Total Utilities Division	\$ 91,267.00*
Total Appropriation	
Corporation Commission	\$ 325,242.00

*This appropriation is made to enable the department to carry out the provisions of Section 2, Chapter 19, Laws of 1951, First Regular Session and is subject to the limitation and conditions imposed therein.

Subdivision 61. DEPARTMENT OF LIQUOR LICENSES AND CONTROL

Personal Services	\$ 242,033.00
Travel—State	90,000.00
Subscriptions and Organization Dues	700.00
Other Current Fixed Charges	5,675.00
Other Current Expenditures	20,250.00
Capital Outlay—Equipment	12,500.00
Total Appropriation	\$ 371,158.00

Subdivision 62. INDUSTRIAL INSURANCE PREMIUMS

Workmen's Compensation (Exclusive of Highway Department)	\$ 160,000.00
Occupational Disease (Exclusive of Highway Department)	4,000.00
	<hr/>
Total Appropriation	\$ 164,000.00
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Subdivision 63. INDUSTRIAL COMMISSION

From the State General Fund:

COMMISSIONERS

Personal Services	\$ 28,800.00
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Total Commissioners' Appropriation	\$ 28,800.00

ENFORCEMENT OF LABOR AND MINIMUM WAGE LAWS

Personal Services	\$ 15,492.00
Travel—State	3,000.00
Subscriptions and Organization Dues	198.00
Other Current Fixed Charges	68.00
Other Current Expenditures	3,635.00
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Total Enforcement of Labor and Minimum Wage Laws	\$ 22,393.00
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Total Appropriation Industrial Commission	\$ 51,193.00
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Subdivision 64. INSPECTOR OF WEIGHTS AND MEASURES

Personal Services	\$ 34,260.00
Travel—State	14,000.00
Travel—Out-of-State	300.00
Current Fixed Charges	740.00
Other Current Expenditures	1,360.00
Capital Outlay—Equipment	4,200.00
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Total Appropriation	\$ 54,860.00
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Subdivision 65. INSURANCE DIRECTOR

Personal Services	\$ 91,716.00
Travel—State	500.00

Travel—Out-of-State	300.00
Bonds of Officials and Employees	400.00
Subscriptions and Organization Dues	450.00
Professional Fees	6,000.00
Other Current Fixed Charges	8,700.00
Other Current Expenditures	22,550.00
Capital Outlay—Equipment	5,442.00
Total Appropriation	<u>\$ 136,058.00</u>

Subdivision 66. LIVESTOCK SANITARY BOARD

Personal Services	\$ 316,919.00
Travel—State	77,000.00
Travel—Out-of-State	300.00
Subscriptions and Organization Dues	25.00
Other Current Fixed Charges	600.00
Other Current Expenditures	7,170.00
Payment of Bounty	20,000.00
Total Appropriation	
Livestock Sanitary Board	\$ 422,014.00

HORSEMEAT ENFORCEMENT

All collections received during the fiscal year when paid into the State Treasury are hereby appropriated for current expenditures (including employers' contribution for Old Age and Survivors' Insurance and State Retirement), and capital outlay.

ANIMAL HUSBANDRY

Lump Sum Appropriation	\$ 21,360.00
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This appropriation is made to enable the State to cooperate with the United States Bureau of Animal Industry for the eradication of tuberculosis among cattle.

PREDATORY ANIMAL AND RODENT CONTROL

Lump Sum Appropriation	\$ 41,100.00*
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This appropriation is made to enable the State to cooperate with the Federal Wildlife Department for the eradication of predatory animals and control of rodents.

*This appropriation is exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

STATE VETERINARIAN

Personal Services	\$	6,600.00
Travel—State		1,000.00
Travel—Out-of-State		300.00
Subscriptions and Organization Dues		25.00
Other Current Fixed Charges		84.00
Other Current Expenditures		956.00
		<hr/>
Total State Veterinarian	\$	8,965.00

VOLUNTARY BANG'S DISEASE

Lump Sum Appropriation for current expenditures and capital outlay	\$	41,832.00
Refunds and Indemnities		10,000.00
		<hr/>
Total Voluntary Bang's Disease	\$	51,832.00

This appropriation is made to enable the State to cooperate with the United States Bureau of Animal Industry for the eradication of Voluntary Bang's Disease among animals.

GARBAGE CONTROL FOR SWINE

Personal Services	\$	13,230.00
Travel—State		4,000.00
		<hr/>
Total Garbage Control for Swine	\$	17,230.00

CHIEF VETERINARY MEAT INSPECTOR

Personal Services	\$	83,276.00
Travel—State		5,000.00
Other Current Fixed Charges		250.00
Other Current Expenditures		2,350.00
		<hr/>
Total Chief Veterinary Meat Inspector	\$	90,876.00

Total Appropriation for the Livestock Sanitary Board	\$	653,377.00
		<hr/> <hr/>

Subdivision 67. NATIONAL GUARD

Personal Services	\$	150,384.00
Travel—State		3,000.00
Travel—Out-of-State		1,500.00
Subscriptions and Organization Dues		500.00
Professional Fees		5,000.00

Medals and Trophies	500.00
Sky Harbor Air Force Service Contract	17,500.00
Tucson Air Service Contract	12,000.00
National Guard Rifle Team	500.00
Other Current Fixed Charges	9,600.00
Officers' Clothing Allowance	25,000.00
Army Service Contract	7,500.00
Unit Allowance	34,000.00
Food	1,500.00
Other Current Expenditures	64,000.00
Capital Outlay—Equipment	5,000.00
Total Appropriation	<u>\$ 337,484.00</u>

Subdivision 68. REAL ESTATE BOARD

90% of all collections when paid into the State Treasury is hereby appropriated for current expenditures, (including employers' contribution for Old Age and Survivors' Insurance and State Retirement), and capital outlay. 10% shall be credited to the general fund.

Subdivision 69. REGISTRAR OF CONTRACTORS

90% of all collections when paid into the State Treasury is hereby appropriated for current expenditures, (including employers' contribution for Old Age and Survivors' Insurance and State Retirement), and capital outlay. 10% shall be credited to the general fund.

Subdivision 70. SHEEP SANITARY COMMISSION

Personal Services	\$ 11,700.00
Travel—State	3,500.00
Current Fixed Charges	60.00
Other Current Expenditures	480.00
Total Appropriation	<u>\$ 15,740.00</u>

Subdivision 71. STATE AVIATION AUTHORITY

From the State Aviation Authority Fund, the following is appropriated:

Personal Services	\$ 10,890.00
Travel—State	2,500.00
Travel—Out-of-State	500.00
Other Current Fixed Charges	1,450.00
Other Current Expenditures	3,600.00

Subscriptions and Organization Dues	375.00
Airport Development and Airage Education	50,000.00*
Employers' contribution for Old Age and Survivors' Insurance and State Retirement	627.00
Capital Outlay	
Equipment—Engineering	400.00
Total Appropriation	<u><u>\$ 70,342.00</u></u>

*This appropriation is exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 72. STATE BOARD OF ACCOUNTANCY

All collections received when paid into the State Treasury are hereby appropriated for current expenditures (including employers' contribution for Old Age and Survivors' Insurance and State Retirement), and capital outlay.

Subdivision 73. STATE BOARD OF TECHNICAL REGISTRATION

90% of all collections received when paid into the State Treasury is hereby appropriated for current expenditures (including employers' contribution for Old Age and Survivors' Insurance and State Retirement), and capital outlay. 10% shall be credited to the general fund.

Subdivision 74. STATE EGG INSPECTOR

90% of all collections received when paid into the State Treasury is hereby appropriated for current expenditures (including employers' contribution for Old Age and Survivors' Insurance and State Retirement), and capital outlay. 10% shall be credited to the general fund.

Subdivision 75. STATE MINE INSPECTOR

Personal Services	\$ 33,000.00
Travel—State	8,000.00
Travel—Out-of-State	300.00
Current Fixed Charges	39.00
Other Current Expenditures	2,155.00
Capital Outlay—Equipment	140.00
Total Appropriation	<u><u>\$ 43,634.00</u></u>

Subdivision 76. STATE VETERINARY BOARD

Lump Sum Appropriation	\$ 1,185.00
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Subdivision 77. ARIZONA HIGHWAY DEPARTMENT

From any unencumbered balances remaining in the State Highway Fund as of June 30, 1958, there is hereby appropriated:

ADMINISTRATION

Personal Services	\$ 540,822.00
Travel—State	19,750.00
Travel—Out-of-State	3,725.00
Subscriptions and Organization Dues	3,890.00
Reserve for Statewide Emergency Maintenance	200,000.00*
Employers' contribution for Old Age and Survivors' Insurance and State Retirement	450,000.00
Industrial Insurance—State Employees	212,785.00
Insurance and Bonding	65,400.00*
Reserve for Contingencies	300,000.00*
Other Current Fixed Charges	41,000.00
Other Current Expenditures	277,370.00
Capital Outlay—Equipment	56,075.00
Total Administration	\$ 2,170,817.00

*These appropriations are exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

ENGINEERING

Personal Services	\$ 1,491,098.00
Travel—State	85,550.00
Travel—Out-of-State	13,150.00
Subscriptions and Organization Dues	150.00
Other Current Fixed Charges	20,960.00
Other Current Expenditures	146,000.00
Capital Outlay—Equipment	127,170.00
Total Engineering	\$ 1,884,078.00

EQUIPMENT AND SHOPS

Personal Services	\$ 617,098.00
Travel—State	10,740.00
Travel—Out-of-State	2,000.00
Other Current Expenditures	622,556.00
Capital Outlay	740,000.00
	<hr/>
Total Equipment and Shops	\$ 1,992,394.00

GUIDE LINE PAINTING

Personal Services	\$ 191,676.00
Travel—State	19,000.00
Other Current Expenditures	319,220.00
Capital Outlay—Equipment	2,000.00
	<hr/>
Total Guide Line Painting	\$ 531,896.00

HIGHWAY PATROL

Personal Services	\$ 1,168,000.00
Travel—State	89,750.00
Travel—Out-of-State	6,000.00
Subscriptions and Organization Dues	350.00
Other Current Fixed Charges	8,320.00
Other Current Expenditures	348,930.00
Capital Outlay	12,410.00
	<hr/>
Total Highway Patrol	\$ 1,633,760.00

MAINTENANCE

Personal Services	\$ 2,400,000.00
Other Current Expenditures	1,075,000.00
Capital Outlay	425,000.00
	<hr/>
Total Maintenance	\$ 3,900,000.00

MOTOR VEHICLE

Personal Services	\$ 1,204,144.00
Travel—State	25,000.00
Travel—Out-of-State	5,000.00
Subscriptions and Organization Dues	300.00
Other Current Fixed Charges	7,170.00
License Tabs	155,000.00*
Uniform Allowance	18,450.00**

Other Current Expenditures	158,500.00
Capital Outlay—Equipment	10,000.00
	<hr/>
Total Motor Vehicle	\$ 1,583,564.00

*This appropriation is exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

**This appropriation is to be available at the rate of \$12.50 per month for each man and only at the expiration of each month's service.

RADIO SERVICE

Lump Sum Appropriation	\$ 223,910.00
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SIGNS AND MARKERS

Personal Services	\$ 110,185.00
Travel—State	6,640.00
Other Current Expenditures	88,050.00
Capital Outlay—Equipment	34,000.00
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Total Signs and Markers	\$ 238,875.00

DEPARTMENT OF LAW SERVICES

Department of Law Services shall be paid through claims presented and authorized by the Attorney General.

Personal Services	\$ 60,700.00
Travel—State and Out-of-State	2,500.00
Subscriptions and Organization Dues	50.00
Professional Fees	5,000.00
Employers' Contribution for Old Age and Survivors' Insurance and State Retirement	3,491.00
Industrial Compensation	1,318.00
Other Current Expenditures	500.00
Capital Outlay	750.00
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Total Department of Law Services \$ 74,309.00*

*This appropriation is for the purpose of reimbursing the Department of Law for expenditures made pursuant to the provisions of Section 41-192, Arizona Revised Statutes.

Merit System Council	\$ 6,000.00
Patrol Merit System Council	6,000.00

Warehouse Revolving Account	80,000.00
Arizona Highways Magazine	100,000.00*

*In addition to the authorization of \$100,000.00 for the Arizona Highways Magazine, any unencumbered balance remaining in the Arizona Highways Magazine Fund on June 30, 1958, and all receipts from subscriptions and sales during the said fiscal year when paid into the State Treasury, are hereby appropriated for the purposes stated in Section 18-181, Arizona Revised Statutes.

Any balances and collections in the State Highway Fund in excess of the specific amounts set forth above for the purposes designated, are hereby appropriated exclusively for construction of state highways, including (1) National system of Inter-State Highways within Arizona, (2) state primary system, (3) state secondary system, (4) county secondary (or primary) system, (5) urban area routes; the acquisition of right-of-way; the cost of field administration, field engineering and engineering on construction projects.

Total State Highway Appropriation \$14,425,603.00

Subdivision 78. ARIZONA COPPER TARIFF BOARD

Lump Sum Appropriation \$ 10,000.00

Subdivision 79. ARIZONA GAME AND FISH COMMISSION

From the Arizona Game and Fish Protection Fund the following is appropriated:

Personal Services	
Administration	\$ 94,866.00
Law Enforcement	157,810.00
Game Management and Predator Control	
Predator Control	15,900.00*
Other Personal Services	13,320.00
	<hr/>
Total Game Management and Predator Control	\$ 29,220.00
Information and Education	23,300.00
Fisheries	104,820.00
	<hr/>
Total Personal Services	\$ 410,016.00
Travel—State	90,100.00
Travel—Out-of-State	3,750.00

Subscriptions and Organization Dues	250.00
Professional Fees	1,500.00
Employers' Contribution for Old Age and Survivors' Insurance and State Retirement	23,576.00
Other Current Fixed Charges	14,100.00
Lake and Stream Control	25,000.00
Other Current Expenditures	160,150.00
Uniform Allowance	7,350.00**
Fish Food	105,000.00
Capital Outlay	
Equipment	32,800.00
Buildings and Improvements	5,000.00
Total Capital Outlay	\$ 37,800.00
Dingell-Johnson Act for Fish Restoration	30,000.00***
Pittman-Robertson Act for Wildlife Restoration	125,000.00****
Cooperative Wildlife Research Unit	6,000.00
Total Appropriation	<u><u>\$ 1,039,592.00*****</u></u>

*This appropriation is made to enable the State to cooperate with the Federal Wildlife Department for the eradication of Predatory animals.

**This appropriation is to be available at a rate of \$12.50 per month for each man, and only at the expiration of each month's service.

***This appropriation is made to enable the State to carry out the provisions of Public Law 681, Eighty-first Congress, providing for cooperation with the State in Fish Restoration and Management Projects.

****This appropriation is made to enable the State to cooperate with the Federal Government for the preservation of Wildlife Restoration.

*****This appropriation is exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 80. INTERSTATE STREAM COMMISSION

Lump Sum Appropriation	\$ 413,045.00*
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*This appropriation is exempt from the provisions of Sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing appropriations.

Provided, that such part of the funds hereby appropriated as may be expended or paid out for technical or professional services shall be so expended or paid out only where the utilization of such technical or professional services has theretofore been approved by a majority of the Commission at a meeting thereof held pursuant to law.

Subdivision 81. DEPARTMENT OF MINERAL RESOURCES

Personal Services	\$ 54,465.00
Travel—State	9,000.00
Travel—Out-of-State	300.00
Subscriptions and Organization Dues	75.00
Other Current Fixed Charges	170.00
Other Current Expenditures	6,100.00
Capital Outlay—Equipment	400.00

Total Appropriation	\$ 70,510.00
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Subdivision 82. STATE DAM AND SUPERVISION

All collections paid into the State Treasury are hereby appropriated for current expenditures (including employers' contribution for Old Age and Survivors' Insurance and State Retirement), and Capital Outlay.

Subdivision 83. STATE LAND DEPARTMENT
FOR THE STATE LAND DEPARTMENT

Personal Services	
Fireguards	\$ 4,191.00*
Other Personal Services	169,676.00
	\$ 173,867.00
Travel—State	10,500.00
Travel—Out-of-State	2,500.00
Subscriptions and Organization Dues	200.00
Watershed Management Division	20,000.00*
Professional Fees	7,500.00*
Expenses incurred in connection with cataloguing, indexing, filing, and mapping cuttings and logs for oil, gas, and water wells	2,400.00*
Oil and Gas Conservation	25,000.00*
Other Current Fixed Charges	14,530.00
Other Current Expenditures	27,200.00

Capital Outlay—Equipment	7,740.00
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Total for the State Land Department	\$ 291,437.00
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*These appropriations are exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

BOARD OF APPEALS

Lump Sum Appropriation	\$ 3,000.00
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STREAM GAUGING

Lump Sum Appropriation	\$ 45,000.00
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This appropriation is made to enable the State to cooperate with the Federal Government.

UNDERGROUND WATER DEVELOPMENT

Lump Sum Appropriation	\$ 63,600.00
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Total Appropriation	
State Land Department	\$ 403,037.00

Subdivision 84. ARIZONA COMMISSION ON UNIFORM STATE LAWS

Lump Sum Appropriation	\$ 1,600.00*
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*This appropriation is exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 85. ARIZONA DEVELOPMENT BOARD

Lump Sum Appropriation	\$ 166,255.00
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Subdivision 86. ARIZONA RACING COMMISSION

Personal Services	\$ 86,225.00
Travel—State	8,000.00
Travel—Out-of-State	1,000.00
Subscriptions and Organization Dues	1,500.00
Professional Fees	19,000.00
Other Current Fixed Charges	3,750.00
Other Current Expenditures	8,800.00
Capital Outlay—Equipment	400.00

County Fair Racing	
Personal Services and Professional Fees	22,059.00
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Total Appropriation	\$ 150,734.00*
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*This appropriation is exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 87. AUDITOR—EMPLOYERS' CONTRIBUTION FOR OLD AGE AND SURVIVORS' INSURANCE AND STATE RETIREMENT

Lump Sum Appropriation	\$ 1,200,000.00
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Subdivision 88. EMPLOYMENT SECURITY COMMISSION

Administrative Expenses	\$ 5,500.00
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This appropriation is made to enable the State to carry out the provisions of Section 38-705, Arizona Revised Statutes.

Subdivision 89. GOVERNOR—ON-THE-JOB TRAINING

Lump Sum Appropriation	\$ 2,000.00
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Subdivision 90. PIONEERS' HISTORICAL SOCIETY

Personal Services	\$ 18,550.00
Travel—State	500.00
Professional Fees	500.00
Current Fixed Charges	500.00
Other Current Expenditures	5,700.00
Capital Outlay	500.00
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Total Appropriation	\$ 26,250.00
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Subdivision 91. PRESCOTT HISTORICAL SOCIETY

Personal Services	\$ 8,150.00
Current Fixed Charges	394.00
Other Current Expenditures	2,875.00
Capital Outlay	
Equipment	1,000.00

Buildings and Improvements	5,000.00
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Total Capital Outlay	\$ 6,000.00
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Total Appropriation	\$ 17,419.00
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Subdivision 92. ARIZONA STATE FAIR COMMISSION

All collections paid into the State Treasury are hereby appropriated for current expenditures (including employers' contribution for Old Age and Survivors' Insurance and State Retirement), and Capital Outlay.

This appropriation is exempt from the provisions of Sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing appropriations.

Subdivision 93. STATE BOARD OF DISPENSING OPTICIANS

All collections paid into the State Treasury are hereby appropriated for current expenditures (including employers' contribution for Old Age and Survivors' Insurance and State Retirement), and Capital Outlay.

Subdivision 94. ARIZONA STATE PARKS BOARD

Personal Services	\$ 16,500.00
Lump Sum Appropriation for other current expenditures and capital outlay	30,000.00
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Total Appropriation	\$ 46,500.00*
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*This appropriation is exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 95. LEGISLATURE—TWENTY-THIRD AND TWENTY-FOURTH

Senate	\$ 200,000.00
House of Representatives	300,000.00
State Legislative Council	150,000.00
Revision of the Education Laws of Arizona	25,000.00

Study of the adult and juvenile proba- tion and parole system in Arizona	15,000.00
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Total Legislative Council Appropriation	\$ 190,000.00
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Total Appropriation	\$ 690,000.00*
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*This appropriation is exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Sec. 2. SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act.

Approved by the Governor—March 21, 1958.

Filed in the Office of the Secretary of State—March 22, 1958.



CHAPTER 103
House Bill No. 234
AN ACT

RELATING TO STATE HIGHWAYS; PROVIDING FOR
THE PURCHASE, SALE OR CONDEMNATION OF
LAND FOR HIGHWAY PURPOSES, AND AMENDING
SECTION 18-155, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 18-155, Arizona Revised Statutes, is amended to read:

18-155. PURCHASE, SALE OR CONDEMNATION OF
LAND FOR HIGHWAY DETERMINATION OF
VALUE

A. The commission, in the name of the state, may acquire, either in fee or a lesser estate or interest, real property which it considers necessary for highway purposes, by

purchase, donation, dedication, condemnation or other lawful means. Property acquired for such purposes shall include lands or any interest therein considered necessary for rights of way or camp sites, water or material needed in the construction, improvement or maintenance of state highways or other property under the jurisdiction, possession or control of the commission, or for spoil banks, rock quarries, gravel pits, sand or earth borrow pits, or for rights of way to the place where material required in the construction, improvement or maintenance of state highways may be located, for offices, shops, maintenance camps, storage yards, inspection or weighing stations, radio transmitter or repeater stations, and for rights of way for access to such location.

B. The right of eminent domain may be exercised by the state for such purposes and the court in which the action is pending shall give the action precedence over other civil actions.

C. The commission may dispose of real property or any right, title or interest therein, when it determines that it is no longer needed or used for highway purposes, and may exchange the right of way to be abandoned for another right of way.

D. For the purpose of assessing compensation and damages for the taking of property under the power of eminent domain for the purposes herein provided, its actual value immediately preceding the date on which the said highway commission by resolution establishes the necessity of acquiring said property for said purposes, shall be the measure of compensation and damages; and no sale, lease, agreement or other transaction affecting such property made thereafter shall constitute evidence of its value; and improvements placed upon such property subsequent to the date of such resolution shall not be included in the assessment of compensation and damages. Notice of the commission's action shall be given by filing a certified copy of the resolution together with a map showing the location and route of the highway affecting such property or properties in the office of the county recorder of the county in which the property is situated and by mailing a copy of said resolution and map to all persons having an interest of record in such property at their last known addresses. In the event that action is not commenced in the superior court in the county in which the property is situated within two years from the date of said resolution to acquire such property under the power of eminent domain, then the measure of compensation shall be as of the date of the summons. The commission may at any time prior to payment of the compensation and damages awarded

the defendants by the court or jury abandon the proceedings and cause the action to be dismissed without prejudice provided, however, that the court may require that reasonable attorneys' fees, expert witness fees and costs be paid as a condition of dismissal.

Approved by the Governor—March 21, 1958.

Filed in the Office of the Secretary of State—March 22, 1958.

MEMORIALS

SENATE JOINT MEMORIAL NO. 1

A JOINT MEMORIAL

REQUESTING THE MAINTENANCE OF ADEQUATE
TARIFF RATES ON COPPER.

To the President, Congress, and the Departments of State
and Interior of the United States:

Your memorialist respectfully represents:

The mining of copper is one of Arizona's chief industries, an industry so great that in point of copper production Arizona leads all of the States of the United States, and, in fact, is responsible for approximately fifty per cent of all copper mined in the Nation.

The copper mining industry gives employment to many thousands of miners, artisans, mechanics and craftsmen, whose welfare and prosperity is in very large measure dependent upon this major activity; indeed, the economic welfare of the State is vitally affected by the status of the mining industry.

There are, in addition to the properties now being worked, great areas and bodies of copper ore in the State which are susceptible of development, to the enrichment of the State and the Nation.

Should the price of copper be allowed to be determined by foreign countries with low-wage standards and high-grade deposits, the result would be a general shutdown of our mines, and a consequent deterioration of the industry both by the heavy damage to the mines and disbandment of working organizations.

Should the Nation suddenly be caught without the foreign supply, and should atomic warfare break out overnight, as indeed may well be the case, the copper shortage and the disbandment of the skilled labor and management so necessary to produce copper might well mean the ultimate defeat of our armed forces.

The possibility of the collapse of the copper mining industry is not a remote circumstance since, with the high cost of labor, increased taxes, higher freight rates and other cost handicaps, domestic producers cannot stay in business competition with the low-wage production from foreign countries.

It is therefore of major importance, not only from the standpoint of simple economics, but from the standpoint of survival, that the price of copper be maintained on a basis which will insure an active industry with normal production, fair profits, steady employment and a good standard of living for workers in the industry, and from which would result a continuation of the benefits which accrue to the National security and the State's economy by reason of the industry.

This can only be insured through the medium of an adequate import tax on raw copper to equalize the difference between the cost of producing the metal in this Country and in the copper producing countries of South America, Africa, and elsewhere.

Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, urgently requests:

1. That a four-cent per pound tariff be reinstated on all foreign copper.

2. That the peril point per pound of copper produced be set at thirty cents and the four-cent per pound tariff be maintained until such time as the price of copper reaches or exceeds thirty cents.

Passed the House January 21, 1958 by the following vote:
69 Ayes, 2 Nays, 9 Not Voting.

Passed the Senate January 13, 1958 by the following vote:
28 Ayes, 0 Nays, 0 Not Voting.

Approved by the Governor—January 22, 1958.

Filed in the Office of the Secretary of State—January 23, 1958.

RESOLUTIONS

HOUSE CONCURRENT RESOLUTION NO. 16

A CONCURRENT RESOLUTION

ON THE DEATH OF HONORABLE J. NEY MILES

Whereas, the Honorable J. Ney Miles, a distinguished citizen of the State of Arizona, passed away on March 25, 1957, at the age of sixty-two years in Phoenix, Arizona.

In 1905, at the age of ten years, J. Ney Miles became a resident of Douglas, Arizona, his family having moved there from San Angelo, Texas. Within a year his family moved to Globe. From his boyhood Mr. Miles obtained an appreciation of the culture of Arizona and throughout his life he served his State and fellow citizens to the best of his ability. His distinguished career began in 1912 when he became an employee of the Miami Copper Company. In 1913, he established the Miles Mortuary in Miami. Many years thereafter Mr. Miles entered the cattle business in Gila County. During his business career J. Ney Miles also established the Miles Mortuary in Globe, and subsequently he moved to Ray where he operated a grocery business known as the Ray Market.

Honorable J. Ney Miles served the citizens of his State with distinction. His public service was characterized by his devotion to duty and his desire to accomplish those things which would benefit all the citizens of this State.

In 1933, Governor B. B. Moeur appointed Mr. Miles as a member of the Industrial Commission. For almost four years of his term, which expired in 1938, he served the Industrial Commission as its Chairman. In 1955, Governor Ernest W. McFarland, in recognition of Mr. Miles knowledge and competence, appointed him to his second term on the Industrial Commission.

The people of his community also recognized the talents of J. Ney Miles. He served as a member of the Gila County Board of Supervisors, the Miami City Council and on the Miami School Board. In 1950, he was appointed to complete an unexpired term as a State Representative from Pinal County. Thereafter, the citizens of his district elected him to serve two successive terms in the Arizona House of Representatives.

The Honorable J. Ney Miles, in addition to his other civic duties, was a faithful member of the Masons, Consistory, Shrine, and was a life members of the Elks Club. Therefore

Be it resolved by the House of Representatives of the State of Arizona, the Senate concurring:

That the Legislature, having learned of the death of Honorable J. Ney Miles, wishes to express its regret and extend its condolences to the surviving members of his family.

Passed the House January 29, 1958 by unanimous vote.

Passed the Senate February 4, 1958 by the following vote:
26 Ayes, 0 Nays, 2 Excused.

Approved by the Governor—February 5, 1958.

Filed in the Office of the Secretary of State—February 5, 1958.

HOUSE RESOLUTION NO. 1

A RESOLUTION

ON THE DEATH OF HONORABLE RAYMOND WALTER KENWORTHY

The Honorable Raymond Walter Kenworthy passed away on December 18, 1957, at the age of sixty-six years in Phoenix, Arizona.

Mr. Kenworthy was born in Frankfort, Kansas, on February 12, 1891. He was married on January 21, 1917, in Wagnor, Oklahoma, and subsequently settled in the State of Arizona in 1919.

Mr. Raymond Kenworthy became a Member of the House of Representatives on November 26, 1934, when he was appointed to complete the term of Mr. George Sellers who had resigned. The Honorable Raymond Walter Kenworthy was elected by the voters of his district in Pinal County to serve as a Member of the House of Representatives in the Twelfth and Thirteenth Legislatures.

In the Twelfth Legislature, Raymond Kenworthy was Chairman of the Suffrage and Elections Committee and also served on the following Committees:

1. Agriculture and Irrigation
2. Livestock
3. Ways and Means

In the Thirteenth Legislature, Mr. Kenworthy served on the following Committees:

1. Agriculture and Irrigation
2. Banking and Insurance
3. Ways and Means

Mr. Raymond Walter Kenworthy spent many years of his life as a rancher in the Coolidge district, but since 1952 resided in Phoenix. Therefore

Be it resolved by the House of Representatives of the State of Arizona:

That the Members of the House of Representatives do sincerely regret the passing of the Honorable Raymond Walter Kenworthy and do, therefore, extend condolences to his widow and other surviving members of his family.

Passed the House January 29, 1958 by the following vote:
80 Ayes, 0 Nays, 0 Not Voting.

Approved by the Governor—January 29, 1958.

Filed in the Office of the Secretary of State—January 29, 1958.

HOUSE RESOLUTION NO. 2

A RESOLUTION

ON THE DEATH OF BILL TURNBOW

On the twenty-eighth day of June, 1957, at the age of fifty years, Bill Turnbow suddenly and unfortunately passed away in Phoenix, Arizona. The impact of his death was felt throughout the State and in addition brought notes and statements of regrets from many persons throughout the United States.

Bill Turnbow was the acknowledged dean of Arizona's statehouse reporters. His column, "Under the Capitol Dome", was published daily by the Phoenix Gazette, commencing November 22, 1931. Bill was an integral part of the Arizona political scene and as the foremost writer and prognosticator of Arizona political events his words were followed closely by both voters and public officials. Everyone agreed that Bill Turnbow possessed the highest integrity and moreover he was considered by all as one of the most able and competent political analysts in the State, if not in the Nation.

Bill Turnbow, through his column and by his actions, was a strong supporter of our democratic form of government. Throughout his life he pursued the truth in a relentless fashion and exposed trickery and actions which were not intended for the public good. He was a constant advocate of the philosophy that the public, for its own good, should be fully aware of all that transpired in the political arena.

At the age of eighteen years, Bill Turnbow began his newspaper career as a copy boy for the Portland, Oregon, Journal. Later he served as assistant Northwest manager for the United Press and on April 1, 1930, Mr. Turnbow came to Phoenix as night manager of the Arizona United Press office and as Capitol reporter. The following year he began his column, "Under the Capitol Dome", for the Phoenix Gazette and continued in this capacity until his death.

Each year, beginning with 1950, Bill Turnbow compiled and published the Arizona Political Almanac. Thousands of children and adults used this handy guide to political history and facts of Arizona. Its coverage and accuracy were a source of information to all who consulted this guide.

Bill Turnbow, during his fifty years of life on this earth, directed his efforts and ability in many directions. At one time he was a member of the Board of Directors of Memorial Hospital and for a period served as Secretary to the Board. Moreover, Mr. Turnbow was a Scottish Rite Mason, a Past Patron of the Order of Eastern Star, a member of the Arizona Press Club, the Thunderbird Model Railroad Club and was the immediate Past President of the West Phoenix High School Dads' Club.

Bill Turnbow was a devoted member and a Deacon of the First Christian Church. In his usual careful manner, Mr. Turnbow studied the Bible and was considered by many as an individual who attained a much better than average knowledge of the Bible. For a few months he was the teacher of the Philothean Adult Class. Therefore

Be it resolved by the House of Representatives of the State of Arizona:

That the Members of this House do sincerely regret the untimely passing of William (Bill) Turnbow and affirm that the people of this State, as a result of his passing, have suffered an irreparable loss. Moreover, the House of Representatives extends condolences to his widow, Rose Turnbow, and his two daughters, Billene Turnbow and Mrs. Robert Vetter.

Adopted by the House—February 3, 1958.

Approved by the Governor—February 3, 1958.

Filed in the Office of the Secretary of State—February 3, 1958.

HOUSE RESOLUTION NO. 3

A RESOLUTION

PROCLAIMING "ARIZONA LIBRARY WEEK" TO BE OBSERVED CONCURRENTLY WITH "NATIONAL LIBRARY WEEK" DURING THE WEEK BEGINNING MARCH 16, 1958.

Whereas, the President of the United States has designated the week beginning March 16 and ending March 22, 1958, as "National Library Week" and the members of the Arizona House of Representatives desire to support this worthy and commendable project by observing concurrently with "National Library Week" an "Arizona Library Week."

The objectives of "Arizona Library Week" are for the purpose of demonstrating that libraries at all levels should be supported by the general public and that the usefulness of libraries should be broadened. Moreover, "Arizona Library Week" will provide the opportunity to expose the need for the extension and improvement of school and public library services in Arizona. Therefore

Be it resolved by the House of Representatives of the State of Arizona:

That "Arizona Library Week" be observed throughout the State of Arizona during the week beginning March 16 and ending March 22, 1958, such week to be observed concurrently with "National Library Week." The members of the House of Representatives hope and trust that during "Arizona Library Week" the citizens of this State may develop an awareness of the importance of reading and the need to support library movements throughout the State.

Adopted by the House February 19, 1958.

Approved by the Governor—February 19, 1958.

Filed in the Office of the Secretary of State—February 19, 1958.

HOUSE RESOLUTION NO. 5

A RESOLUTION

CONGRATULATING AND COMMENDING SENATOR
CARL HAYDEN UPON THE COMMENCEMENT OF HIS
FORTY-SEVENTH CONSECUTIVE YEAR IN THE CON-
GRESS OF THE UNITED STATES.

On February 19, 1958, Senator Carl Hayden began his forty-seventh consecutive year in the Congress of the United States, thereby becoming the first person in American history to serve for that length of time in Congress. Senator Hayden has served the State of Arizona in Congress since Statehood. He began his services as a member of the House of Representatives and served in such capacity for fifteen years. Thereafter he has served continuously in the Senate of the United States.

The admiration for Senator Carl Hayden transcends party politics. He is revered and respected by all of his colleagues, regardless of party affiliation. The citizenry of the State of Arizona have repeatedly revealed their admiration by requesting him to serve their interests in the Congress of the United States for over forty-six years.

On the occasion of beginning his forty-seventh year in Congress, Senator Carl Hayden was lauded in the United States House of Representatives and in the Senate. In the House of Representatives, Speaker Sam Rayburn, of Texas, paid tribute to Senator Hayden and his remarks were seconded by Representatives Rhodes and Udall of Arizona. In the Senate, Senator Hayden's colleagues proclaimed their praise for him for more than two hours. Therefore

Be it resolved by the House of Representatives of the State of Arizona:

That the members of the House of Representatives wish to add their voice to the congratulations and commendations already bestowed upon the beloved Senator Carl Hayden who has served the State of Arizona for more than forty-six years, thereby establishing a record for service in the Congress of the United States.

Adopted by the House—March 6, 1958.

Approved by the Governor—March 6, 1958.

Filed in the Office of the Secretary of State—March 7, 1958.

HOUSE RESOLUTION NO. 6

A RESOLUTION

ON THE DEATH OF HONORABLE JAMES JARDINE SHUMWAY

The Honorable James Jardine Shumway, a pioneer resident of Navajo County, passed away on February 3, 1958, at the age of ninety-two years.

Mr. Shumway was born in Mendon, Utah. In 1879 he came to Arizona, where he and his brother participated in their father's cattle drive. In 1880 the Shumway family moved to an area south of Taylor and subsequently the father of James Shumway established a flour mill at a site in the town which now bears the Shumway family name.

During his long career the Honorable James Shumway was engaged as a cattleman, farmer and businessman. For a time, while James Shumway was still very young, he was hired as a United States Government mail driver on the route between Concho and Snowflake, and later between Holbrook and Fort Apache. After his employment as a mail driver, Mr. Shumway received an appointment with Major John Wesley Powell, noted geological surveyor, and was assigned to take field equipment to the top of San Francisco Peaks.

The Honorable James Jardine Shumway represented Navajo County in one of the early Territorial Legislatures and, in addition, served many years as Navajo County Supervisor as well as serving as County Fair Commissioner.

Mr. Shumway was active all of his life in the Church of Jesus Christ of Latter-day Saints. He was a high councilman in the Snowflake Stake for twenty-five years and also served several years as a bishop of the Taylor Ward. Therefore

Be it resolved by the House of Representatives of the State of Arizona:

That the members of the House of Representatives sincerely regret the passing of the Honorable James Jardine Shumway and do, therefore, extend condolences to the surviving members of his family.

Adopted by the House—March 3, 1958.

Approved by the Governor—March 4, 1958.

Filed in the Office of the Secretary of State—March 4, 1958.

HOUSE RESOLUTION NO. 7

A RESOLUTION

ON THE DEATH OF HONORABLE EVA OWENS DECKER

Whereas, the Honorable Eva Owens Decker passed away on May 6, 1957, at the age of fifty-six years in Fort Townsend, Washington.

Mrs. Decker, a native Arizonan, daughter of Clarence Owens, prominent businessman and cattleman and public official of Northern Arizona, was born on September 17, 1900, in Woodruff, Arizona. She received her early education in the Town of Snowflake and subsequently attended Arizona State College at Flagstaff for two years.

The Honorable Eva Owens Decker devoted her life serving the best interests of her church and community. The citizens of her district elected her to serve in the Arizona House of Representatives in the Eighteenth and Nineteenth Legislatures, from 1947 to 1951.

Eva Decker was a member of the Republican Federation of Women's Clubs. She was also past president of a Snowflake Woman's Club and upon her death was third vice-president of the Arizona Order of Women Legislators.

Honorable Eva Owens Decker devoted sixteen years as Secretary of the Primary Association of the Church of Jesus Christ of Latter-day Saints and for eight years acted in the capacity of president for the Snowflake Stake Primary. Mrs. Decker was a teacher in this organization for many years, making a total of thirty-five years of service for the betterment of the children in her community. She was also a member of the Snowflake Maternity Hospital Board.

Due to the efforts of Mrs. Decker a monument was erected in memory of the heroes from Snowflake who gave their lives in World Wars I and II and the Korean War and such monument stands in the beautiful rose garden on the church grounds. Also, Mrs. Decker was greatly admired for her ability and enthusiasm in promoting civic projects which would improve conditions in her community.

In the winter of 1956, Mrs. Decker and her husband were called to fill a mission for their church in the Northwest. They sold their business and responded with enthusiasm to the call. While working in the State of Washington, Mrs. Decker was suddenly stricken and passed away from a heart attack. Therefore

Be it resolved by the House of Representatives of the State of Arizona:

That the members of the House of Representatives do regret the passing of the Honorable Eva Owens Decker, and do, therefore, extend condolences to her surviving husband and other members of her family.

Adopted by the House—March 3, 1958.

Approved by the Governor—March 4, 1958.

Filed in the Office of the Secretary of State—March 4, 1958.

HOUSE RESOLUTION NO. 8

A RESOLUTION

ON THE DEATH OF HONORABLE OSMER DENNIS FLAKE

The Honorable Osmer Dennis Flake, Arizona pioneer, passed away on January 29, 1958, at the age of eighty-nine years.

Mr. Osmer D. Flake was born in Beaver City, Utah, and was brought to the Territory of Arizona when he was a child and was reared in Snowflake, the town which his father settled.

The life of Mr. Flake corresponded with the growth of Arizona. Also, he was very active in the Church of Jesus Christ of Latter-day Saints, having served four missions in seven states. In addition, he taught school in the Church of Jesus Christ of Latter-day Saints academy in Snowflake. Mr. Flake also was the author of a book relating to the life of his father. The book, published in about 1953, was entitled "William J. Flake, Pioneer-Colonizer".

The citizens of his community honored him by requesting Osmer Dennis Flake to serve them in numerous capacities. He served as Clerk of Court when Navajo County first became a county. Moreover, Mr. Flake taught school in Shumway. Later he became a ranger for a period of seven years in the Sitgreaves Forest. He was also a rancher and stock raiser.

During the years 1917 and 1918, Osmer Dennis Flake was elected by the constituents of his district in Navajo County

to serve as a member of the House of Representatives in the Arizona State Legislature. Therefore

Be it resolved by the House of Representatives of the State of Arizona:

That the members of the House of Representatives do regret the death of the Honorable Osmer Dennis Flake and do, therefore, extend condolences to his widow and other surviving members of his family.

Adopted by the House—March 4, 1958.

Approved by the Governor—March 4, 1958.

Filed in the Office of the Secretary of State—March 5, 1958.

SENATE CONCURRENT RESOLUTION NO. 3

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE 6 OF THE CONSTITUTION OF ARIZONA BY ADDING SECTION 26, RELATING TO RETIRED JUDGES.

Be it resolved by the Senate of the State of Arizona, the House of Representatives concurring:

1. The following amendment to article 6, Constitution of Arizona, by adding section 26, is proposed, to become valid when approved by a majority of the qualified electors voting thereon and upon proclamation of the governor:

Section 26. Any retired Judge of the Supreme or Superior Court who is drawing retirement pay is, with the consent of the litigants involved, qualified and empowered to serve, without additional compensation, as a Supreme or Superior Court Judge upon the call of the court in which he is asked to serve, provided, however, that when serving outside his county of residence, he shall receive his necessary traveling and subsistence expenses.

2. The proposed amendment (approved by a majority of the members elected to each house of the legislature, and entered upon the respective journals thereof, together with

the ayes and nays thereon) shall be by the secretary of state submitted to the qualified electors at the next regular general election (or at a special election called for that purpose), as provided by Article 21, Constitution of Arizona.

Passed the Senate February 4, 1958 by the following vote:
26 Ayes, 0 Nays, 2 Not Voting.

Passed the House February 12, 1958 by the following vote:
66 Ayes, 4 Nays, 10 Not Voting.

Filed in the Office of the Secretary of State—February 17, 1958.

SENATE CONCURRENT RESOLUTION NO. 4

A CONCURRENT RESOLUTION

ON THE DEATH OF HONORABLE EDWARD MASSEY

On the twenty-fourth day of November, 1957, at the age of seventy-four years, Honorable Edward Massey passed away in Phoenix.

Edward Massey at the time of his death held the office of State Mine Inspector and from the beginning of the Twentieth Century had forged a career in his adopted State of Arizona which was closely interlocked with the history of Arizona.

Honorable Edward Massey was born in Princeton, Indiana, and, as a youth left his native State for the Southwest, where he worked in the mines and lived in the fast growing mining town of Jerome in approximately 1907 and 1908. Later he worked in Globe for the Old Dominion Mine.

Mr. Massey, as a result of his experience, was employed as foreman of a large mine in Cananea, Mexico. In 1916, he returned to Bisbee and was appointed as a Deputy State Mine Inspector where he served with distinction until 1922.

In 1934, after spending several years in mine leasing operations in Tombstone, Edward Massey was appointed Manager of the Labor Department of the Arizona Industrial Commission. Again he served with distinction until 1940, when he returned to mine employment where he served as foreman and superintendent.

Being well-qualified by long experience in mining operations, Honorable Edward Massey became a candidate for the office of State Mine Inspector. The people of this State, acknowledging his experience, elected him to the post of State Mine Inspector in 1952 and then re-elected him for two-year terms in 1954 and again in 1956.

Governor McFarland stated upon learning of the death of Edward Massey:

“The State has lost an outstanding official and I have lost a good friend. Ed Massey was a real pioneer who helped build our State, an outstanding miner, and a rugged individualist who was always working to improve the lot of miners and mankind. Mrs. Massey has my heartfelt sympathy.”

Therefore

Be it resolved by the Senate of the State of Arizona, the House of Representatives concurring:

That the Legislature, having learned of the death of Honorable Edward Massey, wishes to express its regret, and extends sincere condolences to his widow, Mary, and to other surviving members of his family.

Passed the Senate February 4, 1958 by the following vote:
26 Ayes, 0 Nays, 2 Excused.

Passed the House February 5, 1958 by the following vote:
Unanimous.

Approved by the Governor—February 6, 1958.

Filed in the Office of the Secretary of State—February 6, 1958.

SENATE CONCURRENT RESOLUTION NO. 6

A CONCURRENT RESOLUTION

ON THE DEATH OF HONORABLE MIT SIMMS

Whereas, on the twenty-second day of July, 1957, the Honorable Mit Simms died at the age of eighty-three years in Phoenix, Arizona.

The death of Mit Simms ended a long and eminent career devoted in service to the State of Arizona. At the time of his death, the Honorable Mit Simms was a member of the Arizona Corporation Commission, an elective post which he held continuously from 1948.

The Honorable Mit Simms was born in the State of Alabama on August 12, 1873. He received his early schooling in Alabama and in 1886 he moved with his family to Texas. Later he returned to his native state where he attended college at Auburn, Alabama. In the year 1897, Mit Simms moved to the Territory of Arizona where he established his residence at Clifton.

In 1902, Mit Simms was elected by the People of Graham County to act as their County Recorder. He retained this post for a period of six years. In 1910, the Honorable Mit Simms became a member of the Arizona Constitutional Convention, and attained the distinction of serving as one of the youngest members of the Convention. His political career continued when, in the year 1914, the people of the State of Arizona elected him as their State Treasurer. Honorable Mit Simms, in his long and illustrious career, served four terms as State Treasurer, longer than any other person has served in that position in the history of the State.

In 1918, the people again demonstrated their confidence in Mit Simms by electing him to the position of Secretary of State. During his term Mit Simms was the acting Governor for eleven months and four days, taking over the chief position in the State during the absence of Governor Campbell. In addition to these honors, Mit Simms served two terms as a member of the State Corporation Commission.

Mit Simms held many public offices but found ample time to pursue other activities such as being a rancher, farmer and merchant. In all his pursuits, business or public, he acted in the best interests of the State of Arizona.

Therefore

Be it resolved by the Senate of the State of Arizona, the House of Representatives concurring:

That the Legislature, having learned of the death of the Honorable Mit Simms, considers that the citizens of this State, in losing this pioneer leader, have suffered a deep

and grievous loss. Moreover, the Legislature extends its condolences to his widow and other surviving members of his family.

Passed the Senate February 4, 1958 by the following vote:
26 Ayes, 0 Nays, 2 Excused.

Passed the House February 5, 1958 by unanimous vote.

Approved by the Governor—February 6, 1958.

Filed in the Office of the Secretary of State—February 6, 1958.

SENATE CONCURRENT RESOLUTION NO. 7

A CONCURRENT RESOLUTION

ON THE DEATH OF HONORABLE ARTHUR T. LAPRADE

The Honorable Justice Arthur T. LaPrade, native Arizonan and member of the Arizona Supreme Court, died quietly in his sleep on June 30, 1957, at the age of sixty-two years. Because of his wide acquaintance and long public service, the loss of Justice LaPrade was felt deeply throughout Arizona.

Justice LaPrade was an eminent jurist and had served his County, State and Nation consistently and with real distinction. His life was devoted to public service and his activities and opinions upheld his basic beliefs in the freedom of all the people.

Justice LaPrade was born in Winslow, Arizona, March 3, 1895, and attended Winslow public schools and went to Northern Arizona Normal School at Flagstaff for his high school education where he graduated in 1913.

He received his Bachelor of Arts Degree at the University of California in 1917, and his Bachelor of Laws Degree in 1920.

During World War I, Justice LaPrade served as a Cavalry Officer in the United States Army from August, 1917, to December, 1918.

He began the practice of law at Phoenix in 1920, becoming Assistant County Attorney in 1923.

He was elected County Attorney in 1924 and served one term before returning to private practice. He later accepted the position of Assistant Attorney General of Arizona which he held from 1929 to 1932. Continuing his public career he was elected Arizona Attorney General in 1932 for a two-year term.

After some years in private practice, he was elected Judge of the Superior Court in Maricopa County in 1939. In 1945 he assumed the position of Justice of the Arizona Supreme Court, which position he held by re-election until his death. During his tenure on the Supreme Court he served as Chief Justice in 1949 and 1950, and again in 1955 and 1956.

Justice LaPrade was a member of the Maricopa County Bar Association, the State Bar of Arizona, the American Bar Association, the Conference of Chief Justices of the United States, Loyal Order of Moose, and the American Legion.

He was vitally interested in sports and served as a Commissioner of the National Softball Conference.

Justice LaPrade served for a time on the jury for the annual National Freedom Foundation Awards. Justice LaPrade truly had a judicial temperament plus the courage to stand by his convictions. His quick incisive mind went to the heart of a legal problem and his understanding of his fellow men caused him to always temper justice with mercy. Therefore

Be it resolved by the Senate of the State of Arizona, the House of Representatives concurring:

That the Legislature expresses its sincere regret at the passing of Justice Arthur T. LaPrade and extends its condolences to his widow, Lucille Hooper LaPrade, his sons, Loren H., Arthur T., Jr., and Paul W. LaPrade, his daughter, Mrs. Janice Johnson, and to his fourteen grandchildren and other next of kin.

Passed the Senate February 4, 1958 by the following vote:
26 Ayes, 0 Nays, 2 Excused.

Passed the House February 5, 1958 by a unanimous vote.

Approved by the Governor—February 6, 1958.

Filed in the Office of the Secretary of State—February 6, 1958.

SENATE CONCURRENT RESOLUTION NO. 10

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT OF THE CONSTITUTION OF ARIZONA RELATING TO THE LEGISLATURE; PRESCRIBING THE SALARY AND EXPENSES OF MEMBERS OF THE LEGISLATURE, AND AMENDING ARTICLE 4, PART 2, SECTION 1, PARAGRAPH 2, CONSTITUTION OF ARIZONA.

Be it resolved by the Senate of the State of Arizona, the House of Representatives concurring:

1. The amendment of article 4, part 2, section 1, paragraph 2, Constitution of Arizona, is proposed, to become valid when approved by a majority of the qualified electors voting thereon and upon proclamation of the governor, and to read as follows:

2(a) Commencing with the first regular session of the Twenty-fourth Legislature, members of the Legislature shall each receive a salary of one thousand eight hundred dollars as compensation for services in each regular session, to be payable at such times as shall be provided by law. In addition, members of the Legislature shall each receive a salary of twenty dollars for each day for a period of not to exceed twenty days in any one special session, and for each day required for meetings called by or at the direction of the presiding officer of either house of the Legislature. In no event, however, shall the total salary paid under the provisions of this paragraph exceed three thousand six hundred dollars per annum to any one member of the legislature.

2(b) In addition to the salary provided in paragraph 2(a), each member of the Legislature shall also be reimbursed for travel and other necessary expenses incurred in attendance upon regular sessions, special sessions or other meetings called by or at the direction of the presiding officer of either House of the Legislature at the same rate and in the same manner as for other public officers, except that such reimbursement shall not be paid for any regular session or special session to members of the legislature whose usual place of residence is within the city limits of the city in

which the state capitol building is situate, and except that reimbursement shall not be paid for any other meetings to members of the legislature whose usual place of residence is within the city limits of the city at which such meeting is held.

2. The proposed amendment (approved by a majority of the members elected to each house of the legislature, and entered upon the respective journals thereof, together with the ayes and nays thereon) shall be by the secretary of state submitted to the qualified electors at the next regular general election (or at a special election called for that purpose), as provided by article 21, Constitution of Arizona.

Passed the Senate March 14, 1958 by the following vote:
27 Ayes, 0 Nays, 1 Not Voting.

Passed the House March 15, 1958 by the following vote:
60 Ayes, 13 Nays, 7 Not Voting.

Filed in the Office of the Secretary of State—March 15, 1958.

SENATE RESOLUTION NO. 2

A RESOLUTION

ON THE DEATH OF HONORABLE JAMES HERRON.

The Honorable James Herron passed away on July 27, 1957, at the age of fifty-eight years.

James Herron, a native Arizonan was born near Naco, Arizona, on August 7, 1899. He spent his entire life in this State engaging in political and business activities. When Mr. Herron was a young man he worked in the mines and later was a mine operator. In addition to his mining operations, James Herron homesteaded near Superior, Arizona, and also engaged in the cattle business. Subsequent to these enterprises he built a motel in Superior.

The Honorable James Herron was an important person in the Arizona political world. The citizens of Pinal County honored him by electing him to public office on eight different occasions for a period of sixteen consecutive years.

James Herron served with distinction as Sheriff of Pinal County for the period from January 1, 1931, to December 31, 1938. Subsequent to his tenure as Sheriff, James Herron served ably and competently as a member of the Pinal County Board of Supervisors from January 1, 1939, to December 31, 1946.

In 1947, during the Third Special Session of the Eighteenth Legislature, he was appointed to fill an unexpired term as Senator arising as a result of the death of Senator Lloyd Canfil. The people of his County elected him to serve as a Senator during the Nineteenth, Twentieth and Twenty-first Legislatures.

In the Nineteenth Legislature, James Herron served on the following committees: Agriculture and Irrigation, Appropriations, Constitutional Amendments and Referendum, Methods of Business and Public Lands. In the Twentieth Legislature, he served as Chairman of the Highways and Bridges Committee and as Vice Chairman of the Committee on Employees and Supplies. In addition, he served on the following committees: Agriculture and Irrigation, Appropriations, Constitutional Amendments and Referendum, Judiciary, and Livestock. In the Twenty-first Legislature, James Herron served as Chairman of the Public Health Committee and the Vice Chairman of the Methods of Business Committee. He also served on the following committees: Agriculture and Irrigation, Constitutional Amendments and Referendum, Employees and Supplies, Highways and Bridges and Public Lands.

On July 1, 1955, James Herron was appointed to the position of Secretary of the Arizona Highway Commission but resigned because of ill health on February 29, 1956.

The Honorable James Herron served the citizens of this State with distinction. Therefore

Be it resolved by the Senate of the State of Arizona :

That the members of the Senate do sincerely regret the passing of the Honorable James Herron, and do, therefore, extend condolences to his widow and other surviving members of his family.

Unanimously adopted by the Senate—January 30, 1958.

Approved by the Governor—February 6, 1958.

Filed in the Office of the Secretary of State—February 6, 1958.

SENATE RESOLUTION NO. 3

A RESOLUTION

ON THE DEATH OF WILLIAM F. (BILL) TURNBOW.

On the twenty-eighth day of June, 1957, at the age of fifty years William F. (Bill) Turnbow died suddenly at his home in Phoenix, Arizona. Because of his wide acquaintance and his long association as a reporter of public affairs in Arizona, the impact of his death was felt immediately throughout the entire State.

Bill Turnbow was acknowledged by his fellow newspapermen, the State House reporters and the general public as the Dean of Arizona's political writers. His column, "Under the Capitol Dome" was published daily in the Phoenix Gazette from November 22, 1931, until his death.

State and County officials, Governors, and Legislators and all citizens of the State read Bill Turnbow's column. No one felt fully informed on the daily picture in Arizona politics until he had read Turnbow's daily column.

Bill was an integral part of the Arizona political scene and because of his long association with the leading political figures of Arizona, and many National leaders, he became the foremost prognosticator of Arizona political events.

Bill Turnbow possessed the highest integrity and was conceded to be one of the most able and competent of political analysts.

Bill Turnbow, through his column, his many other political writings, and by his actions was a strong supporter of the democratic way of life which results from the American form of government. Throughout his life he pursued truth in a relentless fashion and on many occasions exposed actions which were not intended for the public good. He was a constant advocate of the philosophy that the public should be informed and fully aware of all that transpired in the political arena. He was a student of the Arizona State Constitution and the Constitution of the United States. He fully believed that personal liberty was synonymous with the freedom of the press since it could not long endure if the public were denied the "right to know".

At the age of eighteen years, Bill Turnbow began his newspaper career as a copy boy for the Portland, Oregon

Journal and moved from there to a position as assistant Northwest manager for the United Press.

On April 1, 1930, Bill moved to Phoenix as night manager for the United Press Associations. He also became Capitol reporter for the United Press.

On October 1, 1931, he was employed by the Phoenix Gazette and in November of that year began his famous column, "Under the Capitol Dome", which he continued to the time of his death.

Each year, beginning with 1950, Bill Turnbow compiled and published the Arizona Political Almanac. Thousands of children and adults used this handy guide to political history and facts of Arizona. Its coverage and accuracy were a source of information to all who consulted this guide.

During his active life Bill Turnbow directed his efforts, his keen mind and his abundant abilities in many directions. He was Past President of the Arizona Press Club, for which he also served as Secretary for eight years. At one time he served as a member of the Board of Directors of Memorial Hospital in Phoenix and for a period was Secretary to the Board. He was immediate Past President of the Dad's Club of West Phoenix High School from which his daughter, Billene, graduated in 1957.

He was a Thirty-second Degree Mason, a member of the Scottish Rite, a Past Patron of the Order of Eastern Star and a member of the Thunderbird Model Railroad Club. He was Past President of the Phoenix Hiram Club and a Deacon of the First Christian Church.

In his usual careful manner, he studied the Bible and was considered by many as one who had attained a better-than-average knowledge of the Holy Scriptures. This was reflected in his general attitude toward his fellow workers and the world in general. Therefore

Be it resolved by the Senate of the State of Arizona:

That it does sincerely regret the untimely passing of William (Bill) Turnbow and does affirm that the people of this State, as a result of his passing, have suffered an irreplaceable loss. Moreover, the members of the Senate extend condolences to his widow, Rose Turnbow, and his two daughters, Billene Turnbow, and Mrs. Robert Vetter, and other next of kin.

Unanimously adopted by the Senate—February 4, 1958.

Approved by the Governor—February 4, 1958.

Filed in the Office of the Secretary of State—February 4, 1958.

SENATE RESOLUTION NO. 4

A RESOLUTION

PROCLAIMING "ARIZONA LIBRARY WEEK" TO BE OBSERVED CONCURRENTLY WITH "NATIONAL LIBRARY WEEK" DURING THE WEEK BEGINNING MARCH 16, 1958.

Whereas, the President of the United States has designated the week beginning March 16 and ending March 22, 1958, as "National Library Week" and the members of the Arizona Senate desire to support this worthy and commendable project by observing concurrently with "National Library Week" an "Arizona Library Week".

The objectives of "Arizona Library Week" are for the purpose of demonstrating that libraries at all levels should be supported by the general public and that the usefulness of libraries should be broadened. Moreover, "Arizona Library Week" will provide the opportunity to expose the need for the extension and improvement of school and public library services in Arizona. Therefore

Be it resolved by the Senate of the State of Arizona :

That "Arizona Library Week" be observed throughout the State of Arizona during the week beginning March 16 and ending March 22, 1958, such week to be observed concurrently with "National Library Week". The members of the Senate hope and trust that during "Arizona Library Week" the citizens of this State may develop an awareness of the importance of reading and the need to support library movements throughout the State.

Unanimously adopted by the Senate February 13, 1958.

Approved by the Governor—February 18, 1958.

Filed in the Office of the Secretary of State—February 18, 1958.

SENATE RESOLUTION NO. 5

A RESOLUTION

EXTENDING A MESSAGE OF WELCOME AND GOOD FORTUNE TO THE SAN FRANCISCO GIANTS.

Since the days of Abner Doubleday, the game of baseball has held a special place in the hearts of all Americans, young and old, alike.

The State of Arizona, particularly the City of Phoenix with its warm and friendly atmosphere, has for many years been receptive to the game of baseball and enthusiastic of the major league teams that begin their spring training practice in this vicinity.

This year, the City of Phoenix is the host of the San Francisco Giants, formerly known as the New York Giants. In its first year as the San Francisco Giants, the baseball fans of the State of Arizona extend to Horace Stoneham, President of the San Francisco Giants, and to all of the Giant players a hearty welcome with the fervent hope that their training on Arizona soil will so condition them that they will carry on and become the Champions of the National League, the senior circuit in American baseball. Moreover, the baseball fans also extend the hope that the San Francisco Giants will, after becoming Champions of the National League, become victorious over the American League Champions and thereby become the first Western baseball team to be the "Champions of the World." Therefore

Be it resolved by the Senate of the State of Arizona:

That the members of the Senate on behalf of the people of Phoenix and baseball fans everywhere extend a cordial welcome to the San Francisco Giants who are performing their spring training in Phoenix. Moreover, the sincere wish is expressed that the San Francisco Giants will become Champions of the senior circuit and go forward to become the first Western Baseball team to be dubbed as the "Champions of the World."

Unanimously adopted by the Senate March 4, 1958.

Approved by the Governor—March 4, 1958.

Filed in the Office of the Secretary of State—March 4, 1958.

SENATE RESOLUTION NO. 6

A RESOLUTION

RELATING TO OIL AND GAS; ENCOURAGING THE EXPLORATION FOR OIL AND GAS IN THE STATE OF ARIZONA, AND RESOLVING THAT NO PROHIBITIVE TAXES SHALL BE IMPOSED UPON THE OIL AND GAS INDUSTRY.

Whereas, it is the intent and purpose of the Legislature to promote and encourage the growth of the oil and gas industry within the State of Arizona. Any act of the Legislature which encourages exploration for oil and gas within the State will promote the welfare of all the citizens of this State.

In view of the need to promote the oil and gas industry in order to take advantage of all of our natural resources, it is advisable that no prohibitive taxes be levied which might tend to stunt the growth of this important industry. In fact, if a tax were levied and imposed before the industry has obtained oil and gas in commercial quantities, it might be a setback which would discourage this industry from investing its funds in our State in an attempt to obtain these products.

It is acknowledged that the oil and gas industry now pays substantial ad valorem taxes, and other taxes. Moreover, in addition to the substantial taxes now paid, the oil and gas industry has expended considerable sums of monies for geological and exploratory work and for the construction of roads. Therefore

Be it resolved by the Senate of the State of Arizona:

That the members of this Body believe that no prohibitive taxes should be imposed on the oil and gas industry. Furthermore, every effort should be made by the Legislature of this State to encourage the promotion and development of the oil and gas industry so that in the near future this industry will be producing oil and gas in commercial quantities, thus contributing in great measure to the wealth of Arizona and the Nation.

Passed the Senate March 12, 1958 by majority vote.

Filed in the Office of the Secretary of State—March 12, 1958.

**BILLS VETOED
BY THE
GOVERNOR**

Ernest W. McFarland
Governor

EXECUTIVE OFFICE

State House
Phoenix, Arizona
March seventeenth, 1958

Dear Mr. Secretary:

I am transmitting herewith Senate Bill No. 85, being An Act Relating to Horse, Harness and Dog Racing; Providing for the Disposition of Revenue; Allotting to the State Fair Fund Five Per Cent of the Revenue Received from Horse, Harness and Dog Racing Permittees, Permits and Licenses; Providing Limitation on the Amount Thereof, and Amending Section 5-113, Arizona Revised Statutes, for filing with my disapproval for the following reasons:

The effect of this bill is to give an additional five per cent of revenues derived from racing to the State Fair which would subtract this much money from revenues going to the general fund. The State Fair, as operated under the present majority of the Fair Commissioners, has shown a profit each year. There is no reason for taking any more from the general revenue fund.

I presume this bill was passed as a companion bill to SB 86, which I have also filed in your office with my disapproval. As I stated in my letter disapproving this bill, there is no reason for changing the procedure now followed by the Fair Commission.

For the foregoing reasons I therefore file this bill with my disapproval.

Sincerely yours,

/s/ Ernest W. McFarland

ERNEST W. McFARLAND
Governor

Honorable Wesley Bolin
Secretary of State
Phoenix

SENATE BILL NO. 85

AN ACT

RELATING TO HORSE, HARNESS AND DOG RACING; PROVIDING FOR THE DISPOSITION OF REVENUE; ALLOTING TO THE STATE FAIR FUND FIVE PER CENT OF THE REVENUE RECEIVED FROM HORSE, HARNESS AND DOG RACING PERMITTEES, PERMITS AND LICENSES; PROVIDING LIMITATION ON THE AMOUNT THEREOF, AND AMENDING SECTION 5-113, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 5-113, Arizona Revised Statutes, is amended to read:

5-113. DISPOSITION OF REVENUE; COUNTY FAIRS FUND; STATE FAIR FUND; LIVESTOCK AND AGRICULTURE FUND

A. All revenues derived from permittees, permits and licenses, as provided by this article, shall be paid to the state treasurer, who shall credit five per cent thereof to a fund known as the Arizona county fairs fund, five per cent thereof to the state fair fund established under section 3-1005, provided that such sum credited to the state fair fund in any fiscal year shall not exceed seventy-five thousand dollars, and seven and one-half per cent to a fund known as the livestock and agriculture fund.

B. The Arizona county fairs fund shall be under the jurisdiction of the racing commission and shall be distributed by the commission to the board of supervisors of each county conducting a county fair in such proportion as the commission deems necessary for the promotion of county fairs and racing meets. All expenditures from the Arizona county fairs fund shall be made upon claims approved by the commission.

C. The livestock and agriculture fund shall be under the control of the governor, and shall be used for the purpose of promoting the livestock and agricultural resources of the state. All expenditures from the livestock and agriculture fund shall be made upon claims approved by the governor.

Disapproved by the Governor—March 17, 1958.

Filed in the Office of the Secretary of State—March 17, 1958.

Ernest W. McFarland
Governor

EXECUTIVE OFFICE

State House

Phoenix, Arizona

March seventeenth, 1958

Dear Mr. Secretary:

I am transmitting herewith Senate Bill No. 86, being An Act Relating to the State Fair Commission; Defining the Powers and Duties of the State Fair Commission, and Amending Section 3-1003, Arizona Revised Statutes, with my disapproval for the following reasons:

This Act would take away the power of the State Fair Commission to lease the fairgrounds for horse, harness, or dog race meetings to be held on any day or days other than the day or days on which the State Fair is held. The State Fair Commission reported a net profit—after deducting all cash on hand—for the operations in 1956-57 of \$77,801.28. Although this fiscal year has not ended, the Fair Commission has already reported a profit. The Fair has therefore shown a profit ever since the present majority of the Commissioners has been in office.

I would further point out that this bill limits the power of the State Fair Commission over harness racing when there is no harness racing in the state at this time. It would, therefore, prevent the State Fair Commission from leasing the Fairgrounds for these purposes should there be a demand when no other track might be available. From a dollars-and-cents standpoint, the State Fair Commission is not in need of any new legislation. This bill could not therefore be for the purpose of aiding the State Fair Commission. It is my opinion that the State Fair should be run independently without assistance from other sources, and, while another bill (SB 85) would provide other revenues, there is no reason why the State Fair should be dependent upon racing held in other places. If the racing revenues justify it, the percent could be increased so that it would help supply general revenue for the State.

For the foregoing reasons, I am filing this bill in your office with my disapproval.

Sincerely yours,

/s/ Ernest W. McFarland

Ernest W. McFarland
Governor

Honorable Wesley Bolin
Secretary of State
Phoenix

SENATE BILL NO. 86

AN ACT

RELATING TO THE STATE FAIR COMMISSION; DEFINING THE POWERS AND DUTIES OF THE STATE FAIR COMMISSION, AND AMENDING SECTION 3-1003, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 3-1003, Arizona Revised Statutes is amended to read:

3-1003. STATE FAIR COMMISSION; POWERS AND DUTIES

The Arizona state fair commission shall:

1. Have exclusive custody and direction of all state fair property, construct and maintain necessary improvements in connection therewith, and assist in raising funds therefor.

2. Direct and conduct state fairs, exhibits, contests and entertainments for the purposes of promoting and advancing the pursuits and interests of the several counties and of the state, and of producing revenue except that the authority of the commission to conduct a horse, harness or dog race meeting is limited to such a meeting held on any day or days the state fair is held.

3. When deemed advisable, charge entrance fees and gate money, temporarily lease stalls, stands, booths and sites, and give prizes or premiums for exhibits and contests.

4. Employ a secretary, who shall not be a member of the commission, and other employees, and make such expenditures as may be proper to carry out the provisions of this article.

(a) The secretary shall give a surety company bond to the state approved by the governor and filed with the secretary of state in the sum of twenty-five thousand dollars.

(b) The secretary shall conduct the financial transactions of the commission, and perform such other duties as it may require.

5. When necessary in connection with business of the commission, appoint fair or ground marshals with the authority of peace officers.

6. Have power to lease the state fair grounds for rodeos, civic exhibitions, fireworks displays and other purposes it deems proper, except that the state fair grounds shall not be leased or used for a horse, harness or dog race meeting which is to be held on any day or days other than the day or days the state fair is held.

7. Have power to accept donations of money or other property from any source, and expend it in accordance with directions of the donor. Monies received pursuant to this paragraph shall not be placed in the general fund.

Disapproved by the Governor—March 17, 1958.

Filed in the Office of the Secretary of State—March 17, 1958.

Ernest W. McFarland
Governor

EXECUTIVE OFFICE

State House
Phoenix, Arizona
March 18, 1958

Dear Mr. Secretary:

I am transmitting herewith Senate Bill No. 74, being an Act relating to the Attorney General; empowering the Attorney General to Initiate Appeals from Lower Courts in Cases Where the State or An Agency, Board, Commission or Officer Thereof is a Party, and Amending Title 41, Chapter 1, Article 5, Arizona Revised Statutes, by Adding Section 41-192.01, for filing with my disapproval for the following reasons:

It is my opinion that the statutes as now exist make the Attorney General the legal advisor of Departments of the state and his duties are to render such legal services as the departments require. This creates a relationship of attorney and client. The Attorney General advises the various agencies, boards, commissions and officers in regard to matters, including what should be done in regard to appeal. It is then for them to determine what the policy should be after receiving such advice. They have this responsibility.

It is my opinion that there might be a conflict of opinion under Senate Bill 74. I can see no reason why the Attorney General should be made the policy maker in such cases.

For the foregoing reasons, I therefore file this Bill with my disapproval.

Sincerely yours,

/s/ ERNEST W. McFARLAND

ERNEST W. McFARLAND

Hon. Wesley Bolin
Secretary of State
Phoenix, Arizona

SENATE BILL NO. 74

AN ACT

RELATING TO THE ATTORNEY GENERAL; EMPOWERING THE ATTORNEY GENERAL TO INITIATE APPEALS FROM LOWER COURTS IN CASES WHERE THE STATE OR AN AGENCY, BOARD, COMMISSION OR OFFICER THEREOF IS A PARTY, AND AMENDING TITLE 41, CHAPTER 1, ARTICLE 5, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-192.01.

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

Section 1. Title 41, chapter 1, article 5, Arizona Revised Statutes, is amended by adding section 41-192.01, to read:

41-192.01. INITIATION OF APPEALS

In all matters in which the state or an agency, board, commission or officer thereof in his official capacity is a party in a court action, the attorney general is empowered to initiate, on his own motion, an appeal to a higher court from any appealable ruling, order or judgment of a lower court.

Disapproved by the Governor—March 18, 1958.

Filed in the Office of the Secretary of State—March 18, 1958.

Ernest W. McFarland
Governor

EXECUTIVE OFFICE

State House
Phoenix, Arizona
March 18, 1958

Dear Mr. Secretary:

I am transmitting herewith Senate Bill No. 112, an act relating to contractors; providing for appointment, term and

compensation of the Registrar of Contractors, and Amending Section 32-1103, Arizona Revised Statutes, with my disapproval for the following reasons:

This bill is indefinite in that it does not say when the new term of the Registrar of Contractors would begin. It is my opinion that legislation of this nature should be made definite and certain. This bill could even result in a suit which would prove expensive to the State of Arizona.

For the foregoing reason, I therefore file this bill with my disapproval.

Sincerely yours,

/s/ Ernest W. McFarland

ERNEST W. McFARLAND

Hon. Wesley Bolin
Secretary of State

SENATE BILL NO. 112

AN ACT

RELATING TO CONTRACTORS; PROVIDING FOR APPOINTMENT, TERM AND COMPENSATION OF THE REGISTRAR OF CONTRACTORS, AND AMENDING SECTION 32-1103, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 32-1103, Arizona Revised Statutes, is amended to read:

32-1103. REGISTRAR OF CONTRACTORS; TERM;
SALARY

The governor with the advice and consent of the senate shall appoint a registrar of contractors who shall be an experienced contractor for a term of five years. The registrar shall file with the secretary of state a bond in the amount of five thousand dollars payable to the state. The registrar is vested with all functions and duties relating to administration of this chapter. He shall receive an annual salary not to exceed eight thousand four hundred dollars, payable from the contractors' licensing fund.

Disapproved by the Governor—March 18, 1958.

Filed in the Office of the Secretary of State—March 18, 1958.

Ernest W. McFarland
Governor

EXECUTIVE OFFICE

State House
Phoenix, Arizona
March eighteenth, 1958

Dear Mr. Secretary:

I am transmitting herewith Senate Bill No. 194, being An Act Relating to Alcoholic Beverages; Providing for an Airline License; Prescribing Fees, and Amending Title 4, Chapter 2, Article 1, Arizona Revised Statutes, by Adding Section 4-209.01, for filing with my disapproval for the following reasons:

In my judgment, the safety of the passengers and the crews on airplanes require me to disapprove this legislation. It will be noted that this bill not only permits the sale of spirituous liquors in individual portions but also in the original containers. Under these circumstances there could be no limit to the amount of alcoholic beverages that any one person could buy and consume while in flight. As governor of this state, I feel it is my duty to protect the traveling public and the crews who might be helpless against any one who thus becomes intoxicated by consuming such alcoholic beverages.

For the foregoing reason I therefore file this bill with my disapproval.

Sincerely yours,

/s/ ERNEST W. McFARLAND

ERNEST W. McFARLAND
Governor

Honorable Wesley Bolin
Secretary of State
Phoenix

SENATE BILL NO. 194

AN ACT

RELATING TO ALCOHOLIC BEVERAGES; PROVIDING FOR AN AIRLINE LICENSE; PRESCRIBING FEES, AND AMENDING TITLE 4, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 4-209.01.

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

Section 1. Title 4, chapter 2, article 1, Arizona Revised Statutes, is amended by adding section 4-209.01, to read:

4-209.01. AIRLINE LICENSE; FEES; EXEMPTION

A. The superintendent may issue an airline license, in the name of any airline certificated by the civil aeronautics board, to serve or sell all spirituous liquors in individual portions or in the original containers on all aircraft in flight operated by the airline company.

B. A fee of one hundred dollars shall accompany each application for an original license, and if application for an original airline license is made on or after July 1 in any year, one-half the annual license fee as provided in subsection C,

shall be charged. The application fee for an original license shall be returned to the applicant if the application is denied. Every airline license shall expire December 31 of each year.

C. The annual license fee for an airline license shall be two hundred twenty-five dollars, payable in advance.

D. Airline licenses issued under the provisions of this section are exempt from the limitations of sections 4-206 and 4-207.

Sec. 2. EMERGENCY

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

(Failed to pass the House with sufficient votes to carry the Emergency clause.)

Disapproved by the Governor—March 18, 1958.

Filed in the Office of the Secretary of State—March 18, 1958.

Ernest W. McFarland
Governor

EXECUTIVE OFFICE

State House

Phoenix, Arizona

March eighteenth, 1958

Dear Mr. Secretary:

I am transmitting herewith House Bill No. 221 an act relating to railroad crossings; authorizing the Corporation Commission to require the installation of automatic warning devices; providing the apportionment of the cost of acquisition and installation thereof; providing for agreements for sharing the cost thereof; authorizing political subdivisions

to receive reimbursement from the state highway fund, amending Title 40, Chapter 2, Article 6, Arizona Revised Statutes, by adding Section 40-337.01, for filing with my disapproval for the following reasons:

When the railroads of this state were first built the rights of way were not only granted to them by the Federal Government but also millions of acres of land were given to assist them in paying for construction. Some of these lands became very valuable, and were sold to the public at high prices. It was the hope and expectation of the railroad companies and the U. S. government that cities and towns would be developed. Certainly it was expected and hoped that the population of this state would grow to the point that there would be many railroad crossings.

In my judgment, it is no more than right for a company which receives a right of way for nothing to pay for the cost of installing safety devices for the protection of the public. Not only are these safety devices for the protection of the public, but they are also a protection for the railroads and may save them from many judgments for damages resulting from accidents that would occur if the devices were not installed, as well as damages to their own property.

For the foregoing reasons I therefore file this bill with my disapproval.

Sincerely yours,

/s/ Ernest W. McFarland

Ernest W. McFarland

Hon. Wesley Bolin
Secretary of State

HOUSE BILL NO. 221

AN ACT

RELATING TO RAILROAD CROSSINGS; AUTHORIZING
THE CORPORATION COMMISSION TO REQUIRE THE

INSTALLATION OF AUTOMATIC WARNING DEVICES; PROVIDING THE APPORTIONMENT OF THE COST OF ACQUISITION AND INSTALLATION THEREOF; PROVIDING FOR AGREEMENTS FOR SHARING THE COST THEREOF; AUTHORIZING POLITICAL SUBDIVISIONS TO RECEIVE REIMBURSEMENT FROM THE STATE HIGHWAY FUND, AMENDING TITLE 40, CHAPTER 2, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING SECTION 40-337.01.

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

Section 1. Title 40, chapter 2, article 6, Arizona Revised Statutes, is amended by adding section 40-337.01, to read:

40-337.01. HAZARDOUS CROSSINGS; INSTALLATION OF SIGNALS; APPORTIONMENT OF COSTS

A. The commission may determine, after a public hearing, whether any particular crossing of a railroad and a public highway or street is sufficiently hazardous as to require the installation of automatic warning signals or devices at such crossing; provided, however, that a public hearing shall not be required if the parties in interest have entered into an agreement for the construction of such crossing and for the apportionment between them of the cost of acquiring and installing such automatic warning signals or devices. Where such an agreement has been entered into, the state highway department shall, from the state highway fund, reimburse the city or county involved for one-half of the sum that the city or county agreed to contribute to such installation.

B. If the commission finds that any crossing requires the installation of automatic warning signals or devices, it shall order such installation, and if the parties in interest are unable to agree upon the apportionment of the cost of acquisition and installation, then the cost shall be borne as follows:

(a) The railroad, fifty per cent.

(b) Where a city street is involved: The city twenty-five per cent and the state highway fund twenty-five per cent.

(c) Where a county highway is involved: The county, twenty-five per cent and the state highway fund twenty-five per cent.

(d) When a state highway is involved: The state highway fund, fifty per cent.

C. When a railroad has installed automatic signals or warning devices pursuant to order of the commission, it shall secure reimbursement for that portion of the cost thereof which, in accordance with the agreement of the parties in interest or the provisions hereof, is to be borne by others, by filing verified claims with the appropriate fiscal officers, and such claims shall be approved and paid without reference to or limitation by the provisions of any other law. For the purpose of determining the amount of reimbursement to which the railroad is entitled, the commission shall retain jurisdiction of the matter and upon completion of the installation of the automatic signals and warning devices, shall make a determination as to the cost of installing same, including but not limited to, the cost of acquisition and expense of installation.

Disapproved by the Governor—March 18, 1958.

Filed in the Office of the Secretary of State—March 18, 1958.

OFFICIAL CANVASS

ELECTION RETURNS

OFFICIAL CANVASS
GENERAL ELECTION—NOVEMBER 6, 1956

	Apache	Cochise	Coco- nino	Gila	Graham	Green- lee	Mari- copa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total	
Total Registration	3,700	15,376	8,174	11,034	5,473	5,784	184,384	3,218	7,625	76,324	15,457	3,841	12,687	14,584	367,661	
Total Ballots Cast	2,755	12,571	6,971	8,598	4,295	4,588	149,267	2,572	6,139	64,101	11,311	2,931	10,088	11,365	297,552	
Per Cent Votes Cast	74.46	81.76	85.28	77.92	78.48	79.32	80.95	79.93	80.51	83.99	73.18	76.31	79.51	77.93	80.93	
<u>Presidential Electors:</u>																
<u>Democratic: Stevenson</u>																
Al J. Flood)															
Thomas J. Croaff	)	981	5,328	2,314	4,026	1,688	2,711	54,010	968	2,033	23,536	5,063	1,131	3,315	5,776	112,880
Arthur E. (Art) Parmer)															
A. J. Beaty)															
<u>Republican: Eisenhower</u>																
Andrew Baumert, Jr.)															
James P. Boyle	)	1,685	6,893	4,044	4,234	2,384	1,784	92,140	1,523	3,928	39,298	5,762	1,646	6,339	5,330	176,990
Elsie Toles)															
C. B. Wilson)															
T. Coleman Andrews		1	9	11				191	6	9	51	17	1		7	303
<u>UNITED STATES SENATOR:</u>																
Carl Hayden (D)		1,694	8,357	4,031	5,824	2,894	3,501	81,092	1,696	3,845	34,840	7,413	1,915	5,590	8,124	170,816
Ross F. Jones (R)		802	3,237	2,061	1,947	1,253	691	59,268	708	1,883	25,212	3,073	691	3,929	2,692	107,447

OFFICIAL CANVASS
GENERAL ELECTION—NOVEMBER 6, 1956 (Con't)

	Apache	Cochise	Coco- nino	Gila	Graham	Green- lee	Mari- copa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total
<u>REPRESENTATIVE IN CONGRESS, DIST. NO. 1</u>															
William P. "Bill" Mahoney, Jr. (D)							64,805								64,805
John J. Rhodes (R)							78,998								78,998
<u>REPRESENTATIVE IN CONGRESS, DIST. NO. 2</u>															
Stewart L. Udall (D)	1,673	7,487	3,864	5,490	2,538	3,390		1,523	3,522	31,418	6,989	1,632	5,152	7,432	82,110
John G. (Jack) Speiden (R)	819	3,966	2,171	2,038	1,219	748		821	2,142	29,201	3,259	873	4,153	3,186	54,596
<u>GOVERNOR:</u>															
Ernest W. McFarland (D)	1,693	8,601	3,840	6,036	2,655	3,408	79,404	1,706	3,472	38,615	7,639	2,018	5,543	7,218	171,848
Horace B. Griffen (R)	961	3,482	2,516	2,226	1,314	957	66,622	790	2,477	23,310	3,285	727	4,238	3,839	116,744
<u>SECRETARY OF STATE:</u>															
Wesley Bolin (D)	1,681	8,603	3,987	6,169	2,771	3,530	84,163	1,686	3,762	33,037	7,743	1,843	5,990	7,696	172,661
Buell E. Tade (R)	782	2,624	1,819	1,507	837	534	56,235	575	1,676	24,436	2,555	584	3,260	2,800	100,224
<u>ATTORNEY GENERAL:</u>															
Robert Morrison (D)	1,400	6,852	3,275	5,401	2,338	3,314	72,369	1,532	3,138	31,259	6,790	1,733	5,178	6,745	151,324
William E. Kimble (R)	1,102	4,744	2,693	2,442	1,383	792	68,424	772	2,437	29,557	3,593	801	4,159	3,819	126,718
<u>STATE AUDITOR:</u>															
Jewel W. (Mrs. Lon) Jordan (D)	1,761	8,830	4,125	6,255	2,878	3,597	84,772	1,740	3,963	33,951	7,615	1,844	6,335	7,660	175,326
Mary Jane Phillippi (R)	764	2,724	1,983	1,639	866	553	57,028	604	1,723	24,634	2,600	620	3,148	2,852	101,738

OFFICIAL CANVASS

GENERAL ELECTION—NOVEMBER 6, 1956 (Con't)

	Apache	Cochise	Coco- nino	Gila	Graham	Green- lee	Mari- copa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total
<u>STATE TREASURER:</u>															
J. W. Kelly (D)	1,581	8,287	3,615	5,806	2,626	3,383	76,162	1,555	3,504	31,101	7,253	1,752	5,445	7,282	159,352
Mrs. Louise Baird (R)	885	2,965	2,148	1,767	965	618	61,747	679	1,975	26,501	2,947	648	3,713	3,125	110,683
<u>SUPT. OF PUBLIC INSTRUCTION:</u>															
M. L. Brooks (D)	1,369	7,635	3,249	5,622	2,449	3,315	70,379	1,522	3,231	30,683	6,533	1,647	5,024	6,617	149,275
Harvey M. McKemy (R)	1,149	3,805	2,671	2,119	1,237	784	69,907	772	2,380	27,912	3,777	786	4,280	3,883	125,462
<u>STATE MINE INSPECTOR:</u>															
Edward (Ed) Massey (D)	1,555	8,203	3,656	5,782	2,612	3,355	74,891	1,597	3,464	30,979	6,870	1,731	5,339	7,132	157,166
Fred C. Ramsing (R)	834	3,172	2,113	1,981	1,010	709	62,826	668	1,960	26,832	3,361	706	3,862	3,181	113,215
<u>CORPORATION COMMISSIONER:</u>															
E. T. "Eddie" Williams, Jr. (D)	1,573	8,292	3,502	5,812	2,469	3,410	76,095	1,543	3,423	31,636	7,202	1,727	5,325	7,279	159,288
Louis A. Wilson (R)	848	2,958	2,186	1,826	1,096	613	62,847	688	1,969	26,329	3,008	685	3,780	3,110	111,943
<u>TAX COMMISSIONER:</u>															
Warren Peterson (D)	1,374	6,111	3,578	4,274	1,663	1,975	75,324	1,379	3,666	30,675	5,188	1,256	6,111	5,606	148,180
<u>JUDGE OF SUPREME COURT:</u>															
Arthur T. LaPrade (D)	1,362	6,255	3,569	4,373	1,645	1,903	75,018	1,395	3,827	30,691	5,286	1,334	6,214	5,701	148,573

LAWS OF ARIZONA

OFFICIAL CANVASS

GENERAL ELECTION—NOVEMBER 6, 1956 (Con't)

	Apache	Cochise	Coco- nino	Gila	Graham	Green- ice	Mari- copa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total
<u>JUDGE OF SUPERIOR COURT:</u>															
<u>MARICOPA COUNTY</u>															
Charles Bernstein (D)							74,062								74,062
Nicholas Udall (D)							76,456								76,456
<u>PIMA COUNTY</u>															
Robert S. Tullar (R)										35,141					35,141
Enos P. Schaffer (D)										12,705					12,705

OFFICIAL CANVASS

GENERAL ELECTION—NOVEMBER 6, 1956

	Apache	Cochise	Coco- nino	Gila	Graham	Green- lee	Mari- copa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total
Total Registration	3,700	15,376	8,174	11,034	5,473	5,784	184,384	3,218	7,625	76,324	15,457	3,841	12,687	14,584	367,661
Total Ballots Cast	2,755	12,571	6,971	8,598	4,295	4,588	149,267	2,572	6,139	64,101	11,311	2,931	10,088	11,365	297,552
Per Cent Votes Cast	74.46	81.76	85.28	77.92	78.48	79.32	80.95	79.93	80.51	83.99	73.18	76.31	79.51	77.93	80.93
<u>INITIATIVE MEASURE:</u>															
200 Yes	1,456	7,206	4,314	5,267	2,264	2,688	91,292	1,289	3,636	29,558	6,241	1,379	5,319	4,880	166,789
200 No	267	1,376	754	1,038	399	488	11,854	453	550	5,430	1,087	333	1,037	4,322	29,388

An act requiring that marriage license applicants file certificate from licensed physician with issuing authority that in his opinion applicant is free from communicable syphilis; providing for preparation of report forms by State Department of Health and preservation and destruction of records; authorizing waiver of certificates; making records confidential.

OFFICIAL CANVASS
ARIZONA STATE LEGISLATURE
GENERAL ELECTION—NOVEMBER 6, 1956

<u>County & Office</u>	<u>Total Vote</u>	<u>County & Office</u>	<u>Total Vote</u>	<u>County & Office</u>	<u>Total Vote</u>
<u>APACHE COUNTY</u>		Dist. No. 3.		William A. Sullivan (D)	5,753
<u>Senators:</u>		Charles O. Bloomquist (D)	1,799	Albert E. "Sandy" Sanders (R)	2,041
Lynn Lockhart (D)	1,564	Dist. No. 4		<u>Representatives:</u>	
Melvin C. Greer (D)	1,537	W. L. "Tay" Cook (D)	2,105	Dist. No. 1	
P. I. Ashcroft (R)	1,100	<u>COCONINO COUNTY</u>		Louis B. Ellsworth, Jr. (D)	1,435
<u>Representatives:</u>		<u>Senators:</u>		R. E. "Arky" Burnham (Write-in)	564
James S. Shreeve (D)	1,478	Robert W. Prochnow (D)	4,759	Dist. No. 2	
Lorin M. Farr (R)	1,121	Fred F. Udine (D)	4,197	Nelson D. Brayton (D)	1,664
<u>COCHISE COUNTY</u>		<u>Representatives:</u>		Dist. No. 3	
<u>Senators:</u>		Dist. No. 1		Edwynne C. "Polly" Rosenbaum (D)	2,778
Dan S. Kitchel (D)	9,018	Thos. M. (Tommy) Knoles (D)	3,031	<u>GRAHAM COUNTY</u>	
A. R. Spikes (D)	8,995	Dist. No. 2		<u>Senators:</u>	
<u>Representatives:</u>		Harold J. Scudder (D)	1,212	W. B. Mattice (D)	2,755
Dist. No. 1		Harry F. Sutherland (R)	1,046	Wilford R. Richardson (D)	2,867
Clyde M. Dalton (D)	2,498	<u>GILA COUNTY</u>		<u>Representatives:</u>	
Dist. No. 2		<u>Senators:</u>		Dist. No. 1	
H. J. (Duffy) Lewis (D)	2,827	Clarence L. Carpenter (D)	5,909	E. L. Tidwell (D)	1,914

OFFICIAL CANVASS
ARIZONA STATE LEGISLATURE
GENERAL ELECTION—NOVEMBER 6, 1956 (Con't)

<u>County & Office</u>	<u>Total Vote</u>	<u>County & Office</u>	<u>Total Vote</u>	<u>County & Office</u>	<u>Total Vote</u>
Dist. No. 2		Charles H. Garland (R)	64,827	Dist. No. 7	
Milton Lines (D)	797			J. R. (Dick) Johnson (D)	2,136
<u>GREENLEE COUNTY</u>		<u>Representatives:</u>		Cecil F. Eaton (R)	773
<u>Senators:</u>		Dist. No. 1		Dist. No. 8	
M. L. (Marshall) Simms (D)	3,589	Ed Ellsworth (D)	1,649	Carl Sims, Sr. (D)	2,440
Carl Gale (D)	3,452	Marshall Humphrey (R)	1,615	Dist. No. 9	
Homer F. Emmons (R)	513	Dist. No. 2		Arlo O. Gooch (D)	2,154
Loren R. Brokaw (R)	561	Chas. Rogers (D)	1,750	Dist. No. 10	
<u>Representatives:</u>		Vernon Hathcock (R)	2,680	Sherman R. Dent (D)	2,145
Dist. No. 1		Dist. No. 3		Della I. Cain (R)	962
Tom W. Berry (D)	1,665	Wayne C. Pomeroy (D)	1,964	Dist. No. 11	
Dist. No. 2		Laron Waldo Dewitt (R)	2,446	Bob E. Wilson (D)	2,965
G. O. (Sonny) Biles (D)	2,101	Dist. No. 4		Frank J. Cagarino (R)	2,747
<u>MARICOPA COUNTY</u>		J. O. Grimes (D)	2,065	Dist. No. 12	
<u>Senators:</u>		Chester A. Smith (R)	1,742	Marie S. Earl (D)	1,720
Joe Haldiman, Jr. (D)	79,119	Dist. No. 5		David J. Perry (R)	1,263
Frank G. Murphy (D)	76,698	W. W. Mitchell, Sr. (D)	2,562	Dist. No. 13	
		Donald J. Phillips (R)	1,544	Conrad James Carreon (D)	1,346
		Dist. No. 6		W. P. Spainhower (R)	856
		Carl Austin (D)	2,426		

OFFICIAL CANVASS
ARIZONA STATE LEGISLATURE
GENERAL ELECTION—NOVEMBER 6, 1956 (Con't)

<u>County & Office</u>	<u>Total Vote</u>	<u>County & Office</u>	<u>Total Vote</u>	<u>County & Office</u>	<u>Total Vote</u>
Dist. No. 14		Dist. No. 21		Dist. No. 27	
William J. Harkness (D)	1,760	Arthur S. Kininmonth (D)	1,390	Del Rogers (D)	1,402
Dist. No. 15		Emogene M. Jennings (R)	1,495	Ruth C. Kuntz (R)	1,383
L. S. (Dick) Adams (D)	1,579	Dist. No. 22		Dist. No. 28	
Dist. No. 16		Alton D. (Slim) Anderson (D)	1,257	Andrew L. Bettwy (D)	1,528
Harry S. Ruppelius (D)	1,353	W. I. (Ike) Lowry (R)	1,791	Robert C. Forquer (R)	1,774
Geraldine F. (Gerry) Eliot (R)	1,551	Dist. No. 23		Dist. No. 29	
Dist. No. 17		Lillian Retzloff (D)	1,781	John C. Hughes (D)	1,769
Jack E. Gardner (D)	1,863	James R. Cross (R)	1,447	Clara S. Haberl (R)	1,665
Dist. No. 18		Dist. No. 24		Dist. No. 30	
Ruth I. Hunt (D)	3,253	Al Moynahan (D)	2,562	Byron H. Alexander, Sr. (D)	1,701
Robert (Bob) Brewer (R)	3,362	Ruth Adams White (R)	4,267	R. H. (Bob) Wallace (R)	2,820
Dist. No. 19		Dist. No. 25		Dist. No. 31	
Stephen W. Connors (D)	1,180	Milton J. Husky (D)	1,861	David L. Jones (D)	1,827
Carl C. Andersen (R)	2,131	Isabel Burgess (R)	1,932	Arthur B. Schellenberg (R)	3,334
Dist. No. 20		Dist. No. 26		Dist. No. 32	
Charles Christakis (D)	1,005	Bernard (Barney) Blaine (D)	2,809	William J. Kamp (D)	2,062
Malcolm L. Lentz (R)	1,369	David H. Campbell (R)	4,428	L. W. Hacker (R)	1,992

OFFICIAL CANVASS
ARIZONA STATE LEGISLATURE
GENERAL ELECTION—NOVEMBER 6, 1956 (Con't)

<u>County & Office</u>	<u>Total Vote</u>	<u>County & Office</u>	<u>Total Vote</u>	<u>County & Office</u>	<u>Total Vote</u>
Dist. No. 33		<u>Representatives:</u>		Hiram H. (Hi) Corbett (R)	35,539
Bill Stephens (D)	3,960	J. J. Glancy (D)	1,872	<u>Representatives:</u>	
Barbara M. Greenway (R)	3,193			Dist. No. 1	
Dist. No. 34		<u>NAVAJO COUNTY</u>		Eaner T. Seaberg (D)	1,747
W. B. Barkley (D)	2,378	<u>Senators:</u>		Dist. No. 2	
J. T. (Doc) Dungan (R)	1,439	Clay Simer (D)	2,864	James N. Corbett, Jr. (D)	3,144
Dist. No. 35		J. Morris Richards (D)	3,001	Beth H. Carmack (R)	1,732
Lewis B. Bramkamp (D)	1,890	William R. Bourdon (R)	3,165	Dist. No. 3	
Dist. No. 36		<u>Representatives:</u>		Etta Mae Hutcheson (D)	1,232
Earl S. Pugh (D)	3,379	Dist. No. 1		Dist. No. 4	
Dist. No. 37		Augusta T. Larson (R)	1,843	William M. Carson (D)	3,033
T. C. (Doc) Rhodes (D)	2,176	William M. Huso (D)	1,299	Dist. No. 5	
<u>MOHAVE COUNTY</u>		Dist. No. 2		Dr. Thomas D. Fridena (D)	1,244
<u>Senators:</u>		Lee F. Dover (D)	2,144	Dist. No. 6	
Earle Cook (D)	1,564	<u>PIMA COUNTY</u>		W. W. Akers (D)	1,015
Robert E. Morrow (D)	1,865	<u>Senators:</u>		Douglas S. Holsclaw (R)	1,655
Ben Joy (R)	922	Harry Ackerman (D)	31,249	Dist. No. 7	
		Thomas Collins (D)	29,008	Kathryn L. Woodward (D)	1,714
				Julliette C. Willis (R)	2,346

OFFICIAL CANVASS
ARIZONA STATE LEGISLATURE
GENERAL ELECTION—NOVEMBER 6, 1956 (Con't)

<u>County & Office</u>	<u>Total Vote</u>	<u>County & Office</u>	<u>Total Vote</u>	<u>County & Office</u>	<u>Total Vote</u>
Dist. No. 8		Dist. No. 15		<u>SANTA CRUZ COUNTY</u>	
Yona Alexandre (D)	1,230	Gary V. Covington (D)	1,429	<u>Senators:</u>	
V. S. "John" Hostetter (R)	2,126	W. G. "Bill" Bodell (R)	1,655	Neilson Brown (D)	1,911
Dist. No. 9		Dist. No. 16		C. B. (Bert) Smith (D)	1,928
Marvin L. Burton (D)	2,260	Harold L. Cook (D)	2,867	Charles O'Keefe (R)	712
Lem C. Shattuck (R)	1,916	Thomas J. Rallis (R)	1,966	<u>Representatives:</u>	
Dist. No. 10		<u>PINAL COUNTY</u>		Robert H. Hathaway (D)	2,255
Albert N. Hopper (D)	2,313	<u>Senators:</u>		<u>YAVAPAI COUNTY</u>	
Alvin Wessler (R)	3,553	Charles S. Goff (D)	7,493	<u>Senators:</u>	
Dist. No. 11		Ben Arnold (D)	7,976	Chas. H. (Chick) Orme, Sr. (D)	6,567
James W. Carroll (D)	2,679	<u>Representatives:</u>		David H. Palmer (D)	6,465
James B. Meigs, Jr. (R)	2,596	Dist. No. 1		<u>Representatives:</u>	
Dist. No. 12		Harry Bagnall (D)	2,428	Dist. No. 1	
Robert K. (Bob) McQuade (D)	1,830	Dist. No. 2		Mabel S. Ellis (D)	1,728
John H. Haugh (R)	2,720	Frederick S. Smith (D)	2,763	Robert K. Belt (R)	1,468
Dist. No. 13		Dist. No. 3			
Virgil A. Johnson (D)	1,485	E. Blodwen Thode (D)	3,034		
Keith Brown (R)	1,990				
Dist. No. 14					
Frank G. Robles (D)	1,860				

OFFICIAL CANVASS
 ARIZONA STATE LEGISLATURE
 GENERAL ELECTION—NOVEMBER 6, 1956 (Con't)

<u>County & Office</u>	<u>Total Vote</u>	<u>County & Office</u>	<u>Total Vote</u>	<u>County & Office</u>	<u>Total Vote</u>
Dist. No. 2		<u>YUMA COUNTY</u>		Robert S. Broussard (R)	805
Joseph L. (Joe) Allen (D)	1,594	<u>Senators:</u>		Dist. No. 2	
Dick W. Martin (R)	1,647	Ray H. Thompson (D)	7,468	John C. Smith (D)	4,368
		Harold C. Giss (D)	8,128	Dist. No. 3	
Dist. No. 3		<u>Representatives:</u>		Al Lindsey (D)	1,826
Milton O. "Mo" Lindner (D)	1,751	Dist. No. 1		J. E. (Joe) Bush (R)	1,614
Jesse W. Goddard (R)	1,334	Robert L. (Bob) Klauer (D)	1,115		

OFFICIAL CANVASS
PRIMARY ELECTION—SEPTEMBER 11, 1956

	Apache	Cochise	Coco- nino	Gila	Graham	Green- lee	Mari- copa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total
Total Registration	3,178	14,396	7,124	10,275	4,921	5,633	163,264	2,901	6,771	66,803	13,944	3,729	11,535	13,223	327,697
Total Ballots Cast	2,001	10,804	4,805	7,088	3,658	4,578	85,688	2,058	4,665	36,005	8,299	2,912	7,278	7,389	187,928
Per Cent Votes Cast	62.96	75.05	67.45	68.98	74.33	81.27	52.48	70.94	68.90	53.90	59.52	78.09	63.09	55.88	57.13

PRESIDENTIAL ELECTORS: (Elect four)

Democratic:

Al J. Flood	851	5,552	2,049	3,801	1,808	2,469	39,984	947	1,971	14,067	4,288	1,090	3,333	3,869	86,079
Thomas J. Croaff	829	5,456	1,947	3,730	1,825	2,436	36,178	899	1,922	13,602	4,017	1,094	3,196	3,603	80,734
Arthur E. (Art) Parmer	898	5,683	2,045	3,708	1,909	2,540	34,228	976	2,524	13,966	4,091	1,145	3,374	3,707	80,794
A. J. Beaty (write-in)		38		522	187	98	648		85	160	69	25	170	434	2,436

Republican:

Andrew Baumert, Jr.	241	901	943	520	349	148	20,374	206	715	8,229	965	186	1,537	1,014	36,328
James P. Boyle	248	920	957	517	351	151	20,489	211	733	8,344	986	185	1,557	1,021	36,670
Elsie Toles	244	925	947	508	318	146	19,870	202	710	8,116	962	181	1,522	1,007	35,658
C. B. Wilson	252	906	1,032	524	356	148	20,530	214	748	8,306	985	189	1,568	1,022	36,780

UNITED STATES SENATOR:

Democratic:

Carl Hayden	1,152	6,998	2,537	4,629	2,240	3,064	42,054	1,335	2,577	17,968	4,997	1,691	3,735	4,882	99,859
Robert E. "Doc" Miller	256	1,703	672	1,185	618	804	8,013	269	633	3,481	1,336	394	1,190	816	21,370

OFFICIAL CANVASS
PRIMARY ELECTION—SEPTEMBER 11, 1956 (Con't)

	Apache	Cochise	Cocconino	Gila	Graham	Greenlee	Mari-copa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total
<u>Republican:</u>															
Ross F. Jones	205	690	763	415	303	121	18,855	154	648	6,091	838	143	1,200	820	31,246
Albert H. Mackenzie	67	294	247	124	73	39	3,224	71	194	2,780	235	59	472	268	8,147
<u>REPRESENTATIVE IN CONGRESS, Dist. No. 1</u>															
<u>Democratic:</u>															
Wade Church							21,075								21,075
William P. "Bill" Mahoney, Jr.							25,675								25,675
<u>Republican:</u>															
John J. Rhodes							23,304								23,304
<u>REPRESENTATIVE IN CONGRESS, Dist. No. 2</u>															
<u>Democratic:</u>															
Stewart L. Udall	1,306	7,803	2,903	5,210	2,202	3,604		1,374	2,942	19,085	5,752	1,787	4,406	5,108	63,482
<u>Republican:</u>															
John G. (Jack) Speiden	240	949	944	510	265	150		208	741	7,747	990	198	1,533	989	15,482
<u>JUDGE OF SUPREME COURT</u>															
<u>Democratic:</u>															
Arthur T. La Prade	1,218	7,616	2,731	5,008	2,038	3,392	40,816	1,346	2,884	13,683	5,646	1,692	4,287	4,897	97,254

OFFICIAL CANVASS
PRIMARY ELECTION—SEPTEMBER 11, 1956 (Con't)

	Apache	Cochise	Coc- nino	Gila	Graham	Green- lee	Mari- copa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total
<u>GOVERNOR</u>															
<u>Democratic:</u>															
Ernest W. McFarland	1,359	8,209	2,979	5,474	2,277	3,692	49,223	1,511	2,902	21,613	6,048	2,018	4,435	5,184	116,924
<u>Republican:</u>															
Horace B. Griffen	176	481	589	357	293	107	13,231	108	562	2,262	577	110	957	661	20,471
O. D. Miller	113	215	290	178	88	33	10,767	86	195	4,584	351	59	574	325	17,858
Fred Trump	20	351	210	49	28	20	1,841	49	155	2,803	205	55	230	183	6,199
<u>SECRETARY OF STATE</u>															
<u>Democratic:</u>															
Wesley Bolin	1,231	7,783	2,806	5,273	2,140	3,589	48,497	1,358	2,833	17,191	5,737	1,712	4,340	5,050	109,540
<u>Republican:</u>															
Buell E. Tade	245	827	853	494	319	141	21,429	197	747	7,869	970	180	1,450	1,002	36,723
<u>ATTORNEY GENERAL</u>															
<u>Democratic:</u>															
Robert Morrison	1,176	7,373	2,788	5,065	2,081	3,542	44,668	1,306	2,764	18,691	5,408	1,725	4,203	4,870	105,660
<u>Republican:</u>															
William E. Kimble	248	974	914	521	327	150	22,097	203	764	8,556	1,001	192	1,517	1,026	38,490

OFFICIAL CANVASS
PRIMARY ELECTION—SEPTEMBER 11, 1956 (Con't)

	Apache	Cochise	Coco- nino	Gila	Graham	Green- lee	Mari- copa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total
<u>STATE AUDITOR</u>															
<u>Democratic:</u>															
Jewel W. (Mrs. Lon) Jordan	1,281	7,928	2,951	5,397	2,240	3,579	48,347	1,415	2,900	18,101	5,751	1,746	4,504	4,937	111,077
<u>Republican:</u>															
Mary Jane Phillippi	254	879	927	516	321	142	21,318	200	736	7,979	983	179	1,517	984	36,935
<u>STATE TREASURER</u>															
<u>Democratic:</u>															
J. W. Kelly	1,173	7,592	2,721	5,021	2,075	3,467	43,841	1,263	2,747	16,838	5,481	1,650	4,087	4,873	102,829
<u>Republican:</u>															
Mrs. Louise Baird	253	902	921	512	327	146	21,568	211	755	8,157	979	183	1,498	991	37,403
<u>SUPT. OF PUBLIC INSTRUCTION</u>															
<u>Democratic:</u>															
M. L. Brooks	739	4,088	1,580	3,413	1,303	1,754	25,633	817	1,361	12,723	2,960	1,059	2,342	1,862	61,634
C. L. (Clif) Harkins	597	4,238	1,465	2,102	1,407	2,002	22,779	670	1,738	5,608	3,052	846	2,259	3,456	52,219
<u>Republican:</u>															
Harvey M. McKemy	251	904	921	508	320	147	21,296	208	723	8,061	959	184	1,470	966	36,918

OFFICIAL CANVASS
PRIMARY ELECTION—SEPTEMBER 11, 1956 (Con't)

	Apache	Cochise	Coco- nino	Gila	Graham	Green- lee	Mari- copa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total
<u>STATE MINE INSPECTOR</u>															
<u>Democratic:</u>															
R. V. (Roy V.) Hersey	440	3,843	855	2,259	795	1,487	23,059	416	862	11,901	3,784	537	1,524	1,732	53,494
Edward (Ed) Massey	791	4,598	2,050	3,433	1,809	2,236	22,856	1,050	2,049	6,321	2,358	1,314	3,028	3,238	57,131
<u>Republican:</u>															
Fred C. Ramsing	242	880	902	517	325	148	21,031	194	724	7,965	962	185	1,462	987	36,524
<u>CORPORATION COMMISSIONER</u>															
<u>Democratic:</u>															
John H. Barry	557	2,900	1,228	2,026	1,032	1,379	23,327	542	1,210	10,566	2,264	719	1,579	1,375	50,704
E. G. (Greg) Rawlins	148	1,149	338	631	359	468	4,215	248	286	3,044	652	297	550	1,554	13,939
E. T. "Eddie" Williams, Jr.	612	4,101	1,354	2,881	1,223	1,818	23,143	608	1,523	4,731	3,142	890	2,347	2,415	50,788
<u>Republican:</u>															
Louis A. Wilson	240	874	907	494	318	146	21,344	203	728	8,063	958	188	1,493	975	36,931
<u>TAX COMMISSIONER</u>															
<u>Democratic:</u>															
Warren Peterson	1,219	7,621	2,742	5,093	2,145	3,499	44,592	1,296	2,694	16,624	5,597	1,661	4,214	4,969	103,966

OFFICIAL CANVASS
PRIMARY ELECTION—SEPTEMBER 11, 1956 (Con't)

I, WESLEY BOLIN, Secretary of State of Arizona, do hereby certify that the foregoing table is a true, correct and complete tabulation of the vote cast at the Primary Election held in the State of Arizona on September 11, 1956, showing the name of each person voted for, for a National or State Office in said election, the number of votes received by each person in each County of said State, and total number of votes received by each person in said election, as shown by tabulations received from the Boards of Supervisors of each County in the State of Arizona.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Arizona, this 1st day of October, 1956, at Phoenix, Arizona, the Capital.

(Seal)

(Signed) WESLEY BOLIN
Secretary of State

PRIMARY ELECTION RETURNS
September 11, 1956
CONSTITUTIONAL AMENDMENTS

	Apache	Cochise	Cococino	Gila	Graham	Greenlee	Mari-copa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total
100 Yes	900	6,133	2,741	3,589	1,803	2,519	35,781	1,045	2,419	11,777	4,624	1,424	4,028	4,051	82,834
100 No	409	2,860	926	1,296	748	848	14,572	374	1,023	3,141	1,718	298	1,668	1,553	31,434
Re: Employment of Aliens															
101 Yes	760	5,378	2,430	3,074	1,512	2,140	29,342	895	2,115	10,495	4,146	1,240	3,617	3,526	70,670
101 No	448	2,954	1,072	1,646	773	959	20,635	447	1,158	3,802	1,913	356	1,896	1,682	39,741
Re: Liability of Shareholders of Banking Corporations and Associations															
102 Yes	797	5,547	2,631	3,321	1,608	2,261	34,535	981	2,234	11,398	4,481	1,283	3,855	4,089	79,021
102 No	433	2,700	905	1,507	821	877	14,174	388	1,050	2,994	1,607	310	1,627	1,365	30,758
Re: State Boundary Line															
103 Yes	449	3,912	1,570	1,907	860	1,329	14,379	565	999	7,992	2,225	931	1,646	2,533	41,297
103 No	823	4,525	2,021	3,060	1,639	1,785	37,442	792	2,325	6,548	3,941	658	4,121	3,274	72,954
Re: Salaries of Legislators															

OFFICIAL CANVASS
PRIMARY ELECTION—SEPTEMBER 7, 1954

	Apache	Cochise	Coc- nino	Gila	Graham	Green- lee	Mari- copa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total
Total Registration	2,955	13,011	6,448	10,177	4,511	5,386	145,751	2,735	6,416	53,685	12,760	3,337	10,648	11,131	288,951
Total Ballots Cast	2,004	10,594	4,290	8,070	3,732	4,785	71,005	2,209	4,732	28,243	8,589	2,818	7,307	6,870	165,248
Per Cent Votes Cast	67.82	81.42	66.53	79.30	82.73	88.84	48.72	80.77	73.75	52.61	67.31	84.45	68.62	61.72	57.19

REPRESENTATIVE IN CONGRESS, District No. 1

Democratic:

L. S. "Dick" Adams							22,687									22,687
Richard F. "Dick" Harless							18,220									18,220
A. T. Spence							8,184									8,184

Republican:

John J. Rhodes							14,192									14,192
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REPRESENTATIVE IN CONGRESS, District No. 2

Democratic:

M. L. Brooks	341	1,488	796	1,537	629	864		427	883	2,642	1,443	320	1,397	523	13,290
A. B. Sieh	40	893	237	839	175	316		209	308	5,235	481	359	675	182	9,949
John C. Smith, Jr.	166	1,941	372	1,188	417	628		414	335	2,437	1,607	508	780	3,774	14,567
Stewart L. Udall	834	3,686	1,364	2,728	1,437	2,024		587	1,766	7,896	2,788	870	1,966	862	28,808

Republican:

Dr. John McInnes	168	264	441	255	181	95		83	424	2,586	374	63	748	381	6,063
Henry Zipf	111	579	325	178	208	73		38	298	4,819	435	137	513	404	8,118

OFFICIAL CANVASS
PRIMARY ELECTION—SEPTEMBER 7, 1954 (Con't)

	Apache	Cochise	Cococino	Gila	Graham	Greenlee	Mari-copa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total
<u>JUDGE OF SUPREME COURT, Term No. 1</u>															
<u>Democratic:</u>															
Marshall W. Haislip	404	2,441	849	1,777	853	1,275	16,971	496	881	5,778	1,951	707	1,604	1,415	37,402
M. T. Phelps	943	5,447	1,807	4,531	1,810	2,389	25,448	1,117	2,294	6,962	4,445	1,176	3,283	3,350	65,002
<u>JUDGE OF SUPREME COURT, Term No. 2</u>															
<u>Democratic:</u>															
Frank E. Flynn	559	3,152	1,091	2,232	859	1,284	15,195	684	1,252	6,497	2,401	642	2,536	1,585	39,969
Fred C. Struckmeyer, Jr.	741	4,552	1,561	4,068	1,637	2,332	28,674	919	1,834	6,800	3,992	1,263	2,454	3,167	63,994
<u>GOVERNOR</u>															
<u>Democratic:</u>															
Wm. F. Kimball	242	2,163	676	1,600	904	883	12,824	388	725	6,328	1,446	536	1,278	961	30,954
Ernest W. McFarland	1,247	6,501	2,273	5,325	2,041	3,252	36,665	1,402	2,734	12,148	5,546	1,713	4,002	4,341	89,190
<u>Republican:</u>															
Howard Pyle	316	922	884	493	393	188	14,928	199	806	7,357	887	213	1,443	887	29,916
<u>SECRETARY OF STATE</u>															
<u>Democratic:</u>															
Wesley Bolin	1,197	7,268	2,394	5,821	2,201	3,415	43,343	1,499	2,923	12,575	5,829	1,691	4,602	4,528	99,286

OFFICIAL CANVASS
PRIMARY ELECTION—SEPTEMBER 7, 1954 (Con't)

	Apache	Cochise	Cococino	Gila	Graham	Greenlee	Mari-copa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total
<u>ATTORNEY GENERAL</u>															
<u>Democratic:</u>															
Jack Choisser	423	2,957	887	2,661	753	1,382	26,173	633	1,539	8,241	2,787	773	1,816	1,685	52,710
Robert Morrison	826	4,840	1,661	3,560	1,804	2,355	17,852	964	1,623	8,083	3,584	1,203	2,957	2,977	54,289
<u>Republican:</u>															
Ross F. Jones	254	795	718	422	317	173	13,875	163	705	6,761	743	159	1,294	769	27,148
<u>STATE AUDITOR</u>															
<u>Democratic:</u>															
Jewel W. (Mrs. Lon) Jordan	1,282	7,738	2,630	6,188	2,254	3,586	44,066	1,604	3,069	13,089	6,067	1,768	4,817	4,537	102,695
<u>STATE TREASURER</u>															
<u>Democratic:</u>															
W. E. Jolly	500	2,464	1,663	1,748	880	878	16,610	622	1,193	4,897	2,163	438	2,014	1,088	37,158
E. T. "Eddie" Williams, Jr.	779	5,395	1,137	4,374	1,568	2,772	26,725	965	1,931	9,419	4,032	1,406	2,728	3,645	66,876
<u>SUPT. OF PUBLIC INSTRUCTION</u>															
<u>Democratic:</u>															
C. L. (Cliff) Harkins	373	3,551	1,559	3,054	358	1,850	26,043	432	1,503	7,587	3,371	865	2,495	3,292	56,333
Lafe Nelson	935	4,294	1,017	2,986	2,588	1,951	16,518	1,265	1,653	6,017	2,767	920	2,117	1,460	46,488

OFFICIAL CANVASS

PRIMARY ELECTION—SEPTEMBER 7, 1954 (Con't)

	Apache	Cochise	Coco- nino	Gila	Graham	Green- lee	Mari- copa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total
Republican:															
Norman Allderdice	230	724	674	395	274	171	12,826	147	621	6,349	690	169	1,137	680	25,087

STATE MINE INSPECTORDemocratic:

Clifford (Turk) Benson	343	2,032	512	3,128	620	995	10,440	415	744	4,816	1,378	400	784	955	27,562
R. V. (Roy V.) Hersey	277	1,708	575	1,464	781	1,008	15,180	364	791	6,128	3,303	513	1,232	1,357	34,681
Edward (Ed) Massey	595	4,249	1,482	1,957	1,073	1,772	17,117	775	1,531	2,828	1,835	940	2,717	2,204	41,075

CORPORATION COMMISSION, Term ending January 7, 1957Democratic:

John H. Barry	426	2,245	682	1,963	642	1,040	19,348	430	875	5,038	1,991	693	1,286	1,299	37,958
A. P. (Jack) Buzard	322	2,436	619	1,572	614	1,074	7,987	370	755	3,500	1,637	346	1,500	1,244	23,976
Charles H. Collins	242	1,744	526	1,531	685	848	5,204	391	686	3,916	1,490	419	1,008	1,211	19,901
Mark Grumley	134	755	442	634	156	321	8,178	203	281	2,073	631	142	431	395	14,776
L. O. (Larry) Herbst	106	341	179	273	190	303	3,352	85	390	392	329	177	364	270	6,751

Republican:

Timothy O. Parkman	225	739	675	388	321	164	11,512	143	640	6,438	697	175	1,143	682	23,942
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CORPORATION COMMISSION, Term ending January 2, 1961Democratic:

J. W. Kelly	427	3,399	1,182	2,798	765	817	20,906	691	1,386	7,281	3,168	902	2,349	2,491	48,562
Mit Simms	927	4,612	1,297	3,416	2,067	3,062	22,049	887	1,799	6,643	3,104	944	2,517	2,250	55,574

OFFICIAL CANVASS
PRIMARY ELECTION—SEPTEMBER 7, 1954 (Con't)

	Apache	Cochise	Coc- nino	Gila	Graham	Green- lee	Mari- copa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total
<u>Republican:</u>															
Hersch Collins	216	713	739	388	307	162	12,683	149	629	5,873	705	174	1,147	691	24,576
<u>TAX COMMISSION</u>															
<u>Democratic:</u>															
William E. Stanford	1,162	7,038	2,344	5,433	2,057	3,279	40,360	1,433	2,796	12,644	5,745	1,638	4,388	4,283	94,600
<u>Republican:</u>															
John P. Collin	231	715	701	387	292	153	12,698	158	645	5,872	710	168	1,157	698	24,585

LAWS OF ARIZONA

I, WESLEY BOLIN, Secretary of State of Arizona, do hereby certify that the foregoing table is a true, correct and complete tabulation of the vote cast at the Primary Election held in the State of Arizona on September 7, 1954, showing the name of each person voted for, for a National or State Office in said election, the number of votes received by each person in each County of said State, and total number of votes received by each person in said election, as shown by tabulations received from the Boards of Supervisors of each County in the State of Arizona.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Arizona, this 27th day of September, 1954, at Phoenix, Arizona, the Capital.

(Seal)

(Signed) WESLEY BOLIN
Secretary of State

OFFICIAL CANVASS
GENERAL ELECTION—NOVEMBER 2, 1954

	Apache	Cochise	Cococino	Gila	Graham	Greenlee	Mari-copa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total
Total Registration	3,270	13,541	6,872	10,454	4,570	5,484	154,546	2,851	6,729	59,092	13,339	3,524	11,244	12,029	307,545
Total Ballots Cast	2,594	11,089	5,407	8,648	4,076	4,510	124,164	2,287	5,561	49,181	10,027	3,040	9,360	9,538	249,482
Per Cent of Ballots Cast	79.33	81.89	78.68	82.72	89.19	82.24	80.34	80.22	82.64	83.23	75.17	86.27	83.24	79.29	81.12

OFFICES

JUDGE OF SUPREME COURT, Term No. 1

M. T. Phelps	1,383	5,671	2,947	4,858	1,838	2,190	71,348	1,315	3,140	26,643	5,525	1,479	6,046	5,343	139,726
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JUDGE OF SUPREME COURT, Term No. 2

Fred C. Struckmeyer, Jr.	1,300	5,413	2,905	4,828	1,880	2,199	74,945	1,263	3,000	27,171	5,544	1,497	5,945	5,350	143,240
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TAX COMMISSIONER

William E. Stanford	1,064	4,438	2,229	3,666	1,290	1,485	59,594	1,131	2,355	18,915	4,292	1,071	4,290	3,685	109,505
John P. Collin	432	2,052	1,102	1,694	717	623	27,506	413	1,209	15,621	1,942	626	2,167	2,505	58,609

REPRESENTATIVE IN CONGRESS, Dist. No. 1

L. S. "Dick" Adams (D)							53,307								53,307
John J. Rhodes (R)							60,423								60,423

REPRESENTATIVE IN CONGRESS, Dist. No. 2

Stewart L. Udall (D)	1,380	6,278	2,812	5,540	2,163	3,036		1,167	3,129	25,653	5,299	1,447	4,406	5,775	68,085
Henry Zipf (R)	726	3,100	1,903	1,669	1,145	547		688	1,650	20,817	2,417	813	3,572	2,540	41,587

OFFICIAL CANVASS
GENERAL ELECTION—NOVEMBER 2, 1954 (Con't)

	Apache	Cochise	Coco- nino	Gila	Graham	Green- lee	Mari- copa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total
<u>GOVERNOR</u>															
Ernest W. McFarland (D)	1,457	6,331	2,631	5,672	2,321	3,260	60,728	1,367	2,930	23,881	5,862	1,507	4,558	5,599	128,104
Howard Pyle (R)	1,056	4,486	2,557	2,734	1,663	1,032	61,139	889	2,407	24,296	3,843	1,438	4,621	3,705	115,866
<u>SECRETARY OF STATE</u>															
Wesley Bolin (D)	1,622	8,089	3,434	6,565	2,633	3,512	78,307	1,610	3,644	29,442	7,406	1,969	6,421	7,161	161,905
<u>ATTORNEY GENERAL</u>															
Robert Morrison (D)	1,207	5,714	2,387	4,990	1,909	3,007	54,922	1,219	2,460	25,796	5,211	1,500	4,127	4,927	119,376
Ross F. Jones (R)	1,035	4,484	2,515	2,891	1,628	866	61,261	790	2,478	21,206	3,896	1,174	4,466	3,911	112,601
<u>STATE AUDITOR</u>															
Jewel W. (Mrs. Lon) Jordan (D)	1,803	8,436	3,804	6,961	2,735	3,579	81,117	1,718	4,013	31,367	7,645	2,104	6,975	7,361	169,618
<u>STATE TREASURER</u>															
E. T. "Eddie" Williams, Jr. (D)	1,702	8,042	3,535	6,648	2,471	3,450	76,508	1,612	3,886	30,767	7,279	2,026	6,339	7,160	161,425
<u>SUPT. OF PUBLIC INSTRUCTION</u>															
C. L. "Cliff" Harkins (D)	1,502	7,221	3,096	6,072	2,526	3,373	70,152	1,386	3,392	26,197	6,518	1,723	5,153	6,570	144,881
Norman Alderdice (R)	663	2,600	1,509	1,524	862	437	42,490	567	1,396	18,044	2,260	710	3,043	1,944	78,049

OFFICIAL CANVASS
GENERAL ELECTION—NOVEMBER 2, 1954 (Con't)

	Apache	Cochise	Coco- nino	Gila	Graham	Green- lee	Mari- copa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total
<u>STATE MINE INSPECTOR</u>															
Edward (Ed) Massey (D)	1,646	8,053	3,469	6,619	2,566	3,432	74,645	1,514	3,806	29,448	7,076	2,005	6,344	6,945	157,568
<u>CORPORATION COMMISSION, Term Ending January 7, 1957</u>															
John H. Barry (D)	1,427	6,678	2,768	5,808	2,265	3,223	65,803	1,294	3,316	22,687	5,997	1,639	4,754	5,874	133,533
Timothy D. Parkman (R)	708	2,993	1,704	1,849	1,067	510	47,134	621	1,600	22,062	2,676	853	3,377	2,496	89,650
<u>CORPORATION COMMISSION, Term Ending January 2, 1961</u>															
Mit Simms (D)	1,468	6,970	2,818	5,814	2,555	3,379	63,509	1,360	3,075	24,113	5,946	1,674	4,851	5,897	133,429
Hersch Collins (R)	698	2,757	1,704	1,749	980	497	49,639	581	1,553	19,885	2,673	752	3,347	2,431	89,246

I, WESLEY BOLIN, Secretary of State of Arizona, do hereby certify that the foregoing table is a true, correct and complete tabulation of the vote cast at the General Election held in the State of Arizona on November 2, 1954, showing the name of each person voted for, for a National or State Office in said election, the number of votes received by each person in each County of said State, and total number of votes received by each person in said election, as shown by tabulations received from the Boards of Supervisors of each County in the State of Arizona.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Arizona, this 22nd day of November, 1954, at Phoenix, Arizona, the Capital.

(SEAL)

(Signed) WESLEY BOLIN
Secretary of State

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Interstate stream commission				
reappropriation and appropriation of funds	"	"	83	157

FIRST SPECIAL SESSION

of the

Twenty-third Legislature

of the

STATE OF ARIZONA

1958



FIRST SPECIAL SESSION CONVENED

March 19, 1958

FIRST SPECIAL SESSION ADJOURNED SINE DIE

April 2, 1958 at 12:13 P.M.

Publication Authorized
Paragraph 9a, Section 41-121,
Arizona Revised Statutes as amended by
Chapter 81, Laws of 1957
Twenty-third Legislature
First Regular Session.
Chapter 102, Laws of 1958
Second Regular Session, Twenty-third Legislature

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

AUTHENTICATION

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

THIS IS TO CERTIFY—That the First Special Session of the Twenty-third Legislature of the State of Arizona was convened at the Capitol, in the City of Phoenix, March 19, 1958, and adjourned sine die on the 2nd day of April, 1958.

IN TESTIMONY WHEREOF, I have here-
unto set my hand as Secretary and affixed
the Great Seal of the State of Arizona,
this 1st day of May, 1958.



/s/ WESLEY BOLIN
Secretary of State

AMENDED
PROCLAMATION
CALLING A SPECIAL SESSION OF THE
TWENTY-THIRD LEGISLATURE OF THE
STATE OF ARIZONA

WHEREAS, the Constitution of Arizona (Article IV, Part 2, Section 3) authorizes the Governor to call a special session of the Legislature when the circumstances demand it, and provides that in such case he shall specify the subjects to be considered; and

WHEREAS, the several school districts of the state are presently receiving state aid on an average daily attendance basis which is continually one year behind their current average daily attendance; and

WHEREAS, the enrollment at many of the school districts is increasing at a rate that places an undue burden on the real property taxpayers of those districts; and

WHEREAS, the cost of living is steadily increasing, thereby placing an added burden on our pioneers, aged, blind, infirm, and dependent children; and

WHEREAS, the federal government has increased aid to the aged and the blind a maximum of \$4 per month and has provided an increase of \$5 per month for dependent children, and rather than pass on these increases to our needy citizens, the state has used these federal funds to reduce its own participation; and

WHEREAS, a method of financing an increase in aid under the welfare and social security programs, and a method of financing state aid to school districts on a current average daily attendance basis without increasing real property taxes and without increasing excise taxes other than on luxuries is desirable and necessary; and

WHEREAS, many of our citizens are now unemployed and there is a danger of a greater number becoming unemployed; and

WHEREAS, our state, our counties, cities, and towns need additional highway construction to stem the rising tide of unemployment; and

WHEREAS, state funds are needed for construction of highways other than the interstate system and for matching federal funds, other highways and roads; and

WHEREAS, there is a need to increase the motor vehicle fuel tax laws to provide additional revenue to be distributed to the state, counties, cities, and towns on the same basis as under present law; and

WHEREAS, it appears that legislation is advisable to remedy the foregoing,

NOW, THEREFORE, I, Ernest W. McFarland, Governor of Arizona, by virtue of the authority vested in me by the Constitution and in pursuance of my duty call the Twenty-third Arizona Legislature to meet in SPECIAL SESSION in the Capitol on Wednesday, the nineteenth day of March, 1958, at ten o'clock a.m.

The following are specified as subjects to be considered during this special session:

1. Legislation revising the laws of the State of Arizona relative to state aid to school districts so as to provide such aid on a current average daily attendance basis.
2. Legislation revising the laws of the State of Arizona pertaining to the pioneers, aged, infirm, the blind, and dependent children. Legislation providing for an increase in assistance to the aged, the blind, and to dependent children.
3. Legislation revising the revenue laws of the State of Arizona so as to increase the taxes imposed on tobacco and alcoholic beverages.
4. Legislation revising the motor vehicle fuel tax laws of the State of Arizona so as to provide additional revenue.
5. The subject of taxation is hereby expressly restricted to the categories specified in subject "3" and "4" of this call.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Arizona to be affixed at the Capitol, in the City of Phoenix, this eighteenth day of March, in the year of Our Lord One Thousand Nine Hundred and Fifty-eight.



Ernest W. McFarland
GOVERNOR

ATTEST:

Wesley Bolin
Secretary of State

MEMBERS OF THE SENATE
 TWENTY-THIRD LEGISLATURE
 OF ARIZONA
 1958

County	Name and Party	Address
Apache	Lynn Lockhart (D).....	Springerville
	Melvin C. Greer (D).....	St. Johns
Cochise	Dan S. Kitchel (D).....	Bisbee
	A. R. Spikes (D).....	Douglas
Coconino	Robert W. Prochnow (D).....	Flagstaff
	Fred F. Udine (D).....	Williams
Gila	Clarence L. Carpenter (D).....	Miami
	William A. Sullivan (D).....	Globe
Graham	W. B. Mattice (D).....	Pima
	Wilford R. Richardson (D).....	Safford
Greenlee	M. L. (Marshall) Simms (D).....	Clifton
	Carl Gale (D).....	Duncan
Maricopa	Joe Haldiman, Jr. (D).....	Phoenix
	Frank G. Murphy (D).....	Phoenix
Mohave	Earle Cook (D).....	Kingman
	Robert E. Morrow (D).....	Kingman
Navajo	J. Morris Richards (D).....	Winslow
	William R. Bourdon (R).....	Snowflake
Pima	Harry Ackerman (D).....	Tucson
	Hiram S. (Hi) Corbett (R).....	Tucson
Pinal	Charles S. Goff (D).....	Casa Grande
	Ben Arnold (D).....	Coolidge
Santa Cruz	Neilson Brown (D).....	Nogales
	C. B. (Bert) Smith (D).....	Nogales
Yavapai	Chas. H. (Chick) Orme, Sr. (D).....	Mayer
	David H. Palmer (D).....	Prescott
Yuma	Ray H. Thompson (D).....	Parker
	Harold C. Giss (D).....	Yuma

MEMBERS OF THE HOUSE
 TWENTY-THIRD LEGISLATURE
 OF ARIZONA
 1958

District	Name and Party	Address
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APACHE COUNTY

	James S. Shreeve (D).....	St. Johns
--	---------------------------	-----------

COCHISE COUNTY

- | | | |
|----|---|---------|
| 1. | Clyde M. Dalton (D).....
Box 1609 | Bisbee |
| 2. | H. J. (Duffy) Lewis (D).....
733 12th St. | Douglas |
| 3. | Charles O. Bloomquist (D).....
1206 11th St. | Douglas |
| 4. | W. L. "Tay" Cook (D)..... | Willcox |

COCONINO COUNTY

- | | | |
|----|--|-----------|
| 1. | Thos. M. (Tommy) Knoles, Jr. (D).....
Box 179 | Flagstaff |
| 2. | Harold J. Scudder (D).....
Box 16 | Williams |

GILA COUNTY

- | | | |
|----|--|-------|
| 1. | Louis B. Ellsworth, Jr. (D).....
Box 49 | Globe |
| 2. | Nelson D. Brayton (D).....
823 Merrit St. | Miami |
| 3. | Edwynne C. "Polly" Rosenbaum (D).....
Box 609 | Globe |

GRAHAM COUNTY

- | | | |
|----|------------------------|---------|
| 1. | E. L. Tidwell (D)..... | Safford |
| 2. | Milton Lines (D)..... | Pima |

GREENLEE COUNTY

- | | | |
|----|---|---------|
| 1. | Tom W. Berry (D).....
Box 791 | Clifton |
| 2. | G. O. "Sonny" Biles (D).....
Box 747 | Morenci |

MARICOPA COUNTY

1. Ed Ellsworth (D).....Chandler
Box 75
2. Vernon Hathcock (R).....Mesa
1104 South Extension Road
3. Laron Waldo DeWitt (R).....Mesa
1018 W. 8th St.
4. J. O. Grimes (D).....Tempe
622 Lemon St.
5. W. W. Mitchell, Sr. (D).....Tempe
Box 426
6. Carl Austin (D).....Phoenix
4442 S. 8th Pl.
7. J. R. (Dick) Johnson (D).....Phoenix
21 S. 28th Ave.
8. Carl Sims, Sr. (D).....Phoenix
1304 W. Magnolia St.
9. Arlo O. Gooch (D).....Phoenix
2316 S. 15th Place
10. Sherman R. Dent (D).....Phoenix
512 South 24th St.
11. Bob E. Wilson (D).....Phoenix
513 N. 47th Place
12. Marie S. Earl (D).....Phoenix
2016 E. Moreland
13. Conrad James Carreon (D).....Phoenix
806 N. Third St.
14. William J. Harkness (D).....Phoenix
1421 E. Belleview
15. L. S. (Dick) Adams (D).....Phoenix
418 N. 18th Drive
16. Geraldine F. (Gerry) Eliot (R).....Phoenix
340 W. Latham Ave.
17. Jack E. Gardner (D).....Phoenix
2922 West Garfield St.
18. Robert (Bob) Brewer (R).....Phoenix
2536 W. Mulberry Drive

19. Carl C. Andersen (R).....Phoenix
824 W. Edgemont Ave.
20. Malcolm L. Lentz (R).....Phoenix
58 West Edgemont
21. Emogene M. Jennings (R).....Phoenix
119 E. Coronado Road
22. W. I. (Ike) Lowry (R).....Phoenix
2922 E. Manor Drive
23. Lillian Retzloff (D).....Phoenix
2849 Greenfield Road
24. Ruth Adams White (R).....Phoenix
6106 E. Camelback Road
25. Isabel Burgess (R).....Phoenix
2501 E. Pinchot St.
26. David H. Campbell (R).....Phoenix
2546 E. Roma
27. Del Rogers (D).....Phoenix
4021 N. 14th St.
28. Robert C. Forquer (R).....Phoenix
3601 N. 15th Ave.
29. John C. Hughes (D).....Phoenix
5636 N. 7th Drive
30. R. H. (Bob) Wallace (R).....Phoenix
71 East Pierson
31. Arthur B. Schellenberg (R).....Phoenix
212 E. Hayward Ave.
32. William Joseph Kamp (D).....Phoenix
1439 E. Hatcher Road
33. Bill Stephens (D).....Phoenix
5735 N. 32nd Drive
34. W. B. Barkley (D).....Glendale
40 West "E" Avenue
35. Lewis B. Bramkamp (D).....Wickenburg
Box 847
36. S. Earl Pugh (D).....Phoenix
3440 W. Palm Lane
37. T. C. (Doc) Rhodes (D).....Avondale
Box 146

MOHAVE COUNTY

J. J. Glancy (D).....Kingman
1712 E. Jefferson

NAVAJO COUNTY

1. Augusta T. Larson (R).....Lakeside
Box 238
2. Lee F. Dover (D).....Winslow
1100 Warren Ave.

PIMA COUNTY

1. Eaner T. Seaberg (D).....Ajo
311 Vananda
2. James N. Corbett, Jr. (D).....Tucson
534 West Sahuaro St.
3. Etta Mae Hutcheson (D).....Tucson
337 South 4th Ave.
4. William M. Carson (D).....Tucson
162 W. District
5. Dr. Thomas D. Fridena (D).....Tucson
717 N. Sixth Ave.
6. Douglas S. Holsclaw (R).....Tucson
1746 E. 5th St.
7. Julliette C. Willis (R).....Tucson
123 Sierra Vista Drive
8. V. S. "John" Hostetter (R).....Tucson
100 Calle Encanto
9. Marvin L. Burton (D).....Tucson
601 E. Mohave Road
10. Alvin Wessler (R).....Tucson
1711 N. Desmond Lane
11. James W. Carroll (D).....Tucson
6009 E. Beverly Drive
12. John H. Haugh (R).....Tucson
Rt. 6 Box 655
13. Keith Brown (R).....Continental
14. Frank G. Robles (D).....Tucson
349 West Blenman St.
15. W. G. "Bill" Bodell (R).....Tucson
3221 Flanwill
16. Harold L. Cook (D).....Tucson
2022 East Silvosa

PINAL COUNTY

1. Harry Bagnall (D).....Coolidge
2. Frederick S. Smith (D).....Superior
3. E. Blodwen Thode (D).....Casa Grande

SANTA CRUZ COUNTY

Robert H. Hathaway (D).....Nogales
Duquesne Road

YAVAPAI COUNTY

1. Mabel S. Ellis (D).....Prescott
107 E. Gurley St.
2. Dick W. Martin (R).....Prescott
Box 1270
3. Milton O. "Mo" Lindner (D).....Clarkdale
Box 606

YUMA COUNTY

1. Robert L. (Bob) Klauer (D).....Yuma
869 First St.
2. John C. Smith, Jr. (D).....Somerton
Rt. 1, Box 40
3. Al Lindsey (D).....Yuma
2415 Fourth Ave.

**GOVERNOR'S
MESSAGE**

MESSAGE
of
ERNEST W. McFARLAND
Governor of Arizona
to
A SPECIAL SESSION OF
THE TWENTY-THIRD LEGISLATURE
MARCH 19, 1958

3/19/58

Mr. President, Mr. Speaker, and Members
of the Twenty-third Legislature:

Last Saturday, March 15, I indicated that I would call you back in special session this morning. On Monday I issued a proclamation enumerating the subjects for your consideration in the special session. This proclamation is self-explanatory.

As I stated to you Saturday, I am firmly convinced that the program covering the subjects which I have listed in this call and which I have covered in previous messages to you is necessary for the welfare and progress of the state of Arizona.

I feel that the time has come for action. I say this because I have a strong conviction that I am right in regard to these matters. I have never been more firmly convinced of my position than I am at this moment. I would have preferred not to make this call, and would not have done so except for these reasons.

There is little I can add to the things I have already said. I have restricted the subject matter, deliberately and intentionally, for the purpose of narrowing the issue, in the hope that you may not be sidetracked by other matters that might delay your decision.

First, I have recommended that state aid to school districts be placed on a current average daily attendance basis. I did not ask that you increase the amount of the aid at this time, because that would open up the whole field in which there has been so much controversy. I merely asked for a change in the basic law in regard to the distribution of school aid funds. As you know, both political parties have advocated this in their platforms. Again I want to emphasize the importance of the members of this Legislature carrying out their solemn pledges to their constituents.

Second, I have included the subject of increasing assistance to the aged, the blind, and dependent children. I have previously recommended to this Legislature on three different occasions that the aged, the blind, and dependent

children be given the benefits which were intended for them by the federal government when maximum assistance was increased by \$4 per month for the aged and the blind and \$5 per month for dependent children. Let me repeat that in my judgment it was not the intent of the federal government to reduce the share of this state, but rather to pass on these benefits to our needy people. Each month this becomes increasingly important because the cost of living has gone up, and these people are finding it more difficult to obtain the bare necessities of life.

In order to meet the increased cost of placing school aid on a current basis and to provide additional money to care for the aged, the blind, and the dependent children, I have again narrowed the taxation question down to an increase in the tax on luxuries, namely, tobacco and alcoholic beverages. I pointed out before that an increase of 2 cents on cigarets alone would produce some \$2,250,000, which by itself would take care of the increase in the cost of placing school aid on a current basis. It would take care of the increase in both the aid for the aged, the blind, and dependent children and the placing of school aid on a current basis, provided that this program were started at the second half of next year. I suggested this to you as a compromise during the regular session.

A similar increase in the tax on alcoholic beverages would produce even more money. I have talked to many people who use cigarets and alcoholic beverages. As yet I have failed to find a single person who is unwilling to pay this small additional sum in order to provide sorely-needed assistance for our schools and for our blind and needy. The users of these luxuries are the ones who pay the tax. An estimate of the money required to increase assistance of \$4 per month for the aged and blind is some \$270,000. For the \$5 per month increase for dependent children there is needed an additional \$420,000, making a total increase of about \$690,000.

I know that there are objections to increases in any form of taxes. It is not pleasant to recommend such increases. Because of differences of opinion, I have also suggested that this increase could be limited to a period of two years. Once school aid is placed on a current basis, it will automatically be on a yearly basis, and the additional cost would be only a little more than under the present system. However, it would provide the money in the year in which it is needed, and that is what the school people have said is desirable and necessary.

I can add little to what I have already said in regard to increasing the fuel tax one cent per gallon. Here again we are merely keeping step with our neighbors—not only in the increase in taxation but in building roads. Please re-

member that 60 per cent of such a tax is paid for by out-of-state owners of motor vehicles. I have stressed before the need for highways other than interstate. The need for matching money will increase materially if the federal government passes pending legislation providing more money for primary and secondary roads. It is also needed by counties, cities, and towns for road and street-building programs.

Again, I point to the unemployment situation existing in our state, and insist that this is not "pump priming." No state can expect to progress when there is unemployment unless it is willing to do those things which are needed even in normal times to provide employment for its citizens. Shall the state of Arizona lag behind? Will we take a back seat in helping those who need help?

Summing up my recommendations, they are very simple. Pass the current aid-to-education bill. Give additional assistance to the aged, the blind, and dependent children, and do it by a tax on luxuries. Increase the fuel tax to provide additional money for needed roads, thereby increasing employment. I have even amended my call to further restrict you to these four subjects so that there can be no misunderstanding. I appealed to you before not to bury this legislation in committees. I renew my appeal in this regard. To do so would be breaking down the legislative process in this state, and would cause just criticism.

Vote the legislation up or down. If you express your views on the floor of the Legislature, the people will respect you whether they agree with you or not, and you will thereby establish a record by which you can be judged.

As I have said to you many times, it has never been my policy to lecture a Legislature. I know where my duties begin and where they end. Let me repeat, I have never been more firmly convinced of my duty on any matter.

Frequently—in a 60-day session—time does not permit doing everything that should be done. That is the reason why the framers of our constitution provided that a governor might call a special session. At the appropriate time I shall point out those of your actions which I think are commendable. But, again, let me say that for this Legislature to make a record of which you can be proud, you must take action on the subject matter I have outlined today. I narrowed the call to lessen the harrassments that always come to a legislative body and to discourage those who try to defeat legislation by confusing the issue and proposing other matters.

I have every confidence that you will coolly deliberate on these matters and will not be influenced by harrassments. When you vote upon these measures—whether it be for or against my position—I will content myself with a feeling that I have done my duty.