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1956 SESSION LAWS

STATE OF ARIZONA

Twenty-Second Legislature

Second Regular Session

WESLEY BOLIN

Secretary of State

DEPARTMENT OF
LIBRARY AND ARCHIVES
ARIZONA

STATE OF ARIZONA

U. S. ELECTIVE OFFICIALS

Office	Party Name	Address
SENATORS	Carl Hayden (D)	Phoenix
	Barry M. 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

1955-1956

SUPREME COURT	Name	Address
Chief Justice	Arthur T. LaPrade (D)	209 Capitol Bldg., Phoenix
Judge	Fred C. Struckmeyer, Jr. (D)	209 Capitol Bldg., Phoenix
Judge	Levi S. Udall (D)	209 Capitol Bldg., Phoenix
Judge	M. T. Phelps (D)	209 Capitol Bldg., Phoenix
Judge	Dudley W. Windes (D)	209 Capitol Bldg., Phoenix
GOVERNOR	Ernest W. McFarland (D)	204 Capitol Bldg., Phoenix
SEC'Y OF STATE	Wesley Bolin (D)	203 Capitol Bldg., Phoenix
ATT'Y GENERAL	Robert Morrison (D)	108 Capitol Bldg., Phoenix
TREASURER	E. T. "Eddie" Williams, Jr. (D)	10 Capitol Bldg., Phoenix
AUDITOR	Mrs. Jewel W. Jordan (D)	104 Capitol Bldg., Phoenix
SUPT. OF PUBLIC INSTRUCTION	C. L. (Cliff) Harkins (D)	212 Capitol Bldg., Phoenix
MINE INSPECTOR	Edward (Ed) Massey (D)	109 Capitol Bldg., Phoenix
TAX COMMISSION		
Chairman	Warren Peterson (D)	101 Capitol Bldg., Phoenix
Member	William E. Stanford (D)	101 Capitol Bldg., Phoenix
Member	Thad M. Moore (D)	101 Capitol Bldg., Phoenix
CORPORATION COMMISSION		
Chairman	William T. Brooks (D)	New State Bldg., Phoenix
Member	Mit Simms (D)	New State Bldg., Phoenix
Member	John H. Barry (D)	New State Bldg., Phoenix

U. S. DISTRICT COURT IN ARIZONA

1956

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. Marshall.....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. Atty. .....Phoenix
Robert Roylston, Ass't. U. S. Dist. Atty. .....Tucson

SUPREME COURT OF ARIZONA

A. T. LaPrade, Chief Justice .....State House, Phoenix
Fred C. Struckmeyer, Jr., Judge .....State House, Phoenix
Levi S. Udall, Judge .....State House, Phoenix
Dudley W. Windes, Judge .....State House, Phoenix
M. T. Phelps, 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
Nicholas Udall	Maricopa, Division 2	Phoenix
Henry S. Stevens	Maricopa, Division 3	Phoenix
Francis J. Donofrio	Maricopa, Division 4	Phoenix
Charles C. Bernstein	Maricopa, Division 5	Phoenix
Renz L. Jennings	Maricopa, Division 6	Phoenix
Warren L. McCarthy	Maricopa, Division 7	Phoenix
Lorna E. Lockwood	Maricopa, Division 8	Phoenix
R. C. Stanford, Jr.	Maricopa, Division 9	Phoenix
Charles P. Elmer	Mohave	Kingman
Don T. Udall	Navajo	Holbrook
J. Mercer Johnson	Pima, Division 1	Tucson
Lee Garrett	Pima, Division 2	Tucson
Robert S. Tullar	Pima, Division 3	Tucson
Hubert 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

CLERKS OF THE SUPERIOR COURT

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
T. J. Marks (D)—Pinal ..... Florence
Mrs. Dorothy Titcomb (D)—Santa Cruz ..... Nogales
Nellie Marshall Prince (D)—Yavapai ..... Prescott
James B. McLay (D)—Yuma ..... Yuma

ELECTIVE COUNTY OFFICIALS FOR ARIZONA

1955-1956

COUNTY	COUNTY SEAT	ASSESSOR	ATTORNEY
Apache	St. Johns	Parley Heap (D)	D. L. Greer (D)
Cochise	Bisbee	Sam R. Clark (D)	Wesley Polley (D)
Coconino	Flagstaff	D. L. McKinney (D)	H. K. Mangum (D)
Gila	Globe	Margarite Webb (D)	Geo. F. Senner, Jr. (D)
Graham	Safford	Robert Goodman (D)	Ruskin Lines (D)
Greenlee	Clifton	Wm. Paterson (D)	James Boyce Scott (D)
Maricopa	Phoenix	C. L. Sparks (D)	Wm. P. Mahoney (D)
Mohave	Kingman	W. D. Lawe (D)	Bernard T. Caine (D)
Navajo	Holbrook	Arthur Palmer (D)	W. Dean Nutting (D)
Pima	Tucson	Leo J. Finch (D)	Raul Hector Castro (D)
Pinal	Florence	Wyly Parsons (D)	Timothy J. Mahoney (D)
Santa Cruz	Nogales	Pierre S. Baffert (D)	Ruffo Espinosa (D)
Yavapai	Prescott	Joel H. Baldwin (D)	Jack L. Ogg (D)
Yuma	Yuma	A. O. Williamson (D)	Wm. W. Nabours (D)

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

COUNTY	COUNTY SEAT	SCHOOL SUPERINTENDENT	TREASURER
Apache	St. Johns	Roland S. Hamblin (D)	Wallace DeWitt (D)
Cochise	Bisbee	Ruby E. Fulghum (D)	F. C. Alexander (D)
Coconino	Flagstaff	Mrs. Bessie Kidd Best (R)	Mrs. 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)	E. C. Fitzgerald (D)
Maricopa	Phoenix	W. W. Dick (D)	Phil A. Isley (D)
Mohave	Kingman	Bernice B. Hulet (D)	Ruth Moser (D)
Navajo	Holbrook	Miss Mary A. Brown (D)	A. L. Johnson (D)
Pima	Tucson	Mrs. Florence Reece (D)	Carroll H. Christian (D)
Pinal	Florence	Mary C. O'Brien (D)	Alice M. Diffin (D)
Santa Cruz	Nogales	Mrs. Cora Everhart (D)	George Lowe (D)
Yavapai	Prescott	Sarah Folsom (R)	Paul J. Wedepohl (D)
Yuma	Yuma	Mrs. Gwyneth Ham (D)	Vida Lee Hightower (D)

COUNTY BOARDS OF SUPERVISORS OF ARIZONA

1955-1956

APACHE COUNTY—St. Johns

Dist. No. 1 Albert S. Anderson (R) St. Johns
Dist. No. 2 Jos. A. Burk (D) Eagar
Dist. No. 3 Hugh Lee (R) Ganado
Clerk: Benj. Burgess

COCHISE COUNTY—Bisbee

Dist. No. 1 James Allison (D) Bisbee
Dist. No. 2 C. A. Stewart (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 Victor Christensen (D) Safford
Dist. No. 2 Glen Hoopes (R) Thatcher
Dist. No. 3 Willie Hinton (D) Ft. Thomas
Clerk: W. L. Buffington

GREENLEE COUNTY—Clifton

Dist No. 1 Richard Campbell (D) Clifton
Dist. No. 2 Clifford C. Martin (D) Morenci
Dist. No. 3 S. A. Foster (D) Duncan
Clerk: H. E. Brubaker

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 A. J. Mullen (R) Chloride
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 W. J. Crozer (D) Winslow
Dist. No. 3 Virgil M. Flake (D) Snowflake
Clerk: Dorothy J. Leavitt

PIMA COUNTY—Tucson

Dist. No. 1 J. Homer Boyd (D) 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 T. E. Bentley (D) 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 A. Louis Petersen (D) Cottonwood
Clerk: Mrs. 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

*replacing J. J. Cunningham, deceased.
**replacing Richard E. Kolb, deceased.

STATE OF ARIZONA

1955-1956

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	*H. Russell French (D) McNary, Arizona	**Edgar B. Merrill (D) McNary, Arizona
Round Valley, Greer, Eager, Springerville	†J. Wesley Burk (D) Eager, Arizona	G. L. Maxwell (D) Springerville, Arizona
Puerco	°Earl H. Blackwell (D) Sanders, Arizona	Jeff N. Lauderdale (D) Sanders, Arizona
Vernon	Georgia M. Austin (D) Vernon, Arizona	Donald Goodman (D) Vernon, Arizona
Ganado, Dinnehotso, Salina, Rough Rock	‡J. B. Tanner (R) Ganado, Arizona	
Alpine (Nutrioso)	Emery Mangum (D) Nutrioso, Arizona	Arlo Jepson (D) Alpine, Arizona

°appointed to replace Douglas C. Norris, resigned
‡appointed to replace John A. McDermond, resigned
†appointed to replace Chesley Brown, resigned
*appointed to replace D. I. Fergus, resigned
**appointed to replace A. M. Parker, resigned

COCHISE COUNTY

Hereford, Ash, Naco, Bisbee, Don Luis, Warren, Lowell	L. T. Frazier (D) Bisbee, Arizona	M. H. "Pappy" Wood (D) Bisbee, Arizona
Douglas, Central, Bridge, Lusk, McNeal, Webb, Paradise, Pirtleville, Whitewater	George W. Martin (D) Douglas, Arizona	W. M. French (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	W. L. Chastain (D) Willcox, Arizona	
Buena, Fairbank, Tombstone	John P. Sebring (D) Tombstone, Arizona	*John A. Gammons, Jr. (D) Tombstone, Arizona
Bowie, San Simon	T. W. Cooke (D) Bowie, Arizona	W. L. DeBarr (D) Bowie, Arizona

*appointed to replace Fred R. Quill, resigned

COCONINO COUNTY

Flagstaff, Bellemont, Mormon Lake, Tuba City, Cameron, Saginaw Camp, Canyon Diablo	Shelby McCauley (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

COCONINO COUNTY—Continued

DISTRICT	JUSTICE OF PEACE	CONSTABLE
Fredonia, Marble Canyon	Joseph Brooksby (D) Fredonia, Arizona	None
Sedona	**Elmer A. Purtyman (D) Sedona, Arizona	None
East Flagstaff	Jack Newsum (D) Flagstaff, Arizona	None

*Clark C. Cole, resigned
**appointed to replace W. B. Raudebaugh, deceased

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	
Thatcher, Central, Pima, Glenbar, Ashurst, Bryce, Eden	Jesse L. Green (D) Thatcher, Arizona	
Ft. Thomas, Bylas, Geronimo	C. J. Grover (D) Ft. Thomas, Arizona	
Bonita, Klondyke	James DuBois (D) Bonita, Arizona	Ed Moyer (D) Bonita, Arizona

GREENLEE COUNTY

Clifton, Blue, Eagle	Herman Moder (D) 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	Lawrence E. Mulleneaux Mesa, Arizona (D)	A. W. Hawkins (D) Mesa, Arizona

MARICOPA COUNTY—Continued

DISTRICT	JUSTICE OF PEACE	CONSTABLE
Cotton City, Peoria	Charlie D. Mendenhall Peoria, Arizona (D)	Marion T. Giddens (D) Peoria, Arizona
East Phoenix	*Ida Westfall (D) Courthouse, Phoenix	J. G. Hickey (D) Courthouse, Phoenix
West Phoenix	Al J. Flood (D) 11 North 2nd Ave., Phx.	A. B. Spain (D) 11 North 2nd Ave., Phx.
Northeast Phoenix	Charles F. Coppock (R) 11 North 2nd Ave., Phx.	Ross Palmer (D) 11 N. 2nd Ave., Phx.
Northwest Phoenix	C. Stanley Kimball (D) 11 North 2nd Ave., Phx.	Fayette T. Hawks (D) 11 N. 2nd Ave., Phx.
Scottsdale	Ben E. Fox (D) Scottsdale, Arizona	Wilbur L. Robertson Scottsdale, Ariz. (D)
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. Westall (D) Wickenburg, Arizona	Clyde A. Hall (D) Wickenburg, Arizona

*appointed to replace Harry E. Westfall, deceased

MOHAVE COUNTY

Kingman, Yucca, Oatman, Chloride, Hackberry, Alamo Crossing, Owens, Signal, Trout Creek, Whitney	E. E. Wishon (D) Kingman, Arizona	Walter Black (D)
Littlefield	Clifford Peterson (D) Littlefield, Arizona	Mrs. Lorna Reber (D) Littlefield, Arizona
Mt. Trumbull	James G. Bundy (D) Mt. Trumbull, Arizona	Atwood Bundy (D) Mt. Trumbull, Arizona
Cane Beds, Tuweep	Jerold R. Williams (D)	Dan J. Barlow (D)
Moccasin, Short Creek	Short Creek, Arizona	Short Creek, Arizona
Bullhead City, Davis Dam	Mrs. Ethelyn Buck (D) Bullhead City, Arizona	

NAVAJO COUNTY

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

*Appointed to replace Don Spencer Black, Jr., resigned

PIMA COUNTY

1 Tucson	Edward J. Valeski (R) Courthouse, Tucson	Robert Sigourney (R) Courthouse, Tucson
2 Tucson	Clark H. Johnson (D) Courthouse, Tucson	Ed F. Echols (D) Courthouse, Tucson
3 Ajo	Braddy H. Byars (D) Ajo, Arizona	Thomas Fred Larremore Ajo, Arizona (D)

PINAL COUNTY

DISTRICT	JUSTICE OF PEACE	CONSTABLE
Florence	John Higgins (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	Bill Harer (D) Stanfield, Arizona
Oracle, San Manuel	Lewis T. Derwin (D) Oracle, Arizona	H. O. Ramsey (D) Oracle, Arizona
Mammoth, Tiger	John Carnighan (D) Mammoth, Arizona	Harry R. Clark (D) Mammoth, Arizona
Aravaipa, Dudleyville	Kate M. Trent (D) Hayden Junction, Ariz.	Dale E. Collier (D) Hayden Junction, Ariz.
Coolidge	R. L. Briscoe (D) Coolidge, Arizona	Asa F. Gardner (D) Coolidge, Arizona
Ray, Kelvin	Gerald H. Crandall (D) Ray, Arizona	S. O. Simpson (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, Arizoa

*appointed to replace Larry H. Prather, resigned and Larry H. Prather was appointed to replace Ed Green, resigned

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	Polly Deacon (D) Bagdad, Arizona	Sid Despain (D) Bagdad, Arizona
Camp Verde, Beaver Creek, Cherry Creek, Childs	Lisle A. Watts (R) Camp Verde, Arizona	
Congress-Yarnell, Castle Hot Springs, Rincon, Constellation	Jerold P. Kolar (R) Yarnell, Arizona	Carl I. Scott (D) Yarnell, Arizona
Mayer, Bumble Bee, Cleator, Crown King, Humboldt, Rock Springs	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	Dan Seaman (D) Prescott, Arizona	Charles F. Hines (D) Prescott, Arizona
Seligman	Walter T. Barber (R) Seligman, Arizona	
Upper Verde, Clarkdale, Cottonwood, Jerome, Oak Creek, Red Rock	W. J. Finnegan (D) Clarkdale, Arizona	Paris E. Webb (D) Cottonwood, Arizona

YUMA COUNTY

DISTRICT	JUSTICE OF PEACE	CONSTABLE
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, Cibola	*Geo. T. Witten (D) Wellton, Arizona George Hagely (D) Quartzsite, Arizona	Floyd L. Killman (D) Wellton, Arizona Hugh F. Wright (D) Quartzsite, Arizona
Salome, Wenden, Vicksburg Parker, Bouse	W. D. Davis (D) Salome, Arizona O. N. Hamilton (D) Parker, Arizona	Ernest Bashor (D) Salome, Arizona Henry Horn (D) Parker, Arizona

*appointed to succeed Guy Haynes, resigned

ACTS

MEMORIALS AND RESOLUTIONS

of the

SECOND REGULAR SESSION

of the

TWENTY-SECOND LEGISLATURE

of the

STATE OF ARIZONA

1956

SECOND REGULAR SESSION CONVENED

JANUARY 9, 1956

SECOND REGULAR SESSION ADJURNED SINE DIE

APRIL 14, 1956 AT 3:07 A. M.

Publication Authorized
Paragraph 9a, Section 41-121,
Arizona Revised Statutes as amended by
Chapter 129, Laws of 1956
Twenty-second Legislature
Second Regular Session.
Chapter 164, Laws of 1956
Second Regular Session, Twenty-Second Legislature

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

AUTHENTICATION

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

THIS IS TO CERTIFY—That the Acts, Memorials and Resolutions published in this volume are full, true and correct copies of the originals passed at the Second Regular Session of the Twenty-second 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-second Legislature of the State of Arizona was convened at the Capitol, in the City of Phoenix, January 9, 1956, and adjourned sine die on the 14th day of April, 1956.

IN TESTIMONY WHEREOF, I have hereunto set my hand as Secretary and affixed the Great Seal of the State of Arizona, this 19th day of April, 1956.

/s/ WESLEY BOLIN
Secretary of State

MEMBERS OF THE SENATE

TWENTY-SECOND LEGISLATURE OF ARIZONA

1955-1956

County	Name and Party	Address
Apache	Lynn Lockhart (D)	Springerville
	Melvin C. Greer (D)	St. Johns
Cochise	A. R. Spikes (D)	Douglas
	Fred Dove (D)	Tombstone
Coconino	Robert W. Prochnow (D)	Flagstaff
	Fred F. Udine (D)	Williams
Gila	Clarence L. Carpenter (D)	Miami
	William A. Sullivan (D)	Globe
Graham	Jim Smith (D)	Central
	Wilford R. Richardson (D)	Safford
Greenlee	M. L. Simms (D)	Clifton
	*A. C. (Ike) Stanton (D)	Clifton
Maricopa	Joe Haldiman, Jr. (D)	Phoenix
	**Walter J. Thalheimer (D)	Phoenix
Mohave	Earle W. Cook (D)	Kingman
	Robert Morrow (D)	Kingman
Navajo	Clay Simer (D)	Winslow
	William R. Bourdon (R)	Snowflake
Pima	Thomas Collins (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	Nogales
Yavapai	Chas. H. Orme, Sr. (D)	Mayer
	Ray Vyne (D)	Prescott
Yuma	Harold C. Giss (D)	Yuma
	R. H. Thompson (D)	Parker

MEMBERS OF THE HOUSE

TWENTY-SECOND LEGISLATURE OF ARIZONA

1955-1956

APACHE COUNTY

District	Name and Party	Address
	Lorin M. Farr (R)	St. Johns Box 615

COCHISE COUNTY

District	Name and Party	Address
1.	Clyde M. Dalton (D)	Bisbee Box 1609
2.	H. J. (Duffy) Lewis (D)	Douglas 733 12th St.
3.	Charles O. Bloomquist (D)	Douglas Box 1077
4.	W. L. "Tay" Cook (D)	Willcox Box 246

COCONINO COUNTY

District	Name and Party	Address
1.	Andrew (Andy) Matson (D)	Flagstaff Box 277
2.	Harold J. Scudder (D)	Williams Box 16

GILA COUNTY

District	Name and Party	Address
1.	Louis B. Ellsworth, Jr. (D)	Globe Box 49
2.	Nelson D. Brayton (D)	Miami 823 Merritt Street
3.	Edwynne C. "Polly" Rosenbaum (D)	Globe Box 609

GRAHAM COUNTY

District	Name and Party	Address
1.	E. L. Tidwell (D)	Safford Box 108
2.	Milton Lines (D)	Pima Box 64

GREENLEE COUNTY

District	Name and Party	Address
1.	Tom W. Berry (D)	Clifton 102 Second St.
2.	G. O. (Sonny) Biles (D)	Morenci Box 747

MARICOPA COUNTY

1. Ed Ellsworth (D) ..... Chandler
   Box 75

2. Wm. S. (Bill) Porter (R) ..... Mesa
   15 E. 2nd Ave.

3. Robert A. Petrie (D) ..... Mesa
   1032 W. 6th Pl.

4. J. O. Grimes (D) ..... Tempe
   906 Mill Avenue

5. W. W. Mitchell Sr. (D) ..... Tempe
   816 Wilson

6. Carl Austin (D) ..... Phoenix
   4442 S. 8th Pl.

7. J. P. (Jess) Stump (D) ..... Phoenix
   3154 Westward Blvd.

8. Carl Sims, Sr. (D) ..... Phoenix
   1304 W. Magnolia St.

9. Sidney Kartus (D) ..... Phoenix
   2107 S. 15th Pl.

10. R. E. (Bob) Wilson (D) ..... Phoenix
    2511 E. Adams

11. Neales (Nick) Kennedy (D) ..... Phoenix
    1240 N. Oakleaf Drive

12. W. W. Franklin (D) ..... Phoenix
    1645½ E. Culver

13. Conrad James Carreon (D) ..... Phoenix
    806 N. 3rd St.

14. William J. Harkness (D) ..... Phoenix
    1421 E. Belleview

15. George R. (Rusty) Steward (D) ..... Phoenix
    374 N. 1st Ave.

16. Harry S. Ruppelius (D) ..... Phoenix
    1348 W. Lynwood St.

17. Norman (Shorty) Lee (D) ..... Phoenix
    713 N. 27th Ave.

18. Ruth I. Hunt (D) ..... Phoenix
    1911 W. Holly St.

19. Carl C. Andersen (R) ..... Phoenix
    842 W. Edgemont

20. Malcolm L. Lentz (R) .....Phoenix
334 W. Almeria

21. Mrs. Laura M. McRae (D) .....Phoenix
929 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) .....Scottsdale
6110 E. Camelback Road

25. Patrick W. O'Reilly (D) .....Phoenix
1611 E. Flower

26. David H. Campbell (R) .....Phoenix
2546 E. Roma

27. Del Rogers (D) .....Phoenix
4021 N. 14th St.

28. C. H. (Hank) Marion (R) .....Phoenix
4431 N. 7th Avenue

29. James B. Phillips (R) .....Phoenix
1303 W. Bethany Home Road

30. Robert L. Myers (R) .....Phoenix
5022 N. Arden Drive

31. Arthur B. Schellenberg (R) .....Phoenix
212 E. Hayward

32. Chas. H. Abels (D) .....Phoenix
Route 2, Box 24

33. Champe Raftery (D) .....Phoenix
3208 W. Marshall

34. Wm. Younger Wood (D) .....Glendale
Route 1, Box 90

35. Hal Fred Warner (D) .....Wickenburg
Box 758

36. S. Earl Pugh (D) .....Phoenix
3440 W. Palm Lane

37. T. C. (Doc) Rhodes (D).....Avondale
Box 146

MOHAVE COUNTY

Guy Rutherford (D) .....Kingman

NAVAJO COUNTY

1. Augusta T. Larson (R) ..... Lakeside
   Box 238

2. Lee F. Dover (D) ..... Winslow
   1026 Warren Avenue

PIMA COUNTY

1. David S. Wine (D) ..... Ajo
   500 Solana Ave

2. Enos P. "Pepe" Schaffer (D) ..... Tucson
   1346 W. Franklin St.

3. Etta Mae Hutcheson (D) ..... Tucson
   337 S. 4th Ave

4. James L. (Jimmy) Kennedy (D) ..... Tucson
   934 Calle Bocina

5. Dr. Thomas D. Fridena (D) ..... Tucson
   717 N. 6th Ave.

6. Douglas Stanley Holsclaw (R) ..... Tucson
   1746 E. 5th St.

7. Julliette C. Willis (R) ..... Tucson
   123 Sierra Vista Dr.

8. V. S. (John) Hostetter (R) ..... Tucson
   100 Calle Encanto

9. William I. Minor (D) ..... Tucson
   130 West Adams

10. Alvin Henry Wessler (R) ..... Tucson
    1711 N. Desmond Lane

11. James W. Carroll (D) ..... Tucson
    6009 E. Beverly Dr.

12. John H. Haugh (R) ..... Tucson
    Route 6, Box 655

13. Keith S. Brown (R) ..... Amado
    Box 364, Tucson-Nogales Star Route

14. Vicente Alfaro (D) ..... Tucson
    919 S. 6th Ave.

15. Marion Harold Burton (R) ..... Tucson
    1825 N. Rosemary Drive

16. Harry Ackerman (D) ..... Tucson
    711 S. Tucson Blvd.

PINAL COUNTY

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

SANTA CRUZ COUNTY

Robert R. Hathaway (D) .....Nogales

YAVAPAI COUNTY

1. Mabel S. Ellis (D) .....Prescott
   107 E. Gurley
2. Dick W. Martin (R) .....Prescott
   349 Park Avenue
3. M. O. (Moe) Lindner (D) .....Clarkdale
   Box 606

YUMA COUNTY

1. Robert L. (Bob) Klauer (D) .....Yuma
   2609 Avenue A
2. William B. Carr (D) .....Yuma
   964 5th Avenue, Box 150
3. David B. Babbitt (D) .....Parker
   Box 1683

ORDER OF ACTS

ORDER OF ACTS

TWENTY-SECOND LEGISLATURE

SECOND REGULAR SESSION

Chapter		Bill No.	Contents
1	SB	30	Relating to Ground Waters; providing for applications for permits to construct irrigation wells within critical groundwater areas, and amending section 45-313, Arizona Revised Statutes. (Emergency clause) Approved January 20, 1956 Effective January 20, 1956
2	HB	30	Making an appropriation to the Code Commission. (Emergency clause) Approved January 31, 1956 Effective January 31, 1956
3	SB	55	Relating to Motor Vehicles; extending the period of payment of 1956 registration fees, without penalty, to February 15, 1956. (Emergency clause) Approved January 31, 1956 Effective January 31, 1956
4	SB	54	Making an appropriation to the Department of Public Welfare for unallocated assistance and services. (Emergency clause) Approved February 28, 1956 Effective February 28, 1956
5	HB	130	Making an appropriation to the Attorney General. (Emergency clause) Approved February 29, 1956 Effective February 29, 1956
6	HB	136	Creating a State Agency for Surplus Property; prescribing the powers and duties thereof; making an appropriation, and amending chapter 3, title 41, Arizona Revised Statutes, by adding Article 5.2. (Emergency clause) Approved March 5, 1956 Effective March 5, 1956

Chapter	Bill No.	Contents
7	HB 106	Relating to Criminal Procedure; prescribing fees of counsel assigned in criminal proceedings or insanity hearings on appeal, and amending article 10, chapter 6, title 13, Arizona Revised Statutes, by adding section 13-1721. Approved March 7, 1956 Effective July 14, 1956
8	HB 107	Relating to Partition Suits; prescribing compensation of commissioner and surveyor, and amending section 12-1225, Arizona Revised Statutes. Approved March 7, 1956 Effective July 14, 1956
9	HB 108	Relating to Criminal Procedure; prescribing fees of counsel assigned in criminal proceedings or insanity hearings, and amending section 13-1673, Arizona Revised Statutes. Approved March 7, 1956 Effective July 14, 1956
10	HB 37	Relating to Holidays, and amending section 1-301, Arizona Revised Statutes. Approved March 7, 1956 Effective July 14, 1956
11	HB 89	Relating to the State Auditor; providing for the microfilming and disposition of all claims filed in the office of the State Auditor, and amending section 41-144, Arizona Revised Statutes. Approved March 7, 1956 Effective July 14, 1956
12	HB 90	Making an appropriation to the Department of Library and Archives for the microfilming and preservation of noncurrent official records. (Emergency clause) Approved March 7, 1956 Effective March 7, 1956
13	HB 91	Making an appropriation to the Corporation Commission. (Emergency clause) Approved March 7, 1956 Effective March 7, 1956
14	SB 90	Making a reappropriation of funds and an appropriation to the Arizona Interstate Stream Commission. (Emergency clause) Approved March 16, 1956 Effective March 16, 1956

Chapter	Bill No.	Contents
15	HB 209	Relating to Welfare, and amending section 46-311, Arizona Revised Statutes. Approved March 16, 1956 Effective July 14, 1956
16	HB 38	Relating to Taxation and Revenue; prescribing wars to be recognized for the purpose of exempting veterans from taxation, and amending section 42-276, Arizona Revised Statutes. Approved March 16, 1956 Effective July 14, 1956
17	HB 26	Relating to Narcotic Drugs; prescribing penalties for unlawful use of narcotic drugs, and amending article 3, chapter 9, title 36, Arizona Revised Statutes, by adding section 36-1062. (Emergency clause) Approved March 16, 1956 Effective March 16, 1956
18	HB 18	Relating to cities and towns; prescribing procedure for incorporation, and amending section 9-101, Arizona Revised Statutes. Approved March 16, 1956 Effective July 14, 1956
19	SB 107	Making an appropriation to the Superintendent of Public Instruction for the normal pension fund of the Arizona Teachers' Retirement System. (Emergency clause) Approved March 21, 1956 Effective March 21, 1956
20	SB 36	Making a supplemental appropriation to the National Guard of Arizona for support of newly allotted units. (Emergency clause) Approved March 21, 1956 Effective March 21, 1956
21	SB 74	Making a supplemental appropriation to the State Auditor. (Emergency clause) Approved March 21, 1956 Effective March 21, 1956
22	SB 185	Making an appropriation to the Legislative Council. (Emergency clause not enacted) Approved March 21, 1956 Effective March 21, 1956

Chapter	Bill No.	Contents
23	SB 23	Making a supplemental appropriation to the State Mine Inspector. (Emergency clause) Approved March 23, 1956 Effective March 23, 1956
24	HB 183	Making a supplemental appropriation to the State Tax Commission. (Emergency clause) Approved March 23, 1956 Effective March 23, 1956
25	HB 185	Relating to the Institute of Educational Rehabilitation of Arizona State Prison, and making an appropriation. (Emergency clause) Approved March 23, 1956 Effective March 23, 1956
26	HB 296	Relating to Traffic on Highways; providing for the use of white canes by the blind, and amending section 28-798, Arizona Revised Statutes. (Emergency clause) Approved March 27, 1956 Effective March 27, 1956
27	HB 66	Relating to Livestock and Animals; providing that unencumbered funds in excess of one thousand dollars in the seizure fund revert to the general fund, and amending section 24-292, Arizona Revised Statutes. Approved March 27, 1956 Effective July 14, 1956
28	HB 219	Relating to Liability Insurance for Officers, Agents and Employees of cities and towns, and amending article 8, chapter 4, title 9, Arizona Revised Statutes, by adding section 9-497. Approved March 27, 1956 Effective July 14, 1956
29	HB 220	Relating to Liability Insurance for Officers, Agents and Employees of counties; amending article 4, chapter 2, title 11, Arizona Revised Statutes, by adding section 11-261. Approved March 27, 1956 Effective July 14, 1956
30	HB 227	Relating to General Definitions; providing that the term "Registered Mail" includes certified mail, and amending section 1-215, Arizona Revised Statutes. Approved March 27, 1956 Effective July 14, 1956

Chapter	Bill No.	Contents
31	HB 290	Making an appropriation to the Board of Regents of the University and State Colleges of Arizona for the use of the University of Arizona. (Emergency clause) Aproved March 27, 1956 Effective March 27, 1956
32	HB 245	Relating to Professions and Occupations; creating a State Board of Dispensing Opticians; prescribing its powers and duties, and amending title 32, Arizona Revised Statutes, by adding chapter 15.1. Approved March 29, 1956 Effective August 1, 1956
33	HB 59	Making an appropriation for the relief of Mrs. John Girdler. Approved March 30, 1956 Effective March 30, 1956
34	HB 72	Relating to Mines and Mining; increasing the salary of the State Mine Inspector, Deputy State Mine Inspector and the Mine Dust Engineer, and amending sections 27-121, 27-122 and 27-141, Arizona Revised Statutes. Approved March 30, 1956 Effective July 14, 1956
35	HB 182	Relating to Highways and Bridges; prescribing compensation of the Commission Secretary, and amending section 18-107, Arizona Revised Statutes. Approved March 30, 1956 Effective July 14, 1956
36	HB 191	Making an appropriation for the relief of Mr. and Mrs. Virgil Wilky. (Emergency clause) Approved March 30, 1956 Effective March 30, 1956
37	HB 304	Relating to Taxation; establishing a clearing account for the purpose of making refunds and adjustments, and amending article 1, chapter 9, title 42, Arizona Revised Statutes, by adding section 42-1507. Approved March 30, 1956 Effective July 14, 1956

Chapter	No. Bill	Contents
38	HB 306	Relating to Funeral Directors and Embalmers; prescribing annual renewal fee of Funeral Director's or Embalmer's certificate, and amending section 32-1334, Arizona Revised Statutes. (Emergency clause) Approved March 30, 1956 Effective March 30, 1956
39	HB 307	Relating to the Board of Funeral Directors and Embalmers; prescribing powers and duties thereof, and amending section 32-1305, Arizona Revised Statutes. Approved March 30, 1956 Effective July 14, 1956
40	HB 339	Making an appropriation to Arizona Pioneers Home, Department of Vocational Education, State School for the Deaf and the Blind, State Board of Regents, Arizona State College at Tempe, Arizona Children's Colony Board, for the purpose of meeting obligations due for the employers' contributions for old-age and survivors insurance and state retirement. (Emergency clause) Approved March 30, 1956 Effective March 30, 1956
41	HB 350	Making an appropriation to the Arizona Highway Department for the relief of the City of Tucson. (Emergency clause) Approved March 30, 1956 Effective March 30, 1956
42	SB 51	Making an appropriation to the Board of Regents of the University and State Colleges of Arizona for the purchase of realty, including improvements thereon, and the preparation of such land, for use of the University of Arizona. (Emergency clause) Approved March 30, 1956 Effective March 30, 1956
43	SB 64	Relating to the Post Auditor and providing for the reallocation of funds. (Emergency clause) Approved March 30, 1956 Effective March 30, 1956

Chapter		Bill No.	Contents
44	SB	69	Making an appropriation for the relief of the Industrial Commission of Arizona. (Emergency clause) Approved March 30, 1956 Effective March 30, 1956
45	SB	68	Making an appropriation to the State Aviation Authority for payment of completed scholarships. (Emergency clause not enacted) Approved March 30, 1956 Effective March 30, 1956
46	SB	150	Relating to Death by Wrongful Act; providing for recovery by survivors, and amending sections 12-612 and 12-613, Arizona Revised Statutes. Approved March 30, 1956 Effective July 14, 1956
47	SB	12	Making an appropriation to the State Land Department for the purpose of studying means and methods and coordinating efforts to improve condition on the watershed areas of the State of Arizona. (Emergency clause) Approved March 30, 1956 Effective March 30, 1956
48	SB	71	Making an appropriation to the National Guard of Arizona for the purchase of real property. (Emergency clause) Approved March 30, 1956 Effective March 30, 1956
49	SB	80	Relating to Education; authorizing Boards of Trustees to grant leaves of absence to administrative and teaching personnel not to exceed one year; preserving the rights of such personnel, and amending article 2, chapter 4, title 15, Arizona Revised Statutes, by adding section 15-444.02. Approved March 30, 1956 Effective July 14, 1956
50	SB	85	Relating to Fish and Game; providing for investment of surplus funds from State Game and Fish Protection Fund, and amending article 4, chapter 2, title 17, Arizona Revised Statutes, by adding section 17-261.01. Approved March 30, 1956 Effective July 14, 1956

Chapter	Bill No.	Contents
51	SB 126	Relating to the Industrial Commission of Arizona and the compensation fund; providing for audits of books of accounts, funds, and securities of the commission, and payment therefor out of the state fund subject to the prior approval of the Governor, the State Auditor and the Attorney General, and amending section 23-982, Arizona Revised Statutes. Approved March 30, 1956 Effective July 14, 1956
52	SB 137	Making an appropriation to the State Auditor for payment of specific obligations incurred by various departments. (Emergency clause not enacted) Approved March 30, 1956 Effective March 30, 1956
53	SB 178	Relating to School Districts; defining the amount of the district revolving fund and setting up regulations pertaining thereto, and amending section 15-1248, Arizona Revised Statutes. (Emergency clause) Aproved March 30, 1956 Effective March 30, 1956
54	SB 181	Relating to the State Examiner; prescribing the salary thereof, and amending section 41-332, Arizona Revised Statutes. (Failed to pass the House with sufficient votes to carry the emergency clause.) Approved March 30, 1956 Effective July 14, 1956
55	HB 129	Relating to Agricultural, vegetable and ornamental plant seed; providing for the licensing and regulation of the sale and handling thereof; repealing article 2, chapter 2, title 3, Arizona Revised Statutes, and enacting a new article 2, chapter 2, title 3, Arizona Revised Statutes. Approved April 2, 1956 Effective July 14, 1956
56	HB 295	Relating to combinations in restraint of trade; prescribing prohibitions in relation to violators, and amending section 44-1403, Arizona Revised Statutes. (Emergency clause) Aproved April 2, 1956 Effective April 2, 1956

Chapter	Bill No.	Contents
57	SB 57	Relating to the transportation and delivery of vehicles by transporters, providing for the issuance of a certificate and plates to transporters and for the administration and enforcement of this act; prescribing fees; prescribing penalties, and amending chapter 8, title 28, Arizona Revised Statutes by adding Article 3.1. Approved April 2, 1956 Effective July 14, 1956
58	HB 325	Relating to Salaries; increasing the salary of executive and judicial officers, and amending sections 12-106, 12-128, 12-203, 15-124 and 38-603, Arizona Revised Statutes. (Became law without Governor's signature) Effective July 14, 1956
59	SB 2	Relating to liability of parents for torts of minors and amending chapter 6, title 12, Arizona Revised Statutes, by adding article 7. Approved April 3, 1956 Effective July 14, 1956
60	HB 376	Relating to Elections and Electors; providing for the filing and form of nomination papers; providing for filling vacancies after a primary election; amending sections 16-303 and 16-604, Arizona Revised Statutes, and repealing section 16-603, Arizona Revised Statutes. (Emergency clause) Approved April 4, 1956 Effective April 4, 1956
61	SB 39	Authorizing the Board of Regents of the University and State Colleges of Arizona to construct and equip dormitories at Arizona State College at Flagstaff including extension of heating, lighting and other service facilities in connection therewith; to accept grants or loans of money from the housing and home finance agency or other federal agency; to borrow money and issue bonds; and to perform necessary or convenient acts in connection with such projects; and declaring an emergency. (Emergency clause) Approved April 4, 1956 Effective April 4, 1956

Chapter	Bill No.	Contents
62	SB 124	Making an appropriation to the Arizona Commission of Agriculture and Horticulture for the eradication of the Khapra Beetle. (Emergency clause) Approved April 4, 1956 Effective April 4, 1956
63	HB 357	Relating to Agricultural Improvement Districts; providing for the pledge of revenues as bond security; confirming and validating the organization of districts and issuance of their bonds; and amending sections 45-935 and 45-1047, Arizona Revised Statutes. (Emergency clause) Approved April 5, 1956 Effective April 5, 1956
64	SB 190	Making an appropriation for the payment of the current and contingent expenses of the Senate of the Twenty-second Legislature. (Emergency clause) Approved April 5, 1956 Effective April 5, 1956
65	SB 131	Relating to State Government; creating a State Planning and Building Commission and prescribing the powers and duties thereof; reallocating and enlarging purposes of appropriations made available for projects and improvements at the State Capitol; transferring records and functions relating to a proposed Tucson State Office Building; providing for a study of the advisability of relocation of State Fairgrounds and the Arizona State Hospital Farm; amending chapter 3, title 41, Arizona Revised Statutes, by adding article 5.1, sections 41-571 through 41-585; repealing section 41-562, Arizona Revised Statutes, and chapter 96, Laws of 1955 First Regular Session, and making appropriations. (Emergency clause) Approved April 6, 1956 Effective April 6, 1956
66	HB 169	Relating to Taxation; exempting wages paid to nonresidents from the withholding provisions of the income tax act, and amending article 1, chapter 1, title 43, Arizona Revised Statutes, by adding section 43-189. Approved April 6, 1956 Effective July 14, 1956

Chapter	Bill No.	Contents
67	HB 80	Relating to Public Health and Safety; designating persons who may give permission to conduct a post-mortem examination, and amending article 2, chapter 7, title 36, Arizona Revised Statutes, by adding section 36-832. Approved April 6, 1956 Effective July 14, 1956
68	HB 160	Relating to Education; authorizing the county school superintendents to pay tuition obligations incurred in the Fiscal year 1954-55, and providing for such payment. (Emergency clause) Approved April 6, 1956 Effective April 6, 1956
69	HB 211	Relating to Police Courts; providing a misdemeanor for failure to make payment or disbursement of fines, and amending article 1, chapter 4, title 22, Arizona Revised Statutes, by adding section 22-407. Approved April 6, 1956 Effective July 14, 1956
70	HB 214	Relating to Sanitary Districts, and amending sections 36-1301, 36-1306, 36-1307, 36-1309, 36-1310, 36-1314, 36-1316, 36-1324 and 36-1325, Arizona Revised Statutes. Approved April 6, 1956 Effective July 14, 1956
71	HB 218	Relating to County Improvement Districts, and amending sections 11-701, 11-709, and 11-710, Arizona Revised Statutes. Approved April 6, 1956 Effective July 14, 1956
72	HB 287	Relating to the Bureau of Criminal Identification; providing for the transfer of the bureau to the State Prison; designating the Superintendent of the State Prison as Superintendent of the Bureau; transferring equipment, files and monies to the State Prison; amending sections 13-1241, 13-1242 and 13-1251, Arizona Revised Statutes, and repealing sections 13-1243 and 13-1244, Arizona Revised Statutes. (Failed to pass the House with sufficient votes to carry the emergency clause) Approved April 6, 1956 Effective July 14, 1956

Chapter	Bill No.	Contents
73	HB 362	Making an appropriation to the State Tax Commission. (Emergency clause) Approved April 6, 1956. Effective April 6, 1956
74	SB 182	Relating to the Taxation of Income; and amending article 1, chapter 1, title 43, Arizona Revised Statutes, by adding section 43-123.01. (Failed to pass the House with sufficient votes to carry the emergency clause) Approved April 9, 1956 Effective July 14, 1956
75	SB 28	Relating to Horse and Dog Racing, providing for settlement of conflicts in applications and issuance of racing permits and amending article 1, chapter 1, title 5, Arizona Revised Statutes, by adding section 5-108.01. (Failed to pass the House with sufficient votes to carry the emergency clause) Approved April 9, 1956 Effective July 14, 1956
76	SB 79	Relating to Education; authorizing teacher exchange agreements; certification and payment of exchange teachers, preservation of rights; and conditional effective date of foreign exchange teaching, and amending chapter 11, title 15, Arizona Revised Statutes, by adding article 7, sections 15-1191 through 15-1195. Approved April 9, 1956 Effective July 14, 1956
77	SB 133	Making an appropriation from the State Game and Fish protection fund for the relief of Ralph A. Blair. (Emergency clause) Approved April 9, 1956 Effective April 9, 1956
78	SB 134	Making an appropriation from the Chiropody Fund for the relief of the Messenger Printing Company. (Emergency clause not enacted) Approved April 9, 1956 Effective April 9, 1956
79	SB 135	Making an appropriation from the Naturopathic Board fund for the relief of Doctors Redding, Baker and Kuts-Cheroux. (Emergency clause) Approved April 9, 1956 Effective April 9, 1956

Chapter	Bill No.	Contents
80	SB 138	Making an appropriation from the Game and Fish Protection Fund for the relief of Arizona Airmotive, Inc. (Emergency clause) Approved April 9, 1956 Effective April 9, 1956
81	SB 8	Relating to Highways; making an appropriation from the State Highway Fund to the State Highway Department for emergency maintenance. (Emergency clause) Approved April 9, 1956 Effective April 9, 1956
82	SB 156	Making an appropriation to the Board of Regents of the University and State Colleges of Arizona for the relocation and remodeling of the stadium, and athletic field improvements, at Arizona State College at Flagstaff. (Emergency clause) Approved April 9, 1956 Effective April 9, 1956
83	SB 175	Relating to Budget and Tax Levy; providing that all funds received and derived from the operation of cemeteries owned and operated by county, city or town may be excluded from budget and tax levy limitations; providing for all sums so excluded, and amending article 4, chapter 2, title 42, Arizona Revised Statutes, by adding section 42-304.01. Approved April 9, 1956 Effective July 14, 1956
84	SB 176	Relating to Municipal Cemeteries, and amending sections 42-302, 42-303 and 42-304, Arizona Revised Statutes. (Emergency clause) Approved April 9, 1956 Effective April 9, 1956
85	HB 236	Relating to the State Banking Department, and providing for the reallocation of funds. (Emergency clause) Approved April 9, 1956 Effective April 9, 1956

Chapter	Bill No.	Contents
86	HB 283	Approving for expenditure four hundred forty-five thousand dollars from the sum of five hundred thousand dollars formerly appropriated to the State Hospital for the Insane, and prescribing the purposes for which the sum may be expended. (Emergency clause) Approved April 9, 1956 Effective April 9, 1956
87	HB 348	Making an appropriation to the Arizona Corporation Commission and repealing chapter 80, Laws of 1955. (Emergency clause) Approved April 9, 1956 Effective April 9, 1956
88	HB 12	Making an appropriation for the relief of Leslie Ferrell. (Emergency clause not enacted) Approved April 9, 1956 Effective April 9, 1956
89	HB 208	Relating to Judicial and Statutory Bonds; providing for joint control of assets by principal and surety, and amending article 1, chapter 1, title 7, Arizona Revised Statutes, by adding section 7-110. (Emergency clause) Approved April 9, 1956 Effective April 9, 1956
90	HB 131	Relating to Dairies and Dairy Products; prescribing regulations governing the production, transportation, handling and sale of milk and milk products, and the inspection of dairy herds, dairies and milk plants, and amending sections 3-601, 3-605, and 3-607, Arizona Revised Statutes. Approved April 9, 1956 Effective July 14, 1956
91	HB 49	Relating to Jurors; prescribing fees and mileage, and amending section 21-221, Arizona Revised Statutes. Approved April 9, 1956 Effective July 14, 1956

Chapter	Bill No.	Contents
92	HB 68	Relating to Crimes; prescribing penalties for kidnaping for extortion, robbery, ransom, rape, sodomy, lewd or lascivious acts, and amending section 13-492, Arizona Revised Statutes. (Emergency clause) Approved April 9, 1956 Effective April 9, 1956
93	HB 96	Relating to Commercial Feeds and Customer-Formula Feeds; providing for the registration, manufacture, sale, distribution and use thereof; providing penalties for the violation thereof; tranferring funds; repealing article 1, chapter 7, title 24, Arizona Revised Statutes, and enacting a new article 1, chapter 7, title 24, Arizona Revised Statutes. Approved April 9, 1956 Effective July 14, 1956
94	HB 215	Relating to formation and licensing of banks; prescribing the capital stock of banks other than mutual savings banks and the requirements for issuance of certificate, and amending section 6-202, Arizona Revised Statutes. Approved April 9, 1956 Effective July 14, 1956
95	HB 261	Relating to fees charged by the County Recorder, and amending section 11-475, Arizona Revised Statutes. Approved April 9, 1956 Effective July 14, 1956
96	HB 217	Relating to Livestock and Animals; prescribing method of rerecording a brand or earmark, and amending section 24-204, Arizona Revised Statutes. Approved April 9, 1956 Effective July 14, 1956
97	HB 231	Relating to Electric Cooperative Nonprofit Membership Corporations; providing for telephone service, and amending section 10-752, Arizona Revised Statutes. Approved April 9, 1956 Effective July 14, 1956
98	HB 239	Relating to the transaction privilege tax; providing for privilege licenses, and amending section section 42-1308, Arizona Revised Statutes. Approved April 9, 1956 Effective July 14, 1956

Chapter	Bill No.	Contents
99	HB 259	Relating to Irrigation Districts; prescribing qualifications of electors; providing for voting by absent or disabled voters; amending section 45-1517, Arizona Revised Statutes, and amending article 1, chapter 6, title 45, Arizona Revised Statutes, by adding section 45-1519.01. Approved April 9, 1956 Effective July 14, 1956
100	HB 317	Making a supplemental appropriation to the Board of Directors of State Institutions for Juveniles. (Emergency clause) Approved April 9, 1956 Effective April 9, 1956
101	HB 322	Relating to Workmen's Compensation; placing regular members of the Arizona Highway Patrol Reserve within the scope of the workmen's compensation act, and amending section 23-901, Arizona Revised Statutes. Approved April 9, 1956 Effective July 14, 1956
102	HB 323	Relating to the Arizona Highway Patrol; providing for the Arizona Highway Patrol Reserve; prescribing the powers and duties thereof, and amending chapter 2, title 28, Arizona Revised Statutes, by adding article 2.1, sections 28-251 to 28-256, inclusive. (Emergency clause) Approved April 9, 1956 Effective April 9, 1956
103	SB 93	Relating to Public Buildings and Improvements; making an appropriation from the State Highway Fund to the Arizona Highway Department for the purpose of building an addition to the Arizona Highways Magazine Building. (Emergency clause) Approved April 9, 1956 Effective April 9, 1956
104	SB 94	Making an appropriation, and a reallocation of funds to the Arizona Children's Colony Board for construction and equipment of an activities building. (Emergency clause) Approved April 9, 1956 Effective April 9, 1956

Chapter		Bill No.	Contents
105	SB	34	Relating to Mines and Mining; prescribing the salary of the Director of the Department of Mineral Resources, and amending section 27-107, Arizona Revised Statutes. Approved April 9, 1956 Effective July 14, 1956
106	SB	5	Relating to Public Buildings and Improvements, and making an appropriation from the State Highway Fund to the Arizona State Highway Commission for the purpose of planning, selection of site, construction, furnishing and equipping a laboratory building. (Emergency clause) Approved April 9, 1956 Effective April 9, 1956
107	SB	3	Relating to Public Buildings and Improvements making an appropriation from the State Highway Fund for the planning, selection of site, construction, furnishing and equipping of a Highway Administrative and Engineering Building by the Arizona State Highway Commission. (Emergency clause) Approved April 9, 1956 Effective April 9, 1956
108	SB	56	Making an appropriation to the Board of Regents of the University and State Colleges of Arizona for the purchase of realty, including improvements thereon, the preparation of such realty and for the purchase of realty or buildings and the construction of a training school, for the use of Arizona State College at Tempe. (Emergency clause) Approved April 9, 1956 Effective April 9, 1956
109	SB	26	Relating to Dumping of refuse, rubbish, or debris on highways; amending section 18-162 Arizona Revised Statutes, and amending article 3, chapter 1, title 18, Arizona Revised Statutes, by adding section 18-163. Approved April 11, 1956 Effective July 14, 1956

Chapter	Bill No.	Contents
110	SB 128	Relating to County Improvement Districts; providing for the formation of districts to purchase electricity for lighting public streets and parks, and amending article 1, chapter 5, title 11, Arizona Revised Statutes by adding section 11-758. Approved April 12, 1956 Effective July 14, 1956
111	HB 13	Relating to County Planning and Zoning, and amending sections 11-822, 11-823, 11-826 and 11-829, Arizona Revised Statutes. (Failed to pass the House with sufficient votes to carry the emergency clause) Approved April 12, 1956 Effective July 14, 1956
112	HB 15	Relating to Elections; providing for appointment of election board and tally board, and amending sections 16-771, 16-773, 16-775, 16-941, 16-945, 16-946, 16-947, 16-950, 16-952, 16-954, 16-957 and 16-958, Arizona Revised Statutes. Approved April 12, 1956 Effective July 14, 1956
113	HB 147	Relating to Dependent Children; increasing the amount of assistance, and amending section 46-294, Arizona Revised Statutes. Approved April 12, 1956 Effective July 14, 1956
114	HB 176	Relating to Wills; providing for share of afterborn and pretermitted child, and amending section 14-131, Arizona Revised Statutes. Approved April 12, 1956 Effective July 14, 1956
115	HB 195	Relating to Taxation; imposing a property tax on mobile homes not licensed for travel on the highways; providing for alternative registration and taxation; prescribing penalties, and amending chapter 4, title 42, Arizona Revised Statutes, by adding article 3, sections 42-641 through 42-645. (Emergency clause) Approved April 12, 1956 Effective April 12, 1956

Chapter	Bill No.	Contents
116	HB 210	Relating to Decedents' Estates; providing for payment of expenses and debts when provisions of will are insufficient, and amending section 14-685, Arizona Revised Statutes. Approved April 12, 1956 Effective July 14, 1956
117	HB 308	Relating to Court Commissioners, and amending section 12-212, Arizona Revised Statutes. Approved April 12, 1956 Effective July 14, 1956
118	HB 340	Making an appropriation to the Employment Security Administration fund for the purpose of purchasing real property and construction of office buildings by the Employment Security Commission of Arizona. (Emergency clause) Approved April 12, 1956 Effective April 12, 1956
119	SB 84	Relating to Deposit and Investment of Public Monies; providing a public deposit and investment code for the State of Arizona and political subdivisions; amending sections 15-1323, 15-1324, 35-321 and 35-324, Arizona Revised Statutes, and amending Article 2, Chapter 2, Title 35, Arizona Revised Statutes, by adding sections 35-325 to 35-325.20, inclusive. (Emergency clause) Approved April 12, 1956 Effective April 12, 1956
120	SB 114	Relating to Flood Control; prohibiting the Deposit of Debris in Creek Beds; providing penalties, and amending chapter 10, title 45, Arizona Revised Statutes, by adding article 4, section 45-2341. Approved April 12, 1956 Effective July 14, 1956
121	HB 389	Reallocating funds previously appropriated to and approved for expenditure by the Industrial School to the Board of Institutions for Juveniles; prescribing the purposes and conditions under which the funds may be expended, and making an appropriation. Approved April 12, 156 Effective July 14, 1956

Chapter	Bill No.	Contents
122	HB 25	Relating to Game and Fish; prescribing compensation and expenses of members of the Game and Fish Commission, and amending section 17-201, Arizona Revised Statutes. Approved April 12, 1956 Effective July 14 ,1956
123	HB 121	Establishing a Uniform Code of Laws for administration by the State Superintendent of Banks of consumer finance companies or small loan companies; providing for the regulation and prescribing requirements for establishment and operation of consumer finance companies or small loan companies; repealing chapter 5, title 6, Arizona Revised Statutes, and amending title 6, Arizona Revised Statutes, by adding new chapter 5. Approved April 12, 1956 Effective July 14, 1956
124	HB 378	Making an appropriation for the relief of Mae Myrick. (Emergency clause) Approved April 13, 1956 Effective April 13, 1956
125	SB 98	Relating to Alcoholic Beverages; prescribing an additional restriction on issuance of licenses, and amending section 4-207, Arizona Revised Statutes. Approved April 13, 1956 Effective July 14, 1956
126	SB 146	Relating to disposition of unclaimed property; making uniform the law relating thereto; creating the Division of Unclaimed Property; providing for administration by the Estate Tax Commissioner; providing for an additional salary of Estate Tax Commissioner and Assistant Estate Tax Commissioner, and amending title 44, Arizona Revised Statutes, by adding chapter 3.1. Approved April 13, 1956 Effective July 14, 1956
127	SB 116	Relating to the Arizona State Highway Commission; prescribing the salary and number of meetings thereof, and amending sections 18-102 and 18-104, Arizona Revised Statutes. Approved April 13, 1956 Effective July 14, 1956

Chapter	Bill No.	Contents
128	HB 345	Making an appropriation to the State Highway Department. Approved April 13, 1956 Effective April 13, 1956
129	SB 50	Relating to Legislative Actions; providing for the contents, completion, publication, distribution and revision of the Arizona Revised Statutes, Session Laws, and the Legislative Journals; repealing section 41-123, Arizona Revised Statutes; amending section 41-121, Arizona Revised Statutes; amending article 1, chapter 4, title 41, Arizona Revised Statutes, by adding section 41-706.01; amending article 1, chapter 8, title 41, Arizona Revised Statutes, by adding sections 41-1304.01 and 41-1304.02, and making an appropriation. (Emergency clause) Approved April 16, 1956 Effective April 16, 1956
130	SB 99	Relating to Flood Control; empowering Graham and Gila Counties and the Towns of Safford and Thatcher to take such action as may be necessary to cooperate with the United States in the construction of flood control works; limitations, and amending chapter 10, article 2, title 45, Arizona Revised Statutes, by adding sections 45-2324 and 45-2325. (Emergency clause) Approved April 16, 1956 Effective April 16, 1956
131	HB 52	Relating to Education; prescribing the method of changing school district boundaries, and amending section 15-403, Arizona Revised Statutes. (Failed to pass the House with sufficient votes to carry the emergency clause) Approved April 16, 1956 Effective July 14, 1956
132	HB 88	Relating to Public Finance; providing for the allotment of appropriations, and amending section 35-173, Arizona Revised Statutes. (Failed to pass the House with sufficient votes to carry the emergency clause) Approved April 16, 1956 Effective July 14, 1956

Chapter	Bill No.	Contents
133	HB 97	Relating to Pesticides, and amending sections 3-354 and 3-356, Arizona Revised Statutes. Approved April 16, 1956 Effective July 14, 1956
134	HB 197	Relating to Education; defining powers and duties of Boards of Trustees, and amending sections 15-441 and 15-444, Arizona Revised Statutes. Approved April 16, 1956 Effective July 14, 1956
135	HB 263	Relating to Adult Probation; prescribing the compensation of the Adult Probation Officer, his deputies and assistants, and amending section 12-252, Arizona Revised Statutes. Approved April 16, 1956 Effective July 14, 1956
136	HB 281	Relating to County Officers; prescribing the salaries thereof, and amending sections 11-418 to 11-422, inclusive, Arizona Revised Statutes. Approved April 16, 1956 Effective July 14, 1956
137	HB 294	Relating to Eminent Domain for Public Works; providing for notice of proceedings, and amending section 12-1145, Arizona Revised Statutes. (Emergency clause) Approved April 16, 1956 Effective April 16, 1956
138	HB 299	Relating to the Legislature; providing for the printing of the Session Laws of the Special Sessions of the Twenty-second Legislature not heretofore printed, and making an appropriation. (Emergency clause) Approved April 16, 1956 Effective April 16, 1956
139	HB 300	Relating to Minerals, oil and gas, providing definitions, and amending sections 27-501 and 27-551, Arizona Revised Statutes. (Emergency clause) Approved April 16, 1956 Effective April 16, 1956

Chapter	Bill No.	Contents
140	HB 390	Relating to School District Bonds; validating bond issue proceedings initiated under prior law, and authorizing the completion of such proceedings under chapter 13, title 15, Arizona Revised Statutes. (Emergency clause) Approved April 16, 1956 Effective April 16, 1956
141	SB 40	Approving immediate expenditure of balance of funds previously appropriated to the Arizona State Prison. (Emergency clause) Approved April 16, 1956 Effective April 16, 1956
142	SB 97	Making an appropriation to the State Prison. (Emergency clause) Approved April 16, 1956 Effective April 16, 1956
143	SB 111	Relating to Education, and repealing sections 15-1427 through 15-1437, inclusive, Arizona Revised Statutes. (Emergency clause) Approved April 16, 1956 Effective April 16, 1956
144	SB 192	Relating to Salaries; providing for an increase in the salary of administrative officers, and amending sections 38-604 and 42-103, Arizona Revised Statutes. Approved April 16, 1956 Effective July 14, 1956
145	HB 137	Relating to Crimes; prescribing the punishment where check or draft is issued with intent to defraud and total amount is one hundred dollars or less, and amending section 13-316, Arizona Revised Statutes. Approved April 17, 1956 Effective July 14, 1956

Chapter	Bill No.	Contents
146	SB 70	Relating to Livestock Animals; regulating the slaughter of animals and the sale of meat; creating a State Meat Inspection Service and the office of a Chief Veterinary Meat Inspector; prescribing its powers and duties; providing penalties; amending chapter 4, title 24, Arizona Revised Statutes, by adding new articles 1 and 1.1; adding sections 24-631 through 24-634, Arizona Revised Statutes, amending article 2, chapter 4, Arizona Revised Statutes, by adding sections 24-635 through 24-640; amending section 24-963, Arizona Revised Statutes; amending article 4, chapter 7, Arizona Revised Statutes, by adding section 24-965; repealing article 1, chapter 4, title 24, Arizona Revised Statutes, and making an appropriation. Approved April 16, 1956 Effective July 14, 1956
147	SB 193	Calling a special election to submit proposed amendments to the Constitution and Providing for publicity. (Emergency clause) Approved April 17, 1956 Effective April 17, 1956
148	HB 293	Relating to the payment of Attorney's fees in actions for annulment, divorce, separate maintenance, or the support of children, and amending chapter 3, title 25, Arizona Revised Statutes, by adding article 6, section 25-371. Approved April 16, 1956 Effective July 14, 1956
149	HB 145	Relating to Children; providing for guardianship of dependent children, and amending section 8-233, Arizona Revised Statutes. Approved April 17, 1956 Effective July 14, 1956
150	SB 195	Making an appropriation to the Arizona Interstate Stream Commission, and prescribing the purposes and uses therefor. (Emergency clause) Approved April 19, 1956 Effective April 19, 1956

Chapter	Bill No.	Contents
151	HB 356	Relating to the Arizona Power Authority; authorizing development programs for utilization of power and construction of water facilities, and fixing of electric rates and charges to defray or contribute to the cost thereof; providing for construction, operation and maintenance of dams; preserving existing rights, and amending sections 30-123, 30-124 and 30-127, Arizona Revised Statutes, and amending article 2, chapter 1, title 30, Arizona Revised Statutes, by adding sections 30-123.01 and 30-127.01. (Emergency clause) Approved April 19, 1956 Effective April 19, 1956
152	SB 65	Making an appropriation to the Arizona State Board of Pharmacy. (Emergency clause) Approved April 19, 1956 Effective April 19, 1956
153	SB 119	Relating to Liability Insurance for officers, agents and employees of the state and the boards, departments and agencies carrying on any of the functions of the state, making an appropriation, and amending chapter 4, title 38, Arizona Revised Statutes, by adding article 3. Approved April 19, 1956 Effective July 14, 1956
154	SB 122	Relating to Inspection Stations; authorizing construction of an inspection station near Douglas, Arizona, and making an appropriation. Approved April 19, 1956 Effective April 19, 1956
155	SB 129	Relating to Health and Safety of Railroad Employees, and amending section 40-845, Arizona Revised Statutes. (Emergency clause) Approved April 19, 1956 Effective April 19, 1956
156	HB 161	Relating to Education; providing for the Education of Homebound students on a county-wide basis, and amending section 15-1011, Arizona Revised Statutes. Approved April 19, 1956 Effective July 14, 1956

Chapter	Bill No.	Contents
157	HB 181	Relating to Motor Vehicle; prescribing compensation for the Superintendent of the Motor Vehicle Division, and amending section 28-201, Arizona Revised Statutes. Approved April 19, 1956 Effective July 14, 1956
158	HB 260	Relating to Waters; relieving from liability persons performing any construction, repair, alteration, extension or improvement work for irrigation, drainage, flood control, agricultural improvement, electrical, water conservation and power districts for district purposes which has been performed in accordance with plans and specifications approved by the State Engineer, and amending chapter 9, title 45, Arizona Revised Statutes, by adding article 6. Approved April 19, 1956 Effective July 14, 1956
159	HB 321	Relating to Mortgages of personal property; providing a system of filing and refiling of mortgages or certificates of recordation and the effect thereof as notice; making an appropriation; amending sections 33-751, 33-753, 33-754 and 33-756, Arizona Revised Statutes, and amending article 4, chapter 6, title 33, Arizona Revised Statutes, by adding sections 33-752.01 and 33-753.01. Approved April 19, 1956 Effective July 14, 1956
160	HB 388	Relating to Decedents' Estates, and amending section 14-598, Arizona Revised Statutes. (Emergency clause) Approved April 19, 1956 Effective April 19, 1956
161	SB 75	Relating to Professions and Occupations; regulating the practice of architects, assayers, engineers, geologists and surveyors, and amending sections 32-101, 32-102, 32-106, 32-121 to 32-128, inclusive, and 32-141 to 32-145, inclusive, Arizona Revised Statutes. Approved April 24, 1956 Effective July 14, 1956

Chapter	Bill No.	Contents
162	SB 123	Making a supplemental appropriation to the Insurance Department of Arizona. (Emergency clause) Approved April 24, 1956 Effective April 24, 1956
163	SB 194	Relating to salaries of Administrative Officers, and increasing the salary of the manager of the Arizona Development Board, the Registrar of Contractors, the Director of Veterans' Affairs, the Supervisor of Insurance Rates, the State Dairy Commissioner, the State Egg Inspector, the Adjutant General, Superintendent of Department of Liquor Licenses and Control, Real Estate Commissioner, Secretary to Real Estate Commissioner, the Superintendent of the State Prison, and making an appropriation. Approved April 24, 1956 Effective July 14, 1956
164	SB 191	Relating to Appropriations for the Different Departments of the State, for State Institutions, and for public schools. Approved April 24, 1956 Effective July 1, 1956

VETOED MEASURE

SB 165 Relating to Outdoor Advertising; providing for the regulation of placement, spacing and type of advertising signs and structures by the Arizona State Highway Commission; requiring permits and licenses and prescribing fees therefore; creating an outdoor advertising fund and making a continuous appropriation therefrom; prescribing penalties; amending title 32, Arizona Revised Statutes by adding chapter 17.1, and amending article 1, chapter 1, title 18, Arizona Revised Statutes, by adding section 18-106.01.
Disapproved April 16, 1956
Filed April 17, 1956

GOVERNOR'S MESSAGE

MESSAGE

of

ERNEST W. McFARLAND

Governor of Arizona

to

The Second Regular Session

of the

Twenty-second Legislature

January 9, 1956

Mr. President, Mr. Speaker and Members of the Twenty-second Legislature:

When I appeared before you for the first time on January 10, 1955, I stated that I did so with a sense of responsibility. I called attention to the fact that the democratic processes are being sorely tried all over the world, and that our democratic way must prove itself by test, prove itself again and again and again if it is to survive the encroachment of aggressors from without and decay from within. I am proud that in the first half of your work you have met this test.

You were faced with a challenge then and are faced with a challenge now. Our responsibility is great. We are in the greatest period of economic expansion this state has ever known. Our state has doubled its population in the last 15 years. If we continue to grow at the same rate, and I am convinced that we will, our population will reach the two million mark within the short span of 15 years or less.

EDUCATION

Last January I outlined for you those matters which I thought were foremost. First was education. A growing state where school attendance is increasing rapidly always poses problems. You met this challenge by giving increased aid from both a state and county level. We must continue to study educational needs as they arise from day to day and from year to year. We must keep abreast of the times. We must be sure that our school system continues to be one of the best in the United States. I have confidence in you and in the people. I am sure this will be done.

But this is not all the legislature did in enacting school legislation. Nineteen of the 139 bills enacted by the legislature dealt with schools.

WELFARE

Another matter which I placed in high priority was that of public welfare. The generosity of the people can be measured by the care they give to those who, through no fault of their own, have met financial disaster and are unable to provide the bare necessities of life. Many of them pioneered this state. To them we owe much of the development and prosperity which we are now reaping and enjoying.

You brought a measure of happiness to these people by repealing the law requiring welfare recipients to make quarterly reports of earnings.

You likewise repealed the law which gave the state a preferred claim or lien against the estate of a deceased welfare recipient by which it could recover the amounts which had been contributed on welfare grants. Its elimination added to their happiness during their few remaining years.

I was most pleased that you followed my recommendations in these two particulars. However, I would call your attention to the fact that the cost of living has gone up in recent years. Both our government and industry have recognized this. Something needs to be done to meet this increased cost of living. Among other measures which you may wish to consider, I recommend that you increase the amount that a recipient is permitted to earn without penalty. Under present conditions, the amount allowed is arbitrary and unreasonable. Many of our aged and blind are willing and able to contribute to their livelihood. The blind particularly want to use this as a means of gradually becoming self-supporting. I would point out that this liberalization of the law would not require any additional funds and therefore would not add to the tax burden.

HEALTH

Another subject which I called to your attention as being of utmost importance was that of the health of our people. I was elated when you passed for the first a bill to cope with the deadly scourge of tuberculosis. We have not had time to evaluate this legislation, but I am sure that it will be beneficial. We must continue to work for the improvement of the health of our citizens. There is nothing more important.

EQUAL OPPORTUNITY OF EMPLOYMENT

I call attention to one plank in our Democratic platform at the last election, entitled "Human Relations", which reads: "The Democratic Party reaffirms its pledge to support and give meaning among men to the dignity and equality of all men in the eyes of God regardless of race, color or creed or national origin."

I took our platform as a guide for my first message to the

legislature because I feel that a platform should not be treated as a group of high-sounding phrases to catch votes, but as a guide to the respective political parties for the enactment of legislation. You responded when, for the first time in this state, you enacted into law a bill which provided for equal opportunities of employment by public employers and public contractors regardless of national origin.

LABOR

In the field of labor, I wish to point out the promises made in both the Democratic and Republican platforms. These promises have not been fully met. I compliment you for enacting legislation increasing unemployment compensation maximums from $26 a week for 20 weeks to $30 a week for 26 weeks, and increasing the death benefits under the industrial compensation law for victims of sillicosis and other occupational diseases.

However, both political parties recommended the establishment of a full-fledged independent department of labor. When I referred to this in January last year, I believed it should be the easiest law to enact, because both parties had a mandate. By law you are members of the platform committees and therefore had an opportunity to vote on this provision. I again recommend this legislation for your consideration. I again point out the importance of fulfilling campaign pledges.

The need for this independent department has been pointed up by what happened under the previous administration in the Industrial Commission. According to the report of the post auditor, some monies collected by that department for working people failed to reach them. This kind of situation must be corrected. We must have an independent labor department responsible to the chief executive of the state and not to a commission whose functions are chiefly in another field. I cannot overemphasize the importance of protecting the individual who earns his livelihood by a daily wage.

TAXATION

Taxation is most important because it affects the pocketbooks of every individual, no matter what his lot in life mav be. In this day and age everyone pays taxes of some kind. The big problem is equalization so that no one will be called upon to bear more than his just load and, on the other hand, so that no one escapes his fair share.

A great national migration, not only of people but also of industry, is now in progress. If Arizona is to attract new industries and continue her unprecedented growth, we must maintain a tax structure that will compare favorably with other states.

One of the major deterrents to industrial expansion was the

tax on sales to the federal government, which was a part of the tax revision program enacted by the previous administration. I congratulate this legislature for amending the law so as to remove this economic roadblock and on passing for the first time a use tax in this state. You can be proud of this accomplishment.

We must encourage industry to come to our state, but we cannot afford to do this at the expense of those who already have established businesses here. May I remind you that the moving picture industry, which comes to Arizona on location, not only spends money while here but also gives the state valuable advertising. I cite as an example the making of the picture "Oklahoma!".

One objection voiced by this industry is our withholding tax, as applied to the salaries of individuals where refunds will later have to be made. This results in unnecessary and multiplied bookkeeping on the part of the companies and expense to the state on collections which have to be refunded. I respectfully suggest that you give study to an amendment which would permit the Tax Commission to make exceptions to this withholding tax where evidence shows that the tax will later have to be refunded.

As I pointed out to you before, another subject which should receive your careful study is equalization of the value of property for tax purposes in the various counties. I am still of the opinion that this should be a function of the State Tax Commission, but that closer cooperation should be established with the county assessors. Pointing up of this problem and studies made by the Tax Commission and the county assessors in the past year have already produced definite results. For the first time in years, the values of property were increased in every county in the state. The total valuation was increased more than 10%. The Tax Commission and the county assessors are to be commended for their accomplishments in this regard.

One sure way to create a favorable tax rate is to constantly improve efficiency in government. I firmly believe that no department was ever so well run that it could not be administered more efficiently. I urge a constant and unceasing effort to this end.

We must ever be mindful of the fact that increased appropriations make increased taxes. In my budget message I will make definite recommendations in this regard. However, I want to emphasize now the necessity of keeping appropriations to the minimum.

HIGHWAYS

Good highways and highway safety are absolutely essential for the growth of our state and the welfare of the citizens.

The Highway Department today has more construction under way than ever before.

As you know, during World War II and immediately thereafter the building of highways was at a standstill. After the war automobile production proceeded at a more rapid pace than was possible for highway construction. In the state of Arizona in 1945 there were 154,975 motor vehicles; that number has increased to 433,432.

It is my opinion that because of the lag in construction during the war and immediately thereafter and the great increase in the number of motor vehicles in this state, our road building should be accelerated.

It may be that the Congress of the United States in this session will increase federal aid for highways. If this is done, we will need new matching funds. If not, we will be in even greater need of additional funds. I therefore recommend an increase of one cent in the fuel tax to meet this demand. This tax would mean that nearly two and a half million cars traversing our state would help pay for our highways. I recommend that this tax be apportioned in the same manner as the present gasoline tax. This would give towns and cities additional money for needed roads and streets.

Highway safety should continue to receive our careful study. We put forth a special effort during 1955 to reduce the number of deaths on our highways. They were reduced from 403 to 358. Considering the fact that there was a definite increase in miles traveled upon our highways, this is an improvement to which we can point with pride.

However, the number of deaths in 1955 is still a record to challenge the best thoughts of both the administrative and legislative branches of our government.

On December 5 I issued a proclamation calling for an intensive drive throughout the state and obtained the cooperation of all traffic law enforcement officers in Arizona. During the remainder of 1955 we had 28 highway deaths in the state against a total of 55 for the same period last year, a reduction of nearly 50 per cent. Most other states showed a substantial increase in the same period.

As you know, we used the National Guard as an emergency during the holiday season, that is from December 18 through January 1. In that period, highway deaths were reduced from 33 last year to 22 in 1955. This is a commendable record.

Now, I do not think for one moment the National Guard can take the place of our Highway Patrol or our county and city law enforcement officers. All played an important part in this emergency drive during the holiday season and worked long and extra hours to bring about these results. However, I

think that it was a worthwhile experiment and one we might well repeat. It is training for the National Guard for the type of work they would be called on to do during the first days of a national emergency caused by an invasion. I would, therefore, recommend that money be made available for emergency purposes only.

STATE PARKS

With increased population in our state there has grown a definite need for development of recreation areas.

Nature has provided Arizona with great possibilities for the development of such areas in the mountains, the forests and the desert. Up to recently this was sufficient, because our population was small. Protection was not so necessary and nature itself provided these recreation areas. Homes are now being built on what was desert a few years ago and the encroachment of civilization is rapidly restricting these natural areas. It is therefore advisable and necessary that we take steps for their protection and preservation. Others also must be developed.

There is also a definite need for the establishment of zoological gardens in the state, to exhibit the wild life not only of Arizona, but from far corners of the world. These zoos afford clean, wholesome recreation for children and adults alike and are a genuine educational benefit. In more populous areas there could be general zoos, while at strategic points in the state, through cooperation of the Game and Fish Commission, we could have smaller gardens exhibiting the wildlife of our state for the benefit of tourists.

These zoos and recreational areas could be self-sustaining, largely through the operation of concessions. This requires careful planning.

It is my recommendation that there be established a State Parks and Recreation Commission. The duties of this Commission for the first year should be chiefly that of making plans and recommendations. The amount of money expended should be limited because the members should be public-spirited citizens interested in this work. There should be correlation in the work of the Park Commission, the State Game and Fish Commission and the State Highway Commission.

TERMS OF OFFICE

When the population of our state was small, it was easy to personally contact most of the people in a short time. With the increase in population, the length of campaigns has necessarily been extended. An elected official no more than takes his oath of office until people begin to inquire whether he intends to seek another term. Actually, it is difficult for the office holder to devote even one politically free year to his duties.

I have always held to the theory that the best politics is a job well done, but under the present system an official is handicapped in doing that job. This is particularly true in the governor's office. I had been in office only a few months when I was asked at a press conference whether I intended to seek reelection.

I am of the opinion that a four-year term for elected officials would insure better government in our state. I therefore recommend that a referendum be submitted to the people providing four-year terms for those state and county officials now elected for two years.

Referendums providing for four-year terms have been submitted in the past. In my judgment they failed because they were placed on the ballot at a time when office holders were being elected, which would, of course, have meant that if the referendum carried they would be elected for a four-year term. As a consequence, many people who were opposed to the candidates of the opposite party, voted against the referendum measure because they were opposed to those particular candidates.

In order to keep personalities completely out of the picture and to insure support by members of both political parties, I urge that the effective date of the measure be made to coincide with terms of office commencing in January, 1959.

The office of governor is one of great importance to the people. The governor, through his appointive powers, extending to various boards and commissions, could, if he chose, build a strong political machine over a period of years. We do not want machine politics in Arizona.

I therefore respectfully recommend that the legislature, in submitting this referendum, give consideration to a provision prohibiting the governor from immediately succeeding himself.

SALARIES

While we should hold appropriations to a minimum, I recommend a moderate increase in the salaries of our various elective state and county officials to meet the increased cost of living.

I also respectfully request that the office of governor be exempted from any salary increase.

These increases should be fairly uniform except for adjustment of any existing inequities and in my judgment should not be on a percentage basis. The cost of living has gone up just as much for the individual receiving the least pay as it has for those receiving the most.

The most glaring inequity of all is the inadequacy of the

salaries paid to members of the legislature. I feel that you should have no hesitancy in submitting a referendum to the people to correct this situation. I so recommend.

JUDGE'S RETIREMENT

Under present law, a judge must have served a minimum of twenty years, or be disabled, in order to receive the benefits of the judges' retirement act.

I recommend that you amend the law so as to provide that a judge who has served at least twelve years and who has retired or whose services have otherwise been terminated, upon attaining the age of sixty-five, shall be entitled to receive that proportion of the maximum retirement benefits, now provided for, that his total years of service as a judge bears to twenty years.

I also recommended that a constitutional amendment be submitted which would permit a retired judge of either the supreme or superior court to try cases with the consent of the litigants. This would help clean up some of the backlog of work in our courts, and I am sure would meet with the approval of retired judges. Retired judges of the Federal courts are permitted to try cases and many of them continue to do part time work for the remainder of their active lives.

ABSENTEE VOTING FOR ARMED FORCES PERSONNEL

Many of our Arizona men and women serving in the Armed Forces at overseas bases are now deprived of their right to vote in state and national elections due to the requirements of our absentee voter law and the time and distances involved.

A federal statute has been enacted to make voting by absent service personnel less complicated and a uniform state law has been suggested by the president and the congress of the United States.

I respectfully recommend that appropriate committees of the legislature study the suggested legislation and if found applicable to our special problem, that it be speedily enacted.

YOUTH BETTERMENT

In my first official message, I stated that I intended to call together an unofficial committee composed of representatives of courts, law enforcement officials, churches, and educational institutions to work on juvenile delinquency. An early meeting was attended by more than one thousand people, resulting in establishment of a functioning organization.

Laws will never take the place of education. This work should be continued. In this field there needs to be a further development of education, particularly of parents. Some new

laws may be helpful, such as the one providing for limited liability of parents for acts of minor children, as already prepared by some of your members.

I also recommend that study be given to filling gaps in our present law by providing wholesome methods of rehabilitating youth, and that study be given to proposals such as the use of forest camps.

AGRICULTURE

Agriculture is one of the most important industries in our state and should continue to have our attention. Many communities depend almost solely on agriculture. Helpful legislation was passed in the last session, such as the measure which provided money for Khapra beetle eradication and control. The proposed acreage reduction in cotton quotas will make this planning even more important, because we must find other crops to take the place of cotton. The plight of the farmer is reflected in the reduction of his share of national income and presents a serious problem. Constructive planning must be continued.

WATER

The future of Arizona's agriculture is dependent upon an adequate water supply. We have been borrowing on our underground water in the hope that we finally would receive the water of the main stream of the Colorado River which rightfully belongs to us. We have had legislation before Congress which would have given us aid in the development of our projects similar to that given to our sister state of California. This legislation was bitterly opposed by California, and although it was twice passed in the Senate, it failed of enactment in the House.

So that we might have the means of bringing water into central Arizona, we secured a right-of-way from the Secretary of Interior for this purpose. Arizona instituted suit more than three years ago. There have been numerous delays, the last of which was thwarted by our successful opposition before the Supreme Court to the motion of California to include the upper basin states. This suit was even provided for in our Central Arizona Project bill. The federal government should assist in this worthy project. It is not fair for Arizona to shoulder this burden without federal aid when the government is assisting other worthwhile projects in western states.

However, the time has come for action. Arizona must go forward. I have held numerous conferences with water users of this state. I have found in these conferences a general desire for more positive action on the part of the state. The general opinion seems to be that we should go forward without federal aid if necessary.

I want it distinctly understood that the plan being worked

on does not preclude federal action. As a matter of fact, everyone would welcome assistance from the federal government.

I concur in the opinion of most of the people who have worked upon water problems, that water and power are inseparable when it comes to a development of this nature. If we are to divert water from the Colorado River by pumping, power will be required. As a matter of fact, the Central Arizona Project Bill as it passed the Senate of the United States provided that the Bridge Canyon dam be built as both a power and water structure. Hydroelectric power generated there was to be used to pump the water from Lake Havasu.

In line with this thought, these conferences have been expanded to include those interested in the use of power. Definite action has been taken in the formulation of plans which will lead toward development on a state level.

Undoubtedly, if development is to be made solely upon a state basis, additional legislation will be necessary. I will keep you informed as to the progress and as to the needs as they may develop. I expect to be able to submit details of the next step in this plan in the immediate future at which time supplemental legislation may be requested of you.

SURPLUS PROPERTY

Several months ago I named an interim committee designated as the Arizona Surplus Property Agency for the distribution of surplus government property to schools, hospitals and other properly accredited public institutions. This provided safeguards which should have been used in previous years.

The machinery I set up has functioned in a satisfactory manner. I now recommend that this interim committee be resolved into a permanent board.

STATE PLANNING BOARD

Still more recently, I appointed another unofficial group known as the State Planning Board, the primary purpose of which was long range study and evaluation of all phases of state construction. I consider this group of great importance in the orderly progress and development of the state. It already has held several meetings and gives evidence of its worth. I am convinced that the lack of long range planning in the past has cost the state untold sums and that this situation can be remedied only by sound study of the future, backed up by action.

I therefore recommend that you consider giving the State Planning Board, the permanent status required for its successful functioning. I also recommend that you consider the establishment of a Building Authority to implement future state building.

AIR POLLUTION

We are all familiar with the threat that air pollution poses. We in Arizona should be aware of its implications and take the proper preventive steps. Let us keep Arizona's clean air as a number one tourist attraction.

I have tried to outline for you some of the most important things I feel you should consider at this session. I know your time is limited. If I deem it advisable, I shall make further suggestions during the session. Again I say that I want you to feel free to confer with me on any subject. I want to be helpful.

You have already made a wonderful record. You have proven that our democratic system of government works. I have complete confidence in you as a legislative body.

/s/ ERNEST W.McFARLAND
GOVERNOR

BUDGET MESSAGE

of

ERNEST W. McFARLAND

Governor of Arizona

to

The Second Regular Session

of the

Twenty-second Legislature

January 16, 1956

Mr. President, Mr. Speaker, and Members of the Senate and House of Representatives of the Second Regular Session of the 22nd Legislature:

You have had delivered to you the 1956-57 Budget as prepared by the State Auditor from requests of the individual departments, and a summary of my recommendations.

When I delivered the 1955-56 budget to you, I told you that it was not my budget; that I had not had the opportunity to examine it nor could I make any specific recommendations concerning it.

The first regular session of the 22nd Legislature appropriated $15,000 for a budget department in the Governor's office and we went to work. At my direction, our budget officers

have attempted to present a budget that can be justified to the Legislature and to the taxpayer.

Each and every budget request has been carefully examined in minute detail. Institutions have been visited and conferences have been held with administrators and department heads. The budget recommendations that I have submitted are based on fact rather than fancy.

There are some items that require special thought and study by the Legislature. Among these is the education of our Indian children, the prime objective of which is to enable the Indian to become a first class independent citizen.

Past and present opinion among educators and laymen alike has been that the rehabilitation of the Indian is a federal obligation. Education most certainly is one of the most important factors in rehabilitation. However, in the past few years, the federal government has encouraged, wherever possible, the setting up of school districts for education of Indians residing on the reservation. These schools receive average daily attendance allowances, both state and county, which results in a shift of the cost of education from the federal government to the state.

In practice, the federal government has constructed the schools and made up the difference between the state and county aid and the actual cost of operation; but we have no assurance how long this will continue. Once the school district is created and the school is in operation, the state certainly has obligated itself to continue the operation of the school, even if the federal government should suddenly withdraw its support and leave the district with no funds for operation except state and county aid.

Several of the schools have been constructed and more are contemplated. The amount of privately owned property in these school districts is purely nominal and the amount of ad valorem taxes collected within the districts is insignificant. All of us want to help in the rehabilitation program. However, this is a subject that materially affects the budget and consideration should be given to dealing with increased costs in education. Certainly, on the basis of need, if the federal government fails in its obligation, these people will be on the highest rung of priority.

Another special problem is our Highway Department. You will note that the recommended budget is exactly the amount appropriated for the 1955-56 fiscal year.

This department has been undergoing a thorough fiscal overhaul. Because of the magnitude of the operation, their budget request was not completed in the regular time and did not reach my office until January. Because no study could be

given to the request, I could not, in conscience, recommend its allowance.

Fiscal officers of the department tell me that this budget is completely honest in that the practice of the last few years of including administrative items in the construction budget has been stopped and that bringing these items into the open has resulted in most of the increase.

In considering the administrative budget of the State Highway Department we must remember that every dollar spent for administration is one dollar less available for needed highway construction.

I am insisting on maximum efficiency in all departments of our state government, and the Highway Department is no exception.

When we speak of the budget, we, of course, refer to the total amounts to be spent, regardless of source. Fees, licenses, federal grants in aid, matching funds and other revenue are included in the funds. I certainly do not concur with the sometimes expressed opinion that the so-called "fee boards" should not be closely regulated. Money collected by the state from our citizens is a form of taxation no matter what it may be labeled.

You may be asked for special appropriations in excess of this budget. I urge that you view such requests with extreme caution. Every appropriation that you make will increase some tax bill.

With the exception of the state's institutions of higher learning where a comprehensive job study has been made, no recommendation for increase of individual salaries has been made. Where justified, increases in personnel have been allowed. Your appropriations committees should, in my judgment, consider modest cost of living salary increases, where justified. In any event, the total of the special appropriations and the amounts allowed for salary increases should not exceed 350,000 dollars. Increased efficiency in the various departments should largely offset the need for more money for salary increases. May I call attention to the fact that I did not request an increase in my own budget a year ago nor have I asked for an increase over the current year's appropriation. It has not been easy to run my office without salary increases and I have met this by working toward greater efficiency. Through this method I was able in the last month of the fiscal year, when I knew the funds were available, to make substantial increases in payment. This brought the average monthly payment more nearly in line with that of other departments.

May I say here I shall call a conference of department heads to try and agree upon salary classifications to be sub-

mitted for future budgets. This will mean not only more equitable pay, but better satisfied employees.

The Arizona State Parks Commission should require a very small appropriation. I have found that public-spirited citizens are willing to donate their time and efforts to worthwhile state projects and expect no compensation. A fine example is the unofficial State Planning Board that I appointed and which is working diligently without state funds. If you make this board official, only a small amount of funds will be necessary. If they are not given official status, they will continue to work as hard as they have in the past.

The total budget recommendations for the fiscal year of 1956-57, including capital outlay appropriations, amount to $67,820,873.08, as compared with total requests of $71,968,-589.85. The current budget totals $67,210,556.84.

Our goal was to hold the budget within the figures of last year. In spite of an increase in average daily attendance in our public schools which will cost the state nearly two million dollars, our recommended budget is up less than one per cent.

The budget department has been in operation only six months due to the fact that money was not available until last July 1st. The members of the staff have worked diligently. They are prepared to give detailed testimony in accordance with the plan and request of the appropriations committees. I hope that their work will be helpful to you.

In closing, may I submit this formula. Taxes increase in direct ratio to appropriations. Appropriations are in your hands. I am sure you will use this power wisely and with the best interests of our citizens in mind.

/s/ ERNEST W. McFARLAND
GOVERNOR

ACTS

CHAPTER 1

Senate Bill No. 30

AN ACT

RELATING TO GROUND WATERS; PROVIDING FOR APPLICATIONS FOR PERMITS TO CONSTRUCT IRRIGATION WELLS WITHIN CRITICAL GROUNDWATER AREAS, AND AMENDING SECTION 45-313, ARIZONA REVISED STATUTES.

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

Section 1. Section 45-313, Arizona Revised Statutes, is amended to read:

45-313. APPLICATION FOR PERMIT TO CONSTRUCT IRRIGATION WELL WITHIN CRITICAL GROUNDWATER AREA

A. No person, except as otherwise provided, shall construct an irrigation well in a critical groundwater area established as provided by this article without a permit therefor.

B. A person proposing to construct an irrigation well within a critical groundwater area shall make application to the department for a permit authorizing such construction which shall contain the following:

1. Name and address of applicant.

2. Name and address of the owner of the land on which the well is to be constructed.

3. Location of the well.

4. Groundwater basin or subdivision thereof, if designated, within the boundaries of which the withdrawal is to be made.

5. Amount of water in acre feet per year to be withdrawn.

6. Depth and type of construction proposed for the well.

7. Legal description of the land on which use of groundwater is proposed to be made.

8. Such other information as the department may require.

C. No permit shall be required for completion of any well located within a critical groundwater area and substantially

commenced prior to the designation of the critical groundwater area, but the well or other works for the withdrawal of ground water thus substantially commenced shall be completed within one year from the date of designation or alteration of the critical groundwater area.

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 20, 1956.

Filed in the Office of the Secretary of State—January 20, 1956.

CHAPTER 2

House Bill No. 30

AN ACT

MAKING AN APPROPRIATION TO THE CODE COMMISSION.

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

Section 1. APPROPRIATION. The sum of twenty-three thousand three hundred thirty-seven dollars is appropriated to the Code Commission.

Sec. 2. PURPOSE. The appropriation made under the terms of Section 1 shall be expended for amounts due and owing to West Publishing Company for additional printing and distribution of the Arizona Revised Statutes in bill form.

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 31, 1956.

Filed in the Office of the Secretary of State—January 31, 1956.

CHAPTER 3

Senate Bill No. 55

AN ACT

RELATING TO MOTOR VEHICLES; EXTENDING THE PERIOD OF PAYMENT OF 1956 REGISTRATION FEES, WITHOUT PENALTY, TO FEBRUARY 15, 1956.

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

Section 1. EXTENSION OF TIME FOR PAYMENT OF REGISTRATION FEE. The provisions of any law to the contrary notwithstanding, no motor vehicle registration fee for the year 1956 shall be deemed delinquent or penalty collected therefor, if paid on or before February 15, 1956.

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 31, 1956.

Filed in the Office of the Secretary of State—January 31, 1956.

CHAPTER 4

Senate Bill No. 54

AN ACT

MAKING AN APPROPRIATION TO THE DEPARTMENT OF PUBLIC WELFARE FOR UNALLOCATED ASSISTANCE AND SERVICES.

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

Section 1. APPROPRIATION. In addition to the appropriation made under the provisions of subdivision 32, section 1, chapter 139, Laws of 1955, the sum of one hundred seventy-five thousand dollars is appropriated to the department of public welfare.

Sec. 2. PURPOSE. The appropriation made under the provisions of section 1 shall be for the purpose of supplementing the appropriation for unallocated assistance and services.

Sec. 3. EXEMPTION. This appropriation is not subject to 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—February 28, 1956.

Filed in the Office of the Secretary of State—February 29, 1956.

CHAPTER 5

House Bill No. 130

AN ACT

MAKING AN APPROPRIATION TO THE ATTORNEY GENERAL .

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

Section 1. APPROPRIATION. The sum of five thousand dollars is appropriated to the attorney general to assist in the payment of the necessary expenses of the national convention of the national association of attorneys general to be held in the city of Phoenix during the first half of 1956.

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 29, 1956.

Filed in the Office of the Secretary of State—February 29, 1956.

CHAPTER 6

House Bill No. 136

AN ACT

CREATING A STATE AGENCY FOR SURPLUS PROPERTY; PRESCRIBING THE POWERS AND DUTIES THEREOF; MAKING AN APPROPRIATION, AND AMENDING CHAPTER 3, TITLE 41, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 5.2.

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

Section 1. Chapter 3, title 41, Arizona Revised Statutes, is amended by adding article 5.2 to read:

ARTICLE 5.2. STATE SURPLUS PROPERTY AGENCY

41-581.01. DEFINITIONS. In this article, unless the context otherwise requires:

1. "Agency" means the state surplus property agency.

2. "Federal property act" means the federal property and administrative services act of 1949, as amended.

41-581.02. STATE SURPLUS PROPERTY AGENCY; MEMBERSHIP; MEETINGS; EXPENSES.

A. There shall be a state surplus property agency which shall be composed of the state auditor, who shall serve as chairman, the state treasurer and the superintendent of public instruction.

B. Members of the agency shall serve without compensation, but shall be reimbursed for travel and other necessary expenses incurred in attending meetings of the agency as provided by law for other public officers. The agency may hold such number of meetings each year as the work of the agency requires.

41-581.03. GENERAL POWERS OF AGENCY. In the administration of this article, the agency may:

1. Employ such personnel as may be necessary and fix their compensation and prescribe their duties.

2. Appoint an agent who shall be authorized to bind the state of Arizona in the same manner and degree as the state surplus property agency.

3. Make such rules, regulations and requirements as may be deemed necessary and take such other action as may be deemed necessary to assure maximum utilization by and benefit to health and educational institutions receiving surplus property under this article.

41-581.04. DUTIES OF AGENCY. The agency shall:

1. Act as a clearing house of information as to the availability of federal surplus real and personal property and assist eligible institutions in locating such property and in ascertaining the terms and conditions under which such property might be obtained.

2. Aid and assist eligible institutions and agencies in every other way possible in acquiring federal surplus property available under this article.

3. Cooperate to the fullest extent consistent with the provisions of the federal property act with the appropriate departments or agencies of the United States.

4. Prepare and file with the appropriate department or agency of the United States a state plan for the most effective operation of the agency and operate in accordance with such plan.

5. Take such action as may be necessary to meet the minimum standards of the United States department of health, education, and welfare, as provided in section 203 (n) of the federal property act.

6. Make reports in the form and containing the information that the United States or any of its departments or agencies may from time to time require.

7. Comply with the laws of the United States and the rules and regulations of its departments or agencies relating to the allocation, transfer, use or accounting for, property donable or donated to the state.

41-581.05. SPECIFIC POWERS OF AGENCY RELATING TO ACQUISITION AND DISTRIBUTION OF SURPLUS PROPERTY. The agency may:

1. Acquire from the United States under and in conformance with the provisions of the federal property act such property, including equipment, materials, books, or other supplies under the control of any department or agency of the United States as may be usable and necessary for educational purposes or public health purposes, including research.

2. Warehouse such property.

3. Distribute such property within the state to tax-supported medical institutions, hospitals, clinics, health centers, school systems, schools, colleges, and universities within the state, and to other nonprofit medical institutions, hospitals, clinics, health centers, schools, colleges and universities which have been held exempt from taxation under section 501 (c) (3) of the United States internal revenue code of 1954, and to such other types of institutions or activities as may hereafter become eligible under federal law to acquire such property.

4. Make such certifications, take such action, make such expenditures and enter into such contracts, agreements and undertakings for and in the name of the state, including cooperative agreements with any federal agencies providing for utilization by and exchange between them of the property, facilities, personnel and services of each by the other.

5. Require such reports and make such investigations as may be required by law or regulation of the United States in connection with the disposal of real property and the receit, warehousing, and distribution of personal property received by the agency from the United States.

41-581.06. APPLICATIONS FOR SURPLUS PROPERTY. The agency shall receive applications from eligible institutions for the acquisition of federal surplus real property, investigate the same, obtain expression of views respecting applications from the appropriate health or educational authorities of the state, make recommendations regarding the need of the applicant for the property, the merits of its proposed program of utilization, the suitability of the property for such purposes, and otherwise assist in the processing of applications for acquisition of real and related personal property of the United States under section 203(k) of the federal property act.

41-581.07. FEES AND CHARGES. The agency shall make proper charges and assess proper fees for the acquisition, warehousing, distribution, or transfer of federal surplus property under this article. The fees and charges shall be limited to those reasonably related to the costs of care and handling in respect to its acquisition, receipt, warehousing, distribution or transfer by the agency. In the case of real property, charges and fees shall be limited to the reasonable administrative costs of the agency incurred in effecting transfer.

41-581.08. ANNUAL REPORT. The agency shall, annually on or before the fifteenth day of September, submit to the office of the governor for use in preparation of the budget, a report of its activities, including the amount of purchases

made by each department or political subdivision of the state, and the balance in the revolving fund on June 30 of the fiscal year immediately preceding.

41-581.09. APPROPRIATION; REVOLVING FUND. A. The sum of fifty thousand dollars is appropriated to the agency to be placed in a revolving fund to be known as the surplus property revolving fund. Expenditures from the fund shall be made only upon authorization of the agency, and shall be available for the purpose of carrying out the provisions of this article. All monies coming into the hands of the agency from whatever source shall be placed in the fund, and at such time as the fund shall have standing to its credit an unencumbered balance of one hundred thousand dollars, the agency shall forthwith transfer to the general fund of the state the sum of fifty thousand dollars.

B. After the general fund of the state has been reimbursed in the amount of fifty thousand dollars, as provided in subsection A of this section, all revolving funds in excess of fifty thousand dollars shall be distributed at the close of each fiscal year to the institutions and agencies making payments into the revolving fund in proportion such payments bear to total payments to the fund.

41-581.10. EXEMPTION. The surplus property revolving fund created under the provisions of section 41-581.09 shall be exempt from the provisions of sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsation of appropriations.

Sec. 2. TRANSFER OF PROPERTY. All records, furniture, property, equipment and forms now in the hands of the present agency established by the governor's executive order of July 27, 1955, pertaining to and used in the performance of the duties of the present agency with respect to acquisition from the United States of property under the provisions of the federal property and administrative services act of 1949 are transferred to the agency created by this act.

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

Approved by the Governor—March 5, 1956.

Filed in the Office of the Secretary of State—March 5, 1956.

CHAPTER 7

House Bill No. 106

AN ACT

RELATING TO CRIMINAL PROCEDURE; PRESCRIBING FEES OF COUNSEL ASSIGNED IN CRIMINAL PROCEEDINGS OR INSANITY HEARINGS ON APPEAL, AND AMENDING ARTICLE 10, CHAPTER 6, TITLE 13, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-1721.

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

Section 1. Article 10, chapter 6, title 13, Arizona Revised Statutes, is amended by adding section 13-1721, to read:

13-1721. FEE OF COUNSEL ASSIGNED IN CRIMINAL PROCEEDING OR INSANITY HEARING ON APPEAL. When counsel is appointed by the court and represents the defendant in either a criminal proceeding or insanity hearing on appeal, he shall be paid by the county in which the court from which the appeal is taken presides. Compensation for such services rendered on appeal shall be such amount as the supreme court in its discretion deems reasonable, considering the services performed.

Approved by the Governor—March 7, 1956.

Filed in the Office of the Secretary of State—March 7, 1956.

CHAPTER 8

House Bill No. 107

AN ACT

RELATING TO PARTITION SUITS; PRESCRIBING COMPENSATION OF COMMISSIONER AND SURVEYOR, AND AMENDING SECTION 12-1225, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 12-1225, Arizona Revised Statutes, is amended to read:

12-1225. COMPENSATION OF COMMISSIONERS AND SURVEYOR. A. The commissioners in partition and the surveyor shall be paid such sum per day for each day they are engaged in making and returning the partition as the court deems reasonable, considering the services rendered, and the compensation allowed shall be taxed and collected as costs of the action.

B. The court shall adjudge the costs to be paid by each party to whom a share has been allotted in proportion to the value of such share.

Approved by the Governor—March 7, 1956.

Filed in the Office of the Secretary of State—March 7, 1956.

CHAPTER 9

House Bill No. 108

AN ACT

RELATING TO CRIMINAL PROCEDURE; PRESCRIBING FEES OF COUNSEL ASSIGNED IN CRIMINAL PROCEEDINGS OR INSANITY HEARINGS, AND AMENDING SECTION 13-1673, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 13-1673, Arizona Revised Statutes, is amended to read:

13-1673. FEE OF COUNSEL ASSIGNED IN CRIMINAL PROCEEDING OR INSANITY HEARING. When counsel is appointed by the court and represents the defendant in either a criminal proceeding or insanity hearing, he shall be paid by the county in which the court presides. Compensation for such services rendered to defendant shall be such amount as the court in its discretion deems reasonable, considering the services performed.

Approved by the Governor—March 7, 1956.

Filed in the Office of the Secretary of State—March 7, 1956.

CHAPTER 10

House Bill No. 37

AN ACT

RELATING TO HOLIDAYS, AND AMENDING SECTION 1-301, ARIZONA REVISED STAUTES.

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

Section 1. Sec. 1-301, Arizona Revised Statutes, is amended to read:

1-301. HOLIDAYS ENUMERATED. A. The following days shall be holidays:

1. Sunday of each week.
2. January 1, "New Year's Day".
3. February 12, "Lincoln Day".
4. February 14, "Admission Day".
5. February 22, "Washington's Birthday".
6. Second Sunday in May, "Mothers' Day".
7. May 30, "Decoration Day".
8. Third Sunday in June, "Fathers' Day".
9. July 4, "Independence Day".
10. First Monday in September, "Labor Day".
11. October 12, "Columbus Day".
12. "General Election Day".
13. November 11, "Veterans' Day".
14. "Thanksgiving Day".
15. December 25, "Christmas Day".

B. When any of the holidays enumerated in subsection A falls on a Sunday, the following Monday shall be observed as a holiday, with the exception of the holidays enumerated in paragraphs 1, 6 and 8.

Approved by the Governor--March 7, 1956.

Filed in the Office of the Secretary of State—March 7, 1956.

CHAPTER 11

House Bill No. 89

AN ACT

RELATING TO THE STATE AUDITOR; PROVIDING FOR THE MICROFILMING AND DISPOSITION OF ALL CLAIMS FILED IN THE OFFICE OF THE STATE AUDITOR, AND AMENDING SECTION 41-144, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 41-144, Arizona Revised Statutes, is amended to read:

41-144. PRESERVATION OF ACCOUNTS; COPIES; FEES; DESTRUCTION OF RECORDS. A. All accounts, vouchers and documents shall be preserved in the auditor's office, and copies thereof, authenticated by his official seal, shall be given to any person who applies for them, and who tenders the fees at the rate of twenty cents per folio and one dollar for a certificate and seal.

B. After the expiration of five years all completed claims with supporting documents in the custody of the office of the state auditor shall be transferred to the division of archives of the department of library and archives. The claims shall be microfilmed, and if the claims have been post-audited the supporting papers attached thereto may be destroyed without microfilming. All claims after microfilming and post-auditing may be destroyed.

Approved by the Governor—March 7, 1956.

Filed in the Office of the Secretary of State—March 7, 1956.

CHAPTER 12

House Bill No. 90

AN ACT

MAKING AN APPROPRIATION TO THE DEPARTMENT OF LIBRARY AND ARCHIVES FOR THE MICROFILMING AND PRESERVATION OF NONCURRENT OFFICIAL RECORDS.

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

Section 1. APPROPRIATION. In addition to the appropriation made under the provisions of section 1, chapter 53, laws of 1955, the sum of eighty-five thousand dollars is appropriated to the department of library and archives.

Sec. 2. PURPOSE. The appropriation made under the provisions of section 1 is for the purpose of completing the task of classifying, preparing and microfilming accumulated noncurrent records of departments and agencies of the state, county and municipal governments deposited in the division of archives of the department of library and archives as provided by law.

Sec. 3. EXEMPTION. This appropriation shall be exempt from the provisions of sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing appropriations. Any amount remaining unexpended on June 30, 1957, shall revert to the general fund of the state.

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

Approved by the Governor—March 7, 1956.

Filed in the Office of the Secretary of State—March 7, 1956.

CHAPTER 13

House Bill No. 91

AN ACT

MAKING AN APPROPRIATION TO THE CORPORATION COMMISSION.

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

Section 1. APPROPRIATION. In addition to the appropriation made under the provisions of subdivision 59, section 1, chapter 139, Laws of 1955, the sum of thirty-four thousand dollars is appropriated to the corporation commission.

Sec. 2. PURPOSE. The appropriation made under the provisions of section 1 is for the purpose of permitting the corporation commission to preserve original permanent corporation records and motor carrier records, and to establish a microfilm filing system in accordance with modern office practice that such records may be readily available for continued public inspection and may not suffer further damage and deterioration. The sum appropriated shall be allocated as follows:

1. Incorporating division:

Professional fees and services:	
Including supervision in preparation for microfilming of 260 legal size file drawers of records and providing filing supervisor for 16 weeks	$ 4,640.00
Capital outlay:	
Including 8 card file units (Robot). 15 fire resistant file cabinets, 2 film inspectors and attachments, and 2 film reviews and adaptors	$22,753.25
Supplies:	
Including folders, fasteners, guides, film holders, etc., adapted to microfilm filing system, and miscellaneous standard cards	$ 2,150.30

2. Motor carrier division:

Capital Outlay:	
Including 3 card files and 1 table stand for same	$ 975.00
Supplies:	
Including folders, fasteners, guides, film holders, etc., adapted to microfilm filing system, and miscellaneous standard cards	$ 2,203.18

3. Contingency:

To provide such additional supplies as may be needed to accommodate the volume of records at time of transition to the new system	$ 1,278.27
Total appropriation	$34,000.00

Sec. 3. EXEMPTION. This appropriation shall be 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 7, 1956.

Filed in the Office of the Secretary of State—March 7, 1956.

CHAPTER 14

Senate Bill No. 90

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. All sums remaining unexpended and unencumbered of the appropriation made to the Arizona interstate stream commission under the provisions of section 1, subdivision 78, chapter 139, Laws of 1955, are hereby reappropriated to the Arizona interstate stream commission in a lump sum for use in carrying out the functions, powers and duties of said commission.

Sec. 2. APPROPRIATION. In addition to the reappropriation made under section 1 of this act, there is hereby appropriated to the Arizona interstate stream commission the sum of thirty-five thousand dollars for use in carrying out the functions, powers and duties of the said commission.

Sec. 3. EXEMPTION. The sums appropriated under the provisions of sections 1 and 2 are exempt from the terms 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 16, 1956.

Filed in the Office of the Secretary of State—March 16, 1956.

CHAPTER 15

House Bill No. 209

AN ACT

RELATING TO WELFARE, AND AMENDING SECTION 46-311, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 46-311, Arizona Revised Statutes, is amended to read:

46-311. CONFORMITY WITH FEDERAL LEGISLATION. Where any conflict with the federal social security act shall occur in this title, that act shall control, except that the provisions of this section shall not apply to the provisions of section 46-232 of this title.

Approved by the Governor—March 16, 1956.

Filed in the Office of the Secretary of State—March 16, 1956.

CHAPTER 16

House Bill No. 38

AN ACT

RELATING TO TAXATION AND REVENUE; PRESCRIBING WARS TO BE RECOGNIZED FOR THE PURPOSE OF EXEMPTING VETERANS FROM TAXATION, AND AMENDING SECTION 42-276, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 42-276, Arizona Revised Statutes, is amended to read:

42-276. WARS RECOGNIZED. The following are recognized as wars within the intent and meaning of section 2, article 9, constitution of Arizona:

1. Revolutionary war, April 19, 1775—January 14, 1784.

2. Second war with England, June 18, 1812—February 17, 1815.

3. Black Hawk war, April 6, 1832—August 2, 1832.

4. War with Mexico, April 24, 1846—May 30, 1848.

5. Civil war, April 19, 1861—August 20, 1866.

6. War with Spain, April 21, 1898—April 11, 1899.

7. War in Philippines, April 11, 1899—July 4, 1902.

8. Campaign against the Rogue river, Yakima, Nez Perce and Snake Indians in Oregon and Washington, 1855—1856.

9. Campaign against the Indians in southern Oregon and Idaho and northern part of California and Nevada, 1865—1868.

10. Campaign against the Cheyennes, Arapahoes, Kiowas, and Comanches, in Kansas, Colorado and Indian Territory, 1867, 1868 and 1869.

11. Modoc war, 1872 and 1873.

12. Campaign against the Apaches of Arizona, 1873.

13. Campaign against the Kiowas, Comanches and Cheyennes in Kansas, Colorado, Texas, Indian Territory and New Mexico, 1874—1875.

14. Campaign against the Northern Cheyennes and Sioux, 1876 and 1877.

15. Nez Perce war, 1877.

16. Bannock war, 1878.

17. Campaign against the Northern Cheyennes, 1878 and 1879.

18. Campaign against the Ute Indians in Colorado and Utah, September, 1879—November, 1880.

19. Campaign against the Apache Indians in Arizona, 1885 and 1886.

20. Campaign against the Sioux Indians in South Dakota, November, 1890—January, 1891.

21. War with Germany-Austria, April 6, 1917—July 2, 1921.

22. Philippine Insurrection and China Relief Expedition.

23. War with Germany, Italy and Japan, December 7, 1941—September 2, 1945.

24. Korean-Communist campaign, June 24, 1950—July 27, 1953.

Approved by the Governor—March 16, 1956.

Filed in the Office of the Secretary of State—March 16, 1956.

CHAPTER 17

House Bill No. 26

AN ACT

RELATING TO NARCOTIC DRUGS; PRESCRIBING PENALTIES FOR UNLAWFUL USE OF NARCOTIC DRUGS, AND AMENDING ARTICLE 3, CHAPTER 9, TITLE 36, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-1062.

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

Section 1. Article 3, chapter 9, title 36, Arizona Revised Statutes, is amended by adding section 36-1062, to read:

36-1062. UNLAWFUL USE OF NARCOTIC DRUGS; PENALTY. A. Any person who habitually uses narcotic drugs, or is found to be under the influence of such drugs, except as hereinafter provided, shall be guilty of a misdemeanor, punishable upon conviction by imprisonment in the county jail for a period not to exceed ninety days.

B. Nothing in this section shall be applicable to a person who has a medical need for narcotic drugs and who obtains the drugs required for such medical need in accordance with state and federal laws.

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 16, 1956.

Filed in the Office of the Secretary of State—March 16, 1956.

CHAPTER 18

House Bill No. 18

AN ACT

RELATING TO CITIES AND TOWNS; PRESCRIBING PROCEDURE FOR INCORPORATION, AND AMENDING SECTION 9-101, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 9-101, Arizona Revised Statutes, is amended to read:

9-101. INCORPORATION. A. When two thirds of the real property taxpayers residing in a community containing a population of five hundred or more inhabitants petition the board of supervisors, setting forth the metes and bounds of the community, and the name under which the petitioners desire to be incorporated, and praying for the incorporation of the community into a city or town, and the board is satisfied that two thirds of the real property taxpayers residing in the community have signed the petition, it shall, by an order entered of record, declare the community incorporated as a city or town.

B. When ten per cent of the real property taxpayers residing in a community containing a population of five hundred or more petition the board of supervisors in the manner prescribed in subsection A, praying for the calling of an election for the purpose provided in this section, the board shall within sixty days after filing the petition call the election, and the election shall take place on the fourth Tuesday after the next following state general election. Only real property taxpayers who shall also in all respects be qualified electors of the state and community, shall vote on this question. If a majority of real property taxpayers voting thereon vote for incorporation, then the board of supervisors shall, by an order entered of record, declare the community incorporated as a city or town.

C. By whichever proceeding the incorporation of a city or town is accomplished, the order shall designate the name of the city or town, and its metes and bounds, and thereafter the inhabitants within the area so defined shall be a body politic and corporate by the name designated.

D. For the purposes of this act, the word community shall mean a locality in which a body of people reside in more or less proximity having common interests in such services as public health, public protection, fire protection, and water which bind together the people of the area, and where the people are acquainted and mingle in business, social, educational and recreational activities.

E. An area to be incorporated shall not include large areas of uninhabited, rural or farm lands, but it shall be urban in nature.

Approved by the Governor—March 16, 1956.

Filed in the Office of the Secretary of State—March 16, 1956.

CHAPTER 19

Senate Bill No. 107

AN ACT

MAKING AN APPROPRIATION TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION FOR THE NORMAL PENSION FUND OF THE ARIZONA TEACHERS' RETIREMENT SYSTEM.

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

Section 1. APPROPRIATION. In addition to the appropriation made under the terms of section 1, subdivision 47, chapter 139, Laws of 1955, the sum of one thousand six hundred ninety-nine dollars and ninety-six cents is appropriated to the superintendent of public instruction.

Sec. 2. PURPOSE. The appropriation set forth in section 1 is for the purpose of fulfilling the obligation of the office of the superintendent of public instruction to the normal pension fund of the Arizona teachers' retirement system.

Sec. 3. EXEMPTIONS. The sum appropriated under the provisions of section 1 is exempt from the terms 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 21, 1956.

Filed in the Office of the Secretary of State—March 21, 1956.

CHAPTER 20

Senate Bill No. 36

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE NATIONAL GUARD OF ARIZONA FOR SUPPORT OF NEWLY ALLOTTED UNITS.

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 65, section 1, chapter 139, Laws of 1955, the sum of six thousand seven hundred fifty dollars is appropriated to the national guard of Arizona.

Sec. 2. PURPOSE. The purpose of the appropriation made under the provisions of section 1 is to provide funds for the support of two additional units of the national guard of Arizona in the amounts and for the purposes following:

Rent Winslow facility to July 1, 1956	$ 280.00
Unit Allowance, 819 Engr Co. Winslow to July 1, 1956	420.00
Unit Allowance, 820 Engr Co. Yuma to July 1, 1956	300.00
Utilities, Winslow Unit, to July 1, 1956	525.00
Utilities, Yuma Unit, to July 1, 1956	250.00
Security Fence, Winslow Unit	1,500.00
Shelter (Storage Equipment), Winslow Unit	2,100.00
Security Fence, Yuma Unit	1,250.00
Minor Maintenance & Janitor, Winslow Unit to July 1, 1956	125.00
Total	$ 6,750.00

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 21, 1956.

Filed in the Office of the Secretary of State—March 21, 1956.

CHAPTER 21

Senate Bill No. 74

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE STATE AUDITOR.

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 2, section 1, chapter 139, Laws of 1955, the sum of eighteen thousand six hundred fifty-five dollars is appropriated to the state auditor, to be available during the remainder of the fiscal year ending June 30, 1956.

Sec. 2. PURPOSE. The appropriation made under the terms of section 1 is for the purposes and in the amounts following:

Personal services:	
Salaries	$ 9,960.00
Employer's contribution for old-age and survivors' insurance and state retirement	548.00
Total personal services	$ 10,508.00
Rent-equipment	4,749.00
Capital outlay-equipment	3,398.00
Total Appropriation	$ 18,655.00

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 21, 1956.

Filed in the Office of the Secretary of State—March 21, 1956.

CHAPTER 22

Senate Bill No. 185

AN ACT

MAKING AN APPROPRIATION TO THE LEGISLATIVE COUNCIL.

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

Section 1. APPROPRIATION. In addition to the appropriation made under the provisions of section 1, subdivision 7, chapter 139, Laws of 1955, the sum of sixty thousand dollars is appropriated to the legislative council for the purpose of carrying out the powers and duties prescribed by law.

Sec. 2. EXEMPTION. This appropriation is not subject to the provisions of sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsation of 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.

(Failed to pass the House with sufficient votes to carry the emergency clause.)

Approved by the Governor—March 21, 1956.

Filed in the Office of the Secretary of State—March 21, 1956.

CHAPTER 23

Senate Bill No. 23

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE STATE MINE INSPECTOR.

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

Section 1. APPROPRIATION. The sum of two hundred three dollars fifty-eight cents is appropriated to the state mine inspector for the purpose of payment of the balance due the Prescott Printing Company for copies of the mining code and covers thereto.

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 23, 1956.

Filed in the Office of the Secretary of State—March 24, 1956.

CHAPPTER 24

House Bill No. 183

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE STATE TAX COMMISSION.

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 12, section 1, chapter 139, laws of 1955, there is appropriated to the state tax commission the sum of forty-eight thousand two hundred thirty dollars, in the amounts and for the purposes following:

Current Expenditures

Printing of Sales, Income and Withholding Forms and Envelopes	$ 15,000.00
Postage	3,500.00
Other Office Supplies	9,250.00
Luxury Tax Stamps	650.00
Rent—Business Machines	10,730.00
Capital Outlay—Files	9,100.00
Total Appropriation	$ 48,230.00

Sec. 2. EXEMPTION. The appropriation made under the terms of this act is exempt from the provisions of section 35-173, 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 23, 1956.

Filed in the Office of the Secretary of State—March 24, 1956.

CHAPTER 25

House Bill No. 185

AN ACT

RELATING TO THE INSTITUTE OF EDUCATIONAL REHABILITATION OF ARIZONA STATE PRISON, AND MAKING AN APPROPRIATION.

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

Section 1. APPROPRIATION. There is appropriated out of the general fund to the institute of educational rehabilitation branch of Arizona state prison the sum of five thousand dollars, which shall be in addition to and separate and apart from any and all appropriations contained in the general appropriation act.

Sec. 2. PURPOSE. The appropriation made in section 1 of this act shall be for the purpose of purchasing parts and supplies to be used in connection with the training program at the institute of educational rehabilitation.

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 23, 1956.

Filed in the Office of the Secretary of State—March 24, 1956.

CHAPTER 26

House Bill No. 296

AN ACT

RELATING TO TRAFFIC ON HIGHWAYS; PROVIDING FOR THE USE OF WHITE CANES BY THE BLIND, AND AMENDING SECTION 28-798, ARIZONA REVISED STATUTES.

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

Section 1. Section 28-798, Arizona Revised Statutes, is amended to read:

28-798. USE OF WHITE CANE

A. Any person who is wholly or industrially blind shall, when walking on a street or highway, unless guided by a guide dog or assisted by a person with sight, carry a white cane with a red tip of approximately eight inches.

B. For the purposes of this section a person is blind who has central visual acuity of 20/200 or less in the better eye or central visual acuity of more than 20/200 in the better eye if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than twenty degrees.

C. It is unlawful for a person who is not blind or industrially blind to carry on the streets or highways a white cane with a red tip.

D. Any person operating a motor vehicle other than an emergency vehicle the siren of which is being sounded, shall bring the motor vehicle to a stop and yield the right of way at a street, avenue, alley or other public highway intersection

to a blind or industrially blind person carrying a white cane with a red tip, or who is being guided by a guide dog when the person enters the intersection.

E. This section shall not be construed to deprive a totally or industrially blind person not carrying a white cane or being guided by a dog of the rights and privileges conferred by law upon pedestrians crossing ways, nor shall the failure of a blind person to carry a white cane or be guided by a guide dog while on the ways be held to constitute prima facie evidence of contributory negligence.

F. Violation of any provision of this section is a misdemeanor.

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

Approved by the Governor—March 27, 1956.

Filed in the Office of the Secretary of State—March 27, 1956.

CHAPTER 27

House Bill No. 66

AN ACT

RELATING TO LIVESTOCK AND ANIMALS; PROVIDING THAT UNENCUMBERED FUNDS IN EXCESS OF ONE THOUSAND DOLLARS IN THE SEIZURE FUND REVERT TO THE GENERAL FUND, AND AMENDING SECTION 24-292, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 24-292, Arizona Revised Statutes, is amended to read:

24-292. KEEPING LIVESTOCK FOR TWENTY-FIVE DAY PERIOD FOLLOWING SEIZURE; EXPENSES; USE OF LIVESTOCK IN CRIMINAL PROSECUTION; SALE OF UNCLAIMED LIVESTOCK AT AUCTION

A. When a livestock inspector has seized livestock, as provided by this article, he shall safely keep and care for it for a period of twenty-five days, during which any person may inspect the livestock.

B. The expense of seizure, feeding and caring for livestock for the twenty-five day period shall be a charge against the livestock sanitary board and paid from any fund available for that purpose.

C. At any time prior to the expiration of twenty days after the seizure of livestock, the county attorney of the county in which the livestock is seized may take charge of and keep the livestock at the expense of the state when he deems it to be of evidentiary value in any criminal prosecution arising from the seizure.

D. If the county attorney has not possessed the seized livestock upon the expiration of the twenty days after its seizure, it shall be sold by the inspector for cash to the highest bidder at public auction after five days notice given by posting written notice in three public places in the precinct where the livestock is held. Proceeds from the sale shall be transmitted to the livestock sanitary board to be deposited in the seizure fund and upon final determination of all actions arising from the seizure of the livestock the livestock sanitary board shall pay the proceeds to the persons entitled thereto under the judgment of the court.

E. At the end of each fiscal year, unencumbered funds in the seizure fund in excess of one thousand dollars shall revert to the general fund.

Approved by the Governor—March 27, 1956.

Filed in the Office of the Secretary of State—March 28, 1956.

CHAPTER 28

House Bill No. 219

AN ACT

RELATING TO LIABILITY INSURANCE FOR OFFICERS, AGENTS AND EMPLOYEES OF CITIES AND TOWNS, AND AMENDING ARTICLE 8, CHAPTER 4, TITLE 9, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-497.

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

Section 1. Article 8, chapter 4, title 9, Arizona Revised Statutes, is amended by adding section 9-497, to read:

9-497. AUTHORITY TO PROCURE LIABILITY INSURANCE COVERING OFFICERS, AGENTS AND EMPLOYEES

Cities and towns may expend public funds to procure liability insurance covering their officers, agents, and employees while employed in governmental or proprietary capacities.

Approved by the Governor—March 27, 1956.

Filed in the Office of the Secretary of State—March 28, 1956.

CHAPTER 29

House Bill No. 220

AN ACT

RELATING TO LIABILITY INSURANCE FOR OFFICERS, AGENTS AND EMPLOYEES OF COUNTIES; AMENDING ARTICLE 4, CHAPTER 2, TITLE 11, ARIZONA REVISED STATUTES, BY ADDING SECTION 11-261.

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

Section 1. Article 4, chapter 2, title 11, Arizona Revised Statutes, is amended by adding section 11-261, to read:

11-261. AUTHORITY TO PROCURE LIABILITY INSURANCE COVERING OFFICERS, AGENTS AND EMPLOYEES

Counties may expend public funds to procure liability insurance covering their officers, agents, and employees while employed in governmental or proprietary capacities.

Approved by the Governor—March 27, 1956.

Filed in the Office of the Secretary of State—March 28, 1956.

CHAPTER 30

House Bill No. 227

AN ACT

RELATING TO GENERAL DEFINITIONS; PROVIDING THAT THE TERM "REGISTERED MAIL" INCLUDES CERTIFIED MAIL, AND AMENDING SECTION 1-215, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 1-215, Arizona Revised Statutes, is amended to read:

1-215. DEFINITIONS

In the statutes and laws of the state, unless the context otherwise requires:

1. "Action" includes any matter or proceeding in a court, civil or criminal.

2. "Bribe" signifies anything of value or advantage, present or prospective, asked, offered, given, accepted or promised with a corrupt intent to influence, unlawfully, the person to whom it is given in his action, vote or opinion, in any public or official capacity.

3. "Corruptly" imports a wrongful design to acquire or cause some pecuniary or other advantage to the person guilty of the act or omission referred to, or to some other person.

4. "Daytime" means the period between sunrise and sunset.

5. "Depose" includes every manner of written statement under oath or affirmation.

6. "Grantee" includes every person to whom an estate or interest in real property passes, in or by a deed.

7. "Grantor" includes every person from or by whom an estate or interest in real property passes, in or by a deed.

8. "Inhabitant" means a resident of a city, town, village, district, county or precinct.

9. "Insane person" includes an idiot, a lunatic or a person non compos.

10. "Issue" as used in connection with descent of estates includes all lawful, lineal descendants of the ancestor.

11. "Knowingly" imports only a knowledge that the facts exist which bring the act or omission within the provisions of the statute using such word. It does not require any knowledge of the unlawfulness of the act or omission.

12. "Magistrate" means an officer having power to issue a warrant for the arrest of a person charged with a public offense and includes the chief justice and judges of the supreme court, judges of the superior court, justices of the peace and police magistrates in cities and towns.

13. "Majority" or "age of majority" as used in reference to age of persons means the age of twenty-one years or more.

14. "Malice" and "maliciously" import a wish to vex, annoy or injure another person, or an intent to do a wrongful act, established either by proof or presumption of law.

15. "Minor" means a person under the age of twenty-one years.

16. "Month" means a calendar month unless otherwise expressed.

17. "Neglect," "negligence," "negligent," and "negligently," import a want of such attention to the nature or probable consequence of the act or omission as a prudent man ordinarily bestows in acting in his own concerns.

18. "Nighttime" means the period between sunset and sunrise.

19. "Oath" includes affirmation or declaration.

20. "Peace officers" mean sheriffs of counties, constables, marshals and policemen of cities and towns.

21. "Person" includes a corporation, company, partnership, firm, association or society, as well as a natural person. When the word "person" is used to designate the party whose property may be the subject of a criminal or public offense, the term includes the United States, this state, or any territory, state or country, or any political subdivision of this state which may lawfully own any property, or a public or private corporation, or partnership or association. When the word "person" is used to designate the violator or offender of any law, it includes corporation, partnership or any association of persons.

22. "Personal property" includes money, goods, chattels, dogs, things in action and evidences of debt.

23. "Process" means a citation, writ or summons issued in the course of judicial proceedings.

24. "Property" includes both real and personal property.

25. "Real property" is coextensive with lands, tenements and hereditaments.

26. "Registered mail" includes certified mail.

27. "Seal" as used in reference to a paper issuing from a court or public office to which the seal of such court or office is required to be affixed, means the impression on such paper, as well as the impression of the seal affixed thereto by means of a wafer or wax.

28. "Signature" or "subscription" includes mark, when a person cannot write, with his name written near it and witnessed by a person who writes his own name as witness.

29. "State" as applied to the different parts of the United States, includes the District of Columbia, this state and the territories.

30. "Testify" includes every manner of oral statement under oath or affirmation.

31. "United States" includes the District of Columbia and the territories.

32. "Vessel" as used in reference to shipping, includes ships of all kinds, steamboats, steamships, barges, canal boats and every structure adapted to navigation from place to place for the transportation of persons or property.

33. "Wilfully," when applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act, or make the omission referred to. It does not require any intent to violate law, or injure another or to acquire any advantage.

34. "Will" includes codicils.

35. "Writ" signifies an order or precept in writing issued in the name of the state or by a court or judicial officer.

36. "Writing" includes printing.

Approved by the Governor—March 27, 1956.

Filed in the Office of the Secretary of State—March 28, 1956.

CHAPTER 31

House Bill No. 290

AN ACT

MAKING AN APPROPRIATION TO THE BOARD OF REGENTS OF THE UNIVERSITY AND STATE COLLEGES OF ARIZONA FOR THE USE OF THE UNIVERSITY OF ARIZONA.

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

Section 1. APPROPRIATION. The sum of five thousand dollars is appropriated to the board of regents of the university and state colleges of Arizona for the use of the university of Arizona for expenses incurred in making an analysis of the state report in conjunction with the governor's Arizona mental health research committee.

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 27, 1956.

Filed in the Office of the Secretary of State—March 28, 1956.

CHAPTER 32

House Bill No. 245

AN ACT

RELATING TO PROFESSIONS AND OCCUPATIONS; CREATING A STATE BOARD OF DISPENSING OPTICIANS; PRESCRIBING ITS POWERS AND DUTIES, AND AMENDING TITLE 32, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 15.1.

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

Section 1. Title 32, Arizona Revised Statutes, is amended by adding chapter 15.1, to read:

CHAPTER 15.1
DISPENSING OPTICIANS
ARTICLE 1. ADMINISTRATION

32-1671. DEFINITIONS

In this chapter, unless the context otherwise requires:

1. "Person" means an individual only.

2. "Board" means state board of dispensing opticians.

3. "Dispensing optician" or "engaging in the practice of dispensing opticianry" means any person, except as provided in section 32-1691, who prepares or dispenses lenses, contact lenses, spectacles, eyeglasses, artificial eyes, optical devices, appurtenances thereto or parts thereof to the intended wearer on written prescription from a duly licensed physician or optometrist, and in accordance with such prescription interprets, measures, adapts, fits or adjusts the same for the aid or correction of visual or ocular anomalies of the human eye or duplicates, replaces, reproduces or repeats the same without prescription when there is no change in refractive value.

32-1672. BOARD OF DISPENSING OPTICIANS; MEMBERS; QUALIFICATIONS; TERMS

A. There shall be a state board of dispensing opticians which shall consist of five members appointed by the governor. Members of the board shall be licensees in good standing under this chapter.

B. The term of office of each member shall be five years. Of the members first appointed the governor shall select practicing dispensing opticians who appear to be qualified for a license under this chapter, one of whom shall serve for a term expiring January 1, 1957 and one each for terms expiring one, two, three and four years thereafter. Thereafter, members shall be appointed for a full term of five years.

C. Within fifteen days after the effective date of this chapter the board shall meet upon call of the governor and elect a chairman and such other officers as it deems necessary.

D. Members of the board shall serve without compensation.

32-1673. RULE-MAKING POWER OF BOARD

The board shall prescribe and enforce rules and regulations, not in conflict with the laws of this state, necessary or advisable to carry out the provisions of this chapter, and which help to assure the competency of dispensing opticians and prevent

conduct on their part which would tend to do harm to the visual health of the public.

32-1674. RECORDS

The board shall keep readily available for inspection a record of all applications for licenses, including a record as to whether a license or renewal license has been issued, and, if revoked or suspended, the date of filing the order of revocation or suspension. It shall maintain a list of all persons who have had a license revoked or suspended, and may keep a written record of all complaints filed against licensees. Each license issued shall be indicated by the serial number thereof and by the name and address of the licensee. The records shall be public records open to inspection.

ARTICLE 2. LICENSING

32-1681. LICENSE REQUIRED; ISSUANCE BY BOARD

A. No person except as provided in paragraphs 1 and 2 of section 32-1691 shall practice as a dispensing optician in this state without having a valid and subsisting license issued under the provisions of this chapter, except a person whose application is filed within thirty days after the effective date of this chapter shall not be deemed practicing without a license until the application is denied.

B. The board shall issue a license to any person who complies with the provisions of this chapter and the rules and regulations adopted by the board. All licenses shall expire at the end of each calendar year, but no license shall be deemed expired while an application for a renewal thereof is pending before the board.

32-1682. APPLICATIONS FOR LICENSE; ORIGINAL AND RENEWAL

A. Any person desiring to obtain a license to be a dispensing optician shall make an original application to the board upon forms prescribed by it, setting forth therein verified information to assist the board in the determination of the applicant's ability to meet the requirements of this chapter and the rules and regulations adopted by the board.

B. Any person desiring to secure a renewal of a license to be a dispensing optician shall make a renewal application to the board not later than January 1 of each year upon forms prescribed by it, setting forth therein verified information to assist the board in determining that the applicant is not in

default of or in violation of the provisions of this chapter and the rules and regulations adopted by the board, and continues to meet the requirements of this chapter.

C. The board shall have the right to require from all applicants any additional information which in its judgment may be necessary to assist the board in determining whether the applicant is entitled to the license sought.

32-1683. QUALIFICATIONS OF APPLICANTS

An applicant for a license issued under this chapter shall:

1. Be twenty-one or more years of age.

2. Be a citizen of the United States or have declared his intention of becoming a citizen in accordance with law.

3. Be of good moral character.

4. Not have been convicted of a crime involving moral turpitude.

5. Not be a former licensee under this chapter whose license was suspended or revoked and not subsequently reinstated.

6. Establish that he has the required technical skill and training necessary for licensing by any one of the following means:

(a) Submit evidence of having a valid and subsisting license in good standing from another state which licenses dispensing opticians or opthalmic dispensers, and whose requirements at the time of the issuance of the license were at least substantially equivalent to the requirements of this chapter.

(b) Submit evidence of having served apprenticeship in optical dispensing for three of the five years next prior to the date of application, under the supervision of a dispensing optician licensed under this chapter or a physician or optometrist licensed under the laws of this state, the apprenticeship to have included all principal phases of optical dispensing and to have resulted in the applicant's having acquired the minimum basic skills required for optical dispensing.

(c) Submit evidence of graduation from a school of optical dispensing which presently meets the standards required for approval by the American board of opticianry, together with having served apprenticeship in optical dispensing of the kind and character set forth in item (b) of paragraph 6 of this section for two of the five years next prior to the date of application.

(d) Submit evidence of having been engaged as a dispensing optician or having served as an apprentice to a dispensing optician, a physician or an optometrist in a non-licensing state for five of the seven years next prior to the date of application, such engagement or apprenticeship to have included all principal phases of optical dispensing and to have resulted in the applicant's having acquired the minimum basic skills required for optical dispensing.

32-1684. ISSUANCE AND RENEWAL OF LICENSES

A. Within a reasonable time after the receipt of an original application or renewal application, together with the fee required by section 32-1685, the board shall investigate the qualifications of the applicant and, if the applicant meets the qualifications of this chapter and the rules and regulations adopted by the board, the board shall approve the application. If the application be approved, the license shall be issued forthwith to the applicant. If the application be disapproved, the applicant shall be notified as provided in subsection A of section 32-1694.

B. Upon application, accompanied by the fee required by section 32-1685, the board shall issue an original license to each person actively engaged as a dispensing optician in this state for one year next preceding the effective date of this chapter, except that licensees under this subsection shall meet the qualifications of paragraphs 1 through 4 of section 32-1683.

32-1685. FEES TO ACCOMPANY APPLICATIONS

A. Every original application filed on or before June 30 of any year shall be accompanied by a fee of fifty dollars.

B. Every original application filed after June 30 of any year shall be accompanied by a fee of twenty-five dollars.

C. Every renewal application shall be accompanied by a fee of twenty-five dollars.

D. No fees shall be returned to an applicant.

ARTICLE 3. REGULATION

32-1691. EXEMPTIONS OF PERSONS, APPRENTICES AND SALES

This chapter shall not apply to:

1. Any physician or optometrist duly licensed to practice under the laws of this state.

2. Any person working under the direct supervision of a physician, optometrist or dispensing optician duly licensed to practice under the laws of this state, so long as the apprentice is working exclusively for the licensed physician, optometrist or dispensing optician and does not hold himself out to the public generally as a dispensing optician.

3. The sale of goggles, sunglasses, colored glasses or occupational protective eye devices, if they do not have refractive values.

4. The sale of complete ready-to-wear eyeglasses, toys, binoculars or scientific instruments as merchandise.

32-1692. HEARINGS; RECORD OF PROCEEDINGS; WITNESSES

A. Hearings before the board shall be conducted according to the rules and regulations adopted by the board.

B. A record of the proceedings shall be kept but need not be transcribed unless the decision is appealed or a transcript is requested by an interested party. In either event, the applicant or licensee shall bear the cost of transcription.

C. Witnesses may be subpoenaed by either party to the hearing and shall be entitled to the fees and mileage allowed a witness in civil cases.

32-1693. DENIAL, SUSPENSION AND REVOCATION OF LICENSE

A. The board may deny the application of any person who fails to meet the qualifications prescribed by this chapter or the rules and regulations adopted by the board, and may suspend or revoke the license of any person who violates any provision of this chapter or the rules and regulations of the board.

B. Suspension of license shall be for a time certain but shall not be for longer than one year.

C. No person whose license shall have been revoked shall be permitted to again become a licensee under the terms of this chapter for two years. Reapplication for a license after revocation shall be made in the same manner as the application for an original license.

32-1694. NOTICE OF ACTION; REQUEST FOR HEARING; PRACTICE PENDING APPEAL

A. When the board denies, suspends or revokes a license, it shall send notice of its action by registered mail to the applicant or licensee concerned, setting forth the reasons for the action taken.

B. Within thirty days after the date of the notice, the applicant or licensee may give written notice of his request for a hearing, and a hearing, at which the applicant or licensee shall have the right to present evidence, shall be held before the board. The board shall render its decision on the basis of the evidence presented and shall send a copy thereof by registered mail to the applicant or licensee.

C. If the applicant or licensee does not give written notice of his request for a hearing within thirty days of the date of the notice from the board, the decision of the board after the expiration of the thirty day period shall be final.

D. No applicant for original license may practice as a dispensing optician during the pendency of an appeal from a decision of the board. No licensee whose license is revoked or suspended or whose renewal application is refused by the board shall be denied the right to practice during the pendency of any appeal from a decision of the board.

32-1695. JUDICIAL REVIEW OF DECISION OF BOARD; TRIAL DE NOVO; APPEAL TO SUPREME COURT

A. Within thirty days from the date of a decision by the board, an applicant or licensee may appeal the decision to the superior court of the county in which the applicant or licensee resides for trial de novo.

B. The court may remand the case to the board for further evidence or may affirm, modify or reverse the decision of the board. Appeal from the decision of the court may be taken to the supreme court by either party.

32-1696. UNLAWFUL ACTS

It is unlawful:

1. To practice as a dispensing optician without having a valid and subsisting license issued pursuant to this chapter, except as provided by paragraphs 1 and 2 of section 32-1691. However, nothing in this chapter shall be deemed to prohibit the corporate form of organization provided the person actively in charge of the establishment be a licensee hereunder.

2. To fraudulently procure a license.

3. To hire, procure or induce a person not licensed to practice as a dispensing optician, except as provided by paragraph 2 of section 32-1691.

4. To give, pay or receive, or offer to give, pay or receive, directly or indirectly, any gift, premium, discount, rebate or remuneration to or from any physician or optometrist in return for the referral of patients or customers.

5. To engage in false or misleading representations or advertising.

6. To advertise or furnish any examination or treatment of the eye.

7. To advertise the furnishing of or furnish, directly or indirectly, the services of a physician or optometrist, but it is not unlawful to recommend the services of a physician or optometrist.

8. To make use of any advertising statement of a character tending to indicate to the public superiority of any particular system or type of eyesight examination or treatment over that provided by other licensed ocular practitioners.

9. To fraudulently, dishonestly, illegally or unprofessionally conduct the practice of optical dispensing or engage in any conduct in such practice which would tend to do harm to the visual health of the public.

32-1697. VIOLATIONS; PENALTY

The practice of optical dispensing without a valid and subsisting license 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.

32-1698. PROSECUTION OF VIOLATIONS

The prosecuting officer of a county or city shall prosecute all violations of this chapter occurring within his jurisdiction by persons who do not have a valid and subsisting license issued under the provisions of this chapter.

Sec. 2. EFFECTIVE DATE. This act shall be effective on and after August 1, 1956.

Approved by the Governor—March 29, 1956.

Filed in the Office of the Secretary of State—March 29, 1956.

CHAPTER 33

House Bill No. 59

AN ACT

MAKING AN APPROPRIATION FOR THE RELIEF OF MRS. JOHN GIRDLER.

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

Section 1. APPROPRIATION. The sum of four hundred twenty dollars is appropriated for the relief of Mrs. John Girdler.

Sec. 2. BASIS OF CLAIM. Payment of the sum appropriated under the terms of section 1 shall be in full satisfaction for the remaining one-tenth of an amount due under a contractual agreement entered into between Arizona state college at Tempe and Mr. John Girdler. Salaries are paid in ten monthly installments, but the services covered only nine months. Mr. Girdler died one month prior to completion of the contract period, but the work called for in his contract was fully performed and the payment of the sum appropriated by section 1 to the wife of John Girdler represents the final month's payment due under the contract.

Approved by the Governor—March 30, 1956.

Filed in the Office of the Secretary of State—March 31, 1956.

CHAPTER 34

House Bill No. 72

AN ACT

RELATING TO MINES AND MINING; INCREASING THE SALARY OF THE STATE MINE INSPECTOR, DEPUTY STATE MINE INSPECTOR AND THE MINE DUST ENGINEER, AND AMENDING SECTIONS 27-121, 27-122 AND 27-141, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 27-121, Arizona Revised Statutes, is amended to read:

27-121. QUALIFICATIONS OF MINE INSPECTOR; DUTIES; DEPUTIES; SALARY. A. The state mine inspector shall be a resident of this state at least two years prior to his election, not under thirty years of age, and shall have been practically engaged in, and acquainted with, mines and mining in this state, and shall have had at least seven years' experience in underground mining.

B. No person may be an inspector or deputy inspector while an employee, director, or officer, of a mining, milling or smelting company.

C. The inspector, and each deputy, shall devote his entire time to the duties of his office.

D. The inspector shall receive an annual salary of not to exceed seven thousand two hundred dollars and in addition necessary traveling expenses when traveling in discharge of official duties.

E. The inspector shall give bond to the state in the amount of five thousand dollars.

F. The mine inspector shall have a seal bearing the words: "Mine Inspector, State of Arizona", which shall be affixed to official documents.

Sec. 2. Sec. 27-122, Arizona Revised Statutes, is amended to read:

27-122. DEPUTY INSPECTORS. The state mine inspector shall appoint three deputies having the same qualifications as are prescribed for the mine inspector. They shall each receive a salary of not to exceed five thousand four hundred dollars per annum and necessary traveling expenses as allowed for state officials.

Sec. 3. Sec. 27-141, Arizona Revised Statutes, is amended to read:

27-141. STATE MINE DUST ENGINEER; QUALIFICATIONS; COMPENSATION. A. The state mine inspector shall appoint, in addition to the deputies provided for in section 27-122, a deputy called the state mine dust engineer. The person appointed shall be a mining engineer graduated from an accredited school of mining or geology, who is experienced in making mine dust surveys and who has had not less than three years actual experience in mining, of which not less than one year was in mine ventilation and dust control work.

B. The state mine dust engineer shall receive a salary of not to exceed six thousand dollars per annum and necessary travel expenses as provided for state officials.

Approved by the Governor—March 30, 1956.

Filed in the Office of the Secretary of State—March 31, 1956.

CHAPTER 35

House Bill No. 182

AN ACT

RELATING TO HIGHWAYS AND BRIDGES; PRESCRIBING COMPENSATION OF THE COMMISSION SECRETARY, AND AMENDING SECTION 18-107, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 18-107, Arizona Revised Statutes, is amended to read:

18-107. STATE HIGHWAY ENGINEER; COMMISSION SECRETARY; SALARIES. A. The commission, at its meeting held January 31 of each odd numbered year, shall appoint a state highway engineer, who shall hold office at the pleasure of the commission.

B. The state engineer shall be an engineer registered to practice in the state and shall be familiar with the theory of and experienced in the practice of highway construction and maintenance. He shall receive an annual salary of not to exceed twelve thousand dollars.

C. The commission shall at the time mentioned in subsection A of this section appoint a secretary whose salary shall be fixed by the highway commission for the term of his appointment at not to exceed ten thousand eight hundred dollars per year.

Approved by the Governor—March 30, 1956.

Filed in the Office of the Secretary of State—March 31, 1956.

CHAPTER 36

House Bill No. 191

AN ACT

MAKING AN APPROPRIATION FOR THE RELIEF OF MR. AND MRS. VIRGIL WILKY.

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

Section 1. APPROPRIATION. The sum of six thousand two hundred eighty-seven dollars eighty-five cents is appropriated to Mr. and Mrs. Virgil Wilky.

Sec. 2. BASIS OF CLAIM. Payment of the sum appropriated shall be for the relief of Mr. and Mrs. Virgil Wilky, residents of the city of Phoenix, who were seriously injured August 8, 1954, in an automobile accident on state highway 69 about seven miles north of Phoenix, Arizona, caused when a state-owned vehicle operated by an employee of the state while on official business collided with a car operated by Mr. Virgil Wilky, in which his wife was a passenger.

Sec. 3. CONDITION OF APPROPRIATION. The appropriation made by this act is made upon the condition that payment and acceptance of the monies appropriated shall constitute a binding and irrevocable contract between the state and Mr. and Mrs. Virgil Wilky in full settlement of all claims heretofore or hereafter accrued, directly or indirectly, as a result of injuries suffered by the claimants on August 8, 1954, in an anutomobile accident on state highway 69.

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 30, 1956.

Filed in the Office of the Secretary of State—March 31, 1956.

CHAPTER 37

House Bill No. 304

AN ACT

RELATING TO TAXATION; ESTABLISHING A CLEARING ACCOUNT FOR THE PURPOSE OF MAKING REFUNDS AND ADJUSTMENTS, AND AMENDING ARTICLE 1, CHAPTER 9, TITLE 42, ARIZONA REVISED STATUTES, BY ADDING SECTION 42-1507.

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

Section 1. Article 1, chapter 9, title 42, Arizona Revised Statutes, is amended by adding section 42-1507, to read:

42-1507. CLEARING ACCOUNT; ANTICIPATED REFUNDS. Taxes levied and collected under this article shall be paid to the state treasurer for deposit into a clearing account, from which refunds and adjustments shall be made. At the close of each month, all funds in the clearing account shall be transferred to the general fund, except for amounts required for anticipated refunds.

Approved by the Governor—March 30, 1956.

Filed in the Office of the Secretary of State—March 31, 1956.

CHAPTER 38

House Bill No. 306

AN ACT

RELATING TO FUNERAL DIRECTORS AND EMBALMERS; PRESCRIBING ANNUAL RENEWAL FEE OF FUNERAL DIRECTOR'S OR EMBALMER'S CERTIFICATE, AND AMENDING SECTION 32-1334, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 32-1334, Arizona Revised Statutes, is amended to read:

32-1334. ANNUAL RENEWAL FEE OF FUNERAL DIRECTOR'S OR EMBALMER'S CERTIFICATE; FAILURE TO RENEW. A. Every certificate of qualification to practice funeral directing or embalming expires on June 30 each year and shall be renewed as provided by this section.

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

C. A funeral director or embalmer whose certificate has lapsed shall be required, when applying for reinstatement, to meet all conditions and requirements imposed upon applicants not previously qualified by the board.

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 30, 1956.

Filed in the Office of the Secretary of State—March 31, 1956.

CHAPTER 39

House Bill No. 307

AN ACT

RELATING TO THE BOARD OF FUNERAL DIRECTORS AND EMBALMERS; PRESCRIBING POWERS AND DUTIES THEREOF, AND AMENDING SECTION 32-1305, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 32-1305, Arizona Revised Statutes, is amended to read:

32-1305. POWERS AND DUTIES OF BOARD. A. The board shall administer this chapter, and see that its provisions and the rules and regulations of the board are complied with and impartially enforced, and that all laws relating to preparation and care of dead human bodies for transportation and the operation and maintenance of funeral establishments are observed.

B. The board shall adopt rules and regulations consistent with the provisions of this chapter, which shall be uniform in application and effect, for the practice of funeral directing and embalming. The rules and regulations shall be binding upon all funeral directors, embalmers and apprentice embalmers.

C. Members of the board shall sign all certificates of qualification.

D. The board may employ legal assistance to represent it when necessary at compensation the board may determine, and pay the fees and expenses of witnesses appearing in any proceedings before the board.

E. The board may employ such clerical assistance as may be required to perform its powers and duties under this article, and may prescribe reasonable compensation for such employees and the secretary of the board.

Approved by the Governor—March 30, 1956.

Filed in the Office of the Secretary of State—March 31, 1956.

CHAPTER 40

House Bill No. 339

AN ACT

MAKING AN APPROPRIATION TO ARIZONA PIONEERS HOME, DEPARTMENT OF VOCATIONAL EDUCATION, STATE SCHOOL FOR THE DEAF AND THE BLIND, STATE BOARD OF REGENTS, ARIZONA STATE COLLEGE AT TEMPE, ARIZONA CHILDREN'S COLONY BOARD, FOR THE PURPOSE OF MEETING OBLIGATIONS DUE FOR THE EMPLOYERS' CONTRIBUTIONS FOR OLD-AGE AND SURVIVORS INSURANCE AND STATE RETIREMENT.

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

Section 1. APPROPRIATION. The sum of five hundred seventy-five dollars is appropriated to the Arizona pioneers home. The sum of two hundred fifteen dollars and fifteen cents is appropriated to the department of vocational educational education. The sum of four hundred thirty-one dollars and twenty-four cents is appropriated to the state school for the deaf and the blind. The sum of three hundred twenty-six dollars and eighty-six cents is appropriated to the state board of regents, Arizona state college at Tempe. The sum of four hundred fifty dollars is appropriated to the Arizona children's colony board. The afore set forth appropriations are for the purpose of meeting obligations due for the employers' contributions for old-age and survivors insurance and state retirement in the case of employees not included in prior appropriations made to the afore set forth departments for employees within the provisions of those laws.

Sec. 2. ALLOCATION OF FUNDS. The appropriations made available under the provisions of section 1 shall be for the purposes and in the amounts following:

A. To the Arizona pioneers home for old-age and survivors insurance payments for the quarter ending September 30, 1955 through the quarter ending June 30, 1956, the sum of five hundred seventy-five dollars;

B. To the department of vocational education for old-age and survivors insurance payments for the fiscal year ending June 30, 1956, the sum of two hundred fifteen dollars and fifteen cents.

C. To the state school for the deaf and the blind for retroactive teacher contributions, employer's share, 1953-1954, the sum of one hundred seventy-seven dollars and twenty-two cents, and for old-age and survivors insurance payments due through June 30, 1956, the sum of two hundred fifty-four dollars and two cents;

D. To the state board of regents, Arizona state college at Tempe, for the employer's share of contributions due from the college for employees not covered by the teachers' retirement system during the beginning of their employment period, the sum of three hundred twenty-six dollars and eighty-six cents.

E. To the Arizona children's colony board for old age and survivors insurance payments for the fiscal year ending June 30, 1956, the sum of four hundred and fifty dollars.

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

Approved by the Governor—March 30, 1956.

Filed in the Office of the Secretary of State—March 31, 1956.

CHAPTER 41

House Bill No. 350

AN ACT

MAKING AN APPROPRIATION TO THE ARIZONA HIGHWAY DEPARTMENT FOR THE RELIEF OF THE CITY OF TUCSON.

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 75, section 1, chapter 139, Laws of 1955, the sum of six thousand three hundred ninety-eight dollars fourteen cents is appropriated to the Arizona highway department from the state highway fund.

Sec. 2. PURPOSE. The appropriation made under the terms of section 1 is to enable the Arizona highway department to reimburse the city of Tucson for improvement assessments against land owned by the state of Arizona and occupied by the Arizona highway department, which assessments were paid by the city of Tucson.

Sec. 3. EXEMPTION. The appropriation made under the terms of section 1 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 30, 1956.

Filed in the Office of the Secretary of State—March 31, 1956.

CHAPTER 42

Senate Bill No. 51

AN ACT

MAKING AN APPROPRIATION TO THE BOARD OF REGENTS OF THE UNIVERSITY AND STATE COLLEGES OF ARIZONA FOR THE PURCHASE OF REALTY, INCLUDING IMPROVEMENTS THEREON, AND THE PREPARATION OF SUCH LAND, FOR USE OF THE UNIVERSITY OF ARIZONA.

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

Section 1. APPROPRIATION. There is hereby appropriated to the board of regents of the university and state colleges of Arizona the sum of four hundred fifty thousand dollars for the purchase of realty for the use of the university of Arizona, including the improvements on such lands, demolition of buildings thereon, and preparation of such lands for use by the university.

Sec. 2. LAPSING OF APPROPRIATION. The appropriation made in section 1 shall not lapse until the purpose for which the appropriation is made shall have been accomplished or abandoned unless the appropriation shall have stood until January 1, 1960, without an expenditure therefrom or encumbrance thereon.

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 30, 1956.

Filed in the Office of the Secretary of State—March 31, 1956.

CHAPTER 43

Senate Bill No. 64

AN ACT

RELATING TO THE POST AUDITOR AND PROVIDING FOR THE REALLOCATION OF FUNDS.

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

Section 1. REALLOCATION. From the appropriation made to the post auditor under the provisions of section 1, subdivision 9, chapter 139, Laws of 1955, first regular session, the sum of four hundred ninety-two dollars fifty cents is reallocated from state travel to capital outlay-equipment for the purpose of purchasing equipment.

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 30, 1956.

Filed in the Office of the Secretary of State—March 31, 1956.

CHAPTER 44

Senate Bill No. 69

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 two thousand eight hundred forty three dollars fifty-nine cents is appropriated for the relief of the industrial commission of Arizona.

Sec. 2. PURPOSE. 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:

NO.	DATE	PERIOD COVERED	AMOUNT
7	4-4-1955	1-1-54 to 6-30-54 Workmen's Compensation	$2,774.47
8	4-4-1955	1-1-54 to 6-30-54 Occupational Disease	69.12
		TOTAL	$2,843.59

The certificates of indebtedness 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 30, 1956.

Filed in the Office of the Secretary of State—March 31, 1956.

CHAPTER 45

Senate Bill No. 68

AN ACT

MAKING AN APPROPRIATION TO THE STATE AVIATION AUTHORITY FOR PAYMENT OF COMPLETED SCHOLARSHIPS.

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

Section 1. APPROPRIATION. The sum of three thousand five hundred dollars is appropriated from the state aviation fund to the state aviation authority for payment by the authority of scholarships of one hundred dollars to each of thirty-five students who attended and successfully completed a special five-week aviation workshop session conducted by the Arizona state college at Flagstaff, Arizona, at the request of the authority, for the purpose of encouraging and advancing aviation in the state.

Sec. 2. EXEMPTION. The appropriation made under the terms of section 1 is exempt from the provisions of section 35-173, 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.

(Failed to pass the House with sufficient votes to carry the emergency clause)

Approved by the Governor—March 30, 1956.

Filed in the Office of the Secretary of State—March 31, 1956.

CHAPTER 46

Senate Bill No. 150

AN ACT

RELATING TO DEATH BY WRONGFUL ACT; PROVIDING FOR RECOVERY BY SURVIVORS, AND AMENDING SECTIONS 12-612 AND 12-613, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 12-612, Arizona Revised Statutes, is amended to read:

12-612. PARTIES PLAINTIFF; RECOVERY; DISTRIBUTION. A. An action for wrongful death shall be brought by and in the name of the surviving husband or wife or personal representative of the deceased person for and on behalf of the surviving husband or wife, children or parents, or if none of these survive, on behalf of the decendent's estate.

B. The father, or in the case of his death or desertion of his family, the mother, may maintain the action for death of a child, and the guardian for death of his ward.

C. The amount recovered in an action for wrongful death shall be distributed to the parties provided for in subsection A and in the proportions provided by law for distribution of personal estate left by persons dying intestate.

D. The term "personal representative" as used in this section shall include any person to whom letters testamentary or of administration are granted by competent authority under the laws of this or any other state. The action for wrongful death may be maintained by any such personal representative without issuance of further letters, or other requirement or authorization of law.

Sec. 2. Sec. 12-613, Arizona Revised Statutes, is amended to read:

12-613. MEASURE OF DAMAGES; NONLIABILITY FOR DEBTS OF DECEDENT. In an action for wrongful death, the jury shall give such damages as it deems fair and just with reference to the injury resulting from the death to the surviving parties who may be entitled to recover, and also having regard to the mitigating or aggravating circumstances

attending the wrongful act, neglect or default. The amount recovered in such action shall not be subject to debts or liabilities of the deceased, unless the action is brought on behalf of the decedent's estate.

Approved by the Governor—March 30, 1956.

Filed in the Office of the Secretary of State—March 31, 1956.

CHAPTER 47

Senate Bill No. 12

AN ACT

MAKING AN APPROPRIATION TO THE STATE LAND DEPARTMENT FOR THE PURPOSE OF STUDYING MEANS AND METHODS AND COORDINATING EFFORTS TO IMPROVE CONDITIONS ON THE WATERSHED AREAS OF THE STATE OF ARIZONA.

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

Section 1. APPROPRIATION. The sum of twenty-five thousand dollars is appropriated to the state land department.

Sec. 2. PURPOSE. The purpose of the appropriation made under section 1 is to provide funds to the state land department for the study of means and methods of improving conditions on the watershed areas of the state of Arizona so as to better utilize a greater percentage of the annual rainfall; to determine the reasons and causes of the increasing loss of annual runoff of rainfall on the watershed areas; to assess the value of present methods and operations and examine suggested new methods; and to coordinate the efforts of federal, state and local agencies and individuals in such operations; and to actively conduct and carry out programs and experiments to improve water utilization and yield.

Sec. 3. EXEMPTION. The appropriation made under the terms of section 1 shall be 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 30, 1956.

Filed in the Office of the Secretary of State—April 2, 1956.

CHAPTER 48

Senate Bill No. 71

AN ACT

MAKING AN APPROPRIATION TO THE NATIONAL GUARD OF ARIZONA FOR THE PURCHASE OF REAL PROPERTY.

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

Section 1. APPROPRIATION. In addition to all other sums, the sum of thirty-three thousand five hundred dollars is appropriated to the national guard of Arizona in the amounts and for the purposes following:

1. Eighteen thousand five hundred dollars for the purchase of Lot 1 and the east 5 feet of Lot 3, Block 70, Original Phoenix Townsite, known as 603 West Jefferson Street, Phoenix, Arizona.

2. Fifteen thousand dollars for the purchase of Lot 3, except the east 5 feet, Block 70, Original Phoenix Townsite, known as 605 West Jefferson Street, Phoenix, Arizona.

Sec. 2. EXEMPTION. The appropriation made under the terms of this act is exempt from the provisions of section 35-173 and section 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 30, 1956.

Filed in the Office of the Secretary of State—April 2, 1956.

CHAPTER 49

Senate Bill No. 80

AN ACT

RELATING TO EDUCATION; AUTHORIZING BOARDS OF TRUSTEES TO GRANT LEAVES OF ABSENCE TO ADMINISTRATIVE AND TEACHING PERSONNEL NOT TO EXCEED ONE YEAR; PRESERVING THE RIGHTS OF SUCH PERSONNEL, AND AMENDING ARTICLE 2, CHAPTER 4, TITLE 15, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-444.02.

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

Section 1. Article 2, chapter 4, title 15, Arizona Revised Statutes, is amended by adding section 15-444.02 to read:

15-444.02. AUTHORIZATION OF LEAVES OF ABSENCE; APPLICATION; PRESERVATION OF RIGHTS. A. The board of trustees may authorize leaves of absence for administrative or teaching personnel when it deems such leaves of absence to be reasonable and for good cause and not detrimental to education within the district.

B. Leaves of absence shall be limited to a period not to exceed one year.

C. Leaves of absence shall be granted upon application stating the purpose of the leave of absence, the facts as to its necessity or advisability, and other information helpful to the board in making a determination as to whether the leave should be granted.

D. If leave is granted, all rights of tenure, retirement, accrued leave with pay, salary increments and other benefits provided by law shall be preserved and available to the applicant after the termination of the leave of absence.

Approved by the Governor—March 30, 1956.

Filed in the Office of the Secretary of State—April 2, 1956.

CHAPTER 50

Senate Bill No. 85

AN ACT

RELATING TO FISH AND GAME; PROVIDING FOR INVESTMENT OF SURPLUS FUNDS FROM STATE GAME AND FISH PROTECTION FUND, AND AMENDING ARTICLE 4, CHAPTER 2, TITLE 17, ARIZONA REVISED STATUTES, BY ADDING SECTION 17-261.01.

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

Section 1. Article 4, chapter 2, title 17, Arizona Revised Statutes, is amended by adding section 17-261.01, to read:

17-261.01. INVESTMENT OF SURPLUS FUNDS. Whenever the commission determines that a portion of the funds in the state game and fish protection fund is not required to be used for a period of three months or more, the commission may, with the consent of the state treasurer, cause the money not required for use within three months to be invested 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 state game and fish protection fund.

Approved by the Governor—March 30, 1956.

Filed in the Office of the Secretary of State—April 2, 1956.

CHAPTER 51

Senate Bill No. 126

AN ACT

RELATING TO THE INDUSTRIAL COMMISSION OF ARIZONA AND THE COMPENSATION FUND; PROVIDING FOR AUDITS OF BOOKS OF ACCOUNTS, FUNDS, AND SECURITIES OF THE COMMISSION, AND PAYMENT THEREFOR OUT OF THE STATE FUND SUBJECT TO THE PRIOR APPROVAL OF THE GOVERNOR, THE STATE AUDITOR AND THE ATTORNEY GENERAL, AND AMENDING SECTION 23-982, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 23-982, Arizona Revised Statutes, is amended to read:

23-982. CUSTODIAN OF FUND; DUTIES; AUDIT. A. The state treasurer shall be custodian of the state compensation fund and all disbursements therefrom shall be paid by him upon vouchers authorized by the commission and signed by a member of the commission and the secretary thereof. The treasurer shall give a separate and additional bond in an amount fixed by the governor, conditioned upon faithful performance of his duties as custodian of the fund. The treasurer,

with the consent of the commission, shall deposit any portion of the fund not needed for immediate use as state funds are deposited, and the best interest obtainable shall be collected upon such deposits and placed to the credit of the compensation fund.

B. All monies collected by the commission shall be forthwith paid to the state treasurer.

C. Commencing with the year 1956, and every five years thereafter, or oftener if it deems necessary, the commission shall cause an audit of its books of account, funds and securities to be made by an independent auditor or auditing firm, the cost thereof to be a charge against the state compensation fund. The contract for the audit in each instance shall be subject to the prior approval of the governor, the state auditor, and the attorney general. A copy of the audit shall, upon completion, be filed in the office of the secretary of state and such audit shall be open to the public for inspection.

Approved by the Governor—March 30, 1956.

Filed in the Office of the Secretary of State—April 2, 1956.

CHAPTER 52

Senate Bill No. 137

AN ACT

MAKING AN APPROPRIATION TO THE STATE AUDITOR FOR PAYMENT OF SPECIFIC OBLIGATIONS INCURRED BY VARIOUS DEPARTMENTS.

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

Section 1. APPROPRIATION. The sum of twelve thousand three hundred seventy-five dollars sixty-five cents is appropriated to the state auditor for the payment of specific obligations incurred by various departments and for which insufficient funds were available in the appropriations of the departments for payment thereof.

Sec. 2. CLAIMS TO BE PAID. The sum appropriated under the terms of section 1 is in full satisfaction of the following claims and in the following amounts:

Mountain States Telephone and Telegraph Co.	$ 91.20
McGrew Printery	100.44
Peterson, Brooke, Steiner and Wist	156.77
Christy Signs	20.00
Spencer Thompson	225.50
IBM Corporation	10,898.18
Chambers Transfer and Storage	790.00
Charles J. McNichol	19.76
Sam Fireman	58.50
City of Phoenix, Division of Water and Sewers	15.30
TOTAL	$12,375.65

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.

(Failed to pass the House with sufficient votes to carry the emergency clause)

Approved by the Governor—March 30, 1956.

Filed in the Office of the Secretary of State—April 2, 1956.

CHAPTER 53

Senate Bill No. 178

AN ACT

RELATING TO SCHOOL DISTRICTS; DEFINING THE AMOUNT OF THE DISTRICT REVOLVING FUND AND SETTING UP REGULATIONS PERTAINING THERETO, AND AMENDING SECTION 15-1248, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 15-1248, Arizona Revised Statutes, is amended to read:

15-1248: REVOLVING FUNDS FOR COMMON AND HIGH SCHOOL DISTRICTS; PURPOSE AND MANNER OF PROCURING. A. The governing board of any common

or high school district, the activities of which require immediate cash outlays for postage, freight, express, parcel post, travel or other minor disbursements but not including salaries or wages, which are proper as ultimate claims for payment from district school funds, may apply to the county school superintendent to provide a revolving fund in an amount not to exceed ten cents per pupil in average daily attendance or five hundred dollars, whichever is greater. The application shall state the purposes for which the fund is required and the amount deemed necessary, and shall designate the particular official of the district who shall be the custodian of and be charged with the handling and accounting for the fund.

B. The county school superintendent may allow such application, draw a warrant to the order of the designated custodian, and charge the amount thereof against the school district fund, but no revolving fund shall be established unless the designated custodian is bonded for an amount equal to twice the amount of the fund. The cost of the bond shall be a proper charge against the school district.

C. The designated custodian shall periodically submit a voucher with supporting papers covering disbursements from the revolving fund to the county school superintendent who shall issue a warrant for the voucher to reimburse the fund. The designated custodian shall return the original amount of the revolving fund to the county treasurer on or before the close of the fiscal year in which the fund was established.

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 30, 1956.

Filed in the Office of the Secretary of State—April 2, 1956.

CHAPTER 54

Senate Bill No. 181

AN ACT

RELATING TO THE STATE EXAMINER; PRESCRIBING THE SALARY THEREOF, AND AMENDING SECTION 41-332, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 41-332, Arizona Revised Statutes, is amended to read:

41-332. SALARY; PENALTY FOR UNAUTHORIZED COMPENSATION. A. The state examiner shall receive an annual salary of not to exceed eight thousand four hundred dollars, and necessary traveling, clerical and office expenditures.

B. If the examiner shall, directly or indirectly, receive any compensation or reward for services, or extra services, or for neglect of service, other than as provided in this article, he is guilty of a felony punishable by a fine not execeeding ten thousand dollars, by imprisonment for not to exceed ten years, 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.

(Failed to pass the House with sufficient votes to carry the emergency clause)

Approved by the Governor—March 30, 1956.

Filed in the Office of the Secretary of State—April 2, 1956.

CHAPTER 55

House Bill No. 129

AN ACT

RELATING TO AGRICULTURAL, VEGETABLE AND ORNAMENTAL PLANT SEED; PROVIDING FOR THE LICENSING AND REGULATION OF THE SALE AND HANDLING THEREOF; REPEALING ARTICLE 2, CHAPTER 2, TITLE 3, ARIZONA REVISED STATUTES, AND ENACTING A NEW ARTICLE 2, CHAPTER 2, TITLE 3, ARIZONA REVISED STATUTES.

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

Section 1. REPEAL. Aritcle 2, chapter 2, title 3, Arizona Revised Statutes, is repealed.

Sec. 2. Chapter 2, title 3, Arizona Revised Statutes, is amended by adding a new article 2, sections 3-231 through 3-242, to read:

ARTICLE 2. SEEDS

3-231. DEFINITIONS. In this article, unless the context otherwise requires:

1. "Advertisement" means all representations, other than those on the label, made in any manner or by any means relating to seed within the scope of this article.

2. "Agricultural seed" means the seeds of grass, forage, cereal, and fiber crops and any other kinds of seeds commonly recognized within this state as agricultural seeds, lawn seeds and mixtures of such seeds, and may include noxious-weed seeds when the commission determines that such seed is being used as agricultural seed.

3. "Certified seed" or "registered seed" means seed that has been produced and labeled in accordance with the procedures and in compliance with the rules and regulations of an officially recognized seed-certifying agency.

4. "Commission" means the Arizona commission of agriculture and horticulture and its authorized agents.

5. "Established plant, warehouse, or place of business" means any permanent office headquarters maintained by an importer, broker, seller, or authorized manufacturer's agent, or any permanent warehouse, building, or structure, in or from which a legitimate permanent business is carried on in good faith and not for the purpose of evading this article, during the usual and customary business hours, which is recognized, and where required, is licensed and taxed as such by the proper public authorities, at which stocks of agricultural seed, vegetable seed, or ornamental plant seed regulated by this article are sold, distributed, processed, mixed, stored, or kept in quantities reasonably adequate and usually carried for the requirements of the business and available for regular inspection by the state seed law enforcement officer or his inspectors. It does not include temporary residences, tents, temporary stands, itinerate trucks or transportation vehicles, or other temporary quarters, occupied pursuant to any temporary arrangement to evade this article.

6. "Hybrid seed corn," as applied to field corn, sweet corn or popcorn, means the first generation seed of a cross made under controlled conditions between different strains and involving one or more inbred lines of corn. For purposes of labeling, the number of other designations of hybrid corn shall be used as a variety name.

7. "Kind" means one or more related species or sub-species which singly or collectively is known by one common name, such as corn, oats, alfalfa and timothy.

8. "Labeling" means all labels and other written, printed or graphic representations, in any form whatsoever, accompanying or pertaining to any seed whether in bulk or in containers and includes representations or invoices.

9. "Lot" means a definite quantity of seed identified by a lot number or other mark, every portion or bag of which is uniform within recognized tolerances for the factors which appear in the labeling.

10. "Noxious-weed seeds" means "prohibited noxious-weed seeds" and "restricted noxious-weed seeds" as defined in this paragraph and as listed in the regulations promulgated under this article.

(a) "Prohibited noxious-weed seeds" are the seeds of perennial or annual weeds which, when established, are highly destructive and difficult to control by ordinary good cultural practice and the seed of which are prohibited by this article subject to recognized tolerances.

(b) "Restricted noxious-weed seeds" are all noxious-weed seed not classified as prohibited noxious-weed seed.

11. "Ornamental plant seed" means the seed of any plant used for ornamental purposes and shall include flower seed and and seed of any plant used for decorative or ornamental purposes.

12. "Person" means any individual, partnership, corporation, company, society, or association.

13. "Pure seed," "germination," and other seed labeling and testing terms in common usage shall be defined as in the rules for seed testing published by the association of official seed analysts and in the federal seed act and the rules and regulations promulgated thereunder.

14. "Record" means all information relating to the shipment or shipments involved and includes a file sample of each lot of seed.

15. "Seizure" means a legal process carried out by court order against a definite amount of seed.

16. "State seed law enforcement officer" means the state entomologist and his authorized agents.

17. "Stop sale" means an administrative order provided by law restraining the sale, use, disposition and movement of a definite amount of seed.

18. "Treated" means that the seed has received an application of a substance or process which substance or process is designed to reduce control or repel certain disease organisms, insects or other pests attacking such seeds or seedlings growing therefrom.

19. "Type" means either a group of varieties so similar that the individual varieties cannot be clearly differentiated except under special conditions, or, when used with a variety name, means seed, of the variety named which may be mixed with seed of other varieties of the same kind and of similar character, the manner of and the circumstances connected with the use of the designation to be governed by regulations prescribed under this article.

20. "Variety" means a subdivision of a kind characterized by growth, yield, plant, fruit, seed, or other characteristics by which it can be differentiated from other plants of the same kind.

21. "Vegetable seeds" means seeds of those crops which are grown in gardens and on truck farms and are generally known and sold under the name of vegetable seeds in this state.

22. "Weed seeds" means the seeds of all plants generally recognized as weeds within this state and includes noxious-weed seeds.

3-232. ENFORCEMENT OF ARTICLE; DUTIES OF STATE SEED LAW ENFORCEMENT OFFICER. The state seed law enforcement officer shall enforce the provisions of this article. The state seed law enforcement officer shall:

1. Sample, inspect, make analysis of and test agricultural, vegetable and ornamental plant seed transported, sold or offered or exposed for sale within the state for sowing purposes, at the time and place and to the extent he deems necessary to determine whether the agricultural, vegetable and ornamental plant seeds are in compliance with the provisions of this article, and he shall notify promptly the person who transported, sold, offered or exposed the seed for sale of any violation.

2. Prescribe and, after public hearing following due public notice, adopt regulations governing the methods of sampling, inspecting, analyzing, testing and examination of agricul-

tural, vegetable and ornamental plant seed and the tolerances to be followed in the administration of this article, which are in general accord with the officially prescribed practice in interstate commerce, and such other regulations as are necessary to secure the efficient enforcement of this article.

3. Designate seed-certifying agencies which he finds qualified to certify as to variety, purity, quality or other matter of agricultural or vegetable seeds. He shall consult with the director of the university of Arizona agricultural experiment station before approving the qualifications of any agency to certify as to variety, strain or other genetic character of agricultural or vegetable seeds.

4. Prescribe and, after public hearing following due public notice, establish, add to or subtract therefrom by regulations a prohibited and restricted noxious-weed list.

5. Prescribe and, after public hearing following due public notice, adopt regulations establishing reasonable standards of germination for vegetable seeds.

3-233. POWERS OF COMMISSION OF AGRICULTURE AND HORTICULTURE. For the purpose of carrying out the provisions of this article, the commission may:

1. In order to have access to seeds and the records pertaining thereto subject to the provisions of this article and the regulations adopted thereunder, enter upon:

(a) Any public or private premises during business hours.

(b) Any truck or other conveyor operated on land, water or in the air.

2. Issue and enforce a written "stop sale" order to the owner or custodian of any lot of agricultural, vegetable or ornamental plant seed which the commission finds is in violation of any of the provisions of this article, as provided in section 3-238.

3. Establish and maintain or make provision for seed testing facilities, employ qualified persons, and incur expenses necessary to comply with the provisions of this article.

4. Make or provide for making purity and germination tests of seeds for farmers and dealers on request, prescribe regulations governing such testing, and fix and collect charges for the tests.

5. Cooperate with the United States department of agriculture and other agencies in seed law enforcement.

6. Revoke a license issued under the provisions of this article upon satisfactory proof that the licensee has violated any of the provisions of this article or any of the regulations promulgated thereunder.

3-234. SEED LAW FUND; CONTINUING APPROPRIATION. A. All monies collected pursuant to this article shall be paid to the state treasurer, through the state auditor, for deposit in the seed law fund.

B. All monies in the seed law fund are appropriated to the commission of agriculture and horticulture to be expended under the direction of the state seed law enforcement officer for carrying out the provisions of this article.

3-235. SEED DEALER LICENSE; QUALIFICATION; FEE; EXCEPTION. A. A dealer who sells, distributes, processes or mixes for the use of others any agricultural, vegetable or ornamental plant seed, except vegetable and ornamental plant seed in packages of less than one pound, shall obtain a license from the commission, authorizing him to sell, distribute, process or mix such seed. A dealer shall not be entitled to a license unless he has an established plant, warehouse or place of business. A separate license shall be required for each place of business from which seed regulated by this article is sold.

B. An application for a license shall be accompanied by a fee of five dollars. A license shall be renewed annually not later than July 1, and the application for renewal shall be accompanied by a fee of five dollars.

C. This section does not apply to a farmer growing and marketing his own crops. The portion of crops received by an individual who harvests the producer's crop and receives part of the crop as payment for services rendered in the harvesting shall be exempt from the provisions of this article.

3-236. RETENTION OF INVOICES AND RECORDS. Each person whose name appears on the label of and handles agricultural and vegetable seeds subject to this article shall keep for a period of two years complete records of each lot of agricultural or vegetable seed handled, and keep for one year a file sample of each lot of seed after disposition of the lot. All records pertaining to the lot or lots involved shall be accessible for inspection by the state seed law enforcement officer during customary business hours.

3-237. LABEL REQUIREMENTS. Each container of agricultural, vegetable and ornamental plant seed sold, offered for sale, exposed for sale or transported within the state for

sowing purposes, shall bear or have attached thereto in a conspicuous place a plainly written label or tag in the English language, which statement shall not be modified or denied in the labeling or on another label attached to the container, giving the following information:

1. For all seeds named and treated as defined in this article:

(a) A word or statement indicating that the seed has been treated.

(b) The commonly accepted coined chemical or abbreviated chemical name of the applied substance.

(c) If the substance in the amount present with the seed is harmful to human or other vertebrate animals, a caution statement such as "Do not use for food for feed or oil purposes." The caution for mercurials and similarly toxic substances shall be a poison statement or symbol.

2. For agricultural seeds:

(a) The commonly accepted name of the kind or the kind and variety of each agricultural seed component in excess of five per cent of the whole, and the percentage by weight of each in the order of its predominance. Where more than one component is named, the word "mixture" or the word "mixed" shall be shown conspicuously on the label.

(b) The lot number or other lot identification.

(c) The origin, state or foreign country, if known, of alfalfa, red clover and field corn, except hybrid corn. If the origin is unknown, that fact shall be stated.

(d) The percentage by weight of all weed seed.

(e) The name and rate of occurrence per pound of each kind of restricted noxious-weed seed present.

(f) The percentage by weight of agricultural seeds, which may be designated as "crop seeds," other than those required to be named on the label.

(g) The percentage by weight of inert matter.

(h) For each named agricultural seed:

i. The percentage of germination, exclusive of hard seed.

ii. The percentage of hard seed, if present.

iii. If desired, the germination and hard seed total.

iv. The month and year the test was completed to determine such percentages.

(i) The name and address of the person who labeled the seed, or who sells, offers or exposes the seed for sale within this state.

3. For vegetable seeds in containers of one pound or less:

(a) The name of the kind and variety of seed.

(b) For seeds which germinate less than the standard last established by the commission under this article:

i. The percentage of germination, exclusive of hard seed.

ii. The percentage of hard seed, if present.

iii. The month and year the test was completed to determine such percentages.

iv. The words "Below Standard" in not less than eight point type.

(c) The name and address of the person who labeled the seed, or who sells, offers or exposes the seed for sale within this state.

4. For vegetable seeds in containers of more than one pound:

(a) The name of each kind and variety present in excess of five per cent and the percentage by weight of each in order of its predominance.

(b) The lot number or other lot identification.

(c) For each named vegetable seed:

i. The percentage of germination, exclusive of hard seed.

ii. The percentage of hard seed, if present.

iii. If desired, the germination and hard seed total.

iv. The month and year the test was completed to determine such percentages.

(d) The name and address of the person who labeled the seed, or who sells, offers or exposes the seed for sale within this state.

5. For ornamental plant seed:

(a) The name of the kind and variety of seed.

(b) The name and address of the person or firm that packeted the seed and labeled it.

3-238. STOP SALE ORDER; APPEAL TO SUPERIOR COURT

A. The commission may issue and enforce a written "stop sale" order to the owner or custodian of any lot of agricultural, vegetable or ornamental plant seed which the commission finds is in violation of any of the provisions of this article, which order shall prohibit further sale, processing and movement of the seed except on approval of the enforcing officer, until the officer has evidence that the law has been complied with, and he has issued a release of the seed from the "stop sale" order.

B. The owner or custodian of seeds which have been denied further sale, processing and movement shall have the right to appeal from the order to a court of competent jurisdiction in the locality in which the seeds are found, praying for a judgment as to the justification of the order and for the discharge of the seed from the order prohibiting the sale, processing and movement in accordance with the findings of the court.

C. The provisions of this section shall not be construed as limiting the right of the enforcement officer to proceed as authorized by other sections of this article.

3-239. SEIZURE OF NONCOMPLYING SEED; CONDEMNATION; RIGHTS OF OWNER; INJUNCTION

A. Any lot of agricultural, vegetable or ornamental plant seed not in compliance with the provisions of this article shall be subject to seizure upon complaint of the commission to a court of competent jurisdiction in the locality in which the seed is located.

B. If the court finds the seed is in violation of this article and orders condemnation of the seed, it shall be denatured, processed, destroyed, relabeled or otherwise disposed of in compliance with the laws of this state. Before the court orders such disposition of the seed, it shall first give the claimant an opportunity to apply to the court for release of the seed or permission to process or relabel it to bring it into compliance with this article.

C. Any violation of this article may be enjoined in a court of competent jurisdiction without commencing any other action.

3-240. PROSECUTIONS; PENALTIES; PUBLICATION OF RESULTS

A. Any person violating any provision of this article is guilty of a misdemeanor punishable by a fine not exceeding one hundred dollars for the first offense, and not exceeding three hundred dollars for each subsequent similar offense.

B. When the commission finds that a person has violated any of the provisions of this article, it may institute proceedings in a court of competent jurisdiction in the locality in which the violation occurred to have the person prosecuted therefor, or the commission may file with the county attorney, with the view of prosecution, such evidence as the county attorney deems necessary. At the discretion of the enforcement officer, the defendant may be given an opportunity to appear before the commission to introduce evidence either in person or by his agent or attorney at a private hearing. If, after such hearing or without such hearing in case the defendant or his agent or attorney fails or refuses to appear, the commission is of the opinion that the evidence warrants prosecution, they shall proceed as provided in this section.

C. The county attorney of the county in which the violation occurred shall institute proceedings at once against any person charged with a violation of this article if, in his judgment, the information submitted warrants such action.

D. After judgment by the court in any case arising under this article, the commission shall publish any information pertinent to the issuance of the judgment by the court in such media as they may at any time designate.

3-241. EXEMPTIONS; EXCEPTIONS

A. The provisions of sections 3-237 and 3-242 do not apply:

1. To seed or grain not intended for sowing purposes.

2. To seed in storage in, or being transported or consigned to a cleaning or processing establishment for cleaning or processing, if the invoice or labeling accompanying any shipment of such seed bears the statement "seed for processing," and if any labeling or other representation which may be made with respect to the uncleaned or unprocessed seed shall be subject to this article.

3. To any carrier in respect to any seed transported or delivered for transportation in the ordinary course of its business as a carrier, if the carrier is not engaged in producing, processing, or marketing agricultural, vegetable or ornamental plant seed subject to provisions of this article.

B. No person shall be subject to the penalties of this article for having sold or offered or exposed for sale in the state any agricultural, vegetable or ornamental plant seeds, which were incorrectly labeled or represented as to kind, variety, type or origin, which seeds cannot be identified by examination thereof, unless he has failed to obtain an invoice or grower's declaration, if required, and to take such other precautions as are necessary to insure the identity to be that stated.

3-242. VIOLATIONS

A. It is unlawful to sell, offer for sale, expose for sale or to transport for sale any agricultural, vegetable or ornamental plant seed, for planting purposes, within this state:

1. Unless the test to determine the percentage of germination required by section 3-237 has been completed within a nine-month period, exclusive of the calendar month in which the test was completed, immediately prior to the sale, exposure for sale, or offering for sale or transportation.

2. Which is not labeled in accordance with the provisions of this article, or has a false or misleading labeling.

3. When there has been a false or misleading advertisement.

4. Which consists of or contains prohibited noxious-weed seeds.

5. Which consists of or contains restricted noxious-weed seeds per pound, in excess of the amount allowed as prescribed in regulations promulgated under this article, or in excess of the number declared on the label attached to the container of the seed or associated with the seed.

6. Which contains more than two per cent by weight of all weed seeds.

7. Which is represented to be "certified seed," "registered seed" or "foundation seed" unless it has been produced and labeled in accordance with the procedures and in compliance with the rules and regulations of an official or officially recognized seed certification or registration agency.

8. Which has been treated with any approved substance designed to control or repel plant disease organisms or insect pests attacking the seeds unless each container bears a label giving information in the form as the commission may by regulations prescribe, showing the commonly accepted name and the kind or nature of the substance and, if the substance may be harmful to humans or other vertebrate animals, a warning or caution statement adequate to protect the public.

9. Unless a license has been obtained in accordance with the provisions of this article.

B. It is unlawful for any person within this state:

1. To detach, alter, deface or destroy any label provided for in this article or by the regulations made and promulgated thereunder, or to alter or substitute seed, in a manner that may defeat the purpose of this article.

2. To disseminate any false or misleading advertisement concerning agricultural, vegetable or ornamental plant seed in any manner or by any means.

3. To hinder or obstruct in any way any authorized person in the performance of his duties under this article.

4. To fail to comply with a "stop sale" order.

5. To use the word "trace" as a substitute for any statement which is required.

6. To move or otherwise handle or dispose of any lot of seed held under a "stop sale" order or tags attached thereto, except with the express permission of the enforcing officer, and for the purpose specified therein.

Approved by the Governor—April 2, 1956.

Filed in the Office of the Secretary of State—April 3, 1956.

CHAPTER 56

House Bill No. 295

AN ACT

RELATING TO COMBINATIONS IN RESTRAINT OF TRADE; PRESCRIBING PROHIBITIONS IN RELATION TO VIOLATORS, AND AMENDING SECTION 44-1403, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 44-1403, Arizona Revised Statutes, is amended to read:

44-1403. VIOLATOR PROHIBITED FROM DOING BUSINESS WITHIN STATE; DEALING WITH VIOLATOR PROHIBITED

A person or corporation, within or without this state, which, or an officer, agent, representative or consignee of which, violates any provision of this article, is prohibited from doing any business within the state, and persons within the state shall not deal directly or indirectly with any such violator.

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—April 2, 1956.

Filed in the Office of the Secretary of State—April 3, 1956.

CHAPTER 57

Senate Bill No. 57

AN ACT

RELATING TO THE TRANSPORTATION AND DELIVERY OF VEHICLES BY TRANSPORTERS, PROVIDING FOR THE ISSUANCE OF A CERTIFICATE AND PLATES TO TRANSPORTERS AND FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS ACT; PRESCRIBING FEES; PRESCRIBING PENALTIES, AND AMENDING CHAPTER 8, TITLE 28, ARIZONA REVISED STATUTES BY ADDING ARTICLE 3.1.

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

Section 1. Chapter 8, title 28, Arizona Revised Statutes, is amended by adding article 3.1 to read:

ARTICLE 3.1. TRANSPORTATION OF VEHICLES

28-1361.01. DEFINITIONS. In this article, unless the context otherwise requires:

1. "Transporter" means every person lawfully engaged in the business of transporting or delivering vehicles not his own, and of a type otherwise required to be registered, by the driveaway or towaway methods, from any point of manufacture, assembly or distribution or from the owner thereof, to a dealer or sales agent of a manufacturer, or to any consignee designated by the shipper or consignor.

2. "Driveway or towaway" methods mean the transportation service rendered by a transporter whereby motor vehicles are driven singly or in combinations by the towbar, saddlemount or fullmount methods or any lawful combinations thereof, or where a truck or truck-tractor tows or draws a semi-trailer or trailer.

28-1361.02. EXCEPTIONS. The provisions of this article shall not apply to work or service vehicles owned or operated by a transporter, nor to vehicles hauled by the truckaway method.

28-1361.03. APPLICATION FOR ISSUANCE OF CERTIFICATE AND PLATES. A. A transporter may make application to the superintendent upon the appropriate form for a certificate containing a general distinguishing number and for two or more single transporter's plates. The applicant shall also submit proof of his status as a bona fide transporter as may reasonably be required, and shall tender the proper fees as required by section 28-1361.08, and he shall submit proof of compliance with chapter 3, title 40, Arizona Revised Statutes.

B. The superintendent, upon granting any such application, shall issue to the applicant a registration certificate containing the applicant's name, address, identifying status, and the general distinguishing number assigned solely to the applicant.

C. The superintendent shall also issue single serially numbered transporter's plates as applied for, which plates shall have displayed thereon a symbol identifying the status of the applicant.

D. Every certificate or plate or tab issued hereunder shall expire at midnight on the 31st day of December of each year.

E. The superintendent may, in lieu of issuing new plates annually, furnish and issue tabs to indicate the year for which the plates are valid.

28-1361.04. OPERATION OF VEHICLES BEARING TRANSPORTER'S PLATE. Notwithstanding any other provision of law to the contrary, a transporter may operate, move or transport vehicles not his own, of a type otherwise required to be registered, by the driveaway or towaway methods, solely for the purpose of transporting or delivering the same, without registering each such vehicle, upon condition that each such vehicle display thereon one transporter's plate issued to such transporter pursuant to this article.

28-1361.05. DISPLAY OF PLATES. A. Where a transporter operates one vehicle singly, then such vehicle shall bear and display a plate on the front thereof.

B. Where a transporter operates and moves more than one vehicle, then the first vehicle in the combination shall bear and display one plate on the front thereof, and each and every other vehicle in the combination shall bear and display one plate on the rear thereof.

28-1361.06. MAINTENANCE OF RECORDS. A. Every transporter shall keep a written record of the vehicles upon which such plates are used and of the date of use. All records of a transporter shall be available to, and open to inspection by, any agent or employee of the superintendent.

B. A copy of bills of lading, showing invoices or orders, or other documents containing the following information shall be a sufficient record:

1. The names of the consignor and consignee.

2. A complete description of the vehicle, including make, model, year of manufacture, motor number and serial number.

C. One executed copy of such document shall be filed at the office of the superintendent or at any port of entry, for which the superintendent shall issue a gummed receipt. The receipt shall be displayed on the windshield of each vehicle while in transit.

28-1361.07. SUSPENSION OR REVOCATION; PENALTIES. A. The superintendent, after an impartial investigation, may notify any transporter, allegedly a violator of the provisions of this article, of a hearing to be held before the superintendent after ten days, and upon hearing the evidence, and upon finding and determining that there has been fraud committed in the application for any certificate, transporter plate or tab or in the use thereof, or that there is no satisfactory proof of the status of the transporter, the superintendent is authorized to withhold, suspend or revoke such certificate, transporter plate or tab. The superintendent is further authorized upon good cause shown, to thereafter re-issue such certificate, transporter plate or tab.

B. Any person violating any provision of this article, or any person wrongfully using or permitting wrongful use of the privileges of this article by any other person, shall be guilty of a misdemeanor, and upon conviciton thereof, shall be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars, or by imprisonment in jail up to thirty days, or both.

28-1361.08. FEES AND TAXES. A. The fees or taxes provided in this article are declared to be in full consideration for the right to use the highways of the state, and are in lieu of all other taxes or fees except fuel taxes and license tax required by section 40-641, Arizona Revised Statutes.

B. The fees to be paid under this article are as follows:

1. For the registration certificate and the first two plates or tabs issued to a transporter, two hundred fifty dollars.

2. For each additional plate or tab, five dollars.

3. For replacement of lost certificates, plates or tabs, or for additional copies of a certificate, five dollars.

C. Transporters having a limited operation may elect, in lieu of complying with the provisions of this article, to comply with all other applicable statutes.

28-1361.09. CERTIFICATES, PLATES AND TABS NOT TRANSFERABLE TO OTHER PERSON. The certificate, plates and tabs issued in conformance with this article are not transferable from the applicant and holder to any other person.

28-1361.10. DEPOSIT OF FUNDS. All funds received or collected by the superintendent pursuant to this article, shall be deposited by him before the fifteenth day of each calendar month with the state treasurer for deposit in the state highway fund.

Sec. 2. EFFECTIVE DATE. This act shall become effective from and after July 1, 1956.

Approved by the Governor—April 2, 1956.

Filed in the Office of the Secretary of State—April 3, 1956.

CHAPTER 58

House Bill No. 325

AN ACT

RELATING TO SALARIES; INCREASING THE SALARY OF EXECUTIVE AND JUDICIAL OFFICERS, AND AMENDING SECTIONS 12-106, 12-128, 12-203, 15-124 AND 38-603, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 12-106, Arizona Revised Statutes, is amended to read:

12-106. SALARY OF JUDGES. Each judge of the supreme court shall receive an annual salary of fifteen thousand dollars.

Sec. 2. Sec. 12-128, Arizona Revised Statutes, is amended to read:

12-128. SALARY OF JUDGES; PAYMENT BY STATE AND COUNTIES. Judges of the superior court shall each receive an annual salary of twelve thousand five hundred dollars which shall be paid one-half by the state and one-half by the counties respectively.

Sec. 3. Sec. 12-203, Arizona Revised Statutes, is amended to read:

12-203. SALARY OF CLERK AND DEPUTY. The clerk of the supreme court shall receive an annual salary of five thousand four hundred dollars and the deputy clerk shall receive an annual salary of four thousand two hundred dollars.

Sec. 4. Sec. 15-124, Arizona Revised Statutes, is amended to read:

15-124. SALARY AND TRAVEL EXPENSES. The salary of the superintendent shall be twelve thousand dollars per year. The superintendent shall be reimbursed for travel expenses actually incurred in the performance of his duties.

Sec. 5. Sec. 38-603, Arizona Revised Statutes, is amended to read:

38-603. SALARIES OF EXECUTIVE OFFICERS. Officers of the executive department of the state shall receive the following annual salaries:

1. Governor, eighteen thousand five hundred dollars.

2. Secretary of state, nine thousand six hundred dollars.

3. State auditor, nine thousand six hundred dollars.

4. State treasurer, seven thousand five hundred dollars.

5. Attorney general, twelve thousand five hundred dollars.

6. Superintendent of public instruction, twelve thousand dollars.

Filed in the Office of the Secretary of State—April 3, 1956.

EXECUTIVE OFFICE
State House
Phoenix, Arizona
April 3, 1956

Gentlemen:

This is to advise you that I have this day permitted H. B. 325 to become a law without my signature. As you are aware, I recommended that the salary of the governor not be increased, but that the legislature provide modest increases for other elected officials. This bill contains an increase in the salary of the governor.

I am informed that the reason my recommendations and wishes were not followed was that there was a definite feeling among the members of the legislature that salaries of other state officials should not equal that of the governor. For this reason they were unwilling to increase the salaries of the others without increasing that of the governor.

My reason for recommending that the salary of the governor not be increased was my desire to hold the line on appropriations for this year. I have tried, as in this instance, to set an example for economy in my department. However, I recognize that the salaries of the other elected officials were inadequate. Amounts of the increases, of course, were left to the judgment of the legislature.

I now find myself in this position. I must veto the bill, thereby nullifying my recommendations for salary increases, sign the bill contrary to my feeling in regard to my own salary, or permit it to become a law without my signature. I have chosen the last alternative.

I am writing this so that the members of the legislature will understand my action in this regard.

With kindest personal regards, I remain

Sincerely,
/s/ Ernest W. McFarland

Honorable Clarence Carpenter, President of the Senate
and
Honorable Harry Ruppelius, Speaker of the House of Representatives

22nd Legislature
State House
Phoenix, Arizona

CHAPTER 59

Senate Bill No. 2

AN ACT

RELATING TO LIABILITY OF PARENTS FOR TORTS OF MINORS AND AMENDING CHAPTER 6, TITLE 12, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 7.

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

Section 1. Chapter 6, title 12, Arizona Revised Statutes, is amended by adding article 7 to read:

ARTICLE 7. TORTS OF MINORS

12-661. LIABILITIES OF PARENTS FOR MALICIOUS OR WILFUL MISCONDUCT OF MINORS. Any act of malicious or wilful misconduct of a minor which results in any injury to the person or property of another shall be imputed to the parents having custody or control of the minor for all purposes of civil damages, and such parents having custody or control shall be jointly and severally liable with such minor for any actual damages resulting from such malicious or wilful misconduct.

The joint and several liability of one or both parents having custody or control of a minor under this section shall not exceed five hundred dollars for each tort of the minor. The liability imposed by this section is in addition to any liability now imposed by law.

Approved by the Governor—April 3, 1956.

Filed in the Office of the Secretary of State—April 3, 1956.

CHAPTER 60

House Bill No. 376

AN ACT

RELATING TO ELECTIONS AND ELECTORS; PROVIDING FOR THE FILING AND FORM OF NOMINATION PAPERS; PROVIDING FOR FILLING VACANCIES AFTER A PRIMARY ELECTION; AMENDING SECTIONS 16-303 AND 16-604, ARIZONA REVISED STATUTES, AND REPEALING SECTION 16-603, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 16-303, Arizona Revised Statutes, is amended to read:

16-303. FILING AND FORM OF NOMINATION PAPERS. In addition to the nomination petition required, any candidate desiring to have his name printed on the official ballot to be used at any primary election shall, within the same time and with the same officer as provided by section 16-301, file a nomination paper, which shall be on paper eight and one-half inches wide and fourteen inches long with twenty-five lines spaced three-eighths of an inch apart and numbered from one to twenty-five, and in the following form:

"I, the undersigned, a qualified elector of the ..... precinct of the county of ....., state of Arizona, and a member of ..... party, hereby nominate ....., who resides at ....., in the county of ....., for the party nomination for the office of ....., to be voted for at the primary election to be held ....., as representing the principles of said party, and I declare that I have not signed, and will not sign, any nomination paper for more persons than the number of candidates necessary to fill said office at the next ensuing election." Names of signers; name of city or post office; street number; date of signing.

Sec. 2. Sec. 16-604, Arizona Revised Statutes, is amended to read:

16-604. FILLING VACANCY CAUSED BY DEATH OR INCAPACITY OR WITHDRAWAL OF CANDIDATE AFTER PRIMARY ELECTION. A vacancy occurring due to death, mental incapacity or voluntary withdrawal of a candidate after a primary election may be filled by the political party committee of the state, county, city or town, as the case may be, by filing the name of the candidate to fill such vacancy with the officer with whom nomination petitions are filed at any time before the official ballots are printed.

Sec. 3. Sec. 16-603, Arizona Revised Statutes, is repealed.

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

Approved by the Governor—April 4, 1956.

Filed in the Office of the Secretary of State—April 4, 1956.

CHAPTER 61

Senate Bill No. 39

AN ACT

AUTHORIZING THE BOARD OF REGENTS OF THE UNIVERSITY AND STATE COLLEGES OF ARIZONA TO CONSTRUCT AND EQUIP DORMITORIES AT ARIZONA STATE COLLEGE AT FLAGSTAFF INCLUDING EXTENSION OF HEATING, LIGHTING AND OTHER SERVICE FACILITIES IN CONNECTION THEREWITH; TO ACCEPT GRANTS OR LOANS OF MONEY FROM THE HOUSING AND HOME FINANCE AGENCY OR OTHER FEDERAL AGENCY; TO BORROW MONEY AND ISSUE BONDS; AND TO PERFORM NECESSARY OR CONVENIENT ACTS IN CONNECTION WITH SUCH PROJECTS; AND DECLARING AN EMERGENCY.

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

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

"Institution" means Arizona state college at Flagstaff, and includes the board of regents of the university and state colleges of Arizona;

"Board" means the board of regents of the university and state colleges of Arizona or other governing body of the institution;

"Bonds" means any bonds issued pursuant to this act;

"Project" means dormitory buildings constructed pursuant to this act and includes the equipment therefore, and the extension of heating, lighting and other service facilities in connection therewith;

"Acquire" includes purchase, erect, build, construct, reconstruct, repair, replace, extend, better, equip, develop, improve, and embellish;

"Federal agency" means the Housing and Home Finance Agency, the United States of America or any of its officers or agencies designated or created to make grants or loans of money for public construction work.

Sec. 2. POWERS. The institution shall have power in its proper name, to: 1. acquire any project or projects, and own, operate and maintain the same; 2. accept grants or loans of money from a federal agency; 3. borrow money and issue bonds and provide for the payment of the same and for the rights of the holders thereof, and, 4. perform all acts and do all things necessary or convenient to carry out the powers granted by this act.

Sec. 3. ISSUANCE OF BONDS. The institution is authorized from time to time to issue negotiable bonds in various amounts, but not exceeding in the aggregate the sum of one million five hundred thousand dollars, for the purpose of acquiring projects in the form of dormitory buildings and the equipment therefor, and the extension of heating, lighting and other service facilities in connection therewith. 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 forty years from the respective dates thereof, mature in such amount or amounts, bear interest at such rate or rates not exceeding five per cent per annum, payable semi-annually, be in such form either coupon or registered, carry such registration privileges, be executed in such manner, be payable in such medium of payment, at such place or places, be subject to such term of redemption, with or without premium, as such resolution or other resolutions may provide. The bonds may be sold at not less than par. The bonds shall be fully negotiable within the meaning and for all the purposes of chapter 4, title 44, Arizona Revised Statutes.

Sec. 4. POWERS TO SECURE BONDS. In connection with the issuance of the bonds authorized by section 3, or in order to secure the payment of such bonds and interest thereon, the institution shall have power by resolution of its board, to:

1. Fix and maintain fees, rentals and other charges from students, faculty members and others using or being served by, or having the right to use or the right to be served by, any project.

2. Provide that bonds issued under this act shall be secured by a first, exclusive and closed lien on the income and revenue derived from, and shall be payable from fees, rentals and

other charges from students, faculty members and others using or being served by, or having the right to use, or the right to be served by, any project.

3. Pledge and assign to, or in trust for the benefit of, the holder or holders of the bonds issued hereunder, an amount of the income and revenue derived from fees, rentals and other charges from students, faculty members and others using or being served by, or having the right to use, or the right to be served by, any project.

4. Covenant with or for the benefit of the holder or holders of bonds issued under this act to acquire any project, that so long as any such bonds shall remain outstanding and unpaid the institution will fix, maintain and collect in such installments as may be agreed upon an amount of the fees, rentals and other charges from students, faculty members and others using or being served by, or having the right to use, or the right to be served by, any project, which shall be sufficient to pay when due the bonds issued hereunder to acquire such project, and interest thereon, and to create and maintain reasonable reserves therefor, and to pay the costs of operation and maintenance of such project, including, but not limited to, reserves for extraordinary repairs, insurance and maintenance, which costs of operation and maintenance shall be determined by the board in its absolute discretion.

5. Make and enforce and agree to make and enforce parietal rules that shall insure the use of any project by all students in attendance at the institution to the maximum extent to which such project is capable of serving such students, or if the project is designed for occupancy as living quarters for the faculty members, by as many faculty members as may be served thereby.

6. Covenant that so long as any of the bonds issued under this act shall remain outstanding and unpaid it will not, except upon such terms and conditions as may be determined: 1. voluntarily create or cause to be created any debt, lien, pledge, assignment, encumbrance or other charge having priority to or being on a parity with the lien of the bonds issued under this act upon any of the income and revenues derived from fees, rentals and other charges from students, faculty members and others using or being served by, or having the right to use, or the right to be served by, any project; 2. convey or otherwise alienate the project to acquire which such bonds shall have been issued, or the real estate upon which such project shall be located, except at a price sufficient to pay all the bonds then outstanding issued under this act to acquire such project and interest accrued thereon, and

then only in accordance with any agreements with the holder or holders of such bonds, or, 3. mortgage or otherwise voluntarily create or cause to be created any encumbrance on the project to acquire which such bonds shall have been issued or the real estate upon which it shall be located.

7. Covenant as to the procedure by which the terms of any contract with a holder or holders of such bonds may be amended or abrogated, the amount or percentage of bonds the holder or holders of which must consent thereto, and the manner in which such consent may be given.

8. Vest in a trustee or trustees the right to receive all or any part of the income and revenue pledged and assigned to, or for the benefit of, the holder or holders of bonds issued hereunder, and to hold, apply and dispose of the same and the right to enforce any covenant made to secure or pay or in relation to the bonds; execute and deliver a trust agreement or trust agreements which may set forth the powers and duties and the remedies available to such trustee or trustees and limiting the liabilities thereof and describing what occurrences shall constitute events of default and prescribing the terms and conditions upon which such trustee or trustees or the holder or holders of bonds of any specified amount or percentage of such bonds may exercise such rights and enforce any and all such covenants and resort to such remedies as may be appropriate.

9. Vest in a trustee or trustees or the holder or holders of any specified amount or percentage of bonds the right to apply to any court of competent jurisdiction for, and have granted, the appointment of a receiver or receivers of the income and revenue pledged and assigned to or for the benefit of the holder or holders of such bonds, which receiver or receivers may have and be granted such powers and duties as such court may order or decree for the protection of the bondholders.

Sec. 5. MONEYS OF INSTITUTION. No moneys derived from the sale of bonds of the institution or otherwise borrowed by the institution under the provisions of this act, shall be required to be paid into the state treasury but shall be deposited by the comptroller or other fiscal officer of the institution in a separate bank account or accounts in such bank or banks or trust company or trust companies as may be designated by the board and all deposits of such money shall, if required by the board, be secured by obligations of the United States of America, of a market value equal at all times to the amount of the deposit; and all banks and trust companies are authorized to give such security. Such money shall be dis-

bursed as may be directed by the board and in accordance with the terms of any agreements with the holder or holders of any bonds. This section shall not be construed as limiting the power of the institution to agree in connection with the issuance of any of its bonds as to the custody and disposition of the moneys received from the sale of such bonds or the income and revenue of the institution pledged and assigned to or in trust for the benefit of the holder or holders thereof.

Sec. 6. VALIDITY OF BONDS. The bonds bearing the signatures of officers in office on the date of the signing thereof shall be valid and binding obligations, notwithstanding that before the delivery thereof and payment therefor any or all the persons whose signatures appear thereon shall have ceased to be officers of the institution issuing the same. The validity of the bonds shall not be dependent on nor affected by the validity or regularity of any proceedings to acquire the project financed by the bonds or taken in connection therewith.

Sec. 7. PROHIBITIONS AGAINST OBLIGATING THE STATE OF ARIZONA. Nothing in this act shall be construed to authorize the institution to contract a debt on behalf of, or in any way to obligate, the state of Arizona, or to pledge, assign or encumber in any way, or to permit the pledging, assigning or encumbering in any way of appropriations made by the legislature, or revenue derived from the investment of the proceeds of the sale, and from the rental of such lands as have been set aside by the Enabling Act approved June 20, 1910, or other legislative enactments of the United States, for the use and benefit of the institution.

Sec. 8. BONDS OBLIGATIONS OF INSTITUTIONS. All bonds issued pursuant to this act shall be obligations of the institution issuing such bonds, payable only in accordance with the terms thereof, and shall not be obligations general, special or otherwise of the state of Arizona. Such bonds shall not constitute a debt, legal or moral, of the state of Arizona, and shall not be enforceable against the state, nor shall payment thereof be enforceable out of any funds of the institution issuing said bonds other than the income and revenue pledged and assigned to, or in trust for the benefit of, the holder or holders of such bonds.

Sec. 9. CERTIFICATION OF BONDS BY ATTORNEY GENERAL. The institution may submit to the attorney general of the state of Arizona any bonds to be issued under this act after all proceedings for the issuance of such bonds have been taken. Upon the submission of such proceedings to the

attorney general, it shall be his duty to examine into and pass upon the validity of the bonds and the regularity of all proceedings in connection therewith. If such proceedings conform to the provisions of this act, and the bonds when delivered and paid for will constitute binding and legal obligations of the institution enforceable according to the terms thereof, the attorney general shall certify in substance upon the back of each of said bonds that it is issued in accordance with the Constitution and laws of the state of Arizona.

Sec. 10. EXCISION OF UNCONSTITUTIONAL OR INEFFECTIVE PARTS OF ACT. It is declared that the sections, clauses, sentences and parts of this act are severable, are not matters of mutual essential inducement, and any of them may be excised by any court of competent jurisdiction if this act would otherwise be unconstitutional or ineffective. It is the intention of this act to confer upon the institution the whole or any part of the powers in this act provided for, and if any one or more sections, clauses, sentences and parts of this act shall for any reason be questioned in any court of competent jurisdiction and shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provision or provisions so held unconstitutional or invalid, and the inapplicability or invalidity of any section, clause, sentence or part of this act in any one or more instances shall not be taken to affect or prejudice its applicability or validity in any other instance.

Sec. 11. SUPPLEMENTAL NATURE OF ACT, CONSTRUCTION AND PURPOSE. The powers conferred by this act shall be in addition to and supplemental to the powers conferred by any other law, general or special, and bonds may be issued under the provisions of this act notwithstanding the provisions of and without regard to the procedure required by any other such law. Insofar as the provisions of the act are inconsistent with the provisions of any other law, general or special, the provisions of this act shall be controlling. Except in pursuance of any contract or agreement theretofore entered into by the institution, the institution shall not borrow any money or issue any bonds pursuant to the provisions of this act after January 1, 1966.

Sec. 12. EMERGENCY. To preserve the public peace, health and safety it is necessary that this act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—April 4, 1956.

Filed in the Office of the Secretary of State—April 4, 1956.

CHAPTER 62

Senate Bill No. 124

AN ACT

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

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

Section 1. APPROPRIATION. The sum of eighty-two thousand three hundred 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 and the owners of properties infested with the Khapra Beetle to eradicate the Khapra Beetle, a dangerous pest of grain and food products, wherever found within the state of Arizona by a fumigation of infested buildings, spraying of infested grounds, and otherwise treating premises found to be infested with 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 lapsation of appropriations, respectively.

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—April 4, 1956.

Filed in the Office of the Secretary of State—April 4, 1956.

CHAPTER 63

House Bill No. 357

AN ACT

RELATING TO AGRICULTURAL IMPROVEMENT DISTRICTS; PROVIDING FOR THE PLEDGE OF REVENUES AS BOND SECURITY; CONFIRMING AND VALIDATING THE ORGANIZATION OF DISTRICTS AND ISSUANCE OF THEIR BONDS; AND AMENDING SECTIONS 45-935 AND 45-1047, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 45-935, Arizona Revised Statutes, is amended to read:

45-935. GENERAL POWERS OF BOARD. A. The board shall, for and in the name of the district:

1. Acquire in any lawful manner, lands, easements and other property, real and personal, of every kind, necessary or required for the uses and purposes of the district.

2. Construct, maintain, operate and keep in repair all works and other property acquired and used for any of the purposes of or owned by the district.

3. Accept appointment or other authorization and act as the agent of or otherwise represent or act for all or any part of the owners or occupants of the land within the district in any and all matters pertaining to the purposes of this chapter.

4. Pledge all or any portion of its income, revenue and receipts, from any source derived, for the additional security and payment of any of its bonds and make, execute, acknowledge and perform any and all contracts, agreements and obligations it deems advisable for the interest of the district or to carry out or accomplish any of the purposes authorized or permitted by this chapter.

Sec. 2. Sec. 45-1047, Arizona Revised Statutes, is amended to read:

45-1047. LIEN OF BONDS; PAYMENT OF BONDS. A. All bonds issued under the provisions of this chapter shall be a lien upon the real property included in the district, and such bonds and the interest thereon shall be payable from the levy of taxes upon the real property included in the district. All the real property in the district shall be and remain liable to taxation for such payments, but whenever any such bonds are additionally secured by a pledge of the income, revenue and receipts of the district as provided in this chapter, the board shall abate the levy of any tax herein required for the current year in which the income, revenue and receipts to be received by the district, or on hand for that purpose, will be sufficient to make the principal and interest payments due upon such bonds.

B. This section shall not be construed as creating, or intended to create, any lien on or to authorize any tax against any state, school or university lands included within a district.

Sec. 3. ORGANIZATION OF DISTRICTS UNDER PRIOR LAWS CONFIRMED. The organization of any district under the provisions of article 7, chapter 75, Arizona Code of 1939, is hereby confirmed and all bonds heretofore issued by any such district shall be secured and payable as provided by the statutes in force at the time of the issue thereof.

Sec. 4. UNISSUED BONDS VOTED UNDER PRIOR LAWS. Any district heretofore organized under the provisions of article 7, chapter 75, Arizona Code of 1939, which has heretofore been authorized by the electors thereof to issue bonds for any of the purposes for which the district was organized, shall have the power to issue and sell such bonds in accordance with, and to complete the terms of, any propositions so approved by the electors of the district, and shall have the power to secure the payment of said bonds under the provisions of chapter 4, title 45, Arizona Revised Statutes.

Sec. 5. OUTSTANDING BONDS NOT AFFECTED. Nothing in this act shall affect any bonds outstanding at the time this act becomes effective, and such bonds shall retain all rights and privileges inuring at the time of delivery thereof.

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—April 5, 1956.

Filed in the Office of the Secretary of State—April 5, 1956.

CHAPTER 64

Senate Bill No. 190

AN ACT

MAKING AN APPROPRIATION FOR THE PAYMENT OF THE CURRENT AND CONTINGENT EXPENSES OF THE SENATE OF THE TWENTY-SECOND LEGISLATURE.

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

Section 1. APPROPRIATION; PURPOSE. The sum of fifty thousand dollars is appropriated to the senate of the state of Arizona for the purpose of payment of the current and contingent expenses of the second regular session of the twenty-second legislature.

Sec. 2. EXEMPTION. The sum appropriated 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 lapsation of appropriations, respectively.

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—April 5, 1956.

Filed in the Office of the Secretary of State—April 5, 1956.

CHAPTER 65

Senate Bill No. 131

AN ACT

RELATING TO STATE GOVERNMENT; CREATING A STATE PLANNING AND BUILDING COMMISSION AND PRESCRIBING THE POWERS AND DUTIES THEREOF; REALLOCATING AND ENLARGING PURPOSES OF APPROPRIATIONS MADE AVAILABLE FOR PROJECTS AND IMPROVEMENTS AT THE STATE CAPITOL; TRANSFERRING RECORDS AND FUNCTIONS RELATING TO A PROPOSED TUCSON STATE OFFICE BUILDING; PROVIDING FOR A STUDY OF THE ADVISIBILITY OF RELOCATION OF STATE FAIRGROUNDS AND THE ARIZONA STATE HOSPITAL FARM; AMENDING CHAPTER 3, TITLE 41, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 5.1, SECTIONS 41-571 THROUGH 41-585; REPEALING SECTION 41-562, ARIZONA REVISED STATUTES, AND CHAPTER 96, LAWS OF 1955, FIRST REGULAR SESSION, AND MAKING APPROPRIATIONS.

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

Section 1. PURPOSE AND POLICY OF ACT. The purpose of this act is to create a state agency which shall act as a coordinating body to formulate and recommend current and long range project and improvement programs for all state agencies; to receive from all state agencies requests for construction; to analyze such requests on the basis of actual present and future needs, financial feasibility and the proposed cost; to plan for present and future needs for all state agency lands and buildings; to promote economy in capital expenditures by advance planning, effective use of state real property, and efficient building practices; to screen all state agency project and improvement requests and present them to the legislature with appropriate recommendations; to carry out such improvements, programs and projects as may be referred or assigned to the commission by the legislature.

Sec. 2. Chapter 3, title 41, Arizona Revised Statutes, is amended by adding article 5.1, to read:

ARTICLE 5.1. STATE PLANNING AND BUILDING COMMISSION

41-571. DEFINITIONS. In this article, unless the context otherwise requires:

1. "Commission" means the state planning and building commission.

2. "Improvement" means the alteration, enlargement, rehabilitation or repair of existing state buildings.

3. "Program" means planning of future needs for lands and buildings in terms of space, functional relationship, equipment, and special requirements.

4. "Project" means the acquisition of real property or the construction or erection of new state buildings, or both.

5. "State agency" means the state, its departments, institutions, agencies and instrumentalities.

41-572. STATE PLANNING AND BUILDING COMMISSION; MEMBERS; TERMS; COMPENSATION. A. There shall be a state planning and building commission which shall consist of five members appointed by the governor with the advice and consent of the senate. The governor, the president of the senate, the speaker of the house of representatives, one member of the senate appointed by the president, and one member of the house appointed by the speaker shall serve as ex officio members without vote.

B. The term of office of each member appointed by the governor shall be five years. One member of the commission shall be qualified by experience in the field of finance, one qualified by experience in construction work, and three members qualified by their interest in public affairs. No state officer or employee shall be eligible for appointment to the commission. Of the members first appointed, one shall serve for a term expiring January 1, 1957 and one each for terms expiring one, two, three and four years thereafter. Any member may be reappointed.

C. Within thirty days after the effective date of this article, the commission shall meet upon call of the governor and from those appointed by the governor, elect a chairman and such other officers as it deems necessary.

D. Members shall be competent to serve between the time of their appointment and their confirmation or rejection by the senate. A member appointed to fill any vacancy shall serve for the unexpired term.

E. Members of the commission shall serve without compensation but shall receive their necessary travel and other expenses as provided by law for state officers.

41-573. EXECUTIVE SECRETARY; PERSONNEL; PROFESSIONAL CONTRACTS; ASSISTANCE OF PUBLIC AND PRIVATE ORGANIZATIONS. A. The commission may employ an executive secretary, define his duties and fix his salary within legislative appropriations made therefor.

B. The commission may employ accountants, appraisers, planners and other assistants and employees, define their duties, conditions of employment and fix their salaries within the limit of legislative appropriations.

C. Architects and engineers may be employed full-time or part-time for office and field studies and surveys relating to program purposes only. The commission may also enter into contracts with architects or engineers or both, for office and field studies and surveys relating to program work, and shall fix the contract compensation for such work.

D. The commission may enter into contracts with architects or engineers or both, for their professional services as the same are needed for projects or improvements, or both, including preliminary sketches, tentative designs, working drawings, specifications, details, and supervision. The contract price for each item of professional service shall be separately stated, and where the maximum compensation for

the item is fixed by law, the contract price shall not exceed the maximum. Expenditures for such architectural and engineering services shall not exceed the limit of legislative appropriations.

E. The commission may utilize the services of any state agency and the state agency shall render the services when requested by the commission. The commission may accept in such manner and in such capacities as it may deem appropriate the services, property, funds, grants-in-aid, or reimbursement from any federal, state, or local agency or from any person, business, professional, or civic organization.

41-574. MEETINGS PUBLIC; MINUTES AND RECORDS. A. All meetings of the commission, except as provided in subsection C of this section, shall be public and the business of the commission shall be transacted at such time and place as the commission shall prescribe by rule and regulation.

B. The commission shall keep minutes of its meetings. Minutes and records of the commission, except as provided in subsection C, shall be open to inspection by the public during business hours.

41-575. RULES. The commission shall prescribe rules and regulations for the government of the commission in exercising its powers and fulfilling its duties under this article.

41-576. ADVISORY COUNCIL; EXPENSES. The commission may appoint an advisory council or councils to assist and advise it in the performance of its duties under this article. The council may investigate and review projects and improvements referred to it by the commission and shall make recommendations to the commission concerning the projects and improvements. Members of an advisory council shall serve without compensation but may receive their necessary travel and other expenses provided by law for state officers when authorized by the commission.

41-577. ANNUAL REPORT. The commission shall make and submit to the governor and to the members of the legislature on or before December 1 each year a report containing a full and complete account of all of its official acts and activities for the preceding fiscal year.

41-578. ACQUISITION AND USE OF PROPERTY; EMINENT DOMAIN; CONTRACTS. A. The commission may sue and be sued, make contracts, and hold, use or lease any property acquired by it or coming under its jurisdiction.

B. The commission may acquire in the name of the state by gift, grant, purchase, condemnation or in any other lawful manner real property necessary, useful or convenient for the use of the state in the administration of the state's business. If the power of eminent domain is exercised it shall be exercised as provided in sections 12-1111 through 12-1128.

C. The amount paid for any property purchased by the commission, except such property as may be acquired by condemnation, 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). The cost of the appraisal shall be paid by the commission from funds appropriated to the commission.

41-579. COMMISSION TO SERVE AS ADVISOR TO STATE AGENCIES. The commission shall serve as an advisor and consultant to all state agencies in obtaining architectural services, letting contracts and supervising projects and improvements.

41-580. COMPILATION OF DATA; INSPECTIONS; STATE AGENCY COOPERATION. A. The commission shall assemble and maintain complete files of information on the construction, alteration, improvement, repair, utilization, cost and other data for all state buildings. It shall also assemble and maintain files containing a full legal description of all real property on which state buildings are located and of property acquired for the purpose of constructing state buildings and copies of plans and specifications used in constructing state buildings.

B. The commission shall from time to time inspect all state buildings and report to the legislature on their condition, maintenance, repair and utilization.

C. The commission may secure information and data relating to state buildings from all state agencies and each state agency shall furnish the information and data when requested by the commission.

45-581. CONSTRUCTION AND ALTERATION OF BUILDINGS; SUBMISSION TO LEGISLATURE. The commission shall have charge of the purchase or acquisition of real property, the securing of options thereon, the construction or erection of new buildings and the alteration, enlargement, rehabilitation or repair of existing buildings used or to be used by the state or any state agency which are specifically authorized by the legislature as a project or improvement to be undertaken by the commission.

41-582 REQUESTS FOR PROJECTS OR IMPROVEMENTS. All state agencies contemplating or proposing any major project or improvement shall submit a request to the commission for approval of the proposed project or improvement.

B. The commission shall annually transmit all proposed programs, projects and improvements, together with its report, to the legislature with a plan for coordination of expenditures and finances therefor.

C. No request for appropriations shall be made to the legislature for any proposed project or improvement by any state agency unless reported by the commission and submitted to the legislature by the commission in cooperation with the agency.

41-583. PREPARATION OF PROGRAMS AND PLANS; RESTRICTION; APPROPRIATIONS TO AGENCY. A. If the commission approves a proposed project or improvement, the commission in cooperation with the state agency shall prepare programs, estimates of cost, proposed plans and other details necessary to advise the legislature fully of the proposed project or improvement and submit the same to the legislature for approval.

B. Appropriations for the proposed project or improvement shall be made to the requesting state agency by the legislature, except where the legislature has specifically authorized the project or improvement to be undertaken by the commission.

41-584. EXEMPTIONS. A. Programs, projects or improvements of the state highway commission, game and fish commission, employment security commission of Arizona, and the board of regents shall be exempt from the provisions of this article.

B. Programs, projects or improvements by any state agency shall be exempt from the provisions of this article if it appears from the estimates of cost made by the state agency that the total cost for the proposed improvement or project will not exceed ten thousand dollars.

41-585. DISPOSITION OF SURPLUS REAL PROPERTY. The commission shall, when it appears that real property or improvements thereon belonging to the state, or any of its departments, agencies or institutions, is no longer useful or necessary to the state, its departments, agencies or institutions holding title thereto, examine, appraise and condemn separately such real property or improvements thereon and direct the

sale thereof in the same manner as provided by law for sale of real estate by the state land department, provided that any sale shall either be for cash or upon such terms and conditions, not exceeding five years amortization, as shall be for the best interests of the state.

Sec. 3. STATE CAPITOL AND STATE OFFICE BUILDINGS IN CAPITOL VICINITY. A. All functions and records of any state agency relating to the planning or designing of projects or improvements relating to the state capitol and state office buildings in the vicinity of the state capitol, are transferred to the state planning and building commission.

B. The commission is directed to proceed with the following programs, projects and improvements:

1. Preparation of a program of improvements for the alteration, rehabilitation or repair of the interior and exterior of the existing capitol building and grounds, and the commission is directed to proceed with the actual alteration, rehabilitation or repair of the existing capitol building and grounds, progress reports to be submitted to the legislature and governor not later than December 31, 1956.

2. Preparation of a program of one or more projects for the acquisition of additional real property in the vicinity of the state capitol and for the construction of new state office building facilities thereon, and the commission is directed to proceed with the actual construction of new state office building facilities in the capitol area, progress reports to be made to the legislature and the governor not later than December 31, 1956.

3. Preparation of a program of improvements for the alteration, enlargement, rehabilitation or repair of existing state office buildings in the vicinity of the capitol building, to be submitted to the legislature and governor not later than December 31, 1956.

4. Preparation of a coordinated master plan for the orderly and efficient development of the capitol building area, including the programs set out in subsections 1, 2 and 3 immediately preceding, to be submitted to the legislature and the governor not later than December 31, 1956.

5. Acquisition of such parcels of real property in the vicinity of the present capitol building as may be needed for projects and improvements referred to in this section.

Sec. 4. TUCSON OFFICE BUILDING. A. Chapter 96, Laws of 1955, is repealed.

B. All functions and records of the committee authorized by chapter 96, Laws of 1955, are transferred to the state planning and building commission. The commission is directed to acquire the proposed Tucson state office building site as recommended by the Tucson building committee or any other alternative site deemed desirable by the commission, either by the exercise of any option or options, by eminent domain proceedings or otherwise; to negotiate with any state agency having funds available for the Tucson project for cooperative project prosecution. The commission is directed to prepare final plans, working drawings, specifications, details and estimates for a state office building in Tucson to be submitted to the legislature and the governor not later than December 31, 1956.

Sec. 5. STATE FAIRGROUNDS. The commission is directed to undertake a program of planning to determine the advisability of disposing of real property located in Maricopa county known as the state fairgrounds, and relocating the fairgrounds elsewhere. The commission's plan shall not only consider the needs of the state fair commission, but also those of the university, state colleges, public schools and other public agencies for civic exhibitions, sports events and other civic uses. The commission shall prepare and submit appropriate findings and recommendations to the legislature and governor not later than December 31, 1956, which shall include the value of present land and facilities, the cost of new land and facilities and the time which will be needed to effect a relocation.

Sec. 6. ARIZONA STATE HOSPITAL FARM. The commission is directed to undertake a program of planning to determine the advisability of disposing of real property located in Maricopa county known as the Arizona state hospital farm, and its relocation in a more suitable area. The commission is also directed to consider the feasibility of the relocation of mentally defective persons at an institution at a relocated state hospital farm. The commission shall prepare and submit appropriate findings and recommendations to the legislature and governor not later than December 31, 1956, which shall include the value of present land and facilities, the cost of new land and facilities and the time which will be needed to effect a relocation.

Section 7. APPROPRIATIONS. A. All unexpended and unencumbered balances remaining in the appropriations made pursuant to chapter 107, Laws of 1952, as amended by chapter 146, Laws of 1954, shall not revert to the general fund, but instead are reallocated and appropriated to the state planning

and building commission for the purpose of carrying out the directions in section 3, of which the sum of two and one-half million dollars is made immediately available for expenditure and the balance shall be available for expenditure upon approval by the legislature of the plans to be prepared pursuant to section 3, and under such terms and conditions as the legislature may prescribe.

B. All unexpended and unencumbered balances remaining in the appropriations made pursuant to chapter 96, Laws of 1955, shall not revert to the general fund, but instead are reallocated and appropriated to the state planning and building commission and is made immediately available for the purpose of carrying out the directions in section 4. The additional sum of three hundred thousand dollars is appropriated to the state planning and building commission, and is made immediately available for expenditure for the purpose of carrying out the directions in section 4.

C. There is appropriated to the commission from the general fund the sum of one million dollars, to be available for expenditure only upon approval of the legislature.

D. There is appropriated and is made immediately available to the commission the sum of one hundred thousand dollars for the purpose of exercising its powers and fulfilling its duties under this article.

E. All appropriations made by this act shall be exempt from the provisions of section 35-173, Arizona Revised Statutes, relating to quarterly allotments and shall likewise be exempt from the provisions of section 35-190, Arizona Revised Statutes, relating to lapsing appropriations.

Sec. 8. REPEAL. Section 41-562, Arizona Revised Statutes, is repealed.

Sec. 9. 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 providd by law.

Approved by the Governor—April 6, 1956.

Filed in the Office of the Secretary of State—April 6, 1956.

CHAPTER 66

House Bill No. 169

AN ACT

RELATING TO TAXATION; EXEMPTING WAGES PAID TO NONRESIDENTS FROM THE WITHHOLDING PROVISIONS OF THE INCOME TAX ACT, AND AMENDING ARTICLE 1, CHAPTER 1, TITLE 43, ARIZONA REVISED STATUTES, BY ADDING SECTION 43-189.

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

Section 1. Article 1, chapter 1, title 43, Arizona Revised Statutes, is amended by adding section 43-189, to read:

43-189. NONRESIDENT WAGES; APPLICATIONS TO COMMISSION. In addition to the exemptions from the withholding provisions contained in subsection (f), paragraph 3, section 43-188, because of the temporary nature of such employment no amount shall be deducted or retained from wages paid to a nonresident of Arizona engaged in any phase of motion picture production when, prior to the time of payment of such wages, an application is made by the employer to the commission, on forms prescribed by the commission, for an exemption from the withholding provisions of this section, and the commission determines that the nonresident would be allowed a credit under subsection (b) of section 43-128 against all of the taxes upon such wages imposed by this chapter.

Approved by the Governor—April 6, 1956.

Filed in the Office of the Secretary of State—April 6, 1956.

CHAPTER 67

House Bill No. 80

AN ACT

RELATING TO PUBLIC HEALTH AND SAFETY; DESIGNATING PERSONS WHO MAY GIVE PERMISSION TO CONDUCT A POST-MORTEM EXAMINATION, AND AMENDING ARTICLE 2, CHAPTER 7, TITLE 36, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-832.

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

Section 1. Article 2, chapter 7, title 36, Arizona Revised Statutes, is amended by adding section 36-832, to read:

36-832. AUTHORIZATION FOR POST-MORTEM EXAMINATION. A. In addition to the provisions set forth in sections 22-515 and 36-337, whichever of the following assumes custody of the body for purposes of burial may give permission to a licensed physician to conduct a post-mortem examination:

1. Father.
2. Mother.
3. Husband.
4. Wife.
5. Adult child.
6. Guardian.
7. Next of kin.

B. In the absence of any of the persons named in subsection A of this section, a friend or one charged with the responsibility of burial may give permission to a licensed physician to conduct a post-mortem examination.

Approved by the Governor—April 6, 1956.

Filed in the Office of the Secretary of State—April 7, 1956.

CHAPTER 68

House Bill No. 160

AN ACT

RELATING TO EDUCATION; AUTHORIZING THE COUNTY SCHOOL SUPERINTENDENTS TO PAY TUITION OBLIGATIONS INCURRED IN THE FISCAL YEAR 1954-55, AND PROVIDING FOR SUCH PAYMENT.

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

Section 1. AUTHORIZATION FOR PAYMENT OF TUITION CLAIMS. County school superintendents are hereby

authorized to pay to school districts the tuition claims for pupils residing in unorganized territory and attending the school of the claiming district during the school year 1954-55, such payment to be made from the special county school reserve fund upon the certification of attendance and the presentation of a claim in proper form by the claiming district.

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—April 6, 1956.

Filed in the Office of the Secretary of State—April 7, 1956.

CHAPTER 69

House Bill No. 211

AN ACT

RELATING TO POLICE COURTS; PROVIDING A MISDEMEANOR FOR FAILURE TO MAKE PAYMENT OR DISBURSEMENT OF FINES, AND AMENDING ARTICLE 1, CHAPTER 4, TITLE 22, ARIZONA REVISED STATUTES, BY ADDING SECTION 22-407.

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

Section 1. Article 1, chapter 4, title 22, Arizona Revised Statutes, is amended by adding section 22-407, to read:

22-407. FAILURE TO MAKE PAYMENT OR DISBURSEMENT OF FINES OR FORFEITURES RECEIVED. A presiding officer of a police court who receives a fine or forfeiture and refuses or neglects to pay or disburse it according to law within thirty days after receipt thereof, is guilty of a misdemeanor.

Approved by the Governor—April 6, 1956.

Filed in the Office of the Secretary of State—April 7, 1956.

CHAPTER 70

House Bill No. 214

AN ACT

RELATING TO SANITARY DISTRICTS, AND AMENDING SECTIONS 36-1301, 36-1306, 36-1307, 36-1309, 36-1310, 36-1314, 36-1316, 36-1324 AND 36-1325, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 36-1301, Arizona Revised Statutes, is amended to read:

36-1301. ESTABLISHMENT OF SANITARY DISTRICT. A sanitary district may be established in an unincorporated town or settlement by the board of supervisors of the county in which the proposed district is located, for the purposes of purchasing, establishing, constructing and operating a sewerage system, including the collection, transportation, pumping, treatment and disposal of sewage. A sanitary district shall not include territory located within an incorporated city or town at the time the district is established. In addition to the foregoing purposes a sanitary district may be formed as aforesaid for the purposes of purchasing, establishing, constructing and operating a garbage disposal and treatment system. Such system shall be limited to the disposal and treatment of garbarge, rubbish, trash and waste materials and shall not include the collection thereof.

Sec. 2. Sec. 36-1306, Arizona Revised Statutes, is amended to read:

36-1306. ADDITION OF FURTHER TERRITORY TO PROPOSED DISTRICT; NOTICE AND HEARING. If it appears at the hearing that territory not included in the petition should be included within the sanitary district, the real property owners in such additional territory shall be notified in the manner provided for the original hearing and a subsequent hearing shall be held on the question of including the additional territory. If within sixty days after the subsequent hearing is held a separate petition is submitted for inclusion of the additional territory and the petition is signed by fifty-one per cent or more of the real property owners within the limits of the additional territory, the territory may be included within the sanitary district.

Sec. 3. Sec. 36-1307, Arizona Revised Statutes, is amended to read:

36-1307. ADDITIONS TO AND ALTERATIONS OF EXISTING DISTRICT. Additions to and alterations of an existing sanitary district shall be made in the manner provided for establishment of a sanitary district. Territory annexed need not be continguous to any territory within the district to which it is annexed. No territory shall be annexed to a district without consent of the board of directors of the district evidenced by a resolution adopted by the majority vote of the board. Territory within the boundaries of an incorporated city or town may be annexed to a sanitary district only by the ordinance or resolution of the governing body of such incorporated city or town and by the vote of a majority of the qualified electors owning real property within the territory sought to be annexed at a special election to be called for that purpose by the governing body of such incorporated city or town.

Sec. 4. Sec. 36-1309, Arizona Revised Statutes, is amended to read:

36-1309. BOARD OF DIRECTORS; QUALIFICATIONS; TERM; APPOINTMENT; ELECTION; COMPENSATION; EXPENSES. A. A sanitary district having an area of one hundred sixty acres or more shall be governed by a board of directors with the number of members, but not less than three, specified in the petition for establishment of the district. The first directors shall be selected by the board of supervisors at the time the district is established. The directors shall be qualified electors of the district, and shall serve for terms of two years each. Members of the board of directors, after the members first appointed by the board of supervisors, shall be elected by the qualified electors of the district. The dates of elections and of expiration of terms of the directors shall be specified in the petition for establishment of the district.

B. A sanitary district having an area of less than one hundred sixty acres shall be governed by the board of supervisors of the county in which the district is located, and the board of supervisors shall be the board of directors of the district.

C. Each director of a sanitary district shall receive not to exceed fifteen dollars for each meeting of the board attended by him plus necessary traveling expenses, but members of the

board of supervisors when serving as directors of a sanitary district, shall receive no compensation for attending meetings, but shall be reimbursed for their necessary expenses. No director shall receive compensation, other than expenses, for attending more than four meetings of the board during a calendar month.

Sec. 5. Sec. 36-1310, Arizona Revised Statutes, is amended to read:

36-1310. POWERS OF SANITARY DISTRICT. In addition to the powers specifically granted, a sanitary district, acting through its board of directors may:

1. Construct, maintain and operate within or without the district a sewerage system and necessary sewage disposal and treatment plants.

2. Construct, maintain and operate within or without the district, garbage disposal and treatment plans for the treatment and disposal of garbage, trash, rubbish, and waste materials.

3. Acquire in the name of the district any real or personal property or interest therein by gift, purchase, condemnation or otherwise, and own, control, manage or dispose of such property or interest when necessary or convenient for the purposes stated in paragraphs 1 and 2.

4. Join with any other sanitary district, municipality or governmental agency in the construction, maintenance or operation of a sewerage system or sewage disposal or treatment plant, or garbage disposal or treatment plant, either within or without the district, but no sewage disposal or treatment plant or garbage disposal or treatment plant shall be constructed or maintained within an incorporated city or town or within one-half mile thereof without the unanimous consent of the governing body of the city or town.

5. Sell, lease or otherwise dispose of any property of the district or interest therein when such property is no longer required for the purposes of the district or when use of it may be permitted without interfering with the use to which it is put by the district.

6. Sell or otherwise dispose of any water, sewage effluent, fertilizer or other by-product resulting from operation of a sewerage system or sewage disposal or treatment plant or garbage disposal or treatment plant.

7. Construct, maintain and operate pipe lines and other facilities necessary for purposes described by paragraph 6, or for the purpose of conserving and beneficially using water or sewage effluent recovered in sewerage operations by sale or disposition thereof for agricultural or industrial purposes, or by discharge of such water or effluent in a manner that it will percolate into underground gravels and replenish water resources.

8. Pay expenses incidental to the exercise of its powers.

9. Employ sanitation experts, surveyors, counsel and other persons as are necessary in the exercise of its powers.

10. Formulate and adopt rules and regulations governing connections to the sewer lines of the district and governing connections without the limits of an incorporated city or town to sewer lines which connect to sewer lines of the district.

11. Require permits for any and all connections described by paragraph 10.

12. Formulate and adopt rules and regulations governing the operation and utilization of the garbage disposal or treatment plants of the district.

Sec. 6. Sec. 36-1314, Arizona Revised Statutes, is amended to read:

36-1314. SANITATION SURVEY AND REPORT. A. When a sanitary district is established the board of directors shall employ one or more sanitation engineers to make a survey of the problems of the district concerning sanitation with special reference to sewage collection, treatment and disposal, or to make a survey of the problems of the district concerning sanitation with special reference to garbage treatment and disposal, or for both such purposes.

B. Upon completion of the survey, the engineers shall prepare and file with the board of directors a report setting forth:

1. A description of existing facilities.

2. A description of work recommended to carry out the purposes of the district, with plans and specifications therefor.

3. A description of the property proposed to be acquired or damaged in performing the work.

4. A map showing the boundaries of the district and in general the location of work proposed to be done, property taken or damaged and other information useful to an understanding of the proposed work.

5. An estimate of the cost of the proposed work.

C. Expenses of the survey and report shall be a charge against the district.

Sec. 7. Sec. 36-1316, Arizona Revised Statutes, is amended to read:

36-1316. ELECTION TO DETERMINE WHETHER SEWER SERVICE TO BE SUPPLIED OTHER THAN BY CONSTRUCTION OF FACILITIES BY DISTRICT. If the engineer's report required by this article recommends that sewer service or garbage disposal and treatment service for the sanitary district can be provided by a method other than construction of facilities by the district and the board of directors of the district desires to adopt such method and enter into a contract with another sanitary district, municipality or other governmental subdivision for sewer service or garbage disposal and treatment service for the district, the board shall submit to the qualified electors of the district who are eligible to vote in bond elections the question of whether the district shall enter into such a contract for sewer service or garbage disposal and treatment service. The proposition of whether sewer service or garbage disposal and treatment service for the district shall be provided by contract may be submitted to the qualified electors of the district in a separate election called for that purpose or in conjunction with a bond election called pursuant to this article, or as an alternate proposition to the issuance of bonds by the district. Any election called pursuant to this section shall be called and held as provided in section 36-1319.

Sec. 8. Sec. 36-1324, Arizona Revised Statutes, is amended to read:

36-1324. TAX LEVY TO PAY PRINCIPAL AND INTEREST OF BONDS. A. The principal of and interest on bonds issued pursuant to this article shall be paid from revenue derived from an annual tax on the real property within the sanitary district issuing them, and such real property shall remain liable to taxes for payment of the bonds and interest until paid in full.

B. The board of directors of a sanitary district shall annually, on or before the fifteenth day of August certify to the board of supervisors the amount necessary to pay interest on and the portion of principal which will become due on bonds of the district during the ensuing year.

C. The board of supervisors, at the time of levying general county taxes, shall levy and cause to be collected in the manner prescribed by law for county taxes, a tax upon the real property within the sanitary district, based upon the current assessment roll, sufficient to pay the amount certified by the board of directors. If the board of directors of a sanitary district fails to certify to the board of supervisors the amount necessary, the board of supervisors shall ascertain the amount which should have been certified and shall levy and cause to be collected a tax sufficient to produce that amount.

D. The tax, when collected, shall be paid into the county treasury to the credit of the bond fund of the sanitary district, and shall be used solely for payment of the principal of and interest on the bonds. The county treasurer shall pay the principal and interest on the dates and at the places specified in the bonds in the manner provided by law for the payment of prinicipal of and interest on county bonds.

Sec. 9. Sec. 36-1325, Arizona Revised Statutes, is amended to read:

36-1325. TAX LEVY FOR CURRENT EXPENSES. A. The board of directors of a sanitary district may at the time of certifying the amount required for payment of principal of and interest on bonds, certify to the board of supervisors the amount necessary to maintain, operate, extend and repair the sewerage system and the garbage disposal and treatment plants of the district during the ensuing year, and to defray all other expenses incidental to the exercise of powers granted by this article, together with an estimate of the revenue which will be received from rentals and service charges. In that event, the board of supervisors shall, at the time of levying general county taxes, levy and cause to be collected in the manner prescribed by law for county taxes, a tax on real property within the sanitary district based on the current assessment roll, sufficient to pay the amount certified, less the amount estimated to be received from rentals and service charges.

B. The tax, when collected, shall be paid into the county treasury to the credit of the operating fund of the sanitary district, and the board of directors may order expenditure of the fund for the purposes for which levied. Payments from the operating fund shall be made upon claims allowed by the board of directors, prepared, presented and audited in the same manner as claims against the county.

C. Not less than twenty nor more than thirty days prior to making the certification to the board of supervisors provided by subsection A, the board of directors shall publish in a newspaper of general circulation in the district, an itemized statement of the amounts proposed to be certified, and the statement shall contain notice of a meeting to be held by the board of directors prior to the time for the certification. At that meeting, any owner of real property within the district may appear and present objections to any item of the amount proposed to be certified.

Approved by the Governor—April 6, 1956.

Filed in the Office of the Secretary of State—April 7, 1956.

CHAPTER 71

House Bill No. 218

AN ACT

RELATING TO COUNTY IMPROVEMENT DISTRICTS, AND AMENDING SECTIONS 11-701, 11-709, AND 11-710, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 11-701, Arizona Revised Statutes, is amended to read:

11-701. DEFINITIONS. As used in this article, unless the context otherwise requires:

1. "Assessment" or "assessment roll" means a special assessment made under the provisions of this article.

2. "Block" means a parcel of ground, regular or irregular, bounded by streets or by streets and district boundary lines.

3. "Chairman of the board" means the person designated to preside over meetings of the board of directors.

4. "Clerk" or "district clerk" means the clerk of the board of supervisors, who shall be the clerk under this article and in whose office shall be filed all papers directed or required to be filled with the clerk.

5. "Commercial farming" means the intensive cultivation of arable land by the raising of agricultural or horticultural products as a principal source of the owner's livelihood.

6. "Commercial stock raising" means the breeding, raising and care of domestic animals as a principal source of the owner's livelihood.

7. "Contractor" includes personal representatives or assignee of the contractor.

8. "Delinquency" means delinquency in the payment of an assessment.

9. "Engineer" or "district engineer" means a person designated or employed by the board of directors of a district to perform any or all of the engineering work authorized to be done by the district under this article.

10. "Improvement bond" means a bond issued under the provisions of this article.

11. "Lighting plants" includes electric light plants, electric power plants, gas plants, distribution systems, poles, parts, pipes, conduits, wires, tanks, reservoirs, generators for gas or electricity, transmission lines, towers, lamps, transformers of every character, machinery, apparatus, equipment and all appliances and structures necessary or incidental to the construction, installation or operation of a complete electric light, power and gas plant and distribution system placed on the streets improved, though extended beyond.

12. "Lot" includes any portion, piece, parcel or subdivision of land, but not property owned or controlled by any person as a railroad right of way.

13. "Owner" means the person in whom legal title appears by recorded deed, or the person in possession under claim or title, or the person exercising acts of ownership for himself or as the personal representative of the owner, including the boards of trustees of school districts and the boards of education of high school districts owning property within the proposed improvement district.

14. "Sewers" include tunnels, excavations, ditches, drains, conduits, channels, outlets, outfalls, cesspools, manholes, catch basins, flush tanks, septic tanks, connecting sewers of every character, machinery, apparatus, equipment and all appliances and structures necessary or incidental to the construction, installation or operation of a complete sewer system for either sanitary or drainage purposes.

15. "Street" includes avenues, alleys, highways, lanes, crossings, intersections, courts, places and grounds opened or dedicated to public use and public ways.

16. "Street superintendent" or "superintendent" means a county employee designated by the board of supervisors to perform the duties of street superintendent for all the districts organized under this article in any county.

17. "Time of delinquency" means the time when assessments become delinquent.

18. "Treasurer" or "district treasurer" means the treasurer of the county in which a district is situated, who shall be the treasurer of the district.

19. "Unincorporated area" means any portion of a county not within the limits of an incorporated city or town, so situated that any of the improvements provided for in this article might reasonably or properly be made or constructed for the benefit of the inhabitants of the area under existing special assessment statutes if the area were situated within an incorporated city or town.

20. "Waterworks" means works for the storage or development of water for domestic uses, and includes wells, pumping machinery, power plants, pipelines and all equipment necessary for the purpose.

21. "Work" or "improvement" includes any of the improvements mentioned and authorized to be made in this article, the construction, reconstruction and repair of all or any portion of any such improvement, and labor, services, expenses and material necessary or incidental thereto.

Sec. 2. Sec. 11-709, Arizona Revised Statutes, is amended to read:

11-709. PURPOSES FOR WHICH PUBLIC IMPROVEMENTS MAY BE UNDERTAKEN; POWERS INCIDENTAL TO PUBLIC IMPROVEMENTS. A. When the public interest or convenience requires, the board of directors of an improvement district may order:

1. The whole or any portion, either in length or width, of one or more of the streets of the district graded or regraded, paved or repaved, or otherwise improved or reimproved.

2. The construction, reconstruction or repair of any tunnel, subway, viaduct or conduit in, on, under or over which the district may have an easement or right of way therefor.

3. The construction or reconstruction of sidewalks, crosswalks, curbs, gutters, culverts, bridges, tunnels, siphons, manholes, steps, parkings and parkways.

4. The placement, replacement or repair of pipes, hydrants and appliances for fire protection.

5. The construction, reconstruction or repair of sewers, ditches, drains, conduits, pipelines and channels for sanitary and drainage purposes, with outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, connecting sewers, ditches, drains, conduits, channels and other appurtenances in, under, over or through any street or any land of the district or any right of way granted or obtained for such purpose, either within or without the district limits.

6. The construction, reconstruction or repair of waterworks for the delivery of water for domestic purposes, and of wells, ditches, canals, channels, conduits, pipelines and siphons, together with the necessary or usual appurtenances for carrying storm water or water from irrigation ditches, water courses, streams or springs into, through or out of such district in, under, over or through any street, or any land of the district or any right of way granted or obtained for such purpose, either within or without the district limits.

7. The construction, reconstruction or repair of breakwater levees or walls to protect the streets of the district from injury.

8. The construction, reconstruction or repair of lighting plants and poles, wire conduits, lamps, standards and other appliances for the purpose of lighting and beautifying the streets improved.

9. The construction, reconstruction or repair of any work incidental to or connected with any such improvement.

B. In addition to the powers specifically granted by or reasonably inferred from the provisions of this article, an improvement district through its board of directors may:

1. Acquire by gift, purchase, condemnation or otherwise in the name of the district and own, control, manage and dispose of any real or personal property or interest therein necessary or convenient for the construction, operation and maintenance of any of the improvements provided for by this article.

2. Join with any other improvement district or any city, town, governmental agency or person in the construction, operation or maintenance of any of the improvements hereby authorized.

3. Join with any other improvement district or any city, town or county in improving streets running upon or along the boundary of the district and levy assessments and issue bonds for the district's proportionate part of the cost of such improvements.

4. Sell, lease or otherwise dispose of any property of the district or interest therein when the property is no longer required for the purposes of the district or the use of which may be permitted without interfering with the use thereof by the district.

5. Sell or otherwise dispose of any property or material acquired in the construction or operation of any improvements as a by-product or otherwise, and acquire rights of way for such disposal by condemnation or otherwise.

6. Accept from the state of Arizona or the federal government, or any agency, department or instrumentality of either, grants for or in aid of the construction of any of the improvements provided for by this chapter.

7. Enter into contracts with the state of Arizona, the federal government, or any agency, department or instrumentality of either or both, for the construction or supervision of construction by the state of Arizona, the federal government, or any agency, department or instrumentality of either or both, but reserving to the district the right to assess against the property benefited by the improvement, and located within the

district, that portion of the cost of the improvement which does not qualify for aid under a state or federal grant.

8. Do all things incidental to the exercise of the powers granted by this article.

Sec. 3. Sec. 11-710, Arizona Revised Statutes, is amended to read:

11-710. RIGHTS OF WAY WITHIN DISTRICT; IMPROVEMENTS AND MAINTENANCE. A. All streets, lanes, alleys, places, courts, avenues, boulevards, highways, crossings, intersections, public ways and grounds in an improvement district organized under this article, which are open to the public use or dedicated to public use by a plat of record or otherwise, shall be deemed to be public and subject to improvement and maintenance under this article. The board of directors of the district may order to be done thereon any work or improvement mentioned in this article, but no provision of this article or any proceeding or improvement had or made under this article shall be held to impose on the county the duty of maintaining the same as county roads or highways unless and until the county takes them over as county roads or highways by appropriate resolution to that effect.

B. If there are in any such district public roads or highways which are maintained by the county, the county roads or highways may be improved by the district under the provisions of this article and in that case the resolution of intention for the improvement shall state what portion, if any, of the cost of the improvement will be paid by the county and to what extent the county will maintain the public road or highway after the improvement is made, but the portion, if any, of the cost of the improvement to be paid for by the county shall be included in the assessment and may be paid for in cash, or the amount thereof may be included in any bonds issued for the improvement, and, if so included, the assessment shall bear the same interest and be payable by the district in installments, as assessments against property of private persons. The district, however, may contract with the county for the payment to the district of such assessment and interest as may become due and payable, and the county shall perform the contract.

Approved by the Governor—April 6, 1956.

Filed in the Office of the Secretary of State—April 7, 1956.

CHAPTER 72

House Bill No. 287

AN ACT

RELATING TO THE BUREAU OF CRIMINAL IDENTIFICATION; PROVIDING FOR THE TRANSFER OF THE BUREAU TO THE STATE PRISON; DESIGNATING THE SUPERINTENDENT OF THE STATE PRISON AS SUPERINTENDENT OF THE BUREAU; TRANSFERRING EQUIPMENT, FILES AND MONIES TO THE STATE PRISON; AMENDING SECTIONS 13-1241, 13-1242 AND 13-1251, ARIZONA REVISED STATUTES, AND REPEALING SECTIONS 13-1243 AND 13-1244, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 13-1241, Arizona Revised Statutes, is amended to read:

13-1241. DESIGNATION OF BUREAU; LOCATION. There shall be a bureau of criminal identification. The offices of the bureau shall be located at the state prison.

Sec. 2. Sec. 13-1242, Arizona Revised Statutes, is amended to read:

13-1242. SUPERINTENDENT; DUTIES. A. The bureau shall be under the supervision and control of a superintendent, who shall be the superintendent of the state prison.

B. The bureau shall, when requested by the sheriff or a constable of a county, the chief of police or city or town marshal of an incorporated city or town, furnish him, and other peace officers throughout the state, assistance in promoting greater efficiency in detecting and apprehending criminals, and enforcing the criminal laws of the state.

Sec. 3. Sec. 13-1251, Arizona Revised Statutes, is amended to read:

13-1251. MAINTENANCE OF INFORMATION BY SUPERINTENDENT OF PRISON. The superintendent of the state prison shall maintain for the use of the bureau finger and thumb prints, photographs, identification data, modus operandi reports and criminal records of prisoners

confined in the state prison, together with the sentence imposed, the period served and the terms and conditions of their discharge.

Sec. 4. TRANSFER. All equipment, information, files, and data of every kind in the possession or under the control of the bureau of criminal identification is hereby transferred to the care, custody, control and use of the superintendent of the state prison in his capacity as superintendent of the bureau of criminal identification. All monies belonging to the bureau of criminal identification upon the effective date of this act shall be transferred to the Arizona state prison for the use of the superintendent of the state prison in performing the duties prescribed by this act.

Sec. 5. REPEAL. Sections 13-1243 and 13-1244, Arizona Revised Statutes, are repealed.

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

(Failed to pass the House with sufficient votes to carry the emergency clause)

Approved by the Governor—April 6, 1956.

Filed in the Office of the Secretary of State—April 7, 1956.

CHAPTER 73

House Bill No. 362

AN ACT

MAKING AN APPROPRIATION TO THE STATE TAX COMMISSION.

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 12, section 1, chapter 139, Laws of 1955, the sum of ten thousand dollars is appropriated to the state tax commission for the purpose of administering the provisions of the use tax act, article 2, chapter 9, title 42, Arizona Revised Statutes.

Sec. 2. EXEMPTION. The appropriation made 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—April 6, 1956.

Filed in the Office of the Secretary of State—April 7, 1956.

CHAPTER 74

Senate Bill No. 182

AN ACT

RELATING TO THE TAXATION OF INCOME; AND AMENDING ARTICLE 1, CHAPTER 1, TITLE 43, ARIZONA REVISED STATUTES, BY ADDING SECTION 43-123.01.

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

Section 1. Article 1, chapter 1, title 43, Arizona Revised Statutes, is amended by adding section 43-123.01 to read:

43-123.01. DEDUCTIBILITY OF DIVIDENDS RECEIVED FROM ARIZONA BUSINESS AND FINANCING INSTITUTIONS. The income of banks, investment companies and loan associations taxed under the provisions of chapter 5, title 42, shall be deemed subject to taxation under this title for the purposes of determining whether a taxpayer is entitled to a deduction under the provisions of paragraph (dd) of section 43-123 for dividends received by a stockholder of a corporation.

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)

Approved by the Governor—April 9, 1956.

Filed in the Office of the Secretary of State—April 9, 1956.

CHAPTER 75

Senate Bill No. 28

AN ACT

RELATING TO HORSE AND DOG RACING, PROVIDING FOR SETTLEMENT OF CONFLICTS IN APPLICATIONS AND ISSUANCE OF RACING PERMITS AND AMENDING ARTICLE 1, CHAPTER 1, TITLE 5, ARIZONA REVISED STATUTES, BY ADDING SECTION 5-108.01.

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

Section 1. Article 1, chapter 1, title 5, Arizona Revised Statutes is amended by adding section 5-108.01 to read:

5-108.01. SETTLEMENT OF CONFLICTS IN APPLICATIONS. A. When two or more applications by qualified applicants are filed with the commission seeking racing permits and to conduct racing on the same day or dates in the same county for dog racing or when two or more such applications are filed seeking racing permits and to conduct racing on the same day or dates within the same county for harness or horse racing, a conflict shall be deemed to exist, except that (1) applications for a state or county fair meet and (2) applications for permits to conduct horse or harness racing on any same day that may be included in an application for a permit to conduct dog racing shall not be constrruced to create a conflict.

B. In the event of a conflict the qualified applicants shall attempt to resolve such conflict by an agreement in writing in which agreement each such applicant shall receive and be allocated dates in such manner as will eliminate such conflict, to be filed with the commission on or before the thirtieth day of June following the filing of such applications.

C. In the event no agreement is reached the commission, after ten days written notice to such qualified applicants, shall conduct a hearing. The commission shall make a finding as to the relative value for racing meet purposes of the

days available for racing meets of the kind applied for and the commission shall, in racing permits issued to each such applicant, allocate said days consecutively and in a fair and impartial manner.

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)

Approved by the Governor—April 9, 1956.

Filed in the Office of the Secretary of State—April 9, 1956.

CHAPTER 76

Senate Bill No. 79

AN ACT

RELATING TO EDUCATION; AUTHORIZING TEACHER EXCHANGE AGREEMENTS; CERTIFICATION AND PAYMENT OF EXCHANGE TEACHERS, PRESERVATION OF RIGHTS; AND CONDITIONAL EFFECTIVE DATE OF FOREIGN EXCHANGE TEACHING, AND AMENDING CHAPTER 11, TITLE 15, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 7, SECTIONS 15-1191 THROUGH 15-1195.

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

Section 1. Chapter 11, title 15, Arizona Revised Statutes, is amended by adding article 7, sections 15-1191 through 15-1195 to read:

ARTICLE 7. TEACHER EXCHANGE

15-1191. EXCHANGE TEACHER AGREEMENTS. A. The board of trustees of any school district in the state or the board of regents of the university and state colleges of Arizona may enter into agreements with any foreign country, state, territory, or possession of the United States, or other

school district within the state, for the exchange and employment of teachers or professors having required certificates in this state and teachers or professors in the public schools, universities, or colleges of any foreign country, state, territory, possession, or other school district within the state, having certification or qualifications equivalent to that of the exchange teacher or professor of this state.

B. In all cases of the exchange of any foreign teacher or professor such exchange shall be contracted for and effected exclusively through the teacher exchange program as authorized by federal statutes enacted by the congress of the United States.

15-1192. CERTIFICATION OF EXCHANGE TEACHERS. The state board of education shall issue temporary certificates to exchange teachers and professors of foreign countries and other states whose training and background comply with the rules promulgated by the board for certification and are equivalent to those of the local teacher with whom the exchange is made.

15-1193. TERMS OF EMPLOYMENT. No exchange teacher or professor may be employed in the state unless he has been issued proper certification and may not be employed for more than one school year, except that by consent of the board of trustees or the board of regents and the two exchange teachers concerned, the period may be extended to two years.

15-1194. PAYMENT OF SALARIES OF EXCHANGE TEACHERS. The salary of the exchange teacher or professor from this state shall be paid by the school or district in which he is regularly employed in this state and the exchange teacher from out of the district or state shall be paid by his regular district, school, or country.

15-1195. DEDUCTIONS FOR RETIREMENT; PRESERVATION OF RIGHTS. A. All regular deductions for retirement as required by law shall be made from the salary of the local teacher or professor participating in exchange teaching pursuant hereto.

B. No such teacher or professor shall lose any right of certification, retirement, tenure, salary status, or other benefit provided by law or by the rules of the board of trustees of his local school district or the board of regents of the university and state colleges of Arizona due to exchange teaching under this article.

Sec. 2. CONDITIONAL EFFECTIVE DATE OF FOREIGN TEACHER EXCHANGE. The authorization of teacher ex-

change agreements involving exchange with a foreign teacher or professor pursuant hereto, shall be conditioned and effective only upon amendment of the constitution of the state of Arizona, section 10, article 18, so as to permit the employment of teachers, instructors and professors who are not citizens or wards of the United States under the teacher exchange program as provided by federal statutes enacted by the congress of the United States.

Approved by the Governor—April 9, 1956.

Filed in the Office of the Secretary of State—April 9, 1956.

CHAPTER 77

Senate Bill No. 133

AN ACT

MAKING AN APPROPRIATION FROM THE STATE GAME AND FISH PROTECTION FUND FOR THE RELIEF OF RALPH A. BLAIR.

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

Section 1. APPROPRIATION. The sum of six hundred twelve dollars fifty cents is appropriated from the state game and fish protection fund for the relief of Ralph A. Blair, of Arizona.

Sec. 2. PURPOSE. Payment of the sum appropriated in section 1, shall be in full satisfaction and discharge of certificate of indebtedness number 9 issued by the state auditor to Ralph A. Blair, covering reimbursement for appraised value of improvements owned by them and located on state land previously held under lease which was canceled upon the taking of said land by the Arizona game and fish commission under authority of article 9, chapter 2, title 37, Arizona Revised Statutes. The certificate of indebtedness was issued by the state auditor when no funds were available to cover payment of the claim as authorized by section 37-442, Arizona Revised Statutes.

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—April 9, 1956.

Filed in the Office of the Secretary of State—April 9, 1956.

CHAPTER 78

Senate Bill No. 134

AN ACT

MAKING AN APPROPRIATION FROM THE CHIROPODY FUND FOR THE RELIEF OF THE MESSENGER PRINTING COMPANY.

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

Section 1. APPROPRIATION. The sum of thirty-three dollars seventy-eight cents is appropriated from the chiropody fund for the relief of the Messenger Printing Company.

Sec. 2. BASIS OF CLAIM. The sum appropriated under the terms of section 1 is in full satisfaction of the claim of the Messenger Printing Company for printing of stationery, and for which an adequate appropriation was not available.

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.

(Failed to pass the House with sufficient votes to carry the emergency clause)

Approved by the Governor—April 9, 1956.

Filed in the Office of the Secretary of State—April 9, 1956.

CHAPTER 79

Senate Bill No. 135

AN ACT

MAKING AN APPROPRIATION FROM THE NATUROPATHIC BOARD FUND FOR THE RELIEF OF DOCTORS REDDING, BAKER AND KUTS-CHEROUX.

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

Section 1. APPROPRIATION. The sum of seventy-four dollars sixty-two cents is appropriated from the naturopathic board fund for the relief of Doctor Robert E. Redding, Doctor A. W. Kuts-Cheroux and Doctor Weldon Baker.

Sec. 2. BASIS OF CLAIM. The sum appropriated under the terms of section 1 is in full satisfaction of claims arising from travel performed in connection with official naturopathic board business and for which insufficient funds were available. The sum is appropriated in the following amounts:

Dr. Robert E. Redding	$15.54
Dr. Weldon Baker	15.54
Dr. A. W. Kuts-Cheroux	43.54
	$74.62

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—April 9, 1956.

Filed in the Office of the Secretary of State—April 9, 1956.

CHAPTER 80

Senate Bill No. 138

AN ACT

MAKING AN APPROPRIATION FROM THE GAME AND FISH PROTECTION FUND FOR THE RELIEF OF ARIZONA AIRMOTIVE, INC.

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

Section 1. APPROPRIATION. The sum of twenty-five dollars ninety-eight cents is appropriated from the game and fish protection fund for the relief of Arizona Airmotive, Inc.

Sec. 2. BASIS OF CLAIM. The sum appropriated under the terms of section 1 is in full satisfaction of the claim of

Arizona Airmotive, Inc., for the balance due on a paid claim and covering sales tax which was omitted from the original claim.

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—April 9, 1956.

Filed in the Office of the Secretary of State—April 9, 1956.

CHAPTER 81

Senate Bill No. 8

AN ACT

RELATING TO HIGHWAYS; MAKING AN APPROPRIATION FROM THE STATE HIGHWAY FUND TO THE STATE HIGHWAY DEPARTMENT FOR EMERGENCY MAINTENANCE.

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

Section 1. APPROPRIATION AND PURPOSE. The sum of two hundred thousand dollars is appropriated from the state highway fund to the Arizona highway department for the purpose of providing an available source for emergency maintenance.

Sec. 2. EXEMPTION. This appropriation is not subject to 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—April 9, 1956.

Filed in the Office of the Secretary of State—April 9, 1956.

CHAPTER 82

Senate Bill No. 156

AN ACT

MAKING AN APPROPRIATION TO THE BOARD OF REGENTS OF THE UNIVERSITY AND STATE COLLEGES OF ARIZONA FOR THE RELOCATION AND REMODELING OF THE STADIUM, AND ATHLETIC FIELD IMPROVEMENTS, AT ARIZONA STATE COLLEGE AT FLAGSTAFF.

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

Section 1. APPROPRIATION. The following sum is appropriated to the board of regents of the university and state colleges of Arizona:

For the forty-fifth fiscal year, the sum of two hundred fifty thousand dollars, for the relocation and remodeling of the stadium at Arizona state college at Flagstaff, including an addition thereto and equipment therefor, the establishment of a heating unit therein and the extension of lighting and other service facilities in connection therewith, the improvement of the athletic field, including the relocation of streets and fencing and the preparation of lands, for use by the college.

Sec. 2. LAPSING OF APPROPRIATION. The appropriation made in section 1 shall not lapse until the purpose for which the appropriation is made shall have been accomplished or abandoned unless the appropriation shall have stood until January 1, 1960, without an expenditure therefrom or encumbrance thereon.

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—April 9, 1956.

Filed in the Office of the Secretary of State—April 9, 1956.

CHAPTER 83

Senate Bill No. 175

AN ACT

RELATING TO BUDGET AND TAX LEVY; PROVIDING THAT ALL FUNDS RECEIVED AND DERIVED FROM THE OPERATION OF CEMETERIES OWNED AND OPERATED BY COUNTY, CITY OR TOWN MAY BE EXCLUDED FROM BUDGET AND TAX LEVY LIMITATIONS; PROVIDING FOR ALL SUMS SO EXCLUDED, AND AMENDING ARTICLE 4, CHAPTER 2, TITLE 42, ARIZONA REVISED STATUTES, BY ADDING SECTION 42-304.01.

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

Section 1. Article 4, chapter 2, title 42, Arizona Revised Statutes, is amended by adding section 42-304.01, to read:

42-304.01. EXCLUSION OF FUNDS DERIVED FROM OPERATION OF A CEMETERY; USE OF EXCLUDED SUMS. A. The governing body of any county, city or town may exclude all funds received or derived from the operation of any cemetery owned and operated by said county, city or town from the budget operated for the previous fiscal year and from the estimated budget and the adopted budget for the current fiscal year for the purpose of computing the limitations under sections 42-302, 42-303 and 42-304 on the amounts proposed for expenditure or to be raised by direct taxation in the estimated budget or the adopted budget of such county, city or town for each fiscal year.

B. All sums so excluded shall be expended for the operation, maintenance and improvements on cemetery or cemeteries owned and operated by the county, city or town making the exclusion.

Approved by the Governor—April 9, 1956.

Filed in the Office of the Secretary of State—April 9, 1956.

CHAPTER 84

Senate Bill No. 176

AN ACT

RELATING TO MUNICIPAL CEMETERIES, AND AMENDING SECTIONS 42-302, 42-303 AND 42-304, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 42-302, Arizona Revised Statutes, is amended to read:

42-302. ANNUAL FINANCIAL STATEMENT OF COUNTY, CITY OR TOWN AND ESTIMATE OF EXPENSES; NOTICE OF HEARING ON ESTIMATE. A. The governing board of each county, incorporated city or town, on or before the third Monday in July each year, shall prepare a full and complete statement of the financial affairs of such political subdivision for the preceding fiscal year and an estimate of the different amounts which will be required to meet the public expense of each such political subdivision for the current fiscal year. The estimate shall include an estimate of the amount of money required for each item of expenditure necessary for county, city or town purposes, the amounts necessary to pay the interest and principal of outstanding bonds, the items and amounts of every special levy provided by law and an amount for unanticipated contingencies or emergencies.

B. The estimate shall be entered upon the minutes of the governing body and shall be fully itemized in accordance with forms supplied by the state tax commission, showing under separate heads the following:

1. The amounts estimated as required for each department, public office or official for each public improvement, for the maintenance of public structures and institutions and for the salaries of public officers.

2. The separate amounts proposed for construction, maintenance, engineering and administration of public highways, roads, streets and bridges.

3. The amounts proposed for the construction, operation and maintenance of each public utility subject to this article.

4. A full and complete disclosure and statement of the contemplated expenditures for the ensuing year, showing the amount proposed to be expended from each separate fund and the total amount of proposed public expense.

C. The estimate shall also contain:

1.A statement of the receipts for the previous year from sources other than direct property taxes.

2. The amounts estimated to be received during the current fiscal year from sources other than direct property taxes.

3. The amounts actually levied and the amounts actually collected for county, city or town purposes upon the tax rolls of the previous fiscal year.

4. The amount proposed to be raised by direct property taxation for the current fiscal year, for the general fund, the road fund, schools, bonds, special assessments, district levies, emergency levies and any other special levies specifically authorized by law.

D. The total of amounts proposed for expenditure in the estimates shall not exceed by more than ten per cent the total of amounts proposed for expenditure in the budget adopted for the previous fiscal year, excluding in each case expenditures for school, bond, special assessment, district levy, primary, general or special election purposes, municipal cemeteries, the amount of increase in salaries of public officials whose salaries are set by state law, or municipal utility undertaking as defined in section 9-521.

E. The estimates, together with a notice that the governing body will meet for the purpose of hearing taxpayers and making tax levies at designated times and places, shall be published once a week for at least two consecutive weeks following the tentative adoption of the estimates in the official newspaper of the county, city or town, if there is one, and if not, in a newspaper of general circulation therein.

Sec. 2. Sec. 42-303, Arizona Revised Statutes, is amended, to read:

42-303. HEARING ON ESTIMATES; ADOPTION OF

PROPOSED BUDGET; LIMITATION ON INCREASE OVER BUDGET ADOPTED FOR PREVIOUS YEAR; EXCEPTIONS. A. The governing board of the county, city, or town shall meet on the seventh day before the day on which it levies taxes as designated in the notice provided by subsection E of section 42-302, and any taxpayer may appear and be heard in favor of or against any proposed expenditure or tax levy.

B. When the hearing is concluded, the governing board shall finally determine and adopt estimates of proposed expenditures for the various purposes set forth in the published proposal and such adopted estimates shall constitute the budget of the county, city or town for the current fiscal year.

C. The total amounts in the budget proposed for expenditure shall not exceed the total of amounts proposed for expenditure in the published estimates, not shall the total of amounts in the budget proposed for expenditure exceed by more than ten per cent the total of amounts proposed for expenditure in the budget adopted for the previous fiscal year, excluding expenditures for school, bond, special assessment and district levy, primary, general or special election purposes, municipal cemeteries, the amount of increase in salaries of public officials whose salaries are set by state law, or municipal utility undertaking as defined in section 9-521.

D. No expenditures shall be made for a purpose not included in such budget, and no expenditure shall be made, nor debt, obligation or liability incurred or created in any fiscal year in excess of the amount specified for each purpose in the budget for such fiscal year as finally adopted except when authorized under and pursuant to the provisions of section 42-308, whether or not the county, city or town has at any time received, or has on hand, funds or revenue in excess of those required to meet expenditures, debts, obligations, and liabilities incurred under such budget.

Sec. 3. Sec. 42-304, Arizona Revised Statutes, is amended to read:

42-304. LEVY AND ASSESSMENT OF TAX LEVY; LIMITATION ON INCREASE OVER LEVY OF PRECEDING YEAR; EXCEPTIONS. A. The governing body of each county, city or town, on or before the third Monday in August each year, shall fix, levy and assess the amount to be raised by direct taxation, which, together with all other

sources of revenue, as estimated, and unencumbered balances from the previous fiscal year, shall equal the total of amounts proposed to be expended in the budget for the current fiscal year, shall designate the amounts which shall be levied for each purpose appearing in the adopted budget, and shall fix and determine a rate on each one hundred dollars of taxable property shown by the finally equalized valuations of property, less exemptions, appearing upon the tax rolls for such fiscal year, which when extended upon such valuations will, in the aggregate, produce the entire amount to be raised by direct taxation for that year.

B. The budget estimate as finally adopted shall not exceed by more than ten per cent the total amount proposed for expenditure in the budget adopted for the previous year, after excluding expenditures for school, bond, special assessment and district levy, primary, general or special election purposes, municipal cemeteries, the amount of increase in salaries of public officials whose salaries are set by state law, or municipal utility undertaking as defined in section 9-521.

C. The amount contained in the budget estimate as finally adopted, required to be raised by direct taxation, shall in no event exceed by more than ten per cent the amount levied upon the tax rolls for the preceding fiscal year after excluding levies for emergency liabilities, schools, bond principal and interest, primary, general or special elections, municipal cemeteries, special assessments and district levies.

D. If no such amount was levied for the preceding fiscal year by the county, city or town, the governing body thereof may include in the budget such amount to be raised by direct taxation as is found necessary by the state tax commission upon application to it and after notice for hearing given and held upon such application in the manner prescribed by section 42-308. The levy authorized shall not be deemed to be for an emergency expenditure and shall constitute the base for computing the ten per cent levy limitation for the budget of the succeeding fiscal year.

Sec. 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—April 9, 1956.

Filed in the Office of the Secretary of State—April 9, 1956.

CHAPTER 85

House Bill No. 236

AN ACT

RELATING TO THE STATE BANKING DEPARTMENT, AND PROVIDING FOR THE REALLOCATION OF FUNDS.

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

Section 1. REALLOCATION. Any balances remaining on the effective date of this act from the appropriation made under the terms of subdivision 56, section 1, chapter 139, Laws of 1955, to the state banking department for state travel, is reallocated to personal services, and other current expenditures.

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—April 9, 1956.

Filed in the Office of the Secretary of State—April 9, 1956.

CHAPTER 86

House Bill No. 283

AN ACT

APPROVING FOR EXPENDITURE FOUR HUNDRED FORTY-FIVE THOUSAND DOLLARS FROM THE SUM OF FIVE HUNDRED THOUSAND DOLLARS FORMERLY APPROPRIATED TO THE STATE HOSPITAL FOR THE INSANE, AND PRESCRIBING THE PURPOSES FOR WHICH THE SUM MAY BE EXPENDED.

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

Section 1. APPROVAL OF EXPENDITURE; PURPOSE.

The legislature expressly consents to and approves the ex-

penditure by the state hospital board of four hundred forty-five thousand dollars from the sum of five hundred thousand dollars appropriated to the state hospital for the insane under the provisions of subdivision 38, section 1, chapter 1, Laws of 1951, first special session, and allocated to "Construction and Equipping Buildings," for the purposes prescribed by section 2.

Sec. 2. PURPOSE. The appropriation approved for expenditure under the terms of section 1 is available for all or part of the following purposes:

1. Completion of new wings in the hospital geriatric building.

2. Construction and equipment of a multiple unit dwelling.

3. Revision and equipping of one male ward building.

Sec. 3. EXEMPTION. The appropriation approved for expenditure 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 lapsation of appropriations, respectively.

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—April 9, 1956.

Filed in the Office of the Secretary of State—April 9, 1956.

CHAPTER 87

House Bill No. 348

AN ACT

MAKING AN APPROPRIATION TO THE ARIZONA CORPORATION COMMISSION AND REPEALING CHAPTER 80, LAWS OF 1955.

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

Section 1. APPROPRIATION. In addition to the appropriation made under the provisions of subdivision 59, section 1,

chapter 139, Laws of 1955, first regular session, the sum of seventeen thousand four hundred dollars is appropriated from the general fund to the Arizona corporation commission, in the amounts and for the purposes following:

1. The sum of fourteen thousand three hundred dollars is made available to the corporation commission as follows:

Cost of rate studies and analyses	$ 3,000.00
Personal services in preparation of evidence, briefs and petitions	3,800.00
Out-of-state travel	2,500.00
Printing, typing, mimeographing of briefs, petitions and exhibits and miscellaneous expenses in connection with cases before interstate commerce commission	5,000.00
TOTAL	$14,300.00

2. The sum of one thousand one hundred dollars is made available to the tariff and rate division of the corporation commission as follows:

State travel	$ 600.00
Professional fees	500.00
TOTAL TO TARIFF AND RATE DIVISION	$1,100.00

3. The sum of two thousand dollars is made available to the utilities division of the corporation commission for state travel.

Sec. 2. PURPOSE. A. The appropriation made under the terms of paragraph 1 of section 1 is to meet:

1. Necessary expenses occasioned by the participation of the state of Arizona and the Arizona corporation commission in pending and future investigations and proceedings pertaining to existing or proposed interstate rates, fares, tolls, charges and classifications, and all rules and practices in relation thereto, for or in relation to the transportation of persons or property.

2. To meet the necessary expenses occasioned by participation in such proceedings before the interstate commerce commission by the Arizona corporation commission and other organizations on a cooperative basis.

3. For the carrying out of the duties imposed on the Arizona corporation commission by section 40-362, Arizona Revised Statutes, provided, however, that no claim shall be approved for payment by the state auditor unless first approved by both the Arizona corporation commission and the attorney general.

B. The appropriation made under the terms of paragraph 2 of section 1 is to meet state travel of the tariff and rate division to attend hearings and for the railway safety inspector in investigating railroad accidents and investigation of complaints of safety violations, and professional fees for court reporters at the hearings.

C. The appropriation made under the terms of paragraph 3 of section 1 is to meet state travel expenses of the utilities division in making investigations required by law.

Sec. 3. EXEMPTION. The appropriation made under the terms of paragraph 1 of section 1 is exempt from the provisions of sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotment and lapsation of appropriations, respectively.

Sec. 4. REPEAL. Chapter 80, Laws of 1955, is repealed.

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—April 9, 1956.

Filed in the Office of the Secretary of State—April 9, 1956.

CHAPTER 88

House Bill No. 12

AN ACT

MAKING AN APPROPRIATION FOR THE RELIEF OF LESLIE FERRELL.

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

Section 1. APPROPRIATION. The sum of ten thousand

one hundred forty-seven dollars fifty cents is appropriated for the relief of Leslie Ferrell.

Sec. 2. BASIS OF CLAIM. The foregoing appropriation is for the purpose of paying hospital and medical benefits and compensation benefits, due and payable to Leslie Ferrell and in full satisfaction of the claim of the said Leslie Ferrell for workmen's compensation benefits made a liability of the state of Arizona under the provisions of the civil defense act of 1951. The total of said claim is made up of the following calculations:

Temporary compensation accrued	$ 533.40
Estimated total temporary compensation	1,545.15
Estimated permanent partial disability	4,284.00
Medical bills accrued	1,530.00
Estimated medical bills	2,254.95
TOTAL	$10,147.50

Sec. 3. CONDITION OF APPROPRIATION. The appropriation made by this act is made upon the condition that payment and acceptance of the monies appropriated shall constitute a binding and irrevocable contract between the state and Leslie Ferrell in full settlement of all claims heretofore or hereafter accrued, directly or indirectly, as a result of injuries suffered by the claimant on August 15, 1951, while serving as a member of the Arizona state civil defense mobile unit.

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

(Failed to pass the House with sufficient votes to carry the emergency clause)

Approved by the Governor—April 9, 1956.

Filed in the Office of the Secretary of State—April 9, 1956.

CHAPTER 89

House Bill No. 208

AN ACT

RELATING TO JUDICIAL AND STATUTORY BONDS;

PROVIDING FOR JOINT CONTROL OF ASSETS BY PRINCIPAL AND SURETY, AND AMENDING ARTICLE 1, CHAPTER 1, TITLE 7, ARIZONA REVISED STATUTES BY ADDING SECTION 7-110.

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

Section 1. Article 1, chapter 1, title 7, Arizona Revised Statutes, is amended by adding section 7-110, to read:

7-110. JOINT CONTROL OF ASSETS SECURED BY BOND. A. Any party of whom a bond, undertaking or other obligation is required and his surety may make an agreement providing for the safekeeping of any monies or assets for which he and his surety are or may be responsible by depositing them with a bank, savings banks, safe-deposit or trust company authorized by law to do business as such or with any other depository approved by the court if the deposit is otherwise proper. The agreement may provide that the withdrawal of the monies or assets or any part thereof may be made only with the written consent of the surety or upon order of court made on such notice to the surety as the court may direct.

B. The agreement authorized by subsection A shall not in any manner release from or change the liability of the principal or surety as established by the terms of the bond.

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—April 9, 1956.

Filed in the Office of the Secretary of State—April 9, 1956.

CHAPTER 90

House Bill No. 131

AN ACT

RELATING TO DAIRIES AND DAIRY PRODUCTS; PRESCRIBING REGULATIONS GOVERNING THE PRODUCTION, TRANSPORTATION, HANDLING AND

SALE OF MILK AND MILK PRODUCTS, AND THE INSPECTION OF DAIRY HERDS, DAIRIES AND MILK PLANTS, AND AMENDING SECTIONS 3-601, 3-605, AND 3-607, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 3-601, Arizona Revised Statutes, is amended to read:

3-601. DEFINITIONS. In this article, unless the context otherwise requires:

1. "Butter" means the clean and nonrancid product containing not less than eighty per cent milk fat produced by gathering the fat of milk or cream into a mass, containing a small portion of other milk constituents, and with or without salt or harmless coloring matter.

2. "Cheese" means the solid or semisolid product made by coagulating the casein of milk, skim milk, cream, goat's milk or sheep's milk by the use of rennet, pepsin, lactic acid or other coagulating agent approved by the commissioner.

3. "Commissioner" means the state dairy commissioner or his authorized representative.

4. "Condensed milk," "evaporated milk" or "condensed skim milk" means milk from which a considerable part of the water has been removed, the standard composition of which is that prescribed by the secretary of the United States department of agriculture, but containing not less than eighteen per cent milk solids.

5. "Cream cheese" means unripened cheese made by the neufchatel or similar process from cream, milk or skim milk enriched with cream or milk in an amount sufficient to produce a cheese containing in its water free substance not less than sixty-five per cent pure milk fat, and not more than fifty-six per cent moisture.

6. "Creamed cottage cheese" means uncreamed cottage cheese to which has been added a quantity of pure fresh pasteurized sweet cream sufficient to produce a product containing not less than four per cent pure milk fat.

7. "Emulsified cheese" or "process cheese" means the modified cheese made by combining one or more lots of cheese

into a homogeneous plastic mass, with the aid of heat and with or without water, and with the incorporation of not more than three per cent of a suitable emulsifying agent.

8. "Frozen custard" or "French ice cream" includes parfaits and similar products produced by combining, cooking and freezing a dairy product with eggs or parts thereof.

9. "Frozen dairy product" includes ice cream, frozen custard, French ice cream and iced milk.

10. "Grade A milk" and "grade A cream" has the meaning set forth in the unabridged form of the 1953 edition of the United States public health milk ordinance and code.

11. "Half and half" means milk containing not less than eleven per cent nor more than eighteen per cent milk fat.

12. "Iced milk" means a frozen product the principal ingredient of which is milk.

13. "Manufacturing milk" or "manufacturing cream" means milk or cream not conforming to the requirements of the United States public health milk ordinance and code.

14. "Manufacturing milk processing plant" means a plant manufacturing and processing manufacturing milk, and manufacturing ice cream of ice cream mix.

15. "Measuring devise" includes a measuring rod and a transparent measuring tube.

16. "Milk distributing plant" means a plant processing and distributing milk and milk products other than products made from manufacturing milk.

17. "Milk holding tank" means a stationary tank used to measure milk or cream.

18. "Part-skim No. 1 cheese" means cheese containing in its total milk solids not less than thirty per cent pure milk fat.

19. "Part-skim No. 2 cheese" means cheese containing in its total milk solids less than thirty but not less than sixteen and one-half per cent pure milk fat.

20. "Pasteurized" means milk every particle of which has

been held at a temperature of not less than one hundred forty-three degrees Fahrenheit for a period of not less than thirty minutes, or at a temperature of not less than one hundred sixty degrees Fahrenheit for a period of not less than fifteen seconds, in approved and properly operated equipment, or to any other process demonstrated to be equally efficient and approved by the commissioner.

21. "Pasteurized cheese" or "pasteurized-blended cheese" means the clean, sound pasteurized product made by combining one or more lots of cheese into a homogeneous plastic mass with the aid of heat and water.

22. "Producer-distributor" means a producer of milk handling his own product exclusively and distributing it as milk.

23. "Producer-manufacturer" means a producer of milk handling his own product exclusively, and manufacturing milk products therefrom and distributing the products.

24. "Skim cheese" means cheese containing in its total milk solids less than sixteen and one-half per cent pure milk fat.

25. "Ultimate consumer" means the person actually drinking or consuming milk or a milk product.

26. "Uncreamed cottage cheese" means cheese made from pure pasteurized fresh milk or skim milk, with or without harmless coloring matter, and sold fresh without molding into forms.

27. "Whole milk cheese" or "full cream cheese" means cheese containing in its total milk solids not less than fifty per cent pure milk fat.

Sec. 2. Sec. 3-605, Arizona Revised Statutes, is amended to read:

3-605. PUBLIC HEALTH SERVICE MILK ORDINANCE AND CODE; HEALTH AND SANITATION PROVISIONS. A. The production, transportation, handling and sale of milk and milk products, except all cottage cheeses, and the inspection of dairy herds, dairies and milk plants shall be regulated in accordance with the terms of the unabridged form of the 1953 edition of the United States public health service milk ordinance and code, a certified copy of which shall be on file in the office of the secretary of state, except that all

milk, reconstituted or recombined milk and flavored milk prepared for sale to or use by the ultimate consumer shall contain not less than three and five tenths per cent butter-fat.

B. The words "health officer" when used in the milk ordinance and code means the state dairy commissioner or his authorized representative.

C. Powers and duties in the milk ordinance and code relating to health and sanitation, are vested in the state department of public health.

D. The provisions of the milk ordinance and code shall be deemed to apply to this state.

Sec. 3. Sec. 3-607, Arizona Revised Statutes, is amended to read:

3-607. ANNUAL LICENSING OF DEALERS; REVOCATION; MUNICIPAL PERMIT; FEES. A. No person shall operate a milk distributing plant or a manufacturing milk processing plant, manufacture frozen dairy products for retail only to the ultimate consumer or engage in the business of producer-distributor or producer-manufacturer without a license therefor.

B. Application for a license shall be in writing in such form as the commissioner prescribes and shall be accompanied by the required filing fee. Upon receipt of an application the commissioner or an authorized representative shall examine the premises in which the applicant proposes to do business, and if it appears that the applicant has complied with all provisions of law, the license shall be issued.

C. After issuance of the first annual license, a license may be issued by the commissioner upon inspection of the premises and payment not later than February 1 of each year of the required fee. The inspection shall be made by the commissioner or an authorized representative to determine whether the premises are maintained in compliance with law. A written report of the inspection shall be filed in the office of the commissioner. An annual license is valid for the period beginning January 1 and ending December 31 of each year, and a license not renewed on or before February 1 of each year shall be void.

D. Except as provided in this subsection, application for a license to produce grade A milk for human consumption shall be made in the manner prescribed by subsections A and B,

and shall be valid until revoked for failure to comply with the provisions of this article relating to the production of milk. Notice of revocation shall be in writing, stating the cause therefor, and setting a time during which the licensee may correct the cause for revocation. If the cause for revocation is not corrected within the time specified, the commissioner, after hearing and three days notice of intention, may revoke the license. A person holding a permit issued by a municipality operating under the provisions of the standard milk ordinance of the United States bureau of public health shall be deemed to have a permit meeting the requirements of this article.

E. Fees shall be paid as follows:

1. For a license or renewal of a license to operate a milk distributing plant or business, fifty dollars.

2. For a license or renewal of a license to operate a manufacturing milk processing plant, fifty dollars.

3. For a license or renewal of a license to engage in the manufacture of frozen dairy products for retail only to the ultimate consumer, ten dollars.

4. For a license or renewal of a license to engage in the business of producer-distributor or producer-manufacturer, twenty-five dollars.

Approved by the Governor—April 9, 1956.

Filed in the Office of the Secretary of State—April 9, 1956.

CHAPTER 91

House Bill No. 49

AN ACT

RELATING TO JURORS; PRESCRIBING FEES AND MILEAGE, AND AMENDING SECTION 21-221, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 21-221, Arizona Revised Statutes, is amended to read:

21-221. FEES AND MILEAGE. A. Each juror shall be paid by the county:

1. For each day's attendance upon the superior court, eight dollars.

2. For each mile necessarily traveled from his residence to the court, an amount determined by the judge, not to exceed twenty cents per mile and to be computed for one trip and one way only. When a juror necessarily returns to his residence one or more times during the period of service because of a recess ordered by the court, he shall be paid for such travel an additional amount determined by the judge, not to exceed twenty cents per mile one way for each recess.

B. Attendance on the court shall include the first day a juror is required to appear and shall continue each day thereafter, whether the juror is serving on a jury or waiting subject to call, until the juror is either temporarily or permanently excused from jury service by order of the court.

C. Each juror shall be paid by the county for each day's attendance upon a justice court or upon an inquest, four dollars.

Approved by the Governor—April 9, 1956.

Filed in the Office of the Secretary of State—April 10, 1956.

CHAPTER 92

House Bill No. 68

AN ACT

RELATING TO CRIMES; PRESCRIBING PENALTIES FOR KIDNAPING FOR EXTORTION, ROBBERY, RANSOM, RAPE, SODOMY, LEWD OR LASCIVIOUS ACTS, AND AMENDING SECTION 13-492, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 13-492, Arizona Revised Statutes, is amended to read:

13-492. KIDNAPING FOR EXTORTION, ROBBERY, RANSOM, RAPE, SODOMY, LEWD OR LASCIVIOUS ACTS; PUNISHMENT. A. A person, except in the case of a minor by the parent, who seizes, confines, inveigles, entices, decoys, abducts, conceals, kidnaps or carries away any individual by any means whatsoever with intent to hold or detain, or who holds or detains such individual for ransom, reward or otherwise, or to commit extortion or robbery, or to exact from relatives of such person or from any other person any money or valuable thing, or a person who aids or abets any such conduct, is guilty of a felony.

B. A person, except in the case of a minor by the parent, who seizes, confines, inveigles, entices, decoys, abducts, conceals, kidnaps or carries away any child under the age of fourteen years by any means whatsoever with intent to hold or detain, or who holds or detains such child for the purpose of raping or committing sodomy, or lewd or lascivious acts upon the person of such child, or a person who aids or abets any such conduct, is guilty of a felony.

C. A person convicted under subsections A or B of this section shall be punished as follows:

1. If the person subjected to the acts mentioned in subsections A or B suffers serious bodily harm inflicted by the person found guilty, the person found guilty shall be punished by death or by life imprisonment without possibility of parole, whichever the jury recommends.

2. If the person subjected to any acts mentioned in subsections A or B does not suffer serious bodily harm the person found giulty shall be punished by imprisonment in the state prison from twenty to fifty years without possibility of parole until the minimum sentence has been served.

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—April 9, 1956.

Filed in the Office of the Secretary of State—April 10, 1956.

CHAPTER 93

House Bill No. 96

AN ACT

RELATING TO COMMERCIAL FEEDS AND CUSTOMER-FORMULA FEEDS; PROVIDING FOR THE REGISTRATION, MANUFACTURER, SALE, DISTRIBUTION AND USE THEREOF; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; TRANSFERRING FUNDS; REPEALING ARTICLE 1, CHAPTER 7, TITLE 24, ARIZONA REVISED STATUTES, AND ENACTING A NEW ARTICLE 1, CHAPTER 7, TITLE 24, ARIZONA REVISED STATUTES.

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

Section 1. REPEAL. Article 1, chapter 7, title 24, Arizona Revised Statutes, is repealed.

Sec. 2. Chapter 7, title 24, Arizona Revised Statutes, is amended by adding a new article 1, sections 24-901 through 24-917, to read:

ARTICLE 1. COMMERCIAL AND CUSTOMER-FORMULA FEEDS

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 commer-

cial 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.

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.

24-902. STATE CHEMIST AS ADMINISTRATOR AND ENFORCEMENT OFFICER. A. In addition to other duties imposed upon him by law, the state chemist shall administer and enforce the provisions of this article.

B. The state chemist may employ and discharge such deputies and clerks as are necessary to efficiently administer and enforce the provisions of this article within the limit of funds appropriated under provisions of this article. The salaries and expenses of travel and subsistence for such deputies and clerks shall be paid from the commercial feed fund.

24-903. ENFORCEMENT AND ADMINISTRATIVE POWERS OF STATE CHEMIST. A. The state chemist may, after opportunity for a hearing, refuse registration or cancel registration of any commercial feed found not to be in compliance with the provisions of this article.

B.The state chemist may:

1. Make regulations requiring the guarantee of substances and elements when claimed present in a commercial feed and where not specifically provided for in paragraph 3, subsection A, section 24-911, and declare the form in which the guarantee shall appear upon the label.

2. Make regulations setting forth acceptable descriptive terms by which ingredients shall be listed on the labeling when used as ingredients of a commercial feed or customer-formula feed.

3. Make regulations requiring statement of warning and directions for use of commercial feeds and customer-formula feeds containing drugs or chemicals.

4. Make, adopt and promulgate rules and regulations, both administrative and technical, which he deems necessary for the efficient administration of this article.

24-904. ADVISORY COMMITTEE; MEMBERSHIP; APPOINTMENT; DUTIES. A. The dean of agriculture of the university of Arizona shall appoint a feed advisory committee for the purpose of assisting and advising the state chemist in the promulgation of technical rules and regulations. The feed advisory committee shall be composed of the head of the department of agricultural chemistry and soils, agriculture experiment station, university of Arizona, who shall act as chairman; the head of the department of agricultural biochemistry, agricultural experiment station, university of Arizona; the head of the department of animal pathology of the agricultural experiment station, university of Arizona, and two other persons chosen by the dean of agriculture. Each member of the committee shall serve for a term of one year.

B. Members of the committee shall serve without compensation, but shall be entitled to reimbursement for expenses of travel and subsistence incurred in the performance of their duties under this article, which shall be paid from and limited by the commercial feed fund. Meetings of the feed advisory committee shall be held upon call of the state chemist.

24-905. ANNUAL REPORTS AND PUBLICATIONS; MEMBERSHIP OF STATE CHEMIST IN PROFESSIONAL ORGANIZATIONS. A. The state chemist may publish at such times and in such form as he deems proper information concerning the sale of commercial feeds and customer-formula feeds together with such data on their production and use as he may consider advisable, and a report of the monies re-

ceived and expended, but the information concerning production and use of commercial feeds and customer-formula feeds shall not disclose the operations of any one person. Reports of chemists' findings based on official samples of each brand of commercial feed and customer-formula feed sampled and analyzed during the year as compared to the guaranteed chemical analysis for each such feed shall be published annually as promptly as possible after January 1 of each year.

B. The state chemist may join and subscribe to any state, district, regional or national organization or publications relating to sale and distribution of or control of sale and distribution of commercial feeds, and to attend state, district, regional and national meetings relating to sale and distribution or control of sale and distribution of commercial feeds.

C. Expenses authorized by this section shall be paid from and limited by the commercial feed fund.

24-906. INSPECTION BY STATE CHEMIST; OFFICIAL SAMPLES; ANALYSIS; REPORT. A. The state chemist, who may act through his authorized agent, shall sample, inspect, make analyses of, and test commercial feeds and customer-formula feeds distributed within the state at such time and place and to such an extent as he deems necessary to determine whether or not such feeds are in compliance with the provisions of this article. The state chemist, individually or through his agent, may enter upon any public or private premises during regular business hours in order to have access to feeds subject to the provisions of this article and the rules and regulations pertaining thereto.

B. The methods of sampling and analyzing shall be those adopted by the state chemist from sources such as the journal of the association of official agricultural chemists.

C. The state chemist, in determining for administrative purposes whether or not a commercial feed or customer-formula feed is deficient in any component, shall be guided solely by the official sample as defined in paragraph 7 of section 24-901 and obtained and analyzed as provided in subsection B of this section.

D. When the inspection and analysis of an official sample indicate a commercial feed or customer-formula feed has been adulterated or misbranded, the results of the analysis shall be forwarded by the state chemist to the distributor and the purchaser. Upon receipt of a request within thirty days after transmitting the results of the analysis, the state chemist shall

furnish to the registrant a portion of the sample concerned.

24-907. INSPECTION FEES; QUARTERLY STATEMENT BY DISTRIBUTOR; RETENTION OF RECORDS. A. There shall be paid to the state chemist for all commercial feeds and customer-formula feeds offered for sale, sold, or otherwise distributed in this state an inspection fee at the rate of eight cents per ton. The state chemist may, after January 1, 1957, if it appears that the revenue derived under this article is more or less than the amount necessary for its administration and operation, decrease or increase the inspection fee provided in this section, and for any year thereafter he may increase or decrease the inspection fee, but at no time shall the rate exceed twenty cents per ton. Sales of commercial feeds to manufacturers or exchanges between them shall be exempt if the commercial feeds so sold or exchanged are used solely in the manufacture of feeds registered under this article.

B. Payment of the inspection fee set forth in subsection A of this section shall be evidenced by a statement made under oath in due form of law, of the commercial feed or customer-formula feed distributed together with documents showing that fees corresponding to the tonnage were received by the state chemist.

C. Every person who distributes commercial feed or customer-formula feed in the state shall:

1. File within one calendar month after March 31, June 30, September 30, and December 31 of each year, a quarterly statement setting forth the number of tons of commercial feed or customer-formula feed distributed in the state during the preceding three-month period accompanied by the inspection fee at the rate stated in subsection A of this section. When more than one person is involved in the distribution of a commercial feed or customer-formula feed, the person who distributes to the ultimate consumer is responsible for reporting the tonnage and paying the inspection fee, but if the sales of an ultimate distributor are reported through the registrant of the commercial feed, the dealer shall not be required to report it and pay the inspection fee the second time, but must retain a record of the sale made by him. Any delinquency of more than one calendar month in filing the statement and paying the inspection fee shall subject the person responsible to a penalty of ten per cent of the amount due, and such inspection fee and penalty shall become a debt for which an action may be commenced by the state chemist without following the procedure as set forth in section 24-917. After

July 1, 1956, no tax stamps or tags shall be sold or purchased for commercial feeds or customer-formula feeds, but all such stamps or tags purchased previous thereto may be claimed as credit against any inspection fee due according to the provisions of this article.

2. Keep such records as are deemed necessary or required by the state chemist to indicate accurately the tonnage of commercial feed and customer-formula feed distributed in the state. The state chemist may examine such records to verify statements of tonnage distributed.

24-908. COMMERCIAL FEED FUND. A. Ninety per cent of all monies collected under the provisions of this article shall be transmitted to the treasurer of the university of Arizona, who shall credit such monies to a fund known as the commercial feed fund. The fund shall be used solely for the purpose of administering the provisions of this article upon the order of the board of regents of the university and state colleges of Arizona. The commercial feed fund shall be exempt from the provisions of section 35-190, relating to lapsing appropriations.

B. The remaining ten per cent of the monies collected under the provisions of this article shall be deposited in the general fund of the state.

24-909. TESTING LABORATORY. The department of agricultural chemistry and soils of the agricultural experiment station of the university of Arizona is hereby designated the official testing laboratory for the purpose of enforcing this article.

24-910. RESTRICTIONS UPON ENFORCING OFFICERS. No person charged with the enforcement of any of the provisions of this article shall be directly or indirectly interested in the sale, manufacture or distribution of any commercial feed.

24-911. REGISTRATION. A. Every brand of commercial feed shall be registered before being offered for sale, sold or otherwise distributed in this state. The application for registration shall be submitted to the state chemist on forms furnished by the state chemist, and, if the state chemist so requests, shall also be accompanied by a label or other printed matter describing the product. Upon approval by the state chemist a copy of the registration shall be furnished to the ap-

plicant. Each registration shall expire on December 31 of the year for which it is made. The application shall include the following information:

1. The name and principal address of the person responsible for distributing the commercial feed.

2. The name or brand under which the commercial feed is to be sold.

3. The guaranteed analysis, listing the minimum percentage of crude protein, minimum percentage of crude fat, and maximum percentage of crude fiber. For mineral feeds the list shall include the following if added: Minimum and maximum percentage of calcium (Ca), minimum percentage of phosphorus (P), minimum percentage of iodine (I), and minimum and maximum percentages of sale (NaCl). Other substances or elements, determinable by laboratory methods, may be guaranteed by permission of or by requirement by regulation of the state chemist with the advice of the director of the agricultural experiment station. When any such other items are guaranteed, they shall be subject to inspection and analysis in accordance with methods and regulations as are prescribed by the state chemist. Products sold solely as mineral or vitamin supplements, or both, and guaranteed as specified in this section need not show guarantees for protein, fat and fiber.

4. The common or usual English name of each ingredient used in the manufacture of the commercial feed, except as the state chemist shall regulate otherwise.

B. A distributor shall not be required to register any brand of commercial feed already registered under this article by another person.

C. Changes in the guarantee of either chemical or ingredient composition of a commercial feed may be permitted after satisfactory evidence is submitted showing that the changes would not result in lowering the feeding value of the product for the purpose for which it was designed.

D. The state chemist may refuse registration of any application and cancel any registration that he determines is not in compliance with the provisions of this article, but no registration shall be refused or canceled until the registrant has been given an opportunity to be heard before the state chem-

ist and to amend his application to comply with the requirements of this article.

24-912. LABELING. A. Any commercial feed offered for sale, sold or otherwise distributed in the state in bags, barrels or other containers shall have placed on or affixed to the container in written or printed form the net weight and the informtion required by paragraphs 1 through 4, subsection A of section 24-911.

B. If the commercial feed is distributed in bulk, a written or printed statement of the net weight and the information required by paragraphs 1 through 4, subsection A of section 24-911 shall accompany the delivery thereof and be furnished to the purchaser.

C. A customer-formula feed shall be labeled by invoice to show:

1. The name and address of the mixer.

2. The name and address of the purchaser.

3. The date of sale.

4. The net weight.

5. The name and amount of each ingredient contained therein. The invoice bearing the information required by this subsection shall accompany delivery of the feed and be supplied to the purchaser at the time of delivery, but in lieu of naming and showing the amounts of the ingredients on each invoice, the person responsible for distributing the feed may file an identified statement of the ingredients with the customer whose name will appear on the invoice, and each invoice to that customer for that customer-formula feed shall carry information necessary to relate it to the statement file. A duplicate copy of the statement filed with the customer shall be retained on file at the office of the person named on the invoice as the mixer and a copy mailed to the office of the state chemist previous to delivery of the customer-formula feed.

D. If a commercial feed or customer-formula feed contains drugs or chemicals, the state chemist may require the label to show adequate warnings or directions, or both, for use of the feed.

24-913. ADULTERATION. No person shall distribute adulterated feed. A commercial feed or customer-formula feed shall be deemed adulterated:

1. If any poisonous, deleterious or nonnutritive ingredient has been added in sufficient amount to render it injurious to animal health.

2. If any valuable constituent has been in whole or part omitted or abstracted therefrom or any less valuable substance substituted therefore.

3. If its composition or quality falls below or differs from that which it is purported or is represented to possess by its labeling.

4. If it contains added hulls, screenings, straw, cobs or other high fiber material unless the name of each such material is clearly and prominently stated on the label.

24-914. MISBRANDING. No person shall distribute misbranded feed. A commercial feed or customer-formula feed shall be deemed misbranded:

1. If its labeling is false or misleading in any particular.

2. If it is distributed under the name of another feed.

3. If it is not labeled as required in section 24-912 and in regulations prescribed under this article.

4. If it purports to be or is represented as a feed ingredient, or if it purports to contain or is represented as containing a feed ingredient, unless such feed ingredient conforms to the definition of its identity, if any, prescribed by regulation of the state chemist. The state chemist in adopting such regulations shall give due regard to commonly accepted definitions such as those issued by the association of American feed control officials.

5. If any word, statement or other information required, by or under authority of this article, to appear on the label or labeling is not prominently placed thereon with such conspicuousness as compared with other words, statements, designs or devices in the labeling, and in such terms as to cause it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

24-915. DETAINED COMMERCIAL FEEDS; "WITHDRAWAL FROM SALE" ORDERS. When the state chemist or his authorized agent has reasonable cause to believe a commercial feed or customer-formula feed is being distributed in violation of any of the provisions of this article or of any of the prescribed regulations under this article, he may issue and enforce a written or printed "withdrawal from sale" order warning the distributor to not dispose of the feed in any manner until permission is given by the state chemist or a court of competent jurisdiction. The state chemist shall release the commercial feed or customer-formula feed so withdrawn when the provisions and regulations have been complied with and all costs and expenses incurred in the withdrawal have been paid. If compliance is not obtained within thirty days, the state chemist shall begin proceedings for condemnation.

24-916. SEIZURE, CONDEMNATION AND SALE OF NONCOMPLYING FEED. Any lot of commercial feed or customer-formula feed not in compliance with the provisions of this article shall be subject to seizure upon complaint of the state chemist to a court of competent jurisdiction in the area in which the feed is located. If the court finds the commercial feed or customer-formula feed is in violation of this article and orders the condemnation of the feed, it shall be disposed of in any manner consistent with the quality of the feed and the laws of the state; but in no instance shall the disposition of the feed be ordered by the court without first giving the claimant an opportunity to apply to the court for release of the feed for permission to process or relabel the feed to comply with the requirements of this article.

24-917. VIOLATIONS; PENALTIES. A. If it appears from the examination of any commercial feed or customer-formula feed that any of the provisions of this article or the rules and regulations issued thereunder have been violated, the state chemist shall cause notice of the violation to be given to the registrant or person responsible for placing the feed on sale. Any person so notified shall be given opportunity to be heard under such rules and regulations as are prescribed by the state chemist. If the state chemist finds after such hearing, either in the presence or absence of the person so notified, that any of the provisions of this article or rules and regulations issued thereunder have been violated, he may certify the facts to the county attorney. Each county attorney to whom any such violation is reported shall cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay.

B. Any person convicted of violating any of the provisions

of this article or the rules and regulations issued thereunder, or who impedes, obstructs, hinders or otherwise prevents or attempts to prevent the state chemist or his duly authorized agent in the performance of his duty under the provisions of this article, is guilty of a misdemeanor punishable by a fine of not less than one hundred dollars nor more than three hundred dollars for the first offense, and by a fine of not less than three hundred dollars nor more than one thousand dollars for each subsequent offense.

C. In all prosecutions under this article involving the composition of a lot of commercial feed or customer-formula feed, a certified copy of the official analysis signed by the state chemist shall be accepted as prima facie evidence of the composition of the feed.

D. Nothing in this article shall be construed as requiring the state chemist or his representative to report for prosecution or for the institution of seizure proceedings minor violations of the article when he believes that the public interest will be best served by a suitable notice of warning in writing.

E. The state chemist may apply for and the court may grant a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this article or any rule or regulation promulgated under the article notwithstanding the existence of other remedies at law.

Sec. 3. TRANSFER OF FUNDS. The monies in the feed fund on July 1, 1956 are transferred to the commercial feed fund.

Sec. 4. EFFECTIVE DATE. This act shall take effect on July 1, 1956.

Approved by the Governor—April 9, 1956.

Filed in the Office of the Secretary of State—April 10, 1956.

CHAPTER 94

House Bill No. 215

AN ACT

RELATING TO FORMATION AND LICENSING OF BANKS; PRESCRIBING THE CAPITAL STOCK OF

BANKS OTHER THAN MUTUAL SAVINGS BANKS AND THE REQUIREMENTS FOR ISSUANCE OF CERTIFICATE, AND AMENDING SECTION 6-202, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 6-202, Arizona Revised Statutes, is amended to read:

6-202. CAPITAL STOCK OF BANKS OTHER THAN MUTUAL SAVINGS BANKS; REQUIREMENTS PRELIMINARY TO ISSUANCE OF CERTIFICATE. A. The paid in capital stock of a bank, other than a mutual savings bank, shall be:

1. In a city or town having less than five thousand population, not less than twenty-five thousand dollars.

2. In a city or town having five thousand, but not to exceed fifteen thousand population, not less than one hundred thousand dollars.

3. In a city or town having more than fifteen thousand, but not to exceed fifty thousand population, not less than one hundred fifty thousand dollars.

4. In a city or town having more than fifty thousand population, not less than two hundred thousand dollars.

B. No banking corporation shall be required to have more than two million dollars capital stock.

C. The corporation commission shall issue a certificate of incorporation to a banking corporation only after it appears, by affidavit of not less than three of the incorporators, that the required amount of capital stock has been paid in, and shall issue a certificate of amendment to the articles of incorporation only after it appears by affidavit that all the increased capital has been paid in cash.

Approved by the Governor—April 9, 1956.

Filed in the Office of the Secretary of State—April 10, 1956.

CHAPTER 95

House Bill No. 261

AN ACT

RELATING TO FEES CHARGED BY THE COUNTY RECORDER, AND AMENDING SECTION 11-475, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 11-475, Arizona Revised Statutes, is amended to read:

11-475. FEES; MARGINAL RELEASES. A. The county recorder shall receive the following fees:

1. Filing each paper, twenty-five cents.

2. Recording papers required or authorized by law to be recorded, for each page or partial page, unless otherwise provided by law, seventy-five cents.

3. Each certificate and seal affixed thereto, seventy-five cents.

4. Filing, recording and indexing each mining or mill site location notice, one dollar.

5. Affidavit for renewal of judgment, one dollar.

6. Recording abstract of judgment, one dollar.

7. Filing, recording and indexing each notice of nonliability for labor or material furnished relating to mines under lease or option or bond, one dollar.

8. Filing, indexing and entering a minute of chattel mortgages, seventy-five cents.

9. Filing release of chattel mortgage, twenty-five cents.

10. Filing and indexing notice of lis pendens, one dollar.

11. Recording each plat, addition or subdivision of a city or town, the scale of which may be reduced if noted thereon, five dollars.

12. Noting the muniment of title relating to paragraph 11 in every abstract, fifty cents.

13. Filing, indexing and entering a minute of each conditional sale contract, seventy-five cents.

14. Filing release of conditional sale contract, twenty-five cents.

15. Recording a contract, deed or other recordable instrument to which the United States, the state or a political subdivision thereof, including cities and towns, irrigation, drainage and electrical districts, is a party, when recorded at the request of the United States, the state or such political subdivision, or the authorized representative thereof, seventy-five cents for each page or partial page.

16. Preparing and certifying copies of a record in his office, seventy-five cents for each page or partial page, or if copies are furnished by the applicant for certification, twenty-five cents, and in addition for attaching the recorder's certificate and seal, seventy-five cents.

B. The county recorder shall not charge a fee for a marginal release of a mortgage or other instrument of record in his office.

C. When a release is filed in satisfaction of a chattel mortgage or a conditional sale contract, it is not necessary to index the release, but it is sufficient to make notation thereof on the margin of the abstract of the released instrument, together with the fee number and date of release, and to file the release in its numerical order for preservation as other records are preserved, returning the instrument released to the mortgagor or buyer.

Approved by the Governor—April 9, 1956.

Filed in the Office of the Secretary of State—April 10, 1956.

CHAPTER 96

House Bill No. 217

AN ACT

RELATING TO LIVESTOCK AND ANIMALS; PRESCRIBING METHOD OF RERECORDING A BRAND OR EAR-

MARK, AND AMENDING SECTION 24-204, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 24-204, Arizona Revised Statutes, is amended to read:

24-204. RERECORDING BRANDS AND EARMARKS. A. Every owner of a brand or earmark of record who desires to continue the use of it shall, on or before the thirty-first day of December, 1961, and every ten years thereafter, make application to the board for rerecording the brand or earmark.

B. The board shall notify every owner of a recorded brand or earmark of his right to rerecord the brand or earmark. The notice shall be in writing, addressed and mailed to such owner at the last address of record in the office of the board and at least sixty days before the rerecording date. The board may also advertise the approach of the rerecording period in the manner and at the time it deems advisable.

C. Rerecording the brand or earmark shall be done in the same manner as original recording but brands and earmarks offered for rerecording need not be advertised as required for original recording.

Approved by the Governor—April 9, 1956.

Filed in the Office of the Secretary of State—April 10, 1956.

CHAPTER 97

House Bill No. 231

AN ACT

RELATING TO ELECTRIC COOPERATIVE NONPROFIT MEMBERSHIP CORPORATIONS; PROVIDING FOR TELEPHONE SERVICE, AND AMENDING SECTION 10-752, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 10-752, Arizona Revised Statutes, is amended to read:

10-752. PURPOSE. A. Cooperative nonprofit membership corporations may be organized under this article for the purpose of supplying electric energy to persons in rural areas and promoting and extending the use of electric energy in such areas.

B. In a rural area where there is no telephone service, a cooperative which is supplying electric energy in the area may enter into a cooperative agreement with the existing holder of certificate of convenience and necessity for telephone service in the general area to supply telephone service in the same area.

Approved by the Governor—April 9, 1956.

Filed in the Office of the Secretary of State—April 10, 1956.

CHAPTER 98

House Bill No. 239

AN ACT

RELATING TO THE TRANSACTION PRIVILEGE TAX; PROVIDING FOR PRIVILEGE LICENSES, AND AMENDING SECTION 42-1308, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 42-1308, Arizona Revised Statutes, is amended to read:

42-1308. PRIVILEGE LICENSES; VIOLATIONS; PENALTY. A. Every person who receives gross proceeds of sales or gross income upon which a privilege tax is imposed by this article, desiring to engage or continue in business, shall make application to the commission for a privilege license accompanied by a fee of one dollar. Such a person shall not engage or continue in business until he has obtained a privilege license. Licensees operating on March 24, 1954, shall be deemed to have complied with the provisions of this section.

B. If the applicant is not in arrears in payment of any tax

imposed by this article, the commission shall issue a license authorizing him to engage and continue in such business, upon condition that he complies with this article. The license shall be continuous.

C. The privilege license shall not be transferable upon a change of ownership or change of location of the business. For the purpose of this subsection:

1. "Transferable" means any conveyance or change of the right or privilege to engage or continue in business by virtue of the issuance of the privilege license.

2. "Ownership" means any right, title or interest in the business.

3. "Location" means the firm, business and mailing address appearing in the application for license and on the privilege license.

D. When the ownership or location of a business upon which a privilege tax is imposed by this article has been changed within the meaning of subsection C of this section, the licensee shall surrender the license to the commission. The license shall be reissued to the new owners or for the new location upon application by the taxpayer and payment by him of the one dollar fee.

E. A person engaged in or conducting a business in two or more locations shall procure a license for each location. This requirement shall not be construed as conflicting with section 42-1325.

F. A person who violates any provision of this section is guilty of a misdemeanor punishable by a fine for each offense of not less than ten dollars, or by imprisonment for not less than ten days.

Approved by the Governor—April 9, 1956.

Filed in the Office of the Secretary of State—April 10, 1956.

CHAPTER 99

House Bill No. 259

AN ACT

RELATING TO IRRIGATION DISTRICTS; PRESCRIBING QUALIFICATONS OF ELECTORS; PROVIDING FOR

VOTING BY ABSENT OR DISABLED VOTERS; AMENDING SECTION 45-1517, ARIZONA REVISED STATUTES, AND AMENDING ARTICLE 1, CHAPTER 6, TITLE 45, ARIZONA REVISED STATUTES, BY ADDING SECTION 45-1519.01.

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

Section 1. Sec. 45-1517, Arizona Revised Statutes, is amended to read:

45-1517. QUALIFICATIONS OF ELECTORS; EVIDENCE OF TITLE AND HOLDER OF TITLE DEFINED. A. No person shall be entitled to vote at any election held under the provisions of this chapter unless:

1. He is a holder of title or evidence of title, including receipts or other evidence of the rights of entrymen on lands under any law of the United States or this state, to land in the district, and has possessed such qualifications for ninety days immediately preceding the date of such election.

2. He has resided continuously for six months immediately preceding the election in the county in which the district or a part thereof is located.

3. He is at least twenty-one years of age.

4. He is registered as provided by section 45-1615.

B. The administrator or executor of the estate of a deceased person, and the guardian of a minor or incompetent person, appointed and qualified under the laws of the state, may register and cast the vote of the estate or person which he represents. The officer of a corporation who is designated and authorized by a resolution of the board of directors of the corporation may register and cast the vote of the corporation.

C. For the purposes of this chapter:

1. "Evidence of title" includes bona fide contracts of purchase, recorded not less than ninety days immediately preceding the date of an election at which the holder seeks to vote, by the terms of which the purchaser is given possession of the land, is required to pay all taxes and assessments thereon, and is expressly authorized to vote as to such land at district elections. In such case the holder of the record title is not entitled to vote as to such land.

2. "Holder of title" or "bona fide landowner" means a person whose title has been recorded in the office of the county recorder not less than ninety days prior to the date of an election at which such person seeks to vote. When the holder of record title is a married person and the title is held in the name of only one spouse, only the spouse in whose name the title stands shall be entitled to vote in the election.

Sec. 2. Article 1, chapter 6, title 45, Arizona Revised Statutes, is amended by adding section 45-1519.01, to read:

45-1519.01. ABSENT OR DISABLED VOTERS. An elector absent from the county in which the district is located, or who expects to be absent therefrom at the time of holding an election in the district, or who furnishes the secretary of the board with a doctor's certificate of physical inability to attend the polls, may vote at an election held in the district substantially in the manner as provided by chapter 8 of title 16. In the application of such chapter to this section, the words "division of the district" shall be substituted for the word "precinct". The duties therein required of the county recorder shall be performed by the secretary of the board and the duties of the absentee election board shall be performed by the election board of the division of the district in which the election is being conducted.

Approved by the Governor—April 9, 1956.

Filed in the Office of the Secretary of State—April 10, 1956.

CHAPTER 100

House Bill No. 317

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE BOARD OF DIRECTORS OF STATE INSTITUTIONS FOR JUVENILES.

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 34, section 1,

chapter 139, Laws of 1955, the sum of five thousand dollars is appropriated to the board of directors of state institutions for juveniles to be available for the treatment of juvenile offenders who require intensive psychotherapy and for whom such treatment is not available in the state. The appropriation may be used for transportation in and out of state, institutional care, and such other care and treatment as may be deemed necessary by the board.

Sec. 2. EXEMPTION. The appropriation made 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—April 9, 1956.

Filed in the Office of the Secretary of State—April 10, 1956.

CHAPTER 101

House Bill No. 322

AN ACT

RELATING TO WORKMEN'S COMPENSATION; PLACING REGULAR MEMBERS OF THE ARIZONA HIGHWAY PATROL RESERVE WITHIN THE SCOPE OF THE WORKMEN'S COMPENSATION ACT, AND AMENDING SECTION 23-901, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 23-901, Arizona Revised Statutes, is amended to read:

23-901. DEFINITIONS. In this chapter, unless the context otherwise requires:

1. "Award" means the finding or decision of the commission of the amount of compensation or benefit due an injured employee or the dependents of a deceased employee.

2. "Commission" means the industrial commission of this state.

3. "Compensation" means the compensation and benefits provided by this chapter.

4. "Employee," "workman" and "operative" means:

(a) Every person in the service of the state, a county, city, town, municipal corporation or school district, including regular members of lawfully constituted police and fire departments of cities and town, whether by election, appointment or contract of hire.

(b) Every person in the service of any employer subject to the provisions of this chapter, including aliens and minors legally or illegally permitted to work for hire, but not including a person whose employment is casual and not in the usual course of trade, business or occupation of the employer.

(c) Lessees of mining property and their employees and contractors engaged in the performance of work which is a part of the business conducted by the lessor and over which the lessor retains supervision or control are within the meaning of this paragraph employees of the lessor, and deemed to be drawing such wages as are usually paid employees for similar work. The lessor may deduct from the proceeds of ores mined by the lessees the premium required by this chapter to be paid for such employees.

(d) Regular members of volunteer fire departments organized pursuant to article 1, chapter 9 of title 9, are deemed to be employees, but for the purposes of this chapter, the basis for computing wages for premium payments and compensation benefits for a volunteer fireman shall be three hundred dollars per month.

(e) Regular members of the Arizona highway patrol reserve, organized pursuant to article 2.1, chapter 2, title 28, are deemed to be employees, but for the purposes of this chapter, the basis for computing wages for premium payments and compensation benefits for a member of the Arizona highway patrol reserve shall be three hundred dollars per month.

5. "General order" means and includes an order applied generally throughout the state to all persons under jurisdiction of the commission.

6. "Hazardous employment" means and includes:

(a) The operation of steam railroads, electrical railroads or

street railroads, by locomotives, engines, trains, motors or cars of any kind propelled by steam, electricity, cable or other mechanical power, including the construction, use or repair of machinery, plants, tracks, switches, bridges or roadbeds, upon, over and by which the railway business is operated.

(b) All work involved in making or using, or necessitating dangerous proximity to, gunpowder, blasting powder, dynamite, compressed air or any other explosive.

(c) The erection or demolition of any bridge, building or structure in which there is, or in which the plans and specifications require, iron or steel frame work.

(d) The operation of elevators, elevating machinery, derricks or hoisting apparatus used within or on the outside of any bridge, building or other structure for conveying materials in connection with the erection or demolition of a bridge, building or structure.

(e) All work on ladders or scaffolds of any kind elevated twenty feet or more above the ground or floor in the erection, construction, repair, painting or alteriation of any building, bridge structure or other work in which such ladders or scaffolds are used.

(f) All work of construction, operation, alteration or repair where wires, cables, switchboards or other apparatus or machinery charged with electrical current are in use.

(g) All work in the construction, alteration or repair of pole lines for telegraph, telephone or other purposes.

(h) All work in mines and quarries.

(i) All work in the construction and repair of tunnels, subways and viaducts.

(j) All work in mills, shops, works, yards, plants and factories where steam, electricity or any other mechanical power is used to operate machinery and appliances in and about the premises.

7. "Order" means and includes any rule, regulation, direction, requirement, standard, determination or decision of the commission.

8. "Personal injury by accident arising out of, and in the course of employment" includes an injury caused by the wilful act of a third person directed against an employee because of his employment, but does not include a disease unless resulting from the injury.

9. "Special order" means and includes an order other than a general order.

Approved by the Governor—April 9, 1956.

Filed in the Office of the Secretary of State—April 10, 1956.

CHAPTER 102

House Bill No. 323

AN ACT

RELATING TO THE ARIZONA HIGHWAY PATROL; PROVIDING FOR THE ARIZONA HIGHWAY PATROL RESERVE; PRESCRIBING THE POWERS AND DUTIES THEREOF, AND AMENDING CHAPTER 2, TITLE 28, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 2.1, SECTIONS 28-251 TO 28-256, INCLUSIVE.

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

Section 1. Chapter 2, title 28, Arizona Revised Statutes, is amended by adding article 2.1, sections 28-251 to 28-256, inclusive to read:

ARTICLE 2.1. ARIZONA HIGHWAY PATROL RESERVE

28-251. DEFINITIONS. In this article, unless the context otherwise requires:

1. "Patrol" means the Arizona highway patrol.

2. "Reserve" means the Arizona highway patrol reserve.

3. "Superintendent" means the superintendent of the Arizona highway patrol.

28-252. ARIZONA HIGHWAY PATROL RESERVE. The superintendent of the Arizona highway patrol may provide for the organization of an auxiliary volunteer organization to be known as the Arizona highway patrol reserve, which organization shall consist of male citizens, residents of the state of Arizona, over age twenty-one years, who shall render auxiliary support, without compensation, to the patrol under such rules and regulations as the superintendent may prescribe.

28-253. POWERS OF RESERVE. The superintendent with the approval of the merit system council shall adopt rules and regulations expressly defining the powers and duties of the reserve, but such powers and duties shall not be in excess of those accorded to the patrol nor inconsistent therewith.

28-254. LIMITATION OF MEMBERSHIP. The reserve shall not have a membership of more than two hundred and fifty members.

28-255. BADGE OF AUTHORITY. The superintendent shall issue to each member of the reserve a badge of authority to be used by the members of the reserve only while on duty. The badge shall be of such design as the superintendent may determine, but shall bear the word "reserve" across the face thereof.

28-256. ELIGIBILITY FOR WORKMEN'S COMPENSATION BENEFITS. While on duty members of the reserve shall be deemed to be state employees for the purpose of securing workmen's compensation benefits in the same manner, under the same conditions, and to the same extent as regular state employees.

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—April 9, 1956.

Filed in the Office of the Secretary of State—April 10, 1956.

CHAPTER 103

Senate Bill No. 93

AN ACT

RELATING TO PUBLIC BUILDINGS AND IMPROVEMENTS; MAKING AN APPROPRIATION FROM THE STATE HIGHWAY FUND TO THE ARIZONA HIGHWAY DEPARTMENT FOR THE PURPOSE OF BUILDING AN ADDITION TO THE ARIZONA HIGHWAYS MAGAZINE BUILDING.

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

Section 1. APPROPRIATION. The sum of thirty thousand dollars is appropriated from the state highway fund to the Arizona highway department for the purpose set forth in section 2.

Sec. 2. PURPOSE. The sum appropriated in section 1 of this act is for the purpose of constructing an addition to the Arizona highways magazine building.

Sec. 3. EXEMPTION. The sum appropriated under the provisions of section 1 is exempt from the terms 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—April 9, 1956.

Filed in the Office of the Secretary of State—April 10, 1956.

CHAPTER 104

Senate Bill No. 94

AN ACT

MAKING AN APPROPRIATION, AND A REALLOCATION OF FUNDS TO THE ARIZONA CHILDREN'S COLONY BOARD FOR CONSTRUCTION AND EQUIPMENT OF AN ACTIVITIES BUILDING.

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

Section 1. APPROPRIATION. In addition to the appropriation made under the provisions of section 1, subdivision 31, chapter 139, Laws of 1955, first regular session, the sum of sixty thousand dollars is appropriated to the Arizona children's colony board.

Sec. 2. REALLOCATION OF FUNDS. From the appropriation made to the Arizona children's colony board under the provisions of section 1, chapter 1, Laws of 1954, second regular session, any sum standing to its credit shall be real-

located to the Arizona children's colony board for the purpose set forth in section 3 of this act.

Sec. 3. PURPOSE. The sums appropriated and reallocated to the Arizona children's colony board in sections 1 and 2 shall be used for the purpose of constructing and equipping an activities building, including architects' fees.

Sec. 4. EXEMPTIONS. The appropriation and reallocation set forth under the terms of sections 1 and 2 are not subject to 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—April 9, 1956.

Filed in the Office of the Secretary of State—April 10, 1956.

CHAPTER 105

Senate Bill No. 34

AN ACT

RELATING TO MINES AND MINING; PRESCRIBING THE SALARY OF THE DIRECTOR OF THE DEPARTMENT OF MINERAL RESOURCES, AND AMENDING SECTION 27-107, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 27-107, Arizona Revised Statutes, is amended to read:

27-107. DIRECTOR OF DEPARTMENT OF MINERAL RESOURCES. A. The director of the department shall be appointed by the board. The person appointed shall be a mining engineer graduated from an accredited school of mines, qualified by education and experience and shall possess a certificate of registration as a mining engineer, issued by the state board of technical registration.

B. The director shall give bond to the state in an amount

prescribed by the board for the faithful performance of his duties. He shall receive a salary determined by the board, not to exceed eight thousand four hundred dollars per annum and he shall receive necessary subsistence and travel expenses as provided by law for state officers.

Approved by the Governor—April 9, 1956.

Filed in the Office of the Secretary of State—April 10, 1956.

CHAPTER 106

Senate Bill No. 5

AN ACT

RELATING TO PUBLIC BUILDINGS AND IMPROVEMENTS, AND MAKING AN APPROPRIATION FROM THE STATE HIGHWAY FUND TO THE ARIZONA STATE HIGHWAY COMMISSION FOR THE PURPOSE OF PLANNING, SELECTION OF SITE, CONSTRUCTION, FURNISHING AND EQUIPPING A LABORATORY BUILDING.

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

Section 1. APPROPRIATION. The sum of one hundred seventy-five thousand dollars is appropriated from the state highway fund to the Arizona state highway commission for the purposes set forth in section 2.

Sec. 2. PURPOSE. The Arizona state highway commission is authorized to undertake the planning, selection of site, construction, furnishing and equipping of a laboratory building which it deems sufficient for its requirements. The planning and construction shall be performed in accordance with the provisions of title 34, Arizona Revised Statutes.

Sec. 3. EXEMPTIONS. This appropriation is not subject to 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—April 9, 1956.

Filed in the Office of the Secretary of State—April 10, 1956.

CHAPTER 107

Senate Bill No. 3

AN ACT

RELATING TO PUBLIC BUILDINGS AND IMPROVEMENTS; MAKING AN APPROPRIATION FROM THE STATE HIGHWAY FUND FOR THE PLANNING, SELECTION OF SITE, CONSTRUCTION, FURNISHING AND EQUIPPING OF A HIGHWAY ADMINISTRATIVE AND ENGINEERING BUILDING BY THE ARIZONA STATE HIGHWAY COMMISSION.

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

Section 1. APPROPRIATION. The sum of one million dollars is appropriated from the state highway fund to the Arizona state highway commission to be placed in a fund designated as the highway administrative and engineering building fund to be used for the purposes set forth in section 2.

Sec. 2. PURPOSE. The Arizona state highway commission is authorized to undertake the planning, selection of site, construction, furnishing and equipping of a highway administrative and engineering building which it deems sufficient for its requirements. The planning and construction shall be in accordance with the provisions of title 34, Arizona Revised Statutes.

Sec. 3. EXEMPTIONS. This appropriation is not subject to 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—April 9, 1956.

Filed in the Office of the Secretary of State—April 10, 1956.

CHAPTER 108

Senate Bill No. 56

AN ACT

MAKING AN APPROPRIATION TO THE BOARD OF REGENTS OF THE UNIVERSITY AND STATE COLLEGES OF ARIZONA FOR THE PURCHASE OF REALTY, INCLUDING IMPROVEMENTS THEREON, THE PREPARATION OF SUCH REALTY AND FOR THE PURCHASE OF REALTY OR BUILDINGS AND THE CONSTRUCTION OF A TRAINING SCHOOL, FOR THE USE OF ARIZONA STATE COLLEGE AT TEMPE.

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

Section 1. APPROPRIATION. There is hereby appropriated to the board of regents of the university and state colleges of Arizona the sum of nine hundred fifty thousand dollars, four hundred fifty thousand dollars of which is to be used for the purchase of realty for the use of Arizona State College at Tempe, including the improvements on such lands, demolition of buildings thereon, and preparation of such lands for use by the college, and five hundred thousand dollars of which is to be used for the purchase of realty and buildings or for the purchase of realty and construction of buildings together with equipment and extension of heating, light and other service facilities in connection therewith, to replace the training school recently destroyed by fire.

Sec. 2. LAPSING OF APPROPRIATION. The appropriation made in section 1 shall not lapse until the purpose for which the appropriation is made shall have been accomplished or abandoned unless the appropriation shall have stood until January 1, 1960, without an expenditure therefrom or encumbrance thereon.

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—April 9, 1956.

Filed in the Office of the Secretary of State—April 10, 1956.

CHAPTER 109

Senate Bill No. 26

AN ACT

RELATING TO THE DUMPING OF REFUSE, RUBBISH, OR DEBRIS ON HIGHWAYS; AMENDING SECTION 18-162, ARIZONA REVISED STATUTES, AND AMENDING ARTICLE 3, CHAPTER 1, TITLE 18, ARIZONA REVISED STATUTES, BY ADDING SECTION 18-163.

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

Section 1. Sec. 18-162, Arizona Revised Statutes, is amended to read:

18-162. DUMPING REFUSE, RUBBISH OR DEBRIS ON HIGHWAYS; PENALTY. A. A person who dumps, deposits, places, throws or leaves refuse, rubbish, debris, filthy or odoriferous objects, substances or other trash upon a state or county highway, road or other public thoroughfare or the right of way therefor, or within twenty yards of a state or county highway, road or other public thoroughfare, is guilty of a misdemeanor, punishable upon conviction by a fine of not less than ten nor more than one hundred dollars, by imprisonment for not less than five nor more than thirty days, or both.

B. If a misdemeanor is committed as set forth in subsection A from a motor vehicle, the driver of the vehicle shall be presumed to be the offender.

C. The highway commission, the board of supervisors of each county, and the governing body of each city or town shall cause signs to be erected at suitable intervals on highways and public thoroughfares in their respective areas of authority, including public parks, informing the public that it is unlawful to perform the acts prohibited by subsection A.

D. The Arizona highway patrol, the sheriff's office of each county, and the peace officers of each city or town are charged with the duty of enforcing the provisions of this section.

Sec. 2. Article 3, chapter 1, title 18, Arizona Revised Statutes, is amended by adding section 18-163, to read:

18-163. PUBLICATION OF LAW RELATING TO DUMPING REFUSE, RUBBISH OR DEBRIS ON HIGHWAYS. The highway commission shall cause to be printed and distributed with each license plate and each original or renewal of a driver's or chauffeur's license material relating to the provisions of section 18-162 as it deems advisable.

Approved by the Governor—April 11, 1956.

Filed in the Office of the Secretary of State—April 12, 1956.

CHAPTER 110

Senate Bill No. 128

AN ACT

RELATING TO COUNTY IMPROVEMENT DISTRICTS; PROVIDING FOR THE FORMATION OF DISTRICTS TO PURCHASE ELECTRICITY FOR LIGHTING PUBLIC STREETS AND PARKS, AND AMENDING ARTICLE 1, CHAPTER 5, TITLE 11, ARIZONA REVISED STATUTES BY ADDING SECTION 11-758.

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

Section 1. Article 1, chapter 5, title 11, Arizona Revised Statutes, is amended by adding section 11-758 to read:

11-758. IMPROVEMENT DISTRICTS FOR PURCHASING ELECTRICITY FOR LIGHTING PUBLIC STREETS AND PARKS. A. In addition to the purposes for which an improvement district may be formed under the provisions of section 11-709, an improvement district may be formed for the sole purpose of purchasing electricity for the lighting of the public streets and parks of the improvement district.

B. Subject to the limitations contained in this section, the powers and duties of the board of directors of such district and those of the board of supervisors shall be as provided in this article for other types of improvement districts.

C. The board of directors shall furnish annual estimates of the expenses of the district, to be paid by ad valorem tax on the assessed value of all property of the district, in the manner provided for by sections 11-751, 11-752, and 11-753, any other provision of this article to the contrary notwithstanding.

D. An improvement district formed under the provisions of this section shall not be authorized to issue bonds, and no assessment for district purposes against the property within such district shall exceed twelve mills upon each dollar of taxable valuation thereof in any year.

E. No such district is authorized to engage in any activity other than contracting for and purchasing of electricity for street and public park lighting.

F. In the event the entire area comprising an improvement district for street lighting becomes annexed to any city or town and the city or town is willing to continue the lighting of streets in the area so annexed, the board of directors may by resolution summarily dissolve the street lighting district.

G. In the event only a part of the district becomes annexed to any city or town and the city or town is willing to continue the lighting of streets in the area so annexed, the board of directors may by resolution summarily delete from the district the area so annexed and reconstitute the district from the balance of the original improvement district for street lighting.

H. The formation of an improvement district for street and public park lighting under the provisions of this section shall not prevent the subsequent establishment of improvement districts for other purposes including improvement districts for the purpose of constructing street lighting facilities within any part or all of the same territory.

I. In the event an improvement district is formed which includes the construction and operation of street lighting facilities within all or any part of the territory of a district formed under this section, the board of directors may by resolution summarily delete from the district formed under this section any area covered by a subsequently formed district and form a new district from the balance of the original district formed under this section.

Approved by the Governor—April 12, 1956.

Filed in the Office of the Secretary of State—April 12, 1956.

CHAPTER 111

House Bill No. 13

AN ACT

RELATING TO COUNTY PLANNING AND ZONING.

AND AMENDING SECTIONS 11-822, 11-823, 11-826 AND 11-829, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 11-822, Arizona Revised Statutes, is amended to read:

11-822. ADOPTION OF COUNTY PLAN BY COMMISSION; NOTICE; HEARING. The commission may adopt the county plan as a whole, or by successive actions adopt separate parts of the plan corresponding with functional divisions of the subject matter, and from time to time, subject to the limitations of this chapter, amend, extend or add to the county plan. Before adoption of the plan or any part, amendment, extension or addition, the commission shall hold at least one public hearing thereon, after giving at least fifteen days notice thereof by one publication in a newspaper of general circulation in the county seat. In addition, the notice shall be published in a newspaper of general circulation in the area to be affected, or adjacent thereto, if the area affected is other than the county seat. Adoption of the plan or any part thereof shall be by resolution, and shall require the affirmative votes of a majority of the members.

Sec. 2. Sec. 11-823, Arizona Revised Statutes, is amended to read:

11-823. SUBMISSION OF COUNTY PLAN TO BOARD; HEARING; NOTICE. After adoption of the county plan or any section thereof by the commission the plan shall be submitted to the board for its consideration and official action. The board shall hold at least one public hearing at which residents of the county shall be heard concerning the matters contained in the plan. At least fifteen days notice of the hearing shall be given by one publication in a newspaper of general circulation in the county seat. The board shall consider protests and objections to the plan and may change or alter any portion of the county plan including the zoning regulations. However, before any change is made, that portion of the plan proposed to be changed shall be re-referred to the commission for their recommendation, which may be accepted or rejected by the board.

Sec. 3. Sec. 11-826, Arizona Revised Statutes, is amended to read:

11-826. LOCAL OPTION; ESTABLISHMENT OF ZONING AREAS; ELECTION. A. If, after an election as provided for in section 11-825, the board determines that zoning shall be initiated within its jurisdiction by local option, five or

more real property taxpayers of the county residing within a proposed zoning area may file a petition with the clerk of the board which shall define the boundaries of the proposed area, and shall pray that the board call an election within the boundaries to decide whether or not zoning shall be initiated within the area. The petition shall contain a certificate by the taxpayers stating that on their information and belief the petition contains the signatures of not less than twenty-five per cent of the owners of real property, by area and number, within the proposed area.

B. The board shall determine the sufficiency thereof and, if found sufficient, shall order the commission to prepare a zoning map for the area and shall set forth a time not less than sixty nor more than ninety days from the date of the order at which time the commission shall submit the proposed map to the board. The commission may, however, petition the board for an extension of the time limit giving its reasons for the request, and the board may extend the time limit as it sees fit.

C. The commission shall thereupon make such studies and investigations of the area as it deems necessary and shall prepare a proposed zoning map setting forth the exact boundaries of districts within which the zoning regulations shall be applicable. The commission shall hold at least one public hearing thereon, at least fifteen days notice of which shall be given by one publication in a newspaper of general circulation and by posting in the zoning area. After having held the hearing the commission shall by resolution adopt the proposed zoning map and transmit it to the board.

D. Upon receipt of the proposed zoning map the board shall order that an election be held within the proposed zoning area not less than sixty nor more than ninety days after receipt thereof. The order of the board calling the election shall be posted in three public places within the district for not less than thirty days prior to the date of the election, and by one publication in a newspaper of general circulation in the county seat three weeks prior to such election. The order shall contain the text of the zoning regulations and the proposed map, the names of three suitable persons as judges to conduct the election, and the hours during the day, not less than ten, when the polls will be open. The ballot shall contain a description of the zoning area and make reference to the zoning regulations and map. The question to be voted on shall be substantially: "Shall the zoning ordinance be adopted for this area? Yes. No." The manner of conducting the voting at such election, and contesting it, of keeping the poll lists, canvassing the votes and certifying the returns, shall be the

same, as nearly as possible, as in the election of county officers.

E. Persons shall be entitled to vote at the election who, at the time of the election, are record owners of real property within the boundaries of the area and have been such owners continuously for a period of six months immediately prior to the election, and are twenty-one years of age or over.

F. The board when ordering the election, shall by resolution provide and require a registration of all persons entitled to vote at such election. The registration shall begin at least thirty days before, and close ten days prior to the date of the election, and shall be made by, or under direction of the clerk of the board who shall, not less than five days prior to the date of the election, file with the board and deliver to each of the judges named in the order for the election, a certified list of the persons qualified to vote.

G. At the next regular meeting of the board after the election the board shall canvass the returns, and if it appears that a majority of the votes cast at the election are in favor of the proposition submitted, then the board shall cause an entry of that fact to be made upon its minutes. If the proposition submitted fails to receive a majority of the votes cast, a like order shall be made. Elections within a proposed area or part of an area shall not be held more than once in any two year period.

Sec. 4. Sec. 11-829, Arizona Revised Statutes, is amended to read:

11-829. AMENDMENT OF ORDINANCE OR CHANGE OF ZONING DISTRICT BOUNDARIES. A. A person desiring an amendment or change in the zoning ordinance changing the zoning district boundaries within an area previously zoned, shall file a petition in favor of the change and shall also file the written consents of at least fifty-one per cent of the owners by number and area of all other properties any part of which is within three hundred feet of the proposed change. If the petition is for a change of classification, there shall not be counted, either in numbers or area, the owners of land of the same classification as sought by the petitioners.

B. Upon receipt of the petition the board shall submit it to the commission for a report. Prior to reporting to the board, the commission shall hold at least one public hearing thereon after giving at least fifteen days notice thereof by one publication in a newspaper of general circulation in the county seat and by posting of the area included in the proposed change.

C. Upon receipt of the commission's recommendation the

board shall hold a public hearing thereon at least fifteen days notice of which shall be given by one publication in a newspaper of general circulation in the county seat and by posting the area included in the proposed change. After holding the hearing the board may adopt the amendment, but if twenty per cent of the owners of property by area and number within the zoning area file a protest to the proposed change, the change shall not be made except by the unanimous vote of all members of the board.

D. The planning commission may on its own motion propose an amendment to the zoning ordinance and may, after holding a public hearing as required by this chapter, transmit the proposal to the board which shall thereupon proceed as set forth in this chapter for any other amendment.

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

(Failed to pass the House with sufficient votes to carry the emergency clause)

Approved by the Governor—April 12, 1956.

Filed in the Office of the Secretary of State—April 12, 1956.

CHAPTER 112

House Bill No. 15

AN ACT

RELATING TO ELECTIONS; PROVIDING FOR APPOINTMENT OF ELECTION BOARD AND TALLY BOARD, AND AMENDING SECTIONS 16-771, 16-773, 16-775, 16-941, 16-945, 16-946, 16-947, 16-950, 16-952, 16-954, 16-957 AND 16-958, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 16-771, Arizona Revised Statutes, is amended to read:

16-771. APPOINTMENT OF ELECTION BOARDS. A. When an election is ordered, and not less than twenty days prior to a general or primary election, the board of supervisors shall appoint for each election precinct one inspector, two

judges, and not less than two clerks of election. The inspector, judges and clerks shall be qualified voters of the precinct for which appointed, and the judges and clerks shall be members of the political parties which cast the highest number of votes in the state at the last preceding general election, but if, not less than one week prior to the appointment, the chairman of the county central committee of either of the parties designates qualified voters of the precinct as judge and as clerk, they shall be appointed. The judges, together with the inspector, shall constitute the board of election. Where the election precinct consists of three hundred and fifty or more qualified electors, the board of supervisors may in addition to the board of elections appoint a similar board to be known as the tally board. The tally board shall take custody of the ballots from the closing of the polls until the tally of the ballots is completed. The tally board shall consist of the inspector of the board of elections, two judges and not less than two clerks, and shall be appointed with the same qualifications and on the same basis as is set forth in this section. A member appointed to serve on the tally board, with the exception of the inspector of the board of elections, shall not be appointed to serve on the board of elections. The inspector of the board of elections shall be a member of the tally board and during such time shall act as the supervisor of the tally board. No United States, state, county or precinct officer, nor a candidate for office at the election, other than a precinct committeeman or a candidate for the office of precinct committeeman, is qualified to act as judge, inspector or clerk.

B. At least ten days before a special election, the board of supervisors may in like manner appoint an election board and tally board in each precinct, as required.

Sec. 2. Sec. 16-773, Arizona Revised Statutes, is amended to read:

16-773. INSPECTOR AS CHAIRMAN OF BOARD; POWERS; POWER OF BOARD AND CLERKS TO ADMINISTER OATHS; OATH OF MEMBERS. A. The inspector shall be chairman of the election board, and supervisor of the tally board, and may appoint judges and clerks if during the election a judge or clerk fails to act, or if a clerk has not been appointed, and shall see that the election laws are strictly enforced by the marshal.

B. The inspector, any member of the election board or clerks thereof may administer and certify oaths required in the election.

C. Before opening the polls, each member of the board and each clerk shall take an oath to faithfully perform the duties imposed upon him by law. Any elector of the precinct may administer and certify the oath.

Sec. 3. Sec. 16-775, Arizona Revised Statutes, is amended to read:

16-775. COMPENSATION OF ELECTION AND TALLY BOARD OFFICERS. The compensation of the election and tally board officers shall be fixed by the board of supervisors, and shall be a county charge.

Sec. 4. Sec. 16-941, Arizona Revised Statutes, is amended to read:

16-941. CANVASS OF VOTE. As soon as the polls are closed and the last ballot has been deposited in the ballot box, the election board or the tally board shall immediately count the votes cast. The count shall be public, in the presence of bystanders, and shall be continued without adjournment until completed and the result determined and declared.

Sec. 5. Sec. 16-945, Arizona Revised Statutes, is amended to read:

16-945. COUNT OF VOTES CAST; TALLY LIST. A. The election board or the tally board shall, after complying with section 16-942, count the number of votes cast for each person voted for, and for and against each proposed constitutional amendment and initiated or referred measure on the ballot.

B. Each clerk shall write on a tally list the titles of the offices to be filled, and underneath each title the names of the persons voted for to fill the office, and the number as given on the ballot of each proposed constitutional amendment and initiated or referred measure, and keep in the squares and lines opposite the names and numbers, respectively, the number of votes by tallies as the votes are read aloud.

Sec. 6. Sec. 16-946, Arizona Revised Statutes, is amended to read:

16-946. FORM OF TALLY LIST. The tally list shall be in the following form:

We hereby certify the following to be a true tally of the votes for the candidates and offices shown herein cast at the election held on the ..... day of .....19..... in ..... election precinct, ... county, Arizona:

Names of Offices and Candidates:	Tally of Votes (To be tallied in blocks of five as:)			Total Vote (as:)
For Representative in Congress:				
John Doe	𝍸			Ninety-nine

We further certify that the total vote set opposite the name of each candidate is the total number of votes received by him in the precinct of election.

(Leaving lines with designation, for signatures of clerks and board of election or tally board.)

Sec. 7. Sec. 16-947, Arizona Revised Statutes, is amended to read:

16-947. DISPOSITION OF BALLOTS AFTER COUNT: MARKING REJECTED BALLOTS. A. The ballots, as soon as read, or rejected for illegality, shall be strung, those allowed on one string and those rejected on another, and shall not thereafter be examined by any person. Each ballot rejected shall be marked "rejected", and the cause of the rejection endorsed on the back thereof and signed by a majority of the election board or tally board.

B. All ballots shall, as soon as the counting is completed, be tied with the string on which they are strung and carefully sealed in a strong envelope to be provided for that purpose, and each member of the board shall write his name across the seal.

Sec. 8. Sec. 16-950, Arizona Revised Statutes, is amended to read:

16-950. DETERMINATION OF CHOICE OF VOTER. A. When the printed name of a candidate is followed by the name of another person written on the ballot by the voter in the space provided for that purpose, and the mark X appears in the space after either the printed or the written names, but not both, the printed name shall be rejected and the writ-

ten one counted, and the action of the board shall be noted on the back of the ballot and signed by a majority of the election board or tally board.

B. If the name of a person appears as having been voted for two or more times for the same office, the ballot shall be counted as one vote.

Sec. 9. Sec. 16-952, Arizona Revised Statutes, is amended to read:

16-952. ENDORSEMENT BY BOARD ON QUESTIONED BALLOT DECLARED LEGAL. When a question arises as to the legality of a ballot, or a part thereof, and the election board or tally board decides that it is legal, the action taken, together with a concise statement of the facts giving rise to the objection, shall be endorsed upon the ballot and signed by a majority of the board.

Sec. 10. Sec. 16-954, Arizona Revised Statutes, is amended to read:

16-954. DELIVERY OF RETURNS TO BOARD OF SUPERVISORS. A. Before it adjourns, the election board or tally board shall enclose and seal in a strong envelope provided for that purpose, one of the poll lists and one of the tally lists, signed as required, and the stubs of the voted ballots, and shall direct it to the board of supervisors.

B. The enevelope containing the poll list, the tally list and the stubs of the voted ballots shall constitute the official returns of the election, and shall, together with the envelope containing the voted ballots be delivered to one of the members of the election board or tally board, previously determined by lot, unless otherwise agreed upon, and such member shall by himself, or by an agent agreed upon by the board and sworn by a member thereof, in the presence of the board to faithfully perform the duties of election messenger, without delay, and by the most expeditious means and route, deliver the packages and envelopes, without opening them, to the clerk of the board of supervisors at his office, or to the nearest postmaster or sworn express agent, who shall endorse on the packages and envelopes the name of the person delivering them, and the hour and date of the delivery, and forward the packages and envelopes by the first mail or express to the clerk of the board of supervisors at the county seat.

Sec. 11. Sec. 16-957, Arizona Revised Statutes, is amended to read:

16-957. PREPARATION, DISPOSITION AND POSTING OF ABSTRACT OF VOTE. At the time that the election board or tally board prepares the official election returns, it shall also prepare and certify in duplicate upon a blank provided for that purpose, an abstract of the number of ballots cast at the election, the number rejected in making the count, and the number of votes cast for each person for the several offices and for or against each proposed constitutional amendment and initiated or referred measure. One copy shall be mailed or delivered at the time and in the same manner as the official returns, and the clerk of the board of supervisors shall immediately upon its receipt make public the contents of the copy. The other copy shall immediately be posted conspicuously on the outside of the polling place.

Sec. 12. Sec. 16-958, Arizona Revised Statutes, is amended to read:

16-958. PREPARATION, DELIVERY AND PUBLICATION OF CONDENSED ABSTRACT OF VOTE. The election board or tally board shall immediately upon completion of the count, also prepare a condensed abstract showing the number of ballots cast, the number rejected, and the number of votes cast for each candidate and for or against any proposed constitutional amendment or initiated or referred measure. The condensed abstract shall begin with the name of the precinct and shall contain only the surname of the candidate, beginning at the head of the ballot and running consecutively by offices without inserting the names of the offices, and the numbers of each proposed constitutional amendment and each initiated or referred measure, and shall be signed by the inspector and without delay delivered to the nearest telegraph or telephone station for immediate transmittal, if by telegraph, to the clerk of the board of supervisors, or if by telephone, to the said clerk if a prompt connection can be secured, or to the chairman or secretary of the county committee of either of the two parties which cast the highest number of votes for state officers at the preceding election. If the condensed abstract is transmitted to one of the chairmen or secretaries, such chairman or secretary shall deliver the abstract to the clerk of the board of supervisors at the earliest practicable moment, but he shall immediately make the abstract public.

Approved by the Governor—April 12, 1956.

Filed in the Office of the Secretary of State—April 12, 1956.

CHAPTER 113

House Bill No. 147

AN ACT

RELATING TO DEPENDENT CHILDREN; INCREASING THE AMOUNT OF ASSISTANCE, AND AMENDING SECTION 46-294, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 46-294, Arizona Revised Statutes, is amended to read:

46-294. AMOUNT OF ASSISTANCE. A. In determining the amount of assistance which a recipient may receive the state and county departments shall consider and take into account living conditions and all facts and circumstances surrounding the applicant or recipient, including earning capacity, income and resources from whatever source received. The amount of assistance when added to all other income, resources, support and maintenance shall provide such person with a reasonable subsistence compatible with the mode of living to which the recipient is accustomed. In each case an assistance plan shall be adopted based upon the foregoing provisions of this section. In no event shall the total amount of assistance paid under this article to any recipient exceed sixty-six dollars for any calendar month for a family containing one dependent child, and twenty-four dollars for each additional dependent child, but in no event shall any one family receive assistance in excess of one hundred fifty dollars per month.

B. While Public Law 590, Second Regular Session, 82nd Congress remains in effect and the congress of the United States continues to make available to the states sufficient funds to carry out in full the provisions thereof with relation to aid to dependent children, the payments provided by this section shall not exceed eighty dollars for a family containing one dependent child and twenty-seven dollars for each additional dependent child, but in no event shall any one family receive assistance in excess of one hundred seventy-three dollars per month.

Approved by the Governor—April 12, 1956.

Filed in the Office of the Secretary of State—April 12, 1956.

CHAPTER 114

House Bill No. 176

AN ACT

RELATING TO WILLS; PROVIDING FOR SHARE OF AFTERBORN AND PRETERMITTED CHILD, AND AMENDING SECTION 14-131, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 14-131, Arizona Revised Statutes, is amended to read:

14-131. AFTERBORN AND PRETERMITTED CHILD. If a testator or testatrix, at his or her death, leaves a child born or adopted after making his or her will, and such afterborn or adopted child is not mentioned or provided for in such will, either specifically or as a member of a class, the testator or testatrix shall be deemed to have died intestate with respect to such child, and the child shall be entitled to recover from the devisees or legatees in proportion to the amounts of their respective shares, that portion of the estate which the child would have inherited had there been no will.

Approved by the Governor—April 12, 1956.

Filed in the Office of the Secretary of State—April 12, 1956.

CHAPTER 115

House Bill No. 195

AN ACT

RELATING TO TAXATION; IMPOSING A PROPERTY TAX ON MOBILE HOMES NOT LICENSED FOR TRAVEL ON THE HIGHWAYS; PROVIDING FOR ALTERNATIVE REGISTRATION AND TAXATION; PRESCRIBING PENALTIES, AND AMENDING CHAPTER 4, TITLE 42, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 3, SECTIONS 42-641 THROUGH 41-645.

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

Section 1. Chapter 4, title 42, Arizona Revised Statutes, is amended by adding a new article, to read:

ARTICLE 3. MOBILE HOMES

42-641. DEFINITION OF "MOBILE HOME." In this article, unless the context otherwise requires, "mobile home" means any vehicle, including equipment, which is so constructed that it may be conveyed upon the public streets or highways under its own power or otherwise, which is constructed, reconstructed or added to in such a manner as to have an enclosed addition or room occupied by one or more persons as a dwelling or sleeping place and which has no foundation other than wheels, jacks, skirting or other temporary support.

42-642. REPORTS TO COUNTY ASSESSOR. Every person who permits a mobile home to be placed upon land which he owns, possesses or controls, in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons for a period of thirty days or more shall report such fact to the county assessor of the county in which the land is located on forms to be furnished by the assessor. The forms shall show the date the mobile home entered the land, the number, year and state of the license, the occupant or owner of the trailer and such other information as the assessor may require. Forms shall be filed not later than the fifteenth day following the end of the month covered by the report.

42-643. ASSESSMENT AND LEVY OF TAX. The county assessor of the county in which a mobile home is located shall determine whether such mobile home is currently registered in this state for operation upon the highways and taxed pursuant to article 9, section 11 of the Constitution of Arizona, or whether it is properly licensed in another state and is the property of a bona fide tourist. If neither, the county assessor shall thereupon assess and levy a tax upon the mobile home and the personal property contained therein in the same manner and at the same rate as other unsecured personal property is taxed.

42-644. ALTERNATIVE TAX. Any person notified by the county assessor of the imposition of the tax imposed under section 42-643 may avoid the payment of such tax by, within ten days of the receipt of such notification, registering his mobile home in this state and paying the tax provided for in article 9, section 11 of the Constitution of Arizona.

42-645. PENALTY. Any person failing to make the report required by section 42-642 shall be guilty of a misdemeanor.

Sec. 2. EMERGENCY. To preserve the public peace,

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

Approved by the Governor—April 12, 1956.

Filed in the Office of the Secretary of State—April 12, 1956.

CHAPTER 116

House Bill No. 210

AN ACT

RELATING TO DECEDENTS' ESTATES; PROVIDING FOR PAYMENT OF EXPENSES AND DEBTS WHEN PROVISIONS OF WILL ARE INSUFFICIENT, AND AMENDING SECTION 14-685, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 14-685, Arizona Revised Statutes, is amended to read:

14-685. PAYMENT OF EXPENSES AND DEBTS WHEN PROVISIONS OF WILL INSUFFICIENT. If the provision made by the will or the estate appropriated therefor is insufficient to pay the debts, expenses of administration and family allowance, that portion of the estate not devised or disposed of by will, if any, may be appropriated and disposed of for that purpose, and if not sufficient, from the property devised or bequeathed to residuary devisees and legatees.

Approved by the Governor—April 12, 1956.

Filed in the Office of the Secretary of State—April 12, 1956.

CHAPTER 117

House Bill No. 308

AN ACT

RELATING TO COURT COMMISSIONERS, AND AMENDING SECTION 12-212, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 12-212, Arizona Revised Statutes, is amended to read:

12-212. POWERS; COMPENSATION. A. The court commissioner may:

1. In the absence or inability to act of the judge appointing him, hear and determine ex parte motions for orders and writs, except orders for injunctions.

2. Take proof and report his conclusions upon any matter of fact, other than an issue of fact raised by the pleadings, on which information is required by the court. Either party may object to the report within five days after receiving written notice that it has been filed.

3. Take and approve bonds and undertakings in actions or proceedings in the court and examine the sureties thereon.

4. Administer oaths and take affidavits and depositions in any action or proceeding whatever.

5. Take acknowledgements and proof of deeds and other instruments requiring proof or acknowledgment under the laws of the state.

6. Charge and collect the same fees for performance of official acts as notaries public for like services.

7. Adopt an official seal upon which is engraved the words "Court Commissioner, ... (insert name of county) County, Arizona" and authenticate official acts with his seal.

B. When the court commissioner performs services in place of the judge of the superior court he shall be paid such amount as the court determines to be reasonable, considering the services performed. The state and county shall each pay one-half of the amount.

Approved by the Governor—April 12, 1956.

Filed in the Office of the Secretary of State—April 12, 1956.

CHAPTER 118

House Bill No. 340

AN ACT

MAKING AN APPROPRIATION TO THE EMPLOYMENT SECURITY ADMINISTRATION FUND FOR THE PURPOSE OF PURCHASING REAL PROPERTY AND CONSTRUCTION OF OFFICE BUILDINGS BY THE EMPLOYMENT SECURITY COMMISSION OF ARIZONA.

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

Section 1. APPROPRIATION. The sum of one hundred twenty-five thousand dollars is appropriated to the employment security administration fund for the employment security commission of Arizona, provided said one hundred twenty-five thousand dollars is available to the state of Arizona through petition to the federal government under chapter 657, Public Law 567.

Sec. 2. PURPOSE. A. The purpose of the appropriation made under the terms of section 1 is to permit the employment security commission of Arizona to purchase real property and to construct office buildings for use and occupancy by the employment security commission of Arizona.

B. The real property to be purchased in Tucson, Arizona, at the estimated cost of ninety thousand dollars. Real property to be purchased in the city of Flagstaff, Arizona, in the estimated cost of thirty-five thousand dollars.

C. That all monies appropriated under section 1 of this act shall be disbursed within the two-year period next succeeding the enactment of this appropriation and not thereafter. Any appropriated funds not disbursed shall revert to the federal unemployment trust fund.

D. All expenditures made of funds hereby appropriated shall be for expenses incurred after the date of the enactment of this appropriation.

E. In no event shall the employment security commission of Arizona disburse funds provided under this act in a total amount during any fiscal year which shall exceed the aggregate of the amounts credited to the account of the state of Arizona by the federal government pursuant to section 903(a), chapter 657, Public Law 567, Laws of 83rd congress, second session, August 5, 1954, during the fiscal year and the four preceding fiscal years, less the aggregate of the amounts used by the state of Arizona pursuant to this paragraph and charged against the amounts credited to the account of the state of Arizona during any of such five fiscal years.

Sec. 3. EXEMPTION. The appropriation made herein is exempt from the provisions of section 35-190, Arizona Revised Statutes, relating to lapsing of 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—April 12, 1956.

Filed in the Office of the Secretary of State—April 12, 1956.

CHAPTER 119

Senate Bill No. 84

AN ACT

RELATING TO DEPOSIT AND INVESTMENT OF PUBLIC MONIES; PROVIDING A PUBLIC DEPOSIT AND INVESTMENT CODE FOR THE STATE OF ARIZONA AND POLITICAL SUBDIVISIONS; AMENDING SECTIONS 15-1323, 15-1324, 35-321 AND 35-324, ARIZONA REVISED STATUTES, AND AMENDING ARTICLE 2, CHAPTER 2, TITLE 35, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 35-325 TO 35-325.20, INCLUSIVE.

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

Section 1. Sec. 35-321, Arizona Revised Statutes, is amended to read:

35-321. DEFINITIONS. In this article, unless the context otherwise requires:

1. "Subdivision" means any county, city or town.

2. "State monies" means all monies in the treasury of the state or coming lawfully into the possession or custody of the state treasurer.

3. "Subdivision monies" means all monies in the treasury of a subdivision or coming lawfully into the possession or custody of the treasurer.

4. "Public monies" includes state monies or subdivision monies, or both.

5. "Public deposit" means public monies deposited in a designated depository pursuant to the provisions of this article.

6. "Active deposit" means a public deposit payable or withdrawable, in whole or in part, on demand.

7. "Inactive deposit" means a public deposit which is not payable on demand.

8. "Treasurer" includes the state treasurer and the treasurer or officer exercising the functions of treasurer of any subdivision.

9. "Board of deposit" means, in the case of the state, the state board of deposit; in the case of a county, the board

of supervisors; and, in the case of a city or town, the board of trustees or common council.

10. "Permissible rate of interest" means a rate of interest which no class of eligible banks mentioned in section 35-325.01 is prohibited from paying by state or federal law or valid regulations thereunder. Conversely, a rate of interest which any class of eligible banks mentioned in this section is prohibited from paying shall not be "permissible" as to any other such class or member thereof whether or not such law or regulation directly applied to or governs such other class or member thereof.

11. "Capital structure" means the sum of the following liabilities of a bank: the par value of outstanding capital stock, the surplus and undivided profits as rendered on the published statement of condition of banks rendered in response to call by the supervisory banking authority next preceding the award of deposits made by the boards of deposit under the provisions of this article.

12. "Supervisory banking authority" means state superintendent of banks in respect to the affairs of state banks and the comptroller of currency in respect to national banking associations.

13. "Qualifying office" means any central or branch office of a bank which, by reason of its location, qualifies the bank as a public depository of subdivision monies under the provisions of this article.

14. "Qualifying deposits of a qualifying office" includes such gross deposits of a qualifying office as would be eligible for reporting on a call statement of condition to the supervisory banking authority excluding, however, public deposits.

Sec. 2. Sec. 35-324, Arizona Revised Statutes, is amended to read:

35-324. STATE BOARD OF DEPOSIT; EXPENSES. A. There shall be a state board of deposit consisting of the state treasurer, the governor and the state auditor. The state treasurer shall be chairman of the board. The board shall keep an accurate record of its proceedings. A certified copy of such record shall be prima facie evidence of the matters appearing therein in any court of record.

B. The necessary expense of the board shall be paid from the state treasury from appropriations for that purpose, upon the order of the board certified by the chairman and the secretary.

Sec. 3. Title 35, chapter 2, article 2, Arizona Revised Statutes, is amended by adding section 35-325, to read:

35-325. LIABILITY OF THE TREASURER. A treasurer shall not be responsible for any public monies deposited by him in a public depository in compliance with this article. A treasurer shall be responsible for the safekeeping, management and disbursement of the certificates of deposit received and the interest paid on deposits under the provisions of this article.

Sec. 4. Title 35, chapter 2, article 2, Arizona Revised Statutes, is amended by adding section 35-325.01, to read:

35-325.01. BANKS ELIGIBLE TO BECOME PUBLIC DEPOSITORIES. Any national bank with its principal place of business in this state and any commercial bank or savings bank as defined by section 6-101, which is a member of the federal deposit insurance corporation, or any successor thereto, or any other insuring instrumentality of the United States, in accordance with the provisions of any applicable law of the United States of America, shall be eligible to become a public depository, subject to the provisions of this article.

Sec. 5. Title 35, chapter 2, article 2, Arizona Revised Statutes, is amended by adding section 35-325.02, to read:

35-325.02. DEPOSITORY OF STATE MONIES. Any bank mentioned in section 35-325.01 is eligible to become a state depository of the inactive deposits of state monies. Any such institution except a savings bank is eligible to become a state depository of the active deposits of state monies.

Sec. 6. Title 35, chapter 2, article 2, Arizona Revised Statutes, is amended by adding section 35-325.03, to read:

35-325.03. DEPOSITORIES OF SUBDIVISION MONIES. Any bank which is eligible to become a depository of state monies and which has an office located within the territorial limits of a subdivision is eligible to become a public depository of the monies of the subdivision. If there is no such eligible depository so located or if the aggregate amount of deposits applied for by the eligible depositories is less than the aggregate amount of subdivision monies subject to be deposited as estimated pursuant to section 35-325.04, the board of deposit shall designate as a public depository of the subdivision monies one or more banks otherwise qualified which have offices conveniently located; however, in determining the designation, the board shall give preference to banks having offices in the county.

Sec. 7. Title 35, chapter 2, article 2, Arizona Revised Statutes, is amended by adding section 35-325.04, to read:

35-325.04. ESTIMATE OF DEPOSITS, RESOLUTION AND NOTICE. At least three weeks prior to the date when it is required by sections 35-325.09 and 35-325.11 to designate public depositories, the board of deposit shall, by resolution, estimate the aggregate maximum amount of public monies subject to its control to be available for active and inactive deposit. The board of deposit shall cause a copy of such resolution, together with a notice of the time and place of the meeting of the board, to be mailed by registered or certified mail to the principal office of each bank eligible to become a public depository of the monies of the state or of the subdivision. All public monies during the period covered by the designation in excess of the aggregate amount estimated for inactive deposit shall be available for active deposit. Inactive and active deposits shall be separately awarded, made and administered, as provided by this article.

Sec. 8. Title 35, chapter 2, article 2, Arizona Revised Statutes, is amended by adding section 35-325.05, to read:

35-325.05. APPLICATION FOR AWARD OF PUBLIC DEPOSITS. A. Each eligible bank desiring to be a public depository for the monies of the state or a subdivision shall, not less than ten days prior to the date fixed for the designation of such public depositories, make application in writing to the appropriate board of deposit. Such application shall specify the maximum amount of monies of the state or the subdivision which the applicant desires to receive and have on inactive deposit at any one time during the period covered by the designation and shall also specify the maximum amount of such monies the applicant desires to receive and have on active deposit at any one time during such period.

B. The application for deposits of subdivision monies shall be accompanied by a statement of the applicant certifying the amount of qualifying deposits of each qualifying office of the bank as of the date three weeks prior to the date set for the designation and award.

Sec. 9. Title 35, chapter 2, article 2, Arizona Revised Statutes, is amended by adding section 35-325.06, to read:

35-325.06. AWARD OF INACTIVE STATE DEPOSITS. A. The state board of deposit shall award the inactive deposits of state monies to the eligible depositories in the amounts by each specified in the applications therefor, unless the aggregate amount of the inactive state deposits as specified in the applications exceeds the estimated amount of state monies subject to be so deposited at any time during the period, in which case, the inactive deposits shall be divided and awarded among

such eligible state depositories in proportion as the capital structure of each bears to the aggregate capital structure of all.

B. If the aggregate amount of the inactive state deposits as specified in the applications made therefore is less than the amount of state monies subject to be so deposited during the period, the state board of deposit shall invite additional applications for the excess amount and shall designate and award such excess amount to the eligible state depositories applying therefor in proportion to their respective capital structures.

C. This section does not require or permit any state depository to receive and have at any one time a deposit of a greater amount of inactive deposits of state monies than that specified in the application of such depository.

Sec. 10. Title 35, chapter 2, article 2, Arizona Revised Statutes, is amended by adding section 35-325.07, to read:

35-325.07. AWARD OF INACTIVE SUBDIVISION DEPOSITS. A. The board of deposit of each subdivision shall award the inactive deposits of the monies of the subdivision to the eligible depositories in the amount by each specified in the applications therefor, unless the aggregate amount of the inactive subdivision deposits as specified in the applications exceeds the amount of the subdivision monies subject to be so deposited at any time during the period, in which case, the inactive subdivision deposits shall be divided and awarded among such eligible depositories in proportion as the aggregate qualifying deposits of the qualifying offices of each eligible depository bears to the aggregate qualifying deposits of all such qualifying offices of the applicant banks.

B. If the aggregate amount of inactive subdivision deposits, as specified in the applications, is less than the estimated amount of subdivision monies subject to be so deposited at any time during the period, the board of deposit shall invite additional applications for the excess amount and shall designate and award such excess amount to the eligible depositories applying therefor in proportion to the aggregate qualifying deposits of the qualifying offices of each such depository.

C. This section does not require or permit any subdivision depository to receive and have at any one time a deposit of a greater amount of inactive deposits of any subdivision than that specified in the application of such depository.

Sec. 11. Title 35, chapter 2, article 2, Arizona Revised Statutes, is amended by adding section 35-325.08, to read:

35-325.08. AWARD OF ACTIVE PUBLIC DEPOSITS. A. Each board of deposit shall award the active deposits of

public monies subject to its control to the eligible depositories receiving an award of inactive deposits under the provisions of section 35-325.06 or section 35-325.07. The award of active deposits to such depositories shall be in the same proportions as the awards of inactive deposits of the state or subdivision.

B. If the aggregate amount of active deposits as specified in the applications made therefor is less than the amount of state or subdivision monies subject to be so deposited as active deposits during the period, the appropriate board may invite applications for the excess amount from the eligible depositories. The said excess amount shall first be awarded to the depositories receiving an award of inactive deposits in the same proportions as the awards of inactive deposits of the state or subdivision among such depositories; any surplus thereafter shall be awarded to the eligible depositories not receiving an award of inactive state deposits on the same basis on which inactive deposits are awarded under sections 35-325.06 and 35-325.07 when the applications exceed the amount of available deposit.

C. This section does not require or permit any public depository to receive or have at any one time a greater amount of active deposits of public monies of the state or subdivision than that specified in the application of such depository therefor.

Sec. 12. Title 35, chapter 2, article 2, Arizona Revised Statutes, is amended by adding section 35-325.09 to read:

35-325.09. MEETING OF THE BOARDS OF DEPOSIT AND DESIGNATION OF PUBLIC DEPOSITORIES. Each board of deposit shall meet on the first Monday of June, 1956, and thereafter on the first Monday of June each year for the purpose of designating the public depositories of the state or subdivision monies, and at such meeting or any adjourned session thereof shall designate such depositories and award the state or subdivision monies to and among the depositories so designated for the period of one year commencing on the first of July next following. Such designation and award shall be made in duplicate, one copy to be retained by the board of deposit and one copy shall be certified to the treasurer. The board shall further meet as required by section 35-325.11.

Sec. 13. Title 35, chapter 2, article 2, Arizona Revised Statutes, is amended by adding section 35-325.10, to read:

35-325.10. EFFECT OF AMENDMENT OF LAW. Whenever by amendments or enactments of any state or federal law, or the amendment or adoption of any valid regulation thereunder, the terms of a designation lawful at the be-

ginning of any period of designation ceases to be lawful during such period, or if such change of law or regulation requires, the period of designation shall be limited so as not to extend beyond the date when such change becomes effective. In such case the boards of deposit shall meet and designate the public depositories for the remainder of the period of designation provided in section 35-325.09.

Sec. 14. Title 35, chapter 2, article 2, Arizona Revised Statutes, is amended by adding section 35-325.11, to read:

35-325.11. ADDITIONAL DESIGNATIONS AND AWARDS FOR EXCESS PUBLIC DEPOSITS. A. Whenever during the period of designation the amount of monies of the state or a subdivision is in excess of the aggregate amount of inactive and active deposits theretofore awarded for the period of designation, and a board of deposit finds that all or part of such excess should be deposited as inactive deposits, the board shall invite applications and shall meet and designate depositories and award such inactive deposits for a period commencing on a specified date and ending on the date of expiration of the current period of designation. Sections 35-325.04 to 35-325.07, inclusive, shall be complied with in awarding and maintaining inactive deposits for such periods.

B. If such portion of such excess amount as the board finds should not be deposited as inactive deposits, when added to the amount of active deposits which the board has theretofore awarded for the period of designation, is greater than the aggregate amount of active deposits awarded to the existing depositories, the board shall invite applications and shall meet and designate depositories and shall award such active deposits, commencing on a specified date and ending on the date of expiration of the covered period of designation. Sections 35-325.04, 35-325.05 and 35-325.08, shall be complied with in awarding and maintaining active deposits for such period.

Sec. 15. Title 35, chapter 2, article 2, Arizona Revised Statutes, is amended by adding section 35-325.12, to read:

35-325.12. INVESTMENTS IN SECURITIES. A. If after compliance with the provisions of this article requiring the deposit of public monies in public depositories the amount of monies of the state or a subdivision is in excess of the aggregate amount of such deposits, and a board of deposit finds that such excess cannot be deposited in public depositories because of the limitations of this article, such board may order the trearsurer to invest any part of such excess in United States treasury securities having a maturity of thirteen months

or less, but in no event having a maturity beyond the date of expiration of the then current period of designation. Any order of the board directing the treasurer to invest monies of the state or a subdivision shall specifically state the amount of monies to be invested and shall specifically describe the securities to be acquired.

B. The board of deposit may order the treasurer to sell any of such securities and any such order shall specifically describe the securities and fix the date upon which they are to be sold. Securities so ordered to be sold shall be sold for cash by the treasurer on the date fixed in such order, at the then current market price. Neither the treasurer nor the members of the board shall be held accountable for any loss occasioned by sales of securities at prices lower than their cost. Any loss or expense incurred in making such sale shall be payable as other expenses of the treasurers' office.

C. Interest and appreciation realized on any investment authorized by this section shall be collected by the treasurer and credited by him in accordance with the provisions of section 35-325.20.

D. Whenever securities acquired under this section mature and become due and payable, the treasurer shall present them for payment according to their tenor and shall collect the monies payable thereon. The monies so collected shall be treated as state or subdivision monies subject to deposit as inactive deposits until the board of deposit finds that such monies, or a part thereof, are in excess of the aggregate amount of monies of the state or subdivision which can be deposited in depositories in accordance with the provisions of this article, and orders the treasurer to reinvest all or any part of such monies, as provided in this section for the investment of such excess public monies.

E. A treasurer shall be responsible for the safekeeping of all securities acquired by him under this section. Any of such securities may be deposited for safekeeping with any trust company which has its principal place of business in and is qualified to do a trust business in this state.

Sec. 16. Title 35, chapter 2, article 2, Arizona Revised Statutes, is amended by adding section 35-325.13, to read:

35-325.13. PROPORTION OF DEPOSITS IN EACH OF TWO OR MORE DEPOSITORIES. Each treasurer, in making the initial deposits of monies of the state or a subdivision

at the commencement of each period of designation shall be governed strictly by the provisions of this article with respect to the amount to be deposited in each of two or more depositories. Thereafter during the period of designation each treasurer shall deposit all additional monies of the state or subdivision coming into his possession in such depository or among such depositories or additional depositories within the limits specified in this article and as nearly as may be practicable in the proportions specified.

Sec. 17. Title 35, chapter 2, article 2, Arizona Revised Statutes, is amended by adding section 35-325.14, to read:

35-325.14. WITHDRAWAL OF DEPOSITS. Each treasurer shall, when necessary to pay demands made upon him as such treasurer, or when directed by the board of deposit, withdraw any part of any active deposit by issuing his check therefor on the depository. In case there are two or more depositories of the active monies subject to withdrawal, the treasurer may draw such check on any depository and shall not be required to draw more than one check in order to meet any one demand. If by reason of such withdrawal the amount remaining on deposit in the depository from which withdrawal is so made as compared with the amount remaining on deposit in any other depository of active monies, is less than the proportionate share of such depository from which the withdrawal has been made, such treasurer shall equalize the difference in making subsequent deposits or withdrawals, or both, of active deposits and for such purposes may withdraw from any active deposits and redeposit in the active account in the depository whose proportional share has been so diminished.

Sec. 18. Title 35, chapter 2, article 2, Arizona Revised Statutes, is amended by adding section 35-325.15, to read:

35-325.15. TRANSER FROM INACTIVE TO ACTIVE DEPOSITS; NOTICE. Whenever a board of deposit is of the opinion that the actual amount of active deposits subject to the check of the treasurer is insufficient to meet the maximum anticipated demands of such active deposits, for the next succeeding two months, it shall direct the treasurer to transfer from the inactive deposits to the active deposits an amount sufficient to meet such demands, subject to restrictions upon the withdrawal of inactive deposits. The board shall designate in such order the inactive depositories from which withdrawals for such purpose shall be made and the amounts to be withdrawn from each. The treasurer shall immediately give

thirty days written notice of such withdrawal to each inactive depository affected thereby and at the expiration of the period of such notice shall make such withdrawals by presentation of certificates of deposit in such manner as the board provides by appropriate regulations. In case there are two or more depositories of the inactive deposits subject to such withdrawal, the board shall make such withdrawals from the depositories in proportional amounts as nearly as practicable.

Sec. 19. Title 35, chapter 2, article 2, Arizona Revised Statutes, is amended by adding section 35-325.16, to read:

35-325.16. COMPLAINT OF DISCRIMINATION BY DEPOSITORY. A. Except as regards the initial deposits at the beginning of a period of designation, the requirements of this article respecting the proportions in which deposits in more than one public depository are to be made and maintained are subject to such reasonable variations as the exigencies of public business require.

B. Any public depository deeming itself aggrieved by reason of discrimination against it and in favor of such other public depository, may complain thereof to the appropriate board of deposit. Such board, after giving one week's notice to the treasurer and to such other public depositories as are specified in such complaint, shall hear such complaint and if it finds that there has been and is such discrimination, shall direct the treasurer to transfer deposits among such depositories by making withdrawals and deposits as specified in the order of the board. The treasurer shall comply with such order. The treasurer shall not withdraw any part of a public deposit from one public depository for the purpose of making a deposit in another public depository except pursuant to an order of the board, or as authorized by sections 35-325.10 and 35-325.14.

Sec. 20. Title 35, chapter 2, article 2, Arizona Revised Statutes, is amended by adding section 35-325.17, to read:

35-325.17. ACTIVE DEPOSIT ACCOUNTS; SERVICE CHARGES. Active deposits of public monies shall be made in the form of commercial accounts. Public depositories shall handle, collect and pay all checks, drafts and other exchange in the same manner and under the same conditions as checks, drafts and other exchange of other depositors are handled, collected and paid. No service charge shall be made against any active deposit or collected from or paid by any treasurer.

Sec. 21. Title 35, chapter 2, article 2, Arizona Revised Statutes, is amended by adding section 35-325.18, to read:

35-325.18. EVIDENCE AND TERMS OF INACTIVE PUBLIC DEPOSITS. Inactive public deposits shall be evidenced by certificates of deposit having a maturity of six months from the date of issue. Each certificate shall provide on its face that the amount of such deposit is payable nevertheless before maturity on written notice to be given thirty days before the date of repayment.

Sec. 22. Title 35, chapter 2, article 2, Arizona Revised Statutes, is amended by adding section 35-325.19, to read:

35-325.19. INTEREST RATE ON INACTIVE PUBLIC DEPOSITS. Each certificate of deposit issued by the public depositories of inactive deposits shall bear the highest permissible rate of interest, which rate, to be established by the board of deposit, shall not exceed fifty per cent of the average yield before taxes of United States treasury bills for the three months next preceding the issue or renewal of a certificate of deposit. Such interest shall be payable on maturity of the certificate of deposit.

Sec. 23. Title 35, chapter 2, article 2, Arizona Revised Statutes, is amended by adding section 35-325.20, to read:

35-325.20. APPORTIONMENT OF INTEREST PRO RATA. Interest realized on monies included within a public deposit and belonging to individual tax funds, shall, except as otherwise provided by law, be apportioned pro rata among the separate funds in the proportions in which the funds are entitled to receive distribution of such undivided tax funds, due allowance being made for sums transferred in advance of settlement. All interest arising from other money deposited by the treasurer which, by reason of being custodial funds, or for any reason, do not belong in the treasury of the state or subdivision, shall be apportioned among and credited to the funds to which the principal sums of such deposits or portions thereof belong. All other interest realized on any public deposits shall be credited to the general fund of the state or subdivision.

Sec. 24. Sec. 15-1323, Arizona Revised Statutes is amended to read:

15-1323. INVESTMENT OF SINKING FUND. A. The board of trustees of a school district, with the consent of the board of supervisors, may invest all money belonging or credited to the district as a sinking fund. The investment shall be made for the best interests of the district.

B. The funds may be invested by the purchase of readily

negotiable interest-bearing United States, state, county, school district or municipal bonds, all of which, except United States bonds, shall have been issued within the state, on which the payment of interest has not been deferred. The purchase of the securities shall be made by the county treasurer upon authority of a resolution of the board of trustees, approved by the board of supervisors. The county treasurer shall be the custodian of all securities so purchased. The bonds may be sold upon an order of the board of trustees with the consent of the board of supervisors.

C. All money earned as interest or otherwise derived by virtue of the provisions of this section shall be credited to the sinking fund.

Sec. 25. Sec. 15-1324, Arizona Revised Statutes, is amended to read:

15-1324. INVESTMENT OF BOND PROCEEDS. When bonds are sold and the proceeds are not required to be used for a period of three months or more, such proceeds may be invested as provided by section 15-1323.

Sec. 26. CONSTRUCTION OF ACT. A. The power of investment of public monies conferred by law on any state agency, board or commission shall not be limited or affected in any manner by this act.

B. Insofar as the provisions of this act are inconsistent with the provisions of any other law relating to the deposit of public monies, the provisions of this act are controlling, but the provisions of sections 35-322 and 35-323 remain in full force and effect notwithstanding the adoption of this act.

Sec. 27. 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—April 12, 1956.

Filed in the Office of the Secretary of State—April 12, 1956.

CHAPTER 120

Senate Bill No. 114

AN ACT

RELATING TO FLOOD CONTROL; PROHIBITING THE

DEPOSIT OF DEBRIS IN CREEK BEDS; PROVIDING PENALTIES, AND AMENDING CHAPTER 10, TITLE 45, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 4, SECTION 45-2341.

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

Section 1. Chapter 10, title 45, Arizona Revised Statutes, is amended by adding article 4, section 45-2341, to read:

ARTICLE 4. SPECIAL LAWS PRESCRIBING PENALTIES

45-2341. PROHIBITING DEPOSIT OF DEBRIS IN CREEK BED; PENALTIES. A. Whenever it creates a flood hazard in an inhabited area it shall be unlawful for the owner of any creek bed or any other person to deposit debris in such creek bed.

B. Any person violating the provisions of this section shall be guilty of a misdemeanor punishable by a fine of not less than twenty-five dollars, by imprisonment in the county jail for not less than ten days, or both.

Approved by the Governor—April 12, 1956.

Filed in the Office of the Secretary of State—April 12, 1956.

CHAPTER 121

House Bill No. 389

AN ACT

REALLOCATING FUNDS PREVIOUSLY APPROPRIATED TO AND APPROVED FOR EXPENDITURE BY THE INDUSTRIAL SCHOOL TO THE BOARD OF INSTITUTIONS FOR JUVENILES; PRESCRIBING THE PURPOSES AND CONDITIONS UNDER WHICH THE FUNDS MAY BE EXPENDED, AND MAKING AN APPROPRIATION.

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

Section 1. REALLOCATION OF APPROPRIATIONS. The unexpended and unencumbered balances remaining of the appropriations made to and approved for expenditure by the industrial school under the provisions of the laws set forth in paragraphs 1 to 4, inclusive, of this section, are reallocated

and appropriated to the state board of institutions for juveniles to be available, when approved for expenditure as provided by section 4, for the purposes prescribed by section 3:

1. Chapter 89, Laws of 1949, appropriating two hundred fifty thousand dollars for construction of buildings.

2. Subdivision 37, section 1, chapter 158, Laws of 1954, approving the expenditure of fifteen thousand dollars for construction of a superintendent's cottage.

3. Subdivision 36, section 1, chapter 139, Laws of 1955, appropriating fifty thousand dollars for pipe for water supply.

4. Subdivision 36, section 1, chapter 139, Laws of 1955, approving the expenditure of fifty-two thousand five hundred dollars for dining room and kitchen construction.

5. Subdivision 36, section 1, chapter 139, Laws of 1955, approving the expenditure of ten thousand dollars for remodeling old kitchen and dining room into dormitory.

Sec. 2. APPROPRIATION. In addition to the reallocation of appropriations made under the provisions of section 1, the sum of one hundred ten thousand dollars is appropriated to the state board of institutions for juveniles to be available for expenditure at the state industrial school and for the purposes prescribed in section 3.

Sec. 3. PURPOSE. The total sum reallocated and appropriated to the state board of institutions for juveniles under the provisions of sections 1 and 2 shall be available for expenditure at the state industrial school for all or any part of the following:

1. Construction of a dining hall and kitchen.
2. Construction of a home for the superintendent.
3. Construction of classrooms.
4. Pipe for water supply.
5. Cottages for employees.
6. Remodeling old kitchen and dining room into dormitory.
7. Remodeling the old home of the superintendent into classrooms and storage space.

Sec. 4. APPROVAL OF BOARD PRIOR TO EXPENDITURES. No monies shall be expended from the sums reallocated and appropriated under the provisions of sections 1 and 2 until plans for the construction, remodeling and improve-

ments for each project have been submitted by the state board of institutions for juveniles to the state planning and building commission and approved by it.

Sec. 5. EXEMPTION. The funds reallocated and appropriated under the provisions of this act are not subject to the provisions of sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsation of appropriations, respectively.

Approved by the Governor—April 12, 1956.

Filed in the Office of the Secretary of State—April 12, 1956.

CHAPTER 122

House Bill No. 25

AN ACT

RELATING TO GAME AND FISH; PRESCRIBING COMPENSATION AND EXPENSES OF MEMBERS OF THE GAME AND FISH COMMISSION, AND AMENDING SECTION 17-201, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 17-201, Arizona Revised Statutes, is amended to read:

17-201. GAME AND FISH COMMISSION; MEMBERS; MEETINGS. A. The laws of the state relating to fish and game shall be administered by the Arizona game and fish commission which 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 wild life and requirements for its conservation. Incumbent members shall serve for the remainder of the respective terms for which they were appointed. Upon the expiration of terms of the present incumbents, all appointments shall be for a term of five years, but an appointment to fill a vacancy shall be for the unexpired portion of the term.

B. The governor, may, after 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 member and his findings thereon, together with a complete record of the proceedings.

C. Each member of the commission while attending general or special 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 protection 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 state game and fish protection 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.

Approved by the Governor—April 12, 1956.

Filed in the Office of the Secretary of State—April 12, 1956.

CHAPTER 123

House Bill No. 121

AN ACT

ESTABLISHING A UNIFORM CODE OF LAWS FOR ADMINISTRATION BY THE STATE SUPERINTENDENT OF BANKS OF CONSUMER FINANCE COMPANIES OR SMALL LOAN COMPANIES; PROVIDING FOR THE REGULATION AND PRESCRIBING REQUIREMENTS FOR ESTABLISHMENT AND OPERATION OF CONSUMER FINANCE COMPANIES OR SMALL LOAN COMPANIES; REPEALNG CHAPTER 5, TITLE 6, ARIZONA REVISED STATUTES, AND AMENDING TITLE 6, ARIZONA REVISED STATUTES, BY ADDING NEW CHAPTER 5.

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

Section 1. Chapter 5, title 6, Arizona Revised Statutes, is repealed.

Sec. 2. Title 6, Arizona Revised Statutes, is amended by adding a new chapter 5, to read:

CHAPTER 5

SMALL LOANS

ARTICLE I. IN GENERAL

6-601. DEFINITIONS. In this article, unless the context otherwise requires:

1. "Charges" include interest or compensation for the use or forbearance of money, credit or thing of value, the reimbursement of expenses for the service and accommodation of the borrower, and all other charges whatever except as excluded by this article.

2. "Community" means an incorporated town or city and may include the immediately contiguous area thereto or part thereof as determined by the superintendent. "Community" may also mean an unincorporated area of the same economic unit as determined by the superintendent.

3. "Department" means the department of banking.

4. "License" means a license issued under the authority of this article to make loans in accordance with the provisions of this article.

5. "Licensee" means a person to whom one or more licenses have been issued and includes the term 'small moneylenders' as used in section 6-125.

6. "Person" means an individual, partnership, association, trust, corporation, or other legal entities.

7. "Small loan" means the loan of money, credit, or other thing of value not exceeding six hundred dollars.

8. "Superintendent" means the superintendent of banks.

6-602. SCOPE OF ARTICLE; EXEMPTIONS. A. No person shall engage in the business of lending in amounts of six hundred dollars or less and contract for, exact or receive, directly or indirectly, or in connection with any such loan, any charges, whether for interest, compensation, consideration or expenses, which in the aggregate are greater than the interest that the lender would be permitted by law to charge for a loan of money if he were not a licensee under this article, except as provided by this article, and without first having obtained a license from the superintendent. Any person not exempt under subsection B of this section who advertises for, solicits, or holds himself out as willing to make or procure loans in the amount or value of six hundred dollars or less shall be presumed to be engaged in the business described in this subsection.

B. This article shall not apply to any person doing business under and as permitted by any law of this state or of the United States relating to banks, savings banks, trust companies, building and loan associations, licensed pawn brokers or credit unions.

6-603. EVASIONS; PENALTY; FORFEITURE OF LOAN. A. The provisions of subsection A of section 6-602 shall apply to any person who seeks to avoid its application by any device, subterfuge or pretense whatever.

B. Any person or a member, officer, director, agent or employee thereof who violates or participates in the violation of subsection A of section 6-602 is guilty of a misdemeanor. Any contract of loan in the making or collection of which any act has been done which violates subsection A of section 6-602 shall be void and the lender shall have no right to collect, receive or retain any principal, interest or charges whatever.

6-604. ADMINISTRATION; REGULATIONS AND ORDERS; CERTIFIED COPIES. A. The superintendent may make regulations for the administration and enforcement of this article. Such regulations shall be referenced to the section or sections which set forth the legislative standard which they interpret or apply.

B. Every regulation shall be promulgated by an order of the superintendent. Any ruling, demand, requirement or similar administrative act may be promulgated by such an order. Every such order shall be in writing, shall state its effective date and the date of promulgation, and shall be entered in an indexed permanent book which shall be a public record.

C. A copy of every proposed order containing a requirement of general application shall be mailed to each licensee

under this article at least fifteen days before filing the order with the secretary of state. Upon written request therefor by a licensee the superintendent shall hold a public hearing on such proposed order as provided in section 6-607 prior to the effective date of the order.

D. The powers and limitations prescribed in this section shall be in addition to the provisions of chapter 6 of title 41.

E. On application of any person and payment of the costs thereof, the superintendent shall furnish, under his seal and signature, a certified copy of any license, regulation or order. In any court or proceeding such copy shall be prima facie evidence of the fact of the issuance of the license, regulation or order.

6-605. ANNUAL EXAMINATION; INVESTIGATION POWERS; ACCESS TO RECORDS AND WITNESSES. A. At least once each license year the superintendent, or his duly authorized representatives, shall make an examination of the place of business of each licensee and of the loans, transactions, papers and records of such licensee so far as they pertain to the business licensed under this article and the licensee shall pay the fees therefor fixed by section 6-125.

B. For the purpose of discovering violations of this article or of securing information lawfully required under this article, the superintendent, or his duly authorized representatives, may at any time investigate the business and examine the accounts, papers and records used therein of:

1. Any licensee.

2. Any other person engaged in the business described in subsection A of section 6-602, or participating in such business as principal, agent, broker, or otherwise.

C. For the purposes of this article, the superintendent, or his duly authorized representatives, shall have and be given free access to the offices and places of business, files, safes and vaults of all such persons and may require the attendance of any person and examine him under oath relative to such loans or such business or the subject matter of any examination, investigation or hearing. Upon written request of the defendant licensee, or his counsel, the superintendent shall issue subpoenas to require the attendance of any persons, or the production of any records on behalf of the defendant and shall examine such persons under oath.

6-606. CEASE AND DESIST ORDERS; INJUNCTION; RECEIVERS. A. When the superintendent has reasonable

cause to believe that any person is violating any provisions of this article, he may, in addition to all actions provided for in this article and without prejudice thereto, enter an order requiring such person to desist or refrain from such violation.

B. An action may be brought by the attorney general at the request of and in the name of the superintendent to enjoin such person from engaging in or continuing such violation, or from doing any act or acts in furtherance thereof. In any such action an order or judgment may be entered awarding such preliminary or final injunction as may be deemed proper.

C. In addition to all other means provided by law for the enforcement of a restraining order or injunction, the court in which such action is brought may, if the defendant has not been licensed under this article, impound, and appoint a receiver for, the property and business of the defendant, including books, papers, documents and records pertaining thereto or so much thereof as the court deems reasonably necessary to prevent violations of this article through or by means of the use of such property and business. The receiver, when appointed and qualified shall have such powers and duties as to the custody, collection, administration, winding up and liquidation of the property and business as shall from time to time be conferred upon him by the court.

D. The powers enumerated in this section shall be in addition to those granted under chapter 1 of this title.

6-607. HEARINGS. At all hearings before the superintendent under the provisions of this article the applicant or licensee may appear in person or by counsel, present oral and written evidence in his own behalf, examine documents and records and examine witnesses called by the superintendent. Interested parties may also appear in person and by counsel and present oral and written evidence. If requested by the applicant or licensee, a record shall be made of all evidence offered by the applicant or licensee and all other evidence considered by the superintendent in arriving at his decision.

6-608. APPLICATION FOR LICENSE; FEE. A. Application for a license shall be in writing under oath and in the form prescribed by the superintendent. The application shall give the approximate location of the proposed business and shall contain such further relevant information as the superintendent prescribes, including the names and addresses of the partners, officers, directors or trustees, and of such prin-

cipal owners, members or shareholders as will provide the basis for the investigations and findings contemplated by section 6-609.

B. At the time of making such application the applicant shall pay to the superintendent a fee of fifty dollars for investigating the application and the annual license fee of one hundred dollars for the period ending June 30 of the license year, but if the license is granted after December 31 of any year, the license fee shall be fifty dollars. In addition to such fees every licensee shall pay to the superintendent the examination fees for each examination as provided for in section 6-125.

6-609. INVESTIGATION OF LICENSE APPLICATION; HEARING. Upon the filing of an application and the payment of the fees, the superintendent shall fix a date and time for a hearing on such application, shall give written notification to the licensees of the community for which application is made, or the three nearest licensees, whichever is greater, and shall investigate the facts concerning the application and compliance with the requirements provided in section 6-610, or may approve the application without such hearing if no protests or appearances in opposition are received within ten days after such notice. At the hearing any person may be heard with reference to the facts to be investigated. The superintendent shall grant or deny each application for a license within sixty days from the filing thereof with the required fees unless the period is extended by written agreement between the applicant and the superintendent.

6-610. ISSUANCE OF LICENSE; REQUIREMENTS; DENIAL. A. The superintendent shall enter an order granting the application and file his findings of fact with the department and forthwith issue and deliver a license to the applicant if he finds:

1. That the financial responsibility, experience, character and general fitness of the applicant are such as to command the confidence of the public and to warrant the belief that the business will be operated lawfully, honestly, fairly and efficiently within the purposes of this article.

2. That the applicant has available for use in the business assets of ten thousand dollars when the application is for location in a community with a population of seventy-five hundred or less, or that he has available for use in the business assets of twenty-five thousand dollars when the application is for location in a community with a population of more than seventy-five hundred.

B. If the superintendent finds that the requirements of subsection A of this section have not been met by the applicant, he shall enter an order denying the application and notify the applicant of the denial, and shall return the annual license fee and retain the investigation fee. Within ten days after the entry of such order the superintendent shall file his order and findings of fact with respect thereto, together with a transcript of the evidence and the reasons supporting the denial, with the department and shall forthwith deliver a copy of such order and findings to the applicant.

C. The transcript of the hearing and evidence introduced at the hearing before the superintendent and the findings of fact filed by the superintendent shall be a public record and open to inspection at all reasonable times.

6-611. LICENSE; CONTENTS; POSTING. A. Each license in force on the effective date of this article, and all licenses issued under this article shall remain in full force and effect until surrendered, revoked or suspended as provided by this article.

B. Each license shall state the address at which the business is to be conducted and shall state fully the name of the licensee. If the licensee is a partnership or association, the license shall state the names of the members thereof, and if a corporation, the date and place of its incorporation.

C. Each license shall be kept conspicuously posted in the licensee's place of business.

6-612. ANNUAL LICENSE FEE; MAINTENANCE OF MINIMUM STANDARDS AND ASSETS. A. Every licensee shall, on or before August 1 of each year, pay to the superintendent one hundred dollars for each license held by him as the license fee for the license year beginning July 1.

B. Every licensee shall maintain the standards set forth in paragraph 1, subsection A of section 6-610 and shall maintain at least the minimum assets required by paragraph 2, subsection A of section 6-610, either used or readily available for use in the conduct of the business of each licensed office.

6-613. LICENSED PLACE OF BUSINESS; RESTRICTION ON OTHER BUSINESS IN SAME OFFICE. A. Not more than one place of business shall be maintained under the same license, and not more than one license shall be maintained in a place of business, but the superintendent may issue additional licenses to the same licensee upon compliance with

the provisions of this article governing issuance of a single license.

B. No licensee shall conduct the business of making loans under this article within any office, suite, room or place of business in which any other business is solicited or engaged in, or in association or conjunction with any other business, if the superintendent finds, after a hearing, that the other business is of such a nature as to conceal an evasion of this article, and issues a written order accompanied by findings of fact directing the licensee to desist.

6-614. REMOVAL OF PLACE OF BUSINESS. When a licensee desires to change his place of business, he shall give written notice thereof to the superintendent, who shall enter an order permitting the change and shall amend the license accordingly.

6-615. BUSINESS LIMITED TO LICENSE LOCATIONS; FAILURE TO OPERATE; REVOCATION. A. No licensee shall conduct the business of making loans under this article under any name, or at any place of business within the state, other than that stated in the license, except as provided in subsection B of this section.

B. Subsection A of this section shall not be construed to prohibit:

1. The making of loans at the office of the licensee to residents of communities other than the community in which the licensed place of business is located.

2. The making of loans by mail.

3. Accommodations to individuals, upon request, where necessitated by sickness or other such emergency situations.

C. Failure of a licensee to operate the business of lending under this article for any continuous period of sixty days or more shall constitute grounds for revocation of such license under section 6-634, unless the licensee shall have, prior to a finding by the superintendent that such license is inoperative, secured the written approval of the superintendent to suspend business operations for a reasonable additional period.

6-616. ACCOUNTS AND RECORDS OF LICENSEE. In accordance with sound and accepted accounting practices, each licensee shall keep and use in his business such accounts and records as will enable the superintendent to determine whether such licensee is complying with the provisions of this article. Each licensee shall preserve such accounts and records

for at least two years after making the final entry on any loan or transaction recorded therein.

6-617. ANNUAL REPORT OF LICENSEE. A. Each licensee shall annually, on or before October 1, file a report for the preceding fiscal year ending June 30 with the superintendent. Such report shall give information with respect to the financial condition of the licensee and shall include:

1. The name and address of the licensee.

2. Balance sheets at the beginning and end of such year.

3. A statement of income and expenses.

4. A reconciliation of surplus or net earnings with the balance sheets.

5. A schedule of assets used and useful in the small loan business.

6. An analysis of charges, size of loans and type of security on loans of six hundred dollars or less.

7. An analysis of delinquent accounts.

8. An analysis of actions, repossessions and sales of chattels.

9. Such other relevant information as the superintendent may reasonably require concerning the business and operations during the preceding fiscal year for each licensed place of business conducted by the licensee within the state.

B. The report shall be made under oath and shall be in the form prescribed by the superintendent, who shall make and publish annually an analysis and recapitulation of such reports. The superintendent shall annually review each annual report and if such report is grossly in error by design, he may initiate proceedings under section 6-634 for revocation of the license held by the licensee filing such report.

C. If a licensee fails to make the annual report, the superintendent, or any person designated by him, shall examine the accounts and records of the licensee and prepare such annual report, and the licensee shall be charged the examination fee provided in section 6-125 for special or additional examinations.

6-618. ADVERTISING; RESTRICTIONS. A. No licensee shall advertise, display, distribute, broadcast or televise, or cause or permit to be advertised, displayed, distributed,

broadcast or televised, in any manner whatever, any false, misleading or deceptive statement or representation with regard to the rates, terms or conditions for loans.

B. The superintendent may require that charges or rates of charge, if stated by a licensee, be set forth in such manner as he deems necessary to prevent misunderstanding thereof by prospective borrowers. The superintendent may permit or require licensees to refer in their advertising to the fact that their business is under state supervision, subject to conditions imposed by him, to prevent an erroneous impression as to the scope or degree of protection provided by this article.

6-619. PAYMENTS OF COMMISSIONS PROHIBITED. The payments of fees, commissions or bonuses, or the gift of anything of value, to any merchant, dealer, borrower, or other person for the purpose of attracting applications for loans or as consideration for referring loan business is prohibited.

6-620. DISPLAY OF SCHEDULE OF CHARGES. Each licensee shall display or have available to the public in each licensed place of business, as required by rules and regulations of the superintendent, a full and accurate schedule of the charges or rates on all classes of loans currently to be made by him, including refunds, rebates and charges under precomputed loans if offered by the licensee.

6-621. REQUIREMENTS FOR LOAN TRANSACTIONS. A. Every licensee shall:

1. At the time any loan or subsequent advance is made, or within ten days thereafter, deliver to the borrower or, if there are two borrowers, to one of them, a statement in clear language which shall include a printed copy of section 6-622, a clear and distinct statement of the amount and date of the loan, a schedule of payments or a description thereof, the type of security, if any, the name and address of the licensed office, each person primarily obligated and the agreed rates of charge or, in lieu thereof, an exact copy of the instrument or instruments evidencing the indebtedness. If charges have been precomputed, the statement or instruments shall also disclose that the charges have been precomputed and are subject to refund or recomputation as provided in this article.

2. For each payment made on account of any loan, give to the person making it at the time payment is made, or within ten days thereafter, a receipt or written record of the amount paid.

3. Permit payment to be made in advance in the amount of any installment or more on any contract of loan at any time during the licensee's regular business hours, but the licensee may apply such payment first to all charges in full at the agreed rate up to the date of such payment.

4. Restore, cancel or release any note paid in full by cash or renewal and mark and return the note, together with any pledge, assignment or mortgage which no longer secures such loan or indebtedness.

6-622. MAXIMUM RATE OF CHARGE. Every licensee under this article may contract for and receive on any loan not exceeding six hundred dollars charges at a rate not exceeding three percent per month on that part of the unpaid principal balance not in excess of three hundred dollars, and two per cent per month on that part of the unpaid principal balance exceeding three hundred dollars and not exceeding six hundred dollars.

6-623. LOANS OVER SIX HUNDRED DOLLARS. A. The total indebtedness on which the rates of charge authorized by this article may be received by a licensee shall not exceed at any one time six hundred dollars for any one borrower, or any husband and wife jointly or severally, regardless of the number of loans made to such borrower or borrowers. When the aggregate amount loaned to any borrower exceeds six hundred dollars, the licensee may receive only such charge upon the total amount loaned to such borrower as is authorized by law were he not a licensee. The provisions of this subsection shall also apply to any licensee who permits any person as accommodation maker or co-maker for any borrower to owe to such licensee for one or more loans of money at any time the sum of more than six hundred dollars for principal.

B. Any person, including a borrower, may become a guarantor, endorser or surety on one or more loans for one or more borrowers under this article, but on amounts so guaranteed, such guarantor, endorser or surety shall be liable only for the principal balance and interest thereon at the contract rate of this state until paid.

6-624. SPLITTING OF LOAN PROHIBITED. No licensee shall, for the purpose of obtaining a higher rate of charge than would otherwise be permitted by this article, permit any husband and wife, jointly or severally, or any other person or persons, to become obligated, directly or contingently, or both, on more than one contract of loan made by the licensee. This prohibition shall apply to:

1. Loans made by the same person under all licenses and in any licensed place of business of such person.

2. Any legal entity, a majority ownership and control of which is held by a licensee or which itself controls a licensee.

6-625. METHODS OF COMPUTING CHARGES. A. Charges on loans made under this article shall not be paid, deducted or received in advance nor compounded. Charges shall be computed and measured on unpaid principal balances or may be precomputed on scheduled unpaid principal balances of loans contracted to be repaid in substantially equal and consecutive monthly installments, with such installments applied to the unpaid balance of the principal and precomputed charges combined, subject to provisions for refund or credit in the event of prepayment and for extension or default charges in the event of extension or default. The acceptance or payment of charges under a precomputation plan shall not constitute payment, deduction or receipt thereof in advance nor compounding.

B. If part or all of the consideration for a loan contract is the unpaid principal balance of a prior loan, the principal amount payable under such loan contract may include any unpaid charges on the prior loan which have accrued within sixty days before the making of such loan contract.

C. For the purpose of computing charges, whether at the maximum rate or less, a month shall be considered any period of thirty consecutive days, and when such computation is made for a fraction of a month, the rate of charge for each day shall be one-thirtieth of the monthly rate.

6-626. PRECOMPUTATION METHOD. When the loan contract requires repayment in substantially equal and consecutive monthly installments of principal and charges combined, and the first installment falls due no less than fifteen nor more than forty-five days after the loan is made, the charges may be precomputed at the agreed rate on scheduled unpaid principal balances and added to the principal amount of the loan, subject, however, to the following requirements:

1. If prepayment in full by a new loan, renewal or refinancing occurs before the third installment date of the loan contract, charges shall be recomputed on or before final payment according to actual unpaid principal balances of the loan by applying each payment first to charges at the agreed rate and then to principal. The amount of charges so computed shall be in lieu of all precomputed charges.

2. If prepayment in full occurs on or after the third installment date by a new loan, renewal or refinancing, or at any time during the period of the loan if made in cash, the borrower shall be refunded or credited that proportion of the total precomputed charges which the sum of the monthly balances scheduled to follow the installment date nearest the date of prepayment in full bears to the sum of all scheduled monthly balances, as computed in accordance with the rule commonly known as the rule of seventy-eighths, from rules, regulations, charts and tables of direct ratio refund methods as promulgated by the superintendent and based upon the refinancing rebate schedule of the federal housing authority and the chart of decimal equivalents computed for the 1954 internal revenue code of the United States. Charges for extension or default shall be as authorized and calculated upon the same rules, regulations, charts and tables. If prepayment in full occurs, the unearned portion of any precomputed life insurance premium shall be refunded or credited on the same basis as provided for refund of charges.

3. If the maturity of the loan contract is accelerated, the contract balance shall be reduced by the refund or credits of precomputed charges which would be required for prepayment in full on the date of acceleration, and thereafter the licensee may receive the charges authorized in this article computed on unpaid balances of the contract for the time actually outstanding from the installment date nearest the date of acceleration until paid. The contract may provide that the licensee may, with or without accelerating maturity, recompute the entire loan on a per cent per month basis or reduce the contract balance as of any installment date by the refund or credit of precomputed charges which would be required for prepayment in full on such installment date and receive the charges authorized by this article computed on unpaid balances of the contract for the time actually outstanding from such installment date until the loan is fully paid.

6-627. INSTALLMENT PAYMENTS; CONTRACT PERIOD. A. No licensee shall enter into any contract of loan under this article under which the borrower agrees to make any scheduled payment of principal more than twenty-four months and fifteen days from the date of making such contract on loans of six hundred dollars or less.

B. Every loan shall provide for repayment of principal or of principal and charges in installments which shall be payable at approximately equal periodic intervals of time and which shall be so arranged that no installment is substantially greater in amount than any preceding installment.

6-628. FURTHER CHARGES PROHIBITED; FORFEITURE OF LOAN. In addition to the charges provided in this article no further or other amount whatever shall be directly or indirectly charged, contracted for, or received by the licensee but such restrictions shall not apply to court costs, reasonable attorneys' fees assessed and fixed by the court, lawful fees for the acknowledging, filing and recording or releasing in any public office of any instrument securing a loan, or insurance premiums as provided in section 6-632. If any amount in excess of the charges permitted by this article is charged, contracted for or received, except as the result of an accidental or bona fide error, the contract of loan shall be void and the licensee shall have no right to collect or receive any principal, charges, or recompense whatever.

6-629. CONFESSIONS OF JUDGMENT AND INCOMPLETE INSTRUMENTS PROHIBITED. No licensee shall:

1. Take any confession of judgment or any power of attorney running to himself or to any third person to confess judgment or to appear for the borrower in a judicial proceeding.

2. Take any note, promise to pay, or instrument of security that does not disclose the amount of the loan, a schedule of payment or a description thereof, and the agreed rate of charge, or any instrument in which blanks are left to be filled in after the loan is made.

6-630. CHATTEL MORTGAGES; VALIDITY; FORECLOSURE; PLEDGES. A. No licensee shall take any chattel mortgage or other lien on household furniture then in possession and use of an obligor unless such mortgage or other lien is in writing and signed by the obligor.

B. If the obligor is married, the consent of his spouse shall be required and such consent shall be evidenced by such spouse in the mortgage or other lien by the signing of his or her name thereto or by his or her separate acknowledgment thereon, taken and certified to by a proper officer. Such written consent shall not be required when the husband and wife have been living separate and apart for a period of at least three months prior to the making of such mortgage, when such spouse is legally incompetent, or when the spouse has otherwise authorized in writing the spouse signing the mortgage to obtain the loan.

C. If a chattel mortgage taken by the licensee is in default and the mortgage contains a power of sale, such sale may be made upon such notice and terms as therein agreed, without

foreclosure proceedings. A report of the sale shall be filed with the superintendent within fifteen days thereafter, and a copy kept by the licensee for one year thereafter for inspection by any person interested.

D. If a pledge of personal property as security for a loan is made in which the physical possession of such property is given to the licensee, the licensee shall thereby acquire no title to such personal property except by the terms of a chattel mortgage thereon duly recorded and foreclosed under the provisions of subsection C of this section. The acceptance of physical possession of a pledge of personal property to secure a loan shall not make a licensee subject to the provisions of the laws of this state relating to pawnbrokers.

6-631. ASSIGNMENTS OR PURCHASES SUBJECT TO ARTICLE. A. The payment by a licensee of six hundred dollars or less in money, credit, goods or things in action as consideration for any sale of wages, salary, commissions or other compensation for services, whether earned or to be earned, is prohibited.

B. Such wage purchase by any person not licensed under this article shall, for the purpose of regulation under this article, be deemed a loan of money secured by such sale. The amount by which such compensation so sold exceeds the amount of the consideration actually paid shall for the purposes of regulation under this article be deemed interest or charges upon such loan from the date of such payment to the date such compensation is payable.

C. An assignment of wages, salary, commissions or other compensation for services, whether earned or to be earned, given to a licensee as security for a loan under this article shall be invalid if:

1. The assignment is not in writing.

2. The assent of the spouse of the assignor, if married, is not endorsed or attached thereto in writing, except where the spouses have lived separate and apart for a period of at least three months prior thereto .

3. The assignment exceeds in amount ten per cent of the assignor's wages, salary, commission or other compensation.

4. The assignment period exceeds forty-eight months.

6-632. INSURANCE SECURING LOAN. A. Subject to the conditions provided in this section and notwithstanding any other provisions of this article, reasonable insurance may

be sold in the licensed place of business to the borrower, insuring any property securing a loan and insuring the life of one party obligated on a loan.

B. All insurance sold pursuant to this section shall bear a reasonable and bona fide relation to the existing hazard or risk of loss and shall be written by an agent licensed in this state and by an insurance company authorized to conduct such business in this state. A licensee may not require the purchasing of such insurance from the licensee or any employee, affiliate or associate of the licensee as a condition precedent to the making of the loan but the licensee may otherwise designate the company in which the insurance shall be placed so long as the insurance company is authorized to conduct business in this state.

C. The licensee shall at the time the insurance is sold deliver a written receipt or binder to the borrower and within thirty days thereafter deliver to the borrower or, if more than one, to one of them, a policy or certificate of insurance covering any insurance procured by or through the licensee or any employee, affiliate, or associate of the licensee in connection with the loan, which shall set forth the amount of any premium which the borrower has paid or is obligated to pay, the amount of insurance, the term of insurance and a description of the coverage. The policy or certificate may contain a mortgage clause or other appropriate provisions to protect the insurable interest of the licensee.

D. Property insurance, when sold by a licensee in connection with the loan, shall be at the option of the borrower in an amount not to exceed the reasonable value of the property insured or the approximate amount of the loan or transaction, whichever the greater, and shall be for a term not to exceed the approximate term of the loan transaction.

E. On life insurance sold by a licensee in connection with a loan and for the term of the loan in an amount approximately equal to the amount owed to the licensee at any time during the term, the licensee may charge the borrower not more than fifty cents per one hundred dollars per year of the original loan and charges precomputed or to be earned, or seven and one-half cents per month per one hundred dollars of outstanding indebtedness and proportionately at that rate for a greater or lesser period and for a greater or lesser amount of such life insurance coverage, regardless of the cost to the licensee. Life insurance shall be in an amount not to exceed

the approximate amount of the indebtedness outstanding at any time during the life of the loan or transaction.

F. Notwithstanding any other provision of this article, any advantage, commission, dividend, gain, identifiable charge for group life insurance, or otherwise, to the licensee or to any employee, affiliate or associate of the licensee from such insurance or its sale shall not be deemed additional or further interest or charge in connection with the loan, but if a new loan is made or a contract of loan renewed and new insurance is to be sold, the insurance provided for in this section shall be applied thereto or cancelled and a refund of the unearned premium or identifiable charge credited or made before new insurance is sold.

G. Except as otherwise specifically provided in this article, insurance transactions under this article shall in all respects be subject to applicable laws pertaining to such insurance under title 20 and to applicable rules and regulations duly promulgated thereunder.

6-633. FOREIGN LOANS; RECIPROCITY. No loan made outside this state in the amount of or of the value of six hundred dollars or less for which a greater rate of interest, consideration or charge than is permitted by section 6-622 has been charged, contracted for or received shall be enforced in this state and every person in any way participating therein in this state shall be subject to the provisions of this article, but this section shall not apply to loans legally made in any state under and in accordance with a regulatory small loan law similar in principles to this article.

6-634. REVOCATION OR SUSPENSION OF LICENSE; GROUNDS. A. The superintendent may, if he has reason to believe that grounds for revocation of a license may exist, send by registered or certified mail to the licensee at the address shown in his license a notice of hearing, stating the contemplated action and the grounds therefor and setting a date for hearing thereon at the office of the superintendent or such other convenient place designated by him, not less than ten nor more than thirty days from the date of mailing such notice. The superintendent may, in his discretion, give notice to such other persons as he deems fit and at the hearing thereon he shall receive testimony and evidence from all interested persons.

B. Within thirty days after the conclusion of such hearing the superintendent shall enter a written order:

1. Dismissing the charges.

2. Suspending the license for a period not exceeding one year.

3. Revoking the license.

C. The superintendent shall set forth as a part of his written order the reason or reasons for suspending or revoking a license, which shall be one or more of the following:

1. The licensee has failed to pay the annual license fee.

2. The licensee, either knowingly or without the exercise of due care to prevent such violation, has violated any provision of this article or any regulation or order lawfully made pursuant to and within the authority of this article.

3. Any fact or condition exists which, if it had existed at the time of the original application for such license, clearly would have warranted the superintendent in refusing originally to issue such license.

4. The licensee has failed to operate the business of lending as provided in subsection C of section 6-615.

D. The superintendent shall send a copy of such order immediately by registered or certified mail to the licensee at the address shown in his license. The order shall be effective five days after being entered unless the order specifies otherwise or unless a stay is granted as provided in this article.

E. If the superintendent finds that probable cause for revocation of any license exists and that enforcement of the article requires immediate suspension of such license pending investigation, he may, after a hearing had upon five days' written notice, enter an order suspending the granting, making or acceptance of loans under such license for a period not exceeding twenty-five days pending the holding of a hearing as prescribed in this section.

6-635. REINSTATEMENT OF LICENSE. The superintendent may reinstate a suspended license or issue a new license to a person whose license has been revoked if no fact or condition then exists which clearly would have justified the superintendent in refusing originally to issue such license under this article.

6-636. SURRENDER OF LICENSE. A licensee may surrender any license by delivering it to the superintendent with written notice of its surrender, but such surrender shall not affect his civil or criminal liability for acts committed prior thereto.

6-637. EFFECT OF REVOCATION, SUSPENSION OR SURRENDER ON PRE-EXISTING CONTRACTS. No revocation, suspension or surrender of any license shall impair or affect the obligation of any pre-existing lawful contract between the licensee and any obligors.

6-638. JUDICIAL REVIEW. A. Any applicant, licensee or other person considering himself aggrieved by any order, ruling, regulation, decision or act of the superintendent may petition the superior court for a review of such order, ruling, regulation, decision or act within thirty days after the effective date thereof, or within thirty days after the act complained of if there is no such order, ruling, regulation or decision. The superior court may in its discretion stay an order, ruling, regulation or decision pending the determination of the validity thereof.

B. The rights granted in this section are in addition to and supplement the provisions of article 6, chapter 7 of title 12.

6-639. VIOLATION; PENALTY. Any person or a member, officer, director, agent or employee thereof who either knowingly or without the exercise of due care to prevent the violation, or who, after the issuance of a cease and desist order by the superintendent, violates any provision of this article, is guilty of a misdemeanor.

6-640. IMPAIRMENT OF CONTRACT. This article or any part thereof may be modified, amended or repealed, resulting in a cancellation or alteration of any license or right of a licensee under this article but such cancellation or alteration shall not impair or effect the obligation of any pre-existing lawful contract between any licensee and any borrower.

Approved by the Governor—April 12, 1956.

Filed in the Office of the Secretary of State—April 13, 1956.

CHAPTER 124

House Bill No. 378

AN ACT

MAKING AN APPROPRIATION FOR THE RELIEF OF MAE MYRICK.

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

Section 1. APPROPRIATION. The sum of one hundred ten dollars is appropriated for the relief of Mae Myrick.

Sec. 2. BASIS FOR CLAIM. Payment of the sum appropriated in section 1 shall be in full satisfaction of the judgment entered on behalf of Mae Myrick on June 3, 1955, for the sum of one hundred ten dollars, in the case of Mae Myrick versus Ted Walker, W. P. Mahoney et al, cause number 72795, in the superior court of Maricopa county.

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—April 13, 1956.

Filed in the Office of the Secretary of State—April 13, 1956.

CHAPTER 125

Senate Bill No. 98

AN ACT

RELATING TO ALCOHOLIC BEVERAGES; PRESCRIBING AN ADDITIONAL RESTRICTION ON ISSUANCE OF LICENSES, AND AMENDING SECTION 4-207, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 4-207, Arizona Revised Statutes, is amended to read:

4-207. LICENSING OF PREMISES NEAR SCHOOL OR CHURCH PROHIBITED; RESTRICTION ON ISSUANCE OF LICENSES. A. No retailer's license shall be issued for any premises within three hundred feet of a public or parochial school or church building in which services are regularly conducted, except upon special permission by the superintendent.

B. No application for a new license to sell spirituous liquors, beer and wine shall be filed or accepted, and no such

license shall be issued by the superintendent of liquor licenses and control, for a period of one year from July 3, 1955.

C. In addition to the restriction contained in subsection B, no application for a new license to sell spirituous liquors, beer and wine shall be filed or accepted, and no such license shall be issued by the superintendent of liquor licenses and control, for the period from September 1, 1956, to January 31, 1958, inclusive.

Approved by the Governor—April 13, 1956.

Filed in the Office of the Secretary of State—April 14, 1956.

CHAPTER 126

Senate Bill No. 146

AN ACT

RELATING TO DISPOSITION OF UNCLAIMED PROPERTY; MAKING UNIFORM THE LAW RELATING THERETO; CREATING THE DIVISION OF UNCLAIMED PROPERTY; PROVIDING FOR ADMINISTRATION BY THE ESTATE TAX COMMISSIONER; PROVIDING FOR AN ADDITIONAL SALARY OF ESTATE TAX COMMISSIONER AND ASSISTANT ESTATE TAX COMMISSIONER, AND AMENDING TITLE 44, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 3.1.

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

Section 1. Title 44, Arizona Revised Statutes, is amended by adding chapter 3.1, to read:

CHAPTER 3.1

UNIFORM DISPOSITION OF UNCLAIMED PROPERTY ACT

ARTICLE 1. IN GENERAL

44.351. DEFINITIONS AND USE OF TERMS. In this chapter, unless the context otherwise requires:

1. "Banking organization" means any bank, trust company, savings bank, industrial bank, land bank, safe deposit company, or a private banker engaged in business in this state.

2. "Business association" means any corporation other than a public corporation, joint stock company, business trust, partnership, or any association for business purposes of two or more individuals.

3. "Commissioner" means estate tax commissioner.

4. "Financial organization" means any savings and loan association, building and loan association, credit union, cooperative bank or investment company, engaged in business in this state.

5. "Holder" means any person in possession of property subject to this chapter belonging to another, or who is trustee in case of a trust, or is indebted to another on an obligation subject to this chapter.

6. "Life insurance corporation" means any association or corporation transacting within this state the business of insurance on the lives of persons or insurance appertaining thereto, including, but not by way of limitation, endowments and annuities.

7. "Owner" means a depositor in case of a deposit, a beneficiary in case of a trust, a creditor, claimant, or payee in case of other choses in action, or any person having a legal or equitable interest in property subject to this chapter, or his legal representative.

8. "Person" means any individual, business association, government or political subdivision, public corporation, public authority, estate, trust, two or more persons having a joint or common interest, or any other legal or commercial entity.

9. "Utility" means any person who owns or operates within this state, for public use, any plant, equipment, property, franchise, or license for the transmission of communications or the production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam or gas.

44-352. PROPERTY HELD BY BANKING OR FINANCIAL ORGANIZATIONS. The following property held or owing by a banking or financial organization is presumed abandoned:

1. Any demand, savings, or matured time deposit made in this state with a banking organization, together with any

interest or dividend thereon, excluding any charges that may lawfully be withheld, unless the owner has, within seven years, increased or decreased the amount of deposit.

2. Any funds paid in this state toward the purchase of shares or other interest in a financial organization in this state and any interest or dividends thereon, excluding any charges that may lawfully be withheld, unless the owner has within seven years:

(a) Increased or decreased the amount of the funds or presented an appropriate record for the crediting of interest or dividends; or

(b) Corresponded in writing with the financial organization concerning the funds; or

(c) Otherwise indicated an interest in the funds or deposit as evidenced by a memorandum on file with the financial organization.

3. Any funds or other personal property, tangible or intangible, removed from a safe deposit box or any other safekeeping repository or agency or collateral deposit box in this state on which the lease or rental period has expired due to nonpayment of rental charges or other reason, or any surplus amounts arising from the sale thereof pursuant to law, that have been unclaimed by the owner for more than seven years from the date on which the lease or rental period expired.

44-353. UNCLAIMED FUNDS HELD BY LIFE INSURANCE CORPORATIONS. A. "Unclaimed funds", as defined in this section, held and owing by a life insurance corporation shall be presumed abandoned if the last known address, according to the records of the corporation, of the person entitled to the funds is within this state. If a person other than the insured or annuitant is entitled to the funds and no address of such person is known to the corporation or if it is not definite and certain from the records of the corporation what person is entitled to the funds, it is presumed that the last known address of the person entitled to the funds is the same as the last known address of the insured or annuitant according to the records of the corporation.

B. "Unclaimed funds", as used in this section, means all monies held and owing by any life insurance corporation unclaimed and unpaid for more than seven years after the monies become due and payable as established from the records of the corporation under any life or endowment insurance policy or annuity contract which has matured or terminated. A life

insurance policy not matured by actual proof of the death of the insured is deemed to be matured and the proceeds thereof are deemed to be due and payable if such policy was in force when the insured attained the limiting age under the mortality table on which the reserve is based, unless the person appearing entitled thereto has within the preceding seven years assigned, readjusted, or paid premiums on the policy, or subjected the policy to loan, or corresponded in writing with the life insurance corporation concerning the policy. Monies otherwise payable according to the records of the corporation are deemed due and payable although the policy or contract has not been surrendered as required.

44-354. DEPOSITS AND REFUNDS HELD BY UTILITIES. The following funds held or owing by any utility are presumed abandoned:

1. Any deposit made by a subscriber with a utility to secure payment for, or any sum paid in advance for, utility services to be furnished in this state, less any lawful deductions, that has remained unclaimed by the person appearing on the records of the utility entitled thereto for more than seven years after the termination of the services for which the deposit or advance payment was made.

2. Any sum which a utility has been ordered to refund and which was received for utility services rendered in this state, together with any interest thereon, less any lawful deductions, that has remained unclaimed by the person appearing on the records of the utility entitled thereto for more than seven years after the date it became payable in accordance with the final determination or order providing for the refund.

44-355. UNDISTRIBUTED DIVIDENDS AND DISTRIBUTIONS OF BUSINESS ASSOCIATIONS. Any stock certificate or other certificate of ownership, or any dividend, profit, distribution, interest, payment on principal, or other sum for which a negotiable instrument has not been issued and delivered in payment held or owing by a business association for or to a shareholder, certificate holder, member, bondholder, or other security holder, or a participating patron of a cooperative, who has not claimed it, or corresponded in writing with the business association concerning it, within seven years after the date prescribed for payment or delivery, is presumed abandoned if:

1. It is held or owing by a business association organized under the laws of or created in this state; or

2. It is held or owing by a business association doing business in this state, but not organized under the laws of or

created in this state, and the records of the business association indicate that the last known address of the person entitled thereto is in this state.

44-356. PROPERTY OF BUSINESS ASSOCIATIONS AND BANKING OR FINANCIAL ORGANIZATIONS HELD IN COURSE OF DISSOLUTION. All intangible personal property distributable in the course of a voluntary dissolution of a business association, banking organization, or financial organization organized under the laws of or created in this state, that is unclaimed by the owner within two years after the date for final distribution, is presumed abandoned.

44-357. PROPERTY HELD BY FIDUCIARIES. All intangible personal property and any income or increment thereon, held in a fiduciary capacity for the benefit of another person is presumed abandoned unless the owner has, within seven years after it becomes payable or distributable, increased or decreased the principal, accepted payment of principal or income, corresponded in writing concerning the property, or otherwise indicated an interest as evidenced by a memorandum on file with the fiduciary:

1. If the property is held by a banking organization or a financial organization, or by a business association organized under the laws of or created in this state; or

2. If it is held by a business association, doing business in this state, but not organized under the laws of or created in this state, and the records of the business association indicate that the last known address of the person entitled thereto is in this state; or

3. If it is held in this state by any other person.

44-358. PROPERTY HELD BY STATE COURTS AND PUBLIC OFFICERS AND AGENCIES. All personal property, tangible or intangible, held for the owner by any court, public corporation, public authority, or public officer of this state, or a political subdivision thereof, that has remained unclaimed by the owner for more than seven years is presumed abandoned.

44-359. MISCELLANEOUS PERSONAL PROPERTY HELD FOR ANOTHER PERSON. All personal property, tangible or intangible, not otherwise covered by this chapter, including any income or increment thereon and deducting any lawful charges, that is held or owing in this state in the ordinary course of the holder's business and has remained un-

claimed by the owner for more than seven years after it became payable or distributable is presumed abandoned.

44-360. RECIPROCITY FOR PROPERTY PRESUMED ABANDONED OR ESCHEATED UNDER THE LAWS OF ANOTHER STATE. If specific property which is subject to the provisions of sections 44-352, 44-355, 44-356, 44-357 and 44-359 is held for or owed or distributable to an owner whose last known address is in another state by a holder who is subject to the jurisdiction of that state, the specific property is not presumed abandoned in this state and subject to this chapter if:

1. It may be claimed as abandoned or escheated under the laws of such other state; and

2. The laws of such other state make reciprocal provision that similar specific property is not presumed abandoned or escheatable by such other state when held for or owed or distributable to an owner whose last known address is within this state by a holder who is subject to the jurisdiction of this state.

44-361. REPORT OF ABANDONED PROPERTY. A. Every person holding funds or other property, tangible or intangible, presumed abandoned under this chapter shall report to the commissioner with respect to the property not previously reported as hereinafter provided.

B. The report shall be verified and shall include:

1. The name, if known, and last known address, if any, of each person appearing from the records of the holder to be the owner of any property of the value of five dollars or more presumed abandoned under this chapter;

2. In case of unclaimed funds of life insurance corporations, the full name of the insured or annuitant and his last known address according to the life insurance corporation's records;

3. The nature and identifying number, if any, or description of the property and the amount appearing from the records to be due, except that items of value under five dollars each may be reported in aggregate;

4. The date when the property became payable, demandable, or returnable, and the date of the last transaction with the owner with respect to the property.

C. If the person holding property presumed abandoned is a successor to other persons who previously held the property for the owner, or if the holder has changed his name while

holding the property, he shall file with his report all prior known names and addresses of each holder of the property.

D. The report shall be filed before November 1 of each year as of June 30 next preceding, but the report of life insurance corporations shall be filed before May 1 of each year as of December 31 next preceding. The commissioner may postpone the reporting date upon written request by any person required to file a report.

E. Verification, if made by a partnership, shall be executed by a partner; if made by an unincorporated association or private corporation, by an officer; and if made by a public corporation, by its chief fiscal officer.

F. The initial report filed under this chapter shall include all items of property that would have been presumed abandoned if this chapter had been in effect during the seven-year period preceding its effective date and provided that no items of a value of twenty-five dollars or less shall be included in such initial report.

44-362. NOTICE AND PUBLICATION OF LISTS OF ABANDONED PROPERTY. A. Within one hundred twenty days from the filing of the report required by section 44-361, the commissioner shall cause notice to be published at least once each week for two successive weeks in an English language newspaper of general circulation in the county in this state in which is located the last known address of any person to be named in the notice. If no address is listed or if the address is outside this state, the notice shall be published in the county in which the holder of the abandoned property has his principal place of business within this state.

B. The published notice shall be entitled "Notice of Names of Persons Appearing to be Owners of Abandoned Property", and shall contain:

1. The names in alphabetical order and last known addresses, if any, of persons listed in the report and entitled to notice within the county as hereinbefore specified.

2. A statement that information concerning the amount or description of the property and the name and address of the holder may be obtained by any persons possessing an interest in the property by addressing an inquiry to the commissioner.

3. A statement that if proof of claim is not presented by the owner to the holder and if the owner's right to receive the property is not established to the holder's satisfaction within sixty-five days from the date of the second published notice,

the abandoned property will be placed not later than eighty-five days after such publication date in the custody of the commissioner to whom all further claims must thereafter be directed.

C. The commissioner is not required to publish in such notice any item of less than twenty-five dollars unless he deems such publication to be in the public interest.

D. Within one hundred twenty days from the receipt of the report required by section 44-361, the commissioner shall mail a notice to each person having an address listed therein who appears to be entitled to property of the value of twenty-five dollars or more presumed abandoned under this chapter. The mailed notice shall contain:

1. A statement that, according to a report filed with the commissioner, property is being held to which the addressee appears entitled.

2. The name and address of the person holding the property and any necessary information regarding changes of name and address of the holder.

3. A statement that, if satisfactory proof of claim is not presented by the owner to the holder by the date specified in the published notice, the property will be placed in the custody of the commissioner to whom all further claims must be directed.

44-363. PAYMENT OR DELIVERY OF ABANDONED PROPERTY. Every person who has filed a report as provided by section 44-361 shall within twenty days after the time specified in section 44-362 for claiming the property from the holder pay or deliver to the commissioner all abandoned property specified in the report, except that, if the owner establishes his right to receive the abandoned property to the satisfaction of the holder within the time specified in section 44-362, or if it appears that for some other reason the presumption of abandonment is erroneous, the holder need not pay or deliver the property, which will no longer be presumed abandoned, to the commissioner, but in lieu thereof shall file a verified written explanation of the proof of claim or of the error in the presumption of abandonment.

44-364. RELIEF FROM LIABILITY BY PAYMENT OR DELIVERY. The payment of money or the delivery of property to the commissioner by any holder shall terminate any legal

relationship between the holder and the owner and shall release and discharge such holder from any and all liability to the owner, his heirs or assigns by reason of such delivery or payment, and such delivery and payment may be pleaded as a bar to recovery and be a conclusive defense in any suit or action brought by such owner, his heirs or assigns or any claimant against the holder by reason of such delivery. The state shall reimburse any holder who cannot be relieved of such liability by this section for all liability to the owner, his heirs and assigns incurred by reason of compliance with this chapter, but nothing contained in this section shall be deemed or construed as an assumption by the state or the commissioner of any liability of the holder to the owner upon a cause of action arising prior to said delivery, nor as depriving such owner, his heirs or assigns of the right of redemption provided for in this chapter.

44-365. INCOME ACCRUING AFTER PAYMENT OR DELIVERY. When property is paid or delivered to the commissioner under this chapter, the owner is not entitled to receive income or other increments accruing thereafter.

44-366. SALE OF ABANDONED PROPERTY. A. All abandoned property other than money delivered to the commissioner under this chapter shall within one year after delivery be sold by him to the highest bidder at public sale in whatever city in the state affords in his judgment the most favorable market for the property involved. The commissioner may decline the highest bid and reoffer the property for sale if he considers the price bid insufficient. He need not offer any property for sale if, in his opinion, the probable cost of sale exceeds the value of the property.

B. Any sale held under this section shall be preceded by a single publication of notice thereof, at least three weeks in advance of sale in an English language newspaper of general circulation in the county where the property is to be sold.

C. The purchaser at any sale conducted by the commissioner pursuant to this chapter shall receive title to the property purchased, free from all claims of the owner or prior holder thereof and of all persons claiming through or under them. The commissioner shall execute all documents necessary to complete the transfer of title.

44-367. DEPOSIT OF FUNDS. A. All funds received under this chapter, including the proceeds from the sale of abandoned property under section 44-366, shall forthwith be deposited

with the state treasurer to be credited to the general fund of the state unless the constitution or some other law specifically provides for the disposition of the particular property or proceeds, except that the commissioner shall retain in a separate trust fund ten per cent of the amount recovered under this chapter, excepting funds provided for by section 8, article 11, constitution of Arizona, but not to exceed twenty-five thousand dollars from which he shall make prompt payment of claims duly allowed by him as hereinafter provided. Before making the deposit he shall record the name and last known address of each person appearing from the holders' reports to be entitled to the abandoned property and of the name and last known address of each insured person or annuitant, and with respect to each policy or contract listed in the report of a life insurance corporation, its number, the name of the corporation, and the amount due. The record shall be available for public inspection at all reasonable business hours.

B. Before making any deposit to the credit of the general fund or other fund, the commissioner may deduct:

1. Any costs in connection with sale of abandoned property,

2. Any costs of mailing and publication in connection with any abandoned property, and

3. Reasonable service charges.

44-368. CLAIM FOR ABANDONED PROPERTY PAID OR DELIVERED. Any person claiming an interest in any property delivered to the state under this chapter may file a claim thereto or to the proceeds from the sale thereof on the form prescribed by the commissioner.

44-369. DETERMINATION OF CLAIMS. A. The commissioner shall consider any claim filed under this chapter and may hold a hearing and receive evidence concerning it. If a hearing is held, he shall prepare a finding and a decision in writing on each claim filed, stating the substance of any evidence heard by him and the reasons for his decision. The decision shall be a public record.

B. If the claim is allowed, the commissioner shall make payment forthwith. The claim shall be paid without deduction for costs of notices or sale or for service charges.

44-370. JUDICIAL ACTION UPON DETERMINATIONS. Any person aggrieved by a decision of the commissioner or

as to whose claim the commissioner has failed to act within ninety days after the filing of the claim, may commence an action in the superior court to establish his claim. The proceeding shall be brought within ninety days after the decision of the commissioner or within one hundred eighty days from the filing of the claim if the commissioner fails to act.

44-371. ELECTION TO TAKE PAYMENT OR DELIVERY. The commissioner, after receiving reports of property deemed abandoned pursuant to this chapter, may decline to receive any property reported which he deems to have a value less than the cost of giving notice and holding sale, or he may, if he deems it desirable because of the small sum involved, postpone taking possession until a sufficient sum accumulates. Unless the holder of the property is notified to the contrary within one hundred twenty days after filing the report required under section 44-361, the commissioner shall be deemed to have elected to receive the custody of the property.

44-372. EXAMINATION OF RECORDS. A. The commissioner may at reasonable times and upon reasonable notice examine the records of any person that relate to property that has been reported pursuant to this chapter.

B. If any person refuses to permit the commissioner to examine such records, the commissioner may request the attorney general to commence an action in the superior court to enforce the examination.

44-373. PROCEEDING TO COMPEL DELIVERY OF ABANDONED PROPERTY. If any person refuses to deliver property to the commissioner as required under this chapter, he shall request the attorney general to bring an action in the superior court to enforce such delivery.

44-374. PENALTIES. A. Any person who wilfully fails to render any report or perform other duties required under this chapter shall be punished by a fine of not less than twenty-five nor more than three hundred dollars.

B. Any person who wilfully refuses to pay or deliver abandoned property to the commissioner as required under this chapter shall be punished by a fine of not less than twenty-five dollars nor more than one thousand dollars, or imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

44-375. DIVISION OF UNCLAIMED PROPERTY;

SALARIES; RULES AND REGULATIONS. A. There shall be a division of unclaimed property which shall be administered by the estate tax commissioner. The commissioner together with the assistant estate tax commissioner shall administer this chapter.

B. The commissioner is hereby authorized to make necessary rules and regulations to carry out the provisions of this chapter.

C. The commissioner, in consideration of his additional duties of administering the division of unclaimed property and the provisions of this chapter shall receive an additional salary of one thousand eight hundred dollars per annum, but the total salary paid the commissioner shall not exceed seven thousand two hundred dollars per annum.

D. In consideration of additional duties imposed by this chapter, the assistant estate tax commissioner shall receive an additional salary of one thousand two hundred dollars per annum, but the total salary shall not exceed four thousand eight hundred dollars per annum.

44-376. EFFECT OF LAWS OF OTHER STATES; CERTAIN FUNDS EXEMPTED. A. This chapter shall not apply to any property that has been presumed abandoned or escheated under the laws of another state prior to the effective date of this chapter.

B. All funds the disposition of which is provided for under the terms of section 8, article 11, of the constitution of Arizona, shall be exempt from the provisions of section 44-367, and shall be deposited, when collected under the provisions of this chapter or otherwise, in the permanent school fund.

44-377. UNIFORMITY OF INTERPRETATION. This chapter shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

44-378. SHORT TITLE. This chapter may be cited as the Uniform Disposition of Unclaimed Property Act.

Approved by the Governor—April 13, 1956.

Filed in the Office of the Secretary of State—April 14, 1956.

CHAPTER 127

Senate Bill No. 116

AN ACT

RELATING TO THE ARIZONA STATE HIGHWAY COMMISSION; PRESCRIBING THE SALARY AND NUMBER OF MEETINGS THEREOF, AND AMENDING SECTIONS 18-102 AND 18-104, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 18-102, Arizona Revised Statutes, is amended to read:

18-102. HIGHWAY DEPARTMENT AND HIGHWAY COMMISSION; HIGHWAY DISTRICTS; MEMBERS; QUALIFICATIONS; VACANCIES; COMPENSATION. A. The highways of the state shall be administered by the highway department. Control of the department is vested in the highway commission.

B. The highway commission shall consist of five members, one from each of the five highway districts into which the state is divided, as follows:

1. First district, Maricopa and Yuma counties.

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

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

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

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

C. The governor shall appoint a member of the commission, with the advice and consent of the senate, for a term of five years upon the expiration of a term of office of a member. An appointment to fill a vacancy in office other than by expiration of term shall be for the unexpired term of the office in which the vacancy occurs.

D. A person shall not be qualified to be a member of the commission who has not been a resident and taxpayer of the state and county from which he is chosen for at least five years immediately prior to his appointment.

E. A member shall not be appointed from the same county two terms in succession. If a highway district includes two or more counties the appointment of members for the district

shall be rotated so that no county will have a successive appointment.

F. If a member removes to another county in the same district which is not entitled to have a member at the time, or to another district, his office shall become vacant.

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

Sec. 2. Sec. 18-104, Arizona Revised Statutes, is amended to read:

18-104. PERMANENT OFFICES; CHAIRMAN OF COMMISSION; MEETINGS. A. Permanent offices of the commission shall be maintained in the building of the department.

B. The commission may meet, when necessary, at any place within the state and perform all functions and duties with like effect as if performed at its permanent offices. The commission shall meet at its offices for the purpose of organizing on January 31 of each year, and shall meet at its offices not less than five days in each calendar month for the purpose of carrying out its functions and duties.

C. The commissioner having the shortest time to serve, and not holding his office to fill a vacancy, shall be chairman and shall preside at all sessions. In case of absence of the chairman, the commissioner having, in like manner, the shortest term to serve, and not holding office to fill a vacancy, shall preside.

D. The commission shall hold other regular meetings as it may determine. Special meetings may be called by the chairman, with the concurrence of not less than two members, or by the secretary, with the consent and approval of not less than three members. The concurrence, consent and approval shall be in writing or by telegraph.

E. The concurrence of a majority of all members is necessary for the authorization of any action.

Approved by the Governor—April 13, 1956.

Filed in the Office of the Secretary of State—April 14, 1956.

CHAPTER 128

House Bill No. 345

AN ACT

MAKING AN APPROPRIATION TO THE STATE HIGHWAY DEPARTMENT.

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

Section 1. APPROPRIATION. In addition to the sum appropriated to the state highway department under the provisions of subdivision 75, section 1, chapter 139, Laws of 1955, there is appropriated from the state highway fund to the state highway department the sum of thirty-five thousand dollars.

Sec. 2. PURPOSE. The purpose of this act is to authorize the construction of a building in the vicinity of Globe, Arizona, on property now owned by the state of Arizona, to be occupied by the various divisions of the state highway department.

Approved by the Governor—April 13, 1956.

Filed in the Office of the Secretary of State—April 14, 1956.

CHAPTER 129

Senate Bill No. 50

AN ACT

RELATING TO LEGISLATIVE ACTIONS; PROVIDING FOR THE CONTENTS, COMPLETION, PUBLICATION, DISTRIBUTION AND REVISION OF THE ARIZONA REVISED STATUTES, SESSION LAWS, AND THE LEGISLATIVE JOURNALS; REPEALING SECTION 41-123, ARIZONA REVISED STATUTES; AMENDING SECTION 41-121, ARIZONA REVISED STATUTES; AMENDING ARTICLE 1, CHAPTER 4, TITLE 41, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-706.01; AMENDING ARTICLE 1, CHAPTER 8, TITLE 41, ARIZONA REVISED STATUTES, BY ADDING SEC-

TIONS 41-1304.01 AND 41-1304.02, AND MAKING AN APPROPRIATION.

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

Section 1. AUTHORIZATION FOR AND FORM OF CONTRACT. The governor shall enter into a contract with the West Publishing Company for the publication of the Arizona Revised Statutes with appropriate supplementary material, including a full index and annotations. The contract shall be in substantially the following form:

CONTRACT

ARIZONA REVISED STATUTES

WHEREAS, Arizona Laws 1951, Chapter 103, and Laws 1953, Chapter 1, as amended by Laws 1954, Chapter 43 and Laws 1955, Chapter 1, created the Arizona Code Commission and authorized the Commission to prepare a thorough and complete revision and codification of the laws of the State of Arizona;

WHEREAS, the revision and codification of the laws of the State of Arizona prepared by the Arizona Code Commission has been enacted into law as the Arizona Revised Statutes at the Third Special Session of the Twenty-second Legislature;

WHEREAS, the Director of the Department of Library and Archives is authorized and required by law to make distribution of the statutes of the State of Arizona to officers, departments, judges and other agencies of the State:

THEREFORE, this Contract is made between WEST PUBLISHING COMPANY of St. Paul, Minnesota, a Minnesota corporation, First Party, and the State of Arizona acting through its Governor, Second Party, in consideration of the mutual covenants and conditions set forth herein, for the editing, preparation, printing and publication of Arizona Revised Statutes according to the following specifications:

A. It is mutually agreed that Arizona Revised Statutes will include:

1. Arizona Revised Statutes enacted by the Twenty-

second Legislation, including Source Notes, Revisor's Notes and Cross References

2. Declaration of Independence

3. Constitution of the United States

4. Enabling Act

5. Election Ordinance No. 2 of the Constitutional Convention

6. Resolution of Congress Admitting the State of Arizona into the Union

7. Proclamation of Admission

8. Constitution of the State of Arizona

9. Treaty of Guadalupe Hidalgo, 1848

10. Gadsden Treaty, 1853

11. Rules of the Supreme Court

12. Rules of Civil Procedure

13. Rules of Criminal Procedure

14. Comparative Tables showing the distribution or other disposition of:

a. Session Laws 1864 to date

b. Revised Statutes 1901

c. Revised Statutes 1913

d. Revised Code 1928

e. Code 1939 and Supplements

15. Laws enacted at the Second Regular Session of the Twenty-second Legislature in 1956

16. Prefatory material, including certification, authenticated by the secretary of state, that the material contained in the Arizona Revised Statutes is a true and correct copy of the laws of Arizona

17. A statement of copyright authority

B. First Party agrees to prepare and include:

1. Annotations in paragraph form covering the reported decisions of the state and federal courts construing and interpreting Arizona laws

2. Historical Notes explaining legislative amendments of the law insofar as affecting personal, property, and vested rights

3. Cross references to related or qualifying laws

4. Detailed and combined general index to the text of the Constitution, the Revised Statutes, the Rules of the Supreme Court, the Rules of Civil Procedure and the Rules of Criminal Procedure

5. Separate indexes to the Constitution of Arizona, the Rules of the Supreme Court, the Rules of Civil Procedure and the Rules of Criminal Procedure

6. References to Comparative Legislation in other states in instances where Arizona laws were derived or taken from such other states.

C. First Party, further, agrees to:

1. Print and publish Arizona Revised Statutes in approximately twenty volumes per set, in accordance with the following specifications:

a. Text of Sections: 10 Point Century Expanded on a 12 Point Base and a 28 Pica Line

b. Notes and Annotations: 8 Point No. 1 Roman with Gothic on a 9 Point Base and 13½ Pica Line

c. Index: 8 Point No. 1 with Gothic No. 4 on a 9 Point Base and a 28 em Line

d. Length of Type Page: 48 Picas

e. Outside Cover Dimensions: 10¼ by 7 inches, with Heavy Binders' Board

f. Page Trim Size: 10 inches by 6¾ inches

2. Print each volume on best grade English finish book paper, opaque, 45-pound or better

3. Bind each volume in best grade blue DuPont fabrikoid stamped with genuine gold lettering, with fish glue usedin joints, and back stitching to permit each volume to open flat

4. Equip each volume for pocket part supplementation

5. Print and deliver two thousand sets of Arizona Revised Statutes to the Director of the Department of Library and Archives, with shipping charges prepaid, at

Phoenix, Arizona, on or before one year from the date of the execution of this Contract

D. Second Party agrees:

1. That the Department of Library and Archives will purchase two thousand sets of Arizona Revised Statutes from the First Party

2. That the State of Arizona acting through the Department of Library and Archives will pay to the First Party the sum of three hundred fifty thousand dollars, as follows:

a. Thirty-five thousand dollars upon the execution of this Contract

b. One hundred five thousand dollars on August 1, 1956

c. One hundred five thousand dollars on October 1, 1956

d. The balance of one hundred five thousand dollars upon the completion of the delivery of the two thousand sets of the Arizona Revised Statutes to the Director of the Department of Library and Archives at Phoenix, Arizona

3. To prepare and supply to the First Party:

a. An authenticated copy of the Constitution of the State of Arizona as amended to date

b. Prefatory material, including a certification, authenticated by the secretary of state, that the material contained in the Arizona Revised Statutes is a true and correct copy of the laws of Arizona

c. A statement of copyright authority

d. The Comparative Tables listed in Item 14 of Subdivision A of this Contract

e. Authentic copies of all laws enacted at the Second Regular Session of the Twenty-second Legislature in 1956

E. It is further understood and agreed:

1. That the First Party shall have the right of private sale of sets of Arizona Revised Statutes in and outside of the State of Arizona

2. That the right of private sale reserved to the First Party shall not impair the right of the State of Arizona

or any of its agencies to exchange sets of Arizona Revised Statutes with other State or Federal agencies or to make distribution of such Statutes as authorized by law.

3. The First Party reserves the right to copyright in its name the Annotations and Indexes in Arizona Revised Statutes

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EXECUTED BY THE DULY AUTHORIZED PARTIES

HERETO THIS DAY OF , 1956.

WEST PUBLISHING COMPANY

_____
President

_____
Secretary

Sec. 2. SUPPLEMENTARY MATERIAL. The director of the Arizona legislative council shall cause to be prepared additional supplementary material to the Arizona Revised Statutes to be included with the publication thereof, as follows:

1. Compilation of the Arizona constitution with amendments.

2. A set of comparative tables for reference to prior codes.

3. Integration of the session laws of the second regular session of the twenty-second legislature.

4. Prefatory material, including a certification, authenticated by the secretary of state, that the material contained in the Arizona Revised Statutes is a true and correct copy of the laws of Arizona.

5. A statement of copyright authority.

Sec. 3. Sec. 41-121, Arizona Revised Statutes, is amended to read:

41-121. Duties. A. The secretary of state shall:

1. Attend sessions of the legislature to receive bills and resolutions thereof, and to perform such other duties as devolve upon him by resolution of the two houses, or either of them.

2. Keep a register of and attest the official acts of the governor.

3. Affix the great seal, with his attestation, to public instruments to which the official signature of the governor is attached.

4. Record in proper books all conveyances made to the state, except conveyances made under the revenue laws of lands sold for taxes.

5. Receive and record in proper books the official bonds of all state officers, and keep the original on file in his office.

6. Take and file in his office receipts for all books distributed by him, and direct the county recorder of each county to do the same.

7. Certify to the governor the names of those persons who have received at any election the highest number of votes for any office, the incumbent of which is commissioned by the governor.

8. Furnish on demand to any person paying the fees therefor, a certified copy of all or any part of any law, record or other instrument in his office.

9. Cause to be printed, at the earliest practicable day after final adjournment of each session of the legislature:

(a) In a separate volume or volumes, copies of all laws passed and memorials and resolutions adopted at the session.

(b) In separate volumes, the journals kept by the senate and the house of representatives at the session.

10. Keep a fee book of fees and compensation of whatever kind and nature earned, collected or charged by him, with the date, name of payer and the nature of the service in each case. The fee book shall be verified annually his his affidavit entered therein.

11. Perform other duties imposed upon him by law.

12. Report to the governor on January 2 each year, and at such other times as provided by law, a detailed account of his official actions taken since his previous report together with a detailed statement of the manner in which all appropriations for his office have been expended.

13. Safely keep in his office all original acts and joint resolutions of the legislature and cause them to be bound in suitable and convenient volumes.

B. The secretary of state shall be charged with custody of the journals of the legislature, and all books, records, deeds and papers deposited in his office pursuant to law.

C. The session laws and journals printed in accordance with the provisions of paragraph 9, subsection A of this section, shall be delivered to the director of the department of library and archives and shall not exceed by two hundred the number required to be distributed by the director under the provisions of section 41-706.01 which number shall be certified to the secretary of state by the director of the department of library and archives.

Sec. 4. Article 1, chapter 4, title 41, Arizona Revised Statutes, is amended by adding section 41-706.01, to read:

41-706.01. DISTRIBUTION OF SESSION LAWS, JOURNALS, COMPILATION OR REVISION OF LAWS AND SUPPLEMENTS; REPORT; SALE OF SESSION LAWS AND JOURNALS. A. Upon receipt of the printed copies of the session laws and journals delivered pursuant to section 41-121, and upon publication of an official compilation or revision of the laws of the state of Arizona, or an official supplement thereto, copies of which are supplied by law for distribution, the director of the department of library and archives shall, subject to the provisions of subsection B of this section, supply one copy thereof to:

1. Each justice of the peace and each municipal court or police court, the copies for whom shall be distributed by the county recorders of the several counties.

2. Each county officer other than the members and clerk of the board of supervisors.

3. The board of supervisors, and each member thereof.

4. The law library and each professor of law of the university of Arizona.

5. Each junior college supported wholly or in part by state aid.

6. Each judge and the clerk of the United States district court for the district of Arizona, and the United States attorney and United States marshal for that district.

7. Each senator and representative in congress from this state.

8. Each public library in the state which applies therefor.

9. Each judge of the superior court.

B. Copies of the session laws and journals shall be supplied to persons specified in subsection A of this section only upon certification by such person that they are necessary.

C. In addition to the distribution prescribed by subsections A and B of this section, the director of the department of library and archives shall issue, on a loan basis only, one copy of the session laws, journals, compilations, revisions or official supplements to each member of the legislature, and shall issue, on a loan basis only, such number of copies thereof as each of the following may certify are necessary to the proper conduct of his office and as the director of the department of library and archives shall approve:

1. Each official of the executive department of the state.

2. The chief officer of each commission, board, agency and department of the state government.

3. The state highway engineer.

4. Each judge and the clerk of the supreme court.

5. The director of the legislative council.

6. The secretary of the senate.

7. The chief clerk of the house of representatives.

8. The president of the university of Arizona and of each state college.

D. The clerk of the board of supervisors of each county shall, within one month after adjournment of each regular or special session of the legislature, supply the department of library and archives with the names and addresses of all officers of the county entitled to receive a copy of the session laws, journals, compilation or revision, or an official supplement thereto, of the laws of the state of Arizona.

E. The director of the department of library and archives may exchange copies of the session laws, journals and sets of the compilation, revision of or official supplement to the laws of the state of Arizona with other states, territories, the United States and foreign countries, as may be required, pursuant to the provisions of section 41-706, and the department of

library and archives shall supply to the law library of the university of Arizona for the purpose of exchange with law school libraries of other states and territories, and for such other uses as may be required in the conduct of the law school, such number of copies of the session laws, journals, and sets of the compilation, revision or supplements thereto, not to exceed sixty, as the librarian thereof may request.

F. The title to all copies of session laws, journals, compilations, revisions and supplements referred to in this section shall remain in the state of Arizona, and the director of the department of library and archives shall indelibly mark each book delivered under the provisions of this section, except those for exchange purposes, with the name of the state of Arizona, and each book delivered to an officer or official of this state shall be indelibly marked with the name of the county and the designation of the office wherein the book is to be used.

G. Worn or obsolete books issued to state, county or other officials under this section shall be destroyed or replaced only upon approval of the director of the department of library and archives, under such regulations as the director may prescribe.

H. The director may sell printed copies of each of the session laws and journals for an amount not less than fifty cents plus the cost of printing and publishing each copy.

I. The director of the department of library and archives shall submit to the legislature, at each regular session thereof, a list of the number of copies of the session laws, journals, Arizona Revised Statutes, compilations, revisions or official supplements certified by each person listed under the provisions of paragraphs 1 through 8, in subsection C of this section, as necessary to the proper conduct of his office, together with such recommendations and other data as the director deems advisable.

Sec. 5. Article 1, chapter 8, title 41, Arizona Revised Statutes, is amended by adding section 41-1304.01, to read:

41-1304.01. CONTINUING CODE REVISION. The director of the Arizona legislative council shall provide for:

1. The preparation and submission to the legislature, prior to each regular session thereof, a report as to defects in the constitution and laws of Arizona, and the drafting, in the form of bills and resolutions of proposed legislation to carry out the recommendations contained in the report.

2. The preparation for submission to the legislature, from

time to time, of a rewriting and revision, title by title, chapter by chapter or article by article, in simplified style and phraseology, of the various titles of the Arizona Revised Statutes.

3. The editing and arranging for publication of annotations of decisions of the supreme court of Arizona.

4. The preparations, arranging and correlation for publication, at the end of each legislative session, the laws enacted during the session.

Sec. 6. Article 1, chapter 8, title 41, Arizona Revised Statutes, is amended by adding section 41-1304.02, to read:

41-1304.02. LIMITATIONS ON REVISION. The director of the Arizona legislative council, in carrying out the provisions of paragraph 4, section 41-1304.01, shall not alter the sense, meaning or effect of any act of the legislature, but may renumber sections and parts of sections; rearrange sections, articles, chapters and titles; change reference numbers to agree with renumbered sections, articles, chapters or titles; substitute the proper section, article, chapter or title for the terms "the preceding section", "this article", "this act" and like terms; strike out figures where they are merely a repetition of written words; change capitalization for the purpose of uniformity, and correct manifest clerical or typographical errors. The director shall omit all temporary laws, all titles to acts, all enacting and repealing clauses, all declarations of emergency, and all purpose, validity and construction clauses unless, from their nature, it may be necessary to retain some of them to preserve the full meaning and intent of the law. The director shall not undertake to make any change of existing laws, it being the intention of this section that the director shall in no manner assume to exercise legislative power.

Sec. 7. APPROPRIATION. A. The sum of three hundred fifty thousand dollars is appropriated to the department of library and archives for the purpose of meeting the contractual obligation incurred by the state of Arizona under the provisions of section 1, and shall be payable by the department of library and archives to the West Publishing Company as follows:

1. Thirty-five thousand dollars upon the execution of the contract set forth in section 1.

2. One hundred five thousand dollars on August 1, 1956.

3. One hundred five thousand dollars on October 1, 1956.

4. The balance of one hundred five thousand dollars upon

the completion of the delivery of the two thousand sets of the Arizona Revised Statutes to the director of the department of library and archives at Phoenix, Arizona.

B. The appropriation made under the terms of subsection A is exempt from the provisions of sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsation of appropriations.

Sec. 8. REPEAL. Section 41-123, Arizona Revised Statutes, is repealed.

Sec. 9. DISTRIBUTION OF ANNOTATED COPIES OF ARIZONA REVISED STATUTES TO MEMBERS OF THE TWENTY-SECOND LEGISLATURE. Anything in this act to the contrary notwithstanding, the director of the department of library and archives is authorized and directed to deliver to each member of the twenty-second legislature as soon as available one annotated copy of the Arizona Revised Statutes.

Sec. 10. 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—April 16, 1956.

Filed in the Office of the Scretary of State—April 16, 1956.

CHAPTER 130

Senate Bill No. 99

AN ACT

RELATING TO FLOOD CONTROL; EMPOWERING GRAHAM AND GILA COUNTIES AND THE TOWNS OF SAFFORD AND THATCHER TO TAKE SUCH ACTION AS MAY BE NECESSARY TO COOPERATE WITH THE UNITED STATES IN THE CONSTRUCTION OF FLOOD CONTROL WORKS; LIMITATIONS, AND AMENDING CHAPTER 10, ARTICLE 2, TITLE 45, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 45-2324 AND 45-2325.

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

Section 1. Chapter 10, article 2, title 45, Arizona Revised Statutes, is amended by adding section 45-2324, to read:

45-2324. POWER OF GRAHAM AND GILA COUNTIES AND THE TOWNS OF SAFFORD AND THATCHER TO COOPERATE WITH THE UNITED STATES IN FLOOD CONTROL PROJECTS. A. The board of supervisors of Graham and Gila counties and the governing bodies of the towns of Safford and Thatcher 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, Graham and Gila counties and the towns of Safford and Thatcher 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. 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. Chapter 10, article 2, title 45, Arizona Revised Statutes, is amended by adding section 45-2325, to read:

45-2325. LIMITATIONS ON POWERS. Notwithstanding anything to the contrary herein set forth, neither the boards of supervisors of Graham or Gila counties nor the governing bodies of the towns of Safford or Thatcher shall exercise any power or authority granted by section 45-2324, 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.

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—April 16, 1956.

Filed in the Office of the Secretary of State—April 16, 1956.

CHAPTER 131

House Bill No. 52

AN ACT

RELATING TO EDUCATION; PRESCRIBING THE METHOD OF CHANGING SCHOOL DISTRICT BOUNDARIES, AND AMENDING SECTION 15-403, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 15-403, Arizona Revised Statutes, is amended to read:

15-403. CHANGE OF DISTRICT BOUNDARIES. A. When ten or more qualified school electors residing in a district desire that the boundaries of the district be changed in such a manner as to include therein any unorganized territory, or

that the boundaries be diminished, they may present a petition to the county school superintendent setting forth the change of boundaries desired and the reasons therefor. The superintendent shall approve or disapprove the petition and transmit it to the board of supervisors whose action on the petition shall be final.

B. When ten per cent of all the owners of real property within a school district who are qualified school electors of that school district desire that the boundaries of the district be changed in such a manner as to include any part of an organized district, they may present a petition to the county school superintendent setting forth the change of boundaries desired and the reasons therefor. The superintendent shall approve or disapprove the petition within thirty days after receipt thereof and transmit it to the board of supervisors. The board shall approve or disapprove the petition within thirty days after receipt thereof and if disapproved its action shall be final. Notice of its action shall be given by the board to the county school superintendent and the clerks of the boards of trustees of the affected districts.

C. If the board approves the petition, the clerks of the affected districts shall cause the question of the approval or disapproval of the petition to be submitted for vote to the qualified school electors of the affected districts at the next regular election of school trustees if the notice of the action of the board of supervisors is received at least thirty days prior to such election, and if not so received then the question shall be presented for vote at the next succeeding regular election of trustees.

D. The clerks of the boards of trustees of the affected districts shall cause the question to be printed on the ballots in substantially the following form:

"Shall ———————— (describing the area) be permitted to join (or separate from) this district?"

E. If a majority of the persons voting within each district vote in favor of the change of boundaries, the change shall become effective from and after the first day of January next following the election.

F. Except as hereinbefore provided, the provisions of article 3, chapter 4 of this title relating to the conduct of election of trustees shall apply to the election provided for in this section.

Sec. 2. Article 1, chapter 4, Arizona Revised Statutes, is amended by adding section 15-403.01, to read:

15-403.01. ANNEXATION OF SUBDIVISION OUTSIDE CITY LIMITS TO SCHOOL DISTRICT OF CITY. When a subdivision of a city or incorporated town lies outside the school district including the city or town, fifty-one per cent of the owners of real property who are qualified school electors of the subdivision may present a petition to the trustees of the district which they desire to leave and to the trustees of the district to which they desire to be annexed. The petitions shall set forth accurately the boundaries of the territory proposed to be annexed. If approved by both boards of trustees, the petition shall be transmitted with their endorsement to the county superintendent, who shall make his records of boundaries conform and so notify the board of supervisors. On and after July 1 following, the subdivision shall be a part of the city or incorporated town district.

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.

(Failed to pass the House with sufficient votes to carry the emergency clause.)

Approved by the Governor—April 16, 1956.

Filed in the Office of the Secretary of State—April 17, 1956.

CHAPTER 132

House Bill No. 88

AN ACT

RELATING TO PUBLIC FINANCES; PROVIDING FOR THE ALLOTMENT OF APPROPRIATIONS, AND AMENDING SECTION 35-173, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 35-173, Arizona Revised Statutes, is amended to read:

35-173. ALLOTMENT OF APPROPRIATIONS; LIMITATIONS; EXCEPTIONS. A. When an appropriation is

authorized, and before any obligation thereon is incurred, the head of the budget unit to which the appropriation is made shall prepare an allotment request furnished by the auditor, subdividing the appropriation to coincide with the classes and subclasses of expenditures employed in the accounts of the auditor, and the auditor shall allot the appropriation accordingly.

B. No allotment or expenditure shall be made for an object not within the purpose of the appropriation, and nothing in this chapter shall be construed to authorize the expenditure of an appropriation for a purpose other than for which it was made.

C. No allotment in excess of one-fourth of the annual appropriation for current expenditures shall be made in any fiscal quarter, but appropriations for current charges and out-of-state travel may be allotted as the need therefor arises.

D. Appropriations for capital outlay, fixed charges, redemption of debt and appropriations other than for fiscal years shall be allotted as needed.

E. The provisions of this section shall not apply to the university and state colleges.

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.)

Approved by the Governor—April 16, 1956.

Filed in the Office of the Secretary of State—April 17, 1956.

CHAPTER 133

House Bill No. 97

AN ACT

RELATING TO PESTICIDES, AND AMENDING SECTIONS 3-354 AND 3-356, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 3-354, Arizona Revised Statutes, is amended to read:

3-354. CEASE AND DESIST AND STOP SALE, USE OR REMOVAL ORDERS; CONDEMNATION AND DESTRUCTION OR SALE OF NONCOMPLYING PESTICIDES OR DEVICES. A. When the state chemist finds from investigation made by him, that any pesticide or device being distributed, sold or offered for sale within this state or delivered for transportation or transported in intrastate commerce or between points within the state through any point outside this state does not meet the requirements of this article as follows, he shall take the action prescribed by subsection B of this section:

1. In the case of a pesticide:

(a) If it is adulterated or misbranded.

(b) If it has not been registered under the provisions of section 3-351.

(c) If it fails to bear on its label the information required by this article.

(d) If it is a white powder pesticide and is not colored as required under this article.

2. In the case of a device, if it is misbranded.

B. Upon the discovery of any of the facts set forth in subsection A of this section:

1. The state chemist shall forthwith serve the person violating any provisions of this article by registered mail with a cease and desist order requiring such person forthwith, upon receipt of such notice, to cease and desist such violation.

2. The state chemist may issue and serve a written "stop sale, use or removal" order upon the owner or custodian of any pesticide or device which he finds to be adulterated or misbranded within the meaning of this article. The pesticide or device shall not be sold, used or removed until the provisions of this article have been complied with and the pesticide or device has been released in writing by the state chemist or the violation has been otherwise disposed of as provided in this article by a court of competent jurisdiction.

3. If upon discovery by the state chemist of any adulterated or misbranded pesticide or device, the owner or custodian is not available for service of the order upon him, the state chemist may attach the order to the pesticide or device

and the pesticide or device shall not be sold, used or removed until the provisions of this article have been complied with and the pesticide or device has been released in writing by the state chemist or the violation has been otherwise disposed of as provided in this article by a court of competent jurisdiction.

C. After service is made upon any person of a cease and desist or a stop sale, use or removal order, either that person or the state chemist may file an action in the superior court of the county in which a violation of this article is alleged to have occurred for an adjudication of the alleged violation. The court in such action may issue temporary or permanent injunctions, mandatory or restraining, and such intermediate orders as it deems necessary or advisable. The court may order condemnation of any pesticide or device which does not meet the requirements of this article. The action shall be tried de novo.

D. If the article is condemned, it shall, after entry of decree, be disposed of by destruction or sale as the court directs, and the proceeds, if such article is sold, less legal costs, shall be paid into the pesticide fund. Upon payment of costs and execution and delivery of a good and sufficient bond conditioned that the article shall not be disposed of unlawfully, the court may direct that the article be delivered to the owner thereof for relabeling or reprocessing as the case may be.

E. When a decree of condemnation is entered against the article, court costs, fees and storage and other proper expenses shall be awarded against the person, if any, intervening as claimant of the article.

Sec. 2. Sec. 3-356, Arizona Revised Statutes, is amended to read:

3-356. VIOLATIONS; PENALTIES. A. Any person violating paragraph 1 of subsection A of section 3-352 is guilty of a misdemeanor punishable by a fine of not less than one hundred nor more than three hundred dollars.

B. Any person violating any provision of this article other than paragraph 1 of subsection A of section 3-352 is guilty of a misdemeanor punishable by a fine of not more than one hundred dollars for the first offense and by a fine of not less than three hundred nor more than one thousand dollars for each subsequent offense, but any offense committed more than five years after a previous conviction shall be considered

a first offense. In any instance where a registrant was issued a warning by the state chemist pursuant to the provisions of this article, such registrant shall upon conviction of a violation of any provision of this article other than paragraph 1 of subsection A of section 3-352 be punished by a fine of not less than five hundred nor more than one thousand dollars, by imprisonment in the county jail for not more than one year, or both.

C. The registration of any article with reference to which a violation of this article occurred shall terminate automatically. An article, the registration of which has been terminated, may not again be registered unless the article, its labeling and other material required to be submitted appear to the state chemist to comply with all the requirements of this article.

D. The state chemist may apply for and the court may grant a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this article or any rule or regulation promulgated under this article notwithstanding the existence of other remedies at law.

E. Notwithstanding any other provisions of this section, if any person, with intent to defraud, uses or reveals information relative to formulas of products acquired under authority of section 3-351, he shall be punished by a fine of not more than one thousand dollars, by imprisonment in the county jail for not more than one year, or both.

Approved by the Governor—April 16, 1956.

Filed in the Office of the Secretary of State—April 17, 1956.

CHAPTER 134

House Bill No. 197

AN ACT

RELATING TO EDUCATION; DEFINING POWERS AND DUTIES OF BOARDS OF TRUSTEES, AND AMENDING SECTIONS 15-441 AND 15-444, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 15-441, Arizona Revised Statutes, is amended to read:

15-441. RULE-MAKING AUTHORITY; PURCHASE OF INSURANCE. A. 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.

B. The board may purchase public liability and property damage insurance covering school bus drivers while driving school busses.

C. The board 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. 15-444, Arizona Revised Statutes, is amended to read:

15-444. SUPERINTENDENTS, PRINCIPALS AND HEAD TEACHERS. A. Boards of trustees may:

1. In districts having an average daily attendance of three hundred or more, employ a superintendent or principal or both.

2. In a district having five or more teachers, employ a principal.

3. In a district having less than five teachers, appoint a head teacher.

4. Jointly employ a superintendent or a principal, or both, if the combined average daily attendance of the districts employing the superintendent or principal meets the requirements of paragraphs 1 and 2 of this section.

5. Reasonable travel expenses may be paid to a superintendent or principal when traveling on school business upon order of a majority of the board.

B. The term of employment of superintendents or principals may be for any period not exceeding four years.

Approved by the Governor—April 16, 1956.

Filed in the Office of the Secretary of State—April 17, 1956.

CHAPTER 135

House Bill No. 263

AN ACT

RELATING TO ADULT PROBATION; PRESCRIBING THE COMPENSATION OF THE ADULT PROBATION OFFICER, HIS DEPUTIES AND ASSISTANTS, AND AMENDING SECTION 12-252, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 12-252, Arizona Revised Statutes, is amended to read:

12-252. SALARIES AND EXPENSES. A. The salary of the adult probation officer and of each deputy or assistant shall be fixed by the judge making the appointment, but in no instance shall the salary of the adult probation officer exceed fifty-four hundred dollars per annum, nor shall the salary of a deputy or assistant exceed fifty-one hundred dollars per annum.

B. The actual expenses of any officer, deputy or assistant, incurred in performance of his duty or in the execution of the orders of the court shall, when approved by the judge or judges of the criminal division of the superior court, be paid as other county charges.

Approved by the Governor—April 16, 1956.

Filed in the Office of the Secretary of State—April 17, 1956.

CHAPTER 136

House Bill No. 281

AN ACT

RELATING TO COUNTY OFFICERS; PRESCRIBING THE SALARIES THEREOF, AND AMENDING SECTIONS 11-418 TO 11-422, INCLUSIVE, ARIZONA REVISED STATUTES.

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

Section 1. Sections 11-418 to 11-422, inclusive, Arizona Revised Statutes, are 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 over 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. Asessor, 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, three thousand six 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, three thousand six hundred dollars.

7. Deputy superintendent of schools, three thousand six hundred dollars.

11-419. SALARIES OF DEPUTY COUNTY ATTORNEYS IN FIRST CLASS COUNTIES WITH POPULATION OF ONE HUNDRED THOUSAND OR MORE. 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, the county attorney's deputies shall be appointed in the following grades and they shall receive salaries not to exceed the following:

1. Deputy county attorney, grade 1, nine thousand two hundred sixteen dollars.

2. Deputy county attorney, grade 2, eight thousand six hundred dollars.

3. Deputy county attorney, grade 3, eight thousand dollars.

4. Deputy county attorney, grade 4, seven thousand five hundred dollars.

5. Deputy county attorney, grade 5, six thousand six hundred dollars.

6. Deputy county attorney, grade 6, five thousand two hundred eighty dollars.

11-420. SALARIES IN COUNTIES OF THE SECOND CLASS. A. In a county of the second class, county officers shall receive the following annual salaries:

1. Sheriff, seven thousand two hundred dollars.

2. Clerk of the superior court, five thousand nine hundred dollars.

3. Recorder, five thousand nine hundred dollars.

4. Treasurer and ex officio tax collector, five thousand nine hundred dollars.

5. Assessor, five thousand nine hundred dollars.

6. County attorney, six thousand four hundred eighty dollars.

7. Superintendent of schools, five thousand nine hundred dollars.

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

9. Members of the board other than the chairman, three thousand two hundred forty dollars.

B. Each of the officers named in subsection A, other than the board of supervisors, if so authorized by 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.

11-421. SALARIES IN COUNTIES OF THE THIRD CLASS.

A. In a county of the third class, county officers shall receive the following annual salaries:

1. Sheriff, seven thousand two hundred dollars.

2. Clerk of the superior court, five thousand nine hundred dollars.

3. Recorder, five thousand nine hundred dollars.

4. Treasurer and ex officio tax collector, five thousand nine hundred dollars.

5. County attorney, six thousand four hundred eighty dollars.

6. Assessor, five thousand nine hundred dollars.

7. Superintendent of schools, five thousand nine hundred dollars.

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

9. Members of the board other than the chairman, three thousand two hundred forty dollars each.

B. Each of the officers named in subsection A, other than the board of supervisors, if so authorized by 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.

11-422. SALARY OF CLERK OF THE BOARD. A. The board of supervisors in counties of the first class shall appoint a clerk to receive a salary not to exceed six thousand four hundred eighty dollars per annum.

B. The board in counties of the second and third class shall appoint a clerk to receive a salary not to exceed five thousand seven hundred sixty dollars per annum.

C. A clerk of a board of supervisors shall not be paid compensation other than the salary provided by this section, but the clerk may be reimbursed for his actual necessary expenses incurred under order of the board in the performance of his duties.

Approved by the Governor—April 16, 1956.

Filed in the Office of the Secretary of State—April 17, 1956.

CHAPTER 137

House Bill No. 294

AN ACT

RELATING TO EMINENT DOMAIN FOR PUBLIC WORKS; PROVIDING FOR NOTICE OF PROCEEDINGS, AND AMENDING SECTION 12-1145, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 12-1145, Arizona Revised Statutes, is amended to read:

12-1145. NOTICE OF PROCEEDINGS; EFFECT OF FILING NOTICE. A. Notice of the action shall be given by one publication in a newspaper having a general circulation in each county in which any part of the property sought to be condemned is located. The notice shall be published at least twenty and not more than thirty days prior to the date set for the hearing on the validity of the proceedings. The notice shall be in substantially the following form:

"TO WHOM IT MAY CONCERN:

Notice is hereby given that . . . . (here insert name of plaintiff) has filed a complaint in the above court under the laws relating to the condemnation of real property for public works projects to acquire by condemnation for . . . . (here give brief general description of the public works project for which the land is sought to be acquired), the following described land:

(Here describe the land sufficiently for identification thereof. The description may be by a plat or map.)

Notice is further given that on . . . . (here insert date of hearing, which must be at least twenty days and not more than thirty days after the date of publication) there will be a hearing in this court, at the opening thereof, for the following purposes:

1. To determine the validity of the action and the right of plaintiff, if it so elects, to take title to and possession of such property prior to final judgment, as authorized by A.R.S., section 12-1155, and any persons having an interest in or lien upon the above described property shall be deemed to have waived their rights thereafter to object to the court's decision with respect to such issue, unless prior to that date they have filed

in writing with the clerk of the court their objection thereto.

2. To consider the appointment of a special master to determine the compensation to be awarded for such property and the persons entitled thereto, unless written demand for a jury is filed with the court before the date of hearing, in which event the compensation to be awarded to the person filing such demand shall be ascertained by jury trial and not by special master.

3. Fixing the date and place at which the special master will hear and determine the compensation to be paid for such property and the person entitled thereto.

Notice is further given that all claims or demands for compensation because of the taking and condemnation of such property shall be filed with the above court before . . . . (here insert a date fifteen days after the date above specified for the court hearing), or the compensation will be deemed waived.

Dated the ..... day of .....

.....
Clerk of the court"

B. Notice of the action shall also be given:

1. By posting a copy of the notice in conspicuous places on the real property sought to be condemned.

2. By filing a copy of the notice in the office of the clerk of the court in which such proceedings are pending.

3. By filing, in the same manner as lis pendens is filed, a copy of the notice in the office of the county recorder in each county in which any part of the real property is located.

C. The publication, posting and filing shall constitute legal and sufficient notice of the action to all persons having any interest in or lien upon the property described in the notice. Filing of the notice in the office of the county recorder shall be constructive notice of the proceedings to all persons who subsequently acquired an interest in or lien upon the property, and plaintiff shall take all property condemned under this article free of the claims of such persons.

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—April 16, 1956.

Filed in the Office of the Secretary of State—April 17, 1956.

CHAPTER 138

House Bill No. 299

AN ACT

RELATING TO THE LEGISLATURE: PROVIDING FOR THE PRINTING OF THE SESSION LAWS OF THE SPECIAL SESSIONS OF THE TWENTY-SECOND LEGISLATURE NOT HERETOFORE PRINTED, AND MAKING AN APPROPRIATION.

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

Section 1. AUTHORIZATION FOR PRINTING. The secretary of state is directed to deliver to the printer at the earliest day practicable all laws and resolutions passed by the special sessions of the twenty-second legislature and not heretofore printed, but the bill enacted by the third special session of the twenty-second legislature to revise and re-codify the laws of Arizona shall not be printed as a session law except for the title and article 1, chapter 1, title 1, Arizona Revised Statutes, provision having been made for the printing of the same as a code.

Sec. 2. APPROPRIATION. The sum of two thousand five hundred dollars is appropriated to the secretary of state for the purpose of printing the session laws as provided in section 1 of this act.

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—April 16, 1956.

Filed in the Office of the Secretary of State—April 17, 1956.

CHAPTER 139

House Bill No. 300

AN ACT

RELATING TO MINERALS, OIL AND GAS; PROVIDING DEFINITIONS, AND AMENDING SECTIONS 27-501 AND 27-551, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 27-501, Arizona Revised Statutes, is amended to read:

27-501. DEFINITIONS. In this article, unless the context otherwise requires:

1. "Certificate of clearance" means a permit approved and issued or registered by the commissioner for transportation or delivery of oil, gas, or products thereof.

2. "Certificate of compliance" means a certificate issued by the commissioner prior to connection of an oil or gas well with a pipe line, showing compliance with the conservation laws of the state and conservation rules, regulations and orders of the commissioner.

3. "Commissioner" means state land commissioner.

4. "Developed area" or "developed unit" means a drainage unit having a well completed therein capable of producing oil or gas in paying quantities.

5. "Drainage unit" or "drilling unit" means the maximum area in a pool which may be drained efficiently by one well to produce the reasonable maximum amount of recoverable oil or gas in the area.

6. "Field" means the general area which is or appears to be underlaid by not less than one pool, including underground reservoirs containing oil or gas or both.

7. "Fund" means the oil and gas conservation fund.

8. "Gas" means natural gas, including casinghead gas, and all other hydrocarbons not defined as oil, and helium or other substances of a gaseous nature.

9. "Illegal product" means any product derived, in whole or in part, from illegal oil or gas.

10. "Illegal oil" and "illegal gas" means oil or gas produced within the state from any well during any time in which the well has produced in excess of the amount allowed by law or any rule, regulation or order of the commissioner.

11. "Net drainage" means drainage not equalized by counter-drainage.

12. "Oil" means crude petroleum oil and all other hydrocarbons, regardless of gravity, produced at a well in liquid form by ordinary production methods and which are not the result of condensation of gas.

13. "Owner" means the person having the right to drill into, produce, and appropriate production of oil or gas or both from a pool.

14. "Person" includes corporation, association, partnership, receiver, trustee, guardian, executor, administrator, fiduciary, representative, or any group acting as a unit, and includes any department, agency or instrumentality of the state or any governmental subdivision thereof.

15. "Pool" means an underground reservoir containing a common accumulation of oil or gas or both, and includes each zone of a general structure completely separated from any other zone in the structure.

16. "Producer" means the owner of a well capable of producing oil or gas.

17. "Product" means oil, gas, or any product, by-product, mixture or blend thereof.

18. "Reasonable market demand" means the amount of oil reasonably needed for current consumption, use, storage and working stock, within and without the state, or the amount of gas at any type reasonably needed to supply current consumption and use.

19. "Royalty owner" means a person possessing an interest in the production, but who is not an owner.

20. "Waste" means and includes:

(a) Physical waste, as that term is generally understood in the oil and gas industry.

(b) The inefficient, excessive or improper use of, or the unnecessary dissipation of reservoir energy.

(c) The locating, spacing, drilling, equipping, operating or producing of any oil or gas well or wells in a manner which causes or tends to cause reduction in the quantity of oil or gas ultimately recoverable from a pool under prudent and proper operations, or which causes or tends to cause unnecessary or excessive surface loss or destruction of oil or gas.

(d) The inefficient storing of oil.

(e) The production of oil or gas in excess of transportation or marketing facilities or in excess of reasonable market demand.

Sec. 2. Sec. 27-551, Arizona Revised Statutes, is amended to read:

27-551. DEFINITIONS. In this article, unless the context otherwise requires:

1. "Dehydrating" means the removal of water and sands from the oil produced.

2. "Department" means the state land department.

3. "Lease" means an oil and gas lease issued pursuant to the provisions of this article.

4. "Lessee" means the holder of an oil and gas lease issued pursuant to this article and includes any assignee of an original lessee.

5. "Oil and gas" and "oil or gas" includes oil, gas, other hydrocarbon substances, and helium or other substances of a gaseous nature.

6. "Produced" includes the words "procured and produced".

7. "State lands" means any land or any interest therein owned or held in trust or otherwise by the state, including but not limited to leased school or university lands.

8. "Surface lessee" means the holder of a lease on the surface of any state land for grazing, agricultural, commercial or homesite purposes.

9. "Surface lease" means a lease on the surface of any state land for grazing, agricultural, commercial or homesite purposes.

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—April 16, 1956.

Filed in the Office of the Secretary of State—April 17, 1956.

CHAPTER 140

House Bill No. 390

AN ACT

RELATING TO SCHOOL DISTRICT BONDS; VALIDATING BOND ISSUE PROCEEDINGS INITIATED UNDER PRIOR LAW, AND AUTHORIZING THE COMPLETION

OF SUCH PROCEEDINGS UNDER CHAPTER 13, TITLE 15, ARIZONA REVISED STATUTES.

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

Section 1. VALIDATION OF SCHOOL DISTRICT BOND; VALIDATION OF PROCEEDINGS UNDER PRIOR LAW. Duly organized school districts, which have initiated proceedings for the issuance of bonds under prior law, are authorized to conclude such proceedings and shall have the power to secure the payment of such bonds under the provisions of chapter 13, title 15, Arizona Revised Statutes.

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—April 16, 1956.

Filed in the Office of the Secretary of State—April 17, 1956.

CHAPTER 141

Senate Bill No. 40

AN ACT

APPROVING IMMEDIATE EXPENDITURE OF BALANCE OF FUNDS PREVIOUSLY APPROPRIATED TO THE ARIZONA STATE PRISON.

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

Section 1. APPROVAL OF EXPENDITURE OF FUNDS. Approval is given to the Arizona state prison for the immediate expenditure of the balance remaining of the appropriation made to the Arizona state prison under the provisions of chapter 95, laws of 1949, regular session, in the amount of eleven thousand six hundred five dollars, for the purpose of construction of a dormitory at the institute of educational rehabilitation, branch of Arizona state prison.

Sec. 2. EXEMPTION. The sum reallocated under the terms of 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. 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—April 16, 1956.

Filed in the Office of the Secretary of State—April 17, 1956.

CHAPTER 142

Senate Bill No. 97

AN ACT

MAKING AN APPROPRIATION TO THE STATE PRISON.

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

Section 1. APPROPRIATION. In addition to the appropriation made under the terms of section 1, subdivision 38, chapter 139, Laws of 1955, the sum of five thousand dollars is appropriated to the state prison and institute of educational rehabilitation for the purpose of purchasing supplies for the prison farms.

Sec. 2. EXEMPTION. The sum appropriated under the provisions of section 1 is exempt from the terms 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 declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—April 16, 1956.

Filed in the Office of the Secretary of State—April 17, 1956.

CHAPTER 143

Senate Bill No. 111

AN ACT

RELATING TO EDUCATION, AND REPEALING SECTIONS 15-1427 THROUGH 15-1437, INCLUSIVE, ARIZONA REVISED STATUTES.

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

Section 1. REPEAL. Sections 15-1427 through 15-1437, inclusive, Arizona Revised Statutes, are repealed.

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—April 16, 1956.

Filed in the Office of the Secretary of State—April 17, 1956.

CHAPTER 144

Senate Bill No. 192

AN ACT

RELATING TO SALARIES; PROVIDING FOR AN INCREASE IN THE SALARY OF ADMINISTRATIVE OFFICERS, AND AMENDING SECTIONS 38-604 AND 42-103, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 38-604, Arizona Revised Statutes, is amended to read:

38-604. SALARIES OF ADMINISTRATIVE OFFICERS. Notwithstanding any other provision of law to the contrary, administrative officers of the state shall receive the following annual salaries:

1. Members of the Arizona corporation commission, each nine thousand six hundred dollars.

2. Members of the state tax commission, each nine thousand six hundred dollars.

3. Members of the industrial commission, each nine thousand six hundred dollars.

4. State mine inspector, seven thousand two hundred dollars.

Sec. 2. Sec. 42-103, Arizona Revised Statutes, is amended to read:

42-103. SALARY; OATH; BOND. A. Each member of the

tax commission shall receive an annual salary of nine thousand six hundred dollars.

B. The members of the tax commission shall qualify by taking the oath of office and by giving bond to the state in the amount of five thousand dollars.

Approved by the Governor—April 16, 1956.

Filed in the Office of the Secretary of State—April 17, 1956.

CHAPTER 145

House Bill No. 137

AN ACT

RELATING TO CRIMES; PRESCRIBING THE PUNISHMENT WHERE CHECK OR DRAFT IS ISSUED WITH INTENT TO DEFRAUD AND TOTAL AMOUNT IS ONE HUNDRED DOLLARS OR LESS, 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 INSUFFICIENT ACCOUNT WITH INTENT TO DEFRAUD; PUNISHMENT; DEFINITION OF CREDIT. A. A person who, for himself or for another, wilfully, with intent to defraud, makes, draws, utters or delivers to another person a check or draft on a bank or depositary for payment of money, knowing at the time of such making, drawing, uttering or delivery, that he or his principal does not have sufficient funds in, or credit with, such bank or depositary to meet the check or draft 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 greater than one hundred dollars, or, if the check or draft or the total of the checks or drafts amounts to a sum of one hundred dollars or less and the person guilty of the violation has been previously convicted of a violation of this section, by imprisonment in the county jail for not more than

one year, or in the state prison for not more than fourteen years.

2. If the check or draft or the total amount of the checks or drafts amounts to a sum of one hundred dollars or less and the person guilty of the violation has not been previously convicted of a violation of this section, by imprisonment in the county jail for not more than six months.

B. The word "credit" as used in this section shall be construed to be an arrangement or understanding with the bank or depositary for payment of the check or draft.

Approved by the Governor—April 17, 1956.

Filed in the Office of the Secretary of State—April 17, 1956.

CHAPTER 146

Senate Bill No. 70

AN ACT

RELATING TO LIVESTOCK ANIMALS; REGULATING THE SLAUGHTER OF ANIMALS AND THE SALE OF MEAT; CREATING A STATE MEAT INSPECTION SERVICE AND THE OFFICE OF A CHIEF VETERINARY MEAT INSPECTOR; PRESCRIBING ITS POWERS AND DUTIES; PROVIDING PENALTIES; AMENDING CHAPTER 4, TITLE 24, ARIZONA REVISED STATUTES, BY ADDING NEW ARTICLES 1 AND 1.1; AMENDING SECTIONS 24-631 THROUGH 24-634, ARIZONA REVISED STATUTES; AMENDING ARTICLE 2, CHAPTER 4, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 24-635 THROUGH 24-640; AMENDING SECTION 24-963, ARIZONA REVISED STATUTES; AMENDING ARTICLE 4, CHAPTER 7, ARIZONA REVISED STATUTES, BY ADDING SECTION 24-965; REPEALING ARTICLE 1, CHAPTER 4, TITLE 24, ARIZONA REVISED STATUTES, AND MAKING AN APPROPRIATION.

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

Section 1. Article 1, chapter 4, title 24, Arizona Revised Statutes, is repealed.

Sec. 2. Chapter 4, title 24, Arizona Revised Statutes, is amended by adding a new article 1, to read:

ARTICLE 1. SLAUGHTER OF ANIMALS

24-601. DEFINITIONS. In this chapter, unless the context otherwise requires:

1. "Arizona condemned" means the carcass, the viscera, parts of carcasses, meat, meat by product or meat food product, so marked or identified, is unsound, unhealthful, unwholesome, or otherwise unfit for human food, or an animal which has been inspected and found to be in a dying condition or affected with any other condition or disease that would require condemnation of its carcass.

2. "Arizona inspected and passed" means the carcasses and parts of carcasses have been inspected, stamped and passed in slaughtering establishments with state meat inspection service, and the carcasses and parts of carcasses used by such a slaughtering establishment or by a meat processor have been re-inspected and the operations in the preparation of meat and meat food products have been approved in accordance with the provisions of this chapter.

3. "Arizona retained" means the carcasses and parts of carcasses retained by meat inspectors to be held for further examination.

4. "Arizona suspect" means the animal so marked or identified is suspected of being affected with a disease or condition which may require its condemnation, in whole or in part, when slaughtered, and is subject to further examination by an inspector to determine its disposal.

5. "Board" means the livestock sanitary board created under provisions of section 24-102.

6. "Carcass" means all parts, including viscera, of a slaughtered animal that are capable of being used for human food.

7. "Chief veterinary meat inspector" means a qualified licensed veterinarian appointed by the board to supervise the state meat inspection service for the state and to carry out the provisions of this chapter.

8. "Federal inspection" means the meat inspection maintained by the meat inspection service of the agricultural research service of the United States department of agriculture.

9. "Inspection period" means three calendar months based upon a fiscal year beginning July 1 of each year.

10. "Inspector" includes chief veterinary meat inspector, veterinary meat inspector, lay meat inspector, livestock inspector, or any other inspector appointed by the board, state veterinarian or chief veterinary meat inspector to carry out the purposes of this chapter, the livestock laws and rules and regulations adopted thereunder.

11. "Lay meat inspector" means any person qualified by the chief veterinary meat inspector and appointed by the board to work under the supervision of the chief veterinary meat inspector.

12. "Livestock inspector" means an inspector appointed by the board in accordance with the provisions of section 24-108.

13. "Meat" means the edible part of the muscle of cattle, sheep, swine or goats which is skeletal or which is found in the tongue, in the diaphragm, in the heart or in the esophagus, with or without the accompanying and overlying fat, and the portions of bone, skin, sinew, nerve, and blood vessels which normally accompany the muscle tissue and which are not separated from it in the process of dressing. It does not include the muscle found in the lips, snout or ears.

14. "Meat byproduct" means any edible part other than meat which has been derived from one or more cattle, sheep, goats or swine.

15. "Meat food product" means any article of food or any article intended for or capable of being used as human food which is derived or prepared, in whole or in substantial and definite part, from any portion of any cattle, sheep, swine or goats, except such articles as organo-therapeutic substances, meat juice, meat extract, and the like, which are only for medicinal purposes and are advertised only to the medical profession.

16. "Meat processor" means any person, including jobbers, wholesalers or slaughtering establishments who change meat or meat food products in any way by cutting, mixing, blending, canning, curing or otherwise preparing meat or meat food products for human consumption.

17. "Meat wholesaler or jobber" means any person with an established place of business who buys meat or meat food products and offers it for resale, for sale to purveyors of meals or for sale to the consuming public.

18. "Neat animal" means the cattle of the ox type, genus bos, and includes the steer, heifer, calf, cow and bull. In this chapter "cattle" means neat animal, except the buffalo.

19. "Peddler" means any person without an established place of business who buys meat or meat food products and offers it for resale, for sale to purveyors of meals or for sale to the consuming public.

20. "Producer" means any person who slaughters cattle, sheep, swine or goats under special permit from the board.

21. "Purveyor of meals" or "restaurant" means any person who cooks or otherwise prepares and serves meat or meat food products for consumption by the ultimate consumer.

22. "Retailer" means any person other than an purveyor of meals who sells meat or meat food products to the ultimate consumer.

23. "Slaughter" means to kill cattle, sheep, swine or goats and to prepare the carcasses or parts of carcasses for human consumption.

24. "Slaughterer" means any person who slaughters cattle, sheep, swine or goats in a slaughtering establishment and prepares the carcasses or parts of carcasses for human consumption.

25. "Slaughtering establishment, slaughter-house or slaughtering plant" includes all premises where animals are slaughtered and prepared for food purposes.

26. "State meat inspection service" means the meat inspection provided in sections 24-621 through 24-621.06 inclusive, and sections 24-621.08, 24-621.10 and 24-621.11, providing approved slaughtering plants with inspectors during all periods of slaughter to conduct ante-mortem and post-mortem inspections of all cattle, sheep, swine or goats slaughtered.

27. "Veterinary meat inspector" means a qualified licensed veterinarian appointed by the board to work under the direction of the chief veterinary meat inspector.

24-602. APPLICATION FOR LICENSE TO SLAUGHTER; BOND. A. A person before he begins or carries on the slaughter of livestock, sheep, goats or swine, shall make written application to the board for a license to slaughter, and shall execute upon a form furnished by the board a surety bond to the state in the penal sum of one thousand dollars to be approved by the board, conditioned that the applicant will comply with the law and will not slaughter animals, or sell, exchange, or expose for sale the meat thereof, except in conformity with the law relating thereto and the rules and regulations of the board.

B. A person who violates any condition of the bond, in ad-

dition to any other penalty provided, is subject to a civil action brought by the board in the name of the state for the full amount of the bond.

24-603. GRANT OF LICENSES; FEES; EXPIRATION DATE. A. The board may grant a license to slaughter livestock, sheep, goats or swine as set forth in the license issued upon payment of the fees, acceptance of the bond, and presentation of proof that the applicant is law abiding, trustworthy and of good moral character.

B. The fees shall be as follows:

1. For not to exceed forty-five head of livestock, and not to exceed fifty-five head of sheep, goats or swine in one calendar year, five dollars.

2. For more than forty-five and not to exceed one hundred fifty head of livestock and more than forty-five and not to exceed one hundred sixty head of sheep, goats or swine in one calendar year, fifteen dollars.

3. For more than one hundred fifty head of livestock and more than one hundred sixty head of sheep, goats or swine in any one calendar year, eighty dollars.

C. Licenses issued under the provisions of this section shall expire on December 31 of the year in which issued.

24-604. PLACE OF SLAUGHTER. Every person licensed to slaughter livestock, sheep, goats or swine for sale or exchange shall slaughter animals in an established and recognized slaughter house kept by the licensee for that purpose, or in a slaughter house established by the authorities of a city or town.

24-605. LICENSEE'S RECORD OF ANIMALS PURCHASED OR SLAUGHTERED; MONTHLY COPY FOR LIVESTOCK SANITARY BOARD; VIOLATION; PENALTY. A. Every person licensed to slaughter livestock, sheep, goats or swine shall keep an accurate record in a book maintained for that purpose of all such animals purchased or slaughtered. The record shall include a description of all animals purchased or slaughtered, the marks and brands, if any, the name and residence of the person from whom purchased and the date of such purchase. The licensee shall at the end of each month make a true copy of the record for that month, which he shall keep on his premises for one year.

B. A person who fails to keep the record required by this

section, or who refuses to exhibit it to an inspector who demands that it be exhibited, is guilty of a misdemeanor punishable by a fine of not less than ten nor more than one hundred dollars for every day he fails to comply with this section.

24-606. PRE-SLAUGHTER BRAND INSPECTION OF HIDES. A. Every person licensed to slaughter livestock, sheep or goats shall, before slaughter, notify the nearest livestock inspector of the location of the slaughter house and the time it is proposed to slaughter the animals.

B. Livestock shall not be slaughtered until the animals have been inspected, unless inspection before slaughter be waived by the board. When livestock are slaughtered, the inspector shall inspect the hides for brands and marks, and tag or mark the same in manner prescribed by the board, unless such tagging or marking be waived by the board.

C. For each hide inspected as provided by this section, the livestock inspector shall charge and be paid fifteen cents.

24-607. PURCHASE OF UNINSPECTED HIDE; PENALTY; EXCEPTION. It is unlawful to purchase or otherwise acquire possession of a hide of any livestock until the hide has been inspected for brands and marks. Possession of an untagged or unmarked hide upon which the tagging or marking has not been waived by the board is a misdemeanor unless the person possessing the hide can show that it was taken from an animal owned by him at the time of slaughter or after death, or that he had written authority from the owner to remove the hide from the carcass.

24-608. RECEIVING UNINSPECTED HIDES FOR TRANSPORTATION; SALE OF UNINSPECTED HIDES; PENALTY. A. It is unlawful for a person to receive for transportation hides of livestock until they have been brand inspected, and it is unlawful for any person to sell hides of livestock until they have been brand inspected.

B. A person violating this section is guilty of a misdemeanor punishable by a fine of not less than twenty nor more than one hundred dollars, by imprisonment for not less than ten nor more than sixty days, or both.

24-609. TRANSFER OF LICENSE WITHOUT FEE. If a person who is a licensee under the provisions of this article sells or otherwise disposes of his slaughtering business, together

with the good will thereof, and the purchaser or transferee continues the business at the same location, substantially in the same manner and under the same business name as it was conducted by the seller, the license of the original licensee may be transferred to the new owner without payment of license fee, upon the filing by the new owner of a surety bond approved by the board, in the penal sum of one thousand dollars payable to the state and conditioned as provided in section 24-602.

24-610. SPECIAL PERMIT FOR SLAUGHTER OF ANIMALS BY PRODUCER; VIOLATION; PENALTY. A. Producers, upon special permit authorized by the board and who are not otherwise subject to the requirements of this chapter relating to peddlers, wholesalers, retailers or jobbers of meat or meat food products, may slaughter not to exceed ten head of neat animals or twenty head of sheep and goats, or twenty head of swine in any one calendar year.

B. Producers authorized by the board as provided in subsection A of this section shall certify in writing that the meat of the carcasses or parts of carcasses offered for sale by them is to their best knowledge and belief, sound, healthful, wholesome and fit for human food. When such meats are so certified they may be sold anywhere in the state. The certification by a producer shall accompany each separate sale of any carcass or part of carcass and shall be delivered to the buyer who shall have it available for examination by inspectors. A copy of such certification shall be filed with the board at the time the sale is made.

C. A violation of this section is a misdemeanor, and any person upon conviction shall be punished by a fine of not less than fifty dollars nor more than three hundred dollars, imprisonment in the county jail not less than thirty days nor more than one hundred eighty days, or both.

24-611. SLAUGHTER OF ANIMALS BY PRODUCER FOR OWN USE; INSPECTION OF HIDES; VIOLATION; PENALTY. A. Producers who slaughter livestock, sheep, goats or swine for the purpose of using the meat for food for themselves, their immediate family or employees, and not for sale, shall not be required to procure a special permit as provided by section 24-610, or a license to slaughter as required by this article, but the whole hide of all livestock so slaughtered, except swine, shall be hung in a conspicuous place on the premises of the producer and kept there until the hide has been inspected and marked or tagged by a livestock in-

spector. The meat from the livestock so slaughtered shall not be removed from the premises of the owner without being brand stamped by the livestock inspector.

B. A person failing to comply with this section is guilty of a misdemeanor punishable by a fine of not less than one hundred nor more than five hundred dollars, by imprisonment in the county jail not less than sixty nor more than two hundred days, or both.

24-612. SECRETING HIDE; DEFACEMENT OF MARK OR BRAND; PENALTY. A person who secretes a hide of livestock, or who, before a hide is inspected, obliterates or defaces any mark or brand on a hide, is guilty of a misdemeanor punishable by a fine of not less than one hundred nor more than three hundred dollars, by imprisonment for not less than sixty nor more than one hundred eighty days, or both.

24-613. SLAUGHTER OF ANIMALS FOR SALE OR EXCHANGE WITHOUT LICENSE; PENALTY. A person, other than a producer slaughtering under special permit as provided in section 24-610, slaughtering any livestock, sheep, goats or swine for sale or exchange, or offering for sale or exchange any portion thereof, without first procuring a license to slaughter as provided in this article, is guilty of a misdemeanor punishable by a fine of not less than fifty dollars nor more than three hundred dollars, imprisonment in the county jail not less than thirty days nor more than one hundred eighty days, or both.

Sec. 3. Chapter 4, title 24, Arizona Revised Statutes, is amended by adding a new article 1.1, to read:

ARTICLE 1.1 STATE MEAT INSPECTION

24-621. CHIEF VETERINARY MEAT INSPECTOR; APPOINTMENT OF INSPECTORS; QUALIFICATIONS; BOND. A. There is created the office of chief veterinary meat inspector. The board shall appoint an Arizona licensed veterinarian to fill this office, who shall have had a minimum of four years experience of meat inspection work in slaughtering establishments. His salary shall be fixed by the board and he shall serve at the pleasure of the board. The duties of the chief veterinary meat inspector shall be to supervise the state meat inspection service, enforce and efficiently carry out the provisions of this chapter, so as to assure the public that only pure and wholesome meats are offered for sale.

B. Upon qualification by the chief veterinary meat inspector the board shall appoint and fix salaries of veterinary

meat inspectors and lay meat inspectors who shall be responsible to the chief veterinary meat inspector and who shall conduct ante-mortem and post-mortem inspections, enforce sanitary requirements, perform other duties necessary to conduct proper meat inspection and carry out the provisions of this chapter.

C. An inspector assigned to a slaughtering establishment with state meat inspection service shall neither be related to the management of such establishment nor have a financial interest therein.

D. Each inspector shall take the oath of office and give bond to the state in the principal amount of one thousand dollars for the faithful performance of his duties.

24-621.01. INSPECTION STAMPS AND ESTABLISHMENT NUMBERS. A. The board shall provide meat inspection stamps and assign establishment numbers to all slaughtering establishments which have been approved and granted state meat inspection service by the board, and the stamps shall contain the words "Arizona inspected and passed". The board shall also provide meat inspection stamps and assign establishment numbers to all meat processors which have been approved in accordance with the requirements as provided in section 24-621.13, and the stamps shall also contain the words "Arizona inspected and passed". The inspection stamps shall be designed by the board so as not to be in conflict with inspection stamps of the United States department of agriculture.

B. Approved slaughtering establishments with state meat inspection service and establishment numbers, and meat processors with assigned establishment numbers, may use symbols of the inspection stamps on their processed meats and meat food products offered for sale so long as they are in compliance with the provisions of this chapter.

C. The meat inspection stamps shall at all times be under the immediate jurisdiction of the meat inspector.

24-621.02. ASSIGNMENT OF INSPECTORS. Slaughtering establishments granted state meat inspection service shall notify the chief veterinary meat inspector of their hours of slaughter and the chief veterinary meat inspector shall assign inspectors to said establishments to conduct meat inspection. The chief veterinary meat inspector may assign one inspector to conduct inspection at two or more slaughtering es-

tablishments having state meat inspection service where the animals slaughtered are less than one hundred head per week at each establishment. The hours of the day and the days of the week shall be satisfactorily arranged with the slaughtering establishments so that the inspector is present at each establishment during all periods of slaughter. Slaughtering establishments wishing to slaughter in excess of eight hours in any one day or slaughter on holidays or Sundays may do so, and the chief veterinary meat inspector shall assign an inspector to conduct meat inspection. Slaughtering establishments shall pay overtime fees to the board when such services are provided. No slaughtering establishment with state meat inspection service is permitted to slaughter any cattle, sheep, swine or goats unless there is an assigned inspector on the premises of the establishment during all periods of slaughter.

24-621.03. ANTE-MORTEM AND POST-MORTEM INSPECTION. A. Slaughtering establishments which have state meat inspection service shall have an "ante-mortem inspection". The inspector assigned to the slaughtering establishment shall examine each animal immediately prior to slaughter for the purpose of eliminating all unfit animals and segregating, for more thorough examination, all animals suspected of being affected with a condition which might influence their disposition on post-mortem inspection. The unfit animals shall not be permitted to enter the slaughtering department of the plant, and the suspected animals shall not be permitted to enter the slaughtering department until they have been found by veterinary inspection to be fit for slaughter. The suspected animals that are permitted to be slaughtered shall be handled separate and apart from the regular kill and given a special post-mortem examination.

B. Slaughtering establishments which have state meat inspection service shall have a "post-mortem inspection". The post-mortem examination shall be made at the time the animals are slaughtered. The inspectors shall examine the cervical lymph glands, the skeletal lymph glands, the viscera and organs with their lymph glands, and all exposed surfaces of the carcasses of all cattle, calves, sheep, swine and goats. The examination shall be conducted in the slaughtering department of the plant during the slaughtering operations.

C. The chief veterinary meat inspector or any of his deputies shall have the laboratory of the board or the state laboratory make pathogenic examination of animals or parts there-

of for completion of ante-mortem or post-mortem inspection.

24-621.04. CONDEMNATION AND APPEAL. The inspector at slaughtering establishments with state meat inspection service shall condemn all diseased or otherwise unfit carcasses and parts of carcasses, including the viscera. The condemned parts shall be removed from the slaughtering department of the plant in equipment designated for that purpose and shall be destroyed for food purposes under the supervision of the inspector. If any slaughtering establishment wishes to appeal a decision of an inspector as to carcasses or parts of carcasses which have been condemned, the establishment may appeal the decision to the chief veterinary meat inspector. If such establishment is not satisfied and wishes to make a further appeal, it may submit such appeal to the board whose decision shall be final, unless the person aggrieved, within ten days after the date of the decision, appeals to the superior court of the county in which the licensed premises are located.

24-621.05. RULES AND REGULATIONS. The board upon the advice of the chief veterinary meat inspector shall adopt reasonable rules and regulations, including but not limited to what the ante-mortem and post-mortem inspection shall consist of, to carry out the purposes of this chapter. The rules and regulations shall conform so far as possible to the rules governing meat inspection of the United States department of agriculture, but in no case shall the rules and regulations exceed the requirements of the United States department of agriculture. A public hearing shall be held on all rules and regulations adopted pursuant to this section. The rules and regulations adopted by the board shall not be effective until at least thirty days after the public hearing.

24-621.06. APPLICATION FOR STATE MEAT INSPECTION SERVICE. Any slaughtering establishment which wishes to conduct its slaughtering operations under state meat inspection service shall apply to the board for a license to slaughter as provided in section 24-602. Establishments shall then make written application to the board requesting state meat inspection service. The board upon receipt of the application shall request the chief veterinary meat inspector to make an inspection of the premises of the slaughtering establishment making application. If the establishment is found clean and sanitary and meets the requirements of the provisions of this chapter, the board shall authorize the granting of state meat inspection service to the applicant. The board shall

then assign an official establishment number to the approved slaughtering establishment to be used to mark the meat of the carcass and parts of carcasses which are offered for sale.

24-621.07. INSPECTION OF SLAUGHTERING ESTABLISHMENTS WITHOUT STATE MEAT INSPECTION SERVICE. The chief veterinary meat inspector or his deputies are authorized to inspect the premises of all other slaughtering establishments operating without state meat inspection service at any time during their slaughtering operations. At least two inspections shall be made each year and additional inspections may be made if it is deemed necessary. If any slaughtering establishment is found to be unsanitary or conducting its slaughtering operations in an unsanitary or unwholesome manner so as to endanger the public health, or slaughtering animals unfit for human consumption, the board may suspend or revoke the license to slaughter as provided in section 24-106. This section shall not in any way alter the powers of the state board of health in connection with slaughtering establishments.

24-621.08. INSPECTION FEES. A. The board is authorized to establish and collect inspection fees from all slaughtering establishments with state meat inspection service and all meat processors with assigned establishment numbers. The fees shall be established at not to exceed one-half the actual cost of the inspection service and shall, upon collection, be paid into the general fund of the state. In the event, during the first inspection period of operation, the inspection fees collected prove to be in excess of or less than one-half the cost of the inspection service, the board may make reimbursement to or receive reimbursement from the persons making the over-payment or under-payment by reducing or increasing, as the case may be, the fees for the next succeeding inspection period in an amount equal to the amount of over-payment or under-payment.

B. The board may establish a schedule of inspection fees for overtime inspection and for inspection conducted on legal holidays. Slaughtering establishments and meat processors shall pay the full costs when such inspection is provided. "Overtime" means inspection in excess of eight hours in any one day or more than forty hours in any one week.

C. Any slaughtering establishment or meat processor may request in writing a hearing before the board to determine the reasonableness or unreasonableness of the inspection fees required. The board shall conduct these hearings during their

regular meetings and a request for a hearing shall be made at least ten days preceding the meeting.

D. All monies collected by the board shall be transmitted to the state treasurer quarterly to be placed in the general fund.

24-621.09. REQUIREMENTS FOR SLAUGHTERING ESTABLISHMENTS WITHOUT STATE MEAT INSPECTION SERVICE. All slaughtering establishments licensed by the board to slaughter cattle, sheep, swine or goats which do not operate under state meat inspection service shall be kept in a clean and sanitary condition during all periods of operation. The following are the minimum requirements for such establishments:

1. Each establishment shall have sanitary floors impervious to water.

2. All outside windows and doors shall be screened adequately and effectively.

3. There shall be an adequate supply of potable water and it shall conform with the minimum requirements of the state department of health.

4. There shall be an adequate sewage disposal system of such a type as not to be a breeding place for flies and not to constitute a hazard or to endanger public health and it shall conform with the minimum requirements of the state department of health.

5. The establishment shall be kept in a sanitary condition during all periods of slaughter.

24-621.10. REQUIREMENTS FOR SLAUGHTERING ESTABLISHMENTS WITH STATE MEAT INSPECTION SERVICE. All slaughtering establishments licensed by the board to slaughter cattle, sheep, swine or goats and which operate under state meat inspection service shall be kept in a clean and sanitary condition during all periods of operation. The following are the minimum requirements for such slaughtering establishments:

1. There shall be ample potable hot and cold water with adequate facilities for its distribution in the plant and it shall conform with the minimum requirements of the state department of health. The hot water shall be not less than one hundred eighty degrees Fahrenheit and shall be furnished and used for the cleaning of inspection equipment and other equipment, floors and walls.

2. There shall be an efficient drainage and plumbing system for the plant and there shall be an adequate sewage disposal system of such a type as not to be a breeding place for flies and not to constitute a hazard or to endanger public health. Both systems shall conform with the minimum requirements of the state department of health.

3. The floors, walls, ceilings, partitions, posts, doors and other parts of all structures shall be of such materials, construction and finish as will make them susceptible of being readily and thoroughly cleaned. The floors shall be tile, cement or a type to be impervious to water and shall have adequate drainage.

4. All outside windows and doors shall be adequately and effectively screened.

5. There shall be adequate lighting, natural or artificial, of good quality and well distributed and sufficient ventilation for all rooms to insure sanitary conditions.

6. The slaughtering establishment shall be kept free from flies, rats, mice and other vermin. Dogs and cats shall be excluded from the plants.

7. There shall be provided tables, benches and other equipment on which inspection is performed so as to enable inspectors to conduct their inspection in an efficient, clean manner. Racks, receptacles, paunch trucks or other suitable devices for retaining such parts as the head, tongue, tail, thymus gland and viscera to enable the inspectors to properly conduct a postmortem examination shall also be provided.

8. Each slaughtering establishing shall have sufficient numbers of beef shrouds so that they may be laundered and cleaned between each use.

9. Each slaughtering establishment shall have a bleeding rail and hoist of such a construction that there will result proper bleeding after slaughter.

10. Each slaughtering establishment shall provide toilets, wash basins, towels, hot and cold running water and soap for their employees with separate facilities when both sexes are employed. Toilets and wash basins shall be kept in a sanitary condition. The rooms in which the toilet facilities are located shall be properly ventilated and shall be separated from the rooms in which animals are slaughtered and meat or meat food products are prepared.

11. Slaughtering establishments which are in existence

and operating on the effective date of this article which do not meet all the above requirements may be granted by the board a reasonable amount of time to meet the requirements provided in paragraphs 3 through 10 of this section. In no event shall this time exceed three years.

24-621.11. CONSTRUCTION AND REMODELING OF SLAUGHTERING ESTABLISHMENTS. A. Any person wishing to construct a slaughtering establishment after the effective date of this article and wishing to be granted state meat inspection service shall submit his proposed plant architectural drawings to the chief veterinary meat inspector who shall examine them and advise as to whether or not the plans meet the requirements of this chapter and whether they conform with the minimum requirements of the state department of health.

B. Slaughtering establishments in existence and operating at the time of the effective date of this article, which intend to do any remodeling of their slaughtering facilities, and which expect to apply for state meat inspection service, shall submit their architectural drawings of such proposed remodeling to the chief veterinary meat inspector who shall examine them and advise as to whether or not the plans meet the requirements of this chapter and whether they conform with the minimum requirements of the state department of health.

C. Slaughtering establishments which have been granted state meat inspection service and which intend to do any remodeling of their slaughtering facilities shall submit their architectural drawings of such proposed remodeling to the chief veterinary meat inspector who shall examine them and advise as to whether or not the plans meet the requirements of this chapter and whether they conform with the minimum requirements of the state department of health.

24-621.12. SLAUGHTERING AND MIXING PROHIBITION. A. It is unlawful to slaughter horses, mules or asses in the same slaughtering establishment as cattle, sheep, swine or goats, or to bring horse meat or inedible meat or meat products into establishments where meat or meat food products are prepared for human consumption from the meat of cattle, sheep, goats or swine.

B. It is unlawful to add horse meat to meat or meat food products prepared from the meat of cattle, sheep, goats or swine.

24-621.13. REQUIREMENTS FOR MEAT PROCESSORS.

A. Establishment of meat processors licensed to prepare and offer for sale meat or meat food products shall meet the following requirements:

1. The floors shall be of suitable finish so that they may be kept clean and sanitary.

2. There shall be washable walls.

3. All outside windows and doors shall be screened.

4. There shall be adequate potable hot and cold water conforming with the minimum requirements of the state department of health.

5. Employees shall be provided with adequate toilet and hand washing facilities with both hot and cold running water and separate facilities when both sexes are employed.

6. There shall be an adequate sewage disposal system of such type that it shall not be a breeding place for flies and shall not constitute a hazard or endanger public health and it shall conform with the minimum requirements of the state department of health.

B. All such processing establishments shall be maintained in a sanitary condition and the plant and premises shall be subject to inspection by the chief veterinary meat inspector or his deputies at any time during their operation. At least two inspections shall be made each year and additional inspections may be made if it is deemed necessary. If such premises are found to be in an unsanitary condition or the operations are being conducted in an unsanitary manner so as to endanger public health, the board may suspend or revoke the license of the processing establishment as provided in section 24-106.

C. Any meat processor other than a slaughtering establishment which wishes to be assigned an establishment number shall make a written application to the board for a number. The board upon receipt of the application shall request the chief veterinary meat inspector to make an inspection of the premises of the meat processor. If the establishment is found clean and sanitary and meets the requirements of subsection A of this section, the board shall authorize the granting of an establishment number to the applicant. Applicants granted the use of an establishment number shall:

1. Have a daily inspection visit by the chief veterinary meat inspector or one of his deputies.

2. Allow all meats used for processing to be subjected to

re-inspection and condemnation in whole or in part, if necessary.

3. Permit the inspectors to inspect all the operations in the processing of meat and meat food products so as to assure that such operations are being conducted in a clean and wholesome manner and in conformity with the provisions of this chapter.

4. Use only "Arizona inspected and passed" meats or United States department of agriculture inspected and passed meats in the preparation of all meat and meat food products.

D. A slaughtering establishment with state meat inspection service which processes meat or meat food products shall:

1. Allow all meats used for processing to be subjected to re-inspection and condemnation in whole or in part, if necessary.

2. Permit the inspectors to inspect all the operations in the processing of meat and meat food products so as to assure that such operations are being conducted in a clean and wholesome manner and in conformity with the provisions of this chapter.

3. Use only "Arizona inspected and passed" meats or United States department of agriculture inspected and passed meats in the preparation of all meat and meat food products.

24-621.14. COOPERATION WITH THE STATE DEPARTMENT OF HEALTH AND OTHER PUBLIC HEALTH AUTHORITIES. A. In carrying out the provisions of this chapter the board or the chief veterinary meat inspector, or both, shall request the advice of and consult with the sanitary engineer or other qualified employees of the state department of health and the state laboratory in matters relating to potability of water, sewage systems and other sanitary conditions of slaughtering and meat processing establishments which might endanger public health.

B. In carrying out the provisions of this chapter the board shall require the chief veterinary meat inspector, or any of his deputies, to advise the state department of health when any licensee, in his opinion fails to meet the minimum requirements of the state department of health. The state department of health may send its proper public health officer to make an inspection of such premises. If the state department of health inspector confirms the findings of the chief veterinary meat in-

spector or his deputies, the board shall serve notice that the licensee's license to slaughter, his state meat inspection service or his assignment number will suspended as provided in section 24-106 or section 24-621.15.

C. The board or the chief veterinary meat inspector, or both, shall cooperate with all local and municipal health authorities in requiring all slaughtering establishments and meat processing plants to maintain sewage systems which shall not contaminate water supplies and shall not endanger public health.

24-621.15. SUSPENSION OR REVOCATION OF STATE MEAT INSPECTION SERVICE, OR ESTABLISHMENT NUMBERS GRANTED BY THE BOARD; HEARING; APPEAL. A. State meat inspection service or establishment numbers may be suspended or revoked by the board for violation or noncompliance with:

1. Any provision of this chapter.

2. Any rule or regulation issued pursuant to this chapter.

B. State meat inspection service or establishment numbers may be suspended or revoked only after a hearing before the board upon reasonable notice. Notice shall be given the licensee by service of the complaint upon him.

C. The decision of the board shall be final in any matter relating to renewal, suspension or revocation of state meat inspection service or establishment numbers, unless the person aggrieved, within ten days after the date of the decision, appeals to the superior court of the county in which the licensed premises are located. On the appeal, the court shall hear and determine the matter de novo not more than ten days after the date of filing the appeal. Subsequent to such decision the person aggrieved may in compliance with the statutory provisions relating thereto, appeal the decision of the superior court to the supreme court of the state, but the suspension or revocation of state meat inspection service or establishment numbers shall remain in full force and effect pending the outcome of the appeal.

Sec. 4. Sec. 24-631, Arizona Revised Statutes, is amended to read:

24-631. LICENSES FOR SALE OR EXCHANGE OF MEAT; FEE; RECORDS KEPT BY LICENSEE; EXPIRATION OF LICENSE; VIOLATION; PENALTY. A. Every

meat processor, peddler, wholesaler, retailer or jobber, except a home consumer, of any meat or meat food product, other than canned meat or canned meat food product, shall, before offering such meat or meat food products for sale or exchange, procure a license therefor from the board, for which he shall pay an annual license fee of ten dollars for each place of business, store, stand, market or vehicle wherein or wherefrom the meat is to be sold or exchanged, and shall keep a record of the name and address of each person from whom the licensee obtained such meat or meat food products, the date of purchase, quantity and kind of meat purchased, and time and place of purchase. Upon request by an inspector or peace officer, the licensee shall exhibit the record to him. The record shall be retained for one year.

B. All licenses issued under the provisions of this article shall expire on December 31 of the year in which issued.

C. Every peddler, wholesaler, meat processor or jobber, except a restaurant or retailer, shall keep a record of the name and address of every person to whom any meat or meat food product is sold, the date of sale, the quantity and kind of meat sold and the time and place of sale, and upon the request of an inspector or peace officer shall exhibit the record to the inspector or peace officer. The record shall be retained for one year.

D. A person violating any provision of this section is guilty of a misdemeanor punishable for each offense by a fine of not less than one hundred nor more than one thousand dollars, by imprisonment in the county jail for not less than twenty nor more than one hundred days, or both.

Sec. 5. Sec. 24-632, Arizona Revised Statutes, is amended to read:

24-632. BRAND INSPECTION OF HIDES; VIOLATION; PENALTY. A. The meat of livestock shall not be possessed, sold, offered for sale, given or exchanged unless the whole hide of the animal has been inspected for marks and brands and the meat thereof stamped as provided in this section.

B. The hide of the animal shall be inspected for brands and marks and the hide marked as provided by the board so that it may be identified. The meat of the carcass shall be stamped "brand inspected" upon the hind quarter, side, shoulder, neck and shank of both sides of the carcass with a stamp adopted and furnished by the board.

C. The inspector shall collect fifteen cents for each hide inspected.

D. This section shall not apply to producers who slaughter livestock for the purpose of using the meat as food for themselves or their immediate family or employees, nor shall this section be construed to require that meat bearing a federal meat inspection stamp be stamped as provided in this section unless the possessor so desires.

E. A person who violates any provision of this section is guilty of a misdemeanor punishable by a fine of not less than fifty nor more than three hundred dollars, imprisonment in the county jail not less than thirty nor more than one hundred and eighty days, or both.

Sec. 6. Sec. 24-633, Arizona Revised Statutes, is amended to read:

24-633. AUTHORITY OF INSPECTOR TO SEARCH FOR AND SEIZE UNSTAMPED MEAT. Inspectors may stop and search without warrant, any vehicle, and may search without warrant any container which the inspector suspects contains unstamped meat, and if any is found it shall be taken by the inspector. Unless proof is submitted within twenty-four hours after such seizure which satisfies the inspector that the person from whom the meat was taken is the lawful owner thereof, such meat shall be forfeited to the state and sold or disposed of by the inspector.

Sec. 7. Sec. 24-634, Arizona Revised Statutes, is amended to read:

24-634. TRANSFER OF LICENSE WITHOUT FEE. If any person acquires a business licensed as provided herein to wholesale or retail meat, with the good will thereof, and continues to operate the business in substantially the same manner, in the same location and under the same firm name, the board may transfer the license to the new owner, on written application therefor, without payment of a license fee.

Sec. 8. Article 2, chapter 4, title 24, Arizona Revised Statutes, is amended by adding section 24-635, to read:

24-635. AUTHORITY OF COUNTIES AND CITIES TO LIMIT SALES OF NON-INSPECTED MEAT. A. Any in-

corporated municipality in the state with a population of seven thousand or more according to the last decennial census taken by the federal government may establish by ordinance or by proper legal procedure as provided by law that only carcasses and parts of carcasses of cattle, sheep, goats or swine bearing the inspection stamp "Arizona inspected and passed" or bearing the inspection stamp of the United States department of agriculture, shall be sold, offered for sale or exchanged within its incorporated area.

B. The board of supervisors of any county in the state with a population of more than thirty thousand according to the last decennial census taken by the federal government may adopt an ordinance providing that only carcasses and parts of carcasses of cattle, sheep, goats or swine bearing the inspection stamp "Arizona inspected and passed" or bearing the inspection stamp of the United States department of agriculture shall be sold, offered for sale or exchanged within the boundaries of the county. In remote areas of a county slaughtering establishments upon approval of the board may be exempted from state meat inspection service, on the basis that such remoteness makes it impractical or impossible to make proper inspection or assign inspectors. Slaughtering establishments which have been so exempted shall sell their meats and meat food products only in their local community. The chief vetinary meat inspector upon the approval of the board may withdraw the exemption when it becomes practical to provide exempted slaughtering establishments with state meat inspection service.

C. Other incorporated municipalities may also establish by ordinance, and the board of supervisors of other counties may also adopt an ordinance providing that only carcasses and parts of carcasses of cattle, sheep, goats or swine bearing the inspection stamp "Arizona inspected and passed" or bearing the inspection stamp of the United States department of agriculture shall be sold, offered for sale or exchanged within their incorporated areas or boundaries, after first having obtained approval to do so from the board. The board shall give approval providing there are sufficient funds and inspectors available.

D. When any incorporated municipality or county adopts ordinances as provided in subsections A, B, or C of this section, all slaughtering establishments selling into such incorporated municipality or county may continue to do so for a period of sixty days after the effective date of the adoption. During this period all slaughtering establishments wishing to con-

tinue to sell into these areas after the sixty day period shall make application to the board for state meat inspection service within the first ten days of the sixty day period. The board shall process the applications within the sixty day period and shall establish state meat inspection service to all slaughterers which qualify. If the board is unable to establish the service because no inspectors are available, the board may temporarily extend this sixty day period until such time as inspectors can be assigned.

Sec. 9. Article 2, chapter 4, title 24, Arizona Revised Statutes, is amended by adding section 24-636, to read:

24-636. SALES TO STATE INSTITUTIONS. Meat of the carcasses or parts of carcasses of cattle, sheep, goats or swine for human consumption shall not be served in or sold to any state institution unless the carcasses or parts of carcasses bear the inspection stamp "Arizona inspected and passed" or bear the inspection stamp of the United States department of agriculture where such institutions are located in cities or counties which have exercised their option as provided in section 24-635. State institutions which raise their own livestock may slaughter and use meats derived therefrom, but they shall conform to the licensing and slaughtering requirements of this chapter.

Sec. 10. Article 2, chapter 4, title 24, Arizona Revised Statutes, is amended by adding section 24-637, to read:

24-637. REQUIREMENTS FOR PROCESSED, BLENDED OR PREPARED MEAT AND MEAT FOOD PRODUCTS. A. All processed, blended or otherwise prepared meat or meat food products which are packed in any can, pot, tin, box, canvas or other receptacle or covering constituting an immediate or true container, shall be labeled. Plain wrappings used solely to protect the product against spoiling during delivery and storage need not bear a label. Labels shall contain, prominently and informatively, the following:

1. The true name of the product.

2. The word "ingredients" followed by a list of the ingredients when the product is fabricated from two or more different types of meat or meat food products.

3. The name and place of business of the manufacturer.

4. An accurate statement of the quantity of contents.

5. The inspection number and stamp of the slaughtering establishment operating under state meat inspection service or the inspection number and stamp of the meat processor operating with an assigned establishment number.

B. There shall be no preservatives used in any meat or meat food products unless such preservatives have been approved by the United States department of agriculture. Specifically, all sulfates and sulfites are prohibited from use in any meat or meat food products.

C. Any artificial coloring which is used by a processor of any meat or meat food product shall be approved by the United States department of agriculture.

D. Meats and meat food products shall not be adulterated with any non-edible materials or foreign objects that would otherwise make it unfit for human consumption.

E. No meat or meat food product which has not been inspected shall be mixed in any way with any meat or meat food product which has been inspected when such meats or meat food products are offered for sale.

F. The provisions of this section shall apply to any person who slaughters, mixes, blends, cans, cures or otherwise prepares meat or meat food products. It shall include slaughterers, meat processors, wholesalers, jobbers, lockerplants, peddlers and sausage makers.

Sec. 11. Article 2, chapter 4, title 24, Arizona Revised Statutes, is amended by adding section 24-638, to read:

24-638. VEHICLES. Every vehicle used by any slaughterer, meat processor, wholesaler, jobber or peddler in the transporting of dressed carcasses of animals intended for human consumption, parts thereof, meats or meat food products, shall be maintained in a clean and sanitary condition and shall be subject to inspection by the chief veterinary meat inspector or his deputies at any time when deliveries are being made.

Sec. 12. Article 2, chapter 4, title 24, Arizona Revised Statutes, is amended by adding section 24-639, to read:

24-639. EXEMPTIONS. A. The provisions of this chapter, except the licensing requirements, shall not apply to re-

tailers selling meat or meat food products to the ultimate consumer unless a retailer slaughters any cattle, sheep, swine or goats and offers the meat derived therefrom for sale, but in such case the provisions of this chapter shall apply.

B. Slaughtering establishments operating under the supervision of the United States department of agriculture shall be exempt from those portions of this chapter relating to plant and equipment inspections, ante-mortem and post-mortem inspections and disposal of carcasses, but slaughtering establishments shall comply with the provisions of this chapter relating to licensing fees charged to a slaughtering establishment as well as the requirements relating to brand inspection.

C. Nothing in this chapter shall be construed so as to prevent incorporated cities or towns from charging their customary license fees to slaughtering establishments, processors, wholesalers, jobbers or peddlers of meat and meat food products.

Sec. 13. Article 2, chapter 4, title 24, Arizona Revised Statutes, is amended by adding section 24-640, to read:

24-640. NONLIMITATION OF SALE. A. Slaughtering establishments with state meat inspection service and with an assigned establishment number, and meat processors with an assigned establishment number, may sell their meat or meat food products any place within the state without regard to the laws and ordinances of any city or town relating to inspection of meat, meat processing or slaughtering establishments.

B. Slaughtering establishments whose meat and meat food products bear the inspection stamp of the United States department of agriculture may sell their meat or meat food products any place in the state without regard to the laws or ordinances of any city or town relating to the inspection of meat or slaughtering establishments.

Sec. 14. Sec. 24-963, Arizona Revised Statutes, is amended to read:

24-963. INSPECTION OF MEAT FOR ANIMAL FOOD.

The board may inspect any establishment from which there is being sold or offered for sale any meat or meat food product intended for use as food for animals, and if found not decharacterized as provided in section 24-962 may be condemned and disposed of under the supervision of an inspector.

Sec. 15. Article 4, chapter 7, title 24, Arizona Revised Statutes, is amended by adding section 24-965, to read:

24-965. COLLECTING DEAD STOCK BY TALLOW AND RENDERING COMPANIES. A. Any person, tallow company or rendering plant removing dead stock to their place of business shall make a report on a form provided by the board. Upon this report the driver or person in charge of the truck working out of the plant, or the person receiving the call to collect such dead stock, shall show the following information:

1. Date of removal.

2. Name, address and telephone number, if any, of person requesting removal of dead stock, and of the owner of the stock, if known.

3. Location and description of dead stock.

4. Name of company receiving the dead stock.

5. Name of the person making the report.

6. Date of report.

B. The original of the report shall be kept and given to the district inspector, who in turn shall send the same to the office of the board for the use of the board, livestock inspectors, chief veterinary meat inspector and inspectors appointed by the board.

C. No meat or meat food product processed or packed by any rendering plant or tallow company shall be traded or sold for human or animal consumption, except sterilized meat scrap or tankage which may be used as animal protein feed supplement.

Sec. 16. APPROPRIATION. A. For the purposes of carrying out the provisions of this act, the sum of seventy thousand dollars is appropriated to the livestock sanitary board for the fiscal year beginning July 1, 1956.

B. This appropriation shall be exempt from the provisions of section 35-173, relating to quarterly allotments, and the provisions of section 35-190, relating to lapsing appropriations.

Sec. 17. LIMITATION OF ACT. A. Nothing in this act shall be construed to modify or repeal any provision of ar-

ticle 1, chapter 8, title 36, Arizona Revised Statutes, relating to adulteration and misbranding.

B. Nothing in this act shall be construed to modify or repeal any provision of chapter 1, title 36, Arizona Revised Statutes, relating to state and local boards and departments of health.

Approved by the Governor—April 16, 1956.

Filed in the Office of the Secretary of State—April 17, 1956.

CHAPTER 147

Senate Bill No. 193

AN ACT

CALLING A SPECIAL ELECTION TO SUBMIT PROPOSED AMENDMENTS TO THE CONSTITUTION AND PROVIDING FOR PUBLICITY.

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

Section 1. SPECIAL ELECTION. Under the authority and in accordance with the provisions of section 1, article 21, constitution of Arizona, a special election is called, to be held September 11, 1956, and to be conducted by the officers conducting regular elections.

Sec. 2. PURPOSE OF ELECTION. The purpose of the special election called under the provision 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. Amendment of section 10, article 18, relating to employment of aliens.

2. Amendment of paragraph 2, section 1, article 4, relating to compensation of legislators.

3. Amendment of section 11, article 14, relating to the liabilities of shareholders and stockholders of banking corporations and associations.

4. Amendment of article 1, by adding a new section 2, relating to the granting of power to the legislature to alter the state boundary line.

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 19-124, Arizona Revised Statutes, as may be submitted to him not later than July 12, 1956. 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 shall be 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 recorders 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 prior general election. The secretary of state shall also make such other distribution of said 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—April 17, 1956.

Filed in the Office of the Secretary of State—April 18, 1956.

CHAPTER 148

House Bill No. 293

AN ACT

RELATING TO THE PAYMENT OF ATTORNEY'S FEES IN ACTIONS FOR ANNULMENT, DIVORCE, SEPARATE MAINTENANCE, OR THE SUPPORT OF CHILDREN, AND AMENDING CHAPTER 3, TITLE 25, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 6, SECTION 25-371.

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

Section 1. Chapter 3, title 25, Arizona Revised Statutes, is amended by adding article 6, section 25-371, to read:

ARTICLE 6. ORDERS FOR ATTORNEY'S FEES

25-371. ORDER TO PAY ATTORNEY'S FEES. Whenever the court in any action for annulment, divorce, separate maintenance, or for the support, maintenance and education of children, orders one of the parties to pay attorney's fees for the benefit of the other for the prosecution or defense of the action, as the case may be, such fees, in the discretion of the court, may be made payable in whole or in part to the attorney entitled thereto. Any such order may be enforced by the court in the same manner as an order made on behalf of any party to the action.

Approved by the Governor—April 16, 1956.

Filed in the Office of the Secretary of State—April 18, 1956.

CHAPTER 149

House Bill No. 145

AN ACT

RELATING TO CHILDREN; PROVIDING FOR GUARDIANSHIP OF DEPENDENT CHILDREN, AND AMENDING SECTION 8-233, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 8-233, Arizona Revised Statutes, is amended to read:

8-233. GUARDIANSHIP. When the juvenile court awards a dependent child to the care of an association, board or institution, public or private, or to an individual, the child shall, unless otherwise ordered, become the ward and be subject to the guardianship of that association, board, institution or in-

dividual. The association, board, institution or individual shall have authority to place the child in a family home, with or without indenture, and may be made party to any proceedings for the legal adoption of the child, and may appear in court where the proceedings are pending and consent to adoption. Consent of the association, board or institution, public or private, or the individual to whom the court has awarded the dependent child, shall be sufficient to authorize the court, in its discretion, to include guardianship of the estate of the child.

Approved by the Governor—April 17, 1956.

Filed in the Office of the Secretary of State—April 18, 1956.

CHAPTER 150

Senate Bill No. 195

AN ACT

MAKING AN APPROPRIATION TO THE ARIZONA INTERSTATE STREAM COMMISSION, AND PRESCRIBING THE PURPOSES AND USES THEREFOR.

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

Section 1. APPROPRIATION; PURPOSE; EXISTING RIGHTS PROTECTED. A. The sum of three hundred fifty thousand dollars is appropriated to the Arizona interstate stream commission for the purpose of investigating works, plans or proposals pertaining to interstate streams, and acquiring, preserving, publishing and disseminating information relating thereto, and formulating plans and development programs for the practical and economical development, control and use of the water of interstate streams.

B. No act or omission of the commission which may be done or omitted to be done under the authority conferred by subsection A hereof and paragraphs 2 and 7 of subsection B of section 45-506, Arizona Revised Statutes, shall in any way affect the contracts with the United States for, or the lawful existing rights to, waters of any interstate stream, including but not limited to those of the Valley Division of the Yuma Project, North Gila Valley Irrigation District, Yuma Auxiliary Project, Yuma Mesa Irrigation and Drainage District, Welton-

Mohawk Irrigation and Drainage District, the City of Yuma, United States of America, or any other lawful user, in or to the waters of the main stream of the Colorado River or in or to any other waters or the right to divert or to use the same; provided, that neither the enactment of this section nor anything contained herein, nor any interpretation or construction by the commission in the exercise of the powers granted by this section, of any such contracts or lawful existing rights or claims to rights to the waters referred to in this section, shall confirm, deny, add to or diminsh any such rights or claims to rights of any user or potential user under such contracts or otherwise. Nothing contained in this section shall be construed as conferring any additional power, jurisdiction and authority, by implication or otherwise, on the commission.

Sec. 2. 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 lapsation of appropriations, respectively.

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—April 19, 1956.

Filed in the Office of the Secretary of State—April 19, 1956.

CHAPTER 151

House Bill No. 356

AN ACT

RELATING TO THE ARIZONA POWER AUTHORITY; AUTHORIZING DEVELOPMENT PROGRAMS FOR UTILIZATION OF POWER AND CONSTRUCTION OF WATER FACILITIES, AND FIXING OF ELECTRIC RATES AND CHARGES TO DEFRAY OR CONTRIBUTE TO THE COST THEREOF; PROVIDING FOR CON-

STRUCTION, OPERATION AND MAINTENANCE OF DAMS; PRESERVING EXISTING RIGHTS, AND AMENDING SECTIONS 30-123, 30-124 AND 30-127, ARIZONA REVISED STATUTES, AND AMENDING ARTICLE 2, CHAPTER 1, TITLE 30, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 30-123.01 AND 30-127.01.

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

Section 1. Sec. 30-123, Arizona Revised Statutes, is amended to read:

30-123. DEVELOPMENT PROGRAMS FOR UTILIZATION OF POWER; USE OF STATE PROPERTY; RIGHT OF EMINENT DOMAIN. A. The authority shall formulate plans and development programs for the practical, equable and economical utilization of electric power placed under its supervision and control. The authority shall, subject to the provisions of this chapter, proceed to accomplish progressively and place the plans and programs in operation and effect. For such purpose the authority may exercise all or any of the powers and privileges granted by this chapter, singly or conjointly, severally independent or jointly with the United States or any department thereof, or with any person or operating unit, and may make application for, obtain, hold and use permits and licenses from the United States or any of its agencies for power sites, rights-of-way, rights and uses and other privileges. For such purpose the authority may make application, appropriations and filings under and in accordance with this chapter and chapter 1 of title 45 for power in the same manner as any other qualified person or operating unit, but without payment of fees or charges for filing any maps, plans or other data in connection therewith.

B. The authority may use real property owned by the state, not dedicated to public use, which may be necessary as sites for any project, or facility or rights-of-way of the authority. When any lands or rights-of-way of the state dedicated to public use are necessary for the construction, operation or maintenance of the projects or transmission systems, such lands or rights-of-way may be used therefore but in accordance with the terms and conditions of an agreement to be first entered into between the authority and the political subdivision or

agency having jurisdiction over or control and management of the land or rights-of-way.

C. The authority may exercise the privilege and right of eminent domain and may condemn private property for public use in the same manner and to the same extent as persons or operating units. Any property condemned, taken or appropriated under the provisions of this chapter is declared to be taken, condemned or appropriated for a public use.

D. No project, transmission system, work or facility shall be constructed or otherwise acquired, unless and until after due consideration and investigation, it is determined by the authority to be feasible and economically sound, and that the project or facility will be self-financing and will be liquidated within a reasonable period of useful life as determined by the authority and until definite contracts or agreements are executed as provided by section 30-121.

Sec. 2. Article 2, chapter 1, title 30, Arizona Revised Statutes is amended by adding section 30-123.01, to read:

30-123.01. CONSTRUCTION, OPERATION AND MAINTENANCE OF DAMS; GENERATION OF ELECTRICAL ENERGY; CONSTRUCTION OF STORAGE AND DIVERSION FACILITIES; LIMITATIONS. The authority shall take such steps as may be necessary, convenient or advisable to construct, operate and maintain at the Bridge Canyon Dam site or other sites, dams for the generation of electrical energy and in connection therewith the facilities in or at the site of said dams for the storage and diversion of water. Such dams shall be deemed to be a project within the meaning of the definition of such term contained in paragraph 8 of section 30-101.

Sec. 3. Sec. 30-124, Arizona Revised Statutes, is amended to read:

30-124. DISPOSITION OF ELECTRIC POWER; LIMITATIONS; ESTABLISHMENT OF POWER RATES. A. The authority shall take such steps as may be necessary, convenient or advisable to dispose of electric power within its jurisdiction.

B. The authority shall not operate primarily as a source of public revenue. Electric power, as nearly as practical, shall be disposed of in an equable manner so as to render the great-

est public service and at levels calculated to encourage the widest practical use of electrical energy.

C. Subject to the provisions of this chapter, electric rates of the authority shall be established and include such price components as are necessary to establish and maintain the authority, together with any works constructed or acquired by it, as a self-financing and liquidating project and to provide and maintain reasonable working capital and depreciation and other necessary and proper reserves. The rates for electrical energy generated from the bridge canyon project or other hydroelectric power facilities constructed after the effective date of this act may include such additional price components as the authority shall deem necessary to defray or contribute to the cost of storing, diverting or delivering waters of the main stream of the Colorado river with respect to facilities hereafter constructed and for the cost of construction of facilities for such purposes. Nothing herein contained shall be deemed to authorize the construction of aqueducts, canals or laterals, nor shall the authority have any jurisdiction or control whatsoever over diversions of water or rights to divert water from the main stream of the Colorado river. The rates shall include proportionate general price components, costs of purchases or production, transmission, depreciation, maintenance, amortization and such other appropriate price factors as the authority deems necessary or advisable, but no rates established by the authority shall increase rates to purchasers fixed in existing power contracts with the purchasers during the term of their respective contracts.

D. The authority may fix and prescribe the terms and conditions of its electric sales contracts and services and adopt such rules and regulations it finds necessary or convenient respecting electric services and disposition of electric power. The authority may provide that the purchaser will pass along to its customers the reduction in its cost of service to its customers which results from its purchase of electrical energy covered by its contract with the authority, but nothing contained in this section shall give the authority power to fix, prescribe or control the rates to be charged by any public service corporation.

E. The authority may establish appropriate rate schedules for its different classes of service or for its different zones of service. Rates shall not be discriminatory as between purchasers or classes of purchasers and rates may be uniform within zones or throughout the state.

F. Contract schedules may be modified by the authority when such action is necessary to achieve the purposes and policies of this chapter, but shall not operate to change the provisions of existing power contracts during the term thereof unless the contract so provides or unless with the consent of the holder of the contract.

Sec. 4. Sec. 30-127, Arizona Revised Statutes, is amended to read:

30-127. UNIFORM TRANSMISSION VOLTAGE RATE; WHOLESALE POWER RATES; LIMITATIONS. A. The uniform transmission voltage rate shall include proper components of cost for power delivered over the sections of line designated under the provisions of section 30-126 at high voltage transmission levels, and power shall be sold at the uniform transmission voltage rate for transmission voltage delivery at any point on such sections of line. Power may be sold at the low voltage side of substations located on such sections of line at rates covering the uniform transmission voltage rate plus proper added cost components for low voltage delivery, and at locations served by extensions from such sections of line at rates covering the uniform transmission voltage rate plus proper added cost components for delivery over the extensions and related facilities. The authority shall be under no obligation to construct or furnish any substations or other facilities for delivery on the low voltage side or any extensions from the main transmission lines.

B. The application of the uniform transmission voltage rate may from time to time be extended to other sections of the main transmission lines and to sections of high voltage transmission lines subsequently constructed when the application of the rate to the other sections of line and subsequently constructed lines will not result in a material increase in the rate, but no increase from this cause shall apply to or affect the rates in existing contracts.

C. If electric power is purchased by the authority directly from facilities owned and operated by the United States, an agency thereof, or other public or private sources, at a cost to the authority not consistent with the uniform transmission voltage rate, the rates for the power to purchasers from the authority shall be based upon the cost of power to the authority together with all additional cost components pertinent thereto.

D. Wholesale power rates set forth in any power contract for sale of power by the authority shall be limited as to modifications upward to the extent of variations in the cost of

power to the authority in its power purchase contracts, or variations in the actual costs, including operating costs, to the authority of the facilities which shall be specified in the power contract to be taken into account in determining costs.

E. Contracts or agreements for sale by the authority of electric power and energy at wholesale shall recognize all applicable provisions of this chapter and may be executed for such period as the authority deems necessary, but if such contracts or agreements are made for a period exceeding twenty years they shall be made subject to termination upon reasonable notice by the authority at any time after the initial twenty year period.

F. No revenue bond issued by the authority, or agreement of the authority with respect thereto, shall in any respect impair, modify or change the provisions of any contract of the authority for the sale of electrical energy entered into pursuant to the provisions of this chapter.

G. If secondary, dump, off-peak, or emergency energy becomes available to the authority from Colorado river developments, or other public or private sources, it may be purchased and resold by the authority to the extent of transmission facilities available, at rates which will be adequate to cover the costs of delivering such energy, and under terms and conditions suited to the uses which may be made of the energy.

Sec. 5. Article 2, chapter 1, title 30, Arizona Revised Statutes, is amended by adding section 30-127.01, to read:

30-127.01. WATER RIGHTS. Nothing in this act shall be construed as affecting or intended to affect or to in any way interfere with the laws of the state relating to the control, appropriation, use, or distribution of water used in irrigation or any vested right acquired therefor, and the authority, in carrying out the provisions of this act, shall proceed in conformity with such laws, and nothing herein shall affect any right of the state or of any landowner, appropriator, or user of water in, to, or from any interstate or intrastate stream or the waters thereof.

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—April 19, 1956.

Filed in the Office of the Secretary of State—April 19, 1956.

CHAPTER 152

Senate Bill No. 65

AN ACT

MAKING AN APPROPRIATION TO THE ARIZONA STATE BOARD OF PHARMACY.

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 16, section 1, chapter 139, Laws of 1955, the sum of four thousand three hundred dollars is appropriated from the Arizona state board of pharmacy fund to the Arizona state board of pharmacy, in the amounts and for the purposes following:

In-state travel	$ 800.00
Out-of-state travel	500.00
Capital Outlay for re-establishing office	
Lighting	570.00
Fixtures	2,000.00
Conference room chairs	250.00
Windows	100.00
Miscellaneous items	80.00
Total	$4,300.00

Sec. 2. EXEMPTION. The appropriation made 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—April 19, 1956.

Filed in the Office of the Secretary of State—April 20, 1956.

CHAPTER 153

Senate Bill No. 119

AN ACT

RELATING TO LIABILITY INSURANCE FOR OFFICERS, AGENTS AND EMPLOYEES OF THE STATE AND THE BOARDS, DEPARTMENTS AND AGENCIES CARRYING ON ANY OF THE FUNCTIONS OF THE STATE, MAKING AN APPROPRIATION, AND AMENDING CHAPTER 4, TITLE 38, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 3.

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

Section 1. Chapter 4, title 38, Arizona Revised Statutes, is amended by adding article 3 to read:

ARTICLE 3. LIABILITY INSURANCE

38-641. AUTHORITY TO PROCURE LIABILITY INSURANCE COVERING OFFICERS, AGENTS AND EMPLOYEES. The state and the boards, departments and agencies carrying on any of the functions thereof may expend public funds to procure liability insurance covering their officers, agents and employees while employed in governmental or proprietary capacities.

Sec. 2. APPROPRIATION. A. The sum of ten thousand dollars is appropriated from the game and fish protection fund for the use of the game and fish commission in carrying out the provisions of section 1 of this act.

B. The sum of twenty-five thousand dollars is appropriated from the state highway fund for the use of the state highway commission in carrying out the provisions of section 1 of this act.

Approved by the Governor—April 19, 1956.

Filed in the Office of the Secretary of State—April 20, 1956.

CHAPTER 154

Senate Bill No. 122

AN ACT

RELATING TO INSPECTION STATIONS; AUTHORIZING CONSTRUCTION OF AN INSPECTION STATION NEAR DOUGLAS, ARIZONA, AND MAKING AN APPROPRIATION.

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

Section 1. APPROPRIATION. A. In addition to the sum appropriated to the state highway department under the provisions of the general appropriation bill for the forty-fifth fiscal year, there is appropriated from the state highway fund the sum of twelve thousand five hundred dollars for the purpose of authorizing the construction of an inspection station, to be located near Douglas, Arizona, and to be occupied jointly by the state highway department and the Arizona commission of agriculture and horticulture.

B. In addition to the appropriation made under the terms of subsection A, the sum of twelve thousand five hundred dollars is appropriated from the general fund to the Arizona commission of agriculture and horticulture, to be available for the use of the commission in paying to the Arizona state highway department the commission's share of the cost of construction of an inspection station and other real property improvements to be located near Douglas, Arizona.

Sec. 2. 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 lapsation of appropriations, respectively.

Approved by the Governor—April 19, 1956.

Filed in the Office of the Secretary of State—April 20, 1956.

CHAPTER 155

Senate Bill No. 129

AN ACT

RELATING TO HEALTH AND SAFETY OF RAILROAD

EMPLOYEES, AND AMENDING SECTION 40-845, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 40-845, Arizona Revised Statutes, is amended to read:

40-845. VIOLATION; PENALTY; ACTION TO COLLECT PENALTY. A. Any person failing to comply with an order or regulation of the commission authorized by this article shall be liable to a penalty of twenty-five dollars for each day of noncompliance.

B. The attorney general shall file an action on behalf of the state for any unpaid penalty within one year after the penalty accrues.

C. Any common carrier railroad which is unable on or before January 1, 1956, to equip its cabooses as prescribed in this article may apply to the corporation commission for an extension of time. The commission may grant additional time, not to exceed nine months from January 1, 1956, and during such period the common carrier railroad shall not be subject to the fine prescribed by this section.

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—April 19, 1956.

Filed in the Office of the Secretary of State—April 20, 1956.

CHAPTER 156

House Bill No. 161

AN ACT

RELATING TO EDUCATION; PROVIDING FOR THE EDUCATION OF HOMEBOUND STUDENTS ON A COUNTY-WIDE BASIS, AND AMENDING SECTION 15-1011, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 15-1011, Arizona Revised Statutes, is amended to read:

15-1011. HOMEBOUND STUDENTS TEACHING PROGRAM. A. The state board of education shall provide a uniform course of instruction for homebound students who are capable of being educated and for that purpose may negotiate with any county school superintendent who may establish an accommodation school within the organized or unorganized territory of the county or with any school district deemed by the board to be strategically located to serve homebound students.

B. A county school superintendent or a school district entering into an agreement with the board to provide homebound teaching services shall establish the program in the manner and under rules and regulations as the board prescribes and shall agree to provide homebound teaching services to homebound students residing within the county. The county superintendent or the district, not later than June 15 each year shall at the time of making regular annual attendance reports make a written report to the board setting forth the average daily attendance in homebound teaching, the instructional costs of the program and such other information as the board requires. For the purpose of determining average daily attendance a physically handicapped child receiving instruction under the homebound teaching program shall be deemed in full time attendance when he attends classes or receives instruction for a period of not less than four hours per week.

C. For the purposes of this article homebound student means a common or high school student capable of being educated who is unable to attend regular classes due to illness, disease, accident or physical handicap, who has been examined by a private practicing physician other than his own family doctor, and by the county superintendent of public health or the county physician, and declared by both to be unable to attend regular classes for a period of not less than three school months.

Approved by the Governor—April 19, 1956.

Filed in the Office of the Secretary of State—April 20, 1956.

CHAPTER 157

House Bill No. 181

AN ACT

RELATING TO MOTOR VEHICLES; PRESCRIBING COMPENSATION FOR THE SUPERINTENDENT OF THE MOTOR VEHICLE DIVISION, AND AMENDING SECTION 28-201, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 28-201, Arizona Revised Statutes, is amended to read:

28-201. MOTOR VEHICLE DIVISION; SUPERINTENDENT; SALARY; OFFICES; EMPLOYEES. A. The highway department shall maintain a division of motor vehicles.

B. The state engineer, subject to the approval of the commission, shall appoint a vehicle superintendent to be the head of the division, who shall receive an annual salary not to exceed nine thousand dollars as fixed by the commission.

C. The vehicle division shall maintain an office in the capital, and other offices as the duties of the division require. The superintendent may, with the consent of the engineer, appoint a chief clerk and other employees as the business of the division demands.

Approved by the Governor—April 19, 1956.

Filed in the Office of the Secretary of State—April 20, 1956.

CHAPTER 158

House Bill No. 260

AN ACT

RELATING TO WATERS; RELIEVING FROM LIABILITY PERSONS PERFORMING ANY CONSTRUCTION, REPAIR, ALTERATION, EXTENSION OR IMPROVEMENT WORK FOR IRRIGATION, DRAINAGE, FLOOD CON-

TROL, AGRICULTURAL IMPROVEMENT, ELECTRICAL, WATER CONSERVATION AND POWER DISTRICTS FOR DISTRICT PURPOSES WHICH HAS BEEN PERFORMED IN ACCORDANCE WITH PLANS AND SPECIFICATIONS APPROVED BY THE STATE ENGINEER, AND AMENDING CHAPTER 9, TITLE, 45, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 6.

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

Section 1. Chapter 9, title 45, Arizona Revised Statutes, is amended by adding article 6, sections 45-2191 to 45-2195, inclusive, to read:

ARTICLE 6. CONDITIONS OF LIABILITY FOR DAMAGES RESULTING FROM CONSTRUCTION AND OTHER WORK PERFORMED FOR DISTRICTS.

45-2191. DEFINITIONS. In this article, unless the context otherwise requires:

1. "District" means any irrigation, drainage, flood control, agricultural improvement, electrical, water conservation or power district organized under the laws of this state.

2. "Governing body of the district" means the board of directors, board of trustees, district supervisors, or any other name by which the body charged with the administration of the affairs of a district may be known.

3. "Person" means any individual, firm, partnership, joint adventure, corporation or association.

4. "State engineer" means the state highway engineer.

45-2192. APPROVAL OF PLANS AND SPECIFICATIONS BY THE STATE ENGINEER. A. When any construction, repair, alteration, extension or improvement work for district purposes is to be performed according to plans and specifications prepared by or for a district, the governing body of the district may, if it so desires, make application to the state engineer for his approval in writing of the plans and specifications.

B. All applications shall contain such information and data as the state engineer may require and shall have attached thereto the plans and specifications to be approved.

C. If application is made to the state engineer for approval

of plans and specifications for any such work, no person shall commence any such work until the state engineer has approved the plans and specifications in writing, and when approved all work shall be performed strictly in accordance with the plans and specifications as approved.

45-2193. ESTIMATED COST OF WORK; APPLICATION FEES. A. The estimated cost of any such work shall include the cost of all labor and materials to be utilized in completing such work.

B. Applications shall be accompanied by a filing fee of fifty dollars. There shall be a further fee paid at the time of filing the application, or upon receipt of the proceeds of bonds and prior to beginning actual work if the work is to be paid for from the proceeds of bonds, based upon the estimated cost of the work, as follows:

1. For the first two hundred fifty thousand dollars, one per cent of the estimated cost.

2. For the next seven hundred fifty thousand dollars, one-half of one per cent.

3. For the next four million dollars, one-fourth of one per cent.

4. For all costs in excess of five million dollars, one-tenth of one per cent.

45-2194. LIABILITY IN ACTIONS FOR DAMAGES. A. No action shall be brought or maintained against the state, the state engineer or his employees or agents for damages sustained as a result of the approval by the state engineer of the plans and specifications for any such work.

B. No action shall be brought or maintained against any person for damages resulting directly or indirectly from any such construction, repair, alteration, extension or improvement work performed by such person in accordance with plans and specifications as approved by the state engineer.

C. The provisions of subsection B of this section shall not be deemed to limit the liability of any person for negligence or wilful wrongdoing during the performance of such work.

D. Nothing in this section shall relieve a district from the legal duties, obligations and liabilities it may have arising from any work performed in accordance with the plans and specifications approved by the state engineer, nor to relieve any

district or person from the legal duties, obligations and liabilities provided under title 23.

45-2195. APPLICATION OF ARTICLE. Nothing in this article shall be deemed to apply to a contract between a district and the federal government under the provisions of article 5, chapter 9, title 45.

Approved by the Governor—April 19, 1956.

Filed in the Office of the Secretary of State—April 20, 1956.

CHAPTER 159

House Bill No. 321

AN ACT

RELATING TO MORTGAGES OF PERSONAL PROPERTY; PROVIDING A SYSTEM OF FILING AND REFILING OF MORTGAGES OR CERTIFICATES OF RECORDATION AND THE EFFECT THEREOF AS NOTICE; MAKING AN APPROPRIATION; AMENDING SECTIONS 33-751, 33-753, 33-754 AND 33-756, ARIZONA REVISED STATUTES, AND AMENDING ARTICLE 4, CHAPTER 6, TITLE 33, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 33-752.01 AND 33-753.01.

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

Section 1. Sec. 33-751, Arizona Revised Statutes, is amended to read:

33-751. TYPES OF PERSONAL PROPERTY WHICH MAY BE MORTGAGED. Mortgages may be made upon:

1. All growing crops.

2. All kinds of personal property except on a stock of goods, wares or merchandise daily exposed to sale as set forth in the provisions of section 33-752, Arizona Revised Statutes.

Sec. 2. Article 4, chapter 6, title 33, Arizona Revised Statutes is amended by adding section 33-752.01, to read:

33-752.01. DESCRIPTION OF PERSONAL PROPERTY

MORTGAGE; FORM; FAILURE TO STATE INTEREST RATE OR DUE DATES. A. A mortgage of personal property or crops shall be clearly designated on the face of the mortgage apart from and preceding the terms of the mortgage.

B. The mortgage may be made in substantially the following form:

(Designation in accordance with subsection A)

This mortgage, made the ..... day of ..... in the year ..... by A. B., of .....,
(Street address and city)
mortgagor, to C. D., of ....., mortgagee, witnesseth:
(Street address and city)

That the mortgagor mortgages to the mortgagee: (Description of property) as security for the payment to him of ..... dollars, on ..... (or before) the ..... day of ..... in the year ..... (or, as security for the payment of a note or obligation, describing it, etc.)

(Signed) A. B.

C. No mortgage of personal property or crops shall be invalid for failure to state thereon the interest rate or the due date or due dates of the obligation or obligations secured thereby.

Sec. 3. Sec. 33-753, Arizona Revised Statutes, is amended to read:

33-753. REQUIREMENTS FOR VALIDITY OF MORTGAGE. A mortgage of personal property or crops is void as against creditors of the mortgagor and subsequent purchasers and encumbrances of the property in good faith and for value, unless:

1. The mortgage is acknowledged in like manner as instruments of conveyance of real property.

2. The mortgage, if of animate personal property other than crops growing or to be grown, is filed in the office of the recorder of the county where the mortgagor resides at the time the mortgage is executed, or if the mortgagor is a nonresident of this state, in the office of the recorder of the county where the property mortgaged is located at the time the mortgage is executed.

3. The mortgage, if of crops growing or to be grown, is filed in the office of the recorder of the county where the land is located upon which such crops are growing or to be grown.

4. The mortgage, if of personal property other than crops growing or to be grown or animate personal property, is filed in the office of the recorder of each of the counties where the property mortgaged is located and where the mortgagor resides at the time the mortgage is executed, provided that in case the mortgagor is a nonresident of this state, no filing where the mortgagor resides is required, and, if the property mortgaged is thereafter removed to another county of this state, either the mortgage is filed in that county or there is or has been filed a statement of recordation as prescribed in section 33-754.

5. The mortgage is clearly designated on its face, apart from and preceding the terms of the mortgage, to be a mortgage of crops and chattels, or either.

6. Within six years from the last filing or refiling, the mortgage is filed in its entirety, or in lieu thereof there be filed a certification executed by the mortgagor or mortgagee, or the successor in interest of either, and filed in the office of the recorder of each county in which the mortgage has been filed. The certificate shall be in substantially the following form:

Certificate of Refiling

By this certificate of refiling that certain mortgage made by ....., mortgagor, of .....
(Street address and city)

to ....., mortgagee, of .....,
(Street Address and city)

and dated the ..... day of ....., in the year ....., and filed in the office of the recorder of the county of ....., on the ..... day of ....., in the year ....., and abstracted in book ..... of ....., at page ..... (set forth if available the date and place of each filing), be and the same hereby is refiled.

(Signed), A. B. or C. D.

The certificate shall be acknowledged in like manner as con-

veyances of real property. No certificate shall be deemed defective because it does not refer to all of the filing data of the original mortgage. The provisions of this subparagraph shall not apply to any mortgage heretofore or hereafter made pursuant to an order, judgment, or degree of court of record, or heretofore or hereafter made to secure the payment of bonds or other evidences of indebtedness authorized or permitted to be issued under jurisdiction of the Arizona corporation commission. The term "refiling" as used in this section shall include the refiling of a certificate of refiling.

Sec. 4. Article 4, chapter 6, title 33, Arizona Revised Statutes, is amended by adding section 33-753.01, to read:

33-753.01. SINGLE MORTGAGES OF PROPERTY WHERE SEPARATE MORTGAGES WOULD BE REQUIRED TO BE FILED IN DIFFERENT PLACES; RESIDENCE OF CORPORATION OR PARTNERSHIP; PROPERTY IN TRANSIT. A. A single mortgage of personal property, embracing several things of such character or so situated that by the provisions of this article separate mortgages upon them would be required to be filed in different places, or a statement of filing would be required to be filed, is only valid in respect to the things as to which it is duly filed or as to which a statement of refiling is duly filed.

B. Where the mortgagor of personal property or crops is a corporation, or a partnership, the county of residence thereof for the purpose of filing such mortgage shall be deemed to be the county wherein such corporation or partnership has its principal place of business within this state.

C. For the purpose of this article, property in transit from the possession of the mortgagee to the county of the residence of the mortgagor, or to a location for use, is, during a reasonable time for such transportation, to be taken as situated in the county in which the mortgagor resides, or where it is intended to be used.

Sec. 5. Sec. 33-754, Arizona Revised Statutes, is amended to read:

33-754. REMOVAL OF MORTGAGED PERSONAL PROPERTY FROM COUNTY; CONSTRUCTIVE NOTICE; RECORDATION; EFFECTIVE STATEMENT. A. When mortgaged personal property, other than vehicles as defined in

title 28, Arizona Revised Statutes, is removed from the county in which it is situated, the constructive notice of the mortgage imparted by filing shall not be affected for thirty days after removal. After the expiration of thirty days the filing shall not impart constructive notice while the property remains removed from the county unless, if the amount of the mortgage is two hundred dollars or more, the mortgagee causes the mortgage to be filed in the county to which the property has been removed, or the mortgagee causes a statement of recordation to be filed, but if the amount of the mortgage is less than two hundred dollars, the mortgagee shall cause the mortgage to be filed in the county to which the property has been removed.

B. The statement of recordation shall be filed with the secretary of state, signed by the mortgagee, stating:

1. A mortgage of personal property has been filed.

2. The kind or kinds of personal property mortgaged.

3. Filing data which is sufficient to permit the record to be located.

4. The name and principal place of business of each mortgagor and mortgagee.

C. It shall be the duty of the secretary of state to mark and maintain the statement of recordation filed as follows:

1. With a consecutive file number.

2. Date and hour of filing.

3. Maintain in a separate file.

4. Note and index the filing in a suitable index, according to the name of the mortgagor and mortgagee.

5. Maintain a notation in the index of the principal places of business of the mortgagor and mortgagee as given in the statement of recordation.

D. Presentation for filing of the statement of recordation to the secretary of state, and payment of the filing fee shall constitute filing. The filing shall have the effect of and be equivalent to filing the mortgage in all counties of this state; provided that the filing shall be of no effect six years after the date of filing the mortgage unless there is a refiling as provided in section 33-753, and a filing of a statement of recordation.

E. The statement of rerecordation shall be filed in sub-

stantially the same manner and form as the statement of recordation and shall have the effect of and be equivalent to a statement of recordation for six years from the date of rerecording.

F. Upon request of any person, the secretary of state shall issue a certificate showing whether or not there is on file any presently effective statement and if so, setting forth its contents. The fee for filing a statement shall be one dollar and for issuing a certificate two dollars.

G. All fees collected by the secretary of state pursuant to this section shall be transmitted to the state treasurer for deposit to the credit of the general fund.

Sec. 6. Sec. 33-756, Arizona Revised Statutes, is amended to read:

33-756. RECORD OF SATISFACTION; FAILURE TO ACKNOWLEDGE SATISFACTION; PENALTY. A. When the debt, secured by a chattel mortgage or other instrument intended to operate as a mortgage or lien upon personal property, has been paid or satisfied, the mortgagee, his assignee or personal representative shall enter satisfaction thereof. Such entry of satisfaction shall be made under the remarks column in the book in which the instrument is entered. An instrument acknowledging satisfaction is not required to be recorded at length, but the county recorder and the secretary of state shall make the entry under the remarks column, disclosing that the obligation has been paid, file the instrument acknowledging satisfaction, and return the mortgage or other instrument to the mortgagor.

B. If a person receiving satisfaction does not within thirty days after request and tender of costs acknowledge satisfaction on the margin of the record or file with the county recorder of the county wherein the mortgage is recorded, and the secretary of state, a sufficient release, he is guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars, imprisonment in the county jail for not to exceed sixty days, or both.

Sec. 7. APPROPRIATION. The sum of five thousand dollars is appropriated to the secretary of state for the purpose of carrying out the provisions of this act.

Approved by the Governor—April 19, 1956.

Filed in the Office of the Secretary of State—April 20, 1956.

CHAPTER 160

House Bill No. 388

AN ACT

RELATING TO DECEDENTS' ESTATES, AND AMENDING SECTION 14-598, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 14-598, Arizona Revised Statutes, is amended to read:

14-598. APPRAISAL; MINIMUM OFFER; CONFIRMATION OF SALE; RECORDING OF ORDER; PROCEDURE WHEN PURCHASER DEFAULTS; LIABILITY OF DEFAULTING PURCHASER. A. A sale of real property at private sale shall not be confirmed by the court unless the sum offered is at least ninety per cent of the appraised value thereof, nor unless such real property has been appraised within one year of the time of the sale. If it has not been so appraised, or if the court is satisfied that the appraisement is too high or too low, appraisers shall be appointed, and they shall make an appraisement thereof in the same manner as an original appraisement, which may be done at any time before the sale or the confirmation.

B. If it appears to the court that the sale was legally made and fairly conducted, that the sum bid was not disproportionate to the value of the property sold and that a greater sum cannot be obtained, or if a higher or better offer is made and accepted by the court, the court shall thereupon make an order confirming the sale, and directing conveyances to be executed, and the sale shall be deemed effective from that time.

C. A certified copy of the order confirming the sale of real estate shall be recorded in the office of the county recorder of the county within which the land sold is located.

D. If the purchaser neglects or refuses to comply with the terms of the sale, the court, on motion of the executor or administrator and after notice to the purchaser, may order a resale of the property. If the amount of the re-sale does not cover the bid and expenses of the previous sale the original purchaser is liable to the estate for the deficiency.

Sec. 2. EMERGENCY. To preserve the public peace, health and safety it is necessary that this act become immedi-

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

Approved by the Governor—April 19, 1956.

Filed in the Office of the Secretary of State—April 20, 1956.

CHAPTER 161

Senate Bill No. 75

AN ACT

RELATING TO PROFESSIONS AND OCCUPATIONS; REGULATING THE PRACTICE OF ARCHITECTS, ASSAYERS, ENGINEERS, GEOLOGISTS AND SURVEYORS, AND AMENDING SECTIONS 32-101, 32-102, 32-106, 32-121 TO 32-128, INCLUSIVE, AND 32-141 TO 32-145, INCLUSIVE, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 32-101, Arizona Revised Statutes, is amended to read:

32-101. DEFINITIONS. In this chapter, unless the context otherwise requires:

1. "Architect" means a person who, by reason of his knowledge of the mathematical and physical sciences, and the principles of architecture and architectural engineering, acquired by professional education, practical experience, or both, is qualified to engage in the practice of architecture as attested by his registration as an architect.

2. "Architectural practice" means any service or creative work requiring architectural education, training and experience, and the application of the mathematical and physical sciences and the principles of architecture and architectural engineering to such professional services or creative work as consultation, evaluation, planning, design and supervision of construction for the purpose of assuring compliance with specifications and design, in connection with any building, or site development. A person shall be deemed to practice or offer to practice architecture who in any manner represents himself to be an architect, or holds himself out as able to perform any

architectural service or other services recognized by educational authorities as architecture.

3. "Architect-in-training" means a candidate for registration as a professional architect who is a graduate of a school approved by the board as of satisfactory standing or who has had four years or more of experience in architectural work of a character satisfactory to the board. In addition, the candidate shall have successfully passed the examination in the basic architectural subjects. Upon completion of the requisite years of training and experience in the field of architecture under the supervision of a professional architect satisfactory to the board, the architect-in-training shall be eligible for the second stage of the prescribed examination for registration as a professional architect.

4. "Assayer" means a person who analyzes metals, ores, minerals or alloys in order to ascertain the quantity of gold or silver or any other substance present in them.

5. "Board" means the state board of technical registration.

6. "Engineer" means a professional engineer who by reason of special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design, acquired by professional education or practical experience, is qualified to practice engineering as attested by his registration as a professional engineer.

7. "Engineering practice" means any professional service or creative work requiring engineering education, training and experience and the application of special knowledge of the mathematical, physical and engineering sciences to such professional services or creative work as consultation, investigation, evaluation, planning, design and supervision of construction for the purpose of assuring compliance with specifications and design, in connection with any public or private utility, structure, building, machine, equipment, process, work or project, and includes plans and designs relating to the location, development, mining and treatment of ores and other minerals. A person shall be deemed to be practicing or offering to practice engineering if he practices any branch of the profession of engineering, or by verbal claim, sign, advertisement, letterhead, card or any other manner represents himself to be a

professional engineer, or holds himself out as able to perform or does perform any engineering service or other service or recognized by educational authorities as engineering. A person employed on a full time basis as an engineer by an employer engaged in the business of developing, mining and treating ores and other minerals shall not be deemed to be practicing engineering for the purposes of this chapter if he engages in the practice of engineering exclusively for and as an employee of such employer and does not hold himself out and is not held out as available to perform any engineering services for persons other than his employer.

8. "Engineer-in-training" means a candidate for registration as a professional engineer who is a graduate in an approved engineering curriculum of four years or more of a school approved by the board as of satisfactory standing, or who has had four years or more of experience in engineering work of a character satisfactory to the board, and, in addition, has successfully passed the examination in the basic engineering subjects, and who, upon completion of the requisite years of training and experience in engineering under the supervision of a professional engineer satisfactory to the board, is eligible for the second stage of the prescribed examination for registration as a professional engineer.

9. "Geologist" means a person, not of necessity an engineer, who by reason of his special knowledge of the earth sciences and the principles and methods of search for and appraisal of mineral or other natural resources acquired by professional education and practical experience is qualified to practice geology as attested by his registration as a professional geologist. A person employed on a full time basis as a geologist by an employer engaged in the business of developing, mining or treating ores and other minerals shall not be deemed to be engaged in 'geological practice' for the purposes of this chapter if he engages in geological practice exclusively for and as an employee of such employer and does not hold himself out and is not held out as available to perform any geological services for persons other than his employer.

10. "Geological practice" means any professional service or work requiring geological education, training, and experience, and the application of special knowledge of the earth sciences to such professional services as consultation, evaluation of mining properties, petroleum properties, and ground

water resources, professional supervision of exploration for mineral natural resources including metallic and non-metallic ores, petroleum, and ground water, and the geological phases of engineering investigations.

11. "Geologist-in-training" means a candidate for registration as a professional geologist who is a graduate of a school approved by the board as of satisfactory standing or who has had four years or more of experience in geological work of a character satisfactory to the board. In addition, the candidate shall have successfully passed the examination in the basic geology subjects. Upon completion of the requisite years of training and experience in the field of geology under the supervision of a professional geologist satisfactory to the board, the geologist-in-training shall be eligible for the second stage of the prescribed exaination for registration as a professional geologist.

12. "Land surveyor" means a person who engages in the practice of surveying tracts of land for the determination of their correct locations, areas, boundaries and description, for the purpose of conveyancing and recording, or for establishment or reestablishment of boundaries and plotting of lands and subdivisions.

Sec. 2. Sec. 32-102, Arizona Revised Statutes, is amended to read:

32-102. BOARD OF TECHNICAL REGISTRATION. A. There shall be a state board of technical registration. The board shall consist of the dean or acting dean of the college of engineering at the university of Arizona as an ex officio member, and eight appointive members, who shall be appointed by the governor. Three of the appointive members shall be architects and five shall be engineers from the major engineering groups.

B. Of the members of the board first appointed, two shall be appointed for terms expiring June 30, 1957, one of whom shall be an engineer and one an architect; three shall be appointed for terms expiring June 30, 1958, two of whom shall be engineers and one an architect, and three for terms expiring June 30, 1959, two of whom shall be engineers and one an architect. Upon the expiration of any of the terms a successor

shall be appointed for a full term of three years. The governor may remove an appointive member of the board for misconduct, incapacity or neglect of duty. Appointment to fill a vacancy caused other than by expiration of term shall be for the unexpired portion of the term.

Sec. 3. Sec. 32-106, Arizona Revised Statutes, is amended to read:

32-106. POWERS AND DUTIES. A. The board shall:

1. Adopt by-laws and rules for the conduct of its meetings and performance of duties imposed upon it by law.

2. Adopt an official seal for attestation of certificates of registration and other official papers and documents.

3. Consider and pass upon applications for registration.

4. Hear and pass upon complaints or charges.

5. Compel attendance of witnesses, administer oaths and take testimony concerning all matters coming within its jurisdiction.

6. Keep a record of its proceedings.

7. Keep a register which shall show the date of each application for registration, the name, age, qualifications and place of business of the applicant, and the disposition of the application.

8. Do other things necessary to carry out the purposes of this chapter.

B. The board shall specify on the certificate of registration and annual renewal card issued to each registered engineer the branch of engineering in which he has demonstrated proficiency, and authorize him to use the title of registered professional engineer. The board shall decide what branches of engineering shall be thus recognized.

C. The board may hold membership in and be represented at the national council of state boards of engineering examiners and the national council of architectural registration boards, and may pay the appropriate membership fees. Members or regular employees of the board selected to represent the board at such meetings shall be reimbursed for actual and necessary expenses in connection therewith. The board may conduct standard examinations on behalf of national councils, and may establish fees therefor.

D. The board is authorized to employ and pay on a fee basis persons, including full time employees of a state institution, bureau or department, to prepare and grade examinations given to applicants for registration and to fix the fee to be paid for such services. Such employees are authorized to prepare, grade and monitor examinations, and perform other services the board authorizes, and to receive payment therefor from the technical registration fund.

E. The board is authorized to rent necessary office space and pay the cost thereof from the technical registration fund.

Sec. 4. Sec. 32-121, Arizona Revised Statutes, is amended to read:

32-121. CERTIFICATE REQUIRED FOR PRACTICE OF ARCHITECTURE, ASSAYING, ENGINEERING, GEOLOGY, OR LAND SURVEYING. A person desiring to practice the profession of architecture, assaying, engineering, geology, or land surveying shall first secure a certificate of registration and shall comply with all the conditions prescribed in this chapter.

Sec. 5. Sec. 32-122, Arizona Revised Statutes, is amended to read:

32-122. QUALIFICATIONS OF APPLICANT. A. An applicant for registration as an architect, engineer or geologist shall be not less than twenty-five years of age and of good moral character and repute, and shall have engaged actively for at least eight years in architectural, engineering or geological work of a character satisfactory to the board, but each year of teaching architectural, engineering or geological subjects or of study satisfactorily completed in an architectural, engineering or geological school approved by the board up to a maximum of five years, may be considered equivalent to one year of active engagement.

B. An applicant for registration as an assayer or a land surveyor shall have engaged actively for at least four years in assaying or land surveying work of a character satisfactory to the board, but each year of teaching assaying or land surveying or of study satisfactorily completed in a school approved by the board, up to a maximum of two years may be considered equivalent to one year of active engagement.

Sec. 6. Sec. 32-123, Arizona Revised Statutes, is amended to read:

32-123. APPLICATION FOR REGISTRATION. A. A person desiring to practice architecture, assaying, engineering, geology, or land surveying shall make application for registration on a form prescribed by the board, subscribed under oath and accompanied by the registration fee. If the evidence submitted satisfies the board that the applicant is fully qualified to practice the profession for which registration is asked, it shall give him a certificate of registration, signed by the chairman and secretary and attested by the official seal.

B. If in the judgment of the board the applicant has not furnished satisfactory evidence of qualifications for registration, it may require additional data, or may require the applicant to submit to an oral or written examination.

C. If the application is denied, the registration fee shall be returned, less the cost of considering the application, as determined by the board.

Sec. 7. Sec. 32-124, Arizona Revised Statutes, is amended to read:

32-124. REGISTRATION FEES. The following fees shall accompany applications for registration:

1. For a certificate as an architect, engineer or a geologist, twenty-five dollars.

2. For a certificate as an assayer or land surveyor, fifteen dollars.

3. For registration as an engineer-in-training, ten dollars.

4. For a temporary permit to practice architecture, engineering, geology, assaying or land surveying, not to exceed a period of ninety days, by a nonregistrant holding a valid certificate of registration as an architect, engineer, geologist, assayer or land surveyor issued by another state or territory of the United States, fifty dollars.

Sec. 8. Sec. 32-125, Arizona Revised Statutes, is amended to read:

32-125. SEALS FOR REGISTRANTS. A. The board shall adopt and prescribe seals for use of registrants who hold valid certificates. Each seal shall bear the name of the registrant, shall state the vocation and, in the case of engineering, the branch or branches thereof he is permitted to practice, and other data the board deems pertinent.

B. Plans, specifications, plats or reports prepared by a registrant or his bona fide employee, shall be issued under his seal.

C. It is unlawful for a registrant whose certificate has expired or has been revoked or suspended to use the seal, or for a registrant to sign, stamp or seal any document not prepared by him or his bona fide employee.

D. It shall be unlawful for any nonregistrant to cause or permit the illegal use of a registrant's seal, signature or stamp on any document prepared by the nonregistrant.

Sec. 9. Sec. 32-126, Arizona Revised Statutes, is amended to read:

32-126. REGISTRATION WITHOUT EXAMINATION. The board may register without examination an applicant who holds a valid and subsisting certificate of registration issued by another state or foreign country which has requirements for registration satisfactory to the board, or who holds a certificate of qualification issued by a national bureau of registration or certification.

Sec. 10. Sec. 32-127, Arizona Revised Statutes, is amended to read:

32-127. RENEWAL OF CERTIFICATES; DELINQUENCY PENALTY; RENEWAL FEES. A. Certificates of registration shall expire on December 31 of each year, and shall be invalid after that date unless renewed by payment of the required renewal fee. If the renewal fee is not paid prior to the expiration date, it shall be accompanied by a penalty of ten per cent for each month or fraction of a month of delinquency.

B. If a registration has lapsed for three years, a new application, accompanied by the proper fee, shall be required, but time spent by a registrant in any branch of the armed forces of the United States since 1939 shall not be included in computing the three year period.

C. The renewal fee shall be:

1. For an architect, engineer or a geologist, ten dollars.

2. For an assayer or land surveyor, five dollars.

Sec. 11. Sec. 32-128, Arizona Revised Statutes, is amended to read:

32-128. REVOCATION OF CERTIFICATE; HEARING; NOTICE OF FINDINGS. A. The board may take disciplinary action against the holder of a certificate under this act, charged with the commission of any of the following acts:

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

2. Gross negligence, incompetence, bribery, or other misconduct in the practice of his profession.

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

B. The board shall have authority to make investigations, employ investigators, and conduct hearings to determine whether a license issued under this chapter should be revoked or suspended upon a complaint in writing, under oath, or when the board, after receiving an oral or written complaint not under oath, makes an investigation into such complaint and determines that there is sufficient evidence to warrant a hearing, on its own motion may direct the secretary to file a verified complaint charging a possessor of a certificate under this chapter, with commission of an offense subject to disciplinary action and give notice of hearing. The secretary shall then serve upon the accused, by registered mail, a copy of the complaint together with notice setting forth the charge or charges to be heard and the time and place of hearing, which shall not be less than thirty days succeeding the mailing of notice.

C. The accused may appear personally or by his attorney at the hearing and present witnesses and evidence in his defense and he may cross-examine witnesses against him.

D. If five or more members of the board find the accused guilty, his certificate shall be suspended or revoked, but may be reissued upon the affirmative vote of five or more members of the board. Should the certificate of a registrant who is a principal of a firm or executive officer of a corporation be suspended or revoked for cause attributable to the firm or corporation, said revocation may be deemed just cause for revocation of the certificates of all or any other principals or officers of the firm or corporation.

E. The board shall immediately notify the secretary of

state and clerk of the board of supervisors of each county in the state of the revocation of a certificate or of the reissuance of a revoked certificate.

Sec. 12. Sec. 32-141, Arizona Revised Statutes, is amended to read:

32-141. FIRM OR CORPORATE PRACTICE. No firm or corporation shall engage in the practice of architecture, assaying, geology, engineering or land surveying unless the work is under the full authority and responsible charge of a registrant, who is also a principal of the firm or officer of the corporation. The name of said registrant shall appear whensoever the firm name is used in the professional practice of the firm or corporation.

Sec. 13. Sec. 32-142, Arizona Revised Statutes, is amended to read:

32-142. PUBLIC WORKS. A. Drawings, plans, specifications and estimates for public works of the state or a political subdivision thereof involving architecture or engineering shall be prepared by or under the personal direction of, and the construction of such works shall be executed under the direct supervision of, a registered architect or engineer.

B. Surveys, maps or assays required in connection with public land surveying or assaying shall be made by or under the personal direction of a qualified registrant.

Sec. 14. Sec. 32-143, Arizona Revised Statutes, is amended to read:

32-143. EXCEPTIONS. A registered architect may engage in the practice of engineering or a registered engineer may engage in the practice of architecture, geology, assaying or land surveying, but only to the extent that such person is qualified and as such work may be necessary and incidental to the work of his profession.

Sec. 15. Sec. 32-144, Arizona Revised Statutes, is amended to read:

32-144. EXEMPTIONS AND LIMITATIONS. Architecture, engineering, geology, assaying or land surveying may be practiced without compliance with the requirements of this chapter by:

1. An officer or employee of the United States, practicing as such.

2. A consulting associate of a registrant, if he is a nonresi-

dent with no established place of business in this state and is qualified to practice in the state or country where he resides.

3. An employee of a registrant or of a person exempt from registration, if such employment does not involve direct responsibility for design, inspection or supervision.

4. A nonregistrant who designs buildings, the cost of which does not exceed ten thousand dollars each, or alterations, the cost of which does not exceed three thousand dollars for each building.

5. A nonregistrant who designs buildings or structures to be erected on property owned or leased by him or by a person, firm or corporation, including a utility, telephone, mining or railroad company, which employs such nonregistrant on a full time basis, if the buildings or structures are intended solely for the use of the owner or lessee of the property and are not for sale, rental or use by the public.

Sec. 16. Sec. 32-145, Arizona Revised Statutes, is amended to read:

32-145. VIOLATIONS; PENALTY. Any person who commits any of the following acts is guilty of a misdemeanor:

1. Practices, offers to practice or by any implication holds himself out as qualified to practice as an architect, assayer, engineer, geologist or land surveyor, who is not registered as provided by this chapter.

2. Advertises or displays a card, sign or other device which may indicate to the public that he is an architect, assayer, engineer, geologist or land surveyor, or is qualified to practice as such, who is not registered as provided by this chapter.

3. Assumes the title of engineer, architect, geologist, assayer or land surveyor, or uses or attempts to use as his own a certificate of registration of another, or uses or attempts to use an expired or revoked certificate of registration.

4. Presents false evidence to the board for the purpose of obtaining a certificate of registration.

5. Otherwise violating any provision of this chapter.

Approved by the Governor—April 24, 1956.

Filed in the Office of the Secretary of State—April 24, 1956.

CHAPTER 162

Senate Bill No. 123

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE INSURANCE DEPARTMENT OF ARIZONA.

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

Section 1. APPROPRIATION. In addition to all other sums standing to the credit of the insurance department of Arizona, there is appropriated to the insurance department of Arizona the sum of sixteen thousand seven hundred twenty dollars in the amounts and for the purposes following:

Personal services		
Janitor and Mail Clerk	$	800.00
Bookkeeper and Cashier		1,000.00
Telephone Operator and Typist		900.00
Total Personal Services	$	2,700.00
Telephone, Telegraph and Clock Service		1,000.00
Heat Lights, Power and Water		1,000.00
Maintenance of Grounds, Buildings and Equipment		200.00
Other Contractual Services		500.00
Rent		2,400.00
Capital Outlay:		
Equipment		7,670.00
Buildings and Improvements		1,250.00
Total Appropriation	$	16,720.00

Sec. 2. EXEMPTION FROM QUARTERLY ALLOTMENTS. The appropriation made under the terms of section 1 is exempt from the provisions of section 35-173, 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—April 24, 1956.

Filed in the Office of the Secretary of State—April 24, 1956.

CHAPTER 163

Senate Bill No. 194

AN ACT

RELATING TO SALARIES OF ADMINISTRATIVE OFFICERS, AND INCREASING THE SALARY OF THE MANAGER OF THE ARIZONA DEVELOPMENT BOARD, THE REGISTRAR OF CONTRACTORS, THE DIRECTOR OF VETERANS' AFFAIRS, THE SUPERVISOR OF INSURANCE RATES, THE STATE DAIRY COMMISSIONER, THE STATE EGG INSPECTOR, THE ADJUTANT GENERAL, SUPERINTENDENT OF DEPARTMENT OF LIQUOR LICENSES AND CONTROL, REAL ESTATE COMMISSIONER, SECRETARY TO REAL ESTATE COMMISSIONER, THE SUPERINTENDENT OF THE STATE PRISON, AND MAKING AN APPROPRIATION.

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

Section 1. SALARY OF ADMINISTRATIVE OFFICERS. Any other provision of law to the contrary notwithstanding, the administrative officers and employees set forth below shall receive the following annual salaries:

1. Manager of the Arizona development board, not to exceed eight thousand four hundred dollars.

2. Registrar of contractors, not to exceed seven thousand two hundred dollars.

3. Director of veterans' affairs, not to exceed six thousand dollars.

4. Supervisor of insurance rates and chief deputy director of insurance, not to exceed seven thousand two hundred dollars.

5. State dairy commissioner, not to exceed six thousand dollars.

6. State egg inspector, not to exceed six thousand dollars.

7. Adjutant general, not to exceed eight thousand four hundred dollars.

8. Superintendent of department of liquor licenses and control, not to exceed nine thousand six hundred dollars.

9. Real estate commissioner, not to exceed eight thousand four hundred dollars.

10. Secretary of real estate commissioner, not to exceed four thousand eight hundred dollars.

Sec. 2. SALARY OF SUPERINTENDENT OF ARIZONA STATE PRISON. The superintendent of the Arizona state prison, in consideration of his additional duties of administering the bureau of criminal identificaton, shall receive an additional salary of not to exceed two thousand four hundred dollars per annum, but in no event shall the total salary exceed eight thousand four hundred dollars per annum.

Sec. 3. APPROPRIATION. To carry out the provisions of section 1, in addition to the appropriations made under the terms of the general appropriations act, the sum of two thousand three hundred dollars is appropriated for the following purposes and in the following amounts:

1. One thousand two hundred dollars for director of veterans' affairs.

2. Five hundred dollars for dairy commissioner.

3. Six hundred dollars for superintendent of department of liquor licenses and control.

Sec. 4. EXEMPTION. The appropriation made under the terms of section 3 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—April 24, 1956.

Filed in the Office of the Secretary of State—April 24, 1956.

CHAPTER 164

Senate Bill No. 191

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-fifth fiscal year for the purposes and objects herein specified:

Subdivision 1. ATTORNEY GENERAL — DEPARTMENT OF LAW

Personal Services	
Attorney General	$ 11,250.00
Assistant Attorneys General	113,500.00
Secretaries	33,700.00
Wages—Court Reporters	1,000.00
Total Personal Services	$ 159,450.00
Travel—State and Out-of-State	6,500.00
Subscriptions and Organization Dues	300.00
Professional Fees	9,000.00
Other Current Fixed Charges	350.00
Other Current Expenditures	10,450.00
Emergency Contingency	20,000.00
Capital Outlay	
Office Equipment	500.00
Total	$ 206,550.00
REIMBURSABLE SERVICES	
Personal Services	$ 37,500.00
Travel—State and Out-of-State	3,000.00
Subscriptions and Organization Dues	50.00
Employers' contribution for Old Age and Survivors' Insurance and State Retirement	2,064.00
Professional Fees	1,600.00
Industrial Compensation—State Employees	300.00
Other Current Expenditures	500.00
Total Reimbursable Services	$ 45,014.00*
Total Appropriation	$ 251,564.00

*This appropriation is deemed to include all unexpended balances remaining in the reimbursable fund on June 30, 1956.

Subdivision 2. AUDITOR

Personal Services	$ 169,645.00
Travel—State	200.00
Travel—Out-of-State	300.00
Subscriptions and Organization Dues	75.00

Rent—Equipment	11,973.00
Other Current Fixed Charges	30.00
Other Current Expenditures	41,048.00
Capital Outlay—Equipment	5,092.75
Total Appropriation	$ 228,363.75

Subdivision 3. CAPITOL BUILDING AND GROUNDS

Personal Services	$ 99,400.00
Other Current Expenditures	59,500.00
Rent—Temporary office space	25,000.00
Capital Outlay	
Equipment	1,650.00
Buildings and Improvements	3,050.00
Total Capital Outlay	4,700.00
Total Appropriation	$ 188,600.00

Subdivision 4. DEPARTMENT OF LIBRARY AND ARCHIVES

Personal Services	$ 38,855.00
Other Current Expenditures and Capital Outlay	18,101.00
Code Distribution	5,000.00
Total Appropriation	$ 61,956.00

Subdivision 5. ESTATE TAX COMMISSIONER

Personal Services	$ 14,700.00
Travel—State	100.00
Subscriptions and Organization Dues	100.00
Professional Fees	300.00
Other Current Fixed Charges	262.50
Other Current Expenditures	1,410.00
Capital Outlay—Equipment	200.00
UNCLAIMED PROPERTY DIVISION	
Lump Sum Appropriation	7,400.00
Total Appropriation	$ 24,472.50

Subdivision 6. GOVERNOR

Personal Services	$ 46,750.00
Travel—State and Out-of-State	3,000.00
Subscriptions and Organization Dues	1,000.00
Insurance	75,000.00*
Liability Insurance	60,000.00**

Contingency Reserve for Reimbursable Insurance Claims	10,000.00*
Other Current Fixed Charges	250.00
Entertainment and Miscellaneous Expense	5,000.00
Emergency Disaster Contingency	5,000.00*
Other Current Expenditures	8,100.00
Capital Outlay	
Equipment	500.00
Automobile	4,000.00
Total Capital Outlay	4,500.00
Expenses Incurred in connection with the Interstate Oil Compact	1,500.00**
BUDGET DIVISION	
Lump Sum Appropriation	15,000.00
Total Appropriation	$ 235,100.00

*These appropriations are not subject to the provisions in Sections 35-173, and 35-190 Arizona Revised Statutes, relating to quarterly allotments and lapsing appropriations.

**These appropriations are not subject to the provisions in Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 7. LEGISLATURE—TWENTY-SECOND AND TWENTY-THIRD

Senate	$ 150,000.00
House of Representatives	350,000.00
State Legislative Council	150,000.00
Total Appropriation	$ 650,000.00

This appropriation is not subject to the provisions in Sections 35-173, and 35-190 Arizona Revised Statutes, relating to quarterly allotments and lapsing appropriations.

Subdivision 8. POST AUDITOR

Personal Services	$ 69,900.00
Travel—State	5,000.00
Travel—Out-of-State	300.00
Subscriptions and Organization Dues	75.00
Other Current Expenditures	2,000.00
Capital Outlay—Equipment	884.00
Total Appropriation	$ 78,159.00

Subdivision 9. SECRETARY OF STATE

Personal Services	$ 27,600.00
Travel—State	600.00
Travel—Out-of-State	300.00
Subscriptions and Organization Dues	100.00
Other Current Fixed Charges	153.50
Other Current Expenditures	6,750.00
Printing Rules and Regulations of State Departments	6,000.00*
Expenses incurred in connection with National Association of National Secretaries of State	300.00*
Arizona Session Laws	7,500.00*
Total Appropriation	$ 49,303.50

*These appropriations are not subject to the provisions in Section 35-173 Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 10. STATE EXAMINER

Personal Services	$ 52,300.00
Travel—State	13,680.00
Travel—Out-of-State	300.00
Current Fixed Charges	225.00
Other Current Expenditures	2,150.00
Capital Outlay—Equipment	350.00
Total Appropriation	$ 69,005.00

Subdivision 11. STATE RETIREMENT SYSTEM

Personal Services	$ 78,960.00
Travel—State	5,000.00
Travel—Out-of-State	300.00
Subscriptions and Organization Dues	50.00
Professional Fees	14,850.00
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	4,942.80
Prior Service Funding	579,540.00**
Other Current Fixed Charges	18,345.00

Other Current Expenditures	10,300.00
Capital Outlay—Equipment	3,120.00
Total Appropriation	$ 720,407.80

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

**This amount is the second 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 subsection D of Section 15-1469 and Sections 38-747 and 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 12. STATE TAX COMMISSION

Personal Services	$ 699,921.00
Travel—State	59,500.00
Travel—Out-of-State	22,500.00
Subscriptions and Organization Dues	250.00
Professional Fees	10,000.00
Rent—Buildings	7,068.00
Rent—Business Machines	66,242.00
Other Current Fixed Charges	2,200.00
Other Current Expenditures	145,100.00
Capital Outlay—(Exclusive of Automobiles)	22,815.00
Total Appropriation	$1,035,596.00

Subdivision 13. STATE TREASURER

Personal Services	$ 28,950.00
Travel—Out-of-State	300.00
Rent—Vault	900.00
Bonds of Officials and Employees	840.00
Other Current Fixed Charges	1,145.00
Other Current Expenditures	2,465.00
Capital Outlay	
Bookeeping Machine	1,239.00
Safe	800.00
Cancelling Machine	1,320.00

Other Office Equipment	675.00
Total Capital Outlay	4,034.00
Total Appropriation	$ 38,634.00

Subdivision 14. SUPERIOR COURTS

Personal Services	
Salary of Judges	$ 140,625.00
Periodic Court Commissioners	500.00
Total Appropriation	$ 141,125.00

Subdivision 15. SUPREME COURT

Personal Services	$ 119,600.00
Travel—State and Out-of-State	800.00
Current Fixed Charges	37.50
Other Current Expenditures	4,200.00
Capital Outlay	
Equipment	1,000.00
Library and Reference Facilities	1,000.00
Publishing Arizona Reports	6,750.00
Total Capital Outlay	$ 8,750.00
Total Appropriation	$ 133,387.50

Subdivision 16. ARIZONA STATE BOARD OF PHARMACY

From the Arizona State Board of Pharmacy Fund the following is appropriated:

Personal Services	$ 26,400.00
Travel—State	5,000.00
Travel—Out-of-State	300.00
Subscriptions and Organization Dues	225.00
Professional Fees	250.00
Employers' contribution for Old Age and Survivors' Insurance and State Retirement	1,369.50
Other Current Fixed Charges	1,860.00
Other Current Expenditures	4,100.00
Capital Outlay—Equipment	1,200.00
Total Appropriation	$ 40,704.50

Subdivision 17. 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 18. BOARD OF BARBER EXAMINERS

From the Board of Barber Examiners Fund the following is appropriated:

Personal Services	$ 10,900.00
Travel—State	3,700.00
Subscriptions and Organization Dues	25.00
Employers' contribution for Old Age and Survivors' Insurance and State Retirement	600.00
Other Current Fixed Charges	12.50
Other Current Expenditures	1,275.00
Total Appropriation	$ 16,512.50

Subdivision 19. BOARD OF BEAUTY CULTURIST EXAMINERS

From the Board of Beauty Culturist Examiners Fund the following is appropriated:

Personal services	$ 19,000.00
Travel—State	4,000.00
Travel—Out-of-State	600.00
Subscriptions and Organization Dues	60.00
Employers' contribution for Old Age and Survivors' Insurance and State Retirement	990.00
Other Current Fixed Charges	2,250.00
Other Current Expenditures	2,475.00
Capital Outlay—Equipment	900.00
Total Appropriation	$ 30,275.00

Subdivision 20. 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 21. 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 22. 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 23. DAIRY COMMISSIONER

Personal Services	$ 15,200.00
Travel—State	1,700.00
Travel—Out-of-State	300.00
Subscriptions and Organization Dues	15.00
Professional Fees	500.00
Other Current Fixed Charges	30.00
Other Current Expenditures	1,150.00
Total Appropriation	$ 18,895.00

Subdivision 24. NATUROPATHIC BOARD OF EXAMINERS

From the Naturopathic Board of Examiners Fund the following is appropriated:

Lump Sum Appropriation (Including employers' contribution for Old Age and Survivors' Insurance and State Retirement)	$ 1,085.00

Subdivision 25. STATE BOARD OF CHIROPODY EXAMINERS

From the State Board of Chiropody Examiners Fund the following is appropriated:

Lump Sum Appropriation (Including employers' contribution for Old Age and Survivors' Insurance and State Retirement)	$ 200.00

Subdivision 26. STATE BOARD OF CHIROPRACTIC EXAMINERS

From the State Board of Chiropractic Examiners Fund the following is appropriated:

Lump Sum Appropriation (Including employers' contribution for Old Age and Survivors' Insurance and State Retirement)	$ 1,925.00

Subdivision 27. STATE BOARD OF FUNERAL DIRECTORS AND EMBALMERS

From the State Board of Funeral Directors and Embalmers Fund the following is appropriated:

Lump Sum Appropriation (Including employers' contribution for Old Age and Survivors' Insurance and State Retirement)	$ 5,086.50

Subdivision 28. STATE BOARD OF OPTOMETRY

From the State Board of Optometry Fund the following is appropriated:

Lump Sum Appropriation (Including employers' contribution for Old Age and Survivors' Insurance and State Retirement)	$ 2,685.00

Subdivision 29. STATE BOARD OF OSTEOPATHIC EXAMINERS

From the State Board of Osteopathic Examiners Fund the following is appropriated:

Personal Services	$ 1,700.00
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	66.00
Other Current Fixed Charges	607.50
Other Current Expenditures	775.00
Capital Outlay—Equipment	650.00
Total Appropriation	$ 4,608.50

Subdivision 30. STATE DEPARTMENT OF HEALTH

Personal Services	$ 350,367.00
Travel—State	45,850.00
Travel—Out-of-State	3,450.00
Subscriptions and Organization Dues	200.00
Professional Fees	4,000.00
Other Current Fixed Charges	6,565.00
Other Current Expenditures	63,000.00
Capital Outlay—Equipment	4,970.00
Local Health Work	225,000.00
Merit System	8,986.00
Total	$ 712,388.00

TUBERCULOSIS CONTROL ACT OF 1955

Personal Services	$ 21,000.00
Travel—State	7,500.00
Care of Institutional Wards	500,000.00
Total Tuberculosis Control Act of 1955	$ 528,500.00
Total Appropriation—State Department of Health	$1,240,888.00

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.

Subdivision 31. ARIZONA CHILDREN'S COLONY BOARD

Personal Services	$ 333,035.00
Travel—State	1,000.00
Travel—Out-of-State	450.00
Subscriptions and Organization Dues	100.00
Professional Fees	1,500.00
Employers' contribution for Old Age and Survivors' Insurance and State Retirement	21,580.00
Other Current Fixed Charges	1,241.00
Other Current Expenditures	223,795.00
Total Appropriation	$ 582,701.00

Subdivision 32. DEPARTMENT OF PUBLIC WELFARE ADMINISTRATION—STATE AND COUNTY OFFICES

Personal Services	
Professional Child Welfare Staff	$ 69,380.00
Other Personal Services	686,510.00
Total Personal Services	$ 755,890.00
Travel—State	72,000.00
Travel—Out-of-State	4,300.00
Subscriptions and Organization Dues	500.00
Other Current Fixed Charges	7,255.00
Other Current Expenditures	42,350.00
Capital Outlay—Equipment	10,380.00
Joint Merit System	10,750.00
Total Administration—State and County Offices	$ 903,425.00
Aid to the Blind	250,200.00
Blind Services	55,800.00
Aid to Dependent Children	2,149,700.00

CRIPPLED CHILDREN'S SERVICES

Personal Services	$ 182,700.00
Travel—State	3,400.00
Subscriptions and Organization Dues	50.00
Professional Fees	33,000.00
Other Current Fixed Charges	245.00
Other Current Expenditures	107,125.00
Capital Outlay	
Equipment	12,100.00
Buildings and Improvements	2,400.00
Total Capital Outlay	14,500.00
Total Crippled Children's Services	$ 341,020.00
Direct Relief	899,100.00
Foster Home Care	301,500.00
Old Age Assistance	3,609,000.00
Public Assistance Services	37,800.00
Tuberculosis Control	54,000.00*
Unallocated Assistance and Services	777,475.00*
Cash Revolving Account—Industries For the Blind	15,000.00**
Total Appropriation	$9,394,020.00

The foregoing total appropriation with the exception of Administration, is in addition to funds granted to the state by the Federal Government for the same purposes, but shall be deemed to include the sums deposited in the State Treasury to the credit of the 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.

**The appropriation for a cash revolving fund for Industries for the Blind is a continuing fund, and, as such, exempt from the lapsing provisions of Section 35-190, Arizona Revised Statutes.

***Professional Child Welfare Staff	$ 69,380.00
Plus Anticipated Federal Funds	60,620.00
	$ 130,000.00

Subdivision 33. ARIZONA COMMISSION OF INDIAN AFFAIRS

Lump Sum Appropriation	$ 8,650.00*

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

Subdivision 34. BOARD OF DIRECTORS OF STATE INSTITUTIONS FOR JUVENILES

BOARD EXPENSES

Personal Services	$ 2,600.00
Travel—State	1,200.00
Travel—Out-of-State	500.00
Current Fixed Charges	20.00
Other Current Expenditures	175.00

Capital Outlay—Equipment	300.00
Total Board Expenses	$ 4,795.00
Care of Girl Juvenile Offenders	189,800.00
Expenses Incurred for Out-of-State Psycho-Therapy Treatment	20,000.00*
Total Appropriation	$ 214,595.00

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

Subdivision 35. BOARD OF PARDONS AND PAROLES

Personal Services	$ 32,870.00
Travel—State	5,000.00
Travel—Out-of-State	300.00
Subscriptions and Organization Dues	25.00
Other Current Expenditures	1,925.00
Capital Outlay—Equipment	1,000.00
Total Appropriation	$ 41,120.00

Subdivision 36. GOVERNOR—ARIZONA RANGERS' PENSION

Pensions	$ 6,000.00

Subdivision 37. INDUSTRIAL SCHOOL

Personal Services	$ 147,100.00
Travel—State	7,200.00
Travel—Out-of-State	400.00
Subscriptions and Organization Dues	50.00
Professional Fees	13,800.00
Boy's Merit Allowance	720.00
Food	46,275.00
Other Current Fixed Charges	790.00
Other Current Expenditures	106,436.00
Capital Outlay	
Equipment	17,000.00
Livestock	250.00
Total Capital Outlay	17,250.00
Total Appropriation	$ 340,021.00

Earnings on state lands and interest on the investment of the permanent land funds are appropriated in compliance with the Enabling Act and the Constitution.

Subdivision 38. PIONEERS' HOME

Personal Services	$ 74,120.00
Travel—State	500.00
Subscriptions and Organization Dues	500.00
Other Current Fixed Charges	818.00
Other Current Expenditures	90,375.00
Total Appropriation	$ 166,313.00

Earnings on state lands and interest on the investment of the permanent land funds of the Pioneers' Home and the Hospital for Disabled Miners are appropriated in compliance with the Enabling Act and the Constitution.

Subdivision 39. PRISON AND INSTITUTE OF EDUCATIONAL REHABILITATION

Personal Services	$ 559,020.00
Travel—State	1,500.00
Travel—Out-of-State	1,500.00
Subscriptions and Organization Dues	100.00
Professional Fees	2,000.00
Discharge Money	7,500.00
IER Training Program Supplies	14,300.00
Other Current Fixed Charges	675.00
Other Current Expenditures	343,830.00
Capital Outlay	
Equipment	84,054.00
Buildings and Improvements	217,296.00
Livestock	1,700.00
Total Capital Outlay	$ 303,050.00
Canning Plant—Personal Services, Equipment and Supplies	16,812.00
Knitting Mill—Personal Services, Equipment and Supplies	11,733.00
CRIMINAL IDENTIFICATION DIVISION	
Lump Sum Appropriation	7,500.00
Total Appropriation	$1,269,520.00

Earnings on state lands and interest on the investment of the permanent land funds are appropriated in compliance with the Enabling Act and the Constitution.

Subdivision 40. STATE DEPARTMENT OF HEALTH — ARIZONA TUBERCULOSIS SANITORIUM

Personal Services	$ 185,593.00
Travel—State	300.00
Travel—Out-of-State	300.00
Subscriptions and Organization Dues	275.00
Other Current Fixed Charges	1,536.00
Other Current Expenditures	88,356.00
Capital Outlay	
Equipment	3,000.00
Installation of Water Mains and Fire Hydrants	20,237.55
Total Capital Outlay	$ 23,237.55
Total Appropriation	$ 299,597.55

Subdivision 41. STATE DEPARTMENT OF HEALTH-RELIEF COMPENSATION

Public Assistance and Rehabilitation	$ 2,000.00

Subdivision 42. STATE HOSPITAL

Personal Services	$1,474,488.00
Travel—State	3,000.00
Travel—Out-of-State	6,500.00
Subscriptions and Organization Dues	650.00
Professional Fees	3,500.00
Discharge Fees	200.00
Care of Institutional Patients—Outside Services	20,000.00
Revolving Account	2,500.00*
Other Current Fixed Charges	2,774.85
Other Current Expenditures	681,590.00
Capital Outlay	87,703.00
Total Appropriation	$2,282,905.85

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 here-

by 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 not subject to the provisions in Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 43. VETERANS' SERVICE COMMISSION

Personal Services	$ 20,850.00
Travel—State	4,500.00
Current Fixed Charges	100.00
Other Current Expenditures	1,850.00
Public Assistance and Rehabilitation	12,000.00
Capital Outlay—Equipment	230.00
Total Appropriation	$ 39,530.00

Subdivision 44. ARIZONA STATE COLLEGE AT FLAGSTAFF

Lump Sum Appropriation	$ 695,831.00

Any unencumbered balance remaining in the collections account on June 30, 1956, 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 COLLEGE AT TEMPE

Lump Sum Appropriation	$2,329,717.00

Any unencumbered balance remaining in the collections account on June 30, 1956, 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 46. ARIZONA STATE SCHOOL FOR THE DEAF AND BLIND

Personal Services	$ 270,650.00
Travel—State	570.00
Travel—Out-of-State	600.00
Subscriptions and Organization Dues	300.00
Professional Fees	2,750.00
Other Current Fixed Charges	5,000.00
Other Current Expenditures	107,850.00
Capital Outlay	
Equipment	8,200.00
Construction of Dormitory	105,000.00
Total Capital Outlay	113,200.00
Total Appropriation	$ 500,920.00

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 47. 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	3,000.00
Medical Student Subsidy	46,000.00
Dental Student Subsidy	14,400.00
Veterinary Student Subsidy	33,600.00
Total Appropriation	$ 104,000.00*

*This appropriation is deemed to include all unexpended balances remaining to the credit of the Western Interstate Commission for Higher Education on June 30, 1956.

Subdivision 48. SUPERINTENDENT OF PUBLIC INSTRUCTION AND COMMON SCHOOLS

For the board of education; for the support of the prima-

ry, 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	$ 29,300.00
Travel—State	3,429.00
Travel—Out-of-State	500.00
Subscriptions and Organization Dues	100.00
Professional Fees	450.00
Other Current Expenditures	3,455.00
Capital Outlay—Equipment	750.00
Reimbursement for Vocational Training	135,000.00
Total	$ 172,984.00

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	$ 134,080.00
Travel—State	17,500.00
Travel—Out-of-State	
School Lunch Program	600.00
Other	900.00
Total Travel—Out-of-State	1,500.00
Organization Dues	350.00
Other Current Fixed Charges	1,236.00
Textbooks	392,425.00**
Rebinding of Textbooks	10,000.00***
Other Current Expenditures	36,604.00
Capital Outlay—Equipment	2,712.00
Total	$ 596,407.00

*To carry out the provisions of Article 2, Chapter 11, Title 15, 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.
***This appropriation is exempt from Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

ARIZONA TEACHERS' RETIREMENT SYSTEM — ACCRUED LIABILITY

Lump Sum Appropriation	$ 373,000.00

This appropriation is made to enable the state to carry out the provisions of Section 15-1421 and Section 15-1439, Arizona Revised Statutes.

Total Superintendent of Public Instruction	$1,142,391.00

The balance of the per capita tax, together with the amount of all monies received from National Forest, interest collected on deferred payments on the purchase of state lands, the income from the investment of permanent funds as prescribed by the Enabling Act and the Constitution, during the fiscal year and all monies received by the Superintendent of Public Instruction, from whatever source, during the fiscal year, when paid into the State Treasury are hereby appropriated for apportionment to the various counties in accordance with law. No expenditures shall be made except as specifically authorized above.

Subdivision 49. VOCATIONAL REHABILITATION

From the state general fund, (Section 23-508, subsection (b), Arizona Revised Statutes), there is hereby appropriated the following:

Lump Sum Appropriation	$ 141,832.00

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 June 20, 1920, and subsequent amendments providing for Vocational Rehabilitation.

Subdivision 50. EDUCATION FOR CRIPPLED CHILDREN

Maricopa County	$ 5,000.00
Pima County	1,800.00
Total Appropriation	$ 6,800.00

Subdivision 51. JUNIOR COLLEGES

Phoenix Junior College	$ 100,000.00
Eastern Arizona Junior College	100,000.00
Total Appropriation	$ 200,000.00

Subdivision 52. HOMEBOUND STUDENTS

Total Appropriation	$ 25,000.00

Subdivision 53. UNIVERSITY OF ARIZONA

Lump Sum Appropriation	$4,201,195.00*

*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 54. APPRENTICESHIP COUNCIL

Personal Services	$ 11,960.00
Travel—State	2,500.00
Travel—Out-of-State	200.00
Other Current Expenditures	1,878.10
Total Appropriation	$ 16,538.10

Subdivision 55. ARIZONA DEPARTMENT OF CIVIL AIR PATROL

Personal Services	$	3,000.00
Other Current Expenditures		3,450.00
Capital Outlay—Equipment (Radio)		3,300.00
Total Appropriation	$	9,750.00

Subdivision 56. ARIZONA FRUIT AND VEGETABLE STANDARDIZATION ACT

Lump Sum Appropriation	$	5,800.00

Subdivision 57. BANKING DEPARTMENT

Personal Services	$	39,600.00
Travel—State		4,000.00
Travel—Out-of-State		300.00
Subscriptions and Organization Dues		110.00
Other Current Fixed Charges		642.25
Other Current Expenditures		2,275.00
Capital Outlay—Equipment		180.10
Total Appropriation	$	47,107.35

Subdivision 58. BOARD OF PEST CONTROL APPLICATORS

From the Pest Control Applicators Fund the following is appropriated:

Personal Services	$	4,000.00
Travel—State		830.00
Professional Fees		950.00
Employers' Contribution for Old Age and Survivors' Insurance and State Retirement		220.00
Other Current Fixed Charges		980.00
Other Current Expenditures		2,095.00
Total Appropriation	$	9,075.00

Subdivision 59. CIVIL DEFENSE AGENCY

Personal Services	$	15,400.00
Travel—State		1,800.00
Travel—Out-of-State		600.00

Subscriptions and Organization Dues	50.00
Professional Fees	1,000.00
Other Current Fixed Charges	780.00
Other Current Expenditures	1,720.00
Capital Outlay—Equipment	1,000.00
Total Appropriation	$ 22,350.00

Subdivision 60. COMMISSION OF AGRICULTURE AND HORTICULTURE

Personal Services	
Inspectors—Yuma Inspection Station	$ 6,600.00
Other Personal Services	281,800.00
Total Personal Services	288,400.00
Travel—State	14,000.00
Travel—Out-of-State	300.00
Subscriptions and Organization Dues	100.00
Professional Fees	3,000.00
Other Current Fixed Charges	1,325.00
Other Current Expenditures	17,200.00
Capital Outlay	
Office Equipment (Yuma Station)	500.00
Automobile	1,500.00
Total Capital Outlay	2,000.00
Total Appropriation	$ 326,325.00

Subdivision 61. CORPORATION COMMISSION ADMINISTRATIVE DIVISION

Personal Services	$ 33,000.00
Travel—State	3,000.00
Travel—Out-of-State	600.00
Subscriptions and Organization Dues	300.00
Other Current Fixed Charges	75.00
Other Current Expenditures	8,052.60
Total Administrative Division	$ 45,027.60

ACCOUNTING AND CASHIER DIVISION

Personal Services	$ 13,800.00
Current Fixed Charges	120.00

Other Current Expenditures	855.00
Capital Outlay—Equipment	435.00
Total Accounting and Cashier Division	$ 15,210.00

INCORPORATING DIVISION

Personal Services	$ 15,720.00
Other Current Expenditures	3,980.00
Capital Outlay—Equipment	685.00
Total Incorporating Division	$ 20,385.00

MOTOR CARRIER DIVISION

Personal Services	$ 40,900.00
Travel—State	10,000.00
Professional Fees	5,000.00
Other Current Expenditures	5,350.00
Capital Outlay—Equipment	385.00
Total Motor Carrier Division	$ 61,635.00

SECURITIES DIVISION

Personal Services	$ 27,000.00
Travel—State	1,500.00
Travel—Out-of-State	500.00
Subscriptions and Organization Dues	100.00
Professional Fees	5,000.00
Other Current Expenditures	3,950.00
Capital Outlay—Equipment	2,515.00
Total Securities Division	$ 40,565.00

TARIFF AND RATE DIVISION

Personal Services	$ 26,000.00
Travel—State	2,400.00
Travel—Out-of-State	900.00
Subscriptions and Organization Dues	59.50
Professional Fees	1,000.00
Other Current Expenditures	1,575.00
Capital Outlay—Equipment	1,254.00
Total Tariff and Rate Division	$ 33,188.50

UTILITIES DIVISION

Personal Services	$ 52,830.00
Travel—State	8,500.00
Travel—Out-of-State	1,000.00
Professional Fees	14,000.00
Other Current Expenditures	6,400.00
Capital Outlay—Equipment	700.00
Total Utilities Division	$ 83,430.00*
Total Appropriation for Corporation Commission	$ 299,441.10

*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 limitations and conditions imposed therein.

Subdivision 62. DEPARTMENT OF LIQUOR LICENSES AND CONTROL

Personal Services	$ 175,600.00
Travel—State	69,600.00
Travel—Out-of-State	300.00
Subscriptions and Organization Dues	700.00
Professional Fees	200.00
Other Current Fixed Charges	4,012.50
Other Current Expenditures	13,700.00
Capital Outlay—Equipment	12,700.00
Total Appropriation	$ 276,812.50

Subdivision 63. INDUSTRIAL INSURANCE PREMIUMS

Workmen's Compensation (Exclusive of Highway Department)	$ 110,000.00
Occupational Disease (Exclusive of Highway Department)	3,000.00
Total Appropriation	$ 113,000.00

Subdivision 64. INDUSTRIAL COMMISSION
From the State General Fund:

COMMISSIONERS

Personal Services	$ 25,200.00
Total Commissioners' Appropriation	$ 25,200.00

ENFORCEMENT OF LABOR AND MINIMUM WAGE LAWS

Personal Services	$ 14,556.00
Travel—State	3,000.00
Subscriptions and Organization Dues	198.00
Other Current Fixed Charges	15.00
Other Current Expenditures	3,170.00
Capital Outlay—Equipment	282.94
Total Enforcement of Labor and Minimum Wage Laws	$ 21,221.94
Total Appropriation for Industrial Commission	$ 46,421.94

Subdivision 65. INSPECTOR OF WEIGHTS AND MEASURES

Personal Services	$ 22,800.00
Travel—State	9,990.00
Travel—Out-of-State	300.00
Current Fixed Charges	616.00
Other Current Expenditures	1,060.00
Capital Outlay—Equipment	494.00
Total Appropriation	$ 35,260.00

Subdivision 66. INSURANCE DIRECTOR

Personal Services	$ 64,080.00
Travel—State	600.00
Travel—Out-of-State	300.00
Subscriptions and Organization Dues	450.00
Professional Fees	6,000.00
Other Current Fixed Charges	7,200.00
Other Current Expenditures	21,250.00
Total Appropriation	$ 99,880.00

Subdivision 67. LIVESTOCK SANITARY BOARD

Personal Services	$ 273,032.00
Travel—State	56,000.00
Travel—Out-of-State	300.00
Subscriptions and Organization Dues	50.00
Other Current Fixed Charges	600.00

Other Current Expenditures		7,075.00
Payment of Bounty		20,000.00
Capital Outlay—Auto Radio Units		1,500.00

SPECIAL INVESTIGATION

Personal Services	$	8,400.00
Travel—State and Out-of-State		5,580.00
Total for Special Investigation	$	13,980.00
Total for Livestock Sanitary Board	$	372,537.00

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	$	15,000.00

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

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.

STATE VETERINARIAN

Personal Services	$	6,600.00
Travel—State		1,000.00
Travel—Out-of-State		500.00
Subscriptions and Organization Dues		50.00
Other Current Fixed Charges		30.00
Other Current Expenditures		990.00
Total State Veterinarian	$	9,170.00

VOLUNTARY BANG'S DISEASE

Lump Sum Appropriation for current expenditures and capital outlay	$	37,450.00
Refunds and Indemnities		10,000.00
Total Voluntary Bang's Disease	$	47,450.00

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	$ 12,600.00
Travel—State	4,320.00
Other Current Expenditures	100.00
Total Garbage Control for Swine	$ 17,020.00
Total Appropriation for the Livestock Sanitary Board	$ 502,277.00

Subdivision 68. NATIONAL GUARD

Personal Services	$ 91,120.00
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	15,000.00
Tucson Air Service Contract	12,000.00
Other Current Fixed Charges	11,400.00
Officers' Clothing Allowance	21,500.00
Unit Allowance	30,000.00
Other Current Expenditures	58,700.00
Capital Outlay	
Equipment	5,300.00
Buildings and Improvements	73,456.70
Construction and Expansion of Armories	50,000.00*
Total Capital Outlay	$ 128,756.70
Total Appropriation	$ 378,976.70

*Funds of the State shall be used to provide for the cost of any project in excess of 35% of the amount thereof.

Subdivision 69. 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 70. 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 71. SHEEP SANITARY COMMISSION

Personal Services	$ 10,800.00
Travel—State	4,000.00
Current Fixed Charges	60.00
Other Current Expenditures	530.00
Total Appropriation	$ 15,390.00

Subdivision 72. STATE AVIATION AUTHORITY

50% of the balance remaining in the State Aviation Authority fund on June 30, 1956, and 50% of all collections when paid into the State Treasury, are appropriated for current expenditures (including employers' contribution for Old Age and Survivors' Insurance and State Retirement), and capital outlay.

Subdivision 73. 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 74. STATE BOARD OF TECHNICAL REGISTRATION

90% of all collection 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 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 76. STATE MINE INSPECTOR

Personal Services	$ 32,100.00
Travel—State	8,000.00
Travel—Out-of-State	200.00
Current Fixed Charges	20.00
Other Current Expenditures	1,640.00
Total Appropriation	$ 41,960.00

Subdivision 77. STATE VETERINARY BOARD

Lump Sum Appropriation	$ 1,085.00

Subdivision 78. ARIZONA HIGHWAY DEPARTMENT

From any unencumbered balances remaining in the State Highway Fund as of June 30, 1956, there is hereby appropriated:

ADMINISTRATION

Personal Services	$ 452,109.40
Travel—State	15,850.00
Travel—Out Of State	2,500.00
Subscriptions and Organization Dues	3,700.00
Reserve for Statewide Emergency Maintenance	200.000.00*
Employers' Contribution for Old Age and Survivors' Insurance and State Retirement	333,908.50
Industrial Insurance—State Employees	136,257.21
Reserve for Contingencies	300,000.00*
Other Current Fixed Charges	46,388.00
Other Current Expenditures	136,625.00
Capital Outlay—Equipment	10,220.00
Total Administration	$1,637,558.11

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

ENGINEERING

Personal Services	$1,048,741.00
Travel—State	49,350.00
Travel—Out-of-State	7,250.00
Subscriptions and Organization Dues	96.00
Other Current Expenditures	88,085.00
Capital Outlay—Equipment	106,822.00
Total Engineering	$1,300,344.00

EQUIPMENT AND SHOPS

Personal Services	$ 542,273.00
Travel—State	9,374.00
Travel—Out-of-State	2,500.00
Other Current Expenditures	535,306.00
Capital Outlay	766,840.00
Total Equipment and Shops	$1,856,293.00

GUIDE LINE PAINTING

Personal Services	$ 170,592.00
Travel—State	2,880.00
Other Current Expenditures	231,430.00
Capital Outlay—Equipment	850.00
Total Guide Line Painting	$ 405,752.00

HIGHWAY PATROL

Personal Services	$ 716,605.00
Travel—State	64,700.00
Travel—Out-of-State	3,000.00
Subscriptions and Organization Dues	130.00
Other Current Fixed Charges	8,215.00
Other Current Expenditures	196,760.00
Capital Outlay	
Highway Patrol Building (Tucson)	100,000.00
Other	7,938.00
Total Capital Outlay	107,938.00
Total Highway Patrol	$1,097,348.00

MAINTENANCE

Personal Services	$2,004,872.18
Other Current Expenditures	865,910.00
Capital Outlay	565,352.72
Total Maintenance	$3,436,134.90

MOTOR VEHICLE

Personal Services	$1,018,560.00
Travel—State	18,700.00
Travel—Out-of-State	2,000.00
Subscriptions and Organization Dues	300.00
Other Current Fixed Charges	5,520.00
License Tabs	75,000.00*
Other Current Expenditures	174,780.00
Capital Outlay—Equipment	13,000.00
Total Motor Vehicle	$1,307,860.00

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

RADIO SERVICE

Personal Services	$ 37,165.00
Travel—State	2,600.00
Travel—Out-of-State	250.00
Subscriptions and Organization Dues	50.00
Other Current Expenditures	21,655.00
Capital Outlay	90,590.00
Total Radio Service	$ 152,310.00

SIGNS AND MARKERS

Personal Services	$ 80,146.00
Travel—State	900.00
Other Current Expenditures	56,050.00
Capital Outlay—Equipment	26,850.00
Total Signs and Markers	$ 163,946.00

REIMBURSABLE FUNDS

Personal Services	$ 20,700.00
Travel—State and Out-of-State	1,000.00

Subscriptions and Organization Dues	50.00
Other Current Fixed Charges	160.00
Employers' Contribution for Old Age and Survivors' Insurance and State Retirement	1,140.00
Other Current Expenditures	500.00
Total Reimbursable Funds	$ 23,550.00
Merit System Council	6,000.00
Patrol Merit System Council	4,000.00
Warehouse Revolving Account	80,000.00
Arizona Highways Magazine	100,000.00**

*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.

**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, 1956, 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) State primary system, (2) state secondary system, (3) county secondary (or primary) system (4) 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 $11,571,096.01

Subdivision 79. ARIZONA COPPER TARIFF BOARD

Lump Sum Appropriation $ 3,500.00

Subdivision 80. ARIZONA GAME AND FISH COMMISSION

From the Arizona Game and Fish Protection Fund the following is appropriated:

Personal Services	
Administration	$ 81,330.00
Law Enforcement	177,160.00
Game Management and Predator Control	
Predator Control	19,320.00*
Other Personal Services	15,320.00
Total Game Management and Predator Control	$ 34,640.00
Information and Education	22,570.00
Fisheries	115,320.00
Total Personal Services	$ 431,020.00
Travel—State	100,000.00
Travel—Out-of-State	5,000.00
Subscriptions and Organization Dues	375.00
Professional Fees	1,500.00
Employers' contribution for Old Age and Survivors' Insurance and State Retirement	23,706.00
Other Current Fixed Charges	9,900.00
Lake and Stream Control	5,000.00
Other Current Expenditures	240,900.00
Capital Outlay	
Equipment	50,000.00
Maintenance and Development	200,000.00
Total Capital Outlay	$ 250,000.00
Dingell-Johnson Act for Fish Restoration	40,000.00**
Pittman-Robertson Act for Wildlife Restoration	110,000.00***
Cooperative Wildlife Research Unit	6,000.00
Total Appropriation	$1,223,401.00****

*This appropriation is made to enable the state to cooperate

with the Federal Wildlife Department for the eradication of Predatory animals.

**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 81. INTERSTATE STREAM COMMISSION

Lump Sum Appropriation	$ 289,878.00*

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

Subdivision 82. DEPARTMENT OF MINERAL RESOURCES

Personal Services	$ 50,470.00
Travel—State	10,000.00
Travel—Out-of-State	500.00
Subscriptions and Organizations Dues	50.00
Other Current Fixed Charges	212.00
Other Current Expenditures	7,025.00
Capital Outlay—Equipment	1,000.00
Total Appropriation	$ 69,257.00

Subdivision 83. 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).

Subdivision 84. STATE LAND DEPARTMENT

FOR THE STATE LAND DEPARTMENT

Personal Services	
Fireguards	$ 3,810.00*
Other Personal Services	129,600.00

Total Personal Services	$ 133,410.00
Travel—State	9,000.00
Travel—Out-of-State	1,500.00
Subscriptions and Organization Dues	200.00
Professional Fees	6,000.00*
Other Current Fixed Charges	13,400.00
Other Current Expenditures	19,350.00
Capital Outlay—Equipment	3,000.00
Total For the State Land Department	$ 185,860.00

*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

LAND SURVEY

Lump Sum Appropriation $ 10,000.00

STREAM GAUGING

Lump Sum Appropriation $ 36,000.00

This appropriation is made to enable the State to cooperate with the Federal Government.

UNDERGROUND WATER DEVELOPMENT

Lump Sum Appropriation $ 60,000.00

Total Appropriation—State Land Department $ 294,860.00

Subdivision 85. ARIZONA COMMISSION ON UNIFORM STATE LAWS

Lump Sum Appropriation $ 1,500.00

Subdivision 86. ARIZONA DEVELOPMENT BOARD

Lump Sum Appropriation $ 112,000.00

Subdivision 87. ARIZONA RACING COMMISSION

Personal Services	$ 57,320.00
Travel—State	6,000.00
Travel—Out-of-State	300.00
Subscriptions and Organization Dues	800.00
Professional Fees	28,800.00
Other Current Fixed Charges	3,700.00
Other Current Expenditures	8,400.00
County Fair Racing	
Personal Services and Professional Fees	16,550.00
Total Appropriation	$ 121,870.00*

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

Subdivision 88. AUDITOR — EMPLOYERS' CONTRIBUTION FOR OLD AGE AND SURVIVORS' INSURANCE AND STATE RETIREMENT

Lump Sum Appropriation	$ 800,000.00

Subdivision 89. EMPLOYMENT SECURITY COMMISSION

Administrative Expenses	$ 5,000.00

This appropriation is made to enable the State to carry out the provisions of Section 38-705, Arizona Revised Statutes.

Subdivision 90. GOVERNOR - ON - THE - JOB TRAINING

Lump Sum Appropriation	$ 2,000.00

Subdivision 91. PIONEERS' HISTORICAL SOCIETY

Personal Services	$ 17,400.00
Current Fixed Charges	500.00
Other Current Expenditures	5,692.00
Capital Outlay—Buildings and Improvements	500.00
Total Appropriation	$ 24,092.00

Subdivision 92. PRESCOTT HISTORICAL SOCIETY

Personal Services	$	7,050.00
Current Fixed Charges		67.00
Other Current Expenditures		2,800.05
Capital Outlay		
Equipment		1,000.00
Buildings and Improvements		1,650.00
Total Capital Outlay		2,650.00
Total Appropriation	$	12,567.05

Subdivision 93. 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.

In addition to the funds appropriated under the preceding paragraph, there is hereby appropriated from the General Fund to the State Fair Commission the sum of $ 75,000.00*

*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 94. 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.

Section 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—April 24, 1956.

Filed in the Office of the Secretary of State—April 24, 1956.

MEMORIALS

HOUSE MEMORIAL NO. 1

A MEMORIAL

REQUESTING THE CONGRESS OF THE UNITED STATES TO AMEND THE SOCIAL SECURITY ACT SO THAT TOTAL MONTHLY BENEFIT AMOUNTS WILL NOT BE DECREASED UPON THE DEATH OF EITHER SPOUSE.

To the Congress of the United States:

Your memorialist respectfully represents:

The social security act relating to old-age and survivors' insurance provides in part that the wife of a beneficiary receiving monthly benefits if she is sixty-five years of age or older, shall receive a sum equal to one-half of her husband's benefit. In the event of his death her monthly payment is increased to a sum equalling three-fourths of the sum received by her husband, while the monthly payments of the husband terminate in the month of his death. If the wife pre-deceases her husband, her benefits terminate and the husband continues to receive his stipulated monthly payment with no increase.

The monthly social security payments received by a retired husband and wife are used to provide financially for the husband and wife, a basic social unit. Upon the death of either spouse, the expenses of this social unit continues almost to the same degree. Not only are additional and burdensome expenses created by the death of a member of this social unit, but many expenses continue to the same degree or with very little diminution. Consequently, upon the death of either husband or wife, the social unit not only suffers a severe emotional loss, but in addition a critical economic shock.

Wherefore your memorialist, the House of Representatives of the State of Arizona, prays:

1. That the Congress of the United States pass an amendment to the social security act providing that upon the death of a spouse receiving monthly payments, the surviving spouse shall receive as his or her total payment an amount which is not less than the total maximum amount received monthly by both prior to the death.

Passed the House February 9, 1956 by the following vote: 50 Ayes, 6 Nays, 24 Not Voting.

Filed in the Office of the Secretary of State—February 9, 1956.

HOUSE MEMORIAL NO. 2

A MEMORIAL

REQUESTING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION FOR THE PURPOSE OF PERMITTING JUVENILES TO ENGAGE IN PRODUCTIVE PURSUITS AND THEREBY AID IN SOLVING THE PROBLEM OF JUVENILE DELINQUENCY.

To the Congress of the United States:

Your memorialist respectfully represents:

During the past decade, and particularly since World War II, there has been gradual and steady increase in the rate of juvenile delinquency. This has been the subject of action by welfare groups, civic organizations, law enforcement agencies, and of an accumulation of laws passed by the state and local governments. Nevertheless, despite all the discussion and remedial action, the problem continues to be serious.

Many have agreed that one of the paramount problems is the fact that juveniles ranging in age from fourteen to eighteen years have little or no opportunity to become productively engaged, thereby enabling themselves to acquire the attributes of industry, thrift, and responsibility.

In order to meet this need, the Federal Government could wisely invest in the future of our Nation by establishing an administrative agency which would have for its purpose the following:

1. To provide all youths between the ages of fourteen and eighteen years an opportunity to engage in productive after-school employment;

2. To provide for youths between the ages of fourteen and eighteen years who have terminated their school attendance an opportunity to live and work on a voluntary basis in established forestry camps and soil conservation camps. These camps should be situated in as many states as possible, and youths living in such camps shall in addition to their outdoor employment, be given an opportunity to continue their education or to be trained in a vocation or trade of their choosing;

3. To provide all youths between the ages of fourteen and eighteen years an opportunity to be engaged productively dur-

ing the summer school vacation period by either providing them with gainful and productive employment or the opportunity to attend a forestry or soil conservation camp where they will have an opportunity to improve and develop themselves;

4. To insure that in developing such programs there is no reversion to the evils of child labor in the Nation.

Wherefore your memorialist, the House of Representatives of the State of Arizona, prays:

1. That the Congress of the United States through appropriate committees hold hearings at which interested groups may testify as to the scope and nature of the problem, with the aim of enacting legislation such as that proposed herein to assist and educate the youth of our Nation and to overcome the problem of juvenile delinquency.

Passed the House February 9, 1956 by the following vote: 53 Ayes, 1 Nays, 26 Not Voting.

Filed in the Office of the Secretary of State—February 9, 1956.

HOUSE MEMORIAL NO. 5

A MEMORIAL

RELATING TO FEDERAL OLD-AGE AND SURVIVORS' INSURANCE, AND RECOMMENDING THAT ELIGIBLE AGE FOR RETIREMENT BE REDUCED TO SIXTY YEARS.

To the Congress of the United States:

Your memorialist respectfully represents:

Under the provisions of the Federal Old-age and Survivors' Insurance Law, no one may retire and be eligible for any of the benefits thereof until he reaches the age of sixty-five years.

Attention is called to the fact that there are many persons between the ages of sixty and sixty-five who, because of declining health or other legitimate reasons, desire to retire and should be enabled to do so.

Wherefore your memorialist, the House of Representatives of the State of Arizona, prays:

1. That the Congress give favorable consideration to the subject of amending the Old-age and Survivors' Insurance Law so that the age of retirement may be sixty years instead of sixty-five years.

Passed the House February 9, 1956 by the following vote: 48 Ayes, 7 Nays, 25 Not Voting.

Filed in the Office of the Secretary of State—February 9, 1956.

HOUSE MEMORIAL NO. 9

A MEMORIAL

REQUESTING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION EXTENDING THE PROVISIONS OF THE BACON-DAVIS ACT AS SET FORTH IN THE PROVISIONS OF SECTIONS 276a THROUGH 276a-5, TITLE 40, UNITED STATES CODE ANNOTATED.

To the Congress of the United States:

Your memorialist respectfully represents:

It appears that the United States government may in the near future undertake a huge program of highway construction and a school building construction program throughout the United States. Moreover, the development of these programs will undoubtedly require the employment of thousands of wage earners in each of the forty-eight states by contractors who are the successful bidders for the particular work to be performed.

In view of these circumstances it is important to the economy of our country and for purposes of equity that persons employed be paid wages based on the prevailing wage for corresponding types of work in the geographical area where the work is being performed.

Wherefore your memorialist, the House of Representatives of the State of Arizona, prays:

1. That the Congress of the United States enact legislation extending the provisions of Sections 276a through 276a-5, Title 40, United States Code Annotated, known as the "Bacon-Davis Act".

2. The Bacon-Davis Act as now constituted prescribes that the prevailing wages shall be paid to persons employed in constructing, repairing or altering public buildings or public works. The members of the House of Representatives urge that the Bacon-Davis Act be extended to apply in an equal manner to highway construction and school building programs.

Adopted by the House March 12, 1956 by the following vote: 52 Ayes, 18 Nays, 10 Not Voting.

Filed in the Office of the Secretary of State—March 13, 1956.

HOUSE MEMORIAL NO. 10

A MEMORIAL

PETITIONING ARIZONA'S CONGRESSIONAL DELEGATION FOR PUBLIC COMMENDATION EXPRESSING GRATITUDE TO TWELVE JURORS SO THAT ALL MEN MAY KNOW BY THESE PRESENTS: THAT WE, CITIZENS OF THE UNITED STATES OF AMERICA AND THE STATE OF ARIZONA, ARE GRATEFUL TO ALMIGHTY GOD FOR OUR LIBERTIES, INCLUDING THE RIGHT, IF CHARGED WITH CRIME, TO TRIAL BY A JURY OF OUR PEERS, AND GRATEFUL TO OUR FELLOW CITIZENS THAT, WHEN CALLED TO SERVE ON A JURY, THEY PERFORM THAT PUBLIC DUTY AT WHATEVER HARDSHIP TO THEMSELVES SO THAT THIS RIGHT MAY BE PRESERVED TO ALL OF US.

To Arizona's Congressional Delegation, to-wit: The Honorable Carl Hayden, Senator, The Honorable Barry M. Goldwater, Senator, The Honorable John J. Rhodes, Representative District 1, The Honorable Stewart Udall, Representative District 2.

Your memorialist respectfully represents:

WHEREAS, the preamble to Arizona's Constitution is:

"PREAMBLE, We, the people of the State of Arizona, grateful to Almighty God for our liberties, do ordain this Constitution".

AND WHEREAS, Arizona's Constitution states:

"ARTICLE II. Declaration of Rights. Section 1. A frequent recurrence to fundamental principles is essential to the security of individual rights and the perpetuity of free government".

AND WHEREAS, twelve men and women, our fellow Amercan citizens, were called to serve as jurors in the United States District Court in New York;

AND WHEREAS, these jurors served in the trial of eleven men indicted by a Grand Jury for conspiring, between April 1, 1945 and July 20, 1948, knowingly and wilfully, to teach and advocate the overthrow and destruction of the Government of the United States by force and violence, and the duty and necessity of so doing;

AND WHEREAS, the trial in which the twelve served as jurors commenced on January 17, 1949, and did not end until October 21, 1949;

AND WHEREAS, these twelve fellow citizens, in performing their public duty, received only the usual "subsistence" pay;

AND WHEREAS, these twelve jurors served an unusual length of time, with patience and forbearance, at whatever hardships to themselves and their families;

AND WHEREAS, on October 13, 1949, before the jurors retired to deliberate, Judge Harold R. Medina instructed them as follows:

"Ladies and Gentlemen of the Jury: You now approach the performance of one of the most sacred duties of citizenship, the meting out of justice. Just after you were sworn in as jurors I took the occasion to make a few remarks which I shall now repeat in somewhat different form, as the thoughts I then expressed are peculiarly applicable to the period of your deliberations in order to reach a just and true verdict. I then told you to be patient and said that there are few qualities in life so important. I said that if you once get yourself in the frame of mind where you know that you have a task ahead and it has to be done carefully and it has to be done just right and you know that it will be wrong to let little things disturb you, then there comes a certain calm and peace of mind which are of the essence in the administration of justice. When you get yourself in that frame of mind you find not only that the task ahead becomes much

easier, but in addition that the quality of your work in the administration of justice is of the quality that it should be. Justice does not flourish amidst emotional excitement and stress.

The rich and the poor, and persons of every race, creed and condition stand alike before the bar of justice; and you must consider and weigh the evidence carefully, calmly and dispassionately, without the slightest trace of sympathy or prejudice for or against any party to the proceeding. The very importance of the case makes it all the more urgent that you heed these words of caution. In this connection you will bear in mind at all times that these eleven men are charged here as eleven individuals, the guilt or innocence of each of whom must be passed on by you separately, pursuant to and in accordance with the instructions which I am about to give you.***"

AND WHEREAS, Judge Medina instructed the jurors as follows:

"***Thus it is that these defendants have the right to advocate by peaceful and lawful means any and all changes in the laws and in the Constitution; they had the right to criticize the President of the United States and the Congress; ***They had a right thus to assert that what they call the democracy of Russia is superior in all respects to American democracy.***Whether you or I or anyone else likes or dislikes such or similar and analogous views or agrees or disagrees with them is wholly immaterial and not entitled to the slightest consideration in deciding this case. Unless a minority had a right to express and to advocate its view, the democratic process as we understand it here in America would cease to exist and those in power might remain there indefinitely and make impossible any substantial changes in our social and economic system or in the texture of our fundamental law.

I charge you that if the defendants did no more than pursue peaceful studies and discussion or teaching and advocacy in the realm of ideas, you must acquit them.***

But no one could suppose nor is it the law that any person had an absolute and unbridled right to say or write and to publish whatever he chooses under any and all circumstances.***";

AND WHEREAS, it is well for us to recall that freedom

of speech and press is guaranteed to us in Arizona by these words in our Constitution:

"ARTICLE II. Declaration of Rights. Section 6. Every person may freely speak, write, and publish on all subjects, being resposible for the abuse of that right."

AND WHEREAS, Judge Medina also instructed the jurors as follows:

"***Furthermore, should you find from the evidence that defendants organized or helped to organize and assumed or were given leadership in the Communist Party as a legitimate political party solely with the view of electing candidates to political office by lawful and peaceful means and advocating reforms and changes in the laws or the adopting of policies by the Government favorable to their contentions in the matters just referred to, you must render a verdict of not guilty.***";

AND WHEREAS, Judge Medina also instructed the jurors as follows:

"***I charge you that it is not enough for the prosecution to show the existence of an agreement and the membership therein of any particular defendant. This alone would not prove that such defendant participated in the agreement 'knowingly and wilfully.' With respect to each defendant, the prosecution has the further burden of proving beyond a reasonable doubt that such defendant participated in such agreement wilfully; that is, the prosecution must prove that such defendant entertained the specific intention to teach or advocate the duty or necessity of overthrowing or destroying the Government of the United States by force and violence and that in either case that he intended to teach or advocate such doctrine with the specific intention and for the evil purpose of bringing about the overthrow or destruction of the Government of the United States by force or violence, and not that he intended some result other than that.

If you are not convinced beyond a reasonable doubt that such defendant acted 'wilfully,' your verdict must be not guilty."

AND WHEREAS, Judge Medina also instructed the jurors as follows:

"***Never in all my long experience as a lawyer and in my brief experience as a judge have I seen a jury exhibit so much patience and pay such careful attention at all times

to the testimony of the witnesses and the reading of exhibits, despite the prolonged duration of this trial. Let me express my sincere appreciation of the way in which you have performed your functions. You deserve special commendation and you are entitled to the gratitude of all citizens of the community for the sacrifice you have made and for the services you are rendering in the faithful performance of a public duty. And so I beg of you to continue on in the same spirit until the end.***"

AND WHEREAS, the jurors did continue on in a trial lasting over nine months, deliberating at length and finding that each of the eleven did conspire as charged;

AND WHEREAS, public memory is short;

AND WHEREAS, we have not previously expressed our gratitude to these jurors for the sacrifice they made in the faithful performance of public duty;

AND WHEREAS, these twelve men and women, our fellow citizens, are entitled to our gratitude and are deserving of special commendation—

NOW, THEREFORE, WE PETITION ARIZONA'S CONGRESSIONAL DELEGATION that they, on our behalf, and for us, publicly express the gratitude of Arizona's citizens for the sacrifice of these twelve men and women, fellow American citizens, who, residing in New York, and in the performance of public duty, served as jurors in the District Court of New York in a trial lasting from January 17, 1949, until October 21, 1949,

AND WE PETITION ARIZONA'S CONGRESSIONAL DELEGATION that they publicly acknowledge the debt each of us owes to all those who serve as jurors at whatever personal hardship, and especially these twelve, inasmuch as that in the very performance of that public duty, the right to trial by jury is itself preserved to eachc of us,

AND WE PETITION ARIZONA'S CONGRESSIONAL DELEGATION that they take whatever means is reasonable and proper to express our gratitude to these twelve fellow citizens of ours in New York, and to their families, including the insertion of this MEMORIAL in the Congressional Record so that our gratitude may be known throughout the United States and recalled in perpetuity.

Passed the House April 4, 1956 by the following vote: 58 Ayes, 11 Nays, 11 Not Voting.

Filed in the Office of the Secretary of State—April 4, 1956.

HOUSE MEMORIAL NO. 12

A MEMORIAL

REQUESTING THE CONGRESS OF THE UNITED STATES TO INVESTIGATE THE WASTEFUL EXPENDITURES OF THE HELIUM DIVISION OF THE UNITED STATES BUREAU OF MINES.

To the Congress of the United States:

Your memorialist respectfully represents:

The Helium Division of the United States Bureau of Mines is presently spending six million dollars at Excell, Texas, to extract small amounts of helium from natural gas. This process is hazardous due to possible explosion and in addition is very costly. The Bureau of Mines is now asking for an additional ten million dollars for another plant to be constructed in 1959.

The demand for helium far exceeds the supply and it is now rationed by the United States Government which is presently the only supplier of helium. The Hoover commission has recommended that the production of helium be turned over to private industry. It costs the Federal Government over fourteen dollars per one thousand C. F. to process helium from natural gas.

Apache County in the State of Arizona has the world's only virgin helium-nitrogen wells. There are two wells completed that produce eight and one-half per cent helium and eighty-nine per cent nitrogen (nonexplosive), and the total flow of both wells can now supply more helium than all the combined sources of the United States Government with no danger of explosions. A third well will be completed within sixty days, at which time it is intended to build a helium plant.

The United States Government could save millions of dollars a year by assisting private industry to set up a plant in Arizona since it is the only source of virgin helium and nitro-

gen in the world. Such a plant can produce helium for fifty years. Moreover, nitrogen would be a by-product and by building an anhydrous-ammonia plant it would supply Arizona with much needed nitrogen fertilizer, thereby aiding Arizona's expanding agriculture.

Wherefore your memorialist, the House of Representatives of the State of Arizona, prays:

That the Congress of the United States, in view of the current expenditure by the Bureau of Mines for the production of helium, study carefully the prospect of assisting private industry in producing helium in Apache County in the State of Arizona, for the purpose of obtaining a greater supply of helium and at the same time reducing costs substantially.

Passed the House April 11, 1956 by the following vote: 62 Ayes, 1 Nays, 17 Not Voting.

Filed in the Office of the Secretary of State—April 12, 1956.

HOUSE MEMORIAL NO. 13

A MEMORIAL

REQUESTING CONGRESS TO CREATE A PROGRAM FOR THE REHABILITATION OF THE PAPAGO TRIBE OF INDIANS FOR THE PROTECTION AND BETTER UTILIZATION OF THE RESOURCES OF THE TRIBE.

To the Congress of the United States:

Your memorialist respectfully represents:

The Papago Tribe of Indians, of about eight thousand population, is located on the second largest reservation in the United States, comprising over two million five hundred thousand acres of desert and mountainous land in Southern Arizona. The area, although vast in size, has few known resources. This tribe, because of conditions beyond its control, is in dire need of assistance from the federal government.

A major need of this tribe of Indians is more adequate educational facilities and opportunities. At present the reservation has only six government schools to provide education for about twelve hundred fifty children. Some of the schools teach

only through the sixth grade; others go to the eighth grade; and only one, the Sells Consolidated School, has a ninth grade. In addition five Catholic mission schools serve about three hundred fifty children. Some of these schools receive federal assistance because there are no government supported schools near enough so that children in these areas can be served by government busses. Distances from Papago communities to a government school are, in some cases, twenty miles. There are no opportunities for Papago children to attend high school on the reservation, and opportunities for the Papagoes to attend college anywhere are limited, as is true for all Indians throughout the Western United States.

While medical facilities have been expanded since the United States Public Health Service assumed the responsibility for the Papago medical program in July, 1955, much remains to be done to improve the tragic and deplorable Papago health situation. There are no obstetrical facilities on the entire reservation. It is estimated by the Bureau of Indian Affairs that the life expectancy at birth for a reservation Papago is about twenty years and that one infant out of every four dies during its first year. This infant mortality rate is the worst in the United States.

A hospital at Sells to replace the one which burned in 1947 is essential. The present necessity of removing sick persons to distant hospitals in Tucson and Phoenix remains as one of the principal barriers to the Papagos accepting modern medicine. Also there is no tuberculosis sanatorium on the entire reservation and the death rate from this disease is about seven times greater than the average throughout the rest of the United States. Another basic health need is the establishment of more field clinics. At present there are only three clinics on the entire reservation to care for all the Papagos, one at Sells, one in Santa Rosa and one in the isolated village of Pisinimo. This last mentioned clinc, built by the Papago villagers themselves, is an indication of how desperately field clinics are needed on this reservation. These three field clinics are not staffed by doctors, being visited at intervals only, by a doctor.

The Papago Indian Reservation, located in an extremely arid region, has insufficient wells for both stock water and domestic purposes, an average of only about one well per village. While domestic water storage has been improved during the past year, there are still villages where the only sources of drinking water are open ponds and stock tanks. This water, used for household purposes without boiling, is a major health hazard on the reservation.

Nor does the irrigation problem stand in any better light. There are only about fifteen thousand acres, or less than one-half of one percent of the total reservation area, which are irrigable land. This small amount can support at best only about two hundred families of the one thousand two hundred families living on the reservation. Additional farm land can be developed only if additional deep wells are drilled.

The poverty of the reservation makes it necessary that many members of this tribe must seek all or part of their livelihood away from it. Annually, over half of the families move off the reservation for work in the mines and agricultural fields of Southern Arizona. However, at present no effort is being made to develop this Papago effort to attain economic self-sufficiency. Moreover, this migration results in many children being taken out of school and permitted to work in the fields in violation of the child labor laws.

At present, the only federal program for the development of Papago workers is directed toward relocating them in distant urban areas. Under this high cost program other states get our best Papago citizens and Arizona is left with many economic problem cases. Relatively large numbers return to the reservation, some with severe social maladjustments as the result of their experiences. Thus the relocation program is now a detriment to Arizona and there is need of modification of same to a more local program. Federal assistance is needed to assist additional Papagos to find work in agriculture, mining, construction, and industry in areas reasonably near to the reservation. This, together with a program of adult and vocational education, including classes to learn to read, write and speak English, so that those already employed can be upgraded, would go far toward helping solve these important social and economic problems.

Any of the above circumstances would of itself be sufficient to justify immediate action by the federal government; taken in concert the situation of the Papago is desperate beyond human conception. They underlie fundamental social, economic, and health problems which will become increasingly serious and difficult to cope with if not met comprehensively now.

Wherefore your memorialist, the House of Representatives of the State of Arizona, respectfully prays:

1. That, although Congress saw fit to close the Papago Reservation to mineral entry, thus undoing an injustice of long standing, for which the citizens of Arizona, both Indian and non-Indian, are grateful, their mineral resources are of

no value to these poverty-stricken Papagos as long as they remain undeveloped.

2. That a survey of the mineral potential of the Papago Reservation be made; that since the tribe has no funds for this survey, federal funds be made available therefor.

3. That sufficient funds be appropriated by Congress to create and make effective a comprehensive rehabilitation program to promote the economic and social development of the Papago Indians, such comprehensive program to include:

(a) An education survey of the reservation to determine exact needs; enough elementary schools on the reservation to permit a choice between federal and church schools; funds for construction of dormitories in towns adjacent to the reservation to afford Papago children the opportunity to attend junior and senior high schools, and also the opportunity to attend colleges off the reservation.

(b) Funds for rigid enforcement of child labor laws and school attendance laws.

(c) Efforts to integrate Papagos into the off-reservation economic life of the state since not all can support themselves on the reservation; funds for surveys of the Papago labor potential, and to provide a special Papago placement program in Arizona which would serve as an alternative to the highly expensive federal out of state relocation program; also a comprehensive program of adult and vocational education, including classes to learn to read, write and speak English so that Papagos can improve their place among the state's workers.

(d) A fifty bed general hospital is needed at Sells, staffed with sufficient doctors, dentists, nurses, sanitarians and health educators; a department in said hospital to maintain vital statistics; also the construction of a number of small clinics in the major Papago communities, to be staffed with medical personnel to administer to the health needs of the Papagoes and win their confidence through personalized services.

(e) More wells for household, stock and irrigation purposes.

(f) A revolving credit fund to provide development capital to enable small businesses, mines, and agricultural developments to be started by the Papagos on the reservation.

(g) More all-weather roads and market-access roads.

(h) Range improvement measures.

(i) Large scale survey of all reservation economic resources.

(j) In general to provide facilities, employment, and essential services in combating hunger, disease, poverty, juvenile delinquency and demoralization among members of the tribe; to make available the resources of the reservation for use in building up a self-supporting economy and self-reliant communities; and to lay a stable foundation upon which the Papagos can engage in diversified economic activities and ultimately attain standards of living comparable to those enjoyed by other citizens of the state of Arizona and the United States of America.

Adopted by the House March 12, 1956 by the following vote: 70 Ayes, 0 Nays,10 Not Voting.

Filed in the Office of the Secretary of State—March 13, 1956.

HOUSE JOINT MEMORIAL NO. 3

A JOINT MEMORIAL

REQUESTING THE ARIZONA CONGRESSIONAL DELEGATION TO INITIATE LEGISLATION IN THE CONGRESS OF THE UNTED STATES STABILIZING THE FINANCIAL FEATURES OF THE PROGRAM FOR THE EDUCATION OF INDIAN CHILDREN WITHIN THIS STATE.

TO THE HONORABLE CARL HAYDEN AND THE HONORABLE BARRY M. GOLDWATER, MEMBERS OF THE SENATE OF THE UNITED STATES; AND THE HONORABLE JOHN J. RHODES AND THE HONORABLE STEWART L. UDALL, MEMBERS OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES:

Your memorialist respectfully represents:

The people of the State of Arizona are concerned about the education of Indian children in the public schools of the state.

In view of the total Indian population of some 70,000, and the anticipated increase in the number of Indian children of school age, and the tremendous amount of land held in trust

for the Indian people and which is exempt from state and local taxation, the federal government must continue to bear a very substantial part of the cost of integrating the Indian children in the public schools of the state.

We are aware that the federal government has recognized, at least for the time being, that this financial responsibility is theirs.

We are concerned, however, and rightfully so, over the possibility that the entire financial burden may at any time be shifted to the taxpayers of the state.

We are justified in this concern because of the recent negotiation of contracts for the integration of Indian children in our school system. These contracts obligate the school districts of the state to accept such children over a period of twenty years; yet the contracts declare, insofar as the federal government is concerned, that the life of the contracts depends on the availability of federal funds.

The state and the school districts should not be subjected to this uncertainty.

Hence, we request that you initiate legislation which will insure, as far as is reasonably possible, to this state the continued federal responsibility for the education of Indian children over the twenty-year contractual period now embodied in such contracts.

Passed the House March 12, 1956 by the following vote: 69 Ayes, 0 Nays, 11 Not Voting.

Passed the Senate March 22, 1956 by the following vote: 25 Ayes, 0 Nays, 3 Not Voting.

Filed in the Office of the Secretary of State—March 22, 1956.

SENATE MEMORIAL NO. 1

A MEMORIAL

REQUESTING THE UNITED STATES DEPARTMENT OF THE INTERIOR AND THE ARIZONA CONGRESSIONAL DELEGATION, CONSISTING OF SENATORS CARL HAYDEN AND BARRY M. GOLDWATER AND REPRE-

SENTATIVES JOHN J. RHODES AND STEWART L. UDALL, TO CONSIDER THE CONSTRUCTION OF A DAM ON BURRO CREEK.

To the United States Department of the Interior, Senators Carl Hayden and Barry M. Goldwater and Representatives John J. Rhodes and Stewart L. Udall:

Your memorialist respectfully represents:

The construction of a dam on Burro Creek at the point it crosses State Highway 93 would be of invaluable assistance to the Federal Government and the State of Arizona. Burro Creek, although a relatively small waterway, does run throughout the year and the high-water mark is estimated to reach twenty feet during flood stage. When in such flood stage, it is a source of danger to the dam and installations at Parker.

The construction of a dam at this site would create other beneficial values. The top of the dam could be used as a trafficway and, furthermore, this area would be provided with excellent recreational facilities where none now exist.

Wherefore your memorialist, the Senate of the State of Arizona, prays:

That the United States Department of the Interior and Senators Carl Hayden and Barry M. Goldwater and Representatives John J. Rhodes and Stewart L. Udall instigate a study of stream gauging to determine the amount of flow over a period of time, and to estimate the cost, as against the advantages of the construction of a dual purpose dam at this location.

It is believed that such a project will be of mutual benefit to the United States Government and the State of Arizona.

Passed the Senate March 6, 1956 by unanimous vote.

Filed in the Office of the Secretary of State—March 6, 1956.

SENATE MEMORIAL NO. 2

A MEMORIAL

REQUESTING THE CIVIL AERONAUTICS BOARD TO FA-

VORABLY CONSIDER MORE AIRLINE SERVICE IN AND OUT OF TUCSON, ARIZONA.

To the Civil Aeronautics Board:

Your memorialist respectfully represents:

During the past fifteen years the City of Tucson, Arizona, has demonstrated a phenomenal growth. The population has increased from thirty-five thousand to eighty-five thousand persons, and with proposed annexation of surrounding areas the population will undoubtedly increase to one hundred fifteen thousand persons. The industrial growth has been in a similar proportion to the population increase. Bank debits in 1955 reached one billion six hundred thousand dollars. The electronics industry not only has expanded in the Tucson area but other business organizations have made this section their headquarters.

The growth of the Tucson economy and population means that adequate facilities for air travel are a necessity. The limitations of servicing this growing economy with only one airline service is apparent and is restricting the continuing growth of the Tucson area. Additional airline service would be in keeping with the expansion which has occurred during the past fifteen years.

Wherefore your memorialist, the Senate of the State of Arizona, prays:

1. That the Civil Aeronautics Board favorably consider and approve more major airline service for Tucson, Arizona.

Passed the Senate April 6, 1956, by unanimous vote.

Filed in the Office of the Secretary of State—April 6, 1956.

SENATE JOINT MEMORIAL NO. 5

A JOINT MEMORIAL

REQUESTING THE ARIZONA CONGRESSIONAL DELEGATION TO URGE THE BUREAU OF RECLAMATION TO CONSTRUCT THE GLEN CANYON DAM ON THE SOUTHEAST SIDE, KNOWN AS THE ARIZONA SIDE, OF THE COLORADO RIVER.

To Senators Carl Hayden, Barry M. Goldwater and Representatives John J. Rhodes and Stewart Udall:

Your memorialist respectfully represents:

Whereas, the Bureau of Reclamation will soon commence construction of the Glen Canyon Dam.

The dam will be located entirely in the State of Arizona, and Arizona is entitled to equitable consideration in benefits to accrue from construction of this dam.

The natural topography and geology of the area on the southeast side, known as the Arizona side, of the Colorado River, is far superior for a townsite than any of the surrounding area. Moreover, the location of the townsite on the Arizona side of the Colorado River would be of far greater value to the State of Arizona.

Wherefore your memorialist, the Legislature of the State of Arizona, prays:

1. That the Arizona Congressional Delegation, consisting of Senators Carl Hayden and Barry M. Goldwater and Representatives John J. Rhodes and Stewart Udall, endeavors to persuade and urge the Bureau of Reclamation to insure that the location of the townsite at the Glen Canyon Dam be on the southeast side of the Colorado River, as a matter of justice and engineering practicability.

Passed the House April 13, 1956 by the following vote: 58 Ayes, 0 Nays, 22 Not Voting.

Passed by the Senate April 4, 1956 by the following vote: 24 Ayes, 0 Nays, 4 Not Voting.

Approved by the Governor—April 16, 1956.

Filed in the Office of the Secretary of State—April 20, 1956.

RESOLUTIONS

HOUSE RESOLUTION NO. 1

A RESOLUTION

A RESOLUTION ON THE PEACE OF THE WORLD

Whereas, what unimagined power to destroy may be in future war we do not know, and the hope of man is that the peace of the world be preserved and the liberties of its people established; and

Whereas, we seek that security which is lasting and will endure, that is born of the people themselves; and

Whereas, there has long been dissension among nations, and within men, and we may expect that peace between nations will be in a world where there is peace and good will within men: Therefore

Be it Resolved by the House of Representatives of the State of Arizona:

1. This House goes on record that, in addition to the earnest efforts for peace between nations being made by the United States of America and the United Nations, and by other governments, and by churches and organizations, it should be realized that peace must be found within men wherever fear and enmity now may be, and understanding and amity in every land and in every heart; and

2. This House considers it a duty and responsibility by adoption of this resolution to enhance that freedom and happiness to which this nation from its founding has been dedicated and which we have faith that all men in a peaceful world will yet enjoy.

Passed the House April 14, 1956 by the following vote: 54 Ayes, 0 Nays, 26 Not Voting.

Filed in the Office of the Secretary of State—April 16, 1956.

HOUSE CONCURRENT RESOLUTION NO. 1

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT OF THE CONSTITUTION

OF ARIZONA PRESCRIBING THE COMPENSATION OF MEMBERS OF THE LEGISLATURE, AND AMENDING PARAGRAPH (2), SECTION 1, PART 2, ARTICLE 4, CONSTITUTION OF ARIZONA.

Be it resolved by the House of Representatives of the State of Arizona, the Senate concurring:

1. Paragraph 2, section 1, part 2, article 4, Constitution of Arizona, upon approval by a majority of the qualified electors voting thereon and upon proclamation of the governor, is amended to read:

(2) Until otherwise provided by law, members of the legislature shall receive two thousand two hundred dollars per annum, and, an expense allowance in the sum of twelve dollars per day if residing at his usual place of residence, or if not residing at his usual place of residence, the sum of seventeen dollars per day; provided, however, that they shall receive such expense allowance for a period not to exceed seventy-five days in any one regular session and for a period not to exceed twenty days in any one special session. A member of the legislature required to attend legislative business or meetings other than during a session of the legislature shall be compensated as provided for members during legislative sessions until otherwise provided by law. Mileage to attend legislative sessions, business or meetings shall be as provided by law for other state officers.

This amendment shall be in all respects self-executing.

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 spcial election called for that purpose), as provided by article 21, Constitution of Arizona.

Passed the House April 13, 1956 by the following vote: 49 Ayes, 11 Nays, 20 Not Voting.

Passed the Senate April 13, 1956 by the following vote: 27 Ayes, 0 Nays, 1 Not Voting.

Filed in the Office of the Secretary of State—April 16, 1956.

HOUSE CONCURRENT RESOLUTION NO. 7

A CONCURRENT RESOLUTION

ON THE DEATH OF HON. ANDREW C. PETERSON

On the twenty-fifth day of July, 1955, Honorable Andrew C. Peterson, a former member and Speaker of the House of Representatives, passed away in Phoenix.

Andrew Christian Peterson was born September 24, 1870, in Gunnison, Utah. As a child of eight years he helped drive the oxen which pulled the covered wagons of the settlers to Brigham City, three miles northeast of the present town of Winslow, Arizona.

Mr. Peterson received his early education at St. Johns. Subsequently he was awarded his A.B. degree from Brigham Young University and his M.A. degree from the University of Utah. His life was dedicated to the service of the people of his community and it was demonstrated in several ways. Andrew Christian Peterson served a three-year mission for his church and was active in the Church of Jesus Christ of Laterday Saints until his death. He also served honorably and with distinction as a Corporal in the First Volunteer Regiment, United States' Army, during the Spanish-American war.

In 1903, Honorable Andrew Peterson began his long and distinguished career as an educator by obtaining a teaching post in the Gila Academy, now known as Eastern Arizona Junior College. Two years later Mr. Peterson became principal of the Academy and held this position for fifteen years. Thereafter he continued his career in the field of education by teaching social science at Arizona State College, Flagstaff, for the period from 1927 through 1944.

In the political field Andrew Peterson served his fellow citizens and by his actions justified the confidence the citizens frequently placed in him. He was a member of the first board of supervisors in Graham County. He was also selected to serve as a member of the State Constitutional Convention. The electors of his legislative district elected Andrew Peterson to serve as a member of the House of Representatives in the Third and Fourth Legislatures. His colleagues in the House of Representatives during the Fourth Legislature honored him by naming him as Speaker of the House.

In addition to the many honors bestowed upon Honorable

Andrew Peterson, he was devoted to his family, and in 1953 he and his wife Eleanor celebrated their golden wedding anniversary. Therefore

Be it resolved by the House of Representatives of the State of Arizona, the Senate concurring:

1. That the death of Honorable Andrew C. Peterson is noted by the Legislature with deep regret and the Legislature extends its condolences to the widow and surviving children.

Passed the House February 1, 1956 by the following vote: Unanimous Vote.

Passed the Senate February 7, 1956, by the following vote: Unanimous Vote.

Filed in the Office of the Secretary of State—February 7, 1956.

HOUSE JOINT RESOLUTION NO. 1

A JOINT RESOLUTION

REQUESTING THE STATE HIGHWAY COMMISSION TO COOPERATE TO OBTAIN DESIGNATION OF UNITED STATES HIGHWAY 89 AS A BLUE STAR MEMORIAL HIGHWAY.

The Arizona Federation of Garden Clubs, in cooperation with other state federations of garden clubs in the Blue Star Project, sponsored by the National Council of State Garden Clubs, has expressed a desire to create throughout the United States a network of well-landscaped, safe highways, free from unnecessary signs, clutter and ribbon slums. The Arizona Federation of Garden Clubs has also expressed the strong feeling that the creation of living memorials, which not only serve a useful public purpose but add to the lasting beauty of our countryside, is a community service of enduring value.

The members of the Twenty-second Legislature are in complete accord with the aims of the Arizona Federation of Garden Clubs, and desire to cooperate to the end that Arizona's highways may become models to be envied and copied throughout the nation. Therefore

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

1. The state highway commission is requested to give full consideration toward assisting the Arizona Federation of Gar-

den Clubs in obtaining the designation of all or part of United States Highway Route Number 89 as the Blue Star Memorial Highway in the state of Arizona, to commemorate the services of those who have served or will serve in the armed forces of the United States.

2. The state highway commission is requested to offer its cooperation to the Arizona Federation of Garden Clubs to enable the Arizona Federation of Garden Clubs to erect along said highway tablets and landscaping, wayside rest areas, bird sanctuaries, arboretums and forests to carry out the intention of this resolution.

Passed the House February 6, 1956 by the following vote: 63 Ayes, 0 Nays, 17 Not Voting.

Passed the Senate February 20, 1956 by the following vote: 25 Ayes, 1 Nays, 2 Not Voting.

Filed in the Office of the Secretary of State—February 24, 1956.

SENATE RESOLUTION NO. 1

A RESOLUTION

REQUESTING THE GOVERNOR AND THE ARIZONA DEVELOPMENT BOARD TO EXTEND EVERY EFFORT TO SECURE FOR FLAGSTAFF, ARIZONA, THE 1960 WINTER OLYMPICS.

Be it resolved by the Senate of the State of Arizona:

Whereas, the site of the 1956 Winter Olympics at Cortina, Italy, afforded poor conditions for the conduct of the sports events to be conducted, which condition is a matter of deep concern not only to the United States Olympic Association, but to the people of the Rocky Mountain Empire, and whereas, it is the concensus of this Body that the Arizona Snow Bowl in the San Francisco Peaks, a few miles north of the City of Flagstaff, Arizona, should be seriously considered as the site for the 1960 Winter Olympics.

This site is in a natural location of extreme beauty, is on the main line of the Santa Fe Railroad and United States High-

ways 66 and 89 with two cross-country bus lines, and air line facilities with a municipal airport capable of accommodating the largest planes.

More than one thousand skiers may be seen on week ends on the slopes of Mount Agassiz, an ancient volcanic crater with slalom courses marked with bamboo poles cut less than fifty miles away.

Spruce Cabin Run is equipped with the world's longest rope tow which accommodates eight hundred persons per hour. From the top of the Run one may look into the depths of the world-famed Grand Canyon, seventy miles away, or in another direction, may see the incomparable Painted Desert and the awe-inspiring fallen giants of the Petrified Forest. The garnet and amethyst tints of the desert and the turquoise skies combine to make this a jeweled land where every emerald pine is outlined in layers of diamond dust.

The facilities include at present a ski lodge with central fireplace, snack bar and sundeck. Under construction is the second story of the main building which will also house spectators and resting skiers. Flagstaff, Arizona, a few miles from the Run, has thirty-five motels with seven hundred seventy-six units, and more than one dozen hotels with three hundred fifty suites or rooms.

Conditions for the winter olympics are always superb during the winter months. During January and February of 1956, as an example, ski enthusiasts were greeted with forty-two inches of base snow with a twelve inch layer of powder snow. Yet the climate and altitude are such that many come to use the sundeck for sunbathing in the bright mountain sun.

The City of Flagstaff is located at an altitude of seven thousand feet at the foot of the 12,692-foot Peaks. The ski area is at ten thousand feet in the unique Coconino National Forest, largest virgin stand of Ponderosa pine in the world.

From the foregoing it is evident that the City of Flagstaff and the surrounding area is eminently qualified as one of the best if not the best location for the winter Olympics. Therefore

Be it resolved by the Senate of the State of Arizona:

1. The Governor and the Arizona Development Board are urged to exert every effort at their command to bring the 1960 Winter Olympics to Flagstaff, Arizona, and are respectfully

requested to bring to the attention of the United States Olympic Association and all interested parties the fact that the people of Arizona stand ready to extend to the Association and the members of the Olympic teams a truly Western welcome.

Passed the Senate February 28, 1956 by the following vote: 26 Ayes, 0 Nays, 2 Not Voting.

Filed in the Office of the Secretary of State—February 28, 1956.

SENATE RESOLUTION NO. 2

A RESOLUTION

COMMENDING PRESENT AND FORMER MEMBERS OF THE BOARD OF TRUSTEES OF THE ARIZONA TEACHERS' RETIREMENT SYSTEM FOR SERVING THE STATE WITH DISTINCTION, AND EXPRESSING APPRECIATION.

Whereas, the Board of Trustees of the Arizona Teachers' Retirement System has for more than a decade served and dedicated itself to the interests and for the improvement of the Arizona Teachers' Retirement System. The members of the Board of Trustees, past and present, have given freely of their time and effort and have demonstrated to the people of the State of Arizona that their task was performed capably, competently and with distinction.

The members of the Senate of the State of Arizona believe that it is appropriate at this time to recognize the service of all the members of the Board of Trustees. Therefore

Be it resolved by the Senate of the State of Arizona:

1. The following persons are former and present members of the Board of Trustees of the Arizona Teachers' Retirement System and the Senate hereby declares that they have served their State and Community with a devotion and unselfishness that is to be commended:

E. W. Montgomery, Phoenix
Alfred Lockwood, Phoenix
Spencer Kimball, Safford

Joseph Refsnes, Phoenix
Hamilton Catlin, Tucson
Georgie Hunter, Jerome and Phoenix
Sherman Hazeltine, Prescott
Merle Hartley, Phoenix
Ashby I. Lohse, Tucson
Mildred M. Hall, Phoenix
J. R. McEvoy, Holbrook
Ruth Foster, Yuma

2. As an expression of appreciation, it is directed that a copy of this Senate Resolution be forwarded to each person who has been a member of the Board of Trustees of the Arizona Teachers' Retirement System since its inception.

Passed the Senate March 6, 1956 by unanimous vote.

Filed in the Office of the Secretary of State—March 6, 1956.

BILL VETOED BY THE GOVERNOR

EXECUTIVE OFFICE

State House

Phoenix, Arizona

April 16, 1956

Dear Mr. Secretary:

I am transmitting herewith Senate Bill No. 165, An Act Relating to Outdoor Advertising; Providing for the Regulation of Placement, Spacing and Type of Advertising Signs and Structures by the Arizona State Highway Commission; Requiring Permits and Licenses and Prescribing Fees Therefor; Creating an Outdoor Advertising Fund and Making a Continuous Appropriation Therefrom; Prescribing Penalties; Amending Title 32, Arizona Revised Statutes by Adding Chapter 17.1, and Amending Article 1, Chapter 1, Title 18, Arizona Revised Statutes, by Adding Section 18-106.01, with my disapproval for the following reason:

1. This Act is unduly restrictive and burdensome. Because of the objectionable features contained in the Bill, I am filing it in your office with my disapproval.

Yours truly,

/s/ ERNEST W. McFARLAND
Ernest W. McFarland

Honorable Wesley Bolin
Secretary of State
Phoenix, Arizona

SENATE BILL NO. 165

AN ACT

RELATING TO OUTDOOR ADVERTISING; PROVIDING FOR THE REGULATION OF PLACEMENT, SPACING AND TYPE OF ADVERTISING SIGNS AND STRUCTURES BY THE ARIZONA STATE HIGHWAY COMMISSION; REQUIRING PERMITS AND LICENSES AND PRESCRIBING FEES THEREFORE; CREATING AN OUTDOOR ADVERTISING FUND AND MAKING A

CONTINUOUS APPROPRIATION THEREFROM; PRESCRIBING PENALTIES; AMENDING TITLE 32, ARIZONA REVISED STATUTES BY ADDING CHAPTER 17.1, AND AMENDING ARTICLE 1, CHAPTER 1, TITLE 18, ARIZONA REVISED STATUTES, BY ADDING SECTION 18-106.01.

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

Section 1. DECLARATION OF POLICY. The legislature declares that in order to provide for the safe and efficient use and the orderly appearance of the public highways, it is necessary, in the public interest, to regulate the erection and maintenance of advertising structures and signs within view of the public highways.

Sec. 2. Title 32, Arizona Revised Statutes, is amended by adding chapter 17.1 to read:

CHAPTER 17.1

OUTDOOR ADVERTISING

ARTICLE 1. GENERAL PROVISIONS

32-1871. DEFINITIONS. In this chapter, unless the context requires otherwise:

1. "Advertising sign" means any card, cloth, metal, glass, plastic, wooden or painted display, message, emblem or device designed, used or intended for advertising purposes or to attract the attention of the public, except an advertising structure.

2. "Advertising structure" means a structure of any kind or character, including statuary, designed, used or intended for advertising purposes, or for the placing or support of an advertising sign.

3. "Business district" means that area within five hundred feet of a legally existing business or industrial structure or within the limits of a contiguous related business or industrial use on either side of the highway.

4. "Business of outdoor advertising" means the business of constructing, erecting, operating, using, maintaining, leasing or selling advertising structures or advertising signs, but

does not include the placing, erecting, constructing or maintaining selling or leasing of advertising structures or advertising signs by the owner of the real property upon which the advertising structure or advertising sign is placed and which is owned and operated by the owner of the real property, and where no more than one such advertising structure or advertising sign is erected by the owner of the real property and the real property has not been purchased by the owner thereof for the specific purpose of erecting the advertising structure or advertising sign, or pertains exclusively to the business of the person placing, erecting, constructing or maintaining the structure or sign if located within three hundred feet of the business advertised.

5. "Commission" means the Arizona state highway commission.

6. "Highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular traffic.

7. "Roadside service" means classes of pursuits customarily required and used by the traveling public, and intended predominantly for the traveling public, such as and including, but not limited to, gasoline filling stations, garages and automobile repair shops, refreshment stands, motels, hotels, restaurants, and eating places, tourist or automobile parks and lodges and similar pursuits and services intended primarily for the convenience and accommodation of the traveling public; provided that the road side service is located not more than three miles from a main traveled highway.

32-1872. EXEMPTIONS. A. The provisions of this chapter shall not apply to any advertising sign or advertising structure placed, erected or maintained:

1. Within the limits of an incorporated city.

2. By or under authority of any federal, state, county or city authority for the purpose of conveying information, warnings, distances or directions to persons upon the highway.

3. By any public officer or body for the purpose of giving notice required by law or by a court.

4. By any public utility or transportation company for the purpose of notices necessary for the information, safety or direction of the public.

5. At a location not visible from any highway.

6. For a purpose which is political and temporary in nature, for a period not to exceed ninety days from the date of placing, erecting or maintaining the advertising structure or advertising sign and the sign or structure shall not exceed twenty-five square feet.

B. The provisions of sections 32-1874, 32-1875, 32-1876, 32-1878, 32-1880 and 32-1881 shall not apply to any advertising sign or structure less than twenty-five square feet of advertising surface which is erected or maintained:

1. Within three hundred feet of any business, when the sign or structure advertises only the name or nature of the business, or the products, facilities, goods or services thereof.

2. Upon farm property by the owner or lessee of the farm when the sign or structure advertises only the products of the farm.

3. For the purpose of advertising for sale or rent the real property upon which the sign or structure is erected, or of warning of hazard or danger upon such property, or of warning against hunting, fishing or trespassing upon such property.

4. Which bear only the name and address of the owner or occupant of the property.

C. The provisions of section 32-1878 shall not apply to any advertising sign or advertising structure advertising exclusively a roadside service if:

1. The advertising sign or structure has an advertising area of less than three hundred square feet.

2. The advertising sign or structure is located not more than two miles distant from either the roadside service which it advertises or from an access road or connecting road leading to such roadside service.

D. The provisions of paragraph 2 of section 32-1877 and section 32-1878 shall not apply to any advertising sign or advertising structure placed, erected or maintained within a business district or in any area that is subdivided into parcels of not more than twenty thousand square feet.

32-1873. OUTDOOR ADVERTISING FUND. All money received by the commission under the provisions of this chapter shall be paid to the state treasurer monthly. The state treasurer shall credit the money to an account in the general

fund to be known as the "outdoor advertising fund". The money deposited to the credit of that fund is continuously appropriated to the commission for use in the administration of this chapter.

ARTICLE 2. LICENSING

32-1874. ANNUAL BUSINESS LICENSE; REVOCATION. A. Except as otherwise provided by this chapter, no person shall engage or continue in the business of outdoor advertising outside the corporate limits of any city without first obtaining an annual license therefor from the commission. The commission shall issue an applicant a license, provided the applicant makes payment of the license fee and complies with the provisions of this article. The fee for the initial license shall be twenty-five dollars if the applicant has less than five signs and fifty dollars if applicant has five or more signs, payable annually in advance and a renewal license shall be fifteen dollars if the applicant has less than five signs and thirty dollars if the applicant has five or more signs, payable annually in advance.

B. Application for licenses or renewal of licenses shall be made on forms furnished by the commission, shall contain such pertinent information as the commission may require and shall be accompanied by the annual fee. Licenses granted under this section shall expire on June 30 of each year and shall not be prorated. The commission shall send each licensee a notice of expiration of license and renewal application forms not less than sixty days prior to the date of expiration. Applications for the renewal of licenses shall be made not less than thirty days prior to the date of expiration, and, in the event of a late application, the license fee shall be increased to twice the original license fee. Late application shall mean the period subsequent to the sixtieth day after the date of expiration.

C. In any case where it finds that any material information required to be given in the application for the license is knowingly false or misleading or that the licensee has violated any of the provisions of this chapter, the commission shall have authority, after thirty days notice in writing to the licensee, to revoke any license granted by it, unless the licensee, before the expiration of the thirty days, corrects the false or misleading information and complies with the provisions of this chapter.

ARTICLE 3. REGULATION

32-1875. ANNUAL SIGN PERMIT; FEES. A. Except

as otherwise provided by this chapter, no advertising sign or structure shall be constructed, erected, operated, used or maintained unless an annual permit therefor has been issued. Any person interested may apply for a permit to the commission on forms furnished by it. The applications shall include a precise description of the location of the sign or structure, a statement that the sign or structure complies in all respects with the provisions of this chapter, and such other information as the commission deems necessary or desirable. The application shall be accompanied by the annual permit fee as follows:

1. Twenty-five cents, if the advertising area does not exceed fifty square feet.

2. Seventy-five cents if the area exceeds fifty square feet and in less than two hundred fifty square feet.

3. One dollar if the area is two hundred fifty square feet or more.

B. Permits shall be issued for the calendar year and may be renewed by payment of the applicable annual permit fee for the new year without the filing of a new application. Fees shall not be prorated for fractions of the year. When an advertising structure contains advertising on both sides, only one permit is required for the entire structure. Advertising copy may be changed at any time without the payment of an additional fee.

C. The commission shall issue a permit for the sign or structure covered by the application unless the sign or structure is in violation of this chapter.

D. A permit may be revoked after hearing if the commission finds that any statement made in the application therefor was false or that the advertising structure or sign covered thereby is in violation of this chapter and is not brought into compliance within thirty days after written notification thereof.

32-1876. IDENTIFICATION NUMBER ON EACH SIGN OR STRUCTURE. Every permit issued by the commission shall be assigned a separate identification number; and each permittee shall fasten to each advertising structure and advertising sign a weatherproof label or marker not larger than two inches by three inches, which shall be furnished by the commission, and on which shall be plainly visible the permit number. The absence from an advertising structure or sign

of the label or marker is prima facie evidence that the structure or sign does not comply with the provisions of this chapter.

32-1877. PROHIBITIONS. Except as otherwise provided by this chapter, no advertising sign or advertising structure shall be placed, erected or maintained upon property within view of any highway:

1. Without the written consent of the owner or authorized agent of the property upon which the sign or structure is located.

2. In such manner or at such location as to prevent the driver of a vehicle upon the highway from obtaining, by reason of the sign or structure itself, a reasonably clear view of approaching vehicles for a distance of five hundred feet along the highway, or, after the driver is at any point within three hundred feet of the intersection, for a distance of three hundred feet in both directions along any intersecting highway or railway.

3. Unless the sign or structure is so constructed, erected and maintained as to be able to withstand a wind pressure of at least twenty pounds per square foot of exposed surface, and is at all times maintained in a neat, clean and attractive condition.

4. Which has a total length exceeding seventy-five feet.

5. Which bears or contains statements, words or pictures of obscene, indecent or immoral character, or such as will offend public morals or decency.

6. Upon trees, rocks, cacti, utility poles, fence posts, bridge structures or abutments.

7. Unless the sign or structure plainly displays thereon the name of the person owning or maintaining the sign or structure.

32-1878. SPACING REQUIRED. Except as otherwise provided by this chapter, no advertising sign or structure shall be placed, erected or maintained within view of any highway:

1. Within three hundred feet of any other advertising sign or advertising structure on the same side of the highway, if the total combined advertising area of both such signs or structures is two hundred square feet or less.

2. Within five hundred feet of any other advertising sign or advertising structure on the same side of the highway, if the

total combined advertising area of both such signs or structure exceed two hundred square feet.

3. Within one-half mile of any other advertising sign or advertising structure on either side of the highway which advertises the goods, products, facilities, services or business of the same commercial enterprise.

32-1879. DETERMINATION OF DISTANCES. A. The distances set forth in the spacing limitations contained in section 32-1878 shall be measured lineally along the highway, and for the purpose of applying such spacing limitations two advertising signs or advertising structures which are immediately adjacent to each other on the same side of the highway shall be considered as one sign or structure.

B. Advertising signs and structures exempted in section 32-1872 shall not affect or control the spacing limitations applicable to other advertising signs and structures under the provisions of section 32-1878 and shall not be considered in determining the required spacing.

32-1880. SPACING VIOLATION. In case the commission finds that two or more structures or signs which have been erected prior to the effective date of this chapter are in violation of the spacing requirements of section 32-1878, it shall accord the respective interested parties a full opportunity to be heard and shall thereafter make a finding as to the date of erection of each of such structures or signs and award the permit or permits to the applicants whose structures or signs were first erected.

32-1881. LICENSE AND PERMIT VIOLATIONS. Any advertising structure or sign not covered by a sign permit as required by section 32-1875, or which is owned, operated, leased or maintained by a person engaged in the business of outdoor advertising without a license, contrary to section 32-1874, is a public nuisance and may be removed by the commission. The commission, for that purpose, may recover from the owner thereof the actual cost of removal, the recovery to be not more than fifty dollars, and may enter upon private property without incurring any liability therefor. As a prerequisite to such removal and recovery, the owner shall be given written notice to remove the structure or sign within thirty days after the receipt thereof, after which the commission may remove same as aforesaid.

32-1882. NONCONFORMING SIGNS. A. Any advertising structure lawfully erected prior to the effective date of

this chapter and not conforming with the provisions of section 32-1878 shall be removed by the owner thereof within five years after the effective date of this chapter.

B. No advertising sign or advertising structure at a location prohibited by this chapter shall be replaced or reconstructed after the effective date of this chapter except for repairs and maintenance necessary due to ordinary wear and tear or acts of God.

32-1883. APPEALS. A. Any person or persons aggrieved by any act or refusal to act of the commission may appeal therefrom, within thirty days from the date of the act or of written notice of refusal to act, to the superior court by filing in the court a verified complaint, by serving such complaint in the manner prescribed by law for the service of summons in civil actions, upon the commission, setting forth the facts upon which the request for a judicial review is based.

B. Any judgment, order or decree of the superior court made in connection with the appeal may be appealed, either by the commission or other party, to the supreme court.

32-1884. PENALTY. Any person convicted of violating any provision of this chapter shall be punished by a fine of not more than fifty dollars.

Sec. 3. Article 1, chapter 1, title 18, Arizona Revised Statutes, is amended by adding section 18-106.01 to read:

18-106.01. POWERS AND DUTIES OF COMMISSION RELATING TO OUTDOOR ADVERTISING. In addition to the powers and duties prescribed in section 18-106, the commission shall prescribe rules and regulations and exercise the powers and duties necessary to carry out and enforce the provisions of chapter 17.1, title 32, relating to outdoor advertising.

Disapproved by the Governor—April 16, 1956.

Filed in the Office of the Secretary of State—April 17, 1956.

ACTS

RESOLUTIONS

of the

FIRST SPECIAL SESSION

of the

22ND LEGISLATURE

of the

STATE OF ARIZONA

1 9 5 5

FIRST SPECIAL SESSION CONVENED

OCTOBER 24, 1955

FIRST SPECIAL ADJOURNED SINE DIE

NOVEMBER 28, 1955 AT 2:23 P. M.

Publication Authorized

Chapter 138, House Bill No. 299,

Laws of 1956

Second Regular Session, Twenty-Second Legislature

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

AUTHENTICATION

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

THIS IS TO CERTIFY—That the Resolutions published in this volume are full, true and correct copies of the originals passed at the First Special Session of the Twenty-second 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 First Special Session of the Twenty-second Legislature of the State of Arizona was convened at the Capitol, in the City of Phoenix, October 24, 1955, and adojurned sine die on the 28th day of November, 1955.

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 June, 1956.

/s/ WESLEY BOLIN
Secretary of State

PROCLAMATION

CALLING A SPECIAL SESSION OF THE TWENTY-SECOND 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 Legislature of the State of Arizona has heretofore created a Code Commission and made appropriations therefor for the purpose of revising the laws of the State of Arizona of a general or public nature; and

WHEREAS, said Code Commission has completed its work and a Bill has been prepared for presentation to the Legislature of the State of Arizona containing said revision and is now available for introduction in the Legislature; and

WHEREAS, the very nature of this call to revise the Code makes it essential that no limitations of any kind or character shall be placed upon the Legislature in the matter of enacting legislation, however, the spirit and intent of the call is to limit legislation to Code revision, avoiding substantive changes in the law unless their urgency is so apparent that they are overwhelmingly desired by the Legislature and do not interfere with the enactment of the Code,

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-second Arizona Legislature to meet in Special Session in the Capitol on Monday, the twenty-fourth day of October, 1955, at ten o'clock a. m.

The following are specified as subjects to be considered during this special session:

Legislation revising the laws of the State of Arizona of a general or public nature and adopting and enacting such laws into a code of law to be known as the Revised Statutes of Arizona, repealing all laws and statutes of a general or public nature then in force and effect, making an appropriation for the printing and distribution of such revised statutes of the State of Arizona, and for other purposes in connection therewith.

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 fifteenth day of October, in the year of Our Lord One Thousand Nine Hundred and fifty-five.

/s/ ERNEST W. McFARLAND
GOVERNOR

(SEAL)

ATTEST:

/s/ WESLEY BOLIN
Secretary of State

MEMBERS OF THE SENATE
TWENTY-SECOND LEGISLATURE
OF ARIZONA
1955-1956

County	Name and Party	Address
Apache	Melvin C. Greer (D)	St. Johns
	Lynn Lockhart (D)	Springerville
Cochise	Fred Dove (D)	Tombstone
	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	Wilford R. Richardson (D)	Safford
	Jim Smith (D)	Central
Greenlee	Marshall L. Simms (D)	Clifton
	A. C. (Ike) Stanton (D)	Clifton
Maricopa	Joe Haldiman, Jr. (D)	Phoenix
	*Walter J. Thalheimer (D)	Phoenix
Mohave	Earle W. Cook (D)	Kingman
	Robert W. Morrow (D)	Kingman
Navajo	William R. Bourdon (R)	Snowflake
	Clay B. Simer (D)	Winslow
Pima	Thomas Collins (D)	Tucson
	Hiram S. (Hi) Corbett (R)	Tucson
Pinal	Ben Arnold (D)	Coolidge
	Charles S. Goff (D)	Casa Grande
Santa Cruz	Neilson Brown (D)	Nogales
	C. B. (Bert) Smith (D)	Nogales
Yavapai	Ray Vyne (D)	Prescott
	Charles H. Orme, Sr. (D)	Mayer
Yuma	Harold C. Giss (D)	Yuma
	Raymond H. Thompson (D)	Parker

*appointed to replace R. S. (Bob) Hart, deceased

MEMBERS OF THE HOUSE

TWENTY-SECOND LEGISLATURE

OF ARIZONA

1955-1956

District	Name and Party	Address
	APACHE COUNTY	
	Lorin M. Farr (R)	St. Johns Box 615
	COCHISE COUNTY	
1.	Clyde M. Dalton (D)	Bisbee Box 1609
2.	H. J. (Duffy) Lewis (D)	Douglas 733 12th St.
3.	Charles O. Bloomquist (D)	Douglas Box 1077
4.	W. L. (Tay) Cook (D)	Willcox Box 246
	COCONINO COUNTY	
1.	Andrew (Andy) Matson (D)	Flagstaff Box 277
2.	Harold J. Scudder (D)	Williams Box 16
	GILA COUNTY	
1.	Louis B. Ellsworth, Jr. (D)	Globe Box 49
2.	Nelson D. Brayton (D)	Miami 823 Merritt St.
3.	Edwynne C. (Polly) Rosenbaum (D)	Globe Box 609
	GRAHAM COUNTY	
1.	E. L. Tidwell (D)	Safford Box 108

2. Milton Lines (D) .....Pima
Box 64

GREENLEE COUNTY

1. Tom W. Berry (D) .....Clifton
102 Second St.

2. G. O. (Sonny) Biles (D) .....Morenci
Box 747

MARICOPA COUNTY

1. Ed Ellsworth (D) .....Chandler
Box 75

2. Wm. S. (Bill) Porter (R) .....Mesa
15 E. 2nd Ave.

3. Robert A. Petrie (D) .....Mesa
1032 W. 6th Pl.

4. J. O. Grimes (D) .....Tempe
906 Mill Avenue

5. W. W. Mitchell, Sr. (D) .....Tempe
816 Wilson

6. Carl Austin (D) .....Phoenix
4442 S. 8th Pl.

7. J. P. (Jess) Stump (D) .....Phoenix
3154 Westward Blvd.

8. Carl Sims, Sr. (D) .....Phoenix
1304 W. Magnolia St.

9. Sidney Kartus (D) .....Phoenix
2107 S. 15th Pl.

10. R. E. (Bob) Wilson (D) .....Phoenix
2511 E. Adams

11. Neales (Nick) Kennedy (D) .....Phoenix
1240 N. Oakleaf Dr.

12. W. W. Franklin (D) .....Phoenix
1645½ E. Culver

13. Conrad James Carreon (D) .....Phoenix
806 N. 3rd St.

14. William J. Harkness (D) .....Phoenix
1421 E. Belleview

15. George R. (Rusty) Steward (D) .....Phoenix
374 N. 1st Ave.

16. Harry S. Ruppelius (D) .....Phoenix
1348 W. Lynwood St.

17. Norman (Shorty) Lee (D) .....Phoenix
713 N. 27th Dr.

18. Ruth I. Hunt (D) .....Phoenix
1911 W. Holly St.

19. Carl C. Andersen (R) .....Phoenix
842 W. Edgemont

20. Malcolm L. Lentz (R) .....Phoenix
334 W. Almeria

21. Laura M. McRae (D) .....Phoenix
929 E. Coronado Rd.

22. W. I. (Ike) Lowry (R) .....Phoenix
2922 E. Manor Dr.

23. Lillian Retzloff (D) .....Phoenix
2849 Greenfield Road

24. Ruth Adams White (R) .....Scottsdale
Box 1076

25. Patrick W. O'Reilly (D) .....Phoenix
1611 E. Flower

26. David H. Campbell (R) .....Phoenix
2546 E. Roma

27. Del Rogers (D) .....Phoenix
321 E. Indian School

28. C. H. (Hank) Marion (R) .....Phoenix
4232 N. 15th Dr.

29. James B. Phillips (R) .....Phoenix
1303 W. Bethany Home Road

30. Robert L. Myers (R).....Phoenix
5022 N. Arden Dr.

31. Arthur B. Schellenberg (R) .....Phoenix
212 E. Hayward

32. Charles H. Abels (D) .....Phoenix
Rt. 2, Box 24

33. Champe Raftery (D) .....Phoenix
3208 W. Marshall

34. Wm. Younger Wood (D) .....Glendale
Route 1, Box 90

35. Hal Fred Warner (D) .....Wickenburg
Box 758

36. S. Earl Pugh (D) .....Phoenix
3440 W. Palm Lane

37. T. C. (Doc) Rhodes (D) .....Avondale
Box 146

MOHAVE COUNTY

Guy Rutherford (D) .....Kingman

NAVAJO COUNTY

1. Augusta T. Larson (R) .....Lakeside
Box 238

2. Lee F. Dover (D).....Winslow
1100 Warren Ave.

PIMA COUNTY

1. David S. Wine (D) .....Ajo
Box 539

2. Enos P. (Pepe) Schaffer (D) .....Tucson
1035 N. Palm Road

3. Etta Mae Hutcheson (D) .....Tucson
337 S. 4th Ave.

4. James L. (Jimmy) Kennedy (D) .....Tucson
934 Calle Bocina

5. Thomas D. Fridena (D) .....Tucson
717 N. 6th Ave.

6. Douglas Stanley Holsclaw (R) .....Tucson
1746 E. 5th St.

7. Julliette C. Willis (R) .....Tucson
123 Sierra Vista Dr.

8. V. S. (John) Hostetter (R) .....Tucson
100 Calle Encanto

9. William I. Minor (D) .....Tucson
130 West Adams

10. Alvin Henry Wessler (R) .....Tucson
1711 N. Desmond Lane

11. James W. Carroll (D) .....Tucson
6009 E. Beverly Dr.

12. John H. Haugh (R) .....Tucson
Rt. 6, Box 655

13. Keith S. Brown (R) .....Tucson
Box 364, Nogales Star Rt.

14. Vicente Alfaro (D) .....Tucson
919 S. 6th Ave.

15. Marion Harold Burton (R) .....Tucson
1825 N. Rosemary Dr.

16. Harry Ackerman (D) .....Tucson
711 S. Tucson Blvd.

PINAL COUNTY

1. Harry Bagnall (D) .....Coolidge
639 N. 8th Place

2. Frederick S. Smith (D) .....Superior
Box 1126

3. Mrs. E. B. Thode (D) .....Casa Grande
913 N. Olive Dr.

SANTA CRUZ COUNTY

Robert R. Hathaway (D) .....Nogales
Box 59

YAVAPAI COUNTY

1. Mabel S. Ellis (D) .....Prescott
107 E. Gurley

2. Dick W. Martin (R) .....Prescott
Box 1270

3. M. O. (Moe) Lindner (D) .....Clarkdale
Box 606

YUMA COUNTY

1. Robert L. (Bob) Klauer (D) .....Yuma
2609 Avenue A.

2. William B. Carr, Jr. (D) .....Yuma
Box 150

3. David B. Babbitt (D) .....Parker
Box 1683

MESSAGE

of

ERNEST W. McFARLAND

Governor of Arizona

to

The First Special Session

of the

Twenty-second Legislature

October 24, 1955

Mr. President, Mr. Speaker, and Members of the Senate and House of Representatives of the Twenty-second Legislature:

You have been called into special session for the purpose of revision of the Code. Because adoption of the Code affects the lives and property of every Arizona citizen, this special session is one of the most important in which any of you will ever participate. It therefore carries with it grave responsibility, and the utmost care should be given to its consideration.

The report of the Code Commission, which you have before you, is the result of four years of careful and conscientious labor. I have the greatest confidence in the Code Commisssion, but there is always the possibility and probability of error.

I need not point out to you that the elimination of, or changing of, one word can frequently alter the meaning of an act. Every possible safeguard should be taken to prevent this type of amendment. It was for this reason that in the call I pointed out to you:

". . . the very nature of this call to revise the Code makes it essential that no limitations of any kind or character shall be placed upon the Legislature in the matter of enacting legislation, however, the spirit and intent of the call is to limit legislation to Code revision, avoiding substantive changes in the law unless their urgency is so apparent that they are over-

whelmingly desired by the Legislature and do not interfere with the enactment of the Code."

I cannot overemphasize the necessity of this work being done expeditiously and cautiously so that it may be finished within the time limit.

I have tried to warn you of the dangers and the pitfalls of taking up proposed changes in the Code which could consume sufficient time to defeat the object of this call. There have been a great many demands on me and I know there will be on you, for consideration of many subjects, such as elimination of the tax on sales to the federal government, school financing, and highway problems. I call your attention to the possibility of consideration of other subjects by committees when not engaged in work on the Code.

Naturally, I do not feel that you should unduly hasten your work, but I consider it my duty to point out that in a state growing like Arizona there are a great many problems which require your consideration. I do not presume to outline your procedure. This is a function that belongs to you and to you alone. I only want to be helpful, and it is in this spirit that I tell you that if there should be pressing demand for legislation which meets the test of urgency but does not have the overwhelming support of the legislature, and therefore would interfere with speedy enactment of the Code, I shall be willing to issue an additional or new call after enactment of the Code so that such legislation may be considered at an early date and before the regular session.

You have hard and exacting work ahead of you. I have every confidence that it will be well done and finished in the shortest possible time consistent with caution and accuracy.

During this special session I plan to make myself available to you for consultation on any matter. I want each of you to feel free to call on me at any time for any assistance I may be able to give you in this important work.

/s/ ERNEST W. McFARLAND
GOVERNOR

RESOLUTIONS

EXECUTIVE OFFICE

State House

PHOENIX, ARIZONA

November twenty-eighth, 1955

Dear Mr. Bolin:

I am transmitting herewith Senate Concurrent Resolution No. 1, being a Concurrent Resolution on the Death of Honorable Robert S. Hart, passed by the Arizona State Legislature, First Special Session, on November 28, 1955, and approved by me this date.

Sincerely,

/s/ ERNEST W. McFARLAND
ERNEST W. McFARLAND
GOVERNOR

Honorable Wesley Bolin

Secretary of State

Phoenix

SENATE CONCURRENT RESOLUTION NO. 1

A CONCURRENT RESOLUTION

ON THE DEATH OF HONORABLE ROBERT S. HART

On the twenty-sixth day of November, 1955, Honorable Robert S. Hart, beloved member of the Twenty-second Arizona Legislature, passed away unexpectedly at the age of thirty-eight years.

Born in Phoenix on March 23, 1917, Senator Hart was educated in local elementary and high schools, receiving his bachelor and master degrees in political science from Arizona State College at Tempe.

Upon graduation, he taught at Murphy and Cashion ele-

mentary schools, later joining the faculty at West Phoenix High School. He was a member of The National Education Association. The Arizona Education Association, The Italo-American Club, The Knights of Columbus, and was an active leader in The Catholic Church.

In 1946 the people of his district, recognizing his abilities, interests and willingness to serve his fellow man in any way they might require, elected him to the Eighteenth Arizona Legislature, where he served with distinction as a member of the Committees on Appropriations, Fish and Game, and Public Lands, and as Chairman of the Committee on Education.

In 1948 he was re-elected to the House of Representatives, the Nineteenth Legislature, where he served as a member of the Committees on County and County Affairs, Education, and Mines and Mining. It was during this session that he became the first holder of an Arizona's teacher's certificate to sign a non-Communist affidavit.

In 1954 Senator Hart was elected to the Senate of the Twenty-second Arizona Legislature, where he was serving as Chairman of the Committee on Military and Veterans' Affairs, as Vice-chairman of the Committee on Education, and as a member of the Committees on Highways and Bridges, Labor and Capital, Suffrage and Elections, Welfare and Correction, Counties, and Banking.

Honorable Robert S. Hart will long be remembered as representing the highest type of citizenship. He was keenly aware of his responsibilities to the community in which he lived and worked, and carried out those responsibilities with a kindliness and honesty that endeared him to the hearts of his fellow man. Therefore

Be it resolved by the Senate of the State of Arizona, the House of Representatives concurring:

1. The membership of the Twenty-second Arizona Legislature is deeply saddened by the untimely death of one of its most beloved members and extends heartfelt sympathy to his wife, Pauline; his son, William; his daughter, Susan, and to his mother and other surviving members of his family.

Passed the Senate November 28, 1955 by unanimous vote.

Passed the House November 28, 1955 by unanimous vote.

Approved by the Governor—November 28, 1955.

Filed in the Office of the Secretary of State—November 28, 1955.

EXECUTIVE OFFICE

State House

PHOENIX, ARIZONA

October thirty-first, 1955

Dear Mr. Bolin:

I am transmitting herewith House Resolution No. 1, Relating to the Legislature, and Providing the Procedure for Adoption of the Arizona Revised Statutes of 1955, adopted by the Arizona House of Representatives, First Special Session of the Twenty-second Arizona Legislature, on October twenty-sixth, 1955.

Sincerely,

/s/ ERNEST W. McFARLAND
GOVERNOR

Honorable Wesley Bolin
Secretary of State
Phoenix

cc: Hon. Harry S. Ruppelius
Speaker of the House

H. R. 1

INTRODUCED BY HOUSE RULES COMMITTEE

A HOUSE RESOLUTION

RELATING TO THE LEGISLATURE, AND PROVIDING THE PROCEDURE FOR ADOPTION OF THE ARIZONA REVISED STATUTES OF 1955.

WHEREAS, the revision of the Arizona Code authorized by Chapter 103, Session Laws of 1951 as amended by Chapter 1, Session Laws of 1953, and amended under the provisions of Chapter 43, Laws of 1954, and Chapter 1, Laws of 1955, has been completed and has been submitted to the Legislature by the Code Commission appointed under and by the authority of these Acts; and

WHEREAS, the Governor has called the Legislature into special session for the primary purpose of completing such revision by legislative enactment; and

WHEREAS, it is the intention and purpose of the House of Representatives that in enacting such revision there be no substantive change made in the existing law, but that the purpose is to harmonize and systematize existing law, and clarify the language thereof and to remove inconsistencies; and

WHEREAS, the House of Representatives intends to fully comply with all Constiutional provisions in enacting this revision, desires to expedite the passage thereof, and wishes to assure a thorough, careful consideration of the proposed revision; now, therefore,

BE IT RESOLVED, that it is the intent of the House of Representatives of the Twenty-second Legislature that this revision as passed by the House shall contain no substantive changes of the existing law.

Adopted by the House October 26, 1955 by the following vote: 57 Ayes, 13 Nays, 10 Not Voting.

Filed in the Office of the Secretary of State—October 31, 1955.

EXECUTIVE OFFICE

State House

PHOENIX, ARIZONA

November twenty-second, 1955

Dear Mr. Bolin:

I am transmitting herewith House Joint Resolution No. 1, being a Tribute to Bill Turnbow who Begins his Twenty-fifth Year of Writing "Under the Capitol Dome", passed by the Twenty-second Legislature, First Special Session, on November twenty-second, 1955, and which I have this day signed.

Sincerely,

/s/ ERNEST W. McFARLAND
ERNEST W. McFARLAND
GOVERNOR

Honorable Wesley Bolin
Secretary of State
Phoenix

H.J.R. 1

INTRODUCED BY COMMITTEE ON RULES

A JOINT RESOLUTION

A TRIBUTE TO BILL TURNBOW WHO BEGINS HIS TWENTY-FIFTH YEAR OF WRITING "UNDER THE CAPITOL DOME".

Whereas, Bill Turnbow, during the past twenty-four years has earned the plaudits of the citizenry of the State of Arizona for his distinguished column and commentary entitled "Under the Capitol Dome"; and

Whereas, through the medium of the press the printed word has become a most potent force in our lives and it is particularly and personally meaningful when it conveys the convictions of our columnists who so ardently uphold our inherent right of free speech. Therefore

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

1. That at the beginning of Bill Turnbow's twenty-fifth year of writing his column "Under the Capitol Dome", the members of this body congratulate Bill Turnbow and wish him good health, continued success and happiness in his chosen profession.

Passed the House November 22, 1955 by unanimous vote.

Passed the Senate November 22, 1955 by unanimous vote.

Approved by the Governor—November 22, 1955.

Filed in the Office of the Secretary of State—November 22, 1955.

ACTS

and

RESOLUTIONS

of the

SECOND SPECIAL SESSION

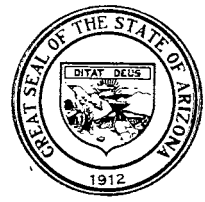
of the

22ND LEGISLATURE

of the

STATE OF ARIZONA

1 9 5 5



Second Special Session Convened

November 28, 1955

Second Special Session Adjourned Sine Die

December 20, 1955 at 11:38 P.M.

Publication Authorized
Chapter 138, House Bill No. 299,
Laws of 1956
Second Regular Session, Twenty-Second Legislature

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

AUTHENTICATION

STATE OF ARIZONA)
Office of the Secretary of State) (ss.

THIS IS TO CERTIFY—That the Acts and Resolutions published in this volume are full, true and correct copies of the originals passed at the Second Special Session of the Twenty-second 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 Special Session of the Twenty-second Legislature of the State of Arizona was convened at the Capitol, in the City of Phoenix, November 28, 1955, and adjourned sine die on the 20th day of December, 1955.

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 June, 1956.

/s/ WESLEY BOLIN
Secretary of State

PROCLAMATION

CALLING A SPECIAL SESSION OF THE TWENTY-SECOND 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 Legislature of the State of Arizona has heretofore created a Code Commission and made appropriations therefor for the purpose of revising the laws of the State of Arizona of a general or public nature; and

WHEREAS, a special session of the legislature was called for October 24, 1955, for consideration by the Legislature of the revision of the laws of the State of Arizona of a general or public nature; and a bill was introduced in each house, and work was most diligently done upon this revision but was not completed because of its complex nature; and

WHEREAS, the very nature of this call to revise the Code makes it essential that no limitations of any kind or character shall be placed upon the Legislature in the matter of enacting legislation on the subject of Code revision. However, the spirit and intent of the call is to limit legislation to the specific matters mentioned herein and to Code revision, avoiding all other substantive changes in the law unless their urgency is so apparent that they are overwhelmingly desired by the Legislature and do not interfere with the enactment of the Code; and

WHEREAS, it appears that legislation is advisable to amend the revenue laws of the State,

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-second Arizona Legislature to meet in SPECIAL SESSION in the Capitol on Monday, the twenty-eighth day of November, 1955, at two o'clock p.m.

The following are specified as subjects to be considered during this special session:

1. Legislation revising the laws of the State of Arizona of a general or public nature and adopting and enacting such laws into a code of law to be known as the Revised Statutes of Arizona, repealing all laws and statutes of a general or public nature then in force and effect, making an appropriation for the printing and distribution of such revised statutes of the State of Arizona, and for other purposes in connection therewith

2. Legislation revising the revenue laws of the State so as to alter or eliminate provisions of the law relating to taxes on sales to the United States, its agencies, and its instrumentalities

3. The enactment of a use tax law.

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 twenty-eighth day of November, in the year of Our Lord One Thousand Nine Hundred and fifty-five.

/s/ ERNEST W. McFARLAND
GOVERNOR

ATTEST:
/s/ WESLEY BOLIN
Secretary of State

MEMBERS OF THE SENATE
TWENTY-SECOND LEGISLATURE
OF ARIZONA
1955-1956

County	Name and Party	Address
Apache	Melvin C. Greer (D)	St. Johns
	Lynn Lockhart (D)	Springerville
Cochise	Fred Dove (D)	Tombstone
	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	Wilford R. Richardson (D)	Safford
	Jim Smith (D)	Central
Greenlee	Marshall L. Simms (D)	Clifton
	A. C. (Ike) Stanton (D)	Clifton
Maricopa	Joe Haldiman, Jr. (D)	Phoenix
	*Walter J. Thalheimer (D)	Phoenix
Mohave	Earle W. Cook (D)	Kingman
	Robert W. Morrow (D	Kingman
Navajo	William R. Bourdon (R)	Snowflake
	Clay B. Simer (D)	Winslow
Pima	Thomas Collins (D)	Tucson
	Hiram S. (Hi) Corbett (R)	Tucson
Pinal	Ben Arnold (D)	Coolidge
	Charles S. Goff (D)	Casa Grande
Santa Cruz	Neilson Brown (D)	Nogales
	C. B. (Bert) Smith (D)	Nogales
Yavapai	Charles H. Orme, Sr. (D)	Mayer
	Ray Vyne (D)	Prescott
Yuma	Harold C .Giss (D)	Yuma
	Raymond H. Thompson (D)	Parker

*appointed to replace R. S. (Bob) Hart, deceased

MEMBERS OF THE HOUSE

TWENTY-SECOND LEGISLATURE

OF ARIZONA

1955-1956

District	Name and Party	Address
	APACHE COUNTY	
	Lorin M. Farr (R)	St. Johns Box 615
	COCHISE COUNTY	
1.	Clyde M. Dalton (D)	Bisbee Box 1609
2.	H. J. (Duffy) Lewis (D)	Douglas 733 12th St.
3.	Charles O. Bloomquist (D)	Douglas Box 1077
4.	W. L. (Tay) Cook (D)	Willcox Box 246
	COCONINO COUNTY	
1.	Andrew (Andy) Matson (D)	Flagstaff Box 277
2.	Harold J. Scudder (D)	Williams Box 16
	GILA COUNTY	
1.	Louis B. Ellsworth, Jr. (D)	Globe Box 49
2.	Nelson D. Brayton (D)	Miami 823 Merritt St.
3.	Edwynne C. (Polly) Rosenbaum (D)	Globe Box 609
	GRAHAM COUNTY	
1.	E. L. Tidwell (D)	Safford Box 108
2.	Milton Lines (D)	Pima Box 64

GREENLEE COUNTY

1. Tom W. Berry (D) .....Clifton
   102 Second St.
2. G. O. (Sonny) Biles (D) .....Morenci
   Box 747

MARICOPA COUNTY

1. Ed Ellsworth (D) .....Chandler
   Box 75
2. Wm. S. (Bill) Porter (R) .....Mesa
   15 E. 2nd Ave.
3. Robert A. Petrie (D) .....Mesa
   1032 W. 6th Pl.
4. J. O. Grimes (D) .....Tempe
   906 Mill Avenue
5. W. W. Mitchell, Sr. (D) .....Tempe
   816 Wilson
6. Carl Austin (D) .....Phoenix
   4442 S. 8th Pl.
7. J. P. (Jess) Stump (D) .....Phoenix
   3154 Westward Blvd.
8. Carl Sims, Sr. (D) .....Phoenix
   1304 W. Magnolia St.
9. Sidney Kartus (D) .....Phoenix
   2107 S. 15th Pl.
10. R. E. (Bob) Wilson (D) .....Phoenix
    2511 E. Adams
11. Neales (Nick) Kennedy (D) .....Phoenix
    1240 N. Oakleaf Dr.
12. W. W. Franklin (D) .....Phoenix
    1645½ E. Culver
13. Conrad James Carreon (D) .....Phoenix
    806 N. 3rd St.
14. William J. Harkness (D) .....Phoenix
    1421 E. Belleview
15. George R. (Rusty) Steward (D) .....Phoenix
    374 N. 1st Ave.
16. Harry S. Ruppelius (D) .....Phoenix
    1348 W. Lynwood St.

17. Norman (Shorty) Lee (D) .....Phoenix
713 N. 27th Dr.

18. Ruth I. Hunt (D) .....Phoenix
1911 W. Holly St.

19. Carl C. Andersen (R) .....Phoenix
842 W. Edgemont

20. Malcolm L. Lentz (R) .....Phoenix
334 W. Almeria

21. Laura M. McRae (D) .....Phoenix
929 E. Coronado Rd.

22. W. I. (Ike) Lowry (R) .....Phoenix
2922 E. Manor Dr.

23. Lillian Retzloff (D) .....Phoenix
2849 Greenfield Road

24. Ruth Adams White (R) .....Scottsdale
Box 1076

25. Patrick W. O'Reilly (D) .....Phoenix
1611 E. Flower

26. David H. Campbell (R) .....Phoenix
2546 E. Roma

27. Del Rogers (D) .....Phoenix
321 E. Indian School

28. C. H. (Hank) Marion (R) .....Phoenix
4232 N. 15th Dr.

29. James B. Phillips (R) .....Phoenix
1303 W. Bethany Home Road

30. Robert L. Myers (R) .....Phoenix
5022 N. Arden Dr.

31. Arthur B. Schellenberg (R) .....Phoenix
212 E. Hayward

32. Charles H. Abels (D) .....Phoenix
Rt. 2, Box 24

33. Champe Raftery (D) .....Phoenix
3208 W. Marshall

34. Wm. Younger Wood (D) .....Glendale
Rt. 1, Box 90

35. Hal Fred Warner (D) .....Wickenburg
Box 758

36. S. Earl Pugh (D) .....Phoenix
3440 W. Palm Lane

37. T. C. (Doc) Rhodes (D) .....Avondale
Box 146

MOHAVE COUNTY

Guy Rutherford (D) .....Kingman

NAVAJO COUNTY

1. Augusta T. Larson (R) .....Lakeside
Box 238

2. Lee F. Dover (D) .....Winslow
1100 Warren Ave.

PIMA COUNTY

1. David S. Wine (D) .....Ajo
Box 539

2. Enos P. (Pepe) Schaffer (D) .....Tucson
1035 N. Palm Road

3. Etta Mae Hutcheson (D) .....Tucson
337 S. 4th Ave.

4. James L. (Jimmy) Kennedy (D) .....Tucson
934 Calle Bocina

5. Thomas D. Fridena (D) .....Tucson
717 N. 6th Ave.

6. Douglas Stanley Holsclaw (R) .....Tucson
1746 E. 5th St.

7. Julliette C. Willis (R) .....Tucson
123 Sierra Vista Dr.

8. V. S. (John) Hostetter (R) .....Tucson
100 Calle Encanto

9. William I. Minor (D) .....Tucson
130 West Adams

10. Alvin Henry Wessler (R) .....Tucson
1711 N. Desmond Lane

11. James W. Carroll (D) .....Tucson
6009 E. Beverly Dr.

12. John H. Haugh (R) .....Tucson
Rt. 6, Box 655

13. Keith S. Brown (R) .....Tucson
Box 364, Nogales Star Rt.

14. Vicente Alfaro (D) .....Tucson
919 S. 6th Ave.

15. Marion Harold Burton (R) .....Tucson
1825 N. Rosemary Dr.

16. Harry Ackerman (D) .....Tucson
711 S. Tucson Blvd.

PINAL COUNTY

1. Harry Bagnall (D) .....Coolidge
639 N. 8th Place

2. Frederick S. Smith (D) .....Superior
Box 1126

3. Mrs. E. B. Thode (D) .....Casa Grande
913 N. Olive Dr.

SANTA CRUZ COUNTY

Robert R. Hathaway (D) .....Nogales
Box 59

YAVAPAI COUNTY

1. Mabel S. Ellis (D) .....Prescott
107 E. Gurley

2. Dick W. Martin (R) .....Prescott
Box 1270

3. M. O. (Moe) Lindner (D) .....Clarkdale
Box 606

YUMA COUNTY

1. Robert L. (Bob) Klauer (D) .....Yuma

2. William B. Carr, Jr. (D) .....Yuma

3. David B. Babbitt (D) .....Parker
Box 1683

MESSAGE

of

ERNEST W. McFARLAND

Governor of Arizona

to

The Second Special Session

of the

Twenty-second Legislature

November 29, 1955

Mr. President, Mr. Speaker, and Members of the Senate and House of Representatives of the Twenty-second Legislature:

I called you into special session to convene on October 24, 1955, for the purpose of revision of the Code. I pointed out to you on that date that because the Code affects the lives and property of every Arizona citizen, this session for its revision was one of the most important in which any of you would ever participate and carried with it grave responsibility.

You have worked hard and diligently on revision of the Code in the Special Session which has just ended. Both the Code Commission and the Legislature are to be congratulated on what has been accomplished to date. However, your work is not finished, and it is therefore necessary that I call you back in a special session in order that it may be completed.

As I stated to you on October 24, there are a great many demands on me, and I know that there have been on you, for the consideration of substantive changes, the elimination of the tax on sales to the federal government being one which I mentioned.

The need for consideration of this subject has become more

urgent. For example one large company which contemplates locating in Arizona has indicated it must know by approximately December 15 whether this tax is to be eliminated. This company is of the opinion that it cannot compete with companies in other states where there is no such tax. According to the recent Stanford University research report, which was given to you in joint session, only one other state, Illinois, collects such a tax.

It is my opinion that we should encourage industry to come to the State of Arizona. Our population is growing by leaps and bounds, and we must have additional and new employment for the people who come here. I fully realize that elimination of this tax presents some difficulty because it will eliminate some of the revenue we are receiving at this time.

It is important to prevent our tax structure from being materially affected during a fiscal year. We can well be proud that we do not have a deficit spending in our state. It is, therefore, my recommendation that the effective date of the repeal of this tax be July 1 of next year. It is also important that real property tax payers should not be required to carry this burden alone, but that additional revenue be obtained from other sources.

In the First Regular Session of the Legislature I recommended to you the enactment of a use tax. As I pointed out to you in my message at that time, I do not consider this an additional tax but merely an equalization of taxes. The people who sell goods in this State should be protected from inequities which result without a use tax. The businessmen not only have to pay a tax on the goods they sell, but they also pay ad valorem and state income taxes. Enactment of the use tax would, therefore, serve a double purpose; the protection of industry in our state and the raising of revenue to take the place of that lost by the repeal of the tax on sales to the federal government.

The use tax itself would not only increase the revenues from goods purchased outside the state; but have a wholesome effect on the local industry of our state by encouraging our people to trade at home.

I realize that the work I have outlined for you is trying. I agree with you that the Code should be completed at the earliest possible date. I have not tried to outline your procedure. As I stated in my message during the first special session, this

is a function which belongs to you and to you alone. I only want to be helpful.

However, your leaders have indicated to me that with the enlargement of this call, you could go ahead with floor work on the Code without interruption while at the same time committees could start consideration of these tax matters.

It is my hope and desire that at the moment you enact the bill providing for revision of the Code, you have your work on the tax matters in such shape that you could then enact another bill providing for the goal I have outlined.

I want to emphasize that these are momentous days in the history of our state. This is a challenge to each of you, and you can well be proud to have had a part in helping solve these problems. It is my earnest hope, desire, and conviction that you will work as no legislative body has ever worked before to bring about an early completion of the Code, and at the same time give careful consideration to the tax proposals I have outlined.

I know the time is short. We will soon be approaching the Christmas holidays and you will need a little rest before tackling the many problems which will confront you in the regular session. I appeal to you in the spirit of this Holiday season to put aside all petty differences, to lay aside all thought of party politics and work together with only one aim: to initiate, without delay, the best possible legislation for the benefit of the people of our great state.

Again, I say I will make myself available to you during this session for the consideration of any matter, and I want each of you to feel free to call upon me at any time. It is my desire to be helpful.

/s/ ERNEST W. McFARLAND
GOVERNOR

CHAPTER 1

House Bill No. 4

AN ACT

RELATING TO TAXATION, AND PROVIDING FOR A TAX ON THE STORAGE, USE OR CONSUMPTION OF TANGIBLE PERSONAL PROPERTY.

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

Section 1. SHORT TITLE. This Act may be cited as the Use Tax Act of 1955.

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

1. "Use or consumption" means the exercise of any right or power over tangible personal property incident to the ownership thereof except the holding for sale or the sale of such property in the regular course of business.

2. "Storage" means keeping or retention of tangible personal property purchased from a retailer for any purpose except sale in the regular course of business or subsequent use solely outside this state.

3. "Purchase" means any transfer, exchange, or barter, conditional or otherwise, in any manner or by any means, of tangible personal property for a consideration, including transactions whereby the possession of property is transferred but the seller retains the title as security for payment.

4. "Sales price" means the total amount for which tangible personal property is sold, including any services that are a part of the sale, valued in money, whether paid in money or otherwise, and any amount for which credit is given to the purchaser by the seller without any deduction therefrom on account of the cost of the property sold, materials used, labor or services performed, interest charged, losses or other expenses, but does not include discounts allowed and taken, or charges for labor or services in installing, remodeling, or repairing.

5. "Person" means individual, firm, copartnership, joint adventure, association, corporation, estate, trust, receiver, syndicate, this state, any county, city, municipality, district or other political subdivision or agency thereof.

6. "Retailer" includes every person engaged in the busi-

ness of making sales of tangible personal property for storage, use or other consumption or in the business of making sales at auction, of tangible personal property owned by such person or others for storage, use or other consumption. When in the opinion of the commission it is necessary for the efficient administration of this Act to regard any salesmen, representatives, peddlers or canvassers as the agents of the dealers, distributors, supervisors or employers under whom they operate or from whom they obtain the tangible personal property sold by them, irrespective of whether they are making sales on their own behalf or on behalf of such dealers, distributors, supervisors or employers, the commission may so regard them and may regard the dealers, distributors, supervisors, or employers as retailers for purposes of this Act.

7. "Taxpayer" means every retailer as herein defined and every person storing, using or consuming tangible personal property the storage, use or consumption of which is subject to the tax imposed by this Act when such tax was not paid to a retailer.

8. "Notice" means written notice served personally or by registered mail addressed to the last known address of the person to whom such notice is given.

9. "Commission" means the state tax commission.

Sec. 3. IMPOSITION AND RATE OF TAX. There is levied and imposed an excise tax on the storage, use or consumption in this state of tangible personal property purchased from a retailer on or after the first day of July, 1956, at the rate of two percent of the sales price thereof. Every person storing, using or otherwise consuming in this state tangible personal property purchased from a retailer is liable for the tax. His liability is not extinguished until the tax has been paid to this state, except that a receipt from a retailer maintaining a place of business in this state or from a retailer who is authorized by the commission to collect the tax, under such rules and regulations as it may prescribe, and who is for the purposes of this Act regarded as a retailer maintaining a place of business in this state, given to the purchaser in accordance with the provisions of section 9 of this Act is sufficient to relieve the purchaser from further liability for the tax to which the receipt refers.

Sec. 4. PRESUMPTION. It shall be presumed that tangible personal property purchased on or after July 1, 1956, by

any person and brought into this state is purchased for storage, use or consumption in this state.

Sec. 5. EXEMPTIONS. The tax hereby levied does not apply to the storage, use or consumption in this state of the following described tangible personal property:

1. Tangible personal property sold in this state, the gross receipts from the sale of which are required to be included in the measure of the tax imposed by the "Excise Revenue Act of 1935", as amended.

2. Tangible personal property the sale or use of which has already been subjected to an excise tax equal to or in excess of that imposed by this Act, under the laws of some other state of the United States.

3. Tangible personal property, the storage, use or consumption of which the Constitution or laws of the United States prohibit this state from taxing.

4. Tangible personal property which directly enters into and becomes an ingredient or component part of any manufactured, fabricated or processed article, substance or commodity for sale in the regular course of business.

5. Motor vehicle fuel the sales or distribution of which in this state are subject to the tax imposed under the provisions of Article 3, Chapter 66, Arizona Code of 1939.

6. Tangible personal property sold to a person licensed as a contractor under Article 23, Chapter 67, Arizona Code of 1939, and holding a privilege tax license for engaging or continuing in the business of contracting under the provisions of Article 13, Chapter 73, Arizona Code of 1939, where the tangible property so sold is by said contractor incorporated or fabricated into any structure, project, development or improvement in fulfillment of a contract therefor.

7. Property intended for and incorporated in a building, road, street, bridge or other structure, provided such property is so incorporated pursuant to a contract designating a fixed, lump sum consideration entered into prior to the effective date of this Act.

8. Tangible personal property in the quantities and of the specifications, including date of delivery, required by the purchaser, which, at the time of purchase, was not available for purchase from an established place of business within this state which was engaged in the sale, from stocks within the state, of property of the same general specifications in the regular course of business.

9. Tangible personal property used, stored, or consumed in this state by any person or corporation organized and operated exclusively for religious or charitable purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

10. Tangible personal property brought into the state by a nonresident for his own storage, use or consumption while temporarily within the state, unless such property is used in conducting a business in this state.

11. Livestock, poultry, seed, feed and supplies, not including equipment, for use or consumption in the businesses of farming, ranching and feeding livestock or poultry.

12. Tangible personal property not exceeding $200.00 in any one month purchased by an individual at retail outside the continental limits of the United States for his personal use and enjoyment.

Sec. 6. ADMINISTRATION. This Act shall be administered by the state tax commission. The commission shall employ such agents, auditors and other employees as may be necessary to the performance of its duties under this Act, and fix their compensation within the limits of the moneys appropriated. The commission shall, from time to time, promulgate such rules and regulations and shall prescribe such forms as it may deem necessary for the proper administration and enforcement of this Act.

Sec. 7. FILING RETURN. (a) Every retailer engaged in the business of making sales of tangible personal property the use, storage or consumption of which is subject to the tax herein imposed, and every person who purchases for use, storage or consumption any such property for which the tax is not paid to the retailer, shall, on or before the fifteenth day of each month make to the commission, on forms prescribed by it, a return showing the tangible personal property sold for use, storage or consumption or purchased for use, storage or consumption within the state, during the preceding calendar month. Such return shall be verified by oath or affirmation of the retailer or person making the report, or his agent, and shall be accompanied by payment of the tax shown thereon to be due.

(b) For good cause shown the commission may extend the time for making a return and paying the tax not to exceed fifteen days.

Sec. 8. REGISTRATION. Every retailer shall, within

thirty days after the effective date of this Act, or thereafter, and before selling any tangible personal property for storage, use or consumption within this state, register with the commission upon forms prescribed by the commission.

Sec. 9. COLLECTION; RECEIPT; TAX A DEBT. Every retailer shall collect from the purchaser the tax imposed by this Act and give to such purchaser a receipt therefor in the manner and form prescribed by the commission. The tax required to be collected shall be shown separately on the invoice or other proof of sale. The tax required to be collected shall constitute a debt owed by the retailer to this state.

Sec. 10. LIABILITY FOR TAX. Any person who uses, stores or consumes any tangible personal property upon which a tax is herein imposed and upon which the tax has not been collected by a registered retailer shall pay the tax as herein provided, however, every retailer maintaining a place of business in this state and making sales of tangible personal property for storage, use or other consumption in this state, unless exempt by the provisions of this Act, shall at the time of making the sales collect the tax from the purchaser or user.

Sec. 11. ADDITIONAL DETERMINATIONS. (a) If the commission is not satisfied with the return and payment of the amount of tax required to be paid by any person, it is authorized to compute and determine the amount, based upon the facts contained in the return or upon information within its possession or that shall come into its possession.

(b) If any person neglects or refuses to make a return when required, the commission shall make an estimate for the period or periods in respect to which such person failed to make a return, based upon any information in its possession or that may come into its possession, of the amount of the total purchase price of tangible personal property sold or purchased by such person, the use of which is subject to the tax imposed by this Act, and upon the basis of said estimate shall compute and determine the amount required to be paid, adding to the sum thus arrived at a penalty equal to ten percent thereof.

(c) All amounts determined to be due under the provisions of this section shall bear interest at the rate of one percent per month or fraction thereof, from the date on which such amounts were required to be reported until paid.

(d) If the neglect or failure of any person to make the proper return, to pay the full amount of tax required to be paid, or to file a return, is due to fraud or an intent to evade the provisions of this Act or the rules and regulations of the

commission, a penalty, in addition to all other penalties of fifteen percent of the amount required to be paid by such person shall be added.

(e) Promptly upon the making of any determination as provided in this section, the commission shall give written notice thereof to the person against whom the same is directed.

(f) Except in the case of a fraudulent return or the case of a failure or refusal to make a return, every notice of a determination of an additional amount due shall be mailed within three years after the fifteenth day of the calendar month following the period for which the amount is proposed to be determined or within three years after the return is filed, whichever period expires the later.

Sec. 12. APPEAL TO COMMISSION; PETITION FOR REDETERMINATION; FINALITY OF ORDER. (a) Any person from whom an amount is determined to be due under the provisions of section 11 hereof may apply to the commission by a petition in writing within thirty days after such notice is received by him, or within such additional time as may be allowed by the commssion, for a hearing, correction or redetermination of the action taken by the commission, and in which petition he shall set forth the reasons why such hearing, correction or redetermination should be granted and the amount in which any tax should be reduced. The commission shall promptly consider such petition and may grant such hearing or deny the same. If granted or denied, the commission shall make such order in the matter as may appear to it to be just and lawful and shall furnish a copy of such order to the petitioner by mail. If a hearing is granted, such order shall specify the time and place fixed by it for such hearing or redetermination.

(b) If a petition for hearing, correction or redetermination is not filed within said thirty day period, the amount determined to be due shall become final at the expiration thereof, and the person shall be deemed and treated as waiving and abandoning any rights to question said amount determined to be due.

(c) All orders or decisions made upon the filing of a petition for a hearing, correction or redetermination shall become final thirty days after notice thereof shall have been received by the petitioner, but without prejudice to the right of the petitioner to pay the tax under protest and to bring an action as provided in section 13.

Sec. 13. PAYMENT OF TAX UNDER PROTEST; AP-

PEAL. No injunction or writ of mandamus or other legal or equitable process shall issue in any suit, action or proceeding in any court in this state against any officer of this state to prevent or enjoin the collection of any tax, penalty or interest due under this Act. But after payment of any such tax, penalty or interest under protest, which protest shall be duly verified by oath and shall set forth the grounds of objection to the legality of the tax, a taxpayer may bring action against the commission in the Superior Court of the State of Arizona in and for the County of Maricopa for the recovery of any tax, interest or penalty so paid under protest; but no such action shall be instituted more than thirty days after the order or decision of the commission becomes final, and failure to bring such action within said thirty days shall constitute a waiver of said protest and all claims against the state on account of any illegality in the tax, penalties and interest so paid. No grounds of illegality of the tax shall be considered by the court other than those set forth in the protest filed at the time payment is made; provided however, that payments of tax made under protest subsequent to the original protested item and prior to the institution of the action within the said thirty days may be included or incorporated in the same action. Either party to such action in the superior court shall have the right to appeal to the supreme court of Arizona, as now provided by law, except that the time in which an appeal may be taken shall be limited to sixty days.

Sec. 14. JUDGMENT IN FAVOR OF TAXPAYER; PROCEDURE. In the event a final judgment is rendered in favor of the taxpayer in an action to recover taxes paid under protest, the amount of the judgment or such portion thereof as may be necessary shall first be credited on any taxes, penalties and interest due from the said plaintiff taxpayer under this Act, and the amount of the balance then remaining due the plaintiff taxpayer, if any, shall be certified by the commission to the state auditor, along with a certified copy of the final judgment and a claim for refund authenticated by the commission. Upon receipt of same, the state auditor shall draw a warrant directed to the state treasurer in favor of such taxpayer in an amount equal to the amount of the tax found by said final judgment to have been collected illegally, less any credit to the commission, as aforesaid, from the use tax suspense fund; and shall draw a separate warrant directed to the state treasurer in favor of such taxpayer in an amount equal to the amount of the interest and other costs that may have been recovered against the commission by the final judgment in such action, and said warrant shall be paid by the state treasurer out of the use tax receipts fund.

Sec. 15. USE TAX SUSPENSE FUND. In the event any taxpayer hereunder shall, at the time of paying any tax imposed by this Act or by the commission under color hereof, make protest of the payment of all or any part thereof, the amount so protested shall be deposited by the state treasurer to the credit of a use tax suspense fund and shall remain in such fund until such time as a final judgment has been rendered or the time for appeal has expired, or until a dismissal of any such proceeding instituted by such taxpayer is entered, or upon failure of such taxpayer to institute a proceeding for the recovery of such amount within said thirty day period, or in the event the final judgment rendered holds that the whole or any part of said sum was due and lawfully payable on the date when paid, in which cases the amount found lawfully payable shall be disposed of in the manner herein provided for other collections made under the provisions of this Act, and shall be deemed a collection as of the date of such final determination. In the event a refund is granted in the proceedings so instituted, the amount of such refund shall be paid as hereinbefore provided, and the remainder of the moneys so credited to the use tax suspense fund shall be treated as other collections under the provisions of this Act, as of the date of such refund.

Sec. 16. RECORDS. It shall be the duty of every person subject to the tax imposed by this Act to keep and preserve suitable records and such other books and accounts as may be necessary to determine the amount of tax for which he is liable under this Act, and it shall be the duty of every such person to keep and preserve for a period of three years such books and records, and all such books and other records shall be open for inspection at any time by the commission or its duly authorized agent.

Sec. 17. POWERS OF EXAMINATION AND INVESTIGATION BY COMMISSION. (a) The commission, or its authorized agents or auditors, may examine any books, papers, records, memoranda or data of any taxpayer bearing upon the amount of business done by said taxpayer or by any taxpayer who might be liable for a tax under the provisions of this Act, for the purpose of establishing tax liability or the correctness of any return filed or which should be filed, provided that in case audit of the records of a business shall have been made by a representative of the commission, and liability established as of a date certain, the commission shall, after approval of such audit report, issue an approval thereof; provided however, that any time within eighteen months after the date of such audit approval by the commission, it may for any

reason cause a re-audit to be made of the previously audited period, but not thereafter, unless a notice of extension of time is served by mail upon the taxpayer by the commission within the eighteen month period.

(b) The commission may require of any person the production of books, papers and records in his possession or custody bearing upon the taxability or tax liability of any person or business under this Act, or the attendance of any person for the purpose of taking his testimony with respect to any matter within the purview of the commission. The power to administer oaths is hereby conferred upon the commission, its officers and auditors in all matters relating to the administration of this Act.

(c) In the conduct of any investigation or hearing, the informality of any proceeding or the manner of taking testimony shall not invalidate any order, decision, rule or regulation made, confirmed or approved by the commission, providing it is shown that compliance has been made with the requirements as to notice, as herein provided.

Sec. 18. FAILURE OR REFUSAL TO OBEY SUBPOENA; WITNESS FEES. In case of the failure or refusal on the part of any witness to comply with any subpoena issued to him, as herein provided, or on the refusal of any witness to produce documents or to testify or answer as to any matters regarding which he may lawfully be interrogated, any superior court in this state, or any judge thereof, upon application of the commission or its duly authorized agent, may issue an attachment for such person and compel him to comply with such subpoena and to attend before the commission and produce documents, and give his testimony upon such matters as may be lawfully required of him, and such court or judge shall have the power to punish for contempt as in case of disobedience of a subpoena or order issued by or from such court or a refusal to testify therein. Witnesses attending shall receive like compensation as witnesses testifying in superior court which shall be paid by the commission from the proper appropriations for the administration of this Act.

Sec. 19. CONFIDENTIAL NATURE OF RECORDS; PENALTY. (a) Except by judicial order it shall be unlawful for the commission or any person having an administrative duty under this Act to make known in any manner whatever the business affairs, operations, or information obtained by an investigation of records and equipment of any retailer or any other person visited or examined in the discharge of official duty, or the amount or sums of income, profits, losses, expendi-

tures, or any particular thereof, set forth or disclosed in any return, or to permit any return, or copy thereof, or any book containing any abstract or particulars thereof to be seen or examined by any person.

(b) Any violation of the provisions of this section is a misdemeanor, and shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both such fine and imprisonment.

Sec. 20. PERSONAL LIABILITY FOR TAX; REMEDIES FOR COLLECTION. Every tax imposed by this Act and all increases, interest and penalties thereon shall become, from the time the same is due and payable, a personal debt due from the taxpayer to the state of Arizona, and may be collected by action instituted in the name of the state by the attorney general at the request of the commission in any superior court. This remedy shall be in addition to all other existing remedies or as may be provided in this Act.

Sec. 21. CREDIT FOR EXCESS PAYMENT; REFUND. (a) If the commission determines that any amount, penalty or interest has been paid more than once, or has been erroneously or illegally collected or computed, the amount of such excess shall be credited by the commission against any tax installment due from the taxpayer under the provisions of this Act. If it is determined that any refund due a taxpayer cannot be credited against any tax installment due from the taxpayer entitled to a refund, the commission may issue to such taxpayer a credit voucher for any balance of such excess or may refund to the taxpayer such sum as may be found due by issuing a certificate of overpayment and a claim for refund to the state auditor. The auditor shall draw a warrant in favor of such taxpayer against the state treasurer, which warrant shall by him be paid out of the use tax suspense fund.

(b) In the event any amount has been illegally determined to be due from any person but not yet collected, the commission shall authorize the cancellation of the amount or amounts upon its records.

(c) No refund or credit shall be approved by the commission after three years from the last day of the month following the close of the period for which the overpayment was made, unless a claim therefor is filed with the commission within such period.

Sec. 22. PENALTY FOR DELINQUENCY. Any person failing to pay the tax imposed herein within the time pre-

scribed shall pay, in addition thereto, a penalty of ten percent, plus interest at the rate of one percent per month, or fraction thereof, from the date on which the tax becomes due.

Sec. 23. COLLECTION OF DELINQUENT TAXES; PAYMENT UNDER PROTEST; IMPOSITION AND ENFORCEMENT OF TAX LIENS. Any tax, penalty or interest imposed under this Act which has become final, shall be a lien on real and personal property of a taxpayer, and such lien shall be perfected and enforced in accordance with the provisions pertaining to the imposition and enforcement of tax liens pursuant to section 73-1317, Arizona Code of 1939.

Sec. 24. UNLAWFUL ACTS. It shall be unlawful for any retailer to advertise or hold out or state to the public or to any customer or purchaser, directly or indirectly, that the tax or any part of the tax will be assumed or absorbed by the retailer or that it will not be added to the selling price of the property sold or that if added any part thereof will be refunded.

Sec. 25. PENALTIES. Any person who shall willfully fail or refuse to make the return herein required, or shall make a false or fraudulent return, or shall willfully fail to pay any tax owing by him as prescribed herein, and any person who shall aid or abet another in an attempt to evade such tax, or who shall violate any other provision of this Act, shall be guilty of a misdemeanor, and upon conviction fined not less than twenty-five nor more than five hundred dollars for each offense.

Sec. 26. DISPOSITION OF REVENUE; APPROPRIATIONS. (a) The commission shall promptly remit all money received under the provisions of this Act to the state treasurer through the state auditor, and the treasurer shall place all such moneys in the use tax receipts fund, provided however, that taxes, penalties or interest paid under protest, as hereinbefore provided, shall be placed in the use tax suspense fund.

(b) The legislature shall appropriate such sums as may be necessary for the enforcement of this Act.

Sec. 27. APPROPRIATION FOR REFUNDS. (a) There is hereby appropriated out of the use tax receipts fund the sum of three thousand dollars per annum, or so much thereof as may be necessary for the purpose of making refunds of taxes, penalties and interest paid under this Act. This appropriation

shall be set up in the use tax suspense fund at the rate of two hundred fifty dollars per month during each fiscal year until the total amount appropriated is set up.

(b) In addition to the foregoing appropriation, all payments of taxes, interest and penalties made under protest, as above provided, shall be transferred to the use tax suspense fund. If no proceeding is instituted by the taxpayer for the recovery thereof, as herein authorized, within the time allowed, or if such proceeding terminate in favor of the commission, the moneys so paid under protest shall be transferred to the use tax receipts fund and distributed as other receipts of that fund.

Sec. 28. STATE GENERAL FUND. At the end of each calendar month, all sums remaining in the use tax receipts fund shall, by the state treasurer, be deposited in the general fund of the state.

Sec. 29. EFFECTIVE DATE. This Act shall be effective on and after the first day of July, 1956.

Approved by the Governor—December 21, 1955.

Filed in the Office of the Secretary of State—December 21, 1955.

CHAPTER 2

Senate Bill No. 1

AN ACT

RELATING TO THE EXCISE REVENUE ACT; PROVIDING FOR EXEMPTIONS AND DEDUCTIONS, AND AMENDING SECTION 73-1329, ARIZONA CODE OF 1939.

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

Section 1. Section 73-1329, Arizona Code of 1939, is amended to read:

73-1329. EXEMPTIONS AND DEDUCTIONS. (a) The provisions of article 13, chapter 73, Arizona Code of 1939, shall not apply to the sales of gasoline upon which a tax has been imposed under the provisions of article 3, chapter 66, Arizona

Code of 1939; nor to common or contract motor carriers of passengers or property paying a tax under provisions of section 66-518, Arizona Code of 1939; nor to a sale of tangible personal property to a person licensed as a contractor under article 23, chapter 67, Arizona Code of 1939, and holding a valid privilege tax license for engaging or continuing in the business of contracting under the provisions of article 13, chapter 73, Arizona Code of 1939, where the tangible personal property so sold is by said contractor incorporated or fabricated into any structure, project, development or improvement in fulfillment of a contract therefor; nor to sales in interstate or foreign commerce when prohibited from being taxed by the Constitution of the United States or the Constitution of the State of Arizona.

(b) After June 30, 1956, the provisions of article 13, chapter 73, Arizona Code of 1939, shall not apply to sales made directly:

1. To the United States government, its departments or agencies, by a manufacturer, modifier, assembler or repairer.

2. To a manufacturer, modifier, assembler or repairer, when such sales are of any ingredient or component part of products sold directly to the United States government, its departments or agencies, by the manufacturer, modifier, assembler or repairer.

(c) After June 30, 1956, there shall be deducted from the annual privilege tax fifty per cent of the amount of tax levied under the provisions of subsection (c) of section 73-1303, Arizona Code of 1939, upon any sale of tangible personal property made directly to the United States government, its departments or agencies, which is not exempt under the provisions of subsection (b) of this section.

(d) In computing the amount of tax levied by article 13, chapter 73, Arizona Code of 1939, upon the activities, classified in paragraph 1 of subsection (b) of section 73-1303, the price shall be reduced by the actual freight paid by any person, from the place of production to the place of delivery, when such freight is included in the sales price of such products.

(e) The state tax commission shall require every person claiming an exemption provided by subsection (b), or the deduction provided by subsection (c), to file on forms prescribed by the commission at such times as the commission directs a sworn statement disclosing the name of the purchaser and the

exact amount of sales upon which the exemption or the deduction is claimed.

(f) For the purpose of this section:

1. "Manufacturer" means one who is principally engaged in the fabrication, production, or manufacture of products, wares, or articles for use from raw or prepared materials, imparting to such materials new forms, qualities, properties and combinations.

2. "Modifier" means one who reworks, changes or adds to products, wares or articles of manufacture.

3. "Assembler" means one who unites or combines products, wares or articles of manufacture so as to produce a change in form or substance without changing or altering the component parts.

4. "Repairer" means one who restores or renews products, wares or articles of manufacturer.

(g) The definitions contained in subsection (f) shall not be interpreted to include the following businesses, but the following listing is not intended to be nor shall it be interpreted to be a complete listing of the businesses which are excluded by subsection (f) from the tax exemption provided by subsection (b):

1. Mining, quarrying, smelting or producing for sale, profit, or commercial use any oil, natural gas, limestone, sand, gravel, copper, gold, silver or other mineral product, compound or combination of mineral products, or felling, producing or preparing timber or any product of the forest for sale, profit or commercial use.

2. Producing or furnishing electricity, electric lights, current, power or gas, natural or artificial, or water.

3. Transmitting local or long distance messages or conversations by telephone or message by telegraph from one point to another point in the state.

4. Operating a pipe line or lines for transporting of oil, or natural or artificial gas, through pipes or conduits from one point to another point in the state.

5. Job printing, engraving, embossing or copying.

6. Slaughtering animals for food, packing, processing, or compounding meat or meat products.

7. Construction contracting.

Sec. 2. All exemptions or deductions otherwise provided for in the Excise Revenue Act remain in full force and effect.

Approved by the Governor—December 20, 1955.

Filed in the Office of the Secretary of State—December 21, 1955.

RESOLUTIONS

EXECUTIVE OFFICE

State House

PHOENIX, ARIZONA

December twentieth, 1955

Dear Mr. Bolin:

I am transmitting herewith House Resolution No. 1, being a Resolution Commending the Honorable Ernest W. McFarland, Governor, State of Arizona, for Prompt Action in Calling Out the Arizona National Guard to Prevent Needless Highway Accidents on State Highways, which Resolution was adopted by the Arizona House of Representatives, Second Special Session of the Twenty-second Arizona Legislature, on December nineteenth, 1955.

Sincerely,

/s/ ERNEST W. McFARLAND
Ernest W. McFarland
Governor

Honorable Wesley Bolin
Secretary of State
Phoenix

HOUSE RESOLUTION NO. 1

A RESOLUTION

COMMENDING THE HONORABLE ERNEST W. McFARLAND, GOVERNOR, STATE OF ARIZONA, FOR PROMPT ACTION IN CALLING OUT THE ARIZONA NATIONAL GUARD TO PREVENT NEEDLESS HIGHWAY ACCIDENTS ON STATE HIGHWAYS.

The National Safety Council has predicted that the ensuing Christmas and Holiday Season with its attendant increase in highway travel will result in many unnecessary deaths, in considerable injury to persons and in thousands of dollars of damage to personal and real property.

Alert to the need for safety on the highways and in an intelligent endeavor to prevent needless death and injuries, Gov-

ernor Ernest W. McFarland has proclaimed an emergency and therefore called out the Arizona National Guard to patrol the state highways during this perilous period, thereby decreasing needless human slaughter. The Governor's prompt action in this matter is to be commended by the citizens of this state. Therefore

Be it Resolved by the House of Representatives of the State of Arizona:

The membership of the House of Representatives joins the citizens of this state in commending the Governor's action in declaring an emergency and calling out the Arizona National Guard to patrol the highways during the Holiday Season with fervent hope that such action will materially decrease the list of fatalities.

Passed the House December 19, 1955 by unanimous vote.

Filed in the Office of the Secretary of State—December 21, 1955.

EXECUTIVE OFFICE

State House

PHOENIX, ARIZONA

December Twelfth, 1955

Dear Mr. Bolin:

I am transmitting herewith Senate Concurrent Resolution No. 1, being a Concurrent Resolution on the Death of Hon. George Hochderffer, passed by the Arizona State Legislature, Second Special Session, on December 12, 1955, and approved by me this date.

Sincerely,

/s/ ERNEST W. McFARLAND

Ernest W. McFarland
Governor

Honorable Wesley Bolin
Secretary of State
Phoenix

SENATE CONCURRENT RESOLUTION NO. 1

A CONCURRENT RESOLUTION

ON THE DEATH OF HON. GEORGE HOCHDERFFER

Whereas, Honorable George Hochderffer, a distinguished pioneer citizen of the State of Arizona passed away on December 4, 1955, in Cottonwood, Arizona, at the age of ninety-one years.

Colonel Hochderffer was born in Bethlehem, Illinois on December 22, 1863. At the age of twenty-four, in 1887, he was enroute to California to mine for gold and after stopping in Flagstaff, Arizona, he decided to settle in that community. Colonel Hochderffer lived in Flagstaff until two years ago when he moved to Cottonwood.

During his lifetime in Arizona he was an active rancher, writer, artist, and participated in civic and political affairs. He served the Democratic Party as a precinct committeeman for sixty-nine years and attended many of the National Conventions of the Democratic Party. During the Eleventh Legislature, in the Third Special Session, he was selected and appointed to the Arizona Senate to fill the unexpired term of Senator Earl C. Slipher. Colonel Hochderffer at one time served as deputy sheriff in Yavapai County. He also was past vice-president of the Arizona Pioneer Society.

Colonel Hochderffer achieved his greatest distinction as a member of the National Guard of Arizona. He joined Company C, First Arizona Infantry, National Guard of Arizona, in Flagstaff, on April 1, 1890. During the years following his enlistment he played an important role in the development of the Arizona National Guard and in quelling Indian depredations.

The record of Colonel Hochderffer after he enlisted reveals that he was commissioned Captain on April 1, 1891; promoted to Major, May 15, 1894; promoted to Lt. Colonel November 14, 1901, and retired as a Lt. Colonel on November 14, 1904. He was recommissioned Captain and resumed his Command on August 20, 1908, and again retired on September 5, 1910. Because of his long and outstanding service in the Na-

tional Guard of Arizona, he was entitled to a commission on the Honorary Retired List under the Laws of Arizona and held the status of Colonel, Infantry, Honorary Retired List, at the time of his death.

Colonel Hochderffer will be long remembered in the history of Arizona for his unselfish service to his State and Country.

Therefore

Be it resolved by the Senate of the State of Arizona, the House of Representatives concurring:

1. The members of this body deeply mourn the death of Colonel Hochderffer who has contributed so generously of his time and efforts to the development of this State.

2. The sincere sympathy and condolences of the members of the Legislature are extended to his surviving relatives.

Passed the Senate December 12, 1955 by unanimous vote.

Passed the House December 12, 1955 by unanimous vote.

Approved by the Governor—December 12, 1955.

Filed in the Office of the Secretary of State—December 12, 1955.

ACTS

of the

THIRD SPECIAL SESSION

of the

22ND LEGISLATURE

of the

STATE OF ARIZONA

1955

Third Special Session Convened

December 20, 1955

Third Special Session Adjourned Sine Die

January 7, 1956 at 3:24 P.M.

Publication Authorized

Chapter 138, House Bill No. 299,

Laws of 1956

Second Regular Session, Twenty-Second Legislature

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

AUTHENTICATION

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

THIS IS TO CERTIFY—That the Acts published in this volume are full, true and correct copies of the originals passed at the Third Special Session of the Twenty-second 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 Third Special Session of the Twenty-second Legislature of the State of Arizona was convened at the Capitol, in the City of Phoenix, December 20, 1955, and adjourned sine die on the 7th day of January, 1956.

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 June, 1956.

/s/ WESLEY BOLIN
Secretary of State

PROCLAMATION

CALLING A SPECIAL SESSION OF THE TWENTY-SECOND 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 Legislature of the State of Arizona has heretofore created a Code Commission and made appropriations therefor for the purpose of revising the laws of the State of Arizona of a general or public nature; and

WHEREAS, a special session of the legislature was called for October 24, 1955, for consideration by the legislature of the revision of the laws of the State of Arizona of a general or public nature; and a bill was introduced in each house, and work was most diligently done upon this revision but was not completed because of its complex nature; and

WHEREAS, a second special session of the legislature was called for November 28, 1955, for further consideration by the legislature of the revision of the laws of the State of Arizona, but because of the enormity and complexity of the work, the task of revision was again not completed; and

WHEREAS, the very nature of this call to revise the Code makes it essential that no limitations of any kind or character shall be placed upon the Legislature in the matter of enacting legislation on the subject of Code revision. However, the spirit and intent of the call is to limit legislation to the specific matters mentioned herein and to Code revision, avoiding all other substantive changes in the law unless their urgency is so apparent that they are overwhelmingly desired by the Legislature and do not interfere with the enactment of the Code; and

WHEREAS, it appears that legislation is necessary and advisable to amend the laws of the State pertaining to the reim-

bursement of members, employees and officers of the legislature for expenditures for subsistence, incidentals, and lodging during sessions of the legislature, and at other times,

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-second Arizona Legislature to meet, in SPECIAL SESSION in the Capitol on Tuesday, the twentieth day of December, 1955, at 11:38 o'clock p.m.

The following are specified as subjects to be considered during this special session:

1. Legislation revising the laws and statutes of the State of a general or public nature and adopting and enacting such laws into a code of law to be known as the Arizona Revised Statutes, repealing all laws and statutes of a general, public and permanent nature then in force and effect, making an appropriation for the printing and distribution of such revised statutes of the State of Arizona, and for other purposes in connection therewith, and

2. Legislation revising the laws of the State relating to reimbursement of members, employees and officers of the legislature for expenditures for subsistence, incidentals and lodging during sessions of the legislature, and at other times, including the amounts, conditions, and methods of payment thereof.

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 twentieth day of December, in the year of Our Lord One Thousand Nine Hundred and fifty-five.

/s/ ERNEST W. McFARLAND
GOVERNOR

ATTEST:

/s/ WESLEY BOLIN
Secretary of State

PROCLAMATION

SPECIFYING ADDITIONAL SUBJECT TO BE CONSIDERED AT THIRD SPECIAL SESSION OF THE TWENTY-SECOND LEGISLATURE

* * * * * *

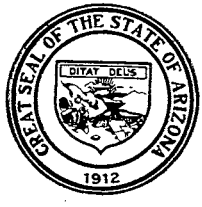
WHEREAS, the Constitution of Arizona (Article IV, Part 2, Section 3) vests in the Governor the authority to call a special session of the legislature whenever in his judgment it is advisable, and to specify the subjects to be considered; and

WHEREAS, by virtue of such authority a call for a special session was issued on the twentieth day of December, 1955; and

WHEREAS, certain emergencies have arisen since the original call was made for the Third Special Session, which require immediate legislative attention,

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, do hereby specify the following additional subject to be considered at the special session called as aforesaid:

Additional appropriation for the Arizona National Guard.



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 twenty-seventh day of December, in the year of Our Lord One Thousand Nine Hundred and fifty-five.

/s/ERNEST W. Mc FARLAND
GOVERNOR

ATTEST:

/s/ ROSE PERICA
Assistant Secretary of State

MEMBERS OF THE SENATE

TWENTY-SECOND LEGISLATURE

OF ARIZONA

1955-1956

County	Name and Party	Address
Apache	Melvin C. Greer (D)	St. Johns
	Lynn Lockhart (D)	Springerville
Cochise	Fred Dove (D)	Tombstone
	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	Wilford R. Richardson (D)	Safford
	Jim Smith (D)	Central
Greenlee	Marshall L. Simms (D)	Clifton
	A. C. (Ike) Stanton D)	Clifton
Maricopa	Joe Haldiman, Jr. (D)	Phoenix
	*Walter J. Thalheimer (D)	Phoenix
Mohave	Earle W. Cook (D)	Kingman
	Robert W. Morrow (D)	Kingman
Navajo	William R. Bourdon (R)	Snowflake
	Clay B. Simer (D)	Winslow
Pima	Thomas Collins (D)	Tucson
	Hiram S. (Hi) Corbet (R)	Tucson
Pinal	Ben Arnold (D)	Coolidge
	Charles S. Goff (D)	Casa Grande
Santa Cruz	Neilson Brown (D)	Nogales
	C .B. (Bert) Smith (D)	Nogales
Yavapai	Charles H. Orme, Sr. (D)	Mayer
	Ray Vyne (D)	Prescott
Yuma	Harold C. Giss (D)	Yuma
	Raymond H. Thompson (D)	Parker

*appointed to replace R. S. (Bob) Hart, deceased

MEMBERS OF THE HOUSE

TWENTY-SECOND LEGISLATURE

OF ARIZONA

1955-1956

District	Name and Party	Address

APACHE COUNTY

Lorin M. Farr (R) ..... St. Johns
Box 615

COCHISE COUNTY

1. Clyde M. Dalton (D) ..... Bisbee
Box 1609

2. H. J. (Duffy) Lewis (D) ..... Douglas
733 12th St.

3. Charles O. Bloomquist (D) ..... Douglas
Box 1077

4. W. L. (Tay) Cook (D) ..... Willcox
Box 246

COCONINO COUNTY

1. Andrew (Andy) Matson (D) ..... Flagstaff
Box 277

2. Harold J. Scudder (D) ..... Williams
Box 16

GILA COUNTY

1. Louis B. Ellsworth, Jr. (D) ..... Globe
Box 49

2. Nelson D. Brayton (D) .....Miami
823 Merritt St.

3. Edwynne C. (Polly) Rosenbaum (D) .....Globe
Box 609

GRAHAM COUNTY

1. E. L. Tidwell (D) .....Safford
Box 108

2. Milton Lines (D) .....Pima
Box 64

GREENLEE COUNTY

1. Tom W. Berry (D) .....Clifton
102 Second St.

2. G. O. (Sonny) Biles (D) .....Morenci
Box 747

MARICOPA COUNTY

1. Ed Ellsworth (D) .....Chandler
Box 75

2. Wm. S. (Bill) Porter (R) .....Mesa
15 E. 2nd Ave.

3. Robert A. Petrie (D) .....Mesa
1032 W. 6th Pl.

4. J. O. Grimes (D) .....Tempe
906 Mill Avenue

5. W. W. Mitchell, Sr. (D) .....Tempe
816 Wilson

6. Carl Austin (D) .....Phoenix
4442 S. 8th Pl.

7. J. P. (Jess) Stump (D) .....Phoenix
3154 Westward Blvd.

8 . Carl Sims, Sr. (D) .....Phoenix
1304 W. Magnolia St.

9. Sidney Kartus (D) .....Phoenix
2107 S. 15th Pl.

10. R. E. (Bob) Wilson (D) .....Phoenix
2511 E. Adams

11. Neales (Nick) Kennedy (D) .....Phoenix
1240 N. Oakleaf Dr.

12. W. W. Franklin (D) .....Phoenix
1645½ E. Culver

13. Conrad James Carreon (D) .....Phoenix
806 N. 3rd St.

14. William J. Harkness (D) .....Phoenix
1421 E. Belleview

15. George R. (Rusty) Steward (D) .....Phoenix
374 N. 1st Ave.

16. Harry S. Ruppelius (D) .....Phoenix
1348 W. Lynwood St.

17. Norman (Shorty) Lee (D).....Phoenix
713 N. 27th Dr.

18. Ruth I. Hunt (D) .....Phoenix
1911 W. Holly St.

19. Carl C. Andersen (R) .....Phoenix
842 W. Edgemont

20. Malcolm L. Lentz (R) .....Phoenix
334 W. Almeria

21. Laura M. McRae (D) .....Phoenix
929 E. Coronado Rd.

22. W. I. (Ike) Lowry (R) .....Phoenix
2922 E. Manor Dr.

23. Lillian Retzloff (D) .....Phoenix
2849 Greenfield Road

24. Ruth Adams White (R) .....Scottsdale
Box 1076

25. Patrick W. O'Reilly (D) .....Phoenix
1611 E. Flower

26. David H. Campbell (R) .....Phoenix
2546 E. Roma

27. Del Rogers (D) .....Phoenix
321 E. Indian School

28. C. H. (Hank) Marion (R) .....Phoenix
4232 N. 15th Dr.

29. James B. Phillips (R) .....Phoenix
1303 W. Bethany Home Road

30. Robert L. Myers (R) .....Phoenix
5022 N. Arden Dr.

31. Arthur B. Schellenberg (R) .....Phoenix
212 E. Hayward

32. Charles H. Abels (D) .....Phoenix
Rt. 2, Box 24

33. Champe Raftery (D).....Phoenix
3208 W. Marshall

34. Wm. Younger Wood (D) .....Glendale
Rt. 1, Box 90

35. Hal Fred Warner (D) .....Wickenburg
Box 758

36. S. Earl Pugh (D) .....Phoenix
3440 W. Palm Lane

37. T .C. (Doc) Rhodes (D) .....Avondale
Box 146

MOHAVE COUNTY

Guy Rutherford (D) .....Kingman

NAVAJO COUNTY

1. Augusta T. Larson (R) .....Lakeside
Box 238

2. Lee F. Dover (D) .....Winslow
1100 Warren Ave.

PIMA COUNTY

1. David S. Wine (D) ..... Ajo
   Box 539
2. Enos P. (Pepe) Schaffer (D) ..... Tucson
   1035 N. Palm Road
3. Etta Mae Hutcheson (D) ..... Tucson
   337 S. 4th Ave.
4. James L. (Jimmy) Kennedy (D) ..... Tucson
   934 Calle Bocina
5. Thomas D. Fridena (D) ..... Tucson
   717 N. 6th Ave.
6. Douglas Stanley Holsclaw (R) ..... Tucson
   1746 E. 5th St.
7. Julliette C. Willis (R) ..... Tucson
   123 Sierra Vista Dr.
8. V. S. (John) Hostetter (R) ..... Tucson
   100 Calle Encanto
9. William I. Minor (D) ..... Tucson
   130 West Adams
10. Alvin Henry Wessler (R) ..... Tucson
    1711 N. Desmond Lane
11. James W. Carroll (D) ..... Tucson
    6009 E. Beverly Dr.
12. John H. Haugh (R) ..... Tucson
    Rt. 6, Box 655
13. Keith S. Brown (R) ..... Tucson
    Box 364, Nogales Star Rt.
14. Vicente Alfaro (D) ..... Tucson
    919 S. 6th Ave.
15. Marion Harold Burton (R) ..... Tucson
    1825 N. Rosemary Dr.
16. Harry Ackerman (D) ..... Tucson
    711 S. Tucson Blvd.

PINAL COUNTY

1. Harry Bagnall (D) ..... Coolidge
   639 N. 8th Place

2. Frederick S. Smith (D) .....Superior
Box 1126

3. Mrs. E. B. Thode (D) .....Casa Grande
913 N. Olive Dr.

SANTA CRUZ COUNTY

Robert R. Hathaway (D) .....Nogales
Box 59

YAVAPAI COUNTY

1. Mabel S. Ellis (D) .....Prescott
107 E. Gurley

2. Dick W. Martin (R) .....Prescott
Box 1270

3. M. O. (Moe) Lindner (D) .....Clarkdale
Box 606

YUMA COUNTY

1. Robert L. (Bob) Klauer (D) .....Yuma
2609 Avenue A.

2. William B. Carr, Jr. (D).....Yuma
Box 150

3. David B. Babbitt (D) .....Parker
Box 1683

ACTS

CHAPTER 1

Senate Bill No. 1

AN ACT

MAKING AN APPROPRIATION TO THE NATIONAL GUARD OF ARIZONA FOR PAYMENT OF EXPENSES INCURRED DURING EMERGENCIES DECLARED BY THE GOVERNOR.

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

Section 1. APPROPRIATION. In addition to the appropriation made under the provisions of subdivision 65, section 1, chapter 139, Laws of 1955, first regular session, the sum of fifty thousand dollars is appropriated to the national guard of Arizona.

Sec. 2. PURPOSE. The appropriation made under the provisions of section 1 is for the purpose of payment of actual and necessary expenses heretofore or hereafter incurred by the national guard of Arizona in assisting the Arizona highway patrol in patrolling the highways and in the prevention of automobile accidents during an emergency declared by the governor. Any unexpended balances remaining after payment of such expenses shall be available for the purpose of meeting actual and necessary expenses incurred in any further emergency called by the governor during the fiscal year ending June 30, 1956.

Sec. 3. APPROVAL OF GOVERNOR. No funds shall be expended from the appropriation made under the terms of this Act unless the expenses were incurred by the national guard of Arizona pursuant to an emergency declaration made by the governor, and unless such expenditure is first approved by the governor.

Sec. 4. EXEMPTION. The appropriation made under the terms of this Act is exempt from the provisions of section 10-925, Arizona Code of 1939, relating to quarterly allotments.

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—December 28, 1955.

Filed in the Office of the Secretary of State—December 28, 1955.

CHAPTER 2

House Bill No. 2

AN ACT

RELATING TO THE LEGISLATURE; PROVIDING FOR REIMBURSEMENT OF EXPENDITURES BY MEMBERS OF THE LEGISLATURE AND ITS EMPLOYEES AND OFFICERS; VALIDATING PRIOR PAYMENTS, AND AMENDING SECTIONS 2-110 AND 2-117, ARIZONA CODE OF 1939.

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

Section 1. Section 2-110, Arizona Code of 1939, is amended to read:

2-110. REIMBURSEMENT OF EXPENDITURES. A. Each member of the legislature, during sessions of the legislature, shall be allowed and receive in addition to any compensation and mileage as authorized by law a reimbursement for subsistence, incidentals, lodging and other expenses in aid of the performance of his duties and responsibilities as a legislator, as follows:

1. If residing at his usual place of residence, not to exceed twelve dollars per day.

2. If not residing at his usual place of residence, not to exceed seventeen dollars per day.

B. The president of the senate and the speaker of the house of representatives may at any time when the legislature is not in session authorize any member of his house to attend to any business or to attend any meeting in service of the legislature. While on such service a member shall be reimbursed for mileage as provided for state officers, and shall receive a reimbursement for subsistence, incidentals, lodging and other expenses in aid of the performance of his duties and responsibilities as a legislator, not to exceed seventeen dollars per day, except when such service is performed at the usual place of residence of such member, in which event he shall receive not to exceed twelve dollars per day. The provisions of this subsection shall not apply when a member is attending a committee meeting called under the provisions of section 2-115, Arizona Code of 1939, or is attending any conference or convention in accordance with section 2-115, Arizona Code of 1939.

C. Officers or employees of the legislature may receive a reimbursement for subsistence, incidentals, lodging and other expenses in an amount to be fixed by the house of the legislature making the appointment of such officers or employees.

D. Reimbursement of expenditures made under the provisions of subsections A, B and C of this section shall not be subject to the provisions of section 10-926, Arizona Code of 1939.

E. All payments provided for in this section shall be paid upon approval of the president of the senate or the speaker of the house of representatives from funds appropriated for the house of the legislature over which he presides.

Sec. 2. Section 2-117, Arizona Code of 1939, is amended to read:

2-117. REIMBURSEMENT FOR EXPENSES. A. Members of a legislative committee called to meet under the provisions of section 2-115, or attending any conference or convention within or without the state when directed to do so by the the presiding officer of the legislative branch of which he is a member under the provisions of section 2-115, shall be reimbursed for mileage as provided for state officers, and shall receive a reimbursement for subsistence, incidentals, lodging and other expenses in aid of the performance of his duties and responsibilities as a legislator, not to exceed seventeen dollars per day, except when such service is performed at the usual place of residence of such member, in which event he shall receive not to exceed twelve dollars per day.

B. Claims for reimbursement shall, upon approval by the presiding officer of the house to which the member belongs, be paid from funds appropriated to such house and shall not be subject to the provisions of section 10-926, Arizona Code of 1939.

Sec. 3. VALIDATION OF PRIOR PAYMENTS. All payments heretofore made to members, officers and employees of the legislature prior to the effective date of this Act are hereby ratified and validated.

Sec. 4. EMERGENCY. To preserve the public peace, health, and safety it is necessary that his Act become imme-

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

Approved by the Governor—January 4, 1956.

Filed in the Office of the Secretary of State—January 4, 1956.

CHAPTER 3

House Bill No. 1

AN ACT

TO REVISE THE LAWS AND STATUTES OF THE STATE OF ARIZONA OF A GENERAL OR PUBLIC NATURE, AND TO ADOPT AND ENACT SUCH LAWS AND STATUTES INTO A CODE OF LAWS TO BE KNOWN AS THE ARIZONA REVISED STATUTES, REPEALING ALL LAWS AND STATUTES OF A GENERAL, PUBLIC AND PERMANENT NATURE NOW IN FORCE AND EFFECT, AND DECLARING AN EMERGENCY.

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

Section 1. The Arizona Revised Statutes are hereby adopted and enacted into law as follows:

TITLE 1

GENERAL PROVISIONS

1. ARIZONA REVISED STATUTES

Art.

Chap. Section

1. In General 1-101

2. LAW AND STATUTES

1. Common Law 1-201
2. General Rules of Statutory Construction 1-211
3. Effect of Statutes 1-241

3. HOLIDAYS

1. In General 1-301

CHAPTER 1

ARIZONA REVISED STATUTES

ARTICLE 1. IN GENERAL

Sec.

1-101. Designation and citation.

1-102. Repealing clause.

1-103. Effective date.

1-104. Rights preserved and authority expressed.

1-105. Effect of repeal on prior offenses and punishments.

1-106. Supplements as part of Revised Statutes.

ARTICLE 1. IN GENERAL

Sec. 1-101. DESIGNATION AND CITATION. The Arizona Revised Statutes adopted and enacted into law by this Act, and as hereafter amended and supplemented and printed and published pursuant to Sec. 1-106, shall be known as Arizona Revised Statutes and may be cited as "A.R.S." followed by the number of the Title and the number of the Section in the Title, separated by a dash. Example: This section may be cited: "A.R.S. Sec. 1-101."

Sec. 1-102. REPEALING CLAUSE. All laws and statutes of a general, public and permanent nature now in force and effect are repealed effective twelve o'clock noon on January 9, 1956.

Sec. 1-103. EFFECTIVE DATE. Each and all of the laws and statutes as herein contained and hereby enacted shall take effect and be in force on and after twelve o'clock noon on January 9, 1956, except where a later effective date is expressly provided in any section of these Revised Statutes, the later effective date shall prevail.

Sec. 1-104. EFFECT OF REPEALING CLAUSE AND CONSTRUCTION OF ACT. A. The adoption and enactment of these Revised Statutes shall not be construed to repeal or in any way to affect or modify:

1. Any special, local or temporary laws.
2. Any law making an appropriation.

3. Any law affecting any bond issue or by which any bond issue may have been authorized.

4. The running of the statutes of limitations in force at the time this Act becomes effective.

5. The continued existence and operation of any department, agency or office heretofore legally established or held.

6. Any bond of any public officer.

7. Any taxes, fees, assessments or other charges incurred or imposed.

8. Any statutes authorizing, ratifying, confirming, approving or accepting any compact or contract with any other state or with the United States or any agency or instrumentality thereof.

B. All laws, rights and obligations set forth in subsection A of this section shall continue and exist in all respects as if these Revised Statutes had not been adopted and enacted.

C. In addition to their general application, the provisions of Chapter 2 of this Title, so far as applicable, apply to the Act enacting these Revised Statutes.

Sec. 1-105. EFFECT OF REPEAL ON PRIOR OFFENSES AND PUNISHMENTS. A. No fine, forfeiture or penalty incurred under laws existing prior to the time these Revised Statutes take effect shall be affected by repeal of such existing laws, but the recovery of such fines and forfeitures and the enforcement of such penalties shall be effected as if the law repealed had still remained in effect.

B. When an offense is committed prior to the time these Revised Statutes take effect, the offender shall be punished under the law in effect when the offense was committed.

Sec. 1-106. SUPPLEMENTS AS PART OF REVISED STATUTES. A. The laws contained in current pocket parts or supplements to these Revised Statutes, printed and published hereafter as may be authorized by law, shall constitute, prima facie, a part of these Revised Statutes, if such laws, as so contained, purport to represent reproductions of laws enacted by the legislature subsequent to the date these Revised Statutes become effective.

B. If such pocket parts or supplements are printed and published on a cumulative basis, then only such laws as are contained in the latest publication thereof shall constitute, prima facie, a part of these Revised Statutes.

C. The authentication of such pocket parts under the facsimile signature of the secretary of state, and a printed reproduction of the great seal of the state of Arizona, shall be sufficient to satisfy the purposes and conditions of this section.

PROVISION MADE FOR PRINTING THE BALANCE OF THIS CHAPTER AS A CODE.

(Chapter 138, House Bill No. 299, and Chapter 129, Senate Bill No. 50, Laws of 1956, 22nd Legislature, Second Regular Session)

Passed the House Jan. 5, 1956 by the following vote: 66 Ayes, 2 Nays, 12 Not Voting.

/s/ HARRY S. RUPPELIUS
Speaker of the House

/s/ RUBY H. SANDERS
Asst. Chief Clerk of the House

Passed the Senate Jan. 7, 1956 by the following vote: 25 Ayes, 0 Nays, 3 Not Voting.

/s/ CLARENCE L. CARPENTER
President of the Senate

/s/ LOUISE C. BRIMHALL
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this 7th day of January, 1956, at 3:18 o'clock P.M.

/s/ ROLAND H. BIBOLET
Secretary to the Governor

APPROVED THIS 9th day of January, 1956, 12 Noon.
/s/ ERNEST W. McFARLAND
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State this 9th day of January, 1956, at 12:00 o'clock Noon.

/s/ WESLEY BOLIN
Secretary of State

Official Canvass

Election Returns

OFFICIAL CANVASS

PRIMARY ELECTION — SEPTEMBER 7, 1954

	Apache	Cochise	Coconino	Gila	Graham	Greenlee	Maricopa	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
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	Coconino	Gila	Graham	Greenlee	Maricopa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total
JUDGE OF SUPREME COURT, Term No. 1															
Democratic:															
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
JUDGE OF SUPREME COURT, Term No. 2															
Democratic:															
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
GOVERNOR															
Democratic:															
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
Republican:															
Howard Pyle	316	922	884	493	393	188	14,928	199	806	7,357	887	213	1,443	887	29,916
SECRETARY OF STATE															
Democratic:															
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
ATTORNEY GENERAL															
Democratic:															
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

OFFICIAL CANVASS
PRIMARY ELECTION — SEPTEMBER 7, 1954
(Con't)

	Apache	Cochise	Coconino	Gila	Graham	Greenlee	Maricopa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total
Republican:															
Ross F. Jones	254	795	718	422	317	173	13,875	163	705	6,761	743	159	1,294	769	27,148
STATE AUDITOR															
Democratic:															
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
STATE TREASURER															
Democratic:															
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
SUPT. OF PUBLIC INSTRUCTION															
Democratic:															
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
Republican:															
Norman Allderdice	230	724	674	395	274	171	12,826	147	621	6,349	690	169	1,137	680	25,087
STATE MINE INSPECTOR															
Democratic:															
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

OFFICIAL CANVASS
PRIMARY ELECTION — SEPTEMBER 7, 1954
(Con't)

	Apache	Cochise	Coconino	Gila	Graham	Greenlee	Maricopa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total
CORPORATION COMMISSION, Term ending January 7, 1957															
Democratic:															
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	1,573	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
CORPORATION COMMISSION, Term ending January 2, 1961															
Democratic:															
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
Republican:															
Hersch Collins	216	713	739	388	307	162	12,683	149	629	5,873	705	174	1,147	691	24,576
TAX COMMISSION															
Democratic:															
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
Rebuplican:															
John P. Collin	231	715	701	387	292	153	12,698	158	645	5,872	710	168	1,157	698	24,585

OFFICIAL CANVASS
PRIMARY ELECTION — SEPTEMBER 7, 1954
(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 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	Coconino	Gila	Graham	Greenlee	Maricopa	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 VOTED	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
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
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	Coconino	Gila	Graham	Greenlee	Maricopa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total
GOVERNOR															
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
SECRETARY OF STATE															
Wesley Bolin (D)	1,622	8,089	3,434	6,565	2,633	3,512	78,307	1,610	3,644	29,442	7,496	1,969	6,421	7,161	161,905
ATTORNEY GENERAL															
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
STATE AUDITOR															
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
STATE TREASURER															
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
SUPT. OF PUBLIC INSTRUCTION															
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 Allderdice (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	Coconino	Gila	Graham	Greenlee	Maricopa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total
STATE MINE INSPECTOR															
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
CORPORATION COMMISSION, Term Ending January 7, 1957															
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
CORPORATION COMMISSION, Term Ending January 2, 1961															
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.

(Signed) WESLEY BOLIN,
Secretary of State

(Seal)

OFFICIAL CANVASS

PRIMARY ELECTION — SEPTEMBER 11, 1956

	Apache	Cochise	Coconino	Gila	Graham	Greenlee	Maricopa	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	187,228
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
Republican:															
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

OFFICIAL CANVASS — PRIMARY ELECTION — SEPTEMBER 11, 1956 (Con't)

	Apache	Cochise	Coconino	Gila	Graham	Greenlee	Maricopa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total
Representative in Congress, Dist. No. 1															
Democratic:															
Wade Church							21,075								21,075
William P. "Bill" Mahoney, Jr.							25,675								25,675
Republican:															
John J. Rhodes							23,304								23,304
Representative in Congress, Dist. No. 2															
Democratic:															
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
Republican:															
John G. (Jack) Speiden	249	949	944	510	265	150		208	741	7,747	999	198	1,533	989	15,482
Judge of Supreme Court															
Democratic:															
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
Governor															
Democratic:															
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
Republican:															
Horace G. 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

OFFICIAL CANVASS — PRIMARY ELECTION — SEPTEMBER 11, 1956 (Con't)

	Apache	Cochise	Coconino	Gila	Graham	Greenlee	Maricopa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total
Secretary of State															
Democratic:															
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
Republican:															
Buell E. Tade	245	827	853	494	319	141	21,429	197	747	7,869	970	180	1,450	1,002	36,723
Attorney General															
Democratic:															
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
Republican:															
William E. Kimble	248	974	914	521	327	150	22,097	203	764	8,556	1,001	192	1,517	1,026	38,490
State Auditor															
Democratic:															
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
Republican:															
Mary Jane Phillippi	254	879	927	516	321	142	21,318	200	736	7,979	983	179	1,517	984	36,935
State Treasurer:															
Democratic:															
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
Republican:															
Mrs. Louise Baird	253	902	921	512	327	146	21,568	211	755	8,157	979	183	1,498	991	37,403

OFFICIAL CANVASS — PRIMARY ELECTION — SEPTEMBER 11, 1956 (Con't)

	Apache	Cochise	Coconino	Gila	Graham	Greenlee	Maricopa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total
Supt. of Public Instruction															
Democratic:															
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
Republican:															
Harvey M. McKemy	251	904	921	508	320	147	21,296	208	723	8,061	959	184	1,470	966	36,918
State Mine Inspector:															
Democratic:															
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
Republican:															
Fred C. Ramsing	242	880	902	517	325	148	21,031	194	724	7,965	962	185	1,462	987	36,524
Corporation Commissioner															
Democratic:															
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
Republican:															
Louis A. Wilson	240	874	907	494	318	146	21,344	203	728	8,063	958	188	1,493	975	36,931

OFFICIAL CANVASS — PRIMARY ELECTION — SEPTEMBER 11, 1956 (Con't)

	Apache	Cochise	Coconino	Gila	Graham	Greenlee	Maricopa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total
Tax Commissioner															
Democratic:															
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

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 vast 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	Coconino	Gila	Graham	Greenlee	Maricopa	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	652	4,121	3,274	72,954
Re: Salaries of Legislators															

Compiled and Issued
by
WESLEY BOLIN
Secretary of State
10/1/56

Laws of Arizona

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