1959 SESSION LAWS

STATE OF ARIZONA

Twenty-fourth Legislature

First Regular Session

WESLEY BOLIN

Secretary of State

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STATE OF ARIZONA

1959-1960

U. S. ELECTIVE OFFICIALS

Office	Name and Party	Address
SENATORS:	Carl Hayden (D)	Phoenix
	Barry Goldwater (R)	Phoenix
REPRESENTATIVES:		
District No. 1	John J. Rhodes (R)	Mesa
District No. 2	Stewart L. Udall (D)	Tucson

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

STATE ELECTIVE OFFICIALS

1959-1960

SUPREME COURT	Name	Address
Chief Justice	M. T. Phelps (D)	209 Capitol Bldg.
Judge	Levi S. Udall (D)	209 Capitol Bldg.
Judge	Fred C. Struckmeyer, Jr. (D)	209 Capitol Bldg.
Judge	J. Mercer Johnson (D)	209 Capitol Bldg.
Judge	Charles C. Bernstein (D)	209 Capitol Bldg.

GOVERNOR—Paul J. Fannin (R) ..... 204 Capitol Bldg.

SECRETARY OF STATE—Wesley Bolin (D) ..... 203 Capitol Bldg.

ATTORNEY GENERAL—Wade Church (D) ..... 108 Capitol Bldg.

TREASURER—H. Y. (Bert) Sprague (D) ..... 101 Capitol Bldg.

AUDITOR—Jewel W. (Mrs. Lon) Jordan (D) ..... 104 Capitol Bldg.

SUPT. OF PUBLIC INSTRUCTION
W. W. (Skipper) Dick (D) ..... 1730 W. Adams, Phx.

MINE INSPECTOR—R. V. (Roy) Hersey (D) ..... 109 Capitol Bldg.

TAX COMMISSION:

Chairman	William E. Stanford (D)	101 Capitol Bldg.
Member	Warren Peterson (D)	101 Capitol Bldg.
Member	Thad M. Moore (D)	101 Capitol Bldg.

CORPORATION COMMISSION:

Chairman	George F. (Duke) Senner, Jr. (D)	New State Bldg.
Member	E. T. "Eddie" Williams, Jr. (D)	New State Bldg.
Member	A. P. (Jack) Buzard (D)	New State Bldg.

ARIZONA COURTS

1959-1960

U. S. DISTRICT COURT IN ARIZONA

Judge Dave W. Ling.....Phoenix and Prescott
Judge James A. Walsh.....Tucson and Globe
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
Catherine A. Dougherty, Chief Deputy Clerk.....Tucson
Archie M. Meyer, U. S. Marshal.....Tucson
Richard C. Griffith, Chief Deputy U. S. Marshal.....Tucson
Edward Dougherty, Probation Officer.....Tucson
Fred Baker, Official Reporter.....Tucson
Robert S. Murlless, Ass't U. S. District Attorney.....Phoenix

SUPREME COURT OF ARIZONA

M. T. Phelps, Chief Justice.....State House, Phoenix
Fred C. Struckmeyer, Jr., Judge.....State House, Phoenix
J. Mercer Johnson, Judge.....State House, Phoenix
Charles C. Bernstein, Judge.....State House, Phoenix
Levi S. Udall, Judge.....State House, Phoenix
*Sylvia Hawkinson, Clerk.....State House, Phoenix

*Appointed to succeed Eugenia Davis, retired.

SUPERIOR COURT OF ARIZONA

Judge	County	County Seat
J. Smith Gibbons	Apache	St. Johns
Frank E. Thomas	Cochise	Bisbee
H. L. Russell	Coconino	Flagstaff
Robert E. McGhee	Gila	Globe
Ruskin Lines	Graham	Safford
Porter Murry	Greenlee	Clifton
Fred J. Hyder	Maricopa, Division 1	Phoenix
Renz L. Jennings	Maricopa, Division 2	Phoenix
Henry S. Stevens	Maricopa, Division 3	Phoenix
Francis J. Donofrio	Maricopa, Division 4	Phoenix
Lorna E. Lockwood	Maricopa, Division 5	Phoenix
Warren L. McCarthy	Maricopa, Division 6	Phoenix

Laurens L. Henderson—Maricopa, Division 7.....Phoenix
Yale McFate—Maricopa, Division 8.....Phoenix
R. C. Stanford, Jr.—Maricopa, Division 9.....Phoenix
E. R. Thurman—Maricopa, Division 10.....Phoenix
Charles P. Elmer—Mohave.....Kingman
Don T. Udall—Navajo.....Holbrook
John Molloy—Pima, Division 1.....Tucson
Lee Garrett—Pima, Division 2.....Tucson
Robert O. Roylston—Pima, Division 3.....Tucson
Herbert F. Krucker—Pima, Division 4.....Tucson
Raul H. Castro—Pima, Division 5.....Tucson
W. C. Truman—Pinal.....Florence
Gordon Farley—Santa Cruz.....Nogales
Jack L. Ogg—Yavapai.....Prescott
William W. Nabours—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
Lena H. Garcia (D)—Graham.....Safford
Harriet Sweeting (D)—Greenlee.....Clifton
Walter S. Wilson (D)—Maricopa.....Phoenix
C. B. "Kirk" Tatum (D)—Mohave.....Kingman
Lafe S. Hatch (D)—Navajo.....Holbrook
Grayce Gibson O'Neill (D)—Pima.....Tucson
Clyde H. La Mar (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

1959-1960

COUNTY	COUNTY SEAT	ASSESSOR	ATTORNEY
Apache	St. Johns	Ben B. Slade (D)	D. L. Greer (D)
Cochise	Bisbee	Sam R. Clark (D)	Lloyd C. Helm (D)
Coconino	Flagstaff	Durward L. McKinney (D)	Laurance T. Wren (D)
Gila	Globe	Margarite H. Webb (D)	Harold Beelar (D)
Graham	Safford	Robert Goodman (D)	Alvin F. Krupp (D)
Greenlee	Clifton	William Paterson (D)	James Boyce Scott (D)
Maricopa	Phoenix	C. L. Sparks (D)	Charles Stidham (D)
Mohave	Kingman	W. D. Lawe (D)	Carl D. Hammond (D)
Navajo	Holbrook	Arthur Palmer (D)	Edwin R. Powell (D)
Pima	Tucson	Leo J. Finch (D)	Harry Ackerman (D)
Pinal	Florence	Wyly Parsons (D)	Timothy J. Mahoney (D)
Santa Cruz	Nogales	Frank A. Bennett (D)	James D. Hathaway (D)
Yavapai	Prescott	Joel H. Baldwin (D)	James P. Boyle, Jr. (D)
Yuma	Yuma	A. O. Williamson (D)	Bill Helm (D)

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

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

COUNTY BOARDS OF SUPERVISORS OF ARIZONA

1959-1960

APACHE COUNTY—St. Johns

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

COCHISE COUNTY—Bisbee

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

COCONINO COUNTY—Flagstaff

Dist. No. 1 J. D. Tissaw, Sr. (R) Flagstaff
Dist. No. 2 Harold L. 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 "Pa" Bryant (D) Miami
Clerk: Louise Rothengatter

GRAHAM COUNTY—Safford

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

GREENLEE COUNTY—Clifton

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

MARICOPA COUNTY—Phoenix

Dist. No. 1 James E. Lindsay (D) Phoenix
Dist. No. 2 James G. Hart, Sr. (R)
Dist. No. 3 Ruth A. O'Neill (D) Phoenix*
Clerk: Mrs. Rhea Averill

MOHAVE COUNTY—Kingman

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

NAVAJO COUNTY—Holbrook

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

PIMA COUNTY—Tucson

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

PINAL COUNTY—Florence

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

SANTA CRUZ COUNTY—Nogales

Dist. No. 1 Marcelino Varona (D) Nogales
Dist. No. 2 Gilbert C. Soto (D) Nogales
Dist. No. 3 K. W. (Bill) Holbrook (R) Patagonia
Clerk: Henry Valencia

YAVAPAI COUNTY—Prescott

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

YUMA COUNTY—Yuma

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

*Appointed to succeed James T. O'Neill, deceased.

JUSTICES OF THE PEACE AND CONSTABLES

1959-1960

DISTRICT	JUSTICE OF PEACE	CONSTABLE
	APACHE COUNTY	
St. Johns	Edward E. Carter (D) St. Johns, Arizona	Carl J. Mineer (D) St. Johns, Arizona
Concho	E. M. DeGlane (D) Concho, Arizona	Libor Garcia (D) Concho, Arizona
McNary	Rand F. Sprankle (D) McNary, Arizona	Edgar B. Merrill (D) McNary, Arizona
Round Valley, Greer, Eagar, Springerville	Dan Burk (D) Eagar, Arizona	G. L. Maxwell (D) Springerville, Arizona
Puerco	William C. McDonald (D) Chambers, Arizona	Jeff N. Lauderdale (D) Sanders, Arizona
Vernon	Chas. F. Gillespie (D) Vernon, Arizona	Donald E. Goodman (D) Vernon, Arizona
Ft. Defiance, Maverick, Ganado, Dinnehotso, Salina, Rough Rock	None	None
Alpine (Nutrioso)	Emery Mangum (D) Nutrioso, Arizona	Marion Lee (D) Alpine, Arizona
	COCHISE COUNTY	
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	D. W. (Jack) Murray (D) Douglas, Arizona
Benson, Pool, Robinson, St. David, Pomerene	Harold W. Holcomb (D) Benson, Arizona	Bill George (D) St. David, Arizona
Cochise, Dos Cabezas, Dragoon, El Dorado, Pearce, Wilgus, Willcox	W. L. (Bill) Chastain (D) Willcox, Arizona	None
Tombstone	Joe T. Castles, III (D) Tombstone, Arizona	Barney Hockstad (D)
Bowie, San Simon	T. W. Cooke (D) Bowie, Arizona	None
Sierra Vista Buena, Fairbank, Hereford	Carl B. Egts (D) Sierra Vista, Arizona	None
	COCONINO COUNTY	
Flagstaff, Bellmont, Mormon Lake, Tuba City, Cameron, Canyon Diablo, Leupp, Happy Jack, Red Lake	James F. Brierly (D) Flagstaff, Arizona	Cliff Simmons (D) Flagstaff, Arizona
Williams, Parks	Thomas E. Way (R) Williams, Arizona	Laura Cole (D) Williams, Arizona
Grand Canyon	Robert R. McCann (R) Grand Canyon, Arizona	Buford B. Belgard (R) Grand Canyon, Arizona
Fredonia, Marble Canyon	*Mrs. Vonda McKinney (D) Fredonia, Arizona	Donald W. Johnson (D) Fredonia, Arizona
East Flagstaff	Goldie P. Newsum (D) Box 147 Winslow, Arizona	None
Sedona	Elmer A. Purtyman (D) Sedona, Arizona	None
Page	John Van Gaasbeek (D) Page, Arizona	None

*Appointed to replace Louis A. Wagner, resigned.

DISTRICT	JUSTICE OF PEACE	CONSTABLE
	GILA COUNTY	
Globe	Clyde Shute (D) Globe, Arizona	W. S. (Buff) Edwards (D) Globe, Arizona
Miami, Claypool, Central Heights	John Carpenter (D) Miami, Arizona	W. P. (Bill) Ellis (D) Miami, Arizona
Hayden, Winkelman	Rex Curtis (D) Hayden, Arizona	Wm. A. (Cy) Pratt (D) Hayden, Arizona
Roosevelt, Payson	Calvin N. Greer (D) Payson, Arizona	Wm. Earl Jackson (D) Payson, Arizona
Young	Wm. L. Turner (D) Young, Arizona	Carl Thurlo (D) Young, Arizona
Pine	Isaac Hunt (D) Pine, Arizona	Lyman E. Bruce (D) Pine, Arizona
	GRAHAM COUNTY	
Safford, Lebanon, Solomon, Layton	W. E. (Walt) Clifford (D) Safford, Arizona	None
Thatcher, Central, Pima, Glenbar, Ashurst, Bryce, Eden	Wilford Peterson (D) Thatcher, Arizona	None
Ft. Thomas, Bylas, Geronimo	Lyman D. Holyoak (D) Ft. Thomas, Arizona	None
Bonita, Klondyke	James DuBois (D) Bonita, Arizona	Richard Calkins (D) Bonita, Arizona
	GREENLEE COUNTY	
Clifton, Blue Eagle	Henry G. Marquez (D) Clifton, Arizona	A. M. (Tony) Rodriguez Clifton, Arizona (D)
Morenci	John C. Cooper, Sr. (D) Morenci, Arizona	C. J. "Ike" Russell (D) Morenci, Arizona
Duncan, Franklin, York-Sheldon	J. E. George (D) Duncan, Arizona	Ross Ewing (D) Duncan, Arizona
	MARICOPA COUNTY	
Buckeye, Arlington, Palo Verde, Liberty, Tonopah	Bill Meck (D) Buckeye, Arizona	Murrell Flood (D) Buckeye, Arizona
Queen Creek, Chandler, 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
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
Cotton City, Peoria	Harmon S. Puckett, Jr. Peoria, Arizona (D)	Dean B. Robbins, Jr. (D) Peoria, Arizona
East Phoenix	Ida Westfall (D) Phoenix, Arizona	J. G. Hickey (D) Phoenix, Arizona.
West Phoenix	Al J. Flood (D) Phoenix, Arizona	A. B. Spain (D) Phoenix, Arizona
Northeast Phoenix	Charles F. Coppock (R) Phoenix, Arizona	Robert G. Bruce (R) Phoenix, Arizona
Northwest Phoenix	C. Stanley Kimball (D) Phoenix, Arizona	John H. Shumaker (D) Phoenix, Arizona
Scottsdale	Ben E. Fox (D) Scottsdale, Arizona	James A. Howard (D) Scottsdale, Arizona
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

DISTRICT	JUSTICE OF PEACE	CONSTABLE
MOHAVE COUNTY		
Kingman, Yucca, Oatman, Chloride, Hackberry, Alamo Crossing, Owens, etc.	Ora Gruninger (D) Kingman, Arizona	Todd Long (D) Kingman, Arizona
Littlefield	Clifford Peterson (D) Littlefield, Arizona	Afton Reber (D) Littlefield, Arizona
Mt. Trumbull	James G. Bundy (D) Mt. Trumbull, Arizona	Daniel Atwood Bundy Mt. Trumbull, Ariz. (D)
Short Creek, Cane Beds, Tuweep, Moccasin	Melvin K. Heaton (D) Short Creek, Arizona	Dan Barlow (D) Short Creek, Arizona
Bullhead City, Davis Dam	Nathaniel "Joe" Ericson Bullhead City, Ariz. (D)	Amund J. (Shorty) Oswood (D) Bullhead City, Ariz.
NAVAJO COUNTY		
Holbrook, Kayenta, Keams Canyon, Woodruff	Dave J. Stouffer (R) Holbrook, Ariz.	Nick Apodaca (D) Holbrook, Arizona
Winslow, Oraibi, Polacca, Tees To, Toreva	E. R. Crozier (D) Winslow, Ariz.	Lewis Fhuere (D) Winslow, Arizona
Snowflake, Taylor, Heber, Overgaard, Shumway	Don Spencer Black, Jr. Snowflake, Arizona (R)	Timothy A. Carragher, Sr. Snowflake, Arizona (R)
Showlow, Cibecue, Clay Springs, Linden, Pinedale	W. Clark Gardner (D) Showlow, Arizona	Carl Olander (D) Showlow, Arizona
Joseph City	Newell Kay (D) Joseph City, Ariz.	John Bushman (D) Joseph City, Ariz.
Lakeside, Pinetop, Whiteriver	Frank O. Hansen (D) Pinetop, Arizona	Thomas W. Frost (D) Lakeside, Arizona
PIMA COUNTY		
Tucson 1	Alice N. Truman (D) Courthouse, Tucson	Robert Sigourney (D) Courthouse, Tucson
Tucson 2	Clark H. Johnson (D) Courthouse, Tucson	Ed F. Echols (D) Courthouse, Tucson
Tucson 3	Noal Talley (D) Ajo, Arizona	Thomas F. Larremore (D) Ajo, Arizona
Tucson 4	Norman H. Green (D) Courthouse, Tucson	William Sartori (D) Courthouse, Tucson
PINAL COUNTY		
Florence	Lottie Devine (D) Florence, Arizona	Pete C. Van Haren (D) Florence, Arizona
Casa Grande, Sacaton	George Pickerel (D) Casa Grande, Arizona	Glyn Rogers* (D) Casa Grande, Arizona
Eloy, Red Rock	Norman Murphey (D) Eloy, Arizona	Hubert Wilks (D) Eloy, Arizona
Stanfield, Maricopa	Ray Taylor (D) Stanfield, Arizona	E. L. Hollingsworth** (D) Stanfield, Arizona
Mammoth, Oracle, San Manuel, Tiger, Hayden Jct.	W. L. (Bill) Swink (D) Mammoth, Arizona	Harry R. Clark (D) Mammoth, Arizona
Coolidge	S. A. Westerman (D) Coolidge, Arizona	Asa F. Gardner (D) Coolidge, Arizona
Ray, Kelvin	Kelly Haddad (D) Ray, Arizona	Aurelia S. Martinez (D) Ray, Arizona
Superior	Dale D. Webb (D) Superior, Arizona	Alex Arnett (D) Superior, Arizona
Goldfield, Apache Jct.	Norman L. Teason (D) Rt. 2 Box 568, Mesa	Grady Haskins (D) Rt. 2 Box 568, Mesa
Maricopa	Frank Lombard (D) Maricopa, Arizona	Hubert Ashby (D) Maricopa, Arizona

DISTRICT	JUSTICE OF PEACE	CONSTABLE
SANTA CRUZ COUNTY		
Nogales, Santa Cruz	Fred U. Allen (D) Nogales, Arizona	Raul A. Romero (Bachelor Party) Nogales, Arizona
Patagonia, San Rafael, Elgin	Oliver J. Rothrock (D) Patagonia, Arizona	
YAVAPAI COUNTY		
Ash Fork	J. J. Slamon (R) Ashfork, Arizona	
Bagdad	Stanley R. Wright (D) Bagdad, Arizona	Sid Despain (D) Bagdad, Arizona
Camp Verde, Beaver Creek, Cherry Creek, Childs	Lisle A. Watts (R) Camp Verde, Arizona	T. A. Parsons (D) Camp Verde, Arizona
Congress-Yarnell, Castle Hot Springs, Rincon, Constellation	Jerold P. Kolar (R) Yarnell, Arizona	Kearney Moore (D) Yarnell, Arizona
Mayer, Bumble Bee, Cleator, Crown King, Humboldt, Rock Springs	Marion T. Burleson (D) Humboldt, 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	Wendell P. Hatch (D) Prescott, Arizona
Seligman	Walter T. Barber (R) Seligman, Arizona	
Upper Verde, Clarkdale, Cottonwood, Jerome, Oak Creek, Red Rock	W. J. (Terry) Finnegan (D) Clarkdale, Arizona	Everett G. Snoddy*** (D) Cottonwood, Ariz.
YUMA COUNTY		
Yuma, Dome, Laguna, Rood, Crane, Blaisdell	Ersel C. Byrd (D) Yuma, Arizona	B. W. (Wes) Long (D) Yuma, Arizona
Somerton, Gadsden	C. R. Cavanah (D) Somerton, Arizona	John Pool, Jr. (D) Somerton, Arizona
Wellton, Roll, Mohawk, Aztec, Hyder	Geo. T. Witten (D) Wellton, Arizona	
Quartzsite, Cibola	George Hagely (D) Quartzsite, Arizona	Charles H. Oldham (D) Quartzsite, Arizona
Salome, Wenden, Vicksburg	W. D. Davis (D) Salome, Arizona	Floyd Balliett (D) Salome, Arizona
Parker, Bouse	O. N. Hamilton (D) Parker, Arizona	

*Appointed to replace Lewis W. Davies.

**Appointed to replace Stanley M. Dean.

***Appointed to replace Tommie H. Pigg.

ACTS

MEMORIALS AND RESOLUTIONS

of the

FIRST REGULAR SESSION

of the

TWENTY-FOURTH LEGISLATURE

of the

STATE OF ARIZONA

1959

FIRST REGULAR SESSION CONVENED

JANUARY 12, 1959

FIRST REGULAR SESSION ADJOURNED SINE DIE

MARCH 31, 1959 AT 2:43 P. M.

Publication Authorized

Paragraph 9a, Section 41-121,

Arizona Revised Statutes as amended by

Chapter 81, Laws of 1957

Twenty-third Legislature

First Regular Session.

Chapter 146, Laws of 1959

First Regular Session, Twenty-fourth Legislature

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

AUTHENTICATION

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

THIS IS TO CERTIFY—That the Acts, Memorials and Resolutions published in this volume are full, true and correct copies of the originals passed at the First Regular Session of the Twenty-fourth 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 Regular Session of the Twenty-fourth Legislature of the State of Arizona was convened at the Capitol in the City of Phoenix, January 12, 1959, and adjourned sine die on the 31st day of March, 1959.

IN TESTIMONY WHEREOF, I have hereunto set my hand as Secretary and affixed the Great Seal of the State of Arizona, this 1st day of April, 1959.

/s/ WESLEY BOLIN
Secretary of State

MEMBERS OF THE SENATE
TWENTY-FOURTH LEGISLATURE
OF ARIZONA
1959

County	Name and Party	Address
Apache	Lynn Lockhart (D)	Springerville
	Melvin C. Greer (D)	St. Johns
Cochise	Dan S. Kitchel (D)	Bisbee
	A. R. Spikes (D)	Douglas
Coconino	Robert W. Prochnow (D)	Flagstaff
	Fred F. Udine (D)	Williams
Gila	Clarence L. Carpenter (D)	Miami
	William A. Sullivan (D)	Globe
Graham	Jim Smith (D)	Central
	John Mickelson (D)	Thatcher
Greenlee	M. L. (Marshall) Simms (D)	Clifton
	Carl Gale (D)	Duncan
Maricopa	Hilliard T. Brooke (D)	Phoenix
	Frank G. Murphy (D)	Phoenix
Mohave	Robert E. Morrow (D)	Kingman
	*Thelma Bollinger (D)	Kingman
Navajo	J. Morris Richards (D)	Winslow
	Glenn Blansett (D)	Joseph City
Pima	David S. Wine (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	Chas. H. (Chick) Orme, Sr. (D)	Mayer
	David H. Palmer (D)	Prescott
Yuma	Harold C. Giss (D)	Yuma
	Ray H. Thompson (D)	Parker

*Appointed to succeed C. Clyde Bollinger, deceased.

MEMBERS OF THE HOUSE
TWENTY-FOURTH LEGISLATURE
OF ARIZONA

1959

District	Name and Party	Address
	APACHE COUNTY	
	James S. Shreeve (D)	St. Johns Box 683
	COCHISE COUNTY	
1.	Clyde M. Dalton (D)	Bisbee Box 1609
2.	Andrew J. (Jack) Gilbert (D)	Warren 204 Vista
3.	Charles O. Bloomquist (D)	Douglas 1206 11th St.
4.	W. L. (Tay) Cook (D)	Willcox Box 938
	COCONINO COUNTY	
1.	Thomas M. (Tommy) Knoles, Jr. (D)	Flagstaff Box 179
2.	Harold J. Scudder (D)	Williams Box 16
	GILA COUNTY	
1.	R. E. "Arky" Burnham (D)	Globe Box 267
2.	Nelson D. Brayton (D)	Miami 823 Merritt St.
3.	Mrs. Edwynne C. "Polly" Rosenbaum (D)	Globe Box 609
	GRAHAM COUNTY	
1.	E. L. Tidwell (D)	Safford Rt. 1 Box 530
2.	Milton Lines (D)	Pima Box 64

GREENLEE COUNTY

1. Tom W. Berry (D) ..... Clifton
   Box 791

2. G. O. (Sonny) Biles (D) ..... Morenci
   Box 747

MARICOPA COUNTY

1. Marshall Humphrey (R) ..... Chandler
   700 Carla Vista Drive

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

3. L. Waldo DeWitt (R) ..... Mesa
   1018 W. 8th St.

4. J. O. Grimes (D) ..... Tempe
   916 Roosevelt St.

5. Elmer G. King (D) ..... Phoenix
   250 W. Buist

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

7. Bob Stump (D) ..... Phoenix
   2850 Westward Blvd.

8. Carl Sims, Sr. (D) ..... Phoenix
   809 W. Magnolia, Apt. 3

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

10. Martin P. Toscano (D) ..... Phoenix
    1038 N. 25th Pl.

11. Frank Bowman (D) ..... Phoenix
    1211 N. 43rd Pl.

12. Sherman R. Dent (D) ..... Phoenix
    3228 E. Almeria

13. Conrad James Carreon (D) ..... Phoenix
    Box 741

14. Marie S. Earl (D) ..... Phoenix
    2016 E. Moreland

15. Gerry (Mrs. Wm. C.) Eliot (R) ..... Phoenix
    340 W. Latham

16. Jack E. Gardner (D) ..... Phoenix
Box 11266

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

18. Robert L. Myers (R) ..... Phoenix
1821 Palmcroft Way, N.W.

19. Emogene Jennings (R) ..... Phoenix
119 E. Coronado

20. Wm. F. (Pat) Vipperman, Jr. ..... Phoenix
1811 N. 28th St.

21. Don Reese (R) ..... Scottsdale
6203 E. Joshua Tree Lane

22. Elmer T. Burson (R) ..... Phoenix
3401 N. 34th Pl.

23. W. I. (Ike) Lowry (R) ..... Phoenix
2922 E. Manor Drive

24. Ruth Peck (R) ..... Phoenix
510 E. Medlock Drive

25. Chet Goldberg, Jr. (R) ..... Phoenix
429 W. Flower St.

26. Robert (Bob) Brewer (R) ..... Phoenix
2536 W. Mulberry Drive

27. Charles H. Oatman (D) ..... Phoenix
3000 W. Roma Ave.

28. Bill Stephens (D) ..... Phoenix
5735 N. 32nd Drive

29. Priscilla H. Hays (R) ..... Phoenix
727 W. Palo Verde

30. F. A. (Jake) Higgins (R) ..... Phoenix
1915 E. Rancho Drive

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

32. Arthur B. Schellenberg (R) ..... Phoenix
212 E. Hayward Ave.

33. Merle E. Hays (D) ..... Phoenix
1137 E. Orchid Lane

34. Gene B. McClellan (R) ..... Phoenix
8307 N. 29th Drive

35. W. B. Barkley (D) ..... Glendale
40 W. "E" Avenue

36. Lewis B. Bramkamp (D) ..... Wickenburg
Box 847

37. T. C. (Doc) Rhodes (D) ..... Avondale
Box 446

MOHAVE COUNTY

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

NAVAJO COUNTY

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

2. Lee F. Dover (D) ..... Winslow
Box 31

PIMA COUNTY

1. Emmett S. (Bud) Walker (D) ..... Ajo
1541 Rocalla Ave.

2. Arnold Elias (D) ..... Tucson
1206 W. St. Mary's Road

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

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

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

6. Douglas S. Holsclaw (R) ..... Tucson
1746 E. Fifth St.

7. David G. Hawkins (R) ..... Tucson
1829 N. Park Ave

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

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

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

11. Ray Martin (D) ..... Tucson
3946 Calle de Jardin

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

13. Thomas C. Webster (R) ..... Tucson
Box 6216

14. Emilio Carrillo (D) ..... Tucson
100 S. Melrose

15. W. G. "Bill" Bodell (R) ..... Tucson
3221 Flanwill

16. Harold L. Cook (D) ..... Tucson
2746 Statford Drive

PINAL COUNTY

1. Charles Moody (D) ..... Coolidge
Box 357

2. Frederick S. Smith (D) ..... Superior
Box 425

3. E. B. Thode (D) ..... Casa Grande
913 N. Olive Drive

SANTA CRUZ COUNTY

Robert R. (Bob) Hathaway (D) ..... Nogales
Box 59

YAVAPAI COUNTY

1. Mabel S. Ellis (D) ..... Prescott
107 E. Gurley

2. Joe (Joseph L.) Allen (D) ..... Prescott
204 S. Summit

3. Milton O. "Mo" Lindner (D) ..... Clarkdale
Box 606

YUMA COUNTY

1. Cecil D. Miller (D) ..... Yuma
Box 11

2. Robert L. Klauer (D) ..... Yuma
Box 1412

3. Clara Osborne Botzum (D) ..... Parker
Box 1617

ORDER OF ACTS

ORDER OF ACTS

TWENTY-FOURTH LEGISLATURE

FIRST REGULAR SESSION

Chapter	Bill No.		Contents
1	SB	7	Making a supplemental appropriation to Capitol Buildings and Grounds. Approved January 19, 1959 Effective January 19, 1959
2	SB	58	Making an appropriation to the Board of Regents of the University and State Colleges of Arizona for personal services, capital outlay, current expenditures and fixed charges at Arizona State University. (Emergency clause) Approved February 16, 1959 Effective February 16, 1959
3	SB	51	Relating to Motor Vehicle Registration; increasing the fee for optional registration and licensing of truck tractors, and amending section 28-307, Arizona Revised Statutes. Approved February 24, 1959 Effective June 20, 1959
4	SB	88	Making a reappropriation of funds to the Legislature and an appropriation to the State Senate and the House of Representatives. (Emergency clause) Approved February 24, 1959 Effective February 24, 1959
5	HB	20	Relating to Mechanics' Liens; prescribing lands to which lien extends, and amending section 33-991, Arizona Revised Statutes. Approved February 26, 1959 Effective June 20, 1959
6	HB	74	Making an appropriation for the relief of Mrs. H. L. "Elizabeth" Johnson. (Emergency clause) Approved February 26, 1959 Effective February 26, 1959

Chapter	Bill No.	Contents
7	HB 121	Relating to Agriculture and Dairying; prescribing penalties for violation of rules, regulations or orders relating to plant pests and diseases, and amending section 3-215, Arizona Revised Statutes. (Emergency clause) Approved February 26, 1959 Effective February 26, 1959
8	HB 12	Relating to Education; providing that the State Board of Vocational Education may accept gifts of money for specific vocational education programs; prescribing its use, and amending title 15, chapter 10, article 6, Arizona Revised Statutes, by adding section 15-1055. Approved March 3, 1959 Effective June 20, 1959
9	HB 195	Making an appropriation to the State Planning and Building Commission. (Emergency clause) Approved March 5, 1959 Effective March 5, 1959
10	HB 21	Relating to Taxes; authorizing the County Treasurer to make refunds of duplicate tax payments, and amending title 11, chapter 3, article 4, Arizona Revised Statutes, by adding Section 11-505. Approved March 5, 1959 Effective June 20, 1959
11	HB 41	Relating to the transaction privilege tax; removing the tax on adjustment and credit bureaus and collection agencies, and amending section 42-1314, Arizona Revised Statutes. Approved March 9, 1959 Effective June 20, 1959
12	SB 82	Relating to Limitations on charges by Common Carriers for long and short hauls, and amending section 40-370, Arizona Revised Statutes. (Emergency clause) Approved March 9, 1959 Effective March 9, 1959

Chapter	Bill No.	Contents
13	SB 132	Relating to the State Auditor, and providing for a reallocation of funds. (Emergency clause) Approved March 9, 1959 Effective March 9, 1959
14	HB 19	Relating to Homesteads; prescribing effective date of homestead exemption and extent of exemption, and amending section 33-1103, Arizona Revised Statutes. Approved March 11, 1959 Effective June 20, 1959
15	HB 186	Relating to Pest Control Districts; prescribing qualifications of electors; prescribing percentage of votes required to form such districts; prescribing powers and duties of directors; prescribing method of dissolution, and amending sections 3-331.04, 3-331.05, 3-331.08 and 3-331.10, Arizona Revised Statutes. Approved March 12, 1959 Effective June 20, 1959
16	SB 87	Making an appropriation to the department of Library and Archives for the purpose of cleaning books, shelves, equipment, and floors. (Emergency clause) Approved March 13, 1959 Effective March 13, 1959
17	SB 130	Making an appropriation to the State Department of Health for Current Fixed Charges. Approved March 13, 1959 Effective March 13, 1959
18	SB 140	Relating to Taxation; providing for payment of a fee to the Estate Tax Commissioner for issuance of consent to transfer or tax waiver, and amending title 42, chapter 9, Article 1, Arizona Revised Statutes, by adding section 42-1506. Approved March 13, 1959 Effective June 20, 1959
19	SB 165	Making a supplemental appropriation to the State Tax Commission. (Emergency clause) Approved March 13, 1959 Effective March 13, 1959

Chapter	Bill No.	Contents
20	SB 170	Making a supplemental appropriation to the State Department of Public Welfare. (Emergency clause) Approved March 13, 1959 Effective March 13, 1959
21	SB 180	Relating to Motor Vehicle Offenses; prescribing the jurisdiction of police courts and disposition of fees, fines and forfeitures; prescribing the place for confinement, and amending section 28-1055, Arizona Revised Statutes. Approved March 13, 1959 Effective June 20, 1959
22	SB 202	Relating to the Industrial Commission; providing for an increase in the salary of members, and amending section 23-101, Arizona Revised Statutes. (Emergency clause) Approved March 13, 1959 Effective March 13, 1959
23	SB 119	Relating to disposition of unclaimed property; providing that expiration of periods of limitation shall not prevent presumed abandonment of property, and amending title 44, chapter 3.1, article 1, Arizona Revised Statutes, by adding section 44-365.01. Approved March 13, 1959 Effective June 20, 1959
24	SB 138	Relating to the uniform disposition of unclaimed property act; providing for an increase in the percentage of monies to be deposited for payment of claims; providing a clearing account; amending section 44-367, Arizona Revised Statutes, and making an appropriation. (Emergency clause) Approved March 13, 1959 Effective March 13, 1959
25	SB 208	Relating to State Lands; providing for lease of State Lands to school districts; amending section 37-212, Arizona Revised Statutes, and amending title 37, chapter 2, article 4, Arizona Revised Statutes, by adding section 37-281.01. (Emergency clause) Approved March 13, 1959 Effective March 13, 1959

Chapter	Bill No.	Contents
26	SB 211	Relating to Education; providing for annexation of military reservations to high school districts, and amending title 15, chapter 5, Arizona Revised Statutes, by adding article 5, section 15-551. (Emergency clause) Approved March 13, 1959 Effective March 13, 1959
27	SB 294	Relating to Boards of Supervisors; prescribing method of filling vacancies, and amending section 11-213, Arizona Revised Statutes. (Emergency clause) Approved March 13, 1959 Effective March 13, 1959
28	SB 75	Relating to Trademarks; providing for the registration and protection of trademarks; providing for cancellation of trademarks; prescribing penalties; repealing article 3 of chapter 10, title 44, Arizona Revised Statutes, and amending title 44, chapter 10, Arizona Revised Statutes, by adding a new article 3, sections 44-1441 to 44-1456, inclusive. Approved March 14, 1959 Effective January 1, 1960
29	SB 77	Relating to improvement districts; providing for giving of notice; exempting districts formed for purchasing electricity for street or public park lighting from certain provisions of the improvement district law; prescribing procedure to form such districts, and amending title 11, chapter 5, article 1, Arizona Revised Statutes, by adding section 11-759, and amending sections 11-705, 11-715, 11-718, 11-722, 11-727, 11-737, 11-738 and 11-747, Arizona Revised Statutes. (Emergency clause) Approved March 14, 1959 Effective March 14, 1959
30	SB 84	Relating to Sanitary Districts; prescribing the powers thereof, and amending section 36-1310, Arizona Revised Statutes. (Emergency clause) Approved March 16, 1959 Effective March 16, 1959

Chapter	Bill No.	Contents
31	SB 86	Relating to Social Security; transferring the administration of Social Security for public employees and officers from the Employment Security Commission to the State Retirement System Board; and amending section 38-701, Arizona Revised Statutes. Approved March 16, 1959 Effective June 20, 1959
32	SB 195	Relating to the Use Fuel Tax; prescribing penalties for failure to pay tax, and amending section 28-1559, Arizona Revised Statutes. Approved March 16, 1959 Effective June 20, 1959
33	SB 60	Relating to Employment of Aliens; exempting teachers under the federal teacher exchange program and university and college faculty members from restrictions on the employment of aliens, and amending sections 34-301 and 38-201, Arizona Revised Statutes. Approved March 16, 1959 Effective June 20, 1959
34	SB 74	Relating to Trade Names; providing for the registration of Trade Names with the Office of the Secretary of State, and amending title 44, chapter 10, Arizona Revised Statutes, by adding article 3.1, sections 44-1460 to 44-1460.05, inclusive. Approved March 16, 1959 Effective January 1, 1960
35	SB 108	Relating to improvements on State Lands; permitting owner or permittee to report improvements upon state lands to state land department prior to July 1, 1960, and amending section 37-321, Arizona Revised Statutes. (Emergency clause) Approved March 16, 1959 Effective March 16, 1959

Chapter	Bill No.	Contents
36	SB 41	Relating to the Colorado River Boundary Commission; prescribing the powers and duties thereof; providing for cooperation with Nevada to establish a common boundary; amending section 41-522, Arizona Revised Statutes; amending title 41, chapter 3, article 2, Arizona Revised Statutes, by adding section 41-523, and making an appropriation. Approved March 16, 1959 Effective June 20, 1959
37	SB 21	Making an appropriation to the Employment Security Commission for the purpose of purchasing real property, constructing and remodeling office buildings, and purchasing furnishings and fixtures to be used therein. (Emergency clause) Approved March 17, 1959 Effective March 17, 1959
38	HB 106	Relating to the form of bonds; notice of bids; interest rate; redemption, payment of principal and interest; additional security, and amending section 9-788, Arizona Revised Statutes. Approved March 17, 1959 Effective June 20, 1959
39	SB 22	Relating to Employment Security, making the Employment Security Law of this state conform to the requirements of title IX of the Social Security Act in regard to requisition, deposit, administration, use, disbursement and return of monies credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended; and amending sections 23-643, 23-649, 23-701, 23-704, and 23-707, Arizona Revised Statutes. Approved March 17, 1959 Effective June 20, 1959

Chapter	Bill No.	Contents
40	SB 33	Relating to Taxation; prescribing method of valuing and assessing interests in producing oil and gas wells; providing definitions; requiring an annual report by producers; amending title 42, chapter 1, article 2, Arizona Revised Statutes, by adding section 42-126.01, and amending title 42, chapter 2, article 2, Arizona Revised Statutes, by adding sections 42-227.01 to 42-227.04, inclusive. Approved March 17, 1959 Effective June 20, 1959
41	SB 243	Making a reallocation of funds and an appropriation to the Arizona State School for the deaf and the blind. (Emergency clause) Approved March 17, 1959 Effective March 17, 1959
42	SB 257	Authorizing the Employment Security Commission to sell lands, and making an appropriation for purchase of lands and construction of buildings. (Emergency clause) Approved March 17, 1959 Effective March 17, 1959
43	SB 260	Making a reallocation of funds and appropriations to the State Prison and Institute of Educational Rehabilitation. (Emergency clause) Approved March 17, 1959 Effective March 17, 1959
44	HB 107	Relating to Municipal Indebtedness; providing for order for sale of bonds, notice, bids and forfeiture of deposit, and amending section 35-457, Arizona Revised Statutes. (Emergency clause) Approved March 17, 1959 Effective March 17, 1959
45	HB 109	Relating to the form of bonds; payment and call; interest; sale; bids; interim receipts, and amending section 9-529, Arizona Revised Statutes. Approved March 17, 1959 Effective June 20, 1959

Chapter	Bill No.	Contents
46	HB 140	Relating to Public Finances; providing that banks shall execute and deliver either a surety bond or designated bonds in lieu thereof; prescribing the type of bonds in which state funds or sinking funds may be invested, and amending sections 35-322, 35-351, and 35-371, Arizona Revised Statutes. Approved March 17, 1959 Effective June 20, 1959
47	HB 143	Relating to Banks and Financial Institutions; providing the type of loans or investments a savings bank or a building and loan association may make, and amending sections 6-322 and 6-410, Arizona Revised Statutes. Approved March 17, 1959 Effective June 20, 1959
48	HB 176	Relating to Dentistry; prescribing a limitation on the amount of the annual registration fee, and amending section 32-1236, Arizona Revised Statutes. Approved March 17, 1959 Effective June 20, 1959
49	HB 180	Relating to dogs and other animals; prescribing fee for impoundment and maintenance of dog at county or city-county pound, and amending section 24-371, Arizona Revised Statutes. Approved March 17, 1959 Effective June 20, 1959
50	HB 201	Relating to Municipal indebtedness; providing for validation of certain bond elections heretofore held in cities in Arizona and the authorization of the issuance of bonds voted at such elections. (Emergency clause) Approved March 17, 1959 Effective March 17, 1959
51	HB 202	Relating to Municipal Indebtedness; providing for issuance and sale of bonds; call for election, and amending section 35-455, Arizona Revised Statutes. Approved March 17, 1959 Effective June 20, 1959

Chapter	Bill No.	Contents
52	HB 203	Relating to the Powers and Duties of the Board of Trustees of the Firemen's Relief and Pension fund, and amending section 9-957, Arizona Revised Statutes. Approved March 17, 1959 Effective June 20, 1959
53	HB 204	Relating to the powers and duties of the Police Pension Board, and amending section 9-921, Arizona Revised Statutes. Approved March 17, 1959 Effective June 20, 1959
54	HB 215	Making an appropriation to the Department of Library and Archives. (Emergency clause) Approved March 17, 1959 Effective March 17, 1959
55	HB 224	Relating to Crimes; prescribing acts constituting offense of embezzlement, and amending section 13-682, Arizona Revised Statutes. Approved March 17,1959 Effective June 20, 1959
56	HB 230	Relating to Insurance; permitting the director to prepare and sell publications, and amending title 20, chapter 1, article 2, Arizona Revised Statutes, by adding section 20-168. Approved March 17, 1959 Effective June 20, 1959
57	HB 252	Making an appropriation for the relief of the estate of Frank C. Peery, deceased. (Emergency clause) Approved March 17, 1959 Effective March 17, 1959
58	HB 261	Making an appropriation to the Governor for the control of grasshoppers and other insects. (Emergency clause) Approved March 17, 1959 Effective March 17, 1959

Chapter	Bill No.	Contents
59	HB 83	Relating to Employment Security; permitting the accounts of base-period employers to be noncharged if they continue to furnish employment to claimants for unemployment insurance, and amending section 23-727, Arizona Revised Statutes. Approved March 18, 1959 Effective June 20, 1959
60	HB 84	Relating to Employment Security; establishing a ten per cent tolerance factor to eliminate requirement for changes in employer adjusted contribution rates if estimated yield from prior year rates will provide an amount within ten per cent of requirements; altering the period for which the employment security commission may take civil action to collect contributions, interest or penalties to establish uniformity with period during which refunds may be made, and amending sections 23-730 and 23-743, Arizona Revised Statutes. Approved March 18, 1959 Effective June 20, 1959
61	HB 93	Relating to transaction Privilege Taxes; providing for the inclusion of salts, vitamins or other additives as part of stock feed, and amending section 42-1315, Arizona Revised Statutes. (Emergency clause) Approved March 18, 1959 Effective March 18, 1959
62	HB 108	Relating to cities and towns; providing authority for an optional procedure for elections, and amending title 9, chapter 7, article 3, Arizona Revised Statutes, by adding section 9-821.01. Approved March 18, 1959 Effective June 20, 1959
63	HB 113	Relating to cities and towns; providing that bonds may be issued for recreational facilities; retaining certain budget and levy limitations upon receipts and expenditures for recreational facilities, and amending title 9, chapter 5, article 3, Arizona Revised Statutes, by adding section 9-521.01. (Emergency clause) Approved March 18, 1959 Effective March 18, 1959

Chapter	Bill No.	Contents
64	HB 114	Relating to cities and towns; providing that a city or town may by ordinance hold the general election on any date, excluding Sundays and Holidays, between the first Monday in January and the fourth Monday in May, and amending section 9-231, Arizona Revised Statutes. Approved March 18, 1959 Effective June 20, 1959
65	HB 122	Relating to mentally ill persons, and amending section 1-215, Arizona Revised Statutes. Approved March 18, 1959 Effective June 20, 1959
66	HB 123	Relating to mentally ill persons, and amending sections 36-202, 36-204, and 36-211, Arizona Revised Statutes. Approved March 18, 1959 Effective June 20, 1959
67	HB 141	Relating to Education; providing the type of bonds in which school district sinking funds may be invested, and amending section 15-1323, Arizona Revised Statutes. Approved March 18, 1959 Effective June 20, 1959
68	HB 142	Relating to cities and towns; providing for the type of obligation in which the governing body of a city or town may invest its sinking funds, and amending section 9-492, Arizona Revised Statutes. Approved March 18, 1959 Effective June 20, 1959
69	HB 144	Relating to Insurance; providing for the type of obligations in which an insurer may invest, and amending section 20-537, Arizona Revised Statutes. Approved March 17, 1959 Effective June 20, 1959
70	HB 171	Relating to Education; providing for formation of new school districts by subdivision of existing district, and amending section 15-404, Arizona Revised Statutes. (Emergency clause) Approved March 18, 1959 Effective March 18, 1959

Chapter	Bill No.	Contents
71	SB 147	Making an appropriation to the Board of Regents of the University and State Colleges of Arizona for the acquisition and preparation of lands for the use of the University of Arizona. (Emergency clause) Approved March 19, 1959 Effective March 19, 1959
72	SB 153	Making an appropriation to the Board of Regents of the University and State Colleges of Arizona for the acquisition and preparation of lands for the use of Arizona State University. (Emergency clause) Approved March 19, 1959 Effective March 19, 1959
73	SB 252	Making a supplemental appropriation to the Board of Directors of State Institutions for Juveniles. (Emergency clause) Approved March 19, 1959 Effective March 19, 1959
74	SB 59	Relating to the crime of obtaining money, property or valuable consideration by false pretense or confidence game; providing a penalty therefor; and amending section 13-312, Arizona Revised Statutes. Approved March 19, 1959 Effective June 20, 1959
75	SB 61	Relating to crimes; providing punishment for reporting a false fire alarm, and amending title 13, chapter 3, article 8, Arizona Revised Statutes, by adding section 13-945. Approved March 19, 1959 Effective June 20, 1959
76	SB 93	Relating to State Lands, and providing for the transfer of certain lands in Yuma County, Arizona, to the Board of Regents of the University and State Colleges of Arizona. (Emergency clause) Approved March 19, 1959 Effective March 19, 1959

Chapter	Bill No.	Contents
77	SB 101	Relating to Decedents' Estates; prescribing a uniform method of determining the disposition of property where simultaneous death occurs; prescribing exceptions in cases where the decedent provides otherwise, and amending title 14, chapter 2, Arizona Revised Statutes, by adding article 2, sections 14-221 to 14-227, inclusive. Approved March 19, 1959 Effective June 20, 1959
78	SB 102	Relating to determination of heirship, and amending sections 14-641, 14-642, 14-643 and 14-644, Arizona Revised Statutes. Approved March 19, 1959 Effective June 20, 1959
79	SB 104	Relating to decedents' estates; administration and settlement; accounting by personal representative; amending section 14-622, and repealing sections 14-623 and 14-624, Arizona Revised Statutes. Approved March 19, 1959 Effective June 20, 1959
80	SB 105	Relating to decedents' estates; administration by fiduciaries; jurisdiction of trusts created by will; accounting by trustee; and amending section 14-1021, Arizona Revised Statutes. Approved March 19, 1959 Effective June 20, 1959
81	SB 150	Relating to Game and Fish; defining resident; providing for licenses for members of armed forces; prescribing licenses, classes and fees, and amending sections 17-101, 17-333, and 17-337, Arizona Revised Statutes. Approved March 19, 1959 Effective June 20, 1959

Chapter	Bill No.	Contents
82	SB 186	Relating to Insurance; prohibiting the use of false, deceptive and misleading sales material; prohibiting issuance of deferred dividend policies; authorizing the director of insurance to regulate advertising matter and sales material; amending sections 20-443, 20-444, 20-445, 20-1110 and 20-1111, Arizona Revised Statutes, and amending title 20, chapter 2, article 6, Arizona Revised Statutes, by adding section 20-459. Approved March 19, 1959 Effective June 20, 1959
83	SB 285	Authorizing the National Guard to sell the old Armory in Douglas, Arizona. (Emergency clause) Approved March 19, 1959 Effective March 19, 1959
84	HB 50	Relating to Barbering; prescribing qualifications for barbers and apprentices; prescribing qualifications for entrance into a barber school, and amending sections 32-323, 32-324, and 32-328, Arizona Revised Statutes. Approved March 19, 1959 Effective June 20, 1959
85	HB 76	Relating to Contractors; prescribing persons not required to be licensed, and amending section 32-1121, Arizona Revised Statutes. Approved March 19, 1959 Effective June 20, 1959
86	HB 51	Relating to Optometry, and amending sections 32-1701, 32-1702, 32-1703, 32-1704, 32-1705, 32-1721, 32-1722, 32-1723, 32-1726, and 32-1755, Arizona Revised Statutes. Approved March 20, 1959 Effective June 20, 1959
87	HB 162	Relating to Fraternal Benefit Societies; providing that the board of directors must be composed of United States Citizens, and amending title 20, chapter 4, article 4, Arizona Revised Statutes, by adding section 20-874.01. Approved March 20, 1959 Effective June 20, 1959

Chapter	Bill No.	Contents
88	HB 260	Providing for the reversion of certain monies from the Governor's Fund to the State General Fund. Approved March 20, 1959 Effective June 20, 1959
89	HB 68	Relating to Taxation; imposing an Excise Tax for public educational purposes; creating an education excise tax fund; amending title 42, chapter 8, Arizona Revised Statutes, by adding article 1.1, sections 42-1361 and 42-1362, and providing for conditional enactment. Approved March 20, 1959 Effective July 1, 1959
90	SB 36	Relating to Education; prescribing state and county levies for common and high school education and providing for apportionment thereof; providing financial assistance for common and high school districts and apportionment thereof; prescribing the form of school district budget; providing a budget increase limitation; amending title 15, chapter 12, Arizona Revised Statutes, by adding article 2.1, sections 15-1221 to 15-1225, inclusive; amending sections 15-1211, 15-1212, 15-1201, 15-1235 and 15-1241, Arizona Revised Statutes; amending title 15, chapter 12, Arizona Revised Statutes, by adding section 15-1203, and providing for conditional enactment. Approved March 20, 1959 Effective June 20, 1959
91	SB 47	Relating to the Motor Vehicle Division of the Highway Department; prescribing fees for services rendered in providing information or furnishing copies of records; providing for the sale of fee stamps or coupons; prescribing exemptions, and amending title 28, chapter 2, article 1, Arizona Revised Statutes, by adding section 28-209. (Emergency clause) Approved March 20, 1959 Effective March 20, 1959

Chapter	Bill No.	Contents
92	SB 95	Changing the name of the Board of Regents of the University and State Colleges of Arizona, and amending title 15, chapter 7, article 2, Arizona Revised Statutes, by adding section 15-729. (Emergency clause) Approved March 20, 1959 Effective March 20, 1959
93	SB 191	Making an appropriation to the Commission of Agriculture and Horticulture for eradication of the pink bollworm. (Emergency clause) Approved March 20, 1959 Effective March 20, 1959
94	SB 200	Making an appropriation to the State Board of Cosmetology. (Emergency clause) Approved March 20, 1959 Effective March 20, 1959
95	SB 255	Making a supplemental appropriation to the Supreme Court. (Emergency clause) Approved March 20, 1959 Effective March 20, 1959
96	SB 279	Relating to the collection of Income Taxes, and amending section 43-188, Arizona Revised Statutes. Approved March 20, 1959 Effective June 20, 1959
97	SB 24	Relating to Police Courts; prescribing procedure in granting bail, and amending section 22-424, Arizona Revised Statutes. Approved March 20, 1959 Effective June 20, 1959
98	SB 25	Relating to Justices of the Peace; prescribing procedure in granting bail, and amending section 22-112, Arizona Revised Statutes. Approved March 20, 1959 Effective June 20, 1959

Chapter	Bill No.	Contents
99	SB 65	Relating to the State Employees' Retirement System; providing for an election of annuity or installment payments to beneficiaries of certain deceased active members, and amending section 38-758, Arizona Revised Statutes. Approved March 20, 1959 Effective June 20, 1959
100	SB 134	Relating to Aeronautics; prescribing powers and duties of the state Aviation Authority; authorizing appointment of director and prescribing his powers and duties, and amending section 2-123, Arizona Revised Statutes. Approved March 20, 1959 Effective June 20, 1959
101	SB 163	Relating to Motor Vehicles; providing when certain traffic violators may be taken immediately before a magistrate, and amending section 28-1053, Arizona Revised Statutes. Approved March 20, 1959 Effective June 20, 1959
102	HB 239	Relating to Ground Waters; defining exempted wells; prescribing limitations, and amending sections 45-301 and 45-312, Arizona Revised Statutes. Approved March 20, 1959 Effective June 20, 1959
103	HB 187	Relating to Motor Vehicles; prescribing penalty for driving without a valid license; providing for the revocation of license when convicted on a second or subsequent charge of reckless driving; providing authorization to suspend a license by court order if licensee has been convicted of reckless driving; prescribing penalty for driving while license is suspended, revoked or refused and for reckless driving; amending sections 28-411, 28-473, and 28-693, Arizona Revised Statutes. (Emergency clause) Approved March 20, 1959 Effective March 20, 1959

Chapter	Bill No.	Contents
104	SB 52	Relating to the Clerk of the Superior Court; providing for the microphotography and destruction of records after expiration of a specified term of years, and amending section 11-552, Arizona Revised Statutes. Approved March 20, 1959 Effective June 20, 1959
105	SB 57	Relating to Motor Vehicles; prescribing fees for issuance of permits which authorize an applicant to operate or move a vehicle or combination of vehicles exceeding the maximum size or weight, and amending section 28-1011, Arizona Revised Statutes. Approved March 20, 1959 Effective June 20, 1959
106	SB 129	Making an appropriation to the Arizona State Banking Department. (Emergency clause) Approved March 20, 1959 Effective March 20, 1959
107	SB 164	Relating to Elections; prescribing manner of absentee registration and voting for persons in the armed services or merchant marine of the United States, and amending sections 16-108, 16-1101, 16-1102 and 16-1105, Arizona Revised Statutes. Approved March 20, 1959 Effective June 20, 1959
108	SB 31	Relating to Crimes; prescribing penalty for drunk and disorderly conduct, and amending title 13, chapter 2, article 15, Arizona Revised Statutes, by adding section 13-379. Approved March 23, 1959 Effective June 20, 1959
109	SB 114	Relating to Ground Waters; providing for issuance of permits for construction of irrigation wells and prescribing exceptions thereto, and amending section 45-314, Arizona Revised Statutes. Approved March 23, 1959 Effective June 20, 1959

Chapter	Bill No.	Contents
110	SB 219	Making an appropriation to the State Prison and Institute of Educational Rehabilitation. (Emergency clause) Approved March 23, 1959 Effective March 23, 1959
111	SB 229	Making an appropriation to the Arizona Commission of Agriculture and Horticulture for eradication of the khapra beetle. (Emergency clause) Approved March 23, 1959 Effective March 23, 1959
112	Sub. SB 79	Relating to Oil and Gas; creating an oil and gas conservation commission; prescribing the powers and duties thereof; transferring the powers and duties of the State Land Commissioner relating to oil and gas conservation to the oil and gas conservation commission; amending sections 27-501, 27-502 and 27-514, Arizona Revised Statutes, and making an appropriation. Approved March 23, 1959 Effective July 1, 1959
113	SB 204	Relating to Flood Control; providing for the establishment of flood-control districts; prescribing their powers and duties; authorizing the issuance of bonds thereby; providing for the levy of taxes; granting rights of way to such districts; making bonds issued thereby legal investments for certain purposes, and amending title 45, chapter 10, Arizona Revised Statutes, by adding article 5, sections 45-2351 to 45-2371, inclusive. (Emergency clause) Approved March 23, 1959 Effective March 23, 1959

Chapter	Bill No.	Contents
114	SB 214	Authorizing the Board of Regents of the University and State Colleges of Arizona to construct and equip housing facilities at the University of Arizona 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. (Failed to pass the House with sufficient votes to carry the emergency clause) Approved March 23, 1959 Effective June 20, 1959
115	SB 215	Authorizing the Board of Regents of the University and State Colleges of Arizona to construct and equip housing facilities at Arizona State University 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. (Failed to pass the House with sufficient votes to carry the emergency clause) Approved March 23, 1959 Effective June 20, 1959
116	SB 216	Authorizing the Board of Regents of the University and State Colleges of Arizona to construct and equip housing facilities 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. (Failed to pass the House with sufficient votes to carry the emergency clause) Approved March 23, 1959 Effective June 20, 1959

Chapter	Bill No.	Contents
117	HB 56	Relating to dispensing opticians; defining the term "Dispensing Optician"; prescribing method of application for license; prescribing unlawful acts, and amending sections 32-1671, 32-1682, and 32-1696, Arizona Revised Statutes. Approved March 23, 1959 Effective June 20, 1959
118	HB 102	Relating to Public Health; prescribing the method of publication of proposed changes or repeal of regulations, and amending section 36-105, Arizona Revised Statutes. Approved March 23, 1959 Effective June 20, 1959
119	HB 130	Relating to Deputy County Attorneys in first class counties with population of one hundred thousand or more, and amending section 11-410, Arizona Revised Statutes. (Emergency clause) Approved March 23, 1959 Effective March 23, 1959
120	HB 273	Relating to Motor Vehicles; providing for uniform traffic citation forms, and amending section 28-1058, Arizona Revised Statutes. Approved March 23, 1959 Effective June 20, 1959
121	HB 276	Making an appropriation to the Office of the Superintendent of Public Instruction for other current fixed charges. Approved March 23, 1959 Effective March 23, 1959
122	SB 155	Relating to Contractors; providing notice to interested trade associations and individuals holding a bona fide contractor's license of proposed adoption of rules and regulations of the Registrar of Contractors, and amending section 32-1104, Arizona Revised Statutes. Approved March 24, 1959 Effective June 20, 1959

Chapter	Bill No.	Contents
123	SB 157	Making an appropriation, and a reallocation of funds to the Arizona Children's Colony Board for construction and equipment of cottages. (Emergency clause) Approved March 24, 1959 Effective March 24, 1959
124	SB 166	Relating to professions and occupations; regulating the practice of chiropractic; prescribing the salary of chiropractic examiners; providing for licensing; amending sections 32-903, 32-921, 32-922, 32-923, 32-924 and 32-925, Arizona Revised Statutes, and amending title 32, chapter 8, article 2, Arizona Revised Statutes, by adding section 32-928. Approved March 24, 1959 Effective June 20, 1959
125	HB 214	Relating to Volunteer Fire Companies; providing for the disposition of volunteer fire company assets upon annexation by a city or town; providing for the disposition of volunteer firemen's relief and pension funds and assets upon annexation by a city or town, and amending title 9, chapter 9, article 1, Arizona Revised Statutes, by adding section 9-1007.02. (Emergency clause) Approved March 24, 1959 Effective March 24, 1959
126	HB 235	Making an appropriation for the relief of Mrs. A. E. Sussex. (Emergency clause) Approved March 23, 1959 Effective March 23, 1959
127	SB 72	Making an appropriation to the State Hospital Board. (Emergency clause) Approved March 23, 1959 Effective March 23, 1959

Chapter	Bill No.	Contents
128	HB 159	Relating to Railroad Crossings; authorizing the corporation commission to require the installation of automatic warning devices; providing the apportionment of the cost of acquisition and installation thereof; providing for agreements for sharing the cost thereof; authorizing political subdivisions to receive reimbursement from the state highway fund, and amending title 40, chapter 2, article 6, Arizona Revised Statutes, by adding section 40-337.01. Approved March 25, 1959 Effective June 20, 1959
129	HB 206	Relating to Livestock and Animals; providing that the livestock sanitary board may grant an extension of time not beyond July 14, 1960, for slaughtering establishments to meet the requirements of state meat inspection laws, and amending section 24-621.10, Arizona Revised Statutes. Approved March 25, 1959 Effective June 20, 1959
130	HB 257	Relating to Adoptions and amending section 8-108, Arizona Revised Statutes. Approved March 25, 1959 Effective June 20, 1959
131	HB 296	Relating to payment of wages; providing for payment by lawful money of the United States, or by negotiable check, draft or money order, and amending section 23-353, Arizona Revised Statutes. Approved March 25, 1959 Effective June 20, 1959
132	SB 227	Making a supplemental appropriation to the State Auditor. (Emergency clause) Approved March 25, 1959 Effective March 25, 1959
133	SB 237	Making a supplemental appropriation to the Arizona Corporation Commission. (Emergency clause) Approved March 25, 1959 Effective March 25, 1959

Chapter	Bill No.	Contents
134	SB 284	Making a supplemental appropriation to the Inspector of Weights and Measures. (Emergency clause) Approved March 25, 1959 Effective March 25, 1959
135	SB 291	Making an appropriation to the Secretary of State. (Emergency clause) Approved March 25, 1959 Effective March 25, 1959
136	SB 293	Relating to the de-annexation and severance of part of the city of Phoenix, Arizona, and to the de-annexation and severance of part of the City of Tempe, Arizona, and to the annexation of a certain parcel of land to the city of Phoenix, Arizona, and to the annexation of a certain parcel of land to the city of Tempe, Arizona. (Emergency clause) Approved March 25, 1959 Effective March 25, 1959
137	SB 296	Relating to Welfare; providing for an increase in grant plus income, old age assistance, assistance for the needy blind, and aid to dependent children; amending sections 46-207, 46-254, 46-278 and 46-294, Arizona Revised Statutes, and making an appropriation. Approved March 25, 1959 Effective July 1, 1959
138	SB 112	Relating to Minerals, oil and gas; providing that the land commissioner may enter into cooperative agreements with agencies of the United States Government; amending section 27-515, Arizona Revised Statutes, and making an appropriation. (Emergency clause) Approved March 25, 1959 Effective March 25, 1959

Chapter	Bill No.	Contents
139	SB 148	Making an appropriation to the Board of Regents of the University and State Colleges of Arizona for construction of an observatory, construction and remodeling of buildings, including additions thereto, improvement of campus areas, purchase and installation of equipment and furnishings, and remodeling and extension of service facilities at and for the University of Arizona. (Emergency clause) Approved March 26, 1959 Effective March 26, 1959
140	SB 152	Making an appropriation to the Board of Regents of the University and State Colleges of Arizona for the construction of, additions to and remodeling of buildings, purchase and installation of furnishings and equipment, improvement of campus areas, and remodeling and extension of service facilities at Arizona State College at Flagstaff, and authorizing expenditure of unbudgeted funds for construction of a president's home on the campus of Arizona State College at Flagstaff. (Emergency clause) Approved March 26, 1959 Effective March 26, 1959
141	SB 154	Making an appropriation to the Board of Regents of the University and State Colleges of Arizona for construction and remodeling of and additions to buildings, purchase and installation of furnishings and equipment, development, construction, purchase and installation of cooling and heating equipment, improvement of campus areas, and remodeling and extension of service facilities at Arizona State University. (Emergency clause) Approved March 26, 1959 Effective March 26, 1959

Chapter	Bill No.	Contents
142	HB 157	Relating to Motor Vehicles; prescribing penalties for driving under the influence of intoxicating liquor or drugs; providing basis for suspension or revocation of license after first and second or subsequent conviction of reckless driving or driving while under the influence of intoxicating liquors; providing for chemical tests of operator; amending sections 28-445, 28-446 and 28-692, Arizona Revised Statutes, and amending title 28, chapter 6, article 5, Arizona Revised Statutes by adding section 28-692.01. (Emergency clause) Approved March 30, 1959 Effective March 30, 1959
143	HB 263	Relating to Boating and Water Sports; prescribing regulations for licensing and operation of watercraft; amending sections 5-304, 5-305, 5-306, 5-310 and 5-312, Arizona Revised Statutes, and amending title 5, chapter 3, article 1, Arizona Revised Statutes, by adding sections 5-306.01 to 5-306.07, inclusive. Approved March 30, 1959 Effective June 20, 1959
144	SB 282	Making an appropriation to the Attorney General, Department of Law, for out-of-state travel and for personal services for attorney for land department. (Emergency clause) Approved March 31, 1959 Effective March 31, 1959

Chapter	Bill No.	Contents
145	SB 48	Relating to Retirement of State Highway Patrol Members; establishing the State Highway Patrol Retirement System, prescribing an increase in the premium tax on certain vehicle insurance and providing for the disposition thereof; providing for increase in contributions from certain state highway patrol members to the retirement fund; prescribing limitation upon certain employment after retirement; reserving rights to the legislature; amending title 20, chapter 2, article 1, Arizona Revised Statutes, by adding section 20-224.01; amending section 20-227, Arizona Revised Statutes, and amending title 38, chapter 5, article 2, Arizona Revised Statutes, by adding sections 38-765 to 38-776, inclusive. Approved April 2, 1959 Effective July 1, 1959
146	HB 311	Relating to appropriations for the different departments of the state, for state institutions, and for public schools. Approved April 2, 1959 Effective July 1, 1959

VETOED MEASURE

	SB 174	Making an appropriation for the relief of Richard T. Maus. Disapproved March 23, 1959 Filed March 23, 1959

GOVERNOR'S MESSAGE

MESSAGE

of

PAUL FANNIN

Governor of Arizona

to

The First Regular Session

of the

Twenty-fourth Legislature

January 12, 1959

Mister President, Mister Speaker, members of the House of Representatives and the Senate, and fellow Arizonans—

All of us gathered here today are privileged to be living in one of the most dynamic and revolutionary eras in the entire recorded history of mankind. Science and industry within the fleeting period of one generation have fashioned a bewildering succession of modern miracles in almost every facet of our daily lives.

Nowhere in this great country of ours is the process of change so evident as it is in our state. Growth and progress beyond the wildest dreams of our pioneer ancestors have truly propelled Arizona into the national spotlight. It is difficult for many of us to realize, since we are so close to it, but Arizona is only now beginning to develop its potential. Things have happened in Arizona within the last ten years, and indeed are continuing to happen, which sound fantastic to visitors from other areas.

I am sure most of you are aware of the more striking examples of our remarkable growth, a growth that is transforming both the physical appearance of our land and towns as well as the structure of our economic and social life. Those of us who have been honored by our fellow citizens with the responsibility of government service should recognize what is taking place in Arizona in order to grapple intelligently with the problems of the present—and to lay sound plans for the future.

For this reason I will devote a few moments of my first official message to a brief review of Arizona's recent development and what we may confidently expect in the years just ahead. It is within the framework of these facts that we must approach the many complex tasks which demand legislative action.

What, then, is the State of our State in this year of our Lord, 1959?

I shall not take up your time with a long recital of statistics. But, let us look at just a few of the figures which illustrate most graphically what we mean when we say Arizona is booming.

The most important index, of course, is population. In this regard, Arizona has nearly doubled its numbers in the last 10 years. There are now about 1 million 230 thousand of us, according to the most reliable research sources, and every indication points to a continued flow of new people into Arizona at a rate in excess of 50 thousand a year for the foreseeable future. This means we will have more than 2 million Arizonans by 1975.

What is sustaining these new Arizonans after they arrive?

To understand the answer to this question we must recognize the nature of the fundamental change in our state's economy. No longer are we dependent primarily upon the production of foods and fibers and minerals to support ourselves, although these activities remain as key props in the economic life of our state. In only a few short years, manufacturing has developed from practically nothing in Arizona to the point where it now is our number one dollar producer.

The state's manufacturing output reached an estimated 490 million dollars in 1958.

This was followed in order by 390 million from agriculture and 250 million from tourist expenditures. Impressive as this record is, it is my sincere conviction that we haven't seen anything yet. I doubt whether any of us can foresee what the impact upon our lives will be when Arizona's resources are more completely developed.

There is, however, a significant and sobering note in what otherwise adds up to an amazing record of continued progress and prosperity. I refer to our mining industry, and particularly copper, which remains one of the foundations of our state's economy.

The dollar value of our mineral production declined last year to 271 million 63 thousand dollars, compared to 372 million 641 thousand in 1957. I pledge my co-operation with other western state governors and our delegation in congress to work for feasible means to preserve and promote our mining industry, which is so vital not only to Arizona but also to the security and defense of the nation.

Let us turn now to the job at hand. It is not my intention to include in this message a detailed list of all items worthy

of legislative study and action. Instead, I shall confine my initial recommendations to those areas which I believe should have priority. In the weeks ahead, as we both have the chance to study and crystallize our thinking on mutual problems, I shall counsel with you further on specific matters.

TAXATION AND SCHOOL FINANCING

An overwhelming majority of Arizona citizens agree that the twin problems of taxation and public education belong at the top of our work list. I have already cited the fact that Arizona is riding a tide of economic and population gain which may well not ebb in our lifetime. And yet, because of the uneven pattern of concentration, that tide has created a tax situation of grave proportion.

Inequities inherent in that situation have been multiplied progressively in the last decade by increased living costs and a decrease in the purchasing power of the dollar. Nowhere do these inequities hit with harsher impact than upon the home-owning school district taxpayer.

Until the inflationary trend shows some sign of abating, we must face the unpleasant fact that education costs, along with all other costs of government, are going to increase—unless we maintain an uncompromising fight for economy at all levels. And unless positive but reasonable action is taken at this session, taxes on homes and other real property will continue at a disproportionate rate of increase.

Let us look at a few facts taken from the record of the 10-year fiscal period of 1948 to 1958:

Our school population grew from 112,397 to 215,348 pupils and our assessed property valuation more than doubled, from 570 million dollars to 1 billion, 250 million dollars.

Arizona's combined revenue from income, sales and luxury taxes increased from about 25 million dollars to more than 54 million dollars. But there is another side of the coin.

In this same decade, while we enjoyed a 100 per cent-plus increase in our most important revenue assets, our common and high school expenditures increased 280 per cent—from 24 million 760 thousand dollars to more than 94 million dollars.

In short, in 10 years our school population, taxable assets and tax revenue from sources other than property have more than doubled. But our school costs have quadrupled. This is brutal arithmetic. The principal victim has been the home-owner in the school district. I believe all of us agree this is the person who needs tax relief, even though we may differ on details of our approach.

Past legislatures and governors have worked diligently at this problem. They have been aided greatly, as we are today, by the independent research of educators, taxpayer groups, and by outstanding debate in our free press. With the wealth of study that has gone before, we can and we must bring about an early and actual reduction in the school district taxpayer's burden.

With these facts in mind, and faced with the need to shift some of the school district tax load, I submit the following recommendations for your consideration:

Property ownership is fundamental to our way of life. We must be certain that in financing our children's education we do not destroy the foundation of the very way of life we are educating them to enjoy, nourish and strengthen.

Local school district property taxes last year provided the largest share of the cost of elementary and high school education in Arizona. Addition of that portion of school costs borne by property taxes at the county and state levels makes the total property tax contribution to school expenditures out of balance. Especially in a state where less than 18 per cent of the land is privately owned, we cannot expect real property to continue to absorb such a large share of education costs.

Therefore—if the legislature should enact an increase in the state transaction privilege and use taxes—and if the revenue derived therefrom would replace to the fullest extent possible present and future needed revenues which otherwise would have to come from school district property taxpayers—such legislation would meet with my approval.

I make no brief for any kind of tax, since all taxes are, in varied degree, unfair. However, because of its potential revenue and proven dependability of annual growth, it has been advocated that a sales tax is the most suitable vehicle for our objective. Furthermore, this tax derives revenue in some measure from those who otherwise pay little or nothing toward the support of our public school system.

A second and equally important objective of new school financing legislation should be to provide a more nearly equal educational opportunity for all of Arizona's children, regardless of the economic and geographic circumstances of their school districts.

Therefore, I recommend companion provisions setting forth the formula of increased school aid and distribution of the new revenue.

I also believe, in order to encourage the most efficient school operation and to insure that any increase in state

aid will bring about immediate relief to the property taxpayers, that there should be some form of limitation upon the annual increase of per-student expenditures.

Furthermore—if this session produces a workable formula for allocation of supplemental aid to those districts which lack sufficient assessed valuation to prevent excessive tax rates—and if such a formula raises questions of constitutionality—I recommend that you refer to the electorate a constitutional amendment at an early date. This amendment should be designed to permit the legislature, within strictly defined constitutional limits, to provide supplemental aid to distressed districts.

In my judgment the program I have outlined should be so drafted that it would become simultaneously operative. Independent activation of any part of this program, short of the whole, would defeat our purpose.

One of our difficulties in trying to provide equal basic education and facilities for our children—and at the same time equalize the tax load—is the fact that we lack an adequate scholastic yardstick to define what we mean by equal basic education.

One reflection of this lack can be seen in the radical variation of from 460 dollars to 198 dollars in per capita operational expenditures in elementary districts of economic size. In many cases this variation exists even among districts having approximately the same number of pupils.

I recommend creation of a joint interim study committee to prepare a constitutional amendment relating to the state board of education for submission to the 1960 legislature. Provision should be made for general public representation on the state board of education.

However constituted, the board should be mandated to set forth in positive language the requirements for graduation from both elementary and high schools. The curriculum also should be tailored to fit more stringent requirements of our institutions of higher learning—in short, "basic educational needs."

I am persuaded that the parents of Arizona, as they watch their children facing the unknown of the future, believe the educational essentials are instruction in the basic intellectual disciplines which strengthen character and mind, and which prepare youth for a frequently hard world.

Turning now to our universities and colleges, all of us recognize their responsibility for producing our leaders of tomorrow—the leaders in science, education, government,

business, labor, arts and religion who will shape the future of our world.

We know that potential leadership in youth is not determined by economic or geographic origin. Thus we must provide exacting higher educational oportunities for those who are able and willing to apply themselves. This year's enrollments at Arizona's three institutions of higher learning reportedly total 21 thousand 800, and the projection for 1965 is 30 thousand—to give you one measure of the problem.

I appreciate the magnitude of the task facing you and your appropriations committees in providing the kind of faculty salaries and physical facilities required to produce the quality of higher education our state and nation must have. New teaching techniques, terminal technical training, extension divisions, space utilization—all of these and other possible approaches must be considered.

In this regard, I am informed that the junior college survey authorized by the last legislative session will be submitted to you shortly. I recommend that you give this survey serious consideration, keeping in mind that any new junior college units should be large enough to be effective and economical to operate.

I also have been informed that your Legislative Council's education committee is currently working on a re-codification of all Arizona school laws for your consideration in the second session. An orderly clarification of school law, in my opinion, should help to produce smoother operation of our schools.

Meeting both the quantity and quality educational needs of our children at all levels, particularly in view of the world power struggle swirling about us, is probably our most urgent challenge. Education in all of its many phases today is so vital that we cannot risk either false economy or poor quality. Likewise, the potential cost is so great that we cannot indulge in inefficiency.

I have expanded on this subject at some length, because I believe the public should realize that the task of its senators and representatives is not an easy one.

Let me remind you, however, that other states with equally pressing and complicated situations have found solutions. I have high hopes that the honor of achieving that goal will be given to the 24th Arizona Legislature.

HIGHWAYS

Over a projected period of three fiscal years there will be allocated more than a quarter of a billion dollars for highway construction in Arizona. This includes estimated federal allocations under the gigantic federal aid highway program, as well as Arizona tax money derived from the state gasoline tax and other highway user revenues.

This program contemplated under the federal highway act represents the largest construction project ever undertaken in our history—both nationally and in Arizona. The expenditure of such extraordinary sums of public money, in my judgment, demands a corresponding amount of constant inspection and legislative, as well as public scrutiny. When such vast sums of money are involved, astute financial management is mandatory.

It is imperative that the citizens of Arizona be kept fully informed on the programming and spending of these funds. We should work together to make sure that our over-all highway program is directed toward the goal of building an adequate road network for all sections of Arizona.

With respect to any proposals for an increase in the state gasoline tax, I will expect them to be thoroughly studied by the appropriate legislative committees, in order that the extent of the need, if any, can be clearly demonstrated.

HIGHWAY SAFETY

There is a related problem which has mushroomed to appalling proportion in recent years and which cries out for positive corrective action at every level of government. I refer of course to the hideous slaughter of human lives on our highways and streets.

We cannot close our minds to this mounting toll. To do nothing would be a callous disregard of our duty.

I make no pretense of having any definitive answer to the highway safety problem. Frankly, I doubt whether there is any one simple answer. But I am convinced there are some positive steps which can reduce the number of traffic fatalities and injuries. Therefore, I submit the following recommendations:

First, the penalties for those driving violations which are major contributing factors in traffic accidents should be made more severe.

Second, I urge the legislature to provide appropriation authority for the addition of 25 state highway patrolmen

each year until this most capable enforcement agency is brought up to recommended strength.

Third, much stiffer penalties should be provided for driving without a license, or with a license that has been either suspended or revoked.

Fourth, I recommend that the program of driver education in our public schools be continued and expanded where needed.

Fifth, I pledge my fullest co-operation with the current work by the subcommittee of the Senate Highways and Bridges Committee on the subject of uniform traffic laws.

And finally, I recommend creation of a traffic safety co-ordination committee composed of all officials of the state government who have any connection with or responsibility for highways. It would include but not be limited to such officers as the attorney general, members of the highway commission, officers of the highway patrol, and the superintendent of public instruction—a committee to be chairmanned by the governor.

This committee, working with a citizen's committee I have already appointed, will submit recommendations for additional legislative action in this field. Formation of such a committee is a primary recommendation of such major safety organizations as the Governors' Conference Committee on Traffic, the National Safety Council, and the President's Committee on Traffic Safety.

INDUSTRIAL DEVELOPMENT

Our unprecedented growth is not without a compensating challenge. Obviously, if we are to continue to grow and prosper, ways must be found to provide an increasing number of new jobs for our expanding work force and future opportunity for our children. By far the most promising field for new employment lies in the establishment of new plants and factories compatible with Arizona's unique climate and scenic advantages.

The increasing industrial development in Arizona not only enhances land and building values, but its payrolls also help to spread the tax load over a broader base.

As you know, my life has been spent in the business world, almost all of it here in Arizona. I am dedicated to the proposition that we have an unlimited future for industrial development in our state—if we are equal to the task of providing and maintaining the kind of economic climate in which business and industry can thrive.

In the Arizona Development Board, local chambers of commerce and other citizen groups we have the existing organizations required to do this job. Given the proper kind of leadership and material support, their work will benefit greatly every citizen of our state.

We cannot sit back and assume the rest of the world is fully informed about the human and material resources which make Arizona such an inviting area for new manufacturing enterprises. As governor I conceive it to be my duty to take the lead in this field.

I have repeatedly emphasized my intention to leave no possible approach unexplored in the vital job of communicating the advantages of Arizona to the proper sources. I stand ready to go anywhere, anytime, to lend my service in the pleasant and worthwhile job of selling Arizona.

OIL AND GAS LEGISLATION

I need hardly point out the significance of oil and gas exploration currently being conducted in various portions of Arizona. Actual discovery of oil and gas in the Four Corners area gives us exciting hope for a flourishing petroleum industry. Geologically, there is good reason to expect the existence of oil in other areas of the state as well.

It is important that we adopt wise procedures to integrate this infant industry into our state tax structure. At the same time we should refrain from strangling the industry with restrictive legislation that would hamper development of this great natural resource.

Production of oil and gas already is taxable through income, gross proceeds and personal property taxes. However, it is not yet subject to ad valorem taxation, even though our constitution requires that it should be.

Neither the small independent nor the large oil companies can foresee what Arizona's oil tax may be in the absence of any established ad valorem tax. Therefore, I recommend that the legislature establish an equitable ad valorem tax on oil and gas production, keeping in mind both the constitutional mandate and the amount of risk and capital involved in developing a new oil territory.

STATE LANDS

We have a valuable asset in the more than 10 million acres of land granted by the federal government to Arizona since statehood. These lands can and should be developed far beyond their present level of wealth production.

Our goal should be to produce the maximum revenue possible from these lands, consistent with sound management practices, for support of our institutions of learning and welfare. This in turn would contribute toward lessening the tax load.

I believe that the land inventory and selection program begun in 1954 should be continued and given the full cooperation of the legislature. Likewise, I believe the legislature should take a careful look at lease renewal procedures now being followed by the state land department, with the objective of determining whether corrective legislation is necessary.

In addition, I commend to your study the suggestion that methods need to be established whereby certain unproductive public lands, both state and federal, could be placed in private ownership. We should seek to use public lands for public purposes, rather than remove any more private property from the tax rolls for such uses.

We should bear in mind that these millions of acres belong to all of us, and not to any particular group. They should always be managed under the guiding principle of producing the greatest wealth for the greatest number of our citizens.

WATER RESOURCE DEVELOPMENT

We are now in the seventh year of Arizona's action in the United States Supreme Court to establish its rights to a fair share of Colorado River water and power resources. We can look forward to a recommended decree from the special master later this year, after which the supreme court will make the final decision. The end of this expensive but vital litigation is finally in sight, and no effort should be spared to press the fight through to conclusion.

Meanwhile, we should concentrate on perfecting our plans for development of whatever share of the Colorado River's resources may be awarded to Arizona by the court. Nor should we overlook any promising approach for further development and conservation of water resources other than the Colorado River.

While on the subject of water I want to make another observation. It is my conviction that any attempt by the federal government to further weaken the authority of states in intra-state stream problems should be resisted vigorously.

GOVERNMENTAL REFORM

I am aware that many legislative study committees have spent much time and effort in recent years on the problem of achieving more efficiency in our state government. Let me emphasize that I do not consider this to be a partisan matter in any sense.

Government has become such a big business that no informed person will seriously dispute the need for constant application of business-like principles in the administration of state departments and agencies. In this connecton I recommend serious study of legislation to establish a centralized state purchasing department.

I believe that adoption of a central state purchasing system, whose advantages are so well demonstrated in private business, could easily result in a savings to the taxpayers in excess of one million dollars a year.

Much attention has been devoted, and rightly so, to the problems of developing extra revenues demanded by our growth. At the same time we should always be thinking of ways to spend less instead of more, in areas where this is possible.

STATE INSTITUTIONS AND WELFARE

As elected public servants we must accept responsibility for continued operation of certain long-established functions of state government. These include our state correctional institutions and various public assistance programs.

Recent events have again focused attention on Arizona State Prison facilities. I am aware that some improvements have been made at the prison in recent years, and I recommend that you give careful consideration to the capital outlay requests of this institution.

Much progress has been made at the state hospital, which has been approved conditionally by the American Psychiatric Association. More patients are being cured and returned to useful lives in society. The appropriate legislative committees should give serious study to the continuing personnel and building needs of this institution.

In addition, the Industrial School for Boys at Fort Grant is now faced with serious over-crowding. We must keep pace with the growth of the state by providing the necessary expansion funds for additional housing.

Provision also should be made to help maintain and improve facilities at the School for the Deaf and Blind, as well as the Arizona Childrens' Colony and the Pioneers' Home.

All of us recognize our responsibility to see that long-established services in the welfare and assistance fields are administered humanely and efficiently. I am sure the legislature will fulfill its obligations in this field.

OTHER SUGGESTIONS

There are many other miscellaneous problems which time does not permit me to cover in detail. However, I want to cite just a few which I believe are worthy of your consideration.

Legislation to permit establishment of special county flood control districts merits serious attention. Likewise, now well may be the time to modernize our 33-year-old savings and loan code.

Arizona's cotton-growing industry, which forms such an important part of our over-all agricultural economy, currently is threatened by an infestation of pink bollworm. I know the legislature will give this problem thorough study.

The long talked about proposal for an ocean port in the vicinity of Yuma deserves investigation by legislative authority to determine whether it is feasible.

In addition, there are many other items which I know will occupy your attention during the regular course of your work.

CONCLUSION

In conclusion, I want to emphasize my belief that the fundamental genius of our governmental system lies in the division of functions and powers among the executive, legislative, and judicial branches. Each has plenty of work to do without trying to usurp any prerogatives of the others.

I have promised the people of Arizona that I will devote all of the energy and ability at my command in the performance of my duties as Governor. I intend to keep that promise. And I know that you, as legislators, also stand ready to put forth the best you have for the good of our state and its citizens.

Blessed as we are in this bountiful land, and with the great heritage of our freedom to inspire us, no problem should discourage us. By faithful dedication to duty, and with God's help, we can justify the confidence which the people of Arizona have placed in us.

Thank you,

PAUL FANNIN
GOVERNOR

ACTS

ACTS

CHAPTER 1

Senate Bill No. 7

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO CAPITOL BUILDINGS AND GROUNDS.

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

Section 1. APPROPRIATION

In addition to the sum appropriated for capitol buildings and grounds under the terms of subdivision 3, section 1, chapter 102, Laws of 1958, the sum of nineteen thousand three hundred seventy-five dollars is appropriated for capitol buildings and grounds for the payment of expenditures to be incurred for maintenance of and capital outlay for the Tucson state office building for the period beginning February 1, 1959, and ending June 30, 1959.

Sec. 2. PURPOSE

The sum appropriated under the terms of section 1 is available for the following purposes and in the following amounts:

Tucson state office building		
Personal services		
Custodian	$ 1,750.00	
Head janitor	1,300.00	
4 janitors	4,900.00	
Half-time maid	625.00	
Total personal services		$ 8,575.00
Subscriptions and organization dues		5.00
Other current expenditures		
Postage	20.00	
Telephone	150.00	
Heat, light, power and water	5,500.00	
Maintenance	200.00	
Other contractual services (filter service, laundry service, trash disposal, fire extinguisher service)	600.00	

Office supplies	75.00	
Construction and maintenance supplies includes replacement of lamps, cleaning supplies and equipment (mops, brooms, etc.) and paper products		750.00
Total other current expenditures		$15,875.00
Total capital outlay		3,500.00
TOTAL APPROPRIATIONS		$19,375.00

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.

Approved by the Governor—January 19, 1959.

Filed in the Office of the Secretary of State—January 19, 1959.

CHAPTER 2

Senate Bill No. 58

AN ACT

MAKING AN APPROPRIATION TO THE BOARD OF REGENTS OF THE UNIVERSITY AND STATE COLLEGES OF ARIZONA FOR PERSONAL SERVICES, CAPITAL OUTLAY, CURRENT EXPENDITURES AND FIXED CHARGES AT ARIZONA STATE UNVERSITY.

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 44, section 1, chapter 102, Laws of 1958, second regular session, the sum of one hundred thousand dollars is appropriated to the board of regents of the university and state colleges of Arizona, for the use of Arizona state university.

Sec. 2. PURPOSE

The appropriation made under the terms of section 1 is for any or all of the following purposes: personal services, current expenditures, fixed charges, and capital outlay.

Sec. 3. EMERGENCY

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

Approved by the Governor—February 16, 1959.

Filed in the Office of the Secretary of State—February 16, 1959.

CHAPTER 3

Senate Bill No. 51

AN ACT

RELATING TO MOTOR VEHICLE REGISTRATION; INCREASING THE FEE FOR OPTIONAL REGISTRATION AND LICENSING OF TRUCK TRACTORS, AND AMENDING SECTION 28-307, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 28-307, Arizona Revised Statutes, is amended to read:

28-307. OPTIONAL REGISTRATION AND LICENSING OF TRUCK TRACTORS

A. The owner of any motor vehicle propelled by a power supplying unit, hereinafter called a truck tractor, which is intended for use on the highways of this state in a combination or combinations with one or more trailing vehicles may, at his option and in lieu of registration and payment of fees otherwise prescribed by law, register and license such vehicle and the trailing vehicles to be towed by it at any time by paying the registration, plate and unladen weight fees required for such truck tractor under the provisions of sections 28-205 and 28-206, and, by paying an unladen weight fee equal to three times the maximum unladen weight fee prescribed by section 28-206, in addition to the registration fee, for the maximum number of trailing vehicles intended to be towed by such truck tractor in this state at any one time.

B. Each truck tractor registered and licensed under the optional provision of this section shall receive and have af-

fixed thereto the registration plates for such truck tractor and the maximum size and number of trailing units to be towed thereby at any one time. All trailing units towed thereby shall be deemed to be fully registered and licensed for operation in this state without the affixing of any license plate or plates and regardless of any license plate or plates that may already be affixed thereto. Without the payment of any additional fee or fees, the owner of such truck tractor, if he so desires, may be issued a distinctive plate for each trailing vehicle to be affixed to the rear thereof, which will constitute full registration and license for operation of such trailing vehicles only when used in combination with a truck tractor properly registered under this section, but owners of trailing units which are subject to the payment of a license tax under the provisions of section 11, article 9, of the constitution shall be required to procure and affix the distinctive plate to each such unit.

Approved by the Governor—February 24, 1959.

Filed in the Office of the Secretary of State— February 24, 1959.

CHAPTER 4

Senate Bill No. 88

AN ACT

MAKING A REAPPROPRIATION OF FUNDS TO THE LEGISLATURE AND AN APPROPRIATION TO THE STATE SENATE AND THE HOUSE OF REPRESENTATIVES.

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 legislature of the state of Arizona and specified for the use of the state senate, the house of representatives, and the state legislative council under the terms of subdivision 95, section 1, chapter 102, Laws of 1958, second regular session and chapter 46, Laws of 1957, first regular session, are hereby reappropriated to the state senate, the house of representatives, and the state legislative council, for the purposes therein specified.

Sec. 2. APPROPRIATION

In addition to the appropriation made under the terms of subdivision 95, section 1, chapter 102, Laws of 1958, second regular session and chapter 46, Laws of 1957, first regular session, the sum of one hundred fifty thousand dollars is appropriated to the state senate and one hundred fifty thousand dollars to the house of representatives, to be available for the payment of the current and contingent expenses thereof.

Sec. 3. EXEMPTION

The sums reappropriated under the terms of section 1 and the sum appropriated under the terms of section 2 are exempt from the provisions of sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and 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—February 24, 1959.

Filed in the Office of the Secretary of State—February 24, 1959.

CHAPTER 5

House Bill No. 20

AN ACT

RELATING TO MECHANICS' LIENS; PRESCRIBING LANDS TO WHICH LIEN EXTENDS, AND AMENDING SECTION 33-991, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 33-991, Arizona Revised Statutes, is amended to read:

33-991. LANDS TO WHICH LIENS EXTEND; RURAL LANDS; CITY LOTS; SUBDIVISION LOTS; MINING CLAIMS

A. If the land upon which an improvement is made and labor has been performed lies outside of the limits of the

recorded map or plat of a townsite, an incorporated city or town, or a subdivision, the lien shall extend to and include not to exceed ten acres of the land upon which the improvement is made and the labor has been performed.

B. If the land on which an improvement is made or labor has been performed lies within the limits of a recorded map or plat of a townsite, an incorporated city or town, or a subdivision, the lien shall extend to and include only the particular lot or lots upon which the improvement is made and the labor has been performed.

C. If the labor is performed or the improvements made upon a mining claim, the lien shall extend to the whole thereof and to the group of which the claim upon which the work was done is a part if the group is operated as one property.

Approved by the Governor—February 26, 1959.

Filed in the Office of the Secretary of State—February 26, 1959.

CHAPTER 6

House Bill No. 74

AN ACT

MAKING AN APPROPRIATION FOR THE RELIEF OF MRS. H. L. "ELIZABETH" JOHNSON.

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

Section 1. APPROPRIATION

The sum of one thousand five hundred one dollars ninety-seven cents is appropriated from the general fund for the relief of Mrs. H. L. "Elizabeth" Johnson.

Sec. 2. BASIS OF CLAIM

Payment of the sum appropriated under the terms of section 1 is for medical, surgical, hospital and other necessary expenses incurred by Mrs. H. L. "Elizabeth" Johnson who, on February 13, 1958, fell in the state capitol building, fracturing her hip and suffering other painful injuries necessitating the expenditure of a considerable sum for hospital and surgical care.

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 of Arizona and Mrs. H. L. "Elizabeth" Johnson in full settlement of all claims heretofore or hereafter accrued as a result of the circumstances set forth in section 2.

Sec. 4. EMERGENCY

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

Approved by the Governor—February 26, 1959.

Filed in the Office of the Secretary of State—February 26, 1959.

CHAPTER 7

House Bill No. 121

AN ACT

RELATING TO AGRICULTURE AND DAIRYING; PRESCRIBING PENALTIES FOR VIOLATION OF RULES, REGULATIONS OR ORDERS RELATING TO PLANT PESTS AND DISEASES, AND AMENDING SECTION 3-215, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 3-215, Arizona Revised Statutes, is amended to read:

3-215. VIOLATIONS; PENALTIES

A. It is unlawful to wilfully refuse or knowingly neglect to comply with any rule, regulation or order promulgated by the commission for the protection of the agricultural or horticultural industry, or promulgated for the control of a quarantine zone established by the entomologist or the commission.

B. A person obstructing or conspiring to obstruct the commission, or the entomologist or his representatives, in

the performance of their duties, or who violates any provision of this article is guilty of a misdemeanor punishable by a fine of not less than fifty nor more than three hundred dollars for the first offense, and not less than three hundred nor more than five hundred dollars or imprisonment in the county jail for not more than six months, or both, for each subsequent offense. Each separate violation shall constitute a separate offense.

Sec. 2. EMERGENCY

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

Approved by the Governor—February 26, 1959.

Filed in the Office of the Secretary of State—February 26, 1959.

CHAPTER 8

House Bill No. 12

AN ACT

RELATING TO EDUCATION; PROVIDING THAT THE STATE BOARD OF VOCATIONAL EDUCATION MAY ACCEPT GIFTS OF MONEY FOR SPECIFIC VOCATIONAL EDUCATION PROGRAMS; PRESCRIBING ITS USE, AND AMENDING TITLE 15, CHAPTER 10, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-1055.

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

Section 1. Title 15, chapter 10, article 6, Arizona Revised Statutes, is amended by adding section 15-1055, to read:

15-1055. ACCEPTANCE OF GIFTS; USE; UNEXPENDED FUNDS

A. The state board of vocational education may accept gifts of monies from public and private organizations, provided the purpose of the gift specified by the donor is approved by the board and is within the scope of the board's powers and duties, and such funds shall be placed in a separate account designated as the "vocational education gift fund".

B. The funds available in the vocational education gift fund shall be used only for the purpose specified by the donor, within the limits of subsection A, and any expenditures may include matching state and federal funds available for vocational education.

C. If all or part of the funds accepted by the board from a donor are not expended prior to the end of the fiscal year in which the gift was accepted, such remaining balance of the amount donated shall remain in the vocational education gift fund until needed for the purpose specified by the donor, within the limits of subsection A.

Approved by the Governor—March 3, 1959.

Filed in the Office of the Secretary of State—March 3, 1959.

CHAPTER 9

House Bill No. 195

AN ACT

MAKING AN APPROPRIATION TO THE STATE PLANNING AND BUILDING COMMISSION.

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

Section 1. APPROPRIATION

The sum of ninety thousand dollars is appropriated to the state planning and building commission, to be available for the purpose of purchasing and installing a loud speaker system in the new chambers of the state senate and the house of representatives, and for the purpose of purchasing and installing an electric roll call system in the new chambers of the house of representatives.

Sec. 2. EXEMPTION

The appropriation made 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, respectively, but immediately upon completion of the projects authorized in section 1 all funds remaining of the appropriation made therein shall forthwith revert to the state general fund.

Sec. 3. EMERGENCY

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

Approved by the Governor—March 5, 1959.

Filed in the Office of the Secretary of State—March 5, 1959.

CHAPTER 10

House Bill No. 21

AN ACT

RELATING TO TAXES; AUTHORIZING THE COUNTY TREASURER TO MAKE REFUNDS OF DUPLICATE TAX PAYMENTS, AND AMENDING TITLE 11, CHAPTER 3, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 11-505.

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

Section 1. Title 11, chapter 3, article 4, Arizona Revised Statutes, is amended by adding section 11-505, to read:

11-505. REFUND OF DUPLICATE TAX PAYMENTS

A. The board of supervisors may authorize the county treasurer to refund to any taxpayer or his agent, any duplicate payments of real or personal property taxes which may have been made, provided a claim for such refund is made by the taxpayer or his agent within one year from the date of such duplicate payment or payments.

B. The treasurer shall be entitled to credit for such refunds in the next accounting after such repayment with each of the political subdivisions and the state to which such duplicate payment may have been transmitted in the event he had previously transmitted such duplicate payment or payments to any of the political subdivisions of the state or to the state.

Approved by the Governor—March 5, 1959.

Filed in the Office of the Secretary of State—March 5, 1959.

CHAPTER 11

House Bill No. 41

AN ACT

RELATING TO THE TRANSACTION PRIVILEGE TAX; REMOVING THE TAX ON ADJUSTMENT AND CREDIT BUREAUS AND COLLECTION AGENCIES, AND AMENDING SECTION 42-1314, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 42-1314, Arizona Revised Statutes, is amended to read:

42-1314. AMUSEMENT PLACES; EXCEPTION; BUSINESS OR OCCUPATION CHARGING STORAGE FEES OR RENT

The tax imposed by subsection A of section 42-1309 shall be levied and collected at an amount equal to two per cent of the gross proceeds of sales or gross income from the business upon every person engaging or continuing within this state in the following businesses:

1. Operating or conducting theaters, movies, operas, shows of any type or nature, exhibitions, concerts, carnivals, circuses, amusement parks, menageries, fairs, races, contests, games, billiard and pool parlors and bowling alleys, public dances, dance halls, boxing and wrestling matches and any business charging admission fees for exhibition, amusement or instruction, other than projects of bona fide religious or educational institutions.

2. Hotels, guest houses, dude ranches and resorts, rooming houses, apartment houses, office buildings, automobile rental services, automobile storage garages, parking lots, tourist camps or any other business or occupation charging storage fees or rents.

Approved by the Governor—March 9, 1959.

Filed in the Office of the Secretary of State—March 9, 1959.

CHAPTER 12

Senate Bill No. 82

AN ACT

RELATING TO LIMITATIONS ON CHARGES BY COMMON CARRIERS FOR LONG AND SHORT HAULS, AND AMENDING SECTION 40-370, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 40-370, Arizona Revised Statutes, is amended to read:

40-370. LIMITATION ON RELATIVE CHARGES BY COMMON CARRIERS FOR LONG AND SHORT HAULS

A. A common carrier shall not charge or receive any greater compensation in the aggregate for the transportation of persons or of like kind of property for a shorter than for a longer distance over the same line or route in the same direction within this state, the shorter being included within the longer distance, or charge any greater compensation as a through rate than the aggregate of the intermediate rates. The provisions of this section shall not be construed as authorizing such common carrier to charge or receive as great a compensation for a shorter as for a longer distance or haul.

B. Upon application to the commission a common carrier may, in special cases, be authorized by the commission to charge less for a longer than for a shorter distance for the transportation of persons or property, and the commission may from time to time prescribe the extent to which such carrier may be relieved from the operation and requirements of subsection A.

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 9, 1959.

Filed in the Office of the Secretary of State—March 9, 1959.

CHAPTER 13

Senate Bill No. 132

AN ACT

RELATING TO THE STATE AUDITOR, AND PROVIDING FOR A REALLOCATION OF FUNDS.

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

Section 1. REALLOCATION OF FUNDS

From the appropriation made to the state auditor under the terms of chapter 59, Laws of 1957, first regular session, and allocated to "Equipment rental" the sum of four thousand dollars is reallocated to the state auditor to be available for "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—March 9, 1959.

Filed in the Office of the Secretary of State—March 10, 1959.

CHAPTER 14

House Bill No. 19

AN ACT

RELATING TO HOMESTEADS; PRESCRIBING EFFECTIVE DATE OF HOMESTEAD EXEMPTION AND EXTENT OF EXEMPTION, AND AMENDING SECTION 33-1103, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 33-1103, Arizona Revised Statutes, is amended to read:

33-1103. EFFECTIVE DATE OF HOMESTEAD EXEMPTION; EXTENT OF EXEMPTION; EXCEPTION

A. The homestead, from the date of recording the claim, is exempt from attachment, execution and forced sale, and from sale under a judgment or lien existing prior to recording the claim, except:

1. A duly executed mortgage.

2. A lien for labor or material that attached before the property was claimed as a homestead.

B. A sale as described in subsection A and not excepted by paragraphs 1 and 2 thereof made after the claim of homestead is recorded is invalid and does not convey an interest in the homestead, whether made under a judgment existing before or after recording of the claim.

Approved by the Governor—March 11, 1959.

Filed in the Office of the Secretary of State—March 11, 1959.

CHAPTER 15

House Bill No. 186

AN ACT

RELATING TO PEST CONTROL DISTRICTS; PRESCRIBING QUALIFICATIONS OF ELECTORS; PRESCRIBING PERCENTAGE OF VOTES REQUIRED TO FORM SUCH DISTRICTS; PRESCRIBING POWERS AND DUTIES OF DIRECTORS; PRESCRIBING METHOD OF DISSOLUTION, AND AMENDING SECTIONS 3-331.04, 3-331.05, 3-331.08 and 3-331.10, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 3-331.04, Arizona Revised Statutes, is amended to read:

3-331.04. HEARING; ELECTION; FORM OF BALLOT; QUALIFICATIONS OF ELECTORS

A. The board of supervisors shall hear the petition in accordance with the notice, hearing all persons in favor of or against the formation of the district and shall determine the adequacy of the petition.

B. If the board of supervisors determines that the petition is adequate they shall call an election within ninety days,

which election shall be held in the same manner as other county elections and may be held with or in conjunction with another county election.

C. The board of directors of a corporation shall, by resolution entered upon its minutes, designate a member of the board who may vote for the corporation. Written notice of the name of the person authorized to vote for the corporation shall forthwith be given to the board of supervisors by the corporation.

D. Only those electors who make affidavit at the time of voting that they are of record the owner of one or more acres of the crop enumerated in the petition shall be entitled to vote or to hold office as director. Nonresident owners may vote and hold office as director.

E. The ballot shall be substantially as follows:

"In favor of the formation of Pest Control District ☐
Against the formation of Pest Control District ☐
Acres of enumerated crop I own ☐

Names of proposed directors:

..... ☐
..... ☐
..... ☐
..... ☐
..... ☐

Signature ....."

F. There shall be not less than five proposed directors and additional spaces shall be provided for additional names to be entered by the voter should he choose.

Sec. 2. Sec. 3-331.05, Arizona Revised Statutes, is amended to read:

3-331.05. CANVASS OF ELECTION

A. The canvass of election shall be conducted by the board of supervisors at its next regular meeting after the election has been held, and if a majority or more of the owners of the crop mentioned voting are in favor of the formation of the district and they own sixty per cent or more of the acreage of the crop voting within the proposed district, then the board of supervisors shall proclaim the district formed and five directors elected and shall notify the five candidates for director receiving the greatest number of votes that they have been elected directors of the "(name of district) Pest Control District".

B. The clerk of the board of supervisors shall file a certified copy of the order of the board of supervisors' proclamation forming the district with the county recorder and with the secretary of state.

Sec. 3. Sec. 3-331.08, Arizona Revised Statutes, is amended to read:

3-331.08. POWERS AND DUTIES OF DIRECTORS; COMPENSATION

A. The directors shall hold an annual meeting and such other meetings as they may determine are necessary from time to time. They shall make an annual report showing the receipts and disbursements of all funds and property belonging to the district. They shall prepare an annual budget of the proposed expenditures to be made during the succeeding year. Any monies that may accrue to the district that are in excess of the budgetary requirements for the succeeding year may be invested by the directors in public bonds or deposited in a federal reserve bank or other federally insured depository.

B. A director shall serve without compensation except that he shall be paid ten dollars per diem and expenses not to exceed ten dollars for each day the directors meet to transact district business. Any director who may be designated so to do may travel within and without the state and may use vehicles owned by the district or public transportation for such travel when on district business, and shall be paid ten dollars per diem and actual travel expenses when so engaged.

C. The directors shall determine the number and compensation of all district employees and shall hire and discharge such employees as they see fit.

D. The directors may expend district funds for the purchase of any property real or otherwise, equipment, supplies, services and all manner of things that may be required to carry out the intent and purpose of the district; acquire by purchase, condemnation or otherwise in the name of the district any lands, right of ways, easements, or other real property necessary for the district. The directors may sell or lease any lands, right of ways, easements, material or other property, real or personal, acquired by the district, and may sue and be sued.

E. All district property and equipment shall be exempt from state and county taxes of any kind.

F. The directors may assign such district business as they may determine to a manager appointed by them and paid by the district. The manager shall have such powers as the directors may authorize.

G. The directors shall annually set the assessment for each acre of the crop to be protected by the district, and shall so notify the county assessor prior to March 1 of each year.

H. The directors may ask for amendments to the district either adding or removing pests from the list of those to be controlled or extending or contracting the boundaries of the district. The amendments shall be made in the same manner as the original district was formed.

I. The directors may contract and cooperate with agencies, instrumentalities and departments of the state, county and the United States interested in the control, extermination and eradication of the pest sought to be controlled or eradicated and may in addition thereto do those things required in order to secure financial assistance from said agencies, instrumentalities and departments.

Sec. 4. Sec. 3-331.10, Arizona Revised Statutes, is amended to read:

3-331.10. DISSOLUTION OF DISTRICT

A. Districts may be dissolved by an order of the board of directors of the district or dissolved in the same manner as they were initiated. After an order of the board has been made dissolving a district, the board of supervisors shall succeed to all the powers of the district until the obligations and disposal of districts assets have been fully satisfied.

B. If any funds remain in the district fund after dissolution and satisfaction of all outstanding obligations and sale of district property, the remainder shall be credited to each owner of property in the former district in proportion to the assessment last paid by him.

Approved by the Governor—March 12, 1959.

Filed in the Office of the Secretary of State—March 12, 1959.

CHAPTER 16

Senate Bill No. 87

AN ACT

MAKING AN APPROPRIATION TO THE DEPARTMENT OF LIBRARY AND ARCHIVES FOR THE PURPOSE OF CLEANING BOOKS, SHELVES, EQUIPMENT AND FLOORS.

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

Section 1. APPROPRIATION; PURPOSE

In addition to the appropriation made under the terms of chapter 102, section 1, subdivision 4, Laws of 1958, second regular session, the sum of two thousand five hundred dollars is appropriated to the department of library and archives for the purpose of cleaning books, shelves, equipment, floors, and for the purpose of performing any other cleaning essential to prevent deterioration of books and records within the library.

Sec. 2. EMERGENCY

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

Approved by the Governor—March 13, 1959.

Filed in the Office of the Secretary of State—March 13, 1959.

CHAPTER 17

Senate Bill No. 130

AN ACT

MAKING AN APPROPRIATION TO THE STATE DEPARTMENT OF HEALTH FOR CURRENT FIXED CHARGES.

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

Section 1. APPROPRIATION

In addition to the appropriation made under the terms of chapter 102, section 1, subdivision 29, Laws of 1958, second regular session, the sum of eight hundred eighty-five dollars

is appropriated to the state department of health to be available for current fixed charges and to be used for the purpose of payment of rental charges on I.B.M. machines.

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.

Approved by the Governor—March 13, 1959.

Filed in the Office of the Secretary of State—March 13, 1959.

CHAPTER 18

Senate Bill No. 140

AN ACT

RELATING TO TAXATION; PROVIDING FOR PAYMENT OF A FEE TO THE ESTATE TAX COMMISSIONER FOR ISSUANCE OF CONSENT TO TRANSFER OR TAX WAIVER, AND AMENDING TITLE 42, CHAPTER 9, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 42-1506.

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

Section 1. Title 42, chapter 9, article 1, Arizona Revised Statutes, is amended by adding section 42-1506, to read:

42-1506. FEE FOR ISSUING CONSENT TO TRANSFER OR TAX WAIVER ON INTANGIBLES HELD BY PERSONS DOMICILED IN STATE

Application for consent to transfer or for a tax waiver on intangibles held or used, whether in trust or otherwise, by persons domiciled in this state at time of death may be made to the commissioner, who may issue such consent or tax waiver. A fee of one dollar shall be paid for deposit in the state general fund for issuing each consent or tax waiver, except that no fee shall be charged for issuing the first such consent or tax waiver to the person applying.

Approved by the Governor—March 13, 1959.

Filed in the Office of the Secretary of State—March 13, 1959.

CHAPTER 19

Senate Bill No. 165

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; PURPOSE

In addition to the appropriation made under the terms of subdivision 11, section 1, chapter 102, Laws of 1958, second regular session, the sum of twenty-two thousand dollars is appropriated to the state tax commission to be available for postage and office supplies.

Sec. 2. EXEMPTION

The sum appropriated under the terms of section 1 is exempt from the provisions of section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Sec. 3. EMERGENCY

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

Approved by the Governor—March 13, 1959.

Filed in the Office of the Secretary of State—March 13, 1959.

CHAPTER 20

Senate Bill No. 170

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE STATE DEPARTMENT OF PUBLIC WELFARE.

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

Section 1. APPROPRIATION; PURPOSE

In addition to the appropriation made under the terms of subdivision 31, section 1, chapter 102, Laws of 1958, second regular session, the sum of one hundred seven thousand dol-

lars is appropriated to the state department of public welfare in the amounts and for the purposes following:

Travel	$ 5,000.00
Other Current Expenditures	2,000.00
Unallocated Assistance and Service	100,000.00
Total	$107,000.00

Sec. 2. EMERGENCY

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

Approved by the Governor—March 13, 1959.

Filed in the Office of the Secretary of State—March 13, 1959.

CHAPTER 21

Senate Bill No. 180

AN ACT

RELATING TO MOTOR VEHICLE OFFENSES; PRESCRIBING THE JURISDICTION OF POLICE COURTS AND DISPOSITION OF FEES, FINES AND FORFEITURES; PRESCRIBING THE PLACE FOR CONFINEMENT, AND AMENDING SECTION 28-1055, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 28-1055, Arizona Revised Statutes, is amended to read:

28-1055. JURISDICTION OF POLICE COURTS; DISPOSITION OF FINES AND FORFEITURES; PLACE FOR CONFINEMENT

Every police court established by or within any incorporated city or town, within their jurisdiction, shall have concurrent jurisdiction over all violations of this chapter. All fees, fines and forfeitures collected by the police courts in the exercise of their concurrent jurisdiction shall be retained by and inure to the benefit of the city or town in which the police court is located. When under this chapter any incorporated city or town exercises its jurisdiction and sentences

an offender to confinement, the imprisonment shall be in the city jail, or in a county jail if an agreement has been made therefor.

Approved by the Governor—March 13, 1959.

Filed in the Office of the Secretary of State—March 13, 1959.

CHAPTER 22

Senate Bill No. 202

AN ACT

RELATING TO THE INDUSTRIAL COMMISSION; PROVIDING FOR AN INCREASE IN THE SALARY OF MEMBERS, AND AMENDING SECTION 23-101, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 23-101, Arizona Revised Statutes, is amended to read:

23-101. MEMBERS; QUALIFICATIONS; APPOINTMENT; TERMS; COMPENSATION; BOND; REMOVAL

A. There shall be an industrial commission of Arizona.

B. The commission shall be composed of three members appointed by the governor by and with the advice and consent of the senate. Each member shall be appointed for a term of six years and the term of one member shall expire January 8 of every even-numbered year. Not more than two members of the commission shall belong to the same political party.

C. No commissioner shall hold an office of trust or profit, or engage in an occupation or business other than his duties as commissioner, and no commissioner or regular employee of the commission shall serve on a committee of any political party.

D. The annual salary of each commissioner shall be nine thousand six hundred dollars. Before entering upon his duties, each commissioner shall give a corporate surety bond in the principal amount of ten thousand dollars, to be approved by the governor and filed with the secretary of state.

E. The governor may remove a member of the commission for inefficiency, neglect of duty, malfeasance, misfeasance or nonfeasance in office.

Sec. 2. EMERGENCY

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

Approved by the Governor—March 13, 1959.

Filed in the Office of the Secretary of State—March 13, 1959.

CHAPTER 23

Senate Bill No. 119

AN ACT

RELATING TO DISPOSITION OF UNCLAIMED PROPERTY; PROVIDING THAT EXPIRATION OF PERIODS OF LIMITATION SHALL NOT PREVENT PRESUMED ABANDONMENT OF PROPERTY, AND AMENDING TITLE 44, CHAPTER 3.1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 44-365.01.

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

Section 1. Title 44, chapter 3.1, article 1, Arizona Revised Statutes, is amended by adding section 44-365.01, to read:

44-365.01. PERIODS OF LIMITATION NOT A BAR

The expiration of any period of time specified by statute or court order, during which an action or proceeding may be commenced or enforced to obtain payment of a claim for money or recovery of property, shall not prevent the money or property from being presumed abandoned property, nor affect any duty to file a report required by this chapter or to pay or deliver abandoned property to the commissioner.

Approved by the Governor—March 13, 1959.

Filed in the Office of the Secretary of State—March 13, 1959.

CHAPTER 24

Senate Bill No. 138

AN ACT

RELATING TO THE UNIFORM DISPOSITION OF UNCLAIMED PROPERTY ACT; PROVIDING FOR AN INCREASE IN THE PERCENTAGE OF MONIES TO BE DEPOSITED FOR PAYMENT OF CLAIMS; PROVIDING A CLEARING ACCOUNT; AMENDING SECTION 44-367, ARIZONA REVISED STATUTES, AND MAKING AN APPROPRIATION.

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

Section 1. Sec. 44-367, Arizona Revised Statutes, is amended to read:

44-367. DEPOSIT OF FUNDS

A. All funds received under this chapter, excepting funds provided for by section 8, article 11, constitution of Arizona, but 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 a clearing account 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. The funds remaining in the clearing account shall be credited to the general fund of the state at the end of each fiscal year unless the constitution or some other law specifically provides otherwise for the disposition of the particular proceeds.

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.

Sec. 2. APPROPRIATION

The sum of twenty-four thousand five hundred ninety-nine dollars sixty-one cents is appropriated from the general fund to the estate tax commissioner for deposit in the clearing account established under the provisions of section 44-367.

Sec. 3. PURPOSE

The sum appropriated in section 2 of this act shall be used to pay claims duly allowed by the estate tax commissioner to persons claiming an interest in any property delivered to the state under the provisions of the uniform disposition of unclaimed property act, title 44, chapter 3.1, article 1.

Sec. 4. EMERGENCY

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

Approved by the Governor—March 13, 1959.

Filed in the Office of the Secretary of State—March 13, 1959.

CHAPTER 25

Senate Bill No. 208

AN ACT

RELATING TO STATE LANDS; PROVIDING FOR LEASE OF STATE LANDS TO SCHOOL DISTRICTS; AMENDING SECTION 37-212, ARIZONA REVISED STATUTES, AND AMENDING TITLE 37, CHAPTER 2, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 37-281.01.

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

Section 1. Sec. 37-212, Arizona Revised Statutes, is amended to read:

37-212. CLASSIFICATION OF LANDS SELECTED; RECLASSIFICATION

A. The state land commissioner shall promptly classify all lands selected as provided in article 1 of this chapter.

B. In classifying state lands, the state land commissioner shall maintain in the offices of the land department plats, maps or books containing the description of lands and disclosing:

1. Lands suitable for agricultural purposes.

2. Lands suitable for grazing purposes.

3. Lands suitable for commercial or homesite purposes.

4. Lands containing timber, stone, or other products which may become valuable.

5. Lands which may become agricultural lands by expenditure of a reasonable amount for development of water thereon.

6. Lands within the boundaries of any school district which may, within the discretion of the board of trustees or the board of education of the applicable school district within which the lands are located and within the discretion of the state land commissioner, become adaptable to public educational purposes, provided such lands shall not exceed sixty acres for school buildings and grounds.

C. The commissioner may reclassify the lands from time to time when he deems the reclassification for the best interests of the state, and all leases shall be subject to the reclassification.

Sec. 2. Title 37, chapter 2, article 4, Arizona Revised Statutes, is amended by adding section 37-281.01, to read:

37-281.01. LEASE OF STATE LANDS FOR PUBLIC EDUCATIONAL PURPOSES; TERM; APPLICATION

All state lands are subject to lease as provided in this article for a term of not to exceed twenty-five years for public educational purposes. Such leases shall be granted according to the constitution and the laws of this state, and the rules and regulations of the state land department, provided such leases shall not be for lands which exceed sixty acres for school buildings and grounds. All applications for leases for educational purposes shall be made upon forms prepared and furnished by the state land department, and shall be signed and sworn to by an authorized agent of the board of trustees or board of education of the school district. No school district shall use lands leased to it under the

provisions of this section except for public educational 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—March 13, 1959.

Filed in the Office of the Secretary of State—March 13, 1959.

CHAPTER 26

Senate Bill No. 211

AN ACT

RELATING TO EDUCATION; PROVIDING FOR ANNEXATION OF MILITARY RESERVATIONS TO HIGH SCHOOL DISTRICTS, AND AMENDING TITLE 15, CHAPTER 5, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 5, SECTION 15-551.

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

Section 1. Title 15, chapter 5, Arizona Revised Statutes, is amended by adding article 5, section 15-551, to read:

ARTICLE 5. SCHOOLS SERVING MILITARY RESERVATIONS

15-551. ANNEXATION OF MILITARY RESERVATION TO HIGH SCHOOL DISTRICT; PROCEDURE; NOTICE; HEARING

A. A high school district, or union high school district, any portion of which is contiguous to a military reservation, may at any time, and as provided in subsection B, annex all or any contiguous part of said military reservation for high school purposes only.

B. When a majority of the board of education of a high school or a union high school district petition the board of supervisors of the county in which the district is located, re-

questing the annexation of all or a contiguous part of a military reservation, and such petition is accompanied by a petition containing the same request signed by ten or more qualified school electors residing in the district, the board of supervisors shall within fifteen days give written notice of the proposed annexation to the commanding officer of the military reservation and to the board of education of any other high school or union high school districts contiguous to the military reservation, which notice shall fix a time and place not more than fifteen days after the serving of said notice for a hearing on the petitions. If, at the hearing, the commanding officer of the military reservation or other higher military authority, or the authorized agent of either, objects to the annexation no further action shall be taken. If, however, no such objection is made at the hearing, the board of supervisors, within ten days after the hearing, shall either allow or deny the petitions. If the petitions are allowed, the board of supervisors shall forthwith notify the commanding officer of the military reservation and the county school superintendent and the annexation shall take effect immediately.

Sec. 2. EMERGENCY

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

Approved by the Governor—March 13, 1959.

Filed in the Office of the Secretary of State—March 13, 1959.

CHAPTER 27

Senate Bill No. 294

AN ACT

RELATING TO BOARDS OF SUPERVISORS; PRESCRIBING METHOD OF FILLING VACANCIES, AND AMENDING SECTION 11-213, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 11-213, Arizona Revised Statutes, is amended to read:

11-213. ELECTION; VACANCIES

A. At the general election for state and county officers, one supervisor shall be elected from each district from among those nominated at the preceding primary election. They shall be nominated and elected by the qualified electors of their respective districts. If a supervisor moves from the district from which he was elected his office shall at once become vacant.

B. When a vacancy occurs in the office of supervisor, the remaining supervisors, together with the clerk of the board of supervisors, shall fill the vacancy by appointment of a resident of the district in which the vacancy occurred.

Sec. 2. EMERGENCY

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

Approved by the Governor—March 13, 1959.

Filed in the Office of the Secretary of State—March 13, 1959.

Chapter 28

Senate Bill No. 75

AN ACT

RELATING TO TRADEMARKS; PROVIDING FOR THE REGISTRATION AND PROTECTION OF TRADEMARKS; PROVIDING FOR CANCELLATION OF TRADEMARKS; PRESCRIBING PENALTIES; REPEALING ARTICLE 3 OF CHAPTER 10, TITLE 44, ARIZONA REVISED STATUTES, AND AMENDING TITLE 44, CHAPTER 10, ARIZONA REVISED STATUTES, BY ADDING A NEW ARTICLE 3, SECTIONS 44-1441 TO 44-1456, INCLUSIVE.

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

Section 1. REPEAL

Article 3 of chapter 10, title 44, Arizona Revised Statutes, is repealed.

Sec. 2. Title 44, chapter 10, Arizona Revised Statutes, is amended by adding a new article 3, sections 44-1441 to 44-1456, inclusive, to read:

ARTICLE 3. REGISTRATION AND PROTECTION OF TRADEMARKS

44-1441. DEFINITIONS

A. In this article, unless the context otherwise requires:

1. "Applicant" means the person filing an application for registration of a trademark under this article, his legal representatives, successors or assigns.

2. "Person" means any individual, firm, partnership, corporation, association, union or other organization.

3. "Registrant" means the person to whom the registration of a trademark under this article is issued, his legal representatives, successors or assigns.

4. "Trademark" means any word, name, symbol, or device or any combination thereof adopted and used by a person to identify goods made or sold by him and to distinguish them from goods made or sold by others.

B. A trademark shall be deemed to be "used" in this state when it is placed in any manner on the goods or their containers or on the tags or labels affixed thereto and such goods are sold or otherwise distributed in this state.

44-1442. REGISTRABILITY

A trademark by which the goods of any applicant for registration may be distinguished from the goods of others shall not be registered if it:

1. Consists of or comprises immoral, deceptive or scandalous matter.

2. Consists of or comprises matter which may disparage or falsely suggest a connection with persons, living or dead, institutions, beliefs, or national symbols, or bring them into contempt, or disrepute.

3. Consists of or comprises the flag or coat of arms or other insignia of the United States, or of any state or municipality, or of any foreign nation, or any simulation thereof.

4. Consists of or comprises the name, signature or portrait of any living individual, except with his written consent.

5. Consists of a mark which:

(a) When applied to the goods of the applicant, is merely descriptive or deceptively misdescriptive of them.

(b) When applied to the goods of the applicant is primarily geographically descriptive or deceptively misdescriptive of them.

(c) Is primarily merely a surname, but nothing in this paragraph shall prevent the registration of a mark which has become distinctive of the applicant's goods in this state. The secretary of state may accept as prima facie evidence that a mark has become distinctive of the applicant's goods in this state, proof of substantially exclusive and continuous use of such mark in this state by the applicant during the five-year period preceding the execution of the application for registration.

6. Consists of or comprises a trademark which so resembles a trademark registered in this state or a trademark or trade name previously used in this state by another and not abandoned, as to be likely, when applied to the goods of the applicant, to cause confusion or mistake or to deceive.

44-1443. APPLICATION FOR REGISTRATION

A. Subject to the limitations set forth in this article, any person who adopts and uses a trademark in this state may file in the office of the secretary of state, on a form to be furnished by the secretary of state, an application for registration of that trademark setting forth, but not limited to, the following information:

1. The name and business address of the person applying for such registration and, if a corporation, the state of incorporation.

2. The goods in connection with which the mark is used, the mode or manner in which the mark is used in connection with such goods, and the class in which such goods fall.

3. The date when the trademark was first used anywhere, and the date when it was first used in this state by the applicant or his predecessor in business.

4. A statement that the applicant is the owner of the trademark and that no other person has the right to use such trademark in this state either in the identical form thereof or in such near resemblance thereto as might be calculated to deceive or to be mistaken therefor.

B. The application shall be:

1. Signed and verified by the applicant, or by a member of the firm or any officer of the corporation or association applying.

2. Accompanied by a specimen or facsimile of such trademark in triplicate.

3. Accompanied by a filing fee of ten dollars, payable to the secretary of state.

44-1444. CERTIFICATE OF REGISTRATION

A. Upon compliance by the applicant with the requirements of this article, the secretary of state shall cause a certificate of registration to be issued and delivered to the applicant. The certificate shall be issued under the signature of the secretary of state and the seal of the state, and it shall show:

1. The name and business address and, if a corporation, the state of incorporation, of the person claiming ownership of the trademark.

2. The date claimed for the first use of the trademark anywhere and the date claimed for the first use of the trademark in this state.

3. The class of goods and a description of the goods on which the trademark is used.

4. A reproduction of the trademark.

5. The registration date and the term of the registration.

B. A certificate of registration issued by the secretary of state under the provisions of this article or a copy thereof duly certified by the secretary of state shall be admissible in evidence as competent and sufficient proof of the registration of such trademark in any action or judicial proceedings in any court of competent jurisdiction in this state.

44-1445. DURATION AND RENEWAL

A. Registration of a trademark under the provisions of this article shall be effective for a term of ten years from the date of registration. Upon application filed within three months prior to the expiration of such term, on a form to be furnished by the secretary of state, the registration may be renewed for a like term. A renewal fee of five dollars, payable to the secretary of state, shall accompany the application for renewal of the registration. A trademark registration may be renewed for successive periods of ten years in like manner.

B. The secretary of state shall notify registrants of trademarks, registered under this article, of the necessity of renewal within the year next preceding the expiration of the ten years from the date of registration by writing to the last known address of the registrants.

C. Any registered trademark in force on the date on which this article becomes effective shall expire ten years from the date of the registration, or of the last reregistration thereof, or two years after the effective date of this article, whichever is later, and may be reregistered by filing an application with the secretary of state on a form furnished by him and paying the renewal fee therefor, as prescribed in this section, within three months prior to the expiration of the registration.

D. The secretary of state shall, within six months after the effective date of this article, notify all registrants of trademarks under previous acts of the date of expiration of such registrations, unless reregistered in accordance with the provisions of this article, by sending such information to the last known address of the registrants by registered or certified mail.

44-1446. ASSIGNMENT OF TRADEMARK AND REGISTRATION

Any trademark and its registration under the provisions of this article shall be assignable with the good will of the business in which the trademark is used, or with that part of the good will of the business connected with the use of and symbolized by the trademark. Assignment shall be by instruments in writing duly executed and may be recorded with the secretary of state upon the payment of a fee of three dollars, payable to the secretary of state who, upon recording of the assignment, shall issue in the name of the assignee a new certificate for the remainder of the term of

the registration or of the last reregistration thereof. An assignment of any registration under this article shall be void as against any subsequent purchaser for valuable consideration without notice, unless it is recorded with the secretary of state within three months after the date thereof or prior to such subsequent purchase.

44-1447. RECORDS

The secretary of state shall keep for public examination a record of all trademarks registered or renewed under this article.

44-1448. CANCELLATION OF REGISTRATIONS

The secretary of state shall cancel from the register:

1. After two years from the effective date of this article, all registrations under prior acts which are more than ten years old and not reregistered in accordance with this article.

2. Any registration concerning which the secretary of state shall receive a voluntary request for cancellation thereof from the registrant or the assignee of record.

3. All registrations granted under this article and not reregistered in accordance with the provisions hereof.

4. Any registration concerning which a court of competent jurisdiction shall find:

(a) That the registered trademark has been abandoned.

(b) That the registrant is not the owner of the trademark.

(c) That the registration was granted improperly.

(d) That the registration was obtained fraudulently.

(e) That the registered trademark is so similar to a trademark registered by another person in the United States patent office, prior to the date of the filing of the application for registration by the registrant under this article, and not abandoned, that it might cause confusion or mistake, or a person to be deceived, but if the registrant proves that he is the owner of a concurrent registration of his trademark in the United States patent office covering an area including this state, the registration under this article shall not be canceled.

5. When a court of competent jurisdiction shall order cancellation of a registration on any ground.

44-1449. CLASSIFICATION OF GOODS

A single application for registration of a trademark may include any or all goods upon which the trademark is actually being used comprised in a single class, but in no event shall a single application include goods upon which the trademark is being used which fall within different classes of goods. The following general classes of goods are established for convenience of administration of this article, but not to limit or extend the applicant's or registrant's rights:

1. Raw or partly prepared materials.

2. Receptacles.

3. Baggage, animal equipments, portfolios and pocketbooks.

4. Abrasives and polishing materials.

5. Adhesives.

6. Chemicals and chemical compositions.

7. Cordage.

8. Smokers' articles, not including tobacco products.

9. Explosives, firearms, equipments and projectiles.

10. Fertilizers.

11. Inks and inking materials.

12. Construction materials.

13. Hardware and plumbing and steam-fitting supplies.

14. Metals and metal castings and forgings.

15. Oils and greases.

16. Paints and painters' materials.

17. Tobacco products.

18. Medicines and pharmaceutical preparations.

19. Vehicles.

20. Linoleum and oiled cloth.

21. Electrical apparatus, machines and supplies.

22. Games, toys and sporting goods.

23. Cutlery, machinery, tools and parts thereof.

24. Laundry appliances and machines.

25. Locks and safes.

26. Measuring and scientific appliances.

27. Horological instruments.

28. Jewelry and precious metalware.

29. Brooms, brushes and dusters.

30. Crockery, earthenware and porcelain.

31. Filters and refrigerators.

32. Furniture and upholstery.

33. Glassware.

34. Heating, lighting and ventilating apparatus.

35. Belting, hose, machinery packing and nonmetallic tires.

36. Musical instruments and supplies.

37. Paper and stationery.

38. Prints and publications.

39. Clothing.

40. Fancy goods, furnishings and notions.

41. Canes, parasols and umbrellas.

42. Knitted, netted and textile fabrics and substitutes therefor.

43. Thread and yarn.

44. Dental, medical and surgical appliances.

45. Soft drinks and carbonated waters.

46. Foods and ingredients of foods.

47. Wines.

48. Malt beverages and liquors.

49. Distilled alcoholic liquors.

50. Merchandise not otherwise classified.

51. Cosmetics and toilet preparations.

52. Detergents and soaps.

44-1450. FRAUDULENT REGISTRATION; DAMAGES

Any person who for himself, or on behalf of any other person, procures the filing or registration of any trademark in the office of the secretary of state under the provisions of this article by knowingly making any false or fraudulent representation or declaration, verbally or in writing, or by any other fraudulent means, shall be liable to pay all damages sustained in consequence of such filing or registration, to be recovered by or on behalf of the party injured thereby in any court of competent jurisdiction.

44-1451. REMEDIES FOR INFRINGEMENT

A. Subject to the provisions of section 44-1452, the owner of a trademark registered under this article may proceed by civil action against any person who, without the consent of the registrant:

1. Advertises for sale, offers for sale, sells, or distributes in this state goods bearing the registered mark or a mark similar thereto if such advertising for sale, offering for sale, sale or distribution is likely to cause confusion or mistake or to deceive persons as to the source or origin of such goods.

2. Reproduces, counterfeits, copies or colorably imitates a registered mark in any manner whatsoever if such reproductions, counterfeits, copies or colorable imitations are for usage in contravention of paragraph 1 of this subsection.

B. In any such action, the court:

1. May grant injunctions to restrain any of such acts as the court deems just and reasonable.

2. May also require the defendant to pay to the plaintiff, subject to the principles of equity:

(a) Defendant's profits.

(b) Any damages sustained by the plaintiff.

(c) The costs of the action, provided that no profits or damages shall be awarded in the case of an action brought under paragraph 2, subsection A, of this section, unless the acts were committeed with knowledge that the usage would be in contravention of paragraph 1.

3. May also order the cancellation or transfer of a registration or that any reproductions, copies, counterfeits, or colorable imitations of the registered mark in the possession or under the control of the defendant be destroyed or delivered up for destruction.

C. The enumeration of any right or remedy provided in this article shall not affect a registrant's right to prosecution under any penal law of this state.

44-1452. COMMON LAW RIGHTS

Nothing in this article shall adversely affect the rights or the enforcement of rights in trademarks acquired in good faith at any time at common law.

44-1453. COUNTERFEITING OR USING COUNTERFEIT OF LABEL, TRADEMARK OR FORM OF ADVERTISING ADOPTED BY CORPORATION, ASSOCIATION OR UNION; PENALTY

A person who counterfeits, imitates or knowingly uses the counterfeit or imitation of a label, trademark or form of advertisement which indicates that the goods to which such label, trademark or form of advertisement is attached were manufactured by a corporation, association or members of a union of working men, which label, trademark or form of advertisement has been adopted by a corporation, association or union of working men for its own protection, is guilty of a misdemeanor punishable by imprisonment in the county jail for not less than three months nor more than one year, by a fine of not less than one hundred nor more than two hundred dollars, or both.

44-1454. COUNTERFEIT OF TRADEMARK WITH INTENT TO PASS OFF GOODS; VIOLATION

A person who wilfully reproduces, copies, forges, counterfeits or imitates a trademark usually affixed by any per-

son to his goods, with intent to pass off the goods to which such forged or counterfeited trademark is affixed or intended to be affixed as the goods of such person, is guilty of a misdemeanor.

44-1455. SALE OR KEEPING FOR SALE OF GOODS BEARING COUNTERFEIT TRADEMARK; VIOLATION

A person who sells or keeps for sale goods upon or to which a counterfeited trademark is affixed, intending to represent such goods as genuine goods of another, knowing the trademark to be counterfeit, is guilty of a misdemeanor.

44-1456. USE OF TRADEMARKED CONTAINER FOR OTHER ARTICLES; VIOLATION

A person who has or uses a cask, bottle, vessel, case, cover, label or other thing bearing or having in any way connected with it the duly filed trademark or name of another, for the purpose of disposing of, with intent to deceive or defraud, any article other than the article which such container or thing originally contained or was connected with by the owner of such trademark or name, is guilty of a misdemeanor.

Sec. 3. EFFECTIVE DATE

This act shall take effect on January 1, 1960.

Approved by the Governor—March 14, 1959.

Filed in the Office of the Secretary of State—March 16, 1959.

CHAPTER 29

Senate Bill No. 77

AN ACT

RELATING TO IMPROVEMENT DISTRICTS; PROVIDING FOR GIVING OF NOTICE; EXEMPTING DISTRICTS FORMED FOR PURCHASING ELECTRICITY FOR STREET OR PUBLIC PARK LIGHTING FROM CERTAIN PROVISIONS OF THE IMPROVEMENT DISTRICT LAW; PRESCRIBING PROCEDURE TO FORM SUCH DISTRICTS, AND AMENDING TITLE 11, CHAP-

TER 5, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 11-759, AND AMENDING SECTIONS 11-705, 11-715, 11-718, 11-722, 11-727, 11-737, 11-738 AND 11-747, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 11-705, Arizona Revised Statutes, is amended to read:

11-705. HEARING ON PETITION; NOTICE

A. Upon receipt of a petition for the establishment of a district, or for an addition to an existing district, the board of supervisors shall set a date for a hearing thereon not later than forty days after presentation of the petition. At the hearing all interested property owners may appear and be heard on any matter relating to the establishment of the proposed improvement district, or addition to an existing district. Any person wishing to object to the establishment of the district, or addition, may, before the date set for the hearing, file his objections with the clerk of the board of supervisors.

B. Notice announcing the hearing and stating the boundaries of the proposed district, or addition, shall be posted publicly at intervals no more than three hundred feet apart along the streets, within the proposed district or addition for not less than ten days prior to the date of the hearing, and shall be published twice in a newspaper of general circulation published in the county within which the proposed district or addition is located. The publications in a newspaper shall be one week apart, and the first publication shall be not less than ten days prior to the date of the hearing. The posted notice shall be headed "notice of hearing on establishment of proposed improvement district" or "notice of hearing on proposed addition to improvement district" in letters at least one inch in height.

Sec. 2. Sec. 11-715, Arizona Revised Statutes, is amended to read:

11-715. PUBLICATION OF RESOLUTION OF INTENTION; POSTING NOTICE OF RESOLUTION

A. A resolution of intention shall be published in successive issues five times in a daily newspaper, or two times in a weekly or semiweekly newspaper, published and of general circulation in the county in which the district is located.

B. The superintendent of streets shall also cause to be conspicuously posted along the line of the proposed improvement, at not more than three hundred feet apart, notices of the passage of the resolution.

C. The notice shall be headed "Notice of proposed improvement" in letters at least one inch in height, and shall state the fact of the passage of the resolution of intention, and briefly describe the improvement proposed.

Sec. 3. Sec. 11-718, Arizona Revised Statutes, is amended to read:

11-718. RESOLUTION ORDERING IMPROVEMENT; NOTICE; BIDS

A. When no protests against the proposed work or no objections as to the extent of the proposed assessment district have been filed within the time specified, or when a protest is found by the board of directors to be insufficient, or when the objections to the extent of the proposed district have been heard and denied, the board of directors may order, by resolution, the proposed improvements described in the resolution of intention.

B. The resolution need not fully describe the improvement nor the extent of the assessment district, but may refer to the resolution of intention for such description.

C. The superintendent shall then publish a notice of the passage of the resolution ordering the work, and inviting sealed bids for making the improvement therein ordered, twice in one or more daily newspapers or once in a weekly or semiweekly newspaper, published and circulated in the county in which the district is located, and shall post a copy of the notice for five days on or near the door of the meeting place of the board of directors. The notice shall state the time within which proposals may be filed with the clerk, which shall not be less than ten days from the date of the first publication of the notice.

D. When in the resolution of intention the board of directors has provided for alternative plans and specifications, the invitation for bids for making the improvement may require separate bids according to each of the several alternative plans and specifications.

Sec. 4. Sec. 11-722, Arizona Revised Statutes, is amended to read:

11-722. NOTICE OF AWARD; OBJECTION TO PROCEEDINGS; ENTERING INTO CONTRACT; LIABILITY ON BOND

A. Notice of the award of contract shall be published twice in a daily newspaper or once in a weekly or semi-weekly newspaper, published and of general circulation in the county within which the district is located.

B. At any time within fifteen days from the date of the first publication, any person having an interest in a lot liable to assessment, claiming that any of the previous acts or proceedings relating to the improvement are irregular, illegal or faulty, may file with the clerk a written notice specifying in what respect the acts and proceedings are irregular, illegal or faulty, and all objections to any act or proceeding which are not made prior to the notice of award shall be waived, except as to matters directly affecting the authority of the board of directors. If the board of directors finds any objection well taken, it may abandon the proceedings, or correct or modify any portion thereof, and proceed as in the first instance.

C. Within twenty days after the date of the first publication, if no objections have been filed, the successful bidder shall enter into a contract to make the improvement according to his bid. If objections are filed but are rejected by the board of directors, the contract shall be entered into within five days after receiving notice from the clerk of such rejection. If the bidder fails to enter into the contract within such period, then the board of directors without further proceedings shall again advertise for bids as in the first instance, and the bidder shall be liable upon his bond accompanying the bid for all costs and damages incurred and sustained by reason of the failure to enter into the contract.

Sec. 5. Sec. 11-727, Arizona Revised Statutes, is amended to read:

11-727. DELIVERY OF WARRANT AND ASSESSMENT TO CONTRACTOR; DEMAND FOR PAYMENT; RELEASE OF ASSESSMENTS; REVIEW OF ASSESSMENT

A. After the warrant and assessment are recorded, they shall be delivered to the contractor, together with one of the diagrams, and by virtue of the warrant, the contractor is authorized to demand and receive the amount of the several assessments.

B. The contractor shall call upon the person assessed, if he can conveniently be found, and demand payment, and if paid the contractor shall give a receipt therefor. The receipt, when presented to the superintendent, shall authorize him to release the assessment when demanded by the owner.

C. The contractor shall promptly notify the superintendent of all payments made to him, whereupon the superintendent shall release assessments which have been fully paid. When the name of the owner of the lot is stated as "unknown" on the assessment, the contractor shall demand payment on the premises of a person in possession. If the premises are unoccupied or the person in possession cannot be found, demand is unnecessary.

D. The warrant shall be returned to the superintendent within forty days after its date with a "return" endorsed thereon, signed by the contractor, verified upon oath stating the nature and character of the demand, and whether any assessments remain unpaid in whole or in part, and the amount thereof. The superintendent shall record the return so made in the margin of the record of the warrant and assessment. After return of the assessment and warrant all amounts remaining due shall draw interest at the rate of eight per cent per annum until paid.

E. Upon recording the assessment and warrant, the superintendent shall notify the board of directors of the recording, and the board shall fix a time when it will hear and pass upon the assessment and the proceedings theretofore had and taken, which shall not be less than twenty days from the date of the recording. The board shall cause notice of the hearing to be given by publication for five days in a daily newspaper or two times in a semiweekly or weekly newspaper published and of general circulation in the county within which the district is located, the first publication of which shall be at least ten days prior to the hearing and by mailing a copy of said notice showing amount of proposed assessment to every person interested who has filed his name and address with the superintendent of streets; the board shall also cause notice of the hearing to be posted conspicuously along the streets within the district at intervals not more than three hundred feet apart, at least ten days prior to the hearing, which notice shall be headed "notice of hearing on assessment" in letters at least one inch high.

F. The owners, contractor and all other persons directly interested in the work or in the assessment, who have any

objection to the legality of the assessment or to any of the previous proceedings connected therewith, or who claim that the work has not been performed according to the contract, may, prior to the time fixed for the hearing, file a written notice briefly specifying the grounds of their objections. At the time fixed for the hearing or at any time not later than ten days thereafter to which the hearing may be postponed, the board of directors shall hear and pass upon the objections. The decision of the board of directors shall be final and conclusive upon all persons entitled to object as to all errors, informalities and irregularities which the board of directors might have remedied or avoided at any time during the progress of the proceedings.

G. If the board of directors finds that the contract has not been fully performed, it shall suspend the assessment until such time as in its opinion the contract is thereafter fully performed, whereupon by its order the date of the assessment and warrant shall be changed to such date and the warrant and assessment shall thereafter be effective as of the date of the order. The board of directors may modify the amounts of the several assessments after hearing, and may order a new assessment to be made.

Sec. 6. Sec. 11-737, Arizona Revised Statutes, is amended to read:

11-737. COLLECTION OF ASSESSMENT INSTALLMENTS; NOTICE; DELINQUENT INSTALLMENTS

A. All assessments not certified to the clerk shall remain collectible by the contractor as provided by this article, but the superintendent shall promptly collect all installments of principal and interest on the assessments so certified to the clerk. The superintendent shall thirty days before any installment of principal or interest becomes due, give notice by mail to every person interested who has filed his name and address with the superintendent, and by publication in not smaller than eighteen point type at least two times in a daily newspaper or at least two successive insertions in a weekly or semiweekly newspaper, published and of general circulation in the county within which the district is located.

B. The notice shall serve for all assessments in the district becoming due on the date specified therein, and shall be substantially in the following form:

"..... Improvement District.
Notice of special assessments due on improvements.

All persons owning property heretofore assessed for improvements, will take notice that an installment of..... becomes due and payable on or before the.....day of .....19..... and if not so paid on or before said date the same will become delinquent and five per cent penalty will be added to the amount thereof; and failure to pay thereafter will result in sale of property assessed, in accordance with provisions of section 11-738, Arizona Revised Statutes."

C. The board of directors may publish a more detailed notice, in smaller type, but the heading of the notice shall not be smaller type than eighteen point. The first publication of the notice shall be at least thirty days before the installment is payable. The method of publication of notice provided for in this section shall apply to and govern all bonds and assessments heretofore issued and levied, and all notices to special assessments due on improvements shall be given and published in accordance herewith.

D. When an installment is paid, the superintendent shall note in his record the date of the payment, the name of the person by or for whom it is paid and shall, if requested, give receipt therefor.

E. On the day succeeding the date on which an installment becomes due all installments unpaid shall become delinquent, and the superintendent shall certify such fact on his records and mark each installment delinquent and add five per cent to the amount of each installment.

Sec. 7. Sec. 11-738, Arizona Revised Statutes, is amended to read:

11-738. LIST OF DELINQUENT INSTALLMENTS; PUBLICATION OF NOTICE; SALE OF DELINQUENT PROPERTY

A. The superintendent shall, within twenty days from the date of delinquency, begin the publication of the list of the assessments on which any installment is delinquent. The list shall contain a description of each parcel of property, and opposite each description the name of the owner as stated in the assessment, or, if no name is stated in the assessment, the word "unknown", and the amount of the installment delinquent, together with penalty and costs due, including the cost of advertising.

B. The superintendent shall append to and publish with the list, a notice that unless each delinquent installment,

together with the penalty and costs thereon, is paid, the whole amount of the assessment will be declared due by him, and the property upon which the assessment is a lien will be sold at public auction at a time and place to be specified in the notice. The publication shall be published for a period of ten days in a daily newspaper, or for two weeks in a weekly newspaper published and of general circulation in the county within which the district is located. If in a daily newspaper, publication shall be made in two issues of the paper, and eight days shall intervene between the first and the last publication.

C. The time of the sale shall not be less than five days nor more than ten days after the last publication, and the place of sale shall be in or in front of the office of the superintendent, or in or in front of the usual place of meeting of the board of directors of the district.

Sec. 8. Sec. 11-747, Arizona Revised Statutes, is amended to read:

11-747. FAILURE TO MEET AND ADJOURN SCHEDULED HEARING; PROVISION FOR SUBSEQUENT HEARING

When the time and place for a hearing is fixed by the board of directors under this article, and for any reason the hearing is not then and there held or regularly adjourned to a time and place fixed, the authority of the board shall not thereby be divested or lost, but it may thereafter fix a time and place for the hearing and cause notice thereof to be given by publication by at least one insertion in a newspaper published and of general circulation in the county within which the district is located and designated by the board. The publication shall be run at least five days before the date of the hearing, and thereupon the board of directors may act as in the first instance.

Sec. 9. Title 11, chapter 5, article 1, Arizona Revised Statutes, is amended by adding section 11-759 to read:

11-759. SPECIAL PROVISIONS RELATING TO IMPROVEMENT DISTRICTS FOR PURCHASING ELECTRICITY FOR LIGHTING PUBLIC STREETS OR PARKS

A. If a petition for the formation of an improvement district to purchase electricity for street or public park lighting under section 11-758 is presented to the board of supervisors, which purports to be signed by all of the real prop-

erty owners in the proposed district, the board, after verifying such ownership and making a finding of such fact, forthwith may hold the hearing prescribed by section 11-706 without the publication and posting of notices prescribed by section 11-705.

B. If a petition for the formation of an improvement district to purchase electricity for street or public park lighting under section 11-758 is presented to the board of supervisors signed by a majority of the real property owners in the proposed district, the board shall give the notice of hearing prescribed by section 11-705 and shall hold a hearing thereafter as prescribed by section 11-706; provided, however, that the publication and posting of notices of such hearing as required by section 11-705 shall not be necessary upon proof of actual notice, by registered mail or personal service, received ten days prior to such hearing by all real property owners in the proposed district who did not sign such petition.

C. In the hearing prescribed by section 11-706 the board of supervisors, in addition to the provisions of section 11-706, shall determine the type of lighting facilities to be installed and consider the rate to be paid for purchasing the electricity for the proposed district.

D. Improvement districts for street or public park lighting formed under the provisions of this section and section 11-758 shall be exempt from the provisions of sections 11-711 through 11-716, inclusive.

Sec. 10. EMERGENCY

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

Approved by the Governor—March 14, 1959.

Filed in the Office of the Secretary of State—March 16, 1959.

CHAPTER 30

Senate Bill No. 84

AN ACT

RELATING TO SANITARY DISTRICTS; PRESCRIBING THE POWERS THEREOF, AND AMENDING SECTION 36-1310, ARIZONA REVISED STATUTES.

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

Section 1. 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 plants 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. Private funds or contributions received by a sanitary district for the purpose of defraying expenses of work done under its direction may be expended by the district in compliance with the terms and conditions under which such funds are received, provided the terms and conditions meet the approval of the board of directors of the district and are within the scope of the statutory powers and duties of the district.

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. 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, 1959.

Filed in the Office of the Secretary of State—March 16, 1959.

CHAPTER 31

Senate Bill No. 86

AN ACT

RELATING TO SOCIAL SECURITY; TRANSFERRING THE ADMINISTRATION OF SOCIAL SECURITY FOR PUBLIC EMPLOYEES AND OFFICERS FROM THE EMPLOYMENT SECURITY COMMISSION TO THE STATE RETIREMENT SYSTEM BOARD; AND AMENDING SECTION 38-701, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 38-701, Arizona Revised Statutes, is amended to read:

38-701. DEFINITIONS

In this article, unless the context otherwise requires:

1. "Employee" means any person in the employ of the state, a county, incorporated city or town, school district, or described political subdivision thereof, and includes an elective or appointive officer of a state or eligible political subdivision thereof.

2. "Employment" means any service performed by an employee in the employ of the state, a county, incorporated city or town, school district or described political subdivision thereof, for such employer, except service which in the absence of an agreement entered into under this article would constitute "employment" as defined in the social security act, or service which under the social security act may not be included in an agreement between the state and the federal security administrator entered into under this article.

3. "Federal insurance contributions act" means subchapter A of chapter 9 of the federal internal revenue code as amended.

4. "Federal security administrator" includes any individual to whom the federal security administrator has delegated any of his functions under the social security act with respect to coverage under such act of employees of states and their political subdivisions.

5. "Political subdivision" includes counties, incorporated cities or towns and school districts within the state, and any

other political subdivision as defined in section 7, article 13 of the constitution.

6. "Social security act" means the act of Congress approved August 14, 1935, chapter 531, 49 Stat. 620, officially cited as the "social security act", as amended, including regulations and requirements issued pursuant thereto.

7. "State agency" means the state retirement system board.

8. "Wages" means all remuneration for employment as defined in this article, including the cash value of all remuneration paid in any medium other than cash, but shall not include that part of such remuneration which, even if it were for "employment" within the meaning of the federal insurance contributions act would not constitute "wages" within the meaning of that act.

Approved by the Governor—March 16, 1959.

Filed in the Office of the Secretary of State—March 16, 1959.

CHAPTER 32
Senate Bill No. 195
AN ACT

RELATING TO THE USE FUEL TAX; PRESCRIBING PENALTIES FOR FAILURE TO PAY TAX, AND AMENDING SECTION 28-1559, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 28-1559, Arizona Revised Statutes, is amended to read:

28-1559. FAILURE TO PAY TAX; PENALTY

Any person who fails to pay any excise tax when due, except taxes assessed pursuant to sections 28-1560 and 28-1562, shall pay in addition to the excise tax a penalty of ten per cent of the amount thereof, provided such excise tax is paid within thirty days after becoming due, but a penalty of fifteen per cent of the tax due shall be assessed if the tax is not paid within thirty days after becoming due.

Approved by the Governor—March 16, 1959.

Filed in the Office of the Secretary of State—March 16, 1959.

CHAPTER 33

Senate Bill No. 60

AN ACT

RELATING TO EMPLOYMENT OF ALIENS; EXEMPTING TEACHERS UNDER THE FEDERAL TEACHER EXCHANGE PROGRAM AND UNIVERSITY AND COLLEGE FACULTY MEMBERS FROM RESTRICTIONS ON THE EMPLOYMENT OF ALIENS, AND AMENDING SECTIONS 34-301 AND 38-201, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 34-301, Arizona Revised Statutes, is amended to read:

34-301. EMPLOYMENT OF ALIENS ON PUBLIC WORKS PROHIBITED

A. A person not a citizen or ward of the United States shall not be employed upon or in connection with any state, county or municipal works or employment.

B. This section shall not be construed to prevent the working of prisoners by the state or a county or municipality thereof on street, road, or other public work, nor shall the provisions of this section apply to the employment of any teacher, instructor or professor authorized to teach in the United States under the teacher exchange program as provided by federal statutes or the employment of university or college faculty members.

Sec. 2. Sec. 38-201, Arizona Revised Statutes, is amended to read:

38-201. GENERAL QUALIFICATIONS

A. Every officer shall be not less than twenty-one years of age, a citizen of the United States and a resident of this state.

B. No person is eligible to any office, employment or service in any public institution in the state, or in any of the several counties thereof, of any kind or character, whether by election, appointment or contract, unless he is a citizen of the United States, but the provisions of this subsection shall not apply to the employment of any teacher, instructor or professor authorized to teach in the United States under

the teacher exchange program as provided by federal statutes or the employment of university or college faculty members.

C. A person who is unable to speak, write and read the English language is not eligible to hold a state, county, city, town or precinct office in the state, whether elective or appointive, and no certificate of election or commission shall issue to a person so disqualified.

Sec. 3. CONDITIONAL ENACTMENT

The provisions of this act shall not become effective until such time as the people have approved an amendment of article 18, section 10, Constitution of Arizona, excepting university and college faculty members from restrictions on the employment of aliens.

Approved by the Governor—March 16, 1959.

Filed in the Office of the Secretary of State—March 16, 1959.

CHAPTER 34

Senate Bill No. 74

AN ACT

RELATING TO TRADE NAMES; PROVIDING FOR THE REGISTRATION OF TRADE NAMES WITH THE OFFICE OF THE SECRETARY OF STATE, AND AMENDING TITLE 44, CHAPTER 10, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 3.1, SECTIONS 44-1460 TO 44-1460.05, INCLUSIVE.

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

Section 1. Title 44, chapter 10, Arizona Revised Statutes, is amended by adding article 3.1, sections 44-1460 to 44-1460.05, inclusive, to read:

ARTICLE 3.1. TRADE NAMES

44-1460. REGISTRATION OF TRADE NAME, TITLE OR DESIGNATION

A. Any person, partnership, corporation, firm, association, society, foundation, federation or organization doing business in this state, or any foreign corporation licensed to exercise its corporate powers in this state, may register with

the secretary of state, on a form to be furnished by him, the name, title or designation under which such applicant is operating, setting forth, but not limited to, the following information:

1. The name and business address of the applicant for such registration. If the applicant is a corporation, the state of its incorporation shall be disclosed.

2. The name, title, or designation to be registered.

3. The general nature of the business conducted by the applicant.

4. The length of time during which the name, title or designation has been used by the applicant in his business operations in this state.

B. The application shall be signed and verified by the applicant or by a member or officer of the firm, partnership, corporation, association, society, foundation, federation or other organization.

C. A single name, title, or designation may be registered upon each application submitted under the provisions of this article.

D. The application shall be accompanied by a fee of three dollars twenty-five cents.

44-1460.01. ISSUANCE OF CERTIFICATE; RESTRICTIONS

A. Upon compliance by the applicant with the requirements of this article the secretary of state shall issue a certificate of registration. The certificate shall show the name and business address of the applicant, the name, title or designation registered, the date of first use claimed, the date of registration and the term of registration.

B. The secretary of state shall not file an application for the registration of any trade name, title or designation if it might mislead the public, or is not readily destinguishable from names, titles or designations previously registered under the provisions of this article, and which are still in effect.

44-1460.02. EFFECTIVE TERM OF REGISTRATION; RENEWAL; EXPIRATION NOTICE

A. Registration of a name, title or designation under the terms of this article shall be effective for a term of five

years from the date of registration. Upon application filed within six months prior to the expiration of such term, on a form furnished by the secretary of state, the registration may be renewed at the end of each five-year period for a like term. A renewal fee of two dollars, payable to the secretary of state, shall accompany the application for renewal of the registration.

B. The secretary of state shall notify registrants within the six months next preceding the expiration of the five years from the date of registration, of the necessity of renewal by writing to the last known address of the registrants.

44-1460.03. ASSIGNMENT AND RECORDING OF RIGHTS

Any name, title or designation and its registration may be assignable by an instrument in writing duly executed and may be recorded with the secretary of state upon the payment of a fee of three dollars twenty-five cents, payable to the secretary of state, who upon recording the assignment shall issue in the name of the assignee a new certificate for the remainder of the term of the registration or of the last renewal thereof.

44-1460.04. PUBLIC EXAMINATION OF RECORDS

The secretary of state shall keep for public examination a record of all trade names registered or renewed under the provisions of this article.

44-1460.05. COMMON LAW RIGHTS

Nothing in this article shall adversely affect the rights or the enforcement of rights in trade names acquired in good faith at any time at common law.

Sec. 2. EFFECTIVE DATE

This act shall take effect on January 1, 1960.

Approved by the Governor—March 16, 1959.

Filed in the Office of the Secretary of State—March 16, 1959.

CHAPTER 35

Senate Bill No. 108

AN ACT

RELATING TO IMPROVEMENTS ON STATE LANDS; PERMITTING OWNER OR PERMITTEE TO REPORT IMPROVEMENTS UPON STATE LANDS TO STATE LAND DEPARTMENT PRIOR TO JULY 1, 1960, AND AMENDING SECTION 37-321, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 37-321, Arizona Revised Statutes, is amended to read:

37-321. PERMISSION REQUIRED FOR PERSON OTHER THAN HOLDER OF CERTIFICATE OF PURCHASE TO MAKE IMPROVEMENTS; FORFEITURE FOR FAILURE TO OBTAIN PERMISSION; REPORT OF IMPROVEMENTS

A. If a lessee, permittee or other person having a legal interest in state lands, other than a holder of a certificate of purchase, desires to construct or make improvements upon or use the lands for purposes other than provided in the lease or permit, he shall first file with the state land department an application for permission to construct or make the improvements or use for such other purposes. The application shall be allowed or rejected as the best interest of the state requires as determined by the department. Unless permission is granted by the department, the applicant shall not be entitled to reimbursement or compensation for improvements placed upon the state lands. Upon expiration or cancellation of the lessee's lease or permit, improvements placed on the land without approval shall be forfeited and become the property of the state.

B. The owner of improvements placed upon state lands by a lessee, permittee or any other person having a legal interest in state lands shall prior to July 1, 1960, unless such time is extended by the department, report to the department in writing the description of the improvements, their location and the actual current cash value thereof. The improvements reported as provided by this subsection shall be allowed or rejected as the best interest of the state requires as determined by the department.

C. The department may, from time to time, but not more frequently than once a year, require from any lessee, permittee or the person having a legal interest in state lands information concerning the improvements. Failure to make the report shall, in the discretion of the department, subject the improvements to forfeiture to the state.

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, 1959.

Filed in the Office of the Secretary of State—March 16, 1959.

CHAPTER 36

Senate Bill No. 41

AN ACT

RELATING TO THE COLORADO RIVER BOUNDARY COMMISSION; PRESCRIBING THE POWERS AND DUTIES THEREOF; PROVIDING FOR COOPERATION WITH NEVADA TO ESTABLISH A COMMON BOUNDARY; AMENDING SECTION 41-522, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 3, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-523, AND MAKING AN APPROPRIATION.

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

Section 1. Sec. 41-522, Arizona Revised Statutes, is amended to read:

41-522. POWERS AND DUTIES

The commission shall confer and act in conjunction with the representatives to be appointed on behalf of the state of California for the following purposes:

1. To make a joint investigation at the joint expense of the two states as to the location of the common boundary between the two states with respect to the present channel of the Colorado river from the southern boundary of the

state of Nevada to the international boundary between the state of Arizona and the United Mexican States. For this purpose the commission may within the limits of any appropriation made to it contract for and obtain an aerial survey of such portion of the river, either alone or in conjunction with the state of California and an agency of the United States, or with either.

2. To investigate, negotiate and report as to the necessity and advisability of a compact between the two states defining or relocating the common boundary.

3. To investigate and report as to the necessity and advisability of provisions in a compact relating to the straightening, control, improvement or relocating of the channel of the river and as to the effect upon the interstate boundary of the performance of any such works.

4. To hold such hearings and conferences in either of the two states as are requisite in the premises, and to do such other acts and things either separately or in cooperation with the state of California or the United States, or both, as are necessary or convenient to accomplish the purposes of this article.

5. To do all things necessary within the limit of its appropriations to survey, monument and map any boundary line heretofore or hereafter duly fixed by the state of Arizona and the state of California, the cost of which shall be shared jointly by the two states.

6. To aid, assist and advise the members of the congress of the United States in regard to securing the consent of the congress to any boundary line heretofore or hereafter duly fixed by the state of Arizona and the state of California.

7. To formulate and enter into administrative agreements on behalf of the states to solve problems which may arise by reason of the two states fixing the true boundary between the states.

8. To make such procedural rules and regulations to carry out the purposes of this article as the commission deems necessary or convenient.

9. To investigate and report back to the governor and the legislature prior to each regular session of the legislature its recommendations as to what administrative problems continue to exist along the common boundary, what experiences it has had in connection with such problems, and what department or departments of the state govern-

ment should be charged with administration of such problems in the future.

Sec. 2. Title 41, chapter 3, article 2, Arizona Revised Statutes, is amended by adding section 41-523, to read:

41-523. COOPERATION WITH NEVADA

The commission shall confer and act in conjunction with the representatives to be appointed on behalf of the state of Nevada for the following purposes:

1. To make a joint investigation, at the joint expense of the two states, to determine the location of the common boundary of the two states between Davis dam on the Colorado river and a point where the Nevada-California state line intersects the thirty-fifth degree of latitude, north.

2. To hold such hearings and conferences in either of the two states as may be necessary, and to do such other acts and things separately or in cooperation with the state of Nevada or the United States as may be necessary or convenient to accomplish the purpose of this subsection.

3. To negotiate a compact between the two states defining the common boundary, provided that no such compact or agreement shall be binding on the state of Arizona until it has been approved by the legislature of this state and by the congress of the United States.

Sec. 3. APPROPRIATION; EXEMPTION

The sum of five thousand dollars is appropriated to the Colorado river boundary commission for the purpose of carrying out the terms of this act, such appropriation to be exempt from the provisions of sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsation of appropriations.

Approved by the Governor—March 16, 1959.

Filed in the Office of the Secretary of State—March 16, 1959.

CHAPTER 37

Senate Bill No. 21

AN ACT

MAKING AN APPROPRIATION TO THE EMPLOYMENT SECURITY COMMISSION FOR THE PURPOSE OF

PURCHASING REAL PROPERTY, CONSTRUCTING AND REMODELING OFFICE BUILDINGS, AND PURCHASING FURNISHINGS AND FIXTURES TO BE USED THEREIN.

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

Section 1. APPROPRIATION

A sum not to exceed two hundred thousand dollars is appropriated to the employment security commission of Arizona to purchase real property, to pay architect, engineering and appraisal fees, to construct and remodel office buildings for public use, provided the said sum is available to the state of Arizona by requisition from the federal government pursuant to the employment security administrative financing act of 1954 and any amendments thereto. Of this appropriation not more than fifty thousand dollars may be used to purchase furniture and fixtures for new buildings in the event no regular federally granted budgetary funds are available for this purpose.

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, to pay architect, engineering and appraisal fees, to purchase furnishings and fixtures, and to construct and remodel office buildings for public use and occupancy by the employment security commission of Arizona.

B. The real property to be purchased is office sites throughout the state of Arizona.

C. No part of the monies hereby appropriated may be obligated after the expiration of the two-year period beginning with the date of enactment of this act. Any such money which is requisitioned and withdrawn from the unemployment trust fund which either will not be obligated within this period or remains unobligated at the end of the period, and any money which was obligated within the period but will not be expended, shall be returned promptly to the account of this state in the unemployment trust fund.

D. The amount obligated pursuant to this act during any fiscal year shall not exceed the aggregate of all amounts credited to this state's account pursuant to section 903 of the social security act, as amended, during such fiscal year and the four preceding fiscal years, less the aggregate of monies obligated for administrative purposes or paid out

for benefits and charged against the monies thus credited to this state's account during such five fiscal years.

Sec. 3. RESTRICTION

For the purposes of this act, notwithstanding the provisions of section 41-571.14, Arizona Revised Statutes, the location and general style of architecture of all buildings constructed with the funds appropriated hereunder shall be first approved by the state planning and building commission.

Sec. 4. EXEMPTION

The appropriation made herein is exempt from the provisions of section 35-190, Arizona Revised Statutes, relating to lapsing of appropriations.

Sec. 5. EMERGENCY

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

Approved by the Governor—March 17, 1959.

Filed in the Office of the Secretary of State—March 17, 1959.

CHAPTER 38

House Bill No. 106

AN ACT

RELATING TO THE FORM OF BONDS; NOTICE OF BIDS; INTEREST RATE; REDEMPTION; PAYMENT OF PRINCIPAL AND INTEREST; ADDITIONAL SECURITY, AND AMENDING SECTION 9-788, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 9-788, Arizona Revised Statutes, is amended to read:

9-788. FORM OF BONDS; INTEREST RATE; REDEMPTION; PAYMENT OF PRINCIPAL AND INTEREST; ADDITIONAL SECURITY

A. Bonds issued under this article shall be fully negotiable within the meaning and for all purposes provided by title 44. They may be in one or more series, may bear such dates, may be payable in such medium of payment and at such places, may carry such registration privileges, shall be executed in such manner, may contain such other terms, covenants and conditions, and be in such form, either coupon or registered, as the governing body by resolution prescribes. They shall be payable in equal annual installments, or they shall be of such maturities that the amount required for the payment of interest and principal becoming due thereon each year will be substantially the same, and in either instance the final payment shall be due not more than twenty years from the date of issuance, as the governing body may prescribe, but the first installment may be payable on such date as the governing body shall prescribe not more than two years from the date of issuance. Any or all of such bonds shall be callable at such times, on such terms and in such manner as the governing body by resolution prescribes. The bonds shall bear interest not exceeding five per cent per annum, payable semi-annually, at the rates set by the accepted bid and shall be sold at not less than par to the bidder making the best bid therefor.

B. The governing body shall call for bids for the bonds by giving notice thereof at least once a week for two successive weeks in cities having a population of fifteen thousand or more according to the most recent federal census, and once a week for four successive weeks in all other cities and towns by publication in a newspaper of general circulation within the county. The notice shall be in the form prescribed by the governing body. The bids shall be for the entire bond issue unless the governing body by resolution allows bidding therefor in parcels of less than the entire issue.

C. Pending preparation of the definitive bonds, interim receipts or certificates may be issued to the purchaser of the bonds in such form and with such provisions as the governing body prescribes.

D. The principal of and interest upon the bonds shall be payable primarily from the proceeds of revenues derived from taxes collected by the state and returned to such cities and towns for street and highway purposes pursuant to law.

E. As additional security for the payment of such bonds, a city or town, by a resolution submitted to the electors possessing the qualifications provided by section 9-782 at a

special election called for such purpose, and upon the approval of such resolution by a majority of the voters voting at such election, may pledge its full faith and credit for the payment thereof, and if such pledge is made, and the revenues pledged to the payment of such bonds are at any time insufficient therefor, the city or town shall be obligated to pay such bonds and coupons to the same extent as other general obligation bonds of the city or town, and shall be reimbursed from subsequent revenues received by the city or town from taxes collected by the state and returned to such city or town for street and highway purposes pursuant to law.

Approved by the Governor—March 17, 1959.

Filed in the Office of the Secretary of State—March 17, 1959.

CHAPTER 39

Senate Bill No. 22

AN ACT

RELATING TO EMPLOYMENT SECURITY, MAKING THE EMPLOYMENT SECURITY LAW OF THIS STATE CONFORM TO THE REQUIREMENTS OF TITLE IX OF THE SOCIAL SECURITY ACT IN REGARD TO REQUISITION, DEPOSIT, ADMINISTRATION, USE, DISBURSEMENT AND RETURN OF MONIES CREDITED TO THIS STATE'S ACCOUNT IN THE UNEMPLOYMENT TRUST FUND PURSUANT TO SECTION 903 OF THE SOCIAL SECURITY ACT, AS AMENDED; AND AMENDING SECTIONS 23-643, 23-649, 23-701, 23-704, AND 23-707, ARIZONA REVISED STATUTES.

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

Section 1. 23-643, Arizona Revised Statutes, is amended to read:

23-643. STATE-FEDERAL COOPERATION

A. In the administration of this chapter the commission shall cooperate to the fullest extent, consistent with the provisions of this chapter, with the United States department of labor, shall make such reports in such form and containing such information as the United States department of labor from time to time may require, and shall comply with

such provisions as the United States department of labor from time to time may find necessary to assure the correctness and verification of the reports. The commission shall comply with the regulations prescribed by the United States department of labor governing the expenditures of such sums as may be allotted and paid to this state under Titles III and IX of the social security act, as amended, for the purpose of assisting in the administration of this chapter.

B. Upon request therefor the commission shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, the name, address, ordinary occupation and employment status of each recipient of benefits and the recipient's rights to further benefits under this chapter.

Sec. 2. 23-649, Arizona Revised Statutes, is amended to read:

23-649. ACQUISITION OF LANDS AND BUILDINGS

A. The commission may acquire for and in the name of the state by term purchase agreement such lands and buildings upon such terms and conditions as may be approved by the United States department of labor or such other federal department or agency performing such functions for the purpose of providing office space for the commission at such places as the commission finds necessary and suitable.

B. An agreement made for the purchase of the premises mentioned in subsection A of this section shall be subject to the approval of the attorney general as to form and as to title thereto and shall not subject the state to liability for payment of the purchase price or any part or portion thereof except from monies allocated to the state by the United States department of labor for the administration of this chapter.

C. All monies received from the United States for the payments authorized by this section for lands and buildings shall be deposited in the employment security administration fund in the state treasury and are appropriated therefrom for purposes of this chapter. Notwithstanding any provision of this chapter, monies received from the unemployment trust fund pursuant to section 903 of the social security act, as amended, are not liable or subject to appropriation, except in accordance with the provisions of subsection E of section 23-704.

D. If the premises are purchased pursuant to this chapter, the employment security commission or such other department of the state performing its functions, shall be housed therein, or if it is desirable to move the employment security commission, other substantially similar space will be furnished by the state to the commission without further payment therefor by the United States.

Sec. 3. 23-701, Arizona Revised Statutes, is amended to read:

23-701. UNEMPLOYMENT COMPENSATION FUND; ADMINISTRATION COMPOSITION

A. There shall be a special fund known as the unemployment compensation fund which shall be kept separate and apart from all other public monies or funds of this state, and shall be administered by the commission exclusively for the purposes of this chapter.

B. The unemployment compensation fund shall consist of:

1. Contributions collected pursuant to this chapter.

2. Interest earned upon monies in the fund.

3. Property or securities acquired through the use of monies belonging to the fund and all earnings of such property and securities.

4. All monies credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended.

5. Other monies received for the fund from any other source.

C. All monies in the unemployment compensation fund shall be commingled and undivided.

Sec. 4. 23-704, Arizona Revised Statutes, is amended to read:

23-704. REQUISITIONS AND WITHDRAWALS FROM ACCOUNTS IN UNEMPLOYMENT COMPENSATION FUND; CONDITIONS OF EXPENDITURE FOR BENEFITS, REFUNDS AND ADMINISTRATION

A. Monies requisitioned from this state's account in the unemployment trust fund shall be used exclusively for the payment of benefits and for refunds pursuant to this chap-

ter in accordance with regulations prescribed by the commission, except that monies credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended, shall be used exclusively as provided in subsection E of this section. The commission from time to time shall requisition from the unemployment trust fund such amounts, not exceeding the amounts standing to the state's account therein, as it deems necessary for the payment of benefits and refunds for a reasonable future period. The requisitions shall bear the signatures of not less than two members of the commission and the counter-signature of the state treasurer. Upon receipt thereof the treasurer shall deposit the monies in the benefit account and shall pay warrants for payment of benefits and refunds solely from the benefit account. If the commission believes more efficient administration will result from such practice, it, in turn, may withdraw from the benefit account amounts it deems necessary for payment of benefits for a reasonable future period and deposit such amounts to the account of the commission in a bank or public depository of its choosing and issue checks against it in payment of benefits to claimants entitled thereto under law. The monies shall be secured by the depository to the same extent and in the same manner as required by the general depository law of the state.

B. Expenditures of monies in the benefit account and refunds from the clearing account shall not be subject to any provisions of law requiring specific appropriations or other formal release by state officers monies in their custody.

C. All claims, warrants or other instruments utilized by the commission for the payment of benefits and refunds shall bear the signature of an employee designated for that purpose by the commission and the countersignature of a member of the commission.

D. Any balance of monies requisitioned from the unemployment trust fund which remains unclaimed or unpaid in the benefit account after expiration of the period for which the sums were requisitioned either shall be deducted from estimates for, and may be utilized for the payment of, benefits and refunds during succeeding periods, or, in the discretion of the commission, shall be redeposited with the secretary of the treasury of the United States to the credit of this state's account in the unemployment trust fund established and maintained pursuant to section 904 of the social security act, as amended.

E. Monies credited to the account of this state in the unemployment trust fund by the secretary of the treasury of the United States pursuant to section 903 of the social security act, as amended, may be requisitioned and used only in accordance with the following requirements:

1. Except as provided in paragraph 2, such monies shall be used only in the payment of benefits exclusive of administrative expense.

2. Such monies may be requisitioned and used for the payment of expenses incurred for the administration of this employment security law and public employment offices if and only if the monies are requisitioned and expenses are incurred pursuant to and after the enactment of a state appropriation law which:

(a) Specifies the purposes for which such monies are appropriated and the amounts appropriated therefore,

(b) Limits the period within which such monies may be obligated to a period ending not more than two years after the date of the enactment of the appropriation law, and

(c) Limits the amount which may be obligated during a fiscal year to an amount which does not exceed the amount by which (1) the aggregate of the monies credited to the account of this state pursuant to section 903 of the social security act, as amended, during the same fiscal year and the four preceding fiscal years, exceeds (2) the aggregate of the amounts obligated pursuant to this subsection and charged against the monies credited to the account of this state during any of such five fiscal years. For the purposes of this subsection, amounts obligated during any such fiscal year shall be charged against equivalent amounts which were first credited and which are not already so charged, except that no amount obligated during any such fiscal year for administration may be charged against any amount credited during such a fiscal year earlier than the fourth preceding such period.

3. Monies requisitioned for the payment of the expenses of administration pursuant to this subsection shall be deposited in the employment security administration fund, but until expended shall remain a part of the unemployment compensation fund. The commission shall maintain a separate record of the deposit, obligation, expenditure, and return of funds so deposited. If any monies so deposited, for any reason, are not to be obligated for the purpose for which they were appropriated, or if they remain unobligated at

the end of the period specified by law appropriating such monies, they shall be returned to the secretary of the treasury for credit to this state's account in the unemployment trust fund.

Sec. 5. 23-707, Arizona Revised Statutes, is amended to read:

23-707. EMPLOYMENT SECURITY ADMINISTRATION FUND

A. There shall be a special fund in the state treasury known as the employment security administration fund.

B. All monies deposited or paid into the employment security administration fund are appropriated and made available to the commission. All monies in the fund except monies withdrawn from the unemployment trust fund under section 903 of the social security act, as amended, for payment of administrative expenses shall be expended solely for the purposes and in the amounts found necessary by the secretary of labor of the United States and the employment security commission for the proper and efficient administration of this chapter.

C. The employment security administration fund shall consist of all monies appropriated by this state and all monies received from the United States or any agency thereof, including the United States department of labor or from any other source for such purpose. Monies received from the railroad retirement board as compensation for services or facilities supplied to the board shall be paid into the fund.

D. All monies in the employment security administration fund shall be deposited, administered and disbursed in the same manner and under the same conditions and requirements as provided by law for other special funds in the state treasury, except that monies in the employment security administration fund shall not be commingled with other state funds but shall be maintained in a separate account on the books of the depository. The monies shall be secured by the depository in which they are held to the same extent and in the same manner as required by the general depository law of the state. Any balance in the fund shall not lapse at any time, but shall be continuously available to the commission for expenditure consistent with this chapter. Notwithstanding any provision of this chapter, all monies requisitioned from the unemployment trust fund for the payment of administrative expenses and deposited in this fund pursuant to paragraph 3 of subsection E of section 23-704 shall

remain part of the unemployment compensation fund and shall be used only in accordance with the conditions specified in subsection E of section 23-704.

E. The state treasurer shall be liable on his official bond for the faithful performance of his duties in connection with the employment security administration fund provided for under this chapter. Liability on the official bond shall exist in addition to liability upon any separate bond. All sums recovered on a surety bond for losses sustained by the employment security administration fund shall be deposited in the fund.

Approved by the Governor—March 17, 1959.

Filed in the Office of the Secretary of State—March 18, 1959.

CHAPTER 40

Senate Bill No. 33

AN ACT

RELATING TO TAXATION; PRESCRIBING METHOD OF VALUING AND ASSESSING INTERESTS IN PRODUCING OIL AND GAS WELLS; PROVIDING DEFINITIONS; REQUIRING AN ANNUAL REPORT BY PRODUCERS; AMENDING TITLE 42, CHAPTER 1, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 42-126.01, AND AMENDING TITLE 42, CHAPTER 2, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 42-227.01 TO 42-227.04, INCLUSIVE.

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

Section 1. Title 42, chapter 1, article 2, Arizona Revised Statutes, is amended by adding section 42-126.01 to read:

42-126.01. ASSESSMENT OF PRODUCING OIL AND GAS INTERESTS

The state tax commission shall assess all producing oil and gas interests within the state in the manner provided in sections 42-227.01 to 42-227.04, inclusive, and on or before the second Monday of July the commission shall furnish to the board of supervisors of the county in which oil or gas has been produced the assessed valuation of the oil or gas inter-

ests of each producer for each of his properties in the county as of January 1 of the year.

Sec. 2. Title 42, chapter 2, article 2, Arizona Revised Statutes, is amended by adding sections 42-227.01 to 42-227.04, inclusive, to read:

42-227.01. DEFINITIONS

In sections 42-126.01 and 42-227.01 to 42-227.04, inclusive, unless the context otherwise requires:

1. "Oil" means crude petroleum oil and other hydrocarbons, regardless of gravity, which are produced at the well in liquid form by ordinary production methods and which are not the results of condensation of gas after it leaves the reservoir.

2. "Gas" means all natural gas, including casinghead gas, and all other hydrocarbons in liquid form in their natural state as produced and not defined as oil in paragraph 1 of this section.

3. "Produced", "producing", or "production" means any taking of oil or gas from any lands within the state of Arizona or under its jurisdiction.

4. "Producer" means any person owning, controlling, leasing, either as lessor or lessee, or having any other interest in oil or gas lands or oil or gas wells on January 1 of each year, if there was produced by any person in any manner from said lands or wells during the preceding calendar year any oil or gas, and shall include any person owning any royalty or other interest in any oil or gas, or its value, whether produced by him or by some other person on his behalf, either by lease, contract or otherwise.

5. "Gross production" means all oil or gas produced and saved except:

(a) Any interest of the United States or the state of Arizona or any other person or entity exempt under the laws of the United States or the constitution or laws of the state of Arizona in any oil or gas or in the proceeds thereof.

(b) Oil or gas used in producing operations or for repressuring or recycling purposes by the producer for the development and operation of his interests in oil and gas wells in the area within Arizona.

6. "Gross yield" means the amount for which the gross production is sold in the immediate vicinity of the well, or,

if not sold on the property, the field or posted price or representative market price at the well of oil or gas transported from the property.

42-227.02. BASIS OF VALUATION OF PRODUCING OIL AND GAS INTERESTS

A. Producing oil or gas interests shall be assessed for tax purposes at the amount of the gross yield therefrom for the preceding calendar year. Such gross yield shall be the assessed valuation of the oil or gas interests of the lands from which such oil or gas is produced as of the first day of January of the following year. This shall not affect the basis of valuation of property other than producing oil or gas interests.

B. The basis of valuation of producing oil or gas interests set forth in this section shall be in lieu of any method of valuation of such interests and the oil and gas deposits subject thereto for ad valorem tax purposes, notwithstanding any other provision of law to the contrary.

42-227.03. ANNUAL REPORT BY OIL AND GAS PRODUCERS

Every producer shall annually, on or before the last day of February of each year, make and file with the commission a return showing his gross production and gross yield thereof from each of his producing properties for the calendar year immediately preceding the year in which said return is required to be made. The return shall show the county in which the production took place and the description of the property from which the oil or gas was produced. The return shall be verified by the producer or by some authorized representative of the producer. The commission may upon request and for good cause grant a 30-day extension of time for the filing of the annual return.

42-227.04. PRODUCING OIL AND GAS INTERESTS LISTED, ASSESSED AND TAXED SEPARATELY FROM LAND

Producing oil and gas interests shall be listed, assessed and taxed individually as separate parcels of real estate separate and apart from the rest of the land where they are owned by a person other than the owner of the rest of the land.

Approved by the Governor—March 17, 1959.

Filed in the Office of the Secretary of State—March 18, 1959.

CHAPTER 41

Senate Bill No. 243

AN ACT

MAKING A REALLOCATION OF FUNDS AND AN APPROPRIATION TO THE ARIZONA STATE SCHOOL FOR THE DEAF AND THE BLIND.

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

Section 1. REALLOCATION

From the bond retirement fund of the Arizona state school for the deaf and the blind, being suspense and agency fund number 5-0-04-010-0000, the sum of sixty-five thousand dollars is reallocated to the Arizona state school for the deaf and the blind to be immediately available for construction and equipping of a dormitory at the school.

Sec. 2. APPROPRIATION; PURPOSE

There is appropriated to the Arizona state school for the deaf and the blind the sum of forty-five thousand dollars to be added to the sum reallocated under the terms of section 1, and to be available for constructing and equipping a dormitory at the school.

Sec. 3. LAPSING OF APPROPRIATIONS

The funds reallocated and appropriated under the terms of this act shall not lapse until the purposes for which the reallocation and appropriations are made shall have been accomplished or abandoned unless such funds shall have stood until January 1, 1962, without an expenditure therefrom or encumbrance thereon.

Sec. 4. EMERGENCY

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

Approved by the Governor—March 17, 1959.

Filed in the Office of the Secretary of State—March 18, 1959.

CHAPTER 42

Senate Bill No. 257

AN ACT

AUTHORIZING THE EMPLOYMENT SECURITY COMMISSION TO SELL LANDS, AND MAKING AN APPROPRIATION FOR PURCHASE OF LANDS AND CONSTRUCTION OF BUILDINGS.

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

Section 1. SALE OF LANDS; DISPOSITION OF PROCEEDS

A. The employment security commission is authorized to sell certain property owned by it on north central avenue, Phoenix, Arizona, described as follows:

All of Lot 1, the South 42.5 feet of Lot 2, and the South 125 feet of the East 54 feet of Lot 3, Block 2, Las Palmas, City of Phoenix, Maricopa County, Arizona, according to the plat in the office of the Maricopa County Recorder, in Book 4 of Maps, Page 15.

B. All proceeds from the sale of lands authorized under the terms of subsection A of this section shall be placed by the employment security commission in the unemployment trust fund.

Sec. 2. APPROPRIATION

A sum not to exceed one hundred thirteen thousand two hundred ninety-eight dollars is appropriated to the employment security commission of Arizona to be available for the purposes and under the terms prescribed by section 3.

Sec. 3. PURPOSE

A. The purpose of the appropriation made under the terms of section 2 is to permit the employment security commission of Arizona to purchase real property, to pay architect, engineering and appraisal fees, and to construct and remodel office buildings for public use and occupancy by the employment security commission of Arizona.

B. The real property to be purchased is office sites throughout the state of Arizona.

C. No part of the monies hereby appropriated may be obligated after the expiration of the two-year period begin-

ning with the date of enactment of this act. Any such money which is requisitioned and withdrawn from the unemployment trust fund which either will not be obligated within this period or remains unobligated at the end of the period, and any money which was obligated within the period but will not be expended shall be returned promptly to the account of this state in the unemployment trust fund.

D. The amount obligated pursuant to this act during any fiscal year shall not exceed the aggregate of all amounts credited to this state's account pursuant to section 903 of the social security act, as amended, during such fiscal year and the four preceding fiscal years, less the aggregate of monies obligated for administrative purposes or paid out for benefits and charged against the monies thus credited to this state's account during such five fiscal years.

Sec. 4. RESTRICTION

For the purposes of this act, notwithstanding the provisions of section 41-571.14, Arizona Revised Statutes, the location and general style of architecture of all buildings constructed with the funds appropriated hereunder shall be first approved by the state planning and building commission.

Sec. 5. EXEMPTION

The appropriation made in section 2 is exempt from the provisions of section 35-190, Arizona Revised Statutes, relating to lapsing appropriations.

Sec. 6. EMERGENCY

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

Approved by the Governor—March 17, 1959.

Filed in the Office of the Secretary of State—March 18, 1959.

CHAPTER 43

Senate Bill No. 260

AN ACT

MAKING A REALLOCATION OF FUNDS AND APPROPRIATIONS TO THE STATE PRISON AND INSTITUTE OF EDUCATIONAL REHABILITATION.

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

Section 1. REALLOCATION OF FUNDS

All balances remaining unexpended and unencumbered of the appropriation of four hundred thousand dollars made under the provisions of subdivision 38, section 1, chapter 102, Laws of 1958, second regular session, for the purpose of construction, supplies and materials, is reallocated to the state prison and institute of educational rehabilitation for the construction of and purchase of supplies and materials for a maximum security cell block.

Sec. 2. APPROPRIATION

The sum of two hundred sixty-five thousand dollars is appropriated to the state prison and institute of educational rehabilitation, such sum to be added to the sum reallocated under the terms of section 1, and to be available for the construction of and purchase of supplies and materials for a maximum security cell block.

Sec. 3. APPROPRIATION

In addition to the funds reallocated under the terms of section 1 and the sum appropriated under the terms of section 2, the sum of forty-five thousand two hundred fifty dollars is appropriated to the state prison and institute of educational rehabilitation for the following purposes and in the following amounts:

Inmate dormitory, I.E.R. section	$27,000.00
Service building, I.E.R. section	7,500.00
Internal security building	10,000.00
Improvements to utility tunnel	750.00
TOTAL	$45,250.00

Sec. 4. EXEMPTIONS; LIMITATIONS

The sums reallocated and appropriated under the provisions of sections 1, 2 and 3 are exempt from the provisions

of section 35-173, Arizona Revised Statutes, relating to quarterly allotments. The sums reallocated and appropriated under the provisions of sections 1, 2 and 3 shall not lapse until the purposes for which the reallocation and appropriations are made shall have been accomplished or abandoned unless the sums reallocated and appropriated shall have stood until January 1, 1962, without an expenditure therefrom or encumbrance thereon.

Sec. 5. EMERGENCY

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

Approved by the Governor—March 17, 1959.

Filed in the Office of the Secretary of State—March 18, 1959.

CHAPTER 44

House Bill No. 107

AN ACT

RELATING TO MUNICIPAL INDEBTEDNESS; PROVIDING FOR ORDER FOR SALE OF BONDS, NOTICE, BIDS AND FORFEITURE OF DEPOSIT, AND AMENDING SECTION 35-457, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 35-457, Arizona Revised Statutes, is amended to read:

35-457. ORDER FOR SALE OF BONDS; NOTICE; BIDS; FORFEITURE OF DEPOSIT

A. Before the sale of any bonds the governing body or board shall at a meeting thereof enter upon its record an order directing the sale of the bonds and the date and hour of the sale, and cause a copy of the order to be published for at least once a week for two successive weeks in cities having a population of fifteen thousand or more according to the most recent federal census, and once a week for four successive weeks in all other political subdivisions before the sale in one or more designated daily or weekly newspapers, together with a notice that sealed proposals will be received

for purchase of the bonds on the date and hour named in the order.

B. On the date and hour named in the order, the governing body or board shall meet and open the sealed proposals received, and shall award the bonds to the highest and most responsible bidder at not less than par with accrued interest. All bids shall be accompanied by a certified check for not less than two per cent of the total par value of the bonds. The governing body or board may reject any and all bids and return such certified checks. If the successful bidder does not carry out the terms of the proposal to purchase the bonds, the certified check deposited by such bidder shall be cashed and the amount thereof forfeited as stipulated and liquidated damages.

Sec. 2. EMERGENCY

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

Approved by the Governor—March 17, 1959.

Filed in the Office of the Secretary of State—March 18, 1959.

CHAPTER 45

House Bill No. 109

AN ACT

RELATING TO THE FORM OF BONDS; PAYMENT AND CALL; INTEREST; SALE; BIDS; INTERIM RECEIPTS, AND AMENDING SECTION 9-529, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 9-529, Arizona Revised Statutes, is amended to read:

9-529. FORM OF BONDS; PAYMENT AND CALL; INTEREST; SALE; BIDS; INTERIM RECEIPTS

A. Bonds issued under this article shall be fully negotiable within the meaning and for all purposes of title 44. They may be in one or more series, may bear such dates,

may be payable in such medium of payment, at such places, may carry such registration privileges, shall be executed in such manner, may contain such other terms, covenants and conditions, and be in such form, either coupon or registered, as the governing body may by resolution prescribe. They shall be payable at one time, or from time to time, in such manner and in such maturities not longer than thirty years from their date as the governing body may prescribe. Any or all of the bonds may be callable at such times, on such terms and in such manner as the governing body by resolution may prescribe. The bonds shall bear interest not exceeding five per cent per annum, payable semiannually, at the rate set by the accepted bid and shall be sold at not less than par to the person offering the best bid therefor. The governing body shall call for bids by giving notice thereof at least once a week for two successive weeks in cities having a population of fifteen thousand or more according to the most recent federal census, and once a week for four successive weeks in all other cities and towns by publication in a newspaper of general circulation within the county, which shall be in such form as the governing body prescribes. The bids shall be for the entire bond issue unless the governing body by resolution shall allow bidding therefor in parcels for less than the entire issue.

B. Pending preparation of the definitive bonds, interim receipts or certificates may be issued to the purchasers of the bonds in such form and with such provisions as the governing body may determine.

Approved by the Governor—March 17, 1959.

Filed in the Office of the Secretary of State—March 18, 1959.

CHAPTER 46

House Bill No. 140

AN ACT

RELATING TO PUBLIC FINANCES; PROVIDING THAT BANKS SHALL EXECUTE AND DELIVER EITHER A SURETY BOND OR DESIGNATED BONDS IN LIEU THEREOF; PRESCRIBING THE TYPE OF BONDS IN WHICH STATE FUNDS OR SINKING FUNDS MAY BE INVESTED, AND AMENDING SECTIONS 35-322, 35-351, AND 35-371, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 35-322, Arizona Revised Statutes, is amended to read:

35-322. FURNISHING OF BOND, SECURITIES OR SAFEKEEPING RECEIPT BY DEPOSITORY

A. A bank, before receiving a deposit under the provisions of this article, shall execute and deliver a bond executed by a surety company approved by the treasury department of the United States and authorized to do business in this state, approved as to form by the legal adviser of the officer making such deposit, in a penal sum of not less than the amount the bank receives on deposit, or the depository bank may deposit with the state treasurer, county treasurer or city or town treasurer in lieu of a surety bond the following:

1. Regularly issued and interest-bearing bonds of the following character:

(a) United States government bonds.

(b) State, county, municipal and school district improvement bonds.

(c) Farm loan bonds, consolidated farm loan bonds, debentures, consolidated debentures and other obligations issued by federal land banks or by federal intermediate credit banks under the authority of the federal farm loan act approved July 17, 1916, as now or hereafter amended (Title 12, U.S.C., Sections 636-1012 and Sections 1021-1129), or bonds, debentures, consolidated debentures and other obligations issued by banks for cooperatives under the authority of the farm credit act of 1933, as now or hereafter amended (Title 12 U.S.C., Sections 1131-1138F), or bonds of joint stock land banks or bonds issued or guaranteed by corporations operating a United States reclamation project within the state when issued or guaranteed with the approval of the secretary of the interior.

(d) Any bonds upon which the payment of interest and principal is guaranteed by the United States.

(e) Bonds issued by any United States government instrumentality or federal agency that qualify and are acceptable as security for public funds of the United States government.

(f) Registered warrants of the state or registered county

warrants when offered as security for monies of the county by which they are issued.

2. The safekeeping receipt of a federal reserve bank or any bank located in a central reserve city whose combined capital and surplus on the date of the safekeeping receipt is ten million dollars or more, evidencing the deposit therein of any bonds described in this section. The safekeeping receipt shall be endorsed or assigned prior to the deposit thereof with the state treasurer, county treasurer, or city or town treasurer, as the case may be.

B. State, county, municipal, school district or other bonds, or registered warrants, shall be accepted at their actual value if not above par, and if at any time their actual or market value becomes less than par, additional bonds required to guarantee deposits shall be demanded by the treasurer who made the deposit, and deposited by the bank in which the deposit was made.

C. A safekeeping receipt shall be accepted at the actual value, if not above par, of the bonds or other securities described therein, and if at any time their actual or market value becomes less than par, additional bonds shall be required to guarantee deposits, or, at the option of the treasurer who made the deposit, an additional safekeeping receipt shall be demanded by such treasurer and deposited by the bank in which the deposit was made.

D. The condition of the surety bond, or the deposit of securities or a safekeeping receipt in lieu thereof, shall be that the bank will promptly pay to the parties entitled thereto public monies in its custody, upon lawful demand therefor, and will, when required by law, pay such monies to the treasurer making the deposit.

Sec. 2. Sec. 35-351, Arizona Revised Statutes, is amended to read:

35-351. INVESTMENT OF STATE FUNDS; MINIMUM INTEREST

The state treasurer, with the approval of the governor and secretary of state, shall invest any monies in the permanent funds of the state, or other monies authorized by law to be invested in securities as defined by law, in bonds of the United States, general obligations and improvement bonds of this state, or of the counties, incorporated cities and towns, or school districts of the state, or in farm loan bonds, consolidated farm loan bonds, debentures, consoli-

dated debentures and other obligations issued by federal land banks or by federal intermediate credit banks under the authority of the federal farm loan act approved July 17, 1916, as now or hereafter amended (Title 12, U.S.C., Sections 636-1012 and Sections 1021-1129), or in bonds, debentures, consolidated debentures and other obligations issued by banks for cooperatives under the authority of the farm credit act of 1933, as now or hereafter amended. (Title 12 U.S.C., Sections 1131-1138F.) The monies shall not be invested in bonds or debentures yielding a lower rate of interest than two per cent per annum.

Sec. 3. Sec. 35-371, Arizona Revised Statutes, is amended to read:

35-371. INVESTMENT OF SINKING FUND

All sinking funds of the state or of a county, city, town, or school district may be invested by the governing body or officer in charge of such sinking funds, in bonds of the United States, of the state, or of any county, city, town or school district of this state, or in farm loan bonds, consolidated farm loan bonds, debentures, consolidated debentures and other obligations issued by federal land banks or by federal intermediate credit banks under the authority of the federal farm loan act approved July 17, 1916, as now or hereafter amended (Title 12, U.S.C., Sections 636-1012 and Sections 1021-1129) or in bonds, debentures, consolidated debentures and other obligations issued by banks for cooperatives under the authority of the farm credit act of 1933, as now or hereafter amended. (Title 12 U.S.C., Sections 1131-1138F.)

Approved by the Governor—March 17, 1959.

Filed in the Office of the Secretary of State—March 18, 1959.

CHAPTER 47

House Bill No. 143

AN ACT

RELATING TO BANKS AND FINANCIAL INSTITUTIONS; PROVIDING THE TYPE OF LOANS OR INVESTMENTS A SAVINGS BANK OR A BUILDIING AND LOAN ASSOCIATION MAY MAKE, AND AMEND-

ING SECTIONS 6-322 AND 6-410, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 6-322, Arizona Revised Statutes, is amended to read:

6-322. LOANS AND INVESTMENTS OF CAPITAL AND DEPOSITS

A savings bank may invest its capital and deposits and the income derived therefrom:

1. In first lien mortgages upon real property, but the loan shall not exceed sixty-six and two-thirds per cent of the market value as of the time when the loan is made of the property mortgaged, unless the United States or any of its instrumentalities has guaranteed or insured the loan or made a commitment to guarantee or insure the loan, and at least fifty per cent of the loans shall at all times be upon real property situated in the state. A lien of the federal government on account of the United States reclamation project or of the state on account of any project organized under the laws of this state shall not be considered a first lien. The mortgage or an assignment thereof shall be immediately recorded in the office of the county recorder.

2. In securities issued by the United States government and securities wholly guaranteed by the United States government.

3. In other listed bonds, notes and debentures which have a standard rating above the first four grades if the investment is approved in writing by at least two-thirds of the directors of the bank and the superintendent of banks.

4. In interest bearing bonds or other securities of the state, or any county, city, town, school district or road district thereof.

5. In local improvement bonds or securities lawfully issued under authority of state law.

6. In bonds, debentures or notes issued by a national mortgage association or similar credit institution.

7. In debentures issued by the federal housing administrator, or capital stock issued by any federal home loan bank of which the savings bank may be eligible to become a member.

8. In obligations issued pursuant to the provisions of the federal home loan bank act, as now or hereafter amended.

9. In obligations issued pursuant to title IV of the national housing act, as now or hereafter amended.

10. In the shares, share accounts, investment certificates or accounts of a building and loan association, savings and loan association or other institution wherever located, including a federal savings and loan association, which has the insurance protection provided by title IV of the national housing act, as now or hereafter amended, up to the amount the shares, share accounts, investment certificates or accounts are insured by the federal savings and loan insurance corporation.

11. In farm loan bonds, consolidated farm loan bonds, debentures, consolidated debentures and other obligations issued by federal land banks or by federal intermediate credit banks under the authority of the federal farm loan act approved July 17, 1916, as now or hereafter amended (Title 12, U.S.C., Sections 636-1012 and Sections 1021-1129), and in bonds, debentures, consolidated debentures and other obligations issued by banks for cooperatives under the authority of the farm credit act of 1933, as now or hereafter amended. (Title 12, U.S.C., Sections 1131-1138F.)

Sec. 2. Sec. 6-410, Arizona Revised Statutes, is amended to read:

6-410. LOANS; INVESTMENT OF FUNDS

A. A building and loan association may make loans:

1. Upon notes secured by first mortgages on improved real property, or on real property to be improved under contract with the association. Unless the federal housing administrator has insured or made a commitment to insure the property, the loan shall not exceed sixty per cent of the conservative market value of the improved real property mortgaged, except in the event the savings or investment accounts of the association are insured by the federal savings and loan insurance corporation, as provided in title IV of the national housing act, as now or hereafter amended, the loan may equal but shall not exceed seventy-five per cent of the conservative appraised value of the improved real property mortgaged. No loan shall be made except upon the report in writing of two appraisers giving the conservative market value of the property to be mortgaged.

2. Upon the security of shares of the association to the amount of ninety per cent of their withdrawal value.

B. An association may also:

1. Lend or invest an amount not greater than twenty per cent of its total assets in bonds of the United States, the home owners' loan corporation, bonds and warrants of the state, the counties, cities, towns, school districts, road districts and other municipalities and improvement districts of the state, national mortgage associations, debentures issued by the federal housing administrator, in bonds, debentures and notes issued by a federal home loan bank or consolidated federal home loan bank, and in farm loan bonds, consolidated farm loan bonds, debentures, consolidated debentures and other obligations issued by federal land banks or by federal intermediate credit banks under the authority of the federal farm loan act approved July 17, 1916, as now or hereafter amended (Title 12, U.S.C., Sections 636-1012 and Sections 1021-1129), and in bonds, debentures, consolidated debentures and other obligations issued by banks for cooperatives under the authority of the farm credit act of 1933, as now or hereafter amended. (Title 12, U.S.C., Sections 1131-1138F.)

2. Invest in the stock and become a member of a federal home loan bank of which it may be eligible to become a member under the terms and provisions of the federal home loan bank act. The laws of this state shall not prohibit an association from investing any part of its capital, surplus or funds in the stock or becoming a member of a federal home loan bank. An association which is or desires to become a member of a federal home loan bank shall be subject to such examination, inspection and regulations as required by the federal home loan bank act, or by the federal home loan bank board, or the federal home loan bank of which the association is or desires to become a member. The superintendent of banks, his agents and employees, are authorized to furnish to the federal home loan bank board, to any federal home loan bank, or to the duly appointed examiners of either, copies of instruments concerning the association, or to disclose to them any information with reference to the condition or affairs thereof, as they may require. An association joining or associating itself with a federal home loan bank is authorized to borrow money, in any amount, from the bank, and to assign, pledge and hypothecate its assets in an amount as may be required by the bank as security therefor, and shall have and exercise all powers which are conferred upon any member association in the federal home loan bank by the provisions of the federal home loan

bank act and the regulations of the federal home loan bank board. An association may subscribe to the shares of a federal savings and loan association domiciled in this state, and may pay for the shares in cash or by the transfer of assets of the subscriber association approved by the federal home loan bank board in writing.

Approved by the Governor—March 17, 1959.

Filed in the Office of the Secretary of State—March 18, 1959.

CHAPTER 48

House Bill No. 176

AN ACT

RELATING TO DENTISTRY; PRESCRIBING A LIMITATION ON THE AMOUNT OF THE ANNUAL REGISTRATION FEE, AND AMENDING SECTION 32-1236, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 32-1236, Arizona Revised Statutes, is amended to read:

32-1236. ANNUAL REGISTRATION; FORFEITURE OF LICENSE; REINSTATEMENT

A. On or before July 1 each year, every licensed dentist shall pay an annual registration fee as determined by order of the board but not to exceed fifteen dollars.

B. Failure to pay the annual registration fee shall thereupon cause a forfeiture of license, but upon written application and payment, within the fiscal year of the forfeiture, of a fine of ten dollars, or if after the fiscal year, of a fine equal to the examination fee at the time of application, the board shall, without examination, reinstate the license. Whenever issued, such reinstatement shall be as of the date of application, and shall entitle applicant to an annual registration receipt only for such fiscal year.

Approved by the Governor—March 17, 1959.

Filed in the Office of the Secretary of State—March 18, 1959.

CHAPTER 49

House Bill No. 180

AN ACT

RELATING TO DOGS AND OTHER ANIMALS; PRESCRIBING FEE FOR IMPOUNDMENT AND MAINTENANCE OF DOG AT COUNTY OR CITY-COUNTY POUND, AND AMENDING SECTION 24-371, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 24-371, Arizona Revised Statutes, is amended to read:

24-371. ESTABLISHMENT OF COUNTY OR CITY-COUNTY POUND; IMPOUNDING AND CARE OF UNLICENSED DOGS; RECLAIMING IMPOUNDED DOG; DISPOSAL OF MONIES COLLECTED BY HUMANE OFFICER

A. A county pound may be provided by the board of supervisors of each county with proper facilities for maintaining and caring for dogs coming under the custody of the humane officer or the board of supervisors may enter into a cooperative agreement with a city for the establishment and operation of a county-city pound.

B. Any unlicensed dog found running at large, except as otherwise provided by this article, shall be taken into custody and impounded by the humane officer if the county where the dog is found has a county pound. Dogs impounded shall be given proper care and maintenance. The humane officer shall make a charge of one dollar for each dog impounded, plus a reasonable fee not to exceed one dollar fifty cents a day for maintenance, to be paid by the person reclaiming the dog. A person wishing to claim or reclaim a dog at the county pound may do so by paying the impounding and maintenance fees and proving legal right to the satisfaction of the humane officer.

C. All monies collected by the humane officer shall be turned over to the sheriff monthly and placed in the rabies control fund.

Approved by the Governor—March 17, 1959.

Filed in the Office of the Secretary of State—March 18, 1959.

CHAPTER 50

House Bill No. 201

AN ACT

RELATING TO MUNICIPAL INDEBTEDNESS; PROVIDING FOR VALIDATION OF CERTAIN BOND ELECTIONS HERETOFORE HELD IN CITIES IN ARIZONA AND THE AUTHORIZATION OF THE ISSUANCE OF BONDS VOTED AT SUCH ELECTIONS.

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

Section 1. VALIDATION

Wherever, since January 1, 1957, an election has been held in any city on the question of the issuance of the bonds of such city payable from ad valorem taxes and where in one or more of the propositions submitted at such election provision was made for the issuance of the bonds in series and the exact maturities of the first series were set forth but it was provided that each subsequent series should be dated as of a specified day of the year closest to the day of the issuance of each subsequent series, and that the bonds of each such subsequent series should mature at the rate of a specified per cent per annum of the total amount of the series commencing a specified number of years after the date of the series, and where the propositions so submitted were carried by the affirmative vote of more than a majority of the real property taxpayers who were also in all respects qualified electors voting at said election and the results of said election were canvassed by the governing body and a finding to such effect adopted, it is hereby expressly found and determined that the submission of such bonds in said manner was in compliance with the requirements of section 35-455, Arizona Revised Statutes, and each such election and the bonds so voted are hereby validated, ratified and confirmed, and the governing body is authorized to proceed with the sale and issuance of such bonds pursuant to the provisions of the pertinent statute. Where the first series of any issue of bonds so voted has been heretofore sold and delivered in part, the governing body is authorized to proceed with the sale and issuance of the remainder of any such series.

Sec. 2. EMERGENCY

To preserve the public peace, health and safety, it is necessary that this act become immediately operative. It is

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

Approved by the Governor—March 17, 1959.

Filed in the Office of the Secretary of State—March 18, 1959.

CHAPTER 51

House Bill No. 202

AN ACT

RELATING TO MUNICIPAL INDEBTEDNESS; PROVIDING FOR ISSUANCE AND SALE OF BONDS; CALL FOR ELECTION, AND AMENDING SECTION 35-455, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 35-455, Arizona Revised Statutes, is amended to read:

35-455. ISSUANCE AND SALE OF BONDS; CALL FOR ELECTION

A. When the political subdivision designated in this article desires to issue bonds or other evidences of indebtedness, the governing body or board thereof may, with assent of a majority of the real property taxpayers who are qualified electors therein voting at the election held as provided by section 35-454, issue and sell bonds in the amount authorized at the election.

B. The call for the election shall set forth the amount of each bond and the aggregate amount of the bonds, the rate of interest to be paid thereon not exceeding six per cent per annum, when the interest is payable, the number of years such bonds or any series thereof are to run from the date of such bonds or series and the purposes for which the money derived from the sale of the bonds will be expended.

Approved by the Governor—March 17, 1959.

Filed in the Office of the Secretary of State—March 18, 1959.

CHAPTER 52

House Bill No. 203

AN ACT

RELATING TO THE POWERS AND DUTIES OF THE BOARD OF TRUSTEES OF THE FIREMEN'S RELIEF AND PENSION FUND, AND AMENDING SECTION 9-957, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 9-957, Arizona Revised Statutes, is amended to read:

9-957. POWERS AND DUTIES OF BOARD; REVIEW OF DECISIONS

A. The board may compel witnesses to attend and testify upon any matter pertaining to this article, and its president or any member may administer oaths. The board may provide for payment of its necessary expenses, except that no compensation shall be paid to members of the board for duties performed under this article.

B. The board shall invest or reinvest such funds as are not immediately required for the payment of pensions or benefits under this article, as follows:

1. Bonds of the United States.

2. Federal housing insured mortgage bonds of the United States.

3. Federal land bank bonds.

4. Any bonds upon which the payment of interest and principal are guaranteed by the United States.

5. Bonds issued by any United States government instrumentality or federal agency that qualify and are acceptable as security for public funds of the United States government.

6. General obligation bonds of the state or of the counties, incorporated cities and towns and school districts thereof.

7. Revenue bonds of the incorporated cities and towns of this state, board of regents of the university and state colleges of Arizona, Arizona power authority, or any other legally constituted state authority or agency authorized by law

to issue revenue bonds, except revenue bonds for recreational purposes issued by cities and towns.

8. Bonds of agricultural improvement districts and agricultural improvement and power districts organized under the laws of this state when issued or guaranteed, with the approval of the secretary of the interior by corporations operating a United States reclamation project within the state.

9. Bonds of incorporated cities or towns of this state issued under the provisions of sections 9-692 through 9-707.

10. First lien bonds of sanitary districts issued pursuant to article 1 of chapter 11, title 36.

11. Registered warrants of the state, or registered county or school district warrants when offered as security for monies of the county or school district by which they are issued.

C. All matters pertaining to the benefits granted by this article to firemen and their dependents shall be presented to the board, and any person aggrieved by a decision of the board, may at any time within thirty days after its decision, petition for a writ of certiorari, and the court may on final hearing reverse or affirm, wholly or partly, or may modify, the decision reviewed.

Approved by the Governor—March 17, 1959.

Filed in the Office of the Secretary of State—March 18, 1959.

CHAPTER 53

House Bill No. 204

AN ACT

RELATING TO THE POWERS AND DUTIES OF THE POLICE PENSION BOARD, AND AMENDING SECTION 9-921, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 9-921, Arizona Revised Statutes, is amended to read:

9-921. POWERS AND DUTIES OF THE BOARD; AUDIT

A. The police pension board shall have exclusive control and management of the police pension fund, subject to the provisions of this article. It shall make rules, not inconsistent with the provisions of this article, for its government, the conduct of its proceedings and the management of the fund, and shall do all things necessary to carry out the provisions of this article. It may compel witnesses to attend hearings, or produce records and papers, and testify with respect to applications for pensions, or upon any matter connected with the fund, and any member of the board may administer oaths to such witnesses.

B. The board may invest or reinvest, in the name of the board, that portion of the fund which in its judgment is available for investment in such interest-bearing securities as follows:

1. Bonds of the United States.

2. Federal housing insured mortgage bonds of the United States.

3. Federal land bank bonds.

4. Any bonds upon which the payment of interest and principal are guaranteed by the United States.

5. Bonds issued by any United States government instrumentality or federal agency that qualify and are acceptable as security for public funds of the United States government.

6. General obligation bonds of the state or of the counties, incorporated cities and towns, and school districts thereof.

7. Revenue bonds of the incorporated cities and towns of this state, board of regents of the university and state colleges of Arizona, Arizona power authority, or any other legally constituted state authority or agency authorized by law to issue revenue bonds, except revenue bonds for recreational purposes issued by cities and towns.

8. Bonds of agricultural improvement districts and agricultural improvement and power districts organized under the laws of this state when issued or guaranteed, with the approval of the secretary of the interior by corporations operating a United States reclamation project within the state.

9. Bonds of incorporated cities or towns of this state issued under the provisions of sections 9-692 through 9-707.

10. First lien bonds of sanitary districts issued pursuant to article 1 of chapter 11, title 36.

11. Registered warrants of the state, or registered county or school district warrants when offered as security for monies of the county or school district by which they are issued.

C. The board shall cause an annual audit and report of the fund to be made by a certified public accountant, and shall also cause actuarial studies of the fund to be made periodically, but not less than once in each three years, by a qualified actuary who is a member of the society of actuaries. The actuary shall make specific recommendations as to the contributions to be made to the fund in accordance with the provisions of paragraph 10, subsection A of section 9-923, in order to maintain the fund on an actuarily sound basis.

Approved by the Governor—March 17, 1959.

Filed in the Office of the Secretary of State—March 18, 1959.

CHAPTER 54

House Bill No. 215

AN ACT

MAKING AN APPROPRIATION TO THE DEPARTMENT OF LIBRARY AND ARCHIVES.

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

Section 1. APPROPRIATION

In addition to the sum appropriated under the terms of subdivision 4, section 1, chapter 102, Laws of 1958, second regular session, the sum of three hundred dollars is appropriated to the department of library and archives for travel, out-of-state.

Sec. 2. EXEMPTION

The sum appropriated by this act 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 effcet as provided by law.

Approved by the Governor—March 17, 1959.

Filed in the Office of the Secretary of State—March 18, 1959.

CHAPTER 55

House Bill No. 224

AN ACT

RELATING TO CRIMES; PRESCRIBING ACTS CONSTITUTING OFFENSE OF EMBEZZLEMENT, AND AMENDING SECTION 13-682, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 13-682, Arizona Revised Statutes, is amended to read:

13-682. ACTS CONSTITUTING OFFENSE

A person is guilty of theft by embezzlement who:

1. Is entrusted with, or has in his control, property for the use of any other person, and fraudulently appropriates to any use or purpose not in the due and lawful execution of his trust the property which he has in his possession or under his control by virtue of his trust, or secretes it with a fraudulent intent to appropriate it to such use or purpose.

2. Has under his control personal property for the purpose of transportation for hire, and fraudulently appropriates it to any use or purpose inconsistent with the safekeeping of such property and its transportation according to the trust, whether or not he has broken the package in which the property is contained, or has otherwise separated the items thereof.

3. Is entrusted with any property for the sale or transfer thereof, and fraudulently converts the proceeds thereof to his own use.

4. Has leased or rented a motor vehicle, trailer, equipment or tool, and who fraudulently fails to return the motor

vehicle, trailer, equipment or tool to its owner within ten days after the lease or rental agreement has expired.

Approved by the Governor—March 17, 1959.

Filed in the Office of the Secretary of State—March 18, 1959.

CHAPTER 56

House Bill No. 230

AN ACT

RELATING TO INSURANCE; PERMITTING THE DIRECTOR TO PREPARE AND SELL PUBLICATIONS, AND AMENDING TITLE 20, CHAPTER 1, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 20-168.

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

Section 1. Title 20, chapter 1, article 2, Arizona Revised Statutes, is amended by adding section 20-168, to read:

20-168. PREPARATION AND SALE OF PUBLICATIONS

To the extent he reasonably shall deem desirable and in the public interest, the director may prepare or have prepared books, pamphlets and other publications relating to insurance and sell or resell same in such manner and at such prices not less than cost as he shall determine. All monies received by the director from any such sale or resale shall revert to the general fund.

Approved by the Governor—March 17, 1959.

Filed in the Office of the Secretary of State—March 18, 1959.

CHAPTER 57

House Bill No. 252

AN ACT

MAKING AN APPROPRIATION FOR THE RELIEF OF THE ESTATE OF FRANK C. PEERY, DECEASED.

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

Section 1. APPROPRIATION

The sum of six hundred twenty-four dollars sixty-eight cents is appropriated for the relief of the estate of Frank C. Peery, deceased.

Sec. 2. BASIS OF CLAIM

Payment of the sum appropriated shall be in full satisfaction of the claim of Frank C. Peery, deceased, for services from March 20, 1954, to and including June 19, 1954, as an employee of the state hospital, Phoenix, Arizona, and in exchange for uncashed checks covering this same period of service.

Sec. 3. EMERGENCY

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

Approved by the Governor—March 17, 1959.

Filed in the Office of the Secretary of State—March 18, 1959.

CHAPTER 58

House Bill No. 261

AN ACT

MAKING AN APPROPRIATION TO THE GOVERNOR FOR THE CONTROL OF GRASSHOPPERS AND OTHER INSECTS.

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

Section 1. APPROPRIATION

The sum of fifty thousand dollars is appropriated to the governor for the purpose of defraying the cost of controlling such infestations of grasshoppers and other insects in the agricultural and grazing areas as are deemed by the governor to be a menace to the welfare of the state.

Sec. 2. CONTINGENCY

A. The appropriation made under the provisions of section 1 is contingent upon:

1. The matching of the same by the United States or any agency thereof and the owner of the land to be treated, on the basis of one-third each, which sums when added to the state's contribution of one-third shall constitute the expendable fund; or,

2. In the event federal matching funds are not made available the matching shall be on the basis of one-half by the owner of the land and one-half by the state from the fund provided by this act.

B. The supplying of poison and other materials, payment of wages or salaries of personnel, or any combination of such contributions for the purpose of carrying out the provisions of this act shall, to the extent of the value of such contributions, be accepted in place of a cash contribution.

Sec. 3. EXEMPTION

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

Sec. 4. EMERGENCY

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

Approved by the Governor—March 17, 1959.

Filed in the Office of the Secretary of State—March 18, 1959.

CHAPTER 59

House Bill No. 83

AN ACT

RELATING TO EMPLOYMENT SECURITY; PERMITTING THE ACCOUNTS OF BASE-PERIOD EMPLOYERS TO BE NONCHARGED IF THEY CONTINUE TO FURNISH EMPLOYMENT TO CLAIMANTS FOR UNEMPLOYMENT INSURANCE, AND AMENDING SECTION 23-727, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 23-727, Arizona Revised Statutes, is amended to read:

23-727. CREDITS AND CHARGES TO EMPLOYER ACCOUNTS

A. The commission shall maintain a separate account for each employer and shall credit the account with all contributions paid by the employer and shall charge the account with all benefits chargeable to it.

B. Nothing in this chapter shall be construed to grant any employer or individuals in his service prior claims or rights to the amounts paid by the employer into the fund.

C. Except as otherwise provided in subsections D and E, benefits paid to an individual shall be charged against the accounts of his base-period employers. The amount of benefits so chargeable against each base-period employer's account shall bear the same ratio to the total benefits paid to an individual as the base-period wages paid to the individual by the employer bear to the total amount of base-period wages paid to the individual by all his base-period employers.

D. Benefits paid to an individual whose separation from work with any employer occurs under conditions found by the commission to be within the provisions of paragraphs 1 and 2 of section 23-775, or for compelling personal reasons not attributable to the employer and not warranting disqualification for benefits, shall not be used as a factor in determining the future contribution rate of the employer from whose employment the individual so separated, but the employer shall establish the condition of separation to the satisfaction of the commission by submitting such information as the commission requires within ten days after the date of notification or mailing of notice by the commission that the individual has first filed a claim for benefits.

E. Benefits paid to an individual who, during his base-period, earned wages for part-time employment with an employer shall not be used as a factor in determining the future contribution rate of such employer if he continues to give employment to the individual to the same extent while he is receiving benefits as during the base-period and the employer establishes such fact by submitting such information as the commission may require within ten days after the date of notification or mailing of notice by the commission that the individual has first filed a claim for benefits.

F. A determination that benefits paid shall be used in

determining future contribution rates of the employer may be appealed by the employer in the same manner provided for appeals of benefit determinations.

Approved by the Governor—March 18, 1959.

Filed in the Office of the Secretary of State—March 18, 1959.

CHAPTER 60

House Bill No. 84

AN ACT

RELATING TO EMPLOYMENT SECURITY; ESTABLISHING A TEN PER CENT TOLERANCE FACTOR TO ELIMINATE REQUIREMENT FOR CHANGES IN EMPLOYER ADJUSTED CONTRIBUTION RATES IF ESTIMATED YIELD FROM PRIOR YEAR RATES WILL PROVIDE AN AMOUNT WITHIN TEN PER CENT OF REQUIREMENTS; ALTERING THE PERIOD FOR WHICH THE EMPLOYMENT SECURITY COMMISSION MAY TAKE CIVIL ACTION TO COLLECT CONTRIBUTIONS, INTEREST OR PENALTIES TO ESTABLISH UNIFORMITY WITH PERIOD DURING WHICH REFUNDS MAY BE MADE, AND AMENDING SECTIONS 23-730 AND 23-743, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 23-730, Arizona Revised Statutes, is amended to read:

23-730. VARIATION AND ADJUSTMENT OF CONTRIBUTION RATES

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

1. If the total of all an employer's contributions, paid on or before July 31 of the preceding calendar year with respect to wages paid by him prior to July 1 of such preceding calendar year, exceeds the total benefits which were chargeable to his account and were paid prior to July 1 of such preceding calendar year, with respect to weeks of unemployment beginning prior to such July 1, his contribution rate for the ensuing calendar year subject to the adjustments provided by this section, shall be:

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

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

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

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

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

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

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

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

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

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

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

2. If on July 31 of any year the total assets of the fund excluding contributions not yet paid on July 31 of such year, constitute the following percentage ratios to total taxable payrolls for the fiscal year ending June 30 of such year, all employers eligible for a rate of less than two and seven-tenths per cent under paragraph 1 of this section shall have a rate to which they are entitled adjusted proportionately; but no additional adjustment of contribution rates assigned for the preceding calendar year shall be made under this paragraph unless the estimated tax yield from these rates varies more than ten per cent from the average indicated in this paragraph. The purpose of the proportionate adjustment

specified in this paragraph is to provide an approximate average tax yield from all employers for the ensuing calendar year in amounts based upon per cent of assets in the fund to total taxable payrolls as follows:

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

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

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

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

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

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

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

Sec. 2. Sec. 23-743, Arizona Revised Statutes, is amended to read:

23-743. LIMITATION ON ACTION TO COLLECT CONTRIBUTIONS, INTEREST OR PENALTIES

No civil action to collect contributions, interest or penalties for any calendar quarter shall be commenced after three years from the date on which such contributions, interest or penalties became due.

Approved by the Governor—March 18, 1959.

Filed in the Office of the Secretary of State—March 18, 1959.

CHAPER 61

House Bill No. 93

AN ACT

RELATING TO TRANSACTION PRIVILEGE TAXES; PROVIDING FOR THE INCLUSION OF SALTS, VITAMINS OR OTHER ADDITIVES AS PART OF STOCK FEED, AND AMENDING SECTION 42-1315, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 42-1315, Arizona Revised Statutes, is amended to read:

42-1315. SLAUGHTERING BUSINESS; POULTRY AND STOCK FEED

The tax imposed by subsection A of section 42-1309 shall be levied and collected at an amount equal to one-fourth of one per cent of the gross proceeds of sales or the gross income from the business upon every person engaging or continuing within this state in the following businesses:

1. Slaughtering animals for food, packing, processing or compounding meat or meat products.

2. Selling poultry or stock feed, including salts, vitamins or other additives, to poultrymen or producers of poultry and poultry products, or to stockmen or feeders of stock, at wholesale prices, for their own use and not for resale.

Sec. 2. EMERGENCY

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

Approved by the Governor—March 18, 1959.

Filed in the Office of the Secretary of State—March 18, 1959.

CHAPTER 62

House Bill No. 108

AN ACT

RELATING TO CITIES AND TOWNS; PROVIDING AUTHORITY FOR AN OPTIONAL PROCEDURE FOR ELECTIONS, AND AMENDING TITLE 9, CHAPTER 7, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-821.01.

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

Section 1. Title 9, chapter 7, article 3, Arizona Revised Statutes, is amended by adding section 9-821.01, to read:

9-821.01. CITY AND TOWN ELECTIONS; OPTIONAL PROCEDURE

Notwithstanding any other provision of law to the contrary, a city or town may by ordinance provide that at the primary election, any candidate who shall receive a majority of all votes cast at such election shall be declared elected to the office for which he is a candidate, effective as of the date of the general election, and no further election shall be held as to such candidate, provided that nothing on the ballot shall be indicative of the source of the candidacy or of the support of the candidate.

Approved by the Governor—March 18, 1959.

Filed in the Office of the Secretary of State—March 18, 1959.

CHAPTER 63

House Bill No. 113

AN ACT

RELATING TO CITIES AND TOWNS; PROVIDING THAT BONDS MAY BE ISSUED FOR RECREATIONAL FACILITIES; RETAINING CERTAIN BUDGET AND LEVY LIMITATIONS UPON RECEIPTS AND EXPENDITURES FOR RECREATIONAL FACILITIES, AND AMENDING TITLE 9, CHAPTER 5, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-521.01.

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

Section 1. Title 9, chapter 5, article 3, Arizona Revised Statutes, is amended by adding section 9-521.01, to read:

9-521.01. RECREATIONAL FACILITIES

A. For the purposes of this article only, the term "utility undertaking", in addition to the definition prescribed in section 9-521, shall mean recreational facilities.

B. "Recreational facilities" means swimming pools, parks, playgrounds, municipal golf courses, and ball parks.

C. Receipts and expenditures for recreational facilities, except to the extent prescribed by section 9-530, shall not be excluded from the limitations imposed by title 42, chapter 2.

D. Provisions of this section shall apply only to municipalities of seventy-five thousand or less.

Sec. 2. EMERGENCY

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

Approved by the Governor—March 18, 1959.

Filed in the Office of the Secretary of State—March 18, 1959.

CHAPTER 64

House Bill No. 114

AN ACT

RELATING TO CITIES AND TOWNS; PROVIDING THAT A CITY OR TOWN MAY BY ORDINANCE HOLD THE GENERAL ELECTION ON ANY DATE, EXCLUDING SUNDAYS AND HOLIDAYS, BETWEEN THE FIRST MONDAY IN JANUARY AND THE FOURTH MONDAY IN MAY, AND AMENDING SECTION 9-231, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 9-231, Arizona Revised Statutes, is amended to read:

9-231. COMMON COUNCIL; DATE OF ELECTION

A. The corporate powers of a town incorporated under the provisions of section 9-101 shall be vested in a common council. The first common council shall be appointed by the board of supervisors, upon declaring the town incorporated, and they shall continue in office until their successors are elected and qualified. The successors shall be elected by the qualified electors residing in the town at an election held for that purpose on the fourth Monday in May following, and on the fourth Monday in May each two years thereafter.

B. The common council of every town shall consist of five members, or if the population exceeds fifteen hundred, of seven members.

C. Notwithstanding any other provision of law to the contrary, a city or town may by ordinance provide for the general election to be held on any date, excluding Sundays and holidays, between the first Monday in January and the fourth Monday in May, commencing with the general election to be held in the second year after the first election subsequent to the adoption of such ordinance, and in every second year thereafter.

Approved by the Governor—March 18, 1959.

Filed in the Office of the Secretary of State—March 18, 1959.

CHAPTER 65

House Bill No. 122

AN ACT

RELATING TO MENTALLY ILL PERSONS, 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. "Issue" as used in connection with descent of estates includes all lawful, lineal descendents of the ancestor.

10. "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.

11. "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.

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

13. "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.

14. "Mentally ill person" includes an idiot, an insane person, a lunatic or a person non compos.

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 18, 1959.

Filed in the Office of the Secretary of State—March 18, 1959.

CHAPTER 66

House Bill No. 123

AN ACT

RELATING TO MENTALLY ILL PERSONS, AND AMENDING SECTIONS 36-202, 36-204, AND 36-211, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 36-202, Arizona Revised Statutes, is amended to read:

36-202. STATE HOSPITAL FOR THE MENTALLY ILL; OFFICIAL NAME; PURPOSE; FACILITIES AND EQUIPMENT

A. A state hospital for the mentally ill shall be maintained for care and treatment of persons adjudged mentally ill and other mentally diseased persons who are admitted

thereto in accordance with law. The hospital shall be called the Arizona state hospital.

B. The hospital shall have adequate facilities and equipment for enlightened and scientific treatment of nervous and mental diseases in accordance with approved methods of mental therapeutics. Such facilities shall include, among other things:

1. Facilities for medical and psychiatric treatment, with special attention to sedative and tonic hydro-therapy, insulin, occupational therapy and other special therapies.

2. Facilities for proper segregation and care of child patients.

3. Facilities for recreation and physical training.

4. An institutional library for the use of patients.

5. A properly equipped dental department.

6. A properly equipped laboratory and X-ray department.

Sec. 2. Sec. 36-204, Arizona Revised Statutes, is amended to read:

36-204. POWERS AND DUTIES OF BOARD

The board shall:

1. Hold monthly meetings and such special meetings as the chairman or any three members call.

2. Elect a chairman and vice-chairman annually.

3. Adopt rules and regulations for outpatient services.

4. If deemed advisable, establish a nurses' training school in connection with the hospital which shall be under the supervision of the superintendent.

5. Prescribe forms of complaints, certificates of mental illness, and commitments.

6. Adopt rules and regulations for commitment of mentally ill persons not inconsistent with provisions of law.

7. Adopt rules and regulations for administration of the state hospital and to carry out the purposes of this article.

Sec. 3. Sec. 36-211, Arizona Revised Statutes, is amended to read:

36-211. INCOME FROM LAND RENTALS AND PERMANENT FUNDS

In addition to other funds appropriated to its use, any other law notwithstanding, there is appropriated to the use of the state hospital the annual income from land rentals and interest on the investment of the permanent funds arising from the grant of land for insane asylums under the terms of the enabling act of June 20, 1910, and the state constitution. The monies appropriated by this section may be expended as the state hospital board directs.

Approved by the Governor—March 18, 1959.

Filed in the Office of the Secretary of State—March 18, 1959.

CHAPTER 67

House Bill No. 141

AN ACT

RELATING TO EDUCATION; PROVIDING THE TYPE OF BONDS IN WHICH SCHOOL DISTRICT SINKING FUNDS MAY BE INVESTED, AND AMENDING SECTON 15-1323, ARIZONA REVISED STATUTES.

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

Section 1. 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, or in farm loan bonds, consolidated farm loan bonds, debentures, consolidated debentures and other obligations issued by federal land banks or by federal intermediate credit banks under the authority of the federal farm loan act approved July 17, 1916, as now or hereafter amended (Title 12, U.S.C., Sections 636-1012 and Sections 1021-1129) or in bonds, debentures, consolidated debentures and other obligations issued by banks for cooperatives under the authority of the farm credit act of 1933, as now or hereafter amended (Title 12 U.S.C., Sections

1131-1138F) 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.

Approved by the Governor—March 18, 1959.

Filed in the Office of the Secretary of State—March 18, 1959.

CHAPTER 68

House Bill No. 142

AN ACT

RELATING TO CITIES AND TOWNS; PROVIDING FOR THE TYPE OF OBLIGATION IN WHICH THE GOVERNING BODY OF A CITY OR TOWN MAY INVEST ITS SINKING FUNDS, AND AMENDING SECTION 9-492, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 9-492, Arizona Revised Statutes, is amended to read:

9-492. INVESTMENT OF SINKING FUNDS OF MUNICIPALITIES

The governing body of a municipality may invest its sinking funds in United States, state, or county bonds and in farm loan bonds, consolidated farm loan bonds, debentures, consolidated debentures and other obligations issued by federal land banks or by federal intermediate credit banks under the authority of the federal farm loan act approved July 17, 1916, as now or hereafter amended (Title 12 U.S.C., Sections 636-1012 and Sections 1021-1129), and in bonds, debentures, consolidated debentures and other obligations issued by banks for cooperatives under the authority of the farm

credit act of 1933, as now or hereafter amended. (Title 12 U.S.C., Sections 1131-1138F.)

Approved by the Governor—March 18, 1959.

Filed in the Office of the Secretary of State—March 18, 1959.

CHAPTER 69

House Bill No. 144

AN ACT

RELATING TO INSURANCE; PROVIDING FOR THE TYPE OF OBLIGATIONS IN WHICH AN INSURER MAY INVEST, AND AMENDING SECTION 20-537, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 20-537, Arizona Revised Statutes, is amended to read:

20-537. UNITED STATES OBLIGATIONS

An insurer may invest any of its funds in:

1. Bonds or other evidences of indebtedness of the United States or any of its agencies or instrumentalities when such obligations are guaranteed as to principal and interest by the United States or any agency or instrumentality thereof.

2. Bonds or other evidences of indebtedness which are guaranteed as to principal and interest by the United States or by any agency or instrumentality thereof.

3. Farm loan bonds, consolidated farm loan bonds, debentures, consolidated debentures and other obligations issued by federal land banks or by federal intermediate credit banks under the authority of the federal farm loan act approved July 17, 1916, as now or hereafter amended (Title 12, U.S.C., Sections 636-1012 and Sections 1021-1129), and in bonds, debentures, consolidated debentures and other obligations issued by banks for cooperatives under the authority of the farm credit act of 1933, as now or hereafter amended. (Title 12 U.S.C., Sections 1131-1138F)

Approved by the Governor—March 17, 1959.

Filed in the Office of the Secretary of State—March 18, 1959.

CHAPTER 70

House Bill No. 171

AN ACT

RELATING TO EDUCATION; PROVIDING FOR FORMATION OF NEW SCHOOL DISTRICTS BY SUBDIVISION OF EXISTING DISTRICT, AND AMENDING SECTION 15-404, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 15-404, Arizona Revised Statutes, is amended to read:

15-404. FORMATION OF NEW DISTRICTS BY SUBDIVISION OF EXISTING DISTRICT

A. In a school district containing more than two hundred and fifty school children in average daily attendance, a new school district may be formed by a subdivision of the old one, upon a petition signed by fifty-one per cent of the owners of real property who are qualified electors of the original school district. The petition shall set forth the proposed boundaries of the district to be formed together with the number of school-age children residing therein and the amount of real property valuation within the district to be formed. No new district may be formed unless the real property valuation per child is sufficient to support the school in a manner comparable to other districts of similar size.

B. The petition shall be presented to the board of trustees of the original school district for approval or disapproval. If approved the petition shall be endorsed by the board of trustees and transmitted to the county school superintendent who shall make his record of boundaries conform, and shall notify the board of supervisors of the formation of the new district and the boundaries thereof. The new district shall become operative on July 1 next after the date upon which the petition is approved.

Sec. 2. EMERGENCY

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

Approved by the Governor—March 18, 1959.

Filed in the Office of the Secretary of State—March 18, 1959.

CHAPTER 71

Senate Bill No. 147

AN ACT

MAKING AN APPROPRIATION TO THE BOARD OF REGENTS OF THE UNIVERSITY AND STATE COLLEGES OF ARIZONA FOR THE ACQUISITION AND PREPARATION OF LANDS 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 four hundred fifty thousand dollars is appropriated to the board of regents of the university and state colleges of Arizona.

Sec. 2. PURPOSE

The appropriation made in section 1 is for the purchase of lands, including the improvements on such lands, demolition of buildings thereon, and the preparation of lands, for the use of the university of Arizona.

Sec. 3. LAPSING OF APPROPRIATION

The appropriation made under the provisions of this act shall not lapse until the purposes for which the appropriation is made shall have been accomplished or abandoned unless the appropriation shall have stood until January 1, 1964, without an expenditure therefrom or encumbrance thereon.

Sec. 4. EMERGENCY

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

Approved by the Governor—March 19, 1959.

Filed in the Office of the Secretary of State—March 19, 1959.

CHAPTER 72

Senate Bill No. 153

AN ACT

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

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

Section 1. APPROPRIATION

The sum of four hundred eighty-five thousand one hundred dollars is appropriated to the board of regents of the university and state colleges of Arizona.

Sec. 2. PURPOSE

The appropriation made in section 1 is for the purchase of lands, including improvements on such lands, demolition of buildings thereon, and the preparation of lands, for the use of Arizona state university.

Sec. 3. LAPSING OF APPROPRIATION

The appropriation made under the provisions of this act shall not lapse until the purposes for which the appropriation is made shall have been accomplished or abandoned unless the appropriation shall have stood until January 1, 1964, without an expenditure therefrom or encumbrance thereon.

Sec. 4. EMERGENCY

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

Approved by the Governor—March 19, 1959.

Filed in the Office of the Secretary of State—March 19, 1959.

CHAPTER 73

Senate Bill No. 252

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 sums appropriated and reallocated to the board of directors of state institutions for juveniles under the terms of subdivision 33, section 1, chapter 102, Laws of 1958, second regular session, and under the terms of chapter 10, Laws of 1958, second regular session, the sum of three hundred fifty-two thousand five hundred dollars is appropriated to the board of directors of state institutions for juveniles, to be available as provided in section 2.

Sec. 2. PURPOSE

The sum appropriated under the terms of section 1 is available for use of the state industrial school at Fort Grant for the following purposes and in the following amounts:

10 homes at $12,000.00 each	$120,000.00
2 dormitories & equipment, $100,000 each	200,000.00
1 classroom of 3 rooms at $32,500.00	32,500.00
TOTAL	$352,500.00

Sec. 3. EXEMPTION

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

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 19, 1959.

Filed in the Office of the Secretary of State—March 19, 1959.

CHAPTER 74

Senate Bill No. 59

AN ACT

RELATING TO THE CRIME OF OBTAINING MONEY, PROPERTY OR VALUABLE CONSIDERATION BY FALSE PRETENSE OR CONFIDENCE GAME; PROVIDING A PENALTY THEREFOR; AND AMENDING SECTION 13-312, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 13-312, Arizona Revised Statutes, is amended to read:

13-312. OBTAINING MONEY, PROPERTY OR VALUABLE CONSIDERATION BY FALSE PRETENSE OR CONFIDENCE GAME; PUNISHMENT

A person who, with intent to cheat and defraud, obtains or attempts to obtain from any other person, money, property, or valuable consideration, by means or by use of any trick or deception, false or fraudulent representation, statement or pretense, or by any other means, instruments or device commonly called a "confidence game" shall be punished by imprisonment in the state prison for not less than one nor more than five years, or by imprisonment in a county jail for not to exceed one year, or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment.

Approved by the Governor—March 19, 1959.

Filed in the Office of the Secretary of State—March 19, 1959.

CHAPTER 75

Senate Bill No. 61

AN ACT

RELATING TO CRIMES; PROVIDING PUNISHMENT FOR REPORTING A FALSE FIRE ALARM, AND AMENDING TITLE 13, CHAPTER 3, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-945.

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

Section 1. Title 13, chapter 3, article 8, Arizona Revised Statutes, is amended by adding section 13-945, to read:

13-945. REPORTING FALSE FIRE ALARM; PUNISHMENT

A person who wilfully and knowingly sends a false alarm of fire to any fire department or company or causes such alarm to be so sent, knowing at the time of such sending that there is no fire to which the department or company should respond, or having no reasonable ground for believing that there is a fire, is guilty of a misdemeanor.

Approved by the Governor—March 19, 1959.

Filed in the Office of the Secretary of State—March 19, 1959.

CHAPTER 76

Senate Bill No. 93

AN ACT

RELATING TO STATE LANDS, AND PROVIDING FOR THE TRANSFER OF CERTAIN LANDS IN YUMA COUNTY, ARIZONA, TO THE BOARD OF REGENTS OF THE UNIVERSITY AND STATE COLLEGES OF ARIZONA.

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

Section 1. TRANSFER OF LAND

The state land department is authorized and directed to transfer to the board of regents of the university and state colleges of Arizona, approximately one hundred thirteen and six-tenths acres of land, all lying in Yuma County, Arizona, and more particularly described as being the northwest quarter of the southeast quarter and lots three and four of the southwest quarter of section 23, township eight south, range twenty-four west, Gila and Salt River Base and Meridian.

Sec. 2. RESTRICTIONS ON USE

The land transferred under the terms of section 1 shall be used by the board of regents of the university and state col-

leges of Arizona only for the benefit of the university of Arizona.

Sec. 3. TIME LIMITATION

The transfer of land directed under the terms of this section shall be completed by the state land department not later than January 1, 1960.

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 19, 1959.

Filed in the Office of the Secretary of State—March 19, 1959.

CHAPTER 77

Senate Bill No. 101

AN ACT

RELATING TO DECEDENTS' ESTATES; PRESCRIBING A UNIFORM METHOD OF DETERMINING THE DISPOSITION OF PROPERTY WHERE SIMULTANEOUS DEATH OCCURS; PRESCRIBING EXCEPTIONS IN CASES WHERE THE DECEDENT PROVIDES OTHERWISE, AND AMENDING TITLE 14, CHAPTER 2, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 2, SECTIONS 14-221 TO 14-227, INCLUSIVE.

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

Section 1. Title 14, chapter 2, Arizona Revised Statutes, is amended by adding article 2, sections 14-221 to 14-227, inclusive, to read:

ARTICLE 2. SIMULTANEOUS DEATH

14-221. NO SUFFICIENT EVIDENCE OF SURVIVORSHIP

Where the title to property or the devolution thereof depends upon priority of death and there is no sufficient evidence that the persons have died otherwise than simultane-

ously, the property of each person shall be disposed of as if he had survived, except as provided otherwise in this article.

14-222. SURVIVAL OF BENEFICIARIES

If property is so disposed of that the right of a beneficiary to succeed to any interest therein is conditional upon his surviving another person, and both persons die, and there is no sufficient evidence that the two have died otherwise than simultaneously, the beneficiary shall be deemed not to have survived. If there is no sufficient evidence that two or more beneficiaries have died otherwise than simultaneously and property has been disposed of in such a way that at the time of their death each of such beneficiaries would have been entitled to the property if he had survived the others, the property shall be divided into as many equal portions as there were such beneficiaries and these portions shall be distributed respectively to those who would have taken in the event that each of such beneficiaries had survived.

14-223. JOINT TENANTS

Where there is no sufficient evidence that two joint tenants have died otherwise than simultaneously the property so held shall be distributed one half as if one had survived and one half as if the other had survived. If there are more than two joint tenants and all of them have so died the property thus distributed shall be in the proportion that one bears to the whole number of joint tenants. The term "joint tenants" includes owners of property held under circumstances which entitled one or more to the whole of the property on the death of the other or others, with the exception of community property.

14-224. COMMUNITY PROPERTY

Where a husband and wife have died leaving community property, and there is no sufficient evidence that they have died otherwise than simultaneously, one half of all the community property shall pass as if the husband had survived and as if such one half were his separate property and the remaining one half of the community property shall pass as if the wife had survived and as if such one half were her separate property.

14-225. INSURANCE POLICIES

Where the insured and the beneficiary in a policy of life or accident insurance have died and there is no sufficient evidence that they have died otherwise than simultaneously

the proceeds of the policy shall be distributed as if the insured had survived the beneficiary, but if the policy is community property of the insured and his spouse and there is no alternative beneficiary, or no alternative beneficiary except the estate or personal representatives of the insured, the proceeds shall be distributed as community property under section 14-224.

14-226. ARTICLE DOES NOT APPLY IF DECEDENT PROVIDES OTHERWISE

This article shall not apply in the case of wills, living trusts, deeds or contracts of insurance, or any other situation where provision is made for distribution of property different from the provisions of this article, or where provision is made for a presumption as to survivorship which results in a distribution of property different from that here provided.

14-227. ARTICLE NOT RETROACTIVE

This article shall not apply to the distribution of the property of a person who has died before it takes effect.

Approved by the Governor—March 19, 1959.

Filed in the Office of the Secretary of State—March 19, 1959.

CHAPTER 78

Senate Bill No. 102

AN ACT

RELATING TO DETERMINATION OF HEIRSHIP, AND AMENDING SECTIONS 14-641, 14-642, 14-643 AND 14-644, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 14-641, Arizona Revised Statutes, is amended to read:

14-641. DETERMINATION OF HEIRSHIP; PETITION

An executor or administrator, or any person claiming to be an heir of decedent, or entitled to distribution of the estate, or any part thereof, may at any time after the appointment of the executor or administrator, but prior to the filing of a petition for distribution, either partial or final, file a

petition setting forth his claim or reason and praying that the court determine who is entitled to distribution of the estate.

Sec. 2. Sec. 14-642, Arizona Revised Statutes, is amended to read:

14-642. NOTICE OF PETITION; SERVICE; ATTORNEY GENERAL AS PETITIONER

A. The petition shall be set for hearing and notice thereof given to all persons interested in the estate, for the period, in the manner and as required for a hearing upon the final settlement of the account of an executor or administrator where a petition for the final distribution of the estate is filed with such account.

B. At least ten days before the date set for the hearing of such petition, the petitioner shall cause notice of the hearing to be personally served on the executor or administrator, or his attorney if petitioner is other than the executor or administrator, and shall give notice of the hearing to all persons, or their attorneys if they have appeared by attorneys, who have filed an appearance in the proceeding or who have filed with the clerk a written request for notice, in the manner and as required to be given by an executor, administrator, or his attorney, under the provisions of section 14-479.

C. If the appearance or request for notice filed by or on behalf of any such person fails to set forth his post office address, notice may be mailed to that person at his office or place of residence, if known, otherwise at the county seat of the county where the proceedings are pending.

D. Any person may appear and file a written statement setting forth his interest in the estate. No other pleadings are necessary and the allegations of the petitioner and of each claimant shall be deemed to be denied by each of the other claimants to the extent that they conflict with any claim of the latter.

E. Whenever any estate involves a charitable trust, other than a charitable trust with a designated trustee who may lawfully accept such trust, or an escheat to the state of Arizona, the attorney general shall be deemed to be a person entitled to distribution within the meaning of this section and shall be entitled to file the petition referred to in this article.

Sec. 3. Sec. 14-643, Arizona Revised Statutes, is amended to read:

14-643. CONDUCT OF HEARING; PROCEDURE

A. At the time appointed, the court shall hear the petition, objections thereto and any claims that have been presented, and shall determine the heirs of the decedent or to whom distribution of the estate shall be made, and shall specify the respective interests of the heirs, and enter its decree accordingly.

B. At such hearing or trial the petitioner shall be deemed plaintiff therein, and all other parties appearing shall be deemed defendants. Procedure at the hearing or trial shall be governed by the rules of civil procedure. Depositions taken in accordance with the rules of civil procedure shall be admissible in evidence. Any claimant entering or re-entering such proceedings shall be bound by the evidence introduced and depositions taken prior to his entry into the proceeding or during his absence therefrom, except that he may in the discretion of the court have the right to examine any witness further if such examination will not unduly delay the proceedings.

Sec. 4. Sec. 14-644, Arizona Revised Statutes, is amended to read:

14-644. EFFECT OF DECREE OF DETERMINATION OF HEIRSHIP

A decree entered pursuant to section 14-643 shall be conclusive upon the matters determined during the remainder of the administration of the estate and upon any subsequent proceeding for distribution.

Approved by the Governor—March 19, 1959.

Filed in the Office of the Secretary of State—March 19, 1959.

CHAPTER 79

Senate Bill No. 104

AN ACT

RELATING TO DECEDENTS' ESTATES; ADMINISTRATION AND SETTLEMENT; ACCOUNTING BY PERSONAL REPRESENTATIVE; AMENDING SECTION 14-622, AND REPEALING SECTIONS 14-623 AND 14-624, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 14-622, Arizona Revised Statutes, is amended to read:

14-622. PERIOD WITHIN WHICH ACCOUNTS SHALL BE FILED; CONTENTS; COMPULSION BY ATTACHMENT

The administrator within thirty days after the expiration of the period for filing claims, and the executor within seven months after appointment, and thereafter at any time required by the court, shall render and file in the court a verified account showing all money received and expended by him, all claims presented against the estate, the names of the claimants, and whether such claims have been allowed, and all other matters necessary to show the condition of the affairs of the estate. If he fails to render any account required by this section or when required by the court, the court shall compel rendition of the account by attachment and any person interested in the estate may apply for and obtain an attachment against the executor or administrator, but no attachment shall issue unless a citation has first been issued, served and returned, requiring the executor or administrator to appear and render it or show cause why an attachment should not issue. If an executor or administrator fails to render an account having been duly cited, his letters may be revoked in the discretion of the court.

Sec. 2. REPEAL

Sections 14-623 and 14-624, Arizona Revised Statutes, are repealed.

Approved by the Governor—March 19, 1959.

Filed in the Office of the Secretary of State—March 19, 1959.

CHAPTER 80

Senate Bill No. 105

AN ACT

RELATING TO DECEDENTS' ESTATES; ADMINISTRATION BY FIDUCIARIES; JURISDICTION OF TRUSTS CREATED BY WILL; ACCOUNTING BY TRUSTEE; AND AMENDING SECTION 14-1021, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 14-1021, Arizona Revised Statutes, is amended to read:

14-1021. JURISDICTION OF TRUSTS CREATED BY WILL; ACCOUNTING BY TRUSTEE

A. When a trust to continue after distribution has been created by will, the court shall not lose jurisdiction of the estate by final distribution, but shall retain jurisdiction thereof for the purpose of settling accounts under the trust.

B. The trustee may from time to time, pending execution of the trust, or at the termination thereof, render and pray for settlement of his account as trustee before the court in which the will was probated, and in the manner provided for settlement of accounts of executors and administrators. The trustee, or, in case of his death his legal representative, shall, for that purpose, present to the court his verified petition and report setting forth the account in detail, the condition of the trust estate and the names and addresses of the beneficiaries, if known, and, upon filing thereof, the clerk of the court shall fix a day for the hearing.

C. The clerk shall then give notice thereof of not less than ten days by causing notices to be posted in at least three public places in the county, setting forth the name of the trust estate, the trustee and the day appointed for settlement of the account. The court may order further notice to be given.

D. The trustee may upon application of a beneficiary of the trust or the guardian of a beneficiary, be ordered to appear and render his account where no account has been rendered within six months prior to the application.

E. Upon filing the account so ordered, the same proceedings for hearing and settlement thereof shall be had as provided in this title with respect to executors and administrators.

Approved by the Governor—March 19, 1959.

Filed in the Office of the Secretary of State—March 19, 1959.

CHAPTER 81

Senate Bill No. 150

AN ACT

RELATING TO GAME AND FISH; DEFINING RESIDENT; PROVIDING FOR LICENSES FOR MEMBERS OF ARMED FORCES; PRESCRIBING LICENSES, CLASSES AND FEES, AND AMENDING SECTIONS 17-101, 17-333, AND 17-337, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 17-101, Arizona Revised Statutes, is amended to read:

17-101. DEFINITIONS

A. In this title, unless the context otherwise requires:

1. "Angling" means the taking of fish by one line and not to exceed two hooks, or by one line and one artificial lure which may have attached more than one hook, or by one line and not to exceed two artificial flies or lures.

2. "Bag limit" means the maximum limit, in number or amount, of wildlife which may lawfully be taken by any one person during a specified period of time.

3. "Closed season" means the time during which wildlife may not be lawfully taken.

4. "Commission" means the Arizona game and fish commission.

5. "Department" means the Arizona game and fish department.

6. "Device" means any net, trap, snare, salt lick, scaffold, deadfall, pit, explosive, poison or stupefying substance, crossbow, firearm, bow and arrow, or other device used for taking wildlife.

7. "Guide" means a person who for pay, aids or assists any person in taking wildlife.

8. "License year" means the twelve-month period between July 1 and June 30, inclusive.

9. "Nonresident" means a citizen of the United States who has not been a bona fide resident of the state of Arizona

for one year immediately preceding the date of application for a license, or an alien.

10. "Open season" means the time during which wildlife may be lawfully taken.

11. "Possession limit" means the maximum limit, in number or amount of wildlife, which may be possessed at one time by any one person.

12. "Resident" means a citizen of the United States who has been a bona fide resident of the state of Arizona for one year immediately preceding the date of application for a license, or a member of the armed forces who has been stationed in Arizona for a period of thirty days immediately preceding the date of application for a license.

13. "Road" means any maintained right of way for public conveyance.

14. "Statewide" means all lands except those areas lying within the boundaries of state and federal refuges, parks and monuments, unless specifically provided differently by commission order.

15. "Take" means pursuing, shooting, hunting, killing, capturing, snaring, netting, placing or using any net or other device, or trapping wildlife.

16. "Trap" or "trapping" means taking of wildlife in any manner except with gun or implement in hand.

17. "Wildlife" means all wild mammals, wild birds and the nests or eggs thereof, Gila monsters and horned lizards, amphibians, and fish, including their eggs or spawn.

18. "Zoo operator" means any person engaged for capital gain in the operation of a zoo or otherwise holding wildlife in captivity for exhibition purposes.

B. The following definitions of wildlife shall apply:

1. Game mammals are deer, elk, bear, antelope, mountain sheep, bison (buffalo), peccary (javelina), tree squirrel and cottontail rabbit.

2. Big game are wild turkey, deer, elk, antelope, mountain sheep, bison (buffalo), and peccary (javelina).

3. Small game are game birds of all kinds, except wild turkeys, and all game animals not listed as big game.

4. Fur-bearing animals are muskrats, raccoons, coatimundi, opossums, otters, mink, beaver, badgers and ringtail cats.

5. Predatory animals are foxes, skunks, mountain lions, coyotes, wolves, jaguars, weasels, bobcats, ocelots, porcupines and feral house cats.

6. Nongame animals are all wild animals except game animals, fur-bearing animals and predatory animals.

7. Upland game birds are quail, partridge, grouse, pheasants and chukars.

8. Migratory game birds are waterfowl, including brandt, wild geese and swans; cranes, including little brown, sand hill and whooping cranes; rails including coots, gallinules, sora and other rails; shore birds, including avocets; curlews, dowitchers, godwits, knots, oyster catchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turnstones, willetts, woodcock and yellow legs; wild doves and wild pigeons.

9. Nongame birds are all birds except upland game birds and migratory game birds.

10. Song or insectivorous birds include, but are not limited to all species of thrushes, thrashers, mockingbirds, wrens, warblers, gnatchers, flycatchers, swallows, swifts, shrikes, vireos, tanagers, hummingbirds, nuthatches, creepers, dippers, kinglets, pipits, waxwings, silky flycatchers, titmice, larks, meadowlarks, orioles, redwing blackbirds, grosbeaks (including pyrrhuloxia), cardinals, buntings finches, sparrows (including juncos, but excluding the English or house sparrow), flickers, cuckoos (including roadrunner or chaparral cock) and trogons, goatsuckers, woodpeckers (except sapsuckers), audobon caracaras, eagles (but not including golden eagles), vultures, gulls, terns, shorebirds, inca doves, ground doves, all hawks (except cooper hawks, sharp shinned hawks, goshawks and ospreys) and all owls (except great horned owls).

11. Game fish are trout of all species, bass of all species, pike of all species, catfish of all species, and sunfish of all species.

12. Nongame fish are all the species of fish except game fish.

13. Protected reptiles are gila monsters and horned lizards.

14. Amphibians are American bullfrogs.

Sec. 2. Sec. 17-333, Arizona Revised Statutes, is amended to read:

17-333. LICENSES; CLASSES; FEES

A. Licenses shall be divided into classes and fees paid therefor as follows:

1. Class A, general fishing license, valid for the taking of frogs and warm water species; resident, three dollars; nonresident, nine dollars.

2. Trout stamp, validates class A license for the taking of trout; resident, two dollars; nonresident, six dollars.

3. Class B, nonresident general five-day fishing license, valid for the taking of frogs and warm water species, three dollars.

4. Class C, nonresident five-day trout stamp, validates class B license for the taking of trout, two dollars.

5. Class D, resident and nonresident one-day fishing license, valid for the taking of frogs and all fish species, except on the Colorado river, two dollars.

6. Class E, Colorado river fishing license, valid for the taking of bullfrogs and all species of fish, nonresident, ten dollars.

7. Class F, combination general hunting and fishing license, valid for the taking of bullfrogs and all species of fish, small game (except bear), fur-bearing animals, predatory animals, nongame animals, upland game birds and migratory game birds, resident, nine dollars; nonresident, twenty-five dollars.

8. Class G. general hunting license, valid for the taking of small game (except bear), fur-bearing animals, predatory animals, nongame animals, upland game birds and migratory game birds, resident, five dollars; nonresident, twenty dollars.

9. Class H, predator hunting license, valid for the taking of predatory animals, nonresident, five dollars.

10. Class I, archery license for hunting in archery only areas or seasons, nonresident, fifteen dollars.

11. Javelina tag, validates class F or G, license for the taking of javelina, resident, one dollar fifty cents; nonresi-

dent, one dollar fifty cents. Special archery tag, validates class F, G or I license, resident or ronresident, one dollar fifty cents.

12. Turkey tag, validates class F, G, or I license for the taking or turkey, resident, one dollar; nonresident, one dollar.

13. Bear tag, validates class F, G, or I license for the taking of bear, resident, one dollar; nonresident, ten dollars. Taking of bear will be permitted by the holder of a valid resident big game tag during the respective big game season.

14. Deer tag, validates class F or G, license for the taking of deer, resident, two dollars; nonresident, twenty-five dollars. Special archery tag, validates class F, G or I license, resident or nonresident, two dollars.

15. Antelope tag, validates class F or G license for the taking of antelope, resident, ten dollars; nonresident, thirty-five dollars.

16. Elk tag, validates class F or G license for the taking of elk, resident, fifteen dollars; nonresident, fifty-five dollars.

17. Bighorn sheep tag, validates class F or G license for the taking of bighorn sheep, resident, twenty-five dollars; nonresident, one hundred twenty-five dollars.

18. Private fish or game farm license, fifteen dollars.

19. Commercial rough fish seining license, ten dollars.

20. Minnow dealers license, ten dollars.

21. Guide license, ten dollars.

22. Taxidermist license, ten dollars.

23. Wildlife hobby license, one dollar.

24. Zoo license, fifteen dollars.

25. Trapping license, valid for the trapping of fur-bearing animals, predatory animals and nongame animals and nongame birds, one dollar.

26. Shooting preserve license, twenty-five dollars.

27. Field trial license, one dollar.

B. The license fees set forth in subsection A are the maximum amounts which may be charged, but the commission may, at its discretion, reduce license fees any amount

deemed necessary. If it becomes necessary to limit or further regulate the taking of any species of wildlife, the commission may order issuance of an additional license or permit and fix fees therefor.

Sec. 3. Sec. 17-337, Arizona Revised Statutes, is amended to read:

17-337. SOLDIER'S HUNTING AND FISHING LICENSES

A member of the armed forces of the United States on active duty and stationed in this state for a period of thirty days immediately preceding the date of application for a license may purchase a resident license permitting the taking of wildlife.

Approved by the Governor—March 19, 1959.

Filed in the Office of the Secretary of State—March 19, 1959.

CHAPTER 82

Senate Bill No. 186

AN ACT

RELATING TO INSURANCE; PROHIBITING THE USE OF FALSE, DECEPTIVE AND MISLEADING SALES MATERIAL; PROHIBITING ISSUANCE OF DEFERRED DIVIDEND POLICIES; AUTHORIZING THE DIRECTOR OF INSURANCE TO REGULATE ADVERTISING MATTER AND SALES MATERIAL; AMENDING SECTIONS 20-443, 20-444, 20-445, 20-1110 AND 20-1111, ARIZONA REVISED STATUTES, AND AMENDING TITLE 20, CHAPTER 2, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING SECTION 20-459.

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

Section 1. Sec. 20-443, Arizona Revised Statutes, is amended to read:

20-443. MISREPRESENTATIONS AND FALSE ADVERTISING OF POLICIES

No person shall make, issue or circulate, or cause to be made, issued or circulated, any estimate, illustration, circular, sales material or statement:

1. Misrepresenting the terms of any policy issued or to be issued or the benefits or advantages promised thereby or the dividends or share of the surplus to be received thereon.

2. Making any false or misleading statement as to the dividends or share of surplus previously paid on similar policies.

3. Making any misleading representation or any misrepresentation as to the financial condition of any insurer or as to the legal reserve system upon which any life insurer operates.

4. Using any name or title of any policy or class of policies misrepresenting the true nature thereof.

5. Making any misrepresentation to any policyholder for the purpose of inducing or tending to induce such policyholder to lapse, forfeit, surrender, retain or convert any insurance policy.

Sec. 2. Sec. 20-444, Arizona Revised Statutes, is amended to read:

20-444. FALSE OR DECEPTIVE ADVERTISING OF INSURANCE OR STATUS AS INSURER

A. No person shall make, publish, disseminate, circulate or place before the public, or cause, directly or indirectly, to be made, published, disseminated, circulated or placed before the public, in a newspaper, magazine or other publication, or in the form of a notice, circular, pamphlet, letter or poster, or over any radio or television station, or in any other way, any advertisement, announcement, sales material or statement containing any assertion, representation or statement with respect to the business of insurance or with respect to any person in the conduct of his insurance business, which is untrue, deceptive or misleading.

B. No person that is not an insurer shall assume or use any name which deceptively infers or suggest that it is an insurer.

Sec. 3. Sec. 20-445, Arizona Revised Statutes, is amended to read:

20-445. DEFAMATION

No person shall make, publish, disseminate or circulate, directly or indirectly, or aid, abet or encourage the making, publishing, disseminating or circulating of any oral or written statement or any pamphlet, circular, article, sales ma-

terial or literature which is false or maliciously critical of or derogatory to the financial condition of an insurer, and which is calculated to injure any person engaged in the business of insurance, or any domestic corporation or group being formed pursuant to this code for the purpose of becoming an insurer. This provision shall not be deemed to restrict the right, lawfully exercised, of newspapers, magazines, radio and television stations, and similar public media for news dissemination, objectively to publish and disseminate news.

Sec. 4. Title 20, chapter 2, article 6, Arizona Revised Statutes, is amended by adding section 20-459, to read:

20-459. DEFERRED DIVIDENDS; LIFE

On and after January 1, 1961, no person shall make or issue or offer to make or issue any contract of life insurance or of life annuity which provides that any premiums, dividends, excess interest, mortality savings, gains from lapses, loadings, or earnings and accumulations therefrom, be payable only to those of a group of policyholders who make premium payments to the end of any period of time in excess of one year.

Sec. 5. Sec. 20-1110, Arizona Revised Statutes, is amended to read:

20-1110. APPROVAL OF FORMS

A. No life or disability insurance policy form, no life or disability insurance application form where written application is required and is to be made a part of the policy, and no printed rider or endorsement form, shall be delivered or issued for delivery in this state by a life or disability insurer unless it has been filed with and approved by the director. The director may also require that proof of death or loss forms shall be filed with and approved by the director.

B. This section shall not apply to policies, riders, endorsements or forms of unique character designed for and used with relation to insurance upon a particular subject, or which relate to the manner of distribution of benefits or to the reservation of rights and benefits under life or disability insurance policies, and are used at the request of the individual policyholder, contract holder or certificate holder.

C. Every such filing shall be made not less than thirty days in advance of any such delivery. At the expiration of the thirty days the form so filed shall be deemed approved unless prior thereto it has been affirmatively approved or

disapproved by order of the director. Approval of the form by the director shall constitute a waiver of any unexpired portion of the waiting period. The director may extend by not more than an additional thirty days the period within which he may so affirmatively approve or disapprove the form, by giving notice of the extension before expiration of the initial thirty day period. At the expiration of any period as so extended, and in the absence of prior affirmative approval or disapproval, the form shall be deemed approved. The director may at any time, after notice and for cause shown, withdraw his approval.

D. Any order of the director disapproving the form or withdrawing a previous approval shall state the grounds therefor.

E. The director may also require that any advertising matter or sales material for use in the sale or the presentation for sale of any policy referred to in subsection A be filed with and approved by him. Within ten days after written demand from the director such advertising matter or sales material shall be so filed. After review of such advertising matter or sales material the director shall disapprove it should he determine that in whole or in part it is false, deceptive or misleading; thereupon he shall in writing so notify the person upon whom demand was made. Thereafter such advertising matter or sales material may not be made, issued, circulated, displayed or given other use by any person. In addition to other penalties prescribed by this title, violation hereof shall entitle the director in his discretion and without additional cause to withdraw approval of any policy or other form with respect to which such advertising matter or sales material is used.

F. The director may, by order, exempt from the requirements of this section for so long as he deems proper any insurance document or form or type thereof as specified in such order, to which, in his opinion, this section may not practicably be applied, or the filing and approval of which are, in his opinion, not desirable or necessary for the protection of the public.

G. This section shall apply also to any such form used by domestic insurers for delivery in a jurisdiction outside this state, if the insurance supervisory official of such jurisdiction informs the director that such form is not subject to approval or disapproval by such official, and upon the director's order requiring the form to be submitted to him for the purpose. The applicable same standards shall apply to such forms as apply to forms for domestic use.

Sec. 6. Sec. 20-1111, Arizona Revised Statutes, is amended to read:

20-1111. GROUNDS FOR DISAPPROVAL OF FORMS

A. The director shall disapprove any form of policy, application, rider or endorsement or withdraw any previous approval thereof only:

1. If it is in any respect in violation of or does not comply with this title.

2. If it contains or incorporates by reference any inconsistent, ambiguous or misleading clauses, or exceptions and conditions which deceptively affect the risk purported to be assumed in the general coverage of the contract.

3. If it has any title, heading or other indication of its provisions which is misleading.

4. If the purchase of such policy is being solicited by false, deceptive or misleading advertising matter, sales material or representations.

B. The director may disapprove any proof of death or loss form only if it imposes unreasonable requirements, or is in violation of this title, or contains deceptive or ambiguous matter.

C. The director may disapprove any advertising matter or sales material which is in violation of this title.

Approved by the Governor—March 19, 1959.

Filed in the Office of the Secretary of State—March 19, 1959.

CHAPTER 83

Senate Bill No. 285

AN ACT

AUTHORIZING THE NATIONAL GUARD TO SELL THE OLD ARMORY IN DOUGLAS, ARIZONA.

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

Section 1. AUTHORIZATION

A. The Arizona national guard is authorized and empowered to sell the real property known as the old national

guard armory located in Douglas, Arizona, and described as Lots 16, 17 and 18 in Block 86, Townsite of Douglas, Cochise County, Arizona, acquired November 6, 1929.

B. The sale shall be made only to a municipality, and under such terms and conditions as the national guard may prescribe. Proceeds of the sale shall be placed in the general fund of the state.

Sec. 2. EXEMPTION

The sale made under the terms of this act shall be exempt from the provisions of title 41, chapter 3, article 5.1, Arizona Revised Statutes, relating to the state planning and building commission.

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 19, 1959.

Filed in the Office of the Secretary of State—March 19, 1959.

CHAPTER 84

House Bill No. 50

AN ACT

RELATING TO BARBERING; PRESCRIBING QUALIFICATIONS FOR BARBERS AND APPRENTICES; PRESCRIBING QUALIFICATIONS FOR ENTRANCE INTO A BARBER SCHOOL, AND AMENDING SECTIONS 32-323, 32-324, AND 32-328, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 32-323, Arizona Revised Statutes, is amended to read:

32-323. BARBER; QUALIFICATIONS

A. A person is qualified to receive a certificate to practice as a barber who:

1. Is at least eighteen years of age.

2. Is of good moral character and temperate habits.

3. Has practiced as a registered apprentice for a period of eighteen months under the immediate personal supervision of a registered barber.

4. Satisfactorily passes an examination to practice barbering.

5. Furnishes proof of a tenth grade education or an equivalent education, as determined by the board.

B. An applicant for a certificate to practice as a registered barber who fails to satisfactorily pass an examination, shall continue to practice as an apprentice for an additional six months and shall pay the required fee before he may again take the examination for a registered barber.

Sec. 2. Sec. 32-324, Arizona Revised Statutes, is amended to read:

32-324. APPRENTICE; QUALIFICATIONS

A. A person is qualified to receive a certificate to practice as a registered apprentice who:

1. Is at least sixteen and one-half years of age and of good moral character and temperate habits.

2. Furnishes proof of a tenth grade education, or an equivalent education, as determined by the board.

3. Has graduated from a registered barber school.

4. Satisfactorily passes an examination to practice as an apprentice.

B. An applicant for a certificate to practice as an apprentice who fails to satisfactorily pass an examination shall be required to complete a further course of study of not less than two hundred fifty hours in a registered barber school to be completed within a period of three months of not more than eight hours in any one working day, and shall pay the required fee before he may again take the examination for a registered apprentice.

C. No registered apprentice shall independently practice barbering, but he may, as an apprentice, perform any and all acts constituting the practice of barbering under the immediate personal supervision of a registered barber.

Sec. 3. Sec. 32-328, Arizona Revised Statutes, is amended to read:

32-328. LICENSING OF BARBER SCHOOLS

A. No barber school shall be licensed and approved by the board to operate as such unless it requires as a prerequisite to admission that the applicant:

1. Be more than sixteen and one-half years of age.

2. Be of good moral character and temperate habits.

3. Furnish proof of a tenth grade education or have an equivalent education, as determined by the board.

4. Be free from any infectious, contagious or communicable diseases.

B. The school shall require as a prerequisite to graduation a course of instruction consisting of not less than one thousand two hundred fifty hours of continuous instruction of not more than eight hours in any one working day. The course shall include:

1. Not less than two hours out of each eight-hour day devoted to the scientific fundamentals of barbering, hygiene and bacteriology.

2. Histology of the hair, skin, muscles and nerves.

3. Structure of the head, face and neck.

4. Elementary chemistry relating to sterilization and antiseptics, diseases of the skin, hair and glands.

5. The remainder of the eight-hour day devoted to the study of massaging and manipulating of the muscles, cutting, shaving, arranging, dressing, coloring, bleaching and tinting the hair.

C. A barber school shall have not less than one instructor for each twelve students or fraction thereof.

Approved by the Governor—March 19, 1959.

Filed in the Office of the Secretary of State—March 19, 1959.

CHAPTER 85

House Bill No. 76

AN ACT

RELATING TO CONTRACTORS; PRESCRIBING PERSONS NOT REQUIRED TO BE LICENSED, AND

AMENDING SECTION 32-1121, ARIZONA REVISED STATUTES.

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

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

32-1121. PERSONS NOT REQUIRED TO BE LICENSED

This chapter shall not be construed to apply to:

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

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

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

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

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

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

7. Engineers surveying or designing structures.

8. Construction or operation incidental to construction and repair of irrigation and drainage ditches of regularly constituted districts or reclamation districts, or to farming, dairying, agriculture, viticulture, horticulture or stock or

poultry raising, or clearing or other work upon land in rural districts for fire prevention purposes, except when performed by a licensee under this chapter.

Approved by the Governor—March 19, 1959.

Filed in the Office of the Secretary of State—March 20, 1959.

CHAPTER 86

House Bill No. 51

AN ACT

RELATING TO OPTOMETRY, AND AMENDING SECTIONS 32-1701, 32-1702, 32-1703, 32-1704, 32-1705, 32-1721, 32-1722, 32-1723, 32-1726, AND 32-1755, ARIZONA REVISED STATUTES.

Be it enacted by the Legislature of the State of Arizona:
Section 1. Sec. 32-1701, Arizona Revised Statutes, is amended to read:

32-1701. DEFINITIONS

In this chapter, unless the context otherwise requires:

1. "Board" means the state board of optometry.

2. "Certificate" means certificate or license of registration.

3. "Practice of optometry" means the examination and refraction of the human eye and its appendages, and the employment of any objective or subjective means or methods other than the use of drugs, medicine or surgery, for the purpose of determining any visual, muscular, neurological or anatomical anomalies of the eye, the use of any instrument or device to train the visual system or correct any abnormal condition of the eye or eyes and the prescribing, fitting or employment of any lens, prism, frame or mountings for the correction or relief of or aid to the visual function.

4. "Registered optometrist" means any person holding a certificate or license of registration to practice optometry in Arizona.

5. "Unprofessional conduct" shall consist of:

(a) Wilful disclosure of a professional confidence or knowledge gained in a professional capacity,

(b) Final judgment of a conviction for an offense involving moral turpitude, in which case the record of such conviction shall be conclusive evidence.

(c) Giving or receiving rebates.

(d) Habitual intemperance in the use of alcohol or narcotic drugs, or practicing or attempting to practice optometry while under the influence of alcohol or narcotic drugs.

(e) Impersonation of another licensed practitioner of a like or different name.

(f) Knowingly having professional connection with or lending one's name to an illegal practitioner.

(g) Gross malpractice.

(h) Any conduct or practice which constitutes a danger to the health, welfare or safety of a patient or the public.

Sec. 2. Sec. 32-1702, Arizona Revised Statutes, is amended to read:

32-1702. BOARD OF OPTOMETRY

A. There shall be a board of optometry which shall consist of three members appointed by the governor, with the advice and consent of the senate, for terms of four years. Each member shall have been engaged in the actual practice of optometry in this state for at least three years immediately prior to appointment.

B. The term of one member of the board shall expire July 1, 1956 and every fourth year thereafter, the term of one member shall expire July 1, 1958 and every fourth year thereafter, and the term of one member shall expire July 1, 1959 and every fourth year thereafter.

C. The governor may remove any member for neglect of duty, incompetency, improper or unprofessional conduct, or when his certificate or license has been revoked or suspended. Appointment to fill a vacancy caused other than by expiration of term shall be for the unexpired portion of the term.

Sec. 3. Sec. 32-1703, Arizona Revised Statutes, is amended to read:

32-1703. COMPENSATION

Members of the board shall receive twenty dollars plus expenses for each day actually spent in the performance of

their duties and shall receive mileage as prescribed for state officers.

Sec. 4. Sec. 32-1704, Arizona Revised Statutes, is amended to read:

32-1704. ORGANIZATION; SECRETARY-TREASURER; BOND; DUTIES

A. The board shall annually elect from among its membership a president and a secretary-treasurer, and in its discretion may appoint a person not holding a certificate or license to assist in the performance of the duties of the secretary-treasurer.

B. The secretary-treasurer before entering upon the discharge of his duties shall give bond to the state in the amount of one thousand dollars, conditioned upon the faithful performance of his duties. The secretary-treasurer shall account for all fees and monies received on behalf of the board and keep the accounts and records of the board and of all the proceedings of the board.

Sec. 5. Sec. 32-1705, Arizona Revised Statutes, is amended to read:

32-1705. POWERS AND DUTIES OF BOARD

A. The board shall make, and may from time to time amend, such rules and regulations not inconsistent with the provisions of this chapter, governing the practice of optometry, for the performance of its duties under this chapter and for the examination of applicants for certificates or licenses, and shall adopt and use a seal, administer oaths and take testimony concerning any matter within its jurisdiction, provided that no rule shall be adopted that will regulate fees or charges of a registered optometrist to the patient or will regulate the place in which a registered optometrist shall practice, or the manner or method of his accounting, billing or collection of fees, and that no rule shall be promulgated by the board which shall prohibit advertising by a registered optometrist, unless such advertising is inconsistent with section 44-1481.

B. The board shall meet at least once each year at the capitol and at such other times and places as its president or the governor may designate by call. The board shall keep a record of its acts, receipts and disbursements, and of examinations held, with the names and addresses of the applicants and the results thereof, the names of all persons to

whom certificates have been issued, the date of issuance, and all renewals. All such records shall be public.

C. The board shall accredit schools of optometry giving standard courses in optometry with eighty per cent of actual attendance by students. An accredited school shall teach all of the subjects on which applicants for a certificate or license are required to be examined by this chapter.

D. The board may hire investigators to assist in the investigation of violations of this chapter, and other employees required to enforce the provisions thereof.

E. Not later than December 31 each year the board shall transmit to the governor a written report of its actions and proceedings. The report shall be verified by the secretary-treasurer and shall include a detailed statement of the receipts and disbursements for the preceding year.

Sec. 6. Sec. 32-1721, Arizona Revised Statutes, is amended to read:

32-1721. PERSONS AND ACTS NOT AFFECTED BY CHAPTER

This chapter shall not apply to physicians and surgeons duly licensed to practice medicine in this state, nor prohibit the sale of spectacles and eyeglasses as merchandise from a permanently established place of business.

Sec. 7. Sec. 32-1722, Arizona Revised Statutes, is amended to read:

32-1722. RECIPROCITY

A. Any person who presents to the board a certified copy of or a certificate or license of registration in good standing which was issued to him after examination by a board of registration in optometry in any other state, where the requirements for registration are in the opinion of the board equivalent to those of this state, may, at the discretion of the board, be registered and given a certificate of qualification in this state without a written examination, but shall be given a practical and oral examination, subject to the following provisions:

1. That such state accords like privileges to holders of certificates of registration issued in this state.

2. The certificate of registration of the applicant shall not have been suspended or revoked by such other state for any

cause which is a basis of suspension or revocation of certificate under this chapter.

3. The applicant has not previously failed to pass the examination in this state subsequent to his admission to practice in such other state.

4. The applicant has been engaged in the practice of optometry continuously for not less than four of the five years immediately preceding his application.

5. The applicant intends to reside and practice optometry in this state.

B. The provisions of subsection A shall apply only to those optometrists coming into this state to open a permanent office within sixty days from the date license is issued.

C. When the holder of a "reciprocity license" removes from this state for a period of five years or more, his license shall become automatically subject to review by the board.

Sec. 8. Sec. 32-1723, Arizona Revised Statutes, is amended to read:

32-1723. QUALIFICATIONS OF APPLICANT; APPLICATION

A. A person over twenty-one years of age, of good moral character, desiring to engage in the practice of optometry, shall file with the board, not less than thirty days prior to the date on which an examination is to be held, a verified application, accompanied by the required application fee, which shall show:

1. Applicant's name, age and address.

2. Graduation from a high school giving a four-year course accredited by the university of Arizona or an equivalent preliminary education.

3. Graduation from an accredited university or school teaching the profession of optometry. Graduation may be from an accredited university or school teaching the full five-year course in the profession of optometry or from an accredited university or school teaching a three-year course in the profession of optometry upon submission of proof by the student that he has previously had at least sixty semester hours of collegiate work.

B. In lieu of the evidence of education, the applicant may furnish a certificate issued by an agency of another state or

foreign country authorized to grant licenses to practice optometry, showing that the applicant has held such license therein for not less than five years and is an active practitioner, and furnish additional evidence as the board requires concerning his knowledge of and ability to practice optometry.

Sec. 9. Sec. 32-1726, Arizona Revised Statutes, is amended to read:

32-1726. FEES

The following fees shall be paid to the board:

1. For filing an application for examination, twenty-five dollars.

2. Registration fee, twenty dollars.

3. Renewal of certificate to practice optometry, twenty dollars.

4. Application for reciprocity license, fifty dollars.

Sec. 10. Sec. 32-1755, Arizona Revised Statutes, is amended to read:

32-1755. GROUNDS FOR SUSPENSION OR REVOCATION OF CERTIFICATE

After notice and hearing the board in its discretion may suspend or revoke the certificate of a registered optometrist for any of the following reasons:

1. Conviction of an offense involving moral turpitude.

2. Obtaining a certificate by fraud or deceit.

3. Conduct likely to deceive or defraud the public.

4. Unprofessional conduct.

5. Employment of a solicitor to solicit business, or soliciting from house to house or person to person.

6. Obtaining a fee or compensation by fraud or misrepresentation.

7. Employment of a person to engage in the practice of optometry who does not hold a certificate to practice optometry.

8. Having a contagious or infectious disease.

9. Using any device to evade or defeat the provisions of this chapter, such as a profit-sharing plan or partnership with an optometrist not registered in this state.

10. Violation of any provision of this chapter.

11. The practice of optometry under a false or assumed name.

12. Violation of any of the rules and regulations adopted by the board pursuant to its authority hereunder.

Approved by the Governor—March 20, 1959.

Filed in the Office of the Secretary of State—March 20, 1959.

CHAPTER 87

House Bill No. 162

AN ACT

RELATING TO FRATERNAL BENEFIT SOCIETIES; PROVIDING THAT THE BOARD OF DIRECTORS MUST BE COMPOSED OF UNITED STATES CITIZENS, AND AMENDING TITLE 20, CHAPTER 4, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 20-874.01.

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

Section 1. Title 20, chapter 4, article 4, Arizona Revised Statutes, is amended by adding section 20-874.01, to read:

20-874.01. BOARD OF DIRECTORS; QUALIFICATIONS

The board of directors of a domestic fraternal benefit insurance society shall be composed only of United States citizens.

Approved by the Governor—March 20, 1959.

Filed in the Office of the Secretary of State—March 20, 1959.

CHAPTER 88

House Bill No. 260

AN ACT

PROVIDING FOR THE REVERSION OF CERTAIN MONIES FROM THE GOVERNOR'S FUND TO THE STATE GENERAL FUND

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

Section 1. REVERSION OF CERTAIN MONIES

From the contingency reserve for reimbursable insurance claims of the governor's fund, the sum of fifty thousand three hundred forty-seven dollars shall revert to the state general fund.

Approved by the Governor—March 20, 1959.

Filed in the Office of the Secretary of State—March 20, 1959.

CHAPTER 89

House Bill No. 68

AN ACT

RELATING TO TAXATION; IMPOSING AN EXCISE TAX FOR PUBLIC EDUCATIONAL PURPOSES; CREATING AN EDUCATION EXCISE TAX FUND; AMENDING TITLE 42, CHAPTER 8, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 1.1, SECTIONS 42-1361 AND 42-1362, AND PROVIDING FOR CONDITIONAL ENACTMENT.

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

Section 1. Title 42, chapter 8, Arizona Revised Statutes, is amended by adding article 1.1, sections 42-1361 and 42-1362, to read:

ARTICLE 1.1 EDUCATION EXCISE TAX

42-1361. LEVY OF TAX

A. There is levied and shall be collected by the commission an annual tax:

1. On the privilege of doing business in this state, measured by the amount or volume of business transacted by persons on account of their business activities, and in the amounts to be determined by the application, against values, gross proceeds of sales, or gross income, as the case may be, in accordance with the provisions and schedules as set forth in Title 42, chapter 8, article 1, at rates equal to fifty per cent of the rates imposed in said article.

2. On the storage, use or consumption in this state of tangible personal property subject to the tax prescribed by

Title 42, chapter 8, article 2, and purchased on and after July 1, 1959, at a rate equal to fifty per cent of the rate imposed in said article.

B. The tax levied and collected under the terms of this article is designated as the 'Education Excise Tax.'

42-1362. ADMINISTRATION

Unless the context otherwise requires, the provisions of article 1 of this chapter shall govern the administration of the tax imposed by paragraph 1, subsection A, section 42-1361, and the provisions of article 2 of this chapter shall govern the administration of the tax imposed by paragraph 2, subsection A, section 42-1361, however:

1. No separate license, return or record sall be required, made or kept or filed, and the tax due under paragraph 1, subsection A, section 42-1361, shall be included and reported, shown and paid with the transaction privilege tax in accordance with the provisions of article 1 of this chapter. The tax due under paragraph 2, subsection A, section 42-1361, shall be included and reported, shown and paid with the use tax in accordance with the provisions of article 2 of this chapter.

2. The provisions of section 42-1303 shall not require the execution of a separate bond conditioned upon the faithful discharge of the duties of any agent of the commission in the administration of this article. The conditions of bonds executed for the administration of article 1 shall be enlarged to include the administration of this article.

3. The provisions of sections 42-1431 and 42-1432 shall not apply to this article.

4. The commission shall each day remit all revenues collected under this article to the state treasurer through the state auditor, and the state treasurer shall credit the payments to a fund designated as the education excise tax clearing account.

5. After deducting from the education excise tax clearing account only warrants drawn against the account by the application of sections 42-1326, 42-1339 and 42-1413, the whole of the balance then remaining, without any further deductions, shall be credited to the education excise tax fund and shall be appropriated each year for public educational purposes. The state board of equalization shall make an estimate of the amount of money to be received hereunder, as required by section 42-301.

6. The tax imposed by this article shall be a lien upon the property of any person subject to the tax to the extent provided in section 42-1337 and may be included, without segregation, in any lien filed for unpaid taxes under the provisions of that section.

7. Any person aggrieved by the enforcement of any provisions of this article shall have the right of protest and appeal as provided by sections 42-1338 and 42-1339.

Sec. 2. EFFECTIVE DATE; CONDITIONAL ENACTMENT

This act shall become effective July 1, 1959, and then only if Senate Bill Number 36, Twenty-fourth Legislature, First Regular Session, is enacted into law.

Approved by the Governor—March 20, 1959.

Filed in the Office of the Secretary of State—March 20, 1959.

CHAPTER 90

Senate Bill No. 36

AN ACT

RELATING TO EDUCATION; PRESCRIBING STATE AND COUNTY LEVIES FOR COMMON AND HIGH SCHOOL EDUCATION AND PROVIDING FOR APPORTIONMENT THEREOF; PROVIDING FINANCIAL ASSISTANCE FOR COMMON AND HIGH SCHOOL DISTRICTS AND APPORTIONMENT THEREOF; PRESCRIBING THE FORM OF SCHOOL DISTRICT BUDGET; PROVIDING A BUDGET INCREASE LIMITATION; AMENDING TITLE 15, CHAPTER 12, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 2.1, SECTIONS 15-1221 TO 15-1225, INCLUSIVE; AMENDING SECTIONS 15-1211, 15-1212, 15-1201, 15-1235 AND 15-1241, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 12, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-1203, AND PROVIDING FOR CONDITIONAL ENACTMENT.

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

Section 1. Sec. 15-1211, Arizona Revised Statutes, is amended to read:

15-1211. STATE LEVY FOR COMMON AND HIGH SCHOOL EDUCATION; MINIMUM REQUIREMENTS; CONTINUING APPROPRIATION; DISBURSEMENTS

A. The legislature shall appropriate for common school and high school education one hundred seventy dollars per capita per annum, computed according to average daily attendance in common and high schools as shown by the records of the superintendent of public instruction. The amount so computed and appropriated shall constitute the aggregate sum to be raised by state taxation for the support of common and high school education. The legislature may designate the source of the revenue and prescribe the method of apportionment.

B. If the legislature fails to make the appropriation prescribed by subsection A the state board of equalization, when determining the annual tax levy for state purposes, shall include an amount sufficient to meet the minimum requirements of subsection A, and subsection A shall be deemed to constitute a continuing annual appropriation of the amount as determined by the minimum requirements therein prescribed.

C. All monies appropriated pursuant to subsections A and B, and in addition thereto all income derived from the permanent fund for the benefit of common and high school education, and receipts for such purpose from any other source, shall be placed in the state school fund to the credit of the state board of education and disbursed as provided by law.

D. Not more than twenty-five per cent of state monies apportioned to common and high schools shall be used for other than administrative and instructional costs, as defined by the state board of education.

Sec. 2. Sec. 15-1212, Arizona Revised Statutes, is amended to read:

15-1212. APPORTIONMENT OF FUNDS

A. After making the necessary allowance for payment from the state school fund of amounts authorized for the state board in the general appropriation bill, the board shall allocate the balance remaining in the state school fund for common school and high school education, in the proportion respectively that average daily attendance in common schools and high schools multiplied by one hundred seventy

bears to the sum of the product so obtained. The amounts so allocated shall be apportioned to the several counties on the basis of average daily attendance in the common and high schools in each county. No allowance shall be made for attendance at schools conducted at night, for attendance of non-resident alien children, nor for wards of the United States for which tuition is paid, but attendance of a student in a school of a county adjoining the county of his residence, whether within or without the state, under a certificate of educational convenience as provided by section 15-304, shall be deemed to be attendance in the school of the county or district of his residence.

B. Apportionments of the state school fund shall be made on the second Monday in July, October, January and April and, as nearly as possible, shall equal one-fourth of the amount to be apportioned during the fiscal year. The superintendent of public instruction shall furnish the treasurer and the school superintendent of each county an abstract of the apportionment, and shall certify the apportionment to the state auditor, who shall draw his warrant in favor of the county treasurer of each county for the amount apportioned thereto. Upon receipt of the warrant the county treasurer shall notify the county superintendent that the amount thereof together with any other monies standing to the credit of the county school fund, is subject to apportionment as prescribed by law.

C. As used in this section:

1. "Common school" means the first to eighth grades inclusive.

2. "High school" means the ninth to twelfth grades inclusive.

3. "Daily attendance" means:

(a) For common schools, days in which a pupil:

(i) Of the first, second or third grades attends a minimum of two hundred forty minutes.

(ii) Of the fourth, fifth or sixth grades attends a minimum of three hundred minutes.

(iii) Of the seventh or eighth grades attends a minimum of three hundred sixty minutes, including in each case recreational periods, and in which a pupil regardless of grade is actually present during one or both of the two sessions into which the school day is divided, but attendance at one session only shall be counted as one-half day's attendance.

(b) For high schools, days in which a pupil is enrolled in and carrying four subjects or the equivalent thereof that count toward graduation as defined by the state board of education, in a recognized high school, but attendance of a pupil carrying less than the load prescribed shall be prorated.

4. "Average daily attendance" means the sum of the average daily attendance for the previous school year plus the increased average daily attendance of such year over the average daily attendance of the year prior to the previous school year, provided, that if the average daily attendance for the year preceding the previous year equals or is greater than the previous year, the average daily attendance for the previous year shall be used.

D. The provisions of subsection C, paragraph 4, shall apply to title 15, chapter 12, articles 1 to 3, inclusive, and any reference to "average daily attendance for the preceding year", or "for the previous year", shall be determined as provided in paragraph 4.

E. Any determination of average daily attendance shall be based on the records of the superintendent of public instruction.

Sec. 3. Title 15, chapter 12, Arizona Revised Statutes, is amended by adding article 2.1, sections 15-1221 to 15-1225, inclusive, to read:

ARTICLE 2.1. FINANCIAL ASSISTANCE FOR COMMON AND HIGH SCHOOL DISTRICTS

15-1221. DEFINITIONS

In this article, unless the context otherwise requires:

1. "Assessed valuation" means the net valuation set in accordance with law on real estate, improvements and personal property in each school district or county as most recently equalized by the county and state agencies authorized to equalize such assessments, and shown on the latest equalized assessment rolls of each county.

2. "Average daily attendance" means the average daily attendance as defined in section 15-1212.

3. "Basic cost of education" means that sum of money required to provide a minimum standard of education for each child in average daily attendance.

4. "Common school" means the first to eighth grades inclusive.

5. "County aid" means the monies set aside from the county general fund by the board of supervisors, which, when added to the amounts appropriated by the legislature as provided in section 15-1211, shall equal one hundred eighty dollars per capita per annum for common and high school education within the county.

6. "County school equalization fund" means the monies provided by the board of supervisors in the county budget for the county school equalization fund for equalization purposes in the common and high school districts.

7. "District qualifying tax rate" means the tax rate of one dollar fifty cents per one hundred dollars assessed valuation of property in each common school district and one dollar thirty cents per one hundred dollars assessed valuation in each high school district, which levy must be made by the county board of supervisors for current operational expenses of each such district as a condition the district must meet before becoming eligible for participation in the county school equalization fund monies for the current year. In elementary districts that are not in a high school district, the county board of supervisors shall levy an additional one dollar thirty cents levy in each such district, if the district is to qualify for equalization aid to pay tuition for high school pupils.

8. "Equalization aid" means the county monies distributed to school districts in order to permit each school district to maintain an educational program pursuant to the provisions of this article.

9. "High school" means the ninth to twelfth grades inclusive.

10. "Operational expenses" means the administration, instruction, operation of school plant, maintenance of school plant, auxiliary agencies, fixed charges, and contingencies incurred in the operation of a school district, exclusive of all capital outlay items, special levies, and bond service items.

11. "School district needs" means the amount of financial aid that each school district requires in order to afford each pupil in average daily attendance a basic cost of education.

12. "State aid" means the sum of money designated by the legislature to be allocated to the counties to be distrib-

uted to the districts upon the basis of the average daily attendance of the districts pursuant to article 11, sections 8 and 9, Constitution of Arizona, sections 15-1211 and 15-1212.

15-1222. COUNTY LEVY FOR COUNTY SCHOOL EQUALIZATION FUND

In addition to the appropriations provided by article 11, sections 8 and 9, Constitution of Arizona, and sections 15-1211 and 15-1235, the board of supervisors of each county at the beginning of each fiscal year shall provide and set aside from the county general fund an amount not to exceed twenty dollars per capita per annum computed according to average daily attendance in common and high schools in the county, for the purpose of providing the funds required under sections 15-1223 and 15-1224. The amount set aside pursuant to this section shall constitute the county school equalization fund. Any balance remaining in this fund at the close of the fiscal year shall revert to the county general fund.

15-1223. COMPUTATION OF EQUALIZATION AID TO COMMON SCHOOL DISTRICTS

A. To the amounts of school district monies specified in subsection B, the county school superintendent shall compute and apportion the money in the county school equalization fund as follows:

Each common school district that employed three or more teachers during the previous school year shall be allotted by the county school superintendent equalization aid for operational expenses if required, sufficient to provide a basic cost of education of two hundred seventy-five dollars multiplied by the average daily attendance of the district. The equalization aid shall be allotted subsequent to the computation of the items provided in subsection B.

B. In computing the amounts of county equalization aid that each common and high school district shall receive, the following revenues shall be credited to the basic cost of education of each district:

1. State and county aid computed at one hundred eighty dollars times the average daily attendance.

2. Federal monies received during the previous year that were specified for Indian education aid and emergency operational aid that are in proportion to the ratio of the qualifying tax rate to the actual school tax rate, excluding debt service, of the district during the previous school year.

3. The calculated district tax yield from the levy of the district qualifying tax rate on the previous year's assessed valuation.

15-1224. COMPUTATION OF EQUALIZATION AID TO HIGH SCHOOL DISTRICTS

Each high school district, and each common school district not in a high school district that pays tuition for high school pupils residing in such districts, shall be allotted by the county school superintendent equalization aid for operational expenses as required sufficient to provide a basic cost of education of not less than four hundred twenty-five dollars, multiplied by the average daily attendance of the district. The equalization aid shall be allotted subsequent to the computation of the items provided in section 15-1223, subsection B, except that elementary districts not in a high school district must levy the high school district qualifying tax rate for tuition payment for high school pupils in order to qualify for equalization aid to pay for high school pupils.

15-1225. APPORTIONMENT OF COUNTY EQUALIZATION AID TO SCHOOL DISTRICTS

A. Funds in the county school equalization fund shall be apportioned to the districts of the county on the basis of need, as determined by the provisions of this article, and shall be apportioned on or before the second Monday in July, October, January and April. In no event shall any school district receive more equalization aid than it is entitled to receive as provided by this article and any overage shall be returned by the school district and credited to the county school equalization fund. If the county school equalization funds are insufficient to meet the needs of all the districts, such funds shall be apportioned to the districts in proportion to the equalization needs of each district.

B. The county school superintendent shall provide each school district with a statement of the apportionments made as provided in subsection A, on a form prescribed by the superintendent of public instruction.

Sec. 4. Section 15-1201, Arizona Revised Statutes, is amended to read:

15-1201. SCHOOL DISTRICT BUDGET; FORM

A. Not later than July 3 each year the governing board of each common or high school district shall prepare and furnish to the county school superintendent and the state superintendent of public instruction a proposed budget for the current fiscal year, which shall contain the information and be in form as follows:

.....
(Name and No. of District)

PROPOSED SCHOOL DISTRICT BUDGET

for the fiscal year JULY 1, 19..... to JUNE 30, 19.....

PURPOSE	No. of Employees: Past Fiscal Year	No. of Employees: Present Fiscal Year	Adopted Budget Past Fiscal Year	Actual Expenditures Past Fiscal Year	Proposed Budget Present Fiscal Year
I. ADMINISTRATION					
Salaries					
Clerk and Employees of School Board.....	( )	( )	.....	.....	.....
Superintendent	( )	( )	.....	.....	.....
Asst. Superintendent	( )	( )	.....	.....	.....
Other Administrative Officers.....	( )	( )	.....	.....	.....
Attendance Officers	( )	( )	.....	.....	.....
Health Service	( )	( )	.....	.....	.....
Secretarial & Clerical Assistants.....	( )	( )	.....	.....	.....
Supplies and Expense					
School Board			.....	.....	.....
Superintendent's Office			.....	.....	.....
Total			.....	.....	.....

PURPOSE	No. of Employees: Past Fiscal Year	No. of Employees: Present Fiscal Year	Adopted Budget Past Fiscal Year	Actual Expenditures Past Fiscal Year	Proposed Budget Present Fiscal Year
II. INSTRUCTION					
Salaries					
Principals	( )	( )			
Supervisors of Instruction	( )	( )			
Guidance & Psychological Personnel	( )	( )			
Class Room Teachers	( )	( )			
Other Instructional Personnel	( )	( )			
Librarians	( )	( )			
Secretarial and Clerical Assistants	( )	( )			
Supplies and Expense					
Teaching Supplies					
Textbooks					
Library Books					
Principal's Office					
Other					
Total					
III. OPERATION OF SCHOOL PLANT					
Wages & Salaries					
Janitorial Employees	( )	( )			

Supplies and Expense					
Utilities					
Supplies					
Other					
Total					
IV. MAINTENANCE OF SCHOOL PLANT					
Wages & Salaries					
Maintenance Employees	( )	( )			
Materials, Supplies and Expense					
Contracts					
Total					
V. AUXILIARY AGENCIES					
Health Service Expense					
Attendance Service Expense					
Transportation	( )	( )			
Lunch Program	( )	( )			
Other	( )	( )			
Total					
VI. FIXED CHARGES					
Rent					
Insurance Premiums					
Industrial Compensation Premiums					
O.A.S.I. Contributions					
State Retirement Contributions					
Interest on Registered Warrants					
Other					
Total					

PURPOSE	No. of Employees: Past Fiscal Year	No. of Employees: Present Fiscal Year	Adopted Budget Past Fiscal Year	Actual Expenditures Past Fiscal Year	Proposed Budget Present Fiscal Year
VII. CONTINGENCIES					
VIII. CAPITAL OUTLAY					
Furniture & Equipment					
Transportation Equipment					
Additions, alterations and improvements					
a. Salaries and wages					
b. Materials					
c. Contracts					
Other					
Total					
IX. TUITION TO OTHER SCHOOL DISTRICTS					
Grand Total					

BUDGET SIX PER CENT LIMIT CHECK

1. Grand Total Actual Expenditures Past Fiscal Year ....
2. Subtract: Actual Expenditures Past Fiscal Year for Capital Outlay (VIII) ....
3. Equals Total Operational Expenditures for Preceding Fiscal Year ....
4. Number Pupils Receiving State Aid for the Past Fiscal Year ....
5. Total Operational Expenditures per Pupil Per Annum for the Past Fiscal Year .....
   (Item 3 divided by Item 4) .....
6. Add six per cent limitation per pupil Per Annum .....
   (Item 5 x 6%) .....
7. Permissible Operational Expenditures per Pupil Per Annum for Present Fiscal Year
   (Item 5 plus Item 6) .....
8. Average daily attendance as prescribed in Section 15-1212 ....
9. Permissible Total Operational Expenditures for Present Fiscal Year .....
   (Item 7 x Item 8) .....

ATTENDANCE INFORMATION FOR PAST FISCAL YEAR

Eligible for State Aid ....

Not Eligible for State Aid

(a) Kindergarten ....

(b) Over 21 ....

(c) Tuition ....

Total .....

SPECIAL LEVIES AND BOND SERVICE

		Adopted Budget Past Fiscal Year	Actual Expenditures Past Fiscal Year	Proposed Budget Present Fiscal Year
I.	Special district levy for improvement of adjacent Public ways			
II.	Special district levy for building fund (Not to exceed 10c on $100 valuation)			
III.	Special levy for expenditures authorized pursuant to section 15-1245			
IV.	Bonded indebtedness			
	Interest			
	Redemption			
	Total			

B. The board of trustees may, when preparing the school district's budget as required in this section and section 15-1202, budget an amount not to exceed ten per cent of the total of the following budgetary items: III. Operation of school plant, IV. Maintenance of school plant, V. Auxiliary agencies, VI. Fixed charges, as estimated in the proposed budget for the present fiscal year, and place that amount in a special category designated: 'VII. Contingencies'. This amount may be used for any necessary school expense except salaries, travel, capital outlay, special levies and bond service. Expenditures from the special category provided for by this subsection shall be charged to the appropriate item in the budget but in no event shall the total of the charges to the various budget items exceed the amount estimated for contingencies for the present fiscal year.

Sec. 5. Title 15, chapter 12, Arizona Revised Statutes, is amended by adding section 15-1203 to read:

15-1203. LIMITATION OF EXPENDITURES; EXCEPTION; MANNER OF EXCEEDING

That part of a proposed budget designated for operational expenses which is in excess of six per cent of the total operational expenses per pupil per annum receiving state aid for the preceding fiscal year for any common or high school district, multiplied by the average daily attendance, shall not be adopted except upon the filing of the petition and conforming to the procedure prescribed in section 15-1245. The board of supervisors shall fix a day for hearing on the petition within not less than ten days after the first publication of notice thereof and shall cause a notice thereof to be published at least once in a newspaper of general circulation within the school district, but if no newspaper is published therein, publication shall be made in a newspaper published in the nearest district within the county, of the time and place when the application will be heard and determined. The cost of publication shall be a charge against the school district.

Sec. 6. Sec. 15-1235, Arizona Revised Statutes, is amended to read:

15-1235. COUNTY LEVY FOR SCHOOLS

The board of supervisors of each county shall at the beginning of each fiscal year provide and set aside from the county general fund an amount, which when added to the amounts appropriated by the legislature pursuant to section 15-1211, shall equal one hundred eighty dollars per

capita per annum for common and high school education within the county. The county levy shall be computed according to the average daily attendance of pupils in common school and high school within each county as shown by the records of the superintendent of public instruction, but there shall not be included in the computation pupils attending schools conducted at night, nonresident alien children, or wards of the United States for whom tuition is paid. The amount obtained pursuant to this section shall be part of the county school fund.

Sec. 7. Sec. 15-1241, Arizona Revised Statutes, is amended to read:

15-1241. APPORTIONMENT OF COUNTY SCHOOL FUND BY COUNTY SUPERINTENDENT

The county school superintendent, after deducting the amount fixed for the special county school reserve fund, shall apportion all monies to the credit of the county school fund for common school and high school education in the proportion that average daily attendance in common and high schools multiplied by one hundred eighty bears to the sum of the products so obtained. For the purpose of sections 15-1241, 15-1245 and 15-1247, only the six months of school showing the highest average daily attendance shall be considered in computing the average daily attendance.

Sec. 8. CONDITIONAL ENACTMENT

This act shall not become effective until and unless an education excise tax as prescribed by House Bill Number 68, Twenty-fourth Legislature, First Regular Session, has been enacted into law.

Approved by the Governor—March 20, 1959.

Filed in the Office of the Secretary of State—March 20, 1959.

CHAPTER 91

Senate Bill No. 47

AN ACT

RELATING TO THE MOTOR VEHICLE DIVISION OF THE HIGHWAY DEPARTMENT; PRESCRIBING FEES FOR SERVICES RENDERED IN PROVIDING INFORMATION OR FURNISHING COPIES OF RECORDS;

PROVIDING FOR THE SALE OF FEE STAMPS OR COUPONS; PRESCRIBING EXEMPTIONS, AND AMENDING TITLE 28, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-209.

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

Section 1. Title 28, chapter 2, article 1, Arizona Revised Statutes, is amended by adding section 28-209, to read:

28-209. COPIES OF RECORDS; FEES; STAMPS OR COUPONS; EXEMPTIONS

A. The motor vehicle division shall furnish information from its records or furnish copies therefrom and may, when the information furnished is to be used for commercial purposes, charge the cost to the division for providing such information, provided the charge shall be not less than twenty-five cents nor more than fifty cents for each item, except that a charge of one dollar shall be made for each certified abstract furnished under the provisions of section 28-1123. The cost of such service, and the amount charged therefor, within the foregoing limits, shall be determined by the superintendent of the motor vehicle division.

B. The division may sell stamps or coupons in appropriate denominations for the convenient enforcement of this section. Such stamps or coupons may be used to accompany request for information in lieu of cash, but otherwise shall be nonredeemable and shall be cancelled by the division upon furnishing the information.

C. The division shall not make any charge for any copies of records, or for information furnished from its records, to the state or any of its departments, agencies or political subdivisions, to any court, or to the federal government or any of its agencies.

D. This section shall not apply to information required by law to be kept confidential nor to statistical information, the purpose of which relates to traffic accidents, traffic offenses, or traffic enforcement.

Sec. 2. EMERGENCY

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

Approved by the Governor—March 20, 1959.

Filed in the Office of the Secretary of State—March 20, 1959.

CHAPTER 92

Senate Bill No. 95

AN ACT

CHANGING THE NAME OF THE BOARD OF REGENTS OF THE UNIVERSITY AND STATE COLLEGES OF ARIZONA, AND AMENDING TITLE 15, CHAPTER 7, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-729.

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

Section 1. Title 15, chapter 7, article 2, Arizona Revised Statutes, is amended by adding section 15-729, to read:

15-729. CHANGE OF NAME

The name of the "Board of Regents of the University and State Colleges of Arizona", as the same appears in any section of the Arizona Revised Statutes or Session Laws of Arizona, is hereby changed to the "Board of Regents of the Universities and State College of Arizona."

Sec. 2. EMERGENCY

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

Approved by the Governor—March 20, 1959.

Filed in the Office of the Secretary of State—March 20, 1959.

CHAPTER 93

Senate Bill No. 191

AN ACT

MAKING AN APPROPRIATION TO THE COMMISSION OF AGRICULTURE AND HORTICULTURE FOR ERADICATION OF THE PINK BOLLWORM.

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

Section 1. APPROPRIATION

A. The sum of five hundred thousand dollars is appropriated to the commission of agriculture and horticulture to

be placed in a special fund designated as the pink bollworm control and eradication fund, and to be available for the purpose of controlling and eradicating infestations of the pink bollworm, an agricultural pest not common to the state, but which menaces the economic welfare of the state.

B. Of the sum appropriated under the terms of subsection A not to exceed forty thousand dollars may be expended by the commission for personal services, other current expenditures, and travel.

Sec. 2. COOPERATION WITH OTHER AGENCIES; GIFTS; EXPENDITURES

The commission of agriculture and horticulture may cooperate with the United States and other public and private agencies in carrying out the provisions of this act, and may accept gifts of money from private agencies, which gifts of money shall be placed in the fund created in subsection A of section 1 of this act, and expended only for the purposes specified by the donor and acceptable to the commission. Such expenditures shall be matched by state funds available in the pink bollworm control and eradication fund.

Sec. 3. EXEMPTION

The appropriation made by this act is exempt from the provisions of sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing 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—March 20, 1959.

Filed in the Office of the Secretary of State—March 20, 1959.

CHAPTER 94

Senate Bill No. 200

AN ACT

MAKING AN APPROPRIATION TO THE STATE BOARD OF COSMETOLOGY.

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

Section 1. APPROPRIATION

In addition to the appropriation made under the terms of chapter 102, section 1, subdivision 18, Laws of 1958, the sum of one thousand nine hundred seventy-nine dollars forty-six cents is appropriated to the board of cosmetology.

Sec. 2. PURPOSE

The sum appropriated under the terms of section 1 is for the following purposes:

1. One thousand eight hundred dollars for compensating each member of the board of cosmetology to the extent of fifty dollars for each month of service from July 1, 1958, through June 30, 1959.

2. One hundred seventy-nine dollars forty-six cents for the payment of professional fees.

Sec. 3. EXEMPTION

The appropriation made by 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 20, 1959.

Filed in the Office of the Secretary of State—March 20, 1959.

CHAPTER 95

Senate Bill No. 255

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE SUPREME COURT.

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

Section 1. APPROPRIATION; PURPOSE

In addition to the appropriation made under the terms of subdivision 14, section 1, chapter 102, Laws of 1958, second regular session, the sum of three hundred dollars is appropriated to the supreme court to be available for travel—state and out-of-state.

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—March 20, 1959.

Filed in the Office of the Secretary of State—March 20, 1959.

CHAPTER 96

Senate Bill No. 279

AN ACT

RELATING TO THE COLLECTION OF INCOME TAXES, AND AMENDING SECTION 43-188, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 43-188, Arizona Revised Statutes, is amended to read:

43-188. COLLECTION OF TAX — INFORMATION AT SOURCE; WITHHOLDING TAX

(a) INFORMATION AT SOURCE AND WITHHOLDING. This section does not apply to the payment of interest obligations not taxable under this title.

(b) INFORMATION AT SOURCE, GENERAL. Every individual, estate, trust, partnership, corporation, joint stock company or association, insurance company, business trust, or so-called Massachusetts trust, being a resident or having a place of business in this state, in whatever capacity acting,

including lessees or mortgagors of real or personal property, fiduciaries, employers, and all officers and employees of this state or any political subdivision of this state, or any city organized under a charter, or any political body not a subdivision or agency of the state, having the control, receipt, custody, disposal, or payment of interest (other than interest coupons payable to bearer), dividends, rent (except rent paid by the individual taxpayer with respect to his personal dwelling), salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable annual or periodical gains, profits, and income amounting to three hundred dollars or over, paid or payable during any year to any taxpayer, shall make a complete return to the tax commission, which shall contain or be verified by a written declaration that it is made under the penalties of perjury, under such regulations and in such form and manner and to such extent as may be prescribed by it setting forth the amount of such gain, profits, and income, and the name and address of the recipient of such payment.

(c) INFORMATION AT SOURCE RETURNS—PATRONAGE DIVIDENDS.

Any corporation allocating amounts as patronage dividends, rebates, or refunds (whether in cash, merchandise, capital stock, revolving fund certificates, retain certificates, certificates of indebtedness, letters of advice, or in some other manner that discloses to each patron the amount of such dividend, refund, or rebate) shall render a correct return, which shall contain or be verified by a written declaration that it is made under the penalties of perjury stating the name and address of each patron to whom it has made such allocations amounting to one hundred dollars or more during the calendar year, and the amount of such allocations to each patron. If required by the tax commission, any such corporation shall render a correct return, which shall contain or be verified by a written declaration that it is under penalties of perjury, of all patronage dividends, rebates, or refunds made during the calendar year to its patrons. This subsection shall not apply in the case of any corporation exempt from tax under section 43-147.

(d) INFORMATION AT SOURCE RETURNS, ON INCOME FROM SECURITIES. The return described in subsection (b) may be required, regardless of amounts, in the case of

(1) Payments of interest upon bonds, mortgages, deeds of trust, or other similar obligations of corporations.

(2) Dividends paid by corporations.

(3) Collections of items (not payable in the United States) of interest upon the bonds of foreign countries and interest upon the bonds of and dividends from corporations created or organized in a foreign country by persons undertaking as a matter of business or for profit the collection of foreign payments of such interest or dividends by means of coupons, checks, or bills of exchange.

(e) WITHHOLDING, AGENT ENTITLED TO ADDRESS OF RECIPIENT. When necessary to make effective the provisions of this section, the name and address of the recipient of income shall be furnished upon demand of the person paying the income.

The commission shall furnish the person paying the income with forms to be signed by the person from whom the tax is being withheld. Such forms shall provide for the information the commission deems necessary.

(f) WITHHOLDING TAX

(1) On and after July 1, 1954, every employer at the time of the payment of wages, salary, bonus or other emolument to any employee whose compensation is for services performed within this state shall deduct and retain therefrom an amount equal to one-half of one per cent of the total value of such wages, bonus or other emolument computed without deductions for any amount withheld, and shall, quarterly, on or before the last day of April, July, October and January of each year, pay over to the commission the amount so collected during the preceding calendar quarter. For the purposes of this section the term "employer" means the person for whom an individual performs or performed any service, of whatever nature, as the employee of such person including any officer or department of the state or any political subdivision or agency of the state, or any city organized under a charter, or any political body not a subdivision or agency of the state, except that if the person for whom the individual performs or performed the services does not have control of the payment of the wages for such services, the term "employer" means the person having control of the payment of such wages.

(2) The amounts deducted from the wages of an employee during any calendar year in accordance with the provisions of this subsection shall be considered to be paid in part payment of the tax on such employee's taxable income for his tax year which begins within such calendar

year, and the return made by the employer pursuant to paragraph (5) may be accepted by the commission as prima facie evidence of the amounts so deducted from his wages.

(3) No amount shall be deducted or retained from:

(A) Wages paid for active service in the military or naval forces of the United States.

(B) Wages or salary paid to an employee of a common carrier when such employee is a nonresident of Arizona as defined in section 43-101 and regularly performs services both within and without the state of Arizona.

(C) Wages paid for domestic service in a private home.

(D) Wages paid for casual labor not in the course of the employer's trade or business.

(E) Wages paid to part-time or seasonal employees whose services to the employer consist solely of labor in connection with the planting, cultivating, harvesting or field packing of seasonal agricultural crops, except such employees whose principal duties are operating any mechanically driven device in such operations.

(4) When the total amount deducted under this subsection exceeds the amount of the tax on the employee's entire taxable income as computed under this title, the commission shall, after auditing the annual return filed by the employee in accordance with section 43-142, and without requiring a filing of a refund claim as provided in section 43-184 (b) (1) refund the amount of the excess deducted, without interest thereon. Failure of the commission to make such refund shall not limit the right of the taxpayer to file a claim for a refund as provided in section 43-184. No refund shall be made to an employee who fails to file such return within one year from the due date of the return in respect of which the tax withheld might have been credited. If the excess tax deducted is less than one dollar, no refund shall be made unless specifically requested by the taxpayer at the time such return is filed. In no event shall any excess be allowed as a credit against any tax accruing on a return filed for a year subsequent to the year during which such excess was withheld, the provisions of section 43-184 notwithstanding.

The commission may make separate refunds of withheld taxes upon request by a husband or wife who has filed a joint return, the refund payable to each spouse being proportioned to the gross earnings of each shown by the information returns filed by the employer or otherwise shown

to the satisfaction of the commission. If a taxpayer entitled to a refund under this subsection dies, the commission may certify to the state auditor that the refund be made to the taxpayer's executor, administrator, or duly appointed representative.

(5) Every employer shall, with each payment made by him to the commission, deliver to the commission a return in the form prescribed by the commission, showing the total amount of wages, salaries, bonuses or other emoluments paid to his employees, the amount deducted therefrom in accordance with the provisions of this subsection, and such other information as the commission may require. The employer is charged with the duty of advising the employee of the amount of moneys withheld, in accordance with such regulations as the commission may prescribe, using printed forms furnished by the commission for such purpose, or when requested by the employer upon forms approved by the commission.

The employer shall make an annual return for the calendar year to the commission on forms provided by it, summarizing the total compensation paid and the tax withheld for each employee during the calendar year and shall file the same with the commission before February 16 of the year following the year for which the report is made. The return required in the preceding sentence shall contain or be verified by a written declaration that it is made under the penalties of perjury, and the information contained in said return shall satisfy the requirements of section 43-188 (b) relating to the salaries and wages included in the report required under this paragraph.

The employer shall, within thirty days after the end of each calendar year, furnish such employee with either a statement of the amount withheld during the previous tax year, showing the gross earnings and the amount of tax withheld, or, if the termination of employment is prior to the end of the year, then, within fifteen days after the termination of employment, a summary statement showing the total earnings for the tax year and the amount of taxes withheld from compensation.

(g) LIABILITY FOR FAILURE TO WITHHOLD; PENALTY FOR FAILURE TO REMIT

(1) The employer shall be liable to the tax commission for the payment of the tax required to be deducted and withheld under this section, and the employee shall not thereafter be liable for the amount of any such payment, nor shall

the employer be liable to any person or any employee for the amount of any such payment. For the purpose of making penalty sections of this title applicable, any amount deducted or required to be deducted and remitted to the commission under this section shall be considered the tax of the employer and with respect to such amounts he shall be considered as a taxpayer.

(2) Whenever any employer is required to collect or withhold the tax imposed by this title from any employee and to pay such tax over to the tax commission, the amount of tax so collected or withheld shall be held to be a special fund in trust for the state of Arizona. The amount of such fund shall be assessed, collected, and paid in the same manner and subject to the same provisions and limitations (including penalties) as are applicable with respect to the taxes from which such fund arose.

(3) Any employer intrusted with, or having in his control any tax required to be collected or withheld and constituting a "special fund in trust for the state of Arizona" pursuant to this subsection, who fraudulently appropriates, or secretes with a fraudulent intent to appropriate, to any use or purpose not in the due and lawful execution of the trust, pursuant to this section, any portion thereof, shall be guilty of embezzlement under section 13-682, and shall be punishable as provided in sections 13-688 and 13-689.

(h) WITHHOLDING AGENT, MUST PAY WITHOUT RESORTING TO ACTION.

Any person required to withhold and transmit any amount pursuant to this section shall comply with the requirement without resort to any legal or equitable action in a court of law or equity.

(i) WITHHOLDING TAX, REFUND THEREFOR.

Any taxpayer from whom a tax is collected by withholding under this title is entitled to the remedies set forth in sections 43-163(b), 43-175 (1), 43-184 to 43-186 and 43-195 (c) except where such sections are in conflict with this section.

Approved by the Governor—March 20, 1959.

Filed in the Office of the Secretary of State—March 20, 1959.

CHAPTER 97

Senate Bill No. 24

AN ACT

RELATING TO POLICE COURTS; PRESCRIBING PROCEDURE IN GRANTING BAIL, AND AMENDING SECTION 22-424, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 22-424, Arizona Revised Statutes, is amended to read:

22-424. BAIL; PREPARATION OF SCHEDULE; DESIGNATION

A. The defendant, at any time after arrest, and before conviction, shall be admitted to bail, if bailable.

B. The police justice shall:

1. Prepare a schedule of traffic violations not involving the death of a person, listing specific bail for each violation.

2. Designate a deputy other than a law enforcement officer and a specific location at which the deputy shall, during hours when the court is not open, set the amount of bail in accordance with the foregoing schedule and collect such bail, or accept proper bail bonds in lieu thereof, for and on behalf of the court.

Approved by the Governor—March 20, 1959.

Filed in the Office of the Secretary of State—March 20, 1959.

CHAPTER 98

Senate Bill No. 25

AN ACT

RELATING TO JUSTICES OF THE PEACE; PRESCRIBING PROCEDURE IN GRANTING BAIL, AND AMENDING SECTION 22-112, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 22-112, Arizona Revised Statutes, is amended to read:

22-112. POWERS AND DUTIES

A justice of the peace shall:

1. Have the powers and perform the duties prescribed by law.

2. Prepare a schedule of traffic violations not involving the death of a person, listing specific bail for each violation.

3. Designate a deputy other than a law enforcement officer and a specific location at which the deputy shall, during hours when the court is not open, set the amount of bail in accordance with the foregoing schedule and collect such bail, or accept proper bail bonds in lieu thereof, for and on behalf of the court.

Approved by the Governor—March 20, 1959.

Filed in the Office of the Secretary of State—March 20, 1959.

CHAPTER 99

Senate Bill No. 65

AN ACT

RELATING TO THE STATE EMPLOYEES' RETIREMENT SYSTEM; PROVIDING FOR AN ELECTION OF ANNUITY OR INSTALLMENT PAYMENTS TO BENEFICIARIES OF CERTAIN DECEASED ACTIVE MEMBERS, AND AMENDING SECTION 38-758, ARIZONA REVISED STATUTES.

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

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

38-758. TERMINATION OF MEMBERSHIP BEFORE RETIREMENT

A. A member who terminates employment prior to the completion of five years of creditable service shall be paid upon application the amount of his employee contributions together with interest compounded annually at the rate or rates established by board regulations and he will cease to be a member. If such member upon termination of employment with less than five years creditable service does not terminate his membership and re-enters service within

twenty-four months following termination of his employment, all membership rights shall be restored to him, including prior service credits, if any. In any event, a member whose employment is terminated with less than five years creditable service shall cease to be a member, and his contributions with interest compounded annually at the rate or rates established by board regulations shall be refunded to him if in any period of six consecutive years after last becoming a member he is absent from service for more than five years, except in military service of the United States.

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

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

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

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

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

4. In lieu of the benefits provided in this subsection a member may elect the actuarial equivalent of the total monthly retirement benefit as described commencing on or after age sixty but adjusted so that he receives a larger payment before age sixty-five and a smaller payment after

age sixty-five in such amounts that his total monthly benefits under the act together with his expected social security benefits will provide a level monthly income for life from the date of commencement of benefits.

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

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

F. In lieu of the benefits provided in subsection E, a member who has completed not less than five years of creditable service, and whose retirement account exceeds five thousand dollars, may file a beneficiary designation form directing that the actuarial equivalent of a lump sum settlement shall be paid to the designated beneficiary under one of the following options:

1. A monthly income for ten years certain and life thereafter, provided that this option may not be taken unless a benefit of twenty-five dollars or more per month shall be payable to the designated beneficiary or estate.

2. Monthly installments certain for a definite number of years, not less than five or exceeding twenty, to the designated beneficiary or estate.

The designated beneficiary of a member who has completed not less than five years of creditable service, and whose retirement account exceeds five thousand dollars, but who has not modified his beneficiary designation pursuant to this subsection, shall have the right, following the death of the active member, to select a settlement under provisions of paragraphs 1 or 2 of this subsection in lieu of a single payment.

Approved by the Governor—March 20, 1959.

Filed in the Office of the Secretary of State—March 20, 1959.

CHAPTER 100

Senate Bill No. 134

AN ACT

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

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

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

2-123. POWERS AND DUTIES; DIRECTOR

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

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

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

D. The authority shall administer the laws relating to aeronautics and shall make such rules and regulations concerning aviation as may be necessary to promote public safety and the best interests of aviation in the state.

E. The authority may appoint a director to serve at its pleasure. The director shall have an aeronautical background as may be required by the board. The director shall act as the executive officer of the authority and under its direction shall administer the aeronautical laws and enforce the rules and regulations of the authority. The salary of the director shall be fixed by the authority, subject to legislative appropriation.

Approved by the Governor—March 20, 1959.

Filed in the Office of the Secretary of State—March 20, 1959.

CHAPTER 101

Senate Bill No. 163

AN ACT

RELATING TO MOTOR VEHICLES; PROVIDING WHEN CERTAIN TRAFFIC VIOLATORS MAY BE TAKEN IMMEDIATELY BEFORE A MAGISTRATE, AND AMENDING SECTION 28-1053, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 28-1053, Arizona Revised Statutes, is amended to read:

28-1053. WHEN PERSON ARRESTED MUST BE TAKEN IMMEDIATELY BEFORE A MAGISTRATE

When a person is arrested for any violation of this chapter punishable as a misdemeanor, the arrested person shall be immediately taken before a magistrate within the county in which the offense charged is alleged to have been committed and who has jurisdiction of the offense, provided a person taken before a justice of peace shall be taken before the nearest or most accessible with reference to the place where the arrest is made, in any of the following cases:

1. When a person arrested demands an immediate appearance before a magistrate.

2. When the person is arrested upon a charge of negligent homicide.

3. When the person is arrested upon a charge of driving while under the influence of intoxicating liquor or narcotic drugs.

4. When the person is arrested upon a charge of failure to stop in the event of an accident causing death, personal injuries or damage to property.

5. When it reasonably appears to the arresting officer that the person arrested is about to leave the jurisdiction of the state.

6. In any other event when the person arrested refuses to give his written promise to appear in court as provided in this article.

Approved by the Governor—March 20, 1959.

Filed in the Office of the Secretary of State—March 20, 1959.

CHAPTER 102

House Bill No. 239

AN ACT

RELATING TO GROUND WATERS; DEFINING EXEMPTED WELLS; PRESCRIBING LIMITATIONS, AND AMENDING SECTIONS 45-301 AND 45-312, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 45-301, Arizona Revised Statutes, is amended to read:

45-301. DEFINITIONS

In this article, unless the context otherwise requires:

1. "Critical groundwater area" means any groundwater basin as defined in paragraph 5 or any designated subdivision thereof, not having sufficient ground water to provide a reasonably safe supply for irrigation of the cultivated lands in the basin at the then current rates of withdrawal.

2. "Department" means the state land department.

3. "Exempted well" means a well or other works for the withdrawal of ground water used for domestic, stock watering, domestic water utility, industrial or transportation purposes and a well for the irrigation of not to exceed three hundred twenty acres of land actually used by a bona fide established public or private secondary school or institution of higher learning having at least one hundred full-time students enrolled, which secondary school or institution is engaged in the teaching of or experimentation in the science of agriculture, and where the curriculum of such school or institution includes a course in the study of or experimentation in the science of agriculture, provided the use of water produced from any such well shall be limited to such purposes only and neither the water produced from the well nor such well shall be leased, sold or otherwise disposed of whereby other interests may acquire or use the same for any other purpose. If any such school or institution ceases to teach the science of agriculture, the right to produce water from such well for irrigation purposes shall terminate.

4. "Ground water" means water under the surface of the earth regardless of the geologic structure in which it is

standing or moving. It does not include water flowing in underground streams with ascertainable beds and banks.

5. "Groundwater basin" means land overlying, as nearly as may be determined by known facts, a distinct body of ground water, but the exterior limits of a groundwater basin shall not be deemed to extend upstream or downstream beyond a defile, gorge or canyon of a surface stream or wash.

6. "Groundwater subdivision" means an area of land overlying, as nearly as may be determined by known facts, a distinct body of ground water. It may consist of any determinable part of a groundwater basin.

7. "Irrigation district" means a district organized by law for the irrigation of the lands comprising the district, whether designated as an irrigation district, water conservation district, water users' association, mutual irrigation project or otherwise.

8. "Irrigation well" means any well or works for the withdrawal of ground water primarily used for irrigation purposes and having a capacity in excess of one hundred gallons per minute.

9. "Notice of intention to drill" means the notice required to be sent to the state land department by all persons intending to drill new wells.

10. "Owner of land" means any person in whom legal title to real property is vested or any person having an equitable interest in real property.

11. "Permit" means a permit to construct and operate a well or other works for the withdrawal of ground water.

12. "Person" includes an individual, firm, public or private corporation or government agency.

13. "User of ground water" means any person who is putting ground water to a beneficial use primarily for irrigation purposes.

14. "Well" means only those wells used for irrigation or drainage and having a capacity of more than one hundred gallons of water per minute.

Sec. 2. Sec. 45-312, Arizona Revised Statutes, is amended to read:

45-312 LIMITATION UPON USE OF WATER FROM UNLAWFULLY DRILLED OR EXEMPT WELLS; PRESERVATION OF RIGHTS

Notwithstanding any provision of this article to the contrary, no ground water shall be used for irrigation purposes from any well which was drilled in violation of the provisions of Laws 1948, sixth special session, chapter 5, Laws 1953, chapter 42, or Laws 1954, chapter 86, nor shall ground water taken from an exempted well be used for irrigation purposes except as provided in the case of schools or institutions of higher learning as defined in section 45-301, but rights established under valid permits issued by the department pursuant to such laws shall not be affected by any provision of this article.

Approved by the Governor—March 20, 1959.

Filed in the Office of the Secretary of State—March 20, 1959.

CHAPTER 103

House Bill No. 187

AN ACT

RELATING TO MOTOR VEHICLES; PRESCRIBING PENALTY FOR DRIVING WITHOUT A VALID LICENSE; PROVIDING FOR THE REVOCATION OF LICENSE WHEN CONVICTED ON A SECOND OR SUBSEQUENT CHARGE OF RECKLESS DRIVING; PROVIDING AUTHORIZATION TO SUSPEND A LICENSE BY COURT ORDER IF LICENSEE HAS BEEN CONVICTED OF RECKLESS DRIVING; PRESCRIBING PENALTY FOR DRIVING WHILE LICENSE IS SUSPENDED, REVOKED OR REFUSED AND FOR RECKLESS DRIVING; AMENDING SECTIONS 28-411, 28-473, AND 28-693, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 28-411, Arizona Revised Statutes, is amended to read:

28-411. OPERATORS AND CHAUFFEURS MUST BE LICENSED; PENALTY

A. No person, except those expressly exempted in this chapter, shall drive any motor vehicle upon a highway in

this state unless the person has a valid license as an operator or chauffeur under the provisions of this chapter. No person shall drive a motor vehicle as a chauffeur unless he holds a valid chauffeur's license.

B. A person holding a valid chauffeur's license under this chapter need not procure an operator's license.

C. A person licensed as an operator or chauffeur under this chapter may exercise the privilege thereby granted upon all streets and highways in this state and shall not be required to obtain any other license to exercise the privilege by any county, municipal or local board, or body having authority to adopt local police regulations.

D. Conviction, or forfeiture of bail not vacated, for any violation of the provisions of subsection A, shall be punishable by a fine of not less than fifty nor more than three hundred dollars. A second or subsequent conviction, or forfeiture of bail not vacated, shall be punishable by a fine of not less than one hundred nor more than three hundred dollars, by imprisonment for not less than five days nor more than six months, or both.

Sec. 2. Sec. 28-473, Arizona Revised Statutes, is amended to read:

28-473. DRIVING WHEN LICENSE SUSPENDED, REVOKED, OR REFUSED

A. Any person who drives a motor vehicle on a public highway of this state at a time when his privilege so to do is suspended, revoked, or refused, is guilty of a misdemeanor punishable by imprisonment for not less than ten days nor more than six months and in addition, a fine of not less than one hundred nor more than three hundred dollars.

B. Any person convicted of violating the provisions of subsection A of this section a second or subsequent time shall be punished by imprisonment for not less than fifteen days nor more than six months and in addition thereto, a fine of not less than one hundred fifty nor more than three hundred dollars.

C. The department upon receiving a record of the conviction of a person under this section upon a charge of driving a vehicle while the license of the person was suspended shall extend the period of the suspension for an additional like period and if the conviction was upon a charge of driving while a license was revoked the department shall not issue a new license for an additional period of one year from and

after the date the person would otherwise have been entitled to apply for a new license.

Sec. 3. Sec. 28-693, Arizona Revised Statutes, is amended to read:

28-693. RECKLESS DRIVING

A. Any person who drives any vehicle in wilful or wanton disregard for the safety of persons or property is guilty of reckless driving.

B. A person convicted of reckless driving shall be punished upon a first conviction by imprisonment for not less than five nor more than ninety days, by a fine of not less than one hundred nor more than three hundred dollars, or both.

C. When a second or subsequent offense is committed within a period of twenty-four months, and conviction occurs, such person shall be punished by imprisonment for not less than ten days nor more than six months, and in the discretion of the court, by a fine of not less than one hundred fifty nor more than three hundred dollars, or both. No judge may grant probation to or suspend the imposition of a jail sentence of any person for such a second or subsequent conviction.

D. The court may, upon pronouncement of any jail sentence under this section, in cases of extreme hardship provide in the sentence that the defendant may be permitted, if he is employed and can continue his employment, to continue said employment for not more than twelve hours per day nor more than six days per week, and the remaining day, days or parts of days shall be spent in jail until the sentence is served. He shall be allowed out of jail only long enough to complete his actual hours of employment and no longer.

E. Whenever any person is convicted of a violation of the provisions of this section, the judge may, upon a first conviction, and shall upon a second or subsequent conviction for an offense committed within a period of twenty-four months require the surrender to him of any operator's or chauffeur's license of such person and immediately forward same to the department with the abstract of conviction. Upon a first conviction the judge may order the suspension of the driving privileges of such person for a period not to exceed ninety days. The department upon receipt of the license, abstract of conviction, and order of the court, in the case of a first conviction, shall suspend the driving privileges of such person for the period of time ordered by the judge. In the case

of a second or subsequent conviction for an offense committed within a period of twenty-four months, the department upon receipt of the license and the abstract of conviction shall revoke the driving privileges of such person.

Sec. 4. EMERGENCY

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

Approved by the Governor—March 20, 1959.

Filed in the Office of the Secretary of State—March 21, 1959.

CHAPTER 104

Senate Bill No. 52

AN ACT

RELATING TO THE CLERK OF THE SUPERIOR COURT; PROVIDING FOR THE MICROPHOTOGRAPHY AND DESTRUCTION OF RECORDS AFTER EXPIRATION OF A SPECIFIED TERM OF YEARS, AND AMENDING SECTION 11-552, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 11-552, Arizona Revised Statutes, is amended to read:

11-552. CUSTODY OF RECORDS FILED; DESTRUCTION; MICROPHOTOGRAPHY; EVIDENCE; EXEMPTION

A. The clerk shall keep his office at the county seat, and shall take charge of and safely keep and dispose of according to law, all books, papers and records which may be filed or deposited in his office.

B. Any other law relating to the destruction of court records to the contrary notwithstanding, the clerk may destroy all documents, records, instruments, books, papers, depositions, and transcripts in any action or proceeding in the superior court, or otherwise filed in his office pursuant to law, if all of the following conditions exist:

1. Ten years have elapsed since the filing of any paper in the action or proceeding, and the records of the clerk do

not show that the action or proceeding is pending, subject to modification or on appeal in any court, except that transcripts of coroners' inquests, depositions, and, when the written consent of the county attorney is first obtained, transcripts of preliminary hearings may be destroyed when five years have elapsed since their filing in the office of the clerk and the action or proceeding in which they were filed is not pending or on appeal in any court.

2. The clerk maintains for the use of the public a microphotographic film print or copy of each document, record, instrument, book, paper, deposition, or transcript so destroyed, together with a mechanical device by which such film may be conveniently examined.

3. The clerk promptly seals and stores at least one original negative of each microphotographic film in such manner and place as will reasonably assure its preservation indefinitely against loss, theft, defacement, or destruction.

C. A photographic reproduction of any of the records described in this section, the negative or film of which has been certified by the clerk in charge of such reproduction as being an exact replica of the original, shall be received in evidence in all courts, and in hearings before any officer, board or commission having jurisdiction or authority to conduct such hearings, in like manner as the original.

D. The provisions of section 8-238 shall be exempt from the provisions of this section.

Approved by the Governor—March 20, 1959.

Filed in the Office of the Secretary of State—March 21, 1959.

CHAPTER 105

Senate Bill No. 57

AN ACT

RELATING TO MOTOR VEHICLES; PRESCRIBING FEES FOR ISSUANCE OF PERMITS WHICH AUTHORIZE AN APPLICANT TO OPERATE OR MOVE A VEHICLE OR COMBINATION OF VEHICLES EXCEEDING THE MAXIMUM SIZE OR WEIGHT, AND AMENDING SECTION 28-1011, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 28-1011, Arizona Revised Statutes, is amended to read:

28-1011. PERMITS FOR EXCESS SIZE AND WEIGHT; FEES

A. The commission with respect to highways under its jurisdiction and local authorities with respect to highways under their jurisdiction may in their discretion upon application in writing and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in this article or otherwise not in conformity with the provisions of this chapter upon any highway under the jurisdiction of the party granting the permit and for the maintenance of which the party is responsible.

B. The application for any such permit shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular highways for which permit to operate is requested, and whether the permit is requested for a single trip or for continuous operation.

C. The commission or local authority is authorized to issue or withhold the permit at its discretion. If the permit is issued, the commission or local authority may limit the number of trips, establish seasonal or other time limitations within which the vehicles decribed may be operated on the highways indicated or otherwise limit or prescribe conditions of operation of the vehicle or vehicles, when necessary to assure against undue damage to the road foundations, surfaces or structures, and may require such undertaking or other security as may be deemed necessary to compensate for any injury to any roadway or road structure.

D. Such a permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting the permit, and no person shall violate any of the terms or conditions of the special permit.

E. The following fees shall be assessed for each permit issued in accordance with the provisions of this section:

1. For a single trip and one load, five dollars.

2. For thirty days, ten dollars.

F. No fees shall be assessed for any permit issued in accordance with the provisions of this section for the movement of vehicles or combination of vehicles owned by the United States government.

Approved by the Governor—March 20, 1959.

Filed in the Office of the Secretary of State—March 21, 1959.

CHAPTER 106

Senate Bill No. 129

AN ACT

MAKING AN APPROPRIATION TO THE ARIZONA STATE BANKING DEPARTMENT.

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

Section 1. APPROPRIATION; PURPOSE

The sum of eleven thousand two hundred fifty dollars is appropriated to the Arizona state banking department in the amounts and for the purposes following:

Personal services	$ 6,750.00
Professional services	2,500.00
Travel—state	1,500.00
Current expenditures	500.00
TOTAL	$11,250.00

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—March 20, 1959.

Filed in the Office of the Secretary of State—March 21, 1959.

CHAPTER 107

Senate Bill No. 164

AN ACT

RELATING TO ELECTIONS; PRESCRIBING MANNER OF ABSENTEE REGISTRATION AND VOTING FOR PERSONS IN THE ARMED SERVICES OR MERCHANT MARINE OF THE UNITED STATES, AND AMENDING SECTIONS 16-108, 16-1101, 16-1102 AND 16-1105, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 16-108, Arizona Revised Statutes, is amended to read:

16-108. ELECTOR TEMPORARILY ABSENT FROM STATE; PERSONS IN THE UNITED STATES SERVICE

A. An elector temporarily absent from the state may register by filling out an affidavit of registration which shall be furnished upon application of the elector by the county recorder of the county in which the elector has legal residence. The elector shall execute the affidavit of registration before an officer authorized to administer oaths and shall return the affidavit to the county recorder.

B. Any other provisions of law to the contrary notwithstanding registration for persons in the United States service, as defined in section 16-1101, may be accomplished at any time prior to the five days next preceding a primary or general election.

Sec. 2. Sec. 16-1101, Arizona Revised Statutes, is amended to read:

16-1101. VOTING BY ABSENT OR PHYSICALLY DISABLED ELECTORS; PERSONS IN THE UNITED STATES SERVICE

A. A qualified and registered elector who is absent from the county of which he is an elector, or who expects to be absent from such county, at the time of holding any general or primary election, or at the time of holding a special election called pursuant to section 1, article 21 of the constitution, or who furnishes the county recorder with the signed application for an absent or disabled voter as provided by section 16-1103, stating that he is physically unable to go to

the polls, may vote at such election as provided by this article.

B. A person who on account of the tenets of his religion cannot attend the polls on the day of a general, primary or special election is deemed to be absent from the county and may vote at such election as provided by this article.

C. A qualified person in the United States service who is absent from the county of which he is an elector at the time of holding any general or primary election or at the time of the holding of a special election called pursuant to section 1, article 21 of the constitution of Arizona may register and vote at such election as provided by this article.

D. The term "United States service" shall mean:

1. Members of the armed forces while in the active service.

2. Members of the merchant marine of the United States while in the active service.

Sec. 3. Sec. 16-1102, Arizona Revised Statutes, is amended to read:

16-1102. APPLICATION FOR BALLOT

A. Within the thirty days next preceding the Saturday before any primary or general election, or a special election called pursuant to section 1, article 21 of the constitution, an elector may make a written request to the county recorder of the county in which the elector is registered for an application for a ballot and an official absent or disabled voter's ballot, or, if absent from the state during the thirty days next preceding the election, may upon the application blank provided therefor apply for such ballot by appearing before a notary public or other officer qualified to administer oaths within the state of temporary residence, swearing and subscribing to the application and returning the original and duplicate to the recorder of the county in which the elector is registered.

B. Upon receipt of such application, if in proper form, the recorder shall mail postage prepaid to the elector the ballot applied for, together with the envelope for its return. After making and subscribing the affidavit provided for upon the return envelope, the elector may mark the ballot and return it to the recorder of the county in which he is registered.

C. The recorder may, when deemed expedient, mail the application with the ballot and determine the sufficiency of the application upon receipt of the ballot and the application.

D. To and including the last Monday before election the recorder may, in his discretion, direct the voting of an elector who by reason of sudden illness is prevented from voting at the polls, if the illness was not anticipated in time to make application as provided by law, or direct the voting of a disabled elector when it appears that the request of the elector was received before five o'clock p.m. on the Friday preceding the election.

E. Any elector in the United States service may make a request for an absentee ballot by the submission of a federal post-card application as provided for in the federal voting assistance act of 1955 (public law 296, 84th Congress, 69 Stat. 584). Upon the receipt of such application by a county recorder, the recorder shall determine whether or not the applicant is registered. If the applicant is so registered, the recorder shall forward him an official absent voter's ballot. If the applicant is not registered, the recorder shall forward an affidavit of registration as provided in section 16-108. He shall at the same time forward to the unregistered applicant an official absent voter's ballot.

Sec. 4. Sec. 16-1105, Arizona Revised Statutes, is amended to read:

16-1105. BALLOT AFFIDAVIT; FORM

A. The absent or disabled voter's ballot shall be accompanied by an envelope bearing upon the front thereof the name, official title and post-office address of the recorder and upon the other side a printed affidavit in substantially the following form:

State of Arizona) ss
County of .....)

I, ..., do solemnly swear that I am a resident elector of the ..... voting precinct of the county of ....., state of Arizona, and am entitled to vote in such precinct at the next election. I expect to be absent from the county of my residence on the day of holding such election (or am unable by reason of physical disability to go to the polls) and therefore will have no opportunity to vote in person on that day.

.....
Name of Voter

Subscribed and sworn to before me this ..... day of ....., 19..... I further certify: That the affiant exhibited the enclosed ballot to me unmarked; that—he then in my presence, but in the presence of no other person, and in such manner that I could not see him vote, marked such ballot, enclosed and sealed it in this envelope, and that the affiant was not solicited or advised by me to vote for or against any candidate or measure.

.....
Signature and title of officer

B. The provisions of this section shall not preclude the recorder from exercising his option to mail the application and await its return at any time before receipt of the ballot, as provided in section 16-1102.

C. There shall be printed across the face of each envelope in which a ballot is sent to a federal post-card applicant, or is returned by such applicant to the supervisor, two parallel horizontal red bars, each one-fourth inch wide, extending from one side of the envelope to the other side, with an intervening space of one-fourth inch, the top bar to be one and one-fourth inches from the top of the envelope, and with the words "Official Election Balloting Material—Via Air Mail", or similar language, between the bars. There shall be printed in the upper right corner of each such envelope, in a box, the words "Free of U. S. Postage, Including Air Mail". All printing on the face of each such envelope shall be in red, and there shall be printed in red in the upper left corner of each ballot envelope an appropriate inscription or blanks for return address of sender. Otherwise the envelopes shall be the same as those used in sending ballots to, or receiving them from other absentee voters.

Approved by the Governor—March 20, 1959.

Filed in the Office of the Secretary of State—March 21, 1959.

CHAPTER 108

Senate Bill No. 31

AN ACT

RELATING TO CRIMES; PRESCRIBING PENALTY FOR DRUNK AND DISORDERLY CONDUCT, AND AMEND-

ING TITLE 13, CHAPTER 2, ARTICLE 15, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-379.

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

Section 1. Title 13, chapter 2, article 15, Arizona Revised Statutes, is amended by adding section 13-379, to read:

13-379. DRUNK AND DISORDERLY

Any person who appears in any public place, street, alley, or sidewalk in a drunken and disorderly condition, or lies or sleeps in any public place, or on any street, alley or sidewalk in a drunken and disorderly condition, is guilty of a misdemeanor.

Approved by the Governor—March 23, 1959.

Filed in the Office of the Secretary of State—March 23, 1959.

CHAPTER 109

Senate Bill No. 114

AN ACT

RELATING TO GROUND WATERS; PROVIDING FOR ISSUANCE OF PERMITS FOR CONSTRUCTION OF IRRIGATION WELLS AND PRESCRIBING EXCEPTION THERETO, AND AMENDING SECTION 45-314, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 45-314, Arizona Revised Statutes, is amended to read:

45-314. ISSUANCE OF PERMIT

A. Upon application as provided in section 45-313, the department shall issue a permit for the constructoin of the proposed well, but no permit shall be issued for the construction of an irrigation well within any critical groundwater area for the irrigation of lands which on the date the area was declared critical, were not irrigated, or had not been cultivated within five years prior thereto.

B. Except as provided in this article, no permit shall be issued to any person other than the owner of the land on which the proposed well is to be located, or to an irrigation or agricultural improvement district or other organized irri-

gation project for use upon lands within the district or project.

Approved by the Governor—March 23, 1959.

Filed in the Office of the Secretary of State—March 23, 1959.

CHAPTER 110

Senate Bill No. 219

AN ACT

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

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

Section 1. APPROPRIATION; PURPOSE

In addition to the appropriation made under the terms of subdivision 38, section 1, chapter 102, Laws of 1958, second regular session, the sum of ten thousand dollars is appropriated to the state prison and institute of educational rehabilitation to be available for personal services for the period ending June 30, 1959.

Sec. 2. 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. 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, 1959.

Filed in the Office of the Secretary of State—March 23, 1959.

CHAPTER 111

Senate Bill No. 229

AN ACT

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

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

Section 1. APPROPRIATION

The sum of eighteen thousand 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 fumigation of infested buildings, spraying of infested grounds, and otherwise treating premises found to be infested with the Khapra beetle.

Sec. 3. EXEMPTION

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

Sec. 4. EMERGENCY

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

Approved by the Governor—March 23, 1959.

Filed in the Office of the Secretary of State—March 23, 1959.

CHAPTER 112

Substitute Senate Bill No. 79

AN ACT

RELATING TO OIL AND GAS; CREATING AN OIL AND GAS CONSERVATION COMMISSION; PRESCRIBING THE POWERS AND DUTIES THEREOF; TRANSFERRING THE POWERS AND DUTIES OF THE STATE LAND COMMISSIONER RELATING TO OIL AND GAS CONSERVATION TO THE OIL AND GAS CONSERVATION COMMISSION; AMENDING SECTIONS 27-501, 27-502 AND 27-514, ARIZONA REVISED STATUTES, AND MAKING AN APPROPRIATION.

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 commission for transportation or delivery of oil, gas, or products thereof.

2. "Certificate of compliance" means a certificate issued by the commission 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 commission.

3. "Commission or commissioner" means the oil and gas conservation commission.

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 commission.

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 of 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. 27-502, Arizona Revised Statutes, is amended to read:

27-502. DECLARATION OF POLICY

A. It is the public policy of the state to:

1. Conserve the natural resources of oil and gas and products thereof.

2. Prevent waste of oil and gas resources.

3. Provide for protection and adjustment of correlative rights of owners of land wherein the natural resources lie and of owners and producers of oil and gas resources and products thereof, and of others interested therein.

4. Encourage development of natural resources of oil and gas and their products.

5. Encourage continuous and economic supply thereof and demand therefor.

6. Safeguard the health, property and public welfare of citizens of the state and other interested persons.

7. Promote all purposes indicated by the provisions of this article.

B. This article shall be administered by the oil and gas conservation commission.

C. The legislature finds and declares that oil and gas in commercial quantities have now been discovered and are being produced within this state.

Sec. 3. Sec. 27-514, Arizona Revised Statutes, is amended to read:

27-514. COMMISSION; APPOINTMENT; TERMS; COMPENSATION

A. There is created an oil and gas conservation commission.

B. The commission shall consist of the state land commissioner ex officio who shall have no vote, and five members to be appointed by the governor with the advice and consent of the senate, no more than three of whom shall be of the same political party. The appointive members shall be United States citizens and shall have been residents of Arizona for not less than the five years immediately preceding their appointment. Three members of the commission shall constitute a quorum for the transaction of business.

C. Of the members first appointed, one shall be appointed for a term ending December 31, 1960, and one each for terms ending one, two, three and four years thereafter. Subsequent appointments shall be for a full term of five years, but appointment to fill a vacancy arising from a cause other than expiration of term shall be for the unexpired portion of the term only, subject to senate confirmation. Such appointee shall be entitled to serve in the interim pending confirmation. If the senate fails to confirm, another person shall be appointed and his name submitted for senate confirmation. The initial appointments shall be made by the governor on or before July 1, 1959, and the names of those members initially appointed shall be submitted by the governor not later than January 31, 1960, to the senate for confirmation.

D. Appointive members of the commission shall receive a salary of twenty-five dollars per day for each day actually spent in the performance of official duties, together with reimbursement for travel and other necessary expenses incurred in the performance of official duties as provided by law for other state officers.

Sec. 4. TRANSFER OF POWER AND DUTIES

Upon the appointment and qualification of the members of the oil and gas conservation commission as provided in section 3 of this act, all the functions, powers, authorities, duties and responsibilities vested in and imposed upon the state land commissioner by title 27, chapter 4, article 1, Arizona Revised Statutes, except as amended by this act, shall be vested in and administered by the oil and gas conservation commission.

Sec. 5. APPROPRIATION; EXEMPTION

A. The sum of fifty thousand dollars is appropriated to the oil and gas conservation commission for the purpose of carrying out the provisions of this act.

B. The sum appropriated under the provisions of this section is exempt from the terms of sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing appropriations.

Sec. 6. EFFECTIVE DATE

This act shall take effect July 1, 1959.

Approved by the Governor—March 23, 1959.

Filed in the Office of the Secretary of State—March 23, 1959.

CHAPTER 113

Senate Bill No. 204

AN ACT

RELATING TO FLOOD CONTROL; PROVIDING FOR THE ESTABLISHMENT OF FLOOD-CONTROL DISTRICTS; PRESCRIBING THEIR POWERS AND DUTIES; AUTHORIZING THE ISSUANCE OF BONDS THEREBY; PROVIDING FOR THE LEVY OF TAXES; GRANTING RIGHTS OF WAY TO SUCH DISTRICTS; MAKING BONDS ISSUED THEREBY LEGAL INVESTMENTS FOR CERTAIN PURPOSES, AND AMENDING TITLE 45, CHAPTER 10, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 5, SECTIONS 45-2351 TO 45-2371, INCLUSIVE.

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

Section 1. Title 45, chapter 10, Arizona Revised Statutes, is amended by adding article 5, sections 45-2351 to 45-2371, inclusive, to read:

ARTICLE 5. SPECIAL FLOOD-CONTROL DISTRICTS

45-2351. DEFINITIONS

In this article, unless the context otherwise requires, "district" shall mean a flood-control district as such phrase is used and contained in article 13, section 7, Constitution of Arizona. The word "may", when used herein, means "per-

missive" and "subject to a discretionary action", while "shall" denotes a "mandatory action".

45-2352. DISTRICT AS MUNICIPAL CORPORATION

A flood-control district organized under the provisions of this article is a public political taxing subdivision of the state and a municipal corporation to the extent of the powers and privileges conferred by this article or granted generally to municipal corporations by the Constitution and statutes of the state, including immunity of its property and bonds from taxation.

45-2353. AUTHORIZATION FOR DISTRICTS

A flood-control district or districts may be established in any county in this state by the board of supervisors thereof for the purpose of acquiring, constructing, improving, extending, maintaining and operating flood-control facilities to control the waters of rivers and streams, and other surface waters and flood waters to prevent the flooding of property and the endangering of lives of people. Such district may include all or part of one or more municipal corporations, taxing districts or political subdivisions other than flood-control districts.

45-2354. PRELIMINARY RESOLUTION AND NOTICE

A. The board of supervisors of any county may, on its own initiative, adopt a resolution setting forth:

1. The name of a proposed flood-control district.

2. The necessity for such district.

3. A statement that the public health, comfort, convenience, necessity or welfare will be promoted by the establishment of such district, and that the property to be included therein will be benefited.

4. The boundaries of such proposed district.

5. A general statement of the flood-control system proposed to be acquired, constructed or purchased for such district.

6. A statement that such improvements will not interfere with or affect vested water rights.

7. Such other matters as may be desired by the board or are required by this article.

B. There shall be fixed in the resolution a date for a hearing thereon, which date shall be not less than twenty-one

days and not more than forty days from the date of the adoption of the resolution, and at which hearing any interested owner of real property within the boundaries of the proposed district may appear and be heard on any matter relating to its establishment and may allege that his real property within such proposed district will not be benefited by the proposed improvements.

C. Notice of the proposed hearing containing substantially the things required to appear in the resolution calling the hearing shall be published once a week for three consecutive weeks in a newspaper published in the county and of general circulation within the district, or if there is no newspaper so published, shall be posted in not less than three public places within the proposed district. The posting, or the first date of the publications, shall be not less than three weeks prior to the date of the hearing.

45-2355. ESTABLISHMENT OF DISTRICT

A. The board of supervisors shall meet at the time and place fixed for hearing and may adjourn the hearing from time to time. At the hearing, or at any adjournment thereof, the board shall hear such persons as may wish to appear to argue for or against the establishment of the district. If, after hearing, it appears to the board of supervisors that the establishment of the proposed district is necessary, that the public health, comfort, convenience, necessity or welfare will be promoted by the establishment of the district, and that the property in the proposed district will be benefited by the establishment of the proposed district, and the establishment of such district will not interfere with or affect vested water rights, the board of supervisors shall declare its findings and shall declare the flood-control district established under a corporate name to be given it in the proceedings. The board of supervisors may make such changes in the boundaries proposed for the district as may seem to it desirable and as may be necessary to assure that all property will be benefited in the district, but the changes shall not add to the area of the district any real property not included within the boundaries originally proposed, without the giving of new notice and the holding of a new hearing.

B. The necessary costs incurred in connection with the creation of the district may be paid by the board of supervisors from any funds available for such purpose or may be advanced by the board and reimbursement made from the proceeds of the first bonds issued or maintenance tax levied by the district.

C. Changes in the boundaries of a flood-control district may be made by the board of supervisors after its original establishment but only after the giving of like notice and the holding of a like hearing as required for the original establishment of the district.

D. The area within a flood-control district need not be contiguous.

E. The board of supervisors shall cause to be filed with the county recorder a certified copy of the proceedings establishing the district, together with a copy of the map showing the boundaries thereof.

45-2356. REVIEW

Any party aggrieved by action of the board of supervisors in establishing or altering the boundaries of a flood-control district may bring an action in the superior court of the county in which the district is located to set aside the action of the board, which shall be heard in a trial de novo, but the action must be instituted not more than thirty-five days after the adoption of the resolution creating the district or altering the boundaries.

45-2357. BOARD OF DIRECTORS

A. Districts organized under this article shall be governed by the board of supervisors of the county in which the district is situated, who shall be deemed to be the board of directors of the district. The directors shall receive no compensation for their services as such, but shall be reimbursed for their necessary expenses in attending district meetings and for necessary expenses incurred in traveling within and without the state when required to carry on the affairs of the district.

B. The board of directors of the district shall have authority to appoint a chief engineer and general manager, who may be the county engineer, provided that in counties with a population in excess of three hundred thousand the board of directors shall appoint a flood-control engineer to carry out the purposes of this article under the direction of the county engineer. In addition, the board shall have authority to appoint a treasurer, who may be the county treasurer; an attorney, who may be the county attorney; and other employees it may consider desirable and necessary to carry out the purposes of the district. Any other work required by the district may be performed by regular employees of the county upon assignment by the board of supervisors.

45-2358. POWERS AND DUTIES OF BOARD OF DIRECTORS

A. The board of directors shall exercise all powers and duties in the acquisition and operation of the properties of the district as are ordinarily exercised by the governing body of a political subdivision.

B. The board of directors may sue and be sued, may enter into all contracts necessary and required for the construction, acquisition and maintenance of facilities and operation of the district, and generally do and perform all things which it may consider are necessary and in the interests of the district.

C. The board of directors may adopt such regulations and bylaws for its orderly operation as it may see fit.

D. The affirmative vote of a majority of the board of directors shall be necessary to carry any measure. One member may adjourn any meeting at which a quorum shall not be present.

The clerk shall keep a proper record of all proceedings of the board, which shall be open to public inspection.

E. The accounts of the district shall be subject to annual or other audits as provided by law.

45-2359. CITIZENS' FLOOD-CONTROL ADVISORY BOARD

A. In counties with a population in excess of three hundred thousand the board of supervisors shall appoint a citizens' flood-control advisory board consisting of seven members. Five members shall be resident taxpayers and qualified electors of the district, at least three of whom shall be residents of the cities within the district. At least one of the board members who are residents of cities shall be a resident of the largest city in the district. The city engineer of the largest city in the district and the chief engineer or manager of a major irrigation project, or their representatives, shall be ex officio members of the advisory board with all rights and privileges granted to other board members. In other counties the board may appoint an advisory board of five members who shall be resident taxpayers and qualified electors of the district.

B. In appointing members of the advisory board the board of supervisors shall designate which appointive member shall serve for one year, which for two years, which for three years, which for four years and which for five years.

Thereafter, the term of each appointive member shall be for five years except for a member appointed to an unexpired term.

C. The citizens' flood-control advisory board shall have the right to request information from the county engineer and his staff, engineering personnel from cities within the district, and any other person with a knowledge of flood-control practices. They may recommend the employment of consulting engineers for the purpose of obtaining technical information and recommendations regarding flood-control practices.

D. The advisory board shall study the flood-control, drainage and water conservation needs of the district, shall meet with and advise the board of directors from time to time as requested by such directors, and may submit to the directors reports and recommendations relating to such studies, but such recommendations shall be advisory only.

45-2360. POWERS OF DISTRICT

In addition to the powers specifically granted, a flood-control district organized under this article, acting through its board of directors, may:

1. Acquire by eminent domain or otherwise rights of way for, and construct, operate and maintain flood-control work, storm drainage facilities within or without the district for benefit of the district.

2. Acquire by eminent domain or otherwise, and own and dispose of real and personal property within or without the boundaries of the district.

3. Contract and join with the state, the United States or any other flood-control district, municipality, political subdivision, governmental agency, irrigation district, association, corporation or individual in the acquisition, construction, maintenance and operation of flood-control works, and enter into contracts of indemnity to indemnify the state, the United States, any other flood-control district, municipality, political subdivision, governmental agency, irrigation district, association, corporation or individual against liability by virtue of injuries, losses or damages occurring through the use of their facilities, structures, streets, rights of way or properties in connection with the operation of a flood-control district.

4. Acquire and maintain existing flood-control and drainage facilities within or without the district for benefit

of the district when mutually agreeable to owners of such facilities.

5. Acquire, convert and maintain as storm drainage facilities, surplus irrigation facilities when mutually agreeable to owners of such facilities.

6. Provide for construction, maintenance and operation of flood-control and storm drainage facilities of the district by agreement with the county highway department, other municipal corporations, political subdivisions and other individuals, and reimburse such agencies or individuals for the cost of such work.

45-2361. SURVEY AND REPORT

A. After a flood-control district has been established, the board of directors shall cause its chief engineer to make or have made by the flood-control engineer, or by qualified private engineers, a survey of the flood-control problems of the district and to prepare a report setting forth a description of existing flood-control facilities in the area, recommendations as to cooperation between the district and the owner or owners of such existing facilities, recommendations for the construction or other acquisition of facilities to carry out the purpose of the district, with a preliminary plan therefor, a description of the property proposed to be acquired or damaged in performing the work, a map showing the district boundaries and location of the work proposed to be done and property taken or damaged, an estimate of the cost of the proposed work and such other things as the board of directors may request. Before submission to the board of directors the report shall be submitted to the advisory board for its review and recommendations.

B. The chief engineer and his staff shall then prepare a comprehensive program of flood control, taking into consideration the recommendations submitted in the report. When a comprehensive program satisfactory to the board of directors is available, it shall be tentatively adopted, and a public hearing on the program and the performance of the proposed work shall be scheduled. Notice of the hearing shall be given by publication once a week for two successive weeks in a newspaper having general circulation in the district, the first of which publication shall be at least ten days prior to the date fixed for the hearing. After hearing and any adjournments thereof which may be ordered, the board of directors may either require such changes to be made in the program as it shall consider desirable, or may approve the program as made. In the event changes are ordered, a

further hearing shall be held pursuant to notice of the hearing, which shall be given by publication once a week for two successive weeks in a newspaper having general circulation in the district, the first of which publication shall be at least ten days prior to the date fixed for the hearing.

45-2362. BOND ELECTION

A. After approval of the program the board of directors may order that the facilities approved in such report be acquired and operated from funds of the district available, or may submit to the electors of the district qualified to vote thereon under the provisions of section 13, article 7, Constitution of Arizona, at an election to be held for that purpose, the proposition of incurring bonded indebtedness of the district to obtain funds for the acquisition by purchase, construction or otherwise of the facilities approved in such report. The resolution shall set forth the purpose of the indebtedness, referring to the program for particulars, the amount of the indebtedness, the maximum number of years for which the indebtedness is to be incurred, the maximum rate of interest to be paid thereon, and the date of the election, and shall list the voting places to be used at the election. The resolution shall constitute a notice of the election and shall be published once each week for three successive weeks in a newspaper published in the county and having general circulation in the district, or if there is no such newspaper, then it shall be posted in not less than three public places within the proposed district, the first of which publications shall be not less than twenty days prior to the date fixed for the election. Publication on the same day of each week shall be sufficient whether or not a daily newspaper is used for the publication.

B. Except as herein otherwise expressly provided, the election shall be called and held and the results thereof canvassed in the manner provided by the laws of this state for the holding of elections on the issuance of bonds by counties for general county purposes. The board of directors may for purposes of the election treat the entire district as a single precinct or may divide the district into such precincts and fix such polling places as it may see fit.

C. In the event a majority of the votes cast on the proposition are in favor of incurring the bonded indebtedness proposed, the bonds so authorized may be sold and issued by the board of directors either at one time or in blocks from time to time.

45-2363. ISSUANCE OF BONDS

A. The bonds shall be issued for the purpose or purposes provided in the voted proposition, which may be the acquisition by purchase, construction or otherwise of any facilities designed to further the purpose for which the district is created, or for improving and extending any such facilities, or any combination thereof, and may include the payment of all legal, engineering and fiscal expenses reasonably incurred in connection with the acquisition by purchase, construction or otherwise, or for improvement or extension of the facilities and with the authorization and issuance of the bonds, as well as expenses incurred in connection with the original creation of the district. The bonds shall be fully negotiable for all purposes and shall never be issued in an amount which, together with all other existing bonded indebtedness of the district then outstanding, will exceed in total principal amount three percent of the assessed valuation of taxable property in the district as computed from the last assessment roll for county purposes completed prior to the issuance of the bonds; provided that the limitation on bonded indebtedness herein provided shall not apply in those districts which embrace portions of two or more irrigation districts which have water-delivery contracts with the United States of America pursuant to federal reclamation laws. The bonds shall be the general obligations of the district and full faith, credit and resources of the district shall be pledged for the payment thereof. It shall be the duty of the board of directors to certify to the board of supervisors, to levy annually on all taxable real property in the district, taxes fully sufficient without limitations as to rate or amount, to pay principal of and interest on such bonds as principal and interest fall due.

B. The bonds shall mature at such time or times not more than forty years from their date, shall bear interest at such rate or rates not greater than six per cent per annum, shall be payable at such place or places within or without the state, and generally shall be issued in such manner and with such details as may be provided in the resolution. The bonds may be made callable on any interest payment date at a premium not to exceed three per cent of their face amount. If the district has any source of revenues other than from the proceeds of taxes, all or such part of such revenues as the board of directors may deem advisable may, in the discretion of the board, be pledged to the payment of the bonds.

C. It may be provided in the resolution authorizing bonds hereunder that the bonds shall recite that they are issued

under authority of this article. Such recital shall conclusively import full compliance with all the provisions of this article, and all bonds issued containing the recital shall be incontestable for any cause whatsoever after their delivery for value.

D. The board of directors may provide for the publication of any resolution or other proceeding adopted by the board in a newspaper having general circulation in the district. For a period of thirty days after the date of publication any person in interest may contest the legality of the resolution or proceedings or any bonds which may be authorized thereby, or the provisions made for the security and payment of the bonds, and after such time no one shall have any cause of action to contest the regularity, formality, legality or source of payment thereof for any cause whatsoever.

E. Subject to the provisions of this section, the board of directors of the district shall declare by resolution its intention to sell such bonds and shall fix the day, hour and place of sale and shall give notice of the sale of the bonds by publication thereof for at least ten days in a newspaper published in the district and in such other newspaper as the board shall direct. The notice shall state that sealed bids only will be received by the board for the purchase of the bonds, and that the bonds will be awarded to the highest responsible bidder, at a price of not less than par and accrued interest, and that a good-faith check equal to two per cent of the principal amount of bonds to be sold must accompany all sealed bids. The board may, in its discretion, reject any and all bids. The bonds may be in denominations of one thousand dollars or multiples thereof and shall be signed by such officers of the board as shall be designated by resolution adopted by the board. Any bonds bearing the signature of officers in office at the date of signing thereof shall be valid and binding for all purposes, notwithstanding that prior to delivery thereof, any or all such persons whose signatures appear thereon shall have ceased to be such officers.

F. Bonds may be issued by the district from time to time subsequent to the issuance of all of the first bonds authorized hereunder, but shall be issued pursuant to the making of a supplemental engineer's program and a hearing thereon as prescribed in this section.

G. No bonds issued under authority of this article shall enjoy a priority over other bonds issued hereunder by reason of the time of authorization or issuance thereof. No bonds issued hereunder shall be taxable by the state or by

any county, city, town or other political subdivision of the state.

H. It shall be the duty of the board of directors annually not less than fifteen days before the first day of the month in which the board of supervisors of the county is required by law to levy county taxes, to certify to the board of supervisors the amount necessary to pay the principal and interest falling due during the ensuing year on any bonds issued hereunder, and 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 on the real property within the district sufficient to pay all principal and interest falling due prior to the time as of which the proceeds of the next year's tax levy will have been collected, as certified by the board of directors of the district. In the event the board of directors of a flood-control district fails to certify to the board of supervisors the amount necessary to be levied for bonds, the board of supervisors shall ascertain the amount which should have been certified as provided in this section, and shall levy and cause to be collected a tax sufficient to produce that amount. The proceeds of the taxes when collected shall be paid to the treasurer of the district to the credit of the bond fund of the district, and shall be used solely for the payment of principal and interest and redemption premiums on the bonds of the district.

45-2364. TAX LEVY FOR CURRENT EXPENSES

A. The board of directors shall cause to be levied in each year a tax on the taxable real property in the district as it may consider necessary or appropriate to pay the expenses of administering the district and maintaining and operating the district's flood-control system.

B. Any such annual tax levied before the system is placed in operation may be an amount sufficient to pay the costs incurred in connection with the organization of the district and the costs of administering the affairs of the district. The amount of the tax shall be determined by the board of directors from year to year and shall be certified, levied, collected and the proceeds thereof paid to the district treasurer in the manner specified in section 45-2363 for taxes levied for the payment of the bonds of the district. The maintenance and operation tax proceeds not used for current expenses of maintenance and operation may either be paid into a reserve to be accumulated for such purpose or may be used for extending, improving and constructing the flood-control system.

C. The board of directors may include in its annual budget items for the construction, extension, or improvement of its flood-control system. The total tax levy under this section shall not exceed five cents on each one hundred dollars of assessed property valuation; provided that the limitation on the tax levy herein provided shall not apply in those districts which embrace portions of two or more irrigation districts which have water-delivery contracts with the United States of America pursuant to federal reclamation laws.

45-2365. RIGHT OF WAY

A right of way in, under, along or across any public highway, public street, or public property within a flood-control district shall be granted to the district whenever found by the board of directors of the district to be necessary or convenient for performing any work authorized by this article, provided that designs for flood-control district works and designs for highway, street and public property improvements shall be mutually satisfactory in controlling public agencies. When found necessary to the carrying out of such work, the board of directors may bring actions to condemn any needed property, which suits may be brought under any statute applicable to the bringing of condemnation suits by municipal corporations or other political subdivisions of the state.

45-2366. CONNECTION PERMITS

Any person desiring to make a connection to any storm-water drain of a flood-control district or to cause storm waters to be emptied into any ditch or drain of the district shall first make application to the district for permission to make the connection. The district may require the connection to be made in such manner as it shall direct and may impose such reasonable connection fee as it deems proper or, if reasonably justified by the circumstances, may refuse permission. Any person making a connection or causing flood waters to be so discharged without first having obtained permission is guilty of a misdemeanor.

45-2367. REFUNDING BONDS

Any bond issued under this article may be refunded pursuant to resolution to be adopted by the board of directors in the manner provided in this article for the issuance of other bonds, except that no engineer's report or hearing need be obtained or held, and it shall not be necessary to submit the question of the issuance of the refunding bonds at an

election. Refunding bonds so authorized may be sold and the proceeds of sale applied to or escrowed for the payment of the bonds to be refunded in such manner as may be provided in the authorizing resolution, or may be delivered in exchange for the bonds to be refunded, or may be in part sold and in part exchanged. No bonds may be refunded hereunder unless they either mature or are callable for redemption under their terms within twelve months from the date of the issuance of the refunding bonds or unless the holders thereof voluntarily surrender them for exchange or payment.

45-2368. BONDS AS INVESTMENTS

All bonds issued under this article shall be legal investments for all trust funds, including those under jurisdiction of the state, and for the funds of all insurance companies, banks and trust companies, and for the investment of state funds and for all sinking funds under the control of the state or any municipality or political subdivision thereof.

45-2369. COOPERATION IN FLOOD-CONTROL PROJECTS

In addition to the general powers herein granted to flood-control districts, any district may cooperate with the United States and the state of Arizona, or any instrumentality, department, agency or political or municipal subdivision of either in the construction, maintenance and operation of flood-control projects. To that end, appropriate agreements may be entered into and the district may acquire and provide without cost to the cooperating entity land, easements and rights of way necessary for the construction of flood-control projects, may hold and save any cooperating entity free from any claim for damages arising from the construction, maintenance and operation of flood-control projects, may maintain and operate all works in accordance with regulations prescribed by the cooperating entity and may establish and enforce flood-channel limits and regulations, if any, satisfactory to the cooperating entity.

45-2370. LIMITATION ON POWERS

Notwithstanding anything to the contrary herein set forth, no flood-control district shall exercise any power or authority granted by this article, nor shall it 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 this state 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 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 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.

45-2371. SEVERABILITY

If any provision of this article shall ever be held to be invalid for any reason, such holding shall not affect the enforceability of the remaining provisions hereof.

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, 1959.

Filed in the Office of the Secretary of State—March 23, 1959.

CHAPTER 114

Senate Bill No. 214

AN ACT

AUTHORIZING THE BOARD OF REGENTS OF THE UNIVERSITY AND STATE COLLEGES OF ARIZONA TO CONSTRUCT AND EQUIP HOUSING FACILITIES AT THE UNIVERSITY OF ARIZONA 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 CON-

VENIENT ACTS IN CONNECTION WITH SUCH PROJECTS.

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

Section 1. DEFINITIONS

In this act, unless the context otherwise requires:

"Institution" means the University of Arizona, and includes the board of regents of the university and state colleges of Arizona or other governing body of the institution or its successor;

"Board" means the board of regents of the university and state colleges of Arizona or other governing body of the institution or its successor;

"Bonds" means any bonds issued pursuant to this act;

"Project" means buildings, structures, additions and improvements of every kind which may be acquired pursuant to this act for the purpose of providing housing facilities at such institution, and includes the equipment therefor, 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 two million five hundred thousand dollars, for the purpose of acquiring projects in the form of

housing facilities 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 may 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 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.

10. To make covenants with any federal agency, private agency, corporation or individual to perform any and all acts and to do any and all such things as may be necessary or convenient or desirable in order to secure such bonds, or as may in the judgment of the board tend to make the bonds more marketable, notwithstanding that such acts or things may not be enumerated herein; and to lease any project for the best interests of the institution, and to perform all acts and to do all things, not inconsistent with the Constitution of the state, as may be necessary or convenient or desirable for the issuance of such bonds and for their security.

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 disbursed as may be directed by the board and in accordance with the terms of any agreements with the holder or holders of any bonds. This section shall not be construed as limiting the power of the institution to agree in connection with the issuance of any of its bonds as to the custody and disposition of the moneys received from the sale of such bonds or the income and revenue of the institution pledged and assigned to or in trust for the benefit of the holder or holders thereof.

Sec. 6. VALIDITY OF BONDS

The bonds bearing the signatures of officers in office on the date of the signing thereof shall be valid and binding obligations, notwithstanding that before the delivery thereof and payment therefor any or all the persons whose signatures appear thereon shall have ceased to be officers of the institution issuing the same. The validity of the bonds shall not be dependent on nor affected by the validity or regularity of any proceedings to acquire the project financed by the bonds or taken in connection therewith.

Sec. 7. PROHIBITIONS AGAINST OBLIGATING THE STATE OF ARIZONA

Nothing in this act shall be construed to authorize the institution to contract a debt on behalf of, or in any way to obligate, the state of Arizona, or to pledge, assign or encumber in any way, or to permit the pledging, assigning or encumbering in any way of appropriations made by the legislature, or revenue derived from the investment of the proceeds of the sale, and from the rental of such lands as have been set aside by the Enabling Act approved June 20, 1910, or other legislative enactments of the United States, for the use and benefit of the institution.

Sec. 8. BONDS OBLIGATIONS OF 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, 1969.

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.

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

Approved by the Governor—March 23, 1959.

Filed in the Office of the Secretary of State—March 24, 1959.

CHAPTER 115

Senate Bill No. 215

AN ACT

AUTHORIZING THE BOARD OF REGENTS OF THE UNIVERSITY AND STATE COLLEGES OF ARIZONA TO CONSTRUCT AND EQUIP HOUSING FACILITIES AT ARIZONA STATE UNIVERSITY 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.

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 University, and includes the board of regents of the university and state colleges of Arizona or other governing body of the institution or its successor;

"Board" means the board of regents of the university and

state colleges or Arizona or other governing body of the institution or its successor;

"Bonds" means any bonds issued pursuant to this act;

"Project" means buildings, structures, additions and improvements of every kind which may be acquired pursuant to this act for the purpose of providing housing facilities at such institution, and includes the equipment therefor, 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 two million five hundred thousand dollars, for the purpose of acquiring projects in the form of housing facilities 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 may 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 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.

10. To make covenants with any federal agency, private agency, corporation or individual to perform any and all acts and to do any and all such things as may be necessary or convenient or desirable in order to secure such bonds, or as may in the judgment of the board tend to make the bonds more marketable, notwithstanding that such acts or things may not be enumerated herein; and to lease any project for the best interests of the institution, and to perform all acts and to do all things, not inconsistent with the constitution of the state, as may be necessary or convenient or desirable for the issuance of such bonds and for their security.

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 disbursed as may be directed by the board and in accordance with the terms of any agreements with the holder or holders of any bonds. This section shall not be construed as limiting the power of the institution to agree in connection with the issuance of any of its bonds as to the custody and disposition of the moneys received from the sale of such bonds or the income and revenue of the institution pledged and assigned to or in trust for the benefit of the holder or holders thereof.

Sec. 6. VALIDITY OF BONDS

The bonds bearing the signatures of officers in office on the date of the signing thereof shall be valid and binding obligations, notwithstanding that before the delivery thereof

and payment therefor any or all the persons whose signatures appear thereon shall have ceased to be officers of the institution issuing the same. The validity of the bonds shall not be dependent on nor affected by the validity or regularity of any proceedings to acquire the project financed by the bonds or taken in connection therewith.

Sec. 7. PROHIBITIONS AGAINST OBLIGATING THE STATE OF ARIZONA

Nothing in this act shall be construed to authorize the institution to contract a debt on behalf of, or in any way to obligate, the state of Arizona, or to pledge, assign or encumber in any way, or to permit the pledging, assigning or encumbering in any way of appropriations made by the legislature, or revenue derived from the investment of the proceeds of the sale, and from the rental of such lands as have been set aside by the Enabling Act approved June 20, 1910, or other legislative enactments of the United States, for the use and benefit of the institution.

Sec. 8. BONDS OBLIGATIONS OF 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, 1969.

Sec. 12. EMERGENCY

To preserve the public peace, health and safety it is necescary 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 vote to carry the emergency clause.)

Approved by the Governor—March 23, 1959.

Filed in the Office of the Secretary of State—March 24, 1959.

CHAPTER 116

Senate Bill No. 216

AN ACT

AUTHORIZING THE BOARD OF REGENTS OF THE UNIVERSITY AND STATE COLLEGES OF ARIZONA TO CONSTRUCT AND EQUIP HOUSING FACILITIES 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.

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 or other governing body of the institution or its successor;

"Board" means the board of regents of the university and state colleges of Arizona or other governing body of the institution or its successor;

"Bonds" means any bonds issued pursuant to this act;

"Project" means buildings, structures, additions and improvements of every kind which may be acquired pursuant to this act for the purpose of providing housing facilities at such institution, and includes the equipment therefor, 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 dollars, for the purpose of acquiring projects in the form of housing facilities 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 may 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, and 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 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.

10. To make convenants with any federal agency, private agency, corporation or individual to perform any and all acts and to do any and all such things as may be necessary or convenient or desirable in order to secure such bonds, or as may in the judgment of the board tend to make the bonds more marketable, notwithstanding that such acts or things may not be enumerated herein; and to lease any project for the best interests of the institution, and to perform all acts and to do all things, not inconsistent with the Constitution

of the state, as may be necessary or convenient or desirable for the issuance of such bonds and for their security.

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 disbursed as may be directed by the board and in accordance with the terms of any agreements with the holder or holders of any bonds. This section shall not be construed as limiting the power of the institution to agree in connection with the issuance of any of its bonds as to the custody and disposition of the moneys received from the sale of such bonds or the income and revenue of the institution pledged and assigned to or in trust for the benefit of the holder or holders thereof.

Sec. 6. VALIDITY OF BONDS

The bonds bearing the signatures of officers in office on the date of the signing thereof shall be valid and binding obligations, notwithstanding that before the delivery thereof and payment therefor any or all the persons whose signatures appear thereon shall have ceased to be officers of the institution issuing the same. The validity of the bonds shall not be dependent on nor affected by the validity or regularity of any proceedings to acquire the project financed by the bonds or taken in connection therewith.

Sec. 7. PROHIBITIONS AGAINST OBLIGATING THE STATE OF ARIZONA

Nothing in this act shall be construed to authorize the institution to contract a debt on behalf of, or in any way to obligate, the state of Arizona, or to pledge, assign or encumber in any way, or to permit the pledging, assigning or encumbering in any way of appropriations made by the legislature, or revenue derived from the investment of the proceeds of the sale, and from the rental of such lands as have been set aside by the Enabling Act approved June 20,

1910, or other legislative enactments of the United States, for the use and benefit of the institution.

Sec. 8. BONDS OBLIGATIONS OF 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, 1969.

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.

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

Approved by the Governor—March 23, 1959.

Filed in the Office of the Secretary of State—March 24, 1959.

CHAPTER 117

House Bill No. 56

AN ACT

RELATING TO DISPENSING OPTICIANS; DEFINING THE TERM "DISPENSING OPTICIAN"; PRESCRIBING METHOD OF APPLICATION FOR LICENSE; PRESCRIBING UNLAWFUL ACTS, AND AMENDING SECTIONS 32-1671, 32-1682, AND 32-1696, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 32-1671, Arizona Revised Statutes, is amended to read:

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 dispenses lenses, contact lenses, frames, 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.

Sec. 2. Sec. 32-1682, Arizona Revised Statutes, is amended to read:

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.

D. The board shall give a written and practical examination to all applicants, except for applicants who qualify by

reciprocity under the terms of item (a), paragraph 6, section 32-1683, to assist it in determining whether an applicant has acquired the minimum basic skills required for optical dispensing. The board may prescribe such reasonable rules and regulations relating to the examination of applicants as may be deemed necessary for the performance of its duties.

Sec. 3. Sec. 32-1696, Arizona Revised Statutes, is amended to read:

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. All advertising must conform with the provisions of section 44-1481, Arizona Revised Statutes.

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.

Approved by the Governor—March 23, 1959.

Filed in the Office of the Secretary of State—March 24, 1959.

CHAPTER 118

House Bill No. 102

AN ACT

RELATING TO PUBLIC HEALTH; PRESCRIBING THE METHOD OF PUBLICATION OF PROPOSED CHANGES OR REPEAL OF REGULATIONS, AND AMENDING SECTION 36-105, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 36-105, Arizona Revised Statutes, is amended to read:

36-105. PROMULGATION OF RULES AND REGULATIONS

A. The board may, by affirmative vote of a majority of its full membership, make and amend rules from time to time as deemed necessary for the proper administration and enforcement of the laws relating to the public health.

B. The board shall, by regulation:

1. Define and prescribe reasonably necessary measures for detecting, reporting, preventing and controlling communicable and preventable diseases. The regulations shall declare certain diseases reportable and shall further establish minimum periods of isolation or quarantine and shall prescribe measures reasonably required to prevent the occurrence of, or to seek early detection and alleviation of disability, insofar as possible, from communicable or preventable diseases. The regulations shall include reasonably necessary measures to control animal diseases transmittible to man.

2. Define and prescribe reasonably necessary measures, in addition to those prescribed by law, regarding the preparation, embalming, cremation, interment, disinterment and

transportation of dead human bodies and conduct of funerals, relating to and restricted to communicable diseases, and regarding the removal, transportation, cremation, interment or disinterment of any dead human body.

3. Define and prescribe reasonably necessary procedures not inconsistent with law in regard to the use and accessibility of vital records, delayed birth registration, and the completion, change and amendment of vital records.

4. Provide reasonable regulations necessary to assure that all food or drink sold or distributed for human consumption is free from unwholesome, poisonous or other foreign substances and filth, insects or disease-causing organisms. The regulations shall prescribe reasonably necessary measurements governing the production, processing, labeling, storing, handling, serving and transportation of food and drink including but not limited to milk and frozen desserts. The regulations shall prescribe minimum standards for the sanitary facilities and conditions which shall be maintained in any plant, packing house, abattoir, dairy, warehouse, restaurant or other premises, and in any truck or other vehicle in which food or drink is produced, processed, stored, handled, served or transported. The regulations shall provide for the inspection and licensing of premises and vehicles so used, and for abatement as public nuisances of any premises or vehicles which do not comply with the regulations and minimum standards.

5. Provide reasonable regulations regarding domestic and industrial water supply production, treatment and distribution necessary to assure that all water sold or distributed to the public or used in the production, processing, storing, handling, serving and transportation of food and drink is free from unwholesome, poisonous, deleterious or other foreign substances and filth, or disease-causing organisms. The regulations shall prescribe minimum standards for the sanitary facilities and conditions which shall be maintained by any domestic or industrial water supply sold or distributed to the public or used in the production, processing, storing, handling, serving and transportation of food and drink. The regulations shall provide that the plans and specifications for all public and semipublic water supply systems, water treatment plants, distribution systems, distribution system extensions, water treatment methods and devices, and all appurtenances and devices for sale to be used in water supplies and water supply systems be submitted for review to the state department of health. The regulations shall provide that no water supply system, water treatment

plant, distribution system, distribution system extension, water treatment method or device, appurtenance and device used in water supplies or water supply systems be constructed, reconstructed, installed or initiated before compliance with the standards and regulations has been demonstrated by approval of the plans and specifications by the state department of health. The regulations shall prescribe minimum standards for the bacteriological, physical and chemical quality of water available to the public or used in the production, processing, storing, handling, serving and transportation of food or drink, and for the submission of samples at stated intervals. The regulations shall provide for inspection and certification of such water supplies, and for abatement as public nuisances of premises, equipment, process or device, or water supply system which does not comply with the minimum standards and regulations.

6. Provide reasonable regulations regarding production, processing, labeling, handling, serving and transportation of bottled water necessary to assure that all bottled drinking water distributed for human consumption is free from unwholesome, poisonous, deleterious or other foreign substances and filth or disease-causing organisms. The regulations shall prescribe minimum standards for the sanitary facilities and conditions which shall be maintained at any source of water, bottling plant, and truck or vehicle in which bottled water is produced, processed, stored or transported, and shall provide for inspection and certification of bottled drinking water sources, plants, processes and transportation, and for abatement as public nuisances of any water supply, label, premises, equipment, processes or vehicles which do not comply with the minimum standards. The regulations shall prescribe minimum standards for bacteriological, physical and chemical quality for bottled water and for the submission of samples at intervals prescribed in the standards.

7. Provide reasonable regulations defining and prescribing necessary measures governing ice production, handling, storing and distribution to assure that all ice sold or distributed for human consumption or for the preservation or storage of food for human consumption is free from unwholesome, poisonous, deleterious or other foreign substances and filth, or disease-causing organisms. The regulations shall rescribe minimum standards for the sanitary facilities and conditions and the quality of ice which shall be maintained at any ice plant, storage and truck or vehicle in which ice is produced, stored, handled or transported, and shall provide for inspection and licensing of the premises and ve-

hicles, and for abatement as public nuisances of ice, premises, equipment, processes or vehicles which do not comply with the minimum standards.

8. Prescribe reasonable regulations with regard to sewage collection, treatment, disposal and reclamation systems to prevent sewage contamination or pollution of all underground and surface waters, and to prevent the transmission of sewage-borne or insect-borne diseases. The regulations shall prescribe minimum standards for the design of sewage collection systems, treatment, disposal and reclamation systems and for operation of the collection system, treatment, disposal and reclamation, and shall provide for inspection of such premises, systems and installations and for abatement as public nuisances of any collection system, process, treatment plant, disposal system or reclamation system which does not comply with the minimum standards. The regulations shall provide that the plans and specifications for all sewage collection systems, sewage collection system extensions, treatment plants, processes, devices, equipment, disposal systems and reclamation systems be submitted for review to the state department of health. The regulations shall provide that no sewage collection system, sewage collection system extension, treatment plant, process, device, equipment, disposal system or reclamation system be constructed, reconstructed, installed or initiated before compliance with the standards and regulations has been demonstrated by the approval of the plans and specifications by the state department of health.

9. Provide reasonable regulations defining and providing for treatment of industrial wastes, disposal and reclamation in order to prevent industrial waste contamination or pollution of any underground and surface waters and to prevent the transmission of insect-borne diseases. The regulations shall prescribe minimum standards for the design of collection, treatment, disposal and reclamation systems and the operation of industrial waste treatment processes, disposal and reclamation systems, and shall provide for inspection of such premises and installations, and for abatement as public nuisances of any treatment plant, process, disposal system or reclamation system which does not comply with the minimum standards. The regulations shall provide that the plans and specifications for all industrial waste treatment plants, processes, equipment, devices, disposal systems and reclamation systems be submitted for review to the state department of health. The regulations shall provide that no industrial waste treatment plant, process, equipment, device,

disposal system or reclamation system be constructed, reconstructed, installed or initiated before compliance with the standards and regulations has been demonstrated by approval of the plans and specifications by the state department of health, but such regulations shall not apply to waste rock, mill tailings or smelter slag.

10. Define and prescribe reasonably necessary measures regarding excreta storage, handling, treatment, transportation and disposal. The regulations shall prescribe minimum standards for human excreta storage, handling, treatment, transportation and disposal and shall provide for inspection of premises, processes and vehicles and for the abatement as public nuisances of any premises, processes or vehicles which do not comply with the minimum standards. The regulations shall provide that vehicles for transporting human excreta from privies, septic tanks, cesspools and other treatment processes be licensed as directed by the state department of health subject to compliance with the regulations.

11. Define and prescribe reasonably necessary measures regarding storage, collection, transportation, disposal and reclamation of garbage, trash, rubbish, manure and objectionable wastes. The regulations shall prescribe minimum standards for storage, collection, transportation, disposal and reclamation of such wastes and shall provide for inspection of premises, containers, processes, equipment and vehicles, and for abatement as public nuisances of any premises, containers, processes, equipment or vehicles which do not comply with the minimum standards.

12. Define and prescribe reasonably necessary measures concerning sewerage and excreta disposal, garbage and trash collection, storage and disposal, and water supply for recreational and summer camps, camp grounds, motels, tourist courts, trailer coach parks and hotels. The regulations shall prescribe minimum standards for preparation of food in community kitchens, adequacy of excreta disposal, garbage and trash collection, storage and disposal and water supply for recreational and summer camps, camp grounds, motels, tourist courts, trailer coach parks and hotels, and shall provide for inspection of such premises and for abatement as public nuisances of any premises or facilities which do not comply with the regulations.

13. Define and prescribe reasonably necessary measures concerning the sewerage and excreta disposal, garbage and trash collection, storage and disposal, water supply and food preparation of all public and semipublic schools. The regu-

lations shall prescribe minimum standards for sanitary conditions which shall be maintained in any public or semipublic school, and shall provide for inspection of such premises and facilities and for abatement as public nuisances of any premises which do not comply with the minimum standards.

14. The board shall by regulation define and prescribe reasonably necessary measures regarding sewerage and excreta disposal, garbage and trash collection, storage and disposal, water supply and food preparation for all workshops and other places of employment. The regulations shall prescribe minimum standards for sanitary conditions and facilities at workshops and other places of employment, and shall provide for inspection of such premises and for abatement as public nuisances of any premises and facilities which do not comply with the minimum standards.

15. Provide reasonable regulations to prevent pollution of water used in public or semipublic swimming pools and bathing places and to prevent deleterious health conditions at such places. The regulations shall prescribe minimum standards for design of pools, for sanitary conditions which shall be maintained at any public or semipublic swimming pool or bathing place, and shall provide for inspection of such premises and for abatement as public nuisances of any premises and facilities which do not comply with the minimum standards.

16. Define and prescribe reasonably necessary measures regarding minimum standards for the sanitary conditions and facilities which shall be maintained in any public or semipublic building, and shall provide for inspection of such premises and for abatement as public nuisances of any premises and facilities which do not comply with the minimum standards.

17. Define and prescribe reasonably necessary measures regarding the water supply, sewage disposal, and garbage collection and disposal for subdivisions. The regulations shall provide minimum sanitary facilities to be installed in the subdivision. The regulations shall provide that the plans and specifications showing or describing the water supply, sewage disposal and garbage collection facilities be submitted to the state department of health for review, and that no lots in any subdivision be offered for sale before compliance with such standards and regulations has been demonstrated by approval of the plans and specifications by the state department of health.

18. Define and prescribe reasonably necessary sanitary measures concerning sewage collection, treatment and disposal, putrescible waste collection storage and disposal, rubbish, trash and manure collection, storage and disposal for all slaughter and meat packing houses, rendering works, and fertilizer manufacturing plants. The regulations shall prescribe minimum standards for the sanitary conditions and facilities which shall be maintained at any such plant, and shall provide for inspection of such premises and for abatement as public nuisances of any premises and facilities which do not comply with the minimum standards.

19. Prescribe reasonable regulations which shall define and prescribe reasonably necessary measures for the control and prevention of communicable diseases in day nurseries, day camps and other such facilities for the group care of children. The regulations shall establish only minimum standards for the sanitary facilities to be maintained for the food and drink preparation, storage and service.

C. Regulations prescribed under the provisions of subsection B shall be promulgated in accordance with article 1 of chapter 6, title 41. Prior to final adoption by the board of any regulation or amendment thereto or repeal thereof, the board shall hold a public hearing thereon for the purpose of gaining public acceptance of the regulation, amendment, or repeal. The board shall publish one notice in a newspaper of general circulation in the state, and one notice in at least one newspaper in each county, at least twenty days prior to the hearing, specifying the time and place the hearing will be held. The publication as prescribed shall consist of the title and a summary of the proposed regulation, amendment or repealer. Every regulation, amendment or repealer shall state the date on which it takes effect.

D. Copies of all regulations, amendments and repealers shall be published in pamphlet form for distribution to local health officers and citizens. The commissioner shall furnish copies on request of the regulations and their amendments certified by the chairman of the board. Such certified copies shall be received in evidence in all court and other judicial proceedings in the state.

E. The provisions of regulations adopted by the board under the authority conferred by this section shall be observed throughout the state and shall be enforced by each local board of health, but nothing herein shall be deemed to limit the right of any local board of health or county board of supervisors to adopt such ordinances, rules and

regulations as authorized by law within its jurisdiction, provided that such ordinances, rules and regulations do not conflict with the state law and are equal to or more restrictive than the provisions of the regulations of the state board of health.

F. The powers and duties set forth in section 36-104 shall not apply to the board in instances where regulatory powers and duties relating to the public health are vested by the legislature in any other state board, commission, agency or instrumentality.

Approved by the Governor—March 23, 1959.

Filed in the Office of the Secretary of State—March 24, 1959.

CHAPTER 119

House Bill No. 130

AN ACT

RELATING TO DEPUTY COUNTY ATTORNEYS IN FIRST CLASS COUNTIES WITH POPULATION OF ONE HUNDRED THOUSAND OR MORE, AND AMENDING SECTION 11-410, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 11-410, Arizona Revised Statutes, is amended to read:

11-410. APPOINTMENT OF DEPUTY COUNTY ATTORNEYS IN FIRST CLASS COUNTIES WITH POPULATION OF ONE HUNDRED THOUSAND OR MORE

A. The county attorney 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, shall, in the appointment of his deputies, designate them as follows:

1. Deputy county attorney, grade 1.
2. Deputy county attorney, grade 2.
3. Deputy county attorney, grade 3.
4. Deputy county attorney, grade 4.
5. Deputy county attorney, grade 5.

6. Deputy county attorney, grade 6.

B. The designation shall be upon the following basis:

1. Deputy county attorney, grade 1, chief deputy.

2. Deputy county attorney, grade 2, chief of civil division or chief of criminal division.

3. Deputy county attorney, grade 3, three or more years of legal experience while a member of a recognized bar association.

4. Deputy county attorney, grade 4, two or more years of legal experience while a member of a recognized bar association.

5. Deputy county attorney, grade 5, one or more years of legal experience while a member of a recognized bar association.

6. Deputy county attorney, grade 6, all others.

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, 1959.

Filed in the Office of the Secretary of State—March 24, 1959.

CHAPTER 120

House Bill No. 273

AN ACT

RELATING TO MOTOR VEHICLES; PROVIDING FOR UNIFORM TRAFFIC CITATION FORMS, AND AMENDING SECTION 28-1058, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 28-1058, Arizona Revised Statutes, is amended to read:

28-1058. FORM FOR TRAFFIC CITATIONS

A. Every traffic-enforcement agency in this state shall use a uniform traffic ticket and complaint form for traffic

citations adopted by the commission which shall be issued in books with citations in quadruplicate and meeting the requirements of this article.

B. The chief administrative officer of every traffic-enforcement agency shall be responsible for the issuance of the books and shall maintain a record of every book and each citation contained therein issued to individual members of the traffic-enforcement agency and shall require and retain a receipt for every book so issued.

Approved by the Governor—March 23, 1959.

Filed in the Office of the Secretary of State—March 24, 1959.

CHAPTER 121

House Bill No. 276

AN ACT

MAKING AN APPROPRIATION TO THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION FOR OTHER CURRENT FIXED CHARGES.

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

Section 1. APPROPRIATION; PURPOSE

In addition to the appropriation made under the terms of chapter 102, section 1, subdivision 47, Laws of 1958, second regular session, and from the funds therein provided, the sum of seven hundred forty-nine dollars fifty-two cents is appropriated to the office of the superintendent of public instruction for "other current fixed charges". The sum so appropriated is for the purpose of payment of the sum expended in this category and for which funds are not available.

Sec. 2. EXEMPTION

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

Approved by the Governor—March 23, 1959.

Filed in the Office of the Secretary of State—March 24, 1959.

CHAPTER 122

Senate Bill No. 155

AN ACT

RELATING TO CONTRACTORS; PROVIDING NOTICE TO INTERESTED TRADE ASSOCIATIONS AND INDIVIDUALS HOLDING A BONA FIDE CONTRACTOR'S LICENSE OF PROPOSED ADOPTION OF RULES AND REGULATIONS OF THE REGISTRAR OF CONTRACTORS, AND AMENDING SECTION 32-1104, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 32-1104, Arizona Revised Statutes, is amended to read:

32-1104. POWERS AND DUTIES

The registrar, in addition to other duties and rights provided for in this chapter, shall:

1. Maintain an office in Phoenix and in such other cities and towns in the state as the registrar deems advisable and necessary.

2. Maintain a complete indexed record of all applications and licenses issued, renewed, terminated, cancelled or suspended under this chapter.

3. Furnish a certified copy of any license issued, or the cancellation or suspension thereof, upon receipt of a fee of fifty cents, and such certified copy shall be received in all courts and elsewhere as prima facie evidence of the facts stated therein.

4. When funds are available for such purpose, furnish a list of names and addresses of contractors registered under this chapter, and of licenses issued, suspended or revoked, to such public works and building departments and public officials or public boards as he deems advisable. Copies of the lists may be furnished by the registrar upon request to any firm or individual upon payment of a reasonable fee as determined by the registrar. All such fees shall be deposited to the contractors' license fund.

5. Employ such deputies, safety engineers and assistants, and procure such equipment and records as are necessary to enforce the provisions of this chapter.

6. Make rules and regulations he deems necessary to effectually carry out the provisions and intent of this chapter.

(a) The registrar of contractors shall, at the time he files notice of proposed rule change with the secretary of state in compliance with title 41, chapter 6, relating to administrative procedure, mail to each trade association which qualifies in accordance with subdivision (b) hereof, and any other individual holding a bona fide contractor's license who qualifies in accordance with subdivision (b) hereof, a copy of the notice of proposed rule change.

(b) Every Arizona trade association allied with the contracting business which files a written request that a notice be mailed to it and shows that the association has an interest in the rules and regulations of the registrar of contractors shall receive a copy thereof, as set forth in subdivision (a). Such filing of a request shall be made each two years during the month of January, and it shall contain information as to the character of the association and its mailing address. Any duly licensed contractor who files a written request shall receive a copy of the proposed rule changes in accordance with this paragraph. Each such request shall be made every two years during the month of January.

7. Inspect and examine the operation conditions, safety appliances, machinery, sanitation and the means taken to protect the lives, health and safety of all construction workers. He shall enforce the provisions of any safety law or code of the state for the construction industry and investigate the cause of all accidents and deaths incurred in the construction industry, and shall inspect and ascertain the means taken by contractors to comply with the provisions of any safety law or code of the state.

Approved by the Governor—March 24, 1959.

Filed in the Office of the Secretary of State—March 24, 1959.

CHAPTER 123

Senate Bill No. 157

AN ACT

MAKING AN APPROPRIATION, AND A REALLOCATION OF FUNDS TO THE ARIZONA CHILDREN'S COLONY BOARD FOR CONSTRUCTION AND EQUIPMENT OF COTTAGES.

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

Section 1. APPROPRIATION

In addition to the appropriation made under the provisions of chapter 102, section 1, subdivision 30, Laws of 1958, second regular session, the sum of one hundred thirty-seven thousand five hundred 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 chapter 52, section 1, Laws of 1957, first regular session, any sum standing to its credit shall be reallocated 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 one "F" type cottage.

Sec. 4. EXEMPTIONS

The appropriation and reallocation set forth under the terms of sections 1 and 2 are exempt from the provisions of sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing appropriations.

Sec. 5. EMERGENCY

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

Approved by the Governor—March 24, 1959.

Filed in the Office of the Secretary of State—March 24, 1959.

CHAPTER 124

Senate Bill No. 166

AN ACT

RELATING TO PROFESSIONS AND OCCUPATIONS; REGULATING THE PRACTICE OF CHIROPRACTIC; PRESCRIBING THE SALARY OF CHIROPRACTIC EX-

AMINERS; PROVIDING FOR LICENSING; AMENDING SECTIONS 32-903, 32-921, 32-922, 32-923, 32-924 AND 32-925, ARIZONA REVISED STATUTES, AND AMENDING TITLE 32, CHAPTER 8, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-928.

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

Section 1. Sec. 32-903, Arizona Revised Statutes, is amended to read:

32-903. COMPENSATION

The board shall fix the salary of the secretary-treasurer at not to exceed twelve hundred dollars per year. The members of the board shall receive twenty dollars for each day they are actually engaged in the discharge of their duties, and shall receive mileage from their places of residence to the place of meeting of the board.

Sec. 2. Sec. 32-921, Arizona Revised Statutes, is amended to read:

32-921. APPLICATION FOR LICENSE; QUALIFICATIONS OF APPLICANT; FEE

A. A person desiring to practice chiropractic in this state shall, at least fifteen days prior to any meeting of the board, make written application to the board upon a form and in the manner prescribed by the board.

B. The applicant shall be:

1. At least twenty-one years of age.

2. A citizen of the United States of good character and reputation.

3. A graduate of a regularly accredited four-year high school, or shall have equivalent education sufficient to satisby the requirements for matriculation in the University of Arizona.

4. A graduate of a chiropractic school or college, accredited by either the international chiropractors association (ICA) or the national chiropratic association (NCA), teaching a resident course of four years of not less than nine months each year, or the equivalent of thirty-six months of continuous study, comprising not less than four thousand sixty-minute class hours of resident study for the granting of a degree of doctor of chiropractic (D.C.), or file with the board a photostatic copy of a diploma issued by a legally

chartered chiropractic school or college, the requirements of which at the time of granting such diploma were not less than those prescribed by the Arizona chiropractic act in force since March 18, 1921, together with certified proof of having been engaged in the active practice of chiropractic for a term of at least ten years immediately prior to the filing of application for examination.

C. On making application, the applicant shall pay to the secretary-treasurer of the board a fee of twenty-five dollars, fifteen dollars of which shall be returned if applicant's credentials are insufficient, or if he does not take the examination. The board shall keep a register of all applicants and the result of each examination.

Sec. 3. Sec. 32-922, Arizona Revised Statutes, is amended to read:

32-922. EXAMINATIONS; OUT-OF-STATE LICENSEES

A. Examinations for a license to practice chiropractic shall be in writing upon anatomy, physiology, symptomatology, chiropractic orthopody, principles of chiropractic and adjusting, nerve tracing, chemistry, hygiene, and chiropractic analysis, as taught by chiropractic schools and colleges.

B. A license shall be granted to applicants who correctly answer seventy-five per cent of all questions asked, and sixty per cent of the questions on each subject.

Sec. 4. Sec. 32-923, Arizona Revised Statutes, is amended to read:

32-923. RECORDING LICENSE; ANNUAL RENEWAL FEE

A. The license shall be recorded with the county recorder of the county in which the licensee is practicing his profession, and in any county to which he shall subsequently move to practice.

B. A person licensed to practice chiropractic in this state shall annually pay to the board on or before January 1 after original issuance of a license, a renewal license fee of ten dollars. The secretary-treasurer shall annually, thirty or more days before the renewal fee is due, mail to all chiropractors licensed to practice in this state a notice requiring payment of the renewal fee. The receipt need not be recorded.

Sec. 5. Sec. 32-924, Arizona Revised Statutes, is amended to read:

32-924. GROUNDS FOR SUSPENSION, REVOCATION OR REFUSAL TO ISSUE LICENSE; HEARING; REINSTATEMENT

A. The board may refuse to issue, or may revoke or suspend a license, after a hearing, upon any of the following grounds:

1. Employment of fraud or deception in securing a license.

2. Practicing chiropractic under a false or assumed name.

3. Impersonating another practitioner.

4. Failing, after notice by the board, to record a license.

5. Conviction of a crime involving moral turpitude.

6. Habitual intemperance in the use of narcotics or stimulants to the extent of incapacitating him for the performance of his professional duties.

7. Unprofessional or dishonorable conduct of a character likely to deceive or defraud the public.

8. For the violation of any of the provisions of this chapter.

B. The complaint shall be in writing and a copy thereof given to the person charged, who may appear at the hearing before the board in person or by attorney.

C. Within two years after refusal to issue or the revocation of a license, the board may issue a license or grant a new license. If a license is issued or a new license is granted the applicant shall pay a fee of fifty dollars to the secretary-treasurer.

Sec. 6. Sec. 32-925, Arizona Revised Statutes, is amended to read:

32-925. LIMITATIONS UPON PRACTICE OF CHIROPRACTIC

A person licensed under this chapter to practice chiropractic may adjust by hand any articulations of the spinal column. He shall not prescribe for or administer medicine or drugs, practice major or minor surgery, obstetrics or any other branch of medicine or practice osteopathy or naturopathy unless he is otherwise licensed therefor as provided by law.

Sec. 7. Title 32, chapter 8, article 2, Arizona Revised Statutes, is amended by adding section 32-928, to read:

32-928. INJUNCTIVE RELIEF

The board of chiropractic examiners, the attorney general or the county attorney of the county in which a person engages in the practice of chiropractic without having first obtained a license may, in accordance with the laws governing injunctions maintained in any of the states, commence an action in the county in which the offense is committed to enjoin such person from so engaging until a license is secured. A person so enjoined who violates the injunction shall be punished as for contempt of court. The injunction shall not relieve the person practicing chiropractic without a license from criminal prosecution, but shall be in addition to any remedy provided for the criminal prosecution of the offender.

Approved by the Governor—March 24, 1959.

Filed in the Office of the Secretary of State—March 24, 1959.

CHAPTER 125

House Bill No. 214

AN ACT

RELATING TO VOLUNTEER FIRE COMPANIES; PROVIDING FOR THE DISPOSITION OF VOLUNTEER FIRE COMPANY ASSETS UPON ANNEXATION BY A CITY OR TOWN; PROVIDING FOR THE DISPOSITION OF VOLUNTEER FIREMEN'S RELIEF AND PENSION FUNDS AND ASSETS, UPON ANNEXATION BY A CITY OR TOWN, AND AMENDING TITLE 9, CHAPTER 9, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-1007.02.

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

Section 1. Title 9, chapter 9, article 1, Arizona Revised Statutes, is amended by adding section 9-1007.02, to read:

9-1007.02. DISPOSITION OF A VOLUNTEER FIRE COMPANY, VOLUNTEER FIRE COMPANY ASSETS, AND VOLUNTEER FIREMEN'S RELIEF AND PENSION FUNDS AND ASSETS, UPON ANNEXATION BY A CITY OR TOWN

A. When any area having a volunteer fire company established under title 9, chapter 9, article 1, Arizona Revised Statutes, is entirely annexed to a city or town, the volunteer fire company of the area annexed and all its assets of whatever description shall be merged and become a part of the fire department of the annexing city or town upon the effective date of annexation.

B. All assets of whatever description and all books and records belonging to a firemen's relief and pension fund of an area annexed shall be transferred and shall become the property of the firemen's relief and pension fund of the annexing city or town upon the effective date of annexation.

C. Any fireman, employed on a full-time basis by a volunteer fire company who becomes employed as a fireman by an annexing city or town within sixty days from and after the effective date of annexation, shall become a member of the annexing city or town's firemen's relief and pension fund, and he shall be granted service credit by the annexing city or town in the same manner and in all respects as if the service had been rendered as a fireman in the employment of the annexing city or town, provided that the funds contributed by the fireman to the volunteer fire company's firemen's relief and pension fund are transferred to the annexing city or town's firemen's relief and pension fund, or if not so transferred, provided that the fireman pay to the annexing city or town's firemen's relief and pension fund the amount withdrawn, including the interest received at time of withdrawal.

D. All pensions being paid on the effective date of annexation from funds of the firemen's relief and pension fund of an area annexed by a city or town shall continue to be paid in accordance with the provisions of subsection A of section 9-967 by the firemen's relief and pension fund of the annexing city or town.

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 24, 1959.

Filed in the Office of the Secretary of State—March 24 1959.

CHAPTER 126

House Bill No. 235

AN ACT

MAKING AN APPROPRIATION FOR THE RELIEF OF MRS. A. E. SUSSEX.

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

Section 1. APPROPRIATION

The sum of one thousand five hundred ten dollars is appropriated to the state land department for the relief of Mrs. A. E. Sussex.

Sec. 2. BASIS OF CLAIM

Payment of the sum appropriated shall be in full satisfaction for certain real property improvements constructed by Mrs. Sussex on railroad right-of-way property, a part of which improvements were mistakenly constructed on state lands in which Mrs. Sussex had no leasehold interest. Upon sale of the property, the state of Arizona received the sum of one thousand five hundred ten dollars for Mrs. Sussex's improvements, and said sum was deposited to the credit of the general fund.

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 Mrs. Sussex in full settlement of all claims heretofore or hereafter accrued as a result of the circumstances set forth in section 2.

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 23, 1959.

Filed in the Office of the Secretary of State—March 24, 1959.

CHAPTER 127

Senate Bill No. 72

AN ACT

MAKING AN APPROPRIATION TO THE STATE HOSPITAL BOARD.

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

Section 1. APPROPRIATION; PURPOSE

The sum of four hundred seventy five thousand dollars is appropriated to the state hospital board for the following purposes:

1. Enlargement of rehabilitation facilities.

2. Enlarging and modernizing existing surgery and surgical facilities.

3. Remodeling ward building-A.

Section 2. EXEMPTION

The appropriation made 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.

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, 1959.

Filed in the Office of the Secretary of State—March 24, 1959.

CHAPTER 128

House Bill No. 159

AN ACT

RELATING TO RAILROAD CROSSINGS; AUTHORIZING THE CORPORATION COMMISSION TO REQUIRE THE INSTALLATION OF AUTOMATIC WARNING DEVICES; PROVIDING THE APPORTIONMENT OF THE

COST OF ACQUISITION AND INSTALLATION THEREOF; PROVIDING FOR AGREEMENTS FOR SHARING THE COST THEREOF; AUTHORIZING POLITICAL SUBDIVISIONS TO RECEIVE REIMBURSEMENT FROM THE STATE HIGHWAY FUND, AND AMENDING TITLE 40, CHAPTER 2, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING SECTION 40-337.01.

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

Title 40, chapter 2, article 6, Arizona Revised Statutes, is amended by adding section 40-337.01, to read:

40-337.01. INSTALLATION OF AUTOMATIC WARNING DEVICES; AGREEMENTS FOR SHARING COST; APPORTIONMENT OF COST

A. The commission may determine, after a public hearing, whether any particular crossing of a railroad and a public highway or street is sufficiently hazardous as to require the installation of automatic warning signals or devices at such crossing; provided, however, that a public hearing shall not be required if the parties in interest have entered into an agreement for the construction of such crossing and for the apportionment between them of the cost of acquiring and installing such automatic warning signals or devices and provided further such agreement assesses the costs at not to exceed the amounts prescribed in subsection B. Where such an agreement has been entered into, the state highway department shall, from the state highway fund, reimburse the city or county involved for one-half of the sum that the city or county agreed to contribute to such installation.

B. If the commission finds that any crossing requires the installation of automatic warning signals or devices, it shall order such installation, and if the parties in interest are unable to agree upon the apportionment of the cost of acquisition and installation, then the cost shall be borne as follows:

(a) The railroad, fifty per cent.

(b) Where a city street is involved: the city twenty-five percent and the state highway fund twenty-five per cent.

(c) Where a county highway is involved: the county, twenty-five per cent and the state highway fund twenty-five per cent.

(d) When a state highway is involved: the state highway fund, fifty per cent.

C. When a railroad has installed automatic signals or warning devices pursuant to order of the commission, it shall secure reimbursement for that portion of the cost thereof which, in accordance with the agreement of the parties in interest or the provisions hereof, is to be borne by others, by filing verified claims with the appropriate fiscal officers, and such claims shall be approved and paid without reference to or limitation by the provisions of any other law. For the purpose of determining the amount of reimbursement to which the railroad is entitled, the commission shall retain jurisdiction of the matter and upon completion of the installation of the automatic signals and warning devices, shall make a determination as to the cost of installing same, including but not limited to, the cost of acquisition and expense of installation.

Approved by the Governor—March 25, 1959.

Filed in the Office of the Secretary of State—March 25, 1959.

CHAPTER 129

House Bill No. 206

AN ACT

RELATING TO LIVESTOCK AND ANIMALS; PROVIDING THAT THE LIVESTOCK SANITARY BOARD MAY GRANT AN EXTENSION OF TIME NOT BEYOND JULY 14, 1960, FOR SLAUGHTERING ESTABLISHMENTS TO MEET THE REQUIREMENTS OF STATE MEAT INSPECTION LAWS, AND AMENDING SECTION 24-621.10, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 24-621.10, Arizona Revised Statutes, is amended to read:

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 post-mortem examination shall also be provided.

8. Each slaughtering establishment 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 were in existence and operating on July 14, 1956, 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 extend beyond July 14, 1960.

Approved by the Governor—March 25, 1959.

Filed in the Office of the Secretary of State—March 25, 1959.

CHAPTER 130

House Bill No. 257

AN ACT

RELATING TO ADOPTIONS AND AMENDING SECTION 8-108, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 8-108, Arizona Revised Statutes, is amended to read:

8-108. RELATION OF PARENT AND CHILD; EFFECT OF ORDERS

A. Upon the entry of an interlocutory order for adoption, the child shall remain or be placed in the care, custody and control of the petitioner pending further orders of the court. The interlocutory order shall be provisional only and may be vacated or modified at any time prior to the entry of the final order of adoption, and until such order is entered, the child shall be a ward of the court hearing the petition. Upon entry of the final order of adoption, the relationship of parent and child shall be established between the adopting parent and the child, and if the order so provides, the child shall assume the surname of the adopting parent. Upon the entry of the final order of adoption the child shall, effective

as of the date of the entry of the interlocutory order of adoption, be an heir of the adopting parent and entitled to all the rights and privileges and subject to all the obligations of a child of full blood and heir at law born to such adopting parent in lawful wedlock. Effective as of the date of entry of the final order of adoption, the child shall no longer be the child or heir of the natural parents or entitled to any of the rights and privileges or subject to any of the obligations of a child of its natural parents.

B. Notwithstanding any provision of subsection A, in the event one of the natural parents is the spouse of the adopting parent, the relationship, rights, privileges and obligations of the child to that natural parent and of the natural parent to the child shall remain unchanged by the adoption.

C. When a husband and wife have petitioned jointly to adopt a child and an interlocutory order has been entered and one spouse dies before the entry of the final order, the petition shall not be invalidated by the death and the court may proceed to grant the final order of adoption to the surviving petitioner.

D. A child legally adopted in another jurisdiction shall be accorded the same rights and benefits in all respects as a child adopted under the laws of this state.

Approved by the Governor—March 25, 1959.

Filed in the Office of the Secretary of State—March 25, 1959.

CHAPTER 131

House Bill No. 296

AN ACT

RELATING TO PAYMENT OF WAGES; PROVIDING FOR PAYMENT BY LAWFUL MONEY OF THE UNITED STATES, OR BY NEGOTIABLE CHECK, DRAFT OR MONEY ORDER, AND AMENDING SECTION 23-353, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 23-353, Arizona Revised Statutes, is amended to read:

23-353. PAYMENT OF WAGES OF DISCHARGED EMPLOYEE; VIOLATION; PENALTY

A. When an employee quits the service, or is discharged therefrom, he shall be paid wages due him at once.

B. Every employer, including the state and its political subdivisions, shall pay wages or compensation due an employee in lawful money of the United States by negotiable check, draft or money order which can be immediately redeemed in cash at a bank doing business in this state, payable on demand and dated not later than the day upon which the check, draft or money order is given, and not otherwise.

C. A person violating this section is guilty of a misdemeanor punishable by a fine for each offense. The fines and costs shall become a judgment against the real or personal property of defendant, but payment may not be enforced by imprisonment.

Approved by the Governor—March 25, 1959.

Filed in the Office of the Secretary of State—March 25, 1959.

CHAPTER 132

Senate Bill No. 227

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE STATE AUDITOR.

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

Section 1. APPROPRIATION; PURPOSE

In addition to the sum appropriated under the terms of subdivision 87, section 1, chapter 102, Laws of 1958, second regular session, the sum of fifty thousand dollars is appropriated to the state auditor for payment of employers' contributions for old age and survivors' insurance, which payments were increased by federal enactment to two and one-half per cent effective January 1, 1959.

Sec. 2. EXEMPTION

The sum appropriated under the terms of this act 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 there-

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

Approved by the Governor—March 25, 1959.

Filed in the Office of the Secretary of State—March 25, 1959.

CHAPTER 133

Senate Bill No. 237

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE ARIZONA CORPORATION COMMISSION.

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

Section 1. APPROPRIATION

In addition to the sums appropriated under the terms of subdivision 60, section 1, chapter 102, Laws of 1958, second regular session, the sum of seven thousand thirty-two dollars and fifty cents is appropriated to the Arizona corporation commission in the amounts and for the purposes following:

Administrative Division			
Personal Services:			
1 Stenographer-Secy.		$4,500.00	
Total Personal Services:			$4,500.00
Current Expenditures-Other:			
Telephone-Installation		38.80	
Monthly Bills (4 months)		300.00	
Total current expenditures-Other			338.80
Capital Outlay:			
1 Steno desk with well	@252.25	252.25	
1 Steno Chair	@ 35.95	35.95	
1 Electric Typewriter	@420.00	420.00	
4 Files-5 Dr. Legal	@152.50	610.00	
3 Tables	@130.50	391.50	

8 Office chairs	@ 23.00	184.00	
Office Supplies		300.00	
Total Capital Outlay:			2,193.70
Grand Total Corporation Commission			$7,032.50

Sec. 2. EXEMPTION

This appropriation is exempt from the provisions of section 35-190, Arizona Revised Statutes, relating to 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 25, 1959.

Filed in the Office of the Secretary of State—March 25, 1959.

CHAPTER 134

Senate Bill No. 284

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE INSPECTOR OF WEIGHTS AND MEASURES.

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

Section 1. APPROPRIATION

In addition to the sums appropriated under the terms of subdivision 64, section 1, chapter 102, Laws of 1958, second regular session, the sum of two thousand four hundred dollars is appropriated to the inspector of weights and measures, to be available for the purpose of purchasing a new truck.

Sec. 2. EXEMPTION

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

Sec. 3. EMERGENCY

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

Approved by the Governor—March 25, 1959.

Filed in the Office of the Secretary of State—March 25, 1959.

CHAPTER 135

Senate Bill No. 291

AN ACT

MAKING AN APPROPRIATION TO THE SECRETARY OF STATE.

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

Section 1. APPROPRIATION

The sum of four hundred fifty dollars is appropriated to the secretary of state, three hundred dollars to be available for payment to Charles H. Woods, and one hundred fifty dollars to be available for payment to Neal T. Roberts, for the purposes set forth in section 2.

Sec. 2. PURPOSE

The sum appropriated in section 1 is for the purpose of payment to Mr. Woods and Mr. Roberts of masters' fees incurred in the case of Brooks v. Bolin, number 101172, superior court of Pima county, in which Mr. Bolin, as secretary of state, was defendant. The court, by an order entered September 18, 1958, directed the defendant to pay the masters' fees, but no funds were available for this purpose.

Sec. 3. EXEMPTION

The appropriation made under the provisions of this act 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 there-

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

Approved by the Governor—March 25, 1959.

Filed in the Office of the Secretary of State—March 25, 1959.

CHAPTER 136

Senate Bill No. 293

AN ACT

RELATING TO THE DE-ANNEXATION AND SEVERANCE OF PART OF THE CITY OF PHOENIX, ARIZONA, AND TO THE DE-ANNEXATION AND SEVERANCE OF PART OF THE CITY OF TEMPE, ARIZONA, AND TO THE ANNEXATION OF A CERTAIN PARCEL OF LAND TO THE CITY OF PHOENIX, ARIZONA, AND TO THE ANNEXATION OF A CERTAIN PARCEL OF LAND TO THE CITY OF TEMPE, ARIZONA.

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

Section 1. DE-ANNEXATION; ANNEXATION

A. The territory embraced within the city limits of the city of Phoenix, Arizona, and described as:

That portion of Sections 3 and 10 in Township 1 North, Range 4 East, G&SRB&M, described as follows:

Beginning at the Southeast corner of Lot 1 in said Section 10; thence North, along the East line of Lot 1, being identical with the North-South midsection line of Section 10, to the Northeast corner of Lot 1 in said Secton 10, being identical with the South one-quarter corner of Section 3; thence West, along the South line of said Section 3, to its intersection with the East line of the West half of the West half of Section 3; thence North, along the East line of the West half of the West half of Section 3, to a point on the East line of Lot 6 in said Section 3, distant 1.79 chains South of the Northeast corner of Lot 6; thence Southerly, along the Easterly line of Lots 6, 7, 10, and 11 in Section 3, to the Southeast corner of Lot 11 in said Section 3; thence continuing Southerly along the Easterly line of Lot 2 in Section 10, to the Southeast corner of said Lot 2, said point being on the South line of the North half of

the Northwest quarter of Section 10; thence Easterly, along the Westerly prolongation of the South line of Lot 1, and along the South line of Lot 1, identical with the South line of the North half of the Northwest quarter of Section 10, to the point of beginning,

is hereby de-annexed and severed from the corporate limits of the city of Phoenix, Arizona.

B. The territory embraced within the city limits of the city of Tempe, Arizona, and described as:

Those portions of Section 9, Township 1 North, Range 4 East, G&SRB&M, described as follows:

Beginning at a point on the West line of Section 9, where said West line intersects the Southerly boundary line of Van Buren Street; thence South, along the West line of Section 9, to the Southwest corner of the North half of the North half of the Northwest quarter of said Section 9; thence East, along the South line of the North half of the North half of the Northwest quarter of Section 9, to the Northeast corner of the Southwest quarter of the Northeast quarter of the Northwest quarter of Section 9; thence South, along the East line of the West half of the East half of the Northwest quarter of Section 9, to the Southeast corner of the West half of the East half of the Northwest quarter of Section 9; thence East, along the South line of the Northwest quarter of Section 9, to the center of said Section 9; thence North, along the North-South midsection line of Section 9, to the Southeast corner of Lot 8 in said Section 9; thence Westerly, along the Southerly line of Lot 8, to the Southwest corner of Lot 8; thence Northerly, along the Westerly line of Lot 8, to the most Northerly corner of Lot 8; thence continuing Northerly, along the Westerly line of Lot 7 in said Section 9, to the most Northerly corner of Lot 7, being a point in the Southwesterly boundary line of Van Buren Street; thence Northwesterly and Westerly along the Southwesterly and Southerly boundary line of Van Buren Street, to the point of beginning; and

Beginning at the most Northerly corner of Lot 7 in Section 9, being a point in the Southwest boundary line of Van Buren Street; thence Southeasterly, along the Northeasterly line of Lot 7, identical with the Southwest boundary line of State Highway 60, 80, and 89, to a point on the South line of the North half of the North-

east quarter of Section 9; thence East, along the South line of the North half of the Northeast quarter of said Section 9, to a point on the Northeasterly boundary line of State Highway 60, 80, and 89; thence Northwesterly, along the Northeasterly boundary line of State Highway 60, 80, and 89, to a point due North of the East boundary of the State Highway connecting Van Buren and Washington Streets; thence South, along the East boundary line of said highway, to the point of beginning,

is hereby de-annexed and severed from the corporate limits of the city of Tempe, Arizona.

C. The corporate limits of the City of Phoenix, Arizona, are hereby extended and increased so as to include and embrace within the corporate limits of the City of Phoenix, Arizona, the territory described as:

That portion of Sections 4, 5, 8, and 9, Township 1 North, range 4 East, G&SRB&M, described as follows:

Beginning at the intersection of the West line of Section 9 and the South boundary line of Van Buren Street; thence South, along the West line of Section 9, to the Southwest corner of the North half of the North half of the Northwest quarter of said Section 9; thence East, along the South line of the North half of the North half of the Northwest quarter of Section 9, to the Northeast corner of the Southwest quarter of the Northeast quarter of the Northwest quarter of Section 9; thence South, along the East line of the West half of the East half of the Northwest quarter of Section 9, to the Southeast corner of the West half of the East half of the Northwest quarter of Section 9; thence East, along the South line of the Northwest quarter of Section 9, to the center of Section 9; thence North, along the North-South midsection line of Section 9, to the Southeast corner of Lot 8 in said Section 9; thence Westerly, along the Southerly line of Lot 8, to the Southwest corner of Lot 8; thence Northerly, along the Westerly line of Lot 8, to the most Northerly corner of Lot 8; thence continuing Northerly, along the Westerly line of Lot 7 in said Section 9, to the most Northerly corner of Lot 7, being a point in the Southwesterly boundary line of Van Buren Street; thence Southeasterly, along the Northeasterly line of Lot 7, identical with the Southwest boundary of State Highway 60, 80, and 89, to a point on the South line of the North half of the North-

east quarter of Section 9; thence East, along the South line of the North half of the Northeast quarter of said Section 9, to a point on the Northeasterly boundary line of State Highway 60, 80, and 89; thence Northwesterly and Westerly, along the Northeasterly and Northerly boundary line of State Highway 60, 80, and 89, and Van Buren Street, to the West line of the East half of the Southeast quarter of Section 5; thence South, along the West line of the East half of the Southeast quarter of Section 5 and the West line of the East half of the Northeast quarter of Section 8, to a point on the South boundary line of Van Buren Street; thence East, along the South boundary line of Van Buren Street, to the point of beginning,

and said territory is hereby annexed to and declared to be a part of the City of Phoenix, Arizona.

D. The corporate limits of the City of Tempe, Arizona, are hereby extended and increased so as to include and embrace within the corporate limits of the City of Tempe, Arizona, the territory described as:

That portion of Sections 3 and 10 in Township 1 North, Range 4 East of G&SRB&M described as follows:

Beginning at the Southeast corner of Lot 1 in said Section 10; thence North, along the East line of Lot 1, being identical with the North-South midsection line of Section 10, to the Northeast corner of Lot 1 in said Section 10, being identical with the South one-quarter corner of Section 3; thence West, along the South line of said Section 3, to its intersection with the East line of the West half of the West half of Section 3; thence North, along the East line of the West half of the West half of Section 3, to a point on the East line of Lot 6 in said Section 3, distant 1.79 chains South of the Northeast corner of Lot 6; thence Southerly, along the Easterly line of Lots 6, 7, 10, and 11 in Section 3, to the Southeast corner of Lot 11 in said Section 3; thence continuing Southerly along the Easterly line of Lot 2 in Section 10, to the Southeast corner of said Lot 2, said point being on the South line of the North half of the Northwest quarter of Section 10; thence Easterly along the Westerly prolongation of the South line of Lot 1, and along the South line of Lot 1, identical with the South line of the North half of the Northwest quarter of Section 10, to the point of beginning,

and said territory is hereby annexed to and declared to be a part of the City of Tempe, Arizona.

Sec. 2. EMERGENCY

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

Approved by the Governor—March 25, 1959.

Filed in the Office of the Secretary of State—March 25, 1959.

CHAPTER 137

Senate Bill No. 296

AN ACT

RELATING TO WELFARE; PROVIDING FOR AN INCREASE IN GRANT PLUS INCOME, OLD AGE ASSISTANCE, ASSISTANCE FOR THE NEEDY BLIND, AND AID TO DEPENDENT CHILDREN; AMENDING SECTIONS 46-207, 46-254, 46-278 AND 46-294, ARIZONA REVISED STATUTES, AND MAKING AN APPROPRIATION.

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

Section 1. Sec. 46-207, Arizona Revised Statutes, is amended to read:

46-207. GRANT PLUS INCOME

A. In no event shall assistance paid any recipient under this title be an amount, which when added to income from all other sources, causes the total of income and grant to exceed:

1. For a single recipient, one hundred dollars per month.

2. For a recipient and spouse, or two recipients in the same family unit, one hundred fifty-five dollars per month.

3. For three or more recipients in the same family unit, two hundred twenty dollars per month.

B. If the total funds available for payment of assistance grants is not sufficient to meet the maximum amount for which each applicant or recipient is eligible by law, the de-

partment shall not make reductions of an equal amount from every grant in each category of assistance, but shall take into consideration the needs of the applicants or recipients, and shall make reductions necessary by specifying the percentage of budgeted needs which may be met within the maximums set by law by the grant plus other available income.

C. In determining need for aid to the blind, the department shall take into consideration all other income and resources of the individual claiming such aid, except that in making a determination of need or grant plus income, the department shall disregard the first fifty dollars per month of earned income.

Sec. 2. Sec. 46-254, Arizona Revised Statutes, is amended to read:

46-254. DETERMINATION OF AMOUNT OF ASSISTANCE

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 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 for old age assistance exceed eighty dollars per month except where the recipient is living with a self-supporting adult child in which case the maximum grant shall be sixty-five dollars per month.

Sec. 3. Sec. 46-278, Arizona Revised Statutes, is amended to read:

46-278. AMOUNT OF ASSISTANCE

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 his 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 amount of assistance paid to any recipient of assistance for the needy blind exceed ninety dollars for any calendar month.

Sec. 4. Sec. 46-294, Arizona Revised Statutes, is amended to read:

46-294. AMOUNT OF ASSISTANCE

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 eighty dollars for any calendar month 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 two hundred twenty dollars per month.

Sec. 5. APPROPRIATION

In addition to all other appropriations, for the fiscal year commencing July 1, 1959, the sum of twenty-nine thousand seven hundred twenty-four dollars is appropriated to the state department of public welfare for public welfare, to be available for the purposes and in the amounts following:

Old age assistance	$ 15,877.00
Assistance for the needy blind	12,878.00
Unallocated assistance	969.00
TOTAL	$ 29,724.00

Approved by the Governor—March 25, 1959.

Filed in the Office of the Secretary of State—March 25, 1959.

CHAPTER 138

Senate Bill No. 112

AN ACT

RELATING TO MINERALS, OIL AND GAS; PROVIDING THAT THE LAND COMMISSIONER MAY ENTER INTO COOPERATIVE AGREEMENTS WITH AGENCIES OF THE UNITED STATES GOVERNMENT; AMENDING SECTION 27-515, ARIZONA REVISED STATUTES, AND MAKING AN APPROPRIATION.

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

Section 1. Sec. 27-515, Arizona Revised Statutes, is amended to read:

27-515. POWERS AND DUTIES OF COMMISSIONER

A. The commissioner shall have jurisdiction and authority over all persons and property deemed necessary to administer and enforce the provisions of this article and other laws relating to conservation of oil and gas. The commissioner or his representative or employee may, at any time, enter upon property and inspect wells drilled for oil or gas, and well records, and shall control property, machinery and appliances necessary to gauge the wells.

B. The commissioner may, with the approval of the governor, employ personnel necessary to enforce this article, and fix their compensation. He may:

1. Administer oaths to a witness in any hearing, investigation or proceeding held under this article or other law relating to conservation of oil and gas.

2. Issue subpoenas requiring attendance and testimony of witnesses and production of books, papers and records deemed material or necessary, and direct service of subpoenas by a sheriff or other officer authorized by law to serve process.

3. Prescribe rules and regulations and do all acts necessary or advisable to carry out the provisions of this article.

C. The commissioner may enter into cooperative agreements with agencies of the United States government for the purpose of protection of the fresh water supplies of the state from contamination or pollution brought about by the drilling of any well.

Sec. 2. APPROPRIATION

The sum of two thousand dollars is appropriated to the land commissioner for the purposes set forth in section 1, subsection C, of this act. This appropriation is exempt from the provisions of section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Sec. 3. EMERGENCY

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

Approved by the Governor—March 25, 1959.

Filed in the Office of the Secretary of State—March 26, 1959.

CHAPTER 139

Senate Bill No. 148

AN ACT

MAKING AN APPROPRIATION TO THE BOARD OF REGENTS OF THE UNIVERSITY AND STATE COLLEGES OF ARIZONA FOR CONSTRUCTION OF AN OBSERVATORY, CONSTRUCTION AND REMODELING OF BUILDINGS INCLUDING ADDITIONS THERETO, IMPROVEMENT OF CAMPUS AREAS, PURCHASE AND INSTALLATION OF EQUIPMENT AND FURNISHINGS, AND REMODELING AND EXTENSION OF SERVICE FACILITIES AT AND FOR THE UNIVERSITY OF ARIZONA.

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

Section 1. APPROPRIATION

There is appropriated to the board of regents of the university and state colleges of Arizona for the fiscal year beginning July 1, 1959, the sum of two million seven hundred thousand dollars for any or all of the following purposes and improvements at or for the university of Arizona: construction of an observatory on a site to be leased from the United States on Kitt Peak; construction of law college, physics-mathematics and plant sciences-classrooms buildings, and of a utility tunnel; construction of additions to and

remodeling of the Steward observatory building, anthropology addition to museum building, remodeling old law college building and alterations to the administration building; purchase and installation of all or any part of the equipment for any such buildings; purchase and installation of water and fire protection systems; street lighting, paving and sidewalk construction; remodeling and equipping unfinished areas of stadium and athletic plant; improving parking lots; purchase and installation of power plant and utility equipment and construction incidental thereto; and remodeling and extension of heating, lighting, cooling, water and other service facilities on the grounds of the institution.

Sec. 2. LAPSING OF APPROPRIATION

The appropriation made in section 1 shall not lapse until the purposes for which the appropriation is made shall have been accomplished or abandoned unless the appropriation shall have stood until January 1, 1964, 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 26, 1959.

Filed in the Office of the Secretary of State—March 26, 1959.

CHAPTER 140

Senate Bill No. 152

AN ACT

MAKING AN APPROPRIATION TO THE BOARD OF REGENTS OF THE UNIVERSITY AND STATE COLLEGES OF ARIZONA FOR THE CONSTRUCTION OF, ADDITIONS TO AND REMODELING OF BUILDINGS, PURCHASE AND INSTALLATION OF FURNISHINGS AND EQUIPMENT, IMPROVEMENT OF CAMPUS AREAS, AND REMODELING AND EXTENSION OF SERVICE FACILITIES AT ARIZONA STATE COLLEGE AT FLAGSTAFF, AND AUTHORIZING EXPENDITURE OF UNBUDGETED FUNDS FOR CONSTRUCTION OF A

PRESIDENT'S HOME ON THE CAMPUS OF ARIZONA STATE COLLEGE AT FLAGSTAFF.

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

Section 1. APPROPRIATION

There is appropriated to the board of regents of the university and state colleges of Arizona, for the fiscal year beginning July 1, 1959, the sum of one million sixty-two thousand dollars for any or all of the following purposes and improvements at Arizona state college at Flagstaff: construction of arts, home management, and biological science buildings; construction of additions to the dining hall and the infirmary; remodeling old training school building; purchase and installation of all or any part of the equipment for such buildings; landscaping and improving campus areas, and remodeling and extension of heating, lighting, water and other service facilities on the grounds of the institution.

Sec. 2. AUTHORIZATION OF EXPENDITURE

Construction of a president's home on the campus of Arizona state college at Flagstaff at a cost not exceeding fifty thousand dollars is authorized from available unbudgeted funds of the institution for the fiscal year ending June 30, 1959.

Sec. 3. LAPSING OF APPROPRIATION

The appropriation made in section 1 and the funds authorized for expenditure under section 2 shall not lapse until the purposes for which the appropriation is made and the expenditure authorized shall have been accomplished or abandoned unless the appropriation or the funds authorized for expenditure shall have stood until January 1, 1964, without an expenditure therefrom or encumbrance thereon.

Sec. 4. EMERGENCY

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

Approved by the Governor—March 26, 1959.

Filed in the Office of the Secretary of State—March 26, 1959.

CHAPTER 141

Senate Bill No. 154

AN ACT

MAKING AN APPROPRIATION TO THE BOARD OF REGENTS OF THE UNIVERSITY AND STATE COLLEGES OF ARIZONA FOR CONSTRUCTION AND REMODELING OF AND ADDITIONS TO BUILDINGS, PURCHASE AND INSTALLATION OF FURNISHINGS AND EQUIPMENT, DEVELOPMENT, CONSTRUCTION, PURCHASE AND INSTALLATION OF COOLING AND HEATING EQUIPMENT, IMPROVEMENT OF CAMPUS AREAS, AND REMODELING AND EXTENSION OF SERVICE FACILITIES AT ARIZONA STATE UNIVERSITY.

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

Sec. 1. APPROPRIATION

There is appropriated to the board of regents of the university and state colleges of Arizona, for the fiscal year beginning July 1, 1959, the sum of two million six hundred sixty-four thousand dollars for any or all of the following purposes and improvements at Arizona state university: construction of liberal arts and education classrooms buildings; construction of additions to administration building, physical science, biological science and engineering additions; purchase and installation of all or any part of the equipment for such buildings; development, construction and installation of a central refrigeration system and equipment; purchase and installation of a boiler and other heating equipment; improvement of streets and other campus areas; and remodeling and extension of heating, lighting, cooling, water and other service facilities on the grounds of the institution.

Sec. 2. LAPSING OF APPROPRIATION

The appropriation made under the provisions of this act shall not lapse until the purposes for which the appropriation is made shall have been accomplished or abandoned unless the appropriation shall have stood until January 1, 1964, 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 there-

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

Approved by the Governor—March 26, 1959.

Filed in the Office of the Secretary of State—March 26, 1959.

CHAPTER 142

House Bill No. 157

AN ACT

RELATING TO MOTOR VEHICLES; PRESCRIBING PENALTIES FOR DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS; PROVIDING BASIS FOR SUSPENSION OR REVOCATION OF LICENSE AFTER FIRST AND SECOND OR SUBSEQUENT CONVICTION OF RECKLESS DRIVING OR DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUORS; PROVIDING FOR CHEMICAL TESTS OF OPERATOR; AMENDING SECTIONS 28-445, 28-446 AND 28-692, ARIZONA REVISED STATUTES, AND AMENDING TITLE 28, CHAPTER 6, ARTICLE 5, ARIZONA REVISED STATUTES BY ADDING SECTION 28-692.01.

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

Section 1. Sec. 28-445, Arizona Revised Statutes, is amended to read:

28-445. MANDATORY REVOCATION OF LICENSE BY DEPARTMENT

The department shall, in addition to the grounds for mandatory revocation provided for in the uniform act regulating traffic on highways, forthwith revoke the license of an operator or chauffeur upon receiving a record of the operator's or chauffeur's conviction of any of the following offenses, when the conviction has become final:

1. Manslaughter resulting from the operation of a motor vehicle.

2. Driving a motor vehicle while under the influence of a narcotic drug.

3. Any felony in the commission of which a motor vehicle is used.

4. Failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another.

5. Perjury or the making of a false affidavit or statement under oath to the department under this chapter or under any other law relating to the ownership or operation of motor vehicles.

6. Conviction, or forfeiture of bail not vacated, upon a second or subsequent charge of reckless driving committed within a period of twenty-four months.

7. Conviction, or forfeiture of bail not vacated, upon a second or subsequent charge of driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor, committed within a period of twenty-four months.

Sec. 2. Sec. 28-446, Arizona Revised Statutes, is amended to read:

28-446. AUTHORITY OF DEPARTMENT TO SUSPEND OR REVOKE LICENSE

A. The department is authorized to suspend the license of an operator or chauffeur without preliminary hearing upon a showing by its records or other sufficient evidence that the licensee:

1. Has committed an offense for which mandatory revocation of license is required upon conviction.

2. Has been involved as a driver in any accident resulting in the death or personal injury of another or serious property damage.

3. Has been convicted with such frequency of serious offenses against traffic regulations governing the movement of vehicles as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways.

4. Has been convicted of reckless driving as provided in section 28-693 or is an habitually reckless or negligent driver of a motor vehicle.

5. Is incompetent to drive a motor vehicle.

6. Has permitted an unlawful or fraudulent use of the license.

7. Has committed an offense in another state which if committed in this state would be grounds for suspension or revocation.

8. Has been convicted of driving or of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor.

B. Upon suspending the license of a person as authorized by subsection A of this section, the department shall immediately notify the licensee in writing and upon his request shall afford him an opportunity for a hearing as early as practical within not to exceed twenty days after receipt of the request in the county wherein the licensee resides unless the department and the licensee agree that the hearing may be held in some other county. Upon the hearing the commission or their duly authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a re-examination of the licensee. At the hearing the department shall either rescind its order of suspension or, good cause appearing therefor, may extend the suspension of the license or revoke it.

Sec. 3. Sec. 28-692, Arizona Revised Statutes, is amended to read:

28-692. PERSONS UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR OF DRUGS

A. It is unlawful and punishable as provided in section 28-692.01 for any person who is under the influence of intoxicating liquor to drive or be in actual physical control of any vehicle within this state.

B. In any criminal prosecution for a violation of subsection A of this section relating to driving a vehicle while under the influence of intoxicating liquor, the amount of alcohol in the defendant's blood at the time alleged as shown by chemical analysis of the defendant's blood, urine, breath or other bodily substance shall give rise to the following presumptions:

1. If there was at that time 0.05 per cent or less by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was not under the influence of intoxicating liquor.

2. If there was at that time in excess of 0.05 per cent but less than 0.15 per cent by weight of alcohol in the defendant's blood, such fact shall not give rise to any presumption that the defendant was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant.

3. If there was at that time 0.15 per cent or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of intoxicating liquor.

4. Paragraphs 1, 2 or 3 of this subsection shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether or not the defendant was under the influence of intoxicating liquor.

C. It is unlawful and punishable as provided in section 28-692.01 for any person who is an habitual user of or under the influence of any narcotic drug or who is under the influence of any other drug to a degree which renders him incapable of safely driving a vehicle to drive a vehicle within this state. The fact that any person charged with a violation of this subsection is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this subsection.

Sec. 4. Title 28, chapter 6, article 5, Arizona Revised Statutes, is amended by adding section 28-692.01 to read:

28-692.01. PUNISHMENT FOR PERSONS UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS

A. A person who is convicted of a violation of section 28-692 shall be punished upon a first conviction by imprisonment for not less than ten days nor more than six months, by a fine of not less than one hundred nor more than three hundred dollars, or both. In addition, the judge may require the surrender to him of any operator's or chauffeur's license of such convicted person and, in such event, forward the license to the department with the abstract of conviction, together with an order of the court suspending the driving privileges of such person for a period not to exceed ninety days. The department upon receipt of the license, abstract of conviction and order shall suspend the driving privilege of such person for the period of time ordered by the judge.

B. When a second or subsequent offense for which a conviction occurs within a period of twenty-four months such person shall be punished by imprisonment for not less than fifteen days nor more than six months, and, in the discretion of the court, by a fine of not less than one hundred fifty nor more than three hundred dollars, or both. In addition, the judge shall require the surrender to him of any operator's or chauffeur's license of such convicted person and shall immediately forward to the department the license with the

abstract of conviction. The department upon receipt thereof shall revoke the driving privilege of such person. The dates of the commission of the offense shall be the determining factor in applying this rule. No judge may grant probation to or suspend the imposition of a jail sentence or fail to require the surrender to him of any license of any person for a second or subsequent conviction.

C. The court may, upon pronouncement of any jail sentence under this section, in cases of extreme hardship, provide in the sentence that the defendant may be permitted, if he is employed and can continue his employment, to continue said employment for not more than twelve hours per day nor more than six days per week, and the remaining day, days or parts of days shall be spent in jail until the sentence is served. He shall be allowed out of jail only long enough to complete his actual hours of employment and no longer.

Sec. 5. EMERGENCY

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

Approved by the Governor—March 30, 1959.

Filed in the Office of the Secretary of State—March 30, 1959.

CHAPTER 143

House Bill No. 263

AN ACT

RELATING TO BOATING AND WATER SPORTS; PRESCRIBING REGULATIONS FOR LICENSING AND OPERATION OF WATERCRAFT; AMENDING SECTIONS 5-304, 5-305, 5-306, 5-310 AND 5-312, ARIZONA REVISED STATUTES, AND AMENDING TITLE 5, CHAPTER 3, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 5-306.01 TO 5-306.07, INCLUSIVE.

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

Section 1. Sec. 5-304, Arizona Revised Statutes, is amended to read:

5-304. INTERFERENCE WITH NAVIGATION PROHIBITED

No person shall operate any watercraft or swim in a manner which shall unreasonably or unnecessarily interfere with other watercraft or with the free and proper use of the waterways of the state or areas used for launching watercraft onto such waterways. Anchoring or swimming in heavily traveled channels or blocking launching areas shall constitute such interference.

Sec. 2. Sec. 5-305, Arizona Revised Statutes, is amended to read:

5-305. PROHIBITED OPERATION BY INCAPACITATED PERSON; DUTY OF OWNER

A. No person who is under the influence of intoxicating liquor or narcotic or habit-forming drugs, or who by reason of mental or physical disability is incapable of operating a watercraft under the prevailing circumstances, shall operate or be in actual physical control of any watercraft.

B. No owner of any watercraft or any person having a watercraft in his charge or control shall knowingly permit such watercraft to be operated by any person who is under the influence of intoxicating liquor, narcotic or habit-forming drugs, or who is by reason of mental or physical disability incapable of operating the watercraft under the prevailing circumstances.

C. In any criminal prosecution for a violation of subsection A of this section relating to operating a watercraft while under the influence of intoxicating liquor, the amount of alcohol in the defendant's blood, urine, breath or other bodily substance shall give rise to the following presumption:

1. If there was at that time 0.05 per cent or less by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was not under the influence of intoxicating liquor.

2. If there was at that time in excess of 0.05 per cent but less than 0.15 per cent by weight of alcohol in the defendant's blood, such fact shall not give rise to any presumption that the defendant was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant.

3. If there was at that time 0.15 per cent or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of intoxicating liquor.

4. Paragraphs 1, 2, or 3 of this subsection shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether or not the defendant was under the influence of intoxicating liquor.

Sec. 3. Sec. 5-306, Arizona Revised Statutes, is amended to read:

5-306. ACCIDENTS; DUTIES OF OPERATOR

A. The operator of any watercraft involved in an accident resulting in injury or death to any person or in property damage shall immediately stop such watercraft at the scene of such accident and shall give his name and address, and the name and address of the owner, to the person struck or the operator or occupants of the watercraft collided with or property damaged, shall render to any person injured in such an accident reasonable assistance, and shall promptly report such accident to the nearest or most convenient law enforcement agency or office.

B. Every law enforcement officer who, in the regular course of duty, investigates a watercraft accident or drowning shall make a written report on the prescribed form as required in this section either at the time of and at the scene of the accident or drowning, or thereafter by interviewing participants or witnesses and shall forward the written report of the accident or drowning to the United States Coast Guard within twenty-four hours after completing such investigation.

C. Each enforcement agency shall prescribe such accident report forms as is necessary to compile information required by the United States Coast Guard or other federal agency according to federal law or regulation and from such reports compile the information and maintain a file of the accident reports.

D. Accident or drowning reports shall be for the confidential use in compiling information for accident and drowning prevention purposes and no such report shall be used as evidence in any trial, civil or criminal, arising out of an accident or drowning.

Sec. 4. Title 5, chapter 3, article 1, Arizona Revised Stat-

utes, is amended by adding sections 5-306.01 to 5-306.07, inclusive, to read:

5-306.01. RIGHT OF WAY

A. The operator of a watercraft under power shall yield the right of way to any craft not under power, subsection B of this section notwithstanding.

B. The area from a point directly ahead to 112½ degrees of the compass to the starboard side of the watercraft shall be designated the danger zone. Operators of watercraft shall yield the right of way to any other watercraft occupying or entering into this danger zone which might result in collision.

C. Operators of watercraft may pass on either side of any other watercraft overtaken, but the passing operator shall be responsible for any collision occurring as a result thereof, and such passing operator shall be responsible for the wake of the watercraft which might cause damage to overtaken watercraft or danger to occupants of overtaken watercraft. Watercraft approaching head on shall pass portside to portside where practical to do so.

D. Normal traffic on the waterways of this state shall be counter-clockwise. Watercraft shall approach shoreline areas from the right and leave to the left as observed from a point on the water looking towards the shore. Watercraft leaving the shoreline area shall yield right of way to watercraft approaching the shoreline area, the provisions of subsection B of this section notwithstanding.

E. Subsections A through D of this section shall not apply on any waterways of this state where power driven watercraft are prohibited.

F. In every case, the operator of any watercraft shall use due caution to avoid an accident or collision with another watercraft or person.

5-306.02. SPEED RESTRICTIONS

No person shall operate a watercraft at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event, speed shall be so controlled as may be necessary to avoid colliding with any person or other watercraft or swamping other watercraft or otherwise endangering the lives of other persons from excessive wake or speed.

5-306.03. BOAT LIVERIES

A. The owner of a boat livery shall keep or cause to be kept a record of the name and address of the person or persons hiring any watercraft which is designed or permitted by him to be operated as a watercraft, the identification number thereof, the departure date and time, and the expected time of return. The record shall be preserved for at least three months.

B. Neither the owner of a boat livery nor his agent or employee shall permit any watercraft to be operated from his premises unless it shall have been provided, either by the owner or the renter, with the equipment required by this article.

5-306.04. OPERATION OF UNNUMBERED WATERCRAFT PROHIBITED

Every watercraft on the waters of this state shall be numbered. No person shall operate or give permission for the operation of any watercraft on such waters unless the watercraft is numbered in accordance with this article, or in accordance with applicable federal law, or in accordance with a federally approved numbering system of another state, and unless the certificate of number awarded to such watercraft is in full force and effect, and the identifying number set forth in the certificate of number is displayed on each side of the bow of such watercraft.

5-306.05. IDENTIFICATION NUMBER

A. The owner of each watercraft requiring numbering by this state shall file an application for number with the Arizona motor vehicle division on forms approved by it. The application shall be signed by the owner of the watercraft and shall be accompanied by a fee of three dollars. Upon receipt of the application in approved form, the motor vehicle division shall enter the same upon the records of its office and issue to the applicant a certificate of number stating the number awarded to the watercraft and the name and address of the owner. The owner shall paint on or attach to each side of the bow of the watercraft the identification number in such manner as may be prescribed by rules and regulations of the motor vehicle division in order that it may be clearly visible. The number shall be maintained in legible condition. The certificate of number shall be pocket size and shall be available at all times for inspection on the watercraft for which issued whenever such watercraft is in operation.

B. The owner of any watercraft already covered by a number in full force and effect which has been awarded to it pursuant to then operative federal law or a federally approved numbering system of another state shall record the number prior to operating the watercraft on the waters of this state in excess of the ninety-day reciprocity period provided for in section 5-306.07. Such recordation shall be in the manner and pursuant to the procedure required for the award of a number under subsection A of this section, except that no additional or substitute number shall be issued.

C. If the ownership of a watercraft changes, a new application form with fee shall be filed with the motor vehicle division and a new certificate of number shall be awarded in the same manner as provided for in an original award of number.

D. In the event an agency of the United States government shall have in force an over-all system of identification numbering for watercraft within the United States, the numbering system employed pursuant to this article by the motor vehicle division shall be in conformity therewith.

E. The motor vehicle division may award any certificate of number directly or may authorize any person to act as agent for the awarding thereof. In the event a person accepts such authorization, he may be assigned a block of numbers and certificates therefor which upon award, in conformity with this article and with any rules and regulations of the motor vehicle division, shall be valid as if awarded directly by the motor vehicle division.

F. All records of the motor vehicle division made or kept pursuant to this section shall be public records.

G. Every certificate of number awarded pursuant to this article shall continue in full force and effect for a period of three years unless sooner terminated or discontinued in accordance with the provisions of this article. Certificates of number may be renewed by the owner in the same manner provided for in the initial securing of the same.

H. The motor vehicle division shall fix a day and month of the year on which certificates of number due to expire during the calendar year shall lapse and no longer be of any force and effect unless renewed pursuant to this article.

I. The owner shall furnish the motor vehicle division notice of the transfer of all or any part of his interest other than the creation of a security interest in a watercraft numbered in this state pursuant to subsections A and B of this section

or of the destruction or abandonment of such watercraft, within fifteen days thereof. Such transfer, destruction, or abandonment shall terminate the certificate of number for such watercraft, except that in the case of a transfer of a part interest which does not affect the owner's right to operate such watercraft, the transfer shall not terminate the certificate of number.

J. Any holder of a certificate of number shall notify the motor vehicle division within fifteen days, if his address no longer conforms to the address appearing on the certificate and shall, as a part of such notification, furnish the motor vehicle division with his new address. The motor vehicle division may provide in its rules and regulations for the surrender of the certificate bearing the former address and its replacement with a certificate bearing the new address or for the alteration of an outstanding certificate to show the new address of the holder.

K. No number other than the number awarded to a watercraft or granted reciprocity pursuant to this article shall be painted, attached, or otherwise displayed on either side of the bow of such watercraft.

5-306.06. WATERCRAFT EXEMPTED FROM NUMBERING

Watercraft owned and operated by an agency of a state, the federal government, or a foreign country, or exempt from numbering under federal law are exempt from the provisions of this article.

5-306.07. RECOGNITION OF NUMBERS ISSUED BY AGENCIES

Numbers issued by racing or other associations or recognized by federal law shall be recognized by Arizona provided that the owner of a boat issued such a number files with the motor vehicle division of the Arizona state highway department, within ninety days after entering the state, or after obtaining such a number, a copy of the number on a form provided by the superintendent of the motor vehicle division of the Arizona state highway department.

Sec. 5. Sec. 5-310, Arizona Revised Statutes, is amended to read:

5-310. LIGHTS; REQUIRED ON WATERCRAFT

A. All watercraft when anchored in a normal passageway for other watercraft shall from sunset to sunrise carry

and display a steady light or lights visible throughout a full circle for a distance of not less than one mile.

B. All watercraft when under way, unless exempt by the provisions of subsection C of this section, shall from sunset to sunrise carry and exhibit the following lights:

1. A bright white light aft to show all around the horizon for a distance of not less than two miles.

2. A combined lantern or light in the fore part of the watercraft and lower than the white light aft, showing green to starboard and red to port, so fixed as to be visible for a distance of not less than one mile, and to throw the light from right ahead to two points abaft the beam on their respective sides.

C. Rowboats and other craft used on waters of this state where power driven watercraft are prohibited are exempt from the provisions of this section.

Sec. 6. Sec. 5-312, Arizona Revised Statutes, is amended to read:

5-312. ENFORCEMENT; FAILURE TO OBEY ORDER BY PEACE OFFICER; VIOLATION

A. All peace officers of the state, counties and cities shall enforce the provisions of this article.

B. In the enforcement of this article the operator of the watercraft may be ordered ashore to correct the violation, or issued a warning order to equip his watercraft properly.

C. In the enforcement of this article the provisions of sections 28-1051 to 28-1054, inclusive, and sections 28-1056 to 28-1061, inclusive, shall apply insofar as application shall be made to watercraft and waters of this state, and the word "vehicle" shall refer to watercraft, and the word "highway" to waterways.

D. Each failure to obey an order or to comply with a warning order issued under the provisions of subsection B of this section shall constitute a separate offense punishable as a separate violation of this article.

Approved by the Governor—March 30, 1959.

Filed in the Office of the Secretary of State—March 30, 1959.

CHAPTER 144

Senate Bill No. 282

AN ACT

MAKING AN APPROPRIATION TO THE ATTORNEY GENERAL, DEPARTMENT OF LAW, FOR OUT-OF-STATE TRAVEL AND FOR PERSONAL SERVICES FOR ATTORNEY FOR LAND DEPARTMENT

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

Section 1. APPROPRIATION; PURPOSE

In addition to the appropriation made under the terms of chapter 102, section 1, subdivision 1, Laws of 1958, second regular session, the sum of two thousand nine hundred dollars is appropriated to the attorney general, department of law, in the amounts and for the purposes following:

Personal Services	
Special Assistant Attorney for Land Department	$ 2,400.00
Out-of-state Travel	500.00
Total	$ 2,900.00

Sec. 2. APPROPRIATION; PURPOSE

In addition to all other appropriations made in the twenty-fourth legislature, first regular session, to the attorney general, department of law, the sum of nine thousand six hundred dollars is appropriated to the attorney general, department of law, for the fiscal year beginning July 1, 1959, for personal services—special assistant attorney for land department.

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 31, 1959.

Filed in the Office of the Secretary of State—March 31, 1959.

CHAPTER 145

Senate Bill No. 48

AN ACT

RELATING TO RETIREMENT OF STATE HIGHWAY PATROL MEMBERS; ESTABLISHING THE STATE HIGHWAY PATROL RETIREMENT SYSTEM; PRESCRIBING AN INCREASE IN THE PREMIUM TAX ON CERTAIN VEHICLE INSURANCE AND PROVIDING FOR THE DISPOSITION THEREOF; PROVIDING FOR INCREASE IN CONTRIBUTIONS FROM CERTAIN STATE HIGHWAY PATROL MEMBERS TO THE RETIREMENT FUND; PRESCRIBING LIMITATION UPON CERTAIN EMPLOYMENT AFTER RETIREMENT; RESERVING RIGHTS TO THE LEGISLATURE; AMENDING TITLE 20, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 20-224.01; AMENDING SECTION 20-227, ARIZONA REVISED STATUTES, AND AMENDING TITLE 38, CHAPTER 5, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 38-765 TO 38-776, INCLUSIVE.

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

Section 1. PURPOSE

It is generally recognized that the official duties of the members of the Arizona highway patrol are of such nature that they require men possessed of considerable physical strength and endurance. Because of the nature of the employment, highway patrol members are frequently compelled to withdraw from the patrol prior to reaching the age for retirement under the state employees' retirement system. Under these circumstances patrol members and their families are not afforded the same protection as other public employees who are in a position to continue their work until becoming eligible for retirement and it is the purpose of this act to make provisions therefor.

Sec. 2. Title 38, chapter 5, article 2, Arizona Revised Statutes, is amended by adding sections 38-765 to 38-776, inclusive, to read:

38-765. ADMINISTRATION; MEMBERSHIP; APPLICABILITY

A. The state retirement system board shall administer the provisions of the state highway patrol retirement system.

B. The state highway patrol retirement system shall be composed of the employees of the state highway patrol, including the superintendent thereof, and includes all ranks designated by the Arizona highway patrol merit system council, excluding persons in stenographic or clerical positions.

C. The provisions of this article shall be applicable to the state highway patrol retirement system and shall control, except as otherwise provided.

38-766. STATE HIGHWAY PATROL RETIREMENT FUND; ADMINISTRATION

A. There is created a state highway patrol retirement fund which shall consist of all monies received under the provisions of section 20-224.01, all member and employer contributions received by the board for and on behalf of all members participating in or eligible to participate in the state highway patrol retirement system, and all other assets received for the fund from any other source.

B. The fund shall be administered by the board in accordance with the provisions of this article. The legislature shall annually appropriate to the state retirement system board such amount as shall be determined by the board for the cost of administering the state highway patrol retirement system. On August 1 of each fiscal year there shall be transferred from the state highway patrol retirement fund an amount sufficient to reimburse the state general fund for such actual expenditures.

38-767. CONTRIBUTIONS; MEMBERS; EMPLOYER

A. Commencing July 1, 1959, all members of the state highway patrol retirement system, as defined by section 38-765, shall have deducted from each wage payment seven per cent of total wages, which shall be paid to the board for deposit in the retirement account of the member in the state highway patrol retirement fund.

B. From the state highway fund there shall be appropriated monthly to the board for deposit in the state highway patrol retirement fund and credited to the retirement account of the members of the state highway patrol retirement system the state's contribution of an amount equal to three and one-half per cent of wages paid to members whose compensation is paid from the state highway fund.

38-768. DETERMINATION OF SERVICE

In determining service of any member of the state highway patrol retirement system, service shall be computed subsequent to the establishment of the state highway patrol as certified by the Arizona highway patrol merit system council.

38-769. RETIREMENT

A. Any member of the state highway patrol retirement system who has been in the service of the patrol for a period of twenty years and has attained the age of fifty-five years shall be eligible for patricipation in the fund upon application.

B. Any member of the state highway patrol retirement system who attains the age of sixty years with a minimum of twenty years' service shall file application for retirement with the board, and if he refuses or neglects to do so the board may deem his application to have been filed on his sixtieth birthday.

C. Any member of the state highway patrol retirement system who has attained the age of fifty-five years may continue in employment until he has attained twenty years of service, or such member may elect to retire with the proportionate benefits accrued to the effective retirement date.

38-770. RETIREMENT BENEFITS

Any member of the state highway patrol retirement system who has to his credit at least twenty years of service and has attained the age of fifty-five years shall qualify upon retirement to an annual benefit, payable in equal monthly installments for life, equal to one and one-half per cent of his annual salary for each year of service not in excess of twenty years, and an additional one per cent of his annual salary for each year of service in excess of twenty years, based upon his earnings at the highest average salary for any three years, consecutive or nonconsecutive.

38-771. DISABILITY BENEFITS

A. A member of the state highway patrol retirement system who has served in the patrol for not less than five years who becomes incapacitated, physically or mentally, while serving on the patrol, to perform the duties of his position, may file a written application or have filed on his behalf an application for retirement accompanied by an affidavit

as to the duration and particulars of his service and the nature of his incapacity.

B. The board shall appoint three physicians licensed to practice in this state, who shall make an examination of the applicant and report the results thereof in writing. If the physicians determine the applicant is incapacitated, physically or mentally, to perform the duties of his position the board shall declare the applicant retired. The incapacitated applicant shall receive a monthly benefit for the duration of his disability equal to one-half of his monthly salary, based upon his earnings at the highest average salary for any three years, consecutive or nonconsecutive.

C. Any member of the state highway patrol retirement system placed on disability retirement benefits shall be subject to re-examination by physicians appointed by the board at such times as the board deems necessary. A member of the state highway patrol retirement system who has been receiving disability retirement benefits, and who has been examined and found capable of performing his duties, shall have his retirement benefits terminated and be restored to the rank which he held at the time he became incapacitated and all previous rights shall be restored.

38-772. SURVIVOR BENEFITS

A. A widow of a deceased member of the state highway patrol retirement system who was receiving disability retirement benefits shall receive, upon application therefor, a benefit equal to three-fourths of the benefit which the deceased member of the state highway patrol retirement system was receiving as provided in section 38-771, which benefit shall be paid monthly during her life, or until she remarries, if such widow was married to the deceased while he was in the service of the patrol.

B. A widow of a deceased member of the state highway patrol retirement system who was in the service of the patrol at the time of his death and who had at least five years of service shall receive, upon application therefor, a benefit equal to three-fourths of the benefit determined payable to the deceased member of the state highway patrol retirement system, which benefit shall be paid monthly during her life, or until she remarries, if such widow was married to the deceased while he was in the service of the patrol. The retirement benefit of the deceased member of the state highway patrol retirement system shall be determined to be equal to one-half of his monthly salary, based upon his earn-

ings at the highest average salary for any three years, consecutive or nonconsecutive.

C. A widow of any member of the state highway patrol retirement system who has qualified for benefits under the provisions of section 38-770 shall be paid monthly during her life, or until she remarries, an amount equal to three-fourths of the monthly benefit which the deceased member of the state highway patrol retirement system was receiving or entitled to receive.

38-773. APPLICABILITY OF WORKMEN'S COMPENSATION LAW AND FEDERAL OLD AGE AND SURVIVORS INSURANCE SYSTEM

This article shall be supplemental and in addition to the benefits payable under the state workmen's compensation law or the federal old age and survivors insurance system, but members and their beneficiaries receiving compensation under those provisions of law shall not receive the benefits provided by this article during the period they receive such compensation.

38-774. EFFECT OF AUTHORIZED LEAVE OF ABSENCE; MILITARY SERVICE

A. A member who was placed upon authorized leave of absence by the superintendent with the approval of the merit system council, or who served in the military establishment of the United States during a period of national emergency immediately following service as an employee of the state highway patrol, and who, upon expiration of his authorized leave or after his initial discharge, returns to service with the state highway patrol, within the time prescribed in subsection B shall not be required to contribute to the state highway patrol retirement fund by salary deduction or otherwise for the period covered by his authorized leave of absence or military service, but in computing the length of service of a member for the purpose of determining eligibility for retirement, the period of authorized leave of absence or military service, as prescribed by this section, shall be included.

B. A member who served in the military establishment of the United States during a period of national emergency immediately following service as an employee of the state highway patrol shall have the right to return to service with the state highway patrol, after his initial discharge, to his former position or a position of similar status, grade or classification for which he is qualified, provided he makes application

for return to the state highway patrol within ninety days after his initial discharge. Such employment shall be effective within thirty days after making application for reinstatement.

38-775. EFFECTIVE DATES

A. Applications for benefits under the provisions of the state highway patrol retirement system shall not be filed prior to July 1, 1959.

B. No benefit under the state highway patrol retirement system shall be paid prior to July 1, 1959.

38-776. LIMITATION UPON EMPLOYMENT

Any member of the state highway patrol retirement system who qualifies for benefits under the provisions of this article shall be ineligible for employment with the state or any political subdivision thereof. Any member who accepts such employment while receiving any benefit under the patrol retirement system shall have such benefits suspended until his employment with the state or its political subdivision is terminated.

Sec. 3. Title 20, chapter 2, article 1, Arizona Revised Statutes, is amended by adding section 20-224.01, to read:

20-224.01. ADDITIONAL PREMIUM TAX

A. Beginning on July 1, 1959, and coincident with the filing of such tax report as required in section 20-224, each foreign or alien insurer shall pay to the state treasurer, through the director a tax of one-half of one per cent of such net premiums received from all insurance carried for or on vehicles as defined in section 28-153, in addition to other applicable taxes.

B. The tax of one-half of one per cent of such net premiums received by the state treasurer and paid by an insurer on account of premiums received for insurance on certain vehicles as defined in section 28-153, shall be separately specified in the insurer's report required in section 20-224 and is appropriated to the state retirement system board and shall be paid by the state treasurer to the board for deposit in the state highway patrol retirement fund for disbursement as provided in title 38, chapter 5, article 2.

Sec. 4. Sec. 20-227, Arizona Revised Statutes, is amended to read:

20-227. DISPOSITION OF TAX PROCEEDS

The purpose of the taxes provided by this title is to assist in defraying the cost of state government and to lessen the tax burden upon tangible property. All taxes collected under this title shall be deposited in the state treasury to the credit of the general fund and shall be used, together with the revenue from other sources, to pay appropriations for the maintenance of state government, except as provided in subsection C of section 20-224 (firemen's relief and pension fund) and in section 20-224.01 (state highway patrol retirement fund), and other applicable statutes.

Sec. 5. TRANSFER OF FUNDS

There is transferred from the state employees' retirement fund to the state highway patrol retirement fund all of the state employee retirement fund assets standing to the credit of each member of the state employees' retirement system who is entered in the state highway patrol retirement system.

Sec. 6. RESERVATION TO LEGISLATURE

The right to modify, amend or repeal this act, or any provisions thereof, is reserved to the legislature.

Approved by the Governor—April 2, 1959.

Filed in the Office of the Secretary of State—April 2, 1959.

CHAPTER 146

House Bill No. 311

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-eighth fiscal year for the purposes and objects herein specified:

Subdivision 1. ATTORNEY GENERAL—DEPARTMENT OF LAW

Personal Services		
Attorney General	$	12,500.00
Assistant Attorneys General		113,500.00
Secretaries and Other Clerical Help		33,700.00
Wages—Court Reporters		1,000.00
Total Personal Services	$	160,700.00
Travel—State and Out-of-State		5,000.00
Subscriptions and Organization Dues		400.00
Professional Services		9,500.00
Current Fixed Charges		450.00
Other Current Expenditures		13,500.00
Capital Outlay—Law Books		2,000.00
Equipment		2,065.00
Total Capital Outlay	$	4,065.00
Total Department of Law	$	193,615.00
REIMBURSABLE SERVICES		
Personal Services		16,800.00
Travel—State and Out-of-State		2,000.00
Employers' contribution for Old Age and Survivors' Insurance and State Retirement		1,050.00
Professional Services		600.00
Industrial Compensation—State Employees		170.00
Total Reimbursable Services	$	20,620.00*
Total Appropriation	$	214,235.00

*This appropriation is deemed to include all unexpended balances remaining in the reimbursable fund on June 30, 1959.

Subdivision 2. AUDITOR

Personal Services	$	216,061.00
Travel—State		200.00
Travel—Out-of-State		400.00
Subscriptions and Organization Dues		75.00
Current Fixed Charges		44,628.00

Other Current Expenditures		55,100.00
Capital Outlay—Equipment		11,000.00
Total Appropriation	$	327,464.00

Subdivision 3. CAPITOL BUILDINGS AND GROUNDS

Personal Services	$	182,845.00
Travel—State		750.00
Other Current Expenditures		178,050.00*
Capital Outlay		
Equipment		2,500.00
Buildings and Improvements		
Deep Wells Cleaned and Repaired		1,500.00
Compressors in Capitol and Annex repaired		
Miscellaneous—Wiring, re-roofing, etc.		1,500.00
Total Capital Outlay	$	5,500.00
Total Appropriation	$	367,145.00

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

Subdivision 4. DEPARTMENT OF LIBRARY AND ARCHIVES

Lump Sum Appropriation $ 68,857.00*

*This appropriation is exempt from the provisions of Sections 35-173, and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing appropriations.

MICRO-FILM PROJECT

Lump Sum Appropriation $ 12,300.00*

*This appropriation is exempt from the provisions of Sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing appropriations.

LIBRARY EXTENSION SERVICE

Lump Sum Appropriation $ 40,000.00*

The foregoing appropriation is in addition to funds granted to the State by the Federal Government for the same purpose.

*This appropriation is exempt from the provisions of Sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing appropriations.

Total Appropriation— Library and Archives	$	121.157.00

Subdivision 5. ESTATE TAX COMMISSIONER

Personal Services	$	21,600.00
Travel—State and Out-of-State		600.00
Subscriptions and Organization Dues		155.00
Professional Services		1,500.00
Current Fixed Charges		263.00
Other Current Expenditures		3,625.00
Capital Outlay—Equipment		500.00
Total Appropriation	$	28,243.00*

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

Subdivision 6. GOVERNOR

Personal Services	$	60,000.00
Travel—State and Out-of-State		5,000.00
Subscriptions and Organization Dues		650.00
Technical and Professional Services		10,000.00**
Buildings and Equipment Insurance		75,000.00*
Liability Insurance		50,000.00**
Other Current Fixed Charges		250.00
Entertainment and Miscellaneous Expense		5,000.00
Other Current Expenditures		10,650.00
Capital Outlay—Equipment		3,750.00
Expenses Incurred in connection with the Interstate Oil Compact		1,000.00**
States share of operation for Council of State Governments		3,500.00**
Total Appropriation	$	224,800.00

*These appropriations are exempt from the provisions of Sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing appropriations.

**These appropriations are exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 7. POST AUDITOR

Personal Services	$	83,982.00
Travel—State		4,000.00
Travel—Out-of-State		300.00
Subscriptions and Organization Dues		75.00
Current Fixed Charges		327.00
Other Current Expenditures		3,700.00
Capital Outlay—Equipment		3,963.00
Total Appropriation	$	96,347.00

Subdivision 8. SECRETARY OF STATE

Personal Service	$	34,308.00
Travel—State		600.00
Travel—Out-of-State		500.00
Subscriptions and Organization Dues		100.00*
Current Fixed Charges		1,477.00
Other Current Expenditures		8,100.00
Printing Rules and Regulations of State Departments		2,000.00**
Expenses incurred in connection with National Association of National Secretaries of State		300.00**
Arizona Session Laws		10,000.00**
Arizona Publicity Pamphlets		15,000.00*
Printing Booklets		2,250.00**
Mortgage Recordation		4,000.00**
Supplements to the Code		14,000.00**
Capital Outlay		450.00
Total Appropriation	$	93,085.00

*This appropriation is exempt from the provisions of Sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing appropriations.

**These appropriations are exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 9. STATE EXAMINER

Personal Services	$	120,350.00
Travel—State		30,000.00
Travel—Out-of-State		300.00
Subscriptions and Organization Dues		75.00
Professional Services		500.00
Current Fixed Charges		250.00
Other Current Expenditures		5,050.00
Capital Outlay—Equipment		1,200.00
Total Appropriation	$	157,725.00

Subdivision 10. STATE PLANNING AND BUILDING COMMISSION

Personal Services	$	20,460.00
Travel—State		2,500.00
Professional Services		1,200.00
Subscriptions and Organization Dues		100.00
Current Fixed Charges		273.00
Other Current Expenditures		4,830.00
Total Appropriation	$	29,363.00

Subdivision 11. STATE RETIREMENT SYSTEM

Personal Services	$	79,500.00
Travel—State		5,500.00
Travel—Out-of-State		300.00
Subscriptions and Organization Dues		70.00
Professional Services		24,750.00*
Expenses incurred in the assistance of counties and municipalities in participation in the Arizona State Retirement System		5,000.00*
Employers' contribution for Old Age and Survivors' Insurance, State Retirement and Industrial Insurance		4,968.00
Prior Service Funding		579,540.00**
Current Fixed Charges		32,387.00
Other Current Expenditures		14,831.00
Capital Outlay—Equipment		1,900.00
Total Appropriation	$	748,746.00

*These appropriations are exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

**This amount is the fifth 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 Section 15-1469 (d), 38-747, 38-754, Arizona Revised Statutes. This appropriation is exempt from the provisions of Sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing appropriations.

Subdivision 12. STATE TAX COMMISSION

Personal Services	$	902,003.00
Travel—State		70,000.00
Travel—Out-of-State		24,000.00
Subscriptions and Organization Dues		350.00
Professional Services		10,000.00
Current Fixed Charges		51,050.00
Other Current Expenditures		59,100.00
Office Supplies		165,000.00*
Capital Outlay—Office Equipment		33,950.00
Total Appropriation	$	1,315,453.00

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

Subdivision 13. STATE TREASURER

Personal Services	$	36,900.00
Travel—State		300.00
Travel—Out-of-State		300.00
Rent—Vault		1,050.00
Bonds of Officials and Employees		725.00
Insurance		1,000.00*
Other Current Fixed Charges		3,580.00
Other Current Expenditures		3,800.00
Capital Outlay—Cash Register		3,000.00
Revolving Fund		5,000.00*
Total Appropriation	$	55,655.00

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

Subdivision 14. SUPERIOR COURTS

Personal Services		
Salaries of Judges	$	168,750.00
Periodic Court Commissioners		500.00
Total Appropriation	$	169,250.00

Subdivision 15. SUPREME COURT

Personal Services	$	134,600.00
Travel—State and Out-of-State		800.00
Current Fixed Charges		38.00
Other Current Expenditures		4,700.00
Capital Outlay		12,550.00
Total Appropriation	$	152,688.00

Subdivision 16. ARIZONA STATE BOARD OF PHARMACY

From the Arizona State Board of Pharmacy Fund the following is appropriated:

Personal Services	$	27,560.00
Travel—State		7,000.00
Travel—Out-of-State		300.00
Subscriptions and Organization Dues		225.00
Professional Services		750.00
Employers' contribution for Old Age and Survivors' Insurance and State Retirement		1,722.00
Other Current Fixed Charges		1,860.00
Other Current Expenditures		5,810.00
Capital Outlay—Equipment		1,740.00
Total Appropriation	$	46,967.00

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	$	15,146.00
Travel-State		3,600.00
Travel—Out-of-State		300.00
Subscriptions and Organization Dues		25.00
Employers' contribution for Old Age and Survivors' Insurance and State Retirement		946.00
Other Current Fixed Charges		530.00
Other Current Expenditures		2,150.00
Capital Outlay—Equipment		420.00
Total Appropriation	$	23,117.00

Subdivision 19. BOARD OF COSMETOLOGY

From the Board of Cosmetology Fund the following is appropriated:

Personal Services	$	20,610.00
Travel—State		4,000.00
Travel—Out-of-State		300.00
Subscriptions and Organization Dues		35.00
Professional Services		200.00
Employers' contribution for Old Age and Survivors' Insurance and State Retirement		1,288.00
Other Current Fixed Charges		2,868.00
Other Current Expenditures		3,089.00
Capital Outlay—Equipment		1,000.00
Total Appropriation	$	33,390.00

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	$	16,670.00
Travel—State		1,600.00
Travel—Out-of-State		300.00
Subscriptions and Organization Dues		25.00
Professional Services		250.00
Current Fixed Charges		50.00
Other Current Expenditures		750.00
Total Appropriation	$	19,645.00

Subdivision 24. NATUROPATHIC BOARD OF EXAMINERS

From the Naturopathic Board of Examiners Fund the following is appropriated:

Lump Sum Appropriation	$	1,085.00

(Including employers' contribution for Old Age and Survivors' Insurance and State Retirement)

Subdivision 25. STATE BOARD OF CHIROPODY EXAMINERS

From the State Board of Chiropody Examiners Fund the following is appropriated:

Lump Sum Appropriation	$	200.00

(Including employers' contribution for Old Age and Survivors' Insurance and State Retirement)

Subdivision 26. STATE BOARD OF CHIROPRACTIC EXAMINERS

From the State Board of Chiropractic Examiners Fund the following is appropriated:

Lump Sum Appropriation	$	1,995.00

(Including employers' contribution for Old Age and Survivors' Insurance and State Retirement)

Subdivision 27. STATE BOARD OF DISPENSING OPTICIANS

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 28. STATE BOARD OF FUNERAL DIRECTORS AND EMBALMERS

From the State Board of Funeral Directors and Embalmers Fund the following is appropriated:

Lump Sum Appropriation	$	5,087.00

(Including employers' contribution for Old Age and Survivors' Insurance and State Retirement)

Subdivision 29. STATE BOARD OF OPTOMETRY

From the State Board of Optometry Fund the following is appropriated:

Lump Sum Appropriation	$	3,557.00*

(Including employers' contribution for Old Age and Survivors' Insurance and State Retirement)

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

Subdivision 30. STATE DEPARTMENT OF HEALTH

Personal Services	$	445,354.00
Travel—State		55,000.00
Travel—Out-of-State		3,500.00
Subscriptions and Organization Dues		255.00
Professional Services		4,000.00
Current Fixed Charges		8,577.00
Other Current Expenditures		79,500.00
Capital Outlay—Equipment		6,000.00
Local Health Work		225,000.00*
Reimbursable for T.B. care by counties		500,000.00
Merit System		15,723.00
Total Appropriation	$	1,342,909.00

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.

*This appropriation is to provide matching funds to counties for local health work on a 50-50 matching basis and shall be distributed to each county on the basis of not to exceed 30c per person within each county as determined by the 1950 Federal Decennial Census.

Subdivision 31. STATE BOARD OF OSTEOPATHIC EXAMINERS

From the State Board of Osteopathic Examiners Fund the following is appropriated:

Personal Services	$	1,900.00
Travel—State		500.00
Travel—Out-of-State		300.00
Subscriptions and Organization Dues		10.00
Professional Services		300.00
Employers' contribution for Old Age and Survivors' Insurance and State Retirement		118.00
Other Current Fixed Charges		1,835.00
Other Current Expenditures		1,000.00
Capital Outlay		600.00
Total Appropriation	$	6,563.00

Subdivision 32. ARIZONA CHILDREN'S COLONY BOARD

Personal Services	$	394,699.00
Travel—State		1,000.00
Travel—Out-of-State		300.00
Subscriptions and Organization Dues		75.00
Professional Services		1,000.00
Employers' contribution for Old Age and Survivors' Insurance and State Retirement		24,668.00
Other Current Fixed Charges		1,675.00
Food		186,500.00*
Other Current Expenditures		66,740.00
Total Appropriation	$	676,657.00

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

Subdivision 33. ARIZONA COMMISSION OF INDIAN AFFAIRS

Lump Sum Appropriation	$	9,140.00*

*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	$	2,800.00
Travel—State		1,200.00
Travel—Out-of-State		500.00
Current Fixed Charges		20.00
Other Current Expenditures		250.00
Total Board Expenses	$	4,770.00
Care of Girl Juvenile Offenders In-State and Out-of-State		335,032.00*
Expenses incurred for in and out of State Psycho-Therapy Treatment		20,000.00*
Total Appropriation	$	359,802.00

*These appropriations are exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 35. BOARD OF PARDONS AND PAROLES

Personal Services	$	37,682.00
Travel—State		9,300.00
Travel—Out-of-State		300.00
Current Fixed Charges		12.00
Subscriptions and Organization Dues		25.00
Other Current Expenditures		2,180.00
Capital Outlay—Equipment		1,171.00
Total Appropriation	$	50,670.00

Subdivision 36. DEPARTMENT OF PUBLIC WELFARE ADMINISTRATION—STATE AND COUNTY OFFICES

Personal Services	$	863,040.00
Travel—State		70,000.00
Travel—Out-of-State		2,500.00
Subscriptions and Organization Dues		750.00
Current Fixed Charges		8,000.00
Other Current Expenditures		45,700.00
Capital Outlay—Equipment		10,000.00
Transfers to Joint Merit System		12,284.00
Total Administration—State and County Offices	$	1,012,274.00
Aid to the Blind		212,672.00
Blind Services		88,740.00
Aid to Dependent Children		2,361,633.00

CRIPPLED CHILDREN'S SERVICES

Personal Services	$	255,286.00
Travel—State		3,000.00
Travel—Out-of-State		300.00
Subscriptions and Organization Dues		100.00
Professional Services		40,000.00
Current Fixed Charges		500.00
Other Current Expenditures		86,975.00*
Food		10,000.00*

Capital Outlay—Equipment		2,000.00
Buildings and Improvements		500.00
Total Capital Outlay	$	2,500.00
Total Crippled Children's Services	$	398,661.00

*These appropriations are exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Direct Relief	$	1,764,720.00
Foster Home Care		515,898.00
Old Age Assistance		2,657,664.00
Public Assistance Services		40,000.00
Tuberculosis Control		388,800.00*
Unallocated Assistance and Services		903,242.00*
Total Appropriation	$	10,344,304.00

The foregoing total appropriation with the exception of Administration and Crippled Children's Services, 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.

Subdivision 37. GOVERNOR—ARIZONA RANGERS' PENSION

Pensions	$	4,800.00

Subdivision 38. INDUSTRIAL SCHOOL

Personal Services	$	285,000.00
Travel—State		15,000.00

Travel—Out-of-State		400.00
Subscriptions and Organization Dues		100.00
Professional Services		11,000.00
Boy's Merit Allowance		1,500.00
Food		97,000.00*
Current Fixed Charges		1,595.00
Other Current Expenditures		188,250.00
Capital Outlay		
Equipment		34,250.00
Water Line Pipe, Booster and Motor		66,500.00**
Livestock		850.00
Total Capital Outlay	$	101,600.00
Total Appropriation	$	701,445.00

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.

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

**This appropriation is exempt from the provisions of Sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing appropriations.

Subdivision 39. PIONEERS' HOME

Personal Services	$	104,346.00
Travel—State		300.00
Subscriptions and Organization Dues		500.00
Current Fixed Charges		818.00
Other Current Expenditures		59,350.00
Food		61,025.00*
Total Appropriation	$	226,339.00

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.

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

Subdivision 40. PRISON AND INSTITUTE OF EDUCATIONAL REHABILITATION

Personal Services	$	681,725.00
Travel—State		500.00
Travel—Out-of-State		1,500.00
Subscriptions and Organization Dues		100.00
Professional Services		4,000.00
Discharge Money—Institutional Inmates		9,075.00
Current Fixed Charges		600.00
Other Current Expenditures		309,200.00
Food		184,558.00*
Uniform Allowance		4,500.00
Capital Outlay		
Equipment		26,000.00
Livestock		1,700.00
Total Capital Outlay	$	27,700.00
Canning Plant—Personal Services, Equipment and Supplies		21,946.00
Knitting Mill — Personal Services, Equipment and Supplies		13,851.00
Total Appropriation	$	1,259,255.00

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.

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

Subdivision 41. STATE DEPARTMENT OF HEALTH—ARIZONA TUBERCULOSIS SANATORIUM

Personal Services	$	190,494.00
Travel—State		300.00
Travel—Out-of-State		300.00
Subscriptions and Organization Dues		315.00
Professional Services		17,500.00
Current Fixed Charges		1,990.00
Other Current Expenditures		46,719.00
Food		47,322.00*
Capital Outlay		

Equipment		5,000.00
Buildings and Improvements		6,000.00
Total Capital Outlay	$	11,000.00
Total Appropriation	$	315,940.00

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

Subdivision 42. STATEMENT DEPARTMENT OF HEALTH—RELIEF COMPENSATION

Public Assistance and Rehabilitation	$	2,000.00

Subdivision 43. STATE HOSPITAL

Personal Services	$	1,859,474.00
Travel—State		3,000.00
Travel—Out-of-State		
Return of Patients		4,000.00
Other Travel		300.00
Total Travel—Out-of-State	$	4,300.00
Subscriptions and Organization Dues		650.00
Professional Services		4,000.00
Discharge Fees—Institutional Inmates		200.00
Care of Institutional Patients—Outside Services		20,000.00
Food		300,000.00*
Revolving Account		2,500.00*
Current Fixed Charges		4,460.00
Other Current Expenditures		458,500.00
Capital Outlay		
Equipment — Other than Business Office		15,513.00
Buildings and Improvements		23,500.00
Livestock		150.00
Total Capital Outlay	$	39,163.00
Total Appropriation	$	2,696,247.00

In conformity with Section 36-215, Arizona Revised Statutes, collections received during the fiscal year for maintenance of patients when paid into the State Treasury are

hereby appropriated for current expenditures; earnings on State Lands and interest on the investment of the permanent land funds are appropriated in compliance with the Enabling Act and the Constitution.

*These appropriations are exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 44. VETERANS' SERVICE COMMISSION

Personal Services	$	27,467.00
Travel—State		5,000.00
Travel—Out-of-State		300.00
Subscriptions and Organization Dues		100.00
Current Fixed Charges		820.00
Other Current Expenditures		2,500.00
Public Assistance Rehabilitation		12,000.00
Capital Outlay		1,150.00
Total Appropriation	$	49,337.00

Subdivision 45. ARIZONA STATE COLLEGE AT FLAGSTAFF

Lump Sum Appropriation	$	979,075.00*

*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 college purposes; for capital investment; for repairs and replacements.

Any unencumbered balance remaining in the collections account on June 30, 1959, 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	$	368,404.00
Travel—State		600.00
Travel—Out-of-State		600.00
Subscriptions and Organization Dues		300.00

Food		65,750.00*
Professional Services		4,000.00
Current Fixed Charges		9,000.00
Other Current Expenditures		68,000.00
Capital Outlay—Equipment		7,000.00
Buildings and Improvements		24,000.00
Total Capital Outlay	$	31,000.00
Total Appropriation	$	547,654.00

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.

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

Subdivision 47. ARIZONA STATE UNIVERSITY AT TEMPE

Lump Sum Appropriation	$	5,036,272.00*

*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.

Any unencumbered balance remaining in the collections account on June 30, 1959, and all collections received by the University 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 48. BOARD OF REGENTS OF THE UNIVERSITY AND STATE COLLEGES WESTERN INTERSTATE COMMISSION FOR HIGHER EDUCATION

Western Interstate Commission for Higher Education	$	3,975.00
Commission Expenses		10,000.00

Medical Student Subsidy		100,000.00
Dental Student Subsidy		48,000.00
Veterinary Student Subsidy		42,000.00
Total Appropriation	$	203,975.00*

*This appropriation is deemed to include all unexpended balances remaining to the credit of the Western Interstate Commission for Higher Education on June 30, 1959.

Subdivision 49. SUPERINTENDENT OF PUBLIC INSTRUCTION AND COMMON SCHOOLS

For the board of education; for the support of the primary, elementary, grammar, four-year high school grades of the public school and vocational education, a sum of money which shall be equal to $170.00 per capita for common school education and $170.00 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 state taxation for the support of common and high school education. The receipts of the education excise tax fund are hereby appropriated for the foregoing purposes and shall be credited against the said aggregate sum to be raised. This amount shall include the following items:

VOCATIONAL EDUCATION

Personal Services	$	32,228.00
Travel—State		3,500.00
Travel—Out-of-State		500.00
Subscriptions and Organization Dues		100.00
Professional Services		450.00*
Other Current Expenditures		4,440.00
Reimbursement for Vocational Training		300,000.00
Captial Outlay		310.00
Total Vocational Education	$	341,528.00

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.

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

FOR THE OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION AND COMMON SCHOOLS, SCHOOL LUNCH PROGRAM* AND TEXTBOOKS

Personal Services	$	146,035.00
Travel—State		10,000.00
Travel—Out-of-State		1,500.00
Subscriptions and Organization Dues		350.00
Current Fixed Charges		550.00
Other Current Expenditures		43,650.00
Textbooks		662,244.00**
Capital Outlay		4,000.00
Total	$	868,329.00

*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.

ARIZONA TEACHERS' RETIREMENT SYSTEM — ACCRUED LIABILITY

Lump Sum Appropriation	$	473,000.00

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	$	1,682,857.00

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 50. VOCATIONAL REHABILITATION

From the State general fund (Section 23-508, subsection (b), Arizona Revised Statutes), there is hereby appropriated the following:

Lump Sum Appropriation	$	162,500.00

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 51. EDUCATION FOR CRIPPLED CHILDREN

Maricopa County	$	5,000.00
Pima County		1,800.00
Total Appropriation	$	6,800.00

Subdivision 52. JUNIOR COLLEGES

Phoenix Junior College	$	150,000.00
Eastern Arizona Junior College		150,000.00
Total Appropriation	$	300,000.00

Subdivision 53. HOMEBOUND STUDENTS

Total Appropriation	$	58,400.00

Subdivision 54. UNIVERSITY OF ARIZONA

Lump Sum Appropriation	$	7,726,482.00*

*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 55. APPRENTICESHIP COUNCIL

Personal Services	$	13,215.00
Travel—State		4,000.00
Travel—Out-of-State		300.00
Subscriptions and Organization Dues		40.00
Current Fixed Charges		71.00

Other Current Expenditures		2,360.00
Medals and Trophies		550.00
Total Appropriation	$	20,536.00

Subdivision 56. ARIZONA DEPARTMENT OF CIVIL AIR PATROL

Personal Services	$	3,600.00
Travel—State		300.00
Current Fixed Charges		631.00
Other Current Expenditures		10,750.00
Capital Outlay		2,250.00
Total Appropriation	$	17,531.00

Subdivision 57. ARIZONA FRUIT AND VEGETABLE STANDARDIZATION ACT

Lump Sum Appropriation	$	6,000.00

Subdivision 58. BANKING DEPARTMENT

Personal Services		
Salaries and Wages	$	59,960.00
Temporary Help		1,800.00*
Total Personal Services		61,760.00
Travel—State		7,000.00
Travel—Out-of-State		400.00
Professional Services		2,500.00*
Subscriptions and Organization Dues		156.00
Current Fixed Charges		1,015.00
Other Current Expenditures		4,179.00
Capital Outlay—Equipment		2,067.00
Buildings and Improvements		1,000.00*
Total Capital Outlay	$	3,067.00
Total Appropriation	$	80,077.00

*This appropriation is exempt from the provision of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 59. BOARD OF PEST CONTROL APPLICATORS

Personal Services	$	9,900.00
Travel—State		3,400.00
Professional Services		400.00
Current Fixed Charges		960.00
Other Current Expenditures		1,075.00
Capital Outlay		240.00
Total Appropriation	$	15,975.00*

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

Subdivision 60. CIVIL DEFENSE AGENCY

Personal Services	$	15,760.00
Travel—State		1,000.00
Travel—Out-of-State		600.00
Subscriptions and Organization Dues		50.00
Professional Services		200.00
Current Fixed Charges		160.00
Other Current Expenditures		1,620.00
Capital Outlay		500.00
Total Appropriation	$	19,890.00

Subdivision 61. COMMISSION OF AGRICULTURE AND HORTICULTURE

Personal Services	$	393,929.00
Travel—State		16,000.00
Travel—Out-of-State		500.00
Subscriptions and Organization Dues		100.00
Professional Services		2,500.00
Current Fixed Charges		930.00
Other Current Expenditures		22,000.00
Uniform Allowance		9,000.00*
Capital Outlay		3,545.00
Total Appropriation	$	448,504.00

*This appropriation is to be available at a rate of $12.50 per month for each man and only at the expiration of each month's service.

Subdivision 62. CORPORATION COMMISSION

ADMINISTRATIVE DIVISION

Personal Services	$	34,800.00
Travel—State		3,000.00
Travel—Out-of-State		300.00
Subscriptions and Organization Dues		330.00
Current Fixed charges		
Bonds of Officials and Employees		150.00
Other Current Expenditures		
Postage		250.00
Telephone, Telegraph, Clock Service		2,500.00
Maintenance and Repairs		75.00
Other Contractual Services		200.00
Printing and Office Supplies		688.00
Other Supplies—water		150.00
Imprest fund		1,000.00*
Total Other Current Expenditures	$	3,863.00
Total Administrative Division	$	43,443.00

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

ACCOUNTING AND CASHIER DIVISION

Personal Services		
Director	$	4,410.00
Senior Accountant and Cashier		3,630.00
Head Cashier		3,630.00
Clerk-Typist		3,300.00
Cashier		3,000.00
Total Personal Services	$	17,970.00
Current Fixed Charges		
Bonds of Officials and Employees		150.00
Other Current Expenditures		
Postage		50.00
Telephone, Telegraph, Clock Service		150.00
Maintenance and Repairs		150.00
Office Supplies and Printing		500.00
Total Other Current Expenditures	$	850.00
Total Accounting and Cashier Division	$	18,970.00

INCORPORATING DIVISION

Personal Services		
Director	$	4,725.00
Assistant Director		4,095.00
Clerk-Typist		3,300.00
Clerk-Typist		3,300.00
Clerk-Typist		3,300.00
Clerk-Typist		3,000.00
Clerk-Typist		3,000.00
Clerk-Typist		3,000.00
Clerk-Typist		3,000.00
Total Personal Services	$	30,720.00
Other Current Expenditures		
Postage—Certified Mail—Receipt Requested		18,000.00
Postage—Other		2,000.00
Total Postage		20,000.00
Telephone, Telegraph, Clock Service		700.00
Maintenance and Repairs		912.00
Office Supplies and Printing		3,500.00
Total Other Current Expenditures	$	25,112.00
Capital Outlay—Equipment		1,200.00
Total Incorporating Division	$	57,032.00

MOTOR CARRIER DIVISION

Personal Services		
Director	$	5,700.00
Assistant Director		4,830.00
Registrar of Common Carrier		3,960.00
Stenographer		3,300.00
Insurance Clerk		3,300.00
Plate and License Clerk		3,300.00
Clerk-Typist		3,300.00
Inspector—Tucson		4,200.00
Inspector—Yuma		4,095.00
Inspector—Phoenix		4,095.00
Inspector—Phoenix		4,095.00
Inspector—Flagstaff, Kingman, Winslow		4,095.00
Inspector—Willcox		4,095.00

Inspector—Holbrook		4,095.00
Inspector—Kingman		4,095.00
Inspector—Safford		4,095.00
Inspector—Globe		4,095.00
Total Personal Services	$	68,745.00
Travel—State		15,000.00
Professional Services		7,500.00
Other Current Expenditures		
Postage		1,000.00
Telephone, Telegraph, Clock Service		1,400.00
Maintenance and Repairs		200.00
Office Supplies and printing		3,500.00
Total Other Current Expenditures	$	5,350.00
Total Motor Carrier Division	$	96,595.00

SECURITIES DIVISION

Personal Services		
Director—Statutory	$	7,200.00
Assistant Director—Statutory		3,600.00
Examiner		4,410.00
Secretary to Division		3,000.00
Examiner		6,000.00
Stenographer		3,600.00
Clerk—Typist		3,000.00
Examiner		4,410.00
Examiner		4,410.00
Total Personal Services	$	39,630.00
Travel—State		1,500.00
Travel—Out-of-State		500.00
Subscriptions and Organization Dues		100.00
Professional Services		5,000.00
Other Current Expenditures		
Postage		500.00
Telephone, Telegraph, Clock Service		1,200.00
Maintenance and Repairs		150.00
Office Supplies—Printing		2,500.00
Total Other Current Expenditures	$	4,350.00

Capital Outlay—Equipment		800.00
Total Securities Division	$	51,880.00
TARIFF AND RATE DIVISION		
Personal Services		
Director	$	7,200.00
Secretary to Division		4,095.00
R/W Safety Inspector		6,000.00
Assistant Director—Rate Expert		6,000.00
Stenographer		3,300.00
Clerk—Full Time		3,000.00
Rate Statistician		6,000.00
Total Personal Services	$	35,595.00
Travel—State		2,000.00
Travel—Out-of-State		1,500.00
Subscriptions and Organization Dues		100.00
Professional Services		3,000.00
Other Current Expenditures		
Postage		150.00
Telephone, Telegraph, Clock Service		850.00
Maintenance and Repairs		100.00
Office Supplies—Printing		1,000.00
Total Other Current Expenditures	$	2,100.00
Capital Outlay		288.00
Total Tariff and Rate Division	$	44,583.00
UTILITIES DIVISION		
Personal Services		
Director	$	6,000.00
Chief Engineer		8,400.00
Chief Inspector and Draftsman		6,000.00
Secretary		4,410.00
Clerk—Typist		3,300.00
Field Accountant		4,410.00
Inspector—Tucson		4,095.00
Inspector—Tucson		4,095.00
Inspector—Phoenix		4,095.00
Inspector—Phoenix		4,095.00
Inspector—Phoenix		4,095.00
Clerk—Typist		3,300.00

Associate Engineer		6,000.00
Total Personal Services	$	62,295.00
Travel—State		7,200.00
Travel—Out-of-State		500.00
Professional Services		
Other		7,200.00
Court Reporters		14,000.00
Total Professional Services		21,200.00
Other Current Expenditures		
Postage		622.00
Telephone, Telegraph, Clock Service		1,700.00
Maintenance and Repairs		250.00
Office Supplies—printing		3,500.00
Total Other Current Expenditures	$	6,072.00
Total Utilities Division	$	97,267.00*
Total Appropriation Corporation Commission	$	409,770.00

*This appropriation is made to enable the department to carry out the provisions of Section 2, Chapter 19, Laws of 1951, First Regular Session and is subject to the limitation and conditions imposed therein.

Subdivision 63. DEPARTMENT OF LIQUOR LICENSES AND CONTROL

Personal Services	$	263,233.00
Travel—State		100,000.00
Subscriptions and Organization Dues		700.00
Current Fixed Charges		12,100.00
Other Current Expenditures		24,800.00
Capital Outlay—Equipment		30,000.00
Total Appropriation	$	430,833.00

Subdivision 64. INDUSTRIAL INSURANCE PREMIUMS

Workmen's Compensation (Exclusive of Highway Department)	$	216,000.00

Occupational Disease (Exclusive of Highway Department)		5,400.00
Total Appropriation	$	221,400.00

Subdivision 65. INDUSTRIAL COMMISSION

From the State General Fund:

COMMISSIONERS

Personal Services	$	28,800.00
Total Commissioners' Appropriation	$	28,800.00

ENFORCEMENT OF LABOR AND MINIMUM WAGE LAWS

Personal Services	$	19,692.00
Travel—State		3,000.00
Subscriptions and Organization Dues		200.00
Current Fixed Charges		105.00
Other Current Expenditures		4,240.00
Total Enforcement of Labor and Minimum Wage Laws	$	27,237.00
Total Appropriation for Industrial Commission	$	56,037.00

Subdivision 66. INSPECTOR OF WEIGHTS AND MEASURES

Personal Services	$	34,260.00
Travel—State		14,000.00
Travel—Out-of-State		300.00
Current Fixed Charges		740.00
Other Current Expenditures		1,420.00
Capital Outlay—Equipment		3,200.00
Total Appropriation	$	53,920.00

Subdivision 67. INSURANCE DIRECTOR

Personal Services	$	122,716.00
Travel—State		500.00
Travel—Out-of-State		300.00
Bonds of Officials and Employees		400.00
Subscriptions and Organization Dues		600.00

Professional Services		6,750.00
Current Fixed Charges		9,900.00
Other Current Expenditures		24,700.00
Capital Outlay—Equipment		1,500.00
Total Appropriation	$	167,366.00

Subdivision 68. LIVESTOCK SANITARY BOARD

Personal Services	$	329,519.00
Travel—State		80,000.00
Travel—Out-of-State		300.00
Subscriptions and Organization Dues		25.00
Current Fixed Charges		700.00
Other Current Expenditures		8,640.00
Payment of Bounty		20,000.00*
Capital Outlay		382.00
Total for Livestock Sanitary Board	$	439,566.00

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

HORSEMEAT ENFORCEMENT

All collections received during the fiscal year when paid into the State Treasury are hereby appropriated for current expenditures (including employers' contribution for Old Age and Survivors' Insurance and State Retirement), and capital outlay.

ANIMAL HUSBANDRY

Lump Sum Appropriation	$	21,360.00

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	$	40,725.00*

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.

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

STATE VETERINARIAN

Personal Services	$	6,600.00
Travel—State		1,000.00
Travel—Out-of-State		300.00
Current Fixed Charges		84.00
Other Current Expenditures		1,056.00
Total State Veterinarian	$	9,040.00

VOLUNTARY BANG'S DISEASE

Lump Sum Appropriation for current expenditures and capital outlay	$	41,532.00
Refunds and Indemnities		15,000.00
Total Voluntary Bang's Disease	$	56,532.00

This appropriation is made to enable the State to cooperate with the United States Bureau of Animal Industry for the eradication of Voluntary Bang's Disease among animals.

GARBAGE CONTROL FOR SWINE

Personal Services	$	13,230.00
Travel—State		4,000.00
Total Garbage Control for Swine	$	17,230.00

CHIEF VETERINARY MEAT INSPECTOR

Personal Services	$	86,276.00
Travel—State		5,000.00
Current Fixed Charges		250.00
Other Current Expenditures		2,350.00
Total Chief Veterinary Meat Inspector	$	93,876.00
Total Appropriation for the Livestock Sanitary Board	$	678,329.00

Subdivision 69. NATIONAL GUARD

Personal Services	$	153,000.00
Travel—State		3,600.00
Travel—Out-of-State		2,000.00
Subscriptions and Organization Dues		800.00
Professional Services		2,500.00
Medals and Trophies		800.00

Sky Harbor Air Force Service Contract	20,000.00
Tucson Air Service Contract	20,000.00
National Guard Rifle Team	500.00
Current Fixed Charges	4,520.00
Officers' Clothing Allowance	29,040.00
Army Service Contract	8,500.00
Unit Allowance	30,360.00
Food	1,500.00*
Other Current Expenditures	74,580.00
Capital Outlay—Equipment	4,835.00
Buildings and Improvements	7,450.00
Total Capital Outlay	12,285.00
Total Appropriation	$ 363,985.00

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

Subdivision 70. REAL ESTATE BOARD

90% of all collections when paid into the State Treasury is hereby appropriated for current expenditures, (including employer's contribution for Old Age and Survivors' Insurance and State Retirement), and capital outlay. 10% shall be credited to the general fund.

Subdivision 71. 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 72. SHEEP SANITARY COMMISSION

Personal Services	$ 11,700.00
Travel—State	3,850.00
Current Fixed Charges	60.00
Other Current Expenditures	613.00
Total Appropriation	$ 16,223.00

Subdivision 73. STATE ATHLETIC COMMISSION

90% of all collections received when paid into the State Treasury is hereby appropriated for current expenditures (including employers' contribution for Old Age and Survivors' Insurance and State Retirement), and capital outlay. 10% shall be credited to the general fund.

Subdivision 74. STATE AVIATION AUTHORITY

From the State Aviation Authority Fund, the following is appropriated:

Personal Services	$	10,890.00
Travel—State		2,500.00
Travel—Out-of-State		500.00
Other Current Fixed Charges		1,620.00
Other Current Expenditures		3,900.00
Subscriptions and Organization Dues		375.00
Airport Development and Airage Education		50,000.00*
Employer's contribution for Old Age and Survivors' Insurance and State Retirement		680.00
Capital Outlay—Equipment		300.00
Total Appropriation	$	70,765.00

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

Subdivision 75. STATE BOARD OF ACCOUNTANCY

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 BOARD OF TECHNICAL REGISTRATION

90% of all collections received when paid into the State Treasury is hereby appropriated for current expenditures (including employers' contribution for Old Age and Survivors' Insurance and State Retirement) and capital outlay. 10% shall be credited to the general fund.

Subdivision 77. 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 78. STATE MINE INSPECTOR

Personal Services	$	33,000.00
Travel—State		8,000.00
Travel—Out-of-State		300.00
Current Fixed Charges		20.00
Other Current Expenditures		2,310.00
Capital Outlay—Equipment		200.00
Total Appropriation	$	43,830.00

Subdivision 79. STATE VETERINARY BOARD

Lump Sum Appropriation	$	1,275.00

Subdivision 80. ARIZONA HIGHWAY DEPARTMENT

From any unencumbered balances remaining in the State Highway Fund as of June 30, 1959, there is hereby appropriated:

ADMINISTRATION

Personal Services	$	586,885.00
Travel—State		21,850.00
Travel—Out-of-State		3,725.00
Subscriptions and Organization Dues		4,090.00
Reserve for Statewide Emergency Maintenance		200,000.00*
Employers' contribution for Old Age and Survivors' Insurance and State Retirement		508,811.00
Industrial Insurance—State Employees		254,405.00
Insurance and Bonding		65,400.00*
Reserve for Contingencies		300,000.00*
Other Current Fixed Charges		41,000.00
Other Current Expenditures		276,435.00
Capital Outlay—Equipment		20,580.00

Buildings and Improvements		25,000.00
Total Capital Outlay	$	45,580.00
Total Administration	$	2,308,181.00

*These appropriations are exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

ENGINEERING

Personal Services	$	1,524,206.00
Travel—State		69,240.00
Travel—Out-of-State		11,900.00
Subscriptions and Organization Dues		150.00
Current Fixed Charges		16,740.00
Other Current Expenditures		187,000.00
Capital Outlay		139,019.00
Total Engineering	$	1,948,225.00

EQUIPMENT AND SHOPS

Personal Services	$	763,421.00
Travel—State		10,740.00
Travel—Out-of-State		2,000.00
Other Current Expenditures		656,356.00
Capital Outlay		825,000.00
Total Equipment and Shops	$	2,257,517.00

GUIDE LINE PAINTING

Personal Services	$	177,804.00
Travel—State		41,000.00
Other Current Expenditures		307,710.00
Capital Outlay—Equipment		2,000.00
Total Guide Line Painting	$	528,514.00

HIGHWAY PATROL

Personal Services	$	1,233,838.00
Travel—State		75,000.00
Travel—Out-of-State		6,000.00
Subscriptions and Organization Dues		360.00
Current Fixed Charges		8,500.00

Other Current Expenditures	331,620.00
Capital Outlay	8,260.00
Total Highway Patrol	$ 1,663,578.00

MAINTENANCE

Personal Services	$ 2,680,000.00
Other Current Expenditures	1,125,000.00
Capital Outlay	425,000.00
Total Maintenance	$ 4,230,000.00

MOTOR VEHICLE

Personal Services	$ 1,377,360.00
Travel—State	40,000.00
Travel—Out-of-State	10,000.00
Subscriptions and Organization Dues	300.00
Current Fixed Charges	7,170.00
License Tabs or Plates	60,000.00*
Uniform Allowance	39,000.00**
Other Current Expenditures	163,500.00
Capital Outlay—Equipment	5,000.00
Total Motor Vehicle	$ 1,702,330.00

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

**This appropriation is to be available at a rate of $12.50 per month for each man and only at the expiration of each month's service.

RADIO SERVICE

Personal Services and other Current Expenditures	$ 100,000.00
Capital Outlay	100,000.00*
Total Radio Service	$ 200,000.00

*This appropriation is exempt from the provisions of Section 35-190, Arizona Revised Statutes, relating to lapsing appropriations.

SIGNS AND MARKERS

Personal Services	$ 127,885.00
Travel—State	10,000.00

Other Current Expenditures		93,300.00
Capital Outlay—Equipment		42,500.00
Total Signs and Markers	$	273,685.00

DEPARTMENT OF LAW SERVICES

Department of Law Services shall be paid through claims presented and authorized by the Attorney General.

Personal Services	$	60,700.00
Travel—Out-of-State		2,500.00
Subscriptions and Organization Dues		50.00
Professional Services		5,000.00
Employers' Contribution for Old Age and Survivors' Insurance and State Retirement		3,491.00
Industrial Compensation		1,318.00
Other Current Expenditures		500.00
Capital Outlay		750.00
Total Department of Law Services	$	74,309.00*

*This appropriation is for the purpose of reimbursing the Department of Law for expenditures made pursuant to the provisions of Section 41-192, Arizona Revised Statutes.

Patrol Merit System Council	6,000.00
Warehouse Revolving Account	80,000.00
Arizona Highways Magazine	100,000.00*

*In addition to the authorization of $100,000.00 for the Arizona Highways Magazine, any unencumbered balance remaining in the Arizona Highways Magazine Fund on June 30, 1959, and all receipts from subscriptions and sales during the said fiscal year when paid into the State Treasury are hereby appropriated for the purposes stated in Section 18-181, Arizona Revised Statutes.

Any balances and collections in the State Highway Fund in excess of the specific amounts set forth above for the purposes designated, are hereby appropriated exclusively for construction of state highways including (1) National system of Inter-State Highways within Arizona, (2) state primary system, (3) state secondary system, (4) county secondary (or primary) system, (5) urban area routes; the acquisition of right-of-way; the cost of field administration, field engineering and engineering on construction projects.

Total State Highway Appropriation $ 15,372,339.00

Subdivision 80.1. ARIZONA HIGHWAY DEPARTMENT

Lump Sum Appropriation	$	10,000.00*

*This appropriation is made for the purpose of administering Title 5, chapter 3, article 1, Arizona Revised Statutes.

Subdivision 81. ARIZONA COPPER TARIFF BOARD

Lump Sum Appropriation	$	4,000.00

Subdivision 82. ARIZONA GAME AND FISH COMMISSION

From the Arizona Game and Fish Protection Fund the following is appropriated:

Personal Services		
Administration	$	94,866.00
Law Enforcement		157,810.00
Game Management		13,320.00
Information and Education		23,300.00
Fisheries		104,820.00
Total Personal Services	$	394,116.00
Travel—State		80,100.00
Travel—Out-of-State		3,750.00
Subscriptions and Organization Dues		250.00
Professional Services		1,500.00
Employers' Contribution for Old Age and Survivors' Insurance and State Retirement		24,632.00
Other Current Fixed Charges		21,100.00
Lake and Stream Control		25,000.00
Other Current Expenditures		150,600.00
Uniform Allowance		7,350.00**
Fish Food		95,000.00
Capital Outlay		
Equipment		35,000.00
Buildings and Improvements		72,000.00
Total Capital Outlay	$	107,000.00
Dingell-Johnson Act for Fish Restoration		25,000.00***
Pittman-Robertson Act for Wildlife Restoration		125,000.00****
Cooperative Wildlife Research Unit		6,000.00
Predator Control		25,900.00*
Total Appropriation		$1,092,298.00*****

*This appropriation is made to enable the State to cooperate with the Federal Wildlife Department for the eradication of Predatory animals.

**This appropriation is to be available at a rate of $12.50 per month for each man, and only at the expiration of each month's service.

***This appropriation is made to enable the State to carry out the provisions of Public Law 681, Eighty-first Congress, providing for cooperation with the State in Fish Restoration and Management projects.

****This appropriation is made to enable the State to cooperate with the Federal Government for the preservation of Wildlife Restoration.

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

Subdivision 83. INTERSTATE STREAM COMMISSION

Lump Sum Appropriation	$	291,910.00*

*This appropriation is exempt from the provisions of Sections 35-173 and 35-190, Arizona Revised Statutes, relating to quarterly allotments, and lapsing appropriations.

Provided, that such part of the funds hereby appropriated as may be expended or paid out for technical or professional services shall be so expended or paid out only where the utilization of such technical or professional services has theretofore been approved by a majority of the Commission at a meeting thereof held pursuant to law.

Subdivision 84. DEPARTMENT OF MINERAL RESOURCES

Personal Services	$	59,665.00
Travel—State		9,000.00
Travel—Out-of-State		300.00
Subscriptions and Organization Dues		75.00
Current Fixed Charges		160.00
Other Current Expenditures		6,600.00
Capital Outlay—Equipment		750.00
Total Appropriation	$	76,550.00

Subdivision 85. STATE DAM AND SUPERVISION

All collections paid into the State Treasury are hereby appropriated for current expenditures (including employers' contribution for Old Age and Survivors' Insurance and State Retirement), and Capital Outlay.

Subdivision 86. STATE LAND DEPARTMENT

FOR THE STATE LAND DEPARTMENT

Personal Services		
Fireguards	$	4,610.00*
Other Personal Services		169,676.00
Total Personal Services	$	174,286.00
Travel—State		10,500.00
Travel—Out-of-State		2,500.00
Subscriptions and Organization Dues		250.00
Watershed Management Division		20,000.00*
Professional Services		8,000.00*
Expenses incurred in connection with cataloguing, indexing, filing, and mapping cuttings and logs for oil, gas, and water wells		2,400.00*
Oil and Gas Conservation		25,000.00*
Current Fixed Charges		23,420.00
Other Current Expenditures		28,400.00
Capital Outlay—Equipment		10,770.00
Total for the State Land Department	$	305,526.00

*These appropriations are exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

BOARD OF APPEALS

Lump Sum Appropriation	$	5,000.00

STREAM GAUGING

Lump Sum Appropriation	$	57,500.00

This appropriation is made to enable the State to cooperate with the Federal Government.

UNDERGROUND WATER DEVELOPMENT

Lump Sum Appropriation	$	72,250.00
Total Appropriation—State Land Department	$	440,276.00

Subdivision 87. ARIZONA COMMISSION ON UNIFORM STATE LAWS

Lump Sum Appropriation	$	1,400.00*

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

Subdivision 88. ARIZONA DEVELOPMENT BOARD

Personal Services	$	38,100.00
Travel—State		7,500.00*
Travel—Out-of-State		4,000.00
Subscriptions and Organization Dues		1,200.00
Professional Services		1,500.00*
Current Fixed Charges		4,050.00
Entertainment		500.00
Other Current Expenditures		115,300.00
Total Appropriation	$	172,150.00

*These appropriations are exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Subdivision 89. ARIZONA RACING COMMISSION

Personal Services	$	90,635.00
Travel—State		8,000.00
Travel—Out-of-State		1,000.00
Subscriptions and Organization Dues		1,650.00
Professional Services		20,000.00
Current Fixed Charges		3,750.00
Other Current Expenditures		8,800.00
Capital Outlay—Equipment		3,500.00
County Fair Racing		
Personal Services and Professional Services		23,085.00
Total Appropriation	$	160,420.00*

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

Subdivision 90. ARIZONA STATE PARKS BOARD

Personal Services	$	21,575.00
Travel—State		5,000.00
Subscriptions and Organization Dues		125.00
Professional Services		2,000.00
Current Fixed Charges		81.00
Other Current Expenditures		4,750.00
Capital Outlay:		
Buildings and Improvements:		
Tubac Historical Monument Continued excavation and other capital improvements based on the master plan for the project.		
Yuma Territorial Prison Capital Improvements based on master plan for the project.		
Tombstone Courthouse Historical Monument Continued restoration, based on master plan and in conjunction with the Tombstone Restoration Commission.		
Total Buildings and Improvements	$	10,000.00*
Total Appropriation	$	43,531.00

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

Subdivision 91. AUDITOR-EMPLOYERS' CONTRIBUTION FOR OLD AGE AND SURVIVORS' INSURANCE AND STATE RETIREMENT

Lump Sum Appropriation	$	1,600,000.00

Subdivision 92. ARIZONA STATE RETIREMENT SYSTEM—ADMINISTRATIVE EXPENSES

Administrative Expenses	$	6,000.00

This appropriation is made to enable the State to carry out the provisions of Section 38-705, Arizona Revised Statutes.

Subdivision 93. GOVERNOR-ON-THE-JOB-TRAINING

Lump Sum Appropriation	$	2,000.00

Subdivision 94. PIONEERS' HISTORICAL SOCIETY

Personal Services	$	18,550.00
Travel—State		500.00
Professional Services		500.00
Current Fixed Charges		500.00
Other Current Expenditures		5,700.00
Capital Outlay		22,785.00
Total Appropriation	$	48,535.00

Subdivision 95. PRESCOTT HISTORICAL SOCIETY

Personal Services	$	8,150.00
Current Fixed Charges		25.00
Other Current Expenditures		4,025.00
Capital Outlay		
Equipment		500.00
Buildings and Grounds		600.00
Total Capital Outlay	$	1,100.00
Total Appropriation	$	13,300.00

Subdivision 96. ARIZONA STATE FAIR COMMISSION

All collections paid into the State Treasury are hereby appropriated for current expenditures (including employers' contribution for Old Age and Survivors' Insurance and State Retirement) and capital outlay.

This appropriation is exempt from the provisions of Sections 35-173, and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing appropriations.

Subdivision 97. LEGISLATURE—TWENTY-FOURTH

Senate	$	250,000.00
House of Representatives		300,000.00
Total Appropriation	$	550,000.00*

*This appropriation is exempt from the provisions of Sections 35-173, and 35-190, Arizona Revised Statutes, relating to quarterly allotments and lapsing appropriations.

Sec. 2. SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act.

Approved by the Governor—April 2, 1959.

Filed in the Office of the Secretary of State—April 2, 1959.

MEMORIALS

HOUSE JOINT MEMORIAL NO. 1

A JOINT MEMORIAL

REQUESTING THE ESTABLISHMENT OF A NATIONAL CEMETERY IN ARIZONA

To the Congress of the United States of America:

Your memorialist respectfully represents:

The State of Arizona does not have a National cemetery within its borders even though, proportionately, there are more veterans in Arizona than in most States of the United States. The influx of veterans into the State of Arizona is due to the fact that for many years there have been many military installations located in the State. Moreover, thousands of veterans have moved to Arizona to take advantage of the dry, healthful climate.

A deceased veteran, who has expressed a desire to be buried in a National cemetery, has to be transported to a distant point in another State for burial.

Wherefore your memorialist, the Legislature of the State of Arizona, prays:

That the Congress provide for the establishment of a National cemetery in the State of Arizona.

Passed the House March 6, 1959 by the following vote:

69 Ayes, 3 Nays, 8 Not Voting.

Passed the Senate March 14, 1959 by the following vote:

26 Ayes, 0 Nays, 2 Not Voting.

Approved by the Governor—March 16, 1959.

Filed in the Office of the Secretary of State—March 16, 1959.

HOUSE JOINT MEMORIAL NO. 3

A JOINT MEMORIAL

REQUESTING THE SECRETARY OF THE INTERIOR TO CONSTRUCT AN EXPERIMENTAL PLANT WITHIN ARIZONA, FOR THE PRODUCTION OF WATER SUITABLE FOR CERTAIN USES FROM SALINE OR BRACKISH WATERS.

To the Honorable Fred A. Seaton, Secretary of the Interior:

Your memorialist respectfully represents:

It is understood that the United States Department of the Interior proposes to construct five experimental plants for the production of water suitable for agricultural, industrial, municipal, and other beneficial consumptive uses from saline or brackish waters.

The State of Arizona is, at the present, confronted with the serious curtailment of its agricultural economy and natural growth by reason of a lack of sufficient water suitable for agricultural, industrial, municipal and other beneficial consumptive uses, while at the same time there exists within the State of Arizona great quantities of saline or brackish waters.

The State of Arizona, because of its natural facilities and its urgent need, would be a highly suitable site for the location of one of the experimental plants which the Department of the Interior proposes to construct.

Wherefore your memorialist, the Legislature of the State of Arizona, prays:

That the Honorable Fred A. Seaton, Secretary of the Department of the Interior, shall construct one of the experimental plants at or near the City of Safford, County of Graham, State of Arizona, in accordance with the recommendation of the University of Arizona, or at some other location within the State.

Passed the House February 9, 1959 by the following vote: 73 Ayes, 0 Nays, 7 Not Voting.

Passed the Senate February 24, 1959 by the following vote: 27 Ayes, 0 Nays, 1 Not Voting.

Approved by the Governor—February 26, 1959.

Filed in the Office of the Secretary of State—February 26, 1959.

SENATE JOINT MEMORIAL NO. 3

A JOINT MEMORIAL

REQUESTING THE CONGRESS OF THE UNITED STATES TO PREVENT ENACTMENT OF A PROPOSED BILL ESTABLISHING A NATIONAL WILDERNESS PRESERVATION SYSTEM AND DESIGNATING CER-

TAIN AREAS TO BE MAINTAINED AS A WILDERNESS.

To the Congress of the United States of America:

Your memorialist respectfully represents:

A bill has been introduced into the Congress of the United States providing for the designation and maintenance of wilderness areas within the States, and such areas shall be supervised and maintained by the Federal Government.

It is acknowledged that the Government of the United States now owns approximately seventy per cent of the land in Arizona. The enactment of this oppressive legislation would have the tendency to either increase the Federal lands within this State or to cause the Federal Government to exercise more stringent regulations over the land it already owns and controls.

Federal lands within this State now include an abundant supply of wilderness reservations. It is entirely possible that rigid regulations, which might well be imposed, would deny the scenic wonders of these areas to many thousands of visitors annually. Moreover, such regulation might make fire protection difficult or more expensive or it might encroach upon the water rights of the State of Arizona. All these factors would retard the economic development of this State.

Wherefore your memorialist, the Legislature of the State of Arizona, prays:

That the Congress of the United States consider carefully the impact of the proposed legislation relating to a national wilderness system since it appears to the Legislature of the State of Arizona that enactment of such a measure will unduly restrict the use of the wilderness areas and retard the economic development of this State. Moreover, the United States Government now controls vast areas of land within this State and any approach to this problem should be in the direction of relinquishing control rather than subjecting additional areas of land within this State to federal control or cumbersome regulations.

Passed by the Senate March 11, 1959 by the following vote: 23 Ayes, 1 Nay, 4 Not Voting.

Passed by the House March 14, 1959 by the following vote: 55 Ayes, 9 Nays, 16 Not Voting.

Approved by the Governor—March 16, 1959.

Filed in the Office of the Secretary of State—March 16, 1959.

RESOLUTIONS

HOUSE CONCURRENT RESOLUTION NO. 2

A CONCURRENT RESOLUTION

ON THE DEATH OF HONORABLE WILLIAM HATHAWAY

On the twenty-fifth day of August, 1958, at the age of seventy years, Honorable William Hathaway passed away in Nogales, Arizona.

The Honorable William Hathaway, a native Arizonan, was born in Lochiel, which is located in Santa Cruz County. Within this County he attained prominence and distinction for his accomplishments as a rancher, public officer and family man.

Mr. Hathaway homesteaded the present Hathaway ranch. It was there that he raised his family of seven sons, many of whom followed in his path and achieved distinction in public service. In the field of public service William Hathaway served his County and State in an exemplary manner.

The Honorable William Hathaway was elected to serve as a member of the Santa Cruz Board of Supervisors for two terms. In 1940, during the Fourteenth Legislature, he was appointed to fill the unexpired term of Mr. George F. MacDonald who resigned his seat in the House of Representatives. He was elected to the Fifteenth Legislature as a member of the House of Representatives.

The citizens of Santa Cruz County demonstrated their affection and respect for William Hathaway by electing him to the State Senate for the Sixteenth, Seventeenth and Eighteenth Legislatures. He served in the State Senate honorably and with great competence from 1943 through 1948.

William Hathaway was also prominent in Arizona cattle and fair associations for many years. Therefore

Be it resolved by the House of Representatives of the State of Arizona, the Senate concurring:

That the Legislature expresses its sincere regrets at the passing from the Arizona scene of one of its foremost pioneers, who not only helped to develop the State but served its citizens faithfully and well. Moreover, the members of the Legislature extend condolences to his widow, Mary, and his sons, Robert, a member of the Arizona House of Representatives; Greg, Superintendent of the Arizona Highway Patrol; James, County Attorney for Santa Cruz County; Lt.

Colonel Gaynor, U. S. Army Advisor Group, Tucson, Arizona; Lincoln and Paul.

Passed the House January 23, 1959 by the following vote: Unanimous.

Passed the Senate January 26, 1959 by the following vote: Unanimous.

Approved by the Governor—January 27, 1959.

Filed in the Office of the Secretary of State—January 27, 1959.

HOUSE RESOLUTION NO. 2

A RESOLUTION

ON THE DEATH OF HONORABLE JOHN MICHAEL NUGENT

The Honorable John Michael Nugent passed away on November 14, 1958, in Tucson, at the age of eighty-two years.

Mr. Nugent was a native of Kentucky and during his lifetime was engaged as a merchant tailor and later in life as a railroad employee. He arrived in the territory of Arizona during the year 1896 and remained for a period of ten years. Thereupon Mr. Nugent returned to Kentucky but in 1911 he returned to Arizona and remained until the time of his death.

The citizens of his legislative district in 1932 elected the Honorable John Michael Nugent to the Eleventh Legislature as a member of the House of Representatives. He served ably and competently during 1933 and 1934. Therefore

Be it resolved by the House of Representatives of the State of Arizona:

That the members of the House of Representatives sincerely regret the passing of the Honorable John Michael Nugent and do, therefore, extend condolences to his widow Nora and other surviving members of his family.

Adopted by the House—January 19, 1959.

Filed in the Office of the Secretary of State—January 19, 1959.

HOUSE RESOLUTION NO. 3

A RESOLUTION

ON THE DEATH OF HONORABLE ROBERT H. FRICK

The Honorable Robert H. Frick passed away at the age of forty-nine years on May 14, 1958, in Phoenix, Arizona.

A former member of the Arizona House of Representatives, Mr. Frick became a resident of Tucson, Arizona, in 1919. He attended Tucson High School and completed his education at Arizona State College at Flagstaff. After leaving the College Mr. Frick returned to Tucson where he became employed as a proof reader by the Arizona Daily Star. After this employment he purchased and operated the Arizona Hotel and Gunsight Ranch.

In 1949 the citizens of his legislative district elected the Honorable Robert H. Frick to represent them as a State Representative in the Legislature. He served Pima County's third district from 1950 through 1952.

Mr. Frick entered World War II and served as a public relations and liaison officer and at the time of his discharge had attained the rank of Major. His community activities were varied and many. During his residence within this State he was a member of the American Legion, Veterans of Foreign Wars, Arizona Press Club, Tucson Press Club, El Rio Golf and Country Club and the Brahman Association of Arizona. Therefore

Be it resolved by the House of Representatives of the State of Arizona:

That the members of the House of Representatives do sincerely regret the passing of the Honorable Robert H. Frick and do, therefore extend condolences to his widow, Gertrude, and his mother, Anna Marie Frick, both of Tucson.

Adopted by the House—January 19, 1959.

Filed in the Office of the Secretary of State—January 19, 1959.

HOUSE RESOLUTION NO. 4

A RESOLUTION

ON THE DEATH OF HONORABLE OSWALD STOKES FRENCH

The Honorable Oswald Stokes French passed away on January 7, 1959, at the age of eighty-five years.

Mr. French was a resident of this State for over half a century, having arrived in the Territory of Arizona in the year 1899. He was born and reared in Evanston, Illinois, and achieved distinction in his early years as a baseball player. In fact, in addition to his employment in the mines at Bisbee, Arizona, he played semi-professional baseball with the "Bisbee Miners".

In 1914, the Honorable Oswald French opened a business in Bisbee and in 1926 he became an auditor and accountant for the State Highway Department. Later he became Chief Clerk of the Motor Vehicle Division of the Highway Department. In 1933, Mr. French became an employee of the Home Owners Loan Corporation. After his employment terminated he became a field auditor and then an office auditor for the State Industrial Commission, a position he held until the time of his retirement in 1954.

The citizens of his legislative district in Cochise County honored Oswald French by electing him a member of the House of Representatives in the Sixth State Legislature. He served ably and competently during the years 1923 and 1924. He was further honored by being selected to serve as Sergeant at Arms for the House of Representatives in 1955 after his retirement from his regular employment. Therefore

Be it resolved by the House of Representatives of the State of Arizona:

That the members of the House of Representatives do sincerely regret the passing of the Honorable Oswald Stokes French and do hereby take note of his long and faithful service to the State and his community. Moreover, the members of this Body extend their condolences to his widow and other surviving members of his family.

Adopted by the House—January 21, 1959.

Filed in the Office of the Secretary of State—January 22, 1959.

Approved by the Governor—January 21, 1959.

HOUSE RESOLUTION NO. 5

A RESOLUTION

ON THE DEATH OF HONORABLE M. V. DECKER

The Honorable M. V. Decker, affectionately known as "Deck", quietly passed away at the age of ninety-one years on July 4, 1957.

Mr. Decker was born in Beallsville, Ohio, and in 1891 graduated from Ohio Northern University with a degree in pharmacy. Subsequently, in 1919, M. V. Decker moved to Phoenix where he lived until his death.

The Honorable M. V. Decker served his community with distinction and on many occasions received the plaudits of his associates and fellow-citizens. The electors of his district elected him to serve in the House of Representatives for four successive terms, beginning with the Eighth Legislature in 1927 and continuing through the Eleventh Legislature. During his tenure Mr. Decker was particularly interested in game and fish legislation.

While serving his district in the Legislature, M. V. Decker is best remembered as the Representative who introduced legislation which named the Cactus Wren as the official State bird and the Saguaro blossom as the official State flower. In 1954 the Legislature, on behalf of "Deck", enacted a measure naming the Palo Verde tree as the official State tree.

Subsequent to his term in the Legislature, Mr. Decker was for many years Sergeant at Arms and attained the distinction of being known as the oldest Sergeant at Arms ever to serve in the State Capitol.

In his private life, M. V. Decker practiced his hobby of raising fancy chickens and fowls. Not only did he win many prizes at numerous State fairs, but in addition, a small lake at the Hunt Fish Hatchery in Papago Park is named in his honor.

The Honorable M. V. Decker was a member of the Arizona Pharmaceutical Society, the Knights of Pythias and Knight Templars. Therefore

Be it resolved by the House of Representatives of the State of Arizona:

That the members of the House of Representatives do sincerely regret the passing of the Honorable M. V. Decker

and do, therefore, extend condolences to the surviving members of his family.

Adopted by the House—January 27, 1959.

Approved by the Governor—January 27, 1959.

Filed in the Office of the Secretary of State—January 27, 1959.

HOUSE RESOLUTION NO. 6

A RESOLUTION

ON THE DEATH OF HONORABLE H. C. (CLIFF) ARMSTRONG

The Honorable H. C. (Cliff) Armstrong who served in the State Legislature for a period of fourteen years, quietly passed away on April 7, 1958, at the age of seventy-six years.

H. C. (Cliff) Armstrong was born on June 5, 1881, in the State of Ohio. He arrived in the State of Arizona at the age of twenty-two years in the year 1903. For fifteen years Cliff Armstrong was an employee of the Phoenix Flour Mills and thereafter he became a rancher near Tolleson.

Mr. Armstrong distinguished himself through service to his community. He was vitally interested in the agricultural problems of the State. The people of his legislative district recognizing his interest in agricultural and civic problems elected him as a member of the House of Representatives for his first term in 1940. For seven terms the Honorable H. C. (Cliff) Armstrong served his district in a competent manner. In 1954 Mr. Armstrong retired from the Legislature.

H. C. (Cliff) Armstrong, in addition to his service to the State, found time to be an active member of the Tolleson Lions Club. In fact, he was a charter member of that organization. He was also a former member of the Salt River Valley Water Users Association. Therefore

Be it resolved by the House of Representatives of the State of Arizona:

That the members of the House of Representatives do sincerely regret the passing of their former colleague, the Honorable H. C. (Cliff) Amstrong, and do, therefore, extend condolences to his widow, Lida, and the other surviving members of his family.

Adopted by the House—January 28, 1959.

Approved by the Governor—January 28, 1959.

Filed in the Office of the Secretary of State—January 30, 1959.

HOUSE RESOLUTION NO. 7

A RESOLUTION

ON THE DEATH OF HONORABLE RONALD WEBSTER, JR.

The Honorable Ronald Webster, Jr., passed away on September 1, 1958, at the age of thirty-eight years. Although Mr. Webster died in the prime of life he had filled his life to the brim with activity, dedicating himself to his family, his community, his State and to his church.

Mr. Webster was a native of Illinois and established his residence in Arizona during the year 1945. He obtained part of his education in Evanston, Illinois, and Lausanne, Switzerland. Later, he graduated from Williams College in Williamstown, Massachusetts, with a Bachelor of Arts Degree. He continued his education at Harvard University where he studied law and later graduated with a Bachelor of Laws Degree.

When the Honorable Ronald Webster, Jr., arrived in the State of Arizona, he lost no time in becoming integrated into the life and culture of the people of Arizona. He gave of himself to the community without attention to his failing health. He assisted in Red Cross drives and helped to make the United Fund drives successful. He was also the Chairman for the Arizona Association for Mental Health. In addition to his varied community activities, Ronald Webster, Jr., served as vestryman of All Saints Episcopal Church.

Mr. Webster achieved particular distinction in the field of politics. It was in this field that he, with others, developed the idea of a new charter government for Phoenix. In this role he acted as the first manager of the first city-wide political campaign for the Charter government group.

Ronald Webster, Jr., served two terms as a member of the Arizona House of Representatives. He was elected for his first term in 1948 and was reelected in 1950. He served in the Arizona Legislature with distinction and while serv-

ing the State he clearly demonstrated his competence and ability. Therefore

Be it resolved by the House of Representatives of the State of Arizona:

That the members of the House of Representatives do sincerely regret the passing of the Honorable Ronald Webster, Jr., and do recognize that the State has lost a citizen who dedicated his life to good government and community betterment. Moreover, the members of the House of Representatives extend condolences to his widow, Virginia, to his three children, Ronald, Stephan and Betsy, and to other surviving relatives.

Adopted by the House—February 2, 1959.

Approved by the Governor—February 2, 1959.

Filed in the Office of the Secretary of State—February 2, 1959.

HOUSE RESOLUTION NO. 9

A RESOLUTION

ON THE DEATH OF HONORABLE WILLIAM E. BROOKS

The Honorable William E. Brooks, Arizona pioneer, lawyer and legislator, passed away in the State of California during July, 1958.

Mr. Brooks led an honorable and distinguished life. He arrived in Arizona in 1903 having left his native State of Alabama. William E. Brooks was a graduate of Yale University and he practiced law in Globe, Arizona, for many years.

The citizens of the newly formed State of Arizona, within his legislative district, elected William E. Brooks to serve as a member of the first Arizona House of Representatives. He was honored by reelection and his term thereby extended through 1915. Moreover, his competence was so generally accepted that during his second term as a legislator he was elected by his colleagues to serve as the Speaker of the House of Representatives.

In addition to his selfless service to his State and Community, he also served his Nation ably and well. Mr. Brooks was a veteran of the Spanish-American War. Therefore

Be it resolved by the House of Representatives of the State of Arizona:

That the members of the House of Representatives regret the passing of the Honorable William E. Brooks who participated and contributed his abilities in the growth and development of this State in the transitional period between territorial days and statehood. The Arizona House of Representatives also extends condolences to his surviving relatives.

Adopted by the House—February 3, 1959.

Approved by the Governor—February 3, 1959.

Filed in the Office of the Secretary of State—February 3, 1959.

HOUSE RESOLUTION NO. 10

A RESOLUTION

ON THE DEATH OF HONORABLE ALBERT L. PECK

The Honorable Albert L. Peck, a resident of Arizona for thirty-five years, quietly passed away in Tucson on May 25, 1958, at the age of sixty-seven years.

Mr. Peck came to Flagstaff in the year 1924. In 1928 he moved to Phoenix where he resided for thirty years.

Albert L. Peck served both his Country and his State. He was a veteran of World War I and, in addition thereto, the citizens of his legislative district in Maricopa County twice elected him to serve as a member of the House of Representatives approximately twenty-five years ago.

The Honorable Albert L. Peck was a pharmacist. He was active in the Arizona Pharmaceutical Association and also was a member of the American Legion. Therefore

Be it resolved by the House of Representatives of the State of Arizona:

That the members of the House of Representatives do sincerely regret the passing of the Honorable Albert L. Peck and do, therefore, extend condolences to the surviving members of his family.

Adopted by the House—February 11, 1959.

Approved by the Governor—February 11, 1959.

Filed in the Office of the Secretary of State—February 11, 1959.

HOUSE RESOLUTION NO. 11

A RESOLUTION

ON THE DEATH OF HONORABLE JAMES EARL PETERSEN

The Honorable James Earl Petersen passed away on December 17, 1958, at the age of eighty-three years in Cottonwood, Arizona.

During his long lifetime, Mr. James Earl Petersen achieved distinction through his varied efforts for and on behalf of civic and church activities in his community.

The father and mother of James Petersen with their family came to Pinedale, Arizona, in the year of 1879 and were among the first settlers of that community. His parents were Mormon emigrants from Denmark. James Earl Petersen was born in Leavington, Utah. Mr. Petersen became a farmer and rancher and, in addition to his many avocations, he wrote many sketches of pioneer personalities. Throughout his life he was an active and dedicated worker in the Church of Jesus Christ of Latter-day Saints.

In 1936, Mr. Petersen was honored by the citizens of his legislative district in Navajo County, and was elected as a member of the Arizona House of Representatives. During 1937 and 1938 he served honorably and well. Later, because of ill health, he moved to Cottonwood but returned to his home in Pinedale each summer to visit with his many friends. Therefore

Be it resolved by the House of Representatives of the State of Arizona:

That the members of the House of Representatives do regret the passing of the Honorable James Earl Petersen, and do, therefore, extend condolences to his widow, Phoebe Ann; to his daughters, Mrs. Ella P. Capps, Mrs. Viola Rogers, Mrs. Thora Schroeder, and to his sons, Raymond, Don, Louis and Foch.

Adopted by the House—February 12, 1959.

Approved by the Governor—February 12, 1959.

Filed in the Office of the Secretary of State—February 13, 1959.

HOUSE RESOLUTION NO. 12

A RESOLUTION

ON THE DEATH OF HONORABLE GEORGE NEALIS BAKER

The Honorable George Nealis Baker, a resident of Arizona for sixty years quietly passed away on September 16, 1958, in Phoenix.

Mr. Baker settled in Arizona sixty years ago when he arrived from Romney, West Virginia. His first employment in this State was as a foreman on the Alkire Ranch.

Originally the Honorable George Nealis Baker settled for a period of time in Yavapai County. Later he moved to Maricopa County where he established himself in the hearts of the residents through his civic activities and service to his State.

The citizens of his legislative district demonstrated their faith in his ability by electing him to the Sixteenth, Seventeenth, Eighteenth and Nineteenth Legislatures. In addition to serving his State for eight years he was also an honorary vice president of the American Sunday School Union for twelve years and was a faithful member of the First Methodist Church since the year 1909. He also helped to found the Christian Institutional Ministry.

Mr. Baker is also remembered as the person who walked from Crown King to Prescott in order to sign the petition for the building of Roosevelt Dam. Therefore

Be it resolved by the House of Representatives of the State of Arizona:

That the members of the House of Representatives do regret the passing of the Honorable George Nealis Baker, and do, therefore, extend condolences to his widow Marguerite, and other surviving members of his family.

Adopted by the House—February 13, 1959.

Approved by the Governor—February 13, 1959.

Filed in the Office of the Secretary of State—February 13, 1959.

HOUSE RESOLUTION NO. 14

A RESOLUTION

ON THE DEATH OF HONORABLE CARL GUSTAVE KROOK

The Honorable Carl Gustave Krook passed away on December 16, 1958, at the age of eighty-eight years.

Judge Krook participated in the growth and development of Arizona for over fifty-five years having arrived in Mohave County in the year 1903. His achievements prior to that year were also notable. As a young man Carl Krook assisted his father in the construction industry and as a merchant.

The Honorable Carl Krook made ample preparation for his chosen profession which was law. First, he spent three years in an attorney's office learning the basic elements of the law. Later he studied the old English law for one year at the Inns of Court Law School, London, England. Thereafter he returned to the University of Minnesota where he was awarded his LL.B. degree and in the year 1900 he graduated with the degree of LL.M.

Upon his arrival in Mohave County in 1903 Carl Krook and his brother purchased a mine at Signal. While operating the mine he was elected by the citizens of his legislative district to serve in the Twenty-fourth Territorial Legislature. While serving in the Legislature he was named as Chairman of the Judiciary Committee. Judge Krook attained distinction because he sponsored the measure which established county assessors in all counties of the State.

In 1912, when the Territory of Arizona achieved statehood, Carl Gustave Krook was named as the first Superior Court Judge for Mohave County.

In addition to serving his fellow citizens, Judge Krook participated actively in community affairs. He joined the Kingman Elks Lodge in 1910, and served as Exalted Ruler in 1934 and 1935 and in 1941 he was appointed as the District Deputy Grand Exalted Ruler for Northern Arizona. He

was also affiliated with the Masonic Lodge and was a Past President of the Kingman Rotary Club. Moreover, the Honorable Carl Krook had served as the President of the Mohave County Bar Association. Therefore

Be it resolved by the House of Representatives of the State of Arizona:

That the members of the House of Representatives do sincerely regret the passing of the Honorable Carl Gustave Krook and do hereby recognize that Judge Krook in more than half a century actively participated and added his valuable contributions to the growth and development of this State. Moreover, condolences are extended to his widow, Mary M. Krook and other surviving relatives.

Adopted by the House—February 23, 1959.

Approved by the Governor—February 23, 1959.

Filed in the Office of the Secretary of State—February 24, 1959.

HOUSE RESOLUTION NO. 15

A RESOLUTION

ON THE DEATH OF HONORABLE WILLIAM CHATHAM RITTENHOUSE

The Honorable William Chatham Rittenhouse passed away on March 8, 1959, at the age of eighty years.

Mr. Rittenhouse was born in Bolivar, Polk County, Missouri, on December 21, 1878. He settled in Arizona in 1906 and remained to forge an honorable and distinguished career for over fifty years. His first job in Arizona was in Flagstaff for the Babbitt Mercantile Company. In 1909, Mr. Rittenhouse opened a men's clothing store in Williams. Subsequently he also operated similar establishments in Kingman, Prescott and Phoenix.

The citizens of the community in which the Honorable William C. Rittenhouse lived respected him and demonstrated their confidence in him by electing him to serve in numerous public offices. At one time or another he served as the Williams Town Clerk, Town Councilman and he also served as a member of the Coconino County Board of Supervisors. Moreover, the voters of his legislative district elected him to serve in the Arizona House of Representatives during

the Sixteenth and Seventeenth Legislatures. During his term of service he served competently on such committees as Appropriations, Education, Highways and Bridges, Game and Fish.

The Honorable William Chatham Rittenhouse was also active in community and religious activities. He was a Past President of the Williams Rotary Club, Chamber of Commerce and the school board. Moreover, he was a Warden of St. John's Episcopal Church in Williams. Therefore

Be it resolved by the House of Representatives of the State of Arizona:

That the members of the House of Representatives do sincerely regret the passing of the Honorable William Chatham Rittenhouse, who for more than half a century contributed to the progress and development of the State of Arizona. The members of the House of Representatives extend condolences to his widow, Amy L. Rittenhouse, and other surviving relatives.

Adopted by the House—March 11, 1959.

Approved by the Governor—March 12, 1959.

Filed in the Office of the Secretary of State—March 12, 1959.

SENATE CONCURRENT RESOLUTION NO. 7

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT OF THE CONSTITUTION OF ARIZONA EXCEPTING UNIVERSITY AND COLLEGE FACULTY MEMBERS FROM RESTRICTIONS ON THE EMPLOYMENT OF ALIENS, AND AMENDING ARTICLE 18, SECTION 10, CONSTITUTION OF ARIZONA.

Be it resolved by the Senate of the State of Arizona, the House of Representatives concurring:

1. The following amendment of article 18, section 10, Constitution of Arizona, is proposed, to become valid when approved by a majority of the qualified electors voting thereon and upon proclamation of the governor:

Section 10. No person not a citizen or ward of the United States shall be employed upon or in connection with any state, county or municipal works or employment; provided, that nothing herein shall be con-

strued to prevent the working of prisoners by the state or by any county or municipality thereof on street or road work or other public work and that the provisions of this section shall not apply to the employment of any teacher, instructor, or professor authorized to teach in the United States under the teacher exchange program as provided by federal statutes enacted by the congress of the United States or the employment of university or college faculty members. The legislature shall enact laws for the enforcement and shall provide for the punishment of any violation of this section.

2. The proposed amendment (approved by a majority of the members elected to each house of the legislature, and entered upon the respective journals thereof, together with the ayes and nays thereon) shall be by the secretary of state submitted to the qualified electors at the next regular general election (or at a special election called for that purpose), as provided by section 1, article 21, Constitution of Arizona.

Passed the Senate February 17, 1959 by the following vote: 25 Ayes, 0 Nays, 3 Not Voting.

Passed the House March 11, 1959 by the following vote: 70 Ayes, 3 Nays, 7 Not Voting.

Approved by the Governor—March 13, 1959.

Filed in the Office of the Secretary of State—March 13, 1959.

SENATE CONCURRENT RESOLUTON NO. 10

A CONCURRENT RESOLUTION

ON THE DEATH OF HONORABLE ROBERT TAYLOR JONES.

On the eleventh day of June, 1958, one of the most beloved persons in Arizona's political history, former Governor Robert Taylor Jones, quietly passed away at the age of seventy-four years.

The Honorable Robert Jones during his lifetime in Arizona, through the sheer force of his personality and varied activities, commanded the respect and admiration of the many persons who came into contact with him. Bob, as he was generally known, was the State's Chief Executive from January 2, 1939, to January 6, 1941. Prior to his term as Governor of Arizona, Mr. Robert Jones served three terms in the State Senate and during his second term his colleagues

accorded him the distinction of electing him to serve as the President of the Senate.

Mr. Robert Jones also had a distinguished business career. In 1912, the first year of Arizona statehood, Bob Jones opened a pharmacy in Superior. Later he owned similar establishments in Mesa, Florence, Phoenix and Tucson. In 1954, Mr. Jones opened the Jones Western Store in downtown Phoenix. Prior to 1912, early in his career, Bob Jones was employed by a group of surveyors. His interest in this field expanded and he supplemented his practical knowledge by enrolling in evening courses in school in order to learn more about civil engineering. As a result of his experience and knowledge, Bob Jones worked for a railroad company and later worked on the Panama Canal during its construction. Thereafter, upon his return to this country, the Honorable Robert Jones was engaged as an engineer for a mining company in Nevada. His interest in railroad construction brought him to the Territory of Arizona and the Southern and Pacific Railroad Company placed him in charge of building the line between Kelvin and Hayden Junction. It was at Hayden, in 1911, that he met and married his wife, Elon Marion Armstrong.

Bob Jones was distinguished in many ways. In 1951, he was appointed as the State Director of the Office of Price Stabilization, a post he held until 1953. Moreover, he became a director of the First State Bank of Arizona, which later merged with the Bank of Douglas.

The Honorable Robert Jones was a member of the Masonic Lodge and the El Zaribah Shrine. He was also a member of the Jesters, Elks Lodge, the Arizona Club, Phoenix Country Club and the Phoenix Kiwanis Club. Therefore

Be it resolved by the Senate of the State of Arizona, the House of Representatives concurring:

That the Legislature notes its sincere regret at the passing of the Honorable Robert Taylor Jones, an individual who contributed greatly to the political and cultural progress of this State. Moreover, the Legislature extends its condolences to his surviving widow, Elon M. Jones, and to his other surviving relatives.

Passed the Senate February 18, 1959 by the following vote: 26 Ayes, 0 Nays, 2 absent.

Passed the House February 19, 1959 by the following vote: Unanimous vote.

Approved by the Governor—February 19, 1959.

Filed in the Office of the Secretary of State—February 20, 1959.

SENATE CONCURRENT RESOLUTION NO. 11

A CONCURRENT RESOLUTION

ON THE DEATH OF GENERAL ALEXANDER MACKENZIE TUTHILL.

On the twenty-fifth day of May, 1958, General Alexander Mackenzie Tuthill passed away in Phoenix at the age of eighty-seven years. General Tuthill forged a distinguished career within this State which continued throughout his life up until the time of his death.

General Tuthill achieved distinction as one of the participants and framers of the Arizona Constitutional Convention which resulted in the adoption of Arizona's Constitution. The reputation of General Tuthill rested on a firm foundation. For more than half a century he practiced medicine, a service he continued until five years before his death when he ceased the practice of medicine at the age of eighty-two years.

General Alexander Tuthill achieved military distinctions throughout his life. Three years after he received his medical degree from the University of Southern California in 1895, he came to Arizona as a surgeon for the Detroit Copper Company in Morenci. There he organized and became Captain of a Cavalry Troop. This Troop was soon recognized as one of the outstanding units in the territory.

The promotions of Alexander Mackenzie Tuthill came rapidly because of his devotion to service, competence and demonstrated ability. Soon he became a Colonel in command of the First Arizona Infantry. In 1916, at the time the Arizona Regiment was called to Federal service to help guard the Mexican border against recurring violations, General Tuthill was promoted to Brigadier General with a new and more important command post.

General Tuthill was overseas during World War I and endeared himself to vast numbers of men by his consideration and willingness to personally treat the wounded men.

In September, 1935, General Tuthill retired from United States service but within a year was called to serve as the State Adjutant General. In 1940 he became the State Director of Selective Service, a post he held until the time of his death.

The activities, achievements and distinctions accorded to General Tuthill were numerous. He held the Arizona Medal of Honor and many awards for military and medical achievements including medals from California and Colorado. The General was Past President of the Greenlee County and Maricopa County medical societies. He was a member of the American Medical Association and a fellow of the American College of Surgeons.

General Tuthill was a past Chancellor of the Knights of Pythias in Morenci, a member of the Elks Lodge and a charter member of the Masonic Lodge. Therefore

Be it resolved by the Senate of the State of Arizona, the House of Representatives concurring:

That the Legislature taking note of the death of General Alexander Mackenzie Tuthill expresses its regrets upon the passing from the Arizona scene of a person who for a half-century has contributed to the development of this State by his distinguished service as an honored public servant, practicing physician and surgeon, and as a distinguished soldier who served both his Nation and his State in an exemplary manner. Moreover, the Legislature extends condolences to the surviving members of his family.

Passed the Senate February 18, 1959 by the following vote: 26 Ayes, 0 Nays, 2 absent.

Passed the House February 19, 1959 by the following vote: Unanimous vote.

Approved by the Governor—February 19, 1959.

Filed in the Office of the Secretary of State—February 20, 1959.

SENATE JOINT RESOLUTION NO. 2

A JOINT RESOLUTION

REQUESTING THE RETURN OF SENATE BILL NUMBER 95, DELIVERED TO THE GOVERNOR'S OFFICE MARCH 13, 1959, FOR CORRECTION OF A TECHNICAL ERROR.

Whereas, it appears that a technical error has been made in Senate Bill Number 95 which must be corrected in order to insure that the measure will carry out the purpose for which it was passed, and

Whereas, Senate Bill Number 95 was delivered to the office of the Governor for approval on March 13, 1959, and

Whereas, it is the desire of this body to make such correction. Therefore

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

1. We respectfully request the return of Senate Bill Number 95 to this body for correction.

Passed the Senate March 14, 1959, by the following vote: 27 Ayes, 0 Nays, 1 Not Voting.

Passed the House March 16, 1959, by the following vote: 70 Ayes, 1 Nay, 9 Not Voting.

Approved by the Governor—March 16, 1959.

Filed in the Office of the Secretary of State—March 16, 1959.

SENATE RESOLUTION NO. 1

A RESOLUTION

ON THE DEATH OF JUDGE ALEXANDER BENJAMIN BAKER

Judge Alexander Benjamin Baker, affectionately known as "Alex", passed away on March 14, 1958, at the age of sixty-eight in Phoenix, Arizona, the city of his birth.

Judge Alexander Baker, born in Phoenix on May 23, 1889, descended from an illustrious line of Arizona pioneers. Before him his father and grandfather were lawyers in the State and Territory of Arizona. In fact, his grandfather and an uncle were pioneer Arizona lawyers while his father, Allen C. Baker, served as Chief Justice of the Arizona Supreme Court during territorial days and as an associate justice during early statehood.

The Honorable Alexander Baker emulated his father and grandfather by choosing the profession of law. He obtained his legal education, after graduating from Phoenix Union High School, at the University of Michigan. In 1910 he began the practice of law in Phoenix.

During World War I he answered the call of duty to his country and, in 1919, participated in the caucus which promoted and organized the American Legion.

Judge Baker also served the State of Arizona ably and competently. At one time he served as an Assistant State Attorney General and during the tenure of another Attorney General, he served as Chief Deputy Attorney General.

When a vacancy occurred in the Superior Court during 1957, Governor McFarland appointed Alexander Benjamin Baker as the new Superior Court Judge. This appointment met the approval of lawyers and laymen throughout Maricopa County. He served with distinction as a Judge of the Maricopa County Superior Court, and, at the time of his death, his friends were engaged in taking steps to assure his election to this important post.

Judge Baker was a life member of the Arizona Club, Loyal Order of the Moose, State Bar of Arizona, and Maricopa County Bar Association. Therefore

Be it resolved by the Senate of the State of Arizona:

That the State of Arizona has suffered an irreparable loss as the result of the passing of Judge Alexander Benjamin Baker. The members of the Senate sincerely regret the passing of Judge Alexander Baker and do extend their condolences to his widow, Mrs. Florence Baker, and his daughters, Mrs. Joe C. Haldiman, Jr., Mrs. John Holgate and Mrs. Charles Hill.

Unanimously adopted by the Senate—January 14, 1959.

Filed in the Office of the Secretary of State—January 14, 1959.

SENATE RESOLUTION NO. 2

A RESOLUTION

ON THE DEATH OF RABBI A. L. KROHN.

Rabbi A. L. Krohn, beloved spiritual leader and distinguished citizen of the State of Arizona, quietly passed away at the age of sixty-five years on November 23, 1958, in the City of Phoenix.

Rabbi Krohn was born in Plainfield, New Jersey. His first vocation was as a social worker and from that profession he became a Rabbi, thereby becoming the sixth gen-

eration of his family to enter the Rabbinate. He devoted many years of distinguished service to his religion and to the community in New York and New Mexico prior to moving to Arizona.

Rabbi Krohn came to Phoenix in 1938. Thereafter his record was exemplified by his devotion to his congregation and to all the people in the State. In the community Rabbi Krohn exerted his individual efforts toward creating a better place to live in such a way that his light will not be extinguished for years to come.

In the field of education the good Rabbi served as President of the Phoenix Elementary School Board. Moreover, he was the founder of the Phoenix Community Council and was honored by being named as an Honorary Life First Vice-president of the Council.

The National Conference of Christians and Jews, an organization devoted to creating and perpetuating good will among all people paid tribute to Rabbi Krohn's efforts to bring closer the brotherhood of man. He was also awarded an Honorary Doctor of Divinity Degree from Hebrew Union-Jewish Institute of Religion in New York. In 1955 Arizona State University awarded Rabbi Krohn an Honorary Doctor of Literature Degree. In addition thereto, the American Red Cross presented him an award for outstanding service to humanity. The Maricopa County Medical Society also presented Rabbi Krohn a Distinguished Service Award.

Rabbi Krohn's interest and dedication to humanity was expressed in terms of duty and work for and on behalf of the people and his community. He earned the admiration and respect of persons from all walks of life. His service was extended to all regardless of race, creed or color, and his desire to create lasting world peace among nations and good will among men was boundless. For many years Rabbi Krohn served as Chaplain in the Arizona State Senate. Therefore

Be it resolved by the Senate of the State of Arizona:

That the members of the Senate do sincerely regret the passing of Rabbi A. L. Krohn and are hereby fully aware of the loss to the community and the State which exists as a result of his death. His sense of humor, devoted interest in community betterment and his keen analysis of problems confronting all of us will be missed by the citizens of this

State. The Senate also extends condolences to the surviving members of his family.

Unanimously adopted by the Senate—January 21, 1959.

Approved by the Governor—January 21, 1959.

Filed in the Office of the Secretary of State—January 22, 1959.

SENATE RESOLUTION NO. 3

A RESOLUTION

ON THE DEATH OF HONORABLE FRED L. INGRAHAM.

One of Arizona's most distinguished citizens passed away at the age of ninety on July 26, 1958, in Yuma, Arizona.

The Honorable Fred L. Ingraham, known throughout the State as Judge Ingraham, was born February 13, 1868, in the State of Ohio. He attended public schools in Ohio and Michigan and subsequently graduated from the University of Michigan Law College. Judge Ingraham also devoted considerable time in acquiring proficiency in the literary department at the University of Michigan.

After graduation, Judge Ingraham began his career as an instructor in English at the Ypsilanti Normal College in Michigan and there he established an excellent reputation as a teacher and exponent of "pure English".

Judge Ingraham decided to move westward because of his health. In 1901 he reached Yuma by wagon train and homesteaded two miles southwest of Gadsden. The Honorable Fred L. Ingraham began the practice of law upon his arrival and at his death had the distinction of being the oldest practicing Attorney in the State of Arizona.

During the next fifty-seven years Judge Ingraham forged his career within this State and in his characteristic manner he achieved a life full of distinction and honor.

In 1910 Judge Ingraham was elected to the Constitutional Convention. During the existence of this term he served on the Style, Revision and Compilation Committee. The funciton of this Committee was to set up the different sections of the Constitution in proper order and to prevent inconsistent and contradictory provisions. For this position Judge

Ingraham was uniquely qualified because of his educational training and teaching experience.

Later Judge Ingraham served Yuma as City Attorney and in 1914 he was selected by the citizens of Yuma County to serve as the County Attorney. In 1918 Honorable Fred L. Ingraham was elected Superior Court Judge and he served in that position with distinction until 1930.

Judge Ingraham, despite a busy schedule, continued to serve his fellow citizens without regard to his own personal interests. He assisted in organizing Yuma's first high school district and was Chairman of the Board of Education until 1922. Moreover, he helped to organize the Yuma County Water Users district and then served as Secretary of that association. Judge Ingraham also served on the Yuma Centennial Commission which planned the one hundredth anniversary celebration of the Gadsden Purchase.

Judge Ingraham was a member of the Yuma Elks Lodge for forty-six years and also was a member of the Kiwanis Club of Yuma for many years. He also maintained his membership in the State Bar of Arizona and the American Bar Association.

Therefore

Be it resolved by the Senate of the State of Arizona:

That the members of the Senate sincerely regret the passing of Judge Fred L. Ingraham from the Arizona scene and note that the Honorable Judge Fred L. Ingraham has left an imprint on this State, and the City of Yuma in particular which will remain forever as a monument to his character, integrity, and selfless interest in community and civic enterprises.

Unanimously adopted by the Senate—January 28, 1959.

Approved by the Governor—January 28, 1959.

Filed in the Office of the Secretary of State—January 30, 1959.

BILLS VETOED BY THE GOVERNOR

Paul Fannin
Governor

OFFICE OF THE GOVERNOR
State House
Phoenix, Arizona

March 23, 1959

The Honorable Wesley Bolin
Secretary of State
State Capitol
Phoenix, Arizona

My dear Mr. Secretary:

I am transmitting herewith Senate Bill No. 174, entitled "AN ACT MAKING AN APPROPRIATION FOR THE RELIEF OF RICHARD T. MAUS."

In my judgment, I am not convinced that this is a just claim against the State of Arizona and, for this reason, I am filing this bill with my disapproval.

Sincerely,

/s/ Paul J. Fannin

PAUL J. FANNIN
Governor

SENATE BILL NO. 174

AN ACT

MAKING AN APPROPRIATION FOR THE RELIEF OF RICHARD T. MAUS.

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

Section 1. APPROPRIATION

The sum of four thousand four hundred sixty-six dollars sixty-seven cents is appropriated from the state aviation fund for the relief of Richard T. Maus.

Sec. 2. BASIS OF CLAIM

The appropriation made under the terms of section 1 shall be for payment of wages due Richard T. Maus as director of the state aviation authority for the period July 1, 1955, to January 12, 1956.

Disapproved by the Governor—March 23, 1959.

Filed in the Office of the Secretary of State—March 23, 1959.

OFFICIAL CANVASS

ELECTION RETURNS

OFFICIAL CANVASS

PRIMARY ELECTION — SEPTEMBER 9, 1958

	Apache	Cochise	Coconino	Gila	Graham	Green-lee	Maricopa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total
Total Registration	3,270	15,031	7,920	10,562	5,466	5,403	183,969	3,081	7,595	78,807	14,496	3,739	11,881	14,402	365,622
Total Ballots Cast	2,148	10,501	5,079	7,843	4,167	4,340	96,041	2,406	5,123	42,064	9,201	2,830	7,642	8,398	207,783
Per Cent Votes Cast	65.69	69.86	64.13	74.26	76.23	80.33	52.20	78.09	67.45	53.38	63.47	75.69	64.32	58.31	56.83
Per Cent of Total State Vote Cast in Each County	1.03	5.05	2.44	3.78	2.01	2.09	46.22	1.16	2.47	20.24	4.43	1.36	3.68	4.04	100.00
UNITED STATES SENATOR:															
Stephen W. Langmade (D)	397	2,681	1,005	2,018	1,169	1,053	20,859	583	1,118	5,174	1,982	560	1,821	1,779	42,199
Ernest W. McFarland (D)	1,318	6,419	2,631	5,079	2,354	2,927	47,383	1,264	2,800	22,714	5,959	1,734	3,720	5,127	111,429
Barry Goldwater (R)	261	787	967	445	253	86	21,180	268	855	9,147	924	160	1,668	1,024	38,025
REPRESENTATIVE IN CONGRESS, DIST. NO. 1															
Joe Haldiman, Jr. (D)							31,563								31,563
Richard F. Harless (D)							29,954								29,954
Murabek Ali Khan (D)							2,792								2,792
John J. Rhodes (R)							20,769								20,769
REPRESENTATIVE IN CONGRESS, DIST. NO. 2															
Stewart L. Udall (D)	1,540	8,109	3,231	6,215	2,815	3,612		1,444	3,366	21,796	6,846	1,770	4,901	6,126	71,771
John G. Speiden (R)	220	749	835	414	228	77		238	742	8,216	837	151	1,489	918	15,114

	Apache	Cochise	Coconino	Gila	Graham	Green-lee	Maricopa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total
JUDGE OF SUPREME COURT:															
Term No. 1															
Levi S. Udall (D)	1,522	7,370	3,031	5,740	2,680	3,357	53,761	1,470	3,242	18,147	5,844	1,600	4,613	5,773	118,150
Term No. 2															
J. Mercer Johnson (D)	1,273	7,075	2,657	4,601	2,222	2,808	47,204	1,021	2,797	19,113	4,122	1,566	4,202	5,305	105,966
Term No. 3															
Frank Berry (D)	744	4,652	1,623	2,355	1,252	1,931	18,667	679	1,987	10,557	2,762	1,459	2,362	3,166	54,196
Charles C. Bernstein (D)	675	3,368	1,396	3,439	1,381	1,230	40,830	604	1,276	9,545	3,290	717	2,431	2,705	72,887
GOVERNOR:															
Marvin L. Burton (D)	163	1,251	397	678	353	298	8,642	310	379	3,300	927	172	684	568	18,122
Robert Morrison (D)	849	4,253	1,542	3,371	1,454	2,379	32,745	853	1,829	18,185	3,551	1,202	2,554	3,164	77,931
Dick Searles (D)	711	3,650	1,701	3,096	1,770	1,342	27,525	692	1,713	6,640	3,449	988	2,305	3,117	58,699
Paul Fannin (R)	229	672	749	384	221	80	20,158	238	699	8,443	817	129	1,455	855	35,129
SECRETARY OF STATE:															
Wesley Bolin (D)	1,376	7,686	3,001	5,985	2,724	3,495	57,351	1,471	3,185	18,954	6,651	1,657	4,807	5,862	124,205
ATTORNEY GENERAL:															
Bernard Caine (D)	302	1,006	538	792	454	767	9,252	983	615	2,735	1,060	385	968	1,386	21,243
Wade Church (D)	776	2,914	1,885	3,709	1,303	1,747	33,463	413	2,051	10,206	3,739	408	2,332	2,926	67,872
Don Hummel (D)	456	4,712	912	2,164	1,511	1,136	22,012	422	973	13,723	2,673	1,432	1,743	1,994	55,863
Laurens L. Henderson (R)	200	648	719	349	203	71	19,452	206	678	8,171	749	133	1,381	799	33,759
STATE AUDITOR:															
Jewel W. Jordan (D)	1,424	7,938	3,060	6,244	2,754	3,352	56,698	1,541	3,271	19,288	6,822	1,647	4,878	5,895	124,812
Mary Grace Joy (R)	200	633	738	354	198	66	18,389	235	668	7,878	721	123	1,360	825	32,388

	Apache	Cochise	Coconino	Gila	Graham	Green-lee	Maricopa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total
STATE TREASURER:															
A. J. Beaty (D)	174	1,238	620	2,169	844	808	12,798	332	952	3,673	1,068	376	992	1,418	27,462
W. J. (Bill) Kamp (D)	692	2,379	798	1,779	667	874	12,726	202	979	4,108	2,086	294	1,409	1,836	30,829
Mike Parker (D)	202	1,452	705	832	582	970	13,680	276	580	3,977	1,228	398	1,077	1,090	27,049
H. Y. (Bert) Sprague (D)	337	2,654	821	1,421	686	686	17,035	679	835	8,830	2,351	688	1,094	1,302	39,419
William P. Aguirre (R)	185	599	701	332	191	63	18,111	189	619	7,775	696	121	1,282	793	31,657
SUPERINTENDENT OF PUBLIC INSTRUCTION:															
M. L. Brooks (D)	751	4,975	1,886	3,736	1,762	2,123	25,533	1,099	1,930	12,485	4,015	1,218	2,704	3,156	67,373
W. W. (Skipper) Dick (D)	817	3,533	1,486	2,912	1,408	1,574	36,309	544	1,754	9,344	3,323	652	2,435	3,061	69,152
STATE MINE INSPECTOR:															
Eldifonso (Al) Chavez (D)	325	1,405	696	1,327	561	1,308	9,683	166	637	4,548	1,484	692	523	1,160	24,515
R. V. (Roy) Hersey (D)	727	5,039	1,432	3,563	1,602	1,730	32,849	627	1,659	10,902	4,718	730	2,137	2,847	70,562
Tom Phillips (D)	444	1,985	1,023	1,748	875	739	14,152	831	1,204	5,566	1,181	458	2,428	1,898	34,532
CORPORATION COMMISSION, Term ending January 2, 1961:															
J. W. Kelly (D)	690	4,129	1,592	1,826	1,359	1,489	25,823	788	1,523	7,522	3,308	907	2,702	3,076	56,734
Geo. F. Senner, Jr. (D)	781	3,685	1,430	5,022	1,208	1,712	31,035	791	1.909	12,814	3,708	830	2,019	2,844	69,788
T. W. Liese (R)	164	596	614	304	176	54	17,853	181	593	7,421	616	112	1,258	685	30,627
CORPORATION COMMISSION, Term ending January 4, 1965:															
Wm. A. (Bill) Brooks (D)	306	1,464	793	1,172	514	716	11,356	336	598	5,096	1,513	398	996	1,289	26,547
Wm. T. (Bill) Brooks (D)	470	3,643	1,188	2,410	1,269	1,134	21,690	523	1,396	8,069	2,823	794	1,760	1,819	48,988
A. P. (Jack) Buzard (D)	722	3,231	1,148	2,790	1,298	1,727	26,364	592	1,491	9,018	2,761	662	2,129	2,866	56,799
TAX COMMISSIONER:															
Thad M. Moore (D)	1,382	7,548	2,955	5,755	2,532	3,425	54,530	1,438	3,153	19,623	6,639	1,618	4,646	5,717	120,961

OFFICIAL CANVASS

PROPOSED AMENDMENTS TO THE CONSTITUTION

Special Election — September 9, 1958

	Apache	Cochise	Coconino	Gila	Graham	Green-lee	Maricopa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total
Proposing an amendment to the constitution of Arizona relating to the Legislature; prescribing the salary and expenses of members of the Legislature, and amending article 4, part 2, section 1, paragraph 2, Constitution of Arizona.															
100 — Yes	825	4,935	1,968	3,121	1,216	1,657	29,738	1,063	1,933	9,619	4,215	944	2,688	4,285	68,207
No	723	4,024	1,557	2,632	1,134	1,352	20,948	533	1,764	3,835	2,921	797	2,837	2,224	47,281
Proposing an amendment to article 6 of the Constitution of Arizona by adding Section 26, Relative to Retired Judges.															
101 — Yes	1,076	5,897	2,498	4,150	1,649	2,003	37,909	1,256	2,369	10,651	5,153	1,201	3,695	4,995	84,502
No	470	2,801	991	1,703	810	1,023	13,034	365	1,354	3,062	2,006	550	1,837	1,578	31,584

OFFICIAL CANVASS

INITIATIVE MEASURES — GENERAL ELECTION

NOVEMBER 4, 1958

		Apache	Cochise	Coconino	Gila	Graham	Green-lee	Maricopa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total
An Act changing the name of Arizona State College at Tempe to Arizona State University and providing that said institution shall have such colleges and departments and give such courses of study and degrees as shall be approved by the Board of Regents.																
200	YES	1,501	4,270	3,540	5,111	2,336	2,317	105,152	1,490	3,553	4,462	6,576	840	4,915	5,072	151,135
	NO	465	5,974	1,682	1,606	865	955	15,854	367	1,203	40,285	2,446	1,337	2,221	3,433	78,693
An Act establishing a merit system for Public Employees of the State and Various subdivisions of the State not covered by a merit system or civil service on the effective date of this act; establishing a state department of personnel and providing for a director thereof; establishing a department of personnel in the various counties of the state and the incorporated cities and towns; providing for personnel boards in the various subdivisions covered by the act, setting standards of personnel practice for the various boards; providing for the classification of positions of public employment in the state, counties and cities and towns, providing for wage standardization; establishing standards of performance and qualifications and providing for promotion and severance based upon merit within the classified service; providing for cooperation between the personnel board of the state and the various subdivisions covered by this act: and providing for exceptions and exclusions as to coverage of this act.															
201	YES	788	4,020	2,039	2,546	1,077	1,141	40,507	583	1,835	13,764	3,754	774	2,939	3,884	79,651
	NO	978	5,505	2,640	3,120	1,392	1,666	63,382	1,069	2,458	27,334	4,206	1,184	3,218	3,919	122,071

OFFICIAL CANVASS
ARIZONA STATE LEGISLATURE
GENERAL ELECTION — NOVEMBER 4, 1958

County and Office	Total Vote
APACHE COUNTY	
Senators:	
Melvin C. Greer (D)	1,712
Lynn Lockhart (D)	1,691
Representatives:	
James S. Shreeve (D)	1,570
Sam Day III	874
COCHISE COUNTY	
Senators:	
Dan S. Kitchel (D)	8,750
A. R. Spikes (D)	8,754
Representatives:	
Dist. No. 1	
Clyde M. Dalton (D)	2,661
Andrew J. (Jack) Gilbert (D)	2,898
Dist. No. 2	
Dist. No. 3	
Charles O. Bloomquist (D)	1,808
Dist. No. 4	
W. L. (Tay) Cook (D)	2,082
COCONINO COUNTY	
Senators:	
Robert W. Prochnow (D)	4,940
Fred F. Udine (D)	4,299
Representatives:	
Dist. No. 1	
Thomas M. (Tommy) Knoles, Jr. (D)	2,754
Dist. No. 2	
Harold Scudder (D)	2,028
GILA COUNTY	
Senators:	
Clarence L. Carpenter (D)	6,557
William A. Sullivan (D)	6,334
Representatives:	
Dist. No. 1	
R. E. "Arky" Burnham (D)	1,993
Dist. No. 2	
Nelson D. Brayton (D)	1,695
Dist. No. 3	
Edwynne C. "Polly" Rosenbaum (D)	3,043
GRAHAM COUNTY	
Senators:	
John Mickelson (D)	2,901
Jim Smith (D)	2,649
Representatives:	
Dist. No. 1	
E. L. Tidwell (D)	2,058
Dist. No. 2	
Milton Lines (D)	797

OFFICIAL CANVASS

ARIZONA STATE LEGISLATURE

GENERAL ELECTION — NOVEMBER 4, 1958

County and Office	Total Vote
GREENLEE COUNTY	
Senators:	
Carl Gale (D)	3,398
M. L. (Marshall) Sims (D)	3,589
Representatives:	
Dist. No. 1	
Tom W. Berry (D)	1,645
Dist. No. 2	
G. O. (Sonny) Biles (D)	2,010
MARICOPA COUNTY	
Senators:	
Hilliard T. Brooke (D)	71,508
Frank G. Murphy (D)	74,683
Charles H. Garland (R)	64,735
Wm. R. Pyper (R)	61,682
Representatives:	
Dist. No. 1	
Jack Adam (D)	1,628
Marshall Humphrey (R)	2,304
Dist. No. 2	
Orin C. Fuller (D)	1,466
Wm. S. Porter (R)	2,613
Dist. No. 3	
Wayne C. Pomeroy (D)	2,019
Waldo L. DeWitt (R)	2,066
Dist. No. 4	
J. O. Grimes (D)	2,458
John E. Wiley (R)	1,494
Dist. No. 5	
Elmer G. King (D)	2,630
Sarah E. Crowder (R)	1,307
Dist. No. 6	
Carl Austin (D)	2,501
Mabel E. Pinyan (R)	1,066
Dist. No. 7	
Bob Stump (D)	2,566
Mort Brayer (R)	878
Dist. No. 8	
Carl Sims, Sr. (D)	2,491
Dist. No. 9	
Sidney Kartus (D)	2,354
Dist. No. 10	
Martin P. Toscano (D)	2,550
Dist. No. 11	
Frank Bowman (D)	2,561
C. W. Myers (R)	2,486
Dist. No. 12	
Sherman R. Dent (D)	2,007
Theodore Cogswell (R)	1,683
Dist. No. 13	
Conrad James Carreon (D)	1,740
Dist. No. 14	
Marie S. Earl (D)	2,001
Dist. No. 15	
Harry S. Ruppelius (D)	1,635
Gerry Eliot (R)	2,036
Dist. No. 16	
Jack E. Gardner (D)	2,274
Dist. No. 17	
S. Earl Pugh (D)	4,376

OFFICIAL CANVASS

ARIZONA STATE LEGISLATURE

GENERAL ELECTION — NOVEMBER 4, 1958

County and Office	Total Vote
Dist. No. 18	
Willis D. Oldham (D)	1,530
Robert L. Myers (R)	2,059
Dist. No. 19	
Del J. Rogers (D)	1,706
Emogene Jennings (R)	1,913
Dist. No. 20	
Wm. F. Vipperman, Jr. (D)	1,964
Dist. No. 21	
Henry A. Church III (D)	1,650
Don Reese (R)	4,214
Dist. No. 22	
Charles L. Scott (D)	1,519
Elmer T. Burson (R)	2,507
Dist. No. 23	
J. C. Bennett (D)	1,751
W. I. Lowry (R)	1,774
Dist. No. 24	
Ted Mote (D)	1,522
Ruth Peck (R)	2,095
Dist. No. 25	
George S. Sebestyen (D)	1,468
Chet Goldberg, Jr. (R)	2,189
Dist. No. 26	
Don L. Riggs (D)	1,586
Robert Brewer (R)	1,982
Dist. No. 27	
Charles H. Oatman (D)	2,021
Ruth C. Kuntz (R)	1,647
Dist. No. 28	
Bill Stephens (D)	3,181
Dist. No. 29	
John C. Hughes (D)	1,601
Priscilla H. Hays (R)	1,725
Dist. No. 30	
Barney Blaine (D)	1,564
F. A. Higgins (R)	2,087
Dist. No. 31	
Wing F. Ong (D)	2,155
David H. Campbell (R)	2,596
Dist. No. 32	
Richard E. Brand (D)	985
Arthur B. Schellenberg (R)	2,575
Dist. No. 33	
Merle E. Hays (D)	2,192
L. W. Hacker (R)	1,933
Dist. No. 34	
David L. Jones (D)	2,054
Gene B. McClellan (R)	2,584
Dist. No. 35	
W. B. Barkley (D)	2,374
Edna M. Meyers (R)	1,188
Dist. No. 36	
Lewis B. Bramkamp (D)	1,789
W. K. McElhaney (R)	1,554
Dist. No. 37	
T. C. Rhodes (D)	2,797
MOHAVE COUNTY	
Senators:	
C. Clyde Bollinger (D)	1,763
Robert Morrow (D)	1,774
Ben R. Joy (R)	715

OFFICIAL CANVASS

ARIZONA STATE LEGISLATURE

GENERAL ELECTION — NOVEMBER 4, 1958

County and Office	Total Vote
Representatives:	
J. J. Glancy (D)	2,030
NAVAJO COUNTY	
Senators:	
Glenn Blansett (D)	3,458
J. Morris Richards (D)	3,217
William R. Bourdon (R)	2,869
Representatives:	
Dist. No. 1	
A. Belton Palmer (D)	1,424
Augusta T. Larson (R)	1,935
Dist. No. 2	
Lee F. Dover (D)	2,064
PIMA COUNTY	
Senators:	
Thomas Collins (D)	29,198
David Wine (D)	32,885
Hiram S. (Hi) Corbett (R)	32,267
Representatives:	
Dist. No. 1	
Emmett S. (Bud) Walker (D)	1,870
Dist. No. 2	
Arnold Elias (D)	3,133
Harry Badet (R)	1,885
Dist. No. 3	
Etta Mae Hutcheson (D)	1,093
Dist. No. 4	
James L. Kennedy (D)	3,335
Dist. No. 5	
Dr. Thomas D. Fridena (D)	1,160
Dist. No. 6	
Claire Cammisa (D)	781
Douglas S. Holsclaw (R)	1,416
Dist. No. 7	
Kathryn L. Woodward (D)	1,743
David G. Hawkins (R)	1,930
Dist. No. 8	
Maurice Krotenberg (D)	1,086
V. S. (John) Hostetter (R)	1,988
Dist. No. 9	
William I. Minor (D)	1,961
Earl J. Ballinger (R)	1,434
Richard J. Dowdall (Clean Government)	347
Dist. No. 10	
Albert N. Hopper (D)	2,725
Alvin Wessler (R)	3,329
Dist. No. 11	
Ray Martin (D)	2,863
Bill Gruber (R)	2,548
Dist. No. 12	
William (Bill) Ramsay (D)	1,625
John H. Haugh (R)	2,556
Dist. No. 13	
Cliff Kramer (D)	2,256
Thomas C. Webster (R)	2,260

OFFICIAL CANVASS

ARIZONA STATE LEGISLATURE

GENERAL ELECTION — NOVEMBER 4, 1958

County and Office	Total Vote
Dist. No. 14	
Emilio Carrillo (D)	1,745
Evelyn F. Mann (R)	503
Dist. No. 15	
Darlene C. (Mrs. Wm. J.) Bray (D)	1,422
W. G. "Bill" Bodell (R)	1,484
Dist. No. 16	
Harold L. Cook (D)	3,263
PINAL COUNTY	
Senators:	
Ben Arnold (D)	8,104
Charles S. Goff (D)	7,586
Representatives:	
Dist. No. 1	
Charles Moody (D)	2,448
Dist. No. 2	
Frederick S. Smith (D)	3,315
Dist. No. 3	
E. B. Thode (D)	3,031

County and Office	Total Vote
SANTA CRUZ COUNTY	
Senators:	
Neilson Brown (D)	1,843
C. B. (Bert) Smith (D)	1,887
Lawrence E. Sexton (R)	975
Representative:	
Robert R. (Bob) Hathaway (D)	2,275
YAVAPAI COUNTY	
Senators:	
Chas. H. (Chick) Orme (D)	6,132
David H. Palmer (D)	6,233
Representatives:	
Dist. No. 1	
Mabel S. Ellis (D)	2,218
Dist. No. 2	
Joseph L. (Joe) Allen (D)	1,608
Dick W. Martin (R)	1,501

County and Office	Total Vote
Dist. No. 3	
Milton O. (Mo) Lindner (D)	1,785
Robert N. Warner (R)	1,133
YUMA COUNTY	
Senators:	
Harold C. Giss (D)	7,535
Ray H. Thompson (D)	6,664
Representatives:	
Dist. No. 1	
C. D. Miller (D)	2,196
Dist. No. 2	
Robert (Bob) Klauer (D)	3,061
Dist. No. 3	
Clara Osborne Botzum (D)	1,980
Mary A. Burns (R)	948

OFFICIAL CANVASS

JUDGES OF SUPERIOR COURTS

GENERAL ELECTION — NOVEMBER 4, 1958

County and Office	Total Vote
APACHE COUNTY	
J. Smith Gibbons (D)	1,445
COCHISE COUNTY	
Frank E. Thomas (D)	7,658
COCONINO COUNTY	
H. L. Russell (D)	4,140
GILA COUNTY	
Robert E. McGhee (D)	5,398
GRAHAM COUNTY	
Ruskin Lines (D)	2,594
GREENLEE COUNTY	
Porter Murry (D)	2,373
MARICOPA COUNTY	
Division No. 1	
Fred J. Hyder (D)	49,947
Kenneth C. Chatwin (R)	34,160
Division No. 3	
Dow Ben Roush (D)	30,613
Henry S. Stevens (R)	61,498
Division No. 4	
Francis J. Donofrio (D)	77,194
Division No. 5	
Lorna E. Lockwood (D)	82,465
Division No. 6	
Renz L. Jennings (D)	74,805
Division No. 7	
E. R. Thurman (D)	70,736
Division No. 8	
Warren L. McCarthy (D)	70,777
Division No. 9	
R. C. Stanford, Jr. (D)	73,534
Division No. 10	
Yale McFate (D)	58,964
Abbott H. Goldenkoff (R)	23,619
MOHAVE COUNTY	
Charles P. Elmer (D)	1,839
NAVAJO COUNTY	
Don T. Udall (D)	4,024
PIMA COUNTY	
Division No. 1	
John F. Molloy (D)	35,253
Division No. 2	
Lee Garrett (D)	36,570
Division No. 4	
William Gordon (D)	18,164
Herbert F. Krucker (R)	28,776
Division No. 5	
Raul H. Castro (D)	26,437
Robert O. Roylston (R)	23,885
PINAL COUNTY	
W. C. Truman (D)	6,388
SANTA CRUZ COUNTY	
Gordon Farley (D)	1,862
YAVAPAI COUNTY	
Jack L. Ogg (D)	6,808
YUMA COUNTY	
William W. Nabours (D)	6,389

OFFICIAL CANVASS

GENERAL ELECTION — NOVEMBER 4, 1958

	Apache	Cochise	Coconino	Gila	Graham	Green-lee	Maricopa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total
Total Registration	3,580	15,931	8,770	11,101	5,777	5,517	197,943	3,313	8,276	84,248	15,412	3,849	12,789	15,005	391,511
Total Vote Cast	2,614	12,316	6,603	8,647	4,441	4,300	154,791	2,618	6,262	63,285	11,384	2,970	9,572	10,201	300,004
Per Cent of Vote Cast	73.02	77.31	75.29	77.89	76.87	77.94	78.20	79.02	75.66	75.12	73.86	77.16	74.85	67.98	76.63
JUDGE OF SUPREME COURT, Term No. 1:															
Levi S. Udall (D)	1,583	7,195	4,140	5,095	2,288	2,284	81,346	1,462	4,091	36,825	6,201	1,460	5,802	6,194	165,966
JUDGE OF SUPREME COURT, Term No. 2:															
J. Mercer Johnson (D)	1,185	6,859	3,566	4,587	2,143	2,083	65,391	1,248	3,653	37,388	5,681	1,386	5,167	5,457	145,794
JUDGE OF SUPREME COURT, Term No. 3:															
Charles C. Bernstein (D)	1,213	6,395	3,565	4,696	1,895	2,070	78,026	1,313	3,612	31,328	5,741	1,364	5,275	5,548	152,041
TAX COMMISSIONER:															
Thad M. Moore (D)	1,403	7,320	3,881	4,884	2,097	2,221	77,427	1,505	3,889	35,342	6,102	1,466	5,696	6,126	159,359
UNITED STATES SENATOR:															
Ernest W. McFarland (D)	1,140	5,951	2,576	4,704	1,918	2,874	61,351	1,169	2,557	28,818	5,927	1,367	3,623	5,055	129,030
Barry Goldwater (R)	1,396	6,036	3,853	3,678	2,326	1,272	90,942	1,369	3,451	32,929	5,210	1,464	5,737	4,930	164,593
REPRESENTATIVE IN CONGRESS, Dist. No. 1:															
Joe Haldiman, Jr. (D)							59,816								59,816
John J. Rhodes (R)							86,959								86,959
REPRESENTATIVE IN CONGRESS, Dist. No. 2:															
Stewart L. Udall. (D)	1,492	6,733	3,514	5,486	2,425	3,150		1,448	3,076	32,940	6,782	1,562	4,630	6,413	79,651
John G. (Jack) Speiden (R)	877	4,291	2,266	1,994	1,399	645		809	2,357	25,374	3,244	845	3,956	3,083	51,140

OFFICIAL CANVASS

GENERAL ELECTION — NOVEMBER 4, 1958

	Apache	Cochise	Coconino	Gila	Graham	Green-lee	Maricopa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total
GOVERNOR:															
Robert Morrison (D)	1,181	6,210	2,553	4,730	1,945	2,923	59,593	1,227	2,524	31,306	5,627	1,739	3,547	5,224	130,329
Paul Fannin (R)	1,309	5,617	3,802	3,546	2,238	1,162	91,712	1,208	3,404	29,460	5,261	1,005	5,751	4,661	160,136
SECRETARY OF STATE:															
Wesley Bolin (D)	1,706	9,120	4,619	6,667	2,693	3,536	89,057	1,880	4,139	37,003	8,451	1,923	6,412	7,649	184,855
ATTORNEY GENERAL:															
Wade Church (D)	1,426	7,812	3,471	5,695	2,543	3,258	71,424	1,460	3,281	33,716	6,966	1,743	4,647	6,373	153,815
Laurens L. Henderson (R)	912	3,322	2,478	2,191	1,293	625	73,589	770	2,345	24,126	3,512	634	4,071	3,045	122,913
STATE AUDITOR:															
Jewel W. (Mrs. Lon) Jordan (D)	1,666	8,516	4,239	6,552	2,896	3,480	86,586	1,507	4,109	35,238	8,077	1,764	5,910	6,793	177,333
Mary Grace Joy (R)	729	2,770	1,721	1,398	837	430	57,065	898	1,574	21,187	2,395	575	3,032	2,632	97,243
STATE TREASURER:															
H. Y. (Bert) Sprague (D)	1,572	8,229	3,913	6,196	2,790	3,363	78,896	1,620	3,775	33,120	7,622	1,690	5,235	6,569	164,590
William P. Aguirre (R)	723	2,401	1,655	1,428	738	417	58,007	513	1,514	22,365	2,499	568	3,003	2,548	98,379
SUPT. OF PUBLIC INSTRUCTION:															
W. W. (Skipper) Dick (D)	1,806	9,123	4,606	6,639	2,687	3,569	91,490	1,838	4,391	38,162	8,403	1,890	6,498	7,553	188,655
STATE MINE INSPECTOR:															
R. V. (Roy) Hersey (D)	1,722	9,160	4,478	6,640	2,039	3,516	88,655	1,829	4,202	37,950	8,558	1,879	6,365	7,447	185,040
CORPORATION COMMISSION, Term ending Jan. 2, 1961:															
George F. Senner, Jr. (D)	1,554	8,069	3,811	6,342	2,671	3,354	79,202	1,501	3,723	33,713	7,569	1,710	4,832	6,539	164,590
T. W. Liese (R)	704	2,478	1,641	1,507	785	386	57,707	632	1,509	20,011	2,422	467	3,498	2,272	96,019
CORPORATION COMMISSION, Term ending Jan. 4, 1965:															
A. P. (Jack) Buzard (D)	1,659	8,583	4,201	6,316	2,501	3,408	87,160	1,696	3,987	37,493	7,918	1,781	5,925	7,359	179,987

PROCLAMATIONS

STATE OF ARIZONA

EXECUTIVE DEPARTMENT

A PROCLAMATION BY THE GOVERNOR OF ARIZONA

TO ALL TO WHOM THESE PRESENTS
SHALL COME, GREETINGS:

WHEREAS, Part 1, Articles IV and XXI of the Constitution of the State of Arizona, and Chapter 1, Title 19, Arizona Revised Statutes provide that proposed amendments to the Constitution of the State of Arizona shall be submitted to the electors of the State of Arizona at a special or general election, either by initiative petitions or by the Legislature of the State of Arizona, and said Part 1, Article IV of the Constitution of the State of Arizona and said Chapter 1, Title 19, Arizona Revised Statutes further provide that initiative measures and legislative measures against which the referendum is applied shall be submitted to the electors of the State of Arizona; and

WHEREAS, at a special election held on the ninth day of September, 1958, there was, in accordance with the provisions of said Part 1, Articles IV and XXI of the Constitution of the State of Arizona, and said Chapter 1, Title 19, Arizona Revised Statutes, submitted to the electors of the State of Arizona two proposed amendments to the Constitution of the State of Arizona, which said proposed amendments were referred to the people by the Legislature; and

WHEREAS, Sub-section 13, Section 1, Part 1, Article IV, Constitution of the State of Arizona, and Section 16-993, Chapter 7, and Section 19-126, Chapter 1, Arizona Revised Statutes, provide that when the Canvassing Board of the State of Arizona shall have counted the votes cast at a general or special election, and shall have verified the returns thereof, it shall be the duty of the Governor of the State of Arizona to issue a proclamation giving the whole number of votes cast for and against each measure or proposed amendment, and declaring such measures or amendments as are approved by a majority of those electors voting thereon to be in full force and effect as the law of the State of Arizona, from the date of said proclamation; and

WHEREAS, it appears from the returns of said special election held on the said ninth day of September, 1958, as canvassed and certified by said Canvassing Board, in accordance with said Part 1, Article IV of the Constitution of the

State of Arizona, and Section 16-993, Chapter 7 and Section 16-126, Chapter 1, Arizona Revised Statutes, that a proposed amendment to the Constitution of the State of Arizona entitled, and in the form and manner following:

TWENTY-THIRD LEGISLATURE, SECOND REGULAR SESSION

SENATE CONCURRENT RESOLUTION NO. 10

A CONCURRENT RESOLUTION
PROPOSING AN AMENDMENT OF THE CONSTITUTION OF ARIZONA RELATING TO THE LEGISLATURE; PRESCRIBING THE SALARY AND EXPENSES OF MEMBERS OF THE LEGISLATURE, AND AMENDING ARTICLE 4, PART 2, SECTION 1, PARAGRAPH 2, CONSTITUTION OF ARIZONA

was submitted to the electors of the State of Arizona at said special election and that there were of legal votes cast at said special election 68,207 votes cast in favor of said amendment, and 47,281 votes cast against said amendment, and that, therefore, a majority of the legal votes cast at said special election were in favor thereof,

NOW, THEREFORE, I, Ernest W. McFarland, Governor of the State of Arizona, under and by virtue of the authority in me vested by sub-section 13 of Section 1, Part 1 of Article IV of the Constitution of the State of Arizona, and Section 16-993, Chapter 7 and Section 19-126, Chapter 1, Arizona Revised Statutes, do hereby declare that said proposed Amendment to the Constitution referred to the people by the Legislature hereinbefore referred to, to have been duly and regularly approved and adopted by the electors of the State of Arizona at said special election so held on said ninth day of September, 1958, and I do, therefore, hereby proclaim said Amendment to have become and be a part of the laws of the State of Arizona from and as of the date of these presents.

WHEREAS, it appears from the returns of said special election held on the said ninth day of September, 1958, as canvassed and certified by said Canvassing Board, in accordance with said Part 1, Article IV of the Constitution of the State of Arizona, and Section 16-993, Chapter 7 and Section 16-126, Chapter 1, Arizona Revised Statutes, that a proposed amendment to the Constitution of the State of Arizona entitled, and in the form and manner following:

SENATE CONCURRENT RESOLUTION NO. 3

TWENTY-THIRD LEGISLATURE, SECOND REGULAR SESSION

A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE 6 OF THE CONSTITUTION OF ARIZONA BY ADDING SECTION 26, RELATING TO RETIRED JUDGES

was submitted to the electors of the State of Arizona at said special election and that there were of legal votes cast at said special election 84,502 votes cast in favor of said amendment, and 31,584 votes cast against said amendment, and that, therefore, a majority of the legal votes cast at said special election were in favor thereof,

NOW, THEREFORE, I, Ernest W. McFarland, Governor of the State of Arizona, under and by virtue of the authority in me vested by sub-section 13 of Section 1, Part 1 of Article IV of the Constitution of the State of Arizona, and Section 16-993, Chapter 7 and Section 19-126, Chapter 1, Arizona Revised Statutes, do hereby declare that said proposed Amendment to the Constitution referred to the people by the Legislature hereinbefore referred to, to have been duly and regularly approved and adopted by the electors of the State of Arizona at said special election so held on said ninth day of September, 1958, and I do therefore hereby proclaim said amendment to have become and be a part of the laws of the State of Arizona, from and as of the date of these presents.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Arizona to be affixed at Phoenix, the Capital, this thirtieth day of September, in the year of Our Lord One Thousand Nine Hundred and fifty-eight.

Ernest W. McFarland
GOVERNOR

ATTEST:
Wesley Bolin
Secretary of State

PROCLAMATION

GENERAL ELECTION — 1958

WHEREAS, it is provided in Section 11, Article 7, of the Constitution of Arizona, that a general election shall be held for the election of representatives to Congress, members of the state legislature, and state, county and precinct officers, on the first Tuesday after the first Monday in November of the first even numbered year after the year in which Arizona is admitted to statehood, and biennially thereafter; and

WHEREAS, Section 10, Part 1, Article 4, of the Constitution of Arizona, provides that amendments to the Constitution and laws against which a referendum has been filed, or measures which have been initiated by petition bearing an adequate number of signatures of qualified electors shall be submitted to the people to be voted upon at the next general election following the filing of such petitions; and

WHEREAS, Chapter 7, Section 16-705, Arizona Revised Statutes, provides that at least thirty days before a general election, the Governor shall issue a proclamation containing a statement of the time of election, offices to be filled, and an offer of reward, in the form prescribed by law, to prevent abuses of the elective franchise, copies of which proclamation shall be presented to the Clerk of the Board of Supervisors of the different counties of the state,

NOW, THEREFORE, I, Ernest W. McFarland, Governor, in pursuance of my duties as prescribed by law, do hereby proclaim a GENERAL ELECTION to be held on the first Tuesday after the first Monday in November, 1958, which shall be Tuesday, November fourth, 1958, for the election of the following officials:

One United States Senator, two Representatives in Congress, three Judges of the Supreme Court, a Governor, a Secretary of State, an Auditor, a Treasurer, an Attorney General, a Superintendent of Public Instruction, a Mine Inspector, two Corporation Commissioners, a Tax Commissioner, and such Judges and Clerks of the Superior Courts of the State of Arizona in and for the several counties of the State as are authorized by law, and such State Senators and Representatives as are authorized by Section 1, Subdivision 2, Article 4, of the Constitution of the State of Arizona, as amended by initiative petition of the people adopted at the

general election November 5, 1918, and which became a law by proclamation of the Governor December 5, 1918; and further amended by initiative petition of the people adopted at the general election held November 8, 1932, and which became a law by proclamation of the Governor November 28, 1932; and further amended by referendum referred to the people and adopted at the special election held on September 12, 1950, and which became law by proclamation of the Governor October 2, 1950;

For each of the counties of the state: A County Attorney, a Sheriff, a Treasurer, a School Superintendent, a Recorder, an Assessor, such Supervisors and Justices of the Peace and Constables as are authorized by law pertaining to those offices in the several counties;

And to afford an opportunity for the people of the State of Arizona to vote upon any initiative referred and initiated measures or constitutional amendments that may be submitted to the people.

and I do hereby offer a reward of Fifty ($50.00) Dollars for the arrest and conviction of any and every person violating any of the provisions of Chapter 7, Section 16-705, Arizona Revised Statutes, such rewards to be paid until the total amount thereof expended for the purpose reaches the amount of One Thousand ($1,000.00) Dollars.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Arizona to be affixed at Phoenix, the Capital, this third day of October, in the year of Our Lord One Thousand Nine Hundred and fifty-eight.

Ernest W. McFarland
GOVERNOR

ATTEST:

Wesley Bolin
Secretary of State

STATE OF ARIZONA

EXECUTIVE DEPARTMENT

A PROCLAMATION BY THE GOVERNOR OF ARIZONA

TO ALL TO WHOM THESE PRESENTS
SHALL COME, GREETINGS:

WHEREAS, Section 11, Article VII, Constitution of the State of Arizona, provides that there shall be a general election of Representatives in Congress and of State, county and precinct officers on the first Tuesday after the first Monday in November of the first even numbered year in which Arizona is admitted to Statehood and biennially thereafter; and

WHEREAS, Part 1, Articles IV and XXI of the Constitution of the State of Arizona, and Chapter 1, Title 19, Arizona Revised Statutes provide that proposed amendments to the Constitution of the State of Arizona shall be submitted to the electors of the State of Arizona at a special or general election, either by initiative petitions or by the Legislature of the State of Arizona, and said Part 1, Article IV of the Constitution of the State of Arizona and said Chapter 1, Title 19, Arizona Revised Statutes, further provide that initiative measures and legislative measures against which the referendum is applied shall be submitted to the electors of the State of Arizona; and

WHEREAS, at the general election held on the first Tuesday after the first Monday in November, 1958, there was, in accordance with the provisions of said Part 1, Articles IV and XXI of the Constitution of the State of Arizona, and said Chapter 1, Title 19, Arizona Revised Statutes, submitted to the electors of the State of Arizona two initiative measures proposed by petition of the people; and

WHEREAS, Sub-section 13, Section 1, Part 1, Article IV, Constitution of the State of Arizona, and Section 16-993, Chapter 7, and Section 19-126, Chapter 1, Arizona Revised Statutes, provide that when the Canvassing Board of the State of Arizona shall have counted the votes cast at a general or special election, and shall have verified the returns thereof, it shall be the duty of the Governor of the State of Arizona to issue a proclamation giving the whole number of votes cast for and against each measure or proposed amendment, and declaring such measures or amendments as are

approved by a majority of those electors voting thereon to be in full force and effect as the law of the State of Arizona; and

WHEREAS, it appears from the returns of said general election held on the said first Tuesday after the first Monday in November, 1958, as canvassed and certified by said Canvassing Board, in accordance with said Part 1, Article IV of the Constitution of the State of Arizona and Section 16-993, Chapter 7 and Section 16-126, Chapter 1, Arizona Revised Statutes, that a proposed initiative measure entitled in the form and manner following:

INITIATIVE MEASURE

PROPOSED BY INITIATIVE PETITION

AN ACT

AN ACT CHANGING THE NAME OF ARIZONA STATE COLLEGE AT TEMPE TO ARIZONA STATE UNIVERSITY AND PROVIDING THAT SAID INSTITUTION SHALL HAVE SUCH COLLEGES AND DEPARTMENTS AND GIVE SUCH COURSES OF STUDY AND DEGREES AS SHALL BE APPROVED BY THE BOARD OF REGENTS

was submitted to the electors of the State of Arizona at said election and that there were of legal votes cast at said election 151,135 votes cast in favor of said initiative measure, and 78,693 votes cast against said initiative, and that, therefore, a majority of the legal votes cast at said election were in favor thereof.

NOW, THEREFORE, I, Ernest W. McFarland, Governor of the State of Arizona, under and by virtue of the authority in me vested by Sub-section 13 of Section 1, Part 1 of Article IV of the Constitution of the State of Arizona, and Section 16-993, Chapter 7 and Section 19-126, Chapter 1, Arizona Revised Statutes, do hereby declare that said proposed initiative measure proposed by initiative petition hereinbefore referred to, to have been duly and regularly approved and adopted by the electors of the State of Arizona at said general election so held on said first Tuesday after the first Monday in November, 1958, and I do therefore hereby proclaim said initiative measure to have become and be a part of the laws of the State of Arizona.

WHEREAS, it appears from the returns of said general election held on the said first Tuesday after the first Monday in November, 1958, as canvassed and certified by said Canvassing Board, in accordance with said Part 1, Article IV of the Constitution of the State of Arizona and Section 16-993, Chapter 7 and Section 16-126, Chapter 1, Arizona Revised Statutes, that a proposed initiative measure entitled in the form and manner following:

INITIATIVE MEASURE

PROPOSED BY INITIATIVE PETITION

AN ACT

AN ACT ESTABLISHING A MERIT SYSTEM FOR PUBLIC EMPLOYEES OF THE STATE AND VARIOUS SUBDIVISIONS OF THE STATE NOT COVERED BY A MERIT SYSTEM OR CIVIL SERVICE ON THE EFFECTIVE DATE OF THIS ACT; ESTABLISHING A STATE DEPARTMENT OF PERSONNEL AND PROVIDING FOR A DIRECTOR THEREOF; ESTABLISHING A DEPARTMENT OF PERSONNEL IN THE VARIOUS COUNTIES OF THE STATE AND THE INCORPORATED CITIES AND TOWNS; PROVIDING FOR PERSONNEL BOARDS IN THE VARIOUS SUBDIVISIONS COVERED BY THE ACT, SETTING STANDARDS OF PERSONNEL PRACTICE FOR THE VARIOUS BOARDS; PROVIDING FOR THE CLASSIFICATION OF POSITIONS OF PUBLIC EMPLOYMENT IN THE STATE, COUNTIES AND CITIES AND TOWNS, PROVIDING FOR WAGE STANDARDIZATION; ESTABLISHING STANDARDS OF PERFORMANCE AND QUALIFICATIONS AND PROVIDING FOR PROMOTION AND SEVERANCE BASED UPON MERIT WITHIN THE CLASSIFIED SERVICE; PROVIDING FOR COOPERATION BETWEEN THE PERSONNEL BOARD OF THE STATE AND THE VARIOUS SUBDIVISIONS COVERED BY THIS ACT; AND PROVIDING FOR EXCEPTIONS AND EXCLUSIONS AS TO COVERAGE OF THIS ACT

was submitted to the electors of the State of Arizona at said election and that there were of legal votes cast at said election 79,651 votes cast in favor of said initiative measure, and 122,071 votes cast against said initiative measure, and that therefore, a majority of the legal votes cast at said election were opposed thereto,

NOW, THEREFORE, I, Ernest W. McFarland, Governor of the State of Arizona, under and by virtue of the authority in me vested by Sub-section 13 of Section 1, Part 1 of Article IV of the Constitution of the State of Arizona, and Section 16-993, Chapter 7 and Section 19-126, Chapter 1, Arizona Revised Statutes, do hereby declare that said proposed initiative measure proposed by initiation petition hereinbefore referred to, to have been duly and regularly rejected by the electors of the State of Arizona at said general election so held on said first Tuesday after the first Monday in November, 1958.

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

DONE at Phoenix, the Capital, this fifth day of December, in the year of Our Lord One Thousand Nine Hundred and fifty-eight.

Ernest W. McFarland
GOVERNOR

ATTEST:

Wesley Bolin
Secretary of State

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