

VOLUME 2
SESSION LAWS
STATE OF ARIZONA

THIRTY-FIRST LEGISLATURE
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WESLEY BOLIN

Secretary of State

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LAWS OF ARIZONA

THE BASIS FOR COMPUTING COMPENSATION PAYABLE TO SUCH WORKING PARTNER SHALL BE SUBJECT TO SECTION 23-1041 AND SHALL BE COMPUTED ONLY UPON ACTUAL WAGES RECEIVED, EXCLUSIVE OF PROFITS.

(i) A MEMBER OF THE ARIZONA NATIONAL GUARD, ARIZONA STATE GUARD OR UNORGANIZED MILITIA SHALL BE DEEMED A STATE EMPLOYEE AND ENTITLED TO COVERAGE UNDER THE ARIZONA WORKMEN'S COMPENSATION LAW AT ALL TIMES WHILE SUCH MEMBER IS RECEIVING THE PAYMENT OF HIS MILITARY SALARY FROM THE STATE OF ARIZONA UNDER COMPETENT MILITARY ORDERS OR UPON ORDER OF THE GOVERNOR. COMPENSATION BENEFITS SHALL BE BASED UPON THE MONTHLY MILITARY PAY RATE TO WHICH THE MEMBER IS ENTITLED AT THE TIME OF INJURY, BUT NOT LESS THAN A SALARY OF FOUR HUNDRED DOLLARS PER MONTH, NOR MORE THAN THE MAXIMUM PROVIDED BY THE WORKMEN'S COMPENSATION LAW. NO ARIZONA COMPENSATION BENEFITS SHALL INURE TO A MEMBER COMPENSABLE UNDER FEDERAL LAW.

5. "General order" means and includes an order applied generally throughout the state to all persons under jurisdiction of the commission.

6. "Insurance carrier" means the state compensation fund and every insurance carrier duly authorized by the director of insurance to write workmen's compensation or occupational disease compensation insurance in the state of Arizona.

7. "Interested party" means the employer, the employee; or if the employee is deceased, the surviving spouse or dependents; the commission, the insurance carrier or their representative.

8. "Order" means and includes any rule, regulation, direction, requirement, standard, determination or decision other than an award or a directive by the commission or a hearing officer relative to any entitlement to compensation benefits, or to the amount thereof, and any procedural ruling relative to the processing or adjudicating of a compensation matter.

9. "Personal injury by accident arising out of, and in the course of employment" ~~includes an injury caused by the wilful act of a third person directed against an employee because of his employment, but does not include a disease unless resulting from the injury,~~ shall be defined as:

(a) Personal injury by accident arising out of, and in the course of employment, or

LAWS OF ARIZONA

(b) An injury caused by the wilful act of a third person directed against an employee because of his employment, but does not include a disease unless resulting from the injury, or

(c) An occupational disease which is due to causes and conditions characteristic of and peculiar to a particular trade, occupation, process or employment, and not the ordinary diseases to which the general public is exposed, and subject to the provisions of section 23-901.01.

10. "Special order" means and includes an order other than a general order.

11. "State compensation fund" includes the state compensation fund, accident benefit fund and occupational disease compensation fund in existence upon the effective date of this section and shall thereafter include all funds under the jurisdiction of the board of directors of the state compensation fund which have been derived from the assessment of premiums, interest, penalties and investment earnings for the payment of all workmen's compensation and occupational disease compensation benefits.

Sec. 2. Section 23-902, Arizona Revised Statutes, is amended to read:

23-902. Employers subject to chapter

A. Employers subject to the provisions of this chapter are the state, each county, city, town, municipal corporation, school district and every person who has in his employ ~~three or more~~ ANY workmen or operatives regularly employed in the same business or establishment under contract of hire, except ~~agricultural workers not employed in the use of machinery and domestic servants. Exempted employers of agricultural workers or domestic servants or employers of less than three workmen or operatives~~ may come under the provisions of this chapter by complying with its provisions and the rules and regulations of the commission. For the purposes of this section "regularly employed" includes all employments, whether continuous throughout the year, or for only a portion of the year, in the usual trade, business, profession or occupation of an employer.

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

LAWS OF ARIZONA

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

Sec. 3. Section 23-907, Arizona Revised Statutes, is amended to read:

23-907. Liability of employer failing to secure compensation; defenses; presumption; right of employee to compensation under chapter

A. Employers subject to and who fail to comply with the provisions of section 23-961 shall not be entitled to the benefits of chapters 6 and 7 during the period of noncompliance, but shall be liable in an action under any other applicable law of the state. In such action the defendant shall not avail himself of the defenses of assumption of risk or contributory negligence. In all such actions proof of the injury shall constitute prima facie evidence of negligence on the part of the employer and the burden shall be upon the employer to show freedom from negligence resulting in the injury.

B. An employee of such an employer, or the employee's dependents in case death ensued, may, in lieu of proceeding against the employer by civil action in court, file his application with the commission for compensation in accordance with the provisions of chapters 6 and 7, and the commission shall hear and determine the application for compensation in the manner other claims are heard and determined before the commission. The compensation so determined shall be paid by the employer to the person entitled thereto within ten days after receiving notice of the amount thereof as fixed and determined by the commission. ~~In the event the employer does not pay such compensation within ten days, the commission, in its discretion, may order the award paid out of the special fund created by section 23-1065 and in that event the cause of action against the employer shall be deemed assigned to the commission for the benefit of such fund. The commission shall then have a claim against the employer for the amount so paid, together with all necessary expenses, a reasonable attorney's fee to be fixed by the court, and a penalty equal to ten per cent of the amount paid by the commission out of the special fund.~~

~~C.~~ An abstract of the award may be filed in the office of the clerk of the superior court in any county in the state and shall be entered in the civil order book and judgment docket, and when so filed and entered shall be a

LAWS OF ARIZONA

lien for eight years from the date of the award upon the property of the employer located in the county. Execution may issue thereon within eight years in the same manner and with like effect as if the award were a judgment of the superior court.

C. IF THE EMPLOYER DOES NOT PAY THE COMPENSATION AWARDED PURSUANT TO SUBSECTION B OF THIS SECTION WITHIN TEN DAYS, THE COMMISSION SHALL ORDER IN A SUBSEQUENT AWARD THAT THE APPLICANT'S AWARD BE PAID OUT OF THE SPECIAL FUND CREATED BY SECTION 23-1065. THE AWARD ORDERING PAYMENT FROM THE SPECIAL FUND SHALL ALSO SPECIFY THAT TEN PER CENT OF THE AMOUNT EXPENDED WILL BE ADDED AS A PENALTY. THE AWARD WILL ACT AS A JUDGMENT AGAINST THE EMPLOYER FOR THE AMOUNT EXPENDED BY THE SPECIAL FUND PLUS THE TEN PER CENT PENALTY. IF THE COMMISSION PAYS THE AWARD THE COMMISSION MAY FILE THAT AWARD IN THE OFFICE OF THE CLERK OF THE SUPERIOR COURT IN ANY COUNTY IN THE STATE AND SUCH AWARD SHALL BE ENTERED IN THE CIVIL ORDER BOOK AND JUDGMENT DOCKET, AND WHEN SO FILED AND ENTERED SHALL BE A LIEN FOR EIGHT YEARS FROM THE DATE OF THE AWARD UPON THE PROPERTY OF THE EMPLOYER LOCATED IN THE COUNTY. EXECUTION MAY ISSUE THEREON WITHIN EIGHT YEARS IN THE SAME MANNER AND WITH LIKE EFFECT AS IF THE AWARD WERE A JUDGMENT OF THE SUPERIOR COURT. ANY RECOVERY PURSUANT TO THIS SECTION SHALL BE DEPOSITED IN THE SPECIAL FUND ACCOUNT.

D. An employer with ~~three~~ ONE or more employees who is required to comply with the provisions of chapters 6 and 7 but who fails to obtain coverage through an insurance carrier or as a self-insurer shall be subject to an action by the commission to apply to the court for an injunction which shall cause the employer to cease the operation of his business until such employer complies with the provisions of law pertaining thereto.

Sec. 4. **Repeal**

Section 26-164, Arizona Revised Statutes, is repealed.

Sec. 5. **Effective date**

This act shall become effective January 1, 1974.

Approved by the Governor—May 8, 1973

Filed in the Office of the Secretary of State—May 8, 1973

LAWS OF ARIZONA

CHAPTER 137

House Bill 2317

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE SECRETARY OF STATE.

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

Section 1. Appropriation

The sum of five hundred thousand dollars is appropriated to the secretary of state for the purposes provided in section 2 of this act.

Sec. 2. Purposes; claims

A. The sum appropriated under the terms of section 1 of this act shall be used for the following purposes as a result of any recall petition that may be filed with the secretary of state requesting a recall of the governor:

1. To reimburse the secretary of state for expenses incurred by him for publication of notice of a special recall election to be held as provided by law, and for preparing copies of the petition for recall of the governor for submission to the county recorders.

2. To reimburse the county recorders for expenses incurred by them as provided by law for checking the signature sheets of the petition for recall submitted to them by the secretary of state and for certification thereof to the secretary of state as provided by law.

3. To reimburse the county boards of supervisors for expenses incurred by the county boards in preparing for, conducting and canvassing such special recall election.

B. The clerk of the board of supervisors of each county shall submit to the secretary of state, for approval by him, an itemized claim, verified by the clerk, for expenses incurred by the county as provided in paragraphs 2 and 3, subsection A, of this section. Upon approval of the claim by the secretary of state, he shall submit the claim to the department of finance for payment to the county recorder and the county board of supervisors from the sum appropriated by the terms of section 1.

LAWS OF ARIZONA

Sec. 3. Exemption; reversion

The appropriation made by this act is exempt from the provisions of section 35-190, Arizona Revised Statutes, relating to lapsing of appropriations, except that any funds thereof remaining unexpended and unencumbered at the close of June 30, 1974 shall revert to the state general fund.

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—May 8, 1973

Filed in the Office of the Secretary of State—May 8, 1973

CHAPTER 138

Senate Bill 1005

AN ACT

RELATING TO CRIMES; DEFINING DEGREES OF MURDER; PRESCRIBING PUNISHMENT FOR MURDER IN THE FIRST AND SECOND DEGREE; PRESCRIBING PUNISHMENT FOR CERTAIN OFFENSES; PROVIDING FOR EXPERT WITNESSES AND INVESTIGATORS FOR INDIGENTS CHARGED WITH CAPITAL OFFENSE; REPEALING SECTION 13-454, ARIZONA REVISED STATUTES; AMENDING TITLE 13, CHAPTER 2, ARTICLE 22 BY ADDING A NEW SECTION 13-454, AND AMENDING SECTIONS 13-452, 13-453, 13-250, 13-492, 13-644, 13-922 AND 13-1673, ARIZONA REVISED STATUTES.

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

Section 1. Section 13-452, Arizona Revised Statutes, is amended to read:

13-452. **Degrees of murder**

LAWS OF ARIZONA

A murder which is perpetrated by means of poison or lying in wait, torture or by any other kind of wilful, deliberate and premeditated killing, or which is committed IN AVOIDING OR PREVENTING LAWFUL ARREST OR EFFECTING AN ESCAPE FROM LEGAL CUSTODY, OR in the perpetration of, or attempt to perpetrate, arson, rape IN THE FIRST DEGREE, robbery, burglary, KIDNAPPING, or mayhem, OR SEXUAL MOLESTATION OF A CHILD UNDER THE AGE OF THIRTEEN YEARS, is murder of the first degree. All other kinds of murder are of the second degree.

Sec. 2. Section 13-453, Arizona Revised Statutes, is amended to read:

13-453. Punishment for murder

A. A person guilty of murder in the first degree shall suffer death or imprisonment in the state prison for life, ~~at the discretion of the jury trying the person charged therewith, or upon a plea of guilty, the court shall determine the punishment.~~ WITHOUT POSSIBILITY OF PAROLE UNTIL THE COMPLETION OF THE SERVICE OF TWENTY-FIVE CALENDAR YEARS IN THE STATE PRISON, AS DETERMINED BY AND IN ACCORDANCE WITH THE PROCEDURES PROVIDED IN SECTION 13-454.

B. A person guilty of murder in the second degree shall be punished by imprisonment in the state prison for not less than ten years.

Sec. 3. Section 13-250, Arizona Revised Statutes, is amended to read:

13-250. Assault with deadly weapon or force by life prisoner; punishment

A person imprisoned ~~in the state prison~~ under sentence for life, who, with malice aforethought, commits an assault upon the person of another with a deadly weapon or instrument, or by any means or force likely to produce great bodily injury, ~~is subject to punishment~~ SHALL UPON CONVICTION OF SUCH OFFENSE BE PUNISHED BY IMPRISONMENT FROM TWENTY TO NINETY-NINE YEARS WITHOUT POSSIBILITY OF PAROLE UNTIL THE MINIMUM SENTENCE HAS BEEN SERVED WHICH SENTENCE SHALL BE SERVED CONSECUTIVE TO THE LIFE SENTENCE ~~by death.~~

Sec. 4. Repeal

Section 13-454, Arizona Revised Statutes, is repealed.

LAWS OF ARIZONA

Sec. 5. Title 13, chapter 2, article 22, Arizona Revised Statutes, is amended by adding a new section 13-454 to read:

13-454. Proceedings for determining sentence upon the finding or admitting of guilt in cases of murder in the first degree

A. WHEN A DEFENDANT IS FOUND GUILTY OF OR PLEADS GUILTY TO FIRST DEGREE MURDER, THE JUDGE WHO PRESIDED AT THE TRIAL OR BEFORE WHOM THE GUILTY PLEA WAS ENTERED SHALL CONDUCT A SEPARATE SENTENCING HEARING TO DETERMINE THE EXISTENCE OR NONEXISTENCE OF THE CIRCUMSTANCES SET FORTH IN SUBSECTION E AND F, FOR THE PURPOSE OF DETERMINING THE SENTENCE TO BE IMPOSED. THE HEARING SHALL BE CONDUCTED BEFORE THE COURT ALONE.

B. IN THE SENTENCING HEARING THE COURT SHALL DISCLOSE TO THE DEFENDANT OR HIS COUNSEL ALL MATERIAL CONTAINED IN ANY PRESENTENCE REPORT, IF ONE HAS BEEN PREPARED, EXCEPT SUCH MATERIAL AS THE COURT DETERMINES IS REQUIRED TO BE WITHHELD FOR THE PROTECTION OF HUMAN LIFE. ANY PRESENTENCE INFORMATION WITHHELD FROM THE DEFENDANT SHALL NOT BE CONSIDERED IN DETERMINING THE EXISTENCE OR NONEXISTENCE OF THE CIRCUMSTANCES SET FORTH IN SUBSECTION E OR F. ANY INFORMATION RELEVANT TO ANY OF THE MITIGATING CIRCUMSTANCES SET FORTH IN SUBSECTION F MAY BE PRESENTED BY EITHER THE PROSECUTION OR THE DEFENDANT, REGARDLESS OF ITS ADMISSIBILITY UNDER THE RULES GOVERNING ADMISSION OF EVIDENCE AT CRIMINAL TRIALS; BUT THE ADMISSIBILITY OF INFORMATION RELEVANT TO ANY OF THE AGGRAVATING CIRCUMSTANCES SET FORTH IN SUBSECTION E SHALL BE GOVERNED BY THE RULES GOVERNING THE ADMISSION OF EVIDENCE AT CRIMINAL TRIALS. EVIDENCE ADMITTED AT THE TRIAL, RELATING TO SUCH AGGRAVATING OR MITIGATING CIRCUMSTANCES, SHALL BE CONSIDERED WITHOUT REINTRODUCING IT AT THE SENTENCING PROCEEDING. THE PROSECUTION AND THE DEFENDANT SHALL BE PERMITTED TO REBUT ANY INFORMATION RECEIVED AT THE HEARING, AND SHALL BE GIVEN FAIR OPPORTUNITY TO PRESENT ARGUMENT AS TO THE ADEQUACY OF THE INFORMATION TO ESTABLISH THE EXISTENCE OF ANY OF THE CIRCUMSTANCES SET FORTH IN SUBSECTIONS E AND F. THE BURDEN OF ESTABLISHING THE EXISTENCE OF ANY OF THE CIRCUMSTANCES SET FORTH IN SUBSECTION E IS ON THE PROSECUTION. THE BURDEN OF ESTABLISHING THE EXISTENCE OF THE CIRCUMSTANCES SET FORTH IN SUBSECTION F IS ON THE DEFENDANT.

LAWS OF ARIZONA

C. THE COURT SHALL RETURN A SPECIAL VERDICT SETTING FORTH ITS FINDINGS AS TO THE EXISTENCE OR NONEXISTENCE OF EACH OF THE CIRCUMSTANCES SET FORTH IN SUBSECTION E AND AS TO THE EXISTENCE OR NONEXISTENCE OF EACH OF THE CIRCUMSTANCES IN SUBSECTION F.

D. IN DETERMINING WHETHER TO IMPOSE A SENTENCE OF DEATH OR LIFE IMPRISONMENT WITHOUT POSSIBILITY OF PAROLE UNTIL THE DEFENDANT HAS SERVED TWENTY-FIVE CALENDAR YEARS, THE COURT SHALL TAKE INTO ACCOUNT THE AGGRAVATING AND MITIGATING CIRCUMSTANCES ENUMERATED IN SUBSECTIONS E AND F AND SHALL IMPOSE A SENTENCE OF DEATH IF THE COURT FINDS ONE OR MORE OF THE AGGRAVATING CIRCUMSTANCES ENUMERATED IN SUBSECTION E AND THAT THERE ARE NO MITIGATING CIRCUMSTANCES SUFFICIENTLY SUBSTANTIAL TO CALL FOR LENIENCY.

E. AGGRAVATING CIRCUMSTANCES TO BE CONSIDERED SHALL BE THE FOLLOWING:

1. THE DEFENDANT HAS BEEN CONVICTED OF ANOTHER OFFENSE IN THE UNITED STATES FOR WHICH UNDER ARIZONA LAW A SENTENCE OF LIFE IMPRISONMENT OR DEATH WAS IMPOSSIBLE.
2. THE DEFENDANT WAS PREVIOUSLY CONVICTED OF A FELONY IN THE UNITED STATES INVOLVING THE USE OR THREAT OF VIOLENCE ON ANOTHER PERSON.
3. IN THE COMMISSION OF THE OFFENSE THE DEFENDANT KNOWINGLY CREATED A GRAVE RISK OF DEATH TO ANOTHER PERSON OR PERSONS IN ADDITION TO THE VICTIM OF THE OFFENSE.
4. THE DEFENDANT PROCURED THE COMMISSION OF THE OFFENSE BY PAYMENT, OR PROMISE OF PAYMENT, OF ANYTHING OF PECUNIARY VALUE.
5. THE DEFENDANT COMMITTED THE OFFENSE AS CONSIDERATION FOR THE RECEIPT, OR IN EXPECTATION OF THE RECEIPT, OF ANYTHING OF PECUNIARY VALUE.
6. THE DEFENDANT COMMITTED THE OFFENSE IN AN ESPECIALLY HEINOUS, CRUEL, OR DEPRAVED MANNER.

LAWS OF ARIZONA

F. MITIGATING CIRCUMSTANCES SHALL BE THE FOLLOWING:

1. HIS CAPACITY TO APPRECIATE THE WRONGFULNESS OF HIS CONDUCT OR TO CONFORM HIS CONDUCT TO THE REQUIREMENTS OF LAW WAS SIGNIFICANTLY IMPAIRED, BUT NOT SO IMPAIRED AS TO CONSTITUTE A DEFENSE TO PROSECUTION.
2. HE WAS UNDER UNUSUAL AND SUBSTANTIAL DURESS, ALTHOUGH NOT SUCH DURESS AS TO CONSTITUTE A DEFENSE TO PROSECUTION.
3. HE WAS A PRINCIPAL, UNDER SECTION 13-452, ARIZONA REVISED STATUTES, IN THE OFFENSE, WHICH WAS COMMITTED BY ANOTHER, BUT HIS PARTICIPATION WAS RELATIVELY MINOR, ALTHOUGH NOT SO MINOR AS TO CONSTITUTE A DEFENSE TO PROSECUTION.
4. HE COULD NOT REASONABLY HAVE FORESEEN THAT HIS CONDUCT IN THE COURSE OF THE COMMISSION OF THE OFFENSE FOR WHICH HE WAS CONVICTED WOULD CAUSE, OR WOULD CREATE A GRAVE RISK OF CAUSING, DEATH TO ANOTHER PERSON.

Sec. 6. Section 13-492, Arizona Revised Statutes, is amended to read:

13-492. Kidnapping; punishment

A. A person, except in the case of a minor by the parent, who seizes, confines, inveigles, entices, decoys, abducts, conceals, kidnaps or carries away any individual by any means whatsoever with intent to hold or detain, or who holds or detains ~~such~~ ANY individual for ransom, reward or ~~otherwise~~ OTHER PECUNIARY BENEFIT, OR AS A SHIELD OR HOSTAGE, OR TO INTERFERE WITH THE PERFORMANCE OF ANY GOVERNMENTAL OR POLITICAL FUNCTION, or to commit extortion or robbery, or to exact from relatives of such person or from any other person any money or valuable thing, OR WHO UNLAWFULLY SEIZES OR EXERCISES CONTROL BY FORCE OR VIOLENCE OVER ANY AIRPLANE, TRAIN, BUS, SHIP OR OTHER COMMERCIAL VEHICLE CONTAINING A NONCONSENTING PERSON OR PERSONS, or a person who aids or abets any such conduct, is guilty of a felony.

B. A person, except in the case of a minor by the parent, who seizes, confines, inveigles, entices, decoys, abducts, conceals, kidnaps or carries away any child under the age of ~~fourteen~~ THIRTEEN years by any means

LAWS OF ARIZONA

whatsoever with intent to hold or detain, or who holds or detains such child for the purpose of raping or committing sodomy, or lewd or lascivious acts upon the person of such child, or a person who aids or abets any such conduct, is guilty of a felony.

C. A person convicted under subsections A or B of this section shall be punished as follows:

1. If the person subjected to the acts mentioned in subsections A or B suffers serious bodily harm inflicted by the person found guilty, the person found guilty shall be punished ~~by death or by life imprisonment without possibility of parole, whichever the jury recommends.~~ by life imprisonment without possibility of parole.

2. If the person subjected to any acts mentioned in subsection A or B does not suffer serious bodily harm the person found guilty shall be punished by imprisonment in the state prison from twenty to fifty years without possibility of parole until the minimum sentence has been served.

Sec. 7. Section 13-644, Arizona Revised Statutes, is amended to read:

13-644. Boarding or interference with train with intent to rob; punishment

A. A person is guilty of a felony who, with the intention of robbing any passenger or other person on a railroad train, car or engine:

1. Goes upon or boards such train, car or engine.
2. Interferes in any manner with a switch, rail, sleeper, viaduct, culvert, embankment, structure or appliance pertaining to or connected with a railroad.
3. Places dynamite or other explosive substance or material upon or near the track of a railroad.
4. Sets fire to a railroad bridge or trestle.
5. Shows, masks, extinguishes or alters a light or other signal, or exhibits or compels any other person to exhibit a false light or signal.
6. Stops a train, car or engine, or slackens the speed thereof, or compels or attempts to compel any person in charge or control thereof to stop such train, car or engine, or slacken its speed.

LAWS OF ARIZONA

B. A person who violates any provisions of this section shall be punished ~~by death, or by imprisonment in the state prison for not less than ten years, in the discretion of the jury, or of the court upon a plea of guilty.~~

Sec. 8. Section 13-922, Arizona Revised Statutes, is amended to read:

13-922. Depositing or exploding explosive with intent to injure persons or property; punishment

A. A person who unlawfully and maliciously deposits, explodes or attempts to explode any explosive device on, in or near any building, means of transportation or place where persons inhabit, frequent, assemble or pass is guilty of a felony punishable by imprisonment for not less than two and not more than five years.

B. A person who unlawfully and maliciously deposits, explodes or attempts to explode any explosive device and thereby physically endangers or injures another person is guilty of a felony punishable by imprisonment for not less than five and not more than twenty years.

C. A person who unlawfully and with intent to physically injure, intimidate or terrify any person deposits, explodes or attempts to explode any explosive device and thereby causes physical injury to a person is guilty of a felony punishable by ~~death or life imprisonment. At the discretion of the jury trying the person charged therewith or upon a plea of guilty, the court shall determine the punishment.~~

D. "Explosive device" as used in this section means any incendiary or explosive device which, upon explosion, is likely to cause serious physical damage to either person or property. The term "explosive device" does not include firecrackers, smoke bombs or other explosives which upon explosion are not likely to cause serious injury to a person or property.

Sec. 9. Section 13-1673, Arizona Revised Statutes, is amended to read:

13-1673. Fee of counsel assigned in criminal proceeding or insanity hearings; appointment of investigators and expert witnesses in capital offense

A. When counsel is appointed by the court and represents the defendant in either a criminal proceeding or insanity hearing, he shall be paid by the county in which the court presides, provided that in those matters where a public defender is appointed, no compensation shall be paid by the county. Compensation for such services rendered to defendant shall be

LAWS OF ARIZONA

such amount as the court in its discretion deems reasonable, considering the services performed.

B. WHEN A PERSON IS CHARGED WITH A CAPITAL OFFENSE THE COURT MAY ON ITS OWN INITIATIVE AND SHALL UPON APPLICATION OF THE DEFENDANT AND A SHOWING THAT THE DEFENDANT IS FINANCIALLY UNABLE TO PAY FOR SUCH SERVICES, APPOINT SUCH INVESTIGATORS AND EXPERT WITNESSES AS ARE REASONABLY NECESSARY ADEQUATELY TO PRESENT HIS DEFENSE AT TRIAL AND AT ANY SUBSEQUENT PROCEEDING. COMPENSATION FOR SUCH INVESTIGATORS AND EXPERT WITNESSES SHALL BE SUCH AMOUNT AS THE COURT IN ITS DISCRETION DEEMS REASONABLE AND SHALL BE PAID BY THE COUNTY.

Sec. 10. Severability of sentence clause

In the event the death penalty is held to be unconstitutional on final appeal, a person convicted of first degree murder or another offense punishable by death who has been sentenced to die shall be resentenced by the sentencing court to life imprisonment without possibility of parole until the person has served a minimum of twenty-five calendar years.

(Failed to pass the Senate with sufficient vote to enact the emergency clause)

Approved by the Governor—May 14, 1973

Filed in the Office of the Secretary of State—May 14, 1973

CHAPTER 139

Senate Bill 1007

AN ACT

RELATING TO MARITAL AND DOMESTIC RELATIONS; PROVIDING FOR DISSOLUTION OF MARRIAGE; PRESCRIBING PROCEDURES, GROUNDS AND RIGHTS OF PARTIES; PRESCRIBING PROCEDURES FOR DETERMINATION OF CUSTODY AND SUPPORT OF CHILDREN; AMENDING LAWS RELATING TO

LAWS OF ARIZONA

COURT OF CONCILIATION; REPEALING TITLE 25, CHAPTER 3, ARTICLES 2 THROUGH 6, ARIZONA REVISED STATUTES; AND AMENDING TITLE 25, CHAPTER 3, ARIZONA REVISED STATUTES, BY ADDING NEW ARTICLES 2 AND 3, AND AMENDING SECTIONS 25-381.08, 25-381.09, 25-381.17, 25-381.18, 25-381.19, 25-381.20, 25-381.21 AND 25-381.22, ARIZONA REVISED STATUTES.

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

Section 1. Repeal

Title 25, chapter 3, articles 2 through 6, Arizona Revised Statutes, are repealed.

Sec. 2. Title 25, chapter 3, Arizona Revised Statutes, is amended by adding new articles 2 and 3, to read:

ARTICLE 2. DISSOLUTION OF MARRIAGE

25-311. Jurisdiction; form of petition; award of decree

A. THE SUPERIOR COURT IS VESTED WITH ORIGINAL JURISDICTION TO HEAR AND DECIDE ALL MATTERS ARISING PURSUANT TO THIS CHAPTER.

B. A PROCEEDING FOR DISSOLUTION OF MARRIAGE OR LEGAL SEPARATION SHALL BE ENTITLED, "IN RE THE MARRIAGE OF _____ AND _____." A CUSTODY OR SUPPORT PROCEEDING SHALL BE ENTITLED, "IN RE THE (CUSTODY) (SUPPORT) OF _____."

C. THE INITIAL PLEADING IN ALL PROCEEDINGS UNDER THIS CHAPTER SHALL BE DENOMINATED A PETITION. A RESPONSIVE PLEADING SHALL BE DENOMINATED A RESPONSE.

D. A DECREE OF DISSOLUTION OR OF LEGAL SEPARATION, IF MADE, SHALL NOT BE AWARDED TO ONE OF THE PARTIES, BUT SHALL PROVIDE THAT IT AFFECTS THE STATUS PREVIOUSLY EXISTING BETWEEN THE PARTIES IN THE MANNER DECREED.

25-312. Dissolution of marriage; findings necessary

THE COURT SHALL ENTER A DECREE OF DISSOLUTION OF MARRIAGE IF IT FINDS EACH OF THE FOLLOWING:

LAWS OF ARIZONA

1. THAT ONE OF THE PARTIES, AT THE TIME THE ACTION WAS COMMENCED, WAS DOMICILED IN THIS STATE, OR WAS STATIONED IN THIS STATE WHILE A MEMBER OF THE ARMED SERVICES, AND THAT IN EITHER CASE THE DOMICILE OR MILITARY PRESENCE HAS BEEN MAINTAINED FOR NINETY DAYS.
2. THE CONCILIATION PROVISIONS OF SECTION 25-381.09 EITHER DO NOT APPLY OR HAVE BEEN MET.
3. THE MARRIAGE IS IRRETRIEVABLY BROKEN.
4. TO THE EXTENT IT HAS JURISDICTION TO DO SO, THE COURT HAS CONSIDERED, APPROVED, AND MADE PROVISION FOR CHILD CUSTODY, THE SUPPORT OF ANY, NATURAL OR ADOPTED, CHILD COMMON TO THE PARTIES OF THE MARRIAGE ENTITLED TO SUPPORT, THE MAINTENANCE OF EITHER SPOUSE AND THE DISPOSITION OF PROPERTY.

25-313. Decree of legal separation; findings necessary

THE COURT SHALL ENTER A DECREE OF LEGAL SEPARATION IF IT FINDS EACH OF THE FOLLOWING:

1. THAT ONE OF THE PARTIES AT THE TIME THE ACTION COMMENCED WAS DOMICILED IN THIS STATE OR WAS STATIONED IN THIS STATE WHILE A MEMBER OF THE ARMED SERVICES.
2. THE CONCILIATION PROVISIONS OF SECTION 25-381.09 EITHER DO NOT APPLY OR HAVE BEEN MET.
3. THE MARRIAGE IS IRRETRIEVABLY BROKEN.
4. THE OTHER PARTY DOES NOT OBJECT TO A DECREE OF LEGAL SEPARATION. IF THE OTHER PARTY OBJECTS TO A DECREE OF LEGAL SEPARATION, THE COURT SHALL UPON ONE OF THE PARTIES MEETING THE REQUIRED DOMICILE FOR DISSOLUTION OF MARRIAGE DIRECT THAT THE PLEADINGS BE AMENDED TO SEEK A DISSOLUTION OF THE MARRIAGE.
5. TO THE EXTENT IT HAS JURISDICTION TO DO SO, THE COURT HAS CONSIDERED, APPROVED OR MADE PROVISIONS FOR CHILD CUSTODY, THE SUPPORT OF ANY NATURAL OR ADOPTED CHILD

LAWS OF ARIZONA

COMMON TO THE PARTIES OF THE MARRIAGE ENTITLED TO SUPPORT, THE MAINTENANCE OF EITHER SPOUSE AND THE DISPOSITION OF THE PROPERTY.

25-314. Pleadings; contents; defense; joinder of parties

A. THE VERIFIED PETITION IN A PROCEEDING FOR DISSOLUTION OF MARRIAGE OR LEGAL SEPARATION SHALL ALLEGE THAT THE MARRIAGE IS IRRETRIEVABLY BROKEN AND SHALL SET FORTH:

1. THE AGE, OCCUPATION AND ADDRESS OF EACH PARTY AND HIS LENGTH OF DOMICILE IN THIS STATE.
2. THE DATE OF THE MARRIAGE AND THE PLACE AT WHICH IT WAS PERFORMED.
3. THE NAMES, AGES AND ADDRESSES OF ALL LIVING CHILDREN, NATURAL OR ADOPTED, COMMON TO THE PARTIES AND WHETHER THE WIFE IS PREGNANT.
4. THE DETAILS OF ANY AGREEMENTS BETWEEN THE PARTIES AS TO SUPPORT, CUSTODY AND VISITATION OF THE CHILDREN AND MAINTENANCE OF A SPOUSE.
5. THE RELIEF SOUGHT.

B. EITHER OR BOTH PARTIES TO THE MARRIAGE MAY INITIATE THE PROCEEDING.

C. THE ONLY DEFENSE TO A PETITION FOR THE DISSOLUTION OF A MARRIAGE OR LEGAL SEPARATION SHALL BE THAT THE MARRIAGE IS NOT IRRETRIEVABLY BROKEN.

D. THE COURT MAY JOIN ADDITIONAL PARTIES NECESSARY FOR THE EXERCISE OF ITS AUTHORITY.

25-315. Temporary order or preliminary injunction; effect

A. IN A PROCEEDING FOR DISSOLUTION OF MARRIAGE OR FOR LEGAL SEPARATION, OR FOR MAINTENANCE OR SUPPORT FOLLOWING DISSOLUTION OF THE MARRIAGE BY A COURT WHICH LACKED PERSONAL JURISDICTION OVER THE ABSENT SPOUSE, EITHER PARTY MAY MOVE FOR TEMPORARY

LAWS OF ARIZONA

MAINTENANCE OR TEMPORARY SUPPORT OF A CHILD, NATURAL OR ADOPTED, COMMON TO THE PARTIES ENTITLED TO SUPPORT. THE MOTION SHALL BE ACCOMPANIED BY AN AFFIDAVIT SETTING FORTH THE FACTUAL BASIS FOR THE MOTION AND THE AMOUNTS REQUESTED.

B. AS A PART OF A MOTION FOR TEMPORARY MAINTENANCE OR SUPPORT OR BY INDEPENDENT MOTION ACCOMPANIED BY AFFIDAVIT, EITHER PARTY MAY REQUEST THE COURT TO ISSUE A PRELIMINARY INJUNCTION FOR ANY OF THE FOLLOWING RELIEF:

1. RESTRAINING ANY PERSON FROM TRANSFERRING, ENCUMBERING, CONCEALING OR OTHERWISE DISPOSING OF ANY PROPERTY EXCEPT IN THE USUAL COURSE OF BUSINESS OR FOR THE NECESSITIES OF LIFE, AND, IF SO RESTRAINED, REQUIRING HIM TO NOTIFY THE MOVING PARTY OF ANY PROPOSED EXTRAORDINARY EXPENDITURES MADE AFTER THE ORDER IS ISSUED.

2. ENJOINING A PARTY FROM MOLESTING OR DISTURBING THE PEACE OF THE OTHER PARTY OR OF ANY CHILD.

3. EXCLUDING A PARTY FROM THE FAMILY HOME OR FROM THE HOME OF THE OTHER PARTY UPON A SHOWING THAT PHYSICAL OR EMOTIONAL HARM MAY OTHERWISE RESULT.

4. ENJOINING A PARTY FROM REMOVING A CHILD FROM THE JURISDICTION OF THE COURT.

5. PROVIDING OTHER INJUNCTIVE RELIEF PROPER IN THE CIRCUMSTANCES.

C. THE COURT MAY ISSUE A TEMPORARY RESTRAINING ORDER WITHOUT REQUIRING NOTICE TO THE OTHER PARTY ONLY IF IT FINDS ON THE BASIS OF THE MOVING AFFIDAVIT OR OTHER EVIDENCE THAT IRREPARABLE INJURY WILL RESULT TO THE MOVING PARTY IF NO ORDER IS ISSUED UNTIL THE TIME FOR RESPONDING HAS ELAPSED. NO BOND SHALL BE REQUIRED UNLESS THE COURT DEEMS IT APPROPRIATE.

D. ON THE BASIS OF THE SHOWING MADE, AND IN CONFORMITY WITH SECTIONS 25-318 AND 25-319, THE COURT MAY ISSUE A PRELIMINARY INJUNCTION AND AN ORDER FOR TEMPORARY MAINTENANCE OR SUPPORT IN AMOUNTS AND ON TERMS JUST AND PROPER IN THE CIRCUMSTANCES.

LAWS OF ARIZONA

E. A TEMPORARY ORDER OR PRELIMINARY INJUNCTION:

1. DOES NOT PREJUDICE THE RIGHTS OF THE PARTIES OR ANY CHILD WHICH ARE TO BE ADJUDICATED AT THE SUBSEQUENT HEARINGS IN THE PROCEEDING.
2. MAY BE REVOKED OR MODIFIED BEFORE FINAL DECREE ON A SHOWING BY AFFIDAVIT OF THE FACTS NECESSARY TO REVOCATION OR MODIFICATION OF A FINAL DECREE UNDER SECTION 25-327.
3. TERMINATES WHEN THE FINAL DECREE IS ENTERED OR WHEN THE PETITION FOR DISSOLUTION OR LEGAL SEPARATION IS DISMISSED.

25-316. Irretrievable breakdown; finding

A. IF BOTH OF THE PARTIES BY PETITION OR OTHERWISE HAVE STATED UNDER OATH OR AFFIRMATION THAT THE MARRIAGE IS IRRETRIEVABLY BROKEN, OR ONE OF THE PARTIES HAS SO STATED AND THE OTHER HAS NOT DENIED IT, THE COURT, AFTER HEARING, SHALL MAKE A FINDING WHETHER OR NOT THE MARRIAGE IS IRRETRIEVABLY BROKEN.

B. IF ONE OF THE PARTIES HAS DENIED UNDER OATH OR AFFIRMATION THAT THE MARRIAGE IS IRRETRIEVABLY BROKEN, THE COURT SHALL, UPON HEARING, CONSIDER ALL RELEVANT FACTORS AS TO THE PROSPECT OF RECONCILIATION, AND SHALL EITHER:

1. MAKE A FINDING WHETHER OR NOT THE MARRIAGE IS IRRETRIEVABLY BROKEN; OR
2. CONTINUE THE MATTER FOR FURTHER HEARING, NOT MORE THAN SIXTY DAYS LATER. THE COURT, AT THE REQUEST OF EITHER PARTY, OR ON ITS OWN MOTION MAY ORDER A CONCILIATION CONFERENCE. AT THE ADJOURNED HEARING THE COURT SHALL MAKE A FINDING WHETHER OR NOT THE MARRIAGE IS IRRETRIEVABLY BROKEN.

C. A FINDING THAT THE MARRIAGE IS IRRETRIEVABLY BROKEN IS A DETERMINATION THAT THERE IS NO REASONABLE PROSPECT OF RECONCILIATION.

LAWS OF ARIZONA

25-317. Separation agreement; effect

A. TO PROMOTE AMICABLE SETTLEMENT OF DISPUTES BETWEEN PARTIES TO A MARRIAGE ATTENDANT UPON THEIR SEPARATION OR THE DISSOLUTION OF THEIR MARRIAGE, THE PARTIES MAY ENTER INTO A WRITTEN SEPARATION AGREEMENT CONTAINING PROVISIONS FOR DISPOSITION OF ANY PROPERTY OWNED BY EITHER OF THEM, MAINTENANCE OF EITHER OF THEM, AND SUPPORT, CUSTODY AND VISITATION OF THEIR CHILDREN.

B. IN A PROCEEDING FOR DISSOLUTION OF MARRIAGE OR FOR LEGAL SEPARATION, THE TERMS OF THE SEPARATION AGREEMENT, EXCEPT THOSE PROVIDING FOR THE SUPPORT, CUSTODY AND VISITATION OF CHILDREN, ARE BINDING UPON THE COURT UNLESS IT FINDS, AFTER CONSIDERING THE ECONOMIC CIRCUMSTANCES OF THE PARTIES AND ANY OTHER RELEVANT EVIDENCE PRODUCED BY THE PARTIES, ON THEIR OWN MOTION OR ON REQUEST OF THE COURT, THAT THE SEPARATION AGREEMENT IS UNFAIR.

C. IF THE COURT FINDS THE SEPARATION AGREEMENT UNFAIR AS TO DISPOSITION OF PROPERTY OR MAINTENANCE, IT MAY REQUEST THE PARTIES TO SUBMIT A REVISED SEPARATION AGREEMENT OR MAY MAKE ORDERS FOR THE DISPOSITION OF PROPERTY OR MAINTENANCE.

D. IF THE COURT FINDS THAT THE SEPARATION AGREEMENT IS NOT UNFAIR AS TO DISPOSITION OF PROPERTY OR MAINTENANCE, AND THAT IT IS REASONABLE AS TO SUPPORT, CUSTODY AND VISITATION OF CHILDREN, THE SEPARATION AGREEMENT SHALL BE SET FORTH OR INCORPORATED BY REFERENCE IN THE DECREE OF DISSOLUTION OR LEGAL SEPARATION AND THE PARTIES SHALL BE ORDERED TO PERFORM THEM. IF THE SEPARATION AGREEMENT PROVIDES THAT ITS TERMS SHALL NOT BE SET FORTH IN THE DECREE, THE DECREE SHALL IDENTIFY THE SEPARATION AGREEMENT AS INCORPORATED BY REFERENCE AND STATE THAT THE COURT HAS FOUND THE TERMS AS TO PROPERTY DISPOSITION AND MAINTENANCE NOT UNFAIR AND THE TERMS AS TO SUPPORT, CUSTODY AND VISITATION OF CHILDREN REASONABLE.

E. TERMS OF THE AGREEMENT SET FORTH OR INCORPORATED BY REFERENCE IN THE DECREE ARE ENFORCEABLE BY ALL

LAWS OF ARIZONA

REMEDIES AVAILABLE FOR ENFORCEMENT OF A JUDGMENT,
INCLUDING CONTEMPT.

F. EXCEPT FOR TERMS CONCERNING THE MAINTENANCE OF EITHER PARTY AND THE SUPPORT, CUSTODY OR VISITATION OF CHILDREN, ENTRY OF THE DECREE SHALL THEREAFTER PRECLUDE THE MODIFICATION OF THE TERMS OF THE DECREE AND THE PROPERTY SETTLEMENT AGREEMENT, IF ANY, SET FORTH OR INCORPORATED BY REFERENCE THEREIN.

25-318. Disposition of property

IN A PROCEEDING FOR DISSOLUTION OF THE MARRIAGE, OR FOR LEGAL SEPARATION, OR IN A PROCEEDING FOR DISPOSITION OF PROPERTY FOLLOWING DISSOLUTION OF THE MARRIAGE BY A COURT WHICH PREVIOUSLY LACKED PERSONAL JURISDICTION OVER THE ABSENT SPOUSE OR PREVIOUSLY LACKED JURISDICTION TO DISPOSE OF THE PROPERTY, THE COURT SHALL ASSIGN EACH SPOUSE'S SOLE AND SEPARATE PROPERTY TO HIM. IT SHALL ALSO DIVIDE THE COMMUNITY, JOINT TENANCY, AND OTHER PROPERTY HELD IN COMMON EQUITABLY, THOUGH NOT NECESSARILY IN KIND, WITHOUT REGARD TO MARITAL MISCONDUCT. FOR PURPOSES OF THIS SECTION ONLY, PROPERTY ACQUIRED BY EITHER SPOUSE OUTSIDE THE STATE SHALL BE DEEMED TO BE COMMUNITY PROPERTY IF SAID PROPERTY WOULD HAVE BEEN COMMUNITY PROPERTY IF ACQUIRED IN THIS STATE. NOTHING IN THIS SECTION SHALL PREVENT THE COURT FROM CONSIDERING EXCESSIVE OR ABNORMAL EXPENDITURES, DESTRUCTION, CONCEALMENT OR FRAUDULENT DISPOSITION OF COMMUNITY, JOINT TENANCY AND OTHER PROPERTY HELD IN COMMON.

25-319. Maintenance; computation factors

A. IN A PROCEEDING FOR DISSOLUTION OF MARRIAGE OR LEGAL SEPARATION, OR A PROCEEDING FOR MAINTENANCE FOLLOWING DISSOLUTION OF THE MARRIAGE BY A COURT WHICH LACKED PERSONAL JURISDICTION OVER THE ABSENT SPOUSE, THE COURT MAY GRANT A MAINTENANCE ORDER FOR EITHER SPOUSE ONLY IF IT FINDS THAT THE SPOUSE SEEKING MAINTENANCE:

1. LACKS SUFFICIENT PROPERTY, INCLUDING PROPERTY APPORTIONED TO HIM, TO PROVIDE FOR HIS REASONABLE NEEDS; AND

LAWS OF ARIZONA

2. IS UNABLE TO SUPPORT HIMSELF THROUGH APPROPRIATE EMPLOYMENT OR IS THE CUSTODIAN OF A CHILD WHOSE AGE OR CONDITION IS SUCH THAT THE CUSTODIAN SHOULD NOT BE REQUIRED TO SEEK EMPLOYMENT OUTSIDE THE HOME.

B. THE MAINTENANCE ORDER SHALL BE IN SUCH AMOUNTS AND FOR SUCH PERIODS OF TIME AS THE COURT DEEMS JUST, WITHOUT REGARD TO MARITAL MISCONDUCT, AND AFTER CONSIDERING ALL RELEVANT FACTORS, INCLUDING:

1. THE FINANCIAL RESOURCES OF THE PARTY SEEKING MAINTENANCE, INCLUDING MARITAL PROPERTY APPORTIONED TO HIM, AND HIS ABILITY TO MEET HIS NEEDS INDEPENDENTLY.

2. THE TIME NECESSARY TO ACQUIRE SUFFICIENT EDUCATION OR TRAINING TO ENABLE THE PARTY SEEKING MAINTENANCE TO FIND APPROPRIATE EMPLOYMENT.

3. THE STANDARD OF LIVING ESTABLISHED DURING THE MARRIAGE.

4. THE DURATION OF THE MARRIAGE.

5. THE AGE AND THE PHYSICAL AND EMOTIONAL CONDITION OF THE SPOUSE SEEKING MAINTENANCE.

6. THE ABILITY OF THE SPOUSE FROM WHOM MAINTENANCE IS SOUGHT TO MEET HIS NEEDS WHILE MEETING THOSE OF THE SPOUSE SEEKING MAINTENANCE.

7. EXCESSIVE OR ABNORMAL EXPENDITURES, DESTRUCTION, CONCEALMENT OR FRAUDULENT DISPOSITION OF COMMUNITY, JOINT TENANCY AND OTHER PROPERTY HELD IN COMMON.

25-320. **Child support; factors**

A. IN A PROCEEDING FOR DISSOLUTION OF MARRIAGE, LEGAL SEPARATION, MAINTENANCE, OR CHILD SUPPORT, THE COURT MAY ORDER EITHER OR BOTH PARENTS OWING A DUTY OF SUPPORT TO A CHILD, BORN TO OR ADOPTED BY THE PARENTS, TO PAY AN AMOUNT REASONABLE AND NECESSARY FOR HIS SUPPORT, WITHOUT REGARD TO MARITAL MISCONDUCT, AFTER CONSIDERING ALL RELEVANT FACTORS, INCLUDING:

1. THE FINANCIAL RESOURCES AND NEEDS OF THE CHILD.

LAWS OF ARIZONA

2. THE FINANCIAL RESOURCES AND NEEDS OF THE CUSTODIAL PARENT.
 3. THE STANDARD OF LIVING THE CHILD WOULD HAVE ENJOYED HAD THE MARRIAGE NOT BEEN DISSOLVED.
 4. THE PHYSICAL AND EMOTIONAL CONDITION OF THE CHILD, AND HIS EDUCATIONAL NEEDS.
 5. THE FINANCIAL RESOURCES AND NEEDS OF THE NONCUSTODIAL PARENT.
 6. EXCESSIVE OR ABNORMAL EXPENDITURES, DESTRUCTION, CONCEALMENT OR FRAUDULENT DISPOSITION OF COMMUNITY, JOINT TENANCY AND OTHER PROPERTY HELD IN COMMON.
- B. IN THE CASE OF A MENTALLY OR PHYSICALLY DISABLED CHILD, IF THE COURT, AFTER CONSIDERING THE FACTORS SET FORTH IN SUBSECTION A, DEEMS IT APPROPRIATE, THE COURT MAY ORDER SUPPORT TO CONTINUE PAST THE AGE OF EMANCIPATION AND TO BE PAID TO THE CUSTODIAL PARENT, GUARDIAN OR CHILD.

25-321. Representation of child by counsel; fees

THE COURT MAY APPOINT AN ATTORNEY TO REPRESENT THE INTERESTS OF A MINOR OR DEPENDENT CHILD WITH RESPECT TO HIS SUPPORT, CUSTODY AND VISITATION. THE COURT MAY ENTER AN ORDER FOR COSTS, FEES AND DISBURSEMENTS IN FAVOR OF THE CHILD'S ATTORNEY. THE ORDER MAY BE MADE AGAINST EITHER OR BOTH PARENTS.

25-322. Payment of maintenance or support to courts; records

- A. UPON ITS OWN MOTION OR UPON MOTION OF EITHER PARTY, THE COURT MAY ORDER AT ANY TIME THAT MAINTENANCE OR SUPPORT PAYMENTS BE MADE TO THE CLERK OF COURT FOR REMITTANCE TO THE PERSON ENTITLED TO RECEIVE THE PAYMENTS.
- B. THE CLERK OF COURT SHALL MAINTAIN RECORDS LISTING THE AMOUNT OF PAYMENTS, THE DATE PAYMENTS ARE REQUIRED TO BE MADE, AND THE NAMES AND ADDRESSES OF THE PARTIES AFFECTED BY THE ORDER.

LAWS OF ARIZONA

C. THE PARTIES AFFECTED BY THE ORDER SHALL INFORM THE CLERK OF COURT OF ANY CHANGE OF ADDRESS.

D. IF THE PERSON OBLIGATED TO PAY SUPPORT HAS LEFT OR IS BEYOND THE JURISDICTION OF THE COURT, ANY PARTY MAY INSTITUTE ANY OTHER PROCEEDING AVAILABLE UNDER THE LAWS OF THIS STATE FOR ENFORCEMENT OF THE DUTIES OF SUPPORT AND MAINTENANCE.

25-323. Assignments

IN THE EVENT A PERSON OBLIGATED TO PAY CHILD SUPPORT IS IN ARREARS FOR AT LEAST TWO MONTHS THE COURT MAY ORDER THE PERSON OBLIGATED TO PAY CHILD SUPPORT TO MAKE AN ASSIGNMENT OF A PART OF HIS PERIODIC EARNINGS OR TRUST INCOME TO THE PERSON ENTITLED TO RECEIVE THE PAYMENTS. THE ASSIGNMENT IS BINDING ON THE EMPLOYER, TRUSTEE, OR OTHER PAYOR OF THE FUNDS TWO WEEKS AFTER SERVICE UPON SUCH PERSON OF NOTICE THAT THE ASSIGNMENT HAS BEEN MADE. THE PAYOR SHALL WITHHOLD FROM THE EARNINGS OR TRUST INCOME PAYABLE TO THE PERSON OBLIGATED TO SUPPORT THE AMOUNT SPECIFIED IN THE ASSIGNMENT AND SHALL TRANSMIT THE PAYMENTS TO THE CLERK OF THE SUPERIOR COURT. THE PAYOR MAY DEDUCT FROM EACH PAYMENT A SUM NOT EXCEEDING ONE DOLLAR AS REIMBURSEMENTS FOR COSTS. AN EMPLOYER SHALL NOT DISCHARGE OR OTHERWISE DISCIPLINE AN EMPLOYEE AS A RESULT OF A WAGE OR SALARY ASSIGNMENT AUTHORIZED BY THIS SECTION.

25-324. Attorney's fees

THE COURT FROM TIME TO TIME, AFTER CONSIDERING THE FINANCIAL RESOURCES OF BOTH PARTIES, MAY ORDER A PARTY TO PAY A REASONABLE AMOUNT TO THE OTHER PARTY FOR THE COSTS AND EXPENSES OF MAINTAINING OR DEFENDING ANY PROCEEDING UNDER THIS CHAPTER. FOR THE PURPOSE OF THIS SECTION COSTS AND EXPENSES MAY INCLUDE ATTORNEY'S FEES, DEPOSITION COSTS AND SUCH OTHER REASONABLE EXPENSES AS THE COURT FINDS NECESSARY TO THE FULL AND PROPER PRESENTATION OF THE ACTION, INCLUDING ANY APPEAL. THE COURT MAY ORDER ALL SUCH AMOUNTS PAID DIRECTLY TO THE ATTORNEY, WHO MAY ENFORCE THE ORDER IN HIS NAME WITH THE SAME FORCE AND

LAWS OF ARIZONA

EFFECT, AND IN THE SAME MANNER, AS IF THE ORDER HAD BEEN MADE ON BEHALF OF ANY PARTY TO THE ACTION.

25-325. Decree; finality; restoration of maiden name

A. A DECREE OF DISSOLUTION OF MARRIAGE OR OF LEGAL SEPARATION IS FINAL WHEN ENTERED, SUBJECT TO THE RIGHT OF APPEAL. AN APPEAL FROM THE DECREE OF DISSOLUTION THAT DOES NOT CHALLENGE THE FINDING THAT THE MARRIAGE IS IRRETRIEVABLY BROKEN DOES NOT DELAY THE FINALITY OF THAT PROVISION OF THE DECREE WHICH DISSOLVES THE MARRIAGE BEYOND THE TIME FOR APPEALING FROM THAT PROVISION, AND EITHER OF THE PARTIES MAY REMARRY PENDING APPEAL. AN ORDER DIRECTING PAYMENT OF MONEY FOR SUPPORT OR MAINTENANCE OF THE SPOUSE OR THE MINOR CHILD OR CHILDREN, SHALL NOT BE SUSPENDED OR THE EXECUTION THEREOF STAYED PENDING THE APPEAL.

B. THE COURT MAY UPON HEARING WITHIN SIX MONTHS AFTER THE ENTRY OF A DECREE OF LEGAL SEPARATION, CONVERT THE DECREE TO A DECREE OF DISSOLUTION OF MARRIAGE.

C. THE COURT SHALL UPON MOTION OF EITHER PARTY AFTER EXPIRATION OF SIX MONTHS FROM THE ENTRY OF A LEGAL SEPARATION, CONVERT THE DECREE TO A DECREE OF DISSOLUTION OF MARRIAGE.

D. UPON REQUEST BY A WIFE WHOSE MARRIAGE IS DISSOLVED OR DECLARED INVALID, THE COURT SHALL ORDER HER MAIDEN NAME OR A FORMER NAME RESTORED.

25-326. Independence of provisions of decree or temporary order

IF A PARTY FAILS TO COMPLY WITH A PROVISION OF A DECREE OR TEMPORARY ORDER OR INJUNCTION, THE OBLIGATION OF THE OTHER PARTY TO MAKE PAYMENTS FOR SUPPORT OR MAINTENANCE OR TO PERMIT VISITATION IS NOT SUSPENDED, BUT HE MAY MOVE THE COURT TO GRANT AN APPROPRIATE ORDER.

25-327. Modification and termination of provisions for maintenance, support and property disposition

LAWS OF ARIZONA

A. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION F OF SECTION 25-317, THE PROVISIONS OF ANY DECREE RESPECTING MAINTENANCE OR SUPPORT MAY BE MODIFIED ONLY AS TO INSTALLMENTS ACCRUING SUBSEQUENT TO THE MOTION FOR MODIFICATION AND ONLY UPON A SHOWING OF CHANGED CIRCUMSTANCES WHICH ARE SUBSTANTIAL AND CONTINUING. THE PROVISIONS AS TO PROPERTY DISPOSITION MAY NOT BE REVOKED OR MODIFIED, UNLESS THE COURT FINDS THE EXISTENCE OF CONDITIONS THAT JUSTIFY THE REOPENING OF A JUDGMENT UNDER THE LAWS OF THIS STATE.

B. UNLESS OTHERWISE AGREED IN WRITING OR EXPRESSLY PROVIDED IN THE DECREE, THE OBLIGATION TO PAY FUTURE MAINTENANCE IS TERMINATED UPON THE DEATH OF EITHER PARTY OR THE REMARRIAGE OF THE PARTY RECEIVING MAINTENANCE.

C. UNLESS OTHERWISE AGREED IN WRITING OR EXPRESSLY PROVIDED IN THE DECREE, PROVISIONS FOR THE SUPPORT OF A MINOR CHILD ARE NOT TERMINATED BY THE DEATH OF A PARENT OBLIGATED TO SUPPORT THE CHILD. WHEN A PARENT OBLIGATED TO PAY SUPPORT DIES, THE AMOUNT OF SUPPORT MAY BE MODIFIED, REVOKED OR COMMUTED TO A LUMP SUM PAYMENT TO THE EXTENT JUST AND APPROPRIATE IN THE CIRCUMSTANCES.

25-328. Separate trials when custody or visitation is an issue

A. IN ALL CASES WHEN CUSTODY OR VISITATION IS A CONTESTED ISSUE, THE COURT SHALL FIRST HEAR ALL OTHER ISSUES INCLUDING MAINTENANCE AND CHILD SUPPORT. THE CONTESTED ISSUE OF CUSTODY OR VISITATION SHALL NOT BE HEARD AT ANY HEARING INVOLVING OTHER ISSUES EVEN UPON AGREEMENT OF ATTORNEYS.

B. AFTER ALL OTHER ISSUES HAVE BEEN DECIDED AND THE AMOUNT OF MAINTENANCE AND CHILD SUPPORT ESTABLISHED BY THE COURT, THEN THE ISSUES OF CUSTODY OR VISITATION MAY BE HEARD.

ARTICLE 3. CHILD CUSTODY

25-331. Jurisdiction; commencement of proceedings

LAWS OF ARIZONA

A. THE SUPERIOR COURT FOR THE STATE OF ARIZONA IS VESTED WITH JURISDICTION TO DECIDE CHILD CUSTODY MATTERS BY INITIAL DETERMINATION OR BY MODIFICATION DECREE IF:

1. THIS STATE IS THE DOMICILE OF THE CHILD AT THE TIME OF COMMENCEMENT OF THE PROCEEDING, OR HAD BEEN THE CHILD'S DOMICILE WITHIN SIX MONTHS BEFORE COMMENCEMENT OF THE PROCEEDING AND THE CHILD IS ABSENT FROM THIS STATE BECAUSE OF HIS REMOVAL OR RETENTION BY A PERSON CLAIMING HIS CUSTODY OR FOR OTHER REASON, AND A PARENT OR PERSON ACTING AS PARENT CONTINUES TO LIVE IN THIS STATE; OR

2. IT IS IN THE BEST INTEREST OF THE CHILD THAT A COURT OF THIS STATE ASSUME JURISDICTION BECAUSE THE CHILD AND HIS PARENTS, OR THE CHILD AND AT LEAST ONE CONTESTANT, HAVE A SIGNIFICANT CONNECTION WITH THIS STATE, AND THERE IS AVAILABLE IN THIS STATE SUBSTANTIAL EVIDENCE CONCERNING THE CHILD'S PRESENT OR FUTURE CARE, PROTECTION, TRAINING, AND PERSONAL RELATIONSHIPS; OR

3. THE CHILD IS PHYSICALLY PRESENT IN THIS STATE AND HAS BEEN ABANDONED OR IT IS NECESSARY IN AN EMERGENCY TO PROTECT HIM BECAUSE HE HAS BEEN SUBJECTED TO OR THREATENED WITH MISTREATMENT OR ABUSE OR IS NEGLECTED OR DEPENDENT; OR

4. NO OTHER STATE HAS JURISDICTION UNDER PREREQUISITES SUBSTANTIALLY IN ACCORDANCE WITH PARAGRAPH 1, 2 OR 3, OR ANOTHER STATE HAS DECLINED TO EXERCISE JURISDICTION ON THE GROUND THAT THIS STATE IS THE MORE APPROPRIATE FORUM TO DETERMINE CUSTODY OF THE CHILD, AND IT IS IN HIS BEST INTEREST THAT THE COURT ASSUME JURISDICTION.

B. EXCEPT UNDER PARAGRAPHS 3 AND 4 OF SUBSECTION A, PHYSICAL PRESENCE IN THIS STATE OF THE CHILD, OR OF THE CHILD AND ONE OF THE CONTESTANTS, IS NOT ALONE SUFFICIENT TO CONFER JURISDICTION ON A COURT OF THIS STATE TO MAKE A CHILD CUSTODY DETERMINATION.

C. PHYSICAL PRESENCE OF THE CHILD, WHILE DESIRABLE, IS NOT A PREREQUISITE FOR JURISDICTION TO DETERMINE HIS CUSTODY.

LAWS OF ARIZONA

D. A CHILD CUSTODY PROCEEDING IS COMMENCED IN THE SUPERIOR COURT:

1. BY A PARENT, BY FILING A PETITION:

(a) FOR DISSOLUTION OR LEGAL SEPARATION; OR

(b) FOR CUSTODY OF THE CHILD IN THE COUNTY IN WHICH THE CHILD IS PERMANENTLY RESIDENT OR FOUND; OR

2. BY A PERSON OTHER THAN A PARENT, BY FILING A PETITION FOR CUSTODY OF THE CHILD IN THE COUNTY IN WHICH HE IS PERMANENTLY RESIDENT OR FOUND, BUT ONLY IF HE IS NOT IN THE PHYSICAL CUSTODY OF ONE OF HIS PARENTS.

E. NOTICE OF A CHILD CUSTODY PROCEEDING SHALL BE GIVEN TO THE CHILD'S PARENT, GUARDIAN, AND CUSTODIAN, WHO MAY APPEAR, BE HEARD, AND FILE A RESPONSIVE PLEADING. THE COURT, UPON A SHOWING OF GOOD CAUSE, MAY PERMIT INTERVENTION OF OTHER INTERESTED PARTIES.

25-332. **Best interest of child; modification of decree; fees**

A. THE COURT SHALL DETERMINE CUSTODY, EITHER ORIGINALLY OR UPON PETITION FOR MODIFICATION, IN ACCORDANCE WITH THE BEST INTERESTS OF THE CHILD. THE COURT MAY CONSIDER ALL RELEVANT FACTORS, INCLUDING:

1. THE WISHES OF THE CHILD'S PARENT OR PARENTS AS TO HIS CUSTODY.

2. THE WISHES OF THE CHILD AS TO HIS CUSTODIAN.

3. THE INTERACTION AND INTERRELATIONSHIP OF THE CHILD WITH HIS PARENT OR PARENTS, HIS SIBLINGS, AND ANY OTHER PERSON WHO MAY SIGNIFICANTLY AFFECT THE CHILD'S BEST INTEREST.

4. THE CHILD'S ADJUSTMENT TO HIS HOME, SCHOOL AND COMMUNITY.

5. THE MENTAL AND PHYSICAL HEALTH OF ALL INDIVIDUALS INVOLVED.

LAWS OF ARIZONA

B. NO MOTION TO MODIFY A CUSTODY DECREE MAY BE MADE EARLIER THAN ONE YEAR AFTER ITS DATE, UNLESS THE COURT PERMITS IT TO BE MADE ON THE BASIS OF AFFIDAVITS THAT THERE IS REASON TO BELIEVE THE CHILD'S PRESENT ENVIRONMENT MAY ENDANGER SERIOUSLY HIS PHYSICAL, MENTAL, MORAL OR EMOTIONAL HEALTH.

C. ATTORNEY FEES AND COSTS SHALL BE ASSESSED AGAINST A PARTY SEEKING MODIFICATION IF THE COURT FINDS THAT THE MODIFICATION ACTION IS VEXATIOUS AND CONSTITUTES HARRASSMENT.

25-333. Temporary orders

A. A PARTY TO A CUSTODY PROCEEDING MAY MOVE FOR A TEMPORARY CUSTODY ORDER. THIS MOTION MUST BE SUPPORTED BY PLEADINGS AS PROVIDED IN SECTION 25-339. THE COURT MAY AWARD TEMPORARY CUSTODY UNDER THE STANDARDS OF SECTION 25-332 AFTER A HEARING, OR, IF THERE IS NO OBJECTION, SOLELY ON THE BASIS OF THE PLEADINGS.

B. IF A PROCEEDING FOR DISSOLUTION OF MARRIAGE OR LEGAL SEPARATION IS DISMISSED, ANY TEMPORARY CUSTODY ORDER IS VACATED UNLESS A PARENT OR THE CHILD'S CUSTODIAN MOVES THAT THE PROCEEDING CONTINUE AS A CUSTODY PROCEEDING AND THE COURT FINDS, AFTER A HEARING, THAT THE CIRCUMSTANCES OF THE PARENTS AND THE BEST INTEREST OF THE CHILD REQUIRE THAT A CUSTODY DECREE BE ISSUED.

C. IF A CUSTODY PROCEEDING COMMENCED IN THE ABSENCE OF A PETITION FOR DISSOLUTION OF MARRIAGE OR LEGAL SEPARATION IS DISMISSED, ANY TEMPORARY CUSTODY ORDER THEREBY IS VACATED.

25-334. Interviews by court; professional assistance

A. THE COURT MAY INTERVIEW THE CHILD IN CHAMBERS TO ASCERTAIN THE CHILD'S WISHES AS TO HIS CUSTODIAN AND AS TO VISITATION.

B. THE COURT MAY SEEK THE ADVICE OF PROFESSIONAL PERSONNEL, WHETHER OR NOT EMPLOYED BY THE COURT ON A REGULAR BASIS. THE ADVICE GIVEN SHALL BE IN WRITING AND

LAWS OF ARIZONA

SHALL BE MADE AVAILABLE BY THE COURT TO COUNSEL, UPON REQUEST, UNDER SUCH TERMS AS THE COURT DETERMINES. COUNSEL MAY EXAMINE AS A WITNESS ANY PROFESSIONAL PERSONNEL CONSULTED BY THE COURT, UNLESS SUCH RIGHT IS WAIVED.

25-335. Investigations and reports

A. IN CONTESTED CUSTODY PROCEEDINGS, AND IN OTHER CUSTODY PROCEEDINGS IF A PARENT OR THE CHILD'S CUSTODIAN SO REQUESTS, THE COURT MAY ORDER AN INVESTIGATION AND REPORT CONCERNING CUSTODIAL ARRANGEMENTS FOR THE CHILD. THE INVESTIGATION AND REPORT MAY BE MADE BY THE COURT SOCIAL SERVICE AGENCY, THE STAFF OF THE JUVENILE COURT, THE LOCAL PROBATION OR WELFARE DEPARTMENT, OR A PRIVATE AGENCY EMPLOYED BY THE COURT FOR THE PURPOSE.

B. IN PREPARING HIS REPORT CONCERNING A CHILD, THE INVESTIGATOR MAY CONSULT ANY PERSON WHO MAY HAVE INFORMATION ABOUT THE CHILD OR HIS POTENTIAL CUSTODIAL ARRANGEMENTS.

C. THE COURT SHALL MAIL THE INVESTIGATOR'S REPORT TO COUNSEL AT LEAST TEN DAYS PRIOR TO THE HEARING. THE INVESTIGATOR SHALL MAKE AVAILABLE TO COUNSEL THE NAMES AND ADDRESSES OF ALL PERSONS WHOM THE INVESTIGATOR HAS CONSULTED. ANY PARTY TO THE PROCEEDING MAY CALL FOR EXAMINATION THE INVESTIGATOR AND ANY PERSON WHOM HE HAS CONSULTED.

25-336. Custody hearings; priority; costs; record

A. CUSTODY PROCEEDINGS SHALL RECEIVE PRIORITY IN BEING SET FOR HEARING.

B. THE COURT MAY TAX AS COSTS THE PAYMENT OF NECESSARY TRAVEL AND OTHER EXPENSES INCURRED BY ANY PERSON WHOSE PRESENCE AT THE HEARING THE COURT DEEMS NECESSARY TO DETERMINE THE BEST INTEREST OF THE CHILD.

C. THE COURT, WITHOUT A JURY, SHALL DETERMINE QUESTIONS OF LAW AND FACT. IF IT FINDS THAT A PUBLIC HEARING MAY BE DETRIMENTAL TO THE CHILD'S BEST INTEREST, THE

LAWS OF ARIZONA

COURT MAY EXCLUDE THE PUBLIC FROM A CUSTODY HEARING, BUT MAY ADMIT ANY PERSON WHO HAS A DIRECT AND LEGITIMATE INTEREST IN THE PARTICULAR CASE OR A LEGITIMATE EDUCATIONAL OR RESEARCH INTEREST IN THE WORK OF THE COURT.

D. IF THE COURT FINDS THAT TO PROTECT THE CHILD'S WELFARE, THE RECORD OF ANY INTERVIEW, REPORT, INVESTIGATION, OR TESTIMONY IN A CUSTODY PROCEEDING SHOULD BE KEPT SECRET, THE COURT MAY THEN MAKE AN APPROPRIATE ORDER SEALING THE RECORD.

25-337. Visitation rights; exception

A. A PARENT NOT GRANTED CUSTODY OF THE CHILD IS ENTITLED TO REASONABLE VISITATION RIGHTS UNLESS THE COURT FINDS, AFTER A HEARING, THAT VISITATION WOULD ENDANGER SERIOUSLY THE CHILD'S PHYSICAL, MENTAL, MORAL OR EMOTIONAL HEALTH.

B. THE COURT MAY MODIFY AN ORDER GRANTING OR DENYING VISITATION RIGHTS WHENEVER MODIFICATION WOULD SERVE THE BEST INTEREST OF THE CHILD, BUT THE COURT SHALL NOT RESTRICT A PARENT'S VISITATION RIGHTS UNLESS IT FINDS THAT THE VISITATION WOULD ENDANGER SERIOUSLY THE CHILD'S PHYSICAL, MENTAL, MORAL OR EMOTIONAL HEALTH.

25-338. Judicial supervision

A. EXCEPT AS OTHERWISE AGREED BY THE PARTIES IN WRITING AT THE TIME OF THE CUSTODY DECREE, THE CUSTODIAN MAY DETERMINE THE CHILD'S UPBRINGING, INCLUDING HIS EDUCATION, HEALTH, CARE AND RELIGIOUS TRAINING, UNLESS, UPON MOTION BY THE NONCUSTODIAL PARENT, THE COURT, AFTER HEARING, FINDS THAT IN THE ABSENCE OF A SPECIFIC LIMITATION OF THE CUSTODIAN'S AUTHORITY, THE CHILD'S PHYSICAL HEALTH WOULD BE ENDANGERED OR HIS EMOTIONAL DEVELOPMENT SIGNIFICANTLY IMPAIRED.

B. IF BOTH PARENTS OR ALL CONTESTANTS AGREE TO THE ORDER, OR IF THE COURT FINDS THAT IN THE ABSENCE OF THE ORDER THE CHILD'S PHYSICAL HEALTH WOULD BE ENDANGERED OR HIS EMOTIONAL DEVELOPMENT SIGNIFICANTLY

LAWS OF ARIZONA

IMAIPIRED, THE COURT MAY ORDER A LOCAL SOCIAL SERVICE AGENCY TO EXERCISE CONTINUING SUPERVISION OVER THE CASE TO ASSURE THAT THE CUSTODIAL OR VISITATION TERMS OF THE DECREE ARE CARRIED OUT.

25-339. **Affidavit; contents**

A PARTY SEEKING A TEMPORARY CUSTODY ORDER OR MODIFICATION OF A CUSTODY DECREE SHALL SUBMIT AN AFFIDAVIT OR VERIFIED PETITION SETTING FORTH DETAILED FACTS SUPPORTING THE REQUESTED ORDER OR MODIFICATION AND SHALL GIVE NOTICE, TOGETHER WITH A COPY OF HIS AFFIDAVIT, OR VERIFIED PETITION TO OTHER PARTIES TO THE PROCEEDING, WHO MAY FILE OPPOSING AFFIDAVITS. THE COURT SHALL DENY THE MOTION UNLESS IT FINDS THAT ADEQUATE CAUSE FOR HEARING THE MOTION IS ESTABLISHED BY THE PLEADINGS, IN WHICH CASE IT SHALL SET A DATE FOR HEARING ON WHY THE REQUESTED ORDER OF MODIFICATION SHOULD NOT BE GRANTED.

Sec. 3. Section 25-381.08, Arizona Revised Statutes, is amended to read:

25-381.08. **Jurisdiction**

Whenever any controversy exists between spouses which may, unless a reconciliation is achieved, result in the LEGAL SEPARATION, dissolution or annulment of the marriage or in the disruption of the household, and there is any minor child of the spouses or either of them whose welfare might be affected thereby, the conciliation court shall have jurisdiction over the controversy, and over the parties thereto and all persons having any relation to the controversy, as further provided in this article.

Sec. 4. Section 25-381.09, Arizona Revised Statutes, is amended to read:

25-381.09. **Petition invoking jurisdiction or for transfer of action to conciliation court**

Prior to the filing of any action for ~~divorce, annulment, separate maintenance, or separation from bed and board,~~ DISSOLUTION OF MARRIAGE, OR LEGAL SEPARATION, either spouse, or both spouses, may file in the conciliation court a petition invoking the jurisdiction of the court for the purpose of preserving the marriage by effecting a conciliation between the parties or for amicable settlement of the controversy between the spouses so as to avoid further litigation over the issue involved. In any

LAWS OF ARIZONA

case where an action for ~~divorce, annulment, separate maintenance, or separation from bed and board~~ DISSOLUTION OF MARRIAGE, OR LEGAL SEPARATION has been filed, either party thereto may by petition filed therein have the cause transferred to the conciliation court for proceedings in the same manner as though action had been instituted in the conciliation court in the first instance.

Sec. 5. Section 25-381.17, Arizona Revised Statutes, is amended to read:

25-381.17. Orders; duration of effectiveness; reconciliation agreement

A. The judge of the conciliation court shall have full power to make, alter, modify, and enforce all orders or temporary orders, orders for custody of children, restraining orders, PRELIMINARY INJUNCTIONS and orders affecting possession of property, as may appear just and equitable, but such orders shall not be effective for more than sixty days from the filing of the petition, unless the parties mutually consent to a continuation of such time.

B. Any reconciliation agreement between the parties may be reduced to writing and, with the consent of the parties, a court order may be made requiring the parties to comply fully therewith.

Sec. 6. Section 25-381.18, Arizona Revised Statutes, is amended to read:

25-381.18. Dissolution of marriage or legal separation, annulment, maintenance; stay of right to file; jurisdiction as to pending actions

A. During a period beginning upon the filing of a petition for conciliation and continuing until sixty days after the filing of the petition for conciliation, neither spouse shall file any action for ~~divorce, annulment, separate maintenance, or separation from bed and board~~ DISSOLUTION OF MARRIAGE, OR LEGAL SEPARATION, and, upon the filing of a petition for conciliation, proceedings then pending in the superior court shall be stayed and the case transferred to the conciliation court for hearing and further disposition as provided in this article, but all restraining, support, MAINTENANCE, or custody orders theretofore issued by the superior court shall remain in full force and effect until vacated or modified by the conciliation court or until they expire by their own terms.

B. If, however, after the expiration of such period, the controversy between the spouses has not been terminated, either spouse may institute

LAWS OF ARIZONA

proceedings for ~~divorce, annulment of marriage, separate maintenance, or separation from bed and board~~ DISSOLUTION OF MARRIAGE, OR LEGAL SEPARATION by filing in the clerk's office additional pleadings complying with the requirements relating to ~~divorce, annulment of marriage, separate maintenance, or separation from bed and board~~ DISSOLUTION OF MARRIAGE, OR LEGAL SEPARATION respectively, or either spouse may proceed with the action previously stayed, and the conciliation court shall have full jurisdiction to hear, try, and determine such action for ~~divorce, annulment of marriage, separate maintenance, or separation from bed and board~~ DISSOLUTION OF MARRIAGE, OR LEGAL SEPARATION under the laws relating thereto, and to retain jurisdiction of the case for further hearings on decrees or orders to be made therein. The conciliation provisions of this article may be used in regard to ~~post-divorce, POST-DISSOLUTION~~ problems concerning MAINTENANCE support, visitation, contempt, or for modification based on changed conditions, in the discretion of the conciliation court.

C. Upon the filing of an action for ~~divorce, annulment, separate maintenance or separation from bed and board~~ DISSOLUTION OF MARRIAGE, OR LEGAL SEPARATION and after the expiration of sixty days from the service or the acceptance of service of process upon or by the defendant, neither spouse without the consent of the other may file a petition invoking the jurisdiction of the court of conciliation, as long as such domestic relations case remains pending, unless it appears to the court that such filing will not delay the orderly processes of such pending action, in which event the court may accept the petition and the filing thereof shall have the same effect as the filing of any such petition within such sixty days after service or acceptance of process.

Sec. 7. Section 25-381.19, Arizona Revised Statutes, is amended to read:

25-381.19. Transfer of certain actions where minor child involved

Whenever any action for ~~divorce, annulment of marriage, separate maintenance, or separation from bed and board~~ DISSOLUTION OF MARRIAGE, OR LEGAL SEPARATION is filed in the superior court and it appears to the court at any time during the pendency of the action that there is any minor child of the spouses or either of them whose welfare may be adversely affected by the dissolution or annulment of the marriage, LEGAL SEPARATION or the disruption of the household, and there appears to be some reasonable possibility of a reconciliation being effected, the case may be transferred to the conciliation court for proceedings for reconciliation of the spouses or amicable settlement of issues in controversy in accordance with the provisions of this article.

LAWS OF ARIZONA

Sec. 8. Section 25-381.20, Arizona Revised Statutes, is amended to read:

25-381.20. Procedure in actions where no child is involved; conciliation court may accept case

Whenever application is made to the conciliation court for conciliation proceedings in respect to a controversy between spouses or a contested action for ~~divorce, annulment of marriage, separate maintenance, or separation from bed and board~~ DISSOLUTION OF MARRIAGE, OR LEGAL SEPARATION, but there is no minor child whose welfare might be affected by the results of the controversy, and it appears to the court that reconciliation of the spouses or amicable adjustment of the controversy can probably be achieved, and that the work of the court in cases involving children will not be seriously impeded by acceptance of the case, the court may accept and dispose of the case in the same manner as similar cases involving the welfare of children are disposed of. In the event of such application and acceptance, the court shall have the same jurisdiction over the controversy and the parties thereto or having any relation thereto that it has under this article in similar cases involving the welfare of children.

Sec. 9. Section 25-381.21, Arizona Revised Statutes, is amended to read:

25-381.21. Construction of article

Except as specifically and expressly so provided, nothing in this article is intended or shall be construed to repeal, modify, or change in any respect whatsoever the laws relating to ~~divorce, annulment of marriage, separate maintenance or separation from bed and board~~ DISSOLUTION OF MARRIAGE, OR LEGAL SEPARATION, and the court of conciliation shall, when application for such relief is made as provided in this article, apply such laws in the same manner as if action had been brought thereunder in the first instance in the superior court, but the conciliation procedures of the conciliation court shall be applied to arrive at an amicable settlement of all issues in controversy.

Sec. 10. Section 25-381.22, Arizona Revised Statutes, is amended to read:

25-381.22. Subsequent petition filed within one year

Once a petition by either or both of the spouses has been filed as permitted by section 25-381.09, the filing of any subsequent petition under such section within one year thereafter by either or both of the

LAWS OF ARIZONA

spouses shall not stay any action for ~~divorce, annulment, separate maintenance, or separation from bed and board~~ DISSOLUTION OF MARRIAGE, OR LEGAL SEPARATION then pending nor prohibit the filing of such an action by either party. The filing of a subsequent petition by either or both of the spouses more than one year after the filing of any previous petition with such effect shall have the same effect toward staying any domestic relations action then pending and toward prohibiting the filing of any such action as provided in section 25-381.18.

Approved by the Governor—May 14, 1973

Filed in the Office of the Secretary of State—May 14, 1973

CHAPTER 140

Senate Bill 1010

AN ACT

RELATING TO PROPERTY; ELIMINATING MECHANIC'S AND MATERIALMEN'S LIENS IN CERTAIN SITUATIONS; PRESCRIBING PROCEDURES TO PERFECT LIEN AND FOR BOND FOR RELEASE OF MECHANIC'S OR MATERIALMEN'S LIEN RIGHTS; PROVIDING FOR DISCHARGE OF MECHANIC'S OR MATERIALMEN'S LIEN BY RECORDING BOND; PROVIDING FOR PAYMENTS MADE IN TRUST; AMENDING SECTIONS 33-981 AND 33-993, ARIZONA REVISED STATUTES, AND AMENDING TITLE 33, CHAPTER 7, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 33-1002 THROUGH 33-1005.

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

Section 1. Section 33-981, Arizona Revised Statutes, is amended to read:

33-981. **Lien for labor or materials used in construction, alteration or repair of structures; exception**

A. EXCEPT AS PROVIDED IN SECTIONS 33-1002 AND 33-1003, every person who labors or furnishes materials, machinery, fixtures or

LAWS OF ARIZONA

tools in the construction, alteration or repair of any building, or other structure or improvement whatever, shall have a lien thereon for the work or labor done or materials, machinery, fixtures or tools furnished, whether the work was done or articles furnished at the instance of the owner of the building, structure or improvement, or his agent.

B. Every contractor, sub-contractor, architect, builder or other person having charge or control of the construction, alteration or repair, either wholly or in part, of any building, structure or improvement, is the agent of the owner for the purposes of this article, and the owner shall be liable for the reasonable value of labor or materials furnished to his agent.

C. A PERSON WHO IS REQUIRED TO BE LICENSED AS A CONTRACTOR BUT WHO DOES NOT HOLD A VALID LICENSE AS SUCH CONTRACTOR ISSUED PURSUANT TO TITLE 32, CHAPTER 10, SHALL NOT HAVE THE LIEN RIGHTS PROVIDED FOR IN THIS SECTION.

Sec. 2. Section 33-993, Arizona Revised Statutes, is amended to read:

33-993. Procedure to perfect lien; notice and claim of lien; service; recording

A. In order to impress and secure the lien provided for in this article, every original contractor, within ninety days, and every other person claiming the benefits of this article, within sixty days after the completion of a building, structure or improvement, or any alteration or repair thereof, shall make duplicate copies of a notice and claim of lien and record one copy with the county recorder of the county in which the property or some part thereof is located, and within a reasonable time thereafter serve the remaining copy upon the owner of the building, structure or improvement, if he can be found within the county. The notice and claim of lien shall be made under oath by the claimant or ~~some~~ ~~one~~ SOMEONE with knowledge of the facts, and shall contain:

1. ~~A~~ THE LEGAL description of the lands and improvements to be charged with a lien. ~~-, sufficient for identification.-~~
2. The name of the owner or reputed owner of the property concerned, if known, and the name of the person by whom the lienor was employed or to whom he furnished materials.
3. A statement of the terms, time given and conditions of the contract, if it is oral, or a copy of the contract, if written.

LAWS OF ARIZONA

4. A statement of the lienor's demand, after deducting just credits and offsets.

5. A STATEMENT OF THE DATE OF COMPLETION OF THE BUILDING, STRUCTURE OR IMPROVEMENT, OR ANY ALTERATION OR REPAIR THEREOF.

B. FOR THE PURPOSES OF SUBSECTION A, "COMPLETION" MEANS ACTUAL COMPLETION OF THE WORK.

COMPLETION SHALL ALSO BE DEEMED TO HAVE OCCURRED UPON CESSATION OF LABOR FOR A PERIOD OF SIXTY CONSECUTIVE DAYS ON THE PROPERTY UPON WHICH A LIEN IS CLAIMED. CESSATION OF LABOR DUE TO A STRIKE, SHORTAGE OF MATERIALS OR ACT OF GOD SHALL NOT BE CONSIDERED A CESSATION OF LABOR FOR PURPOSES OF THIS PARAGRAPH.

Sec. 3. Title 33, chapter 7, article 6, Arizona Revised Statutes, is amended by adding sections 33-1002, 33-1003, 33-1004 and 33-1005, to read:

33-1002. Definitions; inapplicability to owner-occupied dwelling; waiver

A. IN THIS SECTION:

1. "DWELLING" MEANS AN EXISTING STRUCTURE, WITH OR WITHOUT COMMON WALLS AND INCLUDING AN APARTMENT IN A HORIZONTAL PROPERTY REGIME OR OTHER CONDOMINIUM DESIGNED FOR LIVING, SLEEPING AND HOUSEHOLD ACTIVITIES BY NOT MORE THAN TWO FAMILIES AND THE REAL PROPERTY ON WHICH THE STRUCTURE IS SITUATED.

2. "OWNER-OCCUPANT" MEANS A NATURAL PERSON WHO:

(a) PRIOR TO COMMENCEMENT OF THE CONSTRUCTION, ALTERATION, REPAIR OR IMPROVEMENT OF A DWELLING OWNS THE LEGAL OR EQUITABLE TITLE THERETO OR IS A LESSEE THEREOF FOR A TERM OF NOT LESS THAN TEN YEARS, SUCH OWNERSHIP OF LEGAL OR EQUITABLE TITLE OR HAVING A LESSEE'S INTEREST BEING EVIDENCED BY AN INSTRUMENT THERETOFORE RECORDED WITH THE COUNTY RECORDER IN THE COUNTY IN WHICH THE DWELLING IS LOCATED, AND

(b) RESIDES IN THE DWELLING PRIMARILY FOR USE AS A HOME AND NOT PRIMARILY FOR SALE OR RENT AND WHO

LAWS OF ARIZONA

INTENDS TO LIVE IN OR WHO DOES IN FACT LIVE IN SUCH DWELLING, AS EVIDENCED BY THE FOLLOWING OR OTHER PHYSICAL ACTS:

(i) THE PLACING OF HIS PERSONAL BELONGINGS AND FURNITURE IN THE DWELLING, AND

(ii) OCCUPANCY EITHER BY HIM OR MEMBERS OF HIS FAMILY. A SINGLE ACT SHALL NOT ESTABLISH A PERSON AS AN OWNER-OCCUPANT IF SUCH PERSON PERMITS EXCLUSIVE OCCUPANCY BY OTHER THAN MEMBERS OF HIS FAMILY FOR OTHER THAN TEMPORARY PURPOSES THEREBY NEGATING HIS INTENT TO OCCUPY THE DWELLING PRIMARILY FOR USE AS HIS HOME.

B. NO LIEN PROVIDED FOR IN THIS ARTICLE SHALL BE ALLOWED OR RECORDED AGAINST THE DWELLING OF AN OWNER-OCCUPANT, EXCEPT BY A PERSON HAVING EXECUTED IN WRITING A CONTRACT DIRECTLY WITH THE OWNER-OCCUPANT.

C. ANY PROVISION OF AN AGREEMENT MADE OR ENTERED INTO BY AN OWNER-OCCUPANT WHICH WAIVES THE PROVISIONS OF THIS SECTION IS VOID.

33-1003. Release of lien right; bond

A. EVERY OWNER OF LAND INCLUDING ANY PERSON WHO HAS A LEGAL OR EQUITABLE INTEREST THEREIN, WHO ENTERS A CONTRACT REQUIRING ANY PERSON TO PERFORM LABOR, OR TO FURNISH MATERIALS, MACHINERY, FIXTURES OR TOOLS IN THE CONSTRUCTION, ALTERATION OR REPAIR OF ANY BUILDING, OR OTHER STRUCTURE OR IMPROVEMENT ON SUCH LAND, MAY AVOID THE LIEN PROVISIONS OF SECTION 33-981 PERTAINING TO AGENTS BY REQUIRING THE PERSON WITH WHOM HE CONTRACTS TO FURNISH A PAYMENT BOND PRIOR TO OR AT THE TIME OF EXECUTION OF SUCH CONTRACT. UPON RECORDATION OF THE PAYMENT BOND TOGETHER WITH A COPY OF SUCH CONTRACT IN THE OFFICE OF THE COUNTY RECORDER, IN THE COUNTY IN WHICH THE LAND IS LOCATED, NO LIEN SHALL THEREAFTER BE ALLOWED OR RECORDED AGAINST THE LAND ON WHICH THE LABOR IS PERFORMED OR THE MATERIALS, MACHINERY, FIXTURES OR TOOLS FURNISHED, AS PROVIDED IN THIS ARTICLE, EXCEPT BY THE PERSON WHO CONTRACTS, IN WRITING, DIRECTLY WITH THE OWNER.

LAWS OF ARIZONA

B. A PAYMENT BOND FURNISHED PURSUANT TO SUBSECTION A SHALL BE IN A SUM EQUAL TO THE FULL AMOUNT OF THE CONTRACT BETWEEN THE OWNER AND THE PERSON WITH WHOM THE OWNER CONTRACTS, AND SHALL BE SOLELY FOR THE PROTECTION OF CLAIMANTS PERFORMING LABOR OR FURNISHING MATERIALS, MACHINERY, FIXTURES OR TOOLS TO SUCH PERSON OR HIS SUBCONTRACTOR IN THE PROSECUTION OF THE WORK PROVIDED FOR IN SUCH CONTRACT. THE BOND SHALL BE CONDITIONED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 34-222, SUBSECTIONS A AND B. THE CONTRACT RECORDED WITH THE BOND SHALL CONTAIN A LEGAL DESCRIPTION OF THE LAND ON WHICH THE WORK IS BEING OR IS TO BE PERFORMED.

C. THE BOND PROVIDED FOR IN THIS SECTION SHALL BE EXECUTED BY ONE OR MORE SURETY COMPANIES AUTHORIZED TO DO BUSINESS IN THIS STATE AND SHALL BE ACCOMPANIED BY A POWER OF ATTORNEY DISCLOSING THE AUTHORITY OF THE PERSON EXECUTING THE SAME ON BEHALF OF THE SURETY.

D. THE COUNTY RECORDER OF THE COUNTY IN WHICH THE BOND AND CONTRACT ARE RECORDED SHALL INDEX THE BOND AND CONTRACT UNDER THE INDEX CLASSIFICATION IN WHICH MECHANIC'S AND MATERIALMEN'S LIENS ARE RECORDED.

33-1004. Discharge of mechanic's liens; bond; limitations of actions; discharge of surety; judgment

A. AFTER PERFECTION OF A LIEN PURSUANT TO THIS ARTICLE, AN OWNER, INCLUDING ANY PERSON WHO HAS A LEGAL OR EQUITABLE INTEREST IN THE LAND WHICH IS SUBJECT TO THE LIEN, A CONTRACTOR, SUBCONTRACTOR, MORTGAGEE OR OTHER LIEN CREDITOR, MAY, EITHER BEFORE OR AFTER THE COMMENCEMENT OF AN ACTION TO FORECLOSE SUCH LIEN, CAUSE TO BE RECORDED IN THE OFFICE OF THE COUNTY RECORDER, IN THE COUNTY IN WHICH THE LAND IS LOCATED, A SURETY BOND IN THE FORM DESCRIBED IN SUBSECTION B OF THIS SECTION, TOGETHER WITH A POWER OF ATTORNEY DISCLOSING THE AUTHORITY OF THE PERSON EXECUTING THE SAME ON BEHALF OF THE SURETY. UPON THE RECORDDATION OF SUCH BOND, THE PROPERTY SHALL BE DISCHARGED OF SUCH LIEN WHETHER OR NOT A COPY OF THE BOND IS SERVED UPON THE CLAIMANT OR HE PERFECTS HIS RIGHTS AGAINST THE BOND.

LAWS OF ARIZONA

B. A SURETY BOND TO DISCHARGE A LIEN PERFECTED UNDER THE PROVISIONS OF THIS SECTION SHALL BE EXECUTED BY THE PERSON SEEKING TO DISCHARGE SUCH LIEN, AS PRINCIPAL, AND BY A SURETY COMPANY OR COMPANIES DULY AUTHORIZED TO DO BUSINESS IN THIS STATE, SUCH BOND SHALL BE FOR THE SOLE PROTECTION OF THE CLAIMANT WHO PERFECTED SUCH LIEN. THE BOND SHALL BE IN AN AMOUNT EQUAL TO ONE AND ONE-HALF TIMES THE CLAIM SECURED BY THE LIEN AND SHALL BE CONDITIONED FOR THE PAYMENT OF THE JUDGMENT WHICH WOULD HAVE BEEN RENDERED AGAINST THE PROPERTY FOR THE ENFORCEMENT OF THE LIEN. THE LEGAL DESCRIPTION OF THE PROPERTY AND THE DOCKET AND PAGE OF THE LIEN SOUGHT TO BE DISCHARGED SHALL BE SET FORTH IN THE BOND.

C. THE PRINCIPAL ON SUCH BOND SHALL, UPON RECORDATION THEREOF WITH THE COUNTY RECORDER, CAUSE A COPY OF THE BOND TO BE SERVED WITHIN A REASONABLE TIME UPON THE LIEN CLAIMANT, AND IF A SUIT BE THEN PENDING TO FORECLOSE THE LIEN, CLAIMANT SHALL WITHIN NINETY DAYS AFTER RECEIPT THEREOF, CAUSE PROCEEDINGS TO BE INSTITUTED TO ADD THE SURETY AND THE PRINCIPAL AS PARTIES TO THE LIEN FORECLOSURE SUIT.

D. THE BOND SHALL BE DISCHARGED AND THE PRINCIPAL AND SURETIES RELEASED UPON ANY OF THE FOLLOWING:

1. THE FAILURE OF THE LIEN CLAIMANT TO COMMENCE A SUIT WITHIN THE TIME ALLOWED PURSUANT TO SECTION 33-998.

2. FAILURE OF THE LIEN CLAIMANT TO NAME THE PRINCIPAL AND SURETIES AS PARTIES TO THE ACTION SEEKING FORECLOSURE OF THE LIEN IF A COPY OF THE BOND HAS BEEN SERVED UPON CLAIMANT. IF THE BOND IS SERVED UPON THE CLAIMANT WITHIN LESS THAN NINETY DAYS FROM THE DATE CLAIMANT WOULD BE REQUIRED TO COMMENCE HIS ACTION PURSUANT TO SECTION 33-998, THEN THE CLAIMANT SHALL HAVE NINETY DAYS FROM THE DATE HE RECEIVES A COPY OF SUCH BOND TO ADD THE PRINCIPAL AND THE SURETIES AS PARTIES TO THE LIEN FORECLOSURE SUIT.

3. THE DISMISSAL OF THE FORECLOSURE SUIT WITH PREJUDICE AS TO THE CLAIMANT OR THE ENTRY OF JUDGMENT IN SUCH SUIT AGAINST CLAIMANT.

LAWS OF ARIZONA

E. IN AN ACTION TO FORECLOSE A LIEN UNDER THIS ARTICLE, WHERE A BOND HAS BEEN FILED AND SERVED AS PROVIDED HEREIN, A JUDGMENT FOR THE CLAIMANT ON THE BOND SHALL BE AGAINST THE PRINCIPAL AND HIS SURETIES FOR THE REASONABLE VALUE OF THE LABOR AND MATERIAL FURNISHED AND SHALL NOT BE AGAINST THE PROPERTY.

F. IN THE EVENT A COPY OF THE BOND IS NOT SERVED UPON THE CLAIMANT AS PROVIDED IN SUBSECTION C OF THIS SECTION, THE CLAIMANT SHALL HAVE SIX MONTHS AFTER THE DISCOVERY OF SUCH BOND TO COMMENCE AN ACTION THEREON, EXCEPT THAT NO ACTION MAY BE COMMENCED ON SUCH BOND AFTER TWO YEARS FROM THE DATE IT WAS RECORDED AS PROVIDED IN THIS SECTION.

G. THE COUNTY RECORDER OF THE COUNTY IN WHICH THE BOND AND CONTRACT ARE RECORDED SHALL INDEX THE BOND AND CONTRACT UNDER THE INDEX CLASSIFICATION IN WHICH MECHANIC'S AND MATERIALMEN'S LIENS ARE RECORDED.

33-1005. Payments made in trust

MONIES PAID BY OR FOR AN OWNER-OCCUPANT AS DEFINED IN SECTION 33-1002 TO A CONTRACTOR, AS DEFINED IN SECTION 32-1101, AS PAYMENT FOR LABOR, MATERIALS, MACHINERY, FIXTURES OR TOOLS FOR WHICH A LIEN IS NOT PROVIDED IN THIS ARTICLE SHALL BE DEEMED FOR ALL PURPOSES TO BE PAID IN TRUST AND SHALL BE HELD BY THE CONTRACTOR FOR THE BENEFIT OF THE PERSON OR PERSONS FURNISHING SUCH LABOR, MATERIALS, MACHINERY, FIXTURES OR TOOLS. SUCH MONIES SHALL NEITHER BE DIVERTED NOR USED FOR ANY PURPOSE OTHER THAN TO SATISFY THE CLAIMS OF THOSE FOR WHOM THE TRUST IS CREATED AND SHALL BE PAID WHEN DUE TO THE PERSON OR PERSONS ENTITLED THERETO. THE PROVISIONS OF THIS SUBSECTION SHALL NOT AFFECT OTHER REMEDIES AVAILABLE AT LAW OR IN EQUITY.

Sec. 4. Saving clause

This act does not affect any construction, alteration, repair or improvement as to which labor or the furnishing of materials is commenced prior to the effective date of the act.

Approved by the Governor—May 14, 1973

Filed in the Office of the Secretary of State—May 14, 1973

LAWS OF ARIZONA

CHAPTER 141

Senate Bill 1014

AN ACT

RELATING TO PUBLIC LANDS; PROVIDING FOR AN ENVIRONMENTAL PLANNING OFFICE; PROVIDING FOR EXPIRATION OF SUCH OFFICE; AMENDING TITLE 37, ARIZONA REVISED STATUTES, BY ADDING A NEW CHAPTER 1.1, AND MAKING AN APPROPRIATION.

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

Section 1. Purpose

A. The future of this state is largely dependent on the uses that are made of the lands within the state. The legislature finds and declares that the rapid growth and development of the state and the resulting demands on its land resources make new and innovative measures necessary.

B. The purpose of this act is to establish a comprehensive and coordinated statewide land use planning program in the office of the governor which will result in the preparation of a statewide land use plan including the collection and analysis of information concerning present and future uses of land and the social, economic and environmental conditions relating thereto, the formulation of alternative goals and objectives for land use and the description of alternative development policies and procedures.

Sec. 2. Title 37, Arizona Revised Statutes, is amended by adding chapter 1.1, to read:

**CHAPTER 1.1
OFFICE OF ENVIRONMENTAL PLANNING
ARTICLE 1. GENERAL PROVISIONS**

37-161. Director of environmental planning

THE DIRECTOR OF ENVIRONMENTAL PLANNING SHALL BE DIRECTLY RESPONSIBLE TO THE GOVERNOR, SHALL CONSULT AND ADVISE HIM ON ALL MATTERS ASSIGNED TO THE OFFICE OF ENVIRONMENTAL PLANNING AND SHALL BE RESPONSIBLE FOR CARRYING OUT THE GOVERNOR'S POLICIES WITH RESPECT

LAWS OF ARIZONA

TO SUCH MATTERS. THE DIRECTOR SHALL ASSIST THE COMMISSION IN THE FORMULATION OF THE LAND USE PLAN.

37-162. Environmental planning commission

THERE IS ESTABLISHED AN ENVIRONMENTAL PLANNING COMMISSION CONSISTING OF FIFTEEN MEMBERS, NINE MEMBERS TO BE APPOINTED BY THE GOVERNOR AND SIX EX OFFICIO MEMBERS TO BE SELECTED FROM THE LEGISLATURE, THREE MEMBERS OF THE HOUSE OF REPRESENTATIVES TO BE SELECTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THREE MEMBERS OF THE SENATE TO BE SELECTED BY THE PRESIDENT OF THE SENATE. THE TERM OF EACH COMMISSION MEMBER SHALL BE TWO YEARS. ONE MEMBER OF THE COMMISSION SHALL BE APPOINTED CHAIRMAN BY THE GOVERNOR. COMMISSION MEMBERS, EXCEPT EX OFFICIO LEGISLATIVE MEMBERS, SHALL RECEIVE COMPENSATION PURSUANT TO SECTION 38-611. EX OFFICIO LEGISLATIVE MEMBERS SHALL BE REIMBURSED FOR TRAVEL AND SUBSISTENCE EXPENSES AS PROVIDED BY SECTION 41-1104. THE COMMISSION SHALL ADVISE THE GOVERNOR AND THE DIRECTOR OF THE OFFICE OF ENVIRONMENTAL PLANNING ON ALL MATTERS ASSIGNED TO THE OFFICE OF ENVIRONMENTAL PLANNING AND PREPARE THE LAND USE PLAN. THE COMMISSION OR ANY OF ITS SUBCOMMITTEES SHALL CONDUCT HEARINGS THROUGHOUT THE STATE AND SHALL HAVE POWER TO REQUIRE EXISTING ENVIRONMENTAL DATA FROM ALL PUBLIC OFFICIALS AND AGENCIES AS MAY PROVIDE INFORMATION NECESSARY TO THE COMMISSION IN CARRYING OUT ITS FUNCTIONS.

37-163. Office of environmental planning

A. THE PURPOSE OF THE OFFICE OF ENVIRONMENTAL PLANNING SHALL BE TO FUNCTION AS THE GOVERNOR'S ENVIRONMENTAL PLANNING AGENCY, RECOMMEND AND KEEP UP TO DATE A COMPREHENSIVE PLAN FOR THE USE OF ALL ARIZONA LANDS AND EFFECTIVE EMPLOYMENT OF THE NATURAL AND OTHER RESOURCES OF THE STATE, IN ORDER TO PROMOTE THE HEALTH, SAFETY AND GENERAL WELFARE OF ITS CITIZENS.

B. IN THE EXECUTION OF ITS PURPOSES, THE OFFICE SHALL FUNCTION AS AN ADVISORY, CONSULTIVE, AND COORDINATING AGENCY BY:

LAWS OF ARIZONA

1. COORDINATING ITS PLANNING ACTIVITIES WITH THE PLANNING ACTIVITIES OF STATE DEPARTMENTS, AGENCIES, AND INSTRUMENTALITIES OF STATE, COUNTY, OR LOCAL GOVERNMENT AND WITH THE PLANNING ACTIVITIES OF THE VARIOUS INDIAN TRIBES OF THE STATE.
2. COORDINATING THE PLANS AND PROGRAMS OF ALL STATE DEPARTMENTS, AGENCIES AND INSTRUMENTALITIES.
3. COORDINATING THE STATE PROGRAMS WITH THE FEDERAL GOVERNMENT.
4. ADMINISTERING AND UPDATING THE STATE ENVIRONMENTAL LAND USE PLAN AS CREATED BY THE ENVIRONMENTAL PLANNING COMMISSION, IN COORDINATION WITH ALL OTHER STATE AGENCIES AND POLITICAL SUBDIVISIONS AND IN COOPERATION WITH THE INDIAN TRIBES FOR THE USES OF THE STATE'S NATURAL AND RIPARIAN RESOURCES AND PROTECTION OF THE ENVIRONMENT.
5. EVALUATING CURRENT INVENTORY AND MONITORING SYSTEMS OF NATURAL RESOURCES OF THE STATE.
6. PREPARATION OF REPORTS BY JANUARY, 1974, AND JANUARY, 1975. THE REPORTS SHALL CONTAIN THE LAND USE PLAN AND ANY SUBSEQUENT REVISIONS.

Sec. 3. Scope and presentation of program

The legislative members of the commission, upon appointment, shall prepare guidelines defining the scope of the program and present them to all other members of the commission and the governor.

Sec. 4. Expiration of law

The provisions of this act shall expire and no longer be effective from and after June 30, 1975.

Sec. 5. Appropriation; purpose; exemption

A. The sum of one hundred fifty thousand dollars is appropriated to the office of environmental planning to carry out the purposes of this act.

B. The appropriation made pursuant to subsection A of this section is exempt from the provisions of section 35-190, Arizona Revised Statutes,

LAWS OF ARIZONA

relating to lapsing of appropriation except that any funds unspent or unencumbered on June 30, 1975, shall revert to the state general fund.

Sec. 6. **Emergency**

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

Approved by the Governor—May 14, 1973

Filed in the Office of the Secretary of State—May 14, 1973

CHAPTER 142

Senate Bill 1016

AN ACT

RELATING TO PUBLIC WELFARE; REMOVING STATE HEALTH DEPARTMENT FROM PARTICIPATION IN MEDICAL ASSISTANCE FOR AGED PROGRAM; PRESCRIBING LIMITATION ON MEDICAL ASSISTANCE PAYMENT FOR HOSPITAL CARE OF AGED; PRESCRIBING QUALIFICATIONS FOR MEDICAL ASSISTANCE; AMENDING SECTIONS 46-261, 46-261.01, 46-261.02, 46-261.03 AND 46-261.05, ARIZONA REVISED STATUTES, AND REPEALING SECTION 46-261.09, LAWS 1972, CHAPTER 163, SECTION 58, AND SECTIONS 46-261.11 AND 46-261.12, ARIZONA REVISED STATUTES.

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

Section 1. Section 46-261, Arizona Revised Statutes, is amended to read:

46-261. **Definitions**

In this article, unless the context otherwise requires:

1. "Applicant" means any person who has applied for benefits under the provisions of this article.

LAWS OF ARIZONA

2. "Department" means the department of economic security.
3. "Eligible person" means any person determined eligible to receive benefits under the provisions of this article.
- ~~4. "Health department" means the state department of public health.~~
- ~~5.~~ 4. "Hospital" means a hospital licensed under the provisions of sections ~~36-441~~ 36-421 through ~~36-446~~ 36-432 or as defined in section 1861(e) of U.S. Public Law 89-97.
- ~~6.~~ 5. "Licensed physician" means a doctor of medicine or osteopathy who holds a current, valid license to practice medicine in the state where the recipient is treated.
- ~~7.~~ 6. "Medical assistance for the aged" means any medical or related service rendered persons eligible therefor under provisions of this article.
- ~~8.~~ 7. "Net income" means income from all sources exclusive of all medical expenses incurred.
- ~~9.~~ 8. "Recipient" means any person who has received benefits under the provisions of this article.

Sec. 2. Section 46-261.01, Arizona Revised Statutes, is amended to read:

46-261.01. **Establishment; administration; insurance**

A. A program of medical assistance is established to provide for payment for medical services and related expenses provided for persons sixty-five years of age and older who meet the qualifications established by this article.

~~B. The department shall administer the provisions of this article and shall contract with the health department for the management and supervision of the medical care aspects of the program, as long as such is required to bring about federal financial participation under subsection (2), U. S. Public Laws 86-778. If the secretary of the United States department of health, education and welfare determines that federal financial participation is not available to pay for part of the program of medical assistance adopted under the provisions of this article, the administration of this article and any appropriation made hereunder shall be transferred to the health department and the health department shall thereafter contract with the department for the management and supervision of the eligibility aspects of the program.~~

LAWS OF ARIZONA

~~C.~~ B. The medical care aspects of this program shall consist of supplemental and complementary medical assistance in conjunction with the provisions of title 18, parts A and B, of U. S. Public Law 89-97, providing for payment for and on behalf of each eligible person of the following:

1. ~~up to a maximum of the first forty dollars incurred~~ COSTS for each hospital admission occasioned by a spell of illness as defined in title 18 of U. S. Public Law 89-97. ~~UP TO A MAXIMUM OF THE UNPAID IN-PATIENT HOSPITAL DEDUCTIBLE FOR THE FIRST SIXTY DAYS OF HOSPITALIZATION AS DETERMINED BY THE SOCIAL SECURITY ADMINISTRATION.~~

~~2. Up to a maximum of the first twenty dollars for each hospital outpatient diagnostic study furnished under conditions established by title 18, part A, of U. S. Public Law 89-97.~~

~~D.~~ C. Payment of the sums provided by subsection ~~C~~, paragraphs ~~1 and 2~~, B, shall be made either to the hospital involved through the fiscal intermediary appointed by the federal government or directly to the hospital upon receipt of satisfactory proof that the covered service has been furnished an eligible person. In lieu of any payment and notwithstanding any limitation of title 20, the ~~health~~ department may purchase for each eligible person a contract to cover as a minimum the payments authorized by subsection ~~C~~ B. Each such contract shall be with a nonprofit hospital service corporation or medical service corporation or combination thereof or with an insurance company that is established and licensed in Arizona in the field of health coverages.

~~E.~~ D. As part of a program as provided for under subsection ~~C~~, paragraphs ~~1 and 2~~ B, or as a separate program, payment or reimbursement shall be made in a sum equal to the amount of the monthly premium required for coverage under title 18, part B, of U. S. Public Law 89-97 for each eligible person not receiving monthly insurance benefits under title II of the social security act or an annuity or pension under the railroad retirement act of 1937.

Sec. 3. Section 46-261.02, Arizona Revised Statutes, is amended to read:

46-261.02. Eligibility for medical assistance

In addition to qualifying under the terms of this article, medical assistance for the aged may be granted to any applicant who meets and maintains the following requirements:

LAWS OF ARIZONA

1. Is not less than sixty-five years of age.
- ~~2. Is a citizen of the United States, or has resided in the United States a total of fifteen years.~~
- ~~3.~~ 2. Has established residence in Arizona at the time of application.
- ~~4.~~ 3. Has not, within five years prior to application, or while a recipient, transferred or assigned real or personal property, or interest therein, with intent to render himself eligible for medical assistance, or with intent to increase his need for medical assistance, except that where fair consideration for the transfer was received, no inquiry into motive shall be necessary.
- ~~5.~~ 4. Does not have resources in excess of the following:
 - (a) Household furnishings used by applicant and his family in his usual place of residence.
 - (b) Wearing apparel and necessary personal effects.
 - (c) The dwelling house in which such person resides and the land contiguous thereto not to exceed a fair market value of ten thousand dollars.
 - (d) Livestock used primarily for domestic purposes.
 - (e) Tools of trade having a fair market value of five hundred dollars.
 - (f) An automobile with a fair market value not exceeding seven hundred fifty dollars.
 - (g) Other property or assets with the exception of a single or family burial plot having a total fair market value of eight hundred dollars for a single recipient or twelve hundred dollars for a recipient and spouse, or two or more recipients in a single household.
- ~~6.~~ 5. Is not receiving other public assistance by virtue of any provisions of this title.

Sec. 4. Section 46-261.03, Arizona Revised Statutes, is amended to read:

46-261.03. Income qualifications

In no event shall medical assistance be provided for any applicant under this article if the annual net income exceeds:

LAWS OF ARIZONA

- 1. For a single person, ~~one~~ TWO thousand ~~eight~~ ONE hundred dollars.
- 2. For a married person and spouse in the same family unit, two thousand ~~four~~ EIGHT hundred dollars.

Sec. 5. Section 46-261.05, Arizona Revised Statutes, is amended to read:

46-261.05. **Federal assistance; restriction of payment**

A. The provisions of this article shall become operative and remain in operation whether or not federal financial participation is provided or made available to the state on the basis of a state plan approved by the federal government as medical assistance for the aged pursuant to the provisions of title 1 of the federal social security act or otherwise.

B. In no event shall the provisions of this article be interpreted to require or permit participation of the state under the provisions of title 19 of U. S. Public Law 89-97.

C. The ~~health~~ department shall endeavor to obtain federal financial participation for all or any part of the medical assistance program provided for by the terms of this article.

D. Any funds received by the state or any agency or department thereof from the federal government as federal financial participation in all or part of the medical assistance for the aged program shall be deposited with the state treasurer in a fund designated as the "Medical Assistance for the Aged Fund", to be expended as prescribed by the provisions of this article.

Sec. 6. **Repeal**

Section 46-261.09, Laws 1972, chapter 163, section 58, and sections 46-261.11 and 46-261.12, Arizona Revised Statutes, are repealed.

Approved by the Governor—May 14, 1973

Filed in the Office of the Secretary of State—May 14, 1973

LAWS OF ARIZONA

CHAPTER 143

Senate Bill 1032

AN ACT

RELATING TO JUSTICES OF PEACE; PRESCRIBING FEES IN CIVIL ACTIONS, AND AMENDING SECTION 22-281, ARIZONA REVISED STATUTES.

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

Section 1. Section 22-281, Arizona Revised Statutes, is amended to read:

22-281. Fees and deposits

A. Justices of the peace shall receive the following fees in civil actions:

1. Except as otherwise specifically provided by this section, for all services required of and rendered by the justice including, but not limited to, issuance of process, issuance of writs before and after judgment, summoning a jury, administration of oaths, and filing and recording judgments in connection with a civil action, where the amount in controversy exclusive of interest and costs exceeds ~~five~~ FIVE HUNDRED dollars, and such services are rendered on behalf of plaintiff, ~~three~~ TEN dollars.
2. Except as otherwise specifically provided by this section, for all such services required of and rendered on behalf of defendant, or those defendants appearing by one attorney, ~~two~~ FIVE dollars.
3. For all such services required of and rendered by the justice in connection with a civil action, whether for plaintiff or for defendant, where the amount in controversy, exclusive of interest and costs, is ~~five~~ FIVE HUNDRED dollars or less, ~~one dollar~~ FIVE DOLLARS.
4. For making and certifying a transcript of the entries on his docket, and filing them, together with the original papers in the case, in the reviewing court in each case of appeal or certiorari, two dollars.
5. For making copies of any papers or records in his office for any person applying for them, for each one hundred words, excluding the certificate, and excluding the signature of the justice, twenty cents.

LAWS OF ARIZONA

6. For certifying copies of papers or records in his office, exclusive of the cost of making the copies, but including preparation of the certificate and signature of the justice, fifty cents.

B. Nothing provided by this section shall deprive the parties to the action of the privilege of depositing amounts with the justice, in addition to those set forth in this section, for use in connection with payment of constable and sheriff's fees for service of process, levying of writs, and other services for which fees are otherwise provided by law.

Approved by the Governor—May 14, 1973

Filed in the Office of the Secretary of State—May 14, 1973

CHAPTER 144

Senate Bill 1056

AN ACT

PROVIDING FOR REPORT TO THE LEGISLATURE ON ANNUAL
VEHICLE INSPECTION PROGRAM.

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

Section 1. Report to the legislature on annual vehicle inspection program

The highway department shall, not later than January 15, 1974, submit a report to the legislature with arguments for and against the establishment of an annual vehicle inspection program directed toward enforcement of vehicle safety and emission control standards and financial responsibility relating to such vehicles. Such report shall include recommended standards applicable to all vehicles in this state prior to annual registration and not less frequent than once each calendar year and shall relate to equipment which is designed and installed on a vehicle for the protection and safety of the driver or any other person. Such report shall include standards adopted pursuant to federal law and recommendations as to the adaptability or lack of adaptability of these standards into Arizona law. The report shall include estimates of costs of implementation for equipment and personnel and projections of future costs.

LAWS OF ARIZONA

Sec. 2. Coordination of the report

The highway department shall coordinate this report with the study and recommendations to be made to the legislature as required by section 36-1754, Arizona Revised Statutes, and shall cooperate fully with the department of health and the department of public safety in the development of the study and recommendations.

Approved by the Governor—May 14, 1973

Filed in the Office of the Secretary of State—May 14, 1973

CHAPTER 145

Senate Bill 1170

AN ACT

RELATING TO PROFESSIONS AND OCCUPATIONS; REVISING CERTAIN LAWS OF STATE BOARD OF NURSING, AND AMENDING SECTIONS 32-1602, 32-1611, 32-1632, 32-1634, 32-1635, 32-1637, 32-1639, 32-1640 AND 32-1643, ARIZONA REVISED STATUTES.

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

Section 1. Section 32-1602, Arizona Revised Statutes, is amended to read:

32-1602. Board of nursing

A. There shall be a state board of nursing which shall consist of five members appointed by the governor. One member shall be appointed each year for a term of five years, to begin and end on June 30.

B. On or before May 1 each year and at any other time a vacancy on the board occurs the Arizona state nurses' association shall submit to the governor a list of qualified registered nurses. The list shall contain at least three names for each vacancy to be filled. Appointments shall be made from this list by the governor. Appointment to fill a vacancy other than by expiration shall be for the unexpired term. No person shall serve more than two consecutive terms as a member of the board.

LAWS OF ARIZONA

~~C. At least one member of the board, in addition to meeting the qualifications of section 32-1603, shall be a professional nurse faculty member in an accredited school of practical nursing.~~

~~D.~~ C. The governor may remove any person from the board for neglect of any duty imposed by law or for incompetency or unprofessional or dishonorable conduct.

Sec. 2. Section 32-1611, Arizona Revised Statutes, is amended to read:

32-1611. Board of nursing fund

A. All monies received by the board from whatever source shall be paid to the secretary-treasurer who before the end of each calendar month shall deposit monies received during such month with the state treasurer, who shall transfer ninety per cent thereof to the board of ~~nurse registration and nursing education~~ fund, and deposit the remaining ten per cent in the general fund.

B. All monies deposited to the fund shall be used by the board for the administration and enforcement of this chapter, and all monies expended by the board shall be paid from the fund. All amounts paid from the fund shall be on warrants drawn by the ~~commissioner~~ ASSISTANT DIRECTOR FOR THE DIVISION of finance upon presentation of a proper claim or voucher by the board, approved and signed by the secretary-treasurer or the executive secretary.

Sec. 3. Section 32-1632, Arizona Revised Statutes, is amended to read:

32-1632. Qualifications of professional nurse; application for license

An applicant for a license to practice as a graduate, professional or registered nurse shall file with the board a verified written application accompanied by the prescribed fee and submit satisfactory proof that the applicant:

- ~~1. Is at least eighteen years of age.~~
- ~~2. Is a citizen of the United States or has legally declared intention to become a citizen.~~

LAWS OF ARIZONA

- ~~3.~~ 1. Is of good moral character.
- ~~4.~~ 2. Is in good physical and mental health.
- ~~5.~~ 3. Has completed an approved four-year course of high school study, or the equivalent thereof, as determined by the board with the advice of the state board of education.
- ~~6.~~ 4. Has completed satisfactorily the basic professional curriculum in an accredited school of professional nursing and holds a diploma or certificate therefrom.

Sec. 4. Section 32-1634, Arizona Revised Statutes, is amended to read:

32-1634. Licensing out-of-state professional nurses

The board at its discretion may issue a license to practice professional nursing without an examination to an applicant who has been duly licensed or registered as a graduate, registered or professional nurse in another state or a territory of the United States or in a foreign country, if in the opinion of the board the applicant meets the qualifications required of a professional nurse in this state. ~~at the time the applicant was licensed or registered in such other state, territory or country.~~

Sec. 5. Section 32-1635, Arizona Revised Statutes, is amended to read:

32-1635. Temporary permit to practice professional nursing

In its discretion the board may issue a temporary permit to practice professional nursing to an applicant ~~FOR A LICENSE~~ who, in the opinion of the board, meets ~~all requirements for licensing except the passing of the~~ THE QUALIFICATIONS FOR LICENSING SPECIFIED IN SECTION 32-1632. ~~examination or completion of formal proof of qualification for licensing without examination.~~ Temporary permits shall expire on the date specified in the permit and may be renewed at the discretion of the board.

Sec. 6. Section 32-1637, Arizona Revised Statutes, is amended to read:

32-1637. Qualifications of practical nurse; application for license

An applicant for a license to practice as and assume the title of a licensed practical nurse shall file with the board a verified written application accompanied by the prescribed fee and submit satisfactory proof that the applicant:

LAWS OF ARIZONA

- ~~1.~~ Is at least eighteen years of age.
- ~~2.~~ Is a citizen of the United States or has legally declared intention to become a citizen.
- ~~3.~~ 1. Is of good moral character.
- ~~4.~~ 2. Is in good physical and mental health.
- ~~5.~~ 3. Has satisfactorily completed at least two years of high school study, or its equivalent as determined by the board with the advice of the state board of education, if under twenty-five years of age, or has completed the eighth grade of school, or its equivalent determined in the same manner, if over twenty-five years of age.
- ~~6.~~ 4. Has satisfactorily completed the basic curriculum in an accredited school of practical nursing and holds a diploma or certificate therefrom or has completed the equivalent thereof as determined by the board.

Sec. 7. Section 32-1639, Arizona Revised Statutes, is amended to read:

32-1639. Licensing out-of-state practical nurses

The board in its discretion may issue a license to practice as a practical nurse without examination to an applicant who has been duly licensed as a practical nurse, or licensed to perform similar services and duties under a different title, in another state or territory of the United States or in a foreign country, if in the opinion of the board the applicant meets qualifications ~~as specified in section 32-1637.~~ **REQUIRED OF A LICENSED PRACTICAL NURSE IN THIS STATE.**

Sec. 8. Section 32-1640, Arizona Revised Statutes, is amended to read:

32-1640. Temporary permit to practice as a licensed practical nurse

In its discretion the board may issue a temporary permit to practice as a licensed practical nurse to an applicant **FOR A LICENSE** who, in the opinion of the board, meets **THE QUALIFICATIONS FOR LICENSING SPECIFIED IN SECTION 32-1637.** ~~all requirements for licensing except the passing of the examination or completion of formal proof of qualification for licensing without examination.~~ Temporary permits shall expire on the date specified in the permit and may be renewed at the discretion of the board.

LAWS OF ARIZONA

Sec. 9. Section 32-1643, Arizona Revised Statutes, is amended to read:

32-1643. **Fees**

The board shall collect in advance fees provided for in this chapter, but not to exceed the following:

1. Initial application for license as registered professional nurse or licensed practical nurse, fifty dollars.
2. Application for renewal before expiration, ten dollars.
3. Application for renewal after expiration, fifteen dollars.
4. Application for temporary permit, fifteen dollars.
5. Rewriting examination, twenty-five dollars.
6. Administering an examination to an applicant for a license in another state or country, ~~fifteen~~ TWENTY-FIVE dollars.
7. Issuance of duplicate original license, five dollars.
8. Copy of transcript, three dollars.
9. ISSUANCE OF DUPLICATE RENEWAL CERTIFICATE, FIVE DOLLARS.

Sec. 10. **Emergency**

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

Approved by the Governor—May 14, 1973

Filed in the Office of the Secretary of State—May 14, 1973

LAWS OF ARIZONA

CHAPTER 146

Senate Bill 1143

AN ACT

RELATING TO TRANSPORTATION; ESTABLISHING A DEPARTMENT OF TRANSPORTATION; PROVIDING FOR A TRANSPORTATION BOARD; PROVIDING FOR A DIRECTOR; PRESCRIBING THE ORGANIZATION, POWERS AND DUTIES OF THE DEPARTMENT; AMENDING SECTIONS 2-303, 8-232, 20-224.01, 23-391, 26-401, 26-402 AND 26-403, ARIZONA REVISED STATUTES; REPEALING TITLE 28, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 1, ARIZONA REVISED STATUTES, BY ADDING A NEW ARTICLE 1; REPEALING SECTIONS 28-201 AND 28-308, AS AMENDED BY LAWS 1964, CHAPTER 143, SECTION 3, ARIZONA REVISED STATUTES; AMENDING SECTIONS 28-208, 28-221, 28-302, 28-308, AS AMENDED BY LAWS 1972, CHAPTER 170, SECTION 3, 28-431, 28-451, 28-627, 28-641, 28-642, 28-650, 28-701.01, 28-702, 28-702.02, 28-703, 28-704, 28-706, 28-708, 28-727, 28-728, 28-733, 28-751, 28-797, 28-852, 28-855, 28-873, 28-873.01, 28-874, 28-900, 28-930, 28-948, 28-953, 28-958, 28-959, 28-962, 28-964, 28-982, 28-984, 28-1004, 28-1005, 28-1008, 28-1011, 28-1012, 28-1058, 28-1122, 28-1404, 28-1407, 28-1502.01, 28-1521, 28-1525, 28-1527, 28-1570, 28-1602, 28-1611, 28-1614 AND 28-1617, ARIZONA REVISED STATUTES; REPEALING TITLE 28, CHAPTER 2, ARTICLE 3, ARIZONA REVISED STATUTES; REPEALING SECTIONS 28-1121, 28-1597 AND 41-505, AS AMENDED BY LAWS 1972, CHAPTER 192, SECTION 17, ARIZONA REVISED STATUTES; AMENDING TITLE 28, ARIZONA REVISED STATUTES, BY ADDING CHAPTERS 12 THROUGH 16; AMENDING SECTIONS 32-2351, 32-2352, 32-2371 THROUGH 32-2375, 32-2391, 35-116, 36-1754, 41-505, AS AMENDED BY LAWS 1972, CHAPTER 141, SECTION 65, 41-511.05, 41-1742 AND 42-643, ARIZONA REVISED STATUTES; REPEALING TITLE 2, CHAPTERS 1, 2 AND 4 AND TITLE 18, CHAPTERS 1, 5, 6 AND 7, ARIZONA REVISED STATUTES; CHANGING THE DESIGNATION OF TITLE 28, ARIZONA REVISED STATUTES, FROM "MOTOR VEHICLES" TO "TRANSPORTATION" AND PROVIDING FOR TERMINATION OF TERMS OF MEMBERS OF THE AERONAUTICS BOARD AND HIGHWAY COMMISSION.

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

LAWS OF ARIZONA

Section 1. Section 2-303, Arizona Revised Statutes, is amended to read:

2-303. Acceptance by state or municipalities of federal or other aid

A. The state, county, city or town is authorized to accept, receive and receipt for federal and other monies, either public or private, for the acquisition, construction, enlargement, improvement, maintenance, equipment or operation of airports and other air navigation facilities, and sites therefor, and to comply with laws of the United States and rules and regulations made thereunder for the expenditure of federal monies upon airports and air navigation facilities.

B. The governing body of a county, city or town is authorized to designate the ~~Arizona department of aeronautics~~ STATE DEPARTMENT OF TRANSPORTATION as its agent to accept, receive and receipt for federal monies in its behalf for airport and other air navigation facility purposes and to contract for acquisition, construction, enlargement, improvement, maintenance, equipment or operation of such airports or other air navigation facilities, and may enter into an agreement with the authority prescribing the terms and conditions of such agency in accordance with federal laws, rules and regulations and applicable laws of this state.

C. Monies paid over by the United States shall be paid to the municipality under such terms and conditions as may be imposed by the United States in making the grant.

D. Contracts for acquisition, construction, enlargement, improvement, maintenance, equipment or operation of airports or other air navigation facilities, made by the state, county, city or town itself, or through the ~~department~~ DEPARTMENT OF TRANSPORTATION shall be made pursuant to the laws governing the making of like contracts, but where the acquisition, construction, improvement, enlargement, maintenance, equipment or operation is financed wholly or partly with federal monies, the contracts may be let in the manner prescribed by the federal authorities, acting under the law of the United States, and rules or regulations thereunder, notwithstanding state law to the contrary.

Sec. 2. Section 8-232, Arizona Revised Statutes, is amended to read:

8-232. Traffic hearing officer; appointment; term; compensation

A. The judge of the juvenile court, or in counties having more than one judge of the juvenile court, the presiding judge of the juvenile court, may

LAWS OF ARIZONA

appoint one or more persons of suitable experience, who may be magistrates, justices of the peace or probation officers, to serve as traffic hearing officers on a full or part-time basis. The hearing officer shall serve at the pleasure of the judge. The juvenile judge shall determine, with the approval of the board of supervisors, whether any compensation shall be paid to a traffic hearing officer not otherwise employed by a public agency or holding another public office, and shall establish the amounts and rates thereof.

B. Subject to the orders of the juvenile court a traffic hearing officer may hear and dispose of any and all cases wherein a child under the age of eighteen years on the date of the alleged offense is charged with any violation of the motor vehicle code not declared to be a felony.

C. A hearing before the traffic hearing officer or a hearing before a referee or a judge of the juvenile court wherein such child is charged with such traffic offense may be conducted upon an exact legible copy of a written notice, including a traffic citation, given to the child.

D. Upon a hearing conducted upon an admission by the child for the commission of a traffic violation charged, or upon the finding that the child in fact did commit such violation, the judge, or referee, or traffic hearing officer may do any one or more of the following:

1. Reprimand the child and take no further action.
2. Direct the filing of a petition as provided for in this chapter.
3. Suspend the driving privileges of the child, or restrict such driving privileges for a period not to exceed ninety days.
4. Order the child to attend traffic school over a period not to exceed sixty days.
5. Order the child to pay a sum not to exceed fifty dollars to the clerk of the superior court who shall transmit the same to the treasurer of the county.
6. Transfer the matter to an adult court having jurisdiction.

E. The judge of the juvenile court, referee, or traffic hearing officer shall retain jurisdiction of the case until all orders made under this section have been fully complied with and a copy of the citation with findings and disposition have been transmitted to the ~~department of motor vehicles~~ DEPARTMENT OF TRANSPORTATION.

LAWS OF ARIZONA

F. Subject to the provisions of subsection G all orders of the traffic hearing officer shall be effective immediately.

G. Within three days after hearing by the referee or traffic hearing officer, upon the motion of the child or his parent or guardian, for good cause, or upon his own motion, the judge of the juvenile court may set aside or modify any order of a traffic hearing officer, or may order or himself conduct a rehearing.

Sec. 3. Section 20-224.01, Arizona Revised Statutes, is amended 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~~ 28-101, 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~~ 28-101, shall be separately specified in the insurer's report required in section 20-224 and is appropriated to the public safety personnel retirement system and shall be paid by the state treasurer to the fund manager of the public safety personnel retirement system for deposit in the highway patrol account. All unexpended and unencumbered funds remaining to the credit of the state highway patrol retirement fund within the state retirement system board shall, from and after June 30, 1968, be transferred to the fund manager of the public safety personnel retirement system for deposit in the highway patrol account.

Sec. 4. Section 23-391, Arizona Revised Statutes, is amended to read:

23-391. Hours of labor and minimum wages for public employees doing manual or mechanical labor

A. Eight hours, and no more, shall constitute a lawful day's work for any person doing manual or mechanical labor, employed by or on behalf of the state or a political subdivision thereof, except in an extraordinary emergency, in time of war, or for the protection of property or human life, in which instance every person working in excess of eight hours in any day shall be paid time and one-half for all time in excess of eight hours.

LAWS OF ARIZONA

B. Not less than the minimum per diem wage fixed by the ~~state highway commission~~ TRANSPORTATION BOARD for manual or mechanical labor performed for the ~~commission~~ DEPARTMENT OF TRANSPORTATION, or for contractors performing work under contract with the ~~commission~~ DEPARTMENT OF TRANSPORTATION, shall be paid to persons doing manual or mechanical labor, employed by or on behalf of the state or a political subdivision thereof. The ~~commission~~ TRANSPORTATION BOARD shall determine and publish minimum per diem wages not later than April 15 each odd numbered year.

C. A person doing manual or mechanical labor, employed by a contractor or subcontractor in the execution of a contract with the state or with a political subdivision thereof, shall be deemed employed by or on behalf of the state or the political subdivision, as the case may be.

D. This section shall not be construed to apply to any position or employment the salary or wage for which is determined by legislative appropriation therefor.

Sec. 5. Section 26-401, Arizona Revised Statutes, is amended to read:

26-401. Agreements between department of transportation and federal agencies

~~The state engineer, with approval of the state highway commission~~ DIRECTOR OF THE STATE DEPARTMENT OF TRANSPORTATION, may enter into cooperative agreements with the secretary or any authorized officer of the departments constituting the defense establishment of the United States, the commissioner of public roads of the United States or other authorized officer or agency of the United States, for construction, acquisition, maintenance or improvement of roads and other projects.

Sec. 6. Section 26-402, Arizona Revised Statutes, is amended to read:

26-402. Required provisions in cooperative agreements

A. A cooperative agreement entered into under provisions of this chapter shall provide that all funds advanced by the state in pursuance of the project shall be promptly reimbursed by the United States agency entering into the agreement to the extent of the agency's participation in the cost of the project. Where the agreed participation of the United States agency is one hundred per cent of the cost, or under other conditions as the state engineer determines, the agreement may contain a further provision that all of the agency's participation cost shall be deposited in advance in a special trust account with the state treasurer.

LAWS OF ARIZONA

B. Cooperative agreements authorized by this chapter shall, when feasible, enumerate as closely as possible all items of costs and expenditures for which the United States agency is obligated to reimburse the ~~state highway department~~ STATE DEPARTMENT OF TRANSPORTATION.

Sec. 7. Section 26-403, Arizona Revised Statutes, is amended to read:

26-403. Authority of director of state department of transportation as to funds

A. When the ~~state engineer~~ DIRECTOR OF THE STATE DEPARTMENT OF TRANSPORTATION determines it necessary for the expeditious completion of a cooperative agreement undertaken pursuant to this chapter, ~~he~~ THE DIRECTOR OF THE STATE DEPARTMENT OF TRANSPORTATION may pay from the state highway fund, or any account within the state highway fund, all costs of construction, including the acquisition of lands or property necessary to the project, engineering costs, operational expense, equipment rentals and all other costs that have prior approval of the United States department or agency with which the cooperative agreement is made.

B. The ~~state engineer~~ STATE DEPARTMENT OF TRANSPORTATION may CAUSE TO BE set up proper budget items within or without the state highway fund or special accounts with such fund, and may make and certify transfers of funds among or between such accounts and the special trust account referred to in section 26-402, or any other trust account established by the United States, or by the ~~state highway department~~ STATE DEPARTMENT OF TRANSPORTATION, for carrying out cooperative agreements as provided by this chapter.

Sec. 8. Repeal

Title 28, chapter 1, article 1, Arizona Revised Statutes, is repealed.

Sec. 9. Title 28, chapter 1, Arizona Revised Statutes, is amended by adding a new article 1, sections 28-101 through 28-104, 28-104.01, and 28-105 through 28-109, to read:

ARTICLE 1. GENERAL PROVISIONS

28-101. Definitions

IN THIS TITLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

LAWS OF ARIZONA

1. "AUTHORIZED EMERGENCY VEHICLE" MEANS VEHICLES OF THE FIRE DEPARTMENT, POLICE VEHICLES AND SUCH AMBULANCES AND EMERGENCY VEHICLES OF MUNICIPAL DEPARTMENTS OR PUBLIC SERVICE CORPORATIONS AS ARE DESIGNATED OR AUTHORIZED BY THE DEPARTMENT OR LOCAL AUTHORITIES.
2. "BICYCLE" MEANS EVERY DEVICE PROPELLED BY HUMAN POWER UPON WHICH ANY PERSON MAY RIDE, HAVING TWO TANDEM WHEELS EITHER OF WHICH IS MORE THAN SIXTEEN INCHES IN DIAMETER.
3. "BOARD" MEANS THE TRANSPORTATION BOARD.
4. "BUS" MEANS A MOTOR VEHICLE DESIGNED FOR CARRYING MORE THAN TEN PASSENGERS AND USED FOR THE TRANSPORTATION OF PERSONS, AND EVERY MOTOR VEHICLE, OTHER THAN A TAXICAB, DESIGNED AND USED FOR THE TRANSPORTATION OF PERSONS FOR COMPENSATION.
5. "BUSINESS DISTRICT" MEANS THE TERRITORY CONTIGUOUS TO AND INCLUDING A HIGHWAY WHEN WITHIN ANY SIX HUNDRED FEET ALONG SUCH HIGHWAY THERE ARE BUILDINGS IN USE FOR BUSINESS OR INDUSTRIAL PURPOSES, INCLUDING HOTELS, BANKS OR OFFICE BUILDINGS, RAILROAD STATIONS AND PUBLIC BUILDINGS WHICH OCCUPY AT LEAST THREE HUNDRED FEET OF FRONTAGE ON ONE SIDE OR THREE HUNDRED FEET COLLECTIVELY ON BOTH SIDES OF THE HIGHWAY.
6. "CHAUFFEUR" MEANS A PERSON WHO IS EMPLOYED BY ANOTHER FOR THE PRINCIPAL PURPOSE OF DRIVING A MOTOR VEHICLE, OR A PERSON WHO DRIVES A SCHOOL BUS TRANSPORTING SCHOOL CHILDREN OR ANY MOTOR VEHICLE WHEN IN USE FOR THE TRANSPORTATION OF PERSONS OR PROPERTY FOR COMPENSATION.
7. "COUNTY HIGHWAY" MEANS ANY PUBLIC ROAD CONSTRUCTED AND MAINTAINED BY A COUNTY.
8. "DEALER" MEANS ANY PERSON ENGAGED IN THE BUSINESS OF BUYING, SELLING OR EXCHANGING MOTOR VEHICLES, TRAILERS OR SEMITRAILERS, AND WHO HAS AN ESTABLISHED PLACE OF BUSINESS.

LAWS OF ARIZONA

9. "DEPARTMENT" MEANS THE DEPARTMENT OF TRANSPORTATION ACTING DIRECTLY OR THROUGH ITS DULY AUTHORIZED OFFICERS AND AGENTS.

10. "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION.

11. "DISTRIBUTOR" INCLUDES ANY PERSON WHO REFINES, MANUFACTURES, PRODUCES, COMPOUNDS, BLENDS OR IMPORTS MOTOR VEHICLE FUEL IN THE ORIGINAL PACKAGE OR CONTAINER OR OTHERWISE, AND INCLUDES EVERY PERSON IMPORTING MOTOR VEHICLE FUEL BY MEANS OF A PIPE LINE OR IN ANY OTHER MANNER, BUT DOES NOT INCLUDE PERSONS IMPORTING MOTOR VEHICLE FUEL IN THE FUEL TANK OF A MOTOR VEHICLE.

12. "DRIVER" MEANS A PERSON WHO DRIVES OR IS IN ACTUAL PHYSICAL CONTROL OF A VEHICLE.

13. "ESSENTIAL PARTS" MEANS INTEGRAL AND BODY PARTS, THE REMOVAL, ALTERATION OR SUBSTITUTION OF WHICH WILL TEND TO CONCEAL THE IDENTITY OR SUBSTANTIALLY ALTER THE APPEARANCE OF THE VEHICLE.

14. "FARM TRACTOR" MEANS A MOTOR VEHICLE DESIGNED AND USED PRIMARILY AS A FARM IMPLEMENT FOR DRAWING IMPLEMENTS OF HUSBANDRY.

15. "FOREIGN VEHICLE" MEANS ANY MOTOR VEHICLE, TRAILER OR SEMITRAILER BROUGHT INTO THIS STATE OTHERWISE THAN IN THE ORDINARY COURSE OF BUSINESS BY OR THROUGH A MANUFACTURER OR DEALER, AND WHICH HAS NOT BEEN REGISTERED IN THIS STATE.

16. "IMPLEMENTS OF HUSBANDRY" INCLUDE VEHICLES DESIGNED PRIMARILY FOR AGRICULTURAL PURPOSES AND USED EXCLUSIVELY IN THE CONDUCT OF AGRICULTURAL OPERATIONS. ANY IMPLEMENT OR VEHICLE, WHETHER SELF-PROPELLED OR OTHERWISE, WHICH IS USED EXCLUSIVELY FOR CARRYING PRODUCTS OF FARMING FROM ONE PART OF A FARM TO ANOTHER PART THEREOF, OR FROM ONE FARM TO ANOTHER FARM, AND IS USED SOLELY FOR AGRICULTURAL PURPOSES, INCLUDING THE PREPARATION OF HARVESTING OF COTTON, ALFALFA, GRAINS AND OTHER FARM CROPS, AND

LAWS OF ARIZONA

WHICH IS ONLY INCIDENTALLY OPERATED OR MOVED ON A HIGHWAY WHETHER AS A TRAILER OR SELF-PROPELLED UNIT, IS AN IMPLEMENT OF HUSBANDRY EXEMPT FROM REGISTRATION AS A MOTOR VEHICLE.

17. "IMPROVED HIGHWAY" MEANS A HIGHWAY PAVED WITH CEMENT CONCRETE OR ASPHALTIC CONCRETE, OR HAVING A HARD SURFACE AND DISTINCT ROADWAY NOT LESS THAN FOUR INCHES THICK, MADE UP OF A MIXTURE OF ROCK, SAND OR GRAVEL, BOUND TOGETHER BY AN ARTIFICIAL BINDER OTHER THAN NATURAL SOIL.

18. "LOCAL AUTHORITIES" MEAN THE COUNTY, MUNICIPAL AND OTHER LOCAL BOARD OR BODY EXERCISING JURISDICTION OVER HIGHWAYS UNDER THE CONSTITUTION AND LAWS OF THIS STATE.

19. "MANUFACTURER" MEANS ANY PERSON ENGAGED IN THE BUSINESS OF MANUFACTURING MOTOR VEHICLES, TRAILERS OR SEMITRAILERS.

20. "MOTORCYCLE" MEANS A MOTOR VEHICLE HAVING A SEAT OR SADDLE FOR THE USE OF THE RIDER AND DESIGNED TO TRAVEL ON NOT MORE THAN THREE WHEELS IN CONTACT WITH THE GROUND, BUT EXCLUDING A TRACTOR.

21. "MOTOR-DRIVEN CYCLE" MEANS A MOTOR CYCLE, INCLUDING EVERY MOTOR SCOOTER, WITH A MOTOR WHICH PRODUCES NOT TO EXCEED FIVE HORSEPOWER, AND EVERY BICYCLE WITH MOTOR ATTACHED.

22. "MOTOR VEHICLE" MEANS ANY SELF-PROPELLED VEHICLE, BUT FOR THE PURPOSES OF THE LAWS RELATING TO THE IMPOSITION OF A TAX UPON MOTOR VEHICLE FUEL THE TERM MEANS ANY VEHICLE OPERATED UPON THE HIGHWAYS OF THIS STATE WHICH IS PROPELLED BY THE USE OF MOTOR VEHICLE FUEL.

23. "MOTOR VEHICLE DIVISION" OR "VEHICLE DIVISION" MEANS THE DIVISION OF MOTOR VEHICLES OF THE DEPARTMENT OF TRANSPORTATION ACTING DIRECTLY OR THROUGH ITS DULY AUTHORIZED OFFICERS AND AGENTS AS DESIGNATED BY THE DIRECTOR.

LAWS OF ARIZONA

24. "MOTOR VEHICLE FUEL" INCLUDES ALL PRODUCTS COMMONLY OR COMMERCIALY KNOWN OR SOLD AS GASOLINE, INCLUDING CASING HEAD GASOLINE, NATURAL GASOLINE, AND ALL FLAMMABLE LIQUIDS, OTHER THAN KEROSENE USED AS AIRCRAFT FUEL, COMPOSED OF A MIXTURE OF SELECTED HYDROCARBONS EXPRESSLY MANUFACTURED AND BLENDED FOR THE PURPOSE OF EFFECTIVELY AND EFFICIENTLY OPERATING INTERNAL COMBUSTION ENGINES. THE TERM "MOTOR VEHICLE FUEL" DOES NOT INCLUDE "FUEL" AS DEFINED IN SECTION 28-1551.
25. "NONRESIDENT" MEANS A PERSON WHO IS NOT A RESIDENT OF THIS STATE AS DEFINED IN SECTION 28-102.
26. "OPERATOR" MEANS A PERSON, OTHER THAN A CHAUFFEUR, WHO DRIVES OR IS IN ACTUAL PHYSICAL CONTROL OVER A MOTOR VEHICLE UPON A HIGHWAY OR WHO IS EXERCISING CONTROL OVER OR STEERING A VEHICLE BEING TOWED BY A MOTOR VEHICLE.
27. "OWNER" MEANS A PERSON WHO HOLDS THE LEGAL TITLE OF A VEHICLE OR, IF A VEHICLE IS THE SUBJECT OF AN AGREEMENT FOR THE CONDITIONAL SALE OR LEASE THEREOF WITH THE RIGHT OF PURCHASE UPON PERFORMANCE OF THE CONDITIONS STATED IN THE AGREEMENT AND WITH AN IMMEDIATE RIGHT OF POSSESSION VESTED IN THE CONDITIONAL VENDEE OR LESSEE, THE CONDITIONAL VENDEE OR LESSEE, OR, IF A MORTGAGOR OF A VEHICLE IS ENTITLED TO POSSESSION, THE MORTGAGOR.
28. "PEDESTRIAN" MEANS ANY PERSON AFOOT.
29. "PERSON" MEANS EVERY NATURAL PERSON, FIRM, CO-PARTNERSHIP, ASSOCIATION OR CORPORATION.
30. "PNEUMATIC TIRE" MEANS EVERY TIRE IN WHICH COMPRESSED AIR IS DESIGNED TO SUPPORT THE LOAD.
31. "POLE TRAILER" MEANS A VEHICLE WITHOUT MOTIVE POWER DESIGNED TO BE DRAWN BY ANOTHER VEHICLE AND ATTACHED TO THE TOWING VEHICLE BY MEANS OF A REACH OR POLE, OR BY BEING BOOMED OR OTHERWISE SECURED TO THE TOWING VEHICLE, AND ORDINARILY USED FOR TRANSPORTING LONG OR IRREGULARLY SHAPED LOADS AS POLES, PIPES OR

LAWS OF ARIZONA

STRUCTURAL MEMBERS CAPABLE, GENERALLY, OF SUSTAINING THEMSELVES AS BEAMS BETWEEN THE SUPPORTING CONNECTIONS.

32. "PUBLIC TRANSIT" OR "MASS TRANSIT" MEANS THE TRANSPORTATION OF PASSENGERS ON SCHEDULED ROUTES BY MEANS OF A CONVEYANCE ON AN INDIVIDUAL PASSENGER FARE-PAYING BASIS, AND EXCLUDING TRANSPORTATION BY A SIGHT-SEEING BUS, SCHOOL BUS, TAXI OR ANY VEHICLE NOT OPERATED ON A SCHEDULED ROUTE BASIS.

33. "RECONSTRUCTED VEHICLE" MEANS ANY VEHICLE WHICH HAS BEEN ASSEMBLED OR CONSTRUCTED LARGELY BY MEANS OF ESSENTIAL PARTS, NEW OR USED, DERIVED FROM VEHICLES OR MAKES OF VEHICLES OF VARIOUS NAMES, MODELS AND TYPES, OR WHICH, IF ORIGINALLY OTHERWISE CONSTRUCTED, HAS BEEN MATERIALLY ALTERED BY THE REMOVAL OF ESSENTIAL PARTS, OR BY THE ADDITION OR SUBSTITUTION OF ESSENTIAL PARTS, NEW OR USED, DERIVED FROM OTHER VEHICLES OR MAKES OF VEHICLES.

34. "RESIDENCE DISTRICT" MEANS THE TERRITORY CONTIGUOUS TO AND INCLUDING A HIGHWAY NOT COMPRISING A BUSINESS DISTRICT WHEN THE PROPERTY ON THE HIGHWAY FOR A DISTANCE OF THREE HUNDRED FEET OR MORE IS IN THE MAIN IMPROVED WITH RESIDENCES OR RESIDENCES AND BUILDINGS IN USE FOR BUSINESS.

35. "RIGHT-OF-WAY" MEANS THE PRIVILEGE OF THE IMMEDIATE USE OF THE HIGHWAY.

36. "ROAD TRACTOR" MEANS ANY MOTOR VEHICLE DESIGNED AND USED FOR DRAWING OTHER VEHICLES AND NOT CONSTRUCTED TO CARRY A LOAD THEREON EITHER INDEPENDENTLY OR ANY PART OF THE WEIGHT OF A VEHICLE OR LOAD SO DRAWN.

37. "SAFETY ZONE" MEANS THE AREA OR SPACE OFFICIALLY SET APART WITHIN A ROADWAY FOR THE EXCLUSIVE USE OF PEDESTRIANS AND WHICH IS PROTECTED OR IS SO MARKED OR INDICATED BY ADEQUATE SIGNS AS TO BE PLAINLY VISIBLE AT ALL TIMES WHILE SET APART AS A SAFETY ZONE.

38. "SCHOOL BUS" MEANS A MOTOR VEHICLE OWNED BY A PUBLIC OR GOVERNMENTAL AGENCY OR OTHER INSTITUTION,

LAWS OF ARIZONA

AND OPERATED FOR THE TRANSPORTATION OF CHILDREN TO OR FROM SCHOOL OR PRIVATELY-OWNED AND OPERATED FOR COMPENSATION FOR THE TRANSPORTATION OF CHILDREN TO OR FROM SCHOOL.

39. "SEMITRAILER" MEANS A VEHICLE WITH OR WITHOUT MOTIVE POWER, OTHER THAN A POLE TRAILER, DESIGNED FOR CARRYING PERSONS OR PROPERTY AND FOR BEING DRAWN BY A MOTOR VEHICLE AND SO CONSTRUCTED THAT SOME PART OF ITS WEIGHT AND THAT OF ITS LOAD RESTS UPON OR IS CARRIED BY ANOTHER VEHICLE.

40. "SERVICE STATION" MEANS A PLACE OPERATED PRIMARILY FOR THE PURPOSE OF DELIVERING MOTOR VEHICLE FUEL INTO THE FUEL TANKS OF MOTOR VEHICLES.

41. "SOLID TIRE" MEANS A TIRE MADE OF RUBBER OR OTHER RESILIENT MATERIAL WHICH DOES NOT DEPEND UPON COMPRESSED AIR FOR THE SUPPORT OF THE LOAD.

42. "SPECIALLY CONSTRUCTED VEHICLE" MEANS ANY VEHICLE NOT ORIGINALLY CONSTRUCTED UNDER A DISTINCTIVE NAME, MAKE, MODEL OR TYPE BY A GENERALLY RECOGNIZED MANUFACTURER OF VEHICLES.

43. "STATE ENGINEER" MEANS THE ASSISTANT DIRECTOR OF THE HIGHWAY DIVISION OF THE DEPARTMENT OF TRANSPORTATION.

44. "STATE HIGHWAY" MEANS ANY STATE ROUTE, OR PORTION THEREOF, ACCEPTED AND DESIGNATED BY THE TRANSPORTATION BOARD AS SUCH, AND MAINTAINED BY THE STATE.

45. "STATE ROUTE" MEANS ANY RIGHT-OF-WAY, WHETHER ACTUALLY USED AS A HIGHWAY OR NOT, DESIGNATED BY THE TRANSPORTATION BOARD AS A LOCATION FOR THE CONSTRUCTION OF A STATE HIGHWAY.

46. "STATE AIRPORTS" MEANS STATE OWNED AIRPORTS.

47. "STREET" OR "HIGHWAY" MEANS THE ENTIRE WIDTH BETWEEN THE BOUNDARY LINES OF EVERY WAY WHEN ANY PART THEREOF IS OPEN TO THE USE OF THE PUBLIC FOR PURPOSES OF VEHICULAR TRAVEL.

LAWS OF ARIZONA

48. "SUPERINTENDENT" MEANS THE ASSISTANT DIRECTOR FOR THE MOTOR VEHICLE DIVISION OF THE DEPARTMENT OF TRANSPORTATION.

49. "TRAILER" MEANS A VEHICLE WITH OR WITHOUT MOTIVE POWER, OTHER THAN A POLE TRAILER, DESIGNED FOR CARRYING PERSONS OR PROPERTY AND FOR BEING DRAWN BY A MOTOR VEHICLE AND SO CONSTRUCTED THAT NO PART OF ITS WEIGHT RESTS UPON THE TOWING VEHICLE.

50. "TRUCK" MEANS ANY MOTOR VEHICLE DESIGNED OR USED PRIMARILY FOR THE CARRYING OF PROPERTY OTHER THAN THE EFFECTS OF THE DRIVER OR PASSENGERS, AND INCLUDES A MOTOR VEHICLE TO WHICH HAS BEEN ADDED A BOX, PLATFORM OR OTHER EQUIPMENT FOR SUCH CARRYING.

51. "TRUCK TRACTOR" MEANS ANY MOTOR VEHICLE DESIGNED AND USED PRIMARILY FOR DRAWING OTHER VEHICLES AND NOT CONSTRUCTED TO CARRY A LOAD OTHER THAN A PART OF THE WEIGHT OF THE VEHICLE AND LOAD SO DRAWN.

52. "VEHICLE" MEANS A DEVICE IN, UPON OR BY WHICH ANY PERSON OR PROPERTY IS OR MAY BE TRANSPORTED OR DRAWN UPON A PUBLIC HIGHWAY, EXCEPTING DEVICES MOVED BY HUMAN POWER OR USED EXCLUSIVELY UPON STATIONARY RAILS OR TRACKS.

28-102. Resident defined; exceptions

A. "RESIDENT" FOR THE PURPOSE OF REGISTRATION AND OPERATION OF MOTOR VEHICLES, INCLUDES THE FOLLOWING:

1. ANY PERSON, EXCEPT A TOURIST OR OUT-OF-STATE STUDENT, WHO OWNS, LEASES OR RENTS A DWELLING WITHIN THE STATE AND OCCUPIES IT AS A PLACE OF RESIDENCE, OR ANY PERSON WHO, REGARDLESS OF DOMICILE, REMAINS IN THE STATE FOR A CONSECUTIVE PERIOD OF SIX MONTHS OR MORE.

2. ANY PERSON WHO ENGAGES IN A TRADE, PROFESSION OR OCCUPATION IN THIS STATE OR WHO ACCEPTS EMPLOYMENT IN OTHER THAN SEASONAL AGRICULTURAL WORK.

3. ANY PERSON PLACING CHILDREN IN A PUBLIC SCHOOL WITHOUT PAYMENT OF NONRESIDENT TUITION.

LAWS OF ARIZONA

4. ANY PERSON WHO DECLARES HIMSELF TO BE A RESIDENT OF THIS STATE FOR THE PURPOSE OF OBTAINING AT RESIDENT RATES A STATE LICENSE OR TUITION FEES AT AN EDUCATIONAL INSTITUTION MAINTAINED BY PUBLIC FUNDS.

5. ANY INDIVIDUAL, PARTNERSHIP, COMPANY, FIRM, CORPORATION OR ASSOCIATION WHICH MAINTAINS A MAIN OFFICE, BRANCH OFFICE OR WAREHOUSE FACILITIES IN THE STATE, AND WHICH BASES AND OPERATES MOTOR VEHICLES IN THE STATE.

6. ANY INDIVIDUAL, PARTNERSHIP, COMPANY, FIRM, CORPORATION OR ASSOCIATION WHICH OPERATES MOTOR VEHICLES IN INTRASTATE TRANSPORTATION.

B. THE TERM "RESIDENT" DOES NOT INCLUDE:

1. A NONRESIDENT OWNER OF A FOREIGN VEHICLE REGISTERED AND LICENSED IN A STATE ADJOINING THIS STATE, WHICH IS USED IN THIS STATE FOR OTHER THAN THE TRANSPORTATION OF PASSENGERS OR PROPERTY FOR COMPENSATION, IF THE NONRESIDENT OWNER AND VEHICLE ARE DOMICILED IN AN ADJOINING STATE BUT WITHIN TWENTY-FIVE MILES OF THE BORDER OF THIS STATE, AND IF THE STATE IN WHICH THE OWNER HAS HIS RESIDENCE AND IN WHICH THE VEHICLE IS REGISTERED EXEMPTS FROM PAYMENT OF REGISTRATION AND UNLADEN WEIGHT FEES LIKE VEHICLES FROM THIS STATE, REGARDLESS OF WHETHER SUCH NONRESIDENT OWNER ENGAGES IN A TRADE, PROFESSION OR OCCUPATION IN THIS STATE OR ACCEPTS EMPLOYMENT IN OTHER THAN SEASONAL AGRICULTURAL WORK. SUCH NONRESIDENT OWNER MAY APPLY FOR EXEMPTION FROM PAYMENT OF THE REGISTRATION AND UNLADEN WEIGHT FEES IN THE MANNER PRESCRIBED BY SUBSECTIONS E, G AND H OF SECTION 28-501.

2. THE NONRESIDENT OWNER OF A FOREIGN VEHICLE REGISTERED AND LICENSED IN A STATE ADJOINING THIS STATE, IF THE FOREIGN VEHICLE IS EXEMPT FROM PARTIAL OR TOTAL PAYMENT OF LIEU TAXES, AND PARTIAL OR TOTAL PAYMENT OF REGISTRATION FEES BY VIRTUE OF AN AGREEMENT ENTERED INTO WITH AN ADJOINING STATE UNDER AUTHORITY OF SUBSECTION C OF SECTION 28-202, MAY APPLY FOR EXEMPTION FROM PAYMENT OF PARTIAL OR TOTAL LIEU TAXES, REGISTRATION AND PAYMENT OF PARTIAL OR TOTAL FEES IN THE MANNER PRESCRIBED BY SUBSECTIONS F, G AND H OF SECTION 28-501.

LAWS OF ARIZONA

28-103. Department of transportation

A. THERE IS ESTABLISHED A DEPARTMENT OF TRANSPORTATION WHICH SHALL PROVIDE FOR AN INTEGRATED AND BALANCED STATE TRANSPORTATION SYSTEM.

B. THE ADMINISTRATION OF THE DEPARTMENT IS THE RESPONSIBILITY OF THE DIRECTOR.

C. THE TRANSPORTATION BOARD SHALL HAVE THE POLICY POWERS AND DUTIES PRESCRIBED IN SECTION 28-106 AND SHALL BE ADVISORY TO THE DIRECTOR ON OTHER MATTERS AS REQUIRED.

28-104. Department jurisdiction; organization

A. THE EXCLUSIVE CONTROL AND JURISDICTION OVER STATE HIGHWAYS, STATE ROUTES, STATE AIRPORTS AND ALL STATE OWNED TRANSPORTATION SYSTEMS OR MODES IS VESTED IN THE DEPARTMENT OF TRANSPORTATION.

B. THE DEPARTMENT SHALL BE ORGANIZED INTO DIVISIONS ENUMERATED AND HAVING AREAS OF RESPONSIBILITY AS FOLLOWS:

1. MOTOR VEHICLE DIVISION, WHICH SHALL BE RESPONSIBLE FOR VEHICLE REGISTRATION, DRIVER LICENSING, REVENUE AND ACCOUNTING SERVICES, ENFORCEMENT, INVESTIGATION AND OTHER RELATED FUNCTIONS.

2. TRANSPORTATION PLANNING DIVISION, WHICH IS RESPONSIBLE FOR STATE PLANNING STUDIES, INCLUDING BUT NOT LIMITED TO, PRIORITY PROGRAMMING, LOCAL GOVERNMENT COORDINATION, TRANSPORTATION SAFETY AND OTHER RELATED FUNCTIONS.

3. HIGHWAY DIVISION, WHICH IS RESPONSIBLE FOR BUILDING AND MAINTENANCE OF HIGHWAYS, HIGHWAY SAFETY AND OTHER RELATED FUNCTIONS.

4. ADMINISTRATIVE SERVICES DIVISION, WHICH IS RESPONSIBLE FOR MANAGEMENT, OPERATIONS ANALYSIS, FINANCIAL SERVICES, DATA PROCESSING, PROJECT SCHEDULING AND CONTROL, GENERAL SERVICES, PERSONNEL, RECRUITMENT,

LAWS OF ARIZONA

TRAINING, SAFETY, CLASSIFICATION AND SALARY ADMINISTRATION, MINORITY EMPLOYMENT, RECORDS AND BENEFITS ADMINISTRATION, PUBLIC INFORMATION AND OTHER RELATED FUNCTIONS.

5. AERONAUTICS DIVISION, WHICH IS RESPONSIBLE FOR REGISTRATION AND LICENSING OF AIRCRAFT, ENFORCEMENT AND OTHER RELATED FUNCTIONS.

6. PUBLIC TRANSIT DIVISION WHICH IS RESPONSIBLE FOR PUBLIC TRANSIT PLANNING STUDIES, PRIORITY PROGRAMMING AND COORDINATION.

28-104.01 **Transportation districts**

THE STATE IS DIVIDED INTO FIVE TRANSPORTATION DISTRICTS AS FOLLOWS:

1. FIRST DISTRICT, MARICOPA AND YUMA COUNTIES.
2. SECOND DISTRICT, PIMA, PINAL AND SANTA CRUZ COUNTIES.
3. THIRD DISTRICT, COCHISE, GRAHAM AND GREENLEE COUNTIES.
4. FOURTH DISTRICT, APACHE, GILA AND NAVAJO COUNTIES.
5. FIFTH DISTRICT, COCONINO, MOHAVE AND YAVAPAI COUNTIES.

28-105. **Transportation board; members; appointments; terms; compensation**

A. THERE SHALL BE A TRANSPORTATION BOARD IN THE DEPARTMENT OF TRANSPORTATION.

B. THE TRANSPORTATION BOARD SHALL CONSIST OF SEVEN MEMBERS, ONE FROM EACH OF THE FIVE TRANSPORTATION DISTRICTS AND TWO FROM THE STATE AT LARGE. AT LEAST THREE MEMBERS OF THE BOARD SHALL HAVE EXPERIENCE IN AVIATION.

C. THE GOVERNOR SHALL APPOINT MEMBERS OF THE TRANSPORTATION BOARD FOR A TERM OF FIVE YEARS PURSUANT TO

LAWS OF ARIZONA

SECTION 38-211. OF THE MEMBERS FIRST APPOINTED FROM A TRANSPORTATION DISTRICT, ONE MEMBER SHALL BE APPOINTED FOR A TERM ENDING ON THE THIRD MONDAY IN JANUARY OF 1975, AND ONE MEMBER SHALL BE APPOINTED FOR TERMS ENDING ONE, TWO, THREE AND FOUR YEARS THEREAFTER. OF THE MEMBERS FIRST APPOINTED AT LARGE, ONE MEMBER SHALL BE APPOINTED FOR A TERM ENDING ON THE THIRD MONDAY IN JANUARY OF 1977 AND ONE MEMBER SHALL BE APPOINTED FOR A TERM ENDING ON THE THIRD MONDAY IN JANUARY OF 1979. SUBSEQUENT APPOINTMENTS SHALL BE FOR A FULL TERM OF FIVE YEARS WHICH SHALL EXPIRE ON THE THIRD MONDAY IN JANUARY OF THE APPROPRIATE YEAR.

D. A PERSON SHALL NOT BE QUALIFIED TO BE A MEMBER OF THE TRANSPORTATION BOARD REPRESENTING A TRANSPORTATION DISTRICT WHO HAS NOT BEEN A RESIDENT AND TAXPAYER OF THE STATE AND COUNTY FROM WHICH HE IS CHOSEN FOR AT LEAST FIVE YEARS IMMEDIATELY PRIOR TO HIS APPOINTMENT.

E. A MEMBER SHALL NOT BE APPOINTED TO SERVE TWO TERMS IN SUCCESSION. IF A TRANSPORTATION DISTRICT INCLUDES TWO OR MORE COUNTIES THE APPOINTMENT OF MEMBERS FOR THE DISTRICT SHALL BE ROTATED BETWEEN EACH COUNTY IN THE DISTRICT.

F. IF A MEMBER WHO REPRESENTS A TRANSPORTATION DISTRICT CHANGES HIS RESIDENCE TO ANOTHER COUNTY HIS OFFICE SHALL BECOME VACANT.

G. EACH MEMBER SHALL RECEIVE COMPENSATION AS DETERMINED PURSUANT TO SECTION 38-611.

H. THE TRANSPORTATION BOARD MAY MEET, WHEN NECESSARY, AT ANY PLACE WITHIN THE STATE. THE TRANSPORTATION BOARD SHALL MEET FOR THE PURPOSE OF ORGANIZING ON JANUARY 31 OF EACH YEAR AT WHICH TIME THEY SHALL SELECT FROM THEIR MEMBERSHIP A CHAIRMAN WHO SHALL PRESIDE AT ALL SESSIONS. THE BOARD SHALL SELECT A VICE CHAIRMAN WHO SHALL PRESIDE IN THE ABSENCE OF THE CHAIRMAN.

I. IF THE CHAIRMAN'S MEMBERSHIP ON THE TRANSPORTATION BOARD IS TERMINATED FOR ANY REASON, THE REMAINING

LAWS OF ARIZONA

MEMBERS OF THE TRANSPORTATION BOARD SHALL SELECT ANOTHER MEMBER TO SERVE AS CHAIRMAN UNTIL THE REGULAR ORGANIZATIONAL MEETING ON JANUARY 31 OF EACH YEAR.

J. THE TRANSPORTATION BOARD SHALL HOLD OTHER REGULAR MEETINGS AS IT MAY DETERMINE. SPECIAL MEETINGS MAY BE CALLED BY THE CHAIRMAN, WITH THE CONCURRENCE OF NOT LESS THAN TWO MEMBERS.

28-106. **Powers and duties**

A. WITH RESPECT TO AERONAUTICS, THE TRANSPORTATION BOARD SHALL:

1. DISTRIBUTE MONIES APPROPRIATED TO THE DIVISION 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 NEEDS FOR SUCH FACILITIES AS DETERMINED BY THE BOARD.

B. WITH RESPECT TO HIGHWAYS, THE TRANSPORTATION BOARD SHALL:

1. ESTABLISH A COMPLETE SYSTEM OF STATE HIGHWAY ROUTES.

2. DETERMINE WHICH STATE HIGHWAY ROUTES OR PORTIONS THEREOF SHALL BE ACCEPTED, AND WHICH STATE HIGHWAY ROUTES SHALL BE IMPROVED.

3. ESTABLISH, OPEN, RELOCATE, ALTER, VACATE OR ABANDON ANY PORTION OF A STATE ROUTE OR STATE HIGHWAY.

C. THE TRANSPORTATION BOARD SHALL AWARD ALL CONSTRUCTION CONTRACTS FOR TRANSPORTATION FACILITIES.

D. THE TRANSPORTATION BOARD SHALL DETERMINE PRIORITY PROGRAM PLANNING WITH RESPECT TO TRANSPORTATION FACILITIES.

28-107. **Director; deputy director; appointment; compensation**

LAWS OF ARIZONA

A. THE DIRECTOR SHALL BE APPOINTED BY THE GOVERNOR PURSUANT TO SECTION 38-211 FROM A LIST OF QUALIFIED CANDIDATES SUBMITTED BY THE TRANSPORTATION BOARD AND SHALL SERVE AT THE PLEASURE OF THE GOVERNOR.

B. THE STATE PERSONNEL COMMISSION SHALL PREPARE A JOB DESCRIPTION FOR THE POSITION OF DIRECTOR AND RECRUIT CANDIDATES FOR THE POSITION. THE TRANSPORTATION BOARD SHALL RECEIVE AND REVIEW APPLICATIONS FOR THE POSITION OF DIRECTOR AND SHALL FORWARD THE NAMES OF ALL QUALIFIED APPLICANTS TO THE GOVERNOR. THE GOVERNOR MAY ASK FOR ADDITIONAL NAMES AND RECOMMENDATIONS AT ANY TIME.

C. COMPENSATION FOR THE DIRECTOR SHALL BE ESTABLISHED PURSUANT TO SECTION 38-611.

D. THERE MAY BE A DEPUTY DIRECTOR OF THE DEPARTMENT WHO SHALL BE APPOINTED BY THE DIRECTOR WITH THE APPROVAL OF THE GOVERNOR. THE DEPUTY DIRECTOR SHALL SERVE AT THE PLEASURE OF THE DIRECTOR. THE DEPUTY DIRECTOR WILL BE DIRECTLY RESPONSIBLE FOR THE DUTIES DELEGATED TO HIM BY THE DIRECTOR.

28-108. **Powers and duties**

A. THE DIRECTOR SHALL:

1. SUPERVISE AND ADMINISTER THE OVERALL ACTIVITIES OF THE DEPARTMENT, ITS DIVISIONS AND EMPLOYEES.

2. APPOINT ASSISTANT DIRECTORS FOR EACH OF THE DIVISIONS WHICH ASSISTANT DIRECTORS SHALL BE EXEMPT FROM THE STATE PERSONNEL SYSTEM.

3. PRESCRIBE SUCH RULES AND REGULATIONS AS HE DEEMS NECESSARY FOR THE COLLECTION OF TAXES AND LICENSE FEES.

4. PROVIDE FOR THE ASSEMBLY AND DISTRIBUTION OF INFORMATION TO THE PUBLIC CONCERNING THE DEPARTMENT ACTIVITIES.

5. PRESCRIBE SUCH RULES AND REGULATIONS AS HE DEEMS NECESSARY FOR PUBLIC SAFETY AND CONVENIENCE.

LAWS OF ARIZONA

6. PRESCRIBE STANDARD BOARD AND ROAD SIGNS, OR OTHER DEVICES, AND PROVIDE A UNIFORM SYSTEM OF MARKING AND SIGNALING ON STATE ROUTES AND STATE HIGHWAYS, WHICH SHALL CORRELATE WITH AND SO FAR AS POSSIBLE CONFORM TO THE SYSTEM AS APPROVED BY THE AMERICAN ASSOCIATION OF STATE HIGHWAY OFFICIALS, AND REGULATE THE USE OF ADVERTISING SIGNBOARDS AND ROAD SIGNS ON STATE ROADS OR STATE HIGHWAYS.
7. PRESCRIBE RULES AND REGULATIONS FOR CLOSING STATE HIGHWAYS UNDER CONSTRUCTION OR REPAIR.
8. RECEIVE, ALLOCATE, CONTROL AND DISPERSE ALL FUNDS DESIGNATED FOR MASS TRANSIT BY FEDERAL OR STATE LAW, REGULATION OR RULES.
9. PASS UPON PROJECTS FOR CONSTRUCTION IN COOPERATION WITH THE UNITED STATES, AND NEGOTIATE AND ENTER INTO CONTRACTS ON BEHALF OF THE STATE WITH THE UNITED STATES FOR THE COOPERATIVE CONSTRUCTION AND MAINTENANCE OF FEDERAL AID MASS TRANSIT SYSTEMS WITHIN THE STATE.
10. ENTER INTO AGREEMENTS ON BEHALF OF THE STATE WITH COUNTIES, CITIES, TOWNS, MASS TRANSIT DISTRICTS, OR WITH ANY OTHER POLITICAL SUBDIVISION FOR THE IMPROVEMENT OR MAINTENANCE OF MASS TRANSIT SYSTEMS, OR FOR THE JOINT IMPROVEMENT OR MAINTENANCE THEREOF, AND ENTER INTO CONTRACTS FOR THE CONSTRUCTION OF MASS TRANSIT SYSTEMS.
11. PRESCRIBE RULES AND REGULATIONS FOR THE APPLICATION FOR AND THE EXPENDITURE OF ALL MASS TRANSIT FUNDS.
12. EXERCISE SUCH OTHER POWERS AND DUTIES AS ARE NECESSARY TO FULLY CARRY OUT THE POLICIES, ACTIVITIES AND DUTIES OF THE DEPARTMENT.
13. DELEGATE SUCH FUNCTIONS, DUTIES OR POWERS AS HE DEEMS NECESSARY TO CARRY OUT THE EFFICIENT OPERATION OF THE DEPARTMENT.
14. CONTRACT FOR BOTH THE OPERATION OF STATE OWNED

LAWS OF ARIZONA

AIRPORTS AND FOR THE PURPOSE OF SECURING AIR SEARCH AND RESCUE SERVICES.

15. PLAN, BUILD AND DEVELOP, IN CONJUNCTION WITH LOCAL AUTHORITIES, AIRPORTS, AIRPORT TERMINALS AND OTHER RELATED NAVIGATIONAL FACILITIES.

16. OPERATE AND MAINTAIN THE GRAND CANYON NATIONAL PARK AIRPORT LOCATED IN THE KAIBAB NATIONAL FOREST, COCONINO COUNTY.

17. ENTER INTO AGREEMENTS ON BEHALF OF THE STATE WITH COUNTIES, CITIES, TOWNS OR RURAL DISTRICTS FOR THE IMPROVEMENT OR MAINTENANCE OF STATE ROUTES, OR FOR THE JOINT IMPROVEMENT OR MAINTENANCE THEREOF, AND TO ENTER INTO CONTRACTS FOR THE CONSTRUCTION OF STATE HIGHWAYS.

18. PRESCRIBE RULES AND REGULATIONS FOR THE EXPENDITURE OF ALL MONEY IN THE STATE HIGHWAY FUND.

19. EXERCISE CONTROL AND JURISDICTION OVER THE USE OF STATE HIGHWAYS AND ROUTES AND PRESCRIBE SUCH RULES AND REGULATIONS REGARDING SUCH USE AS HE DEEMS NECESSARY.

B. THE DIRECTOR MAY PROVIDE TECHNICAL TRANSPORTATION PLANNING EXPERTISE TO LOCAL GOVERNMENTS WHEN REQUESTED, COORDINATE LOCAL GOVERNMENT TRANSPORTATION PLANNING WITH REGIONAL AND STATE TRANSPORTATION PLANNING, AND GUIDE LOCAL TRANSPORTATION PLANNING TO ASSURE COMPLIANCE WITH FEDERAL REQUIREMENTS. SUCH PLANNING AUTHORITY SHALL NOT, HOWEVER, PREEMPT PLANNING RESPONSIBILITIES AND DECISIONS OF LOCAL GOVERNMENTS.

28-109. **Legal counsel**

THE ATTORNEY GENERAL SHALL BE THE LEGAL ADVISOR OF THE DEPARTMENT AND SHALL GIVE LEGAL SERVICES AS THE DEPARTMENT REQUIRES. HE SHALL PROSECUTE AND DEFEND IN THE NAME OF THE STATE ALL ACTIONS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS TITLE.

LAWS OF ARIZONA

Sec. 10. **Repeal**

Sections 28-201 and 28-308, as amended by Laws 1964, chapter 143, section 3, Arizona Revised Statutes, are repealed.

Sec. 11. Section 28-208, Arizona Revised Statutes, is amended to read:

28-208. **Disposition of fees**

~~A.~~ Except as provided by the terms of subsection C of section 28-301, and subsection B of this section, all monies received from the fees and taxes provided in this article shall be immediately transferred by the officer collecting them to the ~~superintendent~~ DIRECTOR, and by him to the state treasurer, who shall immediately credit them to the state highway fund.

~~B.~~ Of the amounts collected for each registration of any motor vehicle, trailer or semitrailer, two dollars shall be immediately transferred by the officer collecting them to the superintendent, and by him to the state treasurer, who shall immediately credit them to a special fund designated as primary and secondary state road fund and shall be expended by the highway department for the construction and maintenance of primary and secondary state roads only.

Sec. 12. Section 28-221, Arizona Revised Statutes, is amended to read:

28-221. **Definitions; commercial fleet registration; application for registration; computation of fees for proportional registration**

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

1. "Commercial vehicle" means any bus, truck or trucktractor, trailer or semitrailer with an unladen weight of two thousand nine hundred pounds or more operated in more than one jurisdiction.

2. "Fleet" means three or more commercial vehicles at least two of which, to be known as power units, supply motor power and contain a compartment for a driver of such vehicle. "Fleet" shall also mean not less than ten vehicles all of which are trailers or semitrailers and each of which has unladen weight of two thousand nine hundred pounds or more.

3. "Jurisdiction" means and includes a state, district, province, political subdivision, territory or possession of the United States or any foreign country.

LAWS OF ARIZONA

4. "Preceding year" means a period of twelve consecutive months fixed by the ~~vehicle superintendent~~ DIRECTOR, which period shall be within the sixteen months immediately preceding the commencement of the registration or license year for which proportional registration is sought. The ~~superintendent~~ DIRECTOR in fixing such period shall make it conform to the terms, conditions and requirements of any applicable agreement or arrangement for the proportional registration of vehicles.

~~5. "Superintendent" means the superintendent of the motor vehicle division of the state highway department.~~

B. In lieu of the registration required by section 28-302 and in lieu of payment of fees prescribed by sections 28-205 and 28-206 and notwithstanding the provisions of section 28-501, subsection A, any resident or nonresident engaged in operating one or more fleets of commercial vehicles in this state and another jurisdiction or jurisdictions may register and license each such fleet for operation in this state, provided that the ~~superintendent~~ DIRECTOR may refuse to permit proportional registration of vehicles based in any jurisdiction which does not grant proportional registration privileges to fleet vehicles based in this state. Proportional registration and licensing shall be accomplished by filing an application with the ~~superintendent~~ DIRECTOR, execution of which shall be subject to penalties of perjury for false statements, which shall contain the following information and such other information pertinent to vehicle registration as the ~~superintendent~~ DIRECTOR may require:

1. Total fleet miles. This shall be the total number of miles operated in all jurisdictions during the preceding year by the power units in such fleet. In the case of fleets composed entirely of trailers or semitrailers, this shall be the total number of miles which such vehicles were towed on the highways of all jurisdictions during the preceding year.

2. In-state miles. This shall be the total number of miles operated in this state during the preceding year by the power units in such fleet. In the case of fleets composed entirely of trailers or semitrailers, this shall be the total number of miles which such vehicles were towed on the highways of this state during the preceding year.

3. A description and identification of each vehicle of the fleet which is to be proportionally registered in this state during the registration year for which proportional fleet registration is requested. Vehicles which are operated exclusively in this state shall not be included as proportionally registered fleet vehicles nor shall any vehicle be so included if the sole purpose of its operation in this state is for use in the conduct of intrastate business.

LAWS OF ARIZONA

C. The application of each fleet shall at the time and in the manner directed by the ~~superintendent~~ DIRECTOR be supported by a total fee payment computed as follows:

1. Divide in-state miles by total fleet miles.
2. Determine the total amount necessary to register each and every vehicle in the fleet for which registration is requested based on the applicable fees prescribed by sections 28-205, 28-206 and 28-226.
3. Multiply the sum obtained under paragraph 2 of this subsection by the fraction obtained under paragraph 1 of this subsection, but in no case shall the fee so determined be less than an amount equal to three dollars for each vehicle in the fleet.
4. Each application or supplemental application shall be accompanied by a filing fee, in addition to all other fees, of five dollars for nine or less vehicles, ten dollars for ten through twenty-four vehicles, and fifteen dollars for twenty-five or more vehicles.
5. The applicant for proportional registration of any fleet, the nonmotor vehicles of which are operated in jurisdictions in addition to those in which the applicant's proportionally registered motor vehicles are operated, may state such nonmotor vehicles separately in his application and compute and pay the fees therefor in accordance with such separate statement, as to which "total" miles shall be the total miles which such nonmotor vehicles were towed by any of his motor vehicles upon highways in all jurisdictions during the preceding year.

D. Upon payment of the appropriate fees for a proportional registration application, the ~~superintendent~~ DIRECTOR shall register the vehicles described and identified therein and shall issue a distinctive sticker for each vehicle described therein. In addition, a fee of two dollars shall be paid for each sticker issued for each proportionally registered vehicle. A registration card shall be issued for each proportionally registered vehicle which shall bear upon its face the number of the license or distinctive sticker issued for such proportionally registered vehicle and such other information extracted from the application for proportional registration as the ~~superintendent~~ DIRECTOR may determine to be appropriate for identifying the vehicle and shall be carried in such vehicle at all times or, in the case of a combination, may be carried in the vehicle supplying the motive power.

E. Proportionally registered interstate fleet vehicles so registered and identified in accordance with this section and section 28-226 shall be

LAWS OF ARIZONA

deemed to be fully licensed and registered in this state for any type of movement or operation, except as provided in section 40-613 and except that, in those instances in which a grant of authority is required for intrastate movement or operation, no such vehicle shall be operated in intrastate commerce in this state unless the owner or operator thereof has been granted intrastate authority or rights by the corporation commission and unless the vehicle is being operated in conformity with such authority or rights.

F. No vehicle may be registered under the provisions of this section unless it has been or will be proportionally or otherwise properly registered in at least one other jurisdiction during the period for which proportional registration is sought in this state.

G. Vehicles acquired by the owner after the commencement of the registration year and subsequently added to a proportionally registered fleet shall be proportionally registered by applying the mileage percentage used in the original application for such fleet for such registration period to the fees otherwise due with respect to such vehicle for the remainder of the registration year under sections 28-205, 28-206 and subsection C of this section, and section 28-226, provided that any vehicle operated by such owner as a lessee of another owner who has, in the license year, proportionally registered the vehicle in this state shall not be considered additions to the lessee's fleet if the lessor has established to the satisfaction of the ~~superintendent~~ DIRECTOR that he maintains and will submit complete annual mileage data for each such vehicle for all states, including, by individual states, all miles operated in service by the lessor and his lessee or lessees and that such vehicle or its replacement will, in the normal course of operations, be included in the lessor's proportional registration application in this state for the succeeding license year.

H. Application for proportional registration of an interstate fleet to be operated in this state for the first time shall state the mileage data with respect to such fleet for the preceding year in other jurisdictions and the estimated annual mileage for the fleet in this state. If no operations were conducted with the fleet during the preceding year, the application shall contain a full statement of the proposed method of operation and estimates of annual mileage in this state and other jurisdictions. From the applications so submitted the ~~superintendent~~ DIRECTOR shall fix the in-state and total fleet miles to be used in determining the mileage proportion for the fleet, and in so doing may evaluate and adjust the estimate in the application if the ~~superintendent~~ DIRECTOR is not satisfied as to the correctness thereof.

LAWS OF ARIZONA

I. Any owner whose application for proportional registration has been accepted shall preserve the records on which the application is based for a period of four full years following the year or period upon which the application is based. Upon request of the ~~superintendent~~ DIRECTOR, the owner shall make his records available to him for audit as to accuracy of computations and payments and assessment of deficiencies or allowances for credit. The ~~superintendent~~ DIRECTOR may enter into agreements with agencies of other jurisdictions administering motor vehicle registration laws for joint audits of any such owner. No assessment for deficiency or claim for credit may be made for any period for which records are no longer required. Any sums found to be due and owing upon audit shall bear interest of six per cent from the date when they should have been paid until the date of actual payment. If the audit discloses a deliberate and wilful intent to evade the requirements of payment under subsection B of this section, an additional penalty of ten per cent of sums found to be due and owing on audit shall also be assessed.

J. All fees collected and all payments received by the ~~superintendent~~ DIRECTOR under the provisions of this article shall be transmitted to the state treasurer and credited by him to the state highway fund.

K. The provisions of this section shall constitute complete authority for the registration of fleet vehicles upon a proportional basis without reference to or application of section 28-303 or 28-501 or any other statutes of this state relating to vehicle registration except as in this section expressly provided. The following provisions shall apply with respect to proportionally registered vehicles: section 28-313, subsections B and D, section 28-314, subsection C, and sections 28-318, 28-326 and 28-1576.

L. Nothing contained in this article relating to proportional registration of fleet vehicles shall be construed as requiring any vehicle to be proportionally registered if it is otherwise registered in this state for the operation in which it is engaged under either section 28-205, 28-206, 28-501 or 28-501.01 or any other applicable provision prescribing vehicle registration fees.

M. Any proportional registration applicant who is an authorized common carrier holding a certificate of public convenience and necessity issued by the United States interstate commerce commission who is engaged in interchange of equipment to facilitate the through movement of freight under rules promulgated by the interstate commerce commission or who has qualified a fleet or fleets of ten or more trailers or semitrailers may make application to the ~~superintendent~~ DIRECTOR, as to any fleet or fleets, to be permitted to operate interchanged equipment without

LAWS OF ARIZONA

adding such vehicles to a proportionally registered fleet. A permit shall be granted by the ~~superintendent~~ DIRECTOR when he has been satisfied that an applicant is so qualified and that the permission to interchange equipment will not be used to augment any proportionally registered fleet without due payment therefor. To that end, each permittee shall maintain records and report an annual reconciliation of interchanged trailers as follows:

1. Number of days each interchanged trailer was operated by applicant during the preceding year.
2. Number of days each trailer of applicant was operated by other carriers through interchange.
3. If paragraph 1 of this subsection is less than paragraph 2 of this subsection, no further computation or payment shall be required. If paragraph 1 of this subsection exceeds paragraph 2 of this subsection, the difference shall be divided by three hundred sixty-five and the average fee as shown on applicant's current trailer registration application shall be multiplied by the resulting quotient. The product will indicate the additional sum required for trailer augmentation during the year for which application is made.

N. The ~~superintendent~~ DIRECTOR shall supply the superintendent of the Arizona highway patrol with complete information identifying each applicant for which an interchange permit has been granted under this section.

O. In the case of vehicles registered under this section, the application, shall, in addition to the information required herein, state the date of acquisition by the applicant and the original cost price.

Sec. 13. **Repeal**

Title 28, chapter 2, article 3, Arizona Revised Statutes, is repealed.

Sec. 14. Section 28-302, Arizona Revised Statutes, is amended to read:

28-302. **Registration of motor vehicles**

A. Every owner of a motor vehicle, trailer or semitrailer, before it is operated upon any highway in this state, shall apply to the ~~vehicle division~~ DEPARTMENT for a certificate of title thereto and registration thereof.

B. When an application, accompanied by the proper fee, has been made as required by this article, the vehicle may be operated pending

LAWS OF ARIZONA

completion of registration thereof, but during such period there shall be displayed, as evidence of the application, two "drive-out" number plates of a distinctive type, which shall be supplied by the county assessor, and attached to the front and rear of the vehicle. At the expiration of fifteen days the plates shall be surrendered and regular license plates affixed. An assessor issuing "drive-out" plates shall, on the day of the issuance thereof, notify the local peace officers and the nearest highway patrolman, and failure to do so shall constitute a misdemeanor. On the sixteenth day after issuance of such plates, if they are not surrendered, any officer shall seize and impound the vehicle and hold it until the regular license plates are procured and placed thereon, and the owner of the vehicle is guilty of a misdemeanor, except that in the case of a foreign registration or other emergency, the division may extend the time in order to allow opportunity for clearance of title and registration.

C. This section shall not apply to farm tractors, trailers used solely in the operation of a farm for transporting the unprocessed fiber or forage products thereof, or any implement of husbandry designed primarily for or used in agricultural operations and only incidentally operated or moved upon a highway, road-rollers or road machinery temporarily operating or moved upon the highway, nor to any owner permitted to operate a vehicle under special provisions relating to lien holders, manufacturers, dealers and nonresidents. Nor shall it apply to any vehicle being towed by a tow truck which has been certified as meeting the requirements of the rules and regulations adopted pursuant to section 28-1007.

D. A person owning or operating a trailer as described in subsection C OF THIS SECTION shall so notify the county assessor, and it shall be the duty of the assessor to assess the trailer. The assessor shall furnish the owner with a metal tag or plate showing that the trailer has been duly assessed. The tag or plate shall be conspicuously displayed on the rear of the trailer. The cost of the tag or plate shall be borne by the owner of the trailer. Any person who violates a provision of this subsection is guilty of a misdemeanor.

E. A nonresident who purchases an unregistered vehicle within this state for removal to the state of residence of the purchaser may secure a special thirty-day nonresident registration of such vehicle by application to the division and payment of the fees prescribed by section 28-205. The application must be supported by an affidavit of the purchaser, containing the following statements:

1. That purchaser is not a resident of Arizona as defined in section ~~28-137~~ 28-102.

LAWS OF ARIZONA

2. That the vehicle is purchased to be registered out of state.
3. That the vehicle is not purchased for transfer to an Arizona resident.
4. Such other information as the ~~superintendent~~ DIRECTOR may deem necessary.

At the time of application, the purchaser shall submit for inspection proper evidence of ownership of the vehicle to be registered. The special registration shall be valid for a period not to exceed thirty days from the date of issuance, and may be evidenced in such form as the ~~superintendent~~ DIRECTOR may deem necessary or advisable.

Sec. 15. Section 28-308, Arizona Revised Statutes, as amended by Laws 1972, chapter 170, section 3, is amended to read:

28-308. Number plates

A. The ~~vehicle division~~ DEPARTMENT shall furnish at no charge to every owner one number plate for each motorcycle, trailer or semitrailer registered, and two number plates for every other motor vehicle registered. The number plate shall have displayed upon it the number assigned to the vehicle and to the owner thereof, the name of this state, which may be abbreviated, and the year for which it is issued. Number plates shall be coated with a reflective material, as determined by the ~~commission~~ DIRECTOR. The plate and the letters and numerals thereon, except the number designating the year for which issued, shall be of sufficient size to be plainly readable during daylight from a distance of one hundred feet.

B. The ~~superintendent~~ DIRECTOR may require return to the ~~vehicle division~~ DEPARTMENT of all number or personalized plates upon termination of the lawful use thereof. If the number plates of a motor vehicle become mutilated or illegible, the plates shall be surrendered to the division and new plates issued in lieu thereof upon payment of the prescribed fee.

C. A passenger motor vehicle rented without a driver shall receive the same type of number plates as issued for a private passenger motor vehicle.

D. When a motor vehicle is sold or the ownership otherwise transferred, the number plates attached thereto shall not pass with the motor vehicle or the title thereto. The person who acquires title to the motor vehicle shall not use the number plates of the previous owner or transferor, but may use number plates assigned to him for use in the current registration

LAWS OF ARIZONA

year on a vehicle no longer in his possession. If he does not have such number plates he shall immediately obtain new number plates from the ~~division of motor vehicles~~ DEPARTMENT. The original holder may continue to use the number plates on any vehicle or succession of vehicles he may subsequently own during the year for which the number plates were issued provided he gives proper notification to the ~~division~~ DEPARTMENT as required by law and pays the appropriate transfer and registration fees.

Sec. 16. Section 28-431, Arizona Revised Statutes, is amended to read:

28-431. Definitions

In this article, unless the context otherwise requires:

1. "Commissioner" means the commissioner of the state department of health.
2. "Medical advisory board" means a professional unit composed of qualified personnel to advise the ~~motor vehicle division of the Arizona highway department~~ DEPARTMENT on medical criteria and vision standards for driver licensing.
- ~~3. "Superintendent" means the superintendent of the motor vehicle division of the Arizona highway department.~~

Sec. 17. Section 28-451, Arizona Revised Statutes, is amended to read:

28-451. Right of appeal to court

A person denied a license, or whose license has been cancelled, suspended or revoked by the department except where the cancellation or revocation is mandatory under the provisions of this chapter, shall have the right to file a petition within thirty days thereafter for a hearing in the matter in the superior court in the county wherein the person resides and the court is vested with jurisdiction and it shall be its duty to set the matter for hearing upon thirty days written notice to the ~~commission~~ DIRECTOR, and thereupon to take testimony and examine into the facts of the case and to determine whether the petitioner is entitled to a license or is subject to suspension, cancellation or revocation of license under the provision of this chapter.

Sec. 18. Section 28-627, Arizona Revised Statutes, is amended to read:

LAWS OF ARIZONA

28-627. Powers of local authorities

A. The provisions of this chapter shall not be deemed to prevent local authorities, with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power, from:

1. Regulating the standing or parking of vehicles.
2. Regulating traffic by means of police officers or traffic-control signals.
3. Regulating or prohibiting processions or assemblages on the highways.
4. Designating particular highways as one-way highways and requiring that all vehicles thereon be moved in one specific direction.
5. Regulating the speed of vehicles in public parks.
6. Designating any highway as a through highway and requiring that all vehicles stop before entering or crossing the same or designating any intersection as a stop intersection and requiring all vehicles to stop at one or more entrances to the intersection.
7. Restricting the use of highways as authorized in section 28-1012.
8. Regulating the operation of bicycles and requiring the registration and licensing of same, including the requirement of a registration fee.
9. Regulating or prohibiting the turning of vehicles or specified types of vehicles at intersections.
10. Altering the prima facie speed limits as authorized by this chapter.
11. Adopting such other traffic regulations as are specifically authorized by this chapter.

B. No local authority shall erect or maintain any stop sign or traffic-control signal at any location so as to require the traffic on any state highway to stop before entering or crossing any intersecting highway unless approval in writing has first been obtained from the ~~commission~~ DIRECTOR.

C. No ordinance or regulation enacted under paragraphs 4, 5, 6, 7, 9 or 10 of subsection A of this section shall be effective until signs giving notice of the local traffic regulations are posted upon or at the entrances to the highway or part thereof affected as may be most appropriate.

LAWS OF ARIZONA

Sec. 19. Section 28-641, Arizona Revised Statutes, is amended to read:

28-641. State sign manual

The ~~commission~~ DIRECTOR shall adopt a manual and specifications for a uniform system of traffic control devices for use upon highways within this state. Such uniform system shall correlate with and so far as possible conform to the system set forth in the most recent edition of the manual on uniform traffic control devices for streets and highways prepared by the national joint committee on uniform traffic control devices.

Sec. 20. Section 28-642, Arizona Revised Statutes, is amended to read:

28-642. Signs on state highways

A. The ~~commission~~ DIRECTOR shall place and maintain such traffic-control devices, conforming to ~~its~~ THE manual and specifications, upon all state highways as ~~it~~ HE deems necessary to indicate and to carry out the provisions of this chapter or to regulate, warn or guide traffic.

B. No local authority shall place or maintain any traffic-control device upon any highway under the jurisdiction of the ~~commission~~ DIRECTOR except by the latter's permission.

Sec. 21. Section 28-650, Arizona Revised Statutes, is amended to read:

28-650. Warning devices at construction sites

Any contractor, firm, corporation or political subdivision performing work on roads, streets or highways shall post and maintain at the work site until the work is completed or until such time as the governing body authorizes removal, such warning signs, signals, markers and barricades in compliance with the manual and specifications for uniform system of traffic control devices adopted by the ~~commission~~ DIRECTOR to warn those using such street, road or highway.

Sec. 22. Section 28-701.01, Arizona Revised Statutes, is amended to read:

28-701.01. Definitions

In this article, unless the context otherwise requires:

1. "Freeway" means a highway in respect to which the owners of abutting lands have no right or easement of access to or from their

LAWS OF ARIZONA

abutting lands or in respect to which such owners have only limited or restricted right or easement of access, and which is declared to be such by the ~~Arizona state highway commission~~ DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION.

Sec. 23. Section 28-702, Arizona Revised Statutes, is amended to read:

28-702. Establishment of state speed zones

When the ~~commission~~ DIRECTOR determines upon the basis of an engineering and traffic investigation that any maximum speed limit is greater or less than is reasonable or safe under the conditions found to exist upon any part of a state highway, the ~~commission~~ DIRECTOR may determine and declare a reasonable and safe maximum speed limit for such location, which shall be effective when appropriate signs giving notice thereof are erected. A maximum speed limit, as declared pursuant to this section, may be declared to be effective at all times or at such times as are indicated on the speed limit signs. Varying speed limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds. Such varying limits shall be effective when posted upon appropriate fixed or variable signs.

Sec. 24. Section 28-702.02, Arizona Revised Statutes, is amended to read:

28-702.02. Authority to change speed signs on freeways

When the ~~commission~~ DIRECTOR determines upon the basis of an engineering and traffic survey that the safe and orderly movement of traffic upon any state highway which is a freeway will be facilitated by the establishment of variable speed limits, the department may erect, regulate, and control signs upon the state highway which is a freeway, or any portion thereof, which signs shall be so designed as to permit display of different speed limits at various times of the day or night. Such signs shall be of sufficient size and clarity to give adequate notice of the applicable speed limit. The speed limit upon the freeway at a particular time and place shall be that which is then and there displayed upon such sign.

Sec. 25. Section 28-703, Arizona Revised Statutes, is amended to read:

28-703. When local authorities may and shall alter maximum limits

A. When local authorities within their respective jurisdictions determine upon the basis of an engineering and traffic investigation that the

LAWS OF ARIZONA

maximum speed permitted under this article is greater or less than is reasonable or safe under the conditions found to exist upon any part of a street or highway, the local authority subject to subsection D may determine and declare a reasonable and safe maximum speed limit at such location and based on such investigation may:

1. Decrease the limit at intersections.
2. Increase the limit within any business or residence district, but not to more than sixty-five miles per hour.
3. Decrease the limit outside any business or residence district, but not to less than thirty-five miles per hour.

B. Local authorities in their respective jurisdictions shall determine by an engineering and traffic investigation the proper maximum speed for all arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the maximum speed permitted under this article for a business or residence district.

C. Any altered limit established as provided for in this section shall be effective at all times, or during hours of darkness, or at other times as may be determined when appropriate signs giving notice thereof are erected upon such street or highway.

D. Alteration of maximum limits on state highways or extensions thereof in a municipality by local authorities shall not be effective until the alteration has been approved by the ~~commission~~ DIRECTOR.

E. Not more than six such alterations as provided for in this section shall be made per mile along a street or highway, except in the case of reduced limits at intersections, and the difference between adjacent limits shall not be more than ten miles per hour except for school crossings.

Sec. 26. Section 28-704, Arizona Revised Statutes, is amended to read:

28-704. Minimum speed regulation

A. No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

B. Whenever the ~~commission~~ DIRECTOR or local authorities within their respective jurisdictions determine on the basis of an engineering and

LAWS OF ARIZONA

traffic investigation that slow speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, the ~~commission~~ DIRECTOR or such local authority may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law.

Sec. 27. Section 28-706, Arizona Revised Statutes, is amended to read:

28-706. Special speed limitations

A. No person shall drive any vehicle equipped with solid rubber or cushion tires at a speed greater than a maximum of ten miles per hour.

B. No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to the bridge or structure, when the structure is signposted as provided in this section.

C. The ~~commission~~ DIRECTOR upon request from any local authority shall, or upon ~~his~~ HIS own initiative may, conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if ~~it~~ HE thereupon finds that the structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under this article ~~the commission~~ HE shall determine and declare the maximum speed of vehicles which the structure can withstand, and shall cause or permit suitable signs stating such maximum speed to be erected and maintained at a distance of three hundred feet before each end of the structure.

D. Upon the trial of any person charged with a violation of this section, proof of determination of the maximum speed by the ~~commission~~ DIRECTOR and the existence of the signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety to the bridge or structure.

Sec. 28. Section 28-708, Arizona Revised Statutes, is amended to read:

28-708. Racing on highways; penalties

A. No person shall drive any vehicle in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record on a street or highway, and no person shall in any manner participate in any such race, competition, contest, test, or exhibition.

LAWS OF ARIZONA

B. Drag race is defined as the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one or more vehicles over a common selected course, from the same point, for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit.

C. Racing is defined as the use of one or more vehicles in an attempt to outgain, outdistance, or prevent another vehicle from passing.

D. A person who violates this section shall be punished upon a first conviction by imprisonment for not more than ninety days, by a fine of not more than three hundred dollars, or both.

E. When a second or subsequent violation 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.

F. 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 such 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.

G. When 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.

LAWS OF ARIZONA

H. The ~~commission~~ DIRECTOR may give authorization in writing for any organized and properly controlled event otherwise prohibited by this section to utilize a highway or part of a highway. The authorization shall specify the time of the event, the highway or part of a highway to be utilized, and any special conditions the ~~commission~~ DIRECTOR may require for the particular event.

Sec. 29. Section 28-727, Arizona Revised Statutes, is amended to read:

28-727. No-passing zones

The ~~commission~~ DIRECTOR is authorized to determine those portions of any highway where overtaking and passing or driving to the left of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones, and when the signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions thereof.

Sec. 30. Section 28-728, Arizona Revised Statutes, is amended to read:

28-728. One-way roadways and rotary traffic islands

A. The ~~commission~~ DIRECTOR may designate any highway or any separate roadway under ~~its~~ HIS jurisdiction for one-way traffic and shall erect appropriate signs giving notice thereof.

B. Upon a roadway designated and signposted for one-way traffic a vehicle shall be driven only in the direction designated.

C. A vehicle passing around a rotary traffic island shall be driven only to the right of the island.

Sec. 31. Section 28-733, Arizona Revised Statutes, is amended to read:

28-733. Restrictions on use of controlled-access roadway

A. The ~~commission~~ DIRECTOR may by ~~resolution or order enter in its minutes~~ ADMINISTRATIVE RULE OR REGULATION and local authorities may by ordinance with respect to any controlled-access roadway under their respective jurisdictions prohibit the use of the roadway by pedestrians, bicycles or other nonmotorized traffic or by any person operating a motor-driven cycle.

LAWS OF ARIZONA

B. The ~~commission~~ DIRECTOR or the local authority adopting the prohibitory regulation shall erect and maintain official signs on the controlled-access roadway on which the regulations are applicable and when erected no person shall disobey the restrictions stated on the signs.

Sec. 32. Section 28-751, Arizona Revised Statutes, is amended to read:

28-751. Required position and method of turning at intersections

The driver of a vehicle intending to turn at an intersection shall do so as follows:

1. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.
2. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the center line where it enters the intersection, and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. When practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.
3. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of the vehicle, and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in that direction upon the roadway being entered.
4. The ~~commission~~-DIRECTOR or local authorities in their respective jurisdictions may cause markers, buttons or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when markers, buttons or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by the markers, buttons or signs.

LAWS OF ARIZONA

Sec. 33. Section 28-797, Arizona Revised Statutes, is amended to read:

28-797. School crossings

A. In front of each school building, or school grounds abutting thereon, the ~~commission~~ DIRECTOR by and with the advice of the school board or superintendent of schools, is empowered to mark or cause to be marked by the department, or local authorities, a single cross walk where children shall be required to cross the highway.

B. Additional crossings across highways not abutting on school grounds may be approved by the department, or local authorities, upon application of school authorities, with written satisfactory assurance given the department or local authorities that guards will be maintained by the school district at the crossings to enforce the proper use of the crossing by school children.

C. The sign manual shall provide for yellow marking of the school crossing, yellow marking of the center line of the roadway and the erection of portable signs indicating that vehicles must stop when persons are in the crossing. The manual shall also provide the type and wording of portable signs indicating that school is in session, and permanent signs providing warning of approach to school crossings.

D. When such crossings are established school authorities shall place within the highway the portable signs indicating that school is in session, placed not to exceed three hundred feet each side of the school crossings, and "Stop When Children in Cross Walk" signs at school crossings. School authorities shall maintain these signs when school is in session and shall cause them to be removed immediately thereafter.

E. No vehicle shall proceed at a speed to exceed fifteen miles per hour when approaching the cross walk and while between the portable signs placed on the highway indicating "School In Session" and "Stop When Children In Cross Walk".

F. When the clause "school in session" is used in this section, either referring to the period of time or to signs, it means during school hours or while children are going to or leaving school during opening or closing hours.

G. When the school authorities place and maintain the required portable "School In Session" signs and "Stop When Children In Cross Walk" signs, all vehicles shall come to a complete stop at the school crossing when the cross walk is occupied by any person.

LAWS OF ARIZONA

Sec. 34. Section 28-852, Arizona Revised Statutes, is amended to read:

28-852. All vehicles must stop at certain railroad grade crossings

The ~~commission~~ DIRECTOR and local authorities with the approval of the ~~commission~~ DIRECTOR are authorized to designate particularly dangerous highway grade crossings of railroads and to erect stop signs thereat. When the stop signs are erected the driver of any vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail of the railroad and shall proceed only upon exercising due care.

Sec. 35. Section 28-855, Arizona Revised Statutes, is amended to read:

28-855. Stop signs and yield signs

A. The ~~commission~~ DIRECTOR with reference to state highways and local authorities with reference to other highways under their jurisdiction may designate through highways and erect stop or yield signs at specified entrances thereto or may designate any intersection as a stop or yield intersection and erect like signs at one or more entrances to the intersection.

~~B. Every stop sign shall bear the word "Stop" in letters not less than six inches in height. Every yield sign shall bear the word "Yield" in letters not less than six inches in height. The sign shall at night time be rendered luminous by steady or flashing internal illumination, or by a fixed floodlight projected on the face of the sign, or by efficient reflecting elements on the face of the sign.~~

~~C.~~ B. Every stop sign and every yield sign shall be erected as near as practicable to the nearest line of the cross walk on the near side of the intersection or, if there is no cross walk, then as close as practicable to the nearest line of the intersecting roadway.

~~D.~~ C. Every driver of a vehicle approaching a stop sign shall stop before entering the cross walk on the near side of the intersection or, in the event there is no cross walk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection except when directed to proceed by a police officer or traffic-control signal.

~~E.~~ D. The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions

LAWS OF ARIZONA

and shall yield the right of way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection, provided that if such driver is involved in a collision with a vehicle in the intersection, after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield right of way.

Sec. 36. Section 28-873, Arizona Revised Statutes, is amended to read:

28-873. Stopping, standing or parking prohibited in specified places

A. No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:

1. On a sidewalk.
2. In front of a public or private driveway.
3. Within an intersection.
4. Within fifteen feet of a fire hydrant.
5. On a cross walk.
6. Within twenty feet of a cross walk at an intersection.
7. Within thirty feet upon the approach to any flashing beacon, stop sign or traffic-control signal located at the side of a roadway.
8. Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless the ~~commission~~ DIRECTOR or local authorities indicate a different length by signs or markings.
9. Within fifty feet of the nearest rail or a railroad crossing or within eight feet six inches of the center of any railroad track, except while a motor vehicle with motive power attached is loading or unloading railroad cars.
10. Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of the entrance when properly posted.

LAWS OF ARIZONA

11. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.
12. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
13. Upon any bridge or other elevated structure upon a highway or within a highway tunnel.
14. At any place where official signs prohibit stopping.

B. No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

Sec. 37. Section 28-873.01, Arizona Revised Statutes, is amended to read:

28-873.01. Parking privileges for physically disabled; qualification; application; violation; revocation

A. A physically disabled person who displays upon the motor vehicle parked by him, or under his direction and for his use, a distinguishing insignia provided for in this section may exercise the parking privileges provided in this section. Such person may be exempt from liability for any violation with respect to such parking, except as provided in sections 28-871, 28-873, and 28-936, and except where such parking would create a dangerous situation or impede the normal flow of traffic. The distinguishing insignia shall be displayed on the motor vehicle in the manner prescribed by the superintendent.

B. A person desiring to have a distinguishing insignia issued to him under this section shall submit to the ~~superintendent~~ DIRECTOR:

1. An application therefor on a form furnished by the ~~superintendent~~ DEPARTMENT.

2. A certificate issued by a person licensed to practice medicine in this state stating that the applicant is physically disabled within the meaning of this section.

C. Upon receipt of the application and the doctor's certificate, if the ~~superintendent~~ DIRECTOR finds that the applicant qualifies for such parking privileges, the ~~superintendent~~ DIRECTOR may issue the distinguishing insignia to such applicant.

LAWS OF ARIZONA

D. The ~~superintendent~~ DIRECTOR may adopt and promulgate rules and regulations needed to administer the provisions of this section.

E. Local authorities in regulating the parking of vehicles as authorized under the provisions of section 28-627, subsection A, paragraph 1, may extend parking privileges similar to those granted to physically disabled persons in this section.

F. A person who violates any provision of this section is guilty of a misdemeanor and, in addition to any other penalty imposed, the distinguishing insignia issued to such person may be recalled by the ~~superintendent~~ DIRECTOR.

G. In this section, unless the context otherwise requires:

1. "Physically disabled person" means any person who has sustained a permanent disability rendering it difficult and burdensome for such person to walk, or who may be similarly disabled for such period of time as the attending physician may estimate.

~~2. "Superintendent" means the superintendent of the motor vehicle division of the state highway department.~~

Sec. 38. Section 28-874, Arizona Revised Statutes, is amended to read:

28-874. Additional parking regulations

A. Except as otherwise provided in this section every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of the vehicle parallel to and within eighteen inches of the right-hand curb.

B. Local authorities may by ordinance permit parking of vehicles with the left-hand wheels adjacent to and within eighteen inches of the left-hand curb of a one-way roadway.

C. Local authorities may by ordinance permit angle parking on any roadway, except that angle parking shall not be permitted on any federal-aid or state highway unless the ~~commission~~ DIRECTOR has determined by resolution or order ~~entered in its minutes~~ that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

D. The ~~commission~~ DIRECTOR with respect to highways under its jurisdiction may place signs prohibiting or restricting the stopping,

LAWS OF ARIZONA

standing or parking of vehicles on any highway where in ~~its~~ HIS opinion, ~~as evidenced by resolution or order entered in its minutes,~~ such stopping, standing or parking is dangerous to those using the highway or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic thereon. The signs shall be official signs and no person shall stop, stand or park any vehicle in violation of the restrictions stated on the signs.

Sec. 39. Section 28-900, Arizona Revised Statutes, is amended to read:

28-900. Regulations relative to school busses

A. The ~~commission~~ DIRECTOR by and with the advice of the state board of education shall adopt and enforce regulations not inconsistent with this chapter to govern the design and operation of all school busses used for the transportation of school children when owned and operated by any school district or institution, or privately owned and operated under contract with any school district in this state and the regulations shall by reference be made a part of any such contract with a school district. Every school district, its officers and employees, and every person employed under contract by a school district shall be subject to such regulations.

B. Any officer or employee of any school district who violates any of the regulations or fails to include obligation to comply with the regulations in any contract executed by him on behalf of a school district shall be guilty of misconduct and subject to removal from office or employment. Any person operating a school bus under contract with a school district who fails to comply with any of the regulations shall be guilty of breach of contract and the contract shall be canceled after notice and hearing by the responsible officers of the school district.

Sec. 40. Section 28-930, Arizona Revised Statutes, is amended to read:

28-930. Special lighting equipment on school busses

A. The ~~commission~~ DIRECTOR is authorized to adopt standards and specifications applicable to lighting equipment on and special warning devices to be carried by school busses consistent with the provisions of this article, but supplemental thereto, and except that the standards and specifications may designate and permit the use of flashing warning signal lights on school busses for the purpose of indicating when children are boarding or alighting from bus. The standards and specifications shall correlate with and, so far as possible, conform to the specifications then current as approved by the society of automotive engineers.

LAWS OF ARIZONA

B. It is unlawful to operate any flashing warning signal light on any school bus except when the school bus is stopped on a highway for the purpose of permitting school children to board or alight from it.

Sec. 41. Section 28-948, Arizona Revised Statutes, is amended to read:

28-948. Standards for lights on snow removal equipment

A. ~~The commission~~ DIRECTOR shall adopt standards and specifications applicable to head lamps, clearance lamps, identification and other lamps on snow removal equipment when operated on the highways of this state in lieu of the lamps otherwise required on motor vehicles by this article. Such standards and specifications may permit the use of flashing lights for purposes of identification on snow removal equipment when in service upon the highways. The standards and specifications for lamps referred to in this section shall correlate with and, so far as possible, conform with those approved by the American association of state highway officials.

B. It is unlawful to operate any snow removal equipment on any highway unless the lamps thereon comply with and are lighted when and as required by the standards and specifications adopted as provided in this section.

Sec. 42. Section 28-953, Arizona Revised Statutes, is amended to read:

28-953. Brakes on motor-driven cycles

A. ~~The commission~~ DIRECTOR is authorized to require an inspection of the brake on any motor-driven cycle and to disapprove a brake which ~~they find~~ will not comply with the performance ability standard set forth in section 28-952 or which ~~in their opinion~~ is not so designed or constructed as to insure reasonable and reliable performance in actual use.

B. ~~The commission~~ DIRECTOR may refuse to register or may suspend or revoke the registration of any vehicle referred to in this section when ~~they determine~~ HE DETERMINES that the brake thereon does not comply with the provisions of this section.

C. No person shall operate on any highway any vehicle referred to in this section in the event the ~~commission~~ DIRECTOR has disapproved the brake equipment upon the vehicle or type of vehicle.

Sec. 43. Section 28-958, Arizona Revised Statutes, is amended to read:

LAWS OF ARIZONA

28-958. **Restrictions as to tire equipment**

A. Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery.

B. No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it shall be permissible to use farm machinery with tires having protuberances which will not injure the highway, and except also that it shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice or other conditions tending to cause a vehicle to skid.

C. It is permissible from October 1 to May 1 to use pneumatic tires containing metal-type studs of tungsten carbide or other suitable material and which are so inserted or constructed that under no conditions will the number of studs or the percentage of metal in contact with the roadway exceed three percent of the total tire area in contact with the roadway.

D. The ~~commission~~ DIRECTOR and local authorities in their respective jurisdictions may in their discretion issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of the movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this chapter.

Sec. 44. Section 28-959, Arizona Revised Statutes, is amended to read:

28-959. **Safety glass in motor vehicles; penalties**

A. No person shall sell any new motor vehicle as specified in this section, nor shall any new motor vehicle as specified in this section be registered unless the vehicle is equipped with safety glass of a type approved by the ~~commission~~ DIRECTOR wherever glass is used in doors, windows and windshields. The foregoing provisions shall apply to all passenger-type motor vehicles, including passenger buses and school buses, but in respect to trucks, including truck tractors, the requirements as to safety glass shall apply to all glass used in doors, windows and windshields in the drivers' compartments of the vehicles.

B. The term "safety glass" means any product composed of glass, so manufactured, fabricated or treated as substantially to prevent shattering and flying of the glass when struck or broken, or such other or similar product as may be approved by the ~~commission~~ DIRECTOR.

LAWS OF ARIZONA

C. The ~~commission~~ DIRECTOR shall compile and publish a list of types of glass by name approved by ~~them~~ HIM as meeting the requirements of this section and the ~~commission~~ DIRECTOR shall not register any new motor vehicle unless it is equipped with an approved type of safety glass, and ~~they~~ HE shall suspend the registration of any motor vehicle so subject to this section which ~~they find~~ HE FINDS is not so equipped until it is made to conform to the requirements of this section.

D. It is a misdemeanor for any person to replace any glass or glazing materials used in partitions, doors, windows, windshields or wind deflectors in any motor vehicle with any material other than safety glass of a type approved by the ~~commission~~ DIRECTOR.

E. It is a misdemeanor for any person to place upon any glass or glazing material used in partitions, doors, windows, windshields or wind deflectors in any motor vehicle any materials or substances other than those approved by the ~~commission~~ DIRECTOR.

Sec. 45. Section 28-962, Arizona Revised Statutes, is amended to read:

28-962. Vehicles transporting explosives

A. Any person operating any vehicle transporting any explosive as a cargo or part of a cargo upon a highway shall at all times comply with the following provisions:

1. The vehicle shall be marked or placarded on each side and on the rear with the word "Explosives" in letters not less than eight inches high, or there shall be displayed on the rear of the vehicle a red flag not less than twenty-four inches square marked with the word "Danger" in white letters six inches high.

2. Every such vehicle shall be equipped with not less than two fire extinguishers, filled and ready for immediate use, and placed at a convenient point on the vehicle so used.

B. The ~~commission~~ DIRECTOR is authorized and directed to promulgate such additional regulations governing the transportation of explosives and other dangerous articles by vehicles upon the highways as ~~it~~ HE deems advisable for the protection of the public.

Sec. 46. Section 28-964, Arizona Revised Statutes, is amended to read:

28-964. Motorcycles and motor-driven cycles; required equipment; exception

LAWS OF ARIZONA

- A. The operator and passenger of a motorcycle or motor-driven cycle shall at all times, while operating or riding on such motorcycle or motor-driven cycle, wear a protective helmet on his head in an appropriate manner safely secured. The operator and passenger of a motorcycle or motor-driven cycle shall also wear protective glasses, goggles, or a transparent face shield of a type approved by the ~~commission~~ DIRECTOR unless the motorcycle or the motor-driven cycle is equipped with a protective windshield. The provisions of this subsection shall not apply to electrically powered three wheeled vehicles or three wheeled vehicles on which the operator and passenger ride within an enclosed cab.
- B. A motorcycle and motor-driven cycle shall be equipped with a rearview mirror, seat and footrests for the operator. Any motorcycle or motor-driven cycle operated with a passenger shall be equipped with seats, footrests, and handrails for such passenger.
- C. Handlebars rising more than fifteen inches above the level of the driver's seat or saddle on a motorcycle or motor-driven cycle are prohibited.

Sec. 47. Section 28-982, Arizona Revised Statutes, is amended to read:

28-982. Inspection by officers of the department or by police officers

- A. The superintendent of the highway patrol, members of the highway patrol, such other officers and employees of the department as the ~~patrol superintendent~~ DIRECTOR may designate, and any police or peace officer, may at any time upon reasonable cause to believe that a vehicle is unsafe or not equipped as required by law, or that its equipment is not in proper adjustment or repair, require the driver of the vehicle to stop and submit the vehicle to an inspection and such test with reference thereto as may be appropriate.
- B. In the event the vehicle is found to be in unsafe condition or any required part or equipment is not present or is not in proper repair and adjustment, the officer shall give a written notice to the driver. The original of the notice shall be retained by his department. The notice shall require that the vehicle be placed in safe condition and its equipment in proper repair and adjustment specifying the particulars with reference thereto and that a certificate of correction or adjustment of illegal or faulty equipment must be obtained within five days.
- C. The ~~commission~~ DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY shall prescribe the form of the notice which shall be utilized by those authorized to conduct such inspections.

LAWS OF ARIZONA

Sec. 48. Section 28-984, Arizona Revised Statutes, is amended to read:

28-984. Annual inspection required of school buses

A. Each school bus registered in this state shall be inspected annually and an official certificate of inspection and approval shall be obtained annually for each such vehicle in accordance with the provisions of this section. Such inspections shall be made and such certificates obtained with respect to the requirements for school buses as prescribed by law, and by regulations adopted by the ~~commission~~ DIRECTOR and the state board of education as provided in section 28-900. Inspection of school buses shall be made during the months of June, July and August, except that a school bus, at the time it is initially registered in this state, shall be inspected at the time of its initial registration. The superintendent of the school district shall have all school buses that are registered by the district inspected within the prescribed periods. If a school bus is privately owned, the owner thereof shall have such bus inspected within the prescribed periods.

B. The ~~commission~~ DIRECTOR shall, within sixty days after the effective date of this section, adopt and enforce rules and regulations not inconsistent with this section to provide for a minimum of one inspection annually.

Sec. 49. Section 28-1004, Arizona Revised Statutes, is amended to read:

28-1004. Height and length of vehicles and loads; exceptions

A. No vehicle, including any load thereon, shall exceed a height of thirteen feet six inches.

B. No vehicle, including any load thereon, shall exceed a length of forty feet extreme over-all dimension, inclusive of front and rear bumpers. This provision shall not apply to a semitrailer as defined in section ~~28-142~~ 28-101 when used in combination with a truck tractor but such combination shall not exceed the length of combinations of vehicles as set forth in subsection C of this section.

C. No combination of vehicles coupled together shall consist of more than two units except that a truck tractor and semitrailer will be permitted to haul one full trailer and no such combination of vehicles shall exceed a total length of sixty-five feet. This provision shall not apply to damaged, disabled or abandoned vehicles or combinations of vehicles while being towed by a tow truck in compliance with the provisions of section 28-1007.

LAWS OF ARIZONA

Sec. 50. Section 28-1005, Arizona Revised Statutes, is amended to read:

28-1005. Special load limits

A. Subject to the provisions of sections 28-1001 through 28-1004, limiting the length of vehicles and loads, the load upon any vehicle operated alone or the load upon the front vehicle of a combination of vehicles shall not extend more than three feet beyond the foremost part of the vehicle, and the load upon any vehicle operated alone or the load upon the rear vehicle of a combination of vehicles shall not extend more than six feet beyond the rear of the bed or body of the vehicle.

B. The limitations as to length of vehicles and loads set forth in section 28-1004 and subsection A of section 28-1005 shall not apply to any load upon a pole trailer as defined in section ~~28-134~~ 28-101 when transporting poles or pipes or structural material which cannot be dismembered, provided that no pole or pipe or other material exceeding eighty feet in length shall be so transported unless a permit has first been obtained as authorized in section 28-1011.

Sec. 51. Section 28-1008, Arizona Revised Statutes, is amended to read:

28-1008. Single-axle load limit; exception

A. The gross weight imposed on the highway by the wheels of any one axle of a vehicle shall not exceed eighteen thousand pounds, provided that the ~~commission~~ DIRECTOR may in accordance with the provisions of section 28-1011 issue a special permit for the purpose of moving from job to job within the state and from job to place of servicing and return within the state, road machinery which exceeds the maximum weight specified in this section.

B. For the purposes of this article an axle load means the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle.

C. This section shall not be construed to limit in any manner the power of the ~~commission~~ DIRECTOR and local authorities to issue special permits pursuant to the provisions of section 28-1011.

Sec. 52. Section 28-1011, Arizona Revised Statutes, is amended to read:

28-1011. Permits for excess size and weight; fees

LAWS OF ARIZONA

A. Subject to subsection J of this section, the ~~commission~~ DIRECTOR with respect to highways under ~~its~~ THE jurisdiction OF THE DEPARTMENT 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. The permit shall be valid only for a single trip load.

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.

C. Subject to subsection J of this section, the ~~commission~~ DIRECTOR or local authority is authorized to issue or withhold the permit at ~~its~~ HIS discretion. If the permit is issued, the ~~commission~~ DIRECTOR or local authority may establish seasonal or other time limitations within which the vehicles described 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. When a special permit is required by the ~~commission~~ DIRECTOR and by one or more authorities to move a vehicle or combination of vehicles, the applicant for such a permit or permits shall be required to pay a permit fee only to the ~~commission~~ DIRECTOR and shall not be required to pay a permit fee to any local authority.

E. When a special permit is required by more than one local authority to move a vehicle or combination of vehicles, and where such permit is not required by the ~~commission~~ DIRECTOR, the applicant shall be required to pay a permit fee only to the local authority which has jurisdiction of the streets and highways where the movements of the vehicle or combination of vehicles shall originate.

F. 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.

G. A five dollar fee shall be assessed for each permit issued in accordance with the provisions of this section.

LAWS OF ARIZONA

H. No fees shall be assessed for any permit issued in accordance with the provisions of this section for the movement of vehicles or combinations of vehicles owned by the United States government, the state, any county, city or town.

I. The rules and regulations for movement of equipment without a permit for the purpose of repair or for local operation shall be as prescribed by the ~~commission~~ DIRECTOR.

J. No permit may be issued under this section for the moving of a mobile home unless the applicant supplies evidence of payment of all ad valorem taxes applicable or a clearance from the assessor of the county in which the mobile home is located. The clearance shall be valid for a period not to exceed thirty days and shall be issued by the assessor when he determines that all fees and ad valorem taxes applicable to the mobile home pursuant to title 42, chapter 3, article 3 have been paid as of the date of application. The provisions of this subsection shall not limit the discretion of the department or local authority to deny an application for a permit for the moving of a mobile home for reasons other than nonpayment of ad valorem taxes.

K. A permit may be issued, subject to the provisions of this section, for moving a mobile home on its own chassis, axles and wheels provided that such mobile home does not exceed fourteen feet in width, thirteen feet six inches in height and seventy feet in length and in combination with a truck tractor or other towing vehicle does not exceed eighty-five feet in length.

L. The rules and regulations for the movement of mobile homes pursuant to a permit issued by the department or local authority shall be prescribed by the ~~department~~ DIRECTOR.

Sec. 53. Section 28-1012, Arizona Revised Statutes, is amended to read:

28-1012. When the director or local authorities may restrict right to use highways

A. Local authorities with respect to highways under their jurisdiction may by ordinance or resolution prohibit the operation of vehicles upon the highway or impose restrictions as to the weight of vehicles to be operated upon such highway, for a total period of not to exceed ninety days in any one calendar year, when such highway by reason of deterioration, rain, snow or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced.

LAWS OF ARIZONA

B. The local authority enacting any such ordinance or resolution shall erect or cause to be erected and maintained signs designating the provisions of the ordinance or resolution at each end of that portion of any highway affected thereby, and the ordinance or resolution shall not be effective unless and until the signs are erected and maintained.

C. Local authorities with respect to highways under their jurisdiction may also, by ordinance or resolution, prohibit the operation of trucks or other commercial vehicles, or may impose limitations as to the weight thereof, on designated highways, which prohibitions and limitations shall be designated by appropriate signs placed on the highways.

D. The ~~commission~~ DIRECTOR shall likewise have authority as granted by this section to local authorities to determine by resolution and to impose restrictions as to the weight of vehicles operated upon any highway under the jurisdiction of the ~~commission~~ DIRECTOR and such restrictions shall be effective when signs giving notice thereof are erected upon the highway or portion of any highway affected by the resolution.

Sec. 54. Section 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~~ PURSUANT TO THE RULES OF PROCEDURE IN TRAFFIC CASES ADOPTED BY THE SUPREME COURT OF ARIZONA 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.

Sec. 55. Repeal

Section 28-1121, Arizona Revised Statutes, is repealed.

Sec. 56. Section 28-1122, Arizona Revised Statutes, is amended to read:

28-1122. Director to administer chapter; appeal to court

LAWS OF ARIZONA

A. The ~~superintendent~~ DIRECTOR shall administer and enforce the provisions of this chapter and may make rules and regulations necessary for its administration and shall provide for hearings upon request of persons aggrieved by orders or acts of the ~~superintendent~~ DIRECTOR under the provisions of article 3 of this chapter.

B. Persons aggrieved by an order or act of the ~~superintendent~~ DIRECTOR under the provisions of article 3 of this chapter, may, within ten days after notice thereof, file a petition in the superior court of the county in which the person resides for a trial de novo to determine whether the order or act is lawful and reasonable. The filing of a petition shall not suspend the order or act of the ~~superintendent~~ DIRECTOR unless a stay thereof shall be allowed by a judge of the court pending final determination of the matter. The court shall summarily hear the petition and may make any appropriate order or decree.

C. The ~~commission~~ DIRECTOR shall cause to be printed for distribution to the public the rules and regulations made by the ~~superintendent~~ HIM, as provided by subsection A of this section, for the administration of this chapter, and shall furnish the same to any person upon application therefor AND THE PAYMENT OF THE COST THEREOF AS PRESCRIBED BY THE DIRECTOR.

Sec. 57. Section 28-1404, Arizona Revised Statutes, is amended to read:

28-1404. **Notice of sale**

A. The ~~superintendent~~ DIRECTOR shall, upon receipt of a report as required by this article, ~~make~~ CAUSE a search of the records of the ~~highway~~ department TO BE MADE, or if a vehicle appears to be registered in another state, make inquiry of the vehicle registration agency of such state, to ascertain the name and address of the owner or lien holder, if any, of the vehicle.

B. Upon receipt of information disclosing the name and address of the owner or lien holder, if any, the ~~superintendent~~ DIRECTOR shall, not less than fifteen days prior to the date of taking such action, give to the owner or lien holder, if any, notice of his intention to sell the vehicle. Notice shall be given by registered or certified mail and request made for a return receipt.

C. If the records of the ~~highway~~ department fail to disclose the name and address of the owner or lien holder, if any, and there appears to be no registered holder in another state, or if the notice is returned marked unclaimed or addressee unknown, then notice of the ~~superintendent's~~

LAWS OF ARIZONA

DIRECTOR'S intention to sell shall be published once in a newspaper of general circulation in the county in which the vehicle was found or seized. The notice shall include a complete description of the vehicle and the place and date the vehicle was found, seized or taken into possession.

D. Any person who has filed a report of an abandoned vehicle in accordance with sections 28-1402 and 28-1403 shall within twenty-four hours notify the ~~superintendent~~ DIRECTOR if the vehicle is claimed by the lawful owner. Such notification shall be in the manner prescribed by the ~~superintendent~~ DIRECTOR.

Sec. 58. Section 28-1407, Arizona Revised Statutes, is amended to read:

28-1407. Disposition of proceeds of sale

Any surplus arising from the sale, after deducting the costs of the sale of the vehicle, consisting of towing, storage, advertising and selling the vehicle, shall be retained for the owner for a period of thirty days and if not claimed upon expiration thereof shall be deposited with:

1. The state treasurer to the credit of the state highway fund, if custody of the motor vehicle was in ~~the superintendent of the motor vehicle division, the superintendent of the highway patrol or the secretary of the highway commission~~ THE DEPARTMENT THROUGH ANY OF ITS OFFICERS OR EMPLOYEES, OR THE DEPARTMENT OF PUBLIC SAFETY THROUGH ANY OF ITS OFFICERS AND EMPLOYEES.
2. The county treasurer to the credit of the county general fund, if the vehicle was in custody of the sheriff.
3. In the general fund of the municipality, if the vehicle was in custody of the chief of police.

Sec. 59. Section 28-1502.01, Arizona Revised Statutes, is amended to read:

28-1502.01. Taxes paid on fuel used in watercraft, survey, costs

A. The percentage of the total license taxes paid on motor vehicle fuel that is used in propelling watercraft shall be determined by a statistical survey conducted by a public or private agency selected by the director of the ~~highway~~ department OF TRANSPORTATION and the director of the game and fish department prior to July 1, 1971, and prior to July 1 of every three years thereafter. Each survey shall be completed within three

LAWS OF ARIZONA

months of the day begun. The ~~superintendent~~ DIRECTOR shall use this percentage figure in determining the amount of license taxes collected on the sale of fuel used in watercraft and except as provided in subsection B, of this section, shall transfer this amount on a monthly basis to the state lake improvement fund.

B. Of the percentage of motor vehicle tax paid on fuel used to propel watercraft, one per cent shall be retained by the ~~state highway~~ department OF TRANSPORTATION to defray administrative expense. In addition, expenses of the survey provided for in subsection A, of this section, shall also be defrayed from the tax prior to transfer to the state lake improvement fund.

Sec. 60. Section 28-1521, Arizona Revised Statutes, is amended to read:

28-1521. Procedure to collect refund; violations; penalty; disposition of unclaimed refunds on aircraft fuel

A. When motor vehicle fuel is sold to a person who claims he will be entitled to a refund of the tax because the motor vehicle fuel is not purchased for use in a motor vehicle, or watercraft, the seller shall prepare in triplicate, on a form prescribed by the ~~superintendent~~ DIRECTOR, an invoice setting forth the name and address of the purchaser, the number of gallons of motor vehicle fuel so sold and other information the ~~superintendent~~ DIRECTOR requires. When the claim that the tax is refundable is based upon the fact that the fuel was used in aircraft, that fact shall be stated on the invoice. The seller shall give the original of the invoice to the purchaser at the time of sale, and shall mail the duplicate to the ~~superintendent~~ DIRECTOR not later than Tuesday of the week next succeeding the sale.

B. Any person entitled to a refund of the motor vehicle fuel tax shall be reimbursed under the following conditions:

1. Application for refund based upon the fact that the fuel was used in an aircraft shall be filed with the ~~superintendent~~ DIRECTOR within six months, and all other applications for refund shall be filed with the ~~superintendent~~ DIRECTOR within twelve months from the date of purchase or invoice of the motor vehicle fuel with respect to which refund is claimed, and not thereafter.

2. The application shall be made on a form furnished by the ~~commission~~ DEPARTMENT, on which only the following information shall be requested:

LAWS OF ARIZONA

- (a) Name and address of claimant.
- (b) Period covered by claim showing dates.
- (c) Location of equipment.
- (d) Gallons on which refund is claimed.
- (e) Amount of refund claimed.

The claim shall not be under oath but shall contain or be accompanied by a written declaration that it is made under penalties of perjury and complies in all respects with the provisions of section 28-1520, relating to refunds. The original invoice or an acceptable duplicate showing the purchase shall accompany the application.

3. When a claim for refund on account of motor vehicle fuel exported is filed, the claimant shall make satisfactory proof of export to the ~~superintendent~~ DIRECTOR and shall file the claim within three months from the date of export. The claim shall be in such form and contain such information as the ~~superintendent~~ DIRECTOR requires. The original invoice or an acceptable duplicate shall accompany the claim.

4. It is unlawful for a person to knowingly operate a motor vehicle on the highways or a watercraft on the waterways using motor vehicle fuel which has been sold to a person making the claim and receiving the invoice provided in subsection A of this section on the motor vehicle fuel used.

C. A person who violates any provision of this section, in addition to other penalties prescribed by law, shall not be allowed any refund on motor vehicle fuel purchased during the six months succeeding the date the ~~superintendent~~ DIRECTOR advises such person by mail of the ~~superintendent's~~ DIRECTOR'S discovery of the offense.

D. Any person whose right to refunds is suspended may institute an action in the superior court of Maricopa county to set aside the suspension.

E. When the conditions set forth in this section have been complied with, the ~~superintendent~~ DIRECTOR shall determine the amount of refund due and shall certify and refund that amount.

F. In case of sales of motor vehicle fuel upon invoices stating that such fuel was used in aircraft, if the application for refund of the taxes upon

LAWS OF ARIZONA

such sales is not filed within the time provided in this section, then the ~~superintendent~~ DIRECTOR shall determine from copies of the invoices received by him under the provisions of this section the amount of the unclaimed and unrefunded taxes, and shall transmit them to the state treasurer who shall credit them to the state aviation fund provided for by section ~~2-131~~ 28-1706.

Sec. 61. Section 28-1525, Arizona Revised Statutes, is amended to read:

28-1525. Enforcement of article

The highway patrol ~~division of the highway department~~ and its officers shall have full authority in the enforcement of the provisions of this article.

Sec. 62. Section 28-1527, Arizona Revised Statutes, is amended to read:

28-1527. Reward for detecting violations

The ~~highway commission~~ DEPARTMENT is authorized to set up in its budget for the fiscal year, an item from which there may be paid to any person, other than a state officer or employee, who directs the attention of the ~~superintendent~~ DIRECTOR to a distributor who has failed to file the reports required and has failed to pay the tax imposed by this article, an amount which, in the discretion of the ~~commission~~ DEPARTMENT, is deemed proper, but not to exceed ten per cent of the amount of the tax, penalty and interest ultimately collected from the distributor as a result thereof.

Sec. 63. Section 28-1570, Arizona Revised Statutes, is amended to read:

28-1570. Restrictions upon use of information; violation; penalty

A. It is unlawful for the ~~superintendent~~ DIRECTOR, or any person having an administrative duty under this article to divulge or make known in any manner the business affairs, operation, or other information obtained by an investigation or examination made in the discharge of official duty pursuant to this article, or the amount or source of income, profits, losses, expenditures or any particular thereof set forth or disclosed in a report, or to permit a report or copy thereof or a book containing an abstract or particulars thereof to be seen or examined by any person other than the licensee except as provided by law. The ~~commission~~ DEPARTMENT may authorize examination of reports by other state officers, or by tax officers of another state or of the United States, if a reciprocal arrangement exists, or by any other person.

LAWS OF ARIZONA

B. A person who violates any provision of this section is guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars, by imprisonment in the county jail for not more than one year, or both.

Sec. 64. Repeal

Section 28-1597, Arizona Revised Statutes, is repealed.

Sec. 65. Section 28-1602, Arizona Revised Statutes, is amended to read:

28-1602. Definitions

In this article, unless the context otherwise requires:

1. "Executive head" means the governor of the state of Arizona.
2. "Licensing authority" means the motor vehicle division of the ~~state highway~~ department OF TRANSPORTATION.

Sec. 66. Section 28-1611, Arizona Revised Statutes, is amended to read:

28-1611. Legislative findings

The legislature finds that:

1. The public safety necessitates the continuous development, modernization and implementation of standards and requirements of law relating to vehicle equipment, in accordance with expert knowledge and opinion.
2. The public safety further requires that such standards and requirements be uniform from jurisdiction to jurisdiction, except to the extent that specific and compelling evidence supports variation.
3. ~~The state highway commission~~ DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION acting upon recommendations of the vehicle equipment safety commission and pursuant to the vehicle equipment safety compact provides a just, equitable and orderly means of promoting the public safety in the manner and within the scope contemplated by this article.

Sec. 67. Section 28-1614, Arizona Revised Statutes, is amended to read:

28-1614. Assistant director for motor vehicle division as member of commission

LAWS OF ARIZONA

The commissioner of this state on the vehicle equipment safety commission shall be the ~~superintendent~~ ASSISTANT DIRECTOR ~~of~~ FOR the motor vehicle division of the ~~state-highway~~ department OF TRANSPORTATION who shall serve during his continuance as such ~~superintendent~~ ASSISTANT DIRECTOR.

Sec. 68. Section 28-1617, Arizona Revised Statutes, is amended to read:

28-1617. **Submission of budget by commission; inspection of records**

A. Pursuant to subdivision (a), article VI of the compact, the vehicle equipment safety commission shall submit its budgets to the ~~state-highway commission~~ DEPARTMENT OF TRANSPORTATION.

B. Pursuant to subdivision (e), article VI of the compact, the auditor general may inspect the accounts of the vehicle equipment safety commission.

Sec. 69. Title 28, Arizona Revised Statutes, is amended by adding chapter 12 through 16, to read:

CHAPTER 12
AVIATION IN GENERAL
ARTICLE 1. GENERAL PROVISIONS

28-1701. **Definitions**

A. IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "AERONAUT" INCLUDES AVIATOR, PILOT, BALLOONIST AND OTHER PERSONS PARTICIPATING IN THE OPERATION OF AIRCRAFT WHILE IN FLIGHT.

2. "AIRCRAFT" INCLUDES BALLOON, AIRPLANE, AMPHIBIAN AND ALL CRAFT USED FOR NAVIGATION THROUGH THE AIR.

3. "PASSENGER" INCLUDES ANY PERSON RIDING IN AIRCRAFT BUT HAVING NO PART IN ITS OPERATION.

B. AN AMPHIBIAN WHILE AT REST ON WATER AND WHILE BEING OPERATED ON OR IMMEDIATELY ABOVE WATER SHALL BE GOVERNED BY THE RULES REGARDING WATER NAVIGATION, AND WHILE OPERATED THROUGH THE AIR OTHERWISE THAN IMMEDIATELY ABOVE WATER SHALL BE CONSIDERED AIRCRAFT.

LAWS OF ARIZONA

28-1702. Sovereignty

SOVEREIGNTY IN SPACE ABOVE LANDS AND WATERS OF THIS STATE RESTS IN THE STATE, EXCEPT WHERE GRANTED TO AND ASSUMED BY THE UNITED STATES PURSUANT TO A LAWFUL GRANT FROM THIS STATE.

28-1703. Ownership

OWNERSHIP OF SPACE ABOVE LANDS AND WATERS OF THIS STATE IS VESTED IN THE SEVERAL OWNERS OF THE SURFACE BENEATH, SUBJECT TO THE RIGHT OF FLIGHT DESCRIBED IN SECTION 28-1743.

28-1704. Crimes, torts and other wrongs; governing law

CRIMES, TORTS AND OTHER WRONGS COMMITTED BY OR AGAINST AN AERONAUT OR PASSENGER WHILE IN FLIGHT OVER THIS STATE SHALL BE GOVERNED BY THE LAW OF THIS STATE. THE QUESTION WHETHER DAMAGE OCCASIONED BY OR TO AN AIRCRAFT WHILE IN FLIGHT OVER THIS STATE CONSTITUTES A TORT, CRIME OR OTHER WRONG BY OR AGAINST THE OWNER OF THE AIRCRAFT SHALL BE DETERMINED BY THE LAW OF THIS STATE.

28-1705. Legal relationships entered into while in flight

CONTRACTUAL AND OTHER LEGAL RELATIONS ENTERED INTO BY AERONAUTS OR PASSENGERS WHILE IN FLIGHT OVER THIS STATE HAVE THE SAME EFFECT AS IF ENTERED INTO ON THE LAND OR WATER BENEATH.

28-1706. Aviation fund; monies included; administration

A. THERE IS A STATE AVIATION FUND. THE STATE TREASURER IS DIRECTED TO PLACE TO THE CREDIT OF THE FUND ALL UNCLAIMED AND UNREFUNDED AVIATION GASOLINE TAXES TRANSMITTED TO THE STATE TREASURER BY THE DEPARTMENT, TOGETHER WITH ALL MONIES TRANSMITTED BY THE ASSISTANT DIRECTOR FOR THE MOTOR VEHICLE DIVISION TO THE STATE TREASURER FOR DEPOSIT IN THE FUND, AS PROVIDED IN SECTION 28-1520, SUBSECTION C.

B. THE DEPARTMENT SHALL PROMPTLY REMIT TO THE STATE TREASURER ALL MONIES RECEIVED FROM THE OPERATION OF

LAWS OF ARIZONA

AIRPORTS UNDER THE PROVISIONS OF THIS CHAPTER, AND THE STATE TREASURER SHALL CREDIT SUCH MONIES TO THE STATE AVIATION FUND.

C. THE DEPARTMENT SHALL ADMINISTER MONIES APPROPRIATED BY THE LEGISLATURE OUT OF THE STATE AVIATION FUND.

ARTICLE 2. AERONAUTICS DIVISION

28-1721. **Division of aeronautics; assistant director; compensation**

THE AERONAUTICS DIVISION OF THE DEPARTMENT OF TRANSPORTATION SHALL BE ADMINISTERED BY AN ASSISTANT DIRECTOR FOR AERONAUTICS WHO HAS AN AERONAUTICAL BACKGROUND. THE COMPENSATION OF THE ASSISTANT DIRECTOR SHALL BE DETERMINED PURSUANT TO THE PROVISIONS OF SECTION 38-611.

28-1722. **Powers and duties**

A. THE DEPARTMENT SHALL COOPERATE WITH ALL ORGANIZATIONS, STATE, LOCAL AND FEDERAL, FOR THE PURPOSE OF ENCOURAGING AND ADVANCING THE SAFE AND ORDERLY DEVELOPMENT OF AVIATION IN THIS STATE.

B. THE DEPARTMENT MAY ASSEMBLE AND DISTRIBUTE TO THE PUBLIC, INFORMATION RELATING TO AVIATION, LANDING FIELDS, NAVIGATIONAL AIDS 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. NOTWITHSTANDING THE PROVISIONS OF SECTION 38-623, THE DIRECTOR MAY AUTHORIZE PERSONNEL OF THE AERONAUTICS DIVISION TO USE RENTAL AIRCRAFT IN THE PERFORMANCE OF THEIR DUTIES AT THE PREVAILING HOURLY RATE. THE RENTAL FEE SHALL BE A CHARGE AGAINST MONIES APPROPRIATED FOR TRAVEL IN-STATE AND TRAVEL OUT-OF-STATE.

D. THE DEPARTMENT MAY:

1. REPRESENT THE STATE ON ISSUES OF ROUTING STRUCTURES AND RATE SCHEDULES CONCERNING COMMERCIAL AIRLINE TRAFFIC.

LAWS OF ARIZONA

2. ACCEPT AND RECEIPT FEDERAL AND OTHER MONIES EITHER PUBLIC OR PRIVATE, FOR THE ACQUISITION, CONSTRUCTION, ENLARGEMENT, IMPROVEMENT, MAINTENANCE, EQUIPMENT OR OPERATION OF AIRPORTS AND OTHER AIR NAVIGATION FACILITIES AND SITES THEREFOR OR FOR ANY OTHER PURPOSE AUTHORIZED PURSUANT TO THE PROVISIONS OF THIS SECTION, ANY SUCH MONIES SHALL BE TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT IN THE AVIATION FUND.

3. FACILITATE THE DEVELOPMENT OF A REGIONAL AIRPORT.

E. THE DIRECTOR SHALL ADOPT SUCH RULES AND REGULATIONS AS ARE NECESSARY TO ADMINISTER THE PROVISIONS OF THIS CHAPTER AND TO PROMOTE PUBLIC SAFETY AND THE BEST INTERESTS OF AVIATION IN THIS STATE. SUCH RULES AND REGULATIONS SHALL NOT SUPERSEDE OR BE IN CONFLICT WITH APPLICABLE RULES AND REGULATIONS OF THE UNITED STATES GOVERNMENT AGENCIES HAVING JURISDICTION OVER AVIATION ACTIVITIES IN THE STATE.

28-1723. **Aeronautics priority planning committee**

A. AN ARIZONA AERONAUTICS PRIORITY PLANNING COMMITTEE IS ESTABLISHED TO RECOMMEND STATEWIDE AERONAUTICS CONSTRUCTION PROJECT PRIORITIES TO THE TRANSPORTATION BOARD. THE COMMITTEE SHALL CONSIST OF THE ASSISTANT DIRECTOR FOR AERONAUTICS WHO SHALL SERVE AS CHAIRMAN, THE ASSISTANT DIRECTORS FOR ADMINISTRATIVE SERVICES AND TRANSPORTATION PLANNING AND TWO OTHER OPERATING EXECUTIVES OF THE DEPARTMENT WHO SHALL BE APPOINTED BY THE DIRECTOR. IN ADDITION, THE COMMITTEE SHALL INCLUDE THE DIRECTOR OF THE DEPARTMENT OF ECONOMIC PLANNING AND DEVELOPMENT AND THE STAFF DIRECTOR OF THE JOINT LEGISLATIVE BUDGET COMMITTEE WHO SHALL BE NONVOTING MEMBERS. MEETINGS OF THE COMMITTEE FOR THE ALLOCATION OF PRIORITIES BETWEEN AERONAUTICS CONSTRUCTION PROJECTS SHALL BE OPEN TO THE PUBLIC.

B. THE COMMITTEE SHALL:

1. ESTABLISH A RATING FORMULA FOR SETTING PRIORITIES ON AERONAUTICS CONSTRUCTION PROJECTS WHICH SHALL TAKE INTO ACCOUNT BUT NOT BE LIMITED TO THE FOLLOWING CRITERIA:

LAWS OF ARIZONA

- (a) SUFFICIENCY RATING.
- (b) USER BENEFITS.
- (c) ECONOMIC FACTORS.
- (d) CONTINUITY OF IMPROVEMENT.
- (e) SOCIAL FACTORS.
- (f) LAND USE.
- (g) AESTHETIC AND ENVIRONMENTAL FACTORS.
- (h) CONSERVATION FACTORS.
- (i) SAFETY FACTORS.
- (j) LIFE EXPECTANCY.
- (k) RECREATIONAL FACTORS.
- (l) AVAILABILITY OF STATE AND FEDERAL FUNDS.

THE RATING FORMULA, ALONG WITH ANY OTHER RELEVANT CRITERIA DEVELOPED BY THE COMMITTEE, SHALL BE USED BY THE COMMITTEE IN ESTABLISHING AERONAUTICS CONSTRUCTION PROJECT PRIORITY RECOMMENDATIONS AND FOR THE DEVELOPMENT OF THE COMMITTEE'S PRIORITY RECOMMENDATIONS FOR THE CONSTRUCTION AND DEVELOPMENT OF AIRPORT FACILITIES.

2. UPDATE AND PREPARE ANNUALLY A LONG-RANGE STATE-WIDE AERONAUTICS CONSTRUCTION PROGRAM COVERING THE ENSUING FIVE FISCAL YEARS FOR SUBMISSION TO THE TRANSPORTATION BOARD. THE FIRST YEAR OF THE FIVE-YEAR PROGRAM SHALL CONSIST OF THE HIGHEST PRIORITY AERONAUTICS CONSTRUCTION PROJECTS THAT CAN WITH REASONABLE CERTAINTY BE ADVERTISED FOR PUBLIC BIDDING. PROPOSED PROJECTS FOR THE FOUR REMAINING YEARS OF THE FIVE-YEAR PROGRAM SHALL BE GROUPED BY THE YEAR IT IS ESTIMATED CONSTRUCTION CAN BEGIN AND IN ORDER OF THEIR PRIORITIES. THE ESTIMATED COST OF THE PROGRAM FOR EACH YEAR SHALL BE APPROXIMATELY EQUAL TO THE

LAWS OF ARIZONA

REVENUES ESTIMATED TO BE AVAILABLE FOR AERONAUTICS CONSTRUCTION PURPOSES DURING THAT YEAR.

3. REVIEW ANY PRIORITY CHANGES IN OR INTRODUCTION OF NEW PROJECTS TO A PROPOSED OR AN ADOPTED FIVE-YEAR PROGRAM WHICH HAVE BEEN REQUESTED BY THE TRANSPORTATION BOARD AND MAKE RECOMMENDATIONS ON SUCH REQUESTED PRIORITY CHANGES OR INTRODUCTION OF NEW PROJECTS BASED UPON A STUDY OF THE CRITERIA AND RATING FORMULA WHICH ESTABLISH THE PRIORITIES OF PROJECTS. THE COMMITTEE SHALL FULLY DOCUMENT ITS RECOMMENDATIONS IN A WRITTEN REPORT TO THE TRANSPORTATION BOARD.

4. REVIEW THE ADOPTED FIVE-YEAR AERONAUTICS CONSTRUCTION PROGRAM FROM TIME TO TIME DURING THE FISCAL YEAR AND MAKE RECOMMENDATIONS TO THE TRANSPORTATION BOARD FOR ANY PRIORITY CHANGES IN OR INTRODUCTION OF NEW PROJECTS TO THE PROGRAM BASED UPON A STUDY OF THE CRITERIA AND RATING FORMULA WHICH ESTABLISH THE PRIORITIES OF PROJECTS. THE COMMITTEE SHALL FULLY DOCUMENT ITS RECOMMENDATIONS IN A WRITTEN REPORT TO THE TRANSPORTATION BOARD.

ARTICLE 3. AIRCRAFT OPERATION

28-1741. **Federal regulation, licensing and registration of aircraft**

A. AIRCRAFT OPERATING WITHIN THIS STATE SHALL CONFORM WITH RESPECT TO DESIGN, CONSTRUCTION AND AIRWORTHINESS TO STANDARDS PRESCRIBED BY THE UNITED STATES OR THE APPROPRIATE AGENCY THEREOF, WITH RESPECT TO NAVIGATION OF AIRCRAFT SUBJECT TO ITS JURISDICTION.

B. IT IS UNLAWFUL FOR A PERSON TO NAVIGATE AN AIRCRAFT WITHIN THE STATE UNLESS IT IS LICENSED AND REGISTERED BY THE APPROPRIATE AGENCY OF THE UNITED STATES IN THE MANNER PRESCRIBED BY RULES AND REGULATIONS OF THE UNITED STATES OR THE APPROPRIATE AGENCY THEREOF.

28-1742. **Federal licensing of persons operating aircraft; possession and inspection of licenses**

A. A PERSON ENGAGING WITHIN THIS STATE IN ANY OPERATION OF AIRCRAFT FOR WHICH A LICENSE IS REQUIRED BY

LAWS OF ARIZONA

THE UNITED STATES OR AN AGENCY THEREOF SHALL HAVE THE CLASS OF LICENSE SO REQUIRED.

B. IT IS UNLAWFUL FOR A PERSON TO OPERATE AIRCRAFT WITHIN THIS STATE IN ANY MANNER WITHOUT SUCH A LICENSE.

C. THE LICENSE SHALL BE KEPT IN THE PERSONAL POSSESSION OF THE LICENSEE WHEN OPERATING AIRCRAFT WITHIN THIS STATE, AND SHALL BE PRESENTED FOR INSPECTION UPON THE REQUEST OF A PASSENGER, PEACE OFFICER OF THE STATE, OR AN OFFICIAL, MANAGER OR PERSON IN CHARGE OF AN AIRPORT IN THIS STATE UPON WHICH THE LICENSEE SHALL LAND.

28-1743. **Limitations on flight and landings; damages caused by forced landings**

A. FLIGHT OF AIRCRAFT OVER LANDS AND WATERS OF THE STATE IS LAWFUL, UNLESS AT SUCH LOW ALTITUDE AS TO INTERFERE WITH THE EXISTING USE TO WHICH LAND OR WATER OR SPACE OVER THE LAND OR WATER IS PUT BY THE OWNER, OR UNLESS CONDUCTED IN A MANNER IMMINENTLY DANGEROUS TO PERSONS OR PROPERTY LAWFULLY ON THE LAND OR WATER BENEATH.

B. LANDING OF AIRCRAFT ON LANDS OR WATERS OF ANOTHER WITHOUT HIS CONSENT IS UNLAWFUL, EXCEPT IN CASE OF FORCED LANDING. THE OWNER OR LESSEE OF THE AIRCRAFT OR THE AERONAUT SHALL BE LIABLE FOR DAMAGES CAUSED BY FORCED LANDING AS PROVIDED IN SECTION 28-1747.

28-1744. **Trick or acrobatic flying; low level flying; reckless flying; dropping objects; flying while under the influence of intoxicating liquor, narcotics or other drugs; penalty**

A. AN AERONAUT OR PASSENGER WHO, WHILE IN FLIGHT OVER A DENSELY INHABITED AREA OR OVER A PUBLIC GATHERING WITHIN THIS STATE, ENGAGES IN TRICK OR ACROBATIC FLYING, OR IN ANY ACROBATIC FEAT, OR, EXCEPT WHILE IN LANDING OR TAKING OFF, FLIES AT SUCH A LOW LEVEL AS TO ENDANGER PERSONS ON THE SURFACE BENEATH, OR DROPS ANY OBJECT EXCEPT LOOSE WATER, LOOSE SAND BALLAST OR LOOSE SHEETS OF PAPER, IS GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN FIVE HUNDRED

LAWS OF ARIZONA

DOLLARS, IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY BOTH SUCH FINE AND IMPRISONMENT.

B. NO PERSON MAY OPERATE AN AIRCRAFT IN THE AIR, OR ON THE GROUND OR WATER WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR, NARCOTICS OR OTHER DRUG, NOR OPERATE AN AIRCRAFT IN THE AIR, OR ON THE GROUND OR WATER IN A CARELESS OR RECKLESS MANNER SO AS TO ENDANGER THE LIFE OR PROPERTY OF ANOTHER. IN DETERMINING WHETHER THE OPERATION WAS CARELESS OR RECKLESS, THE COURT SHALL CONSIDER THE STANDARDS FOR SAFE OPERATION OF AIRCRAFT PRESCRIBED BY FEDERAL STATUTES OR REGULATIONS GOVERNING AERONAUTICS. ANY PERSON VIOLATING ANY PROVISION OF THIS SUBSECTION IS GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN FIVE HUNDRED DOLLARS, IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BOTH.

28-1745. Killing or attempting to kill birds or animals; peanlty

AN AERONAUT OR PASSENGER WHO, WHILE IN FLIGHT, INTENTIONALLY KILLS OR ATTEMPTS TO KILL BIRDS OR ANIMALS IS GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN ONE HUNDRED DOLLARS, IMPRISONMENT FOR NOT MORE THAN THIRTY DAYS, OR BY BOTH SUCH FINE AND IMPRISONMENT.

28-1746. Violations; penalty; allegations and proof

A. A PERSON VIOLATING ANY PROVISION OF THIS ARTICLE, NO OTHER PUNISHMENT BEING SPECIFICALLY PROVIDED, IS GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN ONE HUNDRED DOLLARS, BY IMPRISONMENT FOR NOT MORE THAN NINETY DAYS, OR BOTH.

B. ACTS OR OMISSIONS MADE UNLAWFUL BY THIS ARTICLE DO NOT INCLUDE AN ACT OR OMISSION WHICH VIOLATES THE LAWS OR REGULATIONS OF THE UNITED STATES.

C. IT IS NOT NECESSARY TO ALLEGE OR PROVE AS PART OF THE CASE FOR THE STATE THAT THE DEFENDANT IS NOT, ON ACCOUNT OF THE ALLEGED VIOLATION, SUBJECT TO PROSECUTION UNDER LAWS OF THE UNITED STATES. THE FACT THAT HE IS AMENABLE TO SUCH PROSECUTION SHALL BE A MATTER OF DEFENSE, UNLESS IT AFFIRMATIVELY APPEARS FROM THE EVIDENCE OF THE STATE.

LAWS OF ARIZONA

28-1747. Responsibility for damage caused by aircraft

EACH PILOT IS RESPONSIBLE FOR DAMAGE TO A PERSON OR PROPERTY CAUSED BY AIRCRAFT DIRECTED BY HIM OR UNDER HIS CONTROL WHICH RESULTS FROM THE NEGLIGENCE OF THE PILOT, EITHER IN CONTROLLING THE AIRCRAFT OR WHILE GIVING INSTRUCTIONS TO ANOTHER, AND IF THE PILOT IS THE AGENT OR EMPLOYEE OF ANOTHER, BOTH HE AND HIS PRINCIPAL OR EMPLOYER SHALL BE RESPONSIBLE FOR THE DAMAGE.

28-1748. Aircraft collisions; law governing liabilities

THE LIABILITY OF THE OWNER OF ONE AIRCRAFT TO THE OWNER OF ANOTHER AIRCRAFT OR TO AERONAUTS OR PASSENGERS ON EITHER AIRCRAFT, FOR DAMAGE CAUSED BY COLLISION ON LAND OR IN THE AIR SHALL BE DETERMINED BY THE LAW APPLICABLE TO TORTS ON LAND.

28-1749. Requirements of commercial flight operators; definitions

A. NO PERSON MAY ACT AS A COMMERCIAL FLIGHT OPERATOR IN THIS STATE UNLESS CERTIFICATED TO DO SO BY THE DIVISION OF AERONAUTICS, EXCEPT SCHEDULED AIR CARRIERS CERTIFIED BY THE CIVIL AERONAUTICS BOARD AND AERIAL APPLICATORS. THE DIVISION OF AERONAUTICS SHALL REQUIRE THAT THE APPLICANT MEET THE FEDERAL REGULATIONS TO COMPLY WITH THE REQUIREMENTS OF AIR TAXI OR COMMERCIAL OPERATOR CERTIFICATE. IN ADDITION THE APPLICANT OR OPERATOR SHALL CARRY MINIMUM INSURANCE OF FIFTY THOUSAND DOLLARS FOR DEATH OF OR BODILY INJURY TO EACH PASSENGER CARRIED, AND FIFTY THOUSAND DOLLARS FOR DEATH OF OR BODILY INJURY TO OTHER PERSONS, AND FIFTY THOUSAND DOLLARS FOR PROPERTY DAMAGE, EACH OF WHICH AMOUNTS SHALL BE APPLICABLE TO AND ARISE OUT OF ONE OCCURRENCE.

B. FAILURE OF AN OPERATOR TO COMPLY WITH ANY OF THE PROVISIONS OF SUBSECTION A SHALL RESULT IN REVOCATION OF CERTIFICATE.

C. FOR PURPOSES OF THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "COMMERCIAL FLIGHT OPERATION" MEANS THE CARRYING

LAWS OF ARIZONA

OF PERSONS OR GOODS FOR HIRE, INCLUDING THE CONDUCTING OF FLIGHT INSTRUCTION FOR COMPENSATION.

2. "COMMERCIAL FLIGHT OPERATOR" MEANS A PERSON WHO CONDUCTS COMMERCIAL FLIGHT OPERATIONS.

ARTICLE 4. REGISTRATION AND TAXATION
OF AIRCRAFT

28-1761. Registration; exceptions; duplicate certificate

A. AIRCRAFT BASED IN THIS STATE SHALL BE REGISTERED WITH THE DIVISION OF AERONAUTICS. SUCH REGISTRATION SHALL BE ACCOMPLISHED WITHIN SIXTY DAYS AFTER PURCHASE OF THE AIRCRAFT, OR WITHIN SIXTY DAYS AFTER THE AIRCRAFT IS BROUGHT INTO THE STATE, AND SHALL BE RENEWED ANNUALLY FOR THE CALENDAR YEAR BEFORE THE LAST DAY OF FEBRUARY, EXCEPT:

1. AIRCRAFT OPERATED BY AN AIRLINE COMPANY AND REGULARLY SCHEDULED FOR THE PRIMARY PURPOSE OF CARRYING PERSONS OR PROPERTY FOR HIRE IN INTERSTATE, INTRASTATE, OR INTERNATIONAL TRANSPORTATION.

2. AIRCRAFT OWNED BY A NONRESIDENT WHO BASES HIS AIRCRAFT IN ARIZONA FOR A PERIOD NOT IN EXCESS OF NINETY CONSECUTIVE DAYS OR NINETY DAYS IN ANY ONE CALENDAR YEAR, PROVIDED THAT SUCH AIRCRAFT ARE NOT ENGAGED IN ANY INTRASTATE COMMERCIAL ACTIVITY.

3. AN AIRCRAFT NOT REGISTERED BECAUSE IT WAS IN STORAGE OR WAS BEING REPAIRED, SUBJECT TO THE PROVISIONS OF SUBSECTION D OF THIS SECTION, PROVIDED EXEMPTION IS CLAIMED WITHIN THE TIME LIMITS ESTABLISHED FOR REGISTRATION.

B. AIRCRAFT OWNED AND OPERATED EXCLUSIVELY IN THE PUBLIC SERVICE BY THE FEDERAL GOVERNMENT, BY THE STATE OR BY ANY POLITICAL SUBDIVISION THEREOF, OR BY THE CIVIL AIR PATROL, OR OWNED AND HELD BY A BONA FIDE AIRCRAFT DEALER SOLELY FOR THE PURPOSES OF SALE SHALL BE REGISTERED, BUT NO TAX OR REGISTRATION FEE SHALL BE PAID ON SUCH AIRCRAFT.

LAWS OF ARIZONA

C. NO AIRCRAFT ON WHICH A LICENSE TAX IS DUE UNDER THE PROVISIONS OF SECTION 28-1765 SHALL BE REGISTERED UNLESS SUCH LICENSE TAX IS PAID. IN THE EVENT REGISTRATION OF AN AIRCRAFT NOT PREVIOUSLY SUBJECT TO REGISTRATION IN THE STATE IS MADE AFTER THE BEGINNING OF THE CALENDAR YEAR, THE LICENSE TAX FOR SUCH YEAR ON SUCH AIRCRAFT SHALL BE REDUCED BY ONE-TWELFTH FOR EACH FULL MONTH OF THE CALENDAR YEAR ALREADY EXPIRED, BUT THE OWNER THEREOF SHALL PAY THE FULL REGISTRATION FEE.

D. AIRCRAFT WHICH ARE IN STORAGE FROM THE BEGINNING OF THE CALENDAR YEAR, OR ARE PLACED IN STORAGE UPON ENTRY INTO THE STATE, SHALL BE ELIGIBLE FOR EXEMPTION FROM THE LICENSE TAX AND REGISTRATION FEE UNTIL SUCH TIME AS THE AIRCRAFT IS RETURNED TO SERVICE. IN ORDER TO CLAIM EXEMPTION FROM THE LICENSE TAX OR REGISTRATION FEE, OR BOTH, AN AIRCRAFT OWNER MUST FILE AN APPROPRIATE AFFIDAVIT WITH THE DIVISION OF AERONAUTICS BY THE LAST DAY OF FEBRUARY OR WITHIN SIXTY DAYS AFTER THE AIRCRAFT IS PLACED IN STORAGE UPON ENTRY INTO THE STATE. THE OWNER OF AN AIRCRAFT NOT REGISTERED BECAUSE IT WAS IN STORAGE OR BECAUSE IT WAS BEING REPAIRED SHALL HAVE SUCH AIRCRAFT REGISTERED, PAY THE FULL REGISTRATION FEE, AND ALSO PAY THE LICENSE TAX PRORATED ON THE BASIS OF ONE-TWELFTH FOR EACH MONTH REMAINING IN THE CALENDAR YEAR BEGINNING WITH THE FIRST MONTH THE AIRCRAFT IS RESTORED TO USE.

E. UPON PAYMENT OF A REGISTRATION FEE OF FIVE DOLLARS AND THE LICENSE TAX, PLUS PENALTY AND INTEREST, IF ANY, THE DIVISION OF AERONAUTICS SHALL ISSUE A CERTIFICATE AND LICENSE DECAL. THE LICENSE DECAL SHALL BE DISPLAYED ON THE AIRCRAFT AT ALL TIMES IN THE MANNER PRESCRIBED BY THE DIVISION.

F. UPON SATISFACTORY PROOF OF THE LOSS OR DESTRUCTION OF THE REGISTRATION CERTIFICATE, THE DIVISION OF AERONAUTICS SHALL ISSUE A DUPLICATE THEREOF TO THE OWNER UPON PAYMENT OF A FEE OF ONE DOLLAR.

G. AIRCRAFT DEALERS SHALL HAVE THE AIRCRAFT BUYER, AT THE TIME OF THE SALE, PREPARE AND SIGN AN APPLICATION FOR AIRCRAFT REGISTRATION. THE DEALER SHALL IMMEDIATELY FORWARD THE APPLICATION TO THE DIVISION OF AERONAUTICS.

LAWS OF ARIZONA

28-1762. Delinquent or late registration; failure to file affidavit of exemption; penalty; nonpayment of license tax

A. WHEN AN AIRCRAFT REQUIRED TO BE REGISTERED UNDER THE PROVISIONS OF THIS ARTICLE IS NOT REGISTERED OR AN EXEMPTION ESTABLISHED WITHIN SIXTY DAYS AFTER ITS PURCHASE OR ENTRY INTO THE STATE, AND ANNUALLY THEREAFTER ON OR BEFORE THE LAST DAY OF FEBRUARY A PENALTY FEE OF TWENTY-FIVE DOLLARS SHALL BE ADDED TO THE REGISTRATION FEE AND COLLECTED. REGISTRATION OF AN AIRCRAFT IN THE NAME OF THE APPLICANT FOR THE YEAR IMMEDIATELY PRECEDING THE YEAR FOR WHICH APPLICATION FOR REGISTRATION IS MADE SHALL BE PRIMA FACIE EVIDENCE THAT THE AIRCRAFT HAS BEEN BASED IN THIS STATE DURING THE YEAR FOR WHICH APPLICATION FOR REGISTRATION IS MADE.

B. WHEN AN AIRCRAFT OWNER FAILS TO FILE AN APPROPRIATE AFFIDAVIT FOR EXEMPTION FROM REGISTRATION ON OR BEFORE THE LAST DAY OF FEBRUARY OR WITHIN SIXTY DAYS AFTER THE PURCHASE OR ENTRY INTO THE STATE OF AN EXEMPT AIRCRAFT, A PENALTY FEE IN THE AMOUNT OF TWENTY-FIVE DOLLARS SHALL BE COLLECTED.

C. THE TOTAL ANNUAL REGISTRATION FEE AND LICENSE TAX, TOGETHER WITH INTEREST AT THE RATE OF SIX PER CENT PER ANNUM ON THE UNPAID LICENSE TAX, AND THE PENALTY PRESCRIBED IN SUBSECTION A OF THIS SECTION, SHALL ACCOMPANY AN APPLICATION FOR REGISTRATION OF AN AIRCRAFT ON OR AFTER MARCH 1 OF THE CALENDAR YEAR ON WHICH REGISTRATION OF THE AIRCRAFT FOR THE NEXT PRECEDING YEAR EXPIRED. IF IT IS DETERMINED, UPON HEARING AND PROOF SATISFACTORY TO THE DIVISION OF AERONAUTICS THAT THE AIRCRAFT WAS NOT BASED IN THIS STATE PRIOR TO THE FILING OF THE APPLICATION FOR REGISTRATION OF THE AIRCRAFT, THE PENALTY OVER AND ABOVE THE REGISTRATION FEE AND THE INTEREST COLLECTED ON THE LICENSE TAX DUE SHALL BE REFUNDED.

D. THE LICENSE TAX AND ANY INTEREST THEREON AND EACH REGISTRATION FEE AND PENALTY ADDED THERETO SHALL CONSTITUTE A LIEN UPON THE AIRCRAFT UPON WHICH THEY ARE DUE, FROM THE DUE DATE. THE LIEN SHALL HAVE PRIORITY OVER ANY OTHER LIEN OR ENCUMBRANCE ON THE

LAWS OF ARIZONA

AIRCRAFT, EXCEPT THE LIEN OF OTHER STATE TAXES HAVING PRIORITY BY LAW, AND EXCEPT THAT THE LIEN SHALL NOT BE VALID AS AGAINST A BONA FIDE MORTGAGEE, PLEDGEE, JUDGMENT CREDITOR OR PURCHASER WHOSE RIGHTS HAVE ATTACHED PRIOR TO THE TIME NOTICE OF THE LIEN WAS RECORDED BY THE DIVISION OF AERONAUTICS IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY IN WHICH THE AIRCRAFT WAS BASED. NO FEE SHALL BE REQUIRED FOR RECORDING NOTICE OF THE LIEN. THE LIEN SHALL CONTINUE UNTIL THE TAX, TOGETHER WITH ALL FEES AND PENALTIES, IS PAID. THE SHERIFF OF THE COUNTY IN WHICH THE AIRCRAFT IS FOUND SHALL, WHEN REQUESTED BY THE DIVISION OF AERONAUTICS, COLLECT THE LICENSE TAX, INTEREST, FEE AND PENALTY BY SEIZURE OF THE AIRCRAFT FROM THE PERSON IN POSSESSION THEREOF, IF ANY, AND BY SALE AS PROVIDED IN SECTION 28-1763.

28-1763. Sale of seized aircraft; disposition of proceeds

A. WHEN AN AIRCRAFT HAS BEEN SEIZED UNDER THE PROVISIONS OF THIS ARTICLE AND HELD FOR A PERIOD OF NINETY DAYS AND THE OWNER HAS NOT COMPLIED WITH THE PROVISIONS OF LAW UNDER WHICH THE AIRCRAFT WAS SEIZED, INCLUDING PAYMENT OF THE LICENSE TAX, FEES, PENALTIES, COSTS AND EXPENSES OF SEIZURE, THE SHERIFF SHALL SELL SUCH AIRCRAFT WHEN REQUESTED BY THE DIVISION OF AERONAUTICS.

B. THE SALE OF AN AIRCRAFT UNDER THE PROVISIONS OF THIS SECTION SHALL BE AT PUBLIC AUCTION AFTER NOTICE THEREOF BY THE DIVISION BY REGISTERED MAIL NOT LESS THAN FIVE NOR MORE THAN TWENTY DAYS PRIOR TO THE SALE, DIRECTED TO THE LAST KNOWN ADDRESS OF THE OWNER OF THE AIRCRAFT, IF THE OWNER IS KNOWN. IF THE OWNER IS UNKNOWN, NOTICE SHALL BE GIVEN BY THE DIVISION BY PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY IN WHICH THE LIEN ON THE AIRCRAFT IS RECORDED. IF NOTICE IS PUBLISHED IN A WEEKLY NEWSPAPER, THE PUBLICATION SHALL BE MADE ONCE EACH WEEK FOR TWO CONSECUTIVE WEEKS, OR IF IN A DAILY NEWSPAPER, SIX CONSECUTIVE TIMES, THE LAST PUBLICATION TO BE NOT LESS THAN FIVE NOR MORE THAN TEN DAYS PRIOR TO THE DATE OF SALE.

C. WITHIN FIVE DAYS AFTER RECEIPT OF THE PROCEEDS OF THE SALE, THE SHERIFF SHALL TRANSMIT THE ENTIRE

LAWS OF ARIZONA

PROCEEDS TO THE DIVISION OF AERONAUTICS. AFTER PAYMENT BY THE DIVISION OF THE LICENSE TAX, FEES, PENALTIES, AND COSTS AND EXPENSES OF SEIZURE AND SALE, THE REMAINING PROCEEDS OF THE SALE SHALL BE PAID TO THE OWNER FROM WHOM THE AIRCRAFT WAS SEIZED, IF HE IS KNOWN, OR, IF UNKNOWN, SHALL BE TRANSMITTED TO THE STATE TREASURER AND CREDITED TO THE STATE AVIATION FUND. THE DIVISION MAY ISSUE A CERTIFICATE OF RELEASE OF LIEN UPON PAYMENT OF THE TAX, FEE AND PENALTY.

28-1764. Assignment of registration certificate; loss or destruction of aircraft; disposition of fees

A. NO AIRCRAFT FOR WHICH A REGISTRATION CERTIFICATE IS REQUIRED MAY BE PURCHASED OR SOLD OR OTHERWISE TRANSFERRED WITHOUT ASSIGNMENT OF THE REGISTRATION CERTIFICATE. WITHIN THIRTY DAYS AFTER SUCH ASSIGNMENT, THE PERSON TO WHOM SUCH ASSIGNMENT IS MADE SHALL HAVE THE AIRCRAFT REGISTERED IN HIS NAME BY THE DIVISION OF AERONAUTICS, FOR WHICH THE DIVISION SHALL CHARGE THE REGULAR REGISTRATION FEE.

B. IN THE EVENT OF LOSS OR DESTRUCTION OF AN AIRCRAFT REGISTERED UNDER THE PROVISIONS OF THIS ARTICLE, THE OWNER OF THE AIRCRAFT, OR IN THE EVENT OF HIS DEATH HIS LEGAL REPRESENTATIVE, SHALL INFORM THE DIVISION IN WRITING OF THE LOSS OR DESTRUCTION OF THE AIRCRAFT WITHIN THIRTY DAYS AFTER IT OCCURS.

C. MONIES RECEIVED FROM THE REGISTRATION AND PENALTY FEES COLLECTED AS PROVIDED BY THE TERMS OF THIS ARTICLE SHALL BE DEPOSITED IN THE STATE AVIATION FUND.

28-1765. License tax; tax rate

A. AN ANNUAL LICENSE TAX IS IMPOSED UPON ALL AIRCRAFT BASED IN THIS STATE AND REQUIRED TO BE REGISTERED AS PROVIDED IN THIS ARTICLE. THE LICENSE TAX SHALL BE PAID TO THE DIVISION OF AERONAUTICS UPON INITIAL REGISTRATION AND ANNUALLY ON OR BEFORE THE LAST DAY OF FEBRUARY.

B. THE LICENSE TAX PROVIDED BY THE TERMS OF SUBSECTION A SHALL BE DETERMINED AND ASSESSED BY THE

LAWS OF ARIZONA

DIVISION OF AERONAUTICS ON THE BASIS OF ONE PER CENT OF THE FAIR MARKET VALUE OF THE AIRCRAFT, BUT IN NO EVENT SHALL THE TAX ASSESSED BE LESS THAN TEN DOLLARS FOR ANY FULL YEAR OF REGISTRATION.

C. THE FAIR MARKET VALUE AS ESTABLISHED BY DEALER PRICE GUIDES OR OTHER RECOGNIZED RELIABLE SOURCE OF INFORMATION SHALL BE DETERMINED ANNUALLY BY THE DEPARTMENT.

28-1766. Distribution of tax

MONIES RECEIVED FROM THE TAXES IMPOSED UNDER THE TERMS OF THIS ARTICLE SHALL, NOT LATER THAN THE FIFTEENTH DAY OF EACH MONTH, BE TRANSMITTED BY THE DIVISION OF AERONAUTICS TO THE STATE TREASURER WHO SHALL PROMPTLY DISTRIBUTE THE FUNDS AS FOLLOWS:

1. TWENTY-FIVE PER CENT TO THE GENERAL FUND OF THE STATE.
2. SEVENTY-FIVE PER CENT TO BE DEPOSITED IN THE STATE AVIATION FUND FOR USE IN THE CONSTRUCTION, DEVELOPMENT AND IMPROVEMENT OF AIRPORTS.

**ARTICLE 5. REGISTRATION AND REGULATION
OF AIRCRAFT DEALERS****28-1771. Definition**

IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "AIRCRAFT DEALER" MEANS ANY PERSON ENGAGED IN THE SALE OR BROKERAGE OF ANY NEW OR USED AIRCRAFT, OR A COMMERCIAL FLIGHT OPERATOR OR FIXED BASED OPERATOR WHO IS ENGAGED IN THE SALE OR BROKERAGE OF NEW OR USED AIRCRAFT AND HAS AN ESTABLISHED PLACE OF BUSINESS.

28-1772. Duties of aircraft dealer

A. AN AIRCRAFT DEALER SHALL REGISTER AS SUCH WITH THE DIVISION OF AERONAUTICS AND SHALL OBTAIN AN ARIZONA TAX PRIVILEGE LICENSE FROM THE TAX COMMISSION.

LAWS OF ARIZONA

B. THE AIRCRAFT DEALER SHALL NOTIFY THE DEPARTMENT WITHIN TEN DAYS AFTER PURCHASE OR SALE OF AN AIRCRAFT OR AFTER ACCEPTING AN AIRCRAFT ON CONSIGNMENT.

28-1773. **Bond required**

THE AIRCRAFT DEALER SHALL FILE WITH THE DEPARTMENT A CONTINUOUS CORPORATE SURETY BOND TO THE STATE OF ARIZONA IN THE SUM OF TEN THOUSAND DOLLARS CONDITIONED FOR THE FAITHFUL PERFORMANCE OF ALL SALES CONTRACTS OR AGREEMENTS AND GUARANTEEING PAYMENT OF ALL OUTSTANDING TAXES AND FEES. THE SURETY OF ANY SUCH BOND MAY CANCEL SUCH BOND UPON GIVING NOTICE IN WRITING TO THE DEPARTMENT AND THE AIRCRAFT DEALER SIXTY DAYS BEFORE THE CANCELLATION DATE. THEREAFTER THE SURETY SHALL BE RELIEVED OF LIABILITY FOR ANY BREACH OF CONDITIONS OCCURRING AFTER THE CANCELLATION DATE. WHEN A SURETY SHALL HAVE ANY CAUSE TO CANCEL THE BOND OF AN AIRCRAFT DEALER AND GIVES NOTICE THEREOF, THE DEPARTMENT SHALL IMMEDIATELY NOTIFY SUCH AIRCRAFT DEALER BY CERTIFIED MAIL ADDRESSED TO THE LAST KNOWN ADDRESS OF THE AIRCRAFT DEALER, THAT THE AIRCRAFT DEALER SHALL DISCONTINUE SALES UNTIL SUCH TIME AS A NEW BOND MEETING THE QUALIFICATIONS OF THIS SECTION IS FILED WITH THE DEPARTMENT.

ARTICLE 6. REGISTRATION AND REGULATION
OF FLYING CLUBS

28-1781. **Definitions**

IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "ASSETS" MEANS PROPERTY WHICH THE FLYING CLUB OWNS, IN WHOLE OR IN PART, OR OVER WHICH IT HAS CONTROL, INCLUDING THE CLUB'S INTEREST IN ANY OWNED, RENTED OR LEASED AIRCRAFT.
2. "FLYING CLUB" MEANS ANY PARTNERSHIP OR CORPORATION OTHER THAN AN INDIVIDUAL WHICH, NEITHER FOR PROFIT NOR REWARD, OWNS, LEASES OR USES ONE OR MORE AIRCRAFT FOR THE PURPOSE OF INSTRUCTION OR RENTAL TO ITS MEMBERS.

LAWS OF ARIZONA

28-1782. Commercial operations of flying clubs; exceptions

A. A FLYING CLUB SHALL BE REQUIRED TO OBTAIN A COMMERCIAL FLIGHT OPERATOR'S CERTIFICATE UNLESS IT IS NOT ENGAGED IN COMMERCIAL OPERATIONS.

B. THE DEPARTMENT SHALL AT THE TIME OF ANNUAL REGISTRATION DETERMINE WHETHER THE ACTIVITIES OF THE FLYING CLUB CONSTITUTE COMMERCIAL OPERATIONS. IN MAKING THE DETERMINATION, THE DEPARTMENT SHALL BE GUIDED BY THE FOLLOWING:

1. WHETHER ANY OF THE CLUB'S ASSETS ARE USED BY MEMBERS OF THE CLUB WHO:

(a) DO NOT HAVE A BONA FIDE AND SIGNIFICANT PERCENTAGE OF PROPERTY INTEREST IN THE ASSETS OF THE CLUB.

(b) HOLD A PROPERTY INTEREST IN THE CLUB'S ASSETS, WHICH PROPERTY INTEREST IS SUBJECT TO AN UNREASONABLE FORFEITURE. A CLUB MAY SET FORTH IN ITS OPERATING RULES AND BYLAWS ANY REASONABLE PENALTIES AND ANY REASONABLE FORFEITURES SO LONG AS THE PURPOSE AND THE ACTUAL EFFECT THEREOF IS TO ENFORCE VALID CLUB RULES.

2. WHETHER THE PROPERTY INTEREST OF ANY MEMBER OF THE CLUB IN THE CLUB'S ASSETS ARE NOT TRANSFERABLE, EXCEPT THAT THE TRANSFER OF SUCH PROPERTY INTEREST MAY BE SUBJECT TO SUCH REASONABLE CONDITIONS AS THE CLUB DEEMS REASONABLY NECESSARY TO ENSURE DISCIPLINE AND PAYMENT OF DUES AMONG ITS MEMBERS.

3. WHETHER ANY MEMBER OF THE CLUB RECEIVES A PECUNIARY GAIN OR RECEIVES ANY SPECIAL BENEFITS, WHICH ARE IN EXCESS OF THE REASONABLE VALUE OF THE SERVICES RENDERED TO THE CLUB BY THE MEMBER, OR ARE IN EXCESS OF THE REASONABLE VALUE OF THE GOODS SOLD TO THE CLUB BY THE MEMBER. THIS PARAGRAPH DOES NOT PROHIBIT A FLYING CLUB FROM PAYING ONE OR MORE OF ITS MEMBERS A REASONABLE AMOUNT FOR SERVICES SUCH AS BOOKKEEPING, SECRETARIAL, MANAGERIAL, MAINTENANCE AND ADMINISTRATIVE DUTIES OF THE FLYING CLUB.

4. WHETHER THE CLUB CHARTERS, LEASES OR RENTS ITS AIRCRAFT OR ANY INTEREST IN ITS AIRCRAFT TO ANY

LAWS OF ARIZONA

PERSONS OR ORGANIZATIONS OTHER THAN BONA FIDE MEMBERS OF THE CLUB. THIS PARAGRAPH SHALL NOT PROHIBIT FLYING CLUBS FROM LEASING CLUB AIRCRAFT TO PROPERLY LICENSED COMMERCIAL OPERATORS.

5. WHETHER THE CLUB PROVIDES FOR, OR ALLOWS, MEMBERSHIPS WITH A DURATION OF LESS THAN NINETY DAYS.

6. WHETHER THE CLUB ADVERTISES, REPRESENTS OR HOLDS ITSELF OUT AS GIVING OR OFFERING TO GIVE, OR DOES IN FACT PROVIDE OR ARRANGE FOR, FLIGHT TRAINING. THIS PARAGRAPH DOES NOT PROHIBIT A CLUB FROM PROVIDING OR ARRANGING FOR FLIGHT TRAINING, SO LONG AS IT IS NOT FOR COMPENSATION OR HIRE, NOR A BONA FIDE CLUB MEMBER FROM PAYING COMPENSATION TO A FLIGHT INSTRUCTOR FOR FLIGHT TRAINING.

C. THE TRANSPORTATION BOARD SHALL NOT DEEM A FLYING CLUB TO BE ENGAGED IN COMMERCIAL OPERATIONS:

1. SOLELY FOR THE REASON THAT A FLIGHT INSTRUCTOR GIVES FLIGHT TRAINING FOR HIRE TO BONA FIDE MEMBERS OF A FLYING CLUB.

2. SOLELY FOR THE REASON THAT A MEMBER OF THE FLYING CLUB SERVICES, MAINTAINS OR REPAIRS THE CLUB'S AIRCRAFT.

28-1783. Flying club safety and operations officer; duties; records to be kept

A. EVERY FLYING CLUB SHALL APPOINT A CLUB SAFETY AND OPERATIONS OFFICER AND SET FORTH HIS DUTIES IN ITS OPERATING RULES OR BYLAWS.

B. THE CLUB SAFETY AND OPERATIONS OFFICER SHALL BE RESPONSIBLE FOR THE RECORDS OF THE CLUB'S OPERATION. SUCH RECORDS SHALL BE KEPT UP TO DATE, IN AN ORDERLY FORM, AND SHALL CONTAIN THE FOLLOWING INFORMATION:

1. NAMES AND ADDRESSES OF ALL MEMBERS.

2. IF THE FLYING CLUB IS A CORPORATION, THEN THE ARTICLES OF INCORPORATION AND ALL AMENDMENTS

LAWS OF ARIZONA

THERE TO, THE CURRENT BYLAWS, MINUTES OF THE CORPORATION, AND ALL SHAREHOLDER AGREEMENTS. IF THE FLYING CLUB IS A PARTNERSHIP, THEN THE CURRENT ARTICLES OF PARTNERSHIP AND ALL CURRENT PARTNERSHIP AGREEMENTS.

3. ALL CLUB OPERATING RULES.
4. THE SHARE IN CLUB ASSETS HELD BY EACH MEMBER, STATED BY PERCENTAGE.
5. THE VOTING RIGHTS OF EACH MEMBER, STATED BY PERCENTAGE.
6. THE RIGHTS OF EACH MEMBER TO THE ASSETS OF THE CLUB, STATED BY PERCENTAGE, IN CASE OF DISSOLUTION OF THE CLUB IF A CORPORATION, AND IN CASE OF TERMINATION OF THE CLUB, IF A PARTNERSHIP.
7. A STATEMENT OF THE FINANCIAL CONDITION OF THE FLYING CLUB AT THE END OF ITS PRECEDING FISCAL YEAR, OR AT THE END OF ITS PRECEDING CALENDAR YEAR, AS THE CASE MAY BE, SHOWING THE ASSETS AND LIABILITIES OF THE CLUB.
8. AN OPERATING STATEMENT OF THE CLUB FOR THE PRECEDING FISCAL YEAR, OR THE PRECEDING CALENDAR YEAR, AS THE CASE MAY BE.

28-1784. **Annual registration of flying clubs**

EACH FLYING CLUB, WHICH AT ANY TIME DURING A PRECEDING CALENDAR YEAR HAD FOUR OR MORE MEMBERS, SHALL REGISTER ANNUALLY WITH THE DEPARTMENT. SUCH REGISTRATION SHALL REPORT CONDITIONS AS OF DECEMBER 31 OF EACH YEAR, SHALL BE FILED WITH THE DIRECTOR BY JANUARY 31 OF EACH YEAR, AND SHALL CONTAIN THE FOLLOWING INFORMATION:

1. THE NAME AND ADDRESS OF THE FLYING CLUB, THE AIRPORT OR AIRPORTS AT WHICH ITS AIRCRAFT ARE BASED, AND THE MAKE, MODEL AND "N" NUMBER OF THE AIRCRAFT THAT THE CLUB EITHER OWNED OR USED DURING THE PAST CALENDAR YEAR.
2. WHETHER THE CLUB IS ORGANIZED AS A CORPORATION OR A PARTNERSHIP.

LAWS OF ARIZONA

3. THE NAME, HOME ADDRESS, AND PHONE NUMBER, AND BUSINESS ADDRESS AND PHONE NUMBER, OF THE CLUB SAFETY AND OPERATIONS OFFICER.

4. A STATEMENT DESCRIBING WHAT REMUNERATION WAS PAID TO MEMBERS OF THE CLUB, MONTHLY AND ANNUALLY, DURING THE PRECEDING CALENDAR YEAR OR PRECEDING FISCAL YEAR, AS THE CASE MAY BE, A DESCRIPTION OF THE SERVICES RENDERED BY SUCH MEMBERS TO THE CLUB, AND A DESCRIPTION OF THE GOODS SOLD BY SUCH MEMBER TO THE CLUB.

5. A STATEMENT SETTING FORTH EXISTING INSURANCE COVERAGE ON CLUB AIRCRAFT, THE LIABILITY LIMITS OF SUCH POLICY AND THE NAME OF THE INSURER.

6. THE NUMBER OF CLUB MEMBERS AS OF DECEMBER 31 EACH YEAR.

28-1785. Authority of director to inspect records

THE DIRECTOR OR ANY EMPLOYEE OF THE DIVISION OF AERONAUTICS DESIGNATED BY HIM, SHALL HAVE THE RIGHT TO INSPECT THE BOOKS AND RECORDS OF ANY FLYING CLUB, INCLUDING, BUT NOT LIMITED TO, THE RECORDS REFERRED TO IN SECTION 28-1783.

CHAPTER 13
HIGHWAY DIVISION
ARTICLE 1. GENERAL PROVISIONS

28-1801. Definitions

IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "ASSISTANT DIRECTOR" MEANS THE ASSISTANT DIRECTOR FOR THE HIGHWAY DIVISION OF THE DEPARTMENT OF TRANSPORTATION.

2. "BUDGET" MEANS THE ANNUAL HIGHWAY PROGRAM PREPARED BY THE DEPARTMENT.

3. "COUNTY HIGHWAY" MEANS A PUBLIC ROAD CONSTRUCTED AND MAINTAINED BY A COUNTY.

LAWS OF ARIZONA

4. "DIVISION" MEANS THE HIGHWAY DIVISION OF THE DEPARTMENT OF TRANSPORTATION.

5. "HIGHWAY" MEANS THE ENTIRE WIDTH BETWEEN THE BOUNDARY LINES OF EVERY WAY WHEN ANY PART THEREOF IS OPEN TO THE USE OF THE PUBLIC FOR PURPOSES OF VEHICULAR TRAVEL.

6. "LOCAL AUTHORITIES" MEAN EVERY COUNTY, MUNICIPAL AND OTHER LOCAL BOARD OR BODY EXERCISING JURISDICTION OVER HIGHWAYS UNDER THE CONSTITUTION AND LAWS OF THE STATE.

7. "RIGHT-OF-WAY" MEANS THE PRIVILEGE OF THE IMMEDIATE USE OF THE HIGHWAY.

8. "STATE ENGINEER" MEANS THE ASSISTANT DIRECTOR FOR THE HIGHWAY DIVISION.

9. "STATE HIGHWAY" MEANS A STATE ROUTE, OR PORTION THEREOF, ACCEPTED AND DESIGNATED BY THE TRANSPORTATION BOARD AS SUCH, AND MAINTAINED BY THE STATE.

10. "STATE ROUTE" MEANS A RIGHT-OF-WAY, WHETHER ACTUALLY USED AS A HIGHWAY OR NOT, DESIGNATED BY THE TRANSPORTATION BOARD AS A LOCATION FOR THE CONSTRUCTION OF A STATE HIGHWAY.

11. "VEHICLE DIVISION" MEANS THE DIVISION OF MOTOR VEHICLES OF THE DEPARTMENT ACTING DIRECTLY OR THROUGH ITS DULY AUTHORIZED OFFICERS AND AGENTS.

28-1802. Assistant director; state engineer; qualifications; compensation

A. THE DIRECTOR SHALL APPOINT AN ASSISTANT DIRECTOR TO HEAD THE HIGHWAY DIVISION AND WHO SHALL ALSO BE THE STATE ENGINEER.

B. THE STATE ENGINEER SHALL BE A CIVIL ENGINEER REGISTERED TO PRACTICE IN THIS STATE AND SHALL BE FAMILIAR WITH THE THEORY OF AND EXPERIENCED IN THE PRACTICE OF HIGHWAY CONSTRUCTION, MAINTENANCE, DESIGN OR ENGINEERING.

LAWS OF ARIZONA

C. THE ASSISTANT DIRECTOR SHALL BE POSSESSED OF A THOROUGH KNOWLEDGE OF MODERN BUSINESS METHODS OR SHALL HAVE NOT LESS THAN TEN YEARS' EXPERIENCE IN A BUSINESS OR PROFESSION OF WHICH AT LEAST FOUR YEARS WAS IN A RESPONSIBLE ADMINISTRATIVE CAPACITY. ALL OR PART OF THE EXPERIENCE MAY HAVE BEEN WITH THE UNITED STATES GOVERNMENT, ANY STATE OR A POLITICAL SUBDIVISION THEREOF. THE ASSISTANT DIRECTOR SHALL DEVOTE FULL TIME TO THE DUTIES OF THE OFFICE, AND SHALL NOT ENGAGE DIRECTLY OR INDIRECTLY IN ANY OCCUPATION WHICH CONFLICTS WITH HIS DUTIES.

D. COMPENSATION OF THE ASSISTANT DIRECTOR SHALL BE DETERMINED PURSUANT TO THE PROVISIONS OF SECTION 38-611.

28-1803. Powers and duties of director

A. THE DIRECTOR OR HIS AUTHORIZED AND BONDED AGENT SHALL ADMINISTER ALL HIGHWAY AND MAINTENANCE WORK AUTHORIZED BY THE TRANSPORTATION BOARD, WITH POWER AND DUTY TO:

1. DIRECT THE PREPARATION OF ALL PLANS AND SPECIFICATIONS FOR WORK ON STATE HIGHWAYS OR STATE ROUTES APPROVED BY THE TRANSPORTATION BOARD.

2. ADVERTISE FOR COMPARATIVE BIDS FOR WORK ON STATE HIGHWAYS OR STATE ROUTES, AND UPON AUTHORIZATION OF THE TRANSPORTATION BOARD, AWARD AND ENTER INTO CONTRACTS FOR THE WORK.

3. DIRECT SUPERVISION OF ALL CONSTRUCTION WORK ON STATE HIGHWAYS AND STATE ROUTES AUTHORIZED BY THE TRANSPORTATION BOARD, AND HAVE CHARGE OF MAINTENANCE AND UPKEEP OF SUCH HIGHWAYS AND ROUTES.

4. APPROVE PAYMENT FOR WORK DONE BY THE STATE ON OR IN CONNECTION WITH STATE HIGHWAYS OR STATE ROUTES, PROVIDED THAT NO CLAIM SHALL BE ALLOWED BY THE DIRECTOR OF FINANCE FOR WORK WITHOUT THE APPROVAL OF THE ASSISTANT DIRECTOR OR HIS AUTHORIZED AND BONDED AGENT.

LAWS OF ARIZONA

5. NEGOTIATE AND AWARD CONTRACTS TO PRIVATE CONSULTING ENGINEERS OR CONSULTING ENGINEERING FIRMS WHEN DEEMED IN THE PUBLIC INTEREST BY THE ASSISTANT DIRECTOR AND THE TRANSPORTATION BOARD FOR THE PERFORMANCE OF SUCH ENGINEERING WORK AS MAY BE REQUIRED TO FORMULATE AND COMPLETE HIGHWAY CONSTRUCTION CONTRACTS.

B. IN ADDITION TO THE POWERS AND DUTIES PROVIDED BY THE TERMS OF SUBSECTION A, THE ASSISTANT DIRECTOR SHALL BE THE CHIEF EXECUTIVE AND ADMINISTRATIVE OFFICER OF THE DIVISION AND SHALL HAVE CHARGE OF THE ADMINISTRATION OF ALL HIGHWAY AFFAIRS AUTHORIZED BY THE TRANSPORTATION BOARD. THE DIRECTOR SHALL:

1. DIRECT THE ORGANIZATION OF THE DIVISION, APPOINT, SUSPEND AND DISCHARGE, FIX THE DUTIES AND PRESCRIBE RULES AND REGULATIONS FOR THE CONDUCT OF EMPLOYEES, SUBJECT TO THE APPROVAL OF THE TRANSPORTATION BOARD.

2. MAKE MONTHLY REPORTS TO THE TRANSPORTATION BOARD OF ALL EXPENDITURES OF THE DIVISION, OF THE WORK ACCOMPLISHED UNDER HIS DIRECTION, TOGETHER WITH SUCH OTHER MATTERS THAT HE DEEMS PROPER.

3. ASSIGN TO THE TRANSPORTATION BOARD, UPON REQUEST, SUCH CLERKS OR OTHER EMPLOYEES AS IT REQUESTS.

4. PRESCRIBE PROCEDURES FOR USE FOR DIVISION PERSONNEL, FACILITIES, EQUIPMENT, SUPPLIES AND OTHER RESOURCES IN ASSISTING SEARCH OR RESCUE OPERATIONS BY REQUEST OF THE DIRECTOR.

5. EXERCISE SUCH OTHER POWERS AS ARE NECESSARY TO CARRY OUT THE WORK OF THE DIVISION AND PERFORM SUCH OTHER DUTIES AS THE TRANSPORTATION BOARD PRESCRIBES, OR AS PRESCRIBED BY LAW FOR THE DIVISION OF THE DEPARTMENT OF TRANSPORTATION.

28-1804. **Bids for construction, reconstruction, equipment or supplies; procedure; bond**

A. ALL ITEMS OF CONSTRUCTION OR RECONSTRUCTION INVOLVING AN EXPENDITURE OF FIFTY THOUSAND DOLLARS

LAWS OF ARIZONA

OR OVER SHALL BE CALLED FOR BY ADVERTISING IN A NEWSPAPER OF GENERAL CIRCULATION PUBLISHED WITHIN THE STATE FOR TWO CONSECUTIVE INSERTIONS IF IT IS A WEEKLY NEWSPAPER, OR FOR TWO INSERTIONS NOT LESS THAN SIX NOR MORE THAN TEN DAYS APART IF IT IS A DAILY NEWSPAPER. THE ADVERTISEMENT SHALL STATE SPECIFICALLY THE CHARACTER OF THE WORK TO BE DONE.

B. IF THE BIDS RECEIVED FOR CONSTRUCTION OR RECONSTRUCTION ARE NOT SATISFACTORY, A SECOND CALL SHALL BE MADE. IF THEY ARE AGAIN REJECTED BY THE DIRECTOR, HE MAY AUTHORIZE THE STATE ENGINEER TO CONSTRUCT OR RECONSTRUCT THE ITEM AS HE DEEMS MOST ADVANTAGEOUS. SHOULD A BID SATISFACTORY TO THE DIRECTOR BE RECEIVED, HE SHALL LET A CONTRACT TO THE LOWEST RESPONSIBLE BIDDER, UPON THE CONTRACTOR GIVING SUCH BOND OR BONDS AS REQUIRED UNDER THE PROVISIONS OF TITLE 34, CHAPTER 2, ARTICLE 2.

28-1805. **Reproduction of records; notification of reproduction; admissibility of reproductions as originals; destruction of non-essential or obsolete records**

A. THE DIRECTOR MAY CAUSE ANY RECORDS KEPT BY THE DEPARTMENT TO BE PHOTOGRAPHED, MICROPHOTOGRAPHED, PHOTOSTATED OR REPRODUCED ON FILM. THE FILM OR REPRODUCING MATERIAL SHALL BE OF DURABLE MATERIAL AND THE DEVICE USED TO REPRODUCE THE RECORDS ON THE FILM OR MATERIAL SHALL BE SUCH AS TO ACCURATELY REPRODUCE AND PERPETUATE THE ORIGINAL RECORDS IN ALL DETAILS.

B. WHEN SUCH PHOTOSTATIC COPIES, PHOTOGRAPHS, MICROPHOTOGRAPHS OR REPRODUCTIONS ON FILMS ARE PLACED IN CONVENIENTLY ACCESSIBLE FILES AND PROVISIONS MADE FOR PRESERVING, EXAMINING AND USING THEM, THE DIRECTOR MAY CERTIFY SUCH FACT TO THE DEPARTMENT OF ADMINISTRATION ASSISTANT DIRECTOR FOR LIBRARY, ARCHIVES AND PUBLIC RECORDS, WHO SHALL THEREAFTER, WITHIN NINETY DAYS, DIRECT THE DISPOSAL, ARCHIVAL STORAGE OR DESTRUCTION OF THE RECORDS OR PAPERS.

C. SUCH PHOTOSTATIC COPY, PHOTOGRAPH, MICROPHOTOGRAPH OR PHOTOGRAPHIC FILM OF THE ORIGINAL RECORDS SHALL BE DEEMED TO BE AN ORIGINAL RECORD FOR ALL

LAWS OF ARIZONA

PURPOSES, AND SHALL BE ADMISSIBLE IN EVIDENCE IN ALL COURTS OR ADMINISTRATIVE AGENCIES. A FACSIMILE, EXEMPLIFICATION OR CERTIFIED COPY THEREOF SHALL, FOR ALL PURPOSES RECITED IN THIS SECTION, BE DEEMED TO BE A TRANSCRIPT EXEMPLIFICATION OR CERTIFIED COPY OF THE ORIGINAL.

D. UPON CERTIFICATION BY THE DIRECTOR OF ANY OBSOLETE OR NONESSENTIAL RECORDS, WHICH THE DIRECTOR DETERMINES ARE NOT OF SUFFICIENT VALUE TO BE PRESERVED BY BEING PHOTOGRAPHED, MICROPHOTOGRAPHED, PHOTOSTATED OR REPRODUCED ON FILM, THE DEPARTMENT OF ADMINISTRATION ASSISTANT DIRECTOR FOR LIBRARY, ARCHIVES AND PUBLIC RECORDS SHALL ORDER THEIR DESTRUCTION WITHIN NINETY DAYS FROM THE CERTIFICATION, BUT THE ASSISTANT DIRECTOR FOR LIBRARY, ARCHIVES AND PUBLIC RECORDS MAY ELECT TO HAVE ANY SUCH DOCUMENTS PROPOSED TO BE DESTROYED TRANSFERRED TO HIS DIVISION UPON REQUEST THEREFOR, WITHIN THE NINETY DAY PERIOD.

28-1806. Contract counsel revolving fund; appropriation; exemptions; disbursements; reimbursement

A. THE SUM OF THIRTY THOUSAND DOLLARS IS APPROPRIATED FROM THE STATE HIGHWAY FUND TO THE HIGHWAY DIVISION, WHICH SUM SHALL BE PLACED IN A SPECIAL FUND DESIGNATED AS THE "CONTRACT COUNSEL REVOLVING FUND" AND SHALL BE EXPENDED BY THE HIGHWAY DIVISION TO REIMBURSE THE ATTORNEY GENERAL FOR DEPARTMENT OF LAW SERVICES.

B. THE APPROPRIATION MADE BY THE TERMS OF THIS SECTION SHALL BE LIMITED TO THE HIRING OF ATTORNEYS FOR CONDEMNATION CASES PERTAINING TO THE PURCHASE AND ACQUISITION OF RIGHTS-OF-WAY ON FEDERAL AID PROJECTS.

C. THE DIVISION OF FINANCE SHALL TRANSFER AND REPLENISH THE SUM APPROPRIATED UNDER THE TERMS OF THIS SECTION FROM MONIES IN THE STATE HIGHWAY FUND APPROPRIATED FOR CONSTRUCTION OF STATE HIGHWAYS TO THE CONTRACT COUNSEL REVOLVING FUND, WHICH SHALL BE A REVOLVING FUND FOR EXPENDITURES AUTHORIZED BY THIS SECTION. UPON RECEIPT OF ITEMIZED VERIFIED STATEMENTS ACCOMPANIED BY PROPER RECEIPTS AND VOUCHERS SHOWING

LAWS OF ARIZONA

IN DETAIL THE EXPENDITURES FROM THE CONTRACT COUNSEL REVOLVING FUND, THE DIVISION OF FINANCE SHALL ISSUE A WARRANT TO FULLY REPLENISH THE REVOLVING ACCOUNT FROM MONIES APPROPRIATED FOR CONSTRUCTION OF STATE HIGHWAYS, BUT THE TOTAL THEREOF SHALL NOT AT ANY TIME EXCEED THIRTY THOUSAND DOLLARS.

D. THE APPROPRIATION MADE UNDER THE TERMS OF THIS SECTION IS EXEMPT FROM THE PROVISIONS OF SECTION 35-190, RELATING TO LAPSING OF APPROPRIATIONS.

28-1807. **Highway priority planning committee**

A. AN ARIZONA HIGHWAY PRIORITY PLANNING COMMITTEE IS ESTABLISHED TO RECOMMEND STATEWIDE HIGHWAY CONSTRUCTION PROJECT PRIORITIES TO THE TRANSPORTATION BOARD. THE COMMITTEE SHALL CONSIST OF THE ASSISTANT DIRECTOR FOR HIGHWAYS WHO SHALL SERVE AS CHAIRMAN, THE ASSISTANT DIRECTORS FOR TRANSPORTATION PLANNING AND ADMINISTRATIVE SERVICES AND TWO OTHER OPERATING EXECUTIVES OF THE DEPARTMENT WHO SHALL BE APPOINTED BY THE DIRECTOR. IN ADDITION, THE COMMITTEE SHALL INCLUDE THE DIRECTOR OF THE OFFICE OF ECONOMIC PLANNING AND DEVELOPMENT AND THE STAFF DIRECTOR OF THE JOINT LEGISLATIVE BUDGET COMMITTEE WHO SHALL BE NON-VOTING MEMBERS. MEETINGS OF THE COMMITTEE FOR THE ALLOCATION OF PRIORITIES BETWEEN HIGHWAY CONSTRUCTION PROJECTS SHALL BE OPEN TO THE PUBLIC.

B. THE COMMITTEE SHALL:

1. ESTABLISH A RATING FORMULA FOR SETTING PRIORITIES ON HIGHWAY CONSTRUCTION PROJECTS WHICH SHALL TAKE INTO ACCOUNT BUT NOT BE LIMITED TO THE FOLLOWING CRITERIA:

- (a) SUFFICIENCY RATING.
- (b) USER BENEFITS.
- (c) ECONOMIC FACTORS.
- (d) CONTINUITY OF IMPROVEMENT.
- (e) SOCIAL FACTORS.

LAWS OF ARIZONA

- (f) LAND USE.
- (g) AESTHETIC AND ENVIRONMENTAL FACTORS.
- (h) CONSERVATION FACTORS.
- (i) SAFETY FACTORS.
- (j) LIFE EXPECTANCY.
- (k) RECREATIONAL FACTORS.
- (l) AVAILABILITY OF STATE AND FEDERAL FUNDS.

THE RATING FORMULA, ALONG WITH ANY OTHER RELEVANT CRITERIA DEVELOPED BY THE COMMITTEE, SHALL BE USED BY THE COMMITTEE IN ESTABLISHING HIGHWAY CONSTRUCTION PROJECT PRIORITY RECOMMENDATIONS.

2. UPDATE AND PREPARE ANNUALLY A LONG-RANGE STATE-WIDE HIGHWAY CONSTRUCTION PROGRAM COVERING THE ENSUING FIVE FISCAL YEARS FOR SUBMISSION TO THE TRANSPORTATION BOARD. THE FIRST YEAR OF THE FIVE-YEAR PROGRAM SHALL CONSIST OF THE HIGHEST PRIORITY HIGHWAY CONSTRUCTION PROJECTS THAT CAN WITH REASONABLE CERTAINTY BE ADVERTISED FOR PUBLIC BIDDING. PROPOSED PROJECTS FOR THE FOUR REMAINING YEARS OF THE FIVE-YEAR PROGRAM SHALL BE GROUPED BY THE YEAR IT IS ESTIMATED CONSTRUCTION CAN BEGIN AND IN ORDER OF THEIR PRIORITIES. THE ESTIMATED COST OF THE PROGRAM FOR EACH YEAR SHALL BE APPROXIMATELY EQUAL TO THE REVENUES ESTIMATED TO BE AVAILABLE FOR HIGHWAY CONSTRUCTION PURPOSES DURING THAT YEAR.

3. REVIEW ANY PRIORITY CHANGES IN OR INTRODUCTION OF NEW PROJECTS TO A PROPOSED OR AN ADOPTED FIVE-YEAR PROGRAM WHICH HAVE BEEN REQUESTED BY THE TRANSPORTATION BOARD AND MAKE RECOMMENDATIONS ON SUCH REQUESTED PRIORITY CHANGES OR INTRODUCTION OF NEW PROJECTS BASED UPON A STUDY OF THE CRITERIA AND RATING FORMULA WHICH ESTABLISH THE PRIORITIES OF PROJECTS. THE COMMITTEE SHALL FULLY DOCUMENT ITS RECOMMENDATIONS IN A WRITTEN REPORT TO THE TRANSPORTATION BOARD.

LAWS OF ARIZONA

4. REVIEW THE ADOPTED FIVE-YEAR HIGHWAY CONSTRUCTION PROGRAM FROM TIME TO TIME DURING THE FISCAL YEAR AND MAKE RECOMMENDATIONS TO THE TRANSPORTATION BOARD FOR ANY PRIORITY CHANGES IN OR INTRODUCTION OF NEW PROJECTS TO THE PROGRAM BASED UPON A STUDY OF THE CRITERIA AND RATING FORMULA WHICH ESTABLISH THE PRIORITIES OF PROJECTS. THE COMMITTEE SHALL FULLY DOCUMENT ITS RECOMMENDATIONS IN A WRITTEN REPORT TO THE TRANSPORTATION BOARD.

ARTICLE 2. STATE HIGHWAY FUND AND BUDGET

28-1821. State highway fund; sources

THERE SHALL BE A STATE HIGHWAY FUND WHICH SHALL CONSIST OF:

1. MONEY RECEIVED FROM LICENSES AND TAXES AUTHORIZED BY THE FOLLOWING PROVISIONS OF LAW:

- (a) ARTICLE 1 OF CHAPTER 2, TITLE 28.
- (b) CHAPTERS 3, 4 AND 5, TITLE 28.
- (c) ARTICLES 1, 3 AND 5 OF CHAPTER 8, TITLE 28.
- (d) ARTICLES 1 AND 2 OF CHAPTER 9, TITLE 28.
- (e) CHAPTER 3, TITLE 40.

2. MONEY APPROPRIATED THERETO BY THE LEGISLATURE.

3. MONEY RECEIVED FROM DONATIONS FOR THE CONSTRUCTION, IMPROVEMENT OR MAINTENANCE OF STATE HIGHWAYS OR BRIDGES, WHICH SHALL BE CREDITED TO A SPECIAL ACCOUNT AND EXPENDED ONLY FOR THE PURPOSE INDICATED BY THE DONOR.

4. MONEY RECEIVED FROM COUNTIES, INCLUDING PROCEEDS FROM BOND ISSUES, UNDER COOPERATIVE AGREEMENTS. SUCH MONEY SHALL BE DEPOSITED BY THE TREASURER TO THE CREDIT OF THE FUND IN A SPECIAL ACCOUNT UPON DELIVERY TO HIM OF A CONCISE WRITTEN AGREEMENT BETWEEN THE DEPARTMENT AND THE COUNTY STATING THE PURPOSES FOR

LAWS OF ARIZONA

WHICH THE MONEY IS SURRENDERED BY THE COUNTY, AND THE MONEY SHALL BE EXPENDED ONLY AS STATED IN THE AGREEMENT.

5. MONEY RECEIVED FROM THE UNITED STATES BY VIRTUE OF AN ACT OF CONGRESS TO PROVIDE AID IN THE CONSTRUCTION OF RURAL POST ROADS, BUT MONEY RECEIVED ON PROJECTS FOR WHICH THE FUNDS NECESSARY TO BE PROVIDED BY THE STATE ARE WHOLLY DERIVED FROM SOURCES MENTIONED IN PARAGRAPHS 2 AND 3 OF THIS SUBSECTION, SHALL BE ALLOTTED BY THE DEPARTMENT AND DEPOSITED BY THE TREASURER INTO THE SPECIAL ACCOUNT WITHIN THE FUND CREATED FOR EACH PROJECT. UPON COMPLETION OF THE PROJECT AND THE SATISFACTION AND DISCHARGE IN FULL OF ALL OBLIGATIONS OF WHATEVER KIND CREATED ON ACCOUNT THEREOF, THE UNEXPENDED BALANCE IN THE SPECIAL ACCOUNT FOR THE PROJECT SHALL, UPON REQUEST OF THE DEPARTMENT BE TRANSFERRED BY THE TREASURER INTO THE HIGHWAY FUND, AND MAY, TOGETHER WITH ANY FURTHER FEDERAL AID THEREAFTER RECEIVED ON ACCOUNT OF THE PROJECT, BE EXPENDED UNDER THE GENERAL PROVISIONS OF THIS TITLE.

6. MONEY COMING INTO THE CUSTODY OF AN OFFICER OR AGENT OF THE STATE FROM WHATEVER SOURCE TO BE USED FOR THE CONSTRUCTION, IMPROVEMENT OR MAINTENANCE OF STATE HIGHWAYS OR BRIDGES.

7. MONEY DEPOSITED IN THE GENERAL FUND ARISING FROM THE DISPOSAL OF STATE PERSONAL PROPERTY BELONGING TO THE DEPARTMENT, PURSUANT TO SECTIONS 41-561 AND 41-562.

8. RECEIPTS FROM THE SALE OR DISPOSAL OF ANY OR ALL OTHER PROPERTY HELD BY THE DEPARTMENT AND PURCHASED WITH STATE HIGHWAY FUNDS.

28-1822. Authorized uses of fund; preferences; investment

A. THE HIGHWAY FUND SHALL BE USED FOR THE FOLLOWING PURPOSES IN STRICT CONFORMITY WITH AND SUBJECT TO THE BUDGET AS PROVIDED BY THIS SECTION AND BY SECTIONS 28-1823 THROUGH 28-1827:

1. TO PAY SALARIES, WAGES, NECESSARY TRAVEL AND OTHER EXPENSES OF OFFICERS AND EMPLOYEES OF THE DEPARTMENT,

LAWS OF ARIZONA

AND THE INCIDENTAL OFFICE EXPENSES, INCLUDING TELEGRAPH, TELEPHONE, POSTAL AND EXPRESS CHARGES AND EXPENSES FOR PRINTING, STATIONERY AND ADVERTISING.

2. TO PAY FOR EQUIPMENT, SUPPLIES, MACHINES, TOOLS, DEPARTMENT OFFICES AND LABORATORIES ESTABLISHED BY THE DEPARTMENT, AND FOR THE CONSTRUCTION AND REPAIR OF BUILDINGS OR YARDS OF THE DEPARTMENT.

3. TO PAY THE COST OF ENGINEERING, CONSTRUCTION, IMPROVEMENT AND MAINTENANCE OF STATE HIGHWAYS AND PARTS OF HIGHWAYS FORMING STATE ROUTES, AND OF HIGHWAYS UNDER COOPERATIVE AGREEMENTS WITH THE UNITED STATES, ENTERED INTO AS PROVIDED BY THIS CHAPTER AND PURSUANT TO AN ACT OF CONGRESS PROVIDING FOR THE CONSTRUCTION OF RURAL POST ROADS.

4. TO PAY LAND DAMAGES INCURRED BY REASON OF ESTABLISHING, OPENING, ALTERING, RELOCATING, WIDENING OR ABANDONING PORTIONS OF A STATE ROUTE OR STATE HIGHWAY.

5. TO REIMBURSE THE DEPARTMENT REVOLVING ACCOUNT.

6. TO PAY PREMIUMS UPON AUTHORIZED INDEMNITY BONDS, AND UPON COMPENSATION INSURANCE UNDER THE WORKMEN'S COMPENSATION ACT.

7. TO DEFRAY LAWFUL EXPENSES AND COSTS REQUIRED TO ADMINISTER AND CARRY OUT THE INTENT, PURPOSES AND PROVISIONS OF THIS TITLE, AND TO PAY LAWFUL BILLS AND CHARGES INCURRED BY THE STATE ENGINEER.

B. WHEN EXPENDING MONEY FROM THE FUND, THE DEPARTMENT SHALL GIVE PREFERENCE TO THE REQUIREMENTS OF THE BUDGET IN THE FOLLOWING ORDER:

1. CONSTRUCTION OF HIGHWAYS IN COOPERATION WITH THE UNITED STATES.

2. TAKING OVER AND CONSTRUCTING OTHER STATE HIGHWAYS.

C. RECONSTRUCTION OR REPLACEMENT OF EXISTING HIGHWAYS DAMAGED OR DESTROYED BY ACTS OF GOD OR OTHER

LAWS OF ARIZONA

SUDDEN OR UNEXPECTED CAUSES, SHALL BE GIVEN PREFERENCE ACCORDED FOR MAINTENANCE EXPENDITURES IN ACCORDANCE WITH THE ORDER NAMED IN SUBSECTION B OF THIS SECTION.

D. EXPENDITURES FROM THE STATE HIGHWAY FUND FOR NON-HIGHWAY FUNCTIONS OF THE DEPARTMENT SHALL BE REIMBURSED CONCURRENTLY TO THE STATE HIGHWAY FUND IN STRICT COMPLIANCE WITH SECTION 28-1833.

E. THE DIRECTOR, OR HIS DESIGNATED AGENT, WITH THE ADVICE OF THE STATE TREASURER, MAY INVEST INACTIVE DEPOSITS IN THE HIGHWAY FUND IN UNITED STATES GOVERNMENT BONDS OR INTEREST BEARING NOTES AND OTHER INTEREST BEARING OBLIGATIONS OF THE UNITED STATES FOR WHICH THE FULL FAITH AND CREDIT OF THE UNITED STATES ARE PLEDGED. ALL INTEREST EARNED ON HIGHWAY FUNDS SHALL BE CREDITED BY THE STATE TREASURER TO THE HIGHWAY FUND.

28-1823. Fiscal year; operation under budget

A. THE FISCAL YEAR OF THE DEPARTMENT SHALL BEGIN ON JULY 1 OF EACH YEAR AND END THE FOLLOWING JUNE 30.

B. THE DEPARTMENT SHALL OPERATE STRICTLY UNDER A BUDGET PROVIDED AND AUTHORIZED BY THE LEGISLATURE.

28-1824. Expenditure of public monies

THE DEPARTMENT IS DECLARED TO BE SUBJECT TO THE PROVISIONS OF CHAPTER 1 OF TITLE 35 RELATING TO PUBLIC FINANCES, AND ALL OTHER ACTS OF THE LEGISLATURE APPLICABLE TO THE EXPENDITURE OF PUBLIC MONIES. THE DEPARTMENT SHALL CONFORM IN ALL RESPECTS TO THE STATE BUDGET SYSTEM AND NO EXPENDITURES SHALL BE MADE BY THE DEPARTMENT UNLESS AND UNTIL THEY HAVE FIRST BEEN AUTHORIZED BY THE LEGISLATURE AND THE MONEY APPROPRIATED THEREFOR.

28-1825. Budget estimates; preparation; publication; adoption

A. ON OR BEFORE THE SECOND MONDAY IN APRIL OF EACH YEAR THE TRANSPORTATION BOARD SHALL REVIEW THE

LAWS OF ARIZONA

UPDATED FIVE-YEAR HIGHWAY CONSTRUCTION PROGRAM PREPARED BY THE ARIZONA HIGHWAY PRIORITY PLANNING COMMITTEE.

B. ON OR BEFORE THE FIRST MONDAY IN MAY OF EACH YEAR THE TRANSPORTATION BOARD SHALL PUBLISH A NOTICE IN A NEWSPAPER OF GENERAL CIRCULATION IN EACH COUNTY IN WHICH CONSTRUCTION PROJECTS ARE PLANNED UNDER THE STATEWIDE FIVE-YEAR HIGHWAY CONSTRUCTION PROGRAM FOR THE ENSUING FIVE FISCAL YEARS. THE NOTICE SHALL SPECIFY A DATE WHICH MUST BE ON OR BEFORE THE THIRD MONDAY IN MAY ON WHICH A PUBLIC HEARING WILL BE HELD AT THE OFFICE OF THE TRANSPORTATION BOARD AT WHICH TIME THE PROGRAM WILL BE REVIEWED AND OBJECTIONS AND PROTESTS HEARD FROM ANY INDIVIDUAL OR GROUP. FOLLOWING THE PUBLIC HEARING THE TRANSPORTATION BOARD MAY MAKE PRIORITY CHANGES IN OR INTRODUCE NEW PROJECTS TO THE PROPOSED FIVE-YEAR PROGRAM IN ACCORDANCE WITH SUBSECTION F OF THIS SECTION.

C. ON OR BEFORE JUNE 30 OF EACH YEAR THE TRANSPORTATION BOARD SHALL ADOPT AN UPDATED FIVE-YEAR HIGHWAY CONSTRUCTION PROGRAM FOR THE ENSUING FIVE FISCAL YEARS AND FILE A WRITTEN REPORT WITH THE DIRECTOR AND THE GOVERNOR OUTLINING THE PROGRAM AND EXPLAINING ANY PRIORITY CHANGES MADE PURSUANT TO SUBSECTION F OF THIS SECTION. A COPY OF THE PROGRAM SHALL BE FILED BY THE TRANSPORTATION BOARD WITH THE ASSISTANT DIRECTOR FOR THE DIVISION OF FINANCE AND STATE TREASURER.

D. THE FIVE-YEAR HIGHWAY CONSTRUCTION PROGRAM SHALL SET FORTH ESTIMATED EXPENDITURES BY PROJECT FOR ENGINEERING, RIGHTS-OF-WAY AND CONSTRUCTION. THE PROGRAM SHALL INCLUDE DETAILED INFORMATION BY PROJECT AS TO LOCATION, DESCRIPTION, AND THE REASONS FOR THE PROJECT'S ASSIGNED PRIORITY. THE PROGRAM SHALL LIST PROJECTS BY PRIORITY AND GROUP THEM IN THE FISCAL YEAR DURING WHICH IT IS ESTIMATED CONSTRUCTION CAN BEGIN. THE FIRST YEAR OF THE PROGRAM SHALL CONSIST OF PROJECTS THAT CAN WITH REASONABLE CERTAINTY BE ADVERTISED FOR PUBLIC BIDDING.

E. ON OR BEFORE THE FIRST MONDAY IN AUGUST OF EACH YEAR THE TRANSPORTATION BOARD SHALL PREPARE AND

LAWS OF ARIZONA

MAKE AVAILABLE TO THE PUBLIC AN ANNUAL REPORT WHICH SUMMARIZES THE UPDATED FIVE-YEAR STATEWIDE HIGHWAY PROGRAM ADOPTED BY THE TRANSPORTATION BOARD AND FILED WITH THE DIRECTOR AND THE GOVERNOR. SUCH REPORT SHALL CONTAIN THE NAME OF EACH PROPOSED HIGHWAY CONSTRUCTION PROJECT ALONG WITH THE ANTICIPATED YEAR IT WILL BE ADVERTISED FOR BIDDING, ITS LOCATION, DESCRIPTION, TOTAL ESTIMATED COST, EXPLANATION OF ITS PRIORITY AND ANY OTHER DATA THE TRANSPORTATION BOARD DEEMS NECESSARY.

F. THE TRANSPORTATION BOARD SUBJECT TO THE APPROVAL OF THE GOVERNOR MAY MAKE CHANGES IN A PROPOSED OR AN ADOPTED FIVE-YEAR PROGRAM. IF THE TRANSPORTATION BOARD DESIRES TO CHANGE THE PRIORITY OF ANY PROJECT OR INTRODUCE A NEW PROJECT INTO A PROPOSED OR AN ADOPTED FIVE-YEAR PROGRAM WHICH WOULD RESULT IN CHANGED PRIORITIES, IT SHALL REQUIRE THE PRIORITY PLANNING COMMITTEE TO STUDY THE REQUESTED CHANGE AND MAKE A RECOMMENDATION TO IT BASED UPON THE CRITERIA AND RATING FORMULA SET FORTH IN SECTION 28-1807. IF THE TRANSPORTATION BOARD MAKES ANY CHANGES IN THE PRIORITY OF PROJECTS OF A PROPOSED OR AN ADOPTED FIVE-YEAR PROGRAM, IT SHALL DO SO ONLY IN AN OPEN MEETING AND IN A WRITTEN REPORT SHALL SPECIFICALLY DOCUMENT AND EXPLAIN THE REASONS AND JUSTIFICATIONS FOR CHANGES AS WELL AS THE REASONS AND JUSTIFICATIONS FOR ANY DEVIATIONS FROM THE RECOMMENDATIONS OF THE PRIORITY PLANNING COMMITTEE. THE WRITTEN REPORT SHALL ACCOMPANY THE UPDATED FIVE-YEAR PROGRAM TO BE FILED WITH THE DIRECTOR AND THE GOVERNOR THE NEXT FISCAL YEAR. ANY PRIORITY CHANGES APPROVED BY THE TRANSPORTATION BOARD SHALL IMMEDIATELY BE INCORPORATED INTO THE FIVE-YEAR PROGRAM UPON THE APPROVAL OF SUCH CHANGES BY THE GOVERNOR. ANY CHANGES IN AN ADOPTED FIVE-YEAR HIGHWAY CONSTRUCTION PROGRAM OTHER THAN THOSE AFFECTING THE PRIORITIES NEED NOT BE REPORTED IN WRITING.

28-1826. **Expenditures in excess of appropriation; penalty; contracts over one year**

A. NO EXPENDITURE SHALL BE MADE BY THE DIRECTOR OR UNDER HIS AUTHORITY DURING A FISCAL YEAR FOR ANY

LAWS OF ARIZONA

PURPOSE IN EXCESS OF THE AMOUNT APPROPRIATED BY THE LEGISLATURE FOR SUCH PURPOSES.

B. A MEMBER, EMPLOYEE OR AGENT OF THE DEPARTMENT WHO KNOWINGLY APPROVES FOR EXPENDITURE, OR KNOWINGLY CAUSES TO BE EXPENDED ANY AMOUNT IN VIOLATION OF THIS SECTION, IS GUILTY OF A MISDEMEANOR, AND IS LIABLE THEREFOR UPON HIS OFFICIAL BOND TO BE RECOVERED IN A CIVIL ACTION IN THE NAME OF THE STATE, INSTITUTED BY THE ATTORNEY GENERAL, OR, UPON HIS FAILURE OR REFUSAL TO ACT, BY ANY CITIZEN OF THE STATE FOR THE BENEFIT OF THE STATE.

C. THE DEPARTMENT MAY, NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, ENTER INTO CONSTRUCTION CONTRACTS, THE PERFORMANCE OF WHICH MAY EXTEND BEYOND THE CLOSE OF THE FISCAL YEAR.

28-1827. **Transfer of long-range construction program accounts**

THE DIRECTOR MAY CERTIFY TO THE ASSISTANT DIRECTOR FOR THE DIVISION OF FINANCE AND TREASURER TRANSFER OF AMOUNTS FROM ONE CONSTRUCTION PROGRAM ACCOUNT TO ANY OTHER CONSTRUCTION PROGRAM ACCOUNT IN THE FOLLOWING CASES ONLY:

1. CONSTRUCTION PROGRAM ITEMS INVOLVING URBAN PROJECTS CONSTRUCTED WITH FEDERAL URBAN FUNDS AND STATE HIGHWAY FUNDS MAY BE TRANSFERRED TO OTHER URBAN PROJECTS.

2. IF ANY CONSTRUCTION PROGRAM ITEM OR ACCOUNT IN THE FIRST YEAR OF ITS ADOPTED LONG-RANGE CONSTRUCTION PROGRAM DOES NOT CONTAIN SUFFICIENT FUNDS FOR THE AWARDING OR COMPLETION OF A CONTRACT, ADDITIONAL FUNDS MAY BE TRANSFERRED TO IT FROM OTHER CONSTRUCTION PROGRAM ITEMS AS FOLLOWS:

(a) FROM ANY CONSTRUCTION PROGRAM ITEM OR ACCOUNT IN WHICH THERE ARE EXCESS FUNDS AFTER COMPLETION OF THE WORK AND THERE IS COMPLETE DISCHARGE AND SATISFACTION OF ALL LIABILITIES INCURRED ON THAT ACCOUNT, OR

LAWS OF ARIZONA

(b) FROM ANY CONSTRUCTION PROGRAM ITEM OR ACCOUNT HAVING A PRIORITY NOT FALLING WITHIN THE FIRST YEAR OF ITS ADOPTED LONG-RANGE CONSTRUCTION PROGRAM.

28-1828. Assistant director for finance as comptroller of fund

THE ASSISTANT DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION FOR THE DIVISION OF FINANCE SHALL BE COMPTROLLER OF ALL EXPENDITURES FROM THE HIGHWAY FUND, AND NO CLAIM SHALL BE PAID OR ALLOWED BY THE STATE TREASURER UNTIL IT HAS BEEN APPROVED BY THE ASSISTANT DIRECTOR. THE DUTIES OF THE ASSISTANT DIRECTOR FOR THE DIVISION OF FINANCE IN THIS RESPECT ARE SUPERVISORY AND HE SHALL NOT APPROVE ANY CLAIM OR DEMAND FOR A PURPOSE NOT AUTHORIZED. UPON REQUEST, THE DIRECTOR SHALL SUBMIT TO THE ASSISTANT DIRECTOR FOR THE DIVISION OF FINANCE THE FACTS AND CIRCUMSTANCES CONNECTED WITH A CLAIM OR DEMAND.

28-1829. Preparation of department payroll

THE DIVISION OF FINANCE SHALL PREPARE OR DELEGATE THE DUTY OF PREPARING THE PAYROLL OF OFFICERS AND EMPLOYEES OF THE DEPARTMENT.

28-1830. Revolving account

A. THE ASSISTANT DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION FOR THE DIVISION OF FINANCE MAY ISSUE HIS WARRANT IN A SUM NOT TO EXCEED FIVE HUNDRED THOUSAND DOLLARS UPON CLAIMS PROPERLY CERTIFIED BY THE DEPARTMENT FOR THE PURPOSE OF CREATING A REVOLVING ACCOUNT TO FACILITATE THE PAYMENT OF SMALL EXPENDITURES, PAYROLLS AND EXPENSE ACCOUNTS, BUT NONE OTHER, IN CONNECTION WITH THE OPERATION OF THE DEPARTMENT, AND THE STATE TREASURER SHALL PAY SUCH CLAIMS FROM ANY FUNDS APPROPRIATED TO THE DEPARTMENT.

B. WHEN THE ASSISTANT DIRECTOR FOR THE DIVISION OF FINANCE HAS ISSUED SUCH WARRANT, HE SHALL NOT ISSUE ANOTHER LIKE WARRANT UNTIL THERE IS FILED WITH HIM AN ITEMIZED VERIFIED STATEMENT ACCOMPANIED BY PROPER RECEIPTS AND VOUCHERS SHOWING IN DETAIL THE

LAWS OF ARIZONA

EXPENDITURE AND DISTRIBUTION OF THE SUM PREVIOUSLY ADVANCED FOR THE REVOLVING ACCOUNT AND THE ACCOUNT TO WHICH EACH ITEM OF THE STATEMENT SHALL BE CHARGED. UPON RECEIPT OF THE STATEMENT THE ASSISTANT DIRECTOR FOR THE DIVISION OF FINANCE SHALL CHARGE EACH ITEM THEREOF TO THE PROPER ACCOUNT, AND MAY ISSUE A FURTHER WARRANT, UPON CLAIMS, TO REPLENISH THE REVOLVING ACCOUNT, BUT THE TOTAL THEREOF SHALL NOT AT ANY TIME EXCEED FIVE HUNDRED THOUSAND DOLLARS.

28-1831. **Definitions; transportation department equipment revolving fund; authorized expenditures**

A. IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "CONSUMABLE MATERIAL" MEANS MOTOR VEHICLE FUEL, PETROLEUM LUBRICANTS, TIRES, BATTERIES, REPLACEMENT OR REPAIR PARTS, AUTOMOTIVE ACCESSORIES AND ANY OTHER ARTICLE OF SUPPLY OR MATERIAL CONSUMED IN THE OPERATION, IMPROVEMENT, REPAIR OR MAINTENANCE OF EQUIPMENT.
2. "EQUIPMENT" MEANS EVERY AUTOMOBILE, TRUCK, TRACTOR, TRAILER, MOTOR DRIVEN VEHICLE, AIRCRAFT OR ANY OTHER PIECE OF EQUIPMENT USED BY THE DEPARTMENT IN THE ENFORCEMENT OF THE TRAFFIC LAWS AND IN THE ADMINISTRATION, MAINTENANCE, CONSTRUCTION OR REPAIR OF THE STATE TRANSPORTATION SYSTEM AND EVERY MECHANICAL, SHOP-TOOL OR DEVICE USED IN THE IMPROVEMENT, REPAIR OR MAINTENANCE OF ALL SUCH EQUIPMENT.
3. "EQUIPMENT RENTAL SCHEDULE" MEANS THE LIST OF RENTAL RATES FOR EACH PIECE OF RENTAL EQUIPMENT OWNED OR RENTED BY THE DEPARTMENT AND USED AS THE BASIS OF REIMBURSING THE TRANSPORTATION DEPARTMENT EQUIPMENT REVOLVING FUND FOR USE OF ANY EQUIPMENT OWNED BY THE DEPARTMENT.
4. "OTHER FEE SCHEDULE" MEANS THE LIST OF ALL COSTS AND EXPENSES WHICH IS USED AS THE BASIS OF REIMBURSING THE TRANSPORTATION DEPARTMENT EQUIPMENT REVOLVING FUND FOR ANY EXPENDITURE FOR LABOR OR CONSUMABLE MATERIAL NOT REFLECTED IN THE EQUIPMENT RENTAL

LAWS OF ARIZONA

SCHEDULE, BUT WHICH COST OR EXPENSE IS NEVERTHELESS INCURRED BY THE DEPARTMENT IN THE MAINTENANCE, SERVICE OR REPAIR OF EQUIPMENT.

B. THERE SHALL BE A TRANSPORTATION DEPARTMENT EQUIPMENT REVOLVING FUND WHICH SHALL CONSIST OF:

1. MONEY APPROPRIATED BY THE LEGISLATURE TO THE DEPARTMENT FOR THE PURCHASE, MAINTENANCE, SERVICE OR REPAIR OF EQUIPMENT AND CONSUMABLE MATERIAL, INCLUDING MONEY APPROPRIATED TO PAY SALARIES, WAGES AND BENEFITS OF DEPARTMENT EMPLOYEES ENGAGED IN MAINTAINING, SERVICING OR REPAIRING EQUIPMENT OR SUPERVISING SUCH ACTIVITIES.

2. MONEY RECEIVED BY THE DEPARTMENT FROM THE SALE AT PUBLIC AUCTION OR OTHER DISPOSAL METHODS PROVIDED BY LAW, OF EQUIPMENT AND CONSUMABLE MATERIAL.

3. MONEY CREDITED AND TRANSFERRED THERETO AS PROVIDED IN SUBSECTION D OF THIS SECTION FOR THE USE OF CONSUMABLE MATERIAL AND FOR THE USE OR SERVICING OF EQUIPMENT.

4. MONEY RECEIVED FROM INSURANCE RECOVERIES FOR EQUIPMENT AND CONSUMABLE MATERIAL LOSSES.

5. MONEY RECEIVED FROM DONATIONS THERETO.

6. MONEY RECEIVED FROM THE UNITED STATES AS REIMBURSEMENT TO PROVIDE AID FOR THE USE OF EQUIPMENT AND CONSUMABLE MATERIALS IN THE CONSTRUCTION, MAINTENANCE OR REPAIR OF TRANSPORTATION IMPROVEMENTS.

7. EARNINGS ON ANY MONEY FROM THE TRANSPORTATION DEPARTMENT EQUIPMENT REVOLVING FUND WHICH IS INVESTED PURSUANT TO SUBSECTION D OF SECTION 28-1822.

C. BEGINNING JULY 1, 1971, THE DIRECTOR SHALL ESTABLISH AND FROM TIME TO TIME MODIFY OR ADJUST THE EQUIPMENT RENTAL SCHEDULE AND OTHER FEE SCHEDULE TO REFLECT ALL CURRENT COSTS OF OWNERSHIP, MAINTENANCE, OPERATION AND SERVICE OF EQUIPMENT INCLUDING THE COSTS OF LABOR AND SUPERVISION AND CONSUMABLE MATERIALS USED IN SUCH EQUIPMENT.

LAWS OF ARIZONA

D. BEGINNING JULY 1, 1971, NO DEPARTMENT EQUIPMENT SHALL BE USED FOR ANY PURPOSE AND NO EXPENSE SHALL BE INCURRED BY THE DEPARTMENT IN THE MAINTENANCE, SERVICE OR REPAIR OF EQUIPMENT UNLESS WITHIN THIRTY DAYS FOLLOWING THE END OF ANY MONTH IN WHICH EQUIPMENT IS USED OR SUCH EXPENSES ARE INCURRED, THE APPROPRIATE PROJECT, PROGRAM, SECTION, DIVISION, ACTIVITY OR BUDGET UNIT IS CHARGED FOR SUCH USE IN ACCORDANCE WITH THE EQUIPMENT RENTAL SCHEDULE OR OTHER FEE SCHEDULE AND THE TRANSPORTATION DEPARTMENT EQUIPMENT REVOLVING FUND IS CREDITED AND THE FUNDS TRANSFERRED THERETO.

E. THE TRANSPORTATION DEPARTMENT EQUIPMENT REVOLVING FUND SHALL BE EXPENDED FOR THE FOLLOWING PURPOSES ONLY:

1. TO PURCHASE EQUIPMENT AND CONSUMABLE MATERIALS.
2. TO RENT EQUIPMENT.
3. TO PAY SALARIES, WAGES AND EMPLOYEE-RELATED COSTS AND BENEFITS AND OPERATING EXPENSES FOR EMPLOYEES ENGAGED IN REPAIRING, MAINTAINING OR SERVICING EQUIPMENT OR SUPERVISING SUCH ACTIVITIES.
4. TO PAY SALARIES, WAGES, EMPLOYEE-RELATED COSTS AND BENEFITS, AND THE OPERATING EXPENSES OF THE DEPARTMENT MOTOR POOL.

F. THE TRANSPORTATION DEPARTMENT EQUIPMENT REVOLVING FUND SHALL BE EXPENDED IN CONFORMITY WITH THE LAWS GOVERNING STATE FINANCIAL OPERATIONS, EXCEPT THAT BALANCES REMAINING AT THE END OF THE FISCAL YEAR SHALL NOT REVERT TO THE STATE GENERAL FUND OR THE STATE HIGHWAY FUND.

28-1832. Approval, audit and payment of claims

MONEY IN THE HIGHWAY FUND SHALL BE PAID THEREFROM ONLY UPON CLAIMS ITEMIZED AND VERIFIED BY THE DIRECTOR OR OTHER BONDED AGENT AUTHORIZED BY THE DIRECTOR. CLAIMS SHALL BE PRESENTED TO AND FILED WITH THE ASSISTANT DIRECTOR FOR THE DIVISION OF FINANCE DISCLOSING THE AUTHORITY THEREFOR. IF THE ASSISTANT DIRECTOR

LAWS OF ARIZONA

APPROVES THE CLAIMS, HE SHALL CHARGE THEM TO THE PROPER ACCOUNT AND DRAW HIS WARRANT THEREFOR ON THE TREASURER, WHO SHALL PAY THEM OUT OF THE HIGHWAY FUND AND CHARGE THEM TO THE PROPER ACCOUNT AS SHOWN ON THE WARRANT.

28-1833. Allocation of costs; reimbursement of highway fund

A. TO LIMIT THE EXPENDITURES OF MONIES IN THE STATE HIGHWAY FUND ESTABLISHED BY SECTION 28-1821, PURSUANT TO ARTICLE 9, SECTION 14, CONSTITUTION OF ARIZONA, TO HIGHWAY PURPOSES, THE DEPARTMENT OF TRANSPORTATION SHALL:

1. MAINTAIN A STRICT ACCOUNT OF ALL COSTS INCURRED BY EACH FUNCTION OF THE DEPARTMENT. SUCH COSTS SHALL BE DETERMINED AND ALLOCATED BETWEEN HIGHWAY AND NON-HIGHWAY FUNCTIONS AND SHALL INCLUDE SUCH COSTS AS WAGES OR SALARIES, MATERIALS OR SUPPLIES, AND EQUIPMENT OR FACILITY USE.

2. CONCURRENTLY WITH, OR IMMEDIATELY FOLLOWING, THE DETERMINATION OF ALL SUCH COSTS, CERTIFY TO THE DIVISION OF FINANCE AND THE STATE TREASURER THE FULL AMOUNT OF ALL SUCH COSTS RELATING TO NON-HIGHWAY FUNCTIONS.

B. UPON RECEIVING SUCH CERTIFICATION BY THE DEPARTMENT, THE DIVISION OF FINANCE SHALL AUTHORIZE AND THE STATE TREASURER SHALL TRANSFER THE FULL AMOUNT OF SUCH COSTS FROM ANY FUNDS APPROPRIATED TO THE DEPARTMENT OF TRANSPORTATION FROM NON-HIGHWAY USER REVENUES TO THE HIGHWAY FUND.

ARTICLE 3. RELOCATION ASSISTANCE

28-1841. Definitions

IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "BUSINESS" MEANS ANY LAWFUL ACTIVITY, EXCEPTING A FARM OPERATION, CONDUCTED PRIMARILY FOR THE PURCHASE, SALE, LEASE AND RENTAL OF PERSONAL AND REAL PROPERTY, OR FOR THE MANUFACTURE, PROCESSING OR

LAWS OF ARIZONA

MARKETING OF PRODUCTS, COMMODITIES, OR ANY OTHER PERSONAL PROPERTY OR FOR THE SALE OF SERVICES TO THE PUBLIC OR BY A NONPROFIT CORPORATION, OR SOLELY FOR THE PURPOSES OF SECTION 28-1843, FOR ASSISTING IN THE PURCHASE, SALE, RESALE, MANUFACTURE, PROCESSING OR MARKETING OF PRODUCTS, COMMODITIES, PERSONAL PROPERTY OR SERVICES BY THE ERECTION AND MAINTENANCE OF AN OUTDOOR ADVERTISING DISPLAY OR DISPLAYS, WHETHER OR NOT SUCH DISPLAY OR DISPLAYS ARE LOCATED ON THE PREMISES ON WHICH ANY OF THE ABOVE ACTIVITIES ARE CONDUCTED.

2. "DISPLACED PERSON" MEANS ANY PERSON WHO, ON OR AFTER THE EFFECTIVE DATE OF THIS ARTICLE, MOVES FROM REAL PROPERTY, OR MOVES HIS PERSONAL PROPERTY FROM REAL PROPERTY, AS A RESULT OF THE ACQUISITION OF SUCH REAL PROPERTY, IN WHOLE OR IN PART, OR AS A RESULT OF A WRITTEN ORDER OF THE DEPARTMENT TO VACATE REAL PROPERTY ACQUIRED FOR STATE TRANSPORTATION PURPOSES, WHETHER OR NOT THE DEPARTMENT HAS OR WILL RECEIVE FEDERAL FINANCIAL ASSISTANCE THEREFOR OR FOR A FEDERAL-AID HIGHWAY, AND, SOLELY FOR THE PURPOSES OF SECTIONS 28-1842 AND 28-1843, SUBSECTIONS A AND B, AS A RESULT OF THE ACQUISITION OF OR AS THE RESULT OF A WRITTEN ORDER OF THE DEPARTMENT TO VACATE OTHER REAL PROPERTY ON WHICH SUCH PERSON CONDUCTS A BUSINESS OR FARM OPERATION, FOR SUCH STATE HIGHWAY PURPOSES.

3. "FAMILY" MEANS TWO OR MORE PERSONS LIVING TOGETHER IN THE SAME DWELLING UNIT WHO ARE RELATED TO EACH OTHER BY BLOOD, MARRIAGE, ADOPTION OR LEGAL GUARDIANSHIP.

4. "FARM OPERATION" MEANS ANY ACTIVITY CONDUCTED PRIMARILY FOR THE PRODUCTION OF ONE OR MORE AGRICULTURAL PRODUCTS OR COMMODITIES FOR SALE AND HOME USE, AND CUSTOMARILY PRODUCING SUCH PRODUCTS OR COMMODITIES IN SUFFICIENT QUANTITY TO BE CAPABLE OF CONTRIBUTING MATERIALLY TO THE OPERATOR'S SUPPORT.

5. "FEDERAL FINANCIAL ASSISTANCE" MEANS A GRANT, LOAN OR CONTRIBUTION PROVIDED BY THE UNITED STATES, EXCEPT ANY FEDERAL GUARANTEE OR INSURANCE.

LAWS OF ARIZONA

6. "INDIVIDUAL" MEANS A PERSON WHO IS NOT A MEMBER OF A FAMILY.
7. "INITIATION OF NEGOTIATIONS" MEANS THE DATE THE DEPARTMENT FIRST MAKES PERSONAL CONTACT WITH THE OWNER, OR HIS PERSONAL REPRESENTATIVE, OF THE PROPERTY SOUGHT TO BE ACQUIRED IF THE PRICE TO BE PAID THEREFOR IS DISCUSSED.
8. "MORTGAGE" MEANS SUCH CLASSES OF LIENS AS ARE COMMONLY GIVEN TO SECURE ADVANCES ON, OR THE UNPAID PURCHASE PRICE OF, REAL PROPERTY, UNDER THE LAWS OF THE STATE IN WHICH THE REAL PROPERTY IS LOCATED, TOGETHER WITH THE CREDIT INSTRUMENTS, IF ANY, SECURED THEREBY.
9. "PERSON" MEANS ANY INDIVIDUAL, FAMILY, PARTNERSHIP, CORPORATION OR ASSOCIATION.

28-1842. **Relocation advisory service**

A. THE DEPARTMENT MAY ESTABLISH AND MAINTAIN A RELOCATION ASSISTANCE ADVISORY SERVICE FOR DISPLACED PERSONS IN ORDER TO:

1. DETERMINE THE NEED, IF ANY, OF DISPLACED PERSONS FOR RELOCATION ASSISTANCE.
2. PROVIDE CURRENT AND CONTINUING INFORMATION ON THE AVAILABILITY, PRICES AND RENTALS OF COMPARABLE DECENT, SAFE AND SANITARY SALES AND RENTAL HOUSING AND OF COMPARABLE COMMERCIAL PROPERTIES AND LOCATIONS FOR DISPLACED BUSINESSES.
3. ASSURE THAT, WITHIN A REASONABLE PERIOD OF TIME PRIOR TO DISPLACEMENT, THERE WILL BE AVAILABLE IN AREAS NOT GENERALLY LESS DESIRABLE IN REGARD TO PUBLIC UTILITIES AND PUBLIC AND COMMERCIAL FACILITIES AND AT RENTS OR PRICES WITHIN THE FINANCIAL MEANS OF THE FAMILIES AND INDIVIDUALS DISPLACED, DECENT, SAFE AND SANITARY DWELLINGS, AS DEFINED BY THE DIRECTOR EQUAL IN NUMBER TO THE NUMBER OF AND AVAILABLE TO SUCH DISPLACED PERSONS WHO REQUIRE SUCH DWELLINGS AND REASONABLY ACCESSIBLE TO THEIR PLACES OF

LAWS OF ARIZONA

EMPLOYMENT, EXCEPT THAT THE DIRECTOR MAY PRESCRIBE BY REGULATION SITUATIONS WHEN SUCH ASSURANCES MAY BE WAIVED.

4. ASSIST A DISPLACED PERSON DISPLACED FROM HIS BUSINESS OR FARM OPERATION IN OBTAINING AND BECOMING ESTABLISHED IN A SUITABLE REPLACEMENT LOCATION.

5. SUPPLY INFORMATION CONCERNING FEDERAL HOUSING PROGRAMS, DISASTER LOAN PROGRAMS AND OTHER PROGRAMS OFFERING ASSISTANCE TO DISPLACED PERSONS.

6. PROVIDE OTHER ADVISORY SERVICES TO DISPLACED PERSONS IN ORDER TO MINIMIZE HARDSHIPS TO SUCH PERSONS IN ADJUSTING TO RELOCATION.

7. INSURE THAT A DISPLACED PERSON WHO MAKES PROPER APPLICATION FOR A PAYMENT AUTHORIZED BY THIS ARTICLE SHALL BE PAID PROMPTLY AFTER A MOVE OR, IN HARDSHIP CASES, BE PAID IN ADVANCE.

8. COORDINATE WITH OTHER GOVERNMENTAL AGENCIES TO DETERMINE IF OTHER CONSTRUCTION AND ACQUISITION BY SUCH AGENCIES MIGHT AFFECT CARRYING OUT OF RELOCATION ASSISTANCE PROGRAMS.

9. ASSIST OTHER PERSONS NOT ELIGIBLE UNDER THIS ARTICLE WHO ARE DISPLACED BECAUSE OF PUBLICLY FINANCED CONSTRUCTION TO THE EXTENT TIME, PERSONNEL AND FACILITIES ALLOW WITHOUT INTERFERENCE WITH REQUIRED SERVICES AND FUNCTIONS.

B. THE DEPARTMENT MAY ESTABLISH LOCAL RELOCATION ASSISTANCE OFFICES TO CARRY OUT THE PROVISIONS OF SUBSECTION A.

C. THE DEPARTMENT MAY CONTRACT WITH FEDERAL, OTHER STATE, COUNTY OR LOCAL AGENCIES TO PROVIDE RELOCATION ASSISTANCE SERVICES IF SUCH AGENCY IS REQUIRED BY LAW TO PROVIDE THE SERVICES AND IF SUCH SERVICES ARE COMPATIBLE WITH THOSE SERVICES PROVIDED BY THE DEPARTMENT.

28-1843. Payment of moving and related expenses

LAWS OF ARIZONA

A. ON OR AFTER THE EFFECTIVE DATE OF THIS ARTICLE, THE DEPARTMENT MAY, AS A PART OF THE COST OF CONSTRUCTION MAKE A PAYMENT TO A DISPLACED PERSON, BUSINESS OR FARM OPERATION, UPON PROPER APPLICATION TO THE DEPARTMENT FOR:

1. ACTUAL REASONABLE EXPENSES IN MOVING HIMSELF, HIS FAMILY, BUSINESS, FARM OPERATION OR OTHER PERSONAL PROPERTY.

2. ACTUAL DIRECT LOSSES OF TANGIBLE PERSONAL PROPERTY AS A RESULT OF MOVING OR DISCONTINUING A BUSINESS OR FARM OPERATION, BUT NOT TO EXCEED AN AMOUNT EQUAL TO THE REASONABLE EXPENSES THAT WOULD HAVE BEEN REQUIRED TO RELOCATE SUCH PROPERTY, AS DETERMINED BY THE DEPARTMENT.

3. ACTUAL REASONABLE EXPENSES IN SEARCHING FOR A REPLACEMENT BUSINESS OR FARM.

B. ANY DISPLACED PERSON ELIGIBLE FOR PAYMENTS UNDER SUBSECTION A OF THIS SECTION WHO IS DISPLACED FROM A DWELLING AND WHO ELECTS TO ACCEPT THE PAYMENTS AUTHORIZED BY THIS SUBSECTION IN LIEU OF THE PAYMENTS AUTHORIZED BY SUBSECTION A MAY RECEIVE A MOVING EXPENSE ALLOWANCE, DETERMINED ACCORDING TO A SCHEDULE ESTABLISHED BY THE DIRECTOR, NOT TO EXCEED THREE HUNDRED DOLLARS AND IN ADDITION A DISLOCATION ALLOWANCE OF TWO HUNDRED DOLLARS. IN ESTABLISHING THE SCHEDULE, THE DIRECTOR SHALL CONSIDER THE NUMBER OF ROOMS IN THE ACQUIRED DWELLING, WHETHER THE ROOMS ARE FURNISHED OR UNFURNISHED. IN THE CASE OF A MOBILE HOME, THE DIRECTOR MAY ESTABLISH A SCHEDULE TO MOVE THE MOBILE HOME BASED UPON ITS SQUARE FOOT AREA.

C. ANY DISPLACED PERSON WHO MOVES OR DISCONTINUES HIS BUSINESS OR FARM OPERATION, WHO ELECTS TO ACCEPT THE PAYMENTS AUTHORIZED BY THIS SUBSECTION IN LIEU OF THE PAYMENT AUTHORIZED BY SUBSECTION A MAY RECEIVE A FIXED RELOCATION PAYMENT IN AN AMOUNT EQUAL TO THE AVERAGE ANNUAL NET EARNINGS OF THE BUSINESS OR FARM OPERATION, EXCEPT THAT SUCH PAYMENT SHALL NOT BE LESS THAN TWENTY-FIVE HUNDRED DOLLARS OR MORE THAN TEN THOUSAND DOLLARS. IN THE CASE OF A BUSINESS, NO

LAWS OF ARIZONA

PAYMENT SHALL BE MADE UNDER THIS SUBSECTION UNLESS THE DEPARTMENT IS SATISFIED THAT THE BUSINESS CONTRIBUTES MATERIALLY TO THE DISPLACED PERSON'S TOTAL INCOME, CANNOT BE RELOCATED WITHOUT A SUBSTANTIAL LOSS OF PATRONAGE AND IS NOT A PART OF A COMMERCIAL ENTERPRISE HAVING AT LEAST ONE OTHER ESTABLISHMENT, NOT BEING ACQUIRED, WHICH IS ENGAGED IN THE SAME OR SIMILAR BUSINESS. FOR PURPOSES OF THIS SUBSECTION, THE TERM "AVERAGE ANNUAL NET EARNINGS" MEANS ONE-HALF OF ANY NET EARNINGS OF THE BUSINESS OR FARM OPERATION, BEFORE FEDERAL, STATE AND LOCAL INCOME TAXES, DURING THE TWO TAXABLE YEARS IMMEDIATELY PRECEDING THE TAXABLE YEAR IN WHICH SUCH BUSINESS OR FARM OPERATION MOVES FROM THE REAL PROPERTY ACQUIRED FOR SUCH PROJECT, OR DURING SUCH OTHER PERIOD AS THE DEPARTMENT DETERMINES TO BE MORE EQUITABLE FOR ESTABLISHING SUCH EARNINGS AND INCLUDES ANY COMPENSATION PAID BY THE BUSINESS OR FARM OPERATION TO THE OWNER, HIS SPOUSE OR HIS DEPENDENTS DURING SUCH TWO-YEAR PERIOD. TO BE ELIGIBLE FOR THE PAYMENT AUTHORIZED BY THIS SUBSECTION, THE BUSINESS OR FARM OPERATION SHALL MAKE ITS STATE INCOME TAX RETURNS AVAILABLE AND ITS FINANCIAL STATEMENTS AND ACCOUNTING RECORDS AVAILABLE FOR AUDIT AND FOR CONFIDENTIAL USE TO DETERMINE THE PAYMENT AUTHORIZED BY THIS SUBSECTION.

28-1844. Supplemental payment to owners

A. IN ADDITION TO THE PAYMENTS AUTHORIZED BY SECTION 28-1843, THE DEPARTMENT, AS A PART OF THE COST OF CONSTRUCTION, MAY MAKE A PAYMENT TO THE OWNER OF REAL PROPERTY ACQUIRED FOR STATE HIGHWAY PURPOSES, WHETHER OR NOT THE DEPARTMENT HAS OR WILL RECEIVE FEDERAL FINANCIAL ASSISTANCE THEREFOR, OR THE FEDERAL-AID HIGHWAY SYSTEM WHICH IS IMPROVED WITH A DWELLING, ACTUALLY OWNED AND OCCUPIED BY THE DISPLACED PERSON FOR NOT LESS THAN ONE HUNDRED EIGHTY DAYS PRIOR TO THE INITIATION OF NEGOTIATIONS FOR THE ACQUISITION OF SUCH PROPERTY. SUCH PAYMENT, NOT TO EXCEED FIFTEEN THOUSAND DOLLARS, SHALL INCLUDE THE FOLLOWING:

1. THE AMOUNT, IF ANY, WHICH WHEN ADDED TO THE ACQUISITION COST OF THE DWELLING ACQUIRED BY THE

LAWS OF ARIZONA

DEPARTMENT, EQUALS THE REASONABLE COST OF A COMPARABLE REPLACEMENT DWELLING WHICH IS A DECENT, SAFE AND SANITARY DWELLING ADEQUATE TO ACCOMMODATE SUCH DISPLACED PERSON, REASONABLY ACCESSIBLE TO PUBLIC SERVICES AND PLACES OF EMPLOYMENT AND AVAILABLE ON THE PRIVATE MARKET. ALL DETERMINATIONS REQUIRED TO CARRY OUT THIS PARAGRAPH SHALL BE MADE IN ACCORDANCE WITH STANDARDS ESTABLISHED BY THE DIRECTOR.

2. THE AMOUNT, IF ANY, WHICH WILL COMPENSATE SUCH DISPLACED PERSON FOR ANY INCREASED INTEREST COSTS WHICH SUCH PERSON IS REQUIRED TO PAY FOR FINANCING THE ACQUISITION OF ANY SUCH COMPARABLE REPLACEMENT DWELLING. THE AMOUNT SHALL BE PAID ONLY IF THE DWELLING ACQUIRED BY THE DEPARTMENT WAS ENCUMBERED BY A MORTGAGE WHICH WAS A VALID LIEN ON SUCH DWELLING FOR NOT LESS THAN ONE HUNDRED EIGHTY DAYS PRIOR TO THE INITIATION OF NEGOTIATIONS FOR THE ACQUISITION OF SUCH DWELLING. THE AMOUNT SHALL BE EQUAL TO THE EXCESS IN THE AGGREGATE INTEREST AND OTHER DEBT SERVICE COSTS OF THAT AMOUNT OF THE PRINCIPAL OF THE NOTE OR DEBT SECURED BY THE MORTGAGE ON THE REPLACEMENT DWELLING WHICH IS EQUAL TO THE UNPAID BALANCE OF THE NOTE OR DEBT SECURED BY THE MORTGAGE ON THE ACQUIRED DWELLING, OVER THE REMAINING TERM OF THE NOTE OR DEBT SECURED BY THE MORTGAGE ON THE ACQUIRED DWELLING, REDUCED TO DISCOUNTED PRESENT VALUE. THE DISCOUNT RATE SHALL BE THE PREVAILING INTEREST RATE PAID ON SAVINGS DEPOSITS BY COMMERCIAL BANKS IN THE GENERAL AREA IN WHICH THE REPLACEMENT DWELLING IS LOCATED.

3. REASONABLE EXPENSES INCURRED BY SUCH DISPLACED PERSON FOR EVIDENCE OF TITLE, RECORDING FEES AND OTHER CLOSING COSTS INCIDENT TO THE PURCHASE OF THE REPLACEMENT DWELLING, BUT NOT INCLUDING PREPAID EXPENSES.

B. THE ADDITIONAL PAYMENT AUTHORIZED BY THIS SECTION SHALL BE MADE ONLY TO SUCH A DISPLACED PERSON WHO PURCHASES AND OCCUPIES A REPLACEMENT DWELLING WHICH IS DECENT, SAFE AND SANITARY NOT LATER THAN THE END OF THE ONE-YEAR PERIOD BEGINNING ON THE DATE ON WHICH HE RECEIVED FINAL PAYMENT OF ALL COSTS OF THE ACQUIRED DWELLING, OR ON THE DATE ON WHICH HE MOVES FROM THE ACQUIRED DWELLING, WHICHEVER IS THE LATER DATE.

LAWS OF ARIZONA

28-1845. Expenses incidental to transfer of property

IN ADDITION TO THE PAYMENTS AUTHORIZED BY SECTIONS 28-1843 AND 28-1844, THE DEPARTMENT AS A PART OF THE COST OF CONSTRUCTION, AFTER THE DATE OF PAYMENT OF THE PURCHASE PRICE OR THE DATE OF DEPOSIT IN COURT OF FUNDS TO SATISFY THE AWARD OR COMPENSATION IN A CONDEMNATION PROCEEDING TO ACQUIRE REAL PROPERTY, WHICHEVER IS THE EARLIER, SHALL REIMBURSE THE OWNER TO THE EXTENT IT DEEMS FAIR AND REASONABLE FOR EXPENSES HE NECESSARILY INCURRED FOR:

1. RECORDING FEES, TRANSFER TAXES AND SIMILAR EXPENSES INCIDENTAL TO CONVEYING SUCH REAL PROPERTY.
2. PENALTY COSTS FOR PREPAYMENT OF ANY PREEXISTING RECORDED MORTGAGE ENTERED INTO IN GOOD FAITH ENCUMBERING SUCH REAL PROPERTY.
3. THE PRO RATA PORTION OF REAL PROPERTY TAXES PAID WHICH ARE ALLOCABLE TO A PERIOD SUBSEQUENT TO THE DATE OF VESTING OF TITLE IN THE STATE, OR THE EFFECTIVE DATE OF THE POSSESSION OF SUCH REAL PROPERTY BY THE STATE, WHICHEVER IS EARLIER.

28-1846. Supplemental payment to tenants

A. IN ADDITION TO THE PAYMENT AUTHORIZED BY SECTION 28-1843, AS A PART OF THE COST OF CONSTRUCTION, THE DEPARTMENT MAY MAKE A PAYMENT TO OR FOR ANY DISPLACED PERSON DISPLACED FROM ANY DWELLING NOT ELIGIBLE TO RECEIVE A PAYMENT UNDER SECTION 28-1844, WHICH DWELLING WAS ACTUALLY AND LAWFULLY OCCUPIED BY SUCH DISPLACED PERSON FOR NOT LESS THAN NINETY DAYS PRIOR TO INITIATION OF NEGOTIATIONS FOR THE ACQUISITION OF SUCH PROPERTY. SUCH PAYMENT SHALL BE EITHER OF THE FOLLOWING:

1. THE ADDITIONAL AMOUNT NECESSARY TO ENABLE SUCH DISPLACED PERSON TO LEASE OR RENT FOR A PERIOD NOT TO EXCEED FOUR YEARS, A DECENT, SAFE AND SANITARY DWELLING OF STANDARDS ADEQUATE TO ACCOMMODATE SUCH PERSON IN AREAS NOT GENERALLY LESS DESIRABLE IN REGARD TO PUBLIC UTILITIES AND PUBLIC AND COMMERCIAL

LAWS OF ARIZONA

FACILITIES, AND REASONABLY ACCESSIBLE TO HIS PLACE OF EMPLOYMENT, BUT NOT TO EXCEED FOUR THOUSAND DOLLARS.

2. THE AMOUNT NECESSARY TO ENABLE SUCH PERSON TO MAKE A DOWN PAYMENT, INCLUDING INCIDENTAL EXPENSES DESCRIBED IN SECTION 28-1844, SUBSECTION A, PARAGRAPH 3, ON THE PURCHASE OF A DECENT, SAFE AND SANITARY DWELLING OF STANDARDS ADEQUATE TO ACCOMMODATE SUCH PERSON IN AREAS NOT GENERALLY LESS DESIRABLE IN REGARD TO PUBLIC UTILITIES AND PUBLIC AND COMMERCIAL FACILITIES, BUT NOT TO EXCEED FOUR THOUSAND DOLLARS, EXCEPT THAT IF SUCH AMOUNT EXCEEDS TWO THOUSAND DOLLARS, SUCH PERSON MUST EQUALLY MATCH ANY SUCH AMOUNT IN EXCESS OF TWO THOUSAND DOLLARS IN MAKING THE DOWN PAYMENT.

B. A DISPLACED PERSON WHO IS ELIGIBLE FOR BENEFITS PURSUANT TO SECTION 28-1844 WHO DOES NOT ELECT PURCHASE REPLACEMENT HOUSING MAY RECEIVE BENEFITS UNDER SUBSECTION A, PARAGRAPH 1 OF THIS SECTION BASED UPON THE DIFFERENCE BETWEEN COMPARABLE DECENT, SAFE AND SANITARY HOUSING AND THE ECONOMIC RENT OF THE ACQUIRED DWELLING, BUT IN NO EVENT MAY THE PAYMENT TO SUCH DISPLACED PERSON BE MORE THAN THE AMOUNT HE WOULD HAVE RECEIVED HAD HE ELECTED TO PURCHASE REPLACEMENT HOUSING.

C. WHEN DISPLACED PERSONS RECEIVE BENEFITS UNDER SUBSECTION A, PARAGRAPH 1 OR SUBSECTION B OF THIS SECTION, THE DIRECTOR MAY PROVIDE SUCH AMOUNT TO BE PAID PERIODICALLY OR AS A LUMP SUM AND IF PAID PERIODICALLY, THE DEPARTMENT SHALL DETERMINE, PRIOR TO MAKING PAYMENT, THAT THE DISPLACED PERSON IS STILL RESIDING IN DECENT, SAFE AND SANITARY HOUSING.

28-1847. Application review by director

ANY DISPLACED PERSON AGGRIEVED BY A DETERMINATION AS TO ELIGIBILITY FOR A PAYMENT AUTHORIZED BY THIS ARTICLE, OR THE AMOUNT OF A PAYMENT, MAY HAVE HIS APPLICATION REVIEWED BY THE DIRECTOR WHOSE DECISION SHALL BE FINAL.

LAWS OF ARIZONA

28-1848. Authority of director; rules and regulations; conflicting federal laws, rules and regulations

A. THE AUTHORITY OF THE DIRECTOR TO MAKE THE EXPENDITURES AUTHORIZED BY SECTIONS 28-1843 THROUGH 28-1846 MAY BE EXERCISED ONLY SO LONG AS THE FEDERAL GOVERNMENT CONTINUES TO FUND AND PARTICIPATE IN ALL SUCH COSTS IN CONNECTION WITH THE CONSTRUCTION OF FEDERAL-AID HIGHWAYS.

B. THE DIRECTOR MAY ADOPT RULES AND REGULATIONS TO IMPLEMENT THIS ARTICLE, AND SUCH OTHER RULES AND REGULATIONS RELATING TO RELOCATION ASSISTANCE AS MAY BE NECESSARY OR DESIRABLE UNDER FEDERAL LAWS AND THE RULES AND REGULATIONS PROMULGATED THEREUNDER. ANY PROVISION OF THIS ARTICLE WHICH IS FOUND TO BE IN CONFLICT WITH SUCH FEDERAL LAWS AND THE RULES AND REGULATIONS PROMULGATED THEREUNDER IS NOT APPLICABLE AND THE DIRECTOR IS AUTHORIZED TO ADOPT SUCH RULES AND REGULATIONS AS MAY BE NECESSARY TO OBTAIN THE FULLEST FEDERAL AID OR PARTICIPATION AVAILABLE.

C. THE DIRECTOR MAY ADOPT RULES AND REGULATIONS RELATING TO:

1. THE STANDARDS FOR COMPARABLE HOUSING.
2. THE STANDARDS FOR DECENT, SAFE AND SANITARY DWELLINGS.
3. PROCEDURE FOR AN AGGRIEVED DISPLACED PERSON TO HAVE HIS DETERMINATION OF ELIGIBILITY OR AMOUNT OF PAYMENT REVIEWED BY THE DIRECTOR.
4. THE ELIGIBILITY OF DISPLACED PERSONS FOR RELOCATION ASSISTANCE PAYMENTS, THE PROCEDURE FOR SUCH PERSONS TO CLAIM SUCH PAYMENTS AND THE AMOUNTS THEREOF.

28-1849. Payments not income; welfare assistance

NO PAYMENT RECEIVED BY A DISPLACED PERSON UNDER THIS ARTICLE SHALL BE CONSIDERED AS INCOME FOR THE PURPOSES OF THE PROVISIONS OF TITLE 43 RELATING TO THE TAXATION OF INCOME, NOR SHALL SUCH PAYMENTS BE CONSIDERED AS

LAWS OF ARIZONA

INCOME OR RESOURCES TO ANY RECIPIENT OF PUBLIC ASSISTANCE AND SUCH PAYMENTS SHALL NOT BE DEDUCTED FROM THE AMOUNT OF AID TO WHICH THE RECIPIENT WOULD OTHERWISE BE ENTITLED UNDER ANY FEDERAL, STATE, COUNTY OR CITY WELFARE PROGRAM.

28-1850. Effect on eminent domain proceedings

NOTHING CONTAINED IN THIS ARTICLE SHALL BE CONSTRUED AS CREATING IN ANY CONDEMNATION PROCEEDINGS BROUGHT UNDER THE POWER OF EMINENT DOMAIN ANY ELEMENT OF DAMAGES NOT IN EXISTENCE ON THE DATE OF ENACTMENT OF THIS ARTICLE.

28-1851. Housing replacement by division as last resort

IF A PROJECT FOR STATE HIGHWAY PURPOSES CANNOT PROCEED TO ACTUAL CONSTRUCTION BECAUSE COMPARABLE REPLACEMENT SALE OR RENTAL HOUSING IS NOT AVAILABLE AND IT IS DETERMINED SUCH HOUSING CANNOT OTHERWISE BE MADE AVAILABLE, THE DEPARTMENT WITH THE APPROVAL OF THE DIRECTOR MAY TAKE SUCH ACTION AS IS NECESSARY OR APPROPRIATE TO PROVIDE SUCH HOUSING AND MAKE PAYMENT THEREFOR AS A PART OF THE COST OF CONSTRUCTION.

28-1852. Litigation expenses

A. THE COURT HAVING JURISDICTION OF A PROCEEDING INSTITUTED BY THE DEPARTMENT TO ACQUIRE REAL PROPERTY BY CONDEMNATION SHALL AWARD THE OWNER OF ANY RIGHT, OR TITLE TO, OR INTEREST IN, SUCH REAL PROPERTY SUCH SUM AS WILL REIMBURSE SUCH OWNER FOR HIS REASONABLE COSTS, DISBURSEMENTS AND EXPENSES, INCLUDING REASONABLE ATTORNEY, APPRAISAL AND ENGINEERING FEES ACTUALLY INCURRED BECAUSE OF THE CONDEMNATION PROCEEDINGS IF EITHER OF THE FOLLOWING OCCUR:

1. THE FINAL JUDGMENT IS THAT THE DEPARTMENT CANNOT ACQUIRE THE REAL PROPERTY BY CONDEMNATION.
2. THE PROCEEDING IS ABANDONED BY THE DEPARTMENT AS AUTHORIZED BY SUBSECTION H, SECTION 28-1865.

B. THE COURT RENDERING A JUDGMENT FOR THE PLAINTIFF IN A PROCEEDING BROUGHT UNDER SECTION 28-1868 AWAR-
ING COMPENSATION FOR THE TAKING OF PROPERTY BY THE

LAWS OF ARIZONA

DEPARTMENT OR THE DIVISION IN EFFECTING A SETTLEMENT OF ANY SUCH PROCEEDING, SHALL DETERMINE AND AWARD OR ALLOW TO SUCH PLAINTIFF, AS A PART OF SUCH JUDGMENT OR SETTLEMENT, SUCH SUM AS WILL IN THE OPINION OF THE COURT OR THE DEPARTMENT REIMBURSE SUCH PLAINTIFF FOR HIS REASONABLE COSTS, DISBURSEMENTS AND EXPENSES, INCLUDING REASONABLE ATTORNEY, APPRAISAL AND ENGINEERING FEES, ACTUALLY INCURRED BECAUSE OF SUCH PROCEEDING.

28-1853. Buildings, structures and improvements

A. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF THE STATE ACQUIRES ANY INTEREST IN REAL PROPERTY, IT SHALL ACQUIRE AT LEAST AN EQUAL INTEREST IN ALL BUILDINGS, STRUCTURES OR OTHER IMPROVEMENTS LOCATED UPON THE REAL PROPERTY SO ACQUIRED AND WHICH IT REQUIRES TO BE REMOVED FROM SUCH REAL PROPERTY OR WHICH IT DETERMINES WILL BE ADVERSELY AFFECTED BY THE USE TO WHICH SUCH REAL PROPERTY WILL BE PUT.

B. FOR THE PURPOSE OF DETERMINING THE JUST COMPENSATION TO BE PAID FOR ANY BUILDING, STRUCTURE OR OTHER IMPROVEMENT REQUIRED TO BE ACQUIRED BY SUBSECTION A, SUCH BUILDING, STRUCTURE OR OTHER IMPROVEMENT SHALL BE DEEMED TO BE A PART OF THE REAL PROPERTY TO BE ACQUIRED NOTWITHSTANDING THE RIGHT OR OBLIGATION OF A TENANT, AS AGAINST THE OWNER OF ANY OTHER INTEREST IN THE REAL PROPERTY, TO REMOVE SUCH BUILDING, STRUCTURE OR IMPROVEMENT AT THE EXPIRATION OF HIS TERM, AND THE FAIR MARKET VALUE WHICH SUCH BUILDING, STRUCTURE OR IMPROVEMENT CONTRIBUTES TO THE FAIR MARKET VALUE OF THE REAL PROPERTY TO BE ACQUIRED OR THE FAIR MARKET VALUE OF SUCH BUILDING, STRUCTURE OR IMPROVEMENT, FOR REMOVAL FROM THE REAL PROPERTY, WHICHEVER IS THE GREATER, SHALL BE PAID TO THE TENANT THEREFOR.

C. PAYMENT UNDER THIS SECTION SHALL NOT RESULT IN DUPLICATION OF ANY PAYMENTS OTHERWISE AUTHORIZED BY LAW. NO SUCH PAYMENT SHALL BE MADE UNLESS THE OWNER OF THE LAND INVOLVED DISCLAIMS ALL INTEREST IN THE IMPROVEMENTS OF THE TENANT. IN CONSIDERATION FOR ANY SUCH PAYMENT, THE TENANT SHALL ASSIGN, TRANSFER AND RELEASE TO THE STATE ALL HIS RIGHT, TITLE AND INTEREST

LAWS OF ARIZONA

IN AND TO SUCH IMPROVEMENTS. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO DEPRIVE THE TENANT OF ANY RIGHTS TO REJECT PAYMENT UNDER THIS SECTION AND TO OBTAIN PAYMENT FOR SUCH PROPERTY INTERESTS IN ACCORDANCE WITH APPLICABLE LAW, OTHER THAN THIS SECTION.

ARTICLE 4. STATE HIGHWAYS AND ROUTES

28-1861. **State highways and routes defined**

THE STATE HIGHWAYS, TO BE KNOWN AS STATE ROUTES, SHALL CONSIST OF THE HIGHWAYS DECLARED PRIOR TO AUGUST 12, 1927 TO BE STATE HIGHWAYS, UNDER AUTHORITY OF LAW, WHICH THE TRANSPORTATION BOARD, AFTER RECEIPT OF A RECOMMENDATION FROM THE DIRECTOR, MAY ADD TO, ABANDON OR CHANGE. IF THE TRANSPORTATION BOARD PROCEEDS CONTRARY TO THE RECOMMENDATIONS OF THE DIRECTOR, IT SHALL FILE A WRITTEN REPORT WITH THE GOVERNOR, STATING THE REASONS FOR SUCH ACTION. THE STATE HIGHWAYS SHALL CONSIST OF SUCH PARTS OF THE STATE ROUTES DESIGNATED AND ACCEPTED AS STATE HIGHWAYS BY THE TRANSPORTATION BOARD. NO HIGHWAY WHICH HAS NOT BEEN DESIGNATED A STATE ROUTE SHALL BECOME A STATE HIGHWAY, NOR SHALL ANY PORTION OF A STATE ROUTE BECOME A STATE HIGHWAY UNTIL IT HAS BEEN SPECIFICALLY DESIGNATED AND ACCEPTED BY THE TRANSPORTATION BOARD AS A STATE HIGHWAY, AND ORDERED CONSTRUCTED AND IMPROVED.

28-1862. **Width of highways; errors in establishing**

A. ALL HIGHWAYS CONSTRUCTED, LAID OUT, OPENED OR ESTABLISHED PRIOR TO AUGUST 12, 1927 AS PUBLIC HIGHWAYS BY THE TERRITORY OR STATE, OR BY A BOARD OF SUPERVISORS OR LEGAL SUBDIVISION OF THE STATE, AND WHICH HAVE BEEN USED CONTINUOUSLY BY THE PUBLIC AS THOROUGHFARES FOR FREE TRAVEL AND PASSAGE FOR TWO YEARS OR MORE, REGARDLESS OF ANY ERROR, DEFECT OR OMISSION IN THE PROCEEDING TO ESTABLISH THE HIGHWAYS, OR IN RECORDING OF THE PROCEEDINGS, AND ALL HIGHWAYS ESTABLISHED PURSUANT TO LAW, ARE DECLARED PUBLIC HIGHWAYS SIXTY-SIX FEET WIDE, UNLESS THE WIDTH THEREOF IS OTHERWISE SPECIFIED.

LAWS OF ARIZONA

B. NO PORTION OF A PUBLIC HIGHWAY WITHIN THE LIMITS OF AN INCORPORATED CITY OR TOWN HAVING A POPULATION OF MORE THAN TWENTY-FIVE HUNDRED SHALL COME UNDER THE PROVISIONS OF THIS SECTION EXCEPT AS SPECIFICALLY PROVIDED FOR IN THIS TITLE.

28-1863. Designation of state route as state highway; notice; limitation; maintenance

A. NOT LESS THAN TWO WEEKS PRIOR TO THE DESIGNATION AND ACCEPTANCE BY THE TRANSPORTATION BOARD OF A STATE ROUTE, OR PORTION THEREOF, AS A STATE HIGHWAY, THE TRANSPORTATION BOARD SHALL GIVE NOTICE TO THE BOARD OF SUPERVISORS OF THE COUNTY IN WHICH THE PROPOSED HIGHWAY LIES OF THE INTENTION OF THE TRANSPORTATION BOARD TO CONSIDER THE DESIGNATION, AND THE BOARD OF SUPERVISORS MAY APPEAR BEFORE THE TRANSPORTATION BOARD AND BE HEARD UPON THE PROPOSAL. THE BOARD OF SUPERVISORS MAY ALSO PETITION THE TRANSPORTATION BOARD TO TAKE OVER AND DESIGNATE A STATE ROUTE AS A STATE HIGHWAY.

B. UNTIL DESIGNATED AND ACCEPTED AS STATE HIGHWAYS, ALL STATE ROUTES SHALL BE COUNTY HIGHWAYS, AND SHALL BE CONSTRUCTED, IMPROVED AND MAINTAINED AS SUCH, EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE.

C. NO PART OF A STATE ROUTE SHALL BE TAKEN OVER OR DESIGNATED AS A STATE HIGHWAY UNTIL FUNDS FOR ITS IMPROVEMENT ARE PROVIDED IN THE BUDGET OF THE DEPARTMENT, BUT WHEN SO DESIGNATED AND ACCEPTED BY THE TRANSPORTATION BOARD, THE HIGHWAY SHALL THEREAFTER BE MAINTAINED BY THE DEPARTMENT.

28-1864. Opening, altering or vacating highway; review of order

A. WHEN THE DIRECTOR OR THE TRANSPORTATION BOARD DESIRES TO ESTABLISH, OPEN, RELOCATE, ALTER, VACATE OR ABANDON A STATE HIGHWAY, OR ANY PORTION THEREOF, THE DIRECTOR SHALL MAKE AND DELIVER A WRITTEN REPORT TO THE TRANSPORTATION BOARD DESCRIBING THE HIGHWAY, OR PORTION THEREOF, TO BE AFFECTED THEREBY. IF THE TRANSPORTATION BOARD DECIDES THAT THE PUBLIC CONVENIENCE WILL BE SERVED, IT SHALL ENTER A RESOLUTION UPON ITS

LAWS OF ARIZONA

MINUTES APPROVING THE PROPOSED ACTION AND AUTHORIZING THE DIRECTOR TO PROCEED THEREON, AND TO ACQUIRE ANY PROPERTY THEREFOR BY CONDEMNATION OR OTHERWISE.

B. THE SUPERIOR COURTS MAY REVIEW BY CERTIORARI THE ACTION OF THE TRANSPORTATION BOARD ESTABLISHING, OPENING, RELOCATING, ALTERING, VACATING OR ABANDONING STATE HIGHWAYS.

28-1865. Purchase, sale or condemnation of land for highway purposes

A. THE DIRECTOR, IN THE NAME OF THE STATE, MAY ACQUIRE, EITHER IN FEE OR A LESSER ESTATE OR INTEREST, REAL PROPERTY WHICH HE CONSIDERS NECESSARY FOR TRANSPORTATION PURPOSES, BY PURCHASE, DONATION, DEDICATION, EXCHANGE, CONDEMNATION OR OTHER LAWFUL MEANS WITH MONIES FROM THE STATE HIGHWAY FUND OR ANY OTHER MONIES APPROPRIATED TO THE DEPARTMENT. PROPERTY ACQUIRED FOR SUCH PURPOSES SHALL INCLUDE LANDS OR ANY INTEREST THEREIN CONSIDERED NECESSARY FOR RIGHTS-OF-WAY OR CAMP SITES, ROADSIDE REST AREAS, WATER OR MATERIAL NEEDED IN THE CONSTRUCTION, IMPROVEMENT OR MAINTENANCE OF STATE HIGHWAYS, AIRPORTS, RUNWAYS OR TAXIWAYS OR OTHER PROPERTY UNDER THE JURISDICTION, POSSESSION OR CONTROL OF THE DEPARTMENT, OR FOR SPOIL BANKS, ROCK QUARRIES, GRAVEL PITS, SAND OR EARTH BORROW PITS, OR FOR RIGHTS-OF-WAY TO THE PLACE WHERE MATERIAL REQUIRED IN THE CONSTRUCTION, IMPROVEMENT OR MAINTENANCE OF STATE HIGHWAYS MAY BE LOCATED, FOR OFFICES, SHOPS, MAINTENANCE CAMPS, STORAGE YARDS, INSPECTION OR WEIGHING STATIONS, RADIO TRANSMITTER OR REPEATER STATIONS, AND FOR RIGHTS-OF-WAY FOR ACCESS TO SUCH LOCATION AND AIRPORTS, RUNWAYS OR TAXIWAYS.

B. WHENEVER A PART OF A PARCEL OF LAND IS TO BE TAKEN FOR TRANSPORTATION PURPOSES AND THE REMAINDER IS TO BE LEFT IN SUCH SHAPE OR CONDITION AS TO BE OF LITTLE VALUE TO ITS OWNER, OR TO GIVE RISE TO CLAIMS OR LITIGATION CONCERNING SEVERANCE OR OTHER DAMAGE, THE WHOLE PARCEL MAY BE ACQUIRED BY ANY MEANS PROVIDED IN SUBSECTION A OF THIS SECTION, AND THE REMAINDER MAY BE SOLD OR MAY BE EXCHANGED FOR OTHER PROPERTY NEEDED FOR TRANSPORTATION PURPOSES.

LAWS OF ARIZONA

C. THE RIGHT OF EMINENT DOMAIN MAY BE EXERCISED BY THE STATE FOR SUCH PURPOSES AND THE COURT IN WHICH THE ACTION IS PENDING SHALL GIVE THE ACTION PRECEDENCE OVER OTHER CIVIL ACTIONS. WHENEVER PROPERTY WHICH IS DEVOTED TO OR HELD FOR SOME PUBLIC USE OTHER THAN EXISTING STREET, HIGHWAY OR AIRPORT USES FOR WHICH THE POWER OF EMINENT DOMAIN MIGHT BE EXERCISED IS TO BE TAKEN FOR SUCH TRANSPORTATION PURPOSES, THE DIRECTOR MAY, WITH THE CONSENT OF THE PERSON OR AGENCY IN CHARGE OF SUCH PUBLIC USE, PURCHASE REAL PROPERTY OR AN INTEREST THEREIN TO BE EXCHANGED WITH SUCH PERSON OR AGENCY FOR THE REAL PROPERTY SO TO BE TAKEN FOR TRANSPORTATION PURPOSES. THIS SECTION DOES NOT LIMIT THE AUTHORIZATION TO THE DEPARTMENT TO ACQUIRE, OTHER THAN BY EXCHANGE, PROPERTY FOR SUCH PURPOSES, OR TO ACQUIRE DIRECTLY, BY CONDEMNATION, PURCHASE OR OTHERWISE, WITHOUT SUCH EXCHANGE, PROPERTY HELD FOR SOME OTHER PUBLIC USE BY ANY LAWFUL MEANS SET FORTH IN SUBSECTION A OF THIS SECTION.

D. THE AUTHORITY CONFERRED BY THIS SECTION TO ACQUIRE REAL PROPERTY FOR TRANSPORTATION PURPOSES INCLUDES AUTHORITY TO ACQUIRE FOR FUTURE NEEDS PROVIDED THE TRANSPORTATION BOARD HAS AN ADOPTED AND APPROVED STATE ROUTE PLAN OR AIRPORT SITE LOCATION FOR SUCH TRANSPORTATION SHOWING A REASONABLE NEED FOR SUCH PROPERTY. THE DIRECTOR IS AUTHORIZED TO LEASE OR LET AT FAIR RENTAL VALUE ANY LANDS WHICH ARE HELD FOR TRANSPORTATION PURPOSES AND ARE NOT PRESENTLY NEEDED THEREFOR ON SUCH TERMS AND CONDITIONS AS THE DIRECTOR MAY FIX AND TO MAINTAIN AND CARE FOR SUCH PROPERTY IN ORDER TO SECURE RENT THEREFROM ON TERMS CONSISTENT WITH THIS SECTION. RENTS RECEIVED FROM PROPERTY ACQUIRED IN WHICH FEDERAL FUNDS PARTICIPATED IN THE COST OF ACQUISITION SHALL BE DEPOSITED IN THE STATE HIGHWAY FUND. TWENTY-FOUR PER CENT OF ALL OTHER RENT SO RECEIVED SHALL BE DEPOSITED IN THE TRANSPORTATION PROPERTIES RENTAL FUND IN THE STATE TREASURY, WHICH FUND IS HEREBY CREATED. THE BALANCE OF SUCH RENTS SHALL BE DEPOSITED IN THE STATE HIGHWAY FUND. INCOME RECEIVED FROM RENTALS UNDER THIS SECTION SHALL BE CREDITED TO THE BUDGETARY ITEM FROM WHICH THE PROPERTY WAS ACQUIRED.

LAWS OF ARIZONA

E. WHENEVER IT IS DETERMINED BY THE DIRECTOR THAT ANY RENTAL REVENUE COLLECTED UNDER THE PROVISIONS OF THIS SECTION REPRESENTS OVERPAYMENT OR PAYMENT IN DUPLICATE, THE DIRECTOR MAY AUTHORIZE THE REFUND OF SUCH OVERPAYMENT OR PAYMENT IN DUPLICATE FROM THE TRANSPORTATION PROPERTIES RENTAL FUND AND THE STATE HIGHWAY FUND.

F. THE DEPARTMENT OF ADMINISTRATION DIVISION OF FINANCE SHALL, NOT LATER THAN THE FIRST DAY OF NOVEMBER NEXT FOLLOWING THE CLOSE OF ANY FISCAL YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION, PAY THE RENTS DEPOSITED IN THE TRANSPORTATION PROPERTIES RENTAL FUND TO THE COUNTY ASSESSOR IN THE COUNTY IN WHICH SUCH REAL PROPERTY IS SITUATED. THE DIRECTOR SHALL CERTIFY TO THE DIVISION OF FINANCE THE AMOUNT OF SUCH RENTALS ATTRIBUTABLE TO EACH COUNTY AND SHALL NOTIFY EACH COUNTY OF THE RENTAL AND LOCATION OF EACH PIECE OF RENTAL PROPERTY FOR WHICH RENTS ARE DEPOSITED IN THE FUND. THE COUNTY ASSESSOR SHALL DISTRIBUTE ANY PAYMENT RECEIVED BY HIM PURSUANT TO THIS SECTION TO THE COUNTY, TO EACH REVENUE DISTRICT FOR WHICH THE COUNTY ASSESSES AND COLLECTS REAL PROPERTY TAXES OR ASSESSMENTS, AND TO EVERY OTHER TAXING AGENCY WITHIN THE COUNTY IN WHICH THE PROPERTY IS SITUATED. THE AMOUNT DISTRIBUTABLE TO THE COUNTY AND EACH SUCH REVENUE DISTRICT OR OTHER TAXING AGENCY SHALL BE PROPORTIONATE TO THE RATIO WHICH THE AMOUNT OF THE TAXES AND ASSESSMENTS OF EACH ON SIMILAR REAL PROPERTY SIMILARLY SITUATED WITHIN THAT PART OF THE COUNTY EMBRACING THE SMALLEST IN AREA OF THE REVENUE DISTRICTS OR OTHER TAXING AGENCIES OTHER THAN THE COUNTY, LEVIED FOR THE FISCAL YEAR NEXT PRECEDING, BEARS TO THE COMBINED AMOUNT OF THE TAXES AND ASSESSMENTS OF ALL SUCH DISTRICTS AND AGENCIES, INCLUDING THE COUNTY, ON SUCH PROPERTY LEVIED FOR THAT YEAR. THE COUNTY ASSESSOR SHALL DETERMINE AND CERTIFY THE AMOUNTS DISTRIBUTABLE TO THE BOARD OF SUPERVISORS, WHICH SHALL THEREUPON ORDER THE MAKING OF THE DISTRIBUTION. ANY MONEY DISTRIBUTED PURSUANT TO THIS SECTION TO ANY COUNTY, REVENUE DISTRICT OR OTHER TAXING AGENCY SHALL BE DEPOSITED TO THE CREDIT OF THE SAME FUND AS ANY TAXES OR ASSESSMENTS ON ANY TAXABLE SIMILAR REAL PROPERTY SIMILARLY SITUATED. WHERE A

LAWS OF ARIZONA

COUNTY RECEIVES A PAYMENT PURSUANT TO THIS SECTION IN THE AMOUNT OF TWENTY-FIVE DOLLARS OR LESS IN RESPECT TO ANY PARCEL OF LEASED PROPERTY, ALL OF SUCH PAYMENT SHALL BE DISTRIBUTED TO THE COUNTY FOR DEPOSIT IN THE COUNTY GENERAL FUND. THE MONEY RECEIVED BY THE RESPECTIVE JURISDICTIONS UNDER THIS SECTION MAY BE EXPENDED BY THEM FOR ANY PROPER PUBLIC PURPOSE NOT PROHIBITED BY THE STATE CONSTITUTION.

G. THE DIRECTOR MAY DISPOSE OF REAL PROPERTY OR ANY RIGHT, TITLE OR INTEREST THEREIN, WHEN HE DETERMINES THAT IT IS NO LONGER NEEDED OR USED FOR TRANSPORTATION PURPOSES. THE DIRECTOR MAY AFTER THE ESTABLISHMENT, LAYING OUT OR SUBSTANTIAL COMPLETION OF A TRANSPORTATION IMPROVEMENT, CONVEY OUT ANY SUCH REAL PROPERTY OR ANY INTEREST THEREIN WHICH WAS ACQUIRED PURSUANT TO SUBSECTION D OF THIS SECTION AND WHICH IT DETERMINES IS NOT NECESSARY FOR SUCH IMPROVEMENT. SUCH CONVEYANCE SHALL BE MADE TO THE HIGHEST AND MOST RESPONSIBLE BIDDER AT A PUBLIC SALE HELD FOR THAT PURPOSE. SUCH SALE MAY BE MADE FOR CASH OR ON TERMS OF NOT LESS THAN TWENTY PER CENT DOWN WITH BALANCE PAYABLE IN ANNUAL INSTALLMENTS FOR TEN YEARS, THE UNPAID BALANCE THEREOF TO BEAR INTEREST AT THE RATE OF SIX PER CENT PER ANNUM. THE DIRECTOR MAY EXECUTE ALL DEEDS OR CONVEYANCES NECESSARY TO CONVEY ANY REAL PROPERTY OR INTEREST THEREIN TO BE SOLD OR EXCHANGED UNDER THE PROVISIONS OF THIS SECTION. THE DIRECTOR MAY INSERT IN ANY SUCH DEED OR CONVEYANCE SUCH CONDITIONS, COVENANTS, EXCEPTIONS AND RESERVATIONS AS HE DEEMS TO BE IN THE PUBLIC INTEREST OR MAY CONVEY IN FEE SIMPLE ABSOLUTE. IT SHALL BE CONCLUSIVELY PRESUMED IN FAVOR OF ANY PURCHASER FOR VALUE AND WITHOUT NOTICE OF ANY REAL PROPERTY OR INTEREST THEREIN CONVEYED PURSUANT TO THE PROVISIONS OF THIS SECTION THAT THE DEPARTMENT ACTED WITHIN ITS LAWFUL AUTHORITY IN ACQUIRING THE PROPERTY, AND THAT THE DIRECTOR ACTED WITHIN ITS LAWFUL AUTHORITY IN EXECUTING ANY DEED OR CONVEYANCE OR LEASE AUTHORIZED BY THIS SECTION.

H. THE DIRECTOR MAY AT ANY TIME PRIOR TO PAYMENT OF THE COMPENSATION AND DAMAGES AWARDED THE DEFENDANTS BY THE COURT OR JURY ABANDON THE PROCEEDINGS

LAWS OF ARIZONA

AND CAUSE THE ACTION TO BE DISMISSED WITHOUT PREJUDICE PROVIDED, HOWEVER, THAT THE COURT MAY REQUIRE THAT REASONABLE ATTORNEYS' FEES, EXPERT WITNESS FEES AND THE COSTS BE PAID AS A CONDITION OF DISMISSAL.

I. THE DIRECTOR SHALL JUSTIFY EACH ACQUISITION OR DISPOSAL OF REAL PROPERTY UNDER THIS SECTION BY AT LEAST ONE APPRAISAL REPORT, IN SUFFICIENT SCOPE TO DOCUMENT AND JUSTIFY THE ECONOMIC BASIS FOR THE ACQUISITION OR DISPOSAL.

J. NONE OF THE PROVISIONS OF THIS SECTION ARE INTENDED TO LIMIT, OR SHALL LIMIT, THE PROVISIONS OF ANY OTHER SECTION, EACH OF WHICH IS A DISTINCT AND SEPARATE AUTHORIZATION.

28-1865.01. Lease of areas above and below highways; exemptions

A. THE DIRECTOR MAY LEASE TO ANY PUBLIC AGENCY, AS DEFINED IN SECTION 11-951, OR TO PRIVATE PERSONS OR ENTITIES, THE USE OF AREAS ABOVE OR BELOW STATE HIGHWAYS, SUBJECT TO SUCH RESERVATIONS, RESTRICTIONS AND CONDITIONS AS HE DEEMS NECESSARY TO ASSURE ADEQUATE PROTECTION TO THE SAFETY AND INTEGRITY OF HIGHWAY FACILITIES AND TO SECURE THE SAFETY OF MOTORISTS. PRIOR TO ENTERING INTO ANY SUCH LEASE, THE DIRECTOR SHALL DETERMINE THAT THE PROPOSED USE BY ANY LESSEE IS NOT IN CONFLICT WITH THE ZONING REGULATIONS OF THE LOCAL GOVERNMENT CONCERNED. SUCH LEASES SHALL BE MADE IN ACCORDANCE WITH PROCEDURES TO BE PRESCRIBED BY THE TRANSPORTATION BOARD, EXCEPT THAT IN THE CASE OF LEASES WITH PRIVATE PERSONS OR ENTITIES SUCH LEASES SHALL ONLY BE MADE AFTER COMPETITIVE BIDDING. THE TRANSPORTATION BOARD MAY REJECT ANY OR ALL BIDS OR CALL FOR ADDITIONAL BIDS IF IN THE OPINION OF THE TRANSPORTATION BOARD THE BIDS SUBMITTED ARE NOT IN THE BEST INTEREST OF THE STATE. NO BID SHALL BE ACCEPTED WHICH DOES NOT YIELD AT LEAST A FAIR RENTAL VALUE FOR THE PROPERTY TO THE STATE HIGHWAY FUND. REVENUES DERIVED FROM SUCH LEASES SHALL BE DEPOSITED IN THE STATE HIGHWAY FUND.

B. PROVISIONS OF THIS SECTION SHALL NOT APPLY TO PERMITS, EASEMENTS AND RIGHTS-OF-WAY FOR PUBLIC SERVICE CORPORATIONS.

LAWS OF ARIZONA

28-1866. Use of streets to connect highways and routes

WHEN THE STREETS OF AN INCORPORATED CITY OR TOWN FORM NECESSARY OR CONVENIENT LINKS FOR THE CONNECTION OF SECTIONS OF STATE HIGHWAYS OR STATE ROUTES, OR FOR CARRYING THE HIGHWAYS OR ROUTES THROUGH THE CITY OR TOWN, THE STREETS MAY, BY AN AGREEMENT BETWEEN THE DIRECTOR AND THE GOVERNING BOARD OF THE CITY OR TOWN, IN THE CASE OF STATE HIGHWAYS, OR BETWEEN THE BOARD OF SUPERVISORS AND THE GOVERNING BOARD OF THE CITY OR TOWN, IN THE CASE OF STATE ROUTES, BE CONSIDERED AND DEEMED STATE HIGHWAYS, OR COUNTY HIGHWAYS RESPECTIVELY. THE AGREEMENT SHALL MAKE PROVISIONS FOR MAINTENANCE OF THE STREETS SO CLASSIFIED.

28-1867. Designation of secondary state highways

A. UPON PETITION OF THE BOARD OF SUPERVISORS OF A COUNTY, THE TRANSPORTATION BOARD SHALL, IF IT DECIDES THAT THE PUBLIC CONVENIENCE IS SERVED AND THE DESIGNATION WILL NOT INTERFERE WITH THE COMPLETION AND UP-KEEP OF THE PRESENT STATE HIGHWAY SYSTEM, DESIGNATE AS A SECONDARY STATE HIGHWAY ANY INTERCOUNTY STATE HIGHWAY ROUTE WHICH EXTENDS ACROSS THE BORDER OF THE COUNTY FOR A DISTANCE OF NOT LESS THAN THIRTY MILES ON EACH SIDE THEREOF.

B. THE SECONDARY STATE HIGHWAY SHALL BE ORDERED CONSTRUCTED, IMPROVED, REPAIRED AND MAINTAINED UNDER JURISDICTION OF THE DEPARTMENT, SUBJECT TO APPROVAL OF A MAJORITY OF THE BOARD OF SUPERVISORS OF BOTH COUNTIES.

C. THE CONSTRUCTION, IMPROVEMENT, REPAIR AND MAINTENANCE OF THE SECONDARY STATE HIGHWAY SHALL BE BORNE IN THE FOLLOWING MANNER:

1. THE STATE SHALL BEAR ONE-THIRD OF THE COSTS.
2. EACH COUNTY THROUGH WHICH THE SECONDARY STATE HIGHWAY EXTENDS SHALL BEAR A PRO RATA SHARE OF SUCH COSTS OUT OF THE REVENUES ACCRUING TO THE COUNTIES FROM THEIR RESPECTIVE APPORTIONMENTS OF THE MOTOR VEHICLE FUEL TAX, BASED ON THE NUMBER OF MILES THE SECONDARY STATE HIGHWAY EXTENDS IN EACH COUNTY.

LAWS OF ARIZONA

D. WHEN TWO OR MORE COUNTIES DESIRE TO ESTABLISH, OPEN, RELOCATE OR CONSTRUCT AN INTERCOUNTY HIGHWAY WHICH EXTENDS ACROSS THE BORDERS OF THE COUNTIES, AND FOR THE PURPOSE OF SECURING FEDERAL AID IN THE CONSTRUCTION THEREOF, THEY MAY ENTER INTO COOPERATIVE AGREEMENTS WITH EACH OTHER WHICH MAY PROVIDE FOR THE AMOUNT OF MONEY TO BE ADVANCED BY EACH COUNTY TOWARDS THE CONSTRUCTION THEREOF, REGARDLESS OF THE COUNTY IN WHICH THE MONEY IS EXPENDED. WHEN SUCH AN AGREEMENT IS CONCLUDED, THE COUNTIES MAY REQUEST THAT THE DEPARTMENT INCLUDE THE INTERCOUNTY HIGHWAY INVOLVED IN THE FEDERAL AID SECONDARY SYSTEM. UPON APPROVAL OF THE INCLUSION IN THE SYSTEM, THE COUNTIES AND THE DEPARTMENT ARE AUTHORIZED TO ENTER INTO A COOPERATIVE AGREEMENT FOR THE CONSTRUCTION OF THE HIGHWAY BY THE DEPARTMENT WITH MONIES FURNISHED BY THE COUNTIES AND WITH FEDERAL AID.

28-1868. Actions against state concerning lands taken or damaged in construction of highway or airport; limitation

AN ACTION BROUGHT TO RECOVER POSSESSION OF OR TO CLEAR TITLE TO REAL PROPERTY CLAIMED BY THE STATE, OR ANY LEGAL SUBDIVISION THEREOF, AS A PUBLIC HIGHWAY OR AIRPORT, OR AN ACTION BROUGHT TO RECOVER COMPENSATION OR DAMAGE FOR PROPERTY TAKEN OR DAMAGED IN OR FOR THE CONSTRUCTION OF A PUBLIC HIGHWAY OR AIRPORT, SHALL BE COMMENCED WITHIN TWO YEARS AFTER THE CAUSE OF ACTION HAS ACCRUED AND NOT AFTERWARDS.

28-1869. Roadside parks; historical markers

A. THE DEPARTMENT MAY CONSTRUCT, MAINTAIN AND OPERATE ON HIGHWAY PROPERTY ROADSIDE PARKS FOR THE USE AND BENEFIT OF THE PUBLIC.

B. THE DEPARTMENT MAY CONSTRUCT AND ERECT ON HIGHWAY PROPERTY SIGNS AND PLAQUES MARKING POINTS OF HISTORICAL IMPORTANCE, BUT SUCH SIGNS AND PLAQUES SHALL NOT BE ERECTED UNLESS THEY HAVE BEEN CERTIFIED AS REASONABLY AUTHENTIC AND HISTORICALLY CORRECT BY THE DIRECTOR OF THE DEPARTMENT OF LIBRARY AND ARCHIVES.

LAWS OF ARIZONA

28-1870. Misuse of public highway or airport defined; abatement; penalties

A. A PERSON WHO COMMITS OR CAUSES TO BE COMMITTED ANY OF THE FOLLOWING ACTS IS GUILTY OF A MISDEMEANOR:

1. PLACES OR MAINTAINS AN ENCROACHMENT OR OBSTRUCTION UPON, OR MAKES ANY USE OF, OR OTHERWISE OCCUPIES A PUBLIC HIGHWAY OR AIRPORT OF THE STATE OR ANY OF ITS LEGAL SUBDIVISIONS FOR ANY PURPOSE OTHER THAN AUTHORIZED PUBLIC TRAVEL, OR FOR COMMUNICATION, TRANSPORTATION OR TRANSMISSION PURPOSES EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION. THE TERM "ENCROACHMENT" INCLUDES ANY STRUCTURE OR OBJECT OF ANY KIND OR CHARACTER WHICH IS PLACED IN, UNDER OR OVER ANY PORTION OF THE PUBLIC HIGHWAY OR AIRPORT.

2. PLACES OR MAINTAINS AN ENCROACHMENT OR OBSTRUCTION UPON, USES, OCCUPIES, DAMAGES OR OTHERWISE INTERFERES WITH A PUBLIC HIGHWAY, AIRPORT OR A PUBLIC BRIDGE, CAUSEWAY, VIADUCT, TRESTLE OR DAM, UNLESS AUTHORIZED BY THE DIRECTOR, OR IF NOT A STATE HIGHWAY OR STRUCTURE, OR AIRPORT FACILITY UNLESS AUTHORIZED BY THE GOVERNING BODY OF THE LEGAL SUBDIVISION IN WHICH SUCH ACT IS COMMITTED.

3. MOLESTS OR DESTROYS ANY PART, PROJECTION, STRUCTURE, APPURTENANT OR ACCESSORY OF A PUBLIC HIGHWAY OR AIRPORT, OR DESTROYS OR OTHERWISE INTERFERES WITH A DRAINAGE DITCH CONSTRUCTED FOR THE PROTECTION OF A PUBLIC HIGHWAY OR AIRPORT, OR A DIKE, DITCH, LEVEE, JETTY OR AN EMBANKMENT APPURTENANT THERETO.

4. DESTROYS OR INTERFERES WITH A FORD, DIP, CULVERT OR CROSSING OF A CREEK, GULCH, RIVER OR STREAM BY DIGGING AWAY THE BANKS, OR BY DAMMING, DEEPENING OR WIDENING ANY THEREOF SO AS TO DIVERT WATERS UPON THE PUBLIC HIGHWAY OR AIRPORT OR CAUSE INJURY OR DAMAGE THERE-TO BY FLOODING OR OTHERWISE.

5. PLACES OR MAINTAINS ANY VEHICLE, AIRCRAFT OR STRUCTURE, PARKED OR PLACED WHOLLY OR PARTLY WITHIN ANY PUBLIC HIGHWAY, RUNWAY OR TAXIWAY SPECIFICALLY FOR THE PURPOSE OF SELLING THE VEHICLE, AIRCRAFT OR

LAWS OF ARIZONA

STRUCTURE OR OF SELLING OR SPECIFICALLY ADVERTISING THE SALE OF, AT ANY LOCATION, ANY ARTICLE, SERVICE OR THING.

6. STORES, SERVICES, REPAIRS OR OTHERWISE WORKS UPON ANY VEHICLE WHOLLY OR PARTLY WITHIN ANY HIGHWAY OTHER THAN UPON A VEHICLE WHICH IS TEMPORARILY DISABLED.

7. REMOVES, INJURES OR WILFULLY DESTROYS ANY TREE OR SHRUB STANDING ON A HIGHWAY.

8. WILFULLY OBSTRUCTS OR INJURES ANY PUBLIC HIGHWAY, RUNWAY OR TAXIWAY BY CAUSING OR PERMITTING FLOW OR SEEPAGE OF WATER UNDER HIS CONTROL TO ESCAPE ONTO THE HIGHWAY, RUNWAY OR TAXIWAY.

B. A PERSON VIOLATING ANY PROVISION OF SUBSECTION A OF THIS SECTION SHALL BE PUNISHED BY A FINE OF NOT LESS THAN TWENTY-FIVE NOR MORE THAN ONE HUNDRED DOLLARS FOR EACH VIOLATION. EACH DAY OF VIOLATION OF ANY PROVISION OF SUBSECTION A OF THIS SECTION IS A SEPARATE VIOLATION UPON FAILURE TO REMOVE OR TO DILIGENTLY PROSECUTE THE REMOVAL OF ANY ENCROACHMENT AFTER NOTICE UNDER SECTION 28-1871. EACH ENCROACHMENT SHALL BE TREATED AS A SEPARATE VIOLATION.

C. IN ADDITION TO THE PENALTIES PRESCRIBED BY THIS SECTION, AN ACT COMMITTED CONTRARY TO THIS SECTION IS A PUBLIC NUISANCE AND MAY BE ABATED BY INJUNCTION, AND A PERSON WHO COMMITS ANY SUCH ACT IS SUBJECT TO AN ACTION FOR DAMAGES BY THE STATE BROUGHT BY THE ATTORNEY GENERAL, OR THE COUNTY ATTORNEY OF THE COUNTY IN WHICH THE ACT IS COMMITTED UPON DIRECTION OF THE ATTORNEY GENERAL.

D. THE PROVISIONS OF THIS SECTION DO NOT APPLY TO ANY DEPARTMENT PERSONNEL OR AGENTS PERFORMING NORMAL CONSTRUCTION AND MAINTENANCE FUNCTIONS AND DO NOT APPLY TO ANY PERSON WHO HAS PRIOR AUTHORIZATION IN WRITING FROM THE DIRECTOR TO PERFORM ANY OF THE ACTS REFERRED TO IN THIS SECTION.

28-1871. Additional remedies against particular highway or airport encroachments

LAWS OF ARIZONA

A. IF AN ENCROACHMENT IS A FIXED ADVERTISING DEVICE OR A MOVABLE OBJECT, NOTICE FOR THE REMOVAL OF THE ENCROACHMENT MAY BE GIVEN TO THE OCCUPANT OR OWNER OF THE REVERSIONARY INTEREST OF THE LAND OR PERSON CAUSING OR OWNING THE ENCROACHMENT BY PERSONAL SERVICE OR BY REGISTERED OR CERTIFIED MAIL AT HIS PLACE OF RESIDENCE IF KNOWN, AND IF UNKNOWN NOTICE MAY BE POSTED UPON THE ENCROACHMENT. IF A HIGHWAY ENCROACHMENT, THE NOTICE SHALL SPECIFY THE WIDTH OF THE HIGHWAY, THE PLACE AND EXTENT OF ENCROACHMENT AND REQUIRE THE REMOVAL OF THE ENCROACHMENT WITHIN THIRTY DAYS THEREAFTER IF THE ENCROACHMENT IS A FIXED ADVERTISING DEVICE AND WITHIN FIFTEEN DAYS AFTER NOTICE IS GIVEN OR POSTED IF THE ENCROACHMENT IS A MOVABLE OBJECT. IF AN AIRPORT ENCROACHMENT, THE NOTICE SHALL SPECIFY THE LOCATION OF THE RUNWAY OR TAXIWAY, THE PLACE AND EXTENT OF THE ENCROACHMENT AND REQUIRE THE REMOVAL OF THE ENCROACHMENT WITHIN THIRTY DAYS THEREAFTER IF THE ENCROACHMENT IS A MOVABLE OBJECT. IF THIS PROCEDURE IS USED AND IF THE REMOVAL IS NOT COMMENCED WITHIN THE REQUIRED PERIOD OR AFTER BEING COMMENCED IS NOT DILIGENTLY PROSECUTED, THE DEPARTMENT OR IF NOT A STATE HIGHWAY OR AIRPORT FACILITY, THEN THE GOVERNING BODY OF THE APPROPRIATE POLITICAL SUBDIVISION, MAY REMOVE SUCH ENCROACHMENT WITHOUT COMMENCING ANY ACTION. THE PERSON RESPONSIBLE FOR THE ENCROACHMENT SHALL BEAR THE COST OF REMOVAL, AND AN ACTION MAY BE FILED IN THE SUPERIOR COURT IN AND FOR THE COUNTY WHERE SUCH ENCROACHMENT IS MADE OR EXISTS, AND WHERE SUCH REMOVAL IS MANIFESTED, TO SECURE REIMBURSEMENT OF THE NECESSARY COST OF REMOVAL TO THE SUBDIVISION OF THE STATE IN WHICH THE CUSTODY AND CONTROL OF THE HIGHWAY OR AIRPORT FACILITY IS LODGED BY LAW.

B. THE USE OF ANY PROCEDURE PROVIDED FOR IN THIS SECTION IS NOT EXCLUSIVE AND SHALL NOT PROHIBIT THE USE OF ANY OTHER REMEDY PROVIDED BY LAW TO PROTECT ANY HIGHWAY OR AIRPORT FACILITY OR THE AUTHORITY OF OFFICERS OF THE DEPARTMENT OF PUBLIC SAFETY TO CAUSE THE IMMEDIATE REMOVAL OF OBSTRUCTIONS, ENCROACHMENTS, VEHICLES OR AIRCRAFT.

LAWS OF ARIZONA

28-1872. Leaving gate open when road crosses fenced land; penalty

A. A PERSON TRAVELING ON A ROAD OR HIGHWAY OPEN FOR USE AND USED BY THE PUBLIC WHICH PASSES INTO OR OVER ANY PART OF AN ENCLOSED FIELD OR PASTURE OF ANOTHER PERSON, AND WHICH HAS A GATE OR BARS ACROSS THE ROAD OR HIGHWAY AT THE POINT OF ENTRANCE TO OR EXIT FROM SUCH ENCLOSED FIELD OR PASTURE, SHALL SECURELY CLOSE THE GATE OR BARS AFTER OPENING THEM.

B. A PERSON VIOLATING THIS SECTION IS GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE OF NOT LESS THAN FIVE NOR MORE THAN FIFTY DOLLARS.

28-1873. Dumping refuse, rubbish or debris on highways or airports; penalty

A. A PERSON WHO DUMPS, DEPOSITS, PLACES, THROWS OR LEAVES REFUSE, RUBBISH, DEBRIS, FILTHY OR ODORIFEROUS OBJECTS, SUBSTANCES OR OTHER TRASH UPON A STATE OR COUNTY HIGHWAY, ROAD, PUBLIC THOROUGHFARE, PUBLIC AIRPORT OR THE RIGHT-OF-WAY THERETO OR WITHIN TWENTY YARDS OF A STATE OR COUNTY HIGHWAY, ROAD, PUBLIC THOROUGHFARE OR PUBLIC AIRPORT IS GUILTY OF A MISDEMEANOR, PUNISHABLE UPON CONVICTION BY A FINE OF NOT LESS THAN TEN NOR MORE THAN ONE HUNDRED DOLLARS, BY IMPRISONMENT FOR NOT LESS THAN FIVE NOR MORE THAN THIRTY DAYS, OR BOTH.

B. IF A MISDEMEANOR IS COMMITTED AS SET FORTH IN SUBSECTION A FROM A MOTOR VEHICLE OR AIRCRAFT, THE DRIVER OF THE VEHICLE OR PILOT OF THE AIRCRAFT SHALL BE PRESUMED TO BE THE OFFENDER.

C. THE DIRECTOR, THE BOARD OF SUPERVISORS OF EACH COUNTY, AND THE GOVERNING BODY OF EACH CITY OR TOWN SHALL CAUSE SIGNS TO BE ERECTED AT SUITABLE INTERVALS ON HIGHWAYS, AIRPORTS AND PUBLIC THOROUGHFARES IN THEIR RESPECTIVE AREAS OF AUTHORITY, INCLUDING PUBLIC PARKS, INFORMING THE PUBLIC THAT IT IS UNLAWFUL TO PERFORM THE ACTS PROHIBITED BY SUBSECTION A.

D. THE ARIZONA HIGHWAY PATROL, THE SHERIFF'S OFFICE OF EACH COUNTY, AND THE PEACE OFFICERS OF EACH CITY OR

LAWS OF ARIZONA

TOWN ARE CHARGED WITH THE DUTY OF ENFORCING THE PROVISIONS OF THIS SECTION.

28-1874. **Publication of law relating to dumping refuse, rubbish or debris on highways**

THE DIRECTOR SHALL CAUSE TO BE PRINTED AND DISTRIBUTED WITH EACH LICENSE PLATE AND EACH ORIGINAL OR RENEWAL OF A DRIVER'S OR CHAUFFEUR'S LICENSE MATERIAL RELATING TO THE PROVISIONS OF SECTION 28-1973 AS HE DEEMS ADVISABLE.

ARTICLE 5. TOURIST ADVERTISING

28-1881. **Encouragement of tourist travel; Arizona highways magazine**

A. THE DIRECTOR IS AUTHORIZED TO EXPEND FROM THE STATE HIGHWAY FUND AMOUNTS PRESCRIBED BY LAW FOR THE PURPOSE OF ENCOURAGING TOURIST TRAVEL TO AND THROUGH THE STATE BY GIVING PUBLICITY TO POINTS AND PLACES OF HISTORIC INTEREST, CLIMATIC AND RECREATIONAL ADVANTAGES, THE POSSIBILITIES OF SUCCESSFUL PURSUITS AND INDUSTRIAL ENTERPRISES, AND SUCH OTHER INFORMATION AS IN THE OPINION OF THE DIRECTOR TENDS TO ATTRACT VISITORS TO THE STATE.

B. THE PUBLICITY SHALL BE GIVEN THROUGH THE MEDIUM OF THE MAGAZINE, "ARIZONA HIGHWAYS" AND THE PUBLICATION OF MAPS, PAMPHLETS AND OTHER DESCRIPTIVE MATERIAL DESIGNED TO CARRY OUT THE PURPOSES OF THIS ARTICLE.

C. THE DIRECTOR SHALL FIX THE PRICE TO BE PAID FOR ANNUAL SUBSCRIPTIONS TO, FOR SINGLE COPIES OF, AND THE DISCOUNT TO BE ALLOWED DEALERS OF "ARIZONA HIGHWAYS". ANNUAL SUBSCRIPTIONS SHALL BE SOLD AT NOT LESS THAN TWO DOLLARS PER YEAR, AND SINGLE COPIES AT NOT LESS THAN TWENTY CENTS.

D. THE PUBLICATION SHALL BE DISTRIBUTED FREE OF CHARGE TO LIBRARIES, SCHOOLS, CHAMBERS OF COMMERCE AND TO SUCH HOTELS, TOURIST AGENCIES, VISITORS AND PROSPECTIVE VISITORS AND TO SUCH OTHER PERSONS OR AGENCIES, AND IN SUCH QUANTITIES, AS THE DIRECTOR DEEMS BENEFICIAL IN CARRYING OUT THE PURPOSES OF THIS

LAWS OF ARIZONA

ARTICLE. IN NO CASE SHALL THE NUMBER OF FREE COPIES EACH MONTH EXCEED TEN PER CENT OF THE TOTAL NUMBER OF PAID SUBSCRIPTIONS.

28-1882. Section of publications; manager; compensation

A. THE DEPARTMENT SHALL MAINTAIN A SECTION OF PUBLICATIONS FOR THE PUBLICATION OF THE MAGAZINE, AND THE MAPS, PAMPHLETS AND OTHER DESCRIPTIVE MATERIAL PROVIDED FOR IN SECTION 28-1881.

B. THE DIRECTOR SHALL APPOINT A MANAGER OF PUBLICATIONS AS HEAD OF THE SECTION.

C. COMPENSATION FOR THE MANAGER SHALL BE ESTABLISHED PURSUANT TO SECTION 38-611.

28-1883. Powers and duties of manager; compensation of employees

A. THE MANAGER OF PUBLICATIONS MAY:

1. SUBJECT TO APPROVAL OF THE DIRECTOR, DIRECT THE ORGANIZATION OF THE SECTION OF PUBLICATIONS AND EMPLOY OR ENTER INTO CONTRACTS WITH PUBLISHING CONSULTANTS, ENTER INTO AGREEMENTS FOR DISTRIBUTION AND WHOLESALE SALE OF THE MAGAZINE, AND PURCHASE THE NECESSARY SUPPLIES, MATERIALS AND EQUIPMENT FOR THE OPERATION OF THE SECTION.

2. MAKE MONTHLY REPORTS OF EXPENDITURES TO THE DIRECTOR BY THE SECTION AND THE WORK ACCOMPLISHED UNDER HIS DIRECTION, TOGETHER WITH SUCH OTHER MATTERS AS THE DIRECTOR DEEMS PROPER OR THE DIRECTOR REQUIRES.

3. MAKE EXPENDITURES TO ADVERTISE AND PROMOTE THE SALE AND DISTRIBUTION OF THE PUBLICATIONS AUTHORIZED BY THIS ARTICLE.

4. APPROVE FOR PAYMENT ALL CLAIMS EXPENDED IN CONNECTION WITH PUBLICATION OF THE MAGAZINE, AND APPROVE THE EXPENDITURE OF FUNDS IN CONNECTION THEREWITH.

5. ADVERTISE FOR COMPETITIVE BIDS ON BLACK AND WHITE AND COLOR PRINTING FOR PUBLISHING THE MAGAZINE AND

LAWS OF ARIZONA

SUBMIT THE BIDS TO THE DIRECTOR FOR THE PURPOSE OF MAKING AN AWARD OF THE CONTRACT.

B. THE DIRECTOR MAY AWARD THE CONTRACT TO THE BIDDER WHICH HAS THE FACILITIES AND EQUIPMENT TO PERFORM ALL PHASES OF PRODUCTION IN A WORKMANLIKE AND TIMELY MANNER WITH THE QUALITY AND WORKMANSHIP DESIRED IN THE PUBLICATION. CONTRACTS FOR PRINTING AND PUBLISHING MAY BE ENTERED INTO FOR A PERIOD NOT TO EXCEED FIVE YEARS.

C. THE MANAGER OF PUBLICATIONS MAY REFUND ALL CANCELLED PURCHASES AND SUBSCRIPTIONS ON CLAIMS SIGNED BY HIM.

28-1884. **Arizona highways magazine fund**

A. THERE IS CREATED AN ARIZONA HIGHWAYS MAGAZINE FUND.

B. THE FUND SHALL CONSIST OF MONIES APPROPRIATED THERETO BY THE LEGISLATURE FROM THE STATE HIGHWAY FUND NOT TO EXCEED TWO HUNDRED THOUSAND DOLLARS ANNUALLY, AND ALL MONIES RECEIVED FROM SUBSCRIPTIONS, WHICH ARE APPROPRIATED TO THE FUND TO BE EXPENDED IN CONFORMITY WITH THE LAWS GOVERNING STATE FINANCIAL OPERATIONS, EXCEPT THAT BALANCES REMAINING AT THE END OF THE FISCAL YEAR SHALL NOT REVERT TO THE GENERAL OR STATE HIGHWAY FUND.

ARTICLE 6. ARIZONA HIGHWAY PATROL FUND

28-1891. **Arizona highway patrol fund; composition of fund; administration; exemptions; purpose**

A. THERE IS ESTABLISHED AN ARIZONA HIGHWAY PATROL FUND.

B. THE ARIZONA HIGHWAY PATROL FUND SHALL CONSIST OF:

1. MONIES APPROPRIATED TO THE FUND FROM THE STATE HIGHWAY FUND BY THE LEGISLATURE.

2. MISCELLANEOUS SERVICE FEES.

LAWS OF ARIZONA

3. REWARDS.

4. AWARDS.

5. INSURANCE RECOVERIES.

6. RECEIPTS FROM THE SALE OR DISPOSAL OF ANY OR ALL PROPERTY HELD BY THE ARIZONA HIGHWAY PATROL OR PURCHASED WITH ARIZONA HIGHWAY PATROL FUNDS.

C. ALL MONIES IN THE ARIZONA HIGHWAY PATROL FUND SHALL BE ADMINISTERED AND EXPENDED BY THE PATROL SUPERINTENDENT IN CONFORMITY WITH THE LAWS GOVERNING STATE FINANCIAL OPERATIONS.

D. NO MONIES IN THE ARIZONA HIGHWAY PATROL FUND SHALL REVERT TO THE GENERAL OR STATE HIGHWAY FUND AND SUCH MONIES SHALL BE EXEMPT FROM THE PROVISIONS OF SECTION 35-190, RELATING TO LAPSING OF APPROPRIATIONS.

E. THE ARIZONA HIGHWAY PATROL FUND SHALL BE USED FOR THE PURPOSE OF ADMINISTERING THE PROVISIONS OF LAW RELATING TO THE HIGHWAY PATROL AND THE ARIZONA HIGHWAY PATROL RESERVE AND ALL MATTERS PERTAINING THERETO.

F. THE APPROPRIATION MADE BY THE LEGISLATURE FROM THE STATE HIGHWAY FUND SHALL BE DEPOSITED IN THE ARIZONA HIGHWAY PATROL FUND BY THE DEPARTMENT AT A RATE OF TWELVE AND ONE-HALF PER CENT OF THE TOTAL APPROPRIATION ON THE FIRST DAY OF EACH CALENDAR MONTH BEGINNING ON JULY 1 OF EACH YEAR AND THE FINAL PAYMENT SHALL BE MADE ON FEBRUARY 1 OF EACH YEAR.

CHAPTER 14
DISPOSITION OF PUBLIC ROADWAYS
ARTICLE 1. IN GENERAL

28-1901. **Definitions**

IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

LAWS OF ARIZONA

1. "GOVERNING BODY" MEANS THE CITY OR TOWN COUNCIL OR OTHER AUTHORITY OF A CITY, THE BOARD OF SUPERVISORS OF A COUNTY, OR THE TRANSPORTATION BOARD FOR THE STATE.
2. "OWNER" OR "OWNERS OF RECORD" INCLUDES ANY PERSON, FIRM, PARTNERSHIP, ASSOCIATION OR CORPORATION.
3. "ROADWAY" INCLUDES ALL OR PART OF ANY PLATTED OR DESIGNATED PUBLIC STREET, HIGHWAY, ALLEY, LANE, PARKWAY, AVENUE, ROAD, SIDEWALK OR OTHER PUBLIC WAY, WHETHER OR NOT IT HAS BEEN USED AS SUCH.

28-1902. **Disposition of unnecessary public roadways; application to other public uses; sale to abutting owners; vacation with title vesting in abutting owner**

WHEN IN THE DISCRETION OF THE GOVERNING BODY OF A CITY, TOWN, COUNTY OF THE STATE, A PUBLIC ROADWAY OWNED BY THE CITY, TOWN, COUNTY OR THE STATE RESPECTIVELY, OR A PORTION OF SUCH ROADWAY IS NO LONGER NECESSARY FOR PUBLIC USE AS A ROADWAY, THE GOVERNING BODY MAY DISPOSE OF OR USE THE SAME AS FOLLOWS:

1. A ROADWAY OR PORTION THEREOF MAY BE EXCHANGED WITH AN ABUTTING OWNER FOR ALL OR PART OF A NEW PUBLIC ROADWAY AND WHEN SO EXCHANGED, TITLE SHALL VEST IN SUCH GRANTEE.
2. THE GOVERNING BODY OR, IN THE CASE OF THE STATE, THE DIRECTOR MAY SELL AND, BY QUITCLAIM DEED, CONVEY THE LAND WITHIN SUCH ROADWAY OR PORTION THEREOF, AND THEREUPON SUCH ROADWAY OR PORTION THEREOF SHALL BE DEEMED TO BE VACATED AND TITLE THERETO SHALL VEST IN THE GRANTEE, PROVIDED THAT IF SUCH GRANTEE IS AN ABUTTING OWNER TITLE SHALL VEST SUBJECT TO THE SAME ENCUMBRANCES, LIENS, LIMITATIONS, RESTRICTIONS, AND ESTATES AS EXIST ON THE GRANTEE'S ABUTTING LAND. NO LESS THAN SIXTY DAYS PRIOR TO THE DATE OF SALE, A NOTICE OF SALE DESCRIBING THE ROADWAY OR PORTION THEREOF TO BE SOLD, MAKING SPECIFIC REFERENCE TO THIS SECTION, AND STATING THAT ANY PERSON MAY SUBMIT PURCHASE OFFERS AND THAT ABUTTING OWNERS SHALL HAVE PREFERENCE RIGHTS IN ACCORDANCE WITH THE PROVISIONS OF THIS

LAWS OF ARIZONA

SECTION SHALL BE POSTED AT INTERVALS OF NO MORE THAN ONE MILE AND IN NO LESS THAN THREE PLACES ON OR ALONG THE SIDE OF SUCH ROADWAY AND SHALL BE DELIVERED OR MAILED TO ABUTTING OWNERS OF RECORD WHEN THEIR ADDRESSES ARE KNOWN OR CAN BE READILY DISCOVERED. ABUTTING OWNERS OF RECORD IN WHOM TITLE TO A PORTION OF SUCH ROADWAY WOULD VEST UNDER PARAGRAPH 3 OF THIS SECTION MAY AT THE SALE, OR AT ANY TIME PRIOR THERETO, DELIVER TO THE CLERK OR SECRETARY OF THE GOVERNING BODY OR, IN THE CASE OF THE STATE, THE DIRECTOR A WRITTEN OFFER TO PURCHASE SUCH PORTION OR A PART OF SUCH PORTION FOR THE CONSIDERATION PAID FOR THE SAME BY THE CITY, TOWN, COUNTY, OR THE STATE, WHICHEVER FIRST ACQUIRED THE LAND WITHIN THE ROADWAY FOR PUBLIC USE. IF SUCH AN OFFER IS TIMELY SUBMITTED IT SHALL BE PREFERRED OVER ALL OTHER OFFERS. IN THE ABSENCE OF SUCH AN OFFER THE GOVERNING BODY OR, IN THE CASE OF THE STATE, THE DIRECTOR MAY SELL THE ROADWAY OR PORTION THEREOF FOR SUCH CONSIDERATION AS IT SHALL DEEM ADVISABLE.

3. IF THE ROADWAY IS A CITY OR COUNTY ROADWAY, THE GOVERNING BODY MAY RESOLVE THAT SUCH ROADWAY OR PORTION THEREOF BE VACATED, AND THEREUPON TITLE TO SUCH ROADWAY OR PORTION THEREOF SHALL VEST, SUBJECT TO THE SAME ENCUMBRANCES, LIENS, LIMITATIONS, RESTRICTIONS, AND ESTATES AS EXIST ON THE LAND TO WHICH IT ACCRUES, AS FOLLOWS:

(a) IN THE EVENT THAT A ROADWAY WHICH CONSTITUTES THE EXTERIOR BOUNDARY OF A SUBDIVISION OR OTHER TRACT OF LAND IS VACATED, TITLE TO THE ROADWAY SHALL VEST IN THE OWNERS OF THE LAND ABUTTING THE VACATED ROADWAY TO THE SAME EXTENT THAT THE LAND INCLUDED WITHIN THE ROADWAY, AT THE TIME THE ROADWAY WAS ACQUIRED FOR PUBLIC USE, WAS A PART OF THE SUBDIVIDED LAND OR WAS A PART OF THE ADJACENT LAND.

(b) IN THE EVENT THAT LESS THAN THE ENTIRE WIDTH OF THE ROADWAY IS VACATED, TITLE TO THE VACATED PORTION SHALL VEST IN THE OWNERS OF THE LAND ABUTTING SUCH VACATED PORTION.

(c) IN THE EVENT THAT A ROADWAY BOUNDED BY STRAIGHT LINES IS VACATED, TITLE TO THE VACATED ROADWAY SHALL

LAWS OF ARIZONA

VEST IN THE OWNERS OF THE ABUTTING LAND, EACH ABUTTING OWNER TAKING TO THE CENTER OF THE ROADWAY, EXCEPT AS PROVIDED IN SUBDIVISIONS (a) AND (b) OF THIS PARAGRAPH. IN THE EVENT THAT THE BOUNDARY LINES OF ABUTTING LANDS DO NOT INTERSECT SUCH ROADWAY AT A RIGHT ANGLE, THE LAND INCLUDED WITHIN SUCH ROADWAY SHALL VEST AS PROVIDED IN SUBDIVISION (d) OF THIS PARAGRAPH.

(d) IN ALL INSTANCES NOT SPECIFICALLY PROVIDED FOR, TITLE TO THE VACATED ROADWAY SHALL VEST IN THE OWNERS OF THE ABUTTING LAND, EACH ABUTTING OWNER TAKING THAT PORTION OF THE VACATED ROADWAY TO WHICH HIS LAND, OR ANY PART THEREOF, IS NEAREST IN PROXIMITY.

(e) NO PORTION OF A ROADWAY UPON VACATION SHALL ACCRUE TO AN ABUTTING ROADWAY.

4. IF THE ROADWAY IS A STATE ROADWAY, THE GOVERNING BODY MAY RESOLVE THAT THE STATE'S INTEREST IN SUCH ROADWAY OR PORTION THEREOF BE ABANDONED AND THEREUPON THE STATE'S INTEREST IN SO MUCH OF THE ROADWAY AS LIES WITHOUT THE BOUNDARIES OF INCORPORATED CITIES SHALL VEST IN THE COUNTY WHEREIN IT LIES AND THE STATE'S INTEREST IN SO MUCH OF THE ROADWAY AS LIES WITHIN THE BOUNDARIES OF AN INCORPORATED CITY SHALL VEST IN SUCH CITY. THE DIRECTOR SHALL PROMPTLY NOTIFY THE CITY OR COUNTY AFFECTED THEREBY AND SUCH COUNTY OR CITY MAY MAINTAIN SUCH ROADWAY AS OTHER COUNTY OR CITY ROADWAYS ARE MAINTAINED OR MAY DISPOSE OF IT AS PROVIDED IN THIS SECTION OR SECTION 28-1907.

28-1903. **Reservation of easements**

RIGHTS OF WAY OR EASEMENTS OF EXISTING SEWER, GAS, WATER OR SIMILAR PIPELINES AND APPURTENANCES AND FOR CANALS, LATERALS OR DITCHES AND APPURTENANCES, AND FOR ELECTRIC, TELEPHONE, AND SIMILAR LINES AND APPURTENANCES SHALL CONTINUE AS THEY EXISTED PRIOR TO THE DISPOSAL OR ABANDONMENT THEREOF.

28-1904. **Notice; hearing; appraisal**

THE GOVERNING BODY OR, IN THE CASE OF THE STATE, THE DIRECTOR MAY GIVE NOTICE OF PENDING DISPOSITION OF

LAWS OF ARIZONA

ROADWAYS, HOLD HEARINGS, OBTAIN APPRAISALS AND TAKE OTHER SIMILAR ACTION IN CONNECTION WITH SUCH DISPOSITION WHEN IT DEEMS SUCH ACTION NECESSARY OR ADVISABLE.

28-1905. Disposition by joint action

A. SO MUCH OF A COUNTY ROADWAY AS CONSTITUTES THE BOUNDARY LINE BETWEEN TWO COUNTIES SHALL NOT BE DISPOSED OF EXCEPT BY JOINT ACTION OF THE GOVERNING BODIES OF BOTH COUNTIES.

B. SO MUCH OF A STATE OR COUNTY ROADWAY AS CONSTITUTES A BOUNDARY LINE OF AN INCORPORATED CITY OR TOWN OR AS IS A STATE OR COUNTY HIGHWAY WITHIN AN INCORPORATED CITY OR TOWN SHALL NOT BE DISPOSED OF EXCEPT BY JOINT ACTION OF THE GOVERNING BODIES OF THE CITY OR TOWN AND THE COUNTY OR THE STATE. HOWEVER, THE GOVERNING BODY OF A COUNTY OR THE STATE MAY, SUBJECT TO THE OBLIGATIONS OF CONTRACT, ABANDON A COUNTY OR STATE HIGHWAY WITHIN AN INCORPORATED CITY OR TOWN BY RESOLUTION.

28-1906. Resolution of disposition; effective when recorded

A GOVERNING BODY'S RESOLUTION DISPOSING OF A ROADWAY OR A PORTION THEREOF OR APPLYING SUCH ROADWAY TO ANOTHER PUBLIC USE SHALL DESCRIBE THE ROADWAY AND SET FORTH ITS DISPOSITION OR USE. THE RESOLUTION SHALL TAKE EFFECT WHEN IT IS RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY IN WHICH THE ROADWAY LIES.

28-1907. Extinguishment of easements

IF A CITY OR COUNTY OWNS NO TITLE TO A ROADWAY BUT HOLDS RIGHT-OF-WAY EASEMENTS ONLY, SUCH EASEMENTS MAY BE EXTINGUISHED BY THE GOVERNING BODY'S RESOLUTION.

28-1908. Access to public road

NO ROADWAY SHALL BE VACATED SO AS TO LEAVE ANY LAND ADJOINING SUCH ROADWAY WITHOUT AN ESTABLISHED PUBLIC ROAD CONNECTING SUCH LAND WITH ANOTHER ESTABLISHED PUBLIC ROADWAY.

LAWS OF ARIZONA

CHAPTER 15

STATE HIGHWAY BONDING AUTHORIZATION

ARTICLE 1. IN GENERAL

28-2001. Declaration of purpose and policy

THE LEGISLATURE DECLARES AND FINDS:

1. THAT THE DEVELOPMENT OF AN ADEQUATE STATE HIGHWAY SYSTEM WITHIN THE STATE OF ARIZONA IS VITAL FOR THE WELL-BEING, HEALTH AND PROSPERITY OF THE PEOPLE OF THE STATE.

2. THAT BY REASON OF THE STATE'S RIGHT AND OBLIGATION TO CONSTRUCT A COMPREHENSIVE SYSTEM OF MODERN HIGHWAYS, IT IS ESSENTIAL TO THE CONTINUED WELL-BEING, HEALTH AND PROSPERITY OF THE PEOPLE OF THE STATE THAT THE STATE PROCEED PROMPTLY TO ACQUIRE REAL PROPERTY TO CONSTITUTE THE RIGHT-OF-WAY FOR FUTURE HIGHWAY CONSTRUCTION, AND BE PLACED IN A CREDIT POSITION TO MEET HIGHWAY NEEDS.

28-2002. Definitions

IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "BONDS" MEANS BONDS OF THE TRANSPORTATION BOARD ISSUED PURSUANT TO THIS ARTICLE.

2. "REAL PROPERTY FOR FUTURE HIGHWAY NEEDS" MEANS THOSE REAL PROPERTIES AND ANY APPURTENANCES THERETO, LOCATED WITHIN A HIGHWAY RIGHT-OF-WAY CORRIDOR AND WHICH IS DESIGNATED OR MAY HEREAFTER BE DESIGNATED BY THE TRANSPORTATION BOARD AS A LOCATION FOR THE CONSTRUCTION OF A STATE HIGHWAY PROJECT AND FOR WHICH THE TRANSPORTATION BOARD HAS NOT AWARDED A CONTRACT FOR THE CONSTRUCTION OF SUCH PROJECT, INCLUDING ALL LANDS OR INTERESTS IN LANDS, THE USE OR OCCUPANCY OF WHICH ARE NECESSARY OR APPROPRIATE IN THE CONSTRUCTION, RECONSTRUCTION, REPAIR, MAINTENANCE, EXTENSION, BETTERMENT, DEVELOPMENT, IMPROVEMENT OR OPERATION OF STATE HIGHWAY FACILITIES AND IMPROVEMENTS.

3. "STATE" MEANS THE STATE OF ARIZONA.

LAWS OF ARIZONA

28-2003. Issuance of bonds

A. THE TRANSPORTATION BOARD SHALL, SUBJECT TO THIS CHAPTER, HAVE THE POWER AND IS AUTHORIZED:

1. TO ISSUE ITS NEGOTIABLE BONDS IN SUCH PRINCIPAL AMOUNT AS, IN THE OPINION OF THE TRANSPORTATION BOARD, SHALL BE NECESSARY TO PROVIDE SUFFICIENT MONIES FOR THE ACQUISITION OF REAL PROPERTY FOR FUTURE HIGHWAY NEEDS AND FOR SUCH OTHER HIGHWAY PURPOSES AS MAY HEREAFTER BE AUTHORIZED BY THE LEGISLATURE, TO ESTABLISH RESERVES TO SECURE THE BONDS AND TO PROVIDE FOR THE PAYMENT OF ALL OTHER EXPENDITURES OF THE TRANSPORTATION BOARD INCIDENT TO AND NECESSARY AND CONVENIENT TO CARRY OUT SUCH PURPOSES. THE AGGREGATE PRINCIPAL AMOUNT OF SUCH OUTSTANDING BONDS ISSUED BY THE TRANSPORTATION BOARD SHALL NOT AT ANY ONE TIME EXCEED THE SUM OF TEN MILLION DOLLARS WITHOUT CONSENT BY THE LEGISLATURE. THE PRINCIPAL AMOUNTS SHALL BE AT LEAST SUFFICIENT TO PROVIDE FUNDS TO PAY THE COST AS DETERMINED BY THE TRANSPORTATION BOARD OF SUCH ACQUISITION OF REAL PROPERTY OR SUCH OTHER HIGHWAY PURPOSES AS THE LEGISLATURE MAY HEREAFTER AUTHORIZE.

2. TO ISSUE BONDS WHEN THE TRANSPORTATION BOARD DEEMS REFUNDING EXPEDIENT, TO REFUND ANY BONDS BY THE ISSUANCE OF NEW BONDS, WHETHER THE BONDS TO BE REFUNDED HAVE OR HAVE NOT MATURED, AND MAY ISSUE BONDS PARTLY TO REFUND BONDS THEN OUTSTANDING AND PARTLY FOR ANY OTHER PURPOSE CONSISTENT WITH THIS ARTICLE OR AS MAY BE HEREAFTER AUTHORIZED BY THE LEGISLATURE. REGARDLESS OF WHETHER OR NOT THE BONDS ARE OF SUCH FORM OR CHARACTER AS TO BE NEGOTIABLE INSTRUMENTS UNDER THE TERMS OF THE NEGOTIABLE INSTRUMENTS LAW, THE BONDS SHALL BE AND ARE HEREBY MADE FULLY NEGOTIABLE WITHIN THE MEANING OF AND FOR ALL PURPOSES OF THE NEGOTIABLE INSTRUMENTS LAW. THE TRANSPORTATION BOARD MAY PROVIDE FOR THE REGISTRATION AS TO THE PRINCIPAL OR BOTH PRINCIPAL AND INTEREST OF THE BONDS.

B. THE BONDS SHALL BE AUTHORIZED BY RESOLUTION OF THE TRANSPORTATION BOARD, SHALL BEAR SUCH DATE OR DATES AND MATURE AT SUCH TIME OR TIMES, NOT EXCEEDING

LAWS OF ARIZONA

FORTY YEARS FROM THEIR RESPECTIVE DATES, AS SUCH RESOLUTION OR RESOLUTIONS MAY PROVIDE. THE BONDS SHALL BEAR INTEREST AT SUCH RATE OR RATES, BE IN SUCH DENOMINATIONS, BE IN SUCH FORM, EITHER COUPON OR REGISTERED, BE EXECUTED IN SUCH MANNER, BE PAYABLE IN SUCH MEDIUM OF PAYMENT, AT THE OFFICE OF THE STATE TREASURER OF THIS STATE OR AT SUCH OTHER PLACE OR PLACES, AND BE SUBJECT TO SUCH TERMS OF REDEMPTION AS SUCH RESOLUTION OR RESOLUTIONS MAY PROVIDE. THE BONDS SHALL BE SOLD AT PUBLIC OR PRIVATE SALE AT SUCH PRICE AND ON SUCH TERMS AS THE TRANSPORTATION BOARD MAY DETERMINE, PROVIDED THAT BONDS TO FUND OR REFUND OTHER BONDS MAY BE EXCHANGED WITH THE HOLDERS OF SUCH BONDS BEING FUNDED OR REFUNDED ON SUCH TERMS AS THE TRANSPORTATION BOARD MAY DETERMINE.

C. IN CONNECTION WITH THE ISSUANCE OF THE BONDS AUTHORIZED BY THIS CHAPTER OR IN ORDER TO SECURE THE PAYMENT OF SUCH BONDS AND INTEREST THEREON, THE TRANSPORTATION BOARD MAY BY RESOLUTION:

1. PROVIDE THAT BONDS ISSUED UNDER THIS ARTICLE MAY BE SECURED BY A FIRST LIEN, SUBJECT TO THE PROVISION OF SECTION 28-2005, ON ALL OR ANY PART OF THE MONIES PAID INTO THE STATE HIGHWAY FUND FROM THE SOURCES SPECIFICALLY COLLECTED AS PRESCRIBED IN ARTICLE 9, SECTION 14 OF THE CONSTITUTION OF ARIZONA.

2. PLEDGE AND ASSIGN TO OR IN TRUST FOR THE BENEFIT OF THE HOLDER OR THE HOLDERS OF THE BONDS ANY PART OF THE STATE HIGHWAY FUND REVENUES COLLECTED AS PRESCRIBED IN ARTICLE 9, SECTION 14, OF THE CONSTITUTION OF ARIZONA, AS WILL BE NECESSARY TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS AS THE SAME SHALL BECOME DUE.

3. SET ASIDE, REGULATE AND DISPOSE OF RESERVES AND SINKING FUNDS.

4. PROVIDE THAT SUFFICIENT AMOUNTS OF THE PROCEEDS FROM THE SALE OF THE BONDS MAY BE USED TO FULLY OR PARTLY FUND ANY AND ALL RESERVES OR SINKING FUNDS SET UP BY THE BOND RESOLUTION.

LAWS OF ARIZONA

5. PRESCRIBE THE PROCEDURE, IF ANY, BY WHICH THE TERMS OF ANY CONTRACT WITH BONDHOLDERS MAY BE AMENDED OR ABROGATED, THE AMOUNT OF BONDS THE HOLDERS OF WHICH MUST CONSENT THERETO AND THE MANNER IN WHICH SUCH CONSENT MAY BE GIVEN.

6. PROVIDE FOR PAYMENT FROM THE PROCEEDS OF THE SALE OF THE BONDS OF ALL LEGAL AND FINANCIAL EXPENSES INCURRED BY THE TRANSPORTATION BOARD IN THE ISSUANCE, SALE AND DELIVERY OF THE BONDS.

7. DO ANY OTHER MATTERS, OF LIKE OR DIFFERENT CHARACTER, WHICH MAY IN ANY WAY AFFECT THE SECURITY AND PROTECTION OF THE BONDS.

D. IT IS INTENDED IN THE ENACTMENT OF THIS ARTICLE:

1. THAT ANY PLEDGE MADE PURSUANT TO THIS ARTICLE SHALL BE VALID AND BINDING FROM THE TIME WHEN THE PLEDGE IS MADE.

2. THAT THE MONIES SO PLEDGED AND RECEIVED BY THE STATE TREASURER TO BE PLACED IN THE STATE HIGHWAY FUND SHALL BE IMMEDIATELY SUBJECT TO THE LIEN OF SUCH PLEDGE WITHOUT ANY FUTURE PHYSICAL DELIVERY OR FURTHER ACT AND THAT ANY SUCH LIEN OF ANY SUCH PLEDGE SHALL BE VALID OR BINDING AGAINST ALL PARTIES HAVING CLAIMS OF ANY KIND IN TORT, CONTRACT OR OTHERWISE AGAINST THE TRANSPORTATION BOARD IRRESPECTIVE OF WHETHER SUCH PARTIES HAVE NOTICE THEREOF. THE OFFICIAL RESOLUTION OR TRUST INDENTURE OR ANY INSTRUMENT BY WHICH THIS PLEDGE IS CREATED, SHALL, WHEN PLACED IN THE RECORDS OF THE TRANSPORTATION BOARD, BE NOTICE TO ALL CONCERNED OF THE CREATION OF THE PLEDGE, AND SUCH INSTRUMENTS NEED NOT BE RECORDED IN ANY OTHER PLACE.

E. NEITHER THE MEMBERS OF THE TRANSPORTATION BOARD NOR ANY PERSON EXECUTING THE BONDS SHALL BE PERSONALLY LIABLE FOR THE PAYMENT OF THE BONDS. THE BONDS SHALL BE VALID OR BINDING OBLIGATIONS OF THE HIGHWAY DIVISION NOTWITHSTANDING THE FACT THAT BEFORE THE DELIVERY THEREOF ANY OF THE OFFICERS WHOSE SIGNATURES APPEAR THEREON SHALL CEASE TO BE OFFICERS OF THE

LAWS OF ARIZONA

HIGHWAY DIVISION. FROM AND AFTER THE SALE AND DELIVERY OF THE BONDS, THEY SHALL BE INCONTESTABLE BY THE DEPARTMENT.

F. THE TRANSPORTATION BOARD MAY, OUT OF ANY FUNDS AVAILABLE THEREFOR, PURCHASE BONDS, WHICH BONDS SHALL THEREUPON BE CANCELED, AT A PRICE NOT EXCEEDING EITHER OF THE FOLLOWING:

1. IF THE BONDS ARE THEN REDEEMABLE, THE REDEMPTION PRICE THEN APPLICABLE PLUS ACCRUED INTEREST TO THE NEXT INTEREST PAYMENT DATE THEREON.
2. IF THE BONDS ARE NOT THEN REDEEMABLE, THE REDEMPTION PRICE APPLICABLE ON THE FIRST DATE AFTER SUCH PURCHASE UPON WHICH THE BONDS BECOME SUBJECT TO REDEMPTION PLUS ACCRUED INTEREST TO SUCH DATE.

G. WITHIN TEN DAYS AFTER THE TRANSPORTATION BOARD ADOPTS A RESOLUTION DECLARING ITS INTENTION TO ISSUE BONDS UNDER THE PROVISIONS OF THIS ARTICLE, IT SHALL PUBLISH A NOTICE OF SUCH INTENTION FOR AT LEAST FIVE CONSECUTIVE DAYS IN A NEWSPAPER PUBLISHED IN THIS STATE. SUCH NOTICE SHALL STATE THE AMOUNT OF THE BONDS TO BE SOLD AND THE PLACE, DAY AND HOUR OF SALE. A COPY OF THE PUBLICATION OF SUCH NOTICE SHALL BE SENT BY THE TRANSPORTATION BOARD, AS REGISTERED MAIL WITH RETURN RECEIPT, TO THE ASSISTANT DIRECTOR FOR THE DIVISION OF FINANCE WITHIN FIVE DAYS AFTER THE FIRST DAY THE NOTICE IS PUBLISHED.

28-2004. **Unlawful interest in real property by board member or employee; violation; penalty**

A. NO MEMBER OF THE TRANSPORTATION BOARD OR EMPLOYEE OF THE DEPARTMENT SHALL EITHER DIRECTLY OR INDIRECTLY HAVE ANY FINANCIAL INTEREST IN ANY REAL PROPERTY FOR FUTURE HIGHWAY NEEDS HEREAFTER PURCHASED FROM FUNDS MADE AVAILABLE BY THE ISSUANCE OF BONDS.

B. A PERSON WHO VIOLATES ANY PROVISIONS OF THIS SECTION IS GUILTY OF A MISDEMEANOR.

LAWS OF ARIZONA

28-2005. Highway right-of-way acquisition fund; deposits; investments; expenditures; replenishment

A. THERE IS CREATED THE HIGHWAY RIGHT-OF-WAY ACQUISITION FUND WHICH SHALL BE A REVOLVING FUND. THE PROCEEDS RECEIVED FROM THE SALE AND DELIVERY OF THE BONDS SHALL, AFTER DEDUCTING THE NECESSARY COSTS AND EXPENSES OF THE ISSUANCE AND SALE OF THE BONDS, BE FORTHWITH DEPOSITED WITH THE STATE TREASURER TO BE PLACED IN THE HIGHWAY RIGHT-OF-WAY ACQUISITION FUND, WHICH SHALL BE SEPARATE AND APART FROM ALL OTHER FUNDS, PROVIDED THAT THE TREASURER SHALL FIRST APPLY THOSE AMOUNTS OF THE BOND PROCEEDS SET FORTH IN THE RESOLUTION ISSUING THE BONDS TO ALL RESERVE AND SINKING FUNDS CREATED IN THE BOND RESOLUTION. THE FUND SHALL CONSIST OF THE MONIES OR SECURITIES RECEIVED FROM THE SALE OR DISPOSITION OF BONDS FOR THE ACQUISITION OF REAL PROPERTY FOR FUTURE HIGHWAY NEEDS, ALL MONIES HERETOFORE BUDGETED AND EXPENDED BY THE TRANSPORTATION BOARD FOR REAL PROPERTY FOR FUTURE HIGHWAY RIGHTS-OF-WAY, AND ALL AMOUNTS OF MONIES AS THE TRANSPORTATION BOARD MAY FROM TIME TO TIME DETERMINE THAT THE PUBLIC INTEREST REQUIRES TO BE PLACED IN SUCH FUND.

B. ALL MONIES IN THE HIGHWAY RIGHT-OF-WAY ACQUISITION FUND SHALL BE UPON ORDER OF THE TRANSPORTATION BOARD INVESTED BY THE STATE TREASURER IN UNITED STATES TREASURY OBLIGATIONS, INTEREST BEARING UNITED STATES BONDS, CONSOLIDATED FARM LOAN BONDS, OBLIGATIONS ISSUED BY THE FEDERAL INTERMEDIATE CREDIT BANKS, OR IN OBLIGATIONS ISSUED BY BANKS FOR COOPERATIVES ON THE AUTHORITY OF THE FARM ACT OF 1933, AND ANY OTHER OBLIGATIONS GUARANTEED BY THE UNITED STATES GOVERNMENT AND ANY INVESTMENTS AUTHORIZED BY ANY OTHER AGENCIES OF THE UNITED STATES GOVERNMENT WHICH ARE NOW AUTHORIZED FOR USE TO SECURE PUBLIC DEPOSITS OR STATE, COUNTY OR MUNICIPAL BONDS ISSUED WITHIN THE STATE OF ARIZONA ON WHICH THE PAYMENTS OF INTEREST HAVE NOT BEEN DEFERRED. THE ORDER DIRECTING THE TREASURER TO INVEST THE FUNDS SHALL SET FORTH THE SPECIFIED TIME WHEN THE PROCEEDS FROM THE SALE OF THE BONDS SHALL BE USED FOR THE PURPOSES DIRECTED IN THE BOND RESOLUTION AND THE TREASURER SHALL INVEST THE

LAWS OF ARIZONA

PROCEEDS FROM THE SALE OF THE BONDS IN THE ABOVE MENTIONED SECURITIES IN SUCH A WAY AS TO MATURE AT THE SPECIFIED DATE.

C. THE TRANSPORTATION BOARD SHALL USE THE FUNDS OR SECURITIES IN THE HIGHWAY RIGHT-OF-WAY ACQUISITION FUND SOLELY FOR THE PURPOSES SET FORTH IN THE BOND RESOLUTION, PROVIDED THAT, IF THE REVENUES PLEDGED TO SECURE THE BONDS EVER BECOME INSUFFICIENT TO PAY THE ANNUAL PRINCIPAL AND INTEREST ON THE BONDS, THE TRANSPORTATION BOARD SHALL BY ORDER DIRECT THE LIQUIDATION OF THE SECURITIES REMAINING IN THE HIGHWAY RIGHT-OF-WAY ACQUISITION FUND AND ORDER THE TREASURER TO APPLY ALL MONIES IN THE HIGHWAY RIGHT-OF-WAY ACQUISITION FUND NECESSARY TO MAKE CURRENT ALL PAYMENTS THEN DUE ON THE BONDS.

D. ALL MONIES OR SECURITIES DEPOSITED IN OR TRANSFERRED TO THE HIGHWAY RIGHT-OF-WAY ACQUISITION FUND UNDER THE PROVISIONS OF THIS SECTION MAY BE EXPENDED BY THE TRANSPORTATION BOARD ONLY FOR THE ADVANCE ACQUISITION OF PROPERTIES TO CONSTITUTE RIGHTS-OF-WAY FOR FUTURE STATE HIGHWAY PROJECTS WHEN THE TRANSPORTATION BOARD BY RESOLUTION, AS A PART OF ITS FINDINGS OF PUBLIC NECESSITY, DETERMINES ONE OR MORE OF THE FOLLOWING:

1. THAT SUBSTANTIAL SAVINGS IN RIGHT-OF-WAY COSTS CAN BE ACHIEVED.
2. THAT THE INTENDED ACQUISITION IS PART OF A PLAN OF HIGHWAY DEVELOPMENT.

E. BEFORE THE DEPARTMENT PROCEEDS WITH THE CONSTRUCTION OF A HIGHWAY PROJECT WHICH REQUIRES THE USE OF ANY PROPERTY ACQUIRED BY ANY EXPENDITURE FROM THE HIGHWAY RIGHT-OF-WAY ACQUISITION FUND, OR BY ANY EXPENDITURE FROM MONIES HERETOFORE BUDGETED AND EXPENDED BY THE TRANSPORTATION BOARD FOR REAL PROPERTY FOR FUTURE HIGHWAY RIGHTS-OF-WAY, THE TRANSPORTATION BOARD SHALL ALLOCATE AND, UPON PRESENTATION OF A CLAIM TO THE ASSISTANT DIRECTOR FOR THE DIVISION OF FINANCE, THE STATE TREASURER SHALL TRANSFER FROM THE STATE HIGHWAY FUND TO THE STATE HIGHWAY

LAWS OF ARIZONA

RIGHT-OF-WAY ACQUISITION FUND THE FULL AMOUNT OR AMOUNTS PAID FOR THE ACQUISITION OF SUCH PROPERTY, PROVIDED THAT PAYMENT OF THE PRESENT YEAR'S PRINCIPAL AND INTEREST ON THE OUTSTANDING BONDS WILL NOT BE IMPAIRED.

F. MONIES RECEIVED FROM THE SALE OR DISPOSITION OF THE BONDS HEREAFTER AUTHORIZED BY THE LEGISLATURE FOR HIGHWAY PURPOSES OTHER THAN BY THE ACQUISITION OF PROPERTY FOR FUTURE HIGHWAY NEEDS SHALL BE EXPENDED IN THE MANNER PRESCRIBED BY THE LEGISLATURE AUTHORIZING THE ISSUANCE OF BONDS FOR OTHER HIGHWAY PURPOSES.

28-2006. Authority to issue parity bonds

A. THE TRANSPORTATION BOARD SHALL ISSUE BONDS BEING ON A PARITY WITH ANY OUTSTANDING BONDS PROVIDED BY THIS ARTICLE ONLY WHEN:

1. ALL THE PAYMENTS DUE ON THE PRINCIPAL AND INTEREST ON THE OUTSTANDING BONDS ARE CURRENT.

2. THE MONIES SUBJECT TO PLEDGE FOR PAYMENT OF THE BONDS FOR THE PRECEDING TWELVE-MONTH PERIOD EXCEED BY TWO TIMES THE HIGHEST ANNUAL PRINCIPAL AND INTEREST PAYMENTS ON ALL THE OUTSTANDING BONDS AND THE BONDS TO BE ISSUED FOR THE HIGHEST ONE-YEAR PERIOD DURING THE LIFE OF BOTH THE OUTSTANDING BONDS AND THE BONDS TO BE ISSUED.

B. THE BONDS SOUGHT TO BE ISSUED SHALL MATURE AND THE PRINCIPAL AND INTEREST SHALL BE PAYABLE AT THE SAME TIME AS THE OUTSTANDING BONDS.

C. IF THE LEGISLATURE AUTHORIZES THE TRANSPORTATION BOARD TO ISSUE BONDS IN EXCESS OF THE LIMITED AMOUNT PRESCRIBED IN SECTION 28-2003, THE TRANSPORTATION BOARD MAY THEN ISSUE SUCH BONDS ONLY IN COMPLIANCE WITH PROVISIONS OF THIS SECTION.

D. ALL BONDS ISSUED UNDER THE AUTHORITY OF THIS ARTICLE SHALL BE DEEMED TO CONTAIN THE RESTRICTIONS AGAINST ISSUANCE OF PARITY BONDS CONTAINED IN THIS

LAWS OF ARIZONA

SECTION, WHETHER OR NOT THE RESOLUTION ISSUING THE BONDS, OR THE BONDS THEMSELVES, CONTAIN COVENANTS TO THIS EFFECT.

E. THE PLEDGE OF REVENUES PRESCRIBED IN SECTION 28-2003, SUBSECTION C, PARAGRAPHS 1 AND 2, SHALL NOT BE SUBJECT TO THE PROVISIONS OF SECTIONS 28-1822 THROUGH 28-1831, AND THE PAYMENT OF THE NECESSARY COSTS AND EXPENSES OF THE ISSUANCE OF THE BONDS, AND THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS, SHALL NOT BE SUBJECT TO THE PROVISIONS OF SECTION 28-1832, BUT SHALL BE PAID IN THE MANNER PRESCRIBED IN THE RESOLUTION ISSUING THE BONDS.

28-2007. Agreement of state

THE STATE OF ARIZONA DOES PLEDGE TO AND AGREES WITH THE HOLDERS OF THE BONDS THAT THE STATE WILL NOT LIMIT OR ALTER THE RIGHTS VESTED IN THE TRANSPORTATION BOARD TO COLLECT SUCH FEES, EXCISES AND TAXES AS MAY BE NECESSARY TO PRODUCE SUFFICIENT REVENUE TO MEET THE EXPENSE OF THE STATE HIGHWAY SYSTEM AND TO FULFILL THE TERMS OF ANY AGREEMENTS MADE WITH THE HOLDERS OF THE BONDS, OR IN ANY WAY IMPAIR THE RIGHTS AND REMEDIES OF THE BONDHOLDERS, UNTIL ALL BONDS ISSUED UNDER THIS CHAPTER, TOGETHER WITH INTEREST THEREON, WITH INTEREST ON ANY UNPAID INSTALLMENTS OF INTEREST, AND ALL COSTS AND EXPENSES IN CONNECTION WITH ANY ACTION OR PROCEEDINGS BY OR ON BEHALF OF THE BONDHOLDERS, ARE FULLY MET AND DISCHARGED. THE TRANSPORTATION BOARD AS AGENT FOR THE STATE IS AUTHORIZED TO INCLUDE THIS PLEDGE AND UNDERTAKING BY THE STATE IN ITS RESOLUTIONS AND INDENTURES SECURING ITS BONDS.

28-2008. Exemption from taxation

THE TRANSPORTATION BOARD SHALL BE REGARDED AS PERFORMING A GOVERNMENTAL FUNCTION IN ACQUIRING REAL PROPERTY FOR FUTURE HIGHWAY NEEDS AND SHALL BE REQUIRED TO PAY NO TAXES OR ASSESSMENTS ON ANY OF THE PROPERTY ACQUIRED THEREFOR OR UPON THE ACTIVITIES OF THE TRANSPORTATION BOARD IN MAINTAINING AND CARING FOR SUCH REAL PROPERTY OR IN THE REVENUES DERIVED

LAWS OF ARIZONA

THEREFROM. THE BONDS, THEIR TRANSFER AND THE INCOME THEREFROM SHALL AT ALL TIMES BE FREE FROM TAXATION WITHIN THE STATE.

28-2009. Certification of bonds by attorney general

THE TRANSPORTATION BOARD MAY SUBMIT TO THE ATTORNEY GENERAL OF THIS STATE ANY BONDS TO BE ISSUED UNDER THIS ARTICLE AFTER ALL PROCEEDINGS FOR THE AUTHORIZATION OF SUCH BONDS HAVE BEEN TAKEN. UPON THE SUBMISSION OF SUCH PROCEEDINGS TO THE ATTORNEY GENERAL, THE ATTORNEY GENERAL SHALL EXAMINE INTO AND PASS UPON THE VALIDITY OF SUCH BONDS AND THE REGULARITY OF ALL PROCEEDINGS IN CONNECTION THEREWITH. IF SUCH PROCEEDINGS CONFORM TO THE PROVISIONS OF THIS ARTICLE, AND IT IS DETERMINED THAT SUCH BONDS WHEN DELIVERED AND PAID FOR WILL CONSTITUTE BINDING AND LEGAL OBLIGATIONS OF THE TRANSPORTATION BOARD ENFORCEABLE ACCORDING TO THE TERMS THEREOF, THE ATTORNEY GENERAL SHALL CERTIFY IN SUBSTANCE UPON THE BACK OF EACH OF SUCH BONDS THAT IT IS ISSUED IN ACCORDANCE WITH THE CONSTITUTION AND LAWS OF THE STATE OF ARIZONA.

28-2010. Bond obligations of the transportation board

ALL BONDS ISSUED PURSUANT TO THIS ARTICLE SHALL BE OBLIGATIONS OF THE TRANSPORTATION BOARD ISSUING SUCH BONDS, AND 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 LEGAL DEBT 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 DEPARTMENT OTHER THAN THE INCOME AND REVENUE PLEDGED AND ASSIGNED TO, OR IN TRUST FOR THE BENEFIT OF, THE HOLDER OR HOLDERS OF SUCH BONDS.

28-2011. Bonds as legal investments

BONDS ISSUED UNDER THE PROVISIONS OF THIS ARTICLE ARE MADE SECURITIES IN WHICH ALL PUBLIC OFFICERS AND BODIES OF THE STATE AND ALL MUNICIPALITIES AND POLITICAL SUBDIVISIONS OF THIS STATE, ALL INSURANCE COMPANIES AND

LAWS OF ARIZONA

ASSOCIATIONS AND OTHER PERSONS CARRYING ON AN INSURANCE BUSINESS, ALL BANKS, BANKERS, TRUST COMPANIES, SAVINGS BANKS AND SAVINGS ASSOCIATIONS, INCLUDING SAVINGS AND LOAN ASSOCIATIONS, BUILDING AND LOAN ASSOCIATIONS, INVESTMENT COMPANIES AND OTHER PERSONS CARRYING ON A BANKING BUSINESS, ALL ADMINISTRATORS, GUARDIANS, EXECUTORS, TRUSTEES AND OTHER FIDUCIARIES AND ALL OTHER PERSONS WHOMSOEVER ARE NOW OR MAY HEREAFTER BE AUTHORIZED TO INVEST IN BONDS OF OTHER OBLIGATIONS OF THE STATE, MAY PROPERLY AND LEGALLY INVEST FUNDS INCLUDING CAPITAL IN THEIR CONTROL OR BELONGING TO THEM. THE BONDS ARE ALSO MADE SECURITIES WHICH MAY BE DEPOSITED WITH AND MAY BE RECEIVED BY ALL PUBLIC OFFICERS AND BODIES OF THIS STATE AND ALL MUNICIPALITIES AND POLITICAL SUBDIVISIONS OF THIS STATE FOR ANY PURPOSE FOR WHICH THE DEPOSIT OF BONDS OR OTHER OBLIGATIONS OF THE STATE IS NOW OR MAY HEREAFTER BE AUTHORIZED.

28-2012. **Exclusive law**

THE POWERS CONFERRED BY THIS ARTICLE SHALL BE IN ADDITION TO AND SUPPLEMENTAL TO THE POWERS CONFERRED BY ANY OTHER LAW, GENERAL OR SPECIAL. THIS ARTICLE SHALL, WITHOUT REFERENCE TO ANY OTHER PROVISION OF THIS TITLE, OR TO ANY OTHER LAW, GENERAL OR SPECIAL, BE DEEMED FULL AUTHORITY FOR THE ACQUISITION OF REAL PROPERTY FOR FUTURE HIGHWAY NEEDS UNDER THIS ARTICLE, FOR ENTERING INTO CONTRACTS IN CONNECTION THEREWITH, AND FOR THE AUTHORIZATION, ISSUANCE AND SALE OF THE BONDS PURSUANT TO THIS ARTICLE AND WITHOUT REGARD TO THE PROCEDURE REQUIRED BY ANY OTHER SUCH LAW. EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, THE PROVISIONS OF THIS TITLE, INsofar AS THEY RELATE TO THE MATTERS CONTAINED IN THIS ARTICLE, ARE SUPERSEDED, IT BEING THE INTENT OF THE LEGISLATURE THAT THIS ARTICLE SHALL CONSTITUTE THE EXCLUSIVE LAW ON SUCH MATTERS.

CHAPTER 16
BEAUTIFICATION OF HIGHWAYS
ARTICLE 1. REGULATION OF CERTAIN
ADVERTISING DISPLAYS

LAWS OF ARIZONA

28-2101. **Definitions**

IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "BUSINESS AREA" MEANS AN AREA OUTSIDE MUNICIPAL LIMITS EMBRACING ALL OF THE LAND ON THE SAME SIDE OF THE HIGHWAY ON WHICH ONE OR MORE COMMERCIAL OR INDUSTRIAL ACTIVITIES ARE CONDUCTED, INCLUDING ALL LAND WITHIN ONE THOUSAND FEET MEASURED IN ANY DIRECTION FROM THE NEAREST EDGE OF THE ACTUAL LAND USED OR OCCUPIED FOR SUCH ACTIVITY, INCLUDING ITS PARKING, STORAGE AND SERVICE AREAS, ITS DRIVEWAYS AND ITS ESTABLISHED FRONT, REAR AND SIDE YARDS, CONSTITUTING AN INTEGRAL PART OF SUCH ACTIVITY AND WHICH IS ZONED, UNDER AUTHORITY OF LAW, PRIMARILY TO PERMIT INDUSTRIAL OR COMMERCIAL ACTIVITY. HOWEVER, WHEN ONE OR MORE COMMERCIAL OR INDUSTRIAL ACTIVITIES ARE LOCATED WITHIN ONE THOUSAND FEET OF A FREEWAY INTERCHANGE, THE BUSINESS AREA SHALL EXTEND THREE THOUSAND FEET MEASURED IN EACH DIRECTION PARALLEL TO THE FREEWAY FROM THE CENTER LINE OF THE CROSSROAD, BUT SHALL NOT EXTEND BEYOND THE LIMITS OF THE ESTABLISHED COMMERCIAL OR INDUSTRIAL ZONE.
2. "FREEWAY" MEANS A DIVIDED ARTERIAL HIGHWAY ON THE INTERSTATE OR PRIMARY SYSTEM WITH FULL CONTROL OF ACCESS AND WITH GRADE SEPARATIONS AT INTERSECTIONS.
3. "INFORMATION CENTER" MEANS A SITE ESTABLISHED AND MAINTAINED AT A SAFETY REST AREA FOR THE PURPOSE OF INFORMING THE PUBLIC OF PLACES OF INTEREST WITHIN THE STATE AND PROVIDING OTHER INFORMATION THE TRANSPORTATION BOARD CONSIDERS DESIRABLE.
4. "INTERSTATE SYSTEM" MEANS THAT PORTION OF THE NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS LOCATED WITHIN THIS STATE AS MAY NOW OR HEREAFTER BE OFFICIALLY DESIGNATED BY THE TRANSPORTATION BOARD AND APPROVED BY THE SECRETARY OF TRANSPORTATION PURSUANT TO TITLE 23, UNITED STATES CODE.
5. "MAIN-TRAVELED WAY" MEANS THE PORTION OF A ROADWAY FOR THE MOVEMENT OF VEHICLES, EXCLUSIVE OF

LAWS OF ARIZONA

SHOULDERS, ON WHICH THROUGH TRAFFIC IS CARRIED. IN THE CASE OF DIVIDED HIGHWAY, THE TRAVELED WAY OF EACH OF THE SEPARATED ROADWAYS FOR TRAFFIC IN OPPOSITE DIRECTIONS IS A MAIN-TRAVELED WAY. IT DOES NOT INCLUDE SUCH FACILITIES AS FRONTAGE ROADS OR PARKING AREAS.

6. "OUTDOOR ADVERTISING" MEANS ANY OUTDOOR SIGN, DISPLAY, LIGHT, DEVICE, FIGURE, PAINTING, DRAWING, MESSAGE, PLAQUE, POSTER, BILLBOARD OR OTHER THING WHICH IS DESIGNED, INTENDED OR USED TO ADVERTISE OR INFORM, THE MESSAGE OF WHICH IS VISIBLE FROM ANY PLACE ON THE MAIN-TRAVELED WAY OF THE INTERSTATE, SECONDARY OR PRIMARY SYSTEMS.

7. "PRIMARY SYSTEM" MEANS THAT PORTION OF CONNECTED MAIN HIGHWAYS LOCATED WITHIN THIS STATE AS MAY NOW OR HEREAFTER BE OFFICIALLY DESIGNATED BY THE TRANSPORTATION BOARD AND APPROVED BY THE SECRETARY OF TRANSPORTATION PURSUANT TO TITLE 23, UNITED STATES CODE.

8. "SAFETY REST AREA" MEANS A SITE ESTABLISHED AND MAINTAINED BY OR UNDER PUBLIC SUPERVISION OR CONTROL FOR THE CONVENIENCE OF THE TRAVELING PUBLIC WITHIN OR ADJACENT TO THE RIGHT-OF-WAY OF THE INTERSTATE OR PRIMARY SYSTEMS.

9. "SECONDARY SYSTEM" MEANS THAT PORTION OF CONNECTED HIGHWAYS LOCATED WITHIN THIS STATE AS MAY NOW OR HEREAFTER BE OFFICIALLY DESIGNATED BY THE TRANSPORTATION BOARD AND APPROVED BY THE SECRETARY OF TRANSPORTATION PURSUANT TO TITLE 23, UNITED STATES CODE.

10. "UNZONED COMMERCIAL OR INDUSTRIAL AREA" MEANS AN AREA NOT ZONED UNDER AUTHORITY OF LAW IN WHICH LAND USE IS CHARACTERISTIC OF THAT GENERALLY PERMITTED ONLY IN AREAS WHICH ARE ACTUALLY ZONED COMMERCIAL OR INDUSTRIAL UNDER AUTHORITY OF STATE LAW, EMBRACING ALL OF THE LAND ON THE SAME SIDE OF THE HIGHWAY ON WHICH ONE OR MORE COMMERCIAL OR INDUSTRIAL ACTIVITIES ARE CONDUCTED, INCLUDING ALL LAND WITHIN ONE THOUSAND FEET MEASURED IN ANY DIRECTION FROM THE NEAREST EDGE OF THE ACTUAL LAND USED OR

LAWS OF ARIZONA

OCCUPIED BY SUCH ACTIVITY, INCLUDING ITS PARKING, STORAGE AND SERVICE AREAS, ITS DRIVEWAYS AND ITS ESTABLISHED FRONT, REAR AND SIDE YARDS, CONSTITUTING AN INTEGRAL PART OF SUCH ACTIVITY. AS USED IN THIS PARAGRAPH, "COMMERCIAL OR INDUSTRIAL ACTIVITIES" DOES NOT INCLUDE:

- (a) OUTDOOR ADVERTISING STRUCTURE.
- (b) AGRICULTURAL, FORESTRY, GRAZING, FARMING AND RELATED ACTIVITIES.
- (c) TRANSIENT OR TEMPORARY ACTIVITIES INCLUDING BUT NOT LIMITED TO WAYSIDE FRESH PRODUCE STANDS.
- (d) ACTIVITIES NOT VISIBLE FROM THE MAIN-TRAVELED WAY.
- (e) ACTIVITIES CONDUCTED IN A BUILDING PRINCIPALLY USED AS A RESIDENCE.
- (f) RAILROAD TRACKS AND MINOR SIDINGS, AND ABOVE GROUND OR UNDERGROUND UTILITY LINES.

28-2102. Outdoor advertising authorized

A. THE FOLLOWING OUTDOOR ADVERTISING MAY BE PLACED OR MAINTAINED ALONG INTERSTATE, SECONDARY AND PRIMARY SYSTEMS WITHIN SIX HUNDRED SIXTY FEET OF THE EDGE OF THE RIGHT-OF-WAY:

1. DIRECTIONAL OR OTHER OFFICIAL SIGNS OR NOTICES THAT ARE REQUIRED OR AUTHORIZED BY LAW, INCLUDING BUT NOT LIMITED TO, SIGNS PERTAINING TO NATURAL WONDERS, SCENIC AND HISTORIC ATTRACTIONS.
2. SIGNS, DISPLAYS AND DEVICES ADVERTISING ACTIVITIES CONDUCTED ON THE PROPERTY UPON WHICH THEY ARE LOCATED.
3. SIGNS, DISPLAYS AND DEVICES ADVERTISING THE SALE OR LEASE OF PROPERTY UPON WHICH THEY ARE LOCATED.
4. SIGNS, DISPLAYS AND DEVICES LAWFULLY PLACED AFTER APRIL 1, 1970, IN BUSINESS AREAS.

LAWS OF ARIZONA

5. SIGNS, DISPLAYS AND DEVICES LAWFULLY PLACED AFTER THE EFFECTIVE DATE OF THIS ARTICLE IN ZONED OR UNZONED COMMERCIAL OR INDUSTRIAL AREAS INSIDE MUNICIPAL LIMITS, OR AFTER APRIL 1, 1972, IN UNZONED COMMERCIAL OR INDUSTRIAL AREAS OUTSIDE OF MUNICIPAL LIMITS.

6. SIGNS, DISPLAYS AND DEVICES LAWFULLY EXISTING ON APRIL 1, 1970, WHICH ARE LOCATED IN BUSINESS AREAS, AND IN ZONED COMMERCIAL OR INDUSTRIAL AREAS OUTSIDE OF MUNICIPAL LIMITS.

7. SIGNS, DISPLAYS AND DEVICES LAWFULLY EXISTING ON THE EFFECTIVE DATE OF THIS ARTICLE WHICH ARE LOCATED IN ZONED OR UNZONED COMMERCIAL OR INDUSTRIAL AREAS INSIDE MUNICIPAL LIMITS, OR ON APRIL 1, 1972, IN UNZONED COMMERCIAL OR INDUSTRIAL AREAS OUTSIDE OF MUNICIPAL LIMITS.

B. OUTDOOR ADVERTISING AUTHORIZED UNDER SUBSECTION A, PARAGRAPHS 1, 4 AND 5 OF THIS SECTION SHALL CONFORM WITH STANDARDS CONTAINED, AND SHALL BEAR PERMITS REQUIRED, IN REGULATIONS PROMULGATED BY THE DIRECTOR UNDER THE PROVISIONS OF THIS ARTICLE, EXCEPT THAT SUCH AUTHORIZED OUTDOOR ADVERTISING ALONG HIGHWAYS IN THE SECONDARY SYSTEM WHICH ARE NOT STATE HIGHWAYS NEED ONLY BEAR PERMITS REQUIRED BY THE RESPONSIBLE COUNTY OR MUNICIPAL AUTHORITY.

C. OUTDOOR ADVERTISING AUTHORIZED UNDER PARAGRAPHS 6 AND 7, SUBSECTION A OF THIS SECTION NEED NOT CONFORM TO STANDARDS CONTAINED, BUT SHALL BEAR PERMITS REQUIRED, IN REGULATIONS PROMULGATED BY THE DIRECTOR UNDER THE PROVISIONS OF THIS ARTICLE, EXCEPT THAT SUCH AUTHORIZED OUTDOOR ADVERTISING ALONG HIGHWAYS IN THE SECONDARY SYSTEM WHICH ARE NOT STATE HIGHWAYS NEED ONLY BEAR PERMITS REQUIRED BY THE RESPONSIBLE COUNTY OR MUNICIPAL AUTHORITY.

28-2103. **Outdoor advertising prohibited**

A. NO OUTDOOR ADVERTISING SHALL BE PLACED OR MAINTAINED ADJACENT TO THE INTERSTATE, SECONDARY OR PRIMARY SYSTEMS AT THE FOLLOWING LOCATIONS OR POSI-

LAWS OF ARIZONA

TIONS OR UNDER ANY OF THE FOLLOWING CONDITIONS OR IF IT IS OF THE FOLLOWING NATURE:

1. IF WITHIN VIEW OF, DIRECTED AT, AND INTENDED TO BE READ FROM THE MAIN-TRAVELED WAY OF THE INTERSTATE, PRIMARY OR SECONDARY SYSTEMS, EXCEPTING OUTDOOR ADVERTISING AUTHORIZED UNDER SECTION 28-2602.
2. IF VISIBLE FROM THE MAIN-TRAVELED WAY AND SIMULATING OR IMITATING ANY DIRECTIONAL, WARNING, DANGER OR INFORMATION SIGN PERMITTED UNDER THE PROVISIONS OF THIS ARTICLE, OR IF LIKELY TO BE MISTAKEN FOR ANY SUCH PERMITTED SIGN, OR IF INTENDED OR LIKELY TO BE CONSTRUED AS GIVING WARNING TO TRAFFIC, SUCH AS BY THE USE OF THE WORDS "STOP" OR "SLOW DOWN".
3. IF WITHIN ANY STREAM OR DRAINAGE CHANNEL OR BELOW THE FLOOD WATER LEVEL OF ANY STREAM OR DRAINAGE CHANNEL WHERE THE OUTDOOR ADVERTISING MIGHT BE DELUGED BY FLOOD WATERS AND SWEEPED UNDER ANY HIGHWAY STRUCTURE CROSSING THE STREAM OR DRAINAGE CHANNEL OR AGAINST THE SUPPORTS OF THE HIGHWAY STRUCTURE.
4. IF VISIBLE FROM THE MAIN-TRAVELED WAY AND DISPLAYING ANY RED, FLASHING, BLINKING, INTERMITTENT OR MOVING LIGHT OR LIGHTS LIKELY TO BE MISTAKEN FOR A WARNING OR DANGER SIGNAL, EXCEPTING THAT PART NECESSARY TO GIVE PUBLIC SERVICE INFORMATION SUCH AS TIME, DATE, WEATHER, TEMPERATURE OR SIMILAR INFORMATION.
5. IF ANY ILLUMINATION THEREON IS OF SUCH BRILLIANCE AND SO POSITIONED AS TO BLIND OR DAZZLE THE VISION OF TRAVELERS ON THE MAIN-TRAVELED WAY.
6. IF EXISTING UNDER A PERMIT AS REQUIRED BY THIS ARTICLE AND NOT MAINTAINED IN SAFE CONDITION.
7. IF OBVIOUSLY ABANDONED.
8. IF PLACED IN SUCH A MANNER AS TO OBSTRUCT, OR OTHERWISE PHYSICALLY INTERFERE WITH, AN OFFICIAL TRAFFIC SIGN, SIGNAL OR DEVICE OR TO OBSTRUCT, OR PHYSICALLY INTERFERE WITH, THE VISION OF DRIVERS IN APPROACHING, MERGING OR INTERSECTING TRAFFIC.

LAWS OF ARIZONA

9. IF PLACED UPON TREES, OR PAINTED OR DRAWN UPON ROCKS OR OTHER NATURAL FEATURES, EXCEPTING SIGNS PERMITTED UNDER SECTION 28-2102, SUBSECTION A, PARAGRAPH 2.

B. AT INTERCHANGES ON FREEWAYS OR INTERSTATE HIGHWAYS OUTSIDE OF MUNICIPAL LIMITS, NO OUTDOOR ADVERTISING SIGNS, DISPLAYS OR DEVICES SHALL BE ERRECTED IN THE AREA BETWEEN THE CROSSROAD AND A POINT FIVE HUNDRED FEET BEYOND THE BEGINNING OR ENDING OF PAVEMENT WIDENING AT THE EXIT FROM OR ENTRANCE TO THE MAIN-TRAVELED WAY.

28-2104. **Standards for outdoor advertising; directional and other official signs; business areas and unzoned commercial or industrial areas outside municipal limits; zoned or unzoned commercial or industrial areas within municipal limits**

A. DIRECTION AND OTHER OFFICIAL SIGNS AUTHORIZED UNDER SECTION 28-2102, SUBSECTION A, PARAGRAPH 1, SHALL COMPLY WITH REGULATIONS WHICH SHALL BE PROMULGATED BY THE DIRECTOR RELATIVE TO THEIR LIGHTING, SIZE, NUMBER, SPACING AND SUCH OTHER REQUIREMENTS AS MAY BE APPROPRIATE TO IMPLEMENT THIS ARTICLE, WHICH REGULATIONS SHALL NOT BE INCONSISTENT WITH SUCH NATIONAL STANDARDS AS MAY BE PROMULGATED FROM TIME TO TIME BY THE SECRETARY OF TRANSPORTATION OF THE UNITED STATES PURSUANT TO SUBDIVISION (c) OF SECTION 131 OF TITLE 23 OF THE UNITED STATES CODE.

B. AFTER APRIL 1, 1970, OUTDOOR ADVERTISING PLACED IN BUSINESS AREAS AND AFTER APRIL 1, 1972, IN UNZONED COMMERCIAL OR INDUSTRIAL AREAS OUTSIDE OF MUNICIPAL LIMITS SHALL COMPLY WITH THE PROVISIONS OF THIS ARTICLE AND THE FOLLOWING STANDARDS:

1. SIZE OF OUTDOOR ADVERTISING SHALL NOT EXCEED ONE THOUSAND TWO HUNDRED SQUARE FEET IN AREA WITH A MAXIMUM VERTICAL FACING DIMENSION OF TWENTY-FIVE FEET AND A MAXIMUM HORIZONTAL FACING DIMENSION OF SIXTY FEET, INCLUDING BORDER AND TRIM, AND EXCLUDING BASE OR APRON SUPPORTS AND OTHER STRUCTURAL MEMBERS. SUCH SIZE LIMITATIONS SHALL APPLY TO EACH FACING OF

LAWS OF ARIZONA

OUTDOOR ADVERTISING. THE AREA SHALL BE MEASURED BY THE SMALLEST SQUARE, RECTANGLE, TRIANGLE, CIRCLE OR COMBINATION THEREOF, WHICH WILL ENCOMPASS THE ENTIRE ADVERTISEMENT. TWO ADVERTISING DISPLAYS NOT EXCEEDING THREE HUNDRED FIFTY SQUARE FEET EACH MAY BE PLACED IN A FACING. BACK TO BACK OR V-TYPE SIGNS MAY BE PLACED, WITH THE MAXIMUM AREA ALLOWED FOR EACH FACING.

2. SPACING OF OUTDOOR ADVERTISING SHALL BE SUCH THAT IT IS NOT PLACED:

(a) WITHIN FIVE HUNDRED FEET FROM OTHER OUTDOOR ADVERTISING ON THE SAME SIDE OF A FREEWAY.

(b) WITHIN FIVE HUNDRED FEET OF THE BEGINNING OR ENDING OF PAVEMENT WIDENING AT THE EXIT FROM OR ENTRANCE TO THE MAIN-TRAVELED WAY AT A SCENIC OVERLOOK OR SAFETY ROADSIDE REST AREA ON ANY PORTION OF A FREEWAY.

(c) WITHIN THREE HUNDRED FEET FROM OTHER OUTDOOR ADVERTISING ON THE SAME SIDE OF ANY PORTION OF THE PRIMARY SYSTEM WHICH IS NOT A FREEWAY.

3. MINIMUM SPACING DISTANCES FROM OTHER OUTDOOR ADVERTISING SHALL NOT APPLY TO OUTDOOR ADVERTISING WHICH IS SEPARATED BY A BUILDING OR OTHER OBSTRUCTION IN SUCH A MANNER THAT ONLY ONE DISPLAY LOCATED WITHIN THE MINIMUM DISTANCES SET FORTH HEREIN IS VISIBLE FROM THE HIGHWAY AT ANY ONE TIME. SPACING DISTANCES SHALL BE MEASURED ALONG THE NEAREST EDGE OF THE PAVEMENT TO A POINT DIRECTLY OPPOSITE THE OUTDOOR ADVERTISING.

4. OUTDOOR ADVERTISING AUTHORIZED UNDER SECTION 28-2102, SUBSECTION A, PARAGRAPHS 2 AND 3 SHALL NOT BE COUNTED AND MEASURED FROM IN DETERMINING COMPLIANCE WITH THE SPACING REQUIREMENTS OF THIS SUBSECTION.

C. AFTER THE EFFECTIVE DATE OF THIS ARTICLE, OUTDOOR ADVERTISING PLACED IN ZONED OR UNZONED COMMERCIAL OR INDUSTRIAL AREAS WITHIN MUNICIPAL LIMITS SHALL COMPLY WITH THE FOLLOWING STANDARDS:

LAWS OF ARIZONA

1. THE SIZE OF OUTDOOR ADVERTISING SHALL NOT EXCEED THAT SET FORTH IN SUBSECTION B, PARAGRAPH 1 OF THIS SECTION.

2. SPACING OF OUTDOOR ADVERTISING SHALL BE SUCH THAT IT IS NOT PLACED:

(a) WITHIN FIVE HUNDRED FEET FROM OTHER OUTDOOR ADVERTISING ON THE SAME SIDE OF A FREEWAY.

(b) WITHIN ONE HUNDRED FEET FROM OTHER OUTDOOR ADVERTISING ON THE SAME SIDE OF ANY PORTION OF THE PRIMARY SYSTEM WHICH IS NOT A FREEWAY.

3. IT SHALL HAVE THE SAME STANDARD AS SUBSECTION B, PARAGRAPH 3 OF THIS SECTION.

4. IT SHALL HAVE THE SAME STANDARD AS SUBSECTION B, PARAGRAPH 4 OF THIS SECTION.

28-2105. **Removal dates for nonconforming outdoor advertising; authority to acquire outdoor advertising and property rights; compensation; removal**

A. OUTDOOR ADVERTISING LAWFULLY IN EXISTENCE ALONG THE INTERSTATE OR FEDERAL-AID SECONDARY OR PRIMARY SYSTEMS ON SEPTEMBER 1, 1965 WHICH DOES NOT CONFORM TO THE PROVISIONS OF THIS ARTICLE, SHALL NOT BE REQUIRED TO BE REMOVED UNTIL JULY 1, 1975. ANY OTHER OUTDOOR ADVERTISING LAWFULLY ERECTED WHICH DOES NOT CONFORM TO THE PROVISIONS OF THIS ARTICLE SHALL NOT BE REQUIRED TO BE REMOVED UNTIL THE END OF THE FIFTH YEAR AFTER IT BECOMES NONCONFORMING.

B. IF COMPENSATION IS REQUIRED BY FEDERAL LAW, AND IF FEDERAL PARTICIPATION IN SUCH COMPENSATION IS REQUIRED BY FEDERAL LAW, NONCONFORMING OUTDOOR ADVERTISING SHALL NOT BE REQUIRED TO BE REMOVED UNTIL FEDERAL FUNDS FOR THE FEDERAL SHARE OF COMPENSATION THEREFOR AS REQUIRED BY SUCH FEDERAL LAW HAVE BEEN MADE AVAILABLE TO THE DEPARTMENT.

C. THE DIRECTOR SHALL ACQUIRE BY GIFT, AGREEMENT, PURCHASE, EXCHANGE, EMINENT DOMAIN OR OTHER LAWFUL MEANS, ALL RIGHT, TITLE, LEASEHOLD, AND INTEREST IN ANY OUTDOOR ADVERTISING TOGETHER WITH THE RIGHT OF THE

LAWS OF ARIZONA

OWNER OF THE REAL PROPERTY ON WHICH SUCH OUTDOOR ADVERTISING IS LOCATED TO ERECT AND MAINTAIN SUCH OUTDOOR ADVERTISING THEREON, WHEN THE OUTDOOR ADVERTISING IS PROHIBITED BY THIS ARTICLE. DAMAGES RESULTING FROM ANY TAKING OF PROPERTY IN EMINENT DOMAIN SHALL BE ASCERTAINED IN THE MANNER PROVIDED BY LAW.

D. WHEN OUTDOOR ADVERTISING IS PLACED AFTER THE EFFECTIVE DATE OF THIS ARTICLE, CONTRARY TO PROVISIONS OF THIS ARTICLE OR THE REGULATIONS PROMULGATED BY THE DIRECTOR, OR WHEN A PERMIT IS NOT OBTAINED AS PRESCRIBED IN THIS ARTICLE, THE OUTDOOR ADVERTISING SHALL BE DEEMED UNLAWFUL. THE DIRECTOR SHALL GIVE NOTICE BY CERTIFIED MAIL OF HIS INTENTION TO REMOVE ADVERTISING DEEMED UNLAWFUL TO BOTH THE OWNER OR THE OCCUPANT OF THE LAND ON WHICH SUCH OUTDOOR ADVERTISING IS LOCATED AND THE OWNER OF THE OUTDOOR ADVERTISING, IF THE LATTER IS KNOWN, OR IF UNKNOWN, BY POSTING NOTICE IN A CONSPICUOUS PLACE ON SUCH OUTDOOR ADVERTISING. WITHIN SEVEN DAYS AFTER SUCH NOTICE IS MAILED OR POSTED THE OWNER OF THE LAND OR THE OUTDOOR ADVERTISING MAY MAKE A WRITTEN REQUEST TO THE DIRECTOR FOR A HEARING TO SHOW CAUSE WHY THE OUTDOOR ADVERTISING SHOULD NOT BE REMOVED. THE DIRECTOR SHALL DESIGNATE A HEARING OFFICER, WHO SHALL BE AN ADMINISTRATIVE EMPLOYEE OF THE DEPARTMENT, TO CONDUCT AND PRESIDE AT SUCH HEARINGS. WHEN A HEARING IS REQUESTED UNDER THIS PROVISION, THE HEARING SHALL BE HELD WITHIN THIRTY DAYS THEREAFTER AND THE PARTY REQUESTING THE HEARING SHALL BE GIVEN AT LEAST FIVE DAYS' NOTICE OF THE TIME OF SUCH HEARING. ALL HEARINGS SHALL BE CONDUCTED AT DEPARTMENT ADMINISTRATIVE OFFICES. A FULL AND COMPLETE RECORD AND TRANSCRIPT OF THE HEARING SHALL BE TAKEN. THE PRESIDING OFFICER SHALL WITHIN TEN DAYS AFTER THE HEARING MAKE A WRITTEN DETERMINATION OF HIS FINDINGS OF FACT, CONCLUSIONS AND DECISION AND SHALL MAIL A COPY OF THE SAME, BY CERTIFIED MAIL, TO THE OWNER OR THE PARTY WHO REQUESTED THE HEARING. IF THE DECISION IS ADVERSE TO THE PARTY, THE PARTY MAY WITHIN TEN DAYS AFTER THE DECISION IS RENDERED, PETITION THE SUPERIOR COURT OF THE COUNTY WHEREIN THE OUTDOOR ADVERTISING IS LOCATED TO DETERMINE WHETHER THE DECI-

LAWS OF ARIZONA

SION OF THE HEARING OFFICER WAS LAWFUL AND REASONABLE. IF THE DECISION OF THE COURT UPHOLDS THAT OF THE DIRECTOR, ALL COSTS FROM THE TIME OF THE ADMINISTRATIVE HEARING, INCLUDING COURT COSTS, SHALL BE BORNE BY THE OWNER OF THE LAND OR THE OUTDOOR ADVERTISING OR BOTH. IF A HEARING BEFORE THE DIRECTOR IS NOT REQUESTED, OR IF THERE IS NO APPEAL TAKEN FROM THE DIRECTOR'S DECISION OF SUCH HEARING, OR IF THE DIRECTOR'S DECISION IS AFFIRMED ON APPEAL, THE DIRECTOR SHALL IMMEDIATELY REMOVE THE OFFENDING OUTDOOR ADVERTISING. THE OWNER OF THE OUTDOOR ADVERTISING OR THE OWNER OR OCCUPANT OF THE LAND OR THE OWNER OF THE OUTDOOR ADVERTISING AND THE OWNER OR OCCUPANT OF THE LAND SHALL BE LIABLE FOR THE COSTS OF SUCH REMOVAL. THE DIRECTOR SHALL INCUR NO LIABILITY FOR SUCH REMOVAL.

28-2106. Agreement with secretary of transportation; outdoor advertising regulations; permits

THE DIRECTOR SHALL:

1. ENTER INTO THE AGREEMENT WITH THE SECRETARY OF TRANSPORTATION PROVIDED FOR BY SECTION 131(d) OF TITLE 23 OF THE UNITED STATES CODE SETTING FORTH THE STANDARDS GOVERNING THE SIZE, LIGHTING, AND SPACING OF OUTDOOR ADVERTISING AUTHORIZED UNDER SECTION 28-2202, SUBSECTION A, PARAGRAPHS 4 AND 5, AND DEFINING AN UNZONED COMMERCIAL OR INDUSTRIAL AREA. IF THE STANDARDS AND DEFINITIONS CONTAINED IN THE AGREEMENT DO NOT AGREE SUBSTANTIALLY WITH THE PROVISIONS OF THIS ARTICLE, THE AGREEMENT SHALL NOT BECOME EFFECTIVE UNTIL THE LEGISLATURE BY STATUTE AMENDS THIS ARTICLE TO CONFORM WITH THE TERMS OF THE AGREEMENT.
2. PRESCRIBE AND ENFORCE REGULATIONS GOVERNING THE PLACING, MAINTENANCE, AND REMOVAL OF OUTDOOR ADVERTISING. SUCH REGULATIONS SHALL BE CONSISTENT WITH THE PUBLIC POLICY OF THIS STATE TO PROTECT THE SAFETY AND WELFARE OF THE TRAVELING PUBLIC, THE PROVISIONS OF THIS ARTICLE, THE TERMS OF THE AGREEMENT WITH THE SECRETARY OF TRANSPORTATION, AND THE NATIONAL STANDARDS, CRITERIA, AND RULES AND REGULATIONS PROMULGATED BY

LAWS OF ARIZONA

THE SECRETARY OF TRANSPORTATION PURSUANT TO SECTION 131 OF TITLE 23, UNITED STATES CODE.

3. DEFINE BY RULES OR REGULATIONS, UNZONED COMMERCIAL OR INDUSTRIAL AREAS ALONG THE INTERSTATE AND PRIMARY SYSTEMS. THE DEFINITIONS SHALL BE CONSISTENT WITH THE DEFINITIONS OF THESE AREAS SET FORTH IN THIS ARTICLE AND SET FORTH IN THE AGREEMENT WITH THE SECRETARY OF TRANSPORTATION.

4. ISSUE PERMITS TO PLACE OR MAINTAIN, OR BOTH, OUTDOOR ADVERTISING AUTHORIZED UNDER SECTION 28-2102, SUBSECTION A, PARAGRAPHS 1, 4, 5, 6 AND 7, AND ESTABLISH AND COLLECT FEES FOR THE ISSUANCE OF SUCH PERMITS. THE FEES SHALL BE NOT MORE THAN THE ACTUAL COSTS TO THE DEPARTMENT. ALL FEES COLLECTED UNDER THE PROVISIONS OF THIS ARTICLE SHALL BE PAID TO THE STATE TREASURER FOR CREDIT TO THE STATE HIGHWAY FUND.

28-2107. Control of advertising displays along interstate, secondary and primary highways by municipality or county

IF AN INCORPORATED MUNICIPALITY OR COUNTY DESIRES TO CONTROL OUTDOOR ADVERTISING ALONG INTERSTATE, SECONDARY AND PRIMARY HIGHWAYS, IT MAY DO SO UPON REQUEST TO THE DIRECTOR AND CERTIFICATION BY THE DIRECTOR TO THE SECRETARY OF TRANSPORTATION THAT THE MUNICIPALITY OR COUNTY HAS ENACTED COMPREHENSIVE ZONING ORDINANCES AND BY ORDINANCE REGULATES THE SIZE, LIGHTING, AND SPACING OF OUTDOOR ADVERTISING IN ZONED COMMERCIAL AND INDUSTRIAL AREAS ALONG INTERSTATE, SECONDARY AND PRIMARY HIGHWAYS, PROVIDED THAT MUNICIPALITIES OR COUNTIES MAY NOT ASSUME CONTROL OF OUTDOOR ADVERTISING UNDER THE PROVISIONS OF THIS SECTION IF THE ORDINANCE PROVISIONS ARE LESS RESTRICTIVE THAN THE PROVISIONS OF THIS ARTICLE.

28-2108. Advertising displays in safety rest areas; information centers

IN ORDER TO PROVIDE INFORMATION IN THE SPECIFIC INTEREST OF THE TRAVELING PUBLIC, THE DIRECTOR MAY AUTHORIZE ADVERTISING DISPLAYS AT SAFETY REST AREAS AND AT INFORMATION CENTERS.

LAWS OF ARIZONA

28-2109. **Construction of article**

THE PROVISIONS OF THIS ARTICLE SHALL BE CUMULATIVE AND SUPPLEMENTAL TO OTHER PROVISIONS OF LAW AND SHALL NOT BE CONSTRUED AS AFFECTING OR ENLARGING ANY AUTHORITY OF COUNTIES, CITIES OR TOWNS PURSUANT TO ANY OTHER PROVISIONS OF LAW WHICH MAY EXIST TO ENACT ORDINANCES REGULATING THE SIZE, LIGHTING, AND SPACING OF OUTDOOR ADVERTISING.

28-2110. **Violation; penalty**

A PERSON WHO VIOLATES ANY PROVISION OF THIS ARTICLE OR ANY REGULATION OF THE DIRECTOR MADE AND PROMULGATED UNDER THIS ARTICLE IS GUILTY OF A MISDEMEANOR.

ARTICLE 2. REGULATION OF JUNKYARDS

28-2131. **Definitions**

IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "AUTOMOBILE GRAVEYARD" MEANS ANY ESTABLISHMENT OR PLACE OF BUSINESS MAINTAINED, USED OR OPERATED FOR STORING, KEEPING, BUYING OR SELLING WRECKED, ABANDONED, SCRAPPED, RUINED OR DISMANTLED MOTOR VEHICLES OR MOTOR VEHICLE PARTS.

2. "INTERSTATE SYSTEM" MEANS THE PORTION OF THE NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS LOCATED WITHIN THIS STATE AS MAY NOW OR HEREAFTER BE OFFICIALLY DESIGNATED BY THE TRANSPORTATION BOARD AND APPROVED BY THE SECRETARY OF TRANSPORTATION PURSUANT TO TITLE 23, UNITED STATES CODE.

3. "JUNK" MEANS OLD OR SCRAP COPPER, BRASS, ROPE, RAGS, BATTERIES, PAPER, TRASH, RUBBER DEBRIS, WASTE, OR JUNKED, DISMANTLED OR WRECKED AUTOMOBILES OR PARTS THEREOF, IRON, STEEL, AND OTHER OLD OR SCRAP FERROUS OR NONFERROUS MATERIAL.

4. "JUNKYARD" MEANS ANY ESTABLISHMENT OR PLACE OF BUSINESS MAINTAINED, USED OR OPERATED FOR STORING,

LAWS OF ARIZONA

KEEPING, BUYING, OR SELLING JUNK, OR FOR THE MAINTENANCE OR OPERATION OF AN AUTOMOBILE GRAVEYARD, INCLUDING GARBAGE DUMPS AND SANITARY LANDFILLS.

5. "MAIN-TRAVELED WAY" MEANS THE PORTION OF A ROADWAY FOR THE MOVEMENT OF VEHICLES, EXCLUSIVE OF SHOULDERS, ON WHICH THROUGH TRAFFIC IS CARRIED. IN THE CASE OF A DIVIDED HIGHWAY, THE TRAVELED WAY OF EACH OF THE SEPARATED ROADWAYS FOR TRAFFIC IN OPPOSITE DIRECTIONS IS A MAIN-TRAVELED WAY. IT DOES NOT INCLUDE SUCH FACILITIES AS FRONTAGE ROADS OR PARKING AREAS.

6. "PRIMARY SYSTEM" MEANS THAT PORTION OF CONNECTED MAIN HIGHWAYS LOCATED WITHIN THIS STATE AS NOW OR HEREAFTER MAY BE OFFICIALLY DESIGNATED BY THE TRANSPORTATION BOARD AND APPROVED BY THE SECRETARY OF TRANSPORTATION PURSUANT TO TITLE 23, UNITED STATES CODE.

7. "UNZONED INDUSTRIAL AREA" MEANS AN AREA NOT ZONED UNDER AUTHORITY OF STATE LAW IN WHICH THE LAND USE IS CHARACTERISTIC OF THAT GENERALLY PERMITTED ONLY IN AREAS WHICH ARE ACTUALLY ZONED INDUSTRIAL UNDER AUTHORITY OF STATE LAW, EMBRACING ALL OF THE LAND ON THE SAME SIDE OF THE HIGHWAY ON WHICH ONE OR MORE INDUSTRIAL ACTIVITIES ARE CONDUCTED, INCLUDING ALL LAND WITHIN ONE THOUSAND FEET, MEASURED IN EACH DIRECTION PARALLEL TO THE HIGHWAY, FROM THE NEAREST EDGE OF THE INDUSTRIAL BUILDING OR ACTIVITY ON SUCH LAND. AS USED IN THIS PARAGRAPH, "INDUSTRIAL ACTIVITY" DOES NOT INCLUDE:

- (a) AGRICULTURAL, FORESTRY, GRAZING, FARMING, RANCHING AND RELATED ACTIVITIES.
- (b) TRANSIENT OR TEMPORARY ACTIVITIES, INCLUDING WAY-SIDE FRESH PRODUCE STANDS.
- (c) ACTIVITIES NOT VISIBLE FROM THE MAIN-TRAVELED WAY.
- (d) ACTIVITIES CONDUCTED IN A BUILDING PRINCIPALLY USED AS A RESIDENCE.

LAWS OF ARIZONA

- (e) RAILROAD TRACKS, MINOR SIDINGS AND PASSENGER DEPOTS, AND ABOVE GROUND OR UNDERGROUND UTILITY LINES.
- (f) JUNKYARDS.
- (g) OUTDOOR ADVERTISING STRUCTURES.
- (h) ACTIVITIES IN OPERATION LESS THAN THREE MONTHS A YEAR.
- (i) ACTIVITIES MORE THAN THREE HUNDRED FEET FROM THE EDGE OF RIGHT-OF-WAY.

28-2132. Junkyards; screening by director; screening by owner; regulations

A. IF IT IS CONSIDERED FEASIBLE BY THE DIRECTOR, ANY JUNKYARD IN EXISTENCE ON THE EFFECTIVE DATE OF THIS ARTICLE WHICH IS LOCATED WITHIN ONE THOUSAND FEET OF THE NEAREST EDGE OF THE RIGHT-OF-WAY OF THE INTERSTATE OR PRIMARY SYSTEMS, AND IS VISIBLE FROM THE MAIN-TRAVELED WAY OF THE INTERSTATE OR PRIMARY SYSTEMS MAY BE SCREENED BY THE DIRECTOR. THE SCREENING SHALL BE AT LOCATIONS ON THE RIGHT-OF-WAY SO THAT THE JUNKYARD IS NOT VISIBLE FROM THE MAIN-TRAVELED WAY OF THE INTERSTATE OR PRIMARY SYSTEMS.

B. THE DIRECTOR SHALL PROMULGATE AND ENFORCE REGULATIONS GOVERNING THE LOCATION, PLANTING, CONSTRUCTION AND MAINTENANCE, INCLUDING THE MATERIALS USED, IN SCREENING JUNKYARDS AS REQUIRED UNDER THE PROVISIONS OF THIS ARTICLE.

C. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO JUNKYARDS OPERATED WITHIN AREAS ADJACENT TO THE INTERSTATE SYSTEM AND THE PRIMARY SYSTEM WHICH ARE WITHIN ONE THOUSAND FEET OF THE NEAREST EDGE OF THE RIGHT-OF-WAY AND WHICH ARE WITHIN AREAS ZONED FOR INDUSTRIAL USE OR WITHIN UNZONED INDUSTRIAL AREAS.

28-2133. Junkyards; screening license required

A. AFTER THE EFFECTIVE DATE OF THIS ARTICLE NO PERSON MAY ESTABLISH A NEW JUNKYARD OR EXPAND A JUNKYARD

LAWS OF ARIZONA

LAWFULLY EXISTING ON THE EFFECTIVE DATE OF THIS ARTICLE, ANY PORTION OF WHICH IS WITHIN ONE THOUSAND FEET OF THE NEAREST EDGE OF THE RIGHT-OF-WAY OF THE INTERSTATE OR PRIMARY SYSTEMS, WITHOUT OBTAINING A SCREENING LICENSE FROM THE DIRECTOR. THE DIRECTOR SHALL ESTABLISH AND COLLECT FEES FOR THE ISSUANCE OF SUCH LICENSES. ALL FEES COLLECTED FOR SUCH LICENSES SHALL BE PAID TO THE STATE TREASURER FOR CREDIT TO THE STATE HIGHWAY FUND.

B. A SCREENING LICENSE SHALL NOT BE ISSUED UNDER THE PROVISIONS OF SUBSECTION A OF THIS SECTION FOR THE ESTABLISHMENT OF A NEW JUNKYARD OR FOR THE EXPANSION OF AN EXISTING JUNKYARD WITHIN ONE THOUSAND FEET OF THE NEAREST EDGE OF THE RIGHT-OF-WAY OF THE INTERSTATE OR PRIMARY SYSTEMS, EXCEPT FOR A NEW JUNKYARD OR EXPANDED PORTION OF AN EXISTING JUNKYARD WHICH CONFORMS TO ONE OR MORE OF THE FOLLOWING REQUIREMENTS:

1. IS SCREENED BY NATURAL OBJECTS, PLANTINGS, OPAQUE FENCES OR OTHER APPROPRIATE MEANS TO THE EXTENT THAT IT IS NOT VISIBLE FROM THE MAIN-TRAVELED WAY OF THE INTERSTATE OR PRIMARY SYSTEMS, OR IT IS OTHERWISE REMOVED FROM SIGHT.
2. IS LOCATED WITHIN AREAS ZONED FOR INDUSTRIAL USE UNDER THE AUTHORITY OF LAW.
3. IS LOCATED WITHIN UNZONED INDUSTRIAL AREAS AS DETERMINED FROM ACTUAL LAND USES AND DEFINED BY REGULATIONS PROMULGATED BY THE DIRECTOR.

28-2134. **Junkyards; abatement of nuisance**

THE ESTABLISHMENT, OPERATION OR MAINTENANCE OF ANY JUNKYARD CONTRARY TO THE PROVISIONS OF THIS ARTICLE IS A PUBLIC NUISANCE, AND THE GOVERNING BODY RESPONSIBLE FOR THE STREET OR HIGHWAY ON WHICH THE JUNKYARD IS LOCATED, OR IN THE CASE OF THE STATE, THE DIRECTOR MAY APPLY TO THE SUPERIOR COURT OF THE COUNTY IN WHICH THE JUNKYARD IS LOCATED FOR AN INJUNCTION TO ABATE THE NUISANCE.

LAWS OF ARIZONA

28-2135. **Construction of article**

NOTHING IN THIS ARTICLE AFFECTS THE PROVISIONS OF ANY LAWFUL ORDINANCE OR REGULATION WHICH IS MORE RESTRICTIVE THAN THE PROVISIONS OF THIS ARTICLE.

28-2136. **Violation**

A PERSON WHO VIOLATES ANY PROVISIONS OF THIS ARTICLE OR ANY REGULATION OF THE DIRECTOR MADE AND PROMULGATED UNDER THIS ARTICLE IS GUILTY OF A MISDEMEANOR.

Sec. 70. Section 32-2351, Arizona Revised Statutes, is amended to read:

32-2351. **Definitions**

In this chapter, unless the context otherwise requires:

~~1. "Commission" means the Arizona state highway commission.~~

1. "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION.

2. "Instructor" means any person, whether acting for himself as operator of a professional driver training school or for any such school for compensation, who teaches, conducts classes of, gives demonstrations to, or supervises practice of persons learning to operate or drive motor vehicles or preparing to take an examination for an operator's or chauffeur's license or learner's permit, and any person who supervises the work of any other such instructor.

3. "Professional driver training school" or "school" means a business enterprise conducted by an individual, association, partnership, or corporation for the education and training of persons, either practically or theoretically, or both, to operate or drive motor vehicles, to prepare an applicant for an examination given by the state for an operator's or chauffeur's license or learner's permit, and charging a consideration or tuition for such services.

Sec. 71. Section 32-2352, Arizona Revised Statutes, is amended to read:

32-2352. **Enforcement**

LAWS OF ARIZONA

A. The ~~commission~~ DIRECTOR shall, subject to the provisions of chapter 6 of title 41, adopt and prescribe such regulations concerning the administration and enforcement of this chapter as are necessary to carry out the intent of this chapter and to protect the public. The ~~commission~~ DIRECTOR or ~~its~~ HIS authorized representative shall inspect the school facilities and equipment used by applicants and licensees under the provisions of this chapter and examine applicants for instructor's licenses.

B. The ~~commission~~ DIRECTOR shall administer and enforce the provisions of this chapter.

Sec. 72. Section 32-2371, Arizona Revised Statutes, is amended to read:

32-2371. License for schools; requirements

A. No professional driver training school shall be established nor shall any such existing school be continued on or after the effective date of this chapter unless such school applies for and obtains from the ~~commission~~ DIRECTOR a license in the manner and form prescribed by the ~~commission~~-DIRECTOR.

B. Regulations adopted by the ~~commission~~-DIRECTOR shall state the requirements for a school license, including requirements concerning location, equipment, courses of instruction, instructors, previous records of the school and instructors, schedule of fees and charges, character and reputation of the operators and instructors, insurance in such sum and with such provisions as the ~~commission~~ DIRECTOR deems necessary to protect adequately the interests of the public, and such other matters as the ~~commission~~ DIRECTOR may prescribe for the protection of the public.

Sec. 73. Section 32-2372, Arizona Revised Statutes, is amended to read:

32-2372. License for instructors; requirements

A. No person ~~shall~~ MAY act as an instructor on or after the effective date of the chapter unless such person applies for and obtains from the ~~commission~~ DIRECTOR a license in the manner and form prescribed by the ~~commission~~-DIRECTOR.

B. Regulations adopted by the ~~commission~~-DIRECTOR shall state the requirements for an instructor's license, including requirements concerning moral character, physical condition, knowledge of the courses of instruc-

LAWS OF ARIZONA

tion, motor vehicle laws and safety principles and practices, previous personnel and employment records, and such other matters as the ~~commission~~ DIRECTOR may prescribe for the protection of the public.

Sec. 74. Section 32-2373, Arizona Revised Statutes, is amended to read:

32-2373. Refusal to issue or renew license of school or instructor

The ~~commission~~ DIRECTOR, after conducting a hearing for the licensee or applicant, may refuse to issue or renew the license for a school or an instructor in any case wherein ~~it~~ HE finds that the licensee or applicant has not complied with, or has knowingly violated, any provision of this article or any regulation adopted thereunder by the ~~commission~~ DIRECTOR.

Sec. 75. Section 32-2374, Arizona Revised Statutes, is amended to read:

32-2374. Fees

All licenses ~~shall~~ expire on the last day of the calendar year and may be renewed upon application to the ~~commission~~ DIRECTOR as prescribed by ~~its~~ regulations. Each application for an original license to operate a professional driver training school or a renewal thereof shall be accompanied by a fee of two hundred dollars. Each application for an original instructor's license or a renewal thereof shall be accompanied by a fee of ten dollars. An application for a branch license shall be accompanied by a fee of fifty dollars. No license fee ~~shall~~ MAY be refunded in the event a license is suspended or revoked.

Sec. 76. Section 32-2375, Arizona Revised Statutes, is amended to read:

32-2375. Disposition of fees

All monies received by the ~~commission~~ DIRECTOR from the fees provided in this article shall be transmitted to the state treasurer, who shall credit them to the state highway fund.

Sec. 77. Section 32-2391, Arizona Revised Statutes, is amended to read:

32-2391. Suspension and revocation of license; determination; appeal

The ~~commission~~ DIRECTOR, after conducting a hearing for the licensee, may cancel, suspend or revoke the license of a school or instructor in any case where ~~it~~ HE finds that the licensee has not complied with, or has knowingly violated, any of the provisions of this chapter or any regulation

LAWS OF ARIZONA

adopted thereunder by the ~~commission~~ DIRECTOR. Each cancelled, suspended or revoked license shall be returned to the ~~commission~~ DIRECTOR by the licensee. If a license is revoked, the licensee may, within thirty days after such revocation, appeal to the superior court of the county in which the principal place of business is located from the order of revocation. The action shall be tried as a trial de novo. The order of revocation shall not be suspended during pendency of the appeal.

Sec. 78. Section 35-116, Arizona Revised Statutes, is amended to read:

35-116. Supervisory powers of governor relating to budget report; exceptions

A. Prior to submission of the budget report to the legislature, the governor shall examine the statements and estimates and shall make or cause to be made such further investigations, with such hearings before the governor, or his designee, and shall make such changes or revisions in appropriations requested as he deems advisable.

B. The judiciary and the legislature shall not be subject to the control of the governor in the preparation and submission of budgets, but such organizations shall submit their requests for appropriations for the ensuing fiscal year to the governor for review by the legislature.

C. The appropriation requests of the Arizona board of regents and the ~~highway~~ department, OF TRANSPORTATION ~~including the highway patrol,~~ for the ensuing fiscal year may be revised by the governor but he shall also submit the appropriation request prepared and submitted by such budget unit in its original form to the legislature for review.

Sec. 79. Section 36-1754, Arizona Revised Statutes, is amended to read:

36-1754. Study and recommendations; time

The state department of health and the motor vehicle division of the state ~~highway~~ department OF TRANSPORTATION shall prepare a study and make recommendations to the legislature, not later than January 15, 1974, concerning:

1. Transfer of operational control of the inspection facilities to the motor vehicle division.
2. Necessity of expansion or increased number of such facilities.

LAWS OF ARIZONA

3. Types of vehicles that shall be required to have mandatory inspection, based on experimentation and study of motor vehicles, including motor vehicles having a gross vehicle weight exceeding six thousand pounds.
4. Implementation of a mandatory inspection plan for motor vehicles in Maricopa and Pima counties by July 1, 1975. Such mandatory inspection shall be at a cost of not more than five dollars per motor vehicle for initial inspection. Initial reinspection for motor vehicles failing to meet standards shall be performed at no cost to the owner of such vehicle.
5. Necessity and types of diagnostics and certification, licensing and bonding of repair facilities to insure protection of public.
6. The feasibility and desirability of contracting with any person or private entity for all or any of the phases or operations of any proposed program.
7. Any other problem areas or questions related to such inspection facilities.

Sec. 80. Repeal

Section 41-505, Arizona Revised Statutes, as amended by Laws 1972, chapter 192, section 17, is repealed.

Sec. 81. Section 41-505, Arizona Revised Statutes, as amended by Laws 1972, chapter 141, section 65, is amended to read:

41-505. Inter-agency economic coordinating council

A. There shall be an inter-agency economic coordinating council with the executive director of the ~~department~~ OFFICE of economic planning and development and the director of the department of administration serving as chairman and ~~vice chairman~~ VICE CHAIRMAN respectively. The council shall be comprised of, but not limited to, representatives from the following state agencies:

Arizona atomic energy commission.

Arizona board of regents.

Arizona commission of Indian affairs.

Arizona corporation commission.

LAWS OF ARIZONA

Arizona department of ~~aeronautics~~ TRANSPORTATION.

Arizona game and fish commission.

~~Arizona highway department.~~

Arizona industrial commission.

Arizona power authority.

~~Arizona state department of public welfare.~~

Arizona state parks board.

Arizona water commission.

DEPARTMENT OF ECONOMIC SECURITY.

Department of mineral resources.

~~Employment security commission of Arizona.~~

Oil and gas conservation commission.

State board of directors for ~~junior~~ COMMUNITY colleges.

State department of education.

State department of health.

State land department.

State tax commission.

B. Representatives from the agencies prescribed by the terms of subsection A shall ordinarily be the chief administrative officer of the agency and shall be appointed by the governor.

C. The council may request the governor to appoint representatives from agencies not prescribed by the terms of subsection A.

D. The council shall meet bi-monthly or more frequently at the call of the chairman.

Sec. 82. Section 41-511.05, Arizona Revised Statutes, is amended to read:

LAWS OF ARIZONA

41-511.05. Powers; compensation

The board may, subject to legislative budgetary control within the limitations of this article:

1. Employ, determine conditions of employment and specify the duties of such administrative, secretarial and clerical workers and technical employees such as naturalists, archaeologists, landscape architects, rangers, park supervisors, caretakers, guides, skilled tradesmen, laborers, historians, and engineers, and to contract to have the services of such advisors or consultants as are reasonably necessary or desirable to enable it to perform adequately its duties. The compensation of the director and of all workers and employees shall be as determined pursuant to section 38-611.
2. Make such contracts, leases and agreements and incur such obligations as are reasonably necessary or desirable within the general scope of its activities and operations to enable it to perform adequately its duties.
3. Acquire through purchase, lease, agreement, donation, grant, bequest, or otherwise real and personal property and acquire real property through eminent domain for state park or monument purposes. No property may be acquired in the manner hereinbefore provided, which will require an expenditure in excess of funds theretofore budgeted or received for such purposes. No state park or monument, or additions thereto, shall be created containing in excess of one hundred sixty acres of land unless the same is created by act of the legislature. This acreage limitation shall not apply, however, in the case of lands given or donated for state park or monument purposes nor to state owned lands selected by the board which are not subject to outstanding leases, permits or other rights for the use thereof including preferential rights to renew such leases and permits.
4. Construct at state parks and monuments necessary sanitary and other facilities including picnic tables, fireplaces, campsites, service buildings and maintenance shops, and contract with private persons for the construction and operation of cabins, hotels and restaurants, and like establishments.
5. Erect suitable signs and markers at parks and monuments and write, prepare and publish written material describing the historical significance of monuments and other places of historical or other significance.
6. Solicit and work in cooperation with the state ~~highway~~ department OF TRANSPORTATION and the highway departments of various counties and United States public roads, administration for necessary roads and trails within the state parks and monuments and access roads thereto.

LAWS OF ARIZONA

7. Levy and collect reasonable fees or other charges for the use of such privileges and conveniences as may be provided under the jurisdiction of the board.
8. Make reasonable rules and regulations for the protection of, and maintain and keep the peace in, state parks, and monuments.
9. Furnish advisory services to city and county park or recreation boards and organizations.

Sec. 83. Section 41-1742, Arizona Revised Statutes, is amended to read:

41-1742. **Powers of the division**

A. The highway patrol division superintendent may:

1. Adopt rules and regulations governing the policy, procedure and administration of all activities of the patrol.
2. Provide for training the patrolmen.
3. Cause signs to be erected and maintained as are necessary to give notice of any special restrictions.
4. Cooperate with the ~~highway commission~~ DEPARTMENT OF TRANSPORTATION and the commission of agriculture and horticulture in the enforcement of laws relating to motor vehicles.

B. The ~~highway commission~~ TRANSPORTATION BOARD may grant authority by resolution to the ~~superintendent~~ DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION to fix speed limits or apply other restrictions when emergency conditions exist. The ~~superintendent~~ DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION may fix such speed limits, or apply such restrictions when congested traffic or other conditions require restrictions for public safety.

C. The division shall issue to each member of the patrol a badge of authority, with the words "Arizona Highway Patrol" encircling the badge, the seal of the state in the center thereof and with the designation of the office or rank of the holder below.

Sec. 84. Section 42-643, Arizona Revised Statutes, is amended to read:

LAWS OF ARIZONA

42-643. Certificate of title; exceptions; penalty fee

A. All mobile homes customarily kept in this state shall be registered TITLED with the ~~state highway~~ department OF TRANSPORTATION through the ~~superintendent~~ ASSISTANT DIRECTOR of motor vehicle division or his agents designated for such purpose ~~annually on or before the last day of February~~ and the ~~registration~~ fee required under title 28, shall be paid except for:

1. Mobile homes owned and held by a dealer solely for ~~purpose~~ PURPOSES of sale.

2. Mobile homes owned and operated exclusively in the public service by the federal government, by the state or by any political subdivision thereof, which mobile homes shall be ~~registered~~ TITLED but no tax ~~or registration fee~~ shall be paid thereon.

~~B. A penalty fee of six dollars twenty-five cents shall be assessed for failure to register any mobile home as provided in subsection A of this section, on or before the last day of February of any year, except that the provisions of subsection B of section 28-318 relating to a refund of the penalty for nonuse on the highways shall not be applicable to this section.~~

~~C. The provisions of section 28-301 and subsection B of section 28-208 relating to the remittance, deposit, credit and disbursement of monies shall be applicable to monies collected by the county assessor under the provisions of this section.~~

~~D. B. The issuance of a certificate of title for a mobile home shall be as provided by law for the titling of motor vehicles, except that in the case of a mobile home that consists of two or more separate sections, each such section shall have a separate certificate of title.~~

~~E. The registration for a mobile home as required in subsection A of this section shall be as provided by law for the registration of motor vehicles, except that in the case of a mobile home that consists of two or more separate sections each such section shall have a separate registration and license.~~

~~F. C. All mobile homes as defined in this article shall be subject to all applicable provisions of title 28, EXCEPT THOSE PROVISIONS RELATING TO REGISTRATION AND except as otherwise provided in this article.~~

LAWS OF ARIZONA

Sec. 85. Repeal

Title 2, chapters 1, 2 and 4 and title 18, chapters 1, 5, 6 and 7, Arizona Revised Statutes, are repealed.

Sec. 86. Name change

The title of title 28, Arizona Revised Statutes, is changed from "MOTOR VEHICLES" to "TRANSPORTATION".

Sec. 87. Retention of certain department heads

Persons serving on the effective date of this act as the superintendent of the motor vehicle division of the highway department, the director of the highway department and the director of the department of aeronautics shall be retained and appointed as assistant director of the motor vehicle division, the highway division and the aeronautics division of the department of transportation. The provisions of this section shall not be construed to prevent the appointment of such persons as director or deputy director of the department of transportation.

Sec. 88. Termination of aeronautics board and highway commission; initial transportation board members

A. The terms of members serving on the aeronautics board and highway commission shall expire on June 30, 1974.

B. The initial transportation board members appointed pursuant to section 28-105 shall be:

1. The four members of the highway commission whose unexpired terms as highway commission members had longest to run as of June 29, 1974.

2. The three members of the aeronautics board whose unexpired terms as aeronautics board members had longest to run as of June 29, 1974.

Sec. 89. Effective date; transition provisions

A. The provisions of this act, except for section 88, shall become effective on July 1, 1974.

B. On July 1, 1974, the authority, functions, programs, records, furnishings and property, equipment, all unexpended and unencumbered

LAWS OF ARIZONA

funds and personnel of agencies transferred to the department of transportation by the provisions of this act shall be transferred to the department of transportation.

Approved by the Governor—May 14, 1973

Filed in the Office of the Secretary of State—May 14, 1973

CHAPTER 147

Senate Bill 1156

AN ACT

RELATING TO COURTS AND CIVIL PROCEEDINGS; PROVIDING FOR PUBLICATION OF APPELLATE COURT OPINIONS; PRESCRIBING THE NUMBER OF DIVISIONS AND DEPARTMENTS OF THE COURT OF APPEALS; PROVIDING TERMS OF OFFICE AND SELECTION OF A CHIEF JUDGE AND PRESIDING JUDGES; PRESCRIBING POWERS AND DUTIES; REMOVING PROCEDURE FOR CERTAIN MANDATORY CHANGE OF VENUE WHEN COUNTY IS PARTY IN CIVIL ACTION AND AMENDING SECTIONS 12-107, 12-120, 12-120.01, 12-120.02, 12-120.04 AND 12-120.07, ARIZONA REVISED STATUTES.

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

Section 1. Section 12-107, Arizona Revised Statutes, is amended to read:

12-107. Publication of opinions

The supreme court shall publish its ~~decisions~~ OPINIONS as soon as practicable after they are announced. The ~~decisions~~ OPINIONS shall be published in suitable volumes which shall contain appropriate headnotes, tables of cases reported, and tables of statutes cited and construed. Each volume shall also contain a digest of the law in the reported cases and the words and phrases therein construed. The volumes shall, with the approval of the court, be printed and bound.

Sec. 2. Section 12-120.07, Arizona Revised Statutes, is amended to read:

LAWS OF ARIZONA

12-120.07. **Opinions; publication**

A. The chief judge shall assign three of the judges to each department, and such assignment may be changed by him from time to time. Each of the departments shall have the power to hear and determine causes and all questions arising therein. The presence of three judges shall be necessary to transact any business in either of the departments; except such as may be done in chambers and except as may be otherwise permitted by law. The ~~decisions~~ OPINIONS of a division or of a department of the court of appeals shall be in writing, the grounds stated, and shall be concurred in by a majority of a department if heard by a department or of the division if heard by the division. ~~A AN decision~~ OPINION of a division or a department of a division shall be the ~~decision~~ OPINION of the court of appeals.

B. The ~~decisions~~ OPINIONS of the court of appeals shall be published and distributed in the same manner as provided for the publication and distribution of ~~decisions~~ OPINIONS of the supreme court.

Sec. 3. Section 12-120, Arizona Revised Statutes, is amended to read:

12-120. **Creation of court of appeals; court of record; composition; sessions**

A. There is created a court of appeals which shall constitute a single court and such court shall be a court of record.

B. The court of appeals shall be divided into two divisions which shall be designated as division 1 and division 2. Division 1 shall, as of July 1, ~~1969~~ 1974, have ~~six~~ NINE judges, separated into ~~two~~ THREE departments of three judges each, denominated, respectively, department A, ~~and~~ department B AND DEPARTMENT C. Division 2 shall have three judges.

C. Division 1 shall consist of the counties of Maricopa, Yuma, Mohave, Coconino, Yavapai, Navajo and Apache.

D. Division 2 shall consist of the counties of Pima, Pinal, Cochise, Santa Cruz, Greenlee, Graham and Gila.

E. The sessions of divisions 1 and 2 shall be held in Phoenix and Tucson respectively. Sessions may be held at places other than Phoenix or Tucson when in the opinion of a majority of the judges of a division or department the public interest so requires. The judges of the respective divisions and departments may hold sessions in either division and shall do

LAWS OF ARIZONA

so when directed by the chief justice of the supreme court. Each judge of the court of appeals may participate in matters pending before a different division or department.

F. No more than three judges of the court of appeals, including superior court judges and retired judges sitting with the court, shall hear and determine a matter and render a decision thereon, and a majority of two of the three judges shall be sufficient to render a decision.

Sec. 4. Section 12-120.01, Arizona Revised Statutes, is amended to read:

12-120.01. Qualifications of judges; terms; ballots; vacancies

A. A judge of the court of appeals shall be:

1. Not less than thirty years of age.
2. Of good moral character.
3. A qualified elector of the county of his residence, and a resident of such county for not less than three years next preceding taking office.
4. A resident of the division in which he is elected.
5. Admitted to the practice of law in the state of Arizona not less than five years next preceding taking office.
6. A resident of Arizona for not less than five years next preceding taking office.

B. Except for the initial term, each judge shall hold office for a term of six years to commence on the first Monday in January following his election and until his successor is elected and qualified. The three additional judges necessary to increase division 1 to ~~six~~ NINE judges under the provisions of section 12-120 shall be appointed by the governor on or after July 1, ~~1969~~ 1974. Of the judges appointed, one judge shall serve for a term ending on the first Monday in January, ~~1971~~ 1975, and one each for terms ending two and four years thereafter, such terms to be designated by the governor at the time of appointment. Of the additional judges two shall be residents of Maricopa county and otherwise qualified for such positions, and one shall be a resident of one of the counties in division 1 other than Maricopa county and otherwise qualified. Thereafter such additional judges shall be elected to six year terms on a staggered basis in the same manner as is operative for the existing division 1 judgeships.

LAWS OF ARIZONA

C. The names of all candidates for judges of the court of appeals shall be placed on the regular ballot for the primary election with their political party designation and the term and title of the office, provided that for the general election their names shall appear on the ballot without partisan or other designation except the term and title of the office.

D. If a vacancy is caused other than by expiration of a term, the governor shall fill such vacancy by appointing a person to serve until the election and qualification of a successor. At the next succeeding general election following the vacancy, a judge shall be elected to serve for the remainder of the unexpired term.

Sec. 5. Section 12-120.02, Arizona Revised Statutes, is amended to read:

12-120.02. Election of judges

A. In division 1, ~~four~~ SIX of the judges shall be residents of and elected from Maricopa county and ~~two~~ THREE of the judges shall be residents of the remaining counties in the division and shall be elected by the voters of the counties in division 1, excluding Maricopa county.

B. In division 2, two of the judges shall be residents of and elected from Pima county and the third judge shall be a resident of one of the remaining counties in the division and shall be elected by the voters of the counties in division 2, excluding Pima county.

Sec. 6. Section 12-120.04, Arizona Revised Statutes, is amended to read:

12-120.04. Chief judge; duties

A. The chief judge of each division shall be elected annually by the members of the division. The chief judge shall serve in such capacity until his successor has been elected as provided by this section.

B. The chief judge shall exercise administrative supervision over the division in which he serves and shall have such other duties as may be provided by rules of the supreme court and shall apportion the business to the departments in such manner as to equalize the distribution of business among them.

C. THE CHIEF JUDGE MAY, AND UPON DIRECTION BY THE CHIEF JUSTICE OF THE SUPREME COURT SHALL, DESIGNATE ONE DEPARTMENT TO HEAR AND DETERMINE ALL REVIEWS AUTHORIZED BY THE PROVISIONS OF SECTION 23-951. SUCH

LAWS OF ARIZONA

DESIGNATED DEPARTMENT MAY ALSO HEAR AND DETERMINE OTHER MATTERS ASSIGNED TO IT BY THE CHIEF JUDGE.

- ~~C.~~ D. In the absence of the chief judge from the place at which the court is held, or his inability to act, the other judges shall select one of their own number to perform the duties and exercise the powers of the chief judge during such absence or inability to act.
- ~~D.~~ E. The judges of each department shall periodically select a presiding judge and a member to act as the presiding judge to perform the duties and exercise the powers of the presiding judge during the absence or inability to act of the presiding judge.
- ~~E.~~ F. The chief judge of the division shall be eligible to be the presiding judge of a department.

Approved by the Governor—May 14, 1973

Filed in the Office of the Secretary of State—May 14, 1973

CHAPTER 148

Senate Bill 1183

AN ACT

RELATING TO MOTOR VEHICLES; REVISING CERTAIN STATUTES RELATING TO MOTOR VEHICLE FEES AND LICENSES; PROVIDING FOR BASIS OF ASSESSMENT OF VEHICLE LICENSE TAX AND METHOD OF COLLECTING; PROVIDING FOR GROSS WEIGHT FEES ON COMMERCIAL VEHICLES; AMENDING LAWS 1972, CHAPTER 170, SECTION 10; CHANGING DESIGNATION OF TITLE 28, CHAPTER 9, ARTICLE 3, ARIZONA REVISED STATUTES, FROM "DISTRIBUTION OF VEHICLE LICENSE TAX" TO "VEHICLE LICENSE TAX"; REPEALING SECTION 28-205, AS AMENDED BY LAWS 1972, CHAPTER 170, SECTION 1, ARIZONA REVISED STATUTES; AMENDING SECTION 28-205, AS AMENDED BY LAWS 1972, CHAPTER 127, SECTION 1; AMENDING SECTION 28-205, AS AMENDED BY LAWS 1973, CHAPTER 124; REPEALING SECTION 28-206, ARIZONA REVISED STATUTES;

LAWS OF ARIZONA

AMENDING TITLE 28, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 28-206, AND AMENDING SECTIONS 28-137, 28-206.01, 28-207, 28-221, 28-305, 28-311, 28-316, 28-318, 28-321, 28-326, 28-426, 28-501 AND 28-503, ARIZONA REVISED STATUTES; AMENDING SECTION 28-1011, AS AMENDED BY LAWS 1973, CHAPTER 10, SECTION 1; AMENDING SECTIONS 28-1031, 28-1361.08, 28-1509 AND 28-1591, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 9, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-1594, AND PROVIDING FOR EFFECTIVE DATES.

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

Section 1. Laws 1972, chapter 170, section 10, is amended to read:

Sec. 10. Conditional enactment; effective dates

The provisions of this act shall not become effective until such time as the constitution of Arizona is amended by vote of the people to permit registration of motor vehicles on other than a calendar year basis, and then only on the following dates:

1. The provisions of section 8 shall become effective on January 1, 1973.
2. The provisions of sections ~~4~~ 2 through 7 and section 9 shall become effective on January 1, ~~1974~~ 1975.

Sec. 2. Section 28-205, as amended by Laws 1972, chapter 127, section 1, Arizona Revised Statutes, is amended to read:

28-205. Motor vehicle fees

The following motor vehicle fees shall be paid:

1. For each certificate of title, four dollars.
2. For a duplicate registration card, ~~two~~ FOUR dollars.
3. For a duplicate of any permit, ~~two~~ FOUR dollars.
4. For filing each application for dealer's, MANUFACTURER'S, IMPORTER'S, DISTRIBUTOR'S, FACTORY BRANCH'S,

LAWS OF ARIZONA

DISTRIBUTOR BRANCH'S or wrecker's license, ~~ten~~ FIFTEEN dollars.

5. For each dealer's, MANUFACTURER'S, DISTRIBUTOR'S, FACTORY BRANCH'S, DISTRIBUTOR BRANCH'S or wrecker's license when issued annually, ~~five~~ TEN dollars.

6. For filing each application for a chauffeur's license, ~~two~~ SEVEN dollars and fifty cents.

7. For filing each application for an operator's license, ~~two~~ FIVE dollars. ~~and fifty cents.~~

8. For filing each application for a license to operate a motorcycle and a motor driven cycle, ~~two~~ FIVE dollars. ~~and fifty cents.~~

9. For filing each application for an instruction permit under subsection A of section 28-415, two dollars, and fifty cents for each instruction permit issued under subsection B of section 28-415.

10. For each identification plate bearing serial or identification number to be affixed to any vehicle, ~~two~~ FIVE dollars.

11. For each number plate or pair of number plates to replace lost, destroyed or mutilated plates, ~~two~~ FIVE dollars.

12. For each number plate or pair of plates issued to a dealer other than a dealer in motorcycles, twenty dollars, and for each number plate or pair of plates issued to a dealer in motorcycles, ten dollars.

13. For each pair of original personalized number plates, twenty-five dollars in addition to the registration fee required by paragraph 15 of this section.

14. For each annual renewal of personalized number plates, ten dollars in addition to the registration fee required by paragraph 15 of this section.

15. For the registration of any motor vehicle, trailer or semitrailer, ~~six~~ EIGHT dollars. ~~and twenty five cents.~~

16. For filing each application for dismantling permit, ~~one dollar~~ TWO DOLLARS.

17. For each special registration issued under the provisions of subsection E of section 28-302, ~~ten~~ FIFTEEN dollars.

LAWS OF ARIZONA

Sec. 3. Section 28-205, Arizona Revised Statutes as amended by Laws 1973, chapter 124, is amended to read:

28-205 Motor vehicle fees

The following motor vehicle fees shall be paid:

1. For each certificate of title, four dollars.
2. For a duplicate registration card, ~~two~~ FOUR dollars.
3. For a duplicate of any permit, ~~two~~ FOUR dollars.
4. For filing each application for dealer's, manufacturer's, importer's, distributor's, factory branch's, distributor branch's or wrecker's license, fifteen dollars.
5. For each dealer's, manufacturer's, distributor's, factory branch's, distributor branch's or wrecker's license when issued annually, ten dollars.
6. For filing each application for a chauffeur's license, ~~two~~ SEVEN dollars and fifty cents.
7. For filing each application for an operator's license, ~~two~~ FIVE dollars. ~~and fifty cents.~~
8. For filing each application for a license to operate a motorcycle and a motor driven cycle, ~~two~~ FIVE dollars. ~~and fifty cents.~~
9. For filing each application for an instruction permit under subsection A of section 28-415, two dollars, and fifty cents for each instruction permit issued under subsection B of section 28-415.
10. For each identification plate bearing serial or identification number to be affixed to any vehicle, ~~two~~ FIVE dollars.
11. For each number plate or pair of number plates to replace lost, destroyed or mutilated plates, ~~two~~ FIVE dollars.
12. For each number plate or pair of plates issued to a dealer other than a dealer in motorcycles, twenty dollars, and for each number plate or pair of plates issued to a dealer in motorcycles, ten dollars.
13. For each pair of original personalized number plates, twenty-five dollars in addition to the registration fee required by paragraph 15 of this section.

LAWS OF ARIZONA

- 14. For each annual renewal of personalized number plates, ten dollars in addition to the registration fee required by paragraph 15 of this section.
- 15. For the registration of any motor vehicle, trailer or semitrailer, ~~six EIGHT dollars. and twenty five cents.~~
- 16. For filing each application for dismantling permit, ~~one dollar~~ TWO DOLLARS.
- 17. For each special registration issued under the provisions of subsection E of section 28-302, ~~ten~~ FIFTEEN dollars.

Sec. 4. Repeal

Section 28-206, Arizona Revised Statutes, is repealed.

Sec. 5. Title 28, chapter 2, article 1, is amended by adding a new section 28-206, to read:

28-206. Gross weight fees on commercial vehicles

A. IN ADDITION TO THE REGISTRATION FEE REQUIRED, THERE SHALL BE PAID TO THE VEHICLE DIVISION AT THE TIME OF APPLICATION FOR REGISTRATION OF ANY MOTOR VEHICLE OR VEHICLE COMBINATION, DESIGNED, USED OR MAINTAINED PRIMARILY FOR THE TRANSPORTATION OF PASSENGERS FOR COMPENSATION OR FOR TRANSPORTATION OF PROPERTY INCLUDING HEARSEs, AMBULANCES AND OTHER VEHICLES USED BY A MORTICIAN IN THE CONDUCT OF HIS BUSINESS, A FEE PRESCRIBED FOR THE DECLARED GROSS WEIGHT OF THE MOTOR VEHICLE OR VEHICLE COMBINATION, ACCORDING TO THE FOLLOWING TABLE:

GROSS VEHICLE WEIGHT (POUNDS)	1974 WEIGHT FEE	WEIGHT FEE BEGINNING 1975
UP TO 8,000	\$ 5.00	\$ 5.00
8,001 TO 10,000	20.00	24.00
10,001 TO 12,000	35.00	42.00
12,001 TO 14,000	57.00	69.00
14,001 TO 16,000	67.00	81.00
16,001 TO 18,000	80.00	96.00
18,001 TO 20,000	90.00	108.00
20,001 TO 22,000	110.00	132.00

LAWS OF ARIZONA

GROSS VEHICLE WEIGHT (POUNDS)	1974 WEIGHT FEE	WEIGHT FEE BEGINNING 1975
22,001 TO 24,000	\$120.00	\$144.00
24,001 TO 26,000	130.00	156.00
26,001 TO 28,000	160.00	192.00
28,001 TO 30,000	180.00	216.00
30,001 TO 32,000	210.00	252.00
32,001 TO 36,000	230.00	276.00
36,001 TO 40,000	260.00	312.00
40,001 TO 45,000	290.00	348.00
45,001 TO 50,000	320.00	384.00
50,001 TO 55,000	350.00	420.00
55,001 TO 60,000	380.00	456.00
60,001 TO 65,000	410.00	492.00
65,001 TO 70,000	440.00	528.00
70,001 TO 75,000	480.00	576.00
75,001 TO 80,000	510.00	612.00
80,001 AND OVER	7.10 PER 1000 LBS.	8.50 PER 1000 LBS.

B. IN ADDITION TO THE GROSS WEIGHT FEE AND THE REGISTRATION FEE REQUIRED, A FEE OF TWENTY-SEVEN DOLLARS SHALL BE PAID AT THE TIME OF APPLICATION FOR REGISTRATION OF EACH TRAILER OR SEMITRAILER, WHEN SUCH TRAILER OR SEMITRAILER IS OPERATED IN COMBINATION WITH A MOTOR VEHICLE WHICH HAS PAID A WEIGHT FEE BASED ON THE GROSS WEIGHT OF THE VEHICLE COMBINATION. WHEN A TRAILER OR SEMITRAILER IS TOWED BY A MOTOR VEHICLE WHICH HAS PAID A WEIGHT FEE BASED ON THE GROSS WEIGHT OF THE TOWING MOTOR VEHICLE ONLY, A SEPARATE WEIGHT FEE SHALL BE PAID BASED ON THE DECLARED GROSS WEIGHT OF THE TRAILER OR SEMITRAILER IN ACCORDANCE WITH THE FEE SCHEDULE SET FORTH IN SUBSECTION A OF THIS SECTION.

C. IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "DECLARED GROSS WEIGHT" MEANS THE GROSS WEIGHT IN POUNDS ASCRIBED TO A MOTOR VEHICLE OR VEHICLE COMBINATION BY THE APPLICANT FOR REGISTRATION.

2. "GROSS WEIGHT" MEANS THE SUM OF THE EMPTY WEIGHT IN POUNDS OF A MOTOR VEHICLE COMBINATION PLUS THE WEIGHT IN POUNDS OF THE MAXIMUM LOAD TO BE CARRIED

LAWS OF ARIZONA

THEREON AT ANY ONE TIME, EXCEPT IN THE CASE OF VEHICLES USED PRIMARILY FOR THE TRANSPORTATION OF PASSENGERS THE GROSS WEIGHT SHALL BE THE SUM OF THE EMPTY WEIGHT PLUS ONE HUNDRED FIFTY POUNDS PER SEAT FOR ALL SEATS, INCLUDING THE WEIGHT IN POUNDS OF NORMAL OPERATION SUPPLIES, EQUIPMENT AND ACCESSORIES.

3. "VEHICLE COMBINATION" MEANS A MOTOR VEHICLE AND THE TRAILERS AND SEMITRAILERS WHICH IT TOWS.

D. UPON ANY REGISTRATION ISSUED AFTER THE BEGINNING OF THE REGISTRATION YEAR, THE WEIGHT FEES PRESCRIBED IN THIS SECTION SHALL BE REDUCED BY TWENTY-FIVE PER CENT FOR EACH QUARTER OF THE YEAR WHICH HAS ELAPSED SINCE THE BEGINNING OF THE REGISTRATION YEAR.

E. THE DECLARED GROSS WEIGHT OF A VEHICLE OR VEHICLE COMBINATION MAY BE INCREASED DURING THE REGISTRATION YEAR, AFTER THE ORIGINAL REGISTRATION, BY REREGISTRATION OF THE VEHICLE OR VEHICLE COMBINATION. PAYMENT OF AN ADDITIONAL FEE SHALL BE MADE BASED UPON THE DIFFERENCE BETWEEN THE FEE DUE AT THE TIME OF REREGISTRATION FOR THE WEIGHT CLASS IN WHICH THE VEHICLE OR VEHICLE COMBINATION WAS ORIGINALLY REGISTERED AND THE FEE DUE AT THE TIME OF REREGISTRATION FOR THE INCREASED WEIGHT CLASS. IF DURING ANY REGISTRATION YEAR THE DECLARED GROSS WEIGHT OF A VEHICLE OR VEHICLE COMBINATION IS REDUCED, THERE SHALL BE NO REDUCTION OR REFUND ALLOWABLE FOR ANY PART OF THE ORIGINAL WEIGHT FEE PREVIOUSLY PAID.

F. ANY VEHICLE OR VEHICLE COMBINATION BEING OPERATED UNDER A SPECIAL PERMIT ALLOWING EXCESS WEIGHT PURSUANT TO SECTION 28-1011 SHALL NOT BE REQUIRED TO DECLARE AN INCREASED GROSS WEIGHT NOR PAY A FEE ASCRIBED TO SUCH INCREASED GROSS WEIGHT PURSUANT TO THIS SECTION.

G. THE FACT THAT A VEHICLE OR VEHICLE COMBINATION MAY BE REGISTERED FOR A DECLARED GROSS WEIGHT IN EXCESS OF THAT PERMISSIBLE UNDER SECTION 28-1009 SHALL BE NO DEFENSE IN A PROSECUTION FOR VIOLATION OF SECTION 28-1009. NO ALLOWANCE OR REFUND SHALL BE MADE FOR FEES PAID WITH RESPECT TO SUCH EXCESS GROSS WEIGHT.

LAWS OF ARIZONA

H. ANY PERSON WHO OPERATES, OR CAUSES, PERMITS OR AUTHORIZES TO BE OPERATED UPON THE PUBLIC HIGHWAYS OF THIS STATE, ANY VEHICLE SINGLY OR IN A VEHICLE COMBINATION, WITH A GROSS WEIGHT IN EXCESS OF THE VEHICLE OR VEHICLE COMBINATIONS DECLARED GROSS WEIGHT SHALL BE GUILTY OF A MISDEMEANOR. IN ADDITION, SUCH PERSON SHALL BE DEEMED TO HAVE SET A NEW DECLARED GROSS WEIGHT FOR SUCH VEHICLE AND SHALL BE REQUIRED TO REREGISTER THE VEHICLE OR VEHICLE COMBINATION AND PAY A FEE FOR THE NEW GROSS WEIGHT OR THE MAXIMUM GROSS WEIGHT ALLOWED BY LAW, WHICHEVER IS LOWER, WITHOUT ANY ALLOWANCE OR REDUCTION IN SUCH FEE AS PROVIDED FOR IN SUBSECTIONS C AND D OF THIS SECTION.

I. EVERY VEHICLE OR VEHICLE COMBINATION, EXCLUDING VEHICLES USED PRIMARILY FOR THE TRANSPORTATION OF PASSENGERS, SUBJECT TO THE PROVISIONS OF THIS SECTION SHALL HAVE PAINTED OR STENCILED UPON THE OUTSIDE THEREOF, IN A CONSPICUOUS PLACE, IN LETTERS NOT LESS THAN TWO INCHES HIGH, THE DECLARED GROSS WEIGHT FOR WHICH THE VEHICLE OR VEHICLE COMBINATION IS REGISTERED.

Sec. 6. Section 28-137, Arizona Revised Statutes, is amended to read:

28-137. Resident

A. "Resident" for the purpose of registration and operation of motor vehicles, includes but is not limited to the following:

1. Any person, except a tourist or out-of-state student, who owns, leases or rents a dwelling within the state and occupies it as a place of residence, or any person who, regardless of domicile, remains in the state for a consecutive period of six months or more.
2. Any person who engages in a trade, profession or occupation in this state or who accepts employment in other than seasonal agricultural work.
3. Any person placing children in a public school without payment of nonresident tuition.
4. Any person who declares himself to be a resident of this state for the purpose of obtaining at resident rates a state license or tuition fees at an educational institution maintained by public funds.

LAWS OF ARIZONA

5. Any individual, partnership, company, firm, corporation or association which maintains a main office, branch office or warehouse facilities in the state, and which bases and operates motor vehicles in the state.

6. Any individual, partnership, company, firm, corporation or association which operates motor vehicles in intrastate transportation.

B. The term "resident" shall not include:

1. A nonresident owner of a foreign vehicle registered and licensed in a state adjoining this state, which is used in this state for other than the transportation of passengers or property for compensation, if the nonresident owner and vehicle are domiciled in an adjoining state but within twenty-five miles of the border of this state, and if the state in which the owner has his residence and in which the vehicle is registered exempts from payment of registration and ~~unladen~~ weight fees like vehicles from this state, regardless of whether such nonresident owner engages in a trade, profession or occupation in this state or accepts employment in other than seasonal agricultural work. Such nonresident owner may apply for exemption from payment of the registration and ~~unladen~~ weight fees in the manner prescribed by subsections E, G, and H of section 28-501.

2. The nonresident owner of a foreign vehicle registered and licensed in a state adjoining this state, if the foreign vehicle is exempt from partial or total payment of lieu taxes, and partial or total payment of registration fees by virtue of an agreement entered into with an adjoining state under authority of subsection C of section 28-202, may apply for exemption from payment of partial or total lieu taxes, registration and payment of partial or total fees in the manner prescribed by subsections F, G, and H of section 28-501.

Sec. 7. Section 28-206.01, Arizona Revised Statutes, is amended to read:

28-206.01. Exemption from weight fee; affidavit; penalties

A. Notwithstanding the provisions of section 28-206, the owner of a vehicle commonly known as a station wagon or ranch wagon, or of a vehicle commonly known as and referred to by manufacturer's rating as one-half ton or less pickup trucks, may file an affidavit, under oath, with the vehicle division at the time of registration, stating that the vehicle will not be used for transportation of passengers for compensation, or for transportation of property in the furtherance of a commercial enterprise. Upon filing of the affidavit, the owner of the vehicle shall not be subject

LAWS OF ARIZONA

to the ~~unladen~~ weight fee, but shall pay the regular fees and in lieu taxes required for passenger vehicles.

B. The making of any false statement in an affidavit filed under the terms of subsection A is a misdemeanor, punishable upon conviction by a fine of not more than three hundred dollars, imprisonment for not to exceed six months, or both.

Sec. 8. Section 28-207, Arizona Revised Statutes, is amended to read:

28-207. Exemption of religious institutions and schools from payment of weight fees

A. Motor vehicles, trailers or semitrailers owned and operated by religious institutions and used exclusively for the transportation of property produced and distributed for charitable purposes without compensation are exempt from the ~~unladen~~ weight fee provided by section 28-206.

B. For the purposes of subsection A of this section, "religious institution" means a recognized organization having an established place of meeting for religious worship, which holds regular meetings for that purpose at least once each week in not less than five cities or towns in the state.

C. Motor vehicles owned and operated by nonprofit schools, recognized as being tax exempt by the federal government, and used exclusively for the transportation of pupils in connection with the school curriculum are exempt from the ~~unladen~~ weight fee provided by section 28-206.

Sec. 9. Section 28-221, Arizona Revised Statutes, is amended to read:

28-221. Definitions; commercial fleet registration; application for registration; computation of fees for proportional registration

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

1. "Commercial vehicle" means any bus, truck or trucktractor, trailer or semitrailer ~~with an unladen weight of two thousand nine hundred pounds or more~~ **HAVING A GROSS WEIGHT OF SIX THOUSAND POUNDS OR MORE** operated in more than one jurisdiction.

2. "Fleet" means three or more commercial vehicles at least two of which, to be known as power units, supply motor power and contain a compartment for a driver of such vehicle. "Fleet" shall also mean not

LAWS OF ARIZONA

less than ten vehicles all of which are trailers or semitrailers and each of which has ~~unladen~~ A GROSS weight of ~~two~~ SIX thousand ~~nine hundred~~ pounds or more.

3. "Jurisdiction" means and includes a state, district, province, political subdivision, territory or possession of the United States or any foreign country.

4. "Preceding year" means a period of twelve consecutive months fixed by the vehicle superintendent, which period shall be within the sixteen months immediately preceding the commencement of the registration or license year for which proportional registration is sought. The superintendent in fixing such period shall make it conform to the terms, conditions and requirements of any applicable agreement or arrangement for the proportional registration of vehicles.

5. "Superintendent" means the superintendent of the motor vehicle division of the state highway department.

B. In lieu of the registration required by section 28-302 and in lieu of payment of fees prescribed by sections 28-205 and 28-206 and notwithstanding the provisions of section 28-501, subsection A, any resident or nonresident engaged in operating one or more fleets of commercial vehicles in this state and another jurisdiction or jurisdictions may register and license each such fleet for operation in this state, provided that the superintendent may refuse to permit proportional registration of vehicles based in any jurisdiction which does not grant proportional registration privileges to fleet vehicles based in this state. Proportional registration and licensing shall be accomplished by filing an application with the superintendent, execution of which shall be subject to penalties of perjury for false statements, which shall contain the following information and such other information pertinent to vehicle registration as the superintendent may require:

1. Total fleet miles. This shall be the total number of miles operated in all jurisdictions during the preceding year by the power units in such fleet. In the case of fleets composed entirely of trailers or semitrailers, this shall be the total number of miles which such vehicles were towed on the highways of all jurisdictions during the preceding year.

2. In-state miles. This shall be the total number of miles operated in this state during the preceding year by the power units in such fleet. In the case of fleets composed entirely of trailers or semitrailers, this shall be the total number of miles which such vehicles were towed on the highways of this state during the preceding year.

LAWS OF ARIZONA

3. A description and identification of each vehicle of the fleet which is to be proportionally registered in this state during the registration year for which proportional fleet registration is requested. Vehicles which are operated exclusively in this state shall not be included as proportionally registered fleet vehicles nor shall any vehicle be so included if the sole purpose of its operation in this state is for use in the conduct of intrastate business.

C. The application of each fleet shall at the time and in the manner directed by the superintendent be supported by a total fee payment computed as follows:

1. Divide in-state miles by total fleet miles.
2. Determine the total amount necessary to register each and every vehicle in the fleet for which registration is requested based on the applicable fees prescribed by sections 28-205, 28-206 and 28-226.
3. Multiply the sum obtained under paragraph 2 of this subsection by the fraction obtained under paragraph 1 of this subsection, but in no case shall the fee so determined be less than an amount equal to three dollars for each vehicle in the fleet.
4. Each application or supplemental application shall be accompanied by a filing fee, in addition to all other fees, of five dollars for nine or less vehicles, ten dollars for ten through twenty-four vehicles, and fifteen dollars for twenty-five or more vehicles.
5. The applicant for proportional registration of any fleet, the nonmotor vehicles of which are operated in jurisdictions in addition to those in which the applicant's proportionally registered motor vehicles are operated, may state such nonmotor vehicles separately in his application and compute and pay the fees therefor in accordance with such separate statement, as to which "total" miles shall be the total miles which such nonmotor vehicles were towed by any of his motor vehicles upon highways in all jurisdictions during the preceding year.

D. Upon payment of the appropriate fees for a proportional registration application, the superintendent shall register the vehicles described and identified therein and shall issue a distinctive sticker for each MOTOR vehicle described therein. In addition, ~~a fee of two dollars~~ THE SUPERINTENDENT SHALL CHARGE A FEE OF TWO DOLLARS FOR EACH ADDITIONAL PROPORTIONALLY REGISTERED VEHICLE AND SHALL DETERMINE WHETHER OR NOT A STICKER SHALL BE

LAWS OF ARIZONA

~~ISSUED. shall be paid for each sticker issued for each proportionally registered vehicle.~~ A registration card shall be issued for each proportionally registered vehicle which shall bear upon its face the number of the license or distinctive sticker issued for such proportionally registered vehicle and such other information extracted from the application for proportional registration as the superintendent may determine to be appropriate for identifying the vehicle and shall be carried in such vehicle at all times or, in the case of a combination, may be carried in the vehicle supplying the motive power.

E. Proportionally registered interstate fleet vehicles so registered and identified in accordance with this section and section 28-226 shall be deemed to be fully licensed and registered in this state for any type of movement or operation, except as provided in section 40-613 and except that, in those instances in which a grant of authority is required for intrastate movement or operation, no such vehicle shall be operated in intrastate commerce in this state unless the owner or operator thereof has been granted intrastate authority or rights by the corporation commission and unless the vehicle is being operated in conformity with such authority or rights.

F. No vehicle may be registered under the provisions of this section unless it has been or will be proportionally or otherwise properly registered in at least one other jurisdiction during the period for which proportional registration is sought in this state.

G. Vehicles acquired by the owner after the commencement of the registration year and subsequently added to a proportionally registered fleet shall be proportionally registered by applying the mileage percentage used in the original application for such fleet for such registration period to the fees otherwise due with respect to such vehicle for the remainder of the registration year under sections 28-205, 28-206 and subsection C of this section, and section 28-226, provided that any vehicle operated by such owner as a lessee of another owner who has, in the license year, proportionally registered the vehicle in this state shall not be considered additions to the lessee's fleet if the lessor has established to the satisfaction of the superintendent that he maintains and will submit complete annual mileage data for each such vehicle for all states, including, by individual states, all miles operated in service by the lessor and his lessee or lessees and that such vehicle or its replacement will, in the normal course of operations, be included in the lessor's proportional registration application in this state for the succeeding license year.

H. Application for proportional registration of an interstate fleet to be operated in this state for the first time shall state the mileage data with

LAWS OF ARIZONA

respect to such fleet for the preceding year in other jurisdictions and the estimated annual mileage for the fleet in this state. If no operations were conducted with the fleet during the preceding year, the application shall contain a full statement of the proposed method of operation and estimates of annual mileage in this state and other jurisdictions. From the applications so submitted the superintendent shall fix the in-state and total fleet miles to be used in determining the mileage proportion for the fleet, and in so doing may evaluate and adjust the estimate in the application if the superintendent is not satisfied as to the correctness thereof.

I. Any owner whose application for proportional registration has been accepted shall preserve the records on which the application is based for a period of four full years following the year or period upon which the application is based. Upon request of the superintendent, the owner shall make his records available to him for audit as to accuracy of computations and payments and assessment of deficiencies or allowances for credit. The superintendent may enter into agreements with agencies of other jurisdictions administering motor vehicle registration laws for joint audits of any such owner. No assessment for deficiency or claim for credit may be made for any period for which records are no longer required. Any sums found to be due and owing upon audit shall bear interest of six per cent from the date when they should have been paid until the date of actual payment. If the audit discloses a deliberate and wilful intent to evade the requirements of payment under subsection B of this section, an additional penalty of ten per cent of sums found to be due and owing on audit shall also be assessed.

J. All fees collected and all payments received by the superintendent under the provisions of this article shall be transmitted to the state treasurer and credited by him to the state highway fund.

K. The provisions of this section shall constitute complete authority for the registration of fleet vehicles upon a proportional basis without reference to or application of section 28-303 or 28-501 or any other statutes of this state relating to vehicle registration except as in this section expressly provided. The following provisions shall apply with respect to proportionally registered vehicles: section 28-313, subsections B and D, section 28-314, subsection C, and sections 28-318, 28-326 and 28-1576.

L. Nothing contained in this article relating to proportional registration of fleet vehicles shall be construed as requiring any vehicle to be proportionally registered if it is otherwise registered in this state for the operation in which it is engaged under either section 28-205, 28-206, 28-501 or 28-501.01 or any other applicable provision prescribing vehicle registration fees.

LAWS OF ARIZONA

M. Any proportional registration applicant who is an authorized common carrier holding a certificate of public convenience and necessity issued by the United States interstate commerce commission who is engaged in interchange of equipment to facilitate the through movement of freight under rules promulgated by the interstate commerce commission or who has qualified a fleet or fleets of ten or more trailers or semitrailers may make application to the superintendent, as to any fleet or fleets, to be permitted to operate interchanged equipment without adding such vehicles to a proportionally registered fleet. A permit shall be granted by the superintendent when he has been satisfied that an applicant is so qualified and that the permission to interchange equipment will not be used to augment any proportionally registered fleet without due payment therefor. To that end, each permittee shall maintain records and report an annual reconciliation of interchanged trailers as follows:

1. Number of days each interchanged trailer was operated by applicant during the preceding year.
2. Number of days each trailer of applicant was operated by other carriers through interchange.
3. If paragraph 1 of this subsection is less than paragraph 2 of this subsection, no further computation or payment shall be required. If paragraph 1 of this subsection exceeds paragraph 2 of this subsection, the difference shall be divided by three hundred sixty-five and the average fee as shown on applicant's current trailer registration application shall be multiplied by the resulting quotient. The product will indicate the additional sum required for trailer augmentation during the year for which application is made.

N. The superintendent shall supply the superintendent of the Arizona highway patrol with complete information identifying each applicant for which an interchange permit has been granted under this section.

O. In the case of vehicles registered under this section, the application, shall, in addition to the information required herein, state the date of acquisition by the applicant and the original cost price.

Sec. 10. Section 28-305, Arizona Revised Statutes, is amended to read:

28-305. Application for registration; issuance and display of card

A. Every application for registration of a motor vehicle, trailer or semitrailer shall be made to the vehicle division on forms prescribed and furnished by the division.

LAWS OF ARIZONA

B. The application shall contain:

1. The name and complete residence address of the owner.
2. A description of the vehicle, including the engine number.
3. If a new vehicle the date of sale by the manufacturer or dealer to the person first operating the vehicle.
4. Other facts required by the division.
5. When the owner of the vehicle rents or intends to rent the vehicle without a driver, such fact shall be stated.

C. Every application shall be accompanied by the required fees and the certificate of title to the vehicle for which registration is sought. The registering officer may waive the requirement that the applicant present a certificate of title at the time of making application for renewal when the registering officer has available complete and sufficient records to accurately compute the license tax. ~~provided for in article 9, section 11, constitution of Arizona.~~

D. The vehicle division shall file each application and when satisfied that the application is genuine and regular, shall issue to the owner of the vehicle a registration card and shall assign number plates to the vehicle. The registration card shall contain upon the face thereof the date issued, the registration number assigned to the owner and the vehicle, the name and address of the owner, a description of the registered vehicle including the engine number and serial number and the amount of fees paid for registration of the vehicle. The owner upon receiving the registration card shall sign it in ink in the space provided therefor, in conformity with the signature appearing in his application. The registration card shall at all times be carried in plain sight within the drivers' compartment of the vehicle for which issued, and shall be subject to inspection by the vehicle superintendent or his authorized agent, members of the highway patrol or any peace officer.

E. The superintendent shall deny registration of any motor vehicle, trailer or semitrailer owned by or under control of a person who has failed, refused or neglected to pay any motor vehicle fee, tax or other assessment, or penalty thereon, due to the division or for its account. A registration so denied shall be renewed only upon paying the fees provided for registration and the full amount of the delinquent fees, taxes or other assessments and penalties.

LAWS OF ARIZONA

Sec. 11. Section 28-311, Arizona Revised Statutes, is amended to read:

28-311. Plates for amateur radio operators

A. An owner of a private motor vehicle who is a resident of the state and in all respects qualified to receive motor vehicle number plates as provided by section 28-308, and who owns and holds an unrevoked and unexpired amateur radio station license issued by the federal communications commission, shall, upon application accompanied by proof of ownership of the amateur radio station license and payment of an additional fee of ~~three~~ FIVE dollars, be issued number plates upon which shall be inscribed the official identifying amateur radio call letters of the applicant, as assigned by the federal communications commission. Such plates to be in addition to the number plates as prescribed by section 28-308.

B. Call letter license plates shall be provided each year in the same color combination as that used for the number plates prescribed by section 28-308, and may be legally displayed in place of the number plates prescribed in section 28-308. Such plates shall remain the property of the licensee and shall not be transferable.

Sec. 12. Section 28-316, Arizona Revised Statutes, is amended to read:

28-316. Reregistration upon becoming liable to weight fee

The owner of a registered vehicle on which no ~~unladen~~ weight fee has been paid shall forthwith, upon using or offering to use the vehicle for transportation of passengers for compensation, or upon altering or reconstructing it for the transportation of property, whether or not the ~~unladen~~ weight fee has been paid, surrender to the vehicle division the certificate of title and registration card to the vehicle and the number plate or plates assigned thereto, and shall make application for a corrected certificate of title and obtain a new registration. In such case no additional fee, other than the ~~unladen~~ weight fee, shall be required.

Sec. 13. Section 28-318, Arizona Revised Statutes, is amended to read:

28-318. Delinquent or late registration; penalty

A. When a vehicle is operated upon a highway without payment of the registration or transfer fee, the fee shall be deemed delinquent, and if not paid prior to March 1 of the current registration year, a penalty equal to the registration fee shall be added thereto and collected. Registration of a vehicle in the name of the applicant for the year immediately preceding

LAWS OF ARIZONA

the year for which application for registration is made shall be prima facie evidence that the vehicle has been operated on the highways during the year for which application for registration is made.

B. The total annual registration and ~~unladen~~ weight fee, and any other required fee, together with the penalty prescribed in subsection A, shall accompany an application for registration of a vehicle on or after March 1 of the registration year on which registration of the vehicle for the next preceding year expired. If it is determined, upon hearing and proof satisfactory to the superintendent, that the vehicle was not operated on the highways of this state prior to the filing of the application and the registration of the vehicle, the penalty over and above the regular fees shall be refunded.

C. Every registration or transfer fee and penalty added thereto shall constitute a lien upon the vehicle upon which they are due, as and from the due date. The division shall collect the fee and penalty by seizure of the vehicle from the person in possession thereof, if any, and by sale as provided by law.

Sec. 14. Section 28-321, Arizona Revised Statutes, is amended to read:

28-321. Total loss of motor vehicle; surrender of title; violation; penalty

A. When a company with which a motor vehicle is insured determines such vehicle to be a total loss due to an accident or to an unrecovered theft, such insurance company shall, prior to making final settlement for such loss, obtain the title to the vehicle from the owner thereof. Within ten days following the final settlement, the insurance company shall surrender such title to the superintendent.

B. If a vehicle is a total loss and is transferred to a wrecker or other person, and is not within the provisions prescribed by the terms of subsection A of this section, then such wrecker or other person shall within ten days following delivery of the vehicle surrender the title to the superintendent.

C. Upon receipt of such title as provided pursuant to subsection B, the superintendent shall notify the county assessor in the county in which such vehicle was last registered. The county assessor shall:

1. Determine the amount of the license tax as provided for in SECTION 28-1591 AND Article 9, Section 11, Constitution of Arizona, and

LAWS OF ARIZONA

2. Reduce the amount of the registration fee provided pursuant to section 28-205 by one-twelfth for each full month of the registration period not yet expired, and

3. Upon verified written application by the owner of such vehicle at the time the total loss occurred, credit such owner with the appropriate amount of such fee and tax previously paid, to be applied to the registration of another vehicle during the same registration period.

D. A person violating any provision of this section is guilty of a misdemeanor.

Sec. 15. Section 28-326, Arizona Revised Statutes, is amended to read:

28-326. Violations; penalty

A. A person is guilty of a felony who:

1. Wilfully removes, defaces, obliterates, changes, or causes to be removed, defaced, obliterated or changed, a factory, motor, serial or other identification number or mark from a motor vehicle.

2. Issues a number plate without payment of the full amount of the registration and ~~unladen~~ weight fee payable upon the date of issuance thereof.

B. A person is guilty of a misdemeanor who:

1. Being the owner thereof, operates or knowingly permits to be operated upon a highway, a motor vehicle, trailer or semitrailer required by law to be registered which does not display thereon the number plates assigned thereto by the vehicle division for the current registration year.

2. Displays or has in his possession a registration card or registration number plate knowing it to be fictitious or to have been stolen, canceled, revoked, suspended or altered.

3. Lends to, or knowingly permits the use of, his registration card or registration number plate by a person not entitled thereto.

4. Fails or refuses to surrender to the vehicle division upon demand, a registration number plate which has been suspended, canceled or revoked.

5. Uses a false or fictitious name or address in an application for registration of a vehicle or for a renewal or duplicate thereof, or who

LAWS OF ARIZONA

knowingly makes a false statement or conceals a material fact or otherwise commits a fraud in the application.

6. Issues a registration card unless the card carries all information required to be shown thereon.
7. Places any information on a registration card which does not appear on the certificate of title of the vehicle.
8. Operates on a street or highway a motor vehicle without an emissions control device as required by section 28-955 or with a device which has been dismantled or disconnected or is otherwise inoperative.
9. Fails to remove from his vehicle the number plates assigned to him upon sale of the vehicle on which the plates are displayed.

Sec. 16. Section 28-426, Arizona Revised Statutes, is amended to read:

28-426. Expiration of license

A. Every operator's license issued prior to July 1, 1951 shall expire on the birthday of the licensee in the year indicated in the following schedule:

1. Licenses issued prior to January 1, 1941 shall expire on the birthday of the licensee in the year 1952.
2. Licenses issued between December 31, 1940 and January 1, 1947 shall expire on the birthday of the licensee in the year 1953.
3. Licenses issued between December 31, 1946 and July 1, 1951 shall expire on the birthday of the licensee in the year 1954.

B. Licenses issued as renewals of licenses expiring as provided by this section, shall expire three years from the licensee's birthday in the year in which the original license expired.

C. Every original operator's license issued after June 30, 1951 shall expire on the birthday of the applicant three years from the last previous birthday of applicant.

D. Thereafter all operators' licenses shall be renewed for a period of three years from the expiration dates as provided by this section. Every license shall be renewable on or before its expiration, upon application and

LAWS OF ARIZONA

payment of the required fee, except that a veteran, as defined in section 41-601, whose operator's license expires while he is in military service shall not be required to renew his operator's license for a period of ninety days from the date of his discharge from military service. The department may require an examination of the applicant as upon original application.

E. Every chauffeur's license issued prior to July 1, 1951 with an expiration date of December 31, 1951 is extended to expire on the birthday of the licensee in 1952, provided the licensee's birthday is prior to July 1, 1952, and also provided that if the birthday falls on a date between June 30, 1951 and January 1, 1952 the license shall expire on June 30, 1952. Licenses issued as renewals of chauffeurs' licenses as provided in this section shall expire on the birthday of the licensee in the year 1953.

F. Every chauffeur's license issued after ~~June 30, 1951~~ JANUARY 1, 1974 shall expire on the birthday of the applicant ~~two~~ THREE years from the last previous birthday of the applicant. In no event shall a chauffeur's original or renewal license be issued for a period longer than ~~two~~ THREE years. Chauffeurs' licenses may be renewed within thirty days prior to their expiration, upon payment of the fees required by law, except that a veteran as defined in section 41-601 whose chauffeur's license expires while he is in military service shall not be required to renew his chauffeur's license for a period of ninety days from the date of his discharge from military service. The department may require an examination of the applicant as upon an original application.

Sec. 17. Section 28-501, Arizona Revised Statutes, is amended to read:

28-501. Registration of vehicles of nonresidents

A. Except as provided in this article, every foreign vehicle owned by a nonresident and operated in the state for the transportation of passengers or property for compensation or in the business of a nonresident carried on in this state, or for the transportation of property, shall be registered and licensed in the same manner as motor vehicles, trailers or semitrailers not theretofore registered or licensed.

B. If it is desired to operate such a vehicle in this state for a period less than the full registration year and such vehicle is duly registered and licensed under the laws of any other state or country, the owner may make application to the vehicle division in the manner and form prescribed for the registration and licensing of such vehicle for periods of one, two or three months. A thirty-day registration and license application shall be

LAWS OF ARIZONA

accompanied by an amount equal to twenty per cent of the full annual registration and ~~unladen~~ weight fees. A sixty-day registration and license application shall be accompanied by an amount equal to thirty-five per cent of the full annual registration and ~~unladen~~ weight fees. A ninety-day registration and license application shall be accompanied by an amount equal to fifty per cent of the full annual registration and ~~unladen~~ weight fees. The full annual registration and ~~unladen~~ weight fees shall be those applicable to the applicant's vehicle prescribed by sections 28-205 and 28-206. The minimum fee for such licensing and registration shall be eight dollars. No application shall be accepted for a fraction of any of the periods set forth above, but such licenses may be issued without restriction as to number or sequence.

C. The vehicle division, if satisfied as to the facts stated in the application, shall register and license the vehicle for the period named and assign an appropriate certificate or license, which shall at all times be displayed upon the vehicle in the manner prescribed by the division, while the vehicle is being operated or driven upon any highway of the state.

D. If a nonresident owner of a foreign vehicle is apprehended while operating such vehicle in this state beyond the period specified in his certificate or license, without application for renewal thereof, no further thirty, sixty or ninety-day certificate or license will be issued such person during the registration year in which the violation took place, and the nonresident owner shall apply for and obtain the registration of the vehicle and pay the fees for the registration year.

E. A nonresident owner of a foreign vehicle registered and licensed in a state adjoining this state, which is used in this state for other than the transportation of passengers or property for compensation or in the business of a nonresident carried on in this state, shall not be required to pay the registration and ~~unladen~~ weight fees prescribed in sections 28-205 and 28-206, if the nonresident owner and vehicle are domiciled within twenty-five miles of the border of this state, and if the state in which the owner has his residence and in which the vehicle is registered exempts from payment a registration and ~~unladen~~ WEIGHT fees like vehicles from this state.

F. A nonresident owner of a foreign vehicle registered and licensed in a state adjoining this state, which is exempt from total or partial payment of lieu taxes and total or partial payment of registration fees by virtue of an agreement entered into by the superintendent under authority of subsection C of section 28-202, need not pay that portion of the registration fees and lieu taxes exempted by such agreement.

LAWS OF ARIZONA

G. An owner seeking partial or total exemption as provided in subsection F of this section shall apply to the motor vehicle division for a special registration permit, setting forth that the vehicle is to be used within this state for other than the transportation of passengers or property for compensation or in the business of a nonresident carried on in this state, and supplying such other information as the division requires, and shall make affidavit thereto. If satisfied that the applicant is entitled to exemption, the motor vehicle division shall upon payment of that portion of fees not exempted, if partial payment is required, issue a special permit to operate, which shall be distinctive in form, show the date issued, give a brief description of the vehicle and contain a statement that the owner has procured registration of the vehicle as a nonresident. The permit shall be valid for the period for which the registration plate was issued by the state of which the owner is a resident.

H. Every foreign vehicle owned by a nonresident and operated in this state other than for transportation of passengers or property for compensation, or for transportation of property, or in the business of a nonresident carried on in this state, shall be registered within ten days after beginning operation in the state in like manner as vehicles owned by residents, and only those nonexempt lieu taxes and registration fees need be paid, and no number plates shall be assigned to the vehicle, but the vehicle division shall issue to the nonresident owner a permit distinctive in form, containing the date issued, a brief description of the vehicle and a statement that the owner has procured registration of the vehicle as a nonresident. A nonresident owner shall not operate such a vehicle upon the highways of this state, either before or while it is registered as provided in this section, unless there is displayed thereon the registration number plates assigned to the vehicle for the current calendar year by the state or country of which the owner is a resident, nor unless the permit prescribed by this subsection is displayed on the windshield of the vehicle in the manner prescribed by the division. The permit shall be valid for the period for which the registration plate was issued by the state of which the owner is a resident.

Sec. 18. Section 28-503, Arizona Revised Statutes, is amended to read:

28-503. Service on vehicle superintendent and notice to nonresident; proof of service

A. Service of process under section 28-502 shall be made by leaving a copy of the summons and complaint and a fee of ~~two~~ FOUR dollars with the vehicle superintendent, or in his office during office hours, and shall be deemed sufficient service upon the nonresident if either of the following are complied with:

LAWS OF ARIZONA

1. The plaintiff forthwith sends notice of such service and a copy of the summons and complaint by registered mail to the nonresident defendant, appends defendant's return receipt and plaintiff's affidavit of compliance with this section and section 28-502 to the original summons and files them with the court within such time as the court allows.

2. The plaintiff serves notice of such service and a copy of the summons and complaint upon defendant, if found without the state, by a duly constituted officer qualified to serve like process in the state or the jurisdiction where defendant is found, and files with the court within such time as the court allows, the officer's return showing that the notice, copy of the summons and complaint were served as provided by this section upon defendant.

B. The court in which the action is pending may order postponements necessary to afford defendant reasonable opportunity to defend the action.

C. The superintendent shall keep a record, which shall include the day and hour of service, of all process served upon him under this section.

D. The fee paid to the superintendent at the time of service shall be taxed as costs in the suit if plaintiff recovers.

Sec. 19. Section 28-1011, as amended by Laws 1973, chapter 10, section 1, is amended to read:

28-1011. Permits for excess size and weight; fees

A. Subject to subsection J of this section, 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. ~~The permit shall be valid only for a single trip and load.~~

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.

LAWS OF ARIZONA

C. Subject to subsection J of this section, 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 establish seasonal or other time limitations within which the vehicles described 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. When a special permit is required by the commission and by one or more authorities to move a vehicle or combination of vehicles, the applicant for such a permit or permits shall be required to pay a permit fee only to the commission and shall not be required to pay a permit fee to any local authority.

E. When a special permit is required by more than one local authority to move a vehicle or combination of vehicles, and where such permit is not required by the commission, the applicant shall be required to pay a permit fee only to the local authority which has jurisdiction of the streets and highways where the movements of the vehicle or combination of vehicles shall originate.

F. 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.

G. A ~~five~~ TEN dollar fee shall be assessed for each permit issued in accordance with the provisions of this section, EXCEPT THAT A TWENTY DOLLAR FEE SHALL BE ASSESSED FOR EACH THIRTY-DAY PERMIT.

H. No fees shall be assessed for any permit issued in accordance with the provisions of this section for the movement of vehicles or combinations of vehicles owned by the United States government, the state, any county, city or town.

I. The rules and regulations for movement of equipment without a permit for the purpose of repair or for local operation shall be as prescribed by the commission.

J. No permit may be issued under this section for the moving of a mobile home unless the applicant supplies evidence of payment of all ad valorem

LAWS OF ARIZONA

taxes applicable or a clearance from the assessor of the county in which the mobile home is located. The clearance shall be valid for a period not to exceed thirty days and shall be issued by the assessor when he determines that all fees and ad valorem taxes applicable to the mobile home pursuant to title 42, chapter 3, article 3 have been paid as of the date of application. The provisions of this subsection shall not limit the discretion of the commission or local authority to deny an application for a permit for the moving of a mobile home for reasons other than nonpayment of ad valorem taxes.

K. A permit may be issued, subject to the provisions of this section, for moving a mobile home on its own chassis, axles and wheels provided that such mobile home does not exceed fourteen feet in width, thirteen feet six inches in height and seventy feet in length and in combination with a truck tractor or other towing vehicle does not exceed eighty-five feet in length.

L. The rules and regulations for the movement of mobile homes pursuant to a permit issued by the commission or local authority shall be prescribed by the commission.

Sec. 20. Section 28-1031, Arizona Revised Statutes, is amended to read:

28-1031. Penalties for misdemeanor; disposition of penalties

A. It is a misdemeanor for a person to violate any of the provisions of this chapter unless the violation is by this chapter or other law of this state declared to be a felony.

B. A person convicted of a misdemeanor for a violation of any of the provisions of this chapter for which another penalty is not provided shall for a first conviction thereof be punished by a fine of not more than one hundred dollars or by imprisonment for not more than ten days. For a second conviction within one year thereafter the person shall be punished by a fine of not more than two hundred dollars, by imprisonment for not more than twenty days, or both. Upon a third or subsequent conviction within one year after the last conviction the person shall be punished by a fine of not more than three hundred dollars, by imprisonment for not more than six months, or both.

C. A person convicted of violating any provision of SECTION 28-206, section 28-1008 or section 28-1009 shall be punished by a fine, the maximum of which shall be three hundred dollars and the minimum of which shall be as set forth in the following table:

LAWS OF ARIZONA

If the excess weight is:	The minimum fine shall be:
1,000 to 1,500 pounds	\$ 30.00
1,501 to 2,000	35.00
2,001 to 2,500	55.00
2,501 to 3,000	70.00
3,001 to 3,500	85.00
3,501 to 4,000	100.00
4,001 to 4,500	120.00
4,501 to 4,750	140.00
4,751 to 5,000	160.00
5,001 to 5,250	180.00
5,251 to 5,500	205.00
5,501 to 5,750	230.00
5,751 to 6,000	255.00
6,001 and over	280.00

D. A person convicted of violating any provision of SECTION 28-206, section 28-1008 or section 28-1009 may, in addition to the fine provided for in subsection C of this section, be punished by imprisonment for not to exceed six months.

E. If the officer finds that the person has violated only the axle weight limitation and not the total weight limitation, the officer shall request the driver to reload the vehicle to comply with the axle weight limitation and if the driver so complies he shall not be subject to arrest or fine. If the driver does not comply with the request of the officer to reload, the driver shall be subject to arrest and fine as provided in subsections C, D and F of this section.

F. When a person is arrested for violating either SECTION 28-206, section 28-1008 or section 28-1009, the arresting officer may take the person immediately before a magistrate within the county in which the offense charged is alleged to have been committed and who has jurisdiction of such offense, but a person taken before a justice of the peace shall be taken before the nearest or most accessible justice of the peace with reference to the place where the arrest is made.

G. Any fee, fine, forfeiture or penalty collected for violation of SECTION 28-206, section 28-1008 or section 28-1009 shall be paid immediately by the officer or court collecting or receiving it to the state treasurer, who shall credit the amount to the state highway fund, but when a fee, fine or penalty is collected, ten dollars thereof shall be deducted as costs from the amount collected and deposited in the county treasury of the county in which the violation occurred.

LAWS OF ARIZONA

Sec. 21. Section 28-1361.08, Arizona Revised Statutes, is amended to read:

28-1361.08. Fees and taxes

A. The fees or taxes provided in this article are declared to be in full consideration for the right to use the highways of the state, and are in lieu of all other taxes or fees except fuel taxes and license tax required by section 40-641.

B. The fees to be paid under this article are as follows:

1. For the registration certificate and the first two plates or tabs issued to a transporter, two hundred fifty dollars.
2. For each additional plate or tab, ~~five~~ AND FOR REPLACEMENT OF EACH PLATE OR TAB, TWENTY dollars.
3. For replacement of lost certificates, ~~plates or tabs~~, or for additional copies of a certificate, five dollars.

C. Transporters having a limited operation may elect, in lieu of complying with the provisions of this article, to comply with all other applicable statutes.

Sec. 22. Section 28-1509, Arizona Revised Statutes, is amended to read:

28-1509. Licensing of distributors; application; filing fee

A. It is unlawful for any distributor to import, receive, use, sell or distribute any motor vehicle fuel, or to engage in business within this state as a distributor, unless he is the holder of ~~a~~ AN ANNUAL license issued by the vehicle superintendent to engage in such business.

B. To procure a license, a distributor shall file with the vehicle superintendent BY FEBRUARY 1 OF EACH YEAR an application upon oath, and in such form as the superintendent prescribes, setting forth:

1. The name under which the distributor will transact business within the state.
2. The location and address of its principal office or place of business within the state.

LAWS OF ARIZONA

3. The name and complete residence address of the owner, or the names and addresses of the partners, if the distributor is a partnership, or the names and addresses of the principal officers, if the distributor is a corporation or association. If the distributor is a corporation or association organized under the laws of another state, territory or country, it shall also file with the application a certified copy of the certificate of license issued by the corporation commission showing that the corporation or association is authorized to transact business in this state.

C. Upon filing an application for a license, and concurrently therewith, a bond of the character stipulated and in the amount provided for in section 28-1510 shall be filed with the vehicle superintendent, together with a filing fee of ~~twenty five~~ FIFTY dollars. No license shall be issued unless the application is accompanied by such a bond OR EVIDENCE THAT SUCH BOND EXISTS.

D. If an application for a license to transact business as a distributor in this state is filed by any person whose license has previously been cancelled for cause by the vehicle superintendent, or if the superintendent is of the opinion that the application is not filed in good faith, or that the application is filed by some person as a subterfuge for a real person in interest whose license or registration has previously been cancelled for cause by the superintendent, the superintendent may, after a hearing of which the applicant has been given five days' notice in writing, and in which the applicant has the right to appear in person or by counsel and present testimony, refuse to issue a license to transact business as a distributor in the state.

E. If the application in proper form has been accepted for filing, the filing fee paid and the bond accepted and approved, the superintendent shall issue to the distributor a license to transact business as a distributor in the state, subject to cancellation as provided by law.

F. The superintendent shall keep and file all applications and bonds with an alphabetical index thereof, together with a record of all licensed distributors.

Sec. 23. Section 28-1591, Arizona Revised Statutes, is amended to read:

28-1591. Distribution of vehicle license tax

A. The license tax upon vehicles operated upon the highways imposed by section 11, article 9 of the constitution shall be collected by the county assessor and promptly deposited with the county treasurer of the county

LAWS OF ARIZONA

in which the vehicle is registered. THE LICENSE TAX SHALL BE ASSESSED ON THE BASIS OF THE MANUFACTURER'S BASE RETAIL PRICE AT THE POINT OF MANUFACTURE OR PORT OF ENTRY AND THE AGE OF THE VEHICLE AS DETERMINED BY THE DATE UPON WHICH IT IS FIRST REGISTERED, IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:

MANUFACTURER'S BASE RETAIL PRICE	1st, 2nd AND 3rd YEARS	4th, 5th AND 6th YEARS	7th, 8th AND 9th YEARS	10th AND SUBSE- QUENT YEARS
\$ 0 - 500	\$ 4.00	\$ 1.00	\$ 1.00	\$ 1.00
\$ 501 - 1,000	12.00	4.00	1.00	1.00
\$ 1,001 - 1,500	23.00	9.00	4.00	1.00
\$ 1,501 - 2,000	32.00	13.00	5.00	2.00
\$ 2,001 - 2,500	41.00	17.00	7.00	3.00
\$ 2,501 - 3,000	50.00	21.00	9.00	4.00
\$ 3,001 - 4,000	64.00	27.00	11.00	5.00
\$ 4,001 - 5,000	83.00	35.00	14.00	6.00
\$ 5,001 - 6,000	101.00	42.00	18.00	7.00
\$ 6,001 - 8,000	129.00	54.00	23.00	9.00
\$ 8,001 - 10,000	166.00	70.00	29.00	12.00
\$10,001 - 12,000	203.00	85.00	36.00	15.00
\$12,001 - 15,000	249.00	105.00	44.00	18.00
\$15,001 - 18,000	305.00	128.00	54.00	23.00
\$18,001 AND OVER	360.00	152.00	64.00	27.00

B. THE SUPERINTENDENT, IN ORDER TO INITIATE A SYSTEM OF REGISTERING OR REREGISTERING MOTOR VEHICLES DURING ANY MONTH OF THE CALENDAR YEAR PURSUANT TO SECTION 28-313.01, MAY REGISTER OR REREGISTER A VEHICLE FOR MORE OR LESS THAN A TWELVE-MONTH PERIOD, BUT NOT TO EXCEED EIGHTEEN MONTHS, PRORATING THE ANNUAL LICENSE TAX, WHEN IN HIS OPINION SUCH PRORATION TENDS TO FULFILL THE PURPOSE OF THE MONTHLY REGISTRATION SYSTEM.

~~B.~~ C. Except as provided in section 28-1592, the county treasurer, not later than the fifteenth day of each month, shall distribute the monies deposited with him pursuant to subsection A of this section during the preceding calendar month as follows:

~~1. In a county containing no incorporated city or town:~~

LAWS OF ARIZONA

~~(a) Twenty five per cent to the state treasurer, to be placed in the general fund of the state.~~

~~(b) Thirty seven and one-half per cent to the general fund of the county.~~

~~(c) Thirty seven and one-half per cent to the board of supervisors, to be placed in the county school fund.~~

~~2.~~ 1. In a county containing one or more incorporated cities or towns, except as provided in paragraph ~~3-2~~ of this section SUBSECTION:

(a) Twenty-five per cent to the state treasurer, to be placed in the general fund of the state.

(b) Twenty-five per cent to the general fund of the county.

(c) Twenty-five per cent to the board of supervisors, to be placed in the county school fund.

(d) Twenty-five per cent to the several incorporated cities and towns of the county, apportioned in proportion to the population of each as shown by the most recent United States census.

~~3.~~ 2. In a county wherein the largest municipality has established arrangements to assist in urban mass transportation pursuant to title 40, chapter 6:

(a) Twenty-five per cent to the state treasurer, to be placed in the general fund of the state.

(b) No less than twenty-three and one-half per cent to the general fund of the county.

(c) No less than twenty-three and one-half per cent to the board of supervisors, to be placed in the county school fund.

(d) No less than twenty-three and one-half per cent to the several incorporated cities and towns of the county, apportioned in proportion of each as shown by the most recent United States census.

(e) No more than four and one-half per cent to the qualifying municipality.

(f) A political subdivision indicated in subdivisions (b) through (d), in order to qualify for its share of funds for deposit in the transportation

LAWS OF ARIZONA

financial committee fund, shall pass a resolution by majority vote of its governing body authorizing the deduction and deposit of the funds for use as prescribed by the terms of this article.

(g) The provisions of paragraph ~~3~~ 2 shall terminate September 15, ~~1970~~ 1976, and any unexpended funds at that date shall revert to the county, school district and incorporated cities as set forth in ~~paragraphs~~ PARAGRAPH 1 ~~or 2~~ of subsection ~~B~~ C.

~~C~~ D. If any incorporated city or town has had no federal enumeration, the supervisors shall appoint a qualified person to take an accurate census of the incorporated city or town, and the supervisors shall certify the results to the county treasurer, whereupon the incorporated city or town shall share in the distribution as provided by this section.

~~D~~ E. In order for a school district to participate in the program as prescribed by this article, such district through action of a majority vote of its board of trustees shall pass a resolution which authorizes the deduction and deposit of its share of funds which have been placed in the transportation financial committee fund. A school district which fails to pass such a resolution shall be refunded its share of the funds placed in the transportation financial committee fund and shall not be subject to the terms of this article.

Sec. 24. Title 28, chapter 9, article 3, Arizona Revised Statutes, is amended by adding section 28-1594, to read:

28-1594. Method of collecting license tax

A. BEGINNING JANUARY 1, 1974 THE LICENSE TAX IMPOSED BY ARTICLE 9, SECTION 11 OF THE CONSTITUTION OF ARIZONA SHALL BE COLLECTED ANNUALLY BY THE REGISTERING OFFICER AT THE TIME OF APPLICATION FOR AND BEFORE REGISTRATION OF THE VEHICLE EACH YEAR AND SHALL BE AT A RATE EQUAL TO THE AVERAGE AD VALOREM RATE FOR ALL PURPOSES IN THE SEVERAL TAXING DISTRICTS OF THE STATE FOR THE PRECEDING YEAR, BUT IN NO EVENT TO EXCEED A RATE OF FOUR DOLLARS ON EACH ONE HUNDRED DOLLARS IN VALUE, AND DURING THE FIRST CALENDAR YEAR OF THE LIFE OF THE VEHICLE UPON A VALUE EQUAL TO SIXTY PER CENT OF THE MANUFACTURER'S LIST PRICE OF SUCH VEHICLE, AND DURING EACH SUCCEEDING CALENDAR YEAR UPON A VALUE TWENTY-FIVE PER CENT LESS THAN THE VALUE FOR THE PRECEDING CALENDAR YEAR.

LAWS OF ARIZONA

B. THE PROVISIONS OF THIS SECTION SHALL EXPIRE AT MIDNIGHT ON DECEMBER 31, 1974.

Sec. 25. Name change

The designation of title 28, chapter 9, article 3, Arizona Revised Statutes, is changed from "DISTRIBUTION OF VEHICLE LICENSE TAX" to "VEHICLE LICENSE TAX".

Sec. 26. Repeal

Section 28-205, as amended by Laws 1972, chapter 170, section 1, Arizona Revised Statutes, is repealed.

Sec. 27. Trust fund

All that portion of the revenues which are derived from the increase in the fees enacted pursuant to this act shall be held in trust by the state highway department to be distributed pursuant to a new distribution formula determined by the legislature. The monies placed in trust may be invested and reinvested by the Arizona state highway department pursuant to subsection D of section 18-132.

Sec. 28. Effective date

A. The provisions of sections 1 through 22 and sections 24 through 27 shall become effective from and after December 31, 1973.

B. The provisions of section 23 shall become effective from and after December 31, 1974.

Approved by the Governor—May 14, 1973

Filed in the Office of the Secretary of State—May 14, 1973

LAWS OF ARIZONA

CHAPTER 149

Senate Bill 1219

AN ACT

RELATING TO STATE GOVERNMENT; PRESCRIBING REQUIREMENTS FOR CONTRACTS BY STATE BUDGET UNITS FOR OUTSIDE PROFESSIONAL SERVICES; PRESCRIBING THAT POLITICAL SUBDIVISIONS MAY NOT AWARD CONSTRUCTION CONTRACTS FOR NEW BUILDINGS OR IMPROVEMENTS WITHIN TWO MILES OF SEAT OF STATE GOVERNMENT WITHOUT WRITTEN APPROVAL OF GOVERNOR THAT SUCH CONFORMS TO EXISTING PLANS FOR CAPITOL AREA; AMENDING TITLE 34, CHAPTER 2, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 34-225; AND AMENDING TITLE 41, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 6.1, ARTICLE 1.

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

Section 1. Purpose

The purpose of this act is to prescribe requirements for the selection of outside professional services by any department, agency, board, commission or institution of the state and to provide for contracts for such services on the basis of demonstrated competence and qualification for the type of professional services required and at fair and reasonable prices.

Sec. 2. Title 41, Arizona Revised Statutes is amended by adding chapter 6.1, article 1, sections 41-1051 through 41-1056, to read:

**CHAPTER 6.1
CONTRACTS FOR OUTSIDE PROFESSIONAL SERVICES
ARTICLE 1. IN GENERAL**

41-1051. Requirements to contract for outside professional services; exceptions

A. BEFORE A STATE BUDGET UNIT ENTERS INTO A CONTRACT FOR OUTSIDE PROFESSIONAL SERVICES, IT SHALL COMPLY WITH THE PROVISIONS OF THIS ARTICLE.

B. THE PROVISIONS OF THIS ARTICLE SHALL BE APPLICABLE TO ONLY THOSE CONTRACTS WHICH REQUIRE A TOTAL

LAWS OF ARIZONA

PAYMENT OF MORE THAN ONE THOUSAND DOLLARS FOR PERFORMING OUTSIDE PROFESSIONAL SERVICES.

C. THE PROVISIONS OF THIS ARTICLE SHALL NOT BE APPLICABLE TO INTERGOVERNMENTAL AGENCY AGREEMENTS OR TO CONTRACTS FOR OUTSIDE PROFESSIONAL SERVICES THAT ARE OTHERWISE REGULATED BY LAW.

D. THE PROVISIONS OF THIS ARTICLE SHALL NOT BE APPLICABLE TO CONTRACTS FOR OUTSIDE PROFESSIONAL WITNESSES WHERE THE PURPOSE OF SUCH CONTRACTS IS TO PROVIDE FOR SERVICES OR TESTIMONY RELATING TO AN EXISTING OR PROBABLE LAWSUIT IN WHICH THE STATE OF ARIZONA OR ANY OF ITS AGENCIES IS OR MAY BECOME A PARTY.

41-1052. **Request for proposals**

A STATE BUDGET UNIT DESIRING TO CONTRACT FOR SERVICES UNDER THE PROVISIONS OF THIS ARTICLE SHALL ISSUE A REQUEST FOR PROPOSALS CONTAINING BUT NOT LIMITED TO:

1. THE CRITERIA FOR QUALIFICATIONS REQUIRED OF PERSONS TO BE SELECTED TO PERFORM OUTSIDE PROFESSIONAL SERVICES. THE SELECTION OF SUCH PERSONS SHALL BE DETERMINED ON THE BASIS OF DEMONSTRATED COMPETENCE AND QUALIFICATIONS TO PERFORM THE REQUIRED TYPE OF OUTSIDE PROFESSIONAL SERVICES AT FAIR AND REASONABLE COMPENSATION.

2. THE INFORMATION WHICH IS TO BE MADE PUBLICLY AVAILABLE CONCERNING EACH PROJECT UNDER CONSIDERATION AND THE MANNER IN WHICH SUCH INFORMATION SHALL BE MADE AVAILABLE TO INTERESTED PERSONS. SUCH INFORMATION SHALL INCLUDE BUT NOT BE LIMITED TO:

(a) THE TIME AND PLACE WHERE THE PROPOSALS ARE TO BE SUBMITTED.

(b) A DESCRIPTION OF THE PROBLEM, OR THE PURPOSE OF THE STUDY OR PROJECT.

(c) THE OBJECTIVES OF THE STUDY, INCLUDING A GENERAL STATEMENT OF WHAT IS EXPECTED TO BE ACCOMPLISHED.

(d) THE SCOPE OF THE WORK TO BE DONE, INCLUDING:

LAWS OF ARIZONA

- (i) ANY DESIRED APPROACH TO THE PROBLEM.
- (ii) THE PRACTICAL, POLICY, TECHNOLOGICAL AND LEGAL LIMITATIONS.
- (iii) SPECIFIC QUESTIONS THAT NEED TO BE ANSWERED.
- (iv) ITEMS EXPECTED TO BE DELIVERED BY A PERSON WHO SUBMITS SUCH PROPOSAL.
- (v) THE FORMAT TO BE USED FOR THE COMPLETED REPORT.
- (vi) THE EXTENT TO WHICH ASSISTANCE AND COOPERATION WILL BE AVAILABLE FROM THE STATE TO THE PERSON WHO SUBMITS SUCH PROPOSAL.
- (e) A FIRM OR ESTIMATED TIME SCHEDULE INCLUDING DATES FOR:
 - (i) AWARD OF CONTRACT.
 - (ii) COMMENCEMENT OF PERFORMANCE.
 - (iii) SUBMISSION OF PROGRESS REPORTS, IF ANY.
 - (iv) COMPLETION OF WORK.
- (f) KNOWN OR ESTIMATED BUDGETARY LIMITATIONS FOR THE STUDY OR PROJECT.
- (g) WHETHER AND TO WHAT EXTENT PROGRESS PAYMENTS WILL BE ALLOWABLE.

41-1053. Request for data on outside professional services

IN THE PROCUREMENT OF OUTSIDE PROFESSIONAL SERVICES, A STATE BUDGET UNIT SHALL ENCOURAGE PERSONS ENGAGED IN THE LAWFUL PRACTICE OF THEIR PROFESSION TO SUBMIT ANNUALLY A STATEMENT OF QUALIFICATIONS AND PERFORMANCE DATA. THE BUDGET UNIT, FOR EACH PROPOSED PROJECT, SHALL EVALUATE CURRENT STATEMENTS OF QUALIFICATIONS AND PERFORMANCE DATA ON FILE WITH THE BUDGET UNIT.

LAWS OF ARIZONA

41-1054. Notice of request for proposals; publication

A STATE BUDGET UNIT SHALL GIVE NOTICE OF A REQUEST FOR PROPOSALS TO FURNISH SUCH SERVICES BY PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE STATE FOR TWO PUBLICATIONS NOT LESS THAN SIX NOR MORE THAN TEN DAYS APART, AND THE SECOND PUBLICATION SHALL BE NOT MORE THAN TWO WEEKS NOR LESS THAN ONE WEEK BEFORE THE PROCUREMENT PROCESS COMMENCES.

41-1055. Award of contracts

NO CONTRACTS MAY BE AWARDED PURSUANT TO THE PROVISIONS OF THIS ARTICLE SOLELY ON THE BASIS OF PRICE. THE BUDGET UNIT SHALL CONTRACT WITH THE QUALIFIED FIRM AT COMPENSATION WHICH THE BUDGET UNIT DETERMINES IS FAIR AND REASONABLE, TAKING INTO ACCOUNT BUDGETARY LIMITATIONS, THE SCOPE, COMPLEXITY AND PROFESSIONAL NATURE OF THE SERVICES.

41-1056. Notice of award of contract

THE STATE BUDGET UNIT SHALL CAUSE A WRITTEN NOTICE OF THE IDENTITY OF THE PERSON TO WHOM A CONTRACT FOR PROFESSIONAL SERVICES IS AWARDED TO BE SENT WITHIN ONE WEEK AFTER DETERMINATION OF THE AWARD TO EACH PERSON WHO SUBMITTED A PROPOSAL TO THE STATE BUDGET UNIT IN REPLY TO THE REQUEST FOR PROPOSALS ON THE PROJECT OR STUDY.

Sec. 3. Title 34, chapter 2, article 2, Arizona Revised Statutes, is amended by adding section 34-225, to read:

34-225. Capitol area building and improvement contracts; limitation

NO CONSTRUCTION CONTRACT MAY BE AWARDED BY ANY POLITICAL SUBDIVISION OF THE STATE FOR NEW BUILDINGS OR IMPROVEMENTS WITHIN A TWO MILE RADIUS OF THE STATE CAPITOL BUILDING WITHOUT A REQUEST FOR PERMISSION FROM, AND WRITTEN APPROVAL BY, THE GOVERNOR OF THE STATE OF ARIZONA.

Approved by the Governor--May 14, 1973

Filed in the Office of the Secretary of State--May 14, 1973

LAWS OF ARIZONA

CHAPTER 150

Senate Bill 1267

AN ACT

RELATING TO MOTOR VEHICLES; PROVIDING FOR SUSPENSION OF DRIVERS' LICENSES FOR REFUSAL TO SUBMIT TO A CHEMICAL TEST TO DETERMINE THE AMOUNT OF ALCOHOL IN BLOOD, AND AMENDING SECTIONS 28-691 AND 28-692.01, ARIZONA REVISED STATUTES.

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

Section 1. Section 28-691, Arizona Revised Statutes, is amended to read:

28-691. Implied consent to blood, breath or urine test; suspension of license upon refusal; hearing; review of order suspending; effect of plea of guilty to charge of driving while under the influence of intoxicating liquor

A. Any person who operates a motor vehicle upon the public highways of this state shall be deemed to have given consent, subject to the provisions of section 28-692, to a chemical test or tests of his blood, breath, or urine for the purpose of determining the alcoholic content of his blood if arrested for any offense arising out of acts alleged to have been committed while the person was driving or in actual physical control of a motor vehicle while under the influence of intoxicating liquor. The test or tests shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor. The law enforcement agency which such officer represents shall designate which of such tests shall be administered, however only the breath test shall be administered in all cases except where circumstances preclude its use.

B. Following the arrest by a law enforcement officer, such officer shall allow a period of fifteen minutes to elapse from the time the violator is stopped before administering any test prescribed by the terms of subsection A of this section. During such period of time the law enforcement officer shall inform the violator that his license or permit to drive will be suspended or denied if he refuses to submit to the test.

LAWS OF ARIZONA

C. Any person who is dead, unconscious or who is otherwise in a condition rendering him incapable of refusal, shall be deemed not to have withdrawn the consent provided by subsection A and the test or tests may be administered, subject to the provisions of section 28-692.

D. If a person under arrest refuses to submit to a chemical test designated by the law enforcement agency as provided in subsection A, none shall be given. The department, upon the receipt of a sworn report of the law enforcement officer that he had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor and that the person had refused to submit to the test, shall suspend for a period of six months his license or permit to drive, or any nonresident operating privilege. If the person is a resident without a license or permit to operate a motor vehicle in this state, the department shall deny to the person the issuance of a license or permit for a period of six months. ~~after the date of the alleged violation, subject to review as provided in this section.~~ THE SUSPENSION OR MORATORIUM ON THE ISSUANCE OF A LICENSE, PERMIT OR NONRESIDENT OPERATING PRIVILEGE SHALL BECOME EFFECTIVE FIFTEEN DAYS AFTER GIVING WRITTEN NOTICE THEREOF BY PERSONAL SERVICES OR BY RECEIPT OF CERTIFIED MAIL, EXCEPT AS PROVIDED IN SUBSECTION E OF THIS SECTION.

E. ~~Upon suspending the license or permit to driver or nonresident operating privilege of any person, or upon determining that the issuance of a license or permit shall be denied to the person, as required in this section, the department shall immediately notify the person in writing and upon his request shall afford him an opportunity for a hearing in the same manner and under the same conditions as is~~ THE DEPARTMENT SHALL IMMEDIATELY NOTIFY THE PERSON NAMED IN THE AFFIDAVIT IN WRITING OF THE ACTION TAKEN PURSUANT TO THIS SECTION AND, UPON HIS REQUEST IN WRITING RECEIVED WITHIN FIFTEEN DAYS AFTER RECEIVING THE NOTICE, SHALL AFFORD HIM AN OPPORTUNITY FOR A HEARING IN THE SAME MANNER AND UNDER THE SAME CONDITIONS AS provided in subsection B of section 28-446 for notification and hearings in the cases of discretionary suspension of licenses. SUCH REQUEST SHALL ALSO OPERATE TO STAY THE SUSPENSION BY THE DEPARTMENT UNTIL A HEARING IS HELD. The scope of such hearing for the purposes of this section shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor, whether the person was placed

LAWS OF ARIZONA

under arrest, and whether he refused to submit to the test. ~~The department shall order that the suspension or determination that there should be a denial of issuance either be rescinded or sustained.~~ IF THE DEPARTMENT DETERMINES AT THE HEARING OF THE MATTER TO SUSPEND THE AFFECTED PERSON'S PRIVILEGE TO OPERATE A MOTOR VEHICLE, THE SUSPENSION HEREIN PROVIDED SHALL BECOME EFFECTIVE FIFTEEN DAYS AFTER GIVING WRITTEN NOTICE THEREOF, PROVIDED, HOWEVER, THAT THE DEPARTMENT MAY REQUIRE THE SURRENDER TO IT OF THE PERSON'S LICENSE OR PERMIT TO DRIVE AND MAY ISSUE A TEMPORARY LICENSE, WHICH WILL EXPIRE ON THE EFFECTIVE DATE OF THE SUSPENSION.

F. If the suspension or determination that there should be a denial of issuance is sustained after such hearing, the person whose license or permit to drive or nonresident operating privilege has been suspended, or to whom a license or permit is denied, under the provisions of this section, shall have the right to file a petition in the superior court to review the final order of suspension or denial by the department in the same manner and under the same conditions as is provided in section 28-451 in the cases of discretionary suspensions and denials.

G. When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been suspended, the department shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he has a license.

H. ANY PERSON WHOSE LICENSE OR PERMIT TO DRIVE OR ANY NONRESIDENT OPERATING PRIVILEGE IS SUSPENDED OR ABOUT TO BE SUSPENDED UNDER THE PROVISIONS OF THIS SECTION SHALL HAVE THE ORDER OF SUSPENSION ISSUED BY THE DEPARTMENT RESCINDED OR SHALL NOT BE SUSPENDED BY THE DEPARTMENT UPON PRESENTATION OF PROOF SATISFACTORY TO THE DEPARTMENT THAT A PLEA OF GUILTY HAS BEEN ENTERED, AND NOT APPEALED, TO A CHARGE OF VIOLATION OF SUBSECTION A OF SECTION 28-692 WHICH AROSE OUT OF THE ARREST MADE BY THE OFFICER SUBMITTING THE AFFIDAVIT. THIS SUBSECTION SHALL ONLY APPLY TO A PERSON WHOSE LICENSE OR PERMIT TO DRIVE OR ANY NONRESIDENT OPERATING PRIVILEGE IS SUSPENDED OR ABOUT TO BE SUSPENDED FOR FAILURE TO SUBMIT TO A CHEMICAL TEST REQUIRED BY THIS SECTION.

LAWS OF ARIZONA

I. AT THE ARRAIGNMENT OR BEFORE THE ARRAIGNMENT OF THE PERSON WHO HAS SUBMITTED TO A CHECMIAL TEST OR TESTS, FULL INFORMATION CONCERNING THE TEST OR TESTS SHALL BE GIVEN IN WRITING TO HIM OR HIS ATTORNEY. SUCH INFORMATION SHALL BE GIVEN BY THE PROSECUTING ATTORNEY OR, IF HE FAILS TO DO SO, BY THE COURT. AT THE SAME TIME THE COURT SHALL FULLY EXPLAIN TO THE DEFENDANT ANY AND ALL CHARGES MADE AGAINST THE DEFENDANT BY THE ARRESTING OFFICER AND THE POSSIBLE CONSEQUENCES OF EACH PLEA THE DEFENDANT MAY ENTER. THE DEFENDANT SHALL BE INFORMED THAT HE NEED NOT PLEAD AND THAT IF HE FAILS TO PLEAD THE COURT WILL PROCEED AS IF A NOT GUILTY PLEA HAD BEEN ENTERED. THE COURT SHALL INFORM THE DEFENDANT THAT HE MAY REQUEST A TRIAL BY JURY AND THAT SUCH REQUEST, IF MADE, SHALL BE GRANTED.

Sec. 2. Section 28-692.01, Arizona Revised Statutes, is amended 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 one day nor more than six months, and, in the discretion of the court, 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, shall 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 six months. 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. No judge may grant probation to or suspend the imposition of a jail sentence. If in the court's opinion the offender has the problem of habitual abuse of alcohol or drugs, the court may require the person to obtain treatment under its supervision; however, in no case shall an offender be excused from spending one day in jail.

B. When a person convicted of a violation of section 28-692 has been previously convicted of a violation of either section 13-456, subsection A, paragraph 3, 28-208, or 28-693 within a period of twenty-four months such person shall be punished by imprisonment for not less than twenty 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. When a

LAWS OF ARIZONA

person is convicted of a second or subsequent violation of section 28-692 within a period of twenty-four months, such person shall be punished by imprisonment for not less than sixty days nor more than six months, and, in the discretion of the court, by a fine of three hundred dollars. 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. A second or subsequent violation for which a conviction occurs as provided in this section shall not include a conviction for an offense arising out of the same series of acts. 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. If in the court's opinion the offender has the problem of habitual abuse of alcohol or drugs the court may require the person to obtain treatment under its supervision.

C. The court may, upon pronouncement of any jail sentence under this section provide in the sentence that the defendant may be permitted, if he is employed and can continue his employment, to continue such 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.

Approved by the Governor--May 14, 1973

Filed in the Office of the Secretary of State--May 14, 1973

CHAPTER 151

Senate Bill 1302

AN ACT

RELATING TO PUBLIC FINANCE; PRESCRIBING PROCEDURE FOR DISTRIBUTION OF CERTAIN INTEREST MONIES, AND AMENDING SECTION 35-325.20, ARIZONA REVISED STATUTES.

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

LAWS OF ARIZONA

Section 1. Purpose

The legislature intends by this act to provide that monies collected as interest on certain public deposits be distributed to the individual tax funds in the proportions in which such funds are entitled to the undivided tax funds.

Sec. 2. Section 35-325.20, Arizona Revised Statutes, is amended to read:

35-325.20. Apportionment of interest

A. INTEREST REALIZED ON SUBDIVISION MONIES INCLUDED WITHIN A PUBLIC DEPOSIT WHICH ARE COLLECTED FOR INDIVIDUAL TAX FUNDS OR OTHER SIMILAR FUND SHALL, BE APPORTIONED PRO RATA AMONG SUCH FUNDS EXCEPT FOR ACCOUNTS OTHERWISE INVESTED AS PROVIDED BY ANY LAW APPLICABLE TO SUCH A FUND.

~~B. All interest arising from other money deposited by the treasurer which, by reason of being custodial funds, shall be apportioned among and credited to the funds to which the principal sums of such deposits or portions thereof belong.~~ All other interest realized on any public deposits NOT OTHERWISE APPORTIONED BY LAW shall be credited to the general fund of the state or subdivision MAKING THE DEPOSIT.

C. IN THE MANNER PROVIDED IN THIS ARTICLE, THE GOVERNING BODY OF ANY SUBDIVISION OR OF ANY AGENCY, DEPARTMENT, BOARD OR COMMISSION OF THE STATE OR OF ANY SUBDIVISION MAY, BY THE ANNUAL ADOPTION OF A RESOLUTION OF CONTINUING EFFECT, AUTHORIZE THE TREASURER TO INVEST FUNDS COLLECTED FOR SUCH BODY.

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—May 14, 1973

Filed in the Office of the Secretary of State—May 14, 1973

LAWS OF ARIZONA

CHAPTER 152

Senate Bill 1311

AN ACT

RELATING TO STATE GOVERNMENT; AUTHORIZING THE DEPARTMENT OF ECONOMIC SECURITY TO AID IN REHABILITATION OF EMPLOYABLE EX-OFFENDERS; AMENDING SECTION 41-1955, ARIZONA REVISED STATUTES, AND MAKING AN APPROPRIATION.

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

Section 1. Section 41-1955, Arizona Revised Statutes, is amended to read:

41-1955. Duty of department concerning employment stabilization, income maintenance and manpower development

The department, with the advice and aid of its advisory councils, shall:

1. Take appropriate steps to reduce and prevent unemployment and dependency, and to assist in alleviating the economic and social impact of unemployment and dependency on the person and his family.
2. Encourage and assist in the adoption of practical methods of manpower services, occupational training, vocational counseling and guidance, vocational rehabilitation and retraining, supportive services and other such services the director deems appropriate.
3. Research, recommend, advise and assist in the establishment of community or area facilities, public and private, or both, to provide an integration of direct services and programs for the development of the state's manpower and the reduction of dependency.
4. Promote the effective utilization of unemployed and underutilized workers.
5. AID IN THE REHABILITATION OF EMPLOYABLE EX-OFFENDERS, IN COOPERATION WITH THE DEPARTMENT OF CORRECTIONS. AN EX-OFFENDER, BY ACCEPTING THE ASSISTANCE PROVIDED FOR BY THIS ARTICLE, SHALL NOT BE DISQUALIFIED FROM RECEIVING FURTHER ASSISTANCE FROM

LAWS OF ARIZONA

ANY OTHER STATE AGENCY TO WHICH HE IS LEGALLY ENTITLED.

~~5-~~ 6. Carry out and publish the results of research studies for the purpose of this chapter.

Sec. 2. **Appropriation; purpose**

The sum of thirty-six thousand dollars is appropriated to the department of economic security for the purposes provided in this act.

Approved by the Governor—May 14, 1973

Filed in the Office of the Secretary of State—May 14, 1973

CHAPTER 153

Senate Bill 1320

AN ACT

RELATING TO WELFARE; PROVIDING FOR IDENTIFICATION CARDS FOR RECIPIENTS OF STATE ASSISTANCE; PROVIDING PENALTY FOR FRAUDULENT USE OF IDENTIFICATION CARD, AND AMENDING TITLE 46, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 5.

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

Section 1. Title 46, Arizona Revised Statutes, is amended by adding chapter 5, article 1, sections 46-601, 46-602 and 46-603, to read:

CHAPTER 5
IDENTIFICATION CARDS
ARTICLE 1. GENERAL PROVISIONS

46-601. **Identification card; contents**

A. THE DEPARTMENT SHALL, WITHOUT COST TO THE APPLICANT, ISSUE AN IDENTIFICATION CARD TO EVERY PERSON WHO IS A RECIPIENT OF FINANCIAL ASSISTANCE FROM THE

LAWS OF ARIZONA

DEPARTMENT UPON VOLUNTARY APPLICATION BY SUCH PERSON. FOR THE PURPOSE OF THIS ARTICLE, "FINANCIAL ASSISTANCE" MEANS PAYMENTS IN CASH OR KIND MADE UNDER THE PROVISIONS OF THIS TITLE, AND FOOD STAMPS.

B. THE IDENTIFICATION CARD SHALL BEAR THE TITLE OF "ARIZONA SOCIAL SERVICES IDENTIFICATION CARD", THE SOCIAL SECURITY NUMBER, FULL NAME, DATE OF BIRTH, RESIDENCE ADDRESS AND A BRIEF DESCRIPTION OF THE HOLDER, THE CASE NUMBER ISSUED BY THE DEPARTMENT TO SUCH RECIPIENT AND EITHER A FACSIMILE OF THE SIGNATURE OF THE HOLDER OR A SPACE ON WHICH HE SHALL WRITE HIS USUAL SIGNATURE WITH PEN AND INK. EVERY SUCH CARD SHALL CONTAIN THE PHOTOGRAPH OF THE HOLDER. SUCH PHOTOGRAPH SHALL BE PROCESSED IN COLOR.

C. THE IDENTIFICATION CARD SHALL BE RETURNED TO THE DEPARTMENT WHEN THE PERSON TO WHOM IT IS ISSUED IS NO LONGER A RECIPIENT OF FINANCIAL ASSISTANCE FROM THE DEPARTMENT.

46-602. Department may contract for services

THE DEPARTMENT MAY ESTABLISH LOCATIONS THROUGHOUT THE STATE FOR PRODUCING AND PROCESSING THE CARDS AUTHORIZED BY SECTION 46-601. IT MAY CONTRACT WITH PRIVATE OR PUBLIC SUPPLIERS OF THE SERVICES NECESSARY FOR PRODUCTION OF THE IDENTIFICATION CARDS.

46-603. Fraudulent use of identification card; violation; penalty

ANY PERSON WHO ALTERS OR UTILIZES THE IDENTIFICATION CARD PRESCRIBED BY THIS ARTICLE FOR ANY FRAUDULENT PURPOSE IS GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE OF TWO HUNDRED DOLLARS, IMPRISONMENT IN THE COUNTY JAIL FOR THIRTY DAYS, OR BOTH.

Approved by the Secretary of State—May 14, 1973

Filed in the Office of the Secretary of State—May 14, 1973

LAWS OF ARIZONA

CHAPTER 154

Senate Bill 1331

AN ACT

RELATING TO PUBLIC LANDS; AUTHORIZING STATE LAND DEPARTMENT TO STUDY THE LAND RESOURCES OF A CERTAIN GEOGRAPHIC AREA AND PREPARE LAND USE POLICY GUIDELINES THEREFOR, AND MAKING AN APPROPRIATION.

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

Section 1. Legislative intent

A. It is the intent of the legislature to protect, conserve and encourage the wise and balanced use of the land resources within the State of Arizona, giving full recognition to the environmental impact of land policy decisions which may affect the present and future use of the lands.

B. In developing plans for carrying out the intent pursuant to subsection A, recognition is given to the lower Colorado river land use plan of 1964 which was implemented by former Secretary of the Interior, Stewart Udall.

Sec. 2. Land use policy study for lower Colorado river resource area

A. The state land department shall prepare a land use policy study of a geographic area to be defined and known as the Arizona lower Colorado river resource area. Within such area an inventory and analysis shall be made of all the natural resource values that affect the environment, including but not limited to, economic, demographic, geological and hydrological, energy, recreation and transportation, historical, wildlife and climatic values.

B. Such study shall have as its objective the determination of the proper present and future land use disposition and pattern within such area in order to achieve land use policy guidelines which will permit the protection and development of the resources in accordance with sound environmental economic and social values.

C. The state land department, in consultation with concerned local community Indian tribal councils and with the advice and assistance of public institutions, state and federal agencies, shall be responsible for the implementation of this act.

LAWS OF ARIZONA

D. The state land department shall determine land policy guidelines which encourage the proper disposition, ownership and land status patterns in such area in order to achieve proper management and use and shall fully utilize the authorities, the enabling act and the applicable public land laws.

E. After determination of a recommended land use policy for such area, the state land department shall present the recommendation to concerned municipal, county, regional and state authorities, who may take such action as is necessary to bring about the proper disposition, ownership, management and use of the land in that area.

F. This act does not create new or additional authority in the state land department.

Sec. 3. Report to legislature

The state land department shall submit its report and recommended guidelines for a land use policy to the president of the senate and the speaker of the house of representatives not later than April 15, 1974.

Sec. 4. Appropriation; purpose; exemption; reversion of funds

A. The sum of one hundred thousand dollars is appropriated to the state land department for the purposes of this act including but not limited to contracting for the professional services authorized by this act.

B. The appropriation made by this act is exempt from the provisions of section 35-190, Arizona Revised Statutes, relating to lapsing appropriations, except that all funds thereof remaining unexpended and unencumbered at the close of June 30, 1974 shall revert to the state general fund.

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—May 14, 1973

Filed in the Office of the Secretary of State—May 14, 1973

LAWS OF ARIZONA

CHAPTER 155

Senate Bill 1333

AN ACT

RELATING TO PUBLIC HEALTH AND SAFETY; PROVIDING FOR RIGHT TO REFUSE TO DO ANY ACT RESULTING IN OR CONTRIBUTING TO AN ABORTION; AND AMENDING TITLE 36, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 20.

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

Section 1. Title 36, Arizona Revised Statutes, is amended by adding chapter 20, article 1, section 36-2151, to read:

CHAPTER 20
RIGHT OF REFUSAL TO AID ABORTION
ARTICLE 1. GENERAL PROVISIONS

36-2151. **Right to refuse to participate in abortion**

NO HOSPITAL IS REQUIRED TO ADMIT ANY PATIENT FOR THE PURPOSE OF PERFORMING AN ABORTION. A PHYSICIAN, OR ANY OTHER PERSON WHO IS A MEMBER OF OR ASSOCIATED WITH THE STAFF OF A HOSPITAL, OR ANY EMPLOYEE OF A HOSPITAL, DOCTOR, CLINIC, OR OTHER MEDICAL OR SURGICAL FACILITY IN WHICH AN ABORTION HAS BEEN AUTHORIZED, WHO SHALL STATE IN WRITING AN OBJECTION TO SUCH ABORTION ON MORAL OR RELIGIOUS GROUNDS SHALL NOT BE REQUIRED TO PARTICIPATE IN THE MEDICAL OR SURGICAL PROCEDURES WHICH WILL RESULT IN THE ABORTION.

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—May 14, 1973

Filed in the Office of the Secretary of State—May 14, 1973

LAWS OF ARIZONA

CHAPTER 156

Senate Bill 1334

AN ACT

RELATING TO STATE GOVERNMENT; AUTHORIZING GOVERNOR TO PROCURE INSURANCE FOR STATE PROPERTY; ESTABLISHING A REVOLVING FUND FOR PAYMENT OF UNINSURED LOSSES; PROVIDING FOR COLLECTION AND DISTRIBUTION OF MONIES BY DIVISION OF FINANCE; REPEALING TITLE 41, CHAPTER 3, ARTICLE 8, ARIZONA REVISED STATUTES; AMENDING TITLE 41, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 3.1, ARTICLE 1, AND MAKING AN APPROPRIATION.

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

Section 1. Repeal

Title 41, chapter 3, article 8, Arizona Revised Statutes, is repealed.

Sec. 2. Title 41, Arizona Revised Statutes, is amended by adding chapter 3.1, article 1, to read:

CHAPTER 3.1
RISK MANAGEMENT
ARTICLE 1. INSURANCE; UNINSURED LOSSES

41-621. Purchase of insurance; coverage

A. THE GOVERNOR SHALL INSURE THOSE PROPERTIES DESIGNATED IN SUBSECTION B WHICH ARE OWNED BY THE STATE OR ITS DEPARTMENTS, AGENCIES, BOARDS OR COMMISSIONS AGAINST LOSS.

B. INSURANCE SHALL BE PURCHASED TO INSURE ALL STATE OWNED BUILDINGS, WHETHER FINANCED IN WHOLE OR IN PART BY STATE MONIES AND THE CONTENTS THEREOF AND TO INSURE STATE-OWNED CONTENTS IN ANY BUILDINGS LEASED OR RENTED IN WHOLE OR IN PART BY THE STATE.

C. IN CARRYING OUT THE PROVISIONS OF THIS SECTION, THE GOVERNOR MAY PURCHASE SUCH INSURANCE COVERAGE AS HE DETERMINES SERVES THE BEST INTERESTS OF THIS STATE AND MAY DETERMINE DEDUCTIBLES TO BE ESTABLISHED EXCEPT

LAWS OF ARIZONA

THAT NO DEDUCTIBLE APPLICABLE TO ANY ONE LOSS MAY EXCEED THE SUM OF ONE HUNDRED THOUSAND DOLLARS.

D. THE DIVISION OF FINANCE SHALL COLLECT PREMIUMS FOR COVERAGE ON A PRO RATA BASIS FROM THE AGENCIES INSURED AND SHALL DISTRIBUTE THE MONIES AS AUTHORIZED BY THE GOVERNOR.

41-622. **Revolving fund for uninsured losses**

A. THERE IS ESTABLISHED A PERMANENT UNINSURED LOSS COVERAGE REVOLVING FUND IN THE OFFICE OF THE GOVERNOR FOR THE PAYMENT OF UNINSURED LOSSES TO STATE PROPERTY. AGENCIES OF THIS STATE MAY APPLY FOR MONIES THEREFROM TO REIMBURSE ANY UNINSURED PROPERTY LOSSES SUFFERED BY SUCH AGENCY WHICH ARE DEEMED PROPER BY THE GOVERNOR AS CLAIMS FOR PAYMENT FROM THE REVOLVING FUND. THE GOVERNOR IS AUTHORIZED TO DISBURSE MONIES TO CONTRACTORS WHO REBUILD STATE PROPERTY AS A RESULT OF UNINSURED LOSSES OR TO PERSONS WHO SUPPLY GOODS OR SERVICES IN REPLACING UNINSURED LOSSES.

B. ALL MONIES RECOVERED BY THE STATE, WHETHER PURSUANT TO LITIGATION OR OTHERWISE, FOR DAMAGES RELATING TO AN UNINSURED LOSS FOR WHICH MONIES FROM THE REVOLVING FUND HAVE BEEN PAID SHALL BE DEPOSITED IN THE REVOLVING FUND.

C. ALL MONIES DEPOSITED IN THE REVOLVING FUND ARE APPROPRIATED TO THE OFFICE OF THE GOVERNOR FOR USE AS PROVIDED IN THIS SECTION AND SHALL BE EXEMPT FROM THE PROVISIONS OF SECTION 35-190, RELATING TO LAPSING OF APPROPRIATIONS.

Sec. 3. Appropriation; exemption

A. The sum of five hundred thousand dollars is appropriated from the state general fund to the office of the governor for deposit in the permanent uninsured loss coverage revolving fund.

B. The appropriation made by subsection A of this section is exempt from the provisions of section 35-190, Arizona Revised Statutes, relating to lapsing of appropriations.

Approved by the Governor—May 14, 1973

Filed in the Office of the Secretary of State—May 14, 1973

LAWS OF ARIZONA

CHAPTER 157

House Bill 2003

AN ACT

RELATING TO ARIZONA REVISED STATUTES; CONFORMING STATUTORY CHANGES; AMENDING SECTION 3-1005, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1968, CHAPTER 89, SECTION 4; REPEALING SECTION 8-101, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1972, CHAPTER 146, SECTION 9; REPEALING SECTION 8-241, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1972, CHAPTER 142, SECTION 7; AMENDING SECTION 8-241, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1972, CHAPTER 114, SECTION 6; REPEALING SECTION 8-501, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1972, CHAPTER 142, SECTION 8; AMENDING SECTION 8-501, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1972, CHAPTER 114, SECTION 8; REPEALING SECTION 8-546, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1972, CHAPTER 114, SECTION 19; REPEALING SECTION 8-546.01, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1972, CHAPTER 142, SECTION 11; AMENDING SECTION 8-546.01, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1972, CHAPTER 114, SECTION 20; REPEALING SECTION 8-546.03, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1972, CHAPTER 114, SECTION 21; AMENDING SECTIONS 8-564, 11-479, 11-497, 11-552 AND 15-543, ARIZONA REVISED STATUTES; REPEALING SECTIONS 15-1212 AND 15-1214, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1972, CHAPTER 141, SECTIONS 9 AND 10; AMENDING SECTION 15-1212, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1972, CHAPTER 115, SECTION 6; AMENDING SECTION 15-1214, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1972, CHAPTER 97, SECTION 1; REPEALING SECTION 16-150, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1972, CHAPTER 146, SECTION 25; AMENDING SECTION 23-522.01 ARIZONA REVISED STATUTES; REPEALING SECTION 23-773, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1972, CHAPTER 79, SECTION 6; AMENDING SECTIONS 24-205 AND 24-675, ARIZONA

LAWS OF ARIZONA

REVISED STATUTES; REPEALING SECTION 26-305, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1972, CHAPTER 163, SECTION 21; AMENDING SECTION 26-305, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1972, CHAPTER 192, SECTION 6; REPEALING SECTION 28-205, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1972, CHAPTER 170, SECTION 1; AMENDING SECTIONS 28-1618 AND 31-323, ARIZONA REVISED STATUTES; REPEALING SECTION 32-802, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1970, CHAPTER 204, SECTION 100; REPEALING SECTION 32-1423, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1972, CHAPTER 146, SECTION 56; AMENDING SECTION 32-1423, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1972, CHAPTER 158, SECTION 1; AMENDING SECTIONS 32-1424, 32-1425, 32-1425.01 AND 32-1601, ARIZONA REVISED STATUTES; REPEALING SECTION 32-1802, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1970, CHAPTER 204, SECTION 115; AMENDING SECTION 32-2124, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1972, CHAPTER 110, SECTION 11; REPEALING SECTION 32-2195.03, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1972, CHAPTER 146, SECTION 64; REPEALING SECTION 35-173, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1972, CHAPTER 141, SECTION 40; AMENDING SECTION 35-173, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1973, CHAPTER 71, SECTION 1; AMENDING SECTIONS 35-325.12, 35-325.16, 36-305, 36-520, 36-1752, 37-256, 38-871 AND 38-873, ARIZONA REVISED STATUTES; REPEALING SECTION 38-921, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1972, CHAPTER 192, SECTION 9; REPEALING SECTION 41-101, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1972, CHAPTER 55, SECTION 7; AMENDING SECTION 41-191.02, ARIZONA REVISED STATUTES; REPEALING SECTION 41-192, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1972, CHAPTER 48, SECTION 1, AND AS AMENDED BY LAWS 1972, CHAPTER 171, SECTION 4; AMENDING SECTION 41-192, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1972, CHAPTER 192, SECTION 11; AMENDING SECTION 41-501, ARIZONA REVISED STATUTES; REPEALING SECTION 41-502, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1972, CHAPTER 163, SECTION 43; REPEALING SECTION 41-505, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1972, CHAPTER 192, SECTION 17; AMENDING SECTION 41-505, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1972, CHAPTER

LAWS OF ARIZONA

141, SECTION 65; REPEALING SECTION 41-602, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1972, CHAPTER 163, SECTION 46; REPEALING SECTION 2, CHAPTER 141, LAWS 1972; REPEALING TITLE 41, CHAPTER 4, ARTICLES 2, 2.1, 3, 4 AND 5, ARIZONA REVISED STATUTES; AMENDING TITLE 41, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 4.1; REPEALING SECTION 41-1401, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1972, CHAPTER 163, SECTION 48; AMENDING SECTION 41-1401, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1972, CHAPTER 192, SECTION 23; AMENDING SECTIONS 41-1958, 42-227.01, 42-1321, 42-1362, 44-2909, 45-505 AND 45-2014, ARIZONA REVISED STATUTES; REPEALING SECTION 46-101, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1972, CHAPTER 146, SECTION 85; AMENDING SECTION 46-101, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1972, CHAPTER 142, SECTION 60; AMENDING SECTIONS 46-138.01, 46-138.02 AND 46-261, ARIZONA REVISED STATUTES; REPEALING SECTION 46-261.09, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1972, CHAPTER 142, SECTION 84 AND CHAPTER 163, SECTION 58; AND REPEALING SECTIONS 46-132, 46-134, 46-273, 46-274, 46-275, 46-281 THROUGH 46-285 AND 46-311, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1972, CHAPTER 13, SECTIONS 2, 3, 6, 7 AND 8, RESPECTIVELY.

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

Section 1. Section 3-1005, Arizona Revised Statutes, as amended by Laws 1968, chapter 89, section 4, is amended to read:

3-1005. Arizona coliseum and exposition center fund

A. Monies received by the board, other than those referred to in paragraph 8 of section 3-1003 and other than those received by the board as ticket sales pursuant to a valid lease of the coliseum, shall be deposited promptly with the state treasurer, who shall credit the deposits to the Arizona coliseum and exposition center fund, which shall be under full control and jurisdiction of the board. Ticket sale monies received pursuant to a valid lease of the coliseum may be deposited with a bank qualified to receive public deposits under title 35, chapter 2, article 2, in which case the signature of the executive director or a bonded employee designated by the executive director AND THE LESSEE shall be required on any instrument withdrawing such a deposit. Vouchers for authorized expenditures shall be signed by the executive director or by an employee

LAWS OF ARIZONA

designated by the executive director. Such employee shall be bonded as prescribed by the terms of this article. Expenditures FROM THE ARIZONA COLISEUM AND EXPOSITION CENTER FUND shall be made upon claims approved by the board and presented to the ~~commissioner~~ ASSISTANT DIRECTOR OF THE DIVISION of finance, who thereupon shall draw his warrant against the state treasurer, to be by him paid out of the fund. The receipt and expenditure of funds shall be as prescribed by law and the rules and regulations of the office of the ~~commissioner~~ ASSISTANT DIRECTOR OF THE DIVISION of finance. Balances remaining in the fund at the end of a fiscal year shall not revert to the general fund.

B. Disbursements from such an account OF TICKET SALES RECEIVED PURSUANT TO A VALID LEASE OF THE COLISEUM AS DESCRIBED IN SUBSECTION A shall be limited to payments of amounts due to lessor or lessee pursuant to said lease. No disbursements from this account shall be made for state wages, salaries or expenses. Upon the completion or termination of any lease pursuant to subsection A, all monies accruing to the board shall be deposited promptly with the state treasurer as provided by law.

C. ~~The Arizona coliseum and exposition center board may establish~~ THERE IS ESTABLISHED a COLISEUM AND EXPOSITION CENTER BOARD PERMANENT revolving fund in an amount not to exceed fifteen thousand dollars for use in making change at fairs and for purchases and activities requiring immediate cash outlay for events sponsored by the Arizona coliseum and exposition center board WHICH ARE PROPER AS ULTIMATE CLAIMS FOR PAYMENT FROM THE COLISEUM AND EXPOSITION CENTER BOARD FUND. Such expenditures from this fund AND REIMBURSEMENT THERETO shall be as prescribed by rules and regulations of the ~~commissioner~~ ASSISTANT DIRECTOR OF THE DIVISION of finance. ALL MONIES DEPOSITED IN THE REVOLVING FUND ARE APPROPRIATED TO THE BOARD FOR THE PURPOSES PROVIDED IN THIS SUBSECTION AND ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190, RELATING TO LAPSING OF APPROPRIATIONS. THE COLISEUM AND EXPOSITION CENTER BOARD PERMANENT REVOLVING FUND SHALL BE ESTABLISHED AS A SEPARATE ACCOUNT ON THE BOOKS OF THE COLISEUM AND EXPOSITION CENTER BOARD AND A FULL ACCOUNTING OF ITS USE SHALL BE MADE TO THE ASSISTANT DIRECTOR FOR THE DIVISION OF FINANCE ANNUALLY OR AS REQUIRED BY THE ASSISTANT DIRECTOR FOR THE DIVISION OF FINANCE.

Sec. 2. Repeals

LAWS OF ARIZONA

A. Section 8-101, Arizona Revised Statutes, as amended by Laws 1972, chapter 146, section 9, is repealed.

B. Section 8-241, Arizona Revised Statutes, as amended by Laws 1972, chapter 142, section 7, is repealed.

Sec. 3. Section 8-241, Arizona Revised Statutes, as amended by Laws 1972, chapter 114, section 6, is amended to read:

8-241. Disposition and commitment

A. After receiving and considering the evidence on the proper disposition of the case, the court may enter judgment as follows:

1. It may award a dependent child:

(a) To the care of his parents, subject to the supervision of the state department of ~~public welfare~~ ECONOMIC SECURITY.

(b) To a suitable institution.

(c) To an association willing to receive him.

(d) To a reputable citizen of good moral character.

(e) To an appropriate public or private agency licensed to care for children.

(f) To a suitable school.

(g) To maternal or paternal relatives, as guardian of the person, provided they are physically and financially able to provide proper care.

2. It may award a delinquent or incorrigible child:

(a) To the care of his parents, subject to supervision of a probation department.

(b) To a probation department, subject to such conditions as the court may impose.

(c) To a reputable citizen of good moral character, subject to the supervision of a probation department.

(d) To a private agency or institution, subject to the supervision of a probation officer.

LAWS OF ARIZONA

(e) To the department of corrections without further directions as to placement by that department.

B. Except as provided in section 8-243, the juvenile court may make an order directing the parent of a child to contribute to his support such sum as the court may determine, or may allow a reasonable sum for the support of the child.

C. When the court awards a child to the department of corrections or an institution or agency, it shall transmit with the order of commitment copies of the case report, all psychological and medical reports and other documents or records pertaining to the case requested by the department of corrections, institution or agency.

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

Sec. 4. Repeal

Section 8-501, Arizona Revised Statutes, as amended by Laws 1972, chapter 142, section 8, is repealed.

Sec. 5. Section 8-501, Arizona Revised Statutes, as amended by Laws 1972, chapter 114, section 8, is amended to read:

8-501. Definitions

In this article, unless the context otherwise requires:

1. "Child welfare agency" or "agency" means:

(a) Any agency or institution maintained by a person, firm, corporation, association or organization to receive children for care and maintenance.

(b) Any institution that provides care for unmarried mothers and their children.

(c) Any agency maintained by the state, or a political subdivision thereof, person, firm, corporation, association, or organization to place children or unmarried mothers in a foster home. "Child welfare agency" or "agency" does not include state operated institutions or facilities,

LAWS OF ARIZONA

detention facilities for children established by law, camps operating less than twelve months per year or boarding schools which board children on a regular school year basis and where the child is off the grounds for at least sixty days.

2. "Division" means the ~~division of children's services of the state department of ECONOMIC SECURITY. public welfare when created and until such time, the state department of public welfare.~~

3. "Foster child" means a child placed in a foster home or child welfare agency.

4. "Foster home" means a home maintained by any individual or individuals having the care or control of minor children, other than those related to each other by blood or marriage, or related to such individuals, or who are legal wards of such individuals.

5. "Group foster home" means a licensed regular or special foster home suitable for placement of more than five minor children but not more than ten minor children.

6. "Parent or parents" means the natural or adoptive parents of the child.

7. "Receiving foster home" means a licensed foster home suitable for immediate placement of children when taken into custody or pending medical examination and court disposition.

8. "Regular foster home" means a licensed foster home suitable for placement of not more than five minor children.

9. "Special foster home" means a licensed foster home capable of handling not more than five minor children who require special care for physical, mental or emotional reasons or have been adjudicated a delinquent.

Sec. 6. Repeal

Section 8-546, Arizona Revised Statutes, as amended by Laws 1972, chapter 142, section 10, is repealed.

LAWS OF ARIZONA

Sec. 7. Section 8-546, Arizona Revised Statutes, as amended by Laws 1972, chapter 114, section 19, is amended to read:

8-546. **Definitions; exemption**

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

1. "Abandoned" means the failure of the parent to provide reasonable support and to maintain regular contact with the child, including the providing of normal supervision, when such failure is accompanied by an intention on the part of the parent to permit such condition to continue for an indefinite period in the future. Failure to maintain a normal parental relationship with the child without just cause for a period of six months shall constitute prima facie evidence of abandonment.

2. "Abuse" means the infliction of physical or mental injury or the causing of deterioration of a child and shall include failing to maintain reasonable care and treatment or exploiting or overworking a child to such an extent that his health, morals or emotional well-being is endangered.

3. "Child" means an individual who is under the age of eighteen years.

4. "Dependent child" means a child who is adjudicated to be:

(a) In need of proper and effective parental care and control and has no parent or guardian, or one who has no parent or guardian willing to exercise or capable of exercising such care and control.

(b) Destitute or who is not provided with the necessities of life, or who is not provided with a home or suitable place of abode, or whose home is unfit for him by reason of abuse, neglect, cruelty, or depravity by either of his parents, his guardian, or other person having his custody or care.

(c) Under the age of eight years who is found to have committed an act that would result in adjudication as a delinquent or incorrigible child if committed by an older child.

5. "Protective services" means a program of identifiable and specialized child welfare which seeks to prevent dependency, abuse and exploitation of children by reaching out with social services to stabilize family life, and to preserve the family unit by focusing on families where unresolved problems have produced visible signs of dependency or abuse and the

LAWS OF ARIZONA

home situation presents actual and potential hazards to the physical or emotional well-being of children. The program shall seek to strengthen parental capacity and ability to provide good child care.

6. "Protective services worker" means a person who has been selected by and trained under the requirements prescribed by the state department of ~~public welfare~~ ECONOMIC SECURITY and assists in carrying out the provisions of this article.

7. "Worker" means a protective services worker as defined in this section.

B. Notwithstanding any other provision of this chapter, no child who in good faith is being furnished christian science treatment by a duly accredited practitioner shall, for that reason alone, be considered to be an abused, neglected or dependent child.

Sec. 8. Repeal

Section 8-546.01, Arizona Revised Statutes, as amended by Laws 1972, chapter 142, section 11, is repealed.

Sec. 9. Section 8-546.01, Arizona Revised Statutes, as amended by Laws 1972, chapter 114, section 20, is amended to read:

8-546.01. Protective services worker; powers and duties

A. Protective services workers shall be employed by the state department of ~~public welfare~~ ECONOMIC SECURITY.

B. The department may cooperate with county agencies and community social services agencies to achieve the purposes of this section.

C. A protective services worker shall:

1. Be prepared to receive reports of dependent, abused or abandoned children and be prepared to provide temporary foster care for such children on a twenty-four hour basis.

2. Receive from any source oral or written information regarding a child who may be in need of protective services.

3. Upon receipt of such information, make a prompt and thorough investigation which shall include a determination of the nature, extent,

LAWS OF ARIZONA

and cause of any condition which is contrary to the child's best interests and the name, age, and condition of other children in the home.

4. Take a child into temporary custody if there are reasonable grounds to believe that the child is suffering from illness or injury or is in immediate danger from his surroundings and that his removal is necessary. Law enforcement officers shall cooperate with the department to remove a child from the custody of his parents, guardian, or custodian when necessary.

5. After investigation, evaluate the environment of the child or children in the same home and the risk to such children if they continue to be subjected to the existing home environment, and all other facts or matters found to be pertinent. He shall then determine whether any of the children is a child in need of protective services.

6. Offer to the family of any child found to be a child in need of protective services whatever services appear appropriate in view of the investigation and evaluation, which may include, but shall not be restricted to, protective services.

7. Within thirty days after receipt of the initial information, render a written report of his investigation and evaluation to the central registry and to any participating member of the central registry if that is where the complaint originated.

Sec. 10. **Repeal**

Section 8-546.03, Arizona Revised Statutes, as amended by Laws 1972, chapter 114, section 21, is repealed.

Sec. 11. Section 8-564, Arizona Revised Statutes, is amended to read:

8-564. **Exemption of contract employees from limitations on hours of labor**

Any person employed by a children's camp on a written contract basis for a specified term longer than one week shall be exempt from the provisions of ~~sections 23-244 and 23-281~~, SECTION 23-233, relating to daily and weekly hours of labor, except that no child under the age of sixteen years shall be employed for more than ~~forty-eight~~ FORTY hours in any one week.

Sec. 12. Section 11-479, Arizona Revised Statutes, is amended to read:

LAWS OF ARIZONA

11-479. Destruction of records; requirements; exception

A. The county recorder may destroy, under the provisions of section ~~41-710~~, 41-746 and ~~title 41, chapter 4, article 1.1~~, SECTIONS 41-750 THROUGH 41-757, any or all of the filed papers or record books created by handwriting, typing on printed forms, by typewriting, or by photo-static or photographic methods, in the recorder's official custody, except federal tax lien notices if all of the following conditions exist:

1. The record, paper, or document is photographed, microphotographed, or reproduced under the direction and control of the county recorder on film of a type approved for permanent photographic record by the national bureau of standards.
2. The device used to reproduce such record, paper, or document on film is one which accurately and legibly reproduces the original thereof in all details.
3. The photographs, microphotographs, or other reproductions on film are made as accessible for public reference as the book records were.
4. A true copy of archival quality of such film reproduction is kept in a safe and separate place for security purposes.

B. No page of any record, paper, or document shall be destroyed if any such page cannot be reproduced on film with full legibility. Every such unreproducible page shall be permanently preserved in a manner that will afford easy reference.

Sec. 13. Section 11-497, Arizona Revised Statutes, is amended to read:

11-497. Disbursement of forest reserve funds

The treasurer shall notify the clerk of the board of supervisors and the county school superintendent of the amount received from the ~~commissioner~~ ASSISTANT DIRECTOR FOR THE DIVISION of finance as the county share of the money received by the state from the United States from forest reserves, as provided in section ~~35-131.35~~ 41-736, and thereafter the money shall be disbursed for the benefit of public schools and public roads of the county as the board of supervisors may direct.

Sec. 14. Section 11-552, Arizona Revised Statutes, is amended to read:

11-552. Custody of records filed; destruction; microphotography; evidence; exemption

LAWS OF ARIZONA

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. The records of the clerk do not show that the action or proceeding is pending, subject to modification 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~~ 8-247 shall be exempt from the provisions of this section.

Sec. 15. Section 15-543, Arizona Revised Statutes, is amended to read:

15-543. Election of board members

A. Members of the board of education of a union high school district shall be elected at the time and place, and in the manner that trustees of common school districts are elected, as nearly as is practicable, except as provided in subsection ~~C~~ D of section 15-542.

B. Election officers shall certify the returns to the county school superintendent who shall meet with the chairman of the board of

LAWS OF ARIZONA

supervisors within thirty days following the date of the election and canvass the returns and issue certificates of election, as provided in section 15-478.

Sec. 16. Repeal

Section 15-1212, Arizona Revised Statutes, as amended by Laws 1972, chapter 141, section 9, is repealed.

Sec. 17. Section 15-1212, Arizona Revised Statutes, as amended by Laws 1972, chapter 115, section 6, is amended to read:

15-1212. Apportionment of funds

A. The board shall apportion the sum in the state school fund 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 of nonresident alien children, nor for wards of the United States for whom 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 shall be made as follows:

1. On July 15, one-twelfth of the total amount to be apportioned during the fiscal year.
2. On September 15, one-sixth of the total amount to be apportioned during the fiscal year.
3. On November 15, one-fourth of the total amount to be apportioned during the fiscal year.
4. On January 15, one-twelfth of the total amount to be apportioned during the fiscal year.
5. On March 15, one-sixth of the total amount to be apportioned during the fiscal year.
6. On May 15, one-fourth of the total 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

LAWS OF ARIZONA

apportionment, and shall certify the apportionment to the ~~commissioner~~ ASSISTANT DIRECTOR FOR THE DIVISION of finance, 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 title:

1. "Common school" means kindergarten and the first to eighth grades inclusive.
2. "High school" means the ninth to twelfth grades inclusive.
3. "Night school" means a school operated at hours other than those during which the regular school is in session. For each student who attends and satisfactorily completes a specific course, the district shall be reimbursed by the state in the amount of ten dollars for each course satisfactorily completed.
4. "Daily attendance" means:
 - (a) For common schools, days in which a pupil:
 - (i) Of the kindergarten attends a minimum of one hundred twenty minutes but such attendance shall be counted as one-half day's attendance.
 - (ii) Of the first, second or third grades attends a minimum of two hundred forty minutes.
 - (iii) Of the fourth, fifth or sixth grades attends a minimum of three hundred minutes.
 - (iv) 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, the attendance of a high school pupil shall not be counted a full day unless such pupil is actually and physically in attendance, 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.

LAWS OF ARIZONA

(c) For common or high schools which maintain an approved extended school operation, attendance shall be based on a computation, as prescribed by the superintendent of public instruction, of the one hundred seventy-five days equivalency of instructional time as approved by the superintendent during which each pupil is enrolled.

5. For the purpose of making appropriations and apportionment of the state and county aid and the determination of financial assistance, "average daily attendance" means the actual average daily attendance within the current school year. The board of trustees shall submit, for approval or revision, to the county school superintendent and the superintendent of public instruction the estimated actual average daily attendance of the district for the first six months of the school year. Prior to the final apportionment of state school funds on May 15, an adjustment shall be made based on actual average daily attendance for the first six months. In addition a new estimate and apportionment shall be made for the last three months by the school district which is approved by the superintendent of public instruction and which estimate shall be consistent with the actual average daily attendance achieved during the first six months of the school year.

D. The provisions of subsection C, ~~of this section,~~ paragraph 5 OF THIS SECTION, 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 5.

E. Any determination of average daily attendance shall be based on the records of the superintendent of public instruction.

Sec. 18. Repeal

Section 15-1214, Arizona Revised Statutes, as amended by Laws 1972, chapter 141, section 10, is repealed.

Sec. 19. Section 15-1214, Arizona Revised Statutes, as amended by Laws 1972, chapter 97, section 1, is amended to read:

15-1214. Assistance of school districts by the state

A. The state superintendent of public instruction shall assist public school districts in educating children whose parents or legal guardians are employed by and domiciled at the following state institutions and stations: the state hospital, Arizona state school for the deaf and the blind, mental retardation centers, ports of entry inspection stations and

LAWS OF ARIZONA

institutions and facilities maintained by the state department of corrections. The assistance shall be the full per capita cost of the district less the amount of state and county aid apportioned to the districts under the provisions of sections 15-1211, 15-1212 and 15-1235. Claims for such payments shall be made by the districts through the county school superintendent to the state superintendent of public instruction. Such approved claims shall be paid by the ~~commissioner~~ DEPARTMENT OF ADMINISTRATION DIVISION of finance and shall be a charge against the state general fund.

B. For the purposes of this section "per capita cost" includes district special levies and bond service requirements.

Sec. 20. Repeal

Section 16-150, Arizona Revised Statutes, as amended by Laws 1972, chapter 146, section 25 is repealed.

Sec. 21. Section 23-522.01, Arizona Revised Statutes, is amended to read:

23-522.01. Employment advisory council; members; terms; meetings

A. There shall be an Arizona employment advisory council.

B. The council shall be composed of seven members appointed by the industrial commission. Each member of the ~~board~~ COUNCIL shall be a citizen of the United States, domiciled in this state for at least two years immediately preceding his appointment and of good character. Of the appointive members, three shall have, for at least three years immediately preceding their appointment, occupied executive or managerial positions in the private employment agency industry in this state and four shall be citizens of this state occupied in commerce or industry in this state for at least three years.

C. Each member of the council shall hold office until the appointment and qualification of his successor. The terms of the initial members of the council shall expire as follows: two members, January 1, 1971, two members, January 1, 1972, three members, January 1, 1973. Subsequent appointments shall be made for a term of three years. Vacancies occurring in the membership of the council for any cause shall be filled by appointment for the balance of the unexpired term. The governor may remove any member of the council for misconduct, incompetency, neglect of duty, or other good cause.

LAWS OF ARIZONA

D. The council shall meet at least once in each calendar quarter of each year. All meetings of the council shall be open and public and all records of the council shall be open to inspection, except as otherwise prescribed by law. Four members shall constitute a quorum for the transaction of business. The council shall elect from its members, each for a term of one year, a chairman and vice chairman, and may appoint such committees as it deems necessary to carry out its duties. The director of the commission shall serve ex officio as the secretary of the council, but shall not be a member of the council.

E. Each member of the council shall serve without compensation, but shall be entitled to reimbursement for expenses, travel and subsistence in the performance of his duties.

Sec. 22. Repeal

Section 23-773, Arizona Revised Statutes, as amended by Laws 1972, chapter 79, section 6, is repealed.

Sec. 23. Section 24-205, Arizona Revised Statutes, is amended to read:

24-205. Failure to rerecord as abandonment; issuance of abandoned brand

All recorded brands or earmarks for which no application to rerecord has been made within one year following the due date for rerecording ~~year~~ shall be deemed abandoned and no longer of record. Brands or earmarks thus abandoned shall not be awarded or recorded by the board to persons other than those abandoning them until one year has elapsed from the date of the abandonment.

Sec. 24. Section 24-675, Arizona Revised Statutes, is amended to read:

24-675. Labeling and containers; standards

A. All poultry products inspected at any official establishment and found to be not adulterated, shall at the time they leave the establishment bear, in distinctly legible form, on their shipping containers and immediate containers as the board may require, the information required under paragraph ~~18~~ 16 of section 24-671. In addition, the board, if it determines such action is practicable and necessary for the protection of the public, may require nonconsumer packaged carcasses at the time they leave the establishment to bear directly thereon in distinctly legible form any information required under paragraph ~~18~~ 16, section 24-671.

LAWS OF ARIZONA

B. No article shall be sold or offered for sale by any person in intrastate commerce, under any name or other marking or labeling which is false or misleading, or in any container of a misleading form or size, but established trade names and other marking and labeling and containers which are not false or misleading and which are approved by the board, are permitted.

C. If the board has reason to believe that any marking or labeling or the size or form of any container in use or proposed for use with respect to any article is false or misleading in any particular, it may direct that such use be withheld unless the marking, labeling or container is modified in such manner as it may prescribe so that it will not be false or misleading. If the person using or proposing to use the marking, labeling or container does not accept the determination of the board, such person may request a hearing, but the use of the marking, labeling or container shall, if the board so directs, be withheld pending hearing and final determination by the board. Any such determination by the board shall be conclusive unless, within thirty days after receipt of notice of the final determination, the person adversely affected appeals to the superior court.

Sec. 25. Repeal

Section 26-305, Arizona Revised Statutes, as amended by Laws 1972, chapter 163, section 21, is repealed.

Sec. 26. Section 26-305, Arizona Revised Statutes, as amended by Laws 1972, chapter 192, section 6, is amended to read:

26-305. Division of emergency services; duties; director; term; qualifications; compensation

A. There is created in the department of emergency and military affairs the division of emergency services which shall be administered by such department subject to powers vested in the governor as provided by law.

B. The division shall prepare for and coordinate those emergency services which may be required to reduce the impact of disaster on persons or property.

C. Through the powers vested in the governor, the division shall coordinate the cooperative effort of all governmental agencies including the federal government, the state and its political subdivisions and provide the necessary direction and control of state personnel and equipment to alleviate suffering and loss resulting from disaster.

LAWS OF ARIZONA

D. The director of the division of emergency services shall be appointed by the governor, ~~with the advice and consent of the senate,~~ to serve at the pleasure of the governor. The director shall be selected on the basis of demonstrated ability in governmental functions or business administration and shall have general knowledge of contingency planning and disaster preparedness. He shall devote full time to the office and shall hold no other office.

E. The compensation of the director of the division of emergency services shall be as determined pursuant to section 38-611.

F. Employees other than the director shall be employees as defined by section ~~38-904~~ 41-762.

G. The director of the department of civil defense on the effective date of this chapter shall be the director of the division of emergency services until a successor is appointed and qualifies.

Sec. 27. Repeal

Section 28-205, Arizona Revised Statutes, as amended by Laws 1972, chapter 170, section 1, is repealed.

Sec. 28. Section 28-1618, Arizona Revised Statutes, is amended to read:

28-1618. Conflict of interest; penalty

A. The provisions of section ~~38-446~~ 38-503 shall be applicable to acts prohibited under the provisions of article VII of the compact adopted by this article and rules and regulations adopted by the commission pursuant thereto.

B. A person who violates any provision of article VII of such compact or any rule or regulation adopted pursuant to such article shall be punished as provided in section 38-447.

Sec. 29. Section 31-323, Arizona Revised Statutes is amended to read:

31-323. Compensation for prisoner participation in approved programs

A. An approved program of medical research or plasmapheresis and whole blood program may provide for the payment of compensation to participating prisoners.

LAWS OF ARIZONA

B. Proceeds from prisoner participation in approved programs shall be paid into the trust fund or escrow fund account established by the superintendent pursuant to ~~subsection D of section 31-262~~ 31-261, SUBSECTION B.

Sec. 30. Repeal

Section 32-802, Arizona Revised Statutes, as amended by Laws 1970, chapter 204, section 100, is repealed.

Sec. 31. Repeal

Section 32-1423, Arizona Revised Statutes, as amended by Laws 1972, chapter 146, section 56, is repealed.

Sec. 32. Section 32-1423, Arizona Revised Statutes, as amended by Laws 1972, chapter 158, section 1, is amended to read:

32-1423. Qualifications applicable to graduates of United States or Canadian schools of medicine for a regular license to practice medicine other than by endorsement

To procure a regular license to practice medicine other than by endorsement, an applicant who is a graduate of a school of medicine located in the United States, its territories, the District of Columbia or the Dominion of Canada shall submit evidence satisfactory to the board that he meets each of the following requirements:

1. That he is a citizen of the United States.
- ~~2. That he is at least twenty-one years of age.~~
- ~~3.~~ 2. That he has graduated from an approved school of medicine.
- ~~4.~~ 3. That he has satisfactorily completed a twelve-month approved hospital internship training, or at the discretion of the board, that he has completed such post graduate training or such approved hospital residency training, or any combination thereof, as the board deems equivalent thereto.
- ~~5.~~ 4. That he possesses a good moral and professional reputation.
- ~~6.~~ 5. That he is physically and mentally able safely to engage in the practice of medicine and submits to such physical examination, mental

LAWS OF ARIZONA

evaluation and interview, or any combination thereof, as the board may deem proper to determine the same.

- ~~7-~~ 6. That he has not been guilty of any act of unprofessional conduct or any other conduct which would constitute grounds for refusal, suspension or revocation of license under this chapter.
- ~~8-~~ 7. That he has not had a license to practice medicine refused, revoked or suspended by any other state, territory, district or country for reasons which relate to his ability skillfully and safely to practice medicine.
- ~~9-~~ 8. That he files the application, pays the fees and passes the examination provided for in section 32-1428.

The board may require the submission of such credentials or other proof, written and oral, and make such investigation as it deems necessary adequately to advise itself with respect to an applicant's ability to meet any of the foregoing requirements.

Sec. 33. Section 32-1424, Arizona Revised Statutes, is amended to read:

32-1424. Qualifications applicable to graduates of foreign schools of medicine for a regular license to practice medicine other than by endorsement

To procure a regular license to practice medicine, an applicant who is a graduate of a school of medicine located elsewhere than in the United States or its territories, the District of Columbia or the Dominion of Canada shall submit evidence satisfactory to the board that he meets each of the following requirements:

1. That he meets all of the requirements of section 32-1423 but for the paragraphs numbered ~~3~~2 and ~~4~~3 thereof.
2. That he has received a foreign medical education which the board deems equivalent to that required in the paragraph numbered ~~3~~ 2 of section 32-1423.
3. That he has received a standard certificate issued by the educational counsel for foreign medical graduates or that he has successfully completed any medical examination which in the opinion of the board is the equivalent of such certification.
4. That he has satisfactorily completed twenty-four months of training taken either in an approved hospital internship training program or an approved hospital residency training program or a post graduate training program or any combination thereof.

LAWS OF ARIZONA

5. That he has the working ability to read, write, speak, understand and be understood in the English language relating to the arts and science of medicine.

Sec. 34. Section 32-1425, Arizona Revised Statutes, is amended to read:

32-1425. Qualifications applicable to graduates of United States or Dominion of Canada schools of medicine for a regular license to practice medicine by endorsement

To procure a regular license to practice medicine by endorsement, a graduate of a school of medicine located in the United States or its territories, the District of Columbia or the Dominion of Canada shall submit evidence satisfactory to the board that he meets each of the following requirements:

1. That he meets all of the requirements of section 32-1423 except for passing the examination provided for by reference in the paragraph numbered ~~9~~ 8 thereof.

2. That he holds certification by the national board of medical examiners or that he has a license to practice medicine issued by written examination by another state or territory of the United States, the District of Columbia or the medical council of Canada. In the event such certificate or license was granted more than fifteen years next preceding his application under the provisions of this section he shall be given an oral examination as provided in section 32-1428.

3. That for the three years next preceding his application, he has been actively engaged in one or more of the following:

(a) The active practice of medicine.

(b) An approved residency training program.

(c) Post graduate training deemed by the board equivalent to an approved residency training program.

(d) Fulfilling the requirements set forth in section 32-1423, paragraphs numbered ~~3~~ 2 and ~~4~~ 3.

Sec. 35. Section 32-1425.01, Arizona Revised Statutes, is amended to read:

LAWS OF ARIZONA

32-1425.01. **Qualifications applicable to graduates of a medical school located elsewhere than in the United States, its territories, the District of Columbia or the Dominion of Canada for a regular license to practice medicine by endorsement**

To procure a regular license to practice medicine by endorsement, a graduate of a medical school located elsewhere than in the United States, its territories, the District of Columbia or the Dominion of Canada shall submit evidence satisfactory to the board that he meets each of the following requirements:

1. That he meets all of the requirements of section 32-1423 but for the paragraphs numbered ~~3~~ 2 and ~~4~~ 3 thereof and except that he may be exempted from meeting the requirement for written examination referenced in the paragraph numbered ~~9~~ 8 thereof if he meets either of the following requirements:

(a) He holds a license to practice medicine issued by another state or territory of the United States, the District of Columbia or the medical council of Canada as a result of passing a written examination administered by such state, territory, the District of Columbia or the medical council of Canada and has completed the educational requirements for eligibility for certification by any approved medical specialty.

(b) He holds a license to practice medicine issued by another state or territory of the United States or the District of Columbia as a result of passing the flex examination prepared by the Federation of State Medical Boards of the United States, Inc.

In the event such certificate or license was granted more than fifteen years next preceding his application under the provisions of this section he shall be given an oral examination as provided in section 32-1428.

2. That for the three years next preceding his application, he has been actively engaged in one or more of the following:

(a) The active practice of medicine.

(b) An approved residency training program.

(c) Post graduate training deemed by the board equivalent to an approved residency training program.

(d) Fulfilling the requirements set forth in section 32-1423, paragraphs numbered ~~3~~ 2 and ~~4~~ 3.

LAWS OF ARIZONA

3. That he has received a foreign medical education which the board deems equivalent to that required in the paragraph numbered ~~3~~ 2 of section 32-1423.
4. That he has received a standard permanent certificate issued by the educational council for foreign medical graduates or that he has successfully completed any medical examination which in the opinion of the board is the equivalent of such certification.
5. That he has satisfactorily completed twenty-four months of training taken either in an approved hospital internship training program or an approved hospital residency training program or a post graduate training program or any combination thereof.
6. That he has the working ability to read, write, speak, understand and be understood in the English language relating to the arts and science of medicine.

Sec. 36. Section 32-1601, Arizona Revised Statutes, is amended to read:

32-1601. **Definitions**

In this chapter, unless the context otherwise requires:

1. "Accreditation" means approval by the board of a school of nursing and its programs as meeting the minimum requirements established by the board for the educational preparation of professional and practical nurses for licensure in Arizona.
2. "Board" means the state board of nursing, and when used in connection with matters pertaining only to practical nurses or practical nursing, means the combined membership of the state board of nursing and the practical nurse committee provided for by this chapter.
3. "Practical nurse" means a person who practices practical nursing as defined in paragraph 4 of this section.
4. "Practical nursing" means the performance for compensation or profit of services requiring technical skills acquired by means of a course in an accredited school of practical nursing or its equivalent, performed under the direction of a person licensed in this state to practice healing, ~~as defined in section 32-401~~, or a professional nurse, requiring a knowledge of nursing procedures but not requiring the professional knowledge and skill required for professional nursing.

LAWS OF ARIZONA

5. The “practice of professional nursing” means the performance for compensation of any act requiring substantial specialized knowledge, judgment and nursing skill based upon the principles of the biological, physical and social sciences in:

- (a) The maintenance of health or prevention of illness.
- (b) The nursing assessment, evaluation of the patient and the administration of care to the ill, injured or infirm.
- (c) The administration of medications and treatment as prescribed or authorized by a person licensed in this state to prescribe such medications and treatments.
- (d) The supervision and teaching of other personnel in the performance of any of the foregoing.
- (e) The performance of such additional acts under emergency or other conditions requiring education and training and which are recognized by the medical and nursing professions as proper to be performed by a professional nurse under such conditions and which are authorized by the board of nursing through its rules and regulations.

6. “Registered nurse”, “graduate nurse” or “Professional nurse” means a person who practices professional nursing as defined in paragraph 5 of this section.

Sec. 37. Repeal

Section 32-1802, Arizona Revised Statutes, as amended by Laws 1970, chapter 204, section 115, is repealed.

Sec. 38. Repeal

Section 32-2195.03, Arizona Revised Statutes, as amended by Laws 1972, chapter 146, section 64, is repealed.

Sec. 39. Section 32-2124, Arizona Revised Statutes, as amended by Laws 1972, chapter 110, section 11, is amended to read:

32-2124. Qualifications of licensees; bond

A. Except as otherwise provided in this chapter, the commissioner shall require such other proof, through the application or otherwise, as he

LAWS OF ARIZONA

deems advisable with due regard to the interests of the public, as to the honesty, truthfulness, reputation, and competency of the applicant, and shall require that the applicant has:

- ~~1. Attained the age of twenty one years.~~
- ~~2.~~ 1. If for an original real estate broker's license, at least three years' actual experience as a licensed real estate salesman, or real estate broker, during the five years immediately preceding the time of application, has at least one year's residence in the state, and is a citizen of the United States.
- ~~3.~~ 2. If for an original cemetery broker's license, either an existing broker's license, or if the applicant does not have any existing broker's license, at least three years' experience as a cemetery salesman or as a licensed real estate salesman during the five years immediately preceding the time of application and at least one year's residence in the state.

B. All applicants for an original real estate salesman's license shall show evidence satisfactory to the commissioner that they have completed at least forty-five classroom hours, or its equivalent, of instruction in a real estate course prescribed and approved by the state real estate commission, and have satisfactorily passed an examination on same.

C. All applicants for an original real estate broker's license shall show evidence satisfactory to the commissioner that they have completed at least ninety classroom hours, or the equivalent, of instruction in a real estate course prescribed and approved by the state real estate commission, and have satisfactorily passed an examination on same.

D. An applicant for a salesman's license shall be at least eighteen years of age.

E. The commissioner shall ascertain by written examination held in the presence of the commissioner or his deputy that an applicant for a real estate license has:

- 1. An appropriate knowledge of the English language, including reading, writing and spelling and of arithmetical computations common to real estate practices.
- 2. An understanding of the following:
 - (a) Principles of real estate conveyances.

LAWS OF ARIZONA

(b) The general purposes and legal effect of agency contracts, deposit receipts, deeds, mortgages, deeds of trust, security agreements, bills of sale, land contract of sale and leases.

(c) The principles of business and land economics and appraisals.

3. A general understanding of the obligations between principal and agent, the principles of real estate and business opportunity practice, the applicable canons of business ethics, the provisions of this chapter, and rules and regulations made under this chapter.

F. The commissioner shall ascertain by written examination held in his presence or that of his deputy, that an applicant for a license as a cemetery broker or a cemetery salesman has:

1. Appropriate knowledge of the English language, including reading, writing and spelling, and of elementary arithmetic.

2. A general understanding of:

(a) Cemetery associations, cemetery corporations and duties of cemetery directors and officers.

(b) Plot ownership, deeds, certificates of ownership, contracts of sale, liens and leases.

(c) Establishing, dedicating, maintaining, managing, operating, improving, preserving and conducting a cemetery.

(d) The provisions of this chapter and rules and regulations made under this chapter relating to the organization and regulation of cemeteries and the licensing and regulation of cemetery brokers and cemetery salesmen.

3. A general understanding of the obligations between principal and agent, the principles of real estate practice and the canons of business ethics pertaining to the operation of cemeteries and the sale of cemetery property.

G. The commissioner shall waive the examination of:

1. Any applicant for a broker's license who held an unrevoked and unsuspended broker's license on the last day of the preceding license year.

2. Any applicant for a salesman's license who held an unrevoked and

LAWS OF ARIZONA

unsuspended broker's or salesman's license on the last day of the preceding license year.

3. Any applicant for a broker's or salesman's license holding an honorable discharge from the armed forces of the United States who, at the time of entering such services, held an unrevoked and unsuspended license of the kind applied for.

H. The commissioner shall require of the applicant, if for a broker's license, a corporate surety bond, to be approved by him, in the amount of five thousand dollars. The bond shall be conditioned upon the faithful compliance of the broker with the provisions of this chapter, and that he will conduct the business of real estate broker or cemetery broker in a reliable and dependable manner. All bonds shall be in favor of the state, for the benefit of any person injured by the wrongful act, default, fraud or misrepresentation of the broker in his capacity as such, and any person so injured may bring suit on the bond in his own name. No additional bond shall be required from officers of a corporation or members of a partnership licensed to act as a real estate broker or cemetery broker while in the employment of a corporation or partnership.

I. The examination for a broker's license, conducted by the commissioner, shall be of more exacting and stringent and of a broader scope than the examination for a salesman's license.

Sec. 40. **Repeal**

Section 35-173, Arizona Revised Statutes, as amended by chapter 141, section 40, Laws 1972, is repealed.

Sec. 41. Section 35-173, Arizona Revised Statutes, as amended by Laws 1973, chapter 71, section 1, is amended to read:

35-173. **Allotment of appropriations; limitations; exceptions**

A. An "allotment schedule" means a detail of expenditures for a full fiscal year within a budget program, class, or subclass.

B. Before funds from an authorized appropriation, or any other source, can be obligated, an allotment schedule must be submitted to and approved by the ~~commissioner~~ ASSISTANT DIRECTOR FOR THE DIVISION of finance. The allotment schedule shall be based on the estimated annual requirement and shall schedule available funds to cover the entire fiscal year's operations.

LAWS OF ARIZONA

C. With the exception of the division of finance, the budget unit may, upon approval of the ~~commissioner~~ ASSISTANT DIRECTOR FOR THE DIVISION OF finance:

1. Transfer funds from one class or subclass to another.
2. Transfer funds between and within programs if funds are appropriated to the budget unit by programs.

D. No transfer to or from personal services from any other program, budget class or subclass of expenditures shall be permitted unless recommended by the joint legislative budget committee and approved by the ~~commissioner~~ ASSISTANT DIRECTOR FOR THE DIVISION of finance, except that the ~~commissioner~~ DIRECTOR OF THE DIVISION of finance may transfer amounts equal to the gross payroll and related employee expenses of a budget unit from the funds of a budget unit available for the purpose to payroll imprest accounts for the purpose of paying employees of the budget unit and disbursing related employee expenses.

E. Transfer of funds within the division of finance shall be made only with the approval of the joint legislative budget committee, except as provided in subsection D of this section.

F. The provisions of this section shall not apply to the universities.

Sec. 42. Section 35-325.12, Arizona Revised Statutes, is amended to read:

35-325.12. Investment in securities

A. If after compliance with the provisions of this article requiring the deposit of public monies in public depositories the amount of monies of the state or a subdivision is in excess of the aggregate amount of such deposits, and a board of deposit finds that such excess cannot be deposited in public depositories because of the limitations of this article, such board may order the treasurer to invest any part of such excess in United States treasury securities having a maturity of twelve months or less. Any order of the board directing the treasurer to invest monies of the state or a subdivision shall specifically state the amount of monies to be invested and shall specifically describe the securities to be acquired.

B. When the treasurer or board of deposit is of the opinion that the actual amount of active deposits of public monies is in excess of the

LAWS OF ARIZONA

amount necessary to meet the anticipated demands of such active deposits, but such excess active deposits are available for investment for only a limited period of thirty days or less, the treasurer may invest such excess active deposits in United States treasury bills, bonds or notes, or through a repurchase agreement with public depositories, to be executed in thirty days or less, may acquire securities issued as direct obligations of and guaranteed by the United States or any agency of the United States.

C. The board of deposit may order the treasurer to sell any of such securities and any such order shall specifically describe the securities and fix the date upon which they are to be sold. Securities so ordered to be sold shall be sold for cash by the treasurer on the date fixed in such order, at the then current market price. Neither the treasurer nor the members of the board shall be held accountable for any loss occasioned by sales of securities at prices lower than their cost. Any loss or expense incurred in making such sale shall be payable as other expenses of the treasurer's office.

D. Interest and appreciation realized on any investment authorized by this section shall be collected by the treasurer and credited by him in accordance with the provisions of section 35-325.20.

E. Whenever securities acquired under this section mature and become due and payable, the treasurer shall present them for payment according to their tenor and shall collect the monies payable thereon. The monies so collected shall be treated as state or subdivision monies subject to deposit as inactive deposits until the board of deposit finds that such monies, or a part thereof, are in excess of the aggregate amount of monies of the state or subdivision which can be deposited in depositories in accordance with the provisions of this article, and orders the treasurer to reinvest all or any part of such monies, as provided in this section for the investment of such excess public monies.

F. A treasurer shall be responsible for the safekeeping of all securities acquired by him under this section. Any of such securities may be deposited for safekeeping with any trust company which has its principal place of business in and is qualified to do a trust business in this state.

G. The investment of public monies as provided in this section shall be exempt from the provisions of section ~~35-431.31~~ 41-732, section 35-142, subsection B, section 35-154, sections 35-181.01 to 35-195, inclusive, and sections 35-351 and 35-353.

H. In addition to the provisions of subsections A and B of this section, the treasurer may invest such excess active funds:

LAWS OF ARIZONA

1. Interest bearing savings accounts or certificates of deposit in banks doing business in this state whose accounts are insured by the federal deposit insurance corporation, but only if such deposits in excess of the insured amount are secured by the depository to the same extent and in the same manner as required by the general depository law of the state.

2. Interest bearing savings accounts or certificates of deposit in savings and loan associations doing business in this state whose accounts are insured by the federal savings and loan insurance corporation, but only if such deposits in excess of the insured amount are secured by the depository to the same extent and in the same manner as required by the general depository law of the state.

Sec. 43. Section 35-325.16, Arizona Revised Statutes, is amended to read:

35-325.16. Complaint of discrimination by depository

A. Except as regards the initial deposits at the beginning of a period of designation, the requirements of this article respecting the proportions in which deposits in more than one public depository are to be made and maintained are subject to such reasonable variations as the exigencies of public business require.

B. Any public depository deeming itself aggrieved by reason of discrimination against it and in favor of such other public depository, may complain thereof to the appropriate board of deposit. Such board, after giving one week's notice to the treasurer and to such other public depositories as are specified in such complaint, shall hear such complaint and if it finds that there has been and is such discrimination, shall direct the treasurer to transfer deposits among such depositories by making withdrawals and deposits as specified in the order of the board. The treasurer shall comply with such order. The treasurer shall not withdraw any part of a public deposit from one public depository for the purpose of making a deposit in another public depository except pursuant to an order of the board, or as authorized by ~~sections~~ SECTION 35-325.10. ~~and 35-325.14.~~

Sec. 44. Section 36-305, Arizona Revised Statutes, is amended to read:

36-305. Duties of the state registrar of vital statistics and the deputy state registrar of vital statistics

A. The state registrar of vital statistics shall:

LAWS OF ARIZONA

1. Administer and enforce this chapter and the rules and regulations issued hereunder and issue instructions for the efficient administration of a state-wide system of vital statistics.
 2. Direct and supervise a state-wide system of vital statistics and the office of vital records and public health statistics and be custodian of its records.
 3. Direct and supervise the activities and programs of the local registrars and the activities of those local officials who have specific legal responsibilities related to the operation of a state-wide vital statistics system.
 4. Prescribe and distribute such forms as are required by this chapter and the rules and regulations issued hereunder.
 5. Prepare and publish reports of vital statistics of this state, and such other reports as may be required by the state board of health.
 6. Transmit each month to the county recorder a record of the death of every resident of his county ~~eighteen~~ SIXTEEN years of age and older as required under the provisions of subsection C of section 16-150.
 7. Arrange, classify, and preserve all official vital records in a systematic manner employing modern devices and techniques where efficiency and good management are promoted thereby.
 8. Investigate and report violations of this chapter by a written statement of the facts and circumstances to the county attorney in the county where the violation occurred and, when appropriate, request the attorney general to assist in the enforcement of the provisions of this chapter.
- B. The state registrar may delegate, in writing, any or all powers and duties vested in him as state registrar to the deputy state registrar as is deemed necessary and expedient by the requirements of this chapter and the regulations promulgated hereunder, and as provided by section 38-461.
- C. With the approval of the state registrar the deputy state registrar may delegate in writing such powers and duties vested in him to assistant state registrars, local registrars, and employees of the office of vital records and public health statistics as is deemed necessary and expedient by the requirements of this chapter and the regulations promulgated hereunder.
- Sec. 45. Section 36-520, Arizona Revised Statutes, is amended to read:

LAWS OF ARIZONA

36-520. **Payment of costs and expenses by person hospitalized other than voluntary; acceptance of other benefits; per capita cost limitation; power and duty of court; ascertainment of ability to pay; appointment of guardian; lien; duty of county attorney; parental liability**

A. The superior court at the time of commitment or at any time thereafter shall direct the business manager of the state hospital or another discreet person to inquire into the ability of the patient or proposed patient hospitalized or to be hospitalized in the state hospital pursuant to section 36-505, 36-507 or 36-514, to bear the charges and expenses of his examination, detention, commitment, delivery and maintenance. Such person shall submit to the court a written report under oath of all assets of the patient or proposed patient within or without the state which such person has discovered or of which he is informed. The report shall be filed with the clerk of the court and a copy forwarded to the state hospital.

B. If the patient or proposed patient is able to pay all or any portion of the charges, the court shall order the payment of such amount of the charges as the patient or proposed patient can afford for examination, detention, commitment and delivery. The court shall also order the payment of such amount of the maintenance charge while hospitalized as the patient or proposed patient can afford of the monthly per capita cost for maintenance as estimated by the superintendent. The court may, upon petition of an interested person and at a hearing of which all concerned parties have received notice, increase or decrease the maintenance charge payable by the patient or his estate.

C. Notwithstanding any provision of subsection B of this section, any federal, state, public or private medical benefits which by the terms of the program or policy are payable to the state hospital where the patient is receiving care and treatment, and not payable to the patient, may be accepted by the state hospital without a court order, except that the state hospital shall not accept any such benefits which, alone or in addition to any amounts payable pursuant to subsection B of this section, exceed the per capita cost for the patient.

D. The court may, if necessary, appoint a guardian of the estate and property of the patient or proposed patient as in other cases of guardianship in order to carry out the provisions of this section. If a guardian is appointed, the court shall file with the clerk of the court a certificate so stating. All proceedings relating to such guardianship shall be had as provided by law for guardians of estates.

LAWS OF ARIZONA

E. The patient, or the guardian, if one is appointed, shall pay the amount ordered by the court for the patient's examination, detention, commitment and delivery to the treasurer of the county where the proceedings were held. The patient, or the guardian, if one is appointed, shall pay the amount ordered by the court for maintenance to the state hospital. Amounts payable to the state hospital shall be collected by the business manager. No costs of maintenance shall be charged to any patient found by a court of competent jurisdiction to have been unlawfully committed.

F. Monies collected for maintenance of patients, notwithstanding the manner of commitment or admission, shall be paid to the state treasurer for deposit in the state general fund.

G. The charges fixed by the court as provided by this section and ordered paid by the patient or his estate shall, upon filing with the county recorder, become a lien upon all property of the patient or his estate.

H. The county attorney of each county shall, upon order of a judge of the superior court, proceed to enforce the lien and collect the charges from the person ordered to pay if the charges become delinquent.

I. All costs in connection with a patient hospitalized in a designated facility other than the state hospital shall be borne by the patient, his parents, spouse, guardian or estate. In the event the patient, his parents, spouse or guardian ceases or refuses to pay the costs of hospitalization of the patient at a designated facility, the patient shall forthwith be transferred to the state hospital.

J. All monies deposited in the state general fund as a result of the provisions of this section shall be considered by the state ~~board of equalization~~ TAX COMMISSION at the time it fixes the rate of taxation for state purposes. ~~as prescribed by section 42-301.~~

K. If the patient or proposed patient is a minor, the court shall inquire into the ability of the parents of such minor to bear the charges and expenses pursuant to this section. All duties, obligations, charges, liens and costs that may be imposed on a patient or proposed patient pursuant to this section shall be imposed on the parents of such minor patient or proposed patient if it is determined that the parents have the ability to pay.

Sec. 46. Section 36-1752, Arizona Revised Statutes, is amended to read:

36-1752. **Inspection facilities; location; operation; additional inspections and assistance; definition**

LAWS OF ARIZONA

A. The state department of health shall:

1. Establish and operate, or contract for the establishment of and operation of, a prototype inspection facility in Maricopa county for inspection of motor vehicle emissions. Such facility shall include an engineering and testing laboratory and shall be operational no later than July 1, 1973. The department may contract for the establishment and operation of such facility with any person or company knowledgeable in the field of motor vehicle emissions testing if such contract can be performed at a cost less than the cost of the department's establishment and operation of such facility.

2. Establish and operate, or contract for the establishment and operation of, a prototype inspection facility in Pima county for inspection of motor vehicle emissions. Such facility shall be operational no later than January 1, 1974. The department may contract for the establishment and operation of such facility with any person or company knowledgeable in the field of motor vehicle emissions testing if such contract can be performed at a cost less than the cost of the department's establishment and operation of such facility.

B. All state, county, city, town and school district motor vehicles operated in Maricopa and Pima counties shall be inspected for emissions control as soon as practicable after the respective county inspection facilities become operational. The state department of health, in cooperation with the various agencies, shall schedule the inspection of such vehicles in such a manner as shall least disrupt service to the public. All such vehicles failing to meet standards shall be adjusted or repaired, to bring such vehicles into compliance with the standards established pursuant to sections 36-1717 and ~~28-965~~ 28-955 and shall be reinspected within thirty days. Such adjustments and repairs shall be done by the agency owning the vehicle, except that minor adjustments may be made, without charge, by personnel at such inspection facility.

C. Any county, city, town or school district operating a fleet of one hundred or more motor vehicles may, at its own expense, establish and operate a self-inspection program and facilities, providing standards are comparable to section 36-1717 or at their own option, higher than those applied by the state department of health in the inspection of the motor vehicles of any unit of government. Units of government may contract for such inspection as authorized by title 11, chapter 7, article 3.

D. Such inspection facilities may also conduct, on a voluntary basis, emission inspections of privately owned motor vehicles and, with the

LAWS OF ARIZONA

permission of the owner, make minor adjustments to such vehicles to bring them into compliance with the standards established pursuant to sections 36-1717 and ~~28-965~~ 28-955. If more than minor adjustment is required, facility personnel shall make recommendations for necessary repairs to the owner of such vehicle.

E. The state department of health may, through use of mobile inspection facilities, arrange for emissions inspections of state and political subdivision motor vehicles located outside or inside Maricopa and Pima counties.

F. The state department of health may assist owners, upon their request, of fleets of three hundred or more motor vehicles in setting up self-inspection programs for such vehicles. All costs of such self-inspection programs shall be at the sole expense of such fleet owner.

Sec. 47. Section 37-256, Arizona Revised Statutes, is amended to read:

37-256. Application of provisions

The provisions of sections 37-256 through 37-259 shall apply to the following lands:

1. Lands owned by the state of Arizona which lands are located in the Palo Verde irrigation district in Riverside county, California, within three miles, measured in a true west direction, of any portion of the Colorado River between river points 13.00 and 13.17 as defined in the "Interstate Compact Defining the Boundary between the States of Arizona and California," (Laws 1963, Chapter 77) and which lands, in the opinion of the state land commissioner, may have constituted the east half of a now dry bed of the Colorado River.

2. Lands owned by the state of Arizona other than lands referred to in ~~subsection A~~ PARAGRAPH 1 of this section, which other lands are located within three miles, measured in a true east or true west direction of any portion of the Colorado River as located in the interstate compact defining the boundary between the states of Arizona and California (Laws 1963, Chapter 77) and which lands, in the opinion of the state land commissioner, may have constituted the east half of a now dry bed of the Colorado River, at such time that the attorney general of the state of Arizona is satisfied that an agency of the state of California is empowered to convey title to any west half of a now dry bed of the Colorado River which may be located within three miles measured in a true east direction of any portion of the Colorado River as above located.

Sec. 48. Section 38-871, Arizona Revised Statutes, is amended to read:

LAWS OF ARIZONA

38-871. Annuity and deferred compensation governing committee; members; duties

A. There is established a governing committee for tax deferred annuity and deferred compensation plans which shall consist of the following seven members:

1. Three employees of the state appointed by the governor.
2. The director of the state personnel commission.
3. The superintendent of the state banking department.
4. ~~The commissioner~~ ASSISTANT DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION FOR THE DIVISION of finance.
5. The attorney general.

B. The governing committee may:

1. Investigate and approve tax deferred compensation and annuity programs which give employees of the state income tax benefits authorized by title 26, United States Code Annotated.
2. In carrying out the purposes of this article, enter into agreements with life insurance companies authorized to do business in this state and with bank trustees or custodians and investment counseling firms registered with the securities exchange commission.

C. The governing committee shall:

1. Arrange for consolidated billing and efficient administrative services in order that any such plans approved shall operate without cost or contribution from the state except for the incidental expense of administering the payroll salary deduction or reduction and remittance thereof to the trustee or custodian of the plan or plans.
2. Promulgate rules and regulations governing the solicitation of employees by persons offering tax deferred compensation or annuity plans to such employees.

Sec. 49. Section 38-873, Arizona Revised Statutes, is amended to read:

38-873. Payroll salary deductions; division of finance

LAWS OF ARIZONA

The ~~state~~ department OF ADMINISTRATION DIVISION of finance shall initiate payroll salary reductions or deductions for the plans adopted pursuant to section 38-871 as directed by each employee participating in such plans.

Sec. 50. **Repeals**

A. Section 38-921, Arizona Revised Statutes, as amended by Laws 1972, chapter 192, section 9, is repealed.

B. Section 41-101, Arizona Revised Statutes, as amended by Laws 1972, chapter 55, section 7, is repealed.

Sec. 51. Section 41-191.02, Arizona Revised Statutes, is amended to read:

41-191.02. Antitrust enforcement revolving fund; receipts and disbursements; exemption; report

A. There is created an antitrust enforcement revolving fund to be administered by the attorney general under the conditions and for the purposes provided in this section. Monies in the fund shall be exempt from the ~~quarterly allotments and lapsing provisions of sections 35-173 and SECTION 35-190.~~

B. On or before the fifteenth day of January, April, July and October, the attorney general shall cause to be filed with the governor, with copies to the ASSISTANT director of THE DEPARTMENT OF ADMINISTRATION FOR THE DIVISION OF finance, the president of the senate, and the speaker of the house of representatives, a full and complete account of the receipts and disbursements from the fund in the previous calendar quarter. The auditor general shall audit the fund once each fiscal year.

C. Monies in the fund shall be used by the attorney general for costs and expenses of antitrust enforcement undertaken by his office and may be expended for such items as filing fees, court costs, travel, depositions, transcripts, reproduction costs, expert witness fees, investigations, and like costs and expenses. Except for the attorney fees due upon the initial recovery of monies as set out in section 41-191.01, in no event shall any of the monies in the fund be used to compensate or employ attorneys or counselors at law.

Sec. 52. **Repeal**

LAWS OF ARIZONA

Section 41-192, Arizona Revised Statutes, as amended by Laws 1972, chapter 48, section 1, and section 41-192, Arizona Revised Statutes, as amended by Laws 1972, chapter 171, section 4, are repealed.

Sec. 53. Section 41-192, Arizona Revised Statutes, as amended by Laws 1972, chapter 192, section 11, is amended to read:

41-192. Powers and duties of attorney general; restrictions on state agencies as to legal counsel; exceptions

A. The attorney general shall have charge of and direct the department of law, and shall serve as chief legal officer of the state. The attorney general shall:

1. Be the legal advisor of the departments of the state and render such legal services as the departments require.
2. Establish administrative and operational policies and procedures within his department.
3. Approve long range plans for developing departmental programs therein, and coordinate the legal services required by other departments of the state or other state agencies.
4. Represent school districts and boards of trustees in any lawsuit involving a conflict of interest with other county offices.
5. Represent political subdivisions, school districts and municipalities in suits to enforce state or federal statutes pertaining to antitrust, restraint of trade, or price-fixing activities or conspiracies, provided that the attorney general shall notify in writing such political subdivision, school districts and municipalities of his intention to bring any such action on its behalf. At any time within thirty days after such notification, such political subdivision, school districts and municipalities may, by formal resolution of its governing body, withdraw the authority of the attorney general to bring the intended action on its behalf.
6. In any action brought by the attorney general pursuant to state or federal statutes pertaining to antitrust, restraint of trade, or price-fixing activities or conspiracies for the recovery of damages by the state or any of its political subdivisions, school districts or municipalities, in addition to his other powers and authority, the attorney general on behalf of the state may enter into contracts relating to the investigation and prosecution of such action with any other party plaintiff who has brought a similar action

LAWS OF ARIZONA

for the recovery of damages and with whom the attorney general finds it advantageous to act jointly or to share common expenses or to cooperate in any manner relative to such action. In any such action, notwithstanding any other laws to the contrary, the attorney general may undertake, among other things, to render legal services as special counsel, or to obtain the legal services of special counsel from any department or agency of the United States, of this state, or any other state, or any department or agency thereof, any county, city, public corporation or public district in this state or in any other state, that has brought or intends to bring a similar action for the recovery of damages, or their duly authorized legal representatives in such action.

7. Organize the civil rights division within the department of law and administer such division pursuant to the powers and duties provided in title 41, chapter 9.

B. Except as otherwise provided by law, the attorney general may:

1. Organize the department into such bureaus, subdivisions or units as he deems most efficient and economical, and consolidate or abolish them.

2. Adopt and promulgate rules for the orderly conduct of the business of the department.

3. Employ and assign assistants and other employees necessary to perform the functions of the department.

4. COMPROMISE OR SETTLE ANY ACTION OR CLAIM BY OR AGAINST THE STATE OR ANY DEPARTMENT, BOARD OR AGENCY THEREOF. WHERE SUCH COMPROMISE OR SETTLEMENT INVOLVES A PARTICULAR DEPARTMENT, BOARD OR AGENCY OF THE STATE, THE COMPROMISE OR SETTLEMENT SHALL BE FIRST APPROVED BY SUCH DEPARTMENT, BOARD OR AGENCY. WHERE NO DEPARTMENT OR AGENCY IS NAMED OR OTHERWISE MATERIALLY INVOLVED, THE APPROVAL OF THE GOVERNOR SHALL BE FIRST OBTAINED.

C. Assistants and employees in any legal division subject to a merit system prior to March 6, 1953 shall remain subject thereto.

D. The powers and duties of a bureau, subdivision or unit shall be limited to those assigned by law to the department.

E. Notwithstanding any other provision of law to the contrary, no state agency other than the attorney general shall employ legal counsel or make

LAWS OF ARIZONA

an expenditure or incur an indebtedness for legal services, but the Arizona water commission and the industrial commission shall be exempt from the provisions of this article.

F. Any department or agency of the state authorized by law to maintain a legal division or incur expenses for legal services from funds derived from sources other than the general revenue of the state, or from any special or trust fund, shall pay from such source of revenue, or special or trust fund into the general fund of the state, to the extent such funds are available and upon a reimbursable basis for warrants drawn upon the state treasurer, the amount actually expended by the department of law within legislative appropriations for such legal division or legal services.

G. Appropriations made pursuant to subsection F OF THIS SECTION shall not be subject to lapsing provisions otherwise provided by law. Services for departments or agencies to which this subsection and subsection F OF THIS SECTION are applicable shall be performed by special or regular assistants to the attorney general.

Sec. 54. Section 41-501, Arizona Revised Statutes, is amended to read:

41-501. Office of economic planning and development; divisions; responsibilities; assistant directors

A. There is in the governor's office the office of economic planning and development.

B. The office shall include a planning division and a development division. The planning division shall, in addition to other functions assigned by the EXECUTIVE director, be responsible for economic planning, economic research and scientific and technological planning. The development division shall, in addition to other functions assigned by the EXECUTIVE director, be responsible for industrial and tourism development, advertising and publications.

C. The executive director shall appoint an assistant director of the planning division and an assistant director of the development division.

Sec. 55. Repeal

Section 41-502, Arizona Revised Statutes, as amended by Laws 1972, chapter 163, section 43, is repealed.

Sec. 56. Repeal

LAWS OF ARIZONA

Section 41-505, Arizona Revised Statutes, as amended by Laws 1972, chapter 192, section 17, is repealed.

Sec. 57. Section 41-505, Arizona Revised Statutes, as amended by Laws 1972, chapter 141, section 65, is amended to read:

41-505. Inter-agency economic coordinating council

A. There shall be an inter-agency economic coordinating council with the executive director of the ~~department~~ OFFICE of economic planning and development and the director of the department of administration serving as chairman and ~~vice chairman~~ VICE CHAIRMAN respectively. The council shall be comprised of, but not limited to, representatives from the following state agencies:

Arizona atomic energy commission.
 Arizona board of regents.
 Arizona commission of Indian affairs.
 Arizona corporation commission.
 Arizona department of aeronautics.
 Arizona game and fish commission.
 Arizona highway department.
 Arizona industrial commission.
 Arizona power authority.
~~Arizona state department of public welfare.~~
 Arizona state parks board.
 Arizona water commission.
 DEPARTMENT OF ECONOMIC SECURITY.
 Department of mineral resources.
~~Employment security commission of Arizona.~~
 Oil and gas conservation commission.
 State board of directors for ~~junior~~ COMMUNITY colleges.
 State department of education.
 State department of health.
 State land department.
 State tax commission.

B. Representatives from the agencies prescribed by the term of subsection A shall ordinarily be the chief administrative officer of the agency and shall be appointed by the governor.

C. The council may request the governor to appoint representatives from agencies not prescribed by the terms of subsection A.

LAWS OF ARIZONA

D. The council shall meet bi-monthly or more frequently at the call of the chairman.

Sec. 58. Repeal

Section 41-602, Arizona Revised Statutes, as amended by Laws 1972, chapter 163, section 46, is repealed.

Sec. 59. Repeal

Section 2, chapter 141, Laws 1972, is repealed.

Sec. 60. Repeal

Title 41, chapter 4, articles 2, 2.1, 3, 4 and 5, Arizona Revised Statutes, as composed of the following listed sections, are repealed. The articles repealed by this section consist of the following sections:

1. Section 41-731 as amended by section 1, chapter 46 and section 53, chapter 125, Laws 1971.
2. Section 41-732 as amended by chapter 3, third special session, Laws 1955.
3. Section 41-733 as amended by section 2, chapter 46, Laws 1971.
4. Section 41-734 as amended by section 3, chapter 46, Laws 1971.
5. Section 41-735 as amended by section 4, chapter 46, Laws 1971.
6. Section 41-736 as amended by section 5, chapter 46, Laws 1971.
7. Section 41-741 as amended by section 54, chapter 125, Laws 1971.
8. Sections 41-742, 41-743 and 41-744 as added by section 1, chapter 50, Laws 1964.
9. Sections 41-751, 41-752, 41-753 and 41-754, as amended by chapter 3, third special session, Laws 1955.
10. Section 41-771 as amended by section 1, chapter 38, Laws 1960.

LAWS OF ARIZONA

11. Section 41-772 as amended by section 2, chapter 38, Laws 1960.
12. Sections 41-773, 41-774, 41-775 and 41-776 as added by section 3, chapter 38, Laws 1960.
13. Sections 41-791 and 41-792 as amended by chapter 3, third special session, Laws 1955.
14. Section 41-793 as amended by section 1, chapter 188, Laws 1971.
15. Sections 41-794, 41-795 and 41-796 as amended by chapter 3, third special session, Laws 1955.
16. Section 41-797 as amended by section 1, chapter 102, Laws 1971.

Sec. 61. Title 41, Arizona Revised Statutes, is amended by adding chapter 4.1, articles 1 through 5, to read:

CHAPTER 4.1
HISTORY, ARCHAEOLOGY AND STATE EMBLEMS
ARTICLE 1. ARIZONA PIONEERS' HISTORICAL SOCIETY

41-821. Arizona historical society; powers; officers; duties of board of directors

- A. THERE SHALL BE AN ARIZONA HISTORICAL SOCIETY.
- B. SUBJECT TO LIMITATIONS IMPOSED BY LAW, THE SOCIETY MAY PURCHASE, RECEIVE, HOLD, LEASE AND SELL PROPERTY, REAL AND PERSONAL, FOR THE BENEFIT OF THE STATE AND USE OF THE SOCIETY.
- C. THE SOCIETY SHALL HAVE A PRESIDENT, A TREASURER, A BOARD OF DIRECTORS AND OTHER OFFICERS, WHO SHALL BE ELECTED BY THE MEMBERS OF THE SOCIETY AT TIMES AND BY METHODS THE BYLAWS OF THE SOCIETY PRESCRIBE.
- D. THE PRESIDENT SHALL PRESIDE AT MEETINGS OF THE SOCIETY AND OF THE BOARD OF DIRECTORS.
- E. THE TREASURER SHALL HAVE CUSTODY OF THE FUNDS OF THE SOCIETY, OTHER THAN LEGISLATIVE APPROPRIATIONS. HE SHALL HOLD THE FUNDS OF THE SOCIETY COMING INTO HIS HANDS IN TRUST FOR THE SOCIETY'S USE AND FOR THE BENEFIT OF THE STATE, AND SHALL DISBURSE THEM ONLY AS PRESCRIBED BY LAW AND THE BYLAWS OF THE SOCIETY.

LAWS OF ARIZONA

F. THE BOARD OF DIRECTORS SHALL HOLD IN TRUST FOR THE STATE AND ADMINISTER FOR THE BENEFIT OF THE STATE AND USE OF THE SOCIETY ALL PROPERTY ACQUIRED BY THE SOCIETY.

G. ALL EXPENDITURES OF LEGISLATIVE APPROPRIATIONS TO THE SOCIETY SHALL BE MADE UPON CLAIMS DULY ITEMIZED, VERIFIED AND APPROVED BY THE BOARD WHICH SHALL BE PRESENTED AND FILED WITH THE ASSISTANT DIRECTOR OF THE DIVISION OF FINANCE WHO SHALL DRAW HIS WARRANT THEREFOR ON THE STATE TREASURER.

H. IN ADDITION TO THE LOCAL HISTORICAL SOCIETIES THAT EXIST IN EACH COUNTY ON THE EFFECTIVE DATE OF THIS SUBSECTION, THE BOARD OF DIRECTORS SHALL ANNUALLY DESIGNATE A COUNTY HISTORICAL SOCIETY FOR EACH COUNTY OF THE STATE WHICH SHALL BE INCORPORATED AS NONPROFIT ORGANIZATIONS AND HAVE A FUNCTIONING PROGRAM OF HISTORICAL VALUE. THE NAMES OF SUCH COUNTY HISTORICAL SOCIETIES SHALL BE CERTIFIED TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES NO LATER THAN TEN DAYS AFTER THE BEGINNING OF EACH REGULAR SESSION OF THE LEGISLATURE. THE PROVISIONS OF THIS SUBSECTION APPLICABLE TO COUNTY HISTORICAL SOCIETIES SHALL ALSO BE APPLICABLE TO LOCAL HISTORICAL SOCIETIES IN EXISTENCE ON THE EFFECTIVE DATE OF THIS SUBSECTION.

41-822. **Historical collections; annual report**

A. THE BOARD OF DIRECTORS SHALL ANNUALLY MAKE A DETAILED STATEMENT OF EXPENDITURES TO THE GOVERNOR.

B. TO ENABLE THE SOCIETY TO AUGMENT ITS COLLECTIONS BY EFFECTING EXCHANGES WITH OTHER SOCIETIES AND INSTITUTIONS, SIXTY BOUND COPIES OF EACH OF THE SEVERAL PUBLICATIONS OF THE STATE AND ITS SOCIETIES AND INSTITUTIONS, EXCEPT REPORTS OF THE SUPREME COURT, SHALL BE DONATED TO THE SOCIETY WHEN ISSUED, AND SHALL BE DELIVERED TO THE SOCIETY BY THE OFFICER HAVING THEIR CUSTODY. THERE SHALL ALSO BE DONATED TO THE SOCIETY FOR DEPOSIT IN ITS COLLECTIONS ONE SET OF ALL PUBLICATIONS OF THE STATE, INCLUDING THE SUPREME COURT REPORTS.

LAWS OF ARIZONA

41-823. Purposes of society; housing of society collection; financial provisions

A. THE SOCIETY SHALL PROCURE, BY GIFT, EXCHANGE OR PURCHASE:

1. BOOKS, MAPS, PAPERS AND MATERIALS PERTAINING TO THE HISTORY OF ARIZONA AND THE WEST.

2. NARRATIVES OF HISTORICAL EVENTS OF THE EXPLORATION AND EARLY SETTLEMENT OF ARIZONA, AND OF OVERLAND TRAVEL IN THE STATE AND THE WEST.

3. DATA RELATING TO INDIAN TRIBES, AND PORTRAYING THE ANTIQUITIES, THE PAST AND PRESENT CONDITIONS AND PROGRESS OF THE STATE.

4. HISTORICAL AND SCIENTIFIC REPORTS OF THE WESTERN STATES, AND MATERIALS AND FACILITIES FOR INVESTIGATION OF HISTORICAL, SCIENTIFIC, SOCIAL, EDUCATIONAL AND LITERARY SUBJECTS.

B. THE COLLECTIONS AND MATERIALS SHALL BE HOUSED SUITABLY FOR PROTECTION, PRESERVATION AND AVAILABILITY, PROPERLY CATALOGUED AND KEPT ACCESSIBLE TO THE PUBLIC, WITHOUT CHARGE, DURING REASONABLE HOURS ON BUSINESS DAYS.

C. FOR THE PURPOSE OF EFFECTUATING THE FUNCTIONS PRESCRIBED IN SUBSECTIONS A AND B, THE SOCIETY MAY BORROW MONEY WITH WHICH TO ERECT OR PROCURE NEEDED BUILDINGS AND EQUIPMENT, BUT AUTHORIZATION TO BORROW MONEY SHALL NOT EXCEED IN THE AGGREGATE THE SUM OF SEVENTY-FIVE THOUSAND DOLLARS FOR THE PURPOSE OF ERECTING AND PROCURING NEEDED BUILDINGS AND EQUIPMENT. THE SOCIETY MAY ISSUE NEGOTIABLE PROMISSORY NOTES AND NECESSARY RENEWAL NOTES AS EVIDENCE OF THE MONEY SO BORROWED. THE NOTES SHALL BE AUTHORIZED BY RESOLUTION OF THE BOARD OF DIRECTORS OF THE SOCIETY, MAY MATURE AT SUCH TIMES NOT EXCEEDING THREE YEARS FROM THE RESPECTIVE DATES THEREOF, MAY BEAR INTEREST AT NOT TO EXCEED FIVE PER CENT PER ANNUM, PAYABLE SEMIANNUALLY, AND MAY BE PAYABLE AT SUCH TIMES AND IN SUCH PARTIAL SUMS AS THE RESOLUTION PROVIDES.

LAWS OF ARIZONA

D. MONEY BORROWED UNDER THE PROVISIONS OF THIS SECTION SHALL BE PAID INTO THE STATE TREASURY AND SHALL BE DEPOSITED IN THE ARIZONA HISTORICAL SOCIETY BUILDING FUND AND DISBURSED IN SATISFACTION OF APPROVED CLAIMS ARISING UNDER THE CONTRACT OR CONTRACTS FOR CONSTRUCTION AND EQUIPMENT OF THE BUILDING.

E. NOTES ISSUED PURSUANT TO THIS SECTION SHALL BE PAYABLE ONLY IN ACCORDANCE WITH THE TERMS THEREOF AND SHALL NOT BE OBLIGATIONS, GENERAL, SPECIAL OR OTHERWISE, OF THE STATE. THE NOTES SHALL NOT CONSTITUTE A DEBT, LEGAL OR MORAL, OF THE STATE AND SHALL NOT BE ENFORCEABLE AGAINST THE STATE.

41-824. **Journal of Arizona history; fund**

A. THE ARIZONA HISTORICAL SOCIETY SHALL PUBLISH A MAGAZINE, TO BE KNOWN AS "JOURNAL OF ARIZONA HISTORY", AT LEAST FOUR TIMES PER YEAR.

B. THERE SHALL BE CREATED A JOURNAL OF ARIZONA HISTORY MAGAZINE FUND, WHICH SHALL CONSIST OF MONIES APPROPRIATED THERETO BY THE LEGISLATURE ANNUALLY AND ALL MONIES RECEIVED FROM SUBSCRIPTIONS TO BE EXPENDED IN CONFORMITY WITH THE LAWS GOVERNING STATE FINANCIAL OPERATIONS. BALANCES REMAINING IN SUCH FUND AT THE END OF THE FISCAL YEAR SHALL NOT REVERT TO THE GENERAL FUND.

ARTICLE 2. PRESCOTT HISTORICAL SOCIETY OF ARIZONA

41-831. **Prescott historical society of Arizona; organization; officers; election by membership; property held in trust; expenditure of legislative appropriations**

A. THERE SHALL BE A PRESCOTT HISTORICAL SOCIETY OF ARIZONA WHICH, SUBJECT TO THE LIMITATIONS IMPOSED BY LAW, MAY PURCHASE, RECEIVE, HOLD, LEASE AND SELL PROPERTY, REAL AND PERSONAL, FOR THE BENEFIT OF THE STATE AND THE USE OF THE SOCIETY.

B. THE SOCIETY SHALL HAVE A PRESIDENT, A VICE PRESIDENT, A SECRETARY, A TREASURER AND OTHER OFFICERS AS DETERMINED BY THE BOARD OF TRUSTEES. THE PRESIDENT

LAWS OF ARIZONA

SHALL PRESIDE AT MEETINGS OF THE SOCIETY AND OF THE BOARD OF TRUSTEES.

C. THE MEMBERS OF THE BOARD OF TRUSTEES SHALL BE ELECTED BY THE MEMBERS OF THE SOCIETY. THE BOARD OF TRUSTEES SHALL CONSIST OF FIFTEEN MEMBERS OF THE SOCIETY WHO RESIDE IN THE STATE OF ARIZONA.

D. THE TREASURER SHALL HAVE CUSTODY OF THE FUNDS OF THE SOCIETY OTHER THAN LEGISLATIVE APPROPRIATIONS. HE SHALL HOLD THE FUNDS OF THE SHARLOT HALL HISTORICAL SOCIETY COMING INTO HIS HANDS IN TRUST FOR THE USE OF THE SHARLOT HALL HISTORICAL SOCIETY AND FOR THE BENEFIT OF THE STATE, AND SHALL DISBURSE THEM ONLY AS PRESCRIBED BY LAW AND ACCORDING TO THE BYLAWS OF THE SOCIETY.

E. THE BOARD OF TRUSTEES SHALL HOLD IN TRUST FOR THE STATE AND ADMINISTER FOR THE BENEFIT OF THE STATE AND USE OF THE SOCIETY ALL PROPERTY ACQUIRED BY THE SOCIETY.

F. ALL EXPENDITURES OF LEGISLATIVE APPROPRIATIONS TO THE SOCIETY SHALL BE MADE UPON CLAIMS DULY ITEMIZED, VERIFIED AND APPROVED BY THE BOARD WHICH SHALL BE PRESENTED AND FILED WITH THE ASSISTANT DIRECTOR OF THE DIVISION OF FINANCE WHO SHALL DRAW HIS WARRANT THEREFOR ON THE STATE TREASURER.

41-832. **Meetings of society; nominations; bylaws of society; election of officers; meetings; rules and regulations; employment of director and other personnel**

A. THE SOCIETY SHALL MEET ANNUALLY ON THE FIRST MONDAY OF JUNE AT THE CALL OF THE PRESIDENT FOR THE PURPOSE OF NOMINATING NEW MEMBERS OF THE BOARD OF TRUSTEES AND TO CONDUCT SUCH OTHER BUSINESS AS MAY PROPERLY COME BEFORE IT. THE NOMINATIONS SHALL BE MADE BY A NOMINATING COMMITTEE CHOSEN BY THE MEMBERS OF THE SOCIETY. MEMBERS OF THE BOARD OF TRUSTEES SHALL SERVE FOR A TERM OF THREE YEARS.

B. THE SOCIETY MAY ADOPT BYLAWS FOR ITS GOVERNMENT.

LAWS OF ARIZONA

C. THE BOARD OF TRUSTEES SHALL ELECT ANNUALLY FROM ITS MEMBERSHIP A PRESIDENT, VICE PRESIDENT, SECRETARY AND A TREASURER.

D. REGULAR MEETINGS OF THE BOARD OF TRUSTEES SHALL BE HELD AT LEAST ONCE DURING EACH CALENDAR QUARTER. SPECIAL MEETINGS MAY BE HELD AT THE CALL OF THE PRESIDENT OR UPON PETITION OF ANY THREE OF ITS MEMBERS. MEMBERS OF THE BOARD OF TRUSTEES SHALL RECEIVE NO COMPENSATION BUT SHALL BE REIMBURSED FOR SUBSISTENCE AND TRAVEL EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES AS PROVIDED FOR OTHER STATE OFFICERS.

E. THE BOARD OF TRUSTEES SHALL ADOPT RULES AND REGULATIONS FOR THE ADMINISTRATION OF THE WORK OF THE SOCIETY AND FOR CARRYING OUT THE PROVISIONS OF THIS ARTICLE. THE RULES AND REGULATIONS MAY DIVIDE MEMBERSHIP OF THE SOCIETY IN FOUR CLASSES NAMED LIFE, ONE YEAR, ASSOCIATE AND HONORARY AND MAY DEFINE EACH CLASS. THE FEES FOR EACH CLASS SHALL BE FIXED BY THE BOARD OF TRUSTEES, PROVIDED THAT THE FEE FOR ANY CLASS MAY NOT EXCEED TWENTY-FIVE DOLLARS PER ANNUM.

F. THE BOARD OF TRUSTEES MAY EMPLOY A DIRECTOR, ASSISTANT DIRECTOR, CUSTODIANS, ARCHIVISTS, LIBRARIANS, RESEARCHERS, MAINTENANCE PERSONNEL, GARDENERS OR OTHER NECESSARY PERSONNEL, DEFINE THEIR DUTIES AND FIX THEIR COMPENSATION WITHIN THE LIMITS OF LEGISLATIVE APPROPRIATION THEREFOR. THE BOARD MAY ALSO EMPLOY THE SERVICES OF PROFESSIONAL CONSULTANTS ON A FEE BASIS WITHIN THE LIMITS OF LEGISLATIVE APPROPRIATION THEREFOR.

41-833. Powers and duties of society

A. THE PRESCOTT HISTORICAL SOCIETY SHALL:

1. PRESERVE, MAINTAIN AND PERPETUATE THE GUBERNATORIAL MANSION, THE SHARLOT HALL MUSEUM, AND THE HISTORICAL COLLECTIONS CONTAINED THEREIN, AND ON THE GROUNDS THEREOF IN PRESCOTT, ARIZONA.

2. PROCURE BY GIFT, EXCHANGE OR PURCHASE BOOKS, MAPS, PAPERS, GOODS, ARTIFACTS, UTENSILS, MUSEUM SPECIMENS

LAWS OF ARIZONA

AND OTHER DATA OR MATERIALS PERTAINING TO THE HISTORY OF ARIZONA AND THE WEST.

3. CONDUCT AND CARRY ON INVESTIGATIONS AND EXPEDITIONS INTO THE GEOLOGICAL AND ANTHROPOLOGICAL LIFE OF ARIZONA AND THE WEST.

4. ESTABLISH AND MAINTAIN A LIBRARY AND PUBLISH PAMPHLETS AND REPORTS.

5. EXCHANGE EXHIBITS ON A TEMPORARY BASIS FOR DISPLAY PURPOSES WITH OTHER MUSEUMS AND SOCIETIES.

6. LOAN EXHIBITS TO SCHOOLS IN ARIZONA OR TO MUSEUMS AND SOCIETIES FOR WHICH A FEE MAY BE CHARGED.

7. HOUSE SUITABLY FOR PROTECTION, PRESERVATION, AND AVAILABILITY, PROPERLY CATALOGUE AND KEEP ACCESSIBLE TO THE PUBLIC, WITHOUT CHARGE, DURING REASONABLE HOURS THE HISTORICAL COLLECTIONS AND MATERIALS.

8. KEEP ACCESSIBLE TO THE PUBLIC, WITHOUT CHARGE, ALL HISTORICAL DATA AND PROVIDE SUITABLE SPACE FOR ITS USE IN RESEARCH.

B. ALL MONIES RECEIVED BY THE SOCIETY FROM WHATEVER SOURCE OTHER THAN LEGISLATIVE APPROPRIATION SHALL BE CREDITED FOR THE USE OF THE SHARLOT HALL HISTORICAL SOCIETY AND USED AS PROVIDED BY THE TERMS OF THIS SUBSECTION FOR THE FOLLOWING PURPOSES:

1. ACQUISITION AND RESTORATION OF MUSEUM SPECIMENS.

2. DIRECT RESEARCH PERTAINING TO THE HISTORY OF ARIZONA AND THE WEST.

3. PUBLICATION OF BOOKS, PAMPHLETS, BULLETINS AND REPORTS FOR SALE BY THE SOCIETY.

4. ACQUISITION OF POSTAL CARDS OR OTHER ITEMS CONSISTENT WITH THE OBJECTS OF THE SOCIETY FOR RESALE.

5. OTHER NECESSARY EXPENSES.

LAWS OF ARIZONA

C. THE BOARD OF TRUSTEES MAY ESTABLISH AND COLLECT FEES FOR PAMPHLETS, BOOKS, BULLETINS OR REPORTS WHICH THEY PUBLISH, FOR ITEMS ACQUIRED FOR RESALE OR FOR EXHIBITS LOANED TO OTHER MUSEUMS OR SOCIETIES.

D. THE BOARD OF TRUSTEES SHALL ANNUALLY MAKE A REPORT OF ITS ACTIVITIES AND EXPENDITURES TO THE GOVERNOR.

41-834. **Fees**

ANY FEES COLLECTED FOR ANNUAL MEMBERSHIP OR COLLECTIONS FOR ANY OTHER PURPOSE SHALL BE DEPOSITED WITH THE TREASURER AND EXPENDED AS PROVIDED BY THE TERMS OF THIS ARTICLE AND THE RULES AND REGULATIONS OF THE SOCIETY.

ARTICLE 3. HISTORICAL NAMES

41-835. **Perpetuation of historical names**

IT IS DECLARED THE PUBLIC POLICY OF THE STATE THAT NATURAL OR ARTIFICIAL OBJECTS, PLACES OR THINGS CONTINUE TO BE KNOWN BY THE NAMES THEY NOW BEAR SO THAT THE HISTORICAL RECORD OF THE STATE MAY BE PROTECTED AND PRESERVED.

41-836. **Restriction on changing historical name**

IT IS UNLAWFUL FOR A STATE OFFICER, DEPARTMENT, AGENCY OR EMPLOYEE TO CHANGE AND RECORD IN WRITING OR OTHERWISE IN ANY STATE RECORDS, DOCUMENTS OR PAPERS, THE NAME OF A MOUNTAIN, CANYON, GULCH, STREAM, STREAM BED OR CHANNEL WHETHER FLOWING OR DRY, MESA, DESERT, FOREST, SPRING, WATER HOLE, BRIDGE EITHER NATURAL OR ARTIFICIAL, CLIFF, CHASM, DAM, LAKE EITHER NATURAL OR ARTIFICIAL, PARK, MINING DISTRICT, MONUMENT EITHER NATURAL OR ARTIFICIAL, ROAD, TRAIL OR OTHER NATURAL OR ARTIFICIAL OBJECT.

41-837. **Hoover Dam**

A. NOTWITHSTANDING THE PROVISIONS OF THIS ARTICLE, THE DAM LOCATED ON THE COLORADO RIVER IN MOHAVE COUNTY,

LAWS OF ARIZONA

FORMERLY KNOWN AS BOULDER DAM, IS DESIGNATED AND SHALL BE KNOWN AS "HOOVER DAM".

B. ALL OFFICIAL ACTS, STATE RECORDS, DOCUMENTS AND PAPERS RELATING THERETO EXECUTED AFTER JUNE 30, 1953 SHALL BEAR THE DESIGNATION "HOOVER DAM".

41-838. **Violation; penalty**

A PERSON WHO VIOLATES ANY PROVISIONS OF THIS ARTICLE, OR WHO AIDS IN, ABETS OR DIRECTS A VIOLATION OF THIS ARTICLE, IS GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE OF NOT LESS THAN THREE HUNDRED NOR MORE THAN ONE THOUSAND DOLLARS, BY IMPRISONMENT IN THE COUNTY JAIL FOR NOT LESS THAN THREE NOR MORE THAN SIX MONTHS, OR BOTH.

ARTICLE 4. ARCHAEOLOGICAL DISCOVERIES

41-841. **Archaeological discoveries; restrictions as to who may explore**

NO PERSON, EXCEPT WHEN ACTING AS A DULY AUTHORIZED AGENT OF AN INSTITUTION OR CORPORATION REFERRED TO IN SECTION 41-842, SHALL EXCAVATE IN OR UPON ANY HISTORIC OR PREHISTORIC RUIN, BURIAL GROUND, ARCHAEOLOGICAL OR VERTEBRATE PALEONTOLOGICAL SITE, OR SITE INCLUDING FOSSILIZED FOOTPRINTS, INSCRIPTIONS MADE BY HUMAN AGENCY, OR ANY OTHER ARCHAEOLOGICAL, PALEONTOLOGICAL OR HISTORICAL FEATURE, SITUATE ON LANDS OWNED OR CONTROLLED BY THE STATE OF ARIZONA, OR ANY AGENCY THEREOF.

41-842. **Permits to explore**

A. ONLY EDUCATIONAL INSTITUTIONS, PUBLIC MUSEUMS OR NONPROFIT CORPORATIONS ORGANIZED FOR SCIENTIFIC AND RESEARCH PURPOSES MAY PURSUE ANY ACTIVITY PRESCRIBED IN SECTION 41-841.

B. NO SUCH ACTIVITY MAY BE UNDERTAKEN UNTIL A PERMIT IS FIRST SECURED THEREFOR FROM THE DIRECTOR OF THE ARIZONA STATE MUSEUM.

C. PERMITS SHALL BE GRANTED BY THE DIRECTOR FOR SUCH PERIODS OF TIME AND UNDER SUCH REGULATIONS AS HE MAY

LAWS OF ARIZONA

FROM TIME TO TIME DETERMINE TO INSTITUTIONS OR CORPORATIONS WHICH ARE QUALIFIED TO CONDUCT SUCH ACTIVITIES FOR THE BENEFIT OF MUSEUMS, UNIVERSITIES, COLLEGES OR OTHER RECOGNIZED SCIENTIFIC OR EDUCATIONAL INSTITUTIONS, OR FOR THE PURPOSE OF PROPAGATING THE KNOWLEDGE TO BE GAINED, AND WHICH SHALL UNDERTAKE TO PRESERVE PERMANENTLY ALL OBJECTS, PHOTOGRAPHS AND RECORDS IN PUBLIC REPOSITORIES UNDER THEIR OWN SUPERVISION OR CONTROL, OR THE SUPERVISION OR CONTROL OF OTHER SIMILAR INSTITUTIONS OR CORPORATIONS.

41-843. Prohibiting unnecessary defacing of site or object

NO PERSON, INSTITUTION OR CORPORATION SHALL DEFACE OR OTHERWISE ALTER ANY SITE OR OBJECT EMBRACED WITHIN THE TERMS OF SECTIONS 41-841 AND 41-842, EXCEPT IN THE COURSE OF ACTIVITIES PURSUED UNDER THE AUTHORITY OF A PERMIT GRANTED BY THE DIRECTOR OF THE ARIZONA STATE MUSEUM.

41-844. Duty to report discoveries

A PERSON IN CHARGE OF ANY SURVEY, EXCAVATION OR CONSTRUCTION ON ANY LANDS OWNED OR CONTROLLED BY THIS STATE, BY ANY PUBLIC AGENCY OR INSTITUTION OF THE STATE, OR BY ANY COUNTY OR MUNICIPAL CORPORATION WITHIN THE STATE SHALL REPORT PROMPTLY TO THE DIRECTOR OF THE ARIZONA STATE MUSEUM THE EXISTENCE OF ANY ARCHAEOLOGICAL, PALEONTOLOGICAL OR HISTORICAL SITE OR OBJECT DISCOVERED IN THE COURSE OF SUCH SURVEY, EXCAVATION OR CONSTRUCTION, AND SHALL TAKE ALL REASONABLE STEPS TO SECURE ITS PRESERVATION.

41-845. Unlawful reproduction of original archaeological specimen

NO PERSON SHALL REPRODUCE, RETOUCH, REWORK OR FORGE ANY ARCHAEOLOGICAL, PALEONTOLOGICAL OR HISTORICAL OBJECT, DERIVING ITS PRINCIPAL VALUE FROM ITS ANTIQUITY, OR MAKE ANY OBJECT, WHETHER COPIED OR NOT, OR FALSELY LABEL, DESCRIBE, IDENTIFY OR OFFER FOR SALE OR EXCHANGE ANY OBJECT, WITH INTENT TO REPRESENT THE SAME TO BE AN ORIGINAL AND GENUINE ARCHAEOLOGICAL, PALEONTOLOGICAL OR HISTORICAL SPECIMEN, NOR SHALL ANY PERSON OFFER FOR SALE OR EXCHANGE ANY OBJECT WITH

LAWS OF ARIZONA

KNOWLEDGE THAT IT HAS PREVIOUSLY BEEN COLLECTED OR EXCAVATED IN VIOLATION OF ANY OF THE TERMS OF THIS ARTICLE.

41-846. Violation; penalty

ANY PERSON, INSTITUTION OR CORPORATION VIOLATING ANY PROVISION OF THIS ARTICLE IS GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE NOT EXCEEDING FIVE HUNDRED DOLLARS OR BY IMPRISONMENT IN THE COUNTY JAIL FOR NOT TO EXCEED SIX MONTHS, OR BOTH, AND IN ADDITION, SHALL FORFEIT TO THE ARIZONA STATE MUSEUM ALL ARTICLES AND MATERIAL DISCOVERED, COLLECTED, EXCAVATED OR OFFERED FOR SALE OR EXCHANGE, TOGETHER WITH ALL PHOTOGRAPHS AND RECORDS RELATING TO SUCH OBJECTS.

ARTICLE 5. STATE EMBLEMS

41-851. State colors; state flag

A. BLUE AND OLD GOLD SHALL BE THE COLORS OF THE STATE. THE BLUE SHALL BE THE SAME SHADE AS THAT OF THE FLAG OF THE UNITED STATES.

B. THE FLAG OF THE STATE SHALL BE OF THE FOLLOWING DESIGN:

THE LOWER HALF OF THE FLAG A BLUE FIELD AND THE UPPER HALF DIVIDED INTO THIRTEEN EQUAL SEGMENTS OR RAYS WHICH SHALL START AT THE CENTER ON THE LOWER LINE AND CONTINUE TO THE EDGES OF THE FLAG, COLORED ALTERNATELY LIGHT YELLOW AND RED, CONSISTING OF SIX YELLOW AND SEVEN RED RAYS. IN THE CENTER OF THE FLAG, SUPERIMPOSED, THERE SHALL BE A COPPER-COLORED FIVE POINTED STAR, SO PLACED THAT THE UPPER POINTS SHALL BE ONE FOOT FROM THE TOP OF THE FLAG AND THE LOWER POINTS ONE FOOT FROM THE BOTTOM OF THE FLAG. THE RED AND BLUE SHALL BE THE SAME SHADE AS THE COLORS IN THE FLAG OF THE UNITED STATES. THE FLAG SHALL HAVE A FOUR-FOOT HOIST AND A SIX-FOOT FLY, WITH A TWO-FOOT STAR AND THE SAME PROPORTIONS SHALL BE OBSERVED FOR FLAGS OF OTHER SIZES.

LAWS OF ARIZONA

C. THE FLAG REPRESENTS THE COPPER STAR OF ARIZONA RISING FROM A BLUE FIELD IN THE FACE OF A SETTING SUN.

41-852. **Display of state flag**

THE STATE FLAG SHALL BE DISPLAYED ALONGSIDE THE FLAG OF THE UNITED STATES ON OR IN FRONT OF THE STATE CAPITOL BUILDING, AND INSTITUTIONAL AND EDUCATIONAL BUILDINGS OF THE STATE AS THE GOVERNOR DIRECTS, ON OR IN FRONT OF THE COURTHOUSE OF EACH COUNTY, AND OTHER INSTITUTIONAL BUILDINGS OF EACH COUNTY AS THE BOARD OF SUPERVISORS DIRECTS, THE CITY OR TOWN HALL OF EACH INCORPORATED CITY OR TOWN, AND OTHER MUNICIPALLY OWNED BUILDINGS AS THE GOVERNING BODY OF THE MUNICIPALITY DIRECTS.

41-853. **Desecration, mutilation or defilement of flag; penalty; flag defined; exception**

A. FOR THE PURPOSES OF THIS SECTION "FLAG" MEANS ANY EMBLEM, BANNER OR OTHER SYMBOL, OF ANY SIZE, COMPOSED OF ANY SUBSTANCE OR REPRESENTED ON ANY SUBSTANCE, THAT EVIDENTLY PURPORTS TO BE THE FLAG OF THE UNITED STATES OF AMERICA OR OF THIS STATE.

B. NO PERSON SHALL:

1. IN ANY MANNER, LIKELY TO PROVOKE RETALIATION FOR EXHIBITION OR DISPLAY, PLACE OR CAUSE TO BE PLACED ANY WORD, FIGURE, MARK, PICTURE, DESIGN, DRAWING OR ADVERTISEMENT OF ANY NATURE UPON A FLAG, OR EXPOSE OR CAUSE TO BE EXPOSED TO PUBLIC VIEW A FLAG UPON WHICH THERE IS PRINTED, PAINTED OR OTHERWISE PRODUCED, OR TO WHICH THERE IS ATTACHED, APPENDED OR ANNEXED ANY WORD, FIGURE, MARK, PICTURE, DESIGN, DRAWING OR ADVERTISEMENT.

2. EXPOSE TO PUBLIC VIEW, MANUFACTURE, SELL, OFFER TO SELL, GIVE OR HAVE IN POSSESSION FOR ANY PURPOSE ANY ARTICLE OF MERCHANDISE, OR RECEPTACLE FOR HOLDING OR CARRYING MERCHANDISE, UPON OR TO WHICH THERE IS PRINTED, PAINTED, PLACED OR ATTACHED ANY FLAG, IN ORDER TO ADVERTISE, CALL ATTENTION TO, DECORATE, MARK OR DISTINGUISH THE ARTICLE OR SUBSTANCE FOR THE PURPOSE LIKELY TO PROVOKE RETALIATION.

LAWS OF ARIZONA

C. NO PERSON SHALL PUBLICLY CAST CONTEMPT UPON, MUTILATE, DEFACE, DEFILE, BURN, TRAMPLE OR OTHERWISE DISHONOR OR CAUSE TO BRING DISHONOR UPON A FLAG IN A MANNER LIKELY TO PROVOKE RETALIATION.

D. NO PERSON SHALL PUBLICLY CAST CONTEMPT UPON THE ARIZONA FLAG BY PHYSICALLY MUTILATING, DEFACING, DEFILING, BURNING, TRAMPLING OR OTHERWISE DISHONORING OR CAUSING TO BRING DISHONOR UPON IT IN A MANNER LIKELY TO PROVOKE RETALIATION.

E. ANY PERSON WHO VIOLATES ANY PROVISION OF SUBSECTION B, C OR D OF THIS SECTION IS GUILTY OF A MISDEMEANOR, PUNISHABLE BY A FINE OF NOT MORE THAN TWO THOUSAND DOLLARS, BY IMPRISONMENT IN THE COUNTY JAIL FOR NOT MORE THAN ONE YEAR, OR BOTH.

F. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO:

1. ANY ACT PERMITTED BY A STATUTE OF THE UNITED STATES OF AMERICA.
2. ANY ACT PERMITTED BY UNITED STATES MILITARY REGULATIONS.
3. ANY ACT WHERE THE UNITED STATES GOVERNMENT HAS GRANTED PERMISSION FOR THE USE OF SUCH FLAG.
4. A NEWSPAPER, PERIODICAL, BOOK, PAMPHLET, CIRCULAR, CERTIFICATE, DIPLOMA, WARRANT, COMMISSION OF APPOINTMENT TO OFFICE, ORNAMENT, PICTURE, BADGE OR STATIONERY ON WHICH SHALL BE PRINTED, PAINTED OR PLACED SUCH FLAG AND WHICH IS DISCONNECTED FROM ANY ADVERTISEMENT FOR THE PURPOSE OF SALE, BARTER OR TRADE.

41-854. **State bird**

THE CACTUS WREN, OTHERWISE KNOWN AS COUES' CACTUS WREN OR HELEODYTES BRUNNEICAPILLUS COUESI (SHARPE) SHALL BE THE STATE BIRD.

41-885. **State flower**

THE PURE WHITE WAXY FLOWER OF THE CEREUS GIGANTEUS (GIANT CACTUS) OR SAGUARO SHALL BE THE STATE FLOWER.

LAWS OF ARIZONA

41-856. **State tree**

THE PALO VERDE (GENERA CERCIDIUM) SHALL BE THE STATE TREE.

41-857 **State neckwear**

THE BOLA TIE SHALL BE THE OFFICIAL STATE NECKWEAR.

Sec. 62. **Repeal**

Section 41-1401, Arizona Revised Statutes, as amended by Laws 1972, chapter 163, section 48, is repealed.

Sec. 63. Section 41-1401, Arizona Revised Statutes, as amended by Laws 1972, chapter 192, section 23, is amended to read:

41-1401. **Civil rights division; advisory board; terms; vacancies; organization; quorum; compensation**

A. There is created the civil rights division within the department of law which shall include the Arizona civil rights advisory board. The board shall be composed of seven members who shall be appointed by the governor ~~with the advice and consent of the senate~~ PURSUANT TO SECTION 38-211. Not more than four of the members shall at any one time be of the same political party. Each member shall serve for a term of three years. Of the members of the board first appointed, two shall be appointed for terms ending January 31, 1966, two for terms ending January 31, 1967, and three for terms ending January 31, 1968. THEREAFTER, THE TERMS SHALL EXPIRE ON THE THIRD MONDAY IN JANUARY OF THE APPROPRIATE YEAR.

B. ~~Appointment to fill a vacancy resulting other than from expiration of term shall be for the unexpired term only. An appointee to an unexpired term shall be a member in good standing until the senate convenes and confirms or denies confirmation of the appointment. If the appointment is confirmed, the appointee shall serve the remainder of the unexpired term. If confirmation is denied, a new member shall be appointed by the governor, with the advice and consent of the senate, to serve the unexpired term. An appointment to fill a vacancy shall be subject to the same limitation with respect to party affiliations as the original appointment.~~

C. The board shall elect from its membership a chairman and vice chairman. The vice chairman shall act as chairman in the absence or disability of the chairman, or in the event of a vacancy in that office.

LAWS OF ARIZONA

D. Four members of the board shall constitute a quorum, except that if the chairman appoints a subcommittee of the board a majority of the members of the subcommittee shall constitute a quorum. The concurrence of four of the members when in session as a board shall be the act of the board.

E. Each member shall receive compensation as determined pursuant to section 38-611 for each day in which he participates in meetings, but not to exceed one thousand dollars in any fiscal year.

F. For the purposes of this chapter, "board" means the Arizona civil rights advisory board and "division" means the civil rights division within the department of law.

Sec. 64. Section 41-1958, Arizona Revised Statutes, is amended to read:

41-1958. Acquisition of lands and buildings

A. The director may acquire for and in the name of the state by lease, lease purchase agreement or otherwise lands or buildings for the purpose of providing office space for the department at such places as the director finds necessary and suitable.

B. An agreement made for the lease or purchase of the premises mentioned in subsection A is subject to the approval of the attorney general and the ~~commissioner~~ ASSISTANT DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION FOR THE DIVISION of finance.

Sec. 65. Section 42-227.01, Arizona Revised Statutes, is amended to read:

42-227.01. Definitions

In sections ~~42-126.01~~ 42-124 and 42-227.01 to 42-227.04, inclusive, unless the context otherwise requires:

1. "Gas" means all natural gas, including casinghead gas, and all other hydrocarbons not defined as oil in paragraph 4 of this section and helium and other non-hydrocarbon substances of a gaseous nature.
2. "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

LAWS OF ARIZONA

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.

3. "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.

4. "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.

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

6. "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.

Sec. 66. Section 42-1321, Arizona Revised Statutes, is amended to read:

42-1321 Exemptions

A. This article shall not apply to:

1. Sales of gasoline upon which a tax has been imposed under the provisions of article 1, chapter 9, title 28.

2. Common or contract motor carriers of passengers or property paying a tax under provisions of section 40-641.

3. Sales of tangible personal property to a person licensed as a contractor under chapter 10 of title 32 who holds a valid privilege tax license for engaging or continuing in the business of contracting under this article when the tangible personal property so sold is incorporated or fabricated

LAWS OF ARIZONA

by the contractor into any structure, project, development or improvement in fulfillment of a contract therefor.

4. Sales in interstate or foreign commerce when prohibited from being so taxed by the constitution of the United States or the constitution of this state.

5. All personal property purchased in this state by any hospital organized and operated exclusively for charitable purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual, or operated by the state or any political subdivision of this state.

B. After June 30, 1956, the provisions of this article shall not apply to sales made directly:

1. To the United States government, its departments or agencies by a manufacturer, modifier, assembler or repairer.

2. To a manufacturer, modifier, assembler or repairer when such sales are of any ingredient or component part of products sold directly to the United States government, its departments or agencies by the manufacturer, ~~modified~~ MODIFIER, assembler or repairer.

C. After June 30, 1956, there shall be deducted from the privilege tax fifty per cent of the amount of tax levied under the provisions of section 42-1312 upon any sale of tangible personal property made directly to the United States government, its departments or agencies, which is not exempt under the provisions of subsection B of this section.

D. In computing the tax levied by this article upon the activities classified in subdivision (a) of paragraph 2 of section 42-1310, the price shall be reduced by the actual freight paid by any person from the place of production to the place of delivery when the freight is included in the sales price of the products.

E. The commission shall require every person claiming an exemption provided by subsection B of this section, or the deduction provided by subsection C of this section, to file on forms prescribed by the commission at such times as the commission directs a sworn statement disclosing the name of the purchaser and the exact amount of sales upon which the exemption or deduction is claimed.

F. For the purpose of this section:

LAWS OF ARIZONA

1. "Manufacturer" means a person who is principally engaged in the fabrication, production or manufacture of products, wares or articles for use from raw or prepared materials, imparting to such materials new forms, qualities, properties and combinations.

2. "Modifier" means a person who reworks, changes or adds to products, wares or articles of manufacture.

3. "Assembler" means a person who unites or combines products, wares or articles of manufacture so as to produce a change in form or substance without changing or altering the component parts.

4. "Repairer" means a person who restores or renews products, wares or articles of manufacture.

G. The definitions contained in subsection F of this section shall not be interpreted to include the following businesses, but the following listing is not intended to be nor shall it be interpreted to be a complete listing of the businesses which are excluded by subsection F from the tax exemption provided by subsection B of this section:

1. Mining, quarrying, smelting or producing for sale, profit or commercial use any oil, natural gas, limestone, sand, gravel, copper, gold, silver or other mineral product, compound or combination of mineral products, or felling, producing or preparing timber or any product of the forest for sale, profit or commercial use.

2. Producing or furnishing electricity, electric lights, current, power or gas, natural or artificial, or water.

3. Transmitting local or long distance messages or conversations by telephone, or messages by telegraph, from one point to another point in the state.

4. Operating ~~pipe lines~~ PIPELINES for transporting oil, natural gas, artificial gas, water or coal slurry, through pipes or conduits from one point to another point in the state.

5. Job printing, engraving, embossing or copying.

6. Slaughtering animals for food, packing, processing or compounding meat or meat products.

7. Construction contracting.

LAWS OF ARIZONA

Sec. 67. Section 42-1362, Arizona Revised Statutes, is amended to read:

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 shall 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 section 42-1341 and 42-1342 shall not apply to this article.
4. The commission shall each day remit all revenues collected under this article to the state treasurer 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~~ TAX COMMISSION shall make an estimate of the amount of money to be received hereunder, as required by section ~~42-301~~ 42-108.01.
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.

LAWS OF ARIZONA

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. 68. Section 44-2909, Arizona Revised Statutes, is amended to read:

44-2909. Duty of care; contractual limitation of warehouseman's liability

A. A warehouseman is liable for damages for loss of or injury to the goods caused by his failure to exercise such care in regard to them as a reasonably careful ~~man~~ PERSON would exercise under like circumstances but unless otherwise agreed he is not liable for damages which could not have been avoided by the exercise of such care.

B. Damages may be limited by a term in the warehouse receipt or storage agreement limiting the amount of liability in case of loss or damage, and setting forth a specific liability per article or item, or value per unit of weight, beyond which the warehouseman shall not be liable; provided, however, that such liability may on written request of the bailor at the time of signing such storage agreement or within a reasonable time after receipt of the warehouse receipt be increased on part or all of the goods thereunder, in which event increased rates may be charged based on such increased valuation, but that no such increase shall be permitted contrary to a lawful limitation of liability contained in the warehouseman's tariff, if any. No such limitation is effective with respect to the warehouseman's liability for conversion to his own use.

C. Reasonable provisions as to the time and manner of presenting claims and instituting actions based on the bailment may be included in the warehouse receipt or tariff.

~~D. This section does not impair or repeal section 44-1602.~~

Sec. 69. Section 45-505, Arizona Revised Statutes, is amended to read:

45-505. State water engineer; executive director; other employees, counsel and consultants

A. The commission shall appoint a registered professional engineer experienced and competent in the field of hydrology, who shall serve as the state water engineer. His duties shall be as prescribed by the commission and by law, including the supervision of dams pursuant to chapter 3 of this title, and his compensation shall be as determined

LAWS OF ARIZONA

pursuant to section 38-611. The state water engineer shall serve at the pleasure of the commission.

B. The commission shall appoint an executive director who may be the state water engineer, and prescribe his powers and duties. Compensation for the executive director shall be as determined pursuant to section 38-611, and he shall serve at the pleasure of the commission.

C. The commission, within the classification system and pay scales adopted by the state personnel commission, may employ, define the duties and prescribe the terms and conditions of employment of such secretarial, stenographic, clerical, professional and accounting personnel as it deems advisable. Compensation for all such employees shall be as determined pursuant to section 38-611. In addition, the commission may employ on a contract basis geologists, hydrologists, consulting engineers, other expert consultants, engineering and other assistants, and such legal counsel as it deems advisable, who shall not be subject to the classification provided for in sections ~~38-901~~ 41-761 through ~~38-935~~ 41-775 AND 41-784.

D. The commission may utilize the services of accounting, legal or engineering personnel made available by any department or agency of the state, who shall serve without additional compensation.

Sec. 70. Section 45-2014, Arizona Revised Statutes, is amended to read:

45-2014. State financial assistance to natural resource conservation districts; application; criteria

A. The commissioner shall include in his annual state land department budget request a sum not to exceed the total of three thousand dollars each for distribution by the commissioner of ~~soil~~ NATURAL RESOURCE conservation to those ~~soil~~ NATURAL RESOURCE conservation districts which have applied for, have met the criteria for and have been approved for receiving state financial assistance for the next ensuing fiscal year, as provided in this section.

B. Any ~~soil conservation~~ district desiring to receive state financial assistance for the next ensuing fiscal year shall make application therefor to the commissioner not later than July 20, on a form supplied by the division of ~~soil~~ NATURAL RESOURCE conservation. Each application shall include, but not be limited to:

1. The number of acres of land lying within the district.

LAWS OF ARIZONA

2. The extent of conservation programs proposed to be undertaken during the fiscal year for which the financial assistance is being requested.

C. Upon receipt of the application, the commissioner shall determine whether or not such funds for the district will be included in the budget request for the state land department for the next ensuing fiscal year, and shall promptly notify the district of his determination.

Sec. 71. Repeal

Section 46-101, Arizona Revised Statutes, as amended by Laws 1972, chapter 146, section 85, is repealed.

Sec. 72. Section 46-101, Arizona Revised Statutes, as amended by Laws 1972, chapter 142, section 60, is amended to read:

46-101. Definitions

As used in this title, unless the context otherwise requires:

1. "Applicant" means a person who has applied for assistance or services under this title, or a person who has applied for assistance or services under this title who has custody of a dependent child.

2. "Assistance" means payments in cash or kind to or in behalf of a person or persons in need as provided for in this title.

3. "Commissioner" means the director of the state department of economic security.

4. "Dependent child" means a needy child under the age of ~~twenty-one~~ EIGHTEEN years who has been deprived of parental support or care by reason of the death, unemployment of the supporting parent as defined and prescribed by federal statutes relating to welfare, continued absence from the home, or physical or mental incapacity of a parent, and whose relatives who are responsible under the law for the child's support are not able to provide adequate care and support of the child without public assistance, and who is living with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, step-sister, uncle or aunt, in a place of residence maintained by one or more of such relatives as his or their own home or who is placed in a foster home as a recipient of aid for dependent children. Such dependent child must be under the age of eighteen years or a child who is eighteen years of age and under twenty-one years of age regularly attending a school, college or

LAWS OF ARIZONA

university or regularly attending a course of vocational or technical training designed to fit him for gainful employment.

5. "Director" means the director of the department of economic security.

6. "Homestead property" means a home owned and occupied by applicant or recipient, or his spouse.

7. "Recipient" means a person who has received assistance or services under the provisions of this title, or a person with whom a dependent child is living while receiving assistance under the provisions of this title.

8. "Services" includes social casework, rehabilitation counseling and similar services, other than money payments, rendered to a person or persons in need as provided for in this title.

9. "State department" or "department" means the Arizona state department of economic security.

10. "Vendor payment" means any payment to a person other than the recipient on his behalf.

Sec. 73. Section 46-138.01, Arizona Revised Statutes, is amended to read:

46-138.01. Public assistance and administration revolving fund

A. There is created the permanent public assistance and administration revolving fund in the amount of two hundred thousand dollars for use of the state department for the purpose of disbursing:

1. The first month's public assistance payments to those individuals and families newly certified as eligible for one or more public assistance programs contained in this title.

2. Refunds for federal food stamp coupons.

3. Immediate outlays for postage, C.O.D. packages, supplies, travel or other miscellaneous and minor items. No check shall be drawn against the fund unless state or federal funds are available at the time for reimbursing the fund as provided for in subsection C.

B. The fund shall be deposited in a bank checking account, in a bank listed by the superintendent of banks as being qualified to be the state

LAWS OF ARIZONA

servicing bank for active deposits of state monies and shall be secured by collateral in the same manner as are state monies. No check drawn against the fund shall be paid unless presented to the bank for payment within ninety days after the date on which it was issued which shall be stated on the face of each check.

C. ~~The commissioner~~ ASSISTANT DIRECTOR FOR THE DIVISION of finance from time to time at the request of the state department shall reimburse the fund for amounts paid for the purposes set forth in subsection A of this section from state appropriated and federal funds respectively available for payment for such purposes. Such reimbursements shall be based upon checks drawn against the fund rather than checks paid by the bank.

D. The manner of accounting for the fund and all procedures relating to disbursement of money from the fund shall be subject to the approval of ~~the commissioner~~ DIVISION of finance.

E. The fund shall be audited by the auditor general as often as, in his judgment, is necessary but in no event less than once each fiscal year.

Sec. 74. Section 46-138.02, Arizona Revised Statutes, is amended to read:

46-138.02. Duplicate checks; notice; bond; form and effect

A. When it appears to the satisfaction of the ~~commissioner of public welfare~~ DIRECTOR OF THE DEPARTMENT OF ECONOMIC SECURITY by affidavit or otherwise, that any check drawn against the revolving fund has been lost or destroyed prior to payment and there is no reasonable probability of its being found or presented, or that a check has not been presented for payment within the time specified on the face thereof, the ~~commissioner of public welfare~~ DIRECTOR may issue a duplicate of such lost, destroyed or out-of-date check. Before issuing such duplicate check the ~~commissioner of public welfare~~ DIRECTOR shall send a written stop payment notice to the bank giving the number, amount and date of the original check, the payee and the fund on which drawn. In addition, a bond equal to the face amount of the lost or destroyed check, shall be required by the ~~commissioner of public welfare~~ DIRECTOR, except that a duplicate check may be issued without bond after the expiration of ninety days after the date of issuance of the original lost or destroyed check. Such bond shall be approved as to form by the attorney general, payable to the state, with surety to be approved by the ~~commissioner of public welfare~~ DIRECTOR and conditioned to make

LAWS OF ARIZONA

good any loss or damage sustained by the state or any person or persons on account of the issuance of such duplicate of a lost or destroyed check.

B. The duplicate check issued shall be plainly stamped or marked so that its character may be readily and easily ascertained.

C. The duplicate check issued under authority of this section shall constitute full and sufficient authority to the bank for the disbursement of public monies in the amount set forth on the duplicate checks.

D. The bank shall not pay any check on which a stop payment notice has been made unless the ~~commissioner of public welfare~~ DIRECTOR has released the stop payment notice in writing.

Sec. 75. Section 46-261, Arizona Revised Statutes, is amended to read:

46-261. Definitions

In this article, unless the context otherwise requires:

1. "Applicant" means any person who has applied for benefits under the provisions of this article.
2. "Department" means the department of economic security.
3. "Eligible person" means any person determined eligible to receive benefits under the provisions of this article.
4. "Health department" means the state department of public health.
5. "Hospital" means a hospital licensed under the provisions of sections ~~36-441~~ 36-421 through ~~35-446~~ 36-432 or as defined in section 1861(e) of U.S. Public Law 89-97.
6. "Licensed physician" means a doctor of medicine or osteopathy who holds a current, valid license to practice medicine in the state where the recipient is treated.
7. "Medical assistance for the aged" means any medical or related service rendered persons eligible therefor under provisions of this article.
8. "Net income" means income from all sources exclusive of all medical expenses incurred.

LAWS OF ARIZONA

9. "Recipient" means any person who has received benefits under the provisions of this article.

Sec. 76. Repeal

Section 46-261.09, Arizona Revised Statutes, as amended by Laws 1972, chapter 142, section 84, and chapter 163, section 58, is repealed.

Sec. 77. Repeal

Sections 46-132, 46-134, 46-273, 46-274, 46-275, 46-281 through 46-285 and 46-311, Arizona Revised Statutes, as amended by Laws 1972, chapter 13, sections 2, 3, 6, 7 and 8, respectively, are repealed.

Approved by the Governor—May 14, 1973

Filed in the Office of the Secretary of State—May 14, 1973

CHAPTER 158

House Bill 2004

AN ACT

RELATING TO PUBLIC HEALTH AND SAFETY; ESTABLISHING A DEPARTMENT OF HEALTH SERVICES TO BE ADMINISTERED BY THE DIRECTOR; PROVIDING FOR THE TRANSFER OF THE POWERS AND DUTIES OF THE STATE DEPARTMENT OF HEALTH, ARIZONA HEALTH PLANNING AUTHORITY, CRIPPLED CHILDREN'S SERVICES, STATE HOSPITAL, PIONEERS' HOME AND HOSPITAL, AND ANATOMY BOARD, TO THE DEPARTMENT OF HEALTH SERVICES; PROVIDING FOR THE TRANSFER OF THE POWERS AND DUTIES OF THE DEPARTMENT OF MENTAL RETARDATION TO THE DEPARTMENT OF ECONOMIC SECURITY; PRESCRIBING CERTAIN POWERS AND DUTIES; REPEALING TITLE 36, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 1, ARIZONA REVISED STATUTES, BY ADDING A NEW ARTICLE 1; AMENDING SECTIONS 36-121, 36-124, 36-125, 36-125.01, 36-125.02, 36-125.03, 36-126, 36-127, 36-128, 36-129, 36 131, 36-132, 36-132.01, 36-136, 36-137,

LAWS OF ARIZONA

36-138, 36-139, 36-141, 36-142, 36-151, 36-162, 36-163, 36-164, 36-181, 36-182, 36-184, 36-186, 36-187, 36-189, 36-201, 36-202, 36-203, 36-204, 36-205, 36-206, 36-208, 36-209, 36-210, 36-211, 36-212, 36-213, 36-214, 36-251, 36-252, 36-253, 36-254, 36-255, 36-302, 36-303, 36-304, 36-305, 36-321, 36-323, 36-324, 36-326, 36-328, 36-330, 36-331, 36-332, 36-333, 36-338, 36-340, 36-341, 36-342, 36-345 AND 36-401, ARIZONA REVISED STATUTES; REPEALING SECTION 36-405, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 36-405; AMENDING SECTIONS 36-406, 36-407, 36-421, 36-425, 36-426, 36-427, 36-428, 36-429, 36-430, 36-432, 36-436 AND 36-436.01, ARIZONA REVISED STATUTES; REPEALING SECTION 36-436.02, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 4, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 36-436.02; AMENDING SECTIONS 36-436.03, 36-443, 36-444, 36-451, 36-452, 36-463, 36-465, 36-468, 36-473, 36-474, 36-475, 36-476, 36-477, 36-478, 36-501, 36-502, 36-503, 36-526, 36-551 AND 36-552, ARIZONA REVISED STATUTES; REPEALING SECTION 36-553, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 5.1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 36-553; AMENDING SECTIONS 36-554, 36-556, 36-557, 36-558, 36-560, 36-563, 36-566, 36-570, 36-571, 36-601, 36-604, 36-624, 36-629, 36-629.01, 36-691, 36-692, 36-693, 36-711, 36-714, 36-715, 36-718, 36-721, 36-722, 36-753, 36-754, 36-755, 36-756, 36-770, 36-772, 36-774, 36-776, 36-779, 36-779.07, 36-780, 36-789, 36-796, 36-796.01, 36-796.02, 36-796.04, 36-796.05, 36-796.06, 36-797.41, 36-797.42, 36-803, 36-804, 36-805, 36-807, 36-808, 36-881, 36-882, 36-883, 36-886, 36-888, 36-889, 36-890, 36-891, 36-899, 36-899.03, 36-901, 36-903, 36-905, 36-906, 36-908, 36-909, 36-910, 36-911, 36-912, 36-913, 36-914, 36-915, 36-952, 36-954, 36-1001, 36-1003, 36-1004, 36-1014, 36-1062.01, 36-1062.02, 36-1104, 36-1201, 36-1202, 36-1204, 36-1205, 36-1208, 36-1209, 36-1210, 36-1233, 36-1304, 36-1700, 36-1701, 36-1702, 36-1704, 36-1705, 36-1706, 36-1707, 36-1707.02, 36-1707.06, 36-1708, 36-1711, 36-1712, 36-1712.02, 36-1713, 36-1713.01, 36-1717, 36-1719, 36-1720, 36-1752, 36-1753, 36-1754, 36-1851, 36-1852, 36-1853, 36-1855, 36-1856, 36-1861, 36-1862, 36-1864, 36-1868, 36-1869, 36-1901, 36-1902, 36-1903, 36-1922, 36-1923, 36-1925, 36-1926, 36-1927, 36-1931, 36-1933, 36-1934, 36-1935, 36-1937, 36-2001, 36-2003, 36-2021, 36-2029, 26-2101, 36-2102, 3-343, 3-603, 3-605, 3-612, 3-614, 3-633, 8-504, 8-552, 8-556, 8-557, 8-559, 8-561, 8-562, 8-563, 8-567, 11-303,

LAWS OF ARIZONA

24-104, 24-361, 24-363, 24-614, 24-621.05, 24-621.07, 24-621.09, 24-621.10, 24-621.11, 24-621.13, 24-621.14, 25-103.03, 25-103.05, 25-103.06, 25-103.07, 26-304, 28-303, 28-431, 28-432, 28-692, 28-955, 30-653, 32-353, 32-552, 32-1363, 32-1432, 32-1482 AND 33-931, ARIZONA REVISED STATUTES; REPEALING SECTION 35-193, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1972, CHAPTER 212, SECTION 1; AMENDING SECTION 35-193, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1972, CHAPTER 141, SECTION 52; REPEALING SECTION 41-505, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1972, CHAPTER 192, SECTION 17; AMENDING SECTION 41-505, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1972, CHAPTER 141, SECTION 65; AMENDING SECTIONS 41-541, 41-901, 41-922, 41-923, 41-924, 41-941, 41-942, 41-1836, 41-1845, 41-1953, 41-1954, 41-1981, 45-506, 46-261, 46-261.01 AND 46-261.05, ARIZONA REVISED STATUTES; REPEALING SECTION 46-261.09, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1972, CHAPTER 163, SECTION 58; AMENDING SECTION 46-261.09, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1972, CHAPTER 142, SECTION 84; AMENDING SECTIONS 46-261.11 AND 46-261.12, ARIZONA REVISED STATUTES; REPEALING SECTION 46-285, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1972, CHAPTER 13, SECTION 7; AMENDING SECTION 46-285, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1972, CHAPTER 142, SECTION 91; AMENDING SECTION 46-503, ARIZONA REVISED STATUTES; REPEALING SECTIONS 36-122, 36-123, 36-133, 36-135, 36-207, 36-555, 36-801, 36-802, 46-501 AND 46-502, ARIZONA REVISED STATUTES; PROVIDING FOR EFFECTIVE DATE, TRANSITION PROVISIONS, AND TRANSFER OF RECORDS, PROPERTY, FUNDS AND PERSONNEL, AND MAKING AN APPROPRIATION.

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

Section 1. Purpose

The purpose of this act is to provide an integration of health services to the people of this state in a pattern that would reduce duplication of administrative efforts, services and expenditures through planning and coordination. The department of health services will promote a means by which people with health problems might find a solution to such problems in a single department's coordinated service.

LAWS OF ARIZONA

The legislature intends that the department of health services established by this act shall be able to provide or promote:

1. Quality health care, in coordination with the private sector of health providers, to the citizens of this state.
2. Cost control mechanisms that will insure that the costs of health care to the citizens of this state are justified and equitable.
3. Control of the quantity and quality of health care facilities within the state.
4. Necessary health services for medically dependent citizens of this state.
5. Essential health care services, including but not limited to, emergency medicine, preventive medicine, mental, maternal and medical rehabilitation.
6. Comprehensive and continuing planning, including assessment, identification and publication of health needs in this state.
7. Compliance with standards in licensing of health facilities.

Sec. 2. Repeal

Title 36, chapter 1, article 1, Arizona Revised Statutes, is repealed.

Sec. 3. Title 36, chapter 1, Arizona Revised Statutes, is amended by adding a new article 1, sections 36-101 through 36-117, to read:

ARTICLE 1. DEPARTMENT OF HEALTH SERVICES

36-101. Definitions

IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "AGENCY" INCLUDES ONE OR MORE OF THE GOVERNMENTAL UNITS CONSOLIDATED INTO THE DEPARTMENT OF HEALTH SERVICES BY THIS CHAPTER.
2. "COMPREHENSIVE PLAN" MEANS THE COMPREHENSIVE STATE HEALTH PLAN DEVELOPED BY THE DEPARTMENT'S

LAWS OF ARIZONA

ORGANIZATIONAL UNIT FOR COMPREHENSIVE HEALTH PLANNING PROGRAMS.

3. "COUNCIL" MEANS THE ADVISORY HEALTH COUNCIL.
4. "DEPARTMENT" MEANS THE DEPARTMENT OF HEALTH SERVICES.
5. "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES.
6. "STATE PLAN" MEANS ANY OF THE SEVERAL STATE PLANS ADMINISTERED BY THE DEPARTMENT WHICH MEET THE FEDERAL REQUIREMENTS NECESSARY FOR FEDERAL FUNDING.

36-102. Department of health services; director; search committee; appointment; compensation

A. THERE IS ESTABLISHED A DEPARTMENT OF HEALTH SERVICES.

B. THE DIRECTION, OPERATION AND CONTROL OF THE DEPARTMENT IS THE RESPONSIBILITY OF THE DIRECTOR.

C. THE DIRECTOR SHALL BE APPOINTED BY THE GOVERNOR FROM A LIST OF NAMES SUBMITTED BY THE SEARCH COMMITTEE PURSUANT TO SECTION 38-211 AND SHALL SERVE AT THE PLEASURE OF THE GOVERNOR. THE DIRECTOR SHALL BE A PERSON WHO HAS:

1. ADMINISTRATIVE EXPERIENCE IN THE PRIVATE SECTOR, WITH PROGRESSIVELY INCREASING RESPONSIBILITIES.
2. AN EDUCATIONAL BACKGROUND THAT PREPARES THE DIRECTOR FOR THE ADMINISTRATIVE RESPONSIBILITIES ASSIGNED TO THE POSITION.
3. HEALTH RELATED EXPERIENCE WHICH INSURES FAMILIARITY WITH THE PECULIARITIES OF HEALTH PROBLEMS.

D. QUALIFICATIONS OF CANDIDATES FOR THE POSITION OF DIRECTOR SHALL BE REVIEWED BY A SEARCH COMMITTEE OF SEVEN PERSONS SELECTED BY THE GOVERNOR. THE NAMES OF ALL THOSE CANDIDATES DETERMINED BY THE COMMITTEE TO

LAWS OF ARIZONA

BE QUALIFIED FOR THE POSITION SHALL BE SUBMITTED TO THE GOVERNOR FOR HIS CONSIDERATION. THE GOVERNOR MAY REQUEST ADDITIONAL NAMES FROM THE COMMITTEE IF HE DEEMS NECESSARY. FOR EACH SUBSEQUENT VACANCY IN THE POSITION OF DIRECTOR, A NEW COMMITTEE SHALL BE APPOINTED BY THE GOVERNOR AS PROVIDED HEREIN.

E. COMPENSATION FOR THE DIRECTOR SHALL BE ESTABLISHED PURSUANT TO SECTION 38-611.

36-103. Department organization; deputy director; assistant directors

A. THE DIRECTOR MAY ESTABLISH, ABOLISH OR REORGANIZE THE POSITIONS OR ORGANIZATIONAL UNITS WITHIN THE DEPARTMENT TO CARRY OUT THE FUNCTIONS PROVIDED BY THIS SECTION AND SECTION 36-104, SUBJECT TO LEGISLATIVE APPROPRIATION, IF IN HIS JUDGMENT SUCH MODIFICATION OF ORGANIZATION WOULD MAKE THE OPERATION OF THE DEPARTMENT MORE EFFICIENT, EFFECTIVE OR ECONOMICAL. THE DIRECTOR OR HIS DEPUTY SHALL ENFORCE COOPERATION AMONG THE DIVISIONS IN THE PROVISION AND INTEGRATION OF ALL FUNCTIONS.

B. THERE SHALL BE A DEPUTY DIRECTOR OF THE DEPARTMENT WHO IS APPOINTED BY THE DIRECTOR WITH THE APPROVAL OF THE GOVERNOR. THE DEPUTY DIRECTOR SHALL BE EXEMPT FROM THE STATE PERSONNEL SYSTEM, SHALL SERVE AT THE PLEASURE OF THE DIRECTOR AND SHALL RECEIVE COMPENSATION AS DETERMINED PURSUANT TO SECTION 38-611. THE DEPUTY DIRECTOR SHALL ASSIST THE DIRECTOR IN ADMINISTERING THE DEPARTMENT AND ITS SERVICES.

C. THE DIRECTOR MAY APPOINT AN ASSISTANT DIRECTOR TO EACH ORGANIZATIONAL UNIT THAT HE MAY ESTABLISH. EACH SUCH ASSISTANT DIRECTOR SHALL BE EXEMPT FROM THE STATE PERSONNEL SYSTEM, SHALL SERVE AT THE PLEASURE OF THE DIRECTOR AND SHALL RECEIVE COMPENSATION AS DETERMINED PURSUANT TO SECTION 38-611.

36-103.01. Governmental units succeeded; statutory references to succeeded governmental units

A. THE DEPARTMENT SUCCEEDS TO THE AUTHORITY, POWERS, DUTIES AND RESPONSIBILITIES OF THE FOLLOWING:

LAWS OF ARIZONA

1. STATE DEPARTMENT OF HEALTH.
2. ARIZONA HEALTH PLANNING AUTHORITY.
3. CRIPPLED CHILDREN'S SERVICES.
4. ARIZONA STATE HOSPITAL.
5. ARIZONA PIONEERS' HOME.
6. STATE HOSPITAL FOR DISABLED MINERS.
7. ANATOMY BOARD.

B. IN THE ARIZONA REVISED STATUTES, REFERENCES TO THE AGENCIES AND DEPARTMENTS LISTED IN SUBSECTION A SHALL BE DEEMED TO BE REFERENCES TO THE DEPARTMENT OF HEALTH SERVICES OR ITS APPROPRIATE ORGANIZATIONAL UNITS.

C. IN THE ARIZONA REVISED STATUTES, REFERENCES TO THE STATE BOARD OF HEALTH, WHEN UTILIZED IN THE CONTEXT OF AND IN CONNECTION WITH PROMULGATION OF RULES AND REGULATIONS, APPELLATE OR ORIGINAL REVIEW OF ADMINISTRATIVE DECISIONS, OR APPROVAL OF DECISIONS BY DEPARTMENT OFFICERS SHALL BE REFERENCES TO THE DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES. IN ALL OTHER PLACES, REFERENCES TO THE STATE BOARD OF HEALTH SHALL BE REFERENCES TO THE ARIZONA ADVISORY HEALTH COUNCIL.

D. IN THIS TITLE, AND IN THE ARIZONA REVISED STATUTES, REFERENCES TO THE COMMISSIONER OF HEALTH SHALL BE REFERENCES TO THE DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES.

36-104. Powers and duties

THIS SECTION IS NOT TO BE CONSTRUED AS A STATEMENT OF THE DEPARTMENT'S ORGANIZATION; THIS SECTION IS INTENDED TO BE A STATEMENT OF POWERS AND DUTIES IN ADDITION TO THE POWERS AND DUTIES GRANTED BY SECTION 36-103. THE DIRECTOR SHALL:

1. ADMINISTER THE FOLLOWING SERVICES:

LAWS OF ARIZONA

(a) ADMINISTRATIVE SERVICES, WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FUNCTIONS OF ACCOUNTING, PERSONNEL, STANDARDS CERTIFICATION, ELECTRONIC DATA PROCESSING, VITAL STATISTICS AND THE DEVELOPMENT, OPERATION AND MAINTENANCE OF BUILDINGS AND GROUNDS UTILIZED BY THE DEPARTMENT.

(b) PUBLIC HEALTH SUPPORT SERVICES, WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO:

(i) CONSUMER HEALTH PROTECTION PROGRAMS, TO INCLUDE, BUT NOT BE LIMITED TO, THE FUNCTIONS OF COMMUNITY WATER SUPPLIES, GENERAL SANITATION, VECTOR CONTROL AND FOOD AND DRUGS.

(ii) EPIDEMIOLOGY AND DISEASE CONTROL PROGRAMS, TO INCLUDE, BUT NOT BE LIMITED TO, THE FUNCTIONS OF CHRONIC DISEASE, ACCIDENT AND INJURY CONTROL, COMMUNICABLE DISEASES, TUBERCULOSIS, VENEREAL DISEASE AND OTHERS.

(iii) LABORATORY SERVICES PROGRAMS.

(iv) HEALTH EDUCATION AND TRAINING PROGRAMS.

(v) DISPOSITION OF HUMAN BODIES PROGRAMS.

(c) COMMUNITY HEALTH SERVICES, WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO:

(i) UNIFIED MENTAL HEALTH PROGRAMS, TO INCLUDE, BUT NOT BE LIMITED TO, THE FUNCTIONS OF THE STATE HOSPITAL AND COMMUNITY MENTAL HEALTH.

(ii) ADDICTIVE BEHAVIOR PROGRAMS TO INCLUDE, BUT NOT BE LIMITED TO, ALCOHOL AND DRUG ABUSE.

(iii) MEDICAL SERVICES PROGRAMS, TO INCLUDE, BUT NOT BE LIMITED TO, THE FUNCTIONS OF MATERNAL AND CHILD HEALTH, PRESCHOOL HEALTH SCREENING, FAMILY PLANNING, PUBLIC HEALTH NURSING, PREMATURE AND NEWBORN PROGRAM, IMMUNIZATIONS, NUTRITION, DENTAL CARE PREVENTION AND MIGRANT HEALTH.

LAWS OF ARIZONA

(iv) DEPENDENCY HEALTH CARE SERVICES PROGRAMS, TO INCLUDE, BUT NOT BE LIMITED TO, THE FUNCTIONS OF NEED DETERMINATION, AVAILABILITY OF HEALTH RESOURCES TO MEDICALLY DEPENDENT, QUALITY CONTROL, UTILIZATION CONTROL AND INDUSTRY MONITORING.

(v) CRIPPLED CHILDREN'S SERVICES PROGRAMS.

(vi) PROGRAMS FOR THE PREVENTION AND EARLY DETECTION OF MENTAL RETARDATION.

(d) PROGRAM PLANNING, WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO:

(i) AN ORGANIZATIONAL UNIT FOR COMPREHENSIVE HEALTH PLANNING PROGRAMS.

(ii) PROGRAM COORDINATION, EVALUATION AND DEVELOPMENT.

(iii) NEED DETERMINATION PROGRAMS.

(iv) HEALTH INFORMATION PROGRAMS.

2. INCLUDE AND ADMINISTER, WITHIN THE OFFICE OF THE DIRECTOR:

(a) STAFF SERVICES, WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, BUDGET PREPARATION, PUBLIC INFORMATION, APPEALS, HEARINGS, LEGISLATIVE AND FEDERAL GOVERNMENT LIAISON, GRANT DEVELOPMENT AND MANAGEMENT AND DEPARTMENTAL AND INTERAGENCY COORDINATION.

(b) AN ORGANIZATIONAL UNIT OF ENVIRONMENTAL PROTECTION SERVICES, WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, AIR POLLUTION CONTROL, WATER QUALITY CONTROL AND SOLID WASTE DISPOSAL.

3. MAKE RULES AND REGULATIONS FOR THE ORGANIZATION AND PROPER AND EFFICIENT OPERATION OF THE DEPARTMENT.

4. DETERMINE WHEN A HEALTH CARE EMERGENCY OR MEDICAL EMERGENCY SITUATION EXISTS OR OCCURS WITHIN THE STATE THAT CANNOT BE SATISFACTORILY CONTROLLED,

LAWS OF ARIZONA

CORRECTED OR TREATED BY THE HEALTH CARE DELIVERY SYSTEMS AND FACILITIES AVAILABLE. WHEN SUCH SITUATION IS DETERMINED TO EXIST, THE DIRECTOR SHALL IMMEDIATELY REPORT SUCH SITUATION TO THE LEGISLATURE AND THE GOVERNOR. SUCH REPORT SHALL INCLUDE INFORMATION ON THE SCOPE OF THE EMERGENCY, RECOMMENDATIONS FOR SOLUTION OF THE EMERGENCY AND ESTIMATES OF COSTS INVOLVED.

5. PROVIDE A SYSTEM OF UNIFIED AND COORDINATED HEALTH SERVICES AND PROGRAMS BETWEEN THE STATE AND COUNTY GOVERNMENTAL HEALTH UNITS AT ALL LEVELS OF GOVERNMENT.

6. FORMULATE POLICIES, PLANS AND PROGRAMS TO EFFECTUATE THE MISSIONS AND PURPOSES OF THE DEPARTMENT.

7. MAKE CONTRACTS AND INCUR OBLIGATIONS WITHIN THE GENERAL SCOPE OF ITS ACTIVITIES AND OPERATIONS SUBJECT TO THE AVAILABILITY OF FUNDS.

8. BE DESIGNATED AS THE SINGLE STATE AGENCY FOR THE PURPOSES OF ADMINISTERING AND IN FURTHERANCE OF EACH FEDERALLY SUPPORTED STATE PLAN.

9. PROVIDE INFORMATION AND ADVICE ON REQUEST BY LOCAL, STATE AND FEDERAL AGENCIES AND BY PRIVATE CITIZENS, BUSINESS ENTERPRISES AND COMMUNITY ORGANIZATIONS ON MATTERS WITHIN THE SCOPE OF ITS DUTIES SUBJECT TO THE DEPARTMENTAL RULES AND REGULATIONS ON THE CONFIDENTIALITY OF INFORMATION.

10. ESTABLISH AND MAINTAIN SEPARATE FINANCIAL ACCOUNTS AS REQUIRED BY FEDERAL LAW OR REGULATIONS.

11. ADVISE WITH AND MAKE RECOMMENDATIONS TO THE GOVERNOR AND THE LEGISLATURE ON ALL MATTERS CONCERNING ITS OBJECTIVES.

12. TAKE APPROPRIATE STEPS TO REDUCE OR CONTAIN COSTS IN THE FIELD OF HEALTH SERVICES.

13. ENCOURAGE AND ASSIST IN THE ADOPTION OF PRACTICAL METHODS OF IMPROVING SYSTEMS OF COMPREHENSIVE

LAWS OF ARIZONA

PLANNING, OF PROGRAM PLANNING, OF PRIORITY SETTING AND ALLOCATING RESOURCES.

14. ENCOURAGE AN EFFECTIVE USE OF AVAILABLE FEDERAL RESOURCES IN THIS STATE.

15. RESEARCH, RECOMMEND, ADVISE AND ASSIST IN THE ESTABLISHMENT OF COMMUNITY OR AREA HEALTH FACILITIES, BOTH PUBLIC AND PRIVATE, AND ENCOURAGE THE INTEGRATION OF PLANNING, SERVICES AND PROGRAMS FOR THE DEVELOPMENT OF THE STATE'S HEALTH DELIVERY CAPABILITY.

16. PROMOTE THE EFFECTIVE UTILIZATION OF HEALTH MANPOWER AND HEALTH FACILITIES WHICH PROVIDE HEALTH CARE FOR THE CITIZENS OF THIS STATE.

17. TAKE APPROPRIATE STEPS TO PROVIDE HEALTH CARE SERVICES TO THE MEDICALLY DEPENDENT CITIZENS OF THIS STATE.

36-105. Information; state-federal cooperation

SUBJECT TO THE LAWS AND DEPARTMENTAL RULES AND REGULATIONS ON THE CONFIDENTIALITY OF INFORMATION PROMULGATED PURSUANT THERETO, AND UPON REQUEST, THE DEPARTMENT SHALL FURNISH INFORMATION TO ANY AGENCY OF THE UNITED STATES WHICH IS CHARGED WITH THE ADMINISTRATION OF HEALTH SERVICES.

36-106. Acquisition of lands and buildings

A. THE DIRECTOR MAY ACQUIRE FOR AND IN THE NAME OF THE STATE, BY LEASE, LEASE-PURCHASE AGREEMENT OR OTHERWISE, LANDS OR BUILDINGS FOR THE PURPOSE OF PROVIDING OFFICE SPACE FOR THE DEPARTMENT AT SUCH PLACES AS THE DIRECTOR FINDS NECESSARY AND SUITABLE.

B. AN AGREEMENT MADE FOR THE LEASE OR PURCHASE OF THE PREMISES MENTIONED IN SUBSECTION A IS SUBJECT TO THE APPROVAL OF THE ATTORNEY GENERAL AND THE ASSISTANT DIRECTOR FOR THE DIVISION OF FINANCE OF THE DEPARTMENT OF ADMINISTRATION.

LAWS OF ARIZONA

36-107. Power to promulgate rules concerning confidential nature of records

THE DIRECTOR SHALL PROMULGATE SUCH RULES AND REGULATIONS AS ARE REQUIRED BY STATE LAW OR FEDERAL LAW OR REGULATION TO PROTECT CONFIDENTIAL INFORMATION. NO NAMES OR OTHER INFORMATION OF ANY APPLICANT, CLAIMANT, RECIPIENT OR EMPLOYER SHALL BE MADE AVAILABLE FOR ANY POLITICAL, COMMERCIAL OR OTHER UNOFFICIAL PURPOSE.

36-108. Annual report

THE DIRECTOR SHALL MAKE AN ANNUAL REPORT ON THE STATE'S HEALTH NEEDS AND RESOURCES, INCLUDING THE USE, TRAINING AND PLACEMENT OF MANPOWER, AND HIS RECOMMENDATIONS FOR THE FORTHCOMING FISCAL YEAR FOR THE STATE'S DEVELOPMENT OF HEALTH PROGRAMS. SUCH REPORT SHALL BE TRANSMITTED TO THE GOVERNOR AND THE LEGISLATURE BY THE END OF EACH CALENDAR YEAR.

36-109. Advisory health council; special purpose councils

A. IN ORDER TO FORM A COUNCIL ADVISORY TO THE GOVERNOR AND THE DEPARTMENT AND REPRESENTATIVE OF THE NEEDS OF THE PEOPLE OF ARIZONA, AND WITH RESPECT TO PROVIDING HEALTH SERVICES, THERE IS ESTABLISHED THE ADVISORY HEALTH COUNCIL.

B. THE GOVERNOR SHALL APPOINT THE MEMBERS OF THE ADVISORY HEALTH COUNCIL. MEMBERSHIP SHALL CORRESPOND TO PERTINENT FEDERAL REGULATIONS CONCERNING ADVISORY AND PLANNING COUNCILS OR COMMITTEES. THE GOVERNOR SHALL ANNUALLY SELECT THE COUNCIL CHAIRMAN FROM THE MEMBERSHIP OF THE COUNCIL.

C. THE ADVISORY HEALTH COUNCIL SHALL HAVE FIFTEEN MEMBERS REPRESENTING THE PUBLIC AND RELEVANT PROFESSIONAL, HEALTH, HOSPITALS, LABOR, INDUSTRY AND EDUCATIONAL ORGANIZATIONS.

D. COUNCIL MEMBERS SHALL SERVE AT THE PLEASURE OF THE GOVERNOR.

LAWS OF ARIZONA

E. THE DIRECTOR SHALL ESTABLISH ANY SPECIAL PURPOSE COUNCILS AS ARE REQUIRED BY STATE OR FEDERAL LAW, RULES OR REGULATIONS OR DETERMINED TO BE ESSENTIAL TO THE PUBLIC'S INTEREST. SUCH COUNCILS SHALL INCLUDE, BUT NOT BE LIMITED TO, A MENTAL HEALTH ADVISORY COUNCIL AND A STATE HEALTH PLANNING ADVISORY COUNCIL. MEMBERSHIP QUALIFICATIONS SHALL BE IN ACCORDANCE WITH THE APPROPRIATE LAW, RULE OR REGULATION. THE DIRECTOR SHALL APPOINT, WITH THE APPROVAL OF THE GOVERNOR, THE MEMBERS OF EACH SUCH COUNCIL AFTER CONSULTATION WITH MEMBERS OF THE ADVISORY HEALTH COUNCIL.

F. THE DEPARTMENT SHALL PROVIDE SECRETARIAL AND STAFF SUPPORT SERVICES TO SUCH COUNCILS.

G. THE MEMBERS OF THE ADVISORY HEALTH COUNCIL SHALL RECEIVE COMPENSATION DETERMINED PURSUANT TO SECTION 38-611. UNLESS OTHERWISE PRESCRIBED BY LAW, THE MEMBERS OF ANY SPECIAL PURPOSE COUNCIL SHALL SERVE WITHOUT COMPENSATION, EXCEPT FOR TRAVEL AND SUBSISTENCE EXPENSES AS PROVIDED BY LAW FOR OTHER STATE OFFICERS AND EMPLOYEES.

36-110. County or district liaison; duties

A. THE DEPARTMENT SHALL ASSIGN A COUNTY LIAISON OFFICER FOR EACH COUNTY OF THE STATE. EACH COUNTY LIAISON OFFICER SHALL FUNCTION AS A LIAISON BETWEEN THE DEPARTMENT AND COUNTY HEALTH OFFICIALS, LOCAL HEALTH PLANNING GROUPS, HEALTH CONSUMER GROUPS, PRIVATE HEALTH CARE AGENCIES AND PROGRAMS AND ANY OTHER HEALTH-RELATED CONCERNS WITHIN SUCH COUNTY. AN OFFICER MAY SERVE MORE THAN ONE COUNTY.

B. SUCH LIAISON OFFICERS MAY:

1. EVALUATE THE SUCCESS OF STATE PROGRAMS, COORDINATION AND INTEGRATION IN LOCAL HEALTH PLANNING.

2. RELAY DEFICIENCIES OF LOCAL HEALTH PROGRAMS AND SERVICES TO THE DEPARTMENT.

3. ACT AS A MEANS OF INPUT FOR LOCAL CONCERNS FOR HEALTH TO THE DEPARTMENT.

LAWS OF ARIZONA

4. WORK TO PROVIDE SUCCESSFUL DELIVERY OF HEALTH SERVICES AT THE COMMUNITY LEVEL.

5. PROVIDE INFORMATION ON CLIENT NEEDS AND SERVICES EFFECTIVENESS TO THE DEPARTMENT.

C. IF THE DIRECTOR DETERMINES THAT REGIONAL HEALTH PLANNING HAS BEEN ESTABLISHED FOR THE STATE, HE SHALL ESTABLISH, IN LIEU OF THE COUNTY LIAISON OFFICERS PRESCRIBED IN SUBSECTION A, DISTRICT LIAISON OFFICES IN EACH OF THE REGIONS THAT ARE ESTABLISHED. SUCH DISTRICT LIAISON OFFICES SHALL CARRY OUT THE FUNCTIONS PRESCRIBED BY SUBSECTIONS A AND B WITHIN SUCH REGION.

36-111. Hearings and appeals; appeals procedures

APPEALS HEARD BY THE DEPARTMENT SHALL BE CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF TITLE 41, CHAPTER 6, ARTICLE 1, EXCEPT AS OTHERWISE PROVIDED BY LAW.

36-112. Hearing officers; powers and duties

A. THE DIRECTOR SHALL APPOINT HEARING OFFICERS WHO SHALL CONDUCT SUCH HEARINGS AS THE DIRECTOR OR DEPARTMENT IS REQUIRED TO HOLD BY LAW OR AS THE DIRECTOR MAY DETERMINE ARE NECESSARY.

B. WITHIN A REASONABLE TIME PRIOR TO THE DATE SET FOR THE HEARING, AN INTERESTED PARTY TO A HEARING BEFORE THE DEPARTMENT MAY FILE AN AFFIDAVIT FOR CHANGE OF HEARING OFFICER AGAINST ANY HEARING OFFICER OF THE DEPARTMENT HEARING SUCH MATTERS AND THE HEARING OFFICER SHALL IMMEDIATELY TRANSFER THE MATTER TO ANOTHER HEARING OFFICER OF THE DEPARTMENT WHO SHALL PRESIDE THEREIN. REASONABLE TIME SHALL BE ESTABLISHED BY REGULATION. NOT MORE THAN ONE CHANGE OF HEARING OFFICER SHALL BE GRANTED TO ANY ONE PARTY.

C. THE HEARING OFFICER SHALL SUBMIT A WRITTEN RECOMMENDATION WHICH SHALL INCLUDE PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW. THE RECOMMENDATION OF THE HEARING OFFICER MAY BE APPROVED BY THE DIRECTOR AS SUBMITTED OR MAY BE MODIFIED BY THE DIRECTOR. SUCH DECISION, WHEN APPROVED OR MODIFIED BY THE DIRECTOR

LAWS OF ARIZONA

AND ORDERED FILED IN HIS OFFICE, SHALL BE THE FINDING, ORDER OR DECISION OF THE DIRECTOR. IF THE DIRECTOR DECLINES TO APPROVE THE DECISION OF THE HEARING OFFICER, THE DIRECTOR MAY ORDER ANY FURTHER PROCEEDINGS HE DEEMS APPROPRIATE.

36-113. Judicial review; procedures

ANY PARTY AGGRIEVED BY A DECISION OF THE DIRECTOR IS ENTITLED TO JUDICIAL REVIEW OF THE DECISION PURSUANT TO THE PROVISIONS OF TITLE 12, CHAPTER 7, ARTICLE 6.

36-114. Limitation upon authority to impose treatment

NOTHING IN THIS TITLE SHALL AUTHORIZE THE DEPARTMENT OR ANY OF ITS OFFICERS OR REPRESENTATIVES TO IMPOSE ON ANY PERSON AGAINST HIS WILL ANY MODE OF TREATMENT, PROVIDED THAT SANITARY OR PREVENTIVE MEASURES AND QUARANTINE LAWS ARE COMPLIED WITH BY THE PERSON. NOTHING IN THIS TITLE SHALL AUTHORIZE THE DEPARTMENT OR ANY OF ITS OFFICERS OR REPRESENTATIVES TO IMPOSE ON ANY PERSON CONTRARY TO HIS RELIGIOUS CONCEPTS ANY MODE OF TREATMENT, PROVIDED THAT SANITARY OR PREVENTIVE MEASURES AND QUARANTINE LAWS ARE COMPLIED WITH BY THE PERSON.

36-115. Promulgation of rules or regulations

A. EXCEPT AS PROVIDED IN SUBSECTION B OF THIS SECTION, THE PROVISIONS OF TITLE 41, CHAPTER 6, ARTICLE 1, ARIZONA REVISED STATUTES, SHALL APPLY TO THE ACTIONS OF THE DIRECTOR AND THE DEPARTMENT AND TO ALL RULES OR REGULATIONS PROMULGATED UNDER THIS TITLE.

B. AT LEAST SIXTY DAYS PRIOR TO THE ADOPTION OF ANY RULE OR REGULATION PURSUANT TO THIS TITLE, THE DIRECTOR SHALL FILE THE NOTICE REQUIRED BY SECTION 41-1002 WITH THE SECRETARY OF STATE.

C. IN ADDITION TO THE REQUIREMENTS OF TITLE 41, CHAPTER 6, ARTICLE 1, THE DIRECTOR SHALL:

1. CAUSE A COPY OF THE NOTICE REQUIRED BY SECTION 41-1002 AND A COPY OF ANY PROPOSED RULES OR REGULATIONS TO BE POSTED IN EACH COUNTY AND DISTRICT LIAISON

LAWS OF ARIZONA

OFFICE OF THE DEPARTMENT, WHICH MAY BE ESTABLISHED, AT LEAST SIXTY DAYS PRIOR TO THE ADOPTION THEREOF.

2. CAUSE COPIES OF THE NOTICE REQUIRED BY SECTION 41-1002 AND COPIES OF EACH PROPOSED RULE OR REGULATION TO BE MADE AVAILABLE TO ANY INTERESTED PERSON REQUESTING SAME.

36-116. **Rules digest**

A. AT LEAST ONCE EACH MONTH THE DIRECTOR SHALL PUBLISH A DIGEST CONTAINING SUMMARIES OF EACH PROPOSED NEW RULE OR REGULATION, AND EACH AMENDMENT OR REPEAL OF A PRIOR RULE OR REGULATION. THE DIGEST SHALL ALSO CONTAIN A SCHEDULE OF THE TIME AND PLACE OF ALL HEARINGS ON PROPOSED RULES AND REGULATIONS.

B. THE DIGEST SHALL BE AVAILABLE BY SUBSCRIPTION AND FOR SINGLE COPY PURCHASE TO ALL INTERESTED PARTIES. THE CHARGE FOR EACH DIGEST, OR PERIODIC SUBSCRIPTION THERETO, SHALL BE A REASONABLE CHARGE, NOT TO EXCEED THE COST OF PRODUCING THE DIGEST.

36-117. **Services for licensing agencies; costs**

A. THE DEPARTMENT, AT THE DISCRETION OF THE DIRECTOR, MAY CONTRACT TO PROVIDE PERSONAL AND OTHER ADMINISTRATIVE SERVICES AND FACILITIES TO THE FOLLOWING HEALTH LICENSING AGENCIES:

1. STATE DENTAL BOARD.
2. BOARD OF MEDICAL EXAMINERS.
3. STATE BOARD OF NURSING.
4. STATE BOARD OF OPTOMETRY.
5. ARIZONA BOARD OF OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY.
6. STATE BOARD OF PODIATRY EXAMINERS.
7. ARIZONA STATE BOARD OF PHARMACY.

LAWS OF ARIZONA

B. THE PROFESSIONAL HEALTH LICENSING AGENCY SHALL REIMBURSE THE DEPARTMENT FOR THE ACTUAL COSTS OF SERVICES OR THE REASONABLE VALUE OF FACILITIES PROVIDED TO SUCH AGENCY.

Sec. 4. Section 36-121, Arizona Revised Statutes, is amended to read:

36-121. Definitions

In this article, unless the context otherwise requires:

- ~~1. "Authority" means the Arizona health planning authority.~~
- ~~2.~~ 1. "Council" means the state health planning ADVISORY council.
2. "DEPARTMENT" MEANS THE DEPARTMENT OF HEALTH SERVICES.
3. "Director" means the ~~comprehensive-planning~~ director OF THE DEPARTMENT OF HEALTH SERVICES.
4. "Plan" means the comprehensive health plan.
5. "SECRETARY" MEANS THE SECRETARY OF HEALTH, EDUCATION AND WELFARE OF THE UNITED STATES.

Sec. 5. Section 36-124, Arizona Revised Statutes, is amended to read:

36-124. Comprehensive state health planning; consultation with governor and approval by secretary; authority to receive and administer funds

A. The ~~authority~~ DIRECTOR, THROUGH THE DEPARTMENT'S ORGANIZATIONAL UNIT FOR COMPREHENSIVE HEALTH PLANNING PROGRAMS, shall prepare and approve a comprehensive state health plan, which shall not be implemented without consultation with the governor. The ~~authority~~ DEPARTMENT shall be the sole and official state agency to administer the state's comprehensive health planning functions, or to supervise the administration of the state's comprehensive health planning functions. The ~~authority~~ DIRECTOR is empowered to confer and cooperate with any or all other persons, organizations, or governmental agencies that have an interest in public health problems and needs in preparing and administering the comprehensive state health plan. The ~~authority~~ DIRECTOR shall employ ~~with the approval of the governor a~~

LAWS OF ARIZONA

full-time comprehensive planning ~~director~~ OFFICER FOR THE ORGANIZATIONAL UNIT FOR COMPREHENSIVE HEALTH PLANNING PROGRAMS and provide the ~~director~~ SUCH OFFICER with sufficient staff and such powers and duties as are necessary to conduct or effectively supervise the conduct of comprehensive health planning functions. ~~Such director and staff shall be regulated by the same merit system by which employees of the state health department are regulated.~~

B. The ~~authority~~ DEPARTMENT, while acting in its capacity as the sole and official state agency to administer, or to supervise the administration of, the official comprehensive state health plan, is designated as the sole and official state agency to accept, receive, expend, and administer any and all funds which are now available, or which may be donated, granted, bequested or appropriated to it, for the preparation and administration, ~~or the supervision of the preparation and administration~~ of the comprehensive state health plan. ~~For budgeting purposes the authority shall be considered a state budgetary unit.~~ The governor through the department DIVISION of finance OF THE DEPARTMENT OF ADMINISTRATION annually shall review the comprehensive health plan in making his recommendations to the legislature for budgetary purposes of state agencies included in the comprehensive health plan.

C. The comprehensive state health plan together with an appropriate summary shall be submitted to the governor at least sixty days prior to the time the then current plan with proposed revisions thereof shall be submitted for federal approval for his review which shall take into consideration the recommendations of the state health planning ADVISORY council. If the governor informs the ~~authority~~ DEPARTMENT within thirty days of the submission of the plan to his office that he disapproves the plan, he shall at the same time return the plan to the ~~authority~~ DEPARTMENT together with his recommendations for revision of the plan, and the ~~authority~~ DEPARTMENT either shall revise the plan to conform or partially to conform to the governor's recommendations or shall within fifteen days return the plan to the governor together with a detailed written explanation as to why his recommendations or certain of his recommendations were not incorporated in the plan. The ~~authority~~ DEPARTMENT then shall complete the administrative procedures necessary for conferring state approval to the plan and shall submit the plan to the proper federal authority for federal approval prior to the time the then current plan with proposed revisions thereof is required to be submitted for federal approval. The failure of the governor to take any action within thirty days of the submission of the plan to his office shall be deemed to constitute his review and approval.

LAWS OF ARIZONA

D. The ~~authority~~ DEPARTMENT shall give consideration to all aspects of the comprehensive health plan and revisions thereof in developing its program, in preparing its recommended budget, and in the expenditure of funds appropriated or granted to it.

E. THE DIRECTOR SHALL DESIGNATE WHEN THE COMPREHENSIVE STATE HEALTH PLAN AND SUBSEQUENT REVISIONS OF THE PLAN SHALL BE COMPLETED.

Sec. 6. Section 36-125, Arizona Revised Statutes, is amended to read:

36-125. Development and revision of comprehensive state health plan; provision of information and consultation; promoting coordination of health and other programs; development of plans for construction and modernization of hospitals

A. The ~~authority~~ DEPARTMENT shall develop and periodically revise a comprehensive state health plan by utilizing the following methods:

1. Selecting and applying measures for evaluating the health of the population and for assessing the impact on health status of environmental, social, economic and other related factors.
2. Undertaking studies to define the scope, nature and location of health problems and to identify and assess the resources available and necessary to solve them.
3. Selecting goals and priorities for solving identified health problems through the use of available resources or through the development of new resources.
4. Developing both current and long-range policy and action recommendations for meeting the health needs of the people of the state through public, voluntary and private efforts.
5. Developing criteria for evaluating health programs and their contribution to attaining the goals established through comprehensive health planning.

B. The ~~authority~~ DEPARTMENT shall provide information and consultation in the following manner:

1. Providing information that will serve as a basis for responsible public decision-making in the development of new or additional health resources to serve health needs.

LAWS OF ARIZONA

2. Undertaking, either directly or by arrangement with other agencies, special studies and continued gathering and analysis of data on health problems and resources.

3. Promoting the development of areawide health planning organizations and working with them toward cooperative accomplishment of mutual objectives.

4. Providing information to, consulting with, and generally assisting specialized health planning agencies and public and voluntary operating health organizations in the development of their plans and programs.

C. The ~~authority~~ DEPARTMENT shall promote the coordination of health and other programs by:

1. Providing channels of communication among public, voluntary and private agencies and groups with health related concerns.

2. Recommending measures for the assignment and coordination of health functions in the state which promote maximum efficiency and minimize overlap and duplication of functions and resources.

3. Recommending measures for more effective coordination of health activities with related activities in such areas as welfare, education, and vocational rehabilitation.

4. Working with counterpart agencies in other states to identify and suggest possible approaches for handling health problems that cross state boundaries, and developing and promoting relationships that are conducive to their solution.

D. The ~~authority~~ DEPARTMENT shall develop a plan for the construction and modernization of health care institutions, in conformity with the requirements of section 36-125.02. The plan shall include a statement of the relative need for the projects included in the plan, and the suggested order of the relative need for the construction and modernization of such health care institutions.

E. The ~~authority~~ DEPARTMENT shall formulate a state plan which includes the health care institution construction and modernization program required by section 36-125.02, a statement of the relative need for the several projects included in the construction and modernization program and a provision for their construction in order of their relative need.

LAWS OF ARIZONA

F. The ~~authority~~ DEPARTMENT shall give publicity for a general description of the provisions in the state plan for health care institutions and shall then submit the plan to the secretary as may be required.

G. From time to time, the ~~authority~~ DEPARTMENT shall review the health care institution construction and modernization program and submit to the secretary necessary modifications thereof not inconsistent with the requirements of the federal act.

H. The ~~authority~~ DEPARTMENT shall make an annual report to the governor on activities and allocations made under the provisions of this article including recommendations for legislation the ~~authority~~ DEPARTMENT considers necessary to furnish adequate health care institutions for the people of this state.

Sec. 7. Section 36-125.01, Arizona Revised Statutes, is amended to read:

36-125.01. Development and review of plan for health services

A. The ~~authority~~ DEPARTMENT shall develop, in collaboration with the college of medicine of the university of Arizona, and periodically review a state plan for providing health service to Arizona residents consistent with the following procedures:

1. Delineate and describe existing means or systems for providing health services, including efforts to prevent and cure illness and injury, to eliminate environmental hazards to health, to provide rehabilitative services for physical and mental conditions and to provide information concerning need and availability of services.
2. Objectively determine needs for the various types of services indicated above in counties, regional planning areas, other geographic areas, ethnic and occupational groups, or other areal divisions and population grouping as required to characterize and localize needs for specific types of health services.
3. Assess the present distribution of resources, both personnel and facilities, available for providing needed services and determine where services are deficient, inappropriately distributed or excessive. This assessment will take into account services provided through public institutions and governmental programs, such as the programs to provide care for the indigent sick conducted by the various counties.
4. Obtain from both providers and recipients of health services, information concerning expectation of systems regarding preference for

LAWS OF ARIZONA

types of systems, scope of services and means for receiving health care.

5. Selectively examine systems for providing and financing health care in other states to determine their appropriateness to meet defined needs in this state.

6. Solicit from governmental and private agencies and from employed consultants as necessary proposals for providing health care including means of financing that will meet defined health needs and objectives established for a health care system for this state.

7. Formulate specifications and objectives for a plan to make available appropriate and acceptable health care to residents of this state. Specifications shall include but are not limited to the following:

(a) The plan shall propose multiple systems for providing health care.

(b) The plan shall provide that the various systems of health care are available to all citizens. No single system is to be designed for a specific group.

(c) All persons should have access to appropriate health care. Access includes both physical and financial availability.

8. Formulate a plan, or alternate plans, for providing systems of health care in this state that will conform to the specifications and objectives provided for in paragraph 7.

9. The plan shall include provision for at least annual review and evaluation of systems in current use and such innovative changes in systems as are needed as to their appropriateness in meeting needs for services and expectations of providers and recipients of health services. If the resulting state plan for health care is adopted in whole or in part, the ~~authority~~ DEPARTMENT shall annually review the existing plan and make appropriate recommendations for revision or additions.

B. In developing the state plan for health services, the ~~authority~~ DEPARTMENT, in collaboration with the college of medicine, shall function with advice and counsel of the state health planning ADVISORY council, as provided in section 36-127, and with collaboration of local health planning agencies recognized by the ~~authority~~ DEPARTMENT.

Sec. 8. Section 36-125.02, Arizona Revised Statutes, is amended to read:

36-125.02. Survey and construction program

A. The ~~authority~~ DEPARTMENT shall:

LAWS OF ARIZONA

1. Make an inventory of existing health care institutions.
2. Survey the need for construction and modernization of health care institutions.
3. Develop on the basis of the inventory and survey a program for the construction and modernization of such health care institutions as will, in conjunction with existing facilities, afford the necessary physical facilities for furnishing adequate health services to the people of the state.

B. The construction and modernization program shall provide, in accordance with the regulations prescribed under the federal act, for adequate health care institutions for the people of the state and insofar as practicable shall provide for distribution of the facilities in a manner so that all types of health service are reasonably accessible to the people of the state.

Sec. 9. Section 36-125.03, Arizona Revised Statutes, is amended to read:

36-125.03. Uniformity of accounting; form and content; public disclosure; financial audit; classification of health care institutions

A. The ~~Arizona health planning authority~~ DEPARTMENT shall prescribe uniform accounting practices and systems of accounts for each class or subclass of health care institutions established pursuant to this section. Such accounting practices and systems of accounts shall be in accordance with generally accepted accounting principles and practices in the health care industry. The ~~authority~~ DEPARTMENT shall use the current edition of the American hospital association chart of accounts, or updated editions thereof, as a guide for prescribing uniform accounting practices and systems of account for such institutions classified as hospitals.

B. The ~~authority~~ DEPARTMENT shall prescribe and furnish forms of financial statements, schedules and reports to be submitted by health care institutions to the ~~authority~~ DEPARTMENT and the authorized local agency.

C. The ~~authority~~ DEPARTMENT may require any health care institution to submit to the ~~authority~~ DEPARTMENT an annual financial report. Those institutions classified as hospitals, pursuant to this section, shall be required to file with the ~~authority~~ DEPARTMENT an annual financial report certified to by an independent certified public accountant performed in accordance with generally accepted auditing standards.

LAWS OF ARIZONA

D. ~~When upon the recommendation of the director, and the approval certified in writing of two thirds of the authority, further investigation is deemed necessary and desirable to verify the accuracy of the information submitted by an health care institution, The director may, WHEN HE DEEMS IT NECESSARY, make any necessary AN examination of such institutions' records and accounts. The costs incurred in connection with such examination shall be borne by the authority DEPARTMENT.~~

E. For purposes of this section, and in order to make meaningful comparisons as required by section 36-436, the ~~authority~~ DEPARTMENT shall by regulation classify and subclassify health care institutions according to character, size, range of services provided, special services offered, duration of care and standards of patient care. Such classification or subclassification shall be consistent with licensing classifications established by the department of health SERVICES.

Sec. 10. Section 36-126, Arizona Revised Statutes, is amended to read:

36-126. State health planning advisory council; terms; expenses

A. The ~~authority~~ DEPARTMENT may recommend to the governor the size and organizational membership of a state health planning ADVISORY council which he shall appoint and which at all times shall include ~~the membership of the regional advisory group designated by the regional medical program applicant for U. S. Public Law 89-239 and~~ representatives of state and local agencies and non-governmental organizations and groups concerned with health, and of consumers of health services. The ADVISORY council shall reflect the geographic and socio-economic distribution of the state population and shall include representatives of minority groups. A majority of the membership of the ADVISORY council shall be representative of consumers of health services. ~~Of the members first appointed by the governor to the state health planning council, current members of the regional advisory group for U. S. Public Law 89-239 shall be appointed for terms running concurrently with their membership on the regional advisory group, and the remainder of~~ The terms shall be so allocated as to expire at the rate of one-third of the total membership each year.

B. Planning ADVISORY council members and members of advisory committees not employed by the state or a political subdivision thereof shall be reimbursed by the authority for their travel and subsistence expenses incurred while traveling from and to their place of residence to attend meetings and in the performance of their duties as provided by law for other state officers. A member employed by the state or a political

LAWS OF ARIZONA

subdivision thereof shall be reimbursed by the employing agency at the rate provided by law for necessary travel and other expenses incurred while traveling away from his designated post of duty to perform his powers or duties as a member.

Sec. 11. Section 36-127, Arizona Revised Statutes, is amended to read:

36-127. Duties of state health planning advisory council

A. The state health planning ADVISORY council shall advise the ~~authority~~ DEPARTMENT'S ORGANIZATIONAL UNIT FOR COMPREHENSIVE HEALTH PLANNING PROGRAMS in carrying out its functions in the development and administration of the comprehensive state health plan FOR THE DIRECTOR, and at the time of its submission to the governor for his review and when otherwise requested, the ~~authority~~ STATE HEALTH PLANNING ADVISORY COUNCIL shall make recommendations to the governor for improvement of the proposed revisions of the plan currently in effect.

B. The state health planning ADVISORY council shall also serve in an advisory capacity to the ~~authority~~ DEPARTMENT in developing plans for the construction and modernization of health care institutions.

Sec. 12. Section 36-128, Arizona Revised Statutes, is amended to read:

36-128. Rules and regulations

The ~~authority~~ DIRECTOR shall adopt and promulgate rules and regulations establishing standards and procedures for the preparation and administration of the comprehensive state health plan, including rules and regulations to govern meetings for such advisory committees as ~~HE~~ HE may appoint, including rules and regulations regarding the time, place, and procedure for calling such meetings, and the number of members required for a quorum.

Sec. 13. Section 36-129, Arizona Revised Statutes, is amended to read:

36-129. Cooperation by other agencies for comprehensive health planning; authority for contractual agreements

All officers, employees and agents of the state and all departments, agencies, boards, commissions and institutions of the state and of political subdivisions of the state may confer, plan and cooperate with the ~~authority~~ DEPARTMENT'S ORGANIZATIONAL UNIT FOR

LAWS OF ARIZONA

COMPREHENSIVE HEALTH PLANNING PROGRAMS and its agents and employees in its comprehensive health planning functions. Any department of the state and of the political subdivisions of the state which has statutory or legally designated powers and duties or responsibility to administer state or state and federal programs which involve health related functions shall communicate and otherwise cooperate with the ~~authority~~ UNIT in its comprehensive health planning functions so that such programs shall be properly considered in the preparation and administration of the state's comprehensive health plan. Such departments and political subdivisions are authorized to enter into contractual agreements for administration of programs covered by the comprehensive health plan as approved by the ~~authority~~ DIRECTOR and the ~~surgeon general of the United States~~ SECRETARY, provided such departments and political subdivisions have received clearance from the ~~department~~ DIVISION of finance OF THE DEPARTMENT OF ADMINISTRATION that the contracts are in accordance with fiscal procedures.

Sec. 14. Section 36-131, Arizona Revised Statutes, is amended to read:

36-131. Definitions

In this article, unless the context otherwise requires:

- ~~1. "Board" means state board of health.~~
- ~~2. "Commissioner" means commissioner of public health.~~
- ~~3.~~ 1. "Department" means ~~state~~ THE department of health SERVICES.
2. "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES.

Sec. 15. Section 36-132, Arizona Revised Statutes, is amended to read:

36-132. Department of health services; functions; contracts

- ~~A. There shall be a state department of health which shall consist of the state board of health, the commissioner of public health and the divisions of the department.~~
- ~~B.~~ A. The department shall, in addition to other powers and duties vested in it by law:
 1. Protect the health of the people of the state.

LAWS OF ARIZONA

2. Promote the development, maintenance, efficiency and effectiveness of local health departments or districts of sufficient population and area that they can be sustained with reasonable economy and efficient administration, provide technical consultation and assistance to local health departments or districts, provide financial assistance to local health departments or districts and services which meet minimum standards of personnel and performance ~~as established by the board~~ and in accordance with a plan and budget submitted by the local health department or districts to the department for approval, and recommend the qualifications of all personnel.
3. Collect, preserve, tabulate and interpret all information required by law in reference to births, deaths, and all vital facts, and obtain, collect and preserve information relating to the health of the people of the state and the prevention of diseases as may be useful in the discharge of functions of the department not in conflict with the provisions of chapter 3 of this title, and sections 36-693, 36-694 and 39-122.
4. Operate such sanitariums, hospitals or other facilities assigned to the department by law or by the governor.
5. Conduct a statewide program of health education relevant to the powers and duties of the department, prepare educational materials and disseminate information as to conditions affecting health, including basic information for the promotion of good health on the part of individuals and communities, and prepare and disseminate technical information concerning public health to the health professions, local health officials and hospitals. In cooperation with the state department of ~~public instruction~~ EDUCATION, prepare and disseminate materials and give technical assistance for the purpose of education of children in hygiene, sanitation, personal and public health, and provide consultation and assistance in community organization to counties, communities and groups of people.
6. Administer or supervise a program of public health nursing, prescribe the minimum qualifications of all public health nurses engaged in official public health work, and encourage and aid in coordinating local public health nursing services.
7. Encourage and aid in coordinating local programs concerning control of preventable diseases in accordance with statewide plans which shall be formulated by the department.
8. Encourage and aid in coordinating local programs concerning maternal and child health, including midwifery, antepartum and postpartum care,

LAWS OF ARIZONA

infant and preschool health, the health of school children, including special fields such as the prevention of blindness, conservation of sight and hearing.

9. Encourage and aid in the coordination of local programs concerning nutrition of the people of the state.

10. Encourage and aid in coordinating local programs concerning dental health, in cooperation with the Arizona dental association.

11. Establish and maintain adequate serological, bacteriological, parasitological, entomological and chemical laboratories with qualified assistants and facilities necessary for routine examinations and analyses and for investigations and research in matters affecting public health.

12. Supervise sanitary engineering facilities and projects within the state, authority for which is vested in the ~~state~~ department. ~~of health~~. In the exercise of such supervision, the department shall make and enforce regulations concerning plans or specifications for construction, improvement, alteration or operation of public water supplies, public bathing places, and sewage systems and disposal plans for treatment of sewage, industrial wastes and other deleterious matter, gaseous, liquid, or solid, and require that all such plans or specifications be first approved by the department before any work thereunder is commenced, and inspect all such projects during the progress thereof and enforce compliance with the approved plans and specifications.

13. Establish and enforce regulations which provide for the classification of water treatment plants, distribution systems for potable water, waste water treatment plants and waste water collection systems and require the certification of operating personnel according to the skill, knowledge and experience necessary within such classification of such systems. Such regulations shall apply to all public and semipublic water systems involved in the collection, storage, treatment or distribution of potable water, except that they shall not apply to irrigation, industrial or similar systems where the water is used for nonpotable purposes. Such regulations shall also apply to all waste water treatment plants receiving and treating wastes from common collection sewers or industrial plants except that they shall not apply to septic tanks, devices serving an individual home or industrial treatment devices utilized to permit recycling or impounding of wastes within the boundaries of the industries' property. The regulations shall also provide that operating personnel may be certified on the basis of training and supervision at the place of employment.

LAWS OF ARIZONA

14. Enforce the state food, drug, narcotic, caustic alkali and acid laws in accordance with article 2 of chapter 2, this title, article 1 of chapter 8, this title, and articles 1 through 4 of chapter 9, this title, and sections 3-612, 3-614 and 24-931, and collaborate in the enforcement of the federal food, drug and cosmetic act.

15. Recruit and train personnel for state, local and district health departments.

16. Conduct continuing evaluation of state, local and district public health programs, study and appraise state health problems and develop broad plans for use by the department and for recommendation to other agencies, professions and local health departments for the best solution of these problems.

17. Conduct the state hospital survey and construction program, in accordance with the provisions of article 1 of chapter 10, this title, and license hospitals according to chapter 4, this title.

18. License and ~~supervise nursing homes~~ **REGULATE HEALTH CARE INSTITUTIONS** according to chapter 4, this title.

19. Issue or direct the issuance of licenses and permits required by law.

20. Participate in the state civil defense program and develop the necessary organization and facilities to meet wartime or other disasters.

~~C.~~ B. The department may accept from the STATE OR federal government, or any agency thereof, and from private donors, trusts, foundations, or eleemosynary corporations or organizations; grants or donations for or in aid of the construction or maintenance of any program, project, research or facility authorized by this title, or in aid of the extension or enforcement of any program, project or facility authorized, regulated or prohibited by this title, and to enter into contracts with the federal government, or an agency thereof, and with private donors, trusts, foundations or eleemosynary corporations or organizations, to carry out such purposes or any thereof. All funds made available under the provisions of this section shall be considered special project grants. **HE MAY ALSO EXPEND SUCH FUNDS TO FURTHER APPLICABLE SCIENTIFIC RESEARCH WITHIN THIS STATE.**

Sec. 16. Section 36-132.01, Arizona Revised Statutes, is amended to read:

36-132.01. **Comprehensive statewide solid waste management plan; adoption procedure**

LAWS OF ARIZONA

A. The department shall, within two years of the effective date of this section, ~~in accordance with guidelines developed jointly with the Arizona health planning authority~~ prepare a comprehensive statewide solid waste management plan for the collection, storage, transportation, processing, reclamation and disposal of solid wastes.

B. All counties, incorporated cities and towns, and such state agencies as deemed appropriate by the department shall, within one year of the effective date of this section, prepare and submit to the department a plan for solid waste management for such county, city, town, or state agency. In developing the statewide plan provided for in subsection A of this section, the department shall consider plans developed pursuant to this subsection and may provide technical assistance in the development of such plans if requested.

~~C. Prior to the adoption of the statewide plan, the department shall submit the proposed plan to the Arizona health planning authority for review and comment within sixty days concerning the feasibility, practicability, and other such aspects as deemed necessary or advisable by the authority.~~

~~D. After reviewing the comments of the authority and making modifications as deemed appropriate, the department shall submit the statewide plan to the state board of health for their consideration, modifications, amendments and adoption.~~

~~E. C.~~ The state board of health DIRECTOR may adopt such reasonable regulations to implement the provisions of this section and to provide for updating the statewide plan as deemed necessary.

~~F. D.~~ The department, counties and incorporated cities and towns may accept and expend in accordance with the terms of the grant any funds granted to it by the federal government, any political subdivision of the state, any agency or branch of the federal or state government, or any private agency in order to carry out the purposes of this section.

Sec. 17. Section 36-136, Arizona Revised Statutes, is amended to read:

36-136. Powers and duties of director; compensation of personnel

A. The commissioner DIRECTOR shall:

1. Be the executive officer of the state department of health SERVICES and the state registrar of vital statistics but shall receive no compensation for his services as registrar.

LAWS OF ARIZONA

2. Perform all duties necessary to carry out the functions and responsibilities of the department. ~~except those specifically assigned to the state board of health.~~

3. ~~Subject to the approval of the board,~~ Prescribe the organization of the department. He shall, ~~subject to the rules and regulations established by the board concerning employment,~~ appoint or remove such personnel as he considers necessary for the efficient work of the department. He shall prescribe the duties of all personnel. ~~Subject to the rules and regulations and approval of the board,~~ He may abolish any office or position in the department which in his judgment is unnecessary.

4. Administer and enforce the laws relating to health and sanitation and the rules AND REGULATIONS of the department. ~~and regulations of the state board of health.~~

5. Provide for the examination of any premises if he has reasonable cause to believe that on the premises there exists a violation of any health law, RULE OR REGULATION of the state. ~~or regulation of the state board of health.~~

6. Exercise general supervision over all matters relating to sanitation and health throughout the state. When in the opinion of the ~~commissioner~~ DIRECTOR it is necessary or advisable, a sanitary survey of the whole or of any part of the state shall be made. The ~~commissioner~~ DIRECTOR may enter upon, examine and survey any source and means of water supply, sewage disposal plant, sewerage system, prison, public or private place of detention, asylum, hospital, school, public building, private institution, factory, workshop, tenement, public wash room, public rest room, public toilet and toilet facility, public eating room and restaurant, dairy, milk plant or food manufacturing or processing plant, and also any premises in which he has reason to believe there exists a violation of any health law, RULE OR REGULATION of the state, ~~regulation of the state board of health, or any law which he has the duty to administer.~~

7. Prepare sanitary and public health regulations. ~~for consideration by the board and submit to the board recommendations for new legislation. The commissioner may sit at meetings of the board, but shall have no vote.~~

8. Perform other duties prescribed by law. ~~or by the board.~~

B. The ~~commissioner~~ DIRECTOR may, if he has reasonable cause to believe that there exists a violation of any health law, RULE OR REGULATION, of the state ~~or any regulation of the state board of health,~~

LAWS OF ARIZONA

make an inspection of any person or property in transportation through the state, and of any car, boat, train, trailer, airplane or other vehicle in which such person or property is transported, and may enforce detention or disinfection as reasonably necessary for the public health if there exists a violation of any health law or regulation.

C. The ~~commissioner~~ DIRECTOR may deputize, in writing, any qualified officer or employee in the department to do or perform in his stead any act the ~~commissioner~~ DIRECTOR is by law empowered to do or charged with the responsibility of doing.

D. ~~Subject to the prior approval of the board,~~ The ~~commissioner~~ DIRECTOR may delegate to a local health department or to a county board of health existing by virtue of the provisions of article 3 of this chapter, any functions, powers or duties which he believes can be competently, efficiently and properly performed by the health department or board concerned, provided:

1. The director or superintendent of the local health agency is willing to accept such delegation and agrees to perform or exercise the functions, powers and duties conferred in accordance with the standards of performance established by the ~~board or, in the absence thereof, in accordance with standards of performance prescribed by the commissioner~~ DIRECTOR.

2. Funds appropriated or otherwise made available to the department for distribution to or division among counties for local health work may be allocated or reallocated in a manner designed to assure the accomplishment of recognized local public health activities and delegated functions, powers and duties in accordance with applicable standards of performance.

Whenever in his opinion there is cause therefor, the ~~commissioner~~ DIRECTOR may terminate all or a part of any such delegation and may reallocate all or a part of any funds that may have been conditioned upon the further performance of the functions, powers or duties conferred.

E. The compensation of all personnel shall be as determined pursuant to section 38-611.

F. THE DIRECTOR MAY 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.

G. THE DIRECTOR SHALL, BY REGULATION:

LAWS OF ARIZONA

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 TRANSMITTABLE 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, OTHER THAN FOOD SUBJECT TO THE HEALTH REGULATIONS OF THE LIVESTOCK SANITARY BOARD, OR DRINK, OTHER THAN MILK AND MILK PRODUCTS, 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. THE REGULATIONS SHALL PRESCRIBE MINIMUM STANDARDS FOR THE SANITARY FACILITIES AND CONDITIONS WHICH SHALL BE MAINTAINED IN ANY PLANT, OTHER THAN A PACKING HOUSE OR ABATTOIR, WAREHOUSE, RESTAURANT OR OTHER PREMISES, AND IN ANY TRUCK OR OTHER VEHICLE IN WHICH FOOD OR DRINK IS PRODUCED,

LAWS OF ARIZONA

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 DEPARTMENT OF HEALTH SERVICES. 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 DEPARTMENT OF HEALTH SERVICES. 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

LAWS OF ARIZONA

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 NUISANCE 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 PRESCRIBE 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 VEHICLES, AND FOR ABATEMENT AS PUBLIC NUISANCES OF ICE, PREMISES, EQUIPMENT, PROCESSES OR VEHICLES WHICH DO NOT COMPLY WITH THE MINIMUM STANDARDS.

LAWS OF ARIZONA

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 DEPARTMENT OF HEALTH SERVICES. 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 DEPARTMENT OF HEALTH SERVICES.

9. 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 DEPARTMENT OF HEALTH SERVICES SUBJECT TO COMPLIANCE WITH THE REGULATIONS.

LAWS OF ARIZONA

10. 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.

11. DEFINE AND PRESCRIBE REASONABLY NECESSARY MEASURES CONCERNING SEWAGE 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.

12. 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 REGULATIONS 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.

13. 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

LAWS OF ARIZONA

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.

14. 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.

15. 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.

16. 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 DEPARTMENT OF HEALTH SERVICES 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 DEPARTMENT OF HEALTH SERVICES.

17. DEFINE AND PRESCRIBE REASONABLY NECESSARY SANITARY MEASURES CONCERNING SEWAGE COLLECTION,

LAWS OF ARIZONA

TREATMENT AND DISPOSAL, PUTRESCIBLE WASTE COLLECTION, STORAGE AND DISPOSAL, RUBBISH, TRASH AND MANURE COLLECTION, STORAGE AND DISPOSAL FOR ALL 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.

18. ESTABLISH SUCH REASONABLE REGULATIONS AS IT DEEMS NECESSARY TO KEEP CONFIDENTIAL INFORMATION RELATING TO DIAGNOSTIC FINDINGS AND TREATMENT OF PATIENTS, AS WELL AS INFORMATION RELATING TO CONTACTS, SUSPECTS AND ASSOCIATES OF COMMUNICABLE DISEASE PATIENTS. IN NO EVENT SHALL SUCH CONFIDENTIAL INFORMATION BE MADE AVAILABLE FOR POLITICAL OR COMMERCIAL PURPOSES.

H. THE PROVISIONS OF REGULATIONS ADOPTED 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 DIRECTOR.

I. THE POWERS AND DUTIES SET FORTH SHALL NOT APPLY 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.

Sec. 18. Section 36-137, Arizona Revised Statutes, is amended to read:

36-137. Annual report of director

The ~~commissioner~~ DIRECTOR shall submit annually to the governor, the president of the senate and the speaker of the house a copy of the annual report setting forth:

LAWS OF ARIZONA

1. The condition of public health in the state.
2. The activities of the department during the preceding fiscal year.
3. The work done in each county.
4. The character and extent of all diseases reported.
5. The expenditures of the department and of each county or district health department.
6. Recommendations he deems advisable for protection of the public health.

Sec. 19. Section 36-138, Arizona Revised Statutes, is amended to read:

36-138. Public health fund; disbursements; federal monies

A. The public health fund shall consist of appropriations and receipts from any other source for use of the state department of health SERVICES. The state treasurer shall receive and disburse monies donated to or provided for the department by any person, town, city, benevolent organization or other agency for public health work, and monies so received shall be deposited in the public health fund. Salaries and expenses of the department shall be paid from the fund. Disbursements therefrom shall be made upon claims signed by the ~~commissioner of public health~~ DIRECTOR or other person in the department designated by the ~~state board of health~~ DIRECTOR.

B. Monies for public health purposes received from the United States or an agency thereof shall be kept in a separate account in the public health fund. Any unexpended and unencumbered balance of federal funds remaining in the public health fund at the end of a fiscal year shall not revert to the general fund.

Sec. 20. Section 36-139, Arizona Revised Statutes, is amended to read:

36-139. Fees

A. The ~~state~~ department of health SERVICES may charge fees for:

1. Rental of films and film strips.
2. Laboratory tests.

LAWS OF ARIZONA

B. The amount of the fees charged for such services shall not exceed the cost to the department of rendering them, and all fees shall be remitted, at least once each month, to the state treasurer and placed in the general fund. No rental or laboratory fee shall be charged to or collected from a county, city, town, school, school district or any political subdivision thereof.

Sec. 21. Section 36-141, Arizona Revised Statutes, is amended to read:

36-141. Authority to contract and pay for alcohol and drug abuse services

The ~~commissioner~~ DIRECTOR is authorized to contract for the development and maintenance of alcohol and drug abuse services from monies available for such purpose with public or non-profit private agencies or organizations engaged in providing such preventive, rehabilitative and research services including educational, counseling, and research activities directed toward preventing persons from becoming addicted to the excessive use of alcohol or other drugs, consultative services to relatives or other persons concerned with the care of persons addicted to the excessive use of alcohol or other drugs, in addition to detecting, counseling, referring, caring for, and training those afflicted.

Sec. 22. Section 36-142, Arizona Revised Statutes, is amended to read:

36-142. Imposing additional percentage of certain fines as part of fine; disbursement of proceeds

A. In addition to every fine imposed against a person for driving or being in actual physical control of a vehicle while he is under the influence of intoxicating liquor or drugs, in violation of section 28-692, or for being drunk and disorderly, in violation of section 13-379, or for violation of any provision of title 36, chapter 9, articles 1, 2 or 3, an additional ten per cent of the amount of the fine imposed shall be imposed by the court as a penalty assessment.

B. Notwithstanding any other provision of law to the contrary, the ten per cent penalty assessment shall be transmitted by appropriate authorities to the state treasurer on or before the tenth day of each month, for deposit in the same account in which is deposited funds appropriated to the ~~state~~ department of health SERVICES for use in administering the provisions of section 36-141. All monies deposited in such account under the provisions of this section are appropriated as a continuing appropriation to the ~~state~~ department of health SERVICES, and shall be used by the department in administering the provisions of section 36-141.

LAWS OF ARIZONA

Sec. 23. Section 36-151, Arizona Revised Statutes, is amended to read:

36-151. Definitions

In this article, unless the context otherwise requires:

1. "County department" means a county department of health.
2. "Department" means the ~~state~~-department of health SERVICES.
3. "Home health services" means the items and services enumerated in this paragraph and furnished to a person who is under the care of a physician and surgeon, not including the furnishing of services of a physician and surgeon. Such items and services may be furnished by a home health agency or by others under arrangements with them made by such agency, under a plan therefor established and periodically reviewed by such physician and surgeon. Such items and services, except as provided in subdivision (b), shall be furnished on a visiting basis in a place of residence used as such person's home and shall consist of:
 - (a) Part-time or intermittent nursing care provided by or under the supervision of a registered professional nurse and either physical, occupational, or speech therapy, or, to the extent permitted in department regulations, part-time or intermittent services of a home health aide, and such items and services may further consist of any or all of the following:
 - (i) Medical social services under the direct supervision of a physician and surgeon.
 - (ii) Medical supplies, other than drugs and biologicals, and the use of medical appliances, while under such a plan.
 - (iii) In the case of a home health agency which is affiliated or under common control with a hospital, medical services provided by an intern or resident-in-training of such hospital, under a teaching program of such hospital approved as provided in the last sentence of paragraph 4 of this section.
 - (b) Any of the items and services enumerated in subdivision (a), which are provided on an outpatient basis, under arrangements made by the home health agency, at a hospital or extended care facility, or at a rehabilitation center which meets such standards as may be prescribed in regulations, and under one of the following conditions:

LAWS OF ARIZONA

(i) The furnishing of such items and services involves the use of equipment of such a nature that the items and services cannot readily be made available to such person in such place of residence.

(ii) Such items and services are furnished at such facility while he is there to receive any such item or service described in item (i) of this subdivision, but not including transportation of such person in connection with any such item or service. Any item or service, if it would not be included under paragraph 4 of this section if furnished to an inpatient of a hospital, shall be excluded.

4. "Inpatient hospital services" means the following items and services, furnished to an inpatient of a hospital and, except as provided in subdivision (c), by the hospital:

(a) Bed and board.

(b) Such nursing services and other related services, such use of hospital facilities, and such medical social services as are ordinarily furnished by the hospital for the care and treatment of inpatients, and such drugs, biologicals, supplies, appliances, and equipment, for use in the hospital, as are ordinarily furnished by such hospital for the care and treatment of inpatients.

(c) Such other diagnostic or therapeutic items or services, furnished by the hospital or by others under arrangements with them made by the hospital, as are ordinarily furnished to inpatients either by such hospital or by others under such arrangements, excluding the following:

(i) Medical or surgical services provided by a physician and surgeon, resident, or intern.

(ii) The services of a private duty nurse or other private duty attendant. Item (i) of this subdivision shall not apply to services provided in the hospital by an intern or a resident-in-training under a teaching program approved by the council on medical education of the American medical association or, in the case of an osteopathic hospital, approved by the committee on hospitals of the bureau of professional education of the American osteopathic association, or, in the case of services in a hospital or osteopathic hospital by an intern or resident-in-training in the field of dentistry, approved by the council on dental education of the American dental association.

5. "Home health agency" means a public agency or private nonprofit organization, or a subdivision of such an agency or organization, which meets all of the following requirements:

LAWS OF ARIZONA

(a) Is primarily engaged in providing skilled nursing services and other therapeutic services.

(b) Has policies, established by a group of professional personnel, associated with the agency or organization, including one or more physicians and one or more registered professional nurses, to govern the services referred to in subdivision (a), which it provides, and provides for supervision of such services by a physician or registered professional nurse.

(c) Maintains clinical records on all patients.

Sec. 24. Section 36-162, Arizona Revised Statutes, is amended to read:

36-162. Powers and duties of county boards of health

A. County boards of health shall meet at least once every three months at the county seat at a time and place fixed by the board.

B. The boards shall have such powers within their respective counties and outside the corporate limits of cities having a city board of health as are granted the ~~state board of health and the state~~ department of health SERVICES, subject to supervisory control by the ~~state board~~ DIRECTOR.

Sec. 25. Section 36-163, Arizona Revised Statutes, is amended to read:

36-163. County superintendent of public health; appointment; qualifications; compensation; expenses

A. The board of supervisors shall appoint a superintendent of public health for the county who is a practicing physician within the county. The term of office of the superintendent shall be two years.

B. The superintendent shall receive compensation fixed by the board of supervisors not exceeding three hundred dollars per annum, and not exceeding ten dollars per day when actually and necessarily engaged in duties as superintendent, and mileage and other necessary expenses incurred by him, if by direction of the COUNTY board of health. All accounts for services, mileage and other expenses shall be audited by the board of supervisors and paid as other county expenses are paid.

Sec. 26. Section 36-164, Arizona Revised Statutes, is amended to read:

36-164. Duties of county superintendent of public health

LAWS OF ARIZONA

- A. The superintendent shall be secretary of the county board of health.
- B. The superintendent shall keep a record of the proceedings of the county board of health and of his official acts, and make a monthly written report to the ~~state~~ department of health SERVICES on such proceedings and acts.
- C. When the health of persons is in danger and when any contagious or infectious disease occurs the superintendent shall report the occurrence to the ~~state~~ department of health SERVICES.

Sec. 27. Section 36-181, Arizona Revised Statutes, is amended to read:

36-181. Definitions

In this article "a local full-time public health service" means a full-time service utilizing local, state, federal and other funds, or any combination thereof, employing qualified personnel working under the direction and supervision of a qualified director appointed by the local health department and conducted in conformity with the rules, regulations and policies of the ~~state~~ department of health SERVICES. If the population of the county is one hundred thousand or more, based on the last official United States census, the director shall be a physician employed on a full-time basis.

Sec. 28. Section 36-182, Arizona Revised Statutes, is amended to read:

36-182. Establishment of local health departments; powers; expenditures; plan for local health departments

- A. For the purpose of providing local full time public health service, the board of supervisors of a county may:
1. Establish a county department of health.
 2. Enter into a cooperative agreement with a city or cities for establishment of a city-county department of health. The establishment of any such department, and any agreement for the establishment of a city-county department of health, is subject to approval by the ~~state~~ department of health SERVICES and to the provisions of this article.
 3. Enter into a cooperative agreement with one or more counties for establishment of a district department of health. The establishment of any such department, and any agreement for the establishment of a district

LAWS OF ARIZONA

department of health, is subject to approval by the ~~state~~ department of health SERVICES and to the provisions of this article.

B. A department of health established under the provisions of this article may:

1. Develop health services with the use of any federal, state or local funds or any combination thereof.
2. Expend monies budgeted for use of the department with the approval of the local board of health.

C. The ~~state~~ department of health SERVICES, ~~with the approval of the state board of health,~~ shall prepare a plan for recommendation to the counties, which shall outline a practical grouping of cities and counties of sufficient population and of such area as may be sustained with reasonable economy and efficient administration in order to provide efficient and effective local health services.

Sec. 29. Section 36-184, Arizona Revised Statutes, is amended to read:

36-184. Boards of health of local health departments; organization; meetings; powers and duties

A. The board of health of each county or city-county health department shall meet and elect from among its members a president and vice-president, and adopt rules not inconsistent with law for its procedure and for the government of the health department. The director of the local health department shall serve as secretary of the board. The board shall hold an annual meeting on the first Tuesday in July each year at which officers shall be elected for the ensuing year. Monthly and special meetings may be held on the call of the president, the director or any two members. A majority of the members constitute a quorum. Members who fail to attend three consecutive meetings shall be considered as resigned from the board, but the board may for good cause, grant leaves of absence to its members.

B. The board shall:

1. Appoint the director of the department.
2. Advise the director and request from the director information it deems necessary.
3. Keep minutes of all meetings of the board.

LAWS OF ARIZONA

4. Make rules and regulations, not inconsistent with the rules and regulations of the ~~state~~ department of health SERVICES, for the protection and preservation of public health.

5. Make provisions for suitable offices, facilities and equipment for the health department.

6. Recommend rules and regulations to the respective county boards of supervisors for adoption and enforcement in their respective counties.

C. Nothing in this article shall authorize a city, county, or city-county health department or any of its officers or representatives to impose on any person any mode of treatment against his will, or any examination inconsistent with the creed or tenets of any religious denomination of which he is an adherent, provided that sanitary and quarantine laws, rules and regulations are complied with by such person.

Sec. 30. Section 36-186, Arizona Revised Statutes, is amended to read:

36-186. Director of local health department; powers and duties

The director of a local health department shall:

1. Be the executive officer of the department.
2. Perform all duties required by law of the county superintendent of health.
3. Enforce and observe the rules and regulations of the ~~state~~ DIRECTOR OF department of health SERVICES, the local board of health, county rules and regulations concerning health, and laws of the state pertaining to the preservation of public health.
4. Appoint necessary personnel in accordance with regulations of ~~the merit system of the state~~ department of health SERVICES.
5. Submit an annual report to the local board of health, the county board of supervisors, each city in the district, and the ~~state commissioner of public~~ DIRECTOR OF THE DEPARTMENT OF health SERVICES. The report shall set forth:
 - (a) The condition of public health in the county or district.
 - (b) Activities of the department during the preceding year.

LAWS OF ARIZONA

- (c) The character and extent of all diseases reported.
- (d) Expenditures of the department.
- (e) Such recommendations as he deems advisable for protection of the public health.

Sec. 31. Section 36-187, Arizona Revised Statutes, is amended to read:

36-187. County treasurer as treasurer of local departments of health; duties; collection of fees

A. In the case of a county or city-county health department, the county treasurer, as a part of his official duties as county treasurer, shall serve as treasurer of the department, and his official bond as county treasurer shall extend to and cover his duties as treasurer of the department.

B. The treasurer of the county shall, upon organization of the department, create a health department fund to which shall be credited any money appropriated from a general county or city fund or funds, any revenue received by the department, and any money received from state, federal or other grants or donations for local health purposes. Any monies credited to such funds shall be expended only for the purposes of the local health department and claims or demands against the funds shall be allowed only if certified by the director of the department or the president of the local board of health or any other member of the board designated by the president for such purpose.

C. A county board of health established pursuant to this article may adopt a schedule of reasonable fees to be collected by the department for issuing or renewing licenses or permits or for other services as are authorized by the law and the rules and regulations of the ~~state board~~ DIRECTOR of THE DEPARTMENT OF health SERVICES, provided that:

1. Fees for services shall not be assessed or collected for services rendered to individuals except when those services are for the convenience of the individual and not a part of the preventive or curative medical care of persons for whom the county has a legal responsibility.
2. Fees for services shall not exceed the actual direct cost of providing any such services.
3. Any such fee or schedule shall be approved by the county board of supervisors.

LAWS OF ARIZONA

Sec. 32. Section 36-189, Arizona Revised Statutes, is amended to read:

36-189. State participation in establishment and maintenance of local health departments and local health services

A. The ~~state~~ department of health SERVICES may use funds at its disposal and not otherwise appropriated, to match funds provided by cities and counties to establish and maintain local health department services for any city, county, or city-county, on such reasonable terms as it establishes by regulation. From the appropriation made for purposes of this section, the ~~state~~ department of health SERVICES shall reimburse local health departments, which meet minimum standards of personnel and performance established by the ~~state board of health~~ DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES and upon submission and approval of a plan and budget by such local health departments, fifty per cent of the portion of the total approved budget not in excess of one dollar per capita or a prorated portion thereof if sufficient funds are not available to meet the approved requests. If annual expenditures of the local health department are less than the amount budgeted the total state reimbursement to such department for the year shall not exceed the appropriate per cent of the amount actually expended by such local health department. The ~~state~~ department of health SERVICES may, in addition, provide federal funds or services for demonstrations, studies and special projects, or for emergencies.

B. The ~~state~~ department of health SERVICES may use funds at its disposal, including federal funds available to the state for this purpose, and not otherwise appropriated to contract for the establishment and maintenance of local mental health services to be provided by either private, nonprofit or public agencies. Funds appropriated for this purpose shall be expended only for local mental health services. Reimbursement to approved clinic agencies shall be carried out as prescribed by this section for local health departments, except that state matching funds for mental health services, to the extent available, may be fifty per cent of the approved budgets without regard to per capita limitations. If annual expenditures by any approved mental health clinic are less than the amount budgeted, the total state reimbursement to such clinic for the year shall be reduced in the same proportion as the clinic's actual expenditures are to its approved budget.

Sec. 33. Section 36-201, Arizona Revised Statutes, is amended to read:

36-201. Definitions

In this article, unless the context otherwise requires:

LAWS OF ARIZONA

1. ~~“Board”~~ “ADVISORY COUNCIL” means ~~state hospital board~~ MENTAL HEALTH ADVISORY COUNCIL.
2. “DEPARTMENT” MEANS THE DEPARTMENT OF HEALTH SERVICES.
3. “DIRECTOR” MEANS THE DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES.
- ~~2.~~ 4. “Employee” means an officer or employee of the state hospital.
- ~~3.~~ 5. “State hospital” means Arizona state hospital.
- ~~4.~~ 6. “Superintendent” means superintendent of the state hospital.

Sec. 34. Section 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. SUBJECT TO LEGISLATIVE APPROPRIATION THE STATE HOSPITAL MAY PROVIDE SERVICES TO PERSONS SUFFERING FROM ALCOHOLISM AND TO PERSONS SUFFERING FROM DRUG ABUSE.

~~B.~~ C. 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.

LAWS OF ARIZONA

5. A properly equipped dental department.
6. A properly equipped laboratory and X-ray department.

D. THE STATE HOSPITAL SHALL BE UNDER THE CHARGE AND CONTROL OF THE DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES, PURSUANT TO THE PROVISIONS OF THIS ARTICLE.

Sec. 35. Section 36-203, Arizona Revised Statutes, is amended to read:

36-203. Mental health advisory council; membership; terms; compensation; powers and duties

~~A. The state hospital shall be under the charge and control of the state hospital board, subject to the provisions of this article.~~

~~B.~~ A. The ~~state hospital board~~ THERE SHALL BE A MENTAL HEALTH ADVISORY COUNCIL WHICH shall consist of ~~five~~ NINE members who shall be appointed by the ~~governor~~ DIRECTOR pursuant to section ~~38-211~~ 36-110. The members shall be persons identified with and interested in social welfare and the care and treatment of the mentally ill, AND SHALL INCLUDE PERSONS PROFESSIONALLY ENGAGED IN ALCOHOLISM, DRUG ABUSE AND MENTAL HEALTH ACTIVITIES.

~~C. The term of each member shall be five years, one term to expire on the third Monday in January each year. Upon the expiration of a term a successor~~

B. THE TERM OF ONE MEMBER INITIALLY APPOINTED SHALL EXPIRE ON THE THIRD MONDAY IN JANUARY, 1975 AND THE TERMS OF THE OTHER EIGHT MEMBERS INITIALLY APPOINTED SHALL EXPIRE, TWO EACH, ON THE THIRD MONDAY IN JANUARY IN THE YEARS 1976, 1977, 1978 AND 1979. ALL SUBSEQUENT MEMBERS shall be appointed for a full term of five years, OR, IF APPOINTED IN THE MIDDLE OF A TERM, FOR THE UNEXPIRED PORTION OF THAT TERM. MEMBERS OF THE ADVISORY COUNCIL SHALL ELECT A CHAIRMAN AND A VICE CHAIRMAN ANNUALLY.

~~D.~~ C. Members of the ~~board~~ ADVISORY COUNCIL shall receive no compensation for their services as such. ~~The board shall select a secretary from among its members or employ a secretary and in either case the compensation for the secretary shall be as determined pursuant to section 38-611.~~

LAWS OF ARIZONA

D. THE ADVISORY COUNCIL SHALL HOLD MONTHLY MEETINGS AND SUCH SPECIAL MEETINGS AS MAY BE CALLED BY THE DIRECTOR OR A MAJORITY OF THE MEMBERS.

Sec. 36. Section 36-204, Arizona Revised Statutes, is amended to read:

36-204. Powers and duties of director; state hospital fund

A. The ~~board~~ DIRECTOR 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.~~ 1. Adopt rules and regulations for outpatient services.
- ~~4.~~ 2. If deemed advisable, establish a nurses' training school in connection with the hospital which shall be under the supervision of the superintendent.
- ~~5.~~ 3. Prescribe forms of complaints, certificates of mental illness, and commitments.
- ~~6.~~ 4. Adopt rules and regulations for commitment of mentally ill persons not inconsistent with provisions of law.
- ~~7.~~ 5. Adopt rules and regulations for administration of the state hospital and to carry out the purposes of this article.

B. The ~~board~~ DIRECTOR may accept and expend gifts and grants ON BEHALF OF THE STATE HOSPITAL and shall account for them. The ~~board~~ DIRECTOR shall maintain a separate permanent fund in the state treasury to be known as the state hospital fund. Monies received from gifts and grants from any person or by law as a gift or grant shall be deposited in the state hospital fund and shall constitute a trust fund to be administered by the ~~board~~ DIRECTOR in conformity with the conditions prescribed by the donor or grantor.

Sec. 37. Section 36-205, Arizona Revised Statutes, is amended to read:

36-205. Superintendent of state hospital; appointment; qualifications; compensation

LAWS OF ARIZONA

A. There shall be a superintendent of the state hospital who shall be appointed by and be under the supervision of the ~~state hospital board~~ DIRECTOR.

B. The compensation to be paid to the superintendent shall be determined pursuant to section 38-611.

C. The superintendent shall be removed only for cause.

D. The superintendent shall be a physician graduated from a legally chartered school of medicine, the requirements of which shall have been at the time of his graduation not less than those prescribed by the association of American medical colleges, and he shall have not less than three years' experience in the treatment of mental and nervous diseases.

Sec. 38. Section 36-206, Arizona Revised Statutes, is amended to read:

36-206. Duties of superintendent; deputy; estimate of per capita maintenance charges

A. The ~~board~~ DIRECTOR shall have charge of the state hospital and the superintendent shall supervise and direct its activities, subject to the provisions of law and the rules and regulations and approval of the ~~board~~ DIRECTOR. He shall be ~~directly~~ responsible to the ~~board~~ DIRECTOR for carrying out the purposes for which the hospital is maintained. He may deputize, in writing, subject to the approval of the ~~board~~ DIRECTOR, any qualified officer of the state hospital to do or perform in his stead any act the superintendent is empowered to do or charged with the responsibility of doing by law.

B. The ~~superintendent~~ DIRECTOR shall in December each year make an estimate of the probable monthly per capita cost of treatment and maintenance of each category of patients for the next ensuing year as determined in accordance with standard accounting practices. A statement of the estimate shall be sent to each superior court judge in the state in January the following year.

Sec. 39. Section 36-208, Arizona Revised Statutes, is amended to read:

36-208. Employees; compensation

A. Except as otherwise provided by this article, the ~~superintendent~~ DIRECTOR shall employ all employees of the state hospital. ~~subject to approval of the board.~~ The ~~board~~ DIRECTOR may employ necessary

LAWS OF ARIZONA

medical consultants upon recommendation of the superintendent. The ~~board~~ DIRECTOR may permit members of the medical staff to act as consultants in psychiatry.

B. Subject to the laws of this state governing state personnel administration, the superintendent may discharge an employee for cause. An employee so discharged may, upon request have the reasons for his discharge reviewed and determined by the ~~board~~ DIRECTOR. The superintendent shall file a written report with the ~~board~~ DIRECTOR of each discharge setting forth the reasons therefor.

C. The compensation of employees of the state hospital shall be as determined pursuant to section 38-611.

Sec. 40. Section 36-209, Arizona Revised Statutes, is amended to read:

36-209. Reports by superintendent and director

A. ~~Not later than July 15 each year~~ AT SUCH TIME AS THE DIRECTOR DESIGNATES, the superintendent shall submit to the ~~board~~ DIRECTOR a report of the activities of the state hospital during the preceding fiscal year, including:

1. An account of patients received, conditionally discharged, and discharged, voluntary patients treated, and outpatient services rendered.
2. Methods of treatment used and the results.
3. A complete employment and personnel record.
4. The condition of existing equipment.
5. Recommendations for improvement of the institution.
6. Other matters required by the ~~board~~ DIRECTOR or deemed advisable by the superintendent to present a complete description of the condition and activities of the hospital.

B. Not later than the fifteenth day of each month the ~~business manager~~ DIRECTOR shall prepare in duplicate a financial statement of the affairs of the state hospital, including:

1. Amounts appropriated for the current fiscal year for operation, maintenance and improvement.

LAWS OF ARIZONA

2. Amount expended during the preceding calendar month.
 3. Balance on hand.
 4. Estimated expenditures for the current month.
 5. An inventory report.
- C. The original report and statements required by this section shall be filed with and retained as records of the ~~board~~ DIRECTOR and duplicates filed with the ~~commissioner~~ ASSISTANT DIRECTOR OF THE DIVISION of finance OF THE DEPARTMENT OF ADMINISTRATION.
- D. ~~Not later than July 15 each year~~ AT SUCH TIME AS THE DIRECTOR DESIGNATES, the ~~business manager~~ SUPERINTENDENT shall submit to the ~~board~~ DIRECTOR a financial statement of the affairs of the state hospital during the preceding fiscal year in a form prescribed by the ~~commissioner~~ ASSISTANT DIRECTOR OF THE DIVISION of finance OF THE DEPARTMENT OF ADMINISTRATION.
- E. Not later than August 1 each year the ~~board~~ DIRECTOR shall submit to the governor a comprehensive report of the activities of the state hospital during the preceding fiscal year, which shall include the annual reports of the superintendent ~~and the business manager~~, and shall contain:
1. An account of the work done.
 2. Recommendations for improvements.
 3. Financial statements which shall clearly reflect the origin and disposition of all funds which have come into the hands of the ~~board~~ DIRECTOR or an employee through appropriations or otherwise.
- F. The ~~board~~ DIRECTOR shall make such supplemental reports as the governor or the legislature request.
- G. The annual report shall be published for the information of the public, and a copy mailed to each member or member-elect of the legislature.

Sec. 41. Section 36-210, Arizona Revised Statutes, is amended to read:

36-210. **Expenditures**

LAWS OF ARIZONA

A. This article shall not be construed to give the ~~board~~ DIRECTOR or any employee authority to create a debt or obligation in excess of the amount appropriated by the legislature to carry out its provisions. If funds are not appropriated to carry out the purpose of this article, the ~~board~~ DIRECTOR shall make ~~his~~ HIS recommendations to the legislature, with a statement of the cost when an improvement is requested.

B. Except as provided by subsection C, the ~~commissioner~~ ASSISTANT DIRECTOR OF THE DIVISION of finance OF THE DEPARTMENT OF ADMINISTRATION shall issue no warrant for expenditures by the state hospital in excess of the estimate contained in the monthly financial statement of ~~the business manager~~ unless upon written request of the superintendent, approved in writing by the ~~board~~ DIRECTOR and setting forth the reasons therefor. In no event shall the ~~commissioner~~ ASSISTANT DIRECTOR OF THE DIVISION of finance OF THE DEPARTMENT OF ADMINISTRATION issue warrants in excess of the amount available for the current quarter.

C. Monies appropriated for capital investment may be expended at any time during the fiscal period for which the monies are appropriated as directed by the ~~board~~ DIRECTOR.

Sec. 42. Section 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~~ DIRECTOR directs, AFTER CONSULTATION WITH THE MENTAL HEALTH ADVISORY COUNCIL.

Sec. 43. Section 36-212, Arizona Revised Statutes, is amended to read:

36-212. Maximum security area required

The superintendent, under the direction of the ~~board~~ DIRECTOR, shall equip, staff and supervise the operation of an area consisting of one or more separate buildings on the state hospital grounds in Phoenix to be designated a maximum security area. The superintendent shall designate which patients shall be confined within a maximum security area. Such

LAWS OF ARIZONA

area shall be equipped, staffed and maintained in order to provide treatment and necessary supervision to prevent the patients from leaving such area without authorization.

Sec. 44. Section 36-213, Arizona Revised Statutes, is amended to read:

36-213. Store and canteen

A. The superintendent, with the approval of the ~~board~~ DIRECTOR, may set aside and designate any space on the grounds of the hospital that is not needed for other authorized purposes for the establishment and maintenance thereon of store and canteen facilities for the sale of candies, cigarettes, food, nonalcoholic beverages, sundries and other articles to patients and employees and for the benefit of patients of the state hospital.

B. The ~~business administrator~~ SUPERINTENDENT, with the approval of the ~~board~~ DIRECTOR, may contract with an outside firm, individual or agency to lease and operate the store and canteen facilities. Such outside firm, individual or agency shall provide a bond in an amount set by the ~~business administrator~~ SUPERINTENDENT with the approval of the ~~board~~ DIRECTOR. The facilities shall be conducted subject to the rules and regulations of the ~~board~~ DIRECTOR and rental and service charges shall be established by the ~~business administrator~~ SUPERINTENDENT, with the approval of the ~~board~~ DIRECTOR, as will reimburse the hospital for the cost thereof.

C. Any profits derived from the operation of such facilities, after reimbursement to the hospital, shall be deposited in a special fund known as the patients' benefit fund. The monies from the patients' benefit fund may be expended as the ~~state hospital board~~ DIRECTOR directs for the benefit of the patients of the state hospital. The auditor general shall annually audit the financial records of the store and canteen facilities. The provisions of chapter 1 of title 35 shall not apply to the patients' benefit fund.

Sec. 45. Section 36-214, Arizona Revised Statutes, is amended to read:

36-214. Residency training program

The ~~business administrator~~ SUPERINTENDENT, with the approval of the ~~board~~ DIRECTOR, may contract with any public or private agency to operate a residency training program at the state hospital. Such program shall include psychiatric or other related professional training provided by

LAWS OF ARIZONA

the state hospital to designees of the contracting agency. All payments received by the state hospital under such a contract shall be deposited in a special fund known as the residency training fund. The monies from the residency training fund may be expended as the ~~state hospital board~~ DIRECTOR directs for the salaries of residents and faculty and such other expenses as are reasonably necessary to maintain the residency training program.

Sec. 46. Section 36-251, Arizona Revised Statutes, is amended to read:

36-251. State laboratory

A. The state laboratory shall be located in quarters provided by the university of Arizona and in such other places as the ~~state~~ department of health SERVICES determines.

B. The laboratory shall examine and analyze such foods, water supplies, drugs and other specimens as the ~~commissioner~~ DIRECTOR of ~~public~~ THE DEPARTMENT OF health SERVICES directs.

Sec. 47. Section 36-252, Arizona Revised Statutes, is amended to read:

36-252. Chief of state laboratory; appointment; qualifications

A. The state laboratory shall be under the supervision of a ~~director~~ CHIEF who shall be appointed by the ~~commissioner~~ DIRECTOR of ~~public~~ THE DEPARTMENT OF health SERVICES.

B. The laboratory ~~director~~ CHIEF shall be a skilled pharmaceutical chemist or bacteriologist and analyst of foods, water supplies and drugs.

Sec. 48. Section 36-253, Arizona Revised Statutes, is amended to read:

36-253. Chief of state laboratory; powers and duties

A. The ~~director~~ LABORATORY CHIEF shall perform the duties prescribed by law and by the ~~commissioner~~ DIRECTOR of ~~public~~ THE DEPARTMENT OF health SERVICES. ~~and shall cooperate generally with the state department of health.~~

B. The laboratory ~~director~~ CHIEF may make provisions or issue directions for taking and forwarding samples of potable waters, and perishable foods or drinks.

Sec. 49. Section 36-254, Arizona Revised Statutes, is amended to read:

LAWS OF ARIZONA

36-254. Evidentiary effect of certificate of chief of state laboratory

A certificate of analysis and examination by the ~~director~~ CHIEF of the state laboratory is prima facie evidence of the facts therein stated.

Sec. 50. Section 36-255, Arizona Revised Statutes, is amended to read:

36-255. Reports by laboratory chief

A. Whenever the ~~director~~ CHIEF of the state laboratory finds that adulterated, mislabeled or misbranded food has been on sale in the state, he shall forthwith report the facts to the ~~commissioner~~ DIRECTOR of ~~public~~ THE DEPARTMENT OF health SERVICE.

B. The ~~director~~ CHIEF of the laboratory shall make an annual report to the ~~commissioner~~ DIRECTOR of ~~public~~ THE DEPARTMENT OF health SERVICES on or before July 1 each year upon adulterated, mislabeled or misbranded foods and liquids, including a list of examinations by him in which adulterants were found, the articles found mislabeled or misbranded and the names of the manufacturers, producers, jobbers and sellers of such adulterated, mislabeled or misbranded articles.

Sec. 51. Section 36-302, Arizona Revised Statutes, is amended to read:

36-302. Vital records and public health statistics; state-wide system

A. ~~There is established in~~ The state department of health SERVICES ~~an office of vital records and public health statistics which~~ shall organize, maintain and operate a system of vital RECORDS AND PUBLIC HEALTH statistics throughout the state.

B. The state department of health SERVICES shall provide ~~the office of vital records and public health statistics with suitable and adequate offices for operation which shall be equipped with~~ fireproof and theft proof facilities to insure the permanent and safe preservation of all vital records received and filed under this chapter.

Sec. 52. Section 36-303, Arizona Revised Statutes, is amended to read:

36-303. Duties of the director

~~In accordance with the powers granted under sections 36-104 and 36-105, The state board of health~~ DIRECTOR shall:

1. Prescribe minimum standards of performance for local registrars.

LAWS OF ARIZONA

2. Establish fees wherever required or authorized by this chapter.
3. Adopt, amend, repeal, and promulgate rules and regulations necessary for the efficient implementation and administration of a state-wide system of vital statistics and of all activities related thereto as authorized by this chapter.

Sec. 53. Section 36-304, Arizona Revised Statutes, is amended to read:

36-304. State registrars; appointment of assistants

A. The ~~commissioner~~ DIRECTOR of ~~public~~ THE DEPARTMENT OF health SERVICES shall be the state registrar of vital statistics.

B. The DIRECTOR ~~state registrar shall appoint a deputy state registrar of vital statistics who shall direct the office of vital records and public health statistics. Subject to the approval of the state registrar, the deputy state registrar may appoint one or more persons of the office of vital records and public health statistics to serve as assistant state registrars as he deems necessary or expedient by the requirements of this chapter and the regulations promulgated hereunder.~~

Sec. 54. Section 36-305, Arizona Revised Statutes, is amended to read:

36-305. Duties of the state registrar of vital statistics

A. The state registrar of vital statistics shall:

1. Administer and enforce this chapter and the rules and regulations issued hereunder and issue instructions for the efficient administration of a state-wide system of vital statistics.
2. Direct and supervise a state-wide system of vital RECORDS AND PUBLIC HEALTH statistics ~~and the office of vital records and public health statistics~~ and be custodian of its SUCH records.
3. Direct and supervise the activities and programs of the local registrars and the activities of those local officials who have specific legal responsibilities related to the operation of a state-wide vital statistics system.
4. Prescribe and distribute such forms as are required by this chapter and the rules and regulations issued hereunder.

LAWS OF ARIZONA

5. Prepare and publish reports of vital statistics of this state, and such other reports as may be required. ~~by the state board of health.~~

6. Transmit each month to the county recorder a record of the death of every resident of his county eighteen years of age and older as required under the provisions of subsection C of section 16-150.

7. Arrange, classify, and preserve all official vital records in a systematic manner employing modern devices and techniques where efficiency and good management are promoted thereby.

8. Investigate and report violations of this chapter by a written statement of the facts and circumstances to the county attorney in the county where the violation occurred and, when appropriate, request the attorney general to assist in the enforcement of the provisions of this chapter.

B. The state registrar may delegate, in writing, any or all powers and duties vested in him as state registrar to ~~the deputy~~ AN ASSISTANT state registrar as is deemed necessary and expedient by the requirements of this chapter and the regulations promulgated hereunder, and as provided by section 38-461.

~~C. With the approval of the state registrar the deputy state registrar may delegate in writing such powers and duties vested in him to assistant state registrars, local registrars, and employees of the office of vital records and public health statistics as is deemed necessary and expedient by the requirements of this chapter and the regulations promulgated hereunder.~~

Sec. 55. Section 36-321, Arizona Revised Statutes, is amended to read:

36-321. Form of certificates

A. In order to promote and maintain uniformity in the system of vital statistics, the form of certificates, reports, and other records required by this chapter or by rules and regulations adopted hereunder shall include as a minimum the items recommended by the federal agency responsible for national vital statistics subject to approval of and modification by the ~~state board~~ DIRECTOR of THE DEPARTMENT OF health SERVICES.

B. Each certificate, report, and form required to be filed or registered under this chapter shall have entered upon its face the date of filing and official registration duly attested by the registrar.

LAWS OF ARIZONA

C. All certificates filed and registered within one year following date of occurrence of the event shall be prima facie evidence of the facts stated therein. The evidentiary value of all certificates filed later than one year following the date of occurrence of the event and of all certificates marked "delayed", "amended" or "altered" may be determined by the judicial or administrative body or official before whom they are offered as evidence.

Sec. 56. Section 36-323, Arizona Revised Statutes, is amended to read:

36-323. Infants of unknown parentage; foundling registration

A. Whoever assumes custody of an infant of unknown parentage shall report within seven days to the designated registrar of the district in which the child was found the following information:

1. The date and place of finding.
2. Sex, color or race, and approximate age of the child.
3. Name and address of the person or persons or institution with whom the child has been placed for care.
4. Name given the child by the custodian.
5. Any other data as required by the state registrar.

B. The place where the child was found shall be entered as the place of birth and the date of birth shall be determined by approximation.

C. The report registered under this section shall constitute the certificate of live birth for the infant.

D. If the child is identified and a certificate of live birth is found or obtained, any report registered under this section shall be sealed and not open to further inspection except as may be provided by regulations of the ~~state board~~ DIRECTOR of THE DEPARTMENT OF health SERVICES.

Sec. 57. Section 36-324, Arizona Revised Statutes, is amended to read:

36-324. Delayed registration of births

A. When the birth of a person born in this state has not been previously registered, a certificate of delayed birth registration may be filed in accordance with regulations of the ~~state board~~ DIRECTOR of THE

LAWS OF ARIZONA

DEPARTMENT OF health SERVICES. Such certificate shall not be registered except according to the evidentiary requirements which the ~~state board~~ DIRECTOR of THE DEPARTMENT OF health SERVICES shall prescribe to substantiate the alleged facts of birth.

B. A summary statement of the evidence submitted in support of the delayed registration shall be endorsed on the certificate.

C. When an applicant does not submit the minimum documentation required in the regulations for delayed registration or when the state registrar finds reason to question the validity or adequacy of the certificate or the documentary evidence, the state registrar shall not register the delayed certificate and shall advise the applicant of the reasons for this action.

D. The state registrar may provide for the dismissal of an application which is not actively prosecuted.

Sec. 58. Section 36-326, Arizona Revised Statutes, is amended to read:

36-326. New certificates of birth following adoption, legitimation, paternity determination and surgical alterations

A. The state registrar shall establish a new certificate of birth for a person born in this state when he receives any of the following:

1. An adoption report as provided in section 36-325, or a certified copy of the decree of adoption together with the information necessary to identify the original certificate of birth and to establish a new certificate of birth, except that a new certificate of birth shall not be established in those cases where the court decreeing the adoption, the adoptive parents, or the adopted person so requests.

2. A certificate of adoption or a certified copy of the decree of adoption duly executed in a court of competent jurisdiction in any state, commonwealth or possession of the United States or Canada decreeing the adoption of a child born in Arizona together with the information necessary to establish a new certificate except that a new certificate of birth shall not be established in those cases where the court decreeing the adoption, the adoptive parents, or the adopted person so requests.

3. A request that a new certificate be established and such evidence as required by regulation proving that such a person has been legitimated, or that a court of competent jurisdiction has determined the paternity of such a person.

LAWS OF ARIZONA

4. A sworn statement from a licensed physician in good standing that he has performed a surgical operation or a chromosomal count on a person and that by reason of this operation or count the sex of the person has been established as different from that in the original document. The state registrar may reserve the right to require further proof if deemed necessary, or to seek independent professional evaluation of the evidence offered before creating a new certificate.

B. When a new certificate is established, the actual place and date of birth shall be shown. It shall be substituted in the active files for the original certificate of birth. Thereafter, the original certificate together with the evidence of adoption, legitimation, paternity, surgical alteration or chromosomal count shall be placed in a special file and not opened to further inspection or right of access except as provided by regulations of the ~~state board~~ DIRECTOR of THE DEPARTMENT OF health SERVICES or upon order of a court of competent jurisdiction. Upon receipt of notice that an adoption has been annulled, the original certificate of birth shall be restored to its proper place in the active files and the new certificate and the evidence on which it was based shall be retired to the special file and not opened to further inspection or right of access except as provided by regulation.

C. If no original certificate of birth exists for the person for whom a new certificate is to be established under this section, a delayed certificate shall be filed with the state registrar as provided in section 36-324 before a new certificate of birth is established, except that when the date and place of birth and parentage have been established in the adoption proceedings, a delayed certificate of birth shall not be required.

D. When a new certificate of birth is established by the state registrar, all copies of the original certificate in the custody of any local official shall be closed to inspection and forwarded to the state registrar or otherwise disposed of as he may direct. The state registrar shall furnish a copy of the new certificate to a local registrar upon request.

Sec. 59. Section 36-328, Arizona Revised Statutes, is amended to read:

36-328. Delayed registration of death

When a death occurring in this state has not been registered within one year after the date of death, a certificate marked "delayed" may be filed and registered in accordance with regulations of the ~~state board~~ DIRECTOR of THE DEPARTMENT OF health SERVICES relating to evidentiary and other requirements sufficient to substantiate the alleged facts of death.

LAWS OF ARIZONA

Sec. 60. Section 36-330, Arizona Revised Statutes, is amended to read:

36-330. Delayed fetal death registration

When a fetal death occurring in this state has not been registered within one year after the date of delivery, a certificate marked "delayed" may be filed and registered in accordance with regulations of the ~~state board~~ DIRECTOR of THE DEPARTMENT OF health SERVICES relating to evidentiary and other requirements sufficient to substantiate the alleged facts of fetal death.

Sec. 61. Section 36-331, Arizona Revised Statutes, is amended to read:

36-331. Reports of death; disposal-transit permits; disinterment permits

A. The funeral director, or person acting as funeral director, shall file a certificate of death or fetal death with the local registrar of the district in which the death occurred and obtain a disposal-transit permit prior to the final disposition or removal of the body or fetal remains from the registration district.

B. If a fetal death occurs in an institution and the period of gestation is less than twenty weeks, a disposal-transit permit shall not be required, irrespective of the method of disposal, if all of the following conditions are satisfied:

1. No coroner's investigation is required.
2. No formal funeral rites, including religious services, are to be conducted.
3. The parents have authorized the institution to dispose of the fetal remains.

C. A disposal-transit permit issued under the law of another state which accompanies the dead human remains brought into this state shall be sufficient authority for the issuance of a disposal-transit permit of this state for final disposition of the dead human remains in this state.

D. A permit for disinterment and reinterment shall be required prior to disinterment of dead human remains, except as may be authorized by regulation or otherwise provided by law. Such permit shall be issued by the state registrar or local registrar to a funeral director licensed pursuant to the statutes of this state, or to other persons as provided by regulations of the ~~state board~~ DIRECTOR of THE DEPARTMENT OF health SERVICES.

LAWS OF ARIZONA

Sec. 62. Section 36-332, Arizona Revised Statutes, is amended to read:

36-332. Extension of time

A. The ~~state-board~~ DIRECTOR of THE DEPARTMENT OF health SERVICES, by regulation and upon such conditions as ~~HE~~ HE deems necessary to assure compliance with the purpose of this chapter, may provide for the extension of the periods prescribed in sections 36-322, 36-327, 36-329, 36-331 and 36-341, for the filing of birth, death, and fetal death certificates, medical certifications of cause of death, and for obtaining disposal-transit permits in those cases where compliance with the purpose of this chapter when the requirement that the certificate be filed prior to the issuance of the permit would result in undue hardship.

B. The ~~state-board~~ DIRECTOR of THE DEPARTMENT OF health SERVICES may, by regulation, provide for the issuance of a disposal-transit permit under section 36-331 prior to the filing of a certificate of death or fetal death upon conditions designed to assure compliance with the purposes of this chapter when the requirement that the certificate be filed prior to the issuance of the permit would result in undue hardship.

Sec. 63. Section 36-333, Arizona Revised Statutes, is amended to read:

36-333. Duties of persons in charge of place of interment

A. The person in charge of any premises on which an interment, including cremation, is made shall not inter or cremate or permit such actions or other disposition of dead body or dead human remains unless accompanied by a disposal-transit permit upon the form prescribed by the state registrar.

B. The person in charge of such premises shall endorse upon the permit, over his signature, the date of interment, cremation or other disposition and return the permit to the registrar who issued same within ten days from the date of such action.

C. This responsibility shall be exercised by the clerk of the board of supervisors of each county where dead human remains are buried or cremated at the public expense in any public cemetery or potter's field within the county.

D. Any person who interrs dead human remains in a burial ground where there is no person in charge shall endorse, sign and file the permit and write across the face of the permit the words "No person in charge."

LAWS OF ARIZONA

E. The person in charge of any premises on which an interment, including cremation is made, shall maintain a public record of such interments, including cremations, upon forms prescribed by the ~~state board~~ DIRECTOR OF THE DEPARTMENT OF health SERVICES. The state registrar, or his representative, may make periodic inspections of such records to insure the efficient operation of the vital statistics system.

Sec. 64. Section 36-338, Arizona Revised Statutes, is amended to read:

36-338. Correction and amendment of vital records

A. A certificate, record or report registered under this chapter shall be amended only in accordance with this chapter and the regulations adopted by the ~~state board~~ DIRECTOR OF THE DEPARTMENT OF health SERVICES hereunder to protect the integrity and accuracy of such records. Such regulations may prescribe conditions under which additions or minor corrections shall be made to certificates within one year after occurrence of the event without the certificate being considered as amended.

B. A certificate that is amended under this section shall be marked "amended" except as provided in subsection D of this section. The date of amendment and a summary description of the evidence submitted in support of the amendment shall be endorsed on or made a part of the records.

C. Upon receipt of a certified copy of a court order changing the name of a person born in this state and upon request of such person or his parent, guardian or legal representative, the state registrar shall amend the certificate to reflect the new name.

D. Upon receipt of a sworn acknowledgment of paternity signed by both parents of a child born out-of-wedlock, the state registrar is authorized to amend the birth certificate to show such paternity if it is not already shown. Upon written request from the parents, the name of the father shall be entered on the record and the surname of the child shall be changed to that of the father. Such certificate shall not be marked "amended".

Sec. 65. Section 36-340, Arizona Revised Statutes, is amended to read:

36-340. Disclosure of records; violation

A. To protect the integrity of vital records, to insure their proper use and to insure the efficient and proper administration of the vital statistics

LAWS OF ARIZONA

system, it shall be unlawful for any person to permit inspection of any vital record in his custody, to disclose information contained therein, or to transcribe or issue a reproduction of all or part of any such record except as authorized by this chapter and the regulations promulgated hereunder.

B. Subject to conditions prescribed by the ~~state board~~ DIRECTOR of THE DEPARTMENT OF health SERVICES, data contained on records, including medical information, may be used for research and statistical purposes. The ~~state board~~ DIRECTOR of THE DEPARTMENT OF health SERVICES may provide by regulation for other and further disclosure of data contained in vital records for statistical and research purposes.

C. Information contained in vital records indicating that a birth occurred out-of-wedlock and from which any person could be identified shall not be disclosed except as provided by specific regulation of the ~~state board~~ DIRECTOR of THE DEPARTMENT OF health SERVICES or upon order of a court of competent jurisdiction.

Sec. 66. Section 36-341, Arizona Revised Statutes, is amended to read:

36-341. Copies of and data from vital records

A. Upon written request, the state registrar shall issue a certified copy of any certificate, record or report in his custody to any person eligible to receive such copy, except the portion of a birth certificate containing medical information, and except such certificates, records or reports which have been sealed in accordance with provisions of this chapter or a court order. Each copy issued shall show the date of original registration, and copies issued from records marked "delayed", "amended" or "court order" shall be similarly marked.

B. In class A registration districts, the local registrar may issue certified copies of any birth, death, or fetal death certificate during the period that the original record is in his custody. In accordance with the provisions of this chapter and the regulations adopted hereunder, the local registrar shall comply with such standards as the state registrar prescribes to protect the integrity and confidentiality of all certificates in his possession and of all certified copies issued by him.

C. A certified copy of a certificate, record or report or any part thereof issued in accordance with subsection A shall have the same status and shall be considered for all purposes the same as the original, and shall be prima facie evidence of the facts therein stated. The evidentiary value of a

LAWS OF ARIZONA

certificate or record filed more than one year after the event, or a record which has been amended, may be determined by the judicial or administrative body or official before whom the certificate is offered as evidence.

D. The public health service shall be entitled to receive copies, microfilm, automated data or other data from vital records as it may require for the preparation of national vital statistics subject to the following limitations:

1. The public health service shall bear the cost of preparing and transmitting such data and the materials involved.
2. Such data shall not be used for other than statistical for anonymity of specific persons shall be assured in accordance with the requirements of this chapter and the regulations adopted hereunder.

E. Federal, state, local, and such other agencies as the ~~board~~ DIRECTOR of THE DEPARTMENT OF health SERVICES may designate may, upon request, be furnished copies or data for statistical or research purposes upon such terms and conditions including fees and other costs as the ~~state board~~ DIRECTOR of THE DEPARTMENT OF health SERVICES may provide.

F. No person shall prepare or issue any certificate which purports to be an original, certified copy, or copy of a certificate or record of birth, death or fetal death, except as authorized by this chapter and the regulations adopted hereunder.

Sec. 67. Section 36-342, Arizona Revised Statutes, is amended to read:

36-342. Fees received by state and local registrars

A. The ~~state board~~ DIRECTOR of THE DEPARTMENT OF health SERVICES shall establish by rules and regulations the fees, if any, to be charged for searches, copies of records, applications to file delayed records, requests for supplementary birth certificates, following adoption, legitimation, paternity determination, surgical alterations and chromosomal counts or amendments to existing records.

B. The state registrar shall keep a true and accurate account of all fees collected by him under this chapter and shall deposit them with the state treasurer to be credited to the general fund of the state.

LAWS OF ARIZONA

C. In class A registration districts, and in class B registration districts if the local registrar is an employee of a local health department, the local registrar shall keep a true and accurate account of all fees collected by him under this chapter and shall deposit them with the county treasurer to be credited to a special registration and statistical revenue account of the health department fund.

Sec. 68. Section 36-345, Arizona Revised Statutes, is amended to read:

36-345. Right of petition and judicial review

Any person may petition the ~~state board~~ DIRECTOR of THE DEPARTMENT OF health SERVICES for a hearing to be held in accordance with the rules of practice for hearings before the ~~state board~~ DIRECTOR of THE DEPARTMENT OF health SERVICES when such person has been:

1. Refused the privilege of inspection or denied access to or possession of information contained in any vital record provided for under this chapter, including copies of such record, by the state registrar or a local registrar.
2. Refused application to file a birth, delayed birth, death or fetal death certificate including the acceptance and registration of such certificate by the state registrar.
3. Denied the issuance of a supplemental birth certificate following an adoption, legitimation, determination of paternity, surgical alteration or chromosomal count, or refused an amendment to any vital record provided for under this chapter.

Sec. 69. Section 36-401, Arizona Revised Statutes, is amended to read:

36-401. Definitions

In this chapter, unless the context otherwise requires:

1. "Adaptive services" means medical services provided on an outpatient basis.
2. "Authorized local agency" means a LOCAL health planning agency recognized by the ~~Arizona health planning authority~~ DEPARTMENT OF HEALTH SERVICES or where no SUCH recognized health planning agency exists, MEANS the state health planning ADVISORY council.
- ~~3. "Board" means the state board of health.~~

LAWS OF ARIZONA

- ~~4.~~ “Commissioner” means the commissioner of public health.
- ~~5.~~ 3. “Construction” means the building, erection, fabrication, or installation of a health care institution or facilities therefor.
- ~~6.~~ 4. “Continuous” means available at all times without cessation, break or interruption.
- ~~7.~~ 5. “Department” means the ~~state~~ department of health SERVICES.
- ~~8.~~ 6. “Direction” means authoritative policy or procedural guidance for the accomplishment of a function or activity.
7. “DIRECTOR” MEANS THE DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES.
- ~~9.~~ 8. “Facilities” means buildings or capital equipment used by a health care institution for providing any of the types of services as defined in this chapter.
- ~~10.~~ 9. “Governing authority” means the individual, agency, group or corporation, appointed, elected or otherwise designated, in which the ultimate responsibility and authority for the conduct of the health care institution is vested.
- ~~11.~~ 10. “Health care institution” means every place, institution, building or agency, whether organized for profit or not, which provides facilities with medical services, nursing services or health-related services.
- ~~12.~~ 11. “Health-related services” means services, other than medical, pertaining to general supervision, protective, preventive and personal care services.
- ~~13.~~ 12. “Inpatient beds” or “resident beds” means accommodations, with supporting services such as food, laundry and housekeeping, for patients or residents who generally stay in excess of twenty-four hours.
- ~~14.~~ 13. “Medical services” means the services pertaining to medical care that are performed at the direction of a physician in behalf of patients by physicians, dentists, nurses and other professional and technical personnel.
- ~~15.~~ 14. “Modification” means the substantial improvement, enlargement, reduction, moving or alteration of, addition to, or other change in a

LAWS OF ARIZONA

health care institution or its facilities or in the services provided by such an institution.

~~16-~~ 15. "Nonproprietary institution" means any health care institution organized and operated exclusively for charitable purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual, or operated by the state or any political subdivision of the state.

~~17-~~ 16. "Nursing services" means those services pertaining to the curative, restorative and preventive aspects of nursing care that are performed at the direction of a physician by or under the supervision of a registered nurse licensed in this state.

~~18-~~ 17. "Organized medical staff" means a formal organization of physicians, and dentists where appropriate, with the delegated authority and responsibility to maintain proper standards of medical care and to plan for continued betterment of that care.

~~19-~~ 18. "Personal care services" means assistance with eating, bathing and dressing for individuals who are in need of a protective environment.

~~20-~~ 19. "Physician" means any person licensed under provisions of title 32, chapters 13 and 17.

~~21-~~ 20. "Residential care institution" means a health care institution other than a hospital or a nursing care institution which provides resident beds and health-related services for persons who do not need inpatient nursing care.

~~22-~~ 21. "State plan" means the plan for construction and modernization of health care institutions formulated by the ~~Arizona health planning authority~~ DEPARTMENT as a part of the state comprehensive health plan ~~prepared by the Arizona health planning authority~~.

~~23-~~ 22. "Supervision" means direct overseeing and inspection of the act of accomplishing a function or activity.

Sec. 70. Repeal

Section 36-405, Arizona Revised Statutes, is repealed.

Sec. 71. Title 36, chapter 4, article 1, Arizona Revised Statutes, is amended by adding a new section 36-405, to read:

LAWS OF ARIZONA

36-405. Powers and duties of the director

A. THE DIRECTOR SHALL ADOPT, REPEAL AND AMEND REASONABLE RULES AND REGULATIONS WHICH SHALL ESTABLISH MINIMUM STANDARDS AND REQUIREMENTS FOR THE CONSTRUCTION, MODIFICATION AND LICENSURE OF HEALTH CARE INSTITUTIONS NECESSARY TO ASSURE THE PUBLIC HEALTH, SAFETY AND WELFARE. THE STANDARDS AND REQUIREMENTS SHALL RELATE TO THE CONSTRUCTION, EQUIPMENT, SANITATION, STAFFING FOR MEDICAL, NURSING AND PERSONAL CARE SERVICES, AND RECORD KEEPING PERTAINING TO THE ADMINISTRATION OF MEDICAL, NURSING AND PERSONAL CARE SERVICES, IN ACCORDANCE WITH GENERALLY ACCEPTED PRACTICES OF HEALTH CARE. THE DIRECTOR SHALL USE THE CURRENT STANDARDS ADOPTED BY THE JOINT COMMISSION ON ACCREDITATION OF HOSPITALS AND THE COMMISSION ON ACCREDITATION OF THE AMERICAN OSTEOPATHIC ASSOCIATION, AS GUIDELINES IN PRESCRIBING MINIMUM STANDARDS AND REQUIREMENTS UNDER THIS SECTION.

B. THE DIRECTOR MAY, BY REGULATION, CLASSIFY AND SUBCLASSIFY HEALTH CARE INSTITUTIONS ACCORDING TO CHARACTER, SIZE, RANGE OF SERVICES PROVIDED, MEDICAL OR DENTAL SPECIALTY OFFERED, DURATION OF CARE AND STANDARD OF PATIENT CARE REQUIRED FOR THE PURPOSES OF LICENSURE. CLASSES OF HEALTH CARE INSTITUTIONS MAY INCLUDE BUT NOT BE LIMITED TO HOSPITALS, INFIRMARIES, OUTPATIENT TREATMENT CENTERS, NURSING HOMES AND RESIDENTIAL CARE FACILITIES. WHENEVER THE BOARD REASONABLY DEEMS DISTINCTIONS IN ITS REGULATIONS AND STANDARDS TO BE APPROPRIATE AMONG DIFFERENT CLASSES OR SUBCLASSES OF HEALTH CARE INSTITUTIONS IT MAY MAKE SUCH DISTINCTIONS.

Sec. 72. Section 36-406, Arizona Revised Statutes, is amended to read:

36-406. Powers and duties of the department

In addition to its other powers and duties:

1. The department ~~through the office of the commissioner~~ shall:

(a) Administer and enforce this chapter and the rules, regulations and standards adopted pursuant thereto.

LAWS OF ARIZONA

(b) Review, and may approve, plans and specifications for construction or modification or additions to ~~existing~~ health care institutions regulated by this chapter.

(c) Have access to books, records, accounts and any other information of any health care institution reasonably necessary for the purposes of this chapter.

2. The department ~~through the office of the commissioner~~ may:

(a) Make or cause to be made inspections consistent with standard medical practice of every part of the premises of health care institutions which are subject to the provisions of this chapter as well as those which apply for or hold a license required by this chapter.

(b) Make studies and investigations of conditions and problems in health care institutions, or any class or subclass thereof, as they relate to compliance with this chapter and rules, regulations and standards adopted pursuant thereto.

(c) ~~With the approval of the board,~~ Develop manuals and guides relating to any of the several aspects of physical facilities and operations of health care institutions or any class or subclass thereof for distribution to the governing authorities of health care institutions and to the general public.

Sec. 73. Section 36-407, Arizona Revised Statutes, is amended to read:

36-407. Prohibited acts

A. A person shall not establish, conduct or maintain in this state a health care institution or any class or subclass thereof unless that person holds a current and valid license issued by the department specifying the class or subclass of health care institution such person is establishing, conducting or maintaining. Such license shall be valid only for the establishment, operation and maintenance of the class or subclass of health care institution, type of services and, except for emergency admissions as prescribed by regulation of the ~~board~~ DIRECTOR, the number of beds specified thereon.

B. The licensee shall not imply by advertising, directory listing or otherwise that the licensee is authorized to perform services more specialized or of a higher degree of care than is authorized by this chapter and the underlying regulations for the particular class or subclass of health care institution, within which he is licensed.

LAWS OF ARIZONA

C. The license shall not be transferred or assigned and shall be valid only for the premises occupied by the institution at the time of issuance.

D. The licensee shall not personally or through an agent offer or imply an offer of rebate or fee-splitting to any person regulated by provisions of title 32 and title 36, chapter 17.

E. The licensee shall submit an itemized statement of charges to each patient.

Sec. 74. Section 36-421, Arizona Revised Statutes, is amended to read:

36-421. Application for construction, modification

A. The construction or modification, as defined in section 36-401, of any health care institution or its facilities, except residential care institutions, requires a written permit from the ~~commissioner~~ DIRECTOR.

B. An application for the permit required by subsection A, of this section shall:

1. Include architectural plans and specifications, except the ~~commissioner~~ DIRECTOR may waive this requirement for improvements of a minor nature.

2. Contain information and supporting data to establish that:

(a) The proposed construction or modification meets the minimum standards for licensure within the class or subclass of health care institution for which it is intended.

(b) The applicant has or is able to obtain all approvals and consents required from other state and local governmental agencies.

(c) The applicant has adequate financial resources to successfully undertake the proposed construction or modification and properly staff, equip and operate it after completion.

(d) The applicant has submitted an application to the authorized local agency including supporting data to establish that a public need exists for the proposed construction or modification of the health care institution or facilities at the time and place and under the circumstances proposed.

(e) Approval for the proposed construction or modification has been granted by the authorized local agency, and that such approval included a finding that a public need exists, as specified in subdivision (d).

LAWS OF ARIZONA

(f) The proposed construction or modification would conform to the state plan.

C. The application shall be filed with the ~~commissioner~~ DIRECTOR prior to such construction or modification and the applicant shall not take any further action on the construction or modification unless and until it is approved and the written permit is issued by the ~~commissioner~~ DIRECTOR.

D. If the ~~commissioner~~ DIRECTOR finds that the applicant has satisfied all the requirements of subsection B of this section he shall approve the application and issue the written permit, otherwise he shall deny the application.

Sec. 75. Section 36-425, Arizona Revised Statutes, is amended to read:

36-425. Issuance of license; provisional license

A. Upon receipt of a properly completed application and upon finding that the applicant and the health care institution for which the license is sought meet all the requirements of this chapter and the regulations of the department for licensure within one of the classes or subclasses of health care institutions, the ~~commissioner~~ DIRECTOR shall issue to the applicant a license, otherwise he shall deny it.

B. The license shall show the name of the chief administrative officer of that specific health care institution and be valid for one year from the date of issuance. The license shall be conspicuously posted in the reception area of the licensed health care institution.

C. When an inspection or investigation of an applicant or a health care institution reveals a deficiency or deficiencies of a minor nature or of a hazardous but readily correctable nature, and the ~~commissioner~~ DIRECTOR has cause to believe that the immediate interests of the patients and of the general public would be served best by affording the institution the opportunity to correct such deficiency or deficiencies, the department shall issue a provisional license for a period of time not to exceed one year, if the applicant agrees to carry out a plan acceptable to the department to eliminate the deficiency or deficiencies within the term of the provisional license. A health care institution shall be relicensed after the expiration of its provisional license only if the licensee has fully corrected all conditions constituting failure to comply with requirements for licensure.

D. A health care institution shall have its license amended immediately

LAWS OF ARIZONA

at any time there is written notification of a change of the chief administrative officer specified in section 36-422, subsection A, paragraph 6.

Sec. 76. Section 36-426, Arizona Revised Statutes, is amended to read:

36-426. Submittal of operating and financial statements

Every health care institution licensed under this chapter shall submit to the ~~Arizona health planning authority~~ DIRECTOR not later than one hundred and twenty days following completion of the calendar or fiscal year such operating statements and reports for the preceding calendar or fiscal year in such forms and containing such details as the ~~authority~~ DIRECTOR shall reasonably prescribe pursuant to section 36-125.03. The ~~authority~~ DIRECTOR shall reimburse such institution for reasonable costs, as determined by the ~~authority~~ DIRECTOR, incurred in the collection or reporting of such information when the information is not readily available and its collection, at the specific request of the ~~authority~~ DIRECTOR, requires an expenditure that would not have been incurred for other purposes.

Sec. 77. Section 36-427, Arizona Revised Statutes, is amended to read:

36-427. Suspension or revocation

A. The ~~commissioner~~ DIRECTOR may suspend or revoke the license of any health care institution if its owners, officers, agents or employees:

1. Violate any provision of this chapter or the regulations of the department adopted pursuant thereto.
2. Knowingly aid, permit or abet the commission of any crime involving medical and health related services.
3. Have been, are or may continue to be in substantial violation of the requirements for licensure of the institution, as a result of which the health or safety of one or more patients or the general public is in immediate danger. If the licensee, the chief administrative officer or any other person in charge of the institution refuses to permit the department, its employees or agents the right to inspect its premises as provided in section 36-424, subsection B, such action shall be deemed reasonable cause to believe that a substantial violation exists.

B. The ~~commissioner~~ DIRECTOR may, if he reasonably believes that a violation of paragraph 3 of subsection A of this section has occurred, and

LAWS OF ARIZONA

that life or safety of patients will be immediately affected thereby, upon written notice to the licensee and with the concurrence of the chairman of the board, order the immediate restriction of admissions and termination of specific services, procedures, practices or facilities.

Sec. 78. Section 36-428, Arizona Revised Statutes, is amended to read:

36-428. Hearings by the director

A. No license shall be suspended or revoked without affording the licensee notice and opportunity for a hearing as provided for in title 41, chapter 6.

B. Any person whose application for a permit or license has been denied by the ~~commissioner~~ DIRECTOR or who has been ordered by the ~~commissioner~~ DIRECTOR to restrict admissions and terminate specific services, procedures, practices or facilities may, at any time within thirty days after notice of such denial or order, request in writing a hearing before the ~~board~~ DIRECTOR, to be held within thirty days following such written request, for the purpose of reviewing the action of the ~~commissioner~~ DIRECTOR.

C. All hearings shall be in accordance with title 41, chapter 6.

Sec. 79. Section 36-429, Arizona Revised Statutes, is amended to read:

36-429. Removal of licensee; continued operation

A. In addition to other remedies provided by this chapter, the ~~commissioner~~ DIRECTOR may, if he reasonably believes a violation of this chapter by a licensee endangers the health, safety or welfare of the patients of such licensee, bring an action requesting the superior court to:

1. Remove the administrative officers, agents or employees of such licensee by injunction, until such violation ceases.
2. Appoint temporary personnel to continue operation of such health care institution under conditions and requirements set by the court pending correction of the violation, restoration of the licensee or revocation of the license.

B. The action shall be brought in the name of the people of the state through the attorney general in the superior court in the county in which the health care institution is located.

LAWS OF ARIZONA

Sec. 80. Section 36-430, Arizona Revised Statutes, is amended to read:

36-430. Unlicensed operation prohibited; injunction

The operation or maintenance of a health care institution which does not hold a current and valid license or which exceeds the range of the services authorized by the class or subclass for which it is licensed is a violation of this chapter and is declared a nuisance inimical to the public health and safety. ~~The commissioner~~ DIRECTOR, in the name of the people of the state, through the attorney general, may bring an action for an injunction to restrain such violation or to enjoin the future operation or maintenance of any such health care institution until compliance with the provisions of this chapter and the rules and regulations and standards adopted pursuant thereto is obtained.

Sec. 81. Section 36-432, Arizona Revised Statutes, is amended to read:

36-432. Judicial review of decisions of director

Any person or licensee affected by a decision of the ~~commissioner or the board~~ DIRECTOR shall have the right of appeal of such decision in accordance with the provisions of title 12, chapter 7, article 6.

Sec. 82. Section 36-436, Arizona Revised Statutes, is amended to read:

36-436. Filing and review of rates, rules and regulations as prerequisite to operation; findings; comparative studies

A. A new health care institution shall not engage in business within this state until its schedule on rates, charges and rules and regulations pertaining thereto are filed with and reviewed by the ~~Arizona health planning authority~~ DIRECTOR. The schedules of rates and charges shall be in the form and contain such information as prescribed by the ~~authority~~ DIRECTOR pursuant to section 36-125.03.

B. The ~~authority~~ DIRECTOR shall adopt or establish reasonable guidelines for review of rates and charges for health care institutions. Those health care institutions which are classified by the ~~authority~~ DIRECTOR as hospitals pursuant to section 36-125.03 shall use the current edition of the statement on the financial requirements of health care institutions and services, as adopted by the American hospital association, or amended editions thereof if applicable, as a guide for establishing hospital rates and charges. In such cases, the ~~authority~~ DIRECTOR shall include, but not be limited to, use of the statement on

LAWS OF ARIZONA

the financial requirements of health care institutions and services, as adopted by the American hospital association, as a guide for review of hospital rates and charges.

C. Promptly after the filing of such schedule, the ~~authority~~ DIRECTOR shall review such schedule and make public ~~its~~ HIS findings in connection therewith. Such findings shall include information on:

1. How the rates and charges relate to the operating income and expenses of the institution; and
2. The source and application of funds available to the institution.

D. At least annually the ~~authority~~ DIRECTOR shall publish an in-depth comparative study of rates and charges of all institutions. The ~~authority~~ DIRECTOR shall consult with representatives of each class or subclass of health care institution before such comparative studies are published.

Sec. 83. Section 36-436.01, Arizona Revised Statutes, is amended to read:

36-436.01. Contents of schedules; public notice; copies to be available

A. The schedule shall be printed in legible type and shall contain a listing of all services performed and commodities furnished for which a separate charge is made, together with the charges for each. They shall plainly state all rules or regulations which may in any way change, affect or determine any part or the aggregate of the rates or charges therein or the value of the services or commodities covered by the schedule.

B. After review by the ~~Arizona health planning authority~~ DIRECTOR a copy of the schedule shall be posted in a conspicuous place in the reception area of each health care institution using the schedule. Another copy also shall be kept in such reception area available for inspection by the public at all times upon request.

Sec. 84. Repeal

Section 36-436.02, Arizona Revised Statutes, is repealed.

Sec. 85. Title 36, chapter 4, article 3, Arizona Revised Statutes, is amended by adding new section 36-436.02 to read:

36-436.02. Increases of rates or charges; notice; filing

LAWS OF ARIZONA

A. NO INCREASE SHALL BE MADE BY ANY HEALTH CARE INSTITUTION IN ANY RATE OR CHARGE UNLESS AND UNTIL THE PROPOSED INCREASE HAS BEEN FILED WITH THE DIRECTOR AND REVIEWED IN THE SAME MANNER AS THE SCHEDULE AS SET FORTH IN SECTION 36-436, EXCEPT THAT AN INCREASE SHALL BE APPROVED WITHOUT FURTHER REVIEW BY THE DIRECTOR, OR BY THE AUTHORIZED LOCAL AGENCY UNDER PROVISIONS OF SECTION 36-436.03, FOR ANY SERVICE FOR WHICH THE HEALTH CARE INSTITUTION HAS BEEN DENIED APPROVAL FOR A REDUCTION OR TERMINATION OF SUCH SERVICE. THE DIRECTOR SHALL MAKE PUBLIC HIS FINDINGS WITHIN SIXTY DAYS AFTER THE SCHEDULE IS FILED.

B. A COPY OF ANY PROPOSED REDUCTION IN ANY RATE OR CHARGE SHALL BE FILED WITH THE DIRECTOR FOR INFORMATIONAL PURPOSES PRIOR TO THE EFFECTIVE DATE OF SUCH REDUCTION.

Sec. 86. Section 36-436.03, Arizona Revised Statutes, is amended to read:

36-436.03. Review by authorized local agency

A. The health care institution shall also file a copy of its existing rate schedule and any proposed new schedule with the authorized local agency.

B. The authorized local agency shall within thirty days hold a public hearing on any proposed new schedule containing any increase in rates or charges and shall make public the time and place of such hearing at least ten days in advance. The authorized local agency shall give the health care institution affected ten days' written notice of the proposed public hearing. The notice shall include:

1. A statement of the time and place for the public hearing.
2. Either an informative summary or a written agenda of all matters to be discussed.

C. The authorized local agency shall review any proposed new schedule containing any increase in rates or charges and file a report with the ~~Arizona health planning authority~~ DIRECTOR with respect to its findings within thirty days after completion of its review. The ~~authority~~ DIRECTOR may elect to adopt the findings of the authorized local agency or conduct a separate review of any proposed new schedule containing any

LAWS OF ARIZONA

increase in rates or charges, as ~~it~~ HE deems appropriate. In any case, the ~~authority~~ DIRECTOR shall make public ~~its~~ HIS actions on the findings of the authorized local agency.

Sec. 87. Section 36-443, Arizona Revised Statutes, is amended to read:

36-443. Denial, suspension and revocation of license; notice; hearing; witnesses

A. The ~~state~~ department of health SERVICES may deny, suspend or revoke the license of any institution which:

1. Violates any provision of this chapter or the rules and regulations adopted thereunder.
2. Permits, aids or abets in the commission of an unlawful act.
3. Indulges in conduct or practices detrimental to the health or safety of the patients or employees of the institution.

B. When the ~~state~~ department of health SERVICES denies, suspends or revokes a license it shall send notice thereof, by registered mail, to the institution concerned, setting forth the reasons for the action. Within thirty days after the date of notice, the applicant or licensee may give written notice of a desire for hearing, and a hearing, at which the applicant or licensee shall have the right to present evidence, shall be held before the ~~state board of health~~ DIRECTOR. The ~~board~~ DIRECTOR shall render ~~its~~ HIS decision on the basis of the evidence presented and shall send a copy thereof, by registered mail, to the applicant or licensee. The decision shall be final, subject to the right of appeal.

C. Hearings before the ~~board~~ DIRECTOR shall be conducted according to the rules and regulations adopted by the ~~state~~ DIRECTOR OF department of health SERVICES. ~~with the advice of the hospital advisory council.~~ A record of the proceedings shall be kept but need not be transcribed unless the decision is appealed or a transcript is requested by an interested party who shall bear the cost of transcription.

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

Sec. 88. Section 36-444, Arizona Revised Statutes, is amended to read:

36-444. Appeal; scope of judicial review

LAWS OF ARIZONA

A. Within thirty days from the date of a decision by the ~~state board of health~~ DIRECTOR, an applicant or licensee may appeal the decision to the superior court of the county in which the institution concerned is located. The ~~board~~ DIRECTOR shall certify and file with the clerk of the court a transcript of the hearing.

B. Findings of fact made by the ~~board~~ DIRECTOR are conclusive unless contrary to the weight of evidence. The court may remand the case to the ~~board~~ DIRECTOR for further evidence or for rehearing or may affirm, modify or reverse the decision of the ~~board~~ DIRECTOR. Appeal from the decision may be taken by either party.

Sec. 89. Section 36-451, Arizona Revised Statutes, is amended to read:

36-451. **Definitions**

In this chapter, unless the context otherwise requires:

- ~~1.~~ "Board" means the state board of health.
- ~~2.~~ 1. "Clinical laboratory" or "laboratory" means any medical institution, building, or place which provides through its ownership or operation facilities for the employment of methods and instruments of precision for the examination of secretions, body fluids and excretions of the human body and its functions to aid in the diagnosis of disease, follow the course of disease, or aid in the treatment of such disease, or which purports to offer such examinations, except as provided in section 36-461.
- ~~3.~~ "Commissioner" means the commissioner of public health.
- ~~4.~~ 2. "Department" means the ~~state~~ department of health SERVICES.
3. "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES.
- ~~5.~~ 4. "Director of a clinical laboratory" means a person who administers the technical and scientific operation of a medical clinical laboratory, including the reporting of the findings of clinical laboratory tests. The director of a clinical laboratory may not merely be nominal, but shall participate actively in its operation to such extent as may be necessary to assure compliance with the objects and purposes of article 2 of this chapter.
- ~~6.~~ 5. "Person" means any individual, firm, partnership, association, corporation, whether or not organized for profit, or any other form of business enterprise.

LAWS OF ARIZONA

Sec. 90. Section 36-452, Arizona Revised Statutes, is amended to read:

36-452. Administration

The provisions of this chapter shall be administered by the ~~state~~ department of health SERVICES.

Sec. 91. Section 36-463, Arizona Revised Statutes, is amended to read:

36-463. License; application; issuance; display; expiration; renewal

A. A person who desires to operate a clinical laboratory shall file with the department an application therefor, accompanied by the license application fee prescribed in section 36-464.

B. The application shall be on a form prescribed and furnished by the department. The application shall be under oath and shall contain:

1. The name and location of the clinical laboratory.
2. The name of the person owning such facility and the name of the person directing such facility.
3. A description of the program and services provided by such clinical laboratory.
4. Such other information as the department may deem necessary or expedient in carrying out its powers and duties under this article.

C. The department shall issue a license to the applicant to operate a clinical laboratory to provide the services and programs described in the application if the department is satisfied that the applicant has complied with the provisions of this article and the rules and regulations pertaining thereto.

D. A license shall expire one year after the date of issuance and shall be renewed upon payment of the renewal application fee as prescribed in section 36-464.

E. When an inspection or investigation of a laboratory reveals a deficiency or deficiencies of a minor nature, but the ~~commissioner~~ DIRECTOR has cause to believe that the immediate interests of the general public would be best served by affording the laboratory the opportunity to correct such deficiency or deficiencies, the department

LAWS OF ARIZONA

shall issue a provisional license for a period of time not to exceed six months providing the applicant agrees to carry out a plan acceptable to the department to eliminate the deficiency or deficiencies within the term of the provisional license. The fee for a provisional license shall be the same as for an annual license. No provisional license shall be renewed. A laboratory shall be relicensed after the expiration of its provisional license only if the licensee has fully corrected all conditions constituting failure to comply with requirements for licensure.

F. A license to conduct a clinical laboratory where the owner is not the LABORATORY director shall be issued jointly to the owner and ~~the~~ SUCH director, and they shall be severally and jointly responsible to the department for the maintenance and conduct thereof or for any violations of the provisions of this article and regulations pertaining thereto. A separate license shall be obtained for each location. A license shall be valid only in the hands of the persons to whom it is issued and shall not be the subject of sale, assignment or transfer, voluntary or involuntary, nor shall a license be valid for any premises other than those for which issued. A new license may be secured without charge for the new location, director, or owner prior to the actual change, provided that the contemplated change is in compliance with the provisions of this article and regulations pertaining thereto, and that the department has had thirty days' notice of the contemplated change.

G. Licensing under the provisions of this article shall imply approval of the location and supervision of such clinical laboratory, and shall serve as notice to the department of the character of the program and services performed. A clinical laboratory shall not in any advertisement, announcement, letter, circular, poster, sign or in any other manner include any statement expressly or by implication to the effect that it is approved by the department except as provided by subsection H of this section.

H. A person who maintains, conducts or operates a clinical laboratory shall display in a prominent place in the clinical laboratory the license issued to him by the department.

Sec. 92. Section 36-465, Arizona Revised Statutes, is amended to read:

36-465. Rules and regulations

The ~~board~~ DIRECTOR shall prescribe and publish rules and regulations for clinical laboratories, relating to:

1. Minimum standards of proficiency and operation of a clinical laboratory. The department may require examination of the director of the clinical laboratory.

LAWS OF ARIZONA

2. The general content and administration of examinations to determine the qualifications of directors of clinical laboratories qualifying under section 36-468, paragraphs 2 and 3. Such examination shall be designed to reasonably test the applicant's theoretical and practical knowledge of the specialty and subspecialty, including tests and procedures, for which the license is sought.
3. The construction and operation of the laboratory, including plumbing, heating, lighting, ventilation, electrical services and similar conditions which shall insure the conduct and operation of the laboratory in a manner which will protect the public health.
4. The qualifications of all personnel having responsibility for the conduct and operation of the laboratory unless otherwise provided by law.
5. All sanitary conditions within the laboratory and its surroundings, including water supply, sewage, the handling of specimens and general hygiene which shall insure the protection of the public's health and the health and safety of laboratory personnel.
6. Equipment essential to proper conduct and operation of a laboratory.
7. Within the limitations of section 36-464, the amount of the fee to be charged for laboratory licenses and renewals thereof.

Sec. 93. Section 36-468, Arizona Revised Statutes, is amended to read:

36-468. Director of clinical laboratory; qualifications

Every clinical laboratory shall be under the supervision and direction of a LABORATORY director who possesses one of the following qualifications:

1. He is a physician or osteopath licensed to practice medicine and surgery in Arizona.
2. He holds a degree above baccalaureate level from a college or university acceptable to the department, with a major in a paramedical, chemical or biological science.
3. A person who has practiced for not less than two years immediately preceding the effective date of this article as director of a clinical laboratory in this state may continue to direct a laboratory. Such laboratory, however, shall conduct only those tests and procedures which

LAWS OF ARIZONA

~~the~~ SUCH director can adequately demonstrate have been capably performed in the laboratory by him or under his supervision during such two-year period.

Sec. 94. Section 36-473, Arizona Revised Statutes, is amended to read:

36-473. Grounds for denial or revocation of license

The ~~commissioner~~-DIRECTOR may deny or revoke or deny the renewal of a license for:

1. Violation of any of the provisions of this article or the rules and regulations of the department promulgated pursuant to this article.
2. Violation of any provision of title 32, chapter 13.
3. The advertising of clinical laboratory procedures to the public in a form or manner not approved by the ~~board~~-DIRECTOR.
4. Knowingly accepting a referral for laboratory tests or specimens from and rendering a report thereon to persons not licensed or otherwise authorized by law to submit such specimens and receive reports thereon.
5. Referring a specimen for examination to a laboratory which has not been licensed under this article or exempted by section 36-461, paragraph 1, or as authorized by section 36-462, subsection B.
6. Rendering a report on a clinical laboratory work actually performed in another clinical laboratory without designating the name of the director and the name and address of the laboratory in which the test was performed.
7. Conviction of a felony or of any crime involving moral turpitude under the laws of any state or of the United States arising out of or in connection with the operation of a laboratory. The record of conviction or a certified copy thereof shall be conclusive evidence of such conviction.
8. Knowingly having professional connection with or knowingly lending the use of the name of a licensed clinical laboratory or its director to an unlicensed clinical laboratory.

Sec. 95. Section 36-474, Arizona Revised Statutes, is amended to read:

36-474. Investigation of complaints; notice of hearing

LAWS OF ARIZONA

A. The department may, upon its own initiative, and shall upon the verified complaint of any person setting forth facts which if proven would constitute grounds for denial of an application for a license, or refusal to renew a license, or revocation of a license, investigate the applicant or licensee. If such investigation discloses grounds therefor, the ~~commissioner~~ DIRECTOR may deny an application, refuse to renew a license, or revoke a license, provided that the applicant or licensee shall be notified of the charges or reasons for such action and be given thirty days within which to request a hearing before the ~~board~~ DIRECTOR.

B. If such hearing is requested the department shall notify the applicant or licensee of the date, time and place of the hearing which shall be heard not less than ten days after the notice is served or mailed.

C. Notices provided for in this section may be given by personal service upon the applicant or licensee or by mailing by registered mail to the address specified in the application or, in the case of a licensee, to the address of the laboratory designated on the license.

D. If a hearing is not requested within thirty days after the date of service or mailing of the notice, the denial, refusal or revocation shall become final.

Sec. 96. Section 36-475, Arizona Revised Statutes, is amended to read:

36-475. Hearing

A. The hearing shall be held before the ~~board~~ DIRECTOR or a hearing officer designated by the ~~board~~ DIRECTOR to conduct the hearing. The ~~board~~ DIRECTOR or hearing officer may compel by subpoena or subpoena duces tecum the attendance and testimony of witnesses and the production of books and papers, and administer oaths to witnesses. The hearing shall be conducted at such place as may be designated by the ~~board~~ DIRECTOR or hearing officer.

B. The applicant or licensee may appear in person or be represented by counsel. The department shall be represented by the attorney general. The applicant or licensee and the department shall be afforded an opportunity to present all relevant matter in support of their respective contentions. In the event of the inability of either the applicant, licensee, or the department to procure the attendance of witnesses to give testimony or produce books and papers, either the applicant, licensee, or the department may take the deposition of witnesses in accordance with the provisions of the laws of this state. All testimony taken at a hearing shall

LAWS OF ARIZONA

be reduced to writing, and all such testimony and other evidence introduced at the hearing shall be a part of the record of the hearing.

C. The ~~board~~ DIRECTOR or the hearing officer shall conduct hearings in accordance with rules of practice and procedure adopted by the ~~board~~ DIRECTOR and in such manner as seems best calculated to result in substantial justice.

D. All subpoenas issued by the ~~commissioner~~ DIRECTOR or the hearing officer may be served as provided for in civil actions. The fees of witnesses for attendance and travel shall be the same as the fees for witnesses before the superior court and shall be paid by the party to such proceedings at whose request the subpoena is issued. If such subpoena is issued at the request of the department, the witness fee shall be paid as an administrative expense.

E. In cases of refusal of a witness to attend or testify, or to produce books or papers, concerning any matter upon which he might be lawfully examined, the superior court of the county wherein the hearing is held, or a judge thereof, upon application of any party to the proceeding, may compel obedience by proceeding, as for contempt as in cases of a like refusal to obey a similar order of such court.

F. The department, at its expense, shall provide a stenographer to take the testimony and preserve a record of all proceedings under this article. The notice of hearing, the complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, and the findings and decision shall be the record of the proceedings. The department shall furnish a transcript of such record to any person interested in such hearing upon payment of reasonable and customary charges therefor.

Sec. 97. Section 36-476, Arizona Revised Statutes, is amended to read:

36-476. Findings of fact; decision by director

A. The ~~board~~ DIRECTOR or hearing officer shall make findings of fact in such hearing, and the ~~board~~ DIRECTOR shall render ~~its~~ HIS decision within thirty days after the termination of the hearing unless additional time is required by him for a proper disposition of the matter. When the hearing has been conducted by a hearing officer, the ~~board~~ DIRECTOR shall review the record and findings of fact before rendering a decision. A copy of the finding of fact and decision of the ~~board~~ DIRECTOR shall be served upon the applicant or licensee in person or by registered mail in the same manner as the service of the notice of hearing.

LAWS OF ARIZONA

B. Upon the revocation of his license, a licensee shall be required to surrender his license to the department, and upon his failure or refusal to do so, the department shall have the right to seize the license.

C. The department shall not be required to certify any record or file any answer or otherwise appear in any proceeding for judicial review unless the party filing the complaint deposits with the clerk of the court a reasonable and customary sum, as determined by the chief clerk of the department, to provide for the costs of such certification. Failure on the part of the plaintiff to make such deposit shall be grounds for dismissal of the action.

Sec. 98. Section 36-477, Arizona Revised Statutes, is amended to read:

36-477. **Judicial review**

A. The provisions of title 12, chapter 7, article 6, shall apply to and govern every action to review judicially a final decision of the ~~board or the commissioner~~ DIRECTOR.

B. Proceedings for judicial review shall be commenced in the superior court of Maricopa county.

Sec. 99. Section 36-478, Arizona Revised Statutes, is amended to read:

36-478. **Injunction**

The operation or maintenance of an unlicensed clinical laboratory in violation of this article is declared a nuisance inimical to the public health, welfare and safety. The ~~commissioner~~ DIRECTOR, in the name of the people of the state, through the attorney general, may, in addition to other remedies provided in this article, bring an action for an injunction to restrain such violation or to enjoin the future operation or maintenance of any such clinical laboratory until compliance with the provisions of this article has been obtained.

Sec. 100. Section 36-501, Arizona Revised Statutes, is amended to read:

36-501. **Definitions**

In this article, unless the context otherwise requires:

1. ~~“Board”~~ “ADVISORY COUNCIL” means the ~~state hospital board~~ MENTAL HEALTH ADVISORY COUNCIL.

LAWS OF ARIZONA

2. "Designated examiner" means a licensed physician selected by the superior court. Whenever possible, the designated examiner shall be a licensed physician experienced in the diagnosis, treatment and care of mental illness.
3. "Designated facility" means a hospital licensed for the care of mental illness pursuant to the provisions of article 3 of chapter 4, title 36.
4. "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES.
- ~~4-~~ 5. "Licensed physician" means any physician or surgeon licensed under the laws of this state to practice medicine pursuant to chapter 13 or 17, title 32.
- ~~5-~~ 6. "Maintenance" means and includes, but is not limited to, costs incurred in the maintenance, care and treatment of patients in the state hospital.
- ~~6-~~ 7. "Mental illness or mentally ill" means a psychiatric disorder which substantially impairs mental health; or a psychiatric disorder to such a degree that a person having such is likely to be dangerous to himself or the person or property of others; and, in either case, is in need of supervision, care, treatment or hospitalization.
- ~~7-~~ 8. "Patient" means a person hospitalized for observation, care or treatment in the state hospital or other designated facility.
- ~~8-~~ 9. "Proposed patient" means a person respecting whom a petition has been filed for observation, care or treatment in the state hospital or other designated facility.
- ~~9-~~ 10. "State hospital" means the Arizona state hospital.
- ~~10-~~ 11. "Superintendent" means the superintendent of the state hospital.

Sec. 101. Section 36-502, Arizona Revised Statutes, is amended to read:

36-502. Voluntary admissions; transportation

A. Pursuant to rules and regulations prescribed by the ~~board~~ DIRECTOR, the state hospital may hospitalize for observation, diagnosis, care or treatment any person who is mentally ill and who voluntarily makes

LAWS OF ARIZONA

written petition therefor on a form prescribed by the ~~board~~ DIRECTOR. If such person be less than eighteen years of age the petition shall be signed by the parent, guardian, or adult next of kin of the proposed patient.

B. The board of supervisors of the county of residence of a person who has submitted a petition pursuant to subsection A, shall provide transportation to the state hospital for such person if it appears that the person is eligible for voluntary admission to the state hospital after consultation has taken place between the state hospital and an examiner of the patient designated by the county to provide such services.

Sec. 102. Section 36-503, Arizona Revised Statutes, is amended to read:

36-503. Patient reimbursements; indigents; disposition of funds

The ~~board~~ DIRECTOR shall establish the amount which will fully reimburse the state for the expense of housing, board, care and treatment of the patient. It shall charge the patient all or such portion of said established amount as the patient can afford. If the patient is indigent, no charge shall be made. The ~~board~~ DIRECTOR shall require satisfactory provision to be made for prompt payment of the charge made to the state treasurer, for deposit in the state general fund.

Sec. 103. Section 36-526, Arizona Revised Statutes, is amended to read:

36-526. Operation of article

A. All actions or proceedings commenced on or after the effective date of this article shall be governed by its provisions.

B. Nothing contained in this article shall be construed to alter or change any law providing specifically for the commitment and care of the criminally insane.

C. The authority and responsibility of the superintendent relating to admissions, certifications, notices, petitions, conditional discharge, rehospitalization and complete discharge of patients admitted to the state hospital shall be equally applicable to patients admitted or transferred to other designated facilities. The ~~superintendent~~ DIRECTOR shall have the right to enact such rules and regulations applicable to other designated facilities as may be necessary ~~for him~~ to discharge said authority and responsibility.

Sec. 104. Section 36-551, Arizona Revised Statutes, is amended to read:

LAWS OF ARIZONA

36-551. Definitions

In this chapter, unless the context otherwise requires:

1. ~~“Board”~~ “ADVISORY COUNCIL” means the ~~Arizona board of~~ mental retardation ADVISORY COUNCIL.
2. “Center” means any state operated facility which provides residential care and training, day care, sheltered workshop, preschool programs, diagnosis and evaluation, or a combination thereof, for mentally retarded persons.
3. “Child” or “person” are used interchangeably to mean a mentally retarded person of any age.
4. “Department” means the ~~state~~ department of ~~mental retardation~~ ECONOMIC SECURITY.
5. “Director” means the director of the ~~state~~ department of ~~mental retardation~~ ECONOMIC SECURITY.
6. “Indigent” means a mentally retarded person whose estate, parent, or guardian is unable to bear the full cost of maintaining or providing services for such person at a mental retardation center.

Sec. 105. Section 36-552, Arizona Revised Statutes, is amended to read:

36-552. Mental retardation function

- ~~A. There shall be a state department of mental retardation. The operation and control of the department shall be vested in the board.~~
- ~~B. The department shall consist of the director and the divisions of the department.~~
- ~~C. The department shall be administered by a director, appointed as prescribed in section 36-555.~~
- ~~D. A. The department shall function as the mental retardation authority for the state of Arizona, provided that nothing in this chapter shall be deemed to conflict with or alter the provisions in chapter 10, of this title. , or to include any of the functions or responsibilities now granted the Arizona health planning authority.~~

LAWS OF ARIZONA

~~E.~~ B. No provisions of this chapter shall be construed to give the department control of lawful activities of other governmental agencies or of activities of the universities or colleges of this state in the field of mental retardation, unless by specific contract or agreement therefor.

Sec. 106. Repeal

Section 36-553, Arizona Revised Statutes, is repealed.

Sec. 107. Title 36, chapter 5.1, article 1, Arizona Revised Statutes, is amended by adding a new section 36-553, to read:

36-553. Mental retardation advisory council; members; compensation; duties

A. THERE SHALL BE A MENTAL RETARDATION ADVISORY COUNCIL COMPOSED OF AT LEAST EIGHT MEMBERS WHO SHALL BE PERSONS INTERESTED IN MENTAL RETARDATION AND BE APPOINTED AS FOLLOWS:

1. THREE MEMBERS APPOINTED BY THE DIRECTOR OF THE DEPARTMENT OF ECONOMIC SECURITY. ONE SUCH MEMBER, WHO SHALL SERVE AS CHAIRMAN, SHALL BE THE EMPLOYEE OF THE DEPARTMENT OF ECONOMIC SECURITY CHIEFLY RESPONSIBLE FOR THE MENTAL RETARDATION PROGRAMS OF THE DEPARTMENT.

2. TWO MEMBERS APPOINTED BY THE DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES.

3. TWO MEMBERS APPOINTED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION OF THE DEPARTMENT OF EDUCATION.

4. ONE MEMBER APPOINTED BY THE GOVERNOR.

B. THE DIRECTOR OF THE DEPARTMENT OF ECONOMIC SECURITY MAY APPOINT, WITH THE ADVICE OF THE MENTAL RETARDATION ADVISORY COUNCIL, SUCH ADDITIONAL MEMBERS AS HE MAY DEEM NECESSARY.

C. MEMBERS OF THE MENTAL RETARDATION ADVISORY COUNCIL SHALL SERVE AT THE PLEASURE OF THE APPOINTING AUTHORITY AND SHALL RECEIVE COMPENSATION DETERMINED PURSUANT TO SECTION 38-611.

LAWS OF ARIZONA

D. THE MENTAL RETARDATION ADVISORY COUNCIL SHALL:

1. INSURE THAT COORDINATION AND INTEGRATION OF SERVICES ARE PROVIDED BY THOSE STATE AGENCIES HAVING MENTAL RETARDATION PROGRAMS.
2. REPORT TO THE LEGISLATURE AND THE GOVERNOR ONCE EACH YEAR ON THE EFFECTIVENESS OF THE STATE'S MENTAL RETARDATION PROGRAMS IN PROVIDING SERVICES TO THE MENTAL RETARDATE AND HIS FAMILY.
3. PERFORM SUCH OTHER DUTIES AND FUNCTIONS AS MAY BE REQUESTED BY THE DIRECTOR OF THE DEPARTMENT OF ECONOMIC SECURITY.

Sec. 108. Section 36-554, Arizona Revised Statutes, is amended to read:

36-554. Powers and duties of directorA. The ~~board~~ DIRECTOR shall:

1. Be responsible for planning and developing statewide programs and service to the mentally retarded which may include:

- (a) Programs and services offered in cooperation with private and public resources that can best meet the needs of the mentally retarded and which are located in the community and in proximity to the persons being served.

- (b) Residential and day care programs and services located in centers which offer a more complete spectrum of services to the mentally retarded.

2. Establish standards, provide technical assistance, and exercise the requisite supervision of all state operated mental retardation centers, regional offices, diagnostic facilities, day care centers, rehabilitation centers, sheltered workshops, boarding homes and other state operated facilities for the mentally retarded.

3. Coordinate the planning and implementation of mental retardation programs and activities, institutional and community, of all state agencies, provided this shall not be construed as depriving other state agencies of jurisdiction over, or the right to plan for and control, and operate programs that pertain to mental retardation programs but which fall within the primary jurisdiction of such other state agencies.

LAWS OF ARIZONA

~~4. Submit to the governor, not later than October 1 of each year, a comprehensive report which shall include the activities of the board and department for the preceding fiscal year and shall contain:~~

~~(a) An account of the work done.~~

~~(b) Recommendations for improvement.~~

~~(c) Financial statements which shall clearly reflect the origin, receipt, and disbursement of all funds which may have come into possession of the department, through appropriation or otherwise.~~

~~(d) The general condition of affairs of each center and of the statewide community programs and services.~~

~~The annual report shall be published for the information of the public, and a copy mailed to each member or member-elect of the legislature.~~

~~5. Make such supplemental reports as the governor or the legislature may request.~~

~~6.~~ 4. Do all other things reasonably necessary and proper to carry out its duties and the provisions of this chapter.

B. The ~~board~~ DIRECTOR may:

1. After consultation with the superintendent of a center, establish nonresidential outpatient programs at a center for diagnosis, care, treatment, and training of mentally retarded persons residing in the community who are not eligible for public school programs, and who do not have access to other state supported programs providing equivalent services.

2. Develop cooperative programs with other state departments and agencies, political subdivisions of the state, and private agencies concerned with and providing services for the mentally retarded.

3. Contract for purchase of services with other state and local governmental or private agencies. Such agencies are authorized to accept and expend funds received pursuant to such contracts.

4. Stimulate research by public and private agencies, institutions of higher learning, and hospitals in the interest of the prevention of mental retardation and improved methods of care and training for the mentally retarded.

LAWS OF ARIZONA

5. Apply for, accept, receive, hold in trust or use in accordance with the terms of the grant or agreement any public or private funds or properties, real or personal, granted or transferred to it for any purpose authorized by this chapter.

6. ~~By affirmative vote of a majority of its full membership,~~ Make and amend rules and regulations from time to time as deemed necessary for the proper administration of the centers, for voluntary admission for residential and outpatient treatment of mentally retarded persons to the centers and to carry out the purposes of this chapter.

Sec. 109. Section 36-556, Arizona Revised Statutes, is amended to read:

36-556. Additional powers and duties of director

A. The director shall:

- ~~1. Assume full authority and responsibility for the administration of the department in accordance with the policies and directives of the board, and for carrying out the rules and regulations of the board.~~
- ~~2. Be the executive officer of the department and perform all duties necessary to carry out the functions and responsibilities of the department.~~
- ~~3. 1. Subject to rules and regulations of the state personnel commission, appoint or remove the superintendents of the centers, with the approval of the board.~~
- ~~4. 2. Enforce rules and regulations of the state personnel commission providing for the employment of all officers and employees of the state department of mental retardation.~~
- ~~5. Act as an ex officio member of all advisory committees of the department which may be established by law or by the director.~~
- ~~6. Prescribe the organization and divisions of the department.~~
- ~~7. Establish basic and general operating policies of the department.~~
- ~~8. 3. In cooperation with the Arizona health planning authority, Prepare an annual state plan for mental retardation health services. Such plan shall interpret needs, problems and programs and inform the governor, the legislature and the public of such needs, problems and programs.~~

LAWS OF ARIZONA

- ~~9. Supervise the activities, budgets and expenditures of the department.~~
- ~~10.~~ 4. Define and prescribe reasonably necessary procedures not inconsistent with law in regard to the use and accessibility of records maintained by the ~~department~~ and mental retardation centers.
- ~~11. Perform other duties prescribed by law.~~

B. The director may appoint special professional or other advisory committees to advise the director on particular matters requiring their assistance. Each member of such a committee shall be reimbursed for subsistence and travel incurred in attending meetings in the amount prescribed by law for public officers.

Sec. 110. Section 36-557, Arizona Revised Statutes, is amended to read:

36-557. Purchase of community mental retardation services; application; contracts; limitation

A. The department may use state and federal funds appropriated or otherwise available to it for this purpose to assist in the establishment and maintenance of local mental retardation services by public or private nonprofit agencies. Such funds may be expended in professional fees for service or in contracts for advancement or reimbursement or in other appropriate manner, and may be used for any purpose necessary to the provision of local mental retardation services. They may not be used for departmental salaries, care of retardates by the department, or any other purpose within the department itself, but they may be used for consultation to the department in the interest of local programs.

B. A local public or private nonprofit agency providing or intending to provide community mental retardation services and desiring to contract with the department for the furnishing of such services shall submit a program plan and budget to the department on the forms and in the manner required by the department. If the program meets departmental standards and is consistent with the state plan of the department, the department may contract with such agency for such services as are required and upon such terms and conditions as the department shall require. Such contracts shall provide that the provider of services shall be subject to a continuing program evaluation by the department through progress reports, expenditure reports, program audits or other appropriate evaluation techniques to assure that the provider of service is in continued compliance with the terms of the contract and the department's community mental retardation service standards and requirements.

LAWS OF ARIZONA

C. Contracts between the department and a school district or districts shall be subject to approval by the department of ~~public instruction~~ EDUCATION.

D. The provisions of this article shall not be construed to place upon the department or the state any liability for the well being and care of retarded persons in local programs, or responsibility for funding such programs beyond the limits of legislative appropriation therefor.

Sec. 111. Section 36-558, Arizona Revised Statutes, is amended to read:

36-558. Establishment and maintenance of centers

A. In addition to the centers at Randolph and Tucson, the ~~board~~ DIRECTOR may establish and maintain mental retardation centers at other locations throughout the state, subject to the availability of funds for such purpose and the approval of the legislature.

B. The ~~board~~ DIRECTOR shall be responsible for the planning and operation of each center, and shall coordinate services and permit cooperation and transfer of residents between the various centers.

C. Each center may provide the following services in addition to other services prescribed by the ~~board~~ DIRECTOR:

1. Consultation and guidance for retardates and their families.
2. Residential care for mentally retarded of all levels of retardation.
3. Diagnostic and evaluative services when such services are nonexistent in the area served by the center.
4. Preschool programs for young retardates living at the center or at home.
5. Day care services for school age retardates not eligible for public schools who are living at the center or at home.
6. Day care services for adult retardates living at the center or at home.
7. Overnight and temporary residential privileges for retardates not admitted for regular residential care at the center.
8. Postschool vocational training and vocational rehabilitation services for retardates living at the center or at home. Such services may include:

LAWS OF ARIZONA

(a) Vocational trainee programs in service occupations on the grounds of the center.

(b) Extended vocational training programs for retardates.

(c) Sheltered workshop programs for those retardates requiring continued supervised and sheltered occupational opportunity.

9. Consultation services to community operated programs for mentally retarded.

10. Training and practicum programs in conjunction with other state agencies and universities and colleges for teachers, psychologists, social workers, medical personnel and others interested in the field of retardation.

11. Research laboratory in the fields of behavioral services and abstract research.

12. Recreation and leisure time facility for retardates residing in the community who need services of a specialized recreation program.

D. Nonresidential services of a center shall not supplant existing community services provided through other local, city, or state resources.

E. Centers shall stimulate, cooperate with and promote the development of community programs through existing resources, and provide consultation wherever needed.

Sec. 112. Section 36-560, Arizona Revised Statutes, is amended to read:

36-560. Petition for admission to a center for residential care

A. Any mentally retarded person, who is eligible for residential care at a center, or the parent, guardian, or legal custodian of the mentally retarded person acting on behalf of such person, may file a petition for admission for residential care with the director. A copy of the petition shall be filed by the applicant with the clerk of the board of supervisors of the county of residence of the mentally retarded person. The petition shall be acknowledged and shall include:

1. The name, age, sex, and place of residence of the mentally retarded person.

LAWS OF ARIZONA

2. The name, place of residence, and relationship, if any, of the parents, guardian, and legal custodian of the person.
 3. A statement of the mental and physical condition of the mentally retarded person, and of his history and development.
 4. The place where and length of time the mentally retarded person has resided in the state of Arizona.
 5. A statement of the gross income, as defined in section 36-562, of the mentally retarded person, of his estate, of his parents, and guardian, if any, for the preceding four quarters.
- B. The petition shall be accompanied by such medical and psychological data with respect to the mentally retarded persons as the ~~board~~ DIRECTOR shall prescribe.
- C. If the mentally retarded person, or his parent, guardian, or guardian of his estate has insufficient means to pay the cost of residential care as set forth in section 36-562, the petition shall be submitted first to the board of supervisors of the county in which the mentally retarded person resides, and shall not be accepted by the superintendent until the petition is approved by such board of supervisors.

Sec. 113. Section 36-563, Arizona Revised Statutes, is amended to read:

36-563. Appeal; hearing

- A. Any person or county affected by an order of a director for payment of costs of care, or an order accepting or rejecting a petition for admission for residential care at a center, may appeal from such order to the ~~board~~ DIRECTOR by filing written notice of appeal with the ~~board~~ DIRECTOR requesting same. The ~~board~~ DIRECTOR shall hear such appeal within thirty days after its receipt.
- B. Hearings on such appeals shall be open to the public unless the appellant requests a confidential hearing, and shall be informal, with technical rules of evidence not applying to the proceedings.
- C. Within thirty days after the conclusion of the hearing, the ~~board~~ DIRECTOR shall make and fully report in ~~its~~ HIS permanent records, findings of fact, conclusions of law when the construction of a rule, regulation or statute is in question, reasons for the action taken, and ~~its~~ HIS order based thereon, which shall be subject to the right of further

LAWS OF ARIZONA

appeal as provided in title 12, chapter 7, article 6, and shall send a copy of such findings, conclusions and order by certified mail to the appellant. ~~and to the director.~~

Sec. 114. Section 36-566, Arizona Revised Statutes, is amended to read:

36-566. Discharge from a center

A. The ~~board upon recommendation of the~~ director may discharge a person admitted to the center by order of a court or otherwise when ~~it~~ HE determines discharge to be in the best interests of the person, or that such person is no longer benefiting from the care and treatment available at the center. A copy of such order of discharge shall be filed with the clerk of the court which ordered admission, if any, and a copy shall be sent to the last known address of the person who filed the petition for admission of the mentally retarded person to the center.

B. In addition to any other basis for discharge, a person admitted for residential care as a voluntary admission, shall be discharged by the ~~board~~ DIRECTOR within five days after receipt by the ~~board~~ DIRECTOR of a written request for discharge signed by the person, his parent, guardian, or legal custodian of the mentally retarded person.

Sec. 115. Section 36-570, Arizona Revised Statutes, is amended to read:

36-570. Eligibility and admission for day care and other nonresidential services provided by mental retardation centers

A. A mentally retarded person may be eligible for day care and other nonresidential services at a center if such person is a bona fide resident of the state in which the center is located, is free from any communicable disease, and will benefit from the care and services available at the center.

B. Application for day care or other nonresidential services provided at a center shall be made by the mentally retarded person, or his parent, guardian or legal custodian, directly to the superintendent of the center in accordance with the rules and regulations of the ~~board~~ DIRECTOR.

C. Charges for nonresidential care services shall be determined by the ~~board~~ DIRECTOR after giving careful consideration to standard fees charged for diagnosis and evaluation, preschool, day care and sheltered workshop services. Money paid by a parent, guardian or estate for nonresidential services at a center shall be paid to the ~~board~~ DIRECTOR and ~~by it~~ deposited with the state treasurer. Mentally retarded persons

LAWS OF ARIZONA

deemed eligible for nonresidential care services who are found to be indigent shall receive services at a rate to be determined by the ~~board~~ DIRECTOR, based on ability to pay. That portion of the full cost of services over and above the amount that the parent, guardian or estate shall pay shall be paid to the ~~board~~ DIRECTOR by the county.

Sec. 116. Section 36-571, Arizona Revised Statutes, is amended to read:

36-571. Mental retardation funds; disbursement federal monies

A. The mental retardation fund shall consist of appropriations and other monies for use ~~of the state department of~~ FOR mental retardation. The state treasurer shall receive and disburse monies in the fund upon claims signed by the director or other person in the department designated by the director. Salaries and expenses of the department shall be paid from the fund.

B. The state treasurer shall maintain in separate accounts monies for the department or a center which are received by gift, grant, bequest or devise, and such monies shall be disbursed for the purposes of and in conformity with the terms of the grant, gift, bequest or devise. Any unexpended balance of such monies shall not revert to the general fund at the end of the fiscal year.

C. Monies for mental retardation purposes received from the federal government or an agency thereof shall be kept in a separate account in the mental retardation fund. Any unexpended and unencumbered balance of federal funds remaining in the mental retardation fund at the end of a fiscal year shall not revert to the general fund.

Sec. 117. Section 36-601, Arizona Revised Statutes, is amended to read:

36-601. Public nuisances dangerous to public health

A. The following conditions are specifically declared public nuisances dangerous to the public health:

1. Any condition or place in populous areas which constitutes a breeding place for flies, rodents, mosquitoes and other insects which are capable of carrying and transmitting disease-causing organisms to any person or persons.

2. Any spoiled or contaminated food or drink intended for human consumption.

LAWS OF ARIZONA

3. Any restaurant, food market, bakery or other place of business, or any vehicle where food is prepared, packed, processed, stored, transported, sold or served to the public which is not constantly maintained in a sanitary condition.
4. Any place, condition or building controlled or operated by any governmental agency, state or local, which is not maintained in a sanitary condition.
5. All sewage, human excreta, waste water, garbage or other organic wastes deposited, stored, discharged or exposed so as to be a potential instrument or medium in the transmission of disease to or between any person or persons.
6. Any vehicle or container used in the transportation of garbage, human excreta or other organic material which is defective and allows leakage or spilling of contents.
7. The presence of ectoparasites such as bedbugs, lice, mites and others, in any place where sleeping accommodations are offered to the public.
8. The maintenance of any overflowing septic tank or cesspool, the contents of which may be accessible to flies.
9. The pollution or contamination of any domestic waters.
10. The use of the so-called common drinking cup used for drinking purposes by more than one person, but this shall not apply to receptacles properly washed and sanitized after each service.
11. The presence of common towels for use of the public in any public or semipublic place unless properly washed and sanitized following each use.
12. Buildings or any parts thereof which are in a filthy condition which may endanger the health of persons living in the vicinity.
13. Spitting or urinating upon sidewalks, or floors or walls of a public building or buildings used for public assemblage, or a building used for manufacturing or industrial purposes, or upon the floors or platforms or any part of a railroad or other public conveyance.
14. The use of the contents of privies, cesspools, septic tanks or the use of sewage or sewage plant effluents for fertilizing or irrigation purposes for

LAWS OF ARIZONA

crops or gardens except by specific approval of the ~~state~~ department of health SERVICES.

15. The maintenance of public assemblage or places of assemblage without providing adequate sanitary facilities, but open surface privies shall be deemed adequate sanitary facilities if they are outside populous areas and meet reasonable health requirements.

16. Hotels, tourist courts and other lodging establishments that are not kept in a clean and sanitary condition, or for which suitable and adequate toilet facilities are not provided.

17. The storage, collection, transportation, disposal and reclamation of garbage, trash, rubbish, manure and other objectionable wastes other than as provided and authorized by law and regulation.

B. When the ~~commissioner of public health~~ DIRECTOR has reasonable cause to believe from information furnished him or from investigation made by him that any person is maintaining a nuisance or engaging in any practice contrary to the health laws of the state or contrary to regulations promulgated thereunder, he shall forthwith serve upon such person by registered mail a cease and desist order requiring the person, upon receipt of the order, forthwith to cease and desist from such act. Within fifteen days after receipt of the order, the person to whom it is directed may request the ~~state board of health~~ DIRECTOR to hold a hearing. The ~~board~~ DIRECTOR, as soon as practicable, shall hold a hearing, and if ~~it~~ HE determines the order is reasonable and just and that the practice engaged in is contrary to the health laws of the state or the regulations promulgated thereunder, the ~~board~~ DIRECTOR shall order such person to comply with the cease and desist order.

C. Upon the failure or refusal of a person to comply with the order of the ~~board~~ DIRECTOR, or if a person to whom the order is directed does not request a hearing and fails or refuses to comply with the cease and desist order served by mail under the provisions of subsection B, the ~~commissioner~~ DIRECTOR may file an action in the superior court of the county in which a violation has occurred, restraining and enjoining the person from engaging in further acts. The court shall proceed as in other actions for injunctions.

Sec. 118. Section 36-604, Arizona Revised Statutes, is amended to read:

36-604. **Health menace near military encampments**

LAWS OF ARIZONA

When a condition exists in an area adjacent to a military encampment outside the corporate limits of a city or town which, in the opinion of the commander of the encampment concurred in by the ~~state~~ department of health SERVICES, constitutes a health menace, the person responsible for the condition shall, upon an order from the department, abate it. Failure to do so within twenty-four hours after service of the order for abatement is a misdemeanor.

Sec. 119. Section 36-624, Arizona Revised Statutes, is amended to read:

36-624. Quarantine and sanitary measures to prevent contagion

When a local board of health or health department is apprised that infectious or contagious disease exists within its jurisdiction, it shall immediately make an investigation. If such disease does exist, the board or department shall adopt quarantine and sanitary measures to prevent spread of the disease. The board or department may immediately cause a person afflicted with such disease to be removed to a separate house if in the opinion of the health officer, county superintendent of public health or director of the local health department, the person can be moved without danger to his health. If the person cannot be moved, the board or department shall make quarantine regulations and may cause the removal of persons in the neighborhood. The local board or health department shall immediately notify the ~~state~~ department of health SERVICES of the existence and nature of the disease, and measures taken concerning it.

Sec. 120. Section 36-629, Arizona Revised Statutes, is amended to read:

36-629. Requiring school districts to provide vaccinations and immunizations; requiring consent of parent or guardian; exclusion of child from school

A. Each school district in cooperation with the county health department shall provide for the vaccination or immunization of children attending a kindergarten or common school within the public school system as prescribed by the ~~state board of health~~ DIRECTOR under provisions of section 36-629.01.

B. Each school district shall provide such vaccinations and immunizations required by subsection A at no cost to the parent or guardian of the child receiving such vaccination or immunization.

C. No minor child shall be subjected to such vaccination or immunization without the consent of the parent or guardian, or person in loco

LAWS OF ARIZONA

parentis, of such child. Such parent or guardian at the time his child is first enrolled in a public kindergarten or common school shall indicate in writing the kind and number of vaccinations and immunizations his child previously has received, when they were administered, and whether or not consent is given for the school district to vaccinate or immunize his child under provisions of subsections A and B.

D. No minor child shall be permitted to attend a public school in the state during a period in which a smallpox epidemic is prevalent in the school district unless the child has been vaccinated.

Sec. 121. Section 36-629.01, Arizona Revised Statutes, is amended to read:

36-629.01. Regulations and procedures

A. ~~The state board of health~~ DIRECTOR may, by regulation:

1. Prescribe a list of communicable diseases which are detrimental to the public health and for which vaccine or other immunizing agent approved by the national institutes of health is available and shall forward such list to each common school district.
2. Recommend to each such district, when indicated, the appropriate immunization agent, dosage, methods of administration and related information which will assist to achieve effective immunization levels.

B. ~~The state~~ department of health SERVICES may prescribe forms and procedures for the purpose of providing a uniform system of administering, collecting, recording, reporting, immunizing and case follow-up throughout the state.

Sec. 122. Section 36-691, Arizona Revised Statutes, is amended to read:

36-691. Acceptance of congressional act relating to maternal and child health

A. This state accepts the conditions of title V of the social security act, entitled "grants to states for maternal and child welfare", enacted August 14, 1935, and as amended.

B. ~~The Arizona state~~ department of health SERVICES is designated as the state agency to cooperate with the department of health, education and welfare for the administration of part 1 and part 4 of title V, of the social security act.

LAWS OF ARIZONA

Sec. 123. Section 36-692, Arizona Revised Statutes, is amended to read:

36-692. Standards for county participation

The ~~state~~ DIRECTOR OF department of health SERVICES shall by regulations establish standards for the involvement of local health departments in meeting minimum requirements for providing maternal and child health services in accordance with title V, of the social security act.

Sec. 124. Section 36-693, Arizona Revised Statutes, is amended to read:

36-693. Blood test for pregnant women required

A. A physician attending a pregnant woman for conditions relating to her pregnancy shall at the time of first examination, during the period of gestation or at delivery, take or cause to be taken a sample of the blood of the woman and submit it to an approved laboratory for a standard serological test for syphilis.

B. Any other person permitted by law to attend pregnant women but not permitted to take blood samples shall cause a sample of the blood of each pregnant woman attended by him to be taken by a duly licensed physician of medicine and surgery, who shall have the sample submitted to an approved laboratory for a standard serological test for syphilis.

C. For the purpose of this section "standard serological test" means a test for syphilis approved by the ~~state board of health~~ DIRECTOR and made at a laboratory approved by the ~~board~~ DIRECTOR to make such tests. A laboratory test required by this section shall be made by the state laboratory without charge.

Sec. 125. Section 36-711, Arizona Revised Statutes, is amended to read:

36-711. Definitions

In this article, unless the context otherwise requires:

- ~~1. "Board" means the state board of health.~~
- ~~2. "Commissioner" means the commissioner of the state department of health.~~
- ~~3.~~ 1. "Department" means the ~~state~~ department of health SERVICES.

LAWS OF ARIZONA

2. "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES.

~~4.~~ 3. "Health officer" means the local health officer.

~~5.~~ 4. "Institution" means any public or private hospital, rest home, sanatorium, ~~nursing home~~ HEALTH CARE INSTITUTION or other facility approved by the ~~state~~ department of health SERVICES for the care and treatment of persons infected with tuberculosis.

~~6.~~ 5. "Tuberculosis control officer" means the director of the activities of tuberculosis control.

~~7.~~ 6. "Tuberculous person" means any person having communicable or contagious tuberculosis or who is infected with tuberculosis or who is still under medical treatment for tuberculosis prior to release for employment who is a state resident.

Sec. 126. Section 36-714, Arizona Revised Statutes, is amended to read:

36-714. Tuberculosis control officer

A. The tuberculosis control officer shall be appointed by the ~~board~~ DIRECTOR. He shall be a licensed medical physician and surgeon experienced in the field of tuberculosis and tuberculosis control, and, subject to the supervision of the ~~commissioner~~ DIRECTOR, shall administer and direct the activities of tuberculosis control. He shall be responsible for the detection, supervision, quarantine, investigation of contacts and all other matters pertaining to the control of tuberculosis as provided by this article. He shall, in his discretion and with the cooperation of local medical societies and the local health departments, conduct or supervise clinics for the diagnosis, treatment and control of tuberculosis in convenient places throughout the state. The tuberculosis control officer shall maintain or cause to be maintained a register of the tuberculous health status of known persons having tuberculosis, and of their contacts, based on current reports obtained from physicians, institutions, clinics and health departments.

B. The tuberculosis control officer may:

1. With the consent of the attending physician, examine any or all records, reports and other data pertaining to the tuberculous condition of tuberculosis patients, but information so obtained shall be confidential and privileged and shall not be divulged so as to disclose the identity of the person to whom it relates.

LAWS OF ARIZONA

2. Inspect the facilities, operations and administration of institutions receiving support from the department for providing care or treatment for persons infected with tuberculosis.
 3. With the consent of the attending physician and the patient or his guardian, examine or cause to be examined, any tuberculous patient in such institution or at home and to make or cause to be made laboratory tests or x-ray examinations as are in his judgment necessary.
 4. When he reasonably believes it is necessary for the protection of public health and safety, issue and sign an isolation and quarantine order to confine persons reasonably suspected of having communicable and contagious tuberculosis and to deputize qualified employees of the department and other governmental health agencies to issue such isolation and quarantine orders.
 5. With the approval of the ~~commissioner~~ DIRECTOR, contract with any federal agency or any agency of this state or of any political subdivision of this state to assist in the support of its tuberculosis control program with monies available to the department for such purpose. Such program may include preventive, therapeutic and rehabilitative services and shall be used to encourage the fullest development and maintenance of an integrated statewide tuberculosis control program.
- C. The tuberculosis control officer shall cooperate with federal agencies and other agencies of this state and of political subdivisions of this state to qualify for and obtain their support in carrying out the provisions of this article and to aid them in carrying out their respective responsibilities that relate to persons infected with tuberculosis.

Sec. 127. Section 36-715, Arizona Revised Statutes, is amended to read:

36-715. Costs of removal of persons to another state or country

When any person who has communicable or contagious tuberculosis and who has relatives, friends or a public agency willing to undertake the obligation to support him or to aid in supporting him, in any other state or country, the tuberculosis control officer, subject to the regulations of the ~~board~~ DIRECTOR, may furnish him with transportation to such state or country if in his judgment the interest of the state of Arizona and the welfare of such person will be promoted thereby. The expense of such transportation shall be paid by the state department of economic security out of funds appropriated to it for the purpose of carrying out the provisions of this article.

LAWS OF ARIZONA

Sec. 128. Section 36-718, Arizona Revised Statutes, is amended to read:

36-718. Contracting for care of tuberculous persons

The ~~commissioner~~ DIRECTOR may, with funds available under section 36-719, contract for the care of any tuberculous person. Such contracts shall provide that the funds may be utilized only when funds from medical insurance, if any, of an individual patient are exhausted or insufficient to purchase the medical or institutional care he requires.

Sec. 129. Section 36-721, Arizona Revised Statutes, is amended to read:

36-721. Rules and regulations

The ~~board~~ DIRECTOR may, ~~by affirmative vote of the majority of its full membership,~~ make such rules and amend them as may from time to time be deemed necessary for the proper administration and enforcement of this article. The ~~board~~ DIRECTOR shall, by regulation:

1. Prescribe reasonable and necessary measures for the submission of tuberculosis reports and statistics from counties.
2. Prescribe reasonable and necessary measures regarding standards of medical care to be used by institutions caring for tuberculous persons.
3. Prescribe necessary and reasonable measures not in conflict with law for the enforcement of the provisions of this article.
4. Define, for the purposes of this article, tuberculosis and the communicable or contagious stage thereof.

Sec. 130. Section 36-722, Arizona Revised Statutes, is amended to read:

36-722. Limitation of authority for treatment

Nothing in this article shall authorize the ~~board~~ DEPARTMENT or any of its officers or representatives, or any county, to impose on any person against his will or contrary to his religious concepts any mode of treatment, provided that sanitary or preventive measures and quarantine laws and regulations are complied with by any such person.

Sec. 131. Section 36-753, Arizona Revised Statutes, is amended to read:

36-753. Application for license as midwife

LAWS OF ARIZONA

A person who desires to obtain a license to practice midwifery shall make written application to the ~~commissioner~~ DIRECTOR of the ~~state~~ department of health SERVICES, upon a form to be supplied by the ~~commissioner~~ DIRECTOR and shall furnish such information as may be required by the ~~commissioner~~ DIRECTOR.

Sec. 132. Section 36-754, Arizona Revised Statutes, is amended to read:

36-754. Licensing of midwives; renewal of license

The ~~state~~ department of health SERVICES shall grant a midwife's license to a person meeting the qualifications prescribed by this article and payment of a fee of one dollar. The license shall expire July 1 of the following calendar year. A valid license may be renewed each succeeding year upon application to the ~~commissioner~~ of the state board of health DIRECTOR, without payment of a further fee.

Sec. 133. Section 36-755, Arizona Revised Statutes, is amended to read:

36-755. Rule-making powers of director; regulations as to qualifications of midwives

A. ~~The state board of health~~ DIRECTOR may, ~~by affirmative vote of the majority of the board,~~ make such rules and amendments as may from time to time be deemed necessary for the proper administration and enforcement of this article.

B. ~~The state board of health~~ DIRECTOR shall, by regulation:

1. Provide reasonable regulations necessary to assure that any person holding a midwife license is free from communicable disease or diseases.
2. Define and describe, consistent with this article and the medical practice act and the laws of the state, the duties and limitations of the practice of midwifery.
3. Provide reasonable and necessary regulations to safeguard the health and safety of the mother and child.
4. Describe and define reasonable and necessary minimum qualifications for midwives, including:
 - (a) The ability to read and write.
 - (b) Knowledge of the fundamentals of hygiene.

LAWS OF ARIZONA

- (c) The ability to recognize abnormal conditions during labor.
- (d) Knowledge of the laws of the state concerning reporting of births, prenatal blood tests, and of the regulations pertaining to midwifery.

Sec. 134. Section 36-756, Arizona Revised Statutes, is amended to read:

36-756. Denial, suspension and revocation of license; notice; hearing; appeal

A. The ~~state~~ department of health SERVICES may deny, suspend or revoke the license of any midwife, who:

1. Violates any provision of this article or the rules and regulations adopted thereunder.
2. Permits, aids or abets the commission of an unlawful act.
3. Indulges in conduct or practice detrimental to the health or safety of the mother and child.

B. Upon the denial, suspension or revocation of a license provided by this article, the state department of health SERVICES shall send notice thereof, by registered mail, prepaid, to the applicant or licensee concerned setting forth the reason or reasons for the action taken. Within thirty days after the date of mailing of the action taken, the applicant or licensee may give written notice of desire for a hearing on the action taken to the ~~commissioner of the state board of health~~ DIRECTOR and a hearing, at which the applicant or licensee shall have the right to present evidence, shall be held before the ~~state board of health~~ DIRECTOR. The ~~board~~ DIRECTOR shall render ~~its~~ HIS decision on the basis of all the evidence presented and shall send a true copy thereof by registered mail, prepaid, to the applicant or licensee. The decision of the ~~board~~ DIRECTOR shall be final, subject to the right of appeal to the superior court within thirty days after deposit in the mail of the copy of the decision of the ~~board~~ DIRECTOR to the last known address of the applicant or licensee.

Sec. 135. Section 36-770, Arizona Revised Statutes, is amended to read:

36-770. Declaration of policy

A. The legislature finds and declares that air pollution exists with varying degrees of severity within the state, such air pollution is potentially and in some cases actually dangerous to the health of the citizenry, often causes

LAWS OF ARIZONA

physical discomfort, injury to property and property values, discourages recreational and other uses of the state's resources and is esthetically unappealing. The legislature by this act intends to exercise the police power of this state in a coordinated state-wide program to control present and future sources of emission of air contaminants to the end that air polluting activities of every type shall be regulated in a manner that insures the health, safety and general welfare of all of the citizens of the state; protects property values and protects plant and animal life. The legislature further intends to place primary responsibility for air pollution control and abatement in the ~~state~~ department of health SERVICES and the hearing board created thereunder. However, counties shall have the right to control local air pollution problems as specifically provided herein.

B. It is further declared to be the policy of this state that no further degradation of the air in the state of Arizona by any industrial polluters shall be tolerated. Those industries emitting pollutants in the excess of the emission standards set by the ~~state board of health, division of air pollution control~~, DIRECTOR shall bring their operations into conformity with the standards with all due speed. A new industry hereinafter established shall not begin normal operation until it has secured a permit attesting that its operation will not cause pollution in excess of the standards set by the ~~state board of health~~ DIRECTOR.

Sec. 136. Section 36-772, Arizona Revised Statutes, is amended to read:

36-772. Department of health services; studies

Upon the request of any county by its board of supervisors, the ~~state~~ department of health SERVICES shall conduct such studies as are requested, and at the expense of such county, but limited to the county making the request. Such studies shall be made to determine the nature, extent, distribution, and sources of air pollution within the state and the possible methods of control and abatement thereof within the county making the request. In the conduct of such requested studies the ~~state~~ department of health SERVICES may seek cooperative arrangements with state universities and other educational institutions of the state, or with other state departments, the county, municipalities, or private agencies of any kind which have available facilities or personnel, or both, suitable for the conduct of one or more areas of such research, under the supervision of the ~~state~~ department of health SERVICES.

Sec. 137. Section 36-774, Arizona Revised Statutes, is amended to read:

36-774. County control boards

LAWS OF ARIZONA

The board of supervisors of each county may authorize the board of health or health department of their respective counties in cooperation with the ~~state~~ department of health SERVICES to:

1. Study the problem of air pollution in the county.
2. Study possible effects on adjoining counties.
3. Cooperate with chambers of commerce, industry, agriculture, public officials and all other interested persons or organizations.
4. Hold public hearings if in their discretion such action is necessary.
5. The board of supervisors by resolution may establish an air pollution control district.

Sec. 138. Section 36-776, Arizona Revised Statutes, is amended to read:

36-776. Authorization to accept funds or grants

The ~~state~~ department of health SERVICES, county health departments, or boards of supervisors may accept and expend in accordance with the terms of the grant any funds granted to it for research of air pollution by the federal government, any political subdivision of the state, any agency or branch of the federal or state governments, or any private agency.

Sec. 139. Section 36-779, Arizona Revised Statutes, is amended to read:

36-779. Rules and regulations; hearing; limitations

A. The board of supervisors shall adopt within one hundred twenty days after the effective date of this section such rules and regulations as it determines are necessary and feasible to control the release into the atmosphere of air contaminants originating within the territorial limits of the county or multi-county air quality control region in order to control air pollution, which rules and regulations shall contain standards at least equal to or more restrictive than those adopted by the ~~state board~~ DIRECTOR OF THE DEPARTMENT of health SERVICES. In fixing such standards, the board or region shall give consideration but shall not be limited to:

1. The latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on health and welfare which may be expected from the presence of an air pollution agent, or combination of agents in the ambient air, in varying quantities.

LAWS OF ARIZONA

2. Atmosphere conditions and the types of air pollution agent or agents which, when present in the atmosphere, may interact with another agent or agents to produce an adverse effect on public health and welfare.
3. The preservation and development of the economy of the state.
4. Securing, to the greatest degree practicable, the enjoyment of the natural attractions of the state and the comfort and convenience of the inhabitants.

B. No rule or regulation may be enacted or amended except after the board of supervisors first holds a public hearing after twenty days' notice of such hearing. The proposed rule or regulation, or any proposed amendment of a rule or regulation, shall be made available to the public at the time of notice of such hearing.

C. All rules and regulations enacted pursuant to this section shall be made available to the public at a reasonable charge upon request.

Sec. 140. Section 36-779.07, Arizona Revised Statutes, is amended to read:

36-779.07. Notice by building permit agencies

All agencies that issue building permits shall examine the plans and specifications submitted by an applicant for a building permit to determine if an installation permit will possibly be required under the provisions of section 36-779.01. If it appears possible that such installation permit will be required, the agency shall give written notice to such applicant to contact the control officer or the ~~state division of air pollution control~~ DEPARTMENT OF HEALTH SERVICES and shall furnish a copy of such notice to the control officer and the ~~state division of air pollution control~~ DEPARTMENT OF HEALTH SERVICES.

Sec. 141. Section 36-780, Arizona Revised Statutes, is amended to read:

36-780. Classification and reporting; production of records; confidentiality of records; violation; penalty

A. The board of supervisors by rules or regulations which are equal to or more restrictive than those adopted by the ~~state board~~ DIRECTOR OF THE DEPARTMENT OF health SERVICES, shall classify air contaminant sources according to levels and types of emissions and other characteristics which relate to air pollution, and shall require reporting for any such class

LAWS OF ARIZONA

or classes. Reports may be required as to physical outlets, processes and fuels used, and the nature and duration of emissions and as to such other information as is relevant to air pollution and deemed necessary by the board.

B. When the control officer has reasonable cause to believe that any person is violating any provision of this article or any rule or regulation adopted pursuant to this article or any requirement of an operating or conditional permit issued pursuant to this article he may request, in writing, that such person forthwith produce all existing books, records and other documents evidencing tests, inspections or studies which may reasonably relate to compliance or non-compliance with rules and regulations adopted pursuant to this article.

C. The owner, lessee, or operator of a potential air contaminant source shall provide, install, maintain, and operate such air contaminant monitoring devices as are reasonable and required to determine compliance in a manner acceptable to the control officer, and shall supply monitoring information as directed in writing by the control officer. Such devices shall be available for inspection by the control officer during all reasonable times.

D. Any records or other information furnished to or obtained by the board of supervisors, or the control officer, concerning one or more air pollution sources, which records and information relate to production or sales figures or to the processes or production unique to the owner or operator, or which would tend to adversely affect the competitive position of such owner or operator, shall be only for the confidential use of the board of supervisors, or the control officer, in the administration of this article, unless such owner or operator shall expressly agree to their publication or availability to the public. No provision of this section shall be construed to prohibit the appropriate governmental agency from publishing quantitative and qualitative statistics pertaining to the emission of pollutants.

E. Any person violating the provisions of this section or knowingly or wilfully submitting false information reports or records to the board of supervisors or the control officer is guilty of a misdemeanor punishable as provided in section 36-789.01.

Sec. 142. Section 36-789, Arizona Revised Statutes, is amended to read:

36-789. Unlawful open burning; exceptions; violation; penalty

LAWS OF ARIZONA

A. Notwithstanding the provisions of any other section of this article, it is unlawful for any person to ignite, cause to be ignited, permit to be ignited, or suffer, allow, or maintain any open outdoor fire except as provided in this section.

B. "Open outdoor fire", as used in this section, means any combustion of combustible material of any type outdoors, in the open where the products of combustion are not directed through a flue. "Flue", as used in this section, means any duct or passage for air, gases or the like, such as a stack or chimney.

C. The following fires are excepted from the provisions of this section:

1. Fires used only for cooking of food or for providing warmth for human beings or for recreational purposes or the branding of animals or the use of orchard heaters for the purpose of frost protection in farming or nursery operations.

2. Any fire set or permitted by any public officer in the performance of official duty, if such fire is set or permission given for the purpose of weed abatement, the prevention of a fire hazard, or instruction in the methods of fighting fires.

3. Fires set by or permitted by the state entomologist or county agricultural agents of the county for the purpose of disease and pest prevention.

4. Fires set by or permitted by the federal government or any of its departments, agencies or agents, the state or any of its agencies, departments or political subdivisions, for the purpose of watershed rehabilitation or control through vegetative manipulation.

5. Fires permitted by any rule or regulation issued pursuant to this article, by any conditional permit issued by a hearing board established under this article or by any rule, regulation or conditional permit issued pursuant to title 36, chapter 14, article 1 when the ~~state division of air pollution control~~ DEPARTMENT OF HEALTH SERVICES pursuant to section 36-1706 has assumed jurisdiction of the county in which the fire is located.

6. Fires set for the disposal of dangerous materials where there is no safe alternate method of disposal.

D. Permission for the setting of any fire given by a public officer in the performance of official duty under paragraph 2, 3 or 4 of subsection C

LAWS OF ARIZONA

shall be given in writing and a copy of such written permission shall be transmitted immediately to the director of the ~~state division of air pollution control~~ DEPARTMENT OF HEALTH SERVICES and the control officer of the county, district or region in which such fire is allowed. The setting of any such fire shall be conducted in a manner and at such time as approved by the control officer or the director of the ~~division of air pollution control~~ DEPARTMENT OF HEALTH SERVICES, unless doing so would defeat the purpose of the exemption.

E. Nothing in this section is intended to permit any practice which is a violation of any statute, ordinance, rule or regulation.

F. A person who violates any provision of this section may be served a notice of violation and be subject to the enforcement provisions of this article to the same extent as a person violating any rule or regulation adopted pursuant to this article.

G. Any violation of this section shall be a misdemeanor punishable as provided in section 36-789.01.

Sec. 143. Section 36-796, Arizona Revised Statutes, is amended to read:

36-796. **Definitions**

In this article, unless the context otherwise requires:

1. "Bedding" includes upholstered furniture and means any mattress, box spring, upholstered chair, couch, or other upholstered device or any quilted pad, packing pad, mattress pad, hammock pad, pad, comforter, bunk quilt, sleeping bag, pillow, cushion, hassock or other bag or container made of leather, cloth, plastic, or any other material that is used as a covering or is stuffed or filled in whole or in part with concealed material in addition to the structural units, all of which may be used by any human being for sleeping, resting or reclining purposes. "Bedding" shall not include the upholstered portions of motor vehicles other than mobile homes, house trailers and camp trailers.

~~2. "Board" means the state board of health.~~

~~3.~~ 2. "Department" means the ~~state~~ department of health SERVICES.

3. "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES.

LAWS OF ARIZONA

4. "Filling materials" means all materials, prefabricated forms, articles or portions thereof, used as filling in the manufacture, repair or renovation of bedding and upholstered furniture.
5. "New" means any material or article which has not been previously used for any purpose. Manufacturing processes shall not be considered a prior use.
6. "Person" includes persons, partnerships, companies, corporations, associations, and governmental agencies.
7. "Regulations" means rules and regulations of the department adopted by the ~~board~~ DIRECTOR pursuant to this article.
8. "Renovate" means to repair, make over, recover, restore, or renew bedding, or upholstered furniture and place it in a good state of repair.
9. "Secondhand" means any article or material or portion thereof, of which prior use of any kind has been made.
10. "Sell", or any of its variants, includes any of, or any combinations of, the following: sell, offer or expose for sale, barter, trade, lend, deliver, give away, rent, consign, lease, possess with intent to sell or dispose of in any other commercial manner. The possession of any article of bedding or filling materials, as defined in this section, by any maker, remaker or dealer, in the course of business, shall be presumptive evidence of intent to sell.
11. "Sterilizer" means a person who sterilizes, disinfects, disinfests, or fumigates any article of upholstered furniture, bedding or filling material relating thereto.

Sec. 144. Section 36-796.01, Arizona Revised Statutes, is amended to read:

36-796.01. Administration and enforcement of article; rules and regulations

A. The ~~state~~ department of health SERVICES shall administer and enforce the provisions of this article for the protection of the public health and welfare. The ~~board~~ DIRECTOR may make such rules and regulations and set such standards as may be necessary and desirable for carrying into effect the provisions of this article, and to prescribe means, methods, and practices to make effective such provisions.

LAWS OF ARIZONA

B. No person shall interfere, obstruct or hinder an authorized representative of the department in the performance of his duty as set forth in the provisions of this article and regulations.

C. The department, through its authorized representative, may enter any place or establishment where bedding is manufactured, repaired, renovated, stored, sold, or offered for sale, or where materials are prepared for use in bedding, or where required treatment of bedding is performed, for the purpose of ascertaining whether the requirements of this article and regulations have been met.

D. The department, through its authorized representative, may take samples of materials for inspection and analysis, and hold for evidence at a trial for the violation of this article or regulations any item of bedding or materials manufactured, repaired, renovated, sterilized, treated, stored, sold, or offered for sale, in violation of this article or regulations.

E. The department, through its authorized representative, may place "Off-Sale" any item of bedding or material which is offered for sale, or which could be offered for sale, in violation of this article or regulations. When items of bedding or materials are removed from sale, they shall be so tagged, and such tags shall not be removed except by an authorized representative of the department, or as the department may direct, after satisfactory proof of compliance with all requirement of this article and regulations and after a "Release for Sale" has been issued by the department through its authorized representative.

Sec. 145. Section 36-796.02, Arizona Revised Statutes, is amended to read:

36-796.02. Labeling of bedding required

A. No person shall manufacture, repair, renovate or sell, or have in his possession with intent to sell, any item of bedding, unless there is securely attached, where clearly visible, a tag made of substantial cloth or a material of equal quality, as provided in this article. All tags required by this section shall be attached at the factory.

B. Bedding manufactured in whole from all new material shall have attached a white tag not less than six square inches in size upon which shall be plainly stamped or printed, in black ink, in the English language:

1. The statement "All New Material" in lettering not less than one-eighth inch in height.

LAWS OF ARIZONA

- 2. The manufacturer’s license number, assigned by the department.
- 3. Unless otherwise provided by regulation, the kind and grade of each material used in filling, expressed in percentages by weight when mixed.

C. Bedding manufactured in whole, or in part, from secondhand material shall have securely attached a red tag not less than twelve square inches in size upon which shall be plainly printed in black ink, in the English language, the statement “Secondhand Material” in lettering not less than one-fourth inch in height and the manufacturer’s license number assigned by the department. The provisions of this subsection are not intended to apply to bedding reworked, repaired or renovated for the owner for his own use.

D. Bedding renovated, reworked or repaired for the owner, for the owner’s use and from the owner’s material, which is in whole or in part secondhand, shall have attached a green tag not less than six square inches in size, upon which shall be plainly printed in black ink, in the English language:

- 1. The statement “Not for Sale, Owner’s Own Material which is Secondhand Material” in lettering not less than one-eighth inch in height.
- 2. The renovator’s license number assigned by the department.
- 3. The name and address of the owner.

E. The terms used on the tag to describe materials used in filling shall be restricted to those defined in regulations adopted by the ~~board,~~ DEPARTMENT, and no trade or substitute terms shall be used.

F. It is unlawful to make any false or misleading statements on the tag required by this section. It is unlawful for any person to remove, deface, alter or cause to be removed, defaced or altered, any tag or statement contained thereon for the purpose of defeating any of the provisions of this article or regulations. The placing of material or marks over any lettering on the tag shall be construed to be a defacement of the tag.

Sec. 146. Section 36-796.04, Arizona Revised Statutes, is amended to read:

36-796.04. Sterilization, disinfection and disinfestation of bedding and materials

LAWS OF ARIZONA

A. No person shall sell, offer for sale or include in a sale any item of secondhand bedding or any item of bedding of any type manufactured in whole or in part from secondhand material, including their component parts or wiping rags, unless such material has been treated and cleaned, by a method approved by the department.

B. No person shall use in the manufacture, repair and renovation of bedding of any type any material which has been used by a person with an infectious or contagious disease, or which is filthy, oily or harbors loathsome insects or pathogenic bacteria.

C. No person shall sell, or offer for sale or include in a sale any material or bedding which under the provisions of this article or regulations requires treatment unless there is securely attached in accordance with regulations, a yellow tag not less than twelve square inches in size, made of substantial cloth or a material of equal quality. Upon the tag there shall be plainly printed, in black ink, in the English language, a statement showing:

1. That the item or material has been treated by a method approved by the ~~state~~ department of health SERVICES, and the method of treatment applied.
2. The lot number and the tag number of the item treated.
3. The license number of the person applying treatment.
4. The name and address of the person for whom treated.

D. Holders of licenses to apply sterilization, disinfection or disinfestation treatment shall be required to keep an accurate record of all materials which have been subjected to treatment, including the source of material, date of treatment, and the name and address of the receiver of each. Such records shall be available for inspection at any time by authorized representatives of the department.

Sec. 147. Section 36-796.05, Arizona Revised Statutes, is amended to read:

36-796.05. Conduct and rules of procedure for hearings

Hearings held pursuant to this article for the purpose of enforcing the provisions of this article or regulations shall be conducted in accordance with the rules of practice and procedure before the ~~board of health~~ DIRECTOR, or, as a supplement thereto, the Arizona rules of civil procedure.

LAWS OF ARIZONA

Sec. 148. Section 36-796.06, Arizona Revised Statutes, is amended to read:

36-796.06. Appeal

Any person affected by a decision of the ~~board~~ DIRECTOR may appeal such decision in accordance with the provisions of title 12, chapter 7, article 6. Unless otherwise ordered by a court of competent jurisdiction, the decision of the ~~state board of health~~ DIRECTOR, after a hearing, shall not be stayed, pending an appeal.

Sec. 149. Section 36-797.41, Arizona Revised Statutes, is amended to read:

36-797.41. Declaration of policy

It is the policy of this state to make every effort to detect, as early as possible, sickle cell anemia, a heritable disorder which leads to physical defects. The ~~state~~ DIRECTOR OF department of health SERVICES has the responsibility of designating tests and regulations to be used in executing this policy. Such tests shall be in accordance with accepted medical practices.

Sec. 150. Section 36-797.42, Arizona Revised Statutes, is amended to read:

36-797.42. Testing by department; consent

A. Testing for sickle cell anemia may be conducted at the following times by the ~~state~~ department of health SERVICES:

1. Upon first enrollment of a child in an elementary school in this state.
2. For any child not tested pursuant to paragraph 1, upon first enrollment at a junior high school or senior high school in this state, as the case may be.
3. Upon application of any person for a license to marry, the parties seeking to be married may be tested.
4. For any pregnant woman.

B. The ~~state~~ department of health SERVICES may require that a test be given for sickle cell anemia to any identifiable segment of the population

LAWS OF ARIZONA

which the department determines is susceptible to sickle cell anemia at a disproportionately higher ratio than is the balance of the population.

C. Testing for sickle cell anemia may not be conducted without the consent of the:

1. Person upon whom the test is to be conducted.
2. Parent or guardian of a minor upon whom the test is to be conducted.

Sec. 151. Section 36-803, Arizona Revised Statutes, is amended to read:

36-803. Power to require records and establish rules and regulations

The ~~anatomy board~~ DIRECTOR OF DEPARTMENT OF HEALTH SERVICES may require records and information and establish such rules, regulations and procedures in compliance with and in furtherance of this article as are convenient and proper for the discharge of its duties.

Sec. 152. Section 36-804, Arizona Revised Statutes, is amended to read:

36-804. Notice of bodies for burial at public expense; delivery

Every public officer, agent and servant of the state, and every county, city, town and public institution supported in whole or in part at public expense, having in his or its possession a dead human body for burial at public expense, shall notify the ~~board~~ DEPARTMENT within twenty-four hours after obtaining the body, and, upon instruction from the ~~board~~ DEPARTMENT, to deliver such body without fee or reward to the institution or person designated by the ~~board~~ DEPARTMENT.

Sec. 153. Section 36-805, Arizona Revised Statutes, is amended to read:

36-805. Disposal of body of person executed at state prison

The bodies, or portions thereof, of persons executed at the state prison not claimed by relatives or friends within twenty-four hours after death, may be disposed of for scientific purposes by the superintendent of the prison, with consent of the governor, upon instruction by the ~~anatomy board~~ DEPARTMENT as provided by section 36-804.

Sec. 154. Section 36-807, Arizona Revised Statutes, is amended to read:

36-807. Persons and institutions authorized to receive bodies; delivery expenses

LAWS OF ARIZONA

A. The ~~board~~ DEPARTMENT or its agent may take and receive or direct the delivery of bodies reported to it as provided by section 36-804 to hospitals, colleges and universities, physicians, surgeons and dentists it deems entitled thereto which have requested in writing to receive them, preference being given to hospitals and institutions of higher learning.

B. All expenses of delivery as directed by the ~~board~~ DEPARTMENT shall be paid by those receiving the body.

Sec. 155. Section 36-808, Arizona Revised Statutes, is amended to read:

36-808. **Violation; penalty**

A person who neglects, refuses or omits to perform a duty imposed upon him by the provisions of this article or by rules and regulations of the ~~board~~ DIRECTOR is guilty of a misdemeanor, punishable by a fine of not less than one hundred and not more than one thousand dollars.

Sec. 156. Section 36-881, Arizona Revised Statutes, is amended to read:

36-881. **Definitions**

In this article, unless the context otherwise requires:

~~1.~~ ~~“Board” means the state board of health.~~

~~2.~~ 1. “Child care agency” includes any person who maintains facilities for the purpose of providing care, supervision or training for five or more children not related to the proprietor under the age of sixteen years for periods of more than one hour, but less than twenty-four hours per day, apart from their parents or guardians for compensation.

~~3.~~ 2. “Department” means the ~~state~~ department of health SERVICES.

3. “DIRECTOR” MEANS THE DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES.

4. “Person” includes individuals, partnerships, corporations, associations, day nurseries, nursery schools, day camps, kindergartens or child care centers which operate a child care agency.

Sec. 157. Section 36-882, Arizona Revised Statutes, is amended to read:

36-882. **License; posting; transfer prohibited; fee**

LAWS OF ARIZONA

- A. An existing child care agency shall be given ninety days within which to make application for a license.
- B. A child care agency shall not receive any child for care, supervision or training unless the agency is licensed by the ~~state~~ department of health SERVICES, except as provided for in subsection A.
- C. Application for a license shall be made on a form prescribed by the department.
- D. Upon application for a license by an agency the ~~state~~ department of health SERVICES shall investigate the facilities, activities, and standards of care of the agency, and if satisfied that it conforms with the standards of care prescribed by the department, and that its equipment, its services and the good character of the applicant are conducive to the welfare of children, a license shall be issued. A provisional license, for a period not exceeding ninety days, may be issued to any agency which is temporarily unable to conform to the established standards of public health.
- E. The license fee shall be twenty-five dollars annually. The license shall be valid for one year from the date of issuance and shall specify the following:
1. Name of applicant.
 2. Exact address where the child care agency will be maintained.
 3. Maximum number and age limitations of children that may be cared for at any one time.
- F. The license shall not be transferable from person to person and shall be valid only for the quarters occupied at the time of issuance.
- G. The license shall be conspicuously posted in the child care agency.

Sec. 158. Section 36-883, Arizona Revised Statutes, is amended to read:

36-883. Standards of care; rules and regulations

- A. The ~~state~~ DIRECTOR OF department of health SERVICES shall prescribe reasonable rules, regulations, and standards of the child care agency with regard to health, hygiene, and moral qualifications of personnel, the physical plant and equipment, sanitation, sleeping facilities, isolation facilities, toilet facilities, play area, heating, ventilation, food

LAWS OF ARIZONA

preparation, storage and handling, safety precautions, general equipment for children, and, if provided by the child care agency, transportation safety to and from premises, and also the number of staff required per number and age group of children.

B. Until standards are prescribed, local health, fire, and police regulations shall be complied with before issuance of a license. Minimum standards relating to provisional licensing shall be adopted.

C. The department may promulgate reasonable rules and regulations in furtherance of and to carry out the purposes of this chapter.

Sec. 159. Section 36-886, Arizona Revised Statutes, is amended to read:

36-886. Operation without a license

A. Whenever it appears that any person is maintaining or operating a child care agency without a license, the department shall serve notice thereof upon such person, either by mail, by registered mail with return receipt requested, or by delivery in person. The person affected by the notice shall, within ten days from receipt thereof, cease and desist from such operation or complete application for a license. Such person may, within ten days, request in writing a hearing before the ~~state board of health or its duly constituted representative or representatives~~ DIRECTOR.

B. Upon failure of any affected person to comply as prescribed herein, the department shall notify the county attorney of the county in which the child care agency is being operated of the violation of law, with a request that criminal prosecution be commenced against the violator. The department may, in addition, request the attorney general to apply for injunctive relief.

Sec. 160. Section 36-888, Arizona Revised Statutes, is amended to read:

36-888. Denial of license

Whenever the department is authorized by law or regulation to deny a license to an applicant, it shall afford the applicant the right of hearing before denial by serving upon the applicant at least thirty days' notice, by registered mail with return receipt requested, to show cause before the ~~state board of health~~ DIRECTOR, upon a date to be fixed in the notice, why the application for a license should not be denied in accordance with the regulations of the department and the provisions of law. The notice

LAWS OF ARIZONA

shall set forth the facts constituting the reasons for the denial and shall refer to the provisions of the applicable law or regulations indicating that the application or the operation of the child care agency is not in conformity therewith. If the applicant does not respond to the written notice, the department shall, at the expiration of the time fixed in the notice, deny the license. If the applicant, within the period fixed in the notice, shall cause his application or the operation of the child care agency to conform with the applicable law and regulations, the department shall grant the license.

Sec. 161. Section 36-889, Arizona Revised Statutes, is amended to read:

36-889. Revocation and suspension

The department may revoke or suspend the license of any person for a violation of the applicable law or regulations. The department shall afford the affected licensee the right of hearing by serving upon the licensee at least thirty days' notice, by registered mail with return receipt requested, to show cause before the ~~state board of health~~ DIRECTOR, upon a date to be fixed in the notice, why the license should not be suspended or revoked in accordance with the regulations of the department and the provisions of law. The notice shall set forth the act or acts constituting the violation and shall refer to the provisions of the applicable law or regulations alleged to be violated. If the licensee does not respond to the written notice within the period provided in the notice, the department shall revoke or suspend the license. If the licensee, within the period provided by the notice, rectifies the acts constituting the violation, the department shall reinstate the license.

Sec. 162. Section 36-890, Arizona Revised Statutes, is amended to read:

36-890. Conduct of hearings; rules of evidence; record; decisions

A. Insofar as practicable, the common law or statutory rules of evidence governing the admission of documentary evidence and the testimony of witnesses shall be followed.

B. A stenographic record or recordings shall be made of all testimony presented at a hearing. Oral testimony shall be under oath, and witnesses will be subject to cross-examination by any party to the proceedings. Documentary evidence will be received by the ~~board~~ DIRECTOR and made a part of the record, if pertinent to any issues, or may be entered by stipulation. Objections to evidence will be ruled upon by the ~~board~~ DIRECTOR, and a party affected by an adverse ruling may insert in the

LAWS OF ARIZONA

record, as a tender of proof, a summary verbal or written statement of the excluded evidence.

C. All decisions rendered by the ~~state board of health~~ DIRECTOR, pursuant to the applicable law and regulations, shall be in writing and filed of record in the office of the department. Notice of such decisions shall be given to the affected person or licensee, notifying such person by registered mail with return receipt requested. If no appeal is taken by any such person or licensee within the time provided by law, the decision of the ~~board~~ DIRECTOR shall be final and conclusive.

Sec. 163. Section 36-891, Arizona Revised Statutes, is amended to read:

36-891. Appeal

Any person or licensee affected by a decision of the ~~state board of health~~ DIRECTOR shall have the right of appeal of such decision in accordance with the provisions of title 12, chapter 7, article 6. Unless otherwise ordered by a court of competent jurisdiction, the decision of the ~~state board of health~~ DIRECTOR, after a hearing, shall not be stayed, pending an appeal.

Sec. 164. Section 36-899, Arizona Revised Statutes, is amended to read:

36-899. Definitions

In this chapter, unless the context otherwise requires:

- ~~1. "Commissioner" means the commissioner of public health.~~
- ~~2.~~ 1. "Department" means the ~~state~~ department of health SERVICES.
2. "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES.
3. "Hearing evaluation services" means services which include the identification, testing, evaluation and initiation of follow-up services as defined in the rules and regulations of the department, as provided by section 36-899.03.
4. "Hearing screening evaluation" means the evaluation of the ability to hear certain frequencies at a consistent loudness.
5. "Private education program" means all programs of private education

LAWS OF ARIZONA

offering courses of study for grades, kindergarten through the twelfth grade of high school.

6. "Public education program" means all kindergarten, primary and secondary programs of education within the public school system, including but not beyond the twelfth grade of common or high school.

Sec. 165. Section 36-899.03, Arizona Revised Statutes, is amended to read:

36-899.03. Rules and regulations

~~The state board of health~~ DIRECTOR shall develop rules and regulations governing standards, procedures, techniques and criteria for conducting and administering hearing evaluation services.

Sec. 166. Section 36-901, Arizona Revised Statutes, is amended to read:

36-901. Definitions

In this article, unless the context otherwise requires:

1. "Advertisement" means all representations disseminated in any manner or by any means other than by labeling for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of food.

~~2. "Board" means the state board of health.~~

~~3.~~ 2. "Color additive" means a material which:

(a) Is a dye, pigment, or other substance made by a process of synthesis or similar artifice, or extracted, isolated, or otherwise derived, with or without intermediate or final change of identity from a vegetable, animal, mineral, or other source, and

(b) When added or applied to a food is capable, alone or through reaction with other substance, of imparting color thereto, except that such term does not include any material which has been exempted under the federal act. The term "color" includes, but is not limited to, black, white and intermediate grays. This paragraph shall not be construed to apply to any pesticide chemical, soil or plant nutrient, or other agricultural chemical solely because of its effect in aiding, retarding or otherwise affecting, directly or indirectly, the growth or other natural physiological

LAWS OF ARIZONA

process of produce of the soil, and thereby affecting its color, whether before or after harvest.

~~4.~~ "Commissioner" means commissioner of public health or his designees.

~~5.~~ 3. "Contaminated with filth" applies to any food not securely protected from dust, dirt, and as far as may be necessary by all reasonable means, from all foreign or injurious contaminations.

4. "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES.

~~6.~~ 5. "Federal act" means the Federal Food, Drug and Cosmetic Act, as amended (21 U.S.C. 301 et seq.).

~~7.~~ 6. "Food" or "article" means:

(a) Articles used for food or drink for man or animals, except those articles included in chapter 4 and chapter 5 of title three.

(b) Chewing gum.

(c) Articles used for components of any such article.

~~8.~~ 7. "Food additive" means any substance, the intended use of which results or may be reasonably expected to result, directly or indirectly, in its becoming a component of or otherwise affecting the characteristics of any food, including any substance intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting or holding food, and including any source of radiation intended for any such use if such substance is not generally recognized among experts qualified by scientific training and experience to evaluate its safety as having been adequately shown through scientific procedures, or in the case of a substance used in a food prior to January 1, 1958 through either scientific procedures or experience based on common use in food, to be safe under the conditions of its intended use. Such term does not include:

(a) A pesticide chemical in or on a raw agricultural commodity.

(b) A pesticide chemical to the extent that it is intended for use or is used in the production, storage or transportation of any raw agricultural commodity.

LAWS OF ARIZONA

(c) A color additive.

(d) Any substance used in accordance with a sanction or approval granted prior to the enactment of the federal food additives amendment of 1958, pursuant to laws or regulations administered by the federal food and drug administration.

~~9.~~ 8. "Immediate container" does not include package liners.

~~10.~~ 9. "Label" or "labeling" means a display of written, printed or graphic matter upon the immediate container or wrapper of an article or accompanying such article.

~~11.~~ 10. "Pesticide chemical" means any substance which alone, in chemical combination or in formulation with one or more other substances is an "economic poison" within the meaning of the Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. 135-135k) and which is used in the production, storage or transportation of raw agricultural commodities.

~~12.~~ 11. "Raw agricultural commodity" means any food in its raw or natural state, including, but not limited to, all fruits that are washed, colored or otherwise treated in their unpeeled natural form prior to marketing.

~~13.~~ 12. "Special inspection warrant" means an order in writing issued in the name of the state of Arizona, signed by a magistrate and directed to the ~~commissioner~~ DIRECTOR or his designee, authorizing him to enter into or upon any public or private property to make an inspection authorized by law.

Sec. 167. Section 36-903, Arizona Revised Statutes, is amended to read:

36-903. Food standards

When the ~~board~~ DIRECTOR determines that such action will promote honesty and fair dealing in the interest of consumers, the ~~board~~ DIRECTOR shall promulgate regulations establishing for any food or class of food a reasonable definition and standard of identity, or reasonable standard of quality or fill of container or any combination thereof. In prescribing a definition and standard of identity for any food or class of food in which optional ingredients are permitted, the ~~board~~ DIRECTOR may designate the optional ingredients which shall be named on the label.

LAWS OF ARIZONA

The definitions and standards so promulgated shall conform so far as practicable to the definitions and standards promulgated under authority of the federal act. The ~~board~~ DIRECTOR shall not establish standards for any food or class of food regulated for any other state agency.

Sec. 168. Section 36-905, Arizona Revised Statutes, is amended to read:

36-905. Tolerances for added poisonous ingredients

A. Any added poisonous or deleterious substance, any food additive, any pesticide chemical in or on a raw agricultural commodity or any color additive shall be deemed unsafe for the purpose of paragraphs 2, 3 and 13 of section 36-904, unless there is in effect a regulation pursuant to subsection B of this section limiting the quantity of such substance, and the use or intended use of such substance conforms to the terms prescribed by such regulation. A food shall not, by reason of bearing or containing such substance in accordance with such regulation, be considered adulterated within the meaning of paragraph 1 of section 36-904.

B. The ~~board~~ DIRECTOR may adopt, amend or repeal regulations, whether or not in accordance with regulations promulgated under the federal act, prescribing tolerances, including zero tolerances, for any added poisonous or deleterious substances, for food additives, for pesticide chemicals in or on raw agricultural commodities or for color additives and prescribing the conditions under which a food additive or a color additive may be safely used and exemptions where such food additive or color additive is to be used solely for investigational or experimental purposes. In prescribing tolerances in the case of pesticide chemicals in or on raw agricultural commodities consideration shall be given to the persistence of background count due to prior applications of the pesticide chemical, and such rules and regulations may allow for any background count and consideration shall be given to restrictions, or lack of restrictions, on pesticide chemical use established pursuant to law. In prescribing tolerances in the case of pesticide chemicals, such tolerances shall not be more restrictive than those established pursuant to the federal act. The ~~board~~ DIRECTOR may take action under this subsection upon ~~its~~ HIS own motion or upon the petition of any interested party requesting that such action be taken. The petitioner, if any, shall establish by data submitted to the ~~board~~ DIRECTOR that a necessity exists for such action and that its effect will not be detrimental to the public health. If the data furnished by the petitioner is not sufficient for the ~~board~~ DIRECTOR to determine whether such action should be taken, the ~~board~~ DIRECTOR

LAWS OF ARIZONA

may require additional data to be submitted and failure to comply shall be sufficient grounds to deny the request. In adopting, amending or repealing regulations relating to such substances the ~~board~~ DIRECTOR shall consider among other relevant factors the following, which the petitioner, if any, shall furnish:

1. The name and all pertinent information concerning such substance, including where available its chemical identity and composition, a statement of the conditions of the proposed use, including directions, recommendations, suggestions and specimens of proposed labeling, all relevant data bearing on the physical or other technical effect, and the quantity required to produce such effect.
2. The probable composition of any substance formed in or on a food resulting from the use of such substance.
3. The probable consumption of any such substance in the diet of man and animals, considering any chemically or pharmacologically related substance in such diet.
4. Safety factors which, in the opinion of experts qualified by scientific training and experience to evaluate the safety of such substances for the use for which they are proposed, are generally recognized as appropriate for the use of animal experimentation data.
5. The availability of any needed practicable methods of analysis for determining the identity and quantity of:
 - (a) Such added substance in or on a food.
 - (b) Any other substance formed in or on a food because of the use of such added substance.
 - (c) The added substance and all its intermediates and impurities.
6. Facts supporting a contention that the proposed use of such substance will serve a useful purpose.

Sec. 169. Section 36-906, Arizona Revised Statutes, is amended to read:

36-906. Food misbranding

A food is misbranded if one or more of the following conditions exists:

LAWS OF ARIZONA

1. Its labeling is false or misleading.
2. It is offered for sale under the name of another food with or without other descriptive words, or under any name which is likely to be misleading.
3. Its container is so made, formed or filled as to be misleading.
4. It is in package form unless it bears a label containing:
 - (a) The name and place of business of the manufacturer, packer or distributor.
 - (b) An accurate statement of the quantity of the contents in terms of weight, measure or numerical count, except that reasonable variations may be permitted and exemptions as to small packages may be established by regulations prescribed by the ~~board~~ DIRECTOR.
5. Any word, statement or other information required by or under authority of this article to appear on the label does not appear in the labeling prominently and conspicuously as compared with other words, statements, designs or devices and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.
6. Any word, statement or other information required by or under authority of this article to appear on the label does not also appear on the outside container or wrapper, if any, of the retail package of the food, or is not easily legible through the outside container or wrapper.
7. It purports to be or is represented as a food for which a definition and standard of identity has been prescribed by regulations as provided by section 36-903, unless:
 - (a) It conforms to such definition and standard, and
 - (b) Its label bears the name of the food specified in the definition and standard, and, insofar as may be required by such regulations, the common names of optional ingredients present in such food, other than spices, flavoring and coloring.
8. It purports to be or is represented as:

LAWS OF ARIZONA

(a) A food for which a standard of quality has been prescribed by regulations as provided by section 36-903 and its quality falls below such standard, unless its label bears in such manner and form as such regulations specify a statement that it falls below such standard, or

(b) A food for which a standard of fill of container has been prescribed by regulations as provided by section 36-903 and it falls below the applicable standard of fill, unless its label bears in such manner and form as such regulations specify a statement that it falls below such standard.

9. It is a food not subject to the provisions of paragraph 7 of this section, unless it bears labeling clearly stating:

(a) The common or usual name of the food, if any, and

(b) If made from two or more ingredients, the common or usual name of each ingredient;

Except that spices, flavorings and colorings, other than those sold as such, may be designated as spices, flavorings and colorings without naming each, provided that to the extent compliance with the requirements of subdivision (b) of this paragraph is impracticable or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the ~~board~~ DIRECTOR, and that the requirements of subdivision (b) of this paragraph shall not apply to food products which are packaged at the direction of purchasers at retail at the time of sale, the ingredients of which are disclosed to the purchasers by other means in accordance with regulations promulgated by the ~~board~~ DIRECTOR.

10. It purports to be or is represented for special dietary uses unless its label bears such information concerning its vitamin, mineral and other dietary properties as the ~~board~~ DIRECTOR prescribes by regulation as necessary to fully inform purchasers as to its value for such uses.

11. It bears or contains any artificial flavoring, artificial coloring or chemical preservative unless it bears labeling stating that fact, provided that to the extent that compliance with the requirements of this paragraph is impracticable, exemptions shall be established by regulations promulgated by the ~~board~~ DIRECTOR.

12. It is intended as an ingredient of another food and when used according to directions will result in the final food product being adulterated or misbranded.

LAWS OF ARIZONA

13. It is a color additive unless its packaging and labeling are in conformity with such packaging and labeling requirements applicable to such color additive prescribed under the provisions of the federal act.

14. It contains vegetable fat or oil unless its label prominently and conspicuously specifies such vegetable fat or oil by common name and the percentage such fat or oil constitutes of the whole food product. If a vegetable fat blend is used the label shall state the percentage the fat blend represents of the whole food product, followed by the words "vegetable fat consisting of a blend of" and a listing of each vegetable fat or oil by its common name.

Sec. 170. Section 36-908, Arizona Revised Statutes, is amended to read:

36-908. Special inspection warrant; violation

A. The ~~commissioner~~ DIRECTOR and his designees having powers and duties under this article or the rules and regulations adopted pursuant to this article involving inspection of real or personal property, including any factory, warehouse, vehicle or establishment in which foods are manufactured, processed, packed, transported or held for introduction into commerce, for the purpose of pure food control may appear before a magistrate and apply for, obtain and execute special inspection warrants in accordance with the requirements of this section.

B. Upon showing by the affidavit of the ~~commissioner~~ DIRECTOR or his designee that consent to entry for inspection purposes has been refused or circumstances justify the failure to seek such consent, special inspection warrants may be issued by a magistrate for inspection of any public or private real and personal properties.

C. The warrant shall be in substantially the following form:

"County of _____, State of Arizona
To the ~~commissioner~~ DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES or any designee in the state of Arizona,

Proof by affidavit having been this day made before me by (person or persons whose affidavit has been taken) that in and upon certain premises in the (City, Town or County) of _____ and more particularly described as follows:

(describe the premises within reasonable particularity)

LAWS OF ARIZONA

there now exists a reasonable governmental interest to determine if upon such premises there exists a violation of (section _____ of the Arizona Revised Statutes) and/or (section _____ of regulation or ordinance) you are therefore commanded in the daytime (or during reasonable business hours), to make an inspection of said premises as soon as practicable.

Date, signature and title of office.”

The endorsement on the warrant shall be in substantially the following form: “Received by me _____, 19____, at _____ o’clock _____.

(Name of ~~commissioner~~ DIRECTOR or designee).”

The return of officer shall be in substantially the following form: “I hereby certify that by virtue of the within warrant I searched the named premises and found the following things (describe findings).

Dated this _____ day of _____, 19____.

(Name of ~~commissioner~~ DIRECTOR or designee).”

D. The warrant may be served by the ~~commissioner~~ DIRECTOR or his designee mentioned in its directions, but by no other person except in aid of the ~~commissioner~~ DIRECTOR or his designee on his requiring it, the ~~commissioner~~ DIRECTOR or his designee being present and acting in its execution.

E. A warrant shall be executed and returned to the magistrate who issued it within ten days after its date. After the expiration of that time, the warrant shall unless executed be void.

F. Any person who wilfully refuses to permit an inspection lawfully authorized by warrant issued pursuant to this article is guilty of a misdemeanor.

Sec. 171. Section 36-909, Arizona Revised Statutes, is amended to read:

36-909. Samples or specimens

The ~~commissioner~~ DIRECTOR may obtain such samples or specimens as he requires for the purpose of pure food control. The ~~director~~ CHIEF of the state laboratory shall make or cause to be made examinations of samples secured to determine whether any provision of this article is being violated.

LAWS OF ARIZONA

Sec. 172. Section 36-910, Arizona Revised Statutes, is amended to read:

36-910. Seizure

A. When the ~~commissioner~~ DIRECTOR finds or has probable cause to believe that any food is adulterated or misbranded within the meaning of this article as to be dangerous or fraudulent, he shall affix to such food or its container a tag or other appropriate marking, giving notice that such food is, or is suspected of being, adulterated or misbranded and has been detained or embargoed, and warning all persons not to remove or dispose of such food by sale or otherwise until permission for removal or disposal is given by the ~~commissioner~~ DIRECTOR or the court. It is unlawful for any person to remove or dispose of such detained or embargoed food by sale or otherwise without such permission.

B. When a food detained or embargoed under subsection A has been found by the ~~commissioner~~ DIRECTOR to be adulterated or misbranded, he shall, with the assistance of the attorney general or of the county attorney of the county in which such food is found, petition the superior court in the county in which the food is detained or embargoed for an order condemning such food. When the ~~commissioner~~ DIRECTOR has found that a food so detained or embargoed is not adulterated or misbranded, he shall remove or cancel the tag or other marking.

C. If the court finds that a detained or embargoed food is adulterated or misbranded and that such adulteration or misbranding cannot be corrected by proper processing or labeling, the court shall by order direct that such food be destroyed at the expense of the claimant of the food under the supervision of the ~~commissioner~~ DIRECTOR, and all court costs and fees, storage and other proper expenses shall be taxed against the claimant. If the court finds that a detained or embargoed food is adulterated or misbranded, but that such adulteration or misbranding can be corrected by proper processing or labeling, the court may by order direct that, after court costs and fees, storage and other expenses have been paid by the claimant and a good and sufficient bond, guaranteeing that such food shall be so processed or labeled, has been executed, such food shall be returned to the claimant for such processing or labeling under the supervision of the ~~commissioner~~ DIRECTOR. Upon representation to the court by the ~~commissioner~~ DIRECTOR that the food is no longer in violation of this article, the food shall be released from the supervision and control of the ~~commissioner~~ DIRECTOR and the bond shall be exonerated.

LAWS OF ARIZONA

D. When the ~~commissioner~~ DIRECTOR finds in any room, building, vehicle of transportation or other structure any meat, sea food, poultry, vegetable, fruit or other perishable foods which are unsound or contain any filthy, decomposed or putrid substances, or which may be poisonous or presents an imminent endangerment to health, the ~~commissioner~~ DIRECTOR shall forthwith seize them and, unless within five days of such seizure the claimant serves a written protest to such action upon the ~~commissioner~~ DIRECTOR, destroy them. If such a written protest is timely served on the ~~commissioner~~ DIRECTOR, he may petition the court as in subsection B of this section for an order condemning the food. An action brought under this subsection shall be given a calendar preference by the court.

Sec. 173. Section 36-911, Arizona Revised Statutes, is amended to read:

36-911. Enforcement regulations; decisions; appeal

A. The ~~board~~ DIRECTOR may make regulations to enforce the provisions of this article which shall conform insofar as practicable with those promulgated under the federal act. The ~~board~~ DIRECTOR may adopt a manual of procedures governing ~~its~~ HIS operation.

B. All decisions rendered by the ~~board~~ DIRECTOR, pursuant to the applicable law and regulations, shall be in writing and filed in the office of the ~~state~~ department of health SERVICES. Notice of such decisions shall be given to the affected person by registered mail with return receipt requested. If no appeal is taken within the time provided by law, the decision of the ~~board~~ DIRECTOR shall be final.

Sec. 174. Section 36-912, Arizona Revised Statutes, is amended to read:

36-912. Prosecution

The attorney general or the county attorney of the county in which the violation occurs to whom the ~~commissioner~~ DIRECTOR reports any violation of this article shall cause appropriate proceedings to be instituted in the proper court. Before any violation of this article is reported to any such attorney for the institution of a criminal proceeding, the person against whom such proceeding is contemplated shall be given appropriate notice and an opportunity to present his views before the ~~board~~ DIRECTOR or ~~its~~ HIS designated agent, either orally or in writing, in person or by attorney, with regard to such contemplated proceeding.

LAWS OF ARIZONA

Sec. 175. Section 36-913, Arizona Revised Statutes, is amended to read:

36-913. Injunction proceedings

In addition to the remedies provided in this article, the ~~commissioner~~ DIRECTOR, with the assistance of the attorney general or of the county attorney of the county in which the violation occurs, may apply to the superior court for injunctive relief.

Sec. 176. Section 36-914, Arizona Revised Statutes, is amended to read:

36-914. Penalties; guaranty

A. Any person who violates any of the provisions of section 36-902 is guilty of a misdemeanor. In the instance of a continuing violation, each day constitutes a separate offense.

B. No person shall be subject to the penalties of subsection A of this section for having violated paragraph 1 or 3 of section 36-902 if he establishes a guaranty or undertaking, designating this article, and signed by and containing the name and address of the person residing in the state of Arizona from whom he received the article in good faith, to the effect that such article is not adulterated or misbranded within the meaning of this article.

C. No publisher, broadcast or telecast licensee or agency or medium for the dissemination of an advertisement shall be liable under this section by reason of the dissemination by him of such false advertisement, unless one or more of the following exists:

1. He knew or had reason to know that the advertisement was false.
2. He is also the manufacturer, packer, distributor or seller of the food to which the false advertisement relates.
3. He has refused a request of the ~~commissioner~~ DIRECTOR to furnish the ~~commissioner~~ DIRECTOR the name and post-office address of the manufacturer, packer, distributor, seller or advertising agency who caused him to disseminate such advertisement.

Sec. 177. Section 36-915, Arizona Revised Statutes, is amended to read:

LAWS OF ARIZONA

36-915. Enrichment, fortification and labeling of flour, cereals and related foods; penalty

A. The ~~state board of health~~ DIRECTOR shall adopt enrichment standards governing the identity and quantity of vitamins and minerals to be added to flour produced from small grain, corn and soybeans, and for any food products containing twenty five per cent or more of flour produced from small grain, corn or soybeans.

B. The ~~state board of health~~ DIRECTOR shall adopt fortification standards governing the identity and quantity of vitamins and minerals to be added to processed cereal.

C. Such standards shall not exceed those necessary for the protection of the public health and safety. In adopting standards the ~~state board of health~~ DIRECTOR shall consider the current enrichment and fortification standards established by the secretary of health, education and welfare under authority of federal law.

D. The ~~state board of health~~ DIRECTOR shall adopt rules and regulations governing labeling of enriched or fortified products which rules and regulations shall contain standards for listing of added ingredients and a statement of the quantity of each within stated limits.

E. It shall be unlawful for any person to manufacture, sell or offer for sale for human consumption any foods or food products not enriched, fortified or labeled in accordance with the requirements of this section or the standards adopted by the ~~state board of health~~ DIRECTOR pursuant to this section. The provisions of this subsection shall not apply to any person who sells or offers to sell such foods or food products in an isolated transaction or transactions which are not conducted as a primary or regular business operation for such person.

Sec. 178. Section 36-952, Arizona Revised Statutes, is amended to read:

36-952. License to slaughter horses for human consumption; application; records required; appointment of inspectors

A. A license shall be obtained from the livestock sanitary board before slaughtering a horse for human consumption.

B. Application for a license to conduct a slaughterhouse for the slaughter of horses for human consumption shall be submitted to the livestock

LAWS OF ARIZONA

sanitary board on a form prescribed by the board. The application shall contain the information the board deems necessary including a statement that the applicant will comply with the requirements of law and the rules and regulations of the board relating to the slaughter, processing, packing or preparation of meat food products made for human consumption from horsemeat, and shall be accompanied by the filing fee required for an application to conduct a slaughterhouse as provided by sections 24-601 and 24-602.

C. The holder of a slaughterhouse license issued under the provisions of this article or a person handling horsemeat for resale shall maintain a record of the live and dressed weight and the date and from whom each horse was received.

D. A complete record of the sale of horsemeat shall be maintained for a period of one year, showing the name and address of each customer and the amount and date of each sale. All records required by this section shall be open for inspection by the ~~board of the state~~ department of public health SERVICES or an authorized agent thereof.

E. The livestock sanitary board may appoint veterinarians licensed to practice in the state as inspectors. The board shall fix the compensation of such inspectors.

Sec. 179. Section 36-954, Arizona Revised Statutes, is amended to read:

36-954. Inspection of horses before and after slaughter; condemnation of unfit products

A. There shall be an antemortem and a postmortem inspection of each horse slaughtered.

B. A horse found either upon antemortem or postmortem inspection or examination to be afflicted with strangles, purpura, hemorrhagica, azoturia, forage poison or cerebrospina meningitis, dourine, acute influenza, generalized osteoporosis, glanders, farcy or other malignant disorder, acute inflammatory lameness or extensive fistula, shall be condemned. A horse suspected, upon antemortem inspection, of being infected with glanders shall be tested with mallein, and a horse which on physical examination is suspected of being infected with dourine, shall be held for further examination or for such test as the state veterinarian prescribes. A horse or horsemeat product found unwholesome, unclean, unsound or otherwise unfit for human consumption shall be condemned and the inspector may order it destroyed.

LAWS OF ARIZONA

C. All horsemeat sold for human consumption shall be inspected by the state veterinarian or a deputy thereof. The inspector and authorized employees of the board and the ~~state~~ department of ~~public~~ health SERVICES shall have access, for purposes of inspection, to any place in which horses are being slaughtered or horsemeat is being processed, prepared, packed or offered for sale.

Sec. 180. Section 36-1001, Arizona Revised Statutes, is amended to read:

36-1001. **Definitions**

The following words and phrases, as used in this article, shall have the following meanings, unless the context otherwise requires:

1. "Person" includes any corporation, association, copartnership or one or more individuals.
2. "Physician" means a person licensed to practice medicine, or osteopathy, in this state and any other person licensed to treat sick and injured human beings in this state, and to use narcotic drugs in connection with such treatment.
3. "Dentist" means a person licensed to practice dentistry in this state.
4. "Veterinarian" means a person licensed to practice veterinary medicine in this state.
5. "Manufacturer" means a person who by compounding, mixing, cultivating, growing or other process, produces or prepares narcotic drugs, but does not include an apothecary who compounds narcotic drugs to be sold or dispensed on prescriptions.
6. "Wholesaler" means a person who supplies narcotic drugs that he himself has not produced or prepared, on official written orders, but not on prescriptions.
7. "Apothecary" means a licensed pharmacist as defined by the laws of this state and, where the context so requires, the owner of a store or other place of business where narcotic drugs are compounded or dispensed by a licensed pharmacist; but nothing in this article shall be construed as conferring on a person who is not registered or licensed as a pharmacist any authority, right or privilege, that is not granted to him by the pharmacy laws of this state.

LAWS OF ARIZONA

8. "Hospital" means an institution for the care and treatment of the sick and injured, approved by the ~~board of health~~ DEPARTMENT OF HEALTH SERVICES as proper to be entrusted with the custody of narcotic drugs and the professional use of narcotic drugs under the direction of a physician, osteopath, dentist or veterinarian.

9. "Laboratory" means a laboratory approved by the ~~board~~ DEPARTMENT of health SERVICES as proper to be entrusted with the custody and use of narcotic drugs for scientific and medical purposes and for purposes of instruction.

10. "Sale" includes barter, exchange or gift, or offer therefor, and each such transaction made by any person, whether as principal, proprietor, agent, servant or employee.

11. "Coca leaves" includes cocaine and any compound, manufacture, salt, derivative, mixture or preparation of coca leaves, except derivatives of coca leaves which do not contain cocaine, ecgonine or substances from which cocaine or ecgonine may be synthesized or made.

12. "Opium" includes morphine, codeine and heroin, and any compound, manufacture, salt, derivative, mixture or preparation of opium, but does not include apomorphine or any of its salts.

13. "Cannabis" includes the following substances under whatever names they may be designated:

(a) Marijuana.

(b) All parts of the plant *cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant, and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin, but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.

(c) The resin extracted from such tops.

(d) Every compound, manufacture, salt, derivative, mixture or preparation of such resin, tetrahydrocannabinol (T.H.C.), or of such tops from which the resin has not been extracted.

LAWS OF ARIZONA

14. "Narcotic drugs" means coca leaves, opium, cannabis, isonipecaine, amidone, isoamidone, ketobemidone, any other drug of natural or synthetic origin that may be classified as a narcotic by the federal narcotics commissioner, and any substance neither chemically nor physically distinguishable from them.

15. "Federal narcotic laws" means the laws of the United States relating to opium, coca leaves and other narcotic drugs.

16. "Official written order" means an order written on a form provided for that purpose by the United States commissioner of narcotics, under any laws of the United States making provision therefor, if such order forms are authorized and required by federal law, and if no such order form is provided, then on an official form provided for that purpose by the ~~board~~ DEPARTMENT of health SERVICES.

17. "Dispense" includes distribute, leave with, give away, dispose of or deliver.

18. "Registry number" means the number assigned to each person registered under the federal narcotic laws.

~~19. "Board of health" means the state board of health.~~

19. "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES.

20. "Subsequent offense" includes a prior conviction in any state or federal court, for violation of any law or ordinance regulating the use, supply or possession of any narcotic drug.

21. "Licensed" means authorized by the laws of the state to do certain things.

22. "Isonipecaine" means any substance identified chemically as 1-methyl-4-phenyl-piperidine-4-carboxylic acid ethyl ester, or any salt thereof, by whatever trade name designated.

23. "Amidone" means any substance identified chemically as (4-4-diphenyl-6-dimethylamine-heptanone-3), or any salt thereof, by whatever trade name designated.

LAWS OF ARIZONA

24. "Isoamidone" means any substance identified chemically as (4-4-diphenyl-5-methyl-6-dimethylamino-hexanone-3), or any salt thereof, by whatever trade name designated.
25. "Keto-bemidone" means any substance identified chemically as (4-(3-hydroxyphenyl)-1-methyl-4-piperidylethyl ketone hydrochloride), or any salt thereof, by whatever trade name designated.
26. "Dihydrocodeinone" means any substance identified chemically as 7, 8 dihydrocodeine-6-one, or any salt thereof, by whatever trade name designated.
27. "Dihydrocodeine" means any substance identified chemically as 7, 8 dihydrocodeine, or any salt thereof, by whatever trade name designated.
28. "Papaverine" means any substance identified chemically as 6, 7-dimethoxy-1-veratrylisoquinoline, or any salt thereof, by whatever trade name designated.
29. "Noscapine" means any substance identified chemically as 2-methyl-8-methoxy-6, 7-methylenedioxy-1 (6, 7-dimethoxy-3-phthalidyl)-1, 2, 3, 4-tetra-hydroisoquinoline, or any salt thereof, by whatever trade name designated.
30. "Ethyl-morphine" means any substance identified chemically as 3-ethyl-morphine, or any salt thereof, by whatever trade name designated.
31. "Narceine" means any substance identified chemically as (2 carboxylic-3, 4 dimethoxy) 2'-dimethylaminoethyl 4', 5' methylene dioxy 6' methoxybenzyl-ketone, or any salt thereof, by whatever trade name designated.
32. "Cotarnine" means any substance identified chemically as N-methyl 3, 4 dihydro 6, 7, methylenedioxy, 8 methoxyisoquinoline chloride, or any salt thereof, by whatever trade name designated.
33. "Felony offense", and offense "punishable as a felony", means an offense for which the law prescribes imprisonment in the state prison as either an alternative or the sole penalty, regardless of the sentence the particular defendant received.

Sec. 181. Section 16-1003, Arizona Revised Statutes, is amended to read:

LAWS OF ARIZONA

36-1003. Manufacturers and wholesalers

No person shall manufacture, compound, mix, cultivate, grow or by any other process produce or prepare narcotic drugs, and no person as a wholesaler shall supply the same, without having first obtained a license so to do from the ~~board of health~~ DIRECTOR.

Sec. 182. Section 36-1004, Arizona Revised Statutes, is amended to read:

36-1004. Qualification for licenses

A. No license shall be issued under this article unless the applicant therefor has furnished proof satisfactory to the ~~board of health~~ DIRECTOR:

1. That the applicant is of good moral character or, if the applicant is an association or corporation, that the managing officers are of good moral character.

2. That the applicant is equipped as to land, buildings and paraphernalia properly to carry on the business described in his application.

B. No license shall be granted to any person who has within five years been convicted of a wilful violation of any law of the United States, or of any state, relating to opium, coca leaves or other narcotic drugs, or to any person who is a narcotic drug addict.

C. The ~~board of health~~ DIRECTOR may suspend or revoke any license for cause.

Sec. 183. Section 36-1014, Arizona Revised Statutes, is amended to read:

36-1014. Narcotic drugs to be delivered to state official

A. All narcotic drugs, the lawful possession of which is not established or the title to which cannot be ascertained, which have come into the custody of a peace officer, shall be forfeited to the state, and disposed of as follows:

1. Except as in this section otherwise provided, the court or magistrate having jurisdiction shall order such narcotic drugs forfeited and destroyed.

LAWS OF ARIZONA

A record of the place where said drugs were seized, of the kinds and quantities of drugs so destroyed, and of the time, place and manner of destruction, shall be kept, and a return under oath, reporting said destruction, shall be made to the court or magistrate and to the United States commissioner of narcotics, by the officer who destroys them.

2. Upon written application by the ~~board of health~~ DIRECTOR the court or magistrate by whom the forfeiture of narcotic drugs has been decreed may order the delivery of any of them, except heroin and its salts and derivatives, to the ~~board of health~~ DIRECTOR, for distribution or destruction, as hereinafter provided.

3. Upon application by any hospital within this state, not operated for private gain, the ~~board of health~~ DIRECTOR may in its discretion deliver any narcotic drugs that have come into its custody to the applicant for medicinal use. The ~~board of health~~ DIRECTOR may from time to time deliver excess stocks of such narcotic drugs to the United States commissioner of narcotics, or may destroy the same.

B. The ~~board of health~~ DIRECTOR shall keep a full and complete record of all drugs received and of all drugs disposed of, showing the exact kinds, quantities and forms of such drugs; the persons from whom received and to whom delivered; by whose authority received, delivered or destroyed; and the dates of the receipt, disposal or destruction, which record shall be open to inspection by all federal or state officers charged with the enforcement of federal and state narcotic laws.

Sec. 184. Section 36-1062.01, Arizona Revised Statutes, is amended to read:

36-1062.01. Test to determine use of narcotic drugs; applicability to users on probation; cost of administration; rules and regulations

A. Whenever a superior court grants probation to a person who has been convicted of violating section 36-1062, the court shall require as a condition to probation that the probationer submit to periodic tests by a city, town or county health officer, if a physician, or by a physician appointed by the city, town or county health officer, to determine by means of the use of synthetic opiate antinarcotic in action, or such other tests as may be approved by the ~~state board of health~~ DIRECTOR, whether the probationer is a narcotic drug addict. In any case provided for

LAWS OF ARIZONA

in this section, the city, town or county health officer, if a physician, or the physician appointed by the city, town or county health officer shall report the results of the tests to the court which heard the matter.

B. In any case in which probation is granted to a person who is or has been a user of a narcotic drug, it shall be a condition of the probation that the probationer undergo periodic tests as provided in subsection A and that the county, city or town health officer, if a physician, or the physician appointed by the city, town or county health officer shall report the results of the tests to the court which heard the matter.

C. The cost of administering the test provided for by this section shall be a charge against the county.

D. The ~~state board of health~~ DIRECTOR shall issue regulations prescribing the method or technique in administering the tests provided for by this section and shall provide the form of the report to be filed with the court.

Sec. 185. Section 36-1062.02, Arizona Revised Statutes, is amended to read:

36-1062.02. Treatment for narcotic drug addiction

A. Notwithstanding any other provision of this article, a superior court or the board of pardons and parole may grant probation or parole to persons heretofore or hereafter convicted of narcotic drug addiction. The court or board shall require, as a condition of the probation or parole, that the probationer or parolee submit to treatment by a physician appointed by the court or board, but a narcotic drug shall not be used in such treatment.

B. Probation or parole shall not be granted as provided by subsection A unless the ~~state board of health~~ DIRECTOR has certified to the several superior courts and to each of the judges of such courts, and to the board of pardons and parole and to the Arizona medical association, that a method is available for the treatment of narcotic drug addiction, specifying the manner of prescribing for and administering the treatment.

C. The physician who treats such person shall report to the court or board the result of such treatment and such recommendations as he considers proper and advisable, and thereupon the court or board may discharge such person from probation or parole or revoke probation or parole as the physician's report may justify.

LAWS OF ARIZONA

D. The cost of such treatment shall be a county charge, or a state charge when the board of pardons and parole enforces this section.

E. In lieu of the provisions of subsections A to D, of this section, the judge of a superior court may suspend sentence of any person convicted for a first offense as a user of narcotic drugs under the provisions of section 36-1062, but as a condition of suspension the judge shall require the user, with his written consent, to submit to treatment for narcotic drug addiction at a state or federal institution certified by the ~~state board of health~~ DIRECTOR as having facilities to treat such addiction. Where treatment is ordered at a state institution, the cost of such treatment shall be a state charge. The provisions of this subsection shall not be applicable to a person convicted of a second or subsequent felony offense under the terms of this article.

Sec. 186. Section 36-1104, Arizona Revised Statutes, is amended to read:

36-1104. Enforcement; registration of brands and labels

A. The ~~state~~ department of health SERVICES shall enforce the provisions of this article. The department may approve and register such brands and labels intended for use under the provisions of this article as are submitted which in its judgment conform to the requirements of this article.

B. In any prosecution under this article, the fact that a brand or label involved in the prosecution has not been submitted to the department for approval, or if submitted, has not been approved by it, is immaterial.

Sec. 187. Section 36-1201, Arizona Revised Statutes, is amended to read:

36-1201. Definitions

In this article, unless the context otherwise requires:

~~1. "Commissioner" means the commissioner of public health.~~

1. "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES.

LAWS OF ARIZONA

2. "Federal act" means the following federal acts as they may be from time to time amended by the congress of the United States:

- (a) The public health service act.
- (b) The mental retardation facilities construction act.
- (c) The community mental health centers act.

3. "Health care institution" means those institutions subject to the provisions of chapter 4 of this title.

~~4. "Surgeon general" means the surgeon general of the public health service of the United States.~~

~~5.~~ 4. "Secretary" means the secretary of health, education and welfare of the United States.

Sec. 188. Section 36-1202, Arizona Revised Statutes, is amended to read:

36-1202. Administration of health care institution survey and construction plans

The ~~state~~ department of health SERVICES shall be the sole agency for administering a state plan ~~developed by the Arizona health planning authority and~~ approved by the secretary for the construction and modernization of health care institutions.

Sec. 189. Section 36-1204, Arizona Revised Statutes, is amended to read:

36-1204. Powers and duties of director

The ~~commissioner of public health~~ DIRECTOR shall:

- 1. Require such reports, make such inspections and investigations and prescribe such regulations as he deems necessary.
- 2. Provide methods of administering the state plan for the construction and modernization of health care institutions.

LAWS OF ARIZONA

3. Contract for the services of experts, consultants or organizations when such services are in his opinion necessary. Such services shall be performed on a part-time or fee for service basis and shall not involve the performance of administrative duties.
4. Enter into agreements for utilization of the facilities and services of other departments, agencies and institutions, public or private, as he considers desirable to effectuate the purposes of this article.
5. Accept on behalf of the state and deposit with the state treasurer any grant, gift or contribution made to assist in meeting the cost of carrying out the purposes of this article.
6. Expend the funds provided by paragraph 5 for carrying out the purposes of this article.
7. Enforce, as to health care institutions which receive federal aid for construction or modernization under the state plan, the minimum standards for the maintenance and operation of health care institutions prescribed by chapter 4 of this title and the rules and regulations adopted by the ~~state~~ DIRECTOR OF department of health SERVICES, which shall be applicable to any health care institution as defined in this article although it may not otherwise be subject to chapter 4 of this title.

~~8. Provide the Arizona health planning authority access to records kept by the Department of Health for the purpose of administering chapter 4 of this title.~~

Sec. 190. Section 36-1205, Arizona Revised Statutes, is amended to read:

36-1205. Application for and utilization of federal aid

The ~~commissioner~~ DIRECTOR may make application ~~to the surgeon-general and~~ to the secretary for federal aid in carrying out survey and planning activities. Any monies received shall be deposited in the state treasury and be available to the ~~commissioner~~ DIRECTOR for carrying out the construction and modernization program.

Sec. 191. Section 36-1208, Arizona Revised Statutes, is amended to read:

36-1208. Application for construction projects

LAWS OF ARIZONA

A. An application for a health care institution construction or modernization project for which federal aid is requested may be submitted to the ~~commissioner~~ DIRECTOR by the state or a political subdivision thereof or by a public or nonprofit agency. An application for a construction or modernization project shall conform to federal and state requirements.

B. The ~~commissioner~~ DIRECTOR shall afford to applicants for a construction or modernization project an opportunity for a fair hearing. If, after reasonable opportunity afforded for presentation of applications in the order of relative need, the ~~commissioner~~ DIRECTOR finds a project application to be in conformity with the state plan, he shall approve the application and recommend it to the ~~surgeon general or the secretary, or both.~~

Sec. 192. Section 36-1209, Arizona Revised Statutes, is amended to read:

36-1209. Inspection of projects; certifications to secretary

The ~~commissioner~~ DIRECTOR or his duly authorized agent shall inspect each construction project approved by the ~~surgeon general~~ SECRETARY, and he shall certify to the ~~surgeon general or to the secretary, or both,~~ the facts as to work performed on the project or purchases made in accordance with the approved plans and specifications, and any payment of federal funds due.

Sec. 193. Section 36-1210, Arizona Revised Statutes, is amended to read:

36-1210. State health care institution construction and modernization fund; use; claims

A. The health care institution construction and modernization fund consists of state appropriations, grants, gifts, contributions and monies received from the federal government for projects approved by the ~~surgeon general or the secretary.~~ It shall be used solely for payments for work performed or purchases made in carrying out projects approved by the ~~surgeon general or the secretary.~~

B. Claims on the health care institution construction and modernization fund are subject to approval of the ~~commissioner~~ DIRECTOR or his duly authorized agent.

LAWS OF ARIZONA

Sec. 194. Section 36-1233, Arizona Revised Statutes, is amended to read:

36-1233. Petition proposing hospital district; proceedings upon petition

A. In order to propose the formation of a hospital district, a petition shall be presented to the board of supervisors of the county within which the proposed district or the greater part thereof lies, signed by ten per cent of the electors residing within the area of the proposed district. The petition shall set forth and particularly describe the proposed boundaries of the district, and shall pray that the area be organized as a hospital district under the provisions of this article. The petition shall be presented at a regular or special meeting of the board of supervisors, and the board shall thereupon enter an order setting a time, not less than three nor more than five weeks from the date of the order, at which a hearing on the petition shall be had by the board, and directing that notice of the hearing be published not less than two consecutive weeks prior to the date of the hearing in a newspaper published within the proposed district, if any is published, and if not, in a newspaper published within the county. If any portion of the proposed district lies within another county or counties, such order shall further direct that notice likewise be published in a newspaper designated in the order, printed and published in each county. Hearings on the petition shall be at the office of the board of supervisors to whom the petition is directed, in either a regular or a special meeting, unless the board determines for the convenience of the parties to hold the hearing elsewhere. The petitioners shall give such security as the board of supervisors of the organizing county requires, conditioned upon the payment of all costs if for any reason the district is not organized. If the district is organized such costs shall be a proper charge against the district.

B. No petition for the formation of a district shall be acted upon unless the area encompassed within the proposed district is first approved by the ~~Arizona Health Planning Authority~~ DEPARTMENT OF HEALTH SERVICES as an area needing additional hospital facilities, nor unless there is in existence a corporation not for pecuniary profit duly organized under the laws of the state for the purpose of conducting a hospital, which has offered to lease the proposed hospital for a period of not less than five years in accordance with the terms of sections 36-1241 and 36-1246.

Sec. 195. Section 36-1304, Arizona Revised Statutes, is amended to read:

36-1304. Hearing on petition; notice; objections

LAWS OF ARIZONA

A. Upon receipt of the petition the board of supervisors shall set a date for a hearing thereon, to be not later than thirty days from the date the petition is filed.

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

C. The ~~state board~~ DEPARTMENT of health SERVICES shall be notified by mail of the hearing not less than ten days prior to the date set for the hearing. The ~~state board~~ DEPARTMENT shall be represented at the hearing and shall advise with the board of supervisors.

D. At the hearing all interested property owners may appear and be heard on any matter relating to establishment of the proposed district. Any person wishing to object to establishment of the district may, before the date set for the hearing, file objections with the clerk of the board of supervisors.

Sec. 196. Section 36-1700, Arizona Revised Statutes, is amended to read:

36-1700. Declaration of policy

A. The legislature finds and declares that air pollution exists with varying degrees of severity within the state, such air pollution is potentially and in some cases actually dangerous to the health of the citizenry, often causes physical discomfort, injury to property and property values, discourages recreational and other uses of the state's resources and is esthetically unappealing. The legislature by this act intends to exercise the police power of this state in a coordinated state-wide program to control present and future sources of emission of air contaminants to the end that air polluting activities of every type shall be regulated in a manner that insures the health, safety and general welfare of all of the citizens of the state; protects property values and protects plant and animal life. The legislature further intends to place primary responsibility for air pollution control and abatement in the ~~state~~ department of health SERVICES and the hearing board created thereunder. However, counties shall have the right to control local air pollution problems as specifically provided herein.

LAWS OF ARIZONA

B. It is further declared to be the policy of this state that no further degradation of the air in the state of Arizona by any industrial polluters shall be tolerated. Those industries emitting pollutants in the excess of the emission standard set by the ~~state board of health, division of air pollution control,~~ DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES shall bring their operations into conformity with the standards with all due speed. A new industry hereinafter established shall not begin normal operation until it has secured a permit attesting that its operation will not cause pollution in excess of the standards set by the ~~state board of health,~~ DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES.

Sec. 197. Section 36-1701, Arizona Revised Statutes, is amended to read:

36-1701. **Definitions**

In this article, unless the context otherwise requires:

1. "Air contaminants" includes smoke, vapors, charred paper, dust, soot, grime, carbon, fumes, gases, sulfuric acid mist aerosols, aerosol droplets, odors, particulate matter, windborne matter, radioactive materials, or noxious chemicals, or any other material in the outdoor atmosphere.

2. "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants or combinations thereof in sufficient quantities, which either alone or in connection with other substances by reason of their concentration and duration are or tend to be injurious to human, plant or animal life, or cause damage to property, or unreasonably interferes with the comfortable enjoyment of life or property of a substantial part of a community, or obscures visibility, or which in any way degrades the quality of the ambient air below the standards established by the ~~board of health~~ DIRECTOR.

~~3. "Board of health" means the state board of health.~~

~~4. "Comissioner" means the state health commissioner.~~

~~5-~~ 3. "Department" means the ~~state~~ department of health SERVICES.

~~6-~~ 4. "Director" means the director of the ~~division of air pollution control~~ DEPARTMENT OF HEALTH SERVICES.

LAWS OF ARIZONA

~~7. "Division" means the division of air pollution control within the state department of health.~~

~~8.~~ 5. "Hearing board" means the state air pollution control hearing board.

~~9.~~ 6. "Person" includes any public or private corporation, company, partnership, firm, association or society of persons, the federal government and any of its departments or agencies, the state and any of its agencies, departments or political subdivisions, as well as a natural person.

~~10.~~ 7. "Special inspection warrant" is an order in writing issued in the name of the state of Arizona, signed by a magistrate, directed to the director or his deputies, authorizing him to enter into or upon any public or private property for the purpose of making an inspection authorized by law.

Sec. 198. Section 36-1702, Arizona Revised Statutes, is amended to read:

36-1702. **Powers**

~~A. There shall be a division of air pollution control in the department of health. The commissioner shall administer this chapter through the division, which shall be headed by a director appointed by the commissioner.~~

~~B.~~ In addition to any other powers ~~invested~~ VESTED in it by law, the department may:

1. Accept, receive, and administer grants or other funds or gifts from public and private agencies, including the federal government, to carry out any of the purposes of this chapter. All monies resulting therefrom shall be deposited in the state treasury to the account of the department. ~~of the division.~~

2. Secure necessary scientific, technical, administrative, and operational services, including laboratory facilities, by contract or otherwise to carry out the purposes of this chapter.

~~C. Powers and authority granted in this chapter to the director shall at all times be exercised in accordance with the policies and directives of the commissioner and the board of health.~~

LAWS OF ARIZONA

Sec. 199. Section 36-1704, Arizona Revised Statutes, is amended to read:

36-1704. Hearing board

A. There shall be an air pollution control hearing board appointed by the governor pursuant to section 38-211.

B. The hearing board shall consist of five members. The five members shall be knowledgeable in the field of air pollution. Each board member shall serve for a term of three years. Of the members first appointed, two shall be appointed for terms of one year each, two shall be appointed for terms of two years each, and one shall be appointed for the full term of three years. Thereafter the terms shall expire on the third Monday in January of the appropriate year.

C. The hearing board shall select a chairman and vice chairman and such other officers as it deems necessary.

D. Hearing board members shall ~~serve with~~ RECEIVE compensation as prescribed ~~by law for the board of health~~ PURSUANT TO SECTION 38-611.

Sec. 200. Section 36-1705, Arizona Revised Statutes, is amended to read:

36-1705. Duties of department

A. The ~~division~~ DEPARTMENT shall:

1. Determine whether the meteorology of the state is such that air sheds can be reasonably identified and air pollution, therefore, can be controlled by establishing air pollution control districts within well defined geographical areas.

2. Make continuing determinations of the quantity and nature of emissions of air contaminants, topography, wind and temperature conditions, possible chemical reactions in the atmosphere, the character of development of the various areas of the state, the economic effect of remedial measures on the various areas of the state, the availability, use, and economic feasibility of air-cleaning devices, the effect on human health and danger to property from air contaminants, the effect on industrial operations of remedial measures, and other matters necessary to arrive at a better understanding of air pollution and its control.

LAWS OF ARIZONA

3. Determine the standards for the quality of the ambient air and the limits of air contaminants necessary to protect the public health, and to secure the comfortable enjoyment of life and property by the citizens of the state or in any defined geographical area of the state where the concentration of air pollution sources, the health of the population, or the nature of the economy or nature of land and its uses so require, and develop and transmit to the county boards of supervisors minimum state standards for air pollution control.
 4. Conduct investigations, inspections and tests to carry out the duties of this section under the procedures established by this article.
 5. Hold hearings relating to any aspect of or matter within the duties of this section, and in connection therewith, compel the attendance of witnesses and the production of records under the procedures established by section 36-1708.
 6. Prepare and develop a comprehensive plan or plans for the abatement and control of air pollution in this state.
 7. Encourage voluntary cooperation by advising and consulting with persons or affected groups or other states to achieve the purposes of this chapter, including voluntary testing of actual or suspected sources of air pollution.
 8. Encourage political subdivisions of the state to handle air pollution problems within their respective jurisdictions, and provide as it deems necessary technical and consultative assistance therefor.
 9. Compile and publish from time to time reports, data, and statistics with respect to those matters studied and investigated by the ~~division~~ DEPARTMENT.
- B. The ~~division~~ DEPARTMENT may delegate authority to a multicounty air quality control region or to a county to carry out the provisions of this chapter.

Sec. 201. Section 36-1706, Arizona Revised Statutes, is amended to read:

36-1706. State and county control

LAWS OF ARIZONA

A. The ~~division~~ DEPARTMENT and the state hearing board shall have original jurisdiction and control, as provided in this chapter, over such air pollution matters, air pollution sources, installation permits, operating permits, conditional permits and violations that pertain to:

1. Major sources of air pollution as shall be defined by rules and regulations promulgated by the ~~state board of health~~ DIRECTOR, which shall include any air pollution source capable of generating more than seventy-five tons of air contaminants per day.
2. Air pollution generated by operations and activities of all agencies and departments of the state and its political subdivisions.
3. Air pollution by motor vehicles.
4. Air pollution by mobile or portable combustion engines, machinery and equipment which are capable of being operated in more than one county.

B. Except as specified in subsection A of this section, jurisdiction and control of air pollution shall be by the county or multi-county air quality control region pursuant to the provisions of article 8, chapter 6, of this title. The county or multi-county air quality control region shall relinquish jurisdiction and control over such air pollution matters, air pollution sources, installation permits, operating permits, conditional permits and violations as the director of the division, with the prior approval of the ~~state board of health given at a public meeting,~~ designates and at such times as he asserts jurisdiction and control at the state level. The order of the director which asserts state jurisdiction and control shall specify the matters, geographical area, or air pollution source or sources over which the ~~division~~ DEPARTMENT shall exercise jurisdiction and control. Such state authority shall then be the sole and exclusive jurisdiction and control to the extent asserted and the provisions of this chapter shall govern, except as provided in this chapter, until jurisdiction and control is surrendered by the ~~division~~ DEPARTMENT to such county or region.

Sec. 202. Section 36-1707, Arizona Revised Statutes, is amended to read:

36-1707. Rules and regulations; hearing; limitations

A. Within ninety days after the effective date of this section, the ~~board of health~~ DIRECTOR shall adopt such rules and regulations as ~~it~~ HE

LAWS OF ARIZONA

determines are necessary and feasible to reduce the release into the atmosphere of air contaminants originating within the territorial limits of the state or any portion thereof and shall adopt, promulgate, modify, and amend reasonable standards for the quality of, and emissions into, the ambient air of the state for the prevention, control and abatement of air pollution. Additional standards shall be established for particulate matter emissions, sulfur dioxide emissions, and other air contaminant emissions determined to be necessary and feasible for the prevention, control and abatement of air pollution. In fixing such standards the ~~board~~ DIRECTOR shall give consideration but shall not be limited to:

1. The latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on health and welfare which may be expected from the presence of an air pollution agent, or combination of agents in the ambient air, in varying quantities.
 2. Atmosphere conditions and the types of air pollution agent or agents which, when present in the atmosphere, may interact with another agent or agents to produce an adverse effect on public health and welfare.
 3. The preservation and development of the economy of the state.
 4. Securing, to the greatest degree practicable, the enjoyment of the natural attractions of the state and the comfort and convenience of the inhabitants.
- B. No rule or regulation may be enacted or amended except after the ~~board of health~~ DIRECTOR first holds a public hearing after twenty days' notice of such hearing. The proposed rule or regulation, or any proposed amendment of a rule or regulation, shall be made available to the public at the time of notice of such hearing.
- C. The ~~division~~ DEPARTMENT shall enforce the rules and regulations adopted by the ~~board of health~~ DIRECTOR.
- D. All rules and regulations enacted pursuant to this section shall be made available to the public at a reasonable charge upon request.
- E. Any person who violates the air quality or emission standards adopted under this section is guilty of a misdemeanor punishable as provided in section 36-1720.

Sec. 203. Section 36-1707.02, Arizona Revised Statutes, is amended to read:

LAWS OF ARIZONA

36-1707.02. **Grant or denial of applications**

A. The director shall deny an installation permit or an operating permit if the applicant does not show that every such machine, equipment, incinerator, device or other article described in subsection A of section 36-1707.01, the use of which may cause or contribute to air pollution, or the use of which may eliminate or reduce or control the emission of air pollutants, is so designed, controlled, or equipped with such air pollution control equipment, that it may be expected to operate without emitting or without causing to be emitted air contaminants in violation of the provisions of this article and the rules and regulations adopted by the ~~board of health~~ DIRECTOR.

B. Prior to acting on an application for an operating permit, the director may require the applicant to provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from the machine, equipment, incinerator, device or other article described in the installation permit. In the event of such a requirement, the director shall notify the applicant in writing of the type and characteristics of such facilities.

C. In acting upon an application for an operating permit, if the director finds that such machine, equipment, incinerator, device or other article described in subsection A of section 36-1707.01 has been constructed not in accordance with the installation permit, he shall deny the application for such operating permit. The director shall not accept any further application for an operating permit for such machine, equipment, incinerator, device or other article so constructed until he finds that such machine, equipment, incinerator, device or other article has been reconstructed in accordance with the installation permit.

D. In the event of denial of an installation permit or an operating permit, the director shall notify the applicant in writing of the reasons for such denial. Service of this notification may be made in person or by registered or certified mail, and such service may be proved by the written acknowledgment of the persons served or affidavit of the person making the service. The director shall not accept a further application unless the applicant has corrected the reasons for the objections specified by the director as reasons for such denial.

Sec. 204. Section 36-1707.06, Arizona Revised Statutes, is amended to read:

LAWS OF ARIZONA

36-1707.06. Notice by building permit agencies

All agencies that issue building permits shall examine the plans and specifications submitted by an applicant for a building permit to determine if an installation permit will possibly be required under the provisions of section 36-1707.01. If it appears possible that such installation permit will be required, the agency shall give written notice to such applicant to contact the ~~division of air pollution control~~ DEPARTMENT and shall furnish a copy of such notice to the county air pollution control officer and the ~~division~~ DEPARTMENT.

Sec. 205. Section 36-1708, Arizona Revised Statutes, is amended to read:

36-1708. Classification and reporting; production of records; confidentiality of records; violation; penalty

A. The ~~board of health~~ DIRECTOR, by rule or regulation, shall classify air contaminant sources according to levels and types of emissions and other characteristics which relate to air pollution, and shall require reporting for any such class or classes. Reports may be required as to physical outlets, processes and fuels used, and the nature and duration of emissions and as to such other information as is relevant to air pollution and deemed necessary by the ~~board~~ DIRECTOR.

B. When the director has reasonable cause to believe that any person is violating any provision of this chapter or any rule or regulation adopted pursuant to this chapter or any requirement of an operating or conditional permit issued pursuant to this chapter, he may request, in writing, that such person forthwith produce all existing books, records and other documents evidencing tests, inspections or studies which may reasonably relate to compliance or noncompliance with rules and regulations adopted pursuant to this chapter.

C. The owner, lessee or operator of an air contaminant source under the control of the ~~division~~ DEPARTMENT shall provide, install, maintain, and operate such air contaminant monitoring devices as are reasonable, necessary, and required to determine compliance in a manner acceptable to the director, and shall supply monitoring information as directed in writing by the director. Such devices shall be available for inspection by the director, or his deputies, during all reasonable times.

LAWS OF ARIZONA

D. Any records or other information furnished to or obtained by the director concerning one or more air pollution sources, which records and information relate to production or sales figures or to the processes or production unique to the owner or operator, or which would tend to adversely affect the competitive position of such owner or operator, shall be only for the confidential use of the director in the administration of this chapter, unless such owner or operator shall expressly agree to their publication or availability to the public. No provision of this section shall be construed to prohibit the appropriate governmental agency from publishing quantitative and qualitative statistics pertaining to the emission of pollutants.

E. Any person violating the provisions of this section or knowingly or wilfully submitting false information, reports or records to the division is guilty of a misdemeanor punishable as provided in section 36-1720.

Sec. 206. Section 36-1711, Arizona Revised Statutes, is amended to read:

36-1711. Temporary conditional permits

Notwithstanding any provision to the contrary, after a person has petitioned for a conditional permit, the ~~commissioner~~ DIRECTOR may issue such person one nonrenewable temporary conditional permit which shall be valid for no more than ninety days when it appears that, if granted, activities allowed by the permit will not unduly endanger human health or safety either directly or indirectly and extraordinary or emergency circumstances are present that would make application under the other provisions of this chapter inequitable.

Sec. 207. Section 36-1712, Arizona Revised Statutes, is amended to read:

36-1712. Conditional permit; standards

The hearing board may grant to any person one conditional permit for each air pollution source which allows such person to vary from certain requirements of rules or regulations adopted by the ~~state board of health~~ DIRECTOR if the hearing board finds that additional time is needed for compliance and, upon the basis of evidence presented to it, that the conditional permit, if granted, will not unduly endanger human health or safety either directly or indirectly.

Sec. 208. Section 36-1712.02, Arizona Revised Statutes, is amended to read:

LAWS OF ARIZONA

36-1712.02. Decisions on petitions for conditional permit; terms and conditions

A. Within thirty days after the conclusion of the hearing on the petition for a conditional permit, the hearing board shall deny the petition or grant the petition on such terms and conditions as it deems appropriate.

B. The terms and conditions which are imposed as a condition to the granting or the continued existence of a conditional permit shall include, but not be limited to:

1. A detailed plan for completion of corrective steps needed to conform to the requirements of the rules and regulations of the ~~board~~ DIRECTOR and the provisions of this article.

2. A requirement that necessary construction shall begin during the first year of the conditional permit.

3. A requirement that all necessary construction shall be completed within such period as the HEARING board may prescribe but such period shall not exceed three years from the date of initial issuance of such conditional permit except as provided in subsection B of section 36-1712.03.

4. Such written reports as may be required.

5. The right to make periodic inspection of the facilities for which the conditional permit is granted.

C. A reasonable fee as may be prescribed by the director shall be deposited in the state general fund.

Sec. 209. Section 36-1713, Arizona Revised Statutes, is amended to read:

36-1713. Decisions of hearing board; subpoenas; time limitations; revocation

A. All decisions of the hearing board, including the majority opinion and all concurring and dissenting opinions, shall be in writing and shall be of public record.

LAWS OF ARIZONA

B. A majority of the total membership of the hearing board shall concur in a decision for it to have effect.

C. The chairman or, in his absence, the vice chairman may issue subpoenas to compel attendance of any person at a hearing and require the production of books, records and other documents material to a hearing. Obedience to subpoenas may be enforced pursuant to section 12-2212.

D. Subject to the approval of the ~~board of health~~ DIRECTOR, the hearing board may adopt a manual of procedures governing its operation.

E. Decisions of the hearing board shall become effective not less than thirty days after they are issued unless:

1. A rehearing is granted which shall have the effect of staying the decision.

2. It is determined that an emergency exists which justifies an earlier effective date.

F. The hearing board may revoke or modify an order of abatement, a permit or a conditional permit only after first holding a hearing within thirty days from the giving of notice of such hearing as provided in section 36-1714.

G. When the ~~division~~ DEPARTMENT has asserted control pursuant to section 36-1706 the hearing board may revoke or modify an order of abatement, a permit, or a conditional permit previously issued at the county level only after first holding a hearing within thirty days from the giving of notice of such hearing as provided in section 36-1714.

Sec. 210. Section 36-1713.01, Arizona Revised Statutes, is amended to read:

36-1713.01. Judicial review; grounds; procedures

A. Judicial review of hearing board decisions shall be pursuant to the provisions of title 12, chapter 7, article 6, except as provided in this section.

B. Within thirty days after service of notice of a final decision or order of the board, or an order denying a rehearing timely applied for, any person who was a party of record in the proceedings before the board,

LAWS OF ARIZONA

including the director or ~~division~~ DEPARTMENT, may appeal therefrom to the superior court of Maricopa county and the scope of such review shall be determined pursuant to section 12-910.

C. A notice of appeal, designating the grounds therefore, and a demand in writing for a certified transcript of the testimony and exhibits shall be filed with the court and served on the board. After receipt of the demand, accompanied by payment of a fee of the current prevailing rate for transcript, and one dollar for certification thereof, the board shall make and certify the transcript and file it with the clerk of the court to which the appeal has been taken within thirty days, unless extended by agreement of the parties or order of the court.

D. When an appeal is taken from an order or decision of the board, such order or decision shall remain in effect pending final determination of the matter, unless stayed by the court, on a hearing after notice to the board and upon a finding by the court that there is probable cause for appeal and that great or irreparable damage may result to the petitioner warranting such stay.

E. An appeal may be taken to the court of appeals from the order of the superior court as in other civil cases. Proceedings under this section shall be given precedence and brought to trial ahead of other litigation concerning private interests and other matters that do not affect public health and welfare.

Sec. 211. Section 36-1717, Arizona Revised Statutes, is amended to read:

36-1717. Motor vehicle and combustion engine emission; control devices; standards

A. The ~~board of health~~ DIRECTOR shall within ninety days after the effective date of this section adopt rules and regulations setting forth standards controlling the release into the atmosphere of air contaminants from motor vehicles and combustion engines. Any rules or regulations promulgated pursuant to this section shall be consistent with provisions of federal law, if any, relating to control of emissions from motor vehicles or combustion engines. This authority shall apply to implement the provisions of sections 28-955 and 28-327.

B. The ~~state board of health~~ DIRECTOR shall within ninety days after the effective date of this section adopt rules and regulations which specify

LAWS OF ARIZONA

the content, methods, procedures and techniques to be utilized in a statewide vehicular air pollution testing and control program and shall determine whether this program is being conducted according to the rules and regulations adopted by the ~~board~~ DIRECTOR. The ~~division of air pollution control~~ DEPARTMENT shall administer these regulations and seek compliance with conditions of any contractual arrangements which the state may make for inspectional services related to air pollution control.

C. Subject to the provisions of subsection A, notwithstanding the provisions of any other section of this chapter, the ~~board of health~~ DIRECTOR may, ~~upon the recommendation of the division~~, approve or disapprove designs of emissions control devices for motor vehicles and combustion engines.

D. At such time as the ~~state board of health~~ DIRECTOR shall determine that effective motor vehicle and combustion engine emission control devices are generally available at reasonable cost, the ~~state board of health~~ DIRECTOR shall, by rules and regulation, require the installation of such emission control devices on motor vehicles and combustion engines.

E. The ~~board of health~~ DIRECTOR shall establish by regulation maximum standards for the Reid vapor pressure of gasoline as determined in ASTM method D323 (test for vapor pressure for petroleum products (Reid method)) for gasoline sold in this state for use in motor vehicles. The maximum standards may not be less than those specified for the state of Arizona in ASTM D439-70 (specifications for gasoline). The ~~board~~ DIRECTOR, in adopting such regulations, shall give full consideration to climatic conditions and may provide that the maximum standards imposed thereby shall be applicable only during those periods of times and only in those areas, which the ~~board~~ DIRECTOR determines necessary in order to carry out the purposes of this section.

Sec. 212. Section 36-1719, Arizona Revised Statutes, is amended to read:

36-1719. Air pollution emergency

A. If the ~~commissioner~~ DIRECTOR determines that air pollution in any area constitutes or may constitute an emergency risk to the health of those in the area, such determination shall be communicated to the governor. The governor may, by proclamation, declare that an emergency exists and may prohibit, restrict or condition the following:

LAWS OF ARIZONA

1. Motor vehicle traffic;
2. The operation of retail, commercial, manufacturing, industrial, or similar activity;
3. Operation of incinerator;
4. The burning or other consumption of fuels;
5. The burning of any materials whatsoever; and
6. Any and all other activity which contributes or may contribute to the emergency.

B. Orders of the governor shall be enforced by the ~~division of air pollution control~~ DEPARTMENT and the state and local police and air pollution enforcement personnel forces. Those authorized to enforce such orders may use such reasonable force as is required in the enforcement thereof, and may take such reasonable steps as are required to assure compliance therewith including but not limited to the following:

1. Enter upon any property or establishment believed to be violating such order and, if a request does not produce compliance, causing compliance with such order;
2. Stopping, detouring, rerouting, and prohibiting vehicle traffic;
3. Disconnecting incinerator or other types of combustion facilities.

C. Notwithstanding any other provision of this chapter the ~~commissioner~~ DIRECTOR, upon receipt of evidence that a particular pollution source or combination of sources is presenting an imminent and substantial endangerment to the health of persons, may request the attorney general to bring suit on behalf of the department in the appropriate superior court to immediately enjoin any contributor to the alleged pollution to stop the emission of contaminants causing such pollution or to take such other action as may be necessary.

Sec. 213. Section 36-1720, Arizona Revised Statutes, is amended to read:

36-1720. **Misdemeanor; penalty**

LAWS OF ARIZONA

A. Any person who violates any provision of this article or any rule or regulation adopted pursuant to this article or any effective order of abatement issued pursuant to this article is guilty of a misdemeanor punishable by imposition of a fine of not less than fifty dollars or more than one thousand dollars per day for each day the violation continues. Each day of violation shall constitute a separate offense.

B. Any person who violates any provision of article 8, chapter 6, of this title or any rule or regulation adopted pursuant to such article or any effective order of abatement issued pursuant to such article is subject to penalties prescribed in section 36-789.01, notwithstanding the fact that such provisions, rules, regulations or orders of abatement are being enforced by the ~~division~~ DEPARTMENT pursuant to section 36-1706.

Sec. 214. Section 36-1752, Arizona Revised Statutes, is amended to read:

36-1752. Inspection facilities; location; operation; additional inspections and assistance; definition

A. The ~~state~~ department of health SERVICES shall:

1. Establish and operate, or contract for the establishment of and operation of, a prototype inspection facility in Maricopa county for inspection of motor vehicle emissions. Such facility shall include an engineering and testing laboratory and shall be operational no later than July 1, 1973. The department may contract for the establishment and operation of such facility with any person or company knowledgeable in the field of motor vehicle emissions testing if such contract can be performed at a cost less than the cost of the department's establishment and operation of such facility.

2. Establish and operate, or contract for the establishment and operation of, a prototype inspection facility in Pima county for inspection of motor vehicle emissions. Such facility shall be operational no later than January 1, 1974. The department may contract for the establishment and operation of such facility with any person or company knowledgeable in the field of motor vehicle emissions testing if such contract can be performed at a cost less than the cost of the department's establishment and operation of such facility.

B. All state, county, city, town and school district motor vehicles operated in Maricopa and Pima counties shall be inspected for emissions

LAWS OF ARIZONA

control as soon as practicable after the respective county inspection facilities become operational. The ~~state~~ department of health SERVICES, in cooperation with the various agencies, shall schedule the inspection of such vehicles in such a manner as shall least disrupt service to the public. All such vehicles failing to meet standards shall be adjusted or repaired, to bring such vehicles into compliance with the standards established pursuant to sections 36-1717 and ~~28-965~~ 28-955 and shall be reinspected within thirty days. Such adjustments and repairs shall be done by the agency owning the vehicle, except that minor adjustments may be made, without charge, by personnel at such inspection facility.

C. Any county, city, town or school district operating a fleet of one hundred or more motor vehicles may, at its own expense, establish and operate a self-inspection program and facilities, providing standards are comparable to section 36-1717 or at their own option, higher than those applied by the ~~state~~ department of health SERVICES in the inspection of the motor vehicles of any unit of government. Units of government may contract for such inspection as authorized by title 11, chapter 7, article 3.

D. Such inspection facilities may also conduct, on a voluntary basis, emission inspections of privately owned motor vehicles and, with the permission of the owner, make minor adjustments to such vehicles to bring them into compliance with the standards established pursuant to sections 36-1717 and ~~28-965~~ 28-955. If more than minor adjustment is required, facility personnel shall make recommendations for necessary repairs to the owner of such vehicle.

E. The ~~state~~ department of health SERVICES may, through use of mobile inspection facilities, arrange for emissions inspections of state and political subdivision motor vehicles located outside or inside Maricopa and Pima counties.

F. The ~~state~~ department of health SERVICES may assist owners, upon their request, of fleets of three hundred or more motor vehicles in setting up self-inspection programs for such vehicles. All costs of such self-inspection programs shall be at the sole expense of such fleet owner.

Sec. 215. Section 36-1753, Arizona Revised Statutes, is amended to read:

36-1753. Vehicle inspection fund; composition; authorized expenditures; exemptions

LAWS OF ARIZONA

A. There is established a vehicle inspection fund which shall consist of:

1. Money appropriated thereto by the legislature.
2. Money received from private grants or donations when so designated by the grantor or donor.
3. Money received from the United States by grant or otherwise to assist the state in any vehicle inspection program.

B. No monies in the vehicle inspection fund shall be expended or disbursed except for the purposes of:

1. Purchasing an interest in lands, buildings, fixtures and equipment for inspection facilities.
2. Receiving, matching and expending funds from the United States.
3. Operation of inspection facilities, including staff and training of staff personnel for such facilities.
4. Payment of contractual fees for the establishment and operation of facilities to carry out the provisions of this article.

C. The ~~commissioner~~ ASSISTANT DIRECTOR FOR THE DIVISION of finance OF THE DEPARTMENT OF ADMINISTRATION shall approve properly certified claims submitted by the ~~state~~ department of health SERVICES for reimbursement of expenditures in the administration or enforcement of the provisions of this article. When such claims for reimbursement are approved by the ~~commissioner~~ ASSISTANT DIRECTOR FOR THE DIVISION of finance OF THE DEPARTMENT OF ADMINISTRATION and transmitted to the state treasurer, he shall transfer the amounts claimed to the ~~state~~ department of health SERVICES.

D. No monies in the vehicle inspection fund shall revert to the general fund, and such monies shall be exempt from the provisions of section 35-190, relating to lapsing of appropriations.

Sec. 216. Section 36-1754, Arizona Revised Statutes, is amended to read:

36-1754. **Study and recommendations; time**

LAWS OF ARIZONA

The ~~state~~ department of health SERVICES and the motor vehicle division of the state highway department shall prepare a study and make recommendations to the legislature, not later than January 15, 1974, concerning:

1. Transfer of operational control of the inspection facilities to the motor vehicle division.
2. Necessity of expansion or increased number of such facilities.
3. Types of vehicles that shall be required to have mandatory inspection, based on experimentation and study of motor vehicles, including motor vehicles having a gross vehicle weight exceeding six thousand pounds.
4. Implementation of a mandatory inspection plan for motor vehicles in Maricopa and Pima counties by July 1, 1975. Such mandatory inspection shall be at a cost of not more than five dollars per motor vehicle for initial inspection. Initial reinspection for motor vehicles failing to meet standards shall be performed at no cost to the owner of such vehicle.
5. Necessity and types of diagnostics and certification, licensing and bonding or repair facilities to insure protection of public.
6. The feasibility and desirability of contracting with any person or private entity for all or any of the phases or operations of any proposed program.
7. Any other problem areas or questions related to such inspection facilities.

Sec. 217. Section 36-1851, Arizona Revised Statutes, is amended to read:

36-1851. **Definitions**

In this chapter, unless the context otherwise provides:

- ~~1.~~ ~~“Board” means the state board of health.~~
- ~~2.~~ ~~“Commissioner” means the commissioner of public health.~~
- ~~3.~~ 1. “Council” means the water quality control council established by this chapter.

LAWS OF ARIZONA

- ~~4.~~ 2. "Department" means the ~~state~~ department of health SERVICES, which for the purposes of this article includes the council.
3. "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES.
- ~~5.~~ 4. "Disposal system" means a system for disposing of wastes, either by surface or underground methods, and includes sewerage systems, treatment works, disposal wells and other systems.
- ~~6.~~ 5. "Hearing officer" means any individual appointed by the council or ~~board~~ DIRECTOR to perform the duties of a hearing officer at any hearing.
- ~~7.~~ 6. "Permit" means a certificate or letter issued by the department stating the conditions and restrictions governing the discharge of a pollutant into any waters of the state.
- ~~8.~~ 7. "Person" means the state or any agency or institution thereof, any municipality, political subdivision, public or private corporation, individual, partnership, association, or other entity, and includes any officer or governing or managing body of any municipality, political subdivision, or public or private corporation.
- ~~9.~~ 8. "Pollution" means such contamination, or other alteration of the physical, chemical, or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is likely to create a public nuisance or render such waters harmful, detrimental, or injurious to public health, safety, or welfare, or to domestic, agricultural, commercial, industrial, recreational, or other beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.
- ~~10.~~ 9. "Sewerage system" means pipelines or conduits, pumping stations, and force mains, and all other structures, devices, appurtenances, and facilities used for collecting or conducting wastes to an ultimate point for treatment or disposal.
- ~~11.~~ 10. "Treatment works" means any plant or other works used for the purpose of treating, stabilizing, or holding wastes.

LAWS OF ARIZONA

~~12.~~ 11. "Wastes" means sewage, industrial wastes, and all other liquid, gaseous, solid, radioactive, or other substance which may pollute or tend to pollute any waters of the state. The term "wastes" does not include agricultural irrigation and drainage waters for which water quality standards shall have been established pursuant to this article.

~~13.~~ 12. "Waters of the state" means all waters within the jurisdiction of this state including all streams, perennial or intermittent, lakes, ponds, impounding reservoirs, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, situated wholly or partly within or bordering upon the state.

Sec. 218. Section 36-1852, Arizona Revised Statutes, is amended to read:

36-1852. Designation of state agency

The ~~state~~ department of health SERVICES, which for the purposes of this article includes the council, is designated as the state water pollution control agency for this state for all purposes of the federal water pollution control act, as amended (33 U.S.C. 466), and is authorized to take all action necessary or appropriate to secure to this state the benefits of such act, and all such action shall be taken at the direction of the council or the ~~board~~ DIRECTOR as their duties are set forth in this article.

Sec. 219. Section 36-1853, Arizona Revised Statutes, is amended to read:

36-1853. State water quality control council; membership; qualifications; terms; compensation; removal; organization; meetings

A. There is established a state water quality control council, which shall consist of the following thirteen members:

1. The ~~commissioner of public health~~ DIRECTOR or a member of his ~~administrative staff, designated by him., to act as liaison between the council and the board in effecting an efficient and correlated use of personnel and policies of the council in the administration of this article.~~
2. A member of the state game and fish commission or a member of its administrative staff, designated by the game and fish commission.

LAWS OF ARIZONA

3. A member of the oil and gas conservation commission or a member of its administrative staff, designated by the commission.
 4. The state land commissioner or a member of his administrative staff if designated by him.
 5. A member of the Arizona water commission or a member of its administrative staff designated by the commission.
 6. The dean of the agricultural college of the university of Arizona or a member of his staff if designated by him.
 7. Seven citizens of the state who shall be appointed by the governor. Each congressional district shall have at least one representative. Of the seven members, one shall be appointed from the utility industry, one from the livestock industry, one from the forest products industry, one from the mining industry, one shall be appointed to represent the league of cities and towns and two shall be appointed from irrigation districts or water user associations. At least one of the foregoing shall be a civil engineer registered in Arizona. Such members shall be appointed for terms of three years, except that of the members first appointed, two shall be appointed for a term expiring April 1, 1968, two for a term expiring April 1, 1969, and three for terms expiring April 1, 1970. Thereafter, the three-year terms of all such members shall commence on April 1 of the year of appointment. A vacancy occurring during the term of office of any member shall be filled by appointment by the governor of a qualified person for the unexpired portion of the regular term.
- B. The governor may remove any member appointed pursuant to paragraph 7 of subsection A of this section for cause.
- C. Members of the council shall receive compensation as determined pursuant to section 38-611.
- D. The council shall organize by the election of a chairman, a vice-chairman, and a secretary from the membership of the council and shall keep a record of its proceedings. The council shall hold regular public quarterly meetings each calendar year and may hold special meetings on the call of the chairman or vice-chairman or within ten days of the written request of any three members. Written notice of the time and place of all meetings shall be mailed at least five days in advance of any such meeting to each member by the secretary. Meetings may also be held upon waiver of notice executed by all members of the council.

LAWS OF ARIZONA

E. All members shall have a vote. A majority of the council shall constitute a quorum, and the concurrence of a majority of the council in any matter within its powers and duties shall be required for any determination made by the council.

Sec. 220. Section 36-1855, Arizona Revised Statutes, is amended to read:

36-1855. Powers and duties of the director

In addition to other powers and duties prescribed by law, the ~~board~~ DIRECTOR may exercise the following powers and duties:

1. Adopt, modify, repeal, and promulgate, after due notice and hearing as provided in title 41, chapter 6, article 1, rules and regulations implementing or effectuating the powers and duties of the department under this article and as may be necessary to minimize, prevent, control and abate existing or potential pollution resulting from discharge of wastes, except the establishment and enforcement of water quality standards for waters of the state and the issuance of orders regarding control of irrigation and drainage waters, each of which shall repose exclusively in the council.
2. Hold hearings, in accordance with its rules of practice and procedure as may be necessary to effectuate the enforcement of rules and regulations adopted pursuant to paragraph 1, or when appealed to by any person adversely affected by any order or denial made by the department pursuant to rules and regulations adopted pursuant to paragraph 1, or by any person who deems himself adversely affected by the operation or administration of this article.

Sec. 221. Section 36-1856, Arizona Revised Statutes, is amended to read:

36-1856. Powers and duties of the department

Under the direction of the council or the ~~board~~ DIRECTOR, given within their respective authority, ~~the commissioner, through~~ the department, may exercise the following powers and duties:

1. Administer this article and all rules and regulations and orders promulgated thereunder by the council and by the ~~board~~ DIRECTOR.

LAWS OF ARIZONA

2. Advise, consult, and cooperate with other agencies of the state, the federal government, other states and interstate agencies, and with affected groups, political subdivisions, and industries in furtherance of the purposes of this article.
3. Accept grants and administer loans and grants from the federal government and from other sources, public or private, for carrying out any of its functions, which loans and grants shall not be expended for other than the purposes for which provided.
4. Develop comprehensive programs for the minimization, prevention, control and abatement of new or existing pollution of the waters of the state.
5. Encourage, participate in, or conduct studies, investigations, research and demonstrations relating to water pollution and causes, minimization, prevention, control, and abatement thereof as it may deem advisable and necessary for the discharge of its duties under this article.
6. To certify, when requested, all costs and expenditures for any facility, land, building, machinery, equipment, treatment works, sewerage or disposal systems, which has been acquired, constructed, or installed in conformity with the purposes of this article.
7. Collect and disseminate information relating to water pollution and the prevention, control and abatement thereof.
8. Issue, modify, or revoke orders:
 - (a) Prohibiting or abating discharges of wastes into the waters of the state.
 - (b) Requiring the construction of new disposal systems or any parts thereof or the modification, extension or alteration of existing disposal systems or any parts thereof, or the adoption of other remedial measures to minimize, prevent, control or abate pollution.
9. Administer state grants to municipalities and political subdivisions for the construction of sewage treatment works.
10. Require the prior submission of plans, specifications, and other data relative to, and to inspect the construction of, disposal systems or any part thereof in connection with the issuance of such permits or approvals as are

LAWS OF ARIZONA

required by this article or as it deems necessary to carry out the provisions of this article or to carry out the rules and regulations adopted pursuant to the provisions of this article.

11. Issue, continue in effect, revoke, modify or deny, under such conditions as it may prescribe, to minimize, prevent, control or abate pollution, permits, where required for the discharge of wastes into the waters of the state, and for the installation, modification or operation of disposal systems or any parts thereof.

Sec. 222. Section 36-1861, Arizona Revised Statutes, is amended to read:

36-1861. Compliance with orders of council or director

All orders of the council, ~~board~~ or of the ~~commissioner~~ DIRECTOR which require action to comply with standards adopted pursuant to section 36-1857, or to comply with any other provisions of this article, shall specify a reasonable time for such compliance.

Sec. 223. Section 36-1862, Arizona Revised Statutes, is amended to read:

36-1862. Proceedings before a hearing body

A. Whenever the department has reason to believe that a violation of any provision of this article or of any regulation or order of the council, ~~board~~ or department has occurred, it may cause a written complaint to be served upon the alleged violator or violators. The complaint shall specify the provision of this article or the regulation or order alleged to be violated, the facts alleged to constitute a violation thereof, the hearing body having jurisdiction over the subject matter involved, and shall order that necessary corrective action be taken within a reasonable time to be prescribed in such order. Any such order shall become final unless the person or persons named therein request in writing a hearing before the hearing officer in the manner provided in this article and in the rules and regulations of the council or ~~board~~ DIRECTOR adopted pursuant to this article. In lieu of such order, the ~~commissioner~~ DIRECTOR may require that the alleged violator appear before the hearing officer at a time and place specified in the notice and answer the charges complained of. The notice and any process shall be delivered to the alleged violator or violators in accordance with the manner provided by law for the service of summons of civil process.

LAWS OF ARIZONA

B. The hearing officer, as prescribed by the provisions of this article and the rules and regulations of the council or ~~board~~ DIRECTOR, shall afford an opportunity for a fair hearing to the alleged violator or violators at the time and place specified in the notice or any modification thereof. On the basis of the evidence produced at the hearing, the hearing officer shall make findings of fact and conclusions of law and enter such order as in his opinion will best further the purposes of this article and shall give written notice of such order to the alleged violator and to such other persons as shall have appeared at the hearing and made written request for notice of the order. The order of the hearing officer shall become final and binding on all parties until appealed to the council or ~~board~~ DIRECTOR within twenty days on the form and in the manner provided for in the council's or ~~board's~~ DIRECTOR'S rules and regulations. Upon such appeal, the hearing officer shall transmit the record of the hearing together with recommendations for findings of fact and conclusions of law to the council or ~~board~~ DIRECTOR. The council or ~~board~~ DIRECTOR, prior to entering its order on the basis of such record and recommendations, shall provide opportunity to the parties to submit for its consideration exceptions to the recommended findings or conclusions and supporting reasons for such exceptions. The order of the council or ~~board~~ DIRECTOR shall become final and binding on all parties unless appealed to the courts as provided in section 36-1866 within thirty-five days after notice has been sent to the parties.

C. Any person who is denied a permit by the department or who has such permit revoked or modified shall be afforded an opportunity for a fair hearing as provided in subsection B of this section in connection therewith upon written application to the ~~board~~ DIRECTOR within thirty days after receipt of notice from the ~~board~~ DIRECTOR of such denial, revocation or modification. On the basis of such hearing the ~~board~~ DIRECTOR shall affirm, modify or revoke the determination made by the department.

D. The hearing officer or any other employee of the department designated by the council or ~~board~~ DIRECTOR for that purpose, in connection with any hearing, shall:

1. Issue subpoenas requiring the attendance and testimony of witnesses whose testimony is material.
2. Issue subpoenas requiring the production of documentary or other tangible evidence at any designated place of hearing, upon written

LAWS OF ARIZONA

application by any party, which shall include a showing of the general relevance, materiality and reasonable particularity of the documentary or other tangible evidence desired and the facts to be proved by them.

Sec. 224. Section 36-1864, Arizona Revised Statutes, is amended to read:

36-1864. Injunctive relief; appeal; violation; penalty

A. Whenever in the opinion of the department, after proper notice and hearing, any person is engaging, continues to engage, or threatens to engage in any act or practice which constitutes or will constitute a violation of any order of the council or ~~board~~ DIRECTOR, the department shall make application, through the attorney general, to the superior court for an order enjoining such act or practice. The superior court after notice, as prescribed by the court, to the parties in interest shall then proceed to hear the matter and if it finds that the order was lawful and reasonable, it may issue an injunction or a restraining order in accordance with the Arizona rules of civil procedure and laws relating thereto. In any action for injunction or restraining order brought pursuant to this section, any finding of the council or ~~board~~ DIRECTOR shall be prima facie evidence of the fact or facts found therein. An appeal or a special writ may be taken from any such order of the court in the same manner as is provided in civil cases.

B. Whenever the department shall determine, after investigation, that any person is discharging or causing to be discharged into the waters of the state directly or indirectly any wastes which in the opinion of the department constitutes a clear, present, and immediate danger to the health of the public, the department shall issue its written order to such person that he must immediately discontinue the discharge of such wastes into the waters of the state, and whereupon such person shall immediately discontinue such discharge. If such person, notwithstanding such order, continues the discharge of such wastes into the waters of the state, the department shall make application, through the attorney general, to the superior court of this state for the county in which the discharge is occurring for a temporary restraining order, preliminary injunction or permanent injunction as provided in the Arizona rules of civil procedure. Such action in such superior court shall be given precedence over all other matters pending in such court. An appeal or a special writ may be taken from any such order of the court in the same manner as is provided in civil cases.

LAWS OF ARIZONA

C. Any person who shall violate any of the provisions of, or who fails to perform any duty imposed by, this article, or any regulation issued hereunder or who violates any order or determination of the department ~~or the board~~ promulgated pursuant to this article other than an order or determination relating to agricultural, irrigation and drainage waters shall be guilty of a misdemeanor and in addition thereto may be enjoined from continuing such violation.

Sec. 225. Section 36-1868, Arizona Revised Statutes, is amended to read:

36-1868. Review

An appeal may be taken from any final order or other final determination of the council or ~~board~~ DIRECTOR by any person who is or may be adversely affected thereby, or by the attorney general on behalf of the state, to the superior court in accordance with the provisions of title 12, chapter 7, article 6. A copy of the proceedings before the council or ~~board~~ DIRECTOR shall be certified to the court in connection with each appeal.

Sec. 226. Section 36-1869, Arizona Revised Statutes, is amended to read:

36-1869. Cooperation with Arizona water commission

The ~~state board of health~~ DIRECTOR, the water quality control council and the ~~state~~ department of health SERVICES shall confer and cooperate with the Arizona water commission in the formulation of plans relative to the quality and safety of the waters of the state.

Sec. 227. Section 36-1901, Arizona Revised Statutes, is amended to read:

36-1901. Definitions

In this chapter, unless the context otherwise requires:

1. ~~“Commissioner”~~ “DIRECTOR” means the ~~commissioner~~ DIRECTOR of ~~public~~ THE DEPARTMENT OF health SERVICES or his designate.
2. “Hearing aid” means any wearable instrument or device designed for or represented as aiding, improving or compensating for defective human

LAWS OF ARIZONA

hearing, and any parts, attachments or accessories of such instrument or device, including earmolds, but excluding batteries and cords.

3. "Hearing aid dispenser" means any person who engages in the practice of fitting and dispensing hearing aids.

4. "License" means a certificate of registration issued by the ~~commissioner~~ DIRECTOR under this chapter to hearing aid dispensers and includes a temporary license or a certificate of endorsement.

5. "Practice of fitting and dispensing hearing aids" means the measurement of human hearing by means of an audiometer or by any other means, solely for the purpose of making selections or adaptations of hearing aids, and the sale of hearing aids, including the making of impressions for earmolds and, when at the request of a physician or a member of a related profession, the making of audiograms for the professional's use in consultation with the hard-of-hearing.

6. "Sell" or "sale" means a transfer of title or of the right to use by lease, bailment or any other contract, but does not include transfers at wholesale to distributors or dealers.

7. "Unethical conduct" means:

(a) Obtaining of any fee or the making of any sale by fraud or misrepresentation.

(b) Employing directly or indirectly any suspended or unlicensed person to perform any work covered by this chapter.

(c) Using, or causing or promoting the use of, any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia or any other representation, however disseminated or published, which is misleading, deceiving, improbable or untruthful.

(d) Advertising for sale a particular model, type or kind of hearing aid when purchasers or prospective purchasers responding to the advertisement cannot purchase or are dissuaded from purchasing the advertised model, type or kind where the purpose of the advertisement is to obtain prospects for the sale of a different model, type or kind than that advertised.

(e) Representing that the professional services or advice of a physician will be used or made available in the selling, fitting, adjustment,

LAWS OF ARIZONA

maintenance or repair of hearing aids, when such is not true, or using the words "doctor", "clinic", "clinical" or like words, abbreviations or symbols which tend to connote the medical profession services when such is not accurate.

- (f) Habitual intemperance.
- (g) Gross immorality.
- (h) Permitting another to use his license.
- (i) Defaming competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing or by other false representations, or falsely disparaging the products of competitors in any respect, or their business methods, selling prices, values, credit terms, policies or services.
- (j) Displaying competitive products in his show window, shop or in his advertising in such manner as to falsely disparage such products.
- (k) Representing falsely that competitors are unreliable.
- (l) Quoting prices of competitive hearing aids without disclosing that they are not the current prices, or showing, demonstrating or representing competitive models as being current models when they are not current models.
- (m) Imitating or simulating the trademarks, trade names, brands or labels of competitors with the capacity, tendency or effect of misleading or deceiving purchasers or prospective purchasers.
- (n) Using in his advertising the name, model name or trademark of a particular manufacturer of hearing aids in such a manner as to imply a relationship with the manufacturer that does not exist, or otherwise to mislead or deceive purchasers or prospective purchasers.
- (o) Using any trade name, corporate name, trademark or other trade designation, which has the capacity, tendency or effect of misleading or deceiving purchasers or prospective purchasers as to the name, nature or origin of any product of the industry, or of any material used therein, or which is false, deceptive or misleading in any other material respect.

LAWS OF ARIZONA

(p) Obtaining information concerning the business of a competitor by bribery of an employee or agent of such competitor by false or misleading statements or representations, by the impersonation of one in authority, or by any other unfair means.

(q) Giving directly or indirectly, offering to give, or permitting or causing to be given money or anything of value, except miscellaneous advertising items of nominal value, to any person who advises another in a professional capacity as an inducement to influence him or have him influence others to purchase or contract to purchase products sold or offered for sale by a hearing aid dispenser, or to influence persons to refrain from dealing in the products of competitors.

(r) Sharing of any profits or sharing of any percentage of a licensee's income with any person who advises another in a professional capacity as an inducement to influence him or have him influence others to purchase or contract to purchase products sold or offered for sale by a hearing aid dispenser, or to influence persons from dealing in products of competitors.

(s) Fitting and dispensing of a hearing aid when dealing with a child fourteen years of age or under, without first ascertaining whether the child has been examined by an otolaryngologist, including an otologic and audiologic examination, for his recommendation within ninety days prior to the fitting. If such not be the case, a recommendation to do so must be made and this fact shall be recorded as provided by regulation. The provisions of this subdivision shall not apply to the replacement of any hearing aid within one year of its purchase.

(t) Fitting and dispensing of a hearing aid to any individual who has a significant air bone gap or an apparent unilateral sensori-neural hearing loss without first ascertaining that the individual has been examined by an otolaryngologist and received an otologic and audiologic examination within the preceding six-month period. If such not be the case, the individual shall sign an agreement as provided by regulation, stating the person has been informed of possible correction of his hearing loss by surgical or medical means, and that a hearing loss of this nature could be caused by serious and life threatening disease. The provisions of this subdivision shall not apply to the replacement of any hearing aid within one year of its purchase.

Sec. 228. Section 36-1902, Arizona Revised Statutes, is amended to read:

36-1902. **Powers and duties of the director**

LAWS OF ARIZONA

A. The ~~commissioner~~ DIRECTOR shall:

1. Appoint an examining committee to assist the ~~commissioner~~ DIRECTOR and perform such duties as the ~~commissioner~~ DIRECTOR may delegate, which committee shall consist of one otolaryngologist, one audiologist, two lay persons and one licensed hearing aid dispenser with at least five years' experience.
2. Supervise and administer qualifying examinations to test the knowledge and proficiency of applicants for a license.
3. Designate the time and place for holding examinations for a license.
4. License persons who apply for and pass the examination for a license, and possess all other qualifications required for the practice of fitting and dispensing hearing aids.
5. Authorize all disbursements necessary to carry out the provisions of this chapter.

B. The ~~commissioner~~ DIRECTOR may:

1. Purchase and maintain, or rent, equipment and facilities necessary to carry out the examination of applicants for license.
2. Issue and renew licenses.
3. Suspend, revoke or refuse renewal of licenses pursuant to this chapter.
4. Appoint representatives to conduct or supervise the examination of applicants for license.
5. Make and publish rules and regulations not inconsistent with the laws of this state which are necessary to carry out the provisions of this chapter.
6. Require the periodic inspection of testing equipment and facilities of persons engaging in the practice of fitting and dispensing hearing aids.

Sec. 229. Section 36-1903, Arizona Revised Statutes, is amended to read:

36-1903. **Deposit of monies; appropriation**

LAW OF ARIZONA

All monies received by the ~~commissioner~~ DIRECTOR for any purpose pursuant to this chapter shall be paid to the state treasurer to be placed in the general fund. Legislative appropriations for the administration of this aspect of the ~~commissioner's~~ DIRECTOR'S office shall be as for other state offices.

Sec. 230. Section 36-1922, Arizona Revised Statutes, is amended to read:

36-1922. Reciprocity; certificates of endorsement

When the ~~commissioner~~ DIRECTOR determines that another state or jurisdiction has requirements equivalent to or higher than those in effect pursuant to this chapter for the practice of fitting and dispensing hearing aids, and that such state or jurisdiction has a program equivalent to, or stricter than, the program for determining whether applicants pursuant to this chapter are qualified to fit and dispense hearing aids, the ~~commissioner~~ DIRECTOR may issue certificates of endorsement to applicants therefor who hold current, unsuspended and unrevoked certificates or licenses to fit and dispense hearing aids in such other state or jurisdiction. No such applicant for a certificate of endorsement shall be required to submit to or undergo any examination or other procedure, except an investigation of the current status of his certificate or license and the payment of the fees prescribed by this chapter. The holder of a certificate of endorsement shall be registered in the same manner as holders of a license. The fees for issuance and renewal of a certificate of endorsement shall be the same as for a license. Grounds and procedures for renewal, suspension and revocation of certificates of endorsement shall be the same as for renewal, suspension and revocation of a license.

Sec. 231. Section 36-1923, Arizona Revised Statutes, is amended to read:

36-1923. Qualifications of applicant; application

A. An applicant for a license shall pay to the ~~commissioner~~ DIRECTOR a fee of fifty dollars and shall show to the satisfaction of the ~~commissioner~~ DIRECTOR that he:

1. Is a person of good moral character.
2. Has an education equivalent to a four-year course in an accredited high school or has continuously engaged in the practice of fitting and

LAWS OF ARIZONA

dispensing hearing aids during the three years preceding the effective date of this chapter.

3. Is free of contagious or infectious disease.

B. An applicant for a license who is notified by the ~~commissioner~~ DIRECTOR that he has fulfilled the requirements of subsection A of this section shall appear at a time, place and before such persons as the ~~commissioner~~ DIRECTOR may designate, to be examined by written and practical tests in order to demonstrate that he is qualified to practice the fitting and dispensing of hearing aids.

C. The ~~commissioner~~ DIRECTOR shall give at least one and not exceeding four examinations of the type described in this section in each calendar year as the volume of applications may make appropriate. A minimum of three months must elapse following the last examination before another may be given.

Sec. 232. Section 36-1925, Arizona Revised Statutes, is amended to read:

36-1925. Registration of applicant; issuance of license

The ~~commissioner~~ DIRECTOR shall register each applicant who satisfactorily passes the examination. Thereupon the ~~commissioner~~ DIRECTOR shall issue to the applicant a certificate of registration, which shall be effective for one year.

Sec. 233. Section 36-1926, Arizona Revised Statutes, is amended to read:

36-1926. Temporary license

A. An applicant who fulfills the requirements of section 36-1923 and who has not previously applied to take the examination provided under section 36-1924 may apply to the ~~commissioner~~ DIRECTOR for a temporary license.

B. Upon receiving an application as provided by subsection A, accompanied by a fee of twenty dollars, the ~~commissioner~~ DIRECTOR shall issue a temporary license which shall entitle the applicant to practice the fitting and dispensing of hearing aids for a period ending thirty days after the results of the next examination given after the date of issue are announced.

LAWS OF ARIZONA

C. No temporary license shall be issued by the ~~commissioner~~ DIRECTOR unless the applicant shows to the satisfaction of the ~~commissioner~~ DIRECTOR that he is or will be supervised and trained by a person responsible for his fitting and dispensing activities who holds a valid license issued under this chapter.

D. If a person who holds a temporary license issued under this section does not take the next examination given after the date of issue, the temporary license shall not be renewed, except for good cause shown to the satisfaction of the ~~commissioner~~ DIRECTOR.

E. If a person who holds a temporary license issued under this section takes and fails to pass the next examination given after the date of issue, the ~~commissioner~~ DIRECTOR may renew the temporary license for a period ending thirty days after the results of the next examination given after the date of renewal are announced. In no event shall more than one renewal be permitted. The fee for renewal shall be twenty dollars.

Sec. 234. Section 36-1927, Arizona Revised Statutes, is amended to read:

36-1927. Annual renewal of license; failure to renew; refusal by director to renew

A. A hearing aid dispenser shall annually pay to the ~~commissioner~~ DIRECTOR a fee of fifty dollars for a renewal of his license. A thirty-day grace period shall be allowed after the expiration of a license during which period the license may be renewed on payment of a fee of fifty-five dollars to the ~~commissioner~~ DIRECTOR.

B. The ~~commissioner~~ DIRECTOR may suspend the license of any person who fails to have his license renewed by the expiration of the thirty-day grace period. After the expiration of the grace period, the ~~commissioner~~ DIRECTOR may renew a license or certificate upon payment of a fee of sixty dollars to the ~~commissioner~~ DIRECTOR.

C. No applicant for renewal whose license was suspended for the sole reason of failure to renew shall be required to submit to any examination as a condition of renewal, provided such person applies for renewal within two years from the date of suspension of the license.

D. The ~~commissioner~~ DIRECTOR may refuse to renew an applicant's license for any cause provided in section 36-1934.

LAWS OF ARIZONA

Sec. 235. Section 36-1931, Arizona Revised Statutes, is amended to read:

36-1931. Dispensing hearing aids without license prohibited

A. No person shall engage in the practice of fitting and dispensing hearing aids, or display a sign or in any other way advertise or hold himself out as a hearing aid dispenser, unless he holds a current, unsuspended, unrevoked license issued by the ~~commissioner~~ DIRECTOR as provided in this chapter.

B. The license required by this section shall be kept conspicuously posted in his office or place of business at all times.

Sec. 236. Section 36-1933, Arizona Revised Statutes, is amended to read:

36-1933. Registering place of business with director

A. A person who holds a license shall notify the ~~commissioner~~ DIRECTOR in writing of the address of the place or places where he engages in the practice of fitting and dispensing hearing aids, and any change of address.

B. The ~~commissioner~~ DIRECTOR shall keep a record of the places of practice of persons who hold licenses. Any notice required to be given by the ~~commissioner~~ DIRECTOR to a person who holds a license may be given by mailing it to him at the address given by him to the ~~commissioner~~ DIRECTOR.

Sec. 237. Section 36-1934, Arizona Revised Statutes, is amended to read:

36-1934. Revocation or suspension of license

Any person registered under this chapter may have his license revoked or suspended for a fixed period to be determined by the ~~commissioner~~ DIRECTOR for any of the following causes:

1. Being convicted of an offense involving moral turpitude. The record of such conviction, or certified copy thereof from the clerk of the court where such conviction occurred or from the judge of such court, shall be sufficient evidence of such conviction.

LAWS OF ARIZONA

2. Securing a license under this chapter through fraud or deceit.
3. For unethical conduct, or for gross ignorance or inefficiency in the conduct of his practice.
4. Knowingly practicing while suffering with a contagious or infectious disease.
5. Using a false name or alias in the practice of his profession.
6. For violating any of the provisions of this chapter.

Sec. 238. Section 36-1935, Arizona Revised Statutes, is amended to read:

36-1935. **Hearing; appeal**

- A. No application filed, license issued or license renewal applied for pursuant to this chapter may be suspended, revoked or denied without a hearing, if requested by the license holder or applicant within thirty days after due notice by the ~~commissioner~~ DIRECTOR of such action.
- B. Any action by the ~~commissioner~~ DIRECTOR taken pursuant to this chapter may be appealed in accordance with the provisions of title 12, chapter 7, article 6.

Sec. 239. Section 36-1937, Arizona Revised Statutes, is amended to read:

36-1937. **Injunctive relief**

The ~~commissioner~~ DIRECTOR may enforce any provision of this chapter by injunction or by any other appropriate proceeding. No such proceeding shall be barred by any proceeding had or pending pursuant to any other provisions of this chapter, or by the imposition of any fine or term of imprisonment pursuant thereto.

Sec. 240. Section 36-2001, Arizona Revised Statutes, is amended to read:

36-2001. **Addictive behavior services**

LAWS OF ARIZONA

~~A. The commissioner~~ DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES shall establish services for addictive behavior ~~in the department~~ INCLUDING ~~that shall include a division of~~ alcohol abuse and ~~a division of~~ drug abuse.

~~B. The commissioner shall appoint an assistant commissioner for addictive behavior services.~~

Sec. 241. Section 36-2003, Arizona Revised Statutes, is amended to read:

36-2003. Powers and duties

A. ~~The assistant commissioner~~ DIRECTOR ~~for addictive behavior~~ may:

1. Request recommendations or studies in specific areas from the interagency coordinating council.
2. Accept grants, matching funds and direct payments from public or private agencies for the conduct of programs and activities.
3. Make contracts and incur obligations as are reasonably necessary to perform the duties and functions of addictive behavior services.
4. Employ and specify the duties of administrative, secretarial and clerical assistants, and contract for services of outside consultants, advisors and aides as are necessary to perform SUCH duties and functions. ~~assigned by the commissioner.~~
5. Use funds, facilities and services to provide matching contributions under federal or other programs which further the objectives and programs of the department.
6. ~~Recommend to the board~~ MAKE such rules and regulations as are necessary or desirable to carry out assigned responsibilities.
7. Provide for appropriate programs of treatment and rehabilitation consisting of halfway house treatment centers, detoxification centers, recovery centers and inpatient and outpatient and traveling clinics.

B. ~~The assistant commissioner for addictive behavior~~ DIRECTOR shall:

1. Provide for and implement a uniform training and educational program for persons who are associated with control of alcohol abuse and

LAWS OF ARIZONA

drug abuse, prevention, rehabilitation, treatment or enforcement. Only for the purpose of funding such training and educational programs, "alcohol abuse" and "drug abuse" shall be considered to be one and the same.

2. Formulate policies, plans and programs designed to effectuate the purposes of this article.

3. Stimulate and encourage all local, state, regional and federal governmental agencies, and all private persons and enterprises which have similar and related objectives and purposes, and cooperate with such agencies, persons and enterprises and correlate department plans, programs and operations with those of such agencies, persons and enterprises.

4. Conduct research on his own initiative or at the request of the governor, the legislature or state or local agencies, pertaining to any of the section objectives.

5. Provide information and advice on request by local, state and federal agencies and by private citizens and business enterprises on matters within the scope of section activities.

6. Advise with and make recommendations to the governor and the legislature on all matters concerning its objectives.

7. Provide for an ongoing evaluation of the effectiveness of state and local services in the areas of alcohol and drug abuse prevention, treatment, rehabilitation, education and enforcement.

8. Evaluate and make recommendations on improving the coordination and cooperation between state and local agencies and programs for prevention, treatment, rehabilitation, enforcement and other areas of control of drug abuse and alcohol abuse.

9. Prepare a state plan or state plans to discharge assigned responsibilities. Such plan or plans ~~shall be prepared in collaboration with the Arizona health planning authority and~~ shall include programs for alcohol abuse control and drug abuse control.

Sec. 242. Section 36-2021, Arizona Revised Statutes, is amended to read:

36-2021. **Definitions**

LAWS OF ARIZONA

In this article, unless the context otherwise requires:

1. “Alcoholic” means a person who habitually lacks self-control with respect to the use of alcoholic beverages or who uses alcoholic beverages to the extent that his health is substantially impaired or endangered or his social or economic functions are substantially disrupted.

2. “Approved private treatment facility” means a private agency meeting the standards established by the department and approved pursuant to sections 36-2023 and 36-2029.

3. “Approved public treatment facility” means a treatment agency operating under the directions and control of a county providing treatment through a contract with a county meeting the standards established by the department and approved pursuant to sections 36-2023 and 36-2029.

~~4. “Assistant commissioner” means the assistant commissioner for addictive behavior services.~~

~~5.~~ 4. “Court” means a court of record, a justice of the peace court, a police court or a city court authorized by charter.

~~6.~~ 5. “Department” means the ~~state~~ department of health SERVICES.

6. “DIRECTOR” MEANS THE DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES.

7. “Evaluation” means multidisciplinary professional analysis of a person’s medical, psychological, social, financial and legal conditions. Persons providing evaluation services shall be properly qualified professionals and may be full-time employees of an approved treatment facility providing evaluation services or may be part-time employees or may be employed on a contractual basis.

8. “Incapacitated by alcohol” means that a person as a result of the use of alcohol is unconscious or has his judgment otherwise so impaired that he is incapable of realizing and making a rational decision with respect to his need for evaluation and treatment.

9. “Intoxicated person” means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol.

LAWS OF ARIZONA

10. "Local alcoholism reception center" means an initial reception agency for a person who is intoxicated or who is incapacitated by alcohol to receive initial evaluation and processing for assignment for further evaluation or into a treatment program.

11. "Treatment" means the broad range of emergency, outpatient, intermediate and inpatient services and care, including diagnostic evaluation, medical, psychiatric, psychological and social service care, vocational rehabilitation and career counseling, which may be extended to alcoholics and intoxicated persons.

Sec. 243. Section 36-2029, Arizona Revised Statutes, is amended to read:

36-2029. Funding of facilities; contracts; alcoholic facilities fund; limitations

A. The department may use state and federal monies appropriated or otherwise available for the evaluation and treatment of alcoholics, to assist in the establishment and maintenance of approved public or private treatment facilities. Such funds may be expended for professional fees for services at an approved treatment facility or in contract for advancement or reimbursement of services provided at an approved treatment facility or any other appropriate manner and may be used for any purpose necessary to provide evaluation and treatment at approved treatment facilities. These funds may not be used for department salaries or any other purpose within the department but may be used for consultation to the department in the interest of approved treatment facilities.

B. A public or private treatment facility providing or intending to provide evaluation and treatment and desiring to contract with the department for the furnishing of such services shall submit a program, plan and budget to the department on the forms and in the manner required by the department. If such facility is approved, the department may contract with the facility for services as required and upon such terms and conditions as the department shall require.

C. Each approved treatment facility shall provide the department with a record of all federal, state, county, city and private funds received for the previous year and an estimate of funds to be received by the facility for the following year.

LAWS OF ARIZONA

D. An approved private or public treatment facility providing evaluation and treatment may receive state funding upon complying with the rules and regulations established by the department. Any such facility is not eligible for state funding until approved by the ~~assistant commissioner~~ DIRECTOR.

E. There is established an alcoholic facilities fund. The alcoholic facilities fund shall consist of the appropriations and other monies for the use of the department as provided by law. The state treasurer shall receive and disburse the monies in the fund upon claims signed by the ~~assistant commissioner~~ DIRECTOR or other persons in the department designated by the ~~assistant commissioner~~ DIRECTOR. The state treasurer shall maintain in separate accounts monies for the department which are received by gift, grant, bequest or devise and such monies shall be distributed for the purposes of and in conformity with the terms of the grant, gift, bequest or devise. Any unexpended balance of such money shall not revert to the general fund at the end of the fiscal year. Monies received from the federal government or an agency thereof shall be kept in a separate account in the alcoholic facilities fund. Any unexpended and unencumbered balance of federal funds remaining in the alcoholic facilities fund at the end of the fiscal year shall not revert to the general fund.

F. The provisions of this article shall not be construed to place upon the department or the state any liability for the well-being and care of alcoholics or persons incapacitated by alcohol in a public or private treatment facility or the responsibility for funding such programs beyond the limits of legislative appropriation therefor.

Sec. 244. Section 36-2101, Arizona Revised Statutes, is amended to read:

36-2101. **Definitions**

In this article, unless the context otherwise requires:

1. ~~“Commissioner”~~ “DEPARTMENT” means the ~~commissioner of the state~~ department of health SERVICES.
2. ~~“Department”~~ “DIRECTOR” means THE DIRECTOR OF the ~~state~~ department of health SERVICES.

Sec. 245. Section 36-2102, Arizona Revised Statutes, is amended to read:

LAWS OF ARIZONA

36-2102. **Medical affiliation; contract for services; funds; limitation**

A. The ~~commissioner~~ DIRECTOR may contract with any Arizona hospital, the University of Arizona medical school or home delivery health service for:

1. The establishment, operation and administration of regional limited care dialysis centers.
2. Assistance in home dialysis.
3. Kidney transplants.

B. State funds appropriated to the department for establishment and continuation of regional limited care dialysis centers, assistance in home dialysis, kidney transplants and related services shall not be utilized to pay for general medical care services other than kidney transplants, dialysis treatment and necessary laboratory procedures related to such treatment or transplant and complications arising in the treatment of dialysis patients.

Sec. 246. Section 3-343, Arizona Revised Statutes, is amended to read:

3-343. **Enforcement and administrative powers of state chemist**

A. This article shall be administered and its provisions and all rules and regulations adopted and promulgated under this article shall be enforced by the state chemist.

B. The state chemist may, after opportunity for a hearing:

1. Declare as a pest any form of plant or animal life or virus which is injurious to plants, man, domestic animals, articles or substances.
2. Determine whether or not pesticides are highly toxic to man.
3. Determine standards of coloring or discoloring for pesticides, and subject pesticides to the requirements of section 3-352.

C. The state chemist may, after opportunity for a hearing, make rules and regulations concerning safety in the distribution and sale of those pesticides or devices designated by and consistent with the recommendations of the ~~state~~ department of health SERVICES.

LAWS OF ARIZONA

D. All rules and regulations made, adopted and promulgated under authority of this article shall be divided into two classes to be known as "Technical Rules and Regulations" and "Administrative Rules and Regulations", such rules and regulations to be filed in the office of the secretary of state and subject to judicial review.

E. The state chemist may adopt and promulgate administrative and technical rules and regulations deemed necessary to effectuate the purposes of this article, but only after opportunity for a hearing thereon.

Sec. 247. Section 3-603, Arizona Revised Statutes, is amended to read:

3-603. Powers and duties of commissioner; exception; production of papers; formal requirements of complaints

A. The commissioner shall enforce the provisions of this article and prescribe rules and regulations deemed necessary or advisable to carry out the provisions thereof. ~~except provisions relating to health and sanitation which shall be enforced by the state department of public health.~~

B. If the production of papers, books and records relating to any matter under investigation is deemed advisable, the commissioner may apply to the superior court of any county for an order requiring the production of the papers, books and records. If the court is satisfied that the papers, books and records are pertinent to and helpful in the matter under investigation, their production shall be ordered.

C. A complaint filed with the commissioner charging noncompliance with or violation of any provision of this article shall be in writing and signed by the complainant, but a complaint by a producer relating to the accuracy of a butterfat, bacterial or other test directly affecting the price received by the complainant need not be in writing. ~~A complaint filed with the state department of health charging a noncompliance with or violation of any provision of this article shall be in writing and signed by the complainant.~~

Sec. 248. Section 3-605, Arizona Revised Statutes, is amended to read:

3-605. Public health service milk ordinance and code; health and sanitation provisions

A. The production, transportation, handling and sale of milk and milk products, except all cottage cheeses, and the inspection of dairy herds,

LAWS OF ARIZONA

dairies and milk plants shall be regulated in accordance with the terms of the unabridged form of the 1953 edition of the United States public health service milk ordinance and code, a certified copy of which shall be on file in the office of the secretary of state, except that all milk, reconstituted or recombined milk and flavored milk prepared for sale to or use by the ultimate consumer shall contain not less than three and five tenths per cent butter-fat.

B. The words "health officer" when used in the milk ordinance and code means the state dairy commissioner or his authorized representative.

C. Powers and duties in the milk ordinance and code relating to health and sanitation, are vested in the state ~~department of public health~~ DAIRY COMMISSIONER. IN ADDITION, THE COMMISSIONER SHALL PROVIDE REASONABLE REGULATIONS NECESSARY TO ASSURE THAT ALL MILK AND MILK PRODUCTS SOLD OR DISTRIBUTED FOR HUMAN CONSUMPTION ARE FREE FROM UNWHOLESOME, POISONOUS OR OTHER FOREIGN SUBSTANCES AND FILTH, INSECTS OR DISEASE CAUSING ORGANISMS. THE REGULATION SHALL PRESCRIBE REASONABLY NECESSARY MEASUREMENTS GOVERNING THE PRODUCTION, PROCESSING, LABELING, STORING, HANDLING AND TRANSPORTATION OF MILK AND MILK PRODUCTS. THE REGULATIONS SHALL PRESCRIBE MINIMUM STANDARDS FOR THE SANITARY FACILITIES AND CONDITIONS WHICH SHALL BE MAINTAINED IN ANY DAIRY OR OTHER FACILITY AND IN ANY TRUCK OR OTHER VEHICLE IN WHICH MILK OR MILK PRODUCTS ARE PRODUCED, PROCESSED, HANDLED OR TRANSPORTED. THE REGULATIONS SHALL PROVIDE FOR THE INSPECTION AND LICENSING OF PREMISES AND VEHICLE SO USED, AND FOR ABATEMENT AS PUBLIC NUISANCES OF ANY PREMISES OR VEHICLES WHICH DO NOT COMPLY WITH REGULATIONS AND MINIMUM STANDARDS.

D. The provisions of the milk ordinance and code shall be deemed to apply to this state.

Sec. 249. Section 3-612, Arizona Revised Statutes, is amended to read:

3-612. Dairy cows suspected of disease; quarantine; examination

The state ~~department of health~~ DAIRY COMMISSIONER may direct the state veterinarian to establish a quarantine of cows, and to make an examination thereof to determine the presence of tuberculosis, anthrax or

LAW OF ARIZONA

other diseases dangerous to human life, and he shall examine such cows as the ~~department~~ COMMISSIONER directs. If a cow is found to be diseased, the state veterinarian shall proceed as directed by law for the eradication of tuberculosis among cattle.

Sec. 250. Section 3-614, Arizona Revised Statutes, is amended to read:

3-614. Sale of products from diseased cow; penalty

A. No person engaged in the production or manufacture of milk or milk products shall sell, give away, exchange or barter any milk or milk products in a raw, unpasteurized or unsterilized state, from a cow afflicted with a disease dangerous to human health or life, after knowledge thereof, or after receiving notice of the presence of the disease in the cow from the ~~state department of health~~ COMMISSIONER or the state veterinarian.

B. A person may market milk or milk products through channels or methods which insure, to the satisfaction of the ~~state department of health~~ COMMISSIONER, that such milk or milk products will be thoroughly and effectively pasteurized or sterilized before being offered to the consuming public as food. A person violating this section is guilty of a misdemeanor.

Sec. 251. Section 3-633, Arizona Revised Statutes, is amended to read:

3-633. Enforcement duties of attorney general and county attorneys

The attorney general and the county attorney of each county, upon request, shall advise the commissioner ~~and department of public health~~ in the performance of ~~their~~ HIS duties, and shall institute and prosecute all actions arising under this article.

Sec. 252. Section 8-504, Arizona Revised Statutes, is amended to read:

8-504. Health advice and sanitation inspection

A. The division shall delegate to the ~~state~~ department of health SERVICES the responsibility of visiting each child welfare agency and foster home and of advising such agency or foster home on matters affecting the health of children. The ~~state~~ department of health SERVICES shall inspect the premises used for care of children for sanitation and other hazards, actual or potential. Such department shall take action it deems necessary to carry out the duties imposed by this section including but not limited to filing an action with the division requesting denial of

LAWS OF ARIZONA

the application for license or suspension or revocation of license of such child welfare agency or foster home. The duties imposed on the ~~state~~ department of health SERVICES may be delegated by such department to a county department of health.

B. The division may delegate any additional inspection, examination or study provided for by this article, including but not limited to inspection of premises for fire hazards, to an agency, department, political subdivision or governmental entity deemed appropriate by the division.

Sec. 253. Section 8-552, Arizona Revised Statutes, is amended to read:

8-552. Application for license; issuance; posting

A. The ~~state~~ department of health SERVICES is authorized and directed to issue licenses for the operation of children's camps. No children's camp shall be operated without first obtaining such a license.

B. On or before May 1 annually, every person operating or seeking to operate a children's camp shall make application in writing to the ~~state~~ department of health SERVICES for a license to conduct a children's camp. The application shall be in such form and shall contain such information as the ~~state~~ department of health SERVICES finds necessary to determine that the children's camp will be operated and maintained in accordance with the standards prescribed by this chapter.

C. Where a person operates or is seeking to operate more than one children's camp, a separate application shall be made, and license obtained, for each camp.

D. The license shall be posted in a conspicuous place on the premises occupied by each camp.

Sec. 254. Section 8-556, Arizona Revised Statutes, is amended to read:

8-556. Water supply

A. Every children's camp shall be provided with a water supply of sufficient quantity to provide a minimum of five gallons per person per day to the camp site at a rate of two and one-half times the average hourly demand, and be of a safe sanitary quality, meeting the minimum standards of the ~~state~~ department of health SERVICES.

LAWS OF ARIZONA

B. Cross or back flow connections with contaminated water supplies or other possible sources of contamination are prohibited.

Sec. 255. Section 8-557, Arizona Revised Statutes, is amended to read:

8-557. Toilets and disposal systems

Every camp shall be provided with privies or with suitable toilets and with disposal systems meeting minimum health requirements of the ~~state~~ department of health SERVICES. One toilet or one privy shall be provided for every fifteen persons or fraction thereof in the camp population. Privies shall be located at least one hundred twenty-five feet from any source of domestic water and shall at all times be maintained in good repair and in a clean and sanitary condition.

Sec. 256. Section 8-559, Arizona Revised Statutes, is amended to read:

8-559. Garbage

A reasonable number of water-tight metal garbage containers with tight-fitting lids shall be provided. The containers shall be emptied and cleaned as necessary, and the garbage disposed of in accordance with minimum standards of the ~~state~~ department of health SERVICES.

Sec. 257. Section 8-561, Arizona Revised Statutes, is amended to read:

8-561. Inspection of camps; revocation of license

A. The ~~state~~ department of health SERVICES shall make an annual inspection of each children's camp and where upon inspection it is found that there is a failure to comply with any of the standards prescribed by this chapter, the department shall give notice to the camp operator of such failure, which notice shall set forth the law violated.

B. The camp operator shall have a reasonable time after receiving such notice in which to correct such failure and to comply with the standards prescribed by this chapter. In the event the camp operator fails to comply with the requirements of such notice within a reasonable time the department may suspend or revoke his license.

Sec. 258. Section 8-562, Arizona Revised Statutes, is amended to read:

8-562. Appeal

LAWS OF ARIZONA

Any person denied a license, or whose license has been suspended or revoked by the ~~state~~ department of health SERVICES, may appeal the ruling in accordance with the provisions of title 12, chapter 7, article 6.

Sec. 259. Section 8-563, Arizona Revised Statutes, is amended to read:

8-563. Reinstatement of licenses

When a license has been suspended or revoked by the ~~state~~ department of health SERVICES, it shall be reinstated upon compliance with the standards prescribed by this chapter.

Sec. 260. Section 8-567, Arizona Revised Statutes, is amended to read:

8-567. Limitations

Nothing in this chapter shall be interpreted to limit the powers and duties of the ~~state~~ department of health SERVICES. ~~prescribed by section 36-105.~~

Sec. 261. Section 11-303, Arizona Revised Statutes, is amended to read:

11-303. Disposition of body of deceased indigent

A. Upon the death of an indigent, the board shall use reasonable efforts to find a relative or friend of the deceased or an organization of which the deceased was a member in order to deliver the body to such person or organization for burial.

B. If no such relative, friend or organization is found by the board, it shall notify the ~~anatomy board~~ DEPARTMENT OF HEALTH SERVICES as required by section 36-804.

Sec. 262. Section 24-104, Arizona Revised Statutes, is amended to read:

24-104. General powers and duties

A. The livestock sanitary board shall:

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

LAWS OF ARIZONA

2. Recommend legislation fostering the livestock and poultry industries and advise the legislature with respect thereto.
 3. Keep a permanent record of its proceedings and reports of inspectors and deputies.
 4. Assist in the prosecution of persons charged with violation of the livestock laws.
- B. The board may, by and with the advice of the state veterinarian, make rules and regulations to control and govern:
1. Importation of animals and poultry into the state, establishment of quarantine, its boundaries and notice thereof, and accomplishment of all things necessary to effect the object of the quarantine and to protect the livestock and poultry industries from contagious or infectious diseases and prevent the spread thereof.
 2. Slaughter of animals and poultry affected with contagious or infectious diseases, and disposition of carcasses of animals and poultry so slaughtered, when such action appears necessary to prevent the spread of contagion or infection among livestock and poultry.
 3. Importation, manufacture, sale, distribution or use within the state of serums, vaccines and other biologics intended for diagnostic or therapeutic treatment of animals and poultry, and the importation, manufacture or use of virulent blood or living virus of diseases affecting animals and poultry.
 4. Sale of livestock straying from its accustomed range.
- C. The board may:
1. Prescribe and enforce rules and regulations in conformity with this title.
 2. Waive inspections or inspection fees in cases it deems advisable.
 3. Direct inspectors or peace officers to execute its orders.
 4. Issue or revoke permits for shipments of horses, mules and asses moved from time to time upon construction work within the state without brand inspection.

LAWS OF ARIZONA

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

D. The livestock sanitary board shall promulgate reasonable rules and regulations fixing and establishing the contents of processed meats and meat food products including the percentage of meats and nonmeat ingredients which may be contained in such processed meats, but the percentage of meats prescribed by the board to be contained in processed meats and meat food products shall not exceed the maximum percentages prescribed by the United States department of agriculture. Such rules and regulations shall prescribe that a processed meat product fabricated from two or more ingredients shall bear a list of the ingredients giving the common or usual names of the ingredients arranged in the order of their predominance. Enforcement of these rules and regulations on the retail level shall be by the ~~state~~ department of health SERVICES. The ~~state~~ health SERVICES department shall cooperate with the Arizona livestock sanitary board in the provision of laboratory services required to aid in the enforcement of these rules and regulations. A person who violates any rule or regulation promulgated under this subsection is guilty of a misdemeanor, punishable by a fine of not less than ten nor more than one hundred dollars, imprisonment for not less than five nor more than thirty days, or both.

E. The board may by regulations prescribe conditions under which carcasses, parts of carcasses, meat, and meat food products of cattle, sheep, swine, goats, horses, mules, or other equines, capable of use as human food, shall be stored or otherwise handled by any person, firm, or corporation engaged in the business of buying, selling, freezing, storing or transporting such articles, whenever the board deems such action necessary to assure that such articles will not be adulterated or misbranded when delivered to the consumer.

Sec. 263. Section 24-361, Arizona Revised Statutes, is amended to read:

24-361. Definitions

In this article, unless the context otherwise requires:

1. "Animal" means any animal of a species that is susceptible to rabies.
2. "County board of health" means the duly constituted board of health of each county.

LAWS OF ARIZONA

3. "County enforcement agent" means that person in each county who is responsible for the enforcement of this article and the regulations promulgated thereunder.

4. "County pound" means any establishment authorized by the county board of supervisors for the confinement, maintenance, safekeeping and control of dogs and other animals that come into the custody of the county enforcement agent in the performance of his official duties.

5. "DEPARTMENT" MEANS THE DEPARTMENT OF HEALTH SERVICES.

~~5.~~ 6. "Impound" means the act of taking or receiving into custody by the county enforcement agent any dog or other animal for the purpose of confinement in a county pound in accordance with the provisions of this article.

~~6.~~ 7. "Livestock" means neat animals, horses, mules and asses.

~~7.~~ 8. "Rabies quarantine area" means any area in which a state of emergency has been declared to exist due to the occurrence of rabies in animals in or adjacent to this area.

~~8.~~ ~~"State board of health" means the state board of health of the state of Arizona.~~

9. "Stray dog" means any dog four months of age or older running at large that is not wearing a valid license tag.

10. "Vaccination" means the administration of an anti-rabies vaccine to animals by a veterinarian.

11. "Veterinarian", unless otherwise indicated, means any veterinarian licensed to practice in Arizona or any veterinarian employed in Arizona by a governmental agency.

12. "Veterinary hospital" means any establishment operated by a veterinarian licensed to practice in the state of Arizona that provides clinical facilities and houses animals or birds for dental, medical or surgical treatment. A veterinary hospital may have adjacent to it or in conjunction with it or as an integral part of it, pens, stalls, cages or kennels for quarantine, observation or boarding.

LAWS OF ARIZONA

13. "Vicious dog" means any dog that has a propensity to bite human beings without provocation, and has been so declared after a hearing before a justice of the peace or a city magistrate.

Sec. 264. Section 24-363, Arizona Revised Statutes, is amended to read:

24-363. Powers and duties of department of health services

A. ~~The state board~~ DEPARTMENT of health SERVICES shall regulate the handling and disposition of animals other than livestock that have been bitten by a rabid or suspected rabid animal or are showing symptoms suggestive of rabies.

B. ~~The state board~~ DEPARTMENT of health SERVICES may require the county enforcement agent to submit a record of all dog licenses issued and in addition any information deemed necessary to aid in the control of rabies.

Sec. 265. Section 24-614, Arizona Revised Statutes, is amended to read:

24-614. Limitation

A. Nothing in sections 24-601 to 24-609, inclusive, 24-611, 24-612, 24-613, 24-621 to 24-621.21, inclusive, 24-631 to 24-642, inclusive, 24-963, and 24-965 shall be construed to modify or repeal any provision of article 1, chapter 8, title 36, relating to adulteration and misbranding.

B. Nothing in sections 24-601 to 24-609, inclusive, 24-611, 24-613, 24-621 to 24-621.21, inclusive, 24-631 to 24-642, inclusive, 24-963, and 24-965 shall be construed to modify or repeal any provision of chapter 1, title 36, relating to ~~state and~~ local boards and departments of health AND THE DEPARTMENT OF HEALTH SERVICES.

Sec. 266. Section 24-621.05, is amended to read:

24-621.05. Rules and regulations

A. THE BOARD SHALL PROVIDE REASONABLE REGULATIONS NECESSARY TO ASSURE THAT ALL MEAT AND MEAT PRODUCTS SUBJECT TO INSPECTION UNDER THIS ARTICLE WHICH IS TO BE SOLD OR DISTRIBUTED FOR HUMAN CONSUMPTION IS FREE FROM UNWHOLESOME, POISONOUS OR OTHER FOREIGN SUBSTANCES AND FILTH, INSECTS OR DISEASE CAUSING

LAWS OF ARIZONA

ORGANISMS. THE REGULATIONS SHALL PROVIDE REASONABLY NECESSARY MEASUREMENTS GOVERNING THE PRODUCTION, PROCESSING, LABELING, STORING, HANDLING AND TRANSPORTATION OF SUCH PRODUCTS. THE REGULATIONS SHALL PRESCRIBE MINIMUM STANDARDS FOR THE SANITARY FACILITIES AND CONDITIONS WHICH SHALL BE MAINTAINED AT ANY PLANT, PACKING HOUSE OR ABATTOIR, OR OTHER PREMISES, AND IN ANY TRUCK OR OTHER VEHICLE IN WHICH MEAT OR MEAT PRODUCTS ARE PRODUCED, PROCESSED, STORED, HANDLED OR TRANSPORTED. THE REGULATIONS SHALL 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, WAREHOUSES AND OTHER FACILITIES WHERE MEAT OR MEAT PRODUCTS ARE PRODUCED, PROCESSED, STORED, HANDLED OR TRANSPORTED. THE REGULATIONS SHALL PRESCRIBE MINIMUM STANDARDS FOR THE SANITARY CONDITIONS AND FACILITIES WHICH SHALL BE MAINTAINED AT ANY SUCH FACILITY, AND SHALL PROVIDE FOR INSPECTION OF SUCH PREMISES AND FOR ABATEMENT AS PUBLIC NUISANCES OF ANY PREMISES, FACILITIES, OR VEHICLES WHICH DO NOT COMPLY WITH THE MINIMUM STANDARDS.

B. The board upon the advice of the chief veterinary meat inspector shall adopt reasonable rules and regulations, including but not limited to what the ante-mortem and post-mortem inspection shall consist of, to carry out the purposes of this chapter. The rules and regulations shall conform so far as possible to the rules governing meat inspection of the United States department of agriculture, but in no case shall the rules and regulations exceed the requirements of the United States department of agriculture. A public hearing shall be held on all rules and regulations adopted pursuant to this section. The rules and regulations adopted by the board shall not be effective until at least thirty days after the public hearing.

Sec. 267. Section 24-621.07, Arizona Revised Statutes, is amended to read:

24-621.07. **Inspection of slaughtering establishments without state meat inspection service**

LAWS OF ARIZONA

The chief veterinary meat inspector or his deputies are authorized to inspect the premises of all other slaughtering establishments operating without state meat inspection service at any time during their slaughtering operations. At least two inspections shall be made each year and additional inspections may be made if it is deemed necessary. If any slaughtering establishment is found to be unsanitary or conducting its slaughtering operations in an unsanitary or unwholesome manner so as to endanger the public health, or slaughtering animals unfit for human consumption, the board may suspend or revoke the license to slaughter as provided in section 24-106. This section shall not in any way alter the powers of the ~~state board~~ DEPARTMENT of health SERVICES in connection with slaughtering establishments.

Sec. 268. Section 24-621.09, Arizona Revised Statutes, is amended to read:

24-621.09. Requirements for slaughtering establishments without state meat inspection service

All slaughtering establishments licensed by the board to slaughter cattle, sheep, swine, goats, horses, mules or other equines which do not operate under state meat inspection service shall be kept in a clean and sanitary condition during all periods of operation. The following are the minimum requirements for such establishments:

1. Each establishment shall have sanitary floors impervious to water.
2. All outside windows and doors shall be screened adequately and effectively.
3. There shall be an adequate supply of potable water and it shall conform with the minimum requirements of the ~~state~~ department of health SERVICES.
4. There shall be an adequate sewage disposal system of such a type as not to be a breeding place for flies and not to constitute a hazard or to endanger public health and it shall conform with the minimum requirements of the state ~~department of health~~ BOARD.
5. The establishment shall be kept in a sanitary condition during all periods of slaughter.

LAWS OF ARIZONA

Sec. 269. Section 24-621.10, Arizona Revised Statutes, is amended to read:

24-621.10. Requirements for slaughtering establishments with state meat inspection service

A. All slaughtering establishments licensed by the board to slaughter cattle, sheep, swine, goats, horses, mules or other equines 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~~ BOARD. 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~~ BOARD.
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

LAWS OF ARIZONA

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 shall meet the requirements prescribed by this section and in addition shall comply with the building requirements of the federal meat inspection service. Compliance with federal standards shall be completed by November 15, 1969, provided that the board may grant an extension not to exceed twelve months.

B. All slaughtering establishments engaged in the sale of meat for human consumption shall be under the inspection service of either this state or the federal government.

Sec. 270. Section 24-621.11, Arizona Revised Statutes, is amended to read:

24-621.11. Construction and remodeling of slaughtering establishments

A. Any person wishing to construct a slaughtering establishment after the effective date of this article and wishing to be granted state meat inspection service shall submit his proposed plant architectural drawings to the chief veterinary meat inspector who shall examine them and advise as to whether or not the plans meet the requirements of this chapter and whether they conform with the minimum requirements of the state ~~department of health~~ BOARD.

LAWS OF ARIZONA

B. Slaughtering establishments in existence and operating at the time of the effective date of this article, which intend to do any remodeling of their slaughtering facilities, and which expect to apply for state meat inspection service, shall submit their architectural drawings of such proposed remodeling to the chief veterinary meat inspector who shall examine them and advise as to whether or not the plans meet the requirements of this chapter and whether they conform with the minimum requirements of the state ~~department of health~~ BOARD.

C. Slaughtering establishments which have been granted state meat inspection service and which intend to do any remodeling of their slaughtering facilities shall submit their architectural drawings of such proposed remodeling to the chief veterinary meat inspector who shall examine them and advise as to whether or not the plans meet the requirements of this chapter and whether they conform with the minimum requirements of the state ~~department of health~~ BOARD.

Sec. 271. Section 24-621.13, Arizona Revised Statutes, is amended to read:

24-621.13. Requirements for meat processors

A. Establishment of meat processors licensed to prepare and offer for sale meat or meat food products shall meet the following requirements:

1. The floors shall be of suitable finish so that they may be kept clean and sanitary.
2. There shall be washable walls.
3. All outside windows and doors shall be screened.
4. There shall be adequate potable hot and cold water conforming with the minimum requirements of the state ~~department of health~~ BOARD.
5. Employees shall be provided with adequate toilet and hand washing facilities with both hot and cold running water and separate facilities when both sexes are employed.
6. There shall be an adequate sewage disposal system of such type that it shall not be a breeding place for flies and shall not constitute a hazard or endanger public health and it shall conform with the minimum requirements of the state ~~department of health~~ BOARD.

LAWS OF ARIZONA

B. All such processing establishments shall be maintained in a sanitary condition and the plant and premises shall be subject to inspection by the chief veterinary meat inspector or his deputies at any time during their operation, whether it be by day or night, and to every part of such establishment. At least one inspection shall be made daily and additional inspections may be made if it is deemed necessary. If such premises are found to be in an unsanitary condition or the operations are being conducted in an unsanitary manner so as to endanger public health, the board may suspend or revoke the license of the processing establishment as provided in section 24-106.

C. Any meat processor other than a slaughtering establishment which wishes to be assigned an establishment number shall make a written application to the board for a number. The board upon receipt of the application shall request the chief veterinary meat inspector to make an inspection of the premises of the meat processor. If the establishment is found clean and sanitary and meets the requirements of subsection A of this section, the board shall authorize the granting of an establishment number to the applicant. Applicants granted the use of an establishment number shall:

1. Have a daily inspection visit by the chief veterinary meat inspector or one of his deputies.
2. Allow all meats used for processing to be subjected to reinspection and condemnation in whole or in part, if necessary.
3. Permit the inspectors to inspect all the operations in the processing of meat and meat food products so as to assure that such operations are being conducted in a clean and wholesome manner and in conformity with the provisions of this chapter.
4. Use only "Arizona inspected and passed" meats or United States department of agriculture inspected and passed meats in the preparation of all meat and meat food products.

D. A slaughtering establishment with state meat inspection service which processes meat or meat food products shall:

1. Allow all meats used for processing to be subjected to reinspection and condemnation in whole or in part, if necessary.

LAWS OF ARIZONA

2. Permit the inspectors to inspect all the operations in the processing of meat and meat food products so as to assure that such operations are being conducted in a clean and wholesome manner and in conformity with the provisions of this chapter.

3. Use only "Arizona inspected and passed" meats or United States department of agriculture inspected and passed meats in the preparation of all meat and meat food products.

Sec. 272. Section 24-621.14, Arizona Revised Statutes, is amended to read:

24-621.14. Cooperation with the department of health services and other public health authorities

A. In carrying out the provisions of this chapter the board or the chief veterinary meat inspector, or both, shall request the advice of and consult with the sanitary engineer or other qualified employees of the state ~~department of health~~ BOARD and the state laboratory in matters relating to potability of water, sewage systems and other sanitary conditions of slaughtering and meat processing establishments which might endanger public health.

B. In carrying out the provisions of this chapter the board shall require the chief veterinary meat inspector, or any of his deputies, to advise the state ~~department of health~~ BOARD when any licensee, in his opinion fails to meet the minimum requirements of the state ~~department of health~~ BOARD. The state ~~department of health~~ BOARD may send its proper public health officer to make an inspection of such premises. If the state ~~department of health~~ BOARD inspector confirms the findings of the chief veterinary meat inspector or his deputies, the board shall service notice that the licensee's license to slaughter, his state meat inspection service or his assignment number will be suspended as provided in section 24-106 or section 24-621.15.

C. The board or the chief veterinary meat inspector, or both, shall cooperate with all local and municipal health authorities in requiring all slaughtering establishments and meat processing plants to maintain sewage systems which shall not contaminate water supplies and shall not endanger public health.

Sec. 273. Section 25-103.03, Arizona Revised Statutes, is amended to read:

LAWS OF ARIZONA

25-103.03. **Physician's certificate and laboratory statement; forms; provision and distribution; designation**

Except as hereinafter provided, the certificate of a physician and the statement from a person in charge of a laboratory or from a person authorized to make reports for the laboratory shall be on a form to be provided and distributed by the ~~Arizona state~~ department of health SERVICES to laboratories in the state approved by the ~~Arizona state~~ department of health SERVICES. This form is hereinafter referred to in this article as "the certificate form."

Sec. 274. Section 25-103.05, Arizona Revised Statutes, is amended to read:

25-103.05. **Nature of test required; approved laboratory defined; checking of results**

For the purposes of this article a standard serological test shall be a test for syphilis approved by the ~~Arizona state~~ department of health SERVICES and an approved laboratory shall be the laboratory of the ~~Arizona state~~ department of health SERVICES or a laboratory approved by the ~~Arizona state~~ department of health SERVICES or any other laboratory the director of which is licensed by ~~said state~~ SUCH department of health SERVICES according to law. In case of question concerning accuracy of tests prescribed in this article, it shall be mandatory upon the ~~state~~ department of health SERVICES to accept specimens for checking purposes from any district in the state.

Sec. 275. Section 25-103.06, Arizona Revised Statutes, is amended to read:

25-103.06. **Issuance of laboratory report form; distribution; preparation of report in triplicate; disposition of copies; inspection**

The ~~Arizona state~~ department of health SERVICES shall issue a laboratory report form to be distributed upon application to all laboratories approved to do tests called for in this article. Any laboratory doing tests called for in this article shall prepare the report in triplicate. The original of this report shall be transmitted by the laboratory doing the test together with the certificate form to the certifying physician. The duplicate report shall be forwarded at weekly intervals to the ~~Arizona state~~ department of health SERVICES. The triplicate shall be retained by the laboratory on file for five years and shall be open during that time for inspection by any authorized representative of the ~~Arizona state~~ department of health SERVICES.

LAWS OF ARIZONA

Sec. 276. Section 25-103.07, Arizona Revised Statutes, is amended to read:

25-103.07. Authority of court to waive examination and to order issuance of license without certificate; showing required filing of order; secrecy of proceedings; fees

A. The judge of the superior court in the county in which the license is to be issued is hereby authorized and empowered, on joint application by both parties to a marriage, to waive the requirements as to medical examinations, laboratory tests, and certificates and to order the licensing authority to issue the license applied for, if all other requirements of the marriage laws have been complied with, and if the judge is satisfied by affidavit or other proof that an emergency or other sufficient cause for such action exists and that the public health and welfare will not be injuriously affected thereby.

B. In any case where such examinations and tests have been made and certificate or certificates have been refused because one or both of the applicants have been found to be infected with syphilis, the judge shall nevertheless be authorized and empowered, on application of both parties to such marriage, to order the licensing authority to issue the license if all other requirements of the marriage laws have been complied with and if the judge is satisfied by affidavit or other proof that such examination or test is contrary to the tenets or practices of the religious creed of which the applicant is an adherent, or that an emergency or other sufficient cause for such order exists and that the public health and welfare will not be injuriously affected thereby. In every such case, however, the clerk of the court shall transmit to the ~~Arizona state~~ department of health SERVICES a transcript of the record and the order thereon for such follow-up by ~~said~~ SUCH department as is required by law or deemed necessary by ~~said~~ SUCH department for the protection of the public health. The order of the court shall be filed by the licensing authority in lieu of the certificate form.

C. The court when it is deemed necessary may, to the extent authorized by law or rules of court, order all proceedings instituted under the provisions of this article to be confidential and private. There shall be no fee for these court proceedings.

Sec. 277. Section 26-304, Arizona Revised Statutes, is amended to read:

26-304. Emergency council; membership; powers and duties

LAWS OF ARIZONA

A. There is created a state emergency council, consisting of:

1. The governor.
2. The secretary of state.
3. The attorney general.
4. The director of emergency services.
5. The state highway director.
6. The ~~commissioner~~ DIRECTOR of ~~public~~ THE DEPARTMENT OF health SERVICES.
7. The director of public safety.

B. The powers and duties of the council include:

1. Making recommendations for orders, rules, regulations and procedures to the governor.
2. Recommending to the governor the assignment of any responsibility, service or activity to a state agency relative to emergencies or planning for emergencies.
3. Issuing, in the event of inaccessibility of the governor a state of emergency proclamation under the same conditions by which the governor could issue such proclamation, if such action is taken at a meeting of the council called by the director of emergency services and if not less than three council members, one of whom shall be an elected official, approve the action.

Sec. 278. Section 28-303, Arizona Revised Statutes, is amended to read:

28-303. Application for certificate of title

A. Application for a certificate of title to a motor vehicle, trailer or semitrailer shall be made to the assessor of the county in which the owner resides upon a form furnished by the vehicle division. The application shall be signed by the owner and shall contain:

1. The owner's complete residence address.

LAWS OF ARIZONA

2. A brief description of the vehicle to be registered.
3. The name of the manufacturer of the vehicle.
4. The engine and serial number of the vehicle.
5. Whether the vehicle is new or used.
6. The last license number if known and the state in which issued.
7. If the application is for a certificate of title to a new vehicle, the date of sale by the manufacturer or dealer to the person first operating the vehicle.
8. Other information required by the vehicle division.

B. The application for a certificate of title to a new vehicle shall be accompanied by a certificate from the manufacturer showing the date of sale to the dealer or person first receiving it from the manufacturer, the name of the dealer or person and a description sufficient to identify the vehicle, and certifying that the vehicle was new when sold. If sold through a dealer, the dealer shall certify that the vehicle was new when sold to the applicant.

C. If the application is for a certificate of title to a specially constructed, reconstructed or foreign vehicle, such fact shall be stated in the application. With reference to every foreign vehicle which has been registered in another state or country, the owner thereof shall surrender to the vehicle division the number plates assigned to the vehicle, the registration card and certificate of title, certificate of ownership or other evidence of foreign registration, together with satisfactory evidence of ownership showing that applicant is the lawful owner or possessor of the vehicle.

D. When in the course of interstate operation of a vehicle registered in another state or country it is desirable to retain registration of the vehicle in the other state or country, the applicant need not follow the requirements of subsection C of this section but shall submit for inspection evidence of the foreign registration and ownership, and the vehicle division upon a proper showing shall register the vehicle, but shall not issue a certificate of title for it.

LAWS OF ARIZONA

E. A foreign vehicle, before it may be registered in this state, shall be examined and inspected by the vehicle division or an officer or agent thereof, including examination and inspection to establish compliance with section 28-955 under such conditions and standards as may be required by the ~~state board~~ DIRECTOR OF THE DEPARTMENT of health SERVICES.

F. An applicant who rents, or intends to rent the vehicle without a driver shall state that fact in the application.

Sec. 279. Section 28-431, Arizona Revised Statutes, is amended to read:

28-431. **Definitions**

In this article, unless the context otherwise requires:

1. ~~“Commissioner”~~ “DIRECTOR” means the ~~commissioner~~ DIRECTOR of the ~~state~~ department of health SERVICES.
2. “Medical advisory board” means a professional unit composed of qualified personnel to advise the motor vehicle division of the Arizona highway department on medical criteria and vision standards for driver licensing.
3. “Superintendent” means the superintendent of the motor vehicle division of the Arizona highway department.

Sec. 280. Section 28-432, Arizona Revised Statutes, is amended to read:

28-432. **Medical advisory board; membership; appointment; term; vacancies; meetings; compensation**

A. There shall be a medical advisory board which shall consist of at least seven members appointed by the ~~commissioner~~ DIRECTOR and certified to the superintendent. The board shall be appointed by the ~~commissioner~~ DIRECTOR from other governmental health agencies, the Arizona medical association and other qualified allied health personnel. Members appointed shall represent various medical specialties.

B. The ~~commissioner~~ DIRECTOR shall act as chairman of the medical advisory board. In the absence of the ~~commissioner~~ DIRECTOR, another physician from the ~~state~~ department of health SERVICES designated by the ~~commissioner~~ DIRECTOR may act as chairman.

LAWS OF ARIZONA

C. Members shall serve for three years unless a member vacates the office. Appointment to fill a vacancy resulting other than from expiration of term shall be for the unexpired term only.

D. The ~~commissioner~~ DIRECTOR shall call the first meeting of the medical advisory board and thereafter meetings may be called by the chairman or by the written request of the majority of the appointed members. A majority of the board shall constitute a quorum.

E. No compensation shall be paid for serving on the medical advisory board, provided that each member shall be paid mileage and subsistence expenses from the Arizona highway fund as may be allowed by law in traveling from his regular place of residence to and from meetings of the medical advisory board or from his regular place of residence to and from the place where he discharges his duties.

Sec. 281. Section 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 the trial of any civil or criminal action or proceeding for a violation of subsection A of this section relating to driving or being in actual physical control of 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 0.10 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.

LAWS OF ARIZONA

3. If there was at that time 0.10 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. Paragraph 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. Per cent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred cubic centimeters of blood.

D. Chemical analyses of the person's blood, urine, breath or other bodily substance to be considered valid under the provisions of this section shall have been performed according to methods approved by the ~~state~~ department of health SERVICES and by a person possessing a valid permit issued by the ~~state~~ department of health SERVICES for such purpose. The ~~state~~ department of health SERVICES is authorized to approve satisfactory techniques or methods, to ascertain the qualifications and competence of persons to conduct such analyses, and to issue permits which shall be subject to termination or revocation at the discretion of the ~~state~~ department of health SERVICES.

E. When a person shall submit to a blood or urine test under the provisions of section 28-691, only a physician or a registered nurse, or other qualified person, other than the arresting officer, may withdraw blood or take the urine specimen for the purpose of determining the alcoholic content therein. Such limitation shall not apply to the taking of breath specimens.

F. The person tested may have a physician or a qualified technician, chemist, registered nurse or other qualified person of his own choosing administer a chemical test or tests in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

G. Upon the request of the person who shall submit to a chemical test or tests, full information concerning the test or tests shall be made available to him or his attorney.

LAWS OF ARIZONA

H. If a person under arrest refuses to submit to a chemical test under the provisions of section 28-691, evidence of refusal shall be admissible in any civil or criminal action or proceeding arising out of acts alleged to have been committed while the person was driving or in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor.

I. 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. 282. Section 28-955, Arizona Revised Statutes, is amended to read:

28-955. Mufflers; prevention of noise and air pollution

A. Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cut-out, bypass or similar device upon a motor vehicle on a highway.

B. The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.

C. Beginning with motor vehicles and motor vehicle engines of the 1968 model year, motor vehicles and motor vehicle engines shall be equipped with emissions control devices that meet the standards established by the ~~state board~~ DIRECTOR OF THE DEPARTMENT of health SERVICES.

Sec. 283. Section 30-653, Arizona Revised Statutes, is amended to read:

30-653. Arizona atomic energy commission; qualifications; terms

A. There shall be an Arizona atomic energy commission which shall consist of the executive director of the ~~department~~ OFFICE of economic planning and development, the ~~commissioner~~ DIRECTOR of the ~~state~~ department of health SERVICES and ten additional members who shall be appointed by the governor. The ten additional members shall be appointed

LAWS OF ARIZONA

from among persons possessing not less than four years of education or experience in the use or control of atomic energy or radiation. Such members shall also be associated with one or more of the following fields: Medicine including radiology, radiation protection, higher education, nuclear services, manufacturing, electric power generation, agriculture, mining or other commerce. No more than two members shall be appointed as representatives of any one of the fields named in this subsection.

B. The term of office of each appointed member shall be five years. Of the members first appointed two shall serve for terms ending January 1, 1965, and two each for terms ending one, two, three and four years thereafter. A vacancy caused other than by expiration of the terms shall be filled in the same manner as the original appointments, but shall be only for the balance of the unexpired term.

C. Members of the commission shall receive compensation for subsistence and travel as allowed by law for other state officers, while attending meetings or performing their powers or duties under the provisions of this chapter. The executive director of the ~~department~~ OFFICE of economic planning and development and the ~~commissioner~~ DIRECTOR of the ~~state~~ department of health SERVICES shall receive no compensation for their service under this chapter, but shall be reimbursed for travel and other necessary expenses incurred in the performance of official duties as provided by law for other state officers.

D. A majority of the membership of the commission shall constitute a quorum for the transaction of business. The commission shall elect from among its membership a chairman and such other officers it deems necessary, to serve for such terms as the commission determines.

Sec. 284. Section 32-353, Arizona Revised Statutes, is amended to read:

32-353. Grounds for refusal to issue or renew or for revocation of certificate

The board shall refuse to issue or renew, or shall suspend or revoke, a certificate for any of the following causes:

1. Conviction of a felony unless the board finds that issuance or renewal of the license would be in the public interest.
2. Malpractice or incompetency.

LAWS OF ARIZONA

3. Infectious, contagious or communicable disease contracted by the applicant or registrant.
4. Advertising by means of known false or deceptive statements.
5. Advertising, practicing or attempting to practice under a trade name or name other than such person's own.
6. Habitual drunkenness or addiction to the use of a habit-forming drug.
7. Commission of any offense enumerated in paragraphs 3, 4 and 5, of section 32-356.
8. Violation of a sanitary regulation promulgated by the board or the ~~state board~~ DEPARTMENT of health SERVICES.
9. Continuing to be employed or to practice in a barber shop or beauty culture shop in which a sanitary regulation promulgated by the board or the ~~state board~~ DIRECTOR OF DEPARTMENT of health SERVICES is known by the registrant to be violated.
10. Violation of a lawful order, rule or regulation of the board.

Sec. 285. Section 32-552, Arizona Revised Statutes, is amended to read:

32-552. Suspension of license; revocation; refusal to issue; grounds

The board shall not issue or renew, and may suspend or revoke, a license already issued, for any one or more of the following causes:

1. Conviction of a felony.
2. Malpractice or incompetency.
3. Affliction of an applicant or licensee with an infectious, contagious or communicable disease.
4. Advertising by means of knowingly false or deceptive statements.
5. Advertising, practicing or attempting to practice under a name or trade name other than the one in which the license certificate is issued.

LAWS OF ARIZONA

6. Habitual drunkenness or the habitual use of morphine, cocaine or other habitual drugs.
7. Commission of any offense enumerated in section 32-551.
8. Violation of any health regulation promulgated by a ~~state or~~ local board of health OR THE DIRECTOR OF DEPARTMENT OF HEALTH SERVICES or violation of any sanitary regulation promulgated by the state board of cosmetology in accordance with the standards of THE DEPARTMENT OF HEALTH SERVICES OR such boards of health.
9. Immorality.
10. Wilfully making a false statement on which the board relies or acts.
11. Ceasing to have any qualification required under this chapter to obtain or to continue in force a license.

Sec. 286. Section 32-1363, Arizona Revised Statutes, is amended to read:

32-1363. Grounds for disciplinary action

The board may take disciplinary action against an embalmer or funeral director charged with the commission of any of the following acts:

1. Fraud or misrepresentation in obtaining a certificate of qualification, whether in the application or qualification examination.
2. Habitual drunkenness, narcotic addiction or conviction of a crime involving moral turpitude.
3. Bribing or offering to bribe, directly or indirectly, a member of the board to influence his action in the performance of his duty.
4. Willful interference with an embalmer or a funeral director having lawful custody of a dead human body in the performance of his duty to embalm or prepare it for burial or transportation.
5. Paying or causing to be paid to a person, money or other valuable consideration to secure business from or through such person.

LAWS OF ARIZONA

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

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

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

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

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

11. Employing or otherwise engaging agents to solicit business.

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

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

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

15. The violation of any other provision of this chapter or regulation of the board not in conflict therewith, for the handling, custody, care, preparation or transportation of dead human bodies.

Sec. 287. Section 32-1432, Arizona Revised Statutes, is amended to read:

32-1432. Locum tenens registration; application; contents; suspension

A. A retired doctor of medicine, who is a resident of this state may be registered and authorized to provide locum tenens medical services in any medical facility operated by the state or any of its political subdivisions or in any other medical facility of repute where the need for such services is recognized by the ~~state~~ department of health SERVICES or the board.

LAWS OF ARIZONA

B. In order to be registered and become authorized to perform such services, such doctor of medicine shall provide the board with satisfactory evidence that he:

1. Holds a valid doctor of medicine degree.
2. Holds an active current license to practice medicine in any of these United States, its territories or the District of Columbia.
3. Has not had a license to practice medicine revoked or suspended in any country, state, territory or province which relates to his ability to safely engage in the practice of medicine.

C. Upon completion of a registration form provided by the board and payment of the fees required by the board, the board may register such doctor and authorize him to provide such locum tenens service.

D. The board may suspend such registration without hearing in the event written evidence is presented to the board which tends to show that the registrant is no longer able to safely engage in the practice of medicine and that such practice might imperil the health, welfare or safety of his patients.

Sec. 288. Section 32-1482, Arizona Revised Statutes, is amended to read:

32-1482. Reporting of hepatitis cases

The ~~state board~~ DIRECTOR OF THE DEPARTMENT of health SERVICES for the purposes of reducing the transmission of hepatitis by injection or transfusion of blood and its components shall adopt rules and regulations for reporting of cases of hepatitis and provide for the dissemination of information about such hepatitis cases to all federally licensed blood banks in the state and health care institutions which request such information.

Sec. 289. Section 33-931, Arizona Revised Statutes, is amended to read:

33-931. Lien of hospital upon damages recovered by person hospitalized

Every individual, partnership, firm, association, corporation, institution or any governmental unit maintaining and operating a hospital within the state, which has been duly licensed by the ~~state~~ department of health

LAWS OF ARIZONA

SERVICES as required by sections 36-422 and 36-425 shall be entitled to a lien for the customary charges for hospital care and treatment of an injured person, upon any and all claims for damages accruing to the person to whom hospital service is rendered, or to the legal representative of such person, on account of injuries giving rise to such claims and which necessitated such hospitalization.

Sec. 290. Repeal

Section 35-193, Arizona Revised Statutes, as amended by Laws 1972, chapter 212, section 1, is repealed.

Sec. 291. Section 35-193, Arizona Revised Statutes, as amended by Laws 1972, chapter 141, section 52, is amended to read:

35-193. Revolving funds

A. The supervisory official of a budget unit the activities of which require immediate cash outlays for postage, c.o.d. packages, travel or other minor disbursements which are proper as ultimate claims for payment from state funds, and the state treasurer for the purpose of cashing checks and warrants, may apply to the division of finance to provide a revolving fund in any amount not to exceed one thousand dollars for any department except the university of Arizona and Arizona state university which shall not exceed twenty thousand dollars, the Arizona coliseum and exposition center board which shall not exceed fifteen thousand dollars, northern Arizona university, the state prison, the ~~state~~ department of health SERVICES the ~~employment security commission~~, DEPARTMENT OF ECONOMIC SECURITY, the Arizona game and fish commission and the state superintendent of public instruction, each of which shall not exceed ten thousand dollars, the office of the state treasurer, the state tax commission, the Arizona state hospital, ~~AND~~ the state department of public safety ~~and the state department of public welfare~~ which shall not exceed five thousand dollars each, the Arizona corporation commission, the ~~department~~ OFFICE of economic planning and development and the state banking department which shall not exceed three thousand dollars each, the attorney general-department of law and the auditor general which shall not exceed two thousand five hundred dollars and the state board of nursing which shall not exceed one thousand five hundred dollars.

B. The application for a revolving fund shall state the purposes for which

LAWS OF ARIZONA

required, the amount deemed necessary and the particular person who shall have custody of and be charged with the handling and accounting of the fund.

C. The assistant director for the division of finance shall allow the application, draw a warrant to the order of the officer applying therefor, and charge the amount thereof against the appropriation made to that budget unit.

D. The manner of accounting for a revolving fund shall be determined by the assistant director for the division of finance, and the officer applying therefor shall return the full amount of the revolving fund to the state treasurer on or before the close of the fiscal year in which the fund was established.

E. Any time during the fiscal year, at the request of the assistant director for the division of finance, the applicant shall return to the state treasurer the full amount of the revolving fund or amount requested and no claims for services of the officer applying therefor or the head of the budget unit shall be audited until such request has been complied with.

Sec. 292. Repeal

Section 41-505, Arizona Revised Statutes, as amended by Laws 1972, chapter 192, section 17, is repealed.

Sec. 293. Section 41-505, Arizona Revised Statutes, as amended by Laws 1972, chapter 141, section 65, is amended to read:

41-505. Inter-agency economic coordinating council

A. There shall be an inter-agency economic coordinating council with the executive director of the ~~department~~ OFFICE of economic planning and development and the director of the department of administration serving as chairman and vice-chairman respectively. The council shall be comprised of, but not limited to, representatives from the following state agencies:

Arizona atomic energy commission.
 Arizona board of regents.
 Arizona commission of Indian affairs.
 Arizona corporation commission.
 Arizona department of aeronautics.

LAWS OF ARIZONA

Arizona game and fish commission.
 Arizona highway department.
 Arizona industrial commission.
 Arizona power authority.
~~Arizona state department of public welfare.~~
 Arizona state parks board.
 Arizona water commission.
 DEPARTMENT OF ECONOMIC SECURITY.
 Department of mineral resources.
~~Employment security commission of Arizona.~~
 Oil and gas conservation commission.
 State board of directors for ~~junior~~ COMMUNITY colleges.
 State department of education.
~~State~~ Department of health SERVICES.
 State land department.
 State tax commission.

B. Representatives from the agencies prescribed by the terms of subsection A shall ordinarily be the chief administrative officer of the agency and shall be appointed by the governor.

C. The council may request the governor to appoint representatives from agencies not prescribed by the terms of subsection A.

D. The council shall meet bi-monthly or more frequently at the call of the chairman.

Sec. 294. Section 41-541, Arizona Revised Statutes, is amended to read:

41-541. Commission of Indian affairs; members; officers; voting; meetings; compensation

A. The Arizona commission of Indian affairs shall consist of the governor, the superintendent of public instruction, the director of ~~public~~ THE DEPARTMENT OF health SERVICES and the attorney general, who shall be ex officio members, and seven members appointed by the governor, two at large who shall be non-Indian, and five from among the Indian tribes. Each tribe or tribal council may submit the names of not to exceed two members of its tribe, and from the names so submitted, the governor shall appoint the five Indian members.

B. The term of office of each appointive member shall be three years. The terms of two appointive members shall expire on the first Monday in

LAW OF ARIZONA

January each year, except that on the first Monday in January of each third year, the terms of three members shall expire. Each member shall hold office until his successor is appointed and qualifies. Appointment to fill a vacancy caused otherwise than by expiration of a term shall be for the unexpired portion thereof.

C. Members of the commission serving by virtue of their office shall serve without compensation. Appointed members shall receive compensation as determined pursuant to section 38-611 for each day of attendance upon meetings.

D. The commission shall elect a chairman and a vice chairman, who shall be appointive members, and adopt rules and regulations for the conduct of meetings. A record shall be kept of all proceedings and transactions.

E. The commission shall meet at least twice each year at such times and places as it determines, and may hold meetings upon the call of the chairman. A majority of the appointed members of the commission shall constitute a quorum for the transaction of business, but ex officio members may vote. Members who fail to attend three consecutive meetings shall be deemed to have resigned but the commission may for good cause grant leaves of absence to its members.

Sec. 295. Section 41-901, Arizona Revised Statutes, is amended to read:

41-901. Governor's authority

The governor shall have charge and control of ~~the Arizona pioneers' home, the state prison and prison farm, the state hospital for disabled miners, and~~ other state institutions the management of which is not otherwise provided by law.

Sec. 296. Section 41-922, Arizona Revised Statutes, is amended to read:

41-922. Superintendent of home for pioneers; appointment; compensation

A. The ~~governor~~ DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES shall appoint a superintendent of the Arizona pioneers' home.

B. The superintendent shall receive compensation as determined pursuant to section 38-611.

LAWS OF ARIZONA

Sec. 297. Section 41-923, Arizona Revised Statutes, is amended to read:

41-923. Admission to home; qualifications required; neglect or refusal to reimburse state

A. A person of good character is entitled to be admitted to the Arizona pioneers' home, at the expense of the state who:

1. Is and has been for a period of five years prior to his application for admission, a citizen of the United States and of the state.
2. Has been a resident of the state for not less than thirty-five years, active in the development of the state.
3. Has reached the age of seventy or more years.
4. Because of adverse circumstances, failing health or other disability, is unable to provide himself with the necessities and ordinary comforts of life.

B. An applicant for admission to the home shall submit in duplicate with his application, to the superior court of the county in which he resides a financial statement on a form furnished by the superintendent, signed by such applicant under oath.

C. The ~~governor~~ DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES may admit a person to the home when the person presents an order of the superior court of the county in which he resides, together with the duplicate copy of the financial statement submitted by the applicant to the superior court, stating that a full examination and investigation reveals that the person possesses the qualifications prescribed by this section.

D. A person admitted to the Arizona pioneers' home shall pay to the state, to the extent that he is financially able to do so, the cost incurred by the state as a result of such person residing at the home. The cost shall be paid monthly to the superintendent and it shall not be in excess of the average monthly per capita cost of operating the home based on the number of persons then residing at the home. A person who neglects or refuses to reimburse the state as required under the provisions of this subsection shall not be permitted to reside at the home during the continuance of this neglect or refusal to pay. The provisions of this subsection shall be applicable only to those persons who are admitted to the home after the effective date of this section.

LAWS OF ARIZONA

Sec. 298. Section 41-924, Arizona Revised Statutes, is amended to read:

41-924. Duties of superintendent; approval of claims; disposition of monies collected

A. The superintendent of the home shall, subject to the directions of the ~~governor~~ DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES, be charged with the care, custody and management of the home.

B. The superintendent shall admit persons to the home upon the order of the ~~governor~~ DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES and shall see that persons admitted to the home are comfortably cared for, fed, clothed, and furnished with necessary medical treatment.

C. Claims for salaries and expenses authorized by this article shall be approved by the ~~governor~~ DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES.

D. The superintendent shall on or before the tenth day of each month transmit all monies received under the provisions of this article to the state treasurer, who shall deposit them in the state general fund.

Sec. 299. Section 41-941, Arizona Revised Statutes, is amended to read:

41-941. Location; superintendent; claims

A. There shall be a state hospital for disabled miners adjacent to the Arizona pioneers' home at Prescott which shall be managed by the ~~governor~~ DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES.

B. The superintendent of the Arizona pioneers' home shall serve as superintendent of the miner's hospital and may appoint assistants and employees and prescribe their duties, subject to approval of the ~~governor~~ DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES.

C. Claims for salaries and expenses authorized by this article shall be presented and paid as other state claims.

Sec. 300. Section 41-942, Arizona Revised Statutes, is amended to read:

41-942. Qualifications for admission to hospital

LAWS OF ARIZONA

A person, under the order of the ~~governor~~ DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES, may be submitted to the hospital for disabled miners who:

1. Has followed the occupation of mining for twenty years in the state.
2. Is a citizen of the United States and of the state.
3. Has been a resident of the state for not less than thirty-five years.
4. Has reached the age of sixty years or more, and is financially unable to support himself, or has suffered incapacitating injuries arising from and in the course of mining.

Sec. 301. Section 41-1836, Arizona Revised Statutes, is amended to read:

41-1836. Surveys, reports and recommendations of department of health services to department of public safety

A. The director of the department of public safety shall contract with the ~~Arizona~~ DEPARTMENT OF ~~health planning authority~~ SERVICES to prepare, in collaboration with the college of medicine of the university of Arizona, and annually revise as necessary a report on emergency medical situations most likely to occur in Arizona. The report shall be submitted to the director of the department of public safety, accompanied by recommendations of the ~~authority~~ DEPARTMENT OF HEALTH SERVICES for the most practical location of ambulance dispatch centers, and the ambulance staff and equipment necessary to properly meet the needs in emergency medical situations within the area.

B. The report prepared and submitted pursuant to subsection A of this section shall also be accompanied by recommendations of the ~~authority~~ DEPARTMENT OF HEALTH SERVICES for the most practical location of emergency receiving facilities and the class of facility, including the necessary staff and equipment therefor, required at each location to properly meet the needs in emergency medical situations within the area. The report may include such other recommendations deemed appropriate by the ~~authority~~ DEPARTMENT OF HEALTH SERVICES.

Sec. 302. Section 41-1845, Arizona Revised Statutes, is amended to read:

LAWS OF ARIZONA

41-1845. Standards for certification of ambulance drivers and attendants; workmen's compensation and occupational disease

A. The corporation commission in cooperation with the ~~state~~ health SERVICES department, shall establish standards for the training of ambulance drivers and attendants in medical emergency technology including, but not limited to, communications, first aid, equipment maintenance, emergency room techniques and procedures, patient handling and positioning, and knowledge of procedures and equipment used for obstetrical, respiratory and cardiac emergencies, and shall specify the subjects and number of hours of training, or the equivalency thereof, required in each subject.

B. A certified ambulance driver or attendant shall display at all times a card or other means of attesting to his training and qualifications to serve as an ambulance driver or attendant.

C. Certified ambulance drivers and attendants who serve as such on a volunteer basis for which they receive no compensation are deemed to be employees for the purpose of workmen's industrial insurance, and the basis for computing wages for premium payments and compensation benefits pursuant to title 23, chapters 6 and 7, for such certified ambulance personnel shall be four hundred dollars per month.

Sec. 303. Section 41-1953, Arizona Revised Statutes, is amended to read:

41-1953. Department organization; deputy director; assistant directors

A. The director may establish, abolish or reorganize the positions or organizational units within the department to carry out the functions provided by section 41-1954, subject to legislative appropriation, if in his judgment such modification of organization would make the operation of the department more efficient, effective or economical. The director or his deputy shall enforce cooperation among the divisions in the provisions and integration of all functions on the district and local level.

B. There shall be a deputy director of the department who is appointed by the director with the advice and consent of the governor. The deputy director shall serve at the pleasure of the director. The deputy director will be directly responsible for the operations and coordination of those services of the department concerning initial intake, screening, evaluation and referral of persons served by the department.

LAWS OF ARIZONA

C. The director shall appoint an assistant director to head each organizational unit that the director may establish. Each assistant director shall serve at the pleasure of the director.

D. The department succeeds to the authority, powers, duties and responsibilities of the following:

1. The employment security commission of Arizona and its Arizona state employment service, unemployment compensation and administrative service divisions.
2. The state department of public welfare.
3. The division of vocational rehabilitation.
4. The veterans' service commission.
5. The state office of economic opportunity.
6. The apprenticeship council.
7. The state office of manpower planning.
8. THE STATE DEPARTMENT OF MENTAL RETARDATION.

E. In the Arizona Revised Statutes, references to the agencies and departments listed in subsection D shall be deemed to be references to the department of economic security or its appropriate divisions, offices or organizational units.

Sec. 304. Section 41-1954, Arizona Revised Statutes, is amended to read:

41-1954. Powers and duties

In addition to the powers and duties of the agencies listed in subsection D of section 41-1953 the department shall:

1. Administer the following services:
 - (a) Employment services, which shall include manpower programs and work training, field operations, technical services, unemployment compensation, community work and training and other related functions in

LAWS OF ARIZONA

furtherance of programs under the Social Security Act, as amended, the Wagner-Peyser Act, as amended, the Federal Unemployment Tax Act, as amended, title 33, U. S. Code and other related federal acts and titles.

(b) Individual and family services, which shall include a section on aging, services to children and youth and other related functions in furtherance of social service programs under the Social Security Act, as amended, the Older Americans Act, as amended, and other related federal acts and titles.

(c) Income maintenance services, which shall include categorical assistance programs, special services unit and other related functions in furtherance of programs under the Social Security Act, title I, Old Age Assistance, title IV, Aid to the Families with Dependent Children, title X, Aid to the Blind, title XIV, Aid to Permanently and Totally Disabled, as amended, and other related federal acts and titles.

(d) Rehabilitation services which shall include vocational rehabilitation services and sections for the blind and visually impaired, communication disorders, correctional rehabilitation and other related functions in furtherance of programs under the Vocational Rehabilitation Act, as amended, the Randolph-Sheppard Act, as amended, and other related federal acts and titles.

(e) Administrative services, which shall include the coordination of program evaluation and research, interagency program coordination and in-service training, planning, grants, development and management, information, legislative liaison, budget, licensing and other related functions.

(f) Manpower planning, which shall include a state manpower planning council for the purposes of the federal-state-local cooperative manpower planning system and furtherance of programs under the Manpower Development and Training Act of 1962, as amended, Public Law 90-636, 42 U. S. Code 2571-2620, Federal Executive Order No. 11422 dated October 15, 1968, and other related federal acts and titles.

(g) The apprenticeship council, which shall include responsibility for functions prescribed in title 23, chapter 2, article 2 and furtherance of programs under the Fitzgerald Act, Public Law 308, 75th Congress, as amended and other related federal acts and titles.

(h) Veterans' services, which shall include functions prescribed in title 41, chapter 3, article 7, and furtherance of programs under title 38, U. S. Code relating to veterans' benefits and other related federal acts and titles.

LAWS OF ARIZONA

(i) Economic opportunity services, which shall include the furtherance of programs prescribed under the Economic Opportunity Act of 1967, as amended and other related federal acts and titles.

(j) MENTAL RETARDATION AND OTHER DEVELOPMENTAL DISABILITY PROGRAMS, WITH EMPHASIS ON REFERRAL AND PURCHASE OF SERVICES. THE PROGRAM SHALL INCLUDE, BUT NOT BE LIMITED TO, EDUCATIONAL, REHABILITATION, TREATMENT AND TRAINING SERVICES AND OTHER RELATED FUNCTIONS IN FURTHERANCE OF PROGRAMS UNDER THE DEVELOPMENTAL DISABILITIES SERVICES AND FACILITIES CONSTRUCTION ACT, U. S. PUBLIC LAW 91-517, AND OTHER RELATED FEDERAL ACTS AND TITLES.

2. Provide a coordinated system of initial intake, screening, evaluation and referral of persons served by the department.

3. Adopt rules and regulations it deems necessary or desirable to further the objectives and programs of the department.

4. Formulate policies, plans and programs to effectuate the missions and purposes of the department.

5. Employ, determine the conditions of employment and prescribe the duties and powers of administrative, professional, technical, secretarial, clerical and other persons as may be necessary in the performance of its duties, and contract for the services of outside advisors, consultants and aides as may be reasonably necessary.

6. Make contracts and incur obligations within the general scope of its activities and operations subject to the availability of funds.

7. Contract with or assist other departments, agencies and institutions of the state, local and federal governments in the furtherance of its purposes, objectives and programs.

8. Be designated as the single state agency for the purposes of administering and in furtherance of each federally supported state plan.

9. Accept grants, matching funds and direct payments from public or private agencies for the conduct of programs which are consistent with the overall purposes and objectives of the department.

LAWS OF ARIZONA

10. Provide information and advice on request by local, state and federal agencies and by private citizens, business enterprises and community organizations on matters within the scope of its duties subject to the departmental rules and regulations on the confidentiality of information.

11. Establish and maintain separate financial accounts as required by federal law or regulations.

12. Advise with and make recommendations to the governor and the legislature on all matters concerning its objectives.

13. Have an official seal which shall be judicially noticed.

Sec. 305. Section 41-1981, Arizona Revised Statutes, is amended to read:

41-1981. Economic security council; special purpose councils

A. In order to form a council advisory to the governor and the department and representative of the needs of the people of Arizona and with respect to manpower, economic security, social welfare and vocational rehabilitation, there is established an economic security council. The economic security council shall also serve the requirements of the Wagner-Peyser Act, as amended, the Social Security Act, as amended, the Vocational Rehabilitation Act, as amended, the Manpower Development and Training Act, as amended, the Vocational Education Act, as amended, the Economic Opportunity Act, as amended, and future federal and state legislation relating to economic security, for planning, funding or implementing programs related to such acts.

B. The governor shall appoint the members of the council. Membership shall correspond to pertinent federal regulations concerning advisory and planning councils or committees. The governor shall annually select the council chairman from the membership of the council.

C. The council should have eighteen members representing the public and relevant professional, business, manufacturing, labor and educational organizations.

D. Council members serve for a term of three years, except that the members initially appointed shall be appointed for staggered terms of one, two and three years.

LAWS OF ARIZONA

E. The director shall establish any special purpose councils as are required by state or federal law, rules or regulations or determined to be essential to the public's interest. Such councils shall include, but not be limited to, A MENTAL RETARDATION ADVISORY COUNCIL, a rehabilitation advisory council, an income maintenance advisory council, an apprenticeship advisory council, an Indian affairs advisory council and a veterans' advisory council. Membership qualifications shall be in accordance with the appropriate law, rule or regulation. The director shall appoint, with the approval of the governor, the members of each such council after consultation with members of the economic security council.

F. Appointment to fill a vacancy on the council or any special purpose council resulting from other than expiration of term shall be for the unexpired portion of a term only.

G. The department shall provide secretarial and staff support services to the councils.

H. The members of the economic security council shall receive compensation determined pursuant to section 38-611. The members of any special purpose council shall serve without compensation, except for travel and subsistence expenses as provided by law for other state officers and employees.

Sec. 306. Section 45-506, Arizona Revised Statutes, is amended to read:

45-506. Powers and duties of commission

A. The commission shall be a body corporate, with the right to sue and be sued in its own capacity, and with all corporate rights and privileges of general bodies corporate except as otherwise provided by this title.

B. The commission shall have power, jurisdiction and authority to:

1. Prosecute and defend all rights, claims and privileges of the state respecting interstate streams.
2. Formulate plans and develop programs for the practical and economical development, management, conservation and use of the watersheds and waters of the state.
3. Initiate and participate in conferences, conventions or hearings, including, but not limited to, congressional hearings, court hearings,

LAWS OF ARIZONA

commission hearings or other competent judicial or quasi-judicial departments, agencies or organizations, and negotiate and cooperate with agencies of the United States, or of any state or government and represent the state concerning matters within the commission's jurisdiction.

4. Apply for and hold permits and licenses from the United States or any agency thereof for reservoirs, dam sites and right of ways.

5. Investigate works, plans or proposals pertaining to waters of the state, including management of watersheds, and acquire, preserve, publish and disseminate information relating thereto which the commission deems advisable.

6. Receive and review all reports, proposed contracts and agreements from and with the United States or any agency thereof, other states, governments or representatives thereof and recommend to the governor and the legislature action to be taken on such reports, proposed contracts and agreements, and in the case of reports to take action on such reports where authorized by law, and review and coordinate the preparation of formal comments of the state on both the preliminary and final reports relating to water resource development of the chief of engineers, department of the army, the secretary of the interior, and the secretary of agriculture, as provided for in the Flood Control Act of 1944 (58 Stat. 887, 33 U.S.C. 701-1).

7. Collect and investigate information upon and prepare and devise means and plans for the development, conservation, and utilization of all waterways, watersheds, subterranean waters, groundwater basins and water resources in the state and of all matters and subjects related thereto, including irrigation, drainage, water quality maintenance, regulation of flow, diversion of running streams adapted for development in cooperation with the United States or by the state independently, flood control, utilization of water power, prevention of soil waste, storage, conservation and development of water for every useful purpose.

8. Measure, survey and investigate the water resources of the state and their potential development and may cooperate and contract with agencies of the United States for such purposes. The commission shall maintain a permanent public depository for existing and future records of stream flow, groundwater levels and water quality and other data relating to water resources of the state.

LAWS OF ARIZONA

9. Recommend to the administrative heads of agencies, boards and commissions of the state, and the political subdivisions thereof, regulations to promote and protect the rights and interests of the state and its inhabitants in any matter relating to the waters of the state.

C. The commission shall:

1. Coordinate and confer with and may contract with the Arizona power authority, game and fish commission, state land department, Arizona outdoor recreation commission, ~~department~~ OFFICE of economic planning and development and the Arizona atomic energy commission and political subdivisions of the state with respect to matters within their jurisdiction relating to waters of the state and the development of state water plans, and coordinate and confer with and may contract with the ~~state board~~ DEPARTMENT of health SERVICES and the water quality control council with respect to the provisions of sections 36-1851 to 36-1868, inclusive, for their assistance in the development of state water plans.

2. Be responsible, through the state water engineer, for the supervision and control of reservoirs and dams of the state, and when deemed necessary by the state water engineer, shall conduct investigations to determine if the existing or anticipated condition of any dam or reservoir in the state is or may become a menace to life and property.

Sec. 307. Section 46-261, Arizona Revised Statutes, is amended to read:

46-261. Definitions

In this article, unless the context otherwise requires:

1. "Applicant" means any person who has applied for benefits under the provisions of this article.
2. "Department" means the department of economic security.
3. "Eligible person" means any person determined eligible to receive benefits under the provisions of this article.
4. "Health SERVICES department" means the ~~state~~ department of ~~public~~ health SERVICES.

LAWS OF ARIZONA

5. "Hospital" means a hospital licensed under the provisions of sections 36-441 through 36-446 or as defined in section 1861(e) of U.S. Public Law 89-97.
6. "Licensed physician" means a doctor of medicine or osteopathy who holds a current, valid license to practice medicine in the state where the recipient is treated.
7. "Medical assistance for the aged" means any medical or related service rendered persons eligible therefor under provisions of this article.
8. "Net income" means income from all sources exclusive of all medical expenses incurred.
9. "Recipient" means any person who has received benefits under the provisions of this article.

Sec. 308. Section 46-261.01, Arizona Revised Statutes, is amended to read:

46-261.01. Establishment; administration; insurance

- A. A program of medical assistance is established to provide for payment for medical services and related expenses provided for persons sixty-five years of age and older who meet the qualifications established by this article.
- B. The department shall administer the provisions of this article and shall contract with the health SERVICES department for the management and supervision of the medical care aspects of the program, as long as such is required to bring about federal financial participation under subsection (2), U. S. Public Laws 86-778. If the secretary of the United States department of health, education and welfare determines that federal financial participation is not available to pay for part of the program of medical assistance adopted under the provisions of this article, the administration of this article and any appropriation made hereunder shall be transferred to the health SERVICES department and the health SERVICES department shall thereafter contract with the department for the management and supervision of the eligibility aspects of the program.
- C. The medical care aspects of this program shall consist of supplemental and complementary medical assistance in conjunction with the provisions of title 18, parts A and B, of U. S. Public Law 89-97, providing for payment for and on behalf of each eligible person of the following:

LAWS OF ARIZONA

1. Up to a maximum of the first forty dollars incurred for each hospital admission occasioned by a spell of illness as defined in title 18 of U. S. Public Law 89-97.

2. Up to a maximum of the first twenty dollars for each hospital outpatient diagnostic study furnished under conditions established by title 18, part A, of U. S. Public Law 89-97.

D. Payment of the sums provided by subsection C, paragraphs 1 and 2, shall be made either to the hospital involved through the fiscal intermediary appointed by the federal government or directly to the hospital upon receipt of satisfactory proof that the covered service has been furnished an eligible person. In lieu of any payment and notwithstanding any limitation of title 20, the health SERVICES department may purchase for each eligible person a contract to cover as a minimum the payments authorized by subsection C. Each such contract shall be with a nonprofit hospital service corporation or medical service corporation or combination thereof or with an insurance company that is established and licensed in Arizona in the field of health coverages.

E. As part of a program as provided for under subsection C, paragraphs 1 and 2, or as a separate program, payment or reimbursement shall be made in a sum equal to the amount of the monthly premium required for coverage under title 18, part B, of U. S. Public Law 89-97 for each eligible person not receiving monthly insurance benefits under title II of the social security act or an annuity or pension under the railroad retirement act of 1937.

Sec. 309. Section 46-261.05, Arizona Revised Statutes, is amended to read:

46-261.05. Federal assistance; restriction of payment

A. The provisions of this article shall become operative and remain in operation whether or not federal financial participation is provided or made available to the state on the basis of a state plan approved by the federal government as medical assistance for the aged pursuant to the provisions of title 1 of the federal social security act or otherwise.

B. In no event shall the provisions of this article be interpreted to require or permit participation of the state under the provisions of title 19 of U. S. Public Law 89-97.

LAWS OF ARIZONA

C. The health SERVICES department shall endeavor to obtain federal financial participation for all or any part of the medical assistance program provided for by the terms of this article.

D. Any funds received by the state or any agency or department thereof from the federal government as federal financial participation in all or part of the medical assistance for the aged program shall be deposited with the state treasurer in a fund designated as the "Medical Assistance for the Aged Fund", to be expended as prescribed by the provisions of this article.

Sec. 310. Repeal

Section 46-261.09, Arizona Revised Statutes, as amended by Laws 1972, chapter 163, section 58, is repealed.

Sec. 311. Section 46-261.09, Arizona Revised Statutes, as amended by Laws 1972, chapter 142, section 84, is amended to read:

46-261.09. Medical advisory committee; membership

A. A medical advisory committee shall be established for the purpose of advising the department and the health SERVICES department in the administration and operation of the program provided for by this article.

B. The medical advisory committee shall consist of nine members. The ~~commissioner~~ DIRECTOR of the health SERVICES department and the director of the department shall be ex officio members. The other seven members of the committee shall be appointed by the governor ~~with the advice and consent of the senate~~ and shall hold office for a term of four years or until their successors are appointed. ~~and qualify~~. Of the members first appointed one member shall serve for one year, one member for two years, two members for three years, and three members for four years. The respective terms of the first members shall be designated by the governor at the time of their appointments.

C. The regular membership of the committee shall at all times include two licensed physicians, one licensed pharmacist, one hospital administrator, one nursing home administrator and two other nonmedical members. The pharmacist member shall not be appointed until the regular expiration of the term of one of the licensed physician members subsequent to the effective date of this section.

LAWS OF ARIZONA

D. Each appointive member of the committee shall serve without compensation.

E. Vacancies shall be filled for unexpired terms in the same manner as original appointments, maintaining original representation.

F. The committee shall elect a chairman, a vice chairman and a secretary from among its members at its first regular meeting in each fiscal year and shall adopt rules governing its proceedings. The committee shall hold a meeting at least once every six months and such other special and regular meetings as may be deemed necessary.

Sec. 312. Section 46-261.11, Arizona Revised Statutes, is amended to read:

46-261.11. Annual reports

The department and the health SERVICES department, singly or jointly, shall from time to time, but not less than once a year in December, report to the legislature and the governor, describing in detail the operation of the program under this article, and file with them a copy of all recommendations as to additional action by legislative enactment or otherwise.

Sec. 313. Section 46-261.12, Arizona Revised Statutes, is amended to read:

46-261.12. Medical care research program; advice and cooperation with other agencies

A. The health SERVICES department shall determine, measure and forecast medical needs, available resources for, and alternate financing methods of the indigent and medically indigent population of the state.

B. The health SERVICES department may cooperate with and seek advice from appropriate disciplines of the state universities, hospital and medical associations or societies and from state and federal administrative agencies or others serving in the capacity of fiscal intermediaries within the meaning of title 18 and title 19 of U.S. Public Law 89-97.

Sec. 314. Repeal

Section 46-285, Arizona Revised Statutes, as amended by Laws 1972, chapter 13, section 7, is repealed.

LAWS OF ARIZONA

Sec. 315. Section 46-285, Arizona Revised Statutes, as amended by Laws 1972, chapter 142, section 91, is amended to read:

46-285. **Advisory committee**

A. The director shall appoint an advisory committee of which the superintendent of the state school for the deaf and blind and the ~~commissioner~~ DIRECTOR OF THE DEPARTMENT of ~~public~~ health SERVICES shall be ex officio members.

B. The committee shall study conditions affecting the blind and visually impaired and recommend to the state department programs of constructive service for such persons, with special emphasis upon prevention, cure and rehabilitation.

Sec. 316. Section 46-503, Arizona Revised Statutes, is amended to read:

46-503. **Powers and duties**

A. The ~~state board of crippled children's services~~ DEPARTMENT OF HEALTH SERVICES shall:

1. Employ a full or part-time medical director and a full or part-time administrator FOR CRIPPLED CHILDREN'S SERVICES who shall have such titles and duties as shall be fixed by the ~~board~~ DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES. Compensation of the medical director and the administrator shall be as determined pursuant to section 38-611.

2. Supervise, control, and establish policies for ~~the state board of~~ crippled children's services.

3. Adopt all rules, regulations and policies for the operation of a crippled children's program.

4. Establish and maintain a uniform classification and compensation plan. ~~under which the board shall operate.~~

5. Employ such medical and other staff as may be needed, including resident physicians at the hospital, whose compensation shall be as determined pursuant to section 38-611.

LAWS OF ARIZONA

6. Establish and administer a program of service for children who are crippled or who are suffering from conditions which lead to crippling. The program shall provide for:

- (a) Development, extension and improvement of services for locating such children.
- (b) Furnishing of medical, surgical, corrective and other services and care.
- (c) Furnishing of facilities for diagnosis hospitalization and after care.
- (d) Supervision of the administration of services in the program which are not administered directly by the ~~board~~ DEPARTMENT.
- (e) The extension and improvement of any services included in the program of services for crippled children as required by this section.
- (f) Cooperation with medical, health, nursing and welfare groups and organizations and with any agency of the state charged with administration of laws providing for vocational rehabilitation of physically handicapped children.
- (g) Cooperation with the federal government through its appropriate agency or instrumentality in developing, extending and improving services for crippled children.
- (h) Receipt and expenditure of funds made available to the ~~state board~~ DEPARTMENT for services to crippled children by the federal government, the state or its political subdivisions, or from other sources excluding monies received from parents or guardians for the care of children.
- (i) Carrying on of research and compiling of statistics.
- (j) Making necessary expenditures in connection with the duties provided herein.
- (k) Establishing and maintaining safeguards relating to the confidential aspect of medical records.
- (l) Operation of the crippled children's hospital as a part of the essential services to crippled children.

LAWS OF ARIZONA

(m) An annual report of the operations and administration ~~of the board~~ not later than four months after the close of the fiscal year.

(n) Acceptance and use of federal funds for crippled children's services at the discretion of the ~~board~~ DEPARTMENT and subject to any limitations imposed by the annual state appropriation bill.

(o) Such other duties and responsibilities found necessary to the effective operation of a program for crippled children.

7. Deposit in the state general fund all monies received from parents or guardians for the care of children.

B. The ~~state board of crippled children's services~~ DEPARTMENT may, subject to available space and appropriation therefor, provide hospital services and care for child patients of other state agencies.

Sec. 317. Repeal

Sections 36-122, 36-123, 36-133, 36-135, 36-207, 36-555, 36-801, 36-802, 46-501 and 46-502, Arizona Revised Statutes, are repealed.

Sec. 318. Mental retardation report

A. On or before January 1, 1974, the director of the department of economic security shall prepare and submit to the legislature a comprehensive report and plan with respect to the incorporation of the department of mental retardation and all mental retardation programs and portions thereof into the department of economic security or any other unit or units of state government. The report and plan shall include, but not be limited to, the following:

1. A detailed plan for all mental retardation programs or any part thereof, with consideration given to the organizational structure within such governmental unit or units with respect to mental retardation and the operational procedures for the implementation of such programs.

2. A report of organizational and operational options other than those outlined in paragraph 1 above, including the advantages and disadvantages of each with respect to each other and with respect to the organizational and operational programs recommended under paragraph 1 above.

LAWS OF ARIZONA

3. Recommendations, including legislative recommendations, for the improvement of presently existing mental retardation programs and for the implementation of improved state services to mentally retarded persons in Arizona.

B. There is established a legislative advisory committee for the purpose of assisting the director of economic security in the preparation of the report required in subsection A. The committee shall be composed of three members of the house of representatives of the state of Arizona, appointed by the speaker of the house, and three members of the senate of the state of Arizona, appointed by the president of the senate.

Sec. 319. Limitations

Nothing in this act shall be construed to require the readoption of any rule, regulation or standard previously adopted prior to the effective date of this act by the state board of health, the commissioner of public health or any other officer, agency, board, commission or department included in the department of health services provided such rule or regulation is in conformity with the provisions of this act.

Sec. 320. Effective date; transition provisions; notice of transfer; transfer of records, property, funds and personnel

A. The provisions of this act shall become effective at such time and to the extent that the governor by executive order declares that the department of health services shall become operative and may be phased into effect, but in no event later than July 1, 1974, except as provided in subsections C and F.

B. In order to permit an orderly transition from the authority, funding, functions and programs carried out under the provisions of laws repealed and amended by this act, the authority, funding, functions and programs carried out by the then existing agencies shall continue for such period of time as may be necessary to effectuate the transition.

C. The governor may appoint the director of the department of health services at any time after July 1, 1973 but not later than January 1, 1974. The director, immediately after his appointment, shall appoint such assistants as are necessary to plan and provide for the orderly assumption of those functions transferred to the department under this act and shall establish the operation of administrative services not later than March 1, 1974. Such funds as are necessary to effect this provision shall be made available on a cost sharing basis by the agencies involved.

LAWS OF ARIZONA

D. Upon an executive order of the governor certifying a plan for assumption of the authority, funds, functions and programs of an agency affected by the provisions of this act, there shall be transferred the authority, functions, programs, records, furnishings and property, equipment, all unexpended and unencumbered funds and personnel to the department of health services, according to such plan.

E. From the date of his appointment through June 30, 1975, the director of the department of health services shall consult and work with a legislative committee in regard to the organization and operation of the department. Such legislative committee shall be composed of members of the state house of representatives and the state senate who shall be appointed by the speaker of the house of representatives and the president of the senate, respectively. The committee shall be composed of such number of legislators as the speaker and president deem necessary.

F. The provisions of section 318 of this act shall become effective as provided by law.

Sec. 321. Appropriation; purpose

For the fiscal year beginning July 1, 1973 the sum of one hundred thousand dollars is appropriated to the office of the governor to be made available to the director of the department of health services for the purpose of carrying out those provisions not funded by the provisions of section 311 of this act.

Approved by the Governor—May 14, 1973

Filed in the Office of the Secretary of State—May 14, 1973

LAWS OF ARIZONA

CHAPTER 159

House Bill 2020

AN ACT

RELATING TO INITIATIVE, REFERENDUM AND RECALL; PROVIDING FOR CIRCULATION AND SUBMISSION OF INITIATIVE AND REFERENDUM MEASURES, PROCEDURES FOR FILING AND CERTIFICATION OF CIRCULATOR'S ELIGIBILITY; PROVIDING FOR SUBMISSION OF RECALL PETITION, VERIFICATION OF SIGNATURES, TIME LIMITATIONS FOR CIRCULATION AND FILING OF PETITION; PROVIDING FOR STATEMENT ON RECALL; AMENDING SECTIONS 16-146, 16-148, 19-111, 19-112 AND 19-121, ARIZONA REVISED STATUTES; REPEALING SECTIONS 19-121.01 THROUGH 19-121.04, ARIZONA REVISED STATUTES; AMENDING TITLE 19, CHAPTER 1, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING NEW SECTIONS 19-121.01 THROUGH 19-121.04; AMENDING SECTIONS 19-121.05 AND 19-122, ARIZONA REVISED STATUTES; AMENDING TITLE 19, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 19-202.01; AMENDING SECTIONS 19-203 AND 19-204, ARIZONA REVISED STATUTES; REPEALING SECTION 19-205, ARIZONA REVISED STATUTES; AMENDING TITLE 19, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 19-205 AND SECTIONS 19-205.01, 19-205.02 AND 19-205.03; AMENDING SECTIONS 19-206 AND 19-207, ARIZONA REVISED STATUTES; AMENDING TITLE 19, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 19-208.01 THROUGH 19-208.05; AMENDING SECTION 19-209, ARIZONA REVISED STATUTES, SUBJECT TO CONDITIONAL ENACTMENT; AMENDING SECTION 19-209, ARIZONA REVISED STATUTES, TO BE EFFECTIVE PRIOR TO CONDITIONAL ENACTMENT; AMENDING SECTIONS 19-212, 19-214 AND 19-221, ARIZONA REVISED STATUTES; REPEALING SECTIONS 19-210, 19-211, 19-217 AND 19-218, ARIZONA REVISED STATUTES, AND PROVIDING FOR CONDITIONAL ENACTMENT.

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

Section 1. Section 16-146, Arizona Revised Statutes, is amended to read:

LAWS OF ARIZONA

16-146. Assignment of affidavit to general county register; exception; notification to elector; filing of affidavits

A. The county recorder shall, upon receipt of an affidavit of registration in proper form, assign the affidavit to its proper precinct and alphabetical arrangement in the general county register, except that the affidavit of registration of a new resident voting for presidential electors only shall be filed separately until he has completed the residency requirements for an elector qualified to vote in all elections.

B. After placing the affidavit of registration in the county general register, the county recorder shall notify the elector by postcard that his name appears in the general register.

C. ALL CURRENT ORIGINAL AFFIDAVITS OF REGISTRATION SHALL BE FILED COUNTY-WIDE OR BY PRECINCT IN ALPHABETICAL ORDER BY SURNAME OF ELECTOR. ALL ORIGINAL AFFIDAVITS OF REGISTRATION CANCELLED, AND ALL ORIGINAL APPLICATIONS FOR CANCELLATION OF REGISTRATION RECEIVED SINCE THE PRECEDING GENERAL ELECTION, SHALL BE SEPARATELY FILED AND MAINTAINED. THE FILES REQUIRED BY THIS SUBSECTION SHALL BE IN ADDITION TO ANY OTHER REQUIREMENTS OF THIS TITLE.

Sec. 2. Section 16-148, Arizona Revised Statutes, is amended to read:

16-148. Cancellation of registration upon new affidavit of registration effecting change of precinct, party, address or name; preservation of canceled affidavits

A. Upon receipt of a new affidavit of registration which effects a change of precinct, political party, address or name, the county recorder shall remove the affidavit of registration to which it relates from the general county register, stamp the latter "cancelled" and place the affidavit in a cancellation file.

B. Except as provided by subsection C of this section, all canceled affidavits of registration shall be arranged and preserved in like manner as affidavits of registration.

C. The county recorder may provide for preservation of canceled affidavits of registration by microfilming, and upon microfilming of such affidavits, the original copies may be destroyed AFTER THE GENERAL ELECTION NEXT FOLLOWING THE CANCELLATION.

LAWS OF ARIZONA

Sec. 3. Section 19-111, Arizona Revised Statutes, is amended to read:

19-111. Number for petition

A. A person or organization intending to propose a law or constitutional amendment by initiative petition or to file a referendum petition against a measure, item, section or part of a measure shall, before causing the petition to be printed and circulated, file with the secretary of state an application, on a form to be provided by the secretary of state, setting forth his name or, if an organization, its name and the names and titles of its officers, address, his intention to circulate and file a petition, and the text of the proposed law, constitutional amendment or measure to be initiated or referred, and applying for issuance of an official number to be printed ~~on~~ **IN THE LOWER RIGHT HAND CORNER OF BOTH SIDES OF** the signature sheets of the petition.

B. On receipt of the application, the secretary of state shall forthwith assign a number to the petition, which number shall appear on the face of each copy thereof, and issue that number to the applicant. Numbers shall be assigned to petitions by the secretary of state in numerical sequence and in the order of filing applications, and a record shall be maintained in his office of each application received and of the number assigned and issued to the applicant.

C. The secretary of state shall print in pamphlet form and shall furnish to each applicant, at the time he issues the number, a copy of the text of this article governing the initiative and referendum.

Sec. 4. Section 19-112, Arizona Revised Statutes, is amended to read:

19-112. Signatures and verification

A. Every qualified elector signing a petition shall do so in the presence of the person circulating the petition and who is to execute the affidavit of verification on the reverse side of the signature sheet. At the time of signing, the qualified elector shall sign his first and last names and the elector so signing or the person circulating the petition shall write, in the appropriate spaces following the signature, the signer's residence address, giving street and number, if any, **AND** his post office address. **THE ELECTOR SO SIGNING OR THE PERSON CIRCULATING THE PETITION SHALL WRITE, IN THE APPROPRIATE SPACES FOLLOWING THE ELECTOR'S ADDRESS,** the name and number of the voting precinct in which ~~he~~ **THE ELECTOR** is registered to vote, and the date on which he signed the petition.

LAWS OF ARIZONA

B. The person before whom the signatures AND ADDRESSES were written on the signature sheet shall write legibly or typewrite on the reverse side of the signature sheet, in the affidavit form hereafter prescribed in this section, the names of the signers of the sheet and, in an affidavit subscribed and sworn to by him before a notary public, shall verify that each of the names on the sheet was signed in his presence on the date indicated, and that in his belief each signer was a qualified elector of a certain county of the state, or, in the case of a city, town or county measure, of the city, town or county affected by the measure. All signatures of petitioners on a signature sheet shall be those of qualified electors who are registered to vote in the same county. However, if signatures from more than one county appear on the same signature sheet, only the valid signatures from the same county which are most numerous on the signature sheet, shall be counted.

C. The affidavit shall be in the following form printed on the reverse side of each signature sheet:

Affidavit of Circulator

State of Arizona)
) ss.:
County of _____)

I, _____, a qualified elector of the state of Arizona, being first duly sworn say: (Here shall be legibly written or typewritten the names of the signers of the sheet).

(Twenty lines for names)

Under the penalty of a misdemeanor, punishable by a fine of not to exceed one thousand dollars, or by imprisonment in the county jail for not to exceed one year, or both, I do depose and say that each signed this sheet of the foregoing petition in my presence on the date indicated, and I believe that each signer's name, residence address, post office address and voting precinct are correctly stated, and that each signer is a qualified elector of the state of Arizona and county of _____.

(Signature of affiant) _____

~~(Post office address of affiant)~~

(RESIDENCE ADDRESS, STREET AND
NUMBER, IF ANY, OF AFFIANT)

(POST OFFICE ADDRESS OF AFFIANT
IN COUNTY OF _____)

(PRECINCT OF REGISTRATION) _____

LAWS OF ARIZONA

Subscribed and sworn to before me this ____ day of ____, 19 ____ .

Notary Public
_____, Arizona

My commission expires on the ____ day of ____, 19 ____ .

Sec. 5. Section 19-121, Arizona Revised Statutes, is amended to read:

19-121. Signature sheets; petitions; form; procedure for filing

A. Every sheet for signatures shall:

1. Be in the form prescribed by law.
2. Have printed in its lower right hand corner, on each side of such sheet, the number assigned to the petition by the secretary of state.
3. Be attached to a full and correct copy of the title and text of the measure, or amendment to the constitution, proposed or referred by the petition, which shall be printed on pages eight and one-half inches in width by eleven inches in length, with a margin of one and three-fourths inches at the top and bottom of each page.

B. Petitions may be filed with the secretary of state in numbered sections for convenience in handling. Not more than twenty signatures on one sheet shall be counted. When the petition is offered for filing, the secretary of state, in the presence of the person offering them for filing, shall:

1. Detach the sheets containing the signatures and affidavits.
2. Check to determine that each signature sheet bears the number assigned by him to the petition, and shall count the signatures on only those sheets bearing such number.
3. ~~Number the signature sheets in consecutive order.~~ CAUSE ALL SIGNATURE SHEETS TO BE GROUPED TOGETHER BY COUNTY OF REGISTRATION OF THE MAJORITY OF THOSE SIGNING, AND ATTACH THEM TO ONE OR MORE PRINTED COPIES OF THE MEASURE PROPOSED OR REFERRED.

LAWS OF ARIZONA

4. ~~Cause all signature sheets to be grouped together by county of registration of those signing, and attach them to one or more printed copies of the measure proposed or referred.~~ NUMBER IN THE LOWER RIGHT HAND CORNER BOTH SIDES OF THE SIGNATURE SHEETS IN CONSECUTIVE ORDER. THE SAME NUMBER SHALL APPEAR ON BOTH SIDES OF THE SHEET.

C. If, when offered for filing with the secretary of state, the sheets are too bulky for convenient binding by the secretary of state in one volume by county of registration of those signing, they may be bound in two or more volumes, those in each volume to be attached to a single printed copy of the measure, and the detached copies of the measure shall be delivered to the person offering them for filing.

D. Initiative petitions which have not been filed with the secretary of state as of five p.m. on the day ~~four~~ FIVE months prior to the ensuing general election after their issuance shall be null and void, but in no event shall the secretary of state accept an initiative petition which was issued for circulation more than twenty-four months prior to the general election at which the measure is to be included on the ballot.

Sec. 6. **Repeal**

Sections 19-121.01 through 19-121.04, Arizona Revised Statutes, are repealed.

Sec. 7. Title 19, chapter 1, article 3, Arizona Revised Statutes, is amended by adding sections 19-121.01 through 19-121.04, to read:

19-121.01. **Temporary receipt**

WITHIN FORTY-EIGHT HOURS, EXCLUDING SATURDAY AND LEGAL HOLIDAYS, AFTER THE FILING OF A PETITION, THE SECRETARY OF STATE SHALL HAVE COUNTED THE NUMBER OF SIGNATURES ON SHEETS BEARING THE APPROPRIATE ASSIGNED SERIAL NUMBER AND, IF THE NUMBER OF SIGNATURES EQUALS OR EXCEEDS THE MINIMUM REQUIRED BY THE ARIZONA CONSTITUTION, HE SHALL ISSUE THE FOLLOWING FORM OF TEMPORARY RECEIPT TO THE PERSON OR ORGANIZATION SUBMITTING THEM:

RECEIVED OF _____, THIS _____ DAY OF _____, _____, A
TOTAL OF _____ SHEETS CONTAINING WHAT PURPORT TO
BE _____ SIGNATURES TO INITIATIVE (REFERENDUM)

LAWS OF ARIZONA

PETITION SERIAL NUMBER _____. THIS RECEIPT DOES NOT CONSTITUTE AN ACKNOWLEDGMENT OR DETERMINATION BY THE SECRETARY OF STATE THAT ANY OF THOSE SHEETS IS IN COMPLIANCE WITH LEGAL REQUIREMENTS FOR PLACING A MEASURE ON THE GENERAL ELECTION BALLOT IN NOVEMBER _____. THAT DETERMINATION CAN ONLY BE MADE AFTER THE SECRETARY OF STATE AND THE COUNTY RECORDERS HAVE PERFORMED THEIR DUTIES WITH RESPECT TO INITIATIVE (REFERENDUM) PETITIONS AS REQUIRED BY LAW.

SECRETARY OF STATE
(SEAL)

19-121.02. Certification of circulator's eligibility

A. WITHIN FIFTEEN DAYS AFTER ISSUING THE TEMPORARY RECEIPT UNDER SECTION 19-121.01 THE SECRETARY OF STATE SHALL HAVE REPRODUCED A FACSIMILE OF EACH AFFIDAVIT OF CIRCULATOR AS IT APPEARS ON THE REVERSE SIDE OF EACH SIGNATURE PAGE AND SHALL HAVE TRANSMITTED, EITHER BY PERSONAL DELIVERY OR REGISTERED MAIL, SUCH FACSIMILES TOGETHER WITH A LISTING OF PAGE NUMBERS TO THE COUNTY RECORDER OF THE COUNTY IN WHICH THE PERSON WHO HAS EXECUTED THE AFFIDAVIT AS CIRCULATOR HAS STATED HE IS A QUALIFIED ELECTOR.

B. WITHIN TEN DAYS, EXCLUDING SATURDAY AND LEGAL HOLIDAYS, AFTER RECEIVING SUCH FACSIMILE AFFIDAVIT PAGE OR PAGES THE COUNTY RECORDER SHALL RETURN SUCH FACSIMILE PAGE OR PAGES TO THE SECRETARY OF STATE, EITHER BY PERSONAL DELIVERY OR REGISTERED MAIL, ACCOMPANIED BY THE COUNTY RECORDER'S CERTIFICATION STATING WHETHER THE PERSON WHOSE FACSIMILE SIGNATURE APPEARS THEREON IN EXECUTION OF THE AFFIDAVIT OF CIRCULATOR WAS A QUALIFIED ELECTOR AND WHETHER HE WAS A DEPUTY REGISTRATION OFFICER AT THE TIME OF CIRCULATING THE PETITION. THE COUNTY RECORDER'S CERTIFICATION SHALL BE IN SUBSTANTIALLY THE FOLLOWING FORM: I, _____, RECORDER FOR THE COUNTY OF _____, ARIZONA, DO HEREBY CERTIFY THAT I RECEIVED THE ATTACHED FACSIMILE AFFIDAVIT OF CIRCULATOR PAGE OR PAGES AND THE ATTACHED LIST OF PAGE NUMBERS IN CONNECTION WITH INITIATIVE (REFERENDUM) PETITION SERIAL NUMBER _____,

LAWS OF ARIZONA

THAT I HAVE CAUSED SUCH FACSIMILES TO BE COMPARED WITH THE RECORDS OF THIS OFFICE, AND THAT THOSE RECORDS DISCLOSE THAT THE FOLLOWING PERSONS WHOSE FACSIMILE SIGNATURES APPEAR IN EXECUTION OF THE AFFIDAVITS OF CIRCULATOR EITHER (A) WERE NOT QUALIFIED ELECTORS AT THE TIME OF CIRCULATING THE PETITION OR (B) WERE DEPUTY REGISTRATION OFFICERS AT THE TIME OF CIRCULATING THE PETITION:

<u>NAME</u>	<u>ADDRESS</u>	<u>PAGE NOS. OF SHEETS CIRCULATED</u>	<u>QUALIFIED ELECTOR (YES OR NO)</u>	<u>DEPUTY REGISTRATION OFFICER (YES OR NO)</u>
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THE RECORDS OF THIS OFFICE SHOW THAT EACH OTHER PERSON WHOSE FACSIMILE SIGNATURE APPEARS IN EXECUTION OF THE AFFIDAVIT OF CIRCULATOR WAS NOT A DEPUTY REGISTRATION OFFICER AND WAS A QUALIFIED ELECTOR AT THE TIME OF CIRCULATING THE PETITION.

DATE: _____

RECORDER FOR _____ COUNTY,
ARIZONA
(SEAL)

19-121.03. Judicial review of actions by county recorder; venue

A. IF THE COUNTY RECORDER FAILS OR REFUSES TO COMPLY WITH THE PROVISIONS OF SECTION 19-121.02, ANY CITIZEN MAY APPLY, WITHIN TEN DAYS AFTER SUCH FAILURE OR REFUSAL, TO THE SUPERIOR COURT FOR A WRIT OF MANDAMUS. IF THE COURT FINDS THAT THE COUNTY RECORDER HAS NOT COMPLIED WITH THE PROVISIONS OF SECTION 19-121.02, THE COURT SHALL ISSUE AN ORDER FOR THE COUNTY RECORDER TO COMPLY.

B. ANY CITIZEN MAY CHALLENGE IN THE SUPERIOR COURT THE CERTIFICATION MADE BY A COUNTY RECORDER PURSUANT TO SECTION 19-121.02 WITHIN TEN DAYS OF THE RECEIPT THEREOF BY THE SECRETARY OF STATE. THE ACTION SHALL BE ADVANCED ON THE CALENDAR AND HEARD AS A TRIAL DE NOVO AND DECIDED BY THE COURT AS SOON AS POSSIBLE. EITHER PARTY MAY APPEAL TO THE SUPREME COURT WITHIN TEN DAYS AFTER JUDGMENT.

C. AN ACTION COMMENCED UNDER THIS SECTION SHALL BE BROUGHT IN THE COUNTY OF SUCH RECORDER, EXCEPT THAT ANY SUCH ACTION INVOLVING MORE THAN ONE RECORDER SHALL BE BROUGHT IN MARICOPA COUNTY.

LAWS OF ARIZONA

19-121.04. Disposition of petitions by secretary of state

A. WITHIN FORTY-EIGHT HOURS, EXCLUDING SATURDAY AND LEGAL HOLIDAYS, AFTER RECEIPT OF THE FACSIMILE AFFIDAVIT OF CIRCULATOR PAGES AND THE CERTIFICATION OF THE COUNTY RECORDER THE SECRETARY OF STATE SHALL SUBTRACT FROM THE NUMBER OF SIGNATURES CONTAINED IN THE TEMPORARY RECEIPT ISSUED UNDER SECTION 19-121.01 ALL SIGNATURES APPEARING UPON SIGNATURE SHEETS OF THE PETITION CIRCULATED BY PERSONS WHO, AS CERTIFIED BY THE RESPECTIVE COUNTY RECORDERS, WERE NOT QUALIFIED ELECTORS AT THE TIME THEY CIRCULATED THE PETITION OR WERE DEPUTY REGISTRATION OFFICERS AT THE TIME THEY CIRCULATED THE PETITION. THE SECRETARY OF STATE SHALL ALSO SUBTRACT ALL SIGNATURES APPEARING ON SIGNATURE SHEETS OF THE PETITION CIRCULATED BY PERSONS WHO WERE COUNTY RECORDERS OR JUSTICES OF THE PEACE AT THE TIME THEY CIRCULATED THE PETITION.

B. IF THE NUMBER OF SIGNATURES ON THE REMAINING SHEETS AFTER ANY SUCH SUBTRACTION EQUALS OR EXCEEDS THE MINIMUM NUMBER REQUIRED BY THE CONSTITUTION THE SECRETARY OF STATE SHALL ISSUE THE FOLLOWING RECEIPT TO THE PERSON OR ORGANIZATION THAT SUBMITTED THEM:
 _____ SIGNATURE PAGES BEARING _____ SIGNATURES FOR INITIATIVE (REFERENDUM) PETITION SERIAL NUMBER _____ HAVE BEEN REFUSED FOR FILING IN THIS OFFICE BECAUSE THE PERSON CIRCULATING THEM WAS NOT A QUALIFIED ELECTOR AT THE TIME OF CIRCULATING THE PETITION OR WAS A COUNTY RECORDER, JUSTICE OF THE PEACE OR DEPUTY REGISTRATION OFFICER AT THE TIME OF CIRCULATING THE PETITION. THE REMAINING SIGNATURES FOR SUCH INITIATIVE (REFERENDUM) PETITION NUMBER _____ ARE EQUAL TO OR IN EXCESS OF THE MINIMUM REQUIRED BY THE CONSTITUTION TO PLACE A MEASURE ON THE GENERAL ELECTION BALLOT.
 DATE: _____

 SECRETARY OF STATE
 (SEAL)

THE SECRETARY OF STATE SHALL THEN FORTHWITH NOTIFY THE GOVERNOR THAT A SUFFICIENT NUMBER OF SIGNATURES HAVE BEEN FILED AND THE INITIATIVE OR REFERENDUM SHALL BE PLACED ON THE BALLOT IN THE MANNER PROVIDED BY LAW.

LAWS OF ARIZONA

C. IF THE NUMBER OF SIGNATURES ON THE REMAINING SHEETS AFTER ANY SUCH SUBTRACTION FAILS TO EQUAL OR EXCEED THE MINIMUM REQUIRED BY THE CONSTITUTION THE SECRETARY OF STATE SHALL FORTHWITH RETURN THE ORIGINAL SIGNATURE SHEETS, IN FORM FILED BY HIM UNDER SECTION 19-121, TO THE PERSON OR ORGANIZATION THAT SUBMITTED THEM, TOGETHER WITH A CERTIFIED STATEMENT THAT SIGNATURE SHEETS BEARING SECRETARY OF STATE PAGE NUMBERS _____ AND BEARING SIGNATURES OF _____ PERSONS WERE CIRCULATED BY A PERSON OR PERSONS PROHIBITED FROM DOING SO UNDER SECTION 19-114 AND THAT THE PETITION THEREFORE LACKS THE MINIMUM NUMBER OF SIGNATURES TO PLACE IT ON THE GENERAL ELECTION BALLOT. A FACSIMILE OF THE CERTIFICATIONS OF THE COUNTY RECORDERS UNDER SECTION 19-121.02 SHALL ACCOMPANY THE SIGNATURE SHEETS RETURNED TO THE PERSON OR ORGANIZATION THAT SUBMITTED THEM.

Sec. 8. Section 19-121.05, Arizona Revised Statutes, is amended to read:

19-121.05. **Special fund for reimbursement of county recorders**

A. The secretary of state shall establish a separate fund from which he shall reimburse a county recorder for actual expenses incurred by the county recorder for performance of his duties under the provisions of section 19-121.02, but not to exceed the rate of ~~fifteen~~ TWENTY-FIVE cents per signature. ~~submitted in counties having a population of two-hundred thousand or more and twenty five cents per signature submitted in all other counties.~~

B. A county recorder who claims to be entitled to reimbursement under the provisions of this section shall submit a claim therefor to the secretary of state.

C. The special fund created under the provisions of this section shall be exempt from the provisions of sections 35-173 and 35-190, relating to quarterly allotments and lapsing of appropriations.

Sec. 9. Section 19-122, Arizona Revised Statutes, is amended to read:

19-122. **Refusal of secretary of state to file petition or transmit facsimiles of affidavits of circulators; writ of mandamus; venue**

LAWS OF ARIZONA

A. If the secretary of state refuses to accept and file a petition for the initiative or referendum, or proposal for a constitutional amendment which has been presented within the time prescribed, or if he refuses to transmit the ~~FACSIMILES OF AFFIDAVITS OF CIRCULATORS signature sheets~~ to the county recorders for certification UNDER SECTION 19-121.02 ~~of such signatures~~, any citizen may apply, within ten days after such refusal, to the superior court for a writ of mandamus to compel him to do so. If the court finds that the petition is legally sufficient, the secretary of state shall then file it, with a certified copy of the judgment attached thereto, as of the date on which it was originally offered for filing in his office.

B. If any petition filed is not legally sufficient, the court may, IN AN ACTION BROUGHT BY ANY CITIZEN enjoin the secretary or other officers from certifying or printing on the official ballot for the ensuing election the amendment or measure proposed or referred. The action shall be advanced on the calendar and heard and decided by the court as soon as possible. Either party may appeal to the supreme court within ten days after judgment.

C. The superior court of Maricopa county shall have jurisdiction of actions relating to measures and amendments to be submitted to the electors of the state at large. With respect to actions relating to local and special measures, the superior court of the county, or of one of the counties in which the measures are to be voted upon, shall have jurisdiction.

Sec. 10. Title 19, chapter 2, article 1, Arizona Revised Statutes, is amended by adding section 19-202.01, to read:

19-202.01. Application for recall petition

A. A PERSON OR ORGANIZATION INTENDING TO FILE A RECALL PETITION SHALL, BEFORE CAUSING THE PETITION TO BE PRINTED AND CIRCULATED, SUBMIT AN APPLICATION SETTING FORTH HIS NAME OR, IF AN ORGANIZATION, ITS NAME AND THE NAMES AND TITLES OF ITS OFFICERS, ADDRESS, HIS INTENTION TO CIRCULATE AND SUBMIT SUCH PETITION, THE TEXT OF THE GENERAL STATEMENT REQUIRED BY SECTION 19-203 AND A REQUEST FOR ISSUANCE OF AN OFFICIAL NUMBER TO BE PRINTED ON THE SIGNATURE SHEETS OF THE PETITION. SUCH APPLICATION SHALL BE SUBMITTED TO THE OFFICE OF SECRETARY OF STATE IF FOR RECALL OF A STATE OFFICER

LAWS OF ARIZONA

INCLUDING A MEMBER OF THE STATE LEGISLATURE, OR A MEMBER OF CONGRESS, AND WITH THE CLERK OF THE BOARD OF SUPERVISORS IF FOR A COUNTY OFFICER OR SUPERIOR COURT JUDGE, WITH THE CITY OR TOWN CLERK IF FOR A CITY OR TOWN OFFICER AND WITH THE COUNTY SCHOOL SUPERINTENDENT IF FOR A TRUSTEE OF A SCHOOL DISTRICT.

B. ON RECEIPT OF THE APPLICATION, THE RECEIVING OFFICER SHALL FORTHWITH ASSIGN A NUMBER TO THE PETITION, WHICH NUMBER SHALL APPEAR ON THE FACE OF EACH COPY THEREOF, AND ISSUE THAT NUMBER TO THE APPLICANT. A RECORD SHALL BE MAINTAINED BY THE RECEIVING OFFICER OF EACH APPLICATION RECEIVED, THE DATE OF ITS RECEIPT AND OF THE NUMBER ASSIGNED AND ISSUED TO THE APPLICANT.

Sec. 11. Section 19-203, Arizona Revised Statutes, is amended to read:

19-203. Recall petition; contents; submission for verification; nonacceptance

A. A recall petition shall contain a general statement of not more than two hundred words stating the grounds of the demand for the recall. The petition shall be ~~filed in~~ SUBMITTED FOR VERIFICATION OF SIGNATURES TO the office of the secretary of state if for a state officer, INCLUDING A MEMBER OF THE LEGISLATURE, with the clerk of the board of supervisors if for a county officer, ~~OR superior court judge or member of the legislature~~, with the city or town clerk if for a city or town officer and with the county school superintendent if for a trustee of a school district.

B. A RECALL PETITION SHALL NOT BE ACCEPTED FOR SUCH VERIFICATION IF MORE THAN ONE HUNDRED TWENTY DAYS HAVE PASSED SINCE THE DATE OF SUBMISSION OF THE APPLICATION FOR RECALL PETITION, AS PRESCRIBED BY SECTION 19-202.01.

Sec. 12. Section 19-204, Arizona Revised Statutes, is amended to read:

19-204. Form of petition

The form of the recall petition shall be substantially as follows:

LAWS OF ARIZONA

Recall Petition

To _____ (Name)
_____ (Title of Office)
_____ (Residence)

Sir:

We, the qualified electors of the electoral district from which _____ (name and title of office) was elected, demand his recall.

Table with 4 columns: Name, Date of signing, Residence, Street Number. Includes three horizontal lines for data entry.

The grounds of the demand for the recall of the said _____ are as follows:

(State in not more than two hundred words the grounds of the demand).

State of Arizona,
County of _____ ss:

_____ being first duly sworn, deposes and says that he circulated the foregoing recall petition (or that he is the signer of one of the sheets of such recall petition), THAT HE IS QUALIFIED TO VOTE IN SUCH RECALL ELECTION and that as such he knows the contents thereof and that the signatures thereon are genuine.

Subscribed and sworn to before me this _____ day of _____, 19____.

Notary Public.

My commission expires _____

Sec. 13. Repeal

Section 19-205, Arizona Revised Statutes, is repealed.

LAWS OF ARIZONA

Sec. 14. Title 19, chapter 2, article 1, Arizona Revised Statutes, is amended by adding a new section 19-205, and sections 19-205.01 through 19-205.03, to read:

19-205. Signatures and verification

A. EVERY QUALIFIED ELECTOR SIGNING A PETITION FOR A RECALL ELECTION SHALL DO SO IN THE PRESENCE OF THE PERSON CIRCULATING THE PETITION AND WHO IS TO EXECUTE THE AFFIDAVIT OF VERIFICATION ON THE REVERSE SIDE OF THE SIGNATURE SHEET. AT THE TIME OF SIGNING, THE QUALIFIED ELECTOR SHALL SIGN HIS FULL LEGAL NAME AND THE ELECTOR SO SIGNING OR THE PERSON CIRCULATING THE PETITION SHALL WRITE, IN THE APPROPRIATE SPACES FOLLOWING THE SIGNATURE, THE SIGNER'S RESIDENCE ADDRESS, GIVING STREET AND NUMBER, IF ANY, HIS POST OFFICE ADDRESS, THE NAME AND NUMBER OF THE VOTING PRECINCT IN WHICH HE IS REGISTERED TO VOTE, AND THE DATE ON WHICH HE SIGNED THE PETITION.

B. THE PERSON BEFORE WHOM THE SIGNATURES WERE WRITTEN ON THE SIGNATURE SHEET SHALL WRITE LEGIBLY OR TYPEWRITE ON THE REVERSE SIDE OF THE SIGNATURE SHEET, IN THE AFFIDAVIT FORM HEREAFTER PRESCRIBED IN THIS SECTION, THE NAMES OF THE SIGNERS OF THE SHEET AND, IN AN AFFIDAVIT SUBSCRIBED AND SWORN TO BY HIM BEFORE A NOTARY PUBLIC, SHALL VERIFY THAT EACH OF THE NAMES ON THE SHEET WAS SIGNED IN HIS PRESENCE ON THE DATE INDICATED, AND THAT IN HIS BELIEF EACH SIGNER WAS A QUALIFIED ELECTOR OF THE ELECTION DISTRICT IN WHICH SUCH RECALL ELECTION WILL BE CONDUCTED. ALL SIGNATURES OF PETITIONERS ON A SIGNATURE SHEET SHALL BE THOSE OF QUALIFIED ELECTORS WHO ARE REGISTERED TO VOTE IN THE SAME COUNTY. HOWEVER, IF SIGNATURES FROM MORE THAN ONE COUNTY APPEAR ON THE SAME SIGNATURE SHEET, ONLY THE VALID SIGNATURES FROM THE SAME COUNTY WHICH ARE MOST NUMEROUS ON THE SIGNATURE SHEET, SHALL BE COUNTED.

C. THE AFFIDAVIT SHALL BE IN THE FOLLOWING FORM PRINTED ON THE REVERSE SIDE OF EACH SIGNATURE SHEET:

LAWS OF ARIZONA

AFFIDAVIT OF CIRCULATOR

STATE OF ARIZONA)
) ss:
COUNTY OF _____)

I, _____, AN ELECTOR QUALIFIED TO VOTE IN THE RECALL ELECTION HEREIN PETITIONED FOR, BEING FIRST DULY SWORN SAY: (HERE SHALL BE LEGIBLY WRITTEN OR TYPEWRITTEN THE NAMES OF THE SIGNERS OF THE SHEET).

(TWENTY LINES FOR NAMES)

UNDER THE PENALTY OF A MISDEMEANOR, PUNISHABLE BY A FINE OF NOT TO EXCEED ONE THOUSAND DOLLARS, OR BY IMPRISONMENT IN THE COUNTY JAIL FOR NOT TO EXCEED ONE YEAR, OR BOTH, I DO DEPOSE AND SAY THAT EACH SIGNED THIS SHEET OF THE FOREGOING PETITION IN MY PRESENCE ON THE DATE INDICATED, AND I BELIEVE THAT EACH SIGNER'S NAME, RESIDENCE ADDRESS, POST OFFICE ADDRESS AND VOTING PRECINCT ARE CORRECTLY STATED, AND THAT EACH SIGNER IS A QUALIFIED ELECTOR OF THE STATE OF ARIZONA, COUNTY OF _____ AND THE ELECTION DISTRICT IN WHICH SUCH RECALL ELECTION WILL BE CONDUCTED.

(SIGNATURE OF AFFIANT) _____
(PPOST OFFICE ADDRESS
OF AFFIANT) _____

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____, 19 _____.

NOTARY PUBLIC

_____, ARIZONA

MY COMMISSION EXPIRES ON THE _____ DAY OF _____, 19 _____.

19-205.01. Procedure for withdrawing signatures

A. A QUALIFIED ELECTOR WHO HAS SIGNED A RECALL PETITION MAY, BY EXECUTING AND FILING WITH THE RECEIVING OFFICER PRESCRIBED IN SECTION 19-202.01 AN AFFIDAVIT IN THE FORM PRESCRIBED BY THIS SECTION NOT LATER THAN

LAWS OF ARIZONA

SIXTY DAYS PRIOR TO THE DATE SET FOR THE RECALL ELECTION, WITHDRAW HIS SIGNATURE FROM THE PETITION. ANY SIGNATURE SO WITHDRAWN SHALL NOT BE COUNTED IN DETERMINING THE LEGAL SUFFICIENCY OF THE PETITION. THE AFFIDAVIT SHALL:

- 1. BE SIGNED AND SWORN TO BEFORE A NOTARY PUBLIC.
- 2. BE IN THE GIVEN NAME AND SURNAME OF THE AFFIANT.
- 3. STATE THE AFFIANT'S RESIDENCE ADDRESS, GIVING STREET AND NUMBER, IF ANY, HIS POST OFFICE ADDRESS, THE NAME AND NUMBER OF THE VOTING PRECINCT IN WHICH HE IS REGISTERED TO VOTE, AND THE NUMBER OF THE PETITION WHICH HE SIGNED.
- 4. AFFIRM THE AFFIANT'S INTENTION TO WITHDRAW HIS SIGNATURE FROM THE PETITION.

B. THE AFFIDAVIT SHALL BE IN THE FOLLOWING FORM:

AFFIDAVIT OF SIGNATURE WITHDRAWAL

STATE OF ARIZONA)
) ss:
 COUNTY OF _____)

I, _____, BEING FIRST DULY SWORN SAY THAT I AM (GIVEN NAME AND SURNAME)

A QUALIFIED ELECTOR OF THE STATE OF ARIZONA AND COUNTY OF _____

THAT MY RESIDENCE ADDRESS IS _____ (STREET AND NUMBER, IF ANY)

THAT MY POST OFFICE ADDRESS IS _____

THAT I AM REGISTERED TO VOTE IN _____ (NAME AND NUMBER)

VOTING PRECINCT. THAT I SIGNED THE _____ (RECALL)

PETITION TO WHICH HAS BEEN ASSIGNED NUMBER _____

THAT IT IS MY INTENTION BY THE SIGNING AND FILING OF THIS AFFIDAVIT TO WITHDRAW MY SIGNATURE FROM THAT PETITION.

SIGNATURE OF AFFIANT

LAWS OF ARIZONA

SUBSCRIBED AND SWORN TO BEFORE ME THIS ____ DAY OF _____, 19 ____ .

NOTARY PUBLIC

_____, ARIZONA

MY COMMISSION EXPIRES ON THE ____ DAY OF _____, 19 ____ .

19-205.02. Prohibition on circulating of petitions by certain persons

NO COUNTY RECORDER, JUSTICE OF THE PEACE, DEPUTY REGISTRATION OFFICER OR OTHER PERSON AUTHORIZED BY LAW TO REGISTER ELECTORS, AND NO PERSON OTHER THAN A QUALIFIED ELECTOR, SHALL CIRCULATE A RECALL PETITION AND ALL SIGNATURES VERIFIED BY ANY SUCH UNQUALIFIED PERSON SHALL BE VOID AND SHALL NOT BE COUNTED IN DETERMINING THE LEGAL SUFFICIENCY OF THE PETITION.

19-205.03. Prohibition on signing petition for profit

ANY PERSON WHO GIVES OR RECEIVES MONEY OR ANY OTHER THING OF VALUE FOR SIGNING A RECALL PETITION OR FOR SIGNING AN AFFIDAVIT OF SIGNATURE WITHDRAWAL, EXCLUDING PAYMENTS MADE TO A PERSON FOR CIRCULATING SUCH PETITION, IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION, SHALL BE SUBJECT TO A FINE NOT TO EXCEED ONE THOUSAND DOLLARS, OR BY IMPRISONMENT IN THE COUNTY JAIL FOR NOT TO EXCEED ONE YEAR, OR BOTH .

Sec. 15. Section 19-206, Arizona Revised Statutes, is amended to read:

19-206. Coercion or other unlawful acts; penalties

A. A person who induces or compels, or attempts to induce or compel, any other person, either directly or indirectly, or by menace or threat that he will or may be injured in his business, or discharged from employment, or that he will not be employed, to sign or subscribe, or to refrain from signing or subscribing, his name to a recall petition, or, after signing or subscribing his name, to have his name taken therefrom, shall be punished by a fine not exceeding one thousand dollars, by imprisonment in the county jail for not more than six months, or both.

LAWS OF ARIZONA

B. A PERSON SIGNING ANY NAME OTHER THAN HIS OWN TO A PETITION, EXCEPT IN A CIRCUMSTANCE WHERE HE SIGNS FOR A PERSON, IN THE PRESENCE OF AND AT THE SPECIFIC REQUEST OF SUCH PERSON, WHO IS INCAPABLE OF SIGNING HIS OWN NAME, BECAUSE OF PHYSICAL INFIRMITY OR KNOWINGLY SIGNING HIS NAME MORE THAN ONCE FOR THE SAME RECALL ISSUE, AT ONE ELECTION, OR WHO KNOWINGLY IS NOT AT THE TIME OF SIGNING A QUALIFIED ELECTOR OF THIS STATE SHALL BE PUNISHED BY A FINE NOT EXCEEDING ONE THOUSAND DOLLARS, BY IMPRISONMENT IN THE COUNTY JAIL FOR NOT TO EXCEED ONE YEAR, OR BOTH.

Sec. 16. Section 19-207, Arizona Revised Statutes, is amended to read:

19-207. Notice to officer; statement of defense

Upon filing the petition AS PRESCRIBED BY SECTION 19-208.03, SUBSECTION A, PARAGRAPH 1, the officer with whom it is filed shall ~~immediately~~ WITHIN TWENTY-FOUR HOURS give written notice to the person against whom it is filed. The notice shall state that a recall petition has been filed, shall set forth the grounds thereof, and shall notify the person to whom it is addressed that he has the right to prepare and have printed on the ballot a statement containing not more than two hundred words defending his official conduct. If the person fails to deliver the defensive statement to the officer giving notice within ten days thereafter, his statement shall not be printed on the ballot, and shall be considered waived.

Sec. 17. Title 19, chapter 2, article 1, Arizona Revised Statutes, is amended by adding sections 19-208.01 through 19-208.05, to read:

19-208.01. Certification of number of signatures

A. WITHIN TEN DAYS, EXCLUDING SATURDAY, SUNDAY OR ANY LEGAL HOLIDAY, AFTER SUBMISSION OF A RECALL PETITION FOR VERIFICATION OF SIGNATURES PURSUANT TO SECTION 19-203, THE RECEIVING OFFICER SHALL HAVE COUNTED THE NUMBER OF SIGNATURES THEREON AND IF THE NUMBER EQUALS OR EXCEEDS THE MINIMUM NUMBER REQUIRED BY THE ARIZONA CONSTITUTION HE SHALL MAKE A COPY OF THE PETITION SHEETS FOR HIS RECORDS AND SHALL FORTHWITH TRANSMIT COPIES OF THE ORIGINAL SIGNATURE SHEETS TO THE APPLICABLE COUNTY RECORDER FOR DETERMINATION OF SUFFICIENCY OF THE SIGNATURES AS PRESCRIBED IN SECTION 19-208.02, CERTIFYING THE NUMBER OF SHEETS AND SIGNATURES THEREON THAT ARE BEING TRANSMITTED AND RETAINING A RECORD OF SUCH CERTIFICATION IN HIS OFFICE. SUCH

LAWS OF ARIZONA

RECEIVING OFFICER SHALL OBTAIN A DATED, SIGNED RECEIPT FROM THE COUNTY RECORDER FOR COPIES OF THE ORIGINAL SIGNATURE SHEETS TRANSMITTED UNDER THIS SECTION.

B. IF THE NUMBER OF SIGNATURES ON THE SHEETS SUBMITTED TO THE RECEIVING OFFICER DO NOT EQUAL THE MINIMUM NUMBER REQUIRED BY THE CONSTITUTION, HE SHALL SO NOTIFY THE PERSON OR ORGANIZATION SUBMITTING THEM AND SHALL RETURN THE SHEETS TO THE PERSONS OR ORGANIZATION.

19-208.02. Certification by county recorder

WITHIN SIXTY DAYS AFTER RECEIPT OF THE SIGNATURE SHEETS FROM THE RECEIVING OFFICER, THE COUNTY RECORDER SHALL DETERMINE FROM THE RECORDS OF REGISTRATION THE NUMBER OF QUALIFIED ELECTORS WHO HAVE SIGNED THE SIGNATURE SHEETS, AND HE SHALL SO CERTIFY SUCH NUMBER TO THE RECEIVING OFFICER. AT THE TIME OF SUCH CERTIFICATION, THE COUNTY RECORDER SHALL RETURN THE ORIGINAL SIGNATURE SHEETS TO THE RECEIVING OFFICER, OBTAINING A DATED, SIGNED RECEIPT THEREFOR.

19-208.03. Disposition of petition; date of filing

A. WITHIN FIVE DAYS, EXCLUDING SATURDAY, SUNDAY AND LEGAL HOLIDAYS, AFTER THE COUNTY RECORDERS HAVE CERTIFIED THE NUMBER OF QUALIFIED SIGNATURES TO A PETITION, OR SOONER IF A SUFFICIENT NUMBER OF SIGNATURES HAVE BEEN CERTIFIED TO QUALIFY FOR PLACEMENT OF THE RECALL ON THE BALLOT, THE RECEIVING OFFICER SHALL TOTAL THE NUMBER OF SIGNATURES CERTIFIED, AND:

1. IF THE NUMBER EQUALS OR EXCEEDS THE MINIMUM NUMBER REQUIRED BY THE CONSTITUTION, HE SHALL FORTHWITH OFFICIALLY FILE THE PETITION, NOTIFY THE GOVERNOR AND EACH COUNTY RECORDER AFFECTED, STATING THAT NO MORE SIGNATURES NEED BE CHECKED, AND THE RECALL SHALL BE PLACED ON THE BALLOT IN THE MANNER PROVIDED BY LAW.

2. IF THE NUMBER IS INSUFFICIENT TO QUALIFY FOR CALLING A RECALL ELECTION THE RECEIVING OFFICER SHALL FOLLOW

LAWS OF ARIZONA

THE PROCEDURE PRESCRIBED BY SECTION 19-208.01, SUBSECTION B.

B. THE DATE OF FILING THE PETITION AS PROVIDED FOR IN SUBSECTION A, PARAGRAPH 1, OF THIS SECTION IS THE DATE OF FILING REFERRED TO IN SECTIONS 19-207, 19-208 AND 19-209.

19-208.04. Judicial review of actions by county recorder

A. IF THE COUNTY RECORDER FAILS TO COMPLY WITH THE PROVISIONS OF SECTION 19-208.02, ANY ELECTOR MAY APPLY, WITHIN TEN DAYS AFTER SUCH REFUSAL, TO THE SUPERIOR COURT FOR A WRIT OF MANDAMUS TO COMPEL HIM TO DO SO. IF THE COURT FINDS THAT THE COUNTY RECORDER HAS NOT COMPLIED WITH THE PROVISIONS OF SECTION 19-208.02, THE COURT SHALL ISSUE AN ORDER FOR THE COUNTY RECORDER TO COMPLY.

B. IF AN ELECTOR WISHES TO CHALLENGE THE NUMBER OF SIGNATURES CERTIFIED BY THE COUNTY RECORDER UNDER THE PROVISIONS OF SECTION 19-208.02, HE SHALL, WITHIN TEN DAYS AFTER THE RECEIVING OFFICER HAS NOTIFIED THE GOVERNOR AND THE COUNTY RECORDERS OF THE NUMBER OF CERTIFIED SIGNATURES RECEIVED BY HIM, COMMENCE AN ACTION IN THE SUPERIOR COURT FOR A DETERMINATION THEREON. THE ACTION SHALL BE ADVANCED ON THE CALENDAR AND HEARD AND DECIDED BY THE COURT AS SOON AS POSSIBLE. EITHER PARTY MAY APPEAL TO THE SUPREME COURT WITHIN TEN DAYS AFTER JUDGMENT.

C. AN ACTION FILED IN THE SUPERIOR COURT UNDER THE PROVISIONS OF THIS SECTION AGAINST A COUNTY RECORDER SHALL BE FILED IN THE COUNTY OF SUCH COUNTY RECORDER, EXCEPT THAT WHEN ANY SUCH ACTION INVOLVES MORE THAN ONE COUNTY RECORDER SUCH ACTION SHALL BE FILED IN MARICOPA COUNTY.

19-208.05. Special fund for reimbursement of county recorders

A. THE SECRETARY OF STATE SHALL ESTABLISH A SEPARATE FUND FROM WHICH HE SHALL REIMBURSE A COUNTY RECORDER FOR ACTUAL EXPENSES INCURRED BY THE COUNTY RECORDER FOR PERFORMANCE OF HIS DUTIES UNDER THE PROVISIONS OF SECTION 19-208.02, BUT NOT TO EXCEED THE RATE OF TWENTY-FIVE CENTS PER SIGNATURE.

LAWS OF ARIZONA

B. A COUNTY RECORDER WHO CLAIMS TO BE ENTITLED TO REIMBURSEMENT UNDER THE PROVISIONS OF THIS SECTION SHALL SUBMIT A CLAIM THEREFOR TO THE SECRETARY OF STATE.

C. THE SPECIAL FUND CREATED UNDER THE PROVISIONS OF THIS SECTION SHALL BE EXEMPT FROM THE PROVISIONS OF SECTION 35-190, RELATING TO LAPSING OF APPROPRIATIONS.

Sec. 18. Section 19-209, Arizona Revised Statutes, is amended, subject to conditional enactment, to read:

19-209. Order for special recall election

A. If the officer against whom a petition is filed does not resign within five days ~~thereafter~~ AFTER THE FILING AS DETERMINED PURSUANT TO SECTION 19-208.03, a special recall election shall be ordered to be held not less than ~~twenty~~ ONE HUNDRED nor more than ~~thirty~~ ONE HUNDRED TWENTY days after such order.

B. A recall election shall be called:

1. If for a state office, INCLUDING A MEMBER OF THE LEGISLATURE, by the governor.

2. If for a county officer, or judge or other officer of the superior court of a county, ~~or member of the legislature elected from the county~~, then by the board of supervisors of that county.

3. If for a city or town officer, then by the legislative body of the city or town.

4. If for a trustee of a school district, then by the county school superintendent of the county in which the school district is located.

C. If a recall petition is against an officer who is directed by this section to call the election it shall be called:

1. If for a state office, by the secretary of state.

2. If for a county office, by the clerk of the superior court.

3. If for a city or town office, by the city or town clerk.

LAWS OF ARIZONA

Sec. 19. Section 19-209, Arizona Revised Statutes, is amended to be effective prior to the conditional enactment, to read:

19-209. Order for special recall election

A. If the officer against whom a petition is filed does not resign within five days ~~thereafter~~ **AFTER THE FILING AS DETERMINED PURSUANT TO SECTION 19-208.03**, a special recall election shall be ordered to be held not less than twenty nor more than thirty days after such order.

B. A recall election shall be called:

1. If for a state office, **INCLUDING A MEMBER OF THE LEGISLATURE**, by the governor.

2. If for a county officer, or judge or other officer of the superior court of a county, ~~or member of the legislature elected from the county~~, then by the board of supervisors of that county.

3. If for a city or town officer, then by the legislative body of the city or town.

4. If for a trustee of a school district, then by the county school superintendent of the county in which the school district is located.

C. If a recall petition is against an officer who is directed by this section to call the election it shall be called:

1. If for a state office, by the secretary of state.

2. If for a county office, by the clerk of the superior court.

3. If for a city or town office, by the city or town clerk.

Sec. 20. Section 19-212, Arizona Revised Statutes, is amended to read:

19-212. Nomination papers; form; filing

A. Unless he otherwise requests in writing, the name of the officer against whom a recall petition is filed shall be placed as a candidate on the official ballot without nomination. Other candidates for the office may be nominated to be voted upon at the election, but the name of no candidate, whose nomination paper is signed by ~~less than five per cent of the FEWER~~

LAWS OF ARIZONA

qualified electors of the electoral district from which the officer sought to be recalled was elected THAN AS IS PROVIDED IN SECTION 16-305, shall be placed upon the official recall ballot.

B. The nomination papers shall be substantially in the following form:

Nomination Paper--Recall Election

We, the undersigned ~~qualified~~ electors, QUALIFIED TO VOTE IN THE RECALL ELECTION MENTIONED HEREIN, RESIDENTS of the _____ precinct INDICATED BY THE RESIDENCE ADDRESSES GIVEN, AND RESIDENTS OF THE county of _____, state of Arizona, hereby nominate _____, who resides at _____, in the county of _____ to be a candidate in the recall election for the office of _____ to be held on the _____ day of _____, 19_____, and we further declare that we have not signed and will not sign any nomination paper for any other person for such office.

Names of Signers

Residences

C. To each nomination paper shall be appended a certificate by a qualified elector entitled to vote for the candidate whose nomination he certified, stating that to the best of his knowledge and belief all the signers thereof are qualified electors of the precinct which they give as their residence.

D. SUCH NOMINATION PAPER SHALL BE FILED NOT MORE THAN NINETY DAYS NOR LESS THAN SIXTY DAYS PRIOR TO THE DATE OF THE RECALL ELECTION.

Sec. 21. Section 19-214, Arizona Revised Statutes, is amended to read:

19-214. **Recall election board; consolidation of precincts**

A. A recall election board shall consist of one inspector and two judges who, together with two clerks, shall be appointed for each precinct if for a state or county election and shall be paid in the same manner as election boards.

B. If for a city or town election, the recall election board shall be appointed by the clerk of the city or town and shall be paid in the same manner as city or town election boards.

C. If for a trustee of a school district, the recall election board shall be appointed by the county school superintendent, and shall be paid from school district funds in the same manner as election boards for state or county elections.

LAWS OF ARIZONA

D. TWO OR MORE PRECINCTS MAY BE CONSOLIDATED FOR PURPOSES OF VOTING IF DETERMINED PRACTICABLE AND REASONABLE BY THE APPOINTING AUTHORITY.

Sec. 22. Section 19-221, Arizona Revised Statutes, is amended to read:

19-221. **Statement on recall**

A. Prior to a primary or any election, a candidate for the office of United States senator, or representative in congress, may file with the secretary of state a statement addressed to the people as follows:

“If elected to the office (here name the office) I shall deem myself responsible to the people and under obligation to them to resign immediately if not re-elected on a recall vote”, or: “If elected to the office (here name the office) I shall not deem myself under obligation to the people to resign if not re-elected by a recall vote.”

B. The secretary of state shall give the statement to the public press when made. ~~If the first statement is filed, he shall place upon the ballot, under the name of the candidate by whom it is filed, the words: “Pledged to recall.” If the second statement is filed, he shall place upon the ballot under the name of the candidate by whom it is filed: “Refuses pledge of recall.” If neither statement is filed, he shall place upon the ballot, under the name of each such candidate failing to file either statement, the words: “Silent as to recall.”~~

Sec. 23. **Repeal**

Sections 19-210, 19-211, 19-217 and 19-218, Arizona Revised Statutes, are repealed.

Sec. 24. **Conditional enactment**

The provisions of section 18 of this act and section 19-212, subsection D, Arizona Revised Statutes, shall not become effective until the constitution of Arizona is amended by vote of the people to provide that recall elections be held as provided by law.

Approved by the Governor—May 14, 1973

Filed in the Office of the Secretary of State—May 14, 1973

LAWS OF ARIZONA

CHAPTER 160

House Bill 2027

AN ACT

RELATING TO INSURANCE; PROVIDING FOR CONSERVATORSHIP FOR CERTAIN INSURANCE COMPANIES; PRESCRIBING SURPLUS TO BE MAINTAINED BY INSURANCE COMPANIES; PRESCRIBING DEPOSIT REQUIREMENTS; PRESCRIBING EXPIRATION DATE FOR INSURANCE COMPANIES' CERTIFICATES OF AUTHORITY; PRESCRIBING DATE FOR PAYING PREMIUM TAXES; PRESCRIBING PENALTY FOR FAILURE TO FILE ANNUAL STATEMENT; PRESCRIBING DATES FOR PAYMENT OF CERTAIN TAXES AND PENALTIES FOR FAILURE TO PAY SUCH TAXES; AMENDING TITLE 20, CHAPTER 1, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 20-169, 20-170 AND 20-171, AND AMENDING SECTIONS 20-211, 20-213, 20-217, 20-223, 20-224, 20-225, 20-416, 20-417, 20-582 AND 20-708, ARIZONA REVISED STATUTES.

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 sections 20-169, 20-170 and 20-171, to read:

20-169. Supervision by director

ANY OTHER PROVISION OF LAW TO THE CONTRARY NOTWITHSTANDING, IF UPON EXAMINATION PURSUANT TO THIS ARTICLE OR AT ANY OTHER TIME IT APPEARS TO OR IS IN THE OPINION OF THE DIRECTOR THAT ANY INSURANCE COMPANY IS INSOLVENT, OR ITS CONDITION IS SUCH AS TO RENDER THE CONTINUANCE OF ITS BUSINESS HAZARDOUS TO THE PUBLIC OR TO HOLDERS OF ITS POLICIES OR CERTIFICATES OF INSURANCE, OR IF SUCH COMPANY APPEARS TO HAVE EXCEEDED ITS POWERS OR HAS FAILED TO COMPLY WITH THE LAW, OR IF SUCH INSURANCE COMPANY GIVES ITS CONSENT, THE DIRECTOR SHALL UPON HIS DETERMINATION:

1. NOTIFY THE INSURANCE COMPANY OF HIS DETERMINATION,

LAWS OF ARIZONA

2. FURNISH TO THE INSURANCE COMPANY A WRITTEN LIST OF THE DIRECTOR'S REQUIREMENTS TO ABATE HIS DETERMINATION, AND

3. IF THE DIRECTOR MAKES A FURTHER DETERMINATION TO SUPERVISE HE SHALL NOTIFY THE INSURANCE COMPANY THAT IT IS UNDER THE SUPERVISION OF THE DEPARTMENT OF INSURANCE AND THAT THE DIRECTOR IS APPLYING AND EFFECTING THE PROVISIONS OF THIS ARTICLE.

SUCH INSURANCE COMPANY SHALL COMPLY WITH THE LAWFUL REQUIREMENTS OF THE DIRECTOR AND IF PLACED UNDER SUPERVISION SHALL UNDER SUPERVISION HAVE SIXTY DAYS FROM THE DATE OF NOTICE WITHIN WHICH TO COMPLY WITH THE REQUIREMENTS OF THE DIRECTOR, SUBJECT HOWEVER TO THE PROVISIONS OF THIS ARTICLE. IN THE EVENT OF SUCH INSURANCE COMPANY'S FAILURE TO COMPLY WITHIN SUCH TIME, THE DIRECTOR ACTING FOR HIMSELF, OR THROUGH A CONSERVATOR APPOINTED BY THE DIRECTOR FOR THAT PURPOSE, SHALL IMMEDIATELY, AFTER DUE AND PROPER NOTICE AND HEARING, TAKE CHARGE AS CONSERVATOR OF THE INSURANCE COMPANY AND ALL OF THE PROPERTY AND EFFECTS THEREOF.

20-170. Prohibited acts during sixty day period of supervision

DURING THE PERIOD OF SUPERVISION, THE DIRECTOR MAY APPOINT A SUPERVISOR TO SUPERVISE SUCH INSURANCE COMPANY AND MAY PROVIDE THAT THE INSURANCE COMPANY MAY NOT DO ANY OF THE FOLLOWING THINGS, DURING THE PERIOD OF SUPERVISION, WITHOUT THE PRIOR APPROVAL OF THE DIRECTOR OR HIS SUPERVISOR:

1. DISPOSE OF, CONVEY OR ENCUMBER ANY OF ITS ASSETS OR ITS BUSINESS IN FORCE;
2. WITHDRAW ANY OF ITS BANK ACCOUNTS;
3. LEND ANY OF ITS FUNDS;
4. INVEST ANY OF ITS FUNDS;
5. TRANSFER ANY OF ITS PROPERTY;

LAWS OF ARIZONA

6. INCUR ANY DEBT, OBLIGATION OR LIABILITY;
7. MERGE OR CONSOLIDATE WITH ANOTHER COMPANY; OR
8. ENTER INTO ANY NEW REINSURANCE CONTRACT OR TREATY.

20-171. Conservatorship; liquidation

A. IF, AFTER NOTICE, AND AFTER HEARING, AT THE CONCLUSION OF THE SIXTY DAY PERIOD, IT IS DETERMINED THAT SUCH INSURANCE COMPANY HAS FAILED TO COMPLY WITH THE LAWFUL REQUIREMENTS OF THE DIRECTOR OR UPON CONSENT BY AN INSURANCE COMPANY, THE DIRECTOR MAY APPOINT A CONSERVATOR, WHO SHALL IMMEDIATELY TAKE CHARGE OF SUCH INSURANCE COMPANY AND ALL OF THE PROPERTY, BOOKS, RECORDS, AND EFFECTS THEREOF, AND CONDUCT THE BUSINESS THEREOF, AND TAKE SUCH STEPS TOWARD THE REMOVAL OF THE CAUSES AND CONDITIONS, WHICH HAVE NECESSITATED SUCH ORDER, AS THE DIRECTOR MAY DIRECT. DURING THE PENDENCY OF CONSERVATORSHIP, THE CONSERVATOR SHALL MAKE SUCH REPORTS TO THE DIRECTOR FROM TIME TO TIME AS MAY BE REQUIRED BY THE DIRECTOR AND SHALL BE EMPOWERED TO TAKE ALL NECESSARY MEASURES TO PRESERVE, PROTECT, AND RECOVER ANY ASSETS OR PROPERTY OF SUCH INSURANCE COMPANY, INCLUDING CLAIMS OR CAUSES OF ACTION BELONGING TO OR WHICH MAY BE ASSERTED BY SUCH INSURANCE COMPANY, AND TO DEAL WITH THE SAME IN HIS OWN NAME AS CONSERVATOR, AND SHALL BE EMPOWERED TO FILE, PROSECUTE, AND DEFEND ANY SUIT OR SUITS WHICH HAVE BEEN FILED OR WHICH MAY THEREAFTER BE FILED BY OR AGAINST SUCH INSURANCE COMPANY WHICH ARE DEEMED BY THE CONSERVATOR TO BE NECESSARY TO PROTECT ALL OF THE INTERESTED PARTIES OR ANY PROPERTY AFFECTED THEREBY. IF AT THE TIME OF APPOINTMENT OF A CONSERVATOR OR AT ANY TIME DURING THE PENDENCY OF SUCH CONSERVATORSHIP IT APPEARS THAT THE INTEREST OF THE POLICYHOLDERS OR CERTIFICATE HOLDERS OF SUCH INSURANCE COMPANY CAN BEST BE PROTECTED BY REINSURING THE SAME, THE CONSERVATOR MAY, WITH THE APPROVAL OF OR AT THE DIRECTION OF THE DIRECTOR:

1. REINSURE ALL OR ANY PART OF SUCH INSURANCE COMPANY'S POLICIES OR CERTIFICATES OF INSURANCE WITH SOME

LAWS OF ARIZONA

SOLVENT INSURANCE COMPANY AUTHORIZED TO TRANSACT BUSINESS IN THIS STATE, AND

2. TO THE EXTENT THAT SUCH INSURANCE COMPANY IN CONSERVATORSHIP IS POSSESSED OF RESERVES ATTRIBUTABLE TO SUCH POLICIES OR CERTIFICATES OF INSURANCE, THE CONSERVATOR MAY TRANSFER TO THE REINSURING COMPANY SUCH RESERVES OR ANY PORTION THEREOF AS MAY BE REQUIRED TO CONSUMMATE THE REINSURANCE OF SUCH POLICIES, AND ANY SUCH RESERVES SO TRANSFERRED SHALL NOT BE DEEMED A PREFERENCE OF CREDITORS.

B. IF THE DIRECTOR IS SATISFIED THAT SUCH INSURANCE COMPANY IS NOT IN CONDITION TO CONTINUE BUSINESS IN THE INTEREST OF ITS POLICY OR CERTIFICATE HOLDERS, UNDER THE CONSERVATOR AS ABOVE PROVIDED, THE DIRECTOR SHALL GIVE NOTICE TO THE ATTORNEY GENERAL WHO SHALL THEREUPON APPLY TO ANY COURT IN ARIZONA HAVING JURISDICTION THEREOF FOR LEAVE TO FILE A SUIT IN THE NATURE OF QUO WARRANTO TO FORFEIT THE CERTIFICATE OF AUTHORITY OF SUCH INSURANCE COMPANY OR TO REQUIRE IT TO COMPLY WITH THE LAW OR TO SATISFY THE DIRECTOR AS TO ITS SOLVENCY, AND TO SATISFY THE REQUIREMENT THAT ITS CONDITION IS SUCH AS TO RENDER THE CONTINUANCE OF ITS BUSINESS NOT HAZARDOUS TO THE PUBLIC OR TO THE HOLDERS OF ITS POLICIES OR CERTIFICATES OF INSURANCE. IT SHALL BE IN THE DISCRETION OF THE DIRECTOR TO DETERMINE WHETHER OR NOT HE WILL OPERATE THE INSURANCE COMPANY THROUGH A CONSERVATOR, OR REPORT IT TO THE ATTORNEY GENERAL. WHEN ALL THE POLICIES OF AN INSURANCE COMPANY ARE REINSURED OR TERMINATED, AND ALL OF ITS AFFAIRS CONCLUDED, THE DIRECTOR SHALL REPORT THE SAME TO THE ATTORNEY GENERAL, WHO SHALL TAKE SUCH ACTION AS MAY BE NECESSARY TO EFFECT THE FORFEITURE OR CANCELLATION OF THE CERTIFICATE OF AUTHORITY OF THE INSURANCE COMPANY SO REINSURED AND LIQUIDATED. WHERE THE DIRECTOR LENDS HIS APPROVAL TO THE MERGER, CONSOLIDATION OR REINSURANCE OF ALL THE POLICIES OF ONE INSURANCE COMPANY WITH THAT OF ANOTHER, THE SAME SHALL BE REPORTED TO THE ATTORNEY GENERAL WHO SHALL PROCEED TO EFFECT THE FORFEITURE OR CANCELLATION OF THE CERTIFICATE OF AUTHORITY OF THE INSURANCE COMPANY FROM WHICH THE POLICIES WERE

LAWS OF ARIZONA

MERGED, CONSOLIDATED OR REINSURED, IN THE SAME MANNER AS IS PROVIDED FOR THE CHARTERS OF COMPANIES TOTALLY REINSURED OR LIQUIDATED.

C. THE COST INCIDENT TO THE SUPERVISOR'S AND CONSERVATOR'S SERVICE SHALL BE FIXED AND DETERMINED BY THE DIRECTOR AND SHALL BE A CHARGE AGAINST THE ASSETS AND FUNDS OF THE INSURANCE COMPANY TO BE ALLOWED AND PAID AS THE DIRECTOR MAY DETERMINE.

Sec. 2. Section 20-211, Arizona Revised Statutes, is amended to read:

20-211. **Surplus required**

A. In addition to the minimum paid-in capital, if a stock insurer, or minimum surplus, if mutual or reciprocal insurers, as required by sections 20-210 and 20-212 as to all stock insurers and foreign and alien mutual and reciprocal insurers, by sections 20-768 and 20-212 as to domestic reciprocal insurers, and by column (h) of subsection B of sections 20-711 and 20-212 as to domestic mutual insurers, except as stated in subsection B of this section, any foreign or alien insurer, ~~which has been an authorized insurer for a period of less than five years, in this state or elsewhere,~~ any title insurer, and any domestic insurer, shall possess at the time of original authorization in this state ~~expendable~~ AND FROM AND AFTER DECEMBER 31, 1980, SHALL MAINTAIN surplus funds in an amount of not less than one-half such minimum paid-in capital or minimum surplus, and each addition of an additional kind of insurance to such certificate of authority within such five year period shall be deemed to be such an original authorization. No other insurer shall be so initially authorized in this state unless it then possesses surplus of not less than fifty thousand dollars in addition to the paid-in capital, if a stock insurer, or surplus, if mutual or reciprocal insurers, otherwise required.

B. This section shall not apply to a domestic mutual insurer which qualifies upon the basis of applications for insurance as provided in section 20-711, and which insurer does not within such five year period transact any kind of insurance in addition to that for which it was initially authorized.

Sec. 3. Section 20-213, Arizona Revised Statutes, is amended to read:

20-213. **Deposit requirements**

LAWS OF ARIZONA

The director shall not issue a certificate of authority to any insurer unless it has deposited in trust with the state treasurer through the director's office cash or securities eligible for the investment of capital funds of domestic insurers under this title in an amount not less than the minimum paid-in capital stock, if a stock insurer, or minimum surplus, if a mutual or reciprocal insurer, required pursuant to this article to be maintained for authority to transact the kinds of insurance to be transacted, except:

1. As to title insurers, the deposit shall be in such amount as is required by article 9 of chapter 6 of this title.
2. As to foreign insurers, in lieu of such deposit or part thereof in this state, the director shall accept the current certificate in proper form of the public official having supervision over insurers in any other state to the effect that a like deposit or part thereof by such insurer is being maintained in public custody in such state in trust for the purpose, among other reasonable purposes of protection of policyholders ~~or creditors~~, **OR, TO THE EXTENT FUNDS ARE AVAILABLE AFTER PAYMENT TO POLICYHOLDERS, THEN TO CREDITORS, FOR THE PURPOSE OF** protecting all the insurer's policyholders, or all its policyholders ~~and creditors~~, **AND, TO THE EXTENT FUNDS ARE AVAILABLE AFTER PAYMENT TO POLICYHOLDERS, THEN TO CREDITORS,** in this state.
3. As to alien insurers, in lieu of such deposit or part thereof in this state, the director shall accept evidence satisfactory to him that the insurer maintains within the United States by way of deposits with public depositaries, or in trust institutions within the United States approved by the director, assets available for discharge of its United States insurance obligations which assets shall be in amount not less than the outstanding liabilities of the insurer arising out of its insurance transactions in the United States, together with, in the case of title insurers, the sum required by article 9 of chapter 6 of this title, and, in the case of all other insurers, together with the larger of the following sums:
 - (a) The largest deposit required by this title to be made in this state by any type of domestic insurer transacting like kinds of insurance, or
 - (b) Three hundred thousand dollars.

Sec. 4. Section 20-217, Arizona Revised Statutes, is amended to read:

20-217. Expiration, renewal or amendment of certificate

LAWS OF ARIZONA

A. All certificates of authority shall expire at midnight on the ~~March 31~~ JUNE 30 next following date of issuance or renewal. If the insurer qualifies therefor its certificate shall be renewed annually.

B. The director may amend a certificate of authority at any time to accord with changes in the insurer's charter or insuring powers.

Sec. 5. Section 20-223, Arizona Revised Statutes, is amended to read:

20-223. Annual statement; penalty for failure to file

A. Each authorized insurer shall annually on or before March 31 file with the director a true statement of its financial condition, transactions and affairs as of the December 31 preceding. The statement shall be in such general form and context as approved by the national association of insurance commissioners for the kinds of insurance to be reported upon, and as supplemented for additional information required by the director.

B. The statement of an alien insurer shall relate only to its transactions and affairs in the United States unless the director requires otherwise. The statement shall be verified by the insurer's United States manager or other officer duly authorized.

C. The director may refuse to renew, or may suspend or revoke, the certificate of authority of any insurer failing to file its annual statement when due or within any extension of time therefor which the director, for good cause, may have granted.

D. ANY INSURER FAILING TO FILE AN ANNUAL STATEMENT PURSUANT TO THE PROVISIONS OF THIS SECTION IS SUBJECT TO PAYMENT OF A PENALTY FEE NOT TO EXCEED TWENTY-FIVE DOLLARS FOR EACH DAY OF DELINQUENCY.

Sec. 6. Section 20-224, Arizona Revised Statutes, is amended to read:

20-224. Premium tax

A. Each authorized insurer, and each formerly authorized insurer referred to in subsection B of section 20-206, shall file with the director, on or before March ~~31~~ 1 each year, a report in form as prescribed by the director showing total direct premium income including policy membership and other fees and all other considerations for insurance from all classes of business whether designated as a premium or otherwise received

LAWS OF ARIZONA

by it during the preceding calendar year on account of policies and contracts covering property, subjects or risks located, resident or to be performed in this state, after deducting from such total direct premium income applicable cancellations, returned premiums, the amount of reduction in or refund of premiums allowed to industrial life policyholders for payment of premiums direct to an office of the insurer, all policy dividends, refunds, savings coupons and other similar returns paid or credited to policyholders within this state and not reapplied as premiums for new, additional or extended insurance. No deductions shall be made of the cash surrender values of policies or contracts. Considerations received on annuity contracts, as well as the unabsorbed portion of any premium deposit, shall not be included in total direct premium income, and neither shall be subject to tax.

B. Coincident with the filing of such tax report each foreign or alien insurer shall pay to the state treasurer, through the director, a tax of two per cent of such net premiums, and each domestic insurer shall so pay a tax of one per cent of such net premiums. BEGINNING MARCH 1, 1975, A DOMESTIC INSURER DOING BUSINESS IN A STATE OR FOREIGN COUNTRY IN WHICH SUCH INSURER IS NOT LICENSED AND TO WHICH THE INSURER DOES NOT PAY A PREMIUM TAX SHALL REPORT AND PAY THE TAX ON SUCH BUSINESS FOR THE PRECEDING CALENDAR YEAR TO THE STATE OF ARIZONA AS THOUGH SUCH BUSINESS WERE TRANSACTED IN THIS STATE.

C. That portion of the tax paid hereunder by an insurer on account of premiums received for fire insurance shall be separately specified in the report and shall be apportioned in the manner provided by sections 9-951, 9-952, and 9-972, except that all of the tax allocated to a fund of a municipality which has no volunteer firemen or pension obligations to volunteer firemen shall be appropriated to the account of the municipality in the public safety personnel retirement system and all of the tax allocated to a fund of a municipality which has both full time paid firemen and volunteer firemen or pension obligations to full time paid firemen or volunteer firemen shall be appropriated to the account of the municipality in the public safety personnel retirement system where it shall be reallocated by actuarial procedures proportionately to the municipality for the account of the full time paid firemen and to the municipality for the account of the volunteer firemen. A full accounting of such reallocation shall be forwarded to the municipality and both local boards.

D. This section shall not apply to title insurance, and such insurers shall be taxed as provided in section 20-1566.

LAWS OF ARIZONA

Sec. 7. Section 20-225, Arizona Revised Statutes, is amended to read:

20-225. Failure to pay tax; penalty

A. Any insurer failing for thirty days after any March ~~31~~ 1 to pay the premium tax prescribed by section 20-224 shall be liable to a fine of twenty-five dollars for each additional day of delinquency.

B. The director may refuse to renew the certificate of authority of any insurer failing to pay such tax on or before the date it is due. The director shall revoke the certificate of authority of any insurer failing to pay such tax for more than thirty days after it was due.

Sec. 8. Section 20-416, Arizona Revised Statutes, is amended to read:

20-416. Tax on surplus lines

A. On or before ~~April~~ MARCH 1 of each year, each surplus line broker shall remit to the state treasurer through the director a tax on the premiums, exclusive of sums collected to cover federal and state taxes and examination fees, on surplus line insurance subject to tax transacted by him during the preceding calendar year, as shown by his annual statement filed with the director. The tax shall be at the rate of three per cent of the gross premiums less premiums returned on account of cancellation or reduction of premium, and shall exclude gross premiums and returned premiums upon business exempted from surplus line provisions under section 20-420.

B. Except as provided in subsection C of this section, for the purpose of determining the surplus line tax, the total premium charged for surplus line insurance placed in a single transaction with one underwriter or group of underwriters, whether in one or more policies, shall be allocated to this state in such proportion as the total premium on the insured properties or operations in this state, computed on the exposure in this state on the basis of any single standard rating method in use in all states or countries where such insurance applies, bears to the total premium so computed in all such states or countries.

C. The surplus line tax on insurance on motor transit operations conducted between this and other states shall be paid on the total premium charged on all surplus line insurance less the portion of the premium determined as provided in subsection B of this section charged for operations in other states taxing such premium of an insured

LAWS OF ARIZONA

maintaining its headquarters office in this state, or the premium for operations outside of this state of an insured maintaining its headquarters office outside of this state and branch office in this state.

D. Such tax shall be apportioned in the manner provided by subsection C of section 20-224.

Sec. 9. Section 20-417, Arizona Revised Statutes, is amended to read:

20-417. Failure to remit tax; penalty

If any surplus line broker fails to remit the surplus line tax provided for by section 20-416 for more than thirty days after any ~~April~~ MARCH 1, he is liable to a fine of not to exceed twenty-five dollars for each additional day of delinquency. The director shall collect the tax by distraint and shall recover the fine by an action in the name of the state. All fines shall be paid into the general fund of the state.

Sec. 10. Section 20-582, Arizona Revised Statutes, is amended to read:

20-582. Purpose of deposits

Deposits made under the provisions of section 20-581, shall be held for purposes as follows:

1. When the deposit is required for authority to transact insurance in this state the deposit shall be held for the protection of all the insurer's policyholders ~~and creditors~~ AND, TO CREDITORS TO THE EXTENT FUNDS ARE AVAILABLE AFTER PAYMENT TO POLICYHOLDERS, within the United States.
2. When the deposit is required pursuant to the laws of another state, province or country, the deposit shall be held for such purposes as are required by such laws, and as specified by the director at the time the deposit is made.
3. When the deposit is required pursuant to the retaliatory provision set forth in section 20-230, the deposit shall be held for purposes as specified in the director's order requiring the deposit.

Sec. 11. Section 20-708, Arizona Revised Statutes, is amended to read:

20-708. Limited stock insurers

LAWS OF ARIZONA

A. Domestic limited stock insurers may be formed, with capital and surplus as specified in sections 20-210 and 20-211, to transact life and disability insurance only or both, except as provided in subsection B of this section, but, such an insurer may not:

1. Issue any policy or policies or combination of policies of life or disability insurance whether individual or group as a direct writer, ~~except with the consent of the director.~~

2. Accept any risk as a reinsurer under which the maximum possible benefits payable on the death or on the disability of any one insured shall exceed five thousand dollars nor without reinsuring the excess over three thousand dollars by noncancellable reinsurance authorized under section 20-261. Any risk accepted as a reinsurer under this paragraph shall be a risk under which the ceding life or disability insurer remains liable for the payment of all policyholder claims.

B. Prior to, but not after January 31, 1974-1980, any domestic limited stock insurer which on January 31, 1969 was the holder of a valid certificate of authority and which on or before such date had policy forms approved as provided by this title and had sold and issued any such policies shall continue to have the right and privilege to issue life and disability policies direct without regard to the prohibition prescribed in subsection A of this section, but such company shall not:

1. Issue any policy or combination of life insurance policies or accept any risk direct under which the maximum possible benefits payable on the death of any one insured shall exceed five thousand dollars nor without reinsuring the excess over three thousand dollars by noncancellable reinsurance authorized under section 20-261.

2. Issue any policy or combination of disability insurance policies, or accept any disability risk direct under which the maximum possible benefits payable to or on account of any one insured shall exceed five thousand dollars.

3. Issue pure endowment policies or annuity contracts, but this provision shall not prohibit the insurer from issuing life insurance endowment policies, limited payment life and other standard plans of life insurance policies, nor from providing therein standard settlement options.

C. With appropriate powers in its articles of incorporation by increase of its authorized and paid-in capital and its surplus funds to the minimum

LAWS OF ARIZONA

amount required therefor by this title as for an insurer newly formed and upon application therefor to the director, a domestic limited stock insurer may become a domestic stock insurer free from the restrictions otherwise imposed by this section.

D. A domestic limited stock insurer may accept reinsurance of risks of life or disability stock insurers or benefit insurers or stock reinsurers, subject to limits as to amount of insurance as to anyone insured as set forth in this section.

Sec. 12. Emergency

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

Approved by the Governor—May 14, 1973

Filed in the Office of the Secretary of State—May 14, 1973

CHAPTER 161

House Bill 2079

AN ACT

RELATING TO CHILDREN; PROVIDING FOR FAMILY COUNSELING PROGRAMS ADMINISTERED BY THE JUVENILE COURT; PROVIDING FOR MATCHING FUNDS; PROVIDING FOR REPORT TO LEGISLATURE BY GOVERNING BODY OF EACH COUNTY THAT ESTABLISHES FAMILY COUNSELING PROGRAMS; AMENDING TITLE 8, CHAPTER 2, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 5; PROVIDING FOR EXPIRATION DATE OF TITLE 8, CHAPTER 2, ARTICLE 5, AND MAKING AN APPROPRIATION.

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

Section 1. Title 8, chapter 2, Arizona Revised Statutes, is amended by adding article 5, sections 8-261 through 8-265, to read:

LAWS OF ARIZONA

ARTICLE 5. FAMILY COUNSELING PROGRAMS

8-261. **Definitions**

IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

- 1. "COURT" MEANS THE JUVENILE DIVISION OF THE SUPERIOR COURT.
- 2. "FAMILY COUNSELING PROGRAMS" MEANS THOSE PUBLIC AND PRIVATE PROGRAMS ESTABLISHED PURSUANT TO RULES AND GUIDELINES PROMULGATED AND ADMINISTERED BY THE PRESIDING JUDGE OF THE JUVENILE DIVISION OF THE SUPERIOR COURT IN EACH PARTICIPATING COUNTY AND APPROVED BY THE SUPREME COURT FOR THE PURPOSE OF STRENGTHENING FAMILY RELATIONSHIPS AND PREVENTION OF JUVENILE DELINQUENCY.
- 3. "JUVENILE POPULATION" MEANS THE NUMBER OF PERSONS UNDER THE AGE OF EIGHTEEN YEARS IN EACH COUNTY, AS DETERMINED AT LEAST ANNUALLY BY THE DEPARTMENT OF ECONOMIC SECURITY.
- 4. "MATCHING FUNDS" MEANS STATE MONIES DISTRIBUTED BY THE STATE TREASURER TO A PARTICIPATING COUNTY ON A FOUR-TO-ONE RATIO PROVIDED BY THE STATE AND PARTICIPATING COUNTY RESPECTIVELY.

8-262. **Establishing voluntary programs**

ANY COUNTY IN THIS STATE MAY ESTABLISH FAMILY COUNSELING PROGRAMS PURSUANT TO THIS ARTICLE. THESE PROGRAMS SHALL BE ADMINISTERED BY THE COURT AND MAY BE CARRIED OUT BY CERTIFIED PUBLIC AND PRIVATE AGENCIES.

8-263. **Order for counseling; administration; enforcement**

A. IN ADDITION TO OR PRIOR TO ENTERING A JUDGMENT PURSUANT TO ARTICLE 4 OF THIS CHAPTER, THE COURT MAY ORDER PARENTS OR GUARDIANS OF A CHILD REFERRED TO THE COURT AND SUCH CHILD TO ATTEND FAMILY COUNSELING PROGRAMS ADMINISTERED BY THE COURT PURSUANT TO THIS ARTICLE.

LAWS OF ARIZONA

B. THE FREQUENCY OF ATTENDANCE AT THE COUNSELING SESSIONS PROVIDED FOR IN SUBSECTION A, TIMES AND LOCATIONS THEREOF AND AREAS OF COUNSELING TO BE EMPHASIZED SHALL BE AS DETERMINED BY THE COURT. THE COURT MAY EMPLOY PERSONNEL AND DELEGATE TO PUBLIC AND PRIVATE AGENCIES EXECUTION OF THE FAMILY COUNSELING PROGRAMS. PAYMENT FOR SERVICES NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SECTION SHALL BE A COUNTY CHARGE TO THE MATCHING FUNDS AS PROVIDED IN THIS ARTICLE.

C. THE JUVENILE DIVISION OF THE SUPERIOR COURT SHALL INQUIRE INTO THE ABILITY OF THE MINOR, HIS ESTATE OR PARENT, GUARDIAN OR PERSON WHO HAS CUSTODY OF SUCH MINOR TO BEAR THE CHARGE OR EXPENSE OF CONDUCTING COUNSELING SESSIONS PROVIDED FOR BY THIS ARTICLE. IF THE COURT IS SATISFIED THAT THE MINOR, HIS ESTATE OR PARENT, GUARDIAN OR PERSON WHO HAS CUSTODY OF SUCH MINOR CAN BEAR SUCH CHARGE OR EXPENSE, THE COURT MAY FIX THE AMOUNT THEREOF AND DIRECT THAT THE MINOR, HIS ESTATE OR PARENT, GUARDIAN OR PERSON WHO HAS CUSTODY OF SUCH MINOR PAY SUCH AMOUNT TO THE CLERK OF THE COURT ON TERMS DIRECTED BY THE COURT. THE CLERK OF THE COURT SHALL ACKNOWLEDGE RECEIPT OF THE MONEY RECEIVED TO THE PERSON PAYING SAME. THE CLERK OF THE COURT SHALL TRANSMIT SUCH MONEY AS IS RECEIVED PURSUANT TO THIS SECTION TO THE STATE TREASURER TO BE DEPOSITED IN THE STATE GENERAL FUND.

8-264. **Participation by county; certification**

A. A COUNTY MAY ELECT TO PARTICIPATE IN THE FAMILY COUNSELING PROGRAMS BY RESOLUTION OF THE COUNTY'S BOARD OF SUPERVISORS. SUCH RESOLUTION SHALL BE DELIVERED TO THE STATE TREASURER ON OR BEFORE JUNE 15. THE STATE TREASURER SHALL THEN CERTIFY A LIST OF COUNTIES WHICH HAVE ELECTED TO PARTICIPATE AND SHALL INFORM THOSE COUNTIES OF THE AMOUNTS OF FUNDING AVAILABLE TO THEM.

B. THE COURT SHALL CERTIFY THAT THE AMOUNT EXPENDED BY THE COUNTY FOR PURPOSES OF DETERMINING MATCHING FUNDS HAS BEEN UTILIZED TO SUPPLEMENT, NOT SUPPLANT,

LAWS OF ARIZONA

COUNTY OR STATE FUNDS THAT WOULD OTHERWISE BE MADE AVAILABLE FOR FAMILY COUNSELING SERVICES.

C. THE COURT SHALL CERTIFY THAT THE AMOUNT OF AID PROVIDED BY THE STATE AND COUNTY TO A FAMILY COUNSELING PROGRAM PURSUANT TO THIS ARTICLE DOES NOT EXCEED SEVENTY PER CENT OF THE PROGRAM'S ANNUAL OPERATING BUDGET.

8-265. County's share of matching funds; appropriation by legislature

A. A COUNTY'S SHARE OF THE MATCHING FUNDS MAY BE PROVIDED BY SUCH COUNTY IN CASH OR AN AMOUNT NOT IN EXCESS OF TWENTY-FIVE PER CENT OF SUCH SHARE MAY BE CREDITED FOR OTHER EXPENDITURES OF THE COUNTY IN SIMILAR COUNSELING SERVICES. A COUNTY PROVIDING MATCHING FUNDS FOR A FEDERAL PROGRAM FOR SIMILAR SERVICES SHALL BE GIVEN CREDIT AS CONTRIBUTING CASH UNDER THIS SUBSECTION IN AN EQUAL AMOUNT FOR PURPOSES OF MATCHING FUNDS FOR STATE PROGRAMS. THE AMOUNT OF SUCH CREDIT TO BE ALLOWED SHALL BE DETERMINED BY THE COURT.

B. THE LEGISLATURE SHALL ANNUALLY APPROPRIATE TO THE STATE TREASURER AN AMOUNT SUFFICIENT TO CARRY OUT THE STATE'S OBLIGATION PURSUANT TO THIS ARTICLE AND SHALL SPECIFY THE MAXIMUM AMOUNT PAYABLE TO EACH PARTICIPATING COUNTY WHICH SHALL INCLUDE A BASIC AMOUNT OF MONEY MADE AVAILABLE IN EQUAL AMOUNTS TO EACH PARTICIPATING COUNTY AND THE REMAINDER OF THE APPROPRIATION TO BE MADE AVAILABLE TO EACH PARTICIPATING COUNTY BASED UPON THE PERCENTAGE THAT EACH SUCH COUNTY'S JUVENILE POPULATION IS TO THE TOTAL JUVENILE POPULATION OF THE PARTICIPATING COUNTIES.

Sec. 2. Report to legislature

The governing body of each county that establishes family counseling programs pursuant to this article shall submit to the president of the Arizona senate and the speaker of the Arizona house of representatives during the first week of the regular session of the legislature which begins in January, 1977, a report detailing the operation and effectiveness of such programs during the period from the effective date of this article through

LAWS OF ARIZONA

1976. The purpose of the report shall be to assist the legislature in determining whether to continue the family counseling programs established pursuant to this article.

Sec. 3. Expiration of article

The provisions of this article shall expire on June 30, 1977, unless renewed or reactivated by further act of the legislature.

Sec. 4. Appropriation; distribution

The sum of two hundred fifty thousand dollars is appropriated to the state treasurer to carry out the purposes of this act. Of this amount, five thousand dollars shall be made available to each participating county and the remainder shall be distributed to each participating county based upon the percentage that each county's juvenile population is to the total juvenile population of the participating counties.

Approved by the Governor—May 14, 1973

Filed in the Office of the Secretary of State—May 14, 1973

CHAPTER 162

House Bill 2096

AN ACT

RELATING TO CHILDREN; PRESCRIBING TERM OF COMMITMENT OF CHILD TO DEPARTMENT OF CORRECTIONS; PROVIDING FOR DISCHARGE OF YOUTHFUL OFFENDER BY DEPARTMENT OF CORRECTIONS, AND AMENDING SECTIONS 8-246 AND 41-1608, ARIZONA REVISED STATUTES.

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

Section 1. Section 8-246, Arizona Revised Statutes, is amended to read:

8-246. Jurisdiction; length of commitment; placement

LAWS OF ARIZONA

A. When jurisdiction has been acquired by the juvenile court of a child, the child shall continue under the jurisdiction of the juvenile court until ~~he~~ SUCH CHILD becomes twenty-one years of age, unless sooner discharged pursuant to law. ~~except that from~~ FROM the time of commitment to the department of corrections, a child shall be subject to the control of the department of corrections until ~~his~~ SUCH CHILD'S absolute discharge.

B. The awarding of a child shall not extend beyond the ~~minority~~ TWENTY-FIRST BIRTHDAY of the child, and commitments to the department of corrections shall be ~~for the term of the child's minority~~ UNTIL THE CHILD ATTAINS THE AGE OF TWENTY-ONE YEARS unless sooner discharged by the department of corrections.

Sec. 2. Section 41-1608, Arizona Revised Statutes, is amended to read:

41-1608. **Discharge or release of youth offender**

A. When it appears to the department that there is reasonable probability that a youth offender will, if at liberty, observe the law, that the youth offender's discharge or release will not be incompatible with the welfare of society or detrimental to ~~his~~ SUCH YOUTH OFFENDER'S own good, the department may issue to the youth offender an absolute discharge, or a release under such conditions as it deems advisable. When a youth offender is so discharged or released, the department shall promptly notify the committing court, which shall keep a record thereof. If the youth offender thereafter violates any of the conditions of his conditional release, the youth offender may forthwith, and without further process, be removed by the department to an appropriate institution or other placement. ~~but~~ In no event may such a youth offender be retained in a conditional release status beyond ~~his~~ SUCH YOUTH OFFENDER'S twenty-first birthday.

B. A YOUTH OFFENDER MAY BE DISCHARGED FOR CAUSE IF CONVICTED OF A CRIME, OR IF PLACED BY CIVIL COMMITMENT UNDER THE JURISDICTION OF ANOTHER AGENCY.

Approved by the Governor—May 14, 1973

Filed in the Office of the Secretary of State—May 14, 1973

LAWS OF ARIZONA

CHAPTER 163

House Bill 2113

AN ACT

RELATING TO PROFESSIONS AND OCCUPATIONS; PRESCRIBING NUMBER, TERM AND COMPOSITION OF BARBER BOARD; PRESCRIBING BARBER QUALIFICATIONS; REVISING CERTAIN STATUTES RELATING TO BARBERS AND APPRENTICES; PRESCRIBING PROCEDURE ON APPLICANT FAILING TO SUBMIT TO EXAMINATION; PRESCRIBING RESTRICTIONS APPLICABLE TO BARBER SCHOOLS; PROVIDING THAT BARBER BOARD MAY SET CERTAIN FEES; AUTHORIZING INJUNCTIVE RELIEF; AMENDING SECTIONS 32-303, 32-305, 32-322, 32-323, 32-325, 32-327, 32-328, 32-331, 32-334, 32-351 AND 32-353, ARIZONA REVISED STATUTES, AND AMENDING TITLE 32, CHAPTER 3, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-358.

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

Section 1. Section 32-303, Arizona Revised Statutes, is amended to read:

32-303. Board of barber examiners

A. There shall be a state board of barber examiners consisting of three members appointed by the governor.

B. ~~Each member~~ TWO MEMBERS of the board shall be ~~a practicing barber~~ BARBERS who ~~has~~ HAVE been ~~a PRACTICING~~ registered or licensed ~~barber~~ BARBERS under the laws of this state for at least five years immediately prior to ~~his~~ THEIR appointment. At all times, at least one of ~~the~~ THESE members shall be a ~~journeyman~~ CERTIFICATED barber WHO IS NOT AN OWNER OF AN INTEREST IN A BARBER SHOP and one ~~a master barber~~ SHALL BE AN OWNER OF AN INTEREST IN A BARBER SHOP LICENSED UNDER THE LAWS OF THIS STATE. THE THIRD MEMBER SHALL BE A LAY PERSON NOT EXPERIENCED IN BARBERING.

C. One member shall be appointed each year for a term of three years, to begin and end on June 22. An appointment to fill a vacancy occurring

LAWS OF ARIZONA

other than by expiration of a term shall be for the unexpired term. The board shall be nonpartisan.

D. The governor may remove a member of the board for incompetency, gross immorality, disability or for any abuse of his official duties, or for other good cause, and shall fill such a vacancy by appointment within thirty days thereafter.

Sec. 2. Section 32-305, Arizona Revised Statutes, is amended to read:

32-305. Compensation

A. The chairman and secretary of the board shall devote their entire time to the business of the board, and to enforcement of this chapter. The chairman and the secretary shall receive compensation as determined pursuant to section 38-611. The other ~~member~~ MEMBERS of the board shall receive compensation as determined pursuant to section 38-611 for each day actually employed in discharge of ~~his~~ THEIR official duties for not to exceed sixty days in any calendar year.

B. The board may employ inspectors and clerks it deems necessary to carry out this chapter whose compensation shall be as determined pursuant to section 38-611.

Sec. 3. Section 32-322, Arizona Revised Statutes, is amended to read:

32-322. Application for certificate of registration

A person desiring to ~~practice barbering, or as an apprentice or as a hair-cutter,~~ BECOME A REGISTERED APPRENTICE, BARBER OR INSTRUCTOR shall file with the secretary a written application, under oath, on a form prescribed by the board, accompanied by two signed photographs of the applicant five by three inches in size, satisfactory proof of good moral character and a medical certificate.

Sec. 4. Section 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.~~

LAWS OF ARIZONA

- ~~2.~~ 1. Is of good moral character and temperate habits.
- ~~3.~~ 2. Has practiced as a registered apprentice for a period of eighteen months under the immediate personal supervision of a registered barber.
- ~~4.~~ 3. Satisfactorily passes an examination to practice barbering.
- ~~5.~~ 4. Furnishes proof of a tenth grade education or an equivalent education, as determined by the board.
- ~~6.~~ Has been a resident of the state for not less than six months.

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. 5. Section 32-325, Arizona Revised Statutes, is amended to read:

32-325. Out-of-state apprentices

- ~~A. A person who is at least sixteen and one half years of age and has a certificate to practice as an apprentice in a state or country which has substantially the same requirements as prescribed by this chapter shall be credited with the time spent as a registered apprentice in such other state or country on the period of apprenticeship required by this chapter as a qualification to take the examination for a certificate to practice as a registered barber.~~
- ~~B.~~ A. Any person who has practiced as an apprentice in another state or country which does not have substantially the same requirements for registration to practice as an apprentice as prescribed by this chapter, and who has the qualifications required in section 32-323, PARAGRAPHS 1, 2 AND 4 OF SECTION 32-324, SUBSECTION A, shall be credited with the time so spent on the period of apprenticeship required by this chapter as a qualification to take the examination for a certificate to practice as a registered barber.
- ~~C.~~ B. Any person under the terms of this section who fails to satisfactorily pass an examination TO PRACTICE AS AN APPRENTICE 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

LAWS OF ARIZONA

~~working day, and shall pay the required fee before he may again take the examination for a registered apprentice~~ BE ELIGIBLE TO RETAKE THE EXAMINATION AFTER EXPIRATION OF SIXTY DAYS.

Sec. 6. Section 32-327, Arizona Revised Statutes, is amended to read:

32-327. Examination of applicants; issuance of certificates

A. The board shall conduct examinations of applicants who have complied with section 32-322 at least four times each year, at such times and places as the board determines. The examinations, except as to applicants for certificates to practice as ~~registered finger wavers~~ INSTRUCTORS, shall include both a practical demonstration and a written and oral test, and shall embrace the subjects usually taught in schools of barbering approved by the board.

B. A certificate to practice shall be issued to each applicant who satisfactorily passes an examination with an average grade of not less than seventy-five per cent, and who possesses the other qualifications required by law. IF AN APPLICANT ELIGIBLE FOR EXAMINATION FAILS TO SUBMIT TO EXAMINATION AT EITHER OF THE NEXT TWO SCHEDULED EXAMINATIONS, THE APPLICATION SHALL BE DEEMED CANCELLED AND THE APPLICATION FEE FORFEITED.

~~C. Before a certificate to practice as a hair cutter is issued to an applicant, he shall pass the examination relative to hair cutting required of an applicant for a barber's license with a grade of not less than seventy five per cent.~~

Sec. 7. Section 32-328, Arizona Revised Statutes, is amended to read:

32-328. Licensing of barber schools

A. NO BARBER SCHOOL MAY BE OPERATED, UNLESS LICENSED BY THE BOARD IN ACCORDANCE WITH PROCEDURES ADOPTED BY THE BOARD PURSUANT TO ITS RULE-MAKING POWER.

~~A.~~ B. No barber school shall be licensed and approved by the board to operate as such unless it is operated under general supervision of a licensed instructor, and requires as a prerequisite to admission that the applicant:

1. Be more than sixteen and one-half years of age.

LAWS OF ARIZONA

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-~~ C. 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 instruction of not more than eight hours in any one working day. **SUCCESSFUL COMPLETION OF THE COURSE SHALL QUALIFY THE GRADUATE FOR THE APPRENTICE EXAMINATION.** The course shall include:

1. Not less than two hundred fifty hours devoted to the study of scientific fundamentals of barbering, hygiene, bacteriology, histology of the hair, skin, muscles and nerves, structure of the head, face and neck, elementary chemistry relating to sterilization and antiseptics and diseases of the skin, hair and glands.
2. The remaining ~~one thousand~~ hours ~~is to be~~ devoted to the practice and study of massaging and manipulating of the muscles of the scalp, face and neck, hair cutting, and shaving.

~~C-~~ D. A barber school may ~~admit an apprentice or barber registered in another state or country to a post graduate course.~~ ~~The post graduate course-~~ **OFFER SUCH POST GRADUATE COURSES AS ARE APPROVED BY THE BOARD AS TO CONTENTS AND DURATION. ONE SUCH COURSE** shall be given only for the purpose of assisting apprentice barbers from other states or countries to prepare for examination as an Arizona licensed apprentice or barber. A person admitted to a post graduate course shall not perform any act of barbering in the school for personal hire or reward.

~~D-~~ E. A barber school shall have not less than one instructor for each ~~eighteen~~ **TWELVE** students or fraction thereof including in such calculation probationary instructors. **NO COURSE SHALL BE TAUGHT EXCEPT BY AN INSTRUCTOR CERTIFIED BY THE BOARD IN THAT COURSE, WHO MAY BE ASSISTED BY PROBATIONARY INSTRUCTORS.**

F. NO BARBER SCHOOL SHALL OPERATE, EXCEPT IN ACCORDANCE WITH BOTH THE STANDARDS ESTABLISHED HEREIN AND

LAWS OF ARIZONA

ANY STANDARDS ADOPTED BY THE BOARD PURSUANT TO ITS RULE-MAKING POWERS.

G. THE OPERATION OF A BARBER SCHOOL, IN VIOLATION OF ANY STANDARD ESTABLISHED HEREIN OR ANY STANDARD ADOPTED BY THE BOARD, SHALL CONSTITUTE GROUNDS FOR SUSPENSION OR REVOCATION OF A BARBER SCHOOL'S LICENSE, AFTER A HEARING CONDUCTED IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN SECTION 32-354.

Sec. 8. Section 32-331, Arizona Revised Statutes, is amended to read:

32-331. **Fees**

A. The board shall charge the following fees:

1. For examining applicant to practice as barber, fifty dollars.
2. For issuing certificate as barber, ~~fifteen~~ TWENTY dollars.
3. For renewing certificate as barber, ~~eight~~ TWELVE dollars.
4. For restoring expired certificate as barber, ~~fifteen~~ TWENTY dollars.
5. For examining applicant for certificate as apprentice, ~~fifteen~~ TWENTY dollars.
6. For issuing certificate as apprentice, ten dollars.
7. For renewing certificate as apprentice, ~~eight~~ TWELVE dollars.
8. For restoring expired certificate as apprentice, ~~fifteen~~ TWENTY dollars.
9. For examining instructor, ~~twenty-five~~ FIFTY dollars.
10. For issuing certificate as an instructor, ~~twenty-five~~ TWENTY dollars.
11. For renewing certificate as an instructor, ~~eight~~ TWELVE dollars.
12. For inspecting establishment and issuing first establishment license for newly established barber shop, one hundred dollars, and for each additional inspection when the first inspection reveals the barber shop not in compliance with law, ~~five~~ TWENTY dollars.

LAWS OF ARIZONA

13. For issuing establishment license for any barber shop which is moved to another location, ~~five~~ FIFTY dollars.
14. For issuing establishment license for any barber shop which changes ownership, ~~five~~ FIFTEEN dollars.
15. For restoring expired establishment license, ~~ten~~ TWENTY dollars.
16. For renewing establishment license, ~~eight~~ TWELVE dollars.
17. For inspecting establishment and issuing certificate to operate newly established barber school, a fee of ten dollars for each barber chair installed in such school upon which work or service may be performed upon a patron of the school, but such fee shall not be less than one thousand dollars.
18. For inspecting establishment and issuing certificate to operate a barber school which is moved to another location, a fee of one hundred dollars, plus ten dollars for each additional barber chair installed in such school.
19. For inspecting establishment and issuing certificate to operate a barber school which changes ownership, a fee of one hundred dollars, plus ten dollars for each additional barber chair installed in such school.
20. For restoring expired certificate to operate a barber school, a fee of twenty dollars for each barber chair in such school, but such fee shall not be less than seven hundred dollars.
21. For renewing certificate to operate a barber school, an annual fee of ten dollars for each barber chair installed in such school upon which work or service may be performed upon a patron of the school, but such annual fee shall not be less than three hundred fifty dollars.
- B. A duplicate certificate shall be issued to replace a lost certificate upon filing a verified statement by the applicant and payment of a ~~five~~ TEN dollar fee. Each certificate so issued shall have the word "duplicate" stamped across the face and shall bear the same number as the lost certificate.

Sec. 9. Section 32-334, Arizona Revised Statutes, is amended to read:

32-334. **Instructors; qualifications**

LAWS OF ARIZONA

- A. A person is qualified to receive a certificate as an instructor who:
1. Has been a licensed barber for not less than six months.
 2. Has been employed as a probationary instructor in a licensed barber school for a period of not less than four nor more than seven months of the twelve months immediately preceding the date of application for license as an instructor.
 3. Makes application for examination for certificate as an instructor not later than ten days after the date of first employment as a probationary instructor by a licensed barber school.
 4. Satisfactorily passes an examination to practice as an instructor.
- B. Before taking the examination, the board shall require the barber school to certify that the person taking the examination has complied with the terms of paragraphs 2 and 3 of subsection A of this section. The examination shall be written and shall be limited to such subjects as are commonly taught **IN THE COURSES IN WHICH HE SEEKS INSTRUCTOR'S CERTIFICATION** in registered barber schools in this state.
- C. Each school shall notify the board immediately of the termination by an instructor of his employment with such school.
- D. Nothing in this section shall be deemed to apply to persons who are recognized by the board as instructors on the date this section takes effect.

Sec. 10. Section 32-351, Arizona Revised Statutes, is amended to read:

32-351. Barbering without certificate prohibited

- A. It is unlawful, without a certificate of registration issued as provided by this chapter, to:
1. Practice barbering.
 2. Act or attempt to act as a barber apprentice.
 3. Own, manage, operate or control a barber shop or a barber school.
 4. **ACT AS INSTRUCTOR OF A COURSE WITHOUT BEING CERTIFIED FOR THAT COURSE.**

LAWS OF ARIZONA

B. A barber school shall at all times be operated under the personal supervision and management of a registered barber.

Sec. 11. Section 32-353, Arizona Revised Statutes, is amended to read:

32-353. Grounds for refusal to issue or renew or for revocation of certificate

The board shall refuse to issue or renew, or shall suspend or revoke, a certificate for any of the following causes:

1. Conviction of a felony unless the board finds that issuance or renewal of the license would be in the public interest.
2. Malpractice or incompetency.
3. Infectious, contagious or communicable disease contracted by the applicant or registrant.
4. Advertising by means of known false or deceptive statements.
5. Advertising, practicing or attempting to practice under a trade name or name other than such person's own.
6. Habitual drunkenness or addiction to the use of a habit-forming drug.
7. Commission of any offense enumerated in paragraphs 2, 3, 4 and 5, of section 32-356.
8. Violation of a sanitary regulation promulgated by the board or the state board of health.
9. Continuing to be employed or to practice in a barber shop or beauty culture shop in which a sanitary regulation promulgated by the board or the state board of health is known by the registrant to be violated.
10. Violation of a lawful order, rule or regulation of the board.

Sec. 12. Title 32, chapter 3, article 3, Arizona Revised Statutes, is amended by adding section 32-358, to read:

32-358. Injunctive relief

LAWS OF ARIZONA

IN ADDITION TO ANY PENALTY PROVISIONS PRESCRIBED IN THIS CHAPTER, AND AS AN ADDITIONAL REMEDY, THE SUPERIOR COURT IS VESTED WITH JURISDICTION TO RESTRAIN AND ENJOIN ANY VIOLATION OF THE REQUIREMENTS OF THIS CHAPTER AS NUISANCES PER SE, OR OTHERWISE. THE BOARD, THE ATTORNEY GENERAL, ANY COUNTY ATTORNEY OR ANY OTHER PERSON MAY INSTITUTE PROCEEDINGS IN EQUITY FOR THE PURPOSE OF OBTAINING EQUITABLE RELIEF AGAINST VIOLATIONS OF ANY PROVISIONS OF THIS CHAPTER.

Sec. 13. Appointment of barber board lay member

The lay member shall be appointed to the next regular vacancy on the board following the effective date of this act.

Sec. 14. Emergency

To preserve the public peace, health and safety it 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—May 14, 1973

Filed in the Office of the Secretary of State—May 14, 1973

CHAPTER 164

House Bill 2114

AN ACT

RELATING TO LABOR; AMENDING LAWS RELATING TO EMPLOYMENT SECURITY; AMENDING SECTIONS 23-615, 23-617, 23-627, 23-675, 23-723, 23-733 AND 23-743, ARIZONA REVISED STATUTES, AND REPEALING SECTION 23-781, ARIZONA REVISED STATUTES.

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

Section 1. Section 23-615, Arizona Revised Statutes, is amended to read:

LAWS OF ARIZONA

23-615. Employment

“Employment” means any service of whatever nature performed by an employee for the person employing him, including service in interstate commerce, and includes:

1. An individual’s entire service performed within or both within and without this state if:

(a) The service is localized in this state.

(b) The service is not localized in any state but some of the service is performed in this state and:

(i) The individual’s base of operations, or, if there is no base of operations, then the place from which such service is directed or controlled is in this state, or

(ii) The individual’s base of operations or place from which the service is directed or controlled is not in any state in which some part of the service is performed but the individual’s residence is in this state.

Service shall be deemed localized within a state if the service is performed entirely within such state, or the service is performed both within and without such state but the service performed without the state is temporary or transitory in nature or consists of isolated transactions, and is incidental to the individual’s service within the state.

2. Services covered by an election pursuant to section 23-725.

3. Services covered by an arrangement pursuant to section 23-644, between the ~~commission~~ DEPARTMENT and the agency charged with the administration of any other state or federal unemployment compensation law pursuant to which all services performed by an individual for an employing unit are deemed to be performed entirely within this state shall be deemed to be employment if the ~~commission~~ DEPARTMENT has approved an election of the employing unit for which the services are performed, pursuant to which the entire service of the individual during the period covered by the election is deemed to be insured work.

4. Service performed by any officer of a corporation.

5. Service performed after December 31, 1971, outside the United States, except in Canada, ~~or the Virgin Islands~~, by an individual who is a

LAWS OF ARIZONA

citizen of the United States in the employ of an American employer (other than service which is deemed employment under the provisions of paragraph 1 of this section or the parallel provisions of another state's law), if:

- (a) The employer's principal place of business in the United States is located in this state; or
- (b) The employer has no place of business in the United States, but
 - (i) The employer is an individual who is a resident of this state; or
 - (ii) The employer is a corporation which is organized under the laws of this state; or
 - (iii) The employer is a partnership or a trust and the number of the partners or trustees who are residents of this state is greater than the number who are residents of any one other state; or
- (c) None of the criteria of (a) or (b) of this paragraph is met but the employer has elected coverage in this state or, the employer having failed to elect coverage in any state, the individual has filed a claim for benefits, based on such service, under the law of this state.

6. (a) Service performed after December 31, 1971, in the employ of this state or any of its instrumentalities (or in the employ of this state and one or more other states or their instrumentalities) for a hospital or institution of higher education located in this state. For purposes of this chapter, "service performed in the employ of this state for an institution of higher education" includes service performed for a ~~junior~~ COMMUNITY college located in this state which is or becomes integrated into the state ~~junior~~ COMMUNITY college system, as provided in title 15.

(b) Service performed after December 31, 1971, by an individual in the employ of a religious, charitable, educational or other organization, but only if the following conditions are met:

- (i) The service is excluded from "employment" as defined in the Federal Unemployment Tax Act solely by reason of section 3306(c) (8) of that act; and
- (ii) The organization had four or more individuals in employment for some portion of a day in each of twenty different weeks, whether or not

LAWS OF ARIZONA

such weeks are consecutive, within either the current or preceding calendar year, regardless of whether they were employed at the same moment of time.

(c) For purposes of this paragraph, the term "employment" does not apply to service performed:

(i) In the employ of a church or convention or association of churches, or an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches; or

(ii) By a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order; or

(iii) In the employ of a school which is not an institution of higher education; or

(iv) In a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market, by an individual receiving such rehabilitation or remunerative work; or

(v) As part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision thereof, by an individual receiving such work-relief or work-training; or

(vi) For a hospital in a state prison or other state correctional institution by an inmate of the prison or correctional institution.

7. AN INDIVIDUAL'S SERVICE WHEREVER PERFORMED WITHIN THE UNITED STATES OR CANADA IF:

(a) THE SERVICE IS NOT COVERED UNDER THE UNEMPLOYMENT COMPENSATION LAW OF ANY OTHER STATE OR CANADA, AND

(b) THE PLACE FROM WHICH THE SERVICE IS DIRECTED OR CONTROLLED IS IN THIS STATE.

LAWS OF ARIZONA

~~7-~~ 8. Notwithstanding any other provisions of this chapter, service with respect to which a tax is required to be paid under any federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund or which as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act is required to be covered under this chapter.

Sec. 2. Section 23-617, Arizona Revised Statutes, is amended to read:

23-617. Exempt employment

“Exempt employment” means employment not subject to this chapter and includes:

1. Agricultural labor as defined in section 23-603.
2. Domestic service in a private home, local college club, or local chapter of a college fraternity or sorority.
3. Service performed on or in connection with a vessel or aircraft not an American vessel or American aircraft, if the employee is employed on and in connection with such vessel or aircraft when outside the United States.
4. Service performed by an individual in the employ of his son, daughter, or spouse, and service performed by a child under the age of eighteen years in the employ of his father or mother.
5. Service performed in the employ of the United States government or an instrumentality of the United States which is wholly or partially owned by the United States or which is exempt from the tax imposed by section 3301 of the federal internal revenue code, except that to the extent congress shall permit states to require instrumentalities of the United States to make payments into an unemployment fund under a state unemployment compensation law, all of the provisions of this chapter shall be applicable to such instrumentalities, in the same manner, to the same extent and on the same terms as to all other employers, employing units, individuals and services, but if this state shall not be certified for any year by the secretary of labor of the United States under section 3304 of the federal internal revenue code, the payments required of such instrumentalities with respect to the year shall be refunded by the ~~commission~~ DEPARTMENT from the fund in the same manner and within the same period as is provided in section 23-742 with respect to contributions erroneously collected.

LAWS OF ARIZONA

6. Service performed in the employ of this or another state, or any political subdivision thereof, or an instrumentality of one or more thereof which is wholly owned by this state or by one or more states or political subdivisions and which exercises only governmental as distinguished from proprietary functions, and service performed in the employ of an instrumentality of this state or of one or more states or political subdivisions to the extent the instrumentality, with respect to such service, is exempt under the constitution of the United States from the tax imposed by section 3301 of the federal internal revenue code, except that part of such service performed in the employ of this state or any instrumentality of this state for a hospital or institution of higher education which is "employment" under paragraph 6 of section 23-615. But this state or any other state, or a political subdivision thereof, or instrumentality of any one or more of the foregoing which is wholly owned by this state or by one or more states or political subdivisions may elect coverage whether or not the service performed is governmental or proprietary for any such state or political subdivision thereof or any instrumentality thereof or any department thereof in the manner prescribed and subject to the terms of section 23-725, and such election may exclude any services described in subparagraph (c) of paragraph 6 of section 23-615. Any instrumentality and political subdivision of this state may appropriate funds to pay contributions or payments in lieu of contributions as required by this chapter.
7. Service with respect to which unemployment compensation is payable under an unemployment compensation system established by an act of congress.
8. Service performed in any calendar quarter in the employ of an organization exempt from income tax under section 501(a) (other than an organization described in section 401(a)) or under section 521 of the federal internal revenue code, if the remuneration for such service is less than fifty dollars.
9. Service performed in the employ of a school, college, or university, if the service is performed (a) by a student enrolled and regularly attending classes at the school, college, or university, or (b) by the spouse of such a student if the spouse is advised at the time the spouse commences to perform such service that the employment is provided under a program to provide financial assistance to the student by the school, college, or university and the employment will not be covered by any program of unemployment compensation.

LAWS OF ARIZONA

10. Service performed in the employ of a corporation, community chest fund, or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of a private shareholder or individual, no substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation, and which does not participate in or intervene in (including the publishing or distributing of statements) any political campaign on behalf of any candidate for public office; provided that services performed in the employ of an organization operated for the primary purpose of carrying on a trade or business for profit shall not be exempt on the ground that all of its profits are payable to one or more organizations exempt under this paragraph, and further provided that services exempt under this paragraph shall not include services performed for an employing unit with respect to which the employing unit is liable for any federal tax against which credit may be taken for contributions required to be paid into a state unemployment compensation fund, and further provided that services exempt under this paragraph shall not include services which are "employment" under paragraph 6 of section 23-615.

11. Service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual enrolled and regularly attending classes in a nurses' training school chartered or approved pursuant to state law, and service performed as an interne in the employ of a hospital by an individual who has completed a four years' course in a medical school chartered or approved pursuant to state law.

12. Service performed by an individual for ~~a person~~ AN EMPLOYING UNIT as an insurance agent or as an insurance solicitor, if all such service performed by the individual for such ~~person~~ EMPLOYING UNIT is performed for remuneration solely by way of commission.

13. Service performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution; and service performed by an individual in, and at the time of, the sale of newspapers or magazines to ultimate consumers under an arrangement under which the newspapers or magazines are to be sold by him at a fixed price, his compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to him, whether or not he is guaranteed a minimum amount of compensation for such service, or is entitled to be credited with the unsold newspapers or magazines turned back.

LAWS OF ARIZONA

14. Service performed by an individual for ~~a person~~ AN EMPLOYING UNIT as a real estate broker or a real estate salesman, if all such service performed by the individual for such ~~person~~ EMPLOYING UNIT is performed for remuneration solely by way of commission, EXCEPT THAT ANY SERVICE PERFORMED AS A REAL ESTATE BROKER OR A REAL ESTATE SALESMAN FOR AN EMPLOYING UNIT TO WHICH THE PROVISIONS OF SECTION 23-750 APPLY IS NOT EXEMPT EMPLOYMENT.

15. Service performed in the employ of a foreign government including service as a consular or other officer or employee or a nondiplomatic representative.

16. Service performed in the employ of an instrumentality wholly owned by a foreign government if:

(a) The service is of a character similar to that performed in foreign countries by employees of the United States government or of an instrumentality thereof, and

(b) The ~~commission~~ DEPARTMENT finds that the United States secretary of state has certified to the United States secretary of the treasury that the foreign government with respect to whose instrumentality exemption is claimed grants an equivalent exemption with respect to similar service performed in the foreign country by employees of the United States government and of instrumentalities thereof.

17. Service covered by an arrangement between the ~~commission~~ DEPARTMENT and the agency charged with the administration of any other state or federal unemployment compensation law pursuant to which all services performed by an individual for an employing unit during the period covered by the employing unit's duly approved election, is deemed to be performed entirely within such agency's state.

18. Casual labor not in the course of the employer's trade or business. ~~including any work performed as a golf caddy.~~

19. ~~A~~ Service performed by an individual for ~~a person~~ AN EMPLOYING UNIT as a securities salesman, if all such service performed by the individual for such ~~person~~ EMPLOYING UNIT is performed for remuneration solely by way of commission, EXCEPT THAT ANY SERVICE PERFORMED AS A SECURITIES SALESMAN FOR AN EMPLOYING UNIT TO WHICH THE PROVISIONS OF SECTION 23-750 APPLY IS NOT EXEMPT EMPLOYMENT.

LAWS OF ARIZONA

20. Service performed by an individual under the age of twenty-two who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full-time program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employer, except that this paragraph shall not apply to service performed in a program established for or on behalf of an employer or group of employers.

21. Service performed in the employ of a hospital if such service is performed by a patient of the hospital.

Sec. 3. Section 23-627, Arizona Revised Statutes, is amended to read:

23-627. Exhaustee

A. "Exhaustee" means an individual who, with respect to any week of unemployment in his eligibility period:

1. Has received prior to such week, all of the regular benefits that were available to him in his current benefit year that includes such week; or his benefit year having expired prior to such week, has no, or insufficient wages on the basis of which he could establish a new benefit year that would include such week; and

2. Has no right to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, the Automotive Products Trade Act of 1965, and such other federal laws as are specified in regulations issued by the United States secretary of labor; and has not received and is not seeking unemployment benefits under the unemployment compensation law ~~of the Virgin Islands or~~ of Canada, but if he is seeking such benefits and the appropriate agency finally determines that he is not entitled to benefits under such law he is considered an exhaustee.

B. For the purposes of paragraph 1 of subsection A, an individual shall be deemed to have received all of the regular benefits that were available to him although:

~~+~~ as a result of a pending protest or appeal with respect to wages that were not included in the original monetary determination in his benefit

LAWS OF ARIZONA

year, he may subsequently be determined to be entitled to added regular benefits. ~~or~~

~~2. He may be entitled to regular benefits with respect to future weeks of unemployment, but such benefits are not payable with respect to such week of unemployment by reason of the provisions in section 23-781.~~

Sec. 4. Section 23-675, Arizona Revised Statutes, is amended to read:

23-675. Depositions; oaths; attendance of witnesses; production of papers

In the discharge of the duties imposed by this chapter, the chairman of an appeal tribunal or any duly authorized representative ~~or member~~ of the ~~commission~~ DEPARTMENT may administer oaths and affirmations, take depositions, certify to official acts and issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda and other records deemed necessary as evidence in connection with a disputed claim or the administration of this chapter. DULY AUTHORIZED EMPLOYEES OR REPRESENTATIVES OF THE DEPARTMENT OR PEACE OFFICERS MAY SERVE SUBPOENAS ISSUED PURSUANT TO THIS SECTION.

Sec. 5. Section 23-723, Arizona Revised Statutes, is amended to read:

23-723. Penalties for failure to file timely or complete contribution and wage reports

A. An employing unit which fails to file ON OR BEFORE THE DUE DATE PRESCRIBED BY DEPARTMENT REGULATION a contribution and wage report required by the ~~commission~~ DEPARTMENT in the administration of this chapter, ~~in accordance with regulations adopted by the commission,~~ shall pay to the ~~commission,~~ with respect to DEPARTMENT FOR each such DELINQUENT report, subject to waiver for good cause shown, a penalty of ~~five~~ FIFTEEN dollars. ~~except that the penalty shall be twenty five dollars if any contribution and wage report required from the employing unit for any of the immediately preceding three calendar quarters was not filed or was filed late. The twenty five dollar penalty shall not apply to reports for calendar quarters ending on or before December 31, 1971. Amounts collected as penalties under the provisions of this section shall be deposited by the commission in the special administration fund.~~

LAWS OF ARIZONA

B. AMOUNTS COLLECTED AS PENALTIES UNDER THE PROVISIONS OF THIS SECTION SHALL BE DEPOSITED BY THE DEPARTMENT IN THE SPECIAL ADMINISTRATION FUND.

Sec. 6. Section 23-733, Arizona Revised Statutes, is amended to read:

23-733. Transfer of employer experience rating accounts to successor employer; liability of successor

A. When any employing unit in any manner succeeds to or acquires the organization, trade or business, or substantially all of the assets thereof, excepting any assets retained by such employer incident to the liquidation of his obligations, whether or not such acquiring employing unit was an employer within the meaning of section 23-613, prior to such acquisition, and continues such organization, trade or business, the account of the predecessor employer shall be transferred as of the date of acquisition to the successor employer for the purpose of rate determination.

B. An employing unit which succeeds to or acquires a distinct and severable portion of an organization, trade or business, may apply for transfer of the account of the portion by filing with the ~~commission~~ DEPARTMENT not later than one hundred eighty days after the date of acquisition ~~or thirty days after the effective date of this act, whichever is later,~~ a written application for transfer, approved in writing by the predecessor. The account of the acquired portion shall be transferred to the successor as of the date of acquisition only if the successor continues to operate the acquired portion and submits necessary information establishing the separate identity of the account within thirty days after request for the necessary supporting payroll information is mailed to the successor by the ~~commission~~ DEPARTMENT; provided that for good cause shown the ~~commission~~ DEPARTMENT may extend the time for submitting such supporting information. The predecessor and successor employers shall be promptly notified of the determination made upon the application which shall become final fifteen days after written notice thereof is served personally or by ~~registered~~ CERTIFIED mail addressed to the last known address of each employing unit involved unless within such time one of the parties files with the ~~commission~~ DEPARTMENT a written request for reconsideration. When timely request for reconsideration is filed, a reconsidered determination shall be made. The reconsidered determination shall become final fifteen days after written notice thereof is served personally or by ~~registered~~ CERTIFIED mail addressed to the last known address of each employing unit involved, unless within such time

LAWS OF ARIZONA

one of the employing units involved files with the ~~commission~~ DEPARTMENT a written petition for hearing. When timely petition for hearing is filed, the parties shall be afforded an opportunity for hearing and thereafter furnished with a decision. ~~as prescribed in section 23-674.~~ The decision shall become final unless petition for judicial review is filed ~~within the time and in the manner~~ AS provided in section ~~23-684~~ 41-1993 AND TITLE 12, CHAPTER 7, ARTICLE 6.

C. If the successor employer was an employer subject to this chapter prior to the date of acquisition of an organization, trade or business, or substantially all of the assets thereof, his rate of contributions for the remainder of the calendar year in which the acquisition occurred shall be his rate as previously assigned for the calendar year in which the acquisition occurred. If the successor was not an employer prior to the date of acquisition, his rate for the remainder of the calendar year beginning on the date of acquisition shall be the rate applicable to the predecessor employer or employers for the calendar year in which the acquisition occurred, if there was only one predecessor or there were only predecessors with identical rates. If the predecessor rates were not identical, the successor's rate for the remainder of the calendar year beginning on the date of acquisition shall be recomputed on the basis of the combined accounts of the predecessors as of the computation date applicable to the calendar year in which the acquisition occurred.

When the account for a distinct and severable portion has been transferred to a successor who was not an employer prior to the date of acquisition, the rate of the successor for the remainder of the calendar year beginning on the date of acquisition shall be computed as of the computation date applicable to such calendar year, on the basis of the experience attributable to the acquired portion. If the successor was an employer prior to the date of acquisition, his rate for the remainder of the calendar year beginning on the date of acquisition shall be the rate previously assigned to him for the calendar year in which the acquisition occurred. The rate of the predecessor for the remainder of the calendar year beginning on the date of acquisition shall be the rate previously assigned to him with respect to the calendar year in which the acquisition occurred.

D. Any individual or organization, including the types of organizations described in section 23-614, whether or not an employing unit, which in any manner acquires the organization, trade or business, or substantially all of the assets thereof, shall be liable, in an amount not to exceed the reasonable value, as determined by the ~~commission~~ DEPARTMENT, of the organization, trade, business or assets acquired, for any contributions,

LAWS OF ARIZONA

interest and penalties due or accrued and unpaid by such predecessor employer; provided that the ~~commission~~ DEPARTMENT may waive the successor's liability for such unpaid amounts if a determination that the predecessor was subject to this chapter had not been made as provided in section 23-724 prior to the date of acquisition, and such liability on the part of the successor would be against equity and good conscience.

E. The amount of liability of a successor employer for any contribution, interest and penalties due or accrued and unpaid by his predecessor employer, shall be a lien against the property or assets so acquired which shall be prior to all other liens except prior recorded realty mortgages, but the lien shall not be valid as against one who acquires from the successor any interest in the property or assets in good faith, for value, and without notice of the lien. On written request, the ~~commission~~ DEPARTMENT shall furnish the successor with a written statement of the amount of contributions, interest and penalties due or accrued and unpaid by the predecessor employer as of the date of such acquisition, and the amount of the liability of the successor or the amount of the lien shall in no event exceed the liability disclosed in such statement. The remedy provided by this section shall be in addition to all other existing remedies against the predecessor employer or his successor, and the lien against the successor may be foreclosed as in other civil action.

Sec. 7. Section 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~~ SIX years from the date on which such contributions, interest or penalties became due, except that any amount which would not be precluded from civil action by the foregoing limitation at the time a liability determination is made in accordance with section 23-724 may be collected by civil action commenced within one year after the liability determination becomes final.

Sec. 8. Repeal

Section 23-781, Arizona Revised Statutes, is repealed.

Approved by the Governor—May 14, 1973

Filed in the Office of the Secretary of State—May 14, 1973

LAWS OF ARIZONA

CHAPTER 165

House Bill 2159

AN ACT

RELATING TO PRISONS; PRESCRIBING AMOUNT OF MONIES PROVIDED PRISONER UPON RELEASE; PRESCRIBING DISPOSITION OF FUNDS DERIVED FROM PRISONER'S ENTERPRISES AND ACTIVITIES, AND AMENDING SECTIONS 31-228, 31-261 AND 31-323, ARIZONA REVISED STATUTES.

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

Section 1. Section 31-228, Arizona Revised Statutes, is amended to read:

31-228. **Procedure for discharge of prisoner; return of property; Furnishing money, clothing and transportation ticket; allowing hair to grow before discharge**

A. When a prisoner is RELEASED ON PAROLE OR discharged from A FACILITY OF the ~~prison~~ DEPARTMENT OF CORRECTIONS there shall be returned to ~~him~~ THE PRISONER everything of value taken ~~from him~~ upon ~~entering the prison~~ COMMITMENT TO THE DEPARTMENT OF CORRECTIONS, or thereafter received by ~~him~~ THE PRISONER.

B. Prisoners released on parole or discharged shall, in addition to items returned pursuant to subsection A, be furnished NOT LESS THAN fifty dollars in cash, and clothing not exceeding thirty-five dollars in cost. UNLESS SUCH PRISONER HAS IMMEDIATELY AVAILABLE FINANCIAL RESOURCES IN EXCESS OF TWO HUNDRED FIFTY DOLLARS. A PAROLED OR discharged prisoner may be furnished a nontransferable ticket on a railroad or bus serving or near the place of ~~discharge~~ RELEASE to the first railroad, bus station or ticket office beyond the limits of the state in any direction. If the ticket is not used within three days after the date of discharge, unless prevented by illness, it shall be void.

C. One month prior to the date of discharge, the prisoner shall be permitted to allow his hair to grow.

Sec. 2. Section 31-261, Arizona Revised Statutes, is amended to read:

31-261. **Sale or exchange of products of individual prisoners**

LAWS OF ARIZONA

A. Products of individual prisoner enterprise, hobby, craft or art may be marketed to public visitors to the sites of the department of correction's institutions and facilities.

B. The superintendent is authorized to establish a trust fund, or escrow fund account, for the administration of the marketing programs prescribed by the terms of subsection A of this section OR PARTICIPATION IN OTHER APPROVED PROGRAMS, the proceeds of which shall be distributed to the ~~inmate recreation~~ SPECIAL SERVICE fund and the contributing prisoner's account. The fund shall be separate from funds appropriated by the legislature to prison support and maintenance.

C. Notwithstanding the provisions of section 31-204, the provision for marketing products of prisoner or inmate ingenuity, skill or patent, as prescribed by the terms of subsections A and B of this section, shall be permitted under formal rules and regulations to be published by the superintendent.

Sec. 3. Section 31-323, Arizona Revised Statutes, is amended to read:

31-323. Compensation for prisoner participation in approved programs

A. An approved program of medical research or plasmapheresis and whole blood program may provide for the payment of compensation to participating prisoners.

B. Proceeds from prisoner participation in approved programs shall be paid into the trust fund or escrow fund account established by the superintendent pursuant to ~~subsection D of section 31-262~~ SECTION 31-261, SUBSECTION B.

Approved by the Governor—May 14, 1973

Filed in the Office of the Secretary of State—May 14, 1973

LAWS OF ARIZONA

CHAPTER 166

House Bill 2172

AN ACT

RELATING TO LIVESTOCK AND ANIMALS; AUTHORIZING OWNER OF LIVESTOCK TO RECORD EARMARK, AND AMENDING SECTION 24-201, ARIZONA REVISED STATUTES.**Be it enacted by the Legislature of the State of Arizona:**

Section 1. Section 24-201, Arizona Revised Statutes, is amended to read:

24-201. Adoption and recording of brand and earmark; brand as property right; sale or transfer

A. Every person owning range livestock in this state shall adopt and record a brand and **MAY RECORD AN** earmark with which to brand and mark such livestock, and every owner of other animals may adopt a brand or mark with which to brand or mark such animals.

B. No two brands of the same design or figure shall be adopted or recorded, but the board may, in its discretion, reject and refuse to record a brand or mark similar or conflicting to a previously adopted and recorded brand or mark.

C. Before a new brand is recorded in the brand book, it shall be advertised in some newspaper, journal, or bulletin, published in the state, at least once, and if no objection to the brand is filed, it shall be recorded as provided in this article.

D. The brand adopted and recorded is the property of the person adopting and recording it, and the right to use it may be sold and transferred.

E. No sale or transfer of the brand is valid except by bill of sale duly signed and acknowledged as deeds for conveyance of real estate are acknowledged, and recorded in the office of the board.

Approved by the Governor—May 14, 1973

Filed in the Office of the Secretary of State—May 14, 1973

LAWS OF ARIZONA

CHAPTER 167

House Bill 2173

AN ACT

RELATING TO AGRICULTURE AND HORTICULTURE; PROVIDING THAT SEED SOLD IN ARIZONA MEETS REQUIREMENTS OF UNITED STATES PLANT VARIETY PROTECTION ACT; PRESCRIBING FEES FOR SEED DEALER'S LICENSE; PRESCRIBING DUTIES OF COMMISSION OF AGRICULTURE AND HORTICULTURE, AND AMENDING SECTIONS 3-231, 3-233, 3-235, 3-236 AND 3-237, ARIZONA REVISED STATUTES.

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

Section 1. Section 3-231, Arizona Revised Statutes, is amended to read:

3-231. **Definitions**

In this article, unless the context otherwise requires:

1. "Advertisement" means all representations, other than those on the label, made in any manner or by any means relating to seed within the scope of this article.
2. "Agricultural seed" means the seeds of grass, forage, cereal, and fiber crops and any other kinds of seeds commonly recognized within this state as agricultural seeds, lawn seeds and mixtures of such seeds, and may include noxious-weed seeds when the commission determines that such seed is being used as agricultural seed.
3. "Certified seed" or "registered seed" means seed that has been produced and labeled in accordance with the procedures and in compliance with the rules and regulations of an officially recognized seed-certifying agency.
4. "Commission" means the Arizona commission of agriculture and horticulture and its authorized agents.
5. "CUSTOM APPLICATION" MEANS AN APPLICATION OF PESTICIDE APPLIED TO A SEED BY A PESTICIDE APPLICATOR WHO DOES NOT HOLD TITLE TO SEED.

LAWS OF ARIZONA

6. "DEALER" MEANS ANY DISTRIBUTOR, RETAILER, OR ANY FARMER WHO SELLS SEED HARVESTED FROM CROPS GROWN BY HIM.

~~5-~~ 7. "Established plant, warehouse, or place of business" means any permanent office headquarters maintained by an importer, broker, seller, or authorized manufacturer's agent, or any permanent warehouse, building, or structure, in or from which a legitimate permanent business is carried on in good faith and not for the purpose of evading this article, during the usual and customary business hours, which is recognized, and where required, is licensed and taxed as such by the proper public authorities, at which stocks of agricultural seed, vegetable seed, or ornamental plant seed regulated by this article are sold, distributed, processed, mixed, stored, or kept in quantities reasonably adequate and usually carried for the requirements of the business and available for regular inspection by the state seed law enforcement officer or his inspectors. It does not include temporary residences, tents, temporary stands, itinerate trucks or transportation vehicles, or other temporary quarters, occupied pursuant to any temporary arrangement to evade this article.

8. "HYBRID" MEANS THE FIRST GENERATION SEED OF A CROSS PRODUCED BY CONTROLLING THE POLLINATION AND BY COMBINING TWO OR MORE INBRED LINES, OR ONE INBRED OR A SINGLE CROSS WITH AN OPEN POLLINATED VARIETY, OR TWO VARIETIES OR SPECIES, EXCEPT OPEN POLLINATED VARIETIES OF CORN (ZEA MAYS). THE SECOND GENERATION, OR SUBSEQUENT GENERATIONS FROM SUCH CROSSES, SHALL NOT BE REGARDED AS CROSSES. HYBRID DESIGNATIONS SHALL BE TREATED AS VARIETY NAMES. ANY ONE KIND OR KIND AND VARIETIES THAT HAS PURE SEED WHICH IS LESS THAN NINETY-FIVE PER CENT, BUT MORE THAN SEVENTY-FIVE PER CENT HYBRID SEED AS A RESULT OF INCOMPLETELY CONTROLLED POLLINATION IN A CROSS SHALL BE LABELED TO SHOW THE PERCENTAGE OF PURE SEED THAT IS HYBRID SEED, OR A STATEMENT SUCH AS "CONTAINS FROM SEVENTY-FIVE PER CENT TO NINETY-FIVE PER CENT HYBRID SEED". NO ONE KIND OF SEED SHALL BE LABELED AS HYBRID IF THE PURE SEED CONTAINS LESS THAN SEVENTY-FIVE PER CENT HYBRID SEED.

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

LAWS OF ARIZONA

9. "INOCULANT" MEANS A BACTERIAL SUBSTANCE APPLIED TO LEGUME SEED.

~~7-~~ 10. "Kind" means one or more related species or sub-species which singly or collectively is known by one common name, such as corn, oats, alfalfa and timothy.

~~8-~~ 11. "Labeling" means all labels and other written, printed or graphic representations, in any form whatsoever, accompanying or pertaining to any seed whether in bulk or in containers and includes representations or invoices.

12. "LICENSE" MEANS AN ARIZONA STATE SEED LICENSE.

~~9-~~ 13. "Lot" means a definite quantity of seed identified by a lot number or other mark, every portion or bag of which is uniform within recognized tolerances for the factors which appear in the labeling.

~~10-~~ 14. "Noxious-weed seeds" means "prohibited noxious-weed seeds" and "restricted noxious-weed seeds" as defined in this paragraph and as listed in the regulations promulgated under this article.

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

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

~~11-~~ 15. "Ornamental plant seed" means the seed of any plant used for ornamental purposes and shall include flower seed and seed of any plant used for decorative or ornamental purposes.

~~12-~~ 16. "Person" means any individual, partnership, corporation, company, society, or association.

~~13-~~ 17. "Pure seed," "germination," and other seed labeling and testing terms in common usage shall be defined as in the rules for seed testing published by the association of official seed analysts and in the federal seed act and the rules and regulations promulgated thereunder.

~~14-~~ 18. "Record" means all information relating to the shipment or shipments involved and includes a file sample of each lot of seed.

LAWS OF ARIZONA

~~15.~~ 19. "Seizure" means a legal process carried out by court order against a definite amount of seed.

20. "SELL" MEANS OFFER FOR SALE, EXPOSE FOR SALE, POSSESS FOR SALE, EXCHANGE, BARTER, OR TRADE.

~~16.~~ 21. "State seed law enforcement officer" means the state entomologist and his authorized agents.

~~17.~~ 22. "Stop sale" means an administrative order provided by law restraining the sale, use, disposition and movement of a definite amount of seed.

~~18.~~ 23. "Treated" means that the seed has received an application of a substance or process which substance or process is designed to reduce, control or repel certain disease organisms, insects or other pests attacking such seeds or seedlings growing therefrom.

~~19.~~ 24. "Type" means either a group of varieties so similar that the individual varieties cannot be clearly differentiated except under special conditions, or, when used with a variety name, means seed, of the variety named which may be mixed with seed of other varieties of the same kind and of similar character, the manner of and the circumstances connected with the use of the designation to be governed by regulations prescribed under this article.

~~20.~~ 25. "Variety" means a subdivision of a kind characterized by growth, yield, plant, fruit, seed, or other characteristics by which it can be differentiated from other plants of the same kind.

~~21.~~ 26. "Vegetable seeds" means seeds of those crops which are grown in gardens and on truck farms and are generally known and sold under the name of vegetable seeds in this state.

~~22.~~ 27. "Weed seeds" means the seeds of all plants generally recognized as weeds within this state and includes noxious-weed seeds.

Sec. 2. Section 3-233, Arizona Revised Statutes, is amended to read:

3-233. Powers of commission of agriculture and horticulture

For the purpose of carrying out the provisions of this article, the commission may:

LAWS OF ARIZONA

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

- (a) Any public or private premises during business hours.
 - (b) Any truck or other conveyer operated on land, water or in the air.
2. Issue and enforce a written "stop sale" order to the owner or custodian of any lot of agricultural, vegetable or ornamental plant seed which the commission finds in violation of any of the provisions of this article, as provided in section 3-238, AND ANY LOT OR LOTS OF SEED SOLD, OR TRANSPORTED FOR SALE, WHICH DO NOT MEET ALL REQUIREMENTS OF THE UNITED STATES PLANT VARIETY PROTECTION ACT.
3. Establish and maintain or make provision for seed testing facilities, employ qualified persons, and incur expenses necessary to comply with the provisions of this article.
4. Make or provide for making purity and germination tests of seeds for farmers and dealers on request, prescribe regulations governing such testing, and fix and collect charges for the tests.
5. Cooperate with the United States department of agriculture and other agencies in seed law enforcement.
6. Revoke a license issued under the provisions of this article upon satisfactory proof that the licensee has violated any of the provisions of this article or any of the regulations promulgated thereunder.

Sec. 3. Section 3-235, Arizona Revised Statutes, is amended to read:

3-235. Seed dealer license; qualification; fee; exception

A. ~~A~~ AN ARIZONA SEED DEALER OR AN OUT-OF-STATE SEED dealer who sells, distributes, processes or mixes for the use of others any agricultural, vegetable or ornamental plant seed, except vegetable and ornamental plant seed in packages of less than one pound, shall obtain a license from the commission, authorizing him to sell, distribute, process or mix such seed. A dealer shall not be entitled to a license unless he had an established plant, warehouse or place of business. A separate license shall

LAWS OF ARIZONA

be required for each place of business WITHIN THE STATE OF ARIZONA from which seed regulated by this article is sold.

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

C. This section does not apply to a farmer growing and marketing his own crops, UNLESS SUCH FARMER SELLS ANY OF THE SEED HARVESTED FROM SUCH CROPS. The portion of crops received by an individual who harvests the producer's crop and receives part of the crop as payment for services rendered in the harvesting shall be exempt from the provisions of this ~~article~~ SECTION.

Sec. 4. Section 3-236, Arizona Revised Statutes, is amended to read:

3-236. Retention of invoices and records

Each person whose name appears on the label of and handles agricultural and vegetable seeds subject to this article shall keep for a period of two years complete records of each lot of agricultural or vegetable seed handled, and keep for one year a file sample of each lot of seed after disposition of the lot. All records pertaining to the lot or lots involved shall be accessible for inspection by the state seed law enforcement officer during customary business hours. ALL INVOICES, RECEIVING RECORDS AND RECORDS OF PURCHASES MUST HAVE THE KIND, VARIETY AND LOT NUMBER OF SEED SOLD IN THE STATE OF ARIZONA.

Sec. 5. Section 3-237, Arizona Revised Statutes, is amended to read:

3-237. Label requirements

Each container of agricultural, vegetable and ornamental plant seed sold, offered for sale, exposed for sale or transported within the state for sowing purposed, shall bear or have attached thereto in a conspicuous place a plainly written label or tag in the English language, which statement shall not be modified or denied in the labeling or on another label attached to the container, giving the following information:

1. For all seeds named and treated as defined in this article:
 - (a) A word or statement indicating that the seed has been treated.

LAWS OF ARIZONA

(b) The commonly accepted coined chemical or abbreviated chemical name of the applied substance OR SUBSTANCES USED FOR TREATING SEED WHICH SUBSTANCES MUST BE REGISTERED FOR USE BY THE ARIZONA STATE CHEMIST, THE UNITED STATES DEPARTMENT OF AGRICULTURE AND THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. THE PROVISIONS OF THIS SECTION SHALL ALSO APPLY TO SEED WHICH HAS BEEN TREATED BY CUSTOM APPLICATORS, OR IN A CUSTOM MANNER, EVEN THOUGH THE TRANSFER OF OWNERSHIP IS NOT INTENDED.

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

(d) IF THE SEED IS CLAIMED TO BE INOCULATED, A LABEL TO SHOW THE MONTH AND YEAR BEYOND WHICH THE INOCULANT ON THE SEED IS NO LONGER CLAIMED TO BE EFFECTIVE BY A STATEMENT SUCH AS: "INOCULANT NOT CLAIMED TO BE EFFECTIVE AFTER (MONTH AND YEAR)."

2. For agricultural seeds:

(a) The commonly accepted name of the kind or the kind and variety of each agricultural seed component in excess of five per cent of the whole, and the percentage by weight of each in the order of its predominance. IN KINDS OF SEED, AS LISTED IN THE FEDERAL SEED ACT, WHERE VARIETY IS GENERALLY SHOWN, THE LABEL SHALL SHOW THE NAME OF THE KIND AND VARIETY, OR THE WORDS "VARIETY NOT STATED". HYBRIDS SHALL BE LABELED AS "HYBRIDS". Where more than one component is named, the word "mixture" or the word "mixed" shall be shown conspicuously on the label.

(b) The lot number or other lot identification.

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

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

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

LAWS OF ARIZONA

- (f) The percentage by weight of agricultural seeds, which may be designated as "crop seeds," other than those required to be named on the label.
- (g) The percentage by weight of inert matter.
- (h) For each named agricultural seed:
- i. The percentage of germination, exclusive of hard seed.
 - ii. The percentage of hard seed, if present.
 - iii. If desired, the germination and hard seed total.
 - iv. The month and year the test was completed to determine such percentages.
- (i) The name and address of the person who labeled the seed, or who sells, offers or exposes the seed for sale within this state.
3. For vegetable seeds in containers of one pound or less:
- (a) The name of the kind and variety of seed,
- (b) For seeds which germinate less than the standard last established by the commission under this article:
- i. The percentage of germination, exclusive of hard seed.
 - ii. The percentage of hard seed, if present.
 - iii. The month and year the test was completed to determine such percentages.
 - iv. The words "Below Standard" in not less than eight point type.
- (c) The name and address of the person who labeled the seed, or who sells, offers or exposes the seed for sale within this state.
4. For vegetable seeds in containers of more than one pound:
- (a) The name of each kind and variety present in excess of five per cent and the percentage by weight of each in order of its predominance.

LAWS OF ARIZONA

- (b) The lot number or other lot identification.
- (c) For each named vegetable seed:
 - i. The percentage of germination, exclusive of hard seed.
 - ii. The percentage of hard seed, if present.
 - iii. If desired, the germination and hard seed total.
 - iv. The month and year the test was completed to determine such percentages.
- (d) The name and address of the person who labeled the seed, or who sells, offers or exposes the seed for sale within this state.
- 5. For ornamental plant seed:
 - (a) The name of the kind and variety of seed.
 - (b) The name and address of the person or firm that packeted the seed and labeled it.

6. FOR AGRICULTURAL, VEGETABLE AND ORNAMENTAL SEEDS IN CONTAINERS OR BULK:

- (a) FOR SEEDS OF PLANTS FOR WHICH PLANT VARIETY PROTECTION HAS BEEN APPLIED FOR, THE WORDS "PLANT VARIETY PROTECTION APPLIED FOR".
- (b) FOR SEEDS OF PLANTS FOR WHICH PLANT VARIETY PROTECTION HAS BEEN GRANTED, THE WORDS "PLANT VARIETY PROTECTION NO. _____".

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—May 14, 1973

Filed in the Office of the Secretary of State—May 14, 1973

LAWS OF ARIZONA

CHAPTER 168

House Bill 2191

AN ACT

RELATING TO AERONAUTICS; PROHIBITING RESTRICTION BY A POLITICAL SUBDIVISION OF THE LENGTH OR WIDTH OF AN AIRSTRIP OR RUNWAY; PROVIDING LIMITATION; AMENDING SECTIONS 2-101, 2-301 AND 2-309, ARIZONA REVISED STATUTES, AND AMENDING TITLE 2, CHAPTER 3, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 2-333.

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

Section 1. Section 2-101, Arizona Revised Statutes, is amended to read:

2-101. Definitions

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

- ~~2-~~ 1. "Aeronaut" includes aviator, pilot, balloonist and other persons participating in the operation of aircraft while in flight.
 - ~~1-~~ 2. "Aircraft" includes balloon, airplane, ~~hydroplane~~ AMPHIBIAN and all craft used for navigation through the air.
 3. "AIRSTRIP" MEANS A STRIP OF GROUND ARTIFICIALLY OR NATURALLY SURFACED, DESIGNED AND USED AT AN AIRPORT OR LANDING FIELD FOR THE LANDING AND TAKEOFF OF AIRCRAFT.
 - ~~3-~~ 4. "Passenger" includes any person riding in aircraft but having no part in its operation.
 5. "RUNWAY" MEANS AN ARTIFICIALLY SURFACED STRIP OF GROUND DESIGNED AND USED AT AN AIRPORT FOR THE LANDING AND TAKEOFF OF AIRCRAFT.
- B. ~~A hydroplane~~ AN AMPHIBIAN while at rest on water and while being operated on or immediately above water shall be governed by the rules

LAWS OF ARIZONA

regarding water navigation, and while operated through the air otherwise than immediately above water shall be considered aircraft.

Sec. 2. Section 2-301, Arizona Revised Statutes, is amended to read:

2-301. Authority of cities, towns and counties; limitation

A. The governing body of a city or town or the board of supervisors of a county may acquire, establish, construct, own, control, lease, equip, improve, maintain, operate and regulate airports for the use of aircraft within or without the limits of the municipality, and for that purpose may use property suitable therefor which is or may hereafter be owned or controlled by the city, town or county.

B. THIS SECTION DOES NOT AUTHORIZE THE GOVERNING BODY OF A CITY OR TOWN OR THE BOARD OF SUPERVISORS OF A COUNTY TO RESTRICT OR LIMIT THE LENGTH OR WIDTH OF AN AIRSTRIP OR RUNWAY USED FOR THE LANDING AND TAKEOFF OF AIRCRAFT, ANY SUCH RESTRICTION OR LIMITATION IS VOID. THE PROVISIONS OF THIS SECTION SHALL NOT AFFECT THE ZONING AUTHORITY OF COUNTIES, CITIES OR TOWNS PURSUANT TO OTHER PROVISIONS OF LAW.

Sec. 3. Section 2-309, Arizona Revised Statutes, is amended to read:

2-309. Airport regulations, fees and charges; limitation

A. The governing body of a city, town or county may adopt regulations and establish fees or charges for use of airport facilities, or may authorize an officer, board or body of the municipality to adopt regulations and establish fees and charges, subject to approval by the governing body before such fees and charges become effective.

B. THIS SECTION DOES NOT AUTHORIZE THE GOVERNING BODY OF A CITY, TOWN OR COUNTY TO RESTRICT OR LIMIT THE LENGTH OR WIDTH OF AN AIRSTRIP OR RUNWAY USED FOR THE LANDING AND TAKEOFF OF AIRCRAFT. ANY SUCH RESTRICTION OR LIMITATION IS VOID. THE PROVISIONS OF THIS SECTION SHALL NOT AFFECT THE ZONING AUTHORITY OF COUNTIES, CITIES OR TOWNS PURSUANT TO OTHER PROVISIONS OF LAW.

Sec. 4. Title 2, chapter 3, article 2, Arizona Revised Statutes, is amended by adding section 2-333, to read:

LAWS OF ARIZONA

2-333. **Limitation on regulation**

THIS ARTICLE DOES NOT AUTHORIZE THE GOVERNING BODY OF A CITY, TOWN OR COUNTY TO RESTRICT OR LIMIT THE LENGTH OR WIDTH OF AN AIRSTRIP OR RUNWAY USED FOR THE LANDING AND TAKEOFF OF AIRCRAFT. ANY SUCH RESTRICTION OR LIMITATION IS VOID. THE PROVISIONS OF THIS SECTION SHALL NOT AFFECT THE ZONING AUTHORITY OF COUNTIES, CITIES OR TOWNS PURSUANT TO OTHER PROVISIONS OF LAW.

Approved by the Governor—May 14, 1973

Filed in the Office of the Secretary of State—May 14, 1973

CHAPTER 169

House Bill 2208

AN ACT

RELATING TO EDUCATION; PRESCRIBING PROCEDURE FOR ELECTION TO AUTHORIZE INTEGRATION OF ANY COMMUNITY COLLEGE ESTABLISHED UNDER TITLE 15, CHAPTER 6, ARIZONA REVISED STATUTES, INTO STATE COMMUNITY COLLEGE SYSTEM; PROVIDING FOR SPECIAL PROGRAMS OF BILINGUAL INSTRUCTION AND AMENDING SECTIONS 15-202, 15-661, 15-662, 15-1097, 15-1098, AND 15-1099, ARIZONA REVISED STATUTES AND MAKING AN APPROPRIATION.

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

Section 1. Section 15-202, Arizona Revised Statutes, is amended to read:

15-202. Conducting of public schools in English language; bilingual instruction

A. All schools shall be conducted in ~~the English language~~, except special classes as provided in subsection B of this section.

LAWS OF ARIZONA

B. In the first ~~three~~ EIGHT grades of any common school district where there are pupils who have difficulty in writing, speaking or understanding the English language because they are from an environment wherein another language is spoken primarily or exclusively, the district may provide special programs of bilingual instruction. ~~to the extent deemed necessary to improve or accelerate the comprehension and speech of the English language by such pupils~~

Sec. 2. Section 15-661, Arizona Revised Statutes, is amended to read:

15-661. Organizational powers of the state board

A. The state board may cooperate with the officials of any district established and maintained pursuant to the provisions of title 15, chapter 6, for the purpose of preparing plans to integrate existing districts under the state system as provided by this chapter.

B. If the state board and the ~~junior college board, as provided in section 15-621,~~ GOVERNING BOARD OF A COMMUNITY COLLEGE DISTRICT WHICH OPERATES UNDER THE AUTHORITY OF TITLE 15, CHAPTER 6 agree by majority vote of each body to integrate the existing ~~junior~~ COMMUNITY college system in the state system provided by this chapter, an election shall be called. ~~for such purpose, only after the board of education responsible for jurisdiction of the junior college has given its consent.~~

C. The election provided for in subsection B shall be called, held and conducted ~~in the manner provided by title 15, chapter 4, article 3, relating to election of trustees for school districts. The election shall be held at the next regular election of school trustees if within ninety days, or at a special election called for that purpose within sixty days from the date of approval by the board of education.~~ PURSUANT TO SECTION 15-677 AND THE REGULATIONS OF THE STATE BOARD PRESCRIBED FOR SUCH ELECTIONS.

D. The question shall be printed on the ballots in substantially the following form:

“Shall _____ ~~junior~~ COMMUNITY college district be permitted to become part of the state ~~junior~~ COMMUNITY college system?”

Yes _____
No _____”

LAWS OF ARIZONA

E. If a majority of the persons voting within the ~~junior~~ COMMUNITY college district approve of integration of the district as part of the state ~~junior~~ COMMUNITY college system, the state board is authorized, in cooperation with the ~~junior~~ COMMUNITY college board, to prepare a plan for presentation to the state legislature for approval or rejection. This plan shall provide for removing that part of the outstanding bonded indebtedness which was incurred by the ~~junior~~ COMMUNITY college district.

Sec. 3. Section 15-662, Arizona Revised Statutes, is amended to read:

15-662. Presentation of legislation for integration into state system of existing community colleges

A. The state board shall prepare a plan for integrating any existing ~~junior~~ COMMUNITY college district in the state system of ~~junior~~ COMMUNITY college district in the state system of ~~junior~~ COMMUNITY colleges ~~provided that the provisions of section 15-601 are complied with and~~ IF the voters of the ~~junior~~ COMMUNITY college district have, PURSUANT TO SECTION 15-661, voted in favor of becoming a part of the state COMMUNITY COLLEGE system.

B. The plan shall include liquidation of any part of the bonded indebtedness or other debts which have been incurred by the existing ~~junior~~ COMMUNITY college district.

C. Any plan prepared by the state board shall be presented to the legislature prior to January 15 of any calendar year.

Sec. 4. Article heading

The article heading for title 15, chapter 10, article 10, is changed from "SPECIAL ENGLISH TRAINING" to "BILINGUAL INSTRUCTION AND SPECIAL ENGLISH TRAINING."

Sec. 5. Section 15-1097, Arizona Revised Statutes, is amended to read:

15-1097. Special education programs

A. There shall be ~~a~~ special educational ~~program~~ PROGRAMS to carry out the provisions of this article subject to certification by the state superintendent of public instruction and pursuant to the rules and regulations prescribed by the state board of education relating to the administration of this article.

LAWS OF ARIZONA

B. The state board of education shall establish:

1. Testing standards and qualification requirements for students to qualify for each grade level under this article prior to and after completion of ~~the~~ EACH program.
2. Minimum qualifications for instructors to teach under this article.
3. That ~~common~~ schools seeking support under this article have suitable facilities.

C. The superintendent of public instruction shall enforce the compliance of school districts with the requirements of subsection B of this section.

Sec. 6. Section 15-1098, Arizona Revised Statutes, is amended to read:

15-1098. Powers of the governing body of a school district; programs

A. The governing body of a school district may:

1. PROVIDE A SPECIAL COURSE OF BILINGUAL INSTRUCTION FOR COMMON SCHOOL PUPILS, NOT TO EXCEED AN ACCUMULATED PERIOD OF FOUR YEARS PER PUPIL, TO EXPAND THE MINIMUM CURRICULUM AND SATISFY DISTRICT GOALS AND OBJECTIVES.

~~1-~~ 2. Provide a special course of instruction for common school children who are having difficulty in speaking or understanding the English language. This special instruction in the English language shall be in addition to the regular course of instruction prescribed in all school districts.

~~2-~~ 3. Employ special BILINGUAL teachers for the operation of special classes of ORAL English instruction OR BILINGUAL EDUCATION.

~~3-~~ 4. In cooperation with another district or districts, establish special classes of ORAL English OR BILINGUAL instruction for children who are having difficulty with the English language, OR CHILDREN WHO COME FROM ENVIRONMENTS WHERE THE DOMINANT LANGUAGE IS OTHER THAN ENGLISH.

B. If the governing body of a school district complies with the provisions contained in this article, the special class or classes may be conducted by

LAWS OF ARIZONA

the school district in a classroom or school facility owned and maintained by the school district, or the school district may contract with other public agencies, within or without the district, for the use of facilities in which to further the education of children who are having difficulty with ~~the~~ ORAL English language, OR CHILDREN WHO COME FROM ENVIRONMENTS WHERE THE DOMINANT LANGUAGE IS OTHER THAN ENGLISH.

C. The governing body of a school district which provides ~~the~~ A special course authorized in subsections A and B shall prepare an annual report which explains the program conducted by the district, the funds expended and for what purposes such funds were used during the preceding fiscal year. The report shall include plans for the ensuing fiscal year. The report shall be presented to the state superintendent of public instruction, who shall present all such reports and his recommendations to the legislature during January of each year.

D. FOR THE PURPOSES OF THIS ARTICLE, "BILINGUAL INSTRUCTION" MEANS INSTRUCTION THROUGH THE MEDIA OF ENGLISH AND ANOTHER LANGUAGE FOR UNDERSTANDING, SPEAKING, READING AND WRITING.

Sec. 7. Section 15-1099, Arizona Revised Statutes, is amended to read:

15-1099. Appropriation and apportionment; approval of program

A. Those students who qualify for ~~this~~ A special program of instruction UNDER THIS ARTICLE who are presently included in the appropriation and apportionment made pursuant to sections 15-1211 and 15-1212 and the county levy as provided in section ~~15-1233~~ 15-1235 shall receive in addition thereto, an appropriation by the legislature to each school district providing special education classes under the provisions of this article an amount specified by the superintendent of public instruction but not exceeding fifty dollars per unit of average daily attendance per annum PER PROGRAM for each special education student taught by the district and this appropriation shall be made on an actual per capita per annum basis as shown by the records of the superintendent of public instruction.

B. The appropriation shall be computed with reference to the estimated number of special education students as provided in section 15-1097 to be taught during the current year FOR COMMON SCHOOLS, in classes having a minimum of not less than one hundred twenty minutes nor more than ~~two~~ THREE hundred ~~forty~~ SIXTY minutes of instruction per school day.

LAWS OF ARIZONA

C. The appropriations and apportionment provided under the terms of this section shall not be granted to the governing body of a school district unless the district complies with provisions of this article and the conditions and standards prescribed by the superintendent of public instruction pursuant to rules and regulations of the state board of education. A school district program for education of children having difficulty with ORAL English OR CHILDREN WHO COME FROM ENVIRONMENTS WHERE THE DOMINANT LANGUAGE IS OTHER THAN ENGLISH, shall be presented to the state board of education for approval.

D. FUNDS PROVIDED UNDER THE TERMS OF THIS SECTION SHALL BE ALLOCATED FOR ALL ELIGIBLE STUDENTS IN GRADES ONE THROUGH FOUR PRIOR TO THE ALLOCATION OF REMAINING FUNDS TO THE ELIGIBLE STUDENTS IN GRADES FIVE THROUGH EIGHT.

E. A STUDENT MAY ONLY QUALIFY FOR BILINGUAL INSTRUCTION AND SPECIAL ENGLISH TRAINING AFTER A SHOWING OF PROOF SATISFACTORY TO THE SUPERINTENDENT THAT THE STUDENT IS LEGALLY PRESENT IN THIS STATE.

~~D.~~ F. Per capita appropriations made pursuant to this section shall not be included in the budget six per cent limit check for the purpose of determining the permissible total operational budget of a school district.

Sec. 8. Appropriation

The sum of two hundred thousand dollars is appropriated to the department of education for the 1973-1974 fiscal year for the additional costs of assistance pursuant to title 15, chapter 10, article 10, Arizona Revised Statutes.

Approved by the Governor—May 14, 1973

Filed in the Office of the Secretary of State—May 14, 1973

LAWS OF ARIZONA

CHAPTER 170

House Bill 2273

AN ACT

RELATING TO PROFESSIONS AND OCCUPATIONS; AMENDING PROVISIONS RELATING TO CONTRACTORS; DEFINING THE TERM "CONTRACTOR" AND THE TERM "RENT"; CLASSIFYING AND DEFINING CARPET CONTRACTING; PRESCRIBING PERSONAL LIABILITY OF REGISTRAR; PRESCRIBING PERSONS NOT REQUIRED TO BE LICENSED AS CONTRACTORS; PRESCRIBING WHO MAY ENGAGE IN CONTRACTING, AND AMENDING SECTIONS 32-1151, 32-1152 AND 32-1153, ARIZONA REVISED STATUTES.

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

Section 1. Section 32-1151, Arizona Revised Statutes, is amended to read:

32-1151. Engaging in contracting without license prohibited

It is unlawful for a person, firm, partnership, corporation, association or other organization, or a combination of any of them, to engage in the business, act or offer to act in the capacity, or purport to have the capacity of contractor without having ~~a~~ HIS OWN license IN HIS OWN NAME therefor as provided in this chapter, unless the person, firm, partnership, corporation, association or other organization is exempt as provided in this chapter. Evidence of securing a permit from a governmental agency or the employment of a person on a construction project shall be accepted in any court as prima facie evidence of existence of a contract.

Sec. 2. Section 32-1152, Arizona Revised Statutes, is amended to read:

32-1152. Bonds

A. Before granting an original contractor's license the registrar shall require of the applicant a surety bond in a form acceptable to the registrar or a cash deposit as provided in this section. No contractor's license may be renewed unless the applicant's surety bond or cash deposit is in full force and effect.

LAWS OF ARIZONA

B. The bonds or cash deposit as prescribed by this chapter shall be in amounts fixed by the registrar with the following schedules after giving due consideration to the volume of work contemplated by the applicant:

1. General engineering contractors and such subclassifications of general engineering contractors as determined by the registrar are required to furnish a surety bond or cash deposit in an amount of not more than fifteen thousand dollars and not less than five thousand dollars.
2. General building contractors and subclassifications of general building contractors are required to furnish a surety bond or cash deposit in an amount of not more than fifteen thousand dollars and not less than three thousand dollars.
3. Specialty contractors are required to furnish a surety bond or cash deposit in an amount of not more than seven thousand five hundred dollars and not less than one thousand dollars for each specialty license granted by the registrar.

C. The surety bonds shall be executed by the contractor as principal with a corporation duly authorized to transact surety business in this state. The contractor may in the alternative establish a cash deposit in the amount of the bond with the state treasurer in accordance with regulations to be issued by the registrar. The treasurer shall deposit such cash bond funds in special account to be known as the contractors' cash bond fund. Ninety per cent of such funds shall be invested by the treasurer pursuant to laws governing such deposits. The accrued interest from such investments shall be paid quarterly to the contractor' license fund established pursuant to section 32-1107. The remaining ten per cent of such cash bond funds shall be held by the treasurer for the payment of current claims. Such cash deposits may be withdrawn, if there are no outstanding claims against them, one year after the termination of the license in connection with which the cash is deposited. The cash deposit may be withdrawn one year after the filing of a commercial surety bond as a replacement to the cash deposit.

D. The bonds or deposit required by this chapter shall be in favor of the state for the benefit of any person covered by this subsection. The bond or deposit shall be subject to claims by the registrar of contractors for failure to pay any sum required pursuant to this chapter or by any person who, after entering into a construction contract with the principal is damaged by the failure of the principal to perform the contract or by any person furnishing labor, materials or construction equipment on a rental basis used

LAWS OF ARIZONA

in the direct performance of a construction contract. The person claiming against the bond or cash deposit may maintain an action at law against the contractor and the surety or depository and the surety bond or deposit may be sued upon in successive actions until the full amount thereof is exhausted. No suit may be commenced on the bond or deposit after the expiration of one year following the commission of the act or delivery of goods or rendering of services on which the suit is based except that time for purposes of claims for fraud shall be measured as provided in section 12-543. The surety bond or deposit shall be continuous in form and shall be conditioned that the total aggregate liability of the surety or depository for all claims shall be limited to the face amount of the bond irrespective of the number of years the bond is in force. If the corporate surety desires to make payment without awaiting court action, the amount of any bond filed in compliance with this chapter shall be reduced to the extent of any payment or payments made by the corporate surety in good faith thereunder. Any such payments shall be based on priority of written claims received by the corporate surety prior to court action.

E. Upon receipt by the registrar of notice to cancel a bond by any corporate surety, the registrar shall immediately notify the contractor who is the principal on the bond of the effective date of cancellation of the bond and that the contractor must furnish a like bond or make a cash deposit within thirty days after mailing of the notice by the registrar or his license shall be suspended. Notice to the contractor shall be by certified mail in a sealed envelope with postage fully prepaid thereon, addressed to his latest address of record in the registrar's office. The contractor's license shall be suspended by operation of law on the date the bond is canceled unless a replacement bond or cash deposit in lieu of bond is on file with the registrar.

F. THE REGISTRAR OF CONTRACTORS SHALL HAVE NO PERSONAL LIABILITY FOR THE PERFORMANCE OF DUTIES RELATING TO THE BOND AND CASH DEPOSIT REQUIREMENTS OF THIS CHAPTER SO LONG AS SUCH DUTIES ARE PERFORMED IN GOOD FAITH.

Sec. 3. Section 32-1153, Arizona Revised Statutes, is amended to read:

32-1153. Proof of license as prerequisite to civil action

No contractor shall act as agent or commence or maintain any action in any court of the state for collection of compensation for the performance

LAWS OF ARIZONA

of any act for which a license is required by this chapter without alleging and proving that ~~he~~ THE CONTRACTING PARTY WHOSE CONTRACT GIVES RISE TO THE CLAIM was a duly licensed contractor when the contract sued upon was entered into and when the alleged cause of action arose.

Approved by the Governor—May 14, 1973

Filed in the Office of the Secretary of State—May 14, 1973

CHAPTER 171

House Bill 2275

AN ACT

RELATING TO TRADE AND COMMERCE AND SECURITIES; DEFINING REAL PROPERTY SECURITIES; PRESCRIBING PROCEDURES FOR THE REGISTRATION OF REAL PROPERTY SECURITIES AND REGISTRATION OF REAL PROPERTY SECURITIES DEALERS; AMENDING TITLE 44, CHAPTER 12, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 18, AND AMENDING SECTIONS 44-2011 AND 44-2036, ARIZONA REVISED STATUTES.

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

Section 1. Title 44, chapter 12, Arizona Revised Statutes, is amended by adding article 18, sections 44-2066, 44-2066.01 through 44-2066.10, to read:

ARTICLE 18. REAL PROPERTY SECURITIES DEALERS

44-2066. **Definitions**

IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "PROMOTIONAL NOTE" MEANS A PROMISSORY NOTE SECURED BY A MORTGAGE OR DEED OF TRUST EXECUTED ON UNIMPROVED REAL PROPERTY, OR EXECUTED AFTER CONSTRUCTION OF AN IMPROVEMENT OF THE PROPERTY BUT

LAWS OF ARIZONA

BEFORE THE FIRST SALE OF THE PROPERTY AS SO IMPROVED OR EXECUTED AS A MEANS OF FINANCING THE FIRST PURCHASE OF THE PROPERTY AS SO IMPROVED.

2. "REAL PROPERTY SECURITIES DEALER" MEANS ANY PERSON, ACTING AS PRINCIPAL OR AGENT, WHO ENGAGES IN THE BUSINESS OF EITHER:

(a) SELLING REAL PROPERTY SECURITIES AS DEFINED IN PARAGRAPH 3, TO THE PUBLIC.

(b) OFFERING TO ACCEPT OR ACCEPTING FUNDS FOR CONTINUAL REINVESTMENT IN REAL PROPERTY SECURITIES, OR FOR PLACEMENT IN AN ACCOUNT, PLAN OR PROGRAM WHEREBY THE DEALER IMPLIES THAT A RETURN WILL BE DERIVED FROM A SPECIFIC REAL PROPERTY SALES CONTRACT OR PROMISSORY NOTE SECURED DIRECTLY OR COLLATERALLY BY A LIEN ON REAL PROPERTY WHICH IS NOT SPECIFICALLY STATED TO BE BASED UPON THE CONTRACTUAL PAYMENTS THEREON.

3. "REAL PROPERTY SECURITY":

(a) MEANS A CONTRACT MADE IN CONNECTION WITH THE SALE OF A SINGLE PROMISSORY NOTE SECURED DIRECTLY OR COLLATERALLY BY A LIEN ON REAL PROPERTY OR A SINGLE REAL PROPERTY SALES CONTRACT WHEN THE REAL PROPERTY SECURITIES DEALER OR HIS PRINCIPAL AGREES TO DO OR IMPLIES THAT HE WILL DO ANY OF THE FOLLOWING:

(i) GUARANTEE THE NOTE OR CONTRACT AGAINST LOSS AT ANY TIME.

(ii) GUARANTEE THAT PAYMENTS OF PRINCIPAL OR INTEREST WILL BE PAID IN CONFORMITY WITH THE TERMS OF THE NOTE OR CONTRACT.

(iii) ASSUME ANY PAYMENTS NECESSARY TO PROTECT THE SECURITY OF THE NOTE OR CONTRACT.

(iv) ACCEPT, FROM TIME TO TIME, PARTIAL PAYMENTS TOWARD THE PURCHASE OF THE NOTE OR CONTRACT.

(v) GUARANTEE A SPECIFIC YIELD OR RETURN ON THE NOTE OR CONTRACT.

LAWS OF ARIZONA

(vi) PAY WITH HIS OWN FUNDS ANY INTEREST OR PREMIUM FOR A PERIOD PRIOR TO ACTUAL PURCHASE AND DELIVERY OF THE NOTE OR CONTRACT.

(vii) PAY WITH HIS OWN FUNDS ANY MONEY AFTER THE NOTE OR CONTRACT FALLS INTO ARREARS.

(viii) REPURCHASE THE NOTE OR CONTRACT.

(b) MEANS ONE OF A SERIES OF PROMOTIONAL NOTES SECURED BY LIENS ON SEPARATE PARCELS OF REAL PROPERTY IN ONE OR MORE SUBDIVISIONS OR IN ONE OR MORE UNSUBDIVIDED AREAS.

(c) MEANS ONE OF A SERIES OF REAL PROPERTY SALES CONTRACTS PERTAINING TO SEPARATE PARCELS OF REAL PROPERTY IN ONE OR MORE SUBDIVISIONS OR IN ONE OR MORE UNSUBDIVIDED AREAS, ALL OF WHICH ARE EXECUTED BY ONE PERSON OR PERSONS ASSOCIATED TOGETHER AS OWNERS. AS USED IN THIS SUBDIVISION, THE TERM "REAL PROPERTY SALES CONTRACT" DOES NOT INCLUDE A CONTRACT EXECUTED MORE THAN THREE YEARS PRIOR TO BEING OFFERED FOR SALE.

4. "SALE" OR "SELL" INCLUDES EVERY ISSUANCE, CREATION FOR RESALE, DISPOSITION OR ATTEMPT TO DISPOSE OF A REAL PROPERTY SECURITY FOR VALUE AND INCLUDES ALL OF THE FOLLOWING, WHETHER DONE DIRECTLY OR BY CIRCULAR LETTER, ADVERTISEMENT, RADIO OR TELEVISION BROADCAST OR OTHERWISE, AN OFFER TO SELL, AN ATTEMPT TO SELL, A SOLICITATION OF A SALE, A CONTRACT OF SALE OR AN EXCHANGE.

44-2066.01. **Exclusions**

A. THE TERM "PROMOTIONAL NOTE" AS USED IN THIS ARTICLE DOES NOT INCLUDE A NOTE WHICH WAS EXECUTED IN EXCESS OF THREE YEARS PRIOR TO BEING OFFERED FOR SALE OR A NOTE SECURED BY A MORTGAGE OR DEED OF TRUST ON REAL PROPERTY IN A SUBDIVISION, WHICH EVIDENCES A BONA FIDE LOAN MADE IN CONNECTION WITH THE FINANCING OF THE USUAL COSTS OF THE DEVELOPMENT OF A RESIDENTIAL, COMMERCIAL OR INDUSTRIAL BUILDING OR BUILDINGS ON THE PROPERTY UNDER WRITTEN AGREEMENT PROVIDING FOR THE

LAWS OF ARIZONA

DISBURSEMENT OF THE LOAN FUNDS AS COSTS ARE INCURRED OR IN RELATION TO THE PROGRESS OF THE WORK.

B. NEITHER "PROMOTIONAL NOTE" NOR "REAL PROPERTY SECURITY" INCLUDES ANY NOTE OR OTHER EVIDENCE OF AN OBLIGATION, OR CERTIFICATE OR OTHER EVIDENCE OF OWNERSHIP OR OF PARTICIPATION IN OWNERSHIP THEREOF, IF THE OBLIGATION THEREBY EVIDENCED IS FULLY OR PARTIALLY SECURED BY THE GUARANTEE, INSURANCE OR OTHER LIKE COMMITMENT OF THE UNITED STATES OR AN AGENCY OR INSTRUMENTALITY OF THE UNITED STATES.

44-2066.02. **Sales not sales to public**

THE SALE TO PENSION, RETIREMENT OR SIMILAR TRUST FUNDS, TO CORPORATIONS, TO INSTITUTIONAL LENDING AGENCIES, AND TO REAL ESTATE BROKER LICENSEES AND GENERAL BUILDING CONTRACTOR LICENSEES WHEN DEALING WITH THEIR OWN ACCOUNTS, SHALL NOT BE A SALE TO THE PUBLIC FOR THE PURPOSE OF THIS ARTICLE.

44-2066.03. **Real property securities dealer; permit**

A PERSON SHALL NOT ACT AS A REAL PROPERTY SECURITIES DEALER WITHIN OR FROM THIS STATE WITHOUT FIRST HAVING OBTAINED A PERMIT FROM THE COMMISSION.

44-2066.04. **Seller's statement to purchaser; contents prerequisite for sale**

A. EVERY PERSON SELLING A REAL PROPERTY SECURITY SHALL PERSONALLY SIGN AND DELIVER TO THE PURCHASER A STATEMENT IN WRITING, CONTAINING ALL THE INFORMATION REQUIRED BY SUBSECTION B. A TRANSACTION SHALL BE VOIDABLE BY THE PURCHASER PRIOR TO WRITTEN ACKNOWLEDGMENT BY THE PURCHASER THAT HE HAS RECEIVED SUCH STATEMENT AND IS FAMILIAR WITH THE CONTENTS THEREOF. NO SELLER SHALL PERMIT THE PURCHASER TO SIGN THE STATEMENT IF ANY INFORMATION REQUIRED BY SUBSECTION B IS OMITTED. THE SELLER SHALL RETAIN AN EXECUTED COPY OF THE STATEMENT FOR FOUR YEARS.

B. THE STATEMENT REQUIRED BY SUBSECTION A OF THIS SECTION, THE FORM OF WHICH SHALL BE APPROVED BY THE

LAWS OF ARIZONA

COMMISSION, SHALL BE APPROVED BY THE COMMISSION AND SHALL INCLUDE THE FOLLOWING INFORMATION:

1. LEGAL DESCRIPTION OR ADDRESS OF THE PROPERTY SUBJECT TO THE LIEN SECURING THE NOTE OR CONTRACT BEING MADE OR SOLD.
2. THE NAME AND ADDRESS OF THE FEE OWNER OF THE PROPERTY SUBJECT TO THE LIEN SECURING THE NOTE OR CONTRACT BEING MADE OR SOLD.
3. AVAILABLE INFORMATION RELATIVE TO THE ABILITY OF THE PERSON LIABLE ON THE OBLIGATION TO MEET HIS CONTRACTUAL PAYMENTS.
4. ANY IMPROVEMENTS ON THE PROPERTY OR THE ABSENCE THEREOF.
5. ANY STREETS, SEWERS, WATER MAINS, CURBS AND GUTTERS ON OR ADJACENT TO THE PROPERTY OR THE ABSENCE THEREOF.
6. TERMS AND CONDITIONS OF THE CONTRACT OR NOTE BEING MADE OR SOLD, INCLUDING THE PRINCIPAL BALANCE OWING THEREON, AND THE STATUS OF THE PRINCIPAL AND INTEREST PAYMENTS THEREON.
7. INSOFAR AS IT IS AVAILABLE, THE TERMS AND CONDITIONS OF ALL PRIOR RECORDED ENCUMBRANCES WHICH CONSTITUTE LIENS UPON THE PROPERTY, THE PRINCIPAL BALANCE OF SUCH ENCUMBRANCES AND THE STATUS OF PRINCIPAL AND INTEREST THEREON.
8. AMOUNTS AND TERMS OF TAX LIENS AND ASSESSMENTS, INSOFAR AS THEY ARE AVAILABLE.
9. WHETHER THE DEALER IS ACTING AS A PRINCIPAL OR AS AN AGENT.
10. A STATEMENT THAT THE TRANSACTION IS IN COMPLIANCE WITH THE PROVISIONS OF THIS SECTION.
11. AN INDEPENDENT APPRAISAL OF THE VALUE OF THE PROPERTY SUBJECT TO THE LIEN SECURING THE NOTE OR

LAWS OF ARIZONA

CONTRACT BEING MADE OR SOLD. SUCH APPRAISAL SHALL STATE THE VALUE OF THE PROPERTY AS IT EXISTS ON THE DATE THE APPRAISAL IS MADE.

C. IN ADDITION, THE STATEMENT SHALL SET FORTH SUCH ADDITIONAL INFORMATION AS THE COMMISSION MAY BY RULE OR REGULATION PRESCRIBE.

44-2066.05. **Advertising and sales literature**

A. ANY ADVERTISING, COMMUNICATION, OR SALES LITERATURE OF ANY KIND, PUBLISHED, EXHIBITED, BROADCAST FOR RADIO OR TELEVISION, OR USED DIRECTLY OR INDIRECTLY IN CONNECTION WITH THE PURCHASE OR THE SALE OF ANY REAL PROPERTY SECURITIES SHALL BE FILED WITH THE COMMISSION AT LEAST TEN DAYS PRIOR TO ITS PROPOSED USE.

B. NO ADVERTISING, COMMUNICATION OR SALES LITERATURE OF ANY KIND INCLUDING ORAL STATEMENTS BY SALESMEN AND OTHER PERSONS, SHALL CONTAIN:

1. ANY UNTRUE STATEMENT OF MATERIAL FACT OR ANY OMISSION OF MATERIAL FACT WHICH WOULD MAKE SUCH STATEMENT MISLEADING IN LIGHT OF THE CIRCUMSTANCES UNDER WHICH SUCH STATEMENT WAS MADE.

2. ANY STATEMENT OR IMPLICATION THAT THE REAL PROPERTY SECURITIES ARE OFFERED WITHOUT RISK OR THAT LOSS IS IMPOSSIBLE.

C. ANY ADVERTISING, COMMUNICATION, OR SALES LITERATURE OF ANY KIND SHALL CONTAIN ALL OF THE FOLLOWING:

1. THE NAME OF THE REAL PROPERTY SECURITIES ISSUER AND OF THE REAL PROPERTY SECURITIES DEALER CIRCULATING OR PUBLISHING THE SAME.

2. A STATEMENT SHOWING THE RELATIONSHIP AMONG THE ISSUER, DEALER AND EVERY PERSON WHOSE NAME IS USED OR FROM WHOM QUOTATIONS ARE MADE.

3. A STATEMENT CLEARLY INDICATING THE SOURCE AND AUTHORITY OF ALL REPORTS, STATEMENTS, OR CLAIMS USED

LAWS OF ARIZONA

IN WHOLE OR IN PART OR IN ANY MANNER REFERRED TO THEREIN.

D. THE BODY OF ALL PRINTED ADVERTISEMENTS, COMMUNICATIONS OR SALES LITERATURE SHALL BE IN ROMAN TYPE AT LEAST AS LARGE AS TEN-POINT MODERN TYPE, EXCEPT THAT TO THE EXTENT NECESSARY FOR CONVENIENT PRESENTATION, FINANCIAL STATEMENTS AND OTHER STATISTICAL OR TABULAR DATA AND THE NOTES THERETO MAY BE IN ROMAN TYPE AT LEAST AS LARGE AS EIGHT-POINT MODERN TYPE. ALL TYPE SHALL BE LEADED AT LEAST TWO POINTS.

E. NO ADVERTISING, COMMUNICATION OR SALES LITERATURE SHALL BE USED AFTER ENTRY OF AN ORDER BY THE COMMISSION PROHIBITING ITS USE.

F. THE PROVISIONS OF THIS SECTION DO NOT PROHIBIT THE USE OF ANY ADVERTISING, COMMUNICATION OR SALES LITERATURE FILED WITH THE COMMISSION CONCERNING WHICH NO NOTICE OF ITS BEING OBJECTIONABLE HAS BEEN ISSUED WITHIN TEN DAYS OF SUBMISSION TO THE COMMISSION.

44-2066.06. Real property securities dealers' bond

EVERY REAL PROPERTY SECURITIES DEALER SHALL FILE AND MAINTAIN WITH THE COMMISSION A BOND IN THE PENAL SUM OF TEN THOUSAND DOLLARS, ISSUED BY A CORPORATE SURETY INSURER APPROVED BY THE COMMISSION, IN FAVOR OF THE STATE, FOR THE BENEFIT OF ANY PERSON WHOSE TRANSACTION IS COVERED BY THIS ARTICLE. THE BOND SHALL BE CONDITIONED THAT THE DEALER SHALL OBEY ALL THE PROVISIONS OF THIS ARTICLE, SHALL PERFORM AND COMPLY WITH ALL OBLIGATIONS ASSUMED BY HIM AND SHALL HONESTLY AND FAITHFULLY APPLY ALL FUNDS RECEIVED. IN ADDITION TO ANY OTHER REMEDY HE MAY HAVE, EVERY PERSON SUSTAINING ANY INJURY FOR BREACH OF OBLIGATION MAY BRING ACTION UPON SAID BOND AGAINST BOTH PRINCIPAL AND SURETY IN ANY COURT OF COMPETENT JURISDICTION TO RECOVER THE DAMAGES CAUSED BY SUCH BREACH OF OBLIGATION.

44-2066.07. Annual report

A. EVERY REAL PROPERTY SECURITIES DEALER AND ISSUER

LAWS OF ARIZONA

SHALL FILE WITH THE COMMISSION, ANNUALLY, A REPORT CONTAINING FINANCIAL STATEMENTS IN ACCORDANCE WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES, ACCOMPANIED BY AN OPINION THEREON BY A CERTIFIED PUBLIC ACCOUNTANT OR A PUBLIC ACCOUNTANT, BASED UPON AN AUDIT WHICH IS NOT MATERIALLY RESTRICTED IN SCOPE OF THE DEALER'S OR ISSUER'S BUSINESS SUBJECT TO THIS ARTICLE. THE REPORT SHALL INCLUDE BUT NOT BE LIMITED TO THE RECEIPT AND DISPOSITION OF ALL FUNDS HANDLED IN CONNECTION WITH TRANSACTIONS SUBJECT TO THIS ARTICLE. THE REPORT SHALL BE FILED WITH THE COMMISSION WITHIN SIXTY DAYS AFTER THE CLOSE OF THE PERIOD OF THE REPORT UNLESS, FOR GOOD CAUSE SHOWN, THE COMMISSION IN WRITING EXTENDS THE TIME THEREFOR. THE REPORT SHALL CONTAIN AT LEAST ALL OF THE FOLLOWING:

1. TOTAL NUMBER OF SALES, AS PRINCIPAL OR AGENT, SUBJECT TO THIS ARTICLE DURING THE PERIOD.

2. TOTAL DOLLAR VALUE OF SUCH SALES.

B. THE COMMISSION MAY REQUIRE BY RULE OR REGULATION SUCH ADDITIONAL INFORMATION AS IT CONSIDERS NECESSARY BY ADDITION TO THE ANNUAL REPORT OR OTHERWISE.

C. IN THE EVENT THAT A REAL PROPERTY SECURITIES DEALER OR ISSUER FAILS TO FILE A REPORT PURSUANT TO THIS SECTION, THE COMMISSION MAY CAUSE AN AUDIT TO BE MADE AND SHALL CHARGE AND COLLECT THE COST OF THE AUDIT FROM THE DEALER OR ISSUER.

44-2066.08. **Real property securities permit; issuance**

A. NO REAL PROPERTY SECURITY SHALL BE SOLD TO THE PUBLIC WITHOUT EITHER THE ISSUER OR THE REAL PROPERTY SECURITIES DEALER FIRST OBTAINING A PERMIT FROM THE COMMISSION.

B. NO PERMIT MAY BE ISSUED BY THE COMMISSION WITHOUT EXPRESS FINDINGS THAT:

1. THE PROPOSED SALE OF REAL PROPERTY SECURITIES IS FAIR JUST AND EQUITABLE.

LAWS OF ARIZONA

2. THE APPLICANT INTENDS TO TRANSACT HIS BUSINESS FAIRLY AND HONESTLY.

3. THE REAL PROPERTY SECURITIES WHICH THE APPLICANT PROPOSES TO SELL ARE NOT SUCH AS, IN THE OPINION OF THE COMMISSION, WILL WORK A FRAUD UPON THE PURCHASER THEREOF.

C. A PERMIT ISSUED PURSUANT TO THIS SECTION SHALL AUTHORIZE THE APPLICANT TO SELL REAL PROPERTY SECURITIES IN SUCH AMOUNTS AND FOR SUCH CONSIDERATIONS AND UPON SUCH TERMS AND CONDITIONS AS THE COMMISSION SHALL PRESCRIBE.

D. AN APPLICATION FOR A PERMIT ISSUED PURSUANT TO THIS SECTION SHALL BE ACCOMPANIED BY:

1. A BALANCE SHEET OF THE PROSPECTIVE REAL PROPERTY SECURITIES DEALER AND, IF SUCH DEALER IS ACTING AS AN AGENT, A BALANCE SHEET OF THE PRINCIPAL, PREPARED:

(a) WITHIN NINETY DAYS OF THE DATE OF APPLICATION,

(b) IN ACCORDANCE WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES, AND

(c) CERTIFIED BY AN INDEPENDENT PUBLIC OR CERTIFIED PUBLIC ACCOUNTANT.

2. A COPY OF THE SELLER'S STATEMENT TO PURCHASERS REQUIRED BY SECTION 44-2066.03.

3. A FEE IN THE AMOUNT OF ONE TENTH OF ONE PER CENT OF THE FACE AMOUNT OF THE REAL PROPERTY SECURITIES OFFERING BUT IN NO EVENT LESS THAN FIVE HUNDRED DOLLARS.

E. A PERMIT ISSUED PURSUANT TO THIS SECTION SHALL EXPIRE ONE YEAR FROM DATE OF ISSUANCE AND MAY BE RENEWED ONLY UPON REAPPLICATION.

F. ANY APPLICANT OBJECTING TO THE DENIAL OF A PERMIT OR THE CONDITIONS OF A PERMIT MAY APPLY FOR A HEARING

LAWS OF ARIZONA

AND SHALL BE GRANTED A HEARING BY THE COMMISSION UPON THE LEGALITY OR REASONABLENESS OF THE DENIAL OR CONDITIONS.

44-2066.09. Sale in violation of article; civil remedy

EVERY PERSON SUSTAINING AN INJURY RESULTING FROM A TRANSACTION SUBJECT TO THIS ARTICLE WHICH WAS IN VIOLATION OF THE PROVISIONS OF THE ARTICLE MAY RECOVER IN A CIVIL ACTION DOUBLE THE AMOUNT OF THE DAMAGES FROM THE DATE OF THE INJURY AND SHALL BE ENTITLED TO BE AWARDED A REASONABLE ATTORNEY'S FEE. ANY SUCH ACTION SHALL BE BROUGHT WITHIN TWO YEARS FROM THE DATE THE INJURY WAS DISCOVERED.

44-2066.10. Scope of article

THE PROVISIONS OF THIS ARTICLE SHALL APPLY TO THE FOLLOWING PERSONS ACTING IN OR FROM THIS STATE:

1. ALL REAL PROPERTY SECURITIES DEALERS OR ISSUERS.
2. ALL PERSONS PURPORTING TO ACT AS REAL PROPERTY SECURITIES DEALERS OR ISSUERS.
3. ALL PERSONS IN THE PROCESS OF ORGANIZATION WITH INTENT TO DO BUSINESS AS REAL PROPERTY SECURITIES DEALERS OR ISSUERS.
4. ALL PERSONS FROM WHOM THE COMMISSION'S AUTHORITY IS REQUIRED FOR THE TRANSACTION OF BUSINESS AS A REAL PROPERTY SECURITIES DEALER OR ISSUER.
5. ALL PERSONS WHOSE AUTHORITY AS A REAL PROPERTY SECURITIES DEALER OR ISSUER HAS BEEN REVOKED OR SUSPENDED.

Sec. 2. Section 44-2011, Arizona Revised Statutes, is amended to read:

44-2011. Complaint for appointment of conservator or receiver

The provisions of paragraph 3 of section 44-2032 shall be applicable when an act, practice or transaction constituting a violation of sections 44-1841,

LAWS OF ARIZONA

44-1842, ~~or~~ article 13 OR ARTICLE 18 of this chapter, is alleged in a complaint filed by the state of Arizona at the relation of the attorney general.

Sec. 3. Section 44-2036, Arizona Revised Statutes, is amended to read:

44-2036. **Penalties**

A. A person who wilfully violates any provision of sections 44-1841, 44-1842, ~~or~~ article 13 OR ARTICLE 18 of this chapter, is guilty of a felony punishable by a fine of not less than five hundred nor more than five thousand dollars, by imprisonment for not less than one nor more than ten years, or both.

B. A person who wilfully violates any provision of this chapter or any rule, regulation or order of the commission thereunder, for which a penalty is not provided in subsection A of this section, is guilty of a misdemeanor punishable by a fine of not less than one hundred nor more than five hundred dollars, by imprisonment for not more than one year, or both.

Approved by the Governor—May 14, 1973

Filed in the Office of the Secretary of State—May 14, 1973

CHAPTER 172

House Bill 2280

AN ACT

RELATING TO EQUAL RIGHTS; PROVIDING FOR EQUAL RIGHTS FOR MALES AND FEMALES; AMENDING SECTIONS 1-214, 2-321, 3-341, 3-343, 3-352, 3-371, 3-413, 4-244, 9-927, 9-958, 9-962, 9-963, 11-311, 11-441, 11-465, 12-401, 12-612, 12-641, 12-841, 12-842, 12-843, 12-845, 12-846, 12-847, 12-848, 12-849, 12-850, 12-1676, 13-134, 13-201, 13-202, 13-245, 13-542, 13-581, 13-582, 13-583, 13-584, 13-586, 13-587, 13-588, 13-591, 13-592, 13-593, 13-801, 13-802, 13-803, 13-804, 13-821, 13-1019, 13-1202, 13-1512, 13-1515, 15-819, AND 16-925, ARIZONA REVISED STATUTES; AMENDING TITLE 23, CHAPTER 2, ARTICLE 7, ARIZONA REVISED STATUTES, BY ADDING SECTION 23-355;

LAWS OF ARIZONA

AMENDING SECTIONS 23-1265, 24-901, 25-211 AND 25-213, ARIZONA REVISED STATUTES; AMENDING TITLE 25, CHAPTER 2, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING NEW SECTIONS 25-214 AND 25-215; AMENDING SECTIONS 26-122, 26-156, 26-159, 26-161, 26-165, 26-171, 26-175, 27-124, 27-126, 27-208, 27-343, 27-346, 27-347, 27-351, 27-352, 27-353, 27-355, 27-356, 29-207, 29-225, 31-102, 31-103, 31-205, 32-213, 32-501, 32-2194.14, 33-453, 33-988, 33-1104, 33-1126, 36-518, 38-772, 38-777, 38-801, 38-846, 38-921, 40-850, 40-883, 41-603, 41-956, 42-271, 42-1106, 44-1453, 44-2909, 44-2924 AND 46-295, ARIZONA REVISED STATUTES, AND REPEALING SECTIONS 13-377, 15-306, 23-261, 25-214, 25-215 AND 25-216, ARIZONA REVISED STATUTES.

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

Section 1. Section 1-214, Arizona Revised Statutes, is amended to read:

1-214. Words of tense, number and gender

- A. Words in the present tense include the future as well as the present.
- B. Words in the singular number include the plural, and words in the plural number include the singular.
- C. Words of the masculine gender include the feminine and the neuter.
- D. WORDS OF THE FEMININE GENDER INCLUDE THE MASCULINE AND THE NEUTER.

Sec. 2. Section 2-321, Arizona Revised Statutes, is amended to read:

2-321. Definitions

In this article, unless the context otherwise requires:

- 1. "Airport" means any area of land or water designed and set aside for the landing and taking-off of aircraft and utilized or to be utilized in the interest of the public for those purposes.
- 2. "Airport hazard" means any structure, tree or use of land which obstructs the air space required for flight of aircraft in taking off or landing at an airport, or is otherwise hazardous to aircraft taking off or landing.

LAWS OF ARIZONA

3. "Airport hazard area" means any area of land or water upon which an airport hazard might be established if not prevented as provided in this article.
4. "Political subdivision" means city, town or county.
5. "Person" means an individual, firm, partnership, corporation, company, association, joint stock association or body politic, and includes a trustee, receiver, assignee or other representative thereof.
6. "Structure" means an object constructed or installed by ~~man~~ A HUMAN including, but without limitation, buildings, towers, smokestacks and overhead transmission lines.
7. "Tree" means any object of natural growth.

Sec. 3. Section 3-341, Arizona Revised Statutes, is amended to read:

3-341. Definitions

For the purposes of this article:

1. "Active ingredient" means an ingredient which will prevent, destroy, repel or mitigate insects, fungi, rodents, weeds or other pests.
2. "Adulterated" applies to any pesticide if its strength or purity falls below the professed standard or quality as expressed on labeling or under which it is sold, or if any substance has been substituted wholly or in part for the article, or if any valuable constituent of the article has been wholly or in part abstracted.
3. "Antidote" means the most practical immediate treatment in case of poisoning and includes first aid treatment.
4. "Defoliant" and "desiccant" mean any substance or mixture of substances intended for killing or artificially accelerating the drying of plant tissues, with or without causing abscission.
5. "Device" means any instrument or contrivance intended for trapping insects, and includes any instrument or contrivance intended for destroying, repelling or mitigating insects or rodents or destroying, repelling or mitigating fungi or weeds, or such other pests as may be designated by the state chemist, but not including equipment used for the application of pesticides when sold separately therefrom.

LAWS OF ARIZONA

6. "Fungi" means all non-chlorophyll-bearing thallophytes, that is, all non-chlorophyll-bearing plants of a lower order than mosses and liverworts, as, for example, rusts, smuts, mildews, molds, yeasts and bacteria, except those on or in living ~~man~~ HUMANS or other animals.

7. "Fungicide" means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any fungi.

8. "Herbicide" means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any weed.

9. "Inert ingredient" means an ingredient which is not an active ingredient.

10. "Ingredient statement" means either:

(a) A statement of the name and percentage of each active ingredient, together with the total percentage of the inert ingredients, in the pesticide, or

(b) A statement of the name of each active ingredient, together with the name of each and total percentage of the inert ingredients, if there are any, in the pesticide, except that subdivision (a) shall apply if the preparation is highly toxic to ~~man~~ HUMANS, determined as provided in section 3-343.

In addition to subdivision (a) or (b), in case the pesticide contains arsenic in any form, a statement of the percentages of total and water soluble arsenic, each calculated as elemental arsenic.

11. "Insect" means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class Insecta, comprising six-legged, usually winged forms, as, for example, beetles, bugs, bees and flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, as, for example, spiders, mites, ticks, centipedes and wood lice. "Insect" shall also include round worms.

12. "Insecticide" means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any insects which may be present in any environment whatever.

13. "Label" means the written, printed or graphic matter on, or attached to, the pesticide or device, or the immediate container thereof, and the

LAWS OF ARIZONA

outside container or wrapper of the retail package, if there is any, of the pesticide or device.

14. "Labeling" means all labels and other written, printed or graphic matter:

- (a) Upon the pesticide or device or any of its containers or wrappers.
- (b) Accompanying the pesticide or device at any time.
- (c) To which reference is made on the label or in literature accompanying the pesticide or device, except when accurate, non-misleading reference is made to current official publications of the United States departments of agriculture or interior, the United States public health service, state experiment stations, state agricultural colleges or other similar federal institutions or official agencies of the state or other states authorized by law to conduct research in the field of pesticides.

15. "Misbranded" shall apply:

- (a) To any pesticide or device if its labeling bears any statement, design or graphic representation relative thereto or to its ingredients which is false or misleading in any particular.
- (b) To any pesticide:
 - (i) If it is an imitation of or is offered for sale under the name of another pesticide.
 - (ii) If its labeling bears any reference to registration under this article.
 - (iii) If the labeling accompanying it does not contain instructions for use which are necessary and, if complied with, adequate for the protection of the public.
 - (iv) If the label does not contain a warning or caution statement which may be necessary and, if complied with, adequate to prevent injury to living ~~man~~ HUMANS and other vertebrate animals.
 - (v) If the label does not bear an ingredient statement on that part of the immediate container and on the outside container or wrapper, if there is one, through which the ingredient statement on the immediate container cannot be clearly read, of the retail package which is presented or displayed under customary conditions of purchase.

LAWS OF ARIZONA

(vi) If any word, statement of other information required by or under the authority of this article to appear on the labeling is not prominently placed thereon with such conspicuousness, as compared with other words, statements, designs or graphic matter in the labeling, and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(vii) If in the case of an insecticide, fungicide or herbicide, when used as directed or in accordance with commonly recognized practice, it is injurious to living ~~man~~ HUMANS or other vertebrate animals or vegetation, except weeds, to which it is applied, or to the person applying such pesticide.

16. "Person" means any individual, partnership, association, corporation or organized group of persons whether incorporated or not.

17. "Pesticide" includes any substance or mixture of substances intended to be used for defoliating or desiccating plants or for preventing, destroying, repelling or mitigating any and all insects, fungi, bacteria, weeds, rodents, predatory animals or any form of plant or animal life which is, or which the state chemist declares to be, a pest, which may infest or be detrimental to vegetation, ~~man~~ HUMANS, animals or households, or be present in any environment whatever, except viruses, fungi or bacteria on or in living ~~man~~ HUMANS or other animals.

18. "Registrant" means the person registering any pesticide pursuant to the provisions of this article.

19. "Rodenticide" means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating rodents or any other vertebrate animals which the state chemist declares to be a pest.

20. "Weed" means any plant which grows where not wanted.

Sec. 4. Section 3-343, Arizona Revised Statutes, is amended to read:

3-343. Enforcement and administrative powers of state chemist

A. This article shall be administered and its provisions and all rules and regulations adopted and promulgated under this article shall be enforced by the state chemist.

B. The state chemist may, after opportunity for a hearing:

LAWS OF ARIZONA

1. Declare as a pest any form of plant or animal life or virus which is injurious to plants, ~~man~~ HUMANS, domestic animals, articles or substances.

2. Determine whether or not pesticides are highly toxic to ~~man~~ HUMANS.

3. Determine standards of coloring or discoloring for pesticides, and subject pesticides to the requirements of section 3-352.

C. The state chemist may, after opportunity for a hearing, make rules and regulations concerning safety in the distribution and sale of those pesticides or devices designated by and consistent with the recommendations of the state department of health.

D. All rules and regulations made, adopted and promulgated under authority of this article shall be divided into two classes to be known as "Technical Rules and Regulations" and "Administrative Rules and Regulations", such rules and regulations to be filed in the office of the secretary of state and subject to judicial review.

E. The state chemist may adopt and promulgate administrative and technical rules and regulations deemed necessary to effectuate the purposes of this article, but only after opportunity for a hearing thereon.

Sec. 5. Section 3-352, Arizona Revised Statutes, is amended to read:

3-352. **Prohibited acts**

A. It is unlawful for any person acting ~~for himself~~ INDEPENDENTLY or as agent to distribute, sell or offer for sale within the state or deliver for transportation or transport in intrastate commerce or between points within the state through any point outside this state any of the following:

1. Any pesticide which has not been registered pursuant to the provisions of section 3-351, or any pesticide if any of the claims made for it or any of the directions for its use differ in substance from the representations made in connection with its registration, or if the composition of a pesticide differs from its composition as represented in connection with its registration, but at the discretion of the state chemist, a change in the labeling or formula of a pesticide may be made within a registration period without requiring re-registration of the product.

2. Any pesticide unless it is in the registrant's or the manufacturer's unbroken immediate container and there is affixed to such container, and

LAWS OF ARIZONA

to the outside container or wrapper of the retail package, if there is one through which the required information on the immediate container cannot be clearly read, a label bearing:

- (a) The name and address of the manufacturer, registrant or person for whom manufactured.
- (b) The name, brand or trademark under which the article is sold.
- (c) The net weight or measure of the content subject, however, to such reasonable variations as the state may permit.

3. Any pesticide which contains any substance or substances in quantities highly toxic to ~~man~~ HUMANS, determined as provided in section 3-343, unless the label bears, in addition to any other matter required by this article:

- (a) The skull and crossbones.
- (b) The word "poison", prominently in red on a background of distinctly contrasting color.
- (c) A statement of an antidote for the pesticide.

4. The pesticide commonly known as standard lead arsenate, basic lead arsenate, calcium arsenate, magnesium arsenate, zinc arsenate, zinc arsenite, sodium fluoride, sodium fluosilicate and barium fluosilicate unless they have been distinctly colored or discolored as provided by regulations issued in accordance with this article, or any other white powder pesticide which the state chemist, after investigation and after public hearing on the necessity for such action for the protection of the public health and upon the feasibility of such coloration or discoloration, requires by regulation that it be distinctly colored or discolored, unless it has already been so colored or discolored. The state chemist may exempt any pesticide, to the extent that it is intended for a particular use or uses, from the coloring or discoloring required or authorized by this section if ~~he~~ THE STATE CHEMIST determines that such coloring or discoloring for such use or uses is not necessary for the protection of the public health.

5. Any pesticide which is adulterated or misbranded, or any device which is misbranded.

B. It is unlawful:

LAWS OF ARIZONA

1. For any person to detach, alter, deface or destroy, wholly or in part, any label or labeling provided for in this article or regulations promulgated under this article, or to add any substance to, or take any substance from, a pesticide in a manner that may defeat the purposes of this article.
2. For any person to use for his own advantage or to reveal, other than to the state chemist or proper officials or employees of the state or to the courts of the state in response to a subpoena, or to physicians, or in emergencies to pharmacists and other qualified persons for use in the preparation of antidotes, any information relative to formulas of products acquired by authority of section 3-351.

Sec. 6. Section 3-371, Arizona Revised Statutes, is amended to read:

3-371. Definitions

In this article, unless the context otherwise requires:

1. "Aircraft" means any mechanism used in flight.
2. "Applicator" means any person who owns, leases or rents or otherwise secures one or more pieces of ground equipment or aircraft in order to make a custom application of pesticides.
3. "Board" means the board of pesticide control.
4. "Custom application" means any application of pesticides for hire or any application of pesticides by aircraft whether or not for hire.
5. "Defoliating" includes killing or artificially accelerating the drying of plant tissues with or without causing abscission.
6. "Ground equipment" means any device other than aircraft used in the application of pesticides.
7. "Grower" means any person who commercially grows or produces any agricultural commodity.
8. "Insect" means animals known as insecta and similar animals such as centipedes, spiders, mites, ticks and lice.
9. "License" means pesticide applicator or operator's license.
10. "Livestock" means neat animals, horses, mules and asses.

LAWS OF ARIZONA

11. "Operator" means any person engaged in custom application, as defined in paragraph 4 of this section, of any pesticide.
12. "Person" means any individual, firm, partnership or corporation or any group of persons acting together, and includes any person acting in a fiduciary or representative capacity.
13. "Permit" means a certificate of authority from the board to use and make applications of pesticides.
14. "Pest control" means the use or application of any pesticide, or of any substance, method or device for pesticidal purposes for the purpose of preventing, destroying, repelling, mitigating or correcting any disorder of plants or for the purpose of inhibiting, regulating, stimulating or otherwise altering plant growth by direct application to plants.
15. "Pesticide" means any substance, or mixture of substances intended to be used for defoliating plants or for preventing, destroying, repelling, or mitigating insects, fungi, bacteria, weeds, rodents, predatory animals or any form of plant or animal life which is, or which the board may declare to be, a pest which may infest or be detrimental to vegetation, ~~man~~ HUMANS, animal or households, or be present in any environment.
16. "Range" means every character of lands, enclosed or unenclosed outside of cities and towns, upon which livestock is permitted by custom, license, permit or otherwise to roam and feed.
17. "Range livestock" means livestock customarily permitted to roam upon the ranges of the state, whether public domain or in private control and not in the immediate actual possession or control of the owner although occasionally placed in enclosures for temporary purposes.
18. "Regulate use" means to establish the time during which, the location where and the condition under which application of a named pesticide may be made, or shall not be made.
19. "Restricted area" means an area designated by the board wherein no application of named pesticide shall be made.
20. "Rodent" means all members of the order rodentia and rabbits and hares.
21. "Seller of pesticides" means any person who offers for sale, sells, orders, solicits business or otherwise deals in pesticides.

LAWS OF ARIZONA

22. "Weed" means any plant which grows where not wanted.

Sec. 7. Section 3-413, Arizona Revised Statutes, is amended to read:

3-413. Petition by two thirds of producers and owners; sufficiency

A. At the hearing on a petition, the commissioner shall first determine the sufficiency of the petition. The certificate of the supervisor as to the number of producers, acres or other producing factors engaged in the production of any variety or kind of commodity shall be prima facie evidence of the facts therein stated. The certificate of the supervisor that ~~he has examined~~ the petition HAS BEEN EXAMINED and that it is signed by not less than two thirds of the qualified producers of the product within the proposed producing zone or supplying the proposed marketing zone, and by the owners of not less than two thirds of the producing factors within the proposed producing zone or supplying the proposed marketing zone, as the case may be, shall be prima facie evidence of the sufficiency of the signatures. Any person interested may contest the sufficiency of the petition or the validity of any signature thereto by written objection filed before the beginning of the hearing. The commissioner shall hear and pass upon all such objections.

B. In determining the sufficiency of the petition for a prorate program and the signatures thereon the commissioner shall be guided by the following rules:

1. In case of community property the ~~signature of~~ SIGNATURES OF BOTH the husband AND WIFE ~~is sufficient~~ ARE REQUIRED.
2. In case of separate property, the signature of the ~~husband or wife~~ OWNER THEREOF ~~alone~~ is sufficient.
3. In case of a partnership, signature by any partner is prima facie sufficient, but may be contested by another partner.
4. In case of a corporation, signature by the president or secretary is prima facie sufficient, but may be contested by a shareholder of the corporation.
5. In case of a lease or share cropping contract, the signature of the person having principal control over the crop is sufficient.
6. Signatures of guardians of minors and incompetent persons, executors

LAWS OF ARIZONA

and administrators of estates and receivers are sufficient without a court order authorizing the signature.

7. Signatures of an agent or attorney in fact shall be accepted if written authority, signed and acknowledged, is filed with the petition or produced at the hearing.

Sec. 8. Section 4-244, Arizona Revised Statutes, is amended to read:

4-244. Unlawful acts

It is unlawful:

1. For a person to buy for resale, sell or deal in spirituous liquors in this state without first having procured a license duly issued by the board.
2. For a person to sell or deal in alcohol for beverage purposes without first complying with the provisions of this chapter.
3. For a distiller, winer, brewer or wholesaler to sell, dispose of or give spirituous liquor to any person other than a licensee, except in sampling wares as may be necessary in the ordinary course of business.
4. For a distiller, winer or brewer to require a wholesaler to offer or grant a discount to a retailer, unless the discount has also been offered and granted the wholesaler by the distiller, winer or brewer.
5. For a distiller, winer or brewer to use a vehicle for trucking or transportation of spirituous liquors unless there is affixed to both sides of the vehicle a sign showing the name and address of the licensee and the type and number of his license in letters not less than three and one-half inches in height.
6. For a person to take or solicit orders for spirituous liquors unless he is a registered salesman or solicitor of a licensed wholesaler or a registered salesman or solicitor of a distillery, winery, brewery, importer or broker.
7. For any retail licensee to purchase spirituous liquors from any person other than a registered solicitor or salesman of a wholesaler licensed in this state.
8. For a retailer to acquire an interest in property owned, occupied or used by a wholesaler in his business, or in a license with respect to the premises of the wholesaler.

LAWS OF ARIZONA

9. For a licensee or other person to sell, furnish, dispose of, give, or cause to be sold, furnished, disposed of or given to a person under the age of nineteen years, or for a person under the age of nineteen years to buy, receive, have in ~~his~~ possession or consume, spirituous liquor.
10. For a licensee to employ a person under the age of nineteen years to manufacture, sell or dispose of spirituous liquors.
11. For an on-sale retail licensee to employ a person under the age of nineteen years in any capacity connected with the handling of spirituous liquors.
12. For a licensee, when engaged in waiting on or serving customers, to consume spirituous liquor or remain on or about the premises while in an intoxicated or disorderly condition.
13. For an employee of a licensee, during ~~his~~ THAT EMPLOYEE'S working hours or in connection with ~~his~~ SUCH employment, to give to or purchase for any other person, accept a gift of, purchase for himself or consume spirituous liquor.
14. For a licensee or other person to serve, sell or furnish spirituous liquor to an intoxicated or disorderly person, or for a licensee or employee of the licensee to allow or permit an intoxicated or disorderly person to come into or remain on or about ~~his~~ THE premises.
15. For an on-sale or off-sale retail licensee or an employee thereof to sell, dispose of, deliver or give spirituous liquor to a person between the hours of one o'clock a.m. and six o'clock a.m. on week days, and one o'clock a.m. and twelve o'clock noon on Sundays.
16. For an on-sale or off-sale retail licensee or an employee thereof to sell, dispose of, deliver or give away spirituous liquor on his premises on election days during the hours polling places are open for voting.
17. For an on-sale retail licensee or an employee thereof to allow a person to consume spirituous liquors on ~~his~~ THE premises between the hours of one fifteen a.m. and six o'clock a.m. on week days, and one fifteen a.m. and twelve o'clock noon on Sundays.
18. For an on-sale retail licensee to employ a ~~female~~ PERSON for the purpose of soliciting the purchase of spirituous liquors by patrons of the establishment for themselves, on a percentage basis or otherwise, and no licensee shall serve ~~his female~~ employees or allow a patron of ~~his~~ THE

LAWS OF ARIZONA

establishment to give spirituous liquor to, or to purchase liquor for or drink liquor with, a ~~female~~ ANY employee.

19. For an off-sale retailer to sell spirituous liquors except in the original container,—to permit spirituous liquor to be consumed on ~~his~~ THE premises, or to sell spirituous liquor in a container having a capacity of less than eight ounces, or for an on-sale retailer to sell spirituous liquor for consumption off the premises in a container having a capacity of less than eight ounces.

20. For a person to consume spirituous liquor from a broken package in a public place, thoroughfare or gathering, and the license of a licensee permitting a violation of this paragraph on ~~his~~ THE premises shall be subject to revocation. This paragraph shall not apply to sale of spirituous liquors on the premises of and by an on-sale retail licensee.

21. For a person to have ~~in his~~ possession OF or to transport spirituous liquor which is manufactured in a distillery, winery, brewery or rectifying plant contrary to the laws of the United States and this state, and any property used in transporting such spirituous liquor shall be forfeited to the state and shall be seized and disposed of as provided in section 4-221.

Sec. 9. Section 9-927, Arizona Revised Statutes, is amended to read:

9-927. Benefits to dependents upon death of member

A. If upon the death, from any cause, of a member retired under the provisions of section 9-925, or of a member after ten years' service and while in the service, or if upon the death of a member retired under the provisions of section 9-926 resulting from disease contracted or injury sustained as provided in section 9-926, the member leaves surviving a ~~widow~~ SPOUSE, a dependent child under the age of eighteen years, or a dependent parent, a monthly pension shall be paid:

1. To the ~~widow~~ SURVIVING SPOUSE, until death or remarriage, if ~~she~~ THE SPOUSE is the widow OR WIDOWER of a retired member, an amount equal to two thirds of the monthly pension being paid the retired member at the time of ~~his~~ death, or if ~~she~~ THE SURVIVING SPOUSE is the widow OR WIDOWER of a member dying after ten years' service and while in the service, an amount equal to one third of the monthly compensation of the deceased at the time of death.

2. To the guardian of each dependent child who survives in addition to the ~~widow~~ SURVIVING SPOUSE, until ~~he~~ SUCH CHILD is eighteen years

LAWS OF ARIZONA

of age, or until his dependency shall earlier terminate, ten dollars per month, but if the total of the pensions to the ~~widow~~ SURVIVING SPOUSE and dependent children would exceed the amount of the pension to which deceased, if ~~he were~~ living and retired, would be entitled, then an amount equal to one third of the amount of the pension shall be prorated among the children.

3. To the guardian of the dependent child or children, if there is no ~~widow~~ SURVIVING SPOUSE entitled to a pension, the amount a ~~widow~~ SURVIVING SPOUSE so entitled would receive shall be prorated among the children.

4. To the dependent parent, if there is no ~~widow~~ SURVIVING SPOUSE or dependent child entitled to a pension, the amount a ~~widow~~ SURVIVING SPOUSE so entitled would receive, and if there are two dependent parents, the pension shall be paid to the one the board shall determine, or it may be prorated.

B. A pension shall not be payable to the ~~widow~~ SURVIVING SPOUSE of a retired member whose marriage to the decedent occurred subsequent to ~~his~~ SUCH MEMBER'S retirement, or to any issue of such marriage.

C. For the purpose of this section, the term "dependent parent" means a parent over half of whose support at the time of the death of the member was received by the parent from the member.

Sec. 10. Section 9-958, Arizona Revised Statutes, is amended to read:

9-958. Computation of pension upon retirement; benefits to surviving dependents

A. When a person has served for twenty years in this state as a full-time paid member of the same fire department or fire company, and is either fifty-seven years or more of age or becomes, while a member of the fire department, physically unable in the opinion of the board of trustees to perform the duties of the service, he shall on ~~his~~ application be retired on a monthly pension equal to one half the average monthly salary received ~~by him~~ for the five year period next prior to ~~his~~ retirement, which shall be paid from the firemen's relief and pension fund of the incorporated city or town or organized fire company. The pension shall not exceed two hundred fifty dollars per month.

B. If a member is separated from the payroll of a fire department or fire company because of compensable injury or illness under the provisions of

LAWS OF ARIZONA

law governing the industrial commission, any time he may have been separated from the payroll shall not be a penalty against ~~his~~ retirement for length of service, nor shall the member be required to contribute to the fund during the period of separation from the payroll. If such a member retires, the computation of his pension shall be based on his normal salary, or his payroll classification prior to injury or illness, and not on the compensation awarded him by the industrial commission.

C. If a person drawing, or eligible to draw, a pension under this section dies, there may be paid to ~~his~~ THE DECEDENT'S surviving dependents the following sums:

1. If ~~he~~ THE ELIGIBLE PERSON leaves a ~~widow~~ SPOUSE to whom he OR SHE was married at least one year prior to ~~his~~ retirement, then to the ~~widow~~ SURVIVING SPOUSE until ~~she~~ SUCH SPOUSE remarries an amount equal to two thirds of ~~his~~ THE DECEDENT's monthly pension or the monthly pension to which ~~he~~ THE DECEDENT was eligible, plus an amount not exceeding twenty-five dollars a month for each dependent child of the deceased under eighteen years of age.

2. If ~~he~~ THE DECEDENT leaves a dependent child under eighteen years of age, but no surviving ~~widow~~ SPOUSE to whom he OR SHE was married at least one year prior to ~~his~~ retirement, fifty dollars a month for each such child may be paid to the child's guardian until the child attains the age of eighteen years.

D. Dependents shall not be paid more per month than the amount the pensioner was receiving, or the amount the fireman was eligible to receive prior to ~~his~~ death.

Sec. 11. Section 9-962, Arizona Revised Statutes, is amended to read:

9-962. Death in line of duty; payments to dependents; amount; limitation

A. When a person duly appointed and serving in the fire department of an incorporated city or town, or in a legally organized volunteer fire company, dies as a result of an accident or illness caused by or sustained in the performance of his duties in such service, leaving a dependent, and the circumstances of his death are not such as to entitle the dependent to compensation under the workmen's compensation law, there shall be paid from the firemen's relief and pension fund to ~~his~~ THE DECEDENT'S dependents the following:

LAWS OF ARIZONA

1. If ~~he~~ THE DECEDENT leaves a ~~widow~~ SURVIVING SPOUSE, then to ~~the widow~~ SUCH SPOUSE until HE OR she remarries an amount equal to one third of ~~his~~ THE DECEDENT'S monthly salary, plus an amount not exceeding twenty-five dollars a month for each dependent child under eighteen years of age.

2. If ~~he~~ THE DECEDENT leaves a dependent child under the age of eighteen years, but no surviving ~~widow~~ SPOUSE, the sum of fifty dollars a month for each child shall be paid to the child's guardian until the child reaches the age of eighteen years.

B. Dependents entitled to receive payment under the provisions of this section shall in no event be paid more than one half the average monthly salary of the deceased immediately prior to ~~his~~ death. "Average monthly salary" shall be deemed to be the average monthly salary for the period of five years next prior to the termination of ~~his~~ service, or for the period of ~~his~~ service if less than five years. Payments made under the provisions of this section shall in no event exceed the sum of two hundred fifty dollars per month.

Sec. 12. Section 9-963, Arizona Revised Statutes, is amended to read:

9-963. Grant of temporary relief by board

The board of trustees may grant temporary relief and assistance from the fund to any qualified member of a legally organized volunteer fire company or department, or to ~~his widow~~ SUCH MEMBER'S SURVIVING SPOUSE or surviving dependents.

Sec. 13. Section 11-311, Arizona Revised Statutes, is amended to read:

11-311. Appointment of veteran to supervise burial

The board of supervisors shall appoint ~~an~~ ANY honorably discharged ~~soldier, sailor or marine~~ VETERAN OF ANY BRANCH of the military establishment of the United States who is a resident of the county, who shall cause to be decently interred the body of any honorably discharged ~~soldier, sailor or marine, or female~~ VETERAN in the enlisted personnel of the ~~army, navy or marine corps~~ MILITARY ESTABLISHMENT dying outside a national or state soldiers' home, or ~~widow~~ SURVIVING SPOUSE of any honorably discharged ~~soldier, sailor or marine~~, VETERAN OF ANY BRANCH who dies without sufficient means for funeral expenses.

Sec. 14. Section 11-441, Arizona Revised Statutes, is amended to read:

LAWS OF ARIZONA

11-441. **Powers and duties**

A. The sheriff shall:

1. Preserve the peace.
2. Arrest and take before the nearest magistrate for examination all persons who attempt to commit or who have committed a public offense.
3. Prevent and suppress all affrays, breaches of the peace, riots and insurrections which may come to ~~his~~ THE knowledge OF THE SHERIFF.
4. Attend all courts, except justice and police courts, at their sessions held within the county, and obey their lawful orders and directions.
5. Take charge of and keep the county jail and the prisoners therein.
6. Endorse upon all process and notices the year, month, day, hour and minute of reception, and issue therefor to the person delivering it, on payment of fees, a certificate showing the names of the parties, title of paper and time of reception.
7. Serve process and notices in the manner prescribed by law and certify under ~~his~~ THE SHERIFF'S hand upon the process or notices the manner and time of service, or if ~~he~~ THE SHERIFF fails to make service, the reasons for ~~his~~ failure, and return them without delay. When returnable to another county, ~~he~~ THE SHERIFF may enclose such process or notices in an envelope, addressed to the officer from whom received, and deposit it prepaid in the post office. The return of the sheriff is prima facie evidence of the facts stated in the return.

B. The sheriff may in the execution of the duties prescribed in paragraphs 1 to 4, inclusive, subsection A, command the aid of as many ~~male~~ inhabitants of the county as ~~he~~ THE SHERIFF deems necessary.

C. The sheriff shall conduct or coordinate within the county search or rescue operations involving the life or health of any person, or may assist in such operations in another county at the request of that county's sheriff, and may request assistance from any persons or agencies in the fulfillment of ~~his~~ duties under this subsection.

Sec. 15. Section 11-465, Arizona Revised Statutes, is amended to read:

11-465. **Discharge papers of service personnel**

LAWS OF ARIZONA

The recorder shall record without fee the discharge papers of officers and enlisted ~~men~~ PERSONNEL of the military and naval forces of the United States, ~~and of war nurses.~~

Sec. 16. Section 12-401, Arizona Revised Statutes, is amended to read:

12-401. Venue

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

1. When defendant or all of several defendants reside without the state or their residence is unknown, the action may be brought in the county in which the plaintiff resides.
2. A married ~~woman~~ PERSON may be sued in the county in which ~~her husband~~ SUCH PERSON'S SPOUSE resides unless ~~she~~ SUCH SPOUSE is living separate and apart from ~~him~~ THE DEFENDANT.
3. Transient persons may be sued in any county in which found.
4. Persons who have contracted a debt or obligation in one county and thereafter remove to another county may be sued in either county.
5. Persons who have contracted in writing to perform an obligation in one county may be sued in such county or where they reside.
6. Persons who have contracted a debt or obligation without the state may be sued in any county in which found.
7. When there are several defendants residing in different counties, action may be brought in the county in which any of the defendants reside.
8. Actions against executors, administrators and guardians as such, to establish a money demand against the estate represented by them, shall be brought in the county in which the estate is being administered.
9. In cases of fraud and defalcation of public officers action may be brought in the county in which the fraud was committed or the defalcation occurred, or in which the defendant or any of several defendants reside or may be found.
10. When the foundation of the action is a crime, offense or trespass for which an action in damages may lie, the action may be brought in the

LAWS OF ARIZONA

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

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

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

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

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

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

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

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

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

LAWS OF ARIZONA

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

Sec. 17. Section 12-612, Arizona Revised Statutes, is amended to read:

12-612. Parties plaintiff; recovery; distribution

A. An action for wrongful death shall be brought by and in the name of the surviving husband or wife or personal representative of the deceased person for and on behalf of the surviving husband or wife, children or parents, or if none of these survive, on behalf of the decedent's estate.

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

C. The amount recovered in an action for wrongful death shall be distributed to the parties provided for in subsection A ~~and in the proportions provided by law for distribution of personal estate left by persons dying intestate~~ IN PROPORTION TO THEIR DAMAGES, AND IF RECOVERY IS ON BEHALF OF THE DECEDENT'S ESTATE THE AMOUNT SHALL BE AN ASSET OF THE ESTATE.

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

Sec. 18. Section 12-612, Arizona Revised Statutes, as amended by Laws 1973, chapter 75, section 2, is amended to read:

12-612. Parties plaintiff; recovery; distribution

A. An action for wrongful death shall be brought by and in the name of the surviving husband or wife or personal representative of the deceased person for and on behalf of the surviving husband or wife, children or parents, or if none of these survive, on behalf of the decedent's estate.

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

LAWS OF ARIZONA

C. The amount recovered in an action for wrongful death shall be distributed to the parties provided for in subsection A in proportion to their damages, and if recovery is on behalf of the decedent's estate the amount shall be an asset of the estate.

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

Sec. 19. Section 12-641, Arizona Revised Statutes, is amended to read:

12-641. Persons who may maintain action for injury to child or ward

A father, or in the event of the death of the father or desertion of the family by the father, the mother, EITHER PARENT may maintain an action for the injury of a child, and a guardian may maintain an action for the injury of his ward.

Sec. 20. Section 12-841, Arizona Revised Statutes, is amended to read:

12-841. Jurisdiction

The superior court shall have exclusive original jurisdiction in proceedings to establish MATERNITY OR paternity. All such ~~paternity~~ proceedings shall be civil actions.

Sec. 21. Section 12-842, Arizona Revised Statutes, is amended to read:

12-842. Venue

Proceedings to establish MATERNITY OR paternity may be originated in the county of residence of the defendant or the plaintiff or the child or children the subject of the action. The fact that the ~~mother~~ PLAINTIFF PARENT or child or both are not, or never have been, residents of Arizona shall not bar the proceeding.

Sec. 22. Section 12-843, Arizona Revised Statutes, is amended to read:

12-843. Persons who may originate proceedings

LAWS OF ARIZONA

Proceedings to establish the MATERNITY OR paternity of a child or children and to compel support under this article may be commenced by any of the following:

1. The mother.
2. THE FATHER.
- ~~2-~~ 3. The guardian or best friend of a child or children born out of wedlock.
- ~~3-~~ 4. A public welfare official or agency of the county where the child or children reside or may be found.

Sec. 23. Section 12-845, Arizona Revised Statutes, is amended to read:

12-845. Effect of death, absence, or insanity of plaintiff

If, after the complaint is filed, the ~~mother~~ PLAINTIFF dies, becomes insane, departs the state, or fails to litigate the issue, the proceedings shall not abate but may be continued, with the state as plaintiff, as to any child in the legal custody of any state agency, or as to any child which is the beneficiary of any state or federal financial assistance.

Sec. 24. Section 12-846, Arizona Revised Statutes, is amended to read:

12-846. Complaint

A. Paternity proceedings are commenced by the filing of a verified complaint by the county attorney in the name of the state alleging that a woman is delivered of a child or children born out of lawful wedlock or pregnant with a child conceived out of wedlock and alleging that the defendant is the father of the child or children.

B. The proceeding may also be commenced by the filing of a verified complaint by the mother, with the mother as plaintiff, or by the guardian or best friend of a child or children born out of wedlock. In any action in which the state is not the plaintiff, the state may intervene and be named as coplaintiff.

C. MATERNITY PROCEEDINGS ARE COMMENCED BY FILING OF A VERIFIED COMPLAINT BY THE COUNTY ATTORNEY IN THE

LAWS OF ARIZONA

NAME OF THE STATE ALLEGING THAT A WOMAN IS DELIVERED OF A CHILD OR CHILDREN BORN OUT OF LAWFUL WEDLOCK AND ALLEGING THAT SUCH WOMAN AS DEFENDANT IS THE MOTHER OF THE CHILD OR CHILDREN.

D. THE PROCEEDING MAY ALSO BE COMMENCED BY THE FILING OF A VERIFIED COMPLAINT BY THE FATHER, WITH THE FATHER AS PLAINTIFF OR BY THE GUARDIAN OR BEST FRIEND OF A CHILD OR CHILDREN BORN OUT OF WEDLOCK. IN ANY ACTION IN WHICH THE STATE IS NOT THE PLAINTIFF, THE STATE MAY INTERVENE AND BE NAMED AS COPLAINTIFF.

~~C.~~ E. Procedure upon filing of the complaint shall be as in other civil cases. In addition to the above procedure, the following alternate procedure shall be permissible at the election of the defendant:

1. After service of the summons in accordance with the civil rules of procedure, the answer and all other pleadings permitted by the rules of civil procedure may be made by the defendant by personal appearance before the judge and by oral presentation of the pleading. Such oral pleadings shall be made before the assigned judge, or, if no judge has been assigned to the case, to the presiding judge. A record shall be made and notice given of all such oral pleadings.

2. If the answer is made admitting the elements of the complaint, a judgment may be entered forthwith or the court may set a subsequent time for hearing and establishment of the terms of the judgment.

3. The minority of the defendant shall not affect his OR HER competency to employ this alternate procedure.

Sec. 25. Section 12-847, Arizona Revised Statutes, is amended to read:

12-847. Precedence of maternity and paternity proceedings; delay for blood tests

A. Proceedings to establish MATERNITY AND paternity shall have precedence over other civil proceedings. The case shall be set for trial within sixty days from the filing of an answer or oral denial by the defendant.

B. A delay in determining paternity in an action commenced prior to the birth of the child shall be granted until after the birth of the child for purposes of paternity blood tests if the defendant so requests.

LAWS OF ARIZONA

Sec. 26. Section 12-848, Arizona Revised Statutes, is amended to read:

12-848. **Issue**

A. The issue upon the trial in a paternity proceeding shall be whether or not the defendant is the father of the child.

B. THE ISSUE UPON THE TRIAL OF A MATERNITY PROCEEDING SHALL BE WHETHER OR NOT THE DEFENDANT IS THE MOTHER OF THE CHILD.

Sec. 27. Section 12-849, Arizona Revised Statutes, is amended to read:

12-849. **Judgment**

A. If defendant admits his OR HER parentage, or if the issue is decided in the affirmative the court, in its judgment, shall direct the amount which the ~~father~~ DEFENDANT shall pay for the PAST CARE AND support of the child ~~and~~, the manner in which payment shall be made AND FOR COSTS OF LITIGATION.

B. The court, in its judgment, may also direct the amount which the father shall pay for the expenses for the lying-in, support of and attendance upon the mother during her confinement. ~~for the past care and support of the child, and for costs of litigation.~~

C. After entry of a judgment the court may, from time to time, upon petition of the plaintiff, the mother, THE FATHER or the defendant, or upon its own motion, amend, revise and alter the judgment as it relates to the payment of money for the maintenance of the child, as is deemed just and as the welfare of the child requires.

D. The court shall have contempt powers to enforce its orders.

E. In any proceeding after judgment the court shall determine amounts owing under the existing orders of the court and provide for the payment thereof.

F. Any action commenced under this article shall be terminated by agreement and compromise only when the court has approved the terms of such agreement and compromise.

Sec. 28. Section 12-850, Arizona Revised Statutes, is amended to read:

LAWS OF ARIZONA

12-850. Liability of parents where putative mother or father is a minor

The parent or parents having custody or control of the putative MOTHER OR father may be joined as defendants in the action if the putative MOTHER OR father is a minor or was a minor at the time the action was commenced. Such parents may be held jointly and severally liable with such minor. However, the liability of such parents shall be limited to an amount not to exceed five hundred dollars.

Sec. 29. Section 12-1676, Arizona Revised Statutes, is amended to read:

12-1676. Paternity or maternity

If the obligor asserts as a defense that he is not the father of the child OR THAT SHE IS NOT THE MOTHER OF THE CHILD for whom support is sought and it appears to the court that the defense is not frivolous, and if both of the parties are present at the hearing or the proof required in the case indicates that the presence of either or both of the parties is not necessary, the court may adjudicate the paternity OR MATERNITY issue. Otherwise the court may adjourn the hearing until the paternity OR MATERNITY issue has been adjudicated.

Sec. 30. Section 13-134, Arizona Revised Statutes, is amended to read:

13-134. Certain persons not punished for acts or omissions

The following persons shall not be punished for their acts or omissions:

1. Those who committed the act or made the omission charged under an ignorance or mistake of fact, which disproves any criminal intent.
2. Those who committed the act charged without being conscious thereof.
3. Those who committed the act or made the omission charged through misfortune or by accident, when it appears that there was no evil design, intention or culpable negligence.
4. Married ~~women~~ PERSONS, except for felonies, acting under threats, command or coercion of their ~~husbands~~ SPOUSES.
5. Those, unless the crime is punishable with death, who committed the act or made the omission charged under threats or menaces sufficient to

LAWS OF ARIZONA

show that they had reasonable cause to, and did believe their lives would be endangered if they refused.

Sec. 31. Section 13-201, Arizona Revised Statutes, is amended to read:

13-201. Abduction; punishment

A person who takes any ~~woman~~ OTHER PERSON unlawfully, against ~~her~~ SUCH PERSON'S will, and by force, menace or duress compels ~~her~~ THE PERSON to marry him, OR HER or to marry another person, shall be punished by imprisonment in the state prison for not less than two nor more than fourteen years.

Sec. 32. Section 13-202, Arizona Revised Statutes, is amended to read:

13-202. Seduction; effect of marriage or offer of marriage; punishment

A. A person who under promise of marriage induces an unmarried ~~female~~ PERSON of previous good repute for chastity to ~~permit him to~~ have sexual intercourse ~~with her~~, and does have sexual intercourse with such ~~female~~ PERSON, is guilty of seduction, unless the accused, before trial for the offense, marries or offers to marry such ~~female~~ PERSON and the offer is rejected.

B. Seduction shall be punished by imprisonment in the state prison for not less than one nor more than five years.

Sec. 33. Section 13-245, Arizona Revised Statutes, is amended to read:

13-245. Aggravated assault or battery; definition; punishment

A. An assault or battery is aggravated when committed under any of the following circumstances:

1. When the person committing the offense goes into a private home and is there guilty of assault or battery.
2. When committed by a person of robust health or strength upon one who is decrepit.
3. When committed by ~~a male of eighteen years or more upon a female,~~ ~~or by~~ a person of eighteen years or more upon a child the age of fifteen years or under.

LAWS OF ARIZONA

4. When the instrument or means used is such as to inflict disgrace upon the person assaulted, as an assault or battery with a whip or cowhide.
 5. When a serious bodily injury is inflicted upon the person assaulted.
 6. When committed with a premeditated design and by the use of means calculated to inflict great bodily injury.
 7. When the person committing the offense knows or has reason to know that the victim is a peace officer, or a person summoned and directed by such officer while ~~he is~~ engaged in the execution of any ~~of his~~ official duties.
 8. When the person committing the offense knows or has reason to know the victim is a teacher or other person employed in any school and such teacher or other employee is upon the grounds of a school or grounds adjacent thereto, or is in any part of a building used for school purposes.
 9. When the person committing the offense knows or has reason to know the victim is an employee of the department of corrections acting in an official capacity and the person committing the assault is incarcerated in, or subject to the custody of personnel from, the state prison.
- B. An aggravated assault or battery shall be punished by a fine of not less than one hundred nor more than two thousand dollars, or by imprisonment in the county jail not to exceed one year, or both, or by imprisonment in the state prison for not less than one nor more than five years.
- C. An aggravated assault or battery committed by a person armed with a gun or deadly weapon is punishable by imprisonment in the state prison, for the first offense, for not less than five years, for a second offense, not less than ten years, for a third or subsequent offense, not less than twenty years nor more than life imprisonment, and in no case, except for first offense, shall the person convicted be eligible for commutation of sentence.

Sec. 34. Repeal

Section 13-377, Arizona Revised Statutes, is repealed.

Sec. 35. Section 13-542, Arizona Revised Statutes, is amended to read:

13-542. **Neglect or refusal to aid and assist peace officer; punishment**

LAWS OF ARIZONA

A. It is unlawful for a ~~male~~ ANY person over eighteen years of age, after being lawfully commanded by a sheriff or public officer concerned in the administration of justice, to neglect or refuse to aid and assist the officer in:

1. Taking or arresting a person against whom there is issued any process.
2. Retaking a person who, after being arrested or imprisoned, has escaped from such arrest or imprisonment.
3. Preventing a breach of the peace or commission of any criminal offense.

B. A person who violates any provision of this section shall be punished by a fine of not less than fifty nor more than one thousand dollars.

Sec. 36. Section 13-581, Arizona Revised Statutes, is amended to read:

13-581. Enticement of persons for purpose of prostitution; punishment

A person who inveigles or entices ~~female~~ OTHER PERSON of previous chaste character into a house of ill fame or assignation, or elsewhere, for the purpose of prostitution, or to have illicit carnal relation with a ~~man~~ ANOTHER PERSON, shall be punished by imprisonment in the state prison for not to exceed five years, or by imprisonment in the county jail for not to exceed six months, or by a fine not exceeding one thousand dollars, or by both such fine and imprisonment.

Sec. 37. Section 13-582, Arizona Revised Statutes, is amended to read:

13-582. Procurement by false pretenses of person for purpose of prostitution; punishment

A person who, by any false pretenses, false representations or other fraudulent means, procures any ~~female~~ OTHER PERSON to have illicit carnal relation with a ~~man~~ ANOTHER PERSON, shall be punished by imprisonment in the state prison for not to exceed five years, or by imprisonment in the county jail for not to exceed six months, or by a fine not exceeding one thousand dollars, or by both such fine and imprisonment.

Sec. 38. Section 13-583, Arizona Revised Statutes, is amended to read:

13-583. Procuring or placing persons in house of prostitution; punishment

LAWS OF ARIZONA

A person who receives money or other valuable thing, for, or on account of, procuring or placing in a house of prostitution, or elsewhere, ~~a female~~ ANY PERSON for the purpose of ~~causing her to cohabit with male persons~~, PROSTITUTION is guilty of a felony punishable by imprisonment in the state prison for not less than one nor more than ten years.

Sec. 39. Section 13-584, Arizona Revised Statutes, is amended to read:

13-584. Receiving earnings of prostitute; punishment

A person who knowingly receives money or other valuable thing from the earnings of a ~~female~~ PERSON engaged in prostitution, is guilty of a felony punishable by imprisonment in the state prison for not to exceed ten years and by a fine of not less than five hundred dollars.

Sec. 40. Section 13-586, Arizona Revised Statutes, is amended to read:

13-586. Causing spouse to become prostitute; punishment

A person who by force, fraud, intimidation or threats, causes his ~~wife~~ OR HER SPOUSE to live in a house of prostitution or to lead a life of prostitution, is guilty of a felony punishable by imprisonment in the state prison for not less than one nor more than ten years.

Sec. 41. Section 13-587, Arizona Revised Statutes, is amended to read:

13-587. Taking child for purpose of prostitution; punishment

A person who takes away any ~~female~~ PERSON under the age of eighteen years from ~~her~~ SUCH PERSON'S father, mother, guardian or other person having the legal custody of ~~the~~ SUCH ~~female~~ PERSON, without their consent, for the purpose of prostitution, shall be punished by imprisonment in the state prison for not to exceed five years and by a fine not exceeding one thousand dollars.

Sec. 42. Section 13-588, Arizona Revised Statutes, is amended to read:

13-588. Detention of persons in house of prostitution for debt; punishment

A person who attempts to detain ~~a female~~ ANY PERSON in a ~~disorderly house or~~ house of prostitution because of a debt ~~she~~ SUCH PERSON has contracted or is said to have contracted, is guilty of a felony punishable by

LAWS OF ARIZONA

imprisonment in the state prison for not less than one nor more than ten years.

Sec. 43. Section 13-591, Arizona Revised Statutes, is amended to read:

13-591. Pandering; definition; methods; punishment

A. A person is guilty of a felony who:

1. Places ~~a female~~ ANY PERSON in the charge or custody of any other person for immoral purposes.
2. Places ~~a female~~ ANY PERSON in a house of prostitution with the intent that ~~she~~ SUCH PERSON lead a life of prostitution.
3. Compels ~~a female~~ ANY PERSON to reside WITH THAT PERSON, OR ~~with him, or~~ with any other person, for immoral purposes, or for the purpose of prostitution.
4. Compels ~~a female~~ ANY PERSON to lead a life of prostitution.

B. A person violating any provision of this section shall be punished by a fine of not less than one thousand dollars and by imprisonment in the state prison for not less than one nor more than ten years.

Sec. 44. Section 13-592, Arizona Revised Statutes, is amended to read:

13-592. Transporting persons for purpose of prostitution or other immoral purpose; punishment; venue

A person transporting or attempting to transport by any means of conveyance, through or across this state, ~~a female~~ ANY OTHER PERSON for the purposes of prostitution or concubinage, or for any other immoral purposes, is guilty of a felony. The prosecution of such person may be in any county in which ~~he~~ SUCH PERSON is apprehended.

Sec. 45. Section 13-593, Arizona Revised Statutes, is amended to read:

13-593. Admissibility of evidence

In prosecutions for a violation of the provisions of this article, when material, the common repute may be received as evidence of the character of the house, the purpose for which it is kept or used, and the character of the ~~women~~ PERSONS inhabiting or resorting to it.

LAWS OF ARIZONA

Sec. 46. Section 13-801, Arizona Revised Statutes, is amended to read:

13-801. Failure of parent to provide for child; punishment; direction that defendant labor on public works; pay; duty of board of supervisors; limitation on labor

A. A parent who wilfully omits, without lawful excuse, to furnish necessary food, clothing, shelter or medical attention for his or her minor child is guilty of a misdemeanor punishable by imprisonment in the county jail for not to exceed six months.

B. In any prosecution under this section, the court may direct that a person so convicted shall be compelled to work upon the public roads, streets or highways, or any other public work in the county or city where the conviction is had during the term of such sentence.

C. It shall be the duty of the board of supervisors, when a person is convicted under this section and sentence is imposed requiring the defendant to perform work as prescribed in this section, to allow and order the payment, from any funds available, to the HUSBAND OR wife, guardian or custodian of the child or children of the person imprisoned, or to an organization or individual appointed by the court as trustee for the support of such children, ~~of not to exceed two dollars~~ A REASONABLE SUM for each day's work by such person while serving a sentence as provided by this section.

~~D. No person convicted under the provisions of this section shall be permitted to work in the same group with free labor, but shall be placed in a separate and distinct group.~~

Sec. 47. Section 13-802, Arizona Revised Statutes, is amended to read:

13-802. Abandonment of spouse; punishment

A ~~husband~~ MARRIED PERSON, having sufficient ability to provide for his ~~wife's~~ OR HER SPOUSE'S support or who is able to earn the means of ~~her~~ SUCH SPOUSE'S support, who wilfully abandons and leaves ~~his wife~~ SUCH SPOUSE in a destitute condition, is guilty of a felony.

Sec. 48. Section 13-803, Arizona Revised Statutes, is amended to read:

13-803. Refusal or neglect to provide for spouse; punishment

LAWS OF ARIZONA

A ~~husband~~ MARRIED PERSON, having sufficient ability to provide for his ~~wife's~~ OR HER SPOUSE'S support or who is able to earn the means of ~~her~~ SUCH SPOUSE'S support, who refuses or neglects to provide the ~~wife~~ SPOUSE with necessary food, clothing, shelter or medical attendance, unless by ~~her~~ SUCH SPOUSE'S misconduct he OR SHE was justified in so doing, is guilty of a felony.

Sec. 49. Section 13-804, Arizona Revised Statutes, is amended to read:

13-804. Bond by spouse; conditions; suspension of proceedings

A. After arrest, conviction or plea of guilty under sections 13-801, 13-802 or 13-803, and before sentence, if the defendant enters into an undertaking, with sureties, payable to the state in such penal sum as the court may order and approve, and conditioned that defendant will furnish the ~~wife~~ SPOUSE with necessary food, clothing, shelter or medical attendance, the court may suspend proceedings or sentence thereon.

B. The undertaking as provided in subsection A of this section shall be valid and binding for one year, and upon failure of defendant to comply with the undertaking, he OR SHE may be ordered to appear before the court and show cause why further proceedings should not be had in the action, or why sentence should not be imposed. The court may proceed with the action or pronounce sentence, or may modify the order and require a new undertaking and further suspend proceedings or sentence for a like period.

Sec. 50. Section 13-821, Arizona Revised Statutes, is amended to read:

13-821. Definitions

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

1. "Dependent person" means a person under the age of eighteen years:
 - (a) Who is found begging, receiving or gathering alms, whether actually begging or under the pretext of selling or offering anything for sale.
 - (b) Who is found in a street, road or public place for the purpose of begging, gathering or receiving alms.
 - (c) Who is a vagrant.

LAWS OF ARIZONA

- (d) Who is found wandering and not having a home, or a settled place of abode, or a guardian or any visible means of subsistence.
- (e) Who has no parent or guardian willing to exercise, or capable of exercising, proper parental control over him.
- (f) Who is destitute.
- (g) Whose home, by reason of neglect, cruelty or depravity of his parents, or either of them, or on the part of his guardian, or on the part of the person in whose custody or care he may be, is an unfit place for such person.
- (h) Who frequents the company of reputed criminals, vagrants or prostitutes.
- (i) Who is found living or being in a house of prostitution or assignation.
- (j) Who habitually visits, without parent or guardian, a saloon, or place where spirituous, vinous or malt liquors are sold, bartered or given away.
- (k) Who persistently refuses to obey the reasonable orders or directions of his parent or guardian.
- (l) Who is incorrigible, that is, beyond the control and power of his parents, guardian or custodian by reason of the vicious conduct or nature of the person.
- (m) Whose father OR MOTHER is dead, or has abandoned ~~his~~ THE family, or is an habitual drunkard, or whose father or mother does not provide for such person, and it appears that such person is destitute of a suitable home or adequate means of obtaining an honest living, or who is in danger of being brought up to lead an idle, dissolute and immoral life, or when both parents are dead, or the mother or father, if living, is unable to provide proper support and care of such person.
- (n) Who habitually visits, without parent or guardian, a billiard room or pool room.
- (o) Who, being not over the age of fourteen years, refuses to attend public or private school, as directed by his parent, guardian or legal custodian.

LAWS OF ARIZONA

(p) Who habitually uses intoxicating liquor as a beverage, or habitually smokes cigarettes, or uses opium, cocaine, morphine or other similar drugs without direction of a competent physician.

(q) Who from any cause is in danger of growing up to lead an idle, dissolute or immoral life.

B. "Delinquent person" includes any person under the age of eighteen years who violates a law of this state, or an ordinance of a county, city or town defining crime.

C. "Delinquency" means any act which tends to debase or injure the morals, health or welfare of a child.

Sec. 51. Section 13-1019, Arizona Revised Statutes, is amended to read:

13-1019. Collection of taxes or licenses; failure of employer to give list of employees or access to building; punishment

A person who, when requested by the collector of taxes or licenses, refuses to give to the collector the name and residence of each ~~man~~ PERSON in his employment, or give to the collector access to the building or place where the ~~men~~ PERSONS are employed, is guilty of a misdemeanor.

Sec. 52. Section 13-1202, Arizona Revised Statutes, is amended to read:

13-1202. Right to command aid for execution of process; punishment for resisting process

A. When a sheriff or other public officer authorized to execute process finds, or has reason to believe that resistance will be made to execution of the process, ~~he~~ SUCH OFFICER may command as many ~~male~~ inhabitants of ~~his~~ THE county as ~~he~~ THE OFFICER deems proper to assist ~~him~~ in overcoming the persons resisting and their aiders and abettors.

B. The officer shall certify to the court from which the process issued the names of the persons resisting, and their aiders and abettors, and they may be proceeded against for contempt of court.

Sec. 53. Section 13-1512, Arizona Revised Statutes, is amended to read:

13-1512. Place of trial when offense kidnaping or unlawful seizure of child or person

LAWS OF ARIZONA

The trial of the following criminal actions shall be in the county in which the offense is committed, or out of which the person upon whom the offense was committed may, in the commission of the offense, have been brought, or in which an act was done by the defendant in instigating, procuring, promoting or aiding in the commission of the offense, or in abetting the parties concerned in the offense:

1. For forcibly and without lawful authority seizing and confining another or inveigling or kidnaping him with intent, against his will, to cause him to be secretly confined or imprisoned in this state, or to be sent out of the state, or from one county to another, or to be sold as a slave, or in any way held to service.
2. For decoying, taking or enticing away a child under the age of seventeen years, with intent to detain and conceal ~~it~~ SUCH CHILD from ~~its~~ HIS parent, guardian or other person having the lawful charge of the child.
3. For inveigling, enticing or taking away an unmarried ~~female~~ PERSON of previous chaste character, under the age of eighteen years, for the purpose of prostitution.
4. For taking away any ~~female~~ PERSON, under the age of eighteen years, from ~~her~~ SUCH PERSON'S father, mother, guardian or other person, having the legal charge of ~~her~~ SUCH person, without their consent, either for the purpose of concubinage or prostitution.

Sec. 54. Section 13-1515, Arizona Revised Statutes, is amended to read:

13-1515. **Place of trial when offense transporting persons for immoral purpose**

When the offense is transporting, or attempting to transport, any ~~female~~ PERSON for the purposes of prostitution or concubinage, or for any other immoral purpose, the trial for the offense may be in any county in which the accused is apprehended.

Sec. 55. **Repeal**

Section 15-306, Arizona Revised Statutes, is repealed.

Sec. 56. Section 15-819, Arizona Revised Statutes, is amended to read:

LAWS OF ARIZONA

15-819. Salaries and subsistence of employees; payrolls

A. All salary schedules for employees of the school shall become operative on July 1 of each year and shall be included in the estimate of expenses submitted by the superintendent.

B. In addition to ~~his~~ THE OFFICER'S salary, each officer required to live at the school may receive food supplies for ~~his~~ THE OFFICER'S family from the regular supplies furnished the institution, but ~~his~~ SUCH OFFICER'S family shall include only ~~his wife~~ SUCH OFFICER'S SPOUSE and minor children.

C. The superintendent shall furnish a semi-monthly payroll for the school showing the name of each officer and employee, monthly stipend and time of service. The payroll shall be audited by the board and a statement of the amount determined due shall be filed with the department of administration division of finance and a warrant issued to each individual name therein contained.

Sec. 57. Section 16-925, Arizona Revised Statutes, is amended to read:

16-925. Rules determining residence of voter upon challenge; reading of rules upon request

A. The election board, in determining the place of residence of a person, shall be governed by the following rules, so far as applicable:

1. The residence of a person is that place in which his habitation is fixed, and to which he has the intention of returning when absent.
2. A person does not gain or lose his residence by reason of his presence at or absence from a place while employed in the service of the United States or of this state, or while engaged in navigation, or while a student at an institution of learning or while kept in an almshouse, asylum or prison.
3. A person does not lose his residence by leaving his home to go to another county, state or foreign country for merely temporary purposes, with the intention of returning.
4. A person does not gain a residence in any county into which he comes for merely temporary purposes, without the intention of making that county his home.

LAWS OF ARIZONA

5. If a person removes to another state with the intention of making it his residence, he loses his residence in this state.
6. If a person removes to another state with the intention of remaining there for an indefinite time, and of making the place his present residence, he loses his residence in this state, even though he has an intention of returning at some future period.
7. The place where a ~~man's~~ PERSON'S family permanently resides is his residence, unless he is separated from his family, but if it is a place of temporary establishment for his family, or for transient purposes, it is otherwise.
8. If a ~~man~~ PERSON has a family residing in one place and he does business in another, the former is his place of residence, but a ~~man~~ PERSON having a family who has taken up his abode with the intention of remaining and whose family does not so reside with him, shall be regarded as a resident where ~~he has so taken up~~ his abode HAS BEEN TAKEN.
9. The mere intention of acquiring a new residence without the act of removal avails nothing and neither does the act of removal without the intention.
- B. The term of residence shall be computed by including the day on which the person's residence commenced, and by excluding the day of election.
- C. Before administering an oath to a person touching his residence, the inspector shall, if requested by any person, read to the person challenged the rules set forth in subsection A of this section.

Sec. 58. Repeal

Section 23-261, Arizona Revised Statutes, is repealed.

Sec. 59. Title 23, chapter 2, article 7, Arizona Revised Statutes, is amended by adding section 23-355, to read:

23-355. Action by employee to recover wages; amount of recovery

IF AN EMPLOYEE HAS NOT BEEN PAID HIS OR HER WAGES PROPERLY DUE AND OWING IN ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER, SUCH EMPLOYEE MAY RECOVER IN A

LAWS OF ARIZONA

CIVIL ACTION AGAINST AN EMPLOYER OR FORMER EMPLOYER AN AMOUNT WHICH IS TREBLE THE AMOUNT OF THE UNPAID WAGES, TOGETHER WITH COSTS AND REASONABLE ATTORNEYS' FEES TO BE ALLOWED BY THE COURT ON THE BASIS OF TIME AND EFFORT EXPENDED BY COUNSEL IN BEHALF OF THE PLAINTIFF-EMPLOYEE.

Sec. 60. Section 24-901, Arizona Revised Statutes, is amended to read:

24-901. **Definitions**

In this article, unless the context otherwise requires:

1. "Brand" means the term, design or trademark and other specific designation under which an individual commercial feed is distributed in this state.
2. "Commercial feed" means all materials distributed for use as feed for animals other than ~~man~~ HUMANS except:
 - (a) Unmixed whole seeds and meals made directly from the entire seeds.
 - (b) Unground hay.
 - (c) Whole or ground straw, stover, silage, cobs and hulls when not mixed with other materials.
3. "Customer-formula feed" means a mixture of commercial feed or feed materials, or both, each batch of which is mixed according to the specific instructions of the final purchaser.
4. "Distribute" means to offer for sale, sell, barter or otherwise supply commercial feeds or customer-formula feeds, except that the term "distribute" shall not include or apply to any feeds supplied for consumption on the premises of the supplier.
5. "Feed ingredient" means each of the constituent materials making up a commercial feed.
6. "Label" means a display of written, printed or graphic matter upon or affixed to the container in which a commercial feed is distributed, or on the invoice or delivery slip with which a commercial feed or customer-formula feed is distributed in bulk.

LAWS OF ARIZONA

7. "Official sample" means any sample of feed taken by the state chemist or his agent and designated as official by the state chemist.
8. "Per cent" or "percentage" means percentage by weight.
9. "Person" includes individual, partnership, corporation, firm, association and agent.
10. "Sell" or "sale" includes exchange.
11. "Ton" means a net weight of two thousand pounds avoirdupois.

Sec. 61. Section 25-211, Arizona Revised Statutes, is amended to read:

25-211. Property acquired during marriage as community property; exceptions

~~A.~~ All property acquired by either husband or wife during the marriage, except that which is acquired by gift, devise or descent, ~~or earned by the wife and her minor children while she lives separate and apart from her husband,~~ is the community property of the husband and wife.

~~B.~~ During coverture, personal property may be disposed of by the husband only.

Sec. 62. Section 25-213, Arizona Revised Statutes, is amended to read:

25-213. Separate property defined

~~A.~~ All property, real and personal, of ~~the husband~~ EACH SPOUSE, owned ~~or claimed~~ by ~~him~~ SUCH SPOUSE before marriage, and that acquired afterward by gift, devise or descent, and also the increase, rents, issues and profits thereof, is ~~his~~ THE separate property OF SUCH SPOUSE.

~~B.~~ All property, both real and personal, of the wife, owned or claimed by her before marriage, and that acquired afterward by gift devise or descent, and also the increase, rents, issues and profits thereof, is her separate property.

~~C.~~ The earnings and accumulations of the wife and the minor children in her custody while she lives separate and apart from her husband are the separate property of the wife.

LAWS OF ARIZONA

Sec. 63. Repeals

Sections 25-214, 25-215 and 25-216, Arizona Revised Statutes, are repealed.

Sec. 64. Title 25, chapter 2, article 2, Arizona Revised Statutes, is amended by adding new sections 25-214 and 25-215, to read:

25-214. Management and control

A. EACH SPOUSE HAS THE SOLE MANAGEMENT, CONTROL AND DISPOSITION RIGHTS OF HIS OR HER SEPARATE PROPERTY.

B. THE SPOUSES HAVE EQUAL MANAGEMENT, CONTROL AND DISPOSITION RIGHTS OVER THEIR COMMUNITY PROPERTY, AND HAVE EQUAL POWER TO BIND THE COMMUNITY.

C. EITHER SPOUSE SEPARATELY MAY ACQUIRE, MANAGE, CONTROL OR DISPOSE OF COMMUNITY PROPERTY, OR BIND THE COMMUNITY, EXCEPT THAT JOINDER OF BOTH SPOUSES IS REQUIRED IN ANY OF THE FOLLOWING CASES:

1. ANY TRANSACTION FOR THE ACQUISITION, DISPOSITION OR ENCUMBRANCE OF AN INTEREST IN REAL PROPERTY OTHER THAN AN UNPATENTED MINING CLAIM OR A LEASE OF LESS THAN ONE YEAR.

2. ANY TRANSACTION OF GUARANTY, INDEMNITY OR SURETYSHIP.

25-215. Liability of community property and separate property for community and separate debts

A. THE SEPARATE PROPERTY OF A SPOUSE SHALL NOT BE LIABLE FOR THE SEPARATE DEBTS OR OBLIGATIONS OF THE OTHER SPOUSE, ABSENT AGREEMENT OF THE PROPERTY OWNER TO THE CONTRARY.

B. THE COMMUNITY PROPERTY IS LIABLE FOR THE PRE-MARITAL SEPARATE DEBTS OR OTHER LIABILITIES OF A SPOUSE, INCURRED AFTER SEPTEMBER 1, 1973 BUT ONLY TO THE EXTENT OF THE VALUE OF THAT SPOUSE'S CONTRIBUTION

LAWS OF ARIZONA

TO THE COMMUNITY PROPERTY WHICH WOULD HAVE BEEN SUCH SPOUSE'S SEPARATE PROPERTY IF SINGLE.

C. THE COMMUNITY PROPERTY IS LIABLE FOR A SPOUSE'S DEBTS INCURRED OUTSIDE OF THIS STATE DURING THE MARRIAGE WHICH WOULD HAVE BEEN COMMUNITY DEBTS IF INCURRED IN THIS STATE.

D. EXCEPT AS PROHIBITED IN SECTION 25-214, EITHER SPOUSE MAY CONTRACT DEBTS AND OTHERWISE ACT FOR THE BENEFIT OF THE COMMUNITY. IN AN ACTION ON SUCH A DEBT OR OBLIGATION THE SPOUSES SHALL BE SUED JOINTLY AND THE DEBT OR OBLIGATION SHALL BE SATISFIED: FIRST, FROM THE COMMUNITY PROPERTY, AND SECOND, FROM THE SEPARATE PROPERTY OF THE SPOUSE CONTRACTING THE DEBT OR OBLIGATION.

Sec. 65. Section 26-122, Arizona Revised Statutes, is amended to read:

26-122. Components of militia

A. The militia is divided into the national guard of Arizona, the state guard when organized, and the unorganized militia.

B. The national guard consists of commissioned officers, warrant officers, enlisted ~~men,~~ PERSONNEL, organizations, staffs, corps and departments of the federally recognized and regularly commissioned, warranted and enlisted militia of the state, organized and maintained pursuant to law, and all members thereof honorably retired by age or disability.

C. The numerical strength, composition, distribution, organization, arms, uniforms, equipment, training and discipline of the federally recognized national guard shall be prescribed by the governor in conformity with the allocation of units to the state by the department of the army and the department of the air force of the United States.

D. The inactive national guard consists of commissioned, warranted and enlisted personnel relieved from assignment to the national guard by the adjutant general, or at their own request, under regulations prescribed by the department of national defense of the United States, and are not reassigned to another component of the armed forces of the United States.

LAWS OF ARIZONA

E. The unorganized militia consists of members of the militia not members of the national guard or state guard when organized.

Sec. 66. Section 26-156, Arizona Revised Statutes, is amended to read:

26-156. Pay of personnel

A. Officers and enlisted ~~men~~ PERSONNEL of the national guard shall while on state duty by order of the governor or adjutant general receive the same pay and allowance, including longevity pay, as prescribed for respective grades in the armed forces of the United States.

B. Service for longevity pay shall include all time served in the national guard of the state prior to June 3, 1916, and all time served in the armed forces and national guard of the United States and the organized reserve. In addition thereto enlisted ~~men~~ PERSONNEL shall receive ~~not less than one dollar fifty cents for each day in the service of the state, but the minimum may, upon approval of the governor, be increased to an amount not to exceed three dollars per day.~~ A SALARY RECOMMENDED BY THE ADJUTANT GENERAL AND APPROVED BY THE GOVERNOR.

Sec. 67. Section 26-159, Arizona Revised Statutes, is amended to read:

26-159. Powers of commanding officers; defense of officer to action based on act or omission

A. The commanding officer of troops under arms while in actual service may cause such troops to perform such military duties as he requires. He may place under arrest an officer or enlisted ~~man~~ PERSON who disobeys orders of superior officers, and any person trespassing on parade or camp grounds or interrupting or molesting the orderly discharge of duty of troops under arms. The commanding officer shall use his own discretion with respect to attacking or firing upon a mob or unlawful assembly, and his honest and reasonable judgment in the exercise of his duty shall be a complete defense, both civilly and criminally, for any act done while on such duty.

B. If an officer is made a party defendant in an action arising from acts or omissions while on military duty, the plaintiff in the action shall be required, upon motion of the defendant officer, to give security for costs in the amount of three hundred dollars.

C. The attorney general, upon request of the defendant officer, shall defend the action or assist in the defense thereof.

LAWS OF ARIZONA

Sec. 68. Section 26-161, Arizona Revised Statutes, is amended to read:

26-161. Retirement; retention of commission after withdrawal of federal recognition

A. A commissioned officer, warrant officer or enlisted ~~man~~ PERSON who has served in the national guard for ten years may, upon application, be placed upon the retired list. Time served in the regular or volunteer armies of the United States or in the organized militia of another state shall be allowed in computing the length of service. Service in time of war shall be computed at twice the actual duration of such service.

B. An officer of the national guard whose federal recognition terminates or is withdrawn because of age or physical disability shall retain his commission and rank for life. He shall be an honorary member of the staff of the adjutant general and shall serve in an advisory capacity, but shall receive no compensation for such service.

Sec. 69. Section 26-165, Arizona Revised Statutes, is amended to read:

26-165. Service medals

A. An officer or enlisted ~~man~~ PERSON who has served as an active member of the national guard for a period of ten years shall be awarded a long service medal, and for twenty years service shall be awarded an exceptionally long service medal. At the completion of each period of three years after receiving either medal, a star shall be awarded the holder thereof.

B. The medals shall be awarded at the expense of the state by the governor, upon application approved by the adjutant general and subject to such rules and regulations as the adjutant general prescribes.

C. Officers and enlisted ~~men~~ PERSONNEL of the national guard drafted into service of the United States shall be allowed credit as continuous service in the national guard for such service.

Sec. 70. Section 26-171, Arizona Revised Statutes, is amended to read:

26-171. National guard training; inspection by department of defense; camp or field duty ordered by governor

A. Each unit of the national guard shall conduct training in accordance with instructions of the adjutant general and shall comply with the

LAWS OF ARIZONA

approved training schedules and programs prepared by the department of defense of the United States. Each unit or detachment shall assemble for drill and instruction, and shall participate in encampments, maneuvers or other exercises at times and places and under rules and regulations prescribed therefor. In addition thereto the commanding officer of any organization may require the officers and ~~men~~ ENLISTED PERSONNEL of his command to meet for ceremonies, parade, drill or instruction at times and places he designates.

B. Each unit of the national guard shall, not less than once each year, muster for inspection by an officer designated for that purpose by the secretary of defense or the secretary of any subdivision thereof.

C. The governor may order the national guard or any part thereof to perform camp or field duty for periods of time he deems advisable.

Sec. 71. Section 26-175, Arizona Revised Statutes, is amended to read:

26-175. Short term active duty tours for volunteers during peace time

A. The adjutant general may, when he deems it necessary to the accomplishment of a mission of the national guard, call to active duty in peace time to perform special and designated services for a period not to exceed thirty days, any officer or enlisted ~~man~~ PERSONNEL of the national guard who volunteers for such service.

B. The officer or enlisted ~~man~~ PERSONNEL shall receive full pay and allowances, including longevity pay, prescribed for an officer or enlisted ~~man~~ PERSONNEL of the regular services of the same grade or rank. ~~He~~ SUCH PERSONNEL shall be paid from funds of the state appropriated for such purposes.

Sec. 72. Section 27-124, Arizona Revised Statutes, is amended to read:

27-124. Mine inspections required; powers of inspector

A. The mine inspector shall visit, at least once every three months, every mine in the state employing fifty or more ~~men~~ PERSONS underground, and at least once each year, every other mine employing six or more ~~men~~ PERSONS. ~~He~~ THE MINE INSPECTOR shall inspect and examine into the operation, conditions, safety appliances, machinery, sanitation and ventilation, the means of ingress and egress, the means taken to protect the lives, health and safety of the miners, the cause of accidents and deaths

LAWS OF ARIZONA

occurring in the mine, and the means taken to comply with the provisions of this title.

B. The inspector may at all hours enter and examine any part of any mine, visit, investigate, and examine a plant or equipment connected therewith, or any part of the workings thereof.

C. Operators and their employees shall assist the inspector to make examinations.

Sec. 73. Section 27-126, Arizona Revised Statutes, is amended to read:

27-126. Annual report to governor

A. The mine inspector on December 31 each year shall make and file with the governor a statistical summary and report of the work during the year ending November 30. The report shall contain a statement showing the number of ~~men~~ PERSONS employed in each mine, and, separately, the number of ~~men~~ PERSONS employed above ground and under ground, the number and nature of fatal and serious accidents occurring in each mine, the number of inspections made, complaints filed, inquests attended, mines or mine workings ordered to be vacated, violations found, and other information deemed important, together with necessary or desirable recommendations.

B. Copies of the report shall be published and distributed at the expense of the state.

Sec. 74. Section 27-208, Arizona Revised Statutes, is amended to read:

27-208. Affidavit of performance of annual work

A. Within three months after expiration of the time provided for performance of annual labor or making improvements upon a mining claim, the person on whose behalf such work or improvement was made, or some person for him knowing the facts, may make and record in the office of the county recorder of the county in which the claim is located an affidavit in substance as follows:

State of Arizona, county of _____ ss:

_____, being duly sworn, deposes and says that he is a citizen of the United States and more than eighteen years of age, resides at _____, in _____ county, Arizona, is personally acquainted with the mining

LAWS OF ARIZONA

claim known as _____ mining claim, situated in _____ mining district, Arizona, the location notice of which is recorded in the office of the county recorder of said county, in book _____ of records of mines, at page _____. That between the _____ day of _____, A.D. _____, and the _____ day of _____, A.D. _____, at least _____ dollars worth of work and improvements were done and performed upon said claim, not including the location work of said claim. Such work and improvements were made by and at the expense of _____, owners of said claim, for the purpose of complying with the laws of the United States pertaining to assessment or annual work, and (here name the miners or ~~men~~ PERSONS who worked upon the claim in doing the work) were the ~~men~~ PERSONS employed by said owner and who labored upon said claim, did said work and improvements, the same being as follows, to wit: (Here describe the work done, and add signature and verification.)

B. The affidavit when recorded shall be prima facie evidence of the performance of the labor or improvements.

C. When two or more contiguous claims are owned by the same person, and constitute a group, and the annual work is done upon each of the claims or upon one or more of them for the benefit of all, or wholly or partly outside of the claims for the benefit of all, all the claims may be included in a single affidavit.

Sec. 75. Section 27-343, Arizona Revised Statutes, is amended to read:

27-343. Structures over mine outlet

No structure shall be erected over an outlet of a mine except the head-frame necessary for hoisting from a shaft and the hatch or door necessary for hoisting from a shaft and the hatch or door required to protect ~~men~~ PERSONS obliged to work at the top of a shaft from inclement weather, and if a house is required for this purpose the inspector may grant permission in writing for its construction. Such house shall be as small as possible and constructed of fire resistant material. Regular storage of flammable material inside, or within thirty feet of the house is prohibited.

Sec. 76. Section 27-346, Arizona Revised Statutes, is amended to read:

27-346. Ladder-ways

Every shaft, winze, raise or incline, of slope steeper than forty degrees

LAWS OF ARIZONA

from the horizontal, and deeper than forty feet, through which ~~men~~ PERSONS are obliged to travel, shall be equipped with a suitable ladder-way.

Sec. 77. Section 27-347, Arizona Revised Statutes, is amended to read:

27-347. Construction of ladder-ways

A. Permanent ladder-ways shall be strong and firmly fastened, and shall be kept in good repair.

B. In a vertical shaft the inspector may, in his discretion, by an order in writing, direct that the ladder be inclined at the most convenient angle which the space where the ladder is fixed allows, and every ladder shall have substantial platforms at intervals of not more than twenty feet. The platform shall be closely covered, with exception of an opening large enough to permit the passage of a ~~man~~ HUMAN, and shall be arranged so that a person cannot fall from one ladder through the opening to the next ladder.

C. Ladder-ways shall be provided in shafts in the course of sinking them to within a distance from the bottom as will secure them from damage by blasting. From the end of the ladder-ways, portable ladders shall be extended to the bottom of the shaft.

Sec. 78. Section 27-351, Arizona Revised Statutes, is amended to read:

27-351. Hoists; operator; indicator

A. No person addicted to intoxicating liquors or drugs, or under eighteen years of age shall be employed as a hoisting engineer.

B. All power hoisting machinery used in hoisting from or lowering employees and materials into mines, except for prospect shafts not exceeding three hundred feet in depth, shall be equipped with an indicator placed near and in clear view or hearing of the engineer. The indicator shall be in addition to marks on the rope, cable or drum.

C. It is unlawful to hoist or lower ~~men~~ PERSONS from or into a mine at a speed greater than fifteen hundred feet per minute, but the inspector may designate a lesser speed than fifteen hundred feet per minute in a shaft, if in his opinion a greater speed is unsafe, or a greater speed if in his opinion particular shafts and hoist conditions so warrant.

LAWS OF ARIZONA

Sec. 79. Section 27-352, Arizona Revised Statutes, is amended to read:

27-352. Inspection and construction of hoists

A. Hoisting machinery, cables and sheaves shall be inspected once every twenty-four hours by a competent person appointed by the operator for that purpose, and the person making the inspection shall immediately report in writing to the operator all defects found.

B. Ropes or cables used for hoisting purposes shall be of approved quality and manufacture. In shafts and winzes over two hundred feet deep, wire ropes or cables only shall be used for hoisting purposes.

C. Head frames where ~~men~~ PERSONS are hoisted at a speed of over two hundred fifty feet per minute and where more than twenty-five ~~men~~ PERSONS are employed shall be constructed to allow at least twenty-five feet above the hoist landing stage in which the cage, skip or bucket can travel freely in case of an overwind.

Sec. 80. Section 27-353, Arizona Revised Statutes, is amended to read:

27-353. Safety cage and catches

A. It is unlawful for the operator of a mine to permit hoisting or lowering ~~men~~ PERSONS in a shaft deeper than three hundred feet except shafts in process of sinking, unless an iron-bonnetted safety cage equipped with gates at least five feet in height is used for hoisting and lowering the ~~men~~ PERSONS. Every cage or skip used for hoisting ~~men~~ PERSONS shall be provided with a safety catch of sufficient strength to hold the cage or skip with its maximum load at any point in the shaft in the event the hoisting cable breaks. The inspector shall require that cages and skips be equipped as required by this section and that on all cages the safety catches are kept well oiled and in good working condition.

B. In a shaft less than three hundred feet deep where no safety cage is used, and where cross-heads are used, platforms for employees to ride upon equipped with safety catches as required for cages and skips shall be provided.

C. Skips, the capacity of which exceeds five tons, running on steel guides in shafts designed primarily for the hoisting of rock, need not be equipped with safety catches. Such skips, however, shall be equipped with a platform and bonnet for the protection of the ~~men~~ PERSONS, who, as

LAWS OF ARIZONA

provided in this article, may legally ride the skips. Only ~~men~~ PERSONS engaged in shaft maintenance, pumpmen, skiptenders, supervisors and inspectors shall be permitted to be hoisted or lowered in such skips. No person, including those specifically mentioned in this paragraph, shall be permitted to ride a loaded skip.

Sec. 81. Section 27-355, Arizona Revised Statutes, is amended to read:

27-355. Hoisting tools and materials

A. When tools, timber or other materials are loaded or hoisted in the shaft, the ends, if projecting above the top of the bucket, skip or other vehicle, shall be securely fastened to the hoisting rope or to the upper part of the vehicle, and tools, timber or other materials loaded erectly upon a cage shall be securely lashed before they are hoisted or carried.

B. No cage, skip, bucket or other vehicle shall be lowered directly to the bottom of a shaft fifty feet or more in depth where ~~men~~ PERSONS are working, but shall be stopped at least fifteen feet above the bottom until the signal to lower further has been given by one of the ~~men~~ PERSONS at the bottom of the shaft.

Sec. 82. Section 27-356, Arizona Revised Statutes, is amended to read:

27-356. Protection from falling materials

A. Persons engaged in sinking a shaft in which regular hoisting from an upper level is going on, shall be protected from the danger of falling material by a suitable covering, with a sufficient opening left in the covering for the passage of the bucket or conveyance used in the sinking operation.

B. In shafts, winzes or raises where two or more crews of ~~men~~ are working, one crew above another, there shall be a bulkhead or other barrier between each two crews strong enough to stop tools or other material that may fall from the ~~men~~ PERSONS working above, and only the cage, skip or bucket compartment shall be left open.

C. Shafts or winzes shall have a bulkhead over the ~~men~~ PERSONS working in the bottom of the shaft or winze built of timber not less than six inches in thickness, not more than fifty feet above the bottom of the shaft or winze, to provide ample protection for the ~~men~~ PERSONS working in the bottom of the shaft or winze, and so constructed as not to

LAWS OF ARIZONA

shut off the air circulation. The cage, skip or bucket compartment only shall be left open. Shafts or winzes shall be cleaned down below the bulkhead after each blasting.

D. Windlasses and winzes shall be provided with a suitable plug or some other reliable device to prevent the bucket or other conveyance running back.

E. No open hook shall be used with a bucket in hoisting, but only some approved form of safety hook or shackle hook.

Sec. 83. Section 29-207, Arizona Revised Statutes, is amended to read:

29-207. Rules for determining the existence of a partnership

In determining whether a partnership exists, these rules shall apply:

1. Except as provided by section 29-216 persons who are not partners as to each other are not partners as to third persons.
2. Joint tenancy, tenancy in common, tenancy by the entireties, joint property, common property, or part ownership does not of itself establish a partnership, whether such co-owners do or do not share any profits made by the use of the property.
3. The sharing of gross returns does not of itself establish a partnership, whether or not the persons sharing them have a joint or common right or interest in any property from which the returns are derived.
4. The receipt by a person of a share of the profits of a business is prima facie evidence that he is a partner in the business, but no such inference shall be drawn if such profits were received in payment:
 - (a) As a debt by installments or otherwise.
 - (b) As wages of an employee or rent to a landlord.
 - (c) As an annuity to a ~~widow~~, SURVIVING SPOUSE or representative of a deceased partner.
 - (d) As interest on a loan, though the amount of payment vary with the profits of the business.

LAWS OF ARIZONA

(e) As the consideration for the sale of a good will of a business or other property by installments or otherwise.

Sec. 84. Section 29-225, Arizona Revised Statutes, is amended to read:

29-225. Nature of a partner's right in specific partnership property

A. A partner is co-owner with his partners of specific partnership property holding as a tenant in partnership.

B. The incidents of this tenancy are such that:

1. A partner, subject to the provisions of this chapter and to any agreement between the partners, has an equal right with his partners to possess specific partnership property for partnership purposes; but he has no right to possess such property for any other purpose without the consent of his partners.

2. A partner's right in specific partnership property is not assignable except in connection with the assignment of rights of all the partners in the same property.

3. A partner's right in specific partnership property is not subject to attachment or execution, except on a claim against the partnership. When partnership property is attached for a partnership debt the partners, or any of them, or the representatives of a deceased partner, cannot claim any right under the homestead or exemption laws.

4. On the death of a partner his right in specific partnership property vests in the surviving partner or partners, except where the deceased was the last surviving partner, when his right in such property vests in his legal representative. Such surviving partner or partners, or the legal representative of the last surviving partner, has no right to possess the partnership property for any but a partnership purpose.

5. A partner's right in specific partnership property is not subject to dower, curtesy, or allowances to widows, WIDOWERS, heirs, or next of kin.

Sec. 85. Section 31-102, Arizona Revised Statutes, is amended to read:

31-102. Jail matron; appointment; salary; qualifications; term; powers and duties

LAWS OF ARIZONA

A. In first and second class counties, the sheriff, with the consent of the board of supervisors, and in cities and towns having a population of five thousand or more, the chief of police or town marshal, with the consent of the governing body of the city or town, may appoint and deputize at a salary approved by the governing body, a matron of the county, city or town jail.

B. In counties other than first and second class, and in cities or towns, the sheriff, chief of police or town marshal may, when authorized by the governing body, appoint and deputize a matron of the county, city or town jail, at a salary approved by the governing body.

C. The matron shall be a woman ~~not less than forty years of age, and~~ of good moral character. Her term of office shall be two years in counties and one year in cities or towns.

D. In any county, city or town not having a regularly appointed matron, when a female is in custody in jail, the officer in charge shall appoint and deputize, temporarily, a matron for the period of imprisonment of the female prisoner, at a salary ~~not to exceed five dollars per day~~ APPROVED BY THE GOVERNING BODY.

E. The matron shall have free access, at all reasonable times, to the immediate presence of all female prisoners in the jail, including the right of personal visitation and conversation with them. Searching the person of a female prisoner in the jail shall be done by the matron only. The matron shall endeavor to secure and promote the health, welfare and reformation of all female prisoners.

Sec. 86. Section 31-103, Arizona Revised Statutes, is amended to read:

31-103. Interference with matron; penalty

An officer or person having charge or control of a jail who refuses the duly appointed and qualified matron thereof free access, at all reasonable times, to the immediate presence of female prisoners, including the right of visitation and conversation with them, or who permits the person of a female prisoner to be searched other than by the matron, ~~OR WHO PERMITS THE MATRON TO SEARCH A MALE PRISONER~~ or who obstructs performance by the matron of her official duties, is guilty of a misdemeanor.

Sec. 87. Section 31-205, Arizona Revised Statutes, is amended to read:

LAWS OF ARIZONA

31-205. Prison matron; appointment; quarters

A. There shall be a matron at the state prison who shall oversee and supervise the activities and conduct of female prisoners. ~~teaching them useful household arts, where necessary, and in general exercise the recognized and defined duties of a prison matron.~~

B. The matron shall be appointed by the superintendent and she shall reside at the prison at a place convenient to the section where the female prisoners are confined. The superintendent shall provide such quarters for the matron.

Sec. 88. Section 32-213, Arizona Revised Statutes, is amended to read:

32-213. New members; oath upon admission

A. All persons admitted to practice in accordance with the provisions of this chapter shall, by that fact, become active members of the state bar.

B. Upon admission to the state bar, the applicant shall pay to the clerk of the supreme court a fee of ten dollars, and shall, in open court, take and subscribe an oath to support the constitution of the United States and the laws of the state of Arizona, and also take the following oath: "You solemnly swear that you will not wittingly, or knowingly promote or sue any false, groundless or unlawful action, nor give aid or consent to the same; that you will delay no ~~man~~ PERSON for lucre or malice but will conduct yourself in the office as an attorney within the courts, according to the best of your knowledge and discretion, and with all good fidelity as well to the courts as to your clients, so help you God."

Sec. 89. Section 32-501, Arizona Revised Statutes, is amended to read:

32-501. Definitions

In this chapter, unless the context otherwise requires:

1. "Board" means the board of cosmetology.
2. "Cosmetology" means any one or a combination of any of the following practices when performed upon the head, face, neck, shoulders, arms or hands of persons for cosmetic purposes only:
 - (a) Massaging, cleansing, stimulating, manipulating, exercising, beautifying or applying oils, creams, antiseptics, clays, lotions or other preparations, either by hand or by mechanical or electrical appliances.

LAWS OF ARIZONA

- (b) Styling, arranging, dressing, curling, waving, permanent waving, cleansing, singeing, bleaching, dyeing, tinting, coloring or similarly treating the hair of the head of a person.
- (c) Cutting, clipping or trimming the hair of ~~women or girls only~~ PERSONS by the use of scissors, shears, clippers or other appliances.
- (d) Arching eyebrows, or tinting eyebrows and eyelashes.
- (e) Removing superfluous hair from the face, neck, shoulders or arms of a person by the use of depilatories.
- (f) Cleansing, dressing or polishing the nails of a person referred to in this chapter as manicuring.
- (g) Manicuring, but manicuring may be practiced under a separate license issued by the board.
3. "Cosmetology shop" means a place, shop or establishment in which cosmetology is practiced.
4. "Cosmetologist", "manicurist", "instructor" and "finger waver" means persons respectively licensed as such under this chapter.
5. "Finger waving" means waving hair in a barber shop with comb, wave solution and fingers without the formation of any curls or use of pins, clamps or clips.
6. "Graduate" means a person who has completed successfully the required course of study offered by a school of cosmetology.
7. "Instructor" means a person licensed to teach in a school of cosmetology.
8. "License" means the privilege granted by this chapter and evidenced by a certificate issued by the board to the applicant therefor who is entitled thereto by complying with the requirements provided by this chapter.
9. "Manicuring" means cleansing, massaging hands and arms and dressing or polishing nails of persons.

LAWS OF ARIZONA

10. "Medical certificate" means a certificate from a duly licensed physician and surgeon certifying that the person in question has been examined by him not more than ninety days prior to the date of application for a license under this chapter and that such person is free from any contagious, infectious or communicable disease.
11. "School of cosmetology" means a school teaching cosmetology and licensed as such under this chapter.
12. "Secretary-treasurer" means the member of the board of cosmetology designated by it as its secretary-treasurer.
13. "Student" means any person enrolled and pursuing a course of study in a school of cosmetology.
14. "Student instructor" means a cosmetologist who is receiving instruction in teachers' training in a licensed school of cosmetology under direct supervision of a licensed instructor.

Sec. 90. Section 32-2194.14, Arizona Revised Statutes, is amended to read:

32-2194.14. Restriction on use of care funds

Endowment care funds shall not be used for any purpose other than to provide income for the care of burial spaces as stated above. In investing these funds the trustee shall exercise the judgment and care under the circumstances then prevailing which ~~men~~ PERSONS of prudence, discretion and intelligence exercise in the management of their own affairs, not in regard to speculation, but in regard to the permanent disposition of their funds, considering the probable income as well as the probable safety of their capital. Within the limitations of the foregoing standard, and subject to any express provisions or limitations contained in any particular trust instrument, a trustee is authorized to acquire every kind of property, real, personal or mixed, and every kind of investment, specifically including, but not by way of limitation, corporate obligations of every kind, and stocks, preferred or common, which ~~men~~ PERSONS of prudence, discretion and intelligence acquire for their own account.

Sec. 91. Section 33-453, Arizona Revised Statutes, is amended to read:

33-453. Conveyance of homestead

LAWS OF ARIZONA

The homestead of a family shall not be sold and conveyed by ~~the owner, if a married man,~~ A SPOUSE without consent of the ~~wife~~ OTHER SPOUSE. The consent shall be evidenced by ~~the wife~~ EACH SPOUSE joining in the conveyance by signing ~~her name~~ THEIR NAMES thereto, and also by ~~her~~ acknowledgment thereof.

Sec. 92. Section 33-988, Arizona Revised Statutes, is amended to read:

33-988. Lien for labor or materials furnished railroad

A person who labors or furnishes labor, teams, materials, machinery, fixtures or tools in the construction, repair or operation of a railroad, locomotive, car or other equipment, and to whom money or wages are due or owing therefor, and any person who furnishes provisions or supplies of any kind in the construction or repair of a railroad or to a contractor or subcontractor engaged in such construction or repair, for the housing, maintenance or subsistence of ~~men~~ HUMANS or animals employed or used in such construction or repair, and to whom any amount is due or owing therefor, shall have a lien upon the railroad and its equipment for the amounts unpaid.

Sec. 93. Section 33-1104, Arizona Revised Statutes, is amended to read:

33-1104. Abandonment of homestead; encumbrance of homestead; joining of spouse

A. A homestead may be abandoned only by a declaration of abandonment or waiver, or by a grant thereof, or by a permanent removal of the claimant from the state.

B. A declaration of abandonment, waiver or grant shall be executed by the husband and wife, if the claimant is married, or by the claimant alone, if unmarried. A declaration of abandonment is effectual only from the time of recording it in the office of the county recorder in which the homestead claim was recorded.

C. A married ~~man~~ PERSON shall not sell or lease the homestead, or create any lien thereon, without being joined by ~~his wife~~ THE OTHER SPOUSE.

Sec. 94. Section 33-1126, Arizona Revised Statutes, is amended to read:

33-1126. Money benefits or proceeds

LAWS OF ARIZONA

The following property of a debtor shall be exempt from execution, attachment or sale on any process issued from any court:

1. One half of the earnings or the wages or salary of any person for his personal services rendered at any time within thirty days next preceding the levy of attachment, garnishment or execution when it appears by the affidavit of the debtor or otherwise that such earnings are necessary for the use of the debtor's family residing in this state, supported wholly or in part by him.
2. All money received by or payable to a surviving ~~wife~~ SPOUSE or child upon the life of a deceased ~~husband or father~~ SPOUSE OR PARENT, not exceeding ten thousand dollars.
3. The earnings of the minor child of a debtor or the proceeds thereof by reason of any liability of such debtor not contracted for the special benefit of such minor child.
4. All money, relief, or other benefits payable to or to be rendered by any police department association, fire department association, beneficiary association or fraternal benefit association, and any person entitled to assistance therefrom, or to any certificate holder thereof, or beneficiary under such certificate.
5. All money arising from fire or other insurance upon any property exempt from sale on execution.
6. Any claim for damages recoverable by any person by reason of any levy upon or sale under execution of his exempt personal property or by reason of the wrongful taking or detention of such property by any person, and the judgment recovered for such damages.

Sec. 95. Section 36-518, Arizona Revised Statutes, is amended to read:

36-518. Transportation of patient to hospital; temporary detention pending transportation

A. When a proposed patient is about to be hospitalized under the provisions of sections 36-505, 36-507 or 36-514, the board of supervisors of the county shall, upon the request of a person having a proper interest in the proposed patient's hospitalization, arrange for the proposed patient's transportation to the hospital with suitable medical or nursing attendants and by such means as may be suitable for his medical

LAWS OF ARIZONA

condition. When practicable, the proposed patient shall be permitted to be either transported or accompanied by one or more of his friends or relatives. No ~~female~~ proposed patient shall be transported to the hospital without the attendance of some other ~~female~~ PERSON OF THE SAME SEX or some relative.

B. Pending his removal to the state hospital, or other designated facility, a proposed patient ordered to be hospitalized pursuant to this article may be detained in his home, a public or private hospital, or any other suitable place under such reasonable conditions as the board of supervisors may fix, but if other facilities are available, he shall not be detained in a nonmedical facility used for the detention of individuals charged with or convicted of penal offenses. The board of supervisors shall take such reasonable measures, including provision for medical care, as may be necessary to assure proper care of a proposed patient temporarily detained pursuant to this section.

C. The costs and charges therefor shall be a county charge.

Sec. 96. Section 38-772, Arizona Revised Statutes, is amended to read:

38-772. Survivor benefits

~~A widow~~ THE SURVIVING SPOUSE 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 HIS OR her life, or until HE OR she remarries, if such ~~widow~~ SURVIVING SPOUSE was married to the deceased while ~~he~~ THE DECEASED was in the service of the patrol.

B. ~~A widow~~ THE SURVIVING SPOUSE 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 HIS OR her life, or until HE OR she remarries, if such ~~widow~~ SURVIVING SPOUSE was married to the deceased while ~~he~~ THE DECEASED was in the service of the patrol. The retirement benefit of the deceased member of the state highway patrol retirement system shall be

LAWS OF ARIZONA

determined to be 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. ~~A widow~~ THE SURVIVING SPOUSE 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 HIS OR her life, or until HE OR 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.

Sec. 97. Section 38-777, Arizona Revised Statutes, is amended to read:

38-777. Termination of membership before retirement

A. A member of the state highway patrol retirement system who terminates employment other than by death prior to the completion of five years of service shall file application for and shall be paid 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 and if he refuses or neglects to so apply the board may deem his application to have been filed.

B. A member of the state highway patrol retirement system who terminates employment, other than by death, with not less than five years of service preceding termination and before age fifty-five 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 and he will cease to be a member.

C. In lieu of the withdrawal and membership cancellation provided in subsection B of this section, a member of the state highway patrol retirement system concluding his employment after completing not less than twenty years of service may leave his contributions with interest until he attains the minimum age set forth in section 38-769 at which time he may elect to receive retirement benefits in accordance with section 38-770.

D. Upon the death of a member of the state highway patrol retirement system prior to retirement and before completion of five years of service, the designated beneficiary or the estate of such 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.

LAWS OF ARIZONA

E. Upon the death of a member of the state highway patrol retirement system who does not leave a ~~widow~~ SURVIVING SPOUSE, the estate of such deceased member shall be entitled to receive a cash refund of ~~his employee~~ THE DECEASED EMPLOYEE'S contributions together with interest compounded annually at the rate or rates established by board regulations.

Sec. 98. Section 38-801, Arizona Revised Statutes, is amended to read:

38-801. Eligibility for retirement payments; amount; widows' or widowers' benefits; application

A. Every judge of the supreme court, every judge of the court of appeals, and every judge of the superior court who resigns his office or whose service is otherwise terminated as a judge and who has served for twenty years on the supreme court, the court of appeals, or on the superior court, or on any combination of such courts, shall, upon attaining the age of sixty-five years, receive monthly for the remainder of his life after the date of his application therefor an amount equal to two-thirds of his monthly pay at the time of his resignation from office or the termination of his service, which shall be paid from the judges' retirement fund. If the amount standing to the credit of the fund at any time is insufficient to pay the full amount due all claimants entitled thereto, payment shall be made to the respective claimants pro rata only for that proportion of the total amount available in the fund which the amount due each claimant bears to the total amount due all claimants.

B. Any judge who hereafter resigns his office or whose service is otherwise terminated as judge and who has served not less than twelve years as judge on the supreme court, the court of appeals, or on the superior court, or on any combination of such courts, shall, upon attaining the age of sixty-five years, whether then in or out of office, be entitled to receive after the date of his application therefor, an amount equal to the proportion of the maximum benefits provided for in subsection A that his total years of service as a judge bears to twenty years, but not exceeding the maximum amount provided for in subsection A.

C. The surviving ~~widow~~ SPOUSE of any judge who served not less than twelve years or who retired under the provisions of this article shall, after the death of such judge, whether then in or out of office, if such ~~widow~~ SURVIVING SPOUSE was married to such judge for not less than ten years, or who has reached the age of sixty-two years, receive monthly for the remainder of HIS OR her life or until ~~her~~ remarriage, after the date of

LAWS OF ARIZONA

~~her~~ application therefor, an amount equal to one-third of the monthly benefits paid to such judge or to which such judge's service would have entitled ~~him~~ SUCH JUDGE had ~~he~~ SUCH JUDGE retired or attained the age of sixty-five years. If any refund has been made under the provisions of subsection B of section 38-804 for the benefit of any such judge or ~~his widow~~ SUCH JUDGE'S SURVIVING SPOUSE, the amount so refunded shall be repaid to the state treasurer for the benefit of the retirement fund.

D. When a judge or ~~widow~~ SURVIVING SPOUSE of a judge is qualified for and desires to receive the benefits under the provisions of this section, a written application shall be filed with the governor accompanied by an affidavit as to the judge's age or date of ~~his~~ death and the duration and particulars of his service. If it appears that the applicant is entitled to receive such benefits, the governor shall certify the applicant's name to the ~~commissioner~~ ASSISTANT DIRECTOR FOR THE DIVISION of finance for payment of such benefits.

Sec. 99. Section 38-846, Arizona Revised Statutes, is amended to read:

38-846. Severance and death benefits

A. Upon termination of employment for any reason other than death or retirement, a member shall receive a lump sum payment equal to his accumulated contribution as of the date of termination.

B. If the HUSBAND OR wife of a member or retired member is surviving at ~~his~~ SUCH MEMBER'S death, HE OR she shall be eligible for a ~~widow's~~ SURVIVING SPOUSE'S pension, provided that ~~she~~ SUCH SPOUSE had been married to the decedent either for a period of at least two years prior to ~~his~~ SUCH MEMBER'S date of death or during ~~his~~ SUCH MEMBER'S service. Payment of a ~~widow's~~ SURVIVING SPOUSE'S pension shall commence as of the first day of the month coinciding with or next following the member's or retired member's date of death, and the last payment thereof shall be made as of the first day of the month in which the ~~widow's~~ SURVIVING SPOUSE'S death or remarriage occurs.

C. The ~~widow~~ SURVIVING SPOUSE of a deceased retired member shall receive a monthly amount equal to the excess of two-thirds of the monthly amount of pension which the decedent would have received immediately before death. The ~~widow~~ SURVIVING SPOUSE of a deceased member shall receive a monthly amount computed as for the ~~widow~~ SURVIVING SPOUSE of a deceased retired member, under the assumption that the member had retired for reason of accidental disability immediately before death.

LAWS OF ARIZONA

D. If at least one eligible child is surviving at the death of a member or retired member, but no ~~widow's~~ SURVIVING SPOUSE'S pension then becomes payable, a guardian's pension shall be payable to the person who is serving, or who is deemed by the board to be serving, as the legally appointed guardian or custodian of the eligible child. A guardian's pension shall also become payable if at least one eligible child is surviving when a ~~widow's~~ SURVIVING SPOUSE'S pension terminates.

E. Payments of a guardian's pension shall be made during the same period in which a pension is payable to at least one eligible child under age eighteen. The guardian shall receive the same monthly amount as would have been payable to the decedent's ~~widow~~ SURVIVING SPOUSE had a ~~widow's~~ SURVIVING SPOUSE'S pension become payable upon ~~his~~ THE DECEDENT'S death.

F. If an eligible child of a member or retired member is surviving at his death, he shall be eligible for a child's pension. Payments of a child's pension shall be made during the same period in which he receives a social security child's benefit.

G. Each eligible child shall be entitled to a monthly amount equal to one-ninth of the monthly amount of pension which the deceased member or retired member would have received immediately prior to death. If there are four or more children eligible for a child's pension, a maximum of three shares thereof shall be payable, the aggregate of such shares to be apportioned in equal measure to each eligible child.

H. A child's pension shall be payable to the same person who is receiving a ~~widow's~~ SURVIVING SPOUSE'S or guardian's pension, whichever applies.

I. If a member's accumulated contributions exceed the sum of all pension payments made to or on behalf of the member at the date of death of the last beneficiary, a lump sum refund shall be payable to the person whom the member has designated as his refund beneficiary, or if he be not then surviving, to the designated contingent refund beneficiary, or if he be not then surviving, to such person nearest of kin as selected by the board. The amount of the lump sum refund shall be equal to the excess of the member's accumulated contributions as of the date pension payments first commenced to or on behalf of the member, over the aggregate pension payments made to or on behalf of the member.

Sec. 100. Section 38-921, Arizona Revised Statutes, is amended to read:

LAWS OF ARIZONA

38-921. Exemptions

The provisions of this chapter shall not apply to:

1. Elected state officers.
2. State officers and members of boards and commissions appointed by the legislature or the governor, the employees of the governor's office, the employees of the Arizona legislative council, and the employees of the supreme court and the court of appeals.
3. State officers and employees appointed or employed by the legislature or either house thereof.
4. Officers or employees of state universities and colleges, personnel of the Arizona state school for the deaf and the blind, or the public school system.
5. Patients or inmates employed in state institutions.
6. Officers and enlisted ~~men~~ PERSONNEL of the national guard of Arizona.
7. The single administrative or executive head of each state department or agency and such other administrative or executive positions as may be designated by the commission.
8. Positions which the commission determines are essentially for rehabilitation purposes.
9. Temporary or part-time personnel as determined by the commission.
10. Not more than two assistants who serve in the office of an elected state officer, where that elected state officer is the sole elected head of the department.
11. One administrative assistant who serves a board or commission elected to head a state agency, department or division, and one assistant for each elected member of such board or commission.
12. Any other position exempted by law.

Sec. 101. Section 40-850, Arizona Revised Statutes, is amended to read:

LAWS OF ARIZONA

40-850. Unlawful escape of steam from locomotive; penalty

A. No locomotive from which steam escapes to such an extent as to obstruct the view of the ~~men~~ PERSONS operating the locomotive shall be used in any railroad yard or over any railroad, but this section shall not apply when steam escapes as the result of an accident between terminals until the engine reaches its destination.

B. Any person violating this section is guilty of a misdemeanor punishable by a fine of not less than one hundred nor more than one thousand dollars.

Sec. 102. Section 40-883, Arizona Revised Statutes, is amended to read:

40-883. Exceptions to full crew requirements

A. Nothing contained in sections 40-881 and 40-882 shall apply:

1. To relief or wrecking trains when a sufficient number of ~~men~~ PERSONS are not immediately available to comply with those sections.
2. To any railroad less than forty miles long, including all of its operated lines.
3. When trains have been sent out or started at the last division point with the requisite number of employees, but, owing solely to disability or refusal of one or more of the employees to act, the train is left with less than a full crew.

B. No baggage master shall be required in the operation of a train upon which baggage is not carried.

Sec. 103. Section 41-603, Arizona Revised Statutes, is amended to read:

41-603. Powers and duties

A. The department shall:

1. Have authority to act as guardian of the estate of an insane or incompetent veteran or ~~his widow~~ SUCH VETERAN'S SURVIVING SPOUSE, or of the minor children of a veteran.
2. Provide emergency relief for veterans and their dependents, and to that end cooperate with the state, the United States or any political

LAWS OF ARIZONA

subdivision of either established for the purpose of extending emergency relief to veterans.

3. Disseminate information relating to laws beneficial to veterans or to their ~~widows~~ SURVIVING SPOUSES and children.

4. Assist veterans and ~~widows~~ SURVIVING SPOUSES, children, personal representatives or heirs of veterans in establishing any right or benefit accruing to them.

5. Assist veterans in obtaining employment preferences authorized by law.

6. Cooperate with the state, the United States or with a political subdivision of either established for the beneficial interest of veterans, and to that end enter into agreements and contracts deemed necessary to protect the rights or benefits extended to veterans.

7. Prescribe rules and regulations not in conflict with law deemed necessary for the administration of the provisions of this article, including rules and regulations governing the granting of emergency relief.

B. A claim for emergency relief submitted to the department under the provisions of paragraph 7 of subsection A shall upon approval by the director, be paid by the state treasurer on a warrant issued by the commissioner of finance. Claims for emergency relief as provided in this article shall not exceed the amount made available therefor in the general appropriations bill.

C. The department shall inspect, supervise, approve, and disapprove courses of study offered by educational institutions as well as revisions made by the school, pursuant to the provisions of title 38, United States Code and State Regulations, so that veterans or the children of veterans may draw the educational allowance provided by federal statute while pursuing the courses.

Sec. 104. Section 41-956, Arizona Revised Statutes, is amended to read:

41-956. Surviving spouse's rights

A. The ~~widow~~ SURVIVING SPOUSE of an Arizona ranger receiving a pension under this article, upon the death of the ranger and submission to the governor of an affidavit that ~~she~~ SUCH SPOUSE was married to the ranger on or before July 1, 1945, and has been the ~~wife~~ SPOUSE of such

LAWS OF ARIZONA

ranger continuously until the date of ~~his~~ THE RANGER'S death, shall receive the monthly pension provided in this article.

B. The pension received by the ~~widow~~ SURVIVING SPOUSE shall be paid until the date of ~~her~~ SUCH SPOUSE'S death, and shall be subject to the same limitations provided in section 41-955.

Sec. 105. Section 42-271, Arizona Revised Statutes, is amended to read:

42-271. Property subject to taxation; exceptions

All property in the state shall be subject to taxation, except:

1. Federal, state, county and municipal property.
2. Public debts as evidenced by the bonds of this state, counties, municipalities or other subdivisions thereof.
3. Public libraries, colleges, schoolhouses and other buildings used for education, with their furniture, libraries and equipment, and the lands appurtenant thereto and used therewith, as long as they are used for the purpose of education and not used or held for profit, but when such property is private property from which a rent or valuable consideration is received for its use it shall be taxed as other property.
4. Hospitals, asylums, poor houses and other charitable institutions for relief of the indigent or afflicted, and the lands appurtenant thereto, with their fixtures and equipment, not used or held for profit.
5. Grounds and buildings belonging to agricultural societies, as long as they are used for those purposes only, and not used or held for profit.
6. Churches and other buildings used for religious worship, with their furniture and equipment, and the land and improvements appurtenant thereto and used therewith, provided rent is not paid for such land or improvements, and as long as the property is not used or held for profit.
7. Cemeteries and graveyards set apart and used for interring the dead, except such portions thereof as are used or held for profit.
8. The property of widows, WIDOWERS, honorably discharged ~~soldiers, sailors, marines~~ VETERANS, members of revenue marine service and ~~army~~ MILITARY nurses, residents of this state, not exceeding the amount of

LAWS OF ARIZONA

two thousand dollars, where the total assessment of such person does not exceed five thousand dollars, but no exemption shall be allowed to such persons other than widows AND WIDOWERS unless they have served at least sixty days in the military or naval service of the United States during time of war, and have been residents of this state prior to September 1, 1945.

9. Observatories maintained for astronomical research and education for the public welfare, together with all property used in the work or maintenance thereof, including property held in trust therefor, as long as the observatories and other property are used for such purposes only and not used or held for profit.

Sec. 106. Section 42-1106, Arizona Revised Statutes, is amended to read:

42-1106. Transfer of receipts prohibited; penalty; death of licensee

A. License tax receipts shall not be transferable. Any person who uses or attempts to use a license tax receipt issued to another to avoid procuring a receipt is guilty of a misdemeanor.

B. Upon the death of the holder of a receipt, ~~his widow~~ SUCH HOLDER'S SURVIVING SPOUSE or personal representative may continue the business of the deceased under the receipt until it expires.

Sec. 107. Section 44-1453, Arizona Revised Statutes, is amended to read:

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~~ PERSONS, which label, trademark or form of advertisement has been adopted by a corporation, association or union of working ~~men~~ PERSONS 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.

LAWS OF ARIZONA

Sec. 108. Section 44-2909, Arizona Revised Statutes, is amended to read:

44-2909. Duty of care; contractual limitation of warehouseman's liability

A. A warehouseman is liable for damages for loss of or injury to the goods caused by his failure to exercise such care in regard to them as a reasonably careful ~~man~~ PERSON would exercise under like circumstances but unless otherwise agreed he is not liable for damages which could not have been avoided by the exercise of such care.

B. Damages may be limited by a term in the warehouse receipt or storage agreement limiting the amount of liability in case of loss or damage, and setting forth a specific liability per article or item, or value per unit of weight, beyond which the warehouseman shall not be liable; provided, however, that such liability may on written request of the bailor at the time of signing such storage agreement or within a reasonable time after receipt of the warehouse receipt be increased on part or all of the goods thereunder, in which event increased rates may be charged based on such increased valuation, but that no such increase shall be permitted contrary to a lawful limitation of liability contained in the warehouseman's tariff, if any. No such limitation is effective with respect to the warehouseman's liability for conversion to his own use.

C. Reasonable provisions as to the time and manner of presenting claims and instituting actions based on the bailment may be included in the warehouse receipt or tariff.

D. This section does not impair or repeal section 44-1602.

Sec. 109. Section 44-2924, Arizona Revised Statutes, is amended to read:

44-2924. Duty of care; contractual limitation of carrier's liability

A. A carrier who issues a bill of lading whether negotiable or non-negotiable must exercise the degree of care in relation to the goods which a reasonably careful ~~man~~ PERSON would exercise under like circumstances. This subsection does not repeal or change any law or rule of law which imposes liability upon a common carrier for damages not caused by its negligence.

LAWS OF ARIZONA

B. Damages may be limited by a provision that the carrier's liability shall not exceed a value stated in the document if the carrier's rates are dependent upon value and the consignor by the carrier's tariff is afforded an opportunity to declare a higher value or a value as lawfully provided in the tariff, or where no tariff is filed he is otherwise advised of such opportunity; but no such limitation is effective with respect to the carrier's liability for conversion to its own use.

C. Reasonable provisions as to the time and manner of presenting claims and instituting actions based on the shipment may be included in a bill of lading or tariff.

Sec. 110. Section 46-295, Arizona Revised Statutes, is amended to read:

46-295. Relatives' responsibility

A. If a recipient or any dependent child has a spouse, father or mother legally responsible for his support who is reasonably able to support him but fails to provide support, the county department shall, with the assistance of the attorney general or county attorney of the county where assistance is granted, proceed first against the spouse, then JOINTLY against the father, ~~and then against~~ the mother, which persons shall be responsible for support in the order named.

B. Upon demand the attorney general or county attorney of the county where aid is granted shall, on behalf of the county department, commence an action in the superior court of the county where assistance is granted, against such relatives in the order specified in this section, to recover on behalf of the state such portion of the assistance granted as such relative is able to pay, and to secure an order requiring payment of amounts which become due in the future for which the relative is liable. Upon failure of any county department to take such action, the state department shall require that such action be taken.

C. Any monies recovered as provided by this section shall be forwarded by the county department to the state department, which shall forward them to the state treasurer for deposit in the proper account.

Sec. 111. Name changes

A. The designation of title 12, chapter 7, article 3, Arizona Revised Statutes, is changed from "PATERNITY PROCEEDINGS" to "MATERNITY AND PATERNITY PROCEEDINGS."

LAWS OF ARIZONA

B. The designation of title 23, chapter 2, article 6, Arizona Revised Statutes, is changed from "MINIMUM WAGES FOR WOMEN AND MINORS" to "MINIMUM WAGES FOR MINORS."

C. The designation of title 23, chapter 2, article 6.1, is changed from "EQUAL WAGES FOR WOMEN" to "EQUAL WAGES".

Sec. 112. Effective date

The provisions of sections 17 and 18 of this act shall become effective on January 1, 1974.

Approved by the Governor—May 14, 1973

Filed in the Office of the Secretary of State—May 14, 1973

CHAPTER 173

House Bill 2289

AN ACT

RELATING TO PUBLIC FINANCES; ESTABLISHING PERMANENT REVOLVING FUNDS FOR CERTAIN DEPARTMENTS AND AGENCIES; REPEALING SECTION 3-1005, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1968, CHAPTER 68, SECTION 2; AMENDING SECTION 3-1005, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1968, CHAPTER 89, SECTION 4; AMENDING SECTION 15-451, ARIZONA REVISED STATUTES; AMENDING TITLE 17, CHAPTER 2, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 17-261.01; REPEALING SECTION 35-193, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1972, CHAPTER 212, SECTION 1; AMENDING SECTION 35-193, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1972, CHAPTER 141, SECTION 52; AMENDING TITLE 36, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-215; AMENDING TITLE 41, CHAPTER 1, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-172.01; AMENDING TITLE 44, CHAPTER 10, ARTICLE 7, ARIZONA REVISED STATUTES, BY ADDING SECTION 44-1531.01, AND MAKING APPROPRIATIONS.

LAWS OF ARIZONA

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

Section 1. Repeal

Section 3-1005, Arizona Revised Statutes, as amended by Laws 1968, chapter 68, section 2, is repealed.

Sec. 2. Section 3-1005, Arizona Revised Statutes, as amended by Laws 1968, chapter 89, section 4, is amended to read:

3-1005. Arizona coliseum and exposition center fund

A. Monies received by the board, other than those referred to in paragraph 8 of section 3-1003 and other than those received by the board as ticket sales pursuant to a valid lease of the coliseum, shall be deposited promptly with the state treasurer, who shall credit the deposits to the Arizona coliseum and exposition center fund, which shall be under full control and jurisdiction of the board. Ticket sale monies received pursuant to a valid lease of the coliseum may be deposited with a bank qualified to receive public deposits under title 35, chapter 2, article 2, in which case the signature of the executive director or a bonded employee designated by the executive director AND THE LESSEE shall be required on any instrument withdrawing such a deposit. Vouchers for authorized expenditures shall be signed by the executive director or by an employee designated by the executive director. Such employee shall be bonded as prescribed by the terms of this article. Expenditures FROM THE ARIZONA COLISEUM AND EXPOSITION CENTER FUND shall be made upon claims approved by the board and presented to the ~~commissioner~~ ASSISTANT DIRECTOR FOR THE DIVISION of finance, who thereupon shall draw his warrant against the state treasurer, to be by him paid out of the fund. The receipt and expenditure of funds shall be as prescribed by law and the rules and regulations of the office of the ~~commissioner~~ ASSISTANT DIRECTOR FOR THE DIVISION of finance. Balances remaining in the fund at the end of a fiscal year shall not revert to the general fund.

B. Disbursements from such an account OF TICKET SALES RECEIVED PURSUANT TO A VALID LEASE OF THE COLISEUM AS DESCRIBED IN SUBSECTION A shall be limited to payments of amounts due to lessor or lessee pursuant to said lease. No disbursements from this account shall be made for state wages, salaries or expenses. Upon the completion or termination of any lease pursuant to subsection A, all monies accruing to the board shall be deposited promptly with the state treasurer as provided by law.

LAWS OF ARIZONA

~~C. The Arizona coliseum and exposition center board may establish~~
 THERE IS ESTABLISHED a COLISEUM AND EXPOSITION CENTER BOARD PERMANENT revolving fund in an amount not to exceed fifteen thousand dollars for use in making change at fairs and for purchases and activities requiring immediate cash outlay for events sponsored by the Arizona coliseum and exposition center board WHICH ARE PROPER AS ULTIMATE CLAIMS FOR PAYMENT FROM THE COLISEUM AND EXPOSITION CENTER BOARD FUND. Such expenditures from this fund AND REIMBURSEMENT THERETO shall be as prescribed by rules and regulations of the ~~commissioner~~ ASSISTANT DIRECTOR FOR THE DIVISION of finance. ALL MONIES DEPOSITED IN THE REVOLVING FUND ARE APPROPRIATED TO THE BOARD FOR THE PURPOSES PROVIDED IN THIS SUBSECTION AND ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190, RELATING TO LAPSING OF APPROPRIATIONS. THE COLISEUM AND EXPOSITION CENTER BOARD PERMANENT REVOLVING FUND SHALL BE ESTABLISHED AS A SEPARATE ACCOUNT ON THE BOOKS OF THE COLISEUM AND EXPOSITION CENTER BOARD AND A FULL ACCOUNTING OF ITS USE SHALL BE MADE TO THE ASSISTANT DIRECTOR FOR THE DIVISION OF FINANCE ANNUALLY OR AS REQUIRED BY THE ASSISTANT DIRECTOR FOR THE DIVISION OF FINANCE.

Sec. 3. Section 15-451, Arizona Revised Statutes, is amended to read:

15-451. Use of school buildings as civic center; revolving fund; coordinator; state assistance

A. The board of trustees may permit the use, under its direction, and subject to conditions, rules and regulations it prescribes, of the school house or houses within the district as a civic center for the district where the citizens, parent teachers' association, camp fire girls, boy scout troops, clubs and associations formed for recreational, educational, political, economic, artistic or moral activities of the district may engage in supervised recreational activities and where they may meet and discuss, from time to time as they desire, any and all subjects and questions which, in their judgment, relate to the educational, political, economic, artistic and moral interests of the citizens of the respective communities in which they reside. The use of public school houses and grounds as a civic center shall in no way interfere with use and occupancy of school houses and grounds as required for school purposes.

B. MONIES RECEIVED FOR AND DERIVED FROM THE USE OF SCHOOL FACILITIES UNDER THIS SECTION SHALL BE PROMPTLY DEPOSITED WITH THE COUNTY TREASURER WHO SHALL CREDIT

LAWS OF ARIZONA

THE DEPOSITS TO THE CIVIC CENTER SCHOOL FUND OF THE RESPECTIVE DISTRICT. MONIES PLACED TO THE CREDIT OF A CIVIC CENTER SCHOOL FUND MAY BE EXPENDED FOR CIVIC CENTER SCHOOL PURPOSES BY WARRANTS DRAWN UPON ORDER OF THE SCHOOL DISTRICT GOVERNING BOARD. THE CIVIC CENTER SCHOOL FUND OF A SCHOOL DISTRICT OR MULTIPLE DISTRICT CIVIC CENTER SCHOOL PROGRAM IS A CONTINUING FUND NOT SUBJECT TO REVERSION, EXCEPT UPON TERMINATION OF A CIVIC CENTER SCHOOL PROGRAM. UPON TERMINATION OF A CIVIC CENTER SCHOOL PROGRAM ANY REMAINING FUNDS SHALL REVERT TO THE OPERATING BUDGET OF THE DISTRICT OR DISTRICTS.

Sec. 4. Title 17, chapter 2, article 4, Arizona Revised Statutes, is amended by adding section 17-261.01, to read:

17-261.01. Game and fish revolving fund

A. THERE IS CREATED THE PERMANENT GAME AND FISH REVOLVING FUND IN AN AMOUNT NOT TO EXCEED TWENTY THOUSAND DOLLARS FOR USE IN MAKING CASH OUTLAYS FOR POSTAGE, C.O.D. PACKAGES, TRAVEL OR OTHER MINOR DISBURSEMENTS WHICH ARE PROPER AS ULTIMATE CLAIMS FOR PAYMENT FROM THE GAME AND FISH FUND. SUCH EXPENDITURES FROM THIS FUND AND REIMBURSEMENT THERETO SHALL BE AS PRESCRIBED BY RULES AND REGULATIONS OF THE ASSISTANT DIRECTOR FOR THE DIVISION OF FINANCE.

B. THE GAME AND FISH PERMANENT REVOLVING FUND SHALL BE ESTABLISHED AS A SEPARATE ACCOUNT ON THE BOOKS OF THE GAME AND FISH DEPARTMENT AND A FULL ACCOUNTING OF ITS USE SHALL BE MADE TO THE ASSISTANT DIRECTOR FOR THE DIVISION OF FINANCE ANNUALLY OR AS REQUIRED BY THE ASSISTANT DIRECTOR FOR THE DIVISION OF FINANCE.

C. ALL MONIES DEPOSITED IN THE REVOLVING FUND ARE APPROPRIATED TO THE GAME AND FISH DEPARTMENT FOR USE AS PROVIDED IN THIS SECTION, AND SHALL BE EXEMPT FROM THE PROVISIONS OF SECTION 35-190, RELATING TO LAPSING OF APPROPRIATIONS.

Sec. 5. Repeal

LAWS OF ARIZONA

Section 35-193, Arizona Revised Statutes, as amended by Laws 1972, chapter 212, section 1, is repealed.

Sec. 6. Section 35-193, Arizona Revised Statutes, as amended by Laws 1972, chapter 141, section 52, is amended to read:

35-193. **Revolving funds**

A. The supervisory official of a budget unit the activities of which require immediate cash outlays for postage, c.o.d. packages, travel or other minor disbursements which are proper as ultimate claims for payment from state funds, ~~and the state treasurer for the purpose of cashing checks and warrants,~~ may apply to the ASSISTANT DIRECTOR FOR THE division of finance to provide a revolving fund in any amount not to exceed one thousand dollars for any department except the university of Arizona and Arizona state university which shall not exceed twenty thousand dollars EACH, ~~the Arizona coliseum and exposition center board~~ THE STATE DEPARTMENT OF CORRECTIONS which shall not exceed fifteen thousand dollars, northern Arizona university, ~~the state prison,~~ the state department of health, ~~the employment security commission,~~ STATE DEPARTMENT OF ECONOMIC SECURITY, ~~the Arizona game and fish commission~~ and the state superintendent of public instruction-DEPARTMENT OF EDUCATION, each of which shall not exceed ten thousand dollars, ~~the office of the state treasurer,~~ the state tax commission, ~~the Arizona state hospital,~~ the state department of public safety ~~and the state department of public welfare~~ AND THE DEPARTMENT OF ADMINISTRATION which shall not exceed five thousand dollars each, the Arizona corporation commission, ~~the department~~ OFFICE of economic planning and development and the state banking department which shall not exceed three thousand dollars each, the attorney general-department of law and the auditor general which shall not exceed two thousand five hundred dollars EACH and the state board of nursing which shall not exceed one thousand five hundred dollars.

B. The application for a revolving fund shall state the purposes for which required, the amount deemed necessary and the particular person who shall have custody of and be charged with the handling and accounting of the fund.

C. The assistant director for the division of finance shall ~~allow the application~~ REVIEW THE APPLICATION AND IF IN PROPER FORM, draw a warrant to the order of the officer applying therefor, and charge the amount thereof against the appropriation made to that budget unit.

LAWS OF ARIZONA

D. The manner of accounting for a revolving fund shall be determined by the assistant director for the division of finance, and the officer applying therefor shall return the full amount of the revolving fund to the state treasurer on or before the close of the fiscal year in which the fund was established.

E. Any time during the fiscal year, at the request of the assistant director for the division of finance, the applicant shall return to the state treasurer the full amount of the revolving fund or amount requested and no claims for services of the officer applying therefor or the head of the budget unit shall be audited until such request has been complied with.

Sec. 7. Title 36, chapter 2, article 1, Arizona Revised Statutes, is amended by adding section 36-215, to read:

36-215. State hospital revolving fund; nonreversion

A. THERE IS CREATED THE PERMANENT STATE HOSPITAL REVOLVING FUND IN THE AMOUNT OF FIVE THOUSAND DOLLARS FOR USE IN MAKING CASH OUTLAYS FOR POSTAGE, C.O.D. PACKAGES, TRAVEL OR OTHER MINOR DISBURSEMENTS WHICH ARE PROPER AS ULTIMATE CLAIMS FOR PAYMENT FROM STATE FUNDS. SUCH EXPENDITURES FROM THIS FUND AND REIMBURSEMENT THERETO SHALL BE AS PRESCRIBED BY RULES AND REGULATIONS OF THE ASSISTANT DIRECTOR FOR THE DIVISION OF FINANCE.

B. THE STATE HOSPITAL PERMANENT REVOLVING FUND SHALL BE ESTABLISHED AS A SEPARATE ACCOUNT ON THE BOOKS OF THE STATE TREASURER AND A FULL ACCOUNTING OF ITS USE SHALL BE MADE TO THE ASSISTANT DIRECTOR FOR THE DIVISION OF FINANCE ANNUALLY OR AS REQUIRED BY THE ASSISTANT DIRECTOR FOR THE DIVISION OF FINANCE.

C. MONIES OF THE STATE HOSPITAL PERMANENT REVOLVING FUND SHALL NOT REVERT TO THE STATE GENERAL FUND AT THE END OF ANY FISCAL YEAR.

Sec. 8. Title 41, chapter 1, article 4, Arizona Revised Statutes, is amended by adding section 41-172.01, to read:

41-172.01. State treasurer revolving fund

LAWS OF ARIZONA

A. THERE IS CREATED THE PERMANENT STATE TREASURER REVOLVING FUND IN THE AMOUNT OF FIVE THOUSAND DOLLARS FOR USE IN MAKING CASH OUTLAYS FOR POSTAGE, C.O.D. PACKAGES, TRAVEL OR OTHER MINOR DISBURSEMENTS WHICH ARE PROPER AS ULTIMATE CLAIMS FOR PAYMENT FROM STATE FUNDS, AND FOR THE PURPOSE OF CASHING CHECKS AND WARRANTS. SUCH EXPENDITURES FROM THE FUND AND REIMBURSEMENT THERETO SHALL BE AS PRESCRIBED BY RULES AND REGULATIONS OF THE ASSISTANT DIRECTOR FOR THE DIVISION OF FINANCE.

B. THE STATE TREASURER PERMANENT REVOLVING FUND SHALL BE ESTABLISHED AS A SEPARATE ACCOUNT ON THE BOOKS OF THE STATE TREASURER AND A FULL ACCOUNTING OF ITS USE SHALL BE MADE TO THE ASSISTANT DIRECTOR FOR THE DIVISION OF FINANCE ANNUALLY OR AS REQUIRED BY THE ASSISTANT DIRECTOR FOR THE DIVISION OF FINANCE.

C. ALL MONIES DEPOSITED IN THE REVOLVING FUND ARE APPROPRIATED TO THE STATE TREASURER FOR USE AS PROVIDED IN THIS SECTION, AND SHALL BE EXEMPT FROM THE PROVISIONS OF SECTION 35-190, RELATING TO LAPSING OF APPROPRIATIONS.

Sec. 9. Title 44, chapter 10, article 7, Arizona Revised Statutes, is amended by adding section 44-1531.01, to read:

44-1531.01. Revolving fund; use of fund

A. THERE IS ESTABLISHED A CONSUMER PROTECTION-CONSUMER FRAUD REVOLVING FUND TO BE ADMINISTERED BY THE ATTORNEY GENERAL UNDER THE CONDITIONS AND FOR THE PURPOSES PROVIDED BY THIS SECTION. MONIES IN THE FUND SHALL BE EXEMPT FROM THE LAPSING PROVISIONS OF SECTION 35-190.

B. ANY INVESTIGATIVE COSTS OR ATTORNEY FEES RECOVERED FOR THE STATE BY THE ATTORNEY GENERAL AS A RESULT OF ENFORCEMENT OF EITHER STATE OR FEDERAL STATUTES PERTAINING TO CONSUMER PROTECTION OR CONSUMER FRAUD, WHETHER BY FINAL JUDGMENT, SETTLEMENT, OR OTHERWISE, SHALL BE DEPOSITED IN THE FUND CREATED BY THIS SECTION. WHEN THE FUND EXCEEDS FIVE THOUSAND

LAWS OF ARIZONA

DOLLARS, THE REMAINING MONIES SHALL BE DEPOSITED TO THE STATE GENERAL FUND.

C. THE MONIES IN THE FUND SHALL BE USED BY THE ATTORNEY GENERAL FOR INVESTIGATIVE OPERATIONS OF THE CONSUMER PROTECTION DIVISION EXCEPT THAT IN NO EVENT SHALL ANY OF THE MONIES IN THE FUND BE USED TO COMPENSATE OR EMPLOY ATTORNEYS OR COUNSELORS AT LAW.

D. ON OR BEFORE THE FIFTEENTH DAY OF JANUARY, APRIL, JULY AND OCTOBER, THE ATTORNEY GENERAL SHALL CAUSE TO BE FILED WITH THE GOVERNOR, WITH COPIES TO THE DIRECTOR OF FINANCE, THE PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, A FULL AND COMPLETE ACCOUNT OF THE RECEIPTS AND DISBURSEMENTS FROM THE FUND IN THE PREVIOUS CALENDAR QUARTER. THE AUDITOR GENERAL SHALL AUDIT THE FUND ONCE EACH FISCAL YEAR.

Sec. 10. Appropriation

The sum of five thousand dollars is appropriated from the state general fund to the state treasurer for deposit in the permanent state treasurer revolving fund.

Sec. 11. Appropriation

The sum of fifteen thousand dollars is appropriated from the coliseum and exposition center board fund to the coliseum and exposition center board for deposit in the coliseum and exposition center board permanent revolving fund.

Sec. 12. Appropriation

The sum of twenty thousand dollars is appropriated from the game and fish fund to the Arizona game and fish commission for deposit in the permanent game and fish revolving fund.

Sec. 13. Appropriation

The sum of five thousand dollars is appropriated to the Arizona state hospital for deposit in the state hospital permanent revolving fund.

LAWS OF ARIZONA

Sec. 14. **Exemption**

The appropriations made by this act are exempt from the provisions of section 35-190, Arizona Revised Statutes, relating to lapsing of appropriations.

Sec. 15. **Emergency**

To preserve the public peace, health and safety it 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—May 14, 1973

Filed in the Office of the Secretary of State—May 14, 1973

CHAPTER 174

House Bill 2310

AN ACT

RELATING TO THE STATE GOVERNMENT; PROVIDING THAT THE HOUSE AND SENATE WINGS OF THE STATE CAPITOL BUILDING SHALL BE UNDER THE CONTROL OF THE SPEAKER OF THE STATE HOUSE OF REPRESENTATIVES AND THE PRESIDENT OF THE STATE SENATE, RESPECTIVELY; PROVIDING FOR MAINTENANCE; PROVIDING FOR RENTAL COLLECTION FROM OTHER AGENCIES; AMENDING SECTION 41-792, ARIZONA REVISED STATUTES, AND AMENDING TITLE 41, CHAPTER 4, ARTICLE 7, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 41-792.01 AND 41-800.01.

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

Section 1. Section 41-792, Arizona Revised Statutes, is amended to read:

41-792. **Jurisdiction of assistant director**

LAWS OF ARIZONA

The assistant director for public buildings maintenance is responsible for the allocation of space, operation, maintenance, alteration and renovation of the state capitol building, ~~the house and senate wings thereof~~, the state office building located in Tucson, the adjacent grounds to each, and all other buildings and grounds owned or leased by the state and located adjacent to or near those specified buildings, except for THE HOUSE AND SENATE WINGS OF THE STATE CAPITOL BUILDING AND buildings occupied, operated and maintained by any of the following:

1. Arizona highway department.
2. Employment security commission.
3. Registrar of contractors.
4. Arizona power authority.
5. State compensation fund.
6. ARIZONA GAME AND FISH DEPARTMENT.

Sec. 2. Title 41, chapter 4, article 7, Arizona Revised Statutes, is amended by adding sections 41-792.01 and 41-800.01, to read:

41-792.01. **House and senate wings; jurisdiction; maintenance**

A. THE SPEAKER OF THE STATE HOUSE OF REPRESENTATIVES IS RESPONSIBLE FOR THE ALLOCATION OF SPACE, OPERATION, ALTERATION AND RENOVATION OF THE HOUSE WING OF THE STATE CAPITOL BUILDING.

B. THE PRESIDENT OF THE STATE SENATE IS RESPONSIBLE FOR THE ALLOCATION OF SPACE, OPERATION, ALTERATION AND RENOVATION OF THE SENATE WING OF THE STATE CAPITOL BUILDING.

C. THE ASSISTANT DIRECTOR FOR PUBLIC BUILDINGS MAINTENANCE IS RESPONSIBLE FOR THE MAINTENANCE OF THE HOUSE AND SENATE WINGS OF THE STATE CAPITOL BUILDING.

41-800.01. **House and senate wings; authorization for collection of rental; basis of payment**

LAWS OF ARIZONA

A. EACH STATE DEPARTMENT AND EACH STATE AGENCY WHEN USING SPACE UNDER THE JURISDICTION OF THE SPEAKER OF THE STATE HOUSE OF REPRESENTATIVES OR THE PRESIDENT OF THE STATE SENATE AS PRESCRIBED IN SECTION 41-792.01 SHALL PAY A RENTAL AS PRESCRIBED IN SUBSECTION B OF THIS SECTION TO THE SPEAKER OR PRESIDENT, AS APPROPRIATE, FOR DEPOSIT IN THE CAPITAL OUTLAY STABILIZATION FUND.

B. THE RENTAL AUTHORIZED BY THE TERMS OF SUBSECTION A SHALL BE DETERMINED BY THE JOINT LEGISLATIVE BUDGET COMMITTEE AFTER RECOMMENDATION BY THE SPEAKER AND PRESIDENT PRIOR TO THE BEGINNING OF EACH FISCAL YEAR. THE AGENCY SHALL MAKE PAYMENT OF THE RENT IN EQUAL SEMIANNUAL PAYMENTS. SUCH RENTAL SHALL BE PAID WHETHER THE DEPARTMENT OR AGENCY IS FUNDED IN WHOLE OR IN PART BY STATE MONIES.

Approved by the Governor—May 14, 1973

Filed in the Office of the Secretary of State—May 14, 1973

CHAPTER 175

House Bill 2313

AN ACT

MAKING APPROPRIATIONS FOR THE RELIEF OF CERTAIN CLAIMANTS, AND AUTHORIZING PAYMENT OF CERTAIN FUNDS.

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

Section 1. **Appropriation; relief of James Doimas; basis of claim**

The sum of twenty-five dollars is appropriated to the state department of finance for payment of state warrant No. 036701, dated April 14, 1958, payable to James Doimas, which warrant was not presented for payment within the statutory time required by section 35-187, Arizona Revised Statutes.

LAWS OF ARIZONA

Sec. 2. Appropriation; relief of B. D. and M. O. Nally; basis of claim

The sum of fifty-nine dollars is appropriated to the state department of finance for payment of state warrant No. 128489, dated May 8, 1969, payable to B. D. and M. O. Nally, which warrant was not presented for payment within the statutory time required by section 35-187, Arizona Revised Statutes.

Sec. 3. Appropriation; relief of E. Fazlollah; basis of claim

The sum of two hundred one dollars eighty-one cents is appropriated to the state department of finance for payment of state warrant No. 193807, dated June 30, 1969, payable to E. Fazlollah, which warrant was not presented for payment within the statutory time required by section 35-187, Arizona Revised Statutes.

Sec. 4. Appropriation; relief of Mildred Edmead, as assignee to title of the estate of Herbert Kerry Edmead, deceased

The sum of six hundred ninety-four dollars ten cents is appropriated to the state department of finance for payment to Mildred Edmead, as surviving spouse and the assignee of the entire estate of Herbert Kerry Edmead, deceased, for payment of state warrant No. 83072, dated December 10, 1969, which was made payable to Herbert K. Edmead, but was not presented for payment within the statutory time required by section 35-187, Arizona Revised Statutes. In a decree entered in the superior court of the state of Arizona in and for the county of Maricopa, in the matter of the estate of Herbert Kerry Edmead, deceased, No. P 81548, it was ordered, adjudged and decreed that the entire estate of Herbert Kerry Edmead, deceased, is assigned to the surviving spouse, Mildred Edmead.

Sec. 5. Appropriation; relief of La Estrella Tamale; basis of claim

The sum of twelve dollars fifty cents is appropriated to the state department of finance for payment of state warrant No. 56416, dated December 31, 1969, payable to La Estrella Tamale, which warrant was not presented for payment within the statutory time required by section 35-187, Arizona Revised Statutes.

Sec. 6. Appropriation; relief of Nellie Hurley; basis of claim

The sum of ninety-one dollars is appropriated to the state department of finance for payment of state warrant No. 98705, dated September 1,

LAWS OF ARIZONA

1971, payable to Nellie Hurley, which warrant was not presented for payment within the statutory time required by section 35-187, Arizona Revised Statutes.

Sec. 7. Appropriation; relief of Western Association State Departments of Agriculture; basis of claim

The sum of twenty-five dollars is appropriated to the state department of finance for payment of state warrant No. 131485, dated November 24, 1971, payable to Western Association State Departments of Agriculture, which warrant was lost in the mail and therefore not presented for payment within the statutory time required by section 35-187, Arizona Revised Statutes.

Sec. 8. Appropriation; relief of Federal Supplemental Medical Insurance Trust Fund; basis of claim

A. The sum of fourteen thousand five hundred four dollars is appropriated from the state general fund to the commissioner of finance for payment of the following administrative adjustment claims made payable to the state department of public welfare and assigned to the Federal Supplemental Medical Insurance Trust Fund in the following amounts:

Claim No. 02434, dated August 25, 1972	\$ 3,141.60
Claim No. 02435, dated August 25, 1972	3,992.80
Claim No. 03500, dated September 11, 1972	<u>7,369.60</u>
Total	\$14,504.00

B. The appropriation made by this section is for the purpose of payment of premiums for medical assistance for the aged for the fiscal year ending June 30, 1972. Requests for payment of the premiums were not presented within the statutory time required by section 35-190, Arizona Revised Statutes, and the amount due on such premiums is in excess of that authorized for payment by the commissioner of finance pursuant to section 35-191, Arizona Revised Statutes.

Sec. 9. Appropriation; relief of Food Stamp Unit of the Department of Public Welfare; basis of claim

LAWS OF ARIZONA

A. The sum of two thousand eight hundred twenty-nine dollars is appropriated from the state general fund to the commissioner of finance for payment of the following administrative adjustment claims made payable to the Food Stamp Unit of the Department of Public Welfare in the following amounts:

Claim No. 00340, dated May, 1972	\$1,552.00
Claim No. 00341, dated June, 1972	<u>1,277.00</u>
Total	\$2,829.00

B. The appropriation made by this section is for the purpose of payment as reimbursement of the purchase price of emergency relief food stamps. Requests for payment of such reimbursements were not presented within the statutory time required by section 35-190, Arizona Revised Statutes, and the amount due on such reimbursements is in excess of that authorized for payment by the commissioner of finance pursuant to section 35-191, Arizona Revised Statutes.

Sec. 10. Appropriation; relief of Itek Corporation; basis of claim

A. The sum of one thousand two hundred forty-seven dollars thirty-eight cents is appropriated from the state general fund for the relief of Itek Corporation.

B. Payment of the sum appropriated by this section shall be in full satisfaction of claim No. 09058, dated November 20, 1972, submitted to the department of public welfare for merchandise received prior to June 30, 1972. This claim was not submitted within the statutory time required by section 35-190, Arizona Revised Statutes, and is in excess of the amount authorized for payment by the commissioner of finance pursuant to section 35-191, Arizona Revised Statutes.

Sec. 11. Appropriation; relief of Don Matthiesen, M.D.; basis of claim

A. The sum of one thousand one hundred forty-one dollars eighty cents is appropriated from the state general fund for the relief of Don Matthiesen, M.D.

B. Payment of the sum appropriated by this section shall be in full satisfaction of claims No. 3823 and 3837, dated October 18, 1972,

LAWS OF ARIZONA

submitted to the state board of crippled children's services for services rendered during the fiscal year that ended June 30, 1972. These claims were not submitted within the statutory time required by section 35-190, Arizona Revised Statutes, and the total amount of both claims is in excess of the amount authorized for payment by the commissioner of finance pursuant to section 35-191, Arizona Revised Statutes.

Sec. 12. Appropriation; relief of George Nash, M.D.; basis of claim

A. The sum of two thousand eight hundred eight dollars is appropriated from the state general fund for the relief of George Nash, M.D.

B. Payment of the sum appropriated by this section shall be in full satisfaction of claim No. 3744, dated May 19, 1972, submitted to the state board of crippled children's services for services rendered during the fiscal year that ended June 30, 1971. This claim was not submitted within the statutory time required by section 35-190, Arizona Revised Statutes, and is in excess of the amount authorized for payment by the commissioner of finance pursuant to section 35-191, Arizona Revised Statutes.

Sec. 13. Appropriation; relief of Navajo County Guidance Clinic; basis of claim

A. The sum of one thousand eight hundred fifty-nine dollars is appropriated from the state general fund for the relief of Navajo County Guidance Clinic.

B. Payment of the sum appropriated by this section shall be in full satisfaction of claim No. 6145, dated October 10, 1972, submitted to the state department of mental retardation for services rendered during the period of January 1, 1972 through June 30, 1972. This claim was not submitted within the statutory time required by section 35-190, Arizona Revised Statutes, and is in excess of the amount authorized for payment by the commissioner of finance pursuant to section 35-191, Arizona Revised Statutes.

Sec. 14. Appropriation; relief of Pinal County Treasurer; basis of claim

A. The sum of one thousand one hundred fifty-five dollars is appropriated from the state general fund to the commissioner of finance as payment for and in full satisfaction of administrative adjustment claim No. 1398, dated June 30, 1972, which was made payable to the Clerk of the

LAWS OF ARIZONA

Superior Court of Pinal County and assigned to the Pinal County Treasurer and submitted to the department of corrections, Arizona State Prison.

B. The appropriation made by this section is for payment of expenses incurred by the County of Pinal in a jury trial held on June 16, 1972. The claim was not submitted within the statutory time required by section 35-190, Arizona Revised Statutes, and is in excess of the amount authorized for payment by the commissioner of finance pursuant to section 35-191, Arizona Revised Statutes.

Sec. 15. Appropriation; relief of California Youth Authority; basis of claim

A. The sum of seven thousand one hundred ninety-five dollars is appropriated from the state general fund for the relief of California Youth Authority.

B. Payment of the sum appropriated by this section shall be in full satisfaction of claim No. 07, dated August 17, 1972, submitted to the department of corrections for custody, care and treatment of Arizona wards for the month of June, 1972. This claim was not submitted within the statutory time required by section 35-190, Arizona Revised Statutes, and is in excess of the amount authorized for payment by the commissioner of finance pursuant to section 35-191, Arizona Revised Statutes.

Sec. 16. Appropriation; relief of Arizona Western College; basis of claim

A. The sum of four thousand eight hundred ninety-four dollars twenty-eight cents is appropriated from the state general fund for the relief of Arizona Western College.

B. Payment of the sum appropriated by this section shall be in full satisfaction of claim No. 317, dated July 30, 1972, submitted to the division of vocational education. The claim was submitted within the time required by law, however, it was not paid because of a determination made erroneously that there were not sufficient funds. Thereafter, the claim could not be paid because it is in excess of the amount authorized for payment by the commissioner of finance pursuant to section 35-191, Arizona Revised Statutes.

Sec. 17. Appropriation; relief of certain county treasurers; basis of claim

LAWS OF ARIZONA

A. The sum of one hundred forty thousand eight hundred forty-eight dollars nine cents is appropriated from the state general fund for the relief of the following county treasurers in the following amounts:

1. Cochise county treasurer	\$ 37,104.66
2. Coconino county treasurer	2,551.98
3. Graham county treasurer	51,506.34
4. Maricopa county treasurer	333.86
5. Pinal county treasurer	47,942.85
6. Santa Cruz county treasurer	<u>1,408.40</u>
Total	\$140,848.09

B. Payment of the sum appropriated by this section shall be in full satisfaction of claim No. 03573, dated June 27, 1972, from the Arizona department of education-assistance to school districts, which was assigned to the county treasurers designated in subsection A and submitted to the department of education for assistance to school districts during the fiscal year that ended June 30, 1972. The claim was erroneously not processed and the funds reverted to the general fund.

Sec. 18. Appropriation; reimbursement of department of finance special revolving fund

A. The sum of fourteen thousand five hundred eighty-eight dollars thirty-one cents is appropriated from the state general fund for reimbursement of the department of finance special revolving fund.

B. Payment of the sum appropriated shall be in full reimbursement to correct the following claims erroneously charged to appropriations for the fiscal year ending June 30, 1973, covering employee related expenditures for which sufficient funds were available on June 30, 1972:

1. Claim No. 1070, dated July 7, 1972, in the amount of \$1,150.06, for expenditures incurred by the auditor general during the period June 16 through June 30, 1972, which was presented during July, 1972.

LAWS OF ARIZONA

2. Claim No. 124, dated July 10, 1972, in the amount of \$13,438.25, for expenditures incurred by the department of public welfare during June, 1972, which was presented during July, 1972.

Reimbursement was made to those accounts from the department of finance special revolving fund, which amounts are in excess of the amount authorized for payment by the commissioner of finance pursuant to section 35-191, Arizona Revised Statutes.

Sec. 19. Appropriation; relief of Educational and Institutional Cooperative Service, Inc.; basis of claim

A. The sum of one thousand eight hundred eighty dollars sixteen cents is appropriated from the university of Arizona general fund collections account No. 16-480-701 for the relief of Educational and Institutional Cooperative Service, Inc.

B. Payment of the sum appropriated by this section shall be in full satisfaction of claim No. 13530, dated June 19, 1972, submitted to the university of Arizona for merchandise received prior to June 30, 1972. This claim was not submitted within the statutory time required by section 35-190, Arizona Revised Statutes, and is in excess of the amount authorized for payment by the commissioner of finance pursuant to section 35-191, Arizona Revised Statutes.

Sec. 20. Appropriation; relief of First National Bank of Arizona; basis of claim

The sum of sixty dollars is appropriated to the state department of finance for payment of state warrant No. 245938, dated June 30, 1970, payable to the Institution For Scientific Information, which warrant was accepted by the First National Bank of Arizona after June 30, 1973 for encashment and was not presented by the First National Bank of Arizona for payment within the statutory time required by section 35-187, Arizona Revised Statutes.

Sec. 21. Appropriation; relief of C. G. R. Medical Corporation; basis of claim

A. The sum of four thousand one hundred four dollars thirty cents is appropriated from the university of Arizona hospital account No. 13-480-503 for the relief of C.G.R. Medical Corporation.

LAWS OF ARIZONA

B. Payment of the sum appropriated by this section shall be in full satisfaction of claim No. 16098, dated June 16, 1972, submitted to the university of Arizona for merchandise received prior to June 30, 1972. This claim was not submitted within the statutory time required by section 35-190, Arizona Revised Statutes, and is in excess of the amount authorized for payment by the commissioner of finance pursuant to section 35-191, Arizona Revised Statutes.

Sec. 22. Appropriation; relief of F. C. Hopson; basis of claim

The sum of one hundred fifteen dollars ninety-nine cents is appropriated from the state general fund to the state department of finance for payment of state warrant No. 78395, dated April 25, 1957, payable to F. C. Hobson, which warrant was not presented for payment within the statutory time required by section 35-187, Arizona Revised Statutes.

Sec. 23. Appropriation; relief of James M. Fritz, M.D., assigned to Assoc. Thoracic Surgeons, P.C.; basis of claim

A. The sum of one thousand three hundred eighty dollars is appropriated from the state general fund for the relief of James M. Fritz, M.D., assigned to Assoc. Thoracic Surgeon, P.C.

B. Payment of the sum appropriated by this section shall be in full satisfaction of claim No. 3945, dated January 25, 1973, submitted to state board of crippled children's services for surgical services rendered prior to June 30, 1972. This claim was not submitted within the statutory time required by section 35-190, Arizona Revised Statutes, and is in excess of the amount authorized for payment by the commissioner of finance pursuant to section 35-191, Arizona Revised Statutes.

Sec. 24. Appropriation; relief of Lee B. Brown, M.D.; basis of claim

A. The sum of one thousand seven hundred forty-four dollars is appropriated from the state general fund for the relief of Lee B. Brown, M.D.

B. Payment of the sum appropriated by this section shall be in full satisfaction of claim No. 3932, dated January 25, 1973, submitted to state board of crippled children's services for surgical services rendered prior to June 30, 1972. This claim was not submitted within the statutory time required by section 35-190, Arizona Revised Statutes, and is in excess of

LAWS OF ARIZONA

the amount authorized for payment by the commissioner of finance pursuant to section 35-191, Arizona Revised Statutes.

Sec. 25. Appropriation; relief of Rex Peterson, M.D., assigned to Plastic Surgeons Association, P.C.; basis of claim

A. The sum of one thousand forty-four dollars is appropriated from the state general fund for the relief of Rex Peterson, M.D., assigned to Plastic Surgeons Association, P.C.

B. Payment of the sum appropriated by this section shall be in full satisfaction of claim No. 3964, dated January 26, 1973, submitted to state board of crippled children's services for surgical services rendered prior to June 30, 1972. This claim was not submitted within the statutory time required by section 35-190, Arizona Revised Statutes, and is in excess of the amount authorized for payment by the commissioner of finance pursuant to section 35-191, Arizona Revised Statutes.

Sec. 26. Appropriation; relief of Blue Cross/Blue Shield; basis of claim

A. The sum of one thousand seven hundred sixty-seven dollars nine cents is appropriated from the state general fund for the relief of Blue Cross/Blue Shield.

B. Payment of the sum appropriated by this section shall be in full satisfaction of claim No. 3996, dated March 13, 1973, submitted to the state board of crippled children's services for Good Samaritan hospital services rendered prior to June 30, 1972. This claim was not submitted within the statutory time required by section 35-190, Arizona Revised Statutes, and is in excess of the amount authorized for payment by the commissioner of finance pursuant to section 35-191, Arizona Revised Statutes.

Sec. 27. Appropriation; relief of UNIVAC Division; basis of claim

A. The sum of four thousand five hundred six dollars sixty-six cents is appropriated from the state general fund for the relief of UNIVAC Division.

B. Payment of the sum appropriated by this section shall be in full satisfaction of claim No. 1009, dated March 2, 1973, submitted to the state tax commission for equipment rented prior to June 30, 1972. This claim was not submitted within the statutory time required by section

LAWS OF ARIZONA

35-190, Arizona Revised Statutes, and is in excess of the amount authorized for payment by the commissioner of finance pursuant to section 35-191, Arizona Revised Statutes.

Sec. 28. Appropriation; relief of university of Arizona rehabilitation center

The sum of seven hundred fifty dollars is appropriated from the superintendent of public instruction account for RSA—support, account No. 27-455-804-90, to the state department of finance for payment of the following warrants, dated October 19, 1971, payable to the university of Arizona rehabilitation center, which warrants were not presented for payment within the statutory time required by section 35-187, Arizona Revised Statutes:

State Warrant No. 88982	\$ 70.00
State Warrant No. 88983	430.00
State Warrant No. 88984	20.00
State Warrant No. 88985	<u>230.00</u>
Total	\$750.00

Sec. 29. Appropriation; relief of Estate of Clyde Gililand, in care of John L. Gililand, administrator; basis of claim

The sum of fifty-eight dollars thirty-one cents is appropriated from the state tax commission income tax fund, account No. 39-190-901, to the state department of finance for payment of state warrant No. 45025, dated August 31, 1971, payable to Estate of Clyde Gililand in care of John L. Gililand, which warrant was not presented for payment within the statutory time required by section 35-187, Arizona Revised Statutes.

Sec. 30. Appropriation; relief of C. R. and P. J. Hawkins; basis of claim

The sum of thirty-five dollars eighty-seven cents is appropriated from the state tax commission income tax fund, account No. 39-190-901, to the state department of finance for payment of state warrant No. 326530, dated September 2, 1971, payable to C. R. and P. J. Hawkins, which warrant was not presented for payment within the statutory time required by section 35-187, Arizona Revised Statutes.

Sec. 31. Appropriation; relief of M. J. Haynes; basis of claim

The sum of one hundred fifty-nine dollars seventy cents is appropriated

LAWS OF ARIZONA

from the payroll imprest account, Arizona state university account No. 39-135-951, to the state department of finance for payment of state warrant No. 201629, dated January 20, 1972, payable to M. J. Haynes, which warrant was not presented for payment within the statutory time required by section 35-187, Arizona Revised Statutes.

Sec. 32. Appropriation for relief of Xerox Corporation; basis of claim

A. The sum of thirteen thousand six hundred twenty-three dollars seventy-six cents is appropriated from the state highway fund—account No. 21-610-000, for the relief of Xerox Corporation.

B. Payment of the sum appropriated by subsection A shall be in full satisfaction of a claim dated November 6, 1972 for payment of office machine rental by the Arizona state highway department during the fiscal year ending June 30, 1972, which claim was not presented for payment within the statutory time provided by section 35-190.

Sec. 33. Appropriation; Department of Finance Special Revolving Fund; basis of claim

The sum of ten thousand one hundred ninety-five dollars fifty-five cents is appropriated from the Arizona highway patrol fund—account No. 29-580-901 to the department of finance revolving fund for reimbursement, to correct claims erroneously charged to appropriations for 1972–1973, covering employee related expenditures for the department of public safety-highway patrol, pursuant to section 35-191, Arizona Revised Statutes.

Sec. 34. Appropriation; Arizona Highway Department, Motor Vehicle Division; purpose

The sum of two hundred twenty dollars is appropriated from the state highway fund to the motor vehicle division of the state highway department for reimbursement for the following counterfeit federal reserve notes:

Counterfeit note—Serial No. C36067196A,
 Series 1969
 —surrendered to Security First National
 Bank on July 17, 1972

\$ 20.00

LAWS OF ARIZONA

Counterfeit note—Serial No. K03815282A —surrendered to Treasury Department on August 9, 1972	50.00
Counterfeit note—Serial No. L49733592A —surrendered to Treasury Department on December 26, 1972	100.00
Counterfeit note—Serial No. B41226638D —surrendered to Treasury Department on November 16, 1972	<u>50.00</u>
Total	\$220.00

Sec. 35. Appropriation; relief of C. A. Condon; basis of claim

The sum of nine dollars eighty-six cents is appropriated from the tax commission-income tax fund, account No. 39-190-901, to the state department of finance for payment of state warrant No. 330693, dated October 1, 1971, payable to C. A. Condon, which warrant was not presented for payment within the statutory time required by section 35-187, Arizona Revised Statutes.

Sec. 36. Appropriation; relief of J. and C. G. Ybarra; basis of claim

The sum of four dollars nineteen cents is appropriated from the tax commission-income tax fund, account No. 39-190-901, to the state department of finance for payment of state warrant No. 24953, dated March 2, 1972, payable to J. and C. G. Ybarra, which warrant was not presented for payment within the statutory time required by section 35-187, Arizona Revised Statutes.

Sec. 37. Appropriation; relief of T. R. and E. R. Gleason; basis of claim

The sum of twenty dollars forty-seven cents is appropriated from the tax commission-income tax fund, account No. 39-190-901, to the state department of finance for payment of state warrant No. 20522, dated March 2, 1972, payable to T. R. and E. R. Gleason, which warrant was not presented for payment within the statutory time required by section 35-187, Arizona Revised Statutes.

Sec. 38. Appropriation; relief of L. E. Mazur; basis of claim

LAWS OF ARIZONA

The sum of sixty-three dollars thirty cents is appropriated from the payroll imprest account, Arizona state university account No. 39-135-951, to the state department of finance for payment of state warrant No. 197110, dated January 20, 1972, payable to L. E. Mazur, which warrant was not presented for payment within the statutory time required by section 35-187, Arizona Revised Statutes.

Sec. 39. Appropriation; relief of E. K. Mills, Jr.; basis of claim

The sum of sixty-six dollars fifty cents is appropriated from the payroll imprest account, northern Arizona university account No. 39-135-952, to the state department of finance for payment of state warrant No. 447976, dated December 24, 1971, payable to E. K. Mills, Jr., which warrant was not presented for payment within the statutory time required by section 35-187, Arizona Revised Statutes.

Sec. 40. Appropriation; relief of R. S. Lane; basis of claim

The sum of nineteen dollars seventy-seven cents is appropriated from the payroll imprest account, northern Arizona university account No. 39-135-952, to the state department of finance for payment of state warrant No. 490895, dated January 14, 1972, payable to R. S. Lane, which warrant was not presented for payment within the statutory time required by section 35-187, Arizona Revised Statutes.

Sec. 41. Appropriation; relief of C. V. Saunders; basis of claim

The sum of four hundred forty-two dollars two cents is appropriated from the payroll imprest account, university of Arizona account No. 39-135-953, to the state department of finance for payment of state warrant No. 331368, dated September 30, 1971, payable to C. V. Saunders, which warrant was not presented for payment within the statutory time required by section 35-187, Arizona Revised Statutes.

Sec. 42. Appropriation; relief of D. L. Helvig; basis of claim

The sum of sixteen dollars is appropriated from the payroll imprest account, university of Arizona account No. 39-135-953, to the state department of finance for payment of state warrant No. 563432, dated March 10, 1972, payable to D. L. Helvig, which warrant was not presented for payment within the statutory time required by section 35-187, Arizona Revised Statutes.

LAWS OF ARIZONA

Sec. 43. Appropriation; relief of federal supplemental medical insurance trust fund; basis of claim

A. The sum of nine thousand three hundred fifty-seven dollars sixty cents is appropriated from the state general fund to the commissioner of finance for payment of the following administrative adjustment claims made payable to the state department of public welfare and assigned to the federal supplemental medical trust fund in the following amounts:

Claim No. 05135 dated October 3, 1972	\$6,652.80
Claim No. 10601 dated December 11, 1972	<u>2,704.80</u>
Total	\$9,357.60

B. The appropriation made by this section is for the purpose of payment of premiums for medical assistance for the aged for the fiscal year ending June 30, 1972. Requests for payment of the premiums were not presented within the statutory time required by section 35-190, Arizona Revised Statutes, there were insufficient funds available for payment pursuant to section 35-191, Arizona Revised Statutes, and the amount due on such premiums is in excess of that authorized for payment by the commissioner of finance pursuant to section 35-191, Arizona Revised Statutes.

Sec. 44. Authorization for payment of claim to Department of Economic Planning and Development

The sum of six hundred thirty-three dollars one cent is appropriated from the state general fund to the state department of finance for payment of claim No. 3009, submitted to the department of economic planning and development for the balance due on employee FICA taxes for the fourth quarter of the fiscal year ending June 30, 1972, for which there were no funds available for payment pursuant to section 35-191, Arizona Revised Statutes.

Sec. 45. Appropriation for relief of UNIVAC Division Sperry Rand

A. The sum of one thousand seven dollars thirty-two cents is appropriated for the relief of UNIVAC Division Sperry Rand.

LAWS OF ARIZONA

B. Payment of the sum appropriated by subsection A shall be in full satisfaction of claim No. 6, dated September 27, 1972, for payment of rent, maintenance and freight on equipment provided to the state department of property valuation during the fiscal year ending June 30, 1972, which claim was not presented for payment within the statutory time provided by section 35-190, Arizona Revised Statutes, and for which there were insufficient funds available for payment pursuant to section 35-191, Arizona Revised Statutes.

Sec. 46. Appropriation for relief of Standard Oil Company; basis of claim

A. The sum of six hundred fifty-seven dollars thirty-four cents is appropriated for the relief of Standard Oil Company.

B. Payment of the sum appropriated by subsection A shall be in full satisfaction of claim No. 7, dated September 27, 1972 for payment of state automobile expense billings to the state department of property valuation during the fiscal year ending June 30, 1972, which claim was not presented for payment within the statutory time provided by section 35-190, Arizona Revised Statutes, and for which there were insufficient funds available for payment pursuant to section 35-191, Arizona Revised Statutes.

Sec. 47. Appropriation for relief of McKesson Chemical Company; basis of claim

A. The sum of one hundred five dollars is appropriated for the relief of McKesson Chemical Company.

B. Payment of the sum appropriated by subsection A shall be in full satisfaction of claim No. 1084, dated December 6, 1972 for payment for merchandise sold to the state department of mental retardation, Arizona training program at Coolidge, during the fiscal year ending June 30, 1972, which claim was not presented for payment within the statutory time provided by section 35-190, Arizona Revised Statutes, and for which there were insufficient funds available for payment pursuant to section 35-191, Arizona Revised Statutes.

Sec. 48. Appropriation for relief of Furr Food; basis of claim

A. The sum of ten dollars is appropriated for the relief of Furr Food.

LAWS OF ARIZONA

B. Payment of the sum appropriated by subsection A shall be in full satisfaction of claim No. 4, dated September 26, 1972 for payment for food requisition C328 issued by Arizona veterans' service commission during the fiscal year ending June 30, 1972, which claim was not presented for payment within the statutory time provided by section 35-190, Arizona Revised Statutes, and for which there were insufficient funds available for payment pursuant to section 35-191, Arizona Revised Statutes.

Sec. 49. Authorization for payment of claim against Arizona Atomic Energy Commission

The sum of three hundred sixty dollars is appropriated from the state general fund to the commissioner of finance for payment of Arizona atomic energy payroll claim No. P-300, dated July 7, 1972, for which there were insufficient funds available for payment pursuant to section 35-191, Arizona Revised Statutes.

Sec. 50. Appropriation for relief of Holiday and Associates; basis of claim

A. The sum of one hundred sixty-one dollars is appropriated for the relief of Holiday and Associates.

B. Payment of the sum appropriated by subsection A shall be in full satisfaction of claim No. 3, dated November 24, 1972 for payment for transcripts in re-depositions in Gilbert vs Wingfield, Case No. C-256894, prepared for the livestock sanitary board during the fiscal year ending June 30, 1972, which claim was not presented for payment within the statutory time provided by section 35-190, Arizona Revised Statutes, and for which there were insufficient funds available for payment pursuant to section 35-191, Arizona Revised Statutes.

Sec. 51. Appropriation for relief of Standard Oil Company of California; basis of claim

A. The sum of three thousand four hundred fifty-four dollars forty-two cents is appropriated for the relief of Standard Oil Company of California.

B. Payment of the sum appropriated by subsection A shall be in full satisfaction of claim No. 1238, dated August 14, 1972 for payment for gasoline and oil sold to the livestock sanitary board during the fiscal year ending June 30, 1972, which claim was not presented for payment within

LAWS OF ARIZONA

the statutory time provided by section 35-190, Arizona Revised Statutes, and is in excess of the amount authorized, and for which there were insufficient funds, for payment pursuant to section 35-191, Arizona Revised Statutes.

Sec. 52. Appropriation for relief of Standard Oil Company of California; basis of claim

A. The sum of one hundred twelve dollars ninety-three cents is appropriated for the relief of Standard Oil Company of California.

B. Payment of the sum appropriated by subsection A shall be in full satisfaction of claim No. 1239, dated September 18, 1972 for payment for gasoline and oil sold to the livestock sanitary board during the fiscal year ending June 30, 1972, which claim was not presented for payment within the statutory time provided by section 35-190, Arizona Revised Statutes, and for which there were insufficient funds available for payment pursuant to section 35-191, Arizona Revised Statutes.

Sec. 53. Appropriation for relief of Standard Oil Company of California; basis of claim

A. The sum of one hundred fourteen dollars twenty-five cents is appropriated for the relief of Standard Oil Company of California.

B. Payment of the sum appropriated by subsection A shall be in full satisfaction of claim No. 340, dated August 15, 1972 for payment for gasoline and oil sold to the state veterinarian's office during the fiscal year ending June 30, 1972, which claim was not presented for payment within the statutory time provided by section 35-190, Arizona Revised Statutes, and for which there were insufficient funds available for payment pursuant to section 35-191, Arizona Revised Statutes.

Sec. 54. Authorization for payment of claims against Structural Pest Control Board

The sum of one thousand twenty-six dollars two cents is appropriated from the structural pest control fund, account No. 29-394-900, to the commissioner of finance for payment of the following claims and FICA taxes against the structural pest control board, for which there were insufficient monies in the board's fund at the close of June 30, 1972 for payment thereof:

LAWS OF ARIZONA

Payroll claim dated August 17, 1972	\$ 551.23
Travel claims, dated August 17, 1972:	
William Hodder, April, May & June, 1972 Bd. Mtgs.	111.60
William Kryger, April & May, 1972 Bd. Mtgs.	95.60
Betty B. Sisk, April, May & June, 1972 Bd. Mtgs	127.80
Matthew Van Stelle, April & May, 1972 Bd. Mtgs.	74.40
Claim dated August 17, 1972, Betty B. Sisk reimbursement for postage	48.00
FICA taxes on payroll of June 30, 1972	<u>17.39</u>
Total	\$1,026.02

Sec. 55. Appropriation for relief of Gibsons Stationers, Inc.; basis of claim

A. The sum of six hundred eighty-three dollars sixty-two cents is appropriated for the relief of Gibsons Stationers, Inc.

B. Payment of the sum appropriated by subsection A shall be in full satisfaction of claim No. 4856, dated January 22, 1973 for payment for office supplies sold to the state department of mental retardation, Arizona training program at Tucson, during the fiscal year ending June 30, 1972, which claim was not presented for payment within the statutory time provided by section 35-190, Arizona Revised Statutes, and for which there were insufficient funds available for payment pursuant to section 35-191, Arizona Revised Statutes.

LAWS OF ARIZONA

Sec. 56. Appropriation for relief of Supreme Carpet Service; basis of claim

A. The sum of one hundred thirty-five dollars is appropriated for the relief of Supreme Carpet Service.

B. Payment of the sum appropriated by subsection A shall be in full satisfaction of claim No. 4986, dated January 31, 1973, for payment for carpet service provided to the state department of mental retardation, Arizona training program at Tucson, during the fiscal year ending June 30, 1972, which claim was not presented for payment within the statutory time provided by section 35-190, Arizona Revised Statutes, and for which there were no funds available for payment pursuant to section 35-191, Arizona Revised Statutes.

Sec. 57. Appropriation for relief of Arizona Maintenance Co.; basis of claim

A. The sum of thirty-nine dollars seventy cents is appropriated for the relief of Arizona Maintenance Co.

B. Payment of the sum appropriated by subsection A shall be in full satisfaction of claim No. 5171, dated February 23, 1973, for payment for merchandise sold to the state department of mental retardation, Arizona training program at Tucson, during the fiscal year ending June 30, 1972, which claim was not presented for payment within the statutory time provided by section 35-190, Arizona Revised Statutes, and for which there were no funds available for payment pursuant to section 35-191, Arizona Revised Statutes.

Sec. 58. Appropriation for relief of Ramada Inns, Inc.; basis of claim

A. The sum of eight dollars is appropriated for the relief of Ramada Inns, Inc.

B. Payment of the sum appropriated by subsection A shall be in full satisfaction of claim No. 5206, dated March 1, 1973, for payment for projector rental by the state department of mental retardation, Arizona training program at Tucson, during the fiscal year ending June 30, 1972, which claim was not presented for payment within the statutory time provided by section 35-190, Arizona Revised Statutes, and for which there were no funds available for payment pursuant to section 35-191, Arizona Revised Statutes.

LAWS OF ARIZONA

Sec. 59. **Emergency**

To preserve the public peace, health and safety it 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—May 14, 1973

Filed in the Office of the Secretary of State—May 14, 1973

CHAPTER 176

House Bill 2315

AN ACT

RELATING TO APPROPRIATIONS FOR LAND, BUILDINGS AND IMPROVEMENTS FOR THE DIFFERENT DEPARTMENTS OF THE STATE AND FOR STATE INSTITUTIONS.

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 fiscal year beginning July 1, 1973, for the purposes and objects herein specified:

Subdivision 1. DEPARTMENT OF ADMINISTRATION

Finance division

Office building, economic security department	\$2,750,000.00*
Personnel commission building addition	300,000.00
Data processing center building	1,600,000.00*
Engineering studies	100,000.00
Statehouse restoration—museum	<u>1,000,000.00*</u>
Total—finance division	\$5,750,000.00

Public buildings maintenance division

Remodel and automate elevators in east and west state office buildings	\$ 100,000.00
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LAWS OF ARIZONA

Install new hot water system in health laboratory	34,000.00
Install carpeting in commerce building	30,000.00
Partitioning and remodeling in existing buildings	25,000.00
Landscaping	25,000.00
Installation of controls for air conditioning in both east and west state office buildings	12,500.00
Install new roof on east state office building	6,500.00
Install vertical blinds in commerce building	18,500.00
Ten permanent park benches	1,500.00
Contingency	70,000.00
Total—public buildings maintenance division	<u>\$ 323,000.00</u>
Total appropriation—department of administration	<u>\$6,073,000.00</u>

Subdivision 2. DEPARTMENT OF HEALTH

From the capital outlay stabilization fund, account number 34-168-900, there is appropriated:

Health laboratory	<u>\$2,395,000.00</u>
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Subdivision 3. DEPARTMENT OF MENTAL RETARDATION

Training program at Coolidge

Reroof buildings	\$ 7,600.00
Replumb buildings	8,000.00
Replace floor and ceiling tile	26,900.00
Air condition buildings	895,000.00
Unbreakable windows	5,000.00
Sprinkler systems for commissary	3,000.00
Filter units on air conditioner and heating	2,000.00
Renovation of well	8,300.00
Commissary freezer addition	30,000.00
Underground irrigation system	3,700.00
Maintenance work area	4,000.00
Total—training program at Coolidge	<u>\$ 993,500.00</u>

Training program at Phoenix

Arizona training program at Phoenix, phase II	\$1,888,300.00
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Training program at Tucson

Bathhouse	\$ 13,300.00
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LAWS OF ARIZONA

Landscaping	2,000.00
Total—training program at Tucson	<u>\$ 15,300.00</u>
Total appropriation—department of mental retardation	<u>\$2,897,100.00</u>

Subdivision 4. ARIZONA STATE HOSPITAL—SUPPORT SERVICES

Central heating and cooling addition	\$230,000.00
Roofing replacements and improvements	35,200.00
Floor covering replacements	<u>22,500.00</u>
Total appropriation	<u>\$287,700.00</u>

Subdivision 5. ARIZONA DEPARTMENT OF AERONAUTICS—
GRAND CANYON

From the state aviation fund, the following is appropriated:

Runway, taxiway and ramp improvements	<u>\$200,000.00</u>
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Subdivision 6. INDUSTRIAL COMMISSION—OCCUPATIONAL
SAFETY AND HEALTH

Tucson office building renovation	
Occupational safety and health	\$2,000.00
Hearing program	<u>300.00</u>
Total appropriation	<u>\$2,300.00</u>

Subdivision 7. AGRICULTURE AND HORTICULTURE COMMISSION
—COMPLIANCE DIVISION

Kingman 93 inspection station	\$19,800.00
Improvements—Sanders station	<u>1,000.00</u>
Total appropriation	<u>\$20,800.00</u>

Subdivision 8. ARIZONA STATE SCHOOL FOR THE DEAF AND THE
BLIND

Phoenix day school	
Classroom building	\$218,000.00
Minor building improvements	<u>7,000.00</u>
Total—Phoenix day school	<u>\$225,000.00</u>

LAWS OF ARIZONA

Tucson

Remodeling for classrooms in Hopi hall	\$ 22,900.00
Remodeling for an expanded school library	9,500.00
Maintenance building	95,250.00
Buildings and grounds improvements and minor buildings	18,500.00
Building annex to pool area	37,500.00
Parking lot on north side of campus	6,850.00
Total—Tucson	<u>\$190,500.00</u>
Total appropriation	<u><u>\$415,500.00</u></u>

Subdivision 9. PRESCOTT HISTORICAL SOCIETY

Underground wiring	\$ 2,000.00
Vehicle building	10,600.00
Transmission building removal	5,000.00
Landscaping	3,000.00
Total appropriation	<u><u>\$20,600.00</u></u>

Subdivision 10. DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS

Prescott armory	\$127,200.00
Military warehouse	300,000.00
Mesa armory addition	43,000.00
Classroom improvements	8,000.00
Total appropriation	<u><u>\$478,200.00</u></u>

Subdivision 11. DEPARTMENT OF PUBLIC SAFETY

From the state highway fund, in compliance with section 18-191, Arizona Revised Statutes, there is appropriated to the Arizona highway patrol fund the sum of \$418,640.00.

From the general fund there is appropriated the sum of \$104,660.00 to the Arizona highway patrol fund.

The sums appropriated above shall be deposited in a joint account for the following purposes:

LAWS OF ARIZONA

Administration	
Renovation of power vault, Phoenix headquarters	\$231,000.00
Evidence storage building, second floor addition	<u>86,000.00</u>
Total—administration	\$317,000.00
Technical communications	
Communication center renovation, Phoenix	\$ 42,500.00
Kingman district--transmitter site	<u>123,100.00</u>
Total—technical communications	\$165,600.00
Highway patrol	
Tonopah housing site	\$ 10,000.00
Covered fuel facility	5,600.00
Additions to the office at Yuma	14,300.00
Paving, district 11 parking area, Mesa	<u>10,800.00</u>
Total—highway patrol	\$ 40,700.00
Total appropriation—department of public safety	<u><u>\$523,300.00</u></u>

Twenty percent of the funds remaining in the joint account, June 30, 1976, shall revert to the state general fund, the balance will revert to the Arizona highway patrol fund.

Subdivision 12. DEPARTMENT OF CORRECTIONS

Central office

Arizona correctional training facility, Maricopa county	\$5,100,000.00**
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**Subject to joint legislative budget committee approval.

Arizona state prison

Addition of emergency power plant	\$ 60,000.00
New main line kitchen	<u>779,400.00</u>
Total—Arizona state prison	\$ 839,400.00

Industrial school

Kitchen floor tile	\$ 5,700.00
Cooling units	3,200.00
Employee housing (6)	35,000.00
Rucker fly camp training program	<u>10,000.00</u>
Total—industrial school	\$ 53,900.00

LAWS OF ARIZONA

Arizona youth center

Replace kitchen sinks and cabinets	\$ 6,000.00
Install emergency pipeline	6,000.00
Replace 48 doors, doorframes and hardware	14,400.00
Tile 9 showers	9,400.00
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Total—Arizona youth center	\$ 35,800.00

Alpine conservation center

Vehicle shed	\$ 17,600.00
Footings, buildings	8,500.00
Dorm renovation	7,700.00
Resurface roads	16,800.00
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Total—Alpine conservation center	\$ 50,600.00

Safford conservation center

Vocational training building	\$ 47,000.00
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Total appropriation—department of corrections	<u>\$6,126,700.00</u>

Subdivision 13. ARIZONA HIGHWAY DEPARTMENT

From the state highway fund, the following is appropriated:

Motor vehicle division building	\$ 974,000.00
Land acquisition for motor vehicle division parking	530,000.00
Facilities management office	74,000.00
Maintenance camp, district 6, Needle Mountain	72,400.00
Storage facilities, district 4	12,000.00
Motor vehicle division port of entry improvements	26,400.00
Motor pool and parking area, Phoenix headquarters	234,000.00
Equipment shed, district 5, Williams	62,400.00
Sign storage, district 1, Phoenix	2,000.00
Carpenter shop and storage facilities, district 2, Tucson	39,000.00
Primary electrical distribution services, Phoenix headquarters	40,000.00
Portable field offices, district 4	10,000.00
Paint dock and sign storage shed, district 3, Safford	15,500.00
Employee housing, district 1, Gila Bend	6,000.00
Street paving, Durango complex	22,500.00
Renovation of maintenance office, district 1, Phoenix	6,000.00

LAWS OF ARIZONA

Refrigeration of employee housing, district 1, Phoenix	1,500.00
Material laboratory renovation, Phoenix	6,600.00
Equipment shed, district 2, Casa Grande	16,200.00
Renovation of administration and engineering building	642,000.00
Maintenance men's stations, district 1	6,000.00
Maintenance yard fencing, district 4, Holbrook	6,000.00
Garage, district 4, Many Farms	1,400.00
Maintenance facilities additions, district 4	4,500.00
Total appropriation	<u>\$2,810,400.00</u>

Subdivision 14. ARIZONA GAME AND FISH COMMISSION

From the game and fish protection fund, the following is appropriated:

Key wildlife areas	\$5,000.00
Rifle range improvements	<u>1,600.00</u>
Total appropriation	<u>\$6,600.00</u>

Subdivision 15. ARIZONA STATE PARKS BOARD

Dead horse ranch

Initial facility development \$296,600.00

Picacho peak state park

Park roads and parking 70,200.00

Lake Havasu state park

Windsor Beach, campsites, roads, beach development
and buildings 86,600.00

Fort Verde state historical park

Parking, landscaping, day use sites, etc. 30,600.00

Lake Havasu state park

Cattail cove, parking, well, flood channels
and road resurfacing 40,200.00

Tubac presidio state historic park

Excavation and improvements 77,100.00

LAWS OF ARIZONA

Lyman lake state park	
Park roads	76,300.00
Buckskin mountain state park	
Park improvements	36,300.00
Yuma territorial prison	
Repairs and restoration	36,900.00
Tombstone courthouse	
Structural repairs	16,300.00
Lake Havasu state park	
Pittsburgh point improvements	38,500.00
Jerome state historic park	
Access road improvements	25,900.00
Total appropriation	<u>\$831,500.00</u>

Subdivision 16. STATE LAND DEPARTMENT

Forestry division

Automotive shop and warehouse	<u>\$62,600.00</u>
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Sec. 2. Lapsing of appropriations

The appropriations made in section 1 shall not lapse until the purpose for which the appropriation is made is accomplished or abandoned unless the appropriation stands until July 1, 1976 without an expenditure therefrom or an encumbrance thereon.

Sec. 3. For the purposes of this act, "*" means this appropriation is made only from the federal revenue sharing trust fund, account 34-140-801, which consists of monies received by and for the state as revenue sharing funds from the federal government.

Approved by the Governor—May 14, 1973

Filed in the Office of the Secretary of State—May 14, 1973

LAWS OF ARIZONA

CHAPTER 177

House Bill 2316

AN ACT

MAKING SUPPLEMENTAL APPROPRIATIONS TO ARIZONA STATE BOARD OF CRIPPLED CHILDREN'S SERVICES.

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

Section 1. **Appropriation; purposes**

In addition to the appropriations made under Laws 1972, chapter 201 and chapter 216, section 1, subdivision 24, the sum of seventy thousand dollars is appropriated to the Arizona state board of crippled children's services to be available for the following purposes in the following amounts:

1. Professional and outside services (Physician's fees and private hospital costs)	\$ 55,000.00
2. Other operating expenditures	<u>15,000.00</u>
Total	\$ 70,000.00

Sec. 2. **Appropriation; purposes**

The sum of three hundred twelve thousand sixty-two dollars is appropriated to the Arizona state board of crippled children's services for the fiscal year 1973-74 for personal services and related expenses.

Sec. 3. **Exemption**

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

Sec. 4. **Emergency**

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

Approved by the Governor—May 14, 1973

Filed in the Office of the Secretary of State—May 14, 1973

LAWS OF ARIZONA

CHAPTER 178

Senate Bill 1026

AN ACT

RELATING TO CITIES AND TOWNS; PROVIDING FOR THE MANAGEMENT OF THE URBAN ENVIRONMENT THROUGH THE ESTABLISHMENT OF PLANNING AGENCIES; PRESCRIBING THE POWERS AND DUTIES OF PLANNING AGENCIES INCLUDING THE ADOPTION AND ADMINISTRATION OF A COMPREHENSIVE GENERAL PLAN; PROVIDING FOR THE ADOPTION, ADMINISTRATION AND ENFORCEMENT OF ZONING ORDINANCES; PROVIDING FOR THE ESTABLISHMENT OF BOARDS OF ADJUSTMENT AND PRESCRIBING THEIR POWERS AND DUTIES; PROVIDING FOR THE ADOPTION, ADMINISTRATION AND ENFORCEMENT OF RULES, REGULATIONS AND STANDARDS GOVERNING THE SUBDIVISION OF LAND; AUTHORIZING OPEN SPACE CONSERVATION BY CITIES, TOWNS AND COUNTIES; REPEALING TITLE 9, CHAPTER 4, ARTICLES 6 AND 6.1, ARIZONA REVISED STATUTES; AMENDING TITLE 9, CHAPTER 4, BY ADDING NEW ARTICLES 6 AND 6.1 AND ARTICLES 6.2, 6.3 AND 6.4, ARIZONA REVISED STATUTES, AND AMENDING TITLE 11, CHAPTER 7, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 11-935.01.

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

Section 1. Repeal

Title 9, chapter 4, articles 6 and 6.1, Arizona Revised Statutes, are repealed.

Sec. 2. Title 9, chapter 4, Arizona Revised Statutes, is amended by adding new articles 6 and 6.1 and articles 6.2, 6.3 and 6.4, to read:

ARTICLE 6. MUNICIPAL PLANNING

9-461. Definitions

IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

LAWS OF ARIZONA

1. "GENERAL PLAN" MEANS A MUNICIPAL STATEMENT OF LAND DEVELOPMENT POLICIES, WHICH MAY INCLUDE MAPS, CHARTS, GRAPHS AND TEXT WHICH SET FORTH OBJECTIVES, PRINCIPLES AND STANDARDS FOR LOCAL GROWTH AND REDEVELOPMENT ENACTED UNDER THE PROVISIONS OF THIS ARTICLE OR ANY PRIOR STATUTE.
2. "MUNICIPAL" OR "MUNICIPALITY" MEANS AN INCORPORATED CITY OR TOWN.
3. "PLANNING AGENCY" MEANS THE OFFICIAL BODY DESIGNATED BY LOCAL ORDINANCE TO CARRY OUT THE PURPOSES OF THIS ARTICLE AND MAY BE A PLANNING DEPARTMENT, A PLANNING COMMISSION, THE LEGISLATIVE BODY ITSELF, OR ANY COMBINATION THEREOF.
4. "RIGHT-OF-WAY" MEANS ANY PUBLIC RIGHT-OF-WAY AND INCLUDES ANY AREA REQUIRED FOR PUBLIC USE PURSUANT TO ANY GENERAL OR SPECIFIC PLAN.
5. "SPECIFIC PLAN" MEANS A DETAILED ELEMENT OF THE GENERAL PLAN ENACTED UNDER THE PROVISIONS OF THIS ARTICLE OR A PRIOR STATUTE.
6. "STREET" MEANS STREETS, HIGHWAYS, FREEWAYS, EXPRESSWAYS, AVENUES, BOULEVARDS, PARKWAYS, ROADS, LANES, WALKS, ALLEYS, VIADUCTS, SUBWAYS, TUNNELS, BRIDGES, PUBLIC ACCESS EASEMENTS AND RIGHTS-OF-WAY.
7. "SUBDIVISION REGULATIONS" MEANS A MUNICIPAL ORDINANCE REGULATING THE DESIGN AND IMPROVEMENT OF SUBDIVISIONS ENACTED UNDER THE PROVISIONS OF ARTICLE 6.2 OF THIS CHAPTER, OR ANY PRIOR STATUTE, REGULATING THE DESIGN AND IMPROVEMENT OF SUBDIVISIONS.
8. "ZONING ORDINANCE" MEANS A MUNICIPAL ORDINANCE REGULATING THE USE OF LAND, STRUCTURES OR BOTH, UNDER THE PROVISIONS OF THIS ARTICLE.

9-461.01. **Planning agency; powers and duties**

A. THE LEGISLATIVE BODY OF A MUNICIPALITY MAY BY ORDINANCE ESTABLISH A PLANNING AGENCY.

LAWS OF ARIZONA

B. THE PLANNING AGENCY SHALL:

1. DEVELOP AND MAINTAIN A GENERAL PLAN.
2. DEVELOP SUCH SPECIFIC PLANS AS MAY BE NECESSARY TO IMPLEMENT THE GENERAL PLAN.
3. PERIODICALLY REVIEW THE CAPITAL IMPROVEMENT PROGRAM OF THE MUNICIPALITY.
4. PERFORM SUCH OTHER PLANNING FUNCTIONS AS THE LEGISLATIVE BODY MAY PROVIDE.

C. EACH PLANNING AGENCY HAS THE POWERS NECESSARY TO ENABLE IT TO FULFILL ITS PLANNING FUNCTIONS AS PROVIDED IN THIS ARTICLE. IT MAY:

1. CONTRACT FOR, RECEIVE AND UTILIZE ANY GRANTS OR OTHER FINANCIAL ASSISTANCE MADE AVAILABLE BY A MUNICIPALITY, A COUNTY, THE STATE OR THE FEDERAL GOVERNMENT.
2. CONTRACT WITH THE STATE OR FEDERAL GOVERNMENT AND ANY OF ITS AGENCIES, OR THE LEGISLATIVE BODY OF ANY MUNICIPALITY OR COUNTY.

9-461.02. **Planning commission creation; limitations**

IF A MUNICIPAL PLANNING COMMISSION IS CREATED, THE ORGANIZATION, NUMBER OF MEMBERS, THE TERMS OF OFFICE AND THE METHOD OF APPOINTMENT AND REMOVAL SHALL BE AS PROVIDED BY LOCAL ORDINANCE, EXCEPT THAT EACH MUNICIPAL PLANNING COMMISSION SHALL HAVE AT LEAST FIVE AND NOT MORE THAN NINE MEMBERS.

9-461.03. **Planning department**

A. THE LEGISLATIVE BODY OF ANY MUNICIPALITY MAY ESTABLISH A PLANNING DEPARTMENT. THE OFFICERS AND EMPLOYEES THAT THE LEGISLATIVE BODY DEEMS NECESSARY FOR THE DEPARTMENT SHALL BE APPOINTED BY THE APPOINTING AUTHORITY OF THE MUNICIPALITY.

LAWS OF ARIZONA

B. THE APPOINTING AUTHORITY OF EACH MUNICIPALITY MAY APPOINT A DIRECTOR OF PLANNING.

C. THE LEGISLATIVE BODY OF ANY MUNICIPALITY MAY EMPLOY OR CONTRACT WITH CONSULTANTS FOR SUCH SERVICES AS IT REQUIRES.

9-461.04. **Financing**

THE MUNICIPAL LEGISLATIVE BODY SHALL PROVIDE THE FUNDS, EQUIPMENT AND ACCOMMODATIONS NECESSARY FOR THE WORK OF THE PLANNING AGENCY OF THE MUNICIPALITY.

9-461.05. **Authority, scope of general plans**

A. EACH PLANNING AGENCY SHALL PREPARE AND THE LEGISLATIVE BODY OF EACH MUNICIPALITY SHALL ADOPT A COMPREHENSIVE, LONG-RANGE GENERAL PLAN FOR THE DEVELOPMENT OF THE MUNICIPALITY.

B. THE GENERAL PLAN SHALL BE SO PREPARED THAT ALL OR INDIVIDUAL ELEMENTS OF IT MAY BE ADOPTED BY THE LEGISLATIVE BODY AND THAT IT MAY BE MADE APPLICABLE TO ALL OR PART OF THE TERRITORY OF THE MUNICIPALITY.

C. THE GENERAL PLAN SHALL CONSIST OF A STATEMENT OF COMMUNITY GOALS AND DEVELOPMENT POLICIES. IT SHALL INCLUDE A DIAGRAM OR DIAGRAMS AND TEXT SETTING FORTH OBJECTIVES, PRINCIPLES, STANDARDS AND PLAN PROPOSALS. THE PLAN SHALL INCLUDE THE FOLLOWING ELEMENTS:

1. A LAND-USE ELEMENT WHICH DESIGNATES THE PROPOSED GENERAL DISTRIBUTION AND LOCATION AND EXTENT OF SUCH USES OF THE LAND FOR HOUSING, BUSINESS, INDUSTRY, AGRICULTURE, RECREATION, EDUCATION, PUBLIC BUILDINGS AND GROUNDS, OPEN SPACE AND SUCH OTHER CATEGORIES OF PUBLIC AND PRIVATE USES OF LAND AS MAY BE APPROPRIATE TO THE MUNICIPALITY. THE LAND-USE ELEMENT SHALL INCLUDE A STATEMENT OF THE STANDARDS OF POPULATION DENSITY AND BUILDING INTENSITY RECOMMENDED FOR THE VARIOUS LAND-USE CATEGORIES COVERED BY THE PLAN.

LAWS OF ARIZONA

2. A CIRCULATION ELEMENT CONSISTING OF THE GENERAL LOCATION AND EXTENT OF EXISTING AND PROPOSED FREEWAYS, ARTERIAL AND COLLECTOR STREETS, AND ANY OTHER MODES OF TRANSPORTATION AS MAY BE APPROPRIATE, ALL CORRELATED WITH THE LAND-USE ELEMENT OF THE PLAN.

D. THE GENERAL PLAN SHALL INCLUDE FOR CITIES OVER FIFTY THOUSAND POPULATION AND MAY INCLUDE FOR CITIES LESS THAN FIFTY THOUSAND POPULATION THE FOLLOWING ELEMENTS OR ANY PART OR PHASE THEREOF:

1. A CONSERVATION ELEMENT FOR THE CONSERVATION, DEVELOPMENT AND UTILIZATION OF NATURAL RESOURCES, INCLUDING FORESTS, SOILS, RIVERS AND OTHER WATERS, HARBORS, FISHERIES, WILDLIFE, MINERALS AND OTHER NATURAL RESOURCES. THE CONSERVATION ELEMENT MAY ALSO COVER:

(a) THE RECLAMATION OF LAND.

(b) FLOOD CONTROL.

(c) PREVENTION AND CONTROL OF THE POLLUTION OF STREAMS AND OTHER WATERS.

(d) REGULATION OF THE USE OF LAND IN STREAM CHANNELS AND OTHER AREAS REQUIRED FOR THE ACCOMPLISHMENT OF THE CONSERVATION PLAN.

(e) PREVENTION, CONTROL AND CORRECTION OF THE EROSION OF SOILS, BEACHES AND SHORES.

(f) PROTECTION OF WATERSHEDS.

2. A RECREATION ELEMENT SHOWING A COMPREHENSIVE SYSTEM OF AREAS AND PUBLIC SITES FOR RECREATION, INCLUDING THE FOLLOWING AND, IF PRACTICABLE, THEIR LOCATIONS AND PROPOSED DEVELOPMENT:

(a) NATURAL RESERVATIONS.

(b) PARKS.

LAWS OF ARIZONA

- (c) PARKWAYS AND SCENIC DRIVES.
- (d) BEACHES.
- (e) PLAYGROUNDS AND PLAYFIELDS.
- (f) OPEN SPACE.
- (g) OTHER RECREATION AREAS.

3. THE CIRCULATION ELEMENT PROVIDED FOR IN SUBSECTION C, PARAGRAPH 2 OF THIS SECTION, SHALL ALSO INCLUDE FOR CITIES OVER FIFTY THOUSAND POPULATION AND MAY INCLUDE FOR CITIES LESS THAN FIFTY THOUSAND POPULATION RECOMMENDATIONS CONCERNING PARKING FACILITIES, BUILDING SETBACK REQUIREMENTS AND THE DELINEATIONS OF SUCH SYSTEMS ON THE LAND, A SYSTEM OF STREET NAMING, HOUSE AND BUILDING NUMBERING AND SUCH OTHER MATTERS AS MAY BE RELATED TO THE IMPROVEMENT OF CIRCULATION OF TRAFFIC. THE CIRCULATION ELEMENT MAY ALSO INCLUDE:

(a) A TRANSPORTATION ELEMENT SHOWING A COMPREHENSIVE TRANSPORTATION SYSTEM, INCLUDING LOCATIONS OF RIGHTS-OF-WAY, TERMINALS, VIADUCTS AND GRADE SEPARATIONS. THIS ELEMENT OF THE PLAN MAY ALSO INCLUDE PORT, HARBOR, AVIATION AND RELATED FACILITIES.

(b) A TRANSIT ELEMENT SHOWING A PROPOSED SYSTEM OF RAIL OR TRANSIT LINES OR SUCH OTHER MODE OF TRANSPORTATION AS MAY BE APPROPRIATE.

4. A PUBLIC SERVICES AND FACILITIES ELEMENT SHOWING GENERAL PLANS FOR SEWAGE, REFUSE DISPOSAL, DRAINAGE, LOCAL UTILITIES, RIGHTS-OF-WAY, EASEMENTS AND FACILITIES FOR THEM.

5. A PUBLIC BUILDINGS ELEMENT SHOWING LOCATIONS OF CIVIC AND COMMUNITY CENTERS, PUBLIC SCHOOLS, LIBRARIES, POLICE AND FIRE STATIONS, AND OTHER PUBLIC BUILDINGS.

6. A HOUSING ELEMENT CONSISTING OF STANDARDS AND PROGRAMS FOR THE ELIMINATION OF SUBSTANDARD DWELLING CONDITIONS, THE IMPROVEMENT OF HOUSING AND FOR

LAWS OF ARIZONA

PROVISION OF ADEQUATE SITES FOR HOUSING. THIS ELEMENT SHALL BE DESIGNED TO MAKE EQUAL PROVISION FOR THE HOUSING NEEDS OF ALL SEGMENTS OF THE COMMUNITY REGARDLESS OF RACE, COLOR, CREED OR ECONOMIC LEVEL.

7. A CONSERVATION, REHABILITATION AND REDEVELOPMENT ELEMENT CONSISTING OF PLANS AND PROGRAMS FOR THE ELIMINATION OF SLUMS AND BLIGHTED AREAS AND FOR COMMUNITY REDEVELOPMENT, INCLUDING HOUSING SITES, BUSINESS AND INDUSTRIAL SITES, PUBLIC BUILDING SITES AND FOR OTHER PURPOSES AUTHORIZED BY LAW.

8. A SAFETY ELEMENT FOR THE PROTECTION OF THE COMMUNITY FROM NATURAL AND MAN-MADE HAZARDS INCLUDING FEATURES NECESSARY FOR SUCH PROTECTION AS EVACUATION ROUTES, PEAK LOAD WATER SUPPLY REQUIREMENTS, MINIMUM ROAD WIDTHS ACCORDING TO FUNCTION, CLEARANCES AROUND STRUCTURES AND GEOLOGIC HAZARD MAPPING IN AREAS OF KNOWN GEOLOGIC HAZARDS.

E. DURING THE FORMULATION OF A GENERAL PLAN, THE PLANNING AGENCY SHALL SEEK MAXIMUM FEASIBLE PUBLIC PARTICIPATION FROM ALL GEOGRAPHIC, ETHNIC AND ECONOMIC AREAS OF THE MUNICIPALITY AND CONSULT AND ADVISE WITH PUBLIC OFFICIALS AND AGENCIES, PUBLIC UTILITY COMPANIES, CIVIC, EDUCATIONAL, PROFESSIONAL AND OTHER ORGANIZATIONS, AND CITIZENS GENERALLY TO THE END THAT MAXIMUM COORDINATION OF PLANS MAY BE SECURED AND PROPERLY LOCATED SITES FOR ALL PUBLIC PURPOSES MAY BE INDICATED ON THE GENERAL PLAN.

F. PRIOR TO THE ADOPTION OF A GENERAL PLAN, A PORTION OR ELEMENT THEREOF, THE AGENCY SHALL, AT LEAST SIXTY DAYS PRIOR TO THE ACTION, TRANSMIT THE PROPOSAL TO THE LEGISLATIVE BODY AND SUBMIT A REVIEW COPY FOR INFORMATION PURPOSES TO THE FOLLOWING:

1. THE PLANNING AGENCY OF THE COUNTY IN WHICH THE MUNICIPALITY IS LOCATED.

2. EACH COUNTY OR MUNICIPALITY WHICH IS CONTIGUOUS TO THE CORPORATE LIMITS OF THE MUNICIPALITY OR ITS AREA OF EXTRATERRITORIAL JURISDICTION.

LAWS OF ARIZONA

3. THE REGIONAL PLANNING AGENCY WITHIN WHICH THE MUNICIPALITY IS LOCATED.

4. THE OFFICE OF ECONOMIC PLANNING AND DEVELOPMENT OR ANY STATE AGENCY SUBSEQUENTLY DESIGNATED AS THE GENERAL PLANNING AGENCY FOR THE STATE.

9-461.06. Adoption of general plan

A. THE GENERAL PLAN AND ANY AMENDMENT TO SUCH PLAN SHALL BE ADOPTED IN THE MANNER PROVIDED IN THIS ARTICLE.

B. IF THE MUNICIPALITY HAS A PLANNING COMMISSION, THE PLANNING COMMISSION SHALL HOLD AT LEAST ONE PUBLIC HEARING BEFORE APPROVING A GENERAL PLAN OR ANY AMENDMENT TO SUCH PLAN. WHEN THE GENERAL PLAN OR ANY MAJOR AMENDMENT THERETO IS BEING ADOPTED, PLANNING COMMISSIONS IN MUNICIPALITIES HAVING POPULATIONS OVER 25,000 SHALL HOLD TWO OR MORE PUBLIC HEARINGS AT DIFFERENT LOCATIONS WITHIN THE MUNICIPALITY TO PROMOTE CITIZEN PARTICIPATION. NOTICE OF THE TIME AND PLACE OF A HEARING AND AVAILABILITY OF STUDIES AND SUMMARIES RELATED THERETO SHALL BE GIVEN AT LEAST FIFTEEN AND NOT MORE THAN THIRTY CALENDAR DAYS BEFORE THE HEARING BY:

1. PUBLICATION AT LEAST ONCE IN A NEWSPAPER OF GENERAL CIRCULATION PUBLISHED OR CIRCULATED IN THE MUNICIPALITY, OR IF THERE IS NONE, THE NOTICE SHALL BE POSTED IN AT LEAST TEN PUBLIC PLACES IN THE MUNICIPALITY.

2. SUCH OTHER MANNER IN ADDITION TO PUBLICATION AS THE MUNICIPALITY MAY DEEM NECESSARY OR DESIRABLE.

C. ACTION BY THE PLANNING COMMISSION ON THE GENERAL PLAN OR ANY AMENDMENT TO THE PLAN SHALL BE TRANSMITTED TO THE LEGISLATIVE BODY OF THE MUNICIPALITY.

D. BEFORE ADOPTING THE GENERAL PLAN, OR ANY AMENDMENT TO IT, THE MUNICIPAL LEGISLATIVE BODY SHALL HOLD AT LEAST ONE PUBLIC HEARING. NOTICE OF THE TIME AND PLACE OF THE HEARING SHALL BE GIVEN IN THE TIME AND

LAWS OF ARIZONA

MANNER PROVIDED FOR THE GIVING OF NOTICE OF THE HEARING BY THE PLANNING COMMISSION AS SPECIFIED IN SUBSECTION B.

E. THE ADOPTION OF THE GENERAL PLAN OR ANY AMENDMENT TO SUCH PLAN SHALL BE BY RESOLUTION OF THE LEGISLATIVE BODY OF THE MUNICIPALITY, AFTER NOTICE AS PROVIDED FOR IN SUBSECTION B. THE GENERAL PLAN, OR ANY AMENDMENT TO THE PLAN, SHALL BE ENDORSED IN THE MANNER PROVIDED BY THE LEGISLATIVE BODY TO SHOW THAT IT HAS BEEN ADOPTED BY THE LEGISLATIVE BODY.

F. IF THE MUNICIPALITY DOES NOT HAVE A PLANNING COMMISSION, THE ONLY PROCEDURAL STEPS REQUIRED FOR THE ADOPTION OF THE GENERAL PLAN, OR ANY AMENDMENT TO SUCH PLAN, SHALL BE THOSE PROVIDED IN THIS ARTICLE FOR ACTION BY THE LEGISLATIVE BODY.

G. A COPY OF THE ADOPTED GENERAL PLAN OF A MUNICIPALITY SHALL BE SENT TO THE PLANNING AGENCY OF THE COUNTY WITHIN WHICH THE MUNICIPALITY IS LOCATED, AND SUCH PLAN OR ANY PORTION THEREOF MAY BE ADOPTED AS A PART OF THE COUNTY GENERAL PLAN.

9-461.07. **Administration of general plan**

A. AFTER THE MUNICIPAL LEGISLATIVE BODY HAS ADOPTED A GENERAL PLAN, OR AMENDMENT THERETO, THE PLANNING AGENCY SHALL UNDERTAKE THE FOLLOWING ACTIONS TO ENCOURAGE EFFECTUATION OF THE PLAN:

1. INVESTIGATE AND MAKE RECOMMENDATIONS TO THE LEGISLATIVE BODY UPON REASONABLE AND PRACTICAL MEANS FOR PUTTING INTO EFFECT THE GENERAL PLAN OR PART THEREOF IN ORDER THAT IT WILL SERVE AS A PATTERN AND GUIDE FOR THE ORDERLY GROWTH AND DEVELOPMENT OF THE MUNICIPALITY AND AS A BASIS FOR THE EFFICIENT EXPENDITURE OF ITS FUNDS RELATING TO THE SUBJECTS OF THE GENERAL PLAN. THE MEASURES RECOMMENDED MAY INCLUDE PLANS, REGULATIONS, FINANCIAL REPORTS AND CAPITAL BUDGETS.

2. RENDER AN ANNUAL REPORT TO THE LEGISLATIVE BODY

LAWS OF ARIZONA

ON THE STATUS OF THE PLAN AND PROGRESS IN ITS APPLICATION.

3. ENDEAVOR TO PROMOTE PUBLIC INTEREST IN AND UNDERSTANDING OF THE GENERAL PLAN AND REGULATIONS RELATING TO IT.

4. CONSULT AND ADVISE WITH PUBLIC OFFICIALS AND AGENCIES, PUBLIC UTILITY COMPANIES, CIVIC, EDUCATIONAL, PROFESSIONAL AND OTHER ORGANIZATIONS AND CITIZENS GENERALLY WITH RELATION TO CARRYING OUT THE GENERAL PLAN.

B. UPON ADOPTION OF A GENERAL PLAN OR PART THEREOF, EACH MUNICIPAL OFFICER, DEPARTMENT, BOARD OR COMMISSION, AND EACH GOVERNMENTAL BODY, COMMISSION OR BOARD WHOSE JURISDICTION LIES ENTIRELY OR PARTIALLY WITHIN THE MUNICIPALITY, WHOSE FUNCTIONS INCLUDE RECOMMENDING, PREPARING PLANS FOR OR CONSTRUCTING MAJOR PUBLIC WORKS, SHALL SUBMIT TO AN AGENCY, AS DESIGNATED BY THE RESPECTIVE MUNICIPAL LEGISLATIVE BODY, A LIST OF THE PROPOSED PUBLIC WORKS LOCATED ENTIRELY OR PARTIALLY WITHIN THE MUNICIPALITY RECOMMENDED FOR PLANNING, INITIATION OR CONSTRUCTION DURING THE ENSUING FISCAL YEAR. THE AGENCY SHALL LIST AND CLASSIFY ALL SUCH RECOMMENDATIONS AND SHALL PREPARE A COORDINATED PROGRAM OF PROPOSED PUBLIC WORKS FOR THE ENSUING FISCAL YEAR. SUCH COORDINATED PROGRAM SHALL BE SUBMITTED TO THE MUNICIPAL PLANNING AGENCY FOR REVIEW AND REPORT TO SUCH AGENCY AS TO CONFORMITY WITH THE ADOPTED GENERAL PLAN OR PART THEREOF.

C. NO PUBLIC REAL PROPERTY MAY BE ACQUIRED BY DEDICATION OR OTHERWISE FOR STREET, SQUARE, PARK OR OTHER PUBLIC PURPOSES, NO PUBLIC REAL PROPERTY MAY BE DISPOSED OF, NO PUBLIC STREET MAY BE VACATED OR ABANDONED AND NO PUBLIC BUILDING OR STRUCTURE MAY BE CONSTRUCTED OR AUTHORIZED, IF AN ADOPTED GENERAL PLAN OR PART THEREOF APPLIES THERETO, UNTIL THE LOCATION, PURPOSE AND EXTENT OF SUCH ACQUISITION OR DISPOSITION, SUCH STREET VACATION OR ABANDONMENT, OR SUCH PUBLIC BUILDING OR STRUCTURE HAVE BEEN SUBMITTED TO

LAWS OF ARIZONA

AND REPORTED UPON BY THE PLANNING AGENCY AS TO CONFORMITY WITH SUCH ADOPTED GENERAL PLAN OR PART THEREOF. THE PLANNING AGENCY SHALL RENDER ITS REPORT AS TO CONFORMITY WITH SUCH ADOPTED GENERAL PLAN OR PART THEREOF WITHIN FORTY DAYS AFTER THE MATTER WAS SUBMITTED TO IT. THE PROVISIONS OF THIS SUBSECTION DO NOT APPLY TO ACQUISITIONS OR ABANDONMENTS FOR STREET WIDENING OR ALIGNMENT PROJECTS OF A MINOR NATURE IF THE LEGISLATIVE BODY SO PROVIDES BY ORDINANCE OR RESOLUTION.

9-461.08. Authority, scope of specific plans

A. THE PLANNING AGENCY MAY, OR IF SO DIRECTED BY THE LEGISLATIVE BODY SHALL, PREPARE SPECIFIC PLANS BASED ON THE GENERAL PLAN AND DRAFTS OF SUCH REGULATIONS, PROGRAMS AND LEGISLATION AS MAY IN THE JUDGMENT OF THE AGENCY BE REQUIRED FOR THE SYSTEMATIC EXECUTION OF THE GENERAL PLAN. THE PLANNING AGENCY MAY RECOMMEND SUCH PLANS AND MEASURES TO THE LEGISLATIVE BODY FOR ADOPTION.

B. SPECIFIC PLANS MAY, IN ADDITION TO RECOMMENDED ZONING ORDINANCES AND SUBDIVISION REGULATIONS, INCLUDE:

1. REGULATIONS DETERMINING THE LOCATION OF BUILDINGS AND OTHER IMPROVEMENTS WITH RESPECT TO EXISTING RIGHTS-OF-WAY, FLOOD PLAINS AND PUBLIC FACILITIES.
2. REGULATIONS OF THE USE OF LAND, BUILDINGS AND STRUCTURES, THE HEIGHT AND BULK OF BUILDINGS AND STRUCTURES AND THE OPEN SPACES ABOUT BUILDINGS AND STRUCTURES.
3. STREET AND HIGHWAY NAMING AND NUMBERING PLANS IN ORDER TO ESTABLISH THE OFFICIAL NAMES OF STREETS AND HIGHWAYS, TO REMOVE CONFLICTS, DUPLICATION AND UNCERTAINTY AMONG SUCH NAMES, AND TO PROVIDE AN ORDERLY SYSTEM FOR THE NUMBERING OF BUILDINGS AND PROPERTIES.
4. MEASURES REQUIRED TO INSURE THE EXECUTION OF THE GENERAL PLAN.

LAWS OF ARIZONA

5. OTHER MATTERS WHICH WILL ACCOMPLISH THE PURPOSES OF THIS ARTICLE, INCLUDING PROCEDURES FOR THE ADMINISTRATION OF SUCH REGULATIONS.

9-461.09. Procedure for adoption of specific plans and regulations

A. IF A MUNICIPALITY HAS A PLANNING COMMISSION, THE PLANNING COMMISSION SHALL HOLD AT LEAST ONE PUBLIC HEARING ON A SPECIFIC PLAN OR REGULATION PRIOR TO ANY HEARING BY THE LEGISLATIVE BODY. NOTICE OF THE TIME AND PLACE OF SUCH HEARING SHALL BE GIVEN AT LEAST FIFTEEN AND NOT MORE THAN THIRTY CALENDAR DAYS BEFORE THE HEARING BY:

1. PUBLICATION AT LEAST ONCE IN A NEWSPAPER OF GENERAL CIRCULATION PUBLISHED OR CIRCULATED IN THE MUNICIPALITY, OR IF THERE IS NONE, BY POSTING IN AT LEAST TEN PUBLIC PLACES IN THE MUNICIPALITY.

2. SUCH OTHER MANNER IN ADDITION TO PUBLICATION AS THE MUNICIPALITY MAY DEEM NECESSARY OR DESIRABLE.

B. A COPY OF ANY SPECIFIC PLAN, REGULATION OR AMENDMENT TOGETHER WITH THE RECOMMENDATION OF THE PLANNING COMMISSION SHALL BE SUBMITTED TO THE LEGISLATIVE BODY ACCOMPANIED BY A STATEMENT OF THE PLANNING COMMISSION'S REASONS FOR SUCH RECOMMENDATION.

C. UPON RECEIPT OF A COPY OF ANY PROPOSED SPECIFIC PLAN, REGULATION OR AMENDMENT OF SUCH PLAN OR REGULATION, THE LEGISLATIVE BODY MAY BY ORDINANCE OR RESOLUTION ADOPT THE PLAN OR REGULATION. BEFORE ADOPTING THE PROPOSED SPECIFIC PLAN OR REGULATION, THE LEGISLATIVE BODY SHALL HOLD AT LEAST ONE PUBLIC HEARING. NOTICE OF THE TIME AND PLACE OF SUCH HEARING SHALL BE GIVEN IN THE TIME AND MANNER PROVIDED FOR THE GIVING OF NOTICE OF THE HEARING BY THE PLANNING COMMISSION AS PROVIDED IN SUBSECTION A. THE SPECIFIC PLAN OR REGULATION, AS ADOPTED, SHALL BE DESIGNATED AS A SPECIFIC PLAN OR REGULATION.

D. IF THE MUNICIPALITY DOES NOT HAVE A PLANNING COMMISSION, THE ONLY PROCEDURAL STEPS REQUIRED FOR THE ADOPTION OF A SPECIFIC PLAN, REGULATION OR ANY AMEND-

LAWS OF ARIZONA

MENT TO A SPECIFIC PLAN OR REGULATION ARE THOSE PROVIDED IN THIS ARTICLE FOR ACTION BY THE LEGISLATIVE BODY.

9-461.10. **Administration of specific plans and regulations**

A. THE LEGISLATIVE BODY SHALL DETERMINE AND ESTABLISH ADMINISTRATIVE RULES AND PROCEDURES FOR THE APPLICATION AND ENFORCEMENT OF SPECIFIC PLANS AND REGULATIONS.

B. THE LEGISLATIVE BODY MAY ASSIGN OR DELEGATE ADMINISTRATIVE POWERS AND DUTIES TO THE PLANNING AGENCY OR ANY OTHER AGENCY, AS NECESSARY, AND MAY CREATE ADMINISTRATIVE AGENCIES, PROVIDE FOR OTHER OFFICIALS AND FOR FUNDS FOR THE COMPENSATION OF SUCH OFFICERS, EMPLOYEES AND AGENCIES AND FOR THE SUPPORT OF THEIR WORK.

C. NO STREET MAY BE IMPROVED AND NO SEWERS OR CONNECTIONS OR IMPROVEMENTS MAY BE LAID OR AUTHORIZED IN ANY STREET WITHIN ANY TERRITORY FOR WHICH THE LEGISLATIVE BODY HAS ADOPTED A SPECIFIC STREET OR HIGHWAY PLAN UNTIL THE MATTER HAS BEEN REFERRED TO THE PLANNING AGENCY FOR A REPORT AS TO CONFORMITY WITH THE SPECIFIC STREET OR HIGHWAY PLAN AND A COPY OF THE REPORT HAS BEEN FILED WITH THE LEGISLATIVE BODY, UNLESS ONE OF THE FOLLOWING CONDITIONS APPLIES:

1. THE STREET HAS BEEN ACCEPTED, OPENED OR HAS OTHERWISE RECEIVED THE LEGAL STATUS OF A PUBLIC STREET PRIOR TO THE ADOPTION OF THE PLAN.
2. THE STREET CORRESPONDS WITH STREETS SHOWN ON THE PLAN.
3. THE STREET CORRESPONDS WITH STREETS SHOWN ON A SUBDIVISION MAP OR RECORD OR SURVEY APPROVED BY THE LEGISLATIVE BODY.
4. THE STREET CORRESPONDS WITH STREETS SHOWN ON A SUBDIVISION MAP PREVIOUSLY APPROVED BY THE PLANNING COMMISSION.

LAWS OF ARIZONA

THE REPORT SHALL BE SUBMITTED TO THE LEGISLATIVE BODY WITHIN FORTY DAYS AFTER THE MATTER WAS REFERRED TO THE PLANNING AGENCY.

9-461.11. **Extraterritorial jurisdiction**

A. IN ANY COUNTY NOT HAVING A COUNTY PLANNING AGENCY WITH JURISDICTION IN THE UNINCORPORATED TERRITORY, THE LEGISLATIVE BODY OF ANY MUNICIPALITY MAY EXERCISE THE PLANNING POWERS GRANTED IN THIS ARTICLE BOTH TO TERRITORY WITHIN ITS CORPORATE LIMITS AND TO THAT WHICH EXTENDS A DISTANCE OF THREE CONTIGUOUS MILES IN ALL DIRECTIONS OF ITS CORPORATE LIMITS AND IS NOT LOCATED IN A MUNICIPALITY. ANY ORDINANCE INTENDED TO HAVE APPLICATION BEYOND THE CORPORATE LIMITS OF THE MUNICIPALITY SHALL EXPRESSLY STATE THE INTENTION OF SUCH APPLICATIONS. SUCH ORDINANCE SHALL BE ADOPTED IN ACCORDANCE WITH THE PROVISIONS SET FORTH THEREIN.

B. THE EXTRATERRITORIAL JURISDICTION OF TWO OR MORE MUNICIPALITIES WHOSE TERRITORIAL BOUNDARIES ARE LESS THAN SIX MILES APART TERMINATES AT A BOUNDARY LINE EQUIDISTANT FROM THE RESPECTIVE CORPORATE LIMITS OF SUCH MUNICIPALITIES, OR AT SUCH LINE AS IS AGREED TO BY THE LEGISLATIVE BODIES OF THE RESPECTIVE MUNICIPALITIES.

C. AS A PREREQUISITE TO THE EXERCISE OF EXTRATERRITORIAL JURISDICTION, THE MEMBERSHIP OF THE PLANNING AGENCY CHARGED WITH THE PREPARATION OR ADMINISTRATION OF PROPOSED COMPREHENSIVE PLANNING FOR THE AREA OF EXTRATERRITORIAL JURISDICTION SHALL BE INCREASED TO INCLUDE AT LEAST TWO ADDITIONAL MEMBERS TO REPRESENT THE UNINCORPORATED AREA. ANY ADDITIONAL MEMBER SHALL BE A RESIDENT OF THE THREE MILE AREA OUTSIDE THE CORPORATE LIMITS AND BE APPOINTED BY THE LEGISLATIVE BODY OF THE COUNTY WHEREIN THE UNINCORPORATED AREA IS SITUATED. ANY SUCH MEMBER SHALL HAVE EQUAL RIGHTS, PRIVILEGES AND DUTIES WITH OTHER MEMBERS OF THE PLANNING AGENCY IN ALL MATTERS PERTAINING TO THE PLANS AND REGULATIONS OF THE UNINCORPORATED AREA IN WHICH THEY RESIDE BOTH IN PREPARATION OF THE ORIGINAL PLANS AND REGULATIONS AND IN CONSIDERATION OF ANY PROPOSED AMENDMENTS TO SUCH PLANS AND REGULATIONS.

LAWS OF ARIZONA

D. ANY MUNICIPAL LEGISLATIVE BODY EXERCISING THE POWERS GRANTED BY THIS SECTION MAY PROVIDE FOR THE ENFORCEMENT OF ITS REGULATIONS FOR THE AREA OF EXTRA-TERRITORIAL JURISDICTION IN THE SAME MANNER AS THE REGULATIONS FOR THE AREA WITHIN THE MUNICIPALITY ARE ENFORCED.

9-461.12. **Joint action; cooperation with state agencies**

A. MUNICIPAL AND COUNTY PLANNING COMMISSIONS MAY UPON APPROVAL OF THEIR RESPECTIVE LEGISLATIVE BODIES HOLD JOINT MEETINGS CONCERNING MATTERS AND PROBLEMS WHICH ARE COMMON OR IMPACTING UPON SUCH JURISDICTIONS.

B. COUNTIES AND MUNICIPAL PLANNING COMMISSIONS, OR ANY COMBINATION THEREOF, MAY MAKE COOPERATIVE ARRANGEMENTS FOR A JOINT DIRECTOR OF PLANNING, FOR SUCH OTHER EMPLOYEES AS MAY BE REQUIRED TO OPERATE A JOINT STAFF AND MAY CONTRACT TO RENDER TECHNICAL SERVICE TO ANOTHER COMMISSION IN THE SAME AREA. SUCH ARRANGEMENTS OR CONTRACTS SHALL BE APPROVED BY THE LEGISLATIVE BODIES HAVING JURISDICTION THEREOF.

C. STATE DEPARTMENTS, AGENCIES, BOARDS, COMMISSIONS OR ANY POLITICAL SUBDIVISION INTENDING TO ACQUIRE, DISPOSE OF, OR CONSTRUCT UPON ANY REAL PROPERTY WITHIN A MUNICIPALITY SHALL, PRIOR TO SUCH ACQUISITION, DISPOSAL, OR CONSTRUCTION, NOTIFY THE AFFECTED MUNICIPALITY AND COOPERATE TO THE FULLEST EXTENT POSSIBLE TO INSURE CONFORMITY WITH THE ADOPTED GENERAL PLAN OR PART THEREOF.

ARTICLE 6.1. MUNICIPAL ZONING

9-462. **Definitions; general provisions concerning evidence**

A. IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "BOARD OF ADJUSTMENT" MEANS THE OFFICIAL BODY DESIGNATED BY LOCAL ORDINANCE TO HEAR AND DECIDE APPLICATIONS FOR VARIANCES FROM THE TERMS OF THE

LAWS OF ARIZONA

ZONING ORDINANCE AND APPEALS FROM THE DECISION OF THE ZONING ADMINISTRATOR.

2. "MUNICIPAL" OR "MUNICIPALITY" MEANS AN INCORPORATED CITY OR TOWN.

3. "PLANNING AGENCY" MEANS THE OFFICIAL BODY DESIGNATED BY LOCAL ORDINANCE TO CARRY OUT THE PURPOSES OF THIS ARTICLE AND MAY BE A PLANNING DEPARTMENT, A PLANNING COMMISSION, THE LEGISLATIVE BODY ITSELF OR ANY COMBINATION THEREOF.

4. "ZONING ADMINISTRATOR" MEANS THE OFFICIAL RESPONSIBLE FOR ENFORCEMENT OF THE ZONING ORDINANCE.

5. "ZONING ORDINANCE" MEANS A MUNICIPAL ORDINANCE REGULATING THE USE OF THE LAND OR STRUCTURES, OR BOTH, AS PROVIDED IN THIS ARTICLE.

B. FORMAL RULES OF EVIDENCE OR PROCEDURE WHICH MUST BE FOLLOWED IN COURT SHALL NOT BE APPLIED IN ZONING MATTERS, EXCEPT TO THE EXTENT THAT A MUNICIPALITY MAY PROVIDE THEREFOR.

9-462.01. **Zoning regulations**

A. PURSUANT TO THE PROVISIONS OF THIS ARTICLE, THE LEGISLATIVE BODY OF ANY MUNICIPALITY BY ORDINANCE MAY:

1. REGULATE THE USE OF BUILDINGS, STRUCTURES AND LAND AS BETWEEN AGRICULTURE, RESIDENCE, INDUSTRY, BUSINESS AND OTHER PURPOSES.

2. REGULATE SIGNS AND BILLBOARDS.

3. REGULATE LOCATION, HEIGHT, BULK, NUMBER OF STORIES AND SIZE OF BUILDINGS AND STRUCTURES, THE SIZE AND USE OF LOTS, YARDS, COURTS AND OTHER OPEN SPACES, THE PERCENTAGE OF A LOT WHICH MAY BE OCCUPIED BY A BUILDING OR STRUCTURE, AND THE INTENSITY OF LAND USE.

4. ESTABLISH REQUIREMENTS FOR OFF-STREET PARKING AND LOADING.

LAWS OF ARIZONA

5. ESTABLISH AND MAINTAIN BUILDING SETBACK LINES.
6. CREATE CIVIC DISTRICTS AROUND CIVIC CENTERS, PUBLIC PARKS, PUBLIC BUILDINGS OR PUBLIC GROUNDS AND ESTABLISH REGULATIONS THEREFOR.
7. REQUIRE AS A CONDITION OF RE-ZONING PUBLIC DEDICATION OF RIGHTS-OF-WAY, AS STREETS, ALLEYS, PUBLIC WAYS, DRAINAGE AND PUBLIC UTILITIES AS ARE REASONABLY REQUIRED BY OR RELATED TO THE EFFECT OF THE RE-ZONING.
8. ESTABLISH FLOODPLAIN ZONING DISTRICTS AND REGULATIONS TO PROTECT LIFE AND PROPERTY FROM THE HAZARDS OF PERIODIC INUNDATION. REGULATIONS MAY INCLUDE VARIABLE LOT SIZES, SPECIAL GRADING OR DRAINAGE REQUIREMENTS, OR OTHER REQUIREMENTS DEEMED NECESSARY FOR THE PUBLIC HEALTH, SAFETY OR GENERAL WELFARE.
9. ESTABLISH SPECIAL ZONING DISTRICTS OR REGULATIONS FOR CERTAIN LANDS CHARACTERIZED BY ADVERSE TOPOGRAPHY, ADVERSE SOILS, SUBSIDENCE OF THE EARTH, HIGH WATER TABLE, LACK OF WATER OR OTHER NATURAL OR MAN-MADE HAZARDS TO LIFE OR PROPERTY. REGULATIONS MAY INCLUDE VARIABLE LOT SIZES, SPECIAL GRADING OR DRAINAGE REQUIREMENTS, OR OTHER REQUIREMENTS DEEMED NECESSARY FOR THE PUBLIC HEALTH, SAFETY OR GENERAL WELFARE.
10. ESTABLISH DISTRICTS OF HISTORICAL SIGNIFICANCE PROVIDED THAT:
 - (a) SUCH ORDINANCES MAY REQUIRE THAT SPECIAL PERMISSION BE OBTAINED FOR ANY DEVELOPMENT WITHIN SUCH DISTRICT IF THE LEGISLATIVE BODY HAS ADOPTED A PLAN FOR THE PRESERVATION OF DISTRICTS OF HISTORICAL SIGNIFICANCE WHICH MEETS THE REQUIREMENTS OF SUBDIVISION (b) OF THIS SUBSECTION, AND THE CRITERIA CONTAINED IN THE ORDINANCE IS CONSISTENT WITH THE OBJECTIVES SET FORTH IN THE PLAN.
 - (b) A PLAN FOR THE PRESERVATION OF DISTRICTS OF HISTORICAL SIGNIFICANCE SHALL IDENTIFY DISTRICTS OF SPECIAL HISTORICAL SIGNIFICANCE, STATE THE OBJECTIVES TO

LAWS OF ARIZONA

BE SOUGHT CONCERNING THE DEVELOPMENT OR PRESERVATION OF SITES, AREA AND STRUCTURES WITHIN THE DISTRICT, AND FORMULATE A PROGRAM FOR PUBLIC ACTION INCLUDING THE PROVISION OF PUBLIC FACILITIES AND THE REGULATION OF PRIVATE DEVELOPMENT AND DEMOLITION NECESSARY TO REALIZE THESE OBJECTIVES.

(c) THE ORDINANCE ESTABLISHING DISTRICTS OF HISTORICAL SIGNIFICANCE SHALL SET FORTH STANDARDS NECESSARY TO PRESERVE THE HISTORICAL CHARACTER OF THE AREA SO DESIGNATED.

(d) SUCH ORDINANCES MAY DESIGNATE OR AUTHORIZE ANY COMMITTEE, COMMISSION, DEPARTMENT OR PERSON TO DESIGNATE STRUCTURES OR SITES OF SPECIAL HISTORICAL SIGNIFICANCE IN ACCORDANCE WITH CRITERIA CONTAINED IN THE ORDINANCE, AND NO DESIGNATION SHALL BE MADE EXCEPT AFTER A PUBLIC HEARING UPON NOTICE OF THE OWNERS OF RECORD OF THE PROPERTY SO DESIGNATED. SUCH ORDINANCES MAY REQUIRE THAT SPECIAL PERMISSION BE OBTAINED FOR ANY DEVELOPMENT RESPECTING THE STRUCTURES OR SITES.

B. FOR SUCH PURPOSES THE LEGISLATIVE BODY MAY DIVIDE A MUNICIPALITY, OR PORTION THEREOF, INTO ZONES OF THE NUMBER, SHAPE AND AREA IT DEEMS BEST SUITED TO CARRY OUT THE PURPOSE OF THIS ARTICLE AND ARTICLES 6, 6.2 AND 6.3 OF THIS CHAPTER.

C. ALL ZONING REGULATIONS SHALL BE UNIFORM FOR EACH CLASS OR KIND OF BUILDING OR USE OF LAND THROUGHOUT EACH ZONE, BUT THE REGULATIONS IN ONE TYPE OF ZONE MAY DIFFER FROM THOSE IN OTHER TYPES OF ZONES:

1. WITHIN INDIVIDUAL ZONES, THERE MAY BE USES PERMITTED ON A CONDITIONAL BASIS WHEREIN ADDITIONAL REQUIREMENTS MUST BE MET, SUCH AS, BUT NOT LIMITED TO, REQUIRING SITE PLAN REVIEW AND APPROVAL BY THE PLANNING AGENCY. SUCH CONDITIONAL USES ARE GENERALLY CHARACTERIZED BY: INFREQUENCY OF USE, HIGH DEGREE OF TRAFFIC GENERATION OR REQUIREMENT OF LARGE LAND AREA.

LAWS OF ARIZONA

2. WITHIN RESIDENTIAL ZONES, THE REGULATIONS MAY PERMIT MODIFICATIONS TO MINIMUM YARD LOT AREA AND HEIGHT REQUIREMENTS.

D. THE LEGISLATIVE BODY MAY APPROVE A CHANGE OF ZONE CONDITIONED UPON A SCHEDULE FOR DEVELOPMENT OF THE SPECIFIC USE OR USES FOR WHICH REZONING IS REQUESTED. IF AT THE EXPIRATION OF THIS PERIOD THE PROPERTY HAS NOT BEEN IMPROVED FOR THE USE FOR WHICH IT WAS CONDITIONALLY APPROVED, IT SHALL REVERT TO ITS FORMER ZONING CLASSIFICATION WITHOUT LEGISLATIVE ACTION.

E. ALL ZONING ORDINANCES OR REGULATIONS ADOPTED UNDER THIS ARTICLE SHALL BE CONSISTENT WITH THE ADOPTED GENERAL AND SPECIFIC PLANS OF THE MUNICIPALITY, IF ANY, AS ADOPTED UNDER ARTICLE 6.

9-462.02. Nonconformance to regulations

THE MUNICIPALITY MAY ACQUIRE BY PURCHASE OR CONDEMNATION PRIVATE PROPERTY FOR THE REMOVAL OF NONCONFORMING USES AND STRUCTURES. THE ELIMINATION OF SUCH NONCONFORMING USES AND STRUCTURES IN A ZONED DISTRICT IS FOR A PUBLIC PURPOSE. NOTHING IN AN ORDINANCE OR REGULATION AUTHORIZED BY THIS ARTICLE SHALL AFFECT EXISTING PROPERTY OR THE RIGHT TO ITS CONTINUED USE FOR THE PURPOSE USED AT THE TIME THE ORDINANCE OR REGULATION TAKES EFFECT, NOR TO ANY REASONABLE REPAIRS OR ALTERATIONS IN BUILDINGS OR PROPERTY USED FOR SUCH EXISTING PURPOSE.

9-462.03. Amendment procedure

A ZONING ORDINANCE WHICH CHANGES ANY PROPERTY FROM ONE ZONE TO ANOTHER, IMPOSES ANY REGULATION NOT PREVIOUSLY IMPOSED OR WHICH REMOVES OR MODIFIES ANY SUCH REGULATION PREVIOUSLY IMPOSED SHALL BE ADOPTED IN THE MANNER SET FORTH IN SECTION 9-462.04.

9-462.04. Public hearing required

A. IF THE MUNICIPALITY HAS A PLANNING COMMISSION, THE PLANNING COMMISSION SHALL HOLD A PUBLIC HEARING ON

LAWS OF ARIZONA

ANY ZONING ORDINANCE. NOTICE OF THE TIME AND PLACE OF THE HEARING INCLUDING A GENERAL EXPLANATION OF THE MATTER TO BE CONSIDERED AND INCLUDING A GENERAL DESCRIPTION OF THE AREA AFFECTED SHALL BE GIVEN AT LEAST FIFTEEN DAYS BEFORE THE HEARING IN THE FOLLOWING MANNER:

1. THE NOTICE SHALL BE PUBLISHED AT LEAST ONCE IN A NEWSPAPER OF GENERAL CIRCULATION, PUBLISHED OR CIRCULATED IN THE MUNICIPALITY, OR IF THERE IS NONE, IT SHALL BE POSTED ON THE AFFECTED PROPERTY IN SUCH A MANNER AS TO BE LEGIBLE FROM THE PUBLIC RIGHT-OF-WAY AND IN AT LEAST TEN PUBLIC PLACES IN THE MUNICIPALITY. A POSTED NOTICE SHALL BE PRINTED SO THAT THE FOLLOWING ARE VISIBLE FROM A DISTANCE OF ONE HUNDRED FEET: THE WORD "ZONING," THE PRESENT ZONING DISTRICT CLASSIFICATION, THE PROPOSED ZONING DISTRICT CLASSIFICATION, THE DATE AND TIME OF THE HEARING.

2. IN PROCEEDINGS INVOLVING REZONING OF LAND WHICH ABUTS OTHER MUNICIPALITIES OR UNINCORPORATED AREAS OF THE COUNTY OR A COMBINATION THEREOF, COPIES OF THE NOTICE OF PUBLIC HEARING SHALL BE TRANSMITTED TO THE PLANNING AGENCY OF SUCH GOVERNMENTAL UNIT ABUTTING SUCH LAND. IN ADDITION TO NOTICE BY PUBLICATION, A MUNICIPALITY MAY GIVE NOTICE OF THE HEARING IN SUCH OTHER MANNER AS IT MAY DEEM NECESSARY OR DESIRABLE.

B. AFTER THE HEARING, THE PLANNING COMMISSION SHALL RENDER ITS DECISION IN THE FORM OF A WRITTEN RECOMMENDATION TO THE LEGISLATIVE BODY. THE RECOMMENDATION SHALL INCLUDE THE REASONS FOR THE RECOMMENDATION AND BE TRANSMITTED TO THE LEGISLATIVE BODY IN SUCH FORM AND MANNER AS MAY BE SPECIFIED BY THE LEGISLATIVE BODY.

C. IF THE PLANNING COMMISSION HAS HELD A PUBLIC HEARING, THE GOVERNING BODY MAY ADOPT THE RECOMMENDATIONS OF PLANNING COMMISSION WITHOUT HOLDING A SECOND PUBLIC HEARING IF THERE IS NO OBJECTION, REQUEST FOR PUBLIC HEARING, OR OTHER PROTEST. THE GOVERNING BODY SHALL HOLD A PUBLIC HEARING IF REQUESTED BY THE PARTY AGGRIEVED OR ANY MEMBER OF THE PUBLIC OR OF THE

LAWS OF ARIZONA

GOVERNING BODY, OR, IN ANY CASE, IF NO PUBLIC HEARING HAS BEEN HELD BY THE ZONING COMMISSION. NOTICE OF THE TIME AND PLACE OF THE HEARING SHALL BE GIVEN IN THE TIME AND MANNER PROVIDED FOR THE GIVING OF NOTICE OF THE HEARING BY THE PLANNING COMMISSION AS SPECIFIED IN SUBSECTION A. IN ADDITION A MUNICIPALITY MAY GIVE NOTICE OF THE HEARING IN SUCH OTHER MANNER AS IT MAY DEEM NECESSARY OR DESIRABLE.

D. A MUNICIPALITY MAY ENACT AN ORDINANCE AUTHORIZING COUNTY ZONING TO CONTINUE IN EFFECT UNTIL MUNICIPAL ZONING IS APPLIED TO LAND PREVIOUSLY ZONED BY THE COUNTY AND ANNEXED BY THE MUNICIPALITY, BUT IN NO EVENT FOR LONGER THAN SIX MONTHS AFTER THE ANNEXATION.

E. A MUNICIPALITY IS NOT REQUIRED TO ADOPT A GENERAL PLAN PRIOR TO THE ADOPTION OF A ZONING ORDINANCE.

F. IF THERE IS NO MUNICIPAL PLANNING COMMISSION, THE LEGISLATIVE BODY OF THE MUNICIPALITY SHALL PERFORM THE FUNCTIONS OF THE PLANNING COMMISSION.

G. IF THE OWNERS OF TWENTY PER CENT OR MORE EITHER OF THE AREA OF THE LOTS INCLUDED IN A PROPOSED CHANGE, OR OF THOSE IMMEDIATELY ADJACENT IN THE REAR OR ANY SIDE THEREOF EXTENDING ONE HUNDRED AND FIFTY FEET THEREFROM, OR OF THOSE DIRECTLY OPPOSITE THERETO EXTENDING ONE HUNDRED AND FIFTY FEET FROM THE STREET FRONTAGE OF THE OPPOSITE LOTS, FILE A PROTEST IN WRITING AGAINST A PROPOSED AMENDMENT, IT SHALL NOT BECOME EFFECTIVE EXCEPT BY THE FAVORABLE VOTE OF THREE-FOURTHS OF ALL MEMBERS OF THE GOVERNING BODY OF THE MUNICIPALITY. IF ANY MEMBERS OF THE GOVERNING BODY ARE UNABLE TO VOTE ON SUCH A QUESTION BECAUSE OF A CONFLICT OF INTEREST, THEN THE REQUIRED NUMBER OF VOTES FOR PASSAGE OF THE QUESTION SHALL BE THREE-FOURTHS OF THE REMAINING MEMBERSHIP OF THE GOVERNING BODY, PROVIDED THAT SUCH REQUIRED NUMBER OF VOTES SHALL IN NO EVENT BE LESS THAN A MAJORITY OF THE FULL MEMBERSHIP OF THE LEGALLY ESTABLISHED GOVERNING BODY.

9-462.05. **Enforcement**

LAWS OF ARIZONA

A. THE LEGISLATIVE BODY OF A MUNICIPALITY HAS AUTHORITY TO ENFORCE ANY ZONING ORDINANCE ENACTED PURSUANT TO THIS ARTICLE IN THE SAME MANNER AS OTHER MUNICIPAL ORDINANCES ARE ENFORCED.

B. IF ANY BUILDING STRUCTURE IS ERECTED, CONSTRUCTED, RECONSTRUCTED, ALTERED, REPAIRED, CONVERTED OR MAINTAINED OR ANY BUILDING, STRUCTURE OR LAND IS USED IN VIOLATION OF THE PROVISIONS OF THIS ARTICLE OR OF ANY ORDINANCE ADOPTED PURSUANT TO THE PROVISIONS OF THIS ARTICLE, THE LEGISLATIVE BODY OF THE MUNICIPALITY MAY INSTITUTE ANY APPROPRIATE ACTION TO:

1. PREVENT SUCH UNLAWFUL ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, REPAIR, CONVERSION, MAINTENANCE OR USE.
2. RESTRAIN, CORRECT OR ABATE THE VIOLATION.
3. PREVENT THE OCCUPANCY OF SUCH BUILDING, STRUCTURE OR LAND.
4. PREVENT ANY ILLEGAL ACT, CONDUCT, BUSINESS OR USE IN OR ABOUT SUCH PREMISES.

C. BY ORDINANCE, THE LEGISLATIVE BODY SHALL ESTABLISH THE OFFICE OF ZONING ADMINISTRATOR. THE ZONING ADMINISTRATOR IS CHARGED WITH RESPONSIBILITY FOR ENFORCEMENT OF THE ZONING ORDINANCE.

D. BY ORDINANCE, THE LEGISLATIVE BODY SHALL ESTABLISH ALL NECESSARY AND APPROPRIATE RULES AND PROCEDURES GOVERNING APPLICATION FOR ZONING AMENDMENT, REVIEW AND APPROVAL OF PLANS, ISSUANCE OF ANY NECESSARY PERMITS OR COMPLIANCE CERTIFICATES, INSPECTION OF BUILDINGS, STRUCTURES AND LANDS AND ANY OTHER ACTIONS WHICH MAY BE CONSIDERED NECESSARY OR DESIRABLE FOR ENFORCEMENT OF THE ZONING ORDINANCE.

9-462.06. **Board of adjustment**

A. THE LEGISLATIVE BODY SHALL, BY ORDINANCE, ESTABLISH A BOARD OF ADJUSTMENT, WHICH SHALL CONSIST OF NOT LESS

LAWS OF ARIZONA

THAN FIVE NOR MORE THAN SEVEN MEMBERS APPOINTED BY THE LEGISLATIVE BODY IN ACCORDANCE WITH PROVISIONS OF THE ORDINANCE, EXCEPT THAT THE ORDINANCE MAY ESTABLISH THE LEGISLATIVE BODY AS THE BOARD OF ADJUSTMENT.

B. THE ORDINANCE SHALL PROVIDE FOR PUBLIC MEETINGS OF THE BOARD, FOR A CHAIRMAN WITH THE POWER TO ADMINISTER OATHS AND TAKE EVIDENCE, AND THAT MINUTES OF ITS PROCEEDINGS SHOWING THE VOTE OF EACH MEMBER AND RECORDS OF ITS EXAMINATIONS AND OTHER OFFICIAL ACTIONS BE FILED IN THE OFFICE OF THE BOARD AS A PUBLIC RECORD.

C. A BOARD OF ADJUSTMENT SHALL HEAR AND DECIDE APPEALS FROM THE DECISIONS OF THE ZONING ADMINISTRATOR, SHALL EXERCISE SUCH OTHER POWERS AS MAY BE GRANTED BY THE ORDINANCE AND ADOPT ALL RULES AND PROCEDURES NECESSARY OR CONVENIENT FOR THE CONDUCT OF ITS BUSINESS.

D. APPEALS TO THE BOARD OF ADJUSTMENT MAY BE TAKEN BY PERSONS AGGRIEVED OR BY ANY OFFICER, DEPARTMENT, BOARD OR BUREAU OF THE MUNICIPALITY AFFECTED BY A DECISION OF THE ZONING ADMINISTRATOR, WITHIN A REASONABLE TIME, BY FILING WITH THE ZONING ADMINISTRATOR AND WITH THE BOARD A NOTICE OF APPEAL SPECIFYING THE GROUNDS THEREOF. THE ZONING ADMINISTRATOR SHALL IMMEDIATELY TRANSMIT ALL RECORDS PERTAINING TO THE ACTION APPEALED FROM TO THE BOARD.

E. AN APPEAL STAYS ALL PROCEEDINGS IN THE MATTER APPEALED FROM, UNLESS THE ZONING ADMINISTRATOR CERTIFIES TO THE BOARD THAT, IN HIS OPINION BY THE FACTS STATED IN THE CERTIFICATE, A STAY WOULD CAUSE IMMINENT PERIL TO LIFE OR PROPERTY. UPON SUCH CERTIFICATION PROCEEDINGS SHALL NOT BE STAYED, EXCEPT BY RESTRAINING ORDER GRANTED BY THE BOARD OR BY A COURT OF RECORD ON APPLICATION AND NOTICE TO THE ZONING ADMINISTRATOR.

F. THE BOARD SHALL FIX A REASONABLE TIME FOR HEARING THE APPEAL, AND SHALL GIVE NOTICE OF HEARING BY BOTH PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION IN

LAWS OF ARIZONA

ACCORDANCE WITH SECTION 9-462.04 AND POSTING THE NOTICE IN CONSPICUOUS PLACES CLOSE TO THE PROPERTY AFFECTED.

G. A BOARD OF ADJUSTMENT SHALL:

1. HEAR AND DECIDE APPEALS IN WHICH IT IS ALLEGED THERE IS AN ERROR IN AN ORDER, REQUIREMENT OR DECISION MADE BY THE ZONING ADMINISTRATOR IN THE ENFORCEMENT OF A ZONING ORDINANCE ADOPTED PURSUANT TO THIS ARTICLE.

2. HEAR AND DECIDE APPEALS FOR VARIANCES FROM THE TERMS OF THE ZONING ORDINANCE ONLY IF, BECAUSE OF SPECIAL CIRCUMSTANCES APPLICABLE TO THE PROPERTY, INCLUDING ITS SIZE, SHAPE, TOPOGRAPHY, LOCATION, OR SURROUNDINGS THE STRICT APPLICATION OF THE ZONING ORDINANCE WILL DEPRIVE SUCH PROPERTY OF PRIVILEGES ENJOYED BY OTHER PROPERTY OF THE SAME CLASSIFICATION IN THE SAME ZONING DISTRICT. ANY VARIANCE GRANTED IS SUBJECT TO SUCH CONDITIONS AS WILL ASSURE THAT THE ADJUSTMENT AUTHORIZED SHALL NOT CONSTITUTE A GRANT OF SPECIAL PRIVILEGES INCONSISTENT WITH THE LIMITATIONS UPON OTHER PROPERTIES IN THE VICINITY AND ZONE IN WHICH SUCH PROPERTY IS LOCATED.

3. REVERSE OR AFFIRM, WHOLLY OR PARTLY, OR MODIFY THE ORDER REQUIREMENT OR DECISION OF THE ZONING ADMINISTRATOR APPEALED FROM, AND MAKE SUCH ORDER, REQUIREMENT, DECISION OR DETERMINATION AS NECESSARY.

H. A BOARD OF ADJUSTMENT MAY NOT:

1. MAKE ANY CHANGES IN THE USES PERMITTED IN ANY ZONING CLASSIFICATION OR ZONING DISTRICT, OR MAKE ANY CHANGES IN THE TERMS OF THE ZONING ORDINANCE PROVIDED THE RESTRICTION IN THIS PARAGRAPH SHALL NOT AFFECT THE AUTHORITY TO GRANT VARIANCES PURSUANT TO THIS ARTICLE.

2. GRANT A VARIANCE IF THE SPECIAL CIRCUMSTANCES APPLICABLE TO THE PROPERTY ARE SELF-IMPOSED BY THE PROPERTY OWNER.

LAWS OF ARIZONA

I. IF THE LEGISLATIVE BODY IS ESTABLISHED AS THE BOARD OF ADJUSTMENT, IT SHALL EXERCISE ALL OF THE FUNCTIONS AND DUTIES OF THE BOARD OF ADJUSTMENT IN THE SAME MANNER AND TO THE SAME EFFECT AS PROVIDED IN THIS SECTION.

9-462.07. **Extraterritorial jurisdiction**

A. IN ANY COUNTY NOT HAVING A COUNTY ZONING ORDINANCE APPLICABLE TO THE UNINCORPORATED TERRITORY, THE LEGISLATIVE BODY OF A MUNICIPALITY MAY EXERCISE THE ZONING POWERS GRANTED IN THIS ARTICLE BOTH TO TERRITORY WITHIN ITS CORPORATE LIMITS AND TO THAT WHICH EXTENDS A DISTANCE OF THREE CONTIGUOUS MILES IN ALL DIRECTIONS OF ITS CORPORATE LIMITS AND IS NOT LOCATED IN A MUNICIPALITY. ANY ORDINANCE INTENDED TO HAVE APPLICATION BEYOND THE CORPORATE LIMITS OF THE MUNICIPALITY SHALL EXPRESSLY STATE THE INTENTION OF SUCH APPLICATION. SUCH ORDINANCE SHALL BE ADOPTED IN ACCORDANCE WITH THE PROVISIONS SET FORTH THEREIN.

B. THE EXTRATERRITORIAL JURISDICTION OF TWO OR MORE MUNICIPALITIES WHOSE BOUNDARIES ARE LESS THAN SIX MILES APART TERMINATES AT A BOUNDARY LINE EQUIDISTANT FROM THE RESPECTIVE CORPORATE LIMITS OF SUCH MUNICIPALITIES, OR AT SUCH LINE AS IS AGREED TO BY THE LEGISLATIVE BODIES OF THE RESPECTIVE MUNICIPALITIES.

C. AS A PREREQUISITE TO THE EXERCISE OF EXTRATERRITORIAL JURISDICTION THE MEMBERSHIP OF THE PLANNING AGENCY CHARGED WITH THE PREPARATION OR ADMINISTRATION OF PROPOSED COMPREHENSIVE ZONING REGULATIONS FOR THE AREA OF EXTRATERRITORIAL JURISDICTION SHALL BE INCREASED TO INCLUDE TWO ADDITIONAL MEMBERS TO REPRESENT THE UNINCORPORATED AREA. ANY ADDITIONAL MEMBER SHALL BE A RESIDENT OF THE THREE MILE AREA OUTSIDE THE CORPORATE LIMITS AND BE APPOINTED BY THE LEGISLATIVE BODY OF THE COUNTY WHEREIN THE UNINCORPORATED AREA IS SITUATED. ANY ADDITIONAL MEMBER SHALL HAVE EQUAL RIGHTS, PRIVILEGES AND DUTIES WITH THE OTHER MEMBERS OF THE PLANNING AGENCY IN ALL MATTERS PERTAINING TO THE PLANS AND REGULATIONS OF THE UNINCORPORATED AREA IN WHICH THEY RESIDE, BOTH IN PREPARA-

LAWS OF ARIZONA

TION OF THE ORIGINAL PLANS AND REGULATIONS AND IN CONSIDERATION OF ANY PROPOSED AMENDMENTS TO SUCH PLANS AND REGULATIONS.

D. IF A MUNICIPAL GOVERNING BODY ADOPTS ZONING REGULATIONS FOR THE AREA OUTSIDE ITS CORPORATE LIMITS, IT SHALL INCREASE THE MEMBERSHIP OF THE BOARD OF ADJUSTMENT BY ADDING ONE OR TWO ADDITIONAL MEMBERS. ANY SUCH MEMBER SHALL BE A RESIDENT OF THE AREA OF EXTRATERRITORIAL JURISDICTION OUTSIDE THE CORPORATE LIMITS AND SHALL BE APPOINTED BY THE LEGISLATIVE BODY OF THE COUNTY WHEREIN THE UNINCORPORATED AREA IS SITUATED. ANY SUCH MEMBER SHALL HAVE EQUAL RIGHTS, PRIVILEGES, AND DUTIES WITH OTHER MEMBERS OF THE BOARD OF ZONING ADJUSTMENT IN ALL MATTERS PERTAINING TO THE REGULATION OF THE UNINCORPORATED AREA IN WHICH THEY RESIDE. THE CONCURRING VOTE OF A MAJORITY OF THE MEMBERS OF THE ENLARGED BOARD IS NECESSARY TO REVERSE ANY ORDER, REQUIREMENT, DECISION OR DETERMINATION OF AN ADMINISTRATIVE OFFICIAL CHARGED WITH THE ENFORCEMENT OF AN ORDINANCE.

E. ANY MUNICIPAL LEGISLATIVE BODY EXERCISING THE POWERS GRANTED BY THIS SECTION MAY PROVIDE FOR THE ENFORCEMENT OF ITS REGULATIONS FOR THE AREA OF EXTRATERRITORIAL JURISDICTION IN THE SAME MANNER AS THE REGULATIONS FOR THE AREA WITHIN THE MUNICIPALITY ARE ENFORCED.

ARTICLE 6.2. MUNICIPAL
SUBDIVISION REGULATIONS

9-463. **Definitions**

IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

- 1. "DESIGN" MEANS STREET ALIGNMENT, GRADES AND WIDTHS, ALIGNMENT AND WIDTHS OF EASEMENTS AND RIGHTS-OF-WAY FOR DRAINAGE AND SANITARY SEWERS AND THE ARRANGEMENT AND ORIENTATION OF LOTS.
- 2. "IMPROVEMENT" MEANS REQUIRED INSTALLATIONS, PURSUANT TO THIS ARTICLE AND SUBDIVISION REGULATIONS,

LAWS OF ARIZONA

INCLUDING GRADING, SEWER AND WATER UTILITIES, STREETS, EASEMENTS, TRAFFIC CONTROL DEVICES AS A CONDITION TO THE APPROVAL AND ACCEPTANCE OF THE FINAL PLAT THEREOF.

3. "MUNICIPAL" OR "MUNICIPALITY" MEANS AN INCORPORATED CITY OR TOWN.

4. "PLANNING AGENCY" MEANS THE OFFICIAL BODY DESIGNATED BY LOCAL ORDINANCE TO CARRY OUT THE PURPOSES OF THIS ARTICLE AND MAY BE A PLANNING DEPARTMENT, A PLANNING COMMISSION, THE LEGISLATIVE BODY ITSELF, OR ANY COMBINATION THEREOF.

5. "PLAT" MEANS A MAP OF A SUBDIVISION:

(a) "PRELIMINARY PLAT" MEANS A PRELIMINARY MAP, INCLUDING SUPPORTING DATA, INDICATING A PROPOSED SUBDIVISION DESIGN PREPARED IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE AND THOSE OF ANY LOCAL APPLICABLE ORDINANCE.

(b) "FINAL PLAT" MEANS A MAP OF ALL OR PART OF A SUBDIVISION ESSENTIALLY CONFORMING TO AN APPROVED PRELIMINARY PLAT, PREPARED IN ACCORDANCE WITH THE PROVISION OF THIS ARTICLE, THOSE OF ANY LOCAL APPLICABLE ORDINANCE AND OTHER STATE STATUTE.

(c) "RECORDED PLAT" MEANS A FINAL PLAT BEARING ALL OF THE CERTIFICATES OF APPROVAL REQUIRED BY THIS ARTICLE, ANY LOCAL APPLICABLE ORDINANCE AND OTHER STATE STATUTE.

6. "RIGHT-OF-WAY" MEANS ANY PUBLIC OR PRIVATE RIGHT-OF-WAY AND INCLUDES ANY AREA REQUIRED FOR PUBLIC USE PURSUANT TO ANY GENERAL OR SPECIFIC PLAN AS PROVIDED FOR IN ARTICLE 6 OF THIS CHAPTER.

7. "STREET" MEANS ANY EXISTING OR PROPOSED STREET, AVENUE, BOULEVARD, ROAD, LANE, PARKWAY, PLACE, BRIDGE, VIADUCT OR EASEMENT FOR PUBLIC VEHICULAR ACCESS OR A STREET SHOWN IN A PLAT HERETOFORE APPROVED PURSUANT TO LAW OR A STREET IN A PLAT DULY FILED AND RECORDED IN

LAWS OF ARIZONA

THE COUNTY RECORDER'S OFFICE. A STREET INCLUDES ALL LAND WITHIN THE STREET RIGHT-OF-WAY WHETHER IMPROVED OR UNIMPROVED, AND INCLUDES SUCH IMPROVEMENTS AS PAVEMENT, SHOULDERS, CURBS, GUTTERS, SIDEWALKS, PARKING SPACE, BRIDGES AND VIADUCTS.

8. "SUBDIVIDER" MEANS A PERSON, FIRM, CORPORATION, PARTNERSHIP, ASSOCIATION, SYNDICATE, TRUST OR OTHER LEGAL ENTITY THAT FILES APPLICATION AND INITIATES PROCEEDINGS FOR THE SUBDIVISION OF LAND IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE, ANY LOCAL APPLICABLE ORDINANCE AND OTHER STATE STATUTE, EXCEPT THAT AN INDIVIDUAL SERVING AS AGENT FOR SUCH LEGAL ENTITY IS NOT A SUBDIVIDER.

9. "SUBDIVISION" MEANS ANY LAND OR PORTION THEREOF SUBJECT TO THE PROVISIONS OF THIS ARTICLE AS PROVIDED IN SECTION 9-463.02.

10. "SUBDIVISION REGULATIONS" MEANS A MUNICIPAL ORDINANCE REGULATING THE DESIGN AND IMPROVEMENT OF SUBDIVISIONS ENACTED UNDER THE PROVISIONS OF THIS ARTICLE OR ANY PRIOR STATUTE REGULATING THE DESIGN AND IMPROVEMENT OF SUBDIVISIONS.

9-463.01. **Authority**

A. PURSUANT TO THE PROVISIONS OF THIS ARTICLE, THE LEGISLATIVE BODY OF EVERY MUNICIPALITY MAY REGULATE THE SUBDIVISION OF ALL LANDS WITHIN ITS CORPORATE LIMITS.

B. IF THE LEGISLATIVE BODY OF A MUNICIPALITY EXERCISES THE AUTHORITY GRANTED IN SUBSECTION A, REGULATION SHALL BE BY ORDINANCE PRESCRIBING:

1. PROCEDURES TO BE FOLLOWED IN THE PREPARATION, SUBMISSION, REVIEW AND APPROVAL OR REJECTION OF ALL FINAL PLATS.

2. STANDARDS GOVERNING THE DESIGN OF SUBDIVISION PLATS.

LAWS OF ARIZONA

3. MINIMUM REQUIREMENTS AND STANDARDS FOR THE INSTALLATION OF SUBDIVISION STREETS, SEWER AND WATER UTILITIES AND IMPROVEMENTS AS A CONDITION OF FINAL PLAT APPROVAL.

C. BY ORDINANCE, THE LEGISLATIVE BODY OF ANY MUNICIPALITY MAY:

1. REQUIRE THE PREPARATION, SUBMISSION AND APPROVAL OF A PRELIMINARY PLAT AS A CONDITION PRECEDENT TO SUBMISSION OF A FINAL PLAT.

2. ESTABLISH THE PROCEDURES TO BE FOLLOWED IN THE PREPARATION, SUBMISSION, REVIEW AND APPROVAL OF PRELIMINARY PLATS.

3. MAKE REQUIREMENTS AS TO THE FORM AND CONTENT OF PRELIMINARY PLATS.

4. DETERMINE THAT CERTAIN LANDS MAY EITHER NOT BE SUBDIVIDED, BY REASON OF ADVERSE TOPOGRAPHY, PERIODIC INUNDATION, ADVERSE SOILS, SUBSIDENCE OF THE EARTH'S SURFACE, HIGH WATER TABLE, LACK OF WATER OR OTHER NATURAL OR MAN-MADE HAZARD TO LIFE OR PROPERTY, OR CONTROL THE LOT SIZE, ESTABLISH SPECIAL GRADING AND DRAINAGE REQUIREMENTS, AND IMPOSE OTHER REGULATIONS DEEMED REASONABLE AND NECESSARY FOR THE PUBLIC HEALTH, SAFETY OR GENERAL WELFARE ON ANY LANDS TO BE SUBDIVIDED AFFECTED BY SUCH CHARACTERISTICS.

5. REQUIRE PAYMENT OF A PROPER AND REASONABLE FEE BY THE SUBDIVIDER BASED UPON THE NUMBER OF LOTS OR PARCELS ON THE SURFACE OF THE LAND TO DEFRAID MUNICIPAL COSTS OF PLAT REVIEW AND SITE INSPECTION.

6. REQUIRE THE DEDICATION OF PUBLIC STREETS, SEWER AND WATER UTILITY EASEMENTS OR RIGHTS-OF-WAY, WITHIN THE PROPOSED SUBDIVISION.

7. REQUIRE THE PREPARATION AND SUBMISSION OF ACCEPTABLE ENGINEERING PLANS AND SPECIFICATIONS FOR THE INSTALLATION OF REQUIRED STREET, SEWER AND WATER UTILITY AND IMPROVEMENTS AS A CONDITION PRECEDENT TO RECORDATION OF AN APPROVED FINAL PLAT.

LAWS OF ARIZONA

8. REQUIRE THE POSTING OF PERFORMANCE BONDS, ASSURANCES OR SUCH OTHER SECURITY AS MAY BE APPROPRIATE AND NECESSARY TO ASSURE THE INSTALLATION OF REQUIRED STREET, SEWER AND WATER UTILITY AND IMPROVEMENTS MEETING ESTABLISHED MINIMUM STANDARDS OF DESIGN AND CONSTRUCTION.

D. THE LEGISLATIVE BODY OF ANY MUNICIPALITY MAY REQUIRE BY ORDINANCE THAT LAND AREAS WITHIN A SUBDIVISION BE RESERVED FOR PARKS, RECREATIONAL FACILITIES, SCHOOL SITES AND FIRE STATIONS SUBJECT TO THE FOLLOWING CONDITIONS:

1. THE REQUIREMENT MAY ONLY BE MADE UPON PRELIMINARY PLATS FILED AT LEAST THIRTY DAYS AFTER THE ADOPTION OF A GENERAL OR SPECIFIC PLAN AFFECTING THE LAND AREA TO BE RESERVED.

2. THE REQUIRED RESERVATIONS ARE IN ACCORDANCE WITH DEFINITE PRINCIPLES AND STANDARDS ADOPTED BY THE LEGISLATIVE BODY.

3. THE LAND AREA RESERVED SHALL BE OF SUCH A SIZE AND SHAPE AS TO PERMIT THE REMAINDER OF THE LAND AREA OF THE SUBDIVISION WITHIN WHICH THE RESERVATION IS LOCATED TO DEVELOP IN AN ORDERLY AND EFFICIENT MANNER.

4. THE LAND AREA RESERVED SHALL BE IN SUCH MULTIPLES OF STREETS AND PARCELS AS TO PERMIT AN EFFICIENT DIVISION OF THE RESERVED AREA IN THE EVENT THAT IT IS NOT ACQUIRED WITHIN THE PRESCRIBED PERIOD.

E. THE PUBLIC AGENCY FOR WHOSE BENEFIT AN AREA HAS BEEN RESERVED SHALL HAVE A PERIOD OF ONE YEAR AFTER RECORDING THE FINAL SUBDIVISION PLAT TO ENTER INTO AN AGREEMENT TO ACQUIRE SUCH RESERVED LAND AREA. THE PURCHASE PRICE SHALL BE THE FAIR MARKET VALUE THEREOF AT THE TIME OF THE FILING OF THE PRELIMINARY SUBDIVISION PLAT PLUS THE TAXES AGAINST SUCH RESERVED AREA FROM THE DATE OF THE RESERVATION AND ANY OTHER COSTS INCURRED BY THE SUBDIVIDER IN THE MAINTENANCE OF SUCH RESERVED AREA, INCLUDING INTEREST COST INCURRED ON ANY LOAN COVERING SUCH RESERVED AREA.

LAWS OF ARIZONA

F. IF THE PUBLIC AGENCY FOR WHOSE BENEFIT AN AREA HAS BEEN RESERVED DOES NOT EXERCISE THE RESERVATION AGREEMENT SET FORTH IN SUBSECTION E OF THIS SECTION WITHIN SUCH ONE YEAR PERIOD OR SUCH EXTENDED PERIOD AS MAY BE MUTUALLY AGREED UPON BY SUCH PUBLIC AGENCY AND THE SUBDIVIDER, THE RESERVATION OF SUCH AREA SHALL TERMINATE.

G. THE LEGISLATIVE BODY OF EVERY MUNICIPALITY SHALL COMPLY WITH ALL PROVISIONS OF THIS ARTICLE AND APPLICABLE STATE STATUTES PERTAINING TO THE HEARING, APPROVAL OR REJECTION, AND RECORDATION OF:

1. FINAL SUBDIVISION PLATS.
2. PLATS FILED FOR THE PURPOSE OF REVERTING TO ACREAGE OF LAND PREVIOUSLY SUBDIVIDED.
3. PLATS FILED FOR THE PURPOSE OF VACATING STREETS OR EASEMENTS PREVIOUSLY DEDICATED TO THE PUBLIC.
4. PLATS FILED FOR THE PURPOSE OF VACATING OR REDESCRIBING LOT OR PARCEL BOUNDARIES PREVIOUSLY RECORDED.

H. APPROVAL OF EVERY PRELIMINARY AND FINAL PLAT BY A LEGISLATIVE BODY IS CONDITIONED UPON COMPLIANCE BY THE SUBDIVIDER WITH:

1. RULES AS MAY BE ESTABLISHED BY THE ARIZONA HIGHWAY DEPARTMENT RELATING TO PROVISIONS FOR THE SAFETY OF ENTRANCE UPON AND DEPARTURE FROM ABUTTING STATE PRIMARY HIGHWAYS.
2. RULES AS MAY BE ESTABLISHED BY A COUNTY FLOOD CONTROL DISTRICT RELATING TO THE CONSTRUCTION OR PREVENTION OF CONSTRUCTION OF STREETS IN LAND ESTABLISHED AS BEING SUBJECT TO PERIODIC INUNDATION.
3. RULES AS MAY BE ESTABLISHED BY THE STATE DEPARTMENT OF HEALTH OR A COUNTY HEALTH DEPARTMENT RELATING TO THE PROVISION OF DOMESTIC WATER SUPPLY AND SANITARY SEWAGE DISPOSAL.

LAWS OF ARIZONA

I. EVERY MUNICIPALITY IS RESPONSIBLE FOR THE RECORDATION OF ALL FINAL PLATS APPROVED BY THE LEGISLATIVE BODY AND SHALL RECEIVE FROM THE SUBDIVIDER AND TRANSMIT TO THE COUNTY RECORDER THE RECORDATION FEE ESTABLISHED BY THE COUNTY RECORDER.

J. PURSUANT TO PROVISIONS OF APPLICABLE STATE STATUTES, THE LEGISLATIVE BODY OF ANY MUNICIPALITY MAY ITSELF PREPARE OR HAVE PREPARED A PLAT FOR THE SUBDIVISION OF LAND UNDER MUNICIPAL OWNERSHIP.

9-463.02. **Subdivision defined; applicability**

A. "SUBDIVISION" MEANS IMPROVED OR UNIMPROVED LAND OR LANDS DIVIDED FOR THE PURPOSE OF FINANCING, SALE OR LEASE, WHETHER IMMEDIATE OR FUTURE, INTO FOUR OR MORE LOTS, TRACTS OR PARCELS OF LAND, OR, IF A NEW STREET IS INVOLVED, ANY SUCH PROPERTY WHICH IS DIVIDED INTO TWO OR MORE LOTS, TRACTS OR PARCELS OF LAND, OR, ANY SUCH PROPERTY, THE BOUNDARIES OF WHICH HAVE BEEN FIXED BY A RECORDED PLAT, WHICH IS DIVIDED INTO MORE THAN TWO PARTS. "SUBDIVISION" ALSO INCLUDES ANY CONDOMINIUM, COOPERATIVE, COMMUNITY APARTMENT, TOWNHOUSE OR SIMILAR PROJECT CONTAINING FOUR OR MORE PARCELS, IN WHICH AN UNDIVIDED INTEREST IN THE LAND IS COUPLED WITH THE RIGHT OF EXCLUSIVE OCCUPANCY OF ANY UNIT LOCATED THEREON, BUT PLATS OF SUCH PROJECTS NEED NOT SHOW THE BUILDINGS OR THE MANNER IN WHICH THE BUILDINGS OR AIRSPACE ABOVE THE PROPERTY SHOWN ON THE PLAT ARE TO BE DIVIDED.

B. THE LEGISLATIVE BODY OF A MUNICIPALITY SHALL NOT REFUSE APPROVAL OF A FINAL PLAT OF A PROJECT INCLUDED IN SUBSECTION A UNDER PROVISIONS OF AN ADOPTED SUBDIVISION REGULATION BECAUSE OF LOCATION OF BUILDINGS ON THE PROPERTY SHOWN ON THE PLAT NOT IN VIOLATION OF SUCH SUBDIVISION REGULATIONS OR ON ACCOUNT OF THE MANNER IN WHICH AIRSPACE IS TO BE DIVIDED IN CONVEYING THE CONDOMINIUM. FEES AND LOT DESIGN REQUIREMENTS SHALL BE COMPUTED AND IMPOSED WITH RESPECT TO SUCH PLATS ON THE BASIS OF PARCELS OR LOTS ON THE SURFACE OF THE LAND SHOWN THEREON AS INCLUDED IN THE PROJECT. THIS SUBSECTION DOES NOT LIMIT THE POWER OF SUCH

LAWS OF ARIZONA

LEGISLATIVE BODY TO REGULATE THE LOCATION OF BUILDINGS IN SUCH A PROJECT BY OR PURSUANT TO A ZONING ORDINANCE.

C. "SUBDIVISION" DOES NOT INCLUDE THE FOLLOWING:

1. THE SALE OR EXCHANGE OF PARCELS OF LAND TO OR BETWEEN ADJOINING PROPERTY OWNERS IF SUCH SALE OR EXCHANGE DOES NOT CREATE ADDITIONAL LOTS.
2. THE PARTITIONING OF LAND IN ACCORDANCE WITH OTHER STATUTES REGULATING THE PARTITIONING OF LAND HELD IN COMMON OWNERSHIP.
3. THE LEASING OF APARTMENTS, OFFICES, STORES OR SIMILAR SPACE WITHIN A BUILDING OR TRAILER PARK, NOR TO MINERAL, OIL OR GAS LEASES.

9-463.03. **Violations**

IT IS UNLAWFUL FOR ANY PERSON TO OFFER TO SELL OR LEASE, TO CONTRACT TO SELL OR LEASE OR TO SELL OR LEASE ANY SUBDIVISION OR PART THEREOF UNTIL A FINAL PLAT THEREOF, IN FULL COMPLIANCE WITH PROVISIONS OF THIS ARTICLE AND OF ANY SUBDIVISION REGULATIONS WHICH HAVE BEEN DULY RECORDED IN THE OFFICE OF RECORDER OF THE COUNTY IN WHICH THE SUBDIVISION OR ANY PORTION THEREOF IS LOCATED, IS RECORDED IN THE OFFICE OF THE RECORDER, EXCEPT THAT THIS SHALL NOT APPLY TO ANY PARCEL OR PARCELS OF A SUBDIVISION OFFERED FOR SALE OR LEASE, CONTRACTED FOR SALE OR LEASE, OR SOLD OR LEASED IN COMPLIANCE WITH ANY LAW OR SUBDIVISION REGULATION REGULATING THE SUBDIVISION PLAT DESIGN AND IMPROVEMENT OF SUBDIVISIONS IN EFFECT AT THE TIME THE SUBDIVISION WAS ESTABLISHED. THE COUNTY RECORDER SHALL NOT RECORD A PLAT LOCATED IN A MUNICIPALITY HAVING SUBDIVISION REGULATIONS ENACTED UNDER THIS ARTICLE UNLESS THE PLAT HAS BEEN APPROVED BY THE LEGISLATIVE BODY OF THE MUNICIPALITY.

9-463.04. **Extraterritorial jurisdiction**

A. IN ANY COUNTY NOT HAVING COUNTY SUBDIVISION REGULATIONS APPLICABLE TO THE UNINCORPORATED TERRITORY,

LAWS OF ARIZONA

THE LEGISLATIVE BODY OF ANY MUNICIPALITY MAY EXERCISE THE SUBDIVISION REGULATION POWERS GRANTED IN THIS ARTICLE BOTH TO TERRITORY WITHIN ITS CORPORATE LIMITS AND TO THAT WHICH EXTENDS A DISTANCE OF THREE CONTIGUOUS MILES IN ALL DIRECTIONS OF ITS CORPORATE LIMITS AND NOT LOCATED IN A MUNICIPALITY. ANY ORDINANCE INTENDED TO HAVE APPLICATION BEYOND THE CORPORATE LIMITS OF THE MUNICIPALITY SHALL EXPRESSLY STATE THE INTENTION OF SUCH APPLICATION. SUCH ORDINANCE SHALL BE ADOPTED IN ACCORDANCE WITH THE PROVISIONS SET FORTH THEREIN.

B. THE EXTRATERRITORIAL JURISDICTION OF TWO OR MORE MUNICIPALITIES WHOSE TERRITORIAL BOUNDARIES ARE LESS THAN SIX MILES APART TERMINATES AT A BOUNDARY LINE EQUIDISTANT FROM THE RESPECTIVE CORPORATE LIMITS OF SUCH MUNICIPALITIES, OR AT SUCH LINE AS IS AGREED TO BY THE LEGISLATIVE BODIES OF THE RESPECTIVE MUNICIPALITIES.

C. AS A PREREQUISITE TO THE EXERCISE OF EXTRATERRITORIAL JURISDICTION, THE MEMBERSHIP OF THE PLANNING AGENCY CHARGED WITH THE PREPARATION OR ADMINISTRATION OF PROPOSED SUBDIVISION REGULATIONS FOR THE AREA OF EXTRATERRITORIAL JURISDICTION SHALL BE INCREASED TO INCLUDE TWO ADDITIONAL MEMBERS TO REPRESENT THE UNINCORPORATED AREA. ANY ADDITIONAL MEMBER SHALL BE A RESIDENT OF THE THREE MILE AREA OUTSIDE THE CORPORATE LIMITS AND BE APPOINTED BY THE LEGISLATIVE BODY OF THE COUNTY IN WHICH THE UNINCORPORATED AREA IS SITUATED. ANY SUCH MEMBER SHALL HAVE EQUAL RIGHTS, PRIVILEGES AND DUTIES WITH THE OTHER MEMBERS OF THE PLANNING AGENCY IN ALL MATTERS PERTAINING TO THE PLANS AND REGULATIONS OF THE UNINCORPORATED AREA IN WHICH THEY RESIDE, BOTH IN PREPARATION OF THE ORIGINAL PLANS AND REGULATIONS AND IN CONSIDERATION OF ANY PROPOSED AMENDMENTS TO SUCH PLANS AND REGULATIONS.

D. ANY MUNICIPAL LEGISLATIVE BODY EXERCISING THE POWERS GRANTED BY THIS SECTION MAY PROVIDE FOR THE ENFORCEMENT OF ITS REGULATIONS FOR THE AREA OF EXTRATERRITORIAL JURISDICTION IN THE SAME MANNER AS THE REGULATIONS FOR THE AREA WITHIN THE MUNICIPALITY ARE ENFORCED.

LAWS OF ARIZONA

ARTICLE 6.3. OPEN SPACE CONSERVATION

9-464. **Definition**

IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES, "OPEN SPACE LANDS OR OPEN AREA" MEANS ANY SPACE OR AREA CHARACTERIZED BY GREAT NATURAL SCENIC BEAUTY OR WHOSE EXISTING OPENNESS, NATURAL CONDITION OR PRESENT STATE OF USE, IF RETAINED, WOULD MAINTAIN OR ENHANCE THE CONSERVATION OF NATURAL OR SCENIC RESOURCES, OR THE PRODUCTION OF FOOD AND FIBER.

9-464.01. **Open space land acquisition**

THE ACQUISITION OF INTERESTS OR RIGHTS IN REAL PROPERTY FOR THE PRESERVATION OF OPEN SPACES OR AREAS CONSTITUTES A PUBLIC PURPOSE FOR WHICH PUBLIC FUNDS MAY BE EXPENDED OR ADVANCED.

ARTICLE 6.4. BUILDING PERMITS

9-467. **Building permits; distribution of copies**

ANY CITY OR TOWN REQUIRING THE ISSUANCE OF A BUILDING PERMIT SHALL TRANSMIT ONE COPY OF THE PERMIT TO THE COUNTY ASSESSOR AND ONE COPY TO THE DIRECTOR OF THE DEPARTMENT OF PROPERTY VALUATION.

Sec. 3. Title 11, chapter 7, article 2, is amended by adding new section 11-935.01, to read:

11-935.01. **Open space land acquisition**

THE ACQUISITION OF INTERESTS OR RIGHTS IN REAL PROPERTY FOR THE PRESERVATION OF OPEN SPACES OR AREAS CONSTITUTES A PUBLIC PURPOSE FOR WHICH PUBLIC FUNDS MAY BE EXPENDED OR ADVANCED. FOR THE PURPOSES OF THIS SECTION, "OPEN SPACE LANDS OR OPEN AREA" MEANS ANY SPACE OR AREA CHARACTERIZED BY GREAT NATURAL SCENIC BEAUTY OR WHOSE EXISTING OPENNESS, NATURAL CONDITION OR PRESENT STATE OF USE, IF RETAINED, WOULD MAINTAIN OR ENHANCE THE CONSERVATION OF NATURAL OR SCENIC RESOURCES, OR THE PRODUCTION OF FOOD AND FIBER.

LAWS OF ARIZONA

Sec. 4. **Effective date**

The provisions of this act will be effective January 1, 1974.

Approved by the Governor—May 14, 1973

Filed in the Office of the Secretary of State—May 14, 1973

CHAPTER 179

Senate Bill 1317

AN ACT

RELATING TO ANIMALS; PROVIDING PENALTIES FOR CRUELTY AND ABANDONMENT OF ANIMALS; PROVIDING FOR DISPOSITION OF ANIMAL WHEN ABANDONED AT BOARDING FACILITY OR VETERINARIAN OFFICE; PROVIDING FOR TREATMENT OF PROPERTY WITH POISON FOR DOG OR PREDATORY ANIMALS KILLING LIVESTOCK; AMENDING SECTION 13-951, ARIZONA REVISED STATUTES; AMENDING TITLE 13, CHAPTER 3, ARTICLE 9, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-951.01, AND AMENDING TITLE 24, CHAPTER 2, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 24-249.

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

Section 1. Section 13-951, Arizona Revised Statutes, is amended to read:

13-951. Cruelty, abandonment of animals; penalty; procedure for custody; disposition

A person IS GUILTY OF A MISDEMEANOR who:

1. Maliciously kills, maims or wounds an animal which is the property of another, or who, having charge or custody of an animal as owner or otherwise, overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, drink or shelter,

LAWS OF ARIZONA

cruelly beats, mutilates or cruelly kills an animal, or subjects an animal to needless suffering, or inflicts unnecessary cruelty upon the animal, or in any manner abuses an animal, or who cruelly drives, rides or otherwise uses the animal when unfit for labor. ~~is guilty of a misdemeanor.~~

2. ABANDONS AN ANIMAL, OR DROPS OR LEAVES AN ANIMAL ON A STREET, ROAD OR HIGHWAY, IN A PUBLIC PLACE OR ON PRIVATE PROPERTY WITH INTENT TO ABANDON. AN ANIMAL ALSO IS ABANDONED WHEN THE OWNER, POSSESSOR OR CUSTODIAN FAILS TO CLAIM IT FROM A BOARDING FACILITY OR VETERINARIAN WITHIN TEN DAYS OF THE DATE A REGISTERED LETTER IS RECEIVED BY SUCH PERSON FROM THE BOARDING FACILITY OR VETERINARIAN REQUESTING THAT THE OWNER, POSSESSOR OR CUSTODIAN RECLAIM THE ANIMAL.

Sec. 2. Title 13, article 9, Arizona Revised Statutes, is amended by adding section 13-951.01, to read:

13-951.01. Treatment of property with poison for a dog or predatory animals killing livestock; posting and description of warning notice; exemption from damages for trespassing domestic animals

A. IF ANY PERSON EXPOSES POISON TO BE TAKEN BY A DOG WHICH HAS KILLED OR WOUNDED LIVESTOCK OR POISON TO BE TAKEN BY PREDATORY ANIMALS ON PREMISES OWNED, LEASED OR CONTROLLED BY HIM FOR THE PURPOSE OF THE PROTECTION OF SUCH PERSON OR HIS LIVESTOCK OR POULTRY, THE TREATED PROPERTY SHALL BE KEPT POSTED BY THE PERSON WHO AUTHORIZED OR PERFORMED THE TREATMENT UNTIL SUCH POISON HAS BEEN REMOVED. SUCH POISON SHALL BE REMOVED BY THE PERSON EXPOSING THE POISON AFTER THE THREAT TO SUCH PERSON, HIS LIVESTOCK OR POULTRY HAS CEASED TO EXIST.

B. THE POSTING REQUIRED BY SUBSECTION A SHALL BE IN SUCH MANNER AS TO PROVIDE ADEQUATE WARNING TO PERSONS WHO ENTER THE PROPERTY BY THE POINT OR POINTS OF NORMAL ENTRY. THE WARNING NOTICE WHICH IS POSTED SHALL BE OF SUCH SIZE THAT IT IS READABLE AT A DISTANCE OF FIFTY FEET, SHALL CONTAIN A POISON STATEMENT AND SYMBOL AND SHALL STATE THEREON THE WORD "DANGER" OR "WARNING".

LAWS OF ARIZONA

C. A PERSON WHO FAILS TO COMPLY WITH ANY PROVISION OF THIS SECTION IS GUILTY OF A MISDEMEANOR.

Sec. 3. Title 24, chapter 2, article 2, Arizona Revised Statutes, is amended by adding section 24-249 to read:

24-249. Abandonment of animal at boarding facility or veterinarian office

WHEN AN ANIMAL LEFT AT A BOARDING FACILITY OR VETERINARIAN OFFICE HAS NOT BEEN RECLAIMED WITHIN THE PERIOD OF TIME PREVIOUSLY AGREED UPON AT THE TIME OF DELIVERY OF THE ANIMAL TO THE BOARDING FACILITY OR VETERINARIAN, THE BOARDING FACILITY OR VETERINARIAN MAY GIVE WRITTEN NOTICE BY REGISTERED OR CERTIFIED MAIL TO THE LAST KNOWN ADDRESS OF THE OWNER, POSSESSOR OR CUSTODIAN OF THE ANIMAL, AND IF THE ANIMAL IS NOT RECLAIMED WITHIN THIRTY DAYS FROM THE DATE OF THE MAILING OF THE NOTICE, THE ANIMAL SHALL BECOME THE PROPERTY OF THE BOARDING FACILITY OR VETERINARIAN TO DISPOSE OF AS THE BOARDING FACILITY OR VETERINARIAN SEES FIT.

Approved by the Governor--May 14, 1973

Filed in the Office of the Secretary of State--May 14, 1973

CHAPTER 180

House Bill 2168

AN ACT

RELATING TO PUBLIC UTILITIES AND MOTOR CARRIERS; PRESCRIBING BASIS FOR ISSUANCE OF CERTIFICATES OF CONVENIENCE AND NECESSITY, AND AMENDING SECTION 40-607, ARIZONA REVISED STATUTES.

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

LAWS OF ARIZONA

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

40-607. Certificate of convenience and necessity required to operate common motor carrier; application; notice; hearing; issuance of certificate

A. A common motor carrier shall not operate within this state as such without first having obtained from the commission a certificate of public convenience and necessity, provided that tow trucks engaged in the business of towing wrecked and disabled motor vehicles shall not be required to obtain a certificate of convenience and necessity. Application for a certificate shall be made to the commission in duplicate, in writing, shall be verified, and shall contain:

1. The name and address of applicant, and the names and the addresses of its officers, if any.
2. The principal place of business of applicant.
3. The public highways over which, and the fixed termini or regular route, if any, between or over which applicant desires to operate.
4. The kind of transportation, whether for property or passengers, together with the description and character of the vehicles which applicant proposes to use, including the seating capacity thereof, if for passenger transportation, or the tonnage thereof, if for property transportation.
5. The proposed time schedule, and a schedule of tariffs showing the fares or rates to be charged between the points to be served.
6. Such other information as the commission requires, and upon such forms as the commission prescribes.

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

LAWS OF ARIZONA

C. If, after a hearing on the application, the commission finds from the evidence that the public convenience and necessity requires the proposed service or any part thereof, and that the applicant is a fit and proper person to receive a certificate, it may issue the certificate as applied for, or issue it for only partial exercise of the privilege sought, and may attach to exercise of the right granted by the certificate terms and conditions which it deems the public convenience and necessity require, but, except as to ambulances, funeral coaches, COMMON CARRIERS BY CHARTERED AIRCRAFT IN AN UNSCHEDULED SERVICE and common carriers of farm products, when an applicant requests a certificate to operate over a route, or in a territory already served by a common motor carrier, the commission may, after hearing, issue a certificate only when the existing common motor carrier operating over the route or serving the territory, will not provide service OF A CHARACTER AND OVER AN AREA deemed satisfactory by the commission.

D. A SCHEDULED COMMON CARRIER BY AIRCRAFT SHALL NOT OPERATE IN THIS STATE AS SUCH WITHOUT HAVING FIRST OBTAINED FROM THE COMMISSION A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AS PROVIDED IN SUBSECTIONS A THROUGH C, EXCEPT THAT A CERTIFICATE TO OPERATE OVER A ROUTE OR IN A TERRITORY SHALL NOT BE ISSUED IF AN EXISTING SCHEDULED COMMON CARRIER BY AIRCRAFT HOLDS A CERTIFICATE FOR SUCH ROUTE OR TERRITORY UNLESS THE EXISTING SCHEDULED COMMON CARRIER BY AIRCRAFT WILL NOT PROVIDE SERVICES DEEMED SATISFACTORY BY THE COMMISSION.

Approved by the Governor—May 14, 1973

Filed in the Office of the Secretary of State—May 14, 1973

LAWS OF ARIZONA

CHAPTER 181

House Bill 2256

AN ACT

RELATING TO EDUCATION; REQUIRING EACH SCHOOL DISTRICT TO PROVIDE SPECIAL EDUCATION INSTRUCTION FOR CERTAIN GIFTED AND HANDICAPPED CHILDREN, EXCEPT EMOTIONALLY HANDICAPPED, ON OR BEFORE SEPTEMBER 1, 1976; REQUIRING A DISTRICT PLAN FOR SUBMISSION TO THE STATE BOARD OF EDUCATION ON OR BEFORE JULY 1, 1975; CREATING A SPECIAL EDUCATION ADVISORY COMMITTEE; PRESCRIBING A VOUCHER PROCEDURE FOR THE EDUCATION OF NONEMOTIONALLY DISTURBED HANDICAPPED CHILDREN IN DISTRICTS PRIOR TO PROVIDING SPECIAL EDUCATION INSTRUCTION; AMENDING SECTIONS 15-1011, 15-1012, 15-1015 AND 15-1017, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 10, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-1010; REPEALING SECTIONS 15-1018 AND 15-1213, ARIZONA REVISED STATUTES, AND MAKING AN APPROPRIATION.

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

Section 1. Intent

It is the intent of the legislature to guarantee equal educational opportunity to each handicapped child in the state regardless of the schools, institutions or programs by which such children are served.

Sec. 2. Title 15, chapter 10, article 2, Arizona Revised Statutes, is amended by adding section 15-1010, to read:

15-1010. Direct state action

A. ALL SCHOOL DISTRICTS SHALL DEVELOP A DISTRICT PLAN FOR PROVIDING FOR SPECIAL EDUCATION TO ALL HANDICAPPED, EXCEPT EMOTIONALLY HANDICAPPED, CHILDREN WITHIN THE DISTRICT. SUCH PLAN SHALL BE SUBMITTED TO THE STATE BOARD OF EDUCATION ON OR BEFORE JULY 1, 1975. THE PLAN MUST HAVE APPROVAL PRIOR TO NOVEMBER 1, 1975.

LAWS OF ARIZONA

B. ON OR BEFORE SEPTEMBER 1, 1976 ALL HANDICAPPED, EXCEPT EMOTIONALLY HANDICAPPED, CHILDREN SHALL BE RECEIVING SPECIAL EDUCATION PROGRAMMING COMMENSURATE WITH THEIR ABILITIES AND NEEDS.

Sec. 3. Section 15-1011, Arizona Revised Statutes, is amended to read:

15-1011. **Definitions**

In this article, unless the context otherwise requires:

1. "Exceptional child" means a gifted child or a handicapped child.
2. "Gifted child" means a child of lawful school age who due to superior intellect, advanced learning ability or both is not afforded an opportunity for otherwise attainable progress and development in regular classroom instruction and who needs special instruction, special ancillary services or both to achieve at levels commensurate with his intellect and ability.
3. "Handicapped child" means a child of lawful school age who due to physical, mental or emotional characteristics or a combination thereof is not afforded the opportunity for all-around adjustment and progress in regular classroom instruction and who needs special instruction, special ancillary services, or both to achieve at levels commensurate with his abilities. Handicapped child includes the following:
 - (a) "Educable mentally handicapped" means a child who because of his intellectual development, as determined by evaluation pursuant to section 15-1013, is incapable of being educated effectively through regular classroom instruction, but who is capable of achieving a degree of proficiency in basic academic skills and as a result of special education may become economically productive and socially adjusted.
 - (b) "Emotionally handicapped" means a child who because of social or emotional problems, as determined by evaluation pursuant to section 15-1013, is unable or incapable of meeting the demands of regular classroom programs in the public schools and requires special classes or special services designed to promote his educational and emotional growth and development.
 - (c) "HEARING HANDICAPPED" MEANS A CHILD WHO HAS A HEARING DEVIATION FROM THE NORMAL, AS DETERMINED PURSUANT TO SECTION 15-1013, WHICH IMPEDES HIS EDUCA-

LAWS OF ARIZONA

TIONAL PROGRESS IN THE REGULAR CLASSROOM SITUATION AND WHOSE INTELLECTUAL DEVELOPMENT IS SUCH THAT HE IS CAPABLE OF BEING EDUCATED THROUGH A MODIFIED INSTRUCTIONAL ENVIRONMENT.

~~(c)~~ (d) "Homebound" or "hospitalized" means a student who is capable of profiting from academic instruction but is unable to attend school due to illness, disease, accident, pregnancy, or handicapping conditions, who has been examined by a competent medical doctor and is certified by that doctor as being unable to attend regular classes for a period of not less than three school months.

~~(d)~~ (e) "Multiple handicapped" means a child who has serious learning and developmental problems resulting from multiple handicapping conditions as determined by evaluation pursuant to section 15-1013, and who cannot be provided for adequately in a regular class.

~~(e)~~ (f) "Physically handicapped" means a child who has a physical handicap or disability, as determined by evaluation pursuant to section 15-1013, which impedes his educational progress in the regular classroom situation and whose intellectual development is such that he is capable of being educated through a modified instructional environment.

~~(f)~~ (g) "Specific learning disability" means the condition of a child who exhibits a significant discrepancy between ability and achievement as determined by evaluation pursuant to section 15-1013. The specific learning disability may be manifested by perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, developmental aphasia, but excluding learning problems which are due primarily to visual, hearing or motor handicaps, mental retardation, emotional disturbance, or to environmental disadvantage.

~~(g)~~ (h) "Speech handicapped" means a child whose speech differs, as determined by evaluation pursuant to section 15-1013, to the extent that it calls attention to itself, interferes with communication, or causes the child to be maladjusted.

~~(h)~~ (i) "Trainable mentally handicapped" means a child who because of his intellectual development, as determined by evaluation pursuant to section 15-1013, is incapable of being educated in regular classroom instruction or educable mentally handicapped classes, ~~and who meets the following criteria:~~

LAWS OF ARIZONA

~~(i) BUT WHO is physically capable of attending school and benefitting from the school experience.~~

~~(ii) Is able to communicate to the extent that he can make his wants known and can understand simple directions.~~

(j) "VISUALLY HANDICAPPED" MEANS A CHILD WHO HAS A VISION DEVIATION FROM THE NORMAL, AS DETERMINED PURSUANT TO SECTION 15-1013, WHICH IMPEDES HIS EDUCATIONAL PROGRESS IN THE REGULAR CLASSROOM SITUATION AND WHOSE INTELLECTUAL DEVELOPMENT IS SUCH THAT HE IS CAPABLE OF BEING EDUCATED THROUGH A MODIFIED INSTRUCTIONAL ENVIRONMENT.

4. "Special education" means the adjustment of the environmental factors, modification of school curricula and adaptation of teaching methods, material, and techniques to provide educationally for those children who are gifted or handicapped to such an extent that they do not profit from the regular school curricula or need special education services in order to profit. Difficulty in writing, speaking or understanding the English language due to an environmental background wherein a language other than English is spoken primarily or exclusively shall not be considered a sufficient handicap to require special education.

Sec. 4. Section 15-1012, Arizona Revised Statutes, is amended to read:

15-1012. Division of special education; director; duties; qualifications

A. There is created a division of special education to carry out the provisions of this article subject to the state superintendent of public instruction.

B. The director of the division of special education shall be appointed by the state superintendent of public instruction with the advice and consent of the state board of education. The compensation of the director shall be determined pursuant to section 38-611.

C. The director shall carry out the provisions of this article and the duties prescribed by the state board of education relating to the administration of the provisions of this article.

D. THE DIVISION OF SPECIAL EDUCATION MAY REVIEW SPECIAL EDUCATION PROGRAMS, INCLUDING PLACEMENT OF

LAWS OF ARIZONA

PUPILS, TO DETERMINE THAT PROGRAM, EVALUATION AND PLACEMENT PROCEDURES COMPLY WITH THE PROVISIONS OF SECTIONS 15-1013 AND 15-1014 AND THE RULES AND REGULATIONS APPROVED BY THE STATE BOARD OF EDUCATION.

~~D.~~ E. Only a person with at least a master's degree in education and who is experienced in special education is eligible for appointment as director of the division of special education.

F. THERE IS CREATED A SPECIAL EDUCATION ADVISORY COMMITTEE WHICH SHALL ADVISE AND CONSULT WITH THE STATE BOARD OF EDUCATION, THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION AND THE DIRECTOR OF THE DIVISION OF SPECIAL EDUCATION, AND WHICH SHALL ENGAGE IN SUCH OTHER ACTIVITIES AS ARE HEREINAFTER SET FORTH. THE ADVISORY COMMITTEE SHALL BE COMPOSED OF TWELVE MEMBERS, NO MORE THAN FIVE OF WHOM MAY BE OFFICERS OR EMPLOYEES OF LOCAL SCHOOL DISTRICTS. THE STATE BOARD OF EDUCATION SHALL APPOINT THE MEMBERS OF THE ADVISORY COMMITTEE FOR THREE-YEAR TERMS, EXCEPT THAT OF THOSE FIRST APPOINTED, FOUR SHALL BE APPOINTED FOR TERMS OF ONE YEAR, FOUR FOR TERMS OF TWO YEARS, AND FOUR FOR TERMS OF THREE YEARS. VACANCIES SHALL BE FILLED FOR THE UNEXPIRED TERM IN THE SAME MANNER AS ORIGINAL APPOINTMENTS.

1. THE ADVISORY COMMITTEE SHALL BE COMPOSED OF PERSONS BROADLY REPRESENTATIVE OF COMMUNITY ORGANIZATIONS INTERESTED IN EXCEPTIONAL CHILDREN, PROFESSIONS RELATED TO THE EDUCATIONAL NEEDS OF EXCEPTIONAL CHILDREN, AND THE GENERAL PUBLIC. IT SHALL HAVE A MINIMUM OF TWO MEETINGS A YEAR.

2. THE ADVISORY COMMITTEE ANNUALLY SHALL ELECT ITS OWN CHAIRMAN AND VICE-CHAIRMAN. THE STATE BOARD OF EDUCATION SHALL REGULARLY SUBMIT, AS PART OF ITS BUDGET REQUEST, ANY ITEM OR ITEMS SUFFICIENT TO COVER EXPENSES OF THE OPERATION OF THE ADVISORY COMMITTEE AND OF ITS MEMBERS IN CONNECTION WITH THEIR ATTENDANCE AT MEETINGS OF THE ADVISORY COMMITTEE AND OTHER ADVISORY COMMITTEE ACTIVITIES.

Sec. 5. Section 15-1015, Arizona Revised Statutes, is amended to read:

LAWS OF ARIZONA

15-1015. Powers of the governing board of a school district or county

A. The governing ~~body~~ BOARD of ~~a~~ EACH school district or the county school superintendent ~~may~~ SHALL BY THE SCHOOL YEAR 1976-1977:

1. ~~Establish~~ PROVIDE special education ~~programs~~ AND REQUIRED SUPPORTIVE SERVICES for ~~the education of exceptional~~ ALL HANDICAPPED, EXCEPT EMOTIONALLY HANDICAPPED, children.

2. Employ ~~certified~~ SUPPORTIVE special personnel ~~including~~, WHICH MAY INCLUDE a director of special education, for the operation of special school programs for exceptional children.

3. TO THE EXTENT PRACTICABLE, EDUCATE HANDICAPPED CHILDREN IN THE REGULAR EDUCATION CLASSES. SPECIAL CLASSES, SEPARATE SCHOOLING OR OTHER REMOVAL OF HANDICAPPED CHILDREN FROM THE REGULAR EDUCATIONAL ENVIRONMENT, SHALL OCCUR ONLY IF, AND TO THE EXTENT THAT THE NATURE OR SEVERITY OF THE HANDICAP IS SUCH THAT EDUCATION IN REGULAR CLASSES, EVEN WITH THE USE OF SUPPLEMENTARY AIDS AND SERVICES, CANNOT BE ACCOMPLISHED SATISFACTORILY.

4. PROVIDE NECESSARY TRANSPORTATION FOR HANDICAPPED CHILDREN IN CONNECTION WITH ANY PROGRAM, CLASS OR SERVICE.

B. THE SPECIAL EDUCATION PROGRAM UNDER THIS SECTION SHALL BE CONDUCTED ONLY IN A SCHOOL FACILITY WHICH HOUSES REGULAR EDUCATION CLASSES OR IN OTHER FACILITIES APPROVED BY THE STATE DIVISION OF SPECIAL EDUCATION.

C. FOR THE PURPOSES OF THIS SECTION, HANDICAPPED CHILDREN BEING FURNISHED SPECIAL EDUCATION IN REHABILITATION, CORRECTIVE OR OTHER STATE AND COUNTY SUPPORTED INSTITUTIONS SHALL BE THE RESPONSIBILITY OF THAT INSTITUTION OR FACILITY. SPECIAL EDUCATION PROGRAMS AT SUCH INSTITUTION OR FACILITY SHALL CONFORM TO THE CONDITIONS AND STANDARDS PRESCRIBED BY THE DIRECTOR OF THE DIVISION OF SPECIAL EDUCATION.

D. THE GOVERNING BODY OF EACH COMMON OR HIGH SCHOOL

LAWS OF ARIZONA

DISTRICT, COUNTY OR AGENCIES INVOLVED IN INTERGOVERNMENTAL AGREEMENTS MAY:

- ~~3-~~ 1. In cooperation with another district or districts, establish special education programs for exceptional children. When two or more governing bodies determine to carry out by joint agreement the duties in regard to the special education programs for exceptional children, the governing bodies ~~may~~ SHALL, in accordance with STATE LAW AND the rules and regulations of the division of special education, establish a written agreement for the provision of services. In such agreements, one governing body OF EACH COMMON OR HIGH SCHOOL DISTRICT, AGENCIES INVOLVED IN INTERGOVERNMENTAL AGREEMENTS OR THE COUNTY SCHOOL SUPERINTENDENT shall administer the program in accordance with the contract agreement between the districts. Tuition students may be included in the agreement.
- ~~4-~~ 2. Establish work-experience programs in accordance with rules and regulations of the division of special education. The work-experience programs shall consist of classroom instruction, evaluation, training, and part-time employment. The evaluation, training, and part-time employment may take place on or off the school campus, in or out of the school district, but must be under supervision of certified school personnel. Students enrolled in the work-experience program shall be at least sixteen years of age. Time in a work-experience program shall be counted as attendance at school to qualify for appropriations provided by section 15-1017. All work-experience programs must have the approval of the state division of special education.

3. ESTABLISH SPECIAL EDUCATION PROGRAMS FOR GIFTED AND EMOTIONALLY HANDICAPPED CHILDREN.

~~B. In a school district that does not provide a special program, the governing body may petition the county school superintendent, who may, upon approval of the division of special education, establish special education or special services in accordance with the rules and regulations of the division of special education.~~

~~C. The county school superintendent may, upon approval of the division of special education, establish special education programs in the county accommodation schools under his jurisdiction or may cooperate with other school districts by agreement to provide such services for such special programs in accordance with the rules and regulations of the division of special education. At the beginning of each school year the~~

LAWS OF ARIZONA

~~county school superintendent shall present an estimate of the current year's accommodation school exceptional programs tuition cost to each school district that has signed an agreement to use the services of the accommodation school. The tuition shall be the estimated per capita cost based on the number of pupils that each school district has estimated will enroll in the program and the school district shall pay the tuition quarterly in advance on July 1, October 1, January 1, and April 1. Increases in enrollment during the school year over the school district's estimate of July 1, shall cause the tuition charges to be adjusted accordingly. In the event of overpayment by the district of residence, the necessary adjustment shall be made at the close of the school year.~~

~~D. The special education program under this section shall be conducted only in a school facility which houses regular education classes or in other facilities approved by the state division of special education.~~

E. ~~The~~ A school district or county school superintendent may contract with, AND MAKE PAYMENTS TO, other ~~approved~~ public or private SCHOOLS, INSTITUTIONS AND agencies APPROVED BY THE DIVISION OF SPECIAL EDUCATION, within or without the district, for the education of AND PROVISION OF SERVICES TO exceptional children IF UNABLE TO PROVIDE SATISFACTORY EDUCATION AND SERVICE THROUGH ITS OWN FACILITIES AND PERSONNEL in accordance with the rules and regulations prescribed by the division of special education.

~~F. The total enrollment in all special education programs of a school district or county may be increased annually by not to exceed twenty per cent of the total average daily attendance in all special education programs of the school district or county during the previous year. The daily attendance of speech handicapped children, not exceeding ninety for each speech therapist, who have during the previous year, received speech therapy, from a certified speech therapist employed by the school district or county, shall be included for the purpose of determining the growth limitation of this section. Such limitation shall not apply to a school district or county which has a total average daily attendance in its special education programs of one hundred or less pupils.~~

~~G. No child may be counted in the computation of average daily attendance in more than one exceptional category for the purpose of the growth limitation provided in this section.~~

Sec. 6. Section 15-1017, Arizona Revised Statutes, is amended to read:

LAWS OF ARIZONA

15-1017. Appropriation and apportionment; approval of program; budget limit exception

A. All students as defined by section 15-1011 shall be included in the appropriation and apportionment made pursuant to sections 15-1211 and 15-1212 and the county levy as provided in section 15-1235. In addition:

1. The legislature shall appropriate the following amounts per unit of average daily attendance per annum for each special education student taught, the appropriation being made on an actual per capita per annum basis as shown by the records of the superintendent of public instruction:

(a) Three hundred eighty dollars per unit of average daily attendance of educable mentally handicapped pupils.

(b) Three hundred eighty dollars per unit of average daily attendance of emotionally handicapped pupils.

(c) Fifty dollars per unit of average daily attendance of gifted pupils.

(d) Five hundred twenty-six dollars per unit of average daily attendance of homebound pupils.

(e) Five hundred ninety dollars per unit of average daily attendance of multiple handicapped pupils.

(f) Three hundred eighty dollars per unit of average daily attendance of physically handicapped pupils.

(g) Three hundred eighty dollars per unit of average daily attendance of specific learning disabled pupils.

(h) Six hundred ninety dollars per unit of average daily attendance of trainable mentally handicapped pupils.

(i) SEVEN HUNDRED DOLLARS PER UNIT OF AVERAGE DAILY ATTENDANCE OF HEARING HANDICAPPED PUPILS.

(j) SEVEN HUNDRED DOLLARS PER UNIT OF AVERAGE DAILY ATTENDANCE OF VISION HANDICAPPED PUPILS.

2. The county shall provide the following amounts per unit of average daily attendance for each special education student taught by the district:

LAWS OF ARIZONA

- (a) Ten dollars per unit of average daily attendance of educable mentally handicapped pupils.
- (b) Ten dollars per unit of average daily attendance of emotionally handicapped pupils.
- (c) Ten dollars per unit of average daily attendance of homebound pupils.
- (d) Ten dollars per unit of average daily attendance of multiple handicapped pupils.
- (e) Ten dollars per unit of average daily attendance of physically handicapped pupils.
- (f) Ten dollars per unit of average daily attendance of specific learning disabled pupils.
- (g) Ten dollars per unit of average daily attendance of trainable mentally handicapped pupils.

3. The legislature shall appropriate ~~forty~~ FIFTY-FIVE dollars for each speech handicapped pupil, except that such monies shall not be paid on behalf of more than ninety pupils for each certified speech therapist employed by the school district or county.

B. The appropriations and apportionment shall be computed with reference to the estimated number of special education students to be taught during the current year in classes and programs having a minimum of two hundred forty minutes of instruction or work experience as provided for in section 15-1015, subsection A per school day, except that a child receiving instruction under the homebound teaching program shall be deemed in full attendance when he attends classes or receives instruction for a period of not less than four hours per week. Any additional cost resulting from the special education program and not provided for under the provisions of this section shall be met by each school district having students receiving special instruction or by the county in the case of a county special education program.

C. The appropriations and apportionment provided under the terms of this section shall not be granted to the governing body of a school district or county school superintendent unless the district or county complies with the provisions of this article and the conditions and standards

LAWS OF ARIZONA

prescribed by the director of the division of special education. A school district or county program for education of handicapped children, as prescribed by the terms of this article, shall be presented to the state board of education for approval.

~~D. After the fiscal year 1970-71, the total of state assistance and the total of county assistance for which a school district or county is otherwise eligible pursuant to this section shall not be in an amount which is an increase of more than twenty per cent over the amounts of such assistance in the previous year, except that such limitation shall not apply to a school district or county which has a total average daily attendance in its special education programs of one hundred or less pupils.~~

~~E.~~ D. Any special education per capita operational cost over and above the per capita operational cost of a district as shown in item 7 of the six per cent budget limit check shall be exempted from the six per cent budget limit.

~~F.~~ E. The budget six per cent limit does not apply to any school district acting as either fiscal or administrative agent for an intergovernmental agreement, pursuant to section 11-952, for the provision of programs provided for in section 15-1015, subsection A, D, paragraph 3-1 to the extent of tuition monies budgeted and received from other cooperating school districts.

Sec. 7. Voucher for special education prior to district program

A. Until the school year 1976-1977 or such earlier time as the district of a pupil's residence provides a course of instruction for the nonemotionally disturbed handicapped children for which such child is eligible, the child, upon application of his parent or guardian to the division of special education, shall have a voucher qualification level equal to the state basic grant under section 15-1211, Arizona Revised Statutes, and the relevant category of state special education assistance under section 15-1017, Arizona Revised Statutes.

B. The parent or guardian may present the voucher for such child to any person, school or other institution within this state which offers suitable special education instruction and supportive services approved by the department of education, division of special education.

C. The voucher shall be valid as a payment of tuition and costs of such instruction to the extent of the qualification level under subsection A, but

LAWS OF ARIZONA

not in excess of the standard charge for tuition and costs as applicable to any pupils of such instruction for whom no voucher under this section is available.

Sec. 8. Appropriation

The sum of four hundred thirty-five thousand four hundred fifty dollars is appropriated to the division of special education of the department of education for the purpose of implementing section 7 of this act.

Sec. 9. Repeal

Sections 15-1018 and 15-1213, Arizona Revised Statutes, are repealed.

Approved by the Governor—May 14, 1973

Filed in the Office of the Secretary of State—May 14, 1973

CHAPTER 182

House Bill 2311

AN ACT

RELATING TO TAXATION AND EDUCATION; PROVIDING CLASSIFICATIONS AND BASIS FOR DETERMINING ASSESSED VALUATION OF PROPERTY FOR TAXATION; PRESCRIBING CERTAIN LIMITATIONS ON PROPERTY TAX LEVY FOR TAXABLE YEAR 1973; PROVIDING FOR REDUCTION OF PROPERTY TAX THAT OTHERWISE WOULD BE DUE FOR THE TAXABLE YEAR 1973 ON CERTAIN PROPERTY; PROVIDING FOR REIMBURSEMENT BY THE STATE TO THE POLITICAL SUBDIVISIONS FOR LOSS OF TAX MONIES DUE TO SUCH REDUCTION IN PROPERTY TAX; REMOVING CERTAIN TYPES OF STATE GENERAL ASSISTANCE TO SCHOOLS; GRANTING AN INCOME TAX CREDIT AND REFUND TO CERTAIN PERSONS FOR PROPERTY TAXES PAID; AMENDING SECTIONS 42-136, 42-227, 42-642 AS AMENDED BY LAWS 1972, CHAPTER 10 AND 42-642 AS AMENDED BY LAWS 1973, CHAPTER 33, ARIZONA REVISED STATUTES; AMENDING TITLE 43, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY

LAWS OF ARIZONA

ADDING SECTION 43-128.01; REPEALING SECTION 15-1211, ARIZONA REVISED STATUTES, AND TITLE 15, CHAPTER 12, ARTICLES 2.1 AND 2.2, ARIZONA REVISED STATUTES, MAKING AN APPROPRIATION, PROVIDING FOR CERTAIN EXPIRATION DATES AND PROVIDING FOR CERTAIN EFFECTIVE DATES.

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

Section 1. Legislative intent

The purposes of this act are:

1. To provide the first part of a multiphased program to deemphasize reliance on the property tax and to moderate the property tax increases which will occur on certain residential property in the tax year 1973 as a result of a revaluation program for property tax purposes in 1973.
2. To provide relief, through a system of income tax credits and refunds and appropriations from the state general fund, to certain persons who own or rent their homestead.

Sec. 2. Preparation of assessment and tax roll for 1973

For the purposes of this act, the county board of supervisors shall perform their powers and duties as provided by law relating to development of the assessment and tax roll for the tax year 1973, for secured property and for the tax year 1974 for unsecured property, except as set forth in this act.

Sec. 3. Section 42-136, Arizona Revised Statutes, is amended to read:

42-136. Classification of property for taxation

There are established the following classes of property for taxation:

1. Class one:
 - (a) Flight property valued under the provisions of sections 42-701 through 42-705.
 - (b) All real and personal property used in the operation of private car companies valued under the provisions of sections 42-741 through 42-748.

LAWS OF ARIZONA

(c) All real and personal property of railroad companies used in the continuous operation of a railroad valued under the provisions of sections 42-761 through 42-766.

(d) Producing mines and mining claims, the personal property used thereon, the improvements thereto and the mills and smelters operated in conjunction therewith valued under the provisions of section 42-124.

(e) Standing timber.

2. Class two:

(a) All real and personal property used in the operation of telephone and telegraph companies valued under the provisions of sections 42-791 through 42-795.

(b) All property, both real and personal, of gas, water and electric utility companies and pipeline companies valued under the provisions of section 42-124.01.

3. Class three:

All real and personal property devoted to any commercial or industrial use other than property included in classes one, two ~~and~~ OR four, including but not limited to land, the improvements thereto or any part of such land or improvements leased or rented for residential use.

4. Class four:

(a) All real property and the improvements thereto, if any, used for agricultural purposes, and all other real property and the improvements thereto, if any, not included in classes one, two, ~~and~~ three OR FIVE.

(b) All personal property used for agricultural purposes, and all other personal property not included in classes one, two, ~~and~~ three OR FIVE.

5. CLASS FIVE:

ALL REAL PROPERTY AND THE IMPROVEMENTS THERETO AND PERSONAL PROPERTY USED FOR RESIDENTIAL PURPOSES AND NOT OTHERWISE INCLUDED IN CLASSES 1, 2, 3, OR 4.

Sec. 4. Section 42-227, Arizona Revised Statutes, is amended to read:

LAWS OF ARIZONA

42-227. Valuation of property at market value, separate valuation of land and improvements; basis for determination of assessed valuation

A. For property tax purposes the valuation of all taxable property shall be determined at its market value. The valuation of land and improvements thereon shall be determined separately. The combined valuation of all land and improvements shall not exceed the market value of the total property.

B. As a basis for determining the assessed valuation for the different classes of property specified in section 42-136, the following percentages shall apply:

1. Class one: sixty per cent of its full cash value.
2. Class two: forty per cent of its full cash value.
3. Class three: twenty-five per cent of its full cash value.
4. Class four: eighteen per cent of its full cash value.
5. CLASS FIVE: EIGHTEEN PER CENT OF ITS FULL CASH VALUE.

C. The valuation determined for producing oil and gas interests valued under the provisions of section 42-124 and sections 42-227.01 through 42-227.04 shall be the assessed valuation for such property.

D. Upon preparation of the rolls, the assessor shall apply the appropriate percentage to the full cash value of all property so that the assessed valuation will be shown thereon.

Sec. 5. Section 42-642, Arizona Revised Statutes, as amended by Laws 1972, Chapter 10, is amended to read as follows:

42-642. Taxation of mobile homes; exemption

A. Each mobile home shall be subject to ad valorem property tax to be assessed and collected in the same manner and at the same time as other personal property included in paragraph 3, ~~or~~ 4 OR 5 of subsection B of section 42-227 and paragraph 3, ~~or~~ 4 OR 5 of section 42-136, subject to the provisions of subsection B of this section.

LAWS OF ARIZONA

B. If application for registration is made after the last day of March for any mobile home not previously required to be registered in this state, the ad valorem tax for such year on such mobile home shall be reduced by one-fourth for each full calendar quarter of such year already expired.

C. The department shall establish the method of determining the valuation of each mobile home to be set by the county assessor.

D. The provisions of this article shall not apply to mobile homes properly licensed in another state which are owned by a bona fide tourist in this state. The provisions of this article shall apply to the owner of a mobile home or trailer located in this state who is a resident of this state. For the purpose of determining whether or not a mobile home or trailer in this state is subject to the tax provisions and the requirements regarding registration or titling, or both, under the provisions of this article, "resident" includes, but is not limited to, the following:

1. Any person, except a tourist or out-of-state student, who owns, leases or rents a dwelling within the state and occupies it as a place of residence, or any person who, regardless of domicile, remains in the state for a consecutive period of six months or more.
2. Any person who engages in a trade, profession or occupation in this state or who accepts employment in other than seasonal agricultural work.
3. Any person placing children in a public school without payment of nonresident tuition.
4. Any person who declares himself to be a resident of this state for the purpose of obtaining at resident rates a state license or tuition fees at an educational institution maintained by public funds.
5. Any individual, partnership, company, firm, corporation or association which maintains a main office, branch office or warehouse facilities in the state, and which bases and operates motor vehicles in the state.

Sec. 6. Section 42-642, Arizona Revised Statutes, as amended by Chapter 33, Laws 1973, is amended to read:

42-642. Taxation of mobile homes; exemption

A. Each mobile home shall be subject to ad valorem property tax to be assessed and collected in the same manner and at the same time as other

LAWS OF ARIZONA

personal property included in paragraph 3, ~~or~~ 4 OR 5 of subsection B of section 42-227 and paragraph 3, ~~or~~ 4 OR 5 of section 42-136, subject to the provisions of subsection B of this section.

B. If application for title is made after the last day of March for any mobile home not previously required to have a title in this state, the ad valorem tax for such year on such mobile home shall be reduced by one-fourth for each full calendar quarter of such year already expired.

C. The department shall establish the method of determining the valuation of each mobile home to be set by the county assessor.

D. The provisions of this article shall not apply to mobile homes properly licensed in another state which are owned by a bona fide tourist in this state. The provisions of this article shall apply to the owner of a mobile home or trailer located in this state who is a resident of this state. For the purpose of determining whether or not a mobile home in this state is subject to the tax provisions and the requirements regarding titling under the provisions of this article, "resident" includes, but is not limited to, the following:

1. Any person, except a tourist or out-of-state student, who owns, leases or rents a dwelling within the state and occupies it as a place of residence, or any person who, regardless of domicile, remains in the state for a consecutive period of six months or more.
2. Any person who engages in a trade, profession or occupation in this state or who accepts employment in other than seasonal agricultural work.
3. Any person placing children in a public school without payment of nonresident tuition.
4. Any person who declares himself to be a resident of this state for the purpose of obtaining at resident rates a state license or tuition fees at an educational institution maintained by public funds.
5. Any individual, partnership, company, firm, corporation or association which maintains a main office, branch office or warehouse facilities in the state, and which bases and operates motor vehicles in the state.

Sec. 7. Extension and levy of tax for the secured property tax roll

A. Except as otherwise provided in this subsection, for the tax year 1973 the county board of supervisors shall reduce the property tax to be

LAWS OF ARIZONA

collected on each parcel of property included in class five as established by section 3 of this act from the level computed pursuant to section 42-309, Arizona Revised Statutes, by an amount equal to twenty-five per cent of the property tax representing the taxes levied on such property by a common school district, high school district, community college district, a county and an incorporated city or town. For those parcels of property which are located in a school district the county board of supervisors shall compute the property tax reduction on the taxes levied by such school district on such property exclusive of the amount of the property tax levy which is required for an increase per unit of average daily attendance over that shown as item 6 of the budget six per cent limit under section 15-1201, Arizona Revised Statutes, as authorized under section 15-1202, subsection E, Arizona Revised Statutes.

B. The county board of supervisors shall report to the state treasurer not later than September 7, 1973 information in writing as to the total amount of the property tax reductions computed pursuant to subsection A of this section.

C. The state treasurer shall total the amounts reported pursuant to subsection B of this section and, if the total exceeds forty million dollars, the state treasurer shall compute and report to each county board of supervisors not later than September 14, 1973 an identical percentage by which the property tax reductions computed in each county pursuant to subsection A of this section are to be reduced in order to limit the total of such reductions to an amount not in excess of forty million dollars.

D. The county board of supervisors shall adjust the property tax reductions computed for each parcel of property as provided in subsection A of this section by the percentage factor if any is provided by the state treasurer pursuant to subsection C of this section.

E. The county board of supervisors in preparing the assessment and tax roll for the tax year 1973 pursuant to section 42-309, Arizona Revised Statutes, shall reduce the computed property taxes for each parcel by the adjusted property tax reduction computed pursuant to this section.

Sec. 8. Extension and levy of tax for the personal property tax roll

A. Except as otherwise provided in this subsection, for the tax extension and levy period beginning January 1, 1974 and ending December 31, 1974 the county board of supervisors shall reduce the property tax to be collected on each item of property included in class five as established by section 3 of this act from the level computed pursuant to section 42-607, Arizona Revised Statutes, by an amount equal to twenty-five per cent of

LAWS OF ARIZONA

the property tax representing the taxes levied by a common school district, high school district, community college district, a county and an incorporated city or town. For those items of property which are located in a school district the county board of supervisors shall compute the property tax reduction on the taxes levied by such school district on such property exclusive of the amount of the property tax levy which is required for an increase per unit of average daily attendance over that shown as item 6 of the budget six per cent limit under section 15-1201, Arizona Revised Statutes, as authorized under section 15-1202, subsection E, Arizona Revised Statutes.

B. The county board of supervisors shall adjust the property tax reductions computed for each item of property as provided in subsection A of this section by the percentage factor if any is provided by the state treasurer pursuant to subsection C of section 7.

C. The county board of supervisors in preparing the personal property tax roll for the extension and levy period beginning January 1, 1974 and ending December 31, 1974 pursuant to section 42-607, Arizona Revised Statutes, shall reduce the computed property taxes for each item by the adjusted property tax reduction computed pursuant to this section.

Sec. 9. Limitation on reduction of tax

The board of supervisors when computing the property tax reductions of subsection A of section 7 and 8 of this act shall not reduce the taxes computed on any single parcel or item of such property by more than three hundred dollars.

Sec. 10. Forwarding tax roll to county treasurer; tax statement

A. Notwithstanding the provisions of section 42-310, subsection B, Arizona Revised Statutes, the county board of supervisors in performing its powers and duties pursuant to such section for the tax year 1973 shall deliver the assessment and tax roll and the cross index to the county treasurer on or before the first Monday in October.

B. When the secured and unsecured property tax rolls are delivered to the county treasurer the county board of supervisors shall indicate the total amount by which property taxes have been reduced under provisions of this act on property in each of the common school districts, high school districts, community college district, incorporated cities and towns and the county.

LAWS OF ARIZONA

C. The county board of supervisors shall provide for inclusion of the following information on the tax statements for the taxable year 1973, which shall be in addition to the usual information on such statements:

1. The total amount due for tax under the provisions of section 42-309 or section 42-607, Arizona Revised Statutes.
2. The amount that such tax total was reduced pursuant to this act.
3. The net property tax due.
4. Reference to this legislative act as the authority by which such property tax reduction was provided.

Sec. 11. Reimbursement by state treasurer to county treasurers; distribution

A. The state treasurer shall remit to each county treasurer an amount equal to the total reductions computed pursuant to subsection E of section 7. These reimbursements shall be paid in two equal payments by not later than the last working day of October, 1973 and March, 1974.

B. The county treasurer shall submit to the state treasurer on a form furnished by the state treasurer a monthly claim for reimbursement by the state treasurer to the county treasurer for the total amount of the tax reductions made pursuant to subsection C of section 8. The state treasurer shall remit the amount of each such claim to the county treasurer not later than thirty days after receipt of the claim.

C. The county treasurer shall, upon receipt of reimbursements from the state treasurer as provided in subsections A and B, distribute such monies to the property tax levying political subdivisions of the state in the proportion that each would have received had such tax reduction not been granted pursuant to this act.

Sec. 12. Limitations on tax levy for tax year 1973 by counties and incorporated cities and towns

A. For the tax year 1973 no incorporated city or town may levy property taxes for all purposes which exceed the prior year's property tax levy for all purposes by more than ten per cent.

B. For the tax year 1973, no county may levy property taxes which in total exceed the sum of:

LAWS OF ARIZONA

1. The sum of

(a) The amount budgeted for school aid required by Arizona Revised Statutes section 15-1235 for the fiscal year 1973-74,

(b) The amount budgeted for expenditures required by the provisions of chapter 14 of title 15, Arizona Revised Statutes for the fiscal year 1973-74; and

2. One hundred ten percent of an amount which is equal to the property taxes levied for all purposes in the tax year 1972 less the sum of

(a) The amount expended in fiscal year 1972-73 for school aid required by Arizona Revised Statutes section 15-1235, and

(b) The amount expended in fiscal year 1972-73 for expenditures required by the provisions of chapter 14 of title 15, Arizona Revised Statutes.

Sec. 13. Repeals

Section 15-1211, Arizona Revised Statutes, and title 15, chapter 12, articles 2.1 and 2.2, Arizona Revised Statutes, are repealed effective July 1, 1974.

Sec. 14. Appropriation; purpose

A. The sum of six million, seven hundred and twenty thousand dollars is appropriated from the state general fund to the state treasurer for the purpose of reimbursing county treasurers for sixteen percent of the property tax reduction amounts computed pursuant to this act.

B. The sum of thirty-five million two hundred and eighty thousand dollars is appropriated from the federal revenue sharing trust fund, account 34-140-801, to the state treasurer for the purpose of reimbursing county treasurers for eighty-four percent of the property tax reduction amounts computed pursuant to this act.

C. The appropriations made by this act are exempt from the provisions of section 35-190, Arizona Revised Statutes, relating to lapsing of appropriations, except that any funds thereof remaining unexpended on January 31, 1975 shall revert to the funds from which appropriated in the same ratio as they were appropriated.

LAWS OF ARIZONA

Sec. 15. Title 43, chapter 1, article 1, Arizona Revised Statutes, is amended by adding section 43-128.01, to read:

43-128.01. Credit allowed taxpayers—credit for property taxes paid

(a) CREDIT, RESIDENTS SIXTY-FIVE YEARS OF AGE OR OLDER. THERE SHALL BE ALLOWED TO EACH RESIDENT A CREDIT AGAINST THE TAXES IMPOSED BY THIS TITLE FOR A TAXABLE YEAR FOR PROPERTY TAXES ACCRUED OR RENT CONSTITUTING PROPERTY TAXES ACCRUED, OR BOTH, IN THAT TAXABLE YEAR, IN ACCORDANCE WITH THE SUBSECTION (b), IF:

(1) SUCH RESIDENT ATTAINED THE AGE OF SIXTY-FIVE YEARS PRIOR TO OR DURING THE TAXABLE YEAR;

(2) THE ASSESSED VALUATION OF ALL PROPERTY OWNED IN WHOLE OR IN PART BY SUCH PERSON DURING THE TAXABLE YEAR WAS LESS THAN FIVE THOUSAND DOLLARS; AND

(3) SUCH PERSON EITHER:

(i) DID NOT LIVE WITH HIS SPOUSE OR ANY LEGAL DEPENDENTS AND HAD AN INCOME FROM ALL SOURCES IN THE TAXABLE YEAR OF LESS THAN THREE THOUSAND FIVE HUNDRED DOLLARS, OR

(ii) LIVED WITH HIS SPOUSE OR ONE OR MORE LEGAL DEPENDENTS AND THE COMBINED INCOME FROM ALL SOURCES IN THE TAXABLE YEAR OF ALL PERSONS RESIDING IN THE RESIDENCE WAS LESS THAN FIVE THOUSAND DOLLARS.

(b) AMOUNT OF CREDIT. THE CREDIT ALLOWED UNDER SUBSECTION (a) SHALL BE COMPUTED AS FOLLOWS:

(1) FOR A PERSON ELIGIBLE UNDER SUBPARAGRAPH (3) (i) OF SUBSECTION (a), ACCORDING TO THE FOLLOWING TABLE:

HOUSEHOLD INCOME	PERCENTAGE OF PROPERTY TAX ACCRUED OR RENT CONSTITUTING PROPERTY TAX ACCRUED ALLOWED AS CREDIT
\$ 0 - 1,750	100%
1,750 - 2,100	90%
2,100 - 2,450	70%

LAWS OF ARIZONA

HOUSEHOLD INCOME	PERCENTAGE OF PROPERTY TAX ACCRUED OR RENT CONSTITUTING PROPERTY TAX ACCRUED ALLOWED AS CREDIT
\$ 2,450 - 2,800	50%
2,800 - 3,150	40%
3,150 - 3,500	30%

(2) FOR A PERSON ELIGIBLE UNDER SUBPARAGRAPH (3) (ii) OF SUBSECTION (a), ACCORDING TO THE FOLLOWING TABLE:

HOUSEHOLD INCOME	PERCENTAGE OF PROPERTY TAX ACCRUED OR RENT CONSTITUTING PROPERTY TAX ACCRUED ALLOWED AS CREDIT
\$ 0 - 2,500	100%
2,500 - 3,000	90%
3,000 - 3,500	70%
3,500 - 4,000	50%
4,000 - 4,500	40%
4,500 - 5,000	30%

(c) **DISPOSITION OF UNUSED CREDIT; OFFSET AGAINST TAX LIABILITIES; REFUND.** DISPOSITION OF THE CLAIMANT'S ALLOWABLE CREDIT SHALL BE AS PROVIDED BELOW.

(1) IF THE ALLOWABLE AMOUNT OF SUCH CLAIM EXCEEDS THE INCOME TAXES OTHERWISE DUE ON THE CLAIMANT'S INCOME, OR IF THERE ARE NO STATE INCOME TAXES DUE ON THE CLAIMANT'S INCOME, THE AMOUNT OF THE CLAIM NOT USED AS AN OFFSET AGAINST INCOME TAXES, AFTER AUDIT BY THE COMMISSION, SHALL BE PAID IN THE SAME MANNER AS A REFUND GRANTED UNDER SECTION 43-184. NO INTEREST SHALL BE ALLOWED ON ANY PAYMENT MADE TO A CLAIMANT PURSUANT TO THIS SECTION.

(2) THE AMOUNT OF ANY CLAIM OTHERWISE PAYABLE FOR RELIEF FOR PROPERTY TAXES ACCRUED OR RENT CONSTITUTING PROPERTY TAXES ACCRUED MAY BE APPLIED BY THE COMMISSION AGAINST ANY LIABILITY OUTSTANDING ON THE BOOKS OF THE COMMISSION AGAINST THE CLAIMANT, OR AGAINST HIS OR HER SPOUSE WHO WAS A MEMBER OF THE CLAIMANT'S HOUSEHOLD IN THE TAXABLE YEAR.

LAWS OF ARIZONA

(d) **Public welfare recipients excluded.** NO CLAIM FOR RELIEF FOR PROPERTY TAXES ACCRUED OR RENT PAID SHALL BE ALLOWED TO ANY PERSON WHO WAS A RECIPIENT OF PUBLIC FUNDS FOR THE PAYMENT OF PROPERTY TAXES OR RENT DURING THE TAXABLE YEAR.

(e) **Administration.** THE COMMISSION SHALL MAKE AVAILABLE SUITABLE FORMS WITH INSTRUCTIONS FOR CLAIMANTS, INCLUDING A FORM WHICH MAY BE INCLUDED WITH OR AS A PART OF THE INDIVIDUAL INCOME TAX BLANK. THE CLAIM SHALL BE IN SUCH FORM AS THE COMMISSION MAY PRESCRIBE.

(f) **Filing date; extension of time.** NO CLAIM WITH RESPECT TO PROPERTY TAXES ACCRUED OR WITH RESPECT TO RENT CONSTITUTING PROPERTY TAXES ACCRUED SHALL BE ALLOWED OR PAID UNLESS THE CLAIM IS ACTUALLY FILED ON OR BEFORE APRIL 15 FOR THE NEXT PRECEDING CALENDAR YEAR. THE COMMISSION MAY, UPON REQUEST, GRANT FOR A PERIOD NOT TO EXCEED SIX MONTHS AN EXTENSION OF TIME FOR FILING THE CLAIM.

(g) **Limitation on number of claimants.** ONLY ONE CLAIMANT PER HOUSEHOLD PER YEAR SHALL BE ENTITLED TO RELIEF PURSUANT TO THIS SECTION.

(h) **Definitions.** IN THIS SECTION UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "CLAIMANT" MEANS A PERSON WHO HAS FILED A CLAIM FOR CREDIT UNDER THIS SECTION AND WAS A RESIDENT OF THIS STATE DURING THE ENTIRE TAXABLE YEAR. IN THE CASE OF A CLAIM FOR RENT CONSTITUTING PROPERTY TAXES ACCRUED, THE CLAIMANT SHALL HAVE RENTED PROPERTY IN THIS STATE DURING THE ENTIRE TAXABLE YEAR AND SHALL HAVE OCCUPIED THE SAME RESIDENCE QUARTERS FOR AT LEAST SIX MONTHS OF THAT YEAR. WHEN TWO INDIVIDUALS OF A HOUSEHOLD ARE ABLE TO MEET THE QUALIFICATIONS FOR A CLAIMANT, THEY MAY DETERMINE BETWEEN THEM AS TO WHO THE CLAIMANT SHALL BE. IF THEY ARE UNABLE TO AGREE, THE MATTER SHALL BE REFERRED TO THE STATE TAX COMMISSION AND ITS DECISION SHALL BE FINAL. IF A HOMESTEAD IS OCCUPIED BY TWO OR MORE INDIVIDUALS AND MORE THAN ONE INDIVIDUAL IS ABLE TO QUALIFY AS A CLAIMANT, AND

LAWS OF ARIZONA

SOME OR ALL OF THE QUALIFIED INDIVIDUALS ARE NOT RELATED, THE INDIVIDUALS MAY DETERMINE AMONG THEM AS TO WHO THE CLAIMANT SHALL BE. IF THEY ARE UNABLE TO AGREE, THE MATTER SHALL BE REFERRED TO THE COMMISSION, AND ITS DECISION SHALL BE FINAL.

(2) "COMMISSION" MEANS THE STATE TAX COMMISSION.

(3) "GROSS RENT" MEANS RENTAL PAID SOLELY FOR THE RIGHT OF OCCUPANCY OF A HOMESTEAD OR SPACE RENTAL PAID TO A LANDLORD FOR THE PARKING OF A MOBILE HOME, EXCLUSIVE OF CHARGES FOR ANY UTILITIES, SERVICES, FURNITURE, FURNISHINGS OR PERSONAL PROPERTY APPLIANCES FURNISHED BY THE LANDLORD AS A PART OF THE RENTAL AGREEMENT, WHETHER OR NOT EXPRESSLY SET OUT IN THE RENTAL AGREEMENT. IF THE COMMISSION IS SATISFIED THAT THE GROSS RENT CHARGE WAS EXCESSIVE, IT MAY ADJUST THE GROSS RENT TO A REASONABLE AMOUNT FOR PURPOSES OF THE CLAIM.

(4) "HOMESTEAD" MEANS THE DWELLING, WHETHER OWNED OR RENTED BY THE CLAIMANT, AND SO MUCH OF THE LAND SURROUNDING IT, NOT EXCEEDING ONE ACRE, AS IS REASONABLY NECESSARY FOR USE OF THE DWELLING AS A HOME, AND MAY CONSIST OF A PART OF A MULTI-DWELLING OR MULTI-PURPOSE BUILDING AND A PART OF THE LAND UPON WHICH IT IS BUILT. "HOMESTEAD" MAY ALSO INCLUDE A MOBILE HOME AND THE LAND UPON WHICH IT IS LOCATED.

(5) "HOUSEHOLD" MEANS THE HOUSEHOLD OF THE CLAIMANT AND SUCH OTHER PERSONS AS RESIDED WITH THE CLAIMANT IN HIS HOMESTEAD DURING THE TAXABLE YEAR.

(6) "HOUSEHOLD INCOME" MEANS ALL INCOME RECEIVED BY ALL PERSONS OF A HOUSEHOLD IN A TAXABLE YEAR WHILE MEMBERS OF THE HOUSEHOLD.

(7) "INCOME" MEANS THE SUM OF ADJUSTED GROSS INCOME AS DEFINED BY THE COMMISSION, THE AMOUNT OF CAPITAL GAINS EXCLUDED FROM ADJUSTED GROSS INCOME, ALIMONY, SUPPORT MONEY, NONTAXABLE STRIKE BENEFITS, CASH, PUBLIC ASSISTANCE AND RELIEF, NOT INCLUDING RELIEF GRANTED UNDER THIS SECTION, THE GROSS AMOUNT OF ANY

LAWS OF ARIZONA

PENSION OR ANNUITY, INCLUDING RAILROAD RETIREMENT BENEFITS, ALL PAYMENTS RECEIVED UNDER THE FEDERAL SOCIAL SECURITY ACT, STATE UNEMPLOYMENT INSURANCE LAWS, AND VETERANS DISABILITY PENSIONS, NONTAXABLE INTEREST RECEIVED FROM THE FEDERAL GOVERNMENT OR ANY OF ITS INSTRUMENTALITIES, WORKMEN'S COMPENSATION, AND THE GROSS AMOUNT OF "LOSS OF TIME" INSURANCE. IT DOES NOT INCLUDE GIFTS FROM NON-GOVERNMENTAL SOURCES, OR SURPLUS FOODS OR OTHER RELIEF IN KIND SUPPLIED BY A GOVERNMENTAL AGENCY.

(8) "PROPERTY TAXES ACCRUED" MEANS PROPERTY TAXES, EXCLUSIVE OF SPECIAL ASSESSMENTS, DELINQUENT INTEREST AND CHARGES FOR SERVICE, LEVIED ON THE FIRST TWO THOUSAND DOLLARS OF ASSESSED VALUATION OF A CLAIMANT'S HOMESTEAD IN THIS STATE IN ANY TAXABLE YEAR. IF A HOMESTEAD IS OWNED BY TWO OR MORE PERSONS OR ENTITIES AS JOINT TENANTS OR TENANTS IN COMMON, AND ONE OR MORE PERSONS OR ENTITIES ARE NOT A MEMBER OF CLAIMANT'S HOUSEHOLD, "PROPERTY TAXES ACCRUED" IS THAT PART OF PROPERTY TAXES LEVIED ON THE HOMESTEAD WHICH REFLECTS THE OWNERSHIP PERCENTAGE OF THE CLAIMANT AND HIS HOUSEHOLD. FOR PURPOSES OF THIS PARAGRAPH PROPERTY TAXES ARE "LEVIED" WHEN THE TAX ROLL IS DELIVERED TO THE COUNTY TREASURER FOR COLLECTION. IF A CLAIMANT AND HIS HOUSEHOLD OWN THEIR HOMESTEAD PART OF THE TAXABLE YEAR AND RENT IT OR A DIFFERENT HOMESTEAD FOR PART OF THE SAME YEAR, "PROPERTY TAXES ACCRUED" MEANS ONLY TAXES LEVIED ON THE HOMESTEAD WHEN BOTH OWNED AND OCCUPIED BY THE CLAIMANT AT THE TIME OF THE LEVY, MULTIPLIED BY THE PERCENTAGE OF TWELVE MONTHS THAT SUCH PROPERTY WAS OWNED AND OCCUPIED BY THE HOUSEHOLD AS ITS HOMESTEAD DURING THE TAXABLE YEAR. WHEN A HOUSEHOLD OWNS AND OCCUPIES TWO OR MORE DIFFERENT HOMESTEADS IN THIS STATE IN THE SAME TAXABLE YEAR, PROPERTY TAXES ACCRUED SHALL RELATE ONLY TO THAT PROPERTY OCCUPIED BY THE HOUSEHOLD AS A HOMESTEAD ON THE LEVY DATE. IF A HOMESTEAD IS AN INTEGRAL PART OF A LARGER UNIT SUCH AS A FARM, OR A MULTI-PURPOSE OR MULTI-DWELLING BUILDING, PROPERTY TAXES ACCRUED SHALL BE THAT PERCENTAGE OF THE TOTAL PROPERTY TAXES ACCRUED AS THE VALUE OF THE

LAWS OF ARIZONA

HOMESTEAD IS OF THE TOTAL VALUE. FOR PURPOSES OF THIS PARAGRAPH "UNIT" REFERS TO THE PARCEL OF PROPERTY COVERED BY A SINGLE TAX STATEMENT OF WHICH THE HOMESTEAD IS A PART.

(9) "RENT CONSTITUTING PROPERTY TAXES ACCRUED" MEANS TWENTY-FIVE PER CENT OF THE GROSS RENT, NOT TO EXCEED TWO HUNDRED TWENTY-FIVE DOLLARS, ACTUALLY PAID IN CASH OR ITS EQUIVALENT IN ANY TAXABLE YEAR BY A CLAIMANT AND HIS HOUSEHOLD SOLELY FOR THE RIGHT OF OCCUPANCY OF THEIR ARIZONA HOMESTEAD IN THAT YEAR AND WHICH RENT CONSTITUTES THE BASIS OF A CLAIM FOR RELIEF.

Sec. 16. Effective dates

A. The provisions of section 6 of this act shall become effective from and after December 31, 1973.

B. The provisions of section 13 of this act shall become effective July 1, 1974.

C. The provisions of section 15 of this act shall become effective beginning with those property taxes accrued or rent constituting property taxes accrued during the calendar year 1974.

Sec. 17. Expiration date

Except for the provisions of sections 3, 4, 5, 6, 13, 15 and 16 the provisions of this act shall expire on January 31, 1975.

Approved by the Governor—May 14, 1973

Filed in the Office of the Secretary of State—May 14, 1973

LAWS OF ARIZONA

CHAPTER 183

House Bill 2055

AN ACT

RELATING TO ELECTIONS AND EDUCATION; INCLUDING CERTAIN SCHOOL AND OTHER ELECTIONS; AMENDING SECTIONS 15-471, 15-472.01, 15-473, 15-476, 15-502, 15-521, 16-101, 16-102, 16-104, 16-105, 16-106, 16-110, 16-141, 16-154, 16-231, 16-231.01, 16-301, 16-533, 16-571, 16-771, 16-831, 16-833, 16-835, 16-844, 16-846, 16-921, 16-924, 16-1038, 16-1102, 16-1108 and 16-1109, ARIZONA REVISED STATUTES; REPEALING SECTION 16-110.01, ARIZONA REVISED STATUTES; REPEALING SECTION 16-143, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1972, CHAPTER 146, SECTION 24 AND CHAPTER 218, SECTION 7; AMENDING TITLE 16, CHAPTER 1, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 16-143 AND SECTION 16-160; AMENDING TITLE 16, CHAPTER 3, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-301.01; AMENDING TITLE 16, CHAPTER 7, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-762, AND AMENDING TITLE 16, CHAPTER 7, ARTICLE 10, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-895.01.

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

Section 1. Section 15-471, Arizona Revised Statutes, is amended to read:

15-471. Election of trustees; terms

- A. A regular election shall be held for each school district at the time and place, and in the manner, of general elections as provided in title 16.
- B. Except as provided in subsections C and D of this section, and sections 15-411 and 15-421.03, the term of office for each trustee shall be four years from January 1 next following his election.
- C. At the first general election held for a newly formed district, three trustees shall be elected. The candidate receiving the highest number of votes shall be elected to a four-year term, and the candidates having the

LAWS OF ARIZONA

second and third highest number of votes shall be elected to two-year terms. A district increasing its board of trustees to five members shall at the next general election elect trustees in the following manner:

1. If one of the previous three offices is to be filled, the three candidates receiving the highest and the second and third highest number of votes shall be elected to four-year terms.

2. If two of the previous three offices are to be filled, the candidates receiving the highest and the second and third highest number of votes shall be elected to four-year terms. The candidate receiving the fourth highest number of votes shall be elected to a two-year term. Thereafter all such offices shall have four-year terms.

D. Any trustee holding office on the effective date of this section shall retain office until the expiration of the term for which he is serving and thereafter each office shall have a four-year term, except that:

1. A trustee whose term expires on December 31, 1973 may continue to serve until December 31, 1974.

2. A trustee whose term expires on December 31, 1975 may continue to serve until December 31, 1976.

3. If a trustee whose term expires on either December 31, 1973 or December 31, 1975 does not choose to serve the extended portion of the term authorized by this subsection, the vacancy shall be filled by appointment by the county school superintendent, for the extended portion of the term only.

E. If two or more candidates receive an equal number of votes for the same office, and a higher number than any other candidate for that office whether upon the canvass of returns by the school election board or the county board of supervisors, or upon recount by a court, the officer or board whose duty it is to declare the result shall determine by lot and in the presence of the candidates which candidate shall be declared elected.

F. POSITION OF THE NAMES OF CANDIDATES FOR EACH OFFICE SHALL BE ROTATED SO THAT EACH CANDIDATE OCCUPIES EACH POSITION ON THE BALLOT AN EQUAL NUMBER OF TIMES, INsofar AS IS POSSIBLE, FOR EACH BALLOT STYLE.

G. THIS SECTION DOES NOT REQUIRE THAT A SCHOOL ELEC-

LAWS OF ARIZONA

TION AT WHICH NO TRUSTEE IS TO BE ELECTED BE HELD ON A GENERAL ELECTION DAY.

Sec. 2. Section 15-472.01, Arizona Revised Statutes, is amended to read:

15-472.01. School district registers; date of preparation; contents; copies

A. By the fifth day preceding the elections for membership on school district boards of trustees and of education the county recorder, of any county with a population of seven hundred thousand or more, shall prepare from the original affidavits of registration at least four printed or typed lists of all uncanceled registrations of each school district in the county and such lists shall be the official school district registers.

B. The official school district registers shall contain all information required to be included on precinct registers. The county recorder may combine the precinct register and the official school district register into one common register.

C. The county recorder may, upon request, provide copies of school district registers in the manner and for the fees prescribed in Section 16-154, OR SECTION 16-160 FOR POLITICAL SUBDIVISIONS, for copies of precinct registers.

Sec. 3. Section 15-473, Arizona Revised Statutes, is amended to read:

15-473. Qualifications of school electors; affidavit of voters; challenge; poll and tally lists

A. A person who is a qualified elector of the state, and who has been a resident of the school district thirty days immediately preceding the election, is qualified to vote at an election ~~for trustee~~ of the school district in which he resides EXCEPT AS PROVIDED IN SUBSECTION D OF THIS SECTION. For the purposes of this title, the terms "qualified school elector", "qualified elector", "school elector", or "elector" shall have the qualifications prescribed in this subsection.

B. A person offering to vote at a school election for which no school district register has been supplied OR AT A SCHOOL ELECTION AT WHICH NO TRUSTEE OR SCHOOL BOARD MEMBER IS TO BE ELECTED shall sign an affidavit stating his address and the common and high school districts in which he resides, and swearing he is qualified to vote and has not voted at the school election being held. A person offering

LAWS OF ARIZONA

to vote at a school election AT WHICH A TRUSTEE OR SCHOOL BOARD MEMBER IS TO BE ELECTED AND for which a school district register has been supplied shall proceed as required for voting at any election at which precinct registers are used. REGISTERS SHALL BE USED ONLY IN AN ELECTION AT WHICH A SCHOOL TRUSTEE OR BOARD MEMBER IS TO BE ELECTED. ALL OTHER SCHOOL ELECTIONS SHALL BE CONDUCTED BY USE OF AFFIDAVITS PURSUANT TO THIS SUBSECTION. A person offering to vote may be challenged, and the election officers shall thereupon have the powers and duties of general election officers.

C. The forms for the affidavit and tally list shall be furnished by the state superintendent of public instruction, and the affidavits and tally lists must be completed and returned to the county school superintendent and shall be kept by him for not less than five years.

D. AT SCHOOL ELECTIONS AT WHICH A TRUSTEE OR SCHOOL BOARD MEMBER IS TO BE ELECTED AND FOR WHICH A SCHOOL DISTRICT REGISTER IS SUPPLIED, NO SCHOOL DISTRICT ELECTOR SHALL VOTE IN SUCH ELECTION UNLESS HE HAS BEEN REGISTERED TO VOTE PRIOR TO FIVE O'CLOCK P.M. OF THE FIFTIETH DAY PRECEDING THE DATE OF SUCH ELECTION.

Sec. 4. Section 15-476, Arizona Revised Statutes, is amended to read:

15-476. Election officers; compensation

In those ~~special~~ school district elections held at a time and place other than general elections, the county school superintendent shall appoint an inspector, two judges and two clerks as election officers. If no officers are so appointed, or if those appointed are not present at the opening of the polls, the electors present may select them. In all ~~special~~ school district elections each election officer shall receive the same compensation as other election officers of a general election.

Sec. 5. Section 15-502, Arizona Revised Statutes, is amended to read:

15-502. Petition for establishment of high school in common school district or districts; election; notice

A. When a majority of the board of trustees of a common school district, or a majority of the trustees of each of two or more adjoining common school districts unite in a petition to the county school superintendent for

LAWS OF ARIZONA

establishment of a high school, and accompanied by a petition for the establishment of a high school, signed by not less than one hundred resident school electors of the district or districts, or when fifteen per cent of the resident property taxpayers of two or more adjoining common school districts unite in a petition for establishment of a high school, the superintendent shall call an election within twenty days after receipt of the petition to determine the question.

B. Public notices of the election, not less than five in a single district and not less than three in each district comprising the proposed union district, shall be posted, one to be upon the door of the school house in each district, at least ten days before the election.

C. The election shall be conducted as nearly as practicable in the manner prescribed for conducting regular school elections ~~of trustees~~, EXCEPT AS TO DATE FOR HOLDING SUCH ELECTION AND EXCEPT THAT NO SCHOOL DISTRICT VOTING REGISTERS NEED BE USED, AS PROVIDED IN SECTION 15-473. The ballots shall contain the words "for high school," and the voter shall write or print thereafter on the ballot the word "yes" or the word "no." Officers of the election shall report the result to the county superintendent.

Sec. 6. Section 15-521, Arizona Revised Statutes, is amended to read:

15-521. Election to determine establishment of county union high school districts

In a county in which there is no high school, the board of supervisors may, or upon a petition signed by fifteen per cent of the registered electors of the county, shall, call an election for the county to determine whether a county union high school district shall be established. The election shall be conducted in the manner prescribed for conducting regular school elections ~~of trustees~~ as nearly as practicable, EXCEPT AS TO THE DATE FOR HOLDING SUCH ELECTION AND EXCEPT THAT NO SCHOOL DISTRICT VOTING REGISTERS NEED BE USED, AS PROVIDED IN SECTION 15-473.

Sec. 7. Section 16-101, Arizona Revised Statutes, is amended to read:

16-101. Qualifications of registrant

Every resident of the state is qualified to register to vote if he:

1. Is a citizen of the United States.

LAWS OF ARIZONA

2. Will be eighteen years or more of age prior to the regular general election next following his registration.
3. Will have been a resident of the state fifty days ~~and of the county in which he claims the right to vote thirty days~~ next preceding the election, except as provided in sections 16-171 and 16-172.
4. Is able to write his name or make his mark, unless prevented from so doing by physical disability.
5. Has not been convicted of treason or a felony, unless restored to civil rights, is not under guardianship, non compos mentis or insane.

Sec. 8. Section 16-102, Arizona Revised Statutes, is amended to read:

16-102. Registration and records prerequisite to voting

No person shall be permitted to vote unless his or her name appears as a qualified elector in both the general county register and in the precinct register or list of the precinct in which such person resides, except as provided in ~~sections~~ SECTION 16-109 ~~and 16-110.01~~.

Sec. 9. Section 16-104, Arizona Revised Statutes, is amended to read:

16-104. Qualified elector defined

A person whose name appears on the register for the last preceding general election, or a person who has registered under a subsequent registration, shall, if he is eighteen years of age and has been a resident of the state fifty days, ~~and the county thirty days,~~ be deemed a qualified elector for any purpose for which such qualification is required by law, except as provided in sections 16-171 and 16-172.

Sec. 10. Section 16-105, Arizona Revised Statutes, is amended to read:

16-105. Registration of electors; evidence of registration voter receipt; furnishing of supplies; data processing report

- A. The county recorder, a justice of the peace or a deputy registrar shall register, without charge and in accordance with the applicable provisions of this title, any qualified elector who presents himself for that purpose.
- B. ~~An evidence of registration card~~ A VOTER RECEIPT shall be given to each ~~qualified elector~~ REGISTRANT at the time he is registered to vote.

LAWS OF ARIZONA

The ~~card~~ VOTER RECEIPT shall state the name, street address and city ~~or~~ OF residence of the registered voter, the date of registration, THE PARTY AFFILIATION, the signature of the registrar, and a notice that the ~~card~~ VOTER RECEIPT cannot be accepted at a polling place in lieu of the precinct register information required for voting purposes.

C. All necessary blank forms for registration of electors shall be supplied by the county recorder to justices of the peace and all deputy registrars of record in the county.

D. In each county in which an electronic data processing system or program is used for voter registration, the county recorder shall file with the board of supervisors a detailed and complete explanation of such data processing system or program and any subsequent revision thereof.

Sec. 11. Section 16-106, Arizona Revised Statutes, is amended to read:

16-106. Return of registrations, affidavits, books or pads made outside office of county recorder; violation; penalty

A. Any other provision of law to the contrary notwithstanding, the county recorder, justices of the peace and deputy registrars may register qualified electors at such hours of the day or night DURING THE OPEN REGISTRATION PERIOD, and at such places within the county as he deems necessary or advisable.

B. A person who has authority to register electors outside the office of the county recorder shall promptly return each completed registration within ten days of the date of registration to the county recorder of the county in which the elector so registered resides, except that each completed registration in the possession of a justice of the peace or a deputy registrar after the closing of registrations, as prescribed in section 16-107, shall be returned to the county recorder within forty-eight hours, excluding Saturdays, Sundays, and holidays.

C. A failure of such authorized person to return the completed registration as provided in subsection B of this section is punishable as a misdemeanor.

Sec. 12. Section 16-110, Arizona Revised Statutes, is amended to read:

16-110. Change of residence from one precinct to another

An elector who within an open registration period preceding a primary or

LAWS OF ARIZONA

general election ~~removes~~ MOVES from the precinct in which he is registered to another precinct shall, before being permitted to vote, either appear before the county recorder, deputy registrar or a justice of the peace and reregister, supplying in addition to his new address the address indicated by the record of his prior registration, or transfer his registration by either of the methods provided in section 16-147, ~~or as provided in section 16-110.01.~~

Sec. 13. **Repeal**

Section 16-110.01, Arizona Revised Statutes, is repealed.

Sec. 14. Section 16-141, Arizona Revised Statutes, is amended to read:

16-141. Deputy registrars; number; selection and appointment procedure; qualifications

A. The county recorder shall appoint deputy registrars in each precinct in the county, for each political party having at least two candidates on the ballot IN THAT COUNTY, other than presidential electors, in the last general election, who shall:

1. Be appointed from a list of eligible voters in the precinct, such list to be sent to the county recorder by the county chairman of each political party.
2. Be equal in number for each political party to the number of precinct committeemen of the party entitled to elect the greatest number of committeemen in that precinct in the next primary election.

B. Before making an appointment of any deputy registrar, the county recorder shall request the county chairman of each political party to recommend persons for appointment, and if a county chairman within ten days of such request supplies a sufficient number of names of persons in his party in a given precinct who are otherwise qualified, the persons appointed shall be selected from those so recommended. If a county chairman supplies one or more names for a precinct, but less than the number allowed, the county recorder shall appoint those persons so recommended.

~~C. Deputy registrars shall be qualified electors of the precinct for which they are appointed, shall have a fixed office, place of business or residence, shall be qualified to take acknowledgments of~~

LAWS OF ARIZONA

C. A DEPUTY REGISTRAR SHALL BE A QUALIFIED ELECTOR OF THE PRECINCT FOR WHICH HE IS APPOINTED AND SHALL HAVE A FIXED PLACE OF RESIDENCE IN SUCH PRECINCT. A PERSON APPOINTED AS A DEPUTY REGISTRAR MAY, DURING SUCH PERIOD OF APPOINTMENT, TAKE ACKNOWLEDGMENTS OF affidavits of registration, and may take registrations in and for any precinct in the county. No person who is a public officer or a candidate for office, other than a candidate for the office of precinct committeeman, shall be appointed OR REMAIN a deputy registrar. ANY DEPUTY REGISTRAR WHO BECOMES A PUBLIC OFFICER OR A CANDIDATE FOR PUBLIC OFFICE OTHER THAN A CANDIDATE FOR THE OFFICE OF PRECINCT COMMITTEEMAN SHALL FORTHWITH NOTIFY THE COUNTY RECORDER OF THAT FACT IN WRITING. Deputy registrars shall serve without pay.

D. In addition to the deputy registration officers appointed under the provisions of this section, the county recorder shall, upon the request of a court, an office of a political party, ~~or~~ a political campaign headquarters, ~~or~~ an office of a city clerk, ~~OR AN OFFICE OF AN INCUMBENT MEMBER OF CONGRESS~~ appoint therefor such number of additional deputy registration officers as he deems necessary or advisable. AS USED IN THIS SUBSECTION "POLITICAL CAMPAIGN HEADQUARTERS" MEANS A BUILDING, OFFICE OR RESIDENCE THAT IS EASILY ACCESSIBLE TO THE PUBLIC AND IS USED OFFICIALLY AS A POLITICAL CAMPAIGN HEADQUARTERS, BY A CANDIDATE FOR ANY OFFICE OTHER THAN THAT OF A PRECINCT COMMITTEEMAN.

~~E. Nothing in this section shall prevent a county recorder from refusing for just cause to appoint, or from removing for just cause, a deputy registrar.~~

E. Nothing in this section shall prevent a county recorder from refusing for just cause to appoint OR REAPPOINT, or from removing for just cause, a deputy registrar. THE COUNTY RECORDER SHALL HAVE DISCRETION IN THE DETERMINATION OF WHAT CONSTITUTES JUST CAUSE UNDER THIS SUBSECTION. IN EXERCISING SUCH DISCRETION, THE COUNTY RECORDER MAY CONSIDER, BUT IS NOT LIMITED TO, THE FOLLOWING:

1. WHETHER THE INDIVIDUAL MEETS THE QUALIFICATIONS OF THIS SECTION.

LAWS OF ARIZONA

2. WHETHER THE INDIVIDUAL CAN CORRECTLY RECORD THE INFORMATION REQUIRED ON AN AFFIDAVIT OF REGISTRATION AS DETERMINED FROM A TEST CONSISTING OF FILLING OUT AFFIDAVITS OF REGISTRATION, PRIOR TO APPOINTMENT, OR FROM THE PREVIOUS RECORD OF PERFORMANCE BEFORE REAPPOINTMENT OR UPON REMOVAL.

3. WHETHER THE INDIVIDUAL SUBMITS ANY AFFIDAVITS OF REGISTRATION WITHIN ANY ONE-HUNDRED-TWENTY-DAY PERIOD.

4. WHETHER THE INDIVIDUAL OBEYS THE LAWS RELATING TO ELECTIONS.

F. No deputy registrar shall be appointed for a term longer than the unexpired term of the office of county recorder.

Sec. 15. Repeal

Section 16-143, Arizona Revised Statutes, as amended by Laws 1972, chapter 146, section 24, is repealed.

Sec. 16. Repeal

Section 16-143, Arizona Revised Statutes, as amended by Laws 1972, chapter 218, section 7, is repealed.

Sec. 17. Title 16, chapter 1, article 2, Arizona Revised Statutes, is amended by adding a new section 16-143, to read:

16-143. Affidavit of registration; form

A. THE FORM USED FOR THE REGISTRATION OF ELECTORS SHALL CONTAIN:

1. THE DATE OF REGISTRATION.

2. THE GIVEN NAME OF THE ELECTOR, HIS MIDDLE NAME, IF ANY, AND HIS SURNAME. IF THE ELECTOR IS A WOMAN, HER NAME SHALL BE PRECEDED BY THE DESIGNATION "MISS" OR "MRS.", AS THE CASE MAY BE, AND IF MARRIED, THE GIVEN AND MIDDLE NAMES SHALL BE HER OWN, AND NOT THOSE OF HER HUSBAND.

LAWS OF ARIZONA

3. ACTUAL PLACE OF RESIDENCE AND MAILING ADDRESS, INCLUDING POST OFFICE ADDRESS, NAME OF CITY OR TOWN, STREET AND NUMBER OF RESIDENCE, APARTMENTS OR SPACE NUMBERS, OR SUCH DESCRIPTION OF THE LOCATION OF THE RESIDENCE THAT IT CAN BE READILY ASCERTAINED OR IDENTIFIED.
4. NAME OR NUMBER OF PRECINCT, IF KNOWN.
5. PARTY AFFILIATION.
6. TELEPHONE NUMBER, IF ANY (OPTIONAL TO APPLICANT).
7. STATE OR COUNTRY OF BIRTH.
8. DATE OF BIRTH.
9. OCCUPATION.
10. A STATEMENT AS TO WHETHER OR NOT THE ELECTOR HAS ANY DISABILITY PREVENTING HIM FROM MARKING A BALLOT. IF SO, THE NATURE OF THE DISABILITY MUST BE STATED.
11. WHETHER THE ELECTOR IS A MAN OR A WOMAN.
12. HEIGHT.
13. INDIAN CENSUS NUMBER (OPTIONAL TO APPLICANT).
14. FATHER'S NAME.
15. A STATEMENT AS TO WHETHER OR NOT THE ELECTOR IS REGISTERED IN ANOTHER COUNTY OR PRECINCT.
16. A STATEMENT THAT THE ELECTOR IS A CITIZEN OF THE UNITED STATES.
17. A STATEMENT THAT THE ELECTOR WILL BE EIGHTEEN YEARS OF AGE OR MORE BEFORE THE NEXT GENERAL ELECTION.
18. A STATEMENT THAT THE ELECTOR HAS NOT BEEN CONVICTED OF TREASON OR A FELONY, OR IF SO, THAT HIS CIVIL RIGHTS HAVE BEEN RESTORED.

LAWS OF ARIZONA

19. SPACE FOR A CHANGE OF ADDRESS, CHANGE OF PARTY AFFILIATION AND CHANGE OF NAME.

B. THE AFFIDAVIT OF REGISTRATION SHALL BE PRINTED IN A FORM PRESCRIBED BY THE SECRETARY OF STATE.

C. THE SWORN STATEMENT OF THE NEW RESIDENT REGISTERING TO VOTE FOR PRESIDENTIAL ELECTORS ONLY SHALL BE IN A FORM PRESCRIBED BY THE SECRETARY OF STATE.

Sec. 18. Section 16-154, Arizona Revised Statutes, is amended to read:

16-154. Precinct registers; date of preparation; contents; copies

A. ~~Within forty days after the close of registration for the primary election and~~ By the fifth day preceding the PRIMARY AND THE general election the county recorder shall prepare from the original affidavits of registration at least four printed or typed lists of all uncanceled registrations of each precinct in the county and such lists shall be the official precinct register.

B. The official precinct registers shall contain the names in full, party affiliation, date of registration and residence address, of each elector in the respective precincts. ~~If there are any precincts not entirely in one zip code area,~~ The official precinct registers shall also include the zip code of each elector. ~~in these precincts.~~ The names therein shall ~~have the same~~ BE IN alphabetical order ~~or arrangement as the original affidavits of registration~~ and, in a column to the left of the names, such names shall be numbered consecutively beginning with number 1 in each precinct register.

C. The county recorder shall, in addition to preparing the official precinct registers, provide a means for mechanically reproducing the precinct registers and shall deliver within fourteen days after the close of registration for the primary election and for the general election, without charge, on the same day two copies of each precinct register within the county to the county chairman of each party which had at least two candidates other than presidential electors appearing upon the ballot IN THAT COUNTY at the last general election. The copies of the precinct registers shall be on individual cards or magnetic computer tape or both, or in any other form unanimously agreed upon by such county chairmen and the county recorder, which shall include:

1. Name in full.

LAWS OF ARIZONA

2. Party affiliation.
3. Date of registration.
4. Residence address of the elector.
5. The zip code of each elector. ~~in those precincts not entirely in one zip code area.~~
6. The telephone number of the elector if given.

D. The names on the precinct registers shall be in ~~the same~~ alphabetical order ~~or arrangement as the original affidavits of registration~~ and any changes, additions or deletions to the precinct registers shall be delivered to each county chairman at least quarterly, but not later than twenty days following such changes, additions or deletions.

E. The county recorder shall, upon a request, and within thirty days from receipt of such request, prepare additional copies of any precinct register and furnish them to any person requesting them upon payment of a fee equal to two cents for each name appearing on the register for a printed list and ten cents for each name for a magnetic computer tape, plus the cost of the blank computer tape if furnished by the recorder, for each copy thereof so furnished. ~~An agency or department of the state or of any political subdivision thereof shall be charged two cents per name for each computer run and the state agency, department or subdivision shall furnish the necessary supplies.~~

Sec. 19. Title 16, chapter 1, article 2, Arizona Revised Statutes, is amended by adding section 16-160 to read:

16-160. Use of county registration rolls by political subdivisions

ANY POLITICAL SUBDIVISION OF THIS STATE CONDUCTING AN ELECTION PURSUANT TO THE LAWS OF THIS STATE, WHICH LIES WITHIN A COUNTY, MAY USE THE COUNTY REGISTRATION ROLLS TO CONDUCT SUCH AN ELECTION. THE GOVERNING BODY OF SUCH A POLITICAL SUBDIVISION SHALL NEGOTIATE A CONTRACT WITH THE COUNTY RECORDER TO REIMBURSE THE COUNTY RECORDER FOR HIS ACTUAL EXPENSES IN PREPARING THE NECESSARY LISTS FOR USE IN THE ELECTION. IN NO CASE SHALL THE COUNTY RECORDER CHARGE MORE THAN THE ACTUAL ADDITIONAL COST THAT SUCH PREPARATION ENTAILS.

LAWS OF ARIZONA

SUCH CONTRACTS SHALL BE NEGOTIATED AT LEAST SIXTY DAYS IN ADVANCE OF THE ELECTION.

Sec. 20. Section 16-231, Arizona Revised Statutes, is amended to read:

16-231. County committee

A. At the primary election the members of a political party residing in each precinct in which any number of votes were cast at the last preceding general election for the nominee of such party for governor, or for presidential electors for the nominee of such party for president, in presidential election years, shall choose one of their number as a county precinct committeeman, and the members shall choose one additional precinct committeeman for each one hundred twenty-five votes or major fraction thereof so cast. The whole number of precinct committeemen of a political party shall constitute the county committee of the party.

B. When a vacancy exists for the position of precinct committeeman, such vacancy shall be filled by the board of supervisors from a list of names submitted by the county chairman of the appropriate political party. **NO VACANCY SHALL BE FILLED DURING THE PERIOD BETWEEN THE PRIMARY ELECTION AND THE DATE SET BY LAW FOR THE ORGANIZATIONAL MEETING OF THE COUNTY COMMITTEE.** The board of supervisors shall determine when a vacancy exists in the office of precinct committeeman, using the criteria established in section 38-291.

Sec. 21. Section 16-231.01, Arizona Revised Statutes, is amended to read:

16-231.01. Qualifications and duties of precinct committeemen

A precinct committeeman shall be a qualified elector of the precinct which he represents. **A VACANCY SHALL EXIST IN THE OFFICE OF PRECINCT COMMITTEEMAN WHEN THE PRECINCT COMMITTEEMAN MOVES FROM THE PRECINCT FROM WHICH ELECTED.** The minimum duties of the precinct committeeman shall be to assist his political party in getting the voters of his political party registered and to assist the voters of his party to vote on election days.

Sec. 22. Section 16-301, Arizona Revised Statutes, is amended to read:

16-301. Filing of nomination papers

LAWS OF ARIZONA

A. Any person desiring to become a candidate at a primary election for a political party, and to have his name printed on the official ballot, shall, not less than sixty nor more than ninety days before the primary election, file a nomination paper signed by the candidate, giving his place of residence and post office address, naming the party of which he desires to become a candidate, and giving the date of the primary election and the election at which he desires to become a candidate. A candidate for public office shall reside in the county, district, or precinct which he proposes to represent.

B. SUCH PERSON DESIRING TO BECOME A CANDIDATE SHALL FILE WITH THE NOMINATION PAPER PROVIDED FOR IN SUBSECTION A AN AFFIDAVIT AS PREPARED BY THE SECRETARY OF STATE. THE AFFIDAVIT SHALL INCLUDE FACTS SUFFICIENT TO SHOW THAT THE CANDIDATE WILL BE QUALIFIED AT THE TIME OF ELECTION TO HOLD THE OFFICE HE SEEKS.

~~B-~~ C. The nomination paper of a candidate for the office of presidential elector, United States senator, representative in congress, or for a state office, including a member of the legislature, or for any other office for which the electors of the entire state or a subdivision thereof greater than a county are entitled to vote, shall be filed with the secretary of state.

~~C-~~ D. The nomination paper of a candidate for superior court judge or for a county and precinct office for which the electors of a county or a subdivision of a county other than an incorporated city or town, are entitled to vote, shall be filed with the clerk of the board of supervisors. The nomination paper of a candidate for a city or town office shall be filed with the city or town clerk.

~~D-~~ E. As used in this title, "nomination paper" means the form filed with the appropriate office by a person wishing to declare his intent to become a candidate for a particular political office.

Sec. 23. Title 16, chapter 3, article 1, Arizona Revised Statutes, is amended by adding section 16-301.01 to read:

16-301.01. Filing of nomination papers for write-in candidates

A. ANY PERSON DESIRING TO BECOME A WRITE-IN CANDIDATE FOR A POLITICAL OFFICE, OTHER THAN FOR THE OFFICE OF PRECINCT COMMITTEEMAN, IN A PRIMARY OR GENERAL ELECTION SHALL FILE A NOMINATION PAPER, SIGNED BY THE

LAWS OF ARIZONA

CANDIDATE, GIVING HIS PLACE OF RESIDENCE AND POST OFFICE ADDRESS, AGE, LENGTH OF RESIDENCE IN THE STATE, AND DATE OF BIRTH.

B. A WRITE-IN CANDIDATE, OTHER THAN FOR THE OFFICE OF PRECINCT COMMITTEEMAN, SHALL FILE THE NOMINATION PAPER NO LATER THAN THE FRIDAY BEFORE THE ELECTION. WRITE-IN FILING PROCEDURE SHALL BE IN THE SAME MANNER AS PRESCRIBED IN SECTION 16-301. ANY PERSON NOT FILING SUCH A STATEMENT SHALL NOT BE COUNTED IN THE TALLY OF BALLOTS.

C. THE SECRETARY OF STATE SHALL NOTIFY THE VARIOUS BOARDS OF SUPERVISORS AS TO WRITE-IN CANDIDATES FILING WITH HIS OFFICE. THE BOARD OF SUPERVISORS SHALL NOTIFY THE APPROPRIATE ELECTION BOARDS OF ALL CANDIDATES WHO HAVE PROPERLY FILED SUCH STATEMENTS. IN THE CASE OF A CITY OR TOWN ELECTION, THE CITY OR TOWN CLERK SHALL NOTIFY THE APPROPRIATE ELECTION BOARDS OF CANDIDATES PROPERLY FILED. NO OTHER WRITE-INS SHALL BE COUNTED.

Sec. 24. Section 16-533, Arizona Revised Statutes, is amended to read:

16-533. Rotation of names on ballots

A. When there are two or more candidates for a nomination, except in the case of precinct committeemen, the names of all candidates for the nomination shall be so alternated upon the ballots used in each election precinct that the name of each candidate shall appear substantially an equal number of times at the top, at the bottom, and in each intermediate place of the list or group of candidates in which they belong.

B. THE POSITION OF THE NAMES OF CANDIDATES FOR PRECINCT COMMITTEEMEN SHALL BE DRAWN BY LOT FOR APPEARANCE ON THE BALLOT, WHEN THERE ARE MORE CANDIDATES THAN POSITIONS AVAILABLE. SUCH DRAWING SHALL TAKE PLACE AT A PUBLIC MEETING CALLED BY THE BOARD OF SUPERVISORS FOR THAT PURPOSE.

~~B.~~ C. The ballots shall be printed and bound so that every ballot in the bound blocks shall have the names in a different and alternating position from the preceding ballot.

LAWS OF ARIZONA

~~C.~~ D. The provisions of this section shall not be applied where voting machines are used.

Sec. 25. Section 16-571, Arizona Revised Statutes, is amended to read:

16-571. Canvass and return of precinct vote; declaring nominee of party; certificate of nomination; write-in candidates

A. When the board of supervisors, or the governing body of a city or town, has completed its canvass of precinct returns, the person having the largest number of votes, or if more than one candidate is necessary, those candidates to the required number who have received the largest number of votes for the nomination for an office in the political party of which he was set forth on the ballot as a candidate for the nomination, shall be declared the nominee of the party for that office, and be given a certificate of nomination therefor by the board or governing body, which shall entitle him to have his name placed upon the official ballot at the ensuing election as the nominee of the party for the office. **WHEN CANVASSING WRITE-IN VOTES THE APPARENT INTENT OF THE VOTER SHALL BE TAKEN INTO CONSIDERATION TO THE EXTENT POSSIBLE.**

B. The board of supervisors shall ~~make return of~~ **DELIVER** the canvass to the secretary of state **WITHIN TEN DAYS AFTER THE PRIMARY ELECTION** and the secretary of state shall **ON OR BEFORE THE SECOND MONDAY FOLLOWING THE PRIMARY ELECTION** canvass the return and issue the certificate of nomination as provided in this section to the nominees who filed nominating petitions and papers with the secretary of state pursuant to subsection B of section 16-301.

~~C. A certificate of nomination, and a certificate of election in the case of precinct committeemen, shall not be issued to a write-in candidate, unless he receives a number of votes equivalent to at least the same number of signatures required by section 16-305 for nominating petitions for the same office.~~

C. A CERTIFICATE OF ELECTION SHALL NOT BE ISSUED TO A WRITE-IN CANDIDATE FOR PRECINCT COMMITTEEMAN UNLESS HE RECEIVES A NUMBER OF VOTES EQUIVALENT TO AT LEAST THE SAME NUMBER OF SIGNATURES REQUIRED BY SECTION 16-305 FOR NOMINATING PETITIONS FOR THE SAME OFFICE.

D. A CERTIFICATE OF NOMINATION SHALL NOT BE ISSUED TO A WRITE-IN CANDIDATE FOR THE LEGISLATURE UNLESS HE

LAWS OF ARIZONA

RECEIVES A NUMBER OF VOTES EQUIVALENT TO THREE PER CENT OF THE TOTAL VOTES CAST FOR STATE SENATOR IN HIS DISTRICT AT THE LAST PRECEDING GENERAL ELECTION.

E. EXCEPT AS PROVIDED BY SUBSECTIONS C AND D OF THIS SECTION, A CERTIFICATE OF NOMINATION SHALL NOT BE ISSUED TO A WRITE-IN CANDIDATE UNLESS HE RECEIVES A NUMBER OF VOTES EQUIVALENT TO AT LEAST THE SAME NUMBER OF SIGNATURES REQUIRED BY SECTION 16-305 FOR NOMINATING PETITIONS FOR THE SAME OFFICE.

Sec. 26. Title 16, chapter 7, article 4, Arizona Revised Statutes, is amended by adding section 16-762, to read:

16-762. Effective date of new precincts

AFTER ESTABLISHING PRECINCTS AS PROVIDED IN SECTION 16-761, THE BOARD OF SUPERVISORS OF EACH COUNTY SHALL DELIVER TO THE COUNTY RECORDER A COMPLETE DESCRIPTION OF THESE PRECINCTS IMMEDIATELY AFTER ADOPTION. THE COUNTY RECORDER SHALL THEN TRANSFER ALL THE VOTERS WHO RESIDE IN A NEW PRECINCT AS THE RESULT OF THIS ADOPTION BY MARCH 1 OF THE YEAR OF THE NEXT GENERAL ELECTION. THE COUNTY RECORDER SHALL MAIL THE NOTICE OF THE PRECINCT CHANGE TO EACH HOUSEHOLD CONTAINING A REGISTERED VOTER, UNLESS A SAMPLE BALLOT CONTAINING THE PRECINCT NAME OR NUMBER IS MAILED PRIOR TO THE PRIMARY ELECTION. FOR THE PURPOSE OF CONDUCTING ANY ELECTION CALLED PURSUANT TO THE LAWS OF THIS STATE, PRECINCTS ADOPTED UNDER THE PROVISIONS OF SECTION 16-761 SHALL NOT BECOME EFFECTIVE UNTIL MARCH 1 OF THE YEAR OF THE NEXT GENERAL ELECTION.

Sec. 27. Section 16-771, Arizona Revised Statutes, is amended to read:

16-771. Appointment of election boards and tally boards; qualifications

A. When an election is ordered, and not less than twenty days prior to a general or primary election, the board of supervisors shall appoint for each election precinct one inspector, one marshal, two judges, and not less than two clerks of election. The inspector, marshal, judges and clerks shall be qualified voters of the precinct for which appointed, unless there are not sufficient members of either of the two largest political parties available to

LAWS OF ARIZONA

provide the number of appointments required. The judges and clerks shall also be members of the two political parties which cast the highest number of votes in the state at the last preceding general election, and shall be divided equally between these two parties. One-half or one more than one-half of the inspectors in the various precincts in the county shall be members of one of the two largest political parties and the remaining inspectors shall be members of the other of the two largest political parties. In each precinct where the inspector is a member of one of the two largest political parties, the marshal in that precinct shall be a member of the other of the two largest political parties. **WHENEVER POSSIBLE, ANY PERSON APPOINTED AS AN INSPECTOR SHALL HAVE HAD PREVIOUS EXPERIENCE AS AN INSPECTOR, JUDGE, MARSHAL OR CLERK OF ELECTIONS. IF THERE IS NO QUALIFIED PERSON IN A GIVEN PRECINCT THE APPOINTMENT OF AN INSPECTOR MAY BE MADE FROM NAMES PROVIDED BY THE COUNTY PARTY CHAIRMEN.** If not less than thirty days prior to the election, the chairman of the county committee of either of the parties designates qualified voters of the precinct, or of another precinct if there are not sufficient members of his party available in the precinct to provide the necessary representation on the election board, as judge and as clerk, such designated qualified voters shall be appointed. The judges, together with the inspector, shall constitute the board of elections.

B. Where the election precinct consists of three hundred and fifty or more qualified electors, the board of supervisors may in addition to the board of elections appoint a similar board to be known as the tally board. The tally board shall take custody of the ballots from the closing of the polls until the tally of the ballots is completed. The tally board shall consist of the inspector of the board of elections, two judges and not less than two clerks, and shall be appointed to provide as equal as practicable representation of members of the two largest political parties on the board in the same manner as provided for the election boards. A member appointed to serve on the tally board, with the exception of the inspector of the board of elections, shall not be appointed to serve on the board of elections. The inspector of the board of elections shall be a member of the tally board and during such time shall act as the supervisor of the tally board. No United States, state, county or precinct officer, nor a candidate for office at the election, other than a precinct committeeman or a candidate for the office of precinct committeeman, is qualified to act as judge, inspector, marshal or clerk.

C. At least ten days before a special election, the board of supervisors may in like manner appoint an election board and tally board in each precinct, as required.

LAWS OF ARIZONA

D. Nothing in this section shall prevent the board of supervisors from refusing for cause to reappoint, or from removing for cause, an election or tally board member.

Sec. 28. Section 16-831, Arizona Revised Statutes, is amended to read:

16-831. Duty of board of supervisors to furnish election supplies to precinct officers

A. The necessary printed blanks for poll lists, tally lists, lists of voters, ballots, oath and returns, together with envelopes in which to enclose the returns, shall be furnished by the board of supervisors to the officers of each election precinct at the expense of the county.

B. The county recorder shall send a list of all voters applying by affidavit for absentee ballots to the election board of the precinct in which the voter is registered.

~~C. The board of supervisors shall send to the appropriate election board a list of all registered voters residing in a household from which a general election sample ballot was returned by the post office, if such sample ballots were mailed.~~

Sec. 29. Section 16-833, Arizona Revised Statutes, is amended to read:

16-833. Sample ballots; preparation and distribution; posting

A. At least five sample ballots printed on muslin, cloth, or waterproof paper but in all other respects the same as official ballots, shall be provided by the board of supervisors and delivered to each election board. Before opening the polls, the inspector of election shall post one of the sample ballots in plain view in the voting place. The other sample ballots shall be posted in conspicuous places in and about the voting place.

B. The board of supervisors shall also print and distribute, for the information of voters at each precinct, a number of sample ballots, printed only on colored paper, as it deems necessary, not to exceed five per cent of the number of the regular ballots.

C. The board of supervisors may have printed sample ballots for a general election and may mail one ballot to each household containing a registered voter. ~~The sample ballot shall be mailed in an envelope clearly marked "Do not forward, return to sender."~~

LAWS OF ARIZONA

Sec. 30. Section 16-835, Arizona Revised Statutes, is amended to read:

16-835. Voting instructions; form; posting

The board of supervisors shall furnish, to be placed in each voting booth, a card or poster, printed in English in large plain type containing the following:

“NOTICE TO VOTERS.

- ~~1. If you wish to vote a straight ticket put an ‘X’ in the square at the top of the column under the name of the party for whose candidates you wish to vote.~~
- ~~2. If you do not wish to vote a straight ticket put an ‘X’ in the square after the name of each candidate for whom you wish to vote.~~
- ~~3. If you wish to vote for a person whose name is not printed on the ballot, write such name in the blank space opposite the office for which he is a candidate, and put an ‘X’ in the square opposite the name so written.~~
- ~~4. Put an ‘X’ opposite the name of each candidate for justice of the supreme court, judge of the court of appeals, or judge of the superior court for whom you wish to vote. The straight ticket does not include candidates for judges or propositions.”~~

SECTION ONE OF THIS BALLOT IS COMPRISED OF NONPARTISAN CANDIDATES INCLUDING JUDICIAL CANDIDATES, SCHOOL DISTRICT CANDIDATES AND INITIATIVE OR REFERENDUM PROPOSITIONS. TO VOTE FOR THE CANDIDATES FOR THE NONPARTISAN OFFICES, PUT AN ‘X’ OPPOSITE THE NAME OF THE CANDIDATE FOR EACH NONPARTISAN OFFICE FOR WHICH YOU WISH TO VOTE. IF YOU WISH TO VOTE FOR A PERSON WHOSE NAME IS NOT PRINTED ON THE BALLOT, WRITE SUCH NAME IN THE BLANK SPACE OPPOSITE THE OFFICE FOR WHICH HE IS A CANDIDATE, AND PUT AN ‘X’ IN THE SQUARE OPPOSITE THE NAME SO WRITTEN. PUT AN ‘X’ IN THE SQUARE PRECEDED BY THE WORD ‘NO’ (OR AGAINST) FOR EACH PROPOSITION OR QUESTION WHICH YOU WISH NOT TO BE ADOPTED.

SECTION TWO OF THIS BALLOT IS COMPRISED OF PARTISAN CANDIDATES. IN SECTION TWO OF THIS BALLOT YOU MAY VOTE A STRAIGHT TICKET, OR YOU MAY SPLIT YOUR BALLOT. IF YOU

LAWS OF ARIZONA

VOTE A STRAIGHT TICKET, DO NOT CONTINUE TO VOTE FOR CANDIDATES IN PARTISAN OFFICES. IF YOU DO NOT WISH TO VOTE A STRAIGHT TICKET, PUT AN 'X' IN THE SQUARE AFTER THE NAME OF THE CANDIDATE FOR EACH PARTISAN OFFICE FOR WHOM YOU WISH TO VOTE. IF YOU WISH TO VOTE FOR A PERSON WHOSE NAME IS NOT PRINTED ON THE BALLOT, WRITE SUCH NAME IN THE BLANK SPACE OPPOSITE THE OFFICE FOR WHICH HE IS A CANDIDATE, AND PUT AN 'X' IN THE SQUARE OPPOSITE THE NAME SO WRITTEN."

Sec. 31. Section 16-844, Arizona Revised Statutes, is amended to read:

16-844. Form and contents of ballot

A. Ballots shall be printed with black ink on white paper of sufficient thickness to prevent the printing thereon from being discernible from the back, and the same type shall be used for the names of all candidates. The ballots shall be headed "Official Ballot" in heavy-faced plain letters, not smaller than long primer nor larger than great primer, with a heavy rule above and below the heading. Immediately below shall be placed the words "Election, (date of election)", and alongside these words shall be placed the name of the county and the name or number of the precinct in which the election is held. No other matter shall be placed or printed at the head of any ballot, except above the heading there shall be a stub which shall contain the words "Stub No. to be torn off by inspector." The stub shall be separated from the ballot by a perforated line, so that it may be easily detached from the ballot. The official ballots shall be bound together in blocks of not less than twenty-five nor more than one hundred.

~~B. Immediately below the ballot heading shall be placed the names of candidates for justice of the supreme court, judges of the court of appeals and superior courts in a column or in columns, without partisan or other designation except the title of the office.~~

B. IMMEDIATELY BELOW THE BALLOT HEADING SHALL BE PLACED THE FOLLOWING:

"SECTION ONE
NONPARTISAN BALLOT

1. PUT AN 'X' OPPOSITE THE NAME OF THE CANDIDATE FOR EACH NONPARTISAN OFFICE FOR WHICH YOU WISH TO VOTE. YOU MAY NOT VOTE A STRAIGHT TICKET FOR NONPARTISAN OFFICIALS.

LAWS OF ARIZONA

2. IF YOU WISH TO VOTE FOR A PERSON WHOSE NAME IS NOT PRINTED ON THE BALLOT, WRITE SUCH NAME IN THE BLANK SPACE OPPOSITE THE OFFICE FOR WHICH HE IS A CANDIDATE AND PUT AN 'X' IN THE SQUARE OPPOSITE THE NAME SO WRITTEN.

3. PUT AN 'X' IN THE SQUARE PRECEDED BY THE WORD 'YES' (OR FOR) FOR EACH PROPOSITION OR QUESTION FOR WHICH YOU WISH TO BE ADOPTED. PUT AN 'X' IN THE SQUARE PRECEDED BY THE WORD 'NO' (OR AGAINST) FOR EACH PROPOSITION OR QUESTION YOU WISH NOT TO BE ADOPTED."

C. IMMEDIATELY BELOW THE INSTRUCTIONS FOR VOTING IN SECTION ONE SHALL BE PLACED THE NAMES OF THE CANDIDATES FOR JUSTICE OF THE SUPREME COURT, JUDGES OF THE COURT OF APPEALS, JUDGES OF THE SUPERIOR COURTS, SCHOOL DISTRICT OFFICIALS AND OTHER NONPARTISAN OFFICIALS IN A COLUMN OR IN COLUMNS WITHOUT PARTISAN OR DESIGNATION EXCEPT THE TITLE OF OFFICE.

D. ALL PROPOSED CONSTITUTIONAL AMENDMENTS AND OTHER PROPOSITIONS OR QUESTIONS TO BE SUBMITTED TO THE VOTERS SHALL BE PRINTED IMMEDIATELY BELOW THE NAMES OF CANDIDATES FOR NONPARTISAN POSITIONS IN SUCH ORDER AS THE SECRETARY OF STATE, OR, IF A CITY OR TOWN ELECTION, THE CITY OR TOWN CLERK DESIGNATES, AND EACH AMENDMENT, PROPOSITION OR QUESTION SHALL BE FOLLOWED BY THE WORDS "YES" AND "NO" OR "FOR....." AND "AGAINST" AS THE NATURE OF THE AMENDMENT, PROPOSITION OR QUESTION REQUIRES, AND AT THE RIGHT OF AND OPPOSITE EACH OF SUCH WORDS SHALL BE PLACED A SQUARE OF THE SIZE OF THOSE PLACED OPPOSITE THE NAMES OF THE CANDIDATES, IN WHICH THE VOTER MAY INDICATE HIS VOTE FOR OR AGAINST SUCH AMENDMENT, PROPOSITION OR QUESTION BY THE MARK "X".

E. IMMEDIATELY BELOW SECTION ONE OF THE BALLOT SHALL BE PLACED THE FOLLOWING:

"SECTION TWO
PARTISAN BALLOT

1. IN SECTION TWO OF THIS BALLOT YOU MAY VOTE A STRAIGHT TICKET OR YOU MAY SPLIT YOUR BALLOT. IF YOU

LAWS OF ARIZONA

VOTE A STRAIGHT TICKET, PUT AN 'X' IN THE SQUARE AT THE TOP OF THE COLUMN AND THE NAME OF THE PARTY FOR WHOSE CANDIDATES YOU WISH TO VOTE. IF YOU VOTE A STRAIGHT TICKET DO NOT CONTINUE TO VOTE FOR THE CANDIDATES FOR PARTISAN OFFICES.

2. IF YOU DO NOT WISH TO VOTE A STRAIGHT TICKET PUT AN 'X' IN THE SQUARE AFTER THE NAME OF EACH CANDIDATE FOR EACH PARTISAN OFFICE FOR WHOM YOU WISH TO VOTE.

3. IF YOU WISH TO VOTE FOR A PERSON WHOSE NAME IS NOT PRINTED ON THE BALLOT, WRITE SUCH NAME IN THE BLANK SPACE OPPOSITE THE OFFICE FOR WHICH HE IS A CANDIDATE AND PUT AN 'X' IN THE SQUARE OPPOSITE THE NAME SO WRITTEN."

~~C.~~ F. Immediately below the ~~names of the candidates for judges~~ INSTRUCTIONS FOR VOTING IN SECTION TWO there shall be placed, in columns, the names of the candidates of the several political parties. At the top of each column shall be printed, in bold-faced letters, the name of the political party, and immediately below the name there shall be a square. Below the columns and running across the ballot there shall be a heavy line, and below the line shall be printed in each column the names of the candidates of each of the political parties for the several offices. At the left of the several columns shall be printed the heading "name of office to be voted for", and below and in regular order the names of the offices to be filled. At the head of each column shall be printed in the following order the names of candidates for:

1. Presidential electors.
2. United States senator.
3. Representatives in congress.
4. The several state offices.
5. The several county and precinct offices.

~~D.~~ G. The names of candidates for the offices of state senator and state representative shall be placed among the candidates for state offices and immediately below the candidates for the office of governor. The number of the supervisorial district of which a candidate is a nominee shall be

LAWS OF ARIZONA

printed in brackets immediately to the right of the name of each candidate for supervisor.

~~E.~~ H. The lists of the candidates of the several parties shall be arranged with the names of the parties in descending order according to the votes cast for governor for that county in the most recent general election for the office of governor, commencing with the left-hand column. In the case of political parties which did not have candidates on the ballot in the last general election, such parties shall be listed in alphabetical order to the right of the parties which did have candidates on the ballot in the last general election. The names of all candidates nominated under the provisions of section 16-601 shall be placed in a single column at the right of the party columns and shall bear the heading in bold-face type: "Other candidates", and immediately under such heading the words: "Vote separately for each office." Immediately above the name of each candidate, in parenthesis, shall be printed the designation prescribed in the candidate's certificate of nomination.

~~F.~~ I. Immediately below the designation of the office to be voted for shall appear the words: "Vote for one" (or more, according to the number to be elected).

~~G.~~ J. In each column at the right of the name of each candidate and on the same line there shall be an eighteen point square. Below the name of the last named candidate for each office there shall be as many blank lines as there are offices of the same title to be filled, with a square after each line. Upon the blank line the voter may write the name of any person for whom he desires to vote whose name is not printed, and in the square opposite the name so written he shall designate his choice by the mark "X" as in the case of printed names.

~~H.~~ K. At the top of each column, at the head of which appears the name of the political party, there shall be a thirty-six point square, and above the square the words "Vote straight" and below the square the words "Ticket here."

~~I.~~ All proposed constitutional amendments and other propositions or questions to be submitted to the voters shall be printed in a column at the right hand side of the ballot in such order as the secretary of state, or, if a city or town election, the city or town clerk designates, and each amendment, proposition or question shall be followed by the words "Yes" and "No" or "For" and "Against" as the nature of the

LAWS OF ARIZONA

~~amendment, proposition or question requires, and at the right of and opposite each of such words shall be placed a square of the size of those placed opposite the names of the candidates, in which the voter may indicate his vote for or against such amendment, proposition or question by the mark "X".~~

~~J.~~ L. When there are two or more candidates of the same political party for the same office, or more than one candidate for a judicial office, the names of all such candidates shall be so alternated on the ballots used in each election district that the name of each candidate shall appear substantially an equal number of times in each possible location.

~~K.~~ The official ballots, except as to size, shall be in substantially the following form:

No.

(Perforated-Line)

To-be-torn-off-by-inspector

OFFICIAL-BALLOT

.....Precinct-No.....

Election-.....19.....

.....County

JUDICIAL-OFFICES

Judge-of-Supreme-Court Vote-for-(number)	Doe, John	<input type="checkbox"/>
Judge-of-Court-of-Appeals Vote-for-(number)	Doe, John	<input type="checkbox"/>
Judge-of-Superior-Court Vote-for-(number)	Doe, John	<input type="checkbox"/>

Office-to-be-voted for	{NAME-OF-PARTY HAVING-HIGHEST NUMBER-VOTES FOR-GOVERNOR LAST-GENERAL ELECTION}	{NAME-OF-PARTY HAVING-NEXT HIGHEST-NUMBER VOTES-FOR GOVERNOR-LAST GENERAL-ELECTION}	PROPOSED-BY INITIATIVE-PETITION
			YES <input type="checkbox"/> No <input type="checkbox"/>
	{Vote-straight E} ticket-here}	{Vote-straight E} ticket-here}	PROPOSED AMENDMENTS-TO-THE CONSTITUTION
Presidential Electors	Doe, John Doe, John Doe, John	Doe, John Doe, John Doe, John	YES <input type="checkbox"/> No <input type="checkbox"/>
United-States Senator	Doe, John	Doe, John	
Representative in-Congress	Doe, John	Doe, John	

STATE-OFFICES

Governor (Vote-for-one)	Boe, John	Boe, John	REFERRED TO THE PEOPLE BY THE LEGISLATURE
State-Senator (Vote-for -number)	Rsa, John	Rsa, John	
State-Representative--(Vote for-number)	Boe, John	Boe, John	REFERRED ORDERED BY PETITION OF THE PEOPLE
Secretary of State--(Vote --for-one)	Boe, John	Boe, John	Yes
Tax-Commissioner (Vote-for -number)	Boe, John	Boe, John	No
Etc.			

COUNTY-OFFICES

Sheriff (Vote-for-one)	Boe, John	Boe, John
Etc.		

PRESINCT-OFFICES

Constable (Vote-for-one)	Boe, John	Boe, John
Etc.		

LAWS OF ARIZONA

Sec. 32. Section 16-846, Arizona Revised Statutes, is amended to read:

16-846. Counterfeiting or distributing unlawful ballots; penalty

A person who ~~prints~~ COUNTERFEITS a ballot, ~~not in conformity with the election laws of the state,~~ or who circulates or gives to another a COUNTERFEIT ballot, knowing at the time that the ballot ~~does not conform~~ HAS NOT BEEN ISSUED PURSUANT to the election laws of the state, is guilty of a ~~misdemeanor~~ FELONY.

Sec. 33. Title 16, chapter 7, article 10, Arizona Revised Statutes, is amended by adding a new section 16-895.01, to read:

16-895.01. Voter not on precinct register; procedure

A VOTER NOT ON THE PRECINCT REGISTER, UPON PRESENTATION OF A VOTER RECEIPT AND UPON A DETERMINATION BY THE ELECTION BOARD THAT THE ADDRESS OF THE REGISTRANT IS WITHIN THE DESIGNATED PRECINCT AND UPON PRESENTATION OF ADDITIONAL IDENTIFICATION VERIFYING INFORMATION PROVIDED ON THE VOTER RECEIPT, SHALL BE ALLOWED TO VOTE. THE BALLOT SHALL BE PLACED IN A SEPARATE ENVELOPE, THE OUTSIDE OF WHICH SHALL CONTAIN THE PRECINCT NAME OR NUMBER, AND THE NAME, ADDRESS, AND VOTER REGISTRATION NUMBER OF THE VOTER, IF AVAILABLE. SUCH BALLOT SHALL BE VERIFIED FOR PROPER REGISTRATION OF THE VOTER BY THE COUNTY RECORDER BEFORE BEING COUNTED. SUCH VERIFICATION SHALL BE MADE BY THE COUNTY RECORDER WITHIN TWO DAYS FOLLOWING THE ELECTION. VERIFIED BALLOTS SHALL BE COUNTED USING THE PROCEDURE OUTLINED FOR COUNTING ABSENTEE BALLOTS. IF REGISTRATION IS NOT VERIFIED THE BALLOT SHALL REMAIN UNOPENED AND SHALL BE DESTROYED.

Sec. 34. Section 16-921, Arizona Revised Statutes, is amended to read:

16-921. Grounds for challenging voter

A person offering to vote may be orally challenged by any registered elector of the county upon any of the following grounds:

1. That he is not the person whose name appears upon the register.

LAWS OF ARIZONA

2. That he has not resided within the state for ~~one year~~ FIFTY DAYS next preceding the election.
3. That he has not resided within the ~~county~~ PRECINCT IN WHICH HE IS REGISTERED ~~for~~ WITHIN ~~thirty~~ FIFTY days next preceding the election.
- ~~4. That he no longer resides in the precinct and did not cast his vote in the precinct at the primary, general or special election next following the date of his change of residence, thereby providing for transfer of registration, or that he has voted in the precinct since his removal therefrom, without notifying the election board officials of his change of residence.~~
- ~~5.~~ 4. That he has voted before at that election.
- ~~6.~~ 5. That he has been convicted of a felony and has not been restored to civil rights.
- ~~7.~~ 6. That he has made a bet on the result of the election.
- ~~8.~~ 7. That he is otherwise not a qualified voter.

Sec. 35. Section 16-924, Arizona Revised Statutes, is amended to read:

16-924. Proceedings on challenge; disposition of ballot; failure to be sworn or answer

A. Upon challenge being made, the person challenged, if he appears to be registered, shall take and subscribe to the oath prescribed in the "Affidavit of Registration" and, if he so elects, may be at once sworn to answer fully and truly all questions material to the challenge as are put to him by the inspector. ~~If the challenge is upon paragraph 7 of section 16-921, the party challenged shall be required to write his name.~~ ANY RETURNED UNITED STATES MAIL ADDRESSED TO THE PERSON CHALLENGED, THE SPOUSE OF THE PERSON CHALLENGED, OR BOTH, AND TO THE ADDRESS APPEARING ON THE PRECINCT REGISTER SHALL BE CONSIDERED AS SUFFICIENT GROUNDS TO PROCEED UNDER THIS SECTION.

B. If after the examination on the challenge, a majority of the election board is satisfied that the challenge is not valid, the person challenged shall

LAWS OF ARIZONA

be permitted to vote, otherwise not, and the ballot, if he has received one, shall without examination be at once destroyed in his presence by the inspector.

C. If the person challenged refuses to be sworn or affirmed, or refuses to answer questions material to the challenge, he shall not be allowed to vote.

Sec. 36. Section 16-1038, Arizona Revised Statutes, is amended to read:

16-1038. Rules and regulations; instructions and procedures manual; approval of manual; field check and review of systems

A. The secretary of state in concert with each county board of supervisors or other officer in charge of elections shall prescribe rules and regulations to achieve and maintain the maximum degree of correctness, impartiality, UNIFORMITY and efficiency on the procedures ~~of~~ FOR ABSENTEE VOTING, voting, and of collecting, counting, tabulating and recording votes.

B. Such rules and regulations shall be prescribed in an official instructions and procedures manual to be issued not later than thirty days prior to each election. Prior to its issuance, the manual shall be approved by the governor and the attorney general.

C. A PERSON WHO VIOLATES ANY RULE OR REGULATION ADOPTED PURSUANT TO THIS SECTION IS GUILTY OF A MISDEMEANOR.

~~C.~~ D. The secretary of state shall provide personnel, expert in electronic voting systems and procedures and in electronic voting system security, to field check and review electronic voting systems and recommend needed statutory and procedural changes.

Sec. 37. Section 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 of Arizona, an elector may make a SIGNED ~~written~~ request to the county recorder or other officer in charge of elections of the county, city or town in which the elector is registered for an application for a ballot and an official absent or disabled voter's

LAWS OF ARIZONA

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, a deputy registrar 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 or other officer in charge of elections of the county, city or town in which the elector is registered.

B. Upon receipt of such application, if in proper form, the recorder or other officer in charge of elections 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 or other officer in charge of elections of the county, city or town in which he is registered.

C. The recorder or other officer in charge of elections may, when deemed ~~expedient~~ **PROPER UNDER THE RULES AND REGULATIONS OF THE SECRETARY OF STATE**, 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 or other officer in charge of elections 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 and the spouse and any dependent of such elector if otherwise qualified to vote and actually residing with the person may make a request for an absentee ballot by the submission of a federal postcard 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 or other officer in charge of elections, he shall determine whether or not the applicant is registered. If the applicant is so registered, the recorder or other officer in charge of elections shall forward him an official absent voter's ballot. If the applicant is not registered, and the request is for a ballot for use in a county election, the recorder shall forward an affidavit of registration as provided in section 16-108, and shall at the same time forward to the unregistered applicant an official absent voter's ballot.

LAWS OF ARIZONA

Sec. 38. Section 16-1108, Arizona Revised Statutes, is amended to read:

16-1108. Receipt of voter's ballot

A. Upon receipt of the envelope containing the absent or disabled voter's ballot, the county recorder or other officer in charge of elections shall compare the signature on the envelope with the signature of the elector on his original affidavit of registration ~~in the general county register~~, and if satisfied that the signatures correspond and that the affidavit is sufficient the recorder or other officer in charge of elections shall ~~enclose~~ HOLD them unopened, together with the original application of the voter, AS PER THE RULES AND REGULATIONS OF THE SECRETARY OF STATE. ~~in a large envelope securely sealed and endorsed with the name or number of the voting precinct in which the voter is registered, the name and official title of the recorder or other officer in charge of elections, and the following words:-~~

~~"This envelope contains only absent or disabled voter's ballot and shall be opened only on election day".~~

B. The recorder or other officer in charge of elections shall thereafter safely keep the envelope APPLICATIONS AND ABSENTEE BALLOTS in his office until delivered, and shall file the duplicate application in his office.

Sec. 39. Section 16-1109, Arizona Revised Statutes, is amended to read:

16-1109. Absentee election board

A. The board of supervisors, or the governing body of a city or town if a city or town election, shall appoint one or more absentee election boards to serve at places to be designated by the board of supervisors or the governing body to canvass and tally absentee ballots.

B. In the selection of absentee boards the board of supervisors or the governing body shall select members of the boards in accordance with the provisions for selecting members of regular election boards as provided in section 16-771. ~~The absentee board may serve from six o'clock a.m. on election day until they have completed the canvass of all absentee ballots.~~ All absentee ballots received by the county recorder or other officer in charge of elections before seven o'clock p.m. on election day, together with the original application shall be delivered to the absentee board ~~on election day~~ FOR PROCESSING AS PROVIDED IN THE RULES AND

LAWS OF ARIZONA

REGULATIONS OF THE SECRETARY OF STATE. THE OFFICE OF THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL REMAIN OPEN UNTIL SEVEN O'CLOCK P.M. ON ELECTION DAY FOR THE PURPOSE OF RECEIVING ABSENTEE BALLOTS. In no event shall partial or complete tallies of the absentee board be released or divulged before ONE HOUR FOLLOWING THE CLOSING OF the polls ~~close~~ on election day.

C. The necessary printed blanks for poll lists, tally lists, lists of voters, ballots, oath and returns, together with envelopes in which to enclose the returns, shall be furnished by the board of supervisors or the governing body of the city or town to the absentee board for each election precinct at the expense of the county, or the city or town if a city or town election.

Approved by the Governor—May 14, 1973

Filed in the Office of the Secretary of State—May 15, 1973

CHAPTER 184

House Bill 2314

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 fiscal year beginning July 1, 1973, for the purposes and objects herein specified:

Subdivision 1. ARIZONA COLISEUM AND EXPOSITION CENTER BOARD

All collections paid into the state treasury are appropriated for personal services, operating expenditures and capital outlay.

LAWS OF ARIZONA

Subdivision 2. ARIZONA COMMISSION ON UNIFORM STATE LAWS

Lump sum appropriation	<u>\$7,500.00</u>
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Subdivision 3. ATTORNEY GENERAL-DEPARTMENT OF LAW

Administration

Personal services	\$ 133,000.00
Employee related expenditures	20,500.00
Travel-state	1,100.00
Travel-out of state	6,400.00
Other operating expenditures	62,800.00
Capital outlay-equipment	<u>5,800.00</u>
Total-administration	\$ 229,600.00

Civil division

Personal services	\$ 370,100.00
Employee related expenditures	43,600.00
Professional and outside services	30,000.00
Travel-state	4,500.00
Travel-out of state	4,000.00
Other operating expenditures	13,600.00
Capital outlay-equipment	<u>2,600.00</u>
Total-civil division	\$ 468,400.00

Civil rights division

Personal services	\$ 90,900.00
Employee related expenditures	12,300.00
Travel-state	8,600.00
Travel-out of state	1,300.00
Other operating expenditures	22,400.00
Capital outlay-equipment	<u>900.00</u>
Total-civil rights division	\$ 136,400.00

Consumer protection division

Personal services	\$ 119,600.00
Employee related expenditures	15,300.00
Travel-state	7,900.00
Travel-out of state	1,100.00
Other operating expenditures	6,400.00
Capital outlay-equipment	<u>5,100.00</u>
Total-consumer protection division	\$ 155,400.00

LAWS OF ARIZONA

Criminal division

Personal services	\$ 203,500.00
Employee related expenditures	28,800.00
Professional and outside services	8,000.00
Travel—state	17,000.00
Travel—out of state	6,300.00
Other operating expenditures	25,700.00
Capital outlay—equipment	<u>4,800.00</u>
Total—criminal division	\$ 294,100.00

Tucson division

Personal services	\$ 65,800.00
Employee related expenditures	8,000.00
Travel—state	2,500.00
Travel—out of state	1,400.00
Other operating expenditures	7,800.00
Capital outlay—equipment	<u>600.00</u>
Total—Tucson division	\$ <u>86,100.00</u>
Total appropriation—attorney general	<u><u>\$1,370,000.00</u></u>

Subdivision 4. COMMISSION ON JUDICIAL QUALIFICATIONS

Lump sum appropriation	<u><u>\$10,000.00</u></u>
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Subdivision 5. COURT OF APPEALS

Division I

Personal services	\$404,200.00
Employee related expenditures	34,300.00
Professional and outside services	1,000.00
Travel—state	12,500.00
Travel—out of state	3,000.00
Other operating expenditures	48,200.00
Capital outlay	
Equipment	2,100.00
Library and reference facilities	<u>3,200.00</u>
Total—division I	\$508,500.00

Division II

Personal services	\$209,100.00
Employee related expenditures	18,000.00

LAWS OF ARIZONA

Professional and outside services	500.00
Travel	9,000.00
Other operating expenditures	33,000.00
Capital outlay	
Equipment	1,600.00
Library and reference facilities	10,000.00
Total—division II	<u>\$281,200.00</u>
Total appropriation—court of appeals	<u><u>\$789,700.00</u></u>

Subdivision 6. DEPARTMENT OF ADMINISTRATION

Director's office

Lump sum appropriation \$ 62,000.00

Finance division**Commissioner's office**

Personal services	\$ 264,000.00
Employee related expenditures	33,100.00
Professional and outside services	20,000.00
Travel—state	8,200.00
Travel—out of state	1,200.00
Other operating expenditures	216,200.00
Capital outlay—equipment	4,100.00

Total—commissioner's office \$ 546,800.00

Accounts and controls

Personal services	\$ 579,300.00
Employee related expenditures	81,200.00
Professional and outside services	281,000.00
Travel—state	300.00
Travel—out of state	500.00
Other operating expenditures	98,800.00
Capital outlay—equipment	11,000.00

Total—accounts and controls \$1,052,100.00

Budget

Personal services	\$ 198,000.00
Employee related expenditures	22,900.00
Professional and outside services	12,000.00
Travel—state	2,000.00
Travel—out of state	2,200.00

LAWS OF ARIZONA

Other operating expenditures	25,200.00
Capital outlay—equipment	<u>900.00</u>
Total—budget	\$ 263,200.00
Planning	
Personal services	\$ 113,200.00
Employee related expenditures	13,700.00
Professional and outside services	6,000.00
Travel—state	7,000.00
Travel—out of state	1,000.00
Other operating expenditures	8,300.00
Capital outlay—equipment	<u>4,800.00</u>
Total—planning	\$ 154,000.00
Purchasing	
Personal services	\$ 189,400.00
Employee related expenditures	23,800.00
Professional and outside services	30,800.00
Travel—state	1,600.00
Travel—out of state	1,200.00
Other operating expenditures	39,700.00
Capital outlay—equipment	<u>200.00</u>
Total—purchasing	\$ 286,700.00
Total—finance division	\$2,302,800.00
Library, archives and public records division	
Administration	
Personal services	\$ 47,700.00
Employee related expenditures	6,100.00
Travel—state	200.00
Travel—out of state	800.00
Other operating expenditures	<u>3,500.00</u>
Total—administration	\$ 58,300.00
Research library	
Personal services	\$ 150,700.00
Employee related expenditures	21,200.00
Travel—state	600.00
Travel—out of state	500.00
Other operating expenditures	104,700.00

LAWS OF ARIZONA

Capital outlay	
Equipment	2,800.00
Library acquisitions	80,100.00
Assistance to others	<u>2,500.00</u>
Total—research library	\$ 363,100.00
Library extension service	
Personal services	\$ 207,000.00
Employee related expenditures	30,500.00
Travel—state	26,600.00
Other operating expenditures	55,000.00
Capital outlay—library acquisitions	59,900.00
Assistance to others	<u>250,000.00</u>
Total—library extension service	\$ 629,000.00
Library for the blind and physically handicapped	
Personal services	\$ 78,100.00
Employee related expenditures	11,500.00
Travel—state	1,000.00
Travel—out of state	700.00
Other operating expenditures	30,500.00
Capital outlay	
Equipment	2,800.00
Library acquisitions	<u>5,000.00</u>
Total—	
Library for the blind and physically handicapped	\$ 129,600.00
Records management	
Personal services	\$ 9,500.00
Employee related expenditures	1,500.00
Travel—out of state	300.00
Other operating expenditures	<u>200.00</u>
Total—records management	\$ 11,500.00
Archives and public records	
Personal services	\$ 20,500.00
Employee related expenditures	3,100.00
Travel—state	300.00
Other operating expenditures	21,400.00
Capital outlay—equipment	<u>400.00</u>
Total—archives and public records	\$ 45,700.00

LAWS OF ARIZONA

Microfilming	
Personal services	\$ 70,200.00
Employee related expenditures	10,400.00
Travel—state	600.00
Other operating expenditures	9,600.00
Capital outlay	
Equipment	6,100.00
Library acquisitions	<u>13,000.00</u>
Total—microfilming	\$ <u>109,900.00</u>
Total—library, archives and public records division	\$1,347,100.00*

The foregoing appropriation is in addition to funds granted to the state by the federal government for library extension services.

Personnel administration division**Administration**

Personal services	\$ 208,400.00
Employee related expenditures	26,400.00
Professional and outside services	35,500.00
Travel—state	4,600.00
Travel—out of state	3,300.00
Other operating expenditures	61,900.00
Capital outlay—equipment	<u>700.00</u>
Total—administration	\$ 340,800.00

Employment

Personal services	\$ 263,400.00
Employee related expenditures	36,000.00
Professional and outside services	19,300.00
Travel—state	2,100.00
Other operating expenditures	<u>52,100.00</u>
Total—employment	\$ 372,900.00

Management

Personal services	\$ 235,800.00
Employee related expenditures	29,100.00
Professional and outside services	3,200.00
Travel—state	2,500.00
Other operating expenditures	<u>15,800.00</u>
Total—management	\$ 286,400.00

LAWS OF ARIZONA

Insurance

Personal services	\$ 37,600.00
Employee related expenditures	4,900.00
Professional and outside services	12,000.00
Travel—state	1,400.00
Other operating expenditures	<u>8,300.00</u>
Total—insurance	\$ <u>64,200.00</u>
Total—personnel administration division	\$1,064,300.00

Public buildings maintenance division

Personal services	\$1,203,300.00
Employee related expenditures	222,600.00
Travel—state	5,000.00
Other operating expenditures	762,500.00
Capital outlay—equipment	43,400.00
Motor pool revolving fund	100,000.00
Telephone revolving fund	<u>50,000.00</u>
Total—public buildings maintenance division	\$2,386,800.00

Surplus property division

Lump sum appropriation	<u>\$ 41,100.00</u>
Total appropriation—department of administration	<u><u>\$7,204,100.00</u></u>

Subdivision 7. DEPARTMENT OF PROPERTY VALUATION

Administration	\$ 514,600.00
Valuation	803,300.00
Data systems	442,700.00
Arizona resources information system	<u>266,900.00</u>
Total appropriation	<u><u>\$2,027,500.00</u></u>

Subdivision 8. ESTATE TAX COMMISSIONER

Personal services	\$ 96,200.00
Employee related expenditures	13,700.00
Professional and outside services	1,000.00
Travel—state	300.00
Travel—out of state	600.00

LAWS OF ARIZONA

Other operating expenditures	17,500.00
Capital outlay—equipment	<u>800.00</u>
Total appropriation	<u>\$130,100.00</u>

Subdivision 9. GOVERNOR

Personal services	\$216,100.00
Employee related expenditures	31,000.00
Professional and outside services	10,000.00
Travel	5,000.00
Other operating expenditures	138,600.00
Capital outlay—equipment	3,000.00
Federal grant matching fund	30,000.00
Four corners regional commission	37,500.00**
Arizona advisory council on intergovernmental relations	37,100.00
Arizona advisory council on intergovernmental relations	450,000.00***
American revolution bicentennial commission	<u>27,800.00</u>
Total appropriation	<u>\$986,100.00</u>

**To reimburse any state agency participating in the four corners regional commission.

***Comprehensive study of problems associated with the financing and distribution of services among state and local governments of Arizona and is appropriated for a twenty month period.

Subdivision 10. GOVERNOR—OFFICE OF ECONOMIC PLANNING AND DEVELOPMENT

Administration

Lump sum appropriation	\$211,000.00
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Development

Personal services	\$232,100.00
Employee related expenditures	28,700.00
Professional and outside services	13,500.00
Travel—state	20,700.00
Travel—out of state	16,000.00
Other operating expenditures	101,700.00**
Media advertising	114,200.00
Capital outlay—equipment	<u>3,700.00</u>
Total—development	\$530,600.00***

LAWS OF ARIZONA

**In addition to this amount, \$49,200 may be expended from the anticipated carry forward balance.

***Of this amount, \$78,100 is for motion picture industry and shall be matched in an equal amount by industry.

Planning

Personal services	\$136,600.00
Employee related expenditures	15,700.00
Professional and outside services	22,800.00
Travel--state	5,900.00
Travel--out of state	5,000.00
Other operating expenditures	40,600.00
Capital outlay--equipment	<u>4,100.00</u>
Total--planning	<u>230,700.00</u>
Total appropriation--office of economic planning and development	<u><u>\$972,300.00</u></u>

Subdivision 11. LAW ENFORCEMENT MERIT SYSTEM COUNCIL

Lump sum appropriation	<u><u>\$14,500.00</u></u>
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Subdivision 12. LEGISLATURE

Senate	\$1,652,500.00*
House of representatives	2,123,100.00*
Legislative council	490,000.00*
Joint legislative budget committee	243,700.00*
Auditor general	1,399,300.00
Tucson legislative offices	<u>60,000.00</u>
Total appropriation	<u><u>\$5,968,600.00</u></u>

Subdivision 13. SECRETARY OF STATE

Administration	\$ 72,500.00
Commercial services	100,500.00
Governmental services	<u>157,400.00</u>
Total appropriation	<u><u>\$330,400.00</u></u>

LAWS OF ARIZONA

Subdivision 14. STATE BOARD OF PROPERTY TAX APPEALS

Personal services	\$ 84,700.00
Employee related expenditures	7,600.00
Professional and outside services	32,500.00
Travel—state	6,700.00
Travel—out of state	1,000.00
Other operating expenditures	<u>28,800.00</u>
Total appropriation	<u>\$161,300.00</u>

Subdivision 15. STATE RETIREMENT BOARD

From the state retirement system board administration fund, the following is appropriated:

Lump sum appropriation	<u>\$849,400.00**</u>
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**In addition to the lump sum appropriation the state retirement system may use for administrative expenses any additional amounts received under the provisions of section 38-756, Arizona Revised Statutes.

From the state general fund, the following is appropriated:

Prior service funding	<u>\$762,400.00**</u>
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**This amount is the twelfth of twenty 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 38-747, Arizona Revised Statutes. This appropriation is exempt from the provisions of section 35-190, Arizona Revised Statutes, relating to lapsing appropriations.

Subdivision 16. TAX COMMISSION

Administration

Lump sum appropriation	\$1,678,400.00
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Income tax

Personal services	\$ 833,900.00
Employee related expenditures	115,100.00

LAWS OF ARIZONA

Travel—state	28,300.00
Travel—out of state	36,200.00
Other operating expenditures	281,500.00
Capital outlay—equipment	<u>26,400.00</u>
Total—income tax	\$1,321,400.00
Luxury tax	
Personal services	\$ 60,500.00
Employee related expenditures	8,100.00
Travel—state	7,500.00
Travel—out of state	1,000.00
Other operating expenditures	63,700.00
Capital outlay—equipment	<u>1,500.00</u>
Total—luxury tax	\$ 142,300.00
Sales and use tax	
Personal services	\$ 831,800.00
Employee related expenditures	114,600.00
Travel—state	68,400.00
Travel—out of state	25,000.00
Other operating expenditures	103,000.00
Capital outlay—equipment	<u>14,800.00</u>
Total—sales and use tax	<u>\$1,157,600.00</u>
Total appropriation—tax commission	<u><u>\$4,299,700.00</u></u>

Subdivision 17. STATE TREASURER

Personal services	\$131,900.00
Employee related expenditures	20,400.00
Professional and outside services	33,100.00
Travel—state	1,800.00
Travel—out of state	1,500.00
Other operating expenditures	27,600.00
Capital outlay—equipment	1,100.00
Revolving fund	<u>5,000.00</u>
Total appropriation	<u><u>\$222,400.00</u></u>

LAWS OF ARIZONA

Subdivision 18. SUPERIOR COURTS

Personal services—salaries of judges	\$854,000.00
Employee related expenditures	13,400.00
Professional and outside services	500.00
Judicial assistance	<u>20,000.00</u>
Total appropriation	<u>\$887,900.00</u>

Subdivision 19. SUPREME COURT

Personal services	\$451,700.00
Employee related expenditures	37,800.00
Professional and outside services	5,000.00
Travel	7,500.00
Other operating expenditures	64,200.00
Capital outlay	
Equipment	4,900.00
Library and reference facilities	4,300.00
Publishing Arizona reports	<u>47,200.00</u>
Total appropriation	<u>\$622,600.00</u>

Subdivision 20. ARIZONA COMMISSION OF INDIAN AFFAIRS

Personal services	\$46,500.00
Employee related expenditures	6,000.00
Travel—state	8,500.00
Travel—out of state	500.00
Other operating expenditures	6,500.00
Capital outlay—equipment	<u>600.00</u>
Total appropriation	<u>\$68,600.00</u>

Subdivision 21. ARIZONA HEALTH PLANNING AUTHORITY

Personal services	\$133,800.00
Employee related expenditures	15,200.00
Professional and outside services	18,500.00
Travel—state	4,000.00
Other operating expenditures	26,000.00
Grants to local health planning councils	<u>181,500.00**</u>
Total	\$379,000.00

LAWS OF ARIZONA

**Funds shall not provide for more than 50% of matching requirements for federal appropriation.

Audit of financial records

Personal services	\$ 50,300.00
Employee related expenditures	5,900.00
Professional and outside services	65,000.00
Travel—state	3,500.00
Other operating expenditures	12,300.00
Capital outlay—equipment	<u>1,800.00</u>

Total—audit of financial records \$138,800.00

Total appropriation—Arizona health planning authority \$517,800.00

Subdivision 22. ARIZONA STATE BOARD OF CRIPPLED CHILDREN'S SERVICES

Lump sum appropriation	\$3,068,200.00**
Mental retardation	<u>700,200.00</u>

Total appropriation \$3,768,400.00***

**The foregoing total appropriation shall be deemed to include all of the monies received from parents or guardians for the care of children and deposited in the state general fund pursuant to the provisions of subsection 7 of section 46-503, Arizona Revised Statutes.

***This appropriation includes the cost of personnel for the mental retardation program. There shall be separate records maintained for the crippled children's program and the mental retardation program.

Subdivision 23. DEPARTMENT OF ECONOMIC SECURITY

Office of director	\$ 456,900.00
Apprenticeship council	80,200.00
Office of economic opportunity	93,600.00
Ex-offender program	284,500.00

Public welfare

Administration—state and county	
Personal services	\$ 7,912,000.00
Employee related expenditures	1,127,800.00
Operating expenditures and capital outlay	1,282,000.00

LAWS OF ARIZONA

Medical assistance for the aged—administration premiums and deductibles	495,400.00
Older americans act—administration	48,400.00
Food stamp program and surplus commodity distribution	3,927,200.00
Aid to the blind	83,900.00
Blind services	414,700.00
Aid to dependent children	9,735,000.00
Arizona industries for the blind	75,000.00
Children's service division	1,237,100.00
Foster home care	5,512,500.00
Comprehensive medical and dental care	1,139,600.00
Old age assistance	2,195,500.00
Public assistance services	1,187,000.00
Work incentive program	682,700.00
Tuberculosis control	97,200.00
Aid to the permanently and totally disabled	2,522,400.00
General assistance	3,260,400.00
Emergency relief	600,000.00
Total—public welfare	\$43,535,800.00

The public welfare appropriation with the exception of administration is in addition to funds granted to the state by the federal government for the same purposes, but shall be deemed to include the sums deposited in the state treasury to the credit of the department of economic security, 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, day care costs, and vocational rehabilitation for the blind, which shall be available to the department of economic security, in addition to the appropriations for child welfare services, day care costs, and for blind services and for the administration thereof.

Veterans' service commission

Lump sum appropriation	\$ 242,100.00
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Veterans' service commission—guardianship fund

From the state guardianship fund, the following is appropriated:

Lump sum appropriation	\$ 65,100.00
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Vocational rehabilitation

Lump sum appropriation	<u>\$ 1,636,800.00**</u>
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LAWS OF ARIZONA

For vocational rehabilitation as prescribed by subsection B of section 23-508, Arizona Revised Statutes. 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.

**\$400,000 of this appropriation is to be used for services, staff and programs dealing with welfare recipients and their children.

Total appropriation—department of economic security \$46,329,900.00

Subdivision 24. GOVERNOR—ARIZONA RANGER'S PENSION

Pensions \$2,400.00

Subdivision 25. PIONEERS' HOME

Personal services \$431,500.00
Employee related expenditures 81,100.00
Food 61,000.00

Total appropriation \$573,600.00

Earnings on state land and interest on the investment of the permanent land funds of the pioneers' home and the hospital for disabled miners are appropriated in compliance with the enabling act and the constitution.

Subdivision 26. DEPARTMENT OF HEALTH

Commissioner's office
Personal services \$ 413,500.00
Employee related expenditures 52,400.00
Professional and outside services 9,300.00
Travel—state 12,000.00
Travel—out of state 3,000.00
Other operating expenditures 192,000.00
Capital outlay—equipment 11,700.00
Direct grants to counties 300,000.00***
Reimbursement to local county health 528,900.00**

Total—commissioner's office \$ 1,522,800.00

LAWS OF ARIZONA

Health programs

Personal services	\$ 817,000.00
Employee related expenditures	120,900.00
Professional and outside services	937,100.00
Travel--state	81,700.00
Travel--out of state	4,000.00
Other operating expenditures	155,700.00
Capital outlay--equipment	2,900.00
Local health--tuberculosis control	500,000.00
Kidney treatment centers	350,000.00
Nutrition subventions	44,200.00
Provider hospital care for TB patients	<u>1,100,000.00</u>

Total--health programs \$ 4,113,500.00

Epidemiology and program design

Personal services	\$ 581,600.00
Employee related expenditures	80,400.00
Professional and outside services	69,000.00
Travel--state	18,800.00
Travel--out of state	4,200.00
Other operating expenditures	293,500.00
Capital outlay--equipment	<u>13,700.00</u>

Total--epidemiology and program design \$ 1,061,200.00

Environmental health services

Personal services	\$ 948,900.00
Employee related expenditures	122,400.00
Professional and outside services	25,200.00
Travel--state	82,200.00
Travel--out of state	3,800.00
Other operating expenditures	178,300.00
Capital outlay--equipment	11,200.00
Water pollution treatment facility	<u>1,500,000.00</u>

Total--environmental health services \$ 2,872,000.00

Mental health services

Personal services	\$ 134,000.00
Employee related expenditures	15,800.00
Professional and outside services	41,600.00
Travel--state	9,000.00
Other operating expenditures	12,200.00

LAWS OF ARIZONA

Capital outlay—equipment	1,100.00
Mental health grants	<u>849,000.00</u>
Total—mental health services	\$ 1,062,700.00
Addictive behavior	
Personal services	\$ 98,800.00
Employee related expenditures	12,400.00
Travel—state	8,100.00
Travel—out of state	900.00
Other operating expenditures	19,300.00
Capital outlay—equipment	500.00
Alcohol abuse subventions	975,000.00
Drug abuse subventions	<u>933,000.00</u>
Total—addictive behavior	\$ <u>2,048,000.00</u>
Total appropriation—department of health	<u><u>\$12,680,200.00</u></u>

The foregoing appropriation shall include all funds granted to the state health department by the federal government except for funds from bloc grants, formula grants, project grants, categorical grants-in-aid, contracts, and agreements.

**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 an equal per capita basis as determined by the 1970 federal decennial census.

***This appropriation is for local health work and is to be divided equally among the 14 counties on a non-matching basis. All funds received by a county under this appropriation which are not used for the prescribed purposes shall revert to the state general fund.

Subdivision 27. STATE DEPARTMENT OF MENTAL RETARDATION

Central office

Personal services	\$ 147,300.00
Employee related expenditures	21,200.00
Professional and outside services	4,200.00
Travel—state	10,700.00
Travel—out of state	700.00
Other operating expenditures	23,500.00
Assistance to others	20,000.00

LAWS OF ARIZONA

Outside living placement	72,000.00
Purchase of care	<u>500,000.00</u>
Total—central office	\$ 799,600.00
Arizona training center at Coolidge	
Personal services	\$4,115,500.00
Employee related expenditures	720,300.00
Professional and outside services	93,200.00
Travel—state	12,500.00
Travel—out of state	3,500.00
Food	381,600.00
Other operating expenditures	429,100.00
Capital outlay—equipment	112,500.00
Assistance to others	<u>19,800.00</u>
Total—Arizona training center at Coolidge	\$5,888,000.00
Arizona training center at Phoenix	
Lump sum appropriation	\$ 61,000.00
Arizona training center at Tucson	
Personal services	\$1,903,100.00
Employee related expenditures	348,100.00
Professional and outside services	56,800.00
Travel—state	20,000.00
Travel—out of state	2,500.00
Food	133,500.00
Other operating expenditures	237,800.00
Capital outlay—equipment	24,000.00
Sheltered workshop trainee compensation	<u>52,200.00</u>
Total—Arizona training center at Tucson	<u>\$2,778,000.00</u>
Total appropriation—state department of mental retardation	<u><u>\$9,526,600.00</u></u>
Subdivision 28. STATE HOSPITAL	
Mental health care	\$ 5,325,000.00
Mental retardation	671,500.00
Forensic psychiatry	932,900.00
Training	547,600.00

LAWS OF ARIZONA

Auxiliary patient services	2,248,500.00
Support services	<u>2,572,800.00</u>
Total appropriation	<u>\$12,298,300.00</u>

Earnings on state lands and interest on the investment of the permanent land funds are appropriated in compliance with the enabling act and the constitution.

Subdivision 29. AGRICULTURAL EMPLOYMENT RELATIONS BOARD

Personal services	\$ 75,100.00
Employee related expenditures	9,800.00
Professional and outside services	15,200.00
Travel—state	8,000.00
Travel—out of state	1,000.00
Other operating expenditures	14,000.00
Capital outlay—equipment	<u>3,400.00</u>
Total appropriation	<u>\$126,500.00</u>

Subdivision 30. ATOMIC ENERGY COMMISSION

Lump sum appropriation	<u>\$225,000.00</u>
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Subdivision 31. ARIZONA BOARD OF OSTEOPATHIC EXAMINERS

From the Arizona board of osteopathic examiners fund, the following is appropriated:

Lump sum appropriation	<u>\$32,100.00</u>
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Subdivision 32. ARIZONA DEPARTMENT OF AERONAUTICS

From the state aviation fund, the following is appropriated:

Aviation administration and airport development	
Personal services	\$ 89,400.00
Employee related expenditures	16,500.00
Professional and outside services	3,800.00
Travel—state	10,800.00

LAWS OF ARIZONA

Travel—out of state	1,400.00
Other operating expenditures	22,000.00
Capital outlay—equipment	3,500.00
Airport development grants	<u>200,000.00*</u>
Total—aviation administration and airport development	\$347,400.00
Grand Canyon national park airport	
Personal services	\$ 34,200.00
Employee related expenditures	5,900.00
Travel—state	900.00
Travel—out of state	400.00
Other operating expenditures	44,300.00
Capital outlay—equipment	<u>3,000.00</u>
Total—Grand Canyon national park airport	<u>\$ 88,700.00</u>
Total appropriation—Arizona department of aeronautics	<u><u>\$436,100.00</u></u>

From the state general fund, the following is appropriated:

Air search and rescue	<u><u>\$ 50,000.00</u></u>
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Subdivision 33. ARIZONA RACING COMMISSION

Personal services	\$246,800.00
Employee related expenditures	34,000.00
Professional and outside services	86,200.00
Travel—state	28,000.00
Travel—out of state	2,900.00
Other operating expenditures	24,200.00
Capital outlay—equipment	<u>5,000.00</u>
Total	\$427,100.00
County fair racing	
Personal services	\$ 51,600.00
Employee related expenditures	6,300.00
Professional and outside services	8,300.00
Travel—state	<u>18,000.00</u>
Total—county fair racing	<u>\$ 84,200.00</u>
Total appropriation—Arizona racing commission	<u><u>\$511,300.00</u></u>

LAWS OF ARIZONA

Subdivision 34. ARIZONA STATE ATHLETIC COMMISSION

Ninety percent of all collections paid into the state treasury is appropriated to the Arizona state athletic commission.

Subdivision 35. ARIZONA STATE BOARD OF PHARMACY

From the Arizona state board of pharmacy fund, the following is appropriated:

Lump sum appropriation	<u>\$153,200.00</u>
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Subdivision 36. ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

Ninety percent of all collections paid into the state treasury is appropriated to the Arizona state veterinary medical examining board.

Subdivision 37. BANKING DEPARTMENT

Personal services	\$287,400.00
Employee related expenditures	37,300.00
Professional and outside services	1,500.00
Travel--state	27,700.00
Travel--out of state	6,200.00
Other operating expenditures	<u>30,400.00</u>
Total appropriation	<u>\$390,500.00</u>

Subdivision 38. BOARD OF BARBER EXAMINERS

Ninety percent of all collections paid into the state treasury is appropriated to the board of barber examiners.

Subdivision 39. BOARD OF COSMETOLOGY

From the board of cosmetology fund, the following is appropriated:

Lump sum appropriation	<u>\$125,800.00</u>
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LAWS OF ARIZONA

Subdivision 40. BOARD OF MEDICAL EXAMINERS

From the board of medical examiners fund, the following is appropriated:

Lump sum appropriation	<u>\$112,600.00</u>
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Subdivision 41. BOARD OF PESTICIDE CONTROL

From the pesticide control fund there is appropriated to the board of pesticide control \$32,000.00 and from the general fund there is appropriated \$10,400.00.

Subdivision 42. BOARD OF PHYSICAL THERAPY EXAMINERS

Ninety percent of all collections paid into the state treasury is appropriated to the board of physical therapy examiners.

Subdivision 43. BOARD OF PSYCHOLOGIST EXAMINERS

Ninety percent of all collections paid into the state treasury is appropriated to the board of psychologist examiners.

Subdivision 44. AGRICULTURE AND HORTICULTURE COMMISSION

Administration

Personal services	\$ 164,400.00
Employee related expenditures	22,200.00
Travel—state	3,900.00
Travel—out of state	4,100.00
Other operating expenditures	48,600.00
Capital outlay—equipment	<u>6,400.00</u>
Total—administration	\$ 249,600.00

Compliance

Personal services	\$ 54,500.00
Employee related expenditures	7,400.00
Professional and outside services	4,100.00
Travel—state	1,500.00
Other operating expenditures	<u>600.00</u>
Total—compliance	\$ 68,100.00

LAWS OF ARIZONA

Pest control

Personal services	\$ 202,100.00
Employee related expenditures	27,100.00
Travel—state	19,200.00
Other operating expenditures	4,900.00
Capital outlay—equipment	<u>21,100.00</u>

Total—pest control \$ 274,400.00

Quarantine

Personal services	\$1,134,600.00
Employee related expenditures	189,300.00
Travel—state	12,900.00
Other operating expenditures	40,400.00
Capital outlay—equipment	<u>16,000.00</u>

Total—quarantine \$1,393,200.00

Total appropriation—agriculture and horticulture commission \$1,985,300.00

Subdivision 45. CORPORATION COMMISSION

Administration

Personal services	\$ 232,400.00
Employee related expenditures	42,000.00
Professional and outside services	10,000.00
Travel—state	7,100.00
Travel—out of state	1,900.00
Other operating expenditures	<u>62,200.00</u>

Total—administration \$ 355,600.00

Incorporating

Personal services	\$ 152,900.00
Employee related expenditures	22,200.00
Other operating expenditures	50,600.00
Capital outlay—equipment	<u>17,200.00</u>

Total—incorporating \$ 242,900.00

Motor carrier, tariff and rate

Personal services	\$ 460,600.00
Employee related expenditures	72,800.00
Travel—state	60,500.00

LAWS OF ARIZONA

Travel—out of state	2,400.00
Other operating expenditures	43,500.00
Capital outlay—equipment	<u>48,400.00</u>
Total—motor carrier, tariff and rate	\$ 688,200.00
Securities	
Personal services	\$ 149,000.00
Employee related expenditures	20,100.00
Travel—state	14,400.00
Travel—out of state	1,100.00
Other operating expenditures	15,700.00
Capital outlay—equipment	<u>400.00</u>
Total—securities	\$ 200,700.00
Utilities	
Personal services	\$ 219,900.00
Employee related expenditures	28,800.00
Professional and outside services	100,000.00
Travel—state	12,900.00
Travel—out of state	3,100.00
Other operating expenditures	56,000.00
Capital outlay—equipment	<u>1,200.00</u>
Total—utilities	\$ 421,900.00
Total appropriation—corporation commission	<u><u>\$1,909,300.00</u></u>

Subdivision 46. DAIRY COMMISSIONER

Personal services	\$63,400.00
Employee related expenditures	8,900.00
Professional and outside services	500.00
Travel—state	7,500.00
Travel—out of state	600.00
Other operating expenditures	9,900.00
Capital outlay—equipment	<u>1,000.00</u>
Total appropriation	<u><u>\$91,800.00</u></u>

Subdivision 47. DEPARTMENT OF INSURANCE

Personal services	\$512,000.00
Employee related expenditures	68,200.00

LAWS OF ARIZONA

Professional and outside services	25,000.00
Travel—state	4,500.00
Travel—out of state	3,200.00
Other operating expenditures	127,200.00
Capital outlay—equipment	<u>4,800.00</u>
Total appropriation	<u><u>\$744,900.00</u></u>

Subdivision 48. DEPARTMENT OF LIQUOR LICENSES AND CONTROL

Personal services	\$125,500.00
Employee related expenditures	17,000.00
Professional and outside services	10,300.00
Travel—state	9,100.00
Travel—out of state	1,100.00
Other operating expenditures	59,200.00
Capital outlay—equipment	<u>6,155.00</u>
Total appropriation	<u><u>\$228,355.00</u></u>

Subdivision 49. INDUSTRIAL COMMISSION

Administrative services

Personal services	\$ 330,700.00
Employee related expenditures	38,000.00
Professional and outside services	10,900.00
Travel—state	5,900.00
Travel—out of state	1,500.00
Other operating expenditures	72,200.00
Capital outlay—equipment	<u>2,900.00</u>
Total—administrative services	\$ 462,100.00

Claims

Personal services	\$ 430,000.00
Employee related expenditures	58,600.00
Professional and outside services	32,000.00
Travel—state	5,800.00
Other operating expenditures	63,600.00
Capital outlay—equipment	<u>6,100.00</u>
Total—claims	\$ 596,100.00

LAWS OF ARIZONA

Hearings

Personal services	\$ 507,500.00
Employee related expenditures	60,000.00
Professional and outside services	154,800.00
Travel—state	15,100.00
Travel—out of state	2,000.00
Other operating expenditures	342,800.00
Capital outlay—equipment	14,700.00
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Total—hearings	\$1,096,900.00

Labor

Personal services	\$ 56,700.00
Employee related expenditures	7,800.00
Travel—state	5,000.00
Other operating expenditures	14,500.00
Capital outlay—equipment	1,100.00
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Total—labor	\$ 85,100.00

Occupational safety and health

Personal services	\$ 292,830.00
Employee related expenditures	38,270.00
Professional and outside services	10,500.00
Travel—state	32,000.00
Travel—out of state	7,400.00
Other operating expenditures	65,700.00
Capital outlay—equipment	1,000.00
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Total—occupational safety and health	\$ 447,700.00

Special fund

Personal services	\$ 29,100.00
Employee related expenditures	3,000.00
Professional and outside services	8,100.00
Travel—state	100.00
Other operating expenditures	9,100.00
Capital outlay—equipment	1,100.00
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Total—special fund	\$ 50,500.00

Fire Marshal

Personal services	\$ 72,800.00
Employee related expenditures	9,400.00

LAWS OF ARIZONA

Professional and outside services	11,500.00
Travel—state	11,000.00
Travel—out of state	500.00
Other operating expenditures	16,300.00
Capital outlay—equipment	<u>1,100.00</u>
Total—fire marshal	\$ <u>122,600.00</u>
Total appropriation—industrial commission	<u>\$2,861,000.00</u>

Subdivision 50. INSPECTOR OF WEIGHTS AND MEASURES

Personal services	\$ 92,700.00
Employee related expenditures	13,300.00
Travel—state	25,800.00
Travel—out of state	800.00
Other operating expenditures	4,300.00
Capital outlay—equipment	<u>57,700.00</u>
Total appropriation	<u>\$194,600.00</u>

Subdivision 51. LIVESTOCK SANITARY BOARD

Administration	
Lump sum appropriation	\$1,230,300.00
Predatory animal and rodent control	<u>29,400.00**</u>
Total—administration	\$1,259,700.00
State veterinarian	
Lump sum appropriation	\$ 94,500.00
Tuberculosis and brucellosis control	20,000.00***
Indemnities for reactor animals	<u>2,000.00***</u>
Total—state veterinarian	\$ 116,500.00
Meat and poultry inspection	
Lump sum appropriation	\$ 477,000.00
Screwworm eradication	
Lump sum appropriation	<u>\$ 15,100.00</u>
Total appropriation—livestock sanitary board	<u>\$1,868,300.00</u>

LAWS OF ARIZONA

**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. No part of this appropriation shall be used to pay bounty fees.

***These appropriations are made to enable the state to cooperate with the animal health division, agricultural research service, United States department of agriculture, for the eradication of tuberculosis and brucellosis among animals as provided for in section 24-107, Arizona Revised Statutes.

Subdivision 52. NATUROPATHIC BOARD OF EXAMINERS

Ninety percent of all collections paid into the state treasury is appropriated to the naturopathic board of examiners.

Subdivision 53. REAL ESTATE DEPARTMENT

From the real estate board fund, the following is appropriated:

Lump sum appropriation	<u>\$503,300.00</u>
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Subdivision 54. REGISTRAR OF CONTRACTORS

From the contractors' license fund, the following is appropriated:

Lump sum appropriation	<u>\$479,100.00</u>
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Subdivision 55. REGISTRAR OF CONTRACTORS—DIVISION OF BUILDING CODES

Lump sum appropriation	<u>\$308,300.00</u>
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Subdivision 56. STATE BOARD OF ACCOUNTANCY

From the board of accountancy fund, the following is appropriated:

Lump sum appropriation	<u>\$64,800.00</u>
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LAWS OF ARIZONA

Subdivision 57. STATE BOARD OF CHIROPRACTIC EXAMINERS

Ninety percent of all collections paid into the state treasury is appropriated to the state board of chiropractic examiners.

Subdivision 58. STATE BOARD OF DISPENSING OPTICIANS

Ninety percent of all collections paid into the state treasury is appropriated to the state board of dispensing opticians.

Subdivision 59. STATE BOARD OF FUNERAL DIRECTORS AND EMBALMERS

Ninety percent of all collections paid into the state treasury is appropriated to the state board of funeral directors and embalmers.

Subdivision 60. STATE BOARD OF NURSING

From the board of nurse registration and nursing education fund, the following is appropriated:

Lump sum appropriation	<u>\$222,800.00</u>
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Subdivision 61. STATE BOARD OF OPTOMETRY

Ninety percent of all collections paid into the state treasury is appropriated to the state board of optometry.

Subdivision 62. STATE BOARD OF PODIATRY EXAMINERS

Ninety percent of all collections paid into the state treasury is appropriated to the state board of podiatry examiners.

Subdivision 63. STATE BOARD OF PRIVATE TECHNICAL AND BUSINESS SCHOOLS

Ninety percent of all collections paid into the state treasury is appropriated to the private technical and business school fund.

Subdivision 64. STATE BOARD OF TECHNICAL REGISTRATION

From the state board of technical registration fund, the following is appropriated:

LAWS OF ARIZONA

Lump sum appropriation	<u>\$108,000.00</u>
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Subdivision 65. STATE DENTAL BOARD

From the state dental board fund, the following is appropriated:

Lump sum appropriation	<u>\$38,900.00</u>
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Subdivision 66. STATE EGG INSPECTION BOARD

From the state egg inspection board fund, the following is appropriated:

Lump sum appropriation	<u>\$75,600.00</u>
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Subdivision 67. STRUCTURAL PEST CONTROL BOARD

Ninety percent of all collections paid into the state treasury is appropriated to the structural pest control board.

Subdivision 68. STATE MINE INSPECTOR

Personal services	\$173,000.00
Employee related expenditures	26,200.00
Professional and outside services	3,600.00
Travel—state	31,700.00
Travel—out of state	800.00
Other operating expenditures	11,000.00
Capital outlay—equipment	<u>13,300.00</u>
Total appropriation	<u>\$259,600.00</u>

Subdivision 69. ARIZONA BOARD OF REGENTS

Lump sum appropriation	<u>\$400,200.00</u>
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Subdivision 70. ARIZONA STATE UNIVERSITY

Lump sum appropriation	<u>\$37,059,000.00**</u>
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LAWS OF ARIZONA

**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. No part of this appropriation shall be expended for life insurance or supplemental retirement.

Any unencumbered balance remaining in the collections account on June 30, 1973, and all collections received by the university during the fiscal year, when paid into the state treasury are appropriated for personal services, operating 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. No part of this appropriation shall be expended for life insurance or supplemental retirement.

Subdivision 71. NORTHERN ARIZONA UNIVERSITY

Lump sum appropriation \$13,940,400.00**

**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. No part of this appropriation shall be expended for life insurance or supplemental retirement.

Any unencumbered balance remaining in the collections account on June 30, 1973, and all collections received by the university during the fiscal year, when paid into the state treasury are appropriated for personal services, operating 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. No part of this appropriation shall be expended for life insurance or supplemental retirement.

Subdivision 72. UNIVERSITY OF ARIZONA

Main campus	\$47,500,800.00
College medicine	8,624,300.00
University hospital	<u>10,042,100.00</u>
Total appropriation	<u>\$66,167,200.00**</u>

LAWS OF ARIZONA

**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. No part of this appropriation shall be expended for life insurance or supplemental retirement.

All collections received by the university during the said fiscal year when paid into the state treasury are appropriated for personal services, operating 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. No part of this appropriation shall be expended for life insurance or supplemental retirement.

Subdivision 73. ARIZONA BOARD OF REGENTS—WESTERN INTER-STATE COMMISSION FOR HIGHER EDUCATION

Commission expenses	\$ 8,300.00
Western interstate commission	28,000.00
Medical, dental, veterinary, and dental hygiene student subsidies	<u>637,400.00</u>
Total appropriation	<u>\$673,700.00</u>

This appropriation shall include all unexpended balances remaining to the credit of the western interstate commission for higher education on June 30, 1973.

Subdivision 74. ARIZONA COMMISSION ON THE ARTS AND HUMANITIES

Personal services	\$46,000.00
Employee related expenditures	6,300.00
Travel—state	4,200.00
Travel—out of state	500.00
Other operating expenditures	11,100.00
Capital outlay—equipment	<u>600.00</u>
Total appropriation	<u>\$68,700.00</u>

LAWS OF ARIZONA

Subdivision 75. STATE BOARD OF EDUCATION AND SUPERINTENDENT OF PUBLIC INSTRUCTION

To the state board of education, the following is appropriated:

- 1. \$182.50 per capita for common and high school students as prescribed by section 15-1211, Arizona Revised Statutes.
- 2. Receipts of education excise tax fund as prescribed by section 42-1361, Arizona Revised Statutes, to be credited against the total sum required to be raised.

Administration

Lump sum appropriation	\$ 763,800.00
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Included is travel for members of the state board of education.

Data processing

Lump sum appropriation	\$ 233,700.00
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General education

Lump sum appropriation	\$ 413,100.00
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This program is responsible for leadership and supervision of school activities in the area of elementary and secondary education.

Certification

Personal services	\$ 154,400.00
Employee related expenditures	21,100.00
Professional and outside services	4,600.00
Travel—state	1,000.00
Other operating expenditures	42,600.00
Capital outlay—equipment	2,100.00
	2,100.00

Total—certification	\$ 225,800.00
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This program is responsible for supervising, controlling and issuing certificates to teachers as prescribed in state statutes.

Arizona teachers' retirement system—accrued liability

Lump sum appropriation	\$ 295,000.00
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This appropriation is made to enable the state to carry out the provisions of section 15-1421 and section 15-1439, Arizona Revised Statutes.

LAWS OF ARIZONA

Financial assistance for common and high schools

Lump sum appropriation \$ 92,093,100.00

For deposit in the state school financial assistance fund as prescribed by section 15-1228, Arizona Revised Statutes.

Equalization aid

Lump sum appropriation \$ 16,912,700.00

For deposit in the state school fund as prescribed by section 15-1228, Arizona Revised Statutes.

Homebound students

Lump sum appropriation \$ 338,100.00

For the education of homebound students as prescribed by section 15-1017, Arizona Revised Statutes.

Special education students

Lump sum appropriation \$ 3,349,300.00

For the education of educable handicapped children as prescribed by section 15-1017, Arizona Revised Statutes.

Trainable retarded children

Lump sum appropriation \$ 772,700.00

For the education of trainable retarded children as prescribed by section 15-1083, Arizona Revised Statutes.

Assistance to public school districts for children of state employees

Lump sum appropriation \$ 160,000.00

For the assistance of school districts in educating the children of certain state employees as prescribed by section 15-1214, Arizona Revised Statutes.

State levy--night school

Lump sum appropriation \$ 10,500.00

For each student who attends and satisfactorily completes a specific course, each district operating a night school shall be reimbursed by

LAWS OF ARIZONA

the state in the amount of ten dollars for each such course in a night school operated at hours other than those during which the regular school is in session.

Aid to bilingual students

Lump sum appropriation \$ 200,000.00

For the education of students enrolled in special english training as prescribed by section 15-1099, Arizona Revised Statutes.

Food and nutrition program—matching fund

Lump sum appropriation \$ 52,600.00

To carry out the provisions of article 2, chapter 11, title 15, Arizona Revised Statutes.

Education for crippled children

Lump sum appropriation \$ 46,700.00

For the education of crippled children as provided by section 15-1001 and 15-1002, Arizona Revised Statutes.

Certificates of educational convenience

Lump sum appropriation \$ 750,000.00

Reimbursement of school districts that have students enrolled on a certificate of educational convenience according to the per capita district costs.

State aid—gifted children

Lump sum appropriation \$ 249,600.00

Aid in the amount of fifty dollars per unit of average daily attendance of gifted pupils.

State aid—speech handicapped

Lump sum appropriation \$ 998,400.00

An appropriation of fifty dollars for each speech handicapped pupil except that such monies shall not be paid on behalf of more than ninety pupils for each certified speech therapist employed by the school district.

LAWS OF ARIZONA

State aid—specific learning disabilities

Lump sum appropriation	\$ 1,666,700.00
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Aid is in the amount of three hundred eighty dollars per unit of average daily attendance for students who cannot function in accordance with their abilities.

Driver education

Lump sum appropriation	\$ 62,100.00
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Adult education

Lump sum appropriation	\$ 271,300.00
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State board of education for drug and alcohol abuse education and information service

Lump sum appropriation	\$ 199,600.00
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Career education

Lump sum appropriation	\$ 4,570,400.00
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Extended school year

Lump sum appropriation	\$ 111,300.00
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Vocational education

Personal services	\$ 175,800.00
Employee related expenditures	23,100.00
Professional and outside services	500.00
Travel—state	13,600.00
Travel—out of state	1,300.00
Other operating expenditures	22,200.00
Capital outlay—equipment	600.00
Reimbursement for vocational training	2,161,200.00
Manpower act of 1965—matching money	<u>75,000.00</u>

Total—vocational education	\$ 2,473,300.00
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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.

Total appropriation—state board of education and superintendent of public instruction

\$127,219,800.00

LAWS OF ARIZONA

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 when paid into the state treasury are appropriated for apportionment to the various counties in accordance with law. No expenditures shall be made except as specifically authorized above.

Subdivision 76. ARIZONA HISTORICAL SOCIETY

Lump sum appropriation	<u>\$436,600.00</u>
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Subdivision 77. PRESCOTT HISTORICAL SOCIETY

Employee services	\$63,000.00
Employee related expenditures	10,600.00
Professional and outside services	500.00
Travel—state	500.00
Other operating expenditures	15,100.00
Capital outlay—equipment	<u>4,900.00</u>

Total appropriation	<u>\$94,600.00</u>
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Subdivision 78. ARIZONA SCHOOL BOARD ASSOCIATION

From the Arizona school board association fund, the following is appropriated:

Lump sum appropriation	<u>\$83,400.00*</u>
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Subdivision 79. ARIZONA STATE SCHOOL FOR THE DEAF AND THE BLIND

Tucson school	
Personal services	\$1,664,800.00
Employee related expenditures	253,400.00
Professional and outside services	39,200.00
Travel—state	4,600.00
Travel—out of state	1,500.00
Food	130,000.00
Other operating expenditures	179,000.00

LAWS OF ARIZONA

Capital outlay—equipment	23,900.00
Deaf—blind program	<u>58,400.00</u>
Total—Tucson school	\$2,354,800.00
Phoenix day school	
Personal services	\$ 192,100.00
Employee related expenditures	28,100.00
Professional and outside services	200.00
Travel—state	3,800.00
Other operating expenditures	30,700.00
Capital outlay—equipment	<u>8,400.00</u>
Total—Phoenix day school	\$ 263,300.00
Emotionally disturbed children	
Personal services	\$ 66,600.00
Employee related expenditures	10,400.00
Travel—state	600.00
Other operating expenditures	<u>15,800.00</u>
Total—emotionally disturbed children	\$ 93,400.00
Total appropriation—Arizona state school for the deaf and the blind	<u>\$2,711,500.00</u>

In conformity with the education institution act of 1934, collections received during the fiscal year when paid into the state treasury are appropriated for operating 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.

For the education of blind and deaf students who are being educated within school districts under the provisions of section 15-448, Arizona Revised Statutes, a sum of money is appropriated which shall be equal to seven hundred dollars per capita per annum for each student computed according to the average daily attendance records of the state superintendent of public instruction.

Subdivision 80. STATE BOARD OF DIRECTORS FOR COMMUNITY COLLEGES

Board expense	
Personal services	\$ 102,500.00
Employee related expenditures	11,000.00

LAWS OF ARIZONA

Professional and outside services	18,000.00
Travel--state	19,000.00
Travel--out of state	2,300.00
Other operating expenditures	23,000.00
Capital outlay--equipment	<u>1,200.00</u>
Total--board expense	\$ 177,000.00
Cochise county community college district	
Academic grant	\$ 768,000.00
Technical--vocational grant	130,600.00
Capital outlay grant	<u>162,000.00</u>
Total--Cochise county community college district	\$ 1,060,600.00
Graham county community college district	
Academic grant	\$ 766,200.00
Technical--vocational grant	99,600.00
Capital outlay grant	161,500.00
Equalization aid	<u>263,000.00</u>
Total--Graham county community college district	\$ 1,290,300.00
Maricopa county community college district	
Academic grant	\$ 8,655,000.00
Technical--vocational grant	971,100.00
Capital outlay grant	<u>2,581,900.00</u>
Total--Maricopa county community college district	\$12,208,000.00
Pima county community college district	
Academic grant	\$ 2,352,000.00
Technical--vocational grant	349,400.00
Capital outlay grant	<u>648,000.00</u>
Total--Pima county community college district	\$ 3,349,400.00
Pinal county community college district	
Academic grant	\$ 1,208,000.00
Technical--vocational grant	244,800.00
Capital outlay grant	<u>297,000.00</u>
Total--Pinal county community college district	\$ 1,749,800.00
Yavapai county community college district	
Academic grant	\$ 680,000.00

LAWS OF ARIZONA

Technical--vocational grant	74,800.00
Capital outlay grant	<u>135,000.00</u>
Total--Yavapai county community college district	\$ 889,800.00
Yuma county community college district	
Academic grant	\$ 922,000.00
Technical--vocational grant	96,600.00
Capital outlay grant	<u>209,300.00</u>
Total--Yuma county community college district	\$ <u>1,227,900.00</u>
Total appropriation--state board of directors for community colleges	<u><u>\$21,952,800.00</u></u>

Subdivision 81. ARIZONA STATE JUSTICE PLANNING AGENCY

Operating expenditures	\$ 20,000.00
Federal matching funds	
State "buy-in"	350,000.00
"Hard match"	<u>397,080.00</u>
Total appropriation	<u><u>\$767,080.00</u></u>

Subdivision 82. BOARD OF PARDONS AND PAROLES

Personal services	\$ 69,600.00
Employee related expenditures	8,300.00
Travel--state	10,500.00
Travel--out of state	1,200.00
Other operating expenditures	<u>10,500.00</u>
Total appropriation	<u><u>\$100,100.00</u></u>

Subdivision 83. DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS

Emergency services	
Personal services	\$ 60,500.00
Employee related expenditures	7,600.00
Travel--state	4,900.00
Travel--out of state	1,300.00
Other operating expenditures	32,100.00
Capital outlay--equipment	<u>900.00</u>
Total--emergency services	\$ 107,300.00

LAWS OF ARIZONA

Military affairs

Personal services	\$ 384,600.00
Employee related expenditures	58,600.00
Professional and outside services	500.00
Travel—state	14,200.00
Travel—out of state	3,500.00
Other operating expenditures	415,300.00
Capital outlay—equipment	24,200.00
Service contracts	152,700.00
National guard rifle team	1,200.00

Total—military affairs \$1,054,800.00

Total appropriation—department of emergency and
military affairs \$1,162,100.00

Subdivision 84. DEPARTMENT OF PUBLIC SAFETY

From the state highway fund, in compliance with section 18-191, Arizona Revised Statutes, there is appropriated to the Arizona highway patrol fund the sum of \$17,894,960.00,

From the general fund there is appropriated the sum of \$4,473,740.00.

The sums appropriated above shall be deposited in a joint account for the following purposes:

Administration	\$ 6,476,200.00
Highway patrol	9,739,000.00
Criminal investigation division	2,676,700.00
Crime laboratory	387,800.00
Criminal identification section	398,500.00
Technical communications	1,606,800.00
Emergency medical services	1,083,700.00

Total appropriation \$22,368,700.00

Twenty percent of the funds remaining in the joint account, June 30, 1974, will revert to the state general fund, the balance will revert to the Arizona highway patrol fund.

In addition to the funds appropriated above, any balances and receipt received under section 18-191, Arizona Revised Statutes, are appropriated for the use of the Arizona highway patrol.

LAWS OF ARIZONA

Subdivision 85. STATE DEPARTMENT OF CORRECTIONS

Central office—administration	\$ 979,200.00
Central office—community services	2,314,400.00
Community correctional centers	448,800.00
Bureau of preventive services	94,700.00**

**State funds are to be used only if federal funds for the continuation of the program are not received. In the event federal funds are received, only the state's share of the program is to be expended from this appropriation.

Arizona girls' school	\$ 1,213,100.00
Arizona state prison	
Personal services	\$ 4,487,000.00
Employee related expenditures	894,500.00
Professional and outside services	204,600.00
Travel--state	2,200.00
Travel--out of state	800.00
Food	712,800.00
Other operating expenditures	763,500.00
Capital outlay--equipment	159,600.00
Assistance to others	104,000.00
Total—Arizona state prison	\$ 7,329,000.00

Earnings on state lands and interest on the investment of the permanent land funds are appropriated in compliance with the enabling act and the constitution.

Arizona state industrial school	\$ 1,788,800.00
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Earnings on state lands and interest on the investment of the permanent land funds are appropriated in compliance with the enabling act and the constitution.

Arizona youth center	\$ 852,900.00
Alpine conservation center	\$ 430,800.00
Safford conservation center	\$ 592,200.00
Total appropriation—state department of corrections	<u>\$16,043,900.00</u>

LAWS OF ARIZONA

Subdivision 86. ARIZONA HIGHWAY DEPARTMENT

From any unencumbered balances remaining in the state highway fund, as of June 30, 1973, there is appropriated:

Administration

Personal services	\$ 5,254,200.00
Employee related expenditures	754,100.00
Professional and outside services	115,800.00
Travel—state	186,100.00
Travel—out of state	25,500.00
Other operating expenditures	4,070,400.00
Capital outlay—equipment	40,600.00
Commissioners' reserve	250,000.00
Salary contingency	100,000.00**
Educational training	30,000.00
Warehouse revolving fund	<u>80,000.00</u>
Total—administration	\$10,906,700.00

**No funds are to be encumbered or expended without the approval of the joint legislative budget committee and the department of finance.

Highway development

Personal services	\$ 6,556,100.00
Employee related expenditures	877,100.00
Travel—state	368,900.00
Travel—out of state	11,200.00
Other operating expenditures	599,200.00
Capital outlay—equipment	<u>48,900.00</u>
Total—highway development	\$ 8,461,400.00

Highway operations—construction—internal

Personal services	\$ 1,499,700.00
Employee related expenditures	202,900.00
Professional and outside services	2,000.00
Travel—state	247,000.00
Travel—out of state	6,800.00
Other operating expenditures	337,000.00
Capital outlay—equipment	<u>25,500.00</u>
Total—highway operations—construction—internal	\$ 2,320,900.00

LAWS OF ARIZONA

Highway operations—engineering districts

Personal services	\$ 2,888,900.00
Employee related expenditures	405,200.00
Professional and outside services	900.00
Travel—state	101,900.00
Other operating expenditures	605,800.00
Capital outlay—equipment	<u>25,900.00</u>
Total—highway operations—engineering districts	\$ 4,028,600.00

Highway operations—traffic engineering

Personal services	\$ 1,806,000.00
Employee related expenditures	315,100.00
Professional and outside services	2,500.00
Travel—state	79,600.00
Travel—out of state	2,000.00
Other operating expenditures	571,600.00
Capital outlay—equipment	127,000.00
Pilot program, guideline striping	<u>12,000.00**</u>
Total—highway operations—traffic engineering	\$ 2,915,800.00

**Pilot project for edge striping in select pieces of roads that have a high runoff accident record; namely: S.R. 95—north Quartzsite to Parker, S.R. 96—Sells to Tucson, U.S. 89—north Tucson to north Oracle.

Highway operations—headquarter maintenance

Lump sum appropriation	\$ 383,400.00
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Highway maintenance

Personal services	\$ 7,625,200.00
Employee related expenditures	1,136,100.00
Travel	179,500.00
Other operating expenditures	7,834,900.00
Emergency maintenance	<u>500,000.00</u>
Total—highway maintenance	\$17,275,700.00

Motor vehicle division

Personal services	\$ 5,828,200.00
Employee related expenditures	957,100.00
Professional and outside services	1,000.00
Travel—state	86,600.00
Travel—out of state	5,000.00

LAWS OF ARIZONA

Other operating expenditures	848,400.00
Capital outlay—equipment	57,600.00
License plates and tabs	<u>300,000.00</u>
Total—motor vehicle division	\$ 8,083,900.00

Plant and improvements

Operating expenditures	\$ 112,000.00
Capital outlay—equipment	<u>27,900.00</u>
Total—plant and improvements	\$ 139,900.00

Department of law services

Personal services	\$ 320,300.00
Employee related expenditures	35,300.00
Professional and outside services	5,000.00
Travel—state	3,600.00
Travel—out of state	4,400.00
Other operating expenditures	12,900.00
Capital outlay—equipment	<u>5,100.00</u>
Total—department of law services	\$ 386,600.00**

**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.

Department of law services shall be paid through claims presented and authorized by the attorney general.

Total appropriation—Arizona highway department \$54,902,900.00

Any balances and collections in the state highway fund in excess of the specific amounts set forth above for the purposes designated, are appropriated exclusively for construction of state highways, including (1) national system of interstate 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 on construction projects.

Subdivision 87. ARIZONA COPPER TARIFF BOARD

Lump sum appropriation \$3,000.00

Subdivision 88. ARIZONA GAME AND FISH COMMISSION

From the game and fish protection fund, the following is appropriated:

LAWS OF ARIZONA

Commission and director

Personal services	\$ 111,100.00
Employee related expenditures	18,700.00
Operating expenditures and capital outlay	21,900.00
Dingell-Johnson act for fish restoration	95,000.00**
Pittman-Robertson act for wildlife restoration	305,000.00**
Comercial fisheries	3,000.00**
Comissioners' reserve	25,000.00
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Total—commission and director	\$ 579,700.00

Enforcement and Communication

Personal services	\$ 144,500.00
Employee related expenditures	50,100.00
Operating expenditures and capital outlay	98,100.00
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Total—enforcement and communication	\$ 292,700.00

Game management

Personal services	\$ 20,000.00
Employee related expenditures	2,500.00
Operating expenditures and capital outlay	53,100.00
Cooperative wildlife research unit	15,000.00**
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Total—game management	\$ 90,600.00

Fisheries management

Personal services	\$ 285,400.00
Employee related expenditures	48,600.00
Operating expenditures and capital outlay	173,400.00
Cooperative fishery research unit	15,000.00**
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Total—fisheries management	\$ 522,400.00

Information and education

Personal services	\$ 109,300.00
Employee related expenditures	16,100.00
Operating expenditures and capital outlay	99,800.00
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Total—information and education	\$ 225,200.00

Wildlife planning and development

Personal services	\$ 114,700.00
Employee related expenditures	18,300.00
Operating expenditures and capital outlay	44,700.00
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Total—wildlife planning and development	\$ 177,700.00

LAWS OF ARIZONA

Regional wildlife

Personal services	\$ 910,800.00
Employee related expenditures	357,100.00
Operating expenditures and capital outlay	<u>152,600.00</u>
Total—regional wildlife	\$1,420,500.00

Administration

Personal services	\$ 311,600.00
Employee related expenditures	43,100.00
Operating expenditures and capital outlay	<u>932,800.00</u>
Total—administration	<u>\$1,287,500.00</u>

Total appropriation—Arizona game and fish commission \$4,596,300.00

** Any part of this appropriation may be used for the purpose of matching federal funds. This appropriation is exempt from the provisions of section 35-190, Arizona Revised Statutes, relating to lapsing appropriations.

Subdivision 89. ARIZONA GAME AND FISH COMMISSION—WATER-CRAFT LICENSING

From the watercraft licensing fund, the following is appropriated:

Personal services	\$101,000.00
Employee related expenditures	26,700.00
Operating expenditures and capital outlay	<u>66,800.00</u>
Total appropriation	<u>\$194,500.00</u>

Subdivision 90. ARIZONA OUTDOOR RECREATION COORDINATING COMMISSION

From the state lake improvement fund, the following is appropriated:

Lump sum appropriation	<u>\$28,100.00</u>
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Subdivision 91. ARIZONA STATE PARKS BOARD

Administration

Personal services	\$ 234,100.00
Employee related expenditures	37,100.00

LAWS OF ARIZONA

Operating expenditures and capital outlay	81,800.00
Total—administration	\$ 353,000.00
Alamo lake state park	84,100.00
Buckskin mountain state park	90,800.00
Dead horse ranch state park	48,900.00
Fort Verde state historic park	49,000.00
Jerome state historic park	41,200.00
Lake havasu state park	230,200.00
Lyman lake state park	40,000.00
Painted rocks state historic park	12,700.00
Picacho peak state park	64,100.00
Tombstone courthouse state historic monument	38,000.00
Tubac presidio state historic park	50,000.00
Yuma territorial prison state park	71,100.00
Total appropriation—Arizona state parks board	<u>\$1,173,100.00</u>

Subdivision 92. ARIZONA WATER COMMISSION

Water resource planning

Personal services	\$197,400.00
Employee related expenditures	22,600.00
Professional and outside services	165,300.00
Travel—state	10,100.00
Travel—out of state	11,600.00
Other operating expenditures	41,800.00
Capital outlay—equipment	1,900.00
Cooperative agreements with U.S. geological survey	<u>298,700.00</u>
Total—water resource planning	\$749,400.00

Supervision of dam safety

Personal services	\$ 89,600.00
Employee related expenditures	10,400.00
Professional and outside services	7,500.00
Travel—state	6,100.00
Travel—out of state	700.00
Other operating expenditures	9,100.00
Capital outlay—equipment	<u>1,300.00</u>
Total—supervision of dam safety	<u>\$124,700.00</u>
Total appropriation—Arizona water commission	<u>\$874,100.00</u>

LAWS OF ARIZONA

Subdivision 93. DEPARTMENT OF MINERAL RESOURCES

Personal services	\$132,000.00
Employee related expenditures	17,700.00
Professional and outside services	8,300.00
Travel	1,100.00
Other operating expenditures	12,400.00
Capital outlay—equipment	<u>1,500.00</u>
Total appropriation	<u>\$173,000.00</u>

Subdivision 94. OIL AND GAS CONSERVATION COMMISSION

Personal services	\$101,000.00
Employee related expenditures	12,500.00
Professional and outside services	2,200.00
Travel—state	8,400.00
Travel—out of state	3,400.00
Other operating expenditures	34,600.00
Capital outlay—equipment	<u>2,800.00</u>
Total appropriation	<u>\$164,900.00</u>

Subdivision 95. STATE LAND DEPARTMENT

Administration

Personal services	\$ 291,300.00
Employee related expenditures	34,700.00
Travel—state	7,800.00
Travel—out of state	1,200.00
Other operating expenditures	12,200.00
Capital outlay—equipment	<u>5,300.00</u>
Total—administration	\$ 352,500.00

Public and administrative services

Personal services	\$ 266,900.00
Employee related expenditures	36,400.00
Professional and outside services	500.00
Travel—state	1,000.00
Travel—out of state	700.00
Other operating expenditures	114,500.00
Capital outlay—equipment	<u>7,300.00</u>
Total—public and administrative services	\$ 427,300.00

LAWS OF ARIZONA

Natural resources management	
Personal services	\$ 156,100.00
Employee related expenditures	19,700.00
Travel--state	14,200.00
Travel--out of state	900.00
Other operating expenditures	9,000.00
Capital outlay--equipment	11,700.00
Other--education	200.00
Natural resource conservation districts	90,000.00
Total--natural resources management	\$ 301,800.00
Board of appeals	
Personal services	\$ 11,300.00
Employee related expenditures	1,300.00
Travel--state	1,600.00
Other operating expenditures	1,000.00
Total--board of appeals	\$ 15,200.00
Forestry management	
Personal services	\$ 41,600.00
Employee related expenditures	5,600.00
Travel--state	1,000.00
Other operating expenditures	4,000.00
Total--forestry management	\$ 52,200.00
Total appropriation--state land department	<u>\$1,149,000.00</u>

Sec. 2. For the purpose of this act "*" means this appropriation is exempt from the provision of section 35-190, Arizona Revised Statutes, relating to lapsing appropriations.

Funds in this appropriation for law enforcement programs may be used to provide matching funds for programs and projects for law enforcement, as required by sections 301, 303 and 306 of the omnibus control and safe streets act of 1968 as amended by the omnibus crime control act of 1970.

LAWS OF ARIZONA

Included in the appropriations for other operating expenditures for all applicable agencies are funds for rent as provided in section 41-800, Arizona Revised Statutes.

Included in appropriations for employee related expenditures are funds for health and accident insurance at the rate of \$15 per month per employee receiving such coverage as authorized in section 38-651, Arizona Revised Statutes. The intent here being that under no circumstances shall the \$15 per month per employee be exceeded.

Approved by the Governor—May 16, 1973

Filed in the Office of the Secretary of State—May 16, 1973

MEMORIALS

RESOLUTIONS

SENATE MEMORIAL 1001

A MEMORIAL

RELATING TO VETERANS' DAY; URGING CONGRESS TO ENACT
LEGISLATION RETURNING OBSERVANCE OF VETERANS' DAY
TO NOVEMBER 11.

To the Congress of the United States:

Your memorialist respectfully represents:

Whereas, the Congress of the United States in 1968 enacted legislation which changed observance of Veterans' Day from November 11, the date of the armistice ending World War I and the traditional day of observance of that historical event; and

Whereas, the change of Veterans' Day to the fourth Monday in October for the sole purpose of adding a three-day weekend to the holidays of the year is not a sufficient reason for breaking with tradition, memories, sentiments, and history and the reduction which follows in participation in patriotic ceremonies.

Wherefore your memorialist, the Senate of the State of Arizona, prays:

1. That the President and Congress give their most earnest consideration to the prompt enactment of legislation which would result in the return of Veterans' Day to the traditional day of observance, November 11, of each year.
2. That the Honorable Wesley Bolin, Secretary of State of the State of Arizona, transmit copies of this Memorial to the President of the United States, The President of the United States Senate, the Speaker of the House of Representatives of the United States and to each Member of the Arizona Congressional Delegation.

Passed the Senate January 29, 1973 by the following vote: 29 Ayes, 1 Nay.

Approved by the Governor—January 29, 1973

Filed in the Office of the Secretary of State—January 30, 1973

SENATE MEMORIAL 1002

A MEMORIAL

URGING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO OPPOSE UNREASONABLE FEDERAL FIREARMS CONTROL LEGISLATION AND LAWS WHICH PLACE RESTRICTIONS ON SALE OF CERTAIN AMMUNITION.

To the President and the Congress of the United States of America:

Your memorialist respectfully represents:

Whereas, defense of one's person against assault by another is a natural right recognized by every generation; and

Whereas, every individual's right to the possession of adequate weapons for his defense or the defense of his home and family is essential to the protection of this natural right; and

Whereas, the Bill of Rights of the Constitution of the United States and Article 2, Section 26 of the Constitution of the State of Arizona guarantee to its citizens the right to keep and bear arms; and

Whereas, the handgun is the most effective weapon for self-defense, and its mere possession frequently is sufficient to repel an invader or attacker; and

Whereas, crime statistics only cover the use of firearms in crimes, and do not disclose the many instances where the lawful possession or use of firearms for defense have prevented crimes; and

Whereas broad handgun control legislation, proposing to restrict the sale or delivery of handguns generally, could result in banning many existing high quality handguns manufactured in the United States; and

Whereas, such legislation, including H.R. 845 introduced in the 93rd Congress by Representative Murphy of New York, would deny a citizen the right to obtain weapons for self-defense, but would not prevent the acquisition of weapons by criminals or their misuse by criminals; and

Whereas, there are adequate laws now on the books to punish criminals for the misuse of firearms in crimes if properly enforced.

Wherefore your memorialist, the Senate of the State of Arizona, prays:

1. That the President and the Congress of the United States take those steps necessary for the proper enforcement and judicial punishment of

criminals, rather than consider legislation which would curtail the right of honest citizens to acquire weapons for sport or self-defense.

2. That the President and the Congress of the United States consider legislation such as H.R. 3611 introduced in the 93rd Congress by Representative John D. Dingell of Michigan which would limit the prohibition on the sale or delivery of handguns to handguns the frame or receiver of which is a die casting of zinc alloy or any other material which has a melting temperature less than eight hundred degrees fahrenheit, thereby eliminating only cheaply constructed handguns and preserving the honest citizen's right to acquire quality handguns suitable for self-protection and sport.

3. That the President and the Congress of the United States consider legislation which would eliminate present requirements of record keeping on .22 ammunition which requirements infringe on the guarantee of citizens to keep and bear arms.

4. That the Secretary of State of the State of Arizona transmit a copy of this Memorial to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the Arizona Congressional delegation.

Adopted by the Senate by the following vote: 22 Ayes, 8 Nays.

Approved by the Governor—March 7, 1973

Filed in the Office of the Secretary of State—March 7, 1973

SENATE MEMORIAL 1003

A MEMORIAL

URGING THE CONGRESS OF THE UNITED STATES TO ENACT
LEGISLATION ESTABLISHING A NATIONAL CEMETERY IN
ARIZONA.

To the President and the Congress of the United States of America:

Your memorialist respectfully represents:

The State of Arizona does not have a National Cemetery within its boundaries.

Due to the many military installations in Arizona, thousands of military personnel have served here. Many have returned as veterans to reside in the dry, healthful climate Arizona offers.

A deceased veteran who has expressed a desire to be buried in a National Cemetery must be transported to another state for burial thereby causing great hardships for his survivors.

Wherefore your memorialist, the Senate of the State of Arizona prays:

1. That the President and the Congress are requested to give their most earnest consideration to promptly pass legislation providing for the establishment of a National Cemetery in the State of Arizona.
2. That the Secretary of State of the State of Arizona transmit a copy of this Memorial to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the Arizona Congressional delegation.

Passed the Senate February 5, 1973 by the following vote: 30 Ayes.

Approved by the Governor—February 5, 1973

Filed in the Office of the Secretary of State—February 6, 1973

SENATE MEMORIAL 1004

A MEMORIAL

URGING THE CONGRESS OF THE UNITED STATES TO AMEND THE
FEDERAL SOCIAL SECURITY ACT TO ELIMINATE DENIAL OF
COST-OF-LIVING INCREASES TO CERTAIN RECIPIENTS.

To the Congress of the United States:

Your memorialist respectfully represents:

Whereas, the Congress of the United States, in recognition of increases in cost of living does from time to time increase social security benefits to partially offset such rising costs; and

Whereas, many persons receiving some public welfare assistance from this state, are equally affected by such rising costs, yet are in effect denied the benefit of the increase authorized by the Congress; and

Whereas, such ironical result is due to the provisions of the federal social security act which require the states to count such increases as added income, not cost-of-living adjustments, and require the states to deduct such increases from the public assistance grants, thus denying the increases to the persons who are most needful.

Wherefore your memorialist, the Senate of the State of Arizona, prays:

1. That the Congress of the United States amend the federal social security act to provide that cost-of-living increases in social security benefits be passed on to all recipients, including those receiving state public welfare assistance, and to provide that a state not be required to offset such increases by deductions from the assistance it grants.
2. That the Honorable Wesley Bolin, Secretary of State of Arizona, transmit copies of this Memorial to the President of the United States Senate, the Speaker of the House of Representatives of the United States and to each member of the Arizona Congressional delegation.

Unanimously adopted by the Senate—February 9, 1973

Approved by the Governor—February 13, 1973

Filed in the Office of the Secretary of State—February 13, 1973

SENATE CONCURRENT MEMORIAL 1002

A CONCURRENT MEMORIAL

**URGING THE CONGRESS OF THE UNITED STATES TO TAKE ACTION
TO PROHIBIT THE COMPELLED BUSSING OF PUPILS AS A
MEANS OF ACHIEVING A RACIAL BALANCE OR IMBALANCE.**

To the Congress of the United States of America:

Your memorialist respectfully represents:

Whereas, Title IV of the Civil Rights Act of 1964, 42 United States Code Section 2000c, states that "...no official or court of the United States shall

be empowered to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance or otherwise enlarge the existing power of the court to insure compliance with constitutional standards." It is clear that the assignment of pupils or students to achieve a racial balance is a violation of the Civil Rights Act of 1964 and any legislative body which mandates such a policy or any appointed official who mandates such a policy is in violation of the Civil Rights Act of 1964 which is now the law of the land; and

Whereas, the Fourteenth Amendment of the United States Constitution provides that no State shall "deny to any person within its jurisdiction the equal protection of the laws" and any attempt to assign pupils and students to schools based upon color, thus denying them the equal protection of laws, is a violation of the Fourteenth Amendment; and

Whereas, the judgments of the United States District Courts, the United States Courts of Appeals and the United States Supreme Court disregard the express legislative prohibitions contained in the Civil Rights Act of 1964 and the equal protection clause of the Constitution of the United States; and

Whereas, the people of this state and of this nation who are opposed to forced bussing for a racial balance are entitled to equal protection of the laws and it is appropriate and timely that affirmative action be taken by the legislative branch of government to reassert its authority under our form of government; and

Whereas, the children of this State are not wards of the State but individual human beings in the custody of their parents and legal guardians and as such are not to be experimented with by the State or representatives of the State; and

Whereas, the Legislature of the State of Arizona believes that the primary purpose of education is to educate and that funds being used to transport pupils and students in social experiments to achieve racial balance would be better spent in improving the educational facilities of this State; and

Whereas, the Legislature of the State of Arizona decries the bussing of pupils and students to achieve a racial balance in our schools as an artificial and inadequate remedy to eliminate segregation because it is no more than a feeble and foredoomed palliative for education which has resulted in a deterioration of standards; and

Whereas, the Legislature of the State of Arizona detests racism and the social experimentation of using bussing of pupils as a means of maintaining racial segregation; and

Whereas, the Legislature of the State of Arizona rejects racism and the practice of building or abandoning schools in a pattern specifically intended to maintain segregation.

Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

1. That the Congress of the United States of America propose and adopt some valid means of prohibiting the compelled bussing of pupils and students from one school to another or from one school district to another as a means of achieving racial balance.
2. That the Congress of the United States of America propose and adopt strict laws with appropriately severe penalties for those persons found using bussing of pupils as a means of maintaining racial segregation or abandoning or building schools in a pattern intended to maintain segregation.
3. That the Secretary of State of the State of Arizona transmit certified copies of this Memorial to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each member of the Congress from the State of Arizona.

Passed the Senate March 27, 1973 by the following vote: 20 Ayes, 10 Nays.

Passed the House April 28, 1973 by the following vote: 38 Ayes, 16 Nays, 5 Not Voting, and 1 vacancy.

Approved by the Governor—May 2, 1973

Filed in the Office of the Secretary of State—May 3, 1973

HOUSE CONCURRENT MEMORIAL 2004

A CONCURRENT MEMORIAL

URGING THE CONGRESS OF THE UNITED STATES TO PASS H. R. 4414 AND THE SECRETARY OF THE INTERIOR TO ARRANGE FOR THE SURRENDER OF PROPERTY HOLDINGS WITHIN THE SAN CARLOS MINERAL STRIP AND PROVIDE COMPENSATION FOR SUCH HOLDINGS.

To the Congress of the United States, and to the Department of the Interior of the United States:

Your memorialist respectfully represents:

Whereas, in 1871 and 1872 the President of the United States by Executive Orders set aside a reservation for the San Carlos Apache Indians a part of which is now known as the San Carlos Mineral Strip; and

Whereas, in the late nineteenth century it was believed that certain portions of these tribal lands contained valuable mineral deposits, particularly coal; and

Whereas, by agreement with the Indians February 25, 1896, ratified by an Act of Congress June 10, 1896, the San Carlos Apaches agreed to the cession of an area of approximately two hundred thirty-two thousand acres to the United States for no payment; and

Whereas, the act ratifying the agreement called for the United States to place in the Treasury of the United States to the credit and for the sole benefit of said Indians the net proceeds accruing from the disposal thereof and for the lands to "be open to occupation, location, and purchase under the provisions of the mineral land laws only"; and

Whereas, from 1896 until 1931, the Tribe received net revenues amounting to only twelve thousand four hundred thirty-three dollars from the disposal of lands in the Mineral Strip under the mineral land laws; and

Whereas, because of the insignificant financial returns, the First Assistant Secretary of the Interior, on March 30, 1931, withdrew the lands in the Mineral strip from all forms of entry or disposition pending the enactment of legislation to authorize the restoration of the area to the Tribe; and

Whereas, the United States Government has since let thousands of acres of the Mineral Strip to patent, withdrawn a forest reserve therefrom, and permitted thousands of acres of grazing to be done under the Taylor Grazing Act; and

Whereas, the residents and ranchers now living on the Mineral Strip and their ancestors have lived on these lands and worked them as their homes and ranches for many years, thereby investing, in many cases, their entire lives' efforts and savings toward the building of these ranches and the construction and maintenance of extensive improvements thereon; and

Whereas, these improvements are located on both tribal lands which were under lease at the time from the Bureau of Land Management and on lands which had been patented under the Homestead Act; and

Whereas, on January 16, 1969, the Secretary of the Department of the Interior signed an order restoring surface rights in the San Carlos Mineral Strip to the San Carlos Apache Indian Tribe; and

Whereas, the San Carlos Apache Tribal Council recently passed a resolution to the effect that, "it is in the best interest of the San Carlos Apache people to graze their own cattle on the land involved"; and

Whereas, the removal of the non-Indian ranchers from the Mineral Strip without just indemnification for the value of their lands and improvements would place upon them an unfair and unjust financial burden; and

Whereas, these ranchers were allowed to reside on the land and make these improvements with the express consent of the United States Government.

Wherefore, your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That the Congress of the United States give immediate and positive consideration to H.R. 4414 which would "authorize the Secretary of the Interior to purchase property located within the San Carlos Mineral Strip"; and
2. That the Secretary of the Interior arrange for the surrender of the home and ranch holdings involved to the San Carlos Indians and provide for payment of compensation to the residents and ranchers for property losses sustained by the surrender of such holdings.
3. That a copy of this Memorial be transmitted by the Secretary of State of Arizona to the United States Secretary of Interior and to each member of the Arizona Congressional delegation.

Passed the House April 30, 1973 by the following vote: 48 Ayes, 5 Nays, 6 Not Voting.

Passed the Senate April 27, 1973 by the following vote: 29 Ayes.

Approved by the Governor—May 2, 1973

Filed in the Office of the Secretary of State—May 3, 1973

SENATE RESOLUTION 1002

A RESOLUTION

ON THE DEATH OF
THE HONORABLE WILLIAM M. HUSO.

The Honorable William M. Huso of Show Low, Arizona, a member of the Arizona Senate four consecutive terms, passed away in Phoenix on February 17, 1973, at the age of sixty-three.

A business man and civic leader in Navajo County more than twenty-five years and an Arizona resident since 1936, Mr. Huso was born October 15, 1909, at Joice, Iowa. He earned a bachelor of arts degree at St. Olaf College, Northfield, Minnesota, in 1930. He lived in Holbrook from 1936 until moving to Show Low in 1945.

Mr. Huso was national President of the U.S. Highway 60 Association six years, a member of the Snowflake Union High School Board and President of the Show Low Chamber of Commerce four terms.

From 1942 to 1946 he was relocation officer under the War Relocation Authority and relocated twelve thousand Japanese-Americans from Rivers, Arizona, camp.

He also was a banker-credit manager, dairy manager and placement manager for the United States employment office in Phoenix.

He was elected to the Arizona Senate and served from 1963 through 1970. He served with distinction on Senate standing committees during the Twenty-sixth through Twenty-ninth Legislatures. He was Chairman of the Tourist and Industry Development Committee and Vice-Chairman of the Education Committee in the Twenty-sixth Legislature, Chairman of the Education Committee in the Twenty-eighth Legislature and Chairman of the joint House and Senate Education Planning and Coordinating Council in 1968. Other committees on which he served included Agriculture and Irrigation, Banking and Insurance, Constitutional Amendments and Referendums, Enrolling and Engrossing, Livestock and Public Lands, Labor and Management, Mines and Mining, Appropriations, Finance and Revenue, Highways and Transportation and Natural Resources.

Therefore

Be it resolved by the Senate of the State of Arizona:

That the members of the Senate sincerely regret the passing of the Honorable William M. Huso, and do, therefore, extend their sympathies and condolences to the surviving members of his family.

Unanimously adopted by the Senate—February 28, 1973

Approved by the Governor—March 2, 1973

Filed in the Office of the Secretary of State—March 2, 1973

HOUSE RESOLUTION 2000

A RESOLUTION

ON THE DEATH OF THE HONORABLE CARL C. ANDERSEN.

The Honorable Carl C. Andersen, a member of the Arizona House of Representatives from 1954 through 1958, passed away at his home in Phoenix on the twenty-second day of October, 1972, at the age of sixty-three.

He was born on February 4, 1909, in McNabb, Illinois, and came to Phoenix from Watseka, Illinois, in 1944. He was active in real estate, the wholesale gas and oil business and building materials.

The Honorable Mr. Andersen served with distinction in the Twenty-second and Twenty-third Legislatures on several standing committees including Public Health, Ways and Means, Planning and Development, Rules, Suffrage and Elections and Welfare.

He was a member of the Phoenix Executives Club, Lions Club, Prince of Peace Lutheran Church, on the board of Arizona Country Club and a 32nd Degree Mason.

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 Carl Christian Andersen and do, therefore, extend condolences to the surviving members of his family.

Unanimously adopted by the House—January 11, 1973

Approved by the Governor—January 11, 1973

Filed in the Office of the Secretary of State—January 11, 1973

HOUSE RESOLUTION 2001

A RESOLUTION

ON THE DEATH OF THE HONORABLE WILLIAM R. RYAN.

On December 25, 1972, friends, colleagues and associates were shocked and saddened by the untimely death of the Honorable William R. Ryan, Bisbee, native of Arizona, and member of the Arizona House of Representatives, who died as the result of an automobile accident at the age of forty-nine.

Mr. Ryan was born at Lowell, Arizona, on January 16, 1923, and lived in Arizona all his life. He was educated at Bisbee schools, the University of Arizona and the United States Air Force Pilot School, at Williams Field.

A Bisbee merchant, Mr. Ryan engaged in the wholesale and retail gasoline and supplies business. He was county chairman four years and a member of the school board ten years.

During the Thirtieth Legislature, he served with distinction on standing committees of the House of Representatives including Health and Welfare and Natural Resources.

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 William R. Ryan and do, therefore, extend their sympathies and condolences to the surviving members of his family.

Adopted by the House of Representatives—January 16, 1973

Approved by the Governor—January 16, 1973

Filed in the Office of the Secretary of State—January 16, 1973

HOUSE RESOLUTION 2002

A RESOLUTION

ON THE DEATH OF
THE HONORABLE BERNARDO M. CAJERO.

This state and the members of the Legislature were shocked and deeply saddened by the sudden passing of the Honorable Bernardo M. "Mayo" Cajero on January 14, 1973, in Tucson, Arizona, at the age of fifty-six.

Mr. Cajero, a native of Arizona, served two terms in the House of Representatives and was beginning his third term.

A popular and active legislator, Mr. Cajero was born January 30, 1916, in Morenci. He was graduated from Morenci High School in 1935 and the American Barber College of Los Angeles in 1937, after which he owned and operated a barber business in Tucson for thirty years. He has been affiliated in recent years with a real estate firm in Tucson. As a high school student he cut hair for ten cents to purchase his textbooks.

In 1972 he was co-sponsor of the bill to lower the voting age to eighteen years and had been a strong proponent of free textbooks for Arizona high school students.

The Honorable Mr. Cajero was a past president of the Pueblo High School Parent-Teachers Association, a member of the Pima County Welfare Board Council and a member of the Woodmen of the World Society.

He served with distinction on House standing committees including Counties and Labor and Management in the Twenty-ninth Legislature, Economic Affairs and Health and Welfare in the Thirtieth Legislature and was appointed to serve on Economic Affairs and Municipalities in the Thirty-first Legislature.

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 Bernardo M. Cajero and do, therefore, extend their sympathies and condolences to the surviving members of his family.

Adopted by the House—January 22, 1973

Approved by the Governor—January 22, 1973

Filed in the Office of the Secretary of State—January 22, 1973

HOUSE RESOLUTION 2003

A RESOLUTION

ON THE DEATH OF
THE HONORABLE STEPHEN A. SPEAR.

On the sixteenth day of August, 1972, the Honorable Stephen A. Spear, former Speaker of the Arizona House of Representatives and nationally known tax authority, passed away in Phoenix at the age of seventy-four.

He served in the Tenth and Eleventh Legislatures as Representative from Yavapai County and was Speaker of the House during the Eleventh Legislature.

Mr. Spear headed the State Department of Property Valuation from its creation in 1963 until he retired in January, 1968. Before that he founded the Arizona Tax Research Association and directed it from 1940 to 1963.

Born in Loveland, Colorado, September 7, 1897, he moved to Prescott in 1906 and in 1923 entered the coal and fuel business there. He moved to Phoenix in 1934.

He was the Arizona director of the National Emergency Council from 1934 until 1940. He was assigned to the Office of War Information during World War II.

Mr. Spear was awarded the University of Arizona Alumni Association's Distinguished Citizen Award for Public service in May, 1972.

While in the Legislature, before becoming Speaker, he served with distinction on House standing committees including Constitutional Amendments and Referendum, Printing and Clerks, and as chairman of Highways and Bridges.

In 1963 he was appointed to head Arizona's massive property revaluation, which resulted in enactment of the state's property tax code in 1967.

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 Stephen A. Spear and do, therefore, extend condolences to the surviving members of his family.

Adopted by the House of Representatives—January 24, 1973

Approved by the Governor—January 29, 1973

Filed in the Office of the Secretary of State—January 29, 1973

HOUSE RESOLUTION 2004

A RESOLUTION

ON THE DEATH OF THE HONORABLE HARRY F. SUTHERLAND.

The Honorable Harry F. Sutherland, an Arizona resident sixty-eight years and a former member of the House of Representatives, passed away January 14, 1973, in Prescott, Arizona, at the age of eighty-eight.

Mr. Sutherland was born in Lancaster, New York, September 16, 1884, and moved to Winslow, Arizona, in 1904. He moved to Williams, Arizona, and lived there forty-five years before moving to Chino Valley.

He was a retired Santa Fe Railway engineer and a former member of the Williams School Board, district two. He served two terms in the Arizona House of Representatives, from 1951 through 1954.

He was a past master of the Williams-Grand Canyon Masonic Lodge and a member of the El Zaribah Shrine.

Mr. Sutherland served with distinction on House standing committees of the Twentieth and Twenty-first Legislatures, including Constitutional Amendments and Referendum, Fish and Game, Livestock and Public Lands and County and Municipal Affairs.

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 Harry F. Sutherland, and do, therefore, extend

1934

LAWS OF ARIZONA

passing of the Honorable Harry F. Sutherland and do, therefore, extend their sympathies and condolences to the surviving members of his family.

Adopted by the House—January 30, 1973

Approved by the Governor—January 30, 1973

Filed in the Office of the Secretary of State—January 30, 1973

HOUSE RESOLUTION 2005

A RESOLUTION

ON THE DEATH OF
THE HONORABLE NICHOLAS TRAFICANTI.

On the tenth day of June, 1972, the Honorable Nicholas Traficanti, a former member of the Arizona House of Representatives, passed away in San Diego, California, at the age of seventy-four.

Mr. Traficanti, active in the Republican party in the Tucson area, was born in Italy on May 21, 1898. He resided in the Tucson area about fifteen years and was the owner of Desert Water, Inc., a water utility.

He served with distinction in the Twenty-fifth Legislature and was a member of House standing committees including Municipalities and Ways and Means. Upon his retirement in 1963 he moved to San Diego.

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 Nicholas Traficanti and do, therefore, extend condolences to the surviving members of his family.

Unanimously adopted by the House—February 7, 1973

Approved by the Governor—February 7, 1973

Filed in the Office of the Secretary of State—February 8, 1973

HOUSE RESOLUTION 2006

A RESOLUTION

ON THE DEATH OF
THE HONORABLE ARTHUR CURLEE.

The Honorable Arthur Curlee of Phoenix, Arizona, member of the Arizona House of Representatives during the Fifth and Sixth Legislatures, passed away January 28, 1973, in Phoenix at the age of seventy-eight.

A former resident of Douglas, Arizona, he owned and managed the Yellow Cab Company in Phoenix twenty-seven years, before selling it in 1964.

He was active during thirty years of early Arizona statehood days as a member of his party's state central committee.

Mr. Curlee was born in Denver, Colorado, spent his boyhood days in Douglas and after serving in World War I, he served in the Legislature from 1921 to 1925. He served on House standing committees including Appropriations, Militia and Public Defense and Rules.

He was an adviser during the depression days to the Maricopa County Taxpayers League, was a legal and political consultant to El Paso Natural Gas Company in its early days in Arizona and was a special representative of the Arizona Biltmore Hotel in its formative years.

He was the founding commander of the American Legion in Douglas and once owned a funeral home in Douglas, where he held one of this state's first funeral director's licenses.

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 Arthur Curlee and do, therefore, extend their sympathies and condolences to the surviving members of his family.

Adopted by the House—February 13, 1973

Approved by the Governor—February 13, 1973

Filed in the Office of the Secretary of State—February 15, 1973

HOUSE RESOLUTION 2007

A RESOLUTION

COMMENDING THE ARIZONA NATIONAL GUARD.

The National Guard, since its seventeenth century beginning in the colonies, has been based on the concept of the privilege and responsibility of our citizens to be ready at all times to bear arms for the common defense.

In addition to carrying out efficiently the duties of such responsibility, the Arizona National Guard, made up of the Army National Guard and the Air National Guard, has on many occasions assisted civilian authorities in times of flood, has conducted searches for downed aircraft and persons lost in the desert or on hunting trips and has consistently cooperated with the state division of emergency services.

The Arizona Army National Guard has twenty-nine units in twenty-one different armories throughout the state prepared to serve the state and nation in any emergency. These units are capable of immediate mobility and are prepared for combat on nuclear or conventional battlefields. These units are made up of nearly three thousand officers and enlisted personnel.

The Arizona Air National Guard is made up of twenty units, with eighteen units in full "ready" mobilization status and engaged in full-time training missions. It is composed of nearly two thousand officers and enlisted personnel. They operate two air bases in the state, one at Phoenix and one at Tucson.

The dual state-federal missions of the national Guard are being ably carried out in this state by the Arizona National Guard, providing the state with units organized, trained and equipped that provide protection of life and property in this state and preserve peace, order and public safety, and providing the nation with trained personnel capable and ready for mobilization in time of war or national emergency to support the United States Army and Air Force.

Wherefore

Be it resolved by the House of Representatives of the State of Arizona:

That the officers and other personnel of the Arizona National Guard are to

be commended for their dedication to duty and readiness to serve the people of this state and nation.

Adopted by the House—March 8, 1973

Approved by the Governor—March 8, 1973

Filed in the Office of the Secretary of State—March 8, 1973

HOUSE RESOLUTION 2008

A RESOLUTION

ON THE DEATH OF

THE HONORABLE FRANK G. ROBLES

The Honorable Frank G. Robles, a native of Arizona and a member of the Arizona House of Representatives continuously, except for two terms, from 1940 through 1958, passed away on February 19, 1973, in Los Angeles, California, at the age of sixty-one.

Mr. Robles was born in Tucson on December 21, 1911, was graduated from Tucson High School and attended the University of Arizona.

He was appointed to the House of Representatives for the Fourteenth Legislature, First Special Session, in September, 1940, to succeed Representative C. J. Carreon. He was elected to the Fifteenth, Sixteenth, Eighteenth, Nineteenth, Twentieth, Twenty-first and Twenty-third Legislatures, serving on the following House standing committees: Accounting, Business Methods, Institutional Reorganization, County and Municipal Affairs, Child Welfare, Education, Suffrage and Election, Livestock, Public Health, Reconstruction and Unemployment, Aeronautics, Health, Welfare and Correction, Judiciary and Agriculture and Irrigation. He was chairman of County and Municipal Affairs Committee in the Twentieth Legislature.

After graduation from high school he sold advertising for Tucson newspapers and engaged in promotion of theatrical enterprises until going into the gasoline service station business in 1939. He attended law school, for a short period, at the University of Arizona.

After service in the Arizona Legislature he was an area worker for the Safford Neighborhood Council, Tucson Committee on Economic Opportunity, before moving to California in 1965.

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 Frank Guittierez Robles and do, therefore, extend their sympathies and condolences to the surviving members of his family.

Adopted by the House—March 6, 1973

Approved by the Governor—March 6, 1973

Filed in the Office of the Secretary of State—March 7, 1973

HOUSE RESOLUTION 2009

A RESOLUTION

ON THE DEATH OF

THE HONORABLE EDWIN R. PRYOR

On March 15, 1973, the Honorable Edwin R. Pryor passed away in Colorado Springs, Colorado, at the age of eighty-four.

Mr. Pryor was born December 19, 1888, in Little Rock, Arkansas. He moved to Arizona in February, 1915, where he owned the Pryor Printing Company from 1930 to 1940 and worked fifteen years as a newspaper compositor before retiring in 1962.

He was a member of the Arizona House of Representatives during the Eleventh Legislature and served with distinction on House standing committees, including Mines and Mining, Petitions and Memorials and Printing and Clerks. 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 Edwin R. Pryor and do, therefore, extend their sympathies and condolences to the surviving members of his family.

Adopted by the House—March 20, 1973

Approved by the Governor—March 20, 1973

HOUSE RESOLUTION 2010

A RESOLUTION

ON THE DEATH OF
THE HONORABLE JOSEPH F. POMEROY.

Brigadier General Joseph F. Pomeroy, a former member of the Arizona House of Representatives, passed away April 10, 1973, in Marysville, California, at the age of seventy-five.

General Pomeroy was appointed adjutant general of the Arizona National Guard when he was serving in the Ninth Arizona Legislature in 1929 as a representative from Santa Cruz County. He had lived in Live Oak, California, since 1942.

In the Ninth Legislature he served with distinction on House standing committees including Agriculture and Irrigation, Child Welfare, Labor and was chairman of the Militia and Public Defense Committee.

In the Army he served on the Mexican border at the start of World War I. He organized Battery E of the Field Artillery in Mesa. In World War II he served as a civilian in helping build Army camps in the Aleutian Islands.

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 Joseph Franklin Pomeroy and do, therefore, extend their sympathies and condolences to the surviving members of his family.

Adopted by the House—April 25, 1973

Approved by the Governor—April 25, 1973

Filed in the Office of the Secretary of State—April 25, 1973

HOUSE RESOLUTION 2011

A RESOLUTION

ON THE DEATH OF
THE HONORABLE GEORGE J. PALÉ.

The Honorable George J. Palé, a leader in passage of revision of the use tax statutes in Arizona while a member of the House of Representatives, passed away on the twenty-seventh day of April, 1973, in Phoenix, Arizona, at the age of fifty-seven.

He also was the chief-sponsor of a bill, which was enacted in 1971, making the bola tie the official neckwear in Arizona.

As chairman of the House committee to study use tax and transaction privilege taxes, Mr. Palé and his committee conducted extensive hearings with advisory groups and industry leaders resulting in passage of tax revisions in the third special session of the Twenty-eighth Legislature in 1967. These revisions have added revenues to the state and have increased purchase by industry of Arizona products.

Mr. Palé was born March 11, 1916, in San Francisco, California, and earned a bachelor of science degree in business administration in 1938 at the University of Southern California.

He was in the construction and real estate business in California before serving as a lieutenant colonel in the army in the Southwest Pacific during World War II.

He became a resident of Maricopa county in 1950, served in the Arizona House of Representatives from 1966 to 1970, when he was named to the Arizona State Hospital Board. In January, 1972, he was elected chairman of the board.

Mr. Palé served two years on the Maricopa planning and zoning commission and two years on the Maricopa board of adjustment and appeals. He also was a former member of the board of Sierra Vista School District No. 97.

A farmer, citrus grower and real estate investor, Mr. Palé was former owner of George J. Palé Farms and associated with Landeals, Inc., of Phoenix, and Celco Corporation, Santa Monica, California.

He served with distinction on House standing committees including Agriculture and Livestock, Public Health and Welfare, Ways and Means,

Appropriations and was vice chairman of Counties and Municipalities in the Twenty-eighth and Twenty-ninth Legislatures.

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 George J. Palé and do, therefore, extend their sympathies and condolences to his widow, Edna, and the other surviving members of his family.

Adopted by the House—May 3, 1973

Approved by the Governor—May 3, 1973

Filed in the Office of the Secretary of State—May 3, 1973

SENATE CONCURRENT RESOLUTION 1004
A CONCURRENT RESOLUTION

ON THE DEATH OF
THE HONORABLE CHARLES S. GOFF.

The Honorable Charles S. Goff, an Arizona resident nearly fifty years, and a member of the Arizona Senate and House of Representatives a total of eighteen years, passed away on December 27, 1972, in Casa Grande, Arizona, at the age of seventy-eight.

Mr. Goff, mayor of Casa Grande for eight years and a member of the council for fourteen years, was born June 5, 1894, in Madison, South Dakota. He earned a bachelor of arts degree at Bates College, Lewiston, Maine, in 1916, and came to Arizona in August, 1923. He taught in Casa Grande Union High School from 1923 to 1928, when he became an automobile dealer in Casa Grande, a position he held twenty-six years.

He was elected to the House of Representatives in 1938 and served three terms before being elected to the Senate. He served six terms in the Senate.

During his years in the Legislature he served with distinction on many standing committees. He was chairman of Enrolling and Engrossing in the

15th Legislature as a member of the House. As a senator he was chairman of the following committees: Highways and Bridges, 17th Legislature; Agriculture and Irrigation, 22nd through 25th Legislatures, and Constitutional Amendments and Referendums in the 26th Legislature. He served as a member on the following committees: Accounting and Business Methods; Corporations; Highways and Bridges; Printing and Clerks; Public Institutions; Ways and Means; Efficient Government; Appropriations; Education; Employees and Supplies; Labor and Capital; Public Health; Banking; Finance and Revenue; Welfare and Correction; Mines and Mining; Fish and Game; Livestock and Public Lands, and Tourist and Industry Development.

Therefore

Be it resolved by the Senate of the State of Arizona, the House of Representatives concurring:

That the Legislature of the State of Arizona wishes to express its sincere regret and sorrow over the passing of the Honorable Charles S. Goff and does extend its sympathies and condolences to the surviving members of his family.

Unanimously Adopted by the Senate—January 18, 1973

Unanimously Adopted by the House of Representatives—January 19, 1973

Approved by the Governor—January 22, 1973

Filed in the Office of the Secretary of State—January 22, 1973

SENATE CONCURRENT RESOLUTION 1009

A CONCURRENT RESOLUTION

ON THE DEATH OF PRESIDENT LYNDON B. JOHNSON

The sudden death of the thirty-sixth President of the United States, Lyndon Baines Johnson, on January 22, 1973, only twenty-eight days after the death of President Harry S. Truman, deeply saddened this state and nation. He succumbed to a heart attack at his ranch near Austin, Texas, at the age of sixty-four. He had survived several other heart attacks since the first one in 1955.

President Johnson was born near Stonewall, Texas, August 27, 1908, the son of Samuel Ealy Johnson and Rebekah Baines Johnson. Both his grandfather and father served in the Texas legislature. After high school he worked as a highway laborer. He entered Southwest State Teachers College at San Marcos, Texas, graduating in 1930. After college he taught public speaking and debate at Sam Houston High School, Houston, Texas.

In 1932 he went to Washington as secretary to Representative Richard Kleberg. On November 11, 1934, he was married to Claudia Alta Taylor, affectionately known as Lady Bird. They had two daughters, Lynda Bird and Luci Baines. In 1935 Representative Sam Rayburn persuaded President Franklin D. Roosevelt to appoint him director of the National Youth Administration for Texas. He was first elected to the United States House of Representatives in 1937. He ran for the United States Senate in 1941 but lost by 1,311 votes to Governor O'Daniel and he went back to the House. A reserve naval officer, he took leave from the House and served in the southwest pacific before being called back to the House in mid-1942. He was elected to the United States Senate in 1948 by eighty-seven votes out of a million cast. He became Senate minority leader before his first term ended. He became Senate majority leader in 1954, a position he held until he was elected vice-president in 1960. He succeeded to the presidency upon the assassination November 22, 1963, of President John F. Kennedy. He was reelected to a full term in 1964 and chose not to run for a second term in 1968.

As President and senator, Mr. Johnson had a brilliant record of passage of domestic legislation through congress. The eighty-ninth congress passed eighty-six administration measures. He was credited with developing the first civil rights act in eighty years with the 1957 legislation when he was in congress. The 1964 civil rights bill he pushed through as President has been termed the most sweeping ever enacted. Among legislation passed by the eighty-ninth congress, when he was President, were:

1. A one billion, three hundred million dollar aid-to-education bill which provided aid to public schools under a formula designed to channel the aid to school districts serving needy children.
2. A seven and one-half billion dollar housing and urban development bill which included rent subsidies for low income families.
3. A medicare-social security bill which provided medical and hospital care for the elderly under social security.
4. An immigration bill which scrapped quotas that gave preference to immigrants from northern and western Europe. It fixed an annual

immigration ceiling of one hundred twenty thousand for the western hemisphere and one hundred seventy thousand for the rest of the world.

5. A two billion, six hundred million dollar higher education act which provided scholarships up to one thousand dollars a year awarded on the basis of need alone.

6. A four billion, seven hundred million dollar excise tax that affected a huge variety of merchandise.

7. Creation of a twelfth cabinet department, transportation.

8. A two-year plan to raise the minimum wage to one dollar sixty cents and broaden its coverage by eight million workers.

9. New safety standards for automobiles.

10. A three billion, seven hundred million dollar attack on pollution.

11. Requirements for fair labeling of consumer goods.

12. A three billion, eight hundred million dollar higher education bill which would help build more college buildings over the next three years.

13. Stepped-up training for health care personnel and state-developed comprehensive health programs.

14. Suspension of two tax incentives to increased business spending in the hope of stemming inflation.

15. A five hundred six million dollar pay raise for federal employees and a three hundred fifty-seven million dollar increase for military personnel.

A five-year dispute between the nation's railroads and railroad unions was settled on April 22, 1964, after President Johnson invited leaders of both sides to the White House to attempt to work out differences.

President Johnson's role in the escalation of the Vietnam war was his greatest disappointment. Following the attack by communist PT boats on American destroyers in August, 1964, at the Bay of Tonkin and a resolution by congress granting him powers to "protect our armed forces", he ordered bombing of North Vietnam military targets, followed by commitment of troops in February, 1965. By November, 1967, four hundred sixty-nine thousand Americans were in South Vietnam. On March 31, 1968, when he announced he would not seek reelection, he also announced ordering bombing of North Vietnam restricted and again called for peace talks. North Vietnam accepted and the first talks began May 10, 1968. A cease-fire finally ended hostilities five days after his death.

A governmental upheaval in the Dominican Republic in April, 1965, prompted President Johnson to dispatch four hundred United States marines to Santo Domingo to protect Americans there. An inter-American force maintained unsettled peace until the Organization of American States worked out a peace proposal that was accepted and on September 21, 1966, the last of American forces were withdrawn.

A man of driving energy, President Johnson was considered by many the most effective Senate leader in this century. He was a master of detail, knew where every Senator stood on every issue.

He was considered an expert in the art of compromise, able to get both sides to make concessions even though both sides were less than pleased with the results.

His fervent desire for his country was that it be a land "where no child will go unfed and no youngster will go unschooled; where every child has a good teacher and every teacher has good pay, and both have good classrooms; where every human being has dignity and every worker has a job; where education is blind to color and unemployment is unaware of race; where decency prevails and courage abounds."

History will be kind to President Johnson, a great American who put his country first and adhered to principle in the face of great adversity.

Therefore

Be it resolved by the Senate of the State of Arizona, the House of Representatives concurring:

That the Legislature, saddened by the death of President Lyndon Baines Johnson, wishes to express its regret and extend condolences to the surviving members of his family.

Unanimously adopted by the Senate—January 25, 1973

Unanimously adopted by the House—January 25, 1973

Approved by the Governor—January 29, 1973

Filed in the Office of the Secretary of State—January 29, 1973

SENATE CONCURRENT RESOLUTION 1010

A CONCURRENT RESOLUTION

ON THE DEATH OF
PRESIDENT HARRY S. TRUMAN.

Arizona joins the Nation and the Free World in mourning the death of Harry S. Truman, the thirty-third President of the United States, who passed away on December 26, 1972, at the age of eighty-eight.

President Truman was born May 8, 1884, in Lamar, Missouri and attended public schools in Independence, Missouri, and the Kansas City School of Law.

In 1901 he worked for the Kansas City Star, became a judge of the Jackson County Court in 1922 and was presiding judge from 1926 through 1934.

He was elected United States Senator from Missouri in 1934 and reelected in 1940. He was elected vice-president of the United States in 1944 and succeeded to the presidency upon the death of President Franklin Delano Roosevelt on April 12, 1945. He was elected president and served from 1949 through 1953.

A veteran of World War I, he participated in the Vosges operations, St. Mihiel and Meuse-Argonne offensives. He served as a first lieutenant and captain with the 129th field artillery, 35th division, United States army. He was discharged as a major in May, 1919, and had been a colonel in the reserves since 1927.

He was married to the former Bess Wallace on June 28, 1919, and they had one daughter, Mary Margaret.

Although President Truman went home to Missouri two decades ago, the legislation enacted during his presidency continues to shape and affect policies today. The United Nations, Marshall Plan, North Atlantic Treaty Organization and Taft-Hartley labor law are but a few of the landmarks of the Truman era.

But President Truman is remembered for more than his legislative triumphs and defeats. The earthy, populist style of the onetime farmer and unsuccessful haberdasher is recalled with nostalgia in an age of Madison Avenue techniques, programmed politics and alienated voters.

Despite the monumental events of his post-World War II presidency, President Truman would have preferred to participate as a senator from

Missouri rather than as president. He did not shrink from his duties, whether it meant standing up to Soviet leader Joseph Stalin or deciding to assist South Korea. "The buck stops here," read a sign on his White House desk—and he observed it. Within his first six months as President, Truman presented the United Nations charter to the Senate, attended the Potsdam Conference, ordered the atomic bombing of Hiroshima and Nagasaki and sent his Fair Deal domestic legislation package to congress. President Truman and his congresses—the 79th, 80th, 81st and 82nd—did more than return the country to postwar normalcy. Together they launched foreign policy programs and commitments that have laid the foundation for United States defense and diplomatic policies for the past twenty-five years. During the Truman presidency, congress ratified the United Nations charter, established the Atomic Energy Commission, approved and funded massive foreign aid programs and ratified mutual security treaties.

In domestic legislation, congress passed a major housing bill, authorized federal aid grants for hospital construction and created the President's Council of Economic Advisers. But his domestic proposals did not fare as well as the foreign policy innovations. Conservative elements in Congress banded together to thwart many of the administration's Fair Deal proposals.

In addition, they passed many measures of which the administration disapproved. President Truman vetoed seventy-eight bills during his eight years in office. Twelve of his vetoes were overridden.

Most of the major congressional accomplishments were in foreign policy. Following are some of those:

1. Senate ratification of the United Nations charter in 1945.
2. Authorization of a three billion seventy-five million dollar, fifty-year loan to Great Britain in 1946
3. Authorization of four hundred million dollars in United States assistance to Greece and Turkey in 1947—the first implementation of the "Truman Doctrine."
4. Inter-American Treaty of Reciprocal Assistance, signed by the United States and eighteen Latin American countries, ratified by the Senate in 1947.
5. Funding of the European Recovery Program (Marshall Plan), started in 1948.
6. Senate ratification of the North Atlantic Treaty in 1949.

Following is a topical summary of the most notable congressional accomplishments in the domestic area during the Truman years:

1. Labor—Labor Management Relations Act (Taft-Hartley Act) in 1947. Increase in the minimum wage in 1949 from forty to seventy-five cents.
2. Agriculture—1948 enactment of the Hope-Aiken flexible farm price support bill.
3. Atomic Energy—Creation in 1946 of a five-man civilian Atomic Energy Commission to control all aspects of atomic energy development.
4. Transportation—Federal Airport Act of 1947—authorization of five hundred million dollars in federal matching grants for airport construction.
5. Government—Legislative Reorganization Act of 1946—streamlining of congressional procedure and regulation of lobbying activities. Unification of armed forces under a single Department of Defense and creation of the Central Intelligence Agency in 1947.
6. Presidential Succession Act—designating the speaker of the House and the president pro tempore of the Senate next in succession to the vice-president, in 1947.
7. 22nd Amendment—limiting presidents to two terms—was approved by Congress in 1947 and adopted in 1951.
8. Health, education and welfare—Hospital Survey and Construction Act of 1946 (Hill-Burton Act).
9. Housing Act of 1949—expanding federal programs in slum clearance, public housing and farm improvement.
10. Social Security Amendments of 1950—extending coverage to nine million two hundred thousand persons and increasing some benefits, and the Social Security Act of 1951, which increased benefits further.

President Truman, in his pride in his country, his desire for her freedom from oppression, his awareness of her power and responsibility to the world and through his strong personality, added new dimensions to the office of President as demonstrated by his Free World Policy and programs for the reconstruction of Europe following World War II, his leadership in resisting Communist aggression, his leadership in determining the role of the United States in world affairs, his ability to recognize the potential moral force of his country through active support of international organizations in affording aid to allied nations for defense and economic

growth and his ability to make decisions as President of the United States in response to a crisis, whether domestic or foreign.

Therefore

Be it resolved by the Senate of the State of Arizona, the House of Representatives concurring:

That the members of the Arizona Legislature sincerely regret the passing of a distinguished soldier, a dedicated President and a beloved and great American, Harry S. Truman, and wish to express their condolences to the surviving members of his family.

Unanimously adopted by the Senate—January 26, 1973

Unanimously adopted by the House—January 29, 1973

Approved by the Governor—January 30, 1973

Filed in the Office of the Secretary of State—January 30, 1973

SENATE CONCURRENT RESOLUTION 1012
A CONCURRENT RESOLUTION

ON THE DEATH OF
THE HONORABLE DAVID S. WINE.

The Arizona Legislature is saddened by the untimely passing of the Honorable David S. Wine, former member of the Senate and House of Representatives, on January 19, 1973, at his home in Tucson, Arizona. He was forty-six years old.

Mr. Wine was born in Brockton, Massachusetts, on August 10, 1926, and moved to Arizona in 1941. He was graduated from Ajo High School and the University of Arizona, where he earned a bachelor of arts degree. In 1950 he was graduated from Harvard Law School.

During World War II he was a second lieutenant, infantry, in the European Theater and in the Korean War he was an assistant Eighth Army judge advocate in Korea.

He was a member of the Pima County Board of Supervisors in 1951 and an assistant attorney general in 1953. He served in the House of

1950

LAWS OF ARIZONA

Representatives in the Twenty-first and Twenty-second Legislatures and in the Senate in the Twenty-fourth and Twenty-fifth Legislatures.

He served with distinction on House standing committees including Labor, Livestock and Public Lands, and Judiciary. He was chairman of Appropriations and vice-chairman of Rules in the Twenty-second Legislature.

In the Senate he was vice-chairman of Tourist and Industry Development, Agriculture and Irrigation, and Counties and Municipalities. He was a member of Banking and Insurance, Fish and Game, Suffrage and Elections, Judiciary and Public Health and Welfare committees.

He was a Thirty-second Degree Mason, a member of the Elks, Moose, Veterans of Foreign Wars, American Bar Association and Pima County Bar Association.

Therefore

Be it resolved by the Senate of the State of Arizona, the House of Representatives concurring:

That the Legislature of the State of Arizona wishes to express its sincere regret over the passing of the Honorable David S. Wine and extends its sympathies and condolences to the surviving members of his family.

Unanimously adopted by the Senate—February 2, 1973

Unanimously adopted by the House of Representatives—February 6, 1973

Approved by the Governor—February 7, 1973

Filed in the Office of the Secretary of State—February 8, 1973

SENATE CONCURRENT RESOLUTION 1020

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA RELATING TO THE EXECUTIVE DEPARTMENT; CONFORMING THE TWO VERSIONS OF ARTICLE 5, SECTION 1, TO THE INTERPRETATION REACHED BY THE SUPREME COURT AND REMOVING THE RESIDENCY REQUIREMENT; REPEALING ARTICLE 5, SECTION 1, CONSTITUTION OF

ARIZONA, AS PROPOSED BY LAWS 1968, S.C.R. NO. 6, AND ARTICLE 5, SECTION 1, CONSTITUTION OF ARIZONA, AS PROPOSED BY LAWS 1968, H.C.R. NO. 1; AND AMENDING ARTICLE 5, CONSTITUTION OF ARIZONA, BY ADDING A NEW SECTION 1.

Be it resolved by the Senate of the State of Arizona, the House of Representatives concurring:

1. The repeal of article 5, section 1, Constitution of Arizona, as proposed by Laws 1968, S.C.R. No. 6 and proclaimed as adopted on December 4, 1968, and article 5, section 1, Constitution of Arizona, as proposed by Laws 1968, H.C.R. number 1 and proclaimed as adopted on December 4, 1968, is proposed, to become valid when approved by a majority of the qualified electors voting thereon and upon proclamation of the governor:

Article 5, section 1, Constitution of Arizona, as proposed by Laws 1968, S.C.R. No. 6 and proclaimed as adopted on December 4, 1968, and article 5, section 1, Constitution of Arizona, as proposed by Laws 1968, H.C.R. number 1, and proclaimed as adopted on December 4, 1968, relating to officers of the executive department, their terms of office and their powers and duties, are repealed.

2. The following amendment to the Constitution of Arizona by adding a new article 5, section 1, is proposed to become valid when approved by a majority of the qualified electors voting thereon and upon proclamation of the governor:

1. **Executive department; state officers; terms; election; office at seat of government; duties**

SECTION 1. THE EXECUTIVE DEPARTMENT SHALL CONSIST OF GOVERNOR, SECRETARY OF STATE, STATE TREASURER, ATTORNEY GENERAL, AND SUPERINTENDENT OF PUBLIC INSTRUCTION, EACH OF WHOM SHALL HOLD HIS OFFICE FOR FOUR YEARS BEGINNING ON THE FIRST MONDAY OF JANUARY NEXT AFTER HIS ELECTION.

THE PERSONS, RESPECTIVELY, HAVING THE HIGHEST NUMBER OF VOTES CAST FOR THE OFFICE VOTED FOR SHALL BE ELECTED, BUT IF TWO OR MORE PERSONS SHALL HAVE AN EQUAL AND THE HIGHEST NUMBER OF VOTES FOR ANY ONE OF SAID OFFICES, THE TWO

HOUSES OF THE LEGISLATURE AT ITS NEXT REGULAR SESSION SHALL ELECT FORTHWITH, BY JOINT BALLOT, ONE OF SUCH PERSONS FOR SAID OFFICE.

THE OFFICERS OF THE EXECUTIVE DEPARTMENT DURING THEIR TERMS OF OFFICE SHALL KEEP THEIR OFFICES AND THE PUBLIC RECORDS, BOOKS AND PAPERS AT THE SEAT OF THE GOVERNMENT. THEY SHALL PERFORM SUCH DUTIES AS ARE PRESCRIBED BY THE CONSTITUTION AND AS MAY BE PROVIDED BY LAW.

3. The proposed repeals and amendment (approved by a majority of the members elected to each house of the legislature, and entered upon the respective journals thereof, together with the ayes and nays thereon) shall be by the secretary of state submitted to the qualified electors at the next regular general election (or at a special election called for that purpose), as provided by article 21, Constitution of Arizona.

Passed the Senate March 21, 1973 by the following vote: 27 Ayes, 2 Nays, 1 Not Voting.

Passed the House April 28, 1973 by the following vote: 54 Ayes, 5 Not Voting, 1 vacancy.

Approved by the Governor—May 2, 1973

Filed in the Office of the Secretary of State—May 3, 1973

SENATE CONCURRENT RESOLUTION 1021

A CONCURRENT RESOLUTION

ON THE DEATH OF THE HONORABLE MARVIN E. SMITH.

The Honorable Marvin E. Smith, former member of the Senate and House of Representatives of Arizona, passed away on March 15, 1973, in Phoenix, Arizona, at the age of seventy-six.

Born December 28, 1896, in Louisville, Kentucky, he moved with his family to Arizona in 1906. He was graduated from Phoenix Union High School where he played football. He attended the University of Arizona two years.

He was wounded in World War I during service in the Two hundred fifty-third Infantry. He was also a veteran of World War II and waded ashore when General Douglas MacArthur returned to the Philippine Islands during World War II.

Mr. Smith worked in the family grocery, the Arizona Grocery Company, which was later sold to the Bayless Company. He was a real estate broker.

He served in the House of Representatives in the Fourteenth Legislature in 1939-1940 and in the Senate in the Fifteenth Legislature in 1941-1942 and the Eighteenth Legislature in 1947-1948.

In the Eighteenth Legislature he was chairman of Senate standing committees including Employees and Supplies and Public Defense and was vice-chairman of State Institutions. Other committees on which he served with distinction were House committees including Banking and Insurance, Constitutional Amendments, Referendum, Mines and Mining, and Senate committees including Labor and Capital, Methods of Business, Style, Revision and Compilation, Agriculture and Irrigation, Appropriations, Municipalities, Planning and Development and Rules.

He was chairman of the veterans committee which went to Washington to help establish the Veterans Administration Hospital in Phoenix. He was a member of Luke-Greenway American Legion Post Number 1 and Elks Lodge 335.

Therefore

Be it resolved by the Senate of the State of Arizona, the House of Representatives concurring:

That the Legislature, having learned of the death of the Honorable Marvin E. Smith, wishes to express its regret and extend sympathies and condolences to the surviving members of his family.

Unanimously adopted by the Senate—March 28, 1973

Unanimously adopted by the House of Representatives—March 29, 1973

Approved by the Governor—March 29, 1973

Filed in the Office of the Secretary of State—March 30, 1973

SENATE CONCURRENT RESOLUTION 1022

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA RELATING TO RECALL; PROVIDING THAT A RECALL ELECTION BE HELD AS PROVIDED BY LAW, AND AMENDING ARTICLE 8, PART 1, SECTION 3, 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 8, part 1, section 3, 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:

3. Resignation of officer; special election

Section 3, If ~~said~~ SUCH officer shall offer his resignation it shall be accepted, and the vacancy shall be filled as may be provided by law. If he shall not resign within five days after a Recall Petition is filed AS PROVIDED BY LAW, a special election shall be ordered to be held, ~~not less than twenty, nor more than thirty days after such order,~~ AS PROVIDED BY LAW, to determine whether such officer shall be recalled. On the ballots at ~~said~~ SUCH election shall be printed the reasons as set forth in the petition for demanding his recall, and, in not more than two hundred words, the officer's justification of his course in office. He shall continue to perform the duties of his office until the result of ~~said~~ SUCH election shall have been officially declared.

2. The proposed amendment (approved by a majority of the members elected to each house of the legislature, and entered upon the respective journals thereof, together with the ayes and nays thereon) shall be by the secretary of state submitted to the qualified electors at the next regular general election (or at a special election called for that purpose), as provided by article 21, Constitution of Arizona.

Passed the Senate April 12, 1973 by the following vote: 26 Ayes, 4 Nays.

Passed the House April 28, 1973 by the following vote: 54 Ayes, 5 Not Voting and 1 vacancy.

Approved by the Governor—May 2, 1973

Filed in the Office of the Secretary of State—May 3, 1973

SENATE CONCURRENT RESOLUTION 1023

A CONCURRENT RESOLUTION

ON THE DEATH OF
THE HONORABLE HAROLD C. GISS.

Arizona State Senator Harold C. Giss, who spent a quarter of a century serving the people of Arizona as a legislative leader, friend and adviser, was stricken and died on April 15, 1973, while attending the county fair in his beloved Yuma County. His sudden death at the age of sixty-seven saddened the hearts of the thousands of friends whose lives he had touched, aided, counseled and influenced.

A legislator whose door was always open to any person with a problem, whether governmental, legislative, political or personal, Senator Giss was recognized as the unsurpassed expert of the legislative process, a master student who read, studied and thoroughly analyzed every legislative measure introduced in either house of the Legislature each session.

Senator Giss was elected to the House of Representatives in 1948, elected to the Senate in 1950 where he served continuously until his death, served as Senate majority leader twelve years and had been the minority leader since 1966. Illness in recent years failed to curb his boundless energy, and his expertise and analytical ability in legislative matters and person-to-person relationships remained undiminished.

A strong exponent of dignity and decorum in the legislative chambers, he was acknowledged as a parliamentarian without peer, and a constitutional authority whose single, unswerving goal was to enact the best possible legislation for the people of the state, regardless of the political overtones of any proposed measure or the politics of its sponsor.

During his long career in the Legislature, Senator Giss served on twenty-four standing committees. He was chairman or vice chairman for many of the committees and served nearly twenty consecutive years on some. At the time of his death he was serving on the Education and Finance and Revenue committees and was a member of the Arizona Legislative Council, a position he had held continuously since the Council was formed on July 1, 1953.

He was an active participant in and for a time on the executive committee of the National Legislative Conference of the Council of State Governments and on the National Conference of State Legislative Leaders. He was a life member of the National Society of State Legislators and a member of the advisory council of that organization since its inception.

He was a member of the American Association of Higher Education Southwest Regional Council.

Throughout his career he was an active member of a great variety of select legislative committees.

A resident of Arizona nearly thirty-five years, Senator Giss was born February 5, 1906, in Minneapolis, Minnesota. His family moved to California when he was a youngster. He went to schools in Anaheim and Los Angeles, California, and after graduation from high school he attended Southwestern University of Law in Los Angeles for a short time. He married Goldie Pearl Stool in Los Angeles in 1937. The couple had three sons, Maurice, Kenneth and Gerald.

In 1938, Senator Giss moved to Yuma, Arizona, where he owned and operated the Emporium Department Store and the Toggery Men's Store and in recent years he had been an industrial consultant and engaged in real estate in Yuma. He was an aviation enthusiast and an avid sports and rodeo fan. He was active in numerous civic projects and was active in organizations including the Elks, Eagles, Kiwanis, Navy League and Woodmen of the World.

Practically every service organization in Yuma honored him by making him an honorary member or a life member. He held an honorary membership in the Yuma County Chamber of Commerce and a life membership in the Yuma Junior Chamber of Commerce. He was on the board of directors of several service organizations and was honored as "Man of the Year" several years ago.

As a member of the Arizona House of Representatives he served on standing committees including Aeronautics, Agriculture and Livestock and as vice chairman of Ways and Means.

His years of dedicated service to committees in the Senate include Education, 1955-1973; Finance and Revenue, 1963-1973; Judiciary, 1955-1972; Administration, 1957-1966; Agriculture and Irrigation, 1951-1966; Appropriations, 1951-1954; Banking and Insurance, 1955-1956; Constitutional Amendments and Referendums, 1965-1966; Counties and Municipalities, 1955-1966; Crippled Children's Hospital Investigating, 1965-1966; Employees and Supplies, 1953-1956; Enrolling and Engrossing, 1951-1952; Methods of Business, 1951-1952; Military and Veteran Affairs, 1953-1954; Planning and Development, 1953-1954; Public Defense, 1951-1952; Public Health, 1951-1954; Redistricting and reapportioning Study Committee, 1965-1966; Rules, 1953-1966; State Institutions, 1955-1966 and Tourist and Industry Development, 1955-1962.

In various legislative sessions he was chairman or vice chairman of Senate committees including Agriculture and Irrigation, Appropriations, Counties and Municipalities, Judiciary, Military and Veteran Affairs, Public Health and State Institutions.

He was vitally interested in preserving and providing water to the state. He was chairman of the Lower Colorado River Land Use Committee, whose recommendations will guide development of the river from Davis Dam to the International Border. He assisted in formation of Wellton-Mohawk Irrigation District, Yuma Mesa Irrigation District and Yuma Valley Water Users.

Dedicated to education, he was a key figure in establishing Arizona Western College.

He was an active member and participant on the Committee on Suggested State Legislation of the Council of State Governments which originated and drafted suggested state legislation, much of which has been adopted not only in Arizona but also in many other states of the nation.

The Honorable Harold C. Giss has been recognized by many as a powerful political leader and a man of high principle who always had time for any person seeking his counsel. His ability to bring opposing forces together, when it benefited the citizens of this state to do so, was widely acknowledged.

His fond devotion to his family and to the people of this state will be sorely missed.

His fervent desire for good to come to his state and nation and his example of untiring work toward that goal shall not be forgotten.

Therefore

Be it resolved by the Senate of the State of Arizona, the House of Representatives concurring:

That the Legislature, saddened by the death of the Honorable Senator Harold C. Giss, wishes to express its regret and extend condolences to his widow, Goldie Pearl Giss, and his three sons, Maurice, Kenneth and Gerald.

Unanimously adopted by the Senate—April 18, 1973

Unanimously adopted by the House of Representatives—April 18, 1973

Approved by the Governor—April 24, 1973

Filed in the Office of the Secretary of State—April 24, 1973

HOUSE CONCURRENT RESOLUTION 2007

A CONCURRENT RESOLUTION

ACKNOWLEDGING RECEIPT OF THE PLAN FOR THE ESTABLISHMENT OF A COMMUNITY COLLEGE IN THE COUNTY OF NAVAJO.

Whereas, the state board of directors for community colleges has presented to the Legislature prior to January 15, 1973, a plan for the formation and establishment of a community college district in the county of Navajo, as provided by section 15-669, Arizona Revised Statutes.

Therefore

Be it resolved by the House of Representatives of the State of Arizona, the Senate concurring:

1. That the Legislature hereby acknowledges receipt of a plan for establishment of a community college in the county of Navajo, as provided by the terms of section 15-669, Arizona Revised Statutes.
2. That the plan submitted to the Legislature by the state board of directors for community colleges shall remain on file with the chief clerk of the Arizona House of Representatives and the Secretary of the Arizona Senate.

Passed the Senate April 13, 1973 by the following vote: 19 Ayes, 10 Nays, 1 Not Voting.

Passed the House April 18, 1973 by the following vote: 42 Ayes, 17 Nays, 1 Not Voting.

Filed in the Office of the Secretary of State—April 18, 1973

HOUSE JOINT RESOLUTION 2001

A JOINT RESOLUTION

COMMENDING MEMBERS OF THE POLICE RESERVES, SHERIFF'S POSSE AND DEPARTMENT OF PUBLIC SAFETY RESERVE OFFICERS.

Whereas, the police reserves, sheriff's posse and department of public safety reserve officers are community services of the finest variety; and

Whereas, these programs are voluntary in nature, often involving unselfish participants in burdensome assignments; and

Whereas, their responsibilities to the public are the same as regular officers; and

Whereas, the attentions and energies which all members contribute are appreciated by the people of the State of Arizona.

Therefore

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

That all members of the police reserve, sheriff's posse and department of public safety reserve officers are commended.

Passed the House March 5, 1973 by the following vote: 59 Ayes, 1 Not Voting.

Passed the Senate April 13, 1973 by the following vote: 29 Ayes, 1 Not Voting.

Approved by the Governor—April 16, 1973

Filed in the Office of Secretary of State—April 17, 1973

**GOVERNOR'S
PROCLAMATION
OF
ELECTION**

PROCLAMATION

GENERAL ELECTION / 1972

WHEREAS, Section II, 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, Section 1, 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, 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, Jack Williams, Governor of the State of Arizona, in pursuance of my duties as prescribed by law, do hereby proclaim a

GENERAL ELECTION / 1972

to be held on the first Tuesday after the first Monday in November, 1972 which shall be Tuesday, November 7, 1972 for the election of the following officials:

Four representatives in the Congress, three Justices of the Supreme Court, four Judges of the Court of Appeals, a State Mine Inspector, one State Tax Commissioner, a Corporation Commissioner and such Judges and Clerks of the Superior Court 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, Part 2, Article 4, of the Constitution of the State of Arizona, as amended, and in accordance with the Court orders entered in case Civil No. 5112--Phoenix, filed and still pending in the United States District Court, Judicial District of Arizona, which orders reapportioned the State of Arizona pursuant to prior rulings by the United States Supreme Court.

1964

LAWS OF ARIZONA

For each of the counties of the State: such county officers, 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 are to be submitted to the people pursuant to law;

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 penal provisions of the election laws of the State of Arizona, such rewards to be paid until the total amount thereof expended for the purpose reaches the amount of One Thousand (\$1,000.00) Dollars, all as provided in § 16-705 of the Arizona Revised Statutes.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

DONE at the Capitol in Phoenix this 5th day of September in the year of Our Lord One Thousand Nine Hundred and Seventy-two and of the Independence of the United States the One Hundred and Ninety-seventh.

JACK WILLIAMS
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, 1972, there were, 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 one initiative measure proposed by petition of the people and ten 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; and

WHEREAS, it appears from the returns of said general election held on the said first Tuesday after the first Monday in November, 1972, 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

RELATING TO TAXATION; PROVIDING FOR PREEMPTION BY THE
STATE OF INCOME AND LUXURY TAXATION;

ESTABLISHING AN URBAN REVENUE SHARING FUND; PROVIDING FOR THE DISTRIBUTION THEREOF TO CITIES AND TOWNS; PROVIDING FOR THE DISTRIBUTION OF INCOME TAXES; PROVIDING FOR THE UNIFORM COLLECTION AND ADMINISTRATION OF TRANSACTION PRIVILEGE LICENSE TAXES AND USE TAXES; AMENDING TITLE 43, CHAPTER 1, ARTICLE 1, BY ADDING SECTIONS 43-102.01 AND 43-196.01; AMENDING TITLE 42, CHAPTER 7, ARTICLE 1, BY ADDING SECTION 42-1204.01; AMENDING SECTION 43-196, ARIZONA REVISED STATUTES; AND AMENDING TITLE 42, CHAPTER 8 BY ADDING NEW ARTICLE 3.

was submitted to the electors of the State of Arizona at said election and that there were of legal votes cast at said election 269,268 votes cast in favor of said initiative measure, and 238,078 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, JACK WILLIAMS, Governor of the State of Arizona, under and by virtue of the authority in me vested by Subsection 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 initiative measure 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 general election so held on said first Tuesday after the first Monday in November, 1972, and I do, therefore, hereby proclaim said initiative measure 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 general election held on the said first Tuesday after the first Monday in November, 1972, 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:

RECOMMENDATION OF THE COMMITTEE ON SALARIES

PROPOSED BY THE LEGISLATURE

RECOMMENDATIONS OF THE COMMISSION ON SALARIES FOR ELECTED STATE OFFICIALS AS TO LEGISLATIVE SALARIES HAVE BEEN CERTIFIED TO THE SECRETARY OF STATE AND ARE HEREBY SUBMITTED TO THE QUALIFIED ELECTORS FOR THEIR APPROVAL OR REJECTION.

“SHALL THE RECOMMENDATIONS OF THE COMMISSION ON SALARIES FOR ELECTIVE STATE OFFICERS CONCERNING LEGISLATIVE SALARIES BE ACCEPTED?”

was submitted to the electors of the State of Arizona at said election and that there were of legal votes cast at said election 217,614 votes cast in favor of said proposal, and 283,685 votes cast against said proposal, and that, therefore, a majority of the legal votes cast at said general election were not in favor thereof, and said proposal failed to pass.

WHEREAS, it appears from the returns of said general election held on the said first Tuesday after the first Monday in November, 1972, 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:

PROPOSED AMENDMENT TO THE CONSTITUTION

PROPOSED BY THE LEGISLATURE

SENATE CONCURRENT RESOLUTION 3

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA RELATING TO THE LEGISLATURE; PRESCRIBING PROCEDURE FOR READING OF BILLS, AND AMENDING ARTICLE 4, PART 2, SECTION 12, CONSTITUTION OF ARIZONA.

was submitted to the electors of the State of Arizona at said general election and that there were of legal votes cast at said general election 319,332 votes cast in favor of said amendment, and 156,993 votes cast against said amendment, and that, therefore, a majority of the legal votes cast at said general election were in favor thereof,

NOW, THEREFORE, I, JACK WILLIAMS, Governor of the State of Arizona, under and by virtue of the authority in me vested by Subsection 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 general election so

held on said first Tuesday after the first Monday in November, 1972, 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 general election held on the said first Tuesday after the first Monday in November, 1972, 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:

PROPOSED AMENDMENT TO THE CONSTITUTION

PROPOSED BY THE LEGISLATURE

SENATE CONCURRENT RESOLUTION 9

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT OF THE CONSTITUTION OF ARIZONA RELATING TO SUFFRAGE AND ELECTIONS; PRESCRIBING THE QUALIFICATIONS FOR PUBLIC OFFICE, AND AMENDING ARTICLE 7, SECTION 15, CONSTITUTION OF ARIZONA.

was submitted to the electors of the State of Arizona at said general election and that there were of legal votes cast at said general election 299,918 votes cast in favor of said amendment, and 172,652 votes cast against said amendment, and that, therefore, a majority of the legal votes cast at said general election were in favor thereof.

NOW, THEREFORE, I, JACK WILLIAMS, Governor of the State of Arizona, under and by virtue of the authority in me vested by Subsection 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 general election so held on said first Tuesday after the first Monday in November, 1972, 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 general election held on the said first Tuesday after the first Monday in November, 1972, 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:

PROPOSED AMENDMENT TO THE CONSTITUTION

PROPOSED BY THE LEGISLATURE

SENATE CONCURRENT RESOLUTION 1017

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA RELATING TO EMPLOYMENT OF CHILDREN AND AMENDING ARTICLE 18, SECTION 2, CONSTITUTION OF ARIZONA.

was submitted to the electors of the State of Arizona at said general election and that there were of legal votes cast at said general election 292,355 votes cast in favor of said amendment, and 215,344 votes cast against said amendment, and that, therefore a majority of the legal votes cast at said general election were in favor thereof,

NOW, THEREFORE, I, JACK WILLIAMS, Governor of the State of Arizona, under and by virtue of the authority in me vested by Subsection 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 general election so held on said first Tuesday after the first Monday in November, 1972, 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 general election held on the said first Tuesday after the first Monday in November, 1972, 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:

PROPOSED AMENDMENT TO THE CONSTITUTION

PROPOSED BY THE LEGISLATURE

SENATE CONCURRENT RESOLUTION 1006

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA RELATING TO JURIES; PROVIDING THAT NUMBER OF JURORS BE SPECIFIED BY LAW, AND AMENDING ARTICLE 2, SECTION 23, CONSTITUTION OF ARIZONA.

was submitted to the electors of the State of Arizona at said general election and that there were of legal votes cast at said general election 325,965 votes cast in favor of said amendment, and 173,642 votes cast against said amendment, and that, therefore a majority of the legal votes cast at said general election were in favor thereof,

NOW, THEREFORE, I, JACK WILLIAMS, 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 general election so held on said first Tuesday after the first Monday in November, 1972, 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 general election held on the said first Tuesday after the first Monday in November, 1972, 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:

PROPOSED AMENDMENT TO THE CONSTITUTION

PROPOSED BY THE LEGISLATURE

HOUSE CONCURRENT RESOLUTION 2003

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA RELATING TO CORPORATIONS; ABOLISHING THE CORPORATION COMMISSION; PROVIDING FOR A PUBLIC UTILITIES COMMISSION; DEFINING PUBLIC SERVICE CORPORATIONS; DEFINING COMMON CARRIERS; PRESCRIBING POWERS AND DUTIES OF THE COMMISSION; PROVIDING FOR RIGHT TO CONNECT OR INTERSECT LINES OF TRANSPORTATION AND COMMUNICATION; PROVIDING FOR THE FILING OF NEW RATE SCHEDULES AND RELATED INFORMATION; PRESCRIBING THE VALUE OF PROPERTY AND RATE OF RETURN OF PUBLIC SERVICE CORPORATIONS; PROVIDING FOR A CONTINUATION OF EXISTING RIGHTS; PROVIDING FOR APPEALS TO COURTS; REPEALING ARTICLE 14, SECTIONS 8 AND 17, CONSTITUTION OF ARIZONA; REPEALING ARTICLE 15, CONSTITUTION OF ARIZONA AND AMENDING THE CONSTITUTION OF ARIZONA BY ADDING A NEW ARTICLE 15.

was submitted to the electors of the State of Arizona at said election and that there were of legal votes cast at said election 216,886 votes cast in favor of said proposed amendment to the Constitution and 283,187 votes cast against said proposed amendment, and that, therefore, a majority of the legal votes cast at said election were not in favor thereof, and said proposed amendment failed to pass.

WHEREAS, it appears from the returns of said general election held on the said first Tuesday after the first Monday in November, 1972, 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:

PROPOSED AMENDMENT TO THE CONSTITUTION

PROPOSED BY THE LEGISLATURE

SENATE CONCURRENT RESOLUTION 1018

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA RELATING TO PUBLIC DEBT, REVENUE AND TAXATION; AUTHORIZING INDEBTEDNESS FOR CITIES AND TOWNS TO ACQUIRE AND DEVELOP LAND FOR OPEN SPACE PRESERVES, PARKS, PLAYGROUNDS, AND RECREATIONAL FACILITIES, AND AMENDING ARTICLE 9, SECTION 8, CONSTITUTION OF ARIZONA.

was submitted to the electors of the State of Arizona at said general election and that there were of legal votes cast at said general election 310,626 votes cast in favor of said amendment, and 185,784 votes cast against said amendment, and that, therefore, a majority of the legal votes cast at said general election were in favor thereof.

NOW, THEREFORE, I, JACK WILLIAMS, Governor of the State of Arizona, under and by virtue of the authority in me vested by Subsection 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 general election so held on said first Tuesday after the first Monday in November, 1972, 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 general election held on the said first Tuesday after the first Monday in November, 1972, 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:

PROPOSED AMENDMENT TO THE CONSTITUTION

PROPOSED BY THE LEGISLATURE

HOUSE CONCURRENT RESOLUTION 2004

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA RELATING TO THE COURTS; PRESCRIBING JURISDICTION OF SUPERIOR COURT IN CIVIL ACTIONS WHEN THE AMOUNT INVOLVED IS ONE THOUSAND DOLLARS OR MORE, AND AMENDING ARTICLE 6, SECTIONS 14 AND 22, CONSTITUTION OF ARIZONA.

was submitted to the electors of the State of Arizona at said general election and that there were of legal votes cast at said general election 333,880 votes cast in favor of said amendment, and 148,145 votes cast against said amendment, and that, therefore, a majority of the legal votes cast at said general election were in favor thereof,

NOW, THEREFORE, I, JACK WILLIAMS, Governor of the State of Arizona, under and by virtue of the authority in me vested by Subsection 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 general election so held on said first Tuesday after the first Monday in November, 1972, 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 general election held on said first Tuesday after the first Monday in November, 1972, 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:

PROPOSED AMENDMENT TO THE CONSTITUTION

PROPOSED BY THE LEGISLATURE

HOUSE CONCURRENT RESOLUTION 2013

A CONCURRENT RESOLUTION

PROPOSING AMENDMENT OF THE CONSTITUTION OF ARIZONA RELATING TO MOTOR VEHICLE REGISTRATION; AMENDING ARTICLE 9, SECTION 11, CONSTITUTION OF ARIZONA, AND PROPOSING AMENDMENT OF ARTICLE 9, CONSTITUTION OF ARIZONA, BY ADDING A NEW SECTION 11 TO BECOME EFFECTIVE FROM AND AFTER DECEMBER 31, 1973.

was submitted to the electors of the State of Arizona at said general election and that there were of legal votes cast at said general election 303,939 votes cast in favor of said amendment, and 191,134 votes cast against said amendment, and that, therefore, a majority of the legal votes cast at said general election were in favor thereof,

NOW, THEREFORE, I, JACK WILLIAMS, Governor of the State of Arizona, under and by virtue of the authority in me vested by Subsection 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 general election so held on said first Tuesday after the first Monday in November, 1972, 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 general election held on the said first Tuesday after the first Monday in November, 1972, 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:

PROPOSED AMENDMENT TO THE CONSTITUTION

PROPOSED BY THE LEGISLATURE

SENATE CONCURRENT RESOLUTION 1001

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA RELATING TO COMPOSITION OF THE LEGISLATURE AND LEGISLATIVE DISTRICTS, AND AMENDING ARTICLE 4, PART 2, SECTION 1, CONSTITUTION OF ARIZONA.

was submitted to the electors of the State of Arizona at said general election and that there were of legal votes cast at said general election 308,801 votes cast in favor of said amendment, and 162,550 votes cast against said amendment, and that, therefore, a majority of the legal votes cast at said general election were in favor thereof,

NOW, THEREFORE, I, JACK WILLIAMS, Governor of the State of Arizona, under and by virtue of the authority in me vested by Subsection 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 general election so held on said first Tuesday after the first Monday in November, 1972, 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 hereunder set my hand and caused the Great Seal of the State of Arizona to be affixed at Phoenix the Capitol, this 1st day of December, in the year of Our Lord One Thousand Nine Hundred and Seventy-two and in the One Hundred Ninety-seventh Year of this Republic.

JACK WILLIAMS
Governor

ATTEST:
WESLEY BOLIN
Secretary of State



**CONCURRENT
RESOLUTIONS
PROPOSING
AMENDMENTS
TO THE
CONSTITUTION

AND
INITIATIVE
MEASURE**

SENATE CONCURRENT RESOLUTION 3

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA RELATING TO THE LEGISLATURE; PRESCRIBING PROCEDURE FOR READING OF BILLS, AND AMENDING ARTICLE 4, PART 2, SECTION 12, 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 4, part 2, section 12, 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:

12. Procedure on bills; approval or disapproval by governor

Section 12. Every bill shall be read by sections on three different days, unless in case of emergency two-thirds of either House deem it expedient to dispense with this rule. ~~but the reading of a bill by sections on its final passage shall in no case be dispensed with, and~~ The vote on the final passage of any bill or joint resolution shall be taken by ayes and nays on roll call. Every measure when finally passed shall be presented to the Governor for his approval or disapproval.

2. The proposed amendment (approved by a majority of the members elected to each house of the legislature, and entered upon the respective journals thereof, together with the ayes and nays thereon) shall be by the secretary of state submitted to the qualified electors at the next regular general election (or at a special election called for that purpose), as provided by article 21, Constitution of Arizona.

Passed the House April 22, 1971 by the following vote: 31 Ayes, 23 Nays, 6 Not Voting.

Passed the Senate March 5, 1971 by the following vote: 19 Ayes, 10 Nays, 1 Not Voting.

Filed in the Office of the Secretary of State—April 26, 1971.

101 YES—319,332 101 NO—156,993

SENATE CONCURRENT RESOLUTION 9

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT OF THE CONSTITUTION OF ARIZONA RELATING TO SUFFRAGE AND ELECTIONS; PRESCRIBING THE QUALIFICATIONS FOR PUBLIC OFFICE, AND AMENDING ARTICLE 7, SECTION 15, 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 7, section 15, 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:

15. Qualifications for public office

Section 15. ~~(Officers to be qualified voters.)~~ Every person elected or appointed to any ELECTIVE office of trust or profit under the authority of the state, or any political division or any municipality thereof, shall be a qualified elector of the political division or municipality in which ~~said~~ SUCH person shall be elected. ~~or appointed, provided, however, that this section shall not apply to the city manager in incorporated cities operating under a city manager form of government.~~

2. The proposed amendment (approved by a majority of the members elected to each house of the legislature, and entered upon the respective journals thereof, together with the ayes and nays thereon) shall be by the secretary of state submitted to the qualified electors at the next regular general election (or at a special election called for that purpose), as provided by article 21, Constitution of Arizona.

Passed the Senate February 26, 1971 by the following vote: 21 Ayes, 8 Nays, 1 Not Voting.

Passed the House April 21, 1971 by the following vote: 33 Ayes, 23 Nays, 4 Not Voting.

Filed in the Office of the Secretary of State—April 26, 1971

102 YES—299,918 102 NO—172,652

SENATE CONCURRENT RESOLUTION 1017

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA RELATING TO EMPLOYMENT OF CHILDREN AND AMENDING ARTICLE 18, SECTION 2, CONSTITUTION OF ARIZONA.

Be it resolved by the Senate of the State of Arizona, the House of Representatives concurring:

1. Purpose

The purpose of this concurrent resolution is to clarify the determination of the hours during which a child may be gainfully employed and place the responsibility for such determination in the legislature. It is clear that, subject to the discretion of the legislature, certain children could be permitted to be employed either before sunrise or after sunset if such employment were within the limitations of other constitutional and statutory provisions.

2. The following amendment of article 18, section 2, Constitution of Arizona, is proposed, to become valid when approved by a majority of the qualified electors voting thereon and upon proclamation of the governor:

2. Child labor

Section 2. No child under the age of fourteen years shall be employed in any gainful occupation at any time during the hours in which the public schools of the district in which the child resides are in session; nor shall any child under sixteen years of age be employed underground in mines, or in any occupation injurious to health or morals or hazardous to life or limb; nor ~~in any occupation at night, or~~ for more than eight hours in any day.

3. The proposed amendment (approved by a majority of the members elected to each house of the legislature, and entered upon the respective journals thereof, together with the ayes and nays thereon) shall be by the secretary of state submitted to the qualified electors at the next regular

general election (or at a special election called for that purpose), as provided by article 21, Constitution of Arizona.

Passed by the Senate April 13, 1972 by the following vote: 29 Ayes, 0 Nays, 1 Not Voting.

Passed by the House April 13, 1972 by the following vote: 55 Ayes, 0 Nays, 5 Not Voting.

Filed in the Office of the Secretary of State—April 14, 1972.

103 YES—292,355 103 NO—215,344

SENATE CONCURRENT RESOLUTION 1006

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA RELATING TO JURIES; PROVIDING THAT NUMBER OF JURORS BE SPECIFIED BY LAW, AND AMENDING ARTICLE 2, SECTION 23, 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 2, section 23, 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:

23. Trial by jury; number of jurors specified by law

Section 23. The right of trial by jury shall remain inviolate. ~~but provision may be made by law for a jury of a number less than twelve in courts not of record, and for a verdict by nine or more jurors in civil cases in any court of record, and for waiving of a jury in civil cases where the consent of the parties interested is given thereto~~ JURIES IN CRIMINAL CASES IN WHICH A SENTENCE OF DEATH OR IMPRISONMENT FOR THIRTY YEARS OR MORE IS AUTHORIZED BY LAW SHALL CONSIST OF TWELVE PERSONS. IN ALL CRIMINAL CASES THE UNANIMOUS CONSENT OF THE JURORS SHALL BE NECESSARY TO RENDER A VERDICT. IN ALL OTHER CASES, THE NUMBER OF

JURORS, NOT LESS THAN SIX, AND THE NUMBER REQUIRED TO RENDER A VERDICT, SHALL BE SPECIFIED BY LAW.

2. The proposed amendment (approved by a majority of the members elected to each house of the legislature, and entered upon the respective journals thereof, together with the ayes and nays thereon) shall be by the secretary of state submitted to the qualified electors at the next regular general election (or at a special election called for that purpose), as provided by article 21, Constitution of Arizona.

Passed the Senate March 24, 1972 by the following vote: 25 Ayes, 5 Nays, 0 Not Voting.

Passed the House April 20, 1972 by the following vote: 33 Ayes, 21 Nays, 6 Not Voting.

Approved by the Governor—April 24, 1972.

Filed in the Office of the Secretary of State—April 24, 1972

104 YES—325,965 104 NO—173,642

HOUSE CONCURRENT RESOLUTION 2003

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA RELATING TO CORPORATIONS; ABOLISHING THE CORPORATION COMMISSION; PROVIDING FOR A PUBLIC UTILITIES COMMISSION; DEFINING PUBLIC SERVICE CORPORATIONS; DEFINING COMMON CARRIERS; PRESCRIBING POWERS AND DUTIES OF THE COMMISSION; PROVIDING FOR RIGHT TO CONNECT OR INTERSECT LINES OF TRANSPORTATION AND COMMUNICATION; PROVIDING FOR THE FILING OF NEW RATE SCHEDULES AND RELATED INFORMATION; PRESCRIBING THE VALUE OF PROPERTY AND RATE OF RETURN OF PUBLIC SERVICE CORPORATIONS; PROVIDING FOR A CONTINUATION OF EXISTING RIGHTS; PROVIDING FOR APPEALS TO COURTS; REPEALING ARTICLE 14, SECTIONS 8 AND 17, CONSTITUTION OF ARIZONA; REPEALING ARTICLE 15, CONSTITUTION OF ARIZONA AND AMENDING THE CONSTITUTION OF ARIZONA BY ADDING A NEW ARTICLE 15.

Be it resolved by the House of Representatives of the State of Arizona, the Senate concurring:

1. The repeal of article 14, sections 8 and 17, 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:

Article 14, sections 8 and 17, Constitution of Arizona, relating to filing of articles of incorporation, place of business, agent for service of process, venue, fees, reports and licensing of foreign corporations, are repealed.

2. The repeal of article 15, 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:

Article 15, Constitution of Arizona, relating to the corporation commission, is repealed.

3. The following amendment of the Constitution of Arizona, by adding a new article 15, is proposed, to become valid when approved by a majority of the qualified electors voting thereon and upon proclamation of the governor:

ARTICLE XV.

THE PUBLIC UTILITIES COMMISSION

1. **Members; powers and duties**

SECTION 1. THERE SHALL BE A PUBLIC UTILITIES COMMISSION COMPOSED OF THREE PERSONS ELECTED BY VOTE OF THE PEOPLE TO SIX-YEAR STAGGERED TERMS AND HAVING POWERS AND DUTIES GRANTED IN THIS ARTICLE AND SUCH OTHER POWERS AND DUTIES AS SHALL BE PRESCRIBED BY THE LEGISLATURE.

2. **Public service corporations defined**

SECTION 2. OTHER THAN MUNICIPAL CORPORATIONS, ALL CORPORATIONS ENGAGED IN FURNISHING GAS, OIL, OR ELECTRICITY FOR LIGHT, FUEL, OR POWER; OR ENGAGED IN FURNISHING WATER FOR IRRIGATION, FIRE PROTECTION, OR OTHER PUBLIC PURPOSES; OR ENGAGED IN FURNISHING, FOR

PROFIT, HOT OR COLD AIR OR STEAM FOR HEATING OR COOLING PURPOSES; OR ENGAGED IN FURNISHING SEWAGE DISPOSAL OR FIRE PROTECTION SERVICE; OR ENGAGED IN TRANSMITTING MESSAGES OR FURNISHING PUBLIC TELEGRAPH OR TELEPHONE SERVICE; OR ENGAGED IN CARRYING PERSONS OR PROPERTY FOR HIRE; OR ENGAGED IN OPERATING AS A COMMON CARRIER, SHALL BE DEEMED PUBLIC SERVICE CORPORATIONS.

3. Railways as public highways; railroad and other corporations as common carriers

SECTION 3. RAILROADS HERETOFORE CONSTRUCTED, OR THAT MAY HEREAFTER BE CONSTRUCTED, IN THIS STATE, ARE HEREBY DECLARED PUBLIC HIGHWAYS, AND ALL RAILROAD, CAR, MOTOR CARRIER, AIR CARRIER, EXPRESS, ELECTRIC, TRANSMISSION, TELEGRAPH, TELEPHONE OR PIPELINE CORPORATIONS, FOR THE TRANSPORTATION OF PERSONS OR OF ELECTRICITY, MESSAGES, WATER, OIL OR OTHER PROPERTY FOR PROFIT, ARE DECLARED TO BE COMMON CARRIERS AND SUBJECT TO CONTROL BY LAW.

4. Power of commission as to classifications, rates and charges, rules, contracts and accounts; local regulation

SECTION 4. THE PUBLIC UTILITIES COMMISSION SHALL HAVE FULL POWER TO, AND SHALL, PRESCRIBE JUST AND REASONABLE CLASSIFICATIONS TO BE USED AND JUST AND REASONABLE RATES AND CHARGES TO BE MADE AND COLLECTED, BY PUBLIC SERVICE CORPORATIONS WITHIN THE STATE FOR SERVICE RENDERED THEREIN, AND MAKE REASONABLE RULES, REGULATIONS AND ORDERS, BY WHICH SUCH CORPORATIONS SHALL BE GOVERNED IN THE TRANSACTION OF BUSINESS WITHIN THE STATE, AND MAY PRESCRIBE THE FORMS OF CONTRACTS AND THE SYSTEMS OF KEEPING ACCOUNTS TO BE USED BY SUCH CORPORATIONS IN TRANSACTING SUCH BUSINESS, AND MAKE AND ENFORCE REASONABLE RULES, REGULATIONS, AND ORDERS FOR THE CONVENIENCE, COMFORT AND SAFETY, AND THE PRESERVATION OF THE HEALTH, OF THE EMPLOYEES AND PATRONS OF SUCH CORPORATIONS; PROVIDED,

THAT INCORPORATED CITIES AND TOWNS MAY BE AUTHORIZED BY LAW TO EXERCISE SUPERVISION OVER PUBLIC SERVICE CORPORATIONS DOING BUSINESS THEREIN, INCLUDING THE REGULATION OF RATES AND CHARGES TO BE MADE AND COLLECTED BY SUCH CORPORATIONS; PROVIDED FURTHER, THAT CLASSIFICATIONS, RATES, CHARGES, RULES, REGULATIONS, ORDERS, AND FORMS OR SYSTEMS PRESCRIBED OR MADE BY SUCH PUBLIC UTILITIES COMMISSION MAY FROM TIME TO TIME BE AMENDED OR REPEALED BY SUCH COMMISSION.

5. Filing of new rate schedules and related information by public service corporations

SECTION 5. A SCHEDULE OF INCREASED RATES OR CHARGES, TOGETHER WITH SUCH RELATED INFORMATION IN SUPPORT THEREOF AS THE COMMISSION BY ITS RULES AND REGULATIONS MAY PRESCRIBE, FILED BY A PUBLIC SERVICE CORPORATION WITH THE COMMISSION AUTOMATICALLY SHALL BECOME EFFECTIVE THIRTY DAYS FROM THE DATE OF SUCH FILING OR IN SUCH LESSER TIME AS THE COMMISSION, BY ORDER, MAY SPECIFY, UNLESS, WITHIN SUCH THIRTY DAYS, THE COMMISSION SUSPENDS THE OPERATION OF SUCH SCHEDULE PENDING ITS DECISION THEREON. IF SUCH DECISION IS NOT MADE WITHIN ONE HUNDRED AND TWENTY DAYS FROM THE DATE OF SUCH FILING, THE PROPOSED RATES AND CHARGES THEREUPON SHALL GO INTO EFFECT PENDING THE DECISION OF THE COMMISSION, SUBJECT TO A SHOWING SATISFACTORY TO THE COMMISSION OF THE PUBLIC SERVICE CORPORATION'S ABILITY TO REFUND TO ITS CUSTOMERS THE DIFFERENCE BETWEEN ITS PREVIOUS RATES AND CHARGES AND THE PROPOSED INCREASED RATES AND CHARGES, OR A BOND IN LIEU THEREOF.

6. Connecting and intersecting lines of transportation and communications corporations

SECTION. 6 EVERY PUBLIC SERVICE CORPORATION ORGANIZED OR AUTHORIZED UNDER THE LAWS OF THE STATE TO DO ANY TRANSPORTATION OR TRANSMISSION BUSINESS WITHIN THE STATE SHALL HAVE THE RIGHT TO CONSTRUCT AND OPERATE LINES

CONNECTING ANY POINTS WITHIN THE STATE, AND TO CONNECT AT THE STATE BOUNDARIES WITH LIKE LINES; AND EVERY SUCH CORPORATION SHALL HAVE THE RIGHT WITH ANY OF ITS LINES TO CROSS, INTERSECT, OR CONNECT WITH, ANY LINES OF ANY OTHER PUBLIC SERVICE CORPORATION.

7. Value of property and rate of return of public service corporations

SECTION 7. FOR THE PURPOSE OF FIXING RATES OF PUBLIC SERVICE CORPORATIONS OTHER THAN THOSE ENGAGED IN CARRYING PERSONS OR PROPERTY FOR HIRE, THE PUBLIC UTILITIES COMMISSION SHALL ASCERTAIN, AS OF THE MOST RECENT DATE AVAILABLE, THE DEPRECIATED ORIGINAL COST, PRUDENTLY INVESTED, OF THE PROPERTY USED OR REASONABLY TO BE USED, AND, IN ADDITION, USEFUL IN SERVING THE ARIZONA PUBLIC, PLUS A PROPER ALLOWANCE FOR WORKING CAPITAL (INCLUDING CASH AND MATERIALS AND SUPPLIES), PREPAYMENTS, AND THE AMOUNT OF NEW INVESTMENT TO BE ADDED IN THE YEAR IMMEDIATELY FOLLOWING THE TEST PERIOD, OF SUCH PUBLIC SERVICE CORPORATION DOING BUSINESS IN THE STATE. IN DETERMINING RATE OF RETURN, THE COMMISSION SHALL CONSIDER NOT ONLY THOSE REVENUES AND EXPENSES USUALLY CONSIDERED FOR RATE MAKING PURPOSES DURING THE TEST YEAR BUT, IN ADDITION, SUCH ADDED REVENUES AND EXPENSES AS ARE LIKELY TO BE ASSOCIATED WITH THE NEW INVESTMENT TO BE ADDED IN THE YEAR IMMEDIATELY FOLLOWING THE TEST PERIOD. EVERY PUBLIC SERVICE CORPORATION SHALL FURNISH TO THE COMMISSION ALL EVIDENCE IN ITS POSSESSION AND ALL ASSISTANCE IN ITS POWER, REQUESTED BY THE COMMISSION, TO AID IT IN ITS DETERMINATIONS.

“DEPRECIATED ORIGINAL COST” MEANS THE COST OF SUCH PROPERTY TO THE PERSON FIRST DEVOTING IT TO PUBLIC SERVICE, LESS THE DEPRECIATION RESERVE, WHICH SHALL INCLUDE ACCRUED DEPRECIATION CALCULATED ON A STRAIGHT LINE METHOD AND BASED UPON THE ESTIMATED SERVICE LIFE OF THE PROPERTY TOGETHER WITH OTHER ITEMS

NORMALLY ACCOUNTED FOR IN THE DEPRECIATION RESERVE, AND SHALL NOT INCLUDE ANY GOOD WILL OR GOING CONCERN VALUE, NOR SHALL IT INCLUDE CERTIFICATE VALUE IN EXCESS OF PAYMENT MADE OR COSTS INCURRED IN THE INITIAL ACQUISITION THEREOF.

“PRUDENTLY INVESTED” MEANS THOSE INVESTMENTS WHICH UNDER ORDINARY CIRCUMSTANCES WOULD BE DEEMED REASONABLE. IT EXCLUDES INVESTMENTS WHICH MIGHT BE FOUND TO BE DISHONEST OR OBVIOUSLY WASTEFUL.

ALL INVESTMENTS SHALL BE PRESUMED TO HAVE BEEN PRUDENTLY MADE. THE PRESUMPTION MAY BE SET ASIDE BY CLEAR AND CONVINCING EVIDENCE THAT SUCH INVESTMENTS WERE IMPRUDENT, WHEN VIEWED IN THE LIGHT OF ALL RELEVANT CONDITIONS KNOWN OR WHICH IN THE EXERCISE OF REASONABLE JUDGMENT SHOULD HAVE BEEN KNOWN, AT THE TIME SUCH INVESTMENTS WERE MADE.

8. Continuation of existing rights of public service corporations

SECTION 8. THE ENACTMENT OF THIS ARTICLE SHALL NEITHER INVALIDATE NOR OTHERWISE AFFECT RIGHTS, PRIVILEGES, LIMITATIONS OR DUTIES PREVIOUSLY ESTABLISHED OR ACTIONS PREVIOUSLY TAKEN BY PUBLIC SERVICE CORPORATIONS OR BY THE PREDECESSOR AGENCY TO THE PUBLIC UTILITIES COMMISSION. NOR SHALL THE ENACTMENT OF THIS ARTICLE BE CONSTRUED TO PREVENT OR OTHERWISE IMPAIR THE PUBLIC UTILITIES COMMISSION FROM PERFORMING THE DUTIES IMPOSED UPON IT BY LAW.

9. Appeal to courts

SECTION 9. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED AS DENYING TO ANY PARTY IN INTEREST OR THE ATTORNEY GENERAL ON BEHALF OF THE STATE THE RIGHT OF APPEAL TO THE COURTS OF THE STATE FROM THE RULES, REGULATIONS, ORDERS OR DECREES FIXED BY THE PUBLIC UTILITIES COMMISSION, BUT THE RULES, REGULATIONS, ORDERS OR

DECREES SO FIXED SHALL REMAIN IN FORCE
PENDING THE DECISION OF THE COURTS.

4. The proposed repeals and amendment (approved by a majority of the members elected to each house of the legislature, and entered upon the respective journals thereof, together with the ayes and nays thereon) shall be by the secretary of state submitted to the qualified electors at the next regular general election (or at a special election called for that purpose), as provided by article 21, Constitution of Arizona.

Passed the House April 20, 1972 by the following vote: 32 Ayes, 16 Nays, 12 Not Voting.

Passed the Senate April 21, 1972 by the following vote: 18 Ayes, 11 Nays, 1 Not Voting.

Approved by the Governor—April 29, 1972.

Filed in the Office of the Secretary of State—May 1, 1972.

105 YES—216,886 105 NO—283,187

SENATE CONCURRENT RESOLUTION 1018

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA RELATING TO PUBLIC DEBT, REVENUE AND TAXATION; AUTHORIZING INDEBTEDNESS FOR CITIES AND TOWNS TO ACQUIRE AND DEVELOP LAND FOR OPEN SPACE PRESERVES, PARKS, PLAYGROUNDS, AND RECREATIONAL FACILITIES, AND AMENDING ARTICLE 9, SECTION 8, 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 9, section 8, 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:

8. **Local debt limits; assent of taxpayers**

Section 8. No county, city, town, school district, or other municipal corporation shall for any purpose become indebted in any manner to an amount exceeding four per centum of the taxable property in such county, city, town, school district, or other municipal corporation, without the assent of a majority of the property taxpayers, who must also in all respects be qualified electors, therein voting at an election provided by law to be held for that purpose, the value of the taxable property therein to be ascertained by the last assessment for State and county purposes, previous to incurring such indebtedness; except, that in incorporated cities and towns assessments shall be taken from the last assessment for city or town purposes; Provided, that under no circumstances shall any county or school district become indebted to an amount exceeding ten per centum of such taxable property, as shown by the last assessment roll thereof; and Provided further, that any incorporated city or town, with such assent, may be allowed to become indebted to a larger amount, but not exceeding fifteen per centum additional, for supplying such city or town with water, artificial light, or sewers, when the works for supplying such water, light, or sewers are or shall be owned and controlled by the municipality, AND FOR THE ACQUISITION AND DEVELOPMENT BY THE INCORPORATED CITY OR TOWN OF LAND OR INTERESTS THEREIN FOR OPEN SPACE PRESERVES, PARKS, PLAY-GROUNDS AND RECREATIONAL FACILITIES.

2. The proposed amendment (approved by a majority of the members elected to each house of the legislature, and entered upon the respective journals thereof, together with the ayes and nays thereon) shall be by the secretary of state submitted to the qualified electors at the next regular general election (or at a special election called for that purpose), as provided by article 21, Constitution of Arizona.

Passed the Senate March 10, 1972 by the following vote: 29 Ayes, 0 Nays, 1 Not Voting.

Passed the House May 4, 1972 by the following vote: 51 Ayes, 0 Nays, 9 Not Voting.

Approved by the Governor—May 8, 1972.

Filed in the Office of the Secretary of State—May 8, 1972.

106 YES—310,626 106 NO—185,784

HOUSE CONCURRENT RESOLUTION 2004

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA RELATING TO THE COURTS; PRESCRIBING JURISDICTION OF SUPERIOR COURT IN CIVIL ACTIONS WHEN THE AMOUNT INVOLVED IS ONE THOUSAND DOLLARS OR MORE, AND AMENDING ARTICLE 6, SECTIONS 14 AND 22, CONSTITUTION OF ARIZONA.

Be it resolved by the House of Representatives of the State of Arizona, the Senate concurring:

1. The following amendment of article 6, section 14, 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:

14. Superior court; original jurisdiction

Section 14. The superior court shall have original jurisdiction of:

1. Cases and proceedings in which exclusive jurisdiction is not vested by law in another court.
2. Cases of equity and at law which involve the title to or possession of real property, or the legality of any tax, impost, assessment, toll or municipal ordinance.
3. Other cases in which the demand or value of property in controversy amounts to ~~five hundred dollars or more,~~ ONE THOUSAND DOLLARS OR MORE, exclusive of interest and costs.
4. Criminal cases amounting to felony, and cases of misdemeanor not otherwise provided for by law.
5. Actions of forcible entry and detainer.
6. Proceedings in insolvency.

7. Actions to prevent or abate nuisance.
 8. Matters of probate.
 9. Divorce and for annulment of marriage.
 10. Naturalization and the issuance of papers therefor.
 11. Special cases and proceedings not otherwise provided for, and such other jurisdiction as may be provided by law.
2. The following amendment of article 6, section 22, 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:

22. Superior and other courts; qualifications of judges

Section 22. Judges of the superior court, intermediate appellate courts or courts inferior to the superior court having jurisdiction in civil cases of ~~five hundred dollars or more~~ ONE THOUSAND DOLLARS OR MORE, exclusive of interest and costs, established by law under the provisions of section 1 of this article, shall be at least thirty years of age, of good moral character, and admitted to the practice of law in and a resident of the state for five years next preceding their taking office.

3. The proposed amendments (approved by a majority of the members elected to each house of the legislature, and entered upon the respective journals thereof, together with the ayes and nays thereon) shall be by the secretary of state submitted to the qualified electors at the next regular general election (or at a special election called for that purpose), as provided by article 21, Constitution of Arizona.

Passed the Senate May 11, 1972 by the following vote: 29 Ayes, 0 Nays, 1 Not Voting.

Passed the House March 16, 1972 by the following vote: 57 Ayes, 0 Nays, 3 Not Voting.

Approved by the Governor—May 22, 1972.

Filed in the Office of the Secretary of State—May 22, 1972.

107 YES—333,880 107 NO—148,145

HOUSE CONCURRENT RESOLUTION 2013

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT OF THE CONSTITUTION OF ARIZONA RELATING TO MOTOR VEHICLE REGISTRATION; AMENDING ARTICLE 9, SECTION 11, CONSTITUTION OF ARIZONA, AND PROPOSING AMENDMENT OF ARTICLE 9, CONSTITUTION OF ARIZONA, BY ADDING A NEW SECTION 11 TO BECOME EFFECTIVE FROM AND AFTER DECEMBER 31, 1973.

Be it resolved by the House of Representatives of the State of Arizona, the Senate concurring:

1. The following amendment of article 9, section 11, 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:

11. Taxing procedure; license tax on registered vehicles

Section 11. The manner, method and mode of assessing, equalizing and levying taxes in the State of Arizona shall be such as is prescribed by law.

Beginning January 1, 1941, a license tax is hereby imposed on vehicles registered for operation upon the highways in Arizona, which license tax shall be in lieu of all ad valorem property taxes on any vehicle subject to such license tax. Such license tax shall be collected annually by the registering officer at the time of application for and before registration of the vehicle each year and shall be (a) at a rate equal to the average ad valorem rate for all purposes in the several taxing districts of the state for the preceding year, but in no event to exceed a rate of four dollars on each one hundred dollars in value, and (b) during the first calendar year of the life of the vehicle upon a value equal to sixty per cent of the manufacturer's list price of such vehicle, and during each succeeding calendar year upon a value twenty-five per cent less than the value for the preceding calendar year.

**IN THE EVENT THAT A VEHICLE IS DESTROYED
AFTER THE BEGINNING OF A REGISTRATION YEAR,**

THE LICENSE TAX PAID FOR SUCH YEAR ON SUCH VEHICLE MAY BE REDUCED AS PROVIDED BY LAW.

Beginning January 1, 1969, mobile homes, as defined by law for tax purposes, shall not be subject to the license tax imposed under the provisions of this section but shall be subject to ad valorem property taxes on any mobile homes in the manner provided by law. Distribution of the proceeds derived from such tax shall be as provided by law.

In the event application is made after the beginning of the registration year for registration of a vehicle not previously registered in the state, the license tax for such year on such vehicle shall be reduced by one-twelfth for each full month of the registration year already expired.

The Legislature shall provide for the distribution of the proceeds from such license tax to the state, counties, school districts, cities and towns.

THE PROVISIONS OF THIS SECTION SHALL EXPIRE AT MIDNIGHT ON DECEMBER 31, 1973.

2. The following amendment of article 9, Constitution of Arizona, by adding section 11, is proposed, to become valid when approved by a majority of the qualified electors voting thereon and upon proclamation of the governor:

11. Taxing procedure; license tax on registered vehicles

SECTION 11. FROM AND AFTER DECEMBER 31, 1973, THE MANNER, METHOD AND MODE OF ASSESSING, EQUALIZING AND LEVYING TAXES IN THE STATE OF ARIZONA SHALL BE SUCH AS IS PRESCRIBED BY LAW.

FROM AND AFTER DECEMBER 31, 1973, A LICENSE TAX IS HEREBY IMPOSED ON VEHICLES REGISTERED FOR OPERATION UPON THE HIGHWAYS IN ARIZONA, WHICH LICENSE TAX SHALL BE IN LIEU OF ALL AD VALOREM PROPERTY TAXES ON ANY VEHICLE SUBJECT TO SUCH LICENSE TAX. SUCH LICENSE TAX SHALL BE COLLECTED AS PROVIDED BY LAW. TO FACILITATE AN EVEN DISTRIBUTION OF THE

REGISTRATION OF VEHICLES AND THE COLLECTION OF THE LICENSE TAX IMPOSED BY THIS SECTION, THE LEGISLATURE MAY PROVIDE FOR DIFFERENT TIMES OR PERIODS OF REGISTRATION BETWEEN AND WITHIN THE SEVERAL CLASSES OF VEHICLES.

IN THE EVENT THAT A VEHICLE IS DESTROYED AFTER THE BEGINNING OF A REGISTRATION YEAR, THE LICENSE TAX PAID FOR SUCH YEAR ON SUCH VEHICLE MAY BE REDUCED AS PROVIDED BY LAW.

FROM AND AFTER DECEMBER 31, 1973, MOBILE HOMES, AS DEFINED BY LAW FOR TAX PURPOSES, SHALL NOT BE SUBJECT TO THE LICENSE TAX IMPOSED UNDER THE PROVISIONS OF THIS SECTION BUT SHALL BE SUBJECT TO AD VALOREM PROPERTY TAXES ON ANY MOBILE HOMES IN THE MANNER PROVIDED BY LAW. DISTRIBUTION OF THE PROCEEDS DERIVED FROM SUCH TAX SHALL BE AS PROVIDED BY LAW.

FROM AND AFTER DECEMBER 31, 1973, THE LEGISLATURE SHALL PROVIDE FOR THE DISTRIBUTION OF THE PROCEEDS FROM SUCH LICENSE TAX TO THE STATE, COUNTIES, SCHOOL DISTRICTS, CITIES AND TOWNS.

3. The proposed amendments (approved by a majority of the members elected to each house of the legislature, and entered upon the respective journals thereof, together with the ayes and nays thereon) shall be by the secretary of state submitted to the qualified electors at the next regular general election (or at a special election called for that purpose), as provided by article 21, Constitution of Arizona.

Passed the Senate May 8, 1972 by the following vote: 30 Ayes, 0 Nays, 0 Not Voting.

Passed the House May 12, 1972 by the following vote: 48 Ayes, 7 Nays, 5 Not Voting.

Approved by the Governor—May 22, 1972.

Filed in the Office of the Secretary of State—May 22, 1972.

108 YES—303,939 108 NO—191,134

SENATE CONCURRENT RESOLUTION 1001

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA RELATING TO COMPOSITION OF THE LEGISLATURE AND LEGISLATIVE DISTRICTS, AND AMENDING ARTICLE 4, PART 2, SECTION 1, 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 4, part 2, section 1, 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:

1. Senate; house of representatives; members; special session upon petition of members

Section 1. (1) The Senate shall ~~consist of two members~~ BE COMPOSED OF ONE MEMBER ELECTED from each ~~county elected at large~~ OF THE THIRTY LEGISLATIVE DISTRICTS ESTABLISHED BY THE LEGISLATURE.

~~Beginning with the Twenty second Legislature the House of Representatives shall be composed of not to exceed eighty members, to be apportioned to the counties according to the number of ballots cast in each county at the preceding general election for governor in the manner herein provided. Such apportionment shall be made every four years and shall be on the basis of one Representative for each county and one additional Representative for each thirty five hundred and twenty ballots cast at the last preceding general election, according to the official canvass of the votes cast in each county.~~

~~In the event that on the basis prescribed the number of Representatives so determined shall exceed eighty, the unit of apportionment shall be increased by ten or such multiple of ten as will reduce the number of Representatives to eighty.~~

~~Not less than eight months prior to the regular general election following such apportionment at which Representatives are to be chosen, the secretary of state shall notify the board of supervisors of each county the number of Representatives such county will be entitled to elect, and the board shall not less than six months prior to such election, divide the county into as many legislative districts as there are Representatives to be elected. The district shall have as nearly as may be an equal voting population, be compact in form, and include no noncontiguous territory. The board shall give not less than thirty days' notice of intention to divide the county into legislative district by publication in two successive issues of a newspaper of general circulation published in the county.~~

THE HOUSE OF REPRESENTATIVES SHALL BE COMPOSED OF TWO MEMBERS ELECTED FROM EACH OF THE THIRTY LEGISLATIVE DISTRICTS ESTABLISHED BY THE LEGISLATURE.

~~(3)~~ (2) Upon the presentation to the Governor of a petition bearing the signatures of not less than two-thirds of the members of each House, requesting that he call a special session of the Legislature and designating the date of convening, the Governor shall forthwith call a special session to assemble on the date specified. At a special session so called the subjects which may be considered by the Legislature shall not be limited.

2. The proposed amendment (approved by a majority of the members elected to each house of the legislature, and entered upon the respective journals thereof, together with the ayes and nays thereon) shall be by the secretary of state submitted to the qualified electors at the next regular general election (or at a special election called for that purpose), as provided by article 21, Constitution of Arizona.

Passed the House May 13, 1972 by the following vote: 33 Ayes, 21 Nays, 6 Not Voting.

Passed the Senate May 13, 1972 by the following vote: 17 Ayes, 13 Nays, 0 Not Voting

Approved by the Governor—May 22, 1972.

Filed in the Office of the Secretary of State—May 22, 1972

109 YES—308,801 109 NO—162,550

INITIATIVE PETITION

AN ACT

RELATING TO TAXATION; PROVIDING FOR PREEMPTION BY THE STATE OF INCOME AND LUXURY TAXATION; ESTABLISHING AN URBAN REVENUE SHARING FUND; PROVIDING FOR THE DISTRIBUTION THEREOF TO CITIES AND TOWNS; PROVIDING FOR THE DISTRIBUTION OF INCOME TAXES; PROVIDING FOR THE UNIFORM COLLECTION AND ADMINISTRATION OF TRANSACTION PRIVILEGE LICENSE TAXES AND USE TAXES; AMENDING TITLE 43, CHAPTER 1, ARTICLE 1, BY ADDING SECTIONS 43-102.01 AND 43-196.01; AMENDING TITLE 42, CHAPTER 7, ARTICLE 1, BY ADDING SECTION 42-1204.01; AMENDING SECTION 43-196, ARIZONA REVISED STATUTES; AND AMENDING TITLE 42, CHAPTER 8 BY ADDING NEW ARTICLE 3.

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

Sec. 1. Title 43, chapter 1, article 1, Arizona Revised Statutes, is amended by adding section 43-102.01, to read:

43-102.01. Preemption by state of income taxation

The area of income taxation is preempted by the state, and a county, city, town or other political subdivision of this state shall not levy an income tax, so long as the urban revenue sharing fund is maintained as provided in section 43-196.01.

Sec. 2. Title 42, chapter 7, article 1, Arizona Revised Statutes, is amended by adding section 42-1204.01, to read:

42-1204.01. Preemption by state of luxury taxation

The area of luxury taxation is preempted by the state, and a county, city, town or other political subdivision of this state shall not levy a luxury tax, so long as the urban revenue sharing fund is maintained as provided in section 43-196.01.

Sec. 3. Section 43-196, Arizona Revised Statutes, is amended to read:

43-196. Disposition of proceeds

(a) **Collections, transmitted to state treasurer.** The tax commission shall transmit promptly to the state treasury all monies and remittances received by it under this title as provided in subdivision (b) of this section. It shall at the same time furnish copies of the schedules covering the transmittals to the commissioner of finance.

(b) **Income tax fund, urban revenue sharing fund, collections deposited therein.** All monies and remittances so received and so transmitted shall be deposited, after clearance of remittance, in the state treasury and the state treasurer shall credit the same to the specific funds as instructed by the tax commissioner, as follows:

- (i) Twenty-five percent to the income tax fund;
- (ii) Amounts sufficient to meet the requirements of section 43-196.01 to the urban revenue sharing fund, and
- (iii) The remainder to the general fund.

(c) **Income tax fund, use for refunds.** The commissioner of finance will draw all sums to be used for making refunds under this title from the income tax fund. Any amount remaining in the income tax fund on June 30 of each year in excess of two hundred thousand dollars shall be deposited in the general fund.

Sec. 4. Title 43, chapter 1, article 1, Arizona Revised Statutes, is amended by adding section 43-196.01, to read:

43-196.01. Establishment and distribution of urban revenue sharing fund

A. Commencing with the fiscal year 1973-74, there is hereby established an urban revenue sharing fund which shall, each fiscal year, consist of an amount equivalent to fifteen percent of the net proceeds of the state income taxes for the fiscal year two years prior to the current fiscal year. The fund shall be distributed to incorporated cities and towns as provided in this section.

B. Each city or town shall share in the urban revenue sharing fund in the proportion that the population of each bears to the population of all as determined by the United States Bureau of the Census pursuant to the provisions of section 42-1341 and 42-1341.01.

C. Commencing with July, 1973, the treasurer, upon instruction from the tax commission, shall transmit, no later than the tenth day of each month, to each city or town an amount equal to one-twelfth of that city's or town's total entitlement for the then current fiscal year from the urban revenue sharing fund as determined by the tax commission.

D. A newly incorporated city or town shall share in the urban revenue sharing fund beginning the first month of the first full fiscal year following incorporation.

Sec. 5. Title 42, chapter 8, Arizona Revised Statutes, is amended by adding article 3, section 42-1451, to read:

ARTICLE 3. ADMINISTRATION OF TRANSACTION PRIVILEGE TAXES AND USE TAXES

42-1451. Uniform collection and administration of transaction privilege license tax and use tax.

The Tax Commission may collect and administer any transaction privilege license tax or use tax imposed by any city or town, and the Tax Commission and any city or town may enter into intergovernmental contracts or agreements to provide a uniform method of administration, collection, audit and licensing of transaction privilege license taxes and use taxes imposed by the state or cities and towns pursuant to Title 11, Article 3.

Sec. 6. Effective date

The provisions of this act shall become effective July 1, 1973.

200 YES—269,268 200 NO—238,078

OFFICIAL CANVASS



ELECTION RETURNS

STATE OF ARIZONA

OFFICIAL CANVASS

PRIMARY ELECTION — SEPTEMBER 12, 1972

	Apache	Cochise	Cococino	Gila	Graham	Greenlee	Mari-copa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total
Total Registration	9,994	23,018	20,759	13,896	8,432	5,053	439,408	12,697	16,184	160,593	26,163	5,507	20,641	20,793	783,138
Total Ballots Cast	4,358	12,264	9,900	9,606	6,185	3,823	176,297	5,662	8,584	65,961	11,975	3,908	9,645	9,126	337,294
Per Cent of Votes Cast	43.61	53.28	47.69	69.12	73.35	75.66	40.12	44.59	53.04	41.07	45.77	72.28	46.73	43.88	43.07

PRESIDENTIAL ELECTORS

Shirley Angle (D)	1,845	6,540	4,024	5,257	3,665	2,383	53,254	1,613	3,720	29,190	6,492	1,601	2,899	5,034	126,517
Jacqueline Ashford (D)	1,819	6,471	3,992	5,208	2,898	2,373	52,210	1,613	3,715	28,707	6,453	1,742	2,834	5,012	125,047
Amelia D. Lewis (D)	1,819	6,429	4,064	5,291	2,948	2,391	53,242	1,613	3,879	28,782	6,543	1,638	2,813	5,028	126,480
Bruce B. Mason (D)	1,877	6,470	4,082	5,285	2,944	2,386	52,797	1,613	3,856	28,644	6,529	1,637	2,950	5,089	126,159
Michael M. Sophy (D)	1,783	6,319	3,935	5,139	2,872	2,316	51,623	1,613	3,690	28,172	5,573	1,574	2,744	4,998	123,351
Lloyd Vacovsky (D)	1,774	5,845	3,893	5,142	2,850	2,266	50,466	1,613	3,675	26,712	6,341	1,543	2,709	4,969	119,798

Lenora Claridge (R)	676	2,730	3,157	955	532	202	82,568	1,460	2,417	21,935	2,242	227	4,267	1,711	125,079
Jane W. Drees (R)	690	2,702	3,149	1,002	499	194	82,742	1,460	2,396	21,885	2,231	222	4,213	1,706	125,091
Helen M. Ely (R)	687	2,696	3,178	955	512	194	82,665	1,460	2,401	21,903	2,244	223	4,227	1,720	125,065
Ross F. Jones (R)	694	2,708	3,200	961	511	198	83,785	1,460	2,445	21,891	2,263	225	4,266	1,753	126,360
Orme Lewis, Sr. (R)	692	2,676	3,196	965	500	195	84,085	1,460	2,440	21,553	2,263	225	4,258	1,716	126,224
Marion R. Sundt (R)	700	2,595	3,170	955	504	194	82,559	1,460	2,409	21,576	2,255	222	4,119	1,719	124,437

Lyndon Larson (AIP)							29			30					59
Jerry Minnus (AIP)							38			32					70
Delwyn E. Myers (AIP)							39			32					71
Eugene Pyle (AIP)							28			32					60
Russell Reason (AIP)							31			32					63
Clifford R. Titus (AIP)							45			31					76

	Apache	Cochise	Coc- nino	Gila	Graham	Green- lee	Mari- copa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total
UNITED STATES REPRESENTATIVE, District No. 1															
Gerald A. Pollock (D)							16,131								16,131
Phyllis Royer (D)							9,594								9,594
John J. Rhodes (R)							31,838								31,838
Marvin L. Cooley (R)							4,265								4,265
UNITED STATES REPRESENTATIVE, District No. 2															
Morris K. Udall (D)		7,363					18			35,360	1,649	2,449			46,839
Gene Savoie (R)		2,592					6			22,030	371	222			25,221
UNITED STATES REPRESENTATIVE, District No. 3															
Dr. Ted Wyckoff (D)			4,287				15,268	2,085					3,195	5,531	30,366
Sam Steiger (R)			3,294				22,229	2,398					4,867	1,892	34,680
Arthur R. Westermann (AIP)													2		2
UNITED STATES REPRESENTATIVE, District No. 4															
Jack E. Brown (D)	1,218		1,702	1,409	712	9,242			2,032		1,798				18,113
Sam Grossman (D)	908		2,435	1,599	1,365	5,457			1,742		2,581				16,087
Curtis Nordwall (D)	197		438	570	98	1,061			349		491				3,204
Robert A. (Bob) Reveles (D)	385		2,863	911	1,014	3,421			768		1,888				11,250
Bill Baker (R)	91		363	117	63	13,224			550		615				15,023
John B. Conlan (R)	568		559	370	97	13,546		1,868			1,067				18,075
Ernest Garfield (R)	132		165	62	49	9,242		419			370				10,439
JUSTICE OF SUPREME COURT, Term 1; expiring on the first Monday in January, 1979															
Fred C. Struckmeyer, Jr. (D)	2,160	6,799	4,262	6,261	3,526	2,468	54,994	2,052	4,100	29,818	7,202	1,439	3,312	5,651	134,044
Harold "Hal" Riddell (R)	702	2,707	3,185	966	485	202	83,029	1,734	2,357	21,639	2,225	204	4,406	1,702	125,543
JUSTICE OF SUPREME COURT, Term 2; expiring on the first Monday in January, 1979															
Lorna E. Lockwood (D)	2,164	7,162	4,293	6,429	3,630	2,668	57,080	2,283	4,195	30,317	7,449	1,460	3,561	5,646	138,337
JUSTICE OF SUPREME COURT, Term 3; expiring on the first Monday in January, 1977															
Howard V. Peterson (D)	2,109	6,908	4,163	6,190	3,522	2,800	53,502	2,010	4,080	29,630	7,087	1,701	3,090	5,326	132,118
William A. Holohan (R)	697	2,696	3,207	971	487	200	83,222	1,858	2,343	21,847	2,349	210	4,503	1,703	126,293
Lorin G. Shelley (AIP)							8			21					29

	Apache	Cochise	Cococino	Gila	Graham	Greenlee	Mari-copa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total
JUDGE OF COURT OF APPEALS, Division 1, Term 2															
Henry S. Stevens (R)							81,938								81,938
JUDGE OF COURT OF APPEALS, Division 1, Term 1															
L. Ray Haire (R)							80,294								80,294
JUDGE OF COURT OF APPEALS, Division 1															
Jack L. Ogg (D)	2,050		4,425					2,069	3,912				3,748	5,065	21,269
Williby E. Case, Jr. (R)	687		3,120					1,766	2,259				4,206	1,739	13,777
JUDGE OF COURT OF APPEALS, Division 2															
Herbert F. Krucker (R)											22,674				22,674
STATE MINE INSPECTOR															
John Taylor (D)	2,193	7,289	4,325	6,591	3,753	2,725	56,696	2,145	4,365	28,811	7,528	2,031	3,357	5,614	137,423
Verne C. McCutchan (R)	732	2,793	3,170	1,057	529	194	85,008	1,904	2,514	22,443	2,227	233	4,489	1,809	129,102
STATE TAX COMMISSIONER															
Bob Kennedy (D)	2,290	7,563	4,672	6,652	3,846	2,834	58,558	2,205	4,355	33,274	7,404	2,225	3,499	5,729	145,106
Tom Freestone (R)	730	2,763	3,118	1,025	526	196	82,957	1,814	2,475	22,228	2,219	229	4,422	1,768	126,470
CORPORATION COMMISSIONER															
Russell Williams (R)	718	2,768	3,160	1,008	511	187	84,031	1,861	2,452	22,317	2,170	229	4,477	1,749	127,638
Carl E. Tretschok, Jr. (AIP)							19			31					50

LAWS OF ARIZONA

2005

	Apache	Cochise	Cococino	Gila	Graham	Greenlee	Mari-copa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total
PRESIDENTIAL ELECTORS															
Socialist Workers Candidates															
Timothy Joseph Clennon	11	13	15	7	1	6	273	9	9	29,113	16	3	1,466	3	30,945
Alberta J. Dannels	11	13	15	7	1	6	273	9	9	28,228	16	3	1,442	3	30,036
Betsy Ann McDonald	11	13	15	7	1	6	273	9	9	28,301	16	3	1,473	3	30,140
Bradley Wells Tracy	11	13	15	7	1	6	273	9	9	27,688	16	3	1,416	3	29,470
Lois M. Turner	11	13	15	7	1	6	273	9	9	27,801	16	3	1,445	3	29,612
Eleanor Voris	11	13	15	7	1	6	273	9	9	27,748	16	3	1,405	3	29,519
UNITED STATES REPRESENTATIVE, District No. 1															
Gerald A. Pollock (D)							59,900								59,900
John J. Rhodes (R)							80,453								80,453
UNITED STATES REPRESENTATIVE, District No. 2															
Morris K. Udall (D)		10,339					20			82,024	2,413	2,820			97,616
Gene Savoie (R)		7,507					11			46,411	1,142	1,117			56,188
UNITED STATES REPRESENTATIVE, District No. 3															
Dr. Ted Wyckoff (D)			8,052				31,814	2,658					4,910	5,786	53,220
Sam Steiger (R)			8,923				54,296	6,494					11,905	9,092	90,710
UNITED STATES REPRESENTATIVE, District No. 4															
Jack E. Brown (D)	4,204			6,256	3,026	2,746	44,817		6,103			6,157			73,309
John B. Conlan (R)	2,613			4,339	2,977	1,233	59,475		5,716			6,158			82,511
JUSTICE OF SUPREME COURT, Term 1; expiring on the first Monday in January, 1979															
Fred C. Struckmeyer, Jr. (D)	2,622	7,297	8,991	6,528	3,182	1,877	168,289	2,854	5,510	60,248	8,733	1,577	9,395	8,617	295,720
Harold "Hal" Riddel (R)	2,117	6,619	4,843	2,754	1,715	1,252	139,849	2,680	4,001	44,305	5,031	1,237	5,038	4,243	225,684
JUSTICE OF SUPREME COURT, Term 2; expiring on the first Monday in January, 1979															
Lorna E. Lockwood (D)	4,155	12,748	12,291	8,621	4,430	2,950	260,097	4,515	8,578	89,209	12,404	2,324	12,822	11,659	446,803
JUSTICE OF SUPREME COURT, Term 3; expiring on the first Monday in January, 1977															
Howard V. Peterson (D)	2,975	10,577	5,965	5,833	2,721	1,855	117,228	2,277	5,543	68,754	7,816	2,040	5,133	7,176	245,893
William A. Holohan (R)	1,623	3,418	7,503	3,324	2,142	1,220	188,119	3,081	3,841	41,027	5,665	823	9,179	5,224	276,189

	Apache	Cochise	Coco- nino	Gila	Graham	Green- lee	Mari- copa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total
JUDGE OF COURT OF APPEALS, Division 1, Term 2															
Henry S. Stevens (R)							245,276								245,276
JUDGE OF COURT OF APPEALS, Division 1, Term 1															
L. Ray Haire (R)							244,456								244,456
JUDGE OF COURT OF APPEALS, Division 1															
Jack L. Ogg (D)	2,135		8,345					2,863	4,555			12,806	3,582	34,286	
Williby E. Case, Jr. (R)	2,316		4,843					2,420	4,365			2,470	9,443	25,857	
JUDGE OF COURT OF APPEALS, Division 2															
Herbert F. Krucker (R)										93,339					93,339
STATE MINE INSPECTOR															
John Taylor (D)	4,054	8,210	7,943	6,272	3,233	2,855	131,515	3,126	6,397	59,457	8,873	2,171	5,623	7,035	256,764
Verne C. McCutchan (R)	2,246	9,082	7,307	3,861	2,177	984	191,361	5,292	4,630	57,038	7,566	1,508	10,108	6,968	310,128
STATE TAX COMMISSIONER															
Bob Kennedy (D)	4,287	10,625	9,612	7,186	3,212	2,992	152,017	3,775	6,294	74,759	10,287	2,722	6,441	8,209	302,418
Tom Freestone (R)	2,114	6,877	6,001	3,023	2,457	893	178,861	4,667	4,779	46,505	6,495	1,113	9,339	6,118	279,242
CORPORATION COMMISSIONER															
Russell Williams (R)	3,834	12,594	11,710	6,750	3,826	2,034	247,219	5,716	7,955	84,300	11,566	2,236	12,914	10,634	423,288

DISTRICT NO. 1**State Senator**

			Mohave	Yuma	Yavapai	Total
Boyd Tenney (R)			1,993	35	4,358	6,386

State Representatives

Ray Everett (R)			1,573	22	3,464	5,059
Gladys Gardner (R)			1,411	18	3,442	4,871
Duane Kirby (R)			1,073	21	1,965	3,059

DISTRICT NO. 2**State Senator**

	Mohave	Yavapai	Coconino	Gila	Maricopa	Navajo	Total
Tony Gabaldon (D)	94	236	3,722	761	155	1,418	6,386
Larry Loven (R)	42	218	2,450	367	468	474	4,019

State Representatives

Mike Clifton (D)	54	222	2,742	650	154	897	4,719
Boyd A. Shumway (D)	89	233	2,938	752	148	1,495	5,655
Sam A. McConnell, Jr. (R)	38	224	2,561	339	443	433	4,038
John Wettaw (R)	30	206	2,157	320	448	402	3,563

DISTRICT NO. 3**State Senator**

			Navajo	Apache	Coconino	Total
Arthur J. Hubbard (D)			465	1,047	642	2,154
Lloyd L. House (D) (Write In)			571	707	593	1,871
Fred Burke (R)			2	11	118	131

State Representatives

Jack A. Brown (D)			626	1,217	627	2,470
Benjamin Hanley (D)			641	770	699	2,110
Adolph June, Jr. (D)			435	367	677	1,479
Cordell Hull McKinley (D)			248	532	403	1,183
Winifred Becenti Hall Sims (R)			675	503	739	1,917

DISTRICT NO. 4

	Apache	Navajo	Greenlee	Graham	Gila	Pinal	Total
State Senator							
A. V. "Bill" Hardt (D) (Write In)	717	1,777	2,135	124	5,761	1,187	11,701
Earl C. Cunningham (R)		70	36		160		266
State Representatives							
Louis B. Ellsworth (D)	493	1,367	503	112	1,924	561	4,960
Edward G. (Bunch) Guerrero (D)	277	643	1,302	70	3,525	984	6,801
John W. "Mac" McLaughlin (D)	474	811	2,121	55	1,672	391	5,524
E. C. "Polly" Rosenbaum (D)	327	881	640	42	3,658	480	6,028

DISTRICT NO. 5

	Yuma	Total
State Senator		
Harold C. Giss (D)	5,912	5,912
State Representatives		
Elwood W. "Brad" Bradford (D)	4,947	4,947
Jones Osborn (D)	5,377	5,377

DISTRICT NO. 6

	Maricopa	Pima	Pinal	Total
State Senator				
Bob Stump (D)	1,192	632	1,132	2,956
Dorothy Leuser (D)	1,091	633	881	2,605
State Representatives				
G. T. (Tom) Alley (D)	685	924	494	2,103
Douglas E. Ballard (D)	746	198	510	1,454
Polly Getzwiller (D)	985	405	1,454	2,844
Alma J. Hunter (D)	587	666	797	2,050
Nancy McClary (D)	782	163	408	1,353

DISTRICT NO. 7

	Pima	Pinal	Santa Cruz	Gila	Total
State Senator					
William L. Swink (D)	861	3,703	1,263	474	6,301
State Representatives					
Craig E. Davids (D)	824	3,756	891	361	5,832
Richard "Dick" Pacheco (D) (Write In)	838	3,330	1,739	467	6,374
George Edward Butler (AIP)	4				4

DISTRICT NO. 8

	Graham	Greenlee	Cochise	Total
State Senator				
Charles A. Awalt (D)	3,926	448	3,438	7,812
James D. "Jim" Elliott (D)	751	166	3,797	4,714
State Representatives				
H. F. "Hank" Fenn (D)	3,184	431	5,716	9,331
Ed C. Sawyer (D)	3,522	434	5,418	9,374
Walter L. (Walt) Foster (R)	493	66	1,913	2,472

2010

LAWS OF ARIZONA

DISTRICT NO. 9**State Senator**

John (C) Scott Ulm (D)	1,082	546	2,616	4,244
Clint Mellor (R)	852	176	1,974	3,002

State Representatives

Jim Dewberry (D)	824	399	2,170	3,393
David F. "Lucky" Lindsay (D)	806	400	1,243	2,449
E. H. "Gene" Mondeau (D)	491	278	1,531	2,300
Charles F. Bonnet (R)	779	163	1,998	2,940
Thomas B. Richey (R)	854	170	1,984	3,008

DISTRICT NO. 10**State Senator**

Sam Lena (D)		Pima		Total
		5,112		5,112

State Representatives

Larry Bahill (D)		3,108		3,108
Bernardo M. "Nayo" Cajero (D)		3,808		3,808
Hubert Davis (D)		2,676		2,676
Dan Eckstrom (R)		1,097		1,097

DISTRICT NO. 11**State Senator**

F. T. "Limie" Gibbings (D)		2,091		2,091
Frank J. Felix (D)		4,501		4,501

State Representatives

Emilio Carrillo (D)		3,605		3,605
R. P. "Bob" Fricks (D)		2,451		2,451
Ethel R. Maynard (D)		2,283		2,283
Ernie Soto Navarro (D)		2,228		2,228
Nathaniel S. (Nat) Russell (D)		1,600		1,600
Alfred (Skip) S. Donau, III (R)		2,006		2,006
Jim Madson (R)		2,066		2,066

DISTRICT NO. 12**State Senator**

Douglas S. Holsclaw (R)	4,850	4,850
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State Representatives

Martin Bedford (D)	4,954	4,954
Jim Magner (D)	5,011	5,011
Marvin L. Burton (R)	3,329	2,329
Thomas N. "Tom" Goodwin (R)	3,785	3,785
Pete Hershberger (R)	3,352	3,352
(Write In)		
Lawrence F. Oliver (AIP)	11	11

DISTRICT NO. 13**State Senator**

Dr. James J. DiPietro (D)	5,522	5,522
Scott Alexander (R)	5,310	5,310

State Representatives

Helen Carlson (D)	5,547	5,547
Robert F. Walmer (D)	5,423	5,423
H. Thomas (Tam) Kincaid (R)	4,365	4,365
David B. Stone (R)	3,006	3,006
Albert C. Williams (R)	3,145	3,145

DISTRICT NO. 14**State Senator**

William C. Jacquin (R)	6,476	6,476
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State Representatives

Anna J. Cullinan (D)	5,136	5,136
Robert Proctor (D)	5,125	5,125
W. A. (Tony) Buehl (R)	6,284	6,284
Charles W. King (R)	6,173	6,173

DISTRICT NO. 15	Yuma	Maricopa	Total
State Senator			
Ewell M. Collins (D)	88	3,172	3,260
S. H. "Hal" Runyan (R)	26	6,116	6,142
State Representatives			
Cornelio "Corne" Arvizu (D)	77	3,007	3,084
Marabell L. Krauth (D)	83	2,832	2,915
J. Herbert Everett (R)	17	4,485	4,502
Edward Dwight Lewis (R)	14	2,844	2,858
James B. Ratliff (R)	15	4,890	4,905
DISTRICT NO. 16			
		Maricopa	Total
State Senator			
Wm. T. (Bill) Crowley (D)		3,919	3,919
Fred L. Schmitt (R)		2,271	2,271
Dick Singer (R)		1,322	1,322
Bob Strother (R)		2,946	2,946
State Representatives			
Nancy Lowe (D)		2,611	2,611
Isabel P. Keating (D)		2,160	2,160
Donna Willey (D)		2,775	2,775
Dave Andrews (R)		2,103	2,103
Diane B. McCarthy (R)		3,334	3,334
M. C. "Mac" Plummer (R)		2,409	2,409
Don Stewart (R)		3,778	3,778
DISTRICT NO. 17			
		Maricopa	Total
State Senator			
Audrey E. Kaslo (D)		2,997	2,997
Fred Koory, Jr. (R)		5,894	5,894
State Representatives			
Chris Lawlor (D)		2,937	2,937
John B. Lytle (D)		2,874	2,874
C. W. "Bill" Lewis (R)		5,645	5,645
Anne Lindeman (R)		5,394	5,394

DISTRICT NO. 18	Maricopa	Total
State Senator		
Zachary Winograd (D)	3,721	3,721
Leo Corbet (R)	6,884	6,884
State Representatives		
Elaine Warner (D)	3,758	3,758
Burton S. Barr (R)	6,788	6,788
Ruth Peck (R)	6,537	6,537
DISTRICT NO. 19		
	Maricopa	Total
State Senator		
Madelene Van Arsdell (D)	3,732	3,732
Ray Rottas (R)	6,708	6,708
State Representatives		
Ron G. Sartor (D)	3,584	3,584
Stan Akers (R)	3,197	3,197
Harold M. Musgrave (R)	2,867	2,867
Jon M. Nelson (R)	2,310	2,310
Mary Jane Shoun (R)	2,562	2,562
W. A. "Tony" West, Jr. (R)	3,287	3,287
DISTRICT NO. 20		
	Maricopa	Total
State Senator		
Al Frantz (D)	1,409	1,409
John Vanlandingham (D)	2,802	2,802
Paul Cullor (R)	1,540	1,540
Bess B. Stinson (R)	3,174	3,174
State Representatives		
Lloyd Adams (D)	3,662	3,662
Harry C. Mosher (D)	3,649	3,649
Howard Adams (R)	3,620	3,620
Bill McCune (R)	4,210	4,210

2012

LAWS OF ARIZONA

DISTRICT NO. 21**State Senator**

	Maricopa	Total
John J. Helmick (D)	3,960	3,960
Howard S. Baldwin (R)	3,271	3,271
Joe Shaughnessy, Jr. (R)	2,711	2,711

State Representatives

Bob Carter (D)	3,843	3,843
Barbara L'Ecuyer (D)	3,693	3,693
Elizabeth Adams Rockwell (R)	5,146	5,146
Jay C. Stuckey (R)	5,283	5,283
(Write In)		
William Magnuson (AIP)	2	2

DISTRICT NO. 22**State Senator**

	Maricopa	Total
Jaime Martinez (D)	527	527
Louis Monteilh (D)	1,383	1,383
Manuel "Lito" Peña (D)	2,535	2,535
(Write In)		
Robert Vincent O'Connor (AIP)	2	2

State Representatives

Pete C. Barraza, Jr. (D)	1,065	1,065
Manuel Burruel (D)	1,001	1,001
Kenny Clise (D)	508	508
Art Hamilton (D)	1,685	1,685
Robert T. Louis (D)	1,380	1,380
R. G. "Danny" Peña (D)	1,996	1,996
W. F. "Pat" Vipperman (D)	695	695
James L. (Jim) Cassavant (R)	1,233	1,233
William A. Herron (R)	1,298	1,298

DISTRICT NO. 23**State Senator**

	Maricopa	Total
Cloves C. Campbell (D)	2,485	2,485
Alfredo Guteirrez (D)	2,624	2,624

State Representatives

Tony R. Abril (D)	2,275	2,275
Mike Enriquez (D)	2,115	2,115
Horace E. Owens (D)	2,140	2,140
Leon Thompson (D)	2,487	2,487
Maxine Provost Brubaker (R)	415	415

DISTRICT NO. 24**State Senator**

	Maricopa	Total
Rivko Knox (D)	3,577	3,577
Sandra D. O'Connor (R)	9,202	9,202

State Representatives

J. L. (Jerry) Horacek (D)	3,460	3,460
Carl G. Pettijohn (D)	3,542	3,542
Richard Burgess (R)	6,392	6,392
Pete Corpstein (R)	4,519	4,519
Harvey Heyder (R)	1,619	1,619
William Parks (R)	2,818	2,818
Ernst C. 'Ernie' Sielaff (R)	2,564	2,564
(Write In)		
Carl A. Bullock (AIP)	3	3
Betty Mitchell (AIP)	3	3

DISTRICT NO. 25**State Senator**

	Maricopa	Total
Betty Morrison (D)	2,682	2,682
Archie C. Ryan (D)	2,215	2,215
Trudy Camping (R)	4,503	4,503

State Representatives

Gerard Belanger (D)	1,923	1,923
Pauline M. Hughes (D)	3,180	3,180
Jim Murray (D)	3,584	3,584
D. Lee Jones (R)	4,279	4,279
Jim Skelly (R)	4,265	4,265

DISTRICT NO. 26

Maricopa Total

State Senator

Art McBrayer (D)	3,442	3,442
John L. Holmes (R)	1,264	1,264
J. Rex Hubbard (R)	1,032	1,032
Kelsey Moline (R)	1,601	1,601
John Roeder (R)	2,709	2,709
Jay Ryan (R)	1,293	1,293

State Representatives

Barbara E. Dunham (D)	2,555	2,555
Betty Anne Jarvi (D)	1,794	1,794
William E. Hegarty (D)	2,543	2,543
Peter Kay (R)	4,677	4,677
Frank Kelley (R)	5,723	5,723
Eric Shane (R)	2,911	2,911
(Write In)		
Charlene Brooks (AIP)	2	2

DISTRICT NO. 27

Maricopa Total

State Senator

Richard S. (Dick) Berry (D)	2,525	2,525
Miss Janet Patten Heath (D)	1,378	1,378
James A. (Jim) Mack (R)	4,710	4,710

State Representatives

Eliza M. Carney (D)	3,225	3,225
M. E. "Mike" St. George (D)	3,253	3,253
Michael Goodwin (R)	4,457	4,457
Juanita Harelson (R)	4,149	4,149

DISTRICT NO. 28

Maricopa Total

State Senator

David B. Kret (R)	5,926	5,926
B. S. (Berf) Oakley, Jr. (R)	1,336	1,336

State Representatives

Earnest F. Romero (D)	2,668	2,668
Americo "Mac" Carvalho (R)	5,068	5,068
Bob Hungerford (R)	6,675	6,675

DISTRICT NO. 29

Maricopa Total

State Senator

D. Delos Ellsworth (R)	5,567	5,567
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State Representatives

James Leo Foran (D)	1,589	1,589
Joseph S. Jarvis (D)	1,870	1,870
Eileen Romano (D)	1,517	1,517
Jim Cooper (R)	3,577	3,577
Dave Hall (R)	3,184	3,184
Jack J. Taylor (R)	4,120	4,120
(Write In)		
Thomas C. Bauer (AIP)	7	7

DISTRICT NO. 30**State Senator**

	Maricopa	Pinal	Total
Clifford L. Searcy (D)	2,286	521	2,807
Evelyn L. Parent (R)	1,322	319	1,641
Stan Turley (R)	3,728	268	3,996

State Representatives

Barbara A. Stribling (D)	2,096	482	2,578
Charles A. Russell (D)	2,173	531	2,704
Carl J. Kunasek (R)	2,397	107	2,504
H. Lavon Payne (R)	1,263	125	1,388
Frank C. Rowland (R)	1,431	197	1,628
"Little Joe" Saggio (R)	593	379	972
James J. Sossaman (R)	3,454	201	3,655

Coconino County, Div. 2

	Total
William J. Meyers (R)	12,315

Maricopa County, Div. 4

Laurens L. Henderson (R)	242,018
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Maricopa County, Div. 8

David Lurie (R)	113,263
Edwin Thurston (D)	167,075

Maricopa County, Div. 10

Charles L. Hardy (D)	242,603
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Maricopa County, Div. 15

Donald F. Froeb (R)	235,787
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Maricopa County, Div. 18

Harold D. Martin (R)	164,658
Daniel R. Salcito (D)	112,131

Maricopa County, Div. 19

Marilyn A. Riddel (R)	246,735
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Maricopa County, Div. 21

Robert C. Broomfield (R)	236,196
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Maricopa County, Div. 22

Phillip W. Marquardt (R)	232,941
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Maricopa County, Div. 23

Gerald J. Strick (R)	233,455
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Maricopa County, Div. 24

Rufus C. Coulter, Jr. (R)	232,550
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Maricopa County, Div. 25

Charles D. Roush (R)	234,069
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Maricopa County, Div. 26

Lawrence H. Doyle, Jr. (R)	232,991
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Total**Maricopa County, Div. 27**

C. Kimball Rose (R)	238,471
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Pima County, Div. 3

Robert O. Royston (R)	97,063
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Pima County, Div. 4

Lawrence W. Galligan (R)	88,261
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Pima County, Div. 8

Jack G. Marks (D)	89,264
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Pima County, Div. 12

J. Richard Hannah (R)	87,924
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Pinal County, Div. 1

T. J. Mahoney (D)	12,271
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Yuma County, Div. 2

John A. McGuire (D)	12,229
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STATE LEGISLATURE

DISTRICT NO. 1			Mohave	Yuma	Yavapai	Total	
State Senator							
Boyd Tenney (R)			6,253	302	12,853	19,408	
State Representative							
Ray Everett (R)			5,997	279	12,099	18,375	
Gladys Gardner (R)			6,051	251	12,138	18,440	
DISTRICT NO. 2	Mohave	Yavapai	Coconino	Gila	Maricopa	Navajo	Total
State Senator							
Tony Gabaldon (D)	49	466	8,017	815	383	2,077	11,807
Larry Loven (R)	172	586	4,827	1,116	1,140	1,335	9,176
State Representative							
Boyd A. Shumway (D)	87	425	5,176	837	415	2,406	9,346
Mike Clifton (D)	55	401	5,246	675	379	1,808	8,564
Sam A. McConnell (R)	153	606	7,181	1,123	1,105	1,123	11,291
John Wettaw (R)	116	536	5,881	977	1,047	970	9,527
DISTRICT NO. 3			Navajo	Apache	Coconino	Total	
State Senator							
Arthur J. Hubbard, Sr. (D)			2,160	3,539	2,672	8,371	
Fred Burke (R)			918	1,713	1,614	4,245	
State Representative							
Jack A. Brown (D)			1,780	3,611	2,755	8,146	
Benjamin Hanley (D)			2,112	3,400	2,894	8,406	
Winifred Becenti Hall Sims (R)			1,369	1,861	1,799	5,029	
DISTRICT NO. 4	Apache	Gila	Graham	Greenlee	Navajo	Pinal	Total
State Senator							
A. V. "Bill" Hardt (D)	675	6,233	138	2,252	2,152	1,291	12,741
Earl C. Cunningham (R)	673	1,557	59	791	2,806	370	6,256
State Representative							
Edward (G. (Bunch) Guerrero (D)	933	6,363	147	2,616	3,112	1,394	14,565
E. C. "Polly" Rosenbaum (D)	961	6,817	160	2,641	3,437	1,262	15,278

2016

LAWS OF ARIZONA

DISTRICT NO. 5					
	Yuma			Total	
State Senator					
Harold C. Giss (D)	11,783			11,783	
State Representative					
Elwood W. "Brad" Bradford (D)	10,439			10,439	
Jones Osborn (D)	10,824			10,824	
DISTRICT NO. 6					
	Maricopa	Pima	Pinal	Total	
State Senator					
Bob Stump (D)	4,738	1,567	3,437	9,742	
State Representative					
G. T. (Tom) Alley (D)	3,954	1,581	2,575	8,110	
Polly Getzwiller (D)	4,095	1,421	3,490	9,006	
DISTRICT NO. 7					
	Pima	Pinal	Santa Cruz	Gila	Total
State Senator					
William L. Swink (D)	2,757	6,715	1,852	668	11,992
State Representative					
Craig E. Davids (D)	2,633	6,494	1,485	603	11,215
Richard "Dick" Pacheco (D)	2,615	5,423	2,088	623	10,749
DISTRICT NO. 8					
	Graham	Greenlee	Cochise	Total	
State Senator					
Charles A. Awalt (D)	5,186	687	10,841	16,714	
State Representative					
H. F. "Hank" Fenn (D)	3,785	540	8,975	13,300	
Ed C. Sawyer (D)	4,379	545	8,265	13,189	
Walter L. (Walt) Foster (R)	1,658	279	5,345	7,282	

DISTRICT NO. 9				
	Cochise	Santa Cruz	Pima	Total
State Senator				
John (C.) Scott Ulm (D)	2,533	660	7,100	10,293
Clint Mellor (R)	1,915	889	3,939	6,743
State Representative				
Jim Dewberry (D)	1,763	683	5,874	8,320
David F. "Lucky" Lindsay (D)	1,877	565	4,766	7,208
Charles F. Bonnet (R)	2,122	770	4,897	7,789
Thomas B. Richey (R)	2,565	779	5,368	8,712
DISTRICT NO. 10				
		Pima	Total	
State Senator				
Sam Lena (D)		12,163	12,163	
State Representative				
Larry Bahill (D)		9,588	9,588	
Bernardo M. "Nayo" Cajero (D)		9,592	9,592	
Dan Eckstrom (R)		4,791	4,791	
DISTRICT NO. 11				
		Pima	Total	
State Senator				
Frank J. Felix (D)		14,419	14,419	
State Representative				
Emilio Carrillo (D)		10,448	10,448	
R. P. "Bob" Fricks (D)		9,145	9,145	
Alfred (Skip) S. Donau III (R)		6,099	6,099	
James (Jim) R. Madson (R)		5,408	5,408	
Johnny W. Bowens (GNU)		1,491	1,491	

DISTRICT NO. 12	Pima	Total
State Senator		
Douglas S. Holsclaw (R)	16,875	16,875
Carolyn Meinel Henson (GNU)	4,743	4,743

State Representative		
Martin Bedford (D)	8,717	8,717
Jim Magner (D)	10,308	10,308
Thomas N. "Tom" Goodwin (R)	12,018	12,018
Pete Hershberger (R)	11,750	11,750
Mary Janet "Jinx" Damon (GNU)	2,414	2,414
Lawrence Oliver (AIF)	574	574

DISTRICT NO. 13	Pima	Total
State Senator		
Dr. James J. DiPietro (D)	9,421	9,421
Scott Alexander (R)	15,450	15,450

State Representative		
Helen Grace Carlson (D)	11,587	11,587
(Bob) Robert F. Walmer (D)	9,861	9,861
H. Thomas (Tam) Kincaid (R)	13,958	13,958
Albert C. Williams (R)	11,074	11,074

DISTRICT NO. 14	Pima	Total
State Senator		
William C. Jacquin (R)	21,227	21,227

State Representative		
Anna J. Cullinan (D)	10,440	10,440
Robert Proctor (D)	9,460	9,460
W. A. (Tony) Buehl (R)	15,266	15,266
Charles W. King (R)	12,696	12,696

DISTRICT NO. 15	Maricopa	Yuma	Total
State Senator			
Ewell M. Collins (D)	5,940	127	6,067
S. H. "Hal" Runyan (R)	12,946	85	13,031

State Representative			
Cornelio "Corne" Arvizu (D)	5,339	92	5,431
Marabell L. Krauth (D)	5,509	110	5,619
J. Herbert Everett (R)	12,856	94	12,950
James B. Ratliff (R)	13,122	90	13,212

DISTRICT NO. 16	Maricopa	Total
State Senator		
Wm. T. (Bill) Crowley (D)	9,305	9,305
Bob Strother (R)	14,627	14,627

State Representative		
Nancy Lowe (D)	7,720	7,720
Donna Willey (D)	8,839	8,839
Diane B. McCarthy (R)	14,459	14,459
Don Stewart (R)	14,832	14,832

DISTRICT NO. 17	Maricopa	Total
State Senator		
Audrey E. Kaslo (D)	6,458	6,458
Fred Koory, Jr. (R)	15,300	15,300

State Representative		
Chris Lawlor (D)	7,088	7,088
John B. Lytle (D)	7,508	7,508
C. W. "Bill" Lewis (R)	13,281	13,281
Anne Lindeman (R)	13,751	13,751

2018

LAWS OF ARIZONA

DISTRICT NO. 18**State Senator**

Zachary Winograd (D)	7,238	7,238
Leo Corbet (R)	15,639	15,639

State Representative

Elaine Warner (D)	9,350	9,350
Burton S. Barr (R)	15,330	15,330
Ruth Peck (R)	14,919	14,919

DISTRICT NO. 19**State Senator**

Madelene Van Arsdell (D)	9,219	9,219
Ray Rottas (R)	13,036	13,036

State Representative

Ron G. Sartor (D)	8,633	8,633
Stan Akers (R)	14,535	14,535
W. A. "Tony" West, Jr. (R)	14,179	14,179

DISTRICT NO. 20**State Senator**

John Vanlandingham (D)	8,478	8,478
Bess B. Stinson (R)	10,023	10,023

State Representative

Lloyd Adams (D)	7,018	7,018
Harry C. Mosher (D)	7,207	7,207
Howard Adams (R)	9,777	9,777
Bill McCune (R)	11,372	11,372

DISTRICT NO. 21**State Senator**

John J. Helmick (D)	8,055	8,055
Howard S. Baldwin (R)	12,169	12,169

Maricopa

Total

Maricopa

Total

Maricopa

Total

Maricopa

Total

State Representative

Bob Carter (D)	8,039	8,039
Barbara L'Ecuyer (D)	8,364	8,364
Elizabeth Adams Rockwell (R)	11,238	11,238
Jay C. Stuckey (R)	11,721	11,721

DISTRICT NO. 22**State Senator**

Manuel "Lito" Peña (D)	9,371	9,371
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State Representative

Art Hamilton (D)	7,159	7,159
R. G. "Danny" Peña (D)	7,541	7,541
James L. (Jim) Cassavant (R)	4,054	4,054
William A. Herron (R)	4,037	4,037

DISTRICT NO. 23**State Senator**

Alfredo Guteirrez (D)	6,707	6,707
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State Representative

Tony R. Abril (D)	6,026	6,026
Leon Thompson (D)	7,400	7,400
Maxine Provost Brubaker (R)	1,649	1,649
Juanita Leon (NP)	1,226	1,226

DISTRICT NO. 24**State Senator**

Rivko Knox (D)	7,427	7,427
Sandra D. O'Connor (R)	21,613	21,613

State Representative

J. L. (Jerry) Horacek (D)	7,655	7,655
Carl G. Pettijohn (D)	8,837	8,837
Richard Burgess (R)	20,199	20,199
Pete Corpstein (R)	19,512	19,512

Maricopa

Total

Maricopa

Total

Maricopa

Total

DISTRICT NO. 25	Maricopa	Total
State Senator		
Betty Morrison (D)	9,294	9,294
Trudy Camping (R)	10,639	10,639
State Representative		
Pauline M. Hughes (D)	8,763	8,763
Jim Murray (D)	8,843	8,843
D. Lee Jones (R)	9,950	9,950
Jim Skelly (R)	10,991	10,991
DISTRICT NO. 26		
Maricopa		
Total		
State Senator		
Art McBrayer (D)	7,979	7,979
John Roeder (R)	15,692	15,692
State Representative		
Barbara E. Dunham (D)	7,892	7,892
William E. Hegarty (D)	8,003	8,003
Peter Kay (R)	14,229	14,229
Frank Kelley (R)	15,162	15,162
DISTRICT NO. 27		
Maricopa		
Total		
State Senator		
Richard S. (Dick) Berry (D)	10,469	10,469
James A. (Jim) Mack (R)	14,613	14,613
State Representative		
Eliza M. Carney (D)	10,175	10,175
M. E. "Mike" St. George (D)	10,134	10,134
Michael Goodwin (R)	14,530	14,530
Juanita Harelson (R)	14,019	14,019

DISTRICT NO. 28	Maricopa	Total	
State Senator			
David B. Kret (R)	19,891	19,891	
State Representative			
Earnest F. Romero (D)	7,785	7,785	
Americo "Mac" Carvalho (R)	14,808	14,808	
Bob Hungerford (R)	18,003	18,003	
DISTRICT NO. 29			
Maricopa			
Total			
State Senator			
D. Delos Ellsworth (R)	15,253	15,253	
State Representative			
James Leo Foran (D)	5,548	5,548	
Joseph S. Jarvis (D)	6,388	6,388	
Jim Cooper (R)	12,030	12,030	
Jack J. Taylor (R)	13,148	13,148	
DISTRICT NO. 30			
Maricopa			
Final			
Total			
State Senator			
Clifford L. Searcy (D)	4,909	792	5,701
Stan Turley (R)	11,949	1,317	13,266
State Representative			
Barbara A. Stribling (D)	5,620	886	6,506
Charles A. Russell (D)	5,093	910	6,003
Carl J. Kunasek (R)	10,082	1,100	11,182
James J. Sossaman (R)	11,445	1,069	12,514

2020 LAWS OF ARIZONA

OFFICIAL CANVASS — NOVEMBER 7, 1972

**RECOMMENDATIONS OF THE COMMITTEE ON SALARIES; PROPOSED AMENDMENTS TO THE CONSTITUTION;
A MEASURE PROPOSED BY INITIATIVE PETITION OF THE PEOPLE**

	Apache	Cochise	Coco- nino	Gila	Graham	Green- lee	Mari- copa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total
Recommendations of the Commission on Salaries for elected State Officials as to Legislative salaries have been certified to the Secretary of State and are hereby submitted to the qualified electors for their approval or rejection.															
100 YES	2,122	6,158	6,118	3,013	1,475	1,017	120,035	2,531	3,375	53,607	5,557	1,277	5,457	5,872	217,614
100 NO	2,116	8,979	6,133	5,516	2,978	1,901	167,006	3,496	5,173	55,426	8,287	1,597	8,357	6,720	283,685
SCR 3 Proposing an amendment to the Constitution of Arizona relating to the Legislature; prescribing procedure for reading of bills, and amending Article 4, Part 2, Section 12, Constitution of Arizona.															
101 YES	2,260	8,602	8,995	4,202	2,185	1,314	185,969	3,288	4,381	76,208	7,077	1,736	7,542	5,573	319,332
101 NO	1,706	5,868	3,464	3,728	1,925	1,395	86,810	2,403	3,682	27,809	5,674	881	5,468	6,180	156,993
SCR 9 Proposing an amendment of the Constitution of Arizona relating to Suffrage and Elections; prescribing the qualifications for public office, and amending Article 7, Section 15, Constitution of Arizona.															
102 YES	2,270	8,502	8,307	3,785	2,011	1,259	174,940	3,037	4,247	69,304	6,866	1,623	7,053	6,714	299,918
102 NO	1,682	5,853	3,828	4,069	2,075	1,453	95,951	2,651	3,742	33,559	6,107	987	5,808	4,887	172,652
SCR 1017 Proposing an amendment to the Constitution of Arizona relating to employment of children and amending Article 18, Section 2, Constitution of Arizona.															
103 YES	2,442	8,260	8,028	4,318	2,361	1,406	168,309	3,025	4,580	66,284	7,108	1,575	7,317	7,342	292,355
103 NO	1,712	6,853	5,288	4,010	1,981	1,449	123,191	2,918	3,877	44,663	6,623	1,225	6,448	5,106	215,344
SCR 1006 Proposing an amendment to the Constitution of Arizona relating to Juries; providing that number of jurors be specified by law, and amending Article 2, Section 23, Constitution of Arizona.															
104 YES	2,608	8,955	9,338	4,582	2,459	1,590	191,477	3,300	5,062	71,794	8,478	1,824	8,371	6,127	325,965
104 NO	1,490	5,905	3,587	3,643	1,821	1,237	94,612	2,453	3,271	37,874	5,313	993	5,163	6,280	173,642
HCR 2003 Proposing an amendment to the Constitution of Arizona relating to corporations; abolishing the Corporation Commission; providing for a Public Utilities Commission; defining public service corporations; defining common carriers; prescribing powers and duties of the Commission; providing for right to connect for interest lines of transportation and communication; providing for the filing of new rate schedules and related information; prescribing the value of property and rate of return of public service corporations; providing for a con-															

	Apache	Cochise	Coco- nino	Gila	Graham	Green- lee	Mari- copa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	Total
tinuation of existing rights; providing for appeals to courts; repealing Article 14, Sections 8 and 17, Constitution of Arizona; repealing Article 15, Constitution of Arizona and amending the Constitution of Arizona by adding a new article 15.															
105 YES	1,983	6,426	6,299	3,038	1,646	1,020	130,642	2,596	3,550	42,747	5,676	1,249	5,241	4,773	216,886
105 NO	1,951	8,735	6,178	5,037	2,513	1,714	157,748	3,262	4,503	67,219	8,362	1,471	7,404	7,090	283,187
SCR 1018 Proposing an amendment to the Constitution of Arizona relating to public debt, revenue and taxation; authorizing indebtedness for cities and towns to acquire and develop land for open space preserves, parks, playgrounds and recreational facilities, and amending Article 9, Section 8, Constitution of Arizona.															
106 YES	2,267	8,682	8,509	4,080	2,114	1,329	179,484	2,976	4,367	74,414	7,009	1,703	6,787	6,905	310,626
106 NO	1,732	6,102	4,206	4,065	2,111	1,450	107,376	2,685	3,834	32,780	6,502	1,023	6,618	5,300	185,784
HCR 2004 Proposing an amendment to the Constitution of Arizona relating to the courts; prescribing jurisdiction of superior court in civil actions when the amount involved is one thousand dollars or more, and amending Article 6, Sections 14 and 22, Constitution of Arizona.															
107 YES	2,431	9,066	8,965	4,428	2,354	1,400	193,460	3,311	4,559	77,631	8,424	1,766	8,234	7,851	333,880
107 NO	1,514	5,319	3,389	3,520	1,750	1,309	83,474	2,269	3,466	27,505	4,856	891	4,840	4,043	148,145
HCR 2013 Proposing amending of the Constitution of Arizona relating to motor vehicle registration; amending Article 9, Section 11, Constitution of Arizona, and proposing amendment of Article 9, Constitution of Arizona by adding a new Section 11 to become effective from and after December 31, 1973.															
108 YES	1,942	7,691	6,994	3,672	2,056	1,059	179,920	2,883	3,937	71,272	6,965	1,584	7,313	6,651	303,939
108 NO	2,051	7,154	5,657	4,443	2,133	1,713	104,598	2,823	4,206	36,944	6,688	1,108	6,066	5,550	191,134
SCR 1001 Proposing an amendment to the Constitution of Arizona relating to composition of the Legislature and Legislative Districts, and amending Article 4, Part 2, Section 1, Constitution of Arizona.															
109 YES	2,139	8,536	8,626	3,571	1,966	1,189	183,193	3,069	4,119	70,659	7,636	1,607	7,138	5,353	308,801
109 NO	1,680	5,707	3,517	4,137	2,047	1,463	90,380	2,422	3,686	29,571	5,419	890	5,401	6,230	162,550
Relating to taxation; providing for preemption by the state of income and luxury taxation; establishing an urban revenue sharing fund; providing for the distribution thereof to cities and towns; providing for the distribution of income taxes; providing for the uniform collection and administration of transaction privilege license taxes and use taxes; amending Title 43, Chapter 1, Article 1, by adding sections 43-102.01 and 43-196.01; amending Title 42, Chapter 7, Article 1, by adding Section 42-1204.01; amending Section 43-196, Arizona Revised Statutes; and amending Title 42, Chapter 8 by adding new Article 3.															
200 YES	1,741	8,650	6,339	3,157	1,593	1,336	158,616	2,163	3,602	65,589	6,130	1,748	4,219	4,385	269,268
200 NO	2,313	6,771	6,420	5,163	2,701	1,715	135,892	3,876	4,930	40,916	7,782	1,118	10,072	8,409	238,078

INDEX TO ACTS

INDEX

INDEX TO ACTS

THIRTY-FIRST LEGISLATURE

FIRST REGULAR SESSION

A

	Bill No.	Ch.	Page
GENERAL PROVISIONS (Title 1)			
state holidays	1029	1	3
holidays—Memorial day	2246	27	195
equal rights	2280	172	1655
AERONAUTICS (Title 2)			
aeronautics tax distribution	1102	19	183
airport police appointment	1131	85	557
department of transportation	1143	146	1017
equal rights	2280	172	1655
airstrip length restriction	2191	168	1634
AGRICULTURE & DAIRYING (Title 3)			
revenue department	1019	123	716
egg inspection fee increase	1115	77	540
Arizona Revised Statutes; conforming changes	2003	157	1238
department of health services	2004	158	1306
brucellosis, tuberculosis control	2104	24	189
seed law amendments	2173	167	1625
equal rights	2280	172	1655
establishing certain revolving funds	2289	173	1725
ALCOHOLIC BEVERAGES (Title 4)			
equal rights	2280	172	1655
AMUSEMENTS & SPORTS (Title 5)			
revenue department	1019	123	716
reports, bingo small game license	2042	132	908
APPROPRIATIONS			
Accountancy Board			
general appropriation	2314	184	1864
Administration Department			
general appropriation	2314	184	1864
capital outlay	2315	176	1755

	Bill No.	Ch.	Page
Aeronautics Department			
general appropriation	2314	184	1864
supplemental appropriation	2204	61	313
capital outlay	2315	176	1755
Agricultural Employment Relations Board			
general appropriation	2314	184	1864
supplemental appropriation	2088	4	6
Agriculture & Horticulture			
general appropriation	2314	184	1864
capital outlay	2315	176	1755
Apprenticeship Council			
general appropriation	2314	184	1864
Arizona State University			
general appropriation	2314	184	1864
capital outlay	2037	93	579
Arts & Humanities Commission			
general appropriation	2314	184	1864
Athletic Commission			
general appropriation	2314	184	1864
Atomic Energy Commission			
general appropriation	2314	184	1864
supplemental appropriation	2183	26	194
atomic energy commission— compensation	2182	35	244
Attorney General—Department of Law			
general appropriation	2314	184	1864
Auditor General			
appropriation—office rental	2206	37	247
Banking Department			
general appropriation	2314	184	1864
Barber Examiners Board			
general appropriation	2314	184	1864
Building Codes Division (Registrar of Contractors)			
general appropriation	2314	184	1864
supplemental appropriation	2040	2	4
Chiropractic Board			
general appropriation	2314	184	1864
Civil Rights Commission			
general appropriation	2314	184	1864
Coliseum & Exposition Board			
general appropriation	2314	184	1864
appropriation; establishing certain revolving funds	2289	173	1725
Community College Board			
general appropriation	2314	184	1864

	Bill No.	Ch.	Page
Contractors, Registrar			
general appropriation	2314	184	1864
Copper Tariff Board			
general appropriation	2314	184	1864
Corporation Commission			
general appropriation	2314	184	1864
supplemental appropriation	2146	14	176
Corrections Department			
general appropriation	2314	184	1864
capital outlay	2315	176	1755
Cosmetology Board			
general appropriation	2314	184	1864
Court of Appeals			
court of appeals departments	1156	147	1183
general appropriation	2314	184	1864
Crippled Children's Services			
general appropriation	2314	184	1864
supplemental appropriation	2316	177	1763
transfer of crippled children's hospital	2134	56	295
transfer of sanatorium	2089	9	165
Dairy Commissioner			
general appropriation	2314	184	1864
Deaf & Blind School			
general appropriation	2314	184	1864
capital outlay	2315	176	1755
Dental Board			
general appropriation	2314	184	1864
Economic Planning & Development			
general appropriation	2314	184	1864
Economic Security Department (welfare programs)			
stipends for ex-offenders	1311	152	1230
appropriation to increase revolving fund	2135	39	249
general appropriation	2314	184	1864
Education Department			
college integration; state community system	2208	169	1636
exceptional children; education plan; facilities	2256	181	1804
general appropriation	2314	184	1864
Egg Inspection Board			
general appropriation	2314	184	1864
Emergency Service & Military Affairs			
general appropriation	2314	184	1864
capital outlay	2315	176	1755

	Bill No.	Ch.	Page
Employment Security Commission appropriation; model ex-offenders' program	1076	83	555
Estate Tax Commissioner general appropriation	2314	184	1864
Finance Department, State general appropriation	2314	184	1864
appropriation (elevators)	2180	15	177
supplemental appropriation (retirement)	2291	72	334
claims for relief	2313	175	1735
supplemental appropriation (personal services)	2207	38	248
Flood Control flood control assistance, appropriation	1104	40	250
water commission, appropriation	1152	117	708
Funeral Directors & Embalmers general appropriation	2314	184	1864
Game & Fish Commission general appropriation	2314	184	1864
appropriation, establishing certain revolving funds	2289	173	1725
capital outlay	2315	176	1755
Governor general appropriation	2314	184	1864
state insurance	1334	156	1236
department of health services	2004	158	1306
Governor—Ranger's Pensions general appropriation	2314	184	1864
Health Department general appropriation	2314	184	1864
amending department of health appropriation	2093	20	184
transfer of sanatorium	2089	9	165
capital outlay	2315	176	1755
Health Planning Authority general appropriation	2314	184	1864
health care institutions; financial records	2008	127	866
Highway Department general appropriation	2314	184	1864
annual vehicle inspections	1056	144	1011
capital outlay	2315	176	1755
Historical Society, Arizona general appropriation	2314	184	1864

	Bill No.	Ch.	Page
Historical Society, Prescott			
general appropriation	2314	184	1864
capital outlay	2315	176	1755
Hospital, State			
general appropriation	2314	184	1864
appropriation, establishing certain revolving funds	2289	173	1725
capital outlay	2315	176	1755
Indian Affairs Commission			
general appropriation	2314	184	1864
Industrial Commission			
general appropriation	2314	184	1864
capital outlay	2315	176	1755
Insurance Department			
general appropriation	2314	184	1864
Judicial Qualifications			
general appropriation	2314	184	1864
Junior Colleges (see Community Colleges)			
Justice Planning Agency			
general appropriation	2314	184	1864
Land Department			
general appropriation	2314	184	1864
reallocation of funds to land commissioner	2085	3	5
capital outlay	2315	176	1755
Law Enforcement Merit System			
general appropriation	2314	184	1864
Legislature—Thirty-first			
general appropriation	2314	184	1864
Senate & House (current expenses)	1330	121	714
Library & Archives—Library Extension			
general appropriation	2314	184	1864
Liquor Licenses & Control			
general appropriation	2314	184	1864
Livestock Sanitary Board			
general appropriation	2314	184	1864
supplemental appropriation	2181	25	193
Medical Examiners Board			
general appropriation	2314	184	1864
Mental Retardation Department			
general appropriation	2314	184	1864
transfer of crippled children's hospital	2134	56	295
capital outlay	2315	176	1755
Mine Inspector			
general appropriation	2314	184	1864
mines—deputy inspectors	2152	89	564

	Bill No.	Ch.	Page
Mineral Resources			
general appropriation	2314	184	1864
National Guard			
supplemental appropriation	2309	65	318
Naturopathic Board of Examiners			
general appropriation	2314	184	1864
Northern Arizona University			
general appropriation	2314	184	1864
capital outlay	2037	93	579
Nursing Board			
general appropriation	2314	184	1864
Oil & Gas Conservation Commission			
general appropriation	2314	184	1864
Opticians Dispensing Board			
general appropriation	2314	184	1864
Optometry Board			
general appropriation	2314	184	1864
Osteopathic Examiners Board			
general appropriation	2314	184	1864
Outdoor Recreation Coordinating Commission			
general appropriation	2314	184	1864
Pardons & Paroles Board			
general appropriation	2314	184	1864
Parks Board			
general appropriation	2314	184	1864
lapsing appropriations	2086	17	179
capital outlay	2315	176	1755
Personnel Administration Division			
general appropriation	2314	184	1864
supplemental appropriation (insurance)	2137	13	175
Pesticide Control Board			
general appropriation	2314	184	1864
Pharmacy Board			
general appropriation	2314	184	1864
Physical Therapy Board			
general appropriation	2314	184	1864
Pioneers' Home			
general appropriation	2314	184	1864
Podiatry Examiners Board			
general appropriation	2314	184	1864
Private Technical & Business School Board			
general appropriation	2314	184	1864
Property Tax Appeals Board			
general appropriation	2314	184	1864
personal services, current expenses	1328	115	655

	Bill No.	Ch.	Page
Property Valuation Department			
general appropriation	2314	184	1864
Psychologist Examiners Board			
general appropriation	2314	184	1864
Public Buildings Maintenance			
general appropriation	2314	184	1864
appropriation, department of finance			
(purchase Tucson property)	2118	11	173
appropriation, (moving expenses)	2288	63	316
supplemental appropriation	2307	64	317
Public Safety Department			
general appropriation	2314	184	1864
supplemental appropriation	2039	12	174
capital outlay	2315	176	1755
Public Welfare Department (see Economic Security Department)			
Racing Commission			
general appropriation	2314	184	1864
Real Estate Board			
general appropriation	2314	184	1864
Regents, Board of			
general appropriation	2314	184	1864
capital outlay, Universities	2037	93	579
radiotherapy center—establishment			
time extended	2293	28	196
Registrar of Contractors (see Contractors, Registrar)			
Relief Appropriations (see Finance Department)			
Retirement System Board			
general appropriation	2314	184	1864
School Board Association			
general appropriation	2314	184	1864
membership authorized	2292	131	905
Secretary of State			
general appropriation	2314	184	1864
supplemental appropriation (recall)	2317	137	965
Structural Pest Control Board			
general appropriation	2314	184	1864
Superintendent of Public Instruction (see Education Department)			
Superior Courts			
general appropriation	2314	184	1864
Supreme Court			
general appropriation	2314	184	1864

	Bill No.	Ch.	Page
Surplus Property Division			
general appropriation	2314	184	1864
Tax Commission			
general appropriation	2314	184	1864
Technical Registration Board			
general appropriation	2314	184	1864
Treasurer, State			
general appropriation	2314	184	1864
family counseling programs	2079	161	1594
appropriation, establishing certain			
revolving funds	2289	173	1725
property tax relief for 1973	2311	182	1815
Uniform State Laws Commission			
general appropriation	2314	184	1864
University of Arizona			
general appropriation	2314	184	1864
capital outlay	2037	93	579
radiotherapy center—establishment			
time extended	2293	28	196
Veterans Service Commission			
general appropriation	2314	184	1864
Veterinary Medical Examining Board			
general appropriation	2314	184	1864
Water Commission			
general appropriation	2314	184	1864
flood control assistance	1104	40	250
flood control—appropriation	1152	117	708
Watercraft Licensing (Game & Fish			
Commission)			
general appropriation	2314	184	1864
Weights & Measures, Inspector			
general appropriation	2314	184	1864
Welfare Programs (see Economic Security)			
WITCHE (Regents, Board of)			
general appropriation	2314	184	1864

B

BANKS & FINANCIAL INSTITUTIONS (Title 6)

probate code revision	2002	75	347
bank organization & regulation	2019	116	658
state banking department	2024	32	225
clearing corporations—definition—			
deposit authority	2250	90	568

C

	Bill No.	Ch.	Page
CHILDREN (Title 8)			
department of transportation	1143	146	1017
crimes—expunging of records	1201	126	864
adoption consent	1315	50	277
Arizona Revised Statutes; conforming changes	2003	157	1238
department of health services	2004	158	1306
family counseling programs	2079	161	1594
children; corrections commitment & discharge	2096	162	1598
CITIES & TOWNS (Title 9)			
urban environment management	1026	178	1764
lighting regulation	1100	109	639
cities—incorporation election—services	1194	112	649
change from town to city	1195	86	558
equal rights	2280	172	1655
public employees—tax deferred annuity	2269	91	572
volunteer fire company funds—retention	2057	5	6
CORPORATIONS & ASSOCIATION (Title 10)			
revenue department	1019	123	716
real estate investment trusts—taxation	1060	29	197
bank organization & regulation	2019	116	658
COUNTIES (Title 11)			
civil action fees	1071	107	634
county fair fund—appropriations	1085	108	637
lighting regulation	1100	109	639
Pima county boundary	1329	101	596
Arizona Revised Statutes; conforming changes	2003	157	1238
department of health services	2004	158	1306
county building code—fees	2065	23	188
equal rights	2280	172	1655
public employees—tax deferred annuity	2269	91	572
COURTS & CIVIL PROCEEDINGS (Title 12)			
revenue department	1019	123	716
political subdivision arbitration	1073	82	554
uniform landlord, tenant act	1096	103	600
court of appeals departments	1156	147	1183
unclaimed property—publication of notice	1189	105	626
probate code revision	2002	75	347

	Bill No.	Ch.	Page
superior courts, sessions	2279	102	597
equal rights	2280	172	1655
department of state	2151	88	561
CRIMINAL CODE (Title 13)			
degrees of murder; punishment	1005	138	966
crimes—expunging of records	1201	126	864
return of stolen property	1224	84	556
animals—cruelty & abandonment	1317	179	1799
equal rights	2280	172	1655
D			
DECEDENT'S ESTATES & FIDUCIARY RELATIONS (Title 14)			
fiduciaries—geothermal leases	1106	22	186
probate code revision	2002	75	347
clearing corporations—definition— deposit authority	2250	90	568
E			
EDUCATION (Title 15)			
deaf-blind school minimum age	1099	48	274
drugs, alcohol, tobacco effects instruction	1203	76	538
October third grade reading tests	1206	98	593
Arizona Revised Statutes; conforming changes	2003	157	1238
elections, school trustees; general	2055	183	1831
college integration; state community system	2208	169	1636
community college districts, personal property	2209	70	330
exceptional children; education plan; facilities	2256	181	1804
equal rights	2280	172	1655
establishing certain revolving funds	2289	173	1725
school board association membership authorized	2292	131	905
property tax relief for 1973	2311	182	1815
school pay twelve months	2107	54	292
school board members—elect—expenses	2213	62	314
community college establishments; removing authority	2285	67	321

LAWS OF ARIZONA

2035

	Bill No.	Ch.	Page
ELECTIONS (Title 16)			
Arizona Revised Statutes; conforming changes	2003	157	1238
elections, school trustees; general	2055	183	1831
labor, election contribution	2122	134	954
equal rights	2280	172	1655
 G			
GAME & FISH (Title 17)			
establishing certain revolving funds	2289	173	1725
 H			
HIGHWAYS & BRIDGES (Title 18)			
department of transportation	1143	146	1017
highway department records—computer storage	1182	78	541
 I			
INITIATIVE, REFERENDUM & RECALL (Title 19)			
initiative, referendum & recall	2020	159	1559
INSURANCE (Title 20)			
department of transportation	1143	146	1017
insolvent insurer—subrogation	1259	119	711
state insurance	1334	156	1236
state compensation fund, examination of	2022	30	220
insurance, departmental deadline dates	2027	160	1583
insurance, health maintenance organizations	2043	128	873
insurance premium taxes	2237	135	955
 J			
JURIES (Title 21)			
investigation of county attorney's office	1034	81	553
JUSTICES OF THE PEACE (Title 22)			
justice of peace fees	1032	143	1010

L

	Bill No.	Ch.	Page
LABOR (Title 23)			
workmen's compensation; agricultural workers	1012	136	958
Arizona Revised Statutes; conforming changes	2003	157	1238
workmen's compensation	2098	133	924
employment security	2114	164	1609
competency certificate, escalator repair	2121	42	258
equal rights	2280	172	1655
school pay twelve months	2107	54	292
workmen's compensation—occupational disease	2063	53	283
equal wages	2242	66	319
LAND DEPARTMENT, STATE			
land use policy guidelines—appropriation	1331	154	1233
LEGISLATURE			
annual vehicle inspections (report to)	1056	144	1011
appropriation to legislature (current expenses)	1330	121	714
LIVESTOCK & ANIMALS (Title 24)			
Arizona Revised Statutes; conforming changes	2003	157	1238
department of health services	2004	158	1306
equal rights	2280	172	1655
brucellosis, tuberculosis control	2104	24	189
recording livestock earmark	2172	166	1624

M

MARITAL & DOMESTIC RELATIONS (Title 25)			
marriage dissolution; child custody	1007	139	973
probate code revision	2002	75	347
department of health services	2004	158	1306
equal rights	2280	172	1655
MILITARY (Title 26)			
department of transportation	1143	146	1017
Arizona Revised Statutes; conforming changes	2003	157	1238

	Bill No.	Ch.	Page
department of health services	2004	158	1306
equal rights	2280	172	1655
MINERALS, OIL & GAS (Title 27)			
mines, deputy inspectors	2152	89	564
equal rights	2280	172	1655
oil—gas—notice—fees—hearings	2131	43	258
state land commission fees	2193	60	303
MOTOR VEHICLES (Title 28)			
licensing of motor vehicle dealers	1024	124	844
annual vehicle inspections (report to legislature)	1056	144	1011
protection for governor	1105	104	626
highway department—public records	1140	47	272
operation of tow trucks	1141	73	335
department of transportation	1143	146	1017
highway department records —computer storage	1182	78	541
commercial vehicle weight fees	1183	148	1187
funeral processions—escort vehicles	1226	118	709
implied consent—license suspension	1267	150	1224
Arizona Revised Statutes; conforming changes	2003	157	1238
department of health services	2004	158	1306
mobile homes, highway movement of	2064	10	171
motor vehicle, height limitation	2115	69	328
highway department hours	2133	55	294
plates for undercover vehicles	2187	59	302
use fuel tax, quarterly reports	2106	18	180
P			
PARTNERSHIP (Title 29)			
limited partnership—formation requirements	2012	16	178
equal rights	2280	172	1655
PIMA COUNTY			
Pima county boundary	1329	101	596
POWER (Title 30)			
department of health services	2004	158	1306
atomic energy commission—compensation	2182	35	244

	Bill No.	Ch.	Page
PRISONS & PRISONERS (Title 31)			
parolee supervision; out-of-state; hearings	1006	80	550
Arizona Revised Statutes; conforming			
changes	2003	157	1238
prisoner's release—funds; trust funds	2159	165	1622
equal rights	2280	172	1655
PROFESSIONS & OCCUPATIONS (Title 32)			
mechanic's liens	1010	140	995
department of transportation	1143	146	1017
state nursing board	1170	145	1012
Arizona Revised Statutes; conforming			
changes	2003	157	1238
department of health services	2004	158	1306
sale of subdivided lands	2061	129	886
water supply for subdivision lots	2100	94	580
certified public accountants	2112	130	894
barber training, examinations, fees	2113	163	1600
contractors	2273	170	1642
equal rights	2280	172	1655
PROPERTY (Title 33)			
mechanic's liens	1010	140	995
uniform landlord, tenant act	1096	103	600
department of health services	2004	158	1306
equal rights	2280	172	1655
department of state	2151	88	561
PUBLIC BUILDINGS & IMPROVEMENTS (Title 34)			
public buildings—construction			
requirements	2045	34	239
PUBLIC FINANCES (Title 35)			
revenue department	1019	123	716
department of transportation	1143	146	1017
interest distribution; county held monies	1302	151	1228
Arizona Revised Statutes; conforming			
changes	2003	157	1238
department of health services	2004	158	1306
establishing certain revolving funds	2289	173	1725
finance; budget unit funds; transfer	2290	71	332
PUBLIC HEALTH & SAFETY (Title 36)			
department of transportation	1143	146	1017
smoking in public areas	1313	122	715

	Bill No.	Ch.	Page
birth certificates; birthplace	1316	51	278
public health midwives	1321	114	654
abortion—refusal to act	1333	155	1235
probate code revisions	2002	75	347
Arizona Revised Statutes; conforming changes	2003	157	1238
department of health services	2004	158	1306
health care institutions; financial records	2008	127	866
safety glazing materials	2161	31	222
equal rights	2280	172	1655
establishing certain revolving funds	2289	173	1725
transfer of sanatorium	2089	9	165
PUBLIC LANDS (Title 37)			
land use planning	1014	141	1002
land use policy guidelines, study	1331	154	1233
Arizona Revised Statutes; conforming changes	2003	157	1238
state lands; authorizing construction on	2074	41	256
state land commission fees	2193	60	303
PUBLIC OFFICERS & EMPLOYEES (Title 38)			
retirement system—investment advisory council	1084	21	185
judges' retirement fund	1155	111	647
repealing employment limitation	1196	97	588
retirement benefits; certain retired members	1212	113	653
firemen's retirement—additional benefits	1294	120	712
Arizona Revised Statutes; conforming changes	2003	157	1238
bank organization & regulation	2019	116	658
public safety personnel—retirement benefits	2117	87	560
equal rights	2280	172	1655
department of state	2151	88	561
public employees—tax deferred annuity	2269	91	572
PUBLIC UTILITIES & CARRIERS (Title 40)			
parcel carriers	2168	180	1801
equal rights	2280	172	1655
use fuel tax—quarterly reports	2106	18	180
excavating in public utility easement	2143	57	297

S

	Bill No.	Ch.	Page
STATE GOVERNMENT (Title 41)			
revenue department	1019	123	716
department of transportation	1143	146	1017
pooled school purchasing	1154	96	586
contracts for consultant services; requirements	1219	149	1220
Indian affairs commission	1238	99	595
stipends for ex-offenders	1311	152	1230
state insurance (appropriation to governor)	1334	156	1236
Arizona Revised Statutes; conforming changes	2003	157	1238
department of health services	2004	158	1306
bank organization & regulation	2019	116	658
children, corrections commitment & discharge	2096	162	1598
equal rights	2280	172	1655
establishing certain revolving funds	2289	173	1725
House & Senate wings, jurisdiction	2310	174	1733
department of state	2151	88	561
repealing nonlapsing provisions	2148	58	301
emergency medical services—personnel classification	2200	36	246

T

TAXATION (Title 42)			
revenue department	1019	123	716
assessment change notice	1022	44	262
taxation—mobile home registration fees	1065	33	235
department of transportation	1143	146	1017
luxury tax stamps; discounted prices	1158	8	162
state board property tax appeals	1328	115	655
probate code revision	2002	75	347
Arizona Revised Statutes; conforming changes	2003	157	1238
equal rights	2280	172	1655
county treasurers, back tax books	2297	92	578
property tax relief for 1973	2311	182	1815
TAXATION OF INCOME (Title 43)			
revenue department	1019	123	716
abatment—certain unpaid income tax	1059	6	8

	Bill No.	Ch.	Page
real estate investment trusts—taxation	1060	29	197
income tax deductions	1087	125	862
gross income deductions	1103	7	10
filing income tax; time extension	1117	95	584
income tax; penalty on balance	1118	45	265
income tax return; fractional dollar	1120	46	266
income tax withholding percentage	2016	68	322
property tax relief for 1973	2311	182	1815
TRADE & COMMERCE (Title 44)			
revenue department	1019	123	716
installment sale—motor vehicles	1089	34	239
motor vehicle odometers	1133	110	646
home solicitation sales—cancellation, nonwaiver	1147	49	275
Arizona Revised Statutes; conforming changes	2003	157	1238
bank organization & regulation	2019	116	658
division of building codes	2025	74	337
real property securities	2275	171	1645
equal rights	2280	172	1655
establishing certain revolving funds	2289	173	1725
clearing corporations—definition—deposit authority	2250	90	568
W			
WATER (Title 45)			
flood control assistance	1104	40	250
waters—dams	1271	79	545
Arizona Revised Statutes; conforming changes	2003	157	1238
department of health services	2004	158	1306
water; floodplain management	2010	106	627
water supply for subdivision lots	2100	94	580
WELFARE (Title 46)			
medical assistance for aged	1016	142	1010
welfare recipients—identification cards	1320	153	1231
Arizona Revised Statutes; conforming changes	2003	157	1238
department of health services	2004	158	1306
equal rights	2280	172	1655
transfer of sanatorium	2089	9	165