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WORKS PROGRESS ADMINISTRATION

HARRY L. HOPKINS, ADMINISTRATOR

CORRINGTON GILL, ASSISTANT ADMINISTRATOR

HOWARD B. MYERS, DIRECTOR
DIVISION OF SOCIAL RESEARCH

ANALYSIS OF CONSTITUTIONAL PROVISIONS
AFFECTING PUBLIC WELFARE IN THE STATE OF
ARIZONA

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PREPARED BY
ROBERT C. LOWE AND DAVID S. LANDER
LEGAL RESEARCH SECTION

UNDER THE SUPERVISION OF
A. ROSS ECKLER, COORDINATOR OF SPECIAL INQUIRIES
DIVISION OF SOCIAL RESEARCH

PREFACE

This bulletin is one of a series presenting State constitutional provisions affecting public welfare, prepared to supplement the State by State digests of public welfare laws so as to provide in abstract form the basis for the public welfare services of the several States.

The provisions quoted are those concerned directly with public welfare administration and such others as may substantially affect a public welfare program, even though only indirectly related. It would be impossible to consider within the limits of this study every remotely connected constitutional provision. The indirectly related provisions included, therefore, have been restricted to those concerning finance, legislation, and the methods of constitutional amendment.

An attempt has been made, by a careful selection of the most recent cases decided by the highest courts of the States, to indicate wherever possible how these provisions have been construed. These cases are included in footnotes appended to the constitutional provisions shown.

It is hoped that these abstracts will be useful to those interested in public welfare questions in indicating how State and local public welfare administration may be affected by constitutional powers and limitations.

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Arizona

ANALYSIS OF CONSTITUTIONAL PROVISIONS AFFECTING
WELFARE IN THE STATE OF ARIZONA¹

I. Incidence of Responsibility for Welfare Program

A. Reformatory and penal institutions and institutions for the benefit of the insane, blind, deaf, and mute, and such other institutions as the public good may require, shall be established and supported by the State in such manner as may be prescribed by law.²

B. * * * The legislature shall also enact such laws as shall provide for the education and care of the deaf, dumb, and blind.³

C. It shall be unlawful to confine any minor under the age of eighteen years, accused or convicted of crime, in the same section of any jail or prison in which adult prisoners are confined. Suitable quarters shall be prepared for the confinement of such minors.⁴

D. No child under the age of 14 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 16 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.⁵

II. Financial Powers and Limitations

A. Taxation and Assessments

(1) State

(a) The power of taxation shall never be surrendered, suspended, or contracted away. All taxes shall be uniform upon the same class of property within the territorial limits of the authority levying

¹Constitution (adopted 1911), as officially published by the State of Arizona and certified to by the Secretary of State (State Document No. 1423); with all amendments to March 15, 1937.

"The provisions of this constitution are mandatory, unless by express words they are declared to be otherwise." Constitution, Art. II, Sec. 32.

²Constitution, Art. XXII, Sec. 15.

³Constitution, Art. XI, Sec. 1.

⁴Constitution, Art. XXII, Sec. 16.

⁵Constitution, Art. XVIII, Sec. 2.

II. Financial Powers and Limitations—Continued

A. Taxation and Assessments—Continued

(1) State—Continued

the tax, and shall be levied and collected for public purposes only.⁶

(b) The lawmaking power shall have authority to provide for the levy and collection of license, franchise, gross revenue, excise, income, collateral and direct inheritance, legacy, and succession taxes; also graduated income taxes, graduated collateral and direct inheritance taxes, graduated legacy and succession taxes, stamp, registration, production, or other specific taxes.⁷

(c) The legislature shall provide by law for an annual tax sufficient, with other sources of revenue, to defray the necessary ordinary expenses of the State for each fiscal year. And for the purpose of paying the State debt, if there be any, the legislature shall provide for the levying of an annual tax sufficient to pay the annual interest and the principal of such debt within 25 years from the final passage of the law creating the debt. No tax shall be levied except in pursuance of law, and every law imposing a tax shall state distinctly the object of

⁶Constitution, Art. IX, Sec. 1.

"The power of the Legislature over taxation under the Constitution of Arizona is almost plenary. It is limited only by the requirement of uniformity, found in section 1, article 9, [this sec.] of the Constitution, the provisions in regard to exemptions found in section 2, article 9, [see p. 4, par. B] and the 'due process' and 'equal protection' provisions of the Federal Constitution." *Oglesby vs. Chandler*, 288 P. 1034, 1038 (1930).

The uniformity requirement of this section applies to property taxes only, and not to excise taxes. Excise taxes include every form of taxation which is not a burden laid directly on property. *Gila Meat Company vs. State*, 35 Ariz. 194, 276 P. 1 (1929); *Morris vs. State*, 40 Ariz. 32, 9 P. (2d) 404 (1932).

Property taxes may be classified provided the tax is uniform on all members of the same class, and provided the classification is reasonable and not arbitrary. A statute for purposes of taxation, which classified tangibles and intangibles, and further divided intangibles into classes, imposing a different rate on each class, was held reasonable and therefore valid. *State Tax Commission vs. Shattuck*, 44 Ariz. 379, 38 P. (2d) 631 (1934).

"The question of what is a public purpose is a changing question, changing to suit industrial inventions and developments, and to meet new social conditions." The existence of an element of business for profit is not conclusive that a proposed activity is not for a public purpose, provided that the primary object of the work is for the general good of all the inhabitants of the governmental unit. The construction of a municipal ice plant for the purpose of manufacturing ice for the inhabitants of a city was held to be a "public purpose" and the city was held authorized to issue bonds payable out of municipal taxes for its construction. *City of Tombstone vs. Macia*, 30 Ariz. 218, 245 P. 677 (1926).

"The State of Arizona and each municipal corporation within the State of Arizona shall have the right to engage in industrial pursuits." Constitution, Art. II, Sec. 34, adopted 1912.

The above section has been held to mean that a municipality may engage in any type of industrial pursuit. *Crandall vs. Town of Safford*, 56 P. (2d) 660 (1936).

⁷Constitution, Art. IX, Sec. 12.

II. Financial Powers and Limitations—Continued

A. Taxation and Assessments—Continued

(1) State—Continued

the tax, to which object only it shall be applied.⁸ * * *

(d) Every law which imposes, continues, or revives a tax shall distinctly state the tax and the objects for which it shall be applied; and it shall not be sufficient to refer to any other law to fix such tax or object.⁹

(e) * * * Whenever the expenses of any fiscal year shall exceed the income, the legislature may provide for levying a tax for the ensuing fiscal year sufficient, with other sources of income, to pay the deficiency, as well as the estimated expenses of the ensuing fiscal year.¹⁰

(f) The manner, method and mode of assessing, equalizing and levying taxes in the State of Arizona shall be such as may be prescribed by law.¹¹

(2) Counties

No provisions.

(3) Other Local Units

(a) Incorporated cities, towns, and villages may be vested by law with power to make local improvements by special assessments or by special taxation of property benefited. For all corporate purposes, all municipal corporations may be vested with authority to assess and collect taxes.¹²

⁸Constitution, Art. IX, Sec. 3.

The provision of this section that every law imposing a tax shall state the object of the tax has been held to apply only to property taxes, and not to other forms of taxation. *City of Glendale vs. Betty*, 43 P. (2d) 206 (1935).

⁹Constitution, Art. IX, Sec. 9.

This section has been held to apply only to property taxes, and not to other forms of taxation. *City of Glendale vs. Betty*, 43 P. (2d) 206 (1935).

¹⁰Constitution, Art. IX, Sec. 4.

¹¹Constitution, Art. IX, Sec. 11, as amended 1912.

¹²Constitution, Art. IX, Sec. 6.

Under this section the power of cities to assess taxes must be conferred by legislative act. Where the Legislature had conferred authority, it was held that a city could impose an occupation tax on the privilege of doing business with rates graduated according to the volume of sales. *City of Glendale vs. Betty*, 43 P. (2d) 206 (1935).

Generally speaking, the only limitations upon the exercise of the power of special assessment are that the improvement must be public in its nature, and must confer a special benefit upon the property assessed. Special assessments, for the purpose of constructing an underground conduit for electric wires previously carried on poles above ground, were held valid, because such construction was a "public improvement" and benefited the adjoining property. *Irish vs. Hahn*, 281 P. 385 (1929).

Special assessments must be approved by a vote of the real property taxpayers. See p. 7, par. (b).

II. Financial Powers and Limitations—Continued

A. Taxation and Assessments—Continued

(3) Other Local Units—Continued

(b) Any city containing, now or hereafter, a population of more than 3,500 may frame a charter for its own government consistent with, and subject to, the constitution and the laws of the State, in the following manner:¹³ * * *.

B. Exemptions

That there shall be exempt from taxation all Federal, State, county, and municipal property. Property of educational, charitable, and religious associations or institutions not used or held for profit may be exempt from taxation by law. Public debt, as evidenced by the bonds of Arizona, its counties, municipalities, or other subdivisions, shall also be exempt from taxation. There shall be further exempt from taxation the property of widows, honorably discharged soldiers, sailors, United States Marines, members of revenue marine service, and army nurses, residents of this state, not exceeding the amount of two thousand dollars, where the total assessment of such widow and such other persons named herein does not exceed five thousand dollars; provided, that no such exemption shall be made for such persons other than widows unless they shall have served at least sixty days in the military or naval service of the United States during time of war, and shall have been residents of this State prior to January 1, 1927. All property in the State not exempt under the laws of the United States or under this constitution, or exempt by law under the provisions of this section shall be subject to taxation to be ascertained as provided by law. This section shall be self-executing.¹⁴

¹³Constitution, Art. XIII, Sec. 2.

This section also provides for the procedure of adopting and amending such charter. Ibid.

The charter or charter amendments, before becoming effective, must be approved by a majority of the qualified electors of the city. Ibid.

In matters of purely "municipal concern" legislation adopted by a charter city will prevail over State legislation conflicting therewith. In matters of "statewide concern," however, State statutes will prevail over local legislation. Regulation of drivers of motor vehicles under the influence of alcohol was held to be a matter of "statewide concern." Clayton vs. State, 38 Ariz. 135, 297 P. 1037 (1931).

Statutes, which set minimum wages and maximum hours on all public work done by the State or any of its subdivisions, were held to be a matter of "statewide concern" and so were controlling in cities operating under a charter form of government. State vs. Jaastad, 43 Ariz. 458, 32 P. (2d) 799 (1934).

¹⁴Constitution, Art. IX, Sec. 2, as amended 1928.

"The power of the Legislature over taxation under the Constitution of Arizona is almost plenary. It is limited only by the requirement of uniformity, found in section 1, article 9, [see p. 1, par. (a)] of the Constitution, the provisions in regard to exemptions found in section 2, article 9 [this sec.] and the 'due process' and 'equal protection' provisions of the Federal Constitution." Oglesby vs. Chandler, 288 P. 1034, 1038 (1930).

II. Financial Powers and Limitations—Continued

C. Borrowing and Use of Credit

(1) State

(a) The State may contract debts to supply the casual deficits or failures in revenues, or to meet expenses not otherwise provided for; but the aggregate amount of such debts, direct and contingent, whether contracted by virtue of one or more laws, or at different periods of time, shall never exceed the sum of \$350,000; and the money arising from the creation of such debts shall be applied to the purpose for which it was obtained or to repay the debts so contracted, and to no other purpose.

In addition to the above limited power to contract debts, the State may borrow money to repel invasion, suppress insurrection, or defend the State in time of war; but the money thus raised shall be applied exclusively to the object for which the loan shall have been authorized or to the repayment of the debt thereby created.¹⁵ * * *

The Legislature cannot grant tax exemptions other than those enumerated in this section. The provision in the intangible property tax act exempting all intangibles of individuals owned, held, or used exclusively for charitable, humanitarian, benevolent, scientific, educational, or religious purposes was held unconstitutional because this section "subjects all property in the state to taxation, with certain exceptions which do not extend to property of individuals used for charity, etc." State Tax Commission vs. Shattuck, 44 Ariz. 379, 38 P. (2d) 631 (1934).

The provision of this section in regard to soldiers is mandatory and self-executing. It was held that if a former soldier came within the terms of this section that the Legislature could not take away his exemption, but that the Legislature could prescribe the procedure for claiming the exemption. Calhoun vs. Flynn, 37 Ariz. 62, 289 P. 157 (1930).

As to the provision "property of educational, charitable and religious associations or institutions not used or held for profit may be exempt from taxation by law," it has been held that the Legislature cannot give more, but may give much less than the exemption permitted by the Constitution. A Masonic temple was held not entitled to tax exemption as a "charitable institution" under the terms of the statute, even though it might be within the meaning of the Constitution. Conrad vs. Maricopa County, 40 Ariz. 390, 12 P. (2d) 613 (1932).

Whether or not a profit was in reality derived from the business conducted in a clinic was held beside the question; the test being whether or not the buildings and equipment were being used in an effort to derive a profit. A building used as a clinic where offices were rented to physicians who did some charity work and other pay work was held not exempt from taxation. Lois Grunow Memorial Clinic vs. Oglesby, 22 P. (2d) 1076 (1933).

¹⁵ Constitution, Art. IX, Sec. 5.

Bonds which were to be issued by the University of Arizona to a Federal agency to be used to improve and enlarge its plant, and which were to be an obligation of the University only and not an obligation of the State, were held not to be a "debt" within the meaning of this section. The court said that since these bonds were not an obligation of the State they could not be considered a "debt," and that the fact that the University might use part of its ordinary revenue to pay off these bonds and consequently be in need of additional appropriations for operating expenses did not affect the result. Board of Regents of University of Arizona vs. Sullivan, 42 P. (2d) 619 (1935).

II. Financial Powers and Limitations—Continued

C. Borrowing and Use of Credit—Continued

(1) State—Continued

(b) Neither the State, nor any county, city, town, municipality, or other subdivision of the State shall ever give or loan its credit in the aid of, or make any donation or grant, by subsidy or otherwise, to any individual, association, or corporation, or become a subscriber to or a shareholder in any company or corporation, or become a joint owner with any person, company, or corporation, except as to such ownerships as may accrue to the State by operation or provision of law.¹⁶

(2) Counties and Other Local Units

(a) 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."¹⁷

¹⁶ Constitution, Art. IX, Sec. 7.

This section "prevents the state from becoming a subscriber to a charitable object, either alone or with others; that is, from appropriating its funds to an individual, association, or corporation for a cause having no claim upon the state other than its admitted worthiness, but it does not prevent the recognition of moral obligations founded on justice and equity. * * *." It was held not to prevent the State from paying a life pension to an employee injured in the course of State employment as this was a moral obligation. *Fairfield vs. Huntington*, 23 Ariz. 528, 205 P. 814 (1922).

An irrigation district was held not to be a "subdivision of the State" within the meaning of this section and so was not prohibited from owning stock in a corporation. *Day vs. Buckeye Water Conservation and Drainage District*, 28 Ariz. 466, 237 P. 636 (1925); *Maricopa County Municipal Water Conservation District No. 1 vs. LaPrade*, 46 Ariz. 643, 40 P. (2d) 94 (1935).

¹⁷ Constitution, Art. IX, Sec. 8, as amended 1912.

Bonds, the proceeds of which were to be used to improve a municipal water and sewer system, payable solely out of the revenues of the utility, and which were not

II. Financial Powers and Limitations—Continued

C. Borrowing and Use of Credit—Continued

(2) Counties and Other Local Units—Continued

(b) Questions upon bond issues or special assessments shall be submitted to the voté of real property tax payers, who shall also in all respects be qualified electors of this state, and of the political subdivisions thereof affected by such question.¹⁸

D. Other Income

(1) All lands expressly transferred and confirmed to the State by the provisions of the enabling act approved June 20, 1910, including all lands granted to the State and all lands heretofore granted to the Territory of Arizona, and all lands otherwise acquired by the State, shall be by the State accepted and held in trust to be disposed of in whole or in part, only in the manner as in the said enabling act and in this constitution provided, and for the several objects specified in the respective granting and confirmatory provisions. The natural products and money proceeds of any of said lands shall be subject to the same trusts as the lands producing the same.¹⁹

(2) A permanent State school fund for the use of the common schools shall be derived from the sale of public-school lands or other public lands specified in the enabling act approved June 20, 1910; from all estates or distributive shares of estates that may escheat to the State; from all unclaimed shares and dividends of any corporation incorporated under the laws of Arizona; and from all gifts, devises, or bequests made to the State for general educational purposes.

The income derived from the investment of the permanent State school fund, and from the rental derived from school lands, with

general obligations of the city, were held not to constitute a "debt" within the meaning of this section. The court stated that since these bonds were payable only out of the revenues of the plant and were not payable out of general taxation they were not the kind of indebtedness intended to be covered by this section. *Guthrie vs. City of Mesa*, 56 P. (2d) 655 (1936).

Likewise bonds to be used to purchase a municipal water plant payable solely out of the revenues of the plant were held not to constitute a "debt" within the meaning of this section. *Crandall vs. Town of Safford*, 56 P. (2d) 660 (1936).

An irrigation district was held not to be a "municipal corporation" within the meaning of this section and so the limitations upon borrowing contained in this section did not apply to such districts. *Ramirez vs. Electrical District No. 4, Pinal County*, 37 Ariz. 360, 294 P. 614 (1930); *Maricopa County Municipal Water Conservation District No. 1 vs. LaPrade*, 46 Ariz. 643, 40 P. (2d) 94 (1935).

Indebtedness for water, light, and sewer purposes was held to be in a separate class from that for any other purpose, and in determining the total amount of indebtedness allowed, the two classes must be considered separately. *Buntman vs. City of Phoenix*, 32 Ariz. 18, 255 P. 490 (1927).

¹⁸ Constitution, Art. VII, Sec. 13, as amended 1930.

This section was held to supersede previously enacted constitutional provisions relating to persons qualified to vote on questions of bond issues. *Allison vs. City of Phoenix*, 44 Ariz. 66, 33 P. (2d) 927 (1934).

¹⁹ Constitution, Art. X, Sec. 1.

II. Financial Powers and Limitations—Continued

D. Other Income—Continued

such other funds as may be provided by law shall be apportioned annually to the various counties of the State in proportion to the number of pupils of school age residing therein.²⁰

E. Appropriations and Expenditures

(1) * * * No money shall be paid out of the State treasury except in the manner provided by law.²¹

(2) No tax shall be laid or appropriation of public money made in aid of any church or private or sectarian school or any public-service corporation.²²

III. Provisions Affecting Legislation

A. Regular Sessions of Legislature

The sessions of the legislature shall be held biennially at the capitol of the State, and except as to the first session thereof shall commence on the second Monday of January next after the election of members of the legislature.²³ * * *

B. Special Sessions of Legislature

* * * The governor may call a special session whenever in his judgment, it is advisable. In calling such special session the governor shall specify the subjects to be considered at such session, and at such session no laws shall be enacted except such as relate to the subjects mentioned in such call.²⁴

C. Initiative and Referendum

(1) The legislative authority of the State shall be vested in a legislature, consisting of a senate and a house of representatives, but the people reserve the power to propose laws and amendments to the constitution and to enact or reject such laws and amendments at the polls independently of the legislature; and they also reserve, for use at their

²⁰ Constitution, Art. XI, Sec. 8.

²¹ Constitution, Art. IX, Sec. 5.

An appropriation need not be made in any particular form of words nor in express terms so long as there is a clear expression of the legislative will on the subject, but where an appropriation is made out of the general fund it must be specific as to the maximum amount. Crane vs. Frohmiller, 45 P. (2d) 955 (1935).

²² Constitution, Art. IX, Sec. 10.

²³ Constitution, Art. IV, Part 2, Sec. 3.

²⁴ Constitution, Art. IV, Part 2, Sec. 3.

This provision was held mandatory, and unless a law passed at a special session was related to some subject named in the Governor's call, the Legislature was without power to pass it. McClintock vs. City of Phoenix, 24 Ariz. 155, 207 P. 611 (1922).

III. Provisions Affecting Legislation—Continued

C. Initiative and Referendum—Continued

own option, the power to approve or reject at the polls any act, or item, section, or part of any act, of the legislature.²⁵

(2) The powers of the initiative and the referendum are hereby further reserved to the qualified electors of every incorporated city, town, and county as to all local, city, town, or county matters on which such incorporated cities, towns, and counties are or shall be empowered by general laws to legislate. Such incorporated cities, towns, and counties may prescribe the manner of exercising said powers within the restrictions of general laws. Under the power of the initiative 15 per cent of the qualified electors may propose measures on such local, city, town, or county matters, and 10 per cent of the electors may propose the referendum on legislation enacted within and by such city, town, or county. Until provided by general law, said cities and towns may prescribe the basis on which said percentages shall be computed.²⁶

D. Legislative Enactment

(1) * * * to allow opportunity for referendum petitions no act passed by the legislature shall be operative for 90 days after the close of the session of the legislature enacting such measure, except such as require earlier operation to preserve the public peace, health, or safety, or to provide appropriations for the support and maintenance of the departments of State and of State institutions: Provided, That no such emergency measure shall be considered passed by the legislature unless it shall state in a separate section why it is necessary that it shall become immediately operative and shall be approved by the affirmative votes of two-thirds of the members elected to each house of the legislature, taken by roll call of ayes and nays, and also approved by the

²⁵Constitution, Art. IV, Sec. 1 (1).

Ten percent of the electors have the right to propose a measure, and fifteen percent a constitutional amendment. Ibid., Sec. 1 (2).

The Legislature, or 5 percent of the electors, may order a referendum on any measure or part of a measure, "except laws immediately necessary for the preservation of the public peace, health or safety, or for the support and maintenance of the departments of the State Government and State Institutions." Ibid., Sec. 1 (3).

The veto power of the Governor shall not extend to initiative or referendum measures. Ibid., Sec. 1 (6).

Other parts of the section provide for procedure of the initiative and referendum. Ibid., Sec. 1 (4), (5), (7), (9), (10), (11), (12), (13), (14), and (15).

The exception from the referendum of all laws "immediately necessary for the preservation of the public peace, health or safety, or for the support and maintenance of the departments of the State Government and State Institutions" was held not to mean all laws referring to these subjects but rather to all such laws which were "immediately necessary." A statute, creating a department to conduct a State tax survey and appropriating money therefor, was held subject to the referendum. Warner vs. White, 39 Ariz. 203, 4 P. (2d) 1000 (1931).

²⁶Constitution, Art. IV, Sec. 1 (8).

III. Provisions Affecting Legislation—Continued

D. Legislative Enactment—Continued

governor; and should such measure be vetoed by the governor it shall not become a law unless it shall be approved by the votes of three-fourths of the members elected to each house of the legislature, taken by roll call of ayes and nays.²⁷

(2) 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,²⁸ * * *

(3) Every act shall embrace but one subject and matters properly connected therewith, which subject shall be expressed in the title; but if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be embraced in the title.²⁹

(4) A majority of all members elected to each house shall be necessary to pass any bill, and all bills so passed shall be signed by the presiding officer of each house in open session.³⁰

(5) No local or special laws shall be enacted in any of the following cases, that is to say: * * *

9. Assessment and collection of taxes. * * *

18. Relinquishing any indebtedness, liability, or obligation to this State. * * *

20. When a general law can be made applicable.³¹

²⁷ Constitution, Art. IV, Sec. 1 (3).

It has been held that the question of whether an emergency exists is for the Legislature to determine, and that the determination is binding and conclusive upon the courts, and that if the Legislature states that an emergency exists it is not necessary to state the facts constituting the emergency. *Orme vs. Salt River Valley Water Users' Association*, 25 Ariz. 324, 217 P. 935 (1923).

This section was held not to limit the Legislature as to when an emergency might be declared. *McBride vs. Kerby*, 32 Ariz. 515, 260 P. 435 (1927).

²⁸ Constitution, Art. IV, Part 2, Sec. 12.

²⁹ Constitution, Art. IV, Part 2, Sec. 13.

This section will be given a liberal construction, and not a strained and narrow construction for the purpose of nullifying legislation. * * * The true rule seems to be that any provision of an act directly or indirectly relating to the subject expressed in the title, and having a natural connection therewith, and not foreign thereto, should be held to be embraced within it." *Board of Regents of University of Arizona vs. Sullivan*, 42 P. (2d) 619 (1935).

³⁰ Constitution, Art. IV, Part 2, Sec. 15.

³¹ Constitution, Art. IV, Part 2, Sec. 19.

When the subject matter of legislation does not concern one of those specifically listed in this section, the question of whether a general law can be made applicable was held one for the Legislature to determine. *City of Prescott ex rel. Lodge vs. O'Sullivan*, 53 P. (2d) 69 (1935).

III. Provisions Affecting Legislation—Continued

D. Legislative Enactment—Continued

(6) The general appropriation bill shall embrace nothing but appropriations for the different departments of the State, for State institutions, for public schools, and for interest on the public debt. All other appropriations shall be made by separate bills, each embracing but one subject.³²

(7) Every bill passed by the legislature, before it becomes a law, shall be presented to the governor. If he approve, he shall sign it, and it shall become a law as provided in this constitution. But if he disapprove, he shall return it, with his objections, to the house in which it originated, which shall enter the objections at large on the journal. If after reconsideration it again passes both houses by an aye and nay vote on roll call of two-thirds of the members elected to each house, it shall become a law as provided in this constitution, notwithstanding the governor's objections. This section shall not apply to emergency measures as referred to in section 1 of the article on the legislative department. (See p. 9, par. (1)).

If any bill be not returned within five days after it shall have been presented to the governor (Sunday excepted) such bill shall become a law in like manner as if he had signed it, unless the legislature by its final adjournment prevents its return, in which case it shall be filed with his objections in the office of the secretary of state within ten days after such adjournment (Sundays excepted) or become a law as provided in this constitution.³³ * * *

IV. Constitutional Amendment or Revision

A. By Proposal of Legislature or People

* * * Any proposed amendment or amendments which shall be introduced in either house of the legislature, and which shall be approved by a majority of the members elected to each of the two houses, shall be entered on the journal of each house, * * *. When any proposed amendment or amendments shall be thus passed by a majority of each house of the legislature and entered on the respective journals thereof, or when any elector or electors shall file with the secretary of state any proposed amendment or amendments, together with a petition therefor signed by a number of electors equal to 15 per cent of the total number

³²Constitution, Art. IV, Part 2, Sec. 20.

³³Constitution, Art. V, Sec. 7.

Any item of an appropriation bill may be objected to by the Governor in which case the item shall not become a law unless passed over the veto in accordance with this section. Ibid.

IV. Constitutional Amendment or Revision—Continued

A. By Proposal of Legislature or People—Continued

of votes for all candidates for governor in the last preceding general election, the secretary of state shall submit such proposed amendment or amendments to the vote of the people at the next general election (except when the legislature shall call a special election for the purpose of having said proposed amendment or amendments voted upon, * * *), and if a majority of the qualified electors voting thereon shall approve and ratify such proposed amendment or amendments in said regular or special election, such amendment or amendments shall become a part of this constitution.³⁴ * * *

B. By Constitutional Amendment

No convention shall be called by the legislature to propose alterations, revisions, or amendments to this constitution, or to propose a new constitution, unless laws providing for such convention shall first be approved by the people on a referendum vote at a regular or special election, and any amendments, alterations, revisions, or new constitution proposed by such convention shall be submitted to the electors of the state at a general or special election and be approved by a majority of the electors voting thereon before the same shall become effective.³⁵

³⁴Constitution, Art. XXI, Sec. 1.

³⁵Constitution, Art. XXI, Sec. 2.

