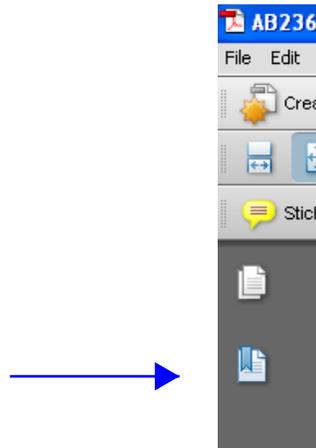


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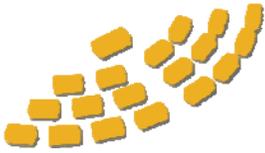
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LEGISLATIVE HISTORY REPORT AND ANALYSIS

Re: **Arizona House Bill 114 (Barr – 1967)**
Chapter 43, Statutes of 1967

The legislative history of the above-referenced bill is documented by materials[♦] itemized in one declaration. Your section of focus, **Arizona Revised Statutes section 44-1522**, is addressed later in this report. The materials accompanying Exhibits B and C are itemized in this same declaration. The materials are organized as follows:

- Exhibit A – Arizona House Bill 114, Chapter 43, Statutes of 1967
- Exhibit B – Arizona Senate Bill 91 (Holsclaw – 1967) (failed companion)
- Exhibit C – Failed Companion Predecessor Bills (1966)

ARIZONA HOUSE BILL 114 (BARR – 1967) **CHAPTER 43, STATUTES OF 1967**

Arizona Revised Statutes sections 44-1521 through 44-1534, inclusive, relating to consumer fraud, were added in 1967 following legislative passage of House Bill 114. (See [Exhibit A, #1b](#)) This measure was introduced by House member Burton S. Barr, who was at the time (and for the next 20 years) the Arizona House Republican majority leader, and House member D. Delos Ellsworth, who was then the Chair of the House Committee on Commerce and Industry. (See [Exhibit A, #1a, #3a and #5](#))

Arizona House Bill 114 was assigned to the House Committees on Commerce and Industry and State Government, and to the Senate Committees on Commerce and Government and Judiciary, where policy issues raised by the bill were considered. (See [Exhibit A, #2, #3a through #3c and #4](#)) It was also referred to the House Committee on Appropriations for consideration of the bill's fiscal impacts. (See [Exhibit A, #2](#)) Four amendments were made to Arizona House Bill 114, two in the House and two in the Senate. (See [Exhibit A, #2, #3a, #3b, and #4](#))

[♦] For information on document numbers, research policies, request for judicial notice and more, please visit www.legintent.com and click on “**Research Aids and Policies**” and “**Points and Authorities**” at the bottom of the web page.

Subsequent to legislative approval, Governor John “Jack” R. Williams signed Arizona House Bill 114 on March 13, 1967, and it was thereafter designated Chapter 43 of the Statutes of 1967. (See [Exhibit A, #1b, #2 and #6](#))

House Bill 114 was an emergency bill, as noted in section 3 of the bill, which stated the following reason: “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.” (See [Exhibit A, #1b, Sec. 3](#))

The Minutes of the House Commerce and Industry Committee meeting of February 8, 1967 included the following summary of the testimony provided by various speakers concerning House Bill 114:

House Bill 114 was introduced by Chairman Ellsworth who then introduced Attorney General Darrell Smith to explain the purpose of this Bill and their reasons for endorsing it. He stated that this Bill is to stop the fraud that now exists in the selling of many goods to the consumer, and the need for legislation to protect them from such. Mr. Smith introduced Mr. Philip Marquardt, an assistant on the staff of the Attorney General. Mr. Marquardt gave additional information in explaining that this Bill will also protect the merchant as well as the consumer from such frauds. It will also help to retain money for the state that is now being taken out of the state by those who are defrauding and leaving the state immediately thereafter and moving on to other places.

Mr. “Mac” Dossey, Arizona Retailers Association, gave a few changes that his organization would like to see in the passing of this Bill, but which they felt would not basically change the Bill. (See [Exhibit A, #3a](#))

Minutes of a subsequent meeting of the House Committee on Commerce and Industry, during which a minor amendment was made to House Bill 114, and minutes of the later meeting of the House State Government Committee, are also included. (See [Exhibit A, #3b and #3c](#)) These minutes are excerpted to include only references to House Bill 114; if you would like full copies, please let us know.

Other than these documents, very little has survived regarding the legislative consideration of House Bill 114. Bill files, which contain all proposed amendments and versions of the bill, were not maintained by the House until 1971 or by the Senate until 1969. The Senate did not begin archiving its committee files until 1969. Audiotapes and CDs of committee meetings and floor debates are generally available only from 1981 to the present. There are no written transcripts of the meetings or debates.

We attempted to obtain the files of the author and governor concerning House Bill 114, as well as materials from the Arizona Attorney General’s office, but were advised that none of these records survives.

Related Legislation: Concurrently with House Bill 114, a companion measure, Senate Bill 91, was considered in the Senate. (See generally, Exhibit B) Understanding the legislative intent of any legislative measure necessarily includes knowledge about various other measures competing with or preceding the bill ultimately enacted, particularly where the focus is on specific language. As you compare that enacted with the unsuccessful proposals in the failed bills, you may be able to discern useful insight as to the intended meaning.

Senate Bill 91 was introduced by Senators Holsclaw and Porter on January 25, 1967. (See Exhibit B, #1) As introduced, the language of Senate Bill 91 appears to have been identical to that of House Bill 114. (See and compare Exhibit A, #1 and Exhibit B, #1) Senate Bill 91 was assigned to the Senate Committees on Commerce and Industry and Judiciary for consideration of policy issues. (See Exhibit B, #2) It was amended once while before the Senate Committee of Commerce and Industry, and thereafter died. (Id.) Senate Bill 91 was never received by the House. (See Exhibit B, #3)

We have located a failed predecessor bill from 1966, Senate Bill 66, and its companion, House Bill 326, and are enclosing the legislative history for those bills for your review. (See generally, Exhibit C) You will note that as introduced, the language of Senate Bill 66 appears to be very similar to that of the later successful House Bill 114 of 1967. (See and compare Exhibit A, #1a and Exhibit C, #1a) Also note that the House record of House Bill 326 of 1966, the companion to Senate Bill 66, stated that the bill, as introduced, was “identical to S.B. 66.” (See Exhibit C, #4)

Senate Bill 66 was introduced in the Senate on January 20, 1966, by Senator Kennedy. It was referred to the Senate Committee on Judiciary, the Committee on Counties and Municipalities and the Committee on State Institutions. (See Exhibit C, #2) The bill was reported without amendment out of the Committee on Counties and Municipalities with a “do pass” recommendation, and it died thereafter. (Id.) It was never received by the House. (See Exhibit C, #3)

House Bill 326, the companion to Senate Bill 66, was introduced in the House on March 1, 1966. It was referred to the House Committees on Judiciary, Tourist and Industry Development, and State Government. (See Exhibit C, #5) On March 16, 1966, the Committee on Tourist and Industry Development voted to return the bill for consideration of the House. (See Exhibit C, #5 and #6) It was thereafter held in committees. (See Exhibit C, #5) House Bill 326 never reached the Senate. (See Exhibit C, #6) It appears that even less material survived regarding legislative consideration of Senate Bill 66 and House Bill 326.

After its introduction, Arizona House Bill 114 was never amended before it was enacted into law. (See Exhibit A, #1b through #1d) A full understanding of legislative intent may be dependent upon knowing about the various proposals as introduced into the bill and then as amended throughout the bill’s consideration by the Assembly and the Senate Committees reviewing this measure. (Id.) This can be particularly helpful where your focus is on specific language; by contrasting that enacted with the prior proposals in the bill one can gain insight as to the intended meaning or the apparent controversy generated by the language of interest. (Id.)

Arizona Revised Statutes section 44-1522:

At the time that House Bill 114 was introduced, it proposed to add Arizona Revised Statutes section 44-1522 relating to unlawful practices and intended interpretation of provisions. (See Exhibit A, #1a) On February 14, 1967, the House made the following amendments to this section (page and line numbers refer to the bill as introduced):

Page 2, lines 9 and 10, strike “the courts will be guided by the” and insert “that the courts may use as a guide”.

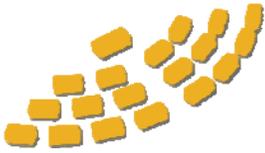
Page 2, line 11, before “52” insert “45,”.
(See Exhibit A, #2, page 281)

No further revisions to this section were made in either house, and it was thereafter enacted into law. (See Exhibit A, #1b and #2)

Your careful review of the documents enclosed may reveal helpful discussion on the issue before you as it relates to section 44-1522. You should also be able to draw some conclusions based upon the assumption that the language was intended to be consistent with the overall goal of the legislation. Thus, if you are unable to find specific discussion regarding your research question, the materials enclosed herewith may provide you with an arguable assessment of the goals and purpose that could be applicable to your particular situation.

Any analysis provided in this report is based upon the nature and extent of your request to us, as well as a brief review of the enclosed documents. As such, it must be considered tentative in nature. A more conclusive statement of the impact of the legislative history in your case would be dependent upon a complete understanding of all of the factual issues involved and the applicable legal principles.

We appreciate the opportunity to provide this assistance and hope that these efforts will be of value to you.



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DECLARATION OF JENNY S. LILLGE

I, Jenny S. Lillge, declare:

I am an attorney licensed to practice in California, State Bar No. 265046, and am employed by Legislative Intent Service, Inc., a company specializing in researching the history and intent of legislation.

Under my direction and the direction of other attorneys on staff, the research staff of Legislative Intent Service, Inc. undertook to locate and obtain all documents relevant to the enactment of Arizona House of Representative Bill 114 [hereafter referred to as H.R. 114] of 1967. Arizona H.R.114 was approved by the Legislature and was enacted as Chapter 43 of the Statutes of 1967.

The following list identifies all documents obtained by the staff of Legislative Intent Service, Inc. on Arizona H.R. 114 of 1967. All listed documents have been forwarded with this Declaration except as otherwise noted in this Declaration. All documents gathered by Legislative Intent Service, Inc. and all copies forwarded with this Declaration are true and correct copies of the originals located by Legislative Intent Service, Inc. In compiling this collection, the staff of Legislative Intent Service, Inc. operated under directions to locate and obtain all available material on the bill.

EXHIBIT A – ARIZONA HOUSE OF REPRESENTATIVE BILL 114 OF 1967:

1. All versions of Arizona House Bill 114 (Barr-1967);
2. Procedural history of Arizona House Bill 114 from the 1967 *Journal of the House of Representatives*;
3. Three analyses of Arizona House Bill 114 prepared for the Committee on Commerce and Industry;
4. Excerpt regarding Arizona House Bill 114 from the 1967 *Journal of the Senate*;
5. Concurrent Resolution entitled “On the Death of the Honorable Burton S. Barr,” prepared by *ALIS Online*;
6. Biography of Arizona Governor John “Jack” R. Williams.

EXHIBIT B – ARIZONA SENATE BILL 91 OF 1967 – FAILED COMPANION:

1. All versions of Arizona Senate Bill 91 (Holsclaw-1967);
2. Procedural history of Arizona Senate Bill 91 from the 1967 *Journal of the Senate*;
3. Minutes regarding Arizona Senate Bill 91 from the Senate Committee on Commerce and Industry, dated February 6, 1967;
4. Excerpt regarding Arizona Senate Bill 91 from the 1967 *Journal of the House of Representatives*.

EXHIBIT C - FAILED COMPANION/PREDECESSOR BILLS:

1. All versions of Arizona Senate Bill 66 (Kennedy-1966);
2. Procedural history of Arizona Senate Bill 66 from the 1966 *Journal of the Senate*;
3. Excerpt regarding Arizona Senate Bill 66 from the 1966 *Journal of the House of Representatives*;
4. All versions of Arizona House of Representatives Bill 326 (Allen-1966);
5. Excerpt regarding Arizona H.R. 326 from the 1966 *Journal of the House of Representatives*;
6. Minutes regarding Arizona H.R. 326 from the Assembly Committee on Tourist and Industry Development, dated March 16, 1966;
7. Procedural history of Arizona Senate Bill 326 from the 1966 *Journal of the Senate*.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 13th day of July, 2009 at Woodland, California.



JENNY S. LILLGE

HOUSE

H. B. 114
INTRODUCED
JANUARY 26, 1967

Referred to	Date	Reported Out
Rules		
Committee of Whole _____		
3rd Reading—Aye _____ No _____ Absent _____		
House Action _____		
Sent to Governor _____ Action _____		

Introduced by Members Barr, Ellsworth of District 8

AN ACT Relating to Trade and Commerce; Prescribing Powers and Duties of the Division of Consumer Fraud in the Office of the Attorney General, and Amending Title 44, Chapter 10, Arizona Revised Statutes, by Adding Article 7, §§44-1521 to 44-1534, Inclusive.

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

2 Section 1. Title 44, chapter 10, Arizona Revised Statutes,
3 is amended by adding article 7, §§44-1521 to 44-1534, inclusive,
4 to read:

5 **NEW ART. ARTICLE 7. CONSUMER FRAUD**

6 **NEW SEC. 44-1521. DEFINITIONS**

7 In this article, unless the context otherwise requires:

8 1. "Advertisement" includes the attempt by publication,
9 dissemination, solicitation or circulation, oral or written, to in-
10 duce directly or indirectly any person to enter into any obligation
11 or acquire any title or interest in any merchandise.

12 2. "Attorney general" means the attorney general of Ari-
13 zona or his authorized delegate.

14 3. "Merchandise" means any objects, wares, goods, com-
15 modities, intangibles, real estate, or services.

16 4. "Person" means any natural person or his legal repre-
17 sentative, partnership, domestic or foreign corporation, any
18 company, trust, business entity, or association, any agent, em-
19 ployee, salesman, partner, officer, director, member, stock-
20 holder, associate, or trustee.

21 5. "Sale" means any sale, offer for sale, or attempt to sell
22 any merchandise for any consideration.

23 **NEW SEC. 44-1522. UNLAWFUL PRACTICES; IN-**
24 **TENDED INTERPRETATION OF PROVISIONS**

25 A. The act, use, or employment by any person of any



H. B. 114

1 deception, deceptive act or practice, fraud, false pretense, false
2 promise, misrepresentation, or concealment, suppression or
3 omission of any material fact with intent that others rely upon
4 such concealment, suppression or omission, in connection with
5 the sale or advertisement of any merchandise whether or not
6 any person has in fact been misled, deceived, or damaged
7 thereby, is declared to be an unlawful practice.

8 B. It is the intent of the legislature that, in construing
9 the provisions of subsection A of this section, the courts will
10 be guided by the interpretations given by the federal trade
11 commission and the federal courts to sections 52 and 55 (a)
12 (1) Title 15, U.S.C.A. of the federal trade commission act.

13 **NEW SEC. 44-1523. EXEMPTION**

14 Nothing contained in this article shall apply to the owner or
15 publisher of a newspaper, magazine, or other publication of
16 printed matter wherein such advertisement appears, or to the
17 owner or operator of a radio or television station which dis-
18 seminate such advertisement when the owner, publisher, or
19 operator has no knowledge of the intent, design, or purpose of
20 the advertiser.

21 **NEW SEC. 44-1524. POWERS OF ATTORNEY GEN-
22 ERAL**

23 When it appears to the attorney general that a person has
24 engaged in, or is engaging in, any practice declared to be un-
25 lawful by this article, or when he believes it to be in the public
26 interest that an investigation should be made to ascertain
27 whether a person in fact has engaged in, is engaging in, or is
28 about to engage in, any such practice, he may:

29 1. Require such person to file on such forms as he prescribes
30 a statement or report in writing, under oath or otherwise, as
31 to all the facts and circumstances concerning the sale or adver-
32 tisement of merchandise by such person, and such other data
33 and information as he may deem necessary.

34 2. Examine under oath any person in connection with the
35 sale or advertisement of any merchandise.

36 3. Examine any merchandise or sample thereof, or any
37 record, book, document, account, or paper as he may deem
38 necessary.

39 4. Pursuant to an order of the superior court, impound
40 any record, book, document, account, paper, or sample or mer-
41 chandise material to such practice and retain the same in his
42 possession until the completion of all proceedings undertaken
43 under this article or in the courts.

44 **NEW SEC. 44-1525. NONADMISSIBILITY OF EVI-
45 DENCE OR INFORMATION**



1 No information or evidence provided the attorney general
2 by a person pursuant to this article shall be admitted in evi-
3 dence, or used in any manner whatsoever, in any criminal
4 prosecution.

5 NEW SEC. 44-1526. SUBPOENA; HEARING;
6 RULES AND REGULATIONS

7 A. To accomplish the objectives and to carry out the duties
8 prescribed in this article, the attorney general, in addition to
9 other powers conferred upon him by this article, may:

- 10 1. Issue subpoenas to any person.
- 11 2. Administer an oath or affirmation to any person.
- 12 3. Conduct hearings in aid of any investigation or inquiry.
- 13 4. Prescribe such forms and promulgate such rules and
14 regulations as may be necessary, which rules and regulations
15 shall have the force of law.

16 B. Service by the attorney general of any notice requiring
17 a person to file a statement or a report, or of a subpoena upon
18 a person, shall be made personally within the state, but if such
19 cannot be obtained, substituted service therefore may be made
20 in any one of the following manners:

- 21 1. Personal service thereof without the state.
- 22 2. Mailing thereof by registered mail to the last known
23 place of business, residence or both, within or without the
24 state, of such person for whom the same is intended.
- 25 3. As to any person other than a natural person, in a
26 manner provided in the rules of civil procedure as if a petition
27 had been filed.
- 28 4. Such service as the superior court may direct in lieu of
29 personal service within the state.

30 NEW SEC. 44-1527. FAILURE TO SUPPLY INFOR-
31 MATION OR OBEY SUBPOENA

32 If any person fails or refuses to file any statement or report,
33 or obey any subpoena issued by the attorney general, the
34 attorney general may, after notice, apply to a superior court,
35 and, after hearing thereon, request the following order until
36 the person files the statement or obeys the subpoena:

- 37 1. Granting injunctive relief, restraining the sale or adver-
38 tisement of any merchandise by such person.
- 39 2. Vacating, annulling, or suspending the corporate charter
40 of a corporation created by or under the laws of this state or
41 revoking or suspending the certificate of authority to do busi-
42 ness in this state of a foreign corporation or revoking or sus-
43 pending any other licenses, permits, or certificates issued pur-
44 suant to law to such person which are used to further the
45 allegedly unlawful practice.



1. 3. Granting such other relief as the court may deem proper.
2. NEW SEC. 44-1528. REMEDIES; INJUNCTION;
3. OTHER RELIEFS; RECEIVER

4 A. Whenever it appears to the attorney general that a per-
5 son has engaged in, or is engaging in, any practice declared to
6 be unlawful by this article, he may seek and obtain in an action
7 in a superior court an injunction prohibiting such person from
8 continuing such practices or engaging therein or doing any acts
9 in furtherance thereof after appropriate notice to such person.
10 Such notice shall state generally the relief sought and be served
11 at least forty-eight hours prior to the hearing of such action.
12 The court may make such orders or judgments as may be
13 necessary to prevent the use of employment by a person of any
14 unlawful practices, or which may be necessary to restore to any
15 person in interest any monies or property, real or personal,
16 which may have been acquired by means of any practice in this
17 article declared to be unlawful, including the appointment of a
18 receiver.

19 B. When it appears to the attorney general that a person
20 has engaged in or is engaging in a practice declared to be un-
21 lawful by this article or that such person is about to conceal
22 his assets or his person, or leave the state, the attorney general
23 may apply to the superior court, ex parte, for an order appoint-
24 ing a receiver of the assets of such person. Upon a showing
25 made by affidavit or other evidence that such person has en-
26 gaged in or is engaging in a practice declared to be unlawful
27 by this article or that such person is about to conceal his assets
28 or his person or leave the state, the court shall order the ap-
29 pointment of a receiver to receive the assets of such person.

30 NEW SEC. 44-1529. POWERS OF RECEIVER

31 When a receiver is appointed by the court pursuant to this
32 article, he shall have the power to sue for, collect, receive, or
33 take into his possession all the goods, and chattels, rights and
34 credits, monies and effects, lands and tenements, books, records,
35 documents, papers, choses in action, bills, notes and property of
36 every description, including property with which such property
37 has been mingled if it cannot be identified in kind because of
38 such commingling, and to sell, convey, and assign the same and
39 hold and dispose of the proceeds thereof under the direction of
40 the court. Any person who has suffered damages as a result
41 of the use or employment of any unlawful practice, and submits
42 proof to the satisfaction of the court that he has in fact been
43 damaged, may participate with general creditors in the distri-
44 bution of the assets to the extent he has sustained out-of-pocket
45 losses. The court shall have jurisdiction of all questions arising

1 in such proceedings and may make such orders and enter such
2 judgments therein as may be required.

3 NEW SEC. 44-1530. ASSURANCE OF DISCONTIN-
4 UANCE OF UNLAWFUL PRACTICE

5 In the enforcement of the provisions of this article, the
6 attorney general may accept an assurance of discontinuance of
7 any act or practice deemed in violation of the provisions of
8 this article from any person engaging in, or who has engaged
9 in, such act or practice. Any such assurance shall be in writing
10 and shall be filed with and subject to the approval of the super-
11 ior court of the county in which the alleged violator resides or
12 has its principal place of business or in Maricopa county. A
13 violation of such assurance shall constitute prima facie proof
14 of a violation of the provisions of this article. Such assurance
15 of discontinuance shall not be considered an admission of a
16 violation for any purpose.

17 NEW SEC. 44-1531. VIOLATIONS; PENALTIES

18 Any person who wilfully and intentionally violates any pro-
19 vision of this article is guilty of a misdemeanor and upon
20 conviction shall be punished by a fine of not more than ten
21 thousand dollars or by imprisonment for not more than six
22 months, or both. Violation of any order or injunction issued
23 pursuant to this article shall constitute a prima facie proof of
24 a violation of this section.

25 NEW SEC. 44-1532. VIOLATION OF ORDER OR
26 INJUNCTION; PENALTY

27 A person who violates any order or injunction issued pur-
28 suant to this article shall forfeit and pay to the general fund
29 of the state of Arizona a civil penalty of not more than ten
30 thousand dollars. For the purpose of this section, the superior
31 court issuing any order or injunction shall retain jurisdiction,
32 and the cause shall be continued. In such cases, the attorney
33 general acting in the name of the state may petition for the
34 recovery of civil penalties.

35 NEW SEC. 44-1533. CLAIMS NOT BARRED

36 The provisions of this article shall not bar any claim against
37 any person who has acquired any monies or property, real or
38 personal, by means of any practice declared to be unlawful
39 by the provisions of this article.

40 NEW SEC. 44-1534. COSTS RECOVERABLE

41 In any action brought under the provisions of this article, the
42 attorney general is entitled to recover costs, which in the dis-
43 cretion of the court may include a sum representing reasonable
44 attorney's fees for the services rendered, for the use of the
45 state.



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

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1967 SESSION LAWS STATE OF ARIZONA

Twenty-eighth Legislature
FIRST REGULAR SESSION



WESLEY BOLIN

Secretary of State

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LAWS OF ARIZONA

CHAPTER 42

SENATE BILL NO. 230

AN ACT

MAKING AN APPROPRIATION FOR THE RELIEF OF ALFRED E. AND HAZEL LOUISE KWIATKOWSKI.

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

Section 1. APPROPRIATION

The sum of eight hundred dollars, together with interest thereon from and after September 27, 1960 at six per cent per annum, is appropriated for the relief of Alfred E. and Hazel Louise Kwiatkowski.

Sec. 2. BASIS OF CLAIM

Payment of the sum appropriated by the terms of section 1 shall be in full satisfaction of the judgment entered on behalf of Alfred E. Kwiatkowski and Hazel Louise Kwiatkowski, husband and wife, September 27, 1960 in cause No. 157780, in the Superior Court of the State of Arizona, in and for the county of Maricopa, in the case entitled Alfred E. Kwiatkowski and Hazel Louise Kwiatkowski, husband and wife, plaintiffs, vs State of Arizona; Board of Regents of Universities and State College of Arizona, defendants.

Sec. 3. EMERGENCY

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

Approved by the Governor — March 13, 1967.

Filed in the Office of the Secretary of State — March 13, 1967.

CHAPTER 43

HOUSE BILL NO. 114

AN ACT

RELATING TO TRADE AND COMMERCE; PRESCRIBING POWERS AND DUTIES OF THE DIVISION OF CONSUMER FRAUD IN THE OFFICE OF THE ATTORNEY GEN-



ERAL; AMENDING TITLE 44, CHAPTER 10, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 7, SECTIONS 44-1521 TO 44-1534, INCLUSIVE, AND MAKING AN APPROPRIATION.

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

Section 1. Title 44, chapter 10, Arizona Revised Statutes, is amended by adding article 7, sections 44-1521 to 44-1534, inclusive, to read:

ARTICLE 7. CONSUMER FRAUD

44-1521. DEFINITIONS

In this article, unless the context otherwise requires:

1. "Advertisement" includes the attempt by publication, dissemination, solicitation or circulation, oral or written, to induce directly or indirectly any person to enter into any obligation or acquire any title or interest in any merchandise.
2. "Attorney general" means the attorney general of Arizona or his authorized delegate.
3. "Merchandise" means any objects, wares, goods, commodities, intangibles, real estate, or services.
4. "Person" means any natural person or his legal representative, partnership, domestic or foreign corporation, any company, trust, business entity, or association, any agent, employee, salesman, partner, officer, director, member, stockholder, associate, or trustee.
5. "Sale" means any sale, offer for sale, or attempt to sell any merchandise for any consideration.

44-1522. UNLAWFUL PRACTICES; INTENDED INTERPRETATION OF PROVISIONS

A. The act, use, or employment by any person of any deception, deceptive act or practice, fraud, false pretense, false promise, misrepresentation, or concealment, suppression or omission of any material fact with intent that others rely upon such concealment, suppression or omission, in connection with the sale or advertisement of any merchandise whether or not any person has in fact been misled, deceived, or damaged thereby, is declared to be an unlawful practice.

B. It is the intent of the legislature that, in construing the provisions of subsection A of this section, that the courts may use as a guide interpretations given by the federal trade com-



mission and the federal courts to sections 45, 52 and 55 (a) (1) Title 15, U.S.C.A. of the federal trade commission act.

44-1523. EXEMPTIONS

Nothing contained in this article shall apply to the owner or publisher of a newspaper, magazine, or other publication of printed matter wherein such advertisement appears, or to the owner or operator of a radio or television station which disseminates such advertisement when the owner, publisher, or operator has no knowledge of the intent, design, or purpose of the advertiser. Further, nothing contained in this article shall apply to any advertisement which is subject to and complies with the rules and regulations of, and the statutes administered by the federal trade commission.

44-1524. POWERS OF ATTORNEY GENERAL

Upon receipt of a verified written complaint signed by the complainant to the attorney general setting forth facts that a person has engaged in, or is engaging in, any practice declared to be unlawful by this article and when he believes it to be in the public interest that an investigation should be made to ascertain whether a person in fact has engaged in, is engaging in, or is about to engage in, any such practice, he may:

1. Require such person to file on such forms as he prescribes a statement or report in writing, under oath, as to all the facts and circumstances concerning the sale or advertisement of merchandise by such person, and such other data and information as he may deem necessary.
2. Examine under oath any person in connection with the sale or advertisement of any merchandise.
3. Examine any merchandise or sample thereof, or any record, book, document, account, or paper as he may deem necessary.
4. Pursuant to an order of the superior court, impound any record, book, document, account, paper, or sample or merchandise material to such practice and retain the same in his possession until the completion of all proceedings undertaken under this article or in the courts.

44-1525. NONADMISSIBILITY AND CONFIDENTIALITY OF EVIDENCE OR INFORMATION

No information or evidence provided the attorney general by a person pursuant to this article shall be admitted in evidence, or used in any manner whatsoever, in any criminal



prosecution. All such information or evidence provided the attorney general shall be confidential and shall not be made public unless in the judgment of the attorney general the ends of justice and the public interest will be served by the publication thereof, provided that the names of the interested parties shall not be made public.

44-1526. SUBPOENA; HEARING; RULES AND REGULATIONS

A. To accomplish the objectives and to carry out the duties prescribed in this article, the attorney general, in addition to other powers conferred upon him by this article, may:

1. Issue subpoenas to any person.
2. Administer an oath or affirmation to any person.
3. Conduct hearings in aid of any investigation or inquiry.
4. Prescribe such forms and promulgate such procedural rules and regulations as may be necessary to enforce the provisions of this article, which rules and regulations shall have the force of law. Such rules and regulations shall not be inconsistent with the provisions of this article.

B. Service by the attorney general of any notice requiring a person to file a statement or a report, or of a subpoena upon a person, shall be made personally within the state, but if personal service within the state cannot be obtained, service may be made in compliance with the rules of civil procedure.

1. Personal service thereof without the state.
2. Mailing thereof by registered mail to the last known place of business, residence or both, within or without the state, of such person for whom the same is intended.
3. As to any person other than a natural person, in a manner provided in the rules of civil procedure as if a petition has been filed.
4. Such service as the superior court may direct in lieu of personal service within the state.

44-1527. FAILURE TO SUPPLY INFORMATION OR OBEY SUBPOENA

If any person fails or refuses to file any statement or report, or obey any subpoena issued by the attorney general, the attorney general may, after notice, apply to a superior court



and, after hearing thereon, request the following order until the person files the statement or obeys the subpoena:

1. Granting injunctive relief, restraining the sale or advertisement of merchandise by such person which is subject to the charge of being an unlawful practice as defined in this article.

2. Granting such other relief as the court may deem proper.

44-1528. REMEDIES; INJUNCTION; OTHER RELIEFS; RECEIVER

A. Following an investigation made pursuant to section 44-1524 and when it appears to the attorney general that a person has engaged in, or is engaging in, any practice declared to be unlawful by this article, he may seek and obtain in an action in a superior court an injunction prohibiting such person from continuing such practices or engaging therein or doing any acts in furtherance thereof after appropriate notice to such person. Such notice shall state generally the relief sought and be served at least forty-eight hours prior to the hearing of such action. The court may make such orders or judgments as may be necessary to prevent the use or employment by a person of any unlawful practices, or which may be necessary to restore to any person in interest any monies or property, real or personal, which may have been acquired by means of any practice in this article declared to be unlawful, including the appointment of a receiver.

B. Following an investigation made pursuant to section 44-1524 and when it appears to the attorney general that a person has engaged in or is engaging in a practice declared to be unlawful by this article and that such person is about to conceal his assets or his person or leave the state, the attorney general may apply to the superior court, ex parte, for an order appointing a receiver of the assets of such person. Upon a showing made by affidavit or other evidence that such person has engaged in or is engaging in a practice declared to be unlawful by this article and that such person is about to conceal his assets or his person or leave the state, the court may order the appointment of a receiver to receive the assets of such person.

44-1529. POWERS OF RECEIVER

When a receiver is appointed by the court pursuant to this article, he shall have the power to sue for, collect, receive, or take into his possession all the goods, and chattels, rights and credits, monies and effects, lands and tenements, books, records,



documents, papers, choses in action, bills, notes and property of every description, including property with which such property has been mingled if it cannot be identified in kind because of such commingling, and to sell, convey, and assign the same and hold and dispose of the proceeds thereof under the direction of the court. Any person who has suffered damages as a result of the use or employment of any unlawful practice, and submits proof to the satisfaction of the court that he has in fact been damaged, may participate with general creditors in the distribution of the assets to the extent he has sustained out-of-pocket losses. The court shall have jurisdiction of all questions arising in such proceedings and may make such orders and enter such judgments therein as may be required.

44-1530. ASSURANCE OF DISCONTINUANCE OF UNLAWFUL PRACTICE

In the enforcement of the provisions of this article, the attorney general may accept an assurance of discontinuance of any act or practice deemed in violation of the provisions of this article from any person engaging in, or who has engaged in, such act or practice. Any such assurance shall be in writing and shall be filed with and subject to the approval of the superior court of the county in which the alleged violator resides or has its principal place of business or in Maricopa county. A violation of such assurance within six years of the filing thereof shall constitute prima facie proof of a violation of the provisions of this article. Such assurance of discontinuance shall not be considered an admission of a violation for any purpose.

44-1531. VIOLATIONS; PENALTIES

Any person who wilfully and intentionally violates any provision of this article is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than ten thousand dollars or by imprisonment for not more than six months, or both. Violation of any order or injunction issued pursuant to this article shall constitute a prima facie proof of a violation of this section.

44-1532. VIOLATION OF ORDER OR INJUNCTION; PENALTY

A person who violates any order or injunction issued pursuant to this article shall forfeit and pay to the general fund of the state of Arizona a civil penalty of not more than ten thousand dollars. For the purpose of this section, the superior court



issuing any order or injunction shall retain jurisdiction, and the cause shall be continued. In such cases, the attorney general acting in the name of the state may petition for the recovery of civil penalties.

44-1533. CLAIMS NOT BARRED

The provisions of this article shall not bar any claim against any person who has acquired any monies or property, real or personal, by means of any practice declared to be unlawful by the provisions of this article.

44-1534. COSTS RECOVERABLE

In any action brought under the provisions of this article, the attorney general is entitled to recover costs, which in the discretion of the court may include a sum representing reasonable attorney's fees for the services rendered, for the use of the state.

Sec. 2. APPROPRIATION; PURPOSE

A. The sum of forty-six thousand sixty-two dollars is appropriated to the attorney general-department of law to be available for the purpose of personal services, current expenditures and miscellaneous expenses in carrying out and enforcing the provisions of this act as follows:

1. The sum of eighteen thousand four dollars to be available to and including June 30, 1967.
2. The sum of twenty-eight thousand fifty-eight dollars to be available for the fiscal year beginning July 1, 1967.

B. The appropriation made under the terms of subsection A is exempt from the provisions of section 35-173, Arizona Revised Statutes, relating to quarterly allotments.

Sec. 3. EMERGENCY

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

Approved by the Governor — March 13, 1967.

Filed in the Office of the Secretary of State — March 13, 1967.



X R HB 114

JOURNAL
OF THE
HOUSE OF
REPRESENTATIVES



TWENTY-EIGHTH
LEGISLATURE
FIRST REGULAR SESSION

OF THE
STATE OF ARIZONA

-1967-

SESSION CONVENED — JANUARY 9, 1967
SESSION ADJOURNED SINE DIE — 7:36 P.M.
MARCH 13, 1967

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EIGHTEENTH DAY
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HOUSE BILL 107, by Committee on Appropriations, An Act, making an appropriation to the Board of Directors of State Institutions for Juveniles for the construction and incidental matters related thereto of the Arizona Youth Center at Tucson.

HOUSE BILL 108, by Committee on Appropriations, An Act, making an appropriation to the State Planning and Building Commission for purchase of lands in the state capitol area.

HOUSE BILL 109, by Committee on Appropriations, An Act, making an appropriation to the Arizona State Parks Board for capital outlay.

HOUSE BILL 110, by Committee on Appropriations, An Act, making an appropriation to the State Department of Health for the operation of the Arizona Tuberculosis Sanatorium.

HOUSE BILL 111, by Committee on Appropriations, An Act, making an appropriation to the Board of Directors of State Institutions for Juveniles for use at the Industrial School.

HOUSE BILL 112, by Mr. Barr of District 8-I, An Act, relating to cities and towns; prescribing requirements before passing a resolution ordering improvements consisting of paving or repaving certain streets, and amending Title 9, Chapter 6, Article 2, Arizona Revised Statutes, by adding Section 9-673.01.

HOUSE BILL 113, by majority of Committee on Labor & Management, An Act, relating to labor; providing for the assignment of wage claims to the Director of the Arizona State Labor Department; prescribing procedure for collection of wage claims; prescribing liability for indebtedness, and amending Title 23, Chapter 2, Arizona Revised Statutes, by adding Article 10, Sections 23-393 to 23-395, inclusive.

HOUSE BILL 114, by Members Barr, Ellsworth of District 8, An Act, relating to trade and commerce; prescribing powers and duties of the Division of Consumer Fraud in the office of the Attorney General, and amending Title 44, Chapter 10, Arizona Revised Statutes, by adding Article 7, Sections 44-1521 to 44-1534, inclusive.

HOUSE BILL 115, by Committee on Labor & Management, An Act, relating to garnishment; prescribing grounds and procedure for issuance of writ; limiting transfers after service; establishing form of answer in garnishment; providing for release of garnishment; prescribing amount of wages subject to garnishment, and amending Sections 12-1571, 12-1572, 12-1573, 12-1574, 12-1578, 12-1579, 12-1581, 12-1582, 12-1584, 12-1588, 12-1589, 12-1590, 12-1591, and 12-1594, Arizona Revised Statutes.

HOUSE CONCURRENT RESOLUTION 3, by Members Shaughnessy, Farley, Kluender, Stuckey, Thompson of District 8; Hawes of District 2, A Concurrent Resolution, proposing an amendment to the Constitution of Arizona relating to the referendum; providing for certain limitations on re-submitting or adopting a referendum which was voted upon by the electors of a political subdivision, and amending Article 4, Part 1, Constitution of Arizona, by adding Section 3.

At 9:40 A.M., the Sergeant at Arms announced the seating of Mr. Coppinger.



NINETEENTH DAY
FRIDAY, JANUARY 27, 1967
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HOUSE BILL 113, enforcement of wage claims by Director of Arizona State Labor Department. Referred to Committees on Rules; Counties & Municipalities; Labor & Management.

→ HOUSE BILL 114, establishment of Division of Consumer Frauds in office of the Attorney General to prevent deceptive sales and advertising. Referred to Committees on Rules; Commerce & Industry; State Government.

HOUSE BILL 115, relating to garnishment. Referred to Committees on Rules; Judiciary, Suffrage & Elections; Labor & Management.

HOUSE CONCURRENT RESOLUTION 3, constitutional amendment providing for certain limitations on re-submitting or adopting a referendum which was voted upon by the electors of a political subdivision. Referred to Committees on Rules; Judiciary, Suffrage & Elections; State Government.

THIRD READING OF BILLS

The following bills were read the third time in full:

HOUSE BILL 4, entitled, An Act, relating to the State Department of Finance; providing for the establishment of a division of purchasing within the State Department of Finance; prescribing duties of the division of purchasing; providing for certain competitive bidding; providing for transfer of records; amending Title 35, Chapter 1, Arizona Revised Statutes, by adding Article 2.2, Sections 35-131.11 to 35-131.13, inclusive, and repealing Sections 41-561 and 41-1325, Arizona Revised Statutes.

On roll call HOUSE BILL 4 passed the House by the following vote:

AYES: Abril, Adams, Akers, Alexander, Bailey, Barr, Barrow, Bloom, Buehl, Coppinger, Ellsworth, Farley, Flake, Getzwiller, Goodwin, Holley, Jenks, Jones, Kelley, Kluender, Koory, Lyman, Maynard, McConnell, Miniken, Pale, Peck, Pritzlaff, Rickard, Rockwell, Roeder, Rosenbaum, Shaughnessy, Shelley, Smith, Stinson, Stone, Stuckey, Thompson, Viperman, Williams, Speaker Turley—42.

NAYS: Brown, Carrillo, Crosby, Elliott, Fricks, Hardt, Hawes, House, Huffer, Hutcheson, Johnson, Lena, Pena, Sawyer, Walker—15.

NOT VOTING: Cook, Gardner, Simer—3.

The following member asked that explanation of his vote be entered in the Journal:

House Bill 4 is a step toward the return of efficiency and economy to state government.

By implementing sound business practices, perhaps wasteful spending can be curbed and we can use our limited tax dollars in meeting genuine needs.

I vote "AYE".

FRANK J. KELLEY

House Bill 4 was signed in open session by Speaker Turley.

HOUSE BILL 38, entitled, An Act, relating to agriculture; defining

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certificate if fee and proof of certification by National Board of Chiropractics is furnished. Referred to Committees on Rules; Public Health & Welfare; State Government.

HOUSE BILL 181, qualification and term of Superintendent of Arizona Pioneers' Home and admission requirements. Referred to Committees on Rules; State Government.

HOUSE BILL 182, Governor's transportation, security and protection to be supplied by Highway Patrol. Referred to Committees on Rules; Transportation.

HOUSE JOINT MEMORIAL 4, urging President and Congress of the United States to enact legislation to return to each state a certain percent of all federal income taxes collected within the state to be expended for education. Referred to Committees on Rules; Education; Ways & Means.

HOUSE BILL 114, which was referred to committees on January 27, 1967, is also referred to Committee on Appropriations.

Motion by Mr. Barr, seconded by Mr. Ellsworth, that the House stand adjourned. Carried at 9:20 A.M.

STAN TURLEY,
Speaker of the House.

ATTEST: RUBY H. SANDERS,
Chief Clerk of the House.

THIRTY-SECOND DAY
THURSDAY, FEBRUARY 9, 1967

The House met at 9:00 A.M., Speaker Turley presiding.

Attendance roll call was as follows:

PRESENT: Abril, Adams, Akers, Alexander, Bailey, Barr, Barrow, Bloom, Brown, Buehl, Cook, Coppinger, Crosby, Elliott, Ellsworth, Farley, Flake, Fricks, Gardner, Getzwiller, Goodwin, Hardt, Hawes, Holley, House, Huffer, Hutcheson, Jenks, Johnson, Jones, Kelley, Kluender, Koory, Lena, Lyman, Maynard, McConnell, Miniken, Pale, Peck, Pena, Pritzlaff, Rockwell, Roeder, Rosenbaum, Sawyer, Shaughnessy, Shelley, Smith, Stinson, Stone, Stuckey, Thompson, Vipperman, Walker, Williams, Speaker Turley—57.

EXCUSED: Carrillo, Rickard, Simer—3.

Reverend John Beall, Chaplain of the House, offered prayer.

Without objection, the reading of the Journal of Wednesday, February 8, 1967, was dispensed with, and approved as written.

**FORTIETH DAY
FRIDAY, FEBRUARY 17, 1967
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**FORTIETH DAY
FRIDAY, FEBRUARY 17, 1967**

The House met at 10:00 A.M., Speaker Turley presiding.

Attendance roll call was as follows:

PRESENT: Abril, Adams, Akers, Alexander, Bailey, Barr, Barrow, Bloom, Brown, Buehl, Carrillo, Cook, Coppinger, Crosby, Elliott, Ellsworth, Farley, Flake, Fricks, Gardner, Getzwiller, Goodwin, Hardt, Hawes, Holley, Huffer, Hutcheson, Johnson, Jones, Kelley, Kluender, Koory, Lena, Lyman, McConnell, Miniken, Pale, Peck, Pena, Pritzlaff, Rickard, Rockwell, Roeder, Rosenbaum, Sawyer, Shaughnessy, Shelley, Simer, Smith, Stinson, Stone, Stuckey, Thompson, Vipperman, Walker, Williams, Speaker Turley—57.

EXCUSED: House, Jenks, Maynard—3.

Reverend William S. Boice, Chaplain of the House, offered prayer.

Without objection, the reading of the Journal of Thursday, February 16, 1967, was dispensed with, and approved as written.

PERSONAL PRIVILEGE

Mrs. Peck addressed the House on House Bill 285, motor vehicle inspection.

At 10:07 A.M., the Sergeant at Arms announced the seating of Mrs. Maynard.

REPORTS OF STANDING COMMITTEES

The following standing committee reports were read:

Administration, Polly Rosenbaum, Chairman, on printing.

Received:

House Bills 188, 190, 202 and 222.

Administration, Polly Rosenbaum, Chairman, on engrossing.

SENATE BILL 3, HOUSE BILLS 26, 79, 100, 104, 120, 121, 154 and 166.

Commerce & Industry, D. Delos Ellsworth, Chairman.

HOUSE BILL 77, amended, returned for consideration of the House.

HOUSE BILL 89, returned for consideration of the House.

HOUSE BILL 114, amended, do pass.

Fish, Game & Natural Resources, William D. Lyman, Chairman.

SENATE JOINT MEMORIAL 3, do pass.

SENATE JOINT MEMORIAL 4, do pass.

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FORTY-SIXTH DAY
THURSDAY, FEBRUARY 23, 1967
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Without objection, at 10:26 A.M., the Joint Session of the Legislature was dissolved.

MARSHALL HUMPHREY,
President of the Senate.

STAN TURLEY,
Speaker of the House.

ATTEST: LOUISE C. BRIMHALL,
Secretary of the Senate.

RUBY H. SANDERS,
Chief Clerk of the House.

At 10:47 A.M., Speaker Turley called the House to order.

Without objection, the House referred to the Order of Business:

REPORTS OF STANDING COMMITTEES

The following standing committee reports were read:

State Government, Scott Alexander, Chairman.

HOUSE BILL 1, amended, do pass.

→ HOUSE BILL 114, do pass, as amended by Committee on
Commerce & Industry.

HOUSE BILL 158, do pass.

HOUSE BILL 159, do pass.

HOUSE BILL 177, do pass.

HOUSE BILL 178, do pass.

Motion by Mr. Barr, seconded by Mr. Ellsworth, that the House stand adjourned. Carried at 10:52 A.M.

STAN TURLEY,
Speaker of the House.

ATTEST: RUBY H. SANDERS,
Chief Clerk of the House.



FORTY-SEVENTH DAY
FRIDAY, FEBRUARY 24, 1967
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FORTY-SEVENTH DAY
FRIDAY, FEBRUARY 24, 1967

The House met at 9:00 A.M., Speaker Turley presiding.

Attendance roll call was as follows:

PRESENT: Abril, Adams, Akers, Alexander, Barr, Barrow, Bloom, Brown, Buehl, Carrillo, Cook, Coppinger, Crosby, Elliott, Ellsworth, Farley, Fricks, Gardner, Getzwiller, Goodwin, Hardt, Hawes, Holley, House, Huffer, Hutcheson, Jenks, Johnson, Jones, Kluender, Koory, Lena, Lyman, McConnell, Miniken, Pale, Peck, Pena, Pritzlaff, Rickard, Rockwell, Roeder, Rosenbaum, Sawyer, Shelley, Simer, Smith, Stinson, Stone, Stuckey, Thompson, Walker, Williams, Speaker Turley—54.

EXCUSED: Bailey, Flake, Kelley, Maynard, Shaughnessy, Vipperman—6.

Father Gus Tuttle, Chaplain of the House, offered prayer.

Without objection, the reading of the Journal of Thursday, February 23, 1967, was dispensed with, and approved as written.

At 9:09 A.M., the Sergeant at Arms announced the seating of Members Flake and Vipperman.

REPORTS OF STANDING COMMITTEES

The following standing committee reports were read:

Administration, Polly Rosenbaum, Chairman, on printing.

Ordered:

House Bills 292 and 2932500 copies

House Concurrent Resolutions 12 and
132500 copies.

Received:

House Bills 226, 230, 234, 240, 265, 268, 269, 272, 276,
277, 279, 281, 282, 284, 286, 287, 288 and 289

House Concurrent Resolutions 8, 9 and 11

House Joint Memorial 6.

Appropriations, John C. Pritzlaff, Jr., Chairman.

HOUSE BILL 1, do pass, as amended by Committee on Commerce & Industry.

→ HOUSE BILL 114, do pass, as amended by Committee on Commerce & Industry.

HOUSE BILL 158, do pass.

HOUSE BILL 177, do pass.



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At 9:12 A.M., the Sergeant at Arms announced the seating of Mrs. Maynard.

Rules, Burton S. Barr, Chairman.

SENATE BILL 25, constitutional and in proper form.

SENATE BILL 127, constitutional and in proper form.

HOUSE BILL 1, constitutional and in proper form.

HOUSE BILL 14, constitutional and in proper form.

HOUSE BILL 61, constitutional and in proper form.

HOUSE BILL 62, constitutional and in proper form.

HOUSE BILL 69, constitutional and in proper form.

HOUSE BILL 90, constitutional and in proper form.

HOUSE BILL 114, constitutional and in proper form.

HOUSE BILL 116, constitutional and in proper form.

HOUSE BILL 118, constitutional and in proper form.

HOUSE BILL 137, constitutional and in proper form.

HOUSE BILL 151, constitutional and in proper form.

HOUSE BILL 158, constitutional and in proper form.

HOUSE BILL 177, constitutional and in proper form.

HOUSE BILL 178, constitutional and in proper form.

HOUSE BILL 194, constitutional and in proper form.

HOUSE BILL 209, constitutional and in proper form.

HOUSE BILL 212, constitutional and in proper form.

HOUSE BILL 251, amended, constitutional and in proper form.

HOUSE JOINT MEMORIAL 2, constitutional and in proper form.

BUSINESS ON THE SPEAKER'S DESK

A communication from the Governor, Jack Williams, on approval of the following bill, was read and filed.

HOUSE BILL 86, signed February 20, 1967.

PERSONAL PRIVILEGE

The following member asked that his remarks be entered in the Journal:

I was privileged to represent the Speaker of the House of Representatives of the great State of Arizona at the inaugural ceremonies of the Honorable Raymond Nakai, chairman of the largest and most progressive tribe of Indians in the world.

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Motion by Mr. Barr, seconded by Mr. Ellsworth, that the House stand at recess, subject to the call of the gavel. Carried at 9:29 A.M.

At 11:16 A.M., Speaker Turley called the House to order.

Without objection, the House referred to the Order of Business:

REPORTS OF STANDING COMMITTEES

The following standing committee reports were read:

Appropriations, John C. Pritzlaff, Jr., Chairman.

HOUSE BILL 295, do pass.

Ways & Means, W. A. Buehl, Chairman.

HOUSE BILL 294, do pass.

Commerce & Industry, D. Delos Ellsworth, Chairman.

HOUSE BILL 1, amended, do pass.

Rules, Burton S. Barr, Chairman.

HOUSE BILL 294, constitutional and in proper form.

HOUSE BILL 295, constitutional and in proper form.

Rules, Burton S. Barr, Chairman.

→ HOUSE BILLS, 1, 14, 61, 62, 69, 90, 114, 116, 118, 137, 151, 158, 177, 178, 194, 209, 212, 251, 294 and 295.

SENATE BILLS 25 and 127.

HOUSE JOINT MEMORIAL 2.

MOTION TO GO INTO COMMITTEE OF THE WHOLE

Motion by Mr. Barr, seconded by Mr. Ellsworth, that the House resolve itself into a Committee of the Whole for the consideration of the bills on the Calendar. Carried, and at 11:19 A.M., Mrs. Gardner took the Chair.

At 12:09 P.M., the Committee of the Whole was dissolved and Mrs. Gardner, Chairman, reported:

That House Bill 1 be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Sec. 4-101, Arizona Revised Statutes, is amended to read:

"4-101. Definitions

"In this title, unless the context otherwise requires:

"1. 'Beer' means any beverage obtained by the alcoholic fermentation, infusion or decoction of barley malt, hops, or other ingredients not drinkable, or any combination of them.



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Page 5, line 26, after "case" insert ", except for first offense,".

Page 6, lines 1 and 26, strike "firearm" and insert "deadly weapon".

Page 6, line 32, after "case" insert ", except for first offense,".

Page 6, line 41, strike "firearm" and insert "deadly weapon".

Page 7, line 2, after "case" insert ", except for first offense,".

Page 7, line 12, strike "firearm" and insert "deadly weapon".

Page 7, line 19, after "case" insert ", except for first offense,".

And, as so amended, it do pass.

That House Bill 61 do pass.

That House Bill 62 be amended as follows:

Page 1, strike lines 15 to 17, inclusive, and insert:

"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."

And, as so amended, it do pass.

That House Bill 69 be amended as follows:

Page 1, line 7, strike "reasonable" and insert "probable".

Page 1, lines 15 and 17, strike "reasonable ground" and insert "probable cause".

Page 1, strike lines 21 to 24, inclusive.

Page 2, line 1, strike "6." and insert "5."

Page 2, lines 3 and 4, strike "reasonable and probable grounds" and insert "probable cause".

And, as so amended, it do pass.

That House Bill 90 do pass.

→ That House Bill 114 be amended as follows:

Page 2, lines 9 and 10, strike "the courts will be guided by the" and insert "that the courts may use as a guide".

Page 2, line 11, before "52" insert "45,".

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Page 2, line 13, strike "exemption" and insert "exemptions".

Page 2, line 20, after "advertiser." insert "Further, nothing contained in this article shall apply to any advertisement which is subject to and complies with the rules and regulations of, and the statutes administered by the Federal Trade Commission."

Page 2, line 23, strike "When it appears" and insert "Upon receipt of a written complaint signed by the complainant". After "general" insert "setting forth facts".

Page 2, line 25, strike ", or" and insert "and".

Page 2, line 44, after "nonadmissibility" insert "and confidentiality".

Page 3, line 4, after "prosecution." insert "All such information or evidence provided the Attorney General shall be confidential and shall not be made public unless in the judgment of the Attorney General the ends of justice and the public interest will be served by the publication thereof."

Page 3, strike lines 13 to 15, inclusive, and insert:

"4. Prescribe such forms and promulgate such procedural rules and regulations as may be necessary to enforce the provisions of this article, which rules and regulations shall have the force of law. Such rules and regulations shall not be inconsistent with the provisions of this article."

Page 3, line 38, strike "any". After "person" strike the period and insert "which is subject to the charge of being an unlawful practice as defined in this article."

Page 3, strike lines 39 to 45, inclusive.

Page 4, line 1, strike "3." and insert "2."

Page 4, line 4, strike "Whenever" and insert "Following an investigation made pursuant to Section 44-1524 and when".

Page 4, line 13, strike "of" and insert "or".

Page 4, line 19, strike "When" and insert "Following an investigation made pursuant to Section 44-1524 and when".

Page 4, line 28, strike "shall" and insert "may".

Page 5, line 13, after "assurance" insert "within six years of the filing thereof".

Page 5, after line 45, insert:

"Sec. 2. Appropriation; purpose



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"A. The sum of forty-six thousand sixty-two dollars is appropriated to the Attorney General—Department of Law to be available for the purpose of personal services, current expenditures and miscellaneous expenses in carrying out and enforcing the provisions of this act as follows:

"1. The sum of eighteen thousand four dollars to be available to and including June 30, 1967.

"2. The sum of twenty-eight thousand fifty-eight dollars to be available for the fiscal year beginning July 1, 1967.

"B. The appropriation made under the terms of Subsection A is exempt from the provisions of Section 35-173, Arizona Revised Statutes, relating to quarterly allotments."

Page 6, line 1, strike "2." and insert "3."

Amend title to read:

"Relating to trade and commerce; prescribing powers and duties of the Division of Consumer Fraud in the office of the Attorney General; amending Title 44, Chapter 10, Arizona Revised Statutes, by adding Article 7, Sections 44-1521 to 44-1534, inclusive, and making an appropriation."

And, as so amended, it do pass.

That House Bill 116 do pass.

That House Bill 118 be retained on the Calendar.

That House Bill 137 be amended as follows:

Page 20, lines 33 and 42, after "remains" insert "that require registration pursuant to this act".

And, as so amended, it do pass.

That House Bill 151 be amended as follows:

Page 1, line 24, before the comma, insert "to consumers".

Page 2, line 22, after "copying" insert a comma.

Page 2, line 23, after "state" strike the comma and insert "; and".

Amend title as follows:

"Relating to taxation; providing that the transaction privilege tax on job printing, engraving, embossing and copying shall be determined by sales to purchasers in the state; redefining transaction privilege tax on producing and furnishing electricity, electric lights, current, power or gas, natural or artificial, and water to consumers, and amending Section 42-1310, Arizona Revised Statutes."

And, as so amended, it do pass.

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FIFTIETH DAY
MONDAY, FEBRUARY 27, 1967
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REPORTS OF STANDING COMMITTEES

The following standing committee reports were read:

Administration, Polly Rosenbaum, Chairman, on printing.

Ordered:

House Bills 294, 295, 296 and 2972500 copies

Received:

House Bills 217, 232, 236, 244, 252, 256, 261, 262, 264, 266,
270, 274, 278, 280, 283, 285 and 290.

Administration, Polly Rosenbaum, Chairman, on engrossing.

HOUSE BILLS 14, 61, 62, 69, 90, 114, 116, 137, 151, 158, 177,
178, 194, 209, 212, 251 and HOUSE JOINT MEMORIAL 2.

Counties & Municipalities, Sam Flake, Chairman.

HOUSE BILL 13, do pass.

BUSINESS ON THE SPEAKER'S DESK

A communication from the Governor, Jack Williams, on approval of the following bills, was read and filed:

HOUSE BILLS 42, 70 and 76, signed February 24, 1967.

Motion by Mr. Barr, seconded by Mr. Ellsworth, that the House stand at recess, subject to the call of the gavel. Carried at 9:14 A.M.

At 10:34 A.M., Speaker Turley called the House to order.

Without objection, the House referred to the Order of Business:

REPORTS OF STANDING COMMITTEES

The following standing committee report was read:

Administration, Polly Rosenbaum, Chairman, on engrossing.

SENATE BILL 78.

REPORTS OF SELECT COMMITTEES

The Free Joint Conference Committee on House Bill 2, reported:

That the bill be amended as follows:

(Senate engrossed bill)

Strike everything after the enacting clause and insert:

"Section 1. Legislative intent

"A. It is essential to the proper operation of government at all levels that public officials and public employees shall be impartial, have a high standard of ethical conduct, and avoid any action, whether or not specifically prohibited by law, which might result in:

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SENATE BILL 226, exempts commission salesmen of securities from unemployment compensation insurance coverage. Referred to Committees on Rules; Commerce & Industry.

THIRD READING OF BILLS

The following bills were read the third time in full:

HOUSE BILL 114, entitled, An Act, relating to trade and commerce; prescribing powers and duties of the Division of Consumer Fraud in the office of the Attorney General; amending Title 44, Chapter 10, Arizona Revised Statutes, by adding Article 7, Sections 44-1521 to 44-1534, inclusive, and making an appropriation.

On roll call HOUSE BILL 114 passed the House by the following vote:

AYES: Abril, Adams, Akers, Alexander, Barr, Barrow, Bloom, Brown, Buehl, Carrillo, Cook, Crosby, Elliott, Ellsworth, Farley, Flake, Fricks, Gardner, Goodwin, Hardt, Hawes, Holley, Huffer, Hutcheson, Jenks, Johnson, Jones, Kelley, Kluender, Koory, Lena, Lyman, Maynard, Miniken, Pale, Peck, Pena, Pritzlaff, Rickard, Rockwell, Roeder, Rosenbaum, Sawyer, Shaughnessy, Shelley, Simer, Smith, Stinson, Stone, Stuckey, Thompson, Vipperman, Walker, Williams, Speaker Turley—55.

NOT VOTING: Bailey, Coppinger, Getzwiller, House, McConnell—5.

House Bill 114 was signed in open session by Speaker Turley.

HOUSE BILL 116, entitled, An Act, making an appropriation to the Board of Pardons and Paroles.

On roll call HOUSE BILL 116 passed the House by the following vote:

AYES: Abril, Adams, Akers, Alexander, Barr, Barrow, Bloom, Brown, Buehl, Carrillo, Cook, Crosby, Elliott, Ellsworth, Flake, Fricks, Gardner, Goodwin, Hardt, Hawes, Holley, Huffer, Hutcheson, Jenks, Johnson, Jones, Kelley, Kluender, Koory, Lena, Lyman, Maynard, Miniken, Pale, Peck, Pena, Pritzlaff, Rickard, Rockwell, Roeder, Rosenbaum, Sawyer, Shaughnessy, Shelley, Simer, Smith, Stinson, Stone, Stuckey, Thompson, Vipperman, Walker, Williams, Speaker Turley—54.

NOT VOTING: Bailey, Coppinger, Farley, Getzwiller, House, McConnell—6.

House Bill 116 was signed in open session by Speaker Turley.

HOUSE BILL 137, entitled, An Act, relating to vital statistics; repealing Title 36, Chapter 3, Articles 1 and 2, Arizona Revised Statutes; providing vital statistics registration officials and agencies; prescribing registration requirements, procedures and certificates; prescribing penalties, and amending Title 36, Arizona Revised Statutes, by adding a new Chapter 3, Articles 1 and 2.

On roll call HOUSE BILL 137 passed the House by the following vote:

AYES: Abril, Adams, Akers, Alexander, Barr, Barrow, Bloom, Brown, Buehl, Carrillo, Cook, Coppinger, Crosby, Elliott, Ellsworth, Fricks, Gardner, Goodwin, Hardt, Hawes, Holley, Huffer, Hutcheson, Jenks,

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BILLS AND OTHER BUSINESS FROM THE SENATE

Messages from the Secretary of the Senate, Louise C. Brimhall, were read:

HOUSE BILL 114, passed by a vote of 23 ayes, 6 nays, 1 not voting, with the following amendments:

(House engrossed bill)

Page 2, line 29, after "a" insert "verified".

Page 3, line 5, after "oath" strike "or otherwise".

Page 3, line 26, strike the period and insert ", provided that the names of the interested parties shall not be made public."

Page 4, line 11, after "state," strike the remainder of Sub-section B and insert "but if personal service within the state cannot be obtained, service may be made in compliance with the rules of civil procedure."

Page 5, line 21, strike "or" and insert "and".

Page 5, line 22, after "person" strike the comma.

Page 5, line 26, strike "or" and insert "and".

Motion by Mr. Barr, seconded by Mr. Ellsworth, that the House concur in the Senate amendments to House Bill 114. Carried.

FINAL PASSAGE

The following bill, as amended by the Senate, was read the final time in full:

HOUSE BILL 114, entitled, An Act, relating to trade and commerce; prescribing powers and duties of the Division of Consumer Fraud in the office of the Attorney General; amending Title 44, Chapter 10, Arizona Revised Statutes, by adding Article 7, Sections 44-1521 to 44-1534, inclusive, and making an appropriation.

On roll call HOUSE BILL 114 passed the House by the following vote:

AYES: Abril, Adams, Akers, Alexander, Bailey, Barr, Barrow, Bloom, Brown, Buehl, Carrillo, Cook, Coppinger, Crosby, Elliott, Ellsworth, Farley, Flake, Fricks, Gardner, Getzwiller, Goodwin, Hardt, Hawes, Holley, House, Huffer, Hutcheson, Jenks, Johnson, Jones, Kelley, Kluender, Koory, Lena, Lyman, Maynard, Miniken, Pale, Peck, Pena, Pritzlaff, Rickard, Rockwell, Roeder, Rosenbaum, Shaughnessy, Shelley, Simer, Stinson, Stone, Stuckey, Vipperman, Walker, Williams, Speaker Turley—56.

NOT VOTING: McConnell, Sawyer, Smith, Thompson—4.

House Bill 114 was signed in open session by Speaker Turley.

SENATE BILL 17, concurred in House amendments and passed on Final Passage by a vote of 28 ayes, 2 not voting.

SENATE BILL 30, concurred in House amendments and passed on Final Passage by a vote of 28 ayes, 2 nays.

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SIXTY-FOURTH DAY
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PERSONAL PRIVILEGE

The following member asked that his remarks be entered in the Journal:

The Senate position on House Bill 13 is the classic example of a small minority thwarting the will of the majority. Seven Senators oppose the retention of standard time. Five of these Senators serve on the Rules Committee, and they have refused to bring House Bill 13 to the floor for full debate.

The Senators are: Chester Goldberg, Jr., Marshall Humphrey, David B. Kret, Thomas M. Knoles, Jr. and William S. Porter. These are the men who have forced Daylight Savings Time in Arizona. I can prove this because I have the signatures of the majority of the members of the Senate who have committed their votes to the retention of Standard Time and have asked the Senate leadership to bring the bill to the floor for action.

The subject matter properly was one which should have come before the full Senate for debate and action. I am sorry that our legislative system permits such an irresponsible action by a small minority.

FRANK J. KELLEY

Motion by Mr. Barr, seconded by Mr. Ellsworth, that the House stand at recess, subject to the call of the gavel. Carried at 5:00 P.M.

At 5:20 P.M., Speaker Turley called the House to order.

Motion by Mr. Barr, seconded by Mr. Ellsworth, that the House stand at recess, subject to the call of the gavel. Carried at 5:22 P.M.

At 6:08 P.M., Speaker Turley called the House to order.

Without objection, the House referred to the Order of Business:

REPORTS OF STANDING COMMITTEES

The following standing committee report was read:

Labor & Management, James E. Shelley, Chairman.

SENATE BILL 150, amended, do pass.

BUSINESS ON THE SPEAKER'S DESK

Communications from the Governor, Jack Williams, on approval of the following bills, were read and filed:

SENATE BILLS 56, 78 and 129, signed March 9, 1967.

SENATE BILLS 76, 145 and 220, signed March 10, 1967.

SENATE BILLS 17, 30, 34, 40, 42, 52, 77, 98, 196, 226, 230,
HOUSE BILLS 79, 114 and 298, signed March 13, 1967.

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HOUSE BILL 112, by Mr. Barr of District 8, cities and towns shall first obtain petitions signed by majority of property owners before ordering improvements consisting of paving or repaving certain streets.

1-26	First Reading	110
1-27	Second Reading, referred to Committees on Rules; Transportation; Counties & Municipalities.....	116
	Held in committees.	

HOUSE BILL 113, by majority of Committee on Labor & Management, enforcement of wage claims by Director of Arizona State Labor Department.

1-26	First Reading	110
1-27	Second Reading, referred to Committees on Rules; Labor & Management; Counties & Municipalities.....	117
2-16	Counties & Municipalities—do pass.....	204
2-16	Labor & Management—do pass.....	205
	Held in Rules Committee.	

→ HOUSE BILL 114, by Members Barr, Ellsworth of District 8, establishment of Division of Consumer Frauds in office of the Attorney General to prevent deceptive sales and advertising.

1-26	First Reading	110
1-27	Second Reading, referred to Committees on Rules; Commerce & Industry; State Government.....	117
2-8	Referred to Committee on Appropriations	160
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2-24	Rules report	256
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2-27	Third Reading, passed, 55 ayes, 5 not voting.....	307
3-10	Senate passed amended, 23 ayes, 6 nays, 1 not voting.....	409
3-10	House concurred in Senate amendments—Final Passage, 56 ayes, 4 not voting.....	409
3-13	Governor approved	510
	Chapter 43.	

HOUSE BILL 115, by Committee on Labor & Management, relating to garnishment.

1-26	First Reading	110
1-27	Second Reading, referred to Committees on Rules; Labor & Management; Judiciary, Suffrage & Elections.....	117
3-2	Labor & Management—do pass.....	320
	Held in committees.	

HOUSE BILL 116, by Members Adams, Stinson of District 8; Sawyer of District 2; Brown of District 3; Williams of



Because of errors in the original printing of this Bill and due to the fact that it has not as yet been returned from the printer, it was determined by the Committee to hold this Bill until the corrected Bill was received before any action be taken by the Committee.

House Bill 114 was introduced by Chairman Ellsworth who then introduced Attorney General Darrell Smith to explain the purpose of this Bill and their reasons for endorsing it. He stated that this Bill is to stop the fraud that now exists in the selling of many goods to the consumer, and the need for legislation to protect them from such. Mr. Smith introduced Mr. Philip Marquardt, an assistant on the staff of the Attorney General. Mr. Marquardt gave additional information in explaining that this Bill will also protect the merchant as well as the consumer from such frauds. It will also help to retain money for the state that is now being taken out of the state by those who are defrauding and leaving the state immediately thereafter and moving on to other places.

Mr. "Mac" Dossey, Arizona Retailers Association, gave a few changes that his organization would like to see in the passing of this Bill, but which they felt would not basically change the Bill.

Mrs. Rosenbaum made a motion that this Bill be held for further study until our meeting next week, and the motion was seconded by Mrs. Peck. The motion was carried by the Committee.

The last Bill on the agenda, House Bill 77, was introduced by Chairman Ellsworth. Mr. Ellsworth introduced Mr. Robert Kelso of the firm of Lewis, Roca, Scoville, Beaucamp and Linton. Mr. Kelso explained further concerning the licensing of contractors and the relicensing of those who have gone into bankruptcy. Mr. Kelso was present before the Committee last week and, at that time, gave a more detailed description of this Bill. Mr. McClure, deputy Registrar of Contractors from Tucson, answered questions from the Committee and gave some additional information.

Mrs. Rosenbaum made a motion that this Bill, also, be held until next week for additional study and consideration. This motion was seconded by Mr. Barrow and it was carried by the Committee.

Chairman Ellsworth announced that there will be an additional Committee Meeting on Thursday, February 9th, at 1:00 p.m. in the Hearing Room, Room 312, concerning Senate Bill 123, Uniform Commercial Code, which has been assigned to our Committee.

Since there was no further business to be brought before the Committee, the meeting was adjourned.

* See end of Public Hearing for Com. report on this day (rec. - SB 23 - do pass)

MINUTES OF MEETING OF
COMMITTEE ON COMMERCE AND INDUSTRY
FEBRUARY 16, 1967

A meeting of the Committee on Commerce and Industry of the First Regular Session of the 28th Legislature was held in Room 315 at 1:30 p.m. on February 16, 1967.

Members Present

Mr. Ellsworth	Mr. Huffer	Miss Stinson
Mr. Bloom	Mrs. Peck	Mr. Stuckey
Mr. Fricks	Mr. Roeder	Mr. Vipperman
Mr. Goodwin	Mrs. Rosenbaum	

Chairman Ellsworth introduced the first Bill before the Committee, House Bill 114, the Consumer Fraud Bill. Due to the fact that this Bill has been discussed before the Committee previously, Mr. Roeder recommended a "do pass" for the Bill, which was seconded by Miss Stinson. Then Mr. Roeder ask for a "do passage" of this Bill except for the following additions to the amendments that he would like to have added to those that had already been approved. They were as follows:

Page 2, lines 9 and 10, strike "will be guided by the" and insert "may use as a guide".

Miss Stinson seconded the motion for the addition of these amendments. Mr. Roeder then recommended that this Bill be recommended for an "as amended, do pass" which was seconded by Mr. Stuckey.

The second Bill introduced by Chairman Ellsworth was House Bill 89, the Bill which is being sponsored by Mrs. Peck. Due to the fact that this Bill, too, had been thoroughly discussed previously, Mrs. Peck recommended that the Bill be returned to the House for consideration. The motion was seconded by Mr. Bloom. After a roll call vote, the motion carried.

Chairman Ellsworth introduced House Bill 131, a Bill relating to reserving to states all oil and mineral rights. Since the sponsor was unable to be present, some explanation of this Bill was given by Chairman Ellsworth. Mr. Roeder made a motion that the Bill be held over for our next Committee meeting for further consideration and study. This was seconded by Mrs. Peck and was carried by the Committee.



State Government
Committee
2-22-67

House Bill 84, which requires public buildings to contain fall-out shelters, was considered, but upon motion of Mr. Kelley, seconded by Mr. Bloom, it was unanimously voted to hold this bill for further study.

House Bill 83, which covers civil defense employees under workmen's compensation, was considered, but upon motion of Mr. Kelley, seconded by Mr. Bloom, it was unanimously voted to hold this bill also for further study.

House Bill 114, which gives the state powers to act on consumer fraud, was next on the agenda. This bill had been studied and amended by the Committee on Commerce and Industry. Upon motion by Mr. Bloom, seconded by Mrs. Peck, it was unanimously voted that House Bill 114 be reported out, as amended by the Committee on Commerce and Industry, with a "do pass" recommendation.

The meeting then proceeded to consideration of House Bill 1, which relates to reorganization of the state liquor department. Mr. Alexander requested that Mr. Kelley take the Chairman's chair and act as Chairman temporarily while Mr. Alexander explained various provisions and proposed amendments to the bill. Mr. Kelley complied with this request, and Mrs. Peck moved that House Bill 1 be put out for consideration of the House. Mr. Alexander seconded the motion and then moved that House Bill 1 be amended in accordance with the mimeographed proposed amendment under consideration, as follows:

State Gov't Minutes
Feb. 22, 1967



X DE HB 114

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OF THE

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TWENTY-EIGHTH LEGISLATURE
OF THE
STATE OF ARIZONA
FIRST REGULAR SESSION
-1967-

SESSION CONVENED, MONDAY, JANUARY 9, 1967

SESSION ADJOURNED SINE DIE
MONDAY, MARCH 13, 1967 AT 7:43 P.M.

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SPECIAL SESSION
8th LEGISLATURE



Tuesday, February 28, 1967
Fifty-first Day

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dilapidated buildings; providing for assessing the costs of such removal against the property improved; providing for making the assessment a lien on the property; providing for the enforcement of the liens of such assessments, and amending title 9, chapter 4, article 8, Arizona Revised Statutes, by adding section 9-498."

House Bill No. 62, entitled: "An Act relating to taxation; providing that monthly premiums paid by a county to the state department of public welfare as prescribed by section 46-217, Arizona Revised Statutes, shall be excluded from budget and tax limitations, and amending title 42, chapter 2, article 4, Arizona Revised Statutes, by adding section 42-304.02."

House Bill No. 69, entitled: "An Act relating to crimes; providing for arrests by peace officer without warrant, and amending section 13-1403, Arizona Revised Statutes."

House Bill No. 90, entitled: "An Act relating to professions and occupations; repealing title 32, chapter 21, Arizona Revised Statutes; creating an Arizona state veterinary medical examining board; prescribing its powers and duties; providing for licensing and regulation of veterinarians; prescribing penalties, and amending title 32, Arizona Revised Statutes, by adding a new chapter 21."

House Bill No. 114, entitled: "An Act relating to trade and commerce; prescribing powers and duties of the division of consumer fraud in the office of the attorney general; amending title 44, chapter 10, Arizona Revised Statutes, by adding article 7, sections 44-1521 to 44-1534, inclusive, and making an appropriation."

House Bill No. 116, entitled: "An Act making an appropriation to the board of pardons and paroles."

House Bill No. 137, entitled: "An Act relating to vital statistics; repealing title 36, chapter 3, articles 1 and 2, Arizona Revised Statutes; providing vital statistics registration officials and agencies; prescribing registration requirements, procedures and certificates; prescribing penalties, and amending title 36, Arizona Revised Statutes, by adding a new chapter 3, articles 1 and 2."

House Bill No. 151, entitled: "An Act relating to taxation; providing that the transaction privilege tax on job printing, engraving, embossing and copying shall be determined by sales to purchasers in the state; redefining transaction privilege tax on producing and furnishing electricity, electric lights, current, power or gas, natural or artificial, and water to consumers, and amending section 42-1310 Arizona Revised Statutes."

House Bill No. 158, entitled: "An Act making an appropriation to the board of directors of state institutions for juveniles for payment of expenses incurred during the fiscal year ending June 30, 1966."

House Bill No. 177, entitled: "An Act making an appropriation to the corporation commission."

House Bill No. 178, entitled: "An Act relating to education; providing that if an accommodation school accepting federal funds becomes a school district, the board of supervisors may transfer the



Tuesday, February 28, 1967
Fifty-first Day

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examining board. Referred to the Committee on Agriculture and Livestock.

House Bill No. 114, establishment of division of consumer frauds in office of the attorney general to prevent deceptive sales and advertising. Referred to the Committees on Judiciary; and Commerce and Industry.

House Bill No. 116, supplemental appropriation to board of pardons and paroles for personal services, travel and office equipment rental. Referred to the Committee on Appropriations.

House Bill No. 137, revising laws relating to vital statistics. Referred to the Committees on Public Health and Welfare; and State Government.

House Bill No. 151, providing sales tax on job printing, engraving, et cetera, shall be determined by sales to purchasers in the state. Referred to the Committee on Finance and Revenue.

House Bill No. 158, appropriation to board of directors of state institutions for juveniles for personal services, travel and other expenses. Referred to the Committee on Appropriations.

House Bill No. 177, appropriation to corporation commission for carpeting. Referred to the Committee on Appropriations.

House Bill No. 178, when accommodation school accepting federal money becomes a school district boards of supervisors may transfer cash balance to such school district. Referred to the Committee on Education.

House Bill No. 194, changing renewal period for certificate of registration and increasing examination fee for physical therapists. Referred to the Committee on Public Health and Welfare.

House Bill No. 209, department of public welfare authorized to pay past due insurance premium to social security administration. Referred to the Committee on Appropriations.

House Bill No. 212, reallocation of funds by department of public welfare for "unallocated assistance". Referred to the Committee on Appropriations.

House Bill No. 251, supplemental appropriation to governor for national governor's conference dues. Referred to the Committee on Appropriations.

House Joint Memorial No. 2, urging the President and Congress of United States to prohibit trade of non-strategic as well as strategic materials with any communist nation. Referred to the Committee on Judiciary.

REPORTS OF STANDING COMMITTEES

The Committee on Labor and Management, Senator Johnson, Chairman, reported the following, with a majority of the Committee recommending that the bills do pass:

Wednesday, March 1, 1967
Fifty-second Day

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Senate Bill No. 236, authorizing highway commission to issue bonds for acquiring certain property.

Senate Bill No. 237, construction and furnishing of highway patrol building at Yuma.

Senate Bill No. 238, highway patrol may accept federal grants of funds.

Senate Bill No. 248, issuance of motor vehicle operator's license to certain out-of-state licensed operator.

Senate Bill No. 264, prescribing salary of state highway director, with the following amendment: (reference is to the printed bill)

Page 2, line 4, following "salary" insert "not to exceed TWENTY thousand dollars."

The Committee on Judiciary, Senator Conlan, Chairman, reported the following, with a majority of the Committee recommending that the bills and resolution do pass:

Senate Bill No. 215, prohibiting recovery for breach of express or oral antenuptial contract.

House Bill No. 114, establishment of division of consumer frauds in office of the attorney general to prevent deceptive sales and advertising, with the following amendments: (reference is to the House engrossed bill)

Page 2, line 29, following "a" insert "verified"

Page 3, line 5, following "oath" strike "or otherwise"

Page 3, line 26, strike the period and add ", provided that the names of the interested parties shall not be made public."

Page 4, line 11, following "state," strike the remainder of subsection B. and insert "but if personal service within the state cannot be obtained, service may be made in compliance with the rules of civil procedure."

Page 5, line 21, strike "or" and insert "and"

Page 5, line 22, following "person" strike the comma

Page 5, line 26, strike "or" and insert "and"

Senate Bill No. 231, providing civil remedy for recovery of treble damages and attorney's fees.

Senate Concurrent Resolution No. 3, constitutional amendment prescribing limitations on widows' tax exemptions.

RECESS

Without objection, at 9:11 a.m. the Senate stood at recess subject to the call of the gavel.

The President called the Senate to order at 9:42 a.m.

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Wednesday, March 8, 1967
Fifty-ninth Day

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and lapsing appropriation provisions. Referred to the Committee on State Government.

House Bill No. 228, tax on gross receipts of circus or menagerie repealed and making retroactive to July 1, 1966. Referred to the Committee on Finance and Revenue.

House Bill No. 270, state supported schools to report to motor vehicle division or county assessor information concerning out-of-state students. Referred to the Committee on Highways and Transportation.

REPORTS OF STANDING COMMITTEES

The Committee on Appropriations, Senator Knoles, Chairman, reported the following, with a majority of the Committee recommending that the bills do pass:

Senate Bill No. 111, appropriation and reallocation to school for deaf and blind for dormitory.

Senate Bill No. 152, superintendent of public buildings maintenance may accept certain funds.

House Bill No. 33, amending real estate laws, with the following amendments: (reference is to the House engrossed bill)

Page 11, strike lines 1 through 9 and insert:

"It is unlawful for any owner, agent or subdivider, after submitting to the commissioner the plan under which a subdivision is to be offered for sale or lease, and securing his approval, to change the plan materially without first notifying the commissioner in writing of the intended change."

The Committee on Commerce and Industry, Senator Kret, Chairman, reported the following, with a majority of the Committee recommending that the bills do pass:

Senate Bill No. 227, deposit of payment made under pre-arranged funeral plan agreements.

Senate Bill No. 231, providing civil remedy for recovery of treble damages and attorney's fees.

Senate Bill No. 254, revising laws relating to dairies and dairying.

House Bill No. 33, amending real estate laws.

House Bill No. 79, providing for the adoption of a title insurance code.

House Bill No. 114, establishment of division of consumer frauds in office of the attorney general to prevent deceptive sales and advertising.

The Committee on Rural and Urban Affairs, Senator Wilcox.

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Thursday, March 9, 1967
Sixtieth Day

JOURNAL OF THE SENATE

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House Bill No. 82, apprenticeship council may contract with federal agencies and receive and disburse federal funds.

House Bill No. 137, revising laws relating to vital statistics, with the following amendments: (reference is to the House engrossed bill)

Page 4, between lines 27 and 28 insert new paragraph 6 to read:

"6. Transmit each month to the county recorder a record of the death of every resident of his county twenty-one years of age and older as required under the provisions of subsection C of section 16-150."

Renumber following paragraphs to conform

RECESS

Without objection, at 9:48 a.m. the Senate stood at recess subject to the call of the gavel.

The President called the Senate to order at 9:56 a.m.

The Committee on Rules, Senator Goldberg, Chairman, reported, for consideration of the Senate, the following bills:

House Bill No. 33, amending real estate laws.

House Bill No. 79, providing for the adoption of a title insurance code.

House Bill No. 80, providing for transaction of insurance business by Lloyd's associations.

House Bill No. 114, establishment of division of consumer frauds in office of the attorney general to prevent deceptive sales and advertising.

Senate Bill No. 111, appropriation and reallocation to school for deaf and blind for dormitory.

Senate Bill No. 160, specifications, preparation and maintenance of voting machines.

Senate Bill No. 168, posting limitations on state or federal lands.

Senate Bill No. 213, establishing council on organization of state government.

Senate Bill No. 254, revising laws relating to dairies and dairying.

Senate Bill No. 255, school districts may receive and disburse federal grant monies for certain projects.

COMMITTEE OF THE WHOLE

Senator Goldberg moved that the Senate resolve itself into Committee of the Whole for the consideration of bills on the Calendar.

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The motion was agreed to and at 9:58 a.m. the Senate resolved itself into Committee of the Whole, with Senator Tenney in the chair.

At 10:54 a.m. the Committee of the Whole arose.

REPORT OF THE COMMITTEE OF THE WHOLE

Senator Tenney, for the Committee of the Whole, submitted the following recommendations:

That House Bill No. 33, amending real estate laws, be amended as follows: (reference is to the House engrossed bill)

Page 11, strike lines 1 through 9 and insert:

"It is unlawful for any owner, agent or subdivider, after submitting to the commissioner the plan under which a subdivision is to be offered for sale or lease, and securing his approval, to change the plan materially without first notifying the commissioner in writing of the intended change."

and, as so amended, the bill do pass.

That House Bill No. 79, providing for the adoption of a title insurance code, do pass.

That House Bill No. 80, providing for transaction of insurance business by Lloyd's associations, be retained on the Calendar.

That House Bill No. 114, establishment of division of consumer frauds in office of the attorney general to prevent deceptive sales and advertising, be amended as follows: (reference is to the House engrossed bill)

Page 2, line 29, following "a" insert "verified"

Page 3, line 5, following "oath" strike "or otherwise"

Page 3, line 26, strike the period and add ", provided that the names of the interested parties shall not be made public."

Page 4, line 11, following "state," strike the remainder of subsection B. and insert "but if personal service within the state cannot be obtained, service may be made in compliance with the rules of civil procedure."

Page 5, line 21, strike "or" and insert "and"

Page 5, line 22, following "person" strike the comma

Page 5, line 26, strike "or" and insert "and"

and, as so amended, the bill do pass.

That Senate Bill No. 111, appropriations and reallocation to school for deaf and blind for dormitory, do pass.

That Senate Bill No. 160, specifications, preparation and maintenance of voting machines, be amended as follows: (reference is to the printed bill)

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Thursday, March 9, 1967
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for denying of a license; providing for judicial review of decisions of commissioner; prescribing powers and duties of commissioner relating to subdivision; providing for notice and approval of certain changes relating to subdivision plans, and amending sections 32-2101, 32-2111, 32-2130, 32-2132, 32-2153, 32-2159, 32-2183, and 32-2184, Arizona Revised Statutes," was read in full on third reading and passed on roll call which resulted: Ayes 29, Not voting 1, as follows:

Ayes: Blansett, Burgess, Campbell, Castillo, Conlan, Crowley, Garfield, Gibbings, Giss, Goetze, Goldberg, Gregovich, Halacy, Holsclaw, Huso, Jacquin, Johnson, Kitchel, Knoles, Kret, Lewis, Ong, Porter, Spikes, Stump, Tenney, Thode, Wilcox, President Humphrey.

Not voting: Beaham.

The President announced the signing in open session of House Bill No. 33 and directed the Secretary to return the bill to the House.

House Bill No. 79, entitled: "An Act relating to insurance; providing for the adoption of a title insurance code; amending sections 20-209, 20-210, 20-211, 20-213, 20-287, 20-342, 20-361, 20-363, 20-366, 20-731, and 20-1561 to 20-1566, inclusive, Arizona Revised Statutes; amending title 20, chapter 2, article 4, Arizona Revised Statutes, by adding sections 20-375 to 20-379, inclusive; amending title 20, chapter 6, article 9, Arizona Revised Statutes, by adding sections 20-1567 to 20-1592, inclusive, and repealing section 20-258, Arizona Revised Statutes," was read in full on third reading and passed on roll call which resulted: Ayes 29, Not voting 1, as follows:

Ayes: Blansett, Burgess, Campbell, Castillo, Conlan, Crowley, Garfield, Gibbings, Giss, Goetze, Goldberg, Gregovich, Halacy, Holsclaw, Huso, Jacquin, Johnson, Kitchel, Knoles, Kret, Lewis, Ong, Porter, Spikes, Stump, Tenney, Thode, Wilcox, President Humphrey.

Not voting: Beaham.

The President announced the signing in open session of House Bill No. 79 and directed the Secretary to return the bill to the House.

House Bill No. 114, entitled: "An Act relating to trade and commerce; prescribing powers and duties of the division of consumer fraud in the office of the attorney general, amending title 44, chapter 10, Arizona Revised Statutes, by adding article 7, sections 44-1521 to 44-1534, inclusive, and making an appropriation," was read in full on third reading and passed on roll call which resulted: Ayes 23, Noes 6, Not voting 1, as follows:

Ayes: Burgess, Campbell, Castillo, Conlan, Crowley, Garfield, Goetze, Goldberg, Gregovich, Halacy, Holsclaw, Huso, Jacquin, Johnson, Knoles, Kret, Lewis, Ong, Porter, Tenney, Thode, Wilcox, President Humphrey.

Noes: Blansett, Gibbings, Giss, Kitchel, Spikes, Stump.

Not voting: Beaham.

The President announced the signing in open session of House Bill No. 114 and directed the Secretary to return the bill to the House.

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LEGISLATIVE INTENT SERVICE (800) 666-1917

Friday, March 10, 1967
Sixty-first Day

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JOURNAL OF THE SENATE

Grand Avenue, Nogales, as a member of the State Board of Directors for Junior Colleges, succeeding Mrs. Helen Kolbe. This is in accordance with Chapter 119, SB 43, Twenty-fourth Legislature. Mrs. Larriva's term is to commence March 10, 1967 and to expire on the first Monday in January, 1971.

I respectfully request confirmation of this appointment by your Honorable Body.

Sincerely,
Jack Williams
Governor

The communication was referred to the Committee on Education.

March 10, 1967

Mr dear Mr. President:

Today I have appointed Mr. D. K. Wingfield, Rimrock, Arizona, as a member of the Livestock Sanitary Board, succeeding Mr. Leonard Neal; this term to commence March 10, 1967 and to expire June 30, 1971. This is in accordance with Chapter 24, Twenty-third Legislature.

I respectfully request confirmation of this appointment by your Honorable Body.

Sincerely,
Jack Williams
Governor

The communication was referred to the Committee on Agriculture and Livestock.

MESSAGES FROM THE HOUSE

→ A Message from the House of Representatives, by Ruby H. Sanders its Chief Clerk announced that the House had concurred in the Senate amendments to House Bill No. 114, establishment of division of consumer frauds in office of the attorney general to prevent deceptive sales and advertising, and had passed the bill on final reading as amended by the Senate.

REPORTS OF STANDING COMMITTEES

The Committee on Public Health and Welfare, Senator Holsclaw, Chairman, reported the following, with a majority of the Committee recommending that the bills do pass:

Senate Bill No. 61, regulation of sale of certain glues.

Senate Bill No. 223, nonliability of utilization review committee or board of hospitals and health centers.

House Bill No. 194, changing renewal period for certificate of registration and increasing examination fee for physical therapists.

House Bill No. 192, increasing amount of vendor payments in behalf of welfare recipients for nursing home care.

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LEGISLATIVE INTENT SERVICE



Monday, March 13, 1967
Sixty-fourth (and last) Day

JOURNAL OF THE SENATE

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commission, with the following amendments: (reference is to the House engrossed bill)

Page 1, line 9, after "years" strike the comma and insert a period

Page 1, line 9, strike "and he" and insert "UNTIL FEBRUARY 1, 1969, THE DIRECTOR"

Page 1, line 11, after the period insert "THEREAFTER HE MAY BE REMOVED BY THE COMMISSION FOR CAUSE."

COMMUNICATIONS FROM THE GOVERNOR

The President laid before the Senate communications from the Governor which were read advising that:

On March 9, 1967 he had approved and transmitted to the secretary of state the following:

Senate Bill No. 56, motor vehicle windows and windshields shall be unobstructed.

Senate Bill No. 78, authority of governor relating to federal highway safety act.

Senate Bill No. 129, defining wildlife and regulating the taking of birds.

On March 10, 1967 he had approved and transmitted to the secretary of state the following:

Senate Bill No. 145, life insurance companies may establish separate accounts.

Senate Bill No. 76, amending credit union by-laws.

On March 13, 1967 he had approved and transmitted to the secretary of state the following:

Senate Bill No. 77, appropriation to livestock sanitary board for relief of certain claimants.

Senate Bill No. 230, relief appropriation for Alfred and Hazel Kwiatkowski.

→ House Bill No. 114, establishment of division of consumer frauds in office of the attorney general to prevent deceptive sales and advertising.

Senate Bill No. 98, appropriation to land department for certain subsistence and travel expenses.

Senate Bill No. 196, appropriation for relief of Thorp Finance Corporation.

Senate Bill No. 226, securities salesmen shall be exempt employment.

GENERAL INDEX

SPECIAL SESSION
LEGISLATURE

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NEW LANGUAGE APPEARS LIKE THIS

Stricken language appears like this

Remaining language appears like this

HCR2031 - 431R - I Ver

Reference Title: Honorable Burton Barr

A CONCURRENT RESOLUTION

ON THE DEATH OF THE HONORABLE BURTON S. BARR.

The People of Arizona have lost an extraordinary leader. The Honorable Burton S. Barr, war hero, devoted family man, public policy architect and legislative statesman, passed away at the age of seventy-nine on Monday, January 13, 1997.

Burton Barr represented north central Phoenix in the Arizona House of Representatives for twenty-two years from 1964 to 1986. He was the Republican majority leader for twenty of those years. It is said that Mr. Barr was involved in some way in every major piece of legislation during his distinguished tenure. Vehicle inspection, health care for indigents, school aid, the tax code, prison reform, child care, groundwater management and freeway funding are a few of his many accomplishments. According to Burton Barr: "We operated on a thesis that we wanted to do things."

Called "Mr. Magic" by his colleagues, Representative Barr is best known as a great compromiser. It did not seem to matter whether the Governor or the Senate was Democrat or Republican, Barr worked effectively with either party and placed the good of the State above politics. He brought wit and civility to any honest disagreement and crafted measures that were acceptable to all the parties involved.

During World War II, Barr served gallantly in North Africa, Italy, France and Germany, earning two Silver Stars and two Bronze Stars. He reached the rank of lieutenant colonel in 1946 and retired from the Army Reserve as a full colonel in 1964.

That same year Burton Barr began his political career, winning a tough race in legislative district 18 by walking the neighborhoods in a successful door-to-door campaign. He took on the Democratic majority in the House and outmaneuvered them. In 1966, after Republicans gained majority status, one political era ended and the Barr era began.

Despite a surprising loss in his bid to be Governor in 1986, Mr. Barr continued to be an active public advocate, playing key roles in obtaining major sports franchises for Arizona and acting as arbiter to settle the difficult relations between the Governor's office and the Indian Tribes regarding Indian gaming.

This highly energetic and witty lawmaker is praised by political figures from both parties. Interior Secretary Bruce Babbitt, a Democratic Governor during Barr's reign in the House, stated that Representative Burton Barr's passing "is truly a passing of an era".

Burton Barr's legacy lies in his uncompromising dedication to the best principle of democracy -- the good of the people. He will be greatly missed by his family, his many friends and by the citizens of the State of Arizona.

Therefore

Be it resolved by the House of Representatives of the State of Arizona, the Senate concurring:

That the Members of the Legislature regret the passing of the Honorable Burton S. Barr and extend their most sincere sympathies and condolences to his wife, Louise, his children, Stephanie, Michael and Susan and his other surviving relatives.

[Bills](#) | [Members](#) | [FloorCalendars](#) | [CommitteeAgendas](#) | [Session Laws](#) | [Statutes](#) | [Arizona Constitution](#)



[Click here to return to the A.L.I.S. Home Page.](#)





Governor's Information

Arizona Governor John "Jack" R. Williams

Born: October 29, 1909

Died: August 24, 1998

Birth State: California

Party: Republican

Family: Married, three children

Religion: Episcopalian

School(s): Phoenix Junior College

Periods in Office:

From: January 2, 1967

To: January 6, 1975



State Web Site

JOHN "JACK" R. WILLIAMS was born October 29, 1909 in Los Angeles, California. Moving to Phoenix with his family, he attended Phoenix Junior College before joining the staff of Radio Station KOY in 1929. He was one of Arizona's most listened to radio voices for 40 years and conducted the popular "This and That" commentary which he always opened with the words: "It's another beautiful day in Arizona. Leave us all enjoy it!" Williams was vice president of the Phoenix Housing Authority from 1944 to 1947, and president of the Phoenix Junior Chamber of Commerce in 1946. He was elected mayor of Phoenix in 1956 and served two terms. Elected governor in 1966, he served until 1975 and was the first governor chosen for a four-year term. A dedicated political conservative, he was a firm believer in the power of hard work and individual initiative to achieve personal goals. He devoted his efforts to achieving orderly economic growth for the state. Governor Williams served on the National Governors' Conference Executive Committee from 1970 to 1971. He passed away August 24, 1998.

Sources:

Governors of the American States, Commonwealths and Territories, National Governors' Conference, 1971.

John Williams Webpage

Please note that this printable version may not contain the full text of any PDF files or other attachments.

Printed from the NGA web site.



SENATE

S. B. 91

INTRODUCED

JAN. 25, 1967

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Referred to	Date	Reported Out
Rules		
Committee of Whole _____		
3rd Reading — Aye _____ No _____ Absent _____		
House Action _____		
Sent to Governor _____ Action _____		

Introduced by Senators Holsclaw and Porter

AN ACT Relating to Trade and Commerce; Prescribing Powers and Duties of the Division of Consumer Fraud in the Office of the Attorney General, and Amending Title 44, Chapter 10, Arizona Revised Statutes, by Adding Article 7, §§44-1521 to 44-1534, Inclusive.

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

2 Section 1. Title 44, chapter 10, Arizona Revised Stat-
3 utes, is amended by adding article 7, §§44-1521 to 44-1534,
4 inclusive, to read:

5 **NEW ART. ARTICLE 7. CONSUMER FRAUD**

6 **NEW SEC. 44-1521. DEFINITIONS**

7 In this article, unless the context otherwise requires:

8 1. "Advertisement" includes the attempt by pub-
9 lication, dissemination, solicitation or circulation, oral or
10 written, to induce directly or indirectly any person to enter
11 into any obligation or acquire any title or interest in any
12 merchandise.

13 2. "Attorney general" means the attorney general of
14 Arizona or his authorized delegate.

15 3. "Merchandise" means any objects, wares, goods,
16 commodities, intangibles, real estate, or services.

17 4. "Person" means any natural person or his legal
18 representative, partnership, domestic or foreign corpora-
19 tion, any company, trust, business entity, or association,
20 any agent, employee, salesman, partner, officer, director,
21 member, stockholder, associate, or trustee.

22 5. "Sale" means any sale, offer for sale, or attempt
23 to sell any merchandise for any consideration.

24 **NEW SEC. 44-1522. UNLAWFUL PRACTICES;**



1 INTENDED INTERPRETATION OF PROVISIONS

2 A. The act, use, or employment by any person of any
3 deception, deceptive act or practice, fraud, false pretense,
4 false promise, misrepresentation, or concealment, sup-
5 pression or omission of any material fact with intent that
6 others rely upon such concealment, suppression or omis-
7 sion, in connection with the sale or advertisement of any
8 merchandise whether or not any person has in fact been
9 misled, deceived, or damaged thereby, is declared to be an
10 unlawful practice.

11 B. It is the intent of the legislature that, in con-
12 struing the provisions of subsection A of this section, the
13 courts will be guided by the interpretations given by the
14 federal trade commission and the federal courts to sections
15 52 and 55 (a) (1) Title 15, U.S.C.A. of the federal trade
16 commission act.

17 NEW SEC. 44-1523. EXEMPTION

18 Nothing contained in this article shall apply to the owner
19 or publisher of a newspaper, magazine, or other publication
20 of printed matter wherein such advertisement appears, or
21 to the owner or operator of a radio or television station
22 which disseminates such advertisement when the owner,
23 publisher, or operator has no knowledge of the intent, de-
24 sign, or purpose of the advertiser.

25 NEW SEC. 44-1524. POWERS OF ATTORNEY
26 GENERAL

27 When it appears to the attorney general that a person has
28 engaged in, or is engaging in, any practice declared to be
29 unlawful by this article, or when he believes it to be in the
30 public interest that an investigation should be made to as-
31 certain whether a person in fact has engaged in, is engag-
32 ing in, or is about to engage in, any such practice, he may:

33 1. Require such person to file on such forms as he
34 prescribes a statement or report in writing, under oath or
35 otherwise, as to all the facts and circumstances concerning
36 the sale or advertisement of merchandise by such person,
37 and such other data and information as he may deem nec-
38 essary.

39 2. Examine under oath any person in connection with
40 the sale or advertisement of any merchandise.

41 3. Examine any merchandise or sample thereof, or any
42 record, book, document, account, or paper as he may deem
43 necessary.

44 4. Pursuant to an order of the superior court, im-
45 pound any record, book, document, account, paper, or

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1 sample or merchandise material to such practice and retain
2 the same in his possession until the completion of all pro-
3 ceedings undertaken under this article or in the courts.

4 NEW SEC. 44-1525. NONADMISSIBILITY OF
5 EVIDENCE OR INFORMATION

6 No information or evidence provided the attorney gen-
7 eral by a person pursuant to this article shall be admitted
8 in evidence, or used in any manner whatsoever, in any
9 criminal prosecution.

10 NEW SEC. 44-1526. SUBPEONA; HEARING;
11 RULES AND REGULATIONS

12 A. To accomplish the objectives and to carry out the
13 duties prescribed in this article, the attorney general, in
14 addition to other powers conferred upon him by this ar-
15 ticle, may:

- 16 1. Issue subpoenas to any person.
- 17 2. Administer an oath or affirmation to any person.
- 18 3. Conduct hearings in aid of any investigation or
19 inquiry.

20 4. Prescribe such forms and promulgate such rules and
21 regulations as may be necessary, which rules and regu-
22 lations shall have the force of law.

23 B. Service by the attorney general of any notice re-
24 quiring a person to file a statement or a report, or of a
25 subpoena upon a person, shall be made personally within
26 the state, but if such cannot be obtained, substituted serv-
27 ice therefore may be made in any one of the following
28 manners:

- 29 1. Personal service thereof without the state.
- 30 2. Mailing thereof by registered mail to the last known
31 place of business, residence or both, within or without
32 the state, of such person for whom the same is intended.
- 33 3. As to any person other than a natural person, in a
34 manner provided in the rules of civil procedure as if a
35 petition had been filed.
- 36 4. Such service as the superior court may direct in lieu
37 of personal service within the state.

38 NEW SEC. 44-1527. FAILURE TO SUPPLY IN-
39 FORMATION OR OBEY SUBPOENA

40 If any person fails or refuses to file any statement or
41 report, or obey any subpoena issued by the attorney gener-
42 al, the attorney general may, after notice, apply to a super-
43 ior court and, after hearing thereon, request the following
44 order until the person files the statement or obeys the sub-
45 poena:



1 1. Granting injunctive relief, restraining the sale or
2 advertisement of any merchandise by such person.

3 2. Vacating, annulling, or suspending the corporate
4 charter of a corporation created by or under the laws of
5 this state or revoking or suspending the certificate of au-
6 thority to do business in this state of a foreign corporation
7 or revoking or suspending any other licenses, permits, or
8 certificates issued pursuant to law to such person which
9 are used to further the allegedly unlawful practice.

10 3. Granting such other relief as the court may deem
11 proper.

12 NEW SEC. 44-1528. REMEDIES; INJUNCTION;
13 OTHER RELIEFS; RECEIVER

14 A. Whenever it appears to the attorney general that
15 a person has engaged in, or is engaging in, any practice
16 declared to be unlawful by this article, he may seek and
17 obtain in an action in a superior court an injunction pro-
18 hibiting such person from continuing such practices or
19 engaging therein or doing any acts in furtherance thereof
20 after appropriate notice to such person. Such notice shall
21 state generally the relief sought and be served at least
22 forty-eight hours prior to the hearing of such action. The
23 court may make such orders or judgments as may be neces-
24 sary to prevent the use of employment by a person of any
25 unlawful practices, or which may be necessary to restore
26 to any person in interest any monies or property, real or
27 personal, which may have been acquired by means of any
28 practice in this article declared to be unlawful, including
29 the appointment of a receiver.

30 B. When it appears to the attorney general that a per-
31 son has engaged in or is engaging in a practice declared
32 to be unlawful by this article or that such person is about to
33 conceal his assets or his person, or leave the state, the attor-
34 ney general may apply to the superior court, ex parte,
35 for an order appointing a receiver of the assets of such
36 person. Upon a showing made by affidavit or other evi-
37 dence that such person has engaged in or is engaging in
38 a practice declared to be unlawful by this article or that
39 such person is about to conceal his assets or his person or
40 leave the state, the court shall order the appointment of a
41 receiver to receive the assets of such person.

42 NEW SEC. 44-1529. POWERS OF RECEIVER

43 When a receiver is appointed by the court pursuant to
44 this article, he shall have the power to sue for, collect,
45 receive, or take into his possession all the goods, and

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1 chattels, rights and credits, monies and effects, lands and
 2 tenements, books, records, documents, papers, choses in
 3 action, bills, notes and property of every description, in-
 4 cluding property with which such property has been
 5 mingled if it cannot be identified in kind because of such
 6 commingling, and to sell, convey, and assign the same and
 7 hold and dispose of the proceeds thereof under the di-
 8 rection of the court. Any person who has suffered dam-
 9 ages as a result of the use or employment of any un-
 10 lawful practice, and submits proof to the satisfaction of
 11 the court that he has in fact been damaged, may participate
 12 with general creditors in the distribution of the assets to
 13 the extent he has sustained out-of-pocket losses. The court
 14 shall have jurisdiction of all questions arising in such pro-
 15 ceedings and may make such orders and enter such judg-
 16 ments therein as may be required.

17 **NEW SEC. 44-1530. ASSURANCE OF DISCON-**
 18 **TINUANCE OF UNLAWFUL PRACTICE**

19 In the enforcement of the provisions of this article, the
 20 attorney general may accept an assurance of discontinu-
 21 ance of any act or practice deemed in violation of the pro-
 22 visions of this article from any person engaging in, or who
 23 has engaged in, such act or practice. Any such assurance
 24 shall be in writing and shall be filed with and subject to the
 25 approval of the superior court of the county in which the
 26 alleged violator resides or has its principal place of busi-
 27 ness or in Maricopa county. A violation of such assurance
 28 shall constitute prima facie proof of a violation of the
 29 provisions of this article. Such assurance of discontinu-
 30 ance shall not be considered an admission of a violation
 31 for any purpose.

32 **NEW SEC. 44-1531. VIOLATIONS; PENALTIES**

33 Any person who wilfully and intentionally violates any
 34 provision of this article is guilty of a misdemeanor and
 35 upon conviction shall be punished by a fine of not more
 36 than ten thousand dollars or by imprisonment for not more
 37 than six months, or both. Violation of any order or injunc-
 38 tion issued pursuant to this article shall constitute a prima
 39 facie proof of a violation of this section.

40 **NEW SEC. 44-1532. VIOLATION OF ORDER OR**
 41 **INJUNCTION; PENALTY**

42 A person who violates any order or injunction issued pur-
 43 suant to this article shall forfeit and pay to the general
 44 fund of the state of Arizona a civil penalty of not more than
 45 ten thousand dollars. For the purpose of this section, the



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1 superior court issuing any order or injunction shall retain
2 jurisdiction, and the cause shall be continued. In such
3 cases, the attorney general acting in the name of the state
4 may petition for the recovery of civil penalties.

5 NEW SEC. 44-1533. CLAIMS NOT BARRED

6 The provisions of this article shall not bar any claim
7 against any person who has acquired any monies or prop-
8 erty, real or personal, by means of any practice declared
9 to be unlawful by the provisions of this article.

10 NEW SEC. 44-1534. COSTS RECOVERABLE

11 In any action brought under the provisions of this ar-
12 ticle, the attorney general is entitled to recover costs, which
13 in the discretion of the court may include a sum represent-
14 ing reasonable attorney's fees for the services rendered,
15 for the use of the state.

16 Sec. 2. EMERGENCY

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

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X Re SB 91
(1907)

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		2/24 Reported
		3/3 Reported
		3/8 Rules reg
		3/8 Reported
		3/8 Third rea

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Wednesday, January 25, 1967
Seventeenth Day

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25

of not less than one hundred seventy-five school days for schools, and amending section 15-442, Arizona Revised Statutes."

Senate Bill No. 86, by a Majority of the Committee on Education, entitled: "An Act relating to education; defining the term 'average daily attendance', and amending section 15-1212, Arizona Revised Statutes."

Senate Bill No. 87, by the Committee on Judiciary, entitled: "An Act relating to limitations of actions; prescribing limitations of actions in connection with construction of improvements to real property, and amending title 12, chapter 5, Arizona Revised Statutes, by adding article 4, section 12-561."

Senate Bill No. 88, by the Committee on Judiciary, entitled: "An Act relating to secretary of state, and county recorders; prescribing fees, and amending sections 11-475 and 41-126, Arizona Revised Statutes."

Senate Bill No. 89, by the Committee on Judiciary, entitled: "An Act authorizing state auditor to pay claim of Peter Kiewet and Sons from Arizona department of aeronautics fund."

Senate Bill No. 90, by the Committee on Highways and Transportation, entitled: "An Act relating to motor vehicles; providing for making records and furnishing information on stolen and recovered vehicles, and amending section 28-1422, Arizona Revised Statutes."

Senate Bill No. 91, by Senators Holsclaw and Porter, entitled: "An Act relating to trade and commerce; prescribing powers and duties of the division of consumer fraud in the office of the attorney general, and amending title 44, chapter 10, Arizona Revised Statutes, by adding article 7, sections 44-1521 to 44-1534, inclusive."

Senate Bill No. 92, by a Majority of the Committee on Public Health and Welfare, entitled: "An Act relating to public welfare; providing for freedom of choice of a practitioner of a healing art in connection with public assistance programs; providing for payment for services of practitioners of the healing arts based on nature of service; prescribing penalties, and amending title 46, chapter 2, Arizona Revised Statutes, by adding article 7."

Senate Bill No. 93, by a Majority of the Committee on Public Health and Welfare, entitled: "An Act relating to public health and safety; prescribing composition of state board of health, and amending section 38-102, Arizona Revised Statutes."

Senate Bill No. 94, by a Majority of the Committee on Public Health and Welfare, entitled: "An Act relating to professions and occupations; establishing the state board of registration of sanitarians; prescribing the board's powers and duties; providing for certification, registration and regulation of sanitarians and sanitarians-in-training; prescribing penalties, and amending title 32, Arizona Revised Statutes, by adding chapter 23, articles 1, 2 and 3."

SECOND READING AND REFERENCE OF BILLS

By unanimous consent the following bills and memorial were read the second time by number and title:

ator Goetze.
s answered to their

lo, Conlan, Crowley,
y, Holsclaw, Huso,
ng, Porter, Spikes,
rey.

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AIR COMMISSION

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OF BILLS

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that an income tax
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amending title 43,
y adding section 43-

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ig for a school year

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Thursday, January 26, 1967
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Senate Bill No. 85, providing for school year of not less than 175 days. The bill was referred to the Committee on Education.

Senate Bill No. 86, defining "average daily attendance." The bill was referred to the Committee on Education.

Senate Bill No. 87, improvement to real property. The bill was referred to the Committee on Judiciary.

Senate Bill No. 88, increasing certain state and county recorder fees. The bill was referred to the Committees on Judiciary; and State Government.

Senate Bill No. 89, authorizing auditor to pay certain claim from department of aeronautics fund. The bill was referred to the Committee on Judiciary.

Senate Bill No. 90, reporting on stolen and recovered motor vehicles. The bill was referred to the Committees on Highways and Transportation; and State Government.

Senate Bill No. 91, powers and duties of division of consumer frauds in office of attorney general. The bill was referred to the Committees on Judiciary; and Commerce and Industry.

Senate Bill No. 92, welfare recipient may have choice of medical practitioner. The bill was referred to the Committee on Public Health and Welfare.

Senate Bill No. 93, composition of state board of health. The bill was referred to the Committees on Public Health and Welfare; and State Government.

Senate Bill No. 94, establishing state board of registration of sanitarians. The bill was referred to the Committees on Public Health and Welfare; and State Government.

REPORTS OF STANDING COMMITTEES

The Committee on Natural Resources, Senator Goetze, Chairman, reported Senate Bill No. 25, eligibility for hunting and fishing licenses, with the unanimous recommendation that the bill do pass.

The Committee on Judiciary, Senator Conlan, Chairman, reported the following:

Senate Bill No. 3, code of ethics for legislators and punishment for violations, with a majority of the Committee recommending that the bill do pass, with the following amendments; reference is to printed bill)

Page 2, lines 1 and 2, after "menace" strike ", deceit, suppression of truth,"

Page 3, lines 6 and 7, strike "no fee or reward is given or promised" and insert "he does not accept or agree to accept any employment, fee, or other thing of value"

Page 3, line 15 thru line 19, strike Subdivision (c) in its entirety

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LEGISLATIVE INTERNET SERVICE

Wednesday, February 8, 1967
Thirty-First Day

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bill was referred to the Committees on Commerce and Industry; and State Government.

Senate Bill No. 148, procedure for issuance of certificate of educational convenience in certain instances. The bill was referred to the Committees on Education; and Rural and Urban Affairs.

Senate Bill No. 149, beneficial use of water permitted by landowner. The bill was referred to the Committee on Natural Resources.

Senate Bill No. 150, time limitations for issuing orders and reports in workmen's compensation matters. The bill was referred to the Committee on Labor and Management.

Senate Bill No. 151, attorneys' fees in workmen's compensation matters shall be paid by state. The bill was referred to the Committees on Appropriations; Judiciary; and Labor and Management.

REPORTS OF STANDING COMMITTEES

The Committee on Commerce and Industry, Senator Kret, Chairman, reported the following, with a majority of the Committee recommending that the bills do pass:

Senate Bill No. 91, powers and duties of division of consumer frauds in office of attorney general, with the following amendments: (Reference is to the printed bill)

Page 2, line 14, following "sections" insert "45."

Page 2, line 27, strike "apepars" and insert "appears"

Senate Bill No. 17, prohibiting certain acts relating to insurance contracts on collateral security, with the following amendments: (Reference is to the printed bill)

Strike everything after the enacting clause and insert:

"Section 1. Section 20-471, Arizona Revised Statutes, is amended to read:

20-471. SERVICE CHARGES IN CONNECTION WITH INSURANCE ON COLLATERAL SECURITY PROHIBITED

A. "INSURANCE SERVICE CHARGE" MEANS ANY CHARGE, OTHER THAN THE INSURANCE PREMIUM, FOR THE SERVICE OF PLACING, RENEWING, APPROVING OR RECORDING ON THE RECORDS AND ACCOUNTS OF ANY MORTGAGEE, VENDOR, HOLDER, OR LENDER ANY SUBSTITUTION OF INSURERS OR CHANGE IN INSURANCE ON THE COLLATERAL SECURITY FOR A LOAN.

B. EXCEPT AS PROVIDED IN PARAGRAPH C OF THIS SECTION, IT SHALL BE UNLAWFUL FOR ANY MORTGAGEE, VENDOR, HOLDER, OR LENDER TO CHARGE AN INSURANCE COMPANY, INSURANCE

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MINUTES OF MEETING OF
COMMERCE & INDUSTRY COMMITTEE

Date: February 6, 1967

Time: 10:10 A.M.

Room: #303

The meeting was called to order at 10:10 A.M. by the Chairman, Senator David B. Kret.

The following committee members were present:

Senator Conlan
Senator Garfield
Senator Goetze
Senator Holsclaw
Senator Jacquin
Senator Ong

Senators absent were: Senator Carpenter
Senator Thode



The following bills were considered:

Senate Bill 17 - prohibiting certain acts
relating to insurance con-
tracts on collateral security

The majority of the Committee recommended that bill be amended, and, so amended, that the bill do pass.

Senate Bill 54 - regulation of trading stamps

Appearing on behalf of Sperry & Hutchinson Company was Richard Fennemore of Fennemore, Craig, Allen & McClennon, attorneys, and Edward Jacobson of Snell & Wilmer, attorneys for Gold Bond Stamps. Both spoke against passage of this bill. Senator Porter appeared as one of the sponsors of this bill, and he and Senator Goetze, another sponsor, spoke in favor of this bill. The majority of the Committee recommended that the bill be reported out for consideration of the Senate.

→ Senate Bill 91 - powers and duties of division
of consumer frauds in office
of attorney general

Attorney General Darrell F. Smith and Assistant Attorney General Philip W. Marquardt appeared to speak in favor of this legislation and to explain the proposed benefits. The majority of the Committee recommended that the bill be amended, and, as so amended, that the bill do pass.

The following were considered for possible introduction:

An insurance variable annuities bill which would regulate types of insurance set up as annuities, giving the insurance-buying public a better opportunity to fund its retirement programs. Appearing on behalf of this bill in favor of it were:

Commerce & Industry Committee Minutes -2-

February 6, 1967

Mr. Robert D. Kendall	Equitable Life Assurance Society
Mr. Robert Hing, Attorney	Stockton & Hing
Mr. Jack E. Bobo	Arizona Ass'n Life Underwriters
Mr. Don Reese	First National Life Insurance
Mr. Edward Jacobson	Life Ins. Association of America

Senator Garfield MOVED, seconded by Senator Holsclaw, that this bill be introduced as a Committee bill. MOTION carried.

A bill to increase the revolving funds in the corporation commission and the state banking department was considered for possible introduction. Appearing to speak in favor of this were:

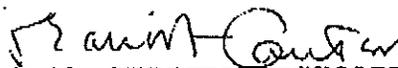
Mr. Franklin J. Stowell	Superintendent of Banks
Mr. Gary Driggs	Western Savings & Loan
Mr. Junius Driggs	" " "

Senator Jacquin MOVED, seconded by Senator Ong, introducing this bill as a Committee bill. MOTION carried.

A bill was considered that would establish a self-insurance funding board for the State of Arizona. Senator Goetze MOVED that it be introduced as a Committee bill, seconded by Senator Ong. MOTION carried.

The meeting adjourned at 12:05 P.M.

Respectfully submitted,



Eleanor F. Canter, Secretary to
Senator David B. Kret,
Maricopa County - District 8-D



*X re SB91
(1967)*

JOURNAL
OF THE
HOUSE OF
REPRESENTATIVES



TWENTY-EIGHTH
LEGISLATURE
FIRST REGULAR SESSION

OF THE
STATE OF ARIZONA

-1967-

SESSION CONVENED — JANUARY 9, 1967
SESSION ADJOURNED SINE DIE — 7:36 P.M.
MARCH 13, 1967



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 3-11 Rules report 469
 3-11 Committee of Whole—do pass..... 469
 3-11 Third Reading, passed, 55 ayes, 1 nay, 4 not voting..... 475
 3-15 Governor approved 523
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SENATE BILL 89, by Committee on Judiciary, authorizing State
 Auditor to pay claim of Peter Kiewit & Sons for construc-
 tion work from Department of Aeronautics funds.

2-14 Received from Senate, 25 ayes, 0 nays, 4 not voting..... 180
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 3-11 Rules—constitutional and in proper form..... 468
 3-11 Rules report 469
 3-11 Committee of Whole—do pass..... 469
 3-11 Third Reading, passed, 55 ayes, 5 not voting..... 475, 476
 3-15 Governor approved 523
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SENATE BILL 90, by Committee on Highways & Transportation,
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 vehicles.

3-6 Received from Senate, 29 ayes, 1 not voting..... 338
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→ SENATE BILL 91, by Senators Holsclaw, Porter, establishment
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 Not received by House.

SENATE BILL 92, by majority of Committee on Public Health
 & Welfare, freedom of choice of a practitioner of a healing

LEGISLATIVE INTENT SERVICE (800) 666-1917

STATE OF ARIZONA
27TH LEGISLATURE
2ND REGULAR SESSION

SENATE

S. B. 66
INTRODUCED
January 20, 1966

REFERRED TO	DATE	REPORTED OUT
JUDICIARY		

COMMITTEE OF WHOLE _____
 3RD READING ___ AYE ___ NO ___ ABSENT ___
 HOUSE ACTION _____
 SENT TO GOVERNOR _____ ACTION _____

Introduced by Senator Kennedy

AN ACT Relating to Trade and Commerce; Providing for the Establishment of a Division of Consumer Frauds in the Office of the Attorney General; Prescribing Powers and Duties of Division of Consumer Frauds, and Amending Title 44, Chapter 10, Arizona Revised Statutes, by Adding Article 7, Sections 44-1521 to 44-1530, Inclusive.

1 **Be it enacted by the Legislature of the State of Arizona:**
 2 Section 1. Title 44, chapter 10, Arizona Revised
 3 Statutes, is amended by adding article 7, sections
 4 44-1521 to 44-1530, inclusive, to read:

5 NEW ART.

6 **ARTICLE 7. DIVISION OF CONSUMER FRAUDS**
 7 **NEW SEC. 44-1521. DEFINITIONS**

8 In this article, unless the context otherwise re-
9 quires:

10 1. "Advertisement" includes the attempt by pub-
 11 lication, dissemination, solicitation or circulation,
 12 oral or written, to induce directly or indirectly any
 13 person to enter into any obligation or acquire any
 14 title or interest in any merchandise.

15 2. "Merchandise" means any objects, wares,
 16 goods, commodities, intangibles, real estate, or ser-
 17 vices.

18 3. "Person" means any natural person or his
 19 legal representative, partnership, corporation, com-
 20 pany, trust, business entity, or association, and any



1 agent, employee, salesman, partner, officer, direc-
2 tor, member, stockholder, associate, or trustee.

3 4. "Sale" means any sale, offer for sale, or at-
4 tempt to sell any merchandise for any consideration.

5 5. "Attorney general" means the attorney general
6 of Arizona or his authorized delegate.

7 NEW SEC. 44-1522. UNLAWFUL PRACTICES

8 The act, use, or employment by any person of any
9 deceptive act or practice, fraud, false pretense, false
10 promise, or misrepresentation, with the intent that
11 others rely thereon in connection with the sale or
12 advertisement of any merchandise, whether or not
13 any person has in fact been misled, deceived, or
14 damaged thereby, is declared to be an unlawful prac-
15 tice.

16 NEW SEC. 44-1523. EXEMPTION

17 Nothing herein contained shall apply to the owner
18 or publisher of newspapers, magazines, publication
19 of printed matter wherein such advertisement ap-
20 pears, or to the owner or operator of a radio or tele-
21 vision station which disseminates such advertisement
22 when the owner, publisher, or operator has no know-
23 ledge of the intent, design, or purpose of the adver-
24 tiser.

25 NEW SEC. 44-1524. POWERS OF ATTORNEY GEN-
26 ERAL

27 When it appears to the attorney general that a
28 person has engaged in, or is engaging in any prac-
29 tice declared to be unlawful by this article, or when
30 he believes it to be in the public interest that an in-
31 vestigation should be made to ascertain whether a
32 person in fact has engaged in, is engaging in, or is
33 about to engage in, any such practice, he may:

34 1. Require such person to file on such forms as
35 he prescribes a statement or report in writing, un-
36 der oath or otherwise, as to all the facts and cir-
37 cumstances concerning the sale or advertisement of
38 merchandise by such person, and such other data and
39 information as he may deem necessary.

40 2. Examine under oath any person in connection
41 with the sale or advertisement of any merchandise.

42 3. Examine any merchandise or sample thereof,
43 record, book, document, account, or paper as he may
44 deem necessary.

45 4. Pursuant to an order of the superior court, im-



1 pound any record, book, document, account, paper,
 2 or sample of merchandise material to such practice
 3 and retain the same in his possession until the com-
 4 pletion of all proceedings undertaken under this article
 5 or in the courts.

6 NEW SEC. 44-1525. SUBPOENA; HEARING RULES

7 To accomplish the objectives and to carry out the
 8 duties prescribed in this article, the attorney general,
 9 in addition to other powers conferred upon him by this
 10 article, may issue subpoenas to any person, adminis-
 11 ter an oath or affirmation to any person, conduct hear-
 12 ings in aid of any investigation or inquiry, and pre-
 13 scribe such forms and promulgate such rules and
 14 regulations as may be necessary, which rules and
 15 regulations shall have the force of law.

16 NEW SEC. 44-1526. FAILURE TO SUPPLY INFOR-
 17 MATION OR OBEY SUBPOENA

18 If any person fails or refuses to file any state-
 19 ment or report, or obey any subpoena issued by the
 20 attorney general, the attorney general may, after
 21 notice, apply to a district court and, after hearing
 22 thereon, request the following order until the person
 23 files the statement or obeys the subpoena:

24 1. Granting injunctive relief, restraining the sale
 25 or advertisement of any merchandise by such persons.

26 2. Vacating, annulling, or suspending the corporate
 27 charter of a corporation created by or under the laws
 28 of this state or revoking or suspending the certifi-
 29 cate of authority to do business in this state of a
 30 foreign corporation or revoking or suspending any
 31 other licenses, permits, or certificates issued pur-
 32 suant to law to such person which are used to further
 33 the allegedly unlawful practice.

34 3. Granting such other relief as may be required.

35 NEW SEC. 44-1527. REMEDIES; INJUNCTION;
 36 OTHER RELIEFS; RECEIVER

37 A. Whenever it appears to the attorney general
 38 that a person has engaged in, or is engaging in any
 39 practice declared to be unlawful by this article, he
 40 may seek and obtain in an action in a superior court
 41 an injunction prohibiting such person from continuing
 42 such practices or engaging therein or doing any acts
 43 in furtherance thereof after appropriate notice to
 44 such person. Such notice shall state generally the re-
 45 lief sought and be served at least ten days prior to



1 the hearing of such action. The court may make such
2 orders or judgments as may be necessary to pre-
3 vent the use or employment by a person of any unlaw-
4 ful practices, or which may be necessary to restore
5 to any person in interest any moneys, or property,
6 real or personal, which may have been acquired by
7 means of any practice in this article declared to be
8 unlawful, including the appointment of a receiver.

9 B. When it appears to the attorney general that
10 a person has engaged in or is engaging in a practice
11 declared to be unlawful by this article and that such
12 person is about to conceal his assets or his person
13 or leave the state, the attorney general may apply
14 to the superior court, ex parte, for an order appoint-
15 ing a receiver of the assets of such person. Upon
16 a showing made by affidavit or other evidence that
17 such person has engaged in or is engaging in a prac-
18 tice declared to be unlawful by this article and that
19 such person is about to conceal his assets or his
20 person or leave the state, the court shall order the
21 appointment of a receiver to receive the assets of
22 such person.

23 NEW SEC. 44-1528. POWERS OF RECEIVER

24 When a receiver is appointed by the court pur-
25 suant to this article, he shall have the power to sue
26 for, collect, receive, or take into his possession all
27 the goods and chattels, rights and credits, moneys
28 and effects, lands and tenements, books, records,
29 documents, papers, choses in action, bills, notes
30 and property of every description, derived by means
31 of any practice declared to be unlawful by this
32 article, including property with which such prop-
33 erty has been mingled if it cannot be identified in
34 kind because of such commingling, and to sell, con-
35 vey, and assign the same and hold and dispose of
36 the proceeds thereof under the direction of the
37 court. Any person who has suffered damages as a
38 result of the use or employment of any unlawful
39 practices and submits proof to the satisfaction of
40 the court that he has in fact been damaged, may
41 participate with general creditors in the distribu-
42 tion of the assets to the extent he has sustained
43 out-of-pocket losses. The court shall have juris-
44 diction of all questions arising in such proceedings
45 and may make such orders and judgments therein



1 as may be required.

2 NEW SEC. 44-1529. CLAIMS NOT BARRED

3 The provisions of this article shall not bar any
4 claim against any person who has acquired any
5 moneys or property, real or personal, by means
6 of any practice declared to be unlawful by the pro-
7 visions of this article.

8 NEW SEC. 44-1530. COSTS RECOVERABLE

9 In any action brought under the provisions of
10 this article, the attorney general is entitled to re-
11 cover costs for the use of the state.

12 Sec. 2. EFFECTIVE DATE

13 The provisions of this act shall become effec-
14 tive on July 1, 1966.

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JOURNAL

OF THE

SENATE



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TWENTY-SEVENTH LEGISLATURE
OF THE
STATE OF ARIZONA
SECOND REGULAR SESSION
— 1966 —

SESSION CONVENED, MONDAY, JANUARY 10, 1966
SESSION ADJOURNED SINE DIE
SATURDAY, APRIL 23, 1966, AT 2:06 P.M.

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1/20 Introduction and first reading	48
1/21 Referred to Committees on Jud; Couns & Muns; Hwys & Bridges	53
1/28 Reported by Hwys & Bridges, do pass	87
2/3 Reported by Jud, do pass	102
2/8 Reported by Couns & Muns, do pass	141
2/9 Reported by Committee of Whole, do pass	143
2/9 Second reading	145
2/10 Reported by Enrolling & Engrossing	152
2/10 Third reading, passed, ayes 27, not voting 1	154
2/10 Signed by President; transmitted to House	154
3/7 Passed by House, amended, ayes 72, noes 1, not voting 7	308
3/8 Senate concurred in House amendment	310
3/8 Passed by Senate on final reading, ayes 26, not voting 2	316
3/8 Signed by President; transmitted to Governor	316
3/14 Approved by Governor	363
<p>Chapter 8</p>	
<p>SENATE BILL 69, by Majority of Committee on Education, providing for school year of not less than 175 days</p>	
1/20 Introduction and first reading	48
1/21 Referred to Committees on Jud, Couns & Muns; Education	53
2/15 Reported by Education, do pass	174
2/16 Reported by Couns & Muns, amend, do pass	188
<p>Died in Committee</p>	
<p>SENATE BILL 70, by Majority of Committee on Education, powers and duties of state board of education relating to textbooks lists</p>	
1/20 Introduction and first reading	48



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providing for fees; prescribing grounds for denying of a license; providing for judicial review of decisions of commissioner; prescribing powers and duties of commissioner relating to subdivision; providing for notice and approval of certain changes relating to subdivision plans; providing for payment of damages from real estate recovery fund; requiring joinder of bonding companies, and amending sections 32-2101, 32-2111, 32-2130, 32-2132, 32-2153, 32-2159, 32-2183, 32-2184, 32-2186, and 32-2188, Arizona Revised Statutes."

Senate Bill No. 65, by a Majority of the Committee on Highways and Bridges, entitled: "An Act making an appropriation to the Arizona highway department."

Senate Bill No. 66, by Senator Kennedy, entitled: "An Act relating to trade and commerce; providing for the establishment of a division of consumer frauds in the office of the attorney general; prescribing powers and duties of division of consumer frauds, and amending title 44, chapter 10, Arizona Revised Statutes, by adding article 7, sections 44-1521 to 44-1530, inclusive."

Senate Bill No. 67, by Senator Kennedy, entitled: "An Act relating to motor vehicles; providing that windshields and windows on motor vehicles shall be unobstructed; providing for a penalty, and amending sections 28-957 and 28-959, Arizona Revised Statutes."

Senate Bill No. 68, by Senator Kennedy, entitled: "An Act relating to motor vehicles; providing for certain left-hand turns from one-way streets on to other one-way streets, and amending section 28-645, Arizona Revised Statutes."

Senate Bill No. 69, by a Majority of the Committee on Education, entitled: "An Act relating to education; providing for a school year of not less than one hundred seventy-five days for schools, and amending section 15-442, Arizona Revised Statutes."

Senate Bill No. 70, by a Majority of the Committee on Education, entitled: "An Act relating to education; prescribing powers and duties of state board of education regarding list of textbooks for common schools, and amending section 15-102, Arizona Revised Statutes."

Senate Bill No. 71, by a Majority of the Committee on Education, entitled: "An Act relating to education; providing for the adoption of a compact for education; providing for the establishment of an Arizona education council, and amending title 15, chapter 11, Arizona Revised Statutes, by adding article 9, sections 15-1199 and 15-1199.01."

Senate Bill No. 72, by a Majority of the Committee on Education, entitled: "An Act making a reallocation from the contributions fund to the state general fund."

Senate Bill No. 73, by a Majority of the Committee on Education, entitled: "An Act relating to education; defining the term 'average daily attendance', and amending section 15-1212, Arizona Revised Statutes."

Senate Bill No. 74, by a Majority of the Committee on Education, entitled: "An Act relating to education; prescribing the method of exceeding the limitation of expenditures, and amending sections 15-1203 and 15-1203.01, Arizona Revised Statutes."

Senate Bill No. 75, by Senators Tenney and Palmer, entitled: "An



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expiring January 31, 1971, in accordance with Chapter 73, Laws of 1951.

I respectfully request confirmation of this appointment by your Honorable Body.

Sincerely yours,

SAM GODDARD
Governor

The communication was referred to the Committee on State Institutions.

INTRODUCTION AND FIRST READING OF BILLS

The following bills were introduced and, by unanimous consent, read the first time by number and title and were laid over one day:

Senate Bill No. 78, by Senators Hathaway, Ahee, Blansett, McBride, McLaughlin, Kennedy, Mickelson, Peck, Pulsipher, Tenney, Arnold, Palmer, Huso, Thode, Hall and Udine, entitled: "An Act relating to welfare; providing that state welfare department shall reimburse each county for providing hospital or medical care for indigents not covered by federal programs, and amending title 46, chapter 2, Arizona Revised Statutes, by adding article 2.1."

Senate Bill No. 79, by a Majority of the Committee on Appropriations, entitled: "An Act making an appropriation to the state board of psychologist examiners."

REFERENCE OF BILLS

The President made the following reference of bills:

Senate Bill No. 61, appropriation for construction and improvements at ASU, to the Committees on Judiciary; Appropriations; Education; and State Institutions.

Senate Bill No. 62, appropriation for land acquisition for use at ASU, to the Committees on Judiciary; Appropriations; Education; and State Institutions.

Senate Bill No. 63, authorizing increase in amount of bonds to be issued for projects at ASU, to the Committees on Judiciary; Appropriations; Education; and State Institutions.

Senate Bill No. 64, tightening laws regulating real estate agents and new housing projects, to the Committees on Judiciary; Appropriations; Banking and Insurance; and Counties and Municipalities.

Senate Bill No. 65, appropriation to highway department, to the Committees on Judiciary; Counties and Municipalities; and Highways and Bridges.

Senate Bill No. 66, creating division of consumer frauds, to the Committees on Judiciary; Counties and Municipalities; and State Institutions.



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subsistence for judges required to serve away from their place of residence; providing for jurisdiction of habeas corpus actions; amending sections 12-120, 12-120.01, 12-120.02, 12-120.04, 12-120.07 and 12-120.21, Arizona Revised Statutes, and amending title 12, chapter 1, article 1.1, Arizona Revised Statutes, by adding section 12-120.10.

Senate Bill No. 58, school boards may allow compensation for clerks.

➤ Senate Bill No. 66, creating division of consumer frauds.

Senate Bill No. 83, appropriation to corporation commission.

Senate Bill No. 84, prescribing gross income tax on certain businesses within state.

Senate Bill No. 99, formation of improvement districts for purchasing electricity for lighting public streets and parks.

Senate Bills Nos. 45, 47, 58, 66, 83, 84 and 99 were referred to their proper Calendar.

Senate Bill No. 53, accompanied by the reports of the Committees on Judiciary; Counties and Municipalities; and State Institutions, was placed on the Calendar of the Committee of the Whole.

The Committee on Appropriations, Senator Arnold, Chairman, reported the following, with a majority of the Committee recommending that the bills do pass:

Senate Bill No. 2, appropriation to national guard for construction.

Senate Bill No. 52, increasing contributions to state employees retirement system and recomputing annuities of certain members.

Senate Bill No. 78, state shall reimburse counties for medical bills of certain indigents.

Senate Bill No. 81, reallocation to interstate stream commission.

Senate Bill No. 82, appropriation to interstate stream commission.

Senate Bill No. 83, appropriation to corporation commission.

Senate Bill No. 86, amending laws relating to tuberculosis control.

Senate Bill No. 92, relief appropriation for Harvey Evenchik and Empress Apartments.

Senate Bill No. 93, appropriation for capital outlay for Mesa and Glendale junior colleges.

Senate Bill No. 102, biennial licensing of nurses and board of nursing fund.

Senate Bill No. 103, increasing amounts of assistance to dependent children.

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TWENTY-SEVENTH
LEGISLATURE
SECOND REGULAR SESSION

OF THE
STATE OF ARIZONA

- 1966 -

SESSION CONVENED—JANUARY 10, 1966
SESSION ADJOURNED SINE DIE — 1:59 P.M.
APRIL 23, 1966



State of Arizona
House of Representatives
Twenty-seventh Legislature
Second Regular Session

H. B. 326

Introduced by Members Allen of Santa Cruz; Brown of Apache; Ellsworth, Porter, Rhodes of Maricopa; Crosby of Navajo

AN ACT

RELATING TO TRADE AND COMMERCE; PROVIDING FOR THE ESTABLISHMENT OF A DIVISION OF CONSUMER FRAUDS IN THE OFFICE OF THE ATTORNEY GENERAL; PRESCRIBING POWERS AND DUTIES OF DIVISION OF CONSUMER FRAUDS, AND AMENDING TITLE 44, CHAPTER 10, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 7, §§44-1521 TO 44-1530, INCLUSIVE.

(This bill is identical to S. B. 66)



H.B. 326

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TWENTY-SEVENTH
LEGISLATURE
SECOND REGULAR SESSION

OF THE
STATE OF ARIZONA
-1966-

SESSION CONVENED—JANUARY 10, 1966
SESSION ADJOURNED SINE DIE — 1:59 P.M.
APRIL 23, 1966

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3-9 Agriculture & Irrigation:
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 Minority—do not pass 322
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HOUSE BILL 324, by Mr. Holsclaw of Pima, eliminating death penalty for certain crimes and prescribing a period during which the death penalty shall not be carried out.

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 Held in committees.

HOUSE BILL 325, by Mr. Kluender of Maricopa, procedure for determination of obstructions to air flight and marking such obstructions.

3-1 First Reading 279
 3-2 Second Reading, referred to Committees on Judiciary; Highways & Bridges; Municipalities 289
 3-16 Highways & Bridges—amended do pass 368
 3-22 Municipalities—do pass 411
 3-23 Judiciary—constitutional and in proper form 416
 4-7 Rules report 500
 4-7 Committee of Whole—amended do pass 504
 4-7 Engrossed by Administration 505
 4-7 Third Reading, passed, 57 ayes, 1 nay, 22 not voting 512, 513
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SENATE ACTION:

4-11 Received and First Reading
 4-11 Referred to Committees on Judiciary; Counties & Municipalities; Highways & Bridges
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→ HOUSE BILL 326, by Members Allen of Santa Cruz; Brown of Apache; Ellsworth, Porter, Rhodes of Maricopa; Crosby of Navajo, establishment of Division of Consumer Frauds in office of the Attorney General to prevent deceptive sales and advertising.

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 3-2 Second Reading, referred to Committees on Judiciary; Tourist & Industry Development; State Government 289
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HOUSE BILL 327, by Committee on Ways & Means, appropriation to State Treasurer for comptroller for management of federal letters of credit and vouchers.

3-1 First Reading 280
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 3-17 Ways & Means—returned for consideration 382
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HOUSE BILL 319, by Mr. Jacquin of Pima, An Act, relating to public finances; providing for the pledging of excise tax monies toward specified bonds to the exclusion of monies raised by ad valorem taxes; permitting the establishment of a special fund therefor as a reserve fund; permitting pledging of excise taxes to be made in conjunction with the pledging of revenues toward the same bonds, and amending Section 35-458, Arizona Revised Statutes. Referred to Committee on Administration for printing.

HOUSE BILL 320, by Mr. Haugh of Pima (by request), An Act, relating to insurance; providing for the adoption of a title insurance code; amending Sections 20-209, 20-210, 20-211, 20-213, 20-287, 20-342, 20-361, 20-363, 20-366, 20-731, and 20-1561 to 20-1566, inclusive, Arizona Revised Statutes; amending Title 20, Chapter 2, Article 4, Arizona Revised Statutes, by adding Sections 20-375 to 20-379, inclusive; amending Title 20, Chapter 6, Article 9, Arizona Revised Statutes, by adding Sections 20-1567 to 20-1592, inclusive, and repealing Section 20-258, Arizona Revised Statutes. Referred to Committee on Administration for printing.

HOUSE BILL 321, by Committee on Appropriations, An Act, making a reallocation from the Legislative, Executive and Judicial Public Buildings Land Fund and appropriating such reallocation to the State Planning and Building Commission for the purpose of purchasing land in the capitol area. Referred to Committee on Administration for printing.

HOUSE BILL 322, by Mr. Brown of Apache, An Act, relating to water; providing for issuance of a certificate of water right as evidence of a claimed old right; prescribing procedure, and amending Title 45, Chapter 1, Article 4, Arizona Revised Statutes, by adding Section 45-176. Referred to Committee on Administration for printing.

HOUSE BILL 323, by Mr. Brown of Apache, An Act, relating to water; prescribing procedure for appeal from final decision by State Land Commissioner, and amending Section 45-154, Arizona Revised Statutes. Referred to Committee on Administration for printing.

HOUSE BILL 324, by Mr. Holsclaw of Pima, An Act, relating to crimes; eliminating the death penalty for certain crimes; prescribing a period during which the death penalty shall not be carried out, and amending Sections 13-250, 13-453, 13-492, 13-572, 13-644 and 13-701, Arizona Revised Statutes. Referred to Committee on Administration for printing.

HOUSE BILL 325, by Mr. Kluender of Maricopa, An Act, relating to aeronautics; requiring the marking of obstructions to air flight; providing for determination by the Director of Arizona Department of Aeronautics; providing for judicial review of any determination by director, and amending Title 2, Chapter 2, Article 1, Arizona Revised Statutes, by adding Sections 2-210 to 2-213, inclusive. Referred to Committee on Administration for printing.

HOUSE BILL 326, by Members Allen of Santa Cruz; Brown of Apache; Ellsworth, Porter, Rhodes of Maricopa; Crosby of Navajo, An Act, relating to trade and commerce; providing for the establishment of a Division of Consumer Frauds in the office of the Attorney General;

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prescribing powers and duties of Division of Consumer Frauds, and amending Title 44, Chapter 10, Arizona Revised Statutes, by adding Article 7, Sections 44-1521 to 44-1530, inclusive. Referred to Committee on Administration for printing.

HOUSE BILL 327, by Committee on Ways and Means, An Act, making an appropriation to the State Treasurer for the employment of a comptroller for the management of federal letters of credit and vouchers. Referred to Committee on Administration for printing.

HOUSE BILL 328, by Committee on Ways and Means, An Act, relating to alcoholic beverages; providing disapproval of an application for transfer of license from location to location shall be final, and amending Section 4-210, Arizona Revised Statutes. Referred to Committee on Administration for printing.

HOUSE BILL 329, by Committee on Ways and Means, An Act, relating to education; providing the Arizona Board of Regents with authority to issue revenue bonds not to exceed twenty million dollars and payable for a term not to exceed forty years for capital outlay purposes with the principal and interest payments on the bonds payable from the increase in tuition rates, and amending Title 15, Chapter 7, Article 3, Arizona Revised Statutes, by adding Section 15-749. Referred to Committee on Administration for printing.

HOUSE BILL 330, by Committee on Ways and Means, An Act, relating to racing; prescribing percentages to permittee and the state, and amending Section 5-111, Arizona Revised Statutes. Referred to Committee on Administration for printing.

HOUSE BILL 331, by Mrs. Peck of Maricopa, An Act, relating to the State Highway Fund; providing for the investment of temporary excess funds in bonds or interest bearing notes or obligations of the United States, and amending Section 18-132, Arizona Revised Statutes. Referred to Committee on Administration for printing.

HOUSE BILL 332, by Members Smith, Kluender, Rockwell of Maricopa; Smith of Mohave; Holsclaw, Justin of Pima; Gardner of Yavapai, An Act, relating to counties; providing for the removal of limitations on the salaries of professional employees of the county school superintendents when the amount of salary in excess of eighty per cent of the total salary comes from sources other than the county general fund, and amending Section 11-423, Arizona Revised Statutes. Referred to Committee on Administration for printing.

HOUSE BILL 333, by Members Smith, Kluender of Maricopa; Smith of Mohave; Holsclaw of Pima, An Act, relating to county officers; prescribing qualifications of the county school superintendent, and amending Section 11-511, Arizona Revised Statutes. Referred to Committee on Administration for printing.

HOUSE BILL 334, by Members Crosby of Navajo; Brown of Apache; Ellsworth, Peck, Porter of Maricopa, An Act, relating to real estate; defining the terms "broker" or "real estate broker", and "subdivision"; providing for legal counsel for the commissioner; prescribing limitations on renewal of licenses; providing for fees; prescribing grounds for denying of a license; providing for judicial review of decisions of



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HOUSE BILL 322, procedure to obtain certificate of water right based on old water right. Referred to Committees on Judiciary, Agriculture and Irrigation, and Livestock and Public Lands.

HOUSE BILL 323, procedure for appeal from State Land Commissioner to superior court on water right petitions. Referred to Committees on Judiciary, Agriculture and Irrigation, and Livestock and Public Lands.

HOUSE BILL 324, eliminating death penalty for certain crimes and prescribing a period during which the death penalty shall not be carried out. Referred to Committees on Judiciary, Public Health and Welfare, and State Government.

HOUSE BILL 325, procedure for determination of obstructions to air flight and marking such obstructions. Referred to Committees on Judiciary, Highways and Bridges, and Municipalities.

→ HOUSE BILL 326, establishment of Division of Consumer Frauds in office of the Attorney General to prevent deceptive sales and advertising. Referred to Committees on Judiciary, State Government, and Tourist and Industry Development.

HOUSE BILL 327, appropriation to State Treasurer for comptroller for management of federal letters of credit and vouchers. Referred to Committees on Judiciary, Appropriations, and Ways and Means.

HOUSE BILL 328, providing disapproval by the superintendent of an application for transfer of liquor license from location to location shall be final. Referred to Committees on Judiciary, Municipalities, and Ways and Means.

HOUSE BILL 329, giving Board of Regents authority to issue revenue bonds for capital outlay purposes with principal and interest payments payable from increase in tuition rates. Referred to Committees on Judiciary, Appropriations, State Government, and Ways and Means.

HOUSE BILL 330, prescribing percentages permittee and state shall receive of revenue received from pari-mutuel wagering on dog racing. Referred to Committees on Judiciary, State Government, and Ways and Means.

HOUSE BILL 331, providing for investment of temporary excess funds of State Highway Fund in bonds or interest bearing notes or obligations of the United States. Referred to Committees on Judiciary, Highways and Bridges, and State Government.

HOUSE BILL 332, when certain per cent of salary of county school employees comes from other sources than County General Fund limitation on salary removed. Referred to Committees on Judiciary, County Affairs, and Education.

HOUSE BILL 333, changing qualifications of the county school superintendents. Referred to Committees on Judiciary, County Affairs, and Education.

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SIXTY-SIXTH DAY
WEDNESDAY, MARCH, 16, 1966
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Motion by Mr. Haugh, seconded by Mr. Smith (Pinal), that the House stand at recess until 2:00 P.M. Carried at 10:42 A.M.

AFTERNOON SESSION

At 2:00 P.M., the House resumed session, Speaker Gilbert presiding.

At 2:00 P.M., the Sergeant at Arms announced the seating of Members Calderon and Valenzuela.

Without objection, the House referred to the Order of Business:

REPORTS OF STANDING COMMITTEES

The following standing committee reports were read:

Labor, James E. Shelley, Chairman.

SENATE BILL 193, returned for consideration of the House.

Tourist and Industry Development, Ruth Peck, Chairman.

HOUSE BILL 246, do pass.

HOUSE BILL 273, do pass.

→ HOUSE BILL 326, returned for consideration of the House.

HOUSE JOINT MEMORIAL 1, do pass.

Rules, Andrew J. Gilbert, Chairman.

HOUSE BILLS 25, 49, 50, 64, 110, 130, 167, 178, 179, 193, 239, 251, 259, 266, 288 and 330.

HOUSE CONCURRENT RESOLUTIONS 10 and 13.

SENATE BILLS 116, 120, 128, 132 and 148.

MOTION TO GO INTO COMMITTEE OF THE WHOLE

Motion by Mr. Haugh, seconded by Mr. Smith (Pinal), that the House resolve itself into a Committee of the Whole for the consideration of the bills on the Calendar. Carried, and at 2:36 P.M., Mr. Simer took the Chair.

At 4:40 P.M., the Committee of the Whole was dissolved and Mr. Simer, Chairman, reported:

That House Bill 25 do pass.

That House Bill 49 be amended as follows:

Page 1, strike all of lines 2 to 13, inclusive, and insert:

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HOUSE OF REPRESENTATIVES

**MINUTES OF MEETING
COMMITTEE ON TOURIST & INDUSTRY DEVELOPMENT
March 16, 1966**

The tenth meeting of the Committee on Tourist & Industry Development of the Second Regular Session of the 27th Legislature was held in Room 315 at 9:00 a.m., on March 16, 1966, with Chairman Peck presiding:

MEMBERS PRESENT

Mrs. Peck	Mr. Goetze	Mr. Lena
Mr. Buehl	Mr. Goldberg	Mr. Lyman
Mr. Carrillo	Mr. Huffer	Miss Rockwell
	Mr. Sullivan	Mr. Wilcox

MEMBERS ABSENT

Mr. Biles	Mr. Hoopes
Mr. Calderon	Mr. Justin

The meeting proceeded to the consideration of the bills:

HJM 1 Asks the Congress to propose an amendment to repeal the income tax and to prohibit the federal government from competing in business with private enterprise.

Motion was made by Mr. Carrillo that the bill be held for further study. Motion died for lack of a second. Motion was made by Mr. Wilcox that the bill be out with a "do pass" recommendation. Seconded by Mr. Goetze, motion carried.

HB 280 Provides for quarterly report of inventories, receipts and transfers of tobaccos and stamps by wholesalers and retailers.(emergency)

Mr. Blakeley, representing Associated Grocers was present to explain this bill, and in his detailed presentation wherein he emphasized that wholesalers would like to see a reporting system that would be feasible and plausible to everyone concerned. Mr. Neilson, Executive Secretary of the Tax Commission, spoke against the bill stating that he felt the bill was unnecessary in lieu of the fact that the Tax Commission now possesses the powers that are designated by the bill. Motion was made by Mr. Wilcox that the bill be returned for consideration of the House; seconded by Mr. Huffer. Motion was made by Mr. Wilcox and seconded by Miss Rockwell to amend the bill as follows:

Page 1, line 18 change comma to a period.

Page 2, line 1, strike "shall" and insert "which".

Page 2, line 13 strike "does not" and insert "willfully fails to".

The motion carried. A substitute motion was made by Mr. Huffer



and seconded by Mr. Lena that the bill be held in committee.
Motion carried.

HB 246 Authorizes county boards of supervisors to enter into installment purchase agreements not to exceed \$50,000,

Motion was made by Mr. Huffer and seconded by Mr. Lyman that the bill be out with a "do pass" recommendation. Motion carried.

HB 273 Increases the tax on beer, wine and liquors.

Motion was made by Mr. Carrillo and seconded by Mr. Lena to hold the bill for further study. Mr. Wilcox made the motion that the bill be out with a "do pass" recommendation. Mr. Goetze seconded the motion and it carried.

➤ HB 326 Provides for establishment of a division of consumer frauds in the office of the Attorney General. (effective July 1)

Mr. Goldberg made the motion and seconded by Mr. Wilcox that the bill be returned for consideration of the House. Motion carried.

The meeting was adjourned.



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TWENTY-SEVENTH LEGISLATURE
OF THE
STATE OF ARIZONA
SECOND REGULAR SESSION
— 1966 —

SESSION CONVENED, MONDAY, JANUARY 10, 1966

SESSION ADJOURNED SINE DIE

SATURDAY, APRIL 23, 1966, AT 2:06 P.M.



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3/23 Reported by Committee of Whole, do pass (St Insts amendment not adopted)	461
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3/24 Third reading, passed, ayes 26, not voting 2	488
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3/18 Referred to Committees on Jud; Couns & Muns; Fin & Rev	394
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