

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2644

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Repeal

3 Senate Bill 1036, section 1, forty-ninth legislature, first regular
4 session, as transmitted to the governor, is repealed.

5 Sec. 2. Repeal

6 Senate Bill 1036, section 2, forty-ninth legislature, first regular
7 session, as transmitted to the governor, is repealed.

8 Sec. 3. Repeal

9 Senate Bill 1036, section 3, forty-ninth legislature, first regular
10 session, as transmitted to the governor, is repealed.

11 Sec. 4. Section 10-122, Arizona Revised Statutes, is amended to read:

12 10-122. Filing, service and copying fees; expedited report
13 filing and access; same day and next day services;
14 posted wait times; advance monies; definition

15 A. The commission shall collect and deposit, pursuant to sections
16 35-146 and 35-147, the following nonrefundable fees when the documents
17 described in this subsection are delivered to the commission:

<u>Document</u>	<u>Fee</u>
18 1. Articles of incorporation	\$50
19 2. Application for use of indistinguishable name	10
20 3. Application for reserved name	10
21 4. Notice of transfer of reserved name	10
22 5. Application for registered name	10
23 6. Application for renewal of registered name	10
24 7. Agent's statement of resignation	10
25 8. Amendment of articles of incorporation	25
26 9. Restatement of articles of incorporation with	
27 amendment of articles	25
28 10. Articles of merger or share exchange	100

1	11. Articles of dissolution	25
2	12. Articles of domestication	100
3	13. Articles of revocation of dissolution	25
4	14. Application for reinstatement following	
5	administrative dissolution, in addition	
6	to other fees and penalties due	100
7	15. Application for authority	150
8	16. Application for withdrawal	25
9	17. Annual report	45
10	18. Articles of correction	25
11	19. Application for certificate of good standing	10
12	20. Any other document required or permitted	
13	to be filed by chapters 1 through 17	
14	of this title	25

15 B. The commission shall collect a nonrefundable fee of twenty-five
16 dollars each time process is served on it under chapters 1 through 17 of this
17 title. The party to a proceeding causing service of process is entitled to
18 recover this fee as costs if the party prevails in the proceeding.

19 C. The commission shall charge and collect a reasonable fee for
20 copying documents on request, provided the fee does not exceed the cost of
21 providing the service as determined by the commission. The commission shall
22 also charge a reasonable fee for certifying the copy of a filed document,
23 provided the fee does not exceed the cost of providing the service as
24 determined by the commission.

25 D. A penalty of one hundred dollars payable in addition to other fees
26 accrues and is payable if a foreign corporation fails to file an amendment,
27 restated articles that include an amendment, or articles of merger within
28 sixty days of the time of filing in the jurisdiction in which the corporation
29 is domiciled. The penalty collected pursuant to this subsection shall be
30 deposited, pursuant to sections 35-146 and 35-147, in the state general fund.

31 E. One-third of the fees for the annual report of domestic and foreign
32 corporations paid pursuant to subsection A, paragraph 17 of this section

1 shall be deposited in the Arizona arts trust fund established by section
2 41-983.01 AND TWO-THIRDS OF THESE FEES SHALL BE DEPOSITED, PURSUANT TO
3 SECTIONS 35-146 AND 35-147, IN THE PUBLIC ACCESS FUND ESTABLISHED BY SECTION
4 10-122.01.

5 F. The commission shall provide for and establish an expedited service
6 for the filing of all documents and services provided pursuant to this title
7 as follows:

8 1. The expedited filing shall be a priority service to be completed as
9 soon as possible after the documents are delivered to the commission.

10 2. In addition to any other fees required by this section or any other
11 law, the commission shall charge a nonrefundable fee for expedited services,
12 including those requested by fax. The fee shall be determined by a
13 supermajority vote of the commissioners.

14 3. The commission may provide for and establish same day and next day
15 services for the filing of any documents and services provided pursuant to
16 this title as follows:

17 (a) The same day and next day services shall not be offered unless all
18 expedited services filed pursuant to this title are processed within a
19 maximum of five business days and all other documents and services filed
20 pursuant to this title are processed within a maximum of thirty business
21 days.

22 (b) The commission shall suspend same day or next day service if the
23 commission determines that it does not have the necessary resources to
24 perform the service within the established time period.

25 (c) In addition to any other fees required by this section or any
26 other law, the commissioners may charge a nonrefundable fee for the same day
27 or next day service or both. The fee shall be determined by a supermajority
28 vote of the commissioners.

29 4. The commission shall publicly post the current wait times for
30 processing regular, expedited and same day and next day services.

31 G. The commission may charge persons who access the commission's data
32 processing system that is maintained pursuant to section 10-122.01 from

1 remote locations and persons requesting special computer generated printouts,
2 reports and tapes a reasonable fee that does not exceed the cost of the time,
3 equipment and personnel necessary to provide this service or product as
4 determined by the commission.

5 H. Except as provided in section 10-122.01, subsection B, paragraph 3,
6 in addition to any fee charged pursuant to this section, the commission may
7 charge and collect the following nonrefundable fees to help defray the cost
8 of the improved data processing system that is maintained pursuant to section
9 10-122.01:

10 1. Filing articles of incorporation of a domestic corporation, ten
11 dollars.

12 2. Filing an application of a foreign corporation for authority to
13 transact business in this state, twenty-five dollars.

14 I. All monies received pursuant to subsections F, G and H of this
15 section shall be deposited, pursuant to sections 35-146 and 35-147, in the
16 public access fund established by section 10-122.01.

17 J. Fees charged pursuant to this section are exempt from section
18 39-121.03, subsection A, paragraph 3.

19 K. Any person may advance monies to the commission to pay fees
20 required pursuant to this section for future filings and services. All
21 monies received pursuant to this subsection shall be deposited, pursuant to
22 sections 35-146 and 35-147, in the money on deposit account in the public
23 access fund established by section 10-122.01.

24 L. For the purposes of this section, "supermajority" means an
25 affirmative vote of at least four commissioners.

26 Sec. 5. Section 10-122.01, Arizona Revised Statutes, is amended to
27 read:

28 10-122.01. Public access fund; purpose; exemption; money on
29 deposit account

30 A. A public access fund is established. The commission shall
31 administer the fund. The fund consists of monies received pursuant to:

32 1. Section 10-122, subsections E, F, G, H and K.

1 2. Section 10-3122, subsections I and K.

2 3. Section 29-851, subsections E and F.

3 B. Except as provided in subsection C of this section:

4 1. Monies in the fund are subject to legislative appropriation.

5 2. The commission shall spend monies in the fund for a part of the
6 general administrative and legal expenses of the commission and to purchase,
7 install and maintain an improved data processing system on the premises of
8 the commission. The data processing system shall be designed to allow direct
9 ~~on-line~~ ONLINE access by any person at a remote location to all public
10 records that are filed with the commission pursuant to this title and title
11 29, chapter 4.

12 3. When sufficient monies have been collected pursuant to section
13 10-122, subsections F, G and H, section 10-3122, subsection I and section
14 29-851, subsection E to pay for the purchase and installation of the data
15 processing system, the commission shall not charge and collect the fees
16 prescribed in section 10-122, subsection H or section 10-3122, subsection H.

17 4. Monies in the fund are exempt from the provisions of section 35-190
18 relating to lapsing of appropriations, except that any unencumbered monies in
19 excess of two hundred thousand dollars at the end of each fiscal year revert
20 to the state general fund.

21 C. The money on deposit account is established in the public access
22 fund as a separate account consisting of monies received pursuant to section
23 10-122, subsection K, section 10-3122, subsection K and section 29-851,
24 subsection F. Monies in the money on deposit account:

25 1. Are held in trust by the commission.

26 2. May be withdrawn by the commission only:

27 (a) To cover fees that are due pursuant to this title or title 29,
28 chapter 4 on delivery of documents for filing or on a request for services by
29 a person who advanced monies to the commission pursuant to section 10-122,
30 subsection K, section 10-3122, subsection K or section 29-851, subsection F.

1 (b) To refund the monies advanced in subdivision (a) of this paragraph
2 if the person who requested services pursuant to subdivision (a) of this
3 paragraph requests the refund.

4 (c) For the disposition of unclaimed property pursuant to title 44,
5 chapter 3.

6 3. Are not subject to either:

7 (a) Legislative appropriation.

8 (b) Reversion to the state general fund.

9 Sec. 6. Repeal

10 Senate Bill 1036, section 6, forty-ninth legislature, first regular
11 session, as transmitted to the governor, is repealed.

12 Sec. 7. Repeal

13 Section 15-994, Arizona Revised Statutes, is repealed.

14 Sec. 8. Section 32-1642, Arizona Revised Statutes, is amended to read:

15 32-1642. Biennial renewal of license; failure to renew; renewal
16 of certification; inactive licensees

17 A. Except as provided in section 32-4301, a professional and practical
18 nurse licensee shall renew the license every four years on or before
19 ~~July~~ APRIL 1. If a licensee does not renew the license on or before
20 ~~August~~ MAY 1, the licensee shall pay an additional fee for late renewal as
21 prescribed in section 32-1643. If a licensee does not renew the license on
22 or before ~~November~~ AUGUST 1, the license expires. It is a violation of this
23 chapter for a person to practice nursing with an expired license.

24 B. An applicant for renewal of a professional or practical nursing
25 license shall submit a verified statement that indicates whether the
26 applicant has been convicted of a felony and, if convicted of one or more
27 felonies, indicates the date of absolute discharge from the sentences for all
28 felony convictions.

29 C. On receipt of the application and fee, the board shall verify the
30 accuracy of the application and issue to the applicant an active renewal
31 license, which shall be effective for the following four calendar years. The
32 renewal license shall render the holder a legal practitioner of nursing, as

1 specified in the license, during the period stated on the certificate of
2 renewal. A licensee who fails to secure a renewal license within the time
3 specified may secure a renewal license by making verified application as the
4 board prescribes by furnishing proof of being qualified and competent to act
5 as a professional or practical nurse, and additional information and material
6 as required by the board, and by payment of the prescribed fee.

7 D. Except as provided in section 32-4301, a nursing assistant shall
8 renew the certification every two years on the last day of the birth month of
9 the nursing assistant. An applicant for renewal shall submit a verified
10 statement that indicates whether the applicant has been convicted of a felony
11 and, if convicted of one or more felonies, indicates the date of absolute
12 discharge from the sentences for all felony convictions. On receipt of the
13 application and fee, the board shall recertify qualified applicants.

14 E. On written request to the board, the name and license of a licensee
15 in good standing may be transferred to an inactive list. The licensee shall
16 not practice during the time the license is inactive, and renewal fees do not
17 accrue. If an inactive licensee wishes to resume the practice of nursing the
18 board shall renew the license on satisfactory showing that the licensee is
19 then qualified and competent to practice and on payment of the current
20 renewal fee. The licensee shall also file with the board a verified
21 statement that indicates whether the applicant has been convicted of a felony
22 and, if convicted of one or more felonies, that indicates the date of
23 absolute discharge from the sentences for all felony convictions.

24 Sec. 9. Repeal

25 Senate Bill 1036, section 9, forty-ninth legislature, first regular
26 session, as transmitted to the governor, is repealed.

27 Sec. 10. Repeal

28 Senate Bill 1036, section 10, forty-ninth legislature, first regular
29 session, as transmitted to the governor, is repealed.

1 Sec. 11. Section 41-1276, Arizona Revised Statutes, is amended to
2 read:

3 41-1276. Truth in taxation levy for equalization assistance to
4 school districts

5 A. On or before February 15 of each year, the joint legislative budget
6 committee shall compute and transmit the truth in taxation rates for
7 equalization assistance for school districts for the following fiscal year
8 to:

9 1. The chairmen of the house of representatives ways and means
10 committee and the senate finance committee or their successor committees.

11 2. The chairmen of the appropriations committees of the senate and the
12 house of representatives or their successor committees.

13 B. The truth in taxation rates consist of the qualifying tax rate for
14 a high school district or a common school district within a high school
15 district that does not offer instruction in high school subjects pursuant to
16 section 15-971, subsection B, paragraph 1, ~~AND~~ AND a qualifying tax rate for a
17 unified district, a common school district not within a high school district
18 or a common school district within a high school district that offers
19 instruction in high school subjects pursuant to section 15-971, subsection B,
20 paragraph 2 ~~and a state equalization assistance property tax rate pursuant to~~
21 ~~section 15-994~~ that will offset the change in net assessed valuation of
22 property that was subject to tax in the prior year.

23 C. The joint legislative budget committee shall compute the truth in
24 taxation rates as follows:

25 1. Determine the statewide primary net assessed value for the
26 preceding tax year as provided in section 42-17151, subsection A,
27 paragraph 3.

28 2. Determine the statewide primary net assessed value for the current
29 tax year, excluding the net assessed value of property that was not subject
30 to tax in the preceding year.

31 3. Divide the amount determined in paragraph 1 of this subsection by
32 the amount determined in paragraph 2 of this subsection.

1 4. Adjust the qualifying tax rates ~~and the state equalization~~
2 ~~assistance property tax rate~~ for the current fiscal year by the percentage
3 determined in paragraph 3 of this subsection in order to offset the change in
4 net assessed value.

5 D. Except as provided in subsections E and G of this section, the
6 qualifying tax rate for a high school district or a common school district
7 within a high school district that does not offer instruction in high school
8 subjects, ~~AND~~ the qualifying tax rate for a unified school district, a
9 common school district not within a high school district or a common school
10 district within a high school district that offers instruction in high school
11 subjects ~~and the state equalization assistance property tax rate~~ for the
12 following fiscal year shall be the rate determined by the joint legislative
13 budget committee pursuant to subsection C of this section. The committee
14 shall transmit the rates to the superintendent of public instruction and the
15 county boards of supervisors by March 15 each year.

16 E. If the legislature proposes ~~either~~ qualifying tax rates ~~or a state~~
17 ~~equalization assistance property tax rate~~ that ~~exceeds~~ EXCEED the truth in
18 taxation rate:

19 1. The house of representatives ways and means committee and the
20 senate finance committee or their successor committees shall hold a joint
21 hearing on or before February 28 and publish a notice of a truth in taxation
22 hearing that meets the following requirements:

23 (a) The notice shall be published twice in a newspaper of general
24 circulation in this state that is published at the state capital. The first
25 publication shall be at least fourteen but not more than twenty days before
26 the date of the hearing. The second publication shall be at least seven but
27 not more than ten days before the date of the hearing.

28 (b) The notice shall be published in a location other than the
29 classified or legal advertising section of the newspaper.

30 (c) The notice shall be at least one-fourth page in size and shall be
31 surrounded by a solid black border at least one-eighth inch in width.

1 (d) The notice shall be in the following form, with the "truth in
2 taxation hearing - notice of tax increase" headline in at least eighteen
3 point type:

4 Truth in Taxation Hearing
5 Notice of Tax Increase

6 In compliance with section 41-1276, Arizona Revised
7 Statutes, the state legislature is notifying property taxpayers
8 in Arizona of the legislature's intention to raise the property
9 tax levy over last year's level.

10 The proposed tax increase will cause the taxes on a
11 \$100,000 home to increase by \$_____.

12 All interested citizens are invited to attend a public
13 hearing on the tax increase that is scheduled to be held
14 _____ (date and time) at _____ (location).

15 (e) For purposes of computing the tax increase on a one hundred
16 thousand dollar home as required by the notice, the joint meeting of the
17 house of representatives ways and means committee and the senate finance
18 committee or their successor committees shall consider the difference between
19 the truth in taxation rate and the proposed increased rate.

20 2. The joint meeting of the house of representatives ways and means
21 committee and the senate finance committee or their successor committees
22 shall consider any motion to recommend the proposed tax rates to the full
23 legislature by roll call vote.

24 F. In addition to publishing the truth in taxation notice under
25 subsection E, paragraph 1 of this section, the joint meeting of the house of
26 representatives ways and means committee and the senate finance committee or
27 their successor committees shall issue a press release containing the truth
28 in taxation notice.

29 G. Notwithstanding any other law, the legislature shall not adopt a
30 state budget that provides for ~~either~~ qualifying tax rates pursuant to
31 ~~section 15-971 or a state equalization assistance property tax rate pursuant~~
32 ~~to section 15-994~~ that ~~exceeds~~ EXCEED the truth in taxation rates computed

1 pursuant to subsection A of this section unless the rates are adopted by a
2 concurrent resolution approved by an affirmative roll call vote of two-thirds
3 of the members of each house of the legislature before the legislature enacts
4 the general appropriations bill. If the resolution is not approved by
5 two-thirds of the members of each house of the legislature, the rates for the
6 following fiscal year shall be the truth in taxation rates determined
7 pursuant to subsection C of this section and shall be transmitted to the
8 superintendent of public instruction and the county boards of supervisors.

9 H. Notwithstanding subsection C of this section and if approved by the
10 qualified electors voting at a statewide general election, the legislature
11 shall not set a qualifying tax rate that exceeds \$2.1265 for a common or high
12 school district or \$4.253 for a unified school district. The legislature
13 shall not set a county equalization assistance for education rate that
14 exceeds \$0.5123.

15 I. Pursuant to subsection C of this section, the qualifying tax rate
16 in tax year ~~2008~~ 2009 for a high school district or a common school district
17 within a high school district that does not offer instruction in high school
18 subjects as provided in section 15-447 is ~~\$1.4622~~ \$1.3726 and for a unified
19 school district, a common school district not within a high school district
20 or a common school district within a high school district that offers
21 instruction in high school subjects as provided in section 15-447 is ~~\$2.9244~~
22 \$2.7452. ~~The state equalization assistance property tax rate in tax years~~
23 ~~2006, 2007 and 2008 is zero. The state equalization assistance property tax~~
24 ~~rate in tax year 2009 shall be computed by annually adjusting the tax year~~
25 ~~2005 rate of \$0.4358 as provided by this section through tax year 2009.~~

26 Sec. 12. Section 41-3955, Arizona Revised Statutes, as amended by
27 Senate Bill 1036, section 12, forty-ninth legislature, first regular session,
28 as transmitted to the governor, is amended to read:

29 41-3955. Housing trust fund; purpose

30 A. The housing trust fund is established, and the director shall
31 administer the fund. The fund consists of **MONIES FROM UNCLAIMED PROPERTY**
32 **DEPOSITED IN THE FUND PURSUANT TO SECTION 44-313**, a portion of interest

1 earned on the monies in the federal deposit insurance corporation trust fund
2 pursuant to section 44-314 and investment earnings.

3 B. On notice from the department, the state treasurer shall invest and
4 divest monies in the fund as provided by section 35-313, and monies earned
5 from investment shall be credited to the fund.

6 C. Fund monies shall be spent on approval of the department for
7 developing projects and programs connected with providing housing
8 opportunities for low and moderate income households and for housing
9 affordability and Arizona housing finance authority programs. Pursuant to
10 section 44-313, subsection A, a portion of fund monies shall be used
11 exclusively for housing in rural areas.

12 D. In approving the expenditure of monies, the director shall give
13 priority to funding projects that provide for operating, constructing or
14 renovating facilities for housing for low income families and that provide
15 housing and shelter to families that have children.

16 E. The director shall report annually to the legislature on the status
17 of the housing trust fund. The report shall include a summary of facilities
18 for which funding was provided during the preceding fiscal year and shall
19 show the cost and geographic location of each facility and the number of
20 individuals benefiting from the operation, construction or renovation of the
21 facility. The report shall be submitted to the president of the senate and
22 the speaker of the house of representatives no later than September 1 of each
23 year.

24 F. Monies in the housing trust fund are exempt from the provisions of
25 section 35-190 relating to lapsing of appropriations.

26 G. An amount not to exceed ten per cent of the housing trust fund
27 monies may be appropriated annually by the legislature to the department for
28 administrative costs in providing services relating to the housing trust
29 fund.

30 H. For any construction project financed by the department pursuant to
31 this section, the department shall notify a city, town, county or tribal
32 government that a project is planned for its jurisdiction and, before

1 proceeding, shall seek comment from the governing body of the city, town,
2 county or tribal government or an official authorized by the governing body
3 of the city, town, county or tribal government. The department shall not
4 interfere with or attempt to override the local jurisdiction's planning,
5 zoning or land use regulations.

6 Sec. 13. Title 42, chapter 1, article 3, Arizona Revised Statutes, is
7 amended by adding section 42-1116.01, to read:

8 42-1116.01. Department of revenue administrative fund

9 A. THE DEPARTMENT OF REVENUE ADMINISTRATIVE FUND IS ESTABLISHED
10 CONSISTING OF MONIES FROM UNCLAIMED PROPERTY DEPOSITED IN THE FUND PURSUANT
11 TO SECTION 44-313.

12 B. THE DIRECTOR SHALL ADMINISTER THE FUND. MONIES IN THE FUND ARE
13 EXEMPT FROM THE PROVISIONS OF SECTION 35-130 RELATING TO LAPSING OF
14 APPROPRIATIONS.

15 C. SUBJECT TO LEGISLATIVE APPROPRIATION, THE DIRECTOR SHALL USE MONIES
16 IN THE FUND SOLELY FOR THE ADMINISTRATIVE COSTS OF THE DEPARTMENT.

17 Sec. 14. Repeal

18 Senate Bill 1036, section 13, forty-ninth legislature, first regular
19 session, as transmitted to the governor, is repealed.

20 Sec. 15. Repeal

21 Senate Bill 1036, section 14, forty-ninth legislature, first regular
22 session, as transmitted to the governor, is repealed.

23 Sec. 16. Repeal

24 Senate Bill 1036, section 15, forty-ninth legislature, first regular
25 session, as transmitted to the governor, is repealed.

26 Sec. 17. Repeal

27 Senate Bill 1036, section 16, forty-ninth legislature, first regular
28 session, as transmitted to the governor, is repealed.

29 Sec. 18. Repeal

30 Senate Bill 1036, section 17, forty-ninth legislature, first regular
31 session, as transmitted to the governor, is repealed.

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Sec. 19. Repeal

Senate Bill 1036, section 18, forty-ninth legislature, first regular session, as transmitted to the governor, is repealed.

Sec. 20. Repeal

Senate Bill 1036, section 19, forty-ninth legislature, first regular session, as transmitted to the governor, is repealed.

Sec. 21. Repeal

Senate Bill 1036, section 20, forty-ninth legislature, first regular session, as transmitted to the governor, is repealed.

Sec. 22. Repeal

Senate Bill 1036, section 21, forty-ninth legislature, first regular session, as transmitted to the governor, is repealed.

Sec. 23. Repeal

Senate Bill 1036, section 22, forty-ninth legislature, first regular session, as transmitted to the governor, is repealed.

Sec. 24. Section 42-15001, Arizona Revised Statutes, is amended to read:

42-15001. Assessed valuation of class one property

A. THROUGH DECEMBER 31, 2011, the assessed valuation of class one property described in section 42-12001 is the following percentage of its full cash value or limited valuation, as applicable:

1. Twenty-five per cent through December 31, 2005.
2. Twenty-four and one-half per cent beginning from and after December 31, 2005 through December 31, 2006.
3. Twenty-four per cent beginning from and after December 31, 2006 through December 31, 2007.
4. Twenty-three per cent beginning from and after December 31, 2007 through December 31, 2008.
5. Twenty-two per cent beginning from and after December 31, 2008 through December 31, 2009.
6. Twenty-one per cent beginning from and after December 31, 2009 through December 31, 2010.

1 7. Twenty per cent beginning from and after December 31, 2010 THROUGH
2 DECEMBER 31, 2011.

3 B. BEGINNING FROM AND AFTER DECEMBER 31, 2011, THE ASSESSED VALUATION
4 OF CLASS ONE PROPERTY DESCRIBED IN SECTION 42-12001 IS:

5 1. TWENTY PER CENT OF ITS LIMITED VALUATION FOR PRIMARY PROPERTY TAX
6 PURPOSES.

7 2. THE FOLLOWING PERCENTAGE OF ITS FULL CASH VALUE FOR SECONDARY
8 PROPERTY TAX PURPOSES:

9 (a) NINETEEN PER CENT BEGINNING FROM AND AFTER DECEMBER 31, 2011
10 THROUGH DECEMBER 31, 2012.

11 (b) EIGHTEEN PER CENT BEGINNING FROM AND AFTER DECEMBER 31, 2012
12 THROUGH DECEMBER 31, 2013.

13 (c) SEVENTEEN PER CENT BEGINNING FROM AND AFTER DECEMBER 31, 2013
14 THROUGH DECEMBER 31, 2014.

15 (d) SIXTEEN PER CENT BEGINNING FROM AND AFTER DECEMBER 31, 2014
16 THROUGH DECEMBER 31, 2015.

17 (e) FIFTEEN PER CENT BEGINNING FROM AND AFTER DECEMBER 31, 2015.

18 Sec. 25. Repeal

19 Senate Bill 1036, section 23, forty-ninth legislature, first regular
20 session, as transmitted to the governor, is repealed.

21 Sec. 26. Repeal

22 Senate Bill 1036, section 24, forty-ninth legislature, first regular
23 session, as transmitted to the governor, is repealed.

24 Sec. 27. Repeal

25 Senate Bill 1036, section 25, forty-ninth legislature, first regular
26 session, as transmitted to the governor, is repealed.

27 Sec. 28. Repeal

28 Senate Bill 1036, section 26, forty-ninth legislature, first regular
29 session, as transmitted to the governor, is repealed.

30 Sec. 29. Repeal

31 Senate Bill 1036, section 27, forty-ninth legislature, first regular
32 session, as transmitted to the governor, is repealed.

1 Sec. 30. Repeal

2 Senate Bill 1036, section 28, forty-ninth legislature, first regular
3 session, as transmitted to the governor, is repealed.

4 Sec. 31. Section 43-1095, Arizona Revised Statutes, is amended to
5 read:

6 43-1095. Taxable income of a nonresident

7 A. In computing Arizona taxable income a nonresident, except a member
8 of the armed forces, shall be allowed that percentage of the exemptions set
9 forth in section 43-1043 which his Arizona gross income is of his federal
10 adjusted gross income.

11 B. In the case of a nonresident the STANDARD deduction allowed in
12 section 43-1041 AND THE ITEMIZED DEDUCTIONS ALLOWED IN SECTION 43-1042 shall
13 be allowed in the percentage which his Arizona gross income is of his federal
14 adjusted gross income.

15 Sec. 32. Section 44-313, Arizona Revised Statutes, as amended by
16 Senate Bill 1036, section 31, forty-ninth legislature, first regular session,
17 as transmitted to the governor, is amended to read:

18 44-313. Deposit of monies

19 A. Except as otherwise provided in this section or section 44-314, the
20 department shall deposit, pursuant to sections 35-146 and 35-147, in the
21 state general fund all monies received pursuant to this chapter, including
22 the proceeds from the sale of abandoned property pursuant to section 44-312,
23 EXCEPT THAT:

24 1. THE FIRST TEN MILLION FIVE HUNDRED THOUSAND DOLLARS OF THE MONIES
25 SHALL BE DEPOSITED EACH FISCAL YEAR IN THE HOUSING TRUST FUND ESTABLISHED BY
26 SECTION 41-3955.

27 2. THE SECOND TWENTY-FOUR MILLION FIVE HUNDRED THOUSAND DOLLARS OF THE
28 MONIES SHALL BE DEPOSITED EACH FISCAL YEAR IN THE DEPARTMENT OF REVENUE
29 ADMINISTRATION FUND ESTABLISHED BY SECTION 42-1116.01.

30 B. The department shall deposit monies from unclaimed shares and
31 dividends of any corporation incorporated under the laws of this state in the

1 permanent state school fund pursuant to article XI, section 8, Constitution
2 of Arizona.

3 C. The department shall deposit monies from unclaimed victim
4 restitution payments in the victim compensation and assistance fund
5 established by section 41-2407 for the purpose of establishing, maintaining
6 and supporting programs that compensate and assist victims of crime.

7 D. The department shall retain in a separate trust fund at least one
8 hundred thousand dollars from which the department shall pay claims.

9 E. Before making the deposit, the department shall record the name and
10 last known address of each person who appears from the holders' reports to be
11 entitled to the property and the name and last known address of each insured
12 person or annuitant and beneficiary. The department shall also record the
13 policy or contract number of each policy or contract of an insurance company
14 that is listed in the report, the name of the company and the amount due.
15 The department shall make the record available for public inspection during
16 reasonable business hours.

17 Sec. 33. Section 44-1861, Arizona Revised Statutes, is amended to
18 read:

19 44-1861. Fees; deposit; abandonment

20 A. BY the following AFFIRMATIVE VOTE OF AT LEAST FOUR COMMISSIONERS,
21 THE COMMISSION MAY ESTABLISH BY RULE AN annual fee for THE registration OF A
22 DEALER OR A SALESMAN. THE FEE shall be remitted on or before the last
23 working day of December, AND THE COMMISSION SHALL DEPOSIT THE FEE, PURSUANT
24 TO SECTIONS 35-146 AND 35-147, IN THE SECURITIES REGULATORY AND ENFORCEMENT
25 FUND ESTABLISHED BY SECTION 44-2039. ~~+~~

26 ~~1. For each dealer, three hundred dollars, of which fifty dollars is~~
27 ~~allocated to the fund established under section 44-2039.~~

28 ~~2. For each salesman, forty dollars, of which fifteen dollars is~~
29 ~~allocated to the fund established under section 44-2039.~~

30 B. The registration fee for any dealer who deals exclusively in
31 securities of which the dealer is the issuer is one hundred dollars.

1 C. For registration of securities by description, there shall be paid
2 to the commission a nonrefundable registration fee of one-tenth of one per
3 cent of the aggregate offering price of the securities ~~which~~ THAT are to be
4 sold in this state, but in no event shall the registration fee be less than
5 two hundred dollars nor more than two thousand dollars. The amount by which
6 a registration fee exceeds one thousand five hundred dollars shall be
7 allocated to the commerce and economic development commission fund
8 established by section 41-1505.10.

9 D. BY the AFFIRMATIVE VOTE OF AT LEAST FOUR COMMISSIONERS, THE
10 COMMISSION MAY ESTABLISH BY RULE A transfer fee for a salesman transferring
11 ~~his~~ THE SALESMAN'S registration from one registered dealer to another
12 registered dealer ~~is forty dollars, of which fifteen dollars is allocated to~~
13 ~~the fund established under section 44-2039.~~ THE COMMISSION SHALL DEPOSIT THE
14 FEE, PURSUANT TO SECTIONS 35-146 AND 35-147, IN THE SECURITIES REGULATORY AND
15 ENFORCEMENT FUND ESTABLISHED BY SECTION 44-2039.

16 E. The initial filing of a form required for safe harbor exemptions
17 provided for in the securities act of 1933 (15 United States Code section
18 77(a) et seq.) pursuant to the rules of the commission shall be accompanied
19 by a filing fee of two hundred fifty dollars, of which fifty dollars shall be
20 allocated to the commerce and economic development commission fund
21 established by section 41-1505.10. The final filing of the form, if separate
22 from the initial filing, shall be accompanied by a filing fee of one hundred
23 dollars that is allocated to the commerce and economic development commission
24 fund established by section 41-1505.10.

25 F. For a name change of securities registered by qualification or
26 description, a filing fee of one hundred dollars is payable to the
27 commission.

28 G. For filing a notice required by the commission by rule pursuant to
29 section 44-1845, a filing fee of one hundred dollars is payable to the
30 commission.

31 H. For filing a petition pursuant to section 44-1846, a filing fee of
32 two hundred fifty dollars is payable to the commission.

1 I. Except as provided in subsections A, C, D, E and P of this section,
2 section 44-1843 and section 44-1892, paragraph 3, all fees collected under
3 this chapter shall be deposited in the state general fund.

4 J. An issuer who sells securities in this state in excess of the
5 aggregate amount of securities registered in this state ~~may~~, while ~~such~~ THE
6 registration is still effective, MAY apply to register the excess securities
7 by paying three times the difference between the initial registration fee
8 paid and the registration fee required under subsection C of this section or
9 section 44-1892, paragraph 3. Registration of the excess securities, if
10 granted, is effective retroactively to the date of the existing registration.

11 K. An application for registration of securities or registration of a
12 dealer or salesman or an incomplete notice filing is deemed abandoned if
13 both:

14 1. The application or notice filing has been on file with the
15 commission for at least six months or the applicant or notice filer has
16 failed to respond to a request for information for at least two months after
17 the date of the request.

18 2. The applicant or notice filer has failed to respond to the
19 commission's notice of warning of abandonment within sixty calendar days
20 after the date of the warning.

21 L. The commission shall retain fees collected in connection with
22 abandoned applications or notice filings for deposit in the state general
23 fund.

24 M. The nonrefundable filing fee for a request for a no-action letter
25 from the securities division is two hundred dollars.

26 N. The nonrefundable filing fee for an application for registration
27 pursuant to section 44-1902 is two hundred fifty dollars.

28 O. The fee for submitting fingerprint cards to the department of
29 public safety is the fee required by that department.

30 P. Any securities exchange established in this state shall pay to the
31 commission on or before March 15 of each calendar year an exchange
32 registration fee in an amount equal to two-tenths of one cent for each share,

1 bond or option or any other single unit of a security, ~~which~~ THAT is
2 exchanged during each preceding calendar year. ~~which~~ THE COMMISSION shall ~~be~~
3 ~~deposited~~ DEPOSIT THE FEE, PURSUANT TO SECTIONS 35-146 AND 35-147, in the
4 securities regulatory and enforcement fund established by section 44-2039 for
5 the purpose of regulating the securities exchange. The commission, by rule,
6 may exempt any sale of securities or any class of sales of securities from
7 the fee imposed by this subsection, ~~—~~ if it finds that an exemption is
8 consistent with the public interest and the equal regulation of the market
9 and brokers and dealers.

10 Sec. 34. Section 44-2039, Arizona Revised Statutes, is amended to
11 read:

12 44-2039. Securities regulatory and enforcement fund; purpose

13 A. A securities regulatory and enforcement fund is established and
14 shall be administered by the commission under the conditions and for the
15 purposes provided by this section. Monies in the fund are exempt from the
16 provisions of section 35-190 relating to lapsing.

17 B. Fees collected pursuant to section 44-1861, ~~subsection~~ SUBSECTIONS
18 A, ~~paragraphs 1 and 2 and subsections~~ D and P shall be deposited, pursuant to
19 sections 35-146 and 35-147, in the securities regulatory and enforcement
20 fund, EXCEPT THAT ALL REVENUES COLLECTED IN EACH FISCAL YEAR IN EXCESS OF THE
21 AMOUNT APPROPRIATED FROM THE FUND BY THE LEGISLATURE SHALL BE DEPOSITED IN
22 THE STATE GENERAL FUND.

23 C. Monies in the fund are subject to legislative appropriation. The
24 commission shall use the monies in the fund for education and regulatory,
25 investigative and enforcement operations in the securities division and a
26 part of general administrative and hearing expenses of the commission.

27 Sec. 35. Repeal

28 Senate Bill 1036, section 43, forty-ninth legislature, first regular
29 session, as transmitted to the governor, is repealed.

1 Sec. 36. Senate Bill 1036, section 44, forty-ninth legislature, first
2 regular session, as transmitted to the governor, is amended to read:

3 Sec. 44. Vehicle license taxes; fiscal year 2009-2010;
4 distributions by cities and towns to school
5 districts

6 A. In fiscal year 2009-2010, ~~counties that receive vehicle license tax~~
7 ~~monies pursuant to section 28-5808, subsection A, paragraph 2, subdivision~~
8 ~~(a) and subsection B, paragraph 2, subdivision (a), Arizona Revised Statutes,~~
9 ~~and~~ cities and towns that receive vehicle license tax monies pursuant to
10 section 28-5808, subsection A, paragraph 2, subdivision (c) and subsection B,
11 paragraph 2, subdivision (c), Arizona Revised Statutes, shall distribute a
12 portion of those monies as computed by the county treasurer to local school
13 districts. ~~The total amount of monies to be distributed pursuant to this~~
14 ~~section by all counties in fiscal year 2009-2010 shall be \$53,000,000.~~ The
15 total amount of monies to be distributed pursuant to this section by all
16 cities and towns in fiscal year 2009-2010 shall be ~~\$42,000,000~~ \$22,000,000,
17 PAYABLE IN EQUAL MONTHLY INSTALLMENTS OF \$3,666,667 BEGINNING IN JANUARY,
18 2010 THROUGH JUNE, 2010 ALLOCATED AMONG THE CITIES AND TOWNS ACCORDING TO
19 POPULATION.

20 B. The department of education shall notify each county treasurer on a
21 monthly basis regarding the amount of monies to be distributed BY THE CITIES
22 AND TOWNS IN THE COUNTY pursuant to subsection A of this section ~~in each~~
23 ~~county~~ to each school district. The county treasurer shall apportion the
24 monies to the school districts in the county in accordance with section
25 15-971, subsection C, Arizona Revised Statutes.

26 ~~C. Notwithstanding any other law, a county may meet the funding~~
27 ~~requirements of this section using any source of revenue selected by the~~
28 ~~board of supervisors, including monies of any countywide special taxing~~
29 ~~district in which the board of supervisors serves as the district board of~~
30 ~~directors.~~

31 ~~D. Contributions made pursuant to this section are excluded from the~~
32 ~~county expenditure limitations.~~

1 Sec. 37. Senate Bill 1036, section 45, forty-ninth legislature, first
2 regular session, as transmitted to the governor, is amended to read:

3 Sec. 45. County transfers; fiscal year 2009-2010; county
4 expenditure limitations

5 A. Notwithstanding any other law, in fiscal year 2009-2010, each
6 county with a population of two million or more persons shall transfer
7 ~~\$24,168,400~~ \$19,014,600 and each county with a population of more than eight
8 hundred thousand persons but less than two million persons shall transfer
9 ~~\$3,794,400~~ \$2,985,400 to the state treasurer for deposit in the state general
10 fund.

11 B. Notwithstanding any other law, a county may meet any statutory
12 funding requirements of this section from any source of county revenue
13 designated by the county, including funds of any countywide special taxing
14 district in which the board of supervisors serves as the board of directors.

15 C. Contributions made pursuant to this section are excluded from the
16 county expenditure limitations.

17 Sec. 38. Continuing fee increases; appropriations; exemption
18 from rule making

19 A. The department of health services, the radiation regulatory agency
20 and, subject to subsection E of this section, the state land department may
21 continue fee increases pursuant to Laws 2008, chapter 291, section 12.

22 B. It is the intent of the legislature that the additional revenue
23 generated by the fee increases shall not exceed the amounts listed below:

- | | |
|---|------------|
| 24 1. Department of health services | \$600,000. |
| 25 2. State land department | \$600,000. |
| 26 3. Radiation regulatory agency | \$500,000. |

27 C. Monies generated from any fees raised pursuant to subsection A of
28 this section are appropriated to the respective agencies.

29 D. The agencies described in subsection A of this section are exempt
30 from the rule making requirements of title 41, chapter 6, Arizona Revised
31 Statutes, for the purpose of raising fees pursuant to this section for a
32 period of one year from the effective date of this act.

1 E. The state land department may not increase a fee pursuant to
2 subsection A of this section for a recreational permit issued by the
3 department.

4 Sec. 39. Board of examiners of nursing care institution
5 administrators and assisted living facility
6 managers; fees for providing services; increase;
7 fiscal year 2009-2010; intent; appropriation;
8 exemption from rule making

9 A. Notwithstanding any other law, the board of examiners of nursing
10 care institution administrators and assisted living facility managers may
11 raise fees in fiscal year 2009-2010 for services provided by the board.

12 B. It is the intent of the legislature that the additional revenue
13 generated by the fee increases in subsection A shall not exceed \$85,000.

14 C. Monies generated from any fees raised pursuant to subsection A are
15 appropriated to the board.

16 D. The board is exempt from the rule making requirements of title 41,
17 chapter 6, Arizona Revised Statutes, for the purpose of raising fees pursuant
18 to this section for a period of one year from the effective date of this act.

19 Sec. 40. Office of pest management; fees for providing
20 services; increase; fiscal year 2009-2010; intent;
21 appropriation; exemption from rule making

22 A. Notwithstanding any other law, the director of the office of pest
23 management may raise fees in fiscal year 2009-2010 for services provided by
24 the board.

25 B. It is the intent of the legislature that the additional revenue
26 generated by the fee increases in subsection A shall not exceed \$875,000.

27 C. Monies generated from any fees raised pursuant to subsection A are
28 appropriated to the office.

29 D. The office is exempt from the rule making requirements of title 41,
30 chapter 6, Arizona Revised Statutes, for the purpose of raising fees pursuant
31 to this section for a period of one year from the effective date of this act.

1 Sec. 44. Retroactivity

2 Sections 10-122 and 10-122.01, Arizona Revised Statutes, as amended by
3 this act, section 41-3955, Arizona Revised Statutes, as amended by Senate
4 Bill 1036, section 12, as transmitted to the governor, and this act, section
5 44-313, Arizona Revised Statutes, as amended by Senate Bill 1036, section 31,
6 as transmitted to the governor, and this act, and section 43 of this act,
7 relating to the business reengineering/integrated tax system, apply
8 retroactively to from and after June 30, 2009.

9 Sec. 45. Conditional enactment

10 This act does not become effective unless Senate Bill 1036, forty-ninth
11 legislature, first regular session, relating to revenue budget
12 reconciliation, becomes law."

13 Amend title to conform

JOHN KAVANAGH

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