

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

HOUSE BILL 2644

AN ACT

REPEALING SENATE BILL 1036, SECTIONS 1, 2 AND 3, FORTY-NINTH LEGISLATURE, FIRST REGULAR SESSION, AS TRANSMITTED TO THE GOVERNOR; AMENDING SECTIONS 10-122 AND 10-122.01, ARIZONA REVISED STATUTES; REPEALING SENATE BILL 1036, SECTION 6, FORTY-NINTH LEGISLATURE, FIRST REGULAR SESSION, AS TRANSMITTED TO THE GOVERNOR; REPEALING SECTION 15-994, ARIZONA REVISED STATUTES; AMENDING SECTION 32-1642, ARIZONA REVISED STATUTES; REPEALING SENATE BILL 1036, SECTIONS 9 AND 10, FORTY-NINTH LEGISLATURE, FIRST REGULAR SESSION, AS TRANSMITTED TO THE GOVERNOR; AMENDING SECTION 41-1276, ARIZONA REVISED STATUTES; AMENDING SECTION 41-3955, ARIZONA REVISED STATUTES, AS AMENDED BY SENATE BILL 1036, SECTION 12, FORTY-NINTH LEGISLATURE, FIRST REGULAR SESSION, AS TRANSMITTED TO THE GOVERNOR; AMENDING TITLE 42, CHAPTER 1, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 42-1116.01; REPEALING SENATE BILL 1036, SECTIONS 13 THROUGH 21, FORTY-NINTH LEGISLATURE, FIRST REGULAR SESSION, AS TRANSMITTED TO THE GOVERNOR; AMENDING SECTION 42-15001, ARIZONA REVISED STATUTES, AS AMENDED BY SENATE BILL 1036, SECTION 22, FORTY-NINTH LEGISLATURE, FIRST REGULAR SESSION, AS TRANSMITTED TO THE GOVERNOR; REPEALING SENATE BILL 1036, SECTIONS 23 THROUGH 28, FORTY-NINTH LEGISLATURE, FIRST REGULAR SESSION, AS TRANSMITTED TO THE GOVERNOR; AMENDING SECTION 43-1095, ARIZONA REVISED STATUTES; AMENDING SECTION 44-313, ARIZONA REVISED STATUTES, AS AMENDED BY SENATE BILL 1036, SECTION 31, FORTY-NINTH LEGISLATURE, FIRST REGULAR SESSION, AS TRANSMITTED TO THE GOVERNOR; AMENDING SECTIONS 44-1861 AND 44-2039, ARIZONA REVISED STATUTES; REPEALING SENATE BILL 1036, SECTION 43, FORTY-NINTH LEGISLATURE, FIRST REGULAR SESSION, AS TRANSMITTED TO THE GOVERNOR; AMENDING SENATE BILL 1036, SECTIONS 44 AND 45, FORTY-NINTH LEGISLATURE, FIRST REGULAR SESSION, AS TRANSMITTED TO THE GOVERNOR; MAKING APPROPRIATIONS; RELATING TO REVENUE BUDGET RECONCILIATION; PROVIDING FOR CONDITIONAL ENACTMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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4 session, as transmitted to the governor, is repealed.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7 session, as transmitted to the governor, is repealed.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
29 11. Articles of dissolution	25
30 12. Articles of domestication	100
31 13. Articles of revocation of dissolution	25
32 14. Application for reinstatement following	
33 administrative dissolution, in addition	
34 to other fees and penalties due	100
35 15. Application for authority	150
36 16. Application for withdrawal	25
37 17. Annual report	45
38 18. Articles of correction	25
39 19. Application for certificate of good standing	10
40 20. Any other document required or permitted	
41 to be filed by chapters 1 through 17	
42 of this title	25

43 B. The commission shall collect a nonrefundable fee of twenty-five
44 dollars each time process is served on it under chapters 1 through 17 of this
45

1 title. The party to a proceeding causing service of process is entitled to
2 recover this fee as costs if the party prevails in the proceeding.

3 C. The commission shall charge and collect a reasonable fee for
4 copying documents on request, provided the fee does not exceed the cost of
5 providing the service as determined by the commission. The commission shall
6 also charge a reasonable fee for certifying the copy of a filed document,
7 provided the fee does not exceed the cost of providing the service as
8 determined by the commission.

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

15 E. One-third of the fees for the annual report of domestic and foreign
16 corporations paid pursuant to subsection A, paragraph 17 of this section
17 shall be deposited in the Arizona arts trust fund established by section
18 41-983.01 AND TWO-THIRDS OF THESE FEES SHALL BE DEPOSITED, PURSUANT TO
19 SECTIONS 35-146 AND 35-147, IN THE PUBLIC ACCESS FUND ESTABLISHED BY SECTION
20 10-122.01.

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

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

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

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

33 (a) The same day and next day services shall not be offered unless all
34 expedited services filed pursuant to this title are processed within a
35 maximum of five business days and all other documents and services filed
36 pursuant to this title are processed within a maximum of thirty business
37 days.

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

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

1 records that are filed with the commission pursuant to this title and title
2 29, chapter 4.

3 3. When sufficient monies have been collected pursuant to section
4 10-122, subsections F, G and H, section 10-3122, subsection I and section
5 29-851, subsection E to pay for the purchase and installation of the data
6 processing system, the commission shall not charge and collect the fees
7 prescribed in section 10-122, subsection H or section 10-3122, subsection H.

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

12 C. The money on deposit account is established in the public access
13 fund as a separate account consisting of monies received pursuant to section
14 10-122, subsection K, section 10-3122, subsection K and section 29-851,
15 subsection F. Monies in the money on deposit account:

16 1. Are held in trust by the commission.

17 2. May be withdrawn by the commission only:

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

22 (b) To refund the monies advanced in subdivision (a) of this paragraph
23 if the person who requested services pursuant to subdivision (a) of this
24 paragraph requests the refund.

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

27 3. Are not subject to either:

28 (a) Legislative appropriation.

29 (b) Reversion to the state general fund.

30 Sec. 6. Repeal

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

33 Sec. 7. Repeal

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

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

36 32-1642. Biennial renewal of license; failure to renew; renewal
37 of certification; inactive licensees

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

1 B. An applicant for renewal of a professional or practical nursing
2 license shall submit a verified statement that indicates whether the
3 applicant has been convicted of a felony and, if convicted of one or more
4 felonies, indicates the date of absolute discharge from the sentences for all
5 felony convictions.

6 C. On receipt of the application and fee, the board shall verify the
7 accuracy of the application and issue to the applicant an active renewal
8 license, which shall be effective for the following four calendar years. The
9 renewal license shall render the holder a legal practitioner of nursing, as
10 specified in the license, during the period stated on the certificate of
11 renewal. A licensee who fails to secure a renewal license within the time
12 specified may secure a renewal license by making verified application as the
13 board prescribes by furnishing proof of being qualified and competent to act
14 as a professional or practical nurse, and additional information and material
15 as required by the board, and by payment of the prescribed fee.

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

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

33 Sec. 9. Repeal

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

36 Sec. 10. Repeal

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

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

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

43 A. On or before February 15 of each year, the joint legislative budget
44 committee shall compute and transmit the truth in taxation rates for

1 equalization assistance for school districts for the following fiscal year
2 to:

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

5 2. The chairmen of the appropriations committees of the senate and the
6 house of representatives or their successor committees.

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

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

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

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

25 3. Divide the amount determined in paragraph 1 of this subsection by
26 the amount determined in paragraph 2 of this subsection.

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

31 D. Except as provided in subsections E and G of this section, the
32 qualifying tax rate for a high school district or a common school district
33 within a high school district that does not offer instruction in high school
34 subjects, ~~AND~~ the qualifying tax rate for a unified school district, a
35 common school district not within a high school district or a common school
36 district within a high school district that offers instruction in high school
37 subjects ~~and the state equalization assistance property tax rate~~ for the
38 following fiscal year shall be the rate determined by the joint legislative
39 budget committee pursuant to subsection C of this section. The committee
40 shall transmit the rates to the superintendent of public instruction and the
41 county boards of supervisors by March 15 each year.

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

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

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

38 C. Fund monies shall be spent on approval of the department for
39 developing projects and programs connected with providing housing
40 opportunities for low and moderate income households and for housing
41 affordability and Arizona housing finance authority programs. Pursuant to
42 section 44-313, subsection A, a portion of fund monies shall be used
43 exclusively for housing in rural areas.

44 D. In approving the expenditure of monies, the director shall give
45 priority to funding projects that provide for operating, constructing or

1 renovating facilities for housing for low income families and that provide
2 housing and shelter to families that have children.

3 E. The director shall report annually to the legislature on the status
4 of the housing trust fund. The report shall include a summary of facilities
5 for which funding was provided during the preceding fiscal year and shall
6 show the cost and geographic location of each facility and the number of
7 individuals benefiting from the operation, construction or renovation of the
8 facility. The report shall be submitted to the president of the senate and
9 the speaker of the house of representatives no later than September 1 of each
10 year.

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

13 G. An amount not to exceed ten per cent of the housing trust fund
14 monies may be appropriated annually by the legislature to the department for
15 administrative costs in providing services relating to the housing trust
16 fund.

17 H. For any construction project financed by the department pursuant to
18 this section, the department shall notify a city, town, county or tribal
19 government that a project is planned for its jurisdiction and, before
20 proceeding, shall seek comment from the governing body of the city, town,
21 county or tribal government or an official authorized by the governing body
22 of the city, town, county or tribal government. The department shall not
23 interfere with or attempt to override the local jurisdiction's planning,
24 zoning or land use regulations.

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

27 42-1116.01. Department of revenue administrative fund

28 A. THE DEPARTMENT OF REVENUE ADMINISTRATIVE FUND IS ESTABLISHED
29 CONSISTING OF MONIES FROM UNCLAIMED PROPERTY DEPOSITED IN THE FUND PURSUANT
30 TO SECTION 44-313.

31 B. THE DIRECTOR SHALL ADMINISTER THE FUND. MONIES IN THE FUND ARE
32 EXEMPT FROM THE PROVISIONS OF SECTION 35-130 RELATING TO LAPSING OF
33 APPROPRIATIONS.

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

36 Sec. 14. Repeal

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

39 Sec. 15. Repeal

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

42 Sec. 16. Repeal

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

1 Sec. 17. Repeal
2 Senate Bill 1036, section 16, forty-ninth legislature, first regular
3 session, as transmitted to the governor, is repealed.

4 Sec. 18. Repeal
5 Senate Bill 1036, section 17, forty-ninth legislature, first regular
6 session, as transmitted to the governor, is repealed.

7 Sec. 19. Repeal
8 Senate Bill 1036, section 18, forty-ninth legislature, first regular
9 session, as transmitted to the governor, is repealed.

10 Sec. 20. Repeal
11 Senate Bill 1036, section 19, forty-ninth legislature, first regular
12 session, as transmitted to the governor, is repealed.

13 Sec. 21. Repeal
14 Senate Bill 1036, section 20, forty-ninth legislature, first regular
15 session, as transmitted to the governor, is repealed.

16 Sec. 22. Repeal
17 Senate Bill 1036, section 21, forty-ninth legislature, first regular
18 session, as transmitted to the governor, is repealed.

19 Sec. 23. Section 42-15001, Arizona Revised Statutes, as amended by
20 Senate Bill 1036, section 22, forty-ninth legislature, first regular session,
21 as transmitted to the governor, is amended to read:

22 42-15001. Assessed valuation of class one property

23 The assessed valuation of class one property described in section
24 42-12001 is:

25 1. For the purposes of assessing and levying primary property taxes
26 and secondary property taxes, other than secondary property taxes described
27 in paragraph 2 of this section, the following percentage of its full cash
28 value or limited valuation, as applicable:

29 (a) Twenty-five per cent through December 31, 2005.

30 (b) Twenty-four and one-half per cent beginning from and after
31 December 31, 2005 through December 31, 2006.

32 (c) Twenty-four per cent beginning from and after December 31, 2006
33 through December 31, 2007.

34 (d) Twenty-three per cent beginning from and after December 31, 2007
35 through December 31, 2008.

36 (e) Twenty-two per cent beginning from and after December 31, 2008
37 through December 31, 2009.

38 (f) Twenty-one per cent beginning from and after December 31, 2009
39 through December 31, 2010.

40 (g) Twenty per cent beginning from and after December 31, 2010.

41 2. FOR TAX YEARS BEGINNING FROM AND AFTER DECEMBER 31, 2011, for the
42 purposes of assessing secondary property taxes levied by counties, cities,
43 towns, community college districts and school districts for the payment of
44 principal, interest and redemption charges on bonded indebtedness or other
45 lawful long-term obligations ~~issued or incurred~~ AUTHORIZED BY THE VOTERS from

1 and after ~~June 30, 2009~~ DECEMBER 31, 2011 and for the payment of costs
2 approved by an override election held from and after ~~June 30, 2009~~ DECEMBER
3 31, 2011, ~~ten~~ SIXTEEN per cent. The assessed valuation determined pursuant
4 to this paragraph does not apply for the purposes of computing debt
5 limitations pursuant to article IX, sections 8 and 8.1, Constitution of
6 Arizona, OR THE LIMITATION ON CLASS B BONDED INDEBTEDNESS PURSUANT TO SECTION
7 15-1021.

8 Sec. 24. Repeal
9 Senate Bill 1036, section 23, forty-ninth legislature, first regular
10 session, as transmitted to the governor, is repealed.

11 Sec. 25. Repeal
12 Senate Bill 1036, section 24, forty-ninth legislature, first regular
13 session, as transmitted to the governor, is repealed.

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

17 Sec. 27. Repeal
18 Senate Bill 1036, section 26, forty-ninth legislature, first regular
19 session, as transmitted to the governor, is repealed.

20 Sec. 28. Repeal
21 Senate Bill 1036, section 27, forty-ninth legislature, first regular
22 session, as transmitted to the governor, is repealed.

23 Sec. 29. Repeal
24 Senate Bill 1036, section 28, forty-ninth legislature, first regular
25 session, as transmitted to the governor, is repealed.

26 Sec. 30. Section 43-1095, Arizona Revised Statutes, is amended to
27 read:

28 43-1095. Taxable income of a nonresident

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

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

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

40 44-313. Deposit of monies

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

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

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

7 B. The department shall deposit monies from unclaimed shares and
8 dividends of any corporation incorporated under the laws of this state in the
9 permanent state school fund pursuant to article XI, section 8, Constitution
10 of Arizona.

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

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

17 E. Before making the deposit, the department shall record the name and
18 last known address of each person who appears from the holders' reports to be
19 entitled to the property and the name and last known address of each insured
20 person or annuitant and beneficiary. The department shall also record the
21 policy or contract number of each policy or contract of an insurance company
22 that is listed in the report, the name of the company and the amount due.
23 The department shall make the record available for public inspection during
24 reasonable business hours.

25 Sec. 32. Section 44-1861, Arizona Revised Statutes, is amended to
26 read:

27 44-1861. Fees; deposit; abandonment

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

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

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

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

40 C. For registration of securities by description, there shall be paid
41 to the commission a nonrefundable registration fee of one-tenth of one per
42 cent of the aggregate offering price of the securities which THAT are to be
43 sold in this state, but in no event shall the registration fee be less than
44 two hundred dollars nor more than two thousand dollars. The amount by which
45 a registration fee exceeds one thousand five hundred dollars shall be

1 allocated to the commerce and economic development commission fund
2 established by section 41-1505.10.

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

10 E. The initial filing of a form required for safe harbor exemptions
11 provided for in the securities act of 1933 (15 United States Code section
12 77(a) et seq.) pursuant to the rules of the commission shall be accompanied
13 by a filing fee of two hundred fifty dollars, of which fifty dollars shall be
14 allocated to the commerce and economic development commission fund
15 established by section 41-1505.10. The final filing of the form, if separate
16 from the initial filing, shall be accompanied by a filing fee of one hundred
17 dollars that is allocated to the commerce and economic development commission
18 fund established by section 41-1505.10.

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

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

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

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

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

37 K. An application for registration of securities or registration of a
38 dealer or salesman or an incomplete notice filing is deemed abandoned if
39 both:

40 1. The application or notice filing has been on file with the
41 commission for at least six months or the applicant or notice filer has
42 failed to respond to a request for information for at least two months after
43 the date of the request.

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

4 L. The commission shall retain fees collected in connection with
5 abandoned applications or notice filings for deposit in the state general
6 fund.

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

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

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

13 P. Any securities exchange established in this state shall pay to the
14 commission on or before March 15 of each calendar year an exchange
15 registration fee in an amount equal to two-tenths of one cent for each share,
16 bond or option or any other single unit of a security, ~~which THAT~~ is
17 exchanged during each preceding calendar year. ~~which THE COMMISSION shall be~~
18 ~~deposited~~ DEPOSIT THE FEE, PURSUANT TO SECTIONS 35-146 AND 35-147, in the
19 securities regulatory and enforcement fund established by section 44-2039 for
20 the purpose of regulating the securities exchange. The commission, by rule,
21 may exempt any sale of securities or any class of sales of securities from
22 the fee imposed by this subsection, ~~if it finds that an exemption is~~
23 consistent with the public interest and the equal regulation of the market
24 and brokers and dealers.

25 Sec. 33. Section 44-2039, Arizona Revised Statutes, is amended to
26 read:

27 44-2039. Securities regulatory and enforcement fund; purpose

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

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

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

42 Sec. 34. Repeal

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

1 Sec. 35. 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.~~

33 Sec. 36. Senate Bill 1036, section 45, forty-ninth legislature, first
34 regular session, as transmitted to the governor, is amended to read:

35 Sec. 45. County transfers; fiscal year 2009-2010; county
36 expenditure limitations

37 A. Notwithstanding any other law, in fiscal year 2009-2010, each
38 county with a population of two million or more persons shall transfer
39 ~~\$24,168,400~~ \$19,014,600 and each county with a population of more than eight
40 hundred thousand persons but less than two million persons shall transfer
41 ~~\$3,794,400~~ \$2,985,400 to the state treasurer for deposit in the state general
42 fund.

43 B. Notwithstanding any other law, a county may meet any statutory
44 funding requirements of this section from any source of county revenue

1 designated by the county, including funds of any countywide special taxing
2 district in which the board of supervisors serves as the board of directors.

3 C. Contributions made pursuant to this section are excluded from the
4 county expenditure limitations.

5 Sec. 37. Continuing fee increases; appropriations; exemption
6 from rule making

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

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

- | | |
|-------------------------------------|------------|
| 12 1. Department of health services | \$600,000. |
| 13 2. State land department | \$600,000. |
| 14 3. Radiation regulatory agency | \$500,000. |

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

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

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

24 Sec. 38. Board of examiners of nursing care institution
25 administrators and assisted living facility
26 managers; fees for providing services; increase;
27 fiscal year 2009-2010; intent; appropriation;
28 exemption from rule making

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

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

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

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

39 Sec. 39. Office of pest management; fees for providing
40 services; increase; fiscal year 2009-2010; intent;
41 appropriation; exemption from rule making

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

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

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

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

8 Sec. 40. Department of transportation; vehicle license tax;
9 transfer

10 Notwithstanding any other law, the difference between the actual amount
11 collected in fiscal year 2009-2010 as a result of a five-year registration
12 period and the amount that would have been collected in fiscal year 2009-2010
13 if those same vehicles had been registered for a two-year vehicle
14 registration period authorized pursuant to section 28-2159, Arizona Revised
15 Statutes, for distribution to the state highway fund pursuant to section
16 28-6538, subsection A, paragraph 1, Arizona Revised Statutes, shall be
17 deposited in the state general fund.

18 Sec. 41. Securities salesman and dealer fees; rule making;
19 exemption

20 Notwithstanding section 44-1861, subsections A and D, Arizona Revised
21 Statutes, as amended by this act, before December 31, 2009, the Arizona
22 corporation commission may establish by order the annual registration fees
23 for securities dealers and salesmen, as defined in section 44-1801, Arizona
24 Revised Statutes, and the salesman transfer fee. The commission is exempt
25 from the rule making requirements of title 41, chapter 6, Arizona Revised
26 Statutes, for the purposes of setting each of the specified fees by order one
27 time.

28 Sec. 42. Business reengineering/integrated tax system;
29 operational support changes

30 A. Notwithstanding any other law, before executing any extension or
31 modification of the current business reengineering/integrated tax system
32 contract with a fiscal impact that increases the contractor's share of
33 gain-sharing proceeds from state revenues during fiscal year 2009-2010, the
34 department of revenue shall submit the proposed changes to the joint
35 legislative budget committee for its review.

36 B. Notwithstanding any other law, the department of revenue may use up
37 to \$2,000,000 of state general fund revenue deposits to pay business
38 reengineering/integrated tax system operational support costs after review of
39 an expenditure plan by the joint legislative budget committee.

40 Sec. 43. Department of revenue; unclaimed property auditors;
41 appropriation

42 Notwithstanding any other law, including section 44-313, Arizona
43 Revised Statutes, as amended by this act, if 12.5 per cent of the dollar
44 value of the properties recovered by unclaimed property contract auditors
45 exceeds \$1,770,000 in fiscal year 2009-2010, the excess amount shall be

1 transferred from the state general fund to the department of revenue
2 administrative fund and appropriated from the department of revenue
3 administrative fund to the department of revenue for unclaimed property
4 contract auditor fees.

5 Sec. 44. Retroactivity

6 Sections 10-122 and 10-122.01, Arizona Revised Statutes, as amended by
7 this act, section 41-3955, Arizona Revised Statutes, as amended by Senate
8 Bill 1036, section 12, as transmitted to the governor, and this act, section
9 44-313, Arizona Revised Statutes, as amended by Senate Bill 1036, section 31,
10 as transmitted to the governor, and this act, and section 42 of this act,
11 relating to the business reengineering/integrated tax system, apply
12 retroactively to from and after June 30, 2009.

13 Sec. 45. Conditional enactment

14 This act does not become effective unless Senate Bill 1036, forty-ninth
15 legislature, first regular session, relating to revenue budget
16 reconciliation, becomes law.