

PROPOSED AMENDMENT  
SENATE AMENDMENTS TO S.B. 1035  
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 1-501, Arizona Revised Statutes, is amended to  
3 read:

4 1-501. Eligibility for federal public benefits; documentation;  
5 violation; classification; citizen suits; definition

6 A. Notwithstanding any other state law and to the extent permitted by  
7 federal law, any person who applies for a ~~state-administered~~ FEDERAL public  
8 ~~program~~ BENEFIT THAT IS ADMINISTERED BY THIS STATE OR A POLITICAL SUBDIVISION  
9 OF THIS STATE AND that requires participants to be citizens of the  
10 United States, legal residents of the United States or otherwise lawfully  
11 present in the United States, shall submit ~~documentation~~ AT LEAST ONE OF THE  
12 FOLLOWING DOCUMENTS to the entity that administers the ~~state~~ FEDERAL  
13 public ~~program~~ BENEFIT demonstrating lawful presence in the United States:  
14 ~~. Self-declaration of lawful presence, even if made under penalty of~~  
15 ~~perjury, is not sufficient by itself to demonstrate lawful presence in the~~  
16 ~~United States.~~

17 1. AN ARIZONA DRIVER LICENSE ISSUED AFTER 1996 OR AN ARIZONA  
18 NONOPERATING IDENTIFICATION LICENSE.

19 2. A BIRTH CERTIFICATE OR DELAYED BIRTH CERTIFICATE ISSUED IN ANY  
20 STATE, TERRITORY OR POSSESSION OF THE UNITED STATES.

21 3. A UNITED STATES CERTIFICATE OF BIRTH ABROAD.

22 4. A UNITED STATES PASSPORT.

23 5. A FOREIGN PASSPORT WITH A UNITED STATES VISA.

24 6. AN I-94 FORM WITH A PHOTOGRAPH.

25 7. A UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES EMPLOYMENT  
26 AUTHORIZATION DOCUMENT OR REFUGEE TRAVEL DOCUMENT.

27 8. A UNITED STATES CERTIFICATE OF NATURALIZATION.

28 9. A UNITED STATES CERTIFICATE OF CITIZENSHIP.

29 10. A TRIBAL CERTIFICATE OF INDIAN BLOOD.

30 11. A TRIBAL OR BUREAU OF INDIAN AFFAIRS AFFIDAVIT OF BIRTH.

31 B. ANY PERSON WHO APPLIES FOR FEDERAL PUBLIC BENEFITS SHALL SIGN A  
32 SWORN AFFIDAVIT STATING THAT THE DOCUMENTS PRESENTED PURSUANT TO SUBSECTION A  
33 ARE TRUE UNDER PENALTY OF PERJURY.

1 C. FAILURE TO REPORT DISCOVERED VIOLATIONS OF FEDERAL IMMIGRATION LAW  
2 BY AN EMPLOYEE OF AN AGENCY OF THIS STATE OR A POLITICAL SUBDIVISION OF THIS  
3 STATE THAT ADMINISTERS ANY FEDERAL PUBLIC BENEFIT IS A CLASS 2 MISDEMEANOR.  
4 IF THAT EMPLOYEE'S SUPERVISOR KNEW OF THE FAILURE TO REPORT AND FAILED TO  
5 DIRECT THE EMPLOYEE TO MAKE THE REPORT, THE SUPERVISOR IS GUILTY OF A CLASS 2  
6 MISDEMEANOR.

7 ~~B.~~ D. This section shall be enforced without regard to race, color,  
8 religion, sex, age, disability or national origin.

9 ~~C. For the purposes of this section, "self declaration" means a~~  
10 ~~written or oral declaration without additional proof, even if made under~~  
11 ~~penalty of perjury, that the person is a citizen of the United States, legal~~  
12 ~~resident of the United States or otherwise lawfully present in the United~~  
13 ~~States.~~

14 E. ANY PERSON WHO IS A RESIDENT OF THIS STATE HAS STANDING IN ANY  
15 COURT OF RECORD TO BRING SUIT AGAINST ANY AGENT OR AGENCY OF THIS STATE OR  
16 ITS POLITICAL SUBDIVISIONS TO REMEDY ANY VIOLATION OF ANY PROVISION OF THIS  
17 SECTION, INCLUDING AN ACTION FOR MANDAMUS. COURTS SHALL GIVE PREFERENCE TO  
18 ACTIONS BROUGHT UNDER THIS SECTION OVER OTHER CIVIL ACTIONS OR PROCEEDINGS  
19 PENDING IN THE COURT.

20 F. FOR THE PURPOSES OF THIS SECTION, "FEDERAL PUBLIC BENEFIT" HAS THE  
21 SAME MEANING PRESCRIBED IN 8 UNITED STATES CODE SECTION 1611.

22 Sec. 2. Title 1, chapter 5, article 1, Arizona Revised Statutes, is  
23 amended by adding section 1-502, to read:

24 1-502. Eligibility for state or local public benefits;  
25 documentation; violation; classification; citizen  
26 suits; definition

27 A. NOTWITHSTANDING ANY OTHER STATE LAW AND TO THE EXTENT PERMITTED BY  
28 FEDERAL LAW, ANY AGENCY OF THIS STATE OR A POLITICAL SUBDIVISION OF THIS  
29 STATE THAT ADMINISTERS ANY STATE OR LOCAL PUBLIC BENEFIT SHALL REQUIRE EACH  
30 PERSON WHO APPLIES FOR THE STATE OR LOCAL PUBLIC BENEFIT TO SUBMIT AT LEAST  
31 ONE OF THE FOLLOWING DOCUMENTS TO THE ENTITY THAT ADMINISTERS THE STATE OR  
32 LOCAL PUBLIC BENEFIT DEMONSTRATING LAWFUL PRESENCE IN THE UNITED STATES:

33 1. AN ARIZONA DRIVER LICENSE ISSUED AFTER 1996 OR AN ARIZONA  
34 NONOPERATING IDENTIFICATION LICENSE.

35 2. A BIRTH CERTIFICATE OR DELAYED BIRTH CERTIFICATE ISSUED IN ANY  
36 STATE, TERRITORY OR POSSESSION OF THE UNITED STATES.

37 3. A UNITED STATES CERTIFICATE OF BIRTH ABROAD.

1           4. A UNITED STATES PASSPORT.

2           5. A FOREIGN PASSPORT WITH A UNITED STATES VISA.

3           6. AN I-94 FORM WITH A PHOTOGRAPH.

4           7. A UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES EMPLOYMENT  
5 AUTHORIZATION DOCUMENT OR REFUGEE TRAVEL DOCUMENT.

6           8. A UNITED STATES CERTIFICATE OF NATURALIZATION.

7           9. A UNITED STATES CERTIFICATE OF CITIZENSHIP.

8           10. A TRIBAL CERTIFICATE OF INDIAN BLOOD.

9           11. A TRIBAL OR BUREAU OF INDIAN AFFAIRS AFFIDAVIT OF BIRTH.

10          B. ANY PERSON WHO APPLIES FOR STATE OR LOCAL PUBLIC BENEFITS SHALL  
11 SIGN A SWORN AFFIDAVIT STATING THAT THE DOCUMENTS PRESENTED PURSUANT TO  
12 SUBSECTION A ARE TRUE UNDER PENALTY OF PERJURY.

13          C. FAILURE TO REPORT DISCOVERED VIOLATIONS OF FEDERAL IMMIGRATION LAW  
14 BY AN EMPLOYEE OF AN AGENCY OF THIS STATE OR A POLITICAL SUBDIVISION OF THIS  
15 STATE THAT ADMINISTERS ANY STATE OR LOCAL PUBLIC BENEFIT IS A CLASS 2  
16 MISDEMEANOR. IF THAT EMPLOYEE'S SUPERVISOR KNEW OF THE FAILURE TO REPORT AND  
17 FAILED TO DIRECT THE EMPLOYEE TO MAKE THE REPORT, THE SUPERVISOR IS GUILTY OF  
18 A CLASS 2 MISDEMEANOR.

19          D. THIS SECTION SHALL BE ENFORCED WITHOUT REGARD TO RACE, COLOR,  
20 RELIGION, SEX, AGE, DISABILITY OR NATIONAL ORIGIN.

21          E. ANY PERSON WHO IS A RESIDENT OF THIS STATE HAS STANDING IN ANY  
22 COURT OF RECORD TO BRING SUIT AGAINST ANY AGENT OR AGENCY OF THIS STATE OR  
23 ITS POLITICAL SUBDIVISIONS TO REMEDY ANY VIOLATION OF ANY PROVISION OF THIS  
24 SECTION, INCLUDING AN ACTION FOR MANDAMUS. COURTS SHALL GIVE PREFERENCE TO  
25 ACTIONS BROUGHT UNDER THIS SECTION OVER OTHER CIVIL ACTIONS OR PROCEEDINGS  
26 PENDING IN THE COURT.

27          F. FOR THE PURPOSES OF THIS SECTION, "STATE OR LOCAL PUBLIC BENEFIT"  
28 HAS THE SAME MEANING PRESCRIBED IN 8 UNITED STATES CODE SECTION 1621.

29          Sec. 3. Section 11-356, Arizona Revised Statutes, is amended to read:

30          11-356. Dismissal, suspension or reduction in rank of employees;  
31                 appeals; hearings

32          A. Any officer or employee in the classified civil service may be  
33 dismissed, suspended or reduced in rank or compensation by the appointing  
34 authority after appointment or promotion is complete only by written order,  
35 stating specifically the reasons for the action. The order shall be filed  
36 with the clerk of the board of supervisors and a copy ~~thereof~~ OF THE ORDER  
37 shall be furnished to the person to be dismissed, suspended or reduced.

1           B. The officer or employee, ~~may~~ within ten days after presentation to  
2 him of the order, MAY appeal from the order through the clerk of the  
3 commission. Upon the filing of the appeal, the clerk shall forthwith  
4 transmit the order and appeal to the commission for hearing.

5           C. Within twenty days from the filing of the appeal, the commission  
6 shall commence the hearing and either affirm, modify or revoke the order.  
7 The appellant may appear personally, produce evidence, have counsel and, if  
8 requested by the appellant, a public hearing.

9           D. The findings and decision of the commission shall be final, ~~and~~  
10 shall be subject to administrative review as provided in title 12, chapter 7,  
11 article 6.

12           E. THIS SECTION DOES NOT APPLY TO FURLOUGHS OF CLASSIFIED EMPLOYEES IF  
13 THE FURLOUGHS ARE UNDERTAKEN TO ADDRESS BUDGET SHORTFALLS OR STRUCTURAL  
14 IMBALANCE.

15           Sec. 4. Section 28-8202, Arizona Revised Statutes, is amended to read:  
16 ~~28-8202.~~ State aviation fund

17           A. A state aviation fund is established consisting of the following:

18           1. Aviation fuel taxes or motor vehicle fuel taxes deposited by the  
19 department.

20           2. Monies deposited by the department as a result of the sale of an  
21 abandoned aircraft as defined in section 28-8243 or seized aircraft.

22           3. The amount of flight property tax that the department of revenue  
23 has deposited pursuant to section 42-14255.

24           4. Registration fees, license taxes and penalties collected pursuant  
25 to article 4 of this chapter.

26           5. Monies received by the department from the operation of airports  
27 under this article and articles 2 through 5 of this chapter.

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

31           C. The department shall administer monies that are appropriated by the  
32 legislature from the state aviation fund.

33           D. The board shall distribute monies appropriated to the department  
34 from the state aviation fund for planning, design, development, acquisition  
35 of interests in land, construction and improvement of publicly owned and  
36 operated airport facilities in counties and incorporated cities and towns.  
37 The board shall distribute these monies according to the needs for these

1 facilities as determined by the board. No more than ten per cent of the  
2 ~~total aviation~~ AVERAGE ANNUAL REVENUE THAT THE fund RECEIVED FOR THE PAST  
3 THREE YEARS may be awarded to any one airport in GRANTS IN any fiscal  
4 year. For THE purposes of this subsection, "publicly owned and operated  
5 airport facility" means an airport and appurtenant facilities in which one or  
6 more agencies, departments or instrumentalities of this state or a city, town  
7 or county of this state holds an interest in the land on which the airport is  
8 located that is clear of any reversionary interest, lien, easement, lease or  
9 other encumbrance that might preclude or interfere with the possession, use  
10 or control of the land for public airport purposes for a minimum period of  
11 twenty years.

12 Sec. 5. Section 32-1606, Arizona Revised Statutes, is amended to read:

13 32-1606. Powers and duties of board

14 A. The board may:

15 1. Adopt and revise rules necessary to carry into effect the  
16 provisions of this chapter.

17 2. Publish advisory opinions regarding functions of professional and  
18 practical nurses.

19 3. Issue limited licenses if it determines that an applicant or  
20 licensee cannot function safely in a specific setting.

21 4. Refer criminal violations of this chapter to the appropriate law  
22 enforcement agency.

23 5. Establish a confidential program for the monitoring of licensees  
24 who are chemically dependent and who enroll in rehabilitation programs that  
25 meet the criteria established by the board. The board may take further  
26 action if the licensee refuses to enter into a stipulated agreement or fails  
27 to comply with its terms. In order to protect the public health and safety  
28 the confidentiality requirements of this paragraph do not apply if the  
29 licensee does not comply with the stipulated agreement.

30 6. Adopt rules for the qualification and certification of clinical  
31 nurse specialists.

32 7. Adopt rules for the certification of school nurses if the state  
33 board of education does not require school nurses to be certificated.

34 8. On the applicant's or licensee's request, establish a payment  
35 schedule with the applicant or licensee.

36 B. The board shall:

1           1. Establish standards for nursing programs and courses preparing  
2 persons for licensing under this chapter, recognize national nursing  
3 accrediting agencies and provide for surveys of schools it deems necessary.

4           2. Approve nursing and nursing assistant training programs that meet  
5 the requirements of this chapter and of the board.

6           3. Prepare and maintain a list of approved nursing programs for  
7 professional and practical nurses whose graduates are eligible for licensing  
8 under this chapter as graduate registered or professional nurses or as  
9 practical nurses if they satisfy the other requirements of this chapter.

10          4. Examine qualified professional and practical nurse applicants.

11          5. License and renew the licenses of qualified professional and  
12 practical nurse applicants who are not qualified to be licensed by the  
13 executive director.

14          6. Adopt a seal which the executive director shall keep.

15          7. Keep a record of all proceedings and make an annual report to the  
16 governor on a date the governor directs.

17          8. For proper cause, deny or rescind approval of a nursing or nursing  
18 assistant training program for failure to comply with this chapter or the  
19 rules of the board.

20          9. On its own motion or on receipt of a complaint against a person  
21 licensed or certified under this chapter, conduct investigations, hearings  
22 and proceedings concerning any violation of this chapter or the rules adopted  
23 by the board.

24          10. Determine and administer appropriate disciplinary action as  
25 provided by this section against all persons who are licensed or certified  
26 under this chapter and who are found guilty of violating this chapter or  
27 rules adopted by the board.

28          11. Perform functions necessary to carry out the requirements of the  
29 nursing assistant training and competency evaluation program as set forth in  
30 the omnibus budget reconciliation act of 1987 (P.L. 100-203; 101 Stat. 1330),  
31 as amended by the medicare catastrophic coverage act of 1988 (P.L. 100-360;  
32 102 Stat. 683). These functions shall include:

33           (a) Testing and certification of nursing assistants.

34           (b) Maintaining a list of board approved training programs.

35           (c) Recertifying nursing assistants.

36           (d) Maintaining a registry of all certified nursing assistants.

37           (e) Assessing fees.

1           12. Adopt rules establishing those acts that may be performed by a  
2 registered nurse practitioner in collaboration with a licensed physician.

3           13. Adopt rules establishing educational requirements for the  
4 certification of school nurses.

5           14. Publish copies of board rules and distribute these copies on  
6 request.

7           15. Require each applicant for initial licensure to submit a full set  
8 of fingerprints to the board for the purpose of obtaining a state and federal  
9 criminal records check pursuant to section 41-1750 and Public Law 92-544.  
10 The department of public safety may exchange this fingerprint data with the  
11 federal bureau of investigation.

12           16. Require each applicant for initial nursing assistant  
13 certification, ~~subject to appropriations from the state general fund by the~~  
14 ~~legislature to the Arizona state board of nursing for fingerprinting,~~ to  
15 submit a full set of fingerprints to the board for the purpose of obtaining a  
16 state and federal criminal records check pursuant to section 41-1750 and  
17 Public Law 92-544. The department of public safety may exchange this  
18 fingerprint data with the federal bureau of investigation.

19           17. Revoke a license of a person, revoke the multistate licensure  
20 privilege of a person pursuant to section 32-1669 or not issue a license or  
21 renewal to an applicant who has one or more felony convictions and who has  
22 not received an absolute discharge from the sentences for all felony  
23 convictions five or more years before the date of filing an application  
24 pursuant to this chapter. This paragraph does not apply to a person who has  
25 filed an application for licensure or renewal before August 1, 1998 and who  
26 has disclosed to the board one or more felony convictions on the person's  
27 application.

28           18. Establish standards for approving nurse practitioner and clinical  
29 nurse specialist programs and provide for surveys of nurse practitioner and  
30 clinical nurse specialist programs as it deems necessary.

31           19. Provide the licensing authorities of health care institutions,  
32 facilities and homes any information the board receives regarding practices  
33 that place a patient's health at risk.

34           20. Limit the multistate licensure privilege of any person who holds or  
35 applies for a license in this state pursuant to section 32-1668.

36           21. Adopt rules to establish competency standards for obtaining and  
37 maintaining a license.

1 C. The board may take any of the following disciplinary actions  
2 against any person who holds a license to practice nursing in this state:

- 3 1. Revoke the license to practice.  
4 2. Suspend the license to practice.  
5 3. Enter a decree of censure, which may require that restitution be  
6 made to an aggrieved party.  
7 4. Issue an order fixing a period and terms of probation best adapted  
8 to protect the public health and safety and rehabilitate the licensed person.  
9 5. Impose a civil penalty for each violation of this chapter, not to  
10 exceed one thousand dollars, either singly or in combination with any  
11 disciplinary action permitted under this subsection.

12 D. The board may limit, revoke or suspend the privilege of a nurse to  
13 practice in this state granted pursuant TO section 32-1668.

14 E. Failure to comply with any final order of the board, including an  
15 order of censure or probation, is cause for suspension or revocation of a  
16 license or revocation of a certificate.

17 F. The president or a member of the board designated by the president  
18 may administer oaths in transacting the business of the board.

19 Sec. 6. Section 33-1322, Arizona Revised Statutes, is amended to read:  
20 33-1322. Disclosure and tender of written rental agreement

21 A. The landlord or any person authorized to enter into a rental  
22 agreement on his behalf shall disclose to the tenant in writing at or before  
23 the commencement of the tenancy the name and address of each of the  
24 following:

- 25 1. The person authorized to manage the premises.  
26 2. An owner of the premises or a person authorized to act for and on  
27 behalf of the owner for the purpose of service of process and for the purpose  
28 of receiving and receipting for notices and demands.

29 B. At or before the commencement of the tenancy, the landlord shall  
30 inform the tenant in writing that ~~a free copy of~~ the Arizona residential  
31 landlord and tenant act is available ~~through~~ ON the Arizona secretary of  
32 state's ~~office~~ WEBSITE.

33 C. The information required to be furnished by this section shall be  
34 kept current and refurnished to A tenant upon THE tenant's request. This  
35 section extends to and is enforceable against any successor landlord, owner  
36 or manager.

1 D. A person who fails to comply with subsections A, ~~and~~ B AND C  
2 becomes an agent of each person who is a landlord for the following purposes:

3 1. Service of process and receiving and receipting for notices and  
4 demands.

5 2. Performing the obligations of the landlord under this chapter and  
6 under the rental agreement and expending or making available for the purpose  
7 all rent collected from the premises.

8 E. If there is a written rental agreement, the landlord must tender  
9 and deliver a signed copy of the rental agreement to the tenant and the  
10 tenant must sign and deliver to the landlord one fully executed copy of such  
11 rental agreement within a reasonable time after the agreement is executed. A  
12 written rental agreement shall have all blank spaces completed.  
13 Noncompliance with this subsection shall be deemed a material noncompliance  
14 by the landlord or the tenant, as the case may be, of the rental agreement.

15 Sec. 7. Section 41-121, Arizona Revised Statutes, is amended to read:

16 41-121. Duties

17 The secretary of state shall:

18 1. Receive bills and resolutions from the legislature, and perform  
19 such other duties as devolve upon the secretary of state by resolution of the  
20 two houses or either of them.

21 2. Keep a register of and attest the official acts of the governor.

22 3. Act as custodian of the great seal of this state.

23 4. Affix the great seal, with the secretary of state's attestation, to  
24 public instruments to which the official signature of the governor is  
25 attached.

26 5. File in the secretary of state's office receipts for all books  
27 distributed by the secretary of state and direct the county recorder of each  
28 county to do the same.

29 6. Certify to the governor the names of those persons who have  
30 received at any election the highest number of votes for any office, the  
31 incumbent of which is commissioned by the governor.

32 7. Publish slip laws of each act of the legislature promptly upon  
33 passage and approval of such act, make such acts available to interested  
34 persons for a reasonable fee to compensate for the cost of printing and  
35 provide each house of the legislature and the legislative council with a  
36 certified copy of each bill or resolution, showing the chapter or resolution  
37 number of each, as each is filed in the secretary of state's office.

1           8. Keep a fee book of fees and compensation of whatever kind and  
2 nature earned, collected or charged by the secretary of state, with the date,  
3 the name of the payer and the nature of the service in each case. The fee  
4 book shall be verified annually by the secretary of state's affidavit entered  
5 in the fee book.

6           9. Perform other duties imposed on the secretary of state by law.

7           10. Report to the governor on January 2 each year, and at such other  
8 times as provided by law, a detailed account of the secretary of state's  
9 official actions taken since the secretary of state's previous report  
10 together with a detailed statement of the manner in which all appropriations  
11 for the secretary of state's office have been expended.

12           11. Transfer all noncurrent or inactive books, records, deeds and other  
13 papers otherwise required to be filed with or retained by the secretary of  
14 state to the custody of the Arizona state library, archives and public  
15 records.

16           12. Make available to the public, without charge, title 33, ~~chapter~~  
17 ~~CHAPTERS 10 AND 11~~ on the secretary of state's ~~web-site~~ WEBSITE.

18           13. Accept, and approve for use, electronic and digital signatures that  
19 comply with section 41-132, for documents filed with and by all state  
20 agencies, boards and commissions. In consultation with the government  
21 information technology agency, the department of administration and the state  
22 treasurer, the secretary of state shall adopt rules pursuant to chapter 6 of  
23 this title establishing policies and procedures for the use of electronic and  
24 digital signatures by all state agencies, boards and commissions for  
25 documents filed with and by all state agencies, boards and commissions.

26           14. Meet at least annually with personnel from the federal voting  
27 assistance office of the United States department of defense and with county  
28 recorders and other county election officials in this state to coordinate the  
29 delivery and return of registrations, ballot requests, voted ballots and  
30 other election materials to and from absent uniformed and overseas citizens.

31           Sec. 8. Section 41-121.02, Arizona Revised Statutes, is amended to  
32 read:

33           41-121.02. Department of state

34           A. There is established the department of state, which shall be  
35 composed of the office of the secretary of state.

36           B. The secretary of state shall have charge of and direct the  
37 department of state.

1 C. EXCEPT AS OTHERWISE PROVIDED BY LAW, EMPLOYEES OF THE DEPARTMENT  
2 ARE EXEMPT FROM CHAPTER 4, ARTICLES 5 AND 6 OF THIS TITLE.

3 Sec. 9. Title 41, chapter 7, Arizona Revised Statutes, is amended by  
4 adding article 14, to read:

5 ARTICLE 14. LEGISLATIVE AUTHORITY

6 41-1294. Legislative authority; powers

7 THE LEGISLATURE RESERVES THE EXCLUSIVE POWER, AUTHORITY AND  
8 JURISDICTION TO SET FORTH STATEWIDE POLICY, EXCEPT:

9 1. IF THE LEGISLATURE HAS EXPRESSLY DELEGATED AUTHORITY TO OTHER  
10 AGENCIES, DEPARTMENTS OR POLITICAL SUBDIVISIONS OF THIS STATE TO ADMINISTER  
11 CLEARLY ARTICULATED STATEWIDE LEGISLATIVE POLICY.

12 2. UTILITY RATE SETTING TO THE EXTENT DELEGATED BY THE STATE  
13 CONSTITUTION TO OTHER AGENCIES, DEPARTMENTS OR POLITICAL SUBDIVISIONS OF THIS  
14 STATE.

15 Sec. 10. Laws 2007, chapter 260, section 6, as amended by Laws 2008,  
16 chapter 291, section 7, is amended to read:

17 Sec. 6. Arizona twenty-first century competitive initiative  
18 fund; appropriation

19 A. The sum of ~~\$22,500,000 is appropriated from the state general fund~~  
20 ~~in fiscal year 2008-2009, the sum of \$25,000,000 is appropriated from the~~  
21 ~~state general fund in fiscal year 2009-2010 and the sum of~~ \$27,500,000 is  
22 appropriated from the state general fund in fiscal year 2010-2011 for deposit  
23 into the Arizona twenty-first century competitive initiative fund established  
24 by section 41-1505.09, Arizona Revised Statutes, and the same ~~amounts are~~  
25 AMOUNT is appropriated from that fund to the commerce and economic  
26 development commission in each fiscal year for the purposes prescribed in  
27 Laws 2006, chapter 334.

28 B. In order to amend the existing memorandum of understanding or enter  
29 into a new memorandum of understanding with the commission pursuant to  
30 section 41-1505.09, Arizona Revised Statutes, a nonprofit corporation shall  
31 identify and document written agreements for private, philanthropic or  
32 governmental investments, except monies received for and belonging to the  
33 state, either for specific grants or for general grant investment areas that  
34 are equivalent to ~~\$22,500,000 or more in fiscal year 2008-2009, \$25,000,000~~  
35 ~~in fiscal year 2009-2010 and~~ \$27,500,000 in fiscal year 2010-2011. Unless  
36 prohibited by the organization's governing documents, the private,  
37 philanthropic or governmental investments shall be cash or auditable cash

1 equivalent contributions to the nonprofit. State funds shall be drawn down  
2 incrementally as each cash or cash equivalent match is received or otherwise  
3 secured as part of the cost share for a written grant agreement by the  
4 nonprofit and documented by the commission.

5 C. Contributions from government entities or any auditable cash  
6 equivalent contributions shall not constitute more than fifty per cent of the  
7 match required by subsection B of this section.

8 D. The ~~appropriations~~ APPROPRIATION made in subsection A of this  
9 section ~~are~~ IS exempt from the provisions of section 35-190, Arizona Revised  
10 Statutes, relating to the lapsing of appropriations.

11 Sec. 11. Repeal; department of administration certificates of  
12 participation

13 Laws 2008, chapter 289, section 2 is repealed.

14 Sec. 12. Annual budgets

15 Notwithstanding section 35-121, Arizona Revised Statutes, for fiscal  
16 year 2009-2010, appropriations for all budget units may be limited to one  
17 fiscal year.

18 Sec. 13. Appropriation reduction; military installation fund

19 Notwithstanding section 41-1512.02, Arizona Revised Statutes, the  
20 appropriation to the department of commerce for the military installation  
21 fund from the state general fund is reduced by \$4,800,000 in fiscal year  
22 2009-2010.

23 Sec. 14. Declaration of emergency; limitation

24 Notwithstanding section 35-192, Arizona Revised Statutes, or any other  
25 law, the aggregate amount of all liabilities incurred during a declaration of  
26 emergency shall not exceed three million five hundred thousand dollars in  
27 fiscal year 2009-2010.

28 Sec. 15. Tourism fund; transfer; limitation

29 Notwithstanding the requirements of section 42-5029, subsection D,  
30 paragraph 4, subdivision (b), Arizona Revised Statutes, for fiscal year  
31 2009-2010, the state treasurer shall not transfer a sum of more than  
32 \$10,655,200 under section 42-5029, subsection D, paragraph 4, subdivision  
33 (b), Arizona Revised Statutes.

34 Sec. 16. Current employees of the secretary of state

35 Any person who is employed on the effective date of this act by the  
36 secretary of state in a position that is subject to title 41, chapter 4,

1 articles 5 and 6, Arizona Revised Statutes, continues to be subject to title  
2 41, chapter 4, articles 5 and 6, Arizona Revised Statutes.

3 Sec. 17. Moratorium on rule making relating to increased  
4 monetary or regulatory costs; exceptions

5 A. Notwithstanding any other law, for fiscal year 2009-2010, an agency  
6 shall not conduct any rule making that would impose increased monetary or  
7 regulatory costs on other state agencies, political subdivisions of this  
8 state, persons or individuals or would not reduce the regulatory burden on  
9 the persons or individuals so regulated.

10 B. Subsection A of this section does not apply to rule making for any  
11 of the following:

12 1. An authorization or requirement enacted by the legislature after  
13 January 1, 2009.

14 2. To avoid a violation of a court order or federal law that would  
15 result in sanctions by the court or federal government to an agency in fiscal  
16 year 2009-2010 for failure to conduct the rule making action.

17 3. To prevent an imminent threat to the public health or safety. For  
18 the purposes of this paragraph, "imminent threat to the public health or  
19 safety" means the existence of a condition, circumstance or practice that  
20 would cause death, serious illness or severe injury to persons or adversely  
21 affect the ability of health care institutions to provide medical care during  
22 fiscal year 2009-2010.

23 4. To fulfill an obligation related to fees, rates, fines or  
24 regulations that are expressly delineated in the constitution of this state.

25 C. For the purposes of this section, increased monetary or regulatory  
26 costs do not include costs associated with rule making conducted by a  
27 self-supporting regulatory board as defined in section 41-1092, Arizona  
28 Revised Statutes, if the self-supporting regulatory board makes a specific  
29 finding that the monetary benefits to licensees or permittees of the board  
30 from the proposed rule making substantially outweigh the costs of the  
31 proposed rule making to licensees or permittees of the board and is necessary  
32 to allow the self-supporting regulatory board to administer existing  
33 statutory requirements or administrative rules. The finding of the  
34 self-supporting regulatory board shall include the specific finding and all  
35 evidence presented at a public hearing supporting the proposed rule making.

1           Sec. 18. Wireless equipment; purchase; prohibition; exception

2           A. For fiscal year 2009-2010, all state agencies, including  
3 universities and community colleges, regardless of fund source, may not  
4 purchase or renew any existing contracts or purchase noncontracted services  
5 for wireless telephones or any mobile voice or data communication services.

6           B. This section does not apply to the purchase of wireless telephones  
7 or any mobile voice or data communication services for health and public  
8 safety personnel.

9           Sec. 19. Federal stimulus funding; reporting

10          A. All agencies receiving monies from the federal American recovery  
11 and reinvestment act (P.L. 111-5) in either fiscal year 2008-2009 or  
12 2009-2010 shall provide a report on the agency's use of the monies to the  
13 joint legislative budget committee by October 1, 2009. The joint legislative  
14 budget committee may choose to review any of the agency reports.

15          B. The reports shall include the amount of monies received by each  
16 federal grant, the amount of monies received for the same programs from  
17 sources other than Public Law 111-5, the purpose of receiving the additional  
18 monies from Public Law 111-5, how the monies were spent, any distributions  
19 made by the agency listed by subrecipient, if any, the number of personnel  
20 funded by the monies and whether they were existing personnel and the extent  
21 to which the monies offset other budget reductions.

22          Sec. 20. Employee and employer contributions to the elected  
23 officials' retirement plan, public safety personnel  
24 retirement system and corrections officer retirement  
25 plan

26          A. Notwithstanding section 38-810, Arizona Revised Statutes, for  
27 fiscal year 2009-2010, each member of the elected officials' retirement plan  
28 shall contribute the lesser of 8.93 per cent or one-half of the total level  
29 per cent compensation contribution determined by actuarial valuation of the  
30 member's gross salary to the plan. For fiscal year 2009-2010, an employer's  
31 contribution to the elected officials' retirement plan determined by  
32 actuarial valuation shall be reduced by the amount of the difference that is  
33 paid by the member pursuant to this subsection and the amount required by  
34 section 38-810, Arizona Revised Statutes.

35          B. Notwithstanding section 38-843, Arizona Revised Statutes, for  
36 fiscal year 2009-2010, each member of the public safety personnel retirement  
37 system shall contribute the lesser of 9.58 per cent or one-half of the total

1 level per cent compensation contribution determined by actuarial valuation of  
2 the member's compensation to the system. For fiscal year 2009-2010, an  
3 employer's contribution to the public safety personnel retirement system  
4 determined by actuarial valuation shall be reduced by the amount of the  
5 difference that is paid by the member pursuant to this subsection and the  
6 amount required by section 38-843, Arizona Revised Statutes. This subsection  
7 does not apply to a member of an employer whose 2009-2010 calculated employer  
8 level per cent compensation contribution determined by actuarial valuation is  
9 equal to or less than the required member contribution prescribed by section  
10 38-843, Arizona Revised Statutes.

11 C. Notwithstanding section 38-891, Arizona Revised Statutes, for  
12 fiscal year 2009-2010, each member of the corrections officer retirement plan  
13 shall contribute the lesser of 9.89 per cent, if a full-time dispatcher, or  
14 10.34 per cent, if not a full-time dispatcher, or one-half of the total level  
15 per cent compensation contribution determined by actuarial valuation of the  
16 member's salary to the plan. For fiscal year 2009-2010, an employer's  
17 contribution to the corrections officer retirement plan determined by  
18 actuarial valuation shall be reduced by the amount of the difference that is  
19 paid by the member pursuant to this subsection and the amount required by  
20 section 38-891, Arizona Revised Statutes. This subsection does not apply to  
21 a member of an employer whose 2009-2010 calculated employer level per cent  
22 compensation contribution determined by actuarial valuation is equal to or  
23 less than the required member contribution prescribed by section 38-891,  
24 Arizona Revised Statutes.

25 Sec. 21. Calculation adjustments; fiscal year 2009-2010 closing  
26 state general fund balance

27 Notwithstanding any other law, for purposes of calculating the state  
28 general fund balance at the close of fiscal year 2009-2010, any monies  
29 appropriated from the state general fund that are exempted from lapsing  
30 pursuant to section 35-190, Arizona Revised Statutes, and that remain  
31 unexpended and unencumbered at the close of fiscal year 2009-2010 shall be  
32 included in the closing balance as if the appropriations had lapsed or  
33 otherwise reverted to the state general fund.

34 Sec. 22. Unrestricted federal monies; retroactivity

35 A. Any unrestricted federal monies received from July 1, 2009 through  
36 June 30, 2010 shall be deposited in the state general fund. The monies shall  
37 be used for the payment of essential governmental services.

1 B. This section is effective retroactively to from and after June 30,  
2 2009.

3 Sec. 23. Required reduction in hours

4 An agency director may require agency covered employees to work reduced  
5 hours in order to comply with any reduction in appropriations for personnel  
6 expenses and related benefit costs for fiscal year 2009-2010. The director  
7 of the department of administration shall prescribe procedures to implement  
8 these reductions. The director of the department of administration is exempt  
9 from the rule making requirements of title 41, chapter 6, Arizona Revised  
10 Statutes, for the purposes of prescribing these procedures.

11 Sec. 24. Notice filing fees; securities regulatory and  
12 enforcement fund; transfer

13 A. Notwithstanding section 44-3324, subsection H, paragraph 1, Arizona  
14 Revised Statutes, for fiscal year 2009-2010, eighty per cent of the monies  
15 collected pursuant to section 44-3324, Arizona Revised Statutes, shall be  
16 deposited in the securities regulatory and enforcement fund established by  
17 section 44-2039, Arizona Revised Statutes.

18 B. On February 1, 2010 and June 30, 2010, monies deposited in the  
19 securities regulatory and enforcement fund pursuant to subsection A of this  
20 section are transferred to the state general fund.

21 Sec. 25. Tax policy advisory committee; membership; duties;  
22 initial report; final report; delayed repeal

23 A. The tax policy advisory committee is established consisting of the  
24 following members:

25 1. Four members of the senate who are appointed by the president of  
26 the senate, not more than three of whom are members of the same political  
27 party, including the chairperson of the finance committee.

28 2. Four members of the house of representatives who are appointed by  
29 the speaker of the house of representatives, not more than three of whom are  
30 members of the same political party, including the chairperson of the ways  
31 and means committee.

32 3. One person who represents incorporated cities or towns and who is  
33 appointed by the president of the senate.

1           4. One person who represents counties and who is appointed by the  
2 speaker of the house of representatives.

3           5. One person who represents school districts and who is appointed by  
4 the president of the senate.

5           6. One person who represents a statewide taxpayer organization and who  
6 is appointed by the president of the senate.

7           7. One person who represents the general public and who is appointed  
8 by the speaker of the house of representatives.

9           8. Two people who represent the business community, one of whom is  
10 appointed by the president of the senate and one of whom is appointed by the  
11 speaker of the house of representatives.

12           B. The chairperson of the ways and means committee in the house of  
13 representatives shall call the first meeting and the members of the committee  
14 shall choose a chairperson from the committee membership.

15           C. The committee shall:

16           1. Study and make recommendations on the fiscal policy and laws of  
17 this state, including specific consideration of expansion of state resources  
18 and economic development strategies.

19           2. Study and make recommendations on the tax policies of this state  
20 and local jurisdictions, including counties, municipalities, school districts  
21 and special taxing districts, to ensure that the policies are adequate,  
22 equitable, competitive and consistent with economic development strategies.

23           3. Develop a comprehensive report and recommendations, including  
24 recommendations concerning the appropriate tax structure for this state and  
25 local jurisdictions and a strategy for transition to the appropriate tax  
26 structure.

27           D. Members of the committee are not eligible to receive compensation  
28 or reimbursement of expenses. The committee chairperson may appoint advisory  
29 committees as necessary. The governor's office of strategic planning and  
30 budgeting, the department of revenue, the joint legislative budget committee  
31 and the legislative council shall provide technical assistance to the  
32 committee.



1           8. Two people who represent the business community, one of whom is  
2 appointed by the president of the senate and one of whom is appointed by the  
3 speaker of the house of representatives.

4           B. The chairperson of the appropriations committee in the senate shall  
5 call the first meeting and the members of the committee shall choose a  
6 chairperson from the committee membership.

7           C. The committee shall:

8           1. Study and make recommendations on the expenditure policies of this  
9 state, including specific consideration to integrating services and  
10 eliminating duplicative programs. The committee may make recommendations for  
11 reforms to state budget procedures.

12           2. Study and make recommendations on the expenditure policies of this  
13 state and local jurisdictions, including counties, municipalities and school  
14 districts to ensure that government services are provided in an efficient and  
15 effective manner. This study shall explore whether savings can be achieved  
16 through the privatization of services, the realigning of services between  
17 state and political subdivisions and the elimination or streamlining of  
18 duplicative programs at the state level.

19           3. Develop a comprehensive report and recommendations, including  
20 recommendations concerning the appropriate policy adjustments related to  
21 state expenditures for this state and a strategy for implementation.

22           D. Members of the committee are not eligible for compensation or  
23 reimbursement of expenses. The committee chairperson may appoint advisory  
24 committees as necessary. The governor's office of strategic planning and  
25 budgeting, the auditor general, the joint legislative budget committee and  
26 the legislative council shall provide technical assistance to the committee.

27           E. The committee shall submit a status report to the president of the  
28 senate, the speaker of the house of representatives and the governor by  
29 December 31, 2009. The committee shall provide a copy of the report to the  
30 director of the Arizona state library, archives and public records.

31           F. The committee shall make a report of its final findings and  
32 recommendations to the president of the senate, the speaker of the house of

1 representatives and the governor by September 15, 2010. The committee shall  
2 provide a copy of this report to the secretary of state and the director of  
3 the Arizona state library, archives and public records.

4 G. This section is repealed from and after December 31, 2010.

5 Sec. 27. Conforming legislation

6 The legislative council staff shall prepare proposed legislation  
7 conforming the Arizona Revised Statutes to the provisions of this act for  
8 consideration in the forty-ninth legislature, second regular session."

9 Amend title to conform

RUSSELL PEARCE

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