

COMMITTEE ON APPROPRIATIONS
SENATE AMENDMENTS TO S.B. 1025
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 5-113, Arizona Revised Statutes, is amended to
3 read:

4 5-113. Disposition of revenues and monies; funds; committee

5 A. All revenues derived from permittees, permits and licenses, as
6 provided by this article, ~~and all monies transferred pursuant to section~~
7 ~~44-313, subsection A~~ shall be deposited, pursuant to sections 35-146 and
8 35-147, ~~or distributed as follows~~ IN THE STATE GENERAL FUND. :-

9 ~~1. One million two hundred thousand dollars or twenty-two per cent,~~
10 ~~whichever is less, shall be deposited in the Arizona county fairs racing~~
11 ~~betterment fund established by subsection B of this section.~~

12 ~~2. One million eight hundred thousand dollars or thirty-three per~~
13 ~~cent, whichever is less, shall be deposited in the county fairs livestock and~~
14 ~~agriculture promotion fund established by subsection C of this section.~~

15 ~~3. One million two hundred thousand dollars or twenty-two per cent,~~
16 ~~whichever is less, shall be deposited in the Arizona breeders' award fund~~
17 ~~established by subsection F of this section.~~

18 ~~4. Sixty thousand dollars or one per cent, whichever is less, shall be~~
19 ~~deposited in the Arizona stallion award fund established by subsection G of~~
20 ~~this section.~~

21 ~~5. Four hundred fifty thousand dollars or nine per cent, whichever is~~
22 ~~less, shall be deposited in the county fair racing fund established by~~
23 ~~subsection I of this section.~~

24 ~~6. One per cent of the revenues and monies shall be deposited in the~~
25 ~~agricultural consulting and training fund established by subsection J of this~~
26 ~~section.~~

27 ~~7. Sixty-seven thousand dollars or one per cent, whichever is less,~~
28 ~~shall be subject to legislative appropriation to the department for~~
29 ~~administration of the Arizona county fairs racing betterment fund, the~~

1 ~~Arizona breeders' award fund, the Arizona stallion award fund and the~~
2 ~~greyhound adoption fund. Monies that are distributed pursuant to this~~
3 ~~paragraph and that remain unspent at the end of a fiscal year do not revert~~
4 ~~to the state general fund.~~

5 ~~8. Four hundred thousand dollars or eleven per cent, whichever is~~
6 ~~less, shall be deposited in the Arizona exposition and state fair fund~~
7 ~~established by section 3-1005 for the purpose of capital outlay.~~

8 ~~9. Any revenues and monies that are not distributed pursuant to~~
9 ~~paragraphs 1 through 8 of this subsection at the end of a fiscal year shall~~
10 ~~be deposited in the state general fund.~~

11 B. The Arizona county fairs racing betterment fund is established
12 under the jurisdiction of the department. The department shall distribute
13 monies from the fund to the county fair association or county fair racing
14 association of each county conducting a county fair racing meeting in such
15 proportion as the department deems necessary for the promotion and betterment
16 of county fair racing meetings. All expenditures from the fund shall be made
17 upon claims approved by the department. In order to be eligible for
18 distributions from the fund, a county fair association must provide the
19 department with an annual certification in the form required by the
20 department supporting expenditures made from the fund. Balances remaining in
21 the fund at the end of a fiscal year do not revert to the state general fund.

22 C. The county fairs livestock and agriculture promotion fund is
23 established under the control of the governor and shall be used for the
24 purpose of promoting the livestock and agricultural resources of the state
25 and for the purpose of conducting an annual Arizona national livestock fair
26 by the Arizona exposition and state fair board to further promote livestock
27 resources. The direct expenses less receipts of the livestock fair shall be
28 paid from this fund, but such payment shall not exceed thirty per cent of the
29 receipts of the fund for the preceding fiscal year. Balances remaining in
30 the fund at the end of a fiscal year do not revert to the state general fund.
31 All expenditures from the fund shall be made upon claims approved by the
32 governor, as recommended by the livestock and agriculture committee, for the
33 promotion and betterment of the livestock and agricultural resources of this

1 state. The livestock and agriculture committee is established and shall be
2 composed of the following members, at least three of whom are from counties
3 that have a population of less than five hundred thousand persons, appointed
4 by the governor:

- 5 1. Three members representing county fairs.
- 6 2. One member representing Arizona livestock fairs.
- 7 3. One member representing the university of Arizona college of
8 agriculture.
- 9 4. One member representing the livestock industry.
- 10 5. One member representing the farming industry.
- 11 6. One member representing the governor's office.
- 12 7. One member representing the Arizona state fair conducted by the
13 Arizona exposition and state fair board.
- 14 8. One member representing the general public.

15 D. The governor shall appoint a chairman from the members. Terms of
16 members shall be four years.

17 E. Members of the committee are not eligible to receive compensation
18 but are eligible to receive reimbursement for expenses pursuant to title 38,
19 chapter 4, article 2.

20 F. The Arizona breeders' award fund is established under the
21 jurisdiction of the department. The department shall distribute monies from
22 the fund to the breeder, or the breeder's heirs, devisees or successors, of
23 every winning horse or greyhound foaled or whelped in this state, as defined
24 by section 5-114, in a manner and in an amount established by rules of the
25 commission to protect the integrity of the racing industry and promote,
26 improve and advance the quality of race horse and greyhound breeding within
27 this state. The department may contract with a breeders' association to
28 provide data, statistics and other information necessary to enable the
29 department to carry out the purposes of this subsection. Persons who are not
30 eligible to be licensed under section 5-107.01 or persons who have been
31 refused licenses under section 5-108 are not eligible to participate in the
32 Arizona greyhound breeders' award fund. Balances remaining in the fund at
33 the end of a fiscal year do not revert to the state general fund. For the

1 purposes of this subsection, "breeder" means the owner or lessee of the dam
2 of the animal at the time the animal was foaled or whelped.

3 G. The Arizona stallion award fund is established under the
4 jurisdiction of the department to promote, improve and advance the quality of
5 stallions in this state. The department shall distribute monies from the
6 fund to the owner or lessee, or the owner's or lessee's heirs, devisees or
7 successors, of every Arizona stallion whose certified Arizona bred offspring,
8 as prescribed in section 5-114, finishes first, second or third in an
9 eligible race in this state. The department may contract with a breeders'
10 association to provide data, statistics and other information necessary to
11 enable the department to carry out the purposes of this subsection. Balances
12 remaining in the fund at the end of a fiscal year do not revert to the state
13 general fund. The commission shall adopt rules pursuant to title 41, chapter
14 6 to carry out the purposes of this subsection. The rules shall prescribe at
15 a minimum:

16 1. The manner and procedure for distribution from the fund, including
17 eligibility requirements for owners and lessees.

18 2. Subject to availability of monies in the fund, the amount to be
19 awarded.

20 3. The requirements for a stallion registered with the jockey club,
21 Lexington, Kentucky or with the American quarter horse association, Amarillo,
22 Texas to be certified as an Arizona stallion.

23 4. The types and requirements of races for which an award may be made.

24 H. The greyhound and retired racehorse adoption fund is established.
25 The department shall administer the fund and maintain separate accounts for
26 greyhound adoptions and retired racehorse adoptions. All revenues derived
27 from license fees collected from dog breeders, racing kennels and other
28 operations pursuant to section 5-104, subsection F, paragraphs 7, 8 and 9
29 shall be deposited, pursuant to sections 35-146 and 35-147, in the greyhound
30 adoption account of the fund. All revenues derived from retired racehorse
31 adoption surcharges collected pursuant to section 5-104, subsection G shall
32 be deposited, pursuant to sections 35-146 and 35-147, in the retired
33 racehorse adoption account of the fund. The department shall distribute

1 monies from the fund to provide financial assistance to nonprofit enterprises
2 approved by the commission to promote the adoption of former racing
3 greyhounds as domestic pets and to promote the adoption of retired racehorses
4 pursuant to section 5-104, subsection G in a manner and in an amount
5 established by rules of the commission. Balances remaining in the fund at
6 the end of a fiscal year do not revert to the state general fund.

7 I. The county fair racing fund is established. The department shall
8 administer the fund. ~~Subject to legislative appropriation,~~ The department
9 shall use fund monies for the administration of county fair racing. Any
10 monies remaining unexpended in the fund at the end of the fiscal year in
11 excess of seventy-five thousand dollars shall revert to the state general
12 fund.

13 J. The agricultural consulting and training fund is established. The
14 Arizona department of agriculture shall administer the fund. ~~Subject to~~
15 ~~legislative appropriation,~~ The Arizona department of agriculture shall use
16 monies in the fund for the agricultural consulting and training program
17 established by section 3-109.01. Balances remaining in the fund at the end
18 of a fiscal year do not revert to the state general fund.

19 Sec. 2. Section 5-522, Arizona Revised Statutes, is amended to read:

20 5-522. Use of monies in state lottery fund; report

21 A. The monies in the state lottery fund shall be expended only for the
22 following purposes and in the order provided:

23 1. For the expenses of the commission incurred in carrying out its
24 powers and duties and in the operation of the lottery.

25 2. For payment to the commerce and economic development commission
26 fund established by section 41-1505.10 of not less than twenty-one and
27 one-half per cent of the revenues received from the sale of two special
28 lottery games conducted for the benefit of economic development.

29 3. Except as provided in subsection F of this section, for payment to
30 the local transportation assistance fund established by section 28-8101 of
31 not less than nine million dollars, increasing each year that total revenues
32 to the state lottery fund increase up to a maximum of eighteen million

1 dollars each fiscal year, except that payments pursuant to this paragraph
2 shall not increase by more than ten per cent per year.

3 B. Of the monies remaining in the state lottery fund after the
4 appropriations authorized in subsection A of this section, up to a maximum of
5 twenty-three million dollars each fiscal year shall be deposited in the local
6 transportation assistance fund established by section 28-8101 and up to a
7 maximum of seven million six hundred fifty thousand dollars each fiscal year
8 shall be deposited in the county assistance fund established by section
9 41-175. Monies distributed pursuant to this subsection shall be in addition
10 to monies distributed pursuant to subsection A, paragraph 3 of this section.

11 C. Notwithstanding subsection B of this section, if the state lottery
12 director determines at the beginning of any fiscal year that monies available
13 to cities, towns and counties under this section may not equal thirty million
14 six hundred fifty thousand dollars, the director shall not authorize deposits
15 to the county assistance fund until the deposits to the local transportation
16 assistance fund equal twenty-three million dollars.

17 D. Of the monies remaining in the state lottery fund each fiscal year
18 after appropriations and deposits authorized in subsections A, B and C of
19 this section, ten million dollars shall be deposited in the Arizona state
20 parks board heritage fund established by section 41-502 and ten million
21 dollars shall be deposited in the Arizona game and fish commission heritage
22 fund established by section 17-297.

23 E. Of the monies remaining in the state lottery fund each fiscal year
24 after appropriations and deposits authorized in subsections A, B, C and D of
25 this section, and appropriations and deposits to the local transportation
26 assistance fund authorized by this section, five million dollars shall be
27 allocated to the department of economic security for the healthy families
28 program established by section 8-701, four million dollars shall be allocated
29 to the Arizona board of regents for the Arizona area health education system
30 established by section 15-1643, three million dollars shall be allocated to
31 the department of health services to fund the teenage pregnancy prevention
32 programs established in Laws 1995, chapter 190, sections 2 and 3, two million
33 dollars shall be allocated to the department of health services for the

1 health start program established by section 36-697, two million dollars shall
2 be deposited in the disease control research fund established by section
3 36-274 and one million dollars shall be allocated to the department of health
4 services for the federal women, infants and children food program. The
5 allocations in this subsection shall be adjusted annually according to
6 changes in the GDP price deflator as defined in section 41-563 and the
7 allocations are exempt from the provisions of section 35-190, relating to
8 lapsing of appropriations. If there are not sufficient monies available
9 pursuant to this subsection, the allocation of monies for each program shall
10 be reduced on a pro rata basis.

11 F. Notwithstanding subsection A, paragraph 3 of this section, if the
12 state lottery director determines that monies available to the state general
13 fund may not equal thirty-one million dollars in a fiscal year, the director
14 shall not authorize deposits to the local transportation assistance fund
15 pursuant to subsection A, paragraph 3 of this section until the deposits to
16 the state general fund equal thirty-one million dollars in a fiscal year.

17 G. Of the monies remaining in the state lottery fund each fiscal year
18 after appropriations and deposits authorized in subsections A through F of
19 this section, one million dollars or the remaining balance in the fund,
20 whichever is less, is appropriated to the department of economic security for
21 grants to nonprofit organizations, including faith based organizations, for
22 homeless emergency and transitional shelters and related support services.
23 The department of economic security shall submit a report on the amounts,
24 recipients, purposes and results of each grant to the governor, the speaker
25 of the house of representatives and the president of the senate on or before
26 December 31 of each year for the prior fiscal year and shall provide a copy
27 of this report to the secretary of state and the director of the Arizona
28 state library, archives and public records.

29 H. Beginning in fiscal year 2009-2010, of the monies remaining in the
30 state lottery fund each fiscal year after appropriations and deposits
31 authorized in subsections A through G of this section, and after a total of
32 at least forty-six million four hundred ninety thousand dollars has been
33 deposited in the state general fund, the remaining balance in the state

1 lottery fund shall be deposited in the university capital improvement
2 lease-to-own and bond fund established by section 15-1682.03, up to a maximum
3 of eighty per cent of the total annual payments of lease-to-own and bond
4 agreements entered into by the Arizona board of regents.

5 ~~I. Beginning in fiscal year 2009-2010, of the monies remaining in the~~
6 ~~state lottery fund each fiscal year after appropriations and deposits~~
7 ~~authorized in subsections A through H of this section, ten million dollars or~~
8 ~~the remaining balance in the fund, whichever is less, is appropriated to the~~
9 ~~department of environmental quality's water supply development fund line~~
10 ~~item.~~

11 ~~J. Beginning in fiscal year 2009-2010, of the monies remaining in the~~
12 ~~state lottery fund each fiscal year after appropriations and deposits~~
13 ~~authorized in subsections A through I of this section, three million dollars~~
14 ~~or the remaining balance in the fund, whichever is less, is appropriated to~~
15 ~~the community protection initiative fund established by section 37-641.~~

16 ~~K. I.~~ I. All monies remaining in the state lottery fund after the
17 appropriations and deposits authorized in this section shall be deposited in
18 the state general fund.

19 ~~L. J.~~ J. Except for monies expended for prizes as provided in section
20 5-504, subsection G and section 41-1505.10, monies expended under subsection
21 A of this section are subject to legislative appropriation.

22 Sec. 3. Section 10-122, Arizona Revised Statutes, is amended to read:

23 10-122. Filing, service and copying fees; expedited report
24 filing and access; same day and next day services;
25 posted wait times; advance monies; definition

26 A. The commission shall collect and deposit, pursuant to sections
27 35-146 and 35-147, the following nonrefundable fees when the documents
28 described in this subsection are delivered to the commission:

<u>Document</u>	<u>Fee</u>
30 1. Articles of incorporation	\$50
31 2. Application for use of indistinguishable name	10
32 3. Application for reserved name	10
33 4. Notice of transfer of reserved name	10

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1	5. Application for registered name	10
2	6. Application for renewal of registered name	10
3	7. Agent's statement of resignation	10
4	8. Amendment of articles of incorporation	25
5	9. Restatement of articles of incorporation with	
6	amendment of articles	25
7	10. Articles of merger or share exchange	100
8	11. Articles of dissolution	25
9	12. Articles of domestication	100
10	13. Articles of revocation of dissolution	25
11	14. Application for reinstatement following	
12	administrative dissolution, in addition	
13	to other fees and penalties due	100
14	15. Application for authority	150
15	16. Application for withdrawal	25
16	17. Annual report	45
17	18. Articles of correction	25
18	19. Application for certificate of good standing	10
19	20. Any other document required or permitted	
20	to be filed by chapters 1 through 17	
21	of this title	25

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

26 C. The commission shall charge and collect a reasonable fee for
27 copying documents on request, provided the fee does not exceed the cost of
28 providing the service as determined by the commission. The commission shall
29 also charge a reasonable fee for certifying the copy of a filed document,
30 provided the fee does not exceed the cost of providing the service as
31 determined by the commission.

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

7 E. One-third of the fees for the annual report of domestic and foreign
8 corporations paid pursuant to subsection A, paragraph 17 of this section
9 shall be deposited in the Arizona arts trust fund established by section
10 41-983.01 AND TWO-THIRDS OF THESE FEES SHALL BE DEPOSITED, PURSUANT TO
11 SECTIONS 35-146 AND 35-147, IN THE PUBLIC ACCESS FUND ESTABLISHED BY SECTION
12 10-122.01.

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

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

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

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

25 (a) The same day and next day services shall not be offered unless all
26 expedited services filed pursuant to this title are processed within a
27 maximum of five business days and all other documents and services filed
28 pursuant to this title are processed within a maximum of thirty business
29 days.

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

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

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

7 G. The commission may charge persons who access the commission's data
8 processing system that is maintained pursuant to section 10-122.01 from
9 remote locations and persons requesting special computer generated printouts,
10 reports and tapes a reasonable fee that does not exceed the cost of the time,
11 equipment and personnel necessary to provide this service or product as
12 determined by the commission.

13 H. Except as provided in section 10-122.01, subsection B, paragraph 3,
14 in addition to any fee charged pursuant to this section, the commission may
15 charge and collect the following nonrefundable fees to help defray the cost
16 of the improved data processing system that is maintained pursuant to section
17 10-122.01:

18 1. Filing articles of incorporation of a domestic corporation, ten
19 dollars.

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

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

25 J. Fees charged pursuant to this section are exempt from section
26 39-121.03, subsection A, paragraph 3.

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

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

1 Sec. 4. Section 10-122.01, Arizona Revised Statutes, is amended to
2 read:

3 10-122.01. Public access fund; purpose; exemption; money on
4 deposit account

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

- 7 1. Section 10-122, subsections E, F, G, H and K.
8 2. Section 10-3122, subsections I and K.
9 3. Section 29-851, subsections E and F.

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

- 11 1. Monies in the fund are subject to legislative appropriation.
12 2. The commission shall spend monies in the fund for a part of the
13 general administrative and legal expenses of the commission and to purchase,
14 install and maintain an improved data processing system on the premises of
15 the commission. The data processing system shall be designed to allow direct
16 ~~on-line~~ ONLINE access by any person at a remote location to all public
17 records that are filed with the commission pursuant to this title and title
18 29, chapter 4.

19 3. When sufficient monies have been collected pursuant to section
20 10-122, subsections F, G and H, section 10-3122, subsection I and section
21 29-851, subsection E to pay for the purchase and installation of the data
22 processing system, the commission shall not charge and collect the fees
23 prescribed in section 10-122, subsection H or section 10-3122, subsection H.

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

28 C. The money on deposit account is established in the public access
29 fund as a separate account consisting of monies received pursuant to section
30 10-122, subsection K, section 10-3122, subsection K and section 29-851,
31 subsection F. Monies in the money on deposit account:

- 32 1. Are held in trust by the commission.
33 2. May be withdrawn by the commission only:

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

5 (b) To refund the monies advanced in subdivision (a) of this paragraph
6 if the person who requested services pursuant to subdivision (a) of this
7 paragraph requests the refund.

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

10 3. Are not subject to either:

11 (a) Legislative appropriation.

12 (b) Reversion to the state general fund.

13 Sec. 5. Section 28-3002, Arizona Revised Statutes, is amended to read:

14 28-3002. Fees; driver licenses; disposition

15 A. The following fees are required:

16 1. For each original or initial application or renewal application, if
17 a written examination is required, for the following:

18 (a) Class A driver license, twenty-five dollars.

19 (b) Class B driver license, twenty-five dollars.

20 (c) Class C driver license, twelve dollars fifty cents.

21 (d) Class D driver license issued pursuant to section 28-3171, ten
22 dollars.

23 (e) Class M driver license issued pursuant to section 28-3171, ten
24 dollars.

25 2. Except as provided in paragraph 1, for each original, renewal or
26 reinstatement application for a class D, G or M license:

27 Age	Fee
28 50 or older	\$10.00
29 45-49	\$15.00
30 40-44	\$20.00
31 39 or younger	\$25.00

1 3. For each original or initial application or renewal examination, if
2 a written application is required, for the following endorsements to a driver
3 license:

- 4 (a) Bus endorsement, ten dollars.
- 5 (b) Hazardous materials endorsement, ten dollars.
- 6 (c) Tank vehicle endorsement, ten dollars.
- 7 (d) Double-triple trailer endorsement, ten dollars.
- 8 (e) Motorcycle endorsement, seven dollars.

9 4. For taking each driving test for a:

- 10 (a) Class A driver license, twenty-five dollars.
- 11 (b) Class B driver license, twenty-five dollars.
- 12 (c) Class C driver license, twelve dollars fifty cents.
- 13 (d) Bus endorsement, five dollars.

14 5. For each application for an instruction permit under:

- 15 (a) Section 28-3154 or 28-3156, seven dollars.
- 16 (b) Section 28-3155, three dollars.
- 17 (c) Section 28-3225, class A, twenty-five dollars.
- 18 (d) Section 28-3225, class B, twenty-five dollars.
- 19 (e) Section 28-3225, class C, twelve dollars fifty cents.

20 6. For each renewal application, if a written examination is not
21 required, for a:

22 (a) Class A driver license and any endorsement, other than a hazardous
23 materials endorsement, to the license, fifteen dollars.

24 (b) Class B driver license and any endorsement, other than a hazardous
25 materials endorsement, to the license, fifteen dollars.

26 (c) Class C driver license and any endorsement, other than a hazardous
27 materials endorsement, to the license, ten dollars.

28 7. For each application for a duplicate of a driver license, ~~four~~
29 ~~dollars~~ AN AMOUNT DETERMINED BY THE DIRECTOR.

30 8. For each application for a duplicate of an instruction permit, two
31 dollars.

1 9. In addition to the fees prescribed in paragraph 2 and except as
2 provided in paragraph 11:

3 (a) For reinstatement of driving privileges after suspension or
4 disqualification, ten dollars.

5 (b) For reinstatement of driving privileges after revocation, twenty
6 dollars.

7 10. For each application for an extension by mail of a driver license,
8 five dollars.

9 11. In addition to the fees prescribed in paragraph 2, for
10 reinstatement of driving privileges that were suspended or denied pursuant to
11 section 28-1385 after completion of the suspension or revocation, fifty
12 dollars.

13 12. For vision screening tests of out-of-state drivers, five dollars.

14 13. For class D or M driver license skills tests for out-of-state
15 drivers, fifteen dollars.

16 B. Except as otherwise provided by statute, the director shall
17 immediately deposit, pursuant to sections 35-146 and 35-147, fees collected
18 under this section in the Arizona highway user revenue fund.

19 Sec. 6. Section 33-812, Arizona Revised Statutes, is amended to read:
20 33-812. Disposition of proceeds of sale

21 A. The trustee shall apply the proceeds of the trustee's sale in the
22 following order of priority:

23 1. To the costs and expenses of exercising the power of sale and the
24 sale, including the payment of the trustee's fees and reasonable attorney
25 fees actually incurred.

26 2. To the payment of the contract or contracts secured by the trust
27 deed.

28 3. To the payment of all other obligations provided in or secured by
29 the trust deed and actually paid by the beneficiary before the trustee's
30 sale.

31 4. To any condominium association or planned community association as
32 defined in ~~chapters~~ CHAPTER 9 or ~~10~~ 16 of this title ~~who~~ THAT had a
33 subordinate lien as provided by law, even if the trustee intends to deposit

1 the balance pursuant to subsection C of this section. The trustee may pay an
2 association's lien on receipt of a written claim and shall be discharged from
3 any liability for any payment made in good faith. The trustee may inquire as
4 to the existence of a lien if there is a recorded declaration on the property
5 without regard to whether a lien has been recorded. Any person who is an
6 applicant or respondent pursuant to subsection ~~G~~ H of this section may
7 require the condominium ASSOCIATION or planned community association to prove
8 its entitlement to any funds received from the trustee. An association that
9 demonstrates that the amount it received from the trustee was proper in all
10 material respects is entitled to an award of its reasonable attorney fees and
11 court costs against the applicant or respondent who contested the payment.
12 If the applicant or respondent against whom the association's award is
13 entered is entitled to excess proceeds of the sale, the award of attorney
14 fees and costs shall be payable from those excess proceeds.

15 5. To the junior lienholders or encumbrancers in order of their
16 priority as they existed at the time of the sale. After payment in full of
17 all sums due to all junior lienholders and encumbrancers as of the date of
18 the sale and excluding any postsale attorney fees, payment shall be made to
19 the trustor, except that if the trustor has sold or transferred the property
20 to another owner before the trustee's sale, payment shall be made to the
21 person who is the owner of record at the time of the trustee's sale.

22 B. After application of the proceeds pursuant to subsection A,
23 paragraphs 1, 2 and 3 of this section, if there are additional proceeds to be
24 distributed, the trustee, within fifteen days of the completion of the
25 trustee's sale, shall mail by first class mail and by certified or registered
26 mail, postage prepaid, a notice of any excess proceeds to the trustor as of
27 the date of the recording of the notice of sale. The trustee may deduct the
28 costs of mailing the notice of excess proceeds from the additional proceeds.

29 C. In the trustee's discretion and instead of any one or more of the
30 applications specified in subsection A of this section, the trustee may elect
31 to deposit the balance of the proceeds with the county treasurer in the
32 county in which the sale took place pending an order of the superior court in
33 the county. On deposit of the balance of the monies and after complying with

1 subsection D of this section, the trustee shall be discharged from all
2 responsibility for acts performed in good faith according to this chapter.
3 The county treasurer shall reject any deposit that does not comply with
4 subsection D of this section.

5 D. If the trustee elects to deposit the balance of the sale proceeds
6 as prescribed by subsection C of this section, the trustee as plaintiff shall
7 commence a civil action in the superior court in the county in which the sale
8 occurred. The action shall name the applicable county treasurer as the
9 defendant, but the county treasurer has no obligation to respond to the
10 complaint or appear in the action. The trustee shall mail by certified or
11 registered mail, with postage prepaid, a conformed copy of the complaint that
12 displays the filing stamp of the court clerk to the county treasurer and all
13 persons, other than the beneficiary, who are entitled to notice pursuant to
14 section 33-809 and to any other person known by the trustee to have an
15 interest of record in the property at the time of the sale. The trustee
16 shall incorporate in or attach to the complaint:

17 1. A copy of any one of the following:

18 (a) The trustee sale guarantee and all amendments or endorsements
19 obtained by the trustee.

20 (b) The title search used by the trustee in connection with the
21 trustee's sale of the subject property and all amendments or endorsements
22 obtained by the trustee.

23 (c) A detailed description of the liens and encumbrances used by the
24 trustee in connection with the trustee's sale of the property.

25 2. A copy of the list of the persons and each of the addresses to
26 which the complaint will be mailed.

27 3. A detailed description of any disbursements made by the trustee
28 pursuant to this section.

29 4. A narrative description of the liens and encumbrances as shown in
30 the trustee's sale guarantee, title report or detailed description, including
31 an analysis of the apparent priority of potential claimants. The trustee
32 shall not be liable for any error in the narrative description or analysis.

1 E. The trustee may withhold from the proceeds of the sale a reasonable
2 trustee's fee and reasonable attorney fees actually incurred and the costs of
3 filing the complaint, depositing the proceeds and mailing the notices.

4 F. Upon filing the complaint, the trustee as plaintiff is discharged
5 without prejudice from the proceedings.

6 G. Any person with a recorded or other legal interest in the property
7 at the time of the sale may apply for the release of the proceeds by filing
8 an application for distribution in the civil action that was filed by the
9 trustee pursuant to subsection D of this section. The applicant shall mail
10 postage prepaid by any form of mail that requires a signed and returned
11 receipt a copy of the application to the county treasurer and all persons at
12 each of the addresses named on the list of persons that is incorporated in or
13 attached to the complaint. On return of the signed receipt or the
14 undelivered or unclaimed original envelope, the applicant shall file with the
15 court an affidavit that states that the application was mailed to the person
16 and that the application was either:

17 1. Received, as evidenced by the receipt. The applicant shall attach
18 to the affidavit a copy of the receipt.

19 2. Not received, as evidenced by the returned envelope. The applicant
20 shall attach to the affidavit a copy of the original unopened and undelivered
21 or unclaimed returned envelope.

22 H. Any person who receives the application or who claims a right to
23 the proceeds may file a response to the application within thirty days of the
24 mailing of the application. The person filing a response shall mail a copy
25 of the response to each applicant. Within ten calendar days from the date
26 the response is mailed, an applicant may file with the clerk and mail to each
27 respondent a reply to the response. On expiration of the time for filing a
28 reply, an applicant shall provide the court with postage prepaid business
29 envelopes that are addressed to all persons who are entitled to receive
30 copies of the complaint pursuant to subsection D of this section. If an
31 association with a claim is not paid by the trustee pursuant to subsection A,
32 paragraph 4 of this section and is required to file an application or
33 response pursuant to this subsection in order to recover proceeds, the

1 association may request from the excess proceeds of the sale an award of its
2 reasonable attorney fees and costs incurred.

3 I. Except as provided in subsection L of this section, the court shall
4 issue an order to the county treasurer to release the proceeds deposited with
5 the county treasurer to the party entitled to receive them after applying the
6 priorities prescribed by subsection A of this section. On notice to all
7 persons who have received a copy of the complaint or who have filed a
8 responsive pleading, the court may, and if there are competing claims to the
9 proceeds, the court shall, hold a hearing to determine entitlement to the
10 proceeds. Every applicant or respondent shall acknowledge the existence of
11 any apparent lien, encumbrance or interest that could have priority over the
12 applicant or respondent. If the court finds that a person other than an
13 applicant or respondent has a superior right to receive the proceeds, the
14 court shall not issue an order on the proceeds until one hundred eighty days
15 from the date the complaint was filed. At any time before the expiration of
16 the one hundred eighty day period, an applicant or respondent may move for a
17 hearing to determine whether the claimed superior right is valid or
18 enforceable and whether the claim is entitled to receive priority over the
19 claim of the applicant or respondent. The motion shall set forth the
20 specific facts and evidence that support the applicant's or respondent's
21 position and shall be mailed to all persons who have received a copy of the
22 complaint or filed a responsive pleading. If a response is not filed within
23 the one hundred eighty day period by the person found by the court to have a
24 superior right to receive the proceeds, the court shall enter an order in
25 favor of any applicant or respondent entitled to the proceeds. On release of
26 the proceeds, the county treasurer may assess and deduct from the proceeds a
27 reasonable fee not to exceed one hundred dollars for the treasurer's costs
28 associated with the civil action.

29 J. Within ninety days after completion of the sale, the trustee shall
30 apply the proceeds of the sale pursuant to subsection A of this section or
31 shall deposit the proceeds with the treasurer pursuant to subsection C of
32 this section. If the trustee fails to comply with this subsection, the
33 trustee forfeits any entitlement to the fees and costs prescribed in

1 subsection ~~D~~ E of this section and shall pay interest at the rate provided
2 for judgments pursuant to section 44-1201 from the date of completion of the
3 sale until the trustee complies with this subsection. Any person with a
4 recorded or other legal interest in the property at the time of the sale may
5 commence a civil action against the trustee for the trustee's failure to
6 comply with this subsection. The court may award the prevailing party its
7 reasonable attorney fees and costs incurred in that civil action.

8 K. Excess proceeds deposited with the county treasurer pursuant to
9 subsection C of this section are presumed abandoned if the monies remain with
10 the treasurer for at least ~~three~~ TWO years from the date of deposit and there
11 is no pending application for distribution.

12 L. Excess proceeds that are fifty dollars or less and that are
13 presumed abandoned under this section shall be transferred to the county
14 general fund. No further application for distribution by any applicant or
15 claim by the department of revenue may be made on these monies.

16 M. For all excess proceeds that are greater than fifty dollars and
17 that are presumed abandoned under this section, the county treasurer shall
18 submit a report to the department of revenue pursuant to section 44-307. The
19 county treasurer may assess and deduct from the proceeds a reasonable fee of
20 not more than fifty dollars for the treasurer's costs associated with
21 reporting each deposit.

22 N. The county treasurer shall be discharged from all claims and
23 responsibility for acts performed in good faith pursuant to this chapter
24 after remitting the presumed abandoned excess proceeds to the department of
25 revenue pursuant to section 44-308.

26 O. A claimant may enter into an agreement with a third party to pay
27 for the recovery of or for assistance in the recovery of excess proceeds on
28 deposit with the county treasurer. The agreement shall be in writing, signed
29 by the claimant, and the claimant's signature shall be acknowledged by a
30 notary public or other person authorized to accept an acknowledgment pursuant
31 to section 33-511. Any agreement entered into before the expiration of
32 thirty days after the date the trustee's sale was held, but not including the
33 date of the sale, is void and unenforceable. Any fee or payment provided for

1 in an agreement shall be reasonable. The fee or payment shall be presumed to
2 be unreasonable and the obligation to pay the fee or payment is unenforceable
3 if the fee or payment agreed on exceeds two thousand five hundred dollars
4 excluding attorney fees and the costs of filing the claim and providing the
5 statutorily required notices. Any person seeking a fee or payment exceeding
6 two thousand five hundred dollars may apply to the court for additional
7 compensation but the person has the burden of establishing that the
8 additional compensation is reasonable under the circumstances. This
9 subsection does not preclude a claimant from contesting the reasonableness of
10 any fee or payment that is provided for in an agreement for the recovery of
11 or for assistance in the recovery of excess proceeds.

12 Sec. 7. Section 41-3506, Arizona Revised Statutes, is amended to read:

13 41-3506. State web portal fund; exemption

14 A. The state web portal fund is established and is subject to
15 legislative appropriation. The government information technology agency
16 shall administer the fund. The state web portal fund shall consist of:

17 1. Monies appropriated to the fund by the legislature.

18 2. Any web portal usage fees collected under any agreement between
19 this state and an independent contractor providing services for the common
20 web portal ~~less the contractor's price of maintaining and operating the web~~
21 ~~portal.~~

22 3. Monies received from private grants or donations if designated for
23 the fund by the grantor or donor.

24 4. Monies received from the federal government by grant or otherwise
25 to assist this state in providing any common web portal projects.

26 B. Monies in the state web portal fund may be used for improving or
27 expanding this state's information technology services and projects,
28 including the common web portal.

29 C. Monies in the state web portal fund are exempt from the provisions
30 of section 35-190 relating to lapsing of appropriations.

1 Sec. 8. Section 41-3955, Arizona Revised Statutes, is amended to read:

2 41-3955. Housing trust fund; purpose

3 A. The housing trust fund is established, and the director shall
4 administer the fund. The fund consists of monies from unclaimed property
5 deposited in the fund pursuant to section 44-313, **A PORTION OF THE INTEREST**
6 **EARNED ON THE MONIES IN THE FEDERAL DEPOSIT INSURANCE CORPORATION TRUST FUND**
7 **PURSUANT TO SECTION 44-314** and investment earnings.

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

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

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

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

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

31 G. An amount not to exceed ten per cent of the housing trust fund
32 monies may be appropriated annually by the legislature to the department for

1 administrative costs in providing services relating to the housing trust
2 fund.

3 H. For any construction project financed by the department pursuant to
4 this section, the department shall notify a city, town, county or tribal
5 government that a project is planned for its jurisdiction and, before
6 proceeding, shall seek comment from the governing body of the city, town,
7 county or tribal government or an official authorized by the governing body
8 of the city, town, county or tribal government. The department shall not
9 interfere with or attempt to override the local jurisdiction's planning,
10 zoning or land use regulations.

11 Sec. 9. Title 42, chapter 1, article 3, Arizona Revised Statutes, is
12 amended by adding section 42-1116.01, to read:

13 42-1116.01. Department of revenue administrative fund

14 A. THE DEPARTMENT OF REVENUE ADMINISTRATIVE FUND IS ESTABLISHED
15 CONSISTING OF MONIES FROM UNCLAIMED PROPERTY DEPOSITED IN THE FUND PURSUANT
16 TO SECTION 44-313.

17 B. THE DIRECTOR SHALL ADMINISTER THE FUND. MONIES IN THE FUND ARE
18 EXEMPT FROM THE PROVISIONS OF SECTION 35-130 RELATING TO LAPSING OF
19 APPROPRIATIONS.

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

22 Sec. 10. Section 42-5031, Arizona Revised Statutes, is amended to
23 read:

24 42-5031. Distribution of multipurpose facility revenues to
25 district

26 A. Subject to the requirements of subsection D of this section, if a
27 county stadium district is authorized by an election pursuant to section
28 48-4237, subsection E, paragraph 5 to use the amounts paid to the district
29 pursuant to subsection B of this section as permitted by law, then after
30 delivery of a resolution of the district board of directors requesting
31 payment, which resolution shall contain notice of the exercise of the option
32 to begin payments provided for in this subsection, the state treasurer shall
33 pay each month, beginning with the second calendar month after the optional

1 payment commencement event contained in the resolution, from the amount
2 designated as distribution base pursuant to section 42-5029, subsection D,
3 the amount determined under subsection B of this section to the district.
4 Payments under this section shall continue until July 1, 2025 OR UNTIL THE
5 DATE ALL AUTHORIZED DEBT SERVICE PAYMENTS ARE COMPLETED AS PROVIDED BY
6 SECTION 48-4203, SUBSECTION B, PARAGRAPH 3, WHICHEVER DATE IS EARLIER.

7 B. The amount to be paid each month under subsection A of this section
8 is one-half of the amount of state transaction privilege tax revenues
9 received in the second preceding calendar month from all persons conducting
10 business under any business classification under this article at a
11 multipurpose facility site, or in the construction of a multipurpose
12 facility, the public or district owned components of which cost at least two
13 hundred million dollars to construct. In no event shall the amount to be
14 paid each month under this section exceed the net new state transaction
15 privilege tax revenues received from the multipurpose facility site as
16 compared to the revenues received in the same month during the twelve months
17 prior to the month in which the public vote pursuant to section 48-4237 is
18 held.

19 C. The primary component, as described in section 48-4201, shall be
20 constructed during the first phase of the project.

21 D. To qualify for payments under this section, the municipality in
22 which the multipurpose facility site is located must either obtain voter
23 approval for a local transaction privilege tax to pay costs associated with a
24 multipurpose facility, or make a financial commitment by intergovernmental
25 agreement between the municipality and the district to make direct payments
26 to the district from any lawful source, including municipal transaction
27 privilege taxes or to expend monies for land, infrastructure or other
28 improvements directly related to the multipurpose facility or the
29 multipurpose facility site, by the end of the date referred to in subsection
30 A of this section in an aggregate amount equal to the amount received by the
31 district pursuant to this section.

32 E. If the municipality in which the multipurpose facility site is
33 located fails to satisfy the obligations of the municipality pursuant to

1 subsection D of this section, then beginning six months after ~~the end of~~ the
2 date referred to in subsection A of this section, distributions otherwise
3 payable to the municipality pursuant to section 42-5029, subsection C shall
4 be reduced by an amount equal to the excess of the amount received by the
5 district pursuant to this section over the amount paid or expended by the
6 municipality. The amount of the reduction shall be distributed to the
7 district to satisfy the financial commitment of the municipality pursuant to
8 subsection D of this section.

9 F. To comply with the requirements of this section, the county stadium
10 district board of directors or any city or town that is part of the county
11 stadium district shall supply the department with all requested information
12 necessary to administer this section.

13 Sec. 11. Section 42-15001, Arizona Revised Statutes, is amended to
14 read:

15 42-15001. Assessed valuation of class one property

16 The assessed valuation of class one property described in section
17 42-12001 is:

18 1. FOR THE PURPOSES OF ASSESSING AND LEVYING PRIMARY PROPERTY TAXES
19 AND SECONDARY PROPERTY TAXES, OTHER THAN SECONDARY PROPERTY TAXES DESCRIBED
20 IN PARAGRAPH 2 OF THIS SECTION, the following percentage of its full cash
21 value or limited valuation, as applicable:

22 ~~1.~~ (a) Twenty-five per cent through December 31, 2005.

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

25 ~~3.~~ (c) Twenty-four per cent beginning from and after December 31,
26 2006 through December 31, 2007.

27 ~~4.~~ (d) Twenty-three per cent beginning from and after December 31,
28 2007 through December 31, 2008.

29 ~~5.~~ (e) Twenty-two per cent beginning from and after December 31, 2008
30 through December 31, 2009.

31 ~~6.~~ (f) Twenty-one per cent beginning from and after December 31, 2009
32 through December 31, 2010.

33 ~~7.~~ (g) Twenty per cent beginning from and after December 31, 2010.

1 2. FOR TAX YEARS BEGINNING FROM AND AFTER DECEMBER 31, 2011, FOR THE
2 PURPOSES OF ASSESSING SECONDARY PROPERTY TAXES LEVIED BY COUNTIES, CITIES,
3 TOWNS, COMMUNITY COLLEGE DISTRICTS AND SCHOOL DISTRICTS FOR THE PAYMENT OF
4 PRINCIPAL, INTEREST AND REDEMPTION CHARGES ON BONDED INDEBTEDNESS OR OTHER
5 LAWFUL LONG-TERM OBLIGATIONS AUTHORIZED BY THE VOTERS FROM AND AFTER DECEMBER
6 31, 2011 AND FOR THE PAYMENT OF COSTS APPROVED BY AN OVERRIDE ELECTION HELD
7 FROM AND AFTER DECEMBER 31, 2011, SIXTEEN PER CENT. THE ASSESSED VALUATION
8 DETERMINED PURSUANT TO THIS PARAGRAPH DOES NOT APPLY FOR THE PURPOSES OF
9 COMPUTING DEBT LIMITATIONS PURSUANT TO ARTICLE IX, SECTIONS 8 AND 8.1,
10 CONSTITUTION OF ARIZONA, OR THE LIMITATION ON CLASS B BONDED INDEBTEDNESS
11 PURSUANT TO SECTION 15-1021.

12 Sec. 12. Section 43-1095, Arizona Revised Statutes, is amended to
13 read:

14 43-1095. Taxable income of a nonresident

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

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

23 Sec. 13. Section 44-302, Arizona Revised Statutes, is amended to read:

24 44-302. Presumptions of abandonment

25 A. Property is presumed abandoned if it is unclaimed by the apparent
26 owner according to the following schedule:

27 1. A traveler's check is presumed abandoned ~~fifteen~~ THREE years after
28 issuance.

29 2. A money order or similar written instrument, other than a third
30 party bank check, is presumed abandoned ~~seven~~ THREE years after issuance.

31 3. Any stock or other equity interest in a business association or
32 financial organization, including a security entitlement under title 47,

1 chapter 8, is presumed abandoned ~~three~~ TWO years after any of the following,
2 whichever occurs first:

3 (a) The date of the most recent dividend, stock split or other
4 distribution that is unclaimed by the apparent owner.

5 (b) The date of the second mailing of a statement of account or other
6 notification or communication that was returned as undeliverable.

7 (c) The date the holder discontinued mailings, notifications or
8 communications to the apparent owner.

9 4. The principal on debt, other than a bearer bond or an original
10 issue discount bond, of a business association or financial organization is
11 presumed abandoned ~~three~~ TWO years after the maturity date and the interest
12 on the debt is presumed abandoned ~~three~~ TWO years after the payment date.

13 5. A demand, savings or time deposit, including a deposit that is
14 automatically renewable, and any interest or dividends are presumed abandoned
15 ~~five~~ THREE years after maturity or the date of the last indication by the
16 owner of interest in the property, whichever occurs first. For the purposes
17 of this paragraph, a deposit that is automatically renewable is deemed
18 matured on its initial date of maturity, unless the owner has consented to a
19 renewal at or about the time of the renewal and the consent is in writing or
20 is evidenced by any memorandum or other record on file with the holder.

21 6. Credits owed to a customer as a result of a retail business
22 transaction are presumed abandoned ~~five~~ THREE years after the obligation
23 accrued.

24 7. An amount owed by an insurance company on a life or endowment
25 insurance policy or an annuity that has matured or terminated is presumed
26 abandoned ~~five~~ THREE years after the obligation to pay arose or, in the case
27 of a policy or annuity that is payable on proof of death, the amount is
28 presumed abandoned ~~two years~~ ONE YEAR after the insured has attained, or
29 would have attained if the insured were living, the limiting age under the
30 mortality table on which the reserve is based. For the purposes of this
31 paragraph all of the following conditions apply:

32 (a) If a person other than the insured or annuitant is entitled to the
33 owed amount and the person's address is not known to the company or it is not

1 definite and certain from the records of the company who is entitled to the
2 amount, it is presumed that the last known address of the person who is
3 entitled to the amount is the same as the last known address of the insured
4 or annuitant according to the company's records.

5 (b) Notwithstanding any law, if the company learns of the death of the
6 insured or annuitant and the beneficiary has not communicated with the
7 insurer within four months after the death, the company shall take reasonable
8 steps to pay the proceeds to the beneficiary.

9 (c) Every change of beneficiary form issued by an insurance company
10 under any life or endowment insurance policy or annuity contract to an
11 insured or owner who is a resident of this state shall request the following
12 information:

13 (i) The name of each beneficiary, or if a class of beneficiaries is
14 named, the name of each current beneficiary in the class.

15 (ii) The address of each beneficiary.

16 (iii) The relationship of each beneficiary to the insured.

17 8. A life or endowment insurance policy or annuity contract not
18 matured by actual proof of the death of the insured or annuitant according to
19 the company's records is deemed matured and the proceeds are deemed due and
20 payable and are presumed abandoned after ~~two-years~~ ONE YEAR if all of the
21 following conditions apply:

22 (a) The insured has attained, or would have attained if the insured
23 were living, the limiting age under the mortality table on which the reserve
24 is based.

25 (b) The policy was in force at the time the insured attained or would
26 have attained the limiting age specified in subdivision (a) of this
27 paragraph.

28 (c) Neither the insured nor any other person who appears to have an
29 interest in the policy within the last ~~two-years~~ YEAR according to the
30 company's records has assigned, readjusted or paid premiums on the policy or
31 subjected the policy to a loan, corresponded in writing with the company
32 concerning the policy or otherwise indicated an interest as evidenced by a

1 memorandum or any other record on file with and prepared by an employee of
2 the company.

3 9. Property that is distributable by a business association or
4 financial organization in a course of dissolution is presumed abandoned one
5 year after the property becomes distributable.

6 10. Property that is received by a court as proceeds of a class action
7 and that is not distributed pursuant to the judgment is presumed abandoned
8 one year after the distribution date.

9 11. Property that is held by a court, government or governmental
10 subdivision, agency or instrumentality, except for support as defined in
11 section 25-500 or for spousal maintenance, is presumed abandoned ~~three~~ TWO
12 years after the property becomes distributable. Monies held for the payment
13 of warrants by a state agency that remain unclaimed by the owner at the time
14 of the void date printed on the face of the warrant are presumed abandoned.
15 For the purposes of this paragraph, governmental subdivision does not include
16 a special taxing district as defined in section 48-241.

17 12. Wages or other compensation for personal services is presumed
18 abandoned one year after the compensation becomes payable.

19 13. Property in any individual retirement account, defined benefit plan
20 or other account or plan that qualifies for tax deferral under the income tax
21 laws of the United States is presumed abandoned ~~three~~ TWO years after any of
22 the following, whichever occurs first:

23 (a) The date of the distribution or attempted distribution of the
24 property.

25 (b) The date of the required distribution as stated in the plan or
26 trust agreement that governs the plan.

27 (c) If determinable by the holder, the date specified in the income
28 tax laws of the United States by which distribution of the property must
29 begin in order to avoid a tax penalty.

30 14. Any amount that is payable on a check, draft or similar instrument
31 on which a financial organization or business association is directly liable,
32 including a cashier's check and a certified check, and that has been
33 outstanding for more than ~~five~~ THREE years after the check, draft or similar

1 instrument was payable or after issuance if payable on demand is presumed
2 abandoned unless within ~~five~~ THREE years the owner has communicated in
3 writing with the financial organization or business association concerning
4 the check, draft or similar instrument or otherwise indicated an interest as
5 evidenced by a memorandum or any other record on file and prepared by an
6 employee of the financial organization or business association.

7 15. All other property is presumed abandoned ~~five~~ THREE years after the
8 owner's rights to demand the property or after the obligation to pay or
9 distribute the property arises, whichever occurs first.

10 16. Excess proceeds deposited with the county treasurer pursuant to
11 section 33-812 are presumed abandoned if the monies remain with the treasurer
12 for at least ~~three~~ TWO years from the date of deposit and there is no pending
13 application for distribution.

14 17. Any dividend, profit, distribution, interest, redemption, payment
15 on principal or other sum held or owing by a business association for or to
16 its shareholder, certificate holder, member, bondholder or other security
17 holder who has not claimed it, or corresponded in writing with the business
18 association concerning it, is presumed abandoned ~~three~~ TWO years after the
19 date prescribed for payment or delivery.

20 B. At the time that an interest is presumed abandoned under subsection
21 A of this section, any other property right accrued or accruing to the owner
22 as a result of the interest, and not previously presumed abandoned, is also
23 presumed abandoned.

24 C. Property is unclaimed if, for the applicable period prescribed in
25 subsection A of this section, the apparent owner has not communicated in
26 writing with the holder or communicated by other means reflected in a
27 contemporaneous record that is prepared by or on behalf of the holder and
28 that concerns the property or the account or accounts in which the property
29 is held and has not otherwise indicated an interest in the property and if
30 the holder has not communicated in writing with regard to the property that
31 would otherwise be unclaimed. A communication with an owner by a person
32 other than the holder or the holder's representative who has not identified

1 the property in writing to the owner is not an indication of interest in the
2 property by the owner.

3 D. An indication of an owner's interest in property includes:

4 1. The presentment of any check or other instrument of payment of any
5 dividend or other distribution that is made with respect to any account,
6 underlying stock or other interest in a business association or financial
7 organization. If the distribution is made by electronic or similar means an
8 indication of an owner's interest includes evidence that the distribution has
9 been received.

10 2. Activity directed by the owner in the account in which the property
11 is held, including a direction by the owner to increase, decrease or change
12 the amount or type of property held in the account.

13 3. The making of a deposit to or withdrawal from a bank account.

14 4. The payment of a premium with respect to a property interest in an
15 insurance policy. The application of an automatic premium loan provision or
16 any other nonforfeiture provision in an insurance policy does not prevent a
17 policy from maturing or terminating if the insured has died or if the insured
18 or the beneficiary of the policy has otherwise become entitled to the
19 proceeds before the depletion of the cash surrender value of a policy by the
20 application of those provisions.

21 E. Property is payable or distributable notwithstanding the owner's
22 failure to make demand or present an instrument or document otherwise
23 required to obtain payment.

24 Sec. 14. Section 44-313, Arizona Revised Statutes, is amended to read:

25 44-313. Deposit of monies

26 A. Except as otherwise provided in this section or section 44-314, the
27 department shall deposit, pursuant to sections 35-146 and 35-147, in the
28 state general fund all monies received pursuant to this chapter, including
29 the proceeds from the sale of abandoned property pursuant to section 44-312,
30 except that:

31 ~~1. Thirty five per cent of the monies shall be deposited in the~~
32 ~~housing trust fund established by section 41-3955.~~

1 ~~2. Twenty per cent of the monies shall be deposited in the housing~~
2 ~~trust fund established by section 41-3955. These monies shall be used~~
3 ~~exclusively for the development of eligible and viable housing in rural areas~~
4 ~~and for the purposes authorized under the housing development fund~~
5 ~~established by section 41-3956.~~

6 ~~3. Twenty per cent of the monies shall be deposited in the funds in~~
7 ~~the amounts provided in section 5-113, subsection A.~~

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

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

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

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

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

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

1 ~~F. Before making any deposit to the credit of the state general fund,~~
2 ~~the department may deduct, subject to legislative appropriation,~~
3 ~~administrative expenses in the following order of priority:~~

- 4 ~~1. Any costs in connection with the sale of abandoned property.~~
5 ~~2. Costs of mailing and publication in connection with any abandoned~~
6 ~~property.~~
7 ~~3. Reasonable department service charges.~~
8 ~~4. Costs incurred in examining records of holders of property and in~~
9 ~~collecting the property from those holders.~~
10 ~~5. Lawful holder charges.~~

- 11 ~~G. For the purposes of this section, "rural area" means either:~~
12 ~~1. A county with a population of less than four hundred thousand~~
13 ~~persons.~~
14 ~~2. A census county division with less than fifty thousand persons in a~~
15 ~~county with a population of four hundred thousand or more persons.~~

16 Sec. 15. Section 44-1861, Arizona Revised Statutes, is amended to
17 read:

18 44-1861. Fees; deposit; abandonment

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

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

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

31 C. For registration of securities by description, there shall be paid
32 to the commission a nonrefundable registration fee of one-tenth of one per
33 cent of the aggregate offering price of the securities which THAT are to be

1 sold in this state, but in no event shall the registration fee be less than
2 two hundred dollars nor more than two thousand dollars. The amount by which
3 a registration fee exceeds one thousand five hundred dollars shall be
4 allocated to the commerce and economic development commission fund
5 established by section 41-1505.10.

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

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

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

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

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

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

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

8 K. An application for registration of securities or registration of a
9 dealer or salesman or an incomplete notice filing is deemed abandoned if
10 both:

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

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

18 L. The commission shall retain fees collected in connection with
19 abandoned applications or notice filings for deposit in the state general
20 fund.

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

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

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

27 P. Any securities exchange established in this state shall pay to the
28 commission on or before March 15 of each calendar year an exchange
29 registration fee in an amount equal to two-tenths of one cent for each share,
30 bond or option or any other single unit of a security, ~~which~~ THAT is
31 exchanged during each preceding calendar year. ~~which~~ THE COMMISSION shall ~~be~~
32 ~~deposited~~ DEPOSIT THE FEE, PURSUANT TO SECTIONS 35-146 AND 35-147, in the
33 securities regulatory and enforcement fund established by section 44-2039 for

1 the purpose of regulating the securities exchange. The commission, by rule,
2 may exempt any sale of securities or any class of sales of securities from
3 the fee imposed by this subsection, ~~if it finds that an exemption is~~
4 consistent with the public interest and the equal regulation of the market
5 and brokers and dealers.

6 Sec. 16. Section 44-2039, Arizona Revised Statutes, is amended to
7 read:

8 44-2039. Securities regulatory and enforcement fund; purpose

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

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

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

23 Sec. 17. Section 48-4202, Arizona Revised Statutes, is amended to
24 read:

25 48-4202. Formation of district

26 A. The board of supervisors of each county having a population of more
27 than one million five hundred thousand persons according to the most recent
28 United States decennial census or any county in which a major league baseball
29 organization has established or seeks to establish a spring training
30 operation may organize a countywide district to include both the incorporated
31 and unincorporated areas of the county, if the board determines that the
32 public convenience, necessity or welfare will be promoted by establishing the
33 district.

1 B. Two or more municipalities in the same county may organize a
2 district for multipurpose facilities if the governing bodies of the
3 municipalities determine that the public convenience, necessity or welfare
4 will be promoted by establishing the district. The district shall be
5 comprised of the areas within the corporate boundaries of the municipalities.
6 After formation, the boundaries of the district shall not be altered. A
7 district may be established under this subsection in the same county in which
8 a district is established under subsection A of this section. A district
9 formed pursuant to this subsection shall be deemed a county stadium district
10 for purposes of this chapter. Notwithstanding any other law, a district may
11 not be organized under this subsection from and after October 31, 1999,
12 except that a district may be organized under this subsection after October
13 31, 1999 if before that date the governing body of two or more of the
14 municipalities identified the location of a multipurpose facility site and
15 has voted with the purpose of forming a district for multipurpose facilities
16 under this subsection.

17 C. The county board of supervisors shall be the board of directors of
18 a countywide district established under subsection A of this section.

19 D. The board of directors of a district established under subsection B
20 of this section shall consist of: ~~two members appointed for a definite term~~
21 ~~by the governing body of each municipality but may not include officers or~~
22 ~~employees of the municipality, and if the district enters into an~~
23 ~~intergovernmental agreement pursuant to section 48-4203 with an Indian tribe~~
24 ~~or community, the board of directors shall include two members appointed by~~
25 ~~the Indian tribe or community.~~

26 1. FIVE MEMBERS WHO ARE APPOINTED BY THE GOVERNOR, AT LEAST THREE OF
27 WHOM MUST RESIDE IN THE MUNICIPALITY IN WHICH THE DISTRICT IS LOCATED AND
28 EACH OF WHOM MUST HAVE EXPERIENCE IN COMMERCIAL REAL ESTATE, CONSTRUCTION,
29 REDEVELOPMENT, REAL ESTATE LAW, ARCHITECTURE, ECONOMIC DEVELOPMENT OR
30 COMMERCIAL OR PUBLIC FINANCE. THE GOVERNOR MAY RECEIVE NOMINATIONS FOR
31 APPOINTMENT FROM ANY INTERESTED ORGANIZATION OR PERSON. MEMBERS APPOINTED BY
32 THE GOVERNOR SERVE AT THE PLEASURE OF THE GOVERNOR.

1 3. Enter into contracts, including intergovernmental agreements under
2 title 11, chapter 7, article 3, as necessary to carry out the purposes and
3 requirements of this chapter. The district may contract with a county sports
4 authority established under title 11, chapter 5 to carry out any power of the
5 district.

6 4. Adopt administrative rules as necessary to administer and operate
7 the district and any property under its jurisdiction.

8 5. Adopt rules that allow weighted voting by board members and
9 establish conditions for terminating the district.

10 6. Employ an executive director and administrative and clerical
11 employees, or contract for other management personnel, and prescribe the
12 terms and conditions of their employment as necessary to carry out the
13 purposes of the district.

14 7. Acquire by any lawful means and operate, maintain, encumber and
15 dispose of real and personal property and interests in property. A district
16 established under section 48-4202, subsection A may acquire real property by
17 eminent domain. A district established under section 48-4202, subsection B
18 shall not acquire real property by eminent domain.

19 8. Administer trusts declared or established for the district, receive
20 and hold in trust or otherwise property located in or out of this state and,
21 if not otherwise provided, dispose of the property for the benefit of the
22 district.

23 9. Retain legal counsel and other consultants as necessary to carry
24 out the purposes of the district.

25 B. The board of directors, on behalf of a district established
26 pursuant to section 48-4202, subsection B, may:

27 1. Use revenues paid to the district ~~pursuant to section 42-5031 and~~
28 ~~other revenues the district may receive from other sources,~~for the purposes
29 set forth in section 48-4204, subsection B.

30 2. Enter into agreements with developers, contractors, tenants and
31 other users of all or part of a multipurpose facility as determined
32 appropriate.

1 3. ~~Pledge all or part of the revenues described in~~ USE THE REVENUES
2 PAID TO THE DISTRICT PURSUANT TO section 42-5031, subsection B, ~~ONLY~~ to
3 secure the district's bonds or other financial obligations THAT WERE issued
4 or incurred under this chapter ~~for the construction of all or part of a~~
5 ~~multipurpose facility~~ BEFORE JULY 1, 2009.

6 C. THE BOARD OF DIRECTORS OF A DISTRICT ESTABLISHED PURSUANT TO
7 SECTION 48-4202, SUBSECTION B SHALL PROVIDE PUBLIC OUTREACH AND EDUCATION ON
8 THE PURPOSE AND ACTIVITIES OF THE DISTRICT, INCLUDING:

9 1. PRESENTATIONS TO THE GOVERNING BODIES OF THE MUNICIPALITIES IN THE
10 COUNTY IN WHICH THE DISTRICT IS LOCATED.

11 2. PRESENTATIONS TO COMMUNITY, CIVIC AND BUSINESS ORGANIZATIONS.

12 3. PRINTED OR ELECTRONIC MATERIALS THAT SUPPORT THE PURPOSES OF THIS
13 SUBSECTION.

14 ~~C.~~ D. The board of directors shall:

15 1. Appoint from among its members a chairman, a secretary and such
16 other officers as may be necessary to conduct its business. The board of
17 directors may appoint the chief financial officer of the county as the
18 district treasurer of a countywide district established under section
19 48-4202, subsection A. If the board does not appoint the chief financial
20 officer, the county treasurer is designated ex officio as the treasurer. The
21 board of directors of a district that is established pursuant to section
22 48-4202, subsection B shall designate ~~ex officio an officer of one of the~~
23 ~~municipalities~~ A MEMBER OF THE BOARD WITH FINANCIAL MANAGEMENT OR ACCOUNTING
24 EXPERIENCE OR A PERSON WITH WHOM THE BOARD HAS CONTRACTED FOR FINANCIAL
25 MANAGEMENT as treasurer of the district.

26 2. Keep and maintain a complete and accurate record of all its
27 proceedings. All proceedings and records of the board shall be open to the
28 public as required by title 38, chapter 3, article 3.1 and title 39,
29 chapter 1.

30 3. Provide for the use, maintenance and operation of the properties
31 and interests controlled by the district.

32 ~~D.~~ E. The board of directors of a district that is established
33 pursuant to section 48-4202, subsection B shall determine by agreement the

1 distribution of revenues from operating and using the multipurpose facilities
2 among the municipalities and any participating Indian tribe or community.

3 ~~F.~~ F. The directors, officers and employees of the district are
4 subject to title 38, chapter 3, article 8 relating to conflicts of interest.

5 ~~F.~~ G. This state and political subdivisions of this state other than
6 the district are not liable for any financial or other obligations of the
7 district and the financial or other obligations do not constitute a debt or
8 liability of this state or any political subdivision of this state, other
9 than the district.

10 Sec. 19. Section 48-4204, Arizona Revised Statutes, is amended to
11 read:

12 48-4204. Constructing and operating a stadium and other
13 structures; regulating alcoholic beverages

14 A. From the taxes and surcharges levied pursuant to article 2 of this
15 chapter for use with respect to major league baseball spring training, the
16 district may acquire land and construct, finance, furnish, maintain, improve,
17 operate, market and promote the use of existing or proposed major league
18 baseball spring training facilities or stadiums and other structures,
19 utilities, roads, parking areas or buildings necessary for full use of the
20 training facilities or stadiums for sports and other purposes and do all
21 things necessary or convenient to accomplish those purposes. The board shall
22 require that any project undertaken by the district include financial
23 participation from the county or municipality in which the project is
24 located, from a private party or from any combination of these entities which
25 equals or exceeds one-half of the amount to be expended or distributed by the
26 district. Capital improvement funds expended at any time after June 1, 1991
27 by a county, municipality or private party for a purpose authorized by this
28 section may be deemed financial participation with respect to any project the
29 district may undertake.

30 B. From the taxes and charges levied or identified pursuant to section
31 48-4237 for use with respect to multipurpose facilities and from other monies
32 lawfully available to the district, the district may acquire land and
33 construct, finance, furnish, maintain, improve, operate, market and promote

1 the use of multipurpose facilities and other structures, utilities, roads,
2 parking areas or buildings necessary for full use of the multipurpose
3 facilities and do all things necessary or convenient to accomplish those
4 purposes. Public funds identified in section 48-4237, ~~including funds~~
5 ~~distributed pursuant to section 42-5031~~, may only be used for the components
6 for a multipurpose facility which are owned by the district or which are
7 publicly owned, **EXCEPT THAT MONIES PAID TO THE DISTRICT PURSUANT TO SECTION**
8 **42-5031 MAY ONLY BE USED TO PAY PRINCIPAL, INTEREST, REDEMPTION COSTS AND**
9 **OTHER DEBT SERVICE EXPENSES FOR THE DISTRICT'S BONDS THAT WERE ISSUED BEFORE**
10 **JULY 1, 2009.**

11 **C.** Title 34 applies to the district, except that regardless of the
12 funding source for design and construction of facilities and structures the
13 district may establish alternative systems and procedures, including the use
14 of the design-build method of construction or the use of qualifications-based
15 selection of contractors with experience in stadium design or construction,
16 to expedite the design and construction of any of its facilities or
17 structures or any facilities or structures leased to it or used by it
18 pursuant to an intergovernmental agreement. For the purposes of this
19 subsection:

20 1. "Design-build" means a process of entering into and managing a
21 contract between the district and another party in which the other party
22 agrees to both design and build a structure, a facility or other items
23 specified in the contract.

24 2. "Qualifications-based selection" means a process of entering into
25 and managing a contract between the district and another party in which the
26 other party is selected by the district on the basis of the party's
27 qualifications and experience in designing or constructing facilities,
28 structures or other items similar to those the district is authorized to
29 construct or lease. The other party may be selected by direct selection or
30 by public competition.

31 **D.** For purposes of financing, designing, constructing or operating
32 facilities or structures, the district is not the agent of any municipality
33 participating in the funding of such facilities or structures.

1 E. Subject to the requirements of title 4, the board of directors may
2 permit and regulate the sale, use and consumption of alcoholic beverages at
3 events held on property acquired, leased or subleased under this article.

4 Sec. 20. Section 48-4231, Arizona Revised Statutes, is amended to
5 read:

6 48-4231. County stadium district fund

7 A. The district treasurer shall maintain a county stadium district
8 fund consisting of all monies received by the district, including:

9 1. Payments received from leasing, subleasing or renting property
10 owned, leased or controlled by the district.

11 2. Revenues received by the district from admissions and concessions
12 and other proceeds from events held at a stadium owned or leased by the
13 district.

14 3. Monies received from issuing and selling bonds under article 3 of
15 this chapter.

16 4. Interest and other income received from investing monies in the
17 fund.

18 5. Gifts, grants and donations received for that purpose from any
19 public or private source.

20 B. Monies in the fund may be used for any lawful purpose of the
21 district.

22 C. The district treasurer may invest any unexpended monies in the fund
23 as provided in title 35, chapter 2. Notwithstanding section 35-323, the
24 district treasurer may invest and reinvest monies in the fund, other than
25 operating fund monies, in eligible investments with a maturity of greater
26 than five years. Interest and other income from investments shall be
27 credited to the fund. The district treasurer shall invest the monies so as
28 to mature at the times when the fund assets will be required for the purposes
29 of this article. If the liquid assets in the fund become insufficient to
30 meet the district's obligations, the board of directors shall direct the
31 district treasurer to liquidate sufficient securities to meet all of the
32 current obligations and immediately notify the auditor general of the
33 insufficiency, and the auditor general shall investigate and audit the

1 circumstances surrounding the depletion of the fund and report ~~his~~ THE
2 AUDITOR GENERAL'S findings to the board.

3 D. EXCEPT AS PROVIDED BY SECTION 48-4231.01, the board of directors
4 shall cause an annual audit to be conducted of the fund by an independent
5 certified public accountant within one hundred twenty days after the end of
6 the fiscal year. The board shall immediately file a certified copy of the
7 audit with the auditor general. The auditor general may make such further
8 audits and examinations as ~~he~~ THE AUDITOR GENERAL deems necessary, but if ~~he~~
9 THE AUDITOR GENERAL takes no official action within thirty days after the
10 audit is filed, the audit is deemed sufficient. The board of directors shall
11 pay all fees and costs of the certified public accountant and auditor general
12 under this subsection from the fund.

13 Sec. 21. Title 48, chapter 26, article 2, Arizona Revised Statutes, is
14 amended by adding sections 48-4231.01 and 48-4231.02, to read:

15 48-4231.01. Financial and performance audits of districts
16 owning multipurpose facilities; appearance before
17 joint committee on capital review

18 A. BEGINNING IN 2010 AND EVERY THREE YEARS THEREAFTER, THE AUDITOR
19 GENERAL SHALL CONTRACT WITH AN INDEPENDENT AUDITOR TO CONDUCT A PERFORMANCE
20 AUDIT AS DEFINED IN SECTION 41-1278, INCLUDING A FINANCIAL AUDIT, OF EACH
21 DISTRICT ORGANIZED UNDER SECTION 48-4202, SUBSECTION B. THE INDEPENDENT
22 AUDITOR MUST HAVE NATIONAL STATUS WITH EXPERTISE IN EVALUATING PUBLIC
23 CONSTRUCTION, OWNERSHIP AND MANAGEMENT OF CAPITAL IMPROVEMENTS THAT INCLUDE
24 HOSPITALITY, CONVENTION AND SPORTS VENUE FACILITIES. THE AUDIT MUST BE
25 COMPLETED WITHIN ONE HUNDRED TWENTY DAYS AFTER THE END OF THE FISCAL YEAR.

26 B. THE AUDIT SHALL INCLUDE CONSIDERATION OF:

27 1. CAPITAL COSTS, INCLUDING DEBT SERVICE, OF THE MULTIPURPOSE FACILITY
28 AND OTHER ASSETS OF THE DISTRICT.

29 2. THE LEVEL OF THE DISTRICT'S INDEBTEDNESS, THE AMOUNT OF PRINCIPAL,
30 INTEREST AND OTHER DEBT SERVICE EXPENSES PAID IN THE PRECEDING FISCAL YEAR
31 AND THE REMAINING TERM TO MATURITY WITH RESPECT TO EACH OUTSTANDING BOND
32 ISSUE.

1 3. OPERATION AND MAINTENANCE COSTS OF THE MULTIPURPOSE FACILITY AND
2 OTHER ASSETS OF THE DISTRICT.

3 4. THE DISTRICT'S OVERALL EXPENDITURES IN THE PRECEDING FISCAL YEAR,
4 INCLUDING:

5 (a) THE LEVEL OF EXPENSES FOR ADMINISTRATION, PLANNING, TRAVEL AND
6 ENTERTAINMENT.

7 (b) THE SUCCESS OF THOSE EXPENDITURES IN SUPPORTING AND ACHIEVING THE
8 DISTRICT'S PURPOSES.

9 5. A DESCRIPTION OF AND THE AMOUNT OF MUNICIPAL PAYMENTS PURSUANT TO
10 SECTION 42-5031, SUBSECTION D DURING THE PRECEDING FISCAL YEAR AND THE
11 CUMULATIVE AMOUNT OF THOSE PAYMENTS THROUGH THE END OF THE PRECEDING FISCAL
12 YEAR.

13 6. THE PUBLIC USE OF EACH COMPONENT OF THE MULTIPURPOSE FACILITY.

14 7. REVENUES DERIVED FROM EACH COMPONENT OF THE MULTIPURPOSE FACILITY
15 AND OTHER REVENUES OF THE DISTRICT BY SOURCE.

16 8. DISTRICT PROJECTS THAT ARE CURRENTLY UNDER CONSTRUCTION AND THAT
17 ARE INCLUDED IN THE DISTRICT'S PLANS FOR CAPITAL IMPROVEMENTS AND INVESTMENT.

18 C. THE AUDIT SHALL MAKE FINDINGS AND RECOMMENDATIONS REGARDING THE
19 CONSTRUCTION, FINANCING, OPERATION AND MAINTENANCE OF EACH COMPONENT OF THE
20 MULTIPURPOSE FACILITY, INCLUDING WHETHER THE FACILITY EXCEEDS, MEETS OR FAILS
21 TO MEET NATIONALLY RECOGNIZED DESIGN AND PERFORMANCE STANDARDS.

22 D. THE DISTRICT AND THE BOARD OF DIRECTORS SHALL COOPERATE WITH AND
23 SUBMIT TO THE AUDITOR GENERAL AND THE AUDITOR CONTRACTED TO CONDUCT THE AUDIT
24 INFORMATION NECESSARY TO CONDUCT AND COMPLETE THE AUDIT IN A TIMELY MANNER.

25 E. WITHIN FORTY-FIVE DAYS AFTER THE AUDIT IS RELEASED, THE BOARD OF
26 DIRECTORS SHALL:

27 1. HOLD A PUBLIC HEARING ON THE AUDIT'S FINDINGS AND RECOMMENDATIONS
28 AND ALLOW ANY PERSON TO MAKE OR SUBMIT ORAL OR WRITTEN COMMENTS ON THE AUDIT.

29 2. BY MAJORITY VOTE ADOPT A PUBLIC RESPONSE AGREEING, AGREEING WITH
30 RESERVATIONS OR DISAGREEING WITH EACH FINDING AND RECOMMENDATION IN THE
31 AUDIT.

32 F. THE AUDITOR GENERAL SHALL DISTRIBUTE COPIES OF THE AUDIT AND THE
33 BOARD OF DIRECTOR'S RESPONSE TO:

1 1. THE MAYOR AND GOVERNING BODY OF THE MUNICIPALITY IN WHICH THE
2 DISTRICT IS LOCATED.

3 2. THE GOVERNOR.

4 3. THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF
5 REPRESENTATIVES.

6 4. THE DEPARTMENT OF REVENUE AND THE STATE TREASURER.

7 5. THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS.

8 6. ANY OTHER PERSON WHO REQUESTS A COPY OF THE AUDIT.

9 G. THE COST INCURRED BY THE AUDITOR GENERAL IN CONTRACTING WITH
10 INDEPENDENT AUDITORS UNDER THIS SECTION IS AN OPERATING EXPENSE OF THE
11 DISTRICT AND SHALL BE PAID FROM REVENUES PAYABLE TO THE DISTRICT PURSUANT TO
12 SECTION 42-5031. THE AUDITOR GENERAL SHALL DEPOSIT THE PAYMENTS IN THE AUDIT
13 SERVICES REVOLVING FUND ESTABLISHED BY SECTION 41-1279.06.

14 H. AT THE REQUEST OF THE CHAIRPERSON OF THE JOINT COMMITTEE ON CAPITAL
15 REVIEW, THE EXECUTIVE DIRECTOR OR A REPRESENTATIVE OF THE BOARD OF DIRECTORS
16 SHALL APPEAR BEFORE THE JOINT COMMITTEE ON CAPITAL REVIEW TO REPORT ON ANY
17 ASPECT OF THE DISTRICT'S OPERATION, INCLUDING THE ACTIVITIES AND FINANCIAL
18 PERFORMANCE OF THE DISTRICT DURING THE PREVIOUS FISCAL YEAR, THE DISTRICT'S
19 PLANS FOR CAPITAL IMPROVEMENTS AND INVESTMENT AND THE DISTRICT'S RESPONSE TO
20 THE AUDIT CONDUCTED UNDER THIS SECTION.

21 48-4231.02. Financial reports; database of expenditures

22 A. EACH DISTRICT ESTABLISHED PURSUANT TO SECTION 48-4202, SUBSECTION B
23 SHALL MAINTAIN ON ITS OFFICIAL WEBSITE A DATABASE OF EXPENDITURES MADE BY THE
24 DISTRICT. THE DATABASE SHALL ALLOW USERS TO:

25 1. SEARCH AND AGGREGATE PAYMENTS BY PAYEE.

26 2. SEARCH AND AGGREGATE PAYMENTS BY PROJECT.

27 3. SEARCH AND AGGREGATE PAYMENTS BY YEAR.

28 4. SEARCH AND AGGREGATE ALL PAYMENTS MADE BY THE DISTRICT.

29 5. DOWNLOAD INFORMATION YIELDED BY A USER QUERY.

30 B. EACH EXPENDITURE LISTING CONTAINED IN THE DATABASE SHALL INCLUDE:

31 1. THE DATE AND AMOUNT OF EACH PAYMENT.

32 2. THE NAME OF THE PAYEE.

33 3. THE PROJECT FOR WHICH THE PAYMENT WAS MADE.

1 purchased with monies in the residential contractors' recovery fund, but not
2 to exceed in fiscal year 2009-2010 fourteen per cent of the total amount
3 deposited in the fund in fiscal year 2008-2009, as may be necessary to
4 monitor, process or oppose claims filed by injured persons that may result in
5 collection from the fund.

6 Sec. 27. Web portal fees: deposit

7 Notwithstanding section 41-3506, Arizona Revised Statutes, as amended
8 by this act, in fiscal year 2009-2010 the amount of web portal fees not
9 deposited in the web portal fund for the contractor's price of maintaining
10 and operating the web portal shall not exceed \$3,000,000.

11 Sec. 28. Vehicle license taxes: fiscal year 2009-2010:
12 distributions by cities and towns to school
13 districts

14 A. In fiscal year 2009-2010, cities and towns that receive vehicle
15 license tax monies pursuant to section 28-5808, subsection A, paragraph 2,
16 subdivision (c) and subsection B, paragraph 2, subdivision (c), Arizona
17 Revised Statutes, shall distribute a portion of those monies as computed by
18 the county treasurer to local school districts. The total amount of monies
19 to be distributed pursuant to this section by all cities and towns in fiscal
20 year 2009-2010 shall be \$22,000,000, payable in equal monthly installments of
21 \$3,666,667 beginning in January, 2010 through June, 2010 allocated among the
22 cities and towns according to population.

23 B. The department of education shall notify each county treasurer on a
24 monthly basis regarding the amount of monies to be distributed by the cities
25 and towns in the county pursuant to subsection A of this section to each
26 school district. The county treasurer shall apportion the monies to the
27 school districts in the county in accordance with section 15-971, subsection
28 C, Arizona Revised Statutes.

1 Sec. 31. Board of examiners of nursing care institution
2 administrators and assisted living facility
3 managers; fees for providing services; increase;
4 fiscal year 2009-2010; intent; appropriation;
5 exemption from rule making

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

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

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

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

16 Sec. 32. Office of pest management; fees for providing
17 services; increase; fiscal year 2009-2010; intent;
18 appropriation; exemption from rule making

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

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

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

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

29 Sec. 33. Department of transportation; vehicle license tax;
30 transfer

31 Notwithstanding any other law, the difference between the actual amount
32 collected in fiscal year 2009-2010 as a result of a five-year registration
33 period and the amount that would have been collected in fiscal year 2009-2010

1 if those same vehicles had been registered for a two-year vehicle
2 registration period authorized pursuant to section 28-2159, Arizona Revised
3 Statutes, for distribution to the state highway fund pursuant to section
4 28-6538, subsection A, paragraph 1, Arizona Revised Statutes, shall be
5 deposited in the state general fund.

6 Sec. 34. Securities salesman and dealer fees; rule making;
7 exemption

8 Notwithstanding section 44-1861, subsections A and D, Arizona Revised
9 Statutes, as amended by this act, before December 31, 2009, the Arizona
10 corporation commission may establish by order the annual registration fees
11 for securities dealers and salesmen, as defined in section 44-1801, Arizona
12 Revised Statutes, and the salesman transfer fee. The commission is exempt
13 from the rule making requirements of title 41, chapter 6, Arizona Revised
14 Statutes, for the purposes of setting each of the specified fees by order one
15 time.

16 Sec. 35. Business reengineering/integrated tax system;
17 operational support changes

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

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

28 Sec. 36. Department of revenue; unclaimed property auditors;
29 appropriation

30 Notwithstanding any other law, including section 44-313, Arizona
31 Revised Statutes, as amended by this act, if 12.5 per cent of the dollar
32 value of the properties recovered by unclaimed property contract auditors
33 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. 37. Development fees; use; fiscal year 2009-2010

6 Notwithstanding section 9-463.05, Arizona Revised Statutes, for fiscal
7 year 2009-2010, a municipality may use general government, libraries, open
8 space or park development fee revenues for general municipal operating
9 expenses. The amount of development fee revenues used for general municipal
10 operating expenses shall not exceed the amount of vehicle license tax monies
11 distributed by the municipality to school districts pursuant to section 28 of
12 this act, as computed by the county treasurer. The city or town shall not
13 make any subsequent adjustment in the computation of its development fees to
14 account for, compensate for or recover development fee revenues used for
15 general municipal operating expenses pursuant to this section.

16 Sec. 38. Incumbent members of board of directors

17 Notwithstanding section 48-4202, subsection D, Arizona Revised
18 Statutes, as amended by this act, incumbent members of a board of directors
19 of a county stadium district organized pursuant to section 48-4202,
20 subsection B, Arizona Revised Statutes, may continue to serve on the board
21 for the remainder of their appointive terms, together with the new members
22 appointed by the governor, president of the senate and speaker of the house
23 of representatives as provided by this act.

24 Sec. 39. Conforming changes

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

28 Sec. 40. Effective date; retroactivity

29 A. Section 41-3506, Arizona Revised Statutes, as amended by this act,
30 is effective from and after June 30, 2010.

31 B. Sections 10-122, 10-122.01, 41-3955, 44-313, 48-4203 and 48-4204,
32 Arizona Revised Statutes, as amended by this act, and section 35 of this act,

Senate Amendments to S.B. 1025

- 1 relating to the business reengineering/integrated tax system, apply
- 2 retroactively to from and after June 30, 2009."
- 3 Amend title to conform

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