

PROPOSED AMENDMENT  
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. 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. 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

Senate Amendments to S.B. 1025

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 42-15001, Arizona Revised Statutes, is amended to  
23 read:

24 42-15001. Assessed valuation of class one property

25 The assessed valuation of class one property described in section  
26 42-12001 is:

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

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

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

1           ~~3.~~ (c) Twenty-four per cent beginning from and after December 31,  
2 2006 through December 31, 2007.

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

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

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

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

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

21           Sec. 11. Section 43-1095, Arizona Revised Statutes, is amended to  
22 read:

23           43-1095. Taxable income of a nonresident

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

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

1           Sec. 12. Section 44-302, Arizona Revised Statutes, is amended to read:

2           44-302. Presumptions of abandonment

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

5           1. A traveler's check is presumed abandoned ~~fifteen~~ **THREE** years after  
6 issuance.

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

9           3. Any stock or other equity interest in a business association or  
10 financial organization, including a security entitlement under title 47,  
11 chapter 8, is presumed abandoned ~~three~~ **TWO** years after any of the following,  
12 whichever occurs first:

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

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

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

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

23           5. A demand, savings or time deposit, including a deposit that is  
24 automatically renewable, and any interest or dividends are presumed abandoned  
25 ~~five~~ **THREE** years after maturity or the date of the last indication by the  
26 owner of interest in the property, whichever occurs first. For the purposes  
27 of this paragraph, a deposit that is automatically renewable is deemed  
28 matured on its initial date of maturity, unless the owner has consented to a  
29 renewal at or about the time of the renewal and the consent is in writing or  
30 is evidenced by any memorandum or other record on file with the holder.

31           6. Credits owed to a customer as a result of a retail business  
32 transaction are presumed abandoned ~~five~~ **THREE** years after the obligation  
33 accrued.

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

9           (a) If a person other than the insured or annuitant is entitled to the  
10 owed amount and the person's address is not known to the company or it is not  
11 definite and certain from the records of the company who is entitled to the  
12 amount, it is presumed that the last known address of the person who is  
13 entitled to the amount is the same as the last known address of the insured  
14 or annuitant according to the company's records.

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

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

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

25           (ii) The address of each beneficiary.

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

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

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

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

7 (c) Neither the insured nor any other person who appears to have an  
8 interest in the policy within the last ~~two years~~ YEAR according to the  
9 company's records has assigned, readjusted or paid premiums on the policy or  
10 subjected the policy to a loan, corresponded in writing with the company  
11 concerning the policy or otherwise indicated an interest as evidenced by a  
12 memorandum or any other record on file with and prepared by an employee of  
13 the company.

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

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

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

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

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

1 (a) The date of the distribution or attempted distribution of the  
2 property.

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

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

8 14. Any amount that is payable on a check, draft or similar instrument  
9 on which a financial organization or business association is directly liable,  
10 including a cashier's check and a certified check, and that has been  
11 outstanding for more than ~~five~~ THREE years after the check, draft or similar  
12 instrument was payable or after issuance if payable on demand is presumed  
13 abandoned unless within ~~five~~ THREE years the owner has communicated in  
14 writing with the financial organization or business association concerning  
15 the check, draft or similar instrument or otherwise indicated an interest as  
16 evidenced by a memorandum or any other record on file and prepared by an  
17 employee of the financial organization or business association.

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

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

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

31 B. At the time that an interest is presumed abandoned under subsection  
32 A of this section, any other property right accrued or accruing to the owner

1 as a result of the interest, and not previously presumed abandoned, is also  
2 presumed abandoned.

3 C. Property is unclaimed if, for the applicable period prescribed in  
4 subsection A of this section, the apparent owner has not communicated in  
5 writing with the holder or communicated by other means reflected in a  
6 contemporaneous record that is prepared by or on behalf of the holder and  
7 that concerns the property or the account or accounts in which the property  
8 is held and has not otherwise indicated an interest in the property and if  
9 the holder has not communicated in writing with regard to the property that  
10 would otherwise be unclaimed. A communication with an owner by a person  
11 other than the holder or the holder's representative who has not identified  
12 the property in writing to the owner is not an indication of interest in the  
13 property by the owner.

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

15 1. The presentment of any check or other instrument of payment of any  
16 dividend or other distribution that is made with respect to any account,  
17 underlying stock or other interest in a business association or financial  
18 organization. If the distribution is made by electronic or similar means an  
19 indication of an owner's interest includes evidence that the distribution has  
20 been received.

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

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

25 4. The payment of a premium with respect to a property interest in an  
26 insurance policy. The application of an automatic premium loan provision or  
27 any other nonforfeiture provision in an insurance policy does not prevent a  
28 policy from maturing or terminating if the insured has died or if the insured  
29 or the beneficiary of the policy has otherwise become entitled to the  
30 proceeds before the depletion of the cash surrender value of a policy by the  
31 application of those provisions.

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

4 Sec. 13. Section 44-313, Arizona Revised Statutes, is amended to read:

5 44-313. Deposit of monies

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

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

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

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

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

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

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

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

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

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

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

14 ~~1. Any costs in connection with the sale of abandoned property.~~

15 ~~2. Costs of mailing and publication in connection with any abandoned~~  
16 ~~property.~~

17 ~~3. Reasonable department service charges.~~

18 ~~4. Costs incurred in examining records of holders of property and in~~  
19 ~~collecting the property from those holders.~~

20 ~~5. Lawful holder charges.~~

21 ~~G. For the purposes of this section, "rural area" means either:~~

22 ~~1. A county with a population of less than four hundred thousand~~  
23 ~~persons.~~

24 ~~2. A census county division with less than fifty thousand persons in a~~  
25 ~~county with a population of four hundred thousand or more persons.~~

26 Sec. 14. Section 44-1861, Arizona Revised Statutes, is amended to  
27 read:

28 44-1861. Fees: deposit: abandonment

29 A. BY the following AFFIRMATIVE VOTE OF AT LEAST FOUR COMMISSIONERS,  
30 THE COMMISSION MAY ESTABLISH BY RULE AN annual fee for THE registration OF A  
31 DEALER OR A SALESMAN. THE FEE shall be remitted on or before the last  
32 working day of December, AND THE COMMISSION SHALL DEPOSIT THE FEE, PURSUANT

1 TO SECTIONS 35-146 AND 35-147, IN THE SECURITIES REGULATORY AND ENFORCEMENT  
2 FUND ESTABLISHED BY SECTION 44-2039. :-

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

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

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

9 C. For registration of securities by description, there shall be paid  
10 to the commission a nonrefundable registration fee of one-tenth of one per  
11 cent of the aggregate offering price of the securities ~~which~~ THAT are to be  
12 sold in this state, but in no event shall the registration fee be less than  
13 two hundred dollars nor more than two thousand dollars. The amount by which  
14 a registration fee exceeds one thousand five hundred dollars shall be  
15 allocated to the commerce and economic development commission fund  
16 established by section 41-1505.10.

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

24 E. The initial filing of a form required for safe harbor exemptions  
25 provided for in the securities act of 1933 (15 United States Code section  
26 77(a) et seq.) pursuant to the rules of the commission shall be accompanied  
27 by a filing fee of two hundred fifty dollars, of which fifty dollars shall be  
28 allocated to the commerce and economic development commission fund  
29 established by section 41-1505.10. The final filing of the form, if separate  
30 from the initial filing, shall be accompanied by a filing fee of one hundred  
31 dollars that is allocated to the commerce and economic development commission  
32 fund established by section 41-1505.10.

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

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

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

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

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

19 K. An application for registration of securities or registration of a  
20 dealer or salesman or an incomplete notice filing is deemed abandoned if  
21 both:

22 1. The application or notice filing has been on file with the  
23 commission for at least six months or the applicant or notice filer has  
24 failed to respond to a request for information for at least two months after  
25 the date of the request.

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

29 L. The commission shall retain fees collected in connection with  
30 abandoned applications or notice filings for deposit in the state general  
31 fund.

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

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

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

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

17           Sec. 15. Section 44-2039, Arizona Revised Statutes, is amended to  
18 read:

19           44-2039. Securities regulatory and enforcement fund; purpose

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

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

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

1           Sec. 16. Section 48-4202, Arizona Revised Statutes, is amended to  
2 read:

3           48-4202. Formation of district

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

12           B. Two or more municipalities in the same county may organize a  
13 district for multipurpose facilities if the governing bodies of the  
14 municipalities determine that the public convenience, necessity or welfare  
15 will be promoted by establishing the district. The district shall be  
16 comprised of the areas within the corporate boundaries of the municipalities.  
17 After formation, the boundaries of the district shall not be altered. A  
18 district may be established under this subsection in the same county in which  
19 a district is established under subsection A of this section. A district  
20 formed pursuant to this subsection shall be deemed a county stadium district  
21 for purposes of this chapter. Notwithstanding any other law, a district may  
22 not be organized under this subsection from and after October 31, 1999,  
23 except that a district may be organized under this subsection after October  
24 31, 1999 if before that date the governing body of two or more of the  
25 municipalities identified the location of a multipurpose facility site and  
26 has voted with the purpose of forming a district for multipurpose facilities  
27 under this subsection.

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

30           D. The board of directors of a district established under subsection B  
31 of this section shall consist of: ~~two members appointed for a definite term~~  
32 ~~by the governing body of each municipality but may not include officers or~~  
33 ~~employees of the municipality, and if the district enters into an~~

~~intergovernmental agreement pursuant to section 48-4203 with an Indian tribe or community, the board of directors shall include two members appointed by the Indian tribe or community.~~

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

2. TWO MEMBERS WHO ARE APPOINTED BY THE PRESIDENT OF THE SENATE, AT LEAST ONE OF WHOM MUST RESIDE IN THE MUNICIPALITY IN WHICH THE DISTRICT IS LOCATED. THE MEMBERS APPOINTED BY THE PRESIDENT SERVE AT THE PLEASURE OF THE PRESIDENT.

3. TWO MEMBERS WHO ARE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AT LEAST ONE OF WHOM MUST RESIDE IN THE MUNICIPALITY IN WHICH THE DISTRICT IS LOCATED. THE MEMBERS APPOINTED BY THE SPEAKER SERVE AT THE PLEASURE OF THE SPEAKER.

E. The directors OF ANY DISTRICT are not eligible for compensation for their services but are eligible for reimbursement for their necessary expenses in attending to and traveling on district business.

~~D.~~ F. The board of supervisors may pay the necessary costs incurred in connection with establishing a countywide district from any county monies available for that purpose. The municipalities may pay their proportionate share of the necessary costs incurred in establishing a district formed by two or more municipalities under subsection B of this section from any monies available for that purpose.

~~E.~~ G. Subject to limitations imposed by intergovernmental agreement and the ordinance or resolution authorizing the formation of the district, the district is a tax levying public improvement district and a political taxing subdivision of this state and has all the powers, privileges and immunities granted generally to municipal corporations for the purposes of implementing this chapter, including eminent domain, as provided by section

1 48-4203, subsection A, paragraph 7, and immunity of its property, bonds and  
2 interest on and transfer of its bonds from taxation.

3 Sec. 17. Section 48-4203, Arizona Revised Statutes, is amended to  
4 read:

5 48-4203. Powers and duties of board of directors; conflict of  
6 interest

7 A. The board of directors, on behalf of the district, may:

8 1. Adopt and use a corporate seal.

9 2. Sue and be sued.

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

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

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

19 6. Employ an executive director and administrative and clerical  
20 employees, or contract for other management personnel, and prescribe the  
21 terms and conditions of their employment as necessary to carry out the  
22 purposes of the district.

23 7. Acquire by any lawful means and operate, maintain, encumber and  
24 dispose of real and personal property and interests in property. A district  
25 established under section 48-4202, subsection A may acquire real property by  
26 eminent domain. A district established under section 48-4202, subsection B  
27 shall not acquire real property by eminent domain.

28 8. Administer trusts declared or established for the district, receive  
29 and hold in trust or otherwise property located in or out of this state and,  
30 if not otherwise provided, dispose of the property for the benefit of the  
31 district.

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

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

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

6           2. Enter into agreements with developers, contractors, tenants and  
7 other users of all or part of a multipurpose facility as determined  
8 appropriate.

9           3. Pledge all or part of the revenues described in section 42-5031,  
10 subsection B,~~—~~ to secure the district's bonds or other financial obligations  
11 issued or incurred under this chapter for the construction of all or part of  
12 a multipurpose facility.

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

16           1. PRESENTATIONS TO THE GOVERNING BODIES OF THE MUNICIPALITIES IN THE  
17 COUNTY IN WHICH THE DISTRICT IS LOCATED.

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

19           3. PRINTED OR ELECTRONIC MATERIALS THAT SUPPORT THE PURPOSES OF THIS  
20 SUBSECTION.

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

22           1. Appoint from among its members a chairman, a secretary and such  
23 other officers as may be necessary to conduct its business. The board of  
24 directors may appoint the chief financial officer of the county as the  
25 district treasurer of a countywide district established under section  
26 48-4202, subsection A. If the board does not appoint the chief financial  
27 officer, the county treasurer is designated ex officio as the treasurer. The  
28 board of directors of a district that is established pursuant to section  
29 48-4202, subsection B shall designate ~~ex officio an officer of one of the~~  
30 ~~municipalities~~ A MEMBER OF THE BOARD WITH FINANCIAL MANAGEMENT OR ACCOUNTING  
31 EXPERIENCE OR A PERSON WITH WHOM THE BOARD HAS CONTRACTED FOR FINANCIAL  
32 MANAGEMENT as treasurer of the district.



1 district. Capital improvement funds expended at any time after June 1, 1991  
2 by a county, municipality or private party for a purpose authorized by this  
3 section may be deemed financial participation with respect to any project the  
4 district may undertake.

5 B. From the taxes and charges levied or identified pursuant to section  
6 48-4237 for use with respect to multipurpose facilities and from other monies  
7 lawfully available to the district, the district may acquire land and  
8 construct, finance, furnish, maintain, improve, operate, market and promote  
9 the use of multipurpose facilities and other structures, utilities, roads,  
10 parking areas or buildings necessary for full use of the multipurpose  
11 facilities and do all things necessary or convenient to accomplish those  
12 purposes. Public funds identified in section 48-4237, including funds  
13 distributed pursuant to section 42-5031, may only be used for the components  
14 for a multipurpose facility which are owned by the district or which are  
15 publicly owned, EXCEPT THAT MONIES PAID TO THE DISTRICT PURSUANT TO SECTION  
16 42-5031 MAY ONLY BE USED FOR THE FOLLOWING PURPOSES UNTIL A NOTICE TO PROCEED  
17 IS ISSUED FOR A HOTEL AND CONVENTION CENTER LOCATED ON THE MULTIPURPOSE  
18 FACILITY SITE:

- 19 1. DEBT SERVICE FOR BONDS ISSUED BY THE DISTRICT BEFORE JANUARY 1,  
20 2009.
- 21 2. CONTRACTUAL OBLIGATIONS INCURRED BY THE DISTRICT BEFORE JUNE 1,  
22 2009.
- 23 3. FIDUCIARY, LEGAL AND ADMINISTRATIVE EXPENSES OF THE DISTRICT.
- 24 4. THE DESIGN AND CONSTRUCTION OF THE HOTEL AND CONVENTION CENTER  
25 LOCATED ON THE MULTIPURPOSE FACILITY SITE.

26 C. A DISTRICT ESTABLISHED PURSUANT TO SECTION 48-4202, SUBSECTION B  
27 MAY NOT USE MONIES DISTRIBUTED PURSUANT TO SECTION 42-5031 FOR THE SALARIES  
28 OR COMPENSATION OF ANY EMPLOYEE OF THE MUNICIPALITY IN WHICH THE DISTRICT IS  
29 LOCATED.

30 ~~C.~~ D. Title 34 applies to the district, except that regardless of the  
31 funding source for design and construction of facilities and structures the  
32 district may establish alternative systems and procedures, including the use  
33 of the design-build method of construction or the use of qualifications-based

1 selection of contractors with experience in stadium design or construction,  
2 to expedite the design and construction of any of its facilities or  
3 structures or any facilities or structures leased to it or used by it  
4 pursuant to an intergovernmental agreement. For the purposes of this  
5 subsection:

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

10 2. "Qualifications-based selection" means a process of entering into  
11 and managing a contract between the district and another party in which the  
12 other party is selected by the district on the basis of the party's  
13 qualifications and experience in designing or constructing facilities,  
14 structures or other items similar to those the district is authorized to  
15 construct or lease. The other party may be selected by direct selection or  
16 by public competition.

17 ~~D.~~ E. For purposes of financing, designing, constructing or operating  
18 facilities or structures, the district is not the agent of any municipality  
19 participating in the funding of such facilities or structures.

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

23 Sec. 19. Section 48-4231, Arizona Revised Statutes, is amended to  
24 read:

25 48-4231. County stadium district fund

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

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

30 2. Revenues received by the district from admissions and concessions  
31 and other proceeds from events held at a stadium owned or leased by the  
32 district.

1           3. Monies received from issuing and selling bonds under article 3 of  
2 this chapter.

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

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

7           B. Monies in the fund may be used for any lawful purpose of the  
8 district.

9           C. The district treasurer may invest any unexpended monies in the fund  
10 as provided in title 35, chapter 2. Notwithstanding section 35-323, the  
11 district treasurer may invest and reinvest monies in the fund, other than  
12 operating fund monies, in eligible investments with a maturity of greater  
13 than five years. Interest and other income from investments shall be  
14 credited to the fund. The district treasurer shall invest the monies so as  
15 to mature at the times when the fund assets will be required for the purposes  
16 of this article. If the liquid assets in the fund become insufficient to  
17 meet the district's obligations, the board of directors shall direct the  
18 district treasurer to liquidate sufficient securities to meet all of the  
19 current obligations and immediately notify the auditor general of the  
20 insufficiency, and the auditor general shall investigate and audit the  
21 circumstances surrounding the depletion of the fund and report ~~his~~ **THE**  
22 **AUDITOR GENERAL'S** findings to the board.

23           D. **EXCEPT AS PROVIDED BY SECTION 48-4231.01**, the board of directors  
24 shall cause an annual audit to be conducted of the fund by an independent  
25 certified public accountant within one hundred twenty days after the end of  
26 the fiscal year. The board shall immediately file a certified copy of the  
27 audit with the auditor general. The auditor general may make such further  
28 audits and examinations as ~~he~~ **THE AUDITOR GENERAL** deems necessary, but if ~~he~~  
29 **THE AUDITOR GENERAL** takes no official action within thirty days after the  
30 audit is filed, the audit is deemed sufficient. The board of directors shall  
31 pay all fees and costs of the certified public accountant and auditor general  
32 under this subsection from the fund.



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

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

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

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

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

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

16           2. BY MAJORITY VOTE ADOPT A PUBLIC RESPONSE AGREEING, AGREEING WITH  
17 RESERVATIONS OR DISAGREEING WITH EACH FINDING AND RECOMMENDATION IN THE  
18 AUDIT.

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

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

23           2. THE GOVERNOR.

24           3. THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF  
25 REPRESENTATIVES.

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

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

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

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

1 H. AT THE REQUEST OF THE CHAIRPERSON OF THE JOINT COMMITTEE ON CAPITAL  
2 REVIEW, THE EXECUTIVE DIRECTOR OR A REPRESENTATIVE OF THE BOARD OF DIRECTORS  
3 SHALL APPEAR BEFORE THE JOINT COMMITTEE ON CAPITAL REVIEW TO REPORT ON ANY  
4 ASPECT OF THE DISTRICT'S OPERATION, INCLUDING THE ACTIVITIES AND FINANCIAL  
5 PERFORMANCE OF THE DISTRICT DURING THE PREVIOUS FISCAL YEAR, THE DISTRICT'S  
6 PLANS FOR CAPITAL IMPROVEMENTS AND INVESTMENT AND THE DISTRICT'S RESPONSE TO  
7 THE AUDIT CONDUCTED UNDER THIS SECTION.

8 48-4231.02. Financial reports; database of expenditures

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

- 12 1. SEARCH AND AGGREGATE PAYMENTS BY PAYEE.
- 13 2. SEARCH AND AGGREGATE PAYMENTS BY PROJECT.
- 14 3. SEARCH AND AGGREGATE PAYMENTS BY YEAR.
- 15 4. SEARCH AND AGGREGATE ALL PAYMENTS MADE BY THE DISTRICT.
- 16 5. DOWNLOAD INFORMATION YIELDED BY A USER QUERY.

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

- 18 1. THE DATE AND AMOUNT OF EACH PAYMENT.
- 19 2. THE NAME OF THE PAYEE.
- 20 3. THE PROJECT FOR WHICH THE PAYMENT WAS MADE.
- 21 4. THE PURPOSE FOR WHICH THE PAYMENT WAS MADE.
- 22 5. THE FUND OR BUDGET ACCOUNT FROM WHICH THE PAYMENT WAS MADE.

23 C. EACH DISTRICT ESTABLISHED PURSUANT TO SECTION 48-4202, SUBSECTION B  
24 SHALL MAINTAIN ON ITS OFFICIAL WEBSITE THE ANNUAL FINANCIAL REPORTS OF THE  
25 DISTRICT AND A LISTING AND THE SUM OF THE PAYMENTS MADE TO THE DISTRICT  
26 PURSUANT TO SECTION 42-5031.

27 Sec. 21. Repeal

28 Laws 2008, chapter 291, section 12 is repealed.

29 Sec. 22. Department of insurance; fee and assessment adjustment  
30 suspension

31 Notwithstanding section 20-167, subsection F, Arizona Revised Statutes,  
32 and section 20-466, subsection J, Arizona Revised Statutes, the director of  
33 insurance shall not revise fees or assessments in fiscal year 2009-2010 for

1 the purpose of meeting the requirement to recover at least ninety-five per  
2 cent but not more than one hundred ten per cent of the department of  
3 insurance's appropriated budget.

4 Sec. 23. Arizona state lottery proceeds; transfer

5 Notwithstanding section 5-522, Arizona Revised Statutes, as amended by  
6 this act, the following amounts of state lottery revenues are transferred to  
7 the state general fund before any other lottery distribution to the following  
8 funds:

9 1. The county assistance fund established by section 41-175, Arizona  
10 Revised Statutes: \$765,000

11 2. The local transportation assistance fund pursuant to section  
12 28-8101, subsection D, Arizona Revised Statutes: \$2,300,000

13 3. The local transportation assistance fund pursuant to section  
14 28-8101, subsection E, Arizona Revised Statutes: \$990,000

15 Sec. 24. Agricultural fees; increases; appropriation; delayed  
16 repeal

17 A. Notwithstanding any other law, the citrus, fruit and vegetable  
18 advisory council, the agricultural advisory council and the director of the  
19 Arizona department of agriculture may increase fees in fiscal year 2009-2010  
20 for services provided. Before increasing any fee pursuant to this  
21 subsection, the citrus, fruit and vegetable advisory council must provide at  
22 least thirty days' advance notice of a public hearing and the amount of the  
23 proposed fee to all shippers who are licensed under sections 3-449 and 3-492,  
24 Arizona Revised Statutes, and to any other interested party. The council  
25 shall receive written and oral comments at the hearing regarding the proposed  
26 increase in the fee.

27 B. Notwithstanding section 21 of this act, the Arizona department of  
28 agriculture may continue the fee increases pursuant to Laws 2008, chapter  
29 291, section 12.

30 C. It is the intent of the legislature that the additional revenue  
31 generated by the fee increases shall not exceed the following amounts:

32 1. Citrus, fruit and vegetable advisory council and agricultural  
33 advisory council: \$389,000



1 year 2009-2010 shall be \$22,000,000, payable in equal monthly installments of  
2 \$3,666,667 beginning in January, 2010 through June, 2010 allocated among the  
3 cities and towns according to population.

4 B. The department of education shall notify each county treasurer on a  
5 monthly basis regarding the amount of monies to be distributed by the cities  
6 and towns in the county pursuant to subsection A of this section to each  
7 school district. The county treasurer shall apportion the monies to the  
8 school districts in the county in accordance with section 15-971, subsection  
9 C, Arizona Revised Statutes.

10 Sec. 28. County transfers; fiscal year 2009-2010; county  
11 expenditure limitations

12 A. Notwithstanding any other law, in fiscal year 2009-2010, each  
13 county with a population of two million or more persons shall transfer  
14 \$19,014,600 and each county with a population of more than eight hundred  
15 thousand persons but less than two million persons shall transfer \$2,985,400  
16 to the state treasurer for deposit in the state general fund.

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

21 C. Contributions made pursuant to this section are excluded from the  
22 county expenditure limitations.

23 Sec. 29. Continuing fee increases; appropriations; exemption  
24 from rule making

25 A. Notwithstanding section 21 of this act, the department of health  
26 services, the radiation regulatory agency and, subject to subsection E of  
27 this section, the state land department may continue fee increases pursuant  
28 to Laws 2008, chapter 291, section 12.

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

- |    |                                  |            |
|----|----------------------------------|------------|
| 31 | 1. Department of health services | \$600,000. |
| 32 | 2. State land department         | \$600,000. |
| 33 | 3. Radiation regulatory agency   | \$500,000. |

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

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

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

10 Sec. 30. Board of examiners of nursing care institution  
11 administrators and assisted living facility  
12 managers; fees for providing services; increase;  
13 fiscal year 2009-2010; intent; appropriation;  
14 exemption from rule making

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

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

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

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

25 Sec. 31. Office of pest management; fees for providing  
26 services; increase; fiscal year 2009-2010; intent;  
27 appropriation; exemption from rule making

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

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

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

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

6 Sec. 32. Department of transportation; vehicle license tax;  
7 transfer

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

16 Sec. 33. Securities salesman and dealer fees; rule making;  
17 exemption

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

26 Sec. 34. Business reengineering/integrated tax system;  
27 operational support changes

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



1           Sec. 38. Conforming changes

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

5           Sec. 39. Effective date; retroactivity

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

8           B. Sections 10-122, 10-122.01, 41-3955, 44-313, 48-4203 and 48-4204,  
9           Arizona Revised Statutes, as amended by this act, and section 34 of this act,  
10          relating to the business reengineering/integrated tax system, apply  
11          retroactively to from and after June 30, 2009."

12 Amend title to conform

RUSSELL PEARCE

1025rp  
07/29/2009  
2:42 PM  
C: mjh