

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

SENATE BILL 1402

AN ACT

AMENDING SECTIONS 28-2351 AND 28-2403, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 7, ARTICLE 12, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 28-2437, 28-2438, 28-2439, 28-2439.01 AND 28-2439.02; AMENDING SECTIONS 28-6501, 28-6991 AND 28-6993, ARIZONA REVISED STATUTES; RELATING TO SPECIAL LICENSE PLATES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 28-2351, Arizona Revised Statutes, is amended to
3 read:

4 28-2351. License plate provided; design

5 A. The department shall provide to every owner one license plate for
6 each vehicle registered. At the request of the owner and on payment of any
7 required fee, the department shall provide either one or two license plates
8 for a vehicle for which a special plate is requested pursuant to this
9 chapter, except that the department shall provide one license plate if the
10 special plate is issued pursuant to section 28-2416 or 28-2416.01.

11 B. The license plate shall display the number assigned to the vehicle
12 and to the owner of the vehicle and the name of this state, which may be
13 abbreviated. The director shall coat the license plate with a reflective
14 material that is consistent with the determination of the department
15 regarding the color and design of license plates and special plates. The
16 director shall design the license plate and the letters and numerals on the
17 license plate to be of sufficient size to be plainly readable during daylight
18 from a distance of one hundred feet. In addition to the standard license
19 plate issued for a trailer before August 12, 2005, the director shall issue a
20 license plate for trailers that has a design that is similar to the standard
21 size license plate for trailers but that is the same size as the license
22 plate for motorcycles. The trailer owner shall notify the department which
23 size license plate the owner wants for the trailer.

24 C. Notwithstanding any other law, the department shall not contract
25 with a nongovernmental entity to purchase or secure reflective material for
26 the plates issued by the department unless the department has made a
27 reasonable effort to secure qualified bids or proposals from as many
28 individual responsible respondents as possible.

29 D. The department shall determine the color and design of the license
30 plate. All other plates issued by the department, except the plates issued
31 pursuant to sections 28-2404, 28-2412, 28-2413, 28-2414, 28-2416, 28-2416.01,
32 28-2417 through ~~28-2436~~ 28-2439, 28-2452, 28-2453, 28-2454 and 28-2455 and
33 article 14 of this chapter, shall be the same color as and similar in design
34 to the license plate as determined by the department.

35 E. A passenger motor vehicle rented without a driver shall receive the
36 same type of license plate as issued for a private passenger motor vehicle.

37 Sec. 2. Section 28-2403, Arizona Revised Statutes, is amended to read:
38 28-2403. Special plates; transfers; violation; classification

39 A. Except as otherwise provided in this article, the department shall
40 issue or renew special plates in lieu of the regular license plates pursuant
41 to the following conditions and procedures and only if the requirements
42 prescribed by this article for the requested special plates are met:

43 1. Except as provided in sections 28-2416 and 28-2416.01, a person who
44 is the registered owner of a vehicle registered with the department or who
45 applies for an original or renewal registration of a vehicle may submit to

1 the department a completed application form as prescribed by the department
2 with the fee prescribed by section 28-2402 for special plates in addition to
3 the registration fee prescribed by section 28-2003.

4 2. Except for plates issued pursuant to sections 28-2404, 28-2412,
5 28-2413, 28-2414, 28-2416, 28-2416.01, 28-2417 through ~~28-2436~~ 28-2439,
6 28-2452, 28-2453, 28-2454 and 28-2455 and article 14 of this chapter, the
7 special plates shall be the same color as and similar to the design of the
8 regular license plates that is determined by the department.

9 3. Except as provided in section 28-2416, the department shall issue
10 special plates only to the owner or lessee of a vehicle that is currently
11 registered, including any vehicle that has a declared gross weight, as
12 defined in section 28-5431, of twenty-six thousand pounds or less.

13 4. Except as provided in sections 28-2416 and 28-2416.01, the
14 department shall charge the fee prescribed by section 28-2402 for each annual
15 renewal of special plates in addition to the registration fee prescribed by
16 section 28-2003.

17 B. Except as provided in sections 28-2416 and 28-2416.01, on
18 notification to the department and on payment of the transfer fee prescribed
19 by section 28-2402, a person who is issued special plates may transfer the
20 special plates to another vehicle the person owns or leases. Persons who are
21 issued special plates for hearing impaired persons pursuant to section
22 28-2408 and international symbol of access special plates pursuant to section
23 28-2409 are exempt from the transfer fee. If a person who is issued special
24 plates sells, trades or otherwise releases ownership of the vehicle on which
25 the plates have been displayed, the person shall immediately report the
26 transfer of the plates to the department or the person shall surrender the
27 plates to the department as prescribed by the director. It is unlawful for a
28 person to whom the plates have been issued to knowingly permit them to be
29 displayed on a vehicle except the vehicle authorized by the department.

30 C. The special plates shall be affixed to the vehicle for which
31 registration is sought in lieu of the regular license plates.

32 D. A person is guilty of a class 3 misdemeanor who:

33 1. Violates subsection B of this section.

34 2. Fraudulently gives false or fictitious information in the
35 application for or renewal of special plates or placards issued pursuant to
36 this article.

37 3. Conceals a material fact or otherwise commits fraud in the
38 application for or renewal of special plates or placards issued pursuant to
39 this article.

40 Sec. 3. Title 28, chapter 7, article 12, Arizona Revised Statutes, is
41 amended by adding sections 28-2437, 28-2438, 28-2439, 28-2439.01 and
42 28-2439.02, to read:

43 ~~28-2437.~~ Law enforcement special plates; fund

44 A. IF, BY DECEMBER 31, 2011, AN ENTITY DESCRIBED IN SUBSECTION E OF
45 THIS SECTION PAYS THIRTY-TWO THOUSAND DOLLARS TO THE DEPARTMENT FOR

1 IMPLEMENTATION OF THIS SECTION, THE DEPARTMENT SHALL ISSUE LAW ENFORCEMENT
2 SPECIAL PLATES. THE ENTITY THAT PROVIDES THE THIRTY-TWO THOUSAND DOLLARS
3 SHALL DESIGN THE LAW ENFORCEMENT SPECIAL PLATES. THE DESIGN AND COLOR OF THE
4 LAW ENFORCEMENT SPECIAL PLATES ARE SUBJECT TO THE APPROVAL OF THE DEPARTMENT.
5 THE DIRECTOR MAY ALLOW A REQUEST FOR LAW ENFORCEMENT SPECIAL PLATES TO BE
6 COMBINED WITH A REQUEST FOR PERSONALIZED SPECIAL PLATES. IF THE DIRECTOR
7 ALLOWS SUCH A COMBINATION, THE REQUEST SHALL BE IN A FORM PRESCRIBED BY THE
8 DIRECTOR AND IS SUBJECT TO THE FEES FOR THE PERSONALIZED SPECIAL PLATES IN
9 ADDITION TO THE FEES REQUIRED FOR THE LAW ENFORCEMENT SPECIAL PLATES.

10 B. OF THE TWENTY-FIVE DOLLAR FEE REQUIRED BY SECTION 28-2402 FOR THE
11 ORIGINAL SPECIAL PLATES AND FOR RENEWAL OF SPECIAL PLATES, EIGHT DOLLARS IS A
12 SPECIAL PLATE ADMINISTRATION FEE AND SEVENTEEN DOLLARS IS AN ANNUAL DONATION.

13 C. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND
14 35-147, ALL SPECIAL PLATE ADMINISTRATION FEES IN THE STATE HIGHWAY FUND
15 ESTABLISHED BY SECTION 28-6991 AND ALL DONATIONS COLLECTED PURSUANT TO THIS
16 SECTION IN THE LAW ENFORCEMENT SPECIAL PLATE FUND ESTABLISHED BY THIS
17 SECTION.

18 D. THE LAW ENFORCEMENT SPECIAL PLATE FUND IS ESTABLISHED CONSISTING OF
19 MONIES DEPOSITED PURSUANT TO THIS SECTION. THE DIRECTOR SHALL ADMINISTER THE
20 FUND. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED.

21 E. THE DIRECTOR SHALL ANNUALLY ALLOCATE MONIES FROM THE FUND TO THE
22 ENTITY IN THIS STATE THAT PAID THE IMPLEMENTATION FEE TO THE DEPARTMENT
23 PURSUANT TO SUBSECTION A OF THIS SECTION. THE ENTITY MUST BE AN INCORPORATED
24 NONPROFIT CORPORATION THAT IS QUALIFIED UNDER SECTION 501(c)(5) OF THE UNITED
25 STATES INTERNAL REVENUE CODE FOR FEDERAL INCOME TAX PURPOSES AND MUST BE A
26 PROFESSIONAL ASSOCIATION COMPRISED OF SINGULAR INDEPENDENT POLICE,
27 CORRECTIONS AND DETENTION LABOR ASSOCIATIONS IN THIS STATE AND THAT HAS A
28 PRIMARY MISSION OF REPRESENTING THOSE ASSOCIATIONS BEFORE THE STATE
29 LEGISLATURE AND LOCAL GOVERNMENTS ON ISSUES THAT AFFECT THE WORKING LAW
30 ENFORCEMENT OFFICER, INCLUDING ISSUES RELATING TO MEMBER BENEFITS, MEMBER
31 RIGHTS, MEMBER PAY, EQUIPMENT, LEGISLATION AND FAIR TREATMENT.

32 F. ON NOTICE FROM THE DIRECTOR, THE STATE TREASURER SHALL INVEST AND
33 DIVEST MONIES IN THE FUND AS PROVIDED BY SECTION 35-313, AND MONIES EARNED
34 FROM INVESTMENT SHALL BE CREDITED TO THE FUND.

35 28-2438. Youth development organization special plates; fund

36 A. IF, BY DECEMBER 31, 2011, AN ENTITY DESCRIBED IN SUBSECTION E OF
37 THIS SECTION PAYS THIRTY-TWO THOUSAND DOLLARS TO THE DEPARTMENT FOR
38 IMPLEMENTATION OF THIS SECTION, THE DEPARTMENT SHALL ISSUE YOUTH DEVELOPMENT
39 ORGANIZATION SPECIAL PLATES. THE ENTITY THAT PROVIDES THE THIRTY-TWO
40 THOUSAND DOLLARS SHALL DESIGN THE YOUTH DEVELOPMENT ORGANIZATION SPECIAL
41 PLATES. THE DESIGN AND COLOR OF THE YOUTH DEVELOPMENT ORGANIZATION SPECIAL
42 PLATES ARE SUBJECT TO THE APPROVAL OF THE DEPARTMENT. THE DIRECTOR MAY ALLOW
43 A REQUEST FOR YOUTH DEVELOPMENT ORGANIZATION SPECIAL PLATES TO BE COMBINED
44 WITH A REQUEST FOR PERSONALIZED SPECIAL PLATES. IF THE DIRECTOR ALLOWS SUCH
45 A COMBINATION, THE REQUEST SHALL BE IN A FORM PRESCRIBED BY THE DIRECTOR AND

1 IS SUBJECT TO THE FEES FOR THE PERSONALIZED SPECIAL PLATES IN ADDITION TO THE
2 FEES REQUIRED FOR THE YOUTH DEVELOPMENT ORGANIZATION SPECIAL PLATES.

3 B. OF THE TWENTY-FIVE DOLLAR FEE REQUIRED BY SECTION 28-2402 FOR THE
4 ORIGINAL SPECIAL PLATES AND FOR RENEWAL OF SPECIAL PLATES, EIGHT DOLLARS IS A
5 SPECIAL PLATE ADMINISTRATION FEE AND SEVENTEEN DOLLARS IS AN ANNUAL DONATION.

6 C. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND
7 35-147, ALL SPECIAL PLATE ADMINISTRATION FEES IN THE STATE HIGHWAY FUND
8 ESTABLISHED BY SECTION 28-6991 AND ALL DONATIONS COLLECTED PURSUANT TO THIS
9 SECTION IN THE YOUTH DEVELOPMENT ORGANIZATION SPECIAL PLATE FUND ESTABLISHED
10 BY THIS SECTION.

11 D. THE YOUTH DEVELOPMENT ORGANIZATION SPECIAL PLATE FUND IS
12 ESTABLISHED CONSISTING OF MONIES DEPOSITED PURSUANT TO THIS SECTION. THE
13 DIRECTOR SHALL ADMINISTER THE FUND. MONIES IN THE FUND ARE CONTINUOUSLY
14 APPROPRIATED.

15 E. THE DIRECTOR SHALL ANNUALLY ALLOCATE MONIES FROM THE FUND TO THE
16 ENTITY IN THIS STATE THAT PAID THE IMPLEMENTATION FEE TO THE DEPARTMENT
17 PURSUANT TO SUBSECTION A OF THIS SECTION. THE ENTITY MUST BE AN INCORPORATED
18 NONPROFIT CORPORATION THAT IS QUALIFIED UNDER SECTION 501(c)(3) OF THE UNITED
19 STATES INTERNAL REVENUE CODE FOR FEDERAL INCOME TAX PURPOSES AND MUST BE ONE
20 OF THE NATION'S LARGEST AND MOST PROMINENT VALUES-BASED YOUTH DEVELOPMENT
21 ORGANIZATIONS THAT PROVIDES A PROGRAM FOR YOUNG PEOPLE THAT BUILDS CHARACTER,
22 THAT TRAINS THEM IN THE RESPONSIBILITIES OF PARTICIPATING CITIZENSHIP AND
23 THAT DEVELOPS PERSONAL FITNESS. THE INCORPORATED NONPROFIT CORPORATION MUST
24 HAVE BEEN IN EXISTENCE FOR AT LEAST ONE CENTURY AND MUST HELP BUILD THE
25 FUTURE LEADERS OF THIS COUNTRY BY COMBINING EDUCATIONAL ACTIVITIES AND
26 LIFELONG VALUES WITH FUN.

27 F. ON NOTICE FROM THE DIRECTOR, THE STATE TREASURER SHALL INVEST AND
28 DIVEST MONIES IN THE FUND AS PROVIDED BY SECTION 35-313, AND MONIES EARNED
29 FROM INVESTMENT SHALL BE CREDITED TO THE FUND.

30 28-2439. Don't tread on me special plates

31 A. IF AN ENTITY RECEIVES THIRTY-TWO THOUSAND DOLLARS THROUGH DONATIONS
32 FOR THE ISSUANCE OF THE DON'T TREAD ON ME SPECIAL PLATE AND GIVES THE
33 DEPARTMENT THE THIRTY-TWO THOUSAND DOLLARS, THE DEPARTMENT SHALL ISSUE DON'T
34 TREAD ON ME SPECIAL PLATES. THE ENTITY THAT PROVIDES THE THIRTY-TWO THOUSAND
35 DOLLARS SHALL DESIGN THE DON'T TREAD ON ME SPECIAL PLATE. THE DESIGN AND
36 COLOR OF THE DON'T TREAD ON ME SPECIAL PLATES ARE SUBJECT TO THE APPROVAL OF
37 THE DEPARTMENT. THE DIRECTOR MAY ALLOW A REQUEST FOR DON'T TREAD ON ME
38 SPECIAL PLATES TO BE COMBINED WITH A REQUEST FOR PERSONALIZED SPECIAL PLATES.
39 IF THE DIRECTOR ALLOWS SUCH A COMBINATION, THE REQUEST SHALL BE IN A FORM
40 PRESCRIBED BY THE DIRECTOR AND IS SUBJECT TO THE FEES FOR THE PERSONALIZED
41 SPECIAL PLATES IN ADDITION TO THE FEES REQUIRED FOR DON'T TREAD ON ME SPECIAL
42 PLATES.

43 B. OF THE TWENTY-FIVE DOLLAR FEE REQUIRED BY SECTION 28-2402 FOR THE
44 ORIGINAL SPECIAL PLATES AND FOR RENEWAL OF SPECIAL PLATES, EIGHT DOLLARS IS A
45 SPECIAL PLATE ADMINISTRATION FEE AND SEVENTEEN DOLLARS IS AN ANNUAL DONATION.

1 C. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND
2 35-147, ALL SPECIAL PLATE ADMINISTRATION FEES IN THE STATE HIGHWAY FUND
3 ESTABLISHED BY SECTION 28-6991 AND ALL DONATIONS COLLECTED PURSUANT TO THIS
4 SECTION IN THE DON'T TREAD ON ME SPECIAL PLATES FUND ESTABLISHED BY SECTION
5 28-2439.02.

6 28-2439.01. Arizona tea party committee

7 A. THE ARIZONA TEA PARTY COMMITTEE IS ESTABLISHED CONSISTING OF THE
8 FOLLOWING FIVE MEMBERS WHO RESIDE IN THIS STATE AND WHO ARE UNITED STATES
9 CITIZENS:

10 1. ONE MEMBER WHO IS APPOINTED BY THE PRESIDENT OF THE SENATE AND WHO
11 IS THE DIRECTOR OF AN INCORPORATED NONPROFIT CORPORATION THAT IS QUALIFIED
12 UNDER SECTION 501(c)(3) OR 501(c)(4) OF THE UNITED STATES INTERNAL REVENUE
13 CODE FOR FEDERAL INCOME TAX PURPOSES AND THAT HAS A MISSION OF BRINGING
14 TOGETHER, EMPOWERING AND TRAINING TEA PARTY GROUPS AND THAT HAS AFFILIATED
15 MEMBERS THAT REPRESENT DIVERSE GEOGRAPHICAL LOCATIONS THROUGHOUT THIS STATE.

16 2. TWO MEMBERS WHO ARE APPOINTED BY THE PRESIDENT OF THE SENATE AND
17 WHO EACH REPRESENT AN ORGANIZATION IN THIS STATE THAT PROMOTES THE TEA PARTY
18 GOVERNING PRINCIPLES OF FISCAL RESPONSIBILITY, LIMITED GOVERNMENT AND FREE
19 MARKETS. ONE OF THE TWO MEMBERS MUST RESIDE IN A COUNTY WITH A POPULATION OF
20 MORE THAN ONE HUNDRED SIXTY THOUSAND PERSONS BUT LESS THAN ONE HUNDRED SIXTY
21 SEVEN THOUSAND PERSONS.

22 3. TWO MEMBERS WHO ARE APPOINTED BY THE SPEAKER OF THE HOUSE OF
23 REPRESENTATIVES AND WHO EACH REPRESENT AN ORGANIZATION IN THIS STATE THAT
24 PROMOTES THE TEA PARTY GOVERNING PRINCIPLES OF FISCAL RESPONSIBILITY, LIMITED
25 GOVERNMENT AND FREE MARKETS.

26 B. THE ARIZONA TEA PARTY COMMITTEE MEMBERS SHALL SERVE FIVE YEAR
27 TERMS.

28 C. THE COMMITTEE SHALL:

29 1. DISTRIBUTE MONIES FROM THE DON'T TREAD ON ME SPECIAL PLATES FUND
30 ESTABLISHED BY SECTION 28-2439.02.

31 2. SUBMIT A WRITTEN REPORT TO THE GOVERNOR, THE PRESIDENT OF THE
32 SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES PURSUANT TO SECTION
33 28-2439.02.

34 3. NO LATER THAN SIXTY DAYS BEFORE THE EXPIRATION OF A MEMBER'S TERM,
35 DELIVER A LIST OF AT LEAST TWO, BUT NO MORE THAN FIVE, CANDIDATES TO THE
36 PRESIDENT OF THE SENATE OR THE SPEAKER OF THE HOUSE OF REPRESENTATIVES IN
37 ORDER TO FILL A VACANCY ON THE COMMITTEE. THE PRESIDENT OF THE SENATE OR THE
38 SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL SELECT AND APPOINT A MEMBER TO
39 THE COMMITTEE FROM THE LIST SUBMITTED BY THE COMMITTEE.

40 D. MEMBERS OF THE COMMITTEE ARE NOT ELIGIBLE TO RECEIVE COMPENSATION
41 OR REIMBURSEMENT OF EXPENSES.

42 28-2439.02. Don't tread on me special plates fund; grants;
43 definition

44 A. THE DON'T TREAD ON ME SPECIAL PLATES FUND IS ESTABLISHED CONSISTING
45 OF MONIES RECEIVED PURSUANT TO SECTION 28-2439. THE ARIZONA TEA PARTY

1 COMMITTEE SHALL ADMINISTER THE FUND. THE FIRST THIRTY-TWO THOUSAND DOLLARS
2 IN THE FUND SHALL BE REIMBURSED TO THE STATE HIGHWAY FUND ESTABLISHED BY
3 SECTION 28-6991. NOT MORE THAN TEN PER CENT OF MONIES DEPOSITED IN THE FUND
4 ANNUALLY SHALL BE USED FOR THE COST OF ADMINISTERING THE FUND AND THE GRANT
5 PROGRAM PURSUANT TO THIS SECTION. MONIES IN THE FUND ARE CONTINUOUSLY
6 APPROPRIATED.

7 B. THE ARIZONA TEA PARTY COMMITTEE SHALL ALLOCATE MONIES TO QUALIFYING
8 ENTITIES IN THIS STATE THAT USE MONIES TO PROMOTE TEA PARTY GOVERNING
9 PRINCIPLES. THE ARIZONA TEA PARTY COMMITTEE SHALL ANNUALLY DISTRIBUTE ALL
10 MONIES DEPOSITED IN THE DON'T TREAD ON ME SPECIAL PLATES FUND, EXCLUDING
11 ADMINISTRATIVE FEES, TO ANY QUALIFYING ENTITIES. FUNDS AWARDED PURSUANT TO
12 THIS SECTION MUST BE USED FOR THE PURPOSES FOR WHICH THE MONIES WERE AWARDED.

13 C. ON NOTICE FROM THE ARIZONA TEA PARTY COMMITTEE, THE STATE TREASURER
14 SHALL INVEST AND DIVEST MONIES IN THE FUND AS PROVIDED BY SECTION 35-313, AND
15 MONIES EARNED FROM INVESTMENT SHALL BE CREDITED TO THE FUND.

16 D. MONIES IN THE FUND ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190
17 RELATING TO LAPSING OF APPROPRIATIONS.

18 E. BEFORE ALLOCATING MONIES PURSUANT TO SUBSECTION B OF THIS SECTION:

19 1. THE ARIZONA TEA PARTY COMMITTEE SHALL ESTABLISH A GRANT PROGRAM TO
20 DISTRIBUTE FUND MONIES AND PREPARE AND ISSUE A REQUEST FOR GRANT APPLICATION
21 THAT INCLUDES AT LEAST THE FOLLOWING INFORMATION:

22 (a) A DESCRIPTION OF THE INTENDED USES OF GRANT MONIES.

23 (b) WHETHER A SINGLE AWARD OR MULTIPLE AWARDS MAY BE MADE.

24 (c) THE CRITERIA OR FACTORS UNDER WHICH AN APPLICATION WILL BE
25 EVALUATED FOR AWARD AND THE RELATIVE IMPORTANCE OF EACH CRITERIA OR FACTOR.

26 (d) THE DUE DATE FOR SUBMITTAL OF AN APPLICATION AND THE ANTICIPATED
27 TIME THE AWARDS MAY BE MADE.

28 (e) ANY ADDITIONAL INFORMATION REQUIRED BY THE COMMITTEE.

29 2. ADEQUATE PUBLIC NOTICE OF REQUEST FOR GRANT APPLICATION SHALL BE
30 GIVEN A REASONABLE TIME BEFORE THE DATE SET FORTH IN THE REQUEST FOR
31 APPLICATION.

32 3. A GRANT APPLICATION SHALL BE PUBLICLY RECEIVED AT THE TIME AND
33 PLACE DESIGNATED IN THE REQUEST FOR GRANT APPLICATION. THE NAME OF EACH
34 APPLICANT SHALL BE PUBLICLY RECORDED. ALL OTHER INFORMATION IN THE
35 APPLICATION IS CONFIDENTIAL DURING THE PROCESS OF EVALUATION. ALL
36 APPLICATIONS SHALL BE OPEN FOR PUBLIC INSPECTION AFTER GRANT MONIES ARE
37 AWARDED.

38 4. AN APPLICATION SHALL BE EVALUATED BY AT LEAST THREE MEMBERS OF THE
39 ARIZONA TEA PARTY COMMITTEE. THE MEMBERS SHALL REVIEW EACH APPLICATION BASED
40 SOLELY ON THE EVALUATION CRITERIA OR FACTORS SET FORTH IN THE REQUEST FOR
41 GRANT APPLICATION.

42 5. THE ARIZONA TEA PARTY COMMITTEE MAY ENTER INTO AGREEMENTS WITH
43 OTHER STATE GOVERNMENTAL UNITS TO FURNISH ASSISTANCE IN CONDUCTING THE
44 SOLICITATION OF GRANT APPLICATIONS.

1 6. THE ARIZONA TEA PARTY COMMITTEE MAY RESOLVE PROTESTS OF THE AWARD
2 OR PROPOSED AWARD OF A GRANT. AN APPEAL FROM A DECISION OF THE ARIZONA TEA
3 PARTY COMMITTEE MAY BE MADE TO THE DIRECTOR OF THE DEPARTMENT OF
4 ADMINISTRATION. A PROTEST OF AN AWARD OR PROPOSED AWARD OF A GRANT AND ANY
5 APPEALS SHALL BE RESOLVED IN ACCORDANCE WITH THE RULES OF PROCEDURE ADOPTED
6 BY THE DEPARTMENT OF ADMINISTRATION PURSUANT TO SECTION 41-2611.

7 F. ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE ARIZONA TEA PARTY
8 COMMITTEE SHALL SUBMIT A WRITTEN REPORT TO THE GOVERNOR, THE PRESIDENT OF THE
9 SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES ON ALL EXPENDITURES
10 MADE FROM THE FUND IN THAT CALENDAR YEAR. THE REPORT SHALL INCLUDE ALL
11 ADMINISTRATIVE EXPENSES, ALL GRANTS OF MONIES, THE NAMES OF GRANTEEES AND ANY
12 REMAINING BALANCE IN THE FUND. THE COMMITTEE SHALL PROVIDE A COPY OF THE
13 REPORT TO THE SECRETARY OF STATE.

14 G. THE ARIZONA TEA PARTY COMMITTEE SHALL MAKE AVAILABLE TO THE PUBLIC
15 A LIST OF ALL GRANTS AWARDED PURSUANT TO THIS SECTION ON REQUEST.

16 H. QUALIFYING ENTITIES SHALL MAINTAIN A WRITTEN RECORD OF ALL
17 EXPENDITURES MADE USING GRANT MONIES AND SHALL FURNISH THOSE RECORDS ON THE
18 REQUEST OF THE ARIZONA TEA PARTY COMMITTEE. THE ARIZONA TEA PARTY COMMITTEE
19 MAY REQUEST AND REVIEW THE WRITTEN RECORDS MAINTAINED BY QUALIFIED ENTITIES.

20 I. FOR THE PURPOSES OF THIS SECTION, "QUALIFYING ENTITY" MEANS AN
21 ORGANIZATION THAT FOSTERS TEA PARTY GOVERNING PRINCIPLES, INCLUDING ALL OF
22 THE FOLLOWING:

23 1. TO PROMOTE THE CONSTITUTION OF THE UNITED STATES AS THE SUPREME LAW
24 OF THE LAND THROUGH EDUCATION AND PRESERVATION OF THE FOUNDING PRINCIPLES OF
25 THE CONSTITUTION OF THE UNITED STATES.

26 2. TO PROTECT STATE SOVEREIGNTY, AS PROVIDED FOR UNDER THE TENTH
27 AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES.

28 3. TO ADHERE TO THE TENETS OF LIMITED GOVERNMENT, FREE ENTERPRISE FOR
29 BUSINESSES AND FISCAL RESPONSIBILITY BY FEDERAL, STATE AND LOCAL GOVERNMENTS.

30 4. TO STAND FOR THE SECURITY OF BORDERS WITH OTHER NATIONS FOR THE
31 STABILITY AND SAFETY OF THE UNITED STATES.

32 Sec. 4. Section 28-6501, Arizona Revised Statutes, is amended to read:
33 28-6501. Definition of highway user revenues

34 In this article, unless the context otherwise requires or except as
35 otherwise provided by statute, "highway user revenues" means all monies
36 received in this state from licenses, taxes, penalties, interest and fees
37 authorized by the following:

38 1. Chapters 2, 7, 8 and 15 of this title, except for:

39 (a) The special plate administration fees prescribed in sections
40 28-2404, 28-2412 through ~~28-2436~~ 28-2439 and 28-2514.

41 (b) The donations prescribed in sections 28-2404, 28-2412 through
42 28-2415, 28-2417 through ~~28-2436~~ 28-2439, 28-2453, 28-2454 and 28-2455.

43 2. Section 28-1177.

44 3. Chapters 10 and 11 of this title.

1 4. Chapter 16, articles 1, 2 and 4 of this title, except as provided
2 in sections 28-5926 and 28-5927.

3 Sec. 5. Section 28-6991, Arizona Revised Statutes, is amended to read:
4 28-6991. State highway fund; sources

5 A state highway fund is established that consists of:

6 1. Monies distributed from the Arizona highway user revenue fund
7 pursuant to chapter 18 of this title.

8 2. Monies appropriated by the legislature.

9 3. Monies received from donations for the construction, improvement or
10 maintenance of state highways or bridges. These monies shall be credited to
11 a special account and shall be spent only for the purpose indicated by the
12 donor.

13 4. Monies received from counties under cooperative agreements,
14 including proceeds from bond issues. The state treasurer shall deposit these
15 monies to the credit of the fund in a special account on delivery to the
16 treasurer of a concise written agreement between the department and the
17 county stating the purposes for which the monies are surrendered by the
18 county, and these monies shall be spent only as stated in the agreement.

19 5. Monies received from the United States under an act of Congress to
20 provide aid for the construction of rural post roads, but monies received on
21 projects for which the monies necessary to be provided by this state are
22 wholly derived from sources mentioned in paragraphs 2 and 3 of this section
23 shall be allotted by the department and deposited by the state treasurer in
24 the special account within the fund established for each project. On
25 completion of the project, on the satisfaction and discharge in full of all
26 obligations of any kind created and on request of the department, the
27 treasurer shall transfer the unexpended balance in the special account for
28 the project into the state highway fund, and the unexpended balance and any
29 further federal aid thereafter received on account of the project may be
30 spent under the general provisions of this title.

31 6. Monies in the custody of an officer or agent of this state from any
32 source that is to be used for the construction, improvement or maintenance of
33 state highways or bridges.

34 7. Monies deposited in the state general fund and arising from the
35 disposal of state personal property belonging to the department.

36 8. Receipts from the sale or disposal of any or all other property
37 held by the department and purchased with state highway monies.

38 9. Monies generated pursuant to section 28-410.

39 10. Monies distributed pursuant to section 28-5808, subsection B,
40 paragraph 2, subdivision (d).

41 11. Monies deposited pursuant to sections 28-1143, 28-2353 and 28-3003.

42 12. Except as provided in section 28-5101, the following monies:

43 (a) Monies deposited pursuant to section 28-2206 and section 28-5808,
44 subsection B, paragraph 2, subdivision (e).

1 (b) One dollar of each registration fee and one dollar of each title
2 fee collected pursuant to section 28-2003.

3 (c) Two dollars of each late registration penalty collected by the
4 director pursuant to section 28-2162.

5 (d) The air quality compliance fee collected pursuant to section
6 49-542.

7 (e) The special plate administration fees collected pursuant to
8 sections 28-2404, 28-2412 through 28-2416, 28-2416.01, 28-2417 through
9 ~~28-2436~~ 28-2439 and 28-2514.

10 (f) Monies collected pursuant to sections 28-372, 28-2155 and 28-2156
11 if the director is the registering officer.

12 13. Monies deposited pursuant to chapter 5, article 5 of this title.

13 14. Donations received pursuant to section 28-2269.

14 15. Dealer and registration monies collected pursuant to section
15 28-4304.

16 16. Abandoned vehicle administration monies deposited pursuant to
17 section 28-4804.

18 17. Monies deposited pursuant to section 28-710, subsection D,
19 paragraph 2.

20 18. Monies deposited pursuant to section 28-2065.

21 19. Donations deposited pursuant to section 28-2430.

22 20. Monies deposited pursuant to section 28-7311.

23 21. Monies deposited pursuant to section 28-7059.

24 Sec. 6. Section 28-6993, Arizona Revised Statutes, is amended to read:

25 ~~28-6993.~~ State highway fund; authorized uses

26 A. Except as provided in subsection B of this section and section
27 28-6538, the state highway fund shall be used for any of the following
28 purposes in strict conformity with and subject to the budget as provided by
29 this section and by sections 28-6997 through 28-7003:

30 1. To pay salaries, wages, necessary travel expenses and other
31 expenses of officers and employees of the department and the incidental
32 office expenses, including telegraph, telephone, postal and express charges
33 and printing, stationery and advertising expenses.

34 2. To pay for both:

35 (a) Equipment, supplies, machines, tools, department offices and
36 laboratories established by the department.

37 (b) The construction and repair of buildings or yards of the
38 department.

39 3. To pay the cost of both:

40 (a) Engineering, construction, improvement and maintenance of state
41 highways and parts of highways forming state routes.

42 (b) Highways under cooperative agreements with the United States that
43 are entered into pursuant to this chapter and an act of Congress providing
44 for the construction of rural post roads.

- 1 4. To pay land damages incurred by reason of establishing, opening,
2 altering, relocating, widening or abandoning portions of a state route or
3 state highway.
- 4 5. To reimburse the department revolving account.
- 5 6. To pay premiums on authorized indemnity bonds and on compensation
6 insurance under the workers' compensation act.
- 7 7. To defray lawful expenses and costs required to administer and
8 carry out the intent, purposes and provisions of this title, including
9 repayment of obligations entered into pursuant to this title, payment of
10 interest on obligations entered into pursuant to this title, repayment of
11 loans and other financial assistance, including repayment of advances and
12 interest on advances made to the department pursuant to section 28-7677, and
13 payment of all other obligations and expenses of the board and department
14 pursuant to chapter 21 of this title.
- 15 8. To pay lawful bills and charges incurred by the state engineer.
- 16 9. To acquire, construct or improve entry roads to state parks or
17 roads within state parks.
- 18 10. To acquire, construct or improve entry roads to state prisons.
- 19 11. To pay the cost of relocating a utility facility pursuant to
20 section 28-7156.
- 21 12. For the purposes provided in subsections C, D and E of this section
22 and sections 28-1143, 28-2353 and 28-3003.
- 23 B. For each fiscal year, the department of transportation shall
24 allocate and transfer monies in the state highway fund to the department of
25 public safety for funding a portion of highway patrol costs in eight
26 installments in each of the first eight months of a fiscal year that do not
27 exceed ten million dollars.
- 28 C. Subject to legislative appropriation, the department may use the
29 monies in the state highway fund as prescribed in section 28-6991, paragraph
30 12 to carry out the duties imposed by this title for registration or titling
31 of vehicles, to operate joint title, registration and driver licensing
32 offices, to cover the administrative costs of issuing the air quality
33 compliance sticker, modifying the year validating tab and issuing the
34 windshield sticker and to cover expenses and costs in issuing special plates
35 pursuant to sections 28-2404, 28-2412 through ~~28-2436~~ 28-2439 and 28-2514.
- 36 D. The department shall use monies deposited in the state highway fund
37 pursuant to chapter 5, article 5 of this title only as prescribed by that
38 article.
- 39 E. Monies deposited in the state highway fund pursuant to section
40 28-2269 shall be used only as prescribed by that section.
- 41 F. Monies deposited in the state highway fund pursuant to section
42 28-710, subsection D, paragraph 2 shall only be used for state highway work
43 zone traffic control devices.

