

REFERENCE TITLE: state fees; payments; alternative methods

State of Arizona  
House of Representatives  
Fiftieth Legislature  
Second Regular Session  
2012

# HB 2197

Introduced by  
Representatives Dial, Smith D: Robson

AN ACT

AMENDING SECTIONS 28-374, 32-1704, 32-2067, 32-2304, 32-2306, 32-2311, 35-142, 37-109 AND 41-511.05, ARIZONA REVISED STATUTES; RELATING TO PAYMENTS DUE TO STATE AGENCIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 28-374, Arizona Revised Statutes, is amended to  
3 read:

4 28-374. Fees and taxes; alternative payment methods; penalties

5 A. Subject to the limitations of sections 35-142 and 41-2544, the  
6 director may enter into agreements for the purpose of accepting payment for  
7 fees and taxes imposed under this title by alternative payment methods,  
8 including credit cards, debit cards and electronic funds transfers. **PURSUANT  
9 TO SECTION 35-142, SUBSECTION I, THE DIRECTOR SHALL ACCEPT CREDIT CARDS OR  
10 DEBIT CARDS FOR PAYMENT FOR FEES AND TAXES IMPOSED UNDER THIS TITLE.**

11 B. Before the revenues are transferred to the director as provided in  
12 sections 28-2005 and 28-6533, the collecting officer shall deduct any fee  
13 charged or withheld by a company providing the alternative payment method  
14 under an agreement with the director or the director may reimburse the  
15 collecting officer pursuant to an agreement.

16 C. For a tax year or reporting period that begins on or after January  
17 1, 1998, the department may require by rule that a person who owed twenty  
18 thousand dollars or more for the preceding tax year in taxes imposed by  
19 chapter 16, article 1 of this title pay taxes on or before the prescribed  
20 payment date in monies that are immediately available to this state on the  
21 date of transfer as provided in subsection D of this section. The rule shall  
22 be consistent with the cash management policies of the state treasurer.

23 D. A payment in monies that are immediately available shall be made by  
24 electronic funds transfer or any other means that is required by the  
25 department, that is approved by the state treasurer and that ensures the  
26 availability of the monies to this state on the date of payment.

27 E. A person who pays taxes as prescribed in subsection C of this  
28 section shall furnish to the department evidence as prescribed by the  
29 department that shows that payment was remitted on or before the prescribed  
30 payment date.

31 F. A person who fails to make a timely payment in monies that are  
32 immediately available is subject to penalties as prescribed in chapter 16 of  
33 this title.

34 Sec. 2. Section 32-1704, Arizona Revised Statutes, is amended to read:

35 32-1704. Powers and duties of the board

36 A. The board shall adopt, and may amend, rules consistent with this  
37 chapter governing the practice of the profession of optometry, for the  
38 performance of its duties under this chapter and for the examination of  
39 applicants for licenses. The board shall adopt and use a seal, administer  
40 oaths and take testimony concerning any matter within its jurisdiction.

41 B. The board may not adopt a rule that:

42 1. Regulates a licensee's fees or charges to a patient.

43 2. Regulates the place in which a licensee may practice.

44 3. Prescribes the manner or method of accounting, billing or  
45 collection of fees.

1           4. Prohibits advertising by a licensee unless the advertising is  
2 inconsistent with section 44-1481.

3           C. The board shall maintain its records in accordance with a retention  
4 schedule approved by the Arizona state library, archives and public records.

5           D. The board shall adopt rules for criteria it must use to approve  
6 continuing education programs for licensees. Programs shall be designed to  
7 assist licensees to maintain competency, to become aware of new developments  
8 in the practice of the profession of optometry and to increase management  
9 skills and administrative efficiency. The board shall approve programs that  
10 meet these criteria.

11          E. The board may hire an executive director as an employee of the  
12 board. The executive director is responsible for the performance of the  
13 regular administrative functions of the board and such other administrative  
14 duties as the board may direct. The executive director is eligible to  
15 receive compensation in an amount as determined pursuant to section 38-611.

16          F. The board may hire or contract with investigators to assist in the  
17 investigation of violations of this chapter, hire other employees required to  
18 carry out this chapter and contract with other state agencies when required  
19 to carry out this chapter.

20          G. The board may:

21           1. Appoint advisory committees.

22           2. Issue subpoenas for the attendance of witnesses and the production  
23 of books, records, documents and other evidence it deems relevant to an  
24 investigation or hearing.

25           3. Charge reasonable fees for materials it has printed at its own  
26 expense.

27           4. Delegate to the executive director, board staff and persons with  
28 whom the board contracts the board's licensing and regulatory duties. The  
29 board shall adopt rules for each specific licensing and regulatory duty the  
30 board delegates pursuant to this paragraph.

31          H. The board may hire consultants and professional and clerical  
32 personnel as required to perform its duties.

33          I. The board may contract with other state or federal agencies as  
34 required to carry out this chapter.

35          J. Subject to the limitations of section 41-2544, the executive  
36 director may enter into agreements to allow licensees to pay fees by  
37 alternative methods, including credit cards, charge cards, debit cards and  
38 electronic funds transfers. **THE EXECUTIVE DIRECTOR SHALL ACCEPT CREDIT CARDS  
39 OR DEBIT CARDS FROM LICENSEES FOR PAYMENT OF FEES.**

40          K. A person who is aggrieved by an action taken by the executive  
41 director, board staff or person with whom the board contracts may request the  
42 board to review that action by filing with the board a written request within  
43 thirty days after that person is notified of the action by personal delivery  
44 or certified mail to that person's last known residence or place of

1 business. At the next regular board meeting, the board shall review the  
2 action and approve, modify or reject the action.

3 Sec. 3. Section 32-2067, Arizona Revised Statutes, is amended to read:  
4 32-2067. Fees; alternative payment methods

5 A. The board, by a formal vote at its annual fall meeting, may  
6 establish fees and penalties that do not exceed:

7 1. Four hundred dollars for an application for an active license to  
8 practice psychology.

9 2. Two hundred dollars for an application for a temporary license to  
10 practice psychology.

11 3. Two hundred fifty dollars for reapplication for an active license.

12 4. Five hundred dollars for issuing an initial license. The board  
13 shall prorate this fee pursuant to subsection D of this section.

14 5. Fifty dollars for a duplicate license.

15 6. Five hundred dollars for biennial renewal of an active license.

16 7. Eighty-five dollars for biennial renewal of an inactive license.

17 8. Three hundred dollars for the reinstatement of an active or  
18 inactive license.

19 9. Three hundred fifty dollars for any additional examination.

20 10. Two hundred fifty dollars for delinquent compliance with continuing  
21 education requirements.

22 11. Five dollars for the sale of a duplicate renewal receipt.

23 12. Five dollars for the sale of a copy of the board's statutes and  
24 rules.

25 13. Two dollars for verification of a license.

26 14. Ten dollars for the sale of each audiotape of board meetings.

27 15. Five cents per name for the sale of computerized discs that contain  
28 the name of each licensee.

29 16. Twenty-five cents per name for the sale of computerized discs that  
30 contain the name and address of each licensee.

31 17. Thirty-five cents per name for the sale of customized computerized  
32 discs that contain additional licensee information that is not required by  
33 law to remain confidential.

34 18. Twenty-five cents per page for copying records, documents, letters,  
35 minutes, applications, files and policy statements. This fee includes  
36 postage.

37 B. The board may charge additional fees for services the board deems  
38 necessary and appropriate to carry out this chapter. These fees shall not  
39 exceed the actual cost of providing the service.

40 C. The board shall not refund fees except as provided in section  
41 32-2073, subsection E. On special request and for good cause the board may  
42 return the license renewal fee.

43 D. The board shall prorate the fee for issuing an initial license by  
44 dividing the biennial renewal fee by twenty-four and multiplying that amount  
45 by the number of months that remain until the next biennial renewal date.

1 E. Subject to the requirements of section 41-2544, the executive  
2 director may enter into agreements to allow licensees to pay fees by  
3 alternative methods, including credit cards, charge cards, debit cards and  
4 electronic funds transfers. ~~THE EXECUTIVE DIRECTOR SHALL ACCEPT CREDIT CARDS  
5 OR DEBIT CARDS FROM LICENSEES FOR PAYMENT OF FEES.~~

6 Sec. 4. Section 32-2304, Arizona Revised Statutes, is amended to read:  
7 32-2304. Powers and duties

8 A. The acting director is responsible for administering this chapter  
9 and shall:

10 1. Adopt rules that are necessary or proper for the administration of  
11 this chapter, including administrative provisions, education requirements,  
12 health and safety provisions and provisions for the use, storage and  
13 application of pesticides and devices used in structural pest control.

14 2. Administer and enforce this chapter and rules adopted pursuant to  
15 this chapter.

16 3. Notify the business licensee, applicator and qualifying party in  
17 writing of any complaint against the business licensee, qualifying party or  
18 employee of the business licensee by the close of business on the tenth  
19 business day after the day on which the acting director initiated the  
20 complaint.

21 4. Issue subpoenas for the taking of depositions, the production of  
22 documents and things and the entry on land for inspection and measuring,  
23 surveying, photographing, testing or sampling the property or any designated  
24 object or operation on the property relevant to the complaint.

25 5. Conduct or contract to conduct applicator license and qualifying  
26 party license tests at locations throughout this state. If the acting  
27 director contracts for these tests, the contracts may provide for specific  
28 examination fees or a reasonable range of fees determined by the acting  
29 director to be paid directly to the contractor by the applicant. The acting  
30 director shall make all efforts to contract with private parties to  
31 electronically administer the applicator and qualifying party license tests.

32 6. Maintain a computer system for the benefit and protection of the  
33 public that includes the following information on termite treatments that are  
34 done before or during construction, initial termite corrective projects,  
35 preventative termite treatments and wood-destroying insect inspection  
36 reports:

37 (a) The name of the individual who performed the work.

38 (b) The address or location of the work or project.

39 (c) The name of the pest management company.

40 (d) The name of the qualifying party.

41 (e) The applicator license numbers.

42 (f) The nature and date of the work performed.

43 (g) Any other information that is required by rule.

44 7. Establish offices ~~+~~ ~~THE ACTING DIRECTOR~~ deems necessary to carry  
45 out the purposes of this chapter.

- 1           8. Employ permanent or temporary personnel ~~it~~ THE ACTING DIRECTOR  
2 deems necessary to carry out the purposes of this chapter and designate their  
3 duties.
- 4           9. Investigate violations of this chapter and rules adopted pursuant  
5 to this chapter.
- 6           10. Oversee the approval, content and method of delivery of continuing  
7 education courses.
- 8           11. Deny a license to any person who has had a license revoked for a  
9 period of five years from the time of revocation.
- 10          12. License applicators, qualifying parties and businesses in  
11 accordance with this chapter and rules adopted pursuant to this chapter.
- 12          13. Require the payment of a penalty for any late license renewal.
- 13          14. Require either completion of the continuing education requirement  
14 or successful completion of the license examination for failure to renew a  
15 license on time.
- 16          15. Suspend a license if a licensee fails to renew the license within  
17 thirty calendar days after the renewal date.
- 18          16. Refuse to issue a business license in a name that is not registered  
19 with the secretary of state or filed with the Arizona corporation commission.
- 20          17. Adopt a wood-destroying insect inspection report form for use by  
21 business licensees.
- 22            B. The acting director may charge to the holder of a business license  
23 the actual cost of providing mailed copies of rules, forms or policies that  
24 are proposed for adoption and for educational materials.
- 25            ~~C. The acting director shall administer and enforce this chapter and~~  
26 ~~the rules adopted pursuant to this chapter.~~
- 27            ~~D.~~ C. The acting director may:
- 28            1. Compel attendance of witnesses, administer oaths or affirmations  
29 and take testimony concerning all matters coming within the acting director's  
30 jurisdiction.
- 31            2. Require a person who seeks a license pursuant to this chapter to  
32 submit to the office a full set of fingerprints and the fees required by  
33 section 41-1750. The acting director shall submit the fingerprints and fees  
34 to the department of public safety for the purpose of obtaining a state and  
35 federal criminal records check pursuant to section 41-1750 and Public Law  
36 92-544. The department of public safety may exchange this fingerprint data  
37 with the federal bureau of investigation.
- 38            3. Enter into intergovernmental agreements.
- 39            4. With at least twenty-four hours' notice, request specific records  
40 from a business licensee, qualifying party or applicator at the person's  
41 place of business during normal business hours.
- 42            5. Deny or revoke a license based on the information in the  
43 application or information that the acting director receives from the  
44 criminal background check.

- 1           6. On a showing of good cause by the business licensee, excuse a  
2 failure to timely comply with a records request.
- 3           7. Issue advisory notices for de minimis violations.
- 4           8. Require inspectors to be licensed applicators in all categories  
5 within their scope of work during their probationary period. Inspectors  
6 shall attend and complete an investigative training class that is prescribed  
7 by the acting director.
- 8           9. Investigate alleged violations of all applicable federal and state  
9 statutes, rules or orders or alleged violations of any condition imposed in  
10 connection with a license.
- 11          10. Pursuant to section 32-2329, summarily suspend a license issued  
12 under this chapter to protect the health, safety and welfare of the public.
- 13          11. Issue a corrective work order requiring a licensee to remedy  
14 deficiencies in treatment or to comply with this chapter or any rules adopted  
15 pursuant to this chapter before or after a formal hearing.
- 16          12. Do at least one of the following in relation to unlicensed pest  
17 management business operations:
  - 18           (a) Issue a cease and desist order requiring an unlicensed pest  
19 management business to immediately cease operations.
  - 20           (b) Except as provided in section 32-2311, subsection D, impose on an  
21 unlicensed pest management business a civil penalty of not more than one  
22 thousand dollars for the first occurrence and not more than two thousand  
23 dollars for the second or subsequent occurrence.
- 24          13. Refer all cases for formal hearing to the office of administrative  
25 hearings.
- 26          14. Refuse to issue a business license in a name that is likely to be  
27 misleading or to imply any distorted representation about the business.
- 28          15. Issue a renewable and revocable temporary qualifying party license  
29 to a licensed applicator who is a representative of a business licensee if  
30 the qualifying party becomes disassociated with the business licensee.
- 31          16. Provide and conduct classes to train applicators and qualifying  
32 parties in preparation for license tests. The acting director may assess a  
33 fee for each class. The acting director may contract with a commercial  
34 enterprise or an accredited institution to conduct the class.
- 35          17. Provide and conduct continuing education classes quarterly. The  
36 acting director may assess a fee for each credit hour. The acting director  
37 may contract with a commercial enterprise or an accredited institution to  
38 conduct the class under the supervision of office staff.
- 39          18. Appoint an employee of the office to conduct an informal settlement  
40 conference with a licensee against whom an inquiry is received or a complaint  
41 is filed.
- 42          19. Prepare a consent order only after either an informal settlement  
43 conference is conducted pursuant to section 32-2321 or a formal hearing is  
44 conducted pursuant to title 41, chapter 6, article 10.

1           20. Apply to the appropriate court, through the attorney general or  
2 county attorney, for an order enjoining any act or practice that constitutes  
3 a violation of this chapter or any rule adopted pursuant to this chapter.

4           21. Approve proposed consent orders.

5           ~~E.~~ D. Each completed form for a termite treatment that is done before  
6 or during construction, initial termite corrective treatment project or  
7 wood-destroying insect inspection report shall be accompanied by a fee. The  
8 initial fee is eight dollars. The acting director may:

9           1. Adjust the fee upward or downward to a level that is calculated to  
10 produce sufficient revenue to carry out the functions prescribed under this  
11 section.

12           2. Establish tiered fees according to the means of submission to  
13 encourage electronic submission of the termite action registration form.

14           3. Assess a penalty of not to exceed one hundred dollars per form for  
15 failing to submit the required form or fee, or both, within thirty calendar  
16 days.

17           ~~F.~~ E. Subject to the limitations of section 41-2544, the acting  
18 director may enter into agreements for the purpose of enabling the office to  
19 accept payment for fees imposed under this chapter by alternative payment  
20 methods, including credit cards, charge cards, debit cards and electronic  
21 funds transfers. **THE ACTING DIRECTOR SHALL ACCEPT CREDIT CARDS OR DEBIT**  
22 **CARDS FOR PAYMENT OF FEES IMPOSED UNDER THIS CHAPTER.** Before the monies are  
23 transferred to the acting director pursuant to section 32-2305, the person  
24 collecting the fees shall deduct any amount charged or withheld by a company  
25 providing the alternative payment method under an agreement with the office.

26           ~~G.~~ F. In the enforcement of this article, the acting director or any  
27 duly authorized agents may enter with the authority of a warrant issued by a  
28 court of competent jurisdiction at reasonable times on any private or public  
29 property on which pesticides are located or are reasonably believed to be  
30 located to be used for purposes related to pest management. The owner,  
31 managing agent or occupant of the property shall permit entry for the purpose  
32 of inspecting and investigating conditions relating to the use, storage,  
33 application and disposal of pesticides.

34           Sec. 5. Section 32-2306, Arizona Revised Statutes, is amended to read:

35           32-2306. Annual and informational reports

36           A. On or before September 30 of each year, the acting director shall  
37 submit a report regarding the number and types of termite treatments as  
38 maintained pursuant to section 32-2304, subsection ~~E.~~ D. The information  
39 shall be categorized according to the general type of treatment used,  
40 including pesticide, bait, mechanical, temperature and other methods of  
41 treatment. If pesticide treatment is used, the report shall include the  
42 active ingredient or trade name of the pesticide used.

43           B. The acting director shall submit copies of the report to the  
44 speaker of the house of representatives, the president of the senate, the

1 governor, the secretary of state and the director of the Arizona state  
2 library, archives and public records.

3 C. If a buyer of real property makes a request to the acting director,  
4 the acting director shall make available to the buyer an information report  
5 listing all termite treatments reported for the property. The  
6 wood-destroying insect inspection report shall state that a buyer may obtain  
7 the information report from the acting director.

8 Sec. 6. Section 32-2311, Arizona Revised Statutes, is amended to read:

9 32-2311. Persons not required to be licensed; civil penalties;  
10 definition

11 A. This chapter does not apply to:

12 1. Persons licensed or certified pursuant to title 3, chapter 2,  
13 article 6.

14 2. Persons applying pesticides on property that they own and occupy.

15 3. Authorized representatives of any educational institution engaged  
16 in research in the study of pest management or a state agency engaged in  
17 research or the study of pest management.

18 4. Employees of political subdivisions or their designated agents  
19 while performing emergency response or rescue services.

20 5. Persons using a nonrestricted, ready to use disinfectant, sanitizer  
21 or deodorizer.

22 6. Except as provided in section 32-2307, persons who are conducting  
23 lawn, garden, shrub or tree maintenance and who apply herbicides for the  
24 purpose of weed management. This exemption does not apply to:

25 (a) The use of herbicides that are labeled with the words "restricted  
26 use" or "danger" and that are not commercially available to the general  
27 public.

28 (b) The use of sterilants.

29 (c) Persons who offer weed management as their primary service.

30 (d) Persons who use application equipment that holds more than eight  
31 gallons of total mixed liquid herbicide.

32 (e) Persons who use more than twenty-five pounds of a nonliquid  
33 herbicide.

34 (f) Persons who do not follow label and labeling directions.

35 7. A utility and the utility's employees if pest management services  
36 are needed for an employee's health and safety in order for the employee to  
37 continue performing work tasks.

38 8. Except as provided in section 32-2307, volunteers of political  
39 subdivisions who apply herbicides for the purpose of the eradication and  
40 control of noxious weeds as defined in section 3-201 and who are under the  
41 immediate supervision of a licensed applicator. This exemption does not  
42 apply to:

43 (a) The use of herbicides that are labeled with the words "restricted  
44 use" or "danger" and that are not commercially available to the general  
45 public.

- 1 (b) The use of sterilants.
- 2 (c) Volunteers of political subdivisions who use application equipment  
3 that holds more than eight gallons of total mixed liquid herbicide.
- 4 (d) Volunteers of political subdivisions who use more than twenty-five  
5 pounds of a nonliquid herbicide.
- 6 (e) Volunteers of political subdivisions who do not follow label and  
7 labeling directions.
- 8 (f) Volunteers of political subdivisions who have not completed an  
9 office of pest management approved herbicide application training program  
10 conducted by the political subdivision.
- 11 B. An employee of a political subdivision who engages in pest  
12 management:
- 13 1. Is not required to be licensed under section 32-2313 or 32-2314.
- 14 2. Must be licensed as an applicator under section 32-2312, except as  
15 provided by subsection A, paragraph 4 of this section.
- 16 C. A person who is exempt pursuant to subsection A, paragraph 6 of  
17 this section shall provide treatment records to each customer on application  
18 of herbicides for the purpose of weed management and shall retain records  
19 containing the same information provided to customers. For the purposes of  
20 this subsection, treatment records shall include all of the following:
- 21 1. The address of the location of the herbicide application.
- 22 2. The date of the herbicide application.
- 23 3. The trade name or common name of the herbicide applied.
- 24 D. If a person is exempt pursuant to subsection A, paragraph 6 of this  
25 section but does not comply with subsection C of this section or if a person  
26 is not licensed under this chapter and the person is not exempt pursuant to  
27 subsection A, paragraph 6 of this section as a result of doing something  
28 prescribed in subsection A, paragraph 6, subdivisions (a) through (f) of this  
29 section, the acting director shall:
- 30 1. On a first violation, issue a written notice of correction that  
31 contains a warning and a copy of this section and that provides full notice  
32 of the exemption requirements.
- 33 2. On a second violation, impose a civil penalty of not more than two  
34 hundred fifty dollars.
- 35 3. On a third or any subsequent violation, impose a civil penalty of  
36 not more than five hundred dollars.
- 37 E. Volunteers of political subdivisions who are not working under the  
38 immediate supervision of a licensed applicator may be subject to section  
39 32-2304, subsection ~~D~~ C, paragraph 12.
- 40 F. For the purposes of this section, "volunteers of political  
41 subdivisions" means persons who work without compensation other than  
42 reimbursement of actual expenses incurred or disbursement of meals or other  
43 incidental benefits.

1           Sec. 7. Section 35-142, Arizona Revised Statutes, is amended to read:  
2           35-142. Monies kept in funds separate from state general fund:  
3                     receipt and withdrawal

4           A. All monies received for and belonging to the state shall be  
5 deposited in the state treasury and credited to the state general fund except  
6 the following, which shall be placed and retained in separate funds:

7           1. The unexpendable principal of monies received from federal land  
8 grants shall be placed in separate funds and the account of each such  
9 separate fund shall bear a title indicating the source and the institution or  
10 purpose to which such fund belongs.

11           2. The interest, rentals and other expendable money received as income  
12 from federal land grants shall be placed in separate accounts, each account  
13 bearing a title indicating the source and the institution or purpose to which  
14 the fund belongs. Such expendable monies shall be expended only as  
15 authorized, regulated and controlled by the general appropriation act or  
16 other act of the legislature.

17           3. All private or quasi-private monies authorized by law to be paid to  
18 or held by the state treasurer shall be placed in separate accounts, each  
19 account bearing a title indicating the source and purpose of such fund.

20           4. All monies legally pledged to retirement of building indebtedness  
21 or bonds issued by those institutions authorized to incur such indebtedness  
22 or to issue such bonds shall be placed in separate accounts.

23           5. Monies of a multi-county water conservation district authorized by  
24 law to be paid to or held by the state treasurer shall be placed in separate  
25 accounts, each account bearing a title indicating the source and purpose of  
26 such fund.

27           6. All monies collected by the Arizona game and fish department shall  
28 be deposited in a special fund known as the state game and fish protection  
29 fund for the use of the Arizona game and fish commission in carrying out the  
30 provisions of title 17.

31           7. All federal monies that are received by the department of economic  
32 security for family assistance benefits and medical eligibility as a result  
33 of efficiencies developed by the department of economic security and that  
34 would otherwise revert to the state general fund pursuant to section 35-190  
35 shall be retained for use by the department of economic security in  
36 accordance with the terms and conditions imposed by the federal funding  
37 source in an account or accounts established or authorized by the state  
38 treasurer.

39           8. Monies designated by law as special state funds shall not be  
40 considered a part of the general fund. Unless otherwise prescribed by law,  
41 the state treasurer shall be the custodian of all such funds.

42           9. All monies received and any accounts established and maintained by  
43 the director of the Arizona state retirement system or the administrator of  
44 the public safety personnel retirement system, the corrections officer  
45 retirement plan and the elected officials' retirement plan.

1           10. Monies received by a state agency or institution as a gift, devise  
2 or donation shall not be considered a part of the state general fund or  
3 transferred to the state general fund unless the gift, devise or donation  
4 specifically authorizes a general state use for the monies. A state agency  
5 or institution that receives a monetary gift, devise or donation shall  
6 account for those monies separately.

7           B. No money shall be received or held by the state treasurer except as  
8 authorized by law, and in every instance the treasurer shall issue a receipt  
9 for money received and shall record the transaction in the statewide  
10 accounting system. No money shall be withdrawn from the treasury except on  
11 the warrant or electronic funds transfer voucher of the department of  
12 administration.

13           C. All federal monies granted and paid to the state by the federal  
14 government shall be accounted for in the accounts or funds of the state in  
15 the necessary detail to meet federal and state accounting, budgetary and  
16 auditing requirements, and all appropriations for matching such federal  
17 monies shall be transferred from the general fund to such separate funds as  
18 needed, except as otherwise required by the federal government.

19           D. Nothing in this section requires the establishment of separate  
20 accounts or funds for such federal monies unless otherwise required by  
21 federal or state law. The department of administration has the authority to  
22 use the most efficient system of accounts and records, consistent with legal  
23 requirements and standard and necessary fiscal safeguards.

24           E. Nothing in this section precludes the creation by the department of  
25 administration of a clearing account or other acceptable accounting method to  
26 effect prompt payment of claims from an approved budget or appropriation.  
27 The department of administration shall report each account or fund  
28 established or cancelled to the directors of the joint legislative budget  
29 committee and the governor's office of strategic planning and budgeting.

30           F. Nothing in this section or any other section precludes the use of  
31 monies kept in funds separate from the general fund, the interest from which  
32 accrues to the general fund, for payment of claims against the general fund,  
33 provided sufficient monies remain available for payment of claims against  
34 such funds.

35           G. The department of administration may issue warrants for qualified  
36 expenditures of federal program monies before they are deposited in the state  
37 treasury. The receipt of federal monies shall be timed to coincide, as  
38 closely as administratively feasible, with the redemption of warrants by the  
39 state treasurer. The department of administration shall limit expenditures  
40 to the amount that has been made available for the use under the grant award  
41 by the federal government. The state agency initiating the expenditures is  
42 responsible for ensuring that expenditures qualify for coverage under the  
43 guidelines of the federal grant award.

44           H. The department of administration shall establish the policies and  
45 procedures for all state agencies for drawing federal monies. When the

1 established method results in federal monies being held by this state, the  
2 department of administration may use the interest earned on the monies to pay  
3 the federal government for any related interest liability. If an interest  
4 liability is incurred due to a state agency varying from the established  
5 policies and procedures, the department of administration shall charge the  
6 appropriate agency account or fund. Any federal interest liability owed to  
7 this state as a result of the delayed federal disbursements shall be used to  
8 offset this state's interest liability to the federal government. Any  
9 remaining interest earnings shall be deposited in the state general fund.

10 I. Any state agency or authorized agent of a state agency ~~may~~ SHALL  
11 accept credit cards OR DEBIT CARDS pursuant to an agreement entered into by  
12 the state treasurer pursuant to section 35-315 for the payment of any amount  
13 due to that agency or agent or this state.

14 J. Except for the department of revenue for tax payments, IF A PERSON  
15 USES A CREDIT CARD OR DEBIT CARD agencies or authorized agents on behalf of  
16 state agencies ~~that accept credit cards~~ shall deduct any applicable discount  
17 fee and processing fee associated with the transaction amount before  
18 depositing the net amount in the appropriate state fund. No other reduction  
19 is permitted against the transaction amount. The net amount deposited in the  
20 appropriate state fund shall be considered as the full deposit required by  
21 law of monies received by the agency or the authorized agent. Payment of any  
22 applicable discount fee and processing fee shall be accounted for in the  
23 annual report submitted to the governor's office of strategic planning and  
24 budgeting in accordance with section 41-1273. The transaction amount of any  
25 credit card OR DEBIT CARD transaction shall not be reduced by any discount  
26 fee or processing fee in an amount in excess of the merchant card settlement  
27 fees reflected in the state banking contract with the state treasurer's  
28 office.

29 K. Any state agency that contracts with an authorized agent for the  
30 electronic processing of transactions pursuant to title 41, chapter 23 may  
31 include a provision in the contract to allow the authorized agent to impose a  
32 convenience fee. If allowed, the convenience fee shall be charged to the  
33 cardholder in addition to the transaction amount, except for the following:

34 1. Except as provided in subsection R of this section, any permits,  
35 licenses or other authorizations needed to pursue a trade or occupation in  
36 this state.

37 2. Except as provided in subsection R of this section, any permits,  
38 licenses or other authorizations needed to establish, expand or operate a  
39 business in this state.

40 3. Except as provided in subsection R of this section, any permits,  
41 licenses or other authorizations needed to register a vehicle or license a  
42 driver in this state.

43 L. Each state agency or its authorized agent shall:

1           1. Deduct the amount of the convenience fee before depositing the  
2 transaction amount or the transaction amount reduced by the discount fee or  
3 the processing fee, or both, into the appropriate state fund.

4           2. Not deduct any part of the convenience fee from the transaction  
5 amount before depositing the net amount into the appropriate state fund.

6           3. Deduct the amount of the discount fee or the processing fee, or  
7 both, from the transaction amount before depositing the net amount into the  
8 appropriate state fund.

9           M. The net amount deposited in the appropriate state fund pursuant to  
10 subsection K or L of this section shall be considered as the full deposit of  
11 monies that is required by law and that is received by the agency.

12           N. Notwithstanding section 35-142.01, convenience fees received by a  
13 state agency or its authorized agent are limited to, and may be used to  
14 offset, the costs imposed by the authorized agent in processing the  
15 transactions.

16           O. When the percentage of electronic transactions first exceeds at  
17 least thirty per cent of a state agency's total transactions, the state  
18 agency shall perform a cost benefit report, including costs of convenience  
19 fees, the amount of revenue generated and any realized cost savings.

20           P. State agencies shall report the number of transactions, the number  
21 of electronic transactions, the total dollar amount of transactions  
22 processed, the total dollar amount of any discount fee, the total dollar  
23 amount of any processing fee and the total dollar amount of any convenience  
24 fee charged, deducted or paid pursuant to subsections J and K of this section  
25 annually by October 1 to the governor, the department of administration and  
26 the joint legislative budget committee.

27           Q. Nothing in this section or any other provision of law authorizes  
28 any state agency, authorized agent of any state agency or budget unit to  
29 establish a bank account for any government monies. All monies received by  
30 or on behalf of this state shall be deposited with and in the custody of the  
31 state treasurer or in an account that is authorized by the state treasurer  
32 pursuant to this section. This subsection does not apply to monies received  
33 and any accounts established and maintained by the director of the Arizona  
34 state retirement system or the administrator of the public safety personnel  
35 retirement system, the corrections officer retirement plan and the elected  
36 officials' retirement plan.

37           R. If a state agency provides an alternative method of payment, the  
38 convenience fee may be charged to the cardholder in addition to the  
39 transaction amount.

40           Sec. 8. Section 37-109, Arizona Revised Statutes, is amended to read:

41           37-109. Alternative payment methods

42           ~~At the commissioner's sole discretion,~~ The commissioner may accept fees  
43 imposed pursuant to section 37-107 by alternative payment methods, including  
44 ~~credit and charge cards, pursuant to section 35-142, subsection I, debit~~  
45 ~~cards~~ and electronic funds transfers or other alternative payment methods,

1 pursuant to section 35-315, but the department ~~is not obligated to accept any~~  
2 ~~payment using an alternative payment method~~ SHALL ACCEPT FEES IMPOSED  
3 PURSUANT TO SECTION 37-107 BY CREDIT CARDS OR DEBIT CARDS, PURSUANT TO  
4 SECTION 35-142, SUBSECTION I.

5 Sec. 9. Section 41-511.05, Arizona Revised Statutes, is amended to  
6 read:

7 41-511.05. Powers; compensation

8 The board ~~may~~, subject to legislative budgetary control within the  
9 limitations of this article, MAY:

10 1. Employ, determine conditions of employment and specify the duties  
11 of such administrative, secretarial and clerical workers and technical  
12 employees such as naturalists, archaeologists, landscape architects, rangers,  
13 park supervisors, caretakers, guides, skilled tradesmen, laborers, historians  
14 and engineers, and contract to have the services of such advisors or  
15 consultants as are reasonably necessary or desirable to enable it to perform  
16 adequately its duties. The compensation of the director and of all workers  
17 and employees shall be as determined pursuant to section 38-611.

18 2. Make such contracts, leases and agreements and incur such  
19 obligations as are reasonably necessary or desirable within the general scope  
20 of its activities and operations to enable it to perform adequately its  
21 duties.

22 3. Acquire through purchase, lease, agreement, donation, grant,  
23 bequest or otherwise real and personal property and acquire real property  
24 through eminent domain for state park or monument purposes. No property may  
25 be acquired in the manner provided in this paragraph which will require an  
26 expenditure in excess of funds budgeted or received for such purposes. No  
27 state park or monument, or additions to a state park or monument, shall be  
28 created containing in excess of one hundred sixty acres of land unless  
29 created by an act of the legislature. This acreage limitation shall not  
30 apply in the case of lands given or donated for state park or monument  
31 purposes nor to state owned lands that are selected by the board and that are  
32 not subject to outstanding leases, permits or other rights for the use of the  
33 lands including preferential rights to renew such leases and permits.

34 4. Sell, lease, exchange or otherwise dispose of real and personal  
35 property. Any disposition of real property shall be submitted for approval  
36 of the joint committee on capital review. The disposition of office  
37 equipment, furnishings, vehicles and other materials is subject to chapter  
38 23, article 8 of this title. The disposition of artifacts and other property  
39 of scientific, archaeological, historical or sociological interest is exempt  
40 from chapter 23, article 8 of this title, but the board shall consult with  
41 the Arizona historical society in disposing of property of historical  
42 interest.

43 5. Construct at state parks and monuments necessary sanitary and other  
44 facilities including picnic tables, fireplaces, campsites, service buildings

1 and maintenance shops, and contract with private persons for the construction  
2 and operation of cabins, hotels and restaurants, and like establishments.

3 6. Erect suitable signs and markers at parks and monuments and write,  
4 prepare and publish written material describing the historical significance  
5 of monuments and other places of historical or other significance.

6 7. Solicit and work in cooperation with the department of  
7 transportation and the highway departments of various counties and the United  
8 States federal highway administration for necessary roads and trails within  
9 the state parks and monuments and access roads to state parks and monuments.  
10 For the purposes of this paragraph, the board may designate roads, spurs and  
11 other traffic related appurtenances within state park boundaries as public  
12 highways. Designation of roads, spurs or other traffic related appurtenances  
13 as public highways shall not prohibit the board from closing such public  
14 highways when the park is closed, charging for admission to the park to  
15 persons using the public highway within the park or otherwise managing such  
16 public highways in the same manner as other lands within the park.

17 8. Levy and collect reasonable fees or other charges for the use of  
18 such privileges and conveniences as may be provided under the jurisdiction of  
19 the board. The board may enter into agreements for the purpose of accepting  
20 payment for fees or other charges imposed pursuant to this article by  
21 alternative payment methods, including credit cards, charge cards, debit  
22 cards and electronic funds transfers. **THE BOARD SHALL ACCEPT CREDIT CARDS OR  
23 DEBIT CARDS FOR PAYMENT OF FEES OR OTHER CHARGES IMPOSED PURSUANT TO THIS  
24 ARTICLE.** The collecting officer shall deduct any fee charged or withheld by  
25 a company providing the alternative payment method under an agreement with  
26 the board before the revenues are transferred to the board.

27 9. Make reasonable rules for the protection of, and maintain and keep  
28 the peace in, state parks and monuments. Such rules adopted by the parks  
29 board are subject to review and approval by the legislature. After a board  
30 rule has been finally adopted pursuant to chapter 6 of this title, the board  
31 shall immediately forward a certified copy of the rule to the legislature.  
32 The legislature may review and, by concurrent resolution, approve, disapprove  
33 or modify such rule. However, such rule shall be given full force and effect  
34 pending legislative review. If no concurrent resolution is passed by the  
35 legislature with respect to the rule within one year following receipt of a  
36 certified copy of the rule, the rule shall be deemed to have been approved by  
37 the legislature. If the legislature disapproves a rule or a section of a  
38 rule, the board shall immediately discontinue the use of any procedure,  
39 action or proceeding authorized or required by the rule or section of the  
40 rule. If the legislature modifies a rule or section of a rule, the board  
41 shall immediately suspend the use of any procedure, action or proceeding  
42 authorized or required by the rule or section of the rule until the modified  
43 rule has been adopted in accordance with chapter 6 of this title, after which  
44 all proceedings pursuant to the rule shall be conducted in accordance with  
45 the modified version of the rule.

- 1           10. Furnish advisory services to city and county park or recreation  
2 boards and organizations.
- 3           11. Delegate to the director, the deputy director or the director's  
4 designee any of its powers and duties, whether ministerial or discretionary,  
5 which are prescribed by law, except that the board may not delegate its power  
6 or duty to make rules.
- 7           12. Reimburse board volunteers for travel and lodging expenses and per  
8 diem subsistence allowances incurred while on public business for the board.  
9 Reimbursement amounts shall not exceed those allowed under title 38, chapter  
10 4, article 2.
- 11          13. In consultation with the conservation acquisition board, develop a  
12 grant program and adopt guidelines for allocating and obligating monies in  
13 the land conservation fund pursuant to section 41-511.23. The guidelines  
14 shall include consideration of both qualification issues relating to  
15 applicants for grants and issues relating to the proposed use of the grant  
16 money in a manner consistent with existing municipal, county and regional  
17 land use plans.