

COMMITTEE ON GOVERNMENT
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2231
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

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~~ SHALL enter into agreements for the purpose of accepting payment
7 for 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 OF 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:

1 32-1704. Powers and duties of the board

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

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

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

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

10 3. Prescribes the manner or method of accounting, billing or
11 collection of fees.

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

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

16 D. The board shall adopt rules for criteria it must use to approve
17 continuing education programs for licensees. Programs shall be designed to
18 assist licensees to maintain competency, to become aware of new developments
19 in the practice of the profession of optometry and to increase management
20 skills and administrative efficiency. The board shall approve programs that
21 meet these criteria.

22 E. Subject to title 41, chapter 4, article 4, the board may hire an
23 executive director as an employee of the board. The executive director is
24 responsible for the performance of the regular administrative functions of
25 the board and such other administrative duties as the board may direct. The
26 executive director is eligible to receive compensation in an amount as
27 determined pursuant to section 38-611.

28 F. The board may hire investigators subject to title 41, chapter 4,
29 article 4 or contract with investigators to assist in the investigation of
30 violations of this chapter, hire other employees subject to title 41, chapter
31 4, article 4 required to carry out this chapter and contract with other state
32 agencies when required to carry out this chapter.

33 G. The board may:

34 1. Appoint advisory committees.

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

1 3. Charge reasonable fees for materials it has printed at its own
2 expense.

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

7 H. Subject to title 41, chapter 4, article 4, the board may hire
8 consultants and professional and clerical personnel as required to perform
9 its duties.

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

12 J. Subject to the limitations of section 41-2544, the executive
13 director ~~may~~ SHALL enter into agreements to allow licensees to pay fees by
14 alternative methods, including credit cards, charge cards, debit cards and
15 electronic funds transfers. **PURSUANT TO SECTION 35-142, SUBSECTION I, THE
16 EXECUTIVE DIRECTOR SHALL ACCEPT CREDIT CARDS OR DEBIT CARDS FROM LICENSEES
17 FOR PAYMENT OF FEES.**

18 K. A person who is aggrieved by an action taken by the executive
19 director, board staff or person with whom the board contracts may request the
20 board to review that action by filing with the board a written request within
21 thirty days after that person is notified of the action by personal delivery
22 or certified mail to that person's last known residence or place of business.
23 At the next regular board meeting, the board shall review the action and
24 approve, modify or reject the action.

25 Sec. 3. Section 32-2067, Arizona Revised Statutes, is amended to read:
26 **32-2067. Fees; alternative payment methods**

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

29 1. Four hundred dollars for an application for an active license to
30 practice psychology.

31 2. Two hundred dollars for an application for a temporary license to
32 practice psychology.

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

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

36 5. Fifty dollars for a duplicate license.

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

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

2 8. Three hundred dollars for the reinstatement of an active or
3 inactive license.

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

5 10. Two hundred fifty dollars for delinquent compliance with continuing
6 education requirements.

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

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

10 13. Two dollars for verification of a license.

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

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

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

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

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

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

25 C. The board shall not refund fees except as provided in section
26 32-2073, subsection E. On special request and for good cause the board may
27 return the license renewal fee.

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

31 E. Subject to the requirements of section 41-2544, the executive
32 director ~~may~~ SHALL enter into agreements to allow licensees to pay fees by
33 alternative methods, including credit cards, charge cards, debit cards and
34 electronic funds transfers. PURSUANT TO SECTION 35-142, SUBSECTION I, THE
35 EXECUTIVE DIRECTOR SHALL ACCEPT CREDIT CARDS OR DEBIT CARDS FROM LICENSEES
36 FOR PAYMENT OF FEES.

37 Sec. 4. Section 32-2304, Arizona Revised Statutes, is amended to read:

1 32-2304. Powers and duties

2 A. The acting director is responsible for administering this chapter
3 and shall:

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

8 2. Administer and enforce this chapter and rules adopted pursuant to
9 this chapter.

10 3. Notify the business licensee, applicator and qualifying party in
11 writing of any complaint against the business licensee, qualifying party or
12 employee of the business licensee by the close of business on the tenth
13 business day after the day on which the acting director initiated the
14 complaint.

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

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

26 6. Maintain a computer system for the benefit and protection of the
27 public that includes the following information on termite treatments that are
28 done before or during construction, initial termite corrective projects,
29 preventative termite treatments and wood-destroying insect inspection
30 reports:

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

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

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

34 (d) The name of the qualifying party.

35 (e) The applicator license numbers.

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

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

1 7. Establish offices the acting director deems necessary to carry out
2 the purposes of this chapter.

3 8. Subject to title 41, chapter 4, article 4, employ personnel the
4 acting director deems necessary to carry out the purposes of this chapter and
5 designate their duties.

6 9. Investigate violations of this chapter and rules adopted pursuant
7 to this chapter.

8 10. Oversee the approval, content and method of delivery of continuing
9 education courses.

10 11. Deny a license to any person who has had a license revoked for a
11 period of five years from the time of revocation.

12 12. License applicators, qualifying parties and businesses in
13 accordance with this chapter and rules adopted pursuant to this chapter.

14 13. Require the payment of a penalty for any late license renewal.

15 14. Require either completion of the continuing education requirement
16 or successful completion of the license examination for failure to renew a
17 license on time.

18 15. Suspend a license if a licensee fails to renew the license within
19 thirty calendar days after the renewal date.

20 16. Refuse to issue a business license in a name that is not registered
21 with the secretary of state or filed with the Arizona corporation commission.

22 17. Adopt a wood-destroying insect inspection report form for use by
23 business licensees.

24 B. The acting director may charge to the holder of a business license
25 the actual cost of providing mailed copies of rules, forms or policies that
26 are proposed for adoption and for educational materials.

27 ~~C. The acting director shall administer and enforce this chapter and~~
28 ~~the rules adopted pursuant to this chapter.~~

29 ~~D.~~ C. The acting director may:

30 1. Compel attendance of witnesses, administer oaths or affirmations
31 and take testimony concerning all matters coming within the acting director's
32 jurisdiction.

33 2. Require a person who seeks a license pursuant to this chapter to
34 submit to the office a full set of fingerprints and the fees required by
35 section 41-1750. The acting director shall submit the fingerprints and fees
36 to the department of public safety for the purpose of obtaining a state and
37 federal criminal records check pursuant to section 41-1750 and Public Law

1 92-544. The department of public safety may exchange this fingerprint data
2 with the federal bureau of investigation.

3 3. Enter into intergovernmental agreements.

4 4. With at least twenty-four hours' notice, request specific records
5 from a business licensee, qualifying party or applicator at the person's
6 place of business during normal business hours.

7 5. Deny or revoke a license based on the information in the
8 application or information that the acting director receives from the
9 criminal background check.

10 6. On a showing of good cause by the business licensee, excuse a
11 failure to timely comply with a records request.

12 7. Issue advisory notices for de minimis violations.

13 8. Require inspectors to be licensed applicators in all categories
14 within their scope of work during their probationary period. Inspectors
15 shall attend and complete an investigative training class that is prescribed
16 by the acting director.

17 9. Investigate alleged violations of all applicable federal and state
18 statutes, rules or orders or alleged violations of any condition imposed in
19 connection with a license.

20 10. Pursuant to section 32-2329, summarily suspend a license issued
21 under this chapter to protect the health, safety and welfare of the public.

22 11. Issue a corrective work order requiring a licensee to remedy
23 deficiencies in treatment or to comply with this chapter or any rules adopted
24 pursuant to this chapter before or after a formal hearing.

25 12. Do at least one of the following in relation to unlicensed pest
26 management business operations:

27 (a) Issue a cease and desist order requiring an unlicensed pest
28 management business to immediately cease operations.

29 (b) Except as provided in section 32-2311, subsection D, impose on an
30 unlicensed pest management business a civil penalty of not more than one
31 thousand dollars for the first occurrence and not more than two thousand
32 dollars for the second or subsequent occurrence.

33 13. Refer all cases for formal hearing to the office of administrative
34 hearings.

35 14. Refuse to issue a business license in a name that is likely to be
36 misleading or to imply any distorted representation about the business.

1 15. Issue a renewable and revocable temporary qualifying party license
2 to a licensed applicator who is a representative of a business licensee if
3 the qualifying party becomes disassociated with the business licensee.

4 16. Provide and conduct classes to train applicators and qualifying
5 parties in preparation for license tests. The acting director may assess a
6 fee for each class. The acting director may contract with a commercial
7 enterprise or an accredited institution to conduct the class.

8 17. Provide and conduct continuing education classes quarterly. The
9 acting director may assess a fee for each credit hour. The acting director
10 may contract with a commercial enterprise or an accredited institution to
11 conduct the class under the supervision of office staff.

12 18. Appoint an employee of the office to conduct an informal settlement
13 conference with a licensee against whom an inquiry is received or a complaint
14 is filed.

15 19. Prepare a consent order only after either an informal settlement
16 conference is conducted pursuant to section 32-2321 or a formal hearing is
17 conducted pursuant to title 41, chapter 6, article 10.

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

21 21. Approve proposed consent orders.

22 ~~F.~~ D. Each completed form for a termite treatment that is done before
23 or during construction, initial termite corrective treatment project or
24 wood-destroying insect inspection report shall be accompanied by a fee. The
25 initial fee is eight dollars. The acting director may:

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

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

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

34 ~~F.~~ E. Subject to the limitations of section 41-2544, the acting
35 director ~~may~~ SHALL enter into agreements for the purpose of enabling the
36 office to accept payment for fees imposed under this chapter by alternative
37 payment methods, including credit cards, charge cards, debit cards and

1 electronic funds transfers. Before the monies are transferred to the acting
2 director pursuant to section 32-2305, the person collecting the fees shall
3 deduct any amount charged or withheld by a company providing the alternative
4 payment method under an agreement with the office. PURSUANT TO SECTION
5 35-142, SUBSECTION I, THE ACTING DIRECTOR SHALL ACCEPT CREDIT CARDS OR DEBIT
6 CARDS FOR PAYMENT OF FEES IMPOSED UNDER THIS CHAPTER.

7 ~~F.~~ F. In the enforcement of this article, the acting director or any
8 duly authorized agents may enter with the authority of a warrant issued by a
9 court of competent jurisdiction at reasonable times on any private or public
10 property on which pesticides are located or are reasonably believed to be
11 located to be used for purposes related to pest management. The owner,
12 managing agent or occupant of the property shall permit entry for the purpose
13 of inspecting and investigating conditions relating to the use, storage,
14 application and disposal of pesticides.

15 Sec. 5. Section 32-2306, Arizona Revised Statutes, is amended to read:
16 32-2306. Annual and informational reports

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

24 B. The acting director shall submit copies of the report to the
25 speaker of the house of representatives, the president of the senate, the
26 governor, ~~AND the secretary of state and the director of the Arizona state~~
27 ~~library, archives and public records.~~

28 C. If a buyer of real property makes a request to the acting director,
29 the acting director shall make available to the buyer an information report
30 listing all termite treatments reported for the property. The
31 wood-destroying insect inspection report shall state that a buyer may obtain
32 the information report from the acting director.

33 Sec. 6. Section 32-2311, Arizona Revised Statutes, is amended to read:
34 32-2311. Persons not required to be licensed; civil penalties;
35 definition

36 A. This chapter does not apply to:

- 1 1. Persons WHO ARE licensed or certified pursuant to title 3, chapter
2 2, article 6.
- 3 2. Persons WHO ARE applying pesticides on property that they own and
4 occupy.
- 5 3. Authorized representatives of any educational institution engaged
6 in research in the study of pest management or a state agency engaged in
7 research or the study of pest management.
- 8 4. Employees of political subdivisions or their designated agents
9 while performing emergency response or rescue services.
- 10 5. Persons WHO ARE using a nonrestricted, ready to use disinfectant,
11 sanitizer or deodorizer.
- 12 6. Except as provided in section 32-2307, persons who are conducting
13 lawn, garden, shrub or tree maintenance and who apply herbicides for the
14 purpose of weed management. This exemption does not apply to:
 - 15 (a) The use of herbicides that are labeled with the words "restricted
16 use" or "danger" and that are not commercially available to the general
17 public.
 - 18 (b) The use of sterilants.
 - 19 (c) Persons who offer weed management as their primary service.
 - 20 (d) Persons who use application equipment that holds more than eight
21 gallons of total mixed liquid herbicide.
 - 22 (e) Persons who use more than twenty-five pounds of a nonliquid
23 herbicide.
 - 24 (f) Persons who do not follow label and labeling directions.
- 25 7. A utility and the utility's employees if pest management services
26 are needed for an employee's health and safety in order for the employee to
27 continue performing work tasks.
- 28 8. Except as provided in section 32-2307, volunteers of political
29 subdivisions who apply herbicides for the purpose of the eradication and
30 control of noxious weeds as defined in section 3-201 and who are under the
31 immediate supervision of a licensed applicator. This exemption does not
32 apply to:
 - 33 (a) The use of herbicides that are labeled with the words "restricted
34 use" or "danger" and that are not commercially available to the general
35 public.
 - 36 (b) The use of sterilants.

1 (c) Volunteers of political subdivisions who use application equipment
2 that holds more than eight gallons of total mixed liquid herbicide.

3 (d) Volunteers of political subdivisions who use more than twenty-five
4 pounds of a nonliquid herbicide.

5 (e) Volunteers of political subdivisions who do not follow label and
6 labeling directions.

7 (f) Volunteers of political subdivisions who have not completed an
8 office of pest management approved herbicide application training program
9 conducted by the political subdivision.

10 B. An employee of a political subdivision who engages in pest
11 management:

12 1. Is not required to be licensed under section 32-2313 or 32-2314.

13 2. Must be licensed as an applicator under section 32-2312, except as
14 provided by subsection A, paragraph 4 of this section.

15 C. A person who is exempt pursuant to subsection A, paragraph 6 of
16 this section shall provide treatment records to each customer on application
17 of herbicides for the purpose of weed management and shall retain records
18 containing the same information provided to customers. For the purposes of
19 this subsection, treatment records shall include all of the following:

20 1. The address of the location of the herbicide application.

21 2. The date of the herbicide application.

22 3. The trade name or common name of the herbicide applied.

23 D. If a person is exempt pursuant to subsection A, paragraph 6 of this
24 section but does not comply with subsection C of this section or if a person
25 is not licensed under this chapter and the person is not exempt pursuant to
26 subsection A, paragraph 6 of this section as a result of doing something
27 prescribed in subsection A, paragraph 6, subdivisions (a) through (f) of this
28 section, the acting director shall:

29 1. On a first violation, issue a written notice of correction that
30 contains a warning and a copy of this section and that provides full notice
31 of the exemption requirements.

32 2. On a second violation, impose a civil penalty of not more than two
33 hundred fifty dollars.

34 3. On a third or any subsequent violation, impose a civil penalty of
35 not more than five hundred dollars.

1 E. Volunteers of political subdivisions who are not working under the
2 immediate supervision of a licensed applicator may be subject to section
3 32-2304, subsection ~~D~~ C, paragraph 12.

4 F. For the purposes of this section, "volunteers of political
5 subdivisions" means persons who work without compensation other than
6 reimbursement of actual expenses incurred or disbursement of meals or other
7 incidental benefits.

8 Sec. 7. Section 35-142, Arizona Revised Statutes, is amended to read:

9 35-142. Monies kept in funds separate from state general fund;
10 receipt and withdrawal

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

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

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

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

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

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

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

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

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

12 9. All monies received and any accounts established and maintained by
13 the director of the Arizona state retirement system or the administrator of
14 the public safety personnel retirement system, the corrections officer
15 retirement plan and the elected officials' retirement plan.

16 10. Monies received by a state agency or institution as a gift, devise
17 or donation shall not be considered a part of the state general fund or
18 transferred to the state general fund unless the gift, devise or donation
19 specifically authorizes a general state use for the monies. A state agency
20 or institution that receives a monetary gift, devise or donation shall
21 account for those monies separately.

22 B. No money shall be received or held by the state treasurer except as
23 authorized by law, and in every instance the treasurer shall issue a receipt
24 for money received and shall record the transaction in the statewide
25 accounting system. No money shall be withdrawn from the treasury except on
26 the warrant or electronic funds transfer voucher of the department of
27 administration.

28 C. All federal monies granted and paid to the state by the federal
29 government shall be accounted for in the accounts or funds of the state in
30 the necessary detail to meet federal and state accounting, budgetary and
31 auditing requirements, and all appropriations for matching such federal
32 monies shall be transferred from the general fund to such separate funds as
33 needed, except as otherwise required by the federal government.

34 D. Nothing in this section requires the establishment of separate
35 accounts or funds for such federal monies unless otherwise required by
36 federal or state law. The department of administration has the authority to

1 use the most efficient system of accounts and records, consistent with legal
2 requirements and standard and necessary fiscal safeguards.

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

9 F. Nothing in this section or any other section precludes the use of
10 monies kept in funds separate from the general fund, the interest from which
11 accrues to the general fund, for payment of claims against the general fund,
12 provided sufficient monies remain available for payment of claims against
13 such funds.

14 G. The department of administration may issue warrants for qualified
15 expenditures of federal program monies before they are deposited in the state
16 treasury. The receipt of federal monies shall be timed to coincide, as
17 closely as administratively feasible, with the redemption of warrants by the
18 state treasurer. The department of administration shall limit expenditures
19 to the amount that has been made available for the use under the grant award
20 by the federal government. The state agency initiating the expenditures is
21 responsible for ensuring that expenditures qualify for coverage under the
22 guidelines of the federal grant award.

23 H. The department of administration shall establish the policies and
24 procedures for all state agencies for drawing federal monies. When the
25 established method results in federal monies being held by this state, the
26 department of administration may use the interest earned on the monies to pay
27 the federal government for any related interest liability. If an interest
28 liability is incurred due to a state agency varying from the established
29 policies and procedures, the department of administration shall charge the
30 appropriate agency account or fund. Any federal interest liability owed to
31 this state as a result of the delayed federal disbursements shall be used to
32 offset this state's interest liability to the federal government. Any
33 remaining interest earnings shall be deposited in the state general fund.

34 I. Any state agency or authorized agent of a state agency may accept
35 credit cards OR DEBIT CARDS pursuant to an agreement entered into by the
36 state treasurer pursuant to section 35-315 for the payment of any amount due
37 to that agency or agent or this state. EXCEPT FOR THE FOLLOWING STATE

1 AGENCIES, ALL OTHER STATE AGENCIES OR AUTHORIZED AGENTS OF STATE AGENCIES
2 MUST ACCEPT CREDIT CARDS OR DEBIT CARDS FOR THE PAYMENT OF AN AMOUNT OF MORE
3 THAN FIVE DOLLARS BUT NOT MORE THAN TWO HUNDRED FIFTY DOLLARS DUE TO THAT
4 AGENCY OR AGENT OF THIS STATE:

5 1. THE STATE DEPARTMENT OF CORRECTIONS.

6 2. THE DEPARTMENT OF JUVENILE CORRECTIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 37-109. Alternative payment methods

6 ~~At the commissioner's sole discretion,~~ PURSUANT TO SECTION 35-142,
7 SUBSECTION I, the commissioner ~~may~~ SHALL accept fees imposed pursuant to
8 section 37-107 by alternative payment methods, including credit ~~and charge~~
9 cards, ~~pursuant to section 35-142, subsection I,~~ debit cards and electronic
10 funds transfers or other alternative payment methods, ~~pursuant to section~~
11 ~~35-315, but the department is not obligated to accept any payment using an~~
12 ~~alternative payment method.~~

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

15 41-511.05. Powers; compensation

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

18 1. Subject to chapter 4, article 4 and, as applicable, article 5 of
19 this title, employ, determine conditions of employment and specify the duties
20 of such administrative, secretarial and clerical workers and technical
21 employees such as naturalists, archaeologists, landscape architects, rangers,
22 park supervisors, caretakers, guides, skilled tradesmen, laborers, historians
23 and engineers, and contract to have the services of such advisors or
24 consultants as are reasonably necessary or desirable to enable it to perform
25 adequately its duties. The compensation of the director and of all workers
26 and employees shall be as determined pursuant to section 38-611.

27 2. Make such contracts, leases and agreements and incur such
28 obligations as are reasonably necessary or desirable within the general scope
29 of its activities and operations to enable it to perform adequately its
30 duties.

31 3. Acquire through purchase, lease, agreement, donation, grant,
32 bequest or otherwise real and personal property and acquire real property
33 through eminent domain for state park or monument purposes. No property may
34 be acquired in the manner provided in this paragraph ~~which~~ THAT will require
35 an expenditure in excess of funds budgeted or received for such purposes. No
36 state park or monument, or additions to a state park or monument, shall be
37 created containing in excess of one hundred sixty acres of land unless

1 created by an act of the legislature. This acreage limitation shall not
2 apply in the case of lands given or donated for state park or monument
3 purposes nor to state owned lands that are selected by the board and that are
4 not subject to outstanding leases, permits or other rights for the use of the
5 lands including preferential rights to renew such leases and permits.

6 4. Sell, lease, exchange or otherwise dispose of real and personal
7 property. Any disposition of real property shall be submitted for approval
8 of the joint committee on capital review. The disposition of office
9 equipment, furnishings, vehicles and other materials is subject to chapter
10 23, article 8 of this title. The disposition of artifacts and other property
11 of scientific, archaeological, historical or sociological interest is exempt
12 from chapter 23, article 8 of this title, but the board shall consult with
13 the Arizona historical society in disposing of property of historical
14 interest.

15 5. Construct at state parks and monuments necessary sanitary and other
16 facilities including picnic tables, fireplaces, campsites, service buildings
17 and maintenance shops, and contract with private persons for the construction
18 and operation of cabins, hotels and restaurants, and like establishments.

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

22 7. Solicit and work in cooperation with the department of
23 transportation and the highway departments of various counties and the United
24 States federal highway administration for necessary roads and trails within
25 the state parks and monuments and access roads to state parks and monuments.
26 For the purposes of this paragraph, the board may designate roads, spurs and
27 other traffic related appurtenances within state park boundaries as public
28 highways. Designation of roads, spurs or other traffic related appurtenances
29 as public highways shall not prohibit the board from closing such public
30 highways when the park is closed, charging for admission to the park to
31 persons using the public highway within the park or otherwise managing such
32 public highways in the same manner as other lands within the park.

33 8. Levy and collect reasonable fees or other charges for the use of
34 such privileges and conveniences as may be provided under the jurisdiction of
35 the board. The board ~~may~~ SHALL enter into agreements for the purpose of
36 accepting payment for fees or other charges imposed pursuant to this article
37 by alternative payment methods, including credit cards, charge cards, debit

1 cards and electronic funds transfers. The collecting officer shall deduct
2 any fee charged or withheld by a company providing the alternative payment
3 method under an agreement with the board before the revenues are transferred
4 to the board. PURSUANT TO SECTION 35-142, SUBSECTION I, THE BOARD SHALL
5 ACCEPT CREDIT CARDS OR DEBIT CARDS FOR PAYMENT OF FEES OR OTHER CHARGES
6 IMPOSED PURSUANT TO THIS ARTICLE.

7 9. Make reasonable rules for the protection of, and maintain and keep
8 the peace in, state parks and monuments. Such rules adopted by the parks
9 board are subject to review and approval by the legislature. After a board
10 rule has been finally adopted pursuant to chapter 6 of this title, the board
11 shall immediately forward a certified copy of the rule to the legislature.
12 The legislature may review and, by concurrent resolution, approve, disapprove
13 or modify such rule. However, such rule shall be given full force and effect
14 pending legislative review. If no concurrent resolution is passed by the
15 legislature with respect to the rule within one year following receipt of a
16 certified copy of the rule, the rule shall be deemed to have been approved by
17 the legislature. If the legislature disapproves a rule or a section of a
18 rule, the board shall immediately discontinue the use of any procedure,
19 action or proceeding authorized or required by the rule or section of the
20 rule. If the legislature modifies a rule or section of a rule, the board
21 shall immediately suspend the use of any procedure, action or proceeding
22 authorized or required by the rule or section of the rule until the modified
23 rule has been adopted in accordance with chapter 6 of this title, after which
24 all proceedings pursuant to the rule shall be conducted in accordance with
25 the modified version of the rule.

26 10. Furnish advisory services to city and county park or recreation
27 boards and organizations.

28 11. Delegate to the director, the deputy director or the director's
29 designee any of its powers and duties, whether ministerial or discretionary,
30 ~~which~~ THAT are prescribed by law, except that the board may not delegate its
31 power or duty to make rules.

32 12. Reimburse board volunteers for travel and lodging expenses and per
33 diem subsistence allowances incurred while on public business for the board.
34 Reimbursement amounts shall not exceed those allowed under title 38, chapter
35 4, article 2.

36 13. In consultation with the conservation acquisition board, develop a
37 grant program and adopt guidelines for allocating and obligating monies in

1 the land conservation fund pursuant to section 41-511.23. The guidelines
2 shall include consideration of both qualification issues relating to
3 applicants for grants and issues relating to the proposed use of the grant
4 money in a manner consistent with existing municipal, county and regional
5 land use plans.

6 Sec. 10. Title 41, Arizona Revised Statutes, is amended by adding
7 chapter 51, to read:

8 CHAPTER 51

9 ONLINE PAYMENTS

10 ARTICLE 1. GENERAL PROVISIONS

11 41-5101. State agencies; online payment; exceptions; state
12 model

13 A. ON OR BEFORE JANUARY 1, 2015, ANY STATE AGENCY OR AUTHORIZED AGENT
14 OF A STATE AGENCY SHALL PROVIDE FOR ONLINE PAYMENT OF AN AMOUNT OF MORE THAN
15 FIVE DOLLARS AND NOT MORE THAN TWO HUNDRED FIFTY DOLLARS DUE TO THAT AGENCY
16 OR AGENT OF THIS STATE. THIS SUBSECTION DOES NOT APPLY TO:

- 17 1. THE STATE DEPARTMENT OF CORRECTIONS.
- 18 2. THE DEPARTMENT OF JUVENILE CORRECTIONS.

19 B. IF AVAILABLE, EACH STATE AGENCY OR AUTHORIZED AGENT OF THE STATE
20 AGENCY SHALL USE THE STATE MODEL FOR ONLINE PAYMENT.

21 Sec. 11. Applicability; credit card or debit card transactions

22 Notwithstanding sections 28-374, 32-1704, 32-2067, 32-2304, 35-142,
23 37-109 and 41-511.05, Arizona Revised Statutes, as amended by this act, any
24 state agency or authorized agent of a state agency that accepts credit cards
25 or debit cards for payment due to that agency or agent in some capacity on
26 July 1, 2013 shall accept credit cards or debit cards for all transactions on
27 or before July 1, 2014."

28 Amend title to conform

and, as so amended, it do pass

MICHELLE UGENTI
Chairman

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