

State of Arizona  
Senate  
Fifty-first Legislature  
First Regular Session  
2013

# SENATE BILL 1490

AN ACT

AMENDING SECTIONS 22-117, 31-401, 41-191.03, 41-797, 41-1641 AND 41-1724,  
ARIZONA REVISED STATUTES; RELATING TO CRIMINAL JUSTICE BUDGET RECONCILIATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 22-117, Arizona Revised Statutes, is amended to  
3 read:

4 22-117. Payment of compensation and expenses

5 A. Justices of the peace shall be allowed by the board of supervisors,  
6 as a county charge, office rent, stationery, telephone and lights.

7 B. In a county with a population of less than one million five hundred  
8 thousand persons, the state shall pay 19.25 per cent of the compensation and  
9 employee related expenditures of a justice of the peace, and the county shall  
10 pay 80.75 per cent of the compensation and employee related expenditures of a  
11 justice of the peace, except that the county shall pay the full amount of the  
12 employer contribution of the state retirement system or plan or any county  
13 health plan.

14 C. If a county is subject to subsection B of this section, the state  
15 treasurer shall remit the compensation and employee related expenditures  
16 payable by the state to the county treasurer, and the county shall disburse  
17 the funds to the justice of the peace.

18 D. In a county with a population of one million five hundred thousand  
19 persons or more, the county shall pay one hundred per cent of the  
20 compensation and employee related expenditures of a justice of the peace.

21 E. If a county is subject to subsection D of this section, the  
22 following apply:

23 1. ~~Beginning in fiscal year 2007-2008,~~ The county's contribution to  
24 the hospitalization and medical care of the indigent sick and for the  
25 administrative costs of implementing sections 36-2901.01 and 36-2901.04 shall  
26 be reduced pursuant to section 11-292, subsection R, in an amount that is  
27 equal to the difference between the total costs that the county paid pursuant  
28 to subsection D of this section and the amount that the county would have  
29 paid if the county were subject to subsection B of this section.

30 2. Pursuant to section 41-563, subsection D ~~and beginning in fiscal~~  
31 ~~year 2007-2008,~~ the economic estimates commission shall increase the county's  
32 base expenditure limit in an amount that is equal to the difference between  
33 the total costs that the county paid pursuant to subsection D of this section  
34 and the amount that the county would have paid if the county were subject to  
35 subsection B of this section.

36 F. BEFORE THE STATE TREASURER REMITS ANY MONIES TO THE COUNTY  
37 TREASURER PURSUANT TO SUBSECTIONS B AND C OF THIS SECTION, THE COUNTY SHALL  
38 SUBMIT A REPORT TO THE STATE TREASURER THAT SPECIFIES THE TOTAL AMOUNT AND  
39 TYPES OF CASES BY CATEGORY AND THE AMOUNT OF EARNED JUDICIAL PRODUCTIVITY  
40 CREDITS FOR ALL JUSTICES OF THE PEACE IN THE COUNTY. THE TOTAL AMOUNT THAT  
41 MAY BE EXPENDED IN ANY FISCAL YEAR BY THE STATE TREASURER FOR JUSTICE OF THE  
42 PEACE COMPENSATION AND EMPLOYEE RELATED EXPENDITURES REIMBURSEMENT SHALL NOT  
43 EXCEED THE AMOUNT APPROPRIATED IN THE GENERAL APPROPRIATION ACT FOR THIS  
44 PURPOSE, TOGETHER WITH ADDITIONAL AMOUNTS APPROPRIATED BY ANY SPECIAL  
45 LEGISLATIVE APPROPRIATION FOR JUSTICES OF THE PEACE.

1           Sec. 2. Section 31-401, Arizona Revised Statutes, is amended to read:  
2           31-401. Board of executive clemency; qualifications;  
3                           appointment; officers; quorum; meeting

4           A. The board of executive clemency is established consisting of five  
5 members who are appointed by the governor pursuant to this subsection and  
6 section 38-211.

7           B. The members of the board shall ~~serve on a full time basis and the~~  
8 ~~compensation of members shall be as determined pursuant to section 38-611~~ BE  
9 COMPENSATED ON AN HOURLY BASIS AND ARE NOT ELIGIBLE FOR PAID LEAVE OR ANY  
10 BENEFITS THAT ARE PROVIDED TO STATE EMPLOYEES PURSUANT TO SECTION 38-651. A  
11 MEMBER WHO IS ACTING AS THE EXECUTIVE DIRECTOR SHALL BE COMPENSATED PURSUANT  
12 TO SUBSECTION K OF THIS SECTION. Each member shall be appointed on the basis  
13 of broad professional or educational qualifications and experience and shall  
14 have demonstrated an interest in the state's correctional program. No more  
15 than two members from the same professional discipline shall be members of  
16 the board at the same time.

17           C. Each member appointed to the board shall complete a four week  
18 course relating to the duties and activities of the board. The course shall  
19 be designed and administered by the chairman of the board and shall be  
20 conducted by the office of the board of executive clemency and the office of  
21 the attorney general. The course shall include training in all statutes that  
22 pertain to the board and participation in a decision making workshop.

23           D. Members shall be appointed for a term of five years to expire on  
24 the third Monday in January of the appropriate year.

25           E. A member of the board may be removed by the governor for cause.

26           F. The governor shall select a member of the board as chairman. The  
27 chairman shall select other officers as are advisable. The term of the  
28 chairman is two years, except that the chairman may be removed as chairman at  
29 the pleasure of the governor. If a board member's term expires while the  
30 member is serving as chairman, the chair shall be deemed vacant and a new  
31 chairman shall be selected.

32           G. The board may adopt rules, not inconsistent with law, as it deems  
33 proper for the conduct of its business. The board may from time to time  
34 amend or change the rules and publish and distribute the rules as provided by  
35 the administrative procedures act.

36           H. The board shall meet at least once a month at the state prison and  
37 at other times or places as the board deems necessary.

38           I. The presence of three members of the board constitutes a quorum,  
39 except that the chairman may designate that the presence of two members of  
40 the board constitutes a quorum.

41           J. If two members of the board constitute a quorum pursuant to  
42 subsection I of this section and the two members do not concur on the action  
43 under consideration, the chairman of the board, if the chairman is not one of  
44 the members who constituted the quorum and after reviewing the information  
45 considered by the two members, shall cast the deciding vote. If the chairman

1 of the board is one of the two members constituting a quorum at a hearing  
2 under subsection I of this section, and there is not concurrence on the  
3 action under consideration, the action fails.

4 K. The board shall employ an executive director whose compensation  
5 shall be determined pursuant to section 38-611. The chairman of the board  
6 may act as the executive director.

7 Sec. 3. Section 41-191.03, Arizona Revised Statutes, is amended to  
8 read:

9 41-191.03. Collection enforcement revolving fund; disposition  
10 of monies

11 A. The collection enforcement revolving fund is established for the  
12 purpose of collecting debts owed to the state. Monies in the fund are  
13 subject to legislative appropriation. The attorney general shall administer  
14 the fund.

15 B. The attorney general may expend from the collection enforcement  
16 revolving fund such monies as are necessary for operating expenses incurred  
17 by the department of law and the collection of debts owed to this state,  
18 including reimbursing other accounts or departments within the office of the  
19 attorney general from which monies or services for collection were provided.

20 C. Thirty-five per cent of all monies recovered by the attorney  
21 general pursuant to section 41-191.04 shall be deposited, pursuant to  
22 sections 35-146 and 35-147, in the collection enforcement revolving fund.

23 D. Sixty-five per cent of all monies recovered by the attorney general  
24 pursuant to section 41-191.04 shall be distributed as follows:

25 1. Those monies that are directly attributable to a fund containing  
26 monies that do not revert to the state general fund at the end of the fiscal  
27 year shall be deposited, pursuant to sections 35-146 and 35-147, in that  
28 fund.

29 2. All other monies shall be deposited, pursuant to sections 35-146  
30 and 35-147, in the state general fund.

31 E. Monies in the collection enforcement revolving fund are exempt from  
32 the lapsing provisions of section 35-190, except that monies remaining in the  
33 fund at the end of each fiscal year in excess of ~~one~~ FIVE hundred thousand  
34 dollars shall be distributed on a pro rata basis to the funds receiving  
35 monies pursuant to subsection D of this section. Such distribution shall be  
36 based on the percentage that the collections deposited in each fund bear to  
37 the total amount deposited into the funds during the fiscal year.

38 F. Notwithstanding anything in subsections B through E of this  
39 section, monies due and owing pursuant to section 12-116.01 and collected by  
40 the attorney general shall be distributed as follows:

41 1. Twenty per cent of all monies recovered by the attorney general  
42 pursuant to section 41-191.04 shall be deposited, pursuant to sections 35-146  
43 and 35-147, in the collection enforcement revolving fund.

1           2. Eighty per cent of all monies recovered by the attorney general  
2 pursuant to section 41-191.04 shall be deposited, pursuant to sections 35-146  
3 and 35-147, in the criminal justice enhancement fund established by section  
4 41-2401.

5           Sec. 4. Section 41-797, Arizona Revised Statutes, is amended to read:  
6 41-797. Department of corrections building renewal fund

7           A. The department of corrections building renewal fund is established  
8 consisting of monies deposited pursuant to section 31-230, section 41-1604,  
9 subsection B, paragraph 3, ~~and~~ sections 41-1604.02, 41-1604.03 and 41-1624  
10 AND SECTION 41-1641, SUBSECTION E. The director of the state department of  
11 corrections shall administer the fund. Monies in the fund are subject to  
12 legislative appropriation and are exempt from the provisions of section  
13 35-190 relating to lapsing of appropriations.

14           B. The director of the state department of corrections shall use the  
15 monies in the fund for building renewal projects that repair or rework  
16 buildings and supporting infrastructure that are under the control of the  
17 state department of corrections and that result in maintaining a building's  
18 expected useful life. Monies in the fund may not be used for new building  
19 additions, new infrastructure additions, landscaping and area beautification,  
20 demolition and removal of a building and, except as provided in subsection C  
21 of this section, routine preventive maintenance.

22           C. The director of the state department of corrections may use up to  
23 eight per cent of the annual expenditures from the fund for routine  
24 preventive maintenance.

25           Sec. 5. Section 41-1641, Arizona Revised Statutes, is amended to read:  
26 41-1641. Corrections fund; uses; prior approval; exemption from  
27 lapsing

28           A. The corrections fund is established and consists of monies received  
29 from the distribution provided pursuant to section 42-3104.

30           B. Monies in the corrections fund may be expended by:

31           1. The director of the department of administration for major  
32 maintenance, construction, lease, purchase, renovation or conversion of  
33 corrections or state operated juvenile facilities subject to the prior  
34 approval of the joint committee on capital review and the legislature.

35           2. The director of the state department of corrections for costs  
36 incurred in the minor maintenance and the operations of corrections  
37 facilities subject to the prior approval of the legislature.

38           3. The director of the department of juvenile corrections for costs  
39 incurred in the minor maintenance and the operations of state operated  
40 juvenile facilities subject to the prior approval of the legislature.

41           C. Notwithstanding any ~~provision of~~ law to the contrary and except as  
42 provided in subsection B of this section:

43           1. The director of the state department of corrections shall enter  
44 into an agreement with the director of the department of administration for  
45 the expenditure of monies for the maintenance of corrections facilities.

1           2. The director of the department of juvenile corrections shall enter  
2 into an agreement with the director of the department of administration for  
3 the expenditure of monies for the maintenance of state operated juvenile  
4 facilities.

5           D. Monies in the fund are exempt from the provisions of section 35-190  
6 relating to lapsing of appropriations.

7           E. THE DIRECTOR SHALL TRANSFER TWO MILLION FIVE HUNDRED THOUSAND  
8 DOLLARS FROM THE CORRECTIONS FUND ANNUALLY TO THE DEPARTMENT OF CORRECTIONS  
9 BUILDING RENEWAL FUND ESTABLISHED BY SECTION 41-797.

10          Sec. 6. Section 41-1724, Arizona Revised Statutes, is amended to read:

11          41-1724. Gang and immigration intelligence team enforcement  
12                                   mission fund; subaccount; use of monies; reporting  
13                                   requirement

14           A. The gang and immigration intelligence team enforcement mission fund  
15 is established consisting of monies deposited pursuant to section 11-1051 and  
16 monies appropriated by the legislature. The department shall administer the  
17 fund. Any monies distributed from the fund to a county sheriff shall go  
18 directly to the county sheriff and are not subject to any form of approval by  
19 the board of supervisors. Monies in the fund are subject to legislative  
20 appropriation.

21           B. Monies in the fund shall be used for employer sanctions  
22 enforcement, enforcing human smuggling and drug smuggling laws, gang and  
23 strict immigration enforcement, county jail reimbursement costs relating to  
24 illegal immigration and any other use previously authorized in an allocation  
25 made by law for the gang and immigration intelligence team enforcement  
26 mission.

27           C. Each year that monies are available in the fund AND AS SOON AS IS  
28 PRACTICABLE AFTER JULY 1 OF EACH YEAR the first one million six hundred  
29 thousand dollars shall be allocated to a county sheriff of a county with a  
30 population of more than three million persons, then five hundred thousand  
31 dollars shall be allocated to a county sheriff of a county with a population  
32 of less than five hundred thousand persons but more than three hundred  
33 thousand persons and any remaining monies shall be used for agreements or  
34 contracts in accordance with subsection D of this section.

35           D. If the department uses monies from the fund for an agreement or  
36 contract with a city, town, county or other entity to provide services for  
37 the gang and immigration intelligence team enforcement mission, the city,  
38 town, county or other entity shall provide not less than twenty-five per cent  
39 of the cost of the services and the department shall provide not more than  
40 seventy-five per cent of personal services and employee related expenditures  
41 for each agreement or contract but may fund all capital related equipment.  
42 This subsection does not apply to a county with a population of more than  
43 three million persons or a county with a population of less than five hundred  
44 thousand persons but more than three hundred thousand persons.

1 E. The gang and immigration intelligence team enforcement mission  
2 border security and law enforcement subaccount is established consisting of  
3 monies deposited pursuant to section 12-116.04 and monies appropriated by the  
4 legislature. The department shall administer the subaccount. Any monies  
5 distributed from the subaccount to a county sheriff shall go directly to the  
6 county sheriff and are not subject to any form of approval by the board of  
7 supervisors. Monies in the subaccount are subject to legislative  
8 appropriation. All appropriated monies in the subaccount shall be  
9 distributed each fiscal year to local entities and no monies may be retained  
10 by the department for its own use. The monies in the subaccount shall be  
11 used for law enforcement purposes related to border security, including  
12 border personnel, **AND FOR SAFETY EQUIPMENT THAT IS WORN OR USED BY A PEACE**  
13 **OFFICER WHO IS EMPLOYED BY A COUNTY SHERIFF.**

14 F. A law enforcement agency shall not receive any monies from the fund  
15 unless the law enforcement agency certifies each fiscal year in writing to  
16 the director of the department of public safety that the law enforcement  
17 agency is complying with section 11-1051 to the fullest extent allowed by  
18 law.

19 G. The department shall submit an expenditure plan to the joint  
20 legislative budget committee for review before expending any monies not  
21 identified in the department's previous expenditure plans. Within thirty  
22 days after the last day of each calendar quarter, the department shall  
23 provide a summary of quarterly and year-to-date expenditures and progress to  
24 the joint legislative budget committee, including any prior year  
25 appropriations that were nonlapsing.

26 Sec. 7. State department of corrections; budget structure

27 Notwithstanding any other law, the state department of corrections  
28 shall report actual fiscal year 2012-2013, estimated fiscal year 2013-2014  
29 and requested fiscal year 2014-2015 expenditures in the same structure and  
30 detail as the prior fiscal year when the department submits the fiscal year  
31 2014-2015 budget request pursuant to section 35-113, Arizona Revised  
32 Statutes. The information submitted for each line item shall contain as much  
33 detail as submitted in previous years for prior line items.

34 Sec. 8. State department of corrections; use of funds;  
35 permission

36 Notwithstanding any other law, the state department of corrections is  
37 permitted to use monies from either of the following funds for department  
38 operating expenses in fiscal year 2013-2014:

39 1. The transition program fund established by section 31-284, Arizona  
40 Revised Statutes.

41 2. The state department of corrections interagency service agreement  
42 fund.

