

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1490

(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:

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

1 to subsection D of this section and the amount that the county would have
2 paid if the county were subject to subsection B of this section.

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

9 F. THE TOTAL AMOUNT THAT MAY BE EXPENDED IN ANY FISCAL YEAR BY THE
10 STATE TREASURER FOR JUSTICE OF THE PEACE COMPENSATION AND EMPLOYEE RELATED
11 EXPENDITURES REIMBURSEMENT SHALL NOT EXCEED THE AMOUNT APPROPRIATED IN THE
12 GENERAL APPROPRIATION ACT FOR THIS PURPOSE, TOGETHER WITH ADDITIONAL AMOUNTS
13 APPROPRIATED BY ANY SPECIAL LEGISLATIVE APPROPRIATION FOR JUSTICES OF THE
14 PEACE.

15 Sec. 2. Section 31-401, Arizona Revised Statutes, is amended to read:

16 31-401. Board of executive clemency; qualifications;
17 appointment; officers; quorum; meeting

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

21 B. The members of the board shall ~~serve on a full-time basis and the~~
22 ~~compensation of members shall be as determined pursuant to section 38-611~~ BE
23 COMPENSATED ON AN HOURLY BASIS AND ARE NOT ELIGIBLE FOR PAID LEAVE.
24 BEGINNING FROM AND AFTER DECEMBER 31, 2013, MEMBERS OF THE BOARD ARE ELIGIBLE
25 FOR ANY BENEFITS THAT ARE PROVIDED TO STATE EMPLOYEES PURSUANT TO SECTION
26 38-651. A MEMBER WHO IS ACTING AS THE EXECUTIVE DIRECTOR SHALL BE
27 COMPENSATED PURSUANT TO SUBSECTION K OF THIS SECTION. Each member shall be
28 appointed on the basis of broad professional or educational qualifications
29 and experience and shall have demonstrated an interest in the state's
30 correctional program. No more than two members from the same professional
31 discipline shall be members of the board at the same time.

32 C. Each member appointed to the board shall complete a four week
33 course relating to the duties and activities of the board. The course shall
34 be designed and administered by the chairman of the board and shall be
35 conducted by the office of the board of executive clemency and the office of
36 the attorney general. The course shall include training in all statutes that
37 pertain to the board and participation in a decision making workshop.

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

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

4 F. The governor shall select a member of the board as chairman. The
5 chairman shall select other officers as are advisable. The term of the
6 chairman is two years, except that the chairman may be removed as chairman at
7 the pleasure of the governor. If a board member's term expires while the
8 member is serving as chairman, the chair shall be deemed vacant and a new
9 chairman shall be selected.

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

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

16 I. The presence of three members of the board constitutes a quorum,
17 except that the chairman may designate that the presence of two members of
18 the board constitutes a quorum.

19 J. If two members of the board constitute a quorum pursuant to
20 subsection I of this section and the two members do not concur on the action
21 under consideration, the chairman of the board, if the chairman is not one of
22 the members who constituted the quorum and after reviewing the information
23 considered by the two members, shall cast the deciding vote. If the chairman
24 of the board is one of the two members constituting a quorum at a hearing
25 under subsection I of this section, and there is not concurrence on the
26 action under consideration, the action fails.

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

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

32 41-191.03. Collection enforcement revolving fund; disposition
33 of monies

34 A. The collection enforcement revolving fund is established for the
35 purpose of collecting debts owed to the state. Monies in the fund are
36 subject to legislative appropriation. The attorney general shall administer
37 the fund.

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

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

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

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

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

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

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

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

30 2. Eighty per cent of all monies recovered by the attorney general
31 pursuant to section 41-191.04 shall be deposited, pursuant to sections 35-146
32 and 35-147, in the criminal justice enhancement fund established by section
33 41-2401.

34 Sec. 4. Section 41-797, Arizona Revised Statutes, is amended to read:

35 41-797. Department of corrections building renewal fund

36 A. The department of corrections building renewal fund is established
37 consisting of monies deposited pursuant to section 31-230, section 41-1604,

1 subsection B, paragraph 3, ~~and~~ sections 41-1604.02, 41-1604.03 and 41-1624
2 **AND SECTION 41-1641, SUBSECTION E.** The director of the state department of
3 corrections shall administer the fund. Monies in the fund are subject to
4 legislative appropriation and are exempt from the provisions of section
5 35-190 relating to lapsing of appropriations.

6 B. The director of the state department of corrections shall use the
7 monies in the fund for building renewal projects that repair or rework
8 buildings and supporting infrastructure that are under the control of the
9 state department of corrections and that result in maintaining a building's
10 expected useful life. Monies in the fund may not be used for new building
11 additions, new infrastructure additions, landscaping and area beautification,
12 demolition and removal of a building and, except as provided in subsection C
13 of this section, routine preventive maintenance.

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

17 Sec. 5. Section 41-1641, Arizona Revised Statutes, is amended to read:
18 41-1641. Corrections fund; uses; prior approval; exemption from
19 lapsing

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

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

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

27 2. The director of the state department of corrections for costs
28 incurred in the minor maintenance and the operations of corrections
29 facilities subject to the prior approval of the legislature.

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

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

35 1. The director of the state department of corrections shall enter
36 into an agreement with the director of the department of administration for
37 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,

1 town, county or other entity shall provide not less than twenty-five per cent
2 of the cost of the services and the department shall provide not more than
3 seventy-five per cent of personal services and employee related expenditures
4 for each agreement or contract but may fund all capital related equipment.
5 This subsection does not apply to a county with a population of more than
6 three million persons or a county with a population of less than five hundred
7 thousand persons but more than three hundred thousand persons.

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

21 F. A law enforcement agency shall not receive any monies from the fund
22 unless the law enforcement agency certifies each fiscal year in writing to
23 the director of the department of public safety that the law enforcement
24 agency is complying with section 11-1051 to the fullest extent allowed by
25 law.

26 G. The department shall submit an expenditure plan to the joint
27 legislative budget committee for review before expending any monies not
28 identified in the department's previous expenditure plans. Within thirty
29 days after the last day of each calendar quarter, the department shall
30 provide a summary of quarterly and year-to-date expenditures and progress to
31 the joint legislative budget committee, including any prior year
32 appropriations that were nonlapsing.

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

34 Notwithstanding any other law, the state department of corrections
35 shall report actual fiscal year 2012-2013, estimated fiscal year 2013-2014
36 and requested fiscal year 2014-2015 expenditures in the same structure and
37 detail as the prior fiscal year when the department submits the fiscal year

1 2014-2015 budget request pursuant to section 35-113, Arizona Revised
2 Statutes. The information submitted for each line item shall contain as much
3 detail as submitted in previous years for prior line items.

4 Sec. 8. State department of corrections; use of funds;
5 permission

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

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

11 2. The state department of corrections interagency service agreement
12 fund.

13 Sec. 9. Department of public safety; highway funds; limitation

14 Notwithstanding sections 28-6537 and 28-6993, Arizona Revised Statutes,
15 the statutory caps and transfers of highway user revenue fund monies and
16 state highway fund monies available to fund department of public safety
17 highway patrol costs are suspended for fiscal year 2013-2014.

18 Sec. 10. GIITEM border security and law enforcement subaccount;
19 allocation in fiscal year 2013-2014; expenditure
20 plan; annual review

21 A. Notwithstanding section 41-1724, subsection E, Arizona Revised
22 Statutes, of the amount appropriated in the general appropriations act for
23 fiscal year 2013-2014, the department of public safety shall allocate the
24 first one million five hundred thousand dollars of the assessment received
25 pursuant to section 12-116.04, Arizona Revised Statutes, in the gang and
26 immigration intelligence team enforcement mission border security and law
27 enforcement subaccount in fiscal year 2013-2014 to a county sheriff of a
28 county with a population of more than three million persons for safety
29 equipment worn or used by peace officers employed by the county sheriff.

30 B. Notwithstanding section 41-1724, subsection G, Arizona Revised
31 Statutes, before the department of public safety spends any monies
32 appropriated in the general appropriations act for fiscal year 2013-2014 from
33 the gang and immigration intelligence team enforcement mission border
34 security and law enforcement subaccount established by section 41-1724,
35 Arizona Revised Statutes, as amended by this act, the department shall submit
36 the subaccount's entire expenditure plan to the joint legislative budget
37 committee for review except that the department shall not include in the

1 expenditure plan the allocation that is made pursuant to subsection A of this
2 section.

3 Sec. 11. Nonsupplanting; suspension

4 Notwithstanding any other law, in fiscal year 2013-2014 the provisions
5 relating to supplanting of state monies contained in section 12-102.02,
6 subsection E, section 12-102.03, subsection D, section 12-135, subsection D,
7 section 12-135.01, subsection D, section 12-267, subsection D, section
8 12-268, subsection D and section 12-299.01, subsection C, Arizona Revised
9 Statutes, are suspended. The Arizona supreme court shall submit a report to
10 the joint legislative budget committee identifying any decrease in county
11 funding related to these suspended provisions, including the reasons for the
12 decrease.

13 Sec. 12. Arizona supreme court; county reimbursement

14 Notwithstanding section 13-4041, subsection H and section 21-428,
15 subsection B, Arizona Revised Statutes, the Arizona supreme court shall not
16 reimburse the counties more than the amount appropriated for that purpose in
17 the fiscal year 2013-2014 general appropriations act.

18 Sec. 13. Incarceration contracts; authorization; fiscal year
19 2014-2015

20 In fiscal year 2014-2015, as prescribed by Laws 2012, chapter 302,
21 section 27, the state department of corrections may award a contract for the
22 remaining male medium security beds under the request for proposals that was
23 issued under the authority of section 41-1609, Arizona Revised Statutes, only
24 if specific legislative authorization for the award is provided.

25 Sec. 14. State aid to indigent defense fund; Attorney general;
26 Arizona department of administration; fiscal years
27 2013-2014 and 2014-2015

28 A. Notwithstanding section 11-588, Arizona Revised Statutes, in fiscal
29 year 2013-2014 the attorney general may use monies in the state aid to
30 indigent defense fund established by section 11-588, Arizona Revised
31 Statutes, for activities related to capital postconviction prosecution.

32 B. Notwithstanding section 11-588, Arizona Revised Statutes, in fiscal
33 years 2013-2014 and 2014-2015 the Arizona department of administration may
34 use monies in the state aid to indigent defense fund established by section
35 11-588, Arizona Revised Statutes, for distribution to counties for law
36 enforcement purposes.

1 Sec. 15. Attorney general; consumer protection-consumer fraud
2 revolving fund; fiscal year 2013-2014

3 Notwithstanding section 44-1531.01, Arizona Revised Statutes, in fiscal
4 year 2013-2014 the attorney general may use monies in the consumer
5 protection-consumer fraud revolving fund established by section 44-1531.01,
6 Arizona Revised Statutes, for activities related to cross-border prosecution.

7 Sec. 16. Retroactivity

8 Section 31-401, Arizona Revised Statutes, as amended by this act, is
9 effective retroactively to from and after June 30, 2013."

10 Amend title to conform

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