

State of Arizona  
Senate  
Forty-third Legislature  
Second Regular Session  
1998

## SENATE BILL 1426

### AN ACT

AMENDING TITLE 42, CHAPTER 8.3, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 2; TRANSFERRING AND RENUMBERING SECTION 42-1491, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 42, CHAPTER 6, ARTICLE 3, ARIZONA REVISED STATUTES, AS SECTION 42-6109; AMENDING SECTION 42-6109, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED; PROVIDING FOR THE DELAYED REPEAL OF THE HEADING OF TITLE 42, CHAPTER 8.3, ARTICLE 2; RELATING TO COUNTY EXCISE TAX.

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

2 Section 1. Title 42, chapter 8.3, Arizona Revised Statutes, is amended  
3 by adding article 2, to read:

4 ARTICLE 2. COUNTY JAIL FACILITIES EXCISE TAX

5 42-1491. Jail facilities excise tax; maintenance of effort;  
6 definition

7 A. IF APPROVED BY THE QUALIFIED ELECTORS VOTING AT A COUNTYWIDE  
8 GENERAL ELECTION, A COUNTY WITH A POPULATION OF AT LEAST ONE MILLION FIVE  
9 HUNDRED THOUSAND PERSONS SHALL LEVY AND THE DEPARTMENT SHALL COLLECT A  
10 TRANSACTION PRIVILEGE TAX, IN ADDITION TO ALL OTHER TAXES, AT RATES OF NOT  
11 MORE THAN 4.0 PER CENT OF THE TRANSACTION PRIVILEGE TAX RATE APPLYING TO EACH  
12 PERSON ENGAGING OR CONTINUING IN THE COUNTY IN A BUSINESS TAXED UNDER CHAPTER  
13 8, ARTICLE 1 OF THIS TITLE.

14 B. THE TAX SHALL BE LEVIED UNDER THIS SECTION BEGINNING JANUARY 1 OR  
15 JULY 1, WHICHEVER DATE FIRST OCCURS AFTER APPROVAL BY THE VOTERS, AND MAY  
16 CONTINUE IN EFFECT UNTIL THE AMOUNT OF NINE HUNDRED MILLION DOLLARS OF  
17 REVENUE IS COLLECTED, AS DETERMINED BY THE DEPARTMENT OF REVENUE, BUT IN ANY  
18 EVENT NOT MORE THAN NINE YEARS AS ADOPTED BY RESOLUTION OF THE COUNTY BOARD  
19 OF SUPERVISORS BEFORE THE ELECTION AND AS APPROVED BY THE VOTERS. THE BOARD  
20 OF SUPERVISORS MAY, BY RESOLUTION, DECREASE OR INCREASE THE RATES OF TAX

1 DURING THE TERM OF THE TAX, SUBJECT TO THE MAXIMUM RATES PRESCRIBED BY THIS  
2 SECTION.

3 C. UNLESS THE CONTEXT OTHERWISE REQUIRES, SECTION 42-1485 GOVERNS THE  
4 ADMINISTRATION OF THE TAX IMPOSED PURSUANT TO THIS SECTION.

5 D. AT THE END OF EACH MONTH THE STATE TREASURER SHALL TRANSMIT THE NET  
6 REVENUES COLLECTED PURSUANT TO THIS SECTION TO THE TREASURER OF THE COUNTY  
7 LEVYING THE TAX. IF THE COUNTY THAT INITIALLY IMPOSES THE TAX UNDER THIS  
8 SECTION IS DIVIDED INTO TWO OR MORE NEW COUNTIES DURING THE TERM OF THE TAX,  
9 EACH NEW COUNTY SHALL CONTINUE TO IMPOSE THE TAX, BUT THE STATE TREASURER  
10 SHALL TRANSMIT THE NET REVENUES COLLECTED WITHIN BOTH COUNTIES EQUALLY TO  
11 EACH OF THE NEW COUNTIES. THE COUNTY TREASURER SHALL SEGREGATE ALL THE  
12 MONIES RECEIVED UNDER THIS SECTION FOR USE ONLY FOR THE PURPOSES AUTHORIZED  
13 BY THIS SECTION. THE COUNTY TREASURER MAY DISBURSE MONIES FROM THE FUND ONLY  
14 TO:

15 1. FINANCE CONSTRUCTION OF NEW ADULT AND JUVENILE JAIL FACILITIES.  
16 2. MAINTAIN AND OPERATE ADULT AND JUVENILE JAIL FACILITIES.  
17 3. FUND THE FOLLOWING FOR THE PURPOSE OF REDUCING THE EXPENSE OF ADULT  
18 AND JUVENILE JAIL FACILITIES:

19 (a) IMPLEMENTING AN INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM.  
20 (b) DEVELOPING REGIONAL CENTERS FOR COURTS NOT OF RECORD.  
21 (c) IMPLEMENTING DIFFERENTIATED CASE MANAGEMENT FOR CRIMINAL CASES IN  
22 SUPERIOR COURT.  
23 (d) CONSOLIDATING CRIMINAL DIVISIONS OF THE SUPERIOR COURT IN THE  
24 COUNTY TO A COMMON LOCATION.  
25 (e) EXPANDING PRETRIAL RELEASE SUPERVISION.  
26 (f) IMPLEMENTING ELECTRONIC MONITORING OF PREADJUDICATED DEFENDANTS.  
27 (g) ENHANCING SUBSTANCE ABUSE EVALUATION AND PROGRAMMING.  
28 (h) INCREASING DRUG COURT ADMISSIONS TO INCLUDE PREADJUDICATED  
29 DEFENDANTS AND EXPANDING DRUG COURT JURISDICTION.  
30 (i) USING COMMUNITY BASED JUVENILE DETENTION AND POSTADJUDICATION  
31 PROGRAMS.

32 E. THE COUNTY SHALL MAINTAIN ITS SUPPORT OF ADULT AND JUVENILE JAIL  
33 FACILITIES. THE COUNTY SHALL DETERMINE THE AMOUNT THE COUNTY SPENT FOR  
34 MAINTENANCE AND OPERATION OF ADULT AND JUVENILE JAIL FACILITIES IN THE FISCAL  
35 YEAR IMMEDIATELY PRECEDING THE FIRST FISCAL YEAR IN WHICH THE TAX IS LEVIED  
36 UNDER THIS SECTION. THE AUDITOR GENERAL SHALL AUDIT THIS AMOUNT AND THE  
37 AUDITED AMOUNT IS THE BASE EXPENDITURE. ANY OUTSTANDING DEBT DUE FROM A  
38 CITY, THIS STATE OR THE UNITED STATES FOR THE COUNTY HOUSING PRISONERS  
39 PURSUANT TO SECTION 31-121 SHALL BE EXCLUDED FROM THE BASE EXPENDITURE. IN  
40 THE FIRST YEAR THE TAX IS LEVIED UNDER THIS SECTION THE COUNTY SHALL PAY AN  
41 AMOUNT EQUAL TO THE BASE EXPENDITURE ADJUSTED BY THE PERCENTAGE CHANGE IN THE  
42 ASSESSED VALUATION OF THE TAXABLE PROPERTY IN THE COUNTY, DETERMINED FOR  
43 SECONDARY PROPERTY TAX PURPOSES, FROM THE PRECEDING YEAR. IN EACH YEAR THE

1 TAX IS IMPOSED, THE COUNTY SHALL PAY AN AMOUNT EQUAL TO THE AMOUNT PAID UNDER  
2 THIS SUBSECTION IN THE PRECEDING FISCAL YEAR, ADJUSTED BY THE PERCENTAGE  
3 CHANGE IN THE ASSESSED VALUATION OF THE TAXABLE PROPERTY IN THE COUNTY,  
4 DETERMINED FOR SECONDARY PROPERTY TAX PURPOSES, FROM THE PRECEDING YEAR. THE  
5 COUNTY TREASURER SHALL TRANSFER THAT AMOUNT, WITHOUT FURTHER AUTHORIZATION,  
6 IN TWELVE EQUAL MONTHLY INSTALLMENTS FROM THE COUNTY GENERAL FUND FOR THE  
7 USES PRESCRIBED IN SUBSECTION D OF THIS SECTION. FOR PURPOSES OF THIS  
8 SUBSECTION, "MAINTENANCE AND OPERATION" INCLUDES DETENTION PERSONNEL  
9 COMPENSATION, EMPLOYEE RELATED EXPENSES, UTILITY EXPENSES OF THE FACILITY,  
10 COSTS OF FOOD AND CARE OF PRISONERS, ADMINISTRATIVE SUPPORT COSTS AND COSTS  
11 OF MAINTAINING AND REPAIRING THE FACILITY AND GROUNDS.

12 F. FOR THE PURPOSES OF THIS SECTION, "JAIL FACILITY" MEANS A JAIL OR  
13 OTHER PLACE OF DETENTION OF PERSONS CHARGED WITH OR CONVICTED OF A CRIME OR  
14 OF PERSONS WHO ARE SUBJECT TO THE JURISDICTION OF THE JUVENILE COURT.

15 Sec. 2. Transfer and renumber

16 Section 42-1491, Arizona Revised Statutes, as added by this act, is  
17 transferred and renumbered from and after December 31, 1998 for placement in  
18 title 42, chapter 6, article 3, Arizona Revised Statutes, as section 42-6109.

19 Sec. 3. Delayed repeal

20 The heading of title 42, chapter 8.3, article 2, Arizona Revised  
21 Statutes, as added by this act is repealed from and after December 31, 1998.

22 Sec. 4. Section 42-6109, Arizona Revised Statutes, as transferred and  
23 renumbered is amended from and after December 31, 1998 to read:

24 42-6109. Jail facilities excise tax: maintenance of effort:  
25 definition

26 A. If approved by the qualified electors voting at a countywide  
27 general election, a county with a population of at least one million five  
28 hundred thousand persons shall levy and the department shall collect a  
29 transaction privilege tax, in addition to all other taxes, at rates of not  
30 more than 4.0 per cent of the transaction privilege tax rate applying to each  
31 person engaging or continuing in the county in a business taxed under chapter  
32 ~~8~~ 5, article 1 of this title.

33 B. The tax shall be levied under this section beginning January 1 or  
34 July 1, whichever date first occurs after approval by the voters, and may  
35 continue in effect until the amount of nine hundred million dollars of  
36 revenue is collected, as determined by the department of revenue, but in any  
37 event not more than nine years as adopted by resolution of the county board  
38 of supervisors before the election and as approved by the voters. The board  
39 of supervisors may, by resolution, decrease or increase the rates of tax  
40 during the term of the tax, subject to the maximum rates prescribed by this  
41 section.

42 ~~C. Unless the context otherwise requires, section 42-1485 governs the~~  
43 ~~administration of the tax imposed pursuant to this section.~~

1           **D. C.** At the end of each month the state treasurer shall transmit the  
2 net revenues collected pursuant to this section to the treasurer of the  
3 county levying the tax. If the county that initially imposes the tax under  
4 this section is divided into two or more new counties during the term of the  
5 tax, each new county shall continue to impose the tax, but the state  
6 treasurer shall transmit the net revenues collected within both counties  
7 equally to each of the new counties. The county treasurer shall segregate  
8 all the monies received under this section for use only for the purposes  
9 authorized by this section. The county treasurer may disburse monies from  
10 the fund only to:

- 11           1. Finance construction of new adult and juvenile jail facilities.
- 12           2. Maintain and operate adult and juvenile jail facilities.
- 13           3. Fund the following for the purpose of reducing the expense of adult  
14 and juvenile jail facilities:
  - 15           (a) Implementing an integrated criminal justice information system.
  - 16           (b) Developing regional centers for courts not of record.
  - 17           (c) Implementing differentiated case management for criminal cases in  
superior court.
  - 18           (d) Consolidating criminal divisions of the superior court in the  
county to a common location.
  - 19           (e) Expanding pretrial release supervision.
  - 20           (f) Implementing electronic monitoring of preadjudicated defendants.
  - 21           (g) Enhancing substance abuse evaluation and programming.
  - 22           (h) Increasing drug court admissions to include preadjudicated  
defendants and expanding drug court jurisdiction.
  - 23           (i) Using community based juvenile detention and postadjudication  
programs.

24           **E. D.** The county shall maintain its support of adult and juvenile  
25 jail facilities. The county shall determine the amount the county spent for  
26 maintenance and operation of adult and juvenile jail facilities in the fiscal  
27 year immediately preceding the first fiscal year in which the tax is levied  
28 under this section. The auditor general shall audit this amount and the  
29 audited amount is the base expenditure. Any outstanding debt due from a  
30 city, this state or the United States for the county housing prisoners  
31 pursuant to section 31-121 shall be excluded from the base expenditure. In  
32 the first year the tax is levied under this section the county shall pay an  
33 amount equal to the base expenditure adjusted by the percentage change in the  
34 assessed valuation of the taxable property in the county, determined for  
35 secondary property tax purposes, from the preceding year. In each year the  
36 tax is imposed, the county shall pay an amount equal to the amount paid under  
37 this subsection in the preceding fiscal year, adjusted by the percentage  
38 change in the assessed valuation of the taxable property in the county,  
39 determined for secondary property tax purposes, from the preceding year. The  
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1 county treasurer shall transfer that amount, without further authorization,  
2 in twelve equal monthly installments from the county general fund for the  
3 uses prescribed in subsection D of this section. For purposes of this  
4 subsection, "maintenance and operation" includes detention personnel  
5 compensation, employee related expenses, utility expenses of the facility,  
6 costs of food and care of prisoners, administrative support costs and costs  
7 of maintaining and repairing the facility and grounds.

8 ~~F.~~ E. For the purposes of this section, "jail facility" means a jail  
9 or other place of detention of persons charged with or convicted of a crime  
10 or of persons who are subject to the jurisdiction of the juvenile court.

11 Sec. 5. Election in counties with a population of at least  
12 one million five hundred thousand persons to  
13 levy jail facilities excise tax; publicity  
14 pamphlet; fee; ballot

15 A. The board of supervisors of a county with a population of at least  
16 one million five hundred thousand persons according to the most recent United  
17 States decennial census may place the issue of a jail facilities excise tax  
18 as provided by this act on the ballot of the 1998 general election.

19 B. The board shall prepare and print publicity pamphlets concerning  
20 the ballot measure and distribute one copy of the pamphlet to each household  
21 containing a registered voter in the county. The publicity pamphlets shall  
22 be mailed at the same time as the publicity pamphlets relating to statewide  
23 ballot issues under section 19-123, Arizona Revised Statutes. The publicity  
24 pamphlets shall contain all of the following:

25 1. A true copy of the title and text of the resolution levying the  
26 taxes.

27 2. The purposes for which the tax monies may be spent and the  
28 limitations on the amounts to be spent as provided by law.

29 3. The number of years the taxes will be in effect, and an estimate  
30 of the annual amount of tax revenues to be raised.

31 4. The form in which the measure will appear on the ballot, the  
32 official title, the descriptive title containing the summary as provided in  
33 subsection D of this section prepared by the county elections director and  
34 the number by which the measure will be designated.

35 5. Any arguments for or against the ballot measure. Affirmative  
36 arguments, arranged in the order in which the elections director received  
37 them, shall be placed before the negative arguments, also arranged in the  
38 order in which they were received.

39 C. At least sixty days before the election a person may file with the  
40 elections director an argument, not more than three hundred words in length,  
41 advocating or opposing the ballot measure. The person who files the argument  
42 shall also pay to the elections director a publication fee prescribed by the  
43 board of supervisors. If the argument is sponsored by one or more

1 individuals, the argument shall be signed by each sponsoring individual. If  
2 the argument is sponsored by one or more organizations, the argument shall  
3 be signed by two executive officers of each organization. If the argument  
4 is sponsored by one or more political committees, the argument shall be  
5 signed by each committee's chairman or treasurer. Payment of the fee  
6 required by this subsection, or reimbursement of the payor, constitutes  
7 sponsorship of the argument. The names of persons who have signed arguments  
8 and the names of sponsoring organizations shall appear with the argument in  
9 the pamphlet. The person or persons signing the argument shall also give  
10 their residence or post office address and a telephone number, which shall  
11 not appear in the pamphlet.

12 D. In addition to any other ballot requirements prescribed by law, the  
13 elections director shall cause to be printed on the official ballot all of  
14 the following:

15 1. The official title and number of the measure to be voted on at the  
16 special or general election.

17 2. A descriptive title, not exceeding fifty words, containing a  
18 summary of the principal provisions of the measure and the purposes for which  
19 the taxes may be spent. The descriptive title shall be prepared by the  
20 elections director and approved by the county attorney.

21 3. The phrases:

22 A "yes" vote has the effect of \_\_\_\_\_.  
23 A "no" vote has the effect of \_\_\_\_\_.  
24 The blank spaces shall be filled with a brief phrase, approved by the county  
25 attorney, stating the essential effect of yes and no votes.

26 Sec. 6. Delayed repeal

27 Section 5 of this act, relating to elections to approve jail facilities  
28 excise taxes, is repealed from and after December 31, 1999.