Senate Engrossed House Bill

State of Arizona
House of Representatives
Forty-fifth Legislature
Second Regular Session
2002

CHAPTER 266

HOUSE BILL 2313

AN ACT

AMENDING TITLE 42, CHAPTER 6, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 42-6109.01; PROVIDING FOR THE DELAYED CONDITIONAL REPEAL OF SECTION 42-6109.01, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT; RELATING TO COUNTY TAXES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Title 42, chapter 6, article 3, Arizona Revised Statutes, is amended by adding section 42-6109.01, to read:

42-6109.01. Jail facilities excise tax; maintenance of effort; definitions

A. THE BOARD OF SUPERVISORS OF ANY COUNTY THAT LEVIES A JAIL FACILITIES EXCISE TAX UNDER SECTION 42-6109, BY RESOLUTION ADOPTED BEFORE THE EXPIRATION OF THAT TAX, MAY CALL FOR A COUNTYWIDE GENERAL ELECTION TO AUTHORIZE THE LEVY OF A TRANSACTION PRIVILEGE TAX UNDER THIS SECTION, IN ADDITION TO ALL OTHER TAXES. IF APPROVED BY THE QUALIFIED ELECTORS VOTING AT THE COUNTYWIDE GENERAL ELECTION, THE COUNTY SHALL LEVY AND THE DEPARTMENT SHALL COLLECT THE TAX AT RATES OF NOT MORE THAN 4.0 PER CENT OF THE TRANSACTION PRIVILEGE TAX RATE PRESCRIBED BY SECTION 42-5010, SUBSECTION A APPLYING TO EACH PERSON ENGAGING OR CONTINUING IN THE COUNTY IN A BUSINESS TAXED UNDER CHAPTER 5, ARTICLE 1 OF THIS TITLE. BY RESOLUTION, THE BOARD OF SUPERVISORS MAY DECREASE THE RATES OF THE TAX DURING THE TERM OF THE TAX.

B. THE RESOLUTION SHALL:

1. INCLUDE A STATEMENT OF THE TAXES THAT HAVE BEEN COLLECTED PURSUANT TO SECTION 42-6109 AND AN ACCOUNTING OF HOW THOSE REVENUES HAVE BEEN EXPENDED BY PROJECT, PROGRAM OR CATEGORY AUTHORIZED BY SECTION 42-6109.

2. INCLUDE A PROJECTION OF THE AMOUNT OF TAXES ANTICIPATED TO BE COLLECTED ANNUALLY IF THE TAX LEVY UNDER SECTION 42-6109.01 IS APPROVED IN THE COUNTYWIDE GENERAL ELECTION.

3. IDENTIFY THE PROJECTS, PROGRAMS AND CATEGORIES FOR WHICH EXPENDITURES ARE CONTEMPLATED AND THE AMOUNT OF TAXES THAT ARE ESTIMATED TO BE EXPENDED FOR EACH.

4. BE PRINTED IN THE BALLOT PROPOSITION PUBLICITY PAMPHLET WHICH WILL BE MAILED TO EVERY HOUSEHOLD WITH A REGISTERED VOTER.

C. TAXES UNDER THIS SECTION SHALL BE LEVIED BEGINNING IN THE MONTH FOLLOWING THE EXPIRATION OF THE TAX UNDER SECTION 42-6109 AND MAY CONTINUE FOR NOT MORE THAN TWENTY YEARS AFTER THE DATE THE TAX COLLECTION BEGINS.

D. AT THE END OF EACH MONTH THE STATE TREASURER SHALL TRANSMIT THE NET REVENUES COLLECTED PURSUANT TO THIS SECTION TO THE TREASURER OF THE COUNTY LEVYING THE TAX. IF THE COUNTY THAT INITIALLY IMPOSES THE TAX UNDER THIS SECTION IS DIVIDED INTO TWO OR MORE NEW COUNTIES DURING THE TERM OF THE TAX, EACH NEW COUNTY SHALL CONTINUE TO IMPOSE THE TAX, BUT THE STATE TREASURER SHALL TRANSMIT THE NET REVENUES COLLECTED WITHIN EACH COUNTY TO THAT COUNTY AS DETERMINED PURSUANT TO SECTION 42-5034. THE COUNTY TREASURER SHALL SEGREGATE ALL THE MONIES RECEIVED UNDER THIS SECTION FOR USE ONLY FOR THE PURPOSES AUTHORIZED BY THIS SECTION. THE COUNTY TREASURER MAY DISBURSE REVENUES FROM THE TAX ONLY TO:

1. FINANCE CONSTRUCTION OR RENOVATION OF ADULT AND JUVENILE JAIL FACILITIES.

2. MAINTAIN AND OPERATE ADULT AND JUVENILE JAIL FACILITIES.

3. FUND THE FOLLOWING FOR THE PURPOSE OF REDUCING THE EXPENSE OF ADULT AND JUVENILE JAIL FACILITIES:

(a) IMPLEMENTING AN INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM.

(b) DEVELOPING REGIONAL CENTERS FOR COURTS NOT OF RECORD.

(c) IMPLEMENTING DIFFERENTIATED CASE MANAGEMENT FOR CRIMINAL CASES IN SUPERIOR COURT.

(d) CONSOLIDATING CRIMINAL DIVISIONS OF THE SUPERIOR COURT IN THE COUNTY TO A COMMON LOCATION.

(e) EXPANDING PRETRIAL RELEASE SUPERVISION.

(f) IMPLEMENTING ELECTRONIC MONITORING OF PREADJUDICATED DEFENDANTS.

(g) ENHANCING SUBSTANCE ABUSE EVALUATION AND PROGRAMMING.

(h) INCREASING DRUG COURT ADMISSIONS TO INCLUDE PREADJUDICATED DEFENDANTS AND EXPANDING DRUG COURT JURISDICTION.

(i) USING COMMUNITY BASED JUVENILE DETENTION AND POSTADJUDICATION PROGRAMS.

(j) IMPLEMENTING OTHER PROGRAMS DESIGNED TO REDUCE THE EXPENSE OF ADULT AND JUVENILE FACILITIES.

E. THE COUNTY SHALL MAINTAIN ITS SUPPORT OF ADULT AND JUVENILE JAIL FACILITIES. IN THE FIRST FISCAL YEAR THE TAX IS LEVIED UNDER THIS SECTION THE COUNTY SHALL PAY AN AMOUNT EQUAL TO THE AMOUNT PAID UNDER SECTION 42-6109 IN THE PRECEDING FISCAL YEAR, ADJUSTED BY THE PERCENTAGE CHANGE IN THE GDP PRICE DEFLATOR FROM THE PRECEDING FISCAL YEAR. IN EACH FISCAL YEAR THE TAX IS IMPOSED, THE COUNTY SHALL PAY AN AMOUNT EQUAL TO THE AMOUNT PAID UNDER THIS SUBSECTION IN THE PRECEDING FISCAL YEAR, ADJUSTED BY THE PERCENTAGE CHANGE IN THE GDP PRICE DEFLATOR FROM THE PRECEDING FISCAL YEAR. THE COUNTY TREASURER SHALL TRANSFER THAT AMOUNT, WITHOUT FURTHER AUTHORIZATION, IN TWELVE EQUAL MONTHLY INSTALLMENTS FROM THE COUNTY GENERAL FUND FOR THE USES PRESCRIBED IN SUBSECTION D OF THIS SECTION.

F. FOR PURPOSES OF THIS SECTION:

1. "GDP PRICE DEFLATOR" HAS THE SAME MEANING PRESCRIBED BY SECTION 41-563.

2. "JAIL FACILITY" MEANS A JAIL OR OTHER PLACE OF DETENTION OF PERSONS CHARGED WITH OR CONVICTED OF A CRIME OR OF PERSONS WHO ARE SUBJECT TO THE JURISDICTION OF THE JUVENILE COURT, INCLUDING RELATED SUPPORT FACILITIES.

Sec. 2. Delayed conditional repeal

Section 42-6109.01, Arizona Revised Statutes, as added by this act, is repealed on January 1, 2009 if, as of that date, no tax has been approved by the qualified electors as provided by section 42-6109.01, subsection A, Arizona Revised Statutes.

APPROVED BY THE GOVERNOR MAY 21, 2002.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 22, 2002.