

REFERENCE TITLE: 2009-2010 budget reconciliation; revenues

State of Arizona  
House of Representatives  
Forty-ninth Legislature  
First Regular Session  
2009

## HB 2635

Introduced by  
Representatives Yarbrough: Adams, Kavanagh, McComish, Tobin (with  
permission of Committee on Rules)

AN ACT

AMENDING SECTIONS 5-113, 5-518, 5-522 AND 8-524, ARIZONA REVISED STATUTES;  
REPEALING SECTION 15-994, ARIZONA REVISED STATUTES; AMENDING SECTIONS  
28-3002, 33-812, 41-1276, 41-3506, 42-5031, 44-302, 44-313, 48-4201, 48-4202,  
48-4204 AND 48-4231, ARIZONA REVISED STATUTES; AMENDING TITLE 48, CHAPTER 26,  
ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 48-4231.01; AMENDING  
SECTION 48-4237, ARIZONA REVISED STATUTES; REPEALING LAWS 2008, CHAPTER 291,  
SECTION 12; MAKING APPROPRIATIONS; RELATING TO REVENUE 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 5-113, Arizona Revised Statutes, is amended to  
3 read:

4 5-113. Disposition of revenues and monies; funds; committee

5 A. All revenues derived from permittees, permits and licenses, as  
6 provided by this article, ~~and all monies transferred pursuant to section~~  
7 ~~44-313, subsection A~~ shall be deposited, pursuant to sections 35-146 and  
8 35-147, ~~or distributed as follows~~ **IN THE STATE GENERAL FUND. :-**

9 ~~1. One million two hundred thousand dollars or twenty-two per cent,~~  
10 ~~whichever is less, shall be deposited in the Arizona county fairs racing~~  
11 ~~betterment fund established by subsection B of this section.~~

12 ~~2. One million eight hundred thousand dollars or thirty-three per~~  
13 ~~cent, whichever is less, shall be deposited in the county fairs livestock and~~  
14 ~~agriculture promotion fund established by subsection C of this section.~~

15 ~~3. One million two hundred thousand dollars or twenty-two per cent,~~  
16 ~~whichever is less, shall be deposited in the Arizona breeders' award fund~~  
17 ~~established by subsection F of this section.~~

18 ~~4. Sixty thousand dollars or one per cent, whichever is less, shall be~~  
19 ~~deposited in the Arizona stallion award fund established by subsection G of~~  
20 ~~this section.~~

21 ~~5. Four hundred fifty thousand dollars or nine per cent, whichever is~~  
22 ~~less, shall be deposited in the county fair racing fund established by~~  
23 ~~subsection I of this section.~~

24 ~~6. One per cent of the revenues and monies shall be deposited in the~~  
25 ~~agricultural consulting and training fund established by subsection J of this~~  
26 ~~section.~~

27 ~~7. Sixty-seven thousand dollars or one per cent, whichever is less,~~  
28 ~~shall be subject to legislative appropriation to the department for~~  
29 ~~administration of the Arizona county fairs racing betterment fund, the~~  
30 ~~Arizona breeders' award fund, the Arizona stallion award fund and the~~  
31 ~~greyhound adoption fund. Monies that are distributed pursuant to this~~  
32 ~~paragraph and that remain unspent at the end of a fiscal year do not revert~~  
33 ~~to the state general fund.~~

34 ~~8. Four hundred thousand dollars or eleven per cent, whichever is~~  
35 ~~less, shall be deposited in the Arizona exposition and state fair fund~~  
36 ~~established by section 3-1005 for the purpose of capital outlay.~~

37 ~~9. Any revenues and monies that are not distributed pursuant to~~  
38 ~~paragraphs 1 through 8 of this subsection at the end of a fiscal year shall~~  
39 ~~be deposited in the state general fund.~~

40 B. The Arizona county fairs racing betterment fund is established  
41 under the jurisdiction of the department. The department shall distribute  
42 monies from the fund to the county fair association or county fair racing  
43 association of each county conducting a county fair racing meeting in such  
44 proportion as the department deems necessary for the promotion and betterment  
45 of county fair racing meetings. All expenditures from the fund shall be made

1 upon claims approved by the department. In order to be eligible for  
2 distributions from the fund, a county fair association must provide the  
3 department with an annual certification in the form required by the  
4 department supporting expenditures made from the fund. Balances remaining in  
5 the fund at the end of a fiscal year do not revert to the state general fund.

6 C. The county fairs livestock and agriculture promotion fund is  
7 established under the control of the governor and shall be used for the  
8 purpose of promoting the livestock and agricultural resources of the state  
9 and for the purpose of conducting an annual Arizona national livestock fair  
10 by the Arizona exposition and state fair board to further promote livestock  
11 resources. The direct expenses less receipts of the livestock fair shall be  
12 paid from this fund, but such payment shall not exceed thirty per cent of the  
13 receipts of the fund for the preceding fiscal year. Balances remaining in the  
14 fund at the end of a fiscal year do not revert to the state general  
15 fund. All expenditures from the fund shall be made upon claims approved by  
16 the governor, as recommended by the livestock and agriculture committee, for  
17 the promotion and betterment of the livestock and agricultural resources of  
18 this state. The livestock and agriculture committee is established and shall  
19 be composed of the following members, at least three of whom are from  
20 counties that have a population of less than five hundred thousand persons,  
21 appointed by the governor:

- 22 1. Three members representing county fairs.
- 23 2. One member representing Arizona livestock fairs.
- 24 3. One member representing the university of Arizona college of  
25 agriculture.
- 26 4. One member representing the livestock industry.
- 27 5. One member representing the farming industry.
- 28 6. One member representing the governor's office.
- 29 7. One member representing the Arizona state fair conducted by the  
30 Arizona exposition and state fair board.
- 31 8. One member representing the general public.

32 D. The governor shall appoint a chairman from the members. Terms of  
33 members shall be four years.

34 E. Members of the committee are not eligible to receive compensation  
35 but are eligible to receive reimbursement for expenses pursuant to title 38,  
36 chapter 4, article 2.

37 F. The Arizona breeders' award fund is established under the  
38 jurisdiction of the department. The department shall distribute monies from  
39 the fund to the breeder, or the breeder's heirs, devisees or successors, of  
40 every winning horse or greyhound foaled or whelped in this state, as defined  
41 by section 5-114, in a manner and in an amount established by rules of the  
42 commission to protect the integrity of the racing industry and promote,  
43 improve and advance the quality of race horse and greyhound breeding within  
44 this state. The department may contract with a breeders' association to  
45 provide data, statistics and other information necessary to enable the

1 department to carry out the purposes of this subsection. Persons who are not  
2 eligible to be licensed under section 5-107.01 or persons who have been  
3 refused licenses under section 5-108 are not eligible to participate in the  
4 Arizona greyhound breeders' award fund. Balances remaining in the fund at  
5 the end of a fiscal year do not revert to the state general fund. For the  
6 purposes of this subsection, "breeder" means the owner or lessee of the dam  
7 of the animal at the time the animal was foaled or whelped.

8 G. The Arizona stallion award fund is established under the  
9 jurisdiction of the department to promote, improve and advance the quality of  
10 stallions in this state. The department shall distribute monies from the  
11 fund to the owner or lessee, or the owner's or lessee's heirs, devisees or  
12 successors, of every Arizona stallion whose certified Arizona bred offspring,  
13 as prescribed in section 5-114, finishes first, second or third in an  
14 eligible race in this state. The department may contract with a breeders'  
15 association to provide data, statistics and other information necessary to  
16 enable the department to carry out the purposes of this subsection. Balances  
17 remaining in the fund at the end of a fiscal year do not revert to the state  
18 general fund. The commission shall adopt rules pursuant to title 41, chapter  
19 6 to carry out the purposes of this subsection. The rules shall prescribe at  
20 a minimum:

21 1. The manner and procedure for distribution from the fund, including  
22 eligibility requirements for owners and lessees.

23 2. Subject to availability of monies in the fund, the amount to be  
24 awarded.

25 3. The requirements for a stallion registered with the jockey club,  
26 Lexington, Kentucky or with the American quarter horse association, Amarillo,  
27 Texas to be certified as an Arizona stallion.

28 4. The types and requirements of races for which an award may be made.

29 H. The greyhound and retired racehorse adoption fund is established.  
30 The department shall administer the fund and maintain separate accounts for  
31 greyhound adoptions and retired racehorse adoptions. All revenues derived  
32 from license fees collected from dog breeders, racing kennels and other  
33 operations pursuant to section 5-104, subsection F, paragraphs 7, 8 and 9  
34 shall be deposited, pursuant to sections 35-146 and 35-147, in the greyhound  
35 adoption account of the fund. All revenues derived from retired racehorse  
36 adoption surcharges collected pursuant to section 5-104, subsection G shall  
37 be deposited, pursuant to sections 35-146 and 35-147, in the retired  
38 racehorse adoption account of the fund. The department shall distribute  
39 monies from the fund to provide financial assistance to nonprofit enterprises  
40 approved by the commission to promote the adoption of former racing  
41 greyhounds as domestic pets and to promote the adoption of retired racehorses  
42 pursuant to section 5-104, subsection G in a manner and in an amount  
43 established by rules of the commission. Balances remaining in the fund at  
44 the end of a fiscal year do not revert to the state general fund.

1 I. The county fair racing fund is established. The department shall  
2 administer the fund. ~~Subject to legislative appropriation,~~ The department  
3 shall use fund monies for the administration of county fair racing. Any  
4 monies remaining unexpended in the fund at the end of the fiscal year in  
5 excess of seventy-five thousand dollars shall revert to the state general  
6 fund.

7 J. The agricultural consulting and training fund is established. The  
8 Arizona department of agriculture shall administer the fund. ~~Subject to~~  
9 ~~legislative appropriation,~~ The Arizona department of agriculture shall use  
10 monies in the fund for the agricultural consulting and training program  
11 established by section 3-109.01. Balances remaining in the fund at the end  
12 of a fiscal year do not revert to the state general fund.

13 Sec. 2. Section 5-518, Arizona Revised Statutes, is amended to read:

14 5-518. Disposition of unclaimed prize money

15 Unclaimed prize money for the prize on a winning ticket or share shall  
16 be retained for the person entitled to the prize for one hundred eighty days  
17 after the drawing in which the prize was won in the case of a drawing prize  
18 and for one hundred eighty days after the announced end of the game in  
19 question in the case of a prize determined in any manner other than by means  
20 of a drawing. If a claim is not made for the money within the applicable  
21 period, seventy per cent of the prize money shall be held in the state  
22 lottery prize fund for use as additional prizes in future games and thirty  
23 per cent shall be transferred monthly to the ~~court-appointed special advocate~~  
24 ~~fund established by section 8-524~~ STATE GENERAL FUND.

25 Sec. 3. Section 5-522, Arizona Revised Statutes, is amended to read:

26 5-522. Use of monies in state lottery fund; report

27 A. The monies in the state lottery fund shall be expended only for the  
28 following purposes and in the order provided:

29 1. For the expenses of the commission incurred in carrying out its  
30 powers and duties and in the operation of the lottery.

31 2. For payment to the commerce and economic development commission  
32 fund established by section 41-1505.10 of not less than twenty-one and  
33 one-half per cent of the revenues received from the sale of two special  
34 lottery games conducted for the benefit of economic development.

35 3. Except as provided in subsection F of this section, for payment to  
36 the local transportation assistance fund established by section 28-8101 of  
37 not less than nine million dollars, increasing each year that total revenues  
38 to the state lottery fund increase up to a maximum of eighteen million  
39 dollars each fiscal year, except that payments pursuant to this paragraph  
40 shall not increase by more than ten per cent per year.

41 B. Of the monies remaining in the state lottery fund after the  
42 appropriations authorized in subsection A of this section, up to a maximum of  
43 twenty-three million dollars each fiscal year shall be deposited in the local  
44 transportation assistance fund established by section 28-8101 and up to a  
45 maximum of seven million six hundred fifty thousand dollars each fiscal year

1 shall be deposited in the county assistance fund established by section  
2 41-175. Monies distributed pursuant to this subsection shall be in addition  
3 to monies distributed pursuant to subsection A, paragraph 3 of this section.

4 C. Notwithstanding subsection B of this section, if the state lottery  
5 director determines at the beginning of any fiscal year that monies available  
6 to cities, towns and counties under this section may not equal thirty million  
7 six hundred fifty thousand dollars, the director shall not authorize deposits  
8 to the county assistance fund until the deposits to the local transportation  
9 assistance fund equal twenty-three million dollars.

10 D. Of the monies remaining in the state lottery fund each fiscal year  
11 after appropriations and deposits authorized in subsections A, B and C of  
12 this section, ten million dollars shall be deposited in the Arizona state  
13 parks board heritage fund established by section 41-502 and ten million  
14 dollars shall be deposited in the Arizona game and fish commission heritage  
15 fund established by section 17-297.

16 E. Of the monies remaining in the state lottery fund each fiscal year  
17 after appropriations and deposits authorized in subsections A, B, C and D of  
18 this section, and appropriations and deposits to the local transportation  
19 assistance fund authorized by this section, five million dollars shall be  
20 allocated to the department of economic security for the healthy families  
21 program established by section 8-701, four million dollars shall be allocated  
22 to the Arizona board of regents for the Arizona area health education system  
23 established by section 15-1643, three million dollars shall be allocated to  
24 the department of health services to fund the teenage pregnancy prevention  
25 programs established in Laws 1995, chapter 190, sections 2 and 3, two million  
26 dollars shall be allocated to the department of health services for the  
27 health start program established by section 36-697, two million dollars shall  
28 be deposited in the disease control research fund established by section  
29 36-274 and one million dollars shall be allocated to the department of health  
30 services for the federal women, infants and children food program. The  
31 allocations in this subsection shall be adjusted annually according to  
32 changes in the GDP price deflator as defined in section 41-563 and the  
33 allocations are exempt from the provisions of section 35-190, relating to  
34 lapsing of appropriations. If there are not sufficient monies available  
35 pursuant to this subsection, the allocation of monies for each program shall  
36 be reduced on a pro rata basis.

37 F. Notwithstanding subsection A, paragraph 3 of this section, if the  
38 state lottery director determines that monies available to the state general  
39 fund may not equal thirty-one million dollars in a fiscal year, the director  
40 shall not authorize deposits to the local transportation assistance fund  
41 pursuant to subsection A, paragraph 3 of this section until the deposits to  
42 the state general fund equal thirty-one million dollars in a fiscal year.

43 G. Of the monies remaining in the state lottery fund each fiscal year  
44 after appropriations and deposits authorized in subsections A through F of  
45 this section, one million dollars or the remaining balance in the fund,

1 whichever is less, is appropriated to the department of economic security for  
2 grants to nonprofit organizations, including faith based organizations, for  
3 homeless emergency and transitional shelters and related support services.  
4 The department of economic security shall submit a report on the amounts,  
5 recipients, purposes and results of each grant to the governor, the speaker  
6 of the house of representatives and the president of the senate on or before  
7 December 31 of each year for the prior fiscal year and shall provide a copy  
8 of this report to the secretary of state and the director of the Arizona  
9 state library, archives and public records.

10 H. Beginning in fiscal year 2009-2010, of the monies remaining in the  
11 state lottery fund each fiscal year after appropriations and deposits  
12 authorized in subsections A through G of this section, and after a total of  
13 at least ~~forty-six million four hundred ninety thousand~~ FIFTY-SEVEN MILLION  
14 dollars has been deposited in the state general fund, the remaining balance  
15 in the state lottery fund shall be deposited in the university capital  
16 improvement lease-to-own and bond fund established by section 15-1682.03, up  
17 to a maximum of eighty per cent of the total annual payments of lease-to-own  
18 and bond agreements entered into by the Arizona board of regents.

19 I. Beginning in fiscal year 2009-2010, of the monies remaining in the  
20 state lottery fund each fiscal year after appropriations and deposits  
21 authorized in subsections A through H of this section, ten million dollars or  
22 the remaining balance in the fund, whichever is less, is appropriated to the  
23 department of environmental quality's water supply development fund line  
24 item.

25 J. Beginning in fiscal year 2009-2010, of the monies remaining in the  
26 state lottery fund each fiscal year after appropriations and deposits  
27 authorized in subsections A through I of this section, three million dollars  
28 or the remaining balance in the fund, whichever is less, is appropriated to  
29 the community protection initiative fund established by section 37-641.

30 K. All monies remaining in the state lottery fund after the  
31 appropriations and deposits authorized in this section shall be deposited in  
32 the state general fund.

33 L. Except for monies expended for prizes as provided in section 5-504,  
34 subsection G and section 41-1505.10, monies expended under subsection A of  
35 this section are subject to legislative appropriation.

36 Sec. 4. Section 8-524, Arizona Revised Statutes, is amended to read:  
37 8-524. Special advocate fund

38 A. The court appointed special advocate fund is established consisting  
39 of monies ~~received pursuant to section 5-518~~ APPROPRIATED BY THE LEGISLATURE  
40 AND FROM ANY OTHER LAWFUL SOURCE. The fund is subject to annual legislative  
41 appropriation. Monies appropriated ~~by the legislature from the court~~  
42 ~~appointed special advocate fund for the court appointed special advocate~~  
43 ~~program~~ FROM THE FUND shall be used by the supreme court to operate, improve,  
44 maintain and enhance the COURT APPOINTED SPECIAL ADVOCATE program.

- 1 B. A court may request fund monies by submitting a program plan and  
2 funding request to the supreme court pursuant to rules adopted by the court.  
3 Sec. 5. Repeal  
4 Section 15-994, Arizona Revised Statutes, is repealed.  
5 Sec. 6. Section 28-3002, Arizona Revised Statutes, is amended to read:  
6 28-3002. Fees; driver licenses; disposition  
7 A. The following fees are required:  
8 1. For each original or initial application or renewal application, if  
9 a written examination is required, for the following:  
10 (a) Class A driver license, twenty-five dollars.  
11 (b) Class B driver license, twenty-five dollars.  
12 (c) Class C driver license, twelve dollars fifty cents.  
13 (d) Class D driver license issued pursuant to section 28-3171, ten  
14 dollars.  
15 (e) Class M driver license issued pursuant to section 28-3171, ten  
16 dollars.  
17 2. Except as provided in paragraph 1, for each original, renewal or  
18 reinstatement application for a class D, G or M license:  
19 Age Fee  
20 50 or older \$10.00  
21 45-49 \$15.00  
22 40-44 \$20.00  
23 39 or younger \$25.00  
24 3. For each original or initial application or renewal examination, if  
25 a written application is required, for the following endorsements to a driver  
26 license:  
27 (a) Bus endorsement, ten dollars.  
28 (b) Hazardous materials endorsement, ten dollars.  
29 (c) Tank vehicle endorsement, ten dollars.  
30 (d) Double-triple trailer endorsement, ten dollars.  
31 (e) Motorcycle endorsement, seven dollars.  
32 4. For taking each driving test for a:  
33 (a) Class A driver license, twenty-five dollars.  
34 (b) Class B driver license, twenty-five dollars.  
35 (c) Class C driver license, twelve dollars fifty cents.  
36 (d) Bus endorsement, five dollars.  
37 5. For each application for an instruction permit under:  
38 (a) Section 28-3154 or 28-3156, seven dollars.  
39 (b) Section 28-3155, three dollars.  
40 (c) Section 28-3225, class A, twenty-five dollars.  
41 (d) Section 28-3225, class B, twenty-five dollars.  
42 (e) Section 28-3225, class C, twelve dollars fifty cents.  
43 6. For each renewal application, if a written examination is not  
44 required, for a:



- 1 (a) Class A driver license and any endorsement, other than a hazardous  
2 materials endorsement, to the license, fifteen dollars.
- 3 (b) Class B driver license and any endorsement, other than a hazardous  
4 materials endorsement, to the license, fifteen dollars.
- 5 (c) Class C driver license and any endorsement, other than a hazardous  
6 materials endorsement, to the license, ten dollars.
- 7 7. For each application for a duplicate of a driver license, ~~four~~  
8 ~~dollars~~ AN AMOUNT DETERMINED BY THE DIRECTOR.
- 9 8. For each application for a duplicate of an instruction permit, two  
10 dollars.
- 11 9. In addition to the fees prescribed in paragraph 2 and except as  
12 provided in paragraph 11:
- 13 (a) For reinstatement of driving privileges after suspension or  
14 disqualification, ten dollars.
- 15 (b) For reinstatement of driving privileges after revocation, twenty  
16 dollars.
- 17 10. For each application for an extension by mail of a driver license,  
18 five dollars.
- 19 11. In addition to the fees prescribed in paragraph 2, for  
20 reinstatement of driving privileges that were suspended or denied pursuant to  
21 section 28-1385 after completion of the suspension or revocation, fifty  
22 dollars.
- 23 12. For vision screening tests of out-of-state drivers, five dollars.
- 24 13. For class D or M driver license skills tests for out-of-state  
25 drivers, fifteen dollars.
- 26 B. Except as otherwise provided by statute, the director shall  
27 immediately deposit, pursuant to sections 35-146 and 35-147, fees collected  
28 under this section in the Arizona highway user revenue fund.
- 29 Sec. 7. Section 33-812, Arizona Revised Statutes, is amended to read:  
30 33-812. Disposition of proceeds of sale
- 31 A. The trustee shall apply the proceeds of the trustee's sale in the  
32 following order of priority:
- 33 1. To the costs and expenses of exercising the power of sale and the  
34 sale, including the payment of the trustee's fees and reasonable attorney  
35 fees actually incurred.
- 36 2. To the payment of the contract or contracts secured by the trust  
37 deed.
- 38 3. To the payment of all other obligations provided in or secured by  
39 the trust deed and actually paid by the beneficiary before the trustee's  
40 sale.
- 41 4. To any condominium association or planned community association as  
42 defined in ~~chapters~~ CHAPTER 9 or ~~10~~ 16 of this title ~~who~~ THAT had a  
43 subordinate lien as provided by law, even if the trustee intends to deposit  
44 the balance pursuant to subsection C of this section. The trustee may pay an  
45 association's lien on receipt of a written claim and shall be discharged from

1 any liability for any payment made in good faith. The trustee may inquire as  
2 to the existence of a lien if there is a recorded declaration on the property  
3 without regard to whether a lien has been recorded. Any person who is an  
4 applicant or respondent pursuant to subsection ~~G~~ H of this section may  
5 require the condominium ASSOCIATION or planned community association to prove  
6 its entitlement to any funds received from the trustee. An association that  
7 demonstrates that the amount it received from the trustee was proper in all  
8 material respects is entitled to an award of its reasonable attorney fees and  
9 court costs against the applicant or respondent who contested the payment.  
10 If the applicant or respondent against whom the association's award is  
11 entered is entitled to excess proceeds of the sale, the award of attorney  
12 fees and costs shall be payable from those excess proceeds.

13 5. To the junior lienholders or encumbrancers in order of their  
14 priority as they existed at the time of the sale. After payment in full of  
15 all sums due to all junior lienholders and encumbrancers as of the date of  
16 the sale and excluding any postsale attorney fees, payment shall be made to  
17 the trustor, except that if the trustor has sold or transferred the property  
18 to another owner before the trustee's sale, payment shall be made to the  
19 person who is the owner of record at the time of the trustee's sale.

20 B. After application of the proceeds pursuant to subsection A,  
21 paragraphs 1, 2 and 3 of this section, if there are additional proceeds to be  
22 distributed, the trustee, within fifteen days of the completion of the  
23 trustee's sale, shall mail by first class mail and by certified or registered  
24 mail, postage prepaid, a notice of any excess proceeds to the trustor as of  
25 the date of the recording of the notice of sale. The trustee may deduct the  
26 costs of mailing the notice of excess proceeds from the additional proceeds.

27 C. In the trustee's discretion and instead of any one or more of the  
28 applications specified in subsection A of this section, the trustee may elect  
29 to deposit the balance of the proceeds with the county treasurer in the  
30 county in which the sale took place pending an order of the superior court in  
31 the county. On deposit of the balance of the monies and after complying with  
32 subsection D of this section, the trustee shall be discharged from all  
33 responsibility for acts performed in good faith according to this chapter.  
34 The county treasurer shall reject any deposit that does not comply with  
35 subsection D of this section.

36 D. If the trustee elects to deposit the balance of the sale proceeds  
37 as prescribed by subsection C of this section, the trustee as plaintiff shall  
38 commence a civil action in the superior court in the county in which the sale  
39 occurred. The action shall name the applicable county treasurer as the  
40 defendant, but the county treasurer has no obligation to respond to the  
41 complaint or appear in the action. The trustee shall mail by certified or  
42 registered mail, with postage prepaid, a conformed copy of the complaint that  
43 displays the filing stamp of the court clerk to the county treasurer and all  
44 persons, other than the beneficiary, who are entitled to notice pursuant to  
45 section 33-809 and to any other person known by the trustee to have an

1 interest of record in the property at the time of the sale. The trustee  
2 shall incorporate in or attach to the complaint:

3 1. A copy of any one of the following:

4 (a) The trustee sale guarantee and all amendments or endorsements  
5 obtained by the trustee.

6 (b) The title search used by the trustee in connection with the  
7 trustee's sale of the subject property and all amendments or endorsements  
8 obtained by the trustee.

9 (c) A detailed description of the liens and encumbrances used by the  
10 trustee in connection with the trustee's sale of the property.

11 2. A copy of the list of the persons and each of the addresses to  
12 which the complaint will be mailed.

13 3. A detailed description of any disbursements made by the trustee  
14 pursuant to this section.

15 4. A narrative description of the liens and encumbrances as shown in  
16 the trustee's sale guarantee, title report or detailed description, including  
17 an analysis of the apparent priority of potential claimants. The trustee  
18 shall not be liable for any error in the narrative description or analysis.

19 E. The trustee may withhold from the proceeds of the sale a reasonable  
20 trustee's fee and reasonable attorney fees actually incurred and the costs of  
21 filing the complaint, depositing the proceeds and mailing the notices.

22 F. Upon filing the complaint, the trustee as plaintiff is discharged  
23 without prejudice from the proceedings.

24 G. Any person with a recorded or other legal interest in the property  
25 at the time of the sale may apply for the release of the proceeds by filing  
26 an application for distribution in the civil action that was filed by the  
27 trustee pursuant to subsection D of this section. The applicant shall mail  
28 postage prepaid by any form of mail that requires a signed and returned  
29 receipt a copy of the application to the county treasurer and all persons at  
30 each of the addresses named on the list of persons that is incorporated in or  
31 attached to the complaint. On return of the signed receipt or the  
32 undelivered or unclaimed original envelope, the applicant shall file with the  
33 court an affidavit that states that the application was mailed to the person  
34 and that the application was either:

35 1. Received, as evidenced by the receipt. The applicant shall attach  
36 to the affidavit a copy of the receipt.

37 2. Not received, as evidenced by the returned envelope. The applicant  
38 shall attach to the affidavit a copy of the original unopened and undelivered  
39 or unclaimed returned envelope.

40 H. Any person who receives the application or who claims a right to  
41 the proceeds may file a response to the application within thirty days of the  
42 mailing of the application. The person filing a response shall mail a copy  
43 of the response to each applicant. Within ten calendar days from the date  
44 the response is mailed, an applicant may file with the clerk and mail to each  
45 respondent a reply to the response. On expiration of the time for filing a

1 reply, an applicant shall provide the court with postage prepaid business  
 2 envelopes that are addressed to all persons who are entitled to receive  
 3 copies of the complaint pursuant to subsection D of this section. If an  
 4 association with a claim is not paid by the trustee pursuant to subsection A,  
 5 paragraph 4 of this section and is required to file an application or  
 6 response pursuant to this subsection in order to recover proceeds, the  
 7 association may request from the excess proceeds of the sale an award of its  
 8 reasonable attorney fees and costs incurred.

9 I. Except as provided in subsection L of this section, the court shall  
 10 issue an order to the county treasurer to release the proceeds deposited with  
 11 the county treasurer to the party entitled to receive them after applying the  
 12 priorities prescribed by subsection A of this section. On notice to all  
 13 persons who have received a copy of the complaint or who have filed a  
 14 responsive pleading, the court may, and if there are competing claims to the  
 15 proceeds, the court shall, hold a hearing to determine entitlement to the  
 16 proceeds. Every applicant or respondent shall acknowledge the existence of  
 17 any apparent lien, encumbrance or interest that could have priority over the  
 18 applicant or respondent. If the court finds that a person other than an  
 19 applicant or respondent has a superior right to receive the proceeds, the  
 20 court shall not issue an order on the proceeds until one hundred eighty days  
 21 from the date the complaint was filed. At any time before the expiration of  
 22 the one hundred eighty day period, an applicant or respondent may move for a  
 23 hearing to determine whether the claimed superior right is valid or  
 24 enforceable and whether the claim is entitled to receive priority over the  
 25 claim of the applicant or respondent. The motion shall set forth the  
 26 specific facts and evidence that support the applicant's or respondent's  
 27 position and shall be mailed to all persons who have received a copy of the  
 28 complaint or filed a responsive pleading. If a response is not filed within  
 29 the one hundred eighty day period by the person found by the court to have a  
 30 superior right to receive the proceeds, the court shall enter an order in  
 31 favor of any applicant or respondent entitled to the proceeds. On release of  
 32 the proceeds, the county treasurer may assess and deduct from the proceeds a  
 33 reasonable fee not to exceed one hundred dollars for the treasurer's costs  
 34 associated with the civil action.

35 J. Within ninety days after completion of the sale, the trustee shall  
 36 apply the proceeds of the sale pursuant to subsection A of this section or  
 37 shall deposit the proceeds with the treasurer pursuant to subsection C of  
 38 this section. If the trustee fails to comply with this subsection, the  
 39 trustee forfeits any entitlement to the fees and costs prescribed in  
 40 subsection D of this section and shall pay interest at the rate provided for  
 41 judgments pursuant to section 44-1201 from the date of completion of the sale  
 42 until the trustee complies with this subsection. Any person with a recorded  
 43 or other legal interest in the property at the time of the sale may commence  
 44 a civil action against the trustee for the trustee's failure to comply with

1 this subsection. The court may award the prevailing party its reasonable  
2 attorney fees and costs incurred in that civil action.

3 K. Excess proceeds deposited with the county treasurer pursuant to  
4 subsection C of this section are presumed abandoned if the monies remain with  
5 the treasurer for at least ~~three~~ TWO years from the date of deposit and there  
6 is no pending application for distribution.

7 L. Excess proceeds that are fifty dollars or less and that are  
8 presumed abandoned under this section shall be transferred to the county  
9 general fund. No further application for distribution by any applicant or  
10 claim by the department of revenue may be made on these monies.

11 M. For all excess proceeds that are greater than fifty dollars and  
12 that are presumed abandoned under this section, the county treasurer shall  
13 submit a report to the department of revenue pursuant to section 44-307. The  
14 county treasurer may assess and deduct from the proceeds a reasonable fee of  
15 not more than fifty dollars for the treasurer's costs associated with  
16 reporting each deposit.

17 N. The county treasurer shall be discharged from all claims and  
18 responsibility for acts performed in good faith pursuant to this chapter  
19 after remitting the presumed abandoned excess proceeds to the department of  
20 revenue pursuant to section 44-308.

21 O. A claimant may enter into an agreement with a third party to pay  
22 for the recovery of or for assistance in the recovery of excess proceeds on  
23 deposit with the county treasurer. The agreement shall be in writing, signed  
24 by the claimant, and the claimant's signature shall be acknowledged by a  
25 notary public or other person authorized to accept an acknowledgment pursuant  
26 to section 33-511. Any agreement entered into before the expiration of  
27 thirty days after the date the trustee's sale was held, but not including the  
28 date of the sale, is void and unenforceable. Any fee or payment provided for  
29 in an agreement shall be reasonable. The fee or payment shall be presumed to  
30 be unreasonable and the obligation to pay the fee or payment is unenforceable  
31 if the fee or payment agreed on exceeds two thousand five hundred dollars  
32 excluding attorney fees and the costs of filing the claim and providing the  
33 statutorily required notices. Any person seeking a fee or payment exceeding  
34 two thousand five hundred dollars may apply to the court for additional  
35 compensation but the person has the burden of establishing that the  
36 additional compensation is reasonable under the circumstances. This  
37 subsection does not preclude a claimant from contesting the reasonableness of  
38 any fee or payment that is provided for in an agreement for the recovery of  
39 or for assistance in the recovery of excess proceeds.

40 Sec. 8. Section 41-1276, Arizona Revised Statutes, is amended to read:  
41 41-1276. Truth in taxation levy for equalization assistance to  
42 school districts

43 A. On or before February 15 of each year, the joint legislative budget  
44 committee shall compute and transmit the truth in taxation rates for

1 equalization assistance for school districts for the following fiscal year  
2 to:

3 1. The chairmen of the house of representatives ways and means  
4 committee and the senate finance committee or their successor committees.

5 2. The chairmen of the appropriations committees of the senate and the  
6 house of representatives or their successor committees.

7 B. The truth in taxation rates consist of the qualifying tax rate for  
8 a high school district or a common school district within a high school  
9 district that does not offer instruction in high school subjects pursuant to  
10 section 15-971, subsection B, paragraph 1, ~~AND~~ a qualifying tax rate for a  
11 unified district, a common school district not within a high school district  
12 or a common school district within a high school district that offers  
13 instruction in high school subjects pursuant to section 15-971, subsection B,  
14 paragraph 2 ~~and a state equalization assistance property tax rate pursuant to~~  
15 ~~section 15-994~~ that will offset the change in net assessed valuation of  
16 property that was subject to tax in the prior year.

17 C. The joint legislative budget committee shall compute the truth in  
18 taxation rates as follows:

19 1. Determine the statewide primary net assessed value for the  
20 preceding tax year as provided in section 42-17151, subsection A,  
21 paragraph 3.

22 2. Determine the statewide primary net assessed value for the current  
23 tax year, excluding the net assessed value of property that was not subject  
24 to tax in the preceding year.

25 3. Divide the amount determined in paragraph 1 of this subsection by  
26 the amount determined in paragraph 2 of this subsection.

27 4. Adjust the qualifying tax rates ~~and the state equalization~~  
28 ~~assistance property tax rate~~ for the current fiscal year by the percentage  
29 determined in paragraph 3 of this subsection in order to offset the change in  
30 net assessed value.

31 D. Except as provided in subsections E and G of this section, the  
32 qualifying tax rate for a high school district or a common school district  
33 within a high school district that does not offer instruction in high school  
34 subjects, ~~AND~~ the qualifying tax rate for a unified school district, a  
35 common school district not within a high school district or a common school  
36 district within a high school district that offers instruction in high school  
37 subjects ~~and the state equalization assistance property tax rate~~ for the  
38 following fiscal year shall be the rate determined by the joint legislative  
39 budget committee pursuant to subsection C of this section. The committee  
40 shall transmit the rates to the superintendent of public instruction and the  
41 county boards of supervisors by March 15 each year.

42 E. If the legislature proposes ~~either~~ qualifying tax rates ~~or a state~~  
43 ~~equalization assistance property tax rate~~ that ~~exceeds~~ EXCEED the truth in  
44 taxation rate:



1 pursuant to subsection A of this section unless the rates are adopted by a  
2 concurrent resolution approved by an affirmative roll call vote of two-thirds  
3 of the members of each house of the legislature before the legislature enacts  
4 the general appropriations bill. If the resolution is not approved by  
5 two-thirds of the members of each house of the legislature, the rates for the  
6 following fiscal year shall be the truth in taxation rates determined  
7 pursuant to subsection C of this section and shall be transmitted to the  
8 superintendent of public instruction and the county boards of supervisors.

9 H. Notwithstanding subsection C of this section and if approved by the  
10 qualified electors voting at a statewide general election, the legislature  
11 shall not set a qualifying tax rate that exceeds \$2.1265 for a common or high  
12 school district or \$4.253 for a unified school district. The legislature  
13 shall not set a county equalization assistance for education rate that  
14 exceeds \$0.5123.

15 I. Pursuant to subsection C of this section, the qualifying tax rate  
16 in tax year 2008 for a high school district or a common school district  
17 within a high school district that does not offer instruction in high school  
18 subjects as provided in section 15-447 is \$1.4622 and for a unified school  
19 district, a common school district not within a high school district or a  
20 common school district within a high school district that offers instruction  
21 in high school subjects as provided in section 15-447 is \$2.9244. ~~The state  
22 equalization assistance property tax rate in tax years 2006, 2007 and 2008 is  
23 zero. The state equalization assistance property tax rate in tax year 2009  
24 shall be computed by annually adjusting the tax year 2005 rate of \$0.4358 as  
25 provided by this section through tax year 2009.~~

26 Sec. 9. Section 41-3506, Arizona Revised Statutes, is amended to read:  
27 41-3506. State web portal fund; exemption

28 A. The state web portal fund is established and is subject to  
29 legislative appropriation. The government information technology agency  
30 shall administer the fund. The state web portal fund shall consist of:

31 1. Monies appropriated to the fund by the legislature.

32 2. Any web portal usage fees collected under any agreement between  
33 this state and an independent contractor providing services for the common  
34 web portal ~~less the contractor's price of maintaining and operating the web  
35 portal.~~

36 3. Monies received from private grants or donations if designated for  
37 the fund by the grantor or donor.

38 4. Monies received from the federal government by grant or otherwise  
39 to assist this state in providing any common web portal projects.

40 B. Monies in the state web portal fund may be used for improving or  
41 expanding this state's information technology services and projects,  
42 including the common web portal.

43 C. Monies in the state web portal fund are exempt from the provisions  
44 of section 35-190 relating to lapsing of appropriations.



1           Sec. 10. Section 42-5031, Arizona Revised Statutes, is amended to  
2 read:

3           42-5031. Distribution of multipurpose facility revenues to  
4                                   district; definitions

5           A. Subject to the requirements of subsection D of this section, if a  
6 county stadium district is authorized by an election pursuant to section  
7 48-4237, subsection E, paragraph 5 to use the amounts paid to the district  
8 pursuant to subsection B of this section as permitted by law, ~~then~~ after  
9 delivery of a resolution of the district board of directors requesting  
10 payment, which resolution shall contain notice of the exercise of the option  
11 to begin payments provided for in this subsection, the state treasurer shall  
12 pay each month, beginning with the second calendar month after the optional  
13 payment commencement event contained in the resolution, from the amount  
14 designated as distribution base pursuant to section 42-5029, subsection D,  
15 the amount determined under subsection B of this section to the district.  
16 Payments under this section shall continue until July 1, 2025.

17           B. The amount to be paid each month under subsection A of this section  
18 is one-half of the amount of state transaction privilege tax revenues  
19 received in the second preceding calendar month from all persons conducting  
20 business under any business classification under this article at a  
21 multipurpose facility site, or in the construction of a multipurpose  
22 facility, the ~~public or district owned~~ components of which cost at least two  
23 hundred million dollars to construct. In no event shall the amount to be  
24 paid each month under this section:

25           1. Exceed **THE LESSER OF:**

26           (a) The net new state transaction privilege tax revenues received from  
27 the multipurpose facility site as compared to the revenues received in the  
28 same month during the twelve months prior to the month in which the public  
29 vote pursuant to section 48-4237 is held.

30           (b) **FIVE MILLION DOLLARS IN CALENDAR YEARS 2010 AND 2011.**

31           (c) **SEVEN MILLION DOLLARS IN CALENDAR YEARS 2012 AND 2013.**

32           (d) **EIGHT MILLION DOLLARS PER CALENDAR YEAR THEREAFTER.**

33           2. **BE DERIVED FROM, OR COMPUTED WITH RESPECT TO, ANY AMOUNT OF**  
34 **REVENUES COLLECTED IN THE DISTRICT EXCEPT AT THE MULTIPURPOSE FACILITY SITE.**

35           C. The primary component, as described in section 48-4201, shall be  
36 constructed during the first phase of the project.

37           D. To qualify for payments under this section, the municipality in  
38 which the multipurpose facility site is located must either obtain voter  
39 approval for a local transaction privilege tax to pay costs associated with a  
40 multipurpose facility, or make a financial commitment by intergovernmental  
41 agreement between the municipality and the district to make direct payments  
42 to the district from any lawful source, including municipal transaction  
43 privilege taxes or to expend monies for land, infrastructure or other  
44 improvements directly related to the multipurpose facility ~~or the~~  
45 ~~multipurpose facility site~~, by ~~the end of the date referred to in subsection~~

1 ~~A of this section~~ JULY 1, 2025 in an aggregate amount equal to the amount  
2 received by the district pursuant to this section.

3 E. If the municipality in which the multipurpose facility site is  
4 located fails to satisfy the obligations of the municipality pursuant to  
5 subsection D of this section, ~~then beginning six months after the end of the~~  
6 ~~date referred to in subsection A of this section~~ JANUARY 1, 2026,  
7 distributions otherwise payable to the municipality pursuant to section  
8 42-5029, subsection C shall be reduced by an amount equal to the excess of  
9 the amount received by the district pursuant to this section over the amount  
10 paid or expended by the municipality. The amount of the reduction shall be  
11 distributed to the district to satisfy the financial commitment of the  
12 municipality pursuant to subsection D of this section.

13 F. To comply with the requirements of this section, the county stadium  
14 district board of directors or any city or town that is part of the county  
15 stadium district shall supply the department with all requested information  
16 necessary to administer this section.

17 G. MONIES DISTRIBUTED TO A COUNTY STADIUM DISTRICT PURSUANT TO THIS  
18 SECTION:

19 1. MAY BE USED ONLY WITH RESPECT TO THE CONSTRUCTION OF A MULTIPURPOSE  
20 FACILITY.

21 2. SHALL NOT BE USED:

22 (a) TO PAY SALARY, WAGES, EMPLOYEE RELATED EXPENSES OR OTHER  
23 COMPENSATION FOR EMPLOYEES OF THE COUNTY STADIUM DISTRICT OR ANY  
24 MUNICIPALITY.

25 (b) FOR ANY COSTS ASSOCIATED WITH ANY BUILDING, FACILITY,  
26 INFRASTRUCTURE OR OTHER IMPROVEMENT OWNED BY ANY MUNICIPALITY, INCLUDING A  
27 CONVENTION CENTER THAT QUALIFIES FOR FUNDING FROM THE ARIZONA CONVENTION  
28 CENTER DEVELOPMENT FUND UNDER TITLE 9, CHAPTER 6.

29 H. FOR THE PURPOSES OF THIS SECTION, "MULTIPURPOSE FACILITY" AND  
30 MULTIPURPOSE FACILITY SITE" HAVE THE SAME MEANINGS PRESCRIBED IN SECTION  
31 48-4201.

32 Sec. 11. Section 44-302, Arizona Revised Statutes, is amended to read:  
33 44-302. Presumptions of abandonment

34 A. Property is presumed abandoned if it is unclaimed by the apparent  
35 owner according to the following schedule:

36 1. A traveler's check is presumed abandoned ~~fifteen~~ FOURTEEN years  
37 after issuance.

38 2. A money order or similar written instrument, other than a third  
39 party bank check, is presumed abandoned ~~seven~~ SIX years after issuance.

40 3. Any stock or other equity interest in a business association or  
41 financial organization, including a security entitlement under title 47,  
42 chapter 8, is presumed abandoned ~~three~~ TWO years after any of the following,  
43 whichever occurs first:

44 (a) The date of the most recent dividend, stock split or other  
45 distribution that is unclaimed by the apparent owner.

1 (b) The date of the second mailing of a statement of account or other  
2 notification or communication that was returned as undeliverable.

3 (c) The date the holder discontinued mailings, notifications or  
4 communications to the apparent owner.

5 4. The principal on debt, other than a bearer bond or an original  
6 issue discount bond, of a business association or financial organization is  
7 presumed abandoned ~~three~~ TWO years after the maturity date and the interest  
8 on the debt is presumed abandoned ~~three~~ TWO years after the payment date.

9 5. A demand, savings or time deposit, including a deposit that is  
10 automatically renewable, and any interest or dividends are presumed abandoned  
11 ~~five~~ FOUR years after maturity or the date of the last indication by the  
12 owner of interest in the property, whichever occurs first. For the purposes  
13 of this paragraph, a deposit that is automatically renewable is deemed  
14 matured on its initial date of maturity, unless the owner has consented to a  
15 renewal at or about the time of the renewal and the consent is in writing or  
16 is evidenced by any memorandum or other record on file with the holder.

17 6. Credits owed to a customer as a result of a retail business  
18 transaction are presumed abandoned ~~five~~ FOUR years after the obligation  
19 accrued.

20 7. An amount owed by an insurance company on a life or endowment  
21 insurance policy or an annuity that has matured or terminated is presumed  
22 abandoned ~~five~~ FOUR years after the obligation to pay arose or, in the case  
23 of a policy or annuity that is payable on proof of death, the amount is  
24 presumed abandoned ~~two years~~ ONE YEAR after the insured has attained, or  
25 would have attained if the insured were living, the limiting age under the  
26 mortality table on which the reserve is based. For the purposes of this  
27 paragraph all of the following conditions apply:

28 (a) If a person other than the insured or annuitant is entitled to the  
29 owed amount and the person's address is not known to the company or it is not  
30 definite and certain from the records of the company who is entitled to the  
31 amount, it is presumed that the last known address of the person who is  
32 entitled to the amount is the same as the last known address of the insured  
33 or annuitant according to the company's records.

34 (b) Notwithstanding any law, if the company learns of the death of the  
35 insured or annuitant and the beneficiary has not communicated with the  
36 insurer within four months after the death, the company shall take reasonable  
37 steps to pay the proceeds to the beneficiary.

38 (c) Every change of beneficiary form issued by an insurance company  
39 under any life or endowment insurance policy or annuity contract to an  
40 insured or owner who is a resident of this state shall request the following  
41 information:

42 (i) The name of each beneficiary, or if a class of beneficiaries is  
43 named, the name of each current beneficiary in the class.

44 (ii) The address of each beneficiary.

45 (iii) The relationship of each beneficiary to the insured.

1           8. A life or endowment insurance policy or annuity contract not  
2 matured by actual proof of the death of the insured or annuitant according to  
3 the company's records is deemed matured and the proceeds are deemed due and  
4 payable and are presumed abandoned after ~~two-years~~ ONE YEAR if all of the  
5 following conditions apply:

6           (a) The insured has attained, or would have attained if the insured  
7 were living, the limiting age under the mortality table on which the reserve  
8 is based.

9           (b) The policy was in force at the time the insured attained or would  
10 have attained the limiting age specified in subdivision (a) of this  
11 paragraph.

12           (c) Neither the insured nor any other person who appears to have an  
13 interest in the policy within the last ~~two-years~~ YEAR according to the  
14 company's records has assigned, readjusted or paid premiums on the policy or  
15 subjected the policy to a loan, corresponded in writing with the company  
16 concerning the policy or otherwise indicated an interest as evidenced by a  
17 memorandum or any other record on file with and prepared by an employee of  
18 the company.

19           9. Property that is distributable by a business association or  
20 financial organization in a course of dissolution is presumed abandoned one  
21 year after the property becomes distributable.

22           10. Property that is received by a court as proceeds of a class action  
23 and that is not distributed pursuant to the judgment is presumed abandoned  
24 one year after the distribution date.

25           11. Property that is held by a court, government or governmental  
26 subdivision, agency or instrumentality, except for support as defined in  
27 section 25-500 or for spousal maintenance, is presumed abandoned ~~three~~ TWO  
28 years after the property becomes distributable. Monies held for the payment  
29 of warrants by a state agency that remain unclaimed by the owner at the time  
30 of the void date printed on the face of the warrant are presumed abandoned.  
31 For the purposes of this paragraph, governmental subdivision does not include  
32 a special taxing district as defined in section 48-241.

33           12. Wages or other compensation for personal services is presumed  
34 abandoned one year after the compensation becomes payable.

35           13. Property in any individual retirement account, defined benefit plan  
36 or other account or plan that qualifies for tax deferral under the income tax  
37 laws of the United States is presumed abandoned ~~three~~ TWO years after any of  
38 the following, whichever occurs first:

39           (a) The date of the distribution or attempted distribution of the  
40 property.

41           (b) The date of the required distribution as stated in the plan or  
42 trust agreement that governs the plan.

43           (c) If determinable by the holder, the date specified in the income  
44 tax laws of the United States by which distribution of the property must  
45 begin in order to avoid a tax penalty.

1           14. Any amount that is payable on a check, draft or similar instrument  
2 on which a financial organization or business association is directly liable,  
3 including a cashier's check and a certified check, and that has been  
4 outstanding for more than ~~five~~ FOUR years after the check, draft or similar  
5 instrument was payable or after issuance if payable on demand is presumed  
6 abandoned unless within ~~five~~ FOUR years the owner has communicated in writing  
7 with the financial organization or business association concerning the check,  
8 draft or similar instrument or otherwise indicated an interest as evidenced  
9 by a memorandum or any other record on file and prepared by an employee of  
10 the financial organization or business association.

11           15. All other property is presumed abandoned ~~five~~ FOUR years after the  
12 owner's rights to demand the property or after the obligation to pay or  
13 distribute the property arises, whichever occurs first.

14           16. Excess proceeds deposited with the county treasurer pursuant to  
15 section 33-812 are presumed abandoned if the monies remain with the treasurer  
16 for at least ~~three~~ TWO years from the date of deposit and there is no pending  
17 application for distribution.

18           17. Any dividend, profit, distribution, interest, redemption, payment  
19 on principal or other sum held or owing by a business association for or to  
20 its shareholder, certificate holder, member, bondholder or other security  
21 holder who has not claimed it, or corresponded in writing with the business  
22 association concerning it, is presumed abandoned ~~three~~ TWO years after the  
23 date prescribed for payment or delivery.

24           B. At the time that an interest is presumed abandoned under subsection  
25 A of this section, any other property right accrued or accruing to the owner  
26 as a result of the interest, and not previously presumed abandoned, is also  
27 presumed abandoned.

28           C. Property is unclaimed if, for the applicable period prescribed in  
29 subsection A of this section, the apparent owner has not communicated in  
30 writing with the holder or communicated by other means reflected in a  
31 contemporaneous record that is prepared by or on behalf of the holder and  
32 that concerns the property or the account or accounts in which the property  
33 is held and has not otherwise indicated an interest in the property and if  
34 the holder has not communicated in writing with regard to the property that  
35 would otherwise be unclaimed. A communication with an owner by a person  
36 other than the holder or the holder's representative who has not identified  
37 the property in writing to the owner is not an indication of interest in the  
38 property by the owner.

39           D. An indication of an owner's interest in property includes:

40           1. The presentment of any check or other instrument of payment of any  
41 dividend or other distribution that is made with respect to any account,  
42 underlying stock or other interest in a business association or financial  
43 organization. If the distribution is made by electronic or similar means an  
44 indication of an owner's interest includes evidence that the distribution has  
45 been received.

1           2. Activity directed by the owner in the account in which the property  
2 is held, including a direction by the owner to increase, decrease or change  
3 the amount or type of property held in the account.

4           3. The making of a deposit to or withdrawal from a bank account.

5           4. The payment of a premium with respect to a property interest in an  
6 insurance policy. The application of an automatic premium loan provision or  
7 any other nonforfeiture provision in an insurance policy does not prevent a  
8 policy from maturing or terminating if the insured has died or if the insured  
9 or the beneficiary of the policy has otherwise become entitled to the  
10 proceeds before the depletion of the cash surrender value of a policy by the  
11 application of those provisions.

12           E. Property is payable or distributable notwithstanding the owner's  
13 failure to make demand or present an instrument or document otherwise  
14 required to obtain payment.

15           Sec. 12. Section 44-313, Arizona Revised Statutes, is amended to read:

16           44-313. Deposit of monies

17           A. Except as otherwise provided in this section or section 44-314, the  
18 department shall deposit, pursuant to sections 35-146 and 35-147, in the  
19 state general fund all monies received pursuant to this chapter, including  
20 the proceeds from the sale of abandoned property pursuant to section 44-312.

21 ~~, except that:~~

22 ~~1. Thirty-five per cent of the monies shall be deposited in the~~  
23 ~~housing trust fund established by section 41-3955.~~

24 ~~2. Twenty per cent of the monies shall be deposited in the housing~~  
25 ~~trust fund established by section 41-3955. These monies shall be used~~  
26 ~~exclusively for the development of eligible and viable housing in rural areas~~  
27 ~~and for the purposes authorized under the housing development fund~~  
28 ~~established by section 41-3956.~~

29 ~~3. Twenty per cent of the monies shall be deposited in the funds in~~  
30 ~~the amounts provided in section 5-113, subsection A.~~

31           B. The department shall deposit monies from unclaimed shares and  
32 dividends of any corporation incorporated under the laws of this state in the  
33 permanent state school fund pursuant to article XI, section 8, Constitution  
34 of Arizona.

35           C. The department shall deposit monies from unclaimed victim  
36 restitution payments in the victim compensation and assistance fund  
37 established by section 41-2407 for the purpose of establishing, maintaining  
38 and supporting programs that compensate and assist victims of crime.

39           D. The department shall retain in a separate trust fund at least one  
40 hundred thousand dollars from which the department shall pay claims.

41           E. Before making the deposit, the department shall record the name and  
42 last known address of each person who appears from the holders' reports to be  
43 entitled to the property and the name and last known address of each insured  
44 person or annuitant and beneficiary. The department shall also record the  
45 policy or contract number of each policy or contract of an insurance company

1 that is listed in the report, the name of the company and the amount due.  
2 The department shall make the record available for public inspection during  
3 reasonable business hours.

4 ~~F. Before making any deposit to the credit of the state general fund,~~  
5 ~~the department may deduct, subject to legislative appropriation,~~  
6 ~~administrative expenses in the following order of priority:~~

7 ~~1. Any costs in connection with the sale of abandoned property.~~

8 ~~2. Costs of mailing and publication in connection with any abandoned~~  
9 ~~property.~~

10 ~~3. Reasonable department service charges.~~

11 ~~4. Costs incurred in examining records of holders of property and in~~  
12 ~~collecting the property from those holders.~~

13 ~~5. Lawful holder charges.~~

14 ~~G. For the purposes of this section, "rural area" means either:~~

15 ~~1. A county with a population of less than four hundred thousand~~  
16 ~~persons.~~

17 ~~2. A census county division with less than fifty thousand persons in a~~  
18 ~~county with a population of four hundred thousand or more persons.~~

19 Sec. 13. Section 48-4201, Arizona Revised Statutes, is amended to  
20 read:

21 48-4201. Definitions

22 In this chapter, unless the context otherwise requires:

23 1. "Board" means the board of directors of any district established  
24 under section 48-4202, subsection A or B.

25 2. "Bond" means any obligation authorized and issued pursuant to this  
26 chapter, including bonds, lease-purchase and installment purchase agreements,  
27 certificates of participation in a lease-purchase or installment purchase  
28 agreement and obligations that are authorized and issued to refund or  
29 refinance obligations that are authorized and issued pursuant to this  
30 chapter.

31 3. "District" means any county stadium district established pursuant  
32 to section 48-4202, subsection A or B.

33 4. "Multipurpose facility" means any HOSPITALITY, CONVENTION OR SPORTS  
34 ARENA facility or facilities that include:

35 (a) A primary component that is located in the district on the  
36 multipurpose facility site and on lands that are adjacent to each other or  
37 separated ONLY by public rights-of-way, AND that the district owns or leases  
38 ~~and that is used to accommodate sporting, entertainment, cultural, civic,~~  
39 ~~meeting, trade show or convention events or activities,~~ AND fire, police or  
40 other public safety facilities, and tourism offices, THAT ARE INCLUDED WITHIN  
41 AND SERVE THE PURPOSES OF THE HOSPITALITY, CONVENTION OR ARENA FACILITY. The  
42 primary component may not include any structure or part of a structure that  
43 is used or designed for use as a county, city or town hall, as meeting space  
44 for the county, city or town governing body or for general municipal



1 administrative office space other than for the administration, maintenance  
2 and operation of the multipurpose facility.

3 (b) Secondary components that are located in the district **ON THE**  
4 **MULTIPURPOSE FACILITY SITE** and that the board determines are necessary or  
5 beneficial to the primary component, limited to on-site infrastructure,  
6 artistic components, ~~AND~~ parking garages and lots. ~~, and public parks and~~  
7 ~~plazas. In addition,~~ Secondary components may include ~~related~~ **INCIDENTAL**  
8 commercial ~~facilities~~ **ENTERPRISES** that are located within the multipurpose  
9 facility site.

10 5. "Multipurpose facility site" means the **IMMEDIATE** geographic area  
11 within the district ~~which is depicted in the publicity pamphlet for an~~  
12 ~~election held pursuant to section 48-4237~~ **ON WHICH THE COMPONENTS OF THE**  
13 **MULTIPURPOSE FACILITY ARE LOCATED.**

14 6. "Municipality" means a city or town that is incorporated or  
15 chartered under the constitution and laws of this state.

16 7. "Stadium" means a sports facility or facilities located in the  
17 district and designed to accommodate, but not be limited to, major league  
18 baseball events.

19 Sec. 14. Section 48-4202, Arizona Revised Statutes, is amended to  
20 read:

21 **48-4202. Formation of district**

22 A. The board of supervisors of each county having a population of more  
23 than one million five hundred thousand persons according to the most recent  
24 United States decennial census or any county in which a major league baseball  
25 organization has established or seeks to establish a spring training  
26 operation may organize a countywide district to include both the incorporated  
27 and unincorporated areas of the county, if the board determines that the  
28 public convenience, necessity or welfare will be promoted by establishing the  
29 district.

30 B. Two or more municipalities in the same county may organize a  
31 district for **A** multipurpose ~~facilities~~ **FACILITY** if the governing bodies of  
32 the municipalities determine that the public convenience, necessity or  
33 welfare will be promoted by establishing the district. The district shall be  
34 comprised of the areas within the corporate boundaries of the municipalities.  
35 After formation, the boundaries of the district shall not be altered. A  
36 district may be established under this subsection in the same county in which  
37 a district is established under subsection A of this section. A district  
38 formed pursuant to this subsection shall be deemed a county stadium district  
39 for purposes of this chapter. Notwithstanding any other law, a district may  
40 not be organized under this subsection from and after October 31, 1999,  
41 except that a district may be organized under this subsection after October  
42 31, 1999 if before that date the governing body of two or more of the  
43 municipalities identified the location of a multipurpose facility site and  
44 has voted with the purpose of forming a district for multipurpose facilities  
45 under this subsection.



1 C. The county board of supervisors shall be the board of directors of  
2 a countywide district established under subsection A of this section.

3 D. The board of directors of a district established under subsection B  
4 of this section shall consist of: ~~two members appointed for a definite term~~  
5 ~~by the governing body of each municipality but may not include officers or~~  
6 ~~employees of the municipality, and if the district enters into an~~  
7 ~~intergovernmental agreement pursuant to section 48-4203 with an Indian tribe~~  
8 ~~or community, the board of directors shall include two members appointed by~~  
9 ~~the Indian tribe or community.~~

10 1. THREE MEMBERS WHO ARE APPOINTED BY THE GOVERNOR, NO MORE THAN TWO  
11 OF WHOM MAY RESIDE IN THE MUNICIPALITY IN WHICH THE DISTRICT IS LOCATED AND  
12 EACH OF WHOM MUST HAVE EXPERIENCE IN COMMERCIAL REAL ESTATE, CONSTRUCTION,  
13 REDEVELOPMENT, REAL ESTATE LAW, ARCHITECTURE, ECONOMIC DEVELOPMENT OR  
14 COMMERCIAL OR PUBLIC FINANCE. NO MORE THAN TWO MEMBERS APPOINTED BY THE  
15 GOVERNOR MAY BELONG TO THE SAME POLITICAL PARTY. THE GOVERNOR MAY RECEIVE  
16 NOMINATIONS FOR APPOINTMENT FROM ANY INTERESTED ORGANIZATION. MEMBERS  
17 APPOINTED BY THE GOVERNOR SERVE AT THE PLEASURE OF THE GOVERNOR.

18 2. THREE MEMBERS WHO ARE APPOINTED BY THE PRESIDENT OF THE SENATE, NO  
19 MORE THAN TWO OF WHOM MAY RESIDE IN THE MUNICIPALITY IN WHICH THE DISTRICT IS  
20 LOCATED. NO MORE THAN TWO MEMBERS APPOINTED BY THE PRESIDENT MAY BELONG TO  
21 THE SAME POLITICAL PARTY AND EACH SERVES AT THE PLEASURE OF THE PRESIDENT.

22 3. THREE MEMBERS WHO ARE APPOINTED BY THE SPEAKER OF THE HOUSE OF  
23 REPRESENTATIVES, NO MORE THAN TWO OF WHOM MAY RESIDE IN THE MUNICIPALITY IN  
24 WHICH THE DISTRICT IS LOCATED. NO MORE THAN TWO MEMBERS APPOINTED BY THE  
25 SPEAKER MAY BELONG TO THE SAME POLITICAL PARTY AND EACH SERVES AT THE  
26 PLEASURE OF THE SPEAKER.

27 E. The directors OF ANY DISTRICT are not eligible for compensation for  
28 their services but are eligible for reimbursement for their necessary  
29 expenses in attending to and traveling on district business.

30 ~~D.~~ F. The board of supervisors may pay the necessary costs incurred  
31 in connection with establishing a countywide district from any county monies  
32 available for that purpose. The municipalities may pay their proportionate  
33 share of the necessary costs incurred in establishing a district formed by  
34 two or more municipalities under subsection B of this section from any monies  
35 available for that purpose.

36 ~~E.~~ G. Subject to limitations imposed by intergovernmental agreement  
37 and the ordinance or resolution authorizing the formation of the district,  
38 the district is a tax levying public improvement district and a political  
39 taxing subdivision of this state and has all the powers, privileges and  
40 immunities granted generally to municipal corporations for the purposes of  
41 implementing this chapter, including eminent domain, as provided by section  
42 48-4203, subsection A, paragraph 7, and immunity of its property, bonds and  
43 interest on and transfer of its bonds from taxation.



1 selection of contractors with experience in stadium design or construction,  
2 to expedite the design and construction of any of its facilities or  
3 structures or any facilities or structures leased to it or used by it  
4 pursuant to an intergovernmental agreement. For the purposes of this  
5 subsection:

6 1. "Design-build" means a process of entering into and managing a  
7 contract between the district and another party in which the other party  
8 agrees to both design and build a structure, a facility or other items  
9 specified in the contract.

10 2. "Qualifications-based selection" means a process of entering into  
11 and managing a contract between the district and another party in which the  
12 other party is selected by the district on the basis of the party's  
13 qualifications and experience in designing or constructing facilities,  
14 structures or other items similar to those the district is authorized to  
15 construct or lease. The other party may be selected by direct selection or  
16 by public competition.

17 D. For purposes of financing, designing, constructing or operating  
18 facilities or structures, the district is not the agent of any municipality  
19 participating in the funding of such facilities or structures.

20 E. Subject to the requirements of title 4, the board of directors may  
21 permit and regulate the sale, use and consumption of alcoholic beverages at  
22 events held on property acquired, leased or subleased under this article.

23 Sec. 16. Section 48-4231, Arizona Revised Statutes, is amended to  
24 read:

25 48-4231. County stadium district fund

26 A. The district treasurer shall maintain a county stadium district  
27 fund consisting of all monies received by the district, including:

28 1. Payments received from leasing, subleasing or renting property  
29 owned, leased or controlled by the district.

30 2. Revenues received by the district from admissions and concessions  
31 and other proceeds from events held at a stadium owned or leased by the  
32 district.

33 3. Monies received from issuing and selling bonds under article 3 of  
34 this chapter.

35 4. Interest and other income received from investing monies in the  
36 fund.

37 5. Gifts, grants and donations received for that purpose from any  
38 public or private source.

39 B. Monies in the fund may be used for any lawful purpose of the  
40 district.

41 C. The district treasurer may invest any unexpended monies in the fund  
42 as provided in title 35, chapter 2. Notwithstanding section 35-323, the  
43 district treasurer may invest and reinvest monies in the fund, other than  
44 operating fund monies, in eligible investments with a maturity of greater  
45 than five years. Interest and other income from investments shall be

1 credited to the fund. The district treasurer shall invest the monies so as  
2 to mature at the times when the fund assets will be required for the purposes  
3 of this article. If the liquid assets in the fund become insufficient to  
4 meet the district's obligations, the board of directors shall direct the  
5 district treasurer to liquidate sufficient securities to meet all of the  
6 current obligations and immediately notify the auditor general of the  
7 insufficiency, and the auditor general shall investigate and audit the  
8 circumstances surrounding the depletion of the fund and report ~~his~~ THE  
9 AUDITOR GENERAL'S findings to the board.

10 D. EXCEPT AS PROVIDED BY SECTION 48-4231.01, the board of directors  
11 shall cause an annual audit to be conducted of the fund by an independent  
12 certified public accountant within one hundred twenty days after the end of  
13 the fiscal year. The board shall immediately file a certified copy of the  
14 audit with the auditor general. The auditor general may make such further  
15 audits and examinations as ~~he~~ THE AUDITOR GENERAL deems necessary, but if ~~he~~  
16 THE AUDITOR GENERAL takes no official action within thirty days after the  
17 audit is filed, the audit is deemed sufficient. The board of directors shall  
18 pay all fees and costs of the certified public accountant and auditor general  
19 under this subsection from the fund.

20 Sec. 17. Title 48, chapter 26, article 2, Arizona Revised Statutes, is  
21 amended by adding section 48-4231.01, to read:

22 48-4231.01. Financial and performance audits of districts  
23 owning multipurpose facilities; appearance before  
24 joint committee on capital review

25 A. BEGINNING IN 2010 AND EVERY YEAR THEREAFTER, THE AUDITOR GENERAL  
26 SHALL CONTRACT WITH AN INDEPENDENT AUDITOR TO CONDUCT A PERFORMANCE AUDIT AS  
27 DEFINED IN SECTION 41-1278, INCLUDING A FINANCIAL AUDIT, OF EACH DISTRICT  
28 ORGANIZED UNDER SECTION 48-4202, SUBSECTION B. THE INDEPENDENT AUDITOR MUST  
29 HAVE NATIONAL STATUS WITH EXPERTISE IN EVALUATING PUBLIC CONSTRUCTION,  
30 OWNERSHIP AND MANAGEMENT OF CAPITAL IMPROVEMENTS THAT INCLUDE HOSPITALITY,  
31 CONVENTION AND SPORTS VENUE FACILITIES. THE AUDIT MUST BE COMPLETED WITHIN  
32 ONE HUNDRED TWENTY DAYS AFTER THE END OF THE FISCAL YEAR.

33 B. THE AUDIT SHALL INCLUDE CONSIDERATION OF:

34 1. CAPITAL COSTS, INCLUDING DEBT SERVICE, OF THE MULTIPURPOSE FACILITY  
35 AND OTHER ASSETS OF THE DISTRICT.

36 2. THE LEVEL OF THE DISTRICT'S INDEBTEDNESS, THE AMOUNT OF PRINCIPAL,  
37 INTEREST AND OTHER DEBT SERVICE EXPENSES PAID IN THE PRECEDING FISCAL YEAR  
38 AND THE REMAINING TERM TO MATURITY WITH RESPECT TO EACH OUTSTANDING BOND  
39 ISSUE.

40 3. OPERATION AND MAINTENANCE COSTS OF THE MULTIPURPOSE FACILITY AND  
41 OTHER ASSETS OF THE DISTRICT.

42 4. THE DISTRICT'S OVERALL EXPENDITURES IN THE PRECEDING FISCAL YEAR,  
43 INCLUDING:

44 (a) THE LEVEL OF EXPENSES FOR ADMINISTRATION, PLANNING, TRAVEL AND  
45 ENTERTAINMENT.

1 (b) THE SUCCESS OF THOSE EXPENDITURES IN SUPPORTING AND ACHIEVING THE  
2 DISTRICT'S PURPOSES.

3 5. A DESCRIPTION OF AND THE AMOUNT OF MUNICIPAL PAYMENTS PURSUANT TO  
4 SECTION 42-5031, SUBSECTION D DURING THE PRECEDING FISCAL YEAR AND THE  
5 CUMULATIVE AMOUNT OF THOSE PAYMENTS THROUGH THE END OF THE PRECEDING FISCAL  
6 YEAR.

7 6. THE PUBLIC USE OF EACH COMPONENT OF THE MULTIPURPOSE FACILITY.

8 7. REVENUES DERIVED FROM EACH COMPONENT OF THE MULTIPURPOSE FACILITY  
9 AND OTHER REVENUES OF THE DISTRICT BY SOURCE.

10 8. DISTRICT PROJECTS THAT ARE CURRENTLY UNDER CONSTRUCTION AND THAT  
11 ARE INCLUDED IN THE DISTRICT'S PLANS FOR CAPITAL IMPROVEMENTS AND INVESTMENT.

12 C. THE AUDIT SHALL MAKE FINDINGS AND RECOMMENDATIONS REGARDING THE  
13 CONSTRUCTION, FINANCING, OPERATION AND MAINTENANCE OF EACH COMPONENT OF THE  
14 MULTIPURPOSE FACILITY, INCLUDING WHETHER THE FACILITY EXCEEDS, MEETS OR FAILS  
15 TO MEET NATIONALLY RECOGNIZED DESIGN AND PERFORMANCE STANDARDS.

16 D. THE DISTRICT AND THE BOARD OF DIRECTORS SHALL COOPERATE WITH AND  
17 SUBMIT TO THE AUDITOR GENERAL AND THE AUDITOR CONTRACTED TO CONDUCT THE AUDIT  
18 INFORMATION NECESSARY TO CONDUCT AND COMPLETE THE AUDIT IN A TIMELY MANNER.

19 E. WITHIN FORTY-FIVE DAYS AFTER THE AUDIT IS RELEASED THE BOARD OF  
20 DIRECTORS SHALL:

21 1. HOLD A PUBLIC HEARING ON THE AUDIT'S FINDINGS AND RECOMMENDATIONS  
22 AND ALLOW ANY PERSON TO MAKE OR SUBMIT ORAL OR WRITTEN COMMENTS ON THE AUDIT.

23 2. BY MAJORITY VOTE ADOPT A PUBLIC RESPONSE AGREEING, AGREEING WITH  
24 RESERVATIONS OR DISAGREEING WITH EACH FINDING AND RECOMMENDATION IN THE  
25 AUDIT.

26 F. THE AUDITOR GENERAL SHALL DISTRIBUTE COPIES OF THE AUDIT AND THE  
27 BOARD OF DIRECTOR'S RESPONSE TO:

28 1. THE MAYOR AND GOVERNING BODY OF THE MUNICIPALITY IN WHICH THE  
29 DISTRICT IS LOCATED.

30 2. THE GOVERNOR.

31 3. THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF  
32 REPRESENTATIVES.

33 4. THE DEPARTMENT OF REVENUE AND THE STATE TREASURER.

34 5. THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS.

35 6. ANY OTHER PERSON WHO REQUESTS A COPY OF THE AUDIT.

36 G. THE COST INCURRED BY THE AUDITOR GENERAL IN CONTRACTING WITH  
37 INDEPENDENT AUDITORS UNDER THIS SECTION IS AN OPERATING EXPENSE OF THE  
38 DISTRICT AND SHALL BE PAID FROM REVENUES PAYABLE TO THE DISTRICT PURSUANT TO  
39 SECTION 42-5031. WHEN DUE, THE PAYMENTS HAVE PRIORITY OVER ANY OTHER  
40 DISTRIBUTION AUTHORIZED BY SECTION 42-5031. THE AUDITOR GENERAL SHALL  
41 DEPOSIT THE PAYMENTS IN THE AUDIT SERVICES REVOLVING FUND ESTABLISHED BY  
42 SECTION 41-1279.06.

43 H. AT THE REQUEST OF THE CHAIRPERSON OF THE JOINT COMMITTEE ON CAPITAL  
44 REVIEW, THE EXECUTIVE DIRECTOR OR A REPRESENTATIVE OF THE BOARD OF DIRECTORS  
45 SHALL APPEAR BEFORE THE JOINT COMMITTEE ON CAPITAL REVIEW TO REPORT ON ANY

1 ASPECT OF THE DISTRICT'S OPERATION, INCLUDING THE ACTIVITIES AND FINANCIAL  
2 PERFORMANCE OF THE DISTRICT DURING THE PREVIOUS FISCAL YEAR, THE DISTRICT'S  
3 PLANS FOR CAPITAL IMPROVEMENTS AND INVESTMENT AND THE DISTRICT'S RESPONSE TO  
4 THE AUDIT CONDUCTED UNDER THIS SECTION.

5 Sec. 18. Section 48-4237, Arizona Revised Statutes, is amended to  
6 read:

7 48-4237. Transaction privilege tax; multipurpose facilities;  
8 rate; administration

9 A. The board of directors of a district established pursuant to  
10 section 48-4202, subsection B by resolution may seek authority for the  
11 district to levy a transaction privilege tax for multipurpose facilities or  
12 other taxes or charges pursuant to subsection E of this section, in addition  
13 to or in lieu of other revenues collected pursuant to this article, to be  
14 used and spent for the purposes described in section 48-4204, subsection B  
15 for the multipurpose facilities.

16 B. The board of directors shall present the question to the governing  
17 bodies of the participating municipalities. The district is exempt from  
18 section 16-226. The governing body of each municipality by resolution may  
19 approve the district's request to place a question seeking authority for the  
20 district to levy a multipurpose facilities district transaction privilege tax  
21 solely within the district, or to impose other taxes or charges pursuant to  
22 subsection E of this section on the ballot of an election pursuant to this  
23 section held on the same date or on the same ballot as the regularly  
24 scheduled election of one or more of the participating municipalities or the  
25 state or on any of the four dates prescribed by section 16-204. If the  
26 governing body of each municipality approves the district's request for an  
27 election, and if a majority of the qualified electors from each municipality  
28 voting at the election approves the multipurpose facilities district  
29 transaction privilege tax or other taxes or charges pursuant to subsection E  
30 of this section, the board by resolution may levy and, if levied, the  
31 department of revenue shall collect a transaction privilege tax solely within  
32 the district pursuant to this section or other taxes or charges pursuant to  
33 subsection E of this section to be used and spent for the purposes described  
34 in section 48-4204, subsection B for the multipurpose facilities. If a  
35 question fails to receive a majority approval among the voters in one  
36 municipality, but receives a majority approval among the voters in at least  
37 two other municipalities, the governing bodies of the approving  
38 municipalities, by majority vote of each governing body, may elect to form a  
39 new district and authorize the district to levy the tax solely within the  
40 boundaries of the new district subject to the conditions authorized by the  
41 voters in the election.

42 C. The board shall state on the ballot the purpose of the tax, the  
43 maximum rate of the tax and the maximum number of years for which the tax  
44 will be authorized. The tax shall terminate upon the expiration of the years  
45 authorized or the completion of the purpose specified in the ballot,

1 whichever is earlier. The rate of tax shall not exceed the limits prescribed  
2 by this section. The ballot question may propose to authorize the district  
3 to levy and collect taxes and charges pursuant to subsection E of this  
4 section.

5 D. The board shall set the rate of the tax at not more than five per  
6 cent of the transaction privilege tax rate prescribed by section 42-5010,  
7 subsection A applying on January 1, 1990 to each person engaging or  
8 continuing in the district in a business taxed under title 42, chapter 5,  
9 article 1, or in the case of persons subject to the tax imposed under section  
10 42-5352, subsection A, at a rate of not more than .1525 cents per gallon of  
11 jet fuel sold.

12 E. If authorized by an election held pursuant to this section, the  
13 board may:

14 1. Pledge all or part of the revenues from a tax under this section to  
15 secure the district's bonds or other financial obligations issued or incurred  
16 under this chapter for the multipurpose facilities.

17 2. Pledge all or part of the incremental increase in the municipal  
18 transaction privilege taxes generated in all or a designated geographic area  
19 of the district during a period of time before, during and after any  
20 specified national championship sporting event or international games hosted  
21 in the multipurpose facilities to secure the district's bonds or other  
22 financial obligations issued or incurred under this chapter for the  
23 construction of the multipurpose facilities.

24 3. Impose a surcharge pursuant to the procedures and limits of section  
25 48-4234 in all or a designated geographic area of the district during a  
26 period of time before, during and after any specified national championship  
27 sporting event or international games hosted in the multipurpose facilities  
28 except that a car rental surcharge imposed pursuant to this paragraph shall  
29 not apply to the lease or rental of a motor vehicle as a replacement vehicle  
30 owned by the lessee for personal use. For the purposes of this paragraph,  
31 "replacement vehicle" means a vehicle loaned by a motor vehicle repair  
32 facility or dealer, or that an individual rents temporarily, to use while a  
33 vehicle owned by the individual is not in use because of breakdown, repair,  
34 service, damage, or loss as defined in the individual's applicable private  
35 passenger automobile insurance policy.

36 4. Levy and, if levied, the department of revenue shall collect a tax  
37 at a rate of not to exceed one per cent of the gross proceeds of sales or  
38 gross income from the business of every person engaging or continuing in the  
39 district in a business taxed under sections 42-5070 and 42-5074 during a  
40 period of time before, during and after any specified national championship  
41 sporting event or international games hosted in the multipurpose facilities  
42 to secure the district's bonds or other financial obligations issued or  
43 incurred under this chapter for the construction of the multipurpose  
44 facilities.

1           5. Use amounts paid to the district pursuant to section 42-5031 and  
2 received from the multipurpose facility site ~~the boundaries or boundary~~  
3 ~~amendment of which are described in the publicity pamphlet~~ as allowed by law  
4 SECTION 48-4204, SUBSECTION B, including securing the district's bonds or  
5 other financial obligations issued or incurred under this chapter for the  
6 construction of the multipurpose facilities which are owned by the district  
7 ~~or which are publicly owned.~~

8           F. Unless the context otherwise requires, section 42-6102 governs the  
9 administration of any tax imposed under this section.

10           G. Each month the state treasurer shall remit to the district  
11 treasurer the net revenues collected under this section during the second  
12 preceding month. The district treasurer shall deposit the monies in the  
13 stadium district fund. Revenues from a tax under this section shall not be  
14 commingled with revenues collected pursuant to this article for any other  
15 purpose but shall be separately accounted for and used solely with respect to  
16 uses authorized in section 48-4204, subsection B.

17           H. In addition to other requirements prescribed by law, the board  
18 shall prepare, print and distribute publicity pamphlets concerning the  
19 proposed issue to be submitted to the voters. The board shall distribute one  
20 copy of the publicity pamphlet at least ten but not more than thirty days  
21 before the election to each household containing a registered voter in the  
22 district. The publicity pamphlet shall contain all of the following:

- 23           1. The date of the election.
- 24           2. The location of the polling places and the times the polling places  
25 will be open.
- 26           3. A true copy of the title and text of the resolution proposing the  
27 tax.
- 28           4. A summary of the purposes for which the tax is proposed to be  
29 levied and a description of the multipurpose facilities.
- 30           5. The estimated cost of the multipurpose facility to be financed.
- 31           6. An estimate of the annual amount of revenues to be raised from the  
32 proposed tax.
- 33           7. The geographic area, time period and amount of any tax, tax  
34 distribution, or surcharge proposed under subsection E of this section.

35           Sec. 19. Repeal

36           Laws 2008, chapter 291, section 12 is repealed.

37           Sec. 20. Department of insurance; fee and assessment adjustment  
38 suspension

39           Notwithstanding section 20-167, subsection F, Arizona Revised Statutes,  
40 and section 20-466, subsection J, Arizona Revised Statutes, the director of  
41 insurance shall not revise fees or assessments in fiscal year 2009-2010 for  
42 the purpose of meeting the requirement to recover at least ninety-five per  
43 cent but not more than one hundred ten per cent of the department of  
44 insurance's appropriated budget.





1 designated by the county, including funds of any countywide special taxing  
2 district in which the board of supervisors serves as the board of directors.

3 C. Contributions made pursuant to this section are excluded from the  
4 county expenditure limitations.

5 Sec. 25. Development fees; use; municipal transfers; fiscal  
6 year 2009-2010

7 A. Notwithstanding section 9-463.05, Arizona Revised Statutes, for  
8 fiscal year 2009-2010, a municipality may use development fee revenues for  
9 general municipal operating expenses. The city or town shall not make any  
10 subsequent adjustment in the computation of its development fee to account  
11 for, compensate for or recover development fee revenues used for general  
12 municipal operating expenses pursuant to this subsection.

13 B. Notwithstanding any other law, in fiscal year 2009-2010 cities and  
14 towns that use development fee revenues for general municipal purposes  
15 pursuant to subsection A of this section shall transfer to the state  
16 treasurer in equal monthly payments for deposit in the state general fund an  
17 amount computed by the state treasurer as follows:

18 1. Compute the amount of state shared revenue paid to the city or town  
19 pursuant to sections 42-5029 and 43-206, Arizona Revised Statutes, in fiscal  
20 year 2008-2009 as a percentage of state shared revenue paid to all cities and  
21 towns.

22 2. Compute that percentage of \$210,000,000 and divide by twelve. The  
23 city or town shall pay that amount to the state treasurer on or before the  
24 tenth day of each month in fiscal year 2009-2010. If the city or town fails  
25 to make a payment as required by this paragraph, the state treasurer shall  
26 withhold the unpaid amount from the next distribution of state transaction  
27 privilege and affiliated excise taxes pursuant to section 42-5029, Arizona  
28 Revised Statutes, and credit the withheld amount to the state general fund.

29 Sec. 26. Incumbent members of board of directors

30 Notwithstanding section 48-4202, subsection D, Arizona Revised  
31 Statutes, as amended by this act, incumbent members of a board of directors  
32 of a county stadium district organized pursuant to section 48-4202,  
33 subsection B, Arizona Revised Statutes, may continue to serve on the board  
34 for the remainder of their appointive terms, together with the new members  
35 appointed by the governor, president of the senate and speaker of the house  
36 of representatives as provided by this act.

37 Sec. 27. Conforming changes

38 The Arizona legislative council staff shall prepare proposed  
39 legislation conforming the Arizona Revised Statutes to the provisions of this  
40 act for consideration in the forty-ninth legislature, second regular session.