

State of Arizona
House of Representatives
Fifty-second Legislature
First Regular Session
2015

CHAPTER 276
HOUSE BILL 2088

AN ACT

AMENDING SECTIONS 1-215, 11-952, 12-1578.01, 12-1598.06, 22-375, 36-2021 AND 42-1122, ARIZONA REVISED STATUTES; AMENDING LAWS 2015, CHAPTER 8, SECTION 59; RELATING TO COURTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 1-215, Arizona Revised Statutes, is amended to
3 read:
4 1-215. Definitions
5 In the statutes and laws of this state, unless the context otherwise
6 requires:
7 1. "Action" includes any matter or proceeding in a court, civil or
8 criminal.
9 2. "Adopted rule" means a final rule as defined in section 41-1001.
10 3. "Adult" means a person who has attained eighteen years of age.
11 4. "Alternative fuel" means:
12 (a) Electricity.
13 (b) Solar energy.
14 (c) Liquefied petroleum gas, natural gas, hydrogen or a blend of
15 hydrogen with liquefied petroleum or natural gas that complies with any of
16 the following:
17 (i) Is used in an engine that is certified to meet at a minimum the
18 United States environmental protection agency low emission vehicle standard
19 pursuant to 40 Code of Federal Regulations section 88.104-94 or 88.105-94.
20 (ii) Is used in an engine that is certified by the engine modifier to
21 meet the addendum to memorandum 1-A of the United States environmental
22 protection agency as printed in the federal register, volume 62, number 207,
23 October 27, 1997, pages 55635 through 55637.
24 (iii) Is used in an engine that is the subject of a waiver for that
25 specific engine application from the United States environmental protection
26 agency's memorandum 1-A addendum requirements and that waiver is documented
27 to the reasonable satisfaction of the director of the department of
28 environmental quality.
29 (d) Only for vehicles that use alcohol fuels before August 21, 1998,
30 alcohol fuels that contain not less than eighty-five per cent alcohol by
31 volume.
32 (e) A combination of at least seventy per cent alternative fuel and no
33 more than thirty per cent petroleum based fuel that operates in an engine
34 that meets the United States environmental protection agency low emission
35 vehicle standard pursuant to 40 Code of Federal Regulations section 88.104-94
36 or 88.105-94 and that is certified by the engine manufacturer to consume at
37 least seventy per cent alternative fuel during normal vehicle operations.
38 5. "Bribe" means anything of value or advantage, present or
39 prospective, asked, offered, given, accepted or promised with a corrupt
40 intent to influence, unlawfully, the person to whom it is given in that
41 person's action, vote or opinion, in any public or official capacity.
42 6. "Child" or "children" as used in reference to age of persons means
43 persons under eighteen years of age.

1 7. "Clean burning fuel" means:

2 (a) An emulsion of water-phased hydrocarbon fuel that contains not
3 less than twenty per cent water by volume and that complies with any of the
4 following:

5 (i) Is used in an engine that is certified to meet at a minimum the
6 United States environmental protection agency low emission vehicle standard
7 pursuant to 40 Code of Federal Regulations section 88.104-94 or 88.105-94.

8 (ii) Is used in an engine that is certified by the engine modifier to
9 meet the addendum to memorandum 1-A of the United States environmental
10 protection agency as printed in the federal register, volume 62, number 207,
11 October 27, 1997, pages 55635 through 55637.

12 (iii) Is used in an engine that is the subject of a waiver for that
13 specific engine application from the United States environmental protection
14 agency's memorandum 1-A addendum requirements and that waiver is documented
15 to the reasonable satisfaction of the director of the department of
16 environmental quality.

17 (b) A diesel fuel substitute that is produced from nonpetroleum
18 renewable resources if the qualifying volume of the nonpetroleum renewable
19 resources meets the standards for California diesel fuel as adopted by the
20 California air resources board pursuant to 13 California Code of Regulations
21 sections 2281 and 2282 in effect on January 1, 2000, the diesel fuel
22 substitute meets the registration requirement for fuels and additives
23 established by the United States environmental protection agency pursuant to
24 section 211 of the clean air act as defined in section 49-401.01 and the use
25 of the diesel fuel substitute complies with the requirements listed in 10
26 Code of Federal Regulations part 490, as printed in the federal register,
27 volume 64, number 96, May 19, 1999.

28 (c) A diesel fuel that complies with all of the following:

29 (i) Contains a maximum of fifteen parts per million by weight of
30 sulfur.

31 (ii) Meets ASTM D975.

32 (iii) Meets the registration requirements for fuels and additives
33 established by the United States environmental protection agency pursuant to
34 section 211 of the clean air act as defined in section 49-401.01.

35 (iv) Is used in an engine that is equipped or has been retrofitted
36 with a device that has been certified by the California air resources board
37 diesel emission control strategy verification procedure, the United States
38 environmental protection agency voluntary diesel retrofit program or the
39 United States environmental protection agency verification protocol for
40 retrofit catalyst, particulate filter and engine modification control
41 technologies for highway and nonroad use diesel engines.

42 (d) A blend of unleaded gasoline that contains at minimum eighty-five
43 per cent ethanol by volume or eighty-five per cent methanol by volume.

44 (e) Neat methanol.

45 (f) Neat ethanol.

- 1 8. "Corruptly" means a wrongful design to acquire or cause some
2 pecuniary or other advantage to the person guilty of the act or omission
3 referred to, or to some other person.
- 4 9. "Daytime" means the period between sunrise and sunset.
- 5 10. "Depose" includes every manner of written statement under oath or
6 affirmation.
- 7 11. "Federal poverty guidelines" means the poverty guidelines as
8 updated annually in the federal register by the United States department of
9 health and human services.
- 10 12. "Grantee" includes every person to whom an estate or interest in
11 real property passes, in or by a deed.
- 12 13. "Grantor" includes every person from or by whom an estate or
13 interest in real property passes, in or by a deed.
- 14 14. "Includes" or "including" means not limited to and is not a term of
15 exclusion.
- 16 15. "Inhabitant" means a resident of a city, town, village, district,
17 county or precinct.
- 18 16. "Issue" as used in connection with descent of estates includes all
19 lawful, lineal descendants of the ancestor.
- 20 17. "Knowingly":
- 21 (a) MEANS only a knowledge that the facts exist that bring the act or
22 omission within the provisions of the statute using such word.
- 23 (b) Does not require any knowledge of the unlawfulness of the act or
24 omission.
- 25 18. "Magistrate" means an officer having power to issue a warrant for
26 the arrest of a person charged with a public offense and includes the chief
27 justice and justices of the supreme court, judges of the superior court,
28 JUDGES OF THE COURT OF APPEALS, justices of the peace and ~~police magistrates~~
29 ~~in cities and towns~~ JUDGES OF A MUNICIPAL COURT.
- 30 19. "Majority" or "age of majority" as used in reference to age of
31 persons means the age of eighteen years or more.
- 32 20. "Malice" and "maliciously" mean a wish to vex, annoy or injure
33 another person, or an intent to do a wrongful act, established either by
34 proof or presumption of law.
- 35 21. "Minor" means a person under the age of eighteen years.
- 36 22. "Minor children" means persons under the age of eighteen years.
- 37 23. "Month" means a calendar month unless otherwise expressed.
- 38 24. "Neglect", "negligence", "negligent" and "negligently" import a
39 want of such attention to the nature or probable consequence of the act or
40 omission as a prudent man ordinarily bestows in acting in his own concerns.
- 41 25. "Nighttime" means the period between sunset and sunrise.
- 42 26. "Oath" includes an affirmation or declaration.
- 43 27. "Peace officers" means sheriffs of counties, constables, marshals,
44 policemen of cities and towns, commissioned personnel of the department of
45 public safety, personnel who are employed by the state department of
46 corrections and the department of juvenile corrections and who have received

1 a certificate from the Arizona peace officer standards and training board,
2 peace officers who are appointed by a multicounty water conservation district
3 and who have received a certificate from the Arizona peace officer standards
4 and training board, police officers who are appointed by community college
5 district governing boards and who have received a certificate from the
6 Arizona peace officer standards and training board, police officers who are
7 appointed by the Arizona board of regents and who have received a certificate
8 from the Arizona peace officer standards and training board, police officers
9 who are appointed by the governing body of a public airport pursuant to
10 section 28-8426 and who have received a certificate from the Arizona peace
11 officer standards and training board and special agents from the office of
12 the attorney general, or of a county attorney, and who have received a
13 certificate from the Arizona peace officer standards and training board.

14 28. "Person" includes a corporation, company, partnership, firm,
15 association or society, as well as a natural person. When the word "person"
16 is used to designate the party whose property may be the subject of a
17 criminal or public offense, the term includes the United States, this state,
18 or any territory, state or country, or any political subdivision of this
19 state that may lawfully own any property, or a public or private corporation,
20 or partnership or association. When the word "person" is used to designate
21 the violator or offender of any law, it includes corporation, partnership or
22 any association of persons.

23 29. "Personal property" includes money, goods, chattels, ~~dogs,~~ things
24 in action and evidences of debt.

25 30. "Population" means the population according to the most recent
26 United States decennial census.

27 31. "Process" means a citation, writ or summons issued in the course of
28 judicial proceedings.

29 32. "Property" includes both real and personal property.

30 33. "Real property" is coextensive with lands, tenements and
31 hereditaments.

32 34. "Registered mail" includes certified mail.

33 35. "Seal" as used in reference to a paper issuing from a court or
34 public office to which the seal of such court or office is required to be
35 affixed means an impression of the seal on that paper, an impression of the
36 seal affixed to that paper by a wafer or wax, a stamped seal, a printed seal,
37 a screened seal or a computer generated seal.

38 36. "Signature" or "subscription" includes a mark, if a person cannot
39 write, with the person's name written near it and witnessed by a person who
40 writes the person's own name as witness.

41 37. "State", as applied to the different parts of the United States,
42 includes the District of Columbia, this state and the territories.

43 38. "Testify" includes every manner of oral statement under oath or
44 affirmation.

45 39. "United States" includes the District of Columbia and the
46 territories.

1 40. "Vessel", as used in reference to shipping, includes ships of all
2 kinds, steamboats, steamships, barges, canal boats and every structure
3 adapted to navigation from place to place for the transportation of persons
4 or property.

5 41. "Wilfully" means, with respect to conduct or to a circumstance
6 described by a statute defining an offense, that a person is aware or
7 believes that the person's conduct is of that nature or that the circumstance
8 exists.

9 42. "Will" includes codicils.

10 43. "Workers' compensation" means workmen's compensation as used in
11 article XVIII, section 8, Constitution of Arizona.

12 44. "Writ" means an order or precept in writing issued in the name of
13 the state or by a court or judicial officer.

14 45. "Writing" includes printing.

15 Sec. 2. Section 11-952, Arizona Revised Statutes, is amended to read:
16 11-952. Intergovernmental agreements and contracts

17 A. If authorized by their legislative or other governing bodies, two
18 or more public agencies or public procurement units by direct contract or
19 agreement may contract for services or jointly exercise any powers common to
20 the contracting parties and may enter into agreements with one another for
21 joint or cooperative action or may form a separate legal entity, including a
22 nonprofit corporation, to contract for or perform some or all of the services
23 specified in the contract or agreement or exercise those powers jointly held
24 by the contracting parties.

25 B. Any such contract or agreement shall specify the following:

26 1. Its duration.

27 2. Its purpose or purposes.

28 3. The manner of financing the joint or cooperative undertaking and of
29 establishing and maintaining a budget for the undertaking.

30 4. The permissible method or methods to be employed in accomplishing
31 the partial or complete termination of the agreement and for disposing of
32 property on such partial or complete termination.

33 5. If a separate legal entity is formed pursuant to subsection A, the
34 precise organization, composition, title and nature of the entity.

35 6. Any other necessary and proper matters.

36 C. No agreement made pursuant to this article shall relieve any public
37 agency of any obligation or responsibility imposed on it by law.

38 D. Except as provided in subsection E, every agreement or contract
39 involving any public agency or public procurement unit of this state made
40 pursuant to this article, before its execution, shall be submitted to the
41 attorney for each such public agency or public procurement unit, who shall
42 determine whether the agreement is in proper form and is within the powers
43 and authority granted under the laws of this state to such public agency or
44 public procurement unit.

45 E. A federal department or agency or public agency of another state
46 that is a party to an agreement or contract made pursuant to this article is

1 not required to submit the agreement or contract to the attorney for the
2 department or agency unless required under federal law or the law of the
3 other state.

4 F. Appropriate action by ordinance or resolution or otherwise pursuant
5 to the laws applicable to the governing bodies of the participating agencies
6 approving or extending the duration of the agreement or contract shall be
7 necessary before any such agreement, contract or extension may be filed or
8 become effective.

9 G. An agreement or contract may be extended as many times as is
10 desirable, but each extension may not exceed the duration of the previous
11 agreement.

12 H. Payment for services under this section shall not be made unless
13 pursuant to a fully approved written contract.

14 I. A person who authorizes payment of any monies in violation of this
15 section is liable for the monies paid plus twenty ~~per-cent~~ PERCENT of such
16 amount and legal interest from the date of payment.

17 J. Notwithstanding any other provision of law, public agencies may
18 enter into a contract or agreement pursuant to this section with the superior
19 court, justice courts and ~~pol-ice~~ MUNICIPAL courts for related services and
20 facilities of such courts for a term not to exceed ten years, with the
21 approval of such contract or agreement by the presiding judge of the superior
22 court in the county in which the court or courts that provide the facilities
23 or services are located.

24 Sec. 3. Section 12-1578.01, Arizona Revised Statutes, is amended to
25 read:

26 12-1578.01. Time for answer

27 The writ, whether issued in the superior court, the justice court or
28 the ~~pol-ice~~ MUNICIPAL court, shall require the garnishee to answer within ten
29 days after being served with the writ.

30 Sec. 4. Section 12-1598.06, Arizona Revised Statutes, is amended to
31 read:

32 12-1598.06. Time for answer

33 The writ, whether issued in the superior court, the justice court or
34 the ~~pol-ice~~ MUNICIPAL court, shall require the garnishee to answer within ten
35 days from service of the writ.

36 Sec. 5. Section 22-375, Arizona Revised Statutes, is amended to read:

37 22-375. Limitation of appeal from superior court in action
38 appealed from inferior court

39 A. An appeal may be taken by the defendant, this state or any of its
40 political subdivisions from a final judgment of the superior court in an
41 action appealed from a justice of the peace or ~~pol-ice~~ MUNICIPAL court, if the
42 action involves the validity of a tax, impost, assessment, toll, municipal
43 fine or statute.

44 B. Except as provided in this section, there shall be no appeal from
45 the judgment of the superior court given in an action appealed from a justice
46 of the peace or a ~~pol-ice~~ MUNICIPAL court.

1 Sec. 6. Section 36-2021, Arizona Revised Statutes, is amended to read:
2 36-2021. Definitions

3 In this chapter, unless the context otherwise requires:

4 1. "Alcoholic" means a person who habitually lacks self-control with
5 respect to the use of alcoholic beverages or who uses alcoholic beverages to
6 the extent that his health is substantially impaired or endangered or his
7 social or economic functions are substantially disrupted.

8 2. "Approved private treatment facility" means a private agency
9 meeting the standards established by the division and approved pursuant to
10 sections 36-2023 and 36-2029.

11 3. "Approved public treatment facility" means a treatment agency
12 operating under the directions and control of a county, providing treatment
13 through a contract with a county, meeting the standards established by the
14 division and approved pursuant to sections 36-2023 and 36-2029.

15 4. "Chronic alcoholic" means an alcoholic who is incapacitated by
16 alcohol and who during the preceding twelve months has been admitted to a
17 local alcoholism reception center on ten or more occasions or has been
18 admitted for three or more episodes of inpatient or residential alcoholism
19 treatment.

20 5. "Court" means ~~a court of record~~ THE SUPREME COURT, THE COURT OF
21 APPEALS, A SUPERIOR COURT, a justice of the peace court, a ~~police~~ MUNICIPAL
22 court or a city court authorized by charter.

23 6. "Department" means the department of health services.

24 7. "Deputy director" means the deputy director of the division of
25 behavioral health in the department of health services.

26 8. "Director" means the director of the department of health services.

27 9. "Division" means the division of behavioral health in the
28 department of health services.

29 10. "Evaluation" means multidisciplinary professional analysis of a
30 person's medical, psychological, social, financial and legal conditions.
31 Persons providing evaluation services shall be properly qualified
32 professionals and may be full-time employees of an approved treatment
33 facility providing evaluation services or may be part-time employees or may
34 be employed on a contractual basis.

35 11. "Incapacitated by alcohol" means that a person as a result of the
36 use of alcohol is unconscious or has his judgment otherwise so impaired that
37 he is incapable of realizing and making a rational decision with respect to
38 his need for evaluation and treatment, is unable to take care of his basic
39 personal needs or safety such as food, clothing, shelter or medical care or
40 lacks sufficient understanding or capacity to make or communicate rational
41 decisions concerning himself.

42 12. "Intoxicated person" means a person whose mental or physical
43 functioning is substantially impaired as a result of the immediate effects of
44 alcohol in his system.

45 13. "Local alcoholism reception center" or "center" means an initial
46 reception agency for a person who is intoxicated or who is incapacitated by

1 alcohol to receive initial evaluation and processing for assignment for
2 further evaluation or into a treatment program.

3 14. "Treatment" means the broad range of emergency, outpatient,
4 intermediate and inpatient services and care, including diagnostic
5 evaluation, medical, psychiatric, psychological and social service care,
6 vocational rehabilitation and career counseling, which may be extended to
7 alcoholics and intoxicated persons.

8 Sec. 7. Section 42-1122, Arizona Revised Statutes, is amended to read:

9 42-1122. Setoff for debts to state agencies, political
10 subdivisions and courts; revolving fund; definitions

11 A. The department shall establish a liability setoff program by which
12 refunds under sections 42-1118 and 43-1072 may be used to satisfy debts that
13 the taxpayer owes to this state, a political subdivision or a court. The
14 program shall comply with the standards and requirements prescribed by this
15 section.

16 B. If a taxpayer owes an agency, political subdivision or court a
17 debt, the agency, political subdivision or court, by November 1 of each year,
18 may notify the department, furnishing at least the state agency, court or
19 program identifier, the first name, last name, middle initial or middle name
20 and suffix, social security number and any other available identification
21 that the agency, political subdivision or court deems appropriate of the
22 debtor as shown on the records of the agency, political subdivision or court,
23 and the amount of the debt.

24 C. The department shall match the information submitted by the agency,
25 political subdivision or court by at least two items of identification of the
26 taxpayer with taxpayers who qualify for refunds under section 42-1118 and:

27 1. Notify the agency, political subdivision or court of a potential
28 match, the taxpayer's home address and any additional taxpayer identification
29 numbers used by the taxpayer. Even if the taxpayer is not entitled to a
30 refund, the department of revenue shall provide to:

31 (a) The court, the clerk of the court and the department of economic
32 security, for child support and spousal maintenance purposes only, the home
33 address of a taxpayer whose debt for overdue support is referred for setoff
34 and any additional taxpayer identification numbers used by the taxpayer.

35 (b) The court, the home address and any additional taxpayer
36 identification numbers used by the taxpayer whose debt for a court obligation
37 is referred for setoff and who is identified by the court as a probationer on
38 absconder status.

39 2. Request final agency, political subdivision or court confirmation
40 in writing or electronically as determined by the department within ten days
41 of the match and of the continuation of the debt. If the agency, political
42 subdivision or court fails to provide confirmation within forty-five days
43 after the request, the department shall release the refund to the taxpayer.

44 D. An agency, political subdivision or court may submit updated
45 information, additions, deletions and other changes on a quarterly or more

1 frequent basis, at the convenience of the agency, political subdivision or
2 court.

3 E. On confirmation pursuant to subsection C, paragraph 2 of this
4 section, the agency or political subdivision shall notify the taxpayer, by
5 mail to the most recent address provided by the taxpayer to the department:

6 1. Of the intention to set off the debt against the refund due.

7 2. Of the taxpayer's right to appeal to the appropriate court, or to
8 request a review by the agency or political subdivision pursuant to agency or
9 political subdivision rule, within thirty days of the mailing of the notice.

10 F. In addition the taxpayer shall receive notice that if the refund is
11 intercepted in error through no fault of the taxpayer, the taxpayer is
12 entitled to the full refund plus interest and penalties from the agency,
13 political subdivision or court as provided by subsection O of this section.

14 G. The basis for a request for review as provided by subsection E of
15 this section shall not include the validity of the claim if its validity has
16 been established at an agency hearing, by judicial review in a court of
17 competent jurisdiction in this or any other state or by final administrative
18 decision and shall state with specificity why the taxpayer claims the
19 obligation does not exist or why the amount of the obligation is incorrect.

20 H. If, within thirty days of the mailing of the notice, the taxpayer
21 requests a review by the agency or political subdivision or provides the
22 agency or political subdivision with proof that an appeal has been taken to
23 the appropriate court, the agency or political subdivision shall immediately
24 notify the department and the setoff procedure shall be stayed pending
25 resolution of the review or appeal.

26 I. If the department does not receive notice of a timely appeal, it
27 shall draw and deliver a warrant in the amount of the available refund up to
28 the amount of the debt in favor of the agency or political subdivision and
29 notify the taxpayer of the action by mail.

30 J. Subsections E, G, H and I of this section do not apply to a debt
31 imposed by a court except that the taxpayer shall receive notice of the
32 intent to set off the debt against the refund due and the right to appeal to
33 the court that imposed the debt within thirty days of the mailing of the
34 notice. The basis for the request for review shall not include the validity
35 of the claim and shall state with specificity why the taxpayer claims the
36 obligation does not exist or why the obligation is incorrect.

37 K. If the setoff accounts for only a portion of the refund due, the
38 remainder of the refund shall be sent to the taxpayer. A court shall not use
39 this section to satisfy a judgment or payment of a fine or civil penalty
40 until the judgment has become final or until the time to appeal the
41 imposition of a fine or civil penalty has expired.

42 L. A revolving fund is established to recover and pay the cost of
43 operating the setoff program under this section. The department may
44 prescribe a fee to be collected from each agency, political subdivision or
45 court utilizing the setoff procedure or from the taxpayer, and the amount
46 shall be deposited in the fund. The amount of the fee shall reasonably

1 reflect the actual cost of the service provided. Monies in the revolving
2 fund are subject to legislative appropriation.

3 M. If agencies, political subdivisions or courts have two or more
4 delinquent accounts for the same taxpayer, the refund may be apportioned
5 among them pursuant to rules prescribed by the department of revenue, except
6 that a setoff to the department of economic security for overdue support has
7 priority over all other setoffs.

8 N. If the refund is insufficient to satisfy the entire debt, the
9 remainder of the debt may be collected by the agency, political subdivision
10 or court as provided by law or resubmitted for setoff against subsequent
11 refunds.

12 O. In the case of a refund that is intercepted in error through no
13 fault of the taxpayer under this section, the taxpayer shall be reimbursed by
14 the agency, political subdivision or court with interest pursuant to section
15 42-1123. In addition, if all or part of a refund is intercepted in error due
16 to an agency, political subdivision or court incorrectly identifying a
17 taxpayer as a debtor through no fault of the taxpayer, the agency, political
18 subdivision or court shall also pay the taxpayer a penalty as follows:

19 1. If the agency, political subdivision or court reimburses the
20 taxpayer sixteen through one hundred eighty days after the agency, political
21 subdivision or court receives notification that the refund was erroneously
22 intercepted and the refund was received by the agency, political subdivision
23 or court, the penalty is equal to ten ~~per cent~~ PERCENT of the amount of the
24 refund that was intercepted.

25 2. If the agency, political subdivision or court reimburses the
26 taxpayer one hundred eighty-one through three hundred sixty-five days after
27 the agency, political subdivision or court receives notification that the
28 refund was erroneously intercepted and the refund was received by the agency,
29 political subdivision or court, the penalty is equal to fifteen ~~per cent~~
30 PERCENT of the amount of the refund that was intercepted.

31 3. If the agency, political subdivision or court fails to reimburse
32 the taxpayer within three hundred sixty-five days after the agency, political
33 subdivision or court receives notification that the refund was erroneously
34 intercepted and the refund was received by the agency, political subdivision
35 or court, the penalty is equal to twenty ~~per cent~~ PERCENT of the amount of
36 the refund that was intercepted.

37 P. The time periods set forth in subsection O of this section shall be
38 stayed during a review of an agency decision pursuant to section 25-522.

39 Q. Except as is reasonably necessary to accomplish the purposes of
40 this section, the department shall not disclose under this section any
41 information in violation of chapter 2, article 1 of this title.

42 R. An agency, political subdivision or court shall not enter into an
43 agreement with a debtor for:

44 1. The assignment of any prospective refund to the agency, political
45 subdivision or court in satisfaction of the debt.

1 2. Payment of the debt if the debt has been confirmed to the
2 department for setoff under subsection C, paragraph 2 of this section.

3 S. If a tax refund is based on a joint income tax return and the
4 department of economic security receives a written claim from the
5 nonobligated spouse within forty-five days after the notice of a setoff for
6 overdue child support, the setoff only applies to that portion of the refund
7 due to the obligor. The nonobligated spouse shall provide to the department
8 of economic security copies of both the obligated and nonobligated spouse's
9 federal W-2 forms and evidence of estimated tax payments supporting the
10 proportionate share of each spouse's payment of tax. The department of
11 economic security shall retain the amount of the set off refund due to the
12 obligated spouse determined by a proration based on the tax payments of each
13 spouse by estimated tax payment or tax withheld from wages.

14 T. For the purposes of this section:

15 1. "Agency" means a department, agency, board, commission or
16 institution of this state. Agency also means a corporation that is under
17 contract with this state and that provides a service that would otherwise be
18 provided by a department, agency, board, commission or institution of this
19 state, if the contract specifically authorizes participation in the liability
20 setoff program and the attorney general's office has reviewed the contract
21 and approves such authorization. The participation in the liability setoff
22 program shall be limited to debt related to the services the corporation
23 provides for or on behalf of this state.

24 2. "Court" means all courts of record, justice courts, ~~AND~~ municipal
25 courts ~~and police courts.~~

26 3. "Debt" means an amount over fifty dollars owed to an agency,
27 political subdivision or court by a taxpayer and may include a judgment in
28 favor of this state or a political subdivision of this state, interest,
29 penalties, charges, costs, fees, fines, civil penalties, surcharges,
30 assessments, administrative charges or any other amount. Debt also includes
31 monies owed by a taxpayer for overdue support and referred to the department
32 of economic security or the clerk of the court for collection.

33 4. "Overdue support" means a delinquency in court ordered payments for
34 spousal maintenance or support of a child or for spousal maintenance to the
35 parent with whom the child is living if child support is also being enforced
36 pursuant to an assignment or application filed under 42 United States Code
37 section 654(6) or other applicable law.

38 5. "Political subdivision" means a county or an incorporated city or
39 town in this state.

40 Sec. 8. Laws 2015, chapter 8, section 59 is amended to read:

41 Sec. 59. ARIZONA JUDICIARY

42		<u>2015-16</u>
43	<u>Supreme court</u>	
44	FTE positions	175.0
45	Operating lump sum appropriation	\$ 13,219,300
46		\$ 13,079,300

1	Automation	16,620,600
2		20,013,100
3	County reimbursements	187,900
4	Court appointed special advocate	2,962,800
5		2,860,800
6	Domestic relations	639,100
7		629,100
8	State foster care review board	3,555,900
9		3,255,900
10	Commission on judicial conduct	522,500
11		512,500
12	Judicial nominations and	
13	performance review	428,500
14		418,500
15	Model court	447,600
16		437,600
17	State aid	<u>5,648,000</u>
18	Total appropriation - supreme court	\$ 44,232,200
19		\$ 47,042,700
20	Fund sources:	
21	State general fund	\$ 15,303,000
22		\$ 18,113,500
23	Confidential intermediary and	
24	fiduciary fund	488,200
25	Court appointed special advocate	
26	fund	2,941,100
27	Criminal justice enhancement fund	4,358,200
28	Defensive driving school fund	4,194,700
29	Judicial collection enhancement	
30	fund	14,002,400
31	State aid to the courts fund	2,944,600

32 On or before September 1, 2015, the supreme court shall report to the
 33 joint legislative budget committee on current and future automation projects
 34 coordinated by the administrative office of the courts. The report shall
 35 include a list of court automation projects receiving or anticipated to
 36 receive state monies in the current or next two fiscal years as well as a
 37 description of each project, the number of FTE positions, the entities
 38 involved and the goals and anticipated results for each automation project.
 39 The report shall be submitted in one summary document. The report shall
 40 indicate each project's total multiyear cost by fund source and budget line
 41 item, including any prior year, current year and future year expenditures.

42 Included in the appropriation for the supreme court program is \$1,000
 43 for the purchase of mementos and items for visiting officials.

44 Of the \$187,900 appropriated for county reimbursements, state grand
 45 jury is limited to \$97,900 and capital postconviction relief is limited to
 46 \$90,000.

1 Automation expenses of the ~~judiciary~~ SUPREME COURT shall be funded only
 2 from the automation line item. Monies in the operating lump sum
 3 appropriation or other line items intended for automation purposes shall be
 4 transferred to the automation line item before expenditure.

5 Court of appeals

6	FTE positions	136.8
7	Division I	\$ 10,039,900
8	Division II	<u>\$ 4,340,300</u>
9	Total appropriation - court of appeals	\$ 14,380,200

10 Fund sources:

11	State general fund	\$ 14,380,200
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12 Of the 136.8 FTE positions for fiscal year 2015-2016, 98.3 FTE
 13 positions are for Division I and 38.5 FTE positions are for Division II.

14 Superior court

15	FTE positions	137.5
16	Operating lump sum appropriation	\$ 4,567,300
17		\$ 4,437,300
18	Judges compensation	8,231,000
19	Centralized service payments	4,128,000
20		3,458,000
21	Adult standard probation	15,109,200
22	Adult intensive probation	9,930,000
23		9,910,000
24	Community punishment	2,310,300
25	Interstate compact	426,700
26		416,700
27	Drug court	1,013,600
28		993,600
29	Juvenile standard probation	3,955,700
30		3,745,700
31	Juvenile intensive probation	6,002,700
32		5,532,700
33	Juvenile treatment services	20,497,800
34		19,937,800
35	Juvenile family counseling	660,400
36		500,000
37	Juvenile crime reduction	3,308,000
38	<u>Juvenile diversion consequences</u>	8,539,400
39		8,039,300
40	Special water master	220,000
41		<u>160,000</u>
42	Total appropriation - superior court	\$ 88,900,100
43		\$ 86,089,600

44 Fund sources:

45	State general fund	\$ 76,721,900
46		\$ 73,911,400

1	Criminal justice enhancement fund	5,648,800
2	Drug treatment and education fund	500,200
3	Judicial collection enhancement	
4	fund	6,029,200

5 Of the 137.5 FTE positions, 82 FTE positions represent superior court
6 judges in counties with a population of less than two million persons.
7 One-half of their salaries are provided by state general fund appropriations
8 pursuant to section 12-128, Arizona Revised Statutes. This is not meant to
9 limit the counties' ability to add judges pursuant to section 12-121, Arizona
10 Revised Statutes.

11 Up to 4.6 percent of the amounts appropriated for juvenile treatment
12 services and juvenile diversion consequences may be retained and expended by
13 the supreme court to administer the programs established pursuant to section
14 8-322, Arizona Revised Statutes, and to conduct evaluations as needed. The
15 remaining portion of the juvenile treatment services and juvenile diversion
16 consequences appropriations shall be deposited in the juvenile probation
17 services fund established by section 8-322, Arizona Revised Statutes.

18 Receipt of state probation monies by the counties is contingent on the
19 county maintenance of fiscal year 2003-2004 expenditure levels for each
20 probation program. State probation monies are not intended to supplant
21 county dollars for probation programs.

22 On or before November 1, 2015, the administrative office of the courts
23 shall report to the joint legislative budget committee the fiscal year
24 2014-2015 actual, fiscal year 2015-2016 estimated and fiscal year 2016-2017
25 requested amounts for the following:

26 1. On a county-by-county basis, the number of authorized and filled
27 case carrying probation positions and non-case carrying positions,
28 distinguishing between adult standard, adult intensive, juvenile standard and
29 juvenile intensive. The report shall indicate the level of state probation
30 funding, other state funding, county funding and probation surcharge funding
31 for those positions.

32 2. Total receipts and expenditures by county and fund source for the
33 adult standard, adult intensive, juvenile standard and juvenile intensive
34 probation line items, including the amount of personal services expended from
35 each revenue source of each account.

36 3. The amount of monies from the adult standard, adult intensive,
37 juvenile standard and juvenile intensive probation line items that the office
38 does not distribute as direct aid to counties. The report shall delineate
39 how the office expends these monies that are not distributed as direct aid to
40 counties.

41 All centralized service payments made by the administrative office of
42 the courts on behalf of counties shall be funded only from the centralized
43 service payments line item. Centralized service payments include only
44 training, motor vehicle payments, CORP review board funding, LEARN funding,
45 research, operational reviews and GPS vendor payments. This footnote does
46 not apply to treatment or counseling services payments made from the juvenile

1 treatment services and juvenile diversion consequences line items. Monies in
2 the operating lump sum appropriation or other line items intended for
3 centralized service payments shall be transferred to the centralized service
4 payments line item before expenditure.

5 All monies in the adult standard probation, adult intensive probation,
6 interstate compact, juvenile standard probation and juvenile intensive
7 probation line items shall be used only as pass-through monies to county
8 probation departments. Monies in the operating lump sum appropriation or
9 other line items intended as pass-through for the purpose of administering a
10 county probation program shall be transferred to the appropriate probation
11 line item before expenditure.

APPROVED BY THE GOVERNOR APRIL 13, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 14, 2015.