Senate Engrossed

jail facilities excise tax; extension

State of Arizona
Senate
Fifty-seventh Legislature
First Regular Session
2025

SENATE BILL 1144

AN ACT

AMENDING SECTION 16-193, ARIZONA REVISED STATUTES; AMENDING TITLE 42, CHAPTER 6, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 42-6109.02; RELATING TO COUNTY EXCISE TAXES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 16-193, Arizona Revised Statutes, is amended to read:

16-193. Active registered voters; applicability

The terms "registered voters", "persons who are registered to vote", "registered electors" and "voters registered" as used in the following sections include only active registered voters for purposes of the following:

1. Calculating petition signature requirements pursuant to sections 11-133, 16-322, 16-341, 45-415, 45-433, 48-4433 and 48-4832.

2. Mailing and distributing election-related notices, pamphlets or ballots pursuant to sections 11-137, 15-905.01, 16-245, 16-412, 16-461, 16-510, 19-123, 19-141, 35-454, 41-563.02, 42-6109.01, 42-6109.02, 42-17057, 42-17107, 48-620, 48-4021, 48-4236, 48-5314, 48-6432 and 48-6433.

3. Furnishing ballots pursuant to sections 16-508 and 48-685.

4. Determining qualification for political parties' continued representation on the ballot pursuant to sections 16-244 and 16-804.

5. Choosing political party officers pursuant to sections 16-821 and 16-823.

Sec. 2. Title 42, chapter 6, article 3, Arizona Revised Statutes, is amended by adding section 42-6109.02, to read:

42-6109.02. Jail facilities excise tax; maintenance of effort; definitions

A. THE BOARD OF SUPERVISORS OF ANY COUNTY THAT LEVIES A JAIL FACILITIES EXCISE TAX UNDER SECTION 42-6109.01, BY RESOLUTION ADOPTED BEFORE THE EXPIRATION OF THAT TAX, MAY CALL FOR A COUNTYWIDE GENERAL ELECTION TO AUTHORIZE THE LEVY OF A TRANSACTION PRIVILEGE TAX UNDER THIS SECTION IN ADDITION TO ALL OTHER TAXES. IF APPROVED BY THE QUALIFIED ELECTORS VOTING AT THE COUNTYWIDE GENERAL ELECTION, THE COUNTY SHALL LEVY AND THE DEPARTMENT SHALL COLLECT THE TAX AT RATES OF NOT MORE THAN 4.0 PERCENT OF THE TRANSACTION PRIVILEGE TAX RATE PRESCRIBED BY SECTION 42-5010, SUBSECTION A APPLYING TO EACH PERSON ENGAGING OR CONTINUING IN THE COUNTY IN A BUSINESS TAXED UNDER CHAPTER 5, ARTICLE 1 OF THIS TITLE. BY RESOLUTION, THE BOARD OF SUPERVISORS MAY DECREASE THE RATES OF THE TAX DURING THE TERM OF THE TAX.

B. THE RESOLUTION SHALL:

1. INCLUDE A STATEMENT OF THE TAXES COLLECTED PURSUANT TO SECTION 42-6109.01 AND AN ACCOUNTING OF THE BUDGETING OF THOSE REVENUES BY THE COUNTY.

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

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

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

C. TAXES UNDER THIS SECTION SHALL BE LEVIED BEGINNING IN THE MONTH FOLLOWING THE EXPIRATION OF THE TAX UNDER SECTION 42-6109.01 AND MAY NOT CONTINUE FOR MORE THAN TWENTY YEARS AFTER THE DATE THE TAX COLLECTION BEGINS.

D. AT THE END OF EACH MONTH, THE STATE TREASURER SHALL TRANSMIT THE NET REVENUES COLLECTED PURSUANT TO THIS SECTION TO THE TREASURER OF THE COUNTY LEVYING THE TAX. THE COUNTY TREASURER MAY DISBURSE REVENUES FROM THE TAX ONLY TO:

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

2. MAINTAIN AND OPERATE ADULT AND JUVENILE JAIL FACILITIES.

3. FUND AND IMPLEMENT OTHER PROGRAMS DESIGNED TO REDUCE THE EXPENSE OF ADULT AND JUVENILE FACILITIES.

E. THE COUNTY SHALL MAINTAIN ITS SUPPORT OF ADULT AND JUVENILE JAIL FACILITIES. IN THE FIRST FISCAL YEAR THE TAX IS LEVIED UNDER THIS SECTION, THE COUNTY SHALL PAY AN AMOUNT EQUAL TO THE AMOUNT PAID UNDER SECTION 42-6109.01 IN THE PRECEDING FISCAL YEAR, ADJUSTED BY THE PERCENTAGE CHANGE IN THE GDP PRICE DEFLATOR FROM THE PRECEDING FISCAL YEAR. IN EACH FISCAL YEAR THE TAX IS IMPOSED, THE COUNTY SHALL PAY AN AMOUNT EQUAL TO THE AMOUNT PAID UNDER THIS SUBSECTION IN THE PRECEDING FISCAL YEAR, ADJUSTED BY THE PERCENTAGE CHANGE IN THE GDP PRICE DEFLATOR FROM THE PRECEDING FISCAL YEAR. THE COUNTY TREASURER SHALL TRANSFER THAT AMOUNT, WITHOUT FURTHER AUTHORIZATION, IN TWELVE EQUAL MONTHLY INSTALLMENTS FROM THE COUNTY GENERAL FUND FOR THE USES PRESCRIBED IN SUBSECTION D OF THIS SECTION.

F. FOR THE PURPOSES OF THIS SECTION:

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

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

Sec. 3. Conditional repeal

Section 42-6109.02, Arizona Revised Statutes, as added by this act, is repealed from and after December 31, 2027 if, as of that date, the tax has not been approved by the qualified voters as provided by section 42-6109.02, subsection A, Arizona Revised Statutes, as added by this act.