

PROPOSED
SENATE AMENDMENTS TO S.B. 1138
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Subject to the requirements of article IV, part 1,
3 section 1, Constitution of Arizona, section 16-954, Arizona Revised
4 Statutes, is amended to read:

5 16-954. Disposition of excess monies

6 A. Beginning January 1, 1999, an additional surcharge of ten ~~per~~
7 ~~cent~~ PERCENT shall be imposed on all civil and criminal fines and
8 penalties collected pursuant to section 12-116.01 and shall be deposited
9 into the fund, EXCEPT ALL TRAFFIC-RELATED CIVIL AND CRIMINAL FINES AND
10 PENALTIES SHALL BE DEPOSITED IN THE ARIZONA HIGHWAY USER REVENUE FUND
11 ESTABLISHED BY SECTION 28-6533.

12 B. At least once per year, the commission shall project the amount
13 of monies that the fund will collect over the next four years and the time
14 such monies shall become available. Whenever the commission determines
15 that the fund contains more monies than the ~~commission determines that it~~
16 ~~requires to meet current debts plus expected expenses, under the~~
17 ~~assumption that expected expenses will be at the expenditure limit in~~
18 ~~section 16-949, subsection A, and taking into account the projections of~~
19 ~~collections;~~ AMOUNT OF MONIES IN THE FUND ON THE EFFECTIVE DATE OF THIS
20 AMENDMENT TO THIS SECTION, the commission shall designate such monies as
21 excess monies and so notify the state treasurer, who shall thereupon
22 transfer the excess monies to the general fund.

23 C. At least once per year, the commission shall project the amount
24 of clean elections funding for which all candidates will have qualified
25 pursuant to this article for the following calendar year. By the end of
26 each year, the commission shall announce whether the amount that the
27 commission plans to spend the following year pursuant to section 16-949,
28 subsection A exceeds the ~~projected~~ amount of clean elections funding IN
29 THE FUND ON THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION. If the
30 commission determines that the fund contains insufficient monies or the
31 spending cap would be exceeded were all candidates' accounts to be fully
32 funded, the commission may include in the announcement specifications for
33 decreases in the following parameters, based on the commission's
34 projections of collections and expenses for the fund, including that the
35 fund will provide monies under section 16-951 as a fraction of the amounts
36 there specified.

37 D. If the commission cannot provide participating candidates with
38 all monies specified under sections 16-951 and 16-952, as decreased by any
39 announcement pursuant to subsection C of this section, the commission
40 shall allocate any reductions in payments proportionately among candidates

1 entitled to monies and shall declare an emergency. ~~Upon~~ ON declaration of
2 an emergency, a participating candidate may accept private contributions
3 to bring the total monies received by the candidate from the fund and from
4 such private contributions up to the adjusted spending limits, as
5 decreased by any announcement made pursuant to subsection C of this
6 section.

7 Sec. 2. Section 28-6533, Arizona Revised Statutes, is amended to
8 read:

9 28-6533. Arizona highway user revenue fund; reports

10 A. The officer collecting all highway user revenues, as defined in
11 section 28-6501 and in article IX, section 14, Constitution of Arizona,
12 and all SURCHARGES, fees, penalties and fines collected under sections
13 16-954, 28-1101, 28-1103, 28-1105 and 28-1521 shall transfer the revenues
14 to the department. After the deduction of all exemptions and refunds and
15 after taking actions required under subsection C of this section, the
16 department shall immediately deposit, pursuant to sections 35-146 and
17 35-147, the revenues in a fund designated as the Arizona highway user
18 revenue fund.

19 B. The revenues in the Arizona highway user revenue fund shall only
20 be spent for the purposes prescribed in article IX, section 14,
21 Constitution of Arizona. Counties and incorporated cities and towns shall
22 not spend highway user revenue fund monies distributed to them pursuant to
23 this article for enforcement of traffic laws or administration of traffic
24 safety programs. If the auditor general reports to the state treasurer
25 after conducting a performance audit pursuant to section 41-1279.03,
26 subsection A, paragraph 7 that a jurisdiction has not used revenues as
27 required by this subsection, the state treasurer shall withhold the
28 noncomplying jurisdiction's revenues until the noncomplying jurisdiction
29 presents evidence that is satisfactory to the auditor general and that
30 shows that the jurisdiction has spent monies for purposes prescribed in
31 this subsection from another general revenue source equal to the amount of
32 the revenues diverted from the uses prescribed in this subsection.

33 C. If there is any default, the department shall deduct all amounts
34 required by law or any resolution authorizing the issuance of bonds of the
35 board to be placed in the principal funds, interest funds, reserve funds
36 or sinking funds or any other funds established to service bonds issued or
37 to be issued by the board before the revenues are deposited in the Arizona
38 highway user revenue fund. ALL SURCHARGES COLLECTED FOR TRAFFIC-RELATED
39 CIVIL AND CRIMINAL FINES AND PENALTIES PURSUANT TO SECTION 16-954,
40 SUBSECTION A SHALL BE DISTRIBUTED PROPORTIONALLY TO COUNTIES WITH A
41 POPULATION OF LESS THAN ONE MILLION PERSONS.

42 D. A county receiving monies pursuant to THIS SECTION OR section
43 28-6538 shall publish an annual financial report for the prior fiscal year
44 of funds received from motor vehicle fuel and use fuel taxes. The
45 financial report shall contain budgeted and actual expenditures for the
46 preceding fiscal year and shall be prepared and distributed by December 31
47 by the county.

Senate Amendments to S.B. 1138

1 Sec. 3. Requirements for enactment: three-fourths vote
2 Pursuant to article IV, part 1, section 1, Constitution of Arizona,
3 section 16-954, Arizona Revised Statutes, as amended by this act, is
4 effective only on the affirmative vote of at least three-fourths of the
5 members of each house of the legislature."
6 Amend title to conform

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C: JR
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