

REFERENCE TITLE: arts trust fund; monies

State of Arizona
House of Representatives
Fifty-seventh Legislature
Second Regular Session
2026

HB 2453

Introduced by
Representative Wilmeth

AN ACT

AMENDING SECTIONS 10-122, 10-122.01, 10-3122 AND 41-983.01, ARIZONA
REVISED STATUTES; RELATING TO THE PUBLIC ACCESS FUND.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 10-122, Arizona Revised Statutes, is amended to
3 read:

4 10-122. Filing, service and copying fees; expedited report
5 filing and access; same day and next day services;
6 posted wait times; advance monies; definition

7 A. The commission shall collect and deposit, pursuant to sections
8 35-146 and 35-147, the following nonrefundable fees when the documents
9 described in this subsection are delivered to the commission:

10	<u>Document</u>	<u>Fee</u>
11	1. Articles of incorporation	\$50
12	2. Application for use of indistinguishable name	10
13	3. Application for reserved name	10
14	4. Notice of transfer of reserved name	10
15	5. Application for registered name	10
16	6. Application for renewal of registered name	10
17	7. Agent's statement of resignation	10
18	8. Amendment of articles of incorporation	25
19	9. Restatement of articles of incorporation with	
20	amendment of articles	25
21	10. Statement of merger, interest exchange,	
22	conversion, domestication or division if the	
23	entity responsible for filing the statement	
24	is a corporation	100
25	11. Articles of dissolution	25
26	12. Articles of revocation of dissolution	25
27	13. Application for reinstatement following	
28	administrative dissolution, in addition	
29	to other fees and penalties due	100
30	14. Application for authority	150
31	15. Application for withdrawal	25
32	16. Annual report	45
33	17. Articles of correction	25
34	18. Application for certificate of good standing	10
35	19. Any other document required or permitted	
36	to be filed by chapters 1 through 17	
37	of this title	25

38 B. The commission shall collect a nonrefundable fee of ~~twenty-five~~
39 ~~dollars~~ \$25 each time process is served on it under chapters 1 through 17
40 of this title. The party to a proceeding causing service of process is
41 entitled to recover this fee as costs if the party prevails in the
42 proceeding.

43 C. The commission shall charge and collect a reasonable fee for
44 copying documents on request, provided the fee does not exceed the cost of
45 providing the service as determined by the commission. The commission

1 shall also charge a reasonable fee for certifying the copy of a filed
2 document, provided the fee does not exceed the cost of providing the
3 service as determined by the commission.

4 D. A penalty of ~~one hundred dollars~~ \$100 THAT IS payable in
5 addition to other fees accrues and is payable if a foreign corporation
6 fails to file an amendment, restated articles that include an
7 amendment, or articles of merger within sixty days after the time of
8 filing in the jurisdiction in which the corporation is domiciled. The
9 penalty collected pursuant to this subsection shall be deposited, pursuant
10 to sections 35-146 and 35-147, in the state general fund.

11 E. One-third of the fees for the annual report of domestic and
12 foreign corporations paid pursuant to subsection A, paragraph 16 of this
13 section shall be deposited in the Arizona arts trust fund established by
14 section 41-983.01 and two-thirds of these fees shall be deposited,
15 pursuant to sections 35-146 and 35-147, in the public access fund
16 established by section 10-122.01.

17 F. The commission shall provide for and establish an expedited
18 service for the filing of all documents and services provided pursuant to
19 this title as follows:

20 1. The expedited filing shall be a priority service to be completed
21 as soon as possible after the documents are delivered to the commission.

22 2. In addition to any other fees required by this section or any
23 other law, the commission shall charge a nonrefundable fee for expedited
24 services, including those requested by fax. The fee shall be determined
25 by a supermajority vote of the commissioners.

26 3. The commission may provide for and establish same day and next
27 day services for the filing of any documents and services provided
28 pursuant to this title as follows:

29 (a) The commission shall suspend same day or next day service if
30 the commission determines that it does not have the necessary resources to
31 perform the service within the established time period.

32 (b) In addition to any other fees required by this section or any
33 other law, the commissioners may charge a nonrefundable fee for the same
34 day or next day service or both. The fee shall be determined by a
35 supermajority vote of the commissioners.

36 4. The commission shall publicly post the current wait times for
37 processing regular, expedited and same day and next day services.

38 G. The commission may charge persons who access the commission's
39 data processing system that is maintained pursuant to section 10-122.01
40 from remote locations and persons requesting special computer generated
41 printouts, reports and tapes a reasonable fee that does not exceed the
42 cost of the time, equipment and personnel necessary to provide this
43 service or product as determined by the commission.

44 H. Except as provided in section 10-122.01, subsection ~~B~~ C,
45 paragraph 3, in addition to any fee charged pursuant to this section, the

commission may charge and collect the following nonrefundable fees to help defray the cost of the improved data processing system that is maintained pursuant to section 10-122.01:

1. Filing articles of incorporation of a domestic corporation, ~~ten dollars~~ \$10.

2. Filing an application of a foreign corporation for authority to transact business in this state, ~~twenty-five dollars~~ \$25.

I. All monies received pursuant to subsections F, G and H of this section shall be deposited, pursuant to sections 35-146 and 35-147, in the public access fund established by section 10-122.01.

J. Fees charged pursuant to this section are exempt from section 39-121.03, subsection A, paragraph 3.

K. The commission may allow any person to advance monies to the commission to pay fees required pursuant to this section for future filings and services. All monies received pursuant to this subsection shall be deposited, pursuant to sections 35-146 and 35-147, in the money on deposit account in the public access fund established by section 10-122.01.

L. In addition to any other fees prescribed by law, the commission may establish a fee for the filing of an annual benefit report delivered to the commission pursuant to section 10-2442. The fee shall be determined by a majority vote of the commissioners.

M. For the purposes of this section, "supermajority" means an affirmative vote of at least four commissioners.

Sec. 2. Section 10-122.01, Arizona Revised Statutes, is amended to read:

10-122.01. Public access fund; purpose; exemption; money on deposit account

A. The public access fund is established. The commission shall administer the fund. The fund consists of monies received pursuant to:

1. Section 10-122, subsections E, F, G, H and K.
2. Section 10-3122, subsections I and K.
3. Section 29-3213, subsections E and F.

B. THE COMMISSION SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, ONE-THIRD OF ALL OF THE MONIES THAT ARE COLLECTED PURSUANT TO SUBSECTION A, PARAGRAPH 1 OF THIS SECTION IN THE ARIZONA ARTS TRUST FUND ESTABLISHED BY SECTION 41-983.01.

~~B.~~ C. Except as provided in subsection ~~C~~ D of this section:

1. Monies in the fund are subject to legislative appropriation.
2. The commission shall spend monies in the fund for a part of the general administrative and legal expenses of the commission and to purchase, install and maintain an improved data processing system on the premises of the commission. The data processing system shall be designed to allow direct online access by any person at a remote location to all

public records that are filed with the commission pursuant to this title and title 29 relating to limited liability companies.

3. When sufficient monies have been collected pursuant to section 10-122, subsections F, G and H and section 10-3122, subsection I to pay for the purchase and installation of the data processing system, the commission shall not charge and collect the fees prescribed in section 10-122, subsection H or section 10-3122, subsection H.

4. Monies in the fund are exempt from the provisions of section 35-190 relating to lapsing of appropriations, except that any unencumbered monies in excess of \$200,000 at the end of each fiscal year revert to the state general fund.

~~E.~~ D. The money on deposit account is established in the public access fund as a separate account consisting of monies received pursuant to section 10-122, subsection K, section 10-3122, subsection K, section 29-851, subsection F and section 29-3213, subsection F. Monies in the money on deposit account:

1. Are held in trust by the commission.

2. May be withdrawn by the commission only:

(a) To cover fees that are due pursuant to this title or title 29 relating to limited liability companies on delivery of documents for filing or on a request for services by a person who advanced monies to the commission pursuant to section 10-122, subsection K, section 10-3122, subsection K, section 29-851, subsection F or section 29-3213, subsection F.

(b) To refund the monies advanced in subdivision (a) of this paragraph if the person who requested services pursuant to subdivision (a) of this paragraph requests the refund.

(c) For the disposition of unclaimed property pursuant to title 44, chapter 3.

3. Are not subject to either:

(a) Legislative appropriation.

(b) Reversion to the state general fund.

Sec. 3. Section 10-3122, Arizona Revised Statutes, is amended to read:

10-3122. Filing, service and copying fees; public access fund; expedited report filing and access; same day and next day services

A. The commission shall collect and deposit, pursuant to sections 35-146 and 35-147, in the state general fund the following nonrefundable fees when the documents described in this subsection are delivered to the commission for filing or issuance:

	<u>Document</u>	<u>Fee</u>
1		
2	1. Articles of incorporation	\$ 30
3	2. Application for use of indistinguishable name	\$ 10
4	3. Application for reserved name	\$ 10
5	4. Notice of transfer of reserved name	\$ 10
6	5. Application for registered name	\$ 10
7	6. Application for renewal of registered name	\$ 10
8	7. Agent's statement of resignation	\$ 10
9	8. Amendment of articles of incorporation	\$ 25
10	9. Restatement of articles of incorporation	
11	with amendment of articles	\$ 25
12	10. Statement of merger, interest exchange,	
13	conversion, domestication or division if	
14	the entity responsible for filing the	
15	statement is a nonprofit corporation	\$100
16	11. Articles of dissolution	\$ 25
17	12. Articles of revocation of dissolution	\$ 25
18	13. Application for reinstatement following	
19	administrative dissolution or revocation,	
20	in addition to other fees and penalties due	\$ 25
21	14. Application for authority	\$150
22	15. Application for withdrawal	\$ 25
23	16. Annual report	\$ 10
24	17. Articles of correction	\$ 25
25	18. Application for certificate of good standing	\$ 10
26	B. The commission shall collect a nonrefundable fee of twenty-five	
27	dollars \$25 each time process is served on it under chapters 24 through 42	
28	of this title. The party to a proceeding causing service of process is	
29	entitled to recover this fee as costs if the party prevails in the	
30	proceeding. The fee collected pursuant to this subsection shall be	
31	deposited, pursuant to sections 35-146 and 35-147, in the state general	
32	fund.	
33	C. The commission shall charge and collect fifty cents per page for	
34	copying documents on request. The commission shall also charge five	
35	dollars \$5 plus fifty cents \$.50 per page for certifying the copy of a	
36	filed document. The fees collected pursuant to this subsection shall be	
37	deposited, pursuant to sections 35-146 and 35-147, in the state general	
38	fund.	
39	D. A penalty of one hundred dollars \$100 THAT IS payable in	
40	addition to other fees accrues and is payable if a foreign corporation	
41	fails to file an amendment, restated articles that include an	
42	amendment, or articles of merger within sixty days of AFTER the time of	
43	filing in the jurisdiction in which the corporation is domiciled. The	
44	penalty collected pursuant to this subsection shall be deposited, pursuant	
45	to sections 35-146 and 35-147, in the state general fund.	

1 E. Pursuant to section 10-122, subsection F, the commission shall
2 provide for and establish an expedited service for the filing of all
3 documents and services provided pursuant to chapters 24 through 42 of this
4 title.

5 F. Pursuant to section 10-122, subsection F, the commission may
6 provide for and establish same day and next day services for the filing of
7 any documents and services provided pursuant to chapters 24 through 42 of
8 this title.

9 G. The commission may charge persons who access the commission's
10 data processing system that is maintained pursuant to section 10-122.01
11 from remote locations and persons requesting special computer generated
12 printouts, reports and tapes a reasonable fee that does not exceed the
13 cost of the time, equipment and personnel necessary to provide this
14 service or product as determined by the commission.

15 H. Except as provided in section 10-122.01, subsection ~~B~~ C,
16 paragraph 3, in addition to any fee charged pursuant to this section, the
17 commission may charge and collect the following nonrefundable fees to help
18 defray the cost of the improved data processing system that is maintained
19 pursuant to section 10-122.01:

20 1. Filing articles of incorporation of a domestic corporation, ~~ten~~
21 ~~dollars~~ \$10.

22 2. Filing an application of a foreign corporation for authority to
23 transact business in this state, ~~twenty-five dollars~~ \$25.

24 I. All monies received pursuant to subsections E through H of this
25 section shall be deposited, pursuant to sections 35-146 and 35-147, in the
26 public access fund established by section 10-122.01.

27 J. Fees charged pursuant to this section are exempt from section
28 39-121.03, subsection A, paragraph 3.

29 K. Any person may advance monies to the commission to pay fees
30 required pursuant to this section for future filings and services. All
31 monies received pursuant to this subsection shall be deposited, pursuant
32 to sections 35-146 and 35-147, in the money on deposit account in the
33 public access fund established by section 10-122.01.

34 Sec. 4. Section 41-983.01, Arizona Revised Statutes, is amended to
35 read:

36 41-983.01. Arizona arts trust fund

37 A. ~~There is established~~ The Arizona arts trust fund ~~IS~~
38 ~~ESTABLISHED~~. The trust fund shall be administered by the Arizona
39 commission on the arts and shall consist of revenues derived from filing
40 fees collected pursuant to section 10-122 ~~AND DEPOSITED MADE PURSUANT TO~~
41 ~~SECTION 10-122.01~~. The commission shall deposit, pursuant to sections
42 35-146 and 35-147, such revenues into the trust fund at least quarterly.

1 B. On notice from the commission, the state treasurer shall invest
2 and divest monies in the fund as provided by section 35-313, and monies
3 earned from investment shall be credited to the trust fund. Monies in the
4 fund shall not revert to the state general fund.

5 C. Expenditures from the trust fund for grants under the Arizona
6 arts program shall be authorized by a majority vote of the commission.
7 All other expenditures may be authorized by the chairman of the
8 commission. Expenditures shall be made ~~upon~~ ON warrants drawn by the
9 department of administration.