Senate Engrossed

State of Arizona
Senate
Forty-ninth Legislature
Third Special Session
2009

SENATE BILL 1025

AN ACT

AMENDING SECTIONS 5-113, 5-522, 10-122 AND 10-122.01, ARIZONA REVISED STATUTES; REPEALING SECTION 15-994, ARIZONA REVISED STATUTES; AMENDING SECTIONS 28-3002, 33-812, 41-1276, 41-3506 AND 41-3955, ARIZONA REVISED STATUTES; AMENDING TITLE 42, CHAPTER 1, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 42-1116.01; AMENDING SECTIONS 42-5031, 42-15001, 43-1095, 44-302, 44-313, 44-1861, 44-2039, 48-4202, 48-4203, 48-4204 AND 48-4231, ARIZONA REVISED STATUTES; AMENDING TITLE 48, CHAPTER 26, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 48-4231.01 AND 48-4231.02; REPEALING LAWS 2008, CHAPTER 291, SECTION 12; MAKING APPROPRIATIONS; RELATING TO REVENUE BUDGET RECONCILIATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 5-113, Arizona Revised Statutes, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Three members representing county fairs.
2. One member representing Arizona livestock fairs.
3. One member representing the university of Arizona college of agriculture.
4. One member representing the livestock industry.
5. One member representing the farming industry.
6. One member representing the governor's office.
7. One member representing the Arizona state fair conducted by the Arizona exposition and state fair board.
8. One member representing the general public.

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 2. Section 5-522, Arizona Revised Statutes, is amended to read:

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

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

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

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

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

B. Of the monies remaining in the state lottery fund after the appropriations authorized in subsection A of this section, up to a maximum of twenty-three million dollars each fiscal year shall be deposited in the local transportation assistance fund established by section 28-8101 and up to a maximum of seven million six hundred fifty thousand dollars each fiscal year shall be deposited in the county assistance fund established by section 41-175. Monies distributed pursuant to this subsection shall be in addition to monies distributed pursuant to subsection A, paragraph 3 of this section.

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

D. Of the monies remaining in the state lottery fund each fiscal year after appropriations and deposits authorized in subsections A, B and C of this section, ten million dollars shall be deposited in the Arizona state

parks board heritage fund established by section 41-502 and ten million dollars shall be deposited in the Arizona game and fish commission heritage fund established by section 17-297.

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

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

G. Of the monies remaining in the state lottery fund each fiscal year after appropriations and deposits authorized in subsections A through F of this section, one million dollars or the remaining balance in the fund, whichever is less, is appropriated to the department of economic security for grants to nonprofit organizations, including faith based organizations, for homeless emergency and transitional shelters and related support services. The department of economic security shall submit a report on the amounts, recipients, purposes and results of each grant to the governor, the speaker of the house of representatives and the president of the senate on or before December 31 of each year for the prior fiscal year and shall provide a copy of this report to the secretary of state and the director of the Arizona state library, archives and public records.

H. Beginning in fiscal year 2009-2010, of the monies remaining in the state lottery fund each fiscal year after appropriations and deposits authorized in subsections A through G of this section, and after a total of

at least forty-six million four hundred ninety thousand dollars has been deposited in the state general fund, the remaining balance in the state lottery fund shall be deposited in the university capital improvement lease-to-own and bond fund established by section 15-1682.03, up to a maximum of eighty per cent of the total annual payments of lease-to-own and bond agreements entered into by the Arizona board of regents.

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

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

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

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

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

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

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

	Document	Fee
1.	Articles of incorporation	$50
2.	Application for use of indistinguishable name	10
3.	Application for reserved name	10
4.	Notice of transfer of reserved name	10
5.	Application for registered name	10
6.	Application for renewal of registered name	10
7.	Agent's statement of resignation	10
8.	Amendment of articles of incorporation	25
9.	Restatement of articles of incorporation with amendment of articles	25
10.	Articles of merger or share exchange	100
11.	Articles of dissolution	25

12. Articles of domestication	100
13. Articles of revocation of dissolution	25
14. Application for reinstatement following administrative dissolution, in addition to other fees and penalties due	100
15. Application for authority	150
16. Application for withdrawal	25
17. Annual report	45
18. Articles of correction	25
19. Application for certificate of good standing	10
20. Any other document required or permitted to be filed by chapters 1 through 17 of this title	25

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

C. The commission shall charge and collect a reasonable fee for copying documents on request, provided the fee does not exceed the cost of providing the service as determined by the commission. The commission shall also charge a reasonable fee for certifying the copy of a filed document, provided the fee does not exceed the cost of providing the service as determined by the commission.

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

E. One-third of the fees for the annual report of domestic and foreign corporations paid pursuant to subsection A, paragraph 17 of this section shall be deposited in the Arizona arts trust fund established by section 41-983.01 AND TWO-THIRDS OF THESE FEES SHALL BE DEPOSITED, PURSUANT TO SECTIONS 35-146 AND 35-147, IN THE PUBLIC ACCESS FUND ESTABLISHED BY SECTION 10-122.01.

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

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

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

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

(a) The same day and next day services shall not be offered unless all expedited services filed pursuant to this title are processed within a maximum of five business days and all other documents and services filed pursuant to this title are processed within a maximum of thirty business days.

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

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

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

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

H. Except as provided in section 10-122.01, subsection B, 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.

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

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

Sec. 4. Section 10-122.01, Arizona Revised Statutes, is amended to read:

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

A. A 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 29-851, subsections E and F.

B. Except as provided in subsection C 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 ~~on-line~~ 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, chapter 4.

3. When sufficient monies have been collected pursuant to section 10-122, subsections F, G and H, section 10-3122, subsection I and section 29-851, subsection E 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 two hundred thousand dollars at the end of each fiscal year revert to the state general fund.

C. 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 and section 29-851, 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, chapter 4 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 or section 29-851, 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. 5. Repeal

Section 15-994, Arizona Revised Statutes, is repealed.

Sec. 6. Section 28-3002, Arizona Revised Statutes, is amended to read:

28-3002. Fees; driver licenses; disposition

A. The following fees are required:

1. For each original or initial application or renewal application, if a written examination is required, for the following:

(a) Class A driver license, twenty-five dollars.

(b) Class B driver license, twenty-five dollars.

(c) Class C driver license, twelve dollars fifty cents.

(d) Class D driver license issued pursuant to section 28-3171, ten dollars.

(e) Class M driver license issued pursuant to section 28-3171, ten dollars.

2. Except as provided in paragraph 1, for each original, renewal or reinstatement application for a class D, G or M license:

Age	Fee
50 or older	$10.00
45-49	$15.00
40-44	$20.00
39 or younger	$25.00

3. For each original or initial application or renewal examination, if a written application is required, for the following endorsements to a driver license:

(a) Bus endorsement, ten dollars.

(b) Hazardous materials endorsement, ten dollars.

(c) Tank vehicle endorsement, ten dollars.

(d) Double-triple trailer endorsement, ten dollars.

(e) Motorcycle endorsement, seven dollars.

4. For taking each driving test for a:

(a) Class A driver license, twenty-five dollars.

(b) Class B driver license, twenty-five dollars.

(c) Class C driver license, twelve dollars fifty cents.

(d) Bus endorsement, five dollars.

5. For each application for an instruction permit under:

(a) Section 28-3154 or 28-3156, seven dollars.

(b) Section 28-3155, three dollars.

(c) Section 28-3225, class A, twenty-five dollars.

(d) Section 28-3225, class B, twenty-five dollars.

(e) Section 28-3225, class C, twelve dollars fifty cents.

6. For each renewal application, if a written examination is not required, for a:

(a) Class A driver license and any endorsement, other than a hazardous materials endorsement, to the license, fifteen dollars.

(b) Class B driver license and any endorsement, other than a hazardous materials endorsement, to the license, fifteen dollars.

(c) Class C driver license and any endorsement, other than a hazardous materials endorsement, to the license, ten dollars.

7. For each application for a duplicate of a driver license, ~~four dollars~~ AN AMOUNT DETERMINED BY THE DIRECTOR.

8. For each application for a duplicate of an instruction permit, two dollars.

9. In addition to the fees prescribed in paragraph 2 and except as provided in paragraph 11:

(a) For reinstatement of driving privileges after suspension or disqualification, ten dollars.

(b) For reinstatement of driving privileges after revocation, twenty dollars.

10. For each application for an extension by mail of a driver license, five dollars.

11. In addition to the fees prescribed in paragraph 2, for reinstatement of driving privileges that were suspended or denied pursuant to section 28-1385 after completion of the suspension or revocation, fifty dollars.

12. For vision screening tests of out-of-state drivers, five dollars.

13. For class D or M driver license skills tests for out-of-state drivers, fifteen dollars.

B. Except as otherwise provided by statute, the director shall immediately deposit, pursuant to sections 35-146 and 35-147, fees collected under this section in the Arizona highway user revenue fund.

Sec. 7. Section 33-812, Arizona Revised Statutes, is amended to read:

33-812. Disposition of proceeds of sale

A. The trustee shall apply the proceeds of the trustee's sale in the following order of priority:

1. To the costs and expenses of exercising the power of sale and the sale, including the payment of the trustee's fees and reasonable attorney fees actually incurred.

2. To the payment of the contract or contracts secured by the trust deed.

3. To the payment of all other obligations provided in or secured by the trust deed and actually paid by the beneficiary before the trustee's sale.

4. To any condominium association or planned community association as defined in ~~chapters~~ CHAPTER 9 or ~~10~~ 16 of this title ~~who~~ THAT had a subordinate lien as provided by law, even if the trustee intends to deposit the balance pursuant to subsection C of this section. The trustee may pay an association's lien on receipt of a written claim and shall be discharged from any liability for any payment made in good faith. The trustee may inquire as to the existence of a lien if there is a recorded declaration on the property

without regard to whether a lien has been recorded. Any person who is an applicant or respondent pursuant to subsection ~~G~~ H of this section may require the condominium ASSOCIATION or planned community association to prove its entitlement to any funds received from the trustee. An association that demonstrates that the amount it received from the trustee was proper in all material respects is entitled to an award of its reasonable attorney fees and court costs against the applicant or respondent who contested the payment. If the applicant or respondent against whom the association's award is entered is entitled to excess proceeds of the sale, the award of attorney fees and costs shall be payable from those excess proceeds.

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

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

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

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

1. A copy of any one of the following:

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

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

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

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

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

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

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

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

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

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

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

H. Any person who receives the application or who claims a right to the proceeds may file a response to the application within thirty days of the mailing of the application. The person filing a response shall mail a copy of the response to each applicant. Within ten calendar days from the date the response is mailed, an applicant may file with the clerk and mail to each respondent a reply to the response. On expiration of the time for filing a reply, an applicant shall provide the court with postage prepaid business envelopes that are addressed to all persons who are entitled to receive

copies of the complaint pursuant to subsection D of this section. If an association with a claim is not paid by the trustee pursuant to subsection A, paragraph 4 of this section and is required to file an application or response pursuant to this subsection in order to recover proceeds, the association may request from the excess proceeds of the sale an award of its reasonable attorney fees and costs incurred.

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

J. Within ninety days after completion of the sale, the trustee shall apply the proceeds of the sale pursuant to subsection A of this section or shall deposit the proceeds with the treasurer pursuant to subsection C of this section. If the trustee fails to comply with this subsection, the trustee forfeits any entitlement to the fees and costs prescribed in subsection ~~D~~ E of this section and shall pay interest at the rate provided for judgments pursuant to section 44-1201 from the date of completion of the sale until the trustee complies with this subsection. Any person with a recorded or other legal interest in the property at the time of the sale may commence a civil action against the trustee for the trustee's failure to comply with this subsection. The court may award the prevailing party its reasonable attorney fees and costs incurred in that civil action.

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

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

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

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

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

Sec. 8. Section 41-1276, Arizona Revised Statutes, is amended to read:

41-1276. <u>Truth in taxation levy for equalization assistance to school districts</u>

A. On or before February 15 of each year, the joint legislative budget committee shall compute and transmit the truth in taxation rates for equalization assistance for school districts for the following fiscal year to:

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

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

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

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

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

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

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

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

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

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

1. The house of representatives ways and means committee and the senate finance committee or their successor committees shall hold a joint hearing on or before February 28 and publish a notice of a truth in taxation hearing that meets the following requirements:

(a) The notice shall be published twice in a newspaper of general circulation in this state that is published at the state capital. The first publication shall be at least fourteen but not more than twenty days before the date of the hearing. The second publication shall be at least seven but not more than ten days before the date of the hearing.

(b) The notice shall be published in a location other than the classified or legal advertising section of the newspaper.

(c) The notice shall be at least one-fourth page in size and shall be surrounded by a solid black border at least one-eighth inch in width.

(d) The notice shall be in the following form, with the "truth in taxation hearing - notice of tax increase" headline in at least eighteen point type:

Truth in Taxation Hearing
Notice of Tax Increase

In compliance with section 41-1276, Arizona Revised Statutes, the state legislature is notifying property taxpayers in Arizona of the legislature's intention to raise the property tax levy over last year's level.

The proposed tax increase will cause the taxes on a $100,000 home to increase by $_____.

All interested citizens are invited to attend a public hearing on the tax increase that is scheduled to be held _____ (date and time) at _____ (location).

(e) For purposes of computing the tax increase on a one hundred thousand dollar home as required by the notice, the joint meeting of the house of representatives ways and means committee and the senate finance committee or their successor committees shall consider the difference between the truth in taxation rate and the proposed increased rate.

2. The joint meeting of the house of representatives ways and means committee and the senate finance committee or their successor committees shall consider any motion to recommend the proposed tax rates to the full legislature by roll call vote.

F. In addition to publishing the truth in taxation notice under subsection E, paragraph 1 of this section, the joint meeting of the house of representatives ways and means committee and the senate finance committee or their successor committees shall issue a press release containing the truth in taxation notice.

G. Notwithstanding any other law, the legislature shall not adopt a state budget that provides for ~~either~~ qualifying tax rates pursuant to section 15-971 ~~or a state equalization assistance property tax rate pursuant to section 15-994~~ that ~~exceeds~~ EXCEED the truth in taxation rates computed

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

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

I. Pursuant to subsection C of this section, the qualifying tax rate in tax year ~~2008~~ 2009 for a high school district or a common school district within a high school district that does not offer instruction in high school subjects as provided in section 15-447 is ~~$1.4622~~ $1.3726 and for a unified school district, a common school district not within a high school district or a common school district within a high school district that offers instruction in high school subjects as provided in section 15-447 is ~~$2.9244~~ $2.7452. ~~The state equalization assistance property tax rate in tax years 2006, 2007 and 2008 is zero. The state equalization assistance property tax rate in tax year 2009 shall be computed by annually adjusting the tax year 2005 rate of $0.4358 as provided by this section through tax year 2009.~~

Sec. 9. Section 41-3506, Arizona Revised Statutes, is amended to read:

41-3506. State web portal fund; exemption

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

1. Monies appropriated to the fund by the legislature.

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

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

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

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

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

Sec. 10. Section 41-3955, Arizona Revised Statutes, is amended to read:

41-3955. Housing trust fund; purpose

A. The housing trust fund is established, and the director shall administer the fund. The fund consists of monies from unclaimed property deposited in the fund pursuant to section 44-313, A PORTION OF THE INTEREST EARNED ON THE MONIES IN THE FEDERAL DEPOSIT INSURANCE CORPORATION TRUST FUND PURSUANT TO SECTION 44-314 and investment earnings.

B. On notice from the department, the state treasurer shall invest and divest monies in the fund as provided by section 35-313, and monies earned from investment shall be credited to the fund.

C. Fund monies shall be spent on approval of the department for developing projects and programs connected with providing housing opportunities for low and moderate income households and for housing affordability and Arizona housing finance authority programs. Pursuant to section 44-313, subsection A, a portion of fund monies shall be used exclusively for housing in rural areas.

D. In approving the expenditure of monies, the director shall give priority to funding projects that provide for operating, constructing or renovating facilities for housing for low income families and that provide housing and shelter to families that have children.

E. The director shall report annually to the legislature on the status of the housing trust fund. The report shall include a summary of facilities for which funding was provided during the preceding fiscal year and shall show the cost and geographic location of each facility and the number of individuals benefiting from the operation, construction or renovation of the facility. The report shall be submitted to the president of the senate and the speaker of the house of representatives no later than September 1 of each year.

F. Monies in the housing trust fund are exempt from the provisions of section 35-190 relating to lapsing of appropriations.

G. An amount not to exceed ten per cent of the housing trust fund monies may be appropriated annually by the legislature to the department for administrative costs in providing services relating to the housing trust fund.

H. For any construction project financed by the department pursuant to this section, the department shall notify a city, town, county or tribal government that a project is planned for its jurisdiction and, before proceeding, shall seek comment from the governing body of the city, town, county or tribal government or an official authorized by the governing body of the city, town, county or tribal government. The department shall not interfere with or attempt to override the local jurisdiction's planning, zoning or land use regulations.

Sec. 11. Title 42, chapter 1, article 3, Arizona Revised Statutes, is amended by adding section 42-1116.01, to read:

42-1116.01. Department of revenue administrative fund

A. THE DEPARTMENT OF REVENUE ADMINISTRATIVE FUND IS ESTABLISHED CONSISTING OF MONIES FROM UNCLAIMED PROPERTY DEPOSITED IN THE FUND PURSUANT TO SECTION 44-313.

B. THE DIRECTOR SHALL ADMINISTER THE FUND. MONIES IN THE FUND ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-130 RELATING TO LAPSING OF APPROPRIATIONS.

C. SUBJECT TO LEGISLATIVE APPROPRIATION, THE DIRECTOR SHALL USE MONIES IN THE FUND SOLELY FOR THE ADMINISTRATIVE COSTS OF THE DEPARTMENT.

Sec. 12. Section 42-5031, Arizona Revised Statutes, is amended to read:

42-5031. Distribution of multipurpose facility revenues to district

A. Subject to the requirements of subsection D of this section, if a county stadium district is authorized by an election pursuant to section 48-4237, subsection E, paragraph 5 to use the amounts paid to the district pursuant to subsection B of this section as permitted by law, then after delivery of a resolution of the district board of directors requesting payment, which resolution shall contain notice of the exercise of the option to begin payments provided for in this subsection, the state treasurer shall pay each month, beginning with the second calendar month after the optional payment commencement event contained in the resolution, from the amount designated as distribution base pursuant to section 42-5029, subsection D, the amount determined under subsection B of this section to the district. Payments under this section shall continue until July 1, 2025 OR UNTIL THE DATE ALL AUTHORIZED DEBT SERVICE PAYMENTS ARE COMPLETED AS PROVIDED BY SECTION 48-4203, SUBSECTION B, PARAGRAPH 3, WHICHEVER DATE IS EARLIER.

B. The amount to be paid each month under subsection A of this section is one-half of the amount of state transaction privilege tax revenues received in the second preceding calendar month from all persons conducting business under any business classification under this article at a multipurpose facility site, or in the construction of a multipurpose facility, the public or district owned components of which cost at least two hundred million dollars to construct. In no event shall the amount to be paid each month under this section exceed the net new state transaction privilege tax revenues received from the multipurpose facility site as compared to the revenues received in the same month during the twelve months prior to the month in which the public vote pursuant to section 48-4237 is held. THE AMOUNT PAID TO THE DISTRICT SHALL NOT EXCEED THE AMOUNT REQUIRED TO SERVICE THE DEBTS AND OBLIGATIONS OF THE DISTRICT AND TO MEET THE PURPOSES SET FORTH IN SECTION 48-4204, SUBSECTION B.

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

D. To qualify for payments under this section, the municipality in which the multipurpose facility site is located must either obtain voter approval for a local transaction privilege tax to pay costs associated with a multipurpose facility, or make a financial commitment by intergovernmental agreement between the municipality and the district to make direct payments to the district from any lawful source, including municipal transaction privilege taxes or to expend monies for land, infrastructure or other improvements directly related to the multipurpose facility or the multipurpose facility site, by the end of the date referred to in subsection A of this section in an aggregate amount equal to the amount received by the district pursuant to this section.

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

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

Sec. 13. Section 42-15001, Arizona Revised Statutes, is amended to read:

42-15001. <u>Assessed valuation of class one property</u>

The assessed valuation of class one property described in section 42-12001 is:

1. FOR THE PURPOSES OF ASSESSING AND LEVYING PRIMARY PROPERTY TAXES AND SECONDARY PROPERTY TAXES, OTHER THAN SECONDARY PROPERTY TAXES DESCRIBED IN PARAGRAPH 2 OF THIS SECTION, the following percentage of its full cash value or limited valuation, as applicable:

~~1.~~ (a) Twenty-five per cent through December 31, 2005.

~~2.~~ (b) Twenty-four and one-half per cent beginning from and after December 31, 2005 through December 31, 2006.

~~3.~~ (c) Twenty-four per cent beginning from and after December 31, 2006 through December 31, 2007.

~~4.~~ (d) Twenty-three per cent beginning from and after December 31, 2007 through December 31, 2008.

~~5.~~ (e) Twenty-two per cent beginning from and after December 31, 2008 through December 31, 2009.

~~6.~~ (f) Twenty-one per cent beginning from and after December 31, 2009 through December 31, 2010.

~~7.~~ (g) Twenty per cent beginning from and after December 31, 2010.

2. FOR TAX YEARS BEGINNING FROM AND AFTER DECEMBER 31, 2011, FOR THE PURPOSES OF ASSESSING SECONDARY PROPERTY TAXES LEVIED BY COUNTIES, CITIES, TOWNS, COMMUNITY COLLEGE DISTRICTS AND SCHOOL DISTRICTS FOR THE PAYMENT OF PRINCIPAL, INTEREST AND REDEMPTION CHARGES ON BONDED INDEBTEDNESS OR OTHER LAWFUL LONG-TERM OBLIGATIONS AUTHORIZED BY THE VOTERS FROM AND AFTER DECEMBER 31, 2011 AND FOR THE PAYMENT OF COSTS APPROVED BY AN OVERRIDE ELECTION HELD FROM AND AFTER DECEMBER 31, 2011, SIXTEEN PER CENT. THE ASSESSED VALUATION DETERMINED PURSUANT TO THIS PARAGRAPH DOES NOT APPLY FOR THE PURPOSES OF COMPUTING DEBT LIMITATIONS PURSUANT TO ARTICLE IX, SECTIONS 8 AND 8.1, CONSTITUTION OF ARIZONA, OR THE LIMITATION ON CLASS B BONDED INDEBTEDNESS PURSUANT TO SECTION 15-1021.

Sec. 14. Section 43-1095, Arizona Revised Statutes, is amended to read:

43-1095. Taxable income of a nonresident

A. In computing Arizona taxable income a nonresident, except a member of the armed forces, shall be allowed that percentage of the exemptions set forth in section 43-1043 which his Arizona gross income is of his federal adjusted gross income.

B. In the case of a nonresident the STANDARD deduction allowed in section 43-1041 AND THE ITEMIZED DEDUCTIONS ALLOWED IN SECTION 43-1042 shall be allowed in the percentage which his Arizona gross income is of his federal adjusted gross income.

Sec. 15. Section 44-302, Arizona Revised Statutes, is amended to read:

44-302. Presumptions of abandonment

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

1. A traveler's check is presumed abandoned ~~fifteen~~ THREE years after issuance.

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) The address of each beneficiary.

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

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

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

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

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

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

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

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

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

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

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

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

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

14. Any amount that is payable on a check, draft or similar instrument on which a financial organization or business association is directly liable, including a cashier's check and a certified check, and that has been outstanding for more than ~~five~~ THREE years after the check, draft or similar instrument was payable or after issuance if payable on demand is presumed abandoned unless within ~~five~~ THREE years the owner has communicated in writing with the financial organization or business association concerning the check, draft or similar instrument or otherwise indicated an interest as

evidenced by a memorandum or any other record on file and prepared by an employee of the financial organization or business association.

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

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

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

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

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

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

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

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

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

4. The payment of a premium with respect to a property interest in an insurance policy. The application of an automatic premium loan provision or any other nonforfeiture provision in an insurance policy does not prevent a policy from maturing or terminating if the insured has died or if the insured

or the beneficiary of the policy has otherwise become entitled to the proceeds before the depletion of the cash surrender value of a policy by the application of those provisions.

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

Sec. 16. Section 44-313, Arizona Revised Statutes, is amended to read:

44-313. Deposit of monies

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

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

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

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

1. THE FIRST TEN MILLION FIVE HUNDRED THOUSAND DOLLARS OF THE MONIES SHALL BE DEPOSITED EACH FISCAL YEAR IN THE HOUSING TRUST FUND ESTABLISHED BY SECTION 41-3955.

2. THE SECOND TWENTY-FOUR MILLION FIVE HUNDRED THOUSAND DOLLARS OF THE MONIES SHALL BE DEPOSITED EACH FISCAL YEAR IN THE DEPARTMENT OF REVENUE ADMINISTRATION FUND ESTABLISHED BY SECTION 42-1116.01.

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

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

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

E. Before making the deposit, the department shall record the name and last known address of each person who appears from the holders' reports to be entitled to the property and the name and last known address of each insured person or annuitant and beneficiary. The department shall also record the policy or contract number of each policy or contract of an insurance company that is listed in the report, the name of the company and the amount due.

The department shall make the record available for public inspection during reasonable business hours.

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

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

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

~~3. Reasonable department service charges.~~

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

~~5. Lawful holder charges.~~

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

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

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

Sec. 17. Section 44-1861, Arizona Revised Statutes, is amended to read:

44-1861. Fees; deposit; abandonment

A. BY the ~~following~~ AFFIRMATIVE VOTE OF AT LEAST FOUR COMMISSIONERS, THE COMMISSION MAY ESTABLISH BY RULE AN annual fee for THE registration OF A DEALER OR A SALESMAN. THE FEE shall be remitted on or before the last working day of December, AND THE COMMISSION SHALL DEPOSIT THE FEE, PURSUANT TO SECTIONS 35-146 AND 35-147, IN THE SECURITIES REGULATORY AND ENFORCEMENT FUND ESTABLISHED BY SECTION 44-2039. ~~:~~

~~1. For each dealer, three hundred dollars, of which fifty dollars is allocated to the fund established under section 44-2039.~~

~~2. For each salesman, forty dollars, of which fifteen dollars is allocated to the fund established under section 44-2039.~~

B. The registration fee for any dealer who deals exclusively in securities of which the dealer is the issuer is one hundred dollars.

C. For registration of securities by description, there shall be paid to the commission a nonrefundable registration fee of one-tenth of one per cent of the aggregate offering price of the securities ~~which~~ THAT are to be sold in this state, but in no event shall the registration fee be less than two hundred dollars nor more than two thousand dollars. The amount by which a registration fee exceeds one thousand five hundred dollars shall be allocated to the commerce and economic development commission fund established by section 41-1505.10.

D. BY the AFFIRMATIVE VOTE OF AT LEAST FOUR COMMISSIONERS, THE COMMISSION MAY ESTABLISH BY RULE A transfer fee for a salesman transferring ~~his~~ THE SALESMAN'S registration from one registered dealer to another registered dealer ~~is forty dollars, of which fifteen dollars is allocated to the fund established under section 44-2039~~. THE COMMISSION SHALL DEPOSIT THE

FEE, PURSUANT TO SECTIONS 35-146 AND 35-147, IN THE SECURITIES REGULATORY AND ENFORCEMENT FUND ESTABLISHED BY SECTION 44-2039.

E. The initial filing of a form required for safe harbor exemptions provided for in the securities act of 1933 (15 United States Code section 77(a) et seq.) pursuant to the rules of the commission shall be accompanied by a filing fee of two hundred fifty dollars, of which fifty dollars shall be allocated to the commerce and economic development commission fund established by section 41-1505.10. The final filing of the form, if separate from the initial filing, shall be accompanied by a filing fee of one hundred dollars that is allocated to the commerce and economic development commission fund established by section 41-1505.10.

F. For a name change of securities registered by qualification or description, a filing fee of one hundred dollars is payable to the commission.

G. For filing a notice required by the commission by rule pursuant to section 44-1845, a filing fee of one hundred dollars is payable to the commission.

H. For filing a petition pursuant to section 44-1846, a filing fee of two hundred fifty dollars is payable to the commission.

I. Except as provided in subsections A, C, D, E and P of this section, section 44-1843 and section 44-1892, paragraph 3, all fees collected under this chapter shall be deposited in the state general fund.

J. An issuer who sells securities in this state in excess of the aggregate amount of securities registered in this state ~~may~~, while ~~such~~ THE registration is still effective, MAY apply to register the excess securities by paying three times the difference between the initial registration fee paid and the registration fee required under subsection C of this section or section 44-1892, paragraph 3. Registration of the excess securities, if granted, is effective retroactively to the date of the existing registration.

K. An application for registration of securities or registration of a dealer or salesman or an incomplete notice filing is deemed abandoned if both:

1. The application or notice filing has been on file with the commission for at least six months or the applicant or notice filer has failed to respond to a request for information for at least two months after the date of the request.

2. The applicant or notice filer has failed to respond to the commission's notice of warning of abandonment within sixty calendar days after the date of the warning.

L. The commission shall retain fees collected in connection with abandoned applications or notice filings for deposit in the state general fund.

M. The nonrefundable filing fee for a request for a no-action letter from the securities division is two hundred dollars.

N. The nonrefundable filing fee for an application for registration pursuant to section 44-1902 is two hundred fifty dollars.

O. The fee for submitting fingerprint cards to the department of public safety is the fee required by that department.

P. Any securities exchange established in this state shall pay to the commission on or before March 15 of each calendar year an exchange registration fee in an amount equal to two-tenths of one cent for each share, bond or option or any other single unit of a security~~, which~~ THAT is exchanged during each preceding calendar year. ~~which~~ THE COMMISSION shall ~~be deposited~~ DEPOSIT THE FEE, PURSUANT TO SECTIONS 35-146 AND 35-147, in the securities regulatory and enforcement fund established by section 44-2039 for the purpose of regulating the securities exchange. The commission, by rule, may exempt any sale of securities or any class of sales of securities from the fee imposed by this subsection~~,~~ if it finds that an exemption is consistent with the public interest and the equal regulation of the market and brokers and dealers.

Sec. 18. Section 44-2039, Arizona Revised Statutes, is amended to read:

44-2039. Securities regulatory and enforcement fund; purpose

A. A securities regulatory and enforcement fund is established and shall be administered by the commission under the conditions and for the purposes provided by this section. Monies in the fund are exempt from the provisions of section 35-190 relating to lapsing.

B. Fees collected pursuant to section 44-1861, ~~subsection~~ SUBSECTIONS A, ~~paragraphs 1 and 2 and subsections~~ D and P shall be deposited, pursuant to sections 35-146 and 35-147, in the securities regulatory and enforcement fund, EXCEPT THAT ALL REVENUES COLLECTED IN EACH FISCAL YEAR IN EXCESS OF THE AMOUNT APPROPRIATED FROM THE FUND BY THE LEGISLATURE SHALL BE DEPOSITED IN THE STATE GENERAL FUND.

C. Monies in the fund are subject to legislative appropriation. The commission shall use the monies in the fund for education and regulatory, investigative and enforcement operations in the securities division and a part of general administrative and hearing expenses of the commission.

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

48-4202. Formation of district

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

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

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

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

1. FIVE MEMBERS WHO ARE APPOINTED BY THE GOVERNOR, AT LEAST THREE OF WHOM MUST RESIDE IN THE MUNICIPALITY IN WHICH THE DISTRICT IS LOCATED AND EACH OF WHOM MUST HAVE EXPERIENCE IN COMMERCIAL REAL ESTATE, CONSTRUCTION, REDEVELOPMENT, REAL ESTATE LAW, ARCHITECTURE, ECONOMIC DEVELOPMENT OR COMMERCIAL OR PUBLIC FINANCE. THE GOVERNOR MAY RECEIVE NOMINATIONS FOR APPOINTMENT FROM ANY INTERESTED ORGANIZATION OR PERSON. MEMBERS APPOINTED BY THE GOVERNOR SERVE AT THE PLEASURE OF THE GOVERNOR.

2. TWO MEMBERS WHO ARE APPOINTED BY THE PRESIDENT OF THE SENATE, AT LEAST ONE OF WHOM MUST RESIDE IN THE MUNICIPALITY IN WHICH THE DISTRICT IS LOCATED. THE MEMBERS APPOINTED BY THE PRESIDENT SERVE AT THE PLEASURE OF THE PRESIDENT.

3. TWO MEMBERS WHO ARE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AT LEAST ONE OF WHOM MUST RESIDE IN THE MUNICIPALITY IN WHICH THE DISTRICT IS LOCATED. THE MEMBERS APPOINTED BY THE SPEAKER SERVE AT THE PLEASURE OF THE SPEAKER.

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

~~D.~~ F. The board of supervisors may pay the necessary costs incurred in connection with establishing a countywide district from any county monies

available for that purpose. The municipalities may pay their proportionate share of the necessary costs incurred in establishing a district formed by two or more municipalities under subsection B of this section from any monies available for that purpose.

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

Sec. 20. Section 48-4203, Arizona Revised Statutes, is amended to read:

48-4203. Powers and duties of board of directors; conflict of interest

A. The board of directors, on behalf of the district, may:

1. Adopt and use a corporate seal.

2. Sue and be sued.

3. Enter into contracts, including intergovernmental agreements under title 11, chapter 7, article 3, as necessary to carry out the purposes and requirements of this chapter. The district may contract with a county sports authority established under title 11, chapter 5 to carry out any power of the district.

4. Adopt administrative rules as necessary to administer and operate the district and any property under its jurisdiction.

5. Adopt rules that allow weighted voting by board members and establish conditions for terminating the district.

6. Employ an executive director and administrative and clerical employees, or contract for other management personnel, and prescribe the terms and conditions of their employment as necessary to carry out the purposes of the district.

7. Acquire by any lawful means and operate, maintain, encumber and dispose of real and personal property and interests in property. A district established under section 48-4202, subsection A may acquire real property by eminent domain. A district established under section 48-4202, subsection B shall not acquire real property by eminent domain.

8. Administer trusts declared or established for the district, receive and hold in trust or otherwise property located in or out of this state and, if not otherwise provided, dispose of the property for the benefit of the district.

9. Retain legal counsel and other consultants as necessary to carry out the purposes of the district.

B. The board of directors, on behalf of a district established pursuant to section 48-4202, subsection B, may:

1. Use revenues paid to the district pursuant to section 42-5031 and other revenues the district may receive from other sources, for the purposes set forth in section 48-4204, subsection B.

2. Enter into agreements with developers, contractors, tenants and other users of all or part of a multipurpose facility as determined appropriate.

3. Pledge all or part of the revenues described in section 42-5031, subsection B~~,~~ to secure the district's bonds or other financial obligations issued or incurred under this chapter for the construction of all or part of a multipurpose facility.

C. THE BOARD OF DIRECTORS OF A DISTRICT ESTABLISHED PURSUANT TO SECTION 48-4202, SUBSECTION B SHALL PROVIDE PUBLIC OUTREACH AND EDUCATION ON THE PURPOSE AND ACTIVITIES OF THE DISTRICT, INCLUDING:

1. PRESENTATIONS TO THE GOVERNING BODIES OF THE MUNICIPALITIES IN THE COUNTY IN WHICH THE DISTRICT IS LOCATED.

2. PRESENTATIONS TO COMMUNITY, CIVIC AND BUSINESS ORGANIZATIONS.

3. PRINTED OR ELECTRONIC MATERIALS THAT SUPPORT THE PURPOSES OF THIS SUBSECTION.

~~C.~~ D. The board of directors shall:

1. Appoint from among its members a chairman, a secretary and such other officers as may be necessary to conduct its business. The board of directors may appoint the chief financial officer of the county as the district treasurer of a countywide district established under section 48-4202, subsection A. If the board does not appoint the chief financial officer, the county treasurer is designated ex officio as the treasurer. The board of directors of a district that is established pursuant to section 48-4202, subsection B shall designate ~~ex officio an officer of one of the municipalities~~ A MEMBER OF THE BOARD WITH FINANCIAL MANAGEMENT OR ACCOUNTING EXPERIENCE OR A PERSON WITH WHOM THE BOARD HAS CONTRACTED FOR FINANCIAL MANAGEMENT as treasurer of the district.

2. Keep and maintain a complete and accurate record of all its proceedings. All proceedings and records of the board shall be open to the public as required by title 38, chapter 3, article 3.1 and title 39, chapter 1.

3. Provide for the use, maintenance and operation of the properties and interests controlled by the district.

~~D.~~ E. The board of directors of a district that is established pursuant to section 48-4202, subsection B shall determine by agreement the distribution of revenues from operating and using the multipurpose facilities among the municipalities and any participating Indian tribe or community.

~~E.~~ F. The directors, officers and employees of the district are subject to title 38, chapter 3, article 8 relating to conflicts of interest.

~~F.~~ G. This state and political subdivisions of this state other than the district are not liable for any financial or other obligations of the district and the financial or other obligations do not constitute a debt or

liability of this state or any political subdivision of this state, other than the district.

Sec. 21. Section 48-4204, Arizona Revised Statutes, is amended to read:

48-4204. Constructing and operating a stadium and other structures; regulating alcoholic beverages

A. From the taxes and surcharges levied pursuant to article 2 of this chapter for use with respect to major league baseball spring training, the district may acquire land and construct, finance, furnish, maintain, improve, operate, market and promote the use of existing or proposed major league baseball spring training facilities or stadiums and other structures, utilities, roads, parking areas or buildings necessary for full use of the training facilities or stadiums for sports and other purposes and do all things necessary or convenient to accomplish those purposes. The board shall require that any project undertaken by the district include financial participation from the county or municipality in which the project is located, from a private party or from any combination of these entities which equals or exceeds one-half of the amount to be expended or distributed by the district. Capital improvement funds expended at any time after June 1, 1991 by a county, municipality or private party for a purpose authorized by this section may be deemed financial participation with respect to any project the district may undertake.

B. From the taxes and charges levied or identified pursuant to section 48-4237 for use with respect to multipurpose facilities and from other monies lawfully available to the district, the district may acquire land and construct, finance, furnish, maintain, improve, operate, market and promote the use of multipurpose facilities and other structures, utilities, roads, parking areas or buildings necessary for full use of the multipurpose facilities and do all things necessary or convenient to accomplish those purposes. Public funds identified in section 48-4237, including funds distributed pursuant to section 42-5031, may only be used for the components for a multipurpose facility which are owned by the district or which are publicly owned, EXCEPT THAT MONIES PAID TO THE DISTRICT PURSUANT TO SECTION 42-5031 MAY ONLY BE USED FOR THE FOLLOWING PURPOSES UNTIL A NOTICE TO PROCEED IS ISSUED FOR A HOTEL AND CONVENTION CENTER LOCATED ON THE MULTIPURPOSE FACILITY SITE:

1. DEBT SERVICE FOR BONDS ISSUED BY THE DISTRICT BEFORE JANUARY 1, 2009.

2. CONTRACTUAL OBLIGATIONS INCURRED BY THE DISTRICT BEFORE JUNE 1, 2009.

3. FIDUCIARY, REASONABLE LEGAL AND ADMINISTRATIVE EXPENSES OF THE DISTRICT.

4. THE DESIGN AND CONSTRUCTION OF THE HOTEL AND CONVENTION CENTER LOCATED ON THE MULTIPURPOSE FACILITY SITE.

C. A DISTRICT ESTABLISHED PURSUANT TO SECTION 48-4202, SUBSECTION B MAY NOT USE MONIES DISTRIBUTED PURSUANT TO SECTION 42-5031 FOR THE SALARIES OR COMPENSATION OF ANY EMPLOYEE OF THE MUNICIPALITY IN WHICH THE DISTRICT IS LOCATED.

~~C.~~ D. Title 34 applies to the district, except that regardless of the funding source for design and construction of facilities and structures the district may establish alternative systems and procedures, including the use of the design-build method of construction or the use of qualifications-based selection of contractors with experience in stadium design or construction, to expedite the design and construction of any of its facilities or structures or any facilities or structures leased to it or used by it pursuant to an intergovernmental agreement. For the purposes of this subsection:

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

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

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

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

Sec. 22. Section 48-4231, Arizona Revised Statutes, is amended to read:

48-4231. <u>County stadium district fund</u>

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

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

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

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

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

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

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

C. The district treasurer may invest any unexpended monies in the fund as provided in title 35, chapter 2. Notwithstanding section 35-323, the district treasurer may invest and reinvest monies in the fund, other than operating fund monies, in eligible investments with a maturity of greater than five years. Interest and other income from investments shall be credited to the fund. The district treasurer shall invest the monies so as to mature at the times when the fund assets will be required for the purposes of this article. If the liquid assets in the fund become insufficient to meet the district's obligations, the board of directors shall direct the district treasurer to liquidate sufficient securities to meet all of the current obligations and immediately notify the auditor general of the insufficiency, and the auditor general shall investigate and audit the circumstances surrounding the depletion of the fund and report ~~his~~ THE AUDITOR GENERAL'S findings to the board.

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

Sec. 23. Title 48, chapter 26, article 2, Arizona Revised Statutes, is amended by adding sections 48-4231.01 and 48-4231.02, to read:

48-4231.01. <u>Financial and performance audits of districts owning multipurpose facilities; appearance before joint committee on capital review</u>

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

B. THE AUDIT SHALL INCLUDE CONSIDERATION OF:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. THE GOVERNOR.

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

4. THE DEPARTMENT OF REVENUE AND THE STATE TREASURER.

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

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

G. THE COST INCURRED BY THE AUDITOR GENERAL IN CONTRACTING WITH INDEPENDENT AUDITORS UNDER THIS SECTION IS AN OPERATING EXPENSE OF THE DISTRICT AND SHALL BE PAID FROM REVENUES PAYABLE TO THE DISTRICT PURSUANT TO SECTION 42-5031. THE AUDITOR GENERAL SHALL DEPOSIT THE PAYMENTS IN THE AUDIT SERVICES REVOLVING FUND ESTABLISHED BY SECTION 41-1279.06.

H. AT THE REQUEST OF THE CHAIRPERSON OF THE JOINT COMMITTEE ON CAPITAL REVIEW, THE EXECUTIVE DIRECTOR OR A REPRESENTATIVE OF THE BOARD OF DIRECTORS SHALL APPEAR BEFORE THE JOINT COMMITTEE ON CAPITAL REVIEW TO REPORT ON ANY ASPECT OF THE DISTRICT'S OPERATION, INCLUDING THE ACTIVITIES AND FINANCIAL PERFORMANCE OF THE DISTRICT DURING THE PREVIOUS FISCAL YEAR, THE DISTRICT'S PLANS FOR CAPITAL IMPROVEMENTS AND INVESTMENT AND THE DISTRICT'S RESPONSE TO THE AUDIT CONDUCTED UNDER THIS SECTION.

48-4231.02. Financial reports; database of expenditures

A. EACH DISTRICT ESTABLISHED PURSUANT TO SECTION 48-4202, SUBSECTION B SHALL MAINTAIN ON ITS OFFICIAL WEBSITE A DATABASE OF EXPENDITURES MADE BY THE DISTRICT. THE DATABASE SHALL ALLOW USERS TO:

1. SEARCH AND AGGREGATE PAYMENTS BY PAYEE.
2. SEARCH AND AGGREGATE PAYMENTS BY PROJECT.
3. SEARCH AND AGGREGATE PAYMENTS BY YEAR.
4. SEARCH AND AGGREGATE ALL PAYMENTS MADE BY THE DISTRICT.
5. DOWNLOAD INFORMATION YIELDED BY A USER QUERY.

B. EACH EXPENDITURE LISTING CONTAINED IN THE DATABASE SHALL INCLUDE:

1. THE DATE AND AMOUNT OF EACH PAYMENT.
2. THE NAME OF THE PAYEE.
3. THE PROJECT FOR WHICH THE PAYMENT WAS MADE.
4. THE PURPOSE FOR WHICH THE PAYMENT WAS MADE.
5. THE FUND OR BUDGET ACCOUNT FROM WHICH THE PAYMENT WAS MADE.

C. EACH DISTRICT ESTABLISHED PURSUANT TO SECTION 48-4202, SUBSECTION B SHALL MAINTAIN ON ITS OFFICIAL WEBSITE THE ANNUAL FINANCIAL REPORTS OF THE DISTRICT AND A LISTING AND THE SUM OF THE PAYMENTS MADE TO THE DISTRICT PURSUANT TO SECTION 42-5031.

Sec. 24. Repeal

Laws 2008, chapter 291, section 12 is repealed.

Sec. 25. Department of insurance; fee and assessment adjustment suspension

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

Sec. 26. Arizona state lottery proceeds; transfer

Notwithstanding section 5-522, Arizona Revised Statutes, as amended by this act, the following amounts of state lottery revenues are transferred to

the state general fund before any other lottery distribution to the following funds:

1. The county assistance fund established by section 41-175, Arizona Revised Statutes: $765,000

2. The local transportation assistance fund pursuant to section 28-8101, subsection D, Arizona Revised Statutes: $2,300,000

3. The local transportation assistance fund pursuant to section 28-8101, subsection E, Arizona Revised Statutes: $990,000

Sec. 27. Agricultural fees; increases; appropriation; delayed repeal

A. Notwithstanding any other law, the citrus, fruit and vegetable advisory council, the agricultural advisory council and the director of the Arizona department of agriculture may increase fees in fiscal year 2009-2010 for services provided. Before increasing any fee pursuant to this subsection, the citrus, fruit and vegetable advisory council must provide at least thirty days' advance notice of a public hearing and the amount of the proposed fee to all shippers who are licensed under sections 3-449 and 3-492, Arizona Revised Statutes, and to any other interested party. The council shall receive written and oral comments at the hearing regarding the proposed increase in the fee.

B. Notwithstanding section 24 of this act, the Arizona department of agriculture may continue the fee increases pursuant to Laws 2008, chapter 291, section 12.

C. It is the intent of the legislature that the additional revenue generated by the fee increases shall not exceed the following amounts:

1. Citrus, fruit and vegetable advisory council and agricultural advisory council: $389,000

2. Arizona department of agriculture: $172,000

D. Monies received from fees pursuant to this section are appropriated to the Arizona department of agriculture.

E. The Arizona department of agriculture is exempt from the rule making requirements of title 41, chapter 6, Arizona Revised Statutes, for the purpose of establishing fees under this section for one year after the effective date of this act.

F. This section is repealed from and after June 30, 2010.

Sec. 28. Registrar of contractors; residential contractors' recovery fund; contracted services, equipment and operational costs; fiscal year 2009-2010

Notwithstanding section 32-1134, subsection A, paragraph 5, Arizona Revised Statutes, the registrar of contractors shall employ or contract with individuals and procure equipment and operational support, to be paid from or purchased with monies in the residential contractors' recovery fund, but not to exceed in fiscal year 2009-2010 fourteen per cent of the total amount deposited in the fund in fiscal year 2008-2009, as may be necessary to

monitor, process or oppose claims filed by injured persons that may result in collection from the fund.

Sec. 29. Web portal fees; deposit

Notwithstanding section 41-3506, Arizona Revised Statutes, as amended by this act, in fiscal year 2009-2010 the amount of web portal fees not deposited in the web portal fund for the contractor's price of maintaining and operating the web portal shall not exceed $3,000,000.

Sec. 30. Vehicle license taxes; fiscal year 2009-2010; distributions by cities and towns to school districts

A. In fiscal year 2009-2010, cities and towns that receive vehicle license tax monies pursuant to section 28-5808, subsection A, paragraph 2, subdivision (c) and subsection B, paragraph 2, subdivision (c), Arizona Revised Statutes, shall distribute a portion of those monies as computed by the county treasurer to local school districts. The total amount of monies to be distributed pursuant to this section by all cities and towns in fiscal year 2009-2010 shall be $22,000,000, payable in equal monthly installments of $3,666,667 beginning in January, 2010 through June, 2010 allocated among the cities and towns according to population.

B. The department of education shall notify each county treasurer on a monthly basis regarding the amount of monies to be distributed by the cities and towns in the county pursuant to subsection A of this section to each school district. The county treasurer shall apportion the monies to the school districts in the county in accordance with section 15-971, subsection C, Arizona Revised Statutes.

Sec. 31. County transfers; fiscal year 2009-2010; county expenditure limitations

A. Notwithstanding any other law, in fiscal year 2009-2010, each county with a population of two million or more persons shall transfer $19,014,600 and each county with a population of more than eight hundred thousand persons but less than two million persons shall transfer $2,985,400 to the state treasurer for deposit in the state general fund.

B. Notwithstanding any other law, a county may meet any statutory funding requirements of this section from any source of county revenue designated by the county, including funds of any countywide special taxing district in which the board of supervisors serves as the board of directors.

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

Sec. 32. Continuing fee increases; appropriations; exemption from rule making

A. Notwithstanding section 24 of this act, the department of health services, the radiation regulatory agency and, subject to subsection E of this section, the state land department may continue fee increases pursuant to Laws 2008, chapter 291, section 12.

B. It is the intent of the legislature that the additional revenue generated by the fee increases shall not exceed the amounts listed below:

1. Department of health services $600,000.
2. State land department $600,000.
3. Radiation regulatory agency $500,000.

C. Monies generated from any fees raised pursuant to subsection A of this section are appropriated to the respective agencies.

D. The agencies described in subsection A of this section are exempt from the rule making requirements of title 41, chapter 6, Arizona Revised Statutes, for the purpose of raising fees pursuant to this section for a period of one year from the effective date of this act.

E. The state land department may not increase a fee pursuant to subsection A of this section for a recreational permit issued by the department.

Sec. 33. Board of examiners of nursing care institution administrators and assisted living facility managers; fees for providing services; increase; fiscal year 2009-2010; intent; appropriation; exemption from rule making

A. Notwithstanding any other law, the board of examiners of nursing care institution administrators and assisted living facility managers may raise fees in fiscal year 2009-2010 for services provided by the board.

B. It is the intent of the legislature that the additional revenue generated by the fee increases in subsection A shall not exceed $85,000.

C. Monies generated from any fees raised pursuant to subsection A are appropriated to the board.

D. The board is exempt from the rule making requirements of title 41, chapter 6, Arizona Revised Statutes, for the purpose of raising fees pursuant to this section for a period of one year from the effective date of this act.

Sec. 34. Office of pest management; fees for providing services; increase; fiscal year 2009-2010; intent; appropriation; exemption from rule making

A. Notwithstanding any other law, the director of the office of pest management may raise fees in fiscal year 2009-2010 for services provided by the board.

B. It is the intent of the legislature that the additional revenue generated by the fee increases in subsection A shall not exceed $875,000.

C. Monies generated from any fees raised pursuant to subsection A are appropriated to the office.

D. The office is exempt from the rule making requirements of title 41, chapter 6, Arizona Revised Statutes, for the purpose of raising fees pursuant to this section for a period of one year from the effective date of this act.

Sec. 35. Department of transportation; vehicle license tax; transfer

Notwithstanding any other law, the difference between the actual amount collected in fiscal year 2009-2010 as a result of a five-year registration period and the amount that would have been collected in fiscal year 2009-2010 if those same vehicles had been registered for a two-year vehicle registration period authorized pursuant to section 28-2159, Arizona Revised Statutes, for distribution to the state highway fund pursuant to section 28-6538, subsection A, paragraph 1, Arizona Revised Statutes, shall be deposited in the state general fund.

Sec. 36. Securities salesman and dealer fees; rule making; exemption

Notwithstanding section 44-1861, subsections A and D, Arizona Revised Statutes, as amended by this act, before December 31, 2009, the Arizona corporation commission may establish by order the annual registration fees for securities dealers and salesmen, as defined in section 44-1801, Arizona Revised Statutes, and the salesman transfer fee. The commission is exempt from the rule making requirements of title 41, chapter 6, Arizona Revised Statutes, for the purposes of setting each of the specified fees by order one time.

Sec. 37. Business reengineering/integrated tax system; operational support changes

A. Notwithstanding any other law, before executing any extension or modification of the current business reengineering/integrated tax system contract with a fiscal impact that increases the contractor's share of gain-sharing proceeds from state revenues during fiscal year 2009-2010, the department of revenue shall submit the proposed changes to the joint legislative budget committee for its review.

B. Notwithstanding any other law, the department of revenue may use up to $2,000,000 of state general fund revenue deposits to pay business reengineering/integrated tax system operational support costs after review of an expenditure plan by the joint legislative budget committee.

Sec. 38. Department of revenue; unclaimed property auditors; appropriation

Notwithstanding any other law, including section 44-313, Arizona Revised Statutes, as amended by this act, if 12.5 per cent of the dollar value of the properties recovered by unclaimed property contract auditors exceeds $1,770,000 in fiscal year 2009-2010, the excess amount shall be transferred from the state general fund to the department of revenue administrative fund and appropriated from the department of revenue administrative fund to the department of revenue for unclaimed property contract auditor fees.

Sec. 39. Development fees; use; fiscal year 2009-2010

Notwithstanding section 9-463.05, Arizona Revised Statutes, for fiscal year 2009-2010, a municipality may use general government, libraries, open

space or park development fee revenues for general municipal operating expenses. The amount of development fee revenues used for general municipal operating expenses shall not exceed the amount of vehicle license tax monies distributed by the municipality to school districts pursuant to section 30 of this act, as computed by the county treasurer. The city or town shall not make any subsequent adjustment in the computation of its development fees to account for, compensate for or recover development fee revenues used for general municipal operating expenses pursuant to this section.

Sec. 40. Incumbent members of board of directors

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

Sec. 41. Conforming changes

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

Sec. 42. Effective date; retroactivity

A. Section 41-3506, Arizona Revised Statutes, as amended by this act, is effective from and after June 30, 2010.

B. Sections 10-122, 10-122.01, 41-3955, 44-313, 48-4203 and 48-4204, Arizona Revised Statutes, as amended by this act, and section 37 of this act, relating to the business reengineering/integrated tax system, apply retroactively to from and after June 30, 2009.

C. Section 5 of this act and section 41-1276, Arizona Revised Statutes, as amended by this act, apply retroactively to from and after December 31, 2008.

Passed the House August 18, 20 09,

by the following vote: 32 Ayes,

15 Nays, 13 Not Voting

Speaker of the House

Chief Clerk of the House

Passed the Senate August 12, 20 09,

by the following vote: 17 Ayes,

7 Nays, 4 Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

20 day of August, 2009,

at 2:38 o'clock P. M.

Secretary to the Governor

Approved this _____ day of

_____, 20_____,

at _____ o'clock _____ M.

VETO

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

Third Special Session
S.B. 1025
Third Reading