

House Engrossed

State of Arizona
House of Representatives
Forty-fifth Legislature
First Regular Session
2001

CHAPTER 335

HOUSE BILL 2339

AN ACT

AMENDING SECTIONS 13-3722, 28-2414, 28-2453, 28-2454, 28-2455, 41-602, 41-603, 41-603.01, 41-604, 41-608 AND 41-608.01, ARIZONA REVISED STATUTES; RELATING TO THE DEPARTMENT OF VETERANS' SERVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-3722, Arizona Revised Statutes, is amended to
3 read:

4 13-3722. Solicitations for American veterans' organizations;
5 approval; violation; classification

6 A. It is unlawful for a person to solicit money or other support in
7 the name of American veterans unless the veterans' organization for which the
8 person is soliciting money or other support is officially registered with
9 APPROVED BY the department of veterans' services pursuant to section 41-603.

10 B. A person who violates this section is guilty of a class 3
11 misdemeanor.

12 Sec. 2. Section 28-2414, Arizona Revised Statutes, is amended to read:
13 28-2414. Veteran special plates

14 A. The department shall issue veteran special plates to:

15 1. A person who submits satisfactory proof to the department that the
16 person is a veteran.

17 2. The immediate family member of a person who has been issued a
18 license plate pursuant to this section.

19 B. The veteran special plates shall contain:

20 1. A red, white and blue design.

21 2. An American flag in the center of the plate.

22 3. The designation "veteran" at the bottom of the plate.

23 C. Of the twenty-five dollar fee required by section 28-2402 for
24 original veteran special plates and for renewal of veteran special plates,
25 eight dollars is a special plate administration fee and seventeen dollars is
26 a veteran plate annual donation.

27 D. The department shall deposit, pursuant to sections 35-146 and
28 35-147, all special plate administration fees in the state highway fund
29 established by section 28-6991 and shall deposit the veteran plate annual
30 donations in the state ~~home for veterans trust~~ VETERANS' DONATIONS fund
31 established by section ~~41-608.01~~ 41-608.

32 Sec. 3. Section 28-2453, Arizona Revised Statutes, is amended to read:
33 28-2453. Former prisoner of war license plates; fees

34 A. The department shall issue distinctive license plates to:

35 1. A person, other than a person who was discharged from the armed
36 forces under conditions less than honorable, who submits satisfactory proof
37 to the department that the person was captured and incarcerated by an enemy
38 of the United States during a period of conflict with the United States.

39 2. The immediate family member of a person who has been issued a
40 license plate pursuant to this section.

41 B. For each pair of original license plates issued pursuant to this
42 section, the department shall collect a fee of fifteen dollars in addition
43 to the registration fee required by section 28-2003. FOR EACH ANNUAL RENEWAL
44 OF LICENSE PLATES ISSUED PURSUANT TO THIS SECTION, THE DEPARTMENT SHALL
45 CHARGE A FEE OF FIVE DOLLARS IN ADDITION TO THE REGISTRATION FEE REQUIRED BY

1 SECTION 28-2003. The department shall deposit, pursuant to sections 35-146
2 and 35-147, the fifteen dollar fee as a donation in the state home for
3 veterans trust VETERANS' DONATIONS fund established by section ~~41-608.01~~
4 41-608. ~~For each annual renewal of license plates issued pursuant to this~~
5 ~~section, the department shall charge a fee of five dollars in addition to the~~
6 ~~registration fee required by section 28-2003.~~

7 Sec. 4. Section 28-2454, Arizona Revised Statutes, is amended to read:
8 28-2454. Purple heart medal recipient license plates; fees

9 A. The department shall issue distinctive license plates to:

10 1. A person who submits satisfactory proof to the department that the
11 person is a veteran and a bona fide purple heart medal recipient.

12 2. The immediate family member of a person who has been issued a
13 license plate pursuant to this section.

14 B. For each pair of original license plates issued pursuant to this
15 section, the department shall collect a fee of twenty-five dollars in
16 addition to the registration fee required by section 28-2003. FOR EACH
17 ANNUAL RENEWAL OF LICENSE PLATES ISSUED PURSUANT TO THIS SECTION, THE
18 DEPARTMENT SHALL CHARGE A FEE OF FIVE DOLLARS IN ADDITION TO THE REGISTRATION
19 FEE REQUIRED BY SECTION 28-2003. The department shall deposit, pursuant to
20 sections 35-146 and 35-147, the twenty-five dollar fee as a donation in the
21 state home for veterans trust VETERANS' DONATIONS fund established by section
22 ~~41-608.01~~ 41-608. ~~For each annual renewal of license plates issued pursuant~~
23 ~~to this section, the department shall charge a fee of five dollars in~~
24 ~~addition to the registration fee required by section 28-2003.~~

25 Sec. 5. Section 28-2455, Arizona Revised Statutes, is amended to read:
26 28-2455. Pearl Harbor survivor license plates; fees

27 A. The department shall issue distinctive license plates to:

28 1. A person who submits satisfactory proof from the department of
29 veterans' services to the department of transportation that all of the
30 following are true:

31 (a) The person was a member of the United States armed forces on
32 December 7, 1941.

33 (b) The person received an honorable discharge from the United States
34 armed forces.

35 (c) The person was on station on December 7, 1941 during the hours of
36 7:55 a.m. to 9:45 a.m. Hawaii time at Pearl Harbor, the island of Oahu or
37 offshore at a distance not exceeding three miles.

38 2. The immediate family member of a person who has been issued a
39 license plate pursuant to this section.

40 B. For each pair of original license plates issued pursuant to this
41 section, the department shall collect a fee of twenty-five dollars in
42 addition to the registration fee required by section 28-2003. FOR EACH
43 ANNUAL RENEWAL OF LICENSE PLATES ISSUED PURSUANT TO THIS SECTION, THE
44 DEPARTMENT SHALL CHARGE A FEE OF FIVE DOLLARS IN ADDITION TO THE REGISTRATION
45 FEE REQUIRED BY SECTION 28-2003. The department shall deposit, pursuant to

1 sections 35-146 and 35-147, the twenty-five dollar fee as a donation in the
2 ~~state home for veterans trust VETERANS' DONATIONS fund established by section~~
3 ~~41-608.01 41-608. for each annual renewal of license plates issued pursuant~~
4 ~~to this section, the department shall charge a fee of five dollars in~~
5 ~~addition to the registration fee required by section 28-2003.~~

6 Sec. 6. Section 41-602, Arizona Revised Statutes, is amended to read:

7 41-602. Arizona veterans' service advisory commission; terms;
8 qualifications; compensation

9 A. An Arizona veterans' service advisory commission is established
10 consisting of seven NINE members appointed by the governor. Each member
11 shall serve a term of three years.

12 B. Members shall be veterans and shall be appointed from a list of
13 three names submitted by each veterans' organization in this state holding
14 a charter granted by Congress or recognized by the department as a veterans'
15 organization that is actively involved in supporting veteran affairs programs
16 in this state. Not more than two members shall be appointed from any one
17 veterans' organization. Members shall not serve more than two consecutive
18 three year terms.

19 C. At the first meeting held after July 1 of each year, the commission
20 shall elect a chairperson and vice-chairperson.

21 D. The commission shall meet on the call of the chairperson but at
22 least once during each three month period. No actions may be taken without
23 a quorum present.

24 E. The commission shall provide policy advice to the governor and the
25 director regarding veterans' issues.

26 F. Members are not eligible to receive compensation but are eligible
27 for reimbursement of expenses pursuant to title 38, chapter 4, article 2.

28 Sec. 7. Section 41-603, Arizona Revised Statutes, is amended to read:

29 41-603. Powers and duties

30 A. The department may act as guardian of an incapacitated veteran, the
31 incapacitated spouse of an incapacitated veteran or minor children of a
32 veteran, or as conservator of the estate of a protected veteran or of the
33 veteran's incapacitated or surviving spouse or of the minor children of a
34 veteran.

35 B. The department shall:

36 1. Assist veterans and their families and dependents in presenting,
37 providing and establishing claims, privileges, rights and benefits they may
38 have under federal, state or local law.

39 2. Inform veterans and their families and dependents and military and
40 civilian authorities about federal, state and local laws enacted to benefit
41 veterans and their families and dependents and members of the armed forces.

42 3. Collect information relating to services and facilities available
43 to veterans.

44 4. Cooperate with all government and private agencies receiving
45 services for or benefits to veterans and their families and dependents.

1 5. Conduct administrative reviews and, if possible, correct abuses or
2 prevent exploitation of veterans and their families or dependents and
3 recommend corrective legislation.

4 6. Adopt rules deemed necessary to administer this article.

5 7. Enter into agreements with veterans' organizations in this state
6 holding a charter granted by the Congress of the United States for the
7 beneficial interest of veterans.

8 8. Determine eligibility for special license plates issued pursuant
9 to section 28-2455.

10 9. Evaluate, supervise, approve and disapprove programs offered by
11 educational institutions and training establishments pursuant to United
12 States Code titles 10 and 38 and state rules, so that veterans and their
13 dependents may draw the educational allowance provided by federal law while
14 pursuing approved programs.

15 10. Register APPROVE OR DISAPPROVE veterans' organizations seeking to
16 solicit money or other support in this state in the name of American
17 veterans.

18 C. THE DEPARTMENT MAY ACQUIRE PROPERTY FOR AND ESTABLISH AND OPERATE
19 CEMETERIES FOR VETERANS IN THIS STATE.

20 Sec. 8. Section 41-603.01, Arizona Revised Statutes, is amended to
21 read:

22 41-603.01. Veterans' home; department procurement exemptions

23 A. The department shall provide long-term care services and skilled
24 nursing care to veterans and their spouses in the veterans' home and shall
25 operate and maintain the veterans' home as a self-sustaining facility.

26 B. The department may employ staff to operate the veterans' home as
27 a skilled nursing facility that provides long-term care services.

28 C. The department shall set guidelines for determining eligibility for
29 admission to the veterans' home and the monetary charges to be paid by
30 residents. All guidelines shall conform to the federal requirements that
31 must be met to qualify the veterans' home as a nursing home for veterans and
32 to render the home eligible to receive federal financial assistance.

33 D. In administering the veterans' home, the department may:

34 1. Establish accounts to record the receipt and disbursements from
35 residents to pay for maintenance in the home.

36 2. Set charges.

37 3. Develop accounts and procedures pertaining to incompetent
38 residents.

39 4. Establish such other accounts as are necessary for the orderly
40 administration of the home.

41 5. SETTLE ANY DEBT OWED TO THE VETERANS' HOME BY COLLECTING AT LEAST
42 SEVENTY-FIVE PER CENT OF THE ACCOUNT BALANCE. IF THE DEPARTMENT CANNOT
43 COLLECT AT LEAST SEVENTY-FIVE PER CENT OF AN ACCOUNT BALANCE, THE DEPARTMENT
44 SHALL REFER THE ACCOUNT TO THE ATTORNEY GENERAL'S OFFICE FOR COLLECTION
45 PURSUANT TO CHAPTER 1, ARTICLE 5 OF THIS TITLE.

1 5- 6. Adopt rules necessary for the operation of the veterans' home.

2 E. Notwithstanding chapter 23 of this title, the department may:

3 1. Award a contract for tangible personal property to be used at the
4 veterans' home BY THE DEPARTMENT without the use of competitive sealed bids
5 or competitive sealed proposals at a price equal to or less than the
6 contractor's current federal supply contract price if the contractor
7 indicates in writing that the contractor is willing to extend the current
8 federal supply contract pricing, terms and conditions to the tangible
9 personal property and the purchase order for the items of tangible personal
10 property adequately identifies the federal supply contract on which the
11 contract is based.

12 2. DISPOSE OF SURPLUS PROPERTY AT THE VETERANS' HOME BY SALE TO
13 PRIVATE PERSONS, FIRMS AND CORPORATIONS, INCLUDING HOSPITALS AND OTHER
14 NURSING HOME FACILITIES. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS
15 35-146 AND 35-147, ALL MONIES COLLECTED FROM THE SALE OF SURPLUS PROPERTY AT
16 THE VETERANS' HOME IN THE STATE HOME FOR VETERANS TRUST FUND ESTABLISHED BY
17 SECTION 41-608.01.

18 F. THE DEPARTMENT IS EXEMPT FROM CHAPTER 23 OF THIS TITLE FOR THE
19 PURCHASE OF SUPPLIES AND ITEMS FOR RESALE SUCH AS FOOD, GIFT ITEMS, SOUVENIRS
20 AND OTHER SIMILAR ITEMS AND FOR CONTRACTING FOR SERVICES RELATING TO THE GIFT
21 SHOP AND VENDING MACHINES LOCATED IN THE VETERANS' HOME.

22 Sec. 9. Section 41-604, Arizona Revised Statutes, is amended to read:
23 41-604. Director of veterans' services; compensation

24 A. The governor shall appoint the director pursuant to section
25 38-211. The director shall be a veteran.

26 B. The director shall inform the commission regarding the policies
27 adopted by the department under this article.

28 C. The director may appoint a deputy director with the approval of the
29 governor. The deputy director serves at the pleasure of the director. The
30 deputy director is directly responsible for the duties delegated to the
31 deputy director by the director.

32 D. The director and deputy director are eligible to receive
33 compensation pursuant to section 38-611.

34 E. THE DIRECTOR MAY APPOINT ADVISORY COMMITTEES AS THE DIRECTOR DEEMS
35 NECESSARY. MEMBERS OF ADVISORY COMMITTEES ARE NOT ENTITLED TO COMPENSATION
36 BUT ARE ELIGIBLE FOR REIMBURSEMENT OF EXPENSES PURSUANT TO TITLE 38, CHAPTER
37 4, ARTICLE 2.

38 Sec. 10. Section 41-608, Arizona Revised Statutes, is amended to read:
39 41-608. Veterans' donations fund

40 A. The veterans' donations fund is established consisting of monies,
41 gifts and contributions donated to the department AND MONIES DEPOSITED
42 PURSUANT TO SECTIONS 28-2414, 28-2453, 28-2454 AND 28-2455. The department
43 shall administer the fund. Monies in the fund are continuously appropriated.
44 The monies in the fund are exempt from the provisions of section 35-190
45 relating to lapsing of appropriations.

1 B. The director or the director's designee may solicit and receive
2 donations, including in-kind donations, from the public for veterans. The
3 director shall deposit, pursuant to sections 35-146 and 35-147, the monetary
4 donations in the veterans' donations fund. Monies in the fund are subject
5 to state auditing procedures. The donations may be used for the benefit of
6 the veterans within the state of Arizona at the discretion of the director.

7 C. The director shall inventory and account for the use of any
8 tangible personal property donated to the fund.

9 D. On notice from the director, the state treasurer shall invest and
10 divest monies in the fund as provided by section 35-313, and monies earned
11 from investment shall be credited to the fund.

12 Sec. 11. Section 41-608.01, Arizona Revised Statutes, is amended to
13 read:

14 41-608.01. State home for veterans trust fund; purpose

15 A. A state home for veterans trust fund is established. The director
16 shall administer the fund for the sole purpose of operating and maintaining
17 state operated nursing and domiciliary homes for Arizona veterans.

18 B. The fund consists of monies deposited by:

19 ~~1. The director of the department of transportation pursuant~~
20 ~~to sections 28-2414, 28-2453, 28-2454 and 28-2455.~~

21 ~~2. the director from monies generated by operating the Arizona~~
22 ~~veterans' home AND MONIES DEPOSITED PURSUANT TO SECTION 41-603.01.~~

23 C. Monies in the fund are subject to annual appropriation by the
24 legislature. The fund is exempt from the provisions of section 35-190
25 relating to lapsing of appropriations. Any monies in the fund remaining
26 unexpended or unencumbered at the end of the fiscal year do not revert to the
27 state general fund.

28 D. On notice from the director, the state treasurer shall invest and
29 divest monies in the fund as provided by section 35-313, and monies earned
30 from investment shall be credited to the fund.

~~APPROVED BY THE GOVERNOR MAY 4, 2001.~~

~~FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 4, 2001.~~

Passed the House March 5, 2001,

Passed the Senate April 27, 2001,

by the following vote: 50 Ayes,

by the following vote: 29 Ayes,

0 Nays, 10 Not Voting

0 Nays, 1 Not Voting

John Lake

Speaker of the House
Pro Tempore

Robert Anderson

President of the Senate

Norman L. Joyce
Chief Clerk of the House

Norma Love
Asst. Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

30 day of April, 2001,

at 11:09 o'clock A M.

Sandra Ramirez
Secretary to the Governor

Approved this 4th day of

May, 2001,

at 10:25 o'clock A M.

Jan Brewer
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this 4 day of May, 2001,

at 4:34 o'clock P M.

Christy Bayless
Secretary of State

H.B. 2339