

House Engrossed

State of Arizona  
House of Representatives  
Forty-seventh Legislature  
First Regular Session  
2005

CHAPTER 300

# HOUSE BILL 2776

AN ACT

AMENDING SECTION 12-102.02, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 1, ARTICLE 5, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-191.09; AMENDING SECTIONS 42-1116 AND 42-3104, ARIZONA REVISED STATUTES; MAKING AN APPROPRIATION; RELATING TO CRIMINAL JUSTICE BUDGET RECONCILIATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 12-102.02, Arizona Revised Statutes, is amended to  
3 read:

4 12-102.02. State aid to the courts fund

5 A. The state aid to the courts fund is established consisting of  
6 monies appropriated to the fund and monies allocated pursuant to section  
7 41-2421, subsections D and J. The purpose of the fund is to provide state  
8 aid to the superior court, including the clerk of the superior court, and  
9 justice courts for the processing of criminal cases.

10 B. The supreme court shall administer the fund. The supreme court  
11 shall allocate monies in the fund to the superior court, including the clerk  
12 of the court, and the justice courts in each county according to the  
13 following composite index formula:

14 1. The three year average of the total felony filings in the superior  
15 court in the county, divided by the statewide three year average of the total  
16 felony filings in the superior court.

17 2. The county population, as adopted by the department of economic  
18 security, divided by the statewide population, as adopted by the department  
19 of economic security.

20 3. The sum of paragraphs 1 and 2 divided by two equals the composite  
21 index.

22 4. The composite index for each county shall be used as the multiplier  
23 against the total funds appropriated from the state general fund and other  
24 monies distributed to the fund pursuant to section 41-2421.

25 C. The presiding judge of the superior court in each county, in  
26 coordination with the chairman of the county board of supervisors or the  
27 chairman's designee, the clerk of the superior court, and the presiding  
28 justice of the peace AND AN ELECTED JUSTICE OF THE PEACE of the county shall  
29 submit a plan to the supreme court that details how the funds allocated to  
30 the county pursuant to this section will be used and how the plan will assist  
31 the county in improving criminal case processing. The presiding judge of the  
32 superior court, the chairman of the board of supervisors or the chairman's  
33 designee, the clerk of the superior court, and the presiding justice of the  
34 peace AND AN ELECTED JUSTICE OF THE PEACE shall sign the plan and shall  
35 indicate their endorsement of the plan as submitted or shall outline their  
36 disagreement with any provisions of the plan. The supreme court may approve  
37 the plan or require changes to the plan in order to achieve the goal of  
38 improved criminal case processing.

39 D. By January 8, 2001 and every year thereafter by January 8, the  
40 supreme court shall report to the governor, the legislature, the joint  
41 legislative budget committee, each county board of supervisors and the  
42 Arizona criminal justice commission on the expenditure of the fund monies for  
43 the prior fiscal year and on the progress made in achieving the goal of  
44 improved criminal case processing. This information may be combined into one

1 report with the information required pursuant to section 12-102.01,  
2 subsection D.

3 E. All monies spent or distributed from the fund shall be used to  
4 supplement, not supplant, funding at the level provided in fiscal year  
5 1997-1998 by the counties for the processing of criminal cases in the  
6 superior court, including the office of the clerk of the superior court, and  
7 justice courts.

8 F. Monies in the state aid to the courts fund are exempt from the  
9 provisions of section 35-190 relating to lapsing of appropriations and monies  
10 allocated pursuant to section 41-2421, subsections B and J are subject to  
11 legislative appropriation. Any state general fund monies appropriated to the  
12 fund may be spent without further legislative appropriation.

13 G. On notice from the supreme court, the state treasurer shall invest  
14 and divest monies in the fund as provided by section 35-313, and monies  
15 earned from investment shall be credited to the fund.

16 Sec. 2. Title 41, chapter 1, article 5, Arizona Revised Statutes, is  
17 amended by adding section 41-191.09, to read:

18 41-191.09. Attorney general legal services cost allocation  
19 fund; contributions; exemptions

20 A. THE ATTORNEY GENERAL LEGAL SERVICES COST ALLOCATION FUND IS  
21 ESTABLISHED FOR THE PURPOSE OF REIMBURSING THE DEPARTMENT OF LAW FOR GENERAL  
22 AGENCY COUNSEL. MONIES IN THE FUND ARE SUBJECT TO LEGISLATIVE  
23 APPROPRIATION. THE ATTORNEY GENERAL SHALL ADMINISTER THE FUND.

24 B. BEGINNING JULY 1, 2006, ALL STATE AGENCY APPROPRIATED AND  
25 NONAPPROPRIATED FUNDS SHALL CONTRIBUTE A PRO RATA SHARE OF GENERAL AGENCY  
26 COUNSEL SERVICES PROVIDED BY THE DEPARTMENT OF LAW. THE PRO RATA SHARE IS  
27 PAYABLE BY PAYROLL FUND SOURCE, AND THE RESULTANT AMOUNT SHALL BE DEPOSITED  
28 IN THE ATTORNEY GENERAL LEGAL SERVICES COST ALLOCATION FUND. BEGINNING  
29 JULY 1, 2006, THE PRO RATA SHARE FOR EACH FUND SHALL BE 0.33 PER CENT OF THE  
30 TOTAL PAYROLL. FOR THE PURPOSES OF THIS SUBSECTION, "TOTAL PAYROLL" INCLUDES  
31 FEDERAL MONIES, SPECIAL REVENUE FUNDS, INTERGOVERNMENTAL REVENUE MONIES,  
32 TRUST FUNDS AND OTHER PAYROLL FUND SOURCES. TOTAL PAYROLL DOES NOT INCLUDE  
33 ANY STATE GENERAL FUND MONIES.

34 C. A CLAIM FOR THE PRO RATA SHARE PERCENTAGE PAYMENT SHALL BE  
35 SUBMITTED ACCORDING TO THE FUND SOURCE, WITH THE ACCOMPANYING PAYROLL, TO THE  
36 DEPARTMENT OF ADMINISTRATION FOR DEPOSIT IN THE ATTORNEY GENERAL LEGAL  
37 SERVICES COST ALLOCATION FUND.

38 D. THE FOLLOWING AGENCIES ARE EXEMPT FROM THIS SECTION:

- 39 1. THE DEPARTMENT OF WATER RESOURCES.
- 40 2. THE RESIDENTIAL UTILITY CONSUMER OFFICE.
- 41 3. THE INDUSTRIAL COMMISSION.
- 42 4. THE UNIVERSITIES.
- 43 5. THE AUDITOR GENERAL.
- 44 6. THE CORPORATION COMMISSION.
- 45 7. THE OFFICE OF THE GOVERNOR.

- 1           8. THE DEPARTMENT OF LAW.
- 2           9. THE HOUSE OF REPRESENTATIVES.
- 3           10. THE SENATE.
- 4           11. THE JOINT LEGISLATIVE BUDGET COMMITTEE.
- 5           12. THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS.
- 6           13. THE LEGISLATIVE COUNCIL.
- 7           14. THE DEPARTMENT OF ADMINISTRATION RISK MANAGEMENT FUND.
- 8           15. THE DEPARTMENT OF TRANSPORTATION.
- 9           16. THE ARIZONA GAME AND FISH DEPARTMENT.
- 10          17. ALL SELF-SUPPORTING REGULATORY AGENCIES AS DETERMINED PURSUANT TO
- 11 SECTION 35-143.01.

12           E. MONIES IN THE ATTORNEY GENERAL LEGAL SERVICES COST ALLOCATION FUND  
13 ARE EXEMPT FROM LAPSING TO THE STATE GENERAL FUND AT THE END OF EACH FISCAL  
14 YEAR.

15           Sec. 3. Section 42-1116, Arizona Revised Statutes, is amended to read:  
16           42-1116. Disposition of tax revenues

17           A. The department shall promptly deposit, pursuant to sections 35-146  
18 and 35-147, all monies it collects from the taxes administered pursuant to  
19 this article except the telecommunication services excise tax, separately  
20 accounting for each type of tax and each tax classification within each type  
21 of tax. At the same time the department of revenue shall also furnish copies  
22 of the transmittal schedules to the director of the department of  
23 administration.

24           B. Except as provided by subsection C of this section, the department  
25 shall deposit all monies and remittances received under this section to the  
26 credit of the following specific funds and accounts:

27           1. Amounts sufficient to meet the requirements for tax refunds to the  
28 tax refund account established in section 42-1117.

29           2. Amounts sufficient to meet the requirements of urban revenue  
30 sharing to the urban revenue sharing fund established in section 43-206.

31           3. Amounts collected pursuant to chapter 5, articles 1, 5 and 9 of  
32 this title and section 42-5352, subsection A, to the transaction privilege  
33 and severance tax clearing account established in section 42-5029.

34           4. Through June 30, ~~2000~~ 2010 amounts sufficient to meet the  
35 requirements of section 42-3104 to the corrections fund.

36           5. Amounts sufficient to meet the requirements of section 49-282,  
37 subsection B relating to the water quality assurance revolving fund.

38           6. All remaining monies to the state general fund.

39           C. From the monies and remittances received under this section, each  
40 month beginning July, 2001 the state treasurer shall transmit to the tourism  
41 and sports authority, established by title 5, chapter 8, for deposit in its  
42 facility revenue clearing account established by section 5-834, the greater  
43 of:

44           1. One-twelfth of the amount reported by the department pursuant to  
45 section 43-209.

1           2. Two hundred ninety-two thousand dollars per month for the first  
2 twelve month period, increased in each subsequent twelve month period by an  
3 additional eight per cent over the prior twelve months' distribution.

4           Sec. 4. Section 42-3104, Arizona Revised Statutes, is amended to read:

5           42-3104. Monies allocated to the corrections fund

6           Through June 30, ~~2005~~ 2010, the department shall deposit, pursuant to  
7 sections 35-146, and 35-147 AND 42-1116, the following monies in the  
8 corrections fund established by section 41-1641:

9           1. 20 per cent of the monies collected pursuant to section 42-3052,  
10 paragraph 1.

11           2. 50 per cent of the monies collected pursuant to section 42-3052,  
12 paragraph 2.

13           3. 50 per cent of the monies collected pursuant to section 42-3052,  
14 paragraph 3.

15           4. 50 per cent of the monies collected pursuant to section 42-3052,  
16 paragraph 4.

17           5. 11.11 per cent of the monies collected pursuant to section 42-3052,  
18 paragraph 5.

19           6. 50 per cent of the monies collected pursuant to section 42-3052,  
20 paragraph 6.

21           7. 50 per cent of the monies collected pursuant to section 42-3052,  
22 paragraph 7.

23           8. 50 per cent of the monies collected pursuant to section 42-3052,  
24 paragraph 8.

25           9. 50 per cent of the monies collected pursuant to section 42-3052,  
26 paragraph 9.

27           Sec. 5. Adult probation ratios; suspension; Maricopa county

28           Notwithstanding section 12-251, subsection A, Arizona Revised Statutes,  
29 and section 13-916, subsection B, Arizona Revised Statutes, or any other law,  
30 adult probation ratios are suspended for Maricopa county for fiscal year  
31 2005-2006.

32           Sec. 6. Maricopa county; adult probation; caseload

33           A. For fiscal year 2005-2006, it is the intent of the legislature that  
34 Maricopa county will pay for adult probation programs in that county,  
35 including standard probation, intensive probation, interstate compact  
36 probation and community punishment. It is not the intent of the legislature  
37 that the administrative office of the courts withdraw allocation of monies to  
38 Maricopa county for other adult probation programs or for support services it  
39 provides to the county for adult probation.

40           B. The administrative office of the courts shall not allocate any  
41 monies appropriated for adult probation services to Maricopa county. The  
42 administrative office of the courts may allocate monies to Maricopa county  
43 for juvenile probation programs.

1 C. The board of supervisors shall provide administrative oversight and  
2 establish program standards for adult probation programs in Maricopa county.

3 D. The Maricopa county adult probation department shall prepare and  
4 submit a monthly performance report to the joint legislative budget committee  
5 and the county board of supervisors. The report shall include performance  
6 measures for adult standard probation, adult intensive probation, interstate  
7 compact probation and the community punishment program. For each program,  
8 the measures shall include the following:

- 9 1. The total caseload capacity.
- 10 2. The total number of active cases.
- 11 3. A comparison of caseload capacity in the current month to the  
12 caseload capacity funded by the state and Maricopa county as of December 1,  
13 2002.
- 14 4. The average number of offenders supervised by each probation  
15 officer or probation officer team for that month.
- 16 5. The number of officers currently supervising offenders.
- 17 6. The number of individuals receiving treatment services.
- 18 7. The average supervision cost per probationer.
- 19 8. The average treatment cost per probationer.
- 20 9. The number of probation violators recommended to be committed to  
21 state prison.
- 22 10. The number of probation violators committed to state prison.

23 E. For the programs listed in subsection A, Maricopa county shall  
24 provide the level of funding necessary to maintain the caseload capacity  
25 existing as of December 1, 2002. Maricopa county maintenance of caseload  
26 capacity shall include the caseload capacity funded by the state and Maricopa  
27 county as of December 1, 2002. To ensure that offenders are not imprisoned  
28 who would otherwise be assigned to probation, Maricopa county shall maintain  
29 adult probation caseload capacity in fiscal year 2005-2006 to allow a  
30 continuum of sanctions from standard probation to intensive probation so that  
31 offenders may be sentenced pursuant to law.

32 Sec. 7. County expenditure limitations; adult probation; fiscal  
33 year 2005-2006 adjustment formula

34 A. As a result of the transfer of funding for adult probation as  
35 provided in this act from the state to Maricopa county beginning in fiscal  
36 year 2005-2006, the economic estimates commission shall increase the county's  
37 base expenditure limit by an amount determined as follows:

- 38 1. Divide the amount of the state payments received by the county for  
39 adult standard probation, adult intensive probation, community punishment,  
40 adult interstate compact probation and adult probation treatment services in  
41 fiscal year 2002-2003 by the GDP price deflator, as defined in section  
42 41-563, Arizona Revised Statutes, for the same fiscal year used to calculate  
43 expenditure limitations for fiscal year 2005-2006 and multiply the resulting  
44 quotient by the GDP price deflator determined for fiscal year 1979-1980.



1 Statutes, are for use by the department of public safety and are exempt from  
2 distribution to political subdivisions.

3 Sec. 11. Department of public safety; highway funds;  
4 distribution

5 Notwithstanding sections 28-6537 and 28-6993, Arizona Revised Statutes,  
6 the statutory caps limiting the level of highway user revenue fund monies and  
7 state highway fund monies available to fund department of public safety  
8 highway patrol costs are suspended for fiscal year 2005-2006.

9 Sec. 12. Justices of the peace; payment of compensation; fiscal  
10 year 2005-2006

11 Notwithstanding section 22-117, subsection B, Arizona Revised Statutes,  
12 for fiscal year 2005-2006, the state shall pay 38.5 per cent of the  
13 compensation and employee related expenditures of a justice of the peace and  
14 the county shall pay 61.5 per cent of the compensation and employee related  
15 expenditures of a justice of the peace, except that the county shall pay the  
16 full amount of the employer contribution to the Arizona state retirement  
17 system or any county health plan.

18 Sec. 13. Maricopa county; probation surcharge; retention

19 Notwithstanding section 12-114.01, Arizona Revised Statutes, in fiscal  
20 year 2005-2006, Maricopa county shall retain the monies it collects from the  
21 five dollar probation surcharge assessed on civil and criminal traffic  
22 violations currently deposited in the judicial collection enhancement fund.

23 Sec. 14. Department of corrections; appropriation; purpose

24 The sum of \$2,000,000 from the state general fund is appropriated in  
25 fiscal year 2004-2005 to the state department of corrections for inmate per  
26 diem costs related to housing Arizona inmates in the Kingman private prison.

27 Sec. 15. Retroactivity; effective date

28 A. Section 41-191.09, Arizona Revised Statutes, as added by this act,  
29 is effective from and after June 30, 2006.

30 B. Section 42-3104, Arizona Revised Statutes, as amended by this act,  
31 applies retroactively to from and after June 30, 2005.

32 C. Section 14 of this act, relating to department of corrections, is  
33 effective retroactively to March 21, 2005.

**APPROVED BY THE GOVERNOR MAY 20, 2005.**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 20, 2005.**

Passed the House May 6, 2005,

Passed the Senate May 6, 2005,

by the following vote: 52 Ayes,  
4 Nays, 4 Not Voting

by the following vote: 26 Ayes,  
0 Nays, 4 Not Voting

[Signature]  
Speaker of the House

[Signature]  
President of the Senate

Norman L. Moore  
Chief Clerk of the House

[Signature]  
~~Assistant~~ Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this  
13<sup>th</sup> day of May, 2005

at 11:20 o'clock a. M.

[Signature]  
Secretary to the Governor

Approved this 20 day of

May, 2005,

at 9:05 o'clock A. M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

This 20 day of May, 2005

at 3:03 o'clock P M

[Signature]  
Secretary of State

H.B. 2776