

House Engrossed Senate Bill

State of Arizona
Senate
Forty-seventh Legislature
First Regular Session
2005

CHAPTER 306

SENATE BILL 1119

AN ACT

AMENDING SECTION 28-5808, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 12, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1720; RELATING TO THE DEPARTMENT OF PUBLIC SAFETY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 28-5808, Arizona Revised Statutes, is amended to
3 read:

4 28-5808. Vehicle license tax distribution

5 A. The director shall distribute monies collected by the director
6 pursuant to section 28-5801, except monies deposited in the state general
7 fund, on the first and fifteenth calendar day of each month as follows:

8 1. On the first calendar day, the director shall deposit, pursuant to
9 sections 35-146 and 35-147, all of the Arizona highway user revenue fund
10 monies received from the first ~~to~~ THROUGH the fifteenth calendar day of the
11 preceding month in the Arizona highway user revenue fund, EXCEPT THAT ON THE
12 FIRST CALENDAR DAY THE DIRECTOR SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146
13 AND 35-147, IN THE PARITY COMPENSATION FUND ESTABLISHED BY SECTION 41-1720,
14 1.51 PER CENT OF THE PORTION OF VEHICLE LICENSE TAX REVENUES THAT OTHERWISE
15 WOULD BE DEPOSITED IN THE STATE HIGHWAY FUND FROM THE FIRST THROUGH THE
16 FIFTEENTH CALENDAR DAY OF THE PRECEDING MONTH.

17 2. On the fifteenth calendar day, the director shall deposit, pursuant
18 to sections 35-146 and 35-147, all of the Arizona highway user revenue fund
19 monies received from the sixteenth through the last day of the preceding
20 month in the Arizona highway user revenue fund ~~and~~, EXCEPT THAT ON THE
21 FIFTEENTH CALENDAR DAY, THE DIRECTOR SHALL DEPOSIT, PURSUANT TO SECTIONS
22 35-146 AND 35-147, IN THE PARITY COMPENSATION FUND ESTABLISHED BY SECTION
23 41-1720, 1.51 PER CENT OF THE PORTION OF VEHICLE LICENSE TAX REVENUES THAT
24 OTHERWISE WOULD BE DEPOSITED IN THE STATE HIGHWAY FUND FROM THE SIXTEENTH
25 THROUGH THE LAST DAY OF THE PRECEDING MONTH. ON THE FIFTEENTH CALENDAR DAY,
26 THE DIRECTOR SHALL distribute or deposit all other monies received during the
27 entire preceding month as follows:

28 (a) The county general fund monies to the county general fund.

29 (b) The county highway monies to the state treasurer to be apportioned
30 among the counties for the same use as highway user revenue fund monies on
31 the basis that the population of the unincorporated area of each county bears
32 to the population of the unincorporated areas of all counties in this state.

33 (c) The incorporated cities and towns monies to the incorporated
34 cities and towns of the county in proportion to the population of each.

35 3. THE DEPOSIT OF THE MONIES IN THE PARITY COMPENSATION FUND PURSUANT
36 TO PARAGRAPHS 1 AND 2 OF THIS SUBSECTION SHALL NOT IMPACT THE DISTRIBUTION OF
37 VEHICLE LICENSE TAX REVENUES TO THE STATE GENERAL FUND AND TO CITIES, TOWNS
38 AND COUNTIES PURSUANT TO THIS SECTION.

39 B. The director shall distribute monies collected by the director
40 pursuant to sections 28-5804, 28-5805, 28-5806 and 28-5810, except monies
41 deposited in the state general fund, on the first and fifteenth calendar day
42 of each month as follows:

1 1. On the first calendar day, the director shall deposit, pursuant to
2 sections 35-146 and 35-147, 37.61 per cent of all monies received from the
3 first through the fifteenth calendar day of the preceding month in the
4 highway user revenue fund.

5 2. On the fifteenth calendar day, the director shall deposit, pursuant
6 to sections 35-146 and 35-147, 37.61 per cent of all monies received from the
7 sixteenth through the last day of the preceding month in the highway user
8 revenue fund and distribute or deposit the following amounts as a percentage
9 of all monies received pursuant to sections 28-5804, 28-5805, 28-5806 and
10 28-5810 during the entire preceding month as follows:

11 (a) 20.45 per cent to the county general fund.

12 (b) 4.91 per cent to the state treasurer to be apportioned among the
13 counties for the same use as highway user revenue fund monies on the basis
14 that the population of the unincorporated area of each county bears to the
15 population of the unincorporated areas of all counties in this state.

16 (c) 20.45 per cent to the incorporated cities and towns of the county
17 in proportion to the population of each.

18 (d) Except as provided in subsection C of this section, 1.64 per cent
19 shall be deposited, pursuant to sections 35-146 and 35-147, in the state
20 highway fund established by section 28-6991.

21 (e) 4.09 per cent in the state highway fund established by section
22 28-6991.

23 (f) 10.85 per cent shall be deposited, pursuant to sections 35-146 and
24 35-147, in the state general fund to aid school financial assistance.

25 C. Through September 30, 2003, if the department's authorized share of
26 federal surface transportation program monies in each year is more than
27 forty-two million dollars, the director shall deposit each year in equal
28 installments during the year an annual amount equal to the difference between
29 this state's authorized share of federal surface transportation program
30 monies and forty-two million dollars from the amount prescribed in subsection
31 B, paragraph 2, subdivision (d) of this section in the local transportation
32 assistance fund established by section 28-8101. Monies deposited in the
33 local transportation assistance fund pursuant to this subsection shall be
34 distributed to eligible cities, towns and counties as provided in section
35 28-8103. The amount distributed pursuant to this subsection shall not exceed
36 the amount prescribed in subsection B, paragraph 2, subdivision (d) of this
37 section.

38 D. For purposes of this section the population of a county, city or
39 town shall be determined as provided by section 28-6532 or 42-5033.01. If an
40 incorporated city or town has had no federal enumeration of population, the
41 supervisors shall both:

42 1. Appoint a qualified person to take an accurate census of the
43 incorporated city or town.

44 2. Certify the results to the county treasurer, and the incorporated
45 city or town shall share in the distribution as provided by this section.

1 Sec. 2. Title 41, chapter 12, article 2, Arizona Revised Statutes, is
2 amended by adding section 41-1720, to read:

3 41-1720. Parity compensation fund; exemption

4 A. THE PARITY COMPENSATION FUND IS ESTABLISHED CONSISTING OF MONIES
5 DEPOSITED PURSUANT TO SECTION 28-5808 AND MONIES APPROPRIATED BY THE
6 LEGISLATURE. THE DEPARTMENT SHALL ADMINISTER THE FUND AND, CONSIDERING STATE
7 REVENUES AND STATE EMPLOYEE PAY ADJUSTMENTS, SHALL SPEND MONIES FROM THE FUND
8 FOR SALARIES AND BENEFITS FOR LAW ENFORCEMENT PERSONNEL.

9 B. ON NOTICE FROM THE DEPARTMENT, 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 C. FUND MONIES:

13 1. DO NOT REVERT TO THE STATE GENERAL FUND.

14 2. ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190 RELATING TO
15 LAPSING OF APPROPRIATIONS.

16 3. ARE SUBJECT TO LEGISLATIVE APPROPRIATION.

17 Sec. 3. Retroactivity

18 This act is effective retroactively to from and after June 30, 2005.

APPROVED BY THE GOVERNOR MAY 20, 2005.

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

Passed the House April 13, 20 05,

by the following vote: 51 Ayes,

7 Nays, 2 Not Voting

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

Passed the Senate March 15, 20 05,

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**
This Bill was received by the Governor this
_____ day of _____, 20____,
at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of
_____, 20____,
at _____ o'clock _____ M.

Governor of Arizona

S.B. 1119

**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

SENATE CONCURS IN HOUSE AMENDMENTS
AND FINAL PASSAGE

Passed the Senate May 11, 2005,

by the following vote: 23 Ayes,

1 Nays, 6 Not Voting

Ken Bennett
President of the Senate

Scott
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

12th day of May, 2005,

at 8:05 o'clock a. M.

Wennifer Ybarra
Secretary to the Governor

Approved this 20 day of

May, 2005,

at 9:25 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.

Janice K. Brewer
Secretary of State

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