

Senate Engrossed House Bill

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

CHAPTER 218

HOUSE BILL 2681

AN ACT

REPEALING SECTIONS 46-731 AND 46-732, ARIZONA REVISED STATUTES; AMENDING TITLE 46, CHAPTER 6, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 46-731; MAKING A TRANSFER OF MONIES; RELATING TO UTILITY REPAIR AND DEPOSIT ASSISTANCE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Repeal

3 Sections 46-731 and 46-732, Arizona Revised Statutes, are repealed.

4 Sec. 2. Title 46, chapter 6, article 3, Arizona Revised Statutes, is
5 amended by adding a new section 46-731, to read:

6 46-731. Utility assistance; qualified fuel fund entity; report;
7 definitions

8 A. ON AN ANNUAL BASIS, A UTILITY SHALL TRANSMIT ALL ABANDONED DEPOSITS
9 TO A QUALIFIED FUEL FUND ENTITY. THE QUALIFIED FUEL FUND ENTITY THAT
10 RECEIVES ANY MONIES UNDER THIS SECTION SHALL PROVIDE ASSISTANCE TO ELIGIBLE
11 RECIPIENTS IN MAKING UTILITY DEPOSITS AND OWNER REPAIRS OR REPLACEMENT OF
12 UTILITY RELATED APPLIANCES OR SYSTEMS.

13 B. AN ABANDONED DEPOSIT SHALL BE TRANSMITTED TO A QUALIFIED FUEL FUND
14 ENTITY. ANY UTILITY THAT DELIVERS THESE REFUND PAYMENTS TO A QUALIFIED FUEL
15 FUND ENTITY IN GOOD FAITH IS RELIEVED OF ALL LIABILITY TO THE EXTENT OF ANY
16 REFUND PAYMENT DELIVERED FOR ANY CLAIM THEN EXISTING OR THAT THEREAFTER MAY
17 ARISE OR BE MADE IN RESPECT TO THE PROPERTY. THIS SUBSECTION DOES NOT APPLY
18 TO ANY REFUND SUBJECT TO SECTION 44-302, SUBSECTION A, PARAGRAPH 11 OR TO ANY
19 REFUND THAT THE COURT OR AGENCY ORDER PROVIDES WILL BE HELD BY A PERSON OTHER
20 THAN THE UTILITY.

21 C. ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE QUALIFIED FUEL FUND
22 ENTITY SHALL SUBMIT A WRITTEN REPORT TO THE GOVERNOR, THE PRESIDENT OF THE
23 SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND SHALL PROVIDE A
24 COPY OF THIS REPORT TO THE DIRECTOR OF THE ARIZONA STATE LIBRARY, ARCHIVES
25 AND PUBLIC RECORDS. THE REPORT SHALL DESCRIBE THE ACTIONS AND EXPENDITURES
26 OF THE QUALIFIED FUEL FUND ENTITY DURING THE PREVIOUS YEAR.

27 D. FOR THE PURPOSES OF THIS SECTION:

28 1. "ABANDONED DEPOSIT" MEANS A DEPOSIT, INCLUDING ANY INTEREST ON THE
29 DEPOSIT, THAT IS MADE BY A SUBSCRIBER WITH A UTILITY TO SECURE PAYMENT OR ANY
30 AMOUNT THAT IS PAID IN ADVANCE FOR UTILITY SERVICES TO BE FURNISHED, LESS ANY
31 LAWFUL DEDUCTIONS OR ANY AMOUNT HELD BY A UTILITY THAT THE UTILITY HAS BEEN
32 ORDERED TO REFUND BY A COURT OR ADMINISTRATIVE AGENCY, AND THAT REMAINS
33 UNCLAIMED BY THE SUBSCRIBER FOR MORE THAN TWO YEARS AFTER THE TERMINATION OF
34 THE SERVICES FOR WHICH THE DEPOSIT OR ADVANCE PAYMENT WAS MADE, OR FOR MORE
35 THAN TWO YEARS AFTER THE REFUND BECOMES PAYABLE AND DISTRIBUTION OCCURS
36 PURSUANT TO THE FINAL ORDER OF THE COURT OR ADMINISTRATIVE AGENCY THAT HAS
37 JURISDICTION TO ESTABLISH THE TERMS AND CONDITIONS OF THE REFUND.

38 2. "QUALIFIED FUEL FUND ENTITY" MEANS A PRIVATE COMMUNITY-BASED
39 NONPROFIT ENTITY THAT IS RECOGNIZED UNDER SECTION 501(c)(3) OF THE INTERNAL
40 REVENUE CODE AND THAT HAS A FUEL FUND ESTABLISHED FOR THE PURPOSES OF
41 ACCEPTING PRIVATE AND PUBLIC MONIES TO PROVIDE UTILITY ASSISTANCE PURSUANT TO
42 SUBSECTION A OF THIS SECTION TO LOW INCOME RESIDENTS IN THIS STATE, INCLUDING
43 MEMBERS OF AN INDIAN TRIBE WHO RESIDE ON AN INDIAN RESERVATION.

1 3. "UTILITY" MEANS A PERSON THAT, FOR PUBLIC USE, TRANSMITS, SELLS,
2 DELIVERS OR FURNISHES ELECTRICITY, WATER, GAS, SEWER OR TELECOMMUNICATIONS
3 SERVICES.

4 Sec. 3. Transfer of monies; utility assistance fund monies;
5 contract; exemption

6 A. All monies in the utility assistance fund established by section
7 46-731, Arizona Revised Statutes, as repealed by section 1 of this act, that
8 remain unexpended and unencumbered on the effective date of this act are
9 transferred to the department of economic security for the purpose of
10 entering into a contract by December 1, 2008 with a private community-based
11 nonprofit entity that provides utility assistance pursuant to section 46-731,
12 subsection A, Arizona Revised Statutes, as added by section 2 of this act.
13 The contract shall be with a private community-based nonprofit entity that is
14 recognized under section 501(c)(3) of the internal revenue code and that has
15 a fuel fund established for the purposes of accepting private and public
16 monies to provide utility assistance to low income residents in this state,
17 including members of an Indian tribe who reside on an Indian reservation.
18 The amount of the contract shall be equal to the entire amount transferred
19 under this subsection.

20 B. The process of offering, approving and awarding the contract under
21 subsection A is exempt from title 41, chapter 23, Arizona Revised Statutes,
22 relating to government procurement.

APPROVED BY THE GOVERNOR MAY 17, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 17, 2007.

Passed the House March 5, 20 07

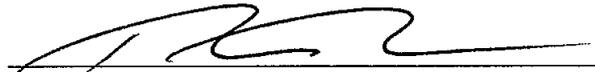
Passed the Senate April 30, 20 07

by the following vote: 58 Ayes,

by the following vote: 29 Ayes,

0 Nays, 2 Not Voting

0 Nays, 1 Not Voting



Speaker of the House

Pro Tempore



Chief Clerk of the House



President of the Senate



Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

_____ day of _____, 20____

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20____

at _____ o'clock _____ M.

Secretary of State

H.B. 2681

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

May 14, 2007,

by the following vote: 53 Ayes,

0 Nays, 7 Not Voting


Speaker of the House
Pro Tempore

Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

14th day of May, 2007

at 1:40 o'clock P. M.


Secretary to the Governor

Approved this 17 day of

May, 2007,

at 10⁰⁵ o'clock A. M.


Governor of Arizona

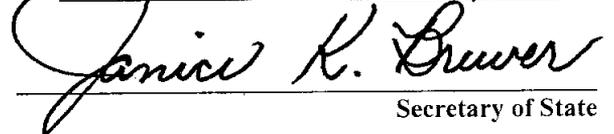
H.B. 2681

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 17 day of May, 2007,

at 10:53 o'clock A. M.


Secretary of State