

Senate Engrossed House Bill

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

CHAPTER 243
HOUSE BILL 2163

AN ACT

AMENDING SECTION 28-3153, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2007, CHAPTER 214, SECTION 4; REPEALING SECTION 28-3153, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2007, CHAPTER 206, SECTION 1; AMENDING SECTION 42-5029, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2006, CHAPTER 351, SECTION 7 AND CHAPTER 354, SECTION 27; REPEALING SECTION 42-5029, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2007, CHAPTER 276, SECTION 1; PROVIDING FOR THE DELAYED REPEAL OF SECTIONS 41-608.04 AND 43-1086, ARIZONA REVISED STATUTES; AMENDING LAWS 2005, CHAPTER 1, SECTION 3, AS AMENDED BY LAWS 2006, CHAPTER 350, SECTION 4 AND LAWS 2007, CHAPTER 78, SECTION 1; REPEALING LAWS 2005, CHAPTER 1, SECTION 3, AS AMENDED BY LAWS 2006, CHAPTER 350, SECTION 4 AND LAWS 2007, CHAPTER 169, SECTION 4; REPEALING LAWS 2007, CHAPTER 258, SECTION 10; RELATING TO MULTIPLE, DEFECTIVE AND CONFLICTING LEGISLATIVE DISPOSITIONS OF STATUTORY TEXT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Purpose

3 1. Section 28-3153, Arizona Revised Statutes, was amended by Laws
4 2007, chapter 206, section 1 and chapter 214, section 4. The chapter 206
5 version could not be blended because of the delayed effective date. In order
6 to combine these versions, this act amends the Laws 2007, chapter 214 version
7 of section 28-3153, Arizona Revised Statutes, to incorporate the amendments
8 made by Laws 2007, chapter 206 and the chapter 206 version is repealed.

9 2. Section 42-5029, Arizona Revised Statutes, was amended by Laws
10 2007, chapter 276, section 1. However, this version did not reflect the
11 previous valid version of the section. In order to comply with article IV,
12 part 2, section 14, Constitution of Arizona, this act amends section 42-5029,
13 Arizona Revised Statutes, as amended by Laws 2006, chapter 351, section 7 and
14 chapter 354, section 27, to incorporate the amendments made by Laws 2007,
15 chapter 276 and the chapter 276 version is repealed.

16 3. Laws 2007, chapter 258, section 10 provided for the delayed repeal
17 of sections 41-608.04 and 43-1086, Arizona Revised Statutes. However, the
18 repeal of section 43-1086, Arizona Revised Statutes, was not included in the
19 title of the act in violation of article IV, part 2, section 13, Constitution
20 of Arizona. In order to correct a potentially defective enactment, this act
21 provides for the delayed repeal of sections 41-608.04 and 43-1086, Arizona
22 Revised Statutes, and repeals Laws 2007, chapter 258, section 10.

23 4. Laws 2005, chapter 1, section 3, as amended by Laws 2006, chapter
24 350, section 4, was amended by Laws 2007, chapter 78, section 1 and chapter
25 169, section 4. The chapter 169 version failed to amend the chapter 78
26 version, which was an emergency enactment, and therefore did not comply with
27 article IV, part 2, section 14, Constitution of Arizona. To accomplish the
28 intent of these enactments, this act amends the Laws 2007, chapter 78 version
29 of Laws 2005, chapter 1, section 3, as amended by Laws 2006, chapter 350,
30 section 4, to incorporate the amendments made by Laws 2007, chapter 169 and
31 the chapter 169 version is repealed.

32 Sec. 2. Section 28-3153, Arizona Revised Statutes, as amended by Laws
33 2007, chapter 214, section 4, is amended to read:

34 28-3153. Driver license issuance; prohibitions

35 A. The department shall not issue the following:

36 1. A driver license to a person who is under eighteen years of age,
37 except that the department may issue:

38 (a) A restricted instruction permit for a class D or G license to a
39 person who is at least fifteen years of age.

40 (b) An instruction permit for a class D, G or M license as provided by
41 this chapter to a person who is at least fifteen years and ~~seven~~ SIX months
42 of age.

43 (c) A class G or M license as provided by this chapter to a person who
44 is at least sixteen years of age.

- 1 2. A class D, G or M license or instruction permit to a person who is
2 under eighteen years of age and who has been tried in adult court and
3 convicted of a second or subsequent violation of criminal damage to property
4 pursuant to section 13-1602, subsection A, paragraph 1 or convicted of a
5 felony offense in the commission of which a motor vehicle is used, including
6 theft of a motor vehicle pursuant to section 13-1802, unlawful use of means
7 of transportation pursuant to section 13-1803 or theft of means of
8 transportation pursuant to section 13-1814, or who has been adjudicated
9 delinquent for a second or subsequent act that would constitute criminal
10 damage to property pursuant to section 13-1602, subsection A, paragraph 1 or
11 adjudicated delinquent for an act that would constitute a felony offense in
12 the commission of which a motor vehicle is used, including theft of a motor
13 vehicle pursuant to section 13-1802, unlawful use of means of transportation
14 pursuant to section 13-1803 or theft of means of transportation pursuant to
15 section 13-1814, if committed by an adult.
- 16 3. A class A, B or C license to a person who is under twenty-one years
17 of age, except that the department may issue a class A, B or C license that
18 is restricted to only intrastate driving to a person who is at least eighteen
19 years of age.
- 20 4. A license to a person whose license or driving privilege has been
21 suspended, during the suspension period.
- 22 5. Except as provided in section 28-3315, a license to a person whose
23 license or driving privilege has been revoked.
- 24 6. A class A, B or C license to a person who has been disqualified
25 from obtaining a commercial driver license.
- 26 7. A license to a person who on application notifies the department
27 that the person is an alcoholic as defined in section 36-2021 or a drug
28 dependent person as defined in section 36-2501, unless the person
29 successfully completes the medical screening process pursuant to section
30 28-3052 or submits a medical examination report that includes a current
31 evaluation from a substance abuse counselor indicating that, in the opinion
32 of the counselor, the condition does not affect or impair the person's
33 ability to safely operate a motor vehicle.
- 34 8. A license to a person who has been adjudged to be incapacitated
35 pursuant to section 14-5304 and who at the time of application has not
36 obtained either a court order that allows the person to drive or a
37 termination of incapacity as provided by law.
- 38 9. A license to a person who is required by this chapter to take an
39 examination unless the person successfully passes the examination.
- 40 10. A license to a person who is required under the motor vehicle
41 financial responsibility laws of this state to deposit proof of financial
42 responsibility and who has not deposited the proof.

1 11. A license to a person if the department has good cause to believe
2 that the operation of a motor vehicle on the highways by the person would
3 threaten the public safety or welfare.

4 12. A license to a person whose driver license has been ordered to be
5 suspended pursuant to section 25-518.

6 13. A class A, B or C license to a person whose license or driving
7 privilege has been canceled until the cause for the cancellation has been
8 removed.

9 14. A class A, B or C license or instruction permit to a person whose
10 state of domicile is not this state.

11 15. A class A, B or C license to a person who fails to demonstrate
12 proficiency in the English language as determined by the department.

13 B. The department shall not issue a driver license to or renew the
14 driver license of the following persons:

15 1. A person about whom the court notifies the department that the
16 person violated the person's written promise to appear in court when charged
17 with a violation of the motor vehicle laws of this state until the department
18 receives notification in a manner approved by the department that the person
19 appeared either voluntarily or involuntarily or that the case has been
20 adjudicated, that the case is being appealed or that the case has otherwise
21 been disposed of as provided by law.

22 2. If notified pursuant to section 28-1601, a person who fails to pay
23 a civil penalty as provided in section 28-1601, except for a parking
24 violation, until the department receives notification in a manner approved by
25 the department that the person paid the civil penalty, that the case is being
26 appealed or that the case has otherwise been disposed of as provided by law.

27 C. The magistrate or the clerk of the court shall provide the
28 notification to the department prescribed by subsection B of this section.

29 D. Notwithstanding any other law, the department shall not issue to or
30 renew a driver license or nonoperating identification license for a person
31 who does not submit proof satisfactory to the department that the applicant's
32 presence in the United States is authorized under federal law. For an
33 application for a driver license or a nonoperating identification license,
34 the department shall not accept as a primary source of identification a
35 driver license issued by a state if the state does not require that a driver
36 licensed in that state be lawfully present in the United States under federal
37 law. The director shall adopt rules necessary to carry out the purposes of
38 this subsection. The rules shall include procedures for:

39 1. Verification that the applicant's presence in the United States is
40 authorized under federal law.

41 2. Issuance of a temporary driver permit pursuant to section 28-3157
42 pending verification of the applicant's status in the United States.

1 Sec. 3. Repeal

2 Section 28-3153, Arizona Revised Statutes, as amended by Laws 2007,
3 chapter 206, section 1, is repealed.

4 Sec. 4. Subject to the requirements of article IV, part 1, section 1,
5 Constitution of Arizona, section 42-5029, Arizona Revised Statutes, as
6 amended by Laws 2006, chapter 351, section 7 and chapter 354, section 27, is
7 amended to read:

8 42-5029. Remission and distribution of monies; definition

9 A. The department shall deposit, pursuant to sections 35-146 and
10 35-147, all revenues collected under this article and articles 4, 5 and 8 of
11 this chapter pursuant to section 42-1116, separately accounting for:

12 1. Payments of estimated tax under section 42-5014, subsection D.

13 2. Revenues collected pursuant to section 42-5070.

14 3. Revenues collected under this article and article 5 of this chapter
15 from and after June 30, 2000 from sources located on Indian reservations in
16 this state.

17 4. Revenues collected pursuant to section 42-5010, subsection G and
18 section 42-5155, subsection D.

19 B. The department shall credit payments of estimated tax to an
20 estimated tax clearing account and each month shall transfer all monies in
21 the estimated tax clearing account to a fund designated as the transaction
22 privilege and severance tax clearing account. The department shall credit
23 all other payments to the transaction privilege and severance tax clearing
24 account, separately accounting for the monies designated as distribution base
25 under sections 42-5010, 42-5164, 42-5205 and 42-5353. Each month the
26 department shall report to the state treasurer the amount of monies collected
27 pursuant to this article and articles 4, 5 and 8 of this chapter.

28 C. On notification by the department, the state treasurer shall
29 distribute the monies deposited in the transaction privilege and severance
30 tax clearing account in the manner prescribed by this section and by sections
31 42-5164, 42-5205 and 42-5353, after deducting warrants drawn against the
32 account pursuant to sections 42-1118 and 42-1254.

33 D. Of the monies designated as distribution base the department shall:

34 1. Pay twenty-five per cent to the various incorporated municipalities
35 in this state in proportion to their population to be used by the
36 municipalities for any municipal purpose.

37 2. Pay 38.08 per cent to the counties in this state by averaging the
38 following proportions:

39 (a) The proportion that the population of each county bears to the
40 total state population.

41 (b) The proportion that the distribution base monies collected during
42 the calendar month in each county under this article, section 42-5164,
43 subsection B, section 42-5205, subsection B and section 42-5353 bear to the
44 total distribution base monies collected under this article, section 42-5164,

1 subsection B, section 42-5205, subsection B and section 42-5353 throughout
2 the state for the calendar month.

3 3. Pay an additional 2.43 per cent to the counties in this state as
4 follows:

5 (a) Average the following proportions:

6 (i) The proportion that the assessed valuation used to determine
7 secondary property taxes of each county, after deducting that part of the
8 assessed valuation that is exempt from taxation at the beginning of the month
9 for which the amount is to be paid, bears to the total assessed valuations
10 used to determine secondary property taxes of all the counties after
11 deducting that portion of the assessed valuations that is exempt from
12 taxation at the beginning of the month for which the amount is to be paid.
13 Property of a city or town that is not within or contiguous to the municipal
14 corporate boundaries and from which water is or may be withdrawn or diverted
15 and transported for use on other property is considered to be taxable
16 property in the county for purposes of determining assessed valuation in the
17 county under this item.

18 (ii) The proportion that the distribution base monies collected during
19 the calendar month in each county under this article, section 42-5164,
20 subsection B, section 42-5205, subsection B and section 42-5353 bear to the
21 total distribution base monies collected under this article, section 42-5164,
22 subsection B, section 42-5205, subsection B and section 42-5353 throughout
23 the state for the calendar month.

24 (b) If the proportion computed under subdivision (a) of this paragraph
25 for any county is greater than the proportion computed under paragraph 2 of
26 this subsection, the department shall compute the difference between the
27 amount distributed to that county under paragraph 2 of this subsection and
28 the amount that would have been distributed under paragraph 2 of this
29 subsection using the proportion computed under subdivision (a) of this
30 paragraph and shall pay that difference to the county from the amount
31 available for distribution under this paragraph. Any monies remaining after
32 all payments under this subdivision shall be distributed among the counties
33 according to the proportions computed under paragraph 2 of this subsection.

34 4. After any distributions required by sections 42-5030, 42-5030.01,
35 42-5031, 42-5032 and 42-5032.01, and after making any transfer to the water
36 quality assurance revolving fund as required by section 49-282, subsection B,
37 credit the remainder of the monies designated as distribution base to the
38 state general fund. From this amount:

39 (a) The legislature shall annually appropriate to:

40 (i) The department of revenue sufficient monies to administer and
41 enforce this article and articles 5 and 8 of this chapter.

42 (ii) The department of economic security monies to be used for the
43 purposes stated in title 46, chapter 1.

1 (iii) The firearms safety and ranges fund established by section
2 17-273, fifty thousand dollars derived from the taxes collected from the
3 retail classification pursuant to section 42-5061 for the current fiscal
4 year.

5 (b) The state treasurer shall transfer to the tourism fund an amount
6 equal to the sum of the following:

7 (i) Three and one-half per cent of the gross revenues derived from the
8 transient lodging classification pursuant to section 42-5070 during the
9 preceding fiscal year.

10 (ii) Three per cent of the gross revenues derived from the amusement
11 classification pursuant to section 42-5073 during the preceding fiscal year.

12 (iii) Two per cent of the gross revenues derived from the restaurant
13 classification pursuant to section 42-5074 during the preceding fiscal year.

14 E. If approved by the qualified electors voting at a statewide general
15 election, all monies collected pursuant to section 42-5010, subsection G and
16 section 42-5155, subsection D shall be distributed each fiscal year pursuant
17 to this subsection. The monies distributed pursuant to this subsection are
18 in addition to any other appropriation, transfer or other allocation of
19 public or private monies from any other source and shall not supplant,
20 replace or cause a reduction in other school district, charter school,
21 university or community college funding sources. The monies shall be
22 distributed as follows:

23 1. If there are outstanding state school facilities revenue bonds
24 pursuant to title 15, chapter 16, article 7, each month one-twelfth of the
25 amount that is necessary to pay the fiscal year's debt service on outstanding
26 state school improvement revenue bonds for the current fiscal year shall be
27 transferred each month to the school improvement revenue bond debt service
28 fund established by section 15-2084. The total amount of bonds for which
29 these monies may be allocated for the payment of debt service shall not
30 exceed a principal amount of eight hundred million dollars exclusive of
31 refunding bonds and other refinancing obligations.

32 2. After any transfer of monies pursuant to paragraph 1 of this
33 subsection, twelve per cent of the remaining monies collected during the
34 preceding month shall be transferred to the technology and research
35 initiative fund established by section 15-1648 to be distributed among the
36 universities for the purpose of investment in technology and research-based
37 initiatives.

38 3. After the transfer of monies pursuant to paragraph 1 of this
39 subsection, three per cent of the remaining monies collected during the
40 preceding month shall be transferred to the workforce development account
41 established in each community college district pursuant to section 15-1472
42 for the purpose of investment in workforce development programs.

43 4. After transferring monies pursuant to paragraphs 1, 2 and 3 of this
44 subsection, one-twelfth of the amount a community college that is owned,

1 operated or chartered by a qualifying Indian tribe on its own Indian
2 reservation would receive pursuant to section 15-1472, subsection D,
3 paragraph 2 if it were a community college district shall be distributed each
4 month to the treasurer or other designated depository of a qualifying Indian
5 tribe. Monies distributed pursuant to this paragraph are for the exclusive
6 purpose of providing support to one or more community colleges owned,
7 operated or chartered by a qualifying Indian tribe and shall be used in a
8 manner consistent with section 15-1472, subsection B. For THE purposes of
9 this paragraph, "qualifying Indian tribe" has the same meaning as defined in
10 section 42-5031.01, subsection D.

11 5. After transferring monies pursuant to paragraphs 1, 2 and 3 of this
12 subsection, one-twelfth of the following amounts shall be transferred each
13 month to the department of education for the increased cost of basic state
14 aid under section 15-971 due to added school days and associated teacher
15 salary increases enacted in 2000:

16 (a) In fiscal year 2001-2002, \$15,305,900.

17 (b) In fiscal year 2002-2003, \$31,530,100.

18 (c) In fiscal year 2003-2004, \$48,727,700.

19 (d) In fiscal year 2004-2005, \$66,957,200.

20 (e) In fiscal year 2005-2006 and each fiscal year thereafter,
21 \$86,280,500.

22 6. After transferring monies pursuant to paragraphs 1, 2 and 3 of this
23 subsection, seven million eight hundred thousand dollars is appropriated each
24 fiscal year, to be paid in monthly installments, to the department of
25 education to be used for school safety as provided in section 15-154 and two
26 hundred thousand dollars is appropriated each fiscal year, to be paid in
27 monthly installments to the department of education to be used for the
28 character education matching grant program as provided in section 15-154.01.

29 7. After transferring monies pursuant to paragraphs 1, 2 and 3 of this
30 subsection, no more than seven million dollars may be appropriated by the
31 legislature each fiscal year to the department of education to be used for
32 accountability purposes as described in section 15-241 and title 15, chapter
33 9, article 8.

34 8. After transferring monies pursuant to paragraphs 1, 2 and 3 of this
35 subsection, one million five hundred thousand dollars is appropriated each
36 fiscal year, to be paid in monthly installments, to the failing schools
37 tutoring fund established by section 15-241.

38 9. After transferring monies pursuant to paragraphs 1, 2 and 3 of this
39 subsection, twenty-five million dollars shall be transferred each fiscal year
40 to the state general fund to reimburse the general fund for the cost of the
41 income tax credit allowed by section 43-1072.01.

42 10. After the payment of monies pursuant to paragraphs 1 through 9 of
43 this subsection, the remaining monies collected during the preceding month
44 shall be transferred to the classroom site fund established by section

1 15-977. The monies shall be allocated as follows in the manner prescribed by
2 section 15-977:

3 (a) Forty per cent shall be allocated for teacher compensation based
4 on performance.

5 (b) Twenty per cent shall be allocated for increases in teacher base
6 compensation and employee related expenses.

7 (c) Forty per cent shall be allocated for maintenance and operation
8 purposes.

9 F. The department shall credit the remainder of the monies in the
10 transaction privilege and severance tax clearing account to the state general
11 fund, subject to any distribution required by section 42-5030.01.

12 G. Notwithstanding subsection D of this section, if a court of
13 competent jurisdiction finally determines that tax monies distributed under
14 this section were illegally collected under this article or articles 5 and 8
15 of this chapter and orders the monies to be refunded to the taxpayer, the
16 department shall compute the amount of such monies that was distributed to
17 each city, town and county under this section. The department shall notify
18 the state treasurer of that amount plus the proportionate share of additional
19 allocated costs required to be paid to the taxpayer. Each city's, town's and
20 county's proportionate share of the costs shall be based on the amount of the
21 original tax payment each municipality and county received. Each month the
22 state treasurer shall reduce the amount otherwise distributable to the city,
23 town and county under this section by one thirty-sixth of the total amount to
24 be recovered from the city, town or county until the total amount has been
25 recovered, but the monthly reduction for any city, town or county shall not
26 exceed ten per cent of the full monthly distribution to that entity. The
27 reduction shall begin for the first calendar month after the final
28 disposition of the case and shall continue until the total amount, including
29 interest and costs, has been recovered.

30 H. On receiving a certificate of default from the greater Arizona
31 development authority pursuant to section 41-1554.06 or 41-1554.07 and to the
32 extent not otherwise expressly prohibited by law, the state treasurer shall
33 withhold from the next succeeding distribution of monies pursuant to this
34 section due to the defaulting political subdivision the amount specified in
35 the certificate of default and immediately deposit the amount withheld in the
36 greater Arizona development authority revolving fund. The state treasurer
37 shall continue to withhold and deposit the monies until the greater Arizona
38 development authority certifies to the state treasurer that the default has
39 been cured. In no event may the state treasurer withhold any amount that the
40 defaulting political subdivision certifies to the state treasurer and the
41 authority as being necessary to make any required deposits then due for the
42 payment of principal and interest on bonds of the political subdivision that
43 were issued before the date of the loan repayment agreement or bonds and that
44 have been secured by a pledge of distributions made pursuant to this section.

1 I. Except as provided by sections 42-5033 and 42-5033.01, the
2 population of a county, city or town as determined by the most recent United
3 States decennial census plus any revisions to the decennial census certified
4 by the United States bureau of the census shall be used as the basis for
5 apportioning monies pursuant to subsection D of this section.

6 J. EXCEPT AS OTHERWISE PROVIDED BY THIS SUBSECTION, ON NOTICE FROM THE
7 DEPARTMENT OF REVENUE PURSUANT TO SECTION 42-6010, SUBSECTION B, THE STATE
8 TREASURER SHALL WITHHOLD FROM THE DISTRIBUTION OF MONIES PURSUANT TO THIS
9 SECTION TO THE AFFECTED CITY OR TOWN THE AMOUNT OF THE PENALTY FOR BUSINESS
10 LOCATION MUNICIPAL TAX INCENTIVES PROVIDED BY THE CITY OR TOWN TO A BUSINESS
11 ENTITY THAT LOCATES A RETAIL BUSINESS FACILITY IN THE CITY OR TOWN. THE
12 STATE TREASURER SHALL CONTINUE TO WITHHOLD MONIES PURSUANT TO THIS SUBSECTION
13 UNTIL THE ENTIRE AMOUNT OF THE PENALTY HAS BEEN WITHHELD. THE STATE
14 TREASURER SHALL CREDIT ANY MONIES WITHHELD PURSUANT TO THIS SUBSECTION TO THE
15 STATE GENERAL FUND AS PROVIDED BY SUBSECTION D, PARAGRAPH 4 OF THIS SECTION.
16 THE STATE TREASURER SHALL NOT WITHHOLD ANY AMOUNT THAT THE CITY OR TOWN
17 CERTIFIES TO THE DEPARTMENT OF REVENUE AND THE STATE TREASURER AS BEING
18 NECESSARY TO MAKE ANY REQUIRED DEPOSITS OR PAYMENTS FOR DEBT SERVICE ON BONDS
19 OR OTHER LONG-TERM OBLIGATIONS OF THE CITY OR TOWN THAT WERE ISSUED OR
20 INCURRED BEFORE THE LOCATION INCENTIVES PROVIDED BY THE CITY OR TOWN.

21 ~~J.~~ K. For the purposes of this section, "community college district"
22 means a community college district that is established pursuant to sections
23 15-1402 and 15-1403 and that is a political subdivision of this state.

24 Sec. 5. Repeal

25 Section 42-5029, Arizona Revised Statutes, as amended by Laws 2007,
26 chapter 276, section 1, is repealed.

27 Sec. 6. Delayed repeal

28 A. Section 41-608.04, Arizona Revised Statutes, is repealed from and
29 after December 31, 2013.

30 B. Section 43-1086, Arizona Revised Statutes, is repealed from and
31 after December 31, 2012.

32 Sec. 7. Laws 2005, chapter 1, section 3, as amended by Laws 2006,
33 chapter 350, section 4 and Laws 2007, chapter 78, section 1, is amended to
34 read:

35 Sec. 3. Arizona centennial 2012

36 A. The historical advisory commission shall develop and coordinate a
37 statewide plan regarding this state's centennial in 2012. The plan shall
38 include the following:

39 1. Advising the legislature and state agencies on centennial history
40 and heritage, arts and culture and related activities.

41 2. Assisting the governor's countdown to the centennial to support
42 school children learning about this state's history.

43 3. Recommending and funding activities and projects that will ensure
44 lasting legacy accomplishments to commemorate the centennial.

1 4. ISSUING COMMEMORATIVE MEDALS, SEALS, LICENSE PLATES AND
2 CERTIFICATES OF RECOGNITION.

3 5. RECOMMENDING PROPOSALS FOR LEGISLATION AND PERFORMING
4 ADMINISTRATIVE ACTION THAT THE COMMISSION CONSIDERS NECESSARY TO CARRY OUT
5 THE COMMISSION'S RECOMMENDATIONS.

6 B. The historical advisory commission may accept and spend
7 appropriations, grants, gifts, contributions and devises to assist in
8 carrying out this section, INCLUDING THE MANUFACTURING OF THE CENTENNIAL
9 MEDALLIONS. The historical advisory commission may accept and spend
10 appropriations, grants, gifts, contributions and devises to contract for
11 administrative and clerical staff, professional and administrative experts
12 and other staff as necessary to enable the commission to carry out this
13 section.

14 C. THE HISTORICAL ADVISORY COMMISSION SHALL DESIGN, PRODUCE AND SELL
15 COMMEMORATIVE 99.9 PER CENT PURE GOLD, SILVER AND COPPER MEDALLIONS, WITH
16 WEIGHTS THAT DO NOT EXCEED ONE TROY OUNCE. THE MEDALLIONS SHALL BE TWO-SIDED
17 DISKS OF NOT MORE THAN FIVE MILLIMETERS IN THICKNESS, SHALL HAVE THE SEAL OF
18 THE STATE OF ARIZONA STRUCK ON ONE SIDE AND SHALL HAVE A REPRESENTATION OF
19 THE ARIZONA STATE FLAG STRUCK ON THE OTHER SIDE ALONG WITH THE TEXT "ARIZONA
20 CENTENNIAL MEDALLION - FEBRUARY 14, 1912 - 2012" AND THE WEIGHT OF THE DISK
21 IN FRACTIONS OF TROY OUNCES OR GRAMS. THE DEPARTMENT OF WEIGHTS AND MEASURES
22 SHALL CERTIFY THE WEIGHT AND PURITY OF THE CENTENNIAL MEDALLIONS. THE
23 HISTORICAL ADVISORY COMMISSION SHALL NEGOTIATE THE MANUFACTURE AND SALE OF
24 THE CENTENNIAL MEDALLIONS. THE SALE PRICE OF THE MEDALLIONS SHALL NOT BE
25 MORE THAN TEN PER CENT HIGHER THAN THE MANUFACTURING COST OF THE MEDALLIONS.
26 MANUFACTURING QUANTITY SHALL BE PRODUCED TO MEET ONGOING PUBLIC DEMAND.

27 D. IN FULFILLING ITS RESPONSIBILITIES, THE HISTORICAL ADVISORY
28 COMMISSION SHALL CONSULT AND COOPERATE WITH AND SEEK ADVICE FROM APPROPRIATE
29 STATE AGENCIES, LOCAL AND PUBLIC BODIES, LEARNED SOCIETIES AND HISTORICAL,
30 PATRIOTIC, PHILANTHROPIC, CIVIC, PROFESSIONAL AND RELATED ORGANIZATIONS.
31 STATE AGENCIES SHALL COOPERATE WITH THE COMMISSION IN PLANNING, ENCOURAGING,
32 DEVELOPING AND COORDINATING APPROPRIATE COMMEMORATIVE ACTIVITIES. THE
33 PRESIDENT OF EACH STATE UNIVERSITY SHALL COOPERATE WITH THE COMMISSION,
34 ESPECIALLY IN THE ENCOURAGEMENT AND COORDINATION OF SCHOLARLY WORKS AND
35 PRESENTATIONS ON THE HISTORY, CULTURE AND POLITICAL ACTIVITIES RELATED TO THE
36 ARIZONA STATEHOOD ERA. THE OFFICE OF TOURISM SHALL COOPERATE WITH THE
37 COMMISSION IN MARKETING TO POTENTIAL VISITORS TO THIS STATE COMMEMORATIVE
38 ACTIVITIES ENABLING VISITORS TO EXPERIENCE THE CULTURAL HERITAGE OF THIS
39 STATE.

40 Sec. 8. Repeal

41 Laws 2005, chapter 1, section 3, as amended by Laws 2006, chapter 350,
42 section 4 and Laws 2007, chapter 169, section 4, is repealed.

43 Sec. 9. Repeal

44 Laws 2007, chapter 258, section 10 is repealed.

1 Sec. 10. Retroactive application

2 A. Sections 6, 7, 8 and 9 of this act apply retroactively to September
3 19, 2007.

4 B. Sections 4 and 5 of this act apply retroactively to from and after
5 December 31, 2007.

6 C. Sections 2 and 3 of this act apply retroactively to from and after
7 June 30, 2008.

8 Sec. 11. Requirements for enactment; three-fourths vote

9 Pursuant to article IV, part 1, section 1, Constitution of Arizona,
10 section 42-5029, Arizona Revised Statutes, as amended by section 4 of this
11 act, is effective only on the affirmative vote of at least three-fourths of
12 the members of each house of the legislature.

APPROVED BY THE GOVERNOR MAY 27, 2008.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 27, 2008.