House Engrossed

FILED

KEN BENNETT
SECRETARY OF STATE

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

CHAPTER 34

HOUSE BILL 2105

AN ACT

AMENDING SECTION 10-11420, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2002, CHAPTER 88, SECTION 24; REPEALING SECTION 10-11420, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2008, CHAPTER 314, SECTION 21; AMENDING SECTION 15-944, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1991, CHAPTER 244, SECTION 5; REPEALING SECTION 15-944, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2008, CHAPTER 287, SECTION 12; AMENDING SECTION 15-947, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2008, CHAPTER 207, SECTION 4; REPEALING SECTION 15-947, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2008, CHAPTER 287, SECTION 14; AMENDING SECTION 16-246, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2007, CHAPTER 183, SECTION 3; AMENDING SECTION 19-121.01, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2008, CHAPTER 244, SECTION 3; REPEALING SECTION 19-121.01, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2008, CHAPTER 273, SECTION 27; PROVIDING FOR THE DELAYED REPEAL OF TITLE 35, CHAPTER 2, ARTICLE 9, ARIZONA REVISED STATUTES; AMENDING SECTION 41-3541, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED BY LAWS 2008, CHAPTER 286, SECTION 25; REPEALING SECTION 41-3541, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2008, CHAPTER 286, SECTION 25; AMENDING SECTION 41-3542, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED BY LAWS 2008, CHAPTER 286, SECTION 26; REPEALING SECTION 41-3542, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2008, CHAPTER 286, SECTION 26; AMENDING LAWS 2000, CHAPTER 193, SECTION 598, AS AMENDED BY LAWS 2001, CHAPTER 8, SECTION 2, LAWS 2002, CHAPTER 291, SECTION 17, LAWS 2004, CHAPTER 69, SECTION 5 AND LAWS 2006, CHAPTER 369, SECTION 12; REPEALING LAWS 2000, CHAPTER 193, SECTION 598, AS AMENDED BY LAWS 2001, CHAPTER 8,

SECTION 2, LAWS 2002, CHAPTER 291, SECTION 17, LAWS 2004, CHAPTER 69, SECTION 5, LAWS 2006, CHAPTER 369, SECTION 12 AND LAWS 2008, CHAPTER 286, SECTION 28; REPEALING LAWS 2008, CHAPTER 208, SECTION 6; REPEALING LAWS 2008, CHAPTER 235, SECTION 3; RELATING TO MULTIPLE, DEFECTIVE AND CONFLICTING LEGISLATIVE DISPOSITIONS OF STATUTORY TEXT; PROVIDING FOR CONDITIONAL ENACTMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Purpose

1. Section 10-11420, Arizona Revised Statutes, was amended by Laws 2008, chapter 314, section 21. However, this version did not reflect the previous valid version of the section. In order to comply with article IV, part 2, section 14, Constitution of Arizona, this act amends section 10-11420, Arizona Revised Statutes, as amended by Laws 2002, chapter 88, section 24, to incorporate the amendments made by Laws 2008, chapter 314 and the chapter 314 version is repealed.

2. Section 15-944, Arizona Revised Statutes, was amended by Laws 2008, chapter 287, section 12. However, the amendment of section 15-944, Arizona Revised Statutes, was not included in the title of the act in violation of article IV, part 2, section 13, Constitution of Arizona. In order to correct a potentially defective enactment, this act amends section 15-944, Arizona Revised Statutes, as amended by Laws 1991, chapter 244, section 5, to incorporate the amendments made by Laws 2008, chapter 287 and the chapter 287 version is repealed.

3. Section 15-947, Arizona Revised Statutes, was amended by Laws 2008, chapter 207, section 4 and Laws 2008, chapter 287, section 14. The chapter 287 version could not be blended because it failed to amend the chapter 207 version, which was an emergency enactment, and therefore did not comply with article IV, part 2, section 14, Constitution of Arizona. To accomplish the intent of these enactments, this act amends section 15-947, Arizona Revised Statutes, as amended by Laws 2008, chapter 207, section 4, to incorporate the amendments made by Laws 2008, chapter 287 and the chapter 287 version is repealed.

4. Section 16-246, Arizona Revised Statutes, was amended by Laws 2007, chapter 168, section 3 and Laws 2007, chapter 183, section 3. Those enactments were incompatible and inconsistent and therefore could not be blended. Laws 2008, chapter 273, section 10 amended the Laws 2007, chapter 168 version of section 16-246, Arizona Revised Statutes, and Laws 2008, chapter 273, section 11 repealed the Laws 2007, chapter 168 version of section 16-246, Arizona Revised Statutes. To accomplish the intent of the amendment of section 16-246, Arizona Revised Statutes, this act amends section 16-246, Arizona Revised Statutes, as amended by Laws 2007, chapter 183, section 3, to incorporate the amendments made by Laws 2008, chapter 273, section 10.

5. Section 19-121.01, Arizona Revised Statutes, was amended by Laws 2008, chapter 244, section 3 and Laws 2008, chapter 273, section 27. The chapter 273 version could not be blended because it failed to amend the chapter 244 version, which was an emergency enactment, and therefore did not comply with article IV, part 2, section 14, Constitution of Arizona. To accomplish the intent of these enactments, this act amends section 19-121.01, Arizona Revised Statutes, as amended by Laws 2008, chapter 244, section 3, to

incorporate the amendments made by Laws 2008, chapter 273 and the chapter 273 version is repealed.

6. Laws 2008, chapter 235, section 3 provided for the delayed repeal of title 35, chapter 2, article 9, Arizona Revised Statutes. However, the repeal of title 35, chapter 2, article 9, Arizona Revised Statutes, was not included in the title of the act in violation of article IV, part 2, section 13, Constitution of Arizona. In order to correct a potentially defective enactment, this act provides for the delayed repeal of title 35, chapter 2, article 9, Arizona Revised Statutes, and repeals Laws 2008, chapter 235, section 3.

7. Section 41-3541, Arizona Revised Statutes, was transferred, renumbered and amended by Laws 2008, chapter 286, section 25. However, the amendment of section 41-3541, Arizona Revised Statutes, was not included in the title of the act in violation of article IV, part 2, section 13, Constitution of Arizona. In order to correct a potentially defective enactment, this act amends section 41-3541, Arizona Revised Statutes, as transferred and renumbered by Laws 2008, chapter 286, section 25, to incorporate the amendments made by Laws 2008, chapter 286 and the chapter 286 version is repealed.

8. Section 41-3542, Arizona Revised Statutes, was transferred, renumbered and amended by Laws 2008, chapter 286, section 26. However, the amendment of section 41-3542, Arizona Revised Statutes, was not included in the title of the act in violation of article IV, part 2, section 13, Constitution of Arizona. In order to correct a potentially defective enactment, this act amends section 41-3542, Arizona Revised Statutes, as transferred and renumbered by Laws 2008, chapter 286, section 26, to incorporate the amendments made by Laws 2008, chapter 286 and the chapter 286 version is repealed.

9. Laws 2000, chapter 193, section 598, as amended by Laws 2001, chapter 8, section 2, Laws 2002, section 291, section 17, Laws 2004, chapter 69, section 5 and Laws 2006, chapter 369, section 12, was amended by Laws 2008, chapter 286, section 28. However, the amendment of Laws 2000, chapter 193, section 598, as amended by Laws 2001, chapter 8, section 2, Laws 2002, chapter 291, section 17, Laws 2004, chapter 69, section 5 and Laws 2006, chapter 369, section 12, was not correctly designated in the title of the act in violation of article IV, part 2, section 13, Constitution of Arizona. In order to correct a potentially defective enactment, this act amends Laws 2000, chapter 193, section 598, as amended by Laws 2001, chapter 8, section 2, Laws 2002, chapter 291, section 17, Laws 2004, chapter 69, section 5 and Laws 2006, chapter 369, section 12, to incorporate the amendments made by Laws 2008, chapter 286 and the chapter 286 version is repealed.

10. Laws 2008, chapter 208, section 6 provided for the conditional enactment of Laws 2008, chapter 208, section 2, section 15-1326, Arizona Revised Statutes, as added by Laws 2008, chapter 208, section 3, section 41-763.01, Arizona Revised Statutes, as amended by Laws 2008, chapter 208,

section 4, and section 41-771, Arizona Revised Statutes, as amended by Laws 2008, chapter 208, section 5. However, the conditional enactment of those provisions was not included in the title of the act in violation of article IV, part 2, section 13, Constitution of Arizona. In order to correct a potentially defective enactment, this act provides for the conditional enactment of Laws 2008, chapter 208, section 2, section 15-1326, Arizona Revised Statutes, as added by Laws 2008, chapter 208, section 3, section 41-763.01, Arizona Revised Statutes, as amended by Laws 2008, chapter 208, section 4, and section 41-771, Arizona Revised Statutes, as amended by Laws 2008, chapter 208, section 5, and repeals Laws 2008, chapter 208, section 6.

Sec. 2. Section 10-11420, Arizona Revised Statutes, as amended by Laws 2002, chapter 88, section 24, is amended to read:

10-11420. Grounds for administrative dissolution

The commission may commence a proceeding under section 10-11421 to administratively dissolve a corporation if either:

1. The corporation does not pay within sixty days after they are due any fees or penalties imposed by chapters 24 through 40 of this title.

2. The corporation does not deliver its annual report to the commission within sixty days after it is due.

3. The corporation is without a statutory agent or known place of business in this state.

4. The corporation does not notify the commission within sixty days that its statutory agent or known place of business has been changed, that its statutory agent has resigned or that its known place of business has been discontinued.

5. The corporation has failed to make any publication required by this title ~~and file an affidavit of publication within the time prescribed by this title~~, provided the commission has notified the corporation of the intent of the commission to commence a dissolution proceeding for that reason and the corporation has failed to file an affidavit OR OTHER APPROPRIATE EVIDENCE of publication within sixty days after that notice.

6. The corporation's period of duration stated in its articles of incorporation expires.

7. The corporation has failed to comply with section 10-3202, subsection F.

8. Any officer or other representative of the corporation has made any misrepresentation of a material matter in any application, report~~, affidavit~~ or other document submitted by the corporation pursuant to chapters 24 through 40 of this title.

9. The commission has not received the notice required by section 10-11403, subsection E within six months after filing articles of dissolution.

10. The corporation has failed to file a certificate of disclosure or answer interrogatories as prescribed in chapters 24 through 40 of this title.

11. The corporation failed to comply with section 10-11623, subsection A.

Sec. 3. Repeal

Section 10-11420, Arizona Revised Statutes, as amended by Laws 2008, chapter 314, section 21, is repealed.

Sec. 4. Section 15-944, Arizona Revised Statutes, as amended by Laws 1991, chapter 244, section 5, is amended to read:

15-944. Base revenue control limit

A. The base revenue control limit for each school district for fiscal year 1980-1981 is computed as follows:

1. Add the amounts in the fiscal year 1979-1980 budget effective May 15, 1980 for general operating and special education.

2. Subtract the following budgeted revenues from the sum obtained in paragraph 1 of this subsection:

(a) Tuition paid for attendance of nonresident pupils.

(b) State assistance as provided in section 15-976.

(c) Special education revenues as provided in section 15-825, subsection D and section 15-1204.

(d) Proceeds from the sale or lease of school property as provided in section 15-1102.

3. Add the increase in the base support level from fiscal year 1979-1980 to fiscal year 1980-1981 to the difference obtained in paragraph 2 of this subsection.

B. The equalization factor for each school district is computed as follows:

1. Divide the sum obtained in subsection A, paragraph 3 of this section by the base support level for fiscal year 1980-1981.

2. Subtract 1.0 from the quotient obtained in paragraph 1 of this subsection to obtain the equalization factor.

C. The revenue variation factor for each fiscal year is as follows:

1. For fiscal year 1981-1982, 0.80.

2. For fiscal year 1982-1983, 0.60.

3. For fiscal year 1983-1984, 0.40.

4. For fiscal year 1984-1985, 0.20.

D. The base revenue control limit for each school district during the five years in which the equalization plan is in operation is computed as follows:

1. Multiply the equalization factor by the revenue variation factor for the applicable year. Beginning with fiscal year 1983-1984 if the resulting product is less than negative 0.08, use negative 0.08 for computation purposes as provided in paragraph 2 of this subsection.

2. Multiply the product obtained in paragraph 1 of this subsection by the base support level for the applicable year.

3. Add the base support level for the applicable year to the product obtained in paragraph 2 of this subsection.

E. For fiscal year 1985-1986 and each fiscal year thereafter, the base revenue control limit equals the base support level for the same fiscal year AND THE AMOUNT DETERMINED IN SECTION 15-910.04.

Sec. 5. Repeal

Section 15-944, Arizona Revised Statutes, as amended by Laws 2008, chapter 287, section 12, is repealed.

Sec. 6. Section 15-947, Arizona Revised Statutes, as amended by Laws 2008, chapter 207, section 4, is amended to read:

15-947. Revenue control limit; district support level; general budget limit; unrestricted total capital budget limit; soft capital allocation limit

A. The revenue control limit for a school district is equal to the sum of the base revenue control limit determined in section 15-944, THE AMOUNT DETERMINED IN SECTION 15-910.04 and the transportation revenue control limit determined in section 15-946.

B. The district support level for a school district is equal to the sum of the base support level determined in section 15-943 and the transportation support level determined in section 15-945.

C. The general budget limit for each school district, for each fiscal year, is the sum of the following:

1. The maintenance and operations portion of the revenue control limit for the budget year.

2. The maintenance and operation portion of the following amounts:

(a) Amounts that are fully funded by revenues other than a levy of taxes upon the taxable property within the school district, as listed below:

(i) Amounts budgeted as the budget balance carryforward as provided in section 15-943.01.

(ii) Tuition revenues for attendance of nonresident pupils.

(iii) State assistance as provided in section 15-976.

(iv) Special education revenues as provided in section 15-825, subsection D and section 15-1204.

(v) P.L. 81-874 assistance determined for children with disabilities, children with specific learning disabilities, children residing on Indian lands and children residing within the boundaries of an accommodation school that is located on a military reservation and that is classified as a heavily impacted local educational agency pursuant to 20 United States Code section 7703 as provided in section 15-905, subsections K and O.

(vi) P.L. 81-874 administrative costs as provided in section 15-905, subsection P.

(vii) State assistance for excess tuition as provided in section 15-825.01.

(viii) Amounts received from the state board of education pursuant to section 15-973.01.

(b) Amounts approved pursuant to an override election as provided in section 15-481 for the applicable fiscal year.

(c) Expenditures for excess utility costs as provided in section 15-910.

(d) Amounts authorized by the county school superintendent pursuant to section 15-974, subsection B.

(e) Expenditures for complying with a court order of desegregation as provided in section 15-910.

(f) Expenditures for the bond issues portion of the cost of tuition as provided in section 15-910.

(g) Interest on registered warrants or tax anticipation notes as provided in section 15-910.

(h) Amounts budgeted for a jointly owned and operated career and technical education and vocational education center as provided in section 15-910.01.

3. The maintenance and operations portion of the capital outlay revenue limit for the budget year.

4. Any other budget item that is budgeted in the maintenance and operation section of the budget and that is specifically exempt from the revenue control limit or the capital outlay revenue limit.

D. The unrestricted capital budget limit, for each school district for each fiscal year, is the sum of the following:

1. The federal impact adjustment as determined in section 15-964 for the budget year.

2. Any other budget item that is budgeted in the capital outlay section of the budget and that is specifically exempt from the capital outlay revenue limit.

3. The capital portion of the amounts contained in subsection C, paragraph 2 of this section.

4. The unexpended budget balance in the unrestricted capital outlay fund from the previous fiscal year.

5. The net interest earned in the unrestricted capital outlay fund the previous fiscal year.

E. The soft capital allocation limit for each school district for each fiscal year is the sum of the following:

1. The soft capital allocation for the budget year.

2. The unexpended budget balance in the soft capital allocation fund from the previous fiscal year.

3. The net interest earned in the soft capital allocation fund the previous fiscal year.

Sec. 7. Repeal

Section 15-947, Arizona Revised Statutes, as amended by Laws 2008, chapter 287, section 14, is repealed.

Sec. 8. Section 16-246, Arizona Revised Statutes, as amended by Laws 2007, chapter 183, section 3, is amended to read:

16-246. Early balloting; satellite locations; additional procedures

A. Within ~~ninety~~ NINETY-THREE days ~~preceding the Saturday~~ before the presidential preference election and not later than 5:00 p.m. on the eleventh day preceding the election, any elector who is eligible to vote in the presidential preference election may make a verbal or signed, written request for an official early ballot to the county recorder or other officer in charge of elections for the county in which the elector is registered to vote. If the request is verbal, the requesting elector shall provide the date of birth and birthplace or other information that if compared to the voter registration records for that elector would confirm the identity of the elector.

B. Absent uniformed services voters or overseas voters who are otherwise eligible to vote in the election may vote as prescribed by sections 16-543, 16-543.01 and 16-543.02. The list of candidates that is sent as prescribed by section 16-543.01 shall be a list of all candidates who have qualified for the presidential preference ballot by the forty-sixth day before the presidential preference election.

C. The county recorder or other officer in charge of elections may establish on-site early voting locations at the office of the county recorder or at other locations in the county deemed necessary or appropriate by the recorder. Early voting shall begin within the time limits prescribed in section 16-542 unless otherwise prescribed by this section.

D. The county recorder or other officer in charge of elections shall send by nonforwardable mail that is marked with the statement required by the postmaster to receive an address correction notification any early ballots that are requested pursuant to subsections A and B of this section and shall include a preaddressed envelope for the elector to return the completed ballot.

E. The county recorder or other officer in charge of elections shall provide to each election board an appropriate alphabetized list of voters who have requested and have been sent an early ballot. Any person who is on that list of voters and who was sent an early ballot shall not vote at the polling place for that election precinct except as prescribed by section 16-579, subsection C.

F. The county recorder or other officer in charge of elections may provide for any of the following in the same manner prescribed by law for other elections:

1. Special election boards.

2. Emergency balloting for persons who experience an emergency after 5:00 p.m. on the Friday preceding the presidential preference election and before 5:00 p.m. on the Monday immediately preceding the presidential preference election.

G. Sections 16-550, 16-551 and 16-552 govern the use of early balloting for the presidential preference election.

Sec. 9. Section 19-121.01, Arizona Revised Statutes, as amended by Laws 2008, chapter 244, section 3, is amended to read:

19-121.01. Secretary of state; removal of petition and ineligible signatures; facsimile sheets; random sample

A. Within twenty days, excluding Saturdays, Sundays and other legal holidays, of the date of filing of an initiative or referendum petition and issuance of the receipt, the secretary of state shall:

1. Remove the following:

(a) Those sheets not attached to a copy of the title and text of the measure.

(b) The copy of the title and text from the remaining petition sheets.

(c) Those sheets not bearing the petition serial number in the lower right-hand corner of each side.

(d) Those sheets containing a circulator's affidavit that is not completed or signed.

(e) Those sheets on which the affidavit of the circulator is not notarized, the notary's signature is missing, the notary's commission has expired or the notary's seal is not affixed.

(f) Those sheets on which the signatures of the circulator or the notary are dated earlier than the dates on which the electors signed the face of the petition sheet.

2. After completing the steps in paragraph 1 of this subsection, review each sheet to determine the county of the majority of the signers and shall:

(a) Place a three or four letter abbreviation designating that county in the upper right-hand corner of the face of the petition.

(b) Remove all signatures of those not in the county of the majority on each sheet by marking an "SS" in red ink in the margin to the right of the signature line.

(c) Cause all signature sheets to be grouped together by county of registration of the majority of those signing and attach them to one or more copies of the title and text of the measure. If the sheets are too bulky for convenient grouping by the secretary of state in one volume by county, they may be bound in two or more volumes with those in each volume attached to a single printed copy of the measure. The remaining detached copies of the title and text of the measure shall be delivered to the applicant.

3. After completing the steps in paragraph 2 of this subsection, remove the following signatures that are not eligible for verification by marking an "SS" in red ink in the margin to the right of the signature line:

(a) If the signature of the qualified elector is missing.

(b) If the residence address or the description of residence location is missing.

(c) If the date on which the petitioner signed is missing.

(d) Signatures in excess of the fifteen signatures permitted per petition.

(e) Signatures withdrawn pursuant to section ~~1-261~~ 19-113.

4. After the removal of petition sheets and signatures, count the number of signatures for verification on the remaining petition sheets and note that number in the upper right-hand corner of the face of each petition sheet immediately above the county designation.

5. Number the remaining petition sheets that were not previously removed and that contain signatures eligible for verification in consecutive order on the front side of each petition sheet in the upper left-hand corner.

6. Count all remaining petition sheets and signatures not previously removed and issue a receipt to the applicant of this total number eligible for verification.

B. If the total number of signatures for verification as determined pursuant to subsection A, paragraph 6 of this section equals or exceeds the constitutional minimum, the secretary of state, during the same twenty day period provided in subsection A of this section, shall select, at random, five per cent of the total signatures eligible for verification by the county recorders of the counties in which the persons signing the petition claim to be qualified electors. The random sample of signatures to be verified shall be drawn in such a manner that every signature eligible for verification has an equal chance of being included in the sample. The random sample produced shall identify each signature selected by petition page and line number. The signatures selected shall be marked according to the following procedure:

1. Using red ink, mark the selected signature by circling the line number and drawing a line from the base of the circle extending into the left margin.

2. If a signature line selected for the random sample is found to be blank or was removed from the verification process pursuant to subsection A of this section and is marked with an "SS", then the next line down, even if that requires going to the next petition sheet in sequence, on which an eligible signature appears shall be selected as a substitute if that line has not already been selected for the random sample. If the next eligible line is already being used in the random sample, the secretary of state shall proceed back up the page from the signature line originally selected for the random sample to the next previous signature line eligible for verification. If that line is already being used in the random sample, the secretary of state shall continue moving down the page or to the next page from the line originally selected for the random sample and shall select the next eligible signature as its substitute for the random sample. The secretary of state shall use this process of alternately moving forward and backward until a signature eligible for verification and not already included in the random sample can be selected and substituted.

C. After the selection of the random sample and the marking of the signatures selected on the original petition sheets pursuant to subsection B of this section, the secretary of state shall reproduce a facsimile of the front of each signature sheet on which a signature included in the random sample appears. The secretary of state shall clearly identify those signatures marked for verification by color highlighting or other similar method and shall transmit by personal delivery or certified mail to each county recorder a facsimile sheet of each signature sheet on which a signature appears of any individual who claims to be a qualified elector of that county and whose signature was selected for verification as part of the random sample.

D. The secretary of state shall retain in custody all signature sheets removed pursuant to this section except as otherwise prescribed in this title.

Sec. 10. Repeal

Section 19-121.01, Arizona Revised Statutes, as amended by Laws 2008, chapter 273, section 27, is repealed.

Sec. 11. Delayed repeal; condition; notice

A. Title 35, chapter 2, article 9, Arizona Revised Statutes, is repealed as of the earliest date that any of the following occurs:

1. The United States Congress or President of the United States affirmatively and unambiguously states, by means including legislation, executive order or written certification from the President to Congress, that the government of Iran has ceased to pursue the capabilities to develop nuclear weapons and support international terrorism.

2. The United States revokes all sanctions imposed against the government of Iran.

3. The United States Congress or President of the United States affirmatively and unambiguously states, by means including legislation, executive order or written certification from the President to Congress, that divestment of the type provided for in this act interferes with the conduct of United States foreign policy.

4. Public Laws 104-172, the Iran Sanctions Act of 1996, and it amendments are repealed.

5. July 1, 2013.

B. The director of the Arizona state retirement system shall notify in writing the director of the Arizona legislative council of this date.

Sec. 12. Section 41-3541, Arizona Revised Statutes, as transferred and renumbered by Laws 2008, chapter 286, section 25, is amended to read:

41-3541. Arizona public safety communications advisory commission; membership; appointment; terms; meetings

A. An Arizona public safety communications advisory commission is established in the ~~department of public safety~~ AGENCY consisting of the director ~~of the department~~ or the director's designee and fourteen other

advisory members WHO ARE appointed by the governor pursuant to section 38-211.

B. The governor shall make the appointments so that the existing five emergency response regions in this state are as equally represented on the advisory commission as possible.

C. Members shall serve three year terms.

D. The Arizona public safety communications advisory commission shall meet quarterly or on call of the director who shall serve as chairman.

E. Commission members are eligible for reimbursement of expenses pursuant to title 38, chapter 4, article 2.

Sec. 13. Repeal

Section 41-3541, Arizona Revised Statutes, as amended by Laws 2008, chapter 286, section 25, is repealed.

Sec. 14. Section 41-3542, Arizona Revised Statutes, as transferred and renumbered by Laws 2008, chapter 286, section 26, is amended to read:

41-3542. Advisory commission; powers and duties; report

A. The Arizona public safety communications advisory commission shall make recommendations to the ~~department~~ AGENCY regarding the development and maintenance of work plans to outline areas of work to be performed and appropriate schedules for at least the following:

1. The development of a standard based system that provides interoperability of public safety agencies' communications statewide.

2. The promotion of the development and use of standard based systems.

3. The identification of priorities and essential tasks determined by the advisory commission.

4. The development of a timeline for project activities.

5. Completion of a survey of existing and planned efforts statewide and benchmark against similar efforts nationally.

6. Providing support for the state interoperability executive committee.

7. Establishing committees and work groups as necessary.

B. The ~~department~~ AGENCY may:

1. Employ personnel as required with available monies.

2. Enter into contracts to assess, design, construct and use public safety communications systems.

3. Accept grants, fees and other monies for use by the ~~department~~ AGENCY and the advisory commission.

4. Enter into agreements to carry out the purposes of this article.

5. Request cooperation from any state agency for the purposes of this article.

C. The department of public safety shall consult with the director of the government information technology agency or the director's designee on an ongoing basis. ~~and~~ THE DIRECTOR OF THE GOVERNMENT INFORMATION TECHNOLOGY AGENCY SHALL submit a QUARTERLY report ~~quarterly to the director and~~ TO the joint legislative budget committee for review regarding expenditures and

progress of the ~~department of public safety~~ COMMISSION, including a review of staff operations and preparation of requests for proposals for system detail and concept work.

D. The commission shall annually submit a report of its activities and recommendations to the governor, the speaker of the house of representatives and the president of the senate on or before December 1 and shall provide a copy of the report to the secretary of state and the director of the Arizona state library, archives and public records.

Sec. 15. Repeal

Section 41-3542, Arizona Revised Statutes, as amended by Laws 2008, chapter 286, section 26, is repealed.

Sec. 16. Laws 2000, chapter 193, section 598, as amended by Laws 2001, chapter 8, section 2, Laws 2002, chapter 291, section 17, Laws 2004, chapter 69, section 5 and Laws 2006, chapter 369, section 12 is amended to read:

Sec. 598. Effective date

~~A. Section 12-116, Arizona Revised Statutes, as amended by Laws 1999, chapter 175, section 6, Laws 2000, chapter 193, section 94, Laws 2004, chapter 69, section 3 and this act is effective from and after December 31, 2009.~~

~~B.~~ A. Section 42-1201, Arizona Revised Statutes, as amended by Laws 1999, chapter 250, section 7, ~~and this act~~ is effective from and after December 31, 2000.

~~C.~~ B. Section 49-203, Arizona Revised Statutes, as amended by Laws 1999, chapter 26, section 5, ~~and this act~~ is effective from and after December 31, 2000.

~~D.~~ C. Section 49-361, Arizona Revised Statutes, as amended by Laws 1999, chapter 26, section 17, ~~and this act~~ is effective from and after December 31, 2000.

Sec. 17. Repeal

Laws 2000, chapter 193, section 598, as amended by Laws 2001, chapter 8, section 2, Laws 2002, chapter 291, section 17, Laws 2004, chapter 69, section 5, Laws 2006, chapter 369, section 12 and Laws 2008, chapter 286, section 28, is repealed.

Sec. 18. Repeal

Laws 2008, chapter 208, section 6 is repealed.

Sec. 19. Repeal

Laws 2008, chapter 235, section 3 is repealed.

Sec. 20. Conditional enactment; effective date; notice

A. Laws 2008, chapter 208, section 2, section 15-1326, Arizona Revised Statutes, as added by Laws 2008, chapter 208, section 3, section 41-763.01, Arizona Revised Statutes, as amended by Laws 2008, chapter 208, section 4, and section 41-771, Arizona Revised Statutes, as amended by Laws 2008, chapter 208, section 5, are effective from and after June 30, 2009 only if before July 1, 2009 the legislature appropriates sufficient monies to the

1 department of administration to fund the provisions of Laws 2008,
2 chapter 208.
3 B. The director of the department of administration shall notify in
4 writing the director of the Arizona legislative council of the date on which
5 the condition is met or if the condition is not met.
6 Sec. 21. Retroactivity
7 A. Sections 11 and 19 of this act apply retroactively to May 23, 2008.
8 B. Sections 8, 9 and 10 of this act apply retroactively to June 19,
9 2008.
10 C. Sections 2, 3, 4, 5, 6, 7, 12, 13, 14, 15, 16, 17, 18 and 20 apply
11 retroactively to September 26, 2008.

APPROVED BY THE GOVERNOR JULY 10, 2009.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 10, 2009.

Passed the House May 12, 2009

by the following vote: 57 Ayes,

1 Nays, 2 Not Voting

Speaker of the House

Norman L. Moore

Chief Clerk of the House

Passed the Senate June 30, 2009

by the following vote: 26 Ayes,

0 Nays, 4 Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

1st day of July, 2009

at 8:25 o'clock A. M.

Susan K. Myers

Secretary to the Governor

Approved this 10th day of

July 2009

at 9:45 o'clock A M.

Janice K. Brewer

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 10 day of July, 2009

at 12:30 o'clock P. M.

Ken Bennett

Secretary of State

H.B. 2105