

Senate Engrossed House Bill

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

CHAPTER 326

HOUSE BILL 2627

AN ACT

AMENDING SECTIONS 42-6106 AND 42-6107, ARIZONA REVISED STATUTES; RELATING TO COUNTY TRANSPORTATION EXCISE TAXES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 42-6106, Arizona Revised Statutes, is amended to
3 read:

4 42-6106. County transportation excise tax

5 A. ~~In a county with a population exceeding two hundred thousand but~~
6 ~~fewer than one million two hundred thousand persons.~~ If approved by the
7 qualified electors voting at a countywide election, the regional
8 transportation authority in the ANY county shall levy and the department
9 shall collect a transportation excise tax up to the rate authorized by this
10 section in addition to all other taxes. ~~A county with a population of four~~
11 ~~hundred thousand or fewer persons but more than two hundred thousand persons~~
12 ~~shall not levy a tax under both this section and section 42-6107.~~

13 B. The tax shall be levied and collected:

14 1. At a rate of not more than ten per cent of the transaction
15 privilege tax rate prescribed by section 42-5010, subsection A in effect on
16 January 1, 1990:

17 (a) To each person engaging or continuing in the county in a business
18 taxed under chapter 5, article 1 of this title.

19 (b) Except that for the purposes of this paragraph with respect to the
20 prime contracting classification under section 42-5075, the gross proceeds of
21 sales or gross income that is deductible pursuant to section 42-5075,
22 subsection B, paragraph 8 or pursuant to section 42-5061, subsection A,
23 paragraph 27 for sales to a contractor who is exempt under section 42-5075,
24 subsection B, paragraph 8 shall be included in the tax base for purposes of
25 this paragraph.

26 2. In the case of persons subject to the tax imposed under section
27 42-5352, subsection A, at a rate of not more than .305 cents per gallon of
28 jet fuel sold.

29 3. On the use or consumption of electricity or natural gas by retail
30 electric or natural gas customers in the county who are subject to use tax
31 under section 42-5155, at a rate equal to the transaction privilege tax rate
32 under paragraph 1 applying to persons engaging or continuing in the county in
33 the utilities transaction privilege tax classification.

34 C. Any subsequent reduction in the transaction privilege tax rate
35 prescribed by chapter 5, article 1 of this title shall not reduce the tax
36 ~~which~~ THAT is approved and collected as prescribed in this section. The
37 department shall collect the tax at a variable rate if the variable rate is
38 specified in the ballot proposition. The department shall collect the tax at
39 a modified rate if approved by a majority of the qualified electors voting.

40 D. The net revenues collected under this section:

41 1. In counties with a population exceeding four hundred thousand ~~but~~
42 ~~fewer than one million two hundred thousand persons,~~ shall be deposited in
43 the regional transportation fund pursuant to section 48-5307.

44 2. In counties with a population of four hundred thousand or fewer
45 persons ~~but more than two hundred thousand persons,~~ shall be deposited in the

1 public transportation authority fund pursuant to section 28-9142 or the
2 regional transportation fund pursuant to section 48-5307 or shall be
3 allocated between both funds.

4 E. The tax shall be levied under this section beginning January 1 or
5 July 1, whichever date occurs first after approval by the voters, and may be
6 in effect for a period of not more than twenty years.

7 Sec. 2. Section 42-6107, Arizona Revised Statutes, is amended to read:
8 42-6107. County transportation excise tax for roads

9 A. If a majority of the qualified electors voting at a countywide
10 special election, or a majority of the qualified electors voting on the
11 ballot proposition at a general election, approves the transportation excise
12 tax, ~~a- THE county with a population of four hundred thousand or fewer~~
13 ~~persons~~ shall levy and the department shall collect a tax:

14 1. At a rate of not more than ten per cent of the transaction
15 privilege tax rate as prescribed by section 42-5010, subsection A applying,
16 as of January 1, 1990, to each person engaging or continuing in the county in
17 a business taxed under chapter 5, article 1 of this title.

18 2. In the case of persons subject to the tax imposed under section
19 42-5352, subsection A, at a rate of not more than .305 cents per gallon of
20 jet fuel sold.

21 3. On the use or consumption of electricity or natural gas by retail
22 electric or natural gas customers in the county who are subject to use tax
23 under section 42-5155, at a rate equal to the transaction privilege tax rate
24 under paragraph 1 applying to persons engaging or continuing in the county in
25 the utilities transaction privilege tax classification. If a majority of the
26 qualified electors in the county approved the transportation excise tax under
27 this section before 1998, a tax under this paragraph may be approved by
28 resolution adopted by a majority of the board of supervisors.

29 ~~B. A county with a population of four hundred thousand or fewer~~
30 ~~persons but more than two hundred thousand persons shall not levy a tax under~~
31 ~~both this section and section 42-6106.~~

32 ~~C. B.~~ B. The net revenues collected under this section within a county
33 shall be deposited in the county's regional area road fund pursuant to title
34 28, chapter 17, article 3.

35 ~~D.~~ C. The tax shall be levied under this section beginning January 1
36 or July 1, whichever date occurs first after approval by the voters, and may
37 be in effect for a period of not more than twenty years.

APPROVED BY THE GOVERNOR MAY 11, 2010.

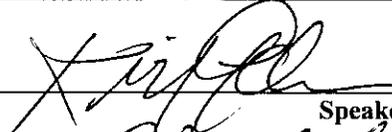
FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 12, 2010.

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 28, 2010,

by the following vote: 41 Ayes,

18 Nays, 1 Not Voting


Speaker of the House


Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

29 day of April, 2010

at 11:50 o'clock A. M.


Secretary to the Governor

Approved this 11th day of

May, 2010,

at 12:31 o'clock P. M.


Governor of Arizona

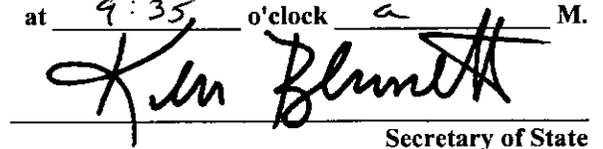
H.B. 2627

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 12th day of May, 2010,

at 9:35 o'clock a M.


Secretary of State