

Senate Engrossed House Bill

FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
House of Representatives
Fifty-first Legislature
First Regular Session
2013

CHAPTER 143

HOUSE BILL 2396

AN ACT

AMENDING SECTIONS 35-142, 37-109, 41-192, 44-1522, 44-1528 AND 44-1531.01, ARIZONA REVISED STATUTES; AMENDING TITLE 44, CHAPTER 10, ARTICLE 7, ARIZONA REVISED STATUTES, BY ADDING SECTION 44-1531.02; RELATING TO THE ATTORNEY GENERAL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 35-142, Arizona Revised Statutes, is amended to
3 read:

4 35-142. Monies kept in funds separate from state general fund;
5 receipt and withdrawal

6 A. All monies received for and belonging to the state shall be
7 deposited in the state treasury and credited to the state general fund except
8 the following, which shall be placed and retained in separate funds:

9 1. The unexpendable principal of monies received from federal land
10 grants shall be placed in separate funds and the account of each such
11 separate fund shall bear a title indicating the source and the institution or
12 purpose to which such fund belongs.

13 2. The interest, rentals and other expendable money received as income
14 from federal land grants shall be placed in separate accounts, each account
15 bearing a title indicating the source and the institution or purpose to which
16 the fund belongs. Such expendable monies shall be expended only as
17 authorized, regulated and controlled by the general appropriation act or
18 other act of the legislature.

19 3. All private or quasi-private monies authorized by law to be paid to
20 or held by the state treasurer shall be placed in separate accounts, each
21 account bearing a title indicating the source and purpose of such fund.

22 4. All monies legally pledged to retirement of building indebtedness
23 or bonds issued by those institutions authorized to incur such indebtedness
24 or to issue such bonds shall be placed in separate accounts.

25 5. Monies of a multi-county water conservation district authorized by
26 law to be paid to or held by the state treasurer shall be placed in separate
27 accounts, each account bearing a title indicating the source and purpose of
28 such fund.

29 6. All monies collected by the Arizona game and fish department shall
30 be deposited in a special fund known as the state game and fish protection
31 fund for the use of the Arizona game and fish commission in carrying out the
32 provisions of title 17.

33 7. All federal monies that are received by the department of economic
34 security for family assistance benefits and medical eligibility as a result
35 of efficiencies developed by the department of economic security and that
36 would otherwise revert to the state general fund pursuant to section 35-190
37 shall be retained for use by the department of economic security in
38 accordance with the terms and conditions imposed by the federal funding
39 source in an account or accounts established or authorized by the state
40 treasurer.

41 8. Monies designated by law as special state funds shall not be
42 considered a part of the general fund. Unless otherwise prescribed by law,
43 the state treasurer shall be the custodian of all such funds.

44 9. All monies received and any accounts established and maintained by
45 the director of the Arizona state retirement system or the administrator of

1 the public safety personnel retirement system, the corrections officer
2 retirement plan and the elected officials' retirement plan.

3 10. Monies received by a state agency or institution as a gift, devise
4 or donation shall not be considered a part of the state general fund or
5 transferred to the state general fund unless the gift, devise or donation
6 specifically authorizes a general state use for the monies. A state agency
7 or institution that receives a monetary gift, devise or donation shall
8 account for those monies separately.

9 B. No money shall be received or held by the state treasurer except as
10 authorized by law, and in every instance the treasurer shall issue a receipt
11 for money received and shall record the transaction in the statewide
12 accounting system. No money shall be withdrawn from the treasury except on
13 the warrant or electronic funds transfer voucher of the department of
14 administration.

15 C. MONIES RECEIVED FOR AND BELONGING TO THE STATE AND RESULTING FROM
16 COMPROMISES OR SETTLEMENTS BY OR AGAINST THIS STATE, EXCLUDING RESTITUTION
17 AND REIMBURSEMENT TO STATE AGENCIES FOR COSTS OR ATTORNEY FEES, SHALL BE
18 CREDITED TO THE STATE GENERAL FUND UNLESS SPECIFICALLY CREDITED TO ANOTHER
19 FUND BY LAW. A FUND CONSISTING OF MONIES OTHER THAN MONIES RECEIVED FOR
20 RESTITUTION, COSTS OR ATTORNEY FEES SHALL NOT BE ESTABLISHED ON THE BASIS OF
21 A COURT ORDER WITHOUT PRIOR LEGISLATIVE AUTHORIZATION. FOR THE PURPOSES OF
22 THIS SUBSECTION, "RESTITUTION" MEANS MONIES INTENDED TO COMPENSATE A
23 SPECIFIC, IDENTIFIABLE PERSON, INCLUDING THIS STATE, FOR ECONOMIC LOSS.

24 ~~G.~~ D. All federal monies granted and paid to the state by the federal
25 government shall be accounted for in the accounts or funds of the state in
26 the necessary detail to meet federal and state accounting, budgetary and
27 auditing requirements, and all appropriations for matching such federal
28 monies shall be transferred from the general fund to such separate funds as
29 needed, except as otherwise required by the federal government.

30 ~~H.~~ E. Nothing in this section requires the establishment of separate
31 accounts or funds for such federal monies unless otherwise required by
32 federal or state law. The department of administration has the authority to
33 use the most efficient system of accounts and records, consistent with legal
34 requirements and standard and necessary fiscal safeguards.

35 ~~I.~~ F. Nothing in this section precludes the creation by the
36 department of administration of a clearing account or other acceptable
37 accounting method to effect prompt payment of claims from an approved budget
38 or appropriation. The department of administration shall report each account
39 or fund established or cancelled to the directors of the joint legislative
40 budget committee and the governor's office of strategic planning and
41 budgeting.

42 ~~J.~~ G. Nothing in this section or any other section precludes the use
43 of monies kept in funds separate from the general fund, the interest from
44 which accrues to the general fund, for payment of claims against the general

1 fund, provided sufficient monies remain available for payment of claims
2 against such funds.

3 ~~G.~~ H. The department of administration may issue warrants for
4 qualified expenditures of federal program monies before they are deposited in
5 the state treasury. The receipt of federal monies shall be timed to
6 coincide, as closely as administratively feasible, with the redemption of
7 warrants by the state treasurer. The department of administration shall
8 limit expenditures to the amount that has been made available for the use
9 under the grant award by the federal government. The state agency initiating
10 the expenditures is responsible for ensuring that expenditures qualify for
11 coverage under the guidelines of the federal grant award.

12 ~~H.~~ I. The department of administration shall establish the policies
13 and procedures for all state agencies for drawing federal monies. When the
14 established method results in federal monies being held by this state, the
15 department of administration may use the interest earned on the monies to pay
16 the federal government for any related interest liability. If an interest
17 liability is incurred due to a state agency varying from the established
18 policies and procedures, the department of administration shall charge the
19 appropriate agency account or fund. Any federal interest liability owed to
20 this state as a result of the delayed federal disbursements shall be used to
21 offset this state's interest liability to the federal government. Any
22 remaining interest earnings shall be deposited in the state general fund.

23 ~~I.~~ J. Any state agency or authorized agent of a state agency may
24 accept credit cards pursuant to an agreement entered into by the state
25 treasurer pursuant to section 35-315 for the payment of any amount due to
26 that agency or agent or this state.

27 ~~J.~~ K. Except for the department of revenue for tax payments, agencies
28 or authorized agents on behalf of state agencies that accept credit cards
29 shall deduct any applicable discount fee and processing fee associated with
30 the transaction amount before depositing the net amount in the appropriate
31 state fund. No other reduction is permitted against the transaction amount.
32 The net amount deposited in the appropriate state fund shall be considered as
33 the full deposit required by law of monies received by the agency or the
34 authorized agent. Payment of any applicable discount fee and processing fee
35 shall be accounted for in the annual report submitted to the governor's
36 office of strategic planning and budgeting in accordance with section
37 41-1273. The transaction amount of any credit card transaction shall not be
38 reduced by any discount fee or processing fee in an amount in excess of the
39 merchant card settlement fees reflected in the state banking contract with
40 the state treasurer's office.

41 ~~K.~~ L. Any state agency that contracts with an authorized agent for
42 the electronic processing of transactions pursuant to title 41, chapter 23
43 may include a provision in the contract to allow the authorized agent to
44 impose a convenience fee. If allowed, the convenience fee shall be charged

1 to the cardholder in addition to the transaction amount, except for the
2 following:

3 1. Except as provided in subsection ~~R~~ S of this section, any permits,
4 licenses or other authorizations needed to pursue a trade or occupation in
5 this state.

6 2. Except as provided in subsection ~~R~~ S of this section, any permits,
7 licenses or other authorizations needed to establish, expand or operate a
8 business in this state.

9 3. Except as provided in subsection ~~R~~ S of this section, any permits,
10 licenses or other authorizations needed to register a vehicle or license a
11 driver in this state.

12 ~~L~~ M. Each state agency or its authorized agent shall:

13 1. Deduct the amount of the convenience fee before depositing the
14 transaction amount or the transaction amount reduced by the discount fee or
15 the processing fee, or both, into the appropriate state fund.

16 2. Not deduct any part of the convenience fee from the transaction
17 amount before depositing the net amount into the appropriate state fund.

18 3. Deduct the amount of the discount fee or the processing fee, or
19 both, from the transaction amount before depositing the net amount into the
20 appropriate state fund.

21 ~~M~~ N. The net amount deposited in the appropriate state fund pursuant
22 to subsection ~~K~~ ~~OR~~ L OR M of this section shall be considered as the full
23 deposit of monies that is required by law and that is received by the agency.

24 ~~N~~ O. Notwithstanding section 35-142.01, convenience fees received by
25 a state agency or its authorized agent are limited to, and may be used to
26 offset, the costs imposed by the authorized agent in processing the
27 transactions.

28 ~~O~~ P. When the percentage of electronic transactions first exceeds at
29 least thirty per cent of a state agency's total transactions, the state
30 agency shall perform a cost benefit report, including costs of convenience
31 fees, the amount of revenue generated and any realized cost savings.

32 ~~P~~ Q. State agencies shall report the number of transactions, the
33 number of electronic transactions, the total dollar amount of transactions
34 processed, the total dollar amount of any discount fee, the total dollar
35 amount of any processing fee and the total dollar amount of any convenience
36 fee charged, deducted or paid pursuant to subsections ~~J~~ and K AND L of this
37 section annually by October 1 to the governor, the department of
38 administration and the joint legislative budget committee.

39 ~~Q~~ R. Nothing in this section or any other provision of law
40 authorizes any state agency, authorized agent of any state agency or budget
41 unit to establish a bank account for any government monies. All monies
42 received by or on behalf of this state shall be deposited with and in the
43 custody of the state treasurer or in an account that is authorized by the
44 state treasurer pursuant to this section. This subsection does not apply to
45 monies received and any accounts established and maintained by the director

1 of the Arizona state retirement system or the administrator of the public
2 safety personnel retirement system, the corrections officer retirement plan
3 and the elected officials' retirement plan.

4 ~~R.~~ S. If a state agency provides an alternative method of payment,
5 the convenience fee may be charged to the cardholder in addition to the
6 transaction amount.

7 Sec. 2. Section 37-109, Arizona Revised Statutes, is amended to read:

8 37-109. Alternative payment methods

9 At the commissioner's sole discretion, the commissioner may accept fees
10 imposed pursuant to section 37-107 by alternative payment methods, including
11 credit and charge cards, pursuant to section 35-142, subsection I- J, debit
12 cards and electronic funds transfers or other alternative payment methods,
13 pursuant to section 35-315, but the department is not obligated to accept any
14 payment using an alternative payment method.

15 Sec. 3. Section 41-192, Arizona Revised Statutes, is amended to read:

16 41-192. Powers and duties of attorney general; restrictions on
17 state agencies as to legal counsel; exceptions;
18 compromise and settlement monies

19 A. The attorney general shall have charge of and direct the department
20 of law and shall serve as chief legal officer of the state. The attorney
21 general shall:

22 1. Be the legal advisor of the departments of this state and render
23 such legal services as the departments require.

24 2. Establish administrative and operational policies and procedures
25 within his department.

26 3. Approve long-range plans for developing departmental programs
27 therein, and coordinate the legal services required by other departments of
28 this state or other state agencies.

29 4. Represent school districts and governing boards of school districts
30 in any lawsuit involving a conflict of interest with other county offices.

31 5. Represent political subdivisions, school districts and
32 municipalities in suits to enforce state or federal statutes pertaining to
33 antitrust, restraint of trade or price-fixing activities or conspiracies, if
34 the attorney general notifies in writing the political subdivisions, school
35 districts and municipalities of the attorney general's intention to bring any
36 such action on its behalf. At any time within thirty days after the
37 notification, the political subdivisions, school districts and
38 municipalities, by formal resolution of its governing body, may withdraw the
39 authority of the attorney general to bring the intended action on its behalf.

40 6. In any action brought by the attorney general pursuant to state or
41 federal statutes pertaining to antitrust, restraint of trade, or price-fixing
42 activities or conspiracies for the recovery of damages by this state or any
43 of its political subdivisions, school districts or municipalities, in
44 addition to the attorney general's other powers and authority, the attorney
45 general on behalf of this state may enter into contracts relating to the

1 investigation and prosecution of such action with any other party plaintiff
2 who has brought a similar action for the recovery of damages and with whom
3 the attorney general finds it advantageous to act jointly or to share common
4 expenses or to cooperate in any manner relative to such action. In any such
5 action, notwithstanding any other laws to the contrary, the attorney general
6 may undertake, among other things, to render legal services as special
7 counsel or to obtain the legal services of special counsel from any
8 department or agency of the United States, of this state or any other state
9 or any department or agency thereof or any county, city, public corporation
10 or public district in this state or in any other state that has brought or
11 intends to bring a similar action for the recovery of damages or their duly
12 authorized legal representatives in such action.

13 7. Organize the civil rights division within the department of law and
14 administer such division pursuant to the powers and duties provided in
15 chapter 9 of this title.

16 8. Compile, publish and distribute to all state agencies, departments,
17 boards, commissions and councils, and to other persons and government
18 entities on request, at least every ten years, the Arizona agency handbook
19 that sets forth and explains the major state laws that govern state agencies,
20 including information on the laws relating to bribery, conflicts of interest,
21 contracting with the government, disclosure of public information,
22 discrimination, nepotism, financial disclosure, gifts and extra compensation,
23 incompatible employment, political activity by employees, public access and
24 misuse of public resources for personal gain. A supplement to the handbook
25 reflecting revisions to the information contained in the handbook shall be
26 compiled and distributed by the attorney general as deemed necessary.

27 B. Except as otherwise provided by law, the attorney general may:

28 1. Organize the department into such bureaus, subdivisions or units as
29 he deems most efficient and economical, and consolidate or abolish them.

30 2. Adopt rules for the orderly conduct of the business of the
31 department.

32 3. Subject to chapter 4, article 4 of this title, employ and assign
33 assistant attorneys general and other employees necessary to perform the
34 functions of the department.

35 4. Compromise or settle any action or claim by or against this state
36 or any department, board or agency of this state. If the compromise or
37 settlement involves a particular department, board or agency of this state,
38 the compromise or settlement shall be first approved by the department, board
39 or agency. If no department or agency is named or otherwise materially
40 involved, the approval of the governor shall be first obtained.

41 5. Charge reasonable fees for distributing official publications,
42 including attorney general legal opinions and the Arizona agency handbook.
43 The fees received shall be transmitted to the state treasurer for deposit in
44 the state general fund.

1 C. The powers and duties of a bureau, subdivision or unit shall be
2 limited to those assigned by law to the department.

3 D. Notwithstanding any law to the contrary, except as provided in
4 subsections E and F of this section, no state agency other than the attorney
5 general shall employ legal counsel or make an expenditure or incur an
6 indebtedness for legal services, but the following are exempt from this
7 section:

- 8 1. The director of water resources.
- 9 2. The residential utility consumer office.
- 10 3. The industrial commission.
- 11 4. The Arizona board of regents.
- 12 5. The auditor general.
- 13 6. The corporation commissioners and the corporation commission other
14 than the securities division.
- 15 7. The office of the governor.
- 16 8. The constitutional defense council.
- 17 9. The office of the state treasurer.
- 18 10. The Arizona commerce authority.

19 E. If the attorney general determines that he is disqualified from
20 providing judicial or quasi-judicial legal representation or legal services
21 on behalf of any state agency in relation to any matter, the attorney general
22 shall give written notification to the state agency affected. If the agency
23 has received written notification from the attorney general that the attorney
24 general is disqualified from providing judicial or quasi-judicial legal
25 representation or legal services in relation to any particular matter, the
26 state agency is authorized to make expenditures and incur indebtedness to
27 employ attorneys to provide the representation or services.

28 F. If the attorney general and the director of the department of
29 agriculture cannot agree on the final disposition of a pesticide complaint
30 under section 3-368, if the attorney general and the director determine that
31 a conflict of interest exists as to any matter or if the attorney general and
32 the director determine that the attorney general does not have the expertise
33 or attorneys available to handle a matter, the director is authorized to make
34 expenditures and incur indebtedness to employ attorneys to provide
35 representation or services to the department with regard to that matter.

36 G. Any department or agency of this state authorized by law to
37 maintain a legal division or incur expenses for legal services from funds
38 derived from sources other than the general revenue of the state, or from any
39 special or trust fund, shall pay from such source of revenue or special or
40 trust fund into the general fund of the state, to the extent such funds are
41 available and upon a reimbursable basis for warrants drawn, the amount
42 actually expended by the department of law within legislative appropriations
43 for such legal division or legal services.

44 H. Appropriations made pursuant to subsection G of this section shall
45 not be subject to lapsing provisions otherwise provided by law. Services for

1 departments or agencies to which this subsection and subsection F of this
2 section are applicable shall be performed by special or regular assistants to
3 the attorney general.

4 I. Notwithstanding section 35-148, monies received by the attorney
5 general from charges to state agencies and political subdivisions for legal
6 services relating to interagency service agreements shall be deposited,
7 pursuant to sections 35-146 and 35-147, in an attorney general agency
8 services fund. Monies in the fund are subject to legislative appropriation
9 and are exempt from the provisions of section 35-190 relating to lapsing of
10 appropriations.

11 J. UNLESS OTHERWISE PROVIDED BY LAW, MONIES RECEIVED FOR AND BELONGING
12 TO THE STATE AND RESULTING FROM COMPROMISES AND SETTLEMENTS ENTERED INTO
13 PURSUANT TO SUBSECTION B OF THIS SECTION, EXCLUDING RESTITUTION AND
14 REIMBURSEMENT TO STATE AGENCIES FOR COSTS OR ATTORNEY FEES, SHALL BE
15 DEPOSITED INTO THE STATE TREASURY AND CREDITED TO THE STATE GENERAL FUND
16 PURSUANT TO SECTION 35-142. MONIES RECEIVED FOR AND BELONGING TO THE STATE
17 AND RESULTING FROM A COMPROMISE OR SETTLEMENT ARE NOT CONSIDERED CUSTODIAL,
18 PRIVATE OR QUASI-PRIVATE MONIES UNLESS SPECIFICALLY PROVIDED BY LAW. ON OR
19 BEFORE JANUARY 15, APRIL 15, JULY 15 AND OCTOBER 15, THE ATTORNEY GENERAL
20 SHALL FILE WITH THE GOVERNOR, WITH COPIES TO THE DIRECTOR OF THE DEPARTMENT
21 OF ADMINISTRATION, THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF
22 REPRESENTATIVES, THE SECRETARY OF STATE AND THE STAFF DIRECTOR OF THE JOINT
23 LEGISLATIVE BUDGET COMMITTEE, A FULL AND COMPLETE ACCOUNT OF THE DEPOSITS
24 INTO THE STATE TREASURY MADE PURSUANT TO THIS SUBSECTION IN THE PREVIOUS
25 CALENDAR QUARTER. FOR THE PURPOSES OF THIS SUBSECTION, "RESTITUTION" MEANS
26 MONIES INTENDED TO COMPENSATE A SPECIFIC, IDENTIFIABLE PERSON, INCLUDING THIS
27 STATE, FOR ECONOMIC LOSS.

28 Sec. 4. Section 44-1522, Arizona Revised Statutes, is amended to read:
29 44-1522. Unlawful practices; intended interpretation of
30 provisions

31 A. The act, use or employment by any person of any deception,
32 deceptive OR UNFAIR act or practice, fraud, false pretense, false promise,
33 misrepresentation, or concealment, suppression or omission of any material
34 fact with intent that others rely ~~upon~~ ON such concealment, suppression or
35 omission, in connection with the sale or advertisement of any merchandise
36 whether or not any person has in fact been misled, deceived or damaged
37 thereby, is declared to be an unlawful practice.

38 B. The violation of chapter 9, article 16 or chapter 19, article 1 of
39 this title is declared to be an unlawful practice and subject to enforcement
40 under this article.

41 C. It is the intent of the legislature, in construing subsection A,
42 that the courts may use as a guide interpretations given by the federal trade
43 commission and the federal courts to 15 United States Code sections 45, 52
44 and 55(a)(1).

1 Sec. 5. Section 44-1528, Arizona Revised Statutes, is amended to read:
2 44-1528. Remedies; injunction; other reliefs; receiver

3 A. Following an investigation made pursuant to section 44-1524 and
4 when it appears to the attorney general that a person has engaged in or is
5 engaging in any practice declared to be unlawful by this article, ~~he~~ THE
6 ATTORNEY GENERAL may seek and obtain in an action in ~~the superior court~~ A
7 COURT OF COMPETENT JURISDICTION an injunction prohibiting ~~such~~ THE person
8 from continuing ~~such~~ THE practices or engaging in the practice or doing any
9 acts in furtherance of the practice after notice as is required by the rules
10 of civil procedure. The court may make such orders or judgments as may be
11 necessary to:

12 1. Prevent the use or employment by a person of any unlawful
13 practices.

14 2. Restore to any person in interest any monies or property, real or
15 personal, which may have been acquired by means of any practice in this
16 article declared to be unlawful, including the appointment of a receiver.

17 3. REQUIRE THAT ANY PROFITS, GAIN, GROSS RECEIPTS OR OTHER BENEFIT
18 OBTAINED BY MEANS OF ANY PRACTICE IN THIS ARTICLE DECLARED TO BE UNLAWFUL BE
19 DISGORGED AND PAID TO THE STATE FOR DEPOSIT IN THE CONSUMER REMEDIATION
20 SUBACCOUNT OF THE CONSUMER RESTITUTION AND REMEDIATION REVOLVING FUND
21 ESTABLISHED BY SECTION 44-1531.02.

22 ~~3-~~ 4. Prohibit a person found to have violated this article from
23 engaging in a specified trade or occupation.

24 B. Following an investigation made pursuant to section 44-1524 and
25 when it appears to the attorney general that a person has engaged in or is
26 engaging in a practice declared to be unlawful by this article and that ~~such~~
27 THE person is about to conceal ~~his~~ THE PERSON'S assets or ~~his person~~ THE
28 PERSON'S IDENTITY OR WHEREABOUTS or leave the state, the attorney general may
29 apply to ~~the superior court~~ A COURT OF COMPETENT JURISDICTION, ex parte, for
30 an order appointing a receiver of the assets of ~~such~~ THE person. ~~Upon~~ ON a
31 showing made by affidavit or other evidence that ~~such~~ THE person has engaged
32 in or is engaging in a practice declared to be unlawful by this article and
33 that ~~such~~ THE person is about to conceal ~~his~~ THE PERSON'S assets or ~~his~~
34 ~~person~~ THE PERSON'S IDENTITY OR WHEREABOUTS or leave the state, the court may
35 order the appointment of a receiver to receive the assets of ~~such~~ THE person.

36 Sec. 6. Section 44-1531.01, Arizona Revised Statutes, is amended to
37 read:

38 44-1531.01. Consumer protection-consumer fraud revolving fund;
39 use of fund

40 A. The consumer protection-consumer fraud revolving fund is
41 established to be administered by the attorney general under the conditions
42 and for the purposes provided by this section. Monies in the fund are
43 subject to legislative appropriation. Monies in the fund are exempt from the
44 ~~lapsing~~ provisions of section 35-190, RELATING TO LAPSING OF APPROPRIATIONS.

1 ORDER. THE ATTORNEY GENERAL MAY DISTRIBUTE ANY UNEXPENDED FUNDS IN THE
2 CONSUMER RESTITUTION SUBACCOUNT TO THE CONSUMER PROTECTION-CONSUMER FRAUD
3 REVOLVING FUND ESTABLISHED BY SECTION 44-1531.01.

4 C. THE CONSUMER REMEDIATION SUBACCOUNT OF THE CONSUMER RESTITUTION AND
5 REMEDIATION REVOLVING FUND IS ESTABLISHED CONSISTING OF MONIES COLLECTED OR
6 RECEIVED BY THE ATTORNEY GENERAL FROM A PARTY AS THE RESULT OF AN ORDER OF A
7 COURT OF COMPETENT JURISDICTION, OR AS THE RESULT OF A SETTLEMENT OR
8 COMPROMISE, TO RECTIFY VIOLATIONS OR ALLEGED VIOLATIONS OF CONSUMER
9 PROTECTION LAWS, OTHER THAN MONIES COLLECTED FOR THE BENEFIT OF SPECIFIC,
10 IDENTIFIABLE PERSONS AND MONIES FOR INVESTIGATIVE OR COURT COSTS, ATTORNEY
11 FEES, CIVIL PENALTIES OR OTHER MONIES RECOVERED AS A RESULT OF THE
12 ENFORCEMENT OF CONSUMER PROTECTION LAWS DEPOSITED IN THE CONSUMER
13 PROTECTION-CONSUMER FRAUD REVOLVING FUND PURSUANT TO SECTION 44-1531.01. THE
14 ATTORNEY GENERAL SHALL ADMINISTER THE SUBACCOUNT. MONIES IN THE SUBACCOUNT
15 UP TO THE AMOUNT OF THREE MILLION FIVE HUNDRED THOUSAND DOLLARS ANNUALLY ARE
16 CONTINUOUSLY APPROPRIATED. ANY AMOUNTS IN EXCESS OF THREE MILLION FIVE
17 HUNDRED THOUSAND DOLLARS ARE SUBJECT TO LEGISLATIVE APPROPRIATION. MONIES IN
18 THE SUBACCOUNT ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190, RELATING TO
19 LAPSING OF APPROPRIATIONS. THE ATTORNEY GENERAL MAY EXPEND MONIES IN THE
20 SUBACCOUNT FOR PROGRAMS, INCLUDING CONSUMER FRAUD EDUCATION PROGRAMS, THAT
21 ARE INTENDED TO RECTIFY VIOLATIONS OR ALLEGED VIOLATIONS OF CONSUMER
22 PROTECTION LAWS. THE ATTORNEY GENERAL MAY EXPEND MONIES IN THE CONSUMER
23 REMEDIATION SUBACCOUNT FOR OPERATING EXPENSES INCURRED BY THE DEPARTMENT OF
24 LAW IN ADMINISTERING OR IMPLEMENTING PROGRAMS INTENDED TO RECTIFY VIOLATIONS
25 OR ALLEGED VIOLATIONS OF CONSUMER PROTECTION LAWS. THE ATTORNEY GENERAL
26 SHALL SUBMIT AN EXPENDITURE PLAN TO THE JOINT LEGISLATIVE BUDGET COMMITTEE
27 FOR REVIEW BEFORE EXPENDING ANY MONIES IN THE SUBACCOUNT.

28 D. ON OR BEFORE JANUARY 15, APRIL 15, JULY 15 AND OCTOBER 15, THE
29 ATTORNEY GENERAL SHALL FILE WITH THE GOVERNOR, WITH COPIES TO THE DIRECTOR OF
30 THE DEPARTMENT OF ADMINISTRATION, THE PRESIDENT OF THE SENATE, THE SPEAKER OF
31 THE HOUSE OF REPRESENTATIVES, THE SECRETARY OF STATE AND THE STAFF DIRECTOR
32 OF THE JOINT LEGISLATIVE BUDGET COMMITTEE, A FULL AND COMPLETE ACCOUNT OF THE
33 RECEIPTS AND DISBURSEMENTS FROM THE FUND BY SUBACCOUNT IN THE PREVIOUS
34 CALENDAR QUARTER.

APPROVED BY THE GOVERNOR APRIL 29, 2013.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 30, 2013.

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 17, 2013,

by the following vote: 35 Ayes,

24 Nays, 1 Not Voting


Speaker of the House
Pro Tempore
Cheryl Laube
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

25 day of April, 2013,

at 3:30 o'clock P M.

Michelle Howard
Secretary to the Governor

Approved this 29th day of

April, 2013,

at 4:06 o'clock P M.

Janice J. Brewer
Governor of Arizona

H.B. 2396

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 30th day of April, 2013,

at 9:35 o'clock a M.
Ken Blumenthal
Secretary of State