



STATE OF ARIZONA
OFFICE OF THE GOVERNOR

DOUGLAS A. DUCEY
GOVERNOR

EXECUTIVE OFFICE

April 9, 2019

The Honorable Katie Hobbs
Secretary of State
1700 W. Washington, 7th Floor
Phoenix, AZ 85007

Dear Secretary Hobbs:

I am transmitting to you the following bills from the Fifty-fourth Legislature, 1st Regular Session, which I signed on April 9th, 2019:

H.B. 2042 statute of limitations; income tax (Petersen)
H.B. 2095 agricultural property classification; water reduction (Cook)
H.B. 2109 county transportation excise tax. (Shope)
H.B. 2240 limitations of actions; dedicated property (Kern)
H.B. 2418 protected data; motor vehicle dealers (Campbell)
H.B. 2445 TPT; residential rentals; notice (Griffin)
S.B. 1091 budget stabilization fund; deposits (Mesnard)

Sincerely,

Douglas A. Ducey
Governor
State of Arizona

cc: Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service

Senate Engrossed
FILED
KATIE HOBBS
SECRETARY OF STATE

State of Arizona
Senate
Fifty-fourth Legislature
First Regular Session
2019

CHAPTER 54
SENATE BILL 1091

AN ACT

AMENDING SECTION 35-144, ARIZONA REVISED STATUTES; RELATING TO STATE
FISCAL PROCEDURES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 35-144, Arizona Revised Statutes, is amended to
3 read:

4 35-144. Budget stabilization fund; definitions

5 A. The budget stabilization fund is established consisting of
6 monies transferred from the state general fund pursuant to subsection B of
7 this section. The state treasurer shall administer the BUDGET
8 STABILIZATION fund and invest and divest monies in the BUDGET
9 STABILIZATION fund as provided by sections 35-313 and 35-314.02, and
10 monies earned from investment shall be credited to the BUDGET
11 STABILIZATION fund. Except as provided by this section:

12 1. Monies in the BUDGET STABILIZATION fund are exempt from the
13 provisions of section 35-190 relating to the reversion of monies to the
14 state general fund.

15 2. The monies in the fund are separate monies to be used only for
16 the purposes of the fund.

17 3. An amount sufficient to pay claims certified by the state
18 forester pursuant to section 37-1305, subsection E, paragraph 4 is
19 continuously appropriated from the fund to the state treasurer for payment
20 of the certified claims. Not more than ~~ten million dollars~~ \$10,000,000 in
21 unreimbursed claims may be outstanding from the fund at any time from the
22 monies appropriated pursuant to this paragraph.

23 B. In a calendar year in which the annual growth rate exceeds the
24 trend growth rate, the excess growth when multiplied by total general fund
25 revenue of the fiscal year ending in the calendar year determines the
26 amount to be appropriated by the legislature to the budget stabilization
27 fund in the fiscal year in which the calendar year ends.

28 C. In a calendar year in which the annual growth rate is both less
29 than two percent and less than the trend growth rate, the difference
30 between the annual growth rate and the trend growth rate when multiplied
31 by the total general fund revenue of the fiscal year ending in the
32 calendar year determines the amount to be transferred by the legislature
33 from the budget stabilization fund to the state general fund at the end of
34 the fiscal year in which the calendar year ends. The transfer calculated
35 pursuant to this subsection shall not exceed the available balance in the
36 BUDGET STABILIZATION fund, nor shall the legislature transfer an amount
37 that exceeds the amount sufficient to balance the STATE general fund
38 budget.

39 D. The legislature shall pass a bill that contains the emergency
40 clause if the legislature either:

41 1. Reduces the amount for appropriation to the budget stabilization
42 fund under subsection B of this section.

43 2. Increases the amount for transfer to the state general fund
44 under subsection C of this section.

1 E. The annual budget recommendations of the governor and the joint
2 legislative budget committee shall include estimates of appropriations or
3 transfers required under subsection B or C of this section.

4 F. A final determination of the amount to be appropriated to or
5 transferred from the budget stabilization fund shall be made using
6 personal income and price deflator estimates as reported in the second
7 calendar quarter for the preceding calendar year. The economic estimates
8 commission shall determine the annual growth rate, the trend growth rate
9 and the required appropriation to or transfer from the budget
10 stabilization fund at its first meeting following the second calendar
11 quarter report of the United States department of commerce, but not later
12 than June 1. The commission shall certify and report its findings to the
13 governor, the state treasurer, the president of the senate, the speaker of
14 the house of representatives and the joint legislative budget committee.

15 G. The appropriation calculated pursuant to subsection B of this
16 section may be included in the general ~~appropriation~~ APPROPRIATIONS bill
17 for that fiscal year. Any additional appropriation calculated pursuant to
18 subsection F of this section shall be made by A separate act.

19 H. At the end of a fiscal year, the budget stabilization fund
20 balance shall not exceed ~~5.634 percent for fiscal year 1997-1998, 6.333~~
21 ~~percent for fiscal year 1998-1999 and seven percent for fiscal year~~
22 ~~1999-2000 and each subsequent fiscal year~~ TEN PERCENT of STATE general
23 fund revenue for ~~each~~ THE fiscal year. Any surplus monies above the
24 ~~allowable percentages~~ TEN PERCENT shall be transferred by the state
25 treasurer to the state general fund.

26 I. The state treasurer may temporarily divest monies in the budget
27 stabilization fund to avoid a negative cash balance in operating
28 monies. The amount divested shall not exceed the amount required to meet
29 immediate cash needs. The state treasurer may divest monies in the budget
30 stabilization fund only when the STATE general fund has a negative cash
31 balance.

32 J. For the purposes of this section:

33 1. "Adjusted personal income" means personal income minus transfer
34 payments, as reported by the United States department of commerce, bureau
35 of economic analysis, or its successor agency.

36 2. "Annual growth rate" means the percentage change in real
37 adjusted personal income in the calendar year ending during a fiscal year
38 as compared to real adjusted personal income for the preceding calendar
39 year. The annual growth rate shall be rounded to the nearest
40 one-hundredth of one percent.

41 3. "GDP price deflator" means the gross domestic product price
42 deflator reported by the United States department of commerce, bureau of
43 economic analysis, or its successor agency.

1 4. "Personal income" means the total personal income of all persons
2 in this state reported by the United States department of commerce, bureau
3 of economic analysis, or its successor agency.

4 5. "Real adjusted personal income" means an amount that is
5 determined by dividing adjusted personal income by the GDP price deflator
6 and multiplying the result by one hundred.

7 6. "Transfer payments" means that portion of personal income that
8 represents a government expenditure for which no service is rendered or
9 product is delivered, as determined by the United States department of
10 commerce, bureau of economic analysis, or its successor agency.

11 7. "Trend growth rate" means the average annual growth rate for the
12 most recent seven calendar years, rounded to the nearest one-hundredth of
13 one percent.

APPROVED BY THE GOVERNOR APRIL 9, 2019.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 9, 2019.

Passed the House April 3, 2019,

Passed the Senate February 7, 2019,

by the following vote: 31 Ayes,

by the following vote: 24 Ayes,

29 Nays, 0 Not Voting

6 Nays, 0 Not Voting

W. R. Boyce
Speaker of the House
Pro Tempore

Karen Farn
President of the Senate

Jim Duke
Chief Clerk of the House

Susan Owens
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

~~_____ day of _____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Secretary to the Governor~~

Approved this _____ day of

~~_____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Governor of Arizona~~

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

~~this _____ day of _____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Secretary of State~~

S.B. 1091

~~Passed the House _____, 20 _____~~

~~Passed the Senate _____, 20 _____~~

~~by the following vote: _____ Ayes,~~

~~by the following vote: _____ Ayes,~~

~~_____ Nays, _____ Not Voting~~

~~_____ Nays, _____ Not Voting~~

~~_____
Speaker of the House~~

~~_____
President of the Senate~~

~~Pro Tempore~~

~~_____
Chief Clerk of the House~~

~~_____
Secretary of the Senate~~

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

4 day of April, 2019

at 10:24 o'clock A M.

Pamela Con

Secretary to the Governor

Approved this 9th day of

April 2019

at 1:14 o'clock P M.

Jonh Q. Jany
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 9 day of April, 2019

at 5:24 o'clock P. M.

[Signature]

Secretary of State

S.B. 1091