

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2231

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 28-374, Arizona Revised Statutes, is amended to
3 read:

4 28-374. Fees and taxes; alternative payment methods; penalties

5 A. Subject to the limitations of sections 35-142 and 41-2544, the
6 director ~~may~~ SHALL enter into agreements for the purpose of accepting payment
7 for fees and taxes imposed under this title by alternative payment methods,
8 including credit cards, debit cards and electronic funds transfers. PURSUANT
9 TO SECTION 35-142, SUBSECTION I, THE DIRECTOR SHALL ACCEPT CREDIT CARDS OR
10 DEBIT CARDS FOR PAYMENT OF FEES AND TAXES IMPOSED UNDER THIS TITLE.

11 B. Before the revenues are transferred to the director as provided in
12 sections 28-2005 and 28-6533, the collecting officer shall deduct any fee
13 charged or withheld by a company providing the alternative payment method
14 under an agreement with the director or the director may reimburse the
15 collecting officer pursuant to an agreement.

16 C. For a tax year or reporting period that begins on or after January
17 1, 1998, the department may require by rule that a person who owed twenty
18 thousand dollars or more for the preceding tax year in taxes imposed by
19 chapter 16, article 1 of this title pay taxes on or before the prescribed
20 payment date in monies that are immediately available to this state on the
21 date of transfer as provided in subsection D of this section. The rule shall
22 be consistent with the cash management policies of the state treasurer.

23 D. A payment in monies that are immediately available shall be made by
24 electronic funds transfer or any other means that is required by the

1 department, that is approved by the state treasurer and that ensures the
2 availability of the monies to this state on the date of payment.

3 E. A person who pays taxes as prescribed in subsection C of this
4 section shall furnish to the department evidence as prescribed by the
5 department that shows that payment was remitted on or before the prescribed
6 payment date.

7 F. A person who fails to make a timely payment in monies that are
8 immediately available is subject to penalties as prescribed in chapter 16 of
9 this title.

10 Sec. 2. Section 32-1704, Arizona Revised Statutes, is amended to read:

11 32-1704. Powers and duties of the board

12 A. The board shall adopt, and may amend, rules consistent with this
13 chapter governing the practice of the profession of optometry, for the
14 performance of its duties under this chapter and for the examination of
15 applicants for licenses. The board shall adopt and use a seal, administer
16 oaths and take testimony concerning any matter within its jurisdiction.

17 B. The board may not adopt a rule that:

18 1. Regulates a licensee's fees or charges to a patient.

19 2. Regulates the place in which a licensee may practice.

20 3. Prescribes the manner or method of accounting, billing or
21 collection of fees.

22 4. Prohibits advertising by a licensee unless the advertising is
23 inconsistent with section 44-1481.

24 C. The board shall maintain its records in accordance with a retention
25 schedule approved by the Arizona state library, archives and public records.

26 D. The board shall adopt rules for criteria it must use to approve
27 continuing education programs for licensees. Programs shall be designed to
28 assist licensees to maintain competency, to become aware of new developments
29 in the practice of the profession of optometry and to increase management
30 skills and administrative efficiency. The board shall approve programs that
31 meet these criteria.

32 E. Subject to title 41, chapter 4, article 4, the board may hire an
33 executive director as an employee of the board. The executive director is

1 responsible for the performance of the regular administrative functions of
2 the board and such other administrative duties as the board may direct. The
3 executive director is eligible to receive compensation in an amount as
4 determined pursuant to section 38-611.

5 F. The board may hire investigators subject to title 41, chapter 4,
6 article 4 or contract with investigators to assist in the investigation of
7 violations of this chapter, hire other employees subject to title 41, chapter
8 4, article 4 required to carry out this chapter and contract with other state
9 agencies when required to carry out this chapter.

10 G. The board may:

11 1. Appoint advisory committees.

12 2. Issue subpoenas for the attendance of witnesses and the production
13 of books, records, documents and other evidence it deems relevant to an
14 investigation or hearing.

15 3. Charge reasonable fees for materials it has printed at its own
16 expense.

17 4. Delegate to the executive director, board staff and persons with
18 whom the board contracts the board's licensing and regulatory duties. The
19 board shall adopt rules for each specific licensing and regulatory duty the
20 board delegates pursuant to this paragraph.

21 H. Subject to title 41, chapter 4, article 4, the board may hire
22 consultants and professional and clerical personnel as required to perform
23 its duties.

24 I. The board may contract with other state or federal agencies as
25 required to carry out this chapter.

26 J. Subject to the limitations of section 41-2544, the executive
27 director ~~may~~ SHALL enter into agreements to allow licensees to pay fees by
28 alternative methods, including credit cards, charge cards, debit cards and
29 electronic funds transfers. PURSUANT TO SECTION 35-142, SUBSECTION I, THE
30 EXECUTIVE DIRECTOR SHALL ACCEPT CREDIT CARDS OR DEBIT CARDS FROM LICENSEES
31 FOR PAYMENT OF FEES.

32 K. A person who is aggrieved by an action taken by the executive
33 director, board staff or person with whom the board contracts may request the

1 board to review that action by filing with the board a written request within
2 thirty days after that person is notified of the action by personal delivery
3 or certified mail to that person's last known residence or place of business.
4 At the next regular board meeting, the board shall review the action and
5 approve, modify or reject the action.

6 Sec. 3. Section 32-2067, Arizona Revised Statutes, is amended to read:
7 32-2067. Fees; alternative payment methods

8 A. The board, by a formal vote at its annual fall meeting, may
9 establish fees and penalties that do not exceed:

10 1. Four hundred dollars for an application for an active license to
11 practice psychology.

12 2. Two hundred dollars for an application for a temporary license to
13 practice psychology.

14 3. Two hundred fifty dollars for reapplication for an active license.

15 4. Five hundred dollars for issuing an initial license. The board
16 shall prorate this fee pursuant to subsection D of this section.

17 5. Fifty dollars for a duplicate license.

18 6. Five hundred dollars for biennial renewal of an active license.

19 7. Eighty-five dollars for biennial renewal of an inactive license.

20 8. Three hundred dollars for the reinstatement of an active or
21 inactive license.

22 9. Three hundred fifty dollars for any additional examination.

23 10. Two hundred fifty dollars for delinquent compliance with continuing
24 education requirements.

25 11. Five dollars for the sale of a duplicate renewal receipt.

26 12. Five dollars for the sale of a copy of the board's statutes and
27 rules.

28 13. Two dollars for verification of a license.

29 14. Ten dollars for the sale of each audiotape of board meetings.

30 15. Five cents per name for the sale of computerized discs that contain
31 the name of each licensee.

32 16. Twenty-five cents per name for the sale of computerized discs that
33 contain the name and address of each licensee.

1 17. Thirty-five cents per name for the sale of customized computerized
2 discs that contain additional licensee information that is not required by
3 law to remain confidential.

4 18. Twenty-five cents per page for copying records, documents, letters,
5 minutes, applications, files and policy statements. This fee includes
6 postage.

7 B. The board may charge additional fees for services the board deems
8 necessary and appropriate to carry out this chapter. These fees shall not
9 exceed the actual cost of providing the service.

10 C. The board shall not refund fees except as provided in section
11 32-2073, subsection E. On special request and for good cause the board may
12 return the license renewal fee.

13 D. The board shall prorate the fee for issuing an initial license by
14 dividing the biennial renewal fee by twenty-four and multiplying that amount
15 by the number of months that remain until the next biennial renewal date.

16 E. Subject to the requirements of section 41-2544, the executive
17 director ~~may~~ **SHALL** enter into agreements to allow licensees to pay fees by
18 alternative methods, including credit cards, charge cards, debit cards and
19 electronic funds transfers. **PURSUANT TO SECTION 35-142, SUBSECTION I, THE**
20 **EXECUTIVE DIRECTOR SHALL ACCEPT CREDIT CARDS OR DEBIT CARDS FROM LICENSEES**
21 **FOR PAYMENT OF FEES.**

22 Sec. 4. Section 32-2304, Arizona Revised Statutes, is amended to read:
23 **32-2304. Powers and duties**

24 A. The acting director is responsible for administering this chapter
25 and shall:

26 1. Adopt rules that are necessary or proper for the administration of
27 this chapter, including administrative provisions, education requirements,
28 health and safety provisions and provisions for the use, storage and
29 application of pesticides and devices used in structural pest control.

30 2. Administer and enforce this chapter and rules adopted pursuant to
31 this chapter.

32 3. Notify the business licensee, applicator and qualifying party in
33 writing of any complaint against the business licensee, qualifying party or

1 employee of the business licensee by the close of business on the tenth
2 business day after the day on which the acting director initiated the
3 complaint.

4 4. Issue subpoenas for the taking of depositions, the production of
5 documents and things and the entry on land for inspection and measuring,
6 surveying, photographing, testing or sampling the property or any designated
7 object or operation on the property relevant to the complaint.

8 5. Conduct or contract to conduct applicator license and qualifying
9 party license tests at locations throughout this state. If the acting
10 director contracts for these tests, the contracts may provide for specific
11 examination fees or a reasonable range of fees determined by the acting
12 director to be paid directly to the contractor by the applicant. The acting
13 director shall make all efforts to contract with private parties to
14 electronically administer the applicator and qualifying party license tests.

15 6. Maintain a computer system for the benefit and protection of the
16 public that includes the following information on termite treatments that are
17 done before or during construction, initial termite corrective projects,
18 preventative termite treatments and wood-destroying insect inspection
19 reports:

20 (a) The name of the individual who performed the work.

21 (b) The address or location of the work or project.

22 (c) The name of the pest management company.

23 (d) The name of the qualifying party.

24 (e) The applicator license numbers.

25 (f) The nature and date of the work performed.

26 (g) Any other information that is required by rule.

27 7. Establish offices the acting director deems necessary to carry out
28 the purposes of this chapter.

29 8. Subject to title 41, chapter 4, article 4, employ personnel the
30 acting director deems necessary to carry out the purposes of this chapter and
31 designate their duties.

32 9. Investigate violations of this chapter and rules adopted pursuant
33 to this chapter.

1 10. Oversee the approval, content and method of delivery of continuing
2 education courses.

3 11. Deny a license to any person who has had a license revoked for a
4 period of five years from the time of revocation.

5 12. License applicators, qualifying parties and businesses in
6 accordance with this chapter and rules adopted pursuant to this chapter.

7 13. Require the payment of a penalty for any late license renewal.

8 14. Require either completion of the continuing education requirement
9 or successful completion of the license examination for failure to renew a
10 license on time.

11 15. Suspend a license if a licensee fails to renew the license within
12 thirty calendar days after the renewal date.

13 16. Refuse to issue a business license in a name that is not registered
14 with the secretary of state or filed with the Arizona corporation commission.

15 17. Adopt a wood-destroying insect inspection report form for use by
16 business licensees.

17 B. The acting director may charge to the holder of a business license
18 the actual cost of providing mailed copies of rules, forms or policies that
19 are proposed for adoption and for educational materials.

20 ~~C. The acting director shall administer and enforce this chapter and~~
21 ~~the rules adopted pursuant to this chapter.~~

22 ~~D.~~ C. The acting director may:

23 1. Compel attendance of witnesses, administer oaths or affirmations
24 and take testimony concerning all matters coming within the acting director's
25 jurisdiction.

26 2. Require a person who seeks a license pursuant to this chapter to
27 submit to the office a full set of fingerprints and the fees required by
28 section 41-1750. The acting director shall submit the fingerprints and fees
29 to the department of public safety for the purpose of obtaining a state and
30 federal criminal records check pursuant to section 41-1750 and Public Law
31 92-544. The department of public safety may exchange this fingerprint data
32 with the federal bureau of investigation.

- 1 3. Enter into intergovernmental agreements.
- 2 4. With at least twenty-four hours' notice, request specific records
- 3 from a business licensee, qualifying party or applicator at the person's
- 4 place of business during normal business hours.
- 5 5. Deny or revoke a license based on the information in the
- 6 application or information that the acting director receives from the
- 7 criminal background check.
- 8 6. On a showing of good cause by the business licensee, excuse a
- 9 failure to timely comply with a records request.
- 10 7. Issue advisory notices for de minimis violations.
- 11 8. Require inspectors to be licensed applicators in all categories
- 12 within their scope of work during their probationary period. Inspectors
- 13 shall attend and complete an investigative training class that is prescribed
- 14 by the acting director.
- 15 9. Investigate alleged violations of all applicable federal and state
- 16 statutes, rules or orders or alleged violations of any condition imposed in
- 17 connection with a license.
- 18 10. Pursuant to section 32-2329, summarily suspend a license issued
- 19 under this chapter to protect the health, safety and welfare of the public.
- 20 11. Issue a corrective work order requiring a licensee to remedy
- 21 deficiencies in treatment or to comply with this chapter or any rules adopted
- 22 pursuant to this chapter before or after a formal hearing.
- 23 12. Do at least one of the following in relation to unlicensed pest
- 24 management business operations:
 - 25 (a) Issue a cease and desist order requiring an unlicensed pest
 - 26 management business to immediately cease operations.
 - 27 (b) Except as provided in section 32-2311, subsection D, impose on an
 - 28 unlicensed pest management business a civil penalty of not more than one
 - 29 thousand dollars for the first occurrence and not more than two thousand
 - 30 dollars for the second or subsequent occurrence.
- 31 13. Refer all cases for formal hearing to the office of administrative
- 32 hearings.

1 14. Refuse to issue a business license in a name that is likely to be
2 misleading or to imply any distorted representation about the business.

3 15. Issue a renewable and revocable temporary qualifying party license
4 to a licensed applicator who is a representative of a business licensee if
5 the qualifying party becomes disassociated with the business licensee.

6 16. Provide and conduct classes to train applicators and qualifying
7 parties in preparation for license tests. The acting director may assess a
8 fee for each class. The acting director may contract with a commercial
9 enterprise or an accredited institution to conduct the class.

10 17. Provide and conduct continuing education classes quarterly. The
11 acting director may assess a fee for each credit hour. The acting director
12 may contract with a commercial enterprise or an accredited institution to
13 conduct the class under the supervision of office staff.

14 18. Appoint an employee of the office to conduct an informal settlement
15 conference with a licensee against whom an inquiry is received or a complaint
16 is filed.

17 19. Prepare a consent order only after either an informal settlement
18 conference is conducted pursuant to section 32-2321 or a formal hearing is
19 conducted pursuant to title 41, chapter 6, article 10.

20 20. Apply to the appropriate court, through the attorney general or
21 county attorney, for an order enjoining any act or practice that constitutes
22 a violation of this chapter or any rule adopted pursuant to this chapter.

23 21. Approve proposed consent orders.

24 ~~E.~~ D. Each completed form for a termite treatment that is done before
25 or during construction, initial termite corrective treatment project or
26 wood-destroying insect inspection report shall be accompanied by a fee. The
27 initial fee is eight dollars. The acting director may:

28 1. Adjust the fee upward or downward to a level that is calculated to
29 produce sufficient revenue to carry out the functions prescribed under this
30 section.

31 2. Establish tiered fees according to the means of submission to
32 encourage electronic submission of the termite action registration form.

1 3. Assess a penalty of not to exceed one hundred dollars per form for
2 failing to submit the required form or fee, or both, within thirty calendar
3 days.

4 ~~F.~~ E. Subject to the limitations of section 41-2544, the acting
5 director ~~may~~ SHALL enter into agreements for the purpose of enabling the
6 office to accept payment for fees imposed under this chapter by alternative
7 payment methods, including credit cards, charge cards, debit cards and
8 electronic funds transfers. Before the monies are transferred to the acting
9 director pursuant to section 32-2305, the person collecting the fees shall
10 deduct any amount charged or withheld by a company providing the alternative
11 payment method under an agreement with the office. PURSUANT TO SECTION
12 35-142, SUBSECTION I, THE ACTING DIRECTOR SHALL ACCEPT CREDIT CARDS OR DEBIT
13 CARDS FOR PAYMENT OF FEES IMPOSED UNDER THIS CHAPTER.

14 ~~G.~~ F. In the enforcement of this article, the acting director or any
15 duly authorized agents may enter with the authority of a warrant issued by a
16 court of competent jurisdiction at reasonable times on any private or public
17 property on which pesticides are located or are reasonably believed to be
18 located to be used for purposes related to pest management. The owner,
19 managing agent or occupant of the property shall permit entry for the purpose
20 of inspecting and investigating conditions relating to the use, storage,
21 application and disposal of pesticides.

22 Sec. 5. Section 32-2306, Arizona Revised Statutes, is amended to read:
23 32-2306. Annual and informational reports

24 A. On or before September 30 of each year, the acting director shall
25 submit a report regarding the number and types of termite treatments as
26 maintained pursuant to section 32-2304, subsection ~~E.~~ D. The information
27 shall be categorized according to the general type of treatment used,
28 including pesticide, bait, mechanical, temperature and other methods of
29 treatment. If pesticide treatment is used, the report shall include the
30 active ingredient or trade name of the pesticide used.

31 B. The acting director shall submit copies of the report to the
32 speaker of the house of representatives, the president of the senate, the

1 governor, ~~AND the secretary of state and the director of the Arizona state~~
2 ~~library, archives and public records.~~

3 C. If a buyer of real property makes a request to the acting director,
4 the acting director shall make available to the buyer an information report
5 listing all termite treatments reported for the property. The
6 wood-destroying insect inspection report shall state that a buyer may obtain
7 the information report from the acting director.

8 Sec. 6. Section 32-2311, Arizona Revised Statutes, is amended to read:

9 32-2311. Persons not required to be licensed; civil penalties;
10 definition

11 A. This chapter does not apply to:

12 1. Persons WHO ARE licensed or certified pursuant to title 3, chapter
13 2, article 6.

14 2. Persons WHO ARE applying pesticides on property that they own and
15 occupy.

16 3. Authorized representatives of any educational institution engaged
17 in research in the study of pest management or a state agency engaged in
18 research or the study of pest management.

19 4. Employees of political subdivisions or their designated agents
20 while performing emergency response or rescue services.

21 5. Persons WHO ARE using a nonrestricted, ready to use disinfectant,
22 sanitizer or deodorizer.

23 6. Except as provided in section 32-2307, persons who are conducting
24 lawn, garden, shrub or tree maintenance and who apply herbicides for the
25 purpose of weed management. This exemption does not apply to:

26 (a) The use of herbicides that are labeled with the words "restricted
27 use" or "danger" and that are not commercially available to the general
28 public.

29 (b) The use of sterilants.

30 (c) Persons who offer weed management as their primary service.

31 (d) Persons who use application equipment that holds more than eight
32 gallons of total mixed liquid herbicide.

1 (e) Persons who use more than twenty-five pounds of a nonliquid
2 herbicide.

3 (f) Persons who do not follow label and labeling directions.

4 7. A utility and the utility's employees if pest management services
5 are needed for an employee's health and safety in order for the employee to
6 continue performing work tasks.

7 8. Except as provided in section 32-2307, volunteers of political
8 subdivisions who apply herbicides for the purpose of the eradication and
9 control of noxious weeds as defined in section 3-201 and who are under the
10 immediate supervision of a licensed applicator. This exemption does not
11 apply to:

12 (a) The use of herbicides that are labeled with the words "restricted
13 use" or "danger" and that are not commercially available to the general
14 public.

15 (b) The use of sterilants.

16 (c) Volunteers of political subdivisions who use application equipment
17 that holds more than eight gallons of total mixed liquid herbicide.

18 (d) Volunteers of political subdivisions who use more than twenty-five
19 pounds of a nonliquid herbicide.

20 (e) Volunteers of political subdivisions who do not follow label and
21 labeling directions.

22 (f) Volunteers of political subdivisions who have not completed an
23 office of pest management approved herbicide application training program
24 conducted by the political subdivision.

25 B. An employee of a political subdivision who engages in pest
26 management:

27 1. Is not required to be licensed under section 32-2313 or 32-2314.

28 2. Must be licensed as an applicator under section 32-2312, except as
29 provided by subsection A, paragraph 4 of this section.

30 C. A person who is exempt pursuant to subsection A, paragraph 6 of
31 this section shall provide treatment records to each customer on application
32 of herbicides for the purpose of weed management and shall retain records

1 containing the same information provided to customers. For the purposes of
2 this subsection, treatment records shall include all of the following:

- 3 1. The address of the location of the herbicide application.
- 4 2. The date of the herbicide application.
- 5 3. The trade name or common name of the herbicide applied.

6 D. If a person is exempt pursuant to subsection A, paragraph 6 of this
7 section but does not comply with subsection C of this section or if a person
8 is not licensed under this chapter and the person is not exempt pursuant to
9 subsection A, paragraph 6 of this section as a result of doing something
10 prescribed in subsection A, paragraph 6, subdivisions (a) through (f) of this
11 section, the acting director shall:

12 1. On a first violation, issue a written notice of correction that
13 contains a warning and a copy of this section and that provides full notice
14 of the exemption requirements.

15 2. On a second violation, impose a civil penalty of not more than two
16 hundred fifty dollars.

17 3. On a third or any subsequent violation, impose a civil penalty of
18 not more than five hundred dollars.

19 E. Volunteers of political subdivisions who are not working under the
20 immediate supervision of a licensed applicator may be subject to section
21 32-2304, subsection ~~D~~ C, paragraph 12.

22 F. For the purposes of this section, "volunteers of political
23 subdivisions" means persons who work without compensation other than
24 reimbursement of actual expenses incurred or disbursement of meals or other
25 incidental benefits.

26 Sec. 7. Section 35-142, Arizona Revised Statutes, is amended to read:

27 35-142. Monies kept in funds separate from state general fund:
28 receipt and withdrawal

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

32 1. The unexpendable principal of monies received from federal land
33 grants shall be placed in separate funds and the account of each such

1 separate fund shall bear a title indicating the source and the institution or
2 purpose to which such fund belongs.

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

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

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

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

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

23 7. All federal monies that are received by the department of economic
24 security for family assistance benefits and medical eligibility as a result
25 of efficiencies developed by the department of economic security and that
26 would otherwise revert to the state general fund pursuant to section 35-190
27 shall be retained for use by the department of economic security in
28 accordance with the terms and conditions imposed by the federal funding
29 source in an account or accounts established or authorized by the state
30 treasurer.

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

1 9. All monies received and any accounts established and maintained by
2 the director of the Arizona state retirement system or the administrator of
3 the public safety personnel retirement system, the corrections officer
4 retirement plan and the elected officials' retirement plan.

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

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

17 C. All federal monies granted and paid to the state by the federal
18 government shall be accounted for in the accounts or funds of the state in
19 the necessary detail to meet federal and state accounting, budgetary and
20 auditing requirements, and all appropriations for matching such federal
21 monies shall be transferred from the general fund to such separate funds as
22 needed, except as otherwise required by the federal government.

23 D. Nothing in this section requires the establishment of separate
24 accounts or funds for such federal monies unless otherwise required by
25 federal or state law. The department of administration has the authority to
26 use the most efficient system of accounts and records, consistent with legal
27 requirements and standard and necessary fiscal safeguards.

28 E. Nothing in this section precludes the creation by the department of
29 administration of a clearing account or other acceptable accounting method to
30 effect prompt payment of claims from an approved budget or appropriation.
31 The department of administration shall report each account or fund
32 established or cancelled to the directors of the joint legislative budget
33 committee and the governor's office of strategic planning and budgeting.

1 F. Nothing in this section or any other section precludes the use of
2 monies kept in funds separate from the general fund, the interest from which
3 accrues to the general fund, for payment of claims against the general fund,
4 provided sufficient monies remain available for payment of claims against
5 such funds.

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

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

26 I. Any state agency or authorized agent of a state agency may accept
27 credit cards OR DEBIT CARDS pursuant to an agreement entered into by the
28 state treasurer pursuant to section 35-315 for the payment of any amount due
29 to that agency or agent or this state. EXCEPT FOR THE FOLLOWING STATE
30 AGENCIES, ALL OTHER STATE AGENCIES OR AUTHORIZED AGENTS OF STATE AGENCIES
31 MUST ACCEPT CREDIT CARDS OR DEBIT CARDS FOR THE PAYMENT OF AN AMOUNT OF MORE
32 THAN FIVE DOLLARS BUT NOT MORE THAN TWO HUNDRED FIFTY DOLLARS DUE TO THAT
33 AGENCY OR AGENT OF THIS STATE:

1 1. THE STATE DEPARTMENT OF CORRECTIONS.

2 2. THE DEPARTMENT OF JUVENILE CORRECTIONS.

3 J. Except for the department of revenue for tax payments, agencies or
4 authorized agents on behalf of state agencies that accept credit cards shall
5 deduct any applicable discount fee and processing fee associated with the
6 transaction amount before depositing the net amount in the appropriate state
7 fund. No other reduction is permitted against the transaction amount. The
8 net amount deposited in the appropriate state fund shall be considered as the
9 full deposit required by law of monies received by the agency or the
10 authorized agent. Payment of any applicable discount fee and processing fee
11 shall be accounted for in the annual report submitted to the governor's
12 office of strategic planning and budgeting in accordance with section
13 41-1273. The transaction amount of any credit card transaction shall not be
14 reduced by any discount fee or processing fee in an amount in excess of the
15 merchant card settlement fees reflected in the state banking contract with
16 the state treasurer's office.

17 K. Any state agency that contracts with an authorized agent for the
18 electronic processing of transactions pursuant to title 41, chapter 23 may
19 include a provision in the contract to allow the authorized agent to impose a
20 convenience fee. If allowed, the convenience fee shall be charged to the
21 cardholder in addition to the transaction amount, except for the following:

22 1. Except as provided in subsection R of this section, any permits,
23 licenses or other authorizations needed to pursue a trade or occupation in
24 this state.

25 2. Except as provided in subsection R of this section, any permits,
26 licenses or other authorizations needed to establish, expand or operate a
27 business in this state.

28 3. Except as provided in subsection R of this section, any permits,
29 licenses or other authorizations needed to register a vehicle or license a
30 driver in this state.

1 L. Each state agency or its authorized agent shall:

2 1. Deduct the amount of the convenience fee before depositing the
3 transaction amount or the transaction amount reduced by the discount fee or
4 the processing fee, or both, into the appropriate state fund.

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

7 3. Deduct the amount of the discount fee or the processing fee, or
8 both, from the transaction amount before depositing the net amount into the
9 appropriate state fund.

10 M. The net amount deposited in the appropriate state fund pursuant to
11 subsection K or L of this section shall be considered as the full deposit of
12 monies that is required by law and that is received by the agency.

13 N. Notwithstanding section 35-142.01, convenience fees received by a
14 state agency or its authorized agent are limited to, and may be used to
15 offset, the costs imposed by the authorized agent in processing the
16 transactions.

17 O. When the percentage of electronic transactions first exceeds at
18 least thirty per cent of a state agency's total transactions, the state
19 agency shall perform a cost benefit report, including costs of convenience
20 fees, the amount of revenue generated and any realized cost savings.

21 P. State agencies shall report the number of transactions, the number
22 of electronic transactions, the total dollar amount of transactions
23 processed, the total dollar amount of any discount fee, the total dollar
24 amount of any processing fee and the total dollar amount of any convenience
25 fee charged, deducted or paid pursuant to subsections J and K of this section
26 annually by October 1 to the governor, the department of administration and
27 the joint legislative budget committee.

28 Q. Nothing in this section or any other provision of law authorizes
29 any state agency, authorized agent of any state agency or budget unit to
30 establish a bank account for any government monies. All monies received by
31 or on behalf of this state shall be deposited with and in the custody of the
32 state treasurer or in an account that is authorized by the state treasurer
33 pursuant to this section. This subsection does not apply to monies received

1 and any accounts established and maintained by the director of the Arizona
2 state retirement system or the administrator of the public safety personnel
3 retirement system, the corrections officer retirement plan and the elected
4 officials' retirement plan.

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

8 Sec. 8. Section 37-109, Arizona Revised Statutes, is amended to read:

9 37-109. Alternative payment methods

10 ~~At the commissioner's sole discretion,~~ PURSUANT TO SECTION 35-142,
11 SUBSECTION I, the commissioner ~~may~~ SHALL accept fees imposed pursuant to
12 section 37-107 by alternative payment methods, including credit ~~and charge~~
13 cards, ~~pursuant to section 35-142, subsection I,~~ debit cards and electronic
14 funds transfers or other alternative payment methods, ~~pursuant to section~~
15 ~~35-315, but the department is not obligated to accept any payment using an~~
16 ~~alternative payment method.~~

17 Sec. 9. Section 41-511.05, Arizona Revised Statutes, is amended to
18 read:

19 41-511.05. Powers: compensation

20 The board ~~may~~, subject to legislative budgetary control within the
21 limitations of this article, MAY:

22 1. Subject to chapter 4, article 4 and, as applicable, article 5 of
23 this title, employ, determine conditions of employment and specify the duties
24 of such administrative, secretarial and clerical workers and technical
25 employees such as naturalists, archaeologists, landscape architects, rangers,
26 park supervisors, caretakers, guides, skilled tradesmen, laborers, historians
27 and engineers, and contract to have the services of such advisors or
28 consultants as are reasonably necessary or desirable to enable it to perform
29 adequately its duties. The compensation of the director and of all workers
30 and employees shall be as determined pursuant to section 38-611.

31 2. Make such contracts, leases and agreements and incur such
32 obligations as are reasonably necessary or desirable within the general scope

1 of its activities and operations to enable it to perform adequately its
2 duties.

3 3. Acquire through purchase, lease, agreement, donation, grant,
4 bequest or otherwise real and personal property and acquire real property
5 through eminent domain for state park or monument purposes. No property may
6 be acquired in the manner provided in this paragraph ~~which~~ THAT will require
7 an expenditure in excess of funds budgeted or received for such purposes. No
8 state park or monument, or additions to a state park or monument, shall be
9 created containing in excess of one hundred sixty acres of land unless
10 created by an act of the legislature. This acreage limitation shall not
11 apply in the case of lands given or donated for state park or monument
12 purposes nor to state owned lands that are selected by the board and that are
13 not subject to outstanding leases, permits or other rights for the use of the
14 lands including preferential rights to renew such leases and permits.

15 4. Sell, lease, exchange or otherwise dispose of real and personal
16 property. Any disposition of real property shall be submitted for approval
17 of the joint committee on capital review. The disposition of office
18 equipment, furnishings, vehicles and other materials is subject to chapter
19 23, article 8 of this title. The disposition of artifacts and other property
20 of scientific, archaeological, historical or sociological interest is exempt
21 from chapter 23, article 8 of this title, but the board shall consult with
22 the Arizona historical society in disposing of property of historical
23 interest.

24 5. Construct at state parks and monuments necessary sanitary and other
25 facilities including picnic tables, fireplaces, campsites, service buildings
26 and maintenance shops, and contract with private persons for the construction
27 and operation of cabins, hotels and restaurants, and like establishments.

28 6. Erect suitable signs and markers at parks and monuments and write,
29 prepare and publish written material describing the historical significance
30 of monuments and other places of historical or other significance.

31 7. Solicit and work in cooperation with the department of
32 transportation and the highway departments of various counties and the United
33 States federal highway administration for necessary roads and trails within

1 the state parks and monuments and access roads to state parks and monuments.
2 For the purposes of this paragraph, the board may designate roads, spurs and
3 other traffic related appurtenances within state park boundaries as public
4 highways. Designation of roads, spurs or other traffic related appurtenances
5 as public highways shall not prohibit the board from closing such public
6 highways when the park is closed, charging for admission to the park to
7 persons using the public highway within the park or otherwise managing such
8 public highways in the same manner as other lands within the park.

9 8. Levy and collect reasonable fees or other charges for the use of
10 such privileges and conveniences as may be provided under the jurisdiction of
11 the board. The board ~~may~~ **SHALL** enter into agreements for the purpose of
12 accepting payment for fees or other charges imposed pursuant to this article
13 by alternative payment methods, including creditcards, charge cards, debit
14 cards and electronic funds transfers. The collecting officer shall deduct
15 any fee charged or withheld by a company providing the alternative payment
16 method under an agreement with the board before the revenues are transferred
17 to the board. **PURSUANT TO SECTION 35-142, SUBSECTION I, THE BOARD SHALL**
18 **ACCEPT CREDIT CARDS OR DEBIT CARDS FOR PAYMENT OF FEES OR OTHER CHARGES**
19 **IMPOSED PURSUANT TO THIS ARTICLE.**

20 9. Make reasonable rules for the protection of, and maintain and keep
21 the peace in, state parks and monuments. Such rules adopted by the parks
22 board are subject to review and approval by the legislature. After a board
23 rule has been finally adopted pursuant to chapter 6 of this title, the board
24 shall immediately forward a certified copy of the rule to the legislature.
25 The legislature may review and, by concurrent resolution, approve, disapprove
26 or modify such rule. However, such rule shall be given full force and effect
27 pending legislative review. If no concurrent resolution is passed by the
28 legislature with respect to the rule within one year following receipt of a
29 certified copy of the rule, the rule shall be deemed to have been approved by
30 the legislature. If the legislature disapproves a rule or a section of a
31 rule, the board shall immediately discontinue the use of any procedure,
32 action or proceeding authorized or required by the rule or section of the
33 rule. If the legislature modifies a rule or section of a rule, the board

1 shall immediately suspend the use of any procedure, action or proceeding
2 authorized or required by the rule or section of the rule until the modified
3 rule has been adopted in accordance with chapter 6 of this title, after which
4 all proceedings pursuant to the rule shall be conducted in accordance with
5 the modified version of the rule.

6 10. Furnish advisory services to city and county park or recreation
7 boards and organizations.

8 11. Delegate to the director, the deputy director or the director's
9 designee any of its powers and duties, whether ministerial or discretionary,
10 ~~which~~ THAT are prescribed by law, except that the board may not delegate its
11 power or duty to make rules.

12 12. Reimburse board volunteers for travel and lodging expenses and per
13 diem subsistence allowances incurred while on public business for the board.
14 Reimbursement amounts shall not exceed those allowed under title 38, chapter
15 4, article 2.

16 13. In consultation with the conservation acquisition board, develop a
17 grant program and adopt guidelines for allocating and obligating monies in
18 the land conservation fund pursuant to section 41-511.23. The guidelines
19 shall include consideration of both qualification issues relating to
20 applicants for grants and issues relating to the proposed use of the grant
21 money in a manner consistent with existing municipal, county and regional
22 land use plans.

23 Sec. 10. Title 41, Arizona Revised Statutes, is amended by adding
24 chapter 51, to read:

25 CHAPTER 51

26 ONLINE PAYMENTS

27 ARTICLE 1. GENERAL PROVISIONS

28 41-5101. State agencies; online payment; exceptions; state
29 model

30 A. ON OR BEFORE JANUARY 1, 2015, ANY STATE AGENCY OR AUTHORIZED AGENT
31 OF A STATE AGENCY SHALL PROVIDE FOR ONLINE PAYMENT OF AN AMOUNT OF MORE THAN
32 FIVE DOLLARS AND NOT MORE THAN TWO HUNDRED FIFTY DOLLARS DUE TO THAT AGENCY
33 OR AGENT OF THIS STATE. THIS SUBSECTION DOES NOT APPLY TO:

1 1. THE STATE DEPARTMENT OF CORRECTIONS.

2 2. THE DEPARTMENT OF JUVENILE CORRECTIONS.

3 B. IF AVAILABLE, EACH STATE AGENCY OR AUTHORIZED AGENT OF THE STATE
4 AGENCY SHALL USE THE STATE MODEL FOR ONLINE PAYMENT.

5 Sec. 11. Applicability: credit card or debit card transactions

6 Notwithstanding sections 28-374, 32-1704, 32-2067, 32-2304, 35-142,
7 37-109 and 41-511.05, Arizona Revised Statutes, as amended by this act, any
8 state agency or authorized agent of a state agency that accepts credit cards
9 or debit cards for payment due to that agency or agent in some capacity on
10 July 1, 2013 shall accept credit cards or debit cards for all transactions on
11 or before July 1, 2014."

12 Amend title to conform

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