

COMMITTEE ON EDUCATION
SENATE AMENDMENTS TO S.B. 1438
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Title 15, chapter 2, article 2, Arizona Revised Statutes,
3 is amended by adding section 15-231.04, to read:

4 15-231.04. Department of education intellectual property fund

5 THE DEPARTMENT OF EDUCATION INTELLECTUAL PROPERTY FUND IS ESTABLISHED
6 CONSISTING OF MONIES RECEIVED PURSUANT TO SECTION 41-2752. THE DEPARTMENT
7 SHALL ADMINISTER THE FUND. SUBJECT TO LEGISLATIVE APPROPRIATION, THE
8 DEPARTMENT SHALL USE FUND MONIES TO IMPROVE THE MAINTENANCE, ADMINISTRATION
9 AND DEVELOPMENT OF THE EDUCATION LEARNING AND ACCOUNTABILITY SYSTEM
10 ESTABLISHED PURSUANT TO SECTION 15-249.

11 Sec. 2. Section 41-2752, Arizona Revised Statutes, is amended to read:

12 41-2752. State competition with private enterprise prohibited;
13 exceptions; definition

14 A. A state agency shall not engage in the manufacturing, processing,
15 sale, offering for sale, rental, leasing, delivery, dispensing, distributing
16 or advertising of goods or services to the public that are also offered by
17 private enterprise unless specifically authorized by law other than
18 administrative law and executive orders.

19 B. A state agency shall not offer or provide goods or services to the
20 public for or through another state agency or a local agency, including by
21 intergovernmental or interagency agreement, in violation of this section or
22 section 41-2753.

23 C. The restrictions on activities that compete with private enterprise
24 contained in this section do not apply to:

25 1. The development, operation and management of state parks,
26 historical monuments and hiking or equestrian trails.

1 2. Correctional industries established and operated by the state
2 department of corrections if the prices charged for products sold by the
3 correctional industries are not less than the actual cost of producing and
4 marketing the product plus a reasonable allowance for overhead and
5 administrative costs.

6 3. The ~~Arizona~~ office of tourism.

7 4. The Arizona highways magazine, operated by the department of
8 transportation.

9 5. Printing and distributing information to the public if the agency
10 is otherwise authorized to do so, and printing or copying public records or
11 other material relating to the public agency's public business and recovering
12 through fees and charges the costs of such printing, copying and
13 distributing.

14 6. The department of public safety.

15 7. The construction, maintenance and operation of state transportation
16 facilities.

17 8. The development, distribution, maintenance, support, licensing,
18 leasing or sale of computer software by the department of transportation.

19 9. Agreements executed by the Arizona health care cost containment
20 system administration with other states to design, develop, install and
21 operate information technology systems and related services or other
22 administrative services pursuant to section 36-2925.

23 10. Agreements executed by the department of economic security with
24 other states to design, develop, install and operate support collection
25 technology systems and related services. The department shall deposit,
26 pursuant to sections 35-146 and 35-147, monies received pursuant to this
27 paragraph in the public assistance collections fund established by section
28 46-295.

29 11. Educational, vocational, treatment, training or work programs of
30 the department of juvenile corrections and contracts between the department
31 of juvenile corrections and this state, a political subdivision of this state
32 or a private entity in order to provide employment or vocational educational
33 experience.

1 12. The aflatoxin control technologies of the cotton research and
2 protection council.

3 13. The lease or sublease of lands or buildings by the department of
4 economic security pursuant to section 41-1958.

5 14. The Arizona commerce authority.

6 15. The Arizona game and fish commission, but only for the sale of
7 goods or services and not firearms.

8 16. The lease or sublease of lands or buildings by the department of
9 child safety pursuant to section 8-460.

10 17. Agreements executed by the department of child safety with other
11 states to design, develop, install and operate support collection technology
12 systems and related services. The department shall deposit, pursuant to
13 sections 35-146 and 35-147, monies received pursuant to this paragraph in the
14 child safety collections fund established by section 8-461.

15 18. THE SALE OR LEASE OF SOFTWARE, COMPUTER SYSTEMS OR INTELLECTUAL
16 PROPERTY DEVELOPED BY THE ARIZONA DEPARTMENT OF EDUCATION OR ASSOCIATED
17 SERVICES PROVIDED FOR THE SALE OR LEASE OF SOFTWARE, COMPUTER SYSTEMS OR
18 INTELLECTUAL PROPERTY BY THE ARIZONA DEPARTMENT OF EDUCATION. THE DEPARTMENT
19 SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, SIXTY PERCENT OF THE
20 PROFIT FROM THE MONIES GENERATED PURSUANT TO THIS PARAGRAPH IN THE STATE
21 GENERAL FUND AND THE REMAINING FORTY PERCENT DEPOSITED INTO THE DEPARTMENT OF
22 EDUCATION INTELLECTUAL PROPERTY FUND ESTABLISHED BY SECTION 15-231.04. THE
23 DEPARTMENT OF EDUCATION MAY NOT TRANSFER OR EXPEND MONIES OR PERSONNEL
24 RESOURCES FOR THE PURPOSES OF MARKETING OR SOLICITING GOODS OR SERVICES
25 AUTHORIZED PURSUANT TO THIS SECTION THAT WERE APPROPRIATED AND AUTHORIZED FOR
26 OTHER FUNCTIONS AND PROGRAMS OF THE DEPARTMENT OF EDUCATION.

27 D. The restrictions on activities that compete with private enterprise
28 contained in subsection A of this section do not apply to community colleges
29 and universities under the jurisdiction of a governing board.

30 E. FOR THE PURPOSES OF THIS SECTION "PROFIT" MEANS ANY MONIES GENERATED
31 FROM THE SALE OR LEASE OF GOODS AND SERVICES AFTER ACCOUNTING FOR THE COSTS
32 PROVIDED BY THIS STATE INCLUDING APPROPRIATIONS FROM THE STATE GENERAL FUND."

33 Amend title to conform

Senate Amendments to S.B. 1438

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