

House Engrossed

~~unclaimed property; locator registration~~
(now: unclaimed property; notice; distribution)

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HOUSE BILL 2242

AN ACT

AMENDING SECTIONS 41-2407, 41-3955, 41-3955.01, 44-309 AND 44-313, ARIZONA
REVISED STATUTES; RELATING TO UNCLAIMED FUNDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 41-2407, Arizona Revised Statutes, is amended to
3 read:

4 41-2407. Victim compensation and assistance fund;
5 subrogation; prohibited debt collection activity;
6 definition

7 A. The victim compensation and assistance fund is established. The
8 Arizona criminal justice commission shall administer the fund. The victim
9 compensation and assistance fund shall consist of monies collected
10 pursuant to section 31-411, subsection E and sections 12-116.08, 13-4310,
11 31-418, 31-467.06 and 41-1674, unclaimed victim restitution monies
12 pursuant to ~~sections~~ SECTION 22-116 ~~and 44-313~~ and monies available from
13 any other source.

14 B. Subject to legislative appropriation, the Arizona criminal
15 justice commission shall allocate monies in the victim compensation and
16 assistance fund to public and private agencies for the purpose of
17 establishing, maintaining and supporting programs that compensate and
18 assist victims of crime.

19 C. The allocation of monies pursuant to this section shall be made
20 in accordance with rules adopted by the Arizona criminal justice
21 commission pursuant to section 41-2405, subsection A, paragraph 8. The
22 rules shall provide that persons who suffered personal injury or death
23 that resulted from an attempt to aid a public safety officer in the
24 prevention of a crime or the apprehension of a criminal may be eligible
25 for compensation.

26 D. This state and the applicable operational unit or qualified
27 program, as defined in the victim compensation program rules, are
28 subrogated to the rights of an individual who receives monies from the
29 victim compensation and assistance fund to recover or receive monies or
30 benefits from a third party, to the extent of the amount of monies the
31 individual receives from the fund.

32 E. A licensed health care provider who agrees to the victim
33 compensation program rules may receive program monies for providing health
34 and medical services to a victim or claimant. A licensed health care
35 provider who accepts the full allowable payment for those services from a
36 victim compensation program funded pursuant to this section is deemed to
37 have accepted the payment as the full payment for those services. The
38 licensed health care provider may not collect or attempt to collect any
39 payment for the same health and medical services from the victim or
40 claimant, except that if a victim compensation program funded pursuant to
41 this section is unable to pay the full allowable payment to a licensed
42 health care provider because of a lack of available monies or for any
43 other reason, the licensed health care provider may collect the unpaid
44 balance for the services from the victim or claimant or from a third-party
45 payor, and the total amount billed or requested by the licensed health

1 care provider may not exceed the full allowable payment that the licensed
2 health care provider agreed to accept from the victim compensation program
3 for the services.

4 F. If a licensed health care provider receives notice that a person
5 has filed a claim with a victim compensation program funded by this
6 section, the licensed health care provider is prohibited from any debt
7 collection activity for any monies owed by the person that are included in
8 the filed claim until an award is made on the claim or until a
9 determination is made that the claim is noncompensable. For the purposes
10 of this subsection, "debt collection activity" includes repeatedly
11 telephoning or writing to the claimant and threatening to either turn the
12 matter over to a debt collection agency or to an attorney for collection,
13 enforcement or filing of any other debt collection process. Debt
14 collection activity does not include routine billing or inquiries about
15 the status of the claim.

16 G. For the purposes of this section, "licensed health care
17 provider" means a person or institution that is licensed or certified by
18 this state to provide health care services, medical services, nursing
19 services, emergency medical services and ambulance services that are
20 regulated pursuant to title 36, chapter 21.1, article 2 or other
21 health-related services.

22 Sec. 2. Section 41-3955, Arizona Revised Statutes, is amended to
23 read:

24 41-3955. Housing trust fund; purpose; annual report

25 A. The housing trust fund is established, and the director shall
26 administer the fund. The fund consists of ~~monies from unclaimed property~~
27 ~~deposited in the fund pursuant to section 44-313,~~ monies transferred
28 pursuant to section 35-751 and investment earnings.

29 B. On notice from the department, the state treasurer shall invest
30 and divest monies in the fund as provided by section 35-313, and monies
31 earned from investment shall be credited to the fund.

32 C. Except as provided in subsection D of this section, fund monies
33 shall be spent on approval of the department for developing projects and
34 programs connected with providing housing opportunities for low and
35 moderate income households and for housing affordability programs.
36 ~~Pursuant to section 44-313, subsection A, a portion of fund monies shall~~
37 ~~be used exclusively for housing in rural areas.~~

38 D. Fund monies may be spent on constructing or renovating
39 facilities and on housing assistance, including support services, for
40 persons who have been determined to be seriously mentally ill and to be
41 chronically resistant to treatment.

42 E. For the purposes of subsection C of this section, in approving
43 the expenditure of monies, the director shall give priority to funding
44 projects that provide for operating, constructing or renovating facilities

1 for housing for low-income families and that provide housing and shelter
2 to families that have children.

3 F. The director shall report annually to the legislature on the
4 status of the housing trust fund. The report shall include a summary of
5 facilities for which funding was provided during the preceding fiscal year
6 and shall show the cost and geographic location of each facility and the
7 number of individuals benefiting from the operation, construction or
8 renovation of the facility. The report shall also include the number of
9 individuals who benefit from housing assistance pursuant to subsection D
10 of this section. The report shall be submitted to the president of the
11 senate and the speaker of the house of representatives, and a copy
12 provided to the secretary of state, not later than September 1 of each
13 year.

14 G. Monies in the housing trust fund are exempt from the provisions
15 of section 35-190 relating to lapsing of appropriations.

16 H. An amount not to exceed ten percent of the housing trust fund
17 monies may be appropriated annually by the legislature to the department
18 for administrative costs in providing services relating to the housing
19 trust fund.

20 I. For any construction project financed by the department pursuant
21 to this section, the department shall notify a city, town, county or
22 tribal government that a project is planned for its jurisdiction and,
23 before proceeding, shall seek comment from the governing body of the city,
24 town, county or tribal government or an official authorized by the
25 governing body of the city, town, county or tribal government. The
26 department shall not interfere with or attempt to override the local
27 jurisdiction's planning, zoning or land use regulations.

28 Sec. 3. Section 41-3955.01, Arizona Revised Statutes, is amended to
29 read:

30 41-3955.01. Seriously mentally ill housing trust fund;
31 purpose; report

32 A. The seriously mentally ill housing trust fund is established.
33 The director of the Arizona health care cost containment system
34 administration shall administer the fund. The fund consists of ~~monies~~
35 ~~received pursuant to section 44-313 and~~ investment earnings.

36 B. On notice from the director of the Arizona health care cost
37 containment system administration, the state treasurer shall invest and
38 divest monies in the fund as provided by section 35-313, and monies earned
39 from investment shall be credited to the fund.

40 C. Fund monies shall be spent on approval of the Arizona health
41 care cost containment system administration solely for housing projects
42 and rental assistance for seriously mentally ill persons.

1 D. The director of the Arizona health care cost containment system
2 administration shall report annually to the legislature on the status of
3 the seriously mentally ill housing trust fund. The report shall include a
4 summary of facilities for which funding was provided during the preceding
5 fiscal year and shall show the cost and geographic location of each
6 facility and the number of individuals benefiting from the operation,
7 construction or renovation of the facility. The report shall also include
8 the number of individuals who benefited from rental assistance. The
9 report shall be submitted to the president of the senate and the speaker
10 of the house of representatives not later than September 1 of each year.

11 E. Monies in the seriously mentally ill housing trust fund are
12 exempt from the provisions of section 35-190 relating to lapsing of
13 appropriations.

14 F. An amount not to exceed ten percent of the seriously mentally
15 ill housing trust fund monies may be appropriated annually by the
16 legislature to the Arizona health care cost containment system for
17 administrative costs in providing services relating to the seriously
18 mentally ill housing trust fund.

19 G. For any construction project financed by the Arizona health care
20 cost containment system administration pursuant to this section, the
21 administration shall notify a city, town, county or tribal government that
22 a project is planned for its jurisdiction and, before proceeding, shall
23 seek comment from the governing body of the city, town, county or tribal
24 government or an official authorized by the governing body of the city,
25 town, county or tribal government. The Arizona health care cost
26 containment system administration shall not interfere with or attempt to
27 override the local jurisdiction's planning, zoning or land use
28 regulations.

29 Sec. 4. Section 44-309, Arizona Revised Statutes, is amended to
30 read:

31 44-309. Notice and publication of abandoned property

32 A. The department shall publish a notice at least semiannually with
33 a ~~toll-free~~ TOLL-FREE telephone number and directing the public to the
34 department's website regarding abandoned property that has been paid or
35 delivered to the department. The department shall cause the notice to be
36 published in a newspaper of general circulation in each county. **AT LEAST**
37 **QUARTERLY**, the department shall also cause the notice to either be
38 published on social media or broadcast on radio or published or broadcast
39 by any other means that in the judgment of the department is likely to
40 attract the attention of the apparent owner of the unclaimed
41 property. The department's website shall contain all of the following
42 information not later than November 30 of the year after the year in which
43 abandoned property has been paid or delivered to the department:

44 1. The name of each person that appears to be the owner of the
45 property as stated in the report filed by the holder.

1 2. The last known address or location of each person that appears
2 to be the owner of the property, if an address or location is stated in
3 the report filed by the holder.

4 3. A statement that explains that the property of the owner is
5 presumed abandoned and is in the protective custody of the department.

6 4. A statement that on request to the department information about
7 the property and its return to the owner is available to a person who has
8 a legal or beneficial interest in the property.

9 B. The department's website is not required to contain the name,
10 address or location of an owner of property that has a total value of less
11 than ~~fifty dollars~~ \$50 or information concerning a traveler's check, money
12 order or similar instrument.

13 C. The department shall publish annually the estimated total dollar
14 amount of unclaimed property on the home page of the department's
15 unclaimed property website.

16 Sec. 5. Section 44-313, Arizona Revised Statutes, is amended to
17 read:

18 44-313. Deposit of monies

19 A. Except as otherwise provided in this section or section 44-314,
20 the department shall deposit, pursuant to sections 35-146 and 35-147, in
21 the state general fund all monies received pursuant to this chapter,
22 including the proceeds from the sale of abandoned property pursuant to
23 section 44-312, except that:—

24 ~~1. The first two million dollars of the monies shall be deposited~~
25 ~~each fiscal year in the seriously mentally ill housing trust fund~~
26 ~~established by section 41-3955.01.~~

27 ~~2. The second two million five hundred thousand dollars of the~~
28 ~~monies shall be deposited in the housing trust fund established by section~~
29 ~~41-3955.~~

30 ~~3. The next twenty-four million five hundred thousand dollars~~
31 \$24,500,000 of the monies shall be deposited each fiscal year in the
32 department of revenue administrative fund established by section
33 42-1116.01.

34 ~~B. The department shall deposit monies from unclaimed shares and~~
35 ~~dividends of any corporation incorporated under the laws of this state in~~
36 ~~the permanent state school fund pursuant to article XI, section 8,~~
37 ~~Constitution of Arizona.~~

38 ~~C. The department shall deposit monies from unclaimed victim~~
39 ~~restitution payments in the victim compensation and assistance fund~~
40 ~~established by section 41-2407 for the purpose of establishing,~~
41 ~~maintaining and supporting programs that compensate and assist victims of~~
42 ~~crime.~~

43 ~~D.~~ B. The department shall retain in a separate trust fund at
44 least ~~one hundred thousand dollars~~ \$100,000 from which the department
45 shall pay claims.

1 ~~E.~~ C. Before making the deposit, the department shall record the
2 name and last known address of each person who appears from the holders'
3 reports to be entitled to the property and the name and last known address
4 of each insured person or annuitant and beneficiary. The department shall
5 also record the policy or contract number of each policy or contract of an
6 insurance company that is listed in the report, the name of the company
7 and the amount due. The department shall make the record available for
8 public inspection during reasonable business hours.