

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2242

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

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

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

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

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

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

24 D. This state and the applicable operational unit or qualified  
25 program, as defined in the victim compensation program rules, are  
26 subrogated to the rights of an individual who receives monies from the

1 victim compensation and assistance fund to recover or receive monies or  
2 benefits from a third party, to the extent of the amount of monies the  
3 individual receives from the fund.

4 E. A licensed health care provider who agrees to the victim  
5 compensation program rules may receive program monies for providing health  
6 and medical services to a victim or claimant. A licensed health care  
7 provider who accepts the full allowable payment for those services from a  
8 victim compensation program funded pursuant to this section is deemed to  
9 have accepted the payment as the full payment for those services. The  
10 licensed health care provider may not collect or attempt to collect any  
11 payment for the same health and medical services from the victim or  
12 claimant, except that if a victim compensation program funded pursuant to  
13 this section is unable to pay the full allowable payment to a licensed  
14 health care provider because of a lack of available monies or for any other  
15 reason, the licensed health care provider may collect the unpaid balance  
16 for the services from the victim or claimant or from a third-party payor,  
17 and the total amount billed or requested by the licensed health care  
18 provider may not exceed the full allowable payment that the licensed health  
19 care provider agreed to accept from the victim compensation program for the  
20 services.

21 F. If a licensed health care provider receives notice that a person  
22 has filed a claim with a victim compensation program funded by this  
23 section, the licensed health care provider is prohibited from any debt  
24 collection activity for any monies owed by the person that are included in  
25 the filed claim until an award is made on the claim or until a  
26 determination is made that the claim is noncompensable. For the purposes  
27 of this subsection, "debt collection activity" includes repeatedly  
28 telephoning or writing to the claimant and threatening to either turn the  
29 matter over to a debt collection agency or to an attorney for collection,  
30 enforcement or filing of any other debt collection process. Debt  
31 collection activity does not include routine billing or inquiries about the  
32 status of the claim.

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

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

9           41-3955. Housing trust fund; purpose; annual report

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

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

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

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

27          E. For the purposes of subsection C of this section, in approving  
28 the expenditure of monies, the director shall give priority to funding  
29 projects that provide for operating, constructing or renovating facilities  
30 for housing for low-income families and that provide housing and shelter  
31 to families that have children.

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

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

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

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

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

28 41-3955.01. Seriously mentally ill housing trust fund:  
29 purpose: report

30 A. The seriously mentally ill housing trust fund is established.  
31 The director of the Arizona health care cost containment system

1 administration shall administer the fund. The fund consists of monies  
2 ~~received pursuant to section 44-313 and~~ investment earnings.

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

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

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

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

23 F. An amount not to exceed ten percent of the seriously mentally ill  
24 housing trust fund monies may be appropriated annually by the legislature  
25 to the Arizona health care cost containment system for administrative costs  
26 in providing services relating to the seriously mentally ill housing trust  
27 fund.

28 G. For any construction project financed by the Arizona health care  
29 cost containment system administration pursuant to this section, the  
30 administration shall notify a city, town, county or tribal government that  
31 a project is planned for its jurisdiction and, before proceeding, shall  
32 seek comment from the governing body of the city, town, county or tribal

1 government or an official authorized by the governing body of the city,  
2 town, county or tribal government. The Arizona health care cost  
3 containment system administration shall not interfere with or attempt to  
4 override the local jurisdiction's planning, zoning or land use regulations.

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

7 44-309. Notice and publication of abandoned property

8 A. The department shall publish a notice at least semiannually with  
9 a ~~toll-free~~ TOLL-FREE telephone number and directing the public to the  
10 department's website regarding abandoned property that has been paid or  
11 delivered to the department. The department shall cause the notice to be  
12 published in a newspaper of general circulation in each county. **AT LEAST**  
13 **QUARTERLY**, the department shall also cause the notice to either be  
14 published on social media or broadcast on radio or published or broadcast  
15 by any other means that in the judgment of the department is likely to  
16 attract the attention of the apparent owner of the unclaimed property. The  
17 department's website shall contain all of the following information not  
18 later than November 30 of the year after the year in which abandoned  
19 property has been paid or delivered to the department:

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

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

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

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

30 B. The department's website is not required to contain the name,  
31 address or location of an owner of property that has a total value of less

1 than ~~fifty dollars~~ \$50 or information concerning a traveler's check, money  
2 order or similar instrument.

3 C. The department shall publish annually the estimated total dollar  
4 amount of unclaimed property on the home page of the department's unclaimed  
5 property website.

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

8 44-313. Deposit of monies

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

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

17 ~~2. The second two million five hundred thousand dollars of the~~  
18 ~~monies shall be deposited in the housing trust fund established by section~~  
19 ~~41-3955.~~

20 ~~3. The next twenty-four million five hundred thousand dollars~~  
21 \$24,500,000 of the monies shall be deposited each fiscal year in the  
22 department of revenue administrative fund established by section  
23 42-1116.01.

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

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

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

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

12 Amend title to conform

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