

REFERENCE TITLE: EORP; appropriations; repayment

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HB 2202

Introduced by
Representatives Livingston: Toma

AN ACT

AMENDING SECTIONS 12-119.01, 12-120.31, 12-284.03, 22-281, 38-803.01 AND 38-810, ARIZONA REVISED STATUTES; AMENDING TITLE 38, CHAPTER 5, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 38-824; REPEALING SECTION 38-824, ARIZONA REVISED STATUTES; AMENDING SECTION 41-178, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 4, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-727; APPROPRIATING MONIES; RELATING TO PUBLIC RETIREMENT SYSTEMS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
 2 Section 1. Section 12-119.01, Arizona Revised Statutes, is amended
 3 to read:

4 12-119.01. Supreme court fees; distribution

5 A. Except as otherwise provided by law, fees for the supreme court
 6 shall be established and classified as follows:

7 Class	Description	Fee
8 A	Initial case filing fee	
9	Petitions for review and	
10	cross petitions for	
11	review	\$ 140.00
12	Direct appeals and cross	
13	appeal appellant	140.00
14	Special actions petitioner	140.00
15 B	Subsequent case filing fee	
16	Intervenors direct appeals	
17	and special action	\$ 70.00
18	Direct appeals appellee	70.00
19	Special actions respondent	70.00
20	Response to petition	
21	for review	70.00
22 E	Minimum clerk fee	
23	Certifications alone	\$ 17.00
24	Certificate of good standing	
25	Certificates	17.00
26 F	Per page fee	
27	Copies – each page	\$.50
28 G	Special fees	
29	New and duplicate certificates	\$ 35.00

30 B. The clerk of the supreme court shall deposit, pursuant to
 31 sections 35-146 and 35-147, all of the monies collected pursuant to
 32 subsection A of this section as follows:

33 1. 27.78 ~~per cent~~ PERCENT in the judicial collection enhancement
 34 fund established by section 12-113.

35 2. THROUGH JUNE 30, 2024, 26.00 ~~per cent~~ PERCENT with the state
 36 treasurer for transmission to the ~~elected officials' retirement plan fund~~
 37 ~~established by section 38-802. The monies shall be transmitted by the~~
 38 ~~state treasurer to the fund~~ PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM'S
 39 BOARD'S OFFICE FOR DISTRIBUTION pursuant to section 38-810.

40 3. BEGINNING JULY 1, 2024, 26.00 PERCENT WITH THE STATE TREASURER
 41 FOR TRANSMISSION TO THE DEPARTMENT OF ADMINISTRATION FOR DISTRIBUTION
 42 PURSUANT TO SECTION 41-727.

43 ~~3.~~ 4. 46.22 ~~per cent~~ PERCENT in the state general fund.

44 C. The supreme court may increase the class A and B fees prescribed
 45 in subsection A of this section.

1 Sec. 2. Section 12-120.31, Arizona Revised Statutes, is amended to
2 read:

3 12-120.31. Fees and costs; distribution

4 A. Fees and costs in the court of appeals shall be the same as
5 supreme court fees and costs pursuant to section 12-119.01.

6 B. Fees charged by the court of appeals for electronic filing of
7 documents and electronic access shall be the same amount as fees charged
8 by the supreme court and are subject to ~~the provisions of~~ section
9 12-119.02.

10 C. The court of appeals shall retain 8.36 ~~per cent~~ PERCENT of all
11 of the monies it collects monthly pursuant to subsection A of this
12 section. The retained monies shall be used to improve, maintain and
13 enhance the ability to collect and manage monies assessed or received by
14 the court, to improve court automation and to improve case processing or
15 the administration of justice. The clerk of the court of appeals shall
16 submit a plan to the supreme court that the supreme court shall approve
17 before the court spends the retained monies.

18 D. Excluding the monies that are retained pursuant to subsection C
19 of this section, the clerk of the court of appeals shall deposit, pursuant
20 to sections 35-146 and 35-147, all monies collected pursuant to subsection
21 A of this section as follows:

22 1. 19.42 ~~per cent~~ PERCENT in the judicial collection enhancement
23 fund established by section 12-113.

24 2. ~~THROUGH JUNE 30, 2024, 26.00 per cent PERCENT with the state~~
25 ~~treasurer for transmission to the elected officials' retirement plan fund~~
26 ~~established by section 38-802. The monies shall be transmitted by the~~
27 ~~state treasurer to the fund PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM'S~~
28 ~~BOARD'S OFFICE FOR DISTRIBUTION~~ pursuant to section 38-810.

29 3. BEGINNING JULY 1, 2024, 26.00 PERCENT WITH THE STATE TREASURER
30 FOR TRANSMISSION TO THE DEPARTMENT OF ADMINISTRATION FOR DISTRIBUTION
31 PURSUANT TO SECTION 41-727.

32 ~~3.~~ 4. 46.22 ~~per cent~~ PERCENT in the state general fund.

33 Sec. 3. Section 12-284.03, Arizona Revised Statutes, is amended to
34 read:

35 12-284.03. Distribution of fees

36 A. Excluding the monies that are kept by the court pursuant to
37 subsection B of this section, the county treasurer shall transmit,
38 distribute or deposit all monies received from the clerk of the superior
39 court pursuant to section 12-284, subsection K as follows:

40 1. 1.20 percent to the state treasurer for deposit in the resource
41 center fund established by and for the purposes of section 41-2402,
42 subsection G.

43 2. 8.18 percent to the state treasurer for deposit in the domestic
44 violence services fund established by section 36-3002.

- 1 3. 1.78 percent to the state treasurer for deposit in the child
2 abuse prevention fund established by section 8-550.01.
- 3 4. In the county law library fund established by section 12-305,
4 either:
- 5 (a) 7.02 percent if the county treasurer is serving in a county
6 with a population of more than five hundred thousand persons.
- 7 (b) 14.09 percent if the county treasurer is serving in a county
8 with a population of five hundred thousand persons or less.
- 9 5. 0.32 percent to the state treasurer for deposit in the
10 alternative dispute resolution fund established by section 12-135.
- 11 6. ~~THROUGH JUNE 30, 2024, EITHER OF THE FOLLOWING PERCENTAGES~~ to
12 the ~~elected officials' retirement plan fund established by section 38-802,~~
13 ~~either of the following percentages, which shall be distributed to the~~
14 ~~fund~~ PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM'S BOARD'S OFFICE FOR
15 DISTRIBUTION pursuant to section 38-810:
- 16 (a) 21.91 percent if the county treasurer is serving in a county
17 with a population of more than five hundred thousand persons.
- 18 (b) 14.09 percent if the county treasurer is serving in a county
19 with a population of five hundred thousand persons or less.
- 20 7. 17.62 percent to the state treasurer for deposit in the judicial
21 collection enhancement fund established by section 12-113.
- 22 8. 0.24 percent to the state treasurer for deposit in the
23 confidential intermediary and fiduciary fund established by section 8-135.
- 24 9. In the county general fund, the following percentages:
- 25 (a) 28.81 percent if the county treasurer is serving in a county
26 with a population of more than five hundred thousand persons.
- 27 (b) 29.56 percent if the county treasurer is serving in a county
28 with a population of five hundred thousand persons or less.
- 29 10. ~~THROUGH JUNE 30, 2024, 6.00 percent to the elected officials'~~
30 ~~retirement plan, fund established by section 38-802 for the purpose of~~
31 ~~funding a portion of the employers' contributions required~~ PUBLIC SAFETY
32 PERSONNEL RETIREMENT SYSTEM'S BOARD'S OFFICE FOR DISTRIBUTION pursuant to
33 section 38-810.
- 34 11. ~~BEGINNING JULY 1, 2024, EITHER OF THE FOLLOWING PERCENTAGES TO~~
35 ~~THE DEPARTMENT OF ADMINISTRATION FOR DISTRIBUTION PURSUANT TO SECTION~~
36 ~~41-727:~~
- 37 (a) ~~21.91 PERCENT IF THE COUNTY TREASURER IS SERVING IN A COUNTY~~
38 ~~WITH A POPULATION OF MORE THAN FIVE HUNDRED THOUSAND PERSONS.~~
- 39 (b) ~~14.09 PERCENT IF THE COUNTY TREASURER IS SERVING IN A COUNTY~~
40 ~~WITH A POPULATION OF FIVE HUNDRED THOUSAND PERSONS OR LESS.~~
- 41 12. ~~BEGINNING JULY 1, 2024, 6.00 PERCENT TO THE DEPARTMENT OF~~
42 ~~ADMINISTRATION FOR DISTRIBUTION PURSUANT TO SECTION 41-727.~~

1 B. 6.92 percent of the monies transmitted, distributed or deposited
 2 pursuant to subsection A of this section shall be kept and used by the
 3 court collecting the fees in the same manner as the ~~seven dollars~~ \$7 of
 4 the time payment fee prescribed by section 12-116, subsection B.

5 Sec. 4. Section 22-281, Arizona Revised Statutes, is amended to
 6 read:

7 22-281. Fees and deposits

8 A. Justices of the peace shall receive fees established and
 9 classified as follows in civil actions:

10 Class Description	Fee
11 A Initial case filing fee	
12 Civil filing fees	\$ 73.00
13 B Subsequent case filing fee	
14 Civil filing fees – defendant	\$ 40.00
15 C Initial case filing fee	
16 Forcible entry and detainer filings	\$ 35.00
17 Small claims filing	25.00
18 D Subsequent case filing fee	
19 Small claims answer	\$ 15.00
20 E Minimum clerk fee	
21 Document and transcript transfer on appeal	\$ 28.00
22 Certification of any documents	28.00
23 Issuance of writs	28.00
24 Filing any paper or performing any act	
25 for which a fee is not specifically	
26 prescribed	28.00
27 Subpoena (civil)	28.00
28 Research in locating a document	28.00
29 Seal a court file	28.00
30 Reopen a sealed court file	28.00
31 Record duplication	28.00
32 F Per page fee	
33 Copies of any documents per page	\$ 0.50
34 G Special fees	
35 Small claims service by mail	\$ 8.00

36 B. This section does not deprive the parties to the action of the
 37 privilege of depositing amounts with the justice, in addition to those set
 38 forth in this section, for use in connection with the payment of
 39 constable's and sheriff's fees for service of process, levying of writs
 40 and other services for which fees are otherwise provided by law.

41 C. Excluding the monies that are kept by the court pursuant to
 42 subsection D of this section, justices of the peace shall transmit monthly
 43 to the county treasurer all monies collected pursuant to subsection A of
 44 this section. The county treasurer shall distribute or deposit all of the
 45 monies received pursuant to this subsection as follows:

1 1. To the state treasurer for deposit in the judicial collection
2 enhancement fund established by section 12-113, in the following
3 percentages:

4 (a) 14.80 percent if the county treasurer is serving in a county
5 with a population of more than five hundred thousand persons.

6 (b) 16.23 percent if the county treasurer is serving in a county
7 with a population of five hundred thousand persons or less.

8 2. To the state treasurer for deposit in the alternative dispute
9 resolution fund established by section 12-135, in the following
10 percentages:

11 (a) 1.69 percent if the county treasurer is serving in a county
12 with a population of more than five hundred thousand persons.

13 (b) 1.89 percent if the county treasurer is serving in a county
14 with a population of five hundred thousand persons or less.

15 3. ~~THROUGH JUNE 30, 2024, EITHER OF THE FOLLOWING PERCENTAGES~~ to
16 the ~~elected officials' retirement plan fund established by section 38-802,~~
17 ~~either of the following percentages, which shall be distributed to the~~
18 ~~fund~~ PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM'S BOARD'S OFFICE FOR
19 DISTRIBUTION pursuant to section 38-810:

20 (a) 21.91 percent if the county treasurer is serving in a county
21 with a population of more than five hundred thousand persons.

22 (b) 14.09 percent if the county treasurer is serving in a county
23 with a population of five hundred thousand persons or less.

24 4. To the county general fund, in the following percentages:

25 (a) 49.95 percent if the county treasurer is serving in a county
26 with a population of more than five hundred thousand persons.

27 (b) 55.51 percent if the county treasurer is serving in a county
28 with a population of five hundred thousand persons or less.

29 5. ~~THROUGH JUNE 30, 2024, 6.00 percent to the elected officials'~~
30 ~~retirement plan, fund established by section 38-802 for the purpose of~~
31 ~~funding a portion of the employers' contributions required~~ PUBLIC SAFETY
32 PERSONNEL RETIREMENT SYSTEM'S BOARD'S OFFICE FOR DISTRIBUTION pursuant to
33 section 38-810.

34 6. BEGINNING JULY 1, 2024, EITHER OF THE FOLLOWING PERCENTAGES TO
35 THE DEPARTMENT OF ADMINISTRATION FOR DISTRIBUTION PURSUANT TO SECTION
36 41-727:

37 (a) 21.91 PERCENT IF THE COUNTY TREASURER IS SERVING IN A COUNTY
38 WITH A POPULATION OF MORE THAN FIVE HUNDRED THOUSAND PERSONS.

39 (b) 14.09 PERCENT IF THE COUNTY TREASURER IS SERVING IN A COUNTY
40 WITH A POPULATION OF FIVE HUNDRED THOUSAND PERSONS OR LESS.

41 7. BEGINNING JULY 1, 2024, 6.00 PERCENT TO THE DEPARTMENT OF
42 ADMINISTRATION FOR DISTRIBUTION PURSUANT TO SECTION 41-727.

1 D. In counties with a population of more than five hundred thousand
2 persons, 5.65 percent of the monies transmitted pursuant to subsection C
3 of this section shall be kept and used by the court collecting the fees in
4 the same manner as the \$7 of the time payment fee prescribed by section
5 12-116, subsection B.

6 E. In counties with a population of five hundred thousand persons
7 or less, 6.28 percent of the monies transmitted pursuant to subsection C
8 of this section shall be kept and used by the court collecting the fees in
9 the same manner as the \$7 of the time payment fee prescribed by section
10 12-116, subsection B.

11 F. The supreme court may increase the fees prescribed in subsection
12 A of this section in an amount not to exceed the percent of change in the
13 average consumer price index as published by the United States department
14 of labor, bureau of labor statistics between that figure for the latest
15 calendar year and the calendar year in which the last fee increase
16 occurred.

17 Sec. 5. Section 38-803.01, Arizona Revised Statutes, is amended to
18 read:

19 38-803.01. Qualified governmental excess benefit arrangement;
20 definitions

21 A. The board may establish a qualified governmental excess benefit
22 arrangement for the sole purpose of enabling the board to continue to
23 apply the same formula for determining benefits payable to all employees
24 covered by the plan whose benefits under the plan are limited by section
25 415 of the internal revenue code.

26 B. The board shall administer the qualified governmental excess
27 benefit arrangement. The board has full discretionary fiduciary authority
28 to determine all questions arising in connection with the arrangement,
29 including its interpretation and any factual questions arising under the
30 arrangement.

31 C. All members and retired members of the plan are eligible to
32 participate in the qualified governmental excess benefit arrangement if
33 their benefits under the plan would exceed the limitations imposed by
34 section 415 of the internal revenue code.

35 D. On or after the effective date of the qualified governmental
36 excess benefit arrangement, the employer shall pay to each eligible member
37 of the plan who retires on or after the effective date and to each retired
38 member who retired before the effective date and that member's
39 beneficiary, if required, a supplemental pension benefit equal to the
40 amount by which the benefit that would have been payable under the plan,
41 without regard to any provisions in the plan incorporating the limitation
42 on benefits imposed by section 415 of the internal revenue code, exceeds
43 the benefit actually payable taking into account the limitation imposed on
44 the plan by section 415 of the internal revenue code. The board shall
45 compute and pay the supplemental pension benefits under the same terms and

1 conditions and to the same person as the benefits payable to or on account
2 of a retired member under the plan.

3 E. The employer shall not fund benefits payable under the qualified
4 governmental excess benefit arrangement. The employer shall pay benefits
5 payable under the qualified governmental excess benefit arrangement out of
6 the general assets of the employer. For administrative purposes, the
7 employer may establish a grantor trust for the benefit of eligible
8 members. The employer shall be treated as grantor of the trust for
9 purposes of section 677 of the internal revenue code. The rights of any
10 person to receive benefits under the qualified governmental excess benefit
11 arrangement are limited to those of a general creditor of the employer.

12 F. THE DEPARTMENT OF ADMINISTRATION AND THE BOARD SHALL COORDINATE
13 TO ENSURE THAT PAYMENTS AND TAX REPORTING ARE IN ACCORDANCE WITH FEDERAL
14 TAX REQUIREMENTS.

15 G. THE BOARD SHALL PROVIDE ALL NECESSARY INFORMATION TO THE
16 DEPARTMENT OF ADMINISTRATION FOR THE PURPOSES OF DISTRIBUTING MONIES
17 PURSUANT TO SECTION 41-727.

18 ~~F.~~ H. The terms and conditions contained in the plan, other than
19 those relating to the benefit limitation imposed by section 415 of the
20 internal revenue code, apply, unless the terms and conditions are
21 inconsistent with the purpose of the qualified governmental excess benefit
22 arrangement.

23 ~~G.~~ I. For the purposes of this section:

24 1. "Internal revenue code" has the same meaning prescribed in
25 section 42-1001.

26 2. "Qualified governmental excess benefit arrangement" means a
27 portion of the plan if:

28 (a) The portion is maintained solely to provide to members of the
29 plan that part of a member's annual benefit that is otherwise payable
30 under the terms of the plan and that exceeds the limitations imposed by
31 section 415 of the internal revenue code.

32 (b) Under that portion, a direct or indirect election to defer
33 compensation is not provided at any time to the member.

34 (c) Excess benefits are not paid from a trust that is a part of the
35 plan unless the trust is maintained solely for the purpose of providing
36 excess benefits.

37 Sec. 6. Section 38-810, Arizona Revised Statutes, is amended to
38 read:

39 38-810. Contributions; appropriations

40 A. Each member shall contribute to the fund an amount equal to the
41 amount prescribed in subsection G of this section. Contributions of
42 members shall be made by payroll deductions. Every member is deemed to
43 consent to these deductions. Payment of a member's compensation, less
44 these payroll deductions, constitutes a full and complete discharge and
45 satisfaction of all claims and demands by the member relating to

1 remuneration for the member's services rendered during the period covered
 2 by the payment, except with respect to the benefits provided under the
 3 plan. A member may not, under any circumstance, borrow from, take a loan
 4 against or remove contributions from the member's account before the
 5 termination of membership in the plan or the receipt of a pension.

6 B. THROUGH JUNE 30, 2024, the board's office shall be credited
 7 monthly with monies collected pursuant to section 12-119.01, subsection B,
 8 paragraph 2, section 12-120.31, subsection D, paragraph 2, section
 9 12-284.03, subsection A, ~~paragraph~~ PARAGRAPHS 6 AND 10, section 22-281,
 10 subsection C, ~~paragraph~~ PARAGRAPHS 3 AND 5 and section 41-178. THROUGH
 11 JUNE 30, 2023, the monies credited to the fund pursuant to this subsection
 12 shall be deposited in the fund on a monthly basis, and there shall be a
 13 complete accounting of the determination of these monies deposited in the
 14 fund.

15 C. Beginning on July 1, 2018, as determined by actuarial valuations
 16 performed by the plan's actuary each employer shall make contributions on
 17 a level percent of compensation basis for all employees of the employer
 18 who are either members under this article, article 3.1 of this chapter or
 19 article 2 of this chapter pursuant to section 38-727, subsection B
 20 sufficient under the actuarial valuation to meet both the normal cost plus
 21 the actuarially determined amount required to amortize the unfunded
 22 accrued liability over a closed period of at least twenty and not more
 23 than thirty years that is established by the board taking into account the
 24 recommendation of the plan's actuary and the employer's contribution under
 25 the elected officials' defined contribution retirement system established
 26 pursuant to article 3.1 of this chapter and the employer's contribution
 27 under article 2 of this chapter for members who are eligible pursuant to
 28 section 38-727, subsection B. The employer also shall pay the amount
 29 required by section 38-797.05 for members under article 2 of this chapter
 30 who are eligible pursuant to section 38-727, subsection B and the amount
 31 required by article 3.2 of this chapter for members under article 3.1 of
 32 this chapter. The monies deposited in the fund pursuant to subsection B
 33 of this section shall be used to supplement the contributions required of
 34 all employers under the plan. The employer level percent compensation
 35 contribution that is paid pursuant to this subsection, less the amount
 36 contributed by the employer pursuant to section 38-833 and section 38-737
 37 for members eligible pursuant to section 38-727, subsection B, shall not
 38 be used to pay for an increase in benefits that is otherwise payable to
 39 members but shall be used to meet the normal cost plus an amount to
 40 amortize the unfunded accrued liability.

41 D. In any fiscal year, an employer's contribution to the plan in
 42 combination with member contributions may not be less than the actuarially
 43 determined normal cost for that fiscal year. After the close of any
 44 fiscal year, if the plan's actuary determines that the actuarial valuation
 45 of the fund contains excess valuation assets and is more than one hundred

1 percent funded, the board shall account for fifty percent of the excess
2 valuation assets in a stabilization reserve account. After the close of
3 any fiscal year, if the plan's actuary determines that the actuarial
4 valuation of the fund has a valuation asset deficiency and an unfunded
5 actuarial accrued liability, the board shall use any valuation assets in
6 the stabilization reserve account, to the extent available, to limit the
7 decline in the fund's funding ratio to not more than two percent.

8 E. The department of administration and the treasurer of each
9 county and participating city and town shall transfer to the board the
10 contributions provided for in subsections A and C of this section within
11 ten working days after each payroll date. The state, county treasurers
12 and clerks of the superior court shall transfer the monies credited under
13 subsection B of this section to the board on or before the fifteenth day
14 of each calendar month that follows the month in which the court fees were
15 collected. Contributions and monies credited under subsection B of this
16 section and transferred after these dates shall include a penalty equal to
17 ten percent a year, compounded annually, for each day that the
18 contributions or monies credited under subsection B of this section are
19 late. Delinquent payments due under this subsection, together with
20 interest charges as provided in this subsection and court costs, may be
21 recovered by action in a court of competent jurisdiction against the
22 person or persons responsible for the payments or, at the request of the
23 board, may be deducted from any other monies, including excise revenue
24 taxes, payable to a political subdivision by any department or agency of
25 this state. THROUGH JUNE 30, 2024, if requested by the board, the state,
26 county treasurers or clerks of the superior court shall transfer the
27 monies credited under subsection B of this section, in an amount
28 determined by the board, directly to the qualified governmental excess
29 benefit arrangement established pursuant to section 38-803.01.

30 F. The employer shall pay the member contributions required of
31 members on account of compensation earned after August 7, 1985. The paid
32 contributions shall be treated as employer contributions for the purpose
33 of determining tax treatment under the United States internal revenue
34 code. The effective date of the employer payment shall not be before the
35 date the retirement plan has received notification from the United States
36 internal revenue service that pursuant to section 414(h) of the United
37 States internal revenue code the member contributions paid will not be
38 included in gross income for income tax purposes until the paid
39 contributions are distributed by refund or pension payments. The employer
40 shall pay the member contributions from monies established and available
41 in the retirement deduction account, which monies would otherwise have
42 been designated as member contributions and paid to the retirement plan.
43 Member contributions paid pursuant to this subsection shall be treated for
44 all other purposes, in the same manner and to the same extent, as member
45 contributions made before August 7, 1985.

1 G. An elected official who became a member of the plan before
2 July 20, 2011 shall contribute seven percent of the member's gross salary
3 pursuant to subsection A of this section. The amount contributed pursuant
4 to subsection A of this section by an elected official who became a member
5 of the plan on or after July 20, 2011 is:

6 1. For fiscal year 2011-2012, ten percent of the member's gross
7 salary.

8 2. For fiscal year 2012-2013, eleven and one-half percent of the
9 member's gross salary.

10 3. For fiscal year 2013-2014 and each fiscal year thereafter,
11 thirteen percent of the member's gross salary.

12 H. For fiscal year 2011-2012 and each fiscal year thereafter, the
13 amount of the member's contribution that exceeds seven percent of the
14 member's compensation shall not be used to reduce the employer's
15 contributions that are calculated pursuant to subsection C of this
16 section.

17 I. In fiscal years 2013-2014 through ~~2042-2043~~ 2023-2024, the sum
18 of \$5,000,000 is appropriated in each fiscal year from the state general
19 fund to the elected officials' retirement plan fund to supplement the
20 normal cost plus an amount to amortize the unfunded accrued liability
21 pursuant to subsection C of this section. Monies appropriated pursuant to
22 this subsection shall not be used to pay for an increase in benefits that
23 is otherwise payable to members and shall only be used as specified in
24 this subsection. Monies appropriated pursuant to this subsection are
25 exempt from the provisions of section 35-190 relating to lapsing of
26 appropriations.

27 Sec. 7. Title 38, chapter 5, article 3, Arizona Revised Statutes,
28 is amended by adding section 38-824, to read:

29 38-824. Repayment; local governments; pension liability;
30 payment schedule; intergovernmental agreements;
31 treasurer notification

32 A. FROM AND AFTER JUNE 30, 2024 THROUGH JUNE 30, 2034, THE
33 FOLLOWING AMOUNTS SHALL BE PAID ANNUALLY BY THE FOLLOWING CITIES, TOWNS
34 AND COUNTIES TO REPAY THIS STATE FOR THE AMOUNTS PAID IN FISCAL YEAR
35 2023-2024 ON THE LOCAL GOVERNMENTS' BEHALF TO THE ELECTED OFFICIALS'
36 RETIREMENT PLAN FOR UNFUNDED ACCRUED LIABILITY:

37	1. APACHE COUNTY	\$ 138,000
38	2. COCHISE COUNTY	\$ 464,500
39	3. COCONINO COUNTY	\$ 456,000
40	4. GILA COUNTY	\$ 134,900
41	5. GRAHAM COUNTY	\$ 113,100
42	6. GREENLEE COUNTY	\$ 49,300
43	7. LA PAZ COUNTY	\$ 61,500
44	8. MARICOPA COUNTY	\$11,995,200
45	9. MOHAVE COUNTY	\$ 1,187,200

1	10.	NAVAJO COUNTY	\$ 616,600
2	11.	PIMA COUNTY	\$ 4,052,900
3	12.	PINAL COUNTY	\$ 1,828,200
4	13.	SANTA CRUZ COUNTY	\$ 122,200
5	14.	YAVAPAI COUNTY	\$ 727,200
6	15.	YUMA COUNTY	\$ 786,200
7	16.	CITY OF TUCSON	\$ 151,700
8	17.	CITY OF SAFFORD	\$ 41,800
9	18.	TOWN OF MARANA	\$ 95,100
10	19.	TOWN OF GILBERT	\$ 133,300
11	20.	TOWN OF SAHUARITA	\$ 38,200
12	21.	CITY OF PHOENIX	\$ 455,100
13	22.	CITY OF SURPRISE	\$ 159,800
14	23.	CITY OF SAN LUIS	\$ 74,800
15	24.	CITY OF SCOTTSDALE	\$ 137,100
16	25.	CITY OF FLAGSTAFF	\$ 139,700
17	26.	CITY OF SOUTH TUCSON	\$ 14,800
18	27.	CITY OF TEMPE	\$ 196,600
19	28.	CITY OF MESA	\$ 248,700
20	29.	CITY OF GLENDALE	\$ 188,600
21	30.	CITY OF AVONDALE	\$ 59,700
22	31.	CITY OF APACHE JUNCTION	\$ 59,500
23	32.	CITY OF PEORIA	\$ 131,400
24	33.	CITY OF TOLLESON	\$ 86,800
25	34.	CITY OF GLOBE	\$ 26,300
26	35.	CITY OF CHANDLER	\$ 196,900
27	36.	CITY OF YUMA	\$ 220,900
28	37.	TOWN OF THATCHER	\$ 26,000

29 B. NOT LATER THAN JANUARY 15 OF EACH YEAR, THE STATE TREASURER
 30 SHALL ANNUALLY BILL EACH CITY, TOWN AND COUNTY SPECIFIED IN SUBSECTION A
 31 OF THIS SECTION THE AMOUNT DUE. THE STATE TREASURER SHALL INCLUDE IN EACH
 32 BILLING STATEMENT THE CITY'S, TOWN'S OR COUNTY'S REMAINING PAYMENT
 33 SCHEDULE.

34 C. NOTWITHSTANDING THE REPAYMENT SCHEDULE AND BILLING PROVISIONS
 35 PRESCRIBED IN SUBSECTIONS A AND B OF THIS SECTION, ON REQUEST OF A CITY,
 36 TOWN OR COUNTY SPECIFIED IN SUBSECTION A OF THIS SECTION, THE STATE
 37 TREASURER SHALL ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY,
 38 TOWN OR COUNTY TO ESTABLISH AN ACCELERATED REPAYMENT SCHEDULE. NOT LATER
 39 THAN JANUARY 15 OF EACH YEAR, THE STATE TREASURER SHALL BILL THE CITY,
 40 TOWN OR COUNTY FOR THE AMOUNT PRESCRIBED IN THE INTERGOVERNMENTAL
 41 AGREEMENT AND MAY NOT BILL THE CITY, TOWN OR COUNTY PURSUANT TO SUBSECTION
 42 B OF THIS SECTION. THE INTERGOVERNMENTAL AGREEMENT MUST INCLUDE THE
 43 FOLLOWING:

1 1. THE TOTAL AMOUNT TO BE PAID BY THE CITY, TOWN OR COUNTY TO THIS
2 STATE, WHICH IS EQUAL TO THE AMOUNT PRESCRIBED FOR THE CITY, TOWN OR
3 COUNTY IN SUBSECTION A OF THIS SECTION MULTIPLIED BY TEN.

4 2. THE ANNUAL PAYMENT FROM THE CITY, TOWN OR COUNTY TO THIS STATE,
5 WHICH MAY NOT BE LESS THAN THE AMOUNT PRESCRIBED FOR THE CITY, TOWN OR
6 COUNTY IN SUBSECTION A OF THIS SECTION.

7 3. THE NUMBER AND AMOUNT OF ANNUAL PAYMENTS DUE UNDER THE
8 INTERGOVERNMENTAL AGREEMENT. ANNUAL PAYMENTS SHALL BEGIN FROM AND AFTER
9 JUNE 30, 2024 AND BE MADE IN CONSECUTIVE YEARS.

10 D. PAYMENTS MADE BY A CITY, TOWN OR COUNTY TO THIS STATE PURSUANT
11 TO AN INTERGOVERNMENTAL AGREEMENT ENTERED INTO PURSUANT TO SUBSECTION C OF
12 THIS SECTION ARE PAYMENTS REQUIRED BY A CONTRACTUAL LONG-TERM OBLIGATION
13 UNDER ARTICLE IX, SECTION 20, SUBSECTION 3, PARAGRAPH (d), SUBDIVISION
14 (i), CONSTITUTION OF ARIZONA, AND ARE EXCLUDED FROM THE CITY'S, TOWN'S OR
15 COUNTY'S EXPENDITURE LIMITATION ESTABLISHED PURSUANT TO ARTICLE IX,
16 SECTION 20, CONSTITUTION OF ARIZONA.

17 E. ON ENTERING INTO AN INTERGOVERNMENTAL AGREEMENT PURSUANT TO
18 SUBSECTION C OF THIS SECTION, THE STATE TREASURER SHALL REPORT THE
19 FOLLOWING TO THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF
20 REPRESENTATIVES, THE CHAIRPERSONS OF THE APPROPRIATIONS COMMITTEES IN THE
21 SENATE AND THE HOUSE OF REPRESENTATIVES, THE JOINT LEGISLATIVE BUDGET
22 COMMITTEE AND THE GOVERNOR'S OFFICE OF STRATEGIC PLANNING AND BUDGETING:

23 1. THE CITY, TOWN OR COUNTY THAT ENTERED INTO AN INTERGOVERNMENTAL
24 AGREEMENT.

25 2. THE PROVISIONS OF THE INTERGOVERNMENTAL AGREEMENT WITH THAT
26 CITY, TOWN OR COUNTY AS PRESCRIBED IN SUBSECTION C OF THIS SECTION.

27 F. IF A CITY, TOWN OR COUNTY SPECIFIED IN SUBSECTION A OF THIS
28 SECTION FAILS TO PAY THE ANNUAL REPAYMENT AMOUNT AS SPECIFIED IN
29 SUBSECTION A OF THIS SECTION OR IN THE INTERGOVERNMENTAL AGREEMENT
30 PURSUANT TO SUBSECTION C OF THIS SECTION IN FULL ON OR BEFORE MARCH 15,
31 THE STATE TREASURER SHALL WITHHOLD THE AMOUNT OWED FROM THE DISTRIBUTION
32 OF MONIES TO THE AFFECTED CITY, TOWN OR COUNTY PURSUANT TO SECTION 42-5029
33 AND CONTINUE TO WITHHOLD MONIES UNTIL THE ENTIRE ANNUAL REPAYMENT AMOUNT
34 HAS BEEN SATISFIED. ALL MONIES PAID TO THE STATE TREASURER OR WITHHELD BY
35 THE STATE TREASURER SHALL BE DEPOSITED, PURSUANT TO SECTIONS 35-146 AND
36 35-147, IN THE STATE GENERAL FUND.

37 Sec. 8. Delayed repeal

38 Section 38-824, Arizona Revised Statutes, as added by this act, is
39 repealed from and after June 30, 2035.

40 Sec. 9. Section 41-178, Arizona Revised Statutes, is amended to
41 read:

42 41-178. Distribution of notary bond fees

43 The state treasurer shall transmit, distribute or deposit all monies
44 received pursuant to section 41-126, subsection A, paragraphs 11 and 12 as
45 follows:

- 1 1. 1.31 percent for deposit in the resource center fund established
2 by and for the purposes of section 41-2402, subsection G.
- 3 2. 8.87 percent for deposit in the domestic violence services fund
4 established by section 36-3002.
- 5 3. 1.93 percent for deposit in the child abuse prevention fund
6 established by section 8-550.01.
- 7 4. 7.62 percent for proportional deposit in each county's law
8 library fund established by section 12-305, based on the number of
9 notaries commissioned per county.
- 10 5. 0.35 percent for deposit in the alternative dispute resolution
11 fund established by section 12-135.
- 12 6. ~~THROUGH JUNE 30, 2024, 23.79 percent for deposit in the elected~~
13 ~~officials' retirement plan fund established by section 38-802, which shall~~
14 ~~be distributed to the fund~~ TRANSMISSION TO THE PUBLIC SAFETY PERSONNEL
15 RETIREMENT SYSTEM'S BOARD'S OFFICE FOR DISTRIBUTION pursuant to section
16 38-810.
- 17 7. BEGINNING JULY 1, 2024, 23.79 PERCENT FOR TRANSMISSION TO THE
18 DEPARTMENT OF ADMINISTRATION FOR DISTRIBUTION PURSUANT TO SECTION 41-727.
- 19 ~~7.~~ 8. 17.07 percent for deposit in the judicial collection
20 enhancement fund established by section 12-113.
- 21 ~~8.~~ 9. 0.26 percent for deposit in the confidential intermediary
22 and fiduciary fund established by section 8-135.
- 23 ~~9.~~ 10. 31.29 percent for deposit in the notary bond fund
24 established by section 41-314.
- 25 ~~10.~~ 11. 7.51 percent shall be distributed to the county where the
26 notary is commissioned in the same manner as the ~~seven dollars~~ \$7 of the
27 time payment fee prescribed by section 12-116, subsection B.
- 28 Sec. 10. Title 41, chapter 4, article 3, Arizona Revised Statutes,
29 is amended by adding section 41-727, to read:
- 30 41-727. Court fees; distribution; definitions
- 31 A. BEGINNING JULY 1, 2024, THE DEPARTMENT SHALL BE CREDITED MONTHLY
32 WITH MONIES COLLECTED PURSUANT TO SECTION 12-119.01, SUBSECTION B,
33 PARAGRAPH 3, SECTION 12-120.31, SUBSECTION D, PARAGRAPH 3, SECTION
34 12-284.03, SUBSECTION A, PARAGRAPHS 11 AND 12, SECTION 22-281, SUBSECTION
35 C, PARAGRAPHS 6 AND 7 AND SECTION 41-178, PARAGRAPH 7. THE DEPARTMENT
36 SHALL SEPARATELY ACCOUNT FOR THE MONIES COLLECTED PURSUANT TO THIS
37 SUBSECTION AND SHALL DISTRIBUTE THE MONIES PURSUANT TO SUBSECTION B OF
38 THIS SECTION.
- 39 B. FOR FISCAL YEAR 2024-2025 AND EACH FISCAL YEAR THEREAFTER, THE
40 MONIES COLLECTED PURSUANT TO SUBSECTION A OF THIS SECTION SHALL BE
41 DISTRIBUTED AS FOLLOWS:
- 42 1. AS DETERMINED BY THE BOARD, IN AMOUNTS NECESSARY TO SATISFY THE
43 QUALIFIED GOVERNMENTAL EXCESS BENEFIT ARRANGEMENT ESTABLISHED PURSUANT TO
44 SECTION 38-803.01. IN DISTRIBUTING MONIES PURSUANT TO THIS PARAGRAPH, THE

1 DEPARTMENT MAY ALLOCATE MONIES TO THE BOARD OR TO EMPLOYERS IN ORDER TO
2 COMPLY WITH THE REQUIREMENTS OF SECTION 38-803.01.

3 2. AFTER DISTRIBUTING MONIES PURSUANT TO PARAGRAPH 1 OF THIS
4 SUBSECTION, ON OR BEFORE JUNE 30, THE DEPARTMENT SHALL TRANSFER ANY
5 REMAINING MONIES COLLECTED DURING A FISCAL YEAR TO THE STATE GENERAL FUND.

6 C. FOR THE PURPOSES OF THIS SECTION:

7 1. "BOARD" HAS THE SAME MEANING PRESCRIBED IN SECTION 38-801.

8 2. "EMPLOYER" HAS THE SAME MEANING PRESCRIBED IN SECTION 38-801.

9 Sec. 11. Appropriation; elected officials' retirement plan;
10 pension liability

11 A. In addition to any other appropriations made in fiscal year
12 2023-2024, the sum of \$609,054,500 is appropriated from the budget
13 stabilization fund established by section 35-144, Arizona Revised
14 Statutes, in fiscal year 2023-2024 to the elected officials' retirement
15 plan fund established by section 38-802, Arizona Revised Statutes, to pay
16 the unfunded accrued liability for the elected officials' retirement plan.

17 B. The board of trustees of the public safety personnel retirement
18 system shall account for the appropriation made in subsection A of this
19 section in the June 30, 2024 actuarial valuation of the elected officials'
20 retirement plan. The board shall account for the appropriation when
21 calculating the employee contribution rates and the employer contribution
22 rates pursuant to section 38-810, Arizona Revised Statutes, as amended by
23 this act, during fiscal year 2024-2025.

24 Sec. 12. Appropriation reductions; department of
25 administration; fiscal year 2024-2025

26 A. The sum of (\$3,000,000) is reduced from appropriations made from
27 the state general fund in fiscal year 2024-2025 to the department of
28 administration. This reduction shall be applied to monies the department
29 of administration distributes to counties for required employer
30 contributions to the elected officials' retirement plan.

31 B. The sum of (\$9,488,300) is reduced from appropriations made from
32 the state general fund in fiscal year 2024-2025 to the judiciary-superior
33 court judges' compensation line item.

34 C. The sum of (\$3,115,900) is reduced from appropriations made from
35 the state general fund in fiscal year 2024-2025 to the judiciary-court of
36 appeals as follows:

37 1. (\$2,114,400) division one line item.

38 2. (\$1,001,500) division two line item.

39 D. The following sums are reduced from appropriations made from the
40 state general fund in fiscal year 2024-2025 to the following agencies'
41 operating lump sum appropriation line item:

- 42 1. Attorney general (\$ 52,700)
- 43 2. Corporation commission (\$232,800)
- 44 3. Superintendent of public instruction (\$ 49,800)
- 45 4. Office of the governor (\$ 55,600)

1	5. Judiciary – supreme court	(\$844,600)
2	6. Legislature – senate	(\$421,700)
3	7. Legislature – house of representatives	(\$843,400)
4	8. State mine inspector	(\$ 29,300)
5	9. Department of state – secretary of state	(\$ 41,000)
6	10. State treasurer	(\$ 41,000)
7	Sec. 13. <u>Emergency</u>	
8	This act is an emergency measure that is necessary to preserve the	
9	public peace, health or safety and is operative immediately as provided by	
10	law.	