

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HOUSE BILL 2163

AN ACT

AMENDING SECTION 13-604, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2007, CHAPTER 248, SECTION 1; REPEALING SECTION 13-604, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2007, CHAPTER 287, SECTION 1; AMENDING SECTION 28-3153, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2007, CHAPTER 214, SECTION 4; REPEALING SECTION 28-3153, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2007, CHAPTER 206, SECTION 1; AMENDING SECTION 42-5029, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2006, CHAPTER 351, SECTION 7 AND CHAPTER 354, SECTION 27; REPEALING SECTION 42-5029, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2007, CHAPTER 276, SECTION 1; PROVIDING FOR THE DELAYED REPEAL OF SECTIONS 41-608.04 AND 43-1086, ARIZONA REVISED STATUTES; AMENDING LAWS 2005, CHAPTER 1, SECTION 3, AS AMENDED BY LAWS 2006, CHAPTER 350, SECTION 4 AND LAWS 2007, CHAPTER 78, SECTION 1; REPEALING LAWS 2005, CHAPTER 1, SECTION 3, AS AMENDED BY LAWS 2006, CHAPTER 350, SECTION 4 AND LAWS 2007, CHAPTER 169, SECTION 4; REPEALING LAWS 2007, CHAPTER 258, SECTION 10; RELATING TO MULTIPLE, DEFECTIVE AND CONFLICTING LEGISLATIVE DISPOSITIONS OF STATUTORY TEXT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Purpose

3 1. Section 13-604, Arizona Revised Statutes, was amended by Laws 2007,
4 chapter 248, section 1 and chapter 287, section 1. The chapter 287 version
5 could not be blended because it failed to amend the chapter 248 version,
6 which was an emergency enactment, and therefore did not comply with article
7 IV, part 2, section 14, Constitution of Arizona. To accomplish the intent of
8 these enactments, this act amends the Laws 2007, chapter 248 version of
9 section 13-604, Arizona Revised Statutes, to incorporate the amendments made
10 by Laws 2007, chapter 287 and the chapter 287 version is repealed.

11 2. Section 28-3153, Arizona Revised Statutes, was amended by Laws
12 2007, chapter 206, section 1 and chapter 214, section 4. The chapter 206
13 version could not be blended because of the delayed effective date. In order
14 to combine these versions, this act amends the Laws 2007, chapter 214 version
15 of section 28-3153, Arizona Revised Statutes, to incorporate the amendments
16 made by Laws 2007, chapter 206 and the chapter 206 version is repealed.

17 3. Section 42-5029, Arizona Revised Statutes, was amended by Laws
18 2007, chapter 276, section 1. However, this version did not reflect the
19 previous valid version of the section. In order to comply with article IV,
20 part 2, section 14, Constitution of Arizona, this act amends section 42-5029,
21 Arizona Revised Statutes, as amended by Laws 2006, chapter 351, section 7 and
22 chapter 354, section 27, to incorporate the amendments made by Laws 2007,
23 chapter 276 and the chapter 276 version is repealed.

24 4. Laws 2007, chapter 258, section 10 provided for the delayed repeal
25 of sections 41-608.04 and 43-1086, Arizona Revised Statutes. However, the
26 repeal of section 43-1086, Arizona Revised Statutes, was not included in the
27 title of the act in violation of article IV, part 2, section 13, Constitution
28 of Arizona. In order to correct a potentially defective enactment, this act
29 provides for the delayed repeal of sections 41-608.04 and 43-1086, Arizona
30 Revised Statutes, and repeals Laws 2007, chapter 258, section 10.

31 5. Laws 2005, chapter 1, section 3, as amended by Laws 2006, chapter
32 350, section 4, was amended by Laws 2007, chapter 78, section 1 and chapter
33 169, section 4. The chapter 169 version failed to amend the chapter 78
34 version, which was an emergency enactment, and therefore did not comply with
35 article IV, part 2, section 14, Constitution of Arizona. To accomplish the
36 intent of these enactments, this act amends the Laws 2007, chapter 78 version
37 of Laws 2005, chapter 1, section 3, as amended by Laws 2006, chapter 350,
38 section 4, to incorporate the amendments made by Laws 2007, chapter 169 and
39 the chapter 169 version is repealed.

40 Sec. 2. Section 13-604, Arizona Revised Statutes, as amended by Laws
41 2007, chapter 248, section 1, is amended to read:

42 13-604. Dangerous and repetitive offenders; definitions

43 A. Except as provided in subsection F, G or H of this section or
44 section 13-604.01, a person who is at least eighteen years of age or who has
45 been tried as an adult and who stands convicted of a class 4, 5 or 6 felony,

1 whether a completed or preparatory offense, and who has a historical prior
2 felony conviction shall be sentenced to imprisonment as prescribed in this
3 subsection and shall not be eligible for suspension of sentence, probation,
4 pardon or release from confinement on any basis except as specifically
5 authorized by section 31-233, subsection A or B until the sentence imposed by
6 the court has been served, the person is eligible for release pursuant to
7 section 41-1604.07 or the sentence is commuted. The presumptive term may be
8 mitigated or aggravated within the range prescribed under this subsection
9 pursuant to the terms of section 13-702, subsections B, C and D. The terms
10 are as follows:

| <u>Felony</u> | <u>Minimum</u> | <u>Presumptive</u> | <u>Maximum</u> |
|---------------|----------------|--------------------|----------------|
| Class 4 | 3 years | 4.5 years | 6 years |
| Class 5 | 1.5 years | 2.25 years | 3 years |
| Class 6 | 1 year | 1.75 years | 2.25 years |

11 B. Except as provided in subsection I, J or K of this section or
12 section 13-604.01, a person who is at least eighteen years of age or who has
13 been tried as an adult and who stands convicted of a class 2 or 3 felony,
14 whether a completed or preparatory offense, and who has a historical prior
15 felony conviction shall be sentenced to imprisonment as prescribed in this
16 subsection and shall not be eligible for suspension of sentence, probation,
17 pardon or release from confinement on any basis except as specifically
18 authorized by section 31-233, subsection A or B until the sentence imposed by
19 the court has been served, the person is eligible for release pursuant to
20 section 41-1604.07 or the sentence is commuted. The presumptive term may be
21 mitigated or aggravated within the range prescribed under this subsection
22 pursuant to the terms of section 13-702, subsections B, C and D. The terms
23 are as follows:

| <u>Felony</u> | <u>Minimum</u> | <u>Presumptive</u> | <u>Maximum</u> |
|---------------|----------------|--------------------|----------------|
| Class 2 | 6 years | 9.25 years | 18.5 years |
| Class 3 | 4.5 years | 6.5 years | 13 years |

24 C. Except as provided in subsection F, G, H or S of this section or
25 section 13-604.01, a person who is at least eighteen years of age or who has
26 been tried as an adult and who stands convicted of a class 4, 5 or 6 felony,
27 whether a completed or preparatory offense, and who has two or more
28 historical prior felony convictions shall be sentenced to imprisonment as
29 prescribed in this subsection and shall not be eligible for suspension of
30 sentence, probation, pardon or release from confinement on any basis except
31 as specifically authorized by section 31-233, subsection A or B until the
32 sentence imposed by the court has been served, the person is eligible for
33 release pursuant to section 41-1604.07 or the sentence is commuted. The
34 presumptive term may be mitigated or aggravated within the range prescribed
35 under this subsection pursuant to the terms of section 13-702, subsections B,
36 C and D. The terms are as follows:

| <u>Felony</u> | <u>Minimum</u> | <u>Presumptive</u> | <u>Maximum</u> |
|---------------|----------------|--------------------|----------------|
| Class 4 | 8 years | 10 years | 12 years |
| Class 5 | 4 years | 5 years | 6 years |
| Class 6 | 3 years | 3.75 years | 4.5 years |

5 D. Except as provided in subsection I, J, K or S of this section or
6 section 13-604.01, a person who is at least eighteen years of age or who has
7 been tried as an adult and who stands convicted of a class 2 or 3 felony, and
8 who has two or more historical prior felony convictions, shall be sentenced
9 to imprisonment as prescribed in this subsection and shall not be eligible
10 for suspension of sentence, probation, pardon or release from confinement on
11 any basis except as specifically authorized by section 31-233, subsection A
12 or B until the sentence imposed by the court has been served, the person is
13 eligible for release pursuant to section 41-1604.07 or the sentence is
14 commuted. The presumptive term may be mitigated or aggravated within the
15 range prescribed under this subsection pursuant to the terms of section
16 13-702, subsections B, C and D. The terms are as follows:

| <u>Felony</u> | <u>Minimum</u> | <u>Presumptive</u> | <u>Maximum</u> |
|---------------|----------------|--------------------|----------------|
| Class 2 | 14 years | 15.75 years | 28 years |
| Class 3 | 10 years | 11.25 years | 20 years |

20 E. A person who is at least eighteen years of age or who has been
21 tried as an adult and who stands convicted of any misdemeanor or petty
22 offense, other than a traffic offense, and who has been convicted of one or
23 more of the same misdemeanors or petty offenses within two years next
24 preceding the date of the present offense shall be sentenced for the next
25 higher class of offense than that for which such person currently stands
26 convicted.

27 F. Except as provided in section 13-604.01, a person who is at least
28 eighteen years of age or who has been tried as an adult and who stands
29 convicted of a class 4, 5 or 6 felony involving the intentional or knowing
30 infliction of serious physical injury or the discharge, use or threatening
31 exhibition of a deadly weapon or dangerous instrument without having
32 previously been convicted of any felony shall be sentenced to imprisonment as
33 prescribed in this subsection and shall not be eligible for suspension of
34 sentence, probation, pardon or release from confinement on any basis except
35 as specifically authorized by section 31-233, subsection A or B until the
36 sentence imposed by the court has been served, the person is eligible for
37 release pursuant to section 41-1604.07 or the sentence is commuted. The
38 presumptive term may be mitigated or aggravated within the range prescribed
39 under this subsection pursuant to the terms of section 13-702, subsections B,
40 C and D. The terms are as follows:

| <u>Felony</u> | <u>Minimum</u> | <u>Presumptive</u> | <u>Maximum</u> |
|---------------|----------------|--------------------|----------------|
| Class 4 | 4 years | 6 years | 8 years |
| Class 5 | 2 years | 3 years | 4 years |
| Class 6 | 1.5 years | 2.25 years | 3 years |

1 G. Except as provided in section 13-604.01, upon conviction of a class
2 4, 5 or 6 felony involving the intentional or knowing infliction of serious
3 physical injury or the discharge, use or threatening exhibition of a deadly
4 weapon or dangerous instrument a person who has a historical prior felony
5 conviction involving the intentional or knowing infliction of serious
6 physical injury or the use or exhibition of a deadly weapon or dangerous
7 instrument shall be sentenced to imprisonment as prescribed in this
8 subsection and shall not be eligible for suspension of sentence, probation,
9 pardon or release from confinement on any basis except as specifically
10 authorized by section 31-233, subsection A or B until the sentence imposed by
11 the court has been served, the person is eligible for release pursuant to
12 section 41-1604.07 or the sentence is commuted. The presumptive term may be
13 mitigated or aggravated within the range prescribed under this subsection
14 pursuant to the terms of section 13-702, subsections B, C and D. The terms
15 are as follows:

| <u>Felony</u> | <u>Minimum</u> | <u>Presumptive</u> | <u>Maximum</u> |
|---------------|----------------|--------------------|----------------|
| 16 Class 4 | 8 years | 10 years | 12 years |
| 17 Class 5 | 4 years | 5 years | 6 years |
| 18 Class 6 | 3 years | 3.75 years | 4.5 years |

20 H. Except as provided in subsection S of this section or section
21 13-604.01, upon conviction of a class 4, 5 or 6 felony involving the
22 intentional or knowing infliction of serious physical injury or the
23 discharge, use or threatening exhibition of a deadly weapon or dangerous
24 instrument a person who has two or more historical prior felony convictions
25 involving the intentional or knowing infliction of serious physical injury or
26 the use or exhibition of a deadly weapon or dangerous instrument shall be
27 sentenced to imprisonment as prescribed in this subsection and shall not be
28 eligible for suspension of sentence, probation, pardon or release from
29 confinement on any basis except as specifically authorized by section 31-233,
30 subsection A or B until the sentence imposed by the court has been served,
31 the person is eligible for release pursuant to section 41-1604.07 or the
32 sentence is commuted. The presumptive term may be mitigated or aggravated
33 within the range prescribed under this subsection pursuant to the terms of
34 section 13-702, subsections B, C and D. The terms are as follows:

| <u>Felony</u> | <u>Minimum</u> | <u>Presumptive</u> | <u>Maximum</u> |
|---------------|----------------|--------------------|----------------|
| 35 Class 4 | 12 years | 14 years | 16 years |
| 36 Class 5 | 6 years | 7 years | 8 years |
| 37 Class 6 | 4.5 years | 5.25 years | 6 years |

39 I. Except as provided in section 13-604.01, upon a first conviction of
40 a class 2 or 3 felony involving discharge, use or threatening exhibition of a
41 deadly weapon or dangerous instrument or upon conviction of a class 2 or 3
42 felony when the intentional or knowing infliction of serious physical injury
43 upon another has occurred, the defendant shall be sentenced to imprisonment
44 as prescribed in this subsection and shall not be eligible for suspension of
45 sentence, probation, pardon or release from confinement on any basis except

1 as specifically authorized by section 31-233, subsection A or B until the
2 sentence imposed by the court has been served, the person is eligible for
3 release pursuant to section 41-1604.07 or the sentence is commuted. The
4 presumptive term may be mitigated or aggravated within the range prescribed
5 under this subsection pursuant to the terms of section 13-702, subsections B,
6 C and D. The terms are as follows:

| <u>Felony</u> | <u>Minimum</u> | <u>Presumptive</u> | <u>Maximum</u> |
|---------------|----------------|--------------------|----------------|
| 8 Class 2 | 7 years | 10.5 years | 21 years |
| 9 Class 3 | 5 years | 7.5 years | 15 years |

10 J. Except as provided in section 13-604.01, upon conviction of a class
11 2 or 3 felony involving the discharge, use or threatening exhibition of a
12 deadly weapon or dangerous instrument or the intentional or knowing
13 infliction of serious physical injury upon another, a person who has a
14 historical prior felony conviction that is a class 1, 2 or 3 felony involving
15 the use or exhibition of a deadly weapon or dangerous instrument or the
16 intentional or knowing infliction of serious physical injury on another shall
17 be sentenced to imprisonment as prescribed in this subsection and shall not
18 be eligible for suspension of sentence, probation, pardon or release from
19 confinement on any basis except as specifically authorized by section 31-233,
20 subsection A or B until the sentence imposed by the court has been served,
21 the person is eligible for release pursuant to section 41-1604.07 or the
22 sentence is commuted. The presumptive term may be mitigated or aggravated
23 within the range prescribed under this subsection pursuant to the terms of
24 section 13-702, subsections B, C and D. The terms are as follows:

| <u>Felony</u> | <u>Minimum</u> | <u>Presumptive</u> | <u>Maximum</u> |
|---------------|----------------|--------------------|----------------|
| 26 Class 2 | 14 years | 15.75 years | 28 years |
| 27 Class 3 | 10 years | 11.25 years | 20 years |

28 K. Except as provided in subsection S of this section or section
29 13-604.01, upon conviction for a class 2 or 3 felony involving the discharge,
30 use or threatening exhibition of a deadly weapon or dangerous instrument or
31 the intentional or knowing infliction of serious physical injury upon
32 another, a person who has two or more historical prior felony convictions
33 that are class 1, 2 or 3 felonies involving the use or exhibition of a deadly
34 weapon or dangerous instrument or the intentional or knowing infliction of
35 serious physical injury on another shall be sentenced to imprisonment as
36 prescribed in this subsection and shall not be eligible for suspension of
37 sentence, probation, pardon or release from confinement on any basis except
38 as specifically authorized by section 31-233, subsection A or B until the
39 sentence imposed by the court has been served, the person is eligible for
40 release pursuant to section 41-1604.07 or the sentence is commuted. The
41 presumptive term may be mitigated or aggravated within the range prescribed
42 under this subsection pursuant to the terms of section 13-702, subsections B,
43 C and D. The terms are as follows:

| | <u>Felony</u> | <u>Minimum</u> | <u>Presumptive</u> | <u>Maximum</u> |
|---|---------------|----------------|--------------------|----------------|
| 1 | | | | |
| 2 | Class 2 | 21 years | 28 years | 35 years |
| 3 | Class 3 | 15 years | 20 years | 25 years |

4 L. For the purposes of subsections I, J and K of this section in
5 determining the applicability of the penalties provided in this section for
6 second or subsequent class 2 or 3 felonies, the conviction for any felony
7 committed before October 1, 1978 which, if committed after October 1, 1978,
8 could be a dangerous felony under this section may be designated by the state
9 as a prior felony.

10 M. Convictions for two or more offenses committed on the same occasion
11 shall be counted as only one conviction for purposes of this section.

12 N. A person who has been convicted in any court outside the
13 jurisdiction of this state of an offense which if committed within this state
14 would be punishable as a felony or misdemeanor is subject to the provisions
15 of this section. A person who has been convicted as an adult of an offense
16 punishable as a felony or a misdemeanor under the provisions of any prior
17 code in this state shall be subject to the provisions of this section.

18 O. Time spent incarcerated within the two years next preceding the
19 date of the offense for which a person is currently being sentenced under
20 subsection E of this section shall not be included in the two years required
21 to be free of convictions for purposes of that subsection.

22 P. The penalties prescribed by this section shall be substituted for
23 the penalties otherwise authorized by law if the previous conviction or the
24 allegation that the defendant committed a felony while released on bond or on
25 the defendant's own recognizance or while escaped from preconviction custody
26 as provided in subsection R of this section is charged in the indictment or
27 information and admitted or found by the court or if the dangerous nature of
28 the felony is charged in the indictment or information and admitted or found
29 by the trier of fact. The release provisions prescribed by this section
30 shall not be substituted for any penalties required by the substantive
31 offense or provision of law that specifies a later release or completion of
32 the sentence imposed prior to release. The court shall allow the allegation
33 of a prior conviction, the dangerous nature of the felony or the allegation
34 that the defendant committed a felony while released on bond or on the
35 defendant's own recognizance or while escaped from preconviction custody at
36 any time prior to the date the case is actually tried unless the allegation
37 is filed fewer than twenty days before the case is actually tried and the
38 court finds on the record that the defendant was in fact prejudiced by the
39 untimely filing and states the reasons for these findings, provided that when
40 the allegation of a prior conviction is filed, the state must make available
41 to the defendant a copy of any material or information obtained concerning
42 the prior conviction. The charge of previous conviction or the allegation
43 that the defendant committed a felony while released on bond or on the
44 defendant's own recognizance or while escaped from preconviction custody
45 shall not be read to the jury. For the purposes of this subsection,

1 "dangerous nature of the felony" means a felony involving the discharge, use
2 or threatening exhibition of a deadly weapon or dangerous instrument or the
3 intentional or knowing infliction of serious physical injury upon another.

4 Q. Intentional failure by the court to impose the mandatory sentences
5 or probation conditions provided in this title shall be deemed to be
6 malfeasance.

7 R. A person who is convicted of committing any felony offense, which
8 felony offense is committed while the person is released on bail or on the
9 defendant's own recognizance on a separate felony offense or while the person
10 is escaped from preconviction custody for a separate felony offense, shall be
11 sentenced to a term of imprisonment two years longer than would otherwise be
12 imposed for the felony offense committed while released on bond or on the
13 defendant's own recognizance or while escaped from preconviction custody.
14 The additional sentence imposed under this subsection is in addition to any
15 enhanced punishment that may be applicable under any of the other subsections
16 of this section. The defendant is not eligible for suspension of sentence,
17 probation, pardon or release from confinement on any basis except as
18 specifically authorized by section 31-233, subsection A or B until the two
19 years are served, the person is eligible for release pursuant to section
20 41-1604.07 or the sentence is commuted.

21 S. A person who is at least eighteen years of age or who has been
22 tried as an adult and who stands convicted of a serious offense except a drug
23 offense, first degree murder or any dangerous crime against children, whether
24 a completed or preparatory offense, and who has previously been convicted of
25 two or more serious offenses not committed on the same occasion shall be
26 sentenced to life imprisonment and is not eligible for suspension of
27 sentence, probation, pardon or release from confinement on any basis except
28 as specifically authorized by section 31-233, subsection A or B until the
29 person has served not less than twenty-five years or the sentence is
30 commuted.

31 T. A person who is convicted of committing any felony offense with the
32 intent to promote, further or assist any criminal conduct by a criminal
33 street gang shall not be eligible for suspension of sentence, probation,
34 pardon or release from confinement on any basis except as authorized by
35 section 31-233, subsection A or B until the sentence imposed by the court has
36 been served, the person is eligible for release pursuant to section
37 41-1604.07 or the sentence is commuted. The presumptive, minimum and maximum
38 sentence for the offense shall be increased by three years **IF THE OFFENSE IS**
39 **A CLASS 4, 5 OR 6 FELONY OR SHALL BE INCREASED BY FIVE YEARS IF THE OFFENSE**
40 **IS A CLASS 2 OR 3 FELONY.** The additional sentence imposed pursuant to this
41 subsection is in addition to any enhanced sentence that may be applicable.

42 U. A person who is convicted of intentionally or knowingly committing
43 aggravated assault on a peace officer while the officer is engaged in the
44 execution of any official duties pursuant to section 13-1204, subsection A,
45 paragraph 1 or 2 shall be sentenced to imprisonment for not less than the

1 presumptive sentence authorized under this chapter and is not eligible for
2 suspension of sentence, commutation or release on any basis until the
3 sentence imposed is served.

4 V. Except as provided in section 13-604.01 or 13-703, if the victim is
5 an unborn child in the womb at any stage of its development, the defendant
6 shall be sentenced pursuant to this section.

7 W. For the purposes of this section:

8 1. "Absconder" means a probationer who has moved from the
9 probationer's primary place of residence without permission of the probation
10 officer, who cannot be located within ninety days of the previous contact and
11 against whom a petition to revoke has been filed in the superior court
12 alleging that the probationer's whereabouts are unknown. A probationer is no
13 longer deemed to be an absconder when voluntarily or involuntarily returned
14 to probation service.

15 2. "Historical prior felony conviction" means:

16 (a) Any prior felony conviction for which the offense of conviction:

17 (i) Mandated a term of imprisonment except for a violation of chapter
18 34 of this title involving a drug below the threshold amount; or

19 (ii) Involved the intentional or knowing infliction of serious
20 physical injury; or

21 (iii) Involved the use or exhibition of a deadly weapon or dangerous
22 instrument; or

23 (iv) Involved the illegal control of a criminal enterprise; or

24 (v) Involved aggravated driving under the influence of intoxicating
25 liquor or drugs, driving while under the influence of intoxicating liquor or
26 drugs with a suspended, canceled, revoked or refused driver license or
27 driving under the influence of intoxicating liquor or drugs with two or more
28 driving under the influence of intoxicating liquor or drug convictions within
29 a period of eighty-four months; or

30 (vi) Involved any dangerous crime against children as defined in
31 section 13-604.01.

32 (b) Any class 2 or 3 felony, except the offenses listed in subdivision
33 (a) of this paragraph, that was committed within the ten years immediately
34 preceding the date of the present offense. Any time spent on absconder
35 status while on probation or incarcerated is excluded in calculating if the
36 offense was committed within the preceding ten years. If a court determines
37 a person was not on absconder status while on probation that time is not
38 excluded.

39 (c) Any class 4, 5 or 6 felony, except the offenses listed in
40 subdivision (a) of this paragraph, that was committed within the five years
41 immediately preceding the date of the present offense. Any time spent on
42 absconder status while on probation or incarcerated is excluded in
43 calculating if the offense was committed within the preceding five years. If
44 a court determines a person was not on absconder status while on probation
45 that time is not excluded.

1 (d) Any felony conviction that is a third or more prior felony
2 conviction.

3 3. "Preconviction custody" means the confinement of a person in a jail
4 in this state or another state after the person is arrested for or charged
5 with a felony offense.

6 4. "Serious offense" means any of the following offenses if committed
7 in this state or any offense committed outside this state which if committed
8 in this state would constitute one of the following offenses:

9 (a) First degree murder.

10 (b) Second degree murder.

11 (c) Manslaughter.

12 (d) Aggravated assault resulting in serious physical injury or
13 involving the discharge, use or threatening exhibition of a deadly weapon or
14 dangerous instrument.

15 (e) Sexual assault.

16 (f) Any dangerous crime against children.

17 (g) Arson of an occupied structure.

18 (h) Armed robbery.

19 (i) Burglary in the first degree.

20 (j) Kidnapping.

21 (k) Sexual conduct with a minor under fifteen years of age.

22 (l) Child prostitution.

23 5. "Substantive offense" means the felony, misdemeanor or petty
24 offense that the trier of fact found beyond a reasonable doubt the defendant
25 committed. Substantive offense does not include allegations that, if proven,
26 would enhance the sentence of imprisonment or fine to which the defendant
27 otherwise would be subject.

28 Sec. 3. Repeal

29 Section 13-604, Arizona Revised Statutes, as amended by Laws 2007,
30 chapter 287, section 1, is repealed.

31 Sec. 4. Section 28-3153, Arizona Revised Statutes, as amended by Laws
32 2007, chapter 214, section 4, is amended to read:

33 28-3153. Driver license issuance; prohibitions

34 A. The department shall not issue the following:

35 1. A driver license to a person who is under eighteen years of age,
36 except that the department may issue:

37 (a) A restricted instruction permit for a class D or G license to a
38 person who is at least fifteen years of age.

39 (b) An instruction permit for a class D, G or M license as provided by
40 this chapter to a person who is at least fifteen years and ~~seven~~ SIX months
41 of age.

42 (c) A class G or M license as provided by this chapter to a person who
43 is at least sixteen years of age.

44 2. A class D, G or M license or instruction permit to a person who is
45 under eighteen years of age and who has been tried in adult court and

1 convicted of a second or subsequent violation of criminal damage to property
2 pursuant to section 13-1602, subsection A, paragraph 1 or convicted of a
3 felony offense in the commission of which a motor vehicle is used, including
4 theft of a motor vehicle pursuant to section 13-1802, unlawful use of means
5 of transportation pursuant to section 13-1803 or theft of means of
6 transportation pursuant to section 13-1814, or who has been adjudicated
7 delinquent for a second or subsequent act that would constitute criminal
8 damage to property pursuant to section 13-1602, subsection A, paragraph 1 or
9 adjudicated delinquent for an act that would constitute a felony offense in
10 the commission of which a motor vehicle is used, including theft of a motor
11 vehicle pursuant to section 13-1802, unlawful use of means of transportation
12 pursuant to section 13-1803 or theft of means of transportation pursuant to
13 section 13-1814, if committed by an adult.

14 3. A class A, B or C license to a person who is under twenty-one years
15 of age, except that the department may issue a class A, B or C license that
16 is restricted to only intrastate driving to a person who is at least eighteen
17 years of age.

18 4. A license to a person whose license or driving privilege has been
19 suspended, during the suspension period.

20 5. Except as provided in section 28-3315, a license to a person whose
21 license or driving privilege has been revoked.

22 6. A class A, B or C license to a person who has been disqualified
23 from obtaining a commercial driver license.

24 7. A license to a person who on application notifies the department
25 that the person is an alcoholic as defined in section 36-2021 or a drug
26 dependent person as defined in section 36-2501, unless the person
27 successfully completes the medical screening process pursuant to section
28 28-3052 or submits a medical examination report that includes a current
29 evaluation from a substance abuse counselor indicating that, in the opinion
30 of the counselor, the condition does not affect or impair the person's
31 ability to safely operate a motor vehicle.

32 8. A license to a person who has been adjudged to be incapacitated
33 pursuant to section 14-5304 and who at the time of application has not
34 obtained either a court order that allows the person to drive or a
35 termination of incapacity as provided by law.

36 9. A license to a person who is required by this chapter to take an
37 examination unless the person successfully passes the examination.

38 10. A license to a person who is required under the motor vehicle
39 financial responsibility laws of this state to deposit proof of financial
40 responsibility and who has not deposited the proof.

41 11. A license to a person if the department has good cause to believe
42 that the operation of a motor vehicle on the highways by the person would
43 threaten the public safety or welfare.

44 12. A license to a person whose driver license has been ordered to be
45 suspended pursuant to section 25-518.

1 13. A class A, B or C license to a person whose license or driving
2 privilege has been canceled until the cause for the cancellation has been
3 removed.

4 14. A class A, B or C license or instruction permit to a person whose
5 state of domicile is not this state.

6 15. A class A, B or C license to a person who fails to demonstrate
7 proficiency in the English language as determined by the department.

8 B. The department shall not issue a driver license to or renew the
9 driver license of the following persons:

10 1. A person about whom the court notifies the department that the
11 person violated the person's written promise to appear in court when charged
12 with a violation of the motor vehicle laws of this state until the department
13 receives notification in a manner approved by the department that the person
14 appeared either voluntarily or involuntarily or that the case has been
15 adjudicated, that the case is being appealed or that the case has otherwise
16 been disposed of as provided by law.

17 2. If notified pursuant to section 28-1601, a person who fails to pay
18 a civil penalty as provided in section 28-1601, except for a parking
19 violation, until the department receives notification in a manner approved by
20 the department that the person paid the civil penalty, that the case is being
21 appealed or that the case has otherwise been disposed of as provided by law.

22 C. The magistrate or the clerk of the court shall provide the
23 notification to the department prescribed by subsection B of this section.

24 D. Notwithstanding any other law, the department shall not issue to or
25 renew a driver license or nonoperating identification license for a person
26 who does not submit proof satisfactory to the department that the applicant's
27 presence in the United States is authorized under federal law. For an
28 application for a driver license or a nonoperating identification license,
29 the department shall not accept as a primary source of identification a
30 driver license issued by a state if the state does not require that a driver
31 licensed in that state be lawfully present in the United States under federal
32 law. The director shall adopt rules necessary to carry out the purposes of
33 this subsection. The rules shall include procedures for:

34 1. Verification that the applicant's presence in the United States is
35 authorized under federal law.

36 2. Issuance of a temporary driver permit pursuant to section 28-3157
37 pending verification of the applicant's status in the United States.

38 Sec. 5. Repeal

39 Section 28-3153, Arizona Revised Statutes, as amended by Laws 2007,
40 chapter 206, section 1, is repealed.

1 Sec. 6. Subject to the requirements of article IV, part 1, section 1,
2 Constitution of Arizona, section 42-5029, Arizona Revised Statutes, as
3 amended by Laws 2006, chapter 351, section 7 and chapter 354, section 27, is
4 amended to read:

5 42-5029. Remission and distribution of monies; definition

6 A. The department shall deposit, pursuant to sections 35-146 and
7 35-147, all revenues collected under this article and articles 4, 5 and 8 of
8 this chapter pursuant to section 42-1116, separately accounting for:

9 1. Payments of estimated tax under section 42-5014, subsection D.

10 2. Revenues collected pursuant to section 42-5070.

11 3. Revenues collected under this article and article 5 of this chapter
12 from and after June 30, 2000 from sources located on Indian reservations in
13 this state.

14 4. Revenues collected pursuant to section 42-5010, subsection G and
15 section 42-5155, subsection D.

16 B. The department shall credit payments of estimated tax to an
17 estimated tax clearing account and each month shall transfer all monies in
18 the estimated tax clearing account to a fund designated as the transaction
19 privilege and severance tax clearing account. The department shall credit
20 all other payments to the transaction privilege and severance tax clearing
21 account, separately accounting for the monies designated as distribution base
22 under sections 42-5010, 42-5164, 42-5205 and 42-5353. Each month the
23 department shall report to the state treasurer the amount of monies collected
24 pursuant to this article and articles 4, 5 and 8 of this chapter.

25 C. On notification by the department, the state treasurer shall
26 distribute the monies deposited in the transaction privilege and severance
27 tax clearing account in the manner prescribed by this section and by sections
28 42-5164, 42-5205 and 42-5353, after deducting warrants drawn against the
29 account pursuant to sections 42-1118 and 42-1254.

30 D. Of the monies designated as distribution base the department shall:

31 1. Pay twenty-five per cent to the various incorporated municipalities
32 in this state in proportion to their population to be used by the
33 municipalities for any municipal purpose.

34 2. Pay 38.08 per cent to the counties in this state by averaging the
35 following proportions:

36 (a) The proportion that the population of each county bears to the
37 total state population.

38 (b) The proportion that the distribution base monies collected during
39 the calendar month in each county under this article, section 42-5164,
40 subsection B, section 42-5205, subsection B and section 42-5353 bear to the
41 total distribution base monies collected under this article, section 42-5164,
42 subsection B, section 42-5205, subsection B and section 42-5353 throughout
43 the state for the calendar month.

1 3. Pay an additional 2.43 per cent to the counties in this state as
2 follows:

3 (a) Average the following proportions:

4 (i) The proportion that the assessed valuation used to determine
5 secondary property taxes of each county, after deducting that part of the
6 assessed valuation that is exempt from taxation at the beginning of the month
7 for which the amount is to be paid, bears to the total assessed valuations
8 used to determine secondary property taxes of all the counties after
9 deducting that portion of the assessed valuations that is exempt from
10 taxation at the beginning of the month for which the amount is to be paid.
11 Property of a city or town that is not within or contiguous to the municipal
12 corporate boundaries and from which water is or may be withdrawn or diverted
13 and transported for use on other property is considered to be taxable
14 property in the county for purposes of determining assessed valuation in the
15 county under this item.

16 (ii) The proportion that the distribution base monies collected during
17 the calendar month in each county under this article, section 42-5164,
18 subsection B, section 42-5205, subsection B and section 42-5353 bear to the
19 total distribution base monies collected under this article, section 42-5164,
20 subsection B, section 42-5205, subsection B and section 42-5353 throughout
21 the state for the calendar month.

22 (b) If the proportion computed under subdivision (a) of this paragraph
23 for any county is greater than the proportion computed under paragraph 2 of
24 this subsection, the department shall compute the difference between the
25 amount distributed to that county under paragraph 2 of this subsection and
26 the amount that would have been distributed under paragraph 2 of this
27 subsection using the proportion computed under subdivision (a) of this
28 paragraph and shall pay that difference to the county from the amount
29 available for distribution under this paragraph. Any monies remaining after
30 all payments under this subdivision shall be distributed among the counties
31 according to the proportions computed under paragraph 2 of this subsection.

32 4. After any distributions required by sections 42-5030, 42-5030.01,
33 42-5031, 42-5032 and 42-5032.01, and after making any transfer to the water
34 quality assurance revolving fund as required by section 49-282, subsection B,
35 credit the remainder of the monies designated as distribution base to the
36 state general fund. From this amount:

37 (a) The legislature shall annually appropriate to:

38 (i) The department of revenue sufficient monies to administer and
39 enforce this article and articles 5 and 8 of this chapter.

40 (ii) The department of economic security monies to be used for the
41 purposes stated in title 46, chapter 1.

42 (iii) The firearms safety and ranges fund established by section
43 17-273, fifty thousand dollars derived from the taxes collected from the
44 retail classification pursuant to section 42-5061 for the current fiscal
45 year.

1 (b) The state treasurer shall transfer to the tourism fund an amount
2 equal to the sum of the following:

3 (i) Three and one-half per cent of the gross revenues derived from the
4 transient lodging classification pursuant to section 42-5070 during the
5 preceding fiscal year.

6 (ii) Three per cent of the gross revenues derived from the amusement
7 classification pursuant to section 42-5073 during the preceding fiscal year.

8 (iii) Two per cent of the gross revenues derived from the restaurant
9 classification pursuant to section 42-5074 during the preceding fiscal year.

10 E. If approved by the qualified electors voting at a statewide general
11 election, all monies collected pursuant to section 42-5010, subsection G and
12 section 42-5155, subsection D shall be distributed each fiscal year pursuant
13 to this subsection. The monies distributed pursuant to this subsection are
14 in addition to any other appropriation, transfer or other allocation of
15 public or private monies from any other source and shall not supplant,
16 replace or cause a reduction in other school district, charter school,
17 university or community college funding sources. The monies shall be
18 distributed as follows:

19 1. If there are outstanding state school facilities revenue bonds
20 pursuant to title 15, chapter 16, article 7, each month one-twelfth of the
21 amount that is necessary to pay the fiscal year's debt service on outstanding
22 state school improvement revenue bonds for the current fiscal year shall be
23 transferred each month to the school improvement revenue bond debt service
24 fund established by section 15-2084. The total amount of bonds for which
25 these monies may be allocated for the payment of debt service shall not
26 exceed a principal amount of eight hundred million dollars exclusive of
27 refunding bonds and other refinancing obligations.

28 2. After any transfer of monies pursuant to paragraph 1 of this
29 subsection, twelve per cent of the remaining monies collected during the
30 preceding month shall be transferred to the technology and research
31 initiative fund established by section 15-1648 to be distributed among the
32 universities for the purpose of investment in technology and research-based
33 initiatives.

34 3. After the transfer of monies pursuant to paragraph 1 of this
35 subsection, three per cent of the remaining monies collected during the
36 preceding month shall be transferred to the workforce development account
37 established in each community college district pursuant to section 15-1472
38 for the purpose of investment in workforce development programs.

39 4. After transferring monies pursuant to paragraphs 1, 2 and 3 of this
40 subsection, one-twelfth of the amount a community college that is owned,
41 operated or chartered by a qualifying Indian tribe on its own Indian
42 reservation would receive pursuant to section 15-1472, subsection D,
43 paragraph 2 if it were a community college district shall be distributed each
44 month to the treasurer or other designated depository of a qualifying Indian
45 tribe. Monies distributed pursuant to this paragraph are for the exclusive

1 purpose of providing support to one or more community colleges owned,
2 operated or chartered by a qualifying Indian tribe and shall be used in a
3 manner consistent with section 15-1472, subsection B. For THE purposes of
4 this paragraph, "qualifying Indian tribe" has the same meaning as defined in
5 section 42-5031.01, subsection D.

6 5. After transferring monies pursuant to paragraphs 1, 2 and 3 of this
7 subsection, one-twelfth of the following amounts shall be transferred each
8 month to the department of education for the increased cost of basic state
9 aid under section 15-971 due to added school days and associated teacher
10 salary increases enacted in 2000:

11 (a) In fiscal year 2001-2002, \$15,305,900.

12 (b) In fiscal year 2002-2003, \$31,530,100.

13 (c) In fiscal year 2003-2004, \$48,727,700.

14 (d) In fiscal year 2004-2005, \$66,957,200.

15 (e) In fiscal year 2005-2006 and each fiscal year thereafter,
16 \$86,280,500.

17 6. After transferring monies pursuant to paragraphs 1, 2 and 3 of this
18 subsection, seven million eight hundred thousand dollars is appropriated each
19 fiscal year, to be paid in monthly installments, to the department of
20 education to be used for school safety as provided in section 15-154 and two
21 hundred thousand dollars is appropriated each fiscal year, to be paid in
22 monthly installments to the department of education to be used for the
23 character education matching grant program as provided in section 15-154.01.

24 7. After transferring monies pursuant to paragraphs 1, 2 and 3 of this
25 subsection, no more than seven million dollars may be appropriated by the
26 legislature each fiscal year to the department of education to be used for
27 accountability purposes as described in section 15-241 and title 15, chapter
28 9, article 8.

29 8. After transferring monies pursuant to paragraphs 1, 2 and 3 of this
30 subsection, one million five hundred thousand dollars is appropriated each
31 fiscal year, to be paid in monthly installments, to the failing schools
32 tutoring fund established by section 15-241.

33 9. After transferring monies pursuant to paragraphs 1, 2 and 3 of this
34 subsection, twenty-five million dollars shall be transferred each fiscal year
35 to the state general fund to reimburse the general fund for the cost of the
36 income tax credit allowed by section 43-1072.01.

37 10. After the payment of monies pursuant to paragraphs 1 through 9 of
38 this subsection, the remaining monies collected during the preceding month
39 shall be transferred to the classroom site fund established by section
40 15-977. The monies shall be allocated as follows in the manner prescribed by
41 section 15-977:

42 (a) Forty per cent shall be allocated for teacher compensation based
43 on performance.

1 (b) Twenty per cent shall be allocated for increases in teacher base
2 compensation and employee related expenses.

3 (c) Forty per cent shall be allocated for maintenance and operation
4 purposes.

5 F. The department shall credit the remainder of the monies in the
6 transaction privilege and severance tax clearing account to the state general
7 fund, subject to any distribution required by section 42-5030.01.

8 G. Notwithstanding subsection D of this section, if a court of
9 competent jurisdiction finally determines that tax monies distributed under
10 this section were illegally collected under this article or articles 5 and 8
11 of this chapter and orders the monies to be refunded to the taxpayer, the
12 department shall compute the amount of such monies that was distributed to
13 each city, town and county under this section. The department shall notify
14 the state treasurer of that amount plus the proportionate share of additional
15 allocated costs required to be paid to the taxpayer. Each city's, town's and
16 county's proportionate share of the costs shall be based on the amount of the
17 original tax payment each municipality and county received. Each month the
18 state treasurer shall reduce the amount otherwise distributable to the city,
19 town and county under this section by one thirty-sixth of the total amount to
20 be recovered from the city, town or county until the total amount has been
21 recovered, but the monthly reduction for any city, town or county shall not
22 exceed ten per cent of the full monthly distribution to that entity. The
23 reduction shall begin for the first calendar month after the final
24 disposition of the case and shall continue until the total amount, including
25 interest and costs, has been recovered.

26 H. On receiving a certificate of default from the greater Arizona
27 development authority pursuant to section 41-1554.06 or 41-1554.07 and to the
28 extent not otherwise expressly prohibited by law, the state treasurer shall
29 withhold from the next succeeding distribution of monies pursuant to this
30 section due to the defaulting political subdivision the amount specified in
31 the certificate of default and immediately deposit the amount withheld in the
32 greater Arizona development authority revolving fund. The state treasurer
33 shall continue to withhold and deposit the monies until the greater Arizona
34 development authority certifies to the state treasurer that the default has
35 been cured. In no event may the state treasurer withhold any amount that the
36 defaulting political subdivision certifies to the state treasurer and the
37 authority as being necessary to make any required deposits then due for the
38 payment of principal and interest on bonds of the political subdivision that
39 were issued before the date of the loan repayment agreement or bonds and that
40 have been secured by a pledge of distributions made pursuant to this section.

41 I. Except as provided by sections 42-5033 and 42-5033.01, the
42 population of a county, city or town as determined by the most recent United
43 States decennial census plus any revisions to the decennial census certified
44 by the United States bureau of the census shall be used as the basis for
45 apportioning monies pursuant to subsection D of this section.

1 J. EXCEPT AS OTHERWISE PROVIDED BY THIS SUBSECTION, ON NOTICE FROM THE
2 DEPARTMENT OF REVENUE PURSUANT TO SECTION 42-6010, SUBSECTION B, THE STATE
3 TREASURER SHALL WITHHOLD FROM THE DISTRIBUTION OF MONIES PURSUANT TO THIS
4 SECTION TO THE AFFECTED CITY OR TOWN THE AMOUNT OF THE PENALTY FOR BUSINESS
5 LOCATION MUNICIPAL TAX INCENTIVES PROVIDED BY THE CITY OR TOWN TO A BUSINESS
6 ENTITY THAT LOCATES A RETAIL BUSINESS FACILITY IN THE CITY OR TOWN. THE
7 STATE TREASURER SHALL CONTINUE TO WITHHOLD MONIES PURSUANT TO THIS SUBSECTION
8 UNTIL THE ENTIRE AMOUNT OF THE PENALTY HAS BEEN WITHHELD. THE STATE
9 TREASURER SHALL CREDIT ANY MONIES WITHHELD PURSUANT TO THIS SUBSECTION TO THE
10 STATE GENERAL FUND AS PROVIDED BY SUBSECTION D, PARAGRAPH 4 OF THIS SECTION.
11 THE STATE TREASURER SHALL NOT WITHHOLD ANY AMOUNT THAT THE CITY OR TOWN
12 CERTIFIES TO THE DEPARTMENT OF REVENUE AND THE STATE TREASURER AS BEING
13 NECESSARY TO MAKE ANY REQUIRED DEPOSITS OR PAYMENTS FOR DEBT SERVICE ON BONDS
14 OR OTHER LONG-TERM OBLIGATIONS OF THE CITY OR TOWN THAT WERE ISSUED OR
15 INCURRED BEFORE THE LOCATION INCENTIVES PROVIDED BY THE CITY OR TOWN.

16 ~~J.~~ K. For the purposes of this section, "community college district"
17 means a community college district that is established pursuant to sections
18 15-1402 and 15-1403 and that is a political subdivision of this state.

19 Sec. 7. Repeal

20 Section 42-5029, Arizona Revised Statutes, as amended by Laws 2007,
21 chapter 276, section 1, is repealed.

22 Sec. 8. Delayed repeal

23 A. Section 41-608.04, Arizona Revised Statutes, is repealed from and
24 after December 31, 2013.

25 B. Section 43-1086, Arizona Revised Statutes, is repealed from and
26 after December 31, 2012.

27 Sec. 9. Laws 2005, chapter 1, section 3, as amended by Laws 2006,
28 chapter 350, section 4 and Laws 2007, chapter 78, section 1, is amended to
29 read:

30 Sec. 3. Arizona centennial 2012

31 A. The historical advisory commission shall develop and coordinate a
32 statewide plan regarding this state's centennial in 2012. The plan shall
33 include the following:

34 1. Advising the legislature and state agencies on centennial history
35 and heritage, arts and culture and related activities.

36 2. Assisting the governor's countdown to the centennial to support
37 school children learning about this state's history.

38 3. Recommending and funding activities and projects that will ensure
39 lasting legacy accomplishments to commemorate the centennial.

40 4. ISSUING COMMEMORATIVE MEDALS, SEALS, LICENSE PLATES AND
41 CERTIFICATES OF RECOGNITION.

42 5. RECOMMENDING PROPOSALS FOR LEGISLATION AND PERFORMING
43 ADMINISTRATIVE ACTION THAT THE COMMISSION CONSIDERS NECESSARY TO CARRY OUT
44 THE COMMISSION'S RECOMMENDATIONS.

1 B. The historical advisory commission may accept and spend
2 appropriations, grants, gifts, contributions and devises to assist in
3 carrying out this section, **INCLUDING THE MANUFACTURING OF THE CENTENNIAL**
4 **MEDALLIONS**. The historical advisory commission may accept and spend
5 appropriations, grants, gifts, contributions and devises to contract for
6 administrative and clerical staff, professional and administrative experts
7 and other staff as necessary to enable the commission to carry out this
8 section.

9 C. THE HISTORICAL ADVISORY COMMISSION SHALL DESIGN, PRODUCE AND SELL
10 COMMEMORATIVE 99.9 PER CENT PURE GOLD, SILVER AND COPPER MEDALLIONS, WITH
11 WEIGHTS THAT DO NOT EXCEED ONE TROY OUNCE. THE MEDALLIONS SHALL BE TWO-SIDED
12 DISKS OF NOT MORE THAN FIVE MILLIMETERS IN THICKNESS, SHALL HAVE THE SEAL OF
13 THE STATE OF ARIZONA STRUCK ON ONE SIDE AND SHALL HAVE A REPRESENTATION OF
14 THE ARIZONA STATE FLAG STRUCK ON THE OTHER SIDE ALONG WITH THE TEXT "ARIZONA
15 CENTENNIAL MEDALLION - FEBRUARY 14, 1912 - 2012" AND THE WEIGHT OF THE DISK
16 IN FRACTIONS OF TROY OUNCES OR GRAMS. THE DEPARTMENT OF WEIGHTS AND MEASURES
17 SHALL CERTIFY THE WEIGHT AND PURITY OF THE CENTENNIAL MEDALLIONS. THE
18 HISTORICAL ADVISORY COMMISSION SHALL NEGOTIATE THE MANUFACTURE AND SALE OF
19 THE CENTENNIAL MEDALLIONS. THE SALE PRICE OF THE MEDALLIONS SHALL NOT BE
20 MORE THAN TEN PER CENT HIGHER THAN THE MANUFACTURING COST OF THE MEDALLIONS.
21 MANUFACTURING QUANTITY SHALL BE PRODUCED TO MEET ONGOING PUBLIC DEMAND.

22 D. IN FULFILLING ITS RESPONSIBILITIES, THE HISTORICAL ADVISORY
23 COMMISSION SHALL CONSULT AND COOPERATE WITH AND SEEK ADVICE FROM APPROPRIATE
24 STATE AGENCIES, LOCAL AND PUBLIC BODIES, LEARNED SOCIETIES AND HISTORICAL,
25 PATRIOTIC, PHILANTHROPIC, CIVIC, PROFESSIONAL AND RELATED ORGANIZATIONS.
26 STATE AGENCIES SHALL COOPERATE WITH THE COMMISSION IN PLANNING, ENCOURAGING,
27 DEVELOPING AND COORDINATING APPROPRIATE COMMEMORATIVE ACTIVITIES. THE
28 PRESIDENT OF EACH STATE UNIVERSITY SHALL COOPERATE WITH THE COMMISSION,
29 ESPECIALLY IN THE ENCOURAGEMENT AND COORDINATION OF SCHOLARLY WORKS AND
30 PRESENTATIONS ON THE HISTORY, CULTURE AND POLITICAL ACTIVITIES RELATED TO THE
31 ARIZONA STATEHOOD ERA. THE OFFICE OF TOURISM SHALL COOPERATE WITH THE
32 COMMISSION IN MARKETING TO POTENTIAL VISITORS TO THIS STATE COMMEMORATIVE
33 ACTIVITIES ENABLING VISITORS TO EXPERIENCE THE CULTURAL HERITAGE OF THIS
34 STATE.

35 Sec. 10. Repeal

36 Laws 2005, chapter 1, section 3, as amended by Laws 2006, chapter 350,
37 section 4 and Laws 2007, chapter 169, section 4, is repealed.

38 Sec. 11. Repeal

39 Laws 2007, chapter 258, section 10 is repealed.

40 Sec. 12. Retroactive application

41 A. Sections 2, 3, 8, 9, 10 and 11 of this act apply retroactively to
42 September 19, 2007.

43 B. Sections 6 and 7 of this act apply retroactively to from and after
44 December 31, 2007.

1 C. Sections 4 and 5 of this act apply retroactively to from and after
2 June 30, 2008.

3 Sec. 13. Requirements for enactment; three-fourths vote

4 Pursuant to article IV, part 1, section 1, Constitution of Arizona,
5 section 42-5029, Arizona Revised Statutes, as amended by section 6 of this
6 act, is effective only on the affirmative vote of at least three-fourths of
7 the members of each house of the legislature.