

REFERENCE TITLE: **abandoned mines; safety; funding**

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

SB 1330

Introduced by
Senators Burns, Flake, Harper, O'Halleran; Representatives Barnes, Burges,
Cajero Bedford, Konopnicki, McClure; Senators Arzberger, Gould,
Huppenthal, Johnson, Verschoor; Representatives Biggs, Brown, Burns J,
Clark, Murphy, Paton, Pearce, Reagan

AN ACT

**AMENDING SECTIONS 10-122, 27-131, 41-982 AND 41-984, ARIZONA REVISED
STATUTES; REPEALING SECTIONS 41-983.01 AND 41-983.02, ARIZONA REVISED
STATUTES; RELATING TO ABANDONED MINES.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
 2 Section 1. Section 10-122, Arizona Revised Statutes, is amended to
 3 read:

4 10-122. Filing, service and copying fees; expedited report
 5 filing and access; same day and next day services;
 6 posted wait times; advance monies; definition

7 A. The commission shall collect and deposit, pursuant to sections
 8 35-146 and 35-147, the following nonrefundable fees when the documents
 9 described in this subsection are delivered to the commission:

<u>Document</u>	<u>Fee</u>
10 1. Articles of incorporation	\$50
11 2. Application for use of indistinguishable name	10
12 3. Application for reserved name	10
13 4. Notice of transfer of reserved name	10
14 5. Application for registered name	10
15 6. Application for renewal of registered name	10
16 7. Agent's statement of resignation	10
17 8. Amendment of articles of incorporation	25
18 9. Restatement of articles of incorporation with	
19 amendment of articles	25
20 10. Articles of merger or share exchange	100
21 11. Articles of dissolution	25
22 12. Articles of domestication	100
23 13. Articles of revocation of dissolution	25
24 14. Application for reinstatement following	
25 administrative dissolution, in addition	
26 to other fees and penalties due	100
27 15. Application for authority	150
28 16. Application for withdrawal	25
29 17. Annual report	45
30 18. Articles of correction	25
31 19. Application for certificate of good standing	10
32 20. Any other document required or permitted	
33 to be filed by chapters 1 through 17	
34 of this title	25

35 B. The commission shall collect a nonrefundable fee of twenty-five
 36 dollars each time process is served on it under chapters 1 through 17 of this
 37 title. The party to a proceeding causing service of process is entitled to
 38 recover this fee as costs if the party prevails in the proceeding.
 39

40 C. The commission shall charge and collect a reasonable fee for
 41 copying documents on request, provided the fee does not exceed the cost of
 42 providing the service as determined by the commission. The commission shall
 43 also charge a reasonable fee for certifying the copy of a filed document,
 44 provided the fee does not exceed the cost of providing the service as
 45 determined by the commission.

1 D. A penalty of one hundred dollars payable in addition to other fees
2 accrues and is payable if a foreign corporation fails to file an amendment,
3 restated articles that include an amendment, or articles of merger within
4 sixty days of the time of filing in the jurisdiction in which the corporation
5 is domiciled. The penalty collected pursuant to this subsection shall be
6 deposited, pursuant to sections 35-146 and 35-147, in the state general fund.

7 E. One-third of the fees for the annual report of domestic and foreign
8 corporations paid pursuant to subsection A, paragraph 17 of this section
9 shall be deposited in the ~~Arizona arts trust~~ ABANDONED MINES SAFETY fund
10 established by section ~~41-983.01~~ 27-131.

11 F. The commission shall provide for and establish an expedited service
12 for the filing of all documents and services provided pursuant to this title
13 as follows:

14 1. The expedited filing shall be a priority service to be completed as
15 soon as possible after the documents are delivered to the commission.

16 2. In addition to any other fees required by this section or any other
17 law, the commission shall charge a nonrefundable fee for expedited services,
18 including those requested by fax. The fee shall be determined by a
19 supermajority vote of the commissioners.

20 3. The commission may provide for and establish same day and next day
21 services for the filing of any documents and services provided pursuant to
22 this title as follows:

23 (a) The same day and next day services shall not be offered unless all
24 expedited services filed pursuant to this title are processed within a
25 maximum of five business days and all other documents and services filed
26 pursuant to this title are processed within a maximum of thirty business
27 days.

28 (b) The commission shall suspend same day or next day service if the
29 commission determines that it does not have the necessary resources to
30 perform the service within the established time period.

31 (c) In addition to any other fees required by this section or any
32 other law, the commissioners may charge a nonrefundable fee for the same day
33 or next day service or both. The fee shall be determined by a supermajority
34 vote of the commissioners.

35 4. The commission shall publicly post the current wait times for
36 processing regular, expedited and same day and next day services.

37 G. The commission may charge persons who access the commission's data
38 processing system that is maintained pursuant to section 10-122.01 from
39 remote locations and persons requesting special computer generated printouts,
40 reports and tapes a reasonable fee that does not exceed the cost of the time,
41 equipment and personnel necessary to provide this service or product as
42 determined by the commission.

43 H. Except as provided in section 10-122.01, subsection B, paragraph 3,
44 in addition to any fee charged pursuant to this section, the commission may
45 charge and collect the following nonrefundable fees to help defray the cost

1 of the improved data processing system that is maintained pursuant to section
2 10-122.01:

3 1. Filing articles of incorporation of a domestic corporation, ten
4 dollars.

5 2. Filing an application of a foreign corporation for authority to
6 transact business in this state, twenty-five dollars.

7 I. All monies received pursuant to subsections F, G and H of this
8 section shall be deposited, pursuant to sections 35-146 and 35-147, in the
9 public access fund established by section 10-122.01.

10 J. Fees charged pursuant to this section are exempt from section
11 39-121.03, subsection A, paragraph 3.

12 K. Any person may advance monies to the commission to pay fees
13 required pursuant to this section for future filings and services. All
14 monies received pursuant to this subsection shall be deposited, pursuant to
15 sections 35-146 and 35-147, in the money on deposit account in the public
16 access fund established by section 10-122.01.

17 L. For the purposes of this section, "supermajority" means an
18 affirmative vote of at least four commissioners.

19 Sec. 2. Section 27-131, Arizona Revised Statutes, is amended to read:
20 27-131. Abandoned mines safety fund; annual report

21 A. Notwithstanding section 27-129, subsection D, the abandoned
22 mines safety fund is established consisting of:

23 1. Gifts, grants and contributions specifically designated for the
24 fund.

25 2. Monies that may be appropriated by the legislature to the fund to
26 match the gifts, grants and contributions based on the preceding year's
27 expenditure report required under subsection D of this section.

28 3. REVENUES DERIVED FROM FILING FEES COLLECTED PURSUANT TO SECTION
29 10-122.

30 B. The state mine inspector shall administer the fund. Monies in the
31 fund are exempt from lapsing pursuant to section 35-190.

32 C. Monies in the fund are continuously appropriated to the inspector
33 to ensure public safety at abandoned mines on land owned by this state as
34 provided by section 27-129. The inspector shall use monies in the fund to
35 pay contractors for actual abatement costs to fill, fence or plug shafts and
36 adits and not to pay administrative salaries and other costs. The inspector
37 shall consult with the state land commissioner to identify and prioritize the
38 abandoned mine sites on state lands to be considered for abatement.

39 ~~Each year~~ D. The inspector shall submit an annual report to the joint
40 legislative budget committee on or before December 1 concerning the
41 expenditure of monies from the fund and contributions to the fund during the
42 preceding fiscal year. The report shall itemize each expense paid from the
43 fund and shall describe the actions taken to ensure public safety.

1 Sec. 3. Section 41-982, Arizona Revised Statutes, is amended to read:
2 41-982. Powers and duties

3 A. The commission may:

4 1. With the consent of a majority of the commission, employ such
5 personnel as may be required within the limits of funds available in the arts
6 fund. The compensation for such personnel shall be as determined pursuant to
7 section 38-611.

8 2. Hold hearings.

9 3. Enter into contracts, within the limits of funds available, with
10 local and regional associations, individuals, organizations and institutions
11 for any services which further the broad objectives of the commission's
12 program.

13 4. Accept gifts, contributions and bequests of unrestricted funds for
14 deposit in the arts fund ~~or the arts trust fund~~ from individuals,
15 foundations, corporations, and other organizations or institutions for the
16 purpose of furthering the broad objectives of the commission's program.

17 5. Make agreements to carry out the purposes of this article.

18 6. Request cooperation from any state agency for the purposes of this
19 article.

20 B. The commission shall:

21 1. Stimulate and encourage throughout the state the study and
22 presentation of the performing arts, fine arts, and public interest and
23 participation therein.

24 2. Make such surveys of public and private institutions engaged within
25 the state in artistic and cultural activities, as may be deemed advisable,
26 and make recommendations concerning appropriate methods to encourage
27 participation in and appreciation of the arts to meet the legitimate needs
28 and aspirations of persons in all parts of the state.

29 3. Take such steps as may be necessary and appropriate to encourage
30 public interest in the cultural heritage of our state and to expand the
31 state's cultural resources.

32 4. Encourage and assist freedom of artistic and scholarly expression
33 essential for the well-being of the arts.

34 5. Formulate policies and adopt rules and regulations which are
35 consistent with the purposes of this article.

36 Sec. 4. Repeal

37 Sections 41-983.01 and 41-983.02, Arizona Revised Statutes, are
38 repealed.

39 Sec. 5. Section 41-984, Arizona Revised Statutes, is amended to read:
40 41-984. Annual report

41 The Arizona commission on the arts shall prepare and submit an annual
42 report to the governor and the legislature including a detailed accounting of
43 the expenditures and grants from the arts fund ~~and the Arizona arts trust~~
44 ~~fund~~ no later than December 31 of each year.