

REFERENCE TITLE: collection enforcement revolving fund; monies

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

SB 1481

Introduced by
Senator Garcia

AN ACT

AMENDING SECTION 41-191.03, ARIZONA REVISED STATUTES; RELATING TO THE
COLLECTION ENFORCEMENT REVOLVING FUND.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 41-191.03, Arizona Revised Statutes, is amended to
3 read:

4 41-191.03. Collection enforcement revolving fund; disposition
5 of monies

6 A. A collection enforcement revolving fund is established for the
7 purpose of collecting debts owed to the state. Monies in the fund are
8 subject to legislative appropriation. The attorney general shall administer
9 the fund.

10 B. The attorney general may:

11 1. Expend from the collection enforcement revolving fund such monies
12 as are necessary for the collection of debts owed to the state, including
13 reimbursing other accounts or departments within the office of the attorney
14 general from which monies or services for collection were provided.

15 2. USE MONIES IN THE COLLECTION ENFORCEMENT REVOLVING FUND FOR ANY
16 OPERATING EXPENSES INCURRED BY THE DEPARTMENT OF LAW.

17 C. Thirty-five per cent of all monies recovered by the attorney
18 general pursuant to section 41-191.04 shall be deposited, pursuant to
19 sections 35-146 and 35-147, in the collection enforcement revolving fund,
20 EXCEPT THAT IF THE ATTORNEY GENERAL RETAINS OUTSIDE COUNSEL FOR THE
21 COLLECTION OF A DEBT THAT HAS NOT BEEN REDUCED TO A JUDGMENT BEFORE ITS
22 REFERRAL TO OUTSIDE COUNSEL, THE THIRTY-FIVE PER CENT AMOUNT SHALL BE REDUCED
23 BY THE AMOUNT OF ATTORNEY FEES PAID TO THE OUTSIDE COUNSEL.

24 D. Sixty-five per cent of all monies recovered by the attorney general
25 pursuant to section 41-191.04 shall be distributed as follows:

26 1. Those monies which are directly attributable to a fund containing
27 monies which do not revert to the state general fund at the end of the fiscal
28 year shall be deposited, pursuant to sections 35-146 and 35-147, in that
29 fund.

30 2. All other monies shall be deposited, pursuant to sections 35-146
31 and 35-147, in the state general fund.

32 E. Monies in the collection enforcement revolving fund are exempt from
33 the lapsing provisions of section 35-190, except that monies remaining in the
34 fund at the end of each fiscal year in excess of one hundred thousand dollars
35 shall be distributed on a pro rata basis to the funds receiving monies
36 pursuant to subsection D of this section. Such distribution shall be based
37 on the percentage that the collections deposited in each fund bear to the
38 total amount deposited into the funds during the fiscal year.

39 F. Notwithstanding anything in subsections B through E of this
40 section, monies due and owing pursuant to section 12-116.01 and collected by
41 the attorney general shall be distributed as follows:

42 1. Twenty per cent of all monies recovered by the attorney general
43 pursuant to section 41-191.04 shall be deposited, pursuant to sections 35-146
44 and 35-147, in the collection enforcement revolving fund.

1 2. Eighty per cent of all monies recovered by the attorney general
2 pursuant to section 41-191.04 shall be deposited, pursuant to sections 35-146
3 and 35-147, in the criminal justice enhancement fund, ~~and~~ established by section
4 41-2401.

5 Sec. 2. Deposit of national century financial enterprises
6 settlement proceeds

7 Notwithstanding section 41-191.03, Arizona Revised Statutes, as amended
8 by this act, fiscal year 2006-2007 national century financial enterprises
9 settlement proceeds in the amount of \$641,767.90 shall be deposited in the
10 state general fund as follows:

11 1. From fiscal year 2006-2007 national century financial enterprises
12 settlement proceeds, the attorney general's office shall transfer \$492,220.86
13 from the attorney general office's account PCA 32170 and deposit that amount
14 in the state general fund.

15 2. From fiscal year 2006-2007 national century financial enterprises
16 settlement proceeds, the state treasurer's office shall transfer \$149,547.04
17 from the state treasurer's office collections enforcement revolving fund
18 account and deposit that amount in the state general fund.

19 Sec. 3. Retroactivity

20 This act is effective retroactively to from and after June 30, 2007.