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motor vehicles within this state. Provided, however, that such law shall permit those persons who wish to remain subject to tort law and thereby retain the opportunity to sue and be sued, to reject, prior to injury, such compensation system.

Section 2. Article II, Section 31, Constitution of Arizona is amended to read:

§ 31. Damages for death or personal injuries

Section 31. No law shall be enacted in this State limiting the amount of damages to be recovered for causing the death or injury of any person, except as provided for in Article XXIX, consumer choice in motor vehicle accident compensation.

Section 3. Article XVIII, Section 6, Constitution of Arizona is amended to read:

§ 6. Recovery of damages for injuries

Section 6. The right of action to recover damages for injuries shall never be abrogated, and the amount recovered shall not be subject to any statutory limitation, except in both cases as provided for in Article XXIX, consumer choice in motor vehicle accident compensation.

Election Results

Yes 180,922

No 865,289

PROPOSITION 200

OFFICIAL TITLE

AN INITIATIVE MEASURE

TO PROVIDE FOR ANNUAL FUNDING FROM STATE LOTTERY REVENUES FOR THE ARIZONA STATE PARKS BOARD HERITAGE FUND AND THE ARIZONA GAME AND FISH COMMISSION HERITAGE FUND FOR THE PURPOSES OF PRESERVING, PROTECTING, AND ENHANCING ARIZONA'S NATURAL AND SCENIC ENVIRONMENT, HISTORICAL AND CULTURAL HERITAGE, BIOLOGICAL DIVERSITY, STATE, REGIONAL AND LOCAL PARKS FOR OUTDOOR RECREATION AND OPEN SPACE, WILDLIFE AND WILDLIFE HABITAT, ENDANGERED AND THREATENED SPECIES, URBAN WILDLIFE, TRAILS, AND FOR ENVIRONMENTAL EDUCATION; TO ESTABLISH DEFINITIONS AND GUIDELINES FOR DETERMINING HOW SUCH MONIES AND INTEREST EARNED FROM SUCH MONIES SHALL BE EXPENDED ANNUALLY AND FOR THE ADMINISTRATION OF SUCH PROGRAMS BY THE ARIZONA STATE PARKS BOARD AND THE ARIZONA GAME AND FISH COMMISSION; AMENDING § 5-522, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 3, ARIZONA REVISED STATUTES, BY ADDING A NEW ARTICLE 1; AMENDING

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TITLE 17, CHAPTER 2, ARIZONA REVISED STATUTES, BY ADDING A NEW ARTICLE 6.

TEXT OF PROPOSED AMENDMENT

Be it enacted by the people of the state of Arizona:

The following amendments, amending § 5-522, Arizona Revised Statutes, amending Title 41, Chapter 3, Arizona Revised Statutes, by adding a new Article 1, and amending Title 17, Chapter 2, Arizona Revised Statutes, by adding a new Article 6 are proposed to become valid when approved by a majority of the qualified electors voting thereon and upon proclamation of the governor.

SECTION 1. DECLARATION OF POLICY

A. The people of Arizona believe it is in the best interest of the general economy and welfare of Arizona and its citizens to set aside adequate state funds on an annual basis to preserve, protect and enhance Arizona's natural and cultural heritage, wildlife, biological diversity, scenic wonder and environment and provide new opportunities for outdoor recreation in Arizona.

B. It is the intention and desire of the people of Arizona in enacting this statute by initiative that the funds provided hereby are in addition to and separate from other funds that are now and shall be annually appropriated by the legislature.

SECTION 2. Section 5-522, Arizona Revised Statutes, is amended by adding subsection 5-522(D), to read:

§ 5-522. Use of monies in state lottery fund

A. The monies in the state lottery fund shall be expended only for the following purposes and in the order provided:

1. For the expenses of the commission incurred in carrying out its powers and duties and in the operation of the lottery.

2. For the repayment to the state general fund of any amount appropriated to the fund.

3. For payment to the commerce and economic development commission fund established pursuant to § 41-1505.10 of not less than thirty-two and one-half per cent of the revenues received from the sale of two special lottery games conducted for the benefit of economic development.

B. Of the monies remaining in the state lottery fund after the appropriations authorized in subsection A of this section seventy-five per cent up to a maximum of twenty-three million dollars each fiscal year shall be deposited in the local transportation assistance fund established pursuant to § 28-2601 and twenty-five percent up to a maximum of seven million six hundred fifty thousand dollars each fiscal year shall be deposited in the county assistance fund established pursuant to § 41-175.

C. Notwithstanding subsection B of this section, if the state lottery director determines at the beginning of any fiscal year that

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monies available to cities, towns and counties under this section may not equal thirty million six hundred fifty thousand dollars, then he shall not authorize deposits to the county assistance fund until the deposits to the local transportation assistance fund equal twenty-three million dollars.

D. Of the monies remaining in the state lottery fund each fiscal year after appropriations and deposits authorized in subsections A, B and C of this section, ten million dollars shall be deposited in the Arizona state parks board heritage fund established pursuant to § 41-502 and ten million dollars shall be deposited in the Arizona game and fish commission heritage fund established pursuant to § 17-297.

D.E. All monies remaining in the state lottery fund after the appropriations and deposits authorized in this section shall be deposited in the state general fund.

E.F. Except for monies expended as provided in § 5-504, subsection C and § 41-1505.10, monies expended under subsection A of this section shall be subject to legislative appropriation beginning with the fiscal year which commences July 1, 1989.

SECTION 3. Title 41, Chapter 3, Arizona Revised Statutes, is amended by adding Article 1 to read:

Article 1. Arizona state parks board heritage fund

§ 41-501. Definitions

In this Article:

1. “Natural areas” means parcels of land or water that contain examples of unique natural terrestrial or aquatic ecosystems, rare species of plants and animals or unusual or outstanding geologic or hydrologic features.

2. “Trails” are those trails for non-motorized use nominated for inclusion in the state trails system, including urban, cross-state, recreation, interpretive or historic trails.

3. “Environmental education” means educational programs dealing with basic ecological principles and the effects of natural and man related processes on natural and urban systems and programs to enhance public awareness of the importance of safeguarding natural resources.

4. “Historic preservation” means archeological or historic properties listed on or eligible for listing on the Arizona register of historic places that require funding for easements, stabilization, rehabilitation, education and preservation program development, reconstruction, restoration, interpretive development, acquisition and maintenance.

§ 41-502. Establishment of fund

A. The Arizona state parks board heritage fund is established in the office of the state treasurer consisting of monies deposited

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from the state lottery fund pursuant to § 5-522 and interest earned on those monies.

B. The fund shall be administered by the Arizona state parks board and is not subject to appropriation. Expenditures from the fund are not subject to additional approval notwithstanding any provision of § 41-511.05, § 41-511.11 or any other statutory provision to the contrary. Monies received pursuant to § 5-522 shall be deposited directly with the Arizona state parks board heritage fund. On notice from the Arizona state parks board, the state treasurer shall invest monies in the fund as provided in § 35-311. The state treasurer shall credit monies earned from those investments to the fund.

C. The board shall not use its rights of eminent domain under § 41-511.06 to acquire property to be paid for with monies from the Arizona state parks board heritage fund.

D. All monies in the Arizona state parks board heritage fund shall be spent by the Arizona state parks board only for the purposes and in the percentages set forth in this article. In no event shall any monies in the fund revert to the state general fund and monies in the fund are exempt from the provisions of § 35-190, relating to lapsing of appropriations.

§ 41-503. Expenditures from fund; purpose and amounts

A. Monies in the fund for local, regional and state trails, parks, outdoor recreation and open space shall consist of:

1. Five percent of monies received pursuant to § 5-522 shall be spent on local, regional and state trails.

2. Thirty-five percent of monies received pursuant to § 5-522 shall be spent on local, regional or state parks, for outdoor recreation and open space.

B. Arizona state parks board heritage fund monies allocated pursuant to subsections 1 and 2 of this subsection shall be spent in accordance with § 41-511.25 and shall be available as matching funds.

C. No entity receiving funds under subsections A and B of this section shall receive more than twenty percent of the monies available in any fiscal year.

D. Seventeen percent of monies received pursuant to § 5-522 shall be spent on acquisition of natural areas.

E. Four percent of monies received pursuant to § 5-522 shall be spent on operation and management of natural areas administered by the state parks board.

F. Seventeen percent of monies received pursuant to § 5-522 shall be spent on local, regional and state historic preservation projects. Monies provided under this subsection shall be adminis-

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tered by the Arizona state parks board through the state historic preservation officer.

G. Seventeen percent of monies received pursuant to § 5-522 shall be spent on state park acquisition or development.

H. Five percent of monies received pursuant to § 5-522 shall be spent on environmental education.

I. All monies earned as interest on monies received pursuant to § 5-522 shall be spent only in the percentages and for the purposes described in subsections A through H of this section or for costs of administering the Arizona state parks board heritage fund in such amounts as determined by the Arizona state parks board.

SECTION 4. Title 17, Chapter 2, Arizona Revised Statutes, is amended by adding Article 6 to read:

Article 6. Arizona game and fish commission heritage fund

§ 17-296. Definitions

In this Article:

1. “Public access” means providing entry to publicly held lands for recreational use where such entry is consistent with the provisions establishing those lands.

2. “Sensitive habitat” means the specific areas within the geographical area historically or currently occupied by a species or community of species in which are found those physical or biological features essential to the establishment or continued existence of the species and which may require special management, conservation or protection considerations.

3. “Endangered species” means a species or subspecies of native Arizona wildlife whose population has been reduced due to any cause whatsoever to such levels that it is in imminent danger of elimination from its range in Arizona, or has been eliminated from its range in Arizona.

4. “Threatened species” means a species or subspecies of native Arizona wildlife that, although not presently in imminent danger of being eliminated from its range in Arizona, is likely to become an endangered species in the foreseeable future.

5. “Candidate species” means a species or subspecies of native Arizona wildlife for which habitat or population threats are known or suspected but for which substantial population declines from historic levels have not been documented.

6. “Urban wildlife” means the wildlife that occurs within the limits of an incorporated area or in close proximity to an urban area that receives significant impact from human use.

7. “Environmental education” means educational programs dealing with basic ecological principles and the effects of natural and man related processes on natural and urban sys-

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tems and programs to enhance public awareness of the importance of safeguarding natural resources.

8. "Habitat evaluation" means the assessment of the status, condition and ecological value of habitat and subsequent recommendations of management, conservation or other protection measures, or mitigation measures, including but not limited to, recommendation of reasonable alternatives for the proposed projects that might otherwise affect the habitat under assessment.

9. "Habitat protection" means the process of protecting the quality, diversity, abundance, and serviceability of habitats for the purposes of maintaining or recovering populations of Arizona wildlife.

§ 17-297. Establishment of fund

A. The Arizona game and fish commission heritage fund is established in the office of the state treasurer consisting of monies deposited from the state lottery fund pursuant to § 5-522 and interest earned on those monies.

B. The fund shall be administered by the Arizona game and fish commission and is not subject to appropriation and expenditures from the fund are not subject to outside approval notwithstanding any provision of § 17-241, § 17-261 or any other statutory provision to the contrary. Monies received pursuant to § 5-522 shall be deposited directly with the Arizona game and fish commission heritage fund. On notice from the Arizona state game and fish commission, the state treasurer shall invest monies in the fund as provided by § 35-311. The state treasurer shall credit monies earned from these investments to the Arizona game and fish commission heritage fund.

C. All monies in the Arizona game and fish commission heritage fund shall be spent by the Arizona game and fish commission only for the purposes and in the percentages set forth in this article. In no event shall any monies in the fund revert to the state general fund and monies in the fund are exempt from the provisions of § 35-190, relating to lapsing of appropriations.

D. The commission shall not use its rights of eminent domain to acquire property to be paid for with money from the Arizona game and fish commission heritage fund.

§ 17-298. Expenditures from fund; Purpose and amounts

A. Five percent of the monies received pursuant to § 5-522 shall be spent on public access.

B. Sixty percent of monies received pursuant to § 5-522 shall be spent on the identification, inventory, acquisition, protection and management of sensitive habitat. At least forty percent of the monies available under this subsection shall be spent on the acqui-

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tion of sensitive habitat utilized by endangered, threatened and candidate species.

C. Fifteen percent of monies received pursuant to § 5-522 shall be spent on habitat evaluation or habitat protection.

D. Fifteen percent of monies received pursuant to § 5-522 shall be spent on urban wildlife and urban wildlife habitat programs.

E. Five percent of monies received pursuant to § 5-522 shall be spent on environmental education.

F. All monies earned as interest on monies received pursuant to § 5-522 shall be spent only in the percentages and for the purposes described in subsections A through E of this section or for costs of administering the Arizona state game and fish commission heritage fund in such amounts as determined by the Arizona game and fish commission.

Election Results

Yes 648,046

No 394,952

PROPOSITION 201

OFFICIAL TITLE

AN INITIATIVE MEASURE

RELATING TO INSURANCE; ESTABLISHING AN INSURANCE CONSUMER OFFICE; PRESCRIBING DEFINITIONS; PRESCRIBING AN INSURANCE CONSUMER BOARD; PRESCRIBING BOARD MEMBERS, TERMS AND COMPENSATION; PRESCRIBING POWERS AND DUTIES OF THE INSURANCE CONSUMER BOARD; PROVIDING FOR A CONSUMER PROTECTION DIVISION AND AN OFFICE OF RATE ADVOCACY IN THE INSURANCE CONSUMER OFFICE; PROVIDING FOR AN INSURANCE CONSUMER PROTECTION FUND; PROSCRIBING CANCELLATION ON THE BASIS OF AGE; PROSCRIBING INEXPERIENCED DRIVER SURCHARGES; PROSCRIBING TERRITORIAL RATING UNLESS APPROVED BY THE DIRECTOR; PROVIDING FOR A GOOD DRIVER DISCOUNT; PROSCRIBING THE CANCELLATION OF AN AGREEMENT WITH AN AGENT; PRESCRIBING DEFINITIONS; PROVIDING FOR PRIOR APPROVAL OF RATES OR RATE CHANGES; PROVIDING FOR PREMIUM COMPARISONS AND COMPLAINT RATIOS; PROVIDING FOR PUNITIVE DAMAGES; PRESCRIBING A CIVIL PENALTY FOR CERTAIN PROHIBITED ACTS OR PRACTICES; PROVIDING FOR PAYMENT OF INTEREST IF CLAIM IS NOT TIMELY PAID; PRESCRIBING AN INSURANCE RATE ROLLBACK; PRESCRIBING AUTHORITY OF THE INSURANCE CONSUMER OFFICE; PRESCRIBING NOTICE OF CANCELLATION OR NONRENEWAL OF VEHICLE INSURANCE POLICIES; PROVIDING THAT THE MOTOR VEHICLE DIVISION PROVIDE THE INFORMATION TO PEACE