

that this state or local governments may not impose a tax on possessory interests in property held in trust for an Indian or an Indian tribe by the United States government.

Approved by the Governor April 25, 1994.

Filed in the Office of the Secretary of State April 25, 1994.

EDUCATION—ENVIRONMENT—LICENSE PLATES

CHAPTER 294

S.B. 1122

AN ACT AMENDING SECTIONS 15-214, 15-706, 28-308, 28-372, 28-373, 28-374 AND 28-382, ARIZONA REVISED STATUTES; AMENDING SECTION 41-2251, ARIZONA REVISED STATUTES; REPEALING TITLE 49, CHAPTER 1, ARTICLE 4, ARIZONA REVISED STATUTES; REPEALING LAWS 1992, CHAPTER 208, SECTION 18, AS AMENDED BY LAWS 1993, CHAPTER 81, SECTION 8; AMENDING LAWS 1992, CHAPTER 208, SECTION 20, AS AMENDED BY LAWS 1993, CHAPTER 81, SECTION 9; RELATING TO SPECIAL PLATES AND ENVIRONMENTAL EDUCATION.

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

Section 1. Section 15-214, Arizona Revised Statutes, is amended to read:

§ 15-214. Environmental special plate fund; purpose

A. An environmental special plate fund is established in the department of education consisting of monies received by the department from environmental plate annual donations pursuant to section 28-382.

B. The department shall develop a plan for the expenditure of monies in the fund. All monies in the fund shall only be used for environmental education as prescribed in section 15-706.

C. The fund established in this section is exempt from the provisions of section 35-190, relating to lapsing of appropriations. On notice from the department of education, the state treasurer shall invest and divest monies in the fund as provided by section 35-313. The state treasurer shall credit all monies earned from these investments to the fund.

Sec. 2. Section 15-706, Arizona Revised Statutes, is amended to read:

§ 15-706. Instruction in environmental education; assessment; definition

A. All school districts shall develop and implement programs which integrate environmental education into the general curriculum. The programs shall be designed to help pupils develop an understanding of the ~~importance of the environment~~ scientific and economic concepts which impact on environmental and natural resource issues. The environmental education program shall include curricula to increase awareness of the environment and to promote knowledge of environmental concepts, ~~develop positive attitudes and values toward the environment and encourage civic and social responsibility toward environmental issues~~ including the presentation of various economic and scientific issues. The environmental education program of each school district shall be assessed as to the extent to which pupils have ~~developed an understanding of the importance of the environment to the future~~

been presented the scientific and economic concepts which impact on environmental and natural resource issues of this state and its citizens.

B. The state board of education shall prescribe guidelines for districts to follow in developing their environmental education programs and assessments for use in evaluating the implementation of the programs.

C. The department of education shall establish and maintain an environmental education information resource system. The system shall include a current documentation, referral and dissemination program for environmental education materials and information.

D. The department of education shall collaborate with the universities and other recognized environmental education programs in providing environmental education training programs for certificated teachers as prescribed in section 15-1646.

E. The department of education, in consultation with the Arizona board of regents, shall develop a list of skills facts about scientific and economic concepts in environmental education to be included in teacher training programs.

F. In this section "environmental education" means the educational process dealing with the relationship of humans to their natural and artificial surroundings and includes the relation of population, pollution, resource allocation, ~~resource depletion,~~ conservation, transportation, and technology and urban and rural planning to the environment.

Sec. 3. Section 28-308, Arizona Revised Statutes, is amended to read:

§ 28-308. Number plate; special number plate replacement fund; plate design; reflective material contract

A. The department shall furnish to every owner one number plate for each motor vehicle, motorcycle, trailer or semitrailer registered, and at the request of the owner and on payment of any required fee, either one or two number plates for a motor vehicle for which a special plate is requested pursuant to this article or article 2 or 5 of this chapter. The number plate shall have displayed upon it the number assigned to the vehicle and to the owner of the vehicle and the name of this state, which may be abbreviated. Number plates shall be coated with a reflective material as determined by the director. The reflective material shall be consistent with the determination of the license plate commission regarding the color and design of number plates and special plates as prescribed by section 28-374. The plate and the letters and numerals on the plate shall be of sufficient size to be plainly readable during daylight from a distance of one hundred feet.

B. The director may require return to the department of all plates issued by the department upon termination of the lawful use. If the number plates of a motor vehicle become mutilated or illegible, the plates shall be surrendered to the division and new plates shall be issued in lieu thereof upon payment of the prescribed fee.

C. A passenger motor vehicle rented without a driver shall receive the same type of number plate as issued for a private passenger motor vehicle.

D. The department may establish a special number plate replacement fund composed of twenty-five cents of each registration fee collected or received by the department. These fees are in addition to fees authorized to be kept pursuant to sections 28-301 and 28-301.03. The department shall use the monies in the fund to systematically replace number plates which are no longer plainly readable or to offset the cost of the issuance of a newly designed number plate. Monies in the fund in excess of one hundred ten thousand dollars as of June 30 of each year shall be deposited in the highway user revenue fund.

E. The color and design of the number plate shall be determined by the license plate commission established pursuant to section 28-374. All other plates issued by the department, except the plates issued pursuant to sections 28-308.03, 28-308.05,

28-308.07, 28-308.08, ~~and 28-381 and 28-382~~ and article 2 of this chapter, shall be the same color as and similar in design to the number plate as determined by the commission.

F. Notwithstanding any other law, the department shall not contract with a nongovernmental entity to purchase or secure reflective material for the plates issued by the department unless the department has made a reasonable effort to secure qualified bids or proposals from as many individual responsible respondents as possible.

Sec. 4. Section 28-372, Arizona Revised Statutes, is amended to read:

§ 28-372. Special plates; rules; violation; classification

A. Except as otherwise provided in this article, the department shall issue or renew special plates in lieu of the regular number plates pursuant to the following conditions and procedures and only if the requirements prescribed by this article for the requested special plates are met:

1. A person who is the registered owner of a vehicle registered with the department or who applies for an original or renewal registration of a vehicle may submit to the department a completed application form as prescribed by the department with the fee prescribed by section 28-205 for special plates in addition to the registration fee prescribed by section 28-205.

2. Except for ~~collegiate special~~ plates issued pursuant to ~~section sections~~ 28-308.03, 28-308.05, 28-308.07, 28-308.08, 28-381 and 28-382, the special plates shall be the same color as and similar to the design of the regular number plates that is determined by the license plate commission pursuant to section 28-308.

3. Except as provided in section 28-375, the department shall issue special plates only to the registered owner or lessee of a vehicle that is a passenger vehicle or a light commercial vehicle having a manufacturer's rated carrying capacity of one ton or less. The special plates shall be used on a motor vehicle currently registered in the applicant's name or in the name of the applicant and another person or on a motor vehicle leased by the applicant.

4. The department shall charge the fee prescribed by section 28-205 for each annual renewal of special plates in addition to the registration fee prescribed by section 28-205.

B. On notification to the department and on payment of a transfer fee of twelve dollars, a person who is issued special plates may transfer the special plates to another vehicle for which he is the registered owner or lessee. Persons who are issued special plates for deaf persons pursuant to section 28-377 and international symbol of access special plates pursuant to section 28-378 are exempt from the transfer fee required by this subsection. If a person who is issued special plates sells, trades or otherwise releases ownership of the vehicle on which the plates have been displayed, he shall immediately report the transfer of the plates to the department or he shall surrender the plates to the department as prescribed by the director. It is unlawful for a person to whom the plates have been issued to knowingly permit them to be displayed on a motor vehicle except the motor vehicle authorized by the department.

C. The special plates shall be affixed to the vehicle for which registration is sought in lieu of the regular number plates.

D. The department may adopt rules necessary to administer this article.

E. A person is guilty of a class 3 misdemeanor who:

1. Violates subsection B of this section.
2. Fraudulently gives false or fictitious information in the application for or renewal of special plates or placards issued pursuant to this article.

3. Conceals a material fact or otherwise commits fraud in the application for or renewal of special plates or placards issued pursuant to this article.

Sec. 5. Section 28-373, Arizona Revised Statutes, is amended to read:

§ 28-373. Special organization plates; special plate fund; definitions

A. An organization may submit a request to the department on a form prescribed by the department for a special organization plate. The organization may propose in the request suggested indicia for the special organization plate that are indicative of the organization. If the department determines the organization meets the requirements of an organization as defined by this section, the department shall submit the request for a special organization plate to the license plate commission established pursuant to section 28-374.

B. The commission shall determine and inform the department whether or not the requested special organization plate is authorized. The commission shall authorize a special organization plate if the organization meets the following requirements:

1. The primary activity or interest of the organization serves the community, contributes to the welfare of others and is not offensive or discriminatory in its purpose, nature, activity or name.

2. The name of the organization or any part of the organization's purpose does not promote any specific product or brand name that is provided for sale.

3. The purpose of the organization does not promote a specific religion, faith or antireligious belief.

C. If the commission authorizes the special organization plate pursuant to subsection B of this section, the provisions of section 28-372 and the following requirements and procedures apply:

1. The department shall not issue the special organization plate unless it receives a sufficient number of applications from qualified applicants to pay for the production and program costs of the plates.

2. The department shall inform the organization of the authorization by the commission of the requested special organization plate, the requirements of this subsection and the number of applications required pursuant to paragraph 1 of this subsection.

3. The organization shall collect and hold applications from its members and the required fees for the special organization plates until the required number of applications, as determined by the department, is received.

4. The organization shall refund all fees to applicants if the required number of applications is not received in the calendar year in which the first application was received or if the department refunds the fees to the organization.

5. The organization shall submit the required number of applications and fees to the department by January 1 of any calendar year.

6. If the department determines that the required number of applications is received, that the applicants are qualified for the requested special plate and that the monies paid for the plates are available to the state, the department shall design and issue the requested special plate within one year after the applications and fees are received.

D. The determination of the commission of whether or not to authorize a special organization plate and of the department of whether or not to issue a special organization plate as required by this section is not subject to the rule making provisions of title 41, chapter 6. The department shall file with the secretary of state for publication in the administrative code with the department's rules a document that names each special organization plate that is authorized and issued pursuant to this section.

E. A special plate fund is established in the state treasury in which monies shall be deposited pending the determination required by subsection C, paragraph 6 of this section. The department shall transmit the fees received with applications for each special organization plate to the state treasurer for deposit in the fund. The department shall administer the fund and shall use the monies in the fund to provide refunds to an organization if special organization plates are not issued. Monies in the fund that are not refunded shall be deposited as required by law. The fund is exempt from the provisions of section 35-190 relating to lapsing of appropriations. On notice from the department, the state treasurer shall invest and divest monies in the fund as provided by section 35-313, and monies earned from investment shall be credited to the fund.

F. Eight dollars of the fees prescribed in section 28-205 for original special plates and renewal of special plates issued under this section are special plate administration fees. If the fees are not refunded and the special plates are issued pursuant to this section, the department shall transmit the special plate administration fees to the state treasurer for deposit in the special fund established by section 28-301.03 to cover administration costs.

G. For the purposes of this section:

1. "Commission" means the license plate commission established by section 28-374.

2. "Organization" means an entity that is organized as a nonprofit corporation pursuant to title 10, chapter 5 and that either certifies to the department that the organization has at least five hundred members or certifies to the department that the organization has fewer than five hundred members if, based on data requested by the department and provided by the organization, the department determines that the requirements of subsection C, paragraph 1 of this section can be satisfied.

Sec. 6. Section 28-374, Arizona Revised Statutes, is amended to read:

§ 28-374. License plate commission

A. A license plate commission is established. The commission is composed of the following members:

1. A person who is appointed by the speaker of the house of representatives and who serves at the pleasure of the speaker of the house of representatives.

2. A person who is appointed by the president of the senate and who serves at the pleasure of the president of the senate.

3. A person who is appointed by the governor from the governor's office of highway safety and who serves at the pleasure of the governor.

4. The superintendent of the highway patrol division or his designee.

5. The director of the department of transportation or his designee.

6. The director of the office of tourism or his designee.

7. The director of the state department of corrections or his designee.

B. The assistant director for the motor vehicle division or his designee shall serve as chairman of the commission. The chairman shall preside at commission meetings and coordinate the activities of the commission and staff implementation of commission actions.

C. All official actions of the commission shall be decided by a majority vote of commission members.

~~B. D.~~ The commission shall determine the following:

1. The color and design of number plates.

2. The color of special plates to be the same as and the design of special plates to be similar to the number plates, except for ~~collegiate special~~ special plates issued pursuant to section sections 28-308.03, 28-308.05, 28-308.07, 28-308.08, 28-381 and 28-382.

3. Whether or not to authorize special organization plates pursuant to section 28-373.

4. The indicia for special organization plates issued pursuant to section 28-373.

C. E. The department shall provide the commission with staff and technical assistance as necessary to perform its functions.

D. F. Commission members are not eligible to receive compensation, but the members who are appointed pursuant to subsection A, paragraphs 1 and 2 of this section are eligible for reimbursement of expenses pursuant to title 38, chapter 4, article 2.

Sec. 7. Section 28-382, Arizona Revised Statutes, is amended to read:

§ 28-382. **Environmental special plates**

A. The department shall issue environmental special plates. The environmental special plates shall have the same basic color and design as the environmental number plates issued on or before December 31, 1992, except that the department may make minor alterations of environmental special plates to make the plates more reflective and readable during the daylight and nighttime hours.

B. Of the twenty-five dollar fee required by section 28-205 for original environmental special plates and for renewal of environmental special plates, eight dollars is a special plate administration fee and seventeen dollars is an environmental plate annual donation.

C. The department shall transmit all special plate administration fees and all environmental plate annual donations collected pursuant to this section to the state treasurer. The state treasurer shall deposit the special plate administration fees in the special fund established by section 28-301.03 and shall deposit the environmental plate annual donations in the environmental special plate fund established by section 15-214 for disbursement by the department of education to environmental education programs.

Sec. 8. Section 41-2251, Arizona Revised Statutes, is amended to read:

§ 41-2251. **Establishment of advisory council; members; terms**

A. The Arizona advisory council on environmental education is established to facilitate coordination and planning with public and private agencies and educational institutions on environmental education goals and objectives contained in the comprehensive plan for environmental education.

B. The advisory council consists of nine members appointed by the governor for three year terms. Appointment to fill a vacancy resulting other than from expiration of a term shall be for the unexpired term only. The governor shall designate a chairperson and vice-chairperson.

C. Three members of the advisory council shall represent public agencies or organizations, ~~one of which shall be a member of the interagency committee on environmental education.~~ Three members of the advisory council shall represent private agencies or organizations. Three members of the advisory council shall represent educational institutions.

D. Members of the advisory council are not eligible to receive compensation. Members are eligible for reimbursement of expenses pursuant to title 38, chapter 4, article 2.

E. An unexcused absence from three consecutive meetings of the advisory council constitutes an abandonment of the office, and the governor shall appoint a person to fill the unexpired term.

Sec. 9. Repeal

A. Title 49, chapter 1, article 4, Arizona Revised Statutes, is repealed.

B. Laws 1992, chapter 208, section 18, as amended by Laws 1993, chapter 81, section 8, is repealed.

Sec. 10. Laws 1992, chapter 208, section 20, as amended by Laws 1993, chapter 81, section 9, is amended to read:

Sec. 20. Implementation

Notwithstanding the provisions of this act, the department of transportation shall issue the plates as required by this act as soon as reasonably practicable after the effective date of this act but not later than ~~June 30, 1994~~ December 31, 1994. The department shall accept requests from organizations for special organization plates pursuant to section 28-373, Arizona Revised Statutes, as added by this act, and applications for all other special plates authorized by title 28, chapter 3, article 5, Arizona Revised Statutes, as added by this act, from and after the effective date of this act.

Sec. 11. Environmental education curriculum review committee

A. An environmental education curriculum review committee is established consisting of the following seventeen members:

1. The superintendent of public instruction or the superintendent's designee.
2. Three teachers from public or private schools in this state who are appointed jointly by the president of the senate and the speaker of the house of representatives.
3. One member from a recognized private organization that promotes conservation of the environment who is appointed by the president of the senate.
4. Two members who represent natural resource industries and who are appointed by the speaker of the house of representatives.
5. One member of the general public who is appointed by the president of the senate.
6. One Native American who resides on a reservation in this state and who is appointed by the president of the senate.
7. Two members of the house of representatives who are not members of the same political party and who are appointed by the speaker of the house of representatives.
8. Two members of the senate who are not members of the same political party and who are appointed by the president of the senate.
9. Two members who are professional economists. The president of the senate and the speaker of the house of representatives shall each appoint one of these members.
10. Two members who are professional scientists. The president of the senate and the speaker of the house of representatives shall each appoint one of these members.

B. The committee shall:

1. Elect a chairman from among its members.
2. Revise any environmental education curriculum adopted before the effective date of this act so that the curriculum complies with the provisions of this act.
3. Develop and submit to the governor, the president of the senate and the speaker of the house of representatives a draft report of revisions to the environ-

mental education curriculum on or before August 1, 1995 and a final report of revisions to the environmental education curriculum on or before February 1, 1996.

C. Legislative staff shall provide assistance to the committee.

D. Members of the committee are not eligible to receive compensation, but members appointed pursuant to subsection A, paragraphs 3, 4, 5, 6, 9 and 10 are eligible for reimbursement of expenses pursuant to title 38, chapter 4, article 2, Arizona Revised Statutes.

Sec. 12. Delayed repeal

Section 11 of this act is repealed on March 1, 1996.

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PROPERTY—COUNTIES—RECORDING OF INSTRUMENTS

CHAPTER 295

S.B. 1316

AN ACT AMENDING SECTION 11-480, ARIZONA REVISED STATUTES; AMENDING SECTION 11-480, ARIZONA REVISED STATUTES, AS AMENDED BY SECTION 1 OF THIS ACT; AMENDING SECTIONS 33-412, 33-415, 33-420, 33-707 THROUGH 33-711, 33-713, 33-726, 33-728, 33-964 AND 33-965, ARIZONA REVISED STATUTES; PROVIDING FOR DELAYED REPEAL OF SECTION 1 OF THIS ACT; RELATING TO RECORDING OF INSTRUMENTS.

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

Section 1. Section 11-480, Arizona Revised Statutes, is amended to read:

§ 11-480. Requirements for form of instruments

A. Only an instrument which upon presentation to a county recorder for recordation fails to meet any of the following conditions may be rejected for recordation at the time of presentation for recordation:

1. Each instrument shall have a caption briefly stating the nature of the instrument, such as warranty deed, release of mortgage, notice of bulk sale and like captions. The county recorder shall have no obligation to index any instrument under any subject index category maintained by the county recorder unless that category is included in the caption to the instrument.

2. Each instrument shall be an original or a copy of the original and shall be sufficiently legible for the recorder to make certified copies from the photographic or micrographic record.

3. Each instrument shall have original signatures or carbon copies of such signatures, except when otherwise provided by law.

4. Effective January 1, 1991, Each instrument dated and executed on or after January 1, 1991, shall be no larger than eight and one-half inches in width and no longer than fourteen inches and shall have a print size no smaller than ten point type.

5. B. Effective January 1, 1991, Each instrument dated and executed on or after January 1, 1991, shall have at least a one-half inch margin across the top, bottom and the left and right sides from the top to the bottom. Any markings, entries or text which are within the one-half inch margin shall be deemed not to impart the notice