

Agenda Item #8

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Kelly Paisley and Sandra Bahr,

Case No: CV10-1253-PHX DGC

Plaintiffs,

ORDER

vs.

**Henry R. Darwin, in his capacity as
Director of the Arizona Department of
Environmental Quality; and Doug Ducey,
in his capacity as Treasurer of the State of
Arizona,**

Defendants.

Pursuant to and for the reasons stated in this Court's Order in this case dated September 2, 2011, Defendant Doug Ducey, in his capacity as Treasurer of the State of Arizona, is hereby ordered to reinstate funding for public transportation in Maricopa County from the proceeds of the Powerball lottery game, as set forth in the March 1994 Addendum to the Maricopa Association of Governments 1993 Carbon Monoxide Plan for the Maricopa County Area, and as set forth in Sections

1 2, 9 and 10 of House Bill 2001, 41st Leg., 6th Sp. Sess. (Ariz. 1993).

2 To reinstate this funding, from and after the date of this Order, Defendant
3
4 Ducey (“Treasurer”), in his capacity as Treasurer, shall, each calendar month, take
5 the following actions:

6 1. Obtain from the Arizona State Lottery information, for the preceding
7
8 calendar month, as to the percentage of Arizona State Lottery ticket sales in the
9 State of Arizona which result from ticket sales in Maricopa County;

10 2. Obtain information from the Arizona State Lottery determining the
11
12 dollar amount of Powerball proceeds, calculated by multiplying the percentage
13 described in Paragraph 1 above by 31.5 percent of the State-wide proceeds of the
14 Powerball game for the preceding calendar month;

15 3. Take the amount of Powerball proceeds calculated pursuant to
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17 Paragraph 2, to the extent such proceeds are deposited with the Treasurer by the
18 Arizona State Lottery, and transmit those funds to the public transportation fund
19 for Maricopa County established pursuant to A.R.S. Section 48-5103, for
20 expenditure for public transportation operating and related capital purposes.
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23 Before transmitting any funds pursuant to Paragraph 3, the Treasurer shall
24 first determine, by information obtained from the Arizona State Lottery, whether
25 45 million dollars in proceeds from State Lottery games will be available for
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1 deposit to the State General Fund within the fiscal year. If the Treasurer receives
2 information that such proceeds may not equal 45 million dollars, the Treasurer
3 shall not transmit any funds as set forth in Paragraph 3 until deposits to the Arizona
4 State General Fund from Lottery revenues that fiscal year equal 45 million dollars.
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6 The Treasurer is ordered to establish such fund accounts as necessary to
7 perform the foregoing actions.
8

9 The amount of funds transmitted each fiscal year under this Order shall not
10 exceed the total resulting from the following calculation: 18 million dollars
11 multiplied by the percentage of Arizona State Lottery ticket sales State-wide that
12 year resulting from ticket sales in Maricopa County.
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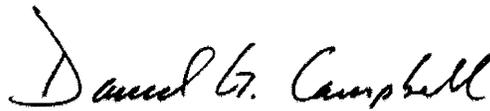
15 If during the pendency of this Order the Powerball game is eliminated in
16 Arizona, or revenues from the Powerball to the Treasurer are reduced by State
17 legislative or administrative action, the provisions of this Order shall apply to any
18 remaining Arizona State Lottery multistate games, and the Treasurer shall take the
19 above actions accordingly.
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22 This injunction shall terminate upon the effective date of any State
23 legislation restoring the above funding, or upon publication in the Federal Register
24 of a decision by the U.S. Environmental Protection Agency that the funding
25 commitment described above has been approved for removal from the State of
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1 Arizona State Implementation Plan promulgated under the Clean Air Act, pursuant
2 to the provisions of that Act. Upon the occurrence of either of the above events,
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4 any party may make an application to this Court for an order memorializing the
5 termination of this injunction.

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7 The Court retains jurisdiction to enforce this Order.

8 Dated this 30th day of September, 2011.

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12 _____
13 David G. Campbell
14 United States District Judge
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17 2307441/cg
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FOR MORE INFORMATION CONTACT:

602-256-5669

joe.gibbs@phoenix.gov

phoenix.gov/environment/air

Report violations to the Phoenix Police Department
at 602-262-6151

DUST HURTS

HERE ARE WAYS WE CAN HELP REDUCE DUST POLLUTION:

- Avoid using lawn mowers and leaf blowers over dusty areas
- Never use a leaf blower to blow debris out of truck beds or trailers or into the streets
- Prevent unwanted vehicle access to vacant lots and areas with landscaping, fencing, signs or berms
- Don't drive on road shoulders except in emergencies
- Report violations to the Phoenix Police Department at 602-262-6151



City of Phoenix
Office of Environmental Programs
200 W. Washington St.
14th Floor
Phoenix, AZ 85003

Information from the City of Phoenix
Dust Reduction Task Force

DUST HURTS OUR HEALTH

Controlling dust pollution is critical to respiratory health. If inhaled, extremely small dust particles can create or aggravate health problems such as asthma, Valley Fever and cardiovascular disease. Especially vulnerable are children, the elderly and those with existing lung problems.

NO TRESPASSING
VIOLATORS WILL BE PROSECUTED
A.S. 13-1502-01
SE PROHIBE EL PASO
LOS TRANSGRESORES SERÁN
ENJUICIADOS
A.S. 13-1502-01

NO
PARKING
POLICE DEPT.
WILL
IMPOUND
VEHICLES IN THIS AREA

DUST HURTS OUR POCKETBOOK

- If dust levels are not controlled soon, the Valley faces the potential loss of billions of dollars in federal funding for streets and highway projects.
- Causing dust pollution can also result in stiff fines.

CAUSING DUST POLLUTION CAN COST YOU

- **Criminal violation and more than \$500 fine:** For trespassing with an ATV or other vehicle on private property
- **\$100 to \$2,500 fine:** For property owners who allow parking on non-dustproofed surfaces
- **\$276 fine:** For parking on non-dustproofed lots
- **\$171 fine:** For cutting through alleys or driving on vacant lots
- **\$211 fine:** For spills of unsecured or uncovered truck loads
- **More fines and possible jail time:** For dumping dirt or trash

**WHETHER IT'S OUR HEALTH OR OUR
POCKETBOOKS ... DUST HURTS**