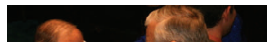


2008 LEGISLATIVE SUMMARY

A Review of Laws Affecting
Arizona Counties
Enacted by the 48th Legislature
Second Regular Session



Prepared by:

DEDICATED TO



*The Memory of Senator Franklin "Jake" Flake
1935 ~ 2008*

photo courtesy of the Tucson Citizen

2008 LEGISLATIVE SUMMARY
Review of County-Related Laws Enacted by the 2007 Legislature

This publication contains brief summaries, arranged by subject, of new laws impacting county government that were enacted during the Second Regular Session of Arizona's 48th Legislature.

The effective date for most new laws is September 26, 2008 (90 days after adjournment *sine die*). However, some bills contain an alternate effective date that is noted in the bill summary.

During the course of the session, there were 1,380 bills introduced, and 347 of those bills were sent to Governor Napolitano for consideration. She signed 315 of the bills into law, allowed one to become law without her signature, and vetoed 32.

These brief summaries are provided to help guide county officials to the full text of these new laws. Every attempt is made to ensure the accuracy of the summaries; however, we recommend a review of the measure in its entirety before enforcement or implementation. A table of contents organizes the bill summaries into subject area categories. Also, there is an index that is organized by bill number.

Copies of the new laws are available at the Arizona Legislative Information Service (ALIS) website: <http://www.azleg.gov>. You may also contact CSA to obtain a copy.

At the end of each summary, you will find the initials of the CSA staff person who is the primary contact for that measure. Staff initials are (CS) for Craig Sullivan, (TM) for Todd Madeksza, (BL) for Beth Lewallen, and (EHB) for Elizabeth Hegedus-Berthold. If you have any questions about a bill, please contact us at (602) 252-5521.

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2008 CSA POLICY GUIDELINES

Arizona's county supervisors provide regional leadership over critical policy areas, including policies necessary to ensure safe communities, protect public health, promote economic development, and plan and manage land use for sustainable development. Supervisors also provide important oversight of county operations, including overseeing strategies to promote sound fiscal management and to develop a high-quality county government workforce.

For more than 25 years, the CSA has served as a non-partisan forum for county officials to address important issues facing local constituents, providing a mechanism to share information and to develop a proactive state and federal policy agenda.

CSA membership includes the 55 elected supervisors from Arizona's 15 counties. The association's efforts are strengthened by the participation of top-level county professional staff, who provide technical expertise necessary to inform policy decisions.

All supervisors serve on the CSA Board of Directors and provide input into organizational strategy and the evaluation of operational performance. The Board annually elects six members to serve in CSA leadership positions, and each county appoints a representative to the Legislative Policy Committee (LPC). The LPC evaluates legislative measures and makes policy recommendations to the full Board.

The LPC and CSA follow several policy guidelines:

- Preserve the authority of county boards of supervisors to exercise local control in order to enhance or maintain local public needs and conditions.
- Enable county boards of supervisors to finance critical public service programs, many of which are state and federally mandated, without fiscal restrictions or impositions.
- Enhance county boards of supervisors' authority to solve local problems based on implied powers unless explicitly prohibited.
- Oppose efforts that reduce revenues or result in a negative fiscal impact to counties.



2008 LEGISLATIVE POLICY COMMITTEE

David Brown	<i>Apache County</i>
Paul Newman	<i>Cochise County</i>
Matt Ryan	<i>Coconino County</i>
Shirley Dawson	<i>Gila County</i>
James Palmer	<i>Graham County</i>
Richard Lunt	<i>Greenlee County</i>
Gene Fisher	<i>La Paz County</i>
Andrew Kunasek	<i>Maricopa County</i>
Pete Byers	<i>Mohave County</i>
David Tenney	<i>Navajo County</i>
Sharon Bronson	<i>Pima County</i>
David Snider	<i>Pinal County</i>
Manny Ruiz	<i>Santa Cruz County</i>
Carol Springer	<i>Yavapai County</i>
Lenore Stuart	<i>Yuma County</i>



CSA PROFESSIONAL STAFF



Craig A. Sullivan
Executive Director



Penny Adams
Director of Finance and County Services



Todd Madeksza
Director of Legislative Affairs



Beth Lewallen
Legislative Liaison



Elizabeth Hegedus-Berthold
Research Analyst



Yvonne Ortega
Administrative Assistant



CSA LEGISLATIVE PACKAGE

MUNICIPAL ANNEXATION; FINALITY (H 2113, Chapter 95, Laws 2008)

Establishes that an annexation does not become final until the clerk of the municipality provides a copy of the adopted annexation ordinance to the clerk of the board of supervisors (instead of the county recorder) for each county that has jurisdiction over the annexed area. Effective September 26, 2008. (TM) *Also listed under Elections, General Government, Land Use and Planning.*

Sponsor: M. McClure

TRANSFER OF DEVELOPMENT RIGHTS (H 2155, Chapter 145, Laws 2008)

Establishes that voluntary transfers may occur across jurisdictions with the presence of an intergovernmental agreement, and removes the existing sunset clause in statute. Effective September 26, 2008. (TM) *Also listed under Land Use and Planning.*

Sponsor: J. Paton

PUBLICATION; COUNTY MINUTES (H 2193, Chapter 214, Laws 2008)

Removes the requirement that counties publish minutes in newspapers and instead requires them to be made available at the clerk of the board's office, in public libraries, and as required by open meeting laws. Effective September 26, 2008. (EHB) *Also listed under General Government.*

Sponsor: J. Nelson

COUNTIES; DEBIT CARD ACCEPTANCE (H 2378, Chapter 245, Laws 2008)

Permits counties to accept credit and debit cards for fees for service and specifies that a charging entity must charge a uniform fee to cover the process, unless the benefits of accepting the cards exceed the fee. Effective September 26, 2008. (TM) *Also listed under General Government.*

Sponsor: M. DeSimone

FLOOD CONTROL DISTRICTS; PROPERTY (H 2420, Chapter 107, Laws 2008)

Adds the state and counties as entities that may buy property from a flood control district without adhering to bidding or advertising procedures or special elections. Effective September 26, 2008. (TM) *Also listed under General Government, Special Districts.*

Sponsor: J. Nelson

WASTE TIRE COLLECTION SITES (H 2426, Chapter 45, Laws 2008)

Designates waste tires, among other materials, as a public nuisance dangerous to public health if they are stored in a manner that promotes conditions suitable for accidental fires or for breeding carriers of communicable disease. The measure also requires a waste tire collection site to obtain solid waste facility plan approval from the Arizona Department of Environmental Quality and, as part of that approval, requires that every waste tire be lawfully disposed of within 12 months of receipt. Effective September 26, 2008. (TM) *Also listed under Environment, General Government.*

Sponsor: R. Barnes

OUTDOOR FIRES; COUNTIES (S 1238, Chapter 275, Laws 2008)

Allows a county board of supervisors to enforce ordinances prohibiting open fires on designated lands in unincorporated areas when the county emergency management officer has issued a determination of emergency and the board deems the restriction necessary to protect public health and safety. Effective September 26, 2008. (BL) *Also listed under Land Use and Planning, Law Enforcement and Emergency Services.*

Sponsor: J. Flake



COURTS AND CRIMINAL JUSTICE

TRAFFIC SURVIVAL SCHOOL; MAXIMUM ENROLLMENT (H 2003, Chapter 18, Laws 2008)

Stipulates that the only limit on the number of people who can enroll in a traffic survival school class is the fire safety capacity of the facility where the class meets. Effective September 26, 2008. (EHB)

Sponsor: M. Reagan

CONSTABLE ETHICS; BOARD; MEMBERSHIP (H 2190, Chapter 171, Laws 2008)

Specifies that the Arizona Multihousing Authority's (AMA) member of the Constable Ethics Board must be a member of the AMA board at the time of appointment. Effective September 26, 2008. (EHB) *Also listed under Law Enforcement and Emergency Services.*

Sponsor: A. Driggs

CONSTABLES; ETHICS; TRAINING (H 2443, Chapter 109, Laws 2008)

Doubles the annual training a constable must attend from eight hours to 16 hours, and permits the Constable Ethics Standards and Training Fund to be used to pay for training. Effective September 26, 2008. (EHB)

Sponsor: J. Kavanagh

AGGRAVATED ASSAULT; CONSTABLES (H 2444, Chapter 179, Laws 2008)

Classifies assault on a constable (or a person summoned and directed by a constable while engaged in the performance of official duties) as aggravated assault. Effective September 26, 2008. (EHB) *Also listed under Law Enforcement and Emergency Services.*

Sponsor: J. Kavanagh

PROHIBITED POSSESSORS; UNDOCUMENTED ALIENS (H 2486, Chapter 3, Laws 2008)

Defines an undocumented alien, non-immigrant alien (traveling with or without documentation), or a foreign student as a "prohibited possessor." Prohibited possessors may be charged with misconduct involving weapons for possessing a deadly weapon. Exempts certain classes of immigrants, including diplomats, those with hunting licenses or permission from the attorney general, and immigrants participating in firearms-related events. Effective September 26, 2008. (EHB) *Also listed under Immigration Reform.*

Sponsor: J. Weiers

CERTIFIED DEFENSIVE DRIVING SCHOOLS; NOTICE (H 2488, Chapter 39, Laws 2008)

Removes language that requires a person cited for a traffic offense to attend a defensive driving school designated as the court's primary provider, and allows a person to attend any school that is certified by the Supreme Court and meets the court's automation and reporting requirements. Allows, with the permission of the court, a person to attend a school which is certified by the Supreme Court but does *not* comply with court automation and reporting requirements, if the person resides in another area and would incur a hardship from attending a school which does comply with court requirements.

Requires a law enforcement officer, when issuing a civil traffic violation, to notify the violator that they may attend *any* school that is certified by the Supreme Court that complies with court requirements. Prohibits a court from promoting or favoring any school over another, except for schools which do not comply with court requirements. Effective September 26, 2008. (EHB)

Sponsor: J. Weiers



JUSTICE COURTS; CRIMINAL ACTIONS; JURISDICTIONS (H 2554, Chapter 138, Laws 2008)

Excludes penalty assessments and time payment fees from the total fine used to determine justice court jurisdiction (cases with fines up to \$2,500). Effective September 26, 2008. (EHB)
Sponsor: A. Biggs

LIQUOR; RESTAURANT LICENSES; CONTINUED OPERATION (H 2643, Chapter 256, Laws 2008)

Makes numerous changes to driving under the influence (DUI) and boating under the influence (OUI) statutes in a manner very similar to the vetoed H 2395, including:

OUI

Removes a civil penalty for refusing a test for alcohol concentration or drug content.

For a first violation, stipulates that an offender be sentenced to at least 10 days in jail, except under certain conditions, whereby the sentence may be suspended if the offender completes drug or alcohol treatment. Allows a judge to order drug or alcohol screenings or community restitution.

For a second violation within 84 months, allows a judge to suspend all but 30 days of the sentence, only if the offender did not recklessly endanger a person. Requires a person to perform 30 hours of community restitution.

Makes changes to the definition and classification of Aggravated OUI. Requires an Aggravated or Extreme OUI offender to pay an additional assessment of \$250, which is directed to the DUI Abatement Fund. Separates Extreme OUI into two categories for offenders with a blood alcohol Concentration (BAC) between .15 and .20 and .20 and above, and specifies separate penalties and fines for each.

DUI

Permits a person whose driving license has been suspended for refusing a test for alcohol concentration or drug content, or for vehicular homicide involving DUI, to have their license reinstated only if they complete alcohol or drug screening.

Separates Extreme DUI into two categories for offenders with BAC between .15 and .20 and .20 and above, and specifies separate penalties and fines for each. Prohibits a judge from suspending any portion of an extreme DUI jail term.

Allocates five percent of a restaurant's annual fee to the DUI Abatement Fund.

Effective December 31, 2008. (EHB)

Sponsor: R. Crandall

ARREST WARRANTS; CHILD SUPPORT; FIDUCIARY (S 1013, Chapter 7, Laws 2008)

Removes a requirement that a facsimile of a judicial officer's signature be applied to a child support or fiduciary arrest warrant, allowing a warrant to be processed electronically. Effective September 26, 2008. (EHB)

Sponsor: C. Gray

UNLAWFUL SEXUAL CONDUCT; CORRECTIONAL FACILITIES (S 1016, Chapter 209, Laws 2008)

Clarifies that a person commits unlawful sexual conduct with an offender in a correctional facility only by *knowingly* or *intentionally* engaging in sexual conduct. Effective September 26, 2008. (EHB)

Sponsor: C. Gray



COMMUNITY NOTIFICATION (S 1021, Chapter 9, Laws 2008)

Allows a court to continue, defer, or terminate a sex offender's community notification after a probation hearing. Effective September 26, 2008. (EHB)

Sponsor: C. Gray

JURY FEES; TECHNICAL CORRECTION (S 1022, Chapter 76, Laws 2008)

Replaces an incorrect statutory reference in regards to jury compensation, but contains no functional impact. Effective September 26, 2008. (EHB)

Sponsor: C. Gray

COURT REPORTER CERTIFICATION (S 1050, Chapter 54, Laws 2008)

Allows the Supreme Court to determine when a court reporter's certification expires and must be renewed. Previously, certifications expired annually. Effective September 26, 2008. (EHB)

Sponsor: L. Gray

NOTARY PUBLIC; REGISTRATION (S 1174, Chapter 80, Laws 2008)

Transfers all of the powers and duties relating to notaries public, including the receipt of fees, from the clerk of the superior court and county recorders to the secretary of state, and specifies the disbursement of all monies received from such fees to various funds and accounts. Effective April 28, 2008. (BL)

Sponsor: J. Tibshraeny

JUDICIAL PERFORMANCE REVIEWS; COURT COMMISSIONERS (S 1186, Chapter 82, Laws 2008)

Requires the Supreme Court to create a process for reviewing the performance of superior court commissioners in counties with populations of 250,000 or more. The process must include written performance standards and performance review surveys. The public must be able to participate in the process and the Supreme Court must publish and maintain the reviews on its website. Effective September 26, 2008. (EHB)

Sponsor: C. Gray

DNA TESTING; ARREST (S 1332, Chapter 276, Laws 2008)

Requires juveniles arrested for homicide, burglary, certain sexual offenses, or a serious offense involving a weapon to submit a DNA sample to law enforcement. Requires an adult charged with a felony or certain misdemeanors to submit a DNA sample within five days of being released on bond. Allows a court to revoke a person's (juvenile or adult's) release if the requirement is not met. Effective September 26, 2008. (EHB)

Sponsor: C. Gray

PROBATION; FACILITIES; SAFE COMMUNITIES ACT (S 1476, Chapter 298, Laws 2008)

Directs the Joint Legislative Budget Committee to calculate any costs that have been avoided by reducing the number of probationers whose probation is revoked and who return to the Department of Corrections for incarceration. Requires the legislature to appropriate 40 percent of the avoided costs to the Administrative Office of the Courts, to be directed to county probation departments if those departments also reduced the number of probationers convicted of a new felony offense. Requires the appropriated monies to be used for probation or crime victim services, and includes various related reporting requirements.

Allows a court to reduce the term of an offender's probation by 20 days of earned time credit for each 30 days of probation completed satisfactorily, according to specified standards. Excludes sex offenders, class 2 or class 3 felony offenders, lifetime probationers, and misdemeanor offenders from earned time credit. Effective January 1, 2009. (EHB)

Sponsor: J. Huppenthal

ELECTIONS

MUNICIPAL ANNEXATION; FINALITY (H 2113, Chapter 95, Laws 2008)

Establishes that an annexation does not become final until the clerk of the municipality provides a copy of the adopted annexation ordinance to the clerk of the board of supervisors (instead of the county recorder) for each county that has jurisdiction over the annexed area. Effective September 26, 2008. (TM) *Also listed under CSA Legislative Package, General Government, Land Use and Planning.*

Sponsor: M. McClure

UNIFORMED OVERSEAS VOTERS; ELECTRONIC TRANSMITTAL (H 2213, Chapter 62, Laws 2008)

Allows the county recorder to receive completed early ballot requests and voted early ballots from absent uniformed service or overseas voters by electronic means other than fax. Effective September 26, 2008. (EHB)

Sponsor: J. Paton

PRECINCT REGISTERS; INFORMATION; FEE (H 2257, Chapter 50, Laws 2008)

Reduces the fee to obtain a precinct register from the county recorder from 10 cents to one cent per name, plus the cost of computer media. Effective September 26, 2008. (EHB)

Sponsor: P. Hershberger

INITIATIVE AND REFERENDUM AMENDMENTS (H 2288, Chapter 244, Laws 2008)

Allows the Secretary of State to suspend a political committee for failing to file three consecutive campaign finance reports. Establishes a class 1 misdemeanor for a circulator who misrepresents a petition's subject matter. Increases statutory time periods for processing petitions and validating signatures, but decreases the time in which arguments on the measure may be filed, and makes changes regarding argument submission. Effective May 27, 2008. (BL)

Sponsor: B. Stump

ELECTION SECURITY PROVISIONS (H 2451, Chapter 110, Laws 2008)

Requires the Board to designate a person (and a substitute) to observe the installation and modification of any election management software or computer programming used for county election administration. The person may be a county employee, but may not be under the supervision of the elections officer.

Requires each sample ballot to display the statement, "This is a sample ballot and cannot be used as an official ballot under any circumstances."

In elections where votes are cast electronically, requires an election judge to prepare a report which includes the number of votes cast according to the machine and the number of votes cast indicated by the poll list and provisional ballots.

Requires that the officer in charge of elections maintain a record of the chain of custody for all election equipment and ballots from the beginning of early voting through the end of provisional vote tabulation.

Effective September 26, 2008. (EHB)

Sponsor: M. Reagan



CENSUS; PRECINCT LINE FREEZE (H 2793, Chapter 154, Laws 2008)

Prohibits the board of supervisors from changing election precinct lines between August 1, 2008 and December 31, 2010. Allows the board to subdivide precincts or provide multiple polling places in each precinct in an effort to provide the easiest access to the polls. Effective September 26, 2008. (EHB)

Sponsor: J. McComish

CITIES; CAMPAIGN FINANCE; WEBSITE (S 1024, Chapter 184, Laws 2008)

Requires the Secretary of State, counties with a population greater than 100,000 and municipalities with a population greater than 2,500 that operate websites to post campaign finance information on their website in a format that is viewable by the public. Exempts all reports where less than \$500 is spent from the online posting requirements. Effective September 26, 2008. (TM) *Also listed under General Government.*

Sponsor: L. Gray

ELECTIONS; OBSERVATION; COUNTING CENTER (S 1053, Chapter 273, Laws 2008)

Makes numerous changes to election, county recorder, and ballot counting center procedures.

Elections and County Recorders

Changes the time in which an elector must respond to a notice from the county recorder which states that an elector's name is in the general register or attempts to confirm an elector's change of address from 29 days before the election to 35 days after the notice is mailed.

Removes "a unique identifying number" from the list of data which must be redacted in voter records at the county recorder's office. Changes the day for a primary election from the eighth to the ninth Tuesday before the first Tuesday after the first Monday in November. Requires that early voting stations in the county recorder's office be open beginning from the day early ballots are mailed. Specifies that early ballots should not be distributed to the public prior to the beginning of early voting.

Allows an overseas voter's early ballot request received after 7:00 p.m. election day to serve as a voter registration form for subsequent elections.

Specifies that, for a groundwater replenishment or active management area water district located in more than one county, nomination petitions for the board shall be filed in the county with the highest number of registered voters, and directs the county election officer to notify the boards of supervisors of both counties.

Changes the date by which a county recorder must furnish relevant information regarding political parties from January 15 of an election year to November 30 of the preceding year.

Counting Centers

Allows the public to watch procedures at a ballot counting center, and allows three representatives of candidates for non-partisan office or political committees in support of or in opposition to a ballot measure to observe the counting. The above representatives shall be named in a random drawing conducted by the officer in charge of elections.

Repeals a conflicting enactment regarding last year's law about video recordings at counting centers.



General Provisions

Clarifies that members of political parties without consistent representation or voters registered as independents or with no party preference may sign nominating petitions.

Requires a person filing an application for an initiative or referendum to file a statement of organization or exemption statement at the same time.

Removes a requirement that the Secretary of State return copies of computer programs used in elections to the county that submitted them.

Requires provisional ballots to be verified within 10 days if an election includes a federal office, or five days for any other election.

Allows a U.S. citizen who has not resided in the U.S. to vote by early ballot if a parent is a U.S. citizen registered to vote in this state.

Effective June 19, 2008. (EHB)
Sponsor: C. Gray

ELECTIONS; COUNTING CENTER VIDEO; MULTIPLE (S 1059, Chapter 41, Laws 2008)

A technical fix that repeals one conflicting statute that requires a live video recording of the ballot tabulation process. Laws 2007, Chapter 295, which also required a live video recording and feed of the ballot tabulation to be posted on each county's website, remains in statute. Effective September 26, 2008. (BL)
Sponsor: J. Harper

SAMPLE BALLOT STRIPE; PRIMARY ELECTIONS (S 1071, Chapter 11, Laws 2008)

Allows a sample ballot for primary elections that are not presidential preference primary elections to be printed on white paper with a different colored stripe for each party represented on the ballot. Effective April 4, 2008. (BL)
Sponsor: C. Gray

ENVIRONMENT**EMISSIONS TESTING; MOTORCYCLES; AREA A (H 2280, Chapter 64, Laws 2008)**

Exempts motorcycles in Area A (which includes parts of Maricopa, Pinal, and Yavapai counties) from emissions testing. Enactment is conditional on the Environmental Protection Agency passing a similar exemption as part of the State Implementation Plan for air quality by July 1, 2010. Effective September 26, 2008. (EHB) *Also listed under Transportation and Public Works.*
Sponsor: J.P. Weiers

WASTE TIRE COLLECTION SITES (H 2426, Chapter 45, Laws 2008)

Designates waste tires, among other materials, as a public nuisance dangerous to public health if they are stored in a manner that promotes conditions suitable for accidental fires or for breeding carriers of communicable disease. The measure also requires a waste tire collection site to obtain solid waste facility plan approval from the Arizona Department of Environmental Quality and, as part of that approval, requires that every waste tire be lawfully disposed of within 12 months of receipt. Effective September 26, 2008. (TM) *Also listed under CSA Legislative Package, General Government.*
Sponsor: R. Barnes



SOLAR CONSTRUCTION PERMITS (H 2615, Chapter 241, Laws 2008)

Sets standards for the permitting of solar photovoltaic panels and hot water heaters. Requires engineering stamps for solar water heater permits be required only if deemed necessary and stipulates that fees for permits be justifiable and available to the public. Establishes the Local Government Solar Equipment Permit Process Improvement Study Committee until September 30, 2010. Effective September 26, 2008. (EHB)

Sponsor: L. Mason

AIR QUALITY; CLEAN BURNING GAS (S 1095, Chapter 77, Laws 2008)

Changes the date clean burning gas is to be used in Area C (western Pinal County) from June 1, 2009 to May 1, 2009. Effective September 26, 2008. (EHB) *Also listed under Transportation and Public Works.*

Sponsor: J. Flake

LOCAL STORMWATER POLLUTION PREVENTION (S 1288, Chapter 192, Laws 2008)

Among other provisions, permits a county regulated by the Clean Water Act to obtain coverage under a pollution discharge elimination system to do all of the following:

- Create and implement a stormwater program.
- Adopt and change ordinances and fees to fulfill the minimum requirements of the Clean Water Act. Fees must not exceed the cost to the county and must not be used to fund stormwater infrastructure.
- Create "related" rules and regulations to govern the use of lands or rights-of-way owned or leased by the county.

Allows a civil penalty of not more than \$2,500 for stormwater violation. Sets out specifications for counties that run a regulated small municipal separate storm sewer system. Requires a county that passes a stormwater ordinance to submit a written summary for publication to the Secretary of State. Allows a county to designate an administrative director to enforce stormwater regulations. Effective September 26, 2008. (EHB)

Sponsor: J. Flake

FINANCE AND TAXATION

COUNTY TREASURERS; PROCEDURES (H 2032, Chapter 35, Laws 2008)

Alters procedures related to county treasurers by removing a section that prohibits a treasurer from entering money for the current fiscal year until the treasurer's annual settlement for the previous year has been completed, allowing a county treasurer to disburse money with authorization from a person designated by the board (previously, statute required authorization from the chairman, clerk of the board, or chief financial officer), and requiring the treasurer to deposit all paid warrants issued by the board with the clerk of the board.

Applies the ability to foreclose the right to redeem a tax lien to liens purchased on any date, instead of only liens purchased after August 21, 2002. Effective September 26, 2008. (EHB) *Also listed under General Government.*

Sponsor: B. Konopnicki



ARIZONA HIGHWAYS SPECIAL PLATES (H 2046, Chapter 93, Laws 2008)

Establishes the *Arizona Highways* special license plate and the *In God We Trust* special license plate. Specifies that the annual fee for each license plate is to be \$25; \$8 of the *Arizona Highways* plate fee, as well as the full \$25 of the *In God We Trust* plate fee, is to be deposited into the State Highway Fund. Effective September 26, 2008. (BL) *Also listed under Transportation and Public Works.*

Sponsor: M. McClure

2008 TAX CORRECTIONS ACT (H 2103, Chapter 60, Laws 2008)

Contains technical corrections to tax statutes, which are recommended annually by the Arizona Department of Revenue and the Legislative Council. Effective September 26, 2008. (BL)

Sponsor: S. Yarbrough

RESIDENTIAL PROPERTY TAX; HOMESITE AREA (H 2130, Chapter 49, Laws 2008)

Defines a homesite, for property tax assessment purposes, as up to 10 acres with a residence or up to 40 acres with a residence if the property cannot be subdivided (due to legal or physical restrictions). Effective September 26, 2008. (TM)

Sponsor: N. Barto

PROPERTY CLASSIFICATION; BED AND BREAKFAST (H 2191, Chapter 178, Laws 2008)

Increases from four to six the number of rooms a bed and breakfast may operate while still qualifying for a class 4 property tax assessment ratio. Effective September 26, 2008. (BL)

Sponsor: R. Crandall

GRADUATE MEDICAL EDUCATION; FEDERAL MATCH (H 2208, Chapter 158, Laws 2008)

Allows municipal, county and tribal governments to receive federal matching monies for the costs incurred pursuant to a specific contract between the Arizona Health Care Cost Containment System Administration and entities that provide graduate medical education services as an administrative activity. Effective September 26, 2008. (BL)

Sponsor: J. Burns

PROPERTY TAX EXEMPTION; CHARTER SCHOOLS (H 2330, Chapter 252, Laws 2008)

Exempts charter schools from property tax and outlines procedures for recognizing the exemption. Effective September 26, 2008. (BL)

Sponsor: L. Mason

PROPERTY TAX LIEN INTEREST CALCULATION (H 2351, Chapter 65, Laws 2008)

Specifies that an initial or subsequent tax lien begins to accrue interest on the first day of the month after it is purchased. Effective September 26, 2008. (BL)

Sponsor: B. Konopnicki

HISTORIC TRUCKS; USE FUEL TAXES (H 2357, Chapter 51, Laws 2008)

Allows trucks that are at least 25 years old, not used commercially and have been issued a Historic Vehicle license plate to pay the light class use fuel tax of 18 cents per gallon, rather than the standard 26 cents per gallon tax. Effective September 26, 2008. (BL)

Sponsor: N. McLain

POLITICAL SUBDIVISIONS; STATE ENDOWMENT INVESTMENTS (H 2507, Chapter 136, Laws 2008)

Allows the state treasurer to invest trust monies of the state and political subdivisions on request of the governing body. Effective September 26, 2008. (EHB)

Sponsor: B. Konopnicki



TAX LIEN SALE; REGULATION (H 2523, Chapter 174, Laws 2008)

Allows a county board of supervisors to sell no more than one parcel of land that is held by the state under a tax deed to a neighboring residential property owner, if the property for sale and the neighboring property were once under common ownership and if the property for sale cannot be used for separate residential purposes. Allows Maricopa County to use the Taxpayer Information Fund to notify neighboring property owners of upcoming sales. Effective May 8, 2008. (BL) *Also listed under General Government.*

Sponsor: R. Crandall

RENEWABLE ENERGY VALUATION; EXPIRATION EXTENSION (H 2614, Chapter 306, Laws 2008)

Specifies that, in class 3 and 4 property tax classifications, renewable energy equipment which is used primarily for the production of energy consumed on-site is considered to add no value to the property. Extends the expiration date on a provision which values renewable energy equipment (for tax purposes) at 20 percent of the depreciated cost from 2011 to 2040. Effective September 26, 2008. (EHB)

Sponsor: L. Mason

EXEMPTION; PRECONSTRUCTION SERVICES (H 2622, Chapter 255, Laws 2008)

Exempts preconstruction services related to prime contracting from the Transaction Privilege Tax (TPT). Specifies that refunds of TPT may not be claimed based on the retroactive provision. Retroactively effective December 31, 2000. (BL)

Sponsor: T. Boone

SUDAN; INVESTMENTS; BUSINESS OPERATIONS; PROHIBITION (H 2705, Chapter 1, Laws 2008)

Requires the state and its political subdivisions to ensure that each of its contracts entered into for the procurement of goods or services includes a clause that requires the contractor to certify that it does not have scrutinized operations in Sudan. Requires the state retirement systems and the state treasurer to also divest securities of companies with scrutinized business operations in Sudan. Sunsets on July 1, 2013 or when the U.S. officially recognizes a change in the political situation in Darfur, Sudan. Effective September 26, 2008. (BL)

Sponsor: K. Sinema

VEHICLES; NONRESIDENT PURCHASERS; TAX LIABILITY (H 2732, Chapter 246, Laws 2008)

Clarifies the requirements for obtaining sales tax deductions for vehicle sales to nonresident purchasers and requires the Department of Revenue to prescribe forms that must be completed by a car dealer to qualify for the deductions. Effective September 26, 2008. (BL)

Sponsor: A. Biggs

SPECIAL LICENSE PLATES (S 1083, Chapter 257, Laws 2008)

Creates the Gold Star Family special license plate and the Arizona Professional Basketball Club special plate and specifies that \$8 of the \$25 special plate fee must be deposited in the State Highway Fund. Effective September 26, 2008. (BL)

Sponsor: J. Waring

PRIVATE HISTORIC CEMETERIES; HISTORIC PRESERVATION (S 1189, Chapter 83, Laws 2008)

Clarifies that historic private burial sites and historic private cemeteries are exempt from property tax assessments. Effective September 26, 2008. (BL)

Sponsor: C. Gray



CENTENNIAL FUNDING; CAPITOL RENOVATION (S 1337, Chapter 313, Laws 2008)

Reverts \$2 million of a \$2.5 million appropriation that had been set aside as matching funds for projects celebrating Arizona's centennial celebration to the state general fund, and directs the remaining \$500,000 to the Arizona Historical Advisory Commission for centennial planning and renovation of the state capitol. Effective September 26, 2008. (BL)

Sponsor: J. Flake

STATE FORESTER; WILDFIRE SUPPRESSION FUNDING (S 1338, Chapter 129, Laws 2008)

Grants the state forester increased funding flexibility, allowing liabilities up to \$3 million from the state general fund for suppressing wildfires and preparing for a time of extreme fire danger. (Previously, the \$3 million allotment was divided into two funds and was not easily accessed at the state forester's discretion.) Effective September 26, 2008. (BL) *Also listed under Law Enforcement and Emergency Services.*

Sponsor: J. Flake

TAX EXEMPTION; INTERNET APPLICATIONS (S 1340, Chapter 194, Laws 2008)

Exempts application services designed to test student learning or promote curriculum design that are purchased by any school district, charter school, community college or state university from the state transaction privilege and use taxes. Retroactively effective January 1, 2000. (BL)

Sponsor: T. Bee

GENERAL GOVERNMENT

COUNTY TREASURERS; PROCEDURES (H 2032, Chapter 35, Laws 2008)

Alters procedures related to county treasurers by removing a section that prohibits a treasurer from entering money for the current fiscal year until the treasurer's annual settlement for the previous year has been completed, allowing a county treasurer to disburse money with an authorization from a person designated by the board (previously, statute required authorization from the chairman, clerk of the board, or chief financial officer), and requiring the treasurer to deposit all paid warrants issued by the board with the clerk of the board.

Applies the ability to foreclose the right to redeem a tax lien to liens purchased on any date, instead of only liens purchased after August 21, 2002. Effective September 26, 2008. (EHB) *Also listed under Finance and Taxation.*

Sponsor: B. Konopnicki

SCHOOL CROSSINGS (H 2093, Chapter 143, Laws 2008)

Stipulates that vehicles may not proceed at more than 15 miles per hour between portable school crossing signs. If a school authority or county school superintendent places signs reading "Civil Penalties Double" in the school zone, the violator shall be assessed twice the normal penalty. Effective September 26, 2008. (EHB) *Also listed under Transportation and Public Works.*

Sponsor: A. Biggs

MUNICIPAL ANNEXATION; FINALITY (H 2113, Chapter 95, Laws 2008)

Establishes that an annexation does not become final until the clerk of the municipality provides a copy of the adopted annexation ordinance to the clerk of the board of supervisors (instead of the county recorder) for each county that has jurisdiction over the annexed area. Effective September 26, 2008. (TM) *Also listed under CSA Legislative Package, Elections, Land Use and Planning.*

Sponsor: M. McClure

COUNTY PLANS; MAJOR AMENDMENTS (H 2154, Chapter 164, Laws 2008)

Removes the requirement that major amendments to county plans be re-referred to the county planning and zoning commission for a second public hearing. Amendments may be re-referred by the county board of supervisors. Effective September 26, 2008. (TM) *Also listed under Land Use and Planning.*

Sponsor: J. Paton

DISCIPLINARY RECORDS; OPEN TO INSPECTION (H 2159, Chapter 277, Laws 2008)

Requires a public body to maintain all records of disciplinary actions and employee responses and make the records open to inspection and copying, unless the specific records are otherwise protected by law. Exempts the home address, phone number, and photograph of protected law enforcement officers from disclosure. Effective September 26, 2008. (EHB)

Sponsor: K. Adams

PUBLICATION; COUNTY MINUTES (H 2193, Chapter 214, Laws 2008)

Removes the requirement that counties publish minutes in newspapers and instead requires them to be made available at the clerk of the board's office, in public libraries, and as required by open meeting laws. Effective September 26, 2008. (EHB) *Also listed under CSA Legislative Package.*

Sponsor: J. Nelson

COUNTY BUILDINGS; SALE; NONPROFIT ENTITIES (H 2219, Chapter 266, Laws 2008)

Gives counties with a population of less than 100,000 persons a one-year window to sell property currently leased to a non-profit entity without appraisal or public auction at a price determined by the county board of supervisors. Stipulates conditions under which the property reverts to the county. Effective September 26, 2008. (TM) *Also listed under Land Use and Planning.*

Sponsor: M. Alvarez

COUNTIES; DEBIT CARD ACCEPTANCE (H 2378, Chapter 245, Laws 2008)

Permits counties to accept credit and debit cards for fees for service and specifies that a charging entity must charge a uniform fee to cover the process, unless the benefits of accepting the cards exceed the fee. Effective September 26, 2008. (TM) *Also listed under CSA Legislative Package.*

Sponsor: M. DeSimone

COUNTY AUCTIONS; EASEMENT EXEMPTIONS (H 2406, Chapter 105, Laws 2008)

Permits a county to grant an easement on county property for public purpose to a utility without a public auction if unanimous approval of the board of supervisors is obtained. Effective September 26, 2008. (TM) *Also listed under Land Use and Planning.*

Sponsor: J. Nelson

OPEN MEETINGS; PUBLIC OPINIONS (H 2410, Chapter 135, Laws 2008)

Clarifies that a public official is not subject to open meeting law when expressing an opinion or discussing an issue with the public, the media, personally, or at a meeting not subject to open meeting requirements, if the discussion is not directed at another public official, and there is no concerted plan to engage in discussions to take legal action. Effective September 26, 2008. (BL)

Sponsor: J. Kavanagh

FLOOD CONTROL DISTRICTS; PROPERTY (H 2420, Chapter 107, Laws 2008)

Adds the state and counties as entities that may buy property from a flood control district without adhering to bidding or advertising procedures or special elections. Effective September 26, 2008. (TM) *Also listed under CSA Legislative Package, Special Districts.*

Sponsor: J. Nelson

WASTE TIRE COLLECTION SITES (H 2426, Chapter 45, Laws 2008)

Designates waste tires, among other materials, as a public nuisance dangerous to public health if they are stored in a manner that promotes conditions suitable for accidental fires or for breeding carriers of communicable disease. The measure also requires a waste tire collection site to obtain solid waste facility plan approval from the Arizona Department of Environmental Quality and, as part of that approval, requires that every waste tire be lawfully disposed of within 12 months of receipt. Effective September 26, 2008. (TM) *Also listed under CSA Legislative Package, Environment.*

Sponsor: R. Barnes

CRITICAL INFRASTRUCTURE INFORMATION; DISCLOSURE (H 2466, Chapter 68, Laws 2008)

Exempts critical infrastructure information provided to a local government from public disclosure requirements. Effective September 26, 2008. (EHB)

Sponsor: J. Nelson

SCHOOLS; OVEREXPENDITURE; CRISIS TEAMS; RECEIVERSHIP (H 2469, Chapter 111, Laws 2008)

Requires a county school superintendent to provide written notice to the school district governing board and the Arizona Department of Education if a school district has committed an overexpenditure, and prohibits a county school superintendent from drawing a warrant for a school district expenditure that is in excess of the amount budgeted for that school district and has not previously been expended. Stipulates that a county school superintendent who does not comply with the new requirements is guilty of unprofessional conduct, and requires the superior court to remove a county school superintendent from office if they are found guilty of unprofessional conduct. Effective April 28, 2008. (BL)

Sponsor: J. Nelson

REDACTION ORDERS; EXPIRATION; NOTICE; FUNDS (H 2478, Chapter 113, Laws 2008)

Requires a county recorder, assessor, or treasurer to notify an affected person (usually a law enforcement officer) that an order to redact their personal information from public records will expire in six months. Allows the Anti-Racketeering Revolving Fund to be used to relocate a law enforcement officer who receives a *bona fide* threat as a result of their official duties. Effective September 26, 2008. (EHB) *Also listed under Law Enforcement and Emergency Services.*

Sponsor: K. Adams

UNLAWFUL PUBLIC SALE OF ANIMALS (H 2485, Chapter 305, Laws 2008)

Establishes a class 2 misdemeanor in Maricopa and Pima counties for anyone who sells animals along a public roadway or in a public park. Effective September 26, 2008. (BL) *Also listed under Law Enforcement and Emergency Services.*

Sponsor: J. Weiers

MILITARY RESERVATIONS; BOARDS; ACCOMMODATION SCHOOLS (H 2495, Chapter 207, Laws 2008)

Expands the definition of "accommodation school" to include a school established to serve a military reservation that has boundaries coterminous with that military reservation. Creates a five-member governing board for a military reservation accommodation school and grants it the powers and duties of a school district governing board, but prohibits the accommodation school governing board from issuing debt and levying taxes. Permits a county school superintendent to authorize a five percent increase in the revenue control limit of the accommodation school. Effective May 15, 2008. (BL)

Sponsor: J. Burns



RESERVATION TELECOMMUNICATIONS LEGISLATIVE STUDY COMMITTEE (H 2514, Chapter 114, Laws 2008)

Re-creates the Reservation Telecommunication Legislative Study Committee (which expired in 2007) and continues it until September 30, 2010. The committee is charged with investigating measures to track tribal contributions to the state Transaction Privilege Tax. Effective April 28, 2008. (BL)

Sponsor: B. Konopnicki

TAX LIEN SALE; REGULATION (H 2523, Chapter 174, Laws 2008)

Allows a county board of supervisors to sell no more than one parcel of land that is held by the state under a tax deed to a neighboring residential property owner, if the property for sale and the neighboring property were once under common ownership and if the property for sale cannot be used for separate residential purposes. Allows Maricopa County to use the Taxpayer Information fund to notify neighboring property owners of upcoming sales. Effective May 8, 2008. (BL) *Also listed under Finance and Taxation.*

Sponsor: R. Crandall

FOOD SAFETY REGULATION (H 2582, Chapter 149, Laws 2008)

Amends the list of items that are subject to food safety regulations, exempting:

- Food and drink that are not potentially hazardous and are prepared in the kitchen of a private home for occasional sale or distribution for noncommercial purposes;
- Commercially prepackaged food that is not potentially hazardous and is offered at a child care facility;
- Whole fruits and vegetables that are washed and cut on-site and offered at a child care facility; and
- Commercially prepackaged food and drink that are not potentially hazardous and are sold and displayed in an area of less than 10 lineal feet.

Effective September 26, 2008. (BL) *Also listed under Health and Human Services.*

Sponsor: B. Stump

COUNTY GRAFFITI ABATEMENT; PROCEDURES (H 2701, Chapter 307, Laws 2008)

Clarifies a retail business' options for restricting the retail display of potential graffiti tools when a county board of supervisors enacts an ordinance for the prevention, abatement and regulation of graffiti. Requires counties to deny kennel permits to anyone who has been convicted of cruelty to animals, dog fighting or any other state, county or municipal animal welfare law, not including violations of license and leash laws. Effective September 26, 2008. (BL)

Sponsor: J. Burns

PEST CONTROL; DEPARTMENT OF AGRICULTURE (H 2822, Chapter 309, Laws 2008)

Replaces the Structural Pest Control Commission with the Office of Pest Management under the supervision of an Acting Director to be appointed by the Arizona Department of Administration. Exempts employees of a political subdivision who perform pest management from business and qualifying party licensing requirements, but requires them to be licensed applicators. Effective September 26, 2008. (TM)

Sponsor: R. Crandall

CITIES; CAMPAIGN FINANCE; WEBSITE (S 1024, Chapter 184, Laws 2008)

Requires the Secretary of State, counties with a population greater than 100,000 and municipalities with a population greater than 2,500 that operate websites to post campaign finance information on their website in a format that is viewable by the public. Exempts all reports where less than \$500 is spent from the online posting requirements. Effective September 26, 2008. (TM) *Also listed under Elections.*

Sponsor: L. Gray



FOOD SAFETY REGULATION (H 2582, Chapter 149, Laws 2008)

Amends the list of items that are subject to food safety regulations, exempting:

- Food and drink that are not potentially hazardous and are prepared in the kitchen of a private home for occasional sale or distribution for noncommercial purposes;
- Commercially prepackaged food that is not potentially hazardous and is offered at a child care facility;
- Whole fruits and vegetables that are washed and cut on-site and offered at a child care facility; and
- Commercially prepackaged food and drink that are not potentially hazardous and are sold and displayed in an area of less than 10 lineal feet.

Effective September 26, 2008. (BL) *Also listed under General Government.*

Sponsor: B. Stump

HIV-RELATED TESTING (S 1113, Chapter 13, Laws 2008)

Amends requirements related to informed consent for HIV-related testing by requiring health care providers to provide oral or written informed consent information to the subject of an HIV-related test before it is ordered. The new informed consent requirements do *not* apply to HIV-related tests that are performed on an anonymous basis at a public health agency. Effective September 26, 2008. (BL)

Sponsor: C. Allen

INFECTION PREVENTION; ADVISORY COMMITTEE (S 1356, Chapter 87, Laws 2008)

Creates an Infection Prevention and Control Advisory Committee to examine and make recommendations related to community and health care-related infections, and requires a written summary of the Committee's findings by December 31, 2009. The Committee will be repealed September 30, 2010. Effective September 26, 2008. (BL)

Sponsor: T. O'Halleran

POULTRY HUSBANDRY (S 1373, Chapter 32, Laws 2008)

Requires the Arizona Department of Agriculture to adopt rules related to poultry husbandry and the production of eggs sold throughout the state. Prohibits county and municipal health departments from further regulating poultry husbandry. Effective September 26, 2008. (BL) *Also listed under General Government.*

Sponsor: B. Burns

IMMIGRATION REFORM

PROHIBITED POSSESSORS; UNDOCUMENTED ALIENS (H 2486, Chapter 3, Laws 2008)

Defines an undocumented alien, non-immigrant alien (traveling with or without documentation), or a foreign student as a "prohibited possessor." Prohibited possessors may be charged with misconduct involving weapons for possessing a deadly weapon. Exempts certain classes of immigrants, including diplomats, those with hunting licenses or permission from the attorney general, and immigrants participating in firearms related events. Effective September 26, 2008. (EHB) *Also listed under Courts and Criminal Justice.*

Sponsor: J. Weiers



EMPLOYER SANCTIONS (H 2745, Chapter 152, Laws 2008)

Makes numerous changes to laws regarding the hiring of undocumented workers.

Identity Theft

Expands the definitions of “identity theft” to include theft for the purposes of obtaining or continuing employment.

Adds the offense of “knowingly accepting the identity of another person,” a class 4 felony which applies to employers who knowingly accept false employment documents.

The law also makes numerous changes and clarifications to last year’s

Legal Arizona Worker’s Act (LAWA):

Applicability-Effective Date

Applies the act’s penalties only to workers hired after December 31, 2007.

Independent Contractors

Specifies that sanctions against an employer that operates in multiple locations apply only to the location where an unauthorized alien was hired.

Classifies independent contractors as “employers” under the law instead of “employees,” meaning a person who hires an independent contractor is not responsible for determining the contractor’s legal status, but contractors are responsible for the legality of their own workers.

Stipulates that if an employer uses a contract agreement to procure the services of an alien in this state, that employer violates the prohibition in LAWA against knowingly hiring an unauthorized alien.

Complaints

Requires the Attorney General (AG) to create a form to be used by persons wishing to file a complaint against a company for hiring an unauthorized alien, and specifies that the complaint form may not be required to include a complainant’s social security number or a notary’s authorization. If a complaint is submitted on this form, the county attorney *must* investigate the complaint; if a complaint is presented to a county attorney, but not submitted on the prescribed form, the county attorney *may* investigate the complaint.

Notes that anonymous complaints not submitted on the prescribed form are not prohibited by the act.

Prohibits a county attorney from investigating a complaint based solely on race, color, or national origin.

Permits a county sheriff or other local law enforcement agency to assist in investigating a complaint.

Affirmative Defense for Businesses

Provides that a business may be considered to have complied with federal requirements regarding hiring legal workers (and thus have an affirmative defense against charges of LAWA violations) if there is a good faith effort to comply, notwithstanding isolated, technical, or accidental failures to meet the requirements.

Voluntary Employer Enhanced Compliance Program (Program)

Directs the AG to develop the Program (terminating in 2018), which:

- Allows employers who have not violated LAWA to voluntarily submit a signed, sworn affidavit which states that the employer verifies the employment eligibility of all employees (regardless of hire date) through E-verify or the Social Security Number Verification Service.
- Requires employers to provide the AG or County Attorney with documents proving an employer's efforts to verify employment eligibility in response to a filed complaint.
- Provides that an employer who participates in the program in good faith shall not be in violation of LAWA's provisions against knowingly or intentionally hiring an illegal alien.

Requires the AG to maintain a list of employers participating in the program on the AG website and provide a form of recognition the employer may display to the general public.

Cash Payments

Requires a cash employer with two or more employees to comply with income tax, reporting, employment security, and worker's compensation laws.

Stipulates that a cash employer who does not comply with applicable laws may be punished with a civil penalty up to three times the money the employer failed to withhold or \$5,000, whichever is greater.

Licensing

Prohibits the state or its political subdivisions from issuing a license for operating a business without proof of citizenship.

Government Contracting/Procurement

Prohibits a governmental entity from awarding a contract to any contractor or subcontractor that does not verify the employment eligibility of its employees or comply with federal immigration law.

Requires every government contract to include the following:

- The contract serves as a warrant that the contractor complies in good faith with applicable verification and immigration laws.
- A breach of the above warranty serves as a material breach of the contract.
- The governmental entity reserves the right to inspect the papers of the contractor to ensure compliance with the laws.

Requires governmental entities to establish procedures for random verification of employment records.

Effective May 1, 2008. (EHB)

Sponsor: R. Pearce

LAND USE AND PLANNING

MUNICIPAL ANNEXATION; FINALITY (H 2113, Chapter 95, Laws 2008)

Establishes that an annexation does not become final until the clerk of the municipality provides a copy of the adopted annexation ordinance to the clerk of the board of supervisors (instead of the county recorder) for each county that has jurisdiction over the annexed area. Effective September 26, 2008. (TM) *Also listed under CSA Legislative Package, Elections, General Government.*

Sponsor: M. McClure

COUNTY PLANS; MAJOR AMENDMENTS (H 2154, Chapter 164, Laws 2008)

Removes the requirement that major amendments to county plans be re-referred to the county planning and zoning commission for a second public hearing. Amendments may be re-referred by the county board of supervisors. Effective September 26, 2008, (TM) *Also listed under General Government.*

Sponsor: J. Paton

TRANSFER OF DEVELOPMENT RIGHTS (H 2155, Chapter 145, Laws 2008)

Establishes that voluntary transfers may occur across jurisdictions with the presence of an intergovernmental agreement, and removes the existing sunset clause in statute. Effective September 26, 2008. (TM) *Also listed under CSA Legislative Package.*

Sponsor: J. Paton

COUNTY BUILDINGS; SALE; NONPROFIT ENTITIES (H 2219, Chapter 266, Laws 2008)

Gives counties with a population of less than 100,000 persons a one-year window to sell property currently leased to a non-profit entity without appraisal or public auction at a price determined by the county board of supervisors. Stipulates conditions by under which the property reverts to the county. Effective September 26, 2008. (TM) *Also listed under General Government.*

Sponsor: M. Alvarez

COUNTY AUCTIONS; EASEMENT EXEMPTIONS (H 2406, Chapter 105, Laws 2008)

Permits a county to grant an easement on county property for a public purpose to a utility without public auction if unanimous approval of the board of supervisors is obtained. Effective September 26, 2008. (TM) *Also listed under General Government.*

Sponsor: J. Nelson

USER FEE; OFF-HIGHWAY VEHICLES (S 1167, Chapter 294, Laws 2008)

Prohibits riding an off-highway vehicle (OHV):

- Off of an existing trail or road in a way which damages habitat, natural or cultural resources, or property.
- On routes or roads properly posted as closed.
- Over unimproved roads or trails, unless riding is specifically permitted.

Requires a person to ride an OHV only on roads or routes specified as open by a municipal, county, state, or federal agency, and requires a person to operate the vehicle in a way that does not damage the environment.

Prohibits a person who is not affiliated with a regulatory agency from placing or removing an OHV regulatory sign.

Makes an OHV violation a class 3 misdemeanor. Exempts private landowners performing agricultural or ranching practices on an OHV from regulation.



Reallocates money in the Off-Highway Vehicle Fund to the Game and Fish Department, State Land Department, and Arizona Parks Board for developing OHV trails, mitigating damage, and enforcing OHV regulations.

Eliminates a locally-contributed matching fund portion of the off-highway vehicle fund.

Requires OHVs that operate on public lands to display an indicia and makes further stipulations regarding OHV equipment. Requires OHVs to display a license plate and removes a requirement which permitted the plate to be valid for the life of the vehicle.

Stipulates that for OHVs under 1,800 pounds, the vehicle license tax is \$3.

Effective December 31, 2008. (EHB)

Sponsor: J.P. Weiers

OUTDOOR FIRES; COUNTIES (S 1238, Chapter 275, Laws 2008)

Allows a county board of supervisors to enforce ordinances prohibiting open fires on designated lands in all unincorporated areas when the county emergency management officer has issued a determination of emergency and the board deems the restriction necessary to protect public health and safety. Effective September 26, 2008. (BL) *Also listed under CSA Legislative Package, Law Enforcement and Emergency Services.*

Sponsor: J. Flake

REAL ESTATE DISCLOSURE; TRAINING RANGES (S 1387, Chapter 196, Laws 2008)

Requires a county that contains any portion of a military electronics range (MER) to provide notice to the office of the installation commander when an application to rezone, subdivide or build within the MER is complete.

Requires the state real estate commissioner to file a document with a county recorder when a county contains a part of an MER disclosing the applicable lands as such, and requires the Real Estate Department to post an MER map on their website. Adds MERs to the list of land designations that require special notification to be subdivided. Requires the State Land Department to create an MER map and keep its boundaries updated.

Allows the State Land Department, instead of the Department of Veteran's Affairs, to accept title to and manage real estate for preserving and enhancing military installations in the state. Effective September 26, 2008. (TM)

Sponsor: T. Bee

SUBDIVISION REPORTS; NOTICE (S 1491, Chapter 271, Laws 2008)

Requires the state real estate commissioner to include a legal description of the land in question in the county recorder's book of deeds and to notify parties with an interest in the lot of the order, if the state real estate commissioner files a cease and desist order relating to an illegal subdivision. Requires notification of the order or the order's cancellation to be issued within 10 days. Requires the Department of Real Estate to issue a public notice for an illegally subdivided plat and include that a city or county may decline to issue a building permit until legal requirements are met. Establishes a civil penalty of up to \$5,000 for selling a lot without obtaining a public report. Adds a section to the affidavit of disclosure noting whether the property in question is limited due to a court or Real Estate Department order. Effective June 16, 2008.

(TM)

Sponsor: P. Gorman

LAW ENFORCEMENT AND EMERGENCY SERVICES

CONSTABLE ETHICS; BOARD; MEMBERSHIP (H 2190, Chapter 171, Laws 2008)

Specifies that the Arizona Multihousing Authority's (AMA) member of the Constable Ethics Board must be a member of the AMA board at the time of appointment. Effective September 26, 2008. (EHB) *Also listed under Courts and Criminal Justice.*

Sponsor: A. Driggs

RIGHT-OF-WAY; MILITARY PROCESSION (H 2249, Chapter 99, Laws 2008)

Establishes right-of-way to a military procession, which is defined as two or more vehicles that are accompanying the body of a deceased military member, a military member being deployed or returning from deployment, an individual being honored at a military event or a monument honoring military members. Allows county sheriffs to regulate military escort vehicle drivers in the same way as funeral escort vehicles, and requires sheriffs to approve markings and insignia for funeral escort vehicles that are distinguishable from law enforcement officers. Effective September 26, 2008. (BL) *Also listed under Transportation and Public Works.*

Sponsor: J.P. Weiers

AGGRAVATED ASSAULT; CONSTABLES (H 2444, Chapter 179, Laws 2008)

Classifies assault on a constable (or a person summoned and directed by a constable while engaged in the performance of official duties) as aggravated assault. Effective September 26, 2008. (EHB) *Also listed under Courts and Criminal Justice.*

Sponsor: J. Kavanagh

REDACTION ORDERS; EXPIRATION; NOTICE; FUNDS (H 2478, Chapter 113, Laws 2008)

Requires a county recorder, assessor, or treasurer to notify an affected person (usually a law enforcement officer) that an order to redact their personal information from public records will expire in six months. Allows the Anti-Racketeering Revolving Fund to be used to relocate a law enforcement officer who receives a *bona fide* threat as a result of their official duties. Effective September 26, 2008. (EHB) *Also listed under General Government.*

Sponsor: K. Adams

UNLAWFUL PUBLIC SALE OF ANIMALS (H 2485, Chapter 305, Laws 2008)

Establishes a class 2 misdemeanor in Maricopa and Pima counties for anyone who sells animals along a public roadway or in a public park. Effective September 26, 2008. (BL) *Also listed under General Government.*

Sponsor: J. Weiers

CONSTABLES; PEACE OFFICERS STATUS (H 2623, Chapter 150, Laws 2008)

Includes constables in the definition of "peace officers" and specifies that duly elected or appointed constables have the authority of a peace officer only in the performance of their official duties. Effective September 26, 2008. (EHB)

Sponsor: R. Pearce

RESIDENCY RESTRICTIONS; SCHOOLS; CHILD CARE (S 1011, Chapter 6, Laws 2008)

Applies sex offender residency restrictions to offenders who have committed a crime in another state that would be a dangerous crime against children in Arizona. Makes stipulations regarding the calculation of distance for residency restrictions. Effective September 26, 2008. (EHB)

Sponsor: J. Tibshraeny



LAW ENFORCEMENT MERIT SYSTEM; CONTINUATION (S 1056, Chapter 10, Laws 2008)

Continues the Law Enforcement Merit System Council, which is charged with developing rules and procedures for personnel management of the Arizona Peace Officer Standards and Training, until July 1, 2015. Retroactively effective July 1, 2008. (BL)

Sponsor: C. Gray

LAW ENFORCEMENT OFFICER; DEFINITION; REPRESENTATION (S 1057, Chapter 40, Laws 2008)

Excludes officers employed during a probationary period from the definition of "probation officer" or "law enforcement officer." Functionally, this exempts probationary employees from the rights and procedures afforded a regular employee during a dismissal procedure. Effective September 26, 2008. (EHB)

Sponsor: C. Gray

EMERGENCY RESPONSE COMMISSION; CONTINUATION (S 1121, Chapter 156, Laws 2008)

Continues the Arizona Emergency Response Commission, which is responsible for oversight of 15 local emergency planning committees and grant distributions to local governments, until July 1, 2018. Retroactively effective July 1, 2008. (BL)

Sponsor: J. Harper

OUTDOOR FIRES; COUNTIES (S 1238, Chapter 275, Laws 2008)

Allows a county board of supervisors to enforce ordinances prohibiting open fires on designated lands in all unincorporated areas when the county emergency management officer has issued a determination of emergency and the board deems the restriction necessary to protect public health and safety. Effective September 26, 2008. (BL) *Also listed under CSA Legislative Package, Land Use and Planning.*

Sponsor: J. Flake

STATE FORESTER; WILDFIRE SUPPRESSION FUNDING (S 1338, Chapter 129, Laws 2008)

Grants the state forester increased funding flexibility, allowing liabilities up to \$3 million from the state general fund for suppressing wildfires and preparing for a time of extreme fire danger. (Previously, the \$3 million allotment was divided into two funds and was not easily accessed at the state forester's discretion.) Effective September 26, 2008. (BL) *Also listed under Finance and Taxation.*

Sponsor: J. Flake

LAW ENFORCEMENT; PROBATION; OFFICERS; INVESTIGATIONS (S 1339, Chapter 193, Laws 2008)

Allows the employer of a law enforcement or probation officer to require the officer to take a polygraph test, if the officer is being investigated on a charge which could lead to dismissal and the polygraph is necessary to reconcile conflicting information. The officer must be provided with an audio copy of the polygraph. Current statute allows an officer who is appealing a dismissal to request a different administrative law judge or hearing officer. Requires that, in a county of 250,000 persons or more, the first request be granted. Subsequent requests may only be granted if an impartial hearing cannot be obtained in front of the appointed hearing officer.

Specifies that, in an appeal of a disciplinary action by a law enforcement or probation officer, the burden of proof is on the employer.

Changes the definition of a "disciplinary action" from a suspension of 40 hours or more to a suspension of 24 hours or more.

Effective September 26, 2008. (EHB)

Sponsor: L. Gray



SCHOOL SAFETY PROGRAM; RESERVE OFFICERS (S 1401, Chapter 74, Laws 2008)

Allows a full authority Arizona Peace Officer Standards and Training certified reserve officer to participate in a school safety program. Effective September 26, 2008. (EHB)

Sponsor: T. Bee

BIOLOGICAL EVIDENCE; RETENTION; PRESERVATION (S 1412, Chapter 282, Laws 2008)

Requires that offenders charged with felonies, domestic violence, sexual offenses, or driving under the influence be fingerprinted and the prints retained indefinitely. Requires that biological evidence secured in connection to a homicide or felony sexual offense be retained until a convicted offender's sentence has been served, or, in the case of no conviction or arrest, 55 years. Requires that evidence be preserved in a condition suitable for DNA testing. Allows a governmental entity to retain probative samples and dispose of bulk evidence with the consent of the county attorney and after notifying the victim. Sets conditions for the disposal of evidence after an offender's sentence has been served or after a defendant's appeal and post conviction relief efforts have expired. Effective December 31, 2008. (EHB)

Sponsor: J. Huppenthal

RETIREMENT AND PERSONNEL

PSPRS; LOCAL BOARDS; PROCEDURES (H 2058, Chapter 59, Laws 2008)

Requires local governance boards that are bound by statute and responsible for determining membership eligibility and payment of benefits, including eligibility for receipt of disability payments in accordance with the provisions of the retirement statutes, to commence a hearing of any benefit right within 90 days. Effective September 26, 2008. (TM)

Sponsor: M. McClure

IRAN; PUBLIC FUND DIVESTMENT (H 2151, Chapter 235, Laws 2008)

Requires the Arizona State Retirement System, Public Safety Personal Retirement System, Elected Officials Retirement Plan, Correctional Officers Retirement Plan, and the Arizona State Treasurer to divest publicly traded securities from scrutinized companies connected to the government of Iran. Effective September 26, 2008. (TM)

Sponsor: J. Paton

CORP; JUDICIARY; OTHER DESIGNATED POSITION (S 1043, Chapter 185, Laws 2008)

Enables the local board of the judiciary to temporarily designate a position with the Administrative Office of the Courts as a Corrections Officer Retirement Plan position for employees who provide training or technical expertise to probation, surveillance or juvenile detention officers. Following the exit of that employee, the position reverts to an Arizona State Retirement System position. Effective September 26, 2008. (TM)

Sponsor: J. Tibshraeny

ASRS; ADMINISTRATION PROCEDURES (S 1407, Chapter 264, Laws 2008)

Faced with ever increasing employer and employee contribution rate increases, the Arizona State Retirement System (ASRS) sought administrative changes that would assist in managing costs. The measure modifies the definition of current annual compensation, as it pertains to the purchase of credited service, exempts the ASRS from the Revised Arizona Unclaimed Property Act, and makes additional administrative changes regarding how voluntary and mandatory group transfers out of ASRS to other defined benefit plans affect long-term disability benefits, retirement benefits, and payroll deduction agreements. Effective September 26, 2008. (TM)

Sponsor: T. Verschoor

DIVESTMENTS; TERRORISM COUNTRIES; CONTRACT PROHIBITION (S 1489, Chapter 201, Laws 2008)

Repeals the statute pertaining to the required annual submission of global security risk report by public funds to the legislature and requires the State Board of Investment, Arizona State Retirement System, and the Fund Manager of Public Safety Personal Retirement System to divest from all companies in violation of the federal Export Administration Act of 1979. Establishes procedures for reporting any divestments to the governor and legislative leadership. Effective September 26, 2008. (TM)

Sponsor: T. Verschoor

SPECIAL DISTRICTS

FLOOD CONTROL DISTRICTS; PROPERTY (H 2420, Chapter 107, Laws 2008)

Adds the state and counties as entities that may buy property from a flood control district without adhering to bidding or advertising procedures or special elections. Effective September 26, 2008. (TM) *Also listed under CSA Legislative Package, General Government.*

Sponsor: J. Nelson

SPECIAL HEALTH CARE DISTRICTS; TERMS (H 2481, Chapter 304, Laws 2008)

Staggeres the terms of office for two members of the Maricopa County Special Health Care District, in order for the board of directors to serve staggered four-year terms. Effective September 26, 2008. (BL) *Also listed under Health and Human Services.*

Sponsor: K. Adams

FLOOD PROTECTION DISTRICTS; FINANCING (S 1289, Chapter 85, Laws 2008)

Establishes financial mechanisms for a Flood Protection District to construct, reconstruct, replace, renovate, repair or acquire a flood protection facility. The financial mechanisms include property assessments based on acreage, instead of valuation, and the authority to issue improvement bonds. Outlines the process to establish an assessment area, and the board of directors authority with respect to construction contracts, hearings on objections, delinquent assessments and various other issues related to managing the District. Effective September 26, 2008. (TM)

Sponsor: J. Flake

REGIONAL ATTRACTION DISTRICTS (S 1450, Chapter 297, Laws 2008)

Permits the formation of a Regional Attraction District, and authorizes it to issue up to \$750 million in negotiable revenue bonds and levy up to a 10 percent excise tax on certain business activity in the District to pay for the bonds. Counties are eligible for mandatory reimbursement of county services and a voluntary payment in-lieu of property tax by the District. Effective September 26, 2008. (TM)

Sponsor: T. Verschoor

TRANSPORTATION AND PUBLIC WORKS

ARIZONA HIGHWAYS SPECIAL PLATES (H 2046, Chapter 93, Laws 2008)

Establishes the *Arizona Highways* special license plate and the *In God We Trust* special license plate. Specifies that the annual fee for each license plate is to be \$25; \$8 of the *Arizona Highways* plate fee, as well as the full \$25 of the *In God We Trust* plate fee, is to be deposited into the State Highway Fund. Effective September 26, 2008. (BL) *Also listed under Finance and Taxation.*

Sponsor: M. McClure

SCHOOL CROSSINGS (H 2093, Chapter 143, Laws 2008)

Stipulates that vehicles may not proceed at more than 15 miles per hour between portable school crossing signs. If a school authority or county school superintendent places signs reading "Civil Penalties Double" in the school zone, the violator shall be assessed twice the normal penalty. Effective September 26, 2008. (EHB) *Also listed under General Government.*

Sponsor: A. Biggs

HIGHWAY PROJECT ADVANCEMENT NOTES (H 2094, Chapter 299, Laws 2008)

Allows a county to issue Highway Project Advancement Notes (HPANs) and increases the total amount of HPANs a city, town or county may issue from \$100 million to \$300 million. Redefines "highway project" to include a highway project that is in the transportation improvement plan of a regional association of governments, to permit projects begun before the implementation of the Statewide Transportation Accelerated Needs (STAN) Account to acquire payments from the Account. The transfer of monies from the STAN I Account (construction) to the STAN II Account (interest reimbursement) is permitted in order to pay for interest costs resulting from bonds, loans notes or advances issued to or on behalf of a city or county. Effective September 26, 2008. (TM)

Sponsor: A. Biggs

TRANSPORTATION DISTRICTS (H 2133, Chapter 157, Laws 2008)

Requires the creation of a new Transportation District for a county that reaches a population of over 500,000 persons by January 1, 2009. The new District shall consist only of that county and the governor shall appoint the district's representative to the State Transportation Board. Effective September 26, 2008. (TM)

Sponsor: P. Rios

RIGHT-OF-WAY; MILITARY PROCESSION (H 2249, Chapter 99, Laws 2008)

Establishes right-of-way to a military procession, which is defined as two or more vehicles that are accompanying the body of a deceased military member, a military member being deployed or returning from deployment, an individual being honored at a military event or a monument honoring military members. Allows county sheriffs to regulate military escort vehicle drivers in the same way as funeral escort vehicles, and requires sheriffs to approve markings and insignia for funeral escort vehicles that are distinguishable from law enforcement officers. Effective September 26, 2008. (BL) *Also listed under Law Enforcement and Emergency Services.*

Sponsor: J.P. Weiers

EMISSIONS TESTING; MOTORCYCLES; AREA A (H 2280, Chapter 64, Laws 2008)

Exempts motorcycles in Area A (which includes parts of Maricopa, Pinal, and Yavapai counties) from emissions testing. Enactment is conditional on the Environmental Protection Agency passing a similar exemption as part of the State Implementation Plan for air quality by July 1, 2010. Effective September 26, 2008. (EHB) *Also listed under Environment.*

Sponsor: J.P. Weiers

AIR QUALITY; CLEAN BURNING GAS (S 1095, Chapter 77, Laws 2008)

Changes the date clean burning gas is to be used in Area C (western Pinal County) from June 1, 2009 to May 1, 2009. Effective September 26, 2008. (EHB) *Also listed under Environment.*

Sponsor: J. Flake

WATER

WATER SUPPLY; DISCLOSURE (H 2270, Chapter 216, Laws 2008)

Establishes additional water supply disclosure standards for the Arizona Department of Water Resources (ADWR) and the Arizona Department of Real Estate requiring them to post definitions and maps of important water supply information. Requires cities, towns and private water suppliers that are outside of an Active Management Area to provide a written summary of water supply status, as determined by ADWR, for any real property within their jurisdiction when requested to do so by any individual. Effective January 1, 2009. (BL)

Sponsor: D. Clark

INTERSTATE WATER TRANSFERS (H 2771, Chapter 153, Laws 2008)

Allows the director of the Department of Water Resources to establish an application fee, by rule, for interstate water transportation, and allows the director to consider various factors when establishing the fee. Effective September 26, 2008. (BL)

Sponsor: N. McLain

COCONINO PLATEAU GROUNDWATER BASIN; WITHDRAWAL (H 2772, Chapter 224, Laws 2008)

Temporarily allows a city or town that is located in the Coconino Plateau Groundwater Basin to transfer groundwater from an adjacent basin to its service area if specific conditions are met (the conditions are defined to apply this allowance only to the City of Williams). Allows the city or town to apply to the Arizona Department of Water Resources (ADWR) for an increase in the amount of groundwater that may be transferred in order to meet fire protection needs, and authorizes ADWR to increase the amount and specify additional conditions. Requires the city or town to stop transporting water from the wells located outside of the groundwater basin when it obtains another legal, sufficient source of water by pipeline or canal. Effective September 26, 2008. (BL)

Sponsor: L. Mason

EXEMPT WELLS; INTERNAL REFERENCE CORRECTIONS (S 1326, Chapter 71, Laws 2008)

Corrects internal references in statute relating to exempt wells. Effective September 26, 2008. (BL)

Sponsor: J. Flake

DROUGHT EMERGENCY GROUNDWATER TRANSFERS (S 1380, Chapter 88, Laws 2008)

Temporarily allows groundwater to be transported away from a groundwater basin that is outside an active management area under specific emergency conditions. Effective May 1, 2008 through May 1, 2009. (BL)

Sponsor: M. Arzberger

COUNTY-RELATED VETOED LEGISLATION

STATE EQUALIZATION PROPERTY TAX REPEAL (H 2220, VETOED)

Would have eliminated the state equalization property tax rate (the Governor indicated in her veto message that permanently repealing the state equalization property tax at this time would be fiscally irresponsible). (BL)

Sponsor: J. Weiers



ADMINISTRATIVE RULES OVERSIGHT COMMITTEE (H 2235 / S 1255, VETOED)

Would have established the Administrative Rules Oversight Committee, consisting of members of the Arizona House and Senate and the Governor's designee. The committee would have allowed a party to contest the legality of a rule, agency practice, or substantive policy statement. The Governor's veto message stated, that like Governor Hull, she did not wish to "resurrect" this committee. (TM)

Sponsor: M. DeSimone

BORDER OFFICERS; STATE LAWS; ENFORCEMENT (H 2359, VETOED)

Would have allowed a county sheriff to enter into agreements with U.S. Customs and Border Protection for purposes of interagency communication without the approval of the board of supervisors, if the agreement had no fiscal impact on the county. The Governor's veto message stated the bill only affirms existing law. (EHB)

Sponsor: J. Paton

DRIVING; BOATING; UNDER THE INFLUENCE (H 2395, VETOED)

Would have made numerous changes to driving under the influence (DUI) and boating under the influence (OUI) statutes. Most provisions were re-addressed in H 2643. (EHB)

Sponsor: J. Weiers

GENERAL OBLIGATION BOND REQUIREMENTS (H 2585, VETOED)

Would have made changes to the requirements for the informational pamphlet of a bond election, changing the formula for estimating the tax impact of bond service by assuming assessed values increase annually, instead of remaining constant. Required the pamphlet to state the amount, if any, by which the proposed bond plus the county's current debt would surpass the constitutional debt limit, as well as the minimum number of years the bond series would run. If the weighted average maturity of the refunding bonds was at least 75 percent of the bonds being refunded, it would have exempted the issuance of refunding bonds from an election. The Governor stated the bill contained "unnecessary and undesirable changes." (CS)

Sponsor: S. Yarbrough

WEAPONS; PEACE OFFICERS; POSSE; RESERVES (H 2626, VETOED)

Would have allowed a county sheriff to authorize a member of volunteer posse who has received approved training to carry a deadly weapon while on duty without a permit. Would have exempted an honorably retired law enforcement officer (who possesses a photo ID) from being charged with misconduct involving a weapon for carrying a weapon without a permit. Would have allowed a weapon to be carried without a permit if any portion of the weapon or holster was visible. Would have reclassified the offense of possessing a deadly weapon in furtherance of an act of terrorism as a class 2 (instead of a class 3) felony. The Governor objected to the "unreasonably narrow definition" of concealed weapon. (EHB)

Sponsor: R. Pearce

CONCEALED WEAPONS; PETTY OFFENSE (H 2630, VETOED)

Would have reduced the penalty for carrying a concealed weapon without a permit from a class 1 misdemeanor to a petty offense, and prohibited the court from ordering the forfeiture of the weapon for a petty offense. Exceptions to the petty offense classification would have applied. The Governor's veto message argued that lawful gun owners should comply with current license and permit laws. (EHB)

Sponsor: R. Pearce



IMMIGRATION; LOCAL ENFORCEMENT (H 2807, VETOED)

Would have stipulated that agencies or personnel of counties, cities or towns may not be prohibited from gathering, using, or transmitting information regarding immigration status for determining eligibility for public benefits, services, or licenses restricted by immigration status, verifying a necessary claim of legal residence, and confirming the identity of persons who are arrested.

Would have also required a county sheriff or police department to implement a program to address violations of federal immigration law by training law enforcement officers or entering partnerships with U.S. immigration agencies. Stipulated that any training must be funded with federal or state money. The Governor called the bill "an unnecessary unfunded mandate to law enforcement." (EHB)

Sponsor: J. Nelson

FISCAL YEAR 2007-2008; BUDGET ADJUSTMENTS (H 2857, VETOED)

Would have amended the FY07-08 budget through millions of dollars in agency cuts and fund sweeps, including a \$32,440 balance remaining from previous years' appropriations to the summer youth employment program. The Governor's veto message called the bill a "piecemeal approach" to fixing the FY08 budget deficit and called on the legislature to work on a comprehensive budget fix. (Note: the FY08 budget adjustments were enacted in HB 2620.) (BL)

Sponsor: T. Boone

ADMINISTRATIVE RULES OVERSIGHT COMMITTEE (S 1255 / H 2235, VETOED)

Would have established the Administrative Rules Oversight Committee, consisting of members of the Arizona House and Senate and the Governor's designee. The committee would have allowed a party to contest the legality of a rule, agency practice, or substantive policy statement. The Governor's veto message stated, that like Governor Hull, she did not wish to "resurrect" this committee. (TM)

Sponsor: B. Burns

PUBLIC RIGHTS-OF-WAY; CLAIMS (S 1264, VETOED)

Would have asserted and claimed, on behalf of Arizona and its political subdivisions, rights-of-way across public lands that were acquired from and after the effective date of federal revised statute 2477 through its repeal on October 21, 1976. The Governor's veto message claimed the proposal would have injected "unnecessary confusion" into claims of ownership on land in Arizona. (BL)

Sponsor: K. Johnson

MUNICIPAL DEVELOPMENT FEES; PROCEDURES (S 1406, VETOED)

Would have amended procedures by which municipalities and counties implement development fees, and prohibited counties from assessing development fees to schools except for street, water and sewer utilities improvements. The Governor's veto message urged the legislature to work toward an agreed-upon, comprehensive approach to development fees next year. (BL)

Sponsor: T. Bee

PRIME CONTRACTING DEDUCTION; UNIVERSITY IMPROVEMENTS (S 1484, VETOED)

Would have diverted state transaction privilege tax revenues derived from prime contracting activities associated with the construction of public university buildings to the municipality where the university building was located in order to pay for infrastructure improvements. The Governor's veto message stated this tax policy would be unfair to municipalities that did not have universities, as well as community colleges and other entities that would not benefit from the proposal. (BL)

Sponsor: T. Verschoor



FY 07-08 STATE BUDGET ADJUSTMENTS

BUDGET ADJUSTMENTS; FISCAL YEAR 2007-2008 (H 2620, Chapter 53, Laws 2008)

The bill amended the FY07-08 budget through millions of dollars in agency cuts and fund sweeps, including the following county-related items:

Fund Sweeps and Grant Cuts

- \$50,000 cut from the State Forester's funding for Eastern Arizona County Environmental grants;
- \$100,000 cut from special prosecution grants distributed by the Arizona Criminal Justice Commission to counties;
- \$1.2 million cut from the DUI Abatement Fund, which is distributed through grants;
- \$1 million cut from the Arizona Prosecuting Attorneys Fund, which provides assistance to rural counties;
- \$1 million cut from the Greater Arizona Development Authority (GADA);
- \$1 million cut from the Department of Corrections' funding from the Criminal Justice Enhancement Fund, which is used for county detention officer training and jail operations;
- \$1 million cut from the Recycling Fund, which is used to fight illegal dumping of trash and construction waste;
- \$3 million cut from the Supreme Court's portion of the Judicial Collections Enhancement Fund and the Criminal Justice Enhancement Fund, which will impact the launch of a new case management system at the Administrative Office of the Courts;
- \$18.1 million cut from the State Aviation Fund;
- \$4.1 million cut from the State Lake Improvement Fund;
- \$32,440 swept from the Department of Economic Security – the amount is a balance from previous years' appropriations to the summer youth employment program;
- \$6 million cut from the State Lottery Fund, which reduced funding for vaccinations provided by county public health departments;
- \$42 million shifted from the State Highway Fund to the Department of Public Safety.

Direct County Impacts

- Maricopa and Pima counties were required to contribute additional funds to FY08 ALTCS costs; Maricopa was charged \$ 5.5 million and Pima was charged \$1.5 million. (BL)

Sponsor: T. Boone

FY 08-09 STATE BUDGET

GENERAL APPROPRIATIONS ACT; 2008-2009 (H 2209, Chapter 285, Laws 2008)

Makes appropriations from the state general fund and other funds for the operation of state government in FY09. County-related provisions are outlined below.

Agency Cuts and Fund Sweeps

Cuts a total of \$360 million from state agency budgets and sweeps \$340 million from existing fund balances. The following items could have county impacts in FY09:

Arizona Criminal Justice Commission – Cuts \$2.93 million in FY09, eliminates \$2 million for county anti-meth efforts, and sweeps \$100,000 from the Criminal Justice Enhancement Fund (CJEF), \$130,000 from Special Prosecution Grants (ACJC staff is attempting to backfill the loss with other resources to continue the program), \$1.5 million from the State Aid to County Attorneys Fund and \$1.5 million from the State Aid to Indigent Defense Fund (ACJC staff is seeking the necessary permission to use remaining revenues to make quarterly distributions beginning in October 2008).

Attorney General – Sweeps \$95,000 from the Prosecuting Attorney's Fund, which previously provided a number of services to Arizona counties on a by-request basis.

Department of Commerce – Sweeps \$2 million from the Greater Arizona Development Authority (GADA) Revolving Fund, which will impact the fund's ability to take on new projects in the future.

Department of Economic Security – Decreases summer youth employment program funding through the Department of Economic Security, allotting a total of \$750,000 million for such programs (counties receive \$487,500).

Department of Environmental Quality – Reduces numerous funds that have previously provided direct or grant-based county benefit: Removes \$750,000 from the Vehicle Repair and Retrofit Program Fund distributed to Maricopa and Pima counties, sweeps \$4 million from the Water Quality Assurance Revolving Fund, \$10.7 million from the Clean Water Revolving Fund, \$5 million from the Drinking Water Fund and \$3 million from the Recycling Fund, which could decrease efforts against illegal dumping and construction waste recycling in counties.

Department of Health Services – Due to a large lump sum reduction, the agency is considering numerous cost-saving measures that could impact county health departments. DHS will release additional details in the near future.

Department of Housing – Cuts \$8.2 million from the Housing Trust Fund, which funds grants for lower income housing projects.

State Parks Department – Cuts \$6.4 million from the State Lake Improvement Fund, likely eliminating the grants program for FY09, and sweeps \$1 million from the Off-Highway Vehicle Recreation Fund.

Department of Transportation – Sweeps \$18.3 million from the State Aviation Fund, which is distributed to publicly-operated airports.



Community Colleges

Appropriates \$1 million in FY09 to Apache, Greenlee and Santa Cruz counties—the three counties without community college districts. This funding will provide some relief from disproportionate costs associated with out of county reimbursement obligations pursuant to A.R.S. § 15-1469.

Contains \$500,000 in FY09 for capital outlay to be used to construct a public safety and emergency services training facility operated by Northland Pioneer Community College in Navajo County.

Courts and Criminal Justice

Includes \$866,200 for county jail beds, which are used as overflow for state-operated beds.

Decreases reimbursement to counties to \$208,800 for grand jury expenses and for state-funded representation of indigent defendants in first-time capital post conviction relief proceedings.

Continues to require counties to maintain FY04 expenditure levels for each probation program in order to receive state probation funds.

Requires the Administrative Office of the Courts to report to the Joint Legislative Budget Committee on county probation positions and probation funding for FY07, FY08 and FY09.

Gangs and Immigration

Designates \$10 million of Gang and Immigration Intelligence Team Enforcement Mission dollars for partnerships with counties or municipalities that enter into an agreement with the Department of Public Safety (DPS) and those who verify the immigration status of suspected gang members they have reason to believe are in the country illegally. Specifies that the county must pay at least 15 percent of service costs in such an agreement.

Appropriates \$2.43 million to county attorneys for immigration enforcement. \$1.4 million goes to Maricopa County, \$500,000 to Pima, and the remaining funds are divided as equally as possible between the remaining counties.

Health Care

Appropriates \$4.8 million from the state general fund to AHCCCS in FY08 to continue payments to six counties that are eligible for the hold harmless payments implemented with Proposition 204. (Graham: \$234,200; Greenlee: \$234,400; La Paz: \$159,700; Pima: \$3,817,800; Santa Cruz: \$214,800; Yavapai: \$164,700.)

Decreases funding for community health centers to \$13.5 million in FY09. These dollars are distributed to expand primary care services to Arizona’s uninsured population, and at least \$564,000 must be given to Yavapai County for county primary care programs.

Continues a \$200,000 appropriation for county public health reimbursements to local health departments as outlined in A.R.S. § 36-189. (Coconino: \$36,220; Gila: \$5,440; Mohave: \$30,780; Yavapai: \$25,820; Yuma: \$101,740.)

Appropriates \$1.4 million for county tuberculosis provider care and control, which reimburses hospitals and physicians for the care of hospitalized tuberculosis patients and assists all county health departments with local tuberculosis control programs.

Continues \$460,300 in direct grants for counties with populations of less than 500,000. The grants are for local health work and for a portion of the cost of employing one public health nurse and one sanitarian in each county.

Continues \$67,900 in matching funds for local health work in counties with populations of less than 500,000.

Suspends funding to county nutritional services in rural counties that participate in the Nutritional Assessment Program.

Continues \$1.2 million for the County Prenatal Services Grant.

Continues funding for high-risk perinatal services, \$583,000 of which is to be given to counties for programs that focus on increasing prenatal care among women at high risk of not seeking or receiving prenatal care. Funding is distributed on a pass-through basis with consideration to population, need and amount received in prior years.

Suspends funding for Health Start, which provides monies to county health departments and community organizations to create neighborhood outreach programs that assist high risk pregnant women in obtaining prenatal care services. Funds were previously distributed on a competitive basis to communities with a high incidence of inadequate prenatal health care.

Appropriates \$37,153,100 to the *Arnold v. Sarn* case for the population covered by the *Arnold v. Sarn* lawsuit in Maricopa County, and for seriously mentally ill persons that meet the same criteria as those covered by that lawsuit in counties with populations of less than two million persons.

HURF Shifts

Shifts \$106 million from Highway User Revenue Fund and State Highway Fund resources to the Department of Public Safety, which removes approximately \$14.25 million in county HURF capacity.

Shifts \$617,000 HURF dollars in FY09 for ADOT Motor Vehicle operations, and another \$617,000 in FY09 to ADOT Aeronautics operations.

Mandated Contributions

Requires counties, cities and towns to contribute a total of \$29.8 million to the state general fund. Joint Legislative Budget Committee staff will allocate the charges according to the HURF distribution formula.

Specifies that counties may use any source of revenue, including monies from countywide special districts, to meet their required contributions under the \$29.8 million cost shift.

Effective September 26, 2008. (BL)
Sponsor: J. Burns

BUDGET RECONCILIATION; CRIMINAL JUSTICE (H 2210, Chapter 286, Laws 2008)

Makes necessary changes relating to criminal justice systems to implement the FY09 budget.

Fees

Permanently establishes the \$20 Time Payment Fee to the courts, overriding earlier legislation that would have set the fee at \$12.

Increases numerous statutory filing fees, and allows the Supreme Court to increase other filing and use fees.

Requires the Supreme Court to periodically charge local probation fee accounts for the costs associated with covering GPS devices that are mandated for probationers. The Supreme Court may require probationers to cover the costs of the GPS devices.

Amends the formula used by county treasurers for distribution of court fees received by justices of the peace for civil actions.

JP Compensation

Continues to require counties to pay 61.5 percent of compensation and employee-related expenses for justice of the peace, and all costs of the state retirement system or county health plan. The state covers 38.5 percent of compensation for justices of the peace.

Photo Radar

Expands the use of statewide photo radar through the Arizona Department of Transportation, and establishes a fine of \$165 for a photo enforcement citation. Exempts photo enforcement citations from all surcharges, as well as from judicial productivity credits in FY09. Establishes the Photo Enforcement Fund to receive photo radar revenues, and allocates funding to DPS for personnel expenditures and vendor payments and \$4,056,000 to the administrative office of the courts for photo enforcement citation processing. Any balance over \$250,000 is directed to the state general fund.

Specifies that photo enforcement citations will not be considered for purposes of driver's license suspension or revocation, and outlines a process by which the Supreme Court will establish an administrative procedure that is intended to minimize the number of photo radar tickets processed by superior courts. Allows someone paid to act on behalf of a traffic enforcement agency to file a traffic complaint in court, and allows a photo radar citation to be issued by a notice of violation *before* the citation is filed in court. If a person fails to respond to the notice of violation or contests responsibility for the citation, the complaint is filed in court.

Miscellaneous

Prohibits a judge from suspending any portion of an extreme DUI sentence.

Eliminates the requirement that the Supreme Court send reports of decisions to legal entities across the state, including county attorneys and clerks of the court, and instead allows any entity to purchase the volumes upon request.

Effective September 26, 2008. (BL)

Sponsor: J. Burns

BUDGET RECONCILIATION; EDUCATION (H 2211, Chapter 287, Laws 2008)

Enacts the changes necessary to implement the FY09 budget.

Lottery and LTAF

Eliminates the statutory cap that prohibited the Arizona Lottery from expending more than 4 percent of lottery revenues on promotion and advertising.

Alters the lottery distribution formula, requiring lottery revenues to be placed in the State Lottery Fund for distribution to lottery beneficiaries (including LTAF I and the County Assistance Fund).

Amends LTAF II statute, deleting the existing percentage cap and establishing an annual base of \$9 million, with an annual increase of up to 10 percent, up to a total of \$18 million. Appropriates \$9.5 million in FY09 to LTAF II.

Natural Resources

Creates a new mechanism by which up to \$10 million annually is distributed from the Arizona Lottery to the Water Supply Development Revolving Fund.

Creates a new mechanism by which up to \$3 million annually is distributed from the Arizona Lottery to the Community Protection Initiative Fund, which was created last year to provide cost-share funding to local governments and private landholders for reducing hazardous fuels on nonfederal forested lands.

Effective September 26, 2008. (BL)

Sponsor: J. Burns

BUDGET RECONCILIATION; HEALTH (H 2275, Chapter 288, Laws 2008)

Makes statutory and session law changes related to health and welfare issues necessary to implement the FY09 budget.

Arizona Health Care Cost Containment System (AHCCCS)

Sets county AHCCCS acute care contributions for FY09 at a total of \$49.6 million, and county ALTCS contributions for FY09 at a total of \$256.6 million. Requires counties to contribute a total of \$2.6 million in FY08 for the AHCCCS Disproportionate Uncompensated Care (DUC) Pool, and \$2.8 million for expanded Prop. 204 administration charges.

Specifies that for FY09, county contributions to AHCCCS for Proposition 204 administrative costs and the DUC Pool are excluded from the county expenditure limit.

Directs \$4.2 million of the federal disproportionate share (DSH) payments to the Maricopa Special Health Care District.

Establishes an additional contribution to backfill state costs to ALTCS, requiring Maricopa County to pay \$24.1 million and Pima County to pay \$3.8 million in FY09. Specifies that any county revenues can be used to pay the costs, including resources from a countywide special taxing district, and allows these additional contributions to be exempt from county expenditure limits.

Prevents counties from receiving refunds on overcharges to AHCCCS in FY07 and FY08, sweeping \$17.8 million in monies that were scheduled to be county refunds.

Department of Health Services

Continues to charge Maricopa and Pima counties 86 percent of the total costs for the state Restoration to Competency (RTC) program at the Arizona State Hospital, but does not shift RTC costs to rural counties.

Effective September 26, 2008. (BL)

Sponsor: P. Hershberger

CAPITAL OUTLAY; FISCAL YEAR 2008-2009 (H 2278, Chapter 289 Laws 2008)

Makes appropriations from the state general fund and other funds for various capital projects in FY09. Designates \$305.6 million from the State Highway Fund for state highway construction.

Effective September 26, 2008. (BL)

Sponsor: P. Hershberger

BUDGET RECONCILIATION; GENERAL REVENUES (H 2391, Chapter 290, Laws 2008)

Suspends the statutory limitation that prevents more than \$10 million being shifted from HURF annually, thereby allowing the state to shift \$106 million from HURF in FY09. Effective September 26, 2008. (BL)

Sponsor: P. Hershberger

BUDGET RECONCILIATION; BUDGET PROCEDURES (H 2462, Chapter 291, Laws 2008)

Modifies agency budget procedures, adopts procedures and makes appropriations necessary for the state FY09 budget.

Allows county boards of supervisors to determine transportation-related purposes that qualify for funding from VLT designated for county transportation purposes, expanding the definition beyond the current statutory HURF description.

Authorizes the following state agencies to increase fees in FY09 to obtain the specified additional revenues:

- Department of Public Safety - \$7.8 million
- Department of Agriculture - \$1.1 million
- Department of Environmental Quality - \$600,000
- Department of Health Services - \$600,000
- State Land Department - \$600,000
- Radiation Regulatory Agency - \$400,000

The increased fee authority designated to DPS may be used to charge county and municipal law enforcement entities for costs associated with analyses performed at the DPS crime lab.

Specifies that counties may use any source of revenue, including monies from a countywide special taxing district, to cover any impact from the increased fees from these agencies.

Effective September 26, 2008. (BL)

Sponsor: J. Burns



**FY09 Enacted Budget
County Costs**

	County Impacts from HURF Shifts /1	HURF Billed Contribution /2 *	Additional ALTCS /3 *	ALTCS Refund /4	DPS Lab /5 *
Apache	\$ (426,075)	\$ (341,749)		\$ (43,594)	\$ (21,772)
Cochise	\$ (520,125)	\$ (416,940)		\$ (410,761)	\$ (133,012)
Coconino	\$ (594,225)	\$ (476,403)		\$ (130,800)	\$ (73,839)
Gila	\$ (242,250)	\$ (194,022)		\$ (183,743)	\$ (111,750)
Graham	\$ (153,900)	\$ (123,661)		\$ (73,926)	\$ (17,630)
Greenlee	\$ (54,150)	\$ (43,176)		\$ (14,100)	\$ (14,558)
La Paz	\$ (240,825)	\$ (192,642)		\$ (61,887)	\$ (77,223)
Maricopa	\$ (5,889,525)	\$ (4,719,523)	\$ (24,168,400)	\$ (11,078,831)	\$ (446,080)
Mohave	\$ (691,125)	\$ (553,416)		\$ (585,540)	\$ (90,319)
Navajo	\$ (507,300)	\$ (406,798)		\$ (180,333)	\$ (57,023)
Pima	\$ (2,438,175)	\$ (1,953,928)	\$ (3,794,400)	\$ (3,001,222)	\$ (619,776)
Pinal	\$ (937,650)	\$ (751,502)		\$ (788,800)	\$ (141,719)
Santa Cruz	\$ (198,075)	\$ (158,784)		\$ (141,110)	\$ (45,440)
Yavapai	\$ (692,550)	\$ (554,794)		\$ (656,277)	\$ (209,534)
Yuma	\$ (664,050)	\$ (532,434)		\$ (479,577)	\$ (163,008)
Total	\$ (14,250,000)	\$ (11,419,772)	\$ (27,962,800)	\$ (17,830,500)	\$(2,222,681)

	Acute Care	Prop. 204 Administration *	Annual ALTCS Contribution	DUC Pool *
Apache	\$ (268,800)	\$ (93,600)	\$ (628,500)	\$ (87,300)
Cochise	\$ (2,214,800)	\$ (174,700)	\$ (5,644,100)	\$ (162,700)
Coconino	\$ (742,900)	\$ (172,300)	\$ (1,885,900)	\$ (160,500)
Gila	\$ (1,413,200)	\$ (70,800)	\$ (2,340,100)	\$ (65,900)
Graham	\$ (536,200)	\$ (50,300)	\$ (1,216,100)	\$ (46,800)
Greenlee	\$ (190,700)	\$ (12,900)	\$ (117,900)	\$ (12,000)
La Paz	\$ (212,100)	\$ (26,800)	\$ (885,700)	\$ (24,900)
Maricopa	\$ (21,552,700)	\$ -	\$(160,744,800)	\$ -
Mohave	\$ (1,237,700)	\$ (201,100)	\$ (8,397,100)	\$ (187,400)
Navajo	\$ (310,800)	\$ (131,800)	\$ (2,600,100)	\$ (122,800)
Pima	\$ (14,951,800)	\$ (1,198,100)	\$ (41,270,700)	\$ (1,115,900)
Pinal	\$ (2,715,600)	\$ (234,400)	\$ (12,905,000)	\$ (218,300)
Santa Cruz	\$ (482,800)	\$ (55,400)	\$ (1,929,600)	\$ (51,600)
Yavapai	\$ (1,427,800)	\$ (221,400)	\$ (9,212,100)	\$ (206,200)
Yuma	\$ (1,325,100)	\$ (197,400)	\$ (6,864,700)	\$ (183,900)
Total	\$ (49,583,000)	\$ (2,841,000)	\$(256,642,400)	\$ (2,646,200)

* The budget specifies that these contributions are exempt from county expenditure limits.

**FY09 Enacted Budget
County Benefits**

	Out-of-County Tuition Assistance	Prop. 204 Hold Harmless	Summer Youth Employment /6	Immigration Enforcement /7	Public Health Reimbursement	County Assistance Fund (Lottery) /8
Apache	\$ 466,000		\$ 8,177			\$ 550,035
Cochise			\$ 14,469			\$ 550,035
Coconino			\$ 14,630		\$ 36,220	\$ 550,035
Gila			\$ 6,184		\$ 5,440	\$ 550,035
Graham		\$ 234,200	\$ 3,974			\$ 550,035
Greenlee	\$ 382,800	\$ 234,400	\$ 1,004			\$ 550,035
La Paz		\$ 159,700	\$ 2,375			\$ 550,035
Maricopa			\$ 131,250	\$ 1,430,000		\$ 249,772
Mohave			\$ 19,418		\$ 30,780	\$ 550,035
Navajo			\$ 11,853			\$ 550,035
Pima		\$ 3,817,800	\$ 206,250	\$ 500,000		\$ 249,772
Pinal			\$ 22,442			\$ 550,035
Santa Cruz	\$ 151,200	\$ 214,800	\$ 4,647			\$ 550,035
Yavapai		\$ 164,700	\$ 21,026		\$ 25,820	\$ 550,035
Yuma			\$ 19,802		\$ 101,740	\$ 550,035
Total	\$ 1,000,000	\$ 4,825,600	\$ 487,500	\$ 2,430,000	\$ 200,000	\$ 7,649,999

FOOTNOTES

- 1 HURF contributions result from a \$106 million total sweep of HURF, 35 percent of which will come from counties and municipalities.
- 2 The budget removed a proposed shift from local VLT resources and instead inserted a \$29 million contributions requirement for cities and counties, based on HURF distribution formulas.
- 3 These ALTCS charges are in addition to the amounts these counties are already scheduled to contribute to ALTCS in FY09.
- 4 This revenue results from counties being overcharged in their FY07 and FY08 ALTCS contributions. Rather than return the excess dollars, the budget shifted the funds to the state.
- 5 These estimates are based on FY06 county caseloads. City and county law enforcement agencies could be charged up to \$7.8 million – exact FY09 costs are subject to change based on crime lab analysis and when the fees are implemented.
- 6 The budget cut 40% of Summer Youth Employment funding; all recipients will see a proportionate reduction.
- 7 This funding is distributed through the Department of Administration, who uses population to calculate rural county portions of the resources. It is unclear how the remaining \$500,000 will be distributed to rural counties.
- 8 The budget made significant changes to the funding and distribution of the Arizona Lottery, but current recipients such as the County Assistance Fund were held harmless.

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