

2010 LEGISLATIVE SUMMARY

*A Review of Laws Affecting
Arizona Counties
Enacted by the 49th Legislature
Second Regular Session*



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Review of County-Related Laws Enacted by the 2010 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 49th Legislature.

The effective date for most new laws is July 29, 2010 (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 1233 bills introduced, and 352 of those bills were sent to Governor Brewer for consideration. She signed 338 of the bills into law, and vetoed 14.

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, 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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2010 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 30 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. Each county appoints a representative to the Legislative Policy Committee (LPC). The LPC meets as often as necessary to evaluate legislative measures and make policy recommendations to the full Board.

The LPC and CSA follow several policy guidelines:

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

2010 LEGISLATIVE POLICY COMMITTEE

R. John Lee	<i>Apache County</i>
Pat Call	<i>Cochise County</i>
Elizabeth Archuleta *	<i>Coconino County</i>
Michael Pastor	<i>Gila County</i>
James Palmer	<i>Graham County</i>
Richard Lunt	<i>Greenlee County</i>
John Drum	<i>La Paz County</i>
Andrew Kunasek	<i>Maricopa County</i>
Gary Watson	<i>Mohave County</i>
David Tenney	<i>Navajo County</i>
Sharon Bronson	<i>Pima County</i>
Pete Rios	<i>Pinal County</i>
Manuel Ruiz	<i>Santa Cruz County</i>
Carol Springer	<i>Yavapai County</i>
Lenore Stuart	<i>Yuma County</i>

** Chairperson*

CSA PROFESSIONAL STAFF

Craig A. Sullivan	<i>Executive Director</i>
Todd Madeksza	<i>Director of Legislative Affairs</i>
Penny Adams	<i>Director of Finance and County Government</i>
Elizabeth Hegedus-Berthold	<i>Research Analyst</i>
Yvonne Ortega	<i>Administrative Assistant</i>

CSA LEGISLATIVE PACKAGE

COUNTY PLANNING AND ZONING (H 2145, Chapter 175, Laws 2010)

Clarifies that a county planning and zoning commission is only required to hold a regular monthly meeting if there is new official business to transact and provides a temporary suspension for a county board of supervisors and a city or town council from the requirement to readopt an existing comprehensive plan or adopt a new comprehensive plan until July 1, 2015. Effective July 29, 2010. (TM) *Also listed under Land Use and Planning.*

Sponsor: B. Konopnicki

PRIMITIVE ROADS (H 2422, Chapter 192, Laws 2010)

Allows a county board of supervisors or the governing body of a city or town to designate a road as primitive if all the following apply:

- The road was opened after June 13, 1975.
- The road was accepted for maintenance by the board of supervisors.
- The road was not constructed in accordance with county standards.

Effective July 29, 2010. (TM) *Also listed under Transportation and Public Works.*

Sponsor: A. Tobin

MUNICIPAL AND COUNTY BUDGETS (H 2423, Chapter 100, Laws 2010)

Eliminates the requirement for the governing body of each county, city or town to hold a special meeting to set tax levies and to publish the entire budget in their newspapers and instead requires the governing body to publish and post estimates of revenues and expenses on their official Internet websites and to make the documents available at libraries and administrative offices. Effective July 29, 2010. (TM) *Also listed under General Government.*

Sponsor: A. Tobin

PUBLIC DEFENDER; DUTIES; REIMBURSEMENT (H 2470, Chapter 195, Laws 2010)

Allows a court to appoint a public defender as counsel to an indigent person in guardianship, conservatorship and involuntary quarantine proceedings. Effective July 29, 2010. (EHB) *Also listed under Courts and Criminal Justice.*

Sponsor: D. Goodale

APPOINTED MENTAL HEALTH EXPERTS; REQUIREMENTS (H 2471, Chapter 259, Laws 2010)

Removes the requirement that at least one of the mental health experts appointed by a court in the competency examination of a juvenile or criminal defendant be a licensed psychiatrist, unless there is a motion by the court or any party requesting the court to appoint a psychiatrist in the competency examination of a juvenile or criminal defendant. Effective July 29, 2010. (EHB) *Also listed under Courts and Criminal Justice.*

Sponsor: D. Goodale

COUNTIES; PLANNING; DEVELOPMENT; DISTRICTS; ADMINISTRATION (S 1206, Chapter 244, Laws 2010)

Reorganizes, without making substantive changes, the Arizona statutes on county planning and zoning. Effective July 29, 2010. (TM) *Also listed under Land Use and Planning.*

Sponsor: J. Paton

MUNICIPAL ANNEXATION; COUNTY ISLANDS (S 1207, Chapter 245, Laws 2010)

Requires a city or town to provide a copy of the adopted annexation ordinance to the clerk of the board of supervisors within 60 days and modifies the annexation procedure to include county roadways that are contiguous to the parcel being annexed. Effective July 29, 2010. (TM) *Also listed under Land Use and Planning.*

Sponsor: J. Nelson

PROCUREMENT; CONSTRUCTION; SPECIALIZED SERVICES (S 1406, Chapter 283, Laws 2010)

Reorganizes, rewrites and amends statutes relating to the procurement of construction services and professional services including, granting authority to special taxing districts to use the Title 34 processes to procure professional services and construction services. If a special taxing district uses the Title 34 procurement processes, the provisions of Title 34 apply to the procurement and performance of those professional services or construction services. Effective July 29, 2010. (TM) *Also listed under Land Use and Planning; Special Districts; Transportation and Public Works.*

Sponsor: J. Tibshraeny

COURTS AND CRIMINAL JUSTICE

RESTORATION ORDER; JUVENILE COMMITMENT (H 2020, Chapter 24, Laws 2010)

Eliminates the requirement that the court must appoint a guardian *ad litem* for a juvenile who is ordered to participate in an inpatient or outpatient competency restoration program. The court may appoint a guardian *ad litem*, if necessary. Effective July 29, 2010. (TM)

Sponsor: N. Barto

AGGRAVATED ASSAULT; PEACE OFFICER (H 2062, Chapter 97, Laws 2010)

Specifies that aggravated assault of a peace officer is a class 5 felony or a class 4 felony if the assault results in injury. Effective July 29, 2010. (EHB) *Also listed under Law Enforcement and Emergency Services.*

Sponsor: A. Tobin

SUPERIOR COURT; HOLIDAY HOURS (H 2109, Chapter 32, Laws 2010)

Allows the superior court in a county to treat the fourth Friday in November as a legal holiday provided that the court conducts business on the second Monday in October. Effective July 29, 2010. (TM)

Sponsor: A. Tobin

SEXUAL OFFENSES; PROBATION; SENTENCING (H 2238, Chapter 255, Laws 2010)

Creates a presumptive sentence of ten years imprisonment for a person with three or more convictions for public sexual indecency toward a minor, or felony indecent exposure. Allows this presumptive sentence to be mitigated or aggravated. Classifies felony indecent exposure and public sexual indecency to a minor as sexually violent offenses.

If a defendant who is sentenced to lifetime probation and has served one year in prison already has their probation revoked, H 2338 allows a court to require an additional year in prison upon the revocation.

Makes modifications to the definition of engaging in prostitution with a minor. Specifies that engaging in prostitution with a minor under age 15 is a class 2 felony and a dangerous crime against children. Specifies that knowingly engaging in prostitution with a minor age 15-17 is a class 2 felony and sets a presumptive 10.5 years of imprisonment for a first offense.

Classifies engaging in prostitution with a minor age 15 or older as a class 6 felony, with a mandatory minimum sentence of 180 days in jail if the offender is sentenced to probation. 90 days may be suspended if the offender completes a court-ordered education program. Permits the sentence to be enhanced.

Makes other changes regarding engaging in prostitution with a minor affecting affirmative defenses and sex offender registration. Effective July 29, 2010. (EHB)

Sponsor: A. Tobin

PROPERTY TAX APPEALS TO COURT (H 2247, Chapter 68, Laws 2010)

Moves provisions dealing with a new property owner's right to an appeal in tax court to a new section of statute. Reorganizes the statute, but does not make any functional changes. Effective July 29, 2010. (EHB) *Also listed under Finance and Taxation.*
Sponsor: A. Biggs

PUBLIC DEFENDER; DUTIES; REIMBURSEMENT (H 2470, Chapter 195, Laws 2010)

Allows a court to appoint a public defender as counsel to an indigent person in guardianship, conservatorship and involuntary quarantine proceedings. Effective July 29, 2010. (EHB) *Also listed under CSA Legislative Package.*
Sponsor: D. Goodale

APPOINTED MENTAL HEALTH EXPERTS; REQUIREMENTS (H 2471, Chapter 259, Laws 2010)

Removes the requirement that at least one of the mental health experts appointed by a court in the competency examination of a juvenile or criminal defendant be a licensed psychiatrist, unless there is a motion by the court or any party requesting the court to appoint a psychiatrist in the competency examination of a juvenile or criminal defendant. Effective July 29, 2010. (EHB) *Also listed under CSA Legislative Package.*
Sponsor: D. Goodale

SEXUALLY VIOLENT PERSONS; COMMITMENT (H 2493, Chapter 103, Laws 2010)

Permits a county attorney or attorney general to enter into an agreement with the Director of the Arizona Department of Corrections to transfer a sexually violent person to another state or federal jurisdiction if the person has a pending sentence. Effective July 29, 2010. (EHB)
Sponsor: D. Lesko

SELF-DEFENSE; POLITICAL SUBDIVISIONS; WEAPON RECORDS (H 2629, Chapter 327, Laws 2010)

Prohibits a political subdivision from keeping any record or list of anyone who temporarily stores a weapon at a public building or event. Prohibits the collection of serial numbers or descriptions of weapons in temporary storage. Permits an establishment owner or event sponsor to require a government issued ID to place a weapon in temporary storage. Also, makes specifications with regard to the justification of use or threat of deadly force. Effective July 29, 2010. (EHB) *Also listed under Law Enforcement and Emergency Services.*
Sponsor: D. Stevens

CRIMINAL JUSTICE COMMISSION; RULES (S 1025, Chapter 184, Laws 2010)

Allows the Arizona Criminal Justice Commission to make rules relating to the distribution of money in the Criminal Justice Enhancement Fund. Effective July 29, 2010. (EHB)
Sponsor: R. Pearce

INVOLUNTARY CIVIL COMMITMENT; PRIVILEGED COMMUNICATIONS (S 1071, Chapter 112, Laws 2010)

Adds physical acts and behaviors to what a spouse can testify to in a mental health commitment hearing. Effective July 29, 2010. (TM)
Sponsor: J. Paton

TRIAL COURT APPOINTMENTS; NONATTORNEY MEMBER (S 1081, Chapter 237, Laws 2010)

Establishes procedures for filling vacancies on the commission for trial court appointments (commission) and establishes notification requirements, appointment requirements and deadlines and composition requirements of the commission. The measure permits the governor to appoint a nonattorney member to a commission without being forwarded an application from a committee if:

- A member of the board of supervisors does not appoint a committee within the specified time frame,
- The committee does not provide public notice within the specified time frame, or
- The committee does not forward all applications to the Governor within the specified time frame.

Effective July 29, 2010. (TM)

Sponsor: J. Paton

PRISONERS; COMMUNITY CORRECTIONS; MONITORING; FEES (S 1123, Chapter 57, Laws 2010)

Creates a Community Corrections Enhancement Fund (CCEF) consisting of fees collected from offenders for various forms of supervision.

Raises the monthly supervision fee for prisoners on supervised parole or community supervision from \$30 to \$65. Directs 70 percent to the Victim Compensation and Assistance Fund and 30 percent to the new CCEF.

Raises the fee for probationers and parolees under the Interstate Compact from \$50 to \$65, and directs 30 percent of the fee to the new CCEF.

Establishes two new fees for Arizona Department of Corrections (ADC) prisoners and directs them to the CCEF. Also, directs supervision officers to monitor the collection of the fee.

- A daily fee for prisoners on GPS monitoring, not to exceed ADC's cost per prisoner.
- A monthly home arrest supervision fee of \$65, unless ADC determines the prisoner can only pay a smaller amount.

Effective July 29, 2010. (EHB)

Sponsor: A. Melvin

ELECTIONS

COUNTY ELECTION LAW AMENDMENTS (H 2069, Chapter 173E, Laws 2010)

Amends county election laws by allowing for the reconciliation of school district boundaries, the use of county mail ballot elections under certain circumstances, the appointment of candidates in canceled elections, and the consolidation of polling place locations. An emergency measure that became effective April 27, 2010. (TM)

Sponsor: A. Tobin

MILITARY OVERSEAS VOTING; BALLOT ARGUMENTS (H 2427, Chapter 2E, Laws 2010)

Allows an absent or uniformed overseas voter to designate a format (*i.e.* electronic) to receive election-related communications, and requires the county recorder to abide by the designation. Makes additional changes regarding the timelines for the recorder to forward a ballot to an applicant. Changes the deadline for filing an argument for or against a ballot measure to 48 days before the regular primary (as opposed to 53). An emergency measure that became effective February 11, 2010. (EHB)

Sponsor: A. Driggs

ELECTION EQUIPMENT CERTIFICATION COMMITTEE; MEMBERSHIP (H 2729, Chapter 295, Laws 2010)

Alters the membership of the Election Equipment Certification Committee by noting that at least one of the three-member commission must have at least five years experience with voting machines. Effective July 29, 2010. (EHB)

Sponsor: C. Deschene

PETITIONS; POST OFFICE BOX ADDRESSES (S 1422, Chapter 284, Laws 2010)

Permits a person to use a description of the place of residence or an Arizona post office box address in place of a physical address, if the signer is properly registered to vote, has not moved since registering and is eligible to sign the petition and when there is no actual residence address assigned by an official governmental entity or the person's residence is protected pursuant to the voter registration confidentiality statute. Effective July 29, 2010. (TM)

Sponsor: A. Hale

ENVIRONMENT

EMISSIONS; MOTORCYCLES; AREA A; DATE (H 2033, Chapter 42E, Laws 2010)

Extends the conditional enactment date for vehicle emissions inspection exemptions from July 1, 2010 to July 1, 2012. An emergency measure that became effective April 14, 2010. (TM)

Sponsor: J.P. Weiers

AIR QUALITY; NONATTAINMENT AREAS; DESIGNATION (H 2133, Chapter 315, Laws 2010)

Directs the Arizona Department of Environmental Quality (ADEQ) to develop recommendations for designating areas as in attainment, non-attainment, or unclassifiable, according to new or revised national ambient air quality standards developed by the federal Environmental Protection Agency (EPA). Directs ADEQ to transmit its recommendations to the Governor prior to the deadline for the Governor to make recommendations to the EPA. Stipulates a timeline for ADEQ to develop recommendations and requires ADEQ to consider public comment, among other provisions.

Changes the definition of the phrase "begin actual construction" for projects requiring air quality permits, but stipulates that activities outside the definition of "begin actual construction" are still subject to air quality regulation. Notes that changes to the definition are not effective until 2013, contingent upon the EPA's approval. Effective July 29, 2010. (EHB)

Sponsor: B. McGuire

AGRICULTURAL BEST MANAGEMENT PRACTICES; ENFORCEMENT (S 1193, Chapter 207, Laws 2010)

Decreases the minimum time period to 60 days after the issuance of an ADEQ compliance order for a person to submit a plan that specifies implementation measures to comply with the agricultural general permit to the supervisors of the Natural Resource Conservation District or ADEQ, and preempts further regulation of regulated agricultural activities by a county, city, town or other political subdivision of this state. Effective July 29, 2010. (TM)

Sponsor: S. Pierce

AGRICULTURAL BEST MANAGEMENT; DUST; DISTRICTS (S 1408, Chapter 82, Laws 2010)

Adds reductions in PM-10 particulate emissions from an irrigation district governed by statute on Irrigation and Water Conservation Districts to best management practices and stipulates that this addition only applies to: those areas that are established after June 1, 2009, areas outside of the Maricopa PM-10 nonattainment area, areas outside of area A, and practices relating to unpaved operation and maintenance roads, canals and unpaved utility access roads. Retroactive to January 1, 2002. (TM)

Sponsor: A. Melvin

FINANCE AND TAXATION

DATA PROCESSING FOR COUNTY TAXES (H 2158, Chapter 64, Laws 2010)

Removes the requirement that the Department of Revenue provide data processing to counties for property tax purposes and instead makes the language permissive, thus allowing counties the ability to contract with private sector companies for that service. Effective July 29, 2010. (TM)

Sponsor: R. Murphy

TOURISM; TPT DISTRIBUTION; REINSTATEMENT (H 2243, Chapter 128, Laws 2010)

Reinstates the statutory funding formula distribution for the Office of Tourism. However, maintains the suspension of the formula until separate legislative authorization is given. Effective July 29, 2010. (TM)

Sponsor: M. Reagan

PROPERTY TAX APPEALS TO COURT (H 2247, Chapter 68, Laws 2010)

Moves provisions dealing with a new property owner's right to an appeal in tax court to a new section of statute. Reorganizes the statute, but does not make any functional changes. Effective July 29, 2010. (EHB) *Also listed under Courts and Criminal Justice.*

Sponsor: A. Biggs

MUNICIPALITIES; COUNTIES; TAXES; FEES; NOTICE (H 2257, Chapter 316, Laws 2010)

Prohibits a municipality or county from levying or assessing any new or increased tax or fee unless it provides written notice of the proposed charge, whether new or at an increased rate, at least 60 days before the date the proposed tax or fee is approved or disapproved by the governing body on the municipality's or county's homepage of its website. Specifies that the requirements do not apply to property taxes, county capital improvement plans, and city infrastructure improvement plans. Effective July 29, 2010. (TM)

Sponsor: F. Antenori

ACCOMMODATION SCHOOLS; LEVY LIMIT RECALCULATION (H 2287, Chapter 317, Laws 2010)

Specifies that an accommodation school governing board itself cannot levy taxes, and requires any tax levied by a county for an accommodation school be included in the county's primary levy by the Property Tax Oversight Commission (PTOC).

Requires PTOC to increase Pinal County's 2009 primary property tax levy limit by \$3,626,600 in tax year 2010. Retroactive to June 30, 2010. (EHB)

Sponsor: F. Pratt

CITY; TOWN; COUNTY; EXPENDITURE LIMITATION (H 2335, Chapter 69, Laws 2010)

Allows counties and municipalities to exceed expenditure limitations if the expenditures are for capital improvements as long as they are repaid prior to the required hearing held by the Office of the Auditor General and they are repaid from the proceeds of bonds or other lawful long-term obligations. Retroactive to July 29, 2010. (TM)

Sponsor: R. Jones

MINING TRANSACTION PRIVILEGE TAX; APPLICATION (H 2445, Chapter 258, Laws 2010)

A retroactive measure that specifies the transaction privilege tax (TPT) mining classification applies only to nonmetalliferous mineral product mined, quarried, or otherwise extracted from Arizona. Retroactive to January 1, 2002. (TM)

Sponsor: F. Pratt

GPLET; LEASE RECORDS AND REPORTING (H 2504, Chapter 321, Laws 2010)

Sets new rates and provides additional requirements for new leases subject to the Government Property Lease Excise Tax (GPLET) beginning June 1, 2010, modifies the requirements to abate the GPLET, requires the Office of the Auditor General to complete a special audit of the GPLET in 2015, directs the Joint Legislative Budget Committee to review the new GPLET rates in 2016, and establishes annual reporting requirements. Effective July 29, 2010. (TM)

Sponsor: R. Murphy

PROPERTY TAX VALUATION; GOVERNMENTAL ACTIONS (H 2507, Chapter 96, Laws 2010)

Clarifies how the limited value of properties that are split or combined as a result of a government action are determined, based on when they are valued. Effective July 29, 2010. (TM)

Sponsor: R. Murphy

TRAP AND SKEET; TAX EXEMPTION (S 1005, Chapter 158, Laws 2010)

Exempts trap and skeet shooting clubs that provide shooting training and hold competitions from taxation provided that the property and buildings are used for educational purposes and not used or held for profit. Effective July 29, 2010. (TM)

Sponsor: J. Tibshraeny

IMPROVEMENT DISTRICTS; FINANCING (S 1083, Chapter 298, Laws 2010)

Authorizes the governing board of a municipal improvement district or a community facilities district to establish a reserve fund with either:

- The proceeds of the sale of special assessment lien bonds, or
- By increasing the collections of the annual installments of principal, over and above the amounts required to pay maturing principal on special assessment lien bonds.

Effective July 29, 2010. (TM) *Also listed under Special Districts.*

Sponsor: J. Tibshraeny

COUNTY TREASURER; LIENS; NOTICES; PAYMENTS (S 1287, Chapter 279, Laws 2010)

Allows a county treasurer to require an electronic payment for at least 50 payments (as opposed to 100). Allows the holder of a tax lien to collect reasonable attorney's fee when the lien is settled, under specified circumstances. Requires the sheriff to post a notice of the sale of a seized property in the newspaper if the property owner cannot be found, and specifies procedures and timelines for publication and sale.

Also, permits a county treasurer to invest public monies in municipal bonds, certain certificates of deposit, and highly rated commercial paper, bonds, and notes. Increases the maximum maturity date for investments of public funds from three to five years. Effective July 29, 2010. (EHB)

Sponsor: J. Nelson

GENERAL GOVERNMENT

LEGISLATIVE COUNCIL; CONTINUATION (H 2045, Chapter 27, Laws 2010)

Continues the Legislative Council until 2020 and continues to include a provision prohibiting the state or a political subdivision from denying reasonable access to private property. Effective July 29, 2010. (TM)

Sponsor: S. Montenegro

MARRIAGE LICENSES; REPRODUCTION (H 2112, Chapter 33, Laws 2010)

Conforming statutory measure that moves or consolidates "marriage licensing" statute from Title 12 to Title 25 in Arizona Revised Statutes. Effective July 29, 2010. (TM)

Sponsor: B. Konopnicki

PUBLIC MEETINGS; NOTICES (H 2209, Chapter 88, Laws 2010)

Requires certain political subdivisions (including counties) to post public meeting notices online. Effective July 29, 2010. (TM)

Sponsor: M. Reagan

POLITICAL SUBDIVISIONS; VOLUNTEERS; NOXIOUS WEEDS (H 2211, Chapter 65, Laws 2010)

Exempts county volunteers from licensure by the Structural Pest Control Commission upon completion of an approved herbicide application training program. Effective July 29, 2010. (TM)

Sponsor: M. Reagan

REGULATION OF FIREWORKS (H 2246, Chapter 286, Laws 2010)

Prohibits further regulation of the use of permissible consumer fireworks by a governing body, except that:

- A incorporated city or town may regulate the use of permissible consumer fireworks within its corporate limits and;
- A county may regulate the use of permissible consumer fireworks in unincorporated areas when there is a reasonable risk of wildfires within the county.

Effective July 29, 2010. (TM)

Sponsor: A. Biggs

UTILITY FEES (H 2255, Chapter 212, Laws 2010)

Modifies the guidelines for the charging of utility fees by landlords of recreational vehicle (RV) parks, including posting requirements, the prohibition of surcharges or administrative fees, retaliatory actions and guidelines for terminations and contractual obligations.

Effective July 29, 2010. (TM)

Sponsor: R. Jones

REGULATORY RULE MAKING (H 2260, Chapter 287, Laws 2010)

Modifies the regulatory rule making process by making changes to the use of summary rule making, revising the role of the Governor's Office of Strategic Planning and Budgeting and adding rules governing the use of general permits. Effective July 29, 2010. (TM)

Sponsor: A. Tobin

POLITICAL SUBDIVISIONS; GOVERNMENT TRANSPARENCY (H 2282, Chapter 288, Laws 2010)

Beginning January 1, 2013, local governments are required to establish and maintain an official Internet website that contains a comprehensive reporting of all revenues and expenditures over \$5,000. The measure also requires the Arizona Department of Administration to establish an Internet web portal, and stipulates that local governments must report certain public expenditures to ADOA and report all incurred debt to the Arizona Department of Revenue.

Effective July 29, 2010. (TM)

Sponsor: S. Montenegro

PUBLICATION OF NOTICES; COMMITTEE (H 2302, Chapter 132, Laws 2010)

Establishes the Committee on Publication of Notices and requires the committee to consider various factors including variables like rural versus urban areas, the percentage of the population with access or ability to use the Internet, and any remaining factors that should be considered in the evaluation of efficient uses of taxpayer money and the preservation of the public's right to know. Effective July 29, 2010. (TM)

Sponsor: S. Crump

MUNICIPAL AND COUNTY BUDGETS (H 2423, Chapter 100, Laws 2010)

Eliminates the requirement for the governing body of each county, city or town to hold a special meeting to set tax levies and to publish the entire budget in their newspapers and instead requires the governing body to publish and post estimates of revenues and expenses on their official Internet websites and to make the documents available at libraries and administrative offices. Effective July 29, 2010. (TM) *Also listed under CSA Legislative Package.*

Sponsor: A. Tobin

CIVIL ACTION; PUBLIC EMPLOYEE; DEFINITION (H 2477, Chapter 72, Laws 2010)

Adds a leased employee to the list of public employees authorized to perform any act or service on behalf of the state or a political subdivision. Retroactive to January 1, 2002. (TM)

Sponsor: B. Konopnicki

FIREARMS; REGULATION; STATE PREEMPTION (H 2543, Chapter 19, Laws 2010)

Broadens statutory prohibitions on the enactment of ordinances, rules or taxes by a political subdivision pertaining to the transfer or possession of a firearm, ammunition or components, to include those ordinances, rules or taxes relating to multiple items including the purchase, storage and licensing of the items and prohibits a political subdivision from requiring the licensing or registration of related accessories. Effective July 29, 2010. (TM)

Sponsor: D. Gowan

AGENCY RULE MAKING; FEES; COMMISSION (H 2586, Chapter 290, Laws 2010)

Requires specified state agencies to provide public notice and opportunity for public comment on proposed rules at least 30 days before rules are adopted. The measure also creates the State Agency Fee Commission to review state agency fiscal needs and appropriate fee levels and their impact on business and industry. The commission is to propose recommendations on an appropriate legal procedure to raise or lower existing state agency fees. Effective July 29, 2010. (TM)

Sponsor: A. Biggs

COUNTY RECORDER RECORDS; ACCESS (H 2602, Chapter 229, Laws 2010)

Allows law enforcement officers performing official duties to access confidential county recorder records. Notes that a law enforcement officer is performing official duties if a warrant, subpoena or court order is produced. Effective July 29, 2010. (EHB)

Sponsor: J.P. Weiers

CONSTABLES; JURISDICTION (H 2608, Chapter 230, Laws 2010)

Permits a constable to serve court documents in an adjacent precinct to the precinct represented by the constable. Allows a court to levy a 10 percent surcharge on unpaid fines served by warrant. Effective July 29, 2010. (EHB)

Sponsor: A. Driggs

INTERGOVERNMENTAL AGREEMENTS; SEPARATE LEGAL ENTITIES (H 2653, Chapter 328, Laws 2010)

Allows separate legal entities to issue revenue bonds and engage in electric generation and transmission activities – but not distribution activities. Authorizes these separate legal entities formed by a municipality, county and/or special taxing district many of the same rights and responsibilities of other legal entities and also requires them to:

- Be a political subdivision of the state having specified governmental and proprietary powers.
- At its discretion, separately contract for an undertaking with any two or more of the parties. Limitations on common powers are limited to only those parties participating in the undertaking.
- At its discretion, issue revenue bonds or incur obligations payable from the entity's revenues to pay the costs and expenses of acquiring or constructing any structures, facilities or equipment necessary for the purposes of the IGA.

- At its discretion, engage in electric generation and transmission activities but not electric distribution activities.
- Not be deemed a public power entity by virtue of any undertaking or contract.

Effective July 29, 2010. (TM)

Sponsor: F. Pratt

POW/MIA FLAG; DISPLAY (H 2684, Chapter 217, Laws 2010)

Requires the POW/MIA flag to be flown on all days the U.S. flag is flown at the following locations: the state capitol building; the building that serves as the location of the superior court building in each county; the building that serves as the city or town hall of each incorporated municipality; the building that serves as the main administrative building of each county.

Effective July 29, 2010. (TM)

Sponsor: D. Gowan

COUNTIES; AUDITS; MERIT SYSTEM; JUDGES (S 1100, Chapter 238, Laws 2010)

Codifies, in part, Maricopa County's budget agreement with the state, where among other provisions, the county assumes 100 percent of the superior court judicial salaries and adjusts their expenditure limit accordingly. Effective July 29, 2010. (TM) *Also listed in State Budget Adjustments.*

Sponsor: R. Pearce

DEATH CERTIFICATES; REGISTRATION; DEADLINE (S 1161, Chapter 205, Laws 2010)

Requires local registrars, deputy local registrars or state registrars to register death certificates within 72 hours after receiving a medical certification of death and instructs the medical examiner to sign the medical certification of death within 72 hours, "pending" if the cause of death is undetermined, or in cases in which a deceased patient's attending physician or nurse practitioner is not available to sign. Effective July 29, 2010. (TM)

Sponsor: L. Gray

COUNTY TREASURER; EXCESS FORECLOSURE PROCEEDS (S 1202, Chapter 108, Laws 2010)

Sets out requirements for the division of the excess proceeds of a trustee sale, which are in some cases deposited with the county treasurer. Requires a trustee to give a trustor written notice of any excess proceeds, and stipulates that a trustee is released from civil liability upon the mailing of the notice to all known addresses. Specifies procedures for a request to release excess proceeds. Effective July 29, 2010. (EHB)

Sponsor: B. Leff

PARENTS; RIGHTS (S 1309, Chapter 307, Laws 2010)

Creates the Parent's Bill of Rights, which outlines a number of rights entitled to parents without obstruction or interference by a government entity, including the right to make education and health care decisions, to consent to any video or recording, DNA collection, or biometric scan of a child. Requires the consent of a parent before any child's mental health treatment or screening, except in an emergency.

States that parental rights to determine the education, upbringing and medical care of a child are inalienable and that a government cannot infringe on those rights without a demonstration of compelling interest.

The Parent's Bill of Rights does not legalize otherwise unlawful conduct, child abuse or neglect, nor prohibits the courts, law enforcement and government employees from acting within the scope of their authority. Effective July 29, 2010. (EHB) *Also listed under Health and Human Services.*

Sponsor: C. Gray

STATE PARKS; MANAGEMENT (S 1349, Chapter 249E, Laws 2010)

An emergency measure that allows the State Parks Board to contract with public or private entities or an Indian tribe to operate state parks. An emergency measure that become effective May 6, 2010. (TM)

Sponsor: B. Leff

EMINENT DOMAIN; RELOCATION ASSISTANCE (S 1366, Chapter 308, Laws 2010)

Requires acquiring agencies to adopt relocation assistance rules and regulations that provide, at a minimum, the level of relocation assistance provided for in federal law. Effective July 29, 2010. (TM) *Also listed under Land Use and Planning.*

Sponsor: C. Gray

FEDERAL REGULATIONS; LOCAL COORDINATION (S 1398, Chapter 189, Laws 2010)

Requires a city, town, county, or special taxing district to demand that the federal or state government coordinate with the city, town, county or district before implementing, enforcing or extending federal regulations, and mandates different hearing and notice requirements. Effective July 29, 2010. (TM)

Sponsor: S. Allen

HEALTH AND HUMAN SERVICES

DEPARTMENT OF HEALTH SERVICES; CONTINUATION (H 2029, Chapter 8, Laws 2010)

Continues the Arizona Department of Health Services until July 1, 2020. Effective July 29, 2010. (EHB)

Sponsor: N. Barto

HEALTH CARE; PROGRAMS; COVERAGE (S 1043, Chapter 232, Laws 2010)

Restores provisions for the Kids Care program, in an effort to comply with recently enacted federal health care legislation.

If the federal government extends the Enhanced Federal Medicare Assistance Percentage (FMAP) rate through June 30, 2011, reduces county contributions to the Arizona Long-Term Care System for FY11 by an additional \$36,303,700 in FY11, bringing the total for ALTCS FY11 FMAP relief to \$76,014,400 (aggregate, see H 2010 7S). Similarly, reduces county contributions for Medicare clawback payments by \$1,169,000 in FY11, bringing total clawback relief to \$4,390,700. Makes a number other changes conditioned on the extension of federal Enhanced FMAP funding. Effective retroactive to June 14, 2010. (EHB) *Also Listed under State Budget Adjustments.*

Sponsor: B. Burns

PARENTS; RIGHTS (S 1309, Chapter 307, Laws 2010)

Creates the Parent's Bill of Rights, which outlines a number of rights entitled to parents without obstruction or interference by a government entity, including the right to make education and health care decisions, to consent to any video or recording, DNA collection, or biometric scan of a child. Requires the consent of a parent before any child's mental health treatment or screening, except in an emergency.

States that parental rights are inalienable and that a government cannot infringe on those rights without a demonstration of compelling interest. The Parent's Bill of Rights does not legalize otherwise unlawful conduct, child abuse or neglect, nor prohibits the courts, law enforcement and government employees from acting within the scope of their authority. Effective July 29, 2010. (EHB) *Also listed under General Government.*

Sponsor: C. Gray

IMMIGRATION REFORM

IMMIGRATION; BORDER SECURITY (H 2162, Chapter 211, Laws 2010)

Establishes the Joint Border Security Advisory Commission and specifies its membership. Charges the Commission to examine evidence on border security, including crossings and crime statistics. Includes reporting requirements and authority to enter Executive Session. Repeals the Commission on December 31, 2014.

Amends state law regarding provision of public benefits to illegal aliens and specifies that the law applies to “natural persons.” Excludes services generally available to the public as a whole from the definition of “public benefit.” Requires in court actions relating to provision of public benefit, the prevailing party be awarded reasonable attorney’s fees.

Makes the following amendments to S 1070:

- Changes the phrase “lawful contact” to “lawful stop, detention or arrest,” and specifies that a “lawful stop, detention, or arrest” must be made in enforcement of a state law or local ordinance.
- Clarifies the exemption from questioning legal status if it may jeopardize an investigation.
- Strikes the word “or practice” from the bill, amending it to say that a political subdivision will only be held responsible for a “policy” restricting the enforcement of immigration law, and reduces the daily penalty for violations to \$500.
- Makes other changes regarding the punishment of offenders for failure to carry registration documents and violation of day-labor laws.
- Conditional enactment upon enactment of S 1070 (safe neighborhoods; immigration; law enforcement).

Includes other provisions.

Effective July 29, 2010. (EHB)

Sponsor: W. Nichols

SAFE NEIGHBORHOODS; IMMIGRATION; LAW ENFORCEMENT (S 1070, Chapter 113, Laws 2010)

Makes a number of changes to immigration law, including sections on employer sanctions, day laborers, and failure to carry identifying documents.

Prohibits law enforcement officers and agencies of the state or its political subdivisions from restricting or limiting the enforcement of federal immigration law.

Requires law enforcement to make a reasonable attempt to determine the immigration status of a person, during a lawful contact, if reasonable suspicion exists that the person may not be in the United States legally. Provides an exemption if an inquiry about immigration status may hinder an investigation. Specifies that a law enforcement agency may not solely consider race, ethnicity or national origin, except as constitutionally permitted.

Requires that, for anyone arrested, the person’s immigration status must be verified by the federal government before the person is released. Requires that U.S. Immigration and Customs Enforcement be notified before any person convicted of a crime is discharged.

Specifies identifying documents which can be used to prove legal presence, including: a valid Arizona driver’s license, a valid Arizona non-operating identification card or a valid tribal enrollment card or other form of tribal identification.

Prohibits any restriction that would prevent a political subdivision from using immigration status information to verify eligibility for public benefits, compliance with alien registration requirements, or other official purposes.

Permits any citizen of the state to bring suit against an entity that restricts the enforcement of immigration law in policy or practice and establishes a civil penalty of \$1,000 per day for violations, and directs the penalties to the Gang and Illegal Immigration Team Enforcement Mission fund. Indemnifies law enforcement officers from legal repercussions regarding the law, except in acts of bad faith.

Creates the offense of willful failure to carry or complete an alien registration document, as a class 1 misdemeanor for a first offense. Specifies additional penalties and aggravating factors.

Creates a class 1 misdemeanor for blocking the flow of traffic to solicit employees or to seek work.

Makes it a class 1 misdemeanor to harbor or transport an illegal alien or encourage someone to cross the border illegally, and specifies fines and penalties.

Makes a number of amendments to employer sanctions law, including the provision of entrapment as an affirmative defense. Defines entrapment and specifies a burden of proof. Also, requires an employer to keep a record of an employee's E-verify status for the period of employment or three years, whichever is longer.

Includes other modifications, definitions, and provisions.
Effective July 29, 2010. (EHB)
Sponsor: R. Pearce

LAND USE AND PLANNING

COUNTY PLANNING AND ZONING (H 2145, Chapter 175, Laws 2010)

Clarifies that a county planning and zoning commission is only required to hold a regular monthly meeting if there is new official business to transact and provides a temporary suspension for a county board of supervisors and a city or town council from the requirement to readopt an existing comprehensive plan or adopt a new comprehensive plan until July 1, 2015. Effective July 29, 2010. (TM) *Also listed under CSA Legislative Package.*
Sponsor: B. Konopnicki

COUNTY ZONING HEARINGS; APPEAL (H 2428, Chapter 319, Laws 2010)

Allows the county supervisors to delegate the review of decisions made by a hearing officer to a county Board of Adjustment (BOA), clarifies there shall be one or more BOA, and permits a county attorney to provide or receive civil legal services pursuant to an intergovernmental agreement. Effective July 29, 2010. (TM)
Sponsor: A. Driggs

FREE EXERCISE OF RELIGION (H 2596, Chapter 323, Laws 2010)

Amends free exercise of religion statutes relating to land use. Prohibits a government from adopting or implementing land use regulations that create an undue burden on a person's exercise of religion. Provides exceptions to the prohibition under specified circumstances (presence of toxic materials, if there is a suitable alternate property, etc.)

States that, regardless of compelling interest, a government shall not institute a land use policy which discriminates against, places unreasonable limits on, or excludes religions assemblies, institutions, or structures. Effective July 29, 2010. (EHB)
Sponsor: S. Yarbrough

MINING AMENDMENTS; WATER; PERMITS; RULES (H 2617, Chapter 309, Laws 2010)

Makes multiple changes to statutes related to mining and establishes the Mining Advisory Council, which is a public body pursuant to current law, to assist state agencies in formulating administrative rules and proposed budget allocations among agencies with jurisdiction over mining. Effective July 29, 2010. (TM)

Sponsor: R. Jones

COUNTIES; PLANNING; DEVELOPMENT; DISTRICTS; ADMINISTRATION (S 1206, Chapter 244, Laws 2010)

Reorganizes, without making substantive changes, the Arizona statutes on county planning and zoning. Effective July 29, 2010. (TM) *Also listed under CSA Legislative Package.*

Sponsor: J. Paton

MUNICIPAL ANNEXATION; COUNTY ISLANDS (S 1207, Chapter 245, Laws 2010)

Requires a city or town to provide a copy of the adopted annexation ordinance to the clerk of the board of supervisors within 60 days and modifies the annexation procedure to include county roadways that are contiguous to the parcel being annexed. Effective July 29, 2010. (TM) *Also listed under CSA Legislative Package.*

Sponsor: J. Nelson

MAJORITY VOTE; REZONING (S 1357, Chapter 146, Arizona Laws 2010)

Allows a three-member county board of supervisors to adopt a zoning ordinance change with a majority vote, instead of requiring unanimity. Effective July 29, 2010. (TM)

Sponsor: S. Pierce

EMINENT DOMAIN; RELOCATION ASSISTANCE (S 1366, Chapter 308, Laws 2010)

Requires acquiring agencies to adopt relocation assistance rules and regulations that provide, at a minimum, the level of relocation assistance provided for in federal law. Effective July 29, 2010. (TM) *Also listed under General Government.*

Sponsor: C. Gray

PROCUREMENT; CONSTRUCTION; SPECIALIZED SERVICES (S 1406, Chapter 283, Laws 2010)

Reorganizes, rewrites and amends statutes relating to the procurement of construction services and professional services including, granting authority to special taxing districts to use the Title 34 processes to procure professional services and construction services. If a special taxing district uses the Title 34 procurement processes, the provisions of Title 34 apply to the procurement and performance of those professional services or construction services. Effective July 29, 2010. (TM) *Also listed under CSA Legislative Package; Special Districts; Transportation and Public Works.*

Sponsor: J. Tibshraeny

TRUST LAND EXCHANGES; MILITARY PRESERVATION (S 1410 Chapter 222, Laws 2010)

Establishes the State Trust Land Review Committee and revises the process to review and evaluate proposed land exchanges on the condition that the Arizona Constitution is appropriately amended at the general election in November, 2010 for the provisions of the bill to become effective. Effective July 29, 2010. (TM)

Sponsor: J. Nelson

DAIRY FARMS; ZONING; AGRICULTURAL PURPOSE (S 1411, Chapter 338, Laws 2010)

Establishes exemptions for dairy feed lots which are within one-quarter of a mile of the dairy. Effective July 29, 2010. (TM)

Sponsor: J. Nelson

LAW ENFORCEMENT AND EMERGENCY SERVICES

AGGRAVATED ASSAULT; PEACE OFFICER (H 2062, Chapter 97, Laws 2010)

Specifies that aggravated assault of a peace officer is a class 5 felony or a class 4 felony if the assault results in injury. Effective July 29, 2010. (EHB) *Also listed under Courts and Criminal Justice.*

Sponsor: A. Tobin

LAW ENFORCEMENT; OFFICER; REPRESENTATION (H 2166, Chapter 177, Laws 2010)

Prohibits the use of evidence in an appeals hearing of a law enforcement or probation officer if the officer is denied a representative during the investigative interview. Effective July 29, 2010. (TM)

Sponsor: A. Biggs

PEACE OFFICER; SPOUSE; INSURANCE PAYMENT (H 2296, Chapter 148, Laws 2010)

An emergency measure that allows the spouse of a law enforcement officer who is killed in the line of duty to receive payments for health insurance premiums for one year after the death of the officer. Effective April 26, 2010. (TM)

Sponsor: J.P. Weiers

SELF-DEFENSE; POLITICAL SUBDIVISIONS; WEAPON RECORDS (H 2629, Chapter 327, Laws 2010)

Prohibits a political subdivision from keeping any record or list of anyone who temporarily stores a weapon at a public building or event. Prohibits the collection of serial numbers or descriptions of weapons in temporary storage. Permits an establishment owner or event sponsor to require a government issued ID to place a weapon in temporary storage. Also, makes specifications with regard to the justification of use or threat of deadly force. Effective July 29, 2010. (EHB) *Also listed under Courts and Criminal Justice.*

Sponsor: D. Stevens

LAW ENFORCEMENT OFFICERS; DISCIPLINARY ACTIONS (S 1029, Chapter 75, Laws 2010)

Prohibits a law enforcement officer from being subject to disciplinary action, except for just cause. Makes a further exemption for officers on a probationary period, and specifies that the bill does not apply to existing agreements between law enforcement organizations and employers. Effective July 29, 2010. (EHB)

Sponsor: R. Pearce

STATE PREEMPTION; KNIVES (S 1153, Chapter 204, Laws 2010)

Prohibits a political subdivision from enacting any rule, law, ordinance or tax related to knives, and proclaims the regulation of knives as a state responsibility. The measure declares null and void any local laws on knives currently in effect, the bill's effective date notwithstanding. Effective July 29, 2010. (EHB)

Sponsor: C. Gray

POLYGRAPH EXAMINATIONS; INTERVIEWS; LAW ENFORCEMENT (S 1325, Chapter 210, Laws 2010)

Sets statutory guidelines that apply to employer interviews of law enforcement officers or probation officers if the law enforcement officer or probation officer reasonably believes the investigation could result in a dismissal, demotion or suspension, including the right to a representative from the law enforcement officer's or probation officer's professional membership organization to be present, with the employer's permission.

The measure specifies that the written notice informing the law enforcement officer or probation officer of the specific nature of the investigation contain the alleged facts that are the basis of the investigation and copies of all complaints that are reasonably available which contain the alleged facts, with explicit exceptions. Specifies that information from a polygraph examination of a law enforcement officer or probation officer is confidential and may only be used for the purposes of employment, certification or reactivation of certification or the administrative matter for which a polygraph was administered, including other ancillary matters, except under certain circumstances and establishes retention/destruction guidelines for that data. Effective July 29, 2010. (TM)
Sponsor: L Gray

RETIREMENT AND PERSONNEL

PSPRS; OMNIBUS AMENDMENTS (H 2067, Chapter 118, Laws 2010)

Makes numerous changes to the Public Safety Personnel Retirement Plan (PSPRS), including clarification that a *member* who works fluctuating work weeks must average a 40 hour work week in order to qualify for continued retirement contributions under this definition. Effective July 29, 2010. (TM)
Sponsor: T. Boone

EORP; OMNIBUS AMENDMENTS (H 2068, Chapter 30, Laws 2010)

Makes numerous changes to the Elected Officials' Retirement Plan (EORP), including defining an *employer* as a department, agency, or political subdivision of the state, which contributes to the EORP on behalf of the member. Effective July 29, 2010. (TM)
Sponsor: T. Boone

ASRS; PLAN DESIGN; REFUNDS (H 2389, Chapter 50, Laws 2010)

Makes numerous amendments to Arizona State Retirement System including:

- Modifies the Average Monthly Compensation used in a retiring member's retirement benefit calculation to the average of the highest consecutive 60 months in the last 120 months for a member whose membership commences on or after July 1, 2011.
- Increases the points from 80 to 85 points (age + years of service) for a member whose membership commences on or after July 1, 2011.
- Eliminates the employer contribution refunds for a member hired on or after July 1, 2011 except for a member who was terminated due to an Employer Reduction in Force or position elimination in which case the member will receive the current refund vesting schedule.

Effective July 29, 2010. (TM)

Sponsor: T. Boone

CORP; REVERSE DROP; EXTENSION (S 1124, Chapter 163, Laws 2010)

Extends reverse Deferred Retirement Option Plan (DROP) to members of the CORP to June 30, 2016, and permits the Department of Corrections and Juvenile Department of Corrections to designate positions within the department that must be filled by CORP employees if the employee is currently employed in a specified designated position and has at least five years of credited service under the plan. Effective July 29, 2010. (TM)
Sponsor: A. Melvin

SPECIAL DISTRICTS

SANITARY DISTRICTS; CONSOLIDATION (H 2006, Chapter 116, Laws 2010)

Creates a process to merge sanitary districts. Effective July 29, 2010. (TM)

Sponsor: B. Konopnicki

SANITARY DISTRICTS; BONDS (H 2135, Chapter 62, Laws 2010)

Increases the maximum bond maturity period from 20 years or 25 years and three months, depending on the type of bond, to 40 years and three months for bonds issued by a sanitary district and purchased by the federal government. Effective July 29, 2010. (TM)

Sponsor: L. Mason

SMALL FIRE DISTRICTS; BOARD MEMBERS (H 2666, Chapter 53, Laws 2010)

Requires fire districts administered by an elected chief and secretary-treasurer to convert to administration by an elected three-member board of directors.

Effective July 29, 2010. (TM)

Sponsor: D. Stevens

UNIVERSITY ATHLETIC FACILITIES DISTRICTS (H 2676, Chapter 140, Laws 2010)

Permits the board of supervisors of Maricopa, Pima, and Coconino counties to establish University Athletic Facilities Districts, to collect revenues from assessments on commercial leases, and allows revenues to be used to improve existing university athletic facilities or purchase new ones. Classifies a University Athletic Facilities District as a County Stadium District. Makes other specifications as to the powers and formation of the district and the district board of directors. Effective July 29, 2010. (EHB)

Sponsor: W. Nichols

IMPROVEMENT DISTRICTS; FINANCING (S 1083, Chapter 298, Laws 2010)

Authorizes the governing board of a municipal improvement district or a community facilities district to establish a reserve fund with either:

- The proceeds of the sale of special assessment lien bonds, or
- By increasing the collections of the annual installments of principal, over and above the amounts required to pay maturing principal on special assessment lien bonds.

Effective July 29, 2010. (TM) *Also listed under Finance and Taxation.*

Sponsor: J. Tibshraeny

FIRE DISTRICTS; DISSOLUTION PROCESS (S 1253, Chapter 275, Laws 2010)

Modifies the process for the dissolution of a fire district and revises the petition process for the creation of a fire district, including specifying that county costs covered by the bond include any expense incurred from completion of the dissolution statement, mailing notice of hearing to property owners, publication of the notice of hearing and other expenses reasonably incurred as a result of the requirements of the bill. Effective July 29, 2010. (TM)

Sponsor: A. Aguirre

PROCUREMENT; CONSTRUCTION; SPECIALIZED SERVICES (S 1406, Chapter 283, Laws 2010)

Reorganizes, rewrites and amends statutes relating to the procurement of construction services and professional services including, granting authority to special taxing districts to use the Title 34 processes to procure professional services and construction services. If a special taxing district uses the Title 34 procurement processes, the provisions of Title 34 apply to the procurement and performance of those professional services or construction services. Effective July 29, 2010. (TM) *Also listed under CSA Legislative Package; Land Use and Planning; Transportation and Public Works.*

Sponsor: J. Tibshraeny

TRANSPORTATION AND PUBLIC WORKS

PRIMITIVE ROADS (H 2422, Chapter 192, Laws 2010)

Allows a county board of supervisors or the governing body of a city or town to designate a road as primitive if all of the following apply:

- The road was opened after June 13, 1975.
- The road was accepted for maintenance by the board of supervisors.
- The road was not constructed in accordance with county standards.

Effective July 29, 2010. (TM) *Also listed under CSA Legislative Package.*

Sponsor: A. Tobin

COUNTY TRANSPORTATION EXCISE TAX; TRANSIT (H 2627, Chapter 326, Laws 2010)

Allows any county, with voter approval, to levy the transportation excise tax and the transportation excise tax for roads. Effective July 29, 2010. (TM)

Sponsor: R. Jones

PUBLIC TRANSPORTATION; REGIONAL PLANNING (S 1063, Chapter 201, Laws 2010)

Enumerates the responsibilities of the board of the Regional Public Transportation Authority and the Regional Planning Agency with regard to the public transportation element (specifically Rail) of the Regional Transportation Plan. Effective July 29, 2010. (TM)

Sponsor: J. Nelson

PROCUREMENT; CONSTRUCTION; SPECIALIZED SERVICES (S 1406, Chapter 283, Laws 2010)

Reorganizes, rewrites and amends statutes relating to the procurement of construction services and professional services including, granting authority to special taxing districts to use the Title 34 processes to procure professional services and construction services. If a special taxing district uses the Title 34 procurement processes, the provisions of Title 34 apply to the procurement and performance of those professional services or construction services. Effective July 29, 2010. (TM) *Also listed under CSA Legislative Package; Land Use and Planning; Special Districts.*

Sponsor: J. Tibshraeny

WATER

DEPARTMENT OF WATER RESOURCES; CONTINUATION (H 2081, Chapter 15, Laws 2010)

Continues the Department of Water Resources for ten years. Contains a purpose clause stating that the department holds responsibility for water management and administration. Retroactive to July 1, 2010. (EHB)

Sponsor: L. Mason

DROUGHT EMERGENCY GROUNDWATER TRANSFERS (H 2083, Chapter 252, Laws 2010)

Allows groundwater to be transported away from a groundwater basin that is outside an active management area under specific emergency circumstances and on a temporary basis. Conditioned upon the enactment of S 1141 (CAGRDR revenue bonding; sustainability policies), specifies that the Central Arizona Water Conservation District cannot use bond monies to acquire groundwater in the McMullen Valley Basin for replenishment purposes. Retroactive to May 1, 2010, with a sunset date of May 1, 2011. (TM)

Sponsor: L. Mason

STATEWIDE WATER AUGMENTATION; AUTHORITY; STUDY (H 2661, Chapter 329, Laws 2010)

Creates the 15-member Water Resources Development Commission, appointed by the Director of the Department of Water Resources. Charges the commission with assessing each county's water demand and supply and making recommendations on securing additional water. Repeals the commission on September 30, 2010. Effective July 29, 2010. (EHB)

Sponsor: A. Tobin

WATER QUALITY FEES (H 2767, Chapter 265, Laws 2010)

Requires the Director of the Arizona Department of Environmental Quality (ADEQ) one-time authority to set water quality permit fees to replace fees currently set by statute. It also grants ADEQ the authority to charge fees currently in statute until new fees can be set. Effective July 29, 2010. (TM)

Sponsor: R. Jones

CAGRD REVENUE BONDING; SUSTAINABILITY POLICIES (S 1141, Chapter 300, Laws 2010)

Increases the revenue bonding authority for the Central Arizona Water Conservation District and authorizes the district to establish annual membership dues to repay bonds issued for groundwater replenishment purposes. Makes other statutory changes related to the administration of the district. Effective July 29, 2010. (TM)

Sponsor: J. Nelson

STATE BUDGET ADJUSTMENTS

STATEWIDE SPECIAL ELECTION (S 1001, Chapter 1, Laws 2010, Sixth Special Session)

Authorizes a statewide special election for May 18, 2010, to decide the question of a constitutional amendment temporarily raising transaction privilege taxes. Requires boards of supervisors to deliver a canvass of election results no later than 10 days after the election. Directs the contents of and procedures for publicity pamphlets. Sets filing dates for campaign finance reports and sets out campaign finance regulations. Appropriates \$8,346,900 to the Secretary of State (SOS) and directs the SOS to reimburse counties for special election costs, and directs Boards of Supervisors to submit itemized claims for reimbursements. Contains an emergency clause. Effective February 9, 2010. (EHB)

Sponsor: B. Burns

REVENUE BONDS; LEASE-PURCHASE FINANCE (S 1003, Chapter 4, Laws 2010, Sixth Special Session)

Requires the Director of the Arizona Department of Administration to issue State Lottery Revenue Bonds to deposit no more than \$450 million to the state General Fund by December 31, 2010. Authorizes the payment of bond-related expenses and the funding of reserves for debt service. Establishes the State Lottery Revenue Bond Proceeds Fund, and directs all the proceeds above \$450 million to this fund. Also creates the State Lottery Revenue Bond Debt Service Fund and instructs that all proceeds from the lottery be transferred to this fund, and not to lottery beneficiaries, until after the debt service is paid. Includes additional provisions relating to bond interest, transfers, refunds, characteristics, and investment of bond monies.

Also, includes a number of provisions allowing the Department of Administration to enter in to lease-purchase agreements for state buildings. Effective May 13, 2010, conditioned on the enactment of S 1004 (state lottery; authorization), Sixth Special Session. (EHB)

Sponsor: B. Burns

STATE LOTTERY; AUTHORIZATION (S 1004, Chapter 2, Laws 2010, Sixth Special Session)

Reauthorizes the Arizona State Lottery and the Arizona State Lottery Commission. Exempts the Lottery from the 10-year sunset limitation and terminates the Lottery Commission on July 1, 2035. Requires that any bonds or obligations related to the Lottery be paid by a first lien on the State Lottery Fund, and that bond payments be paid after operating costs. Stipulates that Lottery beneficiaries will receive money from the State Lottery Fund after the payment of the current period's obligations. Effective July 1, 2010, conditioned on the enactment of S 1003 (revenue bonds; lease-purchase finance), Sixth Special Session. (EHB)

Sponsor: B. Burns

TEMPORARY SALES TAX; REPEAL (SCR 1001, Sixth Special Session)

Refers to the voters a temporary amendment to the Arizona Constitution that would increase the state's transaction privilege tax (TPT) by one cent. Directs the tax, on voter approval, to be levied starting June 1, 2010. Notes that revenues from the temporary tax are separate from current TPT revenues and will not be distributed to counties and municipalities. Specifies that two-thirds of the revenue be appropriated to primary and secondary education, and one third to health and human services and public safety. Requires the Secretary of State to submit the amendment to voters at the May 18, 2010, Special Election. Repeals the tax on May 31, 2013. (EHB)

Sponsor: B. Burns

GENERAL APPROPRIATIONS; 2009-2010; 2010-2011 (H 2001, Chapter 1, Laws 2010, Seventh Special Session)

Makes revisions and transfers to the FY10 budget, and sets appropriations for the FY11 budget.

Does not include an appropriation for County Proposition 204 Hold Harmless Funding.

Sweeps \$78M from the Highway User Revenue Fund (HURF) to fund the Department of Public Safety. Of the \$78M total sweep, \$14.25 is from the county portion. Authority for the sweep (see H 2006, Seventh Special Session).

Requires Maricopa County to pay 100 percent of superior court judge salaries.

Reduces County Fair Racing Awards by \$1.8 million.

Transfers the following amounts from special funds into the state General Fund in the specified fiscal year:

- Criminal Justice Enhancement Fund under the Arizona Criminal Justice Commission: \$170,800 in FY11
- DUI Abatement Fund: \$62,900 in FY10 and \$850,300 in FY11
- Drug and Gang Enforcement Fund: \$443,000 in FY10 and \$1,500,000 in FY11
- State Aid to County Attorneys Fund: \$21,000 in FY10
- State Aid to Indigent Defense Fund: \$300,000 in FY11
- Victim Compensation and Assistance Fund: \$351,100 in FY10 and \$148,800 in FY11
- Air Permits Administration Fund: \$402,000 in FY10 and \$1,428,800 in FY11
- Superior Court Judicial Collection Enhancement Fund: \$400,000 in FY11
- State Aid to the Courts Fund: \$85,200 in FY10 and \$51,500 in FY11
- Supreme Court Criminal Justice Enhancement Fund: \$400,000 in FY11
- Supreme Court Judicial Collection Enhancement Fund: \$117,900 in FY10 and \$607,100 in FY11
- Supreme Court Juvenile Delinquent Reduction Fund: \$959,000 in FY10
- Drug Treatment and Education Fund: \$1,363,500 in FY11
- State Lake Improvement Fund: \$345,000 in FY11
- Vehicle License Tax: \$43,170,600 in FY11

Makes the following reductions in spending and requires that the specified amount be transferred to the state General Fund by June 30, 2011:

- Criminal Justice Enhancement Fund, under Arizona Criminal Justice Commission: \$334,500.
- Criminal Justice Enhancement Fund: \$104,100
- Drug and Gang Enforcement Account: \$489,500
- DUI Abatement Fund: \$112,500
- State Aid to County Attorneys Fund: \$78,900
- State Aid to Indigent Defense Fund: \$74,900
- Victim Compensation and Assistance Fund: \$307,500
- Air Quality Fund: \$534,000
- Recycling Fund: \$1,517,900
- Voluntary Vehicle Repair and Retrofit Program Fund: \$747,200
- Alternative Dispute Resolution Fund: \$74,700
- Superior Court Criminal Justice Enhancement Fund: \$17,000
- Defensive Driving School Fund: \$66,500
- Public Defender Training Fund: \$71,000
- Supreme Court Criminal Justice Enhancement Fund: \$45,200
- Supreme Court Drug Treatment and Education Fund: \$31,100
- Juvenile Delinquent Reduction Fund: \$500,000
- State Lake Improvement Fund: \$528,500

Defers a number of scheduled state payments to the Department of Education, Department of Economic Security, and other agencies.

Funds the Out-of-County Tuition Subsidy at \$1,000,000, and allocates \$466,000 to Apache County, \$382,800 to Greenlee County, and \$151,200 to Santa Cruz County.

Contains a contingency budget containing additional reductions to state agencies that would take effect should Proposition 100 fail at the May 18, 2010 special election. Effective March 18, 2010. (EHB)

Sponsor: K. Adams

CRIMINAL JUSTICE; BUDGET RECONCILIATION; 2010-2011 (H 2006, Chapter 6, Laws 2010, Seventh Special Session)

Makes criminal justice related policy changes and specifies procedures for certain criminal justice agencies.

Contingent on the failure of Proposition 100, requires that all persons sentenced to a term of one year or less be incarcerated in county jails, instead of at the state Department of Corrections. Clarifies that the calculation of the remaining sentence should include credit for time served. Specifies that prisoners serving concurrent terms whose function sentence is more than one year shall remain in the Department of Corrections. Makes a number of related statutory and conforming changes.

Contingent on the failure of Proposition 100, requires all counties to pay half of superior court judge salaries plus an additional \$735,000 of the state's share.

Contingent on the failure of Proposition 100, decreases the state share of justice of the peace salaries to 18.2875 percent, from 19.25 percent. Also, requires counties to pay the full amount of employee contributions to the state retirement and health plans.

Requires a county with a population of two million or more (currently, Maricopa county) to pay 100 percent of the salaries of superior court budgets.

Suspends provisions in A.R.S. § 12-270 that require a portion of cost savings from reductions in probation revocations to be transferred to counties.

Temporarily suspends non-supplanting provisions that prevent local fund reductions in probation service, criminal case processing and alternative dispute resolution. Requires the Supreme Court to submit a report of decreases in local funding for these programs to the Joint Legislative Budget Committee.

Suspends requirements relating to the distribution of money in the Highway User Revenue Fund (HURF), functionally permitting a portion of HURF to be used to fund the Department of Public Safety (See H 2001, Seventh Special Session).

Excludes photo enforcement tickets from being counted in the Judicial Productivity Credit calculation through June 30, 2010.

Stipulates that, if Proposition 100 is approved, the state shall pay 19.25 percent of the compensation for Justices of the Peace and counties shall pay 80.25 percent. Also specifies that counties must pay 100 percent of contributions for health and retirement plans.

Sets the sunset date for the Arizona Department of Juvenile Corrections to July 1, 2011.

Establishes the Commission on Juvenile Corrections Reform. The commission includes two county representatives as well as the Governor's designee and the Director of the Department of Juvenile Corrections. Charges the commission with examining the state's juvenile justice system and making recommendations on reform, the possible closure of the Department of Juvenile Corrections, improving rehabilitative services, and optimal use of state detention centers and community treatment facilities. Repeals the Commission on September 30, 2011. Effective June 15, 2010. (EHB)
Sponsors: K. Adams

ENVIRONMENT; BUDGET RECONCILIATION; 2010-2011 (H 2007, Chapter 7, Laws 2010, Seventh Special Session)

Makes a number of environment and natural resource related policy changes and specifies procedures for certain environmental agencies.

Allows the Director of the Department of Water Resources to increase fees for services provided in FY10 and FY11. Exempts the department from rulemaking requirements until July 1, 2011, and specifies that a fee plan must be developed for consideration by the Legislature by April 1, 2010.

Specifies that the Arizona State Parks Board may use funds in the Law Enforcement Boating Safety Fund (LEBSF) over and above \$500,000 for the operation of state parks. Distributes the remaining \$500,000 in the LEBSF to La Paz and Mohave counties. Effective June 15, 2010. (EHB)
Sponsor: K. Adams

HEALTH; BUDGET RECONCILIATION; 2010-2011 (H 2010, Chapter 10, Laws 2010, Seventh Special Session)

Makes a number of health related policy changes and sets out procedures for the Arizona Department of Health Services (DHS) and the Arizona Health Care Cost Containment System (AHCCCS).

Requires that, subject to approval, the federal Center for Medicaid Services (CMS), non-emergency medical transportation will not be covered by AHCCCS in counties with a population of 500,000 or more.

Specifies that, in FY11, counties shall reimburse DHS for 25 percent of the costs of housing sexually violent prisoners (SVP) in the Arizona Community Protection and Treatment Center. Requires counties make the reimbursement within 30 days of a request, and notes that if a

reimbursement is not made, transaction privilege tax reimbursements may be withheld from the county and transferred to DHS.

Specifies that, in FY11, counties and cities shall reimburse the state for 100 percent of the costs of inpatient restoration to competency (RTC) treatment. Requires counties make the reimbursement within 30 days of a request, and notes that if a reimbursement is not made, transaction privilege tax reimbursements may be withheld from the county and transferred to DHS.

Allows counties to make both SVP and RTC payments from any source of county revenue, including special districts, and exempts payments from county expenditure limitations.

Sets out provisions that govern unexpended health care funds for which the state receives additional Enhanced Federal Medicaid Assistance Percentage (FMAP) Funding from the American Recovery and Reinvestment Act (ARRA) and specifies state and county percentages of the refunds of any unexpended funds:

- In FY10, unexpended ALTCS appropriations shall be refunded at 60 percent counties, 40 percent state
- In FY11, unexpended ALTCS appropriations shall be refunded at 59.3 percent counties, 40.7 percent state
- In FY09 and FY10, unexpended Medicare clawback payments shall be refunded at 45.5 percent counties, 54.5 percent state
- In FY11, unexpended Medicare clawback payments shall be refunded at 45.3 percent counties, 54.7 percent state

Specifies the state must transfer any monies received by the state under the Enhanced (FMAP) program as necessary to comply with the ARRA in fiscal years FY10 and FY11, and according refund any county administrative costs.

Allows AHCCCS to expend federal monies made available by local or tribal spending, conditioned on approval by CMS.

Sets county ALTCS contributions (aggregate) at \$224,983,700 for FY10. Specifies that this amount includes reductions of \$39,706,700 in ALTCS and \$3,221,700 in Medicare clawback payments, as a result of the ARRA. Note: these contributions would be further reduced if enhanced FMAP is extended (see S 1043), adding an additional \$36,303,700 of relief in ALTCS and an additional \$1,169,000 of relief in Medicare clawback funds for the remaining six months of FY11. If the enhanced FMAP is extended for six more months, the amount of federal relief to counties in FY11 would total \$76,014,400 in ALTCS and \$4,390,700 in Medicare clawback funds.

Requires AHCCCS to revert county savings from excess acute care payments due to enhanced FMAP, in the ARRA for 2011 back to counties by December 31, 2011, including the county portion of any savings from eligibility reductions.

Allows AHCCCS to spend federal funds made available through local or tribal matches, as long as the spending would maintain the FMAP rate.

Sets the county acute care contribution at \$51,438,400 (aggregate), which includes inflation indexing of the Maricopa County portion. These contribution amounts were reduced by

Requires counties (except Maricopa) to contribute \$2,646,200 to the Disproportionate Uncompensated Care Pool and excludes the contributions from county expenditure limitations.

Excludes Proposition 204 administration costs from county expenditure limit calculations.

Effective June 15, 2010. (EHB)

Sponsor: K. Adams

REVENUES; BUDGET RECONCILIATION; 2010-2011 (H 2012, Chapter 12, Laws 2010, Seventh Special Session)

Makes a number of general revenue and collections related policy changes and sets out procedures for the Arizona Department of Revenue.

Transfers, beginning February 1, 2010, any state Lottery monies allocated to the County Assistance Fund, Local Transportation Assistance Fund (LTAF) I and II, and the State Parks Heritage Board to the state General Fund, and repeals the funds.

Increases the minimum amount of Lottery funds that must be allocated to the state General Fund before any other distributions from \$46.5 million to \$96.1 million.

Requires Maricopa County to transfer \$28.6 million to the state General Fund, and Pima County to transfer \$6 million. Allows counties to fund the transfer from any county revenue source, including special taxing districts.

Allows all counties to meet any county fiscal obligation from any source of county revenue, including funds from any special taxing district where the board of supervisors sits as the district board. Effective June 15, 2010. (EHB)

Sponsors: K. Adams

HEALTH CARE; PROGRAMS; COVERAGE (S 1043, Chapter 307, Laws 2010)

Restores provisions for the Kids Care program, in an effort to comply with recently enacted federal health care legislation.

If the federal government extends the Enhanced Federal Medicare Assistance Percentage (FMAP) rate through June 30, 2011, reduces county contributions to the Arizona Long-Term Care System for FY11 by an additional \$36,303,700 in FY11, bringing the total for ALTCS FY11 FMAP relief to \$76,014,400 (aggregate, see H 2010 7S). Similarly, reduces county contributions for Medicare clawback payments by \$1,169,000 in FY11, bringing total clawback relief to \$4,390,700. Makes a number other changes conditioned on the extension of federal Enhanced FMAP funding. Effective retroactive to June 14, 2010. (EHB) *Also Listed under State Budget Adjustments.*

Sponsor: B. Burns

COUNTIES; AUDITS; MERIT SYSTEM; JUDGES (S 1100, Chapter 238, Laws 2010)

Codifies, in part, Maricopa County's budget agreement with the state, where among other provisions, the county assumes 100 percent of the superior court judicial salaries and adjusts their expenditure limit accordingly. Effective July 29, 2010. (TM) *Also listed under General Government.*

Sponsor: R. Pearce

COUNTY-RELATED VETOED LEGISLATION

LAW ENFORCEMENT; DUTY FITNESS EXAMINATION (H 2043, VETOED)

Would have required an employer to provide a law enforcement officer or probation officer with the final report of a Fitness for Duty Examination required because of a physical condition, including any pre-examination materials, as follows if the officer has been determined unfit:

- Immediately, if the officer presents the final report of an independent examination.
- Within ten business days after the employer receives the final report of the FFDE, if the officer waives any right to request an independent examination.

The Governor's veto letter indicated concerns about the breadth of the measure and a potential chilling effect on colleagues reporting concerned behavior. (TM)

Sponsor: J. Kavanagh

TAX ASSESSMENT OF RETENTION BASINS (H 2215, VETOED)

Would have required all water retention basins for commercial or industrial property be valued at \$500 per parcel.

The Governor's veto message stated the measure would have an unknown impact on property tax rates, but would require the state to adjust the qualifying tax rate upward due to lower property valuations of retention basin parcels. The number of parcels reclassified as retention basins may increase significantly and create confusion as to how the assessor is expected to capture the value of adjacent parcels. (TM)

Sponsor: A. Biggs

FIRE DISTRICTS; BOUNDARIES; MERGER; CONSOLIDATION (H 2432, VETOED)

Would have allowed the governing bodies of fire districts to choose to merge either by unanimous resolution without an election or by holding an election on the question of the merger and stipulated that only a majority vote of the affected governing bodies (rather than a three-fourths vote) is required to adopt a resolution that the proposed merger will promote the public health, comfort, convenience, necessity or welfare and that calls for an election, among other provisions. The Governor's veto letter expressed concerns regarding the changes in the relationships between municipalities and fire districts and the potential for double taxation, among other technical concerns. (TM)

Sponsor: A. Driggs

TAXATION OF SOLAR ENERGY PROPERTY (H 2502, VETOED)

Would have provided for the valuation for utility-scale solar plants in the same manner as agricultural property.

The Governor's veto letter expressed concerns that the measure violated the uniformity requirement regarding property taxes in the Arizona Constitution. (TM)

Sponsor: R. Murphy

UNDERGROUND STORAGE TANKS (S 1154, VETOED)

Would have extended specified programs and funds related to Underground Storage Tanks.

The Governor's veto letter indicated concerns over whether the funds in the accounts were sufficient to cover obligations in an extended program. Also, the Governor was concerned with a provision that prohibited the legislature from appropriating any of the existing funds, because the provision would disrupt the passed FY11 budget. (TM)

Sponsor: S. Pierce

COUNTIES; PAYMENTS; REIMBURSEMENTS; GRANT REVENUES (S 1179, VETOED)

Would have modified the payment rate for approved medical claims paid by counties with more than one million persons and exempted counties with more than two million persons from reimbursing the Department of Health Services for the cost of commitment and treatment of sexually violent persons in FY 2010-11. (TM)

Sponsor: L. Gray

BALLOT MEASURES; NUMBERING SYSTEM (S 1267, VETOED)

Would have changed the system of numbering ballot measures so that numbers begin with the last number used in the 2008 general election. Specifies that the numbers of ballot measures shall not repeat until all 100 numbers in the current series are used. Would have applied to the 2010 special and general elections.

The Governor's veto letter indicated a level of concern over renumbering ballot propositions and its potentially confusing impact on the then pending Proposition 100 special election held on May 18, 2010. (TM)

Sponsor: J. Paton

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