

# 2009 LEGISLATIVE SUMMARY

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



County Supervisors  
ASSOCIATION

**2009 LEGISLATIVE SUMMARY**  
**Review of County-Related Laws Enacted by the 49<sup>th</sup> Legislature, 2009**

This publication contains brief summaries, arranged by subject, of new laws impacting county government that were enacted during the First Regular Session of Arizona's 49<sup>th</sup> Legislature.

The effective date for most new laws is September 30, 2009 (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 1,133 bills introduced, and 213 of those bills were sent to Governor Brewer for consideration. She signed 190 of the bills into law, allowed one to become law without her signature, and vetoed 22 bills outright. Two other bills were subject to line-item vetoes.

The session was marked by the contentious nature of the annual budget negotiations. The Governor vetoed the budget following *sine die* on July 1 and almost immediately the legislature was called back into a special session. While that special session has adjourned, it has become clear the budget is not finished and the total impact to counties is undeterminable at this time. CSA will produce a separate budget analysis as the budget is completed.

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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## 2009 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:

- 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.



**2009 LEGISLATIVE POLICY COMMITTEE**

<b>Tom White, Jr.</b>	<i>Apache County</i>
<b>Richard Searle</b>	<i>Cochise County</i>
<b>Elizabeth Archuleta</b>	<i>Coconino County</i>
<b>Mike Pastor</b>	<i>Gila County</i>
<b>James Palmer</b>	<i>Graham County</i>
<b>Richard Lunt</b>	<i>Greenlee County</i>
<b>John Drum</b>	<i>La Paz County</i>
<b>Andrew Kunasek</b>	<i>Maricopa County</i>
<b>Gary Watson</b>	<i>Mohave County</i>
<b>David Tenney</b>	<i>Navajo County</i>
<b>Sharon Bronson</b>	<i>Pima County</i>
<b>Pete Rios</b>	<i>Pinal County</i>
<b>Manuel Ruiz</b>	<i>Santa Cruz County</i>
<b>Carol Springer</b>	<i>Yavapai County</i>
<b>Lenore Stuart</b>	<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



**Elizabeth Hegedus-Berthold**  
Research Analyst



**Yvonne Ortega**  
Administrative Assistant

**CSA LEGISLATIVE PACKAGE**

**COUNTY OPERATION; MANAGEMENT (H 2236, Chapter 45, Laws 2009)**

Removes the statutory restriction prohibiting the board of supervisors in counties with a population of 300,000 or less from expending public funds on group health and accident insurance premiums for retired county employees.

Allows the county Merit Commission to appoint hearing officers to conduct hearings and take evidence on behalf of the Commission.

Deletes statutory requirements that county officers keep their office open from 9:00 a.m. to 5:00 p.m. Monday through Friday and from 9:00 a.m. to 1:00 p.m. on Saturday, and repeals statutes allowing counties to operate under a permissive five-day work week. Retroactively effective July 10, 2009. (TM) *Also listed under General Government.*

Sponsor: A. Tobin

**LIBRARY DISTRICTS; COUNTY REIMBURSEMENT (H 2581, Chapter 53, Laws 2009)**

Adds library districts to the list of special taxing districts from which the county may seek reimbursement for providing services. Effective September 30, 2009. (TM) *Also listed under Special Districts.*

Sponsor: R. Jones

**FLOOD CONTROL DISTRICTS; REMAINDER PARCELS (S 1297, Chapter 72, Laws 2009)**

Authorizes a flood control district to acquire an entire parcel and to sell or exchange the unneeded part for other properties needed for flood control use, if the parcel of land is required by a flood control district and the remainder is not economically viable. Effective September 30, 2009. (TM) *Also listed under Land Use and Planning; Special Districts.*

Sponsor: J. Nelson

**COURTS AND CRIMINAL JUSTICE**

**SEX OFFENDERS; PROBATION; MONITORING (S 1011, Chapter 125, Laws 2009)**

Specifies probation fees are not subject to surcharges. Stipulates that if a person sentenced to probation is a level 3 sex offender who is required to register, electronic or global positioning system (GPS) monitoring may be used. Notes that any probationer may be supervised with electronic or GPS monitoring. Also creates the Federal Sex Offender Registration Notification Act study committee. Retroactively effective July 13, 2009. (EHB)

Sponsor: L. Gray

**MENTAL HEALTH SERVICES; COURT-ORDERED TREATMENT (S 1152, Chapter 153, Laws 2009)**

Makes numerous changes to the procedures involved in a hearing preceding a court order for mental health services. Allows a spouse to be questioned during a hearing, granting an exception to marital privilege. Requires a hearing to be held within six days of the filing of the petition. Permits a hearing to be continued for up to 30 days at the request of the patient or three days at the request of the petitioner, among other provisions. Effective September 30, 2009. (EHB)

Sponsor: J. Paton

**JUVENILE ADJUDICATION; DIVERSION (S 1420, Chapter 189, Laws 2009)**

Makes numerous changes to the statutes related to juveniles charged with driving under the influence (DUI), drug, or alcohol offenses. Prohibits a juvenile charged with one of these offenses from participating in a diversion program if they have already participated in a diversion program twice in the last two years. Requires municipal diversion programs be approved by the county attorney and requires a municipality to report to the juvenile court, all juveniles taking part in the program. Allows a juvenile's parents to request the juvenile's term of probation be extended beyond one year. Requires a judge to charge a juvenile's parents for detention costs, based on per diem and the family's ability to pay.

If a juvenile is convicted of a drug or alcohol offense, allows the court to order random substance abuse testing at least twice per week for the period of the probation term. If a juvenile is found to have consumed drugs or alcohol three or more times during a probation term, a judge may either revoke the juvenile's probation or hold a dispositional hearing where additional sanctions may be applied.

Conforms juvenile DUI sentencing requirements to the standards set for adult DUI sentencing, namely:

- 10 days in a juvenile detention facility for DUI, except the sentence may be suspended if the juvenile complies with drug or alcohol treatment
- 90 days for second or subsequent DUI, except all but 30 days may be suspended
- 30 days for extreme DUI with a blood alcohol concentration (BAC) of between .15 and .20, except all but 10 days may be suspended
- 45 days for extreme DUI with a BAC of above .20, although all but 15 days may be suspended
- For a second extreme DUI with a BAC of between .15 and .20 with any prior DUI offense, 120 days, except all but 60 days may be suspended
- For a second extreme DUI with a BAC of above .20 with any prior DUI offense, 180 days, except all but 90 days may be suspended
- A number of specific sentences for aggravated DUI, depending on circumstance

Requires an intensive probation officer's summary report include the recommendations of the parents. Requires that if a juvenile is on intensive probation and commits a felony or violates a condition of probation that poses a threat to the community, probation must be revoked, among other provisions. Effective September 30, 2009. (EHB)

Sponsor: T. Verschoor





**SELF DEFENSE; APPLICABILITY (S 1449, Chapter 190, Laws 2009)**

Retroactively applies provisions relating to self-defense law (S 1145, Chapter 199, Laws 2006). The provisions include a shift in the burden of proof in a self-defense case and a presumption for a person acting in self-defense using reasonable force. The provisions apply to all cases in which a defendant did not plead guilty or no contest and which were submitted to the finder of fact before April 24, 2006. Effective September 30, 2009. (EHB)

Sponsor: L. Gray

**ELECTIONS**

**VOTER IDENTIFICATION; VALID FORMS (H 2627, Chapter 173, Laws 2009)**

Codifies the various forms of acceptable identification a voter can use at a polling location. Adds a passport or military ID card to the list of acceptable identification, as long as an identity document verifying the address is provided. Notes that an ID is valid unless it is expired on face. Adds official election materials as a form of non-photographic identification. Specifies that without appropriate identification, a voter may only cast a provisional ballot. Prohibits a county from accepting any form of identification not specified in statute. Retroactively effective July 14, 2009. (EHB)

Sponsor: D. Gowan

**AMENDMENTS; ELECTION LAW (S 1074, Chapter 149, Laws 2009)**

Makes numerous changes to election statutes including:

- Extends the deadline for county boards of supervisors or county elections officers to canvass the results of bond elections to 30 days after the election (instead of 14)
- Clarifies that county recorders must provide (at no cost) to county and state chairmen a daily and weekly list of persons who have requested an early ballot through the Friday preceding the election, and that those lists may be distributed to any person or entity that is deemed to be using the precinct list in a lawful manner (the measure also requires, upon request by a county chairman or state chairman, Maricopa or Pima counties' county recorder to provide at no cost a daily listing of persons who have returned their early ballots)
- Changes the primary election date to the tenth Tuesday before the general election, rather than the ninth Tuesday before the general election
- Eliminates the requirement for sample ballots to be mailed to households where voters are on the permanent early voting
- Exempts hand counts of ballots from live video requirements, and
- Specifies in session law that changes to circulation or filing requirements do not apply to nominating or referendum petitions circulated prior to the effective date of this legislation

Effective September 30, 2009. (EHB)

Sponsor: J. Paton

**SECRETARY OF STATE; ELECTIONS; FILING (S 1091, Chapter 114, Laws 2009)**

Removes a requirement that the county recorder deliver a copy of the precinct list to legislative council. Notes that the statewide voter registration database is a matter of statewide concern and not subject to modification or regulation by a political subdivision. States that, in order to maintain compliance with the Help America Vote Act and ensure statewide compatibility, each county voter registration system is subject to approval by the Secretary of State. Makes changes to regulations related to petitions for presidential electors. Effective September 30, 2009. (EHB)

Sponsor: J. Paton

**ELECTIONS; HOSPITAL DISTRICTS (S 1155, Chapter 7, Laws 2009)**

Allows a hospital district to hold a special election to reauthorize an existing property tax and specifies provisions for the election. Allows the district to hold a mail-in election without approval from the county board of supervisors. The bill was drafted to allow a special election for the Williams Hospital District, whose taxing authority expired on June 30, 2009. Usually, hospital district elections must be conducted in November. Retroactively effective June 17, 2009. (EHB) *Also listed under Special Districts.*

Sponsor: S. Pierce

**ENVIRONMENT**

**COUNTY STORMWATER MANAGEMENT; REFERENCE CORRECTION (H 2202, Chapter 43, Laws 2009)**

Corrects an Arizona Administrative Code (AAC) reference relating to discharges that do not require an Arizona Pollutant Discharge Elimination System (AZPDES) permit. Effective September 30, 2009. (TM) *Also listed under Transportation and Public Works.*

Sponsor: R. Barnes

**COUNTY RENEWABLE ENERGY INCENTIVE DISTRICTS (H 2336, Chapter 86, Laws 2009)**

Allows a county to create a renewable energy incentive district in an unincorporated, vacant area that the county board of supervisors deems is suitable for renewable energy production and compatible with the surrounding area. Allows the board to determine that the formation of the district does not constitute a major county plan amendment. Sets out requirements for creating the district and allows the district to include expedited zoning and plan reviews as well as waivers from zoning regulations, ordinances, or fees. Effective September 30, 2009. (EHB) *Also listed under Special Districts.*

Sponsor: L. Mason

**DEPARTMENT OF ENVIRONMENTAL QUALITY; CONTINUATION (S 1157, Chapter 23, Laws 2009)**

Continues the Arizona Department of Environmental Quality (ADEQ) until July 1, 2014. Requires ADEQ to provide a report to the House and Senate Environment Committees by 2011. Retroactively effective July 1, 2009. (EHB)

Sponsor: J. Nelson

**DUST CONTROL; BEST MANAGEMENT PRACTICES (S 1225, Chapter 180, Laws 2009)**

Increases Membership in the Best Practices Committee for Regulated Agricultural Activities from 10 to 15 members by adding a representative from a county air quality department and a person actively engaged in each of the following: cattle feed lot, dairy, poultry and swine production. The duties of the committee are expanded to include adopting best management practice rules to control PM-10 particulate emissions by animal agriculture facilities. Facilities must comply with the rules within six months of the effective date of the rule. Effective September 30, 2009. (TM) *Also listed under Land Use and Planning.*

Sponsor: S. Pierce

**AGGREGATE MINE RECLAMATION LAW; EXEMPTION (S 1260, Chapter 65, Laws 2009)**

Exempts an aggregate mining unit that is occasionally used for specific governmental projects from regulatory and reclamation requirements of statute if the unit is less than 20 contiguous acres and a single pit of not more than 10 acres. The unit must also be subject to the requirements of the Clean Water Act, its depth of excavation must not exceed 25 feet below the lowest existing surface elevation, and the aggregate material removed from excavation must be used only for governmental purposes and not for private commercial purposes.

At the end of the specific project use, the unit will be reclaimed in a manner consistent with the requirements of the owner of the land and all safety conditions prescribed by law. Effective September 30, 2009. (TM) *Also listed under Land Use and Planning.*

Sponsor: S. Allen

**FINANCE AND TAXATION**

**STATE TREASURER; INVESTMENT POOL (H 2271, Chapter 166, Laws 2009)**

Allows the State Treasurer to invest Trust and Treasury monies in long-term local government investment pools. Effective September 30, 2009. (EHB)

Sponsor: S. Crump

**PROPERTY VALUATION; TELECOMMUNICATIONS COMPANIES (H 2314, Chapter 169, Laws 2009)**

Requires depreciation be based on a straight line schedule (instead of the Department of Revenue's 1993 tables) for property of all telecommunications companies. Specifies that a building with a 25-year life not be valued below 20 percent of cost and that cables with a 15-year life, equipment with a five-year life, and any other property with a seven-year life not be valued below 10 percent of cost. Effective September 30, 2009. (EHB)

Sponsor: A. Driggs

**STATE TREASURER; MANAGEMENT FEES (H 2425, Chapter 89, Laws 2009)**

Reduces the maximum management fee the treasurer may charge from twelve hundredths of 1 percent to six hundredths of 1 percent of the calculated rate of earnings, and allocates management fees. Effective September 30, 2009. (EHB)

Sponsor: J. Kavanagh

**RENEWABLE; HIGH-WAGE INDUSTRIES; INCENTIVES (S 1403, Chapter 96, Laws 2009)**

Creates income and property tax incentives for renewable energy businesses in Arizona meeting certain conditions. In order to qualify for the incentives, a business must:

- Make capital investments in the form of a headquarters or manufacturing facility
- Submit an application and comply with numerous application and reporting requirements
- Allow the Arizona Department of Commerce to visit or audit the facility and to get tax information from the Department of Revenue to ensure compliance with the program's requirements

Allows an eligible company to receive an income tax credit of up to 10 percent, if all program conditions are met. Income tax credits are capped at \$70 million per taxable year and a company cannot claim this tax credit in combination with military reuse zone or enterprise zone credits.

Allows an eligible company to have a headquarters or facility classified as class six for property tax valuation purposes if the company has made a capital investment of at least \$25 million in facilities, equipment, land, and infrastructure.

Specifies that the class six property classification applies to property for:

- 10 years if at least 51 percent of the company's full-time employees are paid 125 to 199 percent of the annual state median wage
- 15 years if at least 51 percent of the company's full-time employees are paid 200 percent or more of the annual state median wage

Allows up to 10 percent of the aggregate full cash value of the property to come from ancillary and intrinsically associated uses.

Requires an eligible company to annually provide documentation to the county assessor that indicates the company is engaged in renewable energy manufacturing or serves as a headquarters.

Requires the Department of Commerce to notify the Department of Revenue and the appropriate county assessor if a company becomes ineligible for the program and if a company moves the facility out of Arizona within five years, the tax incentives are subject to recapture.

Terminates the program on January 1, 2016. Effective September 30, 2009. (EHB)

Sponsor: B. Leff



<b>GENERAL GOVERNMENT</b>
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**COUNTY SUPERVISORS; MEMBERSHIP (H 2101, Chapter 134, Laws 2009)**

Lowers the statutory population threshold to 175,000 from 200,000 persons as to when a county is required to have a five-member board. Effective September 30, 2009. (TM)  
Sponsor: V. Williams

**COUNTY OPERATION; MANAGEMENT (H 2236, Chapter 45, Laws 2009)**

Removes the statutory restriction prohibiting the board of supervisors in counties with a population of 300,000 or less from expending public funds on group health and accident insurance premiums for retired county employees.

Allows the county Merit Commission to appoint hearing officers to conduct hearings and take evidence on behalf of the Commission.

Deletes statutory requirements that county officers keep their office open from 9:00 a.m. to 5:00 p.m. Monday through Friday and from 9:00 a.m. to 1:00 p.m. on Saturday, and repeals statutes allowing counties to operate under a permissive five-day work week. Retroactively effective July 10, 2009. (TM) *Also listed under CSA Legislative Package.*  
Sponsor: A. Tobin

**AUTHORIZED PRESENCE; LICENSEES (H 2306, Chapter 137, Laws 2009)**

Makes changes to the law that requires proof of legal presence for a political subdivision to issue a license. Specifically, notes that if a person has established citizenship or non-expiring work authorization, additional documentation is not necessary to renew a license. If a person has limited work authorization that has expired, additional documentation is required. Effective September 30, 2009. (EHB) *Also listed under Immigration Reform.*

Sponsor: M. Reagan

**TRANSPORTATION; PUBLIC-PRIVATE PARTNERSHIPS (H 2396, Chapter 141, Laws 2009)**

Rewrites the statute to authorize the Arizona Department of Transportation to enter into Public-Private Partnership agreements for the construction, financing, operation and maintenance of new transportation projects in Arizona. Effective September 30, 2009. (TM)

Sponsor: A. Biggs

**ADMINISTRATIVE RULES OVERSIGHT COMMITTEE (H 2401, Chapter 171, Laws 2009)**

Establishes the Administrative Rules Oversight Committee to review administrative rules, agency practices, and policy statements for conformity with statute and legislative intent. The committee terminates on July 1, 2015 and the section is repealed on January 1, 2016. Effective September 30, 2009. (EHB)

Sponsor: V. Williams



**MASS APPRAISAL GUIDELINES; STATE LANDS (H 2419, Chapter 142, Laws 2009)**

Establishes procedures that govern any mass appraisal of state land by the State Land Department, including requiring granting notice to all lessees, permittees, right-of-way grantees, and other users of state lands. Effective September 30, 2009. (TM) *Also listed under Land Use and Planning.*

Sponsor: D. Gowan

**DOGS; CATS; RELEASE FROM POUND (H 2458, Chapter 106, Laws 2009)**

Specifies that if an animal is impounded for biting a person, the animal cannot be released until at least one of the following conditions has been met:

- The animal is licensed at the time of impoundment
- The animal is microchipped and spayed or neutered at the time of impoundment
- A veterinarian determines that a spay or neuter surgery is unsafe, or there is no veterinarian within 20 miles able to perform the surgery
- The owner pays a \$50 recovery fee as well as other costs
- The bite occurred on the owner's premises and involved a family member

Also, prohibits a county animal shelter from releasing an animal impounded for any reason unless at least one of the following conditions is met:

- The animal is licensed
- The animal is spayed or neutered
- A veterinarian determines that a spay or neuter surgery is unsafe, or there is no veterinarian within 20 miles able to perform the surgery
- The owner pays a \$50 recovery fee as well as other costs

Effective September 30, 2009. (EHB)

Sponsor: S. Court

**POPULATION THRESHOLDS; COUNTIES (S 1073, Chapter 113, Laws 2009)**

Changes the population thresholds that differentiate counties in terms of statutory authority to perform certain functions or to engage in certain activities. Effective September 30, 2009. (TM)

Sponsor: J. Paton

**OPEN MEETING LAW; MINUTES; NOTICE (S 1303, Chapter 27, Laws 2009)**

Establishes that the posting to the governing entity's Internet website, as required by the state's open meeting law for official minutes or summary of legal actions taken by the governing body or an advisory or subcommittee, must remain on the website for a minimum of one year. The 24-hour public notice period required for meetings of public bodies may include Saturday if certain conditions are met, but does not include official state holidays (including Sundays). Also, charter school governing board meetings are specifically included in the requirement that public bodies must file a statement with the Secretary of State identifying where their meeting notices will be posted. Effective September 30, 2009. (TM)

Sponsor: J. Tibshraeny



**EMERGENCY MUTUAL AID AGREEMENTS (S 1323, Chapter 83, Laws 2009)**

Allows political subdivisions, private water or wastewater utilities, or special taxing districts that require outside aid during an emergency to enter into mutual aid agreements so long as they address responding to the emergency that affects the water and wastewater services as well as specify how the costs of the responding service provider will be reimbursed by the service provider that requests the aid. Effective September 30, 2009. (TM)

Sponsor: B. Leff

**IMMIGRATION REFORM**

**AUTHORIZED PRESENCE; LICENSEES (H 2306, Chapter 137, Laws 2009)**

Makes changes to the law that requires proof of legal presence for a political subdivision to issue a license. Specifically, notes that if a person has established citizenship or non-expiring work authorization, additional documentation is not necessary to renew a license. If a person has limited work authorization that has expired, additional documentation is required. Effective September 30, 2009. (EHB) *Also listed under General Government.*

Sponsor: M. Reagan

**LAND USE AND PLANNING**

**MUNICIPALITIES; EXCHANGE OF REAL PROPERTY (H 2014, Chapter 15, Laws 2009)**

Permits cities and towns to exchange real property outside their incorporated boundaries. Effective September 30, 2009. (TM)

Sponsor: B. Konopnicki

**CHARTER SCHOOLS; ZONING (H 2099, Chapter 98, Laws 2009)**

Prohibits county zoning regulations from blocking a charter school from opening in a neighborhood or district, if a public school operated by a school district is permitted in the same neighborhood or district. Charter schools are subject to the same level of oversight and the same ordinances, limitations and requirements as a public school operated by a school district in the same neighborhood or district. Effective September 30, 2009. (TM)

Sponsor: R. Crandall

**SUBDIVISION PUBLIC REPORTS (H 2310, Chapter 17, Laws 2009)**

Establishes that the Department of Real Estate must determine whether a subdivision public report is administratively complete within ten business days and stipulates that, if a letter denying the report is not issued, the report is considered complete. The department is permitted to investigate the public report regardless of its completeness or the manner in which it was determined to be complete. Effective September 30, 2009.

(TM)

Sponsor: A. Driggs



**MASS APPRAISAL GUIDELINES; STATE LANDS (H 2419, Chapter 142, Laws 2009)**

Establishes procedures that govern any mass appraisal of state land by the State Land Department, including requiring granting notice to all lessees, permittees, right-of-way grantees, and other users of state lands. Effective September 30, 2009. (TM) *Also listed under General Government.*

Sponsor: D. Gowan

**DUST CONTROL; BEST MANAGEMENT PRACTICES (S 1225, Chapter 180, Laws 2009)**

Increases Membership in the Best Practices Committee for Regulated Agricultural Activities from 10 to 15 members by adding a representative from a county air quality department and a person actively engaged in each of the following: cattle feed lot, dairy, poultry and swine production. The duties of the committee are expanded to include adopting best management practice rules to control PM-10 particulate emissions by animal agriculture facilities. Facilities must comply with the rules within six months of the effective date of the rule. Effective September 30, 2009. (TM) *Also listed under Environment.*

Sponsor: S. Pierce

**AGGREGATE MINE RECLAMATION LAW; EXEMPTION (S 1260, Chapter 65, Laws 2009)**

Exempts an aggregate mining unit that is occasionally used for specific governmental projects from regulatory and reclamation requirements of statute if the unit is less than 20 contiguous acres and a single pit of not more than 10 acres. The unit must also be subject to the requirements of the Clean Water Act, its depth of excavation must not exceed 25 feet below the lowest existing surface elevation, and the aggregate material removed from excavation must be used only for governmental purposes and not for private commercial purposes.

At the end of the specific project use, the unit will be reclaimed in a manner consistent with the requirements of the owner of the land and all safety conditions prescribed by law. Effective September 30, 2009. (TM) *Also listed under Environment.*

Sponsor: S. Allen

**FLOOD CONTROL DISTRICTS; REMAINDER PARCELS (S 1297, Chapter 72, Laws 2009)**

Authorizes a flood control district to acquire an entire parcel and to sell or exchange the unneeded part for other properties needed for flood control use, if the parcel of land is required by a flood control district and the remainder is not economically viable. Effective September 30, 2009. (TM) *Also listed under CSA Legislative Package; Special Districts.*

Sponsor: J. Nelson



**LAW ENFORCEMENT AND EMERGENCY SERVICES**

**LAW ENFORCEMENT OFFICERS; DISCIPLINARY PROCEDURES (S 1062, Chapter 128, Laws 2009)**

Makes numerous changes to statutes regarding disciplinary hearings for law enforcement officers, including:

- Allowing an officer to consult with their representative and to present a statement at the hearing
- Allowing an employer to modify a decision made by a hearing officer if the decision was arbitrary or without reasonable justification
- Prohibiting an employer from including information about an investigation in the personnel file until the investigation is complete, including appeals

Effective September 30, 2009. (EHB)

Sponsor: L. Gray

**AFFLICTED PERSONS; ORDERS FOR TRANSPORTATION (S 1336, Chapter 157, Laws 2009)**

Removes the requirement that a law enforcement officer must transport a person who receives an emergency custody order for not complying with tuberculosis treatment instructions. Allows a person to be transported in a private vehicle or ambulance but requires, if directed, a person to remain in law enforcement custody during transport.

Effective September 30, 2009. (EHB)

Sponsor: R. Pearce

**RETIREMENT AND PERSONNEL**

**CORP; OMNIBUS AMENDMENTS (H 2326, Chapter 83, Laws 2009)**

Various changes to statutes governing the Corrections Officer Retirement Plan (CORP), including allowing probation, surveillance and juvenile detention officers currently employed by the judiciary to continue their participation in the CORP Plan should their hours be reduced to between 20 and 40 hours, as long as they continue working at least 20 weeks per year. The provision has a delayed repeal date of June 30, 2011. Effective September 30, 2009. (TM)

Sponsor: T. Boone

**SPECIAL DISTRICTS**

**MERGER; FIRE DISTRICT ASSISTANCE TAX (H 2285, Chapter 100, Laws 2009)**

Retroactively, modifies the amount of Fire District Assistance Tax (FDAT) revenues a consolidated fire district can receive. Instead of receiving the total of the amounts that each district received in the year prior to the merger, the amount of FDAT for the consolidated district will be the sum of the average of the last three years of FDAT received by each fire district. This prevents any merging districts from artificially raising their FDAT amounts in anticipation of the merger. Effective September 30, 2009. (EHB)

Sponsor: S. Yarbrough

**SMALL SPECIAL DISTRICTS; FINANCIAL REVIEW (H 2312, Chapter 18, Laws 2009)**

Exempts small special districts (with budgets under \$50,000) from the requirement of an annual financial review. Instead, requires a financial review be conducted only upon request of the board of supervisors or a minimum of 10 residents. Effective September 30, 2009. (TM)

Sponsor: A. Driggs

**COUNTY RENEWABLE ENERGY INCENTIVE DISTRICTS (H 2336, Chapter 86, Laws 2009)**

Allows a county to create a renewable energy incentive district in an unincorporated, vacant area that the county board of supervisors deems is suitable for renewable energy production and compatible with the surrounding area. Allows the board to determine that the formation of the district does not constitute a major county plan amendment. Sets out requirements for creating the district and allows the district to include expedited zoning and plan reviews as well as waivers from zoning regulations, ordinances, or fees. Effective September 30, 2009. (EHB) *Also listed under Environment.*

Sponsor: L. Mason

**REGIONAL TRANSPORTATION AUTHORITIES; QUALIFYING COUNTIES (H 2480, Chapter 52, Laws 2009)**

Grants counties with a population of between 200,000 and 400,000 permission to form a transportation authority with the power to levy an excise tax and bond for projects, upon voter approval. Effective September 30, 2009. (TM) *Also listed under Transportation and Public Works.*

Sponsor: R. Jones

**SPORTS AUTHORITY DISTRICTS (H 2572, Chapter 122, Laws 2009)**

Permits a county with a population of greater than 500,000 but less than 2 million to create a sports authority district.

- Specifies a mechanism for forming the district through an election and notes that the district is an independent political body
- Allows the district to collect an excise tax of:
  - .35% on car rentals
  - .45% on hotels/motels
  - .25% on restaurants and bars
  - .35% at amusements and sports events
  - .15% on retail activity
- Specifies that the tax levy is conditional upon two Major League Baseball franchises entering into ten year contracts within six years. If the condition is not met, tax rates are reduced by 50 percent and the proceeds are used for youth and amateur sports
- Provides the district with bonding authority
- Creates the Sports Authority District Board and makes specifications as to its membership and duties. Prohibits members of the board from holding elected office or accepting gifts and subjects them to conflicts of interest statutes
- Requires the creation of a district plan and notes that the plan must be submitted to the board and finalized in a public hearing



- Requires the district to spend at least 10 percent of the general fund on youth sports and recreation
- Requires an annual audit of district funds, and specifies other reporting and performance audit requirements
- Includes a conditional repeal that removes the statute in this section if the election to establish the district fails

Effective September 30, 2009. (EHB)

Sponsor: D. Stevens

**LIBRARY DISTRICTS; COUNTY REIMBURSEMENT (H 2581, Chapter 53, Laws 2009)**

Adds library districts to the list of special taxing districts from which the county may seek reimbursement for providing services. Effective September 30, 2009. (TM) *Also listed under CSA Legislative Package.*

Sponsor: R. Jones

**ELECTIONS; HOSPITAL DISTRICTS (S 1155, Chapter 7, Laws 2009)**

Allows a hospital district to hold a special election to reauthorize an existing property tax and specifies provisions for the election. Allows the district to hold a mail-in election without approval from the county board of supervisors. The bill was drafted to allow a special election for the Williams Hospital District, whose taxing authority expired on June 30, 2009. Usually, hospital district elections must be conducted in November. Retroactively effective June 17, 2009. (EHB) *Also listed under Elections.*

Sponsor: S. Pierce

**FLOOD CONTROL DISTRICTS; REMAINDER PARCELS (S 1297, Chapter 72, Laws 2009)**

Authorizes a flood control district to acquire an entire parcel and to sell or exchange the unneeded part for other properties needed for flood control use, if the parcel of land is required by a flood control district and the remainder is not economically viable. Effective September 30, 2009. (TM) *Also listed under CSA Legislative Package; Land Use and Planning.*

Sponsor: J. Nelson

**SPECIAL HEALTH CARE DISTRICTS; TERMS (S 1330, Chapter 115, Laws 2009)**

Stipulates that board members of a special health care district in a county with a population of two million or more must serve staggered four-year terms. In other counties, board members may serve concurrent terms. Conforms the election for special health care districts to the state consolidated election schedule. Effective September 30, 2009. (EHB)

Sponsor: S. Allen



TRANSPORTATION AND PUBLIC WORKS
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**COUNTY STORMWATER MANAGEMENT; REFERENCE CORRECTION (H 2202, Chapter 43, Laws 2009)**

Corrects an Arizona Administrative Code (AAC) reference relating to discharges that do not require an Arizona Pollutant Discharge Elimination System (AZPDES) permit. Effective September 30, 2009. (TM) *Also listed under Environment.*

Sponsor: R. Barnes

**REGIONAL TRANSPORTATION AUTHORITIES; QUALIFYING COUNTIES (H 2480, Chapter 52, Laws 2009)**

Grants counties with a population of between 200,000 and 400,000 permission to form a transportation authority with the power to levy an excise tax and bond for projects, upon voter approval. Effective September 30, 2009. (TM) *Also listed under Special Districts.*

Sponsor: R. Jones

**OMNIBUS; ADOT (S 1320, Chapter 187, Laws 2009)**

Makes a number of changes related to the statutes governing the Arizona Department of Transportation (ADOT). County-related provisions include:

- Allowing a court to require a commercial drivers license (CDL) holder to attend a defensive driving program, but stipulates that CDL holders are not eligible for the diversion plan
- Requiring that a court transmit records of photo enforcement violations by CDL holders to the Motor Vehicle Department
- Exempting emergency responders in the line of duty from photo enforcement actions
- Altering the formula for State Aviation Fund grants by specifying that the amount of available grants is based on an average of annual revenues in the fund over the last three years
- Allowing an owner of a trailer to be exempt from commercial Vehicle License Tax if they affirm the trailer is not used for commercial purposes and allowing certain non-commercial trailers to pay one-time VLT
- Requiring a board of supervisors to designate locations to mark school crossings on county highways
- Permitting a local authority to create a public transportation or bus stop on a state highway if the speed limit is 55 miles per hour or less

Effective September 30, 2009. (TM)

Sponsor: J. Nelson



**WATER**

**DROUGHT EMERGENCY GROUNDWATER TRANSFERS (H 2440, Chapter 49, Laws 2009)**

Permits groundwater to be transported away from a basin outside an active management area (AMA), if the Governor has declared an emergency and if certain other conditions apply. If water will be transported out of the county that contains the basin, the county containing the basin must approve the transfer. Prohibits groundwater transfers used to subsidize an insufficient water supply due to growth. Retroactively effective April 30, 2009 and will be repealed April 30, 2010. (EHB)

Sponsor: L. Mason

**COUNTY-RELATED VETOED LEGISLATION**

**CONSUMER FIREWORKS (H 2258, VETOED)**

Permitted the general public to possess and use certain types of "consumer fireworks," including sparklers, cylindrical or cone fountains, ground spinners, etc. Authorized the State Fire Marshal to adopt rules governing the manufacture, transportation and storage of permitted items, and required businesses and individuals engaged in the commerce of consumer fireworks to comply with those regulations. The regulation of permissible consumer fireworks and their use was not subject to further regulation by any governing body, except that an incorporated city or town could have regulated the use of the fireworks within its corporate limits. (TM)

Sponsor: A. Biggs

**POLITICAL SIGNS; TAMPERING (S 1022, VETOED)**

Prohibited the removal, alteration, defacing or covering of any political sign by governments if certain criteria were met. The state and political subdivisions were allowed to immediately relocate a sign if placement of the sign constituted an emergency. Notification to the candidate or campaign committee within 24 hours was required. (TM)

Sponsor: J. Waring



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