



2011 LEGISLATIVE SUMMARY

Review of County-Related Laws Enacted by the 2011 Legislature

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 50th Legislature.

The effective date for most new laws is July 20, 2011 (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 1,350 bills introduced; 386 of those bills were sent to Governor Brewer for consideration. She signed 357 bills into law and vetoed 29.

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, (RR) for Rod Ross, and (AA) for Anabel Abarca. If you have any questions about a bill, please contact us at (602) 252-5521.

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2011 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.

2011 LEGISLATIVE POLICY COMMITTEE

Tom White, Jr.	<i>Apache County</i>
Pat Call	<i>Cochise County</i>
Elizabeth Archuleta	<i>Coconino County</i>
Tommie Martin	<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>

CSA PROFESSIONAL STAFF

Craig A. Sullivan	Executive Director
Penny Adams	Director of Finance & County Services
Todd Madeksza	Director of Legislative Affairs
Rod Ross	Legislative Associate
Anabel Abarca	Research Analyst
Yvonne M. Ortega	Administrative Assistant

CSA LEGISLATIVE PACKAGE

H 2197: CHARTER SCHOOLS; AGE RESTRICTED COMMUNITIES (Lesko)(Chapter [15](#), Laws 2011)

An emergency measure that prohibits the establishment or operation of a charter school on commercial or residential property in an age-restricted community located in unorganized territory. Effective April 6, 2011. (TM)

*Also listed under Land Use and Planning***H 2236: SHARING REVENUE INFORMATION; POLITICAL SUBDIVISIONS** (Goodale)(Chapter [329](#), Laws 2011)

Allows counties and incorporated cities and towns to utilize the liability setoff program within the Arizona Department of Revenue. Effective July 20, 2011. (AA)

*Also listed under Finance and Taxation***H 2318: REGIONAL AND PUBLIC TRANSPORTATION AUTHORITIES** (Jones)(Chapter [259](#), Laws 2011)

Allows any community college district in a municipality or any Indian Nation that has a boundary within a county to become a member of the public transportation authority through an intergovernmental agreement, and allows counties with a population of 400,000 or fewer persons to establish a regional transportation authority. Effective July 20, 2011. (TM)

*Also listed under Transportation and Public Works***H 2319: PRIMITIVE ROADS; COUNTY MAINTENANCE** (Jones)(Chapter [127](#), Laws 2011)

A technical clarification that explicitly allows the board of supervisors to spend public monies for the maintenance of streets and public roads that were designated as primitive roads prior to 1985 instead of 1975. Effective September 30, 2011. (TM)

*Also listed under Transportation and Public Works***H 2372: CONSERVATORSHIPS; GUARDIANSHIPS; COUNTY REIMBURSEMENT** (Ash)(Chapter [112](#), Laws 2011)

Stipulates that if a county pays for services by court-appointed conservators and guardians from general fund appropriations, the county may charge the estate for reasonable compensation and those fees must be deposited in the same fund from which the expenditure was made. Effective July 20, 2011. (AA)

*Also listed under Courts and Criminal Justice; General Government***S 1291: PRISONERS; CREDITS FOR FINES** (Griffin)(Chapter [102](#), Laws 2011)

Increases the amount of credit a prisoner may receive for imprisonment in lieu of fines to \$50 per day. Effective July 20, 2011. (TM)

*Also listed under Courts and Criminal Justice***S 1362: STRUCTURES; FLOOD CONTROL DISTRICTS** (Antenori)(Chapter [133](#), Laws 2011)

Establishes that county flood control districts may construct bridges or other access over watercourses that are impassable to emergency vehicle traffic for 14 or more days a year. Effective July 20, 2011. (TM)

Also listed under Special Districts

COURTS AND CRIMINAL JUSTICE

H 2015: COUNTY PARKS; JUSTICE COURT JURISDICTION (Burges)(Chapter [170](#), Laws 2011)

Specifies that an offense is committed within the precinct of a justice of the peace court if the conduct constituting any element of the offense, or its result, occurs within a county park that includes a body of water located in two specified counties and the precinct includes some part of the county park. The measure has the effect of saving law enforcement costs when prosecuting illegal behavior at Lake Pleasant, which is located between Maricopa and Yavapai counties. With this measure, Maricopa County, which has law enforcement responsibility over the park, will save personnel time and travel expenses by permitting prosecution of those offenses in Maricopa County courts, whether or not the tickets were issued in Maricopa or Yavapai counties. Effective July 20, 2011. (TM)

*Also listed under General Government; Public Safety***H 2016: JLBC; JCCR; REPORTS** (Kavanagh)(Chapter [83](#), Laws 2011)

Eliminates out-dated references and unused reporting requirements for the Joint Legislative Budget Committee (JLBC) and the Joint Committee on Capital Review (JCCR). Eliminates the authority of a county attorney to transmit monies in the county anti-racketeering revolving fund to the Arizona Drug and Gang Policy Council and eliminates the requirement that the Arizona Supreme Court provide a report on monies collected and disbursed from the Arizona Lengthy Trial Fund along with other information. Effective July 20, 2011. (AA)

H 2167: DEFINITION OF DANGEROUS DRUGS; SYNTHETIC (Reeve)(Chapter [6](#), Laws 2011)

Expands the definition of dangerous drugs to include 10 chemical compounds that make up synthetic cannabinoids. An emergency measure that became effective February 18, 2011. (AA)

H 2351: FAILURE; RETURN RENTED VEHICLE; CLASSIFICATION (Farnsworth)(Chapter [38](#), Laws 2011)

Classifies the failure to return a rented or leased vehicle as a Class 5 felony. Effective July 20, 2011. (AA)

H 2352: COURT COMMISSIONER; QUALIFICATIONS (Farnsworth)(Chapter [217](#), Laws 2011)

Expands the pool of potential court commissioners by removing the requirement that court commissioners complete three years of active practice before appointment. Instead, they must be Arizona residents for at least five years immediately preceding their appointments. Effective July 20, 2011. (TM)

H 2353: SENTENCING; DANGEROUS OFFENSES; PROBATION (Farnsworth)(Chapter [90](#), Laws 2011)

Standardizes the definition of dangerous offense relating to numerous sections, such as prior felony convictions, exemptions from setting aside judgment, earned released credits, and home arrest programs.

Expands the list of professions protected from targeted attack under the aggravated assault statute to include code enforcement officers, park rangers, and public defenders.

Makes various changes to criminal sentencing statutes regarding organized crime, assault, drug offenses, family offenses, and sexual offenses. Effective July 20, 2011. (AA)

Also listed under Land Use and Planning; Public Safety

H 2369: DUI; WORK RELEASE (Smith)

(Chapter 91, Laws 2011)

Directs courts to permit first and second time DUI and Extreme Driving Under the Influence (EDUI) offenders to continue their employment or schooling while serving their jail sentence. Increases the number of days per week an offender may leave for employment or schooling from five to six days. Allows the court to deny work release if it finds good cause. Effective July 20, 2011. (AA)

H 2372: CONSERVATORSHIPS; GUARDIANSHIPS; COUNTY REIMBURSEMENT (Ash)

(Chapter 112, Laws 2011)

Stipulates that if a county pays for services by court-appointed conservators and guardians from general fund appropriations, the county may charge the estate for reasonable compensation and those fees must be deposited in the same fund from which the expenditure was made. Effective July 20, 2011. (AA)

Also listed under CSA Legislative Package; General Government

H 2402: GUARDIANS OF INCAPACITATED PERSONS (Vogt)

(Chapter 262, Laws 2011)

Makes changes to statutes governing incapacitated persons. Establishes court procedures for determining whether an incapacitated individual's privilege to drive should be suspended or retained. Broadens the scope of powers for guardians of incapacitated persons. Expands options the court may exercise in an involuntary commitment proceeding. Requires that a guardian or conservator be appointed to represent a patient and to give notice to those who are statutorily entitled. Effective July 20, 2011. (AA)

H 2403: TRUSTS AND ESTATES (Vogt)

(Chapter 334, Laws 2011)

Clarifies conditions upon which a trust becomes subject to the jurisdiction of Arizona courts. Specifies the rights of beneficiaries and creditors. Standardizes language regarding total return trusts to conform to the current Arizona Trust Code. Effective July 20, 2011. (AA)

H 2404: CRIMINAL RESTITUTION; VICTIM NOTIFICATION (Vogt)

(Chapter 263, Laws 2011)

Requires a trial court to enter a criminal restitution order at the time a defendant absconds from probation or the defendant's sentence. Requires the prosecutor's office to notify the victim if the defendant is making an initial appearance. Directs the sheriff or municipal jailer to give notice of a defendant's release to a group of people, including the prosecutor's office. Effective July 20, 2011. (AA)

Also listed under Public Safety

H 2406: CRIMES; FORENSIC INTERVIEWS; MANDATORY FINE (Vogt)

(Chapter 115, Laws 2011)

Requires a person convicted of a dangerous crime against children or sexual assault to pay an extra assessment of \$500 in addition to any other fine or restitution imposed. Directs the court to transmit the monies collected to the county treasurer to defray the cost of medical or forensic interview expenses. Effective December 31, 2011. (AA)

Also listed under Finance and Taxation; Public Safety

H 2408: OUTPATIENT TREATMENT; AGENCY NOTIFICATION (Vogt)(Chapter [264](#), Laws 2011)

Specifies that if a patient who has faced criminal charges involving death or serious physical injury is dismissed, the medical director must notify the original prosecuting agency five days before the discharge of any patient who meets certain requirements. Expands the list of offenses resulting in notification to include sexual offenses. Effective July 20, 2011. (AA)

Also listed under Health and Human Services; Public Safety

H 2411: CHILD PROSTITUTION; CONSECUTIVE SENTENCES (Farnsworth)(Chapter [78](#), Laws 2011)

Requires a person convicted of child prostitution involving a minor of the age 15, 16, or 17, to serve sentences imposed in a consecutive order. Effective July 20, 2011. (AA)

Also listed under Public Safety

H 2424: PROBATE; WARDS; RIGHTS (Smith)(Chapter [285](#), Laws 2011)

Establishes a nine-member probate advisory panel to recommend statutory changes to improve the probate system. Requires the panel to appoint: one public fiduciary from a county in Arizona with a population less than 500,000, whom is appointed by the Governor; one fiduciary, other than a public fiduciary, from a county in Arizona with a population more than 500,000, whom is appointed by the Governor, among others. Requires the panel to submit a report of its findings and recommendations to the following public officials on or before November 15 of each year: Governor, the Speaker of the House, President of the Senate and the Chief Justice of the Supreme Court. Stipulates that the panel shall provide a copy of the report to the Secretary of State. Specifies that committee members are not eligible for compensation or reimbursement of expenses and requires the legislature to provide the staff support for the panel. Contains a delayed repeal date of June 30, 2016. Effective July 20, 2011. (AA)

H 2477: WITNESS; REPRESENTATION; LAW ENFORCEMENT OFFICERS (Gowan)(Chapter [301](#), Laws 2011)

Expands the definition of law enforcement officer to include a detention officer or correction officer, other than a juvenile detention officer or probationary employee, who is employed by the state or a political subdivision. Requires the employers of a law enforcement officer to allow the officer representation during certain circumstances. Clarifies requirements for the representation and procedures. Effective July 20, 2011. (AA)

Also listed under Public Safety; Retirement and Personnel

H 2635: COURT-ORDERED EVALUATION (Court)(Chapter [219](#), Laws 2011)

Adds additional requirements to the affidavit that must accompany a petition for a court-ordered treatment. Stipulates the affidavit must include the results of a physical examination only if it is relevant to the evaluation and specifies that the physical exam may be performed by an evaluating physician or under supervision of a licensed physician or a registered nurse practitioner. Specifies the examination may include either firsthand observation or remote observation by interactive audiovisual media and eliminates the requirement for a person undergoing court-ordered evaluation or treatment to have a physical examination as a component of their annual review. Effective April 25, 2011. (RR)

S 1023: ENFORCEMENT OF PRETRIAL RELEASE CONDITIONS (Gray)(Chapter [140](#), Laws 2011)

Authorizes adult probation officers in counties with more than two million people to serve warrants and make arrests on anyone who has violated a condition of pretrial release while under the supervision of the pretrial services division. Maricopa County has a Warrant Task Force in place, which is responsible for enforcing pretrial release conditions. Effective July 20, 2011. (TM)

S 1054: WAIVER; INTENSIVE PROBATION STANDARDS (Gray)(Chapter [204](#), Laws 2011)

Currently, the Supreme Court may waive the probation ratio and team composition requirements of adult and juvenile intensive probation programs in counties with populations under two million people. Counties with two million people or more are exempt from the probation ratio requirements. This measure expands the exemption to include those counties which have a population of more than 300,000 persons. Effective July 20, 2011. (TM)

S 1118: COUNTY MEDICAL EXAMINER; IDENTIFICATION PROTOCOL (Barto)(Chapter [181](#), Laws 2011)

Establishes the county medical examiners duties to conduct a deceased identification meeting within 48 hours of receipt of a request by an immediate family member of the decedent. Allows the examiner to delay or limit the meeting if it is determined there is risk of loss of forensic evidence that may compromise the investigation or the decedent may not be recognizable. Provides that representatives of the county medical examiner and county are immune from civil liability for any injuries or damages alleged to have been suffered by the immediate family member arising out of the identification meeting or by any third party due to the conduct of the immediate family member attributable to the identification meeting. Effective July 20, 2011. (AA)

Also listed under Health and Human Services

S 1130: UNLAWFUL SEXUAL CONDUCT; PROBATION EMPLOYEES (Gray)(Chapter [226](#), Laws 2011)

Establishes a felony offense provision for unlawful sexual conduct by an adult probation department employee or juvenile court employee. "Unlawful sexual conduct" is defined as knowingly coercing the victim to engage in sexual contact, oral sexual contact, or sexual intercourse by threatening to negatively influence or offering to positively influence the victim's supervision or release status. Effective July 20, 2011. (TM)

S 1191: JUVENILES; DISCRETIONARY TRANSFER; ADULT COURT (Gray)(Chapter [206](#), Laws 2011)

Expands the list of offenses for which a jurisdictional determination is made as to whether a juvenile at least 14 years of age charged as an adult in a criminal prosecution, including Class 1 and Class 2 felonies and certain Class 3 felonies, at the discretion of a county attorney, should be transferred to a juvenile court. Effective July 20, 2011. (TM)

S 1225: FORGERY; HUMAN SMUGGLING; CLASSIFICATION (Sinema)(Chapter [229](#), Laws 2011)

Classifies forgery as a Class 3 felony if the forged instrument is used to obtain a dwelling used as a drop house for human smuggling. Effective July 20, 2011. (TM)

S 1243: BAD CHECKS; COUNTY ATTORNEY FEES (Gould)(Chapter [188](#), Laws 2011)

Increases the fees a county attorney may collect from a person who has issued or passed a check in violation of specified statutes. Effective July 20, 2011. (RR)

S 1245: CAPITAL POSTCONVICTION PUBLIC DEFENDER; CONTINUATION (Gould)(Chapter [42](#), Laws 2011)

The State Capital Postconviction Public Defender Office is responsible for providing representation for any person financially unable to employ legal counsel in postconviction relief proceedings in state court after a judgment of death has been delivered. This measure continues the office until July 1, 2016. Effective July 20, 2011. (TM)

S 1247: SEXUALLY VIOLENT PERSONS; HEARINGS (Barto)(Chapter [189](#), Laws 2011)

Requires the county to pay the costs of a court-ordered evaluation to determine whether an individual is a sexually violent person, if the individual has not requested a probable cause hearing. Effective July 20, 2011. (RR)

Also listed under Finance and Taxation; Public Safety

S 1291: PRISONERS; CREDITS FOR FINES (Griffin)(Chapter [102](#), Laws 2011)

Increases the amount of credit a prisoner may receive for imprisonment in lieu of fines to \$50 per day. Effective July 20, 2011. (TM)

Also listed under CSA Legislative Package

S 1367: JUVENILES; DNA TESTING (Antenori)(Chapter [351](#), Laws 2011)

Broadens the scenarios in which a judicial officer is required to order a juvenile to submit a sample for DNA testing and specifies the procedures for collecting, analyzing, maintenance and expungement of the samples. Effective July 20, 2011. (RR)

Also listed under Public Safety

S 1368: PROBATION OFFICERS; DISCIPLINARY ACTIONS (Antenori)(Chapter [352](#), Laws 2011)

Exempts probation officers from disciplinary action unless there is just cause. Specifies that the just cause threshold does not apply to a probation officer who has not completed an initial probationary period or to administrative dismissals including reductions in force. Effective July 20, 2011. (RR)

Also listed under Retirement and Personnel

S 1472: PUBLICITY PAMPHLETS; JUDICIAL PERFORMANCE; COMMENT (Gould)(Chapter [272](#), Laws 2011)

Requires the Secretary of State to post information online regarding Arizona Supreme Court justices and court of appeals judges prior to their elections for retention, including length of time served on the bench, educational background, and published decisions in which the justice or judge declared a statute constitutional or unconstitutional, along with the provision of the constitution referenced. Effective July 20, 2011. (RR)

Also listed under Elections

S 1473: EARLY VOTING SITES; ELECTIONEERING (Gould)

(Chapter 273, Laws 2011)

Expands the scenarios in which a polling place facility must allow electioneering out of the 75-foot zone to include early voting sites during an early voting period. Effective July 20, 2011. (AA)

Also listed under Elections

S 1499: PROBATE PROCEEDINGS; OMNIBUS (Driggs)

(Chapter 354, Laws 2011)

Makes multiple changes to statutes governing the protection of persons under disability and their property, but maintains the status quo of placing the public fiduciary as the last priority when a guardian or conservator is appointed. Establishes a more rigorous code of conduct, including reasonable attempts at cost-benefit analysis, cost-management and asset protection, and notice requirements of the fiduciary. Effective December 31, 2011. (AA)

S 1559: JUVENILES; FEES; ADOPTIVE PARENTS; EXCEPTION (Murphy)

(Chapter 168, Laws 2011)

Allows the Arizona Juvenile Court to waive fees, charges, expenses, and maintenance under specified circumstances for a juvenile who was adopted or placed in permanent guardianship. Effective July 20, 2011. (RR)

Also listed under Health and Human Services

SCR 1001: JUDICIAL SELECTION; PROCEDURE (Pearce)

(Transmitted to the Secretary of State April 19, 2011)

A 2012 ballot referral that proposes to amend numerous sections of Article VI of the Arizona Constitution relating to terms of offices of the judiciary as well as the commission on appellate court appointments and the commission on trial court appointments, specifically creating a legislative review process before voters are asked to retain judges in future elections. (TM)

SCR 1020: CRIME VICTIMS; PROTECTION FROM LIABILITY (Pearce)

(Transmitted to the Secretary of State April 14, 2011)

A 2012 ballot referral that protects a crime victim from being subject to a claim for damages for causing any injury or death to a person if the person is harmed when engaging in, attempting to engage in, or fleeing after having engaged in or attempted to engage in a felony offense. (TM)

ELECTIONS

H 2302: PROTECTED ADDRESS; SECRETARY OF STATE (Mesnard)

(Chapter 173, Laws 2011)

Requires the establishment of an *Address Confidentiality Program (ACP)* by the Secretary of State (SOS) in order to protect victims of domestic violence, sexual offenses and stalking. Directs the SOS to establish the program on or before December 31, 2012. Requires the SOS to designate substitute addresses for participants in the program and to receive first-class, certified, or registered mail on behalf of participants, and to forward it at no charge. Permits any individual to apply to become an ACP program participant upon the recommendation of an application assistant. Specifies that participants are certified into the ACP for four years following the date of filing unless the certification is withdrawn or canceled. Requires a participant to notify the SOS within 30 days of a legal name change.

Requires a state or local government entity to accept the substitute address as the program participant's address when creating a new public record when a valid ACP authorization card has been submitted by the participant.

Permits the state or local government entity to make a photocopy of the ACP authorization card.

Requires the SOS to notify the appropriate county elections official and county record when an individual becomes an ACP participant in order to allow the actual address to be kept confidential. Stipulates other elections and voter registration regulations for local government entities and the program participant.

Stipulates that the actual address of a program participant and telephone number as maintained by the SOS or local government entity is *not* a public record.

Requires a state or local government entity requesting disclosure of a program participant's actual address to submit the request in writing on their letterhead. Requires the SOS to notify a participant if a request for disclosure has been granted or denied. Requires the director of the ACP – or a designee – to be available to state and local governments 24 hours a day for the purposes of a disclosure request. Contains a delayed effective date of December 31, 2012. (AA)

Also listed under General Government; Health and Human Services; Public Safety

H 2303: VOTING CENTERS; POLLING PLACES (Mesnard)

(Chapter [331](#), Laws 2011)

Allows a county board of supervisors to authorize the use of voting centers in place of, or in addition to, already designated polling places. Effective July 20, 2011. (TM)

H 2480: OFFICEHOLDER EXPENSE ACCOUNTS; LATE FEES (Gowan)

(Chapter [117](#), Laws 2011)

Stipulates that a political committee, political candidate, or the designated individual of an exploratory committee will be charged a late penalty of \$5 per day for each day they fail to comply with reporting requirements related to officeholder expense accounts. Prohibits the late penalty from accruing on days in which the Secretary of State's office is closed. Effective July 20, 2011. (AA)

Also listed under General Government

S 1282: POLITICAL COMMITTEE REGISTRATION; RELIGIOUS ENTITY (Yarbrough)

(Chapter [149](#), Laws 2011)

Prohibits the requirement of a person to register as a political committee if the person is a religious assembly or institution that does not spend a substantial amount of time or assets to influence federal, state, or local legislation, referendum, initiative or constitutional amendment. Effective July 20, 2011. (AA)

Also listed under General Government

S 1290: COUNTY ELECTION WORKERS; POLITICAL CAMPAIGNS (Griffin)

(Chapter [71](#), Laws 2011)

Prohibits an employee of the county elections department from operating as a chairman, treasurer, or other officer of any political campaign or candidate campaign committee. Effective July 20, 2011. (RR)

S 1365: PAYCHECK DEDUCTIONS; POLITICAL PURPOSES (Antenori)(Chapter [251](#), Laws 2011)

Prohibits any public or private employer from making a payroll deduction for political purposes without first obtaining specific authorization from the affected employee. Excludes public safety employees who are employed by the state or any political subdivision from these provisions, including a peace officer, fire fighter, corrections officer, probation officer or surveillance officer. Effective July 20, 2011. (RR)

*Also listed under Public Safety***S 1412: EARLY VOTING; REVISIONS** (Shooter)(Chapter [105](#), Laws 2011)

Broadens ballot abuse classification to include new offenses. Requires a person delivering 10 or more early ballots to an election official to provide a copy of their photo identification. Stipulates that the officer in charge of the election shall submit to the Secretary of State within 60 days the information provided by the person delivering ballots. Requires the Secretary of State to compile a statewide report and make the information available on the Secretary of State website. Defines pattern of early ballot fraud. Broadens voting fraud felony laws. Effective July 20, 2011. (AA)

S 1471: COUNTY ELECTION LAW AMENDMENTS (Gould)(Chapter [166](#), Laws 2011)

Makes numerous substantive changes to statute governing the process necessary to register a new political party. Raises the number of qualified electors required to allow a precinct to conduct a presidential preference election by mail. Allows a county board of supervisors to appoint as many election clerks as deemed necessary to staff the primary and general elections. Requires the board of supervisors to appoint no fewer than one inspector and two judges in election precincts containing fewer than 300 rather than 200 qualified electors and requires the board to notify the chairman of the two largest political parties of such precincts. Modifies the language contained on an early ballot affidavit. Adds to the list of persons prohibited from assisting any voter to include candidates for precinct committeemen or anyone who has been employed by or volunteered for a candidate, campaign, political organization, or political party in that election. Effective July 20, 2011. (RR)

S 1472: PUBLICITY PAMPHLETS; JUDICIAL PERFORMANCE; COMMENT (Gould)(Chapter [272](#), Laws 2011)

Requires the Secretary of State to post information online regarding Arizona Supreme Court justices and court of appeals judges prior to their elections for retention, including length of time served on the bench, educational background, and published decisions in which the justice or judge declared a statute constitutional or unconstitutional, along with the provision of the constitution referenced. Effective July 20, 2011. (RR)

*Also listed under Courts and Criminal Justice***S 1473: EARLY VOTING SITES; ELECTIONEERING** (Gould)(Chapter [273](#), Laws 2011)

Expands the scenarios in which a polling place facility must allow electioneering out of the 75-foot zone to include early voting sites during an early voting period. Effective July 20, 2011. (AA)

Also listed under Courts and Criminal Justice

S 1512: BOND ELECTION; INFORMATIONAL PAMPHLET (Griffin)

(Chapter [72](#), Laws 2011)

Modifies the information required in a bond election pamphlet to include the estimated tax impact of debt service for the bonds on agricultural or other vacant property (Class 2). Specifies that the estimated tax impact on Class 2 property be based on a value of \$100,000. Decreases the value for which the estimated tax impact on certain Class 1 property is based from \$2,500,000 to \$1,000,000. Effective July 20, 2011. (RR)

Also listed under Finance and Taxation

SCR 1025: PUBLIC FUNDS; POLITICAL CANDIDATES; BAN (Pierce)

(Transmitted to the Secretary of State April 20, 2011)

A 2012 ballot referral that prohibits the state, its agencies, commissions, and tax-supported political subdivisions from spending or collecting public funds to provide campaign support to candidates running for public office. Specifically, the state and its political subdivisions would be prohibited from providing any tax credits or deductions that allow public funds to support candidates running for public office. No taxes, fees or surcharges can be assessed if they are used to support a candidate running for public office. Existing distributions of public funds for campaigns would be discontinued. (TM)

ENVIRONMENT

H 2705: WASTE PROGRAMS; GENERAL PERMITS; FEES (Reeve)

(Chapter [220](#), Laws 2011)

Eliminates specific fee amounts relating to solid and hazardous waste and authorizes the Arizona Department of Environmental Quality to establish new fees by rule by September 30, 2013. Requires the fees be reviewed by the Joint Legislative Budget Committee and made available for public notice and comment as part of the rulemaking process. Effective July 20, 2011. (TM)

Also listed under Finance and Taxation

FINANCE AND TAXATION

H 2163: INVESTING PUBLIC MONIES; NOTES (Seel)

(Chapter [108](#), Laws 2011)

Permits the treasurer of a local government, including counties, to invest public monies in notes of the state, counties, incorporated cities, towns, or school districts. Effective July 20, 2011. (AA)

H 2236: SHARING REVENUE INFORMATION; POLITICAL SUBDIVISIONS (Goodale)

(Chapter [329](#), Laws 2011)

Allows counties and incorporated cities and towns to utilize the liability setoff program within the Arizona Department of Revenue. Effective July 20, 2011. (AA)

Also listed under CSA Legislative Package

H 2397: TAXES; SALE OF TRUST LANDS (Jones)(Chapter [284](#), Laws 2011)

Exempts purchasers of state trust lands from paying any property taxes on that land for seven years from the time a certificate of purchase is issued or until a patent for the land is issued, whichever occurs first. Effective July 20, 2011. (TM)

Also listed under Land Use and Planning

H 2406: CRIMES; FORENSIC INTERVIEWS; MANDATORY FINE (Vogt)(Chapter [115](#), Laws 2011)

Requires a person convicted of a dangerous crime against children or sexual assault to pay an extra assessment of \$500 in addition to any other fine or restitution imposed. Directs the court to transmit the monies collected to the county treasurer to defray the cost of medical or forensic interview expenses. Contains a delayed effective date of December 31, 2011. (AA)

Also listed under Courts and Criminal Justice; Public Safety

H 2422: LOCAL GOVERNMENT BUDGETING; POSTING; PUBLICATION (Yee)(Chapter [155](#), Laws 2011)

Requires local governments to post a complete copy of their estimated revenues and expenses online in a prominent place, no later than seven business days after the initial presentation before a governing body and after final adoption. Requires both the estimates of revenues and expenses and the final adopted budget to be retained and accessible in a prominent location on the local government body's official Internet website for at least 60 months starting with FY2011-2012. Effective July 20, 2011. (AA)

Also listed under General Government

H 2552: AGRICULTURAL PROPERTY TAX CLASSIFICATION; EQUINE (Carter)(Chapter [8](#), Laws 2011)

Adds land and improvements devoted to the commercial breeding, raising, boarding or training of equine as well as equine rescue facilities registered with the Department of Agriculture to the statutory definition of *agricultural real property*, and, therefore is subject to Class 2 property ratios for the purpose of property taxes. Effective July 20, 2011. (TM)

Also listed under Land Use and Planning

H 2572: GOVERNMENT EXPENDITURE DATABASE; TRANSPARENCY; CAFR (Barton)(Chapter [119](#), Laws 2011)

Requires counties to post information prescribed in a comprehensive annual financial report (CAFR) of a budget unit on their official Internet website, by January 1, 2013. Requires the CAFR to be conducted by a certified public accountant or public accountant who is not an employee of the county. The report must be made in accordance with generally accepted auditing standards and must contain financial statements that are in conformity with generally accepted accounting principles. Clarifies that if the county already has a CAFR that has been presented with a certificate of achievement for excellence in financial reporting by the Governmental Finance Officers Association, the county may post such a financial report to satisfy the requirements of this law. Directs counties to display a link to this data in a prominent place on the county's website and on the website of the Arizona Department of Administration. Effective July 20, 2011. (RR)

Also listed under General Government

H 2705: WASTE PROGRAMS; GENERAL PERMITS; FEES (Reeve)(Chapter [220](#), Laws 2011)

Eliminates specific fee amounts relating to solid and hazardous waste and authorizes the Arizona Department of Environmental Quality to establish new fees by rule by September 30, 2013. Requires the fees be reviewed by the Joint Legislative Budget Committee and made available for public notice and comment as part of the rulemaking process. Effective July 20, 2011. (TM)

*Also listed under Environment***S 1135: NUCLEAR EMERGENCY APPROPRIATION AND ASSESMENT** (Nelson)(Chapter [132](#), Laws 2011)

An emergency measure that appropriates \$1,812,420 in FY2011-2012 and \$1,782,028 in FY2012-2013 from the state general fund to the Nuclear Emergency Management Fund. As part of the appropriation, \$501,208 in FY2011-2012 and \$500,477 in FY2012-2013 is appropriated to the Department of Emergency and Military Affairs' division of emergency management for disbursement to Maricopa County for responsibilities under the off-site nuclear emergency response plan. The bill levies an assessment against each consortium of public service corporations and municipal corporations operating a commercial nuclear generation station in an amount equal to that appropriated, plus any interest. Effective April 15, 2011. (TM)

*Also listed under General Government***S 1178: COUNTY JUDGMENT BONDS** (Allen)(Chapter [321](#), Laws 2011)

Allows county boards of supervisors, by resolution, to levy an excise tax and issue and administer county judgment bonds. Establishes Article 5, County Judgment Bonds, and authorizes a board of supervisors to issue negotiable bonds at a principal rate the board determines is necessary. Effective July 20, 2011. (RR)

S 1239: COUNTY TREASURERS; INVESTMENTS (Crandall)(Chapter [187](#), Laws 2011)

Expands a county treasurer's eligible investments to include securities or any other interests in any open-end or closed-end management type investment company or investment trust and exchange funded trades, whose underlying investments are invested in securities permissible by state law, and registered under the Investment Company Act of 1940. Effective July 20, 2011. (TM)

*Also listed under General Government***S 1247: SEXUALLY VIOLENT PERSONS; HEARINGS** (Barto)(Chapter [189](#), Laws 2011)

Requires the county to pay the costs of a court-ordered evaluation to determine whether an individual is a sexually violent person, if the individual has not requested a probable cause hearing. Effective July 20, 2011. (RR)

*Also listed under Courts and Criminal Justice; Public Safety***S 1398: MOVING VIOLATIONS; ASSESSMENT; EQUIPMENT; ENFORCEMENT** (Biggs)(Chapter [308](#), Laws 2011)

Creates an additional \$13 assessment levied by the courts for:

- Every court imposed and collected fine, penalty and forfeiture for criminal offenses;
- Any civil penalty imposed and collected for a violation of the motor vehicle statutes;
- Any local ordinance relating to the stopping, standing or operation of a vehicle; and
- Any penalty assessment for a violation of the Game and Fish statutes.



Requires the courts to transmit the \$13 assessment and a remittance report to the county or city treasurer. Requires the county or city treasurer to transfer \$8 of the assessment, and the remittance report, to the State Treasurer.

Directs the State Treasurer to deposit:

- \$4 into the Public Safety Equipment Fund (PSEF); and
- \$4 into the established Border Security and Law Enforcement Subaccount (subaccount) within the Gang and Immigration Intelligence Team Enforcement Mission (GIITEM) Fund.

Requires the GIITEM subaccount to be administered by the Department of Public Safety (DPS). Requires funds from this subaccount be used for law enforcement activities related to border security, including personnel. States that monies distributed from the subaccount to a county shall go directly to the county sheriff. Redirects revenues from the FY2011-2012 State Aid to Indigent Defense Fund to the subaccount. Directs \$1,000,000 from the state general fund in FY2011-2012 to DPS to enter into an Intergovernmental Agreement with a county with a population of more than 300,000 but less than 500,000 persons to purchase equipment and supplies for deputies within that county to use for border security. Effective July 20, 2011. (AA)

Also listed under Public Safety

S 1512: BOND ELECTION; INFORMATIONAL PAMPHLET (Griffin)

(Chapter [72](#), Laws 2011)

Modifies the information required in a bond election pamphlet to include the estimated tax impact of debt service for the bonds on agricultural or other vacant property (Class 2). Specifies that the estimated tax impact on Class 2 property be based on a value of \$100,000. Decreases the value for which the estimated tax impact on certain Class 1 property is based from \$2,500,000 to \$1,000,000. Effective July 20, 2011. (RR)

Also listed under Elections

GENERAL GOVERNMENT

H 2002: SCHOOL DISTRICT MONIES; ASSOCIATIONS; ELECTIONS (Kavanagh)

(Chapter [169](#), Laws 2011)

Prohibits a school district from spending monies for membership in an association that attempts to influence the outcome of an election. Effective July 20, 2011. (TM)

H 2003: EMERGENCY RESPONSE SERVICES FEES; PROHIBITION (Kavanagh)

(Chapter [82](#), Laws 2011)

Prohibits a county, city, or town from directly or indirectly charging a fee or seeking reimbursement from a driver, an insurer, or any other person for any costs or expenses for police, fire, or other emergency response personnel. The measure includes the following exceptions:

- Services provided outside of the boundaries of a city or town located in a county with a population of less than one million persons;
- Fees pursuant to intergovernmental agreements between political subdivisions;
- Fees for damages to property of the county, city, or town;

- Extraordinary emergency services which are required as a result of the person's negligence or intentional misconduct in the use, storage, or transportation of hazardous materials, hazardous substances, or hazardous waste;
- Charges for ambulance services provided by a county, city, or town;
- Emergency response in flood areas and driving under the influence;
- Environmental cleanup costs as required by state or federal law;
- Charges for public record; and
- Charges specifically permitted by state law.

Effective July 20, 2011. (TM)

H 2015: COUNTY PARKS; JUSTICE COURT JURISDICTION (Burges)

(Chapter [170](#), Laws 2011)

Specifies that an offense is committed within the precinct of a justice of the peace court if the conduct constituting any element of the offense, or its result, occurs within a county park that includes a body of water located in two specified counties and the precinct includes some part of the county park. The measure has the effect of saving law enforcement costs when prosecuting illegal behavior at Lake Pleasant, which is located between Maricopa and Yavapai counties. With this measure, Maricopa County, which has law enforcement responsibility over the park, will save personnel time and travel expenses by permitting prosecution of those offenses in Maricopa County courts, whether or not the tickets were issued in Maricopa or Yavapai counties. Effective July 20, 2011. (TM)

Also listed under Courts and Criminal Justice; Public Safety

H 2068: CONSTABLES; SALARIES (Burges)

(Chapter [107](#), Laws 2011)

Establishes a constable's annual salary as no more than \$15,000 in precincts averaging 100 or less documents served over the previous four years. Effective July 20, 2011. (TM)

H 2102: LICENSE ELIGIBILITY; AUTHORIZED PRESENCE (Kavanagh)

(Chapter [314](#), Laws 2011)

Requires an individual to provide documentation of citizenship or alien status that contains a photograph of the individual in order to obtain a "license" to work in the service industry. Effective July 20, 2011. (TM)

H 2274: INTERGOVERNMENTAL AGREEMENTS; SEPARATE LEGAL ENTITY (Pratt)

(Chapter [330](#), Laws 2011)

Allows an Indian tribe to join other local governments or special taxing districts and to form a separate legal entity for the purposes of issuing revenue bonds and engaging in electric generation and transmission activities. Effective July 20, 2011. (TM)

H 2302: PROTECTED ADDRESS; SECRETARY OF STATE (Mesnard)

(Chapter [173](#), Laws 2011)

Requires the establishment of an *Address Confidentiality Program (ACP)* by the Secretary of State (SOS) in order to protect victims of domestic violence, sexual offenses and stalking. Directs the SOS to establish the program on or before December 31, 2012. Requires the SOS to designate substitute addresses for participants in the program and to receive first-class, certified, or registered mail on behalf of participants, and to forward it at no charge. Permits any individual to apply to become an ACP program participant upon the recommendation of an application assistant. Specifies that participants are certified into the ACP for four years following the date of filing unless the certification is withdrawn or canceled. Requires a participant to notify the SOS within 30 days of a legal name change.

Requires a state or local government entity to accept the substitute address as the program participant's address when creating a new public record when a valid ACP authorization card has been submitted by the participant.

Permits the state or local government entity to make a photocopy of the ACP authorization card. Requires the SOS to notify the appropriate county elections official and county record when an individual becomes an ACP participant in order to allow the actual address to be kept confidential. Stipulates other elections and voter registration regulations for local government entities and the program participant.

Stipulates that the actual address of a program participant and telephone number as maintained by the SOS or local government entity is *not* a public record.

Requires a state or local government entity requesting disclosure of a program participant's actual address to submit the request in writing on their letterhead. Requires the SOS to notify a participant if a request for disclosure has been granted or denied. Requires the director of the ACP – or a designee – to be available to state and local governments 24 hours a day for the purposes of a disclosure request. Contains a delayed effective date of December 31, 2012. (AA)

Also listed under Elections; Health and Human Services; Public Safety

H 2372: CONSERVATORSHIPS; GUARDIANSHIPS; COUNTY REIMBURSEMENT (Ash)

(Chapter [112](#), Laws 2011)

Stipulates that if a county pays for services by court-appointed conservators and guardians from general fund appropriations, the county may charge the estate for reasonable compensation and those fees must be deposited in the same fund from which the expenditure was made. Effective July 20, 2011. (AA)

Also listed under CSA Legislative Package; Courts and Criminal Justice

H 2422: LOCAL GOVERNMENT BUDGETING; POSTING; PUBLICATION (Yee)

(Chapter [155](#), Laws 2011)

Requires local governments to post a complete copy of their estimated revenues and expenses online in a prominent place, no later than seven business days after the initial presentation before a governing body and after final adoption. Requires both the estimates of revenues and expenses and the final adopted budget to be retained and accessible in a prominent location on the local government body's official Internet website for at least 60 months starting with FY2011-2012. Effective July 20, 2011. (AA)

Also listed under Finance and Taxation

H 2480: OFFICEHOLDER EXPENSE ACCOUNTS; LATE FEES (Gowan)

(Chapter [117](#), Laws 2011)

Stipulates that a political committee, political candidate, or the designated individual of an exploratory committee will be charged a late penalty of \$5 per day for each day they fail to comply with reporting requirements related to officeholder expense accounts. Prohibits the late penalty from accruing on days in which the Secretary of State's office is closed. Effective July 20, 2011. (AA)

Also listed under Elections

H 2490: CONSUMER INCENTIVES; FOOD (Gowan)(Chapter [92](#), Laws 2011)

Prescribes the state's jurisdiction over consumer incentive items (such as any licensed media character, toy, game or contest, coloring placemat, crayons or other consumer product associated with a meal served by a restaurant) and their use. Establishes that the items are not subject to any further regulation by any other political jurisdiction, including the cities, towns or counties. Effective July 20, 2011. (TM)

Also listed under Health and Human Services

H 2541: EMPLOYEE DRUG TESTING; MEDICAL MARIJUANA (Yee)(Chapter [336](#), Laws 2011)

Addresses how and when an employer may take action against an employee based on the good faith belief that an employee used or possessed any drug while on the employer's premises or during the hours of employment, or had an impairment while working on the employer's premises or during hours of employment. Employers are allowed to exclude an employee from performing a safety-sensitive position based on the good faith belief that an employee is engaged in the current use of any drug, whether legal, prescribed by a physician or otherwise, if the drug could cause an impairment or decrease the employee's job performance or duties. The definition of employer is expanded to include the state and its political subdivisions. Effective to April 13, 2011. (TM)

H 2572: GOVERNMENT EXPENDITURE DATABASE; TRANSPARENCY; CAFR (Barton)(Chapter [119](#), Laws 2011)

Requires counties to post information prescribed in a comprehensive annual financial report (CAFR) of a budget unit on their official Internet website, by January 1, 2013. Requires the CAFR to be conducted by a certified public accountant or public accountant who is not an employee of the county. The report must be made in accordance with generally accepted auditing standards and must contain financial statements that are in conformity with generally accepted accounting principles. Clarifies that if the county already has a CAFR that has been presented with a certificate of achievement for excellence in financial reporting by the Governmental Finance Officers Association, the county may post such a financial report to satisfy the requirements of this law. Directs counties to display a link to this data in a prominent place on the county's website and on the website of the Arizona Department of Administration. Effective July 20, 2011. (RR)

Also listed under Finance and Taxation

H 2584: WORKERS' COMPENSATION; DIRECTED CARE (Burges)(Chapter [93](#), Laws 2011)

Establishes a pilot program that allows a city with a population greater than 150,000 persons (chosen by the Industrial Commission of Arizona) and the Arizona Counties Insurance Pool to direct workers' compensation health care to specific providers. States the purpose of the program is to determine if self-insured public entities can contain costs and improve health care and return-to-work results through such a program. Effective July 20, 2011. (RR)

Also listed under Health and Human Services

H 2644: FEDERAL MONIES; UNION PREFERENCE; PROHIBITION (Ugenti)(Chapter [319](#), Laws 2011)

Prohibits state entities, counties, cities and towns from accepting federal money for a construction project if acceptance requires them to give a preference to union labor. Effective July 20, 2011. (TM)

S 1105: REAL ESTATE TRANSFER AFFIDAVIT; TRANSMISSION (Yarbrough)(Chapter [98](#), Laws 2011)

Currently, statute requires the Arizona Department of Revenue (DOR) to maintain a permanent file of all real estate affidavits that are received from county assessors. Neither the county recorder nor the assessor is required to maintain a file of affidavits. This measure now requires the county recorder, rather than the DOR, to scan and transmit an electronic copy of affidavits that are received in regard to real estate transfers to DOR and the Arizona State Library, Archives and Public Records. Effective July 20, 2011. (TM)

S 1123: STATE LIBRARY AND ARCHIVES AMENDMENTS (McComish)(Chapter [18](#), Laws 2011)

Makes substantive and conforming changes to the statutes governing the Arizona State Library, Archives and Public Records (ASLAPR), including requiring the director of ASLAPR to call a convention of county librarians twice a year, rather than the current statutory requirement of once a year, and mandating all county librarians attend. Effective July 20, 2011. (RR)

S 1135: NUCLEAR EMERGENCY APPROPRIATION AND ASSESMENT (Nelson)(Chapter [132](#), Laws 2011)

An emergency measure that appropriates \$1,812,420 in FY2011-2012 and \$1,782,028 in FY2012-2013 from the state general fund to the Nuclear Emergency Management Fund. As part of the appropriation, \$501,208 in FY2011-2012 and \$500,477 in FY2012-2013 is appropriated to the Department of Emergency and Military Affairs' division of emergency management for disbursement to Maricopa County for responsibilities under the off-site nuclear emergency response plan. The bill levies an assessment against each consortium of public service corporations and municipal corporations operating a commercial nuclear generation station in an amount equal to that appropriated, plus any interest. Effective April 15, 2011. (TM)

*Also listed under Finance and Taxation***S 1171: CITIES; ACQUISITION OF WASTEWATER UTILITY** (Antenori)(Chapter [146](#), Laws 2011)

Allows a city or town to acquire all or part of a sewage system located within a county or that is serving the municipality and is owned or operated by a county. Establishes requirements for the transfer process and specifies the process for elections and treatment of debt attributed to the facility. Effective July 20, 2011. (AA)

*Also listed under Land Use and Planning***S 1235: LAW ENFORCEMENT OFFICERS; DISCIPLINARY PROCEDURES** (Gray)(Chapter [230](#), Laws 2011)

Requires employers of law enforcement or probation officers, at the request of an officer who is subject to a disciplinary interview, regardless of a court's rule, to provide a basic summary of any discipline ordered against any other officer of similar rank and knowledge working for the employer within the preceding two years for the same or comparable infraction on the matter. Requires counties smaller than 250,000 persons to grant alternate hearing officers for appeals of disciplinary action through interagency agreements if the officer pays half the necessary fee. Effective July 20, 2011. (RR)

Also listed under Public Safety

S 1239: COUNTY TREASURERS; INVESTMENTS (Crandall)(Chapter [187](#), Laws 2011)

Expands a county treasurer's eligible investments to include securities or any other interests in any open-end or closed-end management type investment company or investment trust and exchange funded trades, whose underlying investments are invested in securities permissible by state law, and registered under the Investment Company Act of 1940. Effective July 20, 2011. (TM)

*Also listed under Finance and Taxation***S 1282: POLITICAL COMMITTEE REGISTRATION; RELIGIOUS ENTITY** (Yarbrough)(Chapter [149](#), Laws 2011)

Prohibits the requirement of a person to register as a political committee if the person is a religious assembly or institution that does not spend a substantial amount of time or assets to influence federal, state, or local legislation, referendum, initiative or constitutional amendment. Effective July 20, 2011. (AA)

*Also listed under Elections***S 1306: LANDLORDS; TENANTS; BEDBUG CONTROL** (Reagan)(Chapter [191](#), Laws 2011)

Prohibits a city, town or county board of supervisors from establishing ordinances or any other landlord or tenant requirements relating to bedbug control. Permits a city, town or county board of supervisors to adopt requirements relating to proper disposal of bedbug-infested items. Specifies obligations of landlords and tenants. Specifically excludes the landlord and tenants of a single family home from the provisions of the bill. Effective July 20, 2011. (RR)

*Also listed under Health and Human Services***S 1333: CITIES; TOWNS; DEANNEXATION; INCORPORATION** (Antenori)(Chapter [348](#), Laws 2011)

Modifies the statutes governing municipal incorporation and establishes time frames within which a prescribed distance of an incorporated city or town is declared an urbanized area. Effective July 20, 2011. (RR)

*Also listed under Land Use and Planning***S 1334: HUNTING WITHIN CITY LIMITS** (Antenori)(Chapter [349](#), Laws 2011)

Prohibits a political subdivision from enacting an ordinance, rule or regulation that limits the lawful take of wildlife during an open season unless the ordinance, rule or regulation is consistent with the state's hunting laws and Game and Fish Commission rules and orders. Specifies that cities, towns, or counties are not prohibited from restricting the discharge of a firearm within one-fourth mile of an occupied structure. Effective July 20, 2011. (RR)

*Also listed under Land Use and Planning; Public Safety***S 1364: COUNTY ORDINANCES; UTILITY VEHICLE PARKING** (Antenori)(Chapter [22](#), Laws 2011)

States a county shall not prohibit a resident from parking a motor vehicle on a street or driveway in the county if the vehicle is required to be available at designated periods at that person's residence as a condition of the person's employment, if the person is employed by a private or municipal public service, public safety, or utility company. Effective July 20, 2011. (TM)



S 1403: MANDATORY PROJECT LABOR AGREEMENTS; PROHIBITION (Shooter)

(Chapter 23, Laws 2011)

Prohibits agencies and political subdivisions of this state from granting public works contracts based on the applicant's negotiation with or participation in a labor union. Effective July 20, 2011. (RR)

S 1465: VALID IDENTIFICATION; CONSULAR CARDS; PROHIBITION (Gould)

(Chapter 325, Laws 2011)

Prohibits Arizona or any of its political subdivisions from accepting a consular identification card issued by a foreign government as a valid form of identification. Effective July 20, 2011. (RR)

S 1598: CITIES; COUNTIES; REGULATORY REVIEW (Klein)

(Chapter 312, Laws 2011)

Establishes a Regulatory Bill of Rights and provides multiple statutory definitions. Contains multiple provisions regarding notice requirements, inspections, redress of grievances and court costs. Also, contains multiple provisions regarding land use, planning and zoning, and the ability of the regulated to "forgive" timeframes and other requirements. Effective July 20, 2011. (TM)

Also listed under Health and Human Services; Land Use and Planning

HEALTH AND HUMAN SERVICES

H 2103: HOMEMADE FOOD PRODUCTS; REGULATION; EXCEPTION (Kavanagh)

(Chapter 84, Laws 2011)

Permits baked and confectionary foods that are not potentially hazardous to be prepared in private home kitchens for commercial purposes if the label has the baker's address, contact information, and product ingredients. Additionally, the product label must disclose if the food preparation was conducted in a facility for the developmentally disabled. Requires the person preparing the food or supervising its preparation to obtain any required food handler's permit or certificate issued by the local health department and to register with the Department of Health Services online registry. Effective July 20, 2011. (RR)

H 2158: TOBACCO REVENUES; TRACKING COMMISSION (Ash)

(Chapter 255, Laws 2011)

Establishes the Tobacco Revenue Use Spending and Tracking Commission and outlines the terms and qualifications, including experience in public health services, of the commission and its members. Effective July 20, 2011. (TM)

H 2302: PROTECTED ADDRESS; SECRETARY OF STATE (Mesnard)

(Chapter 173, Laws 2011)

Requires the establishment of an *Address Confidentiality Program (ACP)* by the Secretary of State (SOS) in order to protect victims of domestic violence, sexual offenses and stalking. Directs the SOS to establish the program on or before December 31, 2012. Requires the SOS to designate substitute addresses for participants in the program and to receive first-class, certified, or registered mail on behalf of participants, and to forward it at no charge. Permits any individual to apply to become an ACP program participant upon the recommendation of an application assistant. Specifies that participants are certified into the ACP for four years following the date of filing unless the certification is withdrawn or canceled. Requires a participant to notify the SOS within 30 days of a legal name change.

Requires a state or local government entity to accept the substitute address as the program participant's address when creating a new public record when a valid ACP authorization card has been submitted by the participant.

Permits the state or local government entity to make a photocopy of the ACP authorization card. Requires the SOS to notify the appropriate county elections official and county record when an individual becomes an ACP participant in order to allow the actual address to be kept confidential. Stipulates other elections and voter registration regulations for local government entities and the program participant.

Stipulates that the actual address of a program participant and telephone number as maintained by the SOS or local government entity is *not* a public record.

Requires a state or local government entity requesting disclosure of a program participant's actual address to submit the request in writing on their letterhead. Requires the SOS to notify a participant if a request for disclosure has been granted or denied. Requires the director of the ACP – or a designee – to be available to state and local governments 24 hours a day for the purposes of a disclosure request. Contains a delayed effective date of December 31, 2012. (AA)

Also listed under Elections; General Government; Public Safety

H 2384: ABORTION; PUBLIC FUNDING PROHIBITION; TAXES (Lesko)

(Chapter [55](#), Laws 2011)

Prohibits any public funds, tax monies, funds of any political subdivision of the state, federal funds that pass through the state, or monies paid by students as part of tuition or fees to a state university or community college from being expended or allocated for training in regards to performing abortions. Contains a delayed effective date of December 31, 2011. (AA)

H 2408: OUTPATIENT TREATMENT; AGENCY NOTIFICATION (Vogt)

(Chapter [264](#), Laws 2011)

Specifies that if a patient who has faced criminal charges involving death or serious physical injury is dismissed, the medical director must notify the original prosecuting agency five days before the discharge of any patient who meets certain requirements. Expands the list of offenses resulting in notification to include sexual offenses. Effective July 20, 2011. (AA)

Also listed under Courts and Criminal Justice; Public Safety

H 2478: COUNTIES; HEALTH CARE SERVICES; PAYMENTS (Gowan)

(Chapter [266](#), Laws 2011)

Establishes that a county with a population over one million persons will not pay more than the fee schedule adopted by the Arizona Health Care Cost Containment System (AHCCCS) when the patient is under the jurisdiction of the juvenile court, a county jail inmate, and persons with tuberculosis, unless otherwise provided by an intergovernmental agreement.

Effective July 20, 2011. (AA)

H 2490: CONSUMER INCENTIVES; FOOD (Gowan)(Chapter [92](#), Laws 2011)

Prescribes the state's jurisdiction over consumer incentive items (such as any licensed media character, toy, game or contest, coloring placemat, crayons or other consumer product associated with a meal served by a restaurant) and their use. Establishes that the items are not subject to any further regulation by any other political jurisdiction, including the cities, towns or counties. Effective July 20, 2011. (TM)

*Also listed under General Government***H 2584: WORKERS' COMPENSATION; DIRECTED CARE** (Burgess)(Chapter [93](#), Laws 2011)

Establishes a pilot program that allows a city with a population greater than 150,000 persons (chosen by the Industrial Commission of Arizona) and the Arizona Counties Insurance Pool to direct workers' compensation health care to specific providers. States the purpose of the program is to determine if self-insured public entities can contain costs and improve health care and return-to-work results through such a program. Effective July 20, 2011. (RR)

*Also listed under General Government***H 2585: CONTROLLED SUBSTANCES; MARIJUANA; MONITORING** (Heinz)(Chapter [94](#), Laws 2011)

Requires the controlled substances prescription monitoring program, administered by the State Board of Pharmacy, to include data from the Arizona Department of Health Services identifying Arizona residents who possess a valid registry identification card pursuant to the Arizona Medical Marijuana Act. Effective July 20, 2011. (RR)

H 2658: DOMESTIC VIOLENCE REVIEW TEAMS (Proud)(Chapter [254](#), Laws 2011)

Currently, statute allows a political subdivision of this state or any combination of subdivisions to establish a domestic violence fatality review team. The statutory responsibilities of the teams is to examine domestic violence fatalities to better understand the event, send a report of its findings to the Office of Attorney General, and determine the number and type of incidents it wishes to review. This measure broadens statute regarding domestic violence to include near fatalities, and allows the Peace Officer Standards and Training Board and the State Domestic Violence Coalition to receive domestic violence reports. Effective July 20, 2011. (TM)

*Also listed under Public Safety***S 1118: COUNTY MEDICAL EXAMINER; IDENTIFICATION PROTOCOL** (Barto)(Chapter [181](#), Laws 2011)

Establishes the county medical examiners duties to conduct a deceased identification meeting within 48 hours of receipt of a request by an immediate family member of the decedent. Allows the examiner to delay or limit the meeting if it is determined there is risk of loss of forensic evidence that may compromise the investigation or the decedent may not be recognizable. Provides that representatives of the county medical examiner and county are immune from civil liability for any injuries or damages alleged to have been suffered by the immediate family member arising out of the identification meeting or by any third party due to the conduct of the immediate family member attributable to the identification meeting. Effective July 20, 2011. (AA)

Also listed under Courts and Criminal Justice

S 1306: LANDLORDS; TENANTS; BEDBUG CONTROL (Reagan)

(Chapter [191](#), Laws 2011)

Prohibits a city, town or county board of supervisors from establishing ordinances or any other landlord or tenant requirements relating to bedbug control. Permits a city, town or county board of supervisors to adopt requirements relating to proper disposal of bedbug-infested items. Specifies obligations of landlords and tenants. Specifically excludes the landlord and tenants of a single family home from the provisions of the bill. Effective July 20, 2011. (RR)

Also listed under General Government

S 1559: JUVENILES; FEES; ADOPTIVE PARENTS; EXCEPTION (Murphy)

(Chapter [168](#), Laws 2011)

Allows the Arizona Juvenile Court to waive fees, charges, expenses, and maintenance under specified circumstances for a juvenile who was adopted or placed in permanent guardianship. Effective July 20, 2011. (RR)

Also listed under Courts and Criminal Justice

S 1598: CITIES; COUNTIES; REGULATORY REVIEW (Klein)

(Chapter [312](#), Laws 2011)

Establishes a Regulatory Bill of Rights and provides multiple statutory definitions. Contains multiple provisions regarding notice requirements, inspections, redress of grievances and court costs. Also, contains multiple provisions regarding land use, planning and zoning, and the ability of the regulated to “forgive” timeframes and other requirements. Effective July 20, 2011. (TM)

Also listed under General Government; Land Use and Planning

LAND USE AND PLANNING

H 2005: SUBDIVISIONS; ACTING IN CONCERT (Burgess)

(Chapter [328](#), Laws 2011)

Makes various changes to the statutes governing subdivisions, acting in concert and the Arizona Department of Real Estate (ADRE). Allows counties and municipalities to either expedite the processing of or waive the requirement to prepare, submit and receive approval of a preliminary plat as a condition precedent for submitting a final plat, for any subdivision that consists of 10 or fewer lots. Permits counties and municipalities to waive or reduce infrastructure standards or requirements proportional to the impact of the subdivision, for any subdivision that consists of 10 or fewer lots. Clarifies that requirements for improved dust-controlled access and minimum drainage improvements, for any subdivision that consists of 10 or fewer lots, shall not be waived. Prohibits a subdivider from selling, leasing or offering for sale or lease any lots, parcels or fractional interests in a subdivision without first obtaining a certificate of administrative completeness, in addition to the statutorily required public report. Clarifies that either the ADRE or the county where the division occurred may enforce the statutory prohibitions against acting in concert, but not both. States that a familial relationship alone is not sufficient to constitute unlawful acting in concert. Makes other changes to the duties of ADRE. Effective July 20, 2011. (RR)

H 2197: CHARTER SCHOOLS; AGE RESTRICTED COMMUNITIES (Lesko)(Chapter [15](#), Laws 2011)

An emergency measure that prohibits the establishment or operation of a charter school on commercial or residential property in an age-restricted community located in unorganized territory. Effective April 6, 2011. (TM)

Also listed under CSA Legislative Agenda

H 2353: SENTENCING; DANGEROUS OFFENSES; PROBATION (Farnsworth)(Chapter [90](#), Laws 2011)

Standardizes the definition of dangerous offense relating to numerous sections, such as prior felony convictions, exemptions from setting aside judgment, earned released credits, and home arrest programs.

Expands the list of professions protected from targeted attack under the aggravated assault statute to include code enforcement officers, park rangers, and public defenders.

Makes various changes to criminal sentencing statutes regarding organized crime, assault, drug offenses, family offenses, and sexual offenses. Effective July 20, 2011. (AA)

Also listed under Courts and Criminal Justice; Public Safety

H 2397: TAXES; SALE OF TRUST LANDS (Jones)(Chapter [284](#), Laws 2011)

Exempts purchasers of state trust lands from paying any property taxes on that land for seven years from the time a certificate of purchase is issued or until a patent for the land is issued, whichever occurs first. Effective July 20, 2011. (TM)

Also listed under Finance and Taxation

H 2458: COUNTY INFILL; RENEWABLE ENERGY DISTRICTS (Williams)(Chapter [335](#), Laws 2011)

Amends county procedures in establishing an infill incentive district or an energy incentive district to closely mirror identical procedures that govern municipalities in order to conserve county resources. Effective July 20, 2011. (TM)

Also listed under Special Districts

H 2552: AGRICULTURAL PROPERTY TAX CLASSIFICATION; EQUINE (Carter)(Chapter [8](#), Laws 2011)

Adds land and improvements devoted to the commercial breeding, raising, boarding or training of equine as well as equine rescue facilities registered with the Department of Agriculture to the statutory definition of *agricultural real property*, and, therefore, is subject to Class 2 property ratios for the purpose of property taxes. Effective July 20, 2011. (TM)

Also listed under Finance and Taxation

S 1171: CITIES; ACQUISITION OF WASTEWATER UTILITY (Antenori)(Chapter [146](#), Laws 2011)

Allows a city or town to acquire all or part of a sewage system located within a county or that is serving the municipality and is owned or operated by a county. Establishes requirements for the transfer process and specifies the process for elections and treatment of debt attributed to the facility. Effective July 20, 2011. (AA)

Also listed under General Government

S 1207: DILAPIDATED BUILDING; DEFINITION (Griffin)

(Chapter [41](#), Laws 2011)

Modifies the definition of *dilapidated building* to mean any structure that is likely to burn or collapse and whose condition endangers the life, health, safety, or property of the public. Effective July 20, 2011. (TM)

H 1242: TAX DEED LAND SALES (Nelson)

(Chapter [148](#), Laws 2011)

Allows a county board of supervisors to sell real property held by tax deed to a county, city, town, or special taxing district for public purposes of transportation or flood control. Effective July 20, 2011. (RR)

S 1333: CITIES; TOWNS; DEANNEXATION; INCORPORATION (Antenori)

(Chapter [348](#), Laws 2011)

Modifies the statutes governing municipal incorporation and establishes time frames within which a prescribed distance of an incorporated city or town is declared an urbanized area. Effective July 20, 2011. (RR)

Also listed under General Government

S 1334: HUNTING WITHIN CITY LIMITS (Antenori)

(Chapter [349](#), Laws 2011)

Prohibits a political subdivision from enacting an ordinance, rule or regulation that limits the lawful take of wildlife during an open season unless the ordinance, rule or regulation is consistent with the state's hunting laws and Game and Fish Commission rules and orders. Specifies that cities, towns, or counties are not prohibited from restricting the discharge of a firearm within one-fourth mile of an occupied structure. Effective July 20, 2011. (RR)

Also listed under General Government; Public Safety

S 1341: COUNTY PLANNING; ZONING; CONFORMING LEGISLATION (Antenori)

(Chapter [124](#), Laws 2011)

Makes conforming changes to the Arizona statutes governing county planning and zoning as required by Laws 2010, Chapter 244. Effective September 30, 2011. (RR)

S 1598: CITIES; COUNTIES; REGULATORY REVIEW (Klein)

(Chapter [312](#), Laws 2011)

Establishes a Regulatory Bill of Rights and provides multiple statutory definitions. Contains multiple provisions regarding notice requirements, inspections, redress of grievances and court costs. Also, contains multiple provisions regarding land use, planning and zoning, and the ability of the regulated to "forgive" timeframes and other requirements. Effective July 20, 2011. (TM)

Also listed under General Government; Health and Human Services

PUBLIC SAFETY

H 2015: COUNTY PARKS; JUSTICE COURT JURISDICTION (Burges)

(Chapter [170](#), Laws 2011)

Specifies that an offense is committed within the precinct of a justice of the peace court if the conduct constituting any element of the offense, or its result, occurs within a county park that includes a body of water located in two specified counties and the precinct includes some part of the county park. The measure has the effect of saving law enforcement costs when

prosecuting illegal behavior at Lake Pleasant, which is located between Maricopa and Yavapai counties. With this measure, Maricopa County, which has law enforcement responsibility over the park, will save personnel time and travel expenses by permitting prosecution of those offenses in Maricopa County courts, whether or not the tickets were issued in Maricopa or Yavapai counties. Effective July 20, 2011. (TM)

Also listed under Courts and Criminal Justice; General Government

H 2302: PROTECTED ADDRESS; SECRETARY OF STATE (Mesnard)

(Chapter [173](#), Laws 2011)

Requires the establishment of an *Address Confidentiality Program (ACP)* by the Secretary of State (SOS) in order to protect victims of domestic violence, sexual offenses and stalking. Directs the SOS to establish the program on or before December 31, 2012. Requires the SOS to designate substitute addresses for participants in the program and to receive first-class, certified, or registered mail on behalf of participants, and to forward it at no charge. Permits any individual to apply to become an ACP program participant upon the recommendation of an application assistant. Specifies that participants are certified into the ACP for four years following the date of filing unless the certification is withdrawn or canceled. Requires a participant to notify the SOS within 30 days of a legal name change.

Requires a state or local government entity to accept the substitute address as the program participant's address when creating a new public record when a valid ACP authorization card has been submitted by the participant.

Permits the state or local government entity to make a photocopy of the ACP authorization card. Requires the SOS to notify the appropriate county elections official and county record when an individual becomes an ACP participant in order to allow the actual address to be kept confidential. Stipulates other elections and voter registration regulations for local government entities and the program participant.

Stipulates that the actual address of a program participant and telephone number as maintained by the SOS or local government entity is *not* a public record.

Requires a state or local government entity requesting disclosure of a program participant's actual address to submit the request in writing on their letterhead. Requires the SOS to notify a participant if a request for disclosure has been granted or denied. Requires the director of the ACP – or a designee – to be available to state and local governments 24 hours a day for the purposes of a disclosure request. Contains a delayed effective date of December 31, 2012. (AA)

Also listed under Elections; General Government; Health and Human Services

H 2314: BOATING SAFETY; FEES; FUND (Jones)

(Chapter [333](#), Laws 2011)

Transfers the administration of the Law Enforcement Boating Safety Fund from State Parks to the Game and Fish Commission, and directs the State Treasurer to distribute the monies to counties with a law enforcement and boating program established prior to July 1, 1990. Contains a delayed effective date of July 1, 2012. (RR)

H 2353: SENTENCING; DANGEROUS OFFENSES; PROBATION (Farnsworth)(Chapter [90](#), Laws 2011)

Standardizes the definition of dangerous offense relating to numerous sections, such as prior felony convictions, exemptions from setting aside judgment, earned released credits, and home arrest programs.

Expands the list of professions protected from targeted attack under the aggravated assault statute to include code enforcement officers, park rangers, and public defenders.

Makes various changes to criminal sentencing statutes regarding organized crime, assault, drug offenses, family offenses, and sexual offenses. Effective July 20, 2011. (AA)

Also listed under Courts and Criminal Justice; Land Use and Planning

H 2404: CRIMINAL RESTITUTION; VICTIM NOTIFICATION (Vogt)(Chapter [263](#), Laws 2011)

Requires a trial court to enter a criminal restitution order at the time a defendant absconds from probation or the defendant's sentence. Requires the prosecutor's office to notify the victim if the defendant is making an initial appearance. Directs the sheriff or municipal jailer to give notice of a defendant's release to a group of people, including the prosecutor's office. Effective July 20, 2011. (AA)

Also listed under Courts and Criminal Justice

H 2405: HUMAN SMUGGLING ORGANIZATION; OFFENSE; PENALTY (Vogt)(Chapter [114](#), Laws 2011)

Classifies participation in a human smuggling organization as a Class 2 felony. Establishes offenses that qualify as participation in or assistance to a human smuggling organization. Classifies assisting a human smuggling organization as a Class 3 felony. Assigns special sentencing provisions for these offenses. Effective July 20, 2011. (AA)

H 2406: CRIMES; FORENSIC INTERVIEWS; MANDATORY FINE (Vogt)(Chapter [115](#), Laws 2011)

Requires a person convicted of a dangerous crime against children or sexual assault to pay an extra assessment of \$500 in addition to any other fine or restitution imposed. Directs the court to transmit the monies collected to the county treasurer to defray the cost of medical or forensic interview expenses. Contains a delayed effective date of December 31, 2011. (AA)

Also listed under Courts and Criminal Justice; Finance and Taxation

H 2408: OUTPATIENT TREATMENT; AGENCY NOTIFICATION (Vogt)(Chapter [264](#), Laws 2011)

Specifies that if a patient who has faced criminal charges involving death or serious physical injury is dismissed, the medical director must notify the original prosecuting agency five days before the discharge of any patient who meets certain requirements. Expands the list of offenses resulting in notification to include sexual offenses. Effective July 20, 2011. (AA)

Also listed under Courts and Criminal Justice; Health and Human Services

H 2411: CHILD PROSTITUTION; CONSECUTIVE SENTENCES (Farnsworth)(Chapter [78](#), Laws 2011)

Requires a person convicted of child prostitution involving a minor of the age 15, 16, or 17, to serve sentences imposed in a consecutive order. Effective July 20, 2011. (AA)

Also listed under Courts and Criminal Justice

H 2444: LAW ENFORCEMENT OFFICER DISCIPLINE (Montenegro)(Chapter [198](#), Laws 2011)

Regulates the occurrence of a polygraph examination. And the manner in which the examination is used, when it is a part of an investigation into wrong doing by a law enforcement or probation officer. Effective July 20, 2011. (TM)

H 2477: WITNESS; REPRESENTATION; LAW ENFORCEMENT OFFICERS (Gowan)(Chapter [301](#), Laws 2011)

Expands the definition of law enforcement officer to include a detention officer or correction officer, other than a juvenile detention officer or probationary employee, who is employed by the state or a political subdivision. Requires the employers of a law enforcement officer to allow the officer representation during certain circumstances. Clarifies requirements for the representation and procedures. Effective July 20, 2011. (AA)

Also listed under Courts and Criminal Justice; Retirement and Personnel

H 2658: DOMESTIC VIOLENCE REVIEW TEAMS (Proud)(Chapter [254](#), Laws 2011)

Currently, statute allows a political subdivision of this state or any combination of subdivisions to establish a domestic violence fatality review team. The statutory responsibilities of the teams is to examine domestic violence fatalities to better understand the event, send a report of its findings to the Office of Attorney General, and determine the number and type of incidents it wishes to review. This measure broadens statute regarding domestic violence to include near fatalities, and allows the Peace Officer Standards and Training Board and the State Domestic Violence Coalition to receive domestic violence reports. Effective July 20, 2011. (TM)

Also listed under Health and Human Services

S 1200: DRIVING UNDER THE INFLUENCE; INTERLOCK (Gray)(Chapter [341](#), Laws 2011)

Makes many changes to the DUI laws in Arizona, including shortening the time a first time offender has an ignition interlock device, within certain parameters. Allows a county sheriff and board of supervisors to create a continuous alcohol monitoring program for persons sentenced to jail for DUI. In such a program, the county will place the persons under continuous monitoring and the offender must pay all the costs plus \$30 per month unless the court assesses a lesser amount or the presiding judge decides the offender is ineligible to participate in the program at all. The county, through the board of supervisors, is also allowed to establish a home detention program for eligible prisoners. Effective July 20, 2011. (TM)

S 1233: PEACE OFFICERS; AT WILL EMPLOYMENT (Gray)(Chapter [208](#), Laws 2011)

Specifies protection from disciplinary action does not apply to *at will* police chiefs or assistant police chiefs. Effective July 20, 2011. (AA)

Also listed under Retirement and Personnel

S 1235: LAW ENFORCEMENT OFFICERS; DISCIPLINARY PROCEDURES (Gray)(Chapter [230](#), Laws 2011)

Requires employers of law enforcement or probation officers, at the request of an officer who is subject to a disciplinary interview, regardless of a court's rule, to provide a basic summary of any discipline ordered against any other officer of similar rank and knowledge working for the employer within the preceding two years for the same or comparable infraction on the matter. Requires counties smaller than 250,000 persons to grant alternate hearing officers for appeals

of disciplinary action through interagency agreements if the officer pays half the necessary fee. Effective July 20, 2011. (RR)

Also listed under General Government

S 1247: SEXUALLY VIOLENT PERSONS; HEARINGS (Barto)

(Chapter [189](#), Laws 2011)

Requires the county to pay the costs of a court-ordered evaluation to determine whether an individual is a sexually violent person, if the individual has not requested a probable cause hearing. Effective July 20, 2011. (RR)

Also listed under Courts and Criminal Justice; Finance and Taxation

S 1259: NONCONTIGUOUS COUNTY ISLANDS; FIRE SERVICES (Reagan)

(Chapter [269](#), Laws 2011)

Makes several changes to the formation and administration of noncontiguous county island fire districts, including allowing a district contained in a municipal planning area 60 days after formation to enter into an intergovernmental agreement with a municipal provider for fire protection services, and allowing a district that is not contained in a municipal planning area 60 days after formation to enter into a contract with a private fire protection service provider. Effective July 20, 2011. (RR)

Also listed under Special Districts

S 1314: COUNTY ISLAND FIRE DISTRICTS; MEETINGS (Murphy)

(Chapter [162](#), Laws 2011)

Requires a fire district board to hold public meetings as necessary to carry out its powers and duties, but at least once every 90 days rather than at least once each calendar month. Makes various requirements of fire district boards regarding the posting of the district's annual budget and posting of permanent records. Instructs the county in which the district is located to maintain an official copy of the permanent public records of the district. Specifies that the permanent public records of the district must be provided to the county by the district annually no later than 90 days after the end of the fiscal year. Effective July 20, 2011. (RR)

Also listed under Special Districts

S 1334: HUNTING WITHIN CITY LIMITS (Antenori)

(Chapter [349](#), Laws 2011)

Prohibits a political subdivision from enacting an ordinance, rule or regulation that limits the lawful take of wildlife during an open season unless the ordinance, rule or regulation is consistent with the state's hunting laws and Game and Fish Commission rules and orders. Specifies that cities, towns, or counties are not prohibited from restricting the discharge of a firearm within one-fourth mile of an occupied structure. Effective July 20, 2011. (RR)

Also listed under General Government; Land Use and Planning

S 1361: FIRE DISTRICTS; JOINT POWERS AUTHORITY (Antenori)

(Chapter [350](#), Laws 2011)

Allows cities, towns, counties and fire districts to form separate legal entities to provide fire protection and related services. Directs the governing body of a separate legal entity formed pursuant to this Act to be composed of officials elected to one or more of the governing bodies of the political subdivisions that are parties to the agreement, or their designees. Defines responsibilities and authorities of such entities. Effective July 20, 2011. (RR)

Also listed under Special Districts

S 1365: PAYCHECK DEDUCTIONS; POLITICAL PURPOSES (Antenori)(Chapter [251](#), Laws 2011)

Prohibits any public or private employer from making a payroll deduction for political purposes without first obtaining specific authorization from the affected employee. Excludes public safety employees who are employed by the state or any political subdivision from these provisions, including a peace officer, fire fighter, corrections officer, probation officer or surveillance officer. Effective July 20, 2011. (RR)

*Also listed under Elections***S 1367: JUVENILES; DNA TESTING** (Antenori)(Chapter [351](#), Laws 2011)

Broadens the scenarios in which a judicial officer is required to order a juvenile to submit a sample for DNA testing and specifies the procedures for collecting, analyzing, maintenance and expungement of the samples. Effective July 20, 2011. (RR)

*Also listed under Courts and Criminal Justice***S 1398: MOVING VIOLATIONS; ASSESSMENT; EQUIPMENT; ENFORCEMENT** (Biggs)(Chapter [308](#), Laws 2011)

Creates an additional \$13 assessment levied by the courts for:

- Every court imposed and collected fine, penalty and forfeiture for criminal offenses;
- Any civil penalty imposed and collected for a violation of the motor vehicle statutes;
- Any local ordinance relating to the stopping, standing or operation of a vehicle; and
- Any penalty assessment for a violation of the Game and Fish statutes.

Requires the courts to transmit the \$13 assessment and a remittance report to the county or city treasurer. Requires the county or city treasurer to transfer \$8 of the assessment, and the remittance report, to the State Treasurer.

Directs the State Treasurer to deposit:

- \$4 into the Public Safety Equipment Fund (PSEF); and
- \$4 into the established Border Security and Law Enforcement Subaccount (subaccount) within the Gang and Immigration Intelligence Team Enforcement Mission (GIITEM) Fund.

Requires the GIITEM subaccount to be administered by the Department of Public Safety (DPS). Requires funds from this subaccount be used for law enforcement activities related to border security, including personnel. States that monies distributed from the subaccount to a county shall go directly to the county sheriff. Redirects revenues from the FY2011-2012 State Aid to Indigent Defense Fund to the subaccount. Directs \$1,000,000 from the state general fund in FY2011-2012 to DPS to enter into an Intergovernmental Agreement with a county with a population of more than 300,000, but less than 500,000 persons to purchase equipment and supplies for deputies within that county to use for border security. Effective July 20, 2011. (AA)

Also listed under Finance and Taxation

RETIREMENT AND PERSONNEL

H 2477: WITNESS; REPRESENTATION; LAW ENFORCEMENT OFFICERS (Gowan)(Chapter [301](#), Laws 2011)

Expands the definition of law enforcement officer to include a detention officer or correction officer, other than a juvenile detention officer or probationary employee, who is employed by the state or a political subdivision. Requires the employers of a law enforcement officer to allow the officer representation during certain circumstances. Clarifies requirements for the representation and procedures. Effective July 20, 2011. (AA)

*listed under Courts and Criminal Justice; Public Safety***H 2616: WORKERS' COMPENSATION; CONTROLLED SUBSTANCES** (McClain)(Chapter [338](#), Laws 2011)

Stipulates that physicians must include information regarding controlled substances their reports. The measure also requires that the reports include justification for the controlled substance and a treatment plan, rather than giving physicians the option to include the information. Effective July 20, 2011. (TM)

H 2617: WORKERS' COMPENSATION; SETTLEMENT OF CLAIMS (McClain)(Chapter [139](#), Laws 2011)

Mandates that any final settlement agreement for a workers' compensation claim be approved by the Industrial Commission of Arizona (ICA) to be valid and enforceable and allows parties to a claim to enter into a final settlement and release of a claim for undisputed entitlement to supportive medical maintenance benefits after the period of temporary disability is terminated by final notice or award of the ICA. Establishes certain notice and payment responsibilities of the employer or carrier to the attending physician and the employee. Effective July 20, 2011. (TM)

S 1233: PEACE OFFICERS; AT WILL EMPLOYMENT (Gray)(Chapter [208](#), Laws 2011)

Specifies protection from disciplinary action does not apply to *at will* police chiefs or assistant police chiefs. Effective July 20, 2011. (AA)

*Also listed under Public Safety***S 1368: PROBATION OFFICERS; DISCIPLINARY ACTIONS** (Antenori)(Chapter [352](#), Laws 2011)

Exempts probation officers from disciplinary action unless there is just cause. Specifies that the just cause threshold does not apply to a probation officer who has not completed an initial probationary period or to administrative dismissals including reductions in force. Effective July 20, 2011. (RR)

*Also listed under Courts and Criminal Justice***S 1609: RETIREMENT SYSTEMS; PLANS; PLAN DESIGN** (Yarbrough)(Chapter [357](#), Laws 2011)

Makes changes to contribution and benefit structure of the Arizona State Retirement System (ASRS), the Public Safety Personnel Retirement System (PSPRS), the Elected Officials Retirement Plan (EORP), and the Corrections Officers Retirement Plan (CORP), including cost of living adjustments (COLA) and contribution increases for existing members and benefit formula adjustments for future members. Effective July 20, 2011. (TM)

SPECIAL DISTRICTS

H 2458: COUNTY INFILL; RENEWABLE ENERGY DISTRICTS (Williams)(Chapter [335](#), Laws 2011)

Amends county procedures in establishing an infill incentive district or an energy incentive district to closely mirror identical procedures that govern municipalities in order to conserve county resources. Effective July 20, 2011. (TM)

*Also listed under Land Use and Planning***S 1259: NONCONTIGUOUS COUNTY ISLANDS; FIRE SERVICES** (Reagan)(Chapter [269](#), Laws 2011)

Makes several changes to the formation and administration of noncontiguous county island fire districts, including allowing a district contained in a municipal planning area 60 days after formation to enter into an intergovernmental agreement with a municipal provider for fire protection services, and allowing a district that is not contained in a municipal planning area 60 days after formation to enter into a contract with a private fire protection service provider. Effective July 20, 2011. (RR)

*Also listed under Public Safety***S 1313: PUBLIC HEALTH DISTRICTS; VOTER APPROVAL** (Murphy)(Chapter [295](#), Laws 2011)

Eliminates the option for a county board of supervisors to establish a public health services district by unanimous vote. Retroactively effective as of January 1, 2011. (AA)

S 1314: COUNTY ISLAND FIRE DISTRICTS; MEETINGS (Murphy)(Chapter [162](#), Laws 2011)

Requires a fire district board to hold public meetings as necessary to carry out its powers and duties, but at least once every 90 days rather than at least once each calendar month. Makes various requirements of fire district boards regarding the posting of the district's annual budget and posting of permanent records. Instructs the county in which the district is located to maintain an official copy of the permanent public records of the district. Specifies that the permanent public records of the district must be provided to the county by the district annually no later than 90 days after the end of the fiscal year. Effective July 20, 2011. (RR)

*Also listed under Public Safety***S 1361: FIRE DISTRICTS; JOINT POWERS AUTHORITY** (Antenori)(Chapter [350](#), Laws 2011)

Allows cities, towns, counties and fire districts to form separate legal entities to provide fire protection and related services. Directs the governing body of a separate legal entity formed pursuant to this Act to be composed of officials elected to one or more of the governing bodies of the political subdivisions that are parties to the agreement, or their designees. Defines responsibilities and authorities of such entities. Effective July 20, 2011. (RR)

*Also listed under Public Safety***S 1362: STRUCTURES; FLOOD CONTROL DISTRICTS** (Antenori)(Chapter [133](#), Laws 2011)

Establishes that county flood control districts may construct bridges or other access over watercourses that are impassable to emergency vehicle traffic for 14 or more days a year. Effective July 20, 2011. (TM)

Also listed under CSA Legislative Package

S 1523: SANITARY DISTRICTS; STANDARDS FOR MORATORIUMS (Pierce)

(Chapter [73](#), Laws 2011)

Requires a sanitary district to provide continuous service and prohibits it from adopting a moratorium on construction or land development unless the board of the district meets notice and transparency requirements. Effective July 20, 2011. (TM)

TRANSPORTATION AND PUBLIC WORKS

H 2318: REGIONAL AND PUBLIC TRANSPORTATION AUTHORITIES (Jones)

(Chapter [259](#), Laws 2011)

Allows any community college district in a municipality or any Indian Nation that has a boundary within a county to become a member of the public transportation authority through an intergovernmental agreement, and allows counties with a population of 400,000 or fewer persons to establish a regional transportation authority. Effective July 20, 2011. (TM)

Also listed under CSA Legislative Package

H 2319: PRIMITIVE ROADS; COUNTY MAINTENANCE (Jones)

(Chapter [127](#), Laws 2011)

A technical clarification that explicitly allows the board of supervisors to spend public monies for the maintenance of streets and public roads that were designated as primitive roads prior to 1985 instead of 1975. Effective September 30, 2011. (TM)

Also listed under CSA Legislative Package

FIFTIETH LEGISLATURE, SECOND SPECIAL SESSION

H 2001: ARIZONA COMMERCE AUTHORITY; BUSINESS INCENTIVES (Adams)

(Chapter [1](#), Laws 2011, Second Special Session)

Establishes the Arizona Commerce Authority. Makes changes to individual, corporate and property taxes.

Establishes the Rural Business Development Advisory Council. Requires the council to have one representative from each county.

Reduces eligibility for a homeowner's rebate by classifying only owner-occupied residential properties used as a primary residence either by the owner or the owner's relative as a Class 3 property. Requires homeowners to submit an affidavit to the county assessor indicating the home represents their primary residence. Requires the legislature to reimburse counties for the costs of administering the rebate affidavit process in FY2013. Effective June 30, 2011. (CS)

STATE BUDGET ADJUSTMENTS

S 1612: 2011-2012; GENERAL APPROPRIATIONS (Biggs)(Chapter [24](#), Laws 2011)

Makes appropriations from the state general fund and other funds for the operation of state government in FY2011 and FY2012. County-related provisions are outlined below.

Community Colleges

Appropriates \$848,800 to Apache and Greenlee counties for rural county reimbursement. This funding provides relief for the disproportionate costs associated with out of county reimbursement obligations pursuant to A.R.S. § 15-1469.

Eliminates Santa Cruz Rural Out of County Reimbursement Subsidy, due to the formation of a provisional community college in Santa Cruz County.

Courts and Criminal Justice

Allocates \$973,600 in state aid to the County Attorneys Fund and \$700,300 in state aid to the Indigent Defense. State aid to Indigent Defense as redirected to GIITEM per SB 1398.

States the administrative office of the superior courts shall report to the Joint Legislative Budget Committee the FY2010-2011 actual, FY2011-2012 estimated, and FY2012-2013 requested amount for: 1) number of authorized case-carrying probation positions and non-case carrying positions; report must differentiate between adult standard, adult intensive, juvenile standard and juvenile intensive, 2) total receipts and expenditures by county for the adult standard, adult intensive, juvenile standard and juvenile intensive line items and, 3) amount of monies from adult standard, adult intensive, juvenile standard and juvenile intensive that the office does not distribute as direct aid to counties.

Gangs and Immigration

Appropriates \$1,213,200 to the Department of Administration for County Attorney Immigration Enforcement. Stipulates that \$200,000 shall be distributed to the county attorney of a county having a population of two million or more persons for the purposes of enforcing employment practices regarding illegal aliens. Stipulates that \$500,000 shall be distributed to the county sheriff of a county with a population of two million or more persons for the purposes of enforcing employment practices regarding illegal aliens.

Health Care

Includes \$13,858,100 for rural hospitals under AHCCCS.

Appropriates \$4,202,300 for the Maricopa county health district for disproportionate share payments.

Law Enforcement

Appropriates \$2,206,700 for the Law Enforcement and Boating Safety fund. Allocates the first \$750,000 to Mohave, La Paz and Yuma counties.

Water

Appropriates \$1,163,800 for rural water studies under the Department of Water Resources.

Fund Transfers

Transfers \$60,000 from the Constable Ethics Standards and Training Board to the state general fund.

Transfers \$400,000 from the Arizona Criminal Justice Commission to the state general fund. Appropriates an additional \$148,000 in FY2010-2011 from the State Capital Postconviction Public Defender Fund to the State Capital Postconviction Public Defender Office for operating expenditures. (AA)

S 1613: CAPITAL OUTLAY; 2011-2012 (Biggs)

(Chapter [25](#), Laws 2011)

Appropriates \$209,978,000 to the State Highway Fund for the planning and construction of state highways, including county primary, secondary and urban rural routes.

Appropriates \$22,300,400 to the State Aviation Fund for the planning, construction, development and improvement of state, county, city or town airports. (AA)

S 1616: BUDGET RECONCILIATION; REVENUE; 2011-2012 (Biggs)

(Chapter [28](#), Laws 2011)

Makes temporary and permanent changes to law relating to state revenues for FY2011-2012.

Instructs the director of the Arizona Department of Transportation to transfer the revenues collected from the five-year registration option that is higher than the amount that would have been collected under the two-year registration option to the state general fund instead of the State Highway Fund.

Mandates in session law that the following counties transfer a total of \$38,600,000 to the State Treasurer to deposit into the state general fund. Payment amounts for individual counties are listed below:

- Maricopa \$26,384,500
- Mohave \$1,383,700
- Pima \$6,775,700
- Pinal \$2,597,400
- Yavapai \$1,458,700

Permits counties to fulfill payment of the mandated contributions via any source of county revenue designated by the county, including funds from any countywide special taxing district in which the board of supervisors serves as the board of directors.

Excludes county mandated contributions from county expenditure limitations.

Directs the Department of Transportation to distribute the following amounts from the state highway fund to the following counties for the use of highway purposes, in addition to funds allocated in A.R.S. § 28-6538, subsection A, paragraph 2:

▪ Apache	\$485,900
▪ Cochise	\$578,900
▪ Coconino	\$686,400
▪ Gila	\$274,000
▪ Graham	\$176,900
▪ Greenlee	\$58,800
▪ La Paz	\$270,300
▪ Navajo	\$584,900
▪ Santa Cruz	\$213,500
▪ Yuma	\$760,400

(AA)

S 1619: BUDGET RECONCILIATION; HEALTH; 2011-2012 (Biggs)

(Chapter [31](#), Laws 2011)

Makes changes related to health and welfare issues necessary to implement the FY2011-2012 budget.

Arizona Health Care Cost Containment System (AHCCCS)

Specifies FY2011-2012 county contributions to the Arizona Long Term Care System.

Stipulates counties shall be responsible for 50 percent of the cost to incarcerate a sexually violent prisoner.

Stipulates counties shall be responsible for 100 percent of the restoration to competency treatment cost.

Includes language that allows a county to meet the requirements of this section from any source of county revenue, including countywide special taxing districts in which the board of supervisors also serves as the board of directors.

Specifies the FY2011-2012 county acute care contributions.

Continues the provision that county contributions to AHCCCS for Prop. 204 administrative costs are excluded from the county expenditure limit. (AA)

S 1621: BUDGET RECONCILIATION; CRIMINAL JUSTICE; 2011-2012 (Biggs)

(Chapter 33, Laws 2011)

Enacts various statutory and session law changes necessary to implement the FY2011-2012 budget as related to criminal justice.

Department of Corrections

Beginning in FY2013, requires a county sheriff to receive and keep in a county jail any prisoner that is sentenced to serve a sentence of a year or less in the Arizona Department of Corrections (ADC), unless an agreement has been made to reimburse the ADC for the costs of incarceration.

Stipulates an agreement must be made between the sentencing county and the ADC at least one month before the person is transferred into the custody of the ADC.

Prohibits counties from cancelling the reimbursement agreement with the ADC unless one month's notice has been given.

Requires a county to make reimbursements within 30 days of the request by ADC.

Requires payments made for the costs of incarcerating a person in the ADC must be deposited into the general fund by the State Treasurer.

Specifies that a person convicted of the following must serve the required sentence in jail, unless the sheriff of the sentencing county has entered into a reimbursement agreement with ADC:

- Aggravated operation of watercraft while under the influence;
- Aggravated DUI; and
- Operation of aircraft while under the influence

Per session law, requires that a sentencing county notify the ADC by February 1, 2012, if it does not intend to enter into an agreement with the ADC.

Per session law, stipulates that if the county does not reimburse the ADC within 30 days of the request, the following actions are required:

- The directory must notify the State Treasurer of the amount owed;
- Requires the State Treasurer to withhold the amount owed, including interest, from any TPT distributions to the county; and
- The State Treasurer is to deposit the withholdings into the state general fund.

Designates June 30, 2012, as the effective date for provisions relating to the incarceration of a person sentenced to a year or less in county jails.

Judiciary

Stipulates that the designated post of duty of a Supreme Court justice who resides outside of Maricopa County is deemed to be the justice's place of physical residence at the time of the appointment.

Repeals the section of law that requires the legislature to appropriate cost savings related to a reduction in probation revocations to be deposited into the Adult Probation Services Fund of each county, if there has been a percentage reduction of supervised probationers who are convicted of new felony offenses.

Per session law, suspends the requirement that counties be reimbursed 50 percent of grand jury expenses.

Department of Public Safety

Allows funds from the Gang and Immigration Intelligence Team Enforcement Mission Fund (GIITEM) to be used for the following:

- Enforcement of employer sanctions law;
- Enforcement of human smuggling and drug smuggling laws;
- Immigration enforcement, including border security and border personnel; and
- Any other use previously authorized in law and allocated for GIITEM.

Requires that each year, monies in the following amounts available in the GIITEM fund be allocated in the following order:

- The first \$1.6 million to a county sheriff of a county with a population of more than 3,000,000 persons; and
- Second, \$500,000 to a county sheriff of a county with a population of less than 500,000 but more than 300,000 persons.

Stipulates that if the ADC uses GIITEM funds in an agreement or contract with a city, town, or county to provide services for GIITEM, the cost of services be allocated as follows:

- The entity shall receive at least 25 percent of the cost of services;
- The ADC shall provide no more than 75 percent of personal services and expenditures related to employees for each agreement or contract, but may fund all capital related equipment; and
- Exempts a county with a population of more than 3,000,000 persons and a county with a population of less than 500,000 persons but more than 300,000 persons from these requirements.

Prohibits law enforcement agencies from receiving monies from the GIITEM fund unless they have certified in writing they will comply with the section of law related to the cooperation and assistance in enforcement of immigration laws.

State Treasurer

Modifies the allocation of costs of compensation and employee related expenditures of a justice of the peace in a county with a population of less than 1.5 million persons:

- Increases county payment of costs to 80.75 percent; and
- Decreases state payment of costs to 19.25 percent

(AA)

S 1624: BUDGET RECONCILIATION; ENVIRONMENT; 2011-2012 (Biggs)

(Chapter 36, Laws 2011)

Makes temporary and permanent changes to law relating to the environment for the implementation of the FY2011-2012 budget.

Stipulates that available monies in the Law Enforcement and Boating Safety Fund may only be granted to La Paz, Mohave, and Yuma counties.

Stipulates that all monies appropriated above \$750,000 in the Law Enforcement and Boating Safety Fund be made available for the operation of state parks for FY2011-2012. (AA)

COUNTY-RELATED VETOED LEGISLATION

H 2067: BOARD OF SUPERVISORS; POWERS (Burgess) **(VETOED)**

Authorized constables to contract with boards of supervisors to provide services at a lower rate than those set in statute. The measure was vetoed due to the Governor's concerns on legal and contractual issues stemming from the legislature adding an amendment late in session that addressed the Arizona Board of Regents' attempts at exerting influence over the University of Arizona Healthcare Board. (RR)

H 2338: SPECIAL DISTRICTS; SECONDARY LEVY LIMITS (Olson) **(VETOED)**

Established levy limits for secondary property taxes collected by county library, jail, and public health districts. Limited the secondary levies of library, jail and public health districts to the amount of the levy in the previous year, adjusted annually by a percentage equal to the change in the levy limit between the current year and the previous year. Required the levy limit be increased each year to the maximum permissible limit and restricted the limit for a district formed after December 31, 2010, to the initial levy of the district. (AA)

H 2484: LEGISLATIVE VACANCIES; PRECINCT COMMITTEEMEN (Gowan) **(VETOED)**

Removed the board of supervisors from the process by which legislative vacancies are filled. Instead, established a process involving all precinct committeemen in the legislative district where the vacancy occurred to vote for a replacement, and prescribed meeting requirements as to the day and location of the vote. In her veto letter, the Governor indicated unwillingness to direct independent political parties on how to conduct meetings and to mandate locations and times. (AA)

H 2581: STOs; CREDITS; ADMINISTRATION (Mesnard) **(VETOED)**

Permitted tax credits to be taken against luxury and severance tax liability for contributions made to a school tuition organization (STO) that are awarded to low-income, displaced, and disabled students, and removed the cap on corporate contributions to STOs. Allowed excess credits to be carried forward up to five consecutive taxable years. The bill had the potential to substantially reduce severance taxes paid to counties and other local governments. (AA)

H 2650: COUNTY EMPLOYEES; MERIT SYSTEM EXEMPTION (Burges) **(VETOED)**

Effectively ended the merit system for counties by removing the personnel cap of 10 percent, allowing counties' boards of supervisors to uncover employees, and mandating that if current employees received a raise in salary or changed employment positions (either laterally, by promotion or demotion), they would become automatically uncovered. All new employees would be hired in an uncovered status. (AA)

S 1186: 2011 TAX CORRECTION ACT (Yarbrough) **(VETOED)**

Corrected errors, obsolete language and blending problems within the Arizona Revised Statutes which govern state tax laws. A late amendment established an additional individual tax credit for contributions made to school tuition organizations that are certified to accept corporate donations. That amendment, which closely mirrored the earlier vetoed *HB 2581 STOs; credits; administration*, resulted in the Governor vetoing this bill. (TM)

S 1201: FIREARMS OMNIBUS (Gould) **(VETOED)**

Made various changes to statutes relating to weapons misconduct, forfeiture of weapons and explosives, firearms regulated by the state, and the prohibition of firearms at public establishments or events, including prohibiting local governments from enacting firearms ordinances that were more restrictive than state statute and prohibiting the state and local governments from limiting the possession of firearms in a public establishment unless all of the following apply:

- The establishment is a secured facility with controlled access or is issued a license by the Department of Liquor Licenses and Control, with exceptions;
- A sign prohibiting the possession of firearms that meets specific requirements is posted at all public entrances; and
- The establishment is equipped with secure firearm lockers near the main entrance and controlled by the operator or agent of the operator.

Exempted judicial, prosecutorial, and law enforcement facilities from this provision if certain conditions were met. (RR)

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