

# LEGISLATIVE SUMMARY

## 2012



A Review of Laws Affecting Arizona Counties

Enacted by the 50th Legislature  
Second Regular Session





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**2012 LEGISLATIVE SUMMARY**  
**Review of County-Related Laws Enacted by the 2012 Legislature**

This publication contains brief summaries, arranged by subject, of new laws impacting county government that were enacted during the Second Regular Session of Arizona's 50<sup>th</sup> Legislature.

The effective date for most new laws is August 2, 2012 (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 1395 bills introduced, and 389 of those bills were sent to Governor Brewer for consideration. She signed 363 of the bills into law, and vetoed 26.

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 (CAS) for Craig A. Sullivan, (TAM) for Todd A. Madeksza, and (KRC) for Kristin R. Cipolla. If you have any questions about a bill, please contact us at (602) 252-5521.





**Table of Contents**

CSA Policy Guidelines	2
Legislative Policy Committee	3
CSA Professional Staff	3
Legislative Summaries	
CSA Legislative Agenda	4
Animal Control and Veterinary Services	4
Courts and Criminal Justice	5
Elections	8
Environment	9
Finance and Taxation	10
General Government	12
Health and Human Services	17
Land Use and Planning	18
Law Enforcement and Emergency Services	19
Retirement and Personnel	20
Special Districts	23
Transportation and Public Works	24
State Budget Adjustments	26
County-Related Vetoed Legislation	30
Index by Bill Number	33

## 2012 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.



**2012 Legislative Policy Committee**

Jim Claw	Apache County
Ann English	Cochise County
Elizabeth Archuleta	Coconino County
Tommie Martin	Gila County
James Palmer	Graham County
Richard Lunt	Greenlee County
John Drum	La Paz County
Andrew Kunasek	Maricopa County
Tom Sockwell	Mohave County
David Tenney	Navajo County
Sharon Bronson	Pima County
Pete Rios	Pinal County
Manuel Ruiz	Santa Cruz County
Carol Springer	Yavapai County
Lenore Stuart	Yuma County

**CSA Professional Staff**

Craig A. Sullivan	Executive Director
Penny L. Adams	Director of Finance & County Services
Todd A. Madeksza	Director of Legislative Affairs
Kristin R. Cipolla	Legislative Liaison
Yvonne M. Ortega	Administrative Assistant

## **CSA Legislative Agenda**

**HB 2360: flood control districts; immunity** (*Fann*) provides flood control districts and its employees immunity from damages that arise out of a plan or design for construction, maintenance or improvement of certain structures if a reasonably adequate warning is given to potentially affected property owners in such a manner that the owners may take suitable precautions to protect themselves and their property. The project must also get at least some of its money from federal sources and meet at recurring interval standards approved by the district's board of directors. ([Chapter 222](#), Laws 2012) (TAM)

*Also listed under General Government; Special Districts*

**HB 2389: lease of county property; requirements** (*Pratt*) eliminates the appointment of an appraiser for the lease of any land or building valued at less than \$5,000, if the valuation is determined by a market analysis based on comparable sales. ([Chapter 254](#), Laws 2012) (TAM)

**HB 2651: road enhancement improvement districts** (*Burges*) provides a mechanism for transferring governance of a road enhancement improvement district from a county's board of supervisors to an elected citizen board of directors. ([Chapter 104](#), Laws 2012) (TAM)

*Also listed under Special Districts*

**HB 2658: flood control authority; relinquishment; district** (*Pratt*) specifies that a flood control district is not liable for projects that were permitted, initiated or otherwise constructed while the floodplain administration was under a municipal jurisdiction. Likewise, the converse is true – the municipalities are not liable for projects that were permitted, initiated or otherwise constructed, while the floodplain was managed by a flood control district. ([Chapter 228](#), Laws 2012) (TAM)

*Also listed under Special Districts*

## **Animal Control and Veterinary Services**

**HB 2780: animal cruelty; ranching dogs** (*Judd*) prohibits a county from adopting an ordinance that prohibits or restricts an activity involving a dog, whether the dog is restrained or not, if the activity is directly related to the business of shepherding or herding livestock and the activity is necessary for the safety of a human, the dog or livestock, or is permitted by the Agriculture code. ([Chapter 258](#), Laws 2012) (TAM)

## Courts and Criminal Justice

**HB 2020: honor and remember flag; half-staff** (*Harper*) requires the Honor and Remember flag to be displayed at various locations, including the county superior court, on days when the United States flag is flown at half-staff in honor of the death of a member of the armed forces. ([Chapter 111](#), Laws 2012) (TAM)

*Also listed under General Government*

**HB 2035: medical marijuana** (*Yee*) makes it an act of unprofessional conduct for a prescribed health professional to recommend medical marijuana for something other than the outlined debilitating medical condition. Requires annual reports by different professional boards outlining the number of notifications received by the Arizona Department of Health Services and public board members of suspected unprofessional conduct relating to medical marijuana recommendations; and the number of investigations conducted as a result of those notifications and the investigation outcomes. ([Chapter 112](#), Laws 2012) (TAM)

*Also listed under Health and Human Services*

**HB 2215: probation officers; witness; representation** (*Proud*) allows probation officers who are witnesses in an investigation that could lead to another officer's dismissal, demotion, or suspension to have a representative present during the interview. Defines probation officer as a probation or surveillance officer, other than a probationary employee, who is employed by the state or a political subdivision of the state. ([Chapter 201](#), Laws 2012) (KRC)

*Also listed under Retirement and Personnel*

**HB 2374: deferred prosecution program; conditions** (*Farnsworth*) expands the county attorney's ability to defer prosecution and narrows the offenses that would prohibit a deferred prosecution. ([Chapter 52](#), Laws 2012) (TAM)

**HB 2376: court fees; payment method** (*Farnsworth*) allows court fees to be paid by alternative methods, including credit cards, charge cards, debit cards and electronic fund transfers, and permits the court to impose a convenience fee for these services. ([Chapter 185](#), Laws 2012) (TAM)

**HB 2382: criminal offenses; sentencing** (*Farnsworth*) raises the monetary threshold in which the superior court has original jurisdiction and amends the mitigated sentencing ranges for category one repetitive offenders for class 3 and class 4 felonies. The monetary threshold in which the superior court has original and concurrent jurisdiction is raised to fines that do not exceed \$2,500. The mitigated sentencing range for category one repetitive offenders who have committed class 3 felonies is raised from 1.6 to two years. The mitigated sentencing range for category one repetitive offenders who have committed class 4 felonies is lowered from 1.1 to one year. ([Chapter 96](#), Laws 2012) (TAM)

**HB 2390: home detention programs** (*Pratt*) removes the requirement for prisoners who are selected for the home detention program to be employed within the county in which their residence is located. ([Chapter 97](#), Laws 2012) (TAM)



**[HB 2442: prisoners; payment for drug testing](#)** (*Gowan*) specifies that people on parole, home arrest and community supervision may be required to pay drug testing costs. Only allows the Arizona Department of Corrections to use the monies to offset the costs of the drug testing program. ([Chapter 208](#), Laws 2012) (KRC)

**[HB 2449: supreme court; audit; hearing](#)** (*Gowan*) requires the Arizona Senate and Arizona House of Representatives Judiciary Committees to meet jointly and hold a hearing on the audit of the Administrative Office of the Courts. ([Chapter 209](#), Laws 2012) (KRC)

**[HB 2532: court-ordered treatment](#)** (*Ash*) updates and clarifies Arizona's statutes governing the evaluation of individuals ordered to undergo involuntary inpatient mental health treatment, including requiring the appointment of one or more psychiatrists to carry out a psychiatric examination of the patient rather than a "qualified examiner." According to statute, a person suffering from a mental disorder may be forced to undergo treatment if a court finds a person to be a danger to self, a danger to others, persistently or acutely disabled or gravely disabled for up to a year. Court Ordered Treatment (COT) can only be mandated after the patient undergoes an involuntary evaluation, that confirms the need for treatment, that the patient will not accept voluntary treatment, and a formal petition for COT is filed. ([Chapter 334](#), Laws 2012) (TAM)

**[HB 2560: adult protective services; attorney fees](#)** (*Vogt*) removes the ability for the court to order the payment of attorney fees that do not exceed the total amount of compensatory damages and any additional attorney fees in connection with the vulnerable adult abuse claims of action. The measure allows reasonable costs and attorney fees to be awarded in a civil action related to the financial exploitation of a vulnerable adult. ([Chapter 163](#), Laws 2012) (TAM)

*Also listed under General Government*

**[HB 2753: notice; claim; public entity; employee](#)** (*Brophy McGee*) requires that if there is a genuine issue of material facts as to whether someone complied with the pre-suit requirements for claims against public agencies, it must be resolved before a trial on the merits. Generally, actions against public entities or public employees are governed by Arizona Revised Statutes. The statute requires that before filing a suit, a person who has a claim against a public entity or a public employee must comply with pre-suit requirements and appropriate service. Failure to follow statutory procedure results in a dismissed case. ([Chapter 215](#), Laws 2012) (TAM)

*Also listed under General Government*

**[SB 1146: indecent exposure; classification](#)** (*Driggs*) classifies, as a class 6 felony, indecent exposure violations by repeat offenders who have two or more prior convictions for indecent exposure or have one or more prior convictions for sexual assault. Adds a class 3 felony, along with the term of imprisonment currently outlined in statute, for an indecent exposure violation where the person has two or more violations for indecent exposure or public sexual indecency involving a minor under 15 years of age. ([Chapter 189](#), Laws 2012) (TAM)

**SB 1147: sexually violent persons; definition** (*Driggs*) expands the definition of sexually violent offense to include an attempt, solicitation, facilitation or conspiracy to commit a sexually violent offense in another jurisdiction. ([Chapter 16](#), Laws 2012) (TAM)

*Also listed under General Government*

**SB 1152: homeless court; establishment; jurisdiction** (*Driggs*) permits the presiding judge of the superior court in each county to establish a homeless court and establish the relevant criteria for participation in the court. ([Chapter 180](#), Laws 2012) (TAM)

**SB 1225: superior court clerk; arbitration; records** (*Gould*) specifies statutory timeframes in which a court is required to refund or dispose of the appeal deposit.

After an arbitration award is signed by an arbitrator, it is filed with the clerk of the court. The non-prevailing party may file an appeal, with the arbitrator's fee of \$75 per hearing day and an \$18 processing fee.

As a condition of filing to appeal, the appellant must deposit an amount equal to the total compensation of the arbitrators, but not to exceed 10 percent of the amount in controversy. If the court finds the appellant is unable to make the deposit because of lack of funds, the appeal may proceed without the deposit. If the judgment on the new appeal is at least 23 percent more favorable than the relief granted by the arbitration award, the deposit is refunded to the appellant. However, if the judgment is not at least 23 percent more favorable, then the deposit is used to pay the following costs and fees:

- 1) To the county, the compensation actually paid to the arbitrator;
- 2) To the appellee, those costs taxable in any civil action and reasonable attorney fees as determined by the trial judge for services necessitated by the appeal; and
- 3) Reasonable expert witness fees that are incurred by the appellee in connection with the appeal.

This measure specifies the timeframes in which the court is required to refund or dispose of the appeal deposit. ([Chapter 44](#), Laws 2012) (TAM)

**SB 1241: forfeiture of weapons and explosives** (*Murphy*) modifies statutes relating to the forfeiture and sale of deadly weapons, dangerous instruments, and explosives to law enforcement and courts. Includes the prohibition of local jurisdictions from establishing laws pertaining to the sale of forfeited deadly weapons, dangerous instruments, or explosives. ([Chapter 173](#), Laws 2012) (TAM)

*Also listed under Law Enforcement and Emergency Services*

## Elections

**HB 2033: public electronic posting; government bodies** (*Yee*) makes multiple substantive changes to the nominating process administered by the Secretary of State (SOS), including:

- Requiring the SOS to develop electronic database systems for financial disclosures and lobbyist reporting that allows a county, city or town to elect to use the on-line system - subject to the approval of the local governing body and conformity of the local disclosure requirements to those at the state level;
- Specifying that if the person vacating certain offices changes political party affiliations after taking office, the person who is appointed to fill the vacancy must be of the same political party of which the vacating officeholder was at the time the officeholder was elected or appointed;
- Modifying the rate at which the state must reimburse counties for expenses relating to the Presidential Preference Election to 100 percent of the costs incurred; and
- Lessening the number of times per year the county recorder is required to count the registered voters of its county to five times per year in even numbered years.

([Chapter 361](#), Laws 2012) (TAM)

*Also listed under General Government*

**HB 2282: campaign finance; reporting; contributions** (*McLain*) raises the monetary threshold necessary to report a contribution in a campaign finance report by an individual to \$50 from \$25. ([Chapter 204](#), Laws 2012) (KRC)

**HB 2432: special district petitions; multiple ownership** (*Gowan*) prescribes how the number of persons owning property inside the boundaries of a special district is determined for the purposes of validating petitions. Specifically, in the case of property assessed by the county assessor, the number of persons owning property must be as shown on the most recent assessment of property. ([Chapter 264](#), Laws 2012) (KRC)

*Also listed under Special Districts*

**HB 2722: elections; polling places; electioneering** (*Farnsworth*) permits the display of electioneering materials within the 75 foot limit at polling places. ([Chapter 275](#), Laws 2012) (TAM)

**HB 2760: publicity pamphlets; bond elections** (*Olson*) modifies requirements related to school override and bond elections. Requires the governing body of a political subdivision to set a deadline to submit arguments for and against the authorization of a bond proposition at a public meeting and the deadline must be published in a newspaper of general circulation. ([Chapter 129](#), Laws 2012) (TAM)

**HB 2826: consolidated election dates; political subdivisions** (*Ugenti*) specifies election dates for non-candidate elections, and for or on behalf of any political subdivision of this state, and includes a special election to fill a vacancy or a recall election. ([Chapter 353](#), Laws 2012) (TAM)

**SB 1198: town elections; signature requirements** (*Yarbrough*) modifies the number of signatures required on a nomination petition for an office of representative in Congress to be at least 1 percent of the total voter registration of the party designated in the district, unless it is a special election to fill a vacancy. In addition permits a town that chooses to hold non-partisan elections to require a minimum number of signatures, based on the size of the town. ([Chapter 145](#), Laws 2012) (TAM)

**SB 1230: ballot appearance; general election; write-ins** (*Griffin*) requires a candidate who appeared on the primary election ballot as a write-in candidate to comply with the provisions contained in the section of law governing the filing of nomination papers for write-in candidates. ([Chapter 148](#), Laws 2012) (TAM)

### **Environment**

**HB 2073: emissions testing; motorcycles; extension** (*Weiers, JP*) this emergency measure amends session law to extend the period of time the state has to receive Environmental Protection Agency (EPA) approval to exempt motorcycles in the Phoenix non-attainment area (Area A) from emissions requirements. The exemption for motorcycles in Area A does not become effective until the EPA approves the exemption in the state implementation plan (SIP), which is administered at the county level. In session law of 2008, motorcycles were first exempted from emissions testing in Area A. This exemption was conditional upon receiving an EPA emissions testing exemption for motorcycles on or before July 1, 2010, in the SIP. In 2010, the legislature extended the date to July 1, 2012, because EPA approval had not been granted. The exemption has been extended by another two years to July 1, 2014. ([Chapter 235](#), Laws 2012) (TAM)

**SB 1289: storm water discharges; construction sites** (*Griffin*) requires the Arizona Director of Environmental Quality to establish rules no later than June 1, 2013, for exempting facility owners or operators who do not discharge from the Storm Water General (SWG) Permit requirements, and prohibits the director, a political subdivision, or the political subdivision's personnel to require an owner or operator who is issued a permit by the director or who qualifies for SWG permit coverage to obtain a permit or any local government equivalent permit for the same discharge.

The measure contains a legislative intent section that describes that with the evolution of Arizona Pollutant Discharge Elimination System and Storm Water Permits, construction activity has become subject to overlapping state and local regulation that must be modified by the director. ([Chapter 262](#), Laws 2012) (TAM)

## **Finance and Taxation**

**HB 2092: property tax appeals; valuation; classification** (*Harper*) expands eligibility for utilizing the Arizona Tax Court's (ATC) simplified, small claims procedure, and modifies the decision-making authority granted to the State Board of Equalization (SBOE) with regard to appeals of property valuation or classification. Includes a provision allowing new homeowners to judicially appeal the valuation of their property if the former owner did not receive final judgment or dismissal related to an appeal of the valuation or legal classification in tax court. Additionally, it allows the new owner to intervene, assume or continue the former owner's position in any pending petition for review with the assessor, or for any pending appeal with the county, SBOE or tax court. ([Chapter 197](#), Laws 2012) (KRC)

**HB 2094: prepaid wireless E911 excise tax** (*Robson*) establishes a prepaid wireless telecommunications Emergency 911 (E911) excise tax to enable the upgrading of existing E911 systems in rural parts of Arizona. This would ensure that E911 operators have access to caller identification of emergency callers as well as the location of those callers (longitude and latitude), as more and more emergency callers utilize mobile phones instead of landlines. Counties that need and are eligible for upgrades to their existing systems under this legislation include Apache, Coconino, Gila, Greenlee, La Paz, Navajo and Yuma. ([Chapter 198](#), Laws 2012) (KRC)

*Also listed under Law Enforcement and Emergency Services*

**HB 2123: transaction privilege tax reform committee** (*Court*) this emergency measure, effective March 29, 2012, establishes the Transaction Privilege Tax Reform Committee (Committee), and requires it to study and make recommendations regarding the collection of revenues to the state General Fund, including individual and corporate income tax and transaction privilege tax. Also requires the Committee to make recommendations to minimize the fiscal impact to cities, towns and counties. Includes one county representative on the Committee. ([Chapter 114](#), Laws 2012) (KRC)

**HB 2178: property taxes; refund; forgiveness** (*Dial*) stipulates county boards of supervisors are required to direct the county treasurer to grant a property tax refund to a qualified property owner who paid property taxes on qualified property during any tax year 1987 through 2009, if the taxes paid have not already been refunded. Property taxes and any accrued penalties due from, but not paid by any qualified property owner for tax years 1987 through 2009 are forgiven and no longer due and payable. Qualified property is defined as property subject to a federal lawsuit brought by the United States for the benefit of the Fort Mojave Indian Tribe. Qualified property owner is defined as a defendant in that lawsuit who owns land included in a specified area. ([Chapter 200](#), Laws 2012) (KRC)

**HB 2226: property tax; algaculture** (*Heinz*) expands the definition of agricultural real property to include land of at least five acres and improvements devoted to algaculture, which is defined as the controlled propagation, growth and harvest of algae. ([Chapter 220](#), Laws 2012) (KRC)

*Also listed under Land Use and Planning*

**HB 2358: theme park districts** (*Fann*) modifies the composition of Theme Park and Vehicle Support Facilities districts, the types of revenue bonds that may be issued, and the allowable locations of theme park sites. The deadline for theme park districts to issue bonds is extended by seven years to December 31, 2020, and requires a performance audit. ([Chapter 206](#), Laws 2012) (KRC)

*Also listed under Special Districts*



**HB 2408: special audit; Pima county** (*Stevens*) requires the Auditor General to complete a special audit of the 1997, 2004 and 2006 Pima County General Obligation bond programs within six months after the effective date of this Act. ([Chapter 120](#), Laws 2012) (TAM)

*Also listed under General Government*

**HB 2460: special taxing districts; boundaries** (*Dial*) permits non-contiguous parcels of land to be amended into a fire district or sanitary district, if the parcel is located in an unincorporated area or county island within 2,640 feet of an adjacent district, until August 1, 2014. Further stipulates the parcel of land must be within a county with a population greater than two million persons. ([Chapter 226](#), Laws 2012) (KRC)

*Also listed under Special Districts*

**HB 2478: property tax; facilities** (*Carter*) limits the application of a class 9 assessment to improvements and property that are used exclusively for athletic, recreational, entertainment, artistic, and cultural facilities, or used primarily for convention activities. Requires the improvements become the property of the government entity upon the termination of the lease (with the exception of those used for convention activities). ([Chapter 349](#), Laws 2012) (TAM)

**HB 2608: assessed valuations; audit** (*Mesnard*) allows the Arizona Department of Revenue to audit county assessor property valuations to ensure proper valuation of new construction, and directs the governing body of each county, city, town, community college district and school district to fix and determine property tax rates based on property valuations determined on or before February 10 of the tax year. ([Chapter 124](#), Laws 2012) (TAM)

**HB 2621: local government budgets; posting; contents** (*Lesko*) provides various requirements for the posting of an adopted budget of community college districts, counties, cities, towns and fire districts. Includes the requirement that the annual estimate of expenses of each county include an estimate of the number of full-time employees and the total estimated personnel compensation, which must separately include the employee salaries and employee-related expenses for retirement costs and health care costs. ([Chapter 126](#), Laws 2012) (TAM)

*Also listed under General Government*

**HB 2702: sanitary districts; projects; revenues** (*McLain*) *this emergency measure, effective April 17, 2012*, stipulates that an election is not required for a sanitary district to receive financial assistance from the Water Infrastructure Finance Authority of Arizona (WIFA) if it is for the purpose of planning and designing the purchase of, or an improvement to, a wastewater treatment system. Details when a district may obligate revenues under certain purposes and situations. ([Chapter 274](#), Laws 2012) (TAM)

*Also listed under Special Districts*

**HB 2801: property tax bills; payment; interest** (*Olson*) specifies that no interest can be collected on taxes paid in full by December 31, regardless of whether the statutory timeframe for doing so has elapsed. ([Chapter 130](#), Laws 2012) (TAM)

**[HB 2803: personal property tax appeal deadline](#)** (*Olson*) extends the timeframe for the owner or possessor of property to appeal to the county assessor from 20 days after the date the notice was delivered to 30 days. ([Chapter 216](#), Laws 2012) (TAM)

**[HB 2815: employment; incentives; regulatory tax credit](#)** (*Mesnard*) makes a significant number of amendments to personal and corporate taxation statutes. Provisions offensive to counties were removed the last day of session. ([Chapter 343](#), Laws 2012) (TAM)

**[SB 1135: government deposits](#)** (*McComish*) authorizes the investment of government monies into federally insured savings deposit accounts. Defines “*investing entity*” to mean this state, a political subdivision of this state, the governing body of a municipality, or the governing body of a school district. ([Chapter 64](#), Laws 2012) (KRC)

*Also listed under General Government*

**[SB 1442: prime contracting; manufacturing facilities; infrastructure](#)** (*Yarbrough*) diverts a portion of counties’ state shared revenues to fund community infrastructure improvements necessary to garner private sector investments, if other statutory criteria (amounts, location, *etc.*) are met. ([Chapter 328](#), Laws 2012) (TAM)

## **General Government**

**[HB 2020: honor and remember flag; half-staff](#)** (*Harper*) requires the Honor and Remember flag to be displayed at various locations, including the county superior court, on days when the United States flag is flown at half-staff in honor of the death of a member of the armed forces. ([Chapter 111](#), Laws 2012) (TAM)

*Also listed under Courts and Criminal Justice*

**[HB 2033: public electronic posting; government bodies](#)** (*Yee*) makes multiple substantive changes to the nominating process administered by the Secretary of State (SOS), including:

- Requiring the SOS to develop electronic database systems for financial disclosures and lobbyist reporting that allows a county, city or town to elect to use the on-line system - subject to the approval of the local governing body and conformity of the local disclosure requirements to those at the state level;
- Specifying that if the person vacating certain offices changes political party affiliations after taking office, the person who is appointed to fill the vacancy must be of the same political party of which the vacating officeholder was at the time the officeholder was elected or appointed;
- Modifying the rate at which the state must reimburse counties for expenses relating to the Presidential Preference Election to 100 percent of the costs incurred; and
- Lessening the number of times per year the county recorder is required to count the registered voters of its county to five times per year in even numbered years.

([Chapter 361](#), Laws 2012) (TAM)

*Also listed under Elections*



**HB 2048: county officers** (*Burges*) removes the antiquated requirement that county officers must file their appointments of deputies, stenographers, clerks, and assistants with the office of the county recorder and repeals the statute requiring county recorders to keep a blotter and make it available for public inspection. The measure also has conforming language regarding the recording of nonconsensual liens. ([Chapter 37](#), Laws 2012) (TAM)

**HB 2070: license eligibility; authorized presence** (*Kavanagh*) prescribes that any license issued by a political subdivision of this state requiring proof of citizenship or lawful alien status before it was issued is an acceptable form of identification for receiving an Arizona license. Currently, there are twelve forms of identification used for eligibility for any Arizona license. Since political subdivisions require identical documentation, the subsequent county-issued license is likewise acceptable in proving citizenship or lawful presence. ([Chapter 234](#), Laws 2012) (TAM)

**HB 2122: powers; board of supervisors** (*Burges*) expands the discretionary powers of a county board of supervisors to include authority to contract with a government agency to provide constable services at fees less than those established in statute, except for those services specifically authorized to be performed by the sheriff. ([Chapter 199](#), Laws 2012) (KRC)

**HB 2155: controlled substances; workers' compensation** (*McLain*) allows Independent Medical Examiners (IMEs) to access the Arizona State Board of Pharmacy's Controlled Substances Database and permits them to disclose any data found to the employee, employer, insurance carrier and the Industrial Commission. Currently, IMEs may conduct an examination to determine the cause, extent and medical treatment of a work-related or other injury where liability is at issue, whether an individual has reached maximum benefit from treatment, and whether any permanent impairment remains after the treatment. ([Chapter 156](#), Laws 2012) (KRC)

*Also listed under Retirement and Personnel*

**HB 2322: watercraft; registration; fees** (*McLain*) eliminates the higher watercraft registration fees for nonresident watercraft owners and instead assesses a nonresident boating safety infrastructure fee for watercraft registered by nonresidents for deposit in the watercraft licensing fund. The restructuring of fees is required in order to comply with federal law that prohibits states from charging different registration fees for residents and nonresidents. ([Chapter 237](#), Laws 2012) (KRC)

**HB 2360: flood control districts; immunity** (*Fann*) provides flood control districts and its employees immunity from damages that arise out of a plan or design for construction, maintenance or improvement of certain structures if a reasonably adequate warning is given to potentially affected property owners in such a manner that the owners may take suitable precautions to protect themselves and their property. The project must also get at least some of its money from federal sources and meet at recurring interval standards approved by the district's board of directors. ([Chapter 222](#), Laws 2012) (TAM)

*Also listed under CSA Legislative Agenda; Special Districts*

**HB 2408: special audit; Pima county** (*Stevens*) requires the Auditor General to complete a special audit of the 1997, 2004 and 2006 Pima County General Obligation bond programs within six months after the effective date of this Act. ([Chapter 120](#), Laws 2012) (TAM)

*Also listed under Finance and Taxation*



**[HB 2417: written communication; electronic delivery; definition](#)** (*Stevens*) allows the use of secure electronic delivery services to satisfy laws requiring government communication to be in writing or by mail. ([Chapter 224](#), Laws 2012) (TAM)

**[HB 2438: government land; private land; study](#)** (*Gowan*) establishes the Joint Legislative Study Committee on Government and Private Lands (Committee) to assess the effects of transferring private property to government entities. Requires the Arizona Department of Revenue to contract with each county assessor to conduct a property status study that identifies the amount of the following: total private property within each county, tax exempt property in each county, Private Conservation status land, federally held lands in wilderness areas, natural conservation areas, national parks, national monuments and other conservation status areas, and municipal and county held lands in parks or conservation areas. Contains a delayed repeal date of January 1, 2014. ([Chapter 176](#), Laws 2012) (KRC)  
*Also listed under Land Use and Planning*

**[HB 2457: hunting; possession of unauthorized weapons](#)** (*Barton/Burges*) enables a person to possess legal weapons, devices, ammunition or magazines that are unauthorized for taking wildlife, but only if they are not used to take wildlife. Assesses a class 1 misdemeanor (six months jail/up to \$2,500 fine) for taking wildlife using an unauthorized weapon, device, ammunition or magazine. ([Chapter 225](#), Laws 2012) (KRC)

**[HB 2476: fire, building; life safety; continuation](#)** (*Proud*) this measure retroactively effective from July 1, 2012, continues the Department of Fire, Building and Life Safety until July 1, 2014. ([Chapter 54](#), Laws 2012) (KRC)  
*Also listed under Health and Human Services*

**[HB 2486: homeowners' rebate affidavit](#)** (*Court*) eliminates the requirement for an owner affidavit to qualify for classification as class 3 property and instead requires a limited notice mailing by county assessors. Requires a county assessor, beginning in 2013, to send notices to each owner of property classified as class three if statutory criteria are met and the owner appears to be a business entity. ([Chapter 350](#), Laws 2012) (KRC)

**[HB 2494: interstate compact; forests](#)** (*Jones*) enables the forestry agency of two or more nearby states to create a compact to perform forestry management on federal lands and to coordinate and unify the management of the forests that cross over the borders of the participating states. The states are allowed to create recovery projects, rehabilitation efforts, and maintenance and improvement of forests, including rangelands damaged by wildfire, drought, disease, pest infestation, depredation and other natural and human causes. ([Chapter 256](#), Laws 2012) (KRC)  
*Also listed under Land Use and Planning*

**[HB 2560: adult protective services; attorney fees](#)** (*Vogt*) removes the ability for the court to order the payment of attorney fees that do not exceed the total amount of compensatory damages and any additional attorney fees in connection with the vulnerable adult abuse claims of action. The measure allows reasonable costs and attorney fees to be awarded in a civil action related to the financial exploitation of a vulnerable adult. ([Chapter 163](#), Laws 2012) (TAM)  
*Also listed under Courts and Criminal Justice*

**HB 2621: local government budgets; posting; contents** (*Lesko*) provides various requirements for the posting of an adopted budget of community college districts, counties, cities, towns and fire districts. Includes the requirement that the annual estimate of expenses of each county include an estimate of the number of full-time employees and the total estimated personnel compensation, which must separately include the employee salaries and employee-related expenses for retirement costs and health care costs. ([Chapter 126](#), Laws 2012) (TAM)

*Also listed under Finance and Taxation*

**HB 2676: government entities; attorney fees** (*Kavanagh*) requires the court to award reasonable attorney fees to the successful party in any action filed against the state by a governmental entity, agency, or political subdivision. ([Chapter 339](#), Laws 2012) (TAM)

**HB 2712: computer access by minors** (*Court*) requires public libraries that provide public access computers to deploy and enforce a technology protection measure to prevent users from gaining access to visual depictions, which include child pornography, are harmful to minors, or are obscene. ([Chapter 166](#), Laws 2012) (TAM)

**HB 2744: regulatory rules; amendments** (*Reeve*) makes a significant number of amendments to statutes governing regulatory rulemaking including requiring an agency to comply with all applicable rulemaking provisions to establish or increase a fee, unless the legislature has granted an express exemption through statute or session law. ([Chapter 352](#), Laws 2012) (TAM)

**HB 2753: notice; claim; public entity; employee** (*Brophy McGee*) requires that if there is a genuine issue of material facts as to whether someone complied with the pre-suit requirements for claims against public agencies, it must be resolved before a trial on the merits. Generally, actions against public entities or public employees are governed by Arizona Revised Statutes. The statute requires that before filing a suit, a person who has a claim against a public entity or a public employee must comply with pre-suit requirements and appropriate service. Failure to follow statutory procedure results in a dismissed case. ([Chapter 215](#), Laws 2012) (TAM)

*Also listed under Courts and Criminal Justice*

**SB 1040: county highways; county engineer recommendations** (*Gray*) modifies the process for a county to establish, alter, or abandon a public road including a requirement that 50 percent of the property owners abutting a roadway must approve county abandonment of the roadway before a county is permitted to abandon the roadway. ([Chapter 285](#), Laws 2012) (TAM)

*Also listed under Transportation and Public Works*

**SB 1075: state forester; wildfire resource deployment** (*Allen*) requires the state forester to develop and implement a comprehensive wildfire deployment plan of statewide resources for wildfire suppression activities and to ensure training and certification for wildland firefighters, apparatus and equipment. Additionally, requires the state forester to consult with federal land management firefighting agencies, state and county emergency agencies, municipal fire departments, fire districts, statewide fire district and fire chiefs associations, volunteer fire departments, and private fire contractors to achieve such objectives. ([Chapter 135](#), Laws 2012) (KRC)

*Also listed under Law Enforcement and Emergency Services*

**SB 1135: government deposits** (*McComish*) authorizes the investment of government monies into federally insured savings deposit accounts. Defines “*investing entity*” to mean this state, a political subdivision of this state, the governing body of a municipality, or the governing body of a school district. ([Chapter 64](#), Laws 2012) (KRC)

*Also listed under Finance and Taxation*

**SB 1365: free exercise of religion; contracts** (*Yarbrough*) prohibits the government from denying, revoking or suspending a professional or occupational license based on a person’s exercise of religion. Also, specifies a religious organization’s rights when contracting for goods and services, specifically that public bodies are prohibited from conditioning contracts for goods and services based on a religious organization’s willingness to alter its exercise of religion. ([Chapter 326](#), Laws 2012) (TAM)

**SB 1141: public fiduciaries; investigatory power** (*Driggs*) allows Public Fiduciaries (PF) investigatory power if a county is responsible for the burial or placement of a dead body or cremated remains. Permits the PF to conduct an investigation if the persons responsible for the duty to bury or provide funeral and disposition arrangements for a decedent are not willing, financially able, or cannot be located. ([Chapter 172](#), Laws 2012) (KRC)

*Also listed under Health and Human Services*

**SB 1147: sexually violent persons; definition** (*Driggs*) expands the definition of sexually violent offense to include an attempt, solicitation, facilitation or conspiracy to commit a sexually violent offense in another jurisdiction. ([Chapter 16](#), Laws 2012) (TAM)

*Also listed under Courts and Criminal Justice*

**SB 1193: proposed rules; acceptable data** (*Griffin*) makes multiple changes to the sections of law governing judicial review of administrative decisions and requires additional data in economic, small business and consumer impact statements as they relate to proposed rules. The measure includes a delayed effective date of June 30, 2013, for the sections of the bill governing court fees, judicial review of administrative decisions, and the regulatory bill of rights. ([Chapter 322](#), Laws 2012) (TAM)

**SB 1231: appropriation; attorney general; habitat destruction** (*Griffin*) mandates that funds appropriated to the Arizona Department of Administration for distribution to the Apache County Attorney’s Office shall be used to represent the interests of the people of Arizona and Apache County for legal action against the United States Forest Service. ([Chapter 346](#), Laws 2012) (TAM)

**SB 1402: broadband conduit installation; right-of-way; ADOT** (*Driggs*) authorizes the Arizona Department of Transportation (ADOT) to install broadband conduit as part of a covered rural highway construction project if funding is received by ADOT to cover the cost. Allows ADOT to install broadband conduit without regard to the timing of a related existing road construction project, based on a request and receipt of funding from state entities charged with responsibility for broadband infrastructure and policy. ([Chapter 195](#), Laws 2012) (KRC)

*Also listed under Transportation and Public Works*

## **Health and Human Services**

**HB 2035: medical marijuana** (*Yee*) makes it an act of unprofessional conduct for a prescribed health professional to recommend medical marijuana for something other than the outlined debilitating medical condition. Requires annual reports by different professional boards outlining the number of notifications received by the Arizona Department of Health Services and public board members of suspected unprofessional conduct relating to medical marijuana recommendations; and the number of investigations conducted as a result of those notifications and the investigation outcomes. ([Chapter 112](#), Laws 2012) (TAM)

*Also listed under Courts and Criminal Justice*

**HB 2063: community health centers; walk-in patients** (*Brophy McGee*) specifies that the contracts between the Arizona Department of Health Services and qualifying community health centers allow urgent care services for walk-in patients. Community Health Centers are non-profit clinics open to all residents and are located in medically underserved areas where there are an insufficient number of providers or a large population of low-income patients, and use a sliding fee schedule for the uninsured. The legislation permits the centers to provide extended hours of service and meet a federally mandated definition of a patient-centered medical home, and therefore, would be eligible for a demonstration project through the federal Medicare program. ([Chapter 90](#), Laws 2012) (TAM)

**HB 2130: disease testing; public safety employees** (*Pierce*) authorizes a public safety employee, volunteer, or an employing agency to petition the court to have a person tested for specified diseases if there is probable cause to believe that the person bit, scratched, spat or transferred blood or other bodily fluid to a public safety employee or volunteer who was performing an official duty. ([Chapter 25](#), Laws 2012) (KRC)

*Also listed under Law Enforcement and Emergency Services*

**HB 2154: child restraint systems** (*McLain*) requires a driver to restrain a child who is five to seven years of age and who is not more than 4' 9" tall in a child restraint system (current law already requires children less than five years of age to be restrained in a child restraint system). Includes an exemption from child restraint system requirements for authorized emergency vehicles transporting a child for medical care. ([Chapter 314](#), Laws 2012) (KRC)

*Also listed under Transportation and Public Works*

**HB 2370: death certificates** (*Carter*) specifies that the county medical examiner or alternative medical examiner is entitled to all medical records and related records of a person for whom the medical examiner is required to certify cause of death and expands the universe of those that may sign a medical certification of death to include a number of medical professionals. ([Chapter 60](#), Laws 2012) (TAM)

**HB 2476: fire, building; life safety; continuation** (*Proud*) this measure retroactively effective from July 1, 2012, continues the Department of Fire, Building and Life Safety until July 1, 2014. ([Chapter 54](#), Laws 2012) (KRC)

*Also listed under General Government*

**[HB 2605: law enforcement dogs; biting](#)** (*Mesnard*) exempts all law enforcement dogs from statutory protocols regarding dog bites as long as the bite occurred while the dog was under proper law enforcement supervision and the care of a licensed veterinarian. The measure also requires a law enforcement agency to notify the county enforcement agent after a bite if the dog behaves abnormally and to make the dog available for examination. ([Chapter 74](#), Laws 2012) (TAM)

*Also listed under Law Enforcement and Emergency Services*

**[SB 1141: public fiduciaries; investigatory power](#)** (*Driggs*) allows Public Fiduciaries (PF) investigatory power if a county is responsible for the burial or placement of a dead body or cremated remains. Permits the PF to conduct an investigation if the persons responsible for the duty to bury or provide funeral and disposition arrangements for a decedent are not willing, financially able, or cannot be located. ([Chapter 172](#), Laws 2012) (KRC)

*Also listed under General Government*

### **Land Use and Planning**

**[HB 2226: property tax; algaculture](#)** (*Heinz*) expands the definition of agricultural real property to include land of at least five acres and improvements devoted to algaculture, which is defined as the controlled propagation, growth and harvest of algae. ([Chapter 220](#), Laws 2012) (KRC)

*Also listed under Finance and Taxation*

**[HB 2350: cities; counties; regulations](#)** (*Reeve*) requires a city, town or county to annually post on its website a capital improvement plan containing all public works projects scheduled to be constructed and allows a utility to request the county annually provide a copy of their capital improvement plan and provide notice of any new projects not included in the plan or changes that advance the start date of any new projects already in the plan. ([Chapter 205](#), Laws 2012) (KRC)

*Also listed under Transportation and Public Works*

**[HB 2438: government land; private land; study](#)** (*Gowan*) establishes the Joint Legislative Study Committee on Government and Private Lands (Committee) to assess the effects of transferring private property to government entities. Requires the Arizona Department of Revenue to contract with each county assessor to conduct a property status study that identifies the amount of the following: total private property within each county, tax exempt property in each county, Private Conservation status land, federally held lands in wilderness areas, natural conservation areas, national parks, national monuments and other conservation status areas, and municipal and county held lands in parks or conservation areas. Contains a delayed repeal date of January 1, 2014. ([Chapter 176](#), Laws 2012) (KRC)

*Also listed under General Government*

**[HB 2494: interstate compact; forests](#)** (*Jones*) enables the forestry agency of two or more nearby states to create a compact to perform forestry management on federal lands and to coordinate and unify the management of the forests that cross over the borders of the participating states. The states are allowed to create recovery projects, rehabilitation efforts, and maintenance and improvement of forests, including rangelands damaged by wildfire, drought, disease, pest infestation, depredation and other natural and human causes. ([Chapter 256](#), Laws 2012) (KRC)

*Also listed under General Government*

**[SB 1001: military preservation; land exchanges](#)** (*Nelson*) modifies the process for review, evaluation and approval of proposed land exchanges of state trust lands for other public lands. The measure is conditional on voter approval of an amendment to the Arizona Constitution at the next general election in November, 2012. ([Chapter 278](#), Laws 2012) (TAM)

### **Law Enforcement and Emergency Services**

**[HB 2019: sex offender registration; multiple residences](#)** (*Robson*) requires a sex offender who has more than one address to provide upon moving a description and physical location of any temporary residence and to register as a transient at least every 90 days with the sheriff in the county in which they are physically present. ([Chapter 23](#), Laws 2012) (TAM)

**[HB 2094: prepaid wireless E911 excise tax](#)** (*Robson*) establishes a prepaid wireless telecommunications Emergency 911 (E911) excise tax to enable the upgrading of existing E911 systems in rural parts of Arizona. This would ensure that E911 operators have access to caller identification of emergency callers as well as the location of those callers (longitude and latitude), as more and more emergency callers utilize mobile phones instead of landlines. Counties that need and are eligible for upgrades to their existing systems under this legislation include Apache, Coconino, Gila, Greenlee, La Paz, Navajo and Yuma. ([Chapter 198](#), Laws 2012) (KRC)

*Also listed under Finance and Taxation*

**[HB 2130: disease testing; public safety employees](#)** (*Pierce*) authorizes a public safety employee, volunteer, or an employing agency to petition the court to have a person tested for specified diseases if there is probable cause to believe that the person bit, scratched, spat or transferred blood or other bodily fluid to a public safety employee or volunteer who was performing an official duty. ([Chapter 25](#), Laws 2012) (KRC)

*Also listed under Health and Human Services*

**[HB 2605: law enforcement dogs; biting](#)** (*Mesnard*) exempts all law enforcement dogs from statutory protocols regarding dog bites as long as the bite occurred while the dog was under proper law enforcement supervision and the care of a licensed veterinarian. The measure also requires a law enforcement agency to notify the county enforcement agent after a bite if the dog behaves abnormally and to make the dog available for examination. ([Chapter 74](#), Laws 2012) (TAM)

*Also listed under Health and Human Services*

**[HB 2643: duty related injury; police officer](#)** (*Kavanagh*) requires counties to establish a Supplemental Benefit Plan (SBP) for law enforcement employees who are injured while on duty to the extent they cannot perform the functions of the position, and requires that the SBP must be designed so that, with the addition of other benefits being paid to the employees, the employees will receive approximately their identical base salary that was received prior to the injury. Additionally, once an employee utilizes the SBP, the employer must pay the employee contribution to PSPRS or CORP, while continuing to pay the employer contribution to the respective retirement system. ([Chapter 287](#), Laws 2012) (TAM)

*Also listed under Retirement and Personnel*

**[HB 2723: law enforcement officer; discipline; information](#)** (*Farnsworth*) makes multiple amendments to statute regarding law enforcement employee discipline processes, including removing the provisions that require parties in an appeals hearing to exchange copies of any documents that have not been previously disclosed and the names of all witnesses who may be called to testify no later than five business days before the appeals hearing. ([Chapter 276](#), Laws 2012) (TAM)

*Also listed under Retirement and Personnel*

**[SB 1075: state forester; wildfire resource deployment](#)** (*Allen*) requires the state forester to develop and implement a comprehensive wildfire deployment plan of statewide resources for wildfire suppression activities and to ensure training and certification for wildland firefighters, apparatus and equipment. Additionally, requires the state forester to consult with federal land management firefighting agencies, state and county emergency agencies, municipal fire departments, fire districts, statewide fire district and fire chiefs associations, volunteer fire departments, and private fire contractors to achieve such objectives. ([Chapter 135](#), Laws 2012) (KRC)

*Also listed under General Government*

**[SB 1197: law enforcement; overtime compensation](#)** (*Yarbrough*) allows a person engaged in law enforcement activities to forgo overtime compensation of a 40-hour work week if in agreement with the employer. ([Chapter 144](#), Laws 2012) (TAM)

*Also listed under Retirement and Personnel*

**[SB 1241: forfeiture of weapons and explosives](#)** (*Murphy*) modifies statutes relating to the forfeiture and sale of deadly weapons, dangerous instruments, and explosives to law enforcement and courts. Includes the prohibition of local jurisdictions from establishing laws pertaining to the sale of forfeited deadly weapons, dangerous instruments, or explosives. ([Chapter 173](#), Laws 2012) (TAM)

*Also listed under Courts and Criminal Justice*

## **Retirement and Personnel**

**[HB 2155: controlled substances; workers' compensation](#)** (*McLain*) allows Independent Medical Examiners (IMEs) to access the Arizona State Board of Pharmacy's Controlled Substances Database and permits them to disclose any data found to the employee, employer, insurance carrier and the Industrial Commission. Currently, IMEs may conduct an examination to determine the cause, extent and medical treatment of a work-related or other injury where liability is at issue, whether an individual has reached maximum benefit from treatment, and whether any permanent impairment remains after the treatment. ([Chapter 156](#), Laws 2012) (KRC)

*Also listed under General Government*

**[HB 2215: probation officers; witness; representation](#)** (*Proud*) allows probation officers who are witnesses in an investigation that could lead to another officer's dismissal, demotion, or suspension to have a representative present during the interview. Defines probation officer as a probation or surveillance officer, other than a probationary employee, who is employed by the state or a political subdivision of the state. ([Chapter 201](#), Laws 2012) (KRC)

*Also listed under Courts and Criminal Justice*

**[HB 2264: ASRS; employee; employer contributions; rate](#)** (*Robson*) this emergency measure retroactive to June 30, 2011, reverses the current 47 percent employer and 53 percent employee contribution rate split to the original 50/50 split for the Arizona State Retirement System. ([Chapter 304E](#), Laws 2012) (TAM)

**[HB 2283: state employees benefits; definition](#)** (*Reeve*) clarifies the definition “county employee” to include judicial branch members whose salary is paid by the state, providing assurances that those court and probation employees, like other county personnel, revises Arizona State Retirement System benefits upon employment. ([Chapter 40](#), Laws 2012) (KRC)

**[HB 2368: workers’ compensation; omnibus](#)** (*Fann*) establishes guidelines and regulations in relation to subrogation as applied to workers’ compensation cases and secondary injuries, and changes the current calculation of compensation from no later than January 1, 2010, to August 1 of each calendar year based on the Bureau of Labor Statistics. ([Chapter 240](#), Laws 2012) (TAM)

**[HB 2519: unemployment insurance; omnibus](#)** (*Fann*) makes changes related to unemployment insurance including requiring individuals to engage in a sustained effort to obtain work during at least four days of the week and make at least three work search contacts per week. Individuals are considered to have refused an offer of suitable work if an offer is withdrawn by an employer after an individual tests positive for drugs or refuses to submit to a drug test. ([Chapter 162](#), Laws 2012) (KRC)

**[HB 2643: duty related injury; police officer](#)** (*Kavanagh*) requires counties to establish a Supplemental Benefit Plan (SBP) for law enforcement employees who are injured while on duty to the extent they cannot perform the functions of the position, and requires that the SBP must be designed so that, with the addition of other benefits being paid to the employees, the employees will receive approximately their identical base salary that was received prior to the injury. Additionally, once an employee utilizes the SBP, the employer must pay the employee contribution to PSPRS or CORP, while continuing to pay the employer contribution to the respective retirement system. ([Chapter 287](#), Laws 2012) (TAM)  
*Also listed under Law Enforcement and Emergency Services*

**[HB 2662: retirement; ASRS; employees; election; enrollment](#)** (*Robson*) permits employees, over the age of 65, who are not active, inactive or retired members of the Arizona State Retirement System (ASRS) to opt-out of participation. As part of the “opt-out,” ASRS is required to report the number of employees who have elected not to participate in the system, the actuarial impact to ASRS, the administrative impact to ASRS, and recommendations from the system and employers regarding the feasibility of continuing to allow an opt-out. ([Chapter 273](#), Laws 2012) (TAM)

**[HB 2723: law enforcement officer; discipline; information](#)** (*Farnsworth*) makes multiple amendments to statute regarding law enforcement employee discipline processes, including removing the provisions that require parties in an appeals hearing to exchange copies of any documents that have not been previously disclosed and the names of all witnesses who may be called to testify no later than five business days before the appeals hearing. ([Chapter 276](#), Laws 2012) (TAM)  
*Also listed under Law Enforcement and Emergency Services*



**[HB 2745: PSPRS; employer contributions](#)** (*D Smith*) states that employers of a return to work employee who is required to pay into another state retirement system are not required to pay an alternate contribution rate into the Public Safety Personnel Retirement System. The measure includes provisions of [HB 2088](#), which was vetoed earlier this session. Those provisions were re-worked to address the Governor's concerns. ([Chapter 362](#), Laws 2012) (TAM)

**[SB 1016: workers' compensation; methods of compensation](#)** (*McComish*) permits an employee who qualifies for workers' compensation benefits to request electronic payment of benefits through commonly accepted methods for transferring money by banking institutions, including a pre-paid debit card account that is established for the purpose of making direct electronic payments to the employee. Removes the prohibition that marketing representatives of the State Compensation Fund can sell any other type of insurance other than workers' compensation insurance. ([Chapter 12](#), Laws 2012) (TAM)

**[SB 1116: PSPRS; CORP; EORP amendments](#)** (*Yarbrough*) provides authority for governmental entities to enter into swap agreements, and provides administrative and clarifying changes for Public Safety Personnel Retirement System (PSPRS), Corrections Officer Retirement Plan (CORP) and the Elected Officials' Retirement Plan (EORP). A swap is an agreement to exchange a series of cash flows by two parties seeking to mitigate existing financial exposure or to create a new exposure. The duty to pay under the swap agreement is usually triggered by a particular event, the price of a security or the level of an index. ([Chapter 136](#), Laws 2012) (KRC)

**[SB 1117: ASRS; administration](#)** (*Yarbrough*) enhances Arizona State Retirement System's (ASRS) account receivables collection authority. Authorizes ASRS to collect debts by levy on cash at financial institutions and the accrued salary or wages of the debtor. A debtor who fails to pay any monies owed to ASRS is liable for all costs and expenses incurred by ASRS to collect the debt. ([Chapter 87](#), Laws 2012) (KRC)

**[SB 1119: ASRS; spousal consent](#)** (*Yarbrough*) this measure effective July 1, 2013, modifies provisions in the Arizona State Retirement System (ASRS) regarding spousal consent. Requires that a member of ASRS who is married must name their current spouse as a beneficiary to receive at least 50 percent of the member's account, and at retirement the member is required to elect a joint and survivor annuity with the spouse as the contingent annuitant. ([Chapter 88](#), Laws 2012) (KRC)

**[SB 1197: law enforcement; overtime compensation](#)** (*Yarbrough*) allows a person engaged in law enforcement activities to forgo overtime compensation of a 40-hour work week if in agreement with the employer. ([Chapter 144](#), Laws 2012) (TAM)

*Also listed under Law Enforcement and Emergency Services*

## **Special Districts**

**HB 2358: theme park districts** (*Fann*) modifies the composition of Theme Park and Vehicle Support Facilities districts, the types of revenue bonds that may be issued, and the allowable locations of theme park sites. The deadline for theme park districts to issue bonds is extended by seven years to December 31, 2020, and requires a performance audit. ([Chapter 206](#), Laws 2012) (KRC)

*Also listed under Finance and Taxation*

**HB 2360: flood control districts; immunity** (*Fann*) provides flood control districts and its employees immunity from damages that arise out of a plan or design for construction, maintenance or improvement of certain structures if a reasonably adequate warning is given to potentially affected property owners in such a manner that the owners may take suitable precautions to protect themselves and their property. The project must also get at least some of its money from federal sources and meet at recurring interval standards approved by the district's board of directors. ([Chapter 222](#), Laws 2012) (TAM)

*Also listed under CSA Legislative Agenda; General Government*

**HB 2432: special district petitions; multiple ownership** (*Gowan*) prescribes how the number of persons owning property inside the boundaries of a special district is determined for the purposes of validating petitions. Specifically, in the case of property assessed by the county assessor, the number of persons owning property must be as shown on the most recent assessment of property. ([Chapter 264](#), Laws 2012) (KRC)

*Also listed under Elections*

**HB 2460: special taxing districts; boundaries** (*Dial*) permits non-contiguous parcels of land to be amended into a fire district or sanitary district, if the parcel is located in an unincorporated area or county island within 2,640 feet of an adjacent district, until August 1, 2014. Further stipulates the parcel of land must be within a county with a population greater than two million persons. ([Chapter 226](#), Laws 2012) (KRC)

*Also listed under Finance and Taxation*

**HB 2651: road enhancement improvement districts** (*Burges*) provides a mechanism for transferring governance of a road enhancement improvement district from a county's board of supervisors to an elected citizen board of directors. ([Chapter 104](#), Laws 2012) (TAM)

*Also listed under CSA Legislative Agenda*

**HB 2658: flood control authority; relinquishment; district** (*Pratt*) specifies that a flood control district is not liable for projects that were permitted, initiated or otherwise constructed while the floodplain administration was under a municipal jurisdiction. Likewise, the converse is true – the municipalities are not liable for projects that were permitted, initiated or otherwise constructed, while the floodplain was managed by a flood control district. ([Chapter 228](#), Laws 2012) (TAM)

*Also listed under CSA Legislative Agenda*

**[HB 2702: sanitary districts; projects; revenues](#)** (*McLain*) this emergency measure, effective April 17, 2012, stipulates that an election is not required for a sanitary district to receive financial assistance from the Water Infrastructure Finance Authority of Arizona (WIFA) if it is for the purpose of planning and designing the purchase of, or an improvement to, a wastewater treatment system. Details when a district may obligate revenues under certain purposes and situations. ([Chapter 274](#), Laws 2012) (TAM)

*Also listed under Finance and Taxation*

### **Transportation and Public Works**

**[HB 2154: child restraint systems](#)** (*McLain*) requires a driver to restrain a child who is five to seven years of age and who is not more than 4' 9" tall in a child restraint system (current law already requires children less than five years of age to be restrained in a child restraint system). Includes an exemption from child restraint system requirements for authorized emergency vehicles transporting a child for medical care. ([Chapter 314](#), Laws 2012) (KRC)

*Also listed under Health and Human Services*

**[HB 2347: public transportation authorities; board membership](#)** (*Jones*) adds one member from a community college district and one member from an Indian Nation to the board of directors of an intergovernmental public transportation authority. ([Chapter 221](#), Laws 2012) (KRC)

**[HB 2350: cities; counties; regulations](#)** (*Reeve*) requires a city, town or county to annually post on its website a capital improvement plan containing all public works projects scheduled to be constructed and allows a utility to request the county annually provide a copy of their capital improvement plan and provide notice of any new projects not included in the plan or changes that advance the start date of any new projects already in the plan. ([Chapter 205](#), Laws 2012) (KRC)

*Also listed under Land Use and Planning*

**[SB 1402: broadband conduit installation; right-of-way; ADOT](#)** (*Driggs*) authorizes the Arizona Department of Transportation (ADOT) to install broadband conduit as part of a covered rural highway construction project if funding is received by ADOT to cover the cost. Allows ADOT to install broadband conduit without regard to the timing of a related existing road construction project, based on a request and receipt of funding from state entities charged with responsibility for broadband infrastructure and policy. ([Chapter 195](#), Laws 2012) (KRC)

*Also listed under General Government*

**[SB 1040: county highways; county engineer recommendations](#)** (*Gray*) modifies the process for a county to establish, alter, or abandon a public road including a requirement that 50 percent of the property owners abutting a roadway must approve county abandonment of the roadway before a county is permitted to abandon the roadway. ([Chapter 285](#), Laws 2012) (TAM)

*Also listed under General Government*



**[SB 1232: vehicle permit fees; excess weight](#)** (*Griffin*) requires the Arizona Department of Transportation to allocate (and the State Treasurer to distribute) the single trip permit fee for excess size to the following:

- 50 percent to State Highway Fund;
- 25 percent to the counties located in the 25-mile commercial border zone identified on the permit; and
- 25 percent to the cities and towns located in the 25-mile commercial border zone identified on the permit.

([Chapter 192](#), Laws 2012) (TAM)

**[SB 1281: public roads; county maintenance](#)** (*Griffin*) allows the board of supervisors to spend public monies for the maintenance of public roads and streets that were laid out, constructed, and opened before June 13, 1990. ([Chapter 18](#), Laws 2012) (TAM)

## State Budget Adjustments

**SB 1523: general appropriations; 2012-2013** (*Shooter*) makes appropriations from the state general fund and other funds for the operation of state government in FY2012-2013. County related provisions are summarized below.

- **Law Enforcement Boating Safety Fund:** Appropriates \$2,183,800 to be used by the counties. *Sec. 7*
- **County Attorney Immigration Enforcement:** Maintains \$1,213,200 for county attorney immigration enforcement, specifying amounts for the Maricopa County Attorney (\$200,000) and the Maricopa County Sheriff (\$500,000). *Sec. 7*
- **Out of County Tuition:** Appropriates \$848,800 for rural county reimbursement, Apache County will receive \$466,000 and Greenlee County will receive \$382,800. *Sec. 19*
- **County Attorneys Fund:** Provides \$973,600 of Arizona Criminal Justice Commission grant monies. *Sec. 24*
- **Highway User Revenue Fund (HURF) to Department of Public Safety (DPS):** Continues the transfer of \$24 million from county HURF revenues to DPS and withstands the statutory cap removal. *Sec. 80*
- **Congressional District 8 (CD-8) Special Election:** Appropriates \$1,900,000 for the CD-8 special district elections for the seat formerly held by Congresswoman Gabrielle Gifford's. *Sec. 118*
- **Court Fund Sweeps:** For FY2013 and FY2014 the state is sweeping a total of \$6 million per year out of a combination of court funds as follows: State Aid to the Courts Fund, \$50,000; Alternative Dispute Resolution, \$200,000; Arizona Lengthy Trial, \$100,000; Public Defender Training, \$25,000; Judicial Collection Enhancement, \$400,000; Criminal Justice Enhancement, \$75,000; Drug Treatment and Education, \$150,000; Juvenile Probation Services Fund, \$5 million. *Sec. 127*
- **Arizona State Retirement System (ASRS) Pension Contribution Rate:** [HB 2264: ASRS; employee; employer contributions; rate](#) (Robson) changes ASRS employer/employee contribution ratio from 47 percent/53 percent, back to 50 percent/50 percent, retroactive to June 30, 2011. The budget appropriates \$8,057,100 to compensate state and school employees for the overpayment. The excess employee contributions must be repaid to employees on or before September 30, 2012. *Sec. 132*

([Chapter 294](#), Laws 2012) (CAS)

**SB 1524: capital outlay; 2012-2013** (*Shooter*) appropriates funds for FY2012-2013 to applicable agencies for the maintenance, repair, building renewal and preventative maintenance of state buildings. County related provisions are summarized below.

- **Arizona State Hospital:** Requires the Arizona Department of Administration to allocate \$1.7 million for the purchase of a generator at the Arizona State Hospital. *Sec. 1*
- **State Prisons:** Appropriates \$20,000,000 in FY2012-2013 and \$30,000,000 in FY2013-2014 to the Arizona Department of Administration from the General Fund for 500 maximum security beds. *Sec. 6*

([Chapter 295](#), Laws 2012) (CAS)

**SB 1525: state budget procedures; 2012-2013** (*Shooter*) makes statutory and session law changes related to the budget procedures in order to implement the budget. No-county related provisions are included. ([Chapter 296](#), Laws 2012) (CAS)

**SB 1526: revenue; budget reconciliation; 2012-2013** (*Shooter*) makes temporary and permanent changes in law, related to state revenues in order to implement the budget. County related provisions are summarized below.

- **County Flexibility Language:** As session law, allows counties to use any source of county revenue to meet a county fiscal obligation for FY2013. Additionally, counties are required to report to the Director of the Joint Legislative Budget Committee on the intended amount and sources of funds by October 1, 2012. *Sec. 26*

([Chapter 297](#), Laws 2012) (CAS)

**SB 1527: government budget reconciliation; 2012-2013** (*Shooter*) makes changes related to general government necessary to implement the budget. County related provisions are summarized below.

- **Governor's Emergency Fund:** States that the aggregate amount of all liabilities incurred during a declaration of an emergency shall not exceed \$2,900,000 (from the Governor's Emergency Fund) in FY2012-2013. The current statutory limit is \$4,000,000, resulting in a decrease of \$1,100,000. *Sec. 1*

([Chapter 298](#), Laws 2012) (CAS)

**SB 1528: health; welfare; budget reconciliation; 2012-2013** (*Shooter*) includes provisions related to health and welfare necessary to implement the budget. The affected agencies are the Arizona Department of Administration, the Arizona Department of Economic Security, the Arizona Health Care Cost Containment System (AHCCCS), and the Arizona Department of Health Services. County related provisions are summarized below. Please see chart below for additional details.

- **Arizona Long Term Care System:** FY2013 county contributions of \$243,220,500 for all 15 counties. *Sec. 9*
- **Sexually Violent Persons (SVP):** Continues to require counties to pay 50 percent of the cost of treatment and confinement for sexually violent persons housed at the Arizona State Hospital. Includes "flexibility language" allowing the counties to pay via any county resource. *Sec. 10*
- **Restoration to Competency (RTC):** Continues to require all cities and counties to pay 100 percent of costs of RTC treatment in FY2013. Includes "flexibility language" allowing the counties to pay via any county resource. *Sec. 11*
- **AHCCCS:** AHCCCS must transfer any excess monies back to the counties by December 31, 2013, if the counties' proportion of state matching funds exceeds the proportion allowed to comply with the Federal Affordable Care Act. *Sec. 14*
- **County Acute Care contribution:** FY2013 County Acute Care contribution is \$48,225,500. This amount includes an inflation indexing of the Maricopa County contribution ([Chapter 328, Laws 2005](#)). *Sec. 15*
- **Disproportionate Uncompensated Care Pool (DUC Pool):** Requires the collection of \$2,646,200 in DUC Pool contributions from counties other than Maricopa. *Sec. 16*
- **Prop. 204:** Continues to exclude [Prop. 204](#) administration costs from county expenditure limitations. *Sec. 17*

## County Contributions to State AHCCCS System FY2012

	Expenditures				Total
	ALTCS	Acute Care	DUC Pool	BNCF	
Apache	\$ 611,200	\$ 268,800	\$ 87,300	\$ 106,200	\$ 1,073,500
Cochise	\$ 5,266,800	\$ 2,214,800	\$ 162,700	\$ 198,000	\$ 7,842,300
Coconino	\$ 1,834,500	\$ 742,900	\$ 160,500	\$ 195,400	\$ 2,933,300
Gila	\$ 2,146,400	\$ 1,413,200	\$ 65,900	\$ 80,200	\$ 3,705,700
Graham	\$ 1,434,200	\$ 536,200	\$ 46,800	\$ 57,000	\$ 2,074,200
Greenlee	\$ 192,800	\$ 190,700	\$ 12,000	\$ 14,700	\$ 410,200
La Paz	\$ 625,200	\$ 212,100	\$ 24,900	\$ 30,400	\$ 892,600
Maricopa	\$ 148,533,600	\$ 20,225,200			\$ 168,758,800
Mohave	\$ 8,000,100	\$ 1,237,700	\$ 187,400	\$ 228,000	\$ 9,653,200
Navajo	\$ 2,529,300	\$ 310,800	\$ 122,800	\$ 149,500	\$ 3,112,400
Pima	\$ 39,316,400	\$ 14,951,800	\$ 1,115,900	\$ 1,358,300	\$ 56,742,400
Pinal	\$ 15,081,500	\$ 2,715,600	\$ 218,300	\$ 265,800	\$ 18,281,200
Santa Cruz	\$ 1,904,900	\$ 482,800	\$ 51,600	\$ 62,800	\$ 2,502,100
Yavapai	\$ 8,450,900	\$ 1,427,800	\$ 206,200	\$ 251,000	\$ 10,335,900
Yuma	\$ 7,292,700	\$ 1,325,100	\$ 183,900	\$ 223,800	\$ 9,025,500
<b>Total</b>	<b>\$ 243,220,500</b>	<b>\$ 48,255,500</b>	<b>\$ 2,646,200</b>	<b>\$ 3,221,100</b>	<b>\$ 297,343,300</b>

(Chapter 299, Laws 2012) (CAS)

**SB 1529: K-12 education; budget reconciliation; 2012-2013** (Shooter) makes statutory and session law changes related to elementary through high school (K-12) education and the implementation of the budget. No county related provisions are included. (Chapter 300, Laws 2012) (CAS)

**SB 1530: higher education; budget reconciliation; 2012-2013** (Shooter) makes statutory and session law changes related to postsecondary education and the implementation of the budget. No county related provisions are included. (Chapter 301, Laws 2012) (CAS)

**SB 1531: criminal justice; budget reconciliation; 2012-2013** (Shooter) Makes policy changes pertaining to criminal justice programs that affect the budget.

- **State Capitol Post-Conviction Public Defenders Office:** Eliminates the Capitol Post-conviction Public Defender Office and its fund of \$161,000. *Sec. 1, 2, 6, 12, 13, 24*
- **Prisoner Shift:** Repeals triggered shift from [FY2011-2012](#). *Sec. 14, 28*
- **Highway Users Revenue Fund (HURF) to Motor Vehicle Division (MVD):** Eliminates the shift from local government HURF to MVD for FY2012-2013. *Sec. 19*
- **Suspension of County Non-Supplanting Funding Requirements:** Suspends county non-supplanting requirements associated with funding for probation services, criminal case processing, and alternative dispute resolution programs. *Sec. 21*
- **Suspension of Grand Jury and Attorney Reimbursement:** Suspends the requirement that the Supreme Court reimburse counties 50 percent of the costs of grand juries and state-funded counsel assigned to first-time capital post-conviction relief proceedings. *Sec. 22*

(Chapter 302, Laws 2012) (CAS)



**[SB 1532: environment; budget reconciliation; 2012-2013](#)** (*Shooter*) makes temporary and permanent changes related to the environment in order to implement the budget.

- **Municipality Special Fee Authority:** Repeals the Department of Water Resources (DWR) Municipality Special Fee Authority. Appropriates \$6 million annually to compensate for the loss to DWR from the General Fund. *Sec. 8*

([Chapter 303](#), Laws 2012) (CAS)

***Miscellaneous Provisions from FY2012-2013 Budget***

- **Mandated County Cash Contributions** – Eliminated.
- **Indigent Defense Fund:** No Arizona Criminal Justice Commission grants were appropriated for this purpose in FY2012-2013.
- **Justice of the Peace Salaries:** Maintains the 80.75 percent county share that was established in [ARS § 22-117](#) during FY2011.

(CAS)



### **County Related Vetoed Legislation**

**HB 2088: retirement; ASRS; amendments** (*Robson*) would have made various changes to the Arizona State Retirement System (ASRS) Statutes related to administration, member distributions, health benefits, investments, receivables and service purchase. Some specific changes included modifying the process for crediting service to a member for an officially granted leave without pay. The level income alternative for members who retire prior to age 62 would have been repealed. Survivor benefits and withdrawn employer contributions would not have included health insurance subsidies paid by an employer unless the member made required health insurance payments. For members whose retirement began after the effective date of this legislation, ASRS would not make health insurance subsidy payments except if the member was enrolled as a dependent and the insurance premium was not subsidized by the employer. In the veto letter, Governor Brewer indicated concerns with the removal of ASRS from all procurement oversight and rules gave her deep reservations. ([Veto letter](#)) (KRC)

**HB 2362: state parks revenue fund** (*Fann*) would have established the State Parks Revenue Fund (Fund) serve as a funding mechanism for state parks. The Fund would have consisted of retail sales, appropriations, gifts, donations, user fees, concession fees and other revenue generating activities for the state park system. The bill would have also removed a requirement that the board separately account for and spend monies received for the purpose of operating, developing and managing a state historic park by a political subdivision through an intergovernmental agreement. In the veto letter, Governor Brewer referred to different issues relating to non-appropriation of the proposed funds and the potential impact on lease agreements, and her office's on-going discussion with the sponsor to achieve her goals in a more appropriate manner as reasons for the veto. ([Veto letter](#)) (TAM)

**HB 2434: notification; federal law enforcement officers** (*Gowan*) would have required a federal law enforcement officer to notify the sheriff of the county before taking any official law enforcement action in a county, unless the notification would impede the federal officer's duties. In the veto letter, Governor Brewer stated that this legislation has the potential to interfere with law enforcement investigations and adds unneeded reporting requirements for law enforcement. ([Veto letter](#)) (KRC)

**HB 2469: revenue allocation districts** (*Gray, R*) would have established revenue allocation districts and allowed capture of incremental local property tax revenues and local sales tax revenues to fund development projects. Would have authorized municipalities, on presentation of a petition signed by the owners of at least 51 percent of the relevant land, to form revenue allocation districts to undertake projects for economic development, reduce the loss of commerce or employment or increase employment. The Governor vetoed HB 2469 for a variety of reasons, including the concept that legislative deliberations revealed very little detail regarding projects that may be undertaken with this new governmental entity and a municipality may use this simply to be able to avoid constitutional debt limits. ([Veto letter](#)) (KRC)

**HB 2495: counties; purchases; local dealers** (*Jones*) would have allowed the county purchasing agent, where the estimated purchase cost was in excess of \$50,000, to award a contract to a local dealer in preference to any competing bidder who is not a local dealer if the bid of the competing bidder, quality and suitability considered, is less than five percent lower. In the veto letter, Governor Brewer identified her concern that this legislation could place a county in the untenable position of approving higher expenditures without clearly defined objectives or benefits, and that a stakeholder process could provide a more precise approach to achieve the goal of support for local businesses. ([Veto letter](#)) (KRC)

**HB 2647: county stadium districts; Rio Nuevo** (*Vogt*) would have provided a prime contracting transaction privilege tax (TPT) exemption allowance for certain construction projects within a Multipurpose Facilities District (District), and expands the types of projects for which District TPT revenues may be used. The measure included provisions to prohibit counties from levying or assessing impact or development fees on the development of real property located within the District, including county assessed connection and hookup fees or other unspecified assessments. In the veto letter, Governor Brewer stated that she was wary of signing a bill with a fiscal impact prior to a budget agreement being in place. ([Veto letter](#)) (TAM)

**HB 2729: state regulation of firearms** (*Gowan*) would have only allowed the state, a state agency, or a political subdivision of the state to enact ordinances or rules in accordance with state law that would limit or prohibit the possession of firearms on public property if:

- The public property was a secured facility;
- There were signs prohibiting the possession of firearms clearly posted at all public entrances; and
- There were secure firearm lockers within reasonable proximity to the main public entrance that were under the control of the operator of the property and that allowed for the immediate retrieval of the firearm when exiting the property

The measure stated that the state, agencies and political subdivisions would not enact rules relating to firearms that were more prohibitive than or that had a greater penalty than the penalty in state law. In the veto letter, Governor Brewer indicated a concern about the fiscal impact to local governments having to secure multiple facilities as one reason for the veto. ([Veto letter](#)) (KRC)

**HB 2757: billboards; changing message; authorization** (*Robson*) would have permitted billboards capable of changing messages mechanically or electronically to be displayed along an interstate. In the veto letter, Governor Brewer raised concerns over “the negative implications for” Arizona’s astronomy industry and its impact on local communities. ([Veto letter](#)) (TAM)

**SB 1200: political signs; hazardous locations** (*Allen*) would have established the protocol for notifying a candidate or committee if the determination is made by a county, city or town that their political sign is hazardous. In the veto letter, Governor Brewer indicated that she had concerns with public safety implications along state and local roadways. ([Veto letter](#)) (TAM)

**HB 1310: small claims division; jurisdiction; limits** (*Antenori*) would have increased the jurisdictional limit for cases within the small claims division of the justice courts from \$2,500 to \$5,000. The result would have been an increased work-load for the justices of the peace (JP) and an increase in county appropriations to the courts due to increased “JP credits.” In the veto letter, Governor Brewer indicated the measure went against the purpose of the “small claims courts” to provide prompt recourse for small disputes. ([Veto letter](#)) (TAM)



<b><u>Bill No.</u></b>	<b><u>Short Title</u></b>	<b><u>Page No.</u></b>
HB 2019	sex offender registration; multiple residences	19
HB 2020	honor and remember flag; half-staff	5,12
HB 2033	public electronic posting; government bodies	7,12
HB 2035	medical marijuana	5,17
HB 2048	county officers	12
HB 2063	community health centers; walk-in patients	17
HB 2070	license eligibility; authorized presence	13
HB 2073	emissions testing; motorcycles; extension	9
HB 2088	ASRS; amendments	30
HB 2092	property tax appeals; valuation; classification	10
HB 2094	prepaid wireless E911 excise tax	10,19
HB 2122	powers; board of supervisors	13
HB 2123	transaction privilege tax reform committee	10
HB 2130	disease testing; public safety employees	17,19
HB 2154	child restraint systems	17,24
HB 2155	controlled substances; workers' compensation	13,20
HB 2178	property taxes; refund; forgiveness	10
HB 2215	probation officers; witness; representation	5,20
HB 2226	property tax; algaculture	10,18
HB 2264	ASRS; employee; employer contributions; rate	21,26
HB 2282	campaign finance; reporting; contributions	8
HB 2283	state employee benefits; definition	21
HB 2322	watercraft; registration; fees	13
HB 2347	public transportation authorities; board membership	24
HB 2350	cities; counties; regulations	18,24
HB 2358	theme park districts	10,23

<b><u>Bill No.</u></b>	<b><u>Short Title</u></b>	<b><u>Page No.</u></b>
HB 2360	flood control districts; immunity	4,13,23
HB 2362	state parks revenue fund	30
HB 2368	workers' compensation; omnibus	21
HB 2370	death certificates	17
HB 2374	deferred prosecution program; conditions	5
HB 2376	court fees; payment method	5
HB 2382	criminal offenses; sentencing	5
HB 2389	lease of county property; requirements	4
HB 2390	home detention programs	5
HB 2408	special audit; Pima county	11,13
HB 2417	written communication; electronic delivery; definition	14
HB 2432	special district petitions; multiple ownership	8,23
HB 2434	notification; federal law enforcement officers	30
HB 2438	government land; private land; study	14,18
HB 2442	prisoners; payment for drug testing	6
HB 2449	supreme court; audit; hearing	6
HB 2457	hunting; possession of unauthorized weapons	14
HB 2460	special taxing districts; boundaries	11,23
HB 2469	revenue allocation districts	30
HB 2476	fire, building; life safety; continuation	14,17
HB 2478	property tax; facilities	11
HB 2486	homeowners' rebate affidavit	14
HB 2494	interstate compact; forests	14,18
HB 2495	counties; purchases; local dealers	31
HB 2519	unemployment insurance; omnibus	21
HB 2532	court-ordered treatment	6



<b><u>Bill No.</u></b>	<b><u>Short Title</u></b>	<b><u>Page No.</u></b>
HB 2560	adult protective services; attorney fees	6,14
HB 2605	law enforcement dogs; biting	18,19
HB 2608	assessed valuations; audit	11
HB 2621	local government budgets; posting; contents	11,15
HB 2643	duty related injury; police officer	19,21
HB 2647	county stadium districts; Rio Nuevo	31
HB 2651	road enhancement improvement districts	4,24
HB 2658	flood control authority; relinquishment; districts	4,23
HB 2662	ASRS; employees; election; enrollment	21
HB 2676	government entities; attorney fees	15
HB 2702	sanitary districts; projects; revenues	11,24
HB 2712	computer access by minors	15
HB 2722	elections; polling places; electioneering	8
HB 2723	law enforcement officer; discipline; information	20,21
HB 2729	state regulation of firearms	31
HB 2744	regulatory rules; amendments	15
HB 2745	PSPRS; employer contributions	22
HB 2753	notice; claim; public entity; employee	6,15
HB 2757	billboards; changing message; authorization	31
HB 2760	publicity pamphlets; bond elections	8
HB 2780	animal cruelty; ranching dogs	4
HB 2801	property tax bills; payment; interest	11
HB 2803	personal property tax appeal deadline	12
HB 2815	employment; incentives; regulatory tax credit	12
HB 2826	consolidated election dates; political subdivisions	8

<b><u>Bill No.</u></b>	<b><u>Short Title</u></b>	<b><u>Page No.</u></b>
SB 1001	military preservation; land exchanges	19
SB 1016	workers' compensation; methods of compensation	22
SB 1040	county highways; county engineer recommendations	15,24
SB 1075	state forester; wildfire resource deployment	15,20
SB 1116	PSPRS; CORP; EORP amendments	22
SB 1117	ASRS; administration	22
SB 1119	ASRS; spousal consent	22
SB 1135	government deposits	12,16
SB 1141	public fiduciaries; investigatory power	16,18
SB 1146	indecent exposure; classification	6
SB 1147	sexually violent persons; definition	7,16
SB 1152	homeless court; establishment; jurisdiction	7
SB 1193	proposed rules; acceptable data	16
SB 1197	law enforcement; overtime compensation	20,22
SB 1198	town elections; signature requirements	9
SB 1200	political signs; hazardous locations	31
SB 1225	superior court clerk; arbitration; records	7
SB 1230	ballot appearance; general election; write-ins	9
SB 1231	appropriation; attorney general; habitat destruction	16
SB 1232	vehicle permit fees; excess weight	25
SB 1241	forfeiture of weapons and explosives	7,20
SB 1281	public roads; county maintenance	25
SB 1289	storm water discharges; construction sites	9
SB 1310	small claims division; jurisdiction; limits	32
SB 1365	free exercise of religion; contracts	16



<b><u>Bill No.</u></b>	<b><u>Short Title</u></b>	<b><u>Page No.</u></b>
SB 1402	broadband conduit installation; right-of-way; ADOT	16,24
SB 1442	prime contracting; manufacturing facilities; infrastructure	12
SB 1523	general appropriations; 2012-2013	26
SB 1524	capital outlay; 2012-2013	26
SB 1525	state budget procedures; 2012-2013	26
SB 1526	revenue; budget reconciliation; 2012-2013	27
SB 1527	government budget reconciliation; 2012 2013	27
SB 1528	health; welfare; budget reconciliation; 2012-2013	27
SB 1529	K-12 education; budget reconciliation; 2012-2013	28
SB 1530	higher education; budget reconciliation; 2012-2013	28
SB 1531	criminal justice; budget reconciliation; 2012-2013	28
SB 1532	environment; budget reconciliation; 2012-2013	29