

Maricopa County Government Relations



End-of-Session Legislative Report 49th Arizona Legislature 2010 Second Regular Session



Maricopa County



This report is dedicated to Diane Sikokis who retired on April 2, 2010, as Government Relations Director after 25 years of outstanding service to Maricopa County.

Her gentle example and professionalism serve as a continuing inspiration and guide to all of us.





Maricopa County

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June 1, 2010

**TO: DON STAPLEY, CHAIRMAN, BOARD OF SUPERVISORS, DISTRICT 2
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MAX W. WILSON, SUPERVISOR, DISTRICT 4
MARY ROSE WILCOX, SUPERVISOR, DISTRICT 5
DAVID R. SMITH, COUNTY MANAGER
SANDI WILSON, DEPUTY COUNTY MANAGER**

FROM: RICHARD BOHAN, DIRECTOR, GOVERNMENT RELATIONS

SUBJECT: 2010 LEGISLATIVE SESSION OVERVIEW

The 49th Legislature, Second Regular Session, adjourned sine die on Thursday, April 29, 2010 at 11:07 p.m., on Day 109 of the session.

A total of 338 bills were signed into law and a total of 14 were vetoed. A list of vetoed bills and the Governor's message are included at the end of this report. The general effective date is 90 days after legislative adjournment, which is July 29, 2010. Maricopa County was able to move eight of our bills through the process, while two died late in the session and one was vetoed by the governor.

There were a few bills that passed through the legislative session this year that were controversial. SB 1070, along with its companion bill HB 2162, received a lot of national and international attention, spurring much controversy. The legislation drew protestors, rallies, vigils, and even celebrities. It is titled as the Support Our Law Enforcement and Safe Neighborhoods Act.

**SB 1070 – Safe Neighborhoods; Immigration; Law Enforcement:
HB 2162 – Immigration; Border Security**

SB 1070, as amended by HB 2162:

- Prohibits a political subdivision from enacting “any policy that inhibits the enforcement of federal immigration law (aimed at “sanctuary cities”).

- Establishes a private right of action, allowing any citizen of the state to bring a suit for violation of the law. Specifies a \$500 daily civil penalty for any subdivision found in violation.
- Requires officers to ask about immigration status at any “lawful contract,” if there is “reasonable suspicion” that a person may be in the country illegally. Reasonable suspicion is not defined in the bill.
 - Defines “lawful contact” as “lawful stop, detention, or arrest in the enforcement of any other law or ordinance.”
 - Contains an exemption – law enforcement officers may not inquire about legal status if they think it may hinder an investigation.
- Requires law enforcement officers and jails to verify legal status with the federal government before releasing a person from custody.
- Specifies that a law enforcement officers or agency “cannot **solely** consider race, color or national origin when implementing these provisions, except as permitted by the U.S. or Arizona Constitution.”
 - The word “solely” was removed from the law in HB 2162.
- Makes “willful failure to complete or carry an alien registration document” a class one misdemeanor, punishable by at least \$500 in fines and jail costs.
 - Possession of drugs or weapons, or a second offense, constitutes a felony.
- Specifies documents which can be provided to prove legal presence, including:
 - A valid Arizona driver license.
 - A valid Arizona non-operating identification license.
 - A valid tribal enrollment card or other form of tribal identification.
 - A valid federal, state or local government issued identification, if the issuing entity requires proof of legal presence before issuance.
- Makes it a class one misdemeanor for an illegal resident to solicit employment.
 - Also a class one misdemeanor to attempt to hire a person on a street or roadway – aimed at the hiring of “day laborers.”
- Makes it a class one misdemeanor to transport, harbor, or shield a person known to be an illegal alien.

Another bill getting a lot of attention was a gun bill.

SB 1108 – Concealed Weapons; Permit

The Governor signed a NRA-backed bill into law, which removed the licensure requirement for those citizens who choose to carry a concealed firearm in the state of

Arizona. SB 1108 replaces Arizona's former law, which required anyone who wished to defend themselves outside their home to possess a state-issued concealed carry permit. Arizona residents will still be required to obtain a permit to carry concealed firearms across state lines in those states that have reciprocity agreements with Arizona.

Lastly, though did not make it through the final step of the process, Speaker Adams proposed the Arizona's Jobs Recovery Act. This bill was never sent to the Senate floor for a vote from the Senate as a whole due to the President's opposition to the bill.

HB 2250 – Arizona's Job Recovery Act

This bill would have created a more business friendly climate, attract and retained basic industries, created jobs with good pay and benefits, and provided the much needed tax relief to businesses and citizens. It would have restructured Enterprise Zones into a statewide Arizona Enterprise Development Program. It also would have created an Arizona Job Training/Impact Program where educational institutions would provide employers with services such as job training, adult-based education, job-related instructions, and vocational and skill assessment services and testing. The funding would have been from the withholding taxes on compensation paid by the employer for each new full time employee. An Arizona Opportunity Fund would have also been created that would award grants for attracting economic, infrastructure and community development. The funding would have been from money appropriated from the Legislature, income earned on investments, gifts, etc... and also from monies from the federal government.



Since the completion of our last report the Arizona State Legislature has held five Special Sessions and completed the 49th Legislature's Second Regular Session.

Forth Special Session

The session began on October 17th, 2009 and was focused on cleaning up the holes that were appearing in the FY 10 budget that was passed in June. The Governor's veto of some of the original budget bills in July and the severe economic downturn had placed the State's budget in a precarious position. Most importantly for Maricopa County, was the passage of SB 1003, which contained the County contribution of \$19 million to the State. This language was contained in an earlier bill that was vetoed by the Governor. The session also stripped the counties of revenues from the State lottery, impacting many Human Services programs. The session also included the passage of bills designed to meet new stimulus guidelines, which would allow the State to draw down more federal dollars for health care and education.

Fifth Special Session

The session began on December 17th, 2009 and was focused on making cuts and changes to the state FY2010 budget that was again out of balance due to the worsening fiscal crisis. The session ended on December 19th, with the passage of SB 1001, which included a 5% across the board reduction in agency budgets and reverted millions of dollars from agency accounts to the general fund.

Sixth Special Session

The sixth special session was called to address the budget, taxes and the lottery revenue bonds. There were four bills that were signed in this ten-day special session. The first bill established a special election to be held on May 18, 2010. The second bill authorized the issuance of bonds securitized by future lottery revenue streams and in session law, required the state to enter into lease-purchase agreements through the sale and simultaneous lease-purchase of state buildings to realize a net amount of \$300 million. The third bill authorizes the Arizona State Lottery for 25 years until July 1, 2035. The final bill stipulated that beginning in tax years starting on January 1, 2010, a non-resident filer of Arizona income tax returns who claims the standard deduction is allowed that deduction only to the same percentage as the taxpayer's Arizona gross income forms of the person's federal adjusted gross income. These bills helped advance the Governor's one-percent sales tax increase referral, as well as allow for additional revenue to be used to help balance the state's deficit.

Seventh Special Session

The seventh special session was called by the Governor on March 8, 2010 to complete work on fixing the FY 2010 budget and finalizing the FY 2011 budget. Work was completed on March 15th and the Governor signed the budget bills on March 18th.

Impacts to Maricopa County in FY 2011 Budget

County Contribution	\$28,600,000
Superior Court Judge's salaries	\$ 8,250,000
Sexually Violent Prisoners	\$ 3,100,000
HURF Sweep	\$ 5,900,000
County Assistance Fund Sweep	\$ 250,000

Total * **\$46,100,000**

*The total is an estimate and actual costs will be determined during the fiscal year.

This special session ran concurrently with the regular session of the Legislature. Some of the main provisions include: repealing KidsCare, repeal of Full-Day

Kindergarten, the state will now only support half-day kindergarten programs, repealed performance pay for state employees, state employee salaries are reduced 2.75%; authorization to implement mandatory furloughs for state employees of one day in FY10 and six days in each of FY11 and FY12. It also extends the statutory life of the Department of Juvenile Corrections for one year to July 1, 2011. Allows no increases in provider rates to AHCCCS above those in effect as of September 30, 2010; permits a further 5% reduction in provider rates; suspends for two months AHCCCS capitation payments to acute health plans (this "rollover" defers \$344M in general fund expenditures.) Also, permanently redirects lottery proceeds that previously went to the State Parks Heritage Fund and to specified local government assistance funds to the state General Fund. Among provisions enacted if Prop 100 fails: prisoners otherwise sentenced to terms of incarceration in the Department of Corrections of less than one year shall serve them in county jails.

Eighth Special Session

The Governor called the eighth special session to address the federal governments Health Care Reform bill. The sole purpose of this special session was to authorize the Governor to have Arizona join other states in the lawsuit against the federal government in regards to the Health Care Reform provisions. This bill was passed and signed by the Governor. However, the votes were divided along party lines with the Republicans being in support of this measure and the Democrats being opposed. Arizona became the 20th state to oppose this legislation claiming that it is unconstitutional. This claim is focused on two main provisions of the bill: one will require most individuals to purchase or otherwise obtain health insurance. Those that do not will face fines. The other increases the share of each state's Medicaid costs it will pay -- but not for nearly a decade. But to qualify, states are forbidden from scaling back their existing health programs.

Sales Tax Election – Prop 100

The election for the one cent sales tax increase was held on May 18th and passed with 65% of the state-wide electorate voting in favor. It estimated to bring in \$900 million dollars for FY 2011. This will help relieve some of the fiscal pressure on the State, but does not solve the deficit for FY 2011. We will be preparing for the upcoming session as the State faces another deficit year in FY 2012.



Thank you for your help and support during a very difficult session. Once again this year, the personal involvement in the legislative and budget process at crucial times

by Board members, county elected officials and county management was very important.

Within Maricopa County, legislative development is underway for the 2011 legislative session. We look forward to advancing the priorities of the Board and County management, and assisting other county elected officials whenever possible. A legislative development request form for 2011 will be sent out to all the county departments, and can be accessed on the Electronic Business Center (EBC).



End-of-Session Report 2010

49th Arizona Legislature, Second Regular Session

<input type="checkbox"/> BOARD OF SUPERVISORS 2010 LEGISLATIVE AGENDA:	2
<input type="checkbox"/> OTHER BILLS OF COUNTY INTEREST:	6
➤ CRIMINAL JUSTICE	6
➤ ELECTIONS	12
➤ ENVIRONMENTAL SERVICES/AIR QUALITY	13
➤ GENERAL GOVERNMENT	16
➤ PLANNING AND DEVELOPMENT	23
➤ SPECIAL DISTRICTS	24
➤ TAXES	26
➤ TRANSPORTATION	29
<input type="checkbox"/> GOVERNOR'S VETO LETTERS/BILL MESSAGES	32
<input type="checkbox"/> INDEX:	51

☐ MARICOPA COUNTY BOARD OF SUPERVISORS 2010

LEGISLATIVE AGENDA:

[Bills in this report are noted in bill order, and an "E" next to the chapter number denotes an emergency measure.]

HB 2428 - County Zoning Hearing; Appeal (Chapter 319) Driggs

The legislation allows the county supervisors to delegate the review of decisions made by a hearing officer to a county board of adjustment (BOA). The bill stipulates that if a board of supervisors (BOS) delegates the review process, then all reviews shall be heard by the BOA until such time as a BOS may take back the review process in totality. The provisions of the bill:

- Authorizes a BOA to review decisions made by a hearing officer who hears and determines zoning violations and issue a final decision, if directed to the county board of supervisors.
- Stipulates that any judicial review made by a BOA with regards to a final decision on zoning violations is subject to the statutes governing a Judicial Review of Administrative Decisions.
- Permits county supervisors to delegate the review of decisions made by a hearing officer who hears and determines zoning violations and renders a final decisions to a county board of adjustment.
- Stipulates that if the county supervisors elect to delegate the review, then the county supervisors shall delegate all requested reviews.
- Allows the county board of supervisors to:
 - * Establish one BOA that has countywide jurisdiction composed of one member who is a resident of each supervisorial district, or;
 - * Establish one BOA in each county supervisorial district that is composed of three to five residents of that supervisorial district.
- Permits a county attorney to provide civil legal services to another county or other political subdivision of this state or an officer, employee or agency of a political subdivision pursuant to an intergovernmental agreement (IGA) provided for by statute.
- States that any IGA shall state any payment to be rendered for their services and the scope of representation.
- Stipulates that a county attorney may also obtain civil legal services for the county or for an officer, employee or agency of the county, from the elected or appointed attorney of another county or other political subdivision pursuant to an IGA.

HB 2471 – Appointed Mental Health Experts; Requirements (Chapter 259) Goodale, Chabin

The legislation removes the stipulation that at least one appointed mental health expert in a court-ordered competency examination be a licensed psychiatrist. Arizona Revised Statutes (A.R.S.) §8-291.02 and §13-4505 require a court to appoint at least two mental health experts to perform a competency evaluation of a juvenile or a defendant in a criminal trial, respectively. At least one of the experts must be a psychiatrist licensed

pursuant to A.R.S. Title 32, Chapter 13 or 17. The mental health experts must examine the person, issue a report and, if necessary, testify regarding the competency of the person being evaluated. The bill:

- Removes the requirement that at least one of the mental health experts appointed by a court in the competency examination of a juvenile or criminal defendant be a licensed psychiatrist.
- Requires, on the motion of the court or any party, the court to appoint a psychiatrist in the competency examination of a juvenile or criminal defendant.

SB 1018 – Photo Enforcement Procedures; Justice Courts (Chapter 266) Pearce

The legislation addresses various aspects of the photo radar ticket process and allows for the tickets to be included in the Judicial Productivity Credits (JPCs) for FY 2010. Arizona Revised Statutes (A.R.S.) § 41-1722 establishes the state photo enforcement system and fund. This section requires the Arizona Department of Public Safety (DPS) to enter into contracts with private vendors to establish a statewide system of photo enforcement cameras. Most importantly, the bill requires that a person be personally served with a photo enforcement violation before the case can be filed into a county justice court. This change in the process should significantly reduce the number of photo radar cases files into the justice courts. The main provisions of the bill:

- Prohibits a photo enforcement system from being placed on a street or highway within six hundred feet of a posted speed limit change, except in an area around a school crossing.
- Requires a sign clearly stating the posted speed limit to be placed between the two signs providing notice of a photo enforcement system.
- Requires a uniform traffic ticket and a complaint, rather than just a complaint, to be issued or filed in order to commence a civil traffic violation case.
- Changes the period within which a civil traffic violation case must be filed, from 60 days to 120 days of the detection by the state photo enforcement system.
- Prohibits a state photo enforcement complaint from being filed in court before the person is personally served with the complaint.
- Allows a county board of supervisors to establish a fee to cover the costs of processing photo enforcement complaints.
- Repeals, retroactively to, from and after June 30, 2009, the exemption of photo enforcement citations from inclusion into judicial productivity credit calculations for FY 2009-10.
- Requires, retroactively to, from and after June 30, 2009 until the effective date of this Act, state photo enforcement citations to only be included in judicial productivity credit calculations if the filing results in adjudication, except if the citation is dismissed due to lack of service.
- Requires 40 percent of the monies remaining in the Photo Enforcement Fund in FY 2010-11, after paying expenses and court costs and not exceeding \$7 million, to be deposited in the Public Safety Equipment Fund.

**SB 1100 – Counties; Audits; Merit System; Judges
(Chapter 238) Pearce**

The legislation makes various changes to county statutes in the areas of county audits, merit system employees and superior court judges' salaries.

The major provisions are:

County Audits

- Allows a county board of supervisors to examine and exhibit accounts *and* performance of a county officer having the care, management, collection or disbursement of county monies.
- States that the working papers and other audit files in an examination and audit of the accounts and performance of a county officer are not subject to the Arizona public records statutes.
- Declares the information that is present in the working papers and audit files prepared for a specific examination or audit is not subject to disclosure, except to the attorney general and county attorney when involved in an investigation or action taken in the course of their official duties.

County Merit System

- Increases the percentage of employees that may be declared exempt from the County Employee Merit System from 5 percent to 10 percent.

Superior Court Judge Salaries

- Changes the effective date for Maricopa County to have to pay 100 percent of the annual salary for superior court judges from June 15, 2010 to July 1, 2010.

County Expenditure Limit

- Requires the Economic Estimates Commission to adjust the base expenditure limit for Maricopa County to reflect the transfer of the governmental function regarding salaries for superior court judges.

**SB 1206 – Counties; Planning; Development; Districts; Administration
(Chapter 244) Paton**

The legislation reorganizes the Arizona statutes on county planning and zoning. Arizona statute defines *zoning regulations* to mean provisions governing the use of land or buildings, or both, the height and location of buildings, the size of yards, courts and open spaces, the establishment of setback lines and other matters otherwise authorized by law (Arizona Revised Statutes (A.R.S.) § 11-801). Statute also requires Arizona counties to create a comprehensive long-term county plan for the development of the area of jurisdiction, including general zoning regulations. The county plan is required to have the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the area of jurisdiction (A.R.S. § 11-821). The bill reorganizes the planning and zoning statutes for clarity, but makes no material changes to the statutes.

**SB 1207 – Municipal Annexation; County Islands
(Chapter 245) Nelson, Paton**

The legislation creates a 60 day deadline for a municipality to provide the clerk of the Board of Supervisors with a copy of an adopted annexation ordinance. Arizona Revised Statutes § 9-471 outlines the process for the extension of a city or town by annexation. Any annexing municipality must file a blank petition with the clerk's office providing a description and accurate map of the exterior boundaries of the area proposed to be annexed. The annexation shall become final after the 30 day expiration from the adoption of the ordinance annexing the territory by the city or town governing body. The finalized annexation must be adopted in accordance with the procedures established by statutes, charter provisions or local ordinances and is subject to the review of the court to determine the validity of petitions if an objection has been filed. Laws 2008, Chapter 95 required that the annexing municipality provide a copy of the annexation ordinance to the clerk of the board of supervisors of each county that has jurisdiction over the annexed area. Currently, the clerk of the city or town has no deadline to provide the copy of the annexation ordinance to the county. The bill requires a city or town to provide a copy of the adopted annexation ordinance to the clerk of the board of supervisors within 60 days. The bill also includes a provision that requires an annexing city or town to include county roadways that are contiguous to the parcel being annexed. The change was requested to eliminate the problems caused by cities annexing up to a roadway and leaving a county to pay for roadway maintenance while the city enjoys the tax benefits of the annexation.

**SB 1406 – Procurement; Construction; Specialized Services
(Chapter 283) Tibshraeny**

The legislation reorganizes, rewrites and amends statutes relating to the procurement of construction services and professional services. The bill allows title 48 Special Districts to procure alternative project delivery methods such as design-build and construction manager at risk. The State of Arizona and its political subdivisions procure construction services and professional services for various necessary projects. In 2000, the Arizona Legislature authorized an optional alternative to the traditional procurement process of design-bid-build (commonly known as the *low bid* system) through the enactment of the Alternative Project Delivery Method (APDM). APDM authorizes the state, its agencies and political subdivisions to use construction manager-at-risk, design-build and job-order-contracting construction services. For these delivery methods, the construction contractor is either selected in a) a one-step competition based solely on qualification, or b) a two-step competition based on qualifications in the first-step and a combination of qualifications and price in the second step. The two-step competition does not apply to construction-manager-at-risk.

**HB 2044 – Vicious Animals Assault; Classification
Montenegro**

For the second session in a row, this legislation did not make it completely through the process and died in the Senate. Government relations staff and Dr. Rodrigo Silva worked with legislators to improve language and make the bill amenable to both parties. The bill moved out of the House with a vote of 51 to 1. The bill was assigned to the

Senate Judiciary committee chaired by Senator Chuck Gray. Senator Gray held the bill and would not schedule it for a hearing. The Senator held to the position that current law already covers this area and that the bill would infringe upon the rights of pet owners.

SB 1140 – Department of Juvenile Corrections; Continuation

Tibshraeny

The bill would have changed the sunset date of the Arizona Department of Juvenile Corrections from July 1, 2011 to July 1, 2015. The bill was necessary to block the attempt by the Governor's office to shift over \$40 million in costs to Maricopa County by mandating the county to pay the costs for a state department. The bill was never brought to the floor of the Senate for a final read.

SB 1179 – Counties; Payments; Reimbursements; Grant Revenues

L. Gray

Governor Brewer vetoed this Maricopa County bill which would have eliminated the county's payment to the state for the housing and treatment of sexually violent prisoners housed at the Arizona State Hospital (ASH). The county took over 100 percent of the superior court judges salaries in exchange of relieving it of the sexually violent persons (SVP) payment to the state. The Governor's veto places Maricopa County in the terrible position of paying both the judges salaries and SVPs. This disproportionate impact to Maricopa County is not only unfair, but indicates the desperate actions the state will take in order to bring in a few extra dollars. The state faces a one billion dollar deficit, and was willing to renege on a deal with Maricopa County in order to bring in an extra \$2 million to the state's general fund.

☐ OTHER BILLS OF COUNTY INTEREST

➤ CRIMINAL JUSTICE

HB 2020 – Restoration Order; Juvenile Commitment (Chapter 24) Barto

The legislation eliminates the requirement that the court must appoint a guardian ad litem for a juvenile who is ordered to participate in an inpatient or outpatient competency restoration program. The court *may* appoint a guardian ad litem if necessary. Under current law, the court is required to appoint a guardian ad litem for a juvenile who is ordered to participate in an inpatient or outpatient program.

HB 2062 – Aggravated assault; Peace Officer (Chapter 97) Tobin

The legislation changes the felony classification for aggravated assault on a peace officer. Arizona Revised Statutes (A.R.S.) §13-1204 specifies the conditions under which a person commits aggravated assault. A.R.S. §13-1204(A)(8)(a) states that a person commits aggravated assault if he or she knows or has reason to know that the victim a peace officer engaged in the execution of his or her official duties. A violation

of this statute is a class 6 felony unless it results in physical injury to the peace officer, in which case it is a class 5 felony. The bill states that it is a class 4 felony to commit aggravated assault pursuant to A.R.S. §13-1204(A)(8)(a) if the assault results in any physical injury to a peace officer and stipulates that aggravated assault pursuant to A.R.S. §13-1204(A)(8)(a) is a class 5 felony if the assault does not result in injury to the peace officer.

HB 2162 – Immigration; Border Security (Chapter 211) Nichols

The legislation is a trailer bill to SB 1070 and made some changes to the original language of SB 1070. HB 2162 reduced the fines for failure to follow the provisions of SB 1070. There is a bullet point description of SB 1070 and HB 2162 earlier in this report.

HB 2166 – Law Enforcement; Officer; Representation (Chapter 177) Biggs

The legislation prohibits the use of evidence in an appeals hearing of a law enforcement or probation officer if the officer is denied a representative during the investigative interview. Arizona Revised Statute (A.R.S.) §38-1101(A)(1) states the duties of the employer in an investigation which may result in disciplinary action. In an interview where the employer believes a disciplinary action may occur, such as dismissal, demotion, or suspension, the employer is required to:

- Permit the officer a representative who will serve as an observer.
- Permit the officer reasonable breaks of limited duration for telephonic or in person consultation with others, including an attorney.
- Not discipline, retaliate against or threaten to retaliate against either the officer or the officer's representative.

The bill denies the use of evidence at a hearing, if a party violates any of the requirements outlined in subsection A, unless the violation is harmless or for a showing of good cause including denying the officer the presence of a representative during the interview process and denying adequate breaks where the officer may consult with others, including an attorney.

HB 2296 – Peace Officers; Spouse; Insurance Payment (Chapter 148 E) J.P. Weiers, Antenori, Ash, Budes, et al.

The legislation permits the spouse of a law enforcement officer who has been killed in the line of duty to receive payments from public monies of the officer's employer for health insurance premiums for the first year after the officer's death the following requirements are met:

- The officer was killed in the line of duty or died from injuries suffered while in the line of duty.
- The officer was enrolled in the employer's health insurance coverage at the time of death.
- The spouse is entitled to continue participating in the employer's health insurance plan.

**HB 2425 – Vulnerable Adults; Attorney Fees
(Chapter 84) Driggs**

The legislation specifies a court may order the payment of reasonable attorney fees not to exceed the amount of compensatory damages in a civil action involving a vulnerable adult. Arizona Revised Statutes (A.R.S.) §46-451 defines a *vulnerable adult* as an individual who is eighteen years of age or older and who is unable to protect himself from abuse, neglect or exploitation by others because of a physical or mental impairment and any person who is impaired by reason of mental illness, mental deficiency, mental disorder, physical illness or disability, chronic use of drugs, chronic intoxication or other cause, except minority, to the extent they lack sufficient understanding or capacity to make or communicate responsible decisions concerning their person. The bill limits the amount of attorney fees a court may award in a civil action from two times the amount of compensatory damages to the total amount of compensatory damages.

**HB 2437 – Guardianship of Foreign Citizens
(Chapter 151E) Driggs**

The legislation allows the court to appoint an adult as the guardian of a foreign citizen if the foreign citizen is less than 21 years-old, and the foreign citizen has a temporary visa issued by the United States.

**HB 2470 – Public Defender; Duties; Reimbursement
(Chapter 195) Goodale, Gowan**

The legislation allows a court to appoint a public defender as counsel to an indigent person in guardianship, conservatorship and involuntary quarantine proceedings. The services of the public defender are generally performed without any cost to the defendant, although the court may order an indigent administrative assessment of up to \$25, order an administrative assessment fee of up to \$25 or require that the defendant repay to the county a reasonable amount to reimburse the county for the cost of the defendant's legal defense. When determining the amount and method of payment the court is directed to consider the financial resources of the defendant and the nature of the burden that the payment will impose. The assessments permitted under this statute are required to be paid into the county general fund in the account designed for use solely by the public defender and court appointed counsel to defray the costs of public defenders and court appointed counsel. The assessments are intended to supplement, not supplant, funding provided by counties for public defense, legal defense and contract indigent defense counsel in each county.

**HB 2493 – Sexually Violent Persons; Commitment
(Chapter 103) Lesko, Ash**

The legislation allows the director of the Arizona Department of Corrections (ADC) and the attorney general or county attorney to enter into a written agreement to have a sexually violent person extradited to another jurisdiction if the person has a pending prison sentence in that jurisdiction. Arizona Revised Statutes (A.R.S.) §36-3702 requires the ADC and the Arizona State Hospital (ASH) to determine if a person under

their jurisdiction is a sexually violent person. The statute also mandates that an agency with jurisdiction over a person submit a written request that a petition be filed to the attorney general or the county attorney before the person's if the agency determines the person to be a sexually violent person. The county attorney or the attorney general may file a petition in superior court alleging that the person is a sexually violent person. If the court or a jury finds beyond a reasonable doubt that the person is a sexually violent person, he or she must be committed to the state Department of Health Services for placement in a licensed facility under the supervision of the superintendent of the ASH to receive care, supervision or treatment until the person's mental disorder has so changed that he or she would not be a threat to public safety if he or she was conditionally released to a less restrictive alternative or was unconditionally discharged. The bill allows the director of ADC to enter into a written agreement with the attorney general or county attorney to have the sexually violent person retrieved by another state or federal jurisdiction if the person has a pending sentence of imprisonment in that other jurisdiction. It also states that if the ADC or ASH is unable to submit a written request for petition between 30 and 120 days prior to the release of a sexually violent person, the county attorney or attorney general is not precluded from filing the petition.

**SB 1029 – Law Enforcement Officers; Disciplinary Actions
(Chapter 75) Pearce, Gowan, Kavanagh**

The legislation prohibits a law enforcement officer (Officer) from being subject to disciplinary action except for just cause unless specified criteria are met. *Disciplinary action* is defined by Arizona Revised Statutes (A.R.S.) § 38-1101 as the dismissal, demotion or suspension for more than 24 hours of an Officer or probation officer (PO) that is authorized by statute, charter or ordinance and that is subject to a hearing or other procedure by a local merit board, a civil service board, an administrative judge or a hearing officer. This section also specifies the procedures an employer must follow when interviewing an Officer or PO if the employer reasonably believes that the interview could result in disciplinary action. Before the interview begins, the employer must provide the Officer or PO with a written notice describing the specific nature of the investigation. The Officer or PO must be informed of their status in the investigation, all allegations leading to the interview and the Officer or PO's right to have representation. During the interview, the Officer or PO may request to have a representative from the same agency, who is not an attorney, present to act as an observer. Short breaks must be allowed during the interview to allow for consultation and the Officer or PO may consult with an attorney at that time. If the information presented by the Officer or PO differs from information already obtained during the investigation, the employer may require a polygraph examination. If a polygraph examination is administered, an audio recording must be produced and a copy must be provided to the Officer or PO. At the conclusion of the interview, the Officer or PO is entitled to make a statement not to exceed five minutes addressing specific facts or policies related to the interview. The bill prohibits an Officer from being subject to disciplinary action except for just cause and excludes from the provisions of this Act Officers who have not yet completed their probationary period, if one is required by their employer, and Officers being dismissed due to administrative purposes.

**SB 1070 – Safe Neighborhoods; Immigration; Law Enforcement
(Chapter 113) Pearce**

The legislation stipulates various measures related to enforcement of immigration laws. No governmental entity or official may adopt a policy that limits or restricts enforcement of federal immigration law to the full extent permitted. Any Arizona resident may bring an action in superior court to challenge any jurisdiction that adopts a policy that restricts the enforcement of immigration laws. A jurisdiction found not in compliance shall pay a civil penalty of between \$1000 and \$5000 for each day the non-compliant policy remained in effect after the filing of the action. The court may award fees and attorney costs to the prevailing party. In all contact by an agent of law enforcement with a person who is reasonably suspected of being an illegal alien, a reasonable attempt must be made, when practicable, to determine the person's immigration status unless doing so would hinder or obstruct an investigation. A list of acceptable forms of ID is provided, including any non-Arizona governmental ID but only if proof of legal presence was required for issuance by the issuing authority. A person who is not lawfully present in this country commits the crime (minimum class 1 misdemeanor) of willful failure to complete or carry an alien registration document. The criminal classification increases to felony status if the person is connected with drug trafficking, is in possession of a deadly weapon or had been previously deported. A schedule of fines is implemented for violators. To enforce laws pertaining to illegal human smuggling, law enforcement is permitted to stop any vehicle on a "reasonable suspicion" the vehicle committed a violation of any civil traffic law. It is a class one (highest) misdemeanor to stop a vehicle on a public roadway or for a person to enter a vehicle stopped on a public roadway for the purpose of securing employment to perform work at a different location if the vehicle blocks or impedes the flow of traffic. It is a class one misdemeanor for a person who is in violation of a criminal offense to transport an illegal, conceal or harbor an illegal, or encourage or induce an alien to come to this state. Law enforcement is not required to secure a warrant to arrest an illegal alien. The state's employer sanctions law is modified to provide for an affirmative defense based on entrapment. Employers are required to maintain a record of verification or lawful presence for all employees for the longer of three years or the person's term of employment. A person who is furthering the illegal presence of an alien or who is concealing or harboring an illegal is subject to having his/her vehicle immobilized or impounded. Note: significant changes to SB 1070 were made by laws 2010, chapter 211, HB 2162.

**SB 1081 – Trial Court Appointments; Nonattorney Member
(Chapter 237) Paton**

The legislation establishes statutory guidelines for filling vacancies for nonattorney members on trial court appointment commissions. These commissions have 16 members, ten of whom are not attorneys. The bill specifies that the member of the board of supervisors from the district in which a vacancy occurs must appoint a seven-member nominating committee which shall review and forward to the governor all applications along with its recommendations. Formerly, the commission submitted a list of three names after reviewing all the applicants. The governor may select someone who was not an applicant only if timelines contained in the bill are not met.

**SB 1093 – Prisoners; Transition Program
(Chapter 54) L. Gray**

The legislation makes various changes to the state prison transition program, including further restricting participation in the program by excluding those convicted of DUI, sexual offense or arson. The list of services provided in the program is expanded by adding basic academic education, preparation for GED testing and postsecondary education job training. The bill requires that 5 percent of prisoner wages (except of those convicted of DUI) be deposited into the Prisoner Transition Program Fund. Also extends the statutory life of the program five years, to July 1, 2018.

**SB 1108 – Concealed Weapons; Permit
(Chapter 59) Pearce**

The legislation allows anyone over the age of 21 to carry a concealed deadly weapon without a permit. Concealed weapons permit holders must carry the permit only when specifically required by law. A person who fails to produce a valid permit under such circumstances when asked by law enforcement is subject to a \$300 civil penalty and to having the permit suspended. The fine is cancelled if the person presents a valid permit to the court, and law enforcement cannot confiscate a weapon that is otherwise lawfully possessed by a permittee whose permit has been suspended for a violation of the above section of statute. A person must answer truthfully if asked by law enforcement whether the person is carrying a weapon, and law enforcement may take temporary custody of the firearm for the duration of the contact. Requirements to obtain a concealed weapons permit are modified. It is misconduct involving weapons to carry a concealed deadly weapon in the furtherance of a serious offense, violent crime, or other felony offense; to fail to accurately answer a law enforcement officer asking whether the person is carrying a concealed weapon, or for a person under 21 years of age to carry a concealed weapon. Exempts minors carrying on property owned by the minor's parent, grandparent, or legal guardian; and minors carrying firearms in visible holsters or scabbards, in luggage, or in a case, holster, scabbard or pack carried in a means of transportation or storage compartment in a means of transportation. Allows forfeited weapons to be sold to any business authorized to sell firearms under federal, state and local law.

**SB 1123 – Prisoners; Community Corrections; Monitoring Fees
(Chapter 57) Melvin**

The legislation establishes the Community Corrections Enhancement Fund (CCEF) consisting of fees for community supervision, parole, GPS monitoring and home arrest. The fund will be comprised of monies from various sources, including the fee (which is increased to \$65 per month from \$30) paid by prisoners who have been released on parole or community supervision. Distribution of proceeds is altered so that 70 percent is deposited in the Victim Compensation and Assistance Fund (VCAF) and 30 percent is deposited in the CCEF. Formerly, the VCAF received all proceeds from this fee. A monthly home arrest supervision fee of \$65 is assessed with proceeds accruing to the CCEF. The Department of Corrections administers the CCEF and is authorized to expend fund monies to defer the costs associated with community corrections.

**SB 1204 – State Capital Postconviction Public Defender
(Chapter 109) Paton**

The legislation allows the State Capital Post-conviction Public Defender (SCPPD) to provide outside counsel to, and to sponsor or fund training for, an attorney outside the State Capital Post-conviction Public Defender Office (SCPPDO), and prohibits the SCPPD from representing a person who is not assigned by the Supreme Court.

**SB 1325 – Polygraph Examinations; Interviews; Law Enforcement
(Chapter 210) L. Gray**

The legislation makes changes to the investigatory protocol for law enforcement officers and probation officers, including changing the definition of “disciplinary action” to include suspension for more than 16 hours (previously suspension had to be for more than 24 hours). All data and reports from a polygraph examination of a law enforcement or probation officer are confidential and may be used only for employment, certification, or administrative matters. Expands the reasons law enforcement officers and probation officers may request representation at an employer interview to include when the officer believes the investigation could result in a dismissal, demotion, or suspension. Currently, the officer may request representation only if the employer believes the interview could result in dismissal, demotion or suspension.

➤ **ELECTIONS**

**HB 2069 – County Election Law Amendments
(Chapter 173 E) Tobin**

The legislation amends current county election laws by allowing for the reconciliation of school district boundaries, the use of county mail ballot elections under certain circumstances, the appointment of candidates in canceled elections, and the consolidation of polling place locations. The bill requires the superintendent to report the boundary adjustments to the county board of supervisors (board), and makes the adjusted boundaries the legal boundaries and descriptions of the school district within that county when the board approves the submitted report.

**SB 1393 – Secretary of State; Elections; Lobbyists
(Chapter 209 E) Paton**

The legislation makes numerous statutory changes to the election law code. The bill requires election officials to permanently retain the precinct signature rosters from elections. Formerly, rosters were required to be retained for six years. Retention via an electronic medium is permitted. Various forms and statements required to be filed by a political committee or candidate must be in a format prescribed by the filing officer. Additional requirements are placed on committees that have filed a \$500 exemption statement. Individual contributions to an independent expenditure committee are exempt from the \$5,610 limit that applies to contributions directly to candidates and PACs. Ads made by a political committee in support or opposition to a ballot proposition

must include a "paid for by" tag line identifying the name of the committee. The list of reasons requiring the Secretary of State to disqualify initiative, referendum or recall petitions is expanded to include petitions whose circulator was convicted of election fraud. The numbering of ballot propositions shall be sequential from the previous election until all one hundred numbers of that series have been used, at which time the series resets to zero. Changes the deadline for lobbyists and lobbying bodies to register to the second Monday in January in odd-numbered years from November 30 in even-numbered years. The registration period for lobbyists begins on December 1 of each even-numbered year. Effective April 28, 2010.

**SB 1422 – Petitions; Post Office Box Addresses
(Chapter 284) Hale**

The legislation permits a person signing nomination petitions or referendum petitions to use a post office box address if no residence address has been assigned to the person's residence by a government agency and the person's residence address has not changed from what the county recorder has on file.

➤ **ENVIRONMENTAL SERVICES/AIR QUALITY**

**HB 2033 – Emissions; Motorcycles; Area A; Date
(Chapter 42 E) J.P. Weiers, Burges, J. Weiers, Williams**

HB 2280, passed in 2008, provided for the exemption from vehicle emissions testing motorcycles in Area A. The legislation also included a conditional enactment provision which provided that the exemption of motorcycles in Area A would not take effect unless the EPA issued an emissions testing exemption for motorcycles on or before July 1, 2010. The legislation extends the conditional enactment date for vehicle emissions inspection exemptions from July 1, 2010 to July 1, 2012.

**HB 2064 – Biofuels Conversion Program
(Chapter 190) Boone**

The legislation outlines the procedure for awarding grants from the Arizona Biofuel Conversion Program fund to newly specified sites and increases the grant award threshold. the Arizona Biofuels Conversion Program (Program) was created in 2008 (Laws 2008, Ch. 254) to encourage the use of biofuels and required the Director of the Department of Commerce to develop a procedure for awarding grants from to provide for the conversion of existing fuel stations to include biofuel based on a series of criteria. The law authorizes the awarding grants equal to the lesser of \$30,000 or 40 percent of the conversion cost per site to applicants who provide an acceptable project plan that includes a cost schedule and timeline for completion of the project. The bill extends the Program termination date to July 1, 2015 and increases the grant threshold from \$30,000 to \$75,000 or the total cost of the conversion per applicant, whichever is the least amount.

**HB 2133 – Air Quality Nonattainment Areas; Designation
(Chapter 315) McGuire, Barnes, Jones, Pancrazi, Pratt, S. Allen**

The legislation requires Arizona Department of Environmental Quality to develop recommendations for designating geographic areas of the state as being in attainment, nonattainment or unclassifiable with respect to new or revised national ambient air quality standards. Arizona Revised Statutes (A.R.S.) § 49-401.01 defines *nonattainment areas* as those that violate national ambient air quality standards. These standards are established by the Environmental Protection Agency and specify the amount of pollutants, deemed to be harmful to public health and the environment, which are allowed present in the air.

**HB 2165 – Vehicle Emissions Testing; Onboard Diagnostics
(Chapter 253) Nichols**

The legislation allows the owner of a vehicle that receives an on board diagnostic (OBD) check that results in a not ready for testing or test failure code to qualify for a Special 90-day Resident Registration. Arizona Revised Statutes (A.R.S.) § 49-542 requires the director of the Arizona Department of Environmental Quality (ADEQ) to administer an annual or biennial emissions inspection program to provide emissions inspections of vehicles in the state. The bill specifies that for any vehicle that receives an OBD check that results in a not ready for testing or test failure code, the vehicle qualifies for a Special 90-day Resident Registration. It also requires the director ADEQ to provide the vehicle owner with a written description of the process to obtain a Special 90-day Resident Registration, in addition to a report that identifies up to 10 not ready for testing or test failure codes, when available. The bill contains a conditional enactment provision that specifies this act does not become effective unless the U.S. Environmental Protection Agency (EPA) approves changes in the State Implementation Plan (SIP) for air quality compliance on or before July 1, 2010.

**HB 2211 – Political Subdivisions; Volunteers; Noxious Weeds
(Chapter 65) Reagan, Cajero-Bedford, Nelson**

The legislation adds volunteers of political subdivisions, providing they meet all outlined stipulations, to the list of people not required to be licensed by the Structural Pest Control Commission. The Structural Pest Control Commission (Commission) is a state agency that regulates the commercial pest control industry. The Commission is responsible for enforcing federal and state laws as specified by the Environmental Protection Agency, Commission administrative rules and Arizona Revised Statutes. The bill adds volunteers of political subdivisions (volunteers) to the list of people not required to be licensed before applying pesticides for the purpose of controlling noxious weeds provided they are under the direct supervision of a licensed applicator.

**HB 2767 – Water Quality Fees
(Chapter 265) Jones, McGuire, Pratt, Aguirre**

The legislation requires the director of the Arizona Department of Environmental Quality (ADEQ) to set water quality permit fees one-time, to replace fees currently set by statute. It also grants ADEQ the authority to charge fees currently in statute until new fees can be set. Arizona Revised Statutes (A.R.S.) § 49-241 requires any person or

facility that discharges a pollutant, either directly to an aquifer or to the land surface or the area between the two in such a manner that that is likely to reach an aquifer, to obtain an aquifer protection permit from the director of ADEQ. The Arizona Pollutant Discharge Elimination System Program (AZPDES) is outlined in A.R.S. § 49-255.01 as being established by the director and in compliance with the Environmental Protection Agency's Clean Water Act. The program is responsible for issuing, authorizing, denying, modifying, suspending or revoking individual or general permits. Under the program, the director is responsible for the establishment of permit conditions, discharge limitations and standards of performance.

**SB 1171 – Aggregate Mining Reclamation Reports
(Chapter 164) S. Allen**

The legislation requires owners or operators of aggregate mining operations in the state must submit an annual report to the division of Mined Land Reclamation in the Mine Inspector's Office on the status of each mine reclamation plan. Information in the report must include: acreage of surface disturbance, acreage reclaimed and the status of the aggregate mining operation. The Mine Inspector has 30 days to request additional information, after which time the report is deemed to have been accepted as submitted.

**SB 1193 – Agricultural Best Management Practices; Enforcement
(Chapter 207) Pierce**

The legislation establishes guidelines for the regulation of PM-10 particulate emissions and preempts further regulation of regulated agricultural activities by political subdivisions. The bill asserts that the Department of Agriculture has jurisdiction over determination of compliance with agricultural best management practices. State regulation of PM-10 particulate emissions produced by regulated agricultural activities preempts further regulation by any other local governmental entity. In the case of non-compliance with air quality regulations related to agriculture, the minimum amount of time the Department of Environmental Quality may give to the violator to submit a plan to achieve compliance is shortened to 60 days from six months.

**SB 1408 – Agricultural Best Management; Dust; Districts
(Chapter 82) Melvin**

The legislation stipulates that to qualify for an agricultural general permit in those parts of the Phoenix metro area that became regulated for PM-10 particulate emissions subsequent to June 1, 2009, the list of best practices that must be complied with is expanded to include activities of an irrigation district related to canals and unpaved roads.

**SB 1411 – Dairy Farms; Zoning; Agricultural Purpose
(Chapter 338) Nelson**

The legislation specifies that a dairy operation is a general agricultural purpose and is not subject to certain planning and zoning regulations. Statute currently mandates that a county planning and zoning commission designate and zone appropriate areas of reasonable size in which there may be established, with reasonable permanency, canneries, fertilizer plants, refineries, commercial feed lots, meat packing plants, tallow

works and other like businesses. This bill specifies that dairy operations, including areas designated for the raising of replacement heifers or bulls owned by the same dairy operation, are not subject to zoning by the Commission and are considered a general agricultural purpose.

➤ GENERAL GOVERNMENT

HB 2067 – PSRPS; Omnibus Amendments (Chapter 118) Boone

The legislation makes numerous changes to the Public Safety Personnel Retirement Plan (PSPRS). Established in 1968, the Public Safety Personnel Retirement System (PSPRS) administers the statewide retirement program for public safety personnel who are regularly assigned hazardous duty in the employ of the state of Arizona. The bill requires fire districts and municipalities to provide to the PSPRS any and all information that the PSPRS needs to calculate and split fire insurance tax premium proceeds between the fire district and municipality's paid and volunteer firefighters. It also expands the definition of compensation to include payments made directly or indirectly by the employer to the employee for work performed for a third party, on a contracted basis, between public agencies for criminal traffic and crime suppression activities or where the employer supervises the employees performance of law enforcement, criminal, traffic and crime suppression activities, training, fire, wildfire, emergency medical or emergency management activities.

HB 2068 – EORP; Omnibus Amendments (Chapter 30) Boone

The legislation makes numerous changes to the Elected Officials' Retirement Plan (EORP). Established in 1985, the EORP provides benefits to elected officials of the state, counties, incorporated cities and towns. Consisting of 37 participating employers, the EORP includes 1,881 members, 905 of which are currently retired. Some of the changes include excluding periods of uncompensated service and in which no contributions were made to the plan from the definition of *credited service*. It also establishes the EORP as a jural entity that may sue and be sued.

HB 2109 – Superior Court; Holiday Hours (Chapter 32) Tobin

The legislation allows the superior court in a county to treat the fourth Friday in November as a legal holiday provided that the court conducts business on the second Monday in October. Last year, HB 2236 was signed into law allowing a county's board of supervisors to adopt a resolution designating the fourth Friday in November (Black Friday) as a legal holiday in place of the second Monday in October (Columbus Day). County superior courts, however, were not affected by this law, as superior courts are under the administration of the state. The bill allows the superior court of a county, upon the approval of the county's presiding judge, to transact business on Columbus Day if the county's board of supervisors declares Black Friday a legal holiday and prohibits the

superior court in a county from conducting business on Black Friday if that county's superior court is open to conduct business on Columbus Day.

**HB 2116 – Ambulance Services; Rates; AHCCCS Members
(Chapter 86) Konopnicki**

The legislation establishes a voluntary process for hospitals and local entities to provide a state match for graduate medical education (GME) and disproportionate share payments (DSH). It allows for counties to help fund DSH and GME. County funds would be used to pull down federal matching funds. The bill gives counties the option to contribute, but does not mandate doing so.

**HB 2209 – Public Meetings; Notices
(Chapter 88) Reagan**

The legislation requires public bodies of the state to post all public meeting notices on their website. Title 38, section 431, Arizona Revised Statutes requires all meetings of any public body to be open to the public and any person who desires to attend and listen to the proceedings must be permitted. Currently, only public bodies of cities and towns that have a website are required to post public meeting notices online. HB 2209 would now require governing bodies of charter schools and public bodies of counties and school districts to also post meeting notices online and allow special taxing districts to do so. A public body files a statement with either the Secretary of State, city or town clerk or the county clerk. The statement indicates where all public notices of the public meeting will be posted. HB 2209 eliminates the filing requirement and instead requires the statements to be posted on the public body's website.

**HB 2228 – Private Elevator Inspectors; Elevator Safety
(Chapter 66) Hendrix**

The legislation allows the Industrial Commission of Arizona to authorize certain individuals to perform initial and annual inspections of conveyances. The Arizona Division of Occupational Safety and Health (Division) operates under the Industrial Commission of Arizona (Commission) and is statutorily required to inspect conveyances once a year. Statute defines conveyance as an *elevator, dumbwaiter, escalator, moving walk, manlift, stage lift or personnel or material hoist*. If the conveyance is in compliance with the standards and regulations, a certificate of inspection is issued. Conversely, if the Division determines that there is reasonable cause to believe a violation of a standard or regulation exists, a correction order is issued directing any repairs, improvements, changes or additions needed to eliminate the hazard. The bill requires the *owner or operator* of a conveyance to ensure that a conveyance is inspected.

**HB 2246 – Regulation of Fireworks
(Chapter 286) Biggs, Harper**

The legislation allows the use of permissible consumer fireworks by the general public and the sale of permissible consumer fireworks by a retail establishment if the establishment follows storage and retail rules adopted by the Marshall. It also requires the Marshall to adopt rules to enforce fireworks laws, including a rule that adopts the

National Fire Protection Association code for the manufacture, transportation, storage and retail sales of fireworks and pyrotechnic articles. The bill stipulates that permissible consumer fireworks include ground and hand-held sparkling devices, cylindrical and cone fountains, illuminating torches, wheels, ground spinners, flitter sparklers, toy smoke devices, wire sparklers or dipped sticks, multiple tube fireworks devices and pyrotechnic articles.

**HB 2260 – Regulatory Rule Making
(Chapter 287) Tobin**

The legislation modifies the regulatory rule making process by making changes to the use of summary rule making, revising the role of the Governor’s Office of Strategic Planning and Budgeting (OSPB) and adding rules governing the use of general permits. Pursuant to statute, “rule” is defined as an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of an agency (A.R.S. 41-1001). The Arizona Administrative Code (Code) is where the official rules of the state of Arizona are published. The Code is the official compilation of rules that govern state agencies, boards, and commissions.

**HB 2282 – Political Subdivisions; Government Transparency
(Chapter 288) Montenegro, Antenori, Gowan, Seel, Stevens**

The legislation stipulates that on or before January 1, 2013, each local government must establish and maintain an official Internet website that is accessible to the public at no cost. It also asserts that each local government website must maintain a comprehensive *reporting* of all revenues and expenditures over \$5,000 of local monies, that mirrors the requirements and limitations of the ADOA website and states that a link to the local government reporting data must be displayed on a prominent place on the website and be updated no less frequently than every three months. The bill clarifies that the local government reporting data may be updated as new data becomes available and requires the reporting data to be retained and accessible on the local government website for at least three fiscal years.

**HB 2287 – Accommodation Schools; Levy Limit Recalculation
(Chapter 317) Pratt**

The legislation clarifies that an accommodation school is prohibited from levying property taxes and requires any property tax levied by a county in support of an accommodation school to count towards the county’s primary levy.

**HB 2302 – Publication of Notices; Committee
(Chapter 132) Crump, Chabin, Jones**

The legislation establishes the committee on publication of notices. The committee will be made up of five Senators and five House members and will be charged with examining current statutes relating to the publication of notices and the efficient use of tax dollars. The committee is to report out by November 4, 2011.

**HB 2334 – Document Preparation Costs; Awards
(Chapter 134) Ash, Sinema**

The legislation allows a court to award the cost of document preparation by a certified legal document preparer to the prevailing party in a legal action. The bill also stipulates that the party seeking recovery will file a sworn affidavit of costs with the court.

**HB 2389 – ASRS; Plan Design; Refunds
(Chapter 50) Boone**

The legislation makes numerous changes to the Arizona State Retirement System (ASRS). While the plan enjoyed lower contribution rates during the 1990s and early 2000s, various factors have caused the rate to increase more rapidly: significant improvements to retirement benefits that occurred prior to 2002; lower investment returns during fiscal years 2001, 2002, and 2003; lower contribution rates during the 1990s; longer life expectancy for retirees; and expensive and inefficient plan design features. As a result of recent investment market volatility, ASRS expects contribution rates to continue to increase by approximately 0.5 percent per year for the next five years.

**HB 2400 – Burial Duties; Service Member Remains
(Chapter 137) Sinema, Deschene**

The legislation specifies that the duty to bury or provide other funeral arrangements for decedents who died while serving in the military devolves to the individual listed on the service member's U.S. Department of Defense Record of Emergency Data, DD form 93. The U.S. Department of Defense Record of Emergency form or the DD form 93 is used by military personnel to designate beneficiaries for certain benefits in the event of the service member's death. It is also a guide for disposition of that member's pay and allowances if captured, missing or interned. The form also shows names and addresses of the person's the service member would like to be notified in case of an emergency or death. The bill grants responsibility of burying or providing other funeral arrangements for a service member who died while serving in the U.S. military to the person authorized by the service member on the service member's U.S. Departments of Defense Record of Emergency Data, DD form 93, or its successor form.

**HB 2477 – Civil Actions; Public Employee; Definition
(Chapter 72) Konopnicki**

The legislation adds a *leased employee* to the list of public employees authorized to perform any act or service on behalf of a state entity. Arizona Revised Statutes (A.R.S.) title 12, chapter 7, article 2 prescribes the conditions under which a legal action may be brought against public entities or public employees. A.R.S. §12-820.01 outlines the conditions under which a public entity would qualify for absolute immunity in a legal action. A.R.S. §12-820.02 outlines the conditions under which a public employee or public entity would qualify for qualified immunity. The bill includes *leased employees* in the definition of *employee* in the statutes relating to actions against public entities or public employees.

**HB 2602 – County Recorder Records; Access
(Chapter 229) J.P. Weiers**

The legislation grants law enforcement officers performing official duties access to confidential records maintained by county recorders. Over the past decade, public officials have sought and received changes to statutes governing the public's access to records containing their personal information. Currently, A.R.S. § 11-483 allows an eligible person to request that the general public be prohibited from accessing the person's residential address and telephone number contained in the instruments or writings recorded by the county recorder. An eligible person must file an affidavit with the presiding judge of the superior court to complete this request. These restrictions do not prohibit access to the records of the county recorder by parties to the instrument, title insurers or licensed title insurance or escrow agents. The bill adds law enforcement officers performing official duties to the list of individuals who may have access to the restricted records of county recorders. It also specifies that a law enforcement officer is deemed to be performing official duties if the officer provides a subpoena, court order or search warrant for the records.

**HB 2612 – Veterinarian Regulations
(Chapter 182) Pratt**

The legislation modifies statutes pertaining to veterinary practice, including veterinary licensure and technician certification, animal abuse reporting and investigations of violations and misconduct. The bill permits the Board to waive license examination requirements for applicants that hold active licenses and have practiced in Canada and allows applicants to seek technician certification from the Board without two years experience as a veterinary assistant and a recommendation from an employing veterinarian. It also Allows the Board to determine as administrative violation any minor records violations that are routine entries into a medical record and do not affect the diagnosis or care of an animal and allows the Board to report to the proper authorities as perjury any suspected deliberate, fraudulent testimony, whether given personally, telephonically or in writing.

**HB 2629 – Self-Defense; Political Subdivisions; Weapons Records
(Chapter 327) Stevens, Ash, Gowan**

The legislation prohibits a political subdivision from maintaining records related to the transfer or storage of firearms and specifies circumstances under which a person is justified in using deadly physical force. The bill prohibits a political subdivision from requiring or maintaining any permanent or temporary record, which includes lists, logs or databases of the following:

- Any person who temporarily stores weapons at any public establishment or event;
- Except in the course of a law enforcement investigation or if the transaction involves a federally licensed firearms dealer, any identifying information of a person who sells or transfers firearms
- The descriptions, including serial numbers, of weapons temporarily stored at any public establishment or event.

The bill allows an establishment operator or event sponsor to require a person to provide government issued identification in order to establish ownership of a weapon placed in temporary storage. It also specifies that, in a situation where a person is justified in threatening or using deadly physical force against another, the person has no duty to retreat prior to threatening or using the force, provided the person is in a place they are legally permitted to be and not engaged in unlawful activity.

**HB 2647 – Initiatives; Review; Title; Signature Collection
(Chapter 95) McComish, Ch. Campbell**

The legislation allows political committees to submit copies of their proposed initiative or referendum language to legislative council for review, provides an affirmative defense for offenses involving petition signature fraud and prohibits the numbers for constitutional amendments from being repeated until all of the numbers in the sequence are used. The bill allows a political committee that intends to submit an application for initiative or referendum petition to submit a copy of the proposed law to the director of legislative council at any time before filing the application and after filing a statement of organization and requires legislative council to review the draft within 30 days of receipt of the text of the measure. It also allows the person or organization proposing the law or constitutional amendment to accept, modify or reject any recommendations made by legislative council staff regarding the text of the measure. The bill also Adds that a person paid by a political committee to employ or subcontract with persons who fraudulently obtain petition signatures or who obtain petition signatures through other unlawful means is not guilty of petition signature fraud if he or she reports the suspected unlawful or fraudulent signature collection to the filing officer, and refuses to file the suspected unlawful or fraudulent signatures.

**HB 2684 – POW/MIA Flag; Display
(Chapter 217) Gowan, Antenori, Montenegro, Seel, Stevens**

The legislation requires that the POW/MIA flag be flown at designated government locations on days when the U.S. flag is displayed. The POW/MIA flag flies at specified federal government locations on Armed Forces Day (the third Saturday in May), Memorial Day (the last Monday in May), Flag Day (June 14), Independence Day (July 4), National POW/MIA Recognition Day (generally the third Friday in September) and Veterans Day (November 11). The bill requires the POW/MIA flag to be flown on all days the U.S. flag is flown at the following locations:

- The state capitol building.
- The building that serves as the location of the superior court building in each county.
- The building that serves as the city or town hall of each incorporated municipality.
- The building that serves as the main administrative building of each county.

**SB 1124 - CORP; Reverse DROP; Extension
(Chapter 163) Melvin**

Extends reverse Deferred Retirement Option Plan (DROP) to members of the Correctional Officer's Retirement System (CORP) to June 30, 2016 and permits the Department of Corrections and Juvenile Department of Corrections to designate positions within the department that must be filled by CORP employees if the employee

is currently employed in a specified designated position and has at least five years of credited service under the plan.

**SB 1153 – State Preemption; Knives
(Chapter 204) C. Gray**

Local government is prohibited from imposing any regulation on the possession, carrying, sale, transfer or manufacture of knives (defined). School districts are exempt. A legislative intent section states that the regulation of knives is a matter of statewide concern.

**SB 1161 – Death Certificates; Registration Deadline
(Chapter 205) L. Gray**

The legislation requires the official responsible for registering death certificates (local or state registrar or deputy registrar) to do so within 72 hours of receipt, if the certificate is accurate, complete and properly submitted. If a medical examiner examines a body, a death certificate must be issued within 72 hours (excluding weekends and holidays) of the examination.

**SB1202 – County Treasurer; Excess Foreclosure Proceeds
(Chapter 108) Leff**

The legislation requires the trustee to mail notices of sales to all known addresses of a trustor and other interested parties. It also outlines requirements for mailing notices, applications and affidavits that pertain to a trustee's sale.

**SB 1309 – Parents; Rights
(Chapter 307) C. Gray**

The legislation establishes a parent's bill of rights. Parental rights are reserved to a parent of a minor child without interference from the state, including, but not limited to, the following: to direct the educational, moral and religious upbringing of the minor child; to make health care decisions for the child unless otherwise prohibited by law; to access and review all records of the child, including medical records; to consent in writing before a biometric scan, DNA record, video or voice recording is made of the child; and to obtain information about a Child Protective Services investigation involving the parent. Also requires schools to provide parents with information outlining procedures by which they may learn about instructional materials, policies related to parental involvement, rights to opt out of certain assignments, rights to opt out of sex education classes, rights to opt out of immunizations, open enrollment rights, and rights to review courses of study and texts. Additionally, restrictions are placed on performing a mental health screening in a nonclinical setting or mental health treatment on a minor without permission of the parent/guardian.

**SB 1349 – State Parks; Management
(Chapter 249 E) Leff**

The legislation is an emergency measure that allows the State Parks Board (Board) to contract with public or private entities or an Indian tribe to operate state parks. The bill requires that by December 31, 2010, the Department of Administration in consultation

with the Board must issue a request for information to study the feasibility of allowing a private vendor either to assist in the operation of or fully operate one or more state parks. Session law only; does not amend statutes.

**SB 1398 – Federal Regulations; Local Coordination
(Chapter 189) S. Allen**

The legislation requires a city, town, county, or special taxing district (local government) to demand that the federal or state government coordinate with the city, town, county or district before implementing, enforcing or extending federal regulations if the local government has less restrictive regulations or policies. If the federal government fails to coordinate, the entity must hold hearings and vote on whether to authorize litigation to enforce the jurisdiction's coordination rights. Any person who resides or does business in Arizona may serve local governing bodies with a written demand to comply with these requirements, and if the governing body fails to comply within 60 days, may file a special action for relief. Current Arizona law has no requirements for federal or state governments to coordinate with a city, town, county or special taxing district before implementing, enforcing or extending federal regulations.

**SB 1410 – Trust Land Exchanges; Military Preservation
(Chapter 222) Nelson**

The legislation revises the process to review and evaluate proposed state trust land exchanges and contains a conditional enactment clause. The bill authorizes the State Land Department to exchange state trust land for other public land and disallows exchanges for private land. Expands the list of purposes for which state land may be exchanged to include preserving and protecting “military facilities” (defined). Two hearings are required prior to an exchange of state trust land: one at the state capital and one near the lands being exchanged. Formerly, only one hearing was necessary at the county seat of the county in which the lands were located. Each state trust land exchange transaction must be approved by the voters at the next regular general election. Conditionally enacted on the voters amending the Arizona Constitution at the 2010 general election to authorize exchanges of state trust land for other public lands.

➤ **PLANNING AND DEVELOPMENT**

**HB 2145 – County Planning and Zoning
(Chapter 175) Konopnicki**

The legislation amends the monthly meeting requirements of county planning and zoning commissions and temporarily suspends the comprehensive plan adoption requirement. Current law requires that there be at least one regular meeting each month and additional meetings as necessary and determined by a majority of the commission. The bill clarifies that a county planning and zoning commission is only required to hold a regular monthly meeting if there is new official business to transact and provides a temporary suspension for a county board of supervisors and a city or

town council from the requirement to readopt an existing comprehensive plan or adopt a new comprehensive plan until July 1, 2015.

**HB 2478 – Development Fees; Moratorium
(Chapter 153) Konopnicki**

The legislation extends the moratorium on development fees to June 30, 2012 and allows cities and towns to impose development fees established prior to passage of the retroactive start date of the moratorium. Previously, a moratorium on development impact fees was initiated to prohibit municipalities from imposing new development fees or increase existing fees for a two year period starting retroactively on June 29, 2009. Several cities including Chandler, El Mirage, Casa Grande, Gilbert, Buckeye and Prescott established development fees prior to the moratorium. According to Arizona Revised Statutes § 9-463.05, municipalities are required to wait 75 days from the formal adoption of the fee to implement the fee. The retroactive clause from the 2009 moratorium prevented the aforementioned cities from applying the fees. The bill permits cities and towns to impose a new development fee or increase in the existing development fee if the fee was adopted by the governing body on or after March 1, 2009 and before September 1, 2009.

**SB 1136 – Subdividers; Public Reports; Internet Advertisement
(Chapter 144) Nelson**

The legislation requires a subdivider to include the following disclosure statement on a print advertisement in a magazine or a newspaper, or on an Internet advertisement regarding a specific lot or parcel of the subdivider: "A public report is available on the state Real Estate Department's website."

**SB 1357 – Majority Vote; Rezoning
(Chapter 146) Pierce**

The legislation specifies if rezoning of land within a zoning district is proposed, the county board of supervisors of a three-member board may approve the rezoning in all cases by a simple majority vote. Previously, if 20 percent of land owners in the district filed a written protest, a 3/4 majority vote of the board was necessary for approval. Procedures for a county with a five-member board of supervisors are unchanged, i.e., a simple majority if no protest is filed, and a 3/4 majority if a protest is filed.

➤ **SPECIAL DISTRICTS**

**HB 2003 – Revitalization Districts
(Chapter 310) Reagan**

The legislation creates the authority for municipalities or Indian tribes to form Revitalization Districts, which can be used to address infrastructure needs of the community. The district can be formed through the consent of 51 percent of the property owners and the property owners of 51 percent of the net assessed value of the effected property. Once formed, the district may issue bonds and levy a secondary property tax to cover financing costs.

**HB 2666 – Small Fire Districts; Board Members
(Chapter 53) Stevens**

The legislation requires fire districts administered by an elected chief and secretary-treasurer to convert to administration by an elected board of directors at the next regular election for the district.

**HB 2676 – University Athletic Facilities Districts
(Chapter 140) Nichols, Meza, Pancrazi**

The legislation allows the Coconino, Maricopa, and Pima County Board of Supervisors (BOS) to establish a University Athletic Facilities District (UAFD) that will collect revenues from commercial lease assessments for the improvement of property for new or existing athletic facilities at public universities. Laws 1990, chapter 390 authorized the Maricopa County BOS to establish a county stadium district and levy a sales tax for the construction of a baseball stadium if the county was awarded a major league baseball team. The duties of the county stadium district, along with procedures for bonding authority, are outlined in statute (Arizona Revised Statutes, title 48, chapter 26). HB 2035 will allow the county BOS in a county with a state-supported university to establish a UAFD using the county stadium district statutes related to the board of directors (BOD) and bonding authority. The eligible counties are Coconino (Northern Arizona University), Maricopa (Arizona State University), and Pima (University of Arizona). To establish a UAFD, the BOS must enter into an intergovernmental agreement (IGA) with the Arizona Board of Regents (ABOR). The UAFD boundaries would be the boundaries of the University and the UAFD could use funds for any athletic facility construction, renovation, maintenance, or improvements. The UAFD would receive funds through an assessment from prime commercial leases located within the UAFD (University) boundaries. The assessment would be based on the value of the lease, similar to a property tax assessment.

**SB 1083 – Improvement Districts; Financing
(Chapter 298) Tibshraeny**

The legislation allows municipal improvement and community facilities districts to establish a reserve fund with either the proceeds of a bond issue or by increasing the amount of the annual installments of principal in excess of the amount necessary to pay principal and interest on a bond issue. Monies in the reserve fund may be used only to cure deficits in the principal and interest funds or to pay interest and principal on the final maturity of the bond. The county treasurer's collection expenses may be recouped through a surcharge added to the bond assessment levy.

**SB 1253 – Fire Districts; Dissolution Process
(Chapter 275) Aguirre**

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

➤ TAXES

HB 2158 – Data Processing for County Taxes

(Chapter 64) Murphy, Farley

The legislation allows, rather than requires, the Department of Revenue (DOR) to provide data processing to counties for property tax purposes. County assessors are required to prepare their tax rolls and use data processing systems as prescribed by DOR. Accordingly, the county may use its own data processing system, or contract with a private vendor. If the county does not own, lease, or contract for the equipment and services necessary to meet DOR's requirements, DOR is required to contract with the county to furnish the data processing equipment or services. Currently, DOR has contracts with five counties at the rate of \$0.60 per parcel. The total cost to county assessors that have current contracts with DOR for their services is approximately \$370,000. The bill removes the mandate for DOR to provide data processing services to counties and allows DOR and a county assessor to contract for data processing services as needed.

HB 2159 – Boards of Equalization; Petitions; Review

(Chapter 37) Murphy, Farley

The legislation allows the State Board of Equalization (SBOE) to issue final decisions under contracts to replace a county board of equalization (CBOE). Prior to March 1 of each year, property owners receive a Notice of Value from the county assessor stating the full cash value and limited value of their property. If the owner believes the value or classification is in error or excessive, they may file an appeal with the county assessor within 60 days of receiving the notice. The property owner can request a meeting with the assessor or submit written evidence to support the appeal. If the appeal is denied by the assessor, the property owner can appeal to the SBOE or the CBOE, depending on where the property is located. For properties in Maricopa and Pima Counties, the appeal is to the SBOE. For all other counties, the appeal is to the CBOE. The county board of supervisors (BOS) sits as the CBOE. For those counties with a CBOE, the county BOS may currently contract with the SBOE to provide the hearings. However, any decision made by the SBOE under contract must be given final approval by CBOE (BOS). The bill permits a county BOS to contract with the SBOE to perform hearings and make final decisions regarding property valuation appeals.

HB 2247 – Property Tax Appeals to Court

(Chapter 68) Biggs

The legislation assigns statutory provisions related to a new property owner's right to appeal the valuation or classification of the property to a new, separate section of statute. Prior to March 1 of each year, property owners receive a Notice of Value from the county assessor stating the full cash value and limited value of their property. If the owner believes the value or classification is in error or excessive, they may file an appeal with the county assessor within 60 days of receiving the notice. The property owner can request a meeting with the assessor or submit written evidence to support the appeal. If the appeal is denied by the assessor, the property owner can appeal to the State Board of Equalization (SBOE) or the County Board of Equalization (CBOE),

depending on where the property is located. A property owner who is dissatisfied with the valuation or classification of the property determined by the county assessor, CBOE, or SBOE, or whose petition to the CBOE or SBOE is denied may appeal directly to Tax Court. If the appeal is related to changes in the assessment of the property due to new construction, additions, or deletions from assessment parcels, or changes in property use that occur after September 30 of the preceding year and before October 1 of the valuation year, the appeal to Tax Court must be filed within 60 days after the mailing of the decision determined by the SBOE or CBOE. A new owner of property previously valued by the county assessor may file an appeal to the valuation or classification of the property with the Tax Court by December 15 of the year in which the taxes are levied if the former owner of the property never filed an appeal.

**HB 2257 – Municipalities; Counties; Taxes; Fees; Notice
(Chapter 316) Antenori**

The legislation establishes new requirements that must be met before a municipality or county may levy or assess any new or increased taxes or fees. The bill prohibits a municipality or county from levying or assessing any new or increased taxes or fees unless it provides written notice of the proposed charge, whether new or at an increased rate, at least 60 days before the date the proposed tax or fee is approved or disapproved by the governing body on the municipality's or county's homepage of its website. It also specifies that the requirements do not apply to property taxes, county capital improvement plans, and city infrastructure improvement plans.

**HB 2335 – City; Town; County; Expenditure Limitation
(Chapter 69) Jones**

The legislation allows counties and municipalities to exceed expenditure limitations if the expenditures are for capital improvements as long as they are repaid prior to the required hearing held by the Office of the Auditor General (OAG). Pursuant to Arizona Revised Statutes (A.R.S.) § 41-1279.07, the OAG is required to issue a uniform expenditure reporting system for all political subdivisions subject to constitutionally-prescribed expenditure limitations. After it receives an expenditure report from a county or municipality that suggests that an expenditure limitation has been exceeded, the OAG must hold a hearing to determine if a political subdivision has exceeded its expenditure limitations. If a county has exceeded the expenditure limitations without authorization, the OAG must notify the board of supervisors of the county to reduce the allowable levy of primary property taxes of the county. According to the OAG, the amount of time between when a county or municipality submits an expenditure report to the OAG showing that it has exceeded its expenditure limitations and when the OAG holds its hearing varies generally from two to six or more months, depending upon a number of variables. The bill specifies that counties and municipalities are not designated as having exceeded their expenditure limitations for capital improvement expenditures paid with utility revenues or excise taxes if the expenditures are both:

- Repaid from the proceeds of bonds or other lawful long-term obligations.
- Repaid before the statutorily required hearing held by the auditor general.

**HB 2423 – Municipal and County Budgets
(Chapter 100) Tobin**

The legislation requires counties, cities and towns to post their estimates of revenues and expenses on their official Internet websites in addition to making them available at their libraries and administrative offices. The bill eliminates the requirement for the governing body of each county, city or town to hold a special meeting to hear from taxpayers and make tax levies and stipulates that each county, city and town must publish a summary regarding the total estimated revenues and expenditures by fund type, truth in taxation calculations, and primary and secondary property tax levies for all districts. It also requires counties, cities and towns to post their estimates of revenues and expenses on their official Internet websites in addition to making them available at their libraries and administrative offices and requires a summary of the estimates and a notice, together with the library addresses and websites where the complete copy of the estimates may be found, to be published for once a week for at least two consecutive weeks in the official county, city or town newspaper.

**HB 2507 – Property Tax Valuation; Governmental Actions
(Chapter 96) Murphy**

The legislation clarifies how the limited value of properties that are split or combined as a result of a government action are determined. Current law states that the primary value, also known as the limited value, cannot exceed the full cash value of the property. Laws 2007, chapter 104 addressed how limited values are calculated in cases where property is split, subdivided, or consolidated as a result of an action by a governmental entity. The intent of the legislation was that the limited value of properties that are split or combined due to a governmental action will remain unchanged. Due to wording that has proved to be unclear, there are various interpretations of the procedure for calculating the limited value on these properties. HB 2507 will clarify the procedures, resolving these multiple interpretations.

**HB 2627 – County Transportation Excise Tax; Transit
(Chapter 326) Jones, McGuire**

The legislation allows counties with a population between 200,000 and 400,000 to levy a transportation excise tax pursuant to current Statute. Pursuant to A.R.S. § 42-6106, counties with a population exceeding 200,000 but fewer than 1,200,000 persons may levy a transaction excise tax, if approved by the qualified electors voting at a countywide election. The tax is collected by the Department of Revenue. Counties with a population of 400,000 or fewer but more than 200,000 are prohibited from levying a county transportation excise tax. As of July 1, 2008, according to the population statistics unit of the Arizona Department of Commerce, there are four counties with a population between 200,000 and 400,000: Mohave, Pinal, Yavapai and Yuma. The bill removes the prohibition on levying a county transportation excise tax or county transportation excise tax for roads for counties with a population of 400,000 or fewer persons but more than 200,000 persons and allows any county, with voter approval, to levy the transportation excise tax and the transportation excise tax for roads.

**SB 1217 – State Board of Equalization Reforms
(Chapter 80 E) Leff**

The legislation is an emergency measure that increases the number of members on the State Board of Equalization (SBOE), makes various changes to the administration of cases, and establishes the Property Tax Appeals Study Committee. The bill increases the number of members from Maricopa and Pima Counties appointed to the SBOE by the Governor from 6 to 10. This increases the total membership of the SBOE from 33 to 41 members. The bill also establishes a Property Tax Appeals Study Committee to identify and analyze issues involving the property tax appeal process and submit recommendations to the Legislature by December 15, each year until 2012, after which this section self-repeals and allows State Board of Equalization members to take part in election campaigns and to hold positions on other boards or commissions that do not regularly interact with the Board.

**SB 1287 – County Treasurer; Liens; Notices; Payments
(Chapter 279) Nelson**

The legislation makes several revisions to statutes regulating tax payments, tax liens, notices of sale of property to collect delinquent taxes, and a treasurer's authority to invest public monies. The bill expands the list of investments in which a county treasurer is permitted to invest to include bonds or other debt of a government entity of any state (formerly only of this state) and negotiable or brokered certificates of deposit issued by a nationally or state chartered bank or savings and loan. The three-year maximum maturity duration on investment instruments of public operating funds is lengthened to five years. A taxpayer making property tax payments for a minimum of 50 (formerly 100) parcels may make the tax payment in a lump sum electronically. The list of persons able to redeem a tax lien at any time prior to foreclosure and have a court enter a judgment for attorney fees to the plaintiff is expanded to include a person who became the owner after the action began and subsequent to a notice of pendency being recorded. Procedures are written into statute requiring a public notice to be published for a sheriff's tax sale if the owner's address is unknown.

➤ TRANSPORTATION

**HB 2336 – Escort Vehicles; Traffic Control; Insurance
(Chapter 99) Antenori**

The legislation allows escort vehicle operators with a prescribed amount of training and commercial liability insurance to perform traffic control and changes the required training frequency for traffic control flaggers. Statute currently mandates that escort vehicle operators be at least 18 years of age, have a valid driver license, be in possession of a valid escort vehicle operator certificate and have at least four hours of training in certified traffic control techniques. The bill allows escort vehicle operators with at least four hours of training in certified traffic control techniques and at least \$500,000 in liability insurance to perform traffic control. It also changes the training and certification requirement frequency for traffic control flaggers from at least once every

two years to once every four years and prohibits persons with escort vehicle certifications from other states from performing traffic control in this state.

**HB 2338 – Yellow Lights; Duration; Photo Enforcement
(Chapter 213) Antenori, Gowan**

The legislation specifies that yellow light durations must be at least three seconds in local jurisdictions required to maintain traffic control devices. Arizona Revised Statutes (A.R.S.) § 28-641 requires the director of ADOT to adopt a manual and specifications for a uniform system of traffic control devices on highways in the state. A.R.S. § 28-643 further provides that local authorities are required to place and maintain traffic control devices to regulate, warn or guide traffic. The Manual on Uniform Traffic Control Devices (MUTCD) is the publication that sets forth the basic principles which govern the design and usage of traffic control devices. The MUTCD is prepared by a national committee with the participation of state, county and municipal representation. The bill highlights specification that yellow light durations are required to be at least three seconds, specifies that a photo enforcement system may only result in a traffic ticket and complaint if the system conforms to the MUTCD adopted by the director of ADOT and requires a traffic control device involved in a red light violation to conform to the MUTCD.

**HB 2422 – Primitive Roads
(Chapter 192) Tobin**

The legislation allows the governing body of a city or town to designate roads as primitive roads. The Bureau of Land Management (BLM) defines *primitive roads* as routes managed for use by four-wheel drive or high-clearance vehicles and that do not normally meet any BLM road design standards. Arizona Revised Statutes (A.R.S.) § 28-6706 requires that counties, cities or towns mark all primitive roads with signs stating "Primitive road, caution, use at your own risk. This surface is not regularly maintained." Current law specifies that primitive roads must be opened before June 13, 1975 and not be constructed in accordance with county standards or previously be state or county highways.

The bill allows the board of supervisors or the governing body of a city or town to designate a road as primitive if:

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

**SB 1063 – Public Transportation; Regional Planning
(Chapter 201) Nelson**

In statutes dealing with the Regional Public Transportation Authority (RPTA) (required in counties with a population greater than 1,200,000), the "regional public transportation system plan" is renamed the "public transportation element of the regional transportation plan." The agency given authority to develop the public transportation element is changed to the regional planning agency (in the case of Maricopa County this is MAG) from the RPTA board. The list of powers of the RPTA board is also

modified to delete determination of public transport systems and their financing. The RPTA board is instead given authority to "implement" the public transport element of the plan that has been determined by the regional planning agency. The list of elements in the plan are reduced by eliminating: the definition of land use goals, the selection of public transportation technology, the location of routes and access points to public transportation and the determination of ridership of public transportation. The requirement that the RPTA operate a regional bus system is deleted.

**SB 1137 – Department of Transportation; Vehicle Right-of-Way
(Chapter 202) Nelson**

The legislation makes several changes relating to the Arizona Department of Transportation (ADOT) and allows the Arizona Department of Revenue (ADOR) to provide ADOT with information for administering taxes and surcharges. The bill permits the ADOT director to reorganize the operating divisions of the department and, in order to assist ADOT in administering the surcharge on rented vehicle, requiring the ADOR to provide annually a list of businesses that rent vehicles. It extends the date by which the state's long-range transportation plan must be adopted by two years to December 31, 2006. Furthermore, the bill authorizes ADOT to contract with a private entity to inspect traffic survival schools.

**SB 1366 – Eminent Domain; Relocation Assistance
(Chapter 308) C. Gray**

The legislation specifies applicable rules for acquiring agencies regarding relocation assistance for displaced persons in eminent domain actions. The bill removes the Department of Transportation's exemption from statutes governing the use of eminent domain. Requires (formerly, authorizes) state agencies and local governments to adopt rules for relocation assistance in compliance with state administrative procedures contained in title 41, chapter 6.

□ GOVERNOR'S VETO LETTERS/BILL MESSAGES

➤ VETOED BILLS

- HB 2043 law enforcement; duty fitness examination
- HB 2075 state board of investment; continuation
- HB 2110 state library and archives amendments
- HB 2215 tax assessment of retention basins
- HB 2240 recovery audits; public funds
- HB 2300 driving on highways; lane regulations
- HB 2337 Arizona manufactured incandescent light bulbs; regulation
- HB 2432 fire districts; boundaries; merger; consolidation
- HB 2462 private property trespass towers
- HB 2475 riding between lanes; motorcycle operation
- HB 2502 taxation of solar energy property
- SB 1154 underground storage tanks
- SB 1179 counties; payments; reimbursements; grant revenues
- SB 1267 ballot measures; numbering system



STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

April 23, 2010

EXECUTIVE OFFICE

The Honorable Kirk Adams
Speaker of the House
Arizona House of Representatives
1700 West Washington Street
Phoenix, Arizona 85007

Re: House Bill 2043 - Law Enforcement; Duty Fitness Examination

Dear Speaker Adams:

Today I vetoed House Bill 2043. This bill was introduced to establish requirements for employers of law enforcement and probation officers regarding final reports and preexamination materials related to fitness for duty examinations. Employers may require officers to submit to a fitness for duty examination to assess whether an officer is able to perform the essential functions of his or her position due to a possible physical or mental condition.

House Bill 2043 requires that if an officer is determined to be unable to perform the essential functions of their job because of a physical condition, the employer shall provide the officer with the final report of the fitness for duty examination, as well as any pre-examination materials. I am concerned that this legislation does not allow for the redaction of sensitive information from those reports. Arizona's law enforcement officers are critical to maintaining the safety of the public. If an officer notices a colleague is unable to perform his or her duties, that officer *must* report those concerns. This is an appropriate requirement. An officer that is unfit for duty could pose a serious safety risk not only to his fellow officers, but also to the public. I am concerned, however, that the requirement that the reporting officer's name be disclosed may cause him to refrain from reporting until it is too late and someone may become seriously injured.

I am also concerned that this legislation will apply across the board to all fitness for duty examinations within law enforcement and probationary employment. Employers of law enforcement officers and probation officers have the ability to establish policies and procedures for fitness for duty examinations within their organizations. This legislation would force agencies that already have efficient policies and procedures in place to eventually change those processes.

For these reasons I have chosen to veto House Bill 2043.

Sincerely,

A handwritten signature in cursive script that reads "Janice K. Brewer".

Janice K. Brewer
Governor

cc: The Honorable Bob Burns
The Honorable John Kavanagh

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STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

April 6, 2010

The Honorable Kirk Adams
Speaker of the House
Arizona House of Representatives
1700 West Washington Street
Phoenix, Arizona 85007

Re: House Bill 2075 - State Board of Investment; Continuation

Dear Speaker Adams:

Today I vetoed House Bill 2075. This bill was introduced to continue the State Board of Investment for ten years, however other substantive provisions unrelated to the extension of the Board were added to the bill. The Board is scheduled to sunset on July 1, 2010.

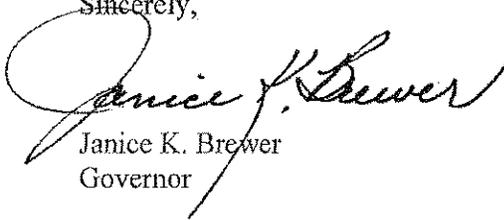
The Arizona Constitution requires the establishment of a State Board of Investment. Currently the Board consists of five members: the State Treasurer, the Director of the Department of Administration, the Superintendent of the Department of Financial Institutions, and two other members appointed by the Treasurer. House Bill 2075 grants the State Treasurer an additional appointment to the Board without granting the Executive an equal appointment. This arrangement would alter the Board's balance and grant the State Treasurer, who also serves as the Board's chairman, even greater power over the Board's decision making. I am also concerned that this measure leaves the Board with an even number of members while lacking any provision to resolve a tie vote, which could result in a stalemate on any number of important matters before the Board.

I recognize that adding an additional member to the Board of Investment would provide the State Treasurer with the additional financial expertise he is seeking to help him with matters relating to the Permanent Land Trust Funds, the investment of state monies and the development of state investment policies. However, I am very concerned about the unintended consequences that could result from altering the makeup of this important Board and I don't believe such a move would be prudent in these financially uncertain times.

The Honorable Kirk Adams
April 6, 2010
Page Two

Fortunately, there is still time in the session for the Legislature to send me a bill that simply continues the State Board of Investment until July 1, 2020. During the interim, I would be pleased to work with the bill's sponsor, Rep. Nancy McLain, to develop legislation for next session that provides the appropriate financial expertise that the State Treasurer needs while also maintaining a reasonable balance between the Executive and the State Treasurer's Office.

Sincerely,



Janice K. Brewer
Governor

cc: The Honorable Robert Burns
The Honorable Nancy McLain



STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

April 14, 2010

The Honorable Kirk Adams
Speaker
Arizona House of Representatives
1700 West Washington Street
Phoenix, Arizona 85007

Re: House Bill 2110 (state library and archives amendments)

Dear Speaker Adams:

Today I vetoed House Bill 2110. This bill was introduced to amend the laws related to the Arizona State Library, Archives and Public Records (ASLAPR), following last year's legislation that moved that office under the direction of the Secretary of State.

I have no issue with the various technical and renumbering changes proposed in HB 2110. However, this bill makes major changes to the longstanding and historical manner in which confidential and sensitive information regarding our citizens is stored and maintained in Arizona and provides little guidance to assure that the integrity and confidentiality of that information will not be compromised.

The various state agencies, governmental entities and municipalities whose records would have to be transferred to ASLAPR under this law must be consulted regarding these security issues, and a discussion has to occur as to whether transferring these records to ASLAPR is in the best interest of the citizens of our State. I encourage the sponsors and proponents of this bill to reach out to these offices to hear their concerns.

I also have concerns about the proposed State Building Stewardship Pilot Program. The current structure and obligations of the Capital Outlay Stabilization Fund (COSF) is inequitable and leading to the deterioration of ADOA's building infrastructure. The COSF situation has been further aggravated by our need to fund some ADOA operational costs out of COSF due to the state's budget crisis. House Bill 2110 further exacerbates the COSF dilemma. I am also concerned about the bill's rent exemption and the planned duplication of effort, since ADOA already provides these services.

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The Honorable Kirk Adams

April 14, 2010

Page Two

I support finding ways to promote, incentivize and pilot methods to enhance building stewardship. I believe, though, that any building management/stewardship pilot program should be the result of solid collaboration between ADOA and other agencies, and should clearly delineate the evaluation criteria for determining the programs' success and whether the experiences are applicable elsewhere in state government. I am also concerned, that forgiving rent requirements for a single agency and providing funds for that agency to handle its own building maintenance and operations is not the best method for launching a solid pilot program.

I look forward to working with Representative McComish, the Secretary of State and other stakeholders over the interim to comprehensively address these issues.

The Honorable Kirk Adams

April 14, 2010

Page Two

Sincerely,

Janice K. Brewer

Governor

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The Honorable Kirk Adams

April 14, 2010

Page Two

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The Honorable Kirk Adams

April 14, 2010

Page Two



STATE OF ARIZONA

April 26, 2010

EXECUTIVE OFFICE

JANICE K. BREWER
GOVERNOR

The Honorable Kirk Adams
Speaker of the House
Arizona House of Representatives
1700 W. Washington
Phoenix, Arizona 85007

Re: House Bill 2215 (tax assessment of retention basins)

Dear Speaker Adams,

Today, I vetoed House Bill 2215. This bill was introduced to establish a method of property valuation for commercial and industrial retention basins. The bill also establishes the value of retention basins at \$500 per parcel.

House Bill 2215 could lead to unintended fiscal and policy consequences if it were to become law in its current form.

Chief among those consequences is a yet-unknown impact to property tax rates. Allowing the values of these parcels of property to drop would lower overall property valuations and would necessarily require the state to adjust the QTR upwardly.

The value of a retention basin is difficult to capture as a stand-alone parcel; therefore this change could significantly increase the number of parcels that would be reclassified as retention basins. This could also create confusion as to how an assessor is expected to capture the value of adjacent parcels.

Arizona's property tax system relies on accounting for improvements made to land. If improvements are removed from the equation as though they are of no value, such as is proposed in HB 2215, the property tax system is eroded.

The Maricopa County Assessor has recognized the need to revise valuation policies and procedures addressing the full cash value of certain types of restricted use properties, such as retention basins. I encourage and support these efforts.

Sincerely,

A handwritten signature in cursive script that reads "Janice K. Brewer".

Janice K. Brewer
Governor

Cc: The Honorable Robert Burns
The Honorable Andy Biggs

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STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

May 11, 2010

The Honorable Ken Bennett
Secretary of State
1700 W. Washington
Phoenix, Arizona 85007

Re: House Bill 2240 (recovery audits; public funds)

Dear Secretary Bennett,

Today I vetoed House Bill 2240. This bill would have required the Auditor General to contract with consultants to conduct a recovery audit of payments made by state agencies to vendors over the past three fiscal years.

This bill was introduced to recover overpayments to vendors and to recommend improved state agency accounting operations. I support eliminating wasteful spending and increasing efficiencies in state government; however, this bill would result in the delegation of Executive authority to the Legislature. It is the Executive's responsibility to ensure that payments are made properly and the Arizona Department of Administration (ADOA) is already charged with that responsibility. In fact, the ADOA General Accounting Office initiated a similar cost recover audit with a private vendor in FY 2008. Moreover, ADOA is well underway with other transparency initiatives, including the launching of a new searchable state website detailing all state expenditures and revenues.

I commend the sponsor of the bill for his desire to ensure that state monies are spent appropriately and accurately. In order to alleviate any concerns over state expenditures, I have directed ADOA to issue a Request for Proposal to have a audit recovery contract in place by October 1, 2010.

Sincerely,

A handwritten signature in cursive script that reads "Janice K. Brewer".

Janice K. Brewer
Governor

cc: The Honorable Kirk Adams
The Honorable Robert Burns
The Honorable Andy Tobin

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STATE OF ARIZONA

May 10, 2010

EXECUTIVE OFFICE

JANICE K. BREWER
GOVERNOR

The Honorable Ken Bennett
Secretary of State
1700 W. Washington, 7th Floor
Phoenix, Arizona 85007

Re: House Bill 2300 (driving on highways; lane regulations)

Dear Secretary Bennett,

Today, I vetoed House Bill 2300. The bill requires the Department of Transportation, in cooperation with the Department of Public Safety, to conduct a study to determine the likely safety improvements and feasibility of implementing commercial vehicle lane restrictions on the non-urbanized areas of Interstate 10 between Phoenix and Tucson, and other non-urbanized areas with three or more lanes in each direction.

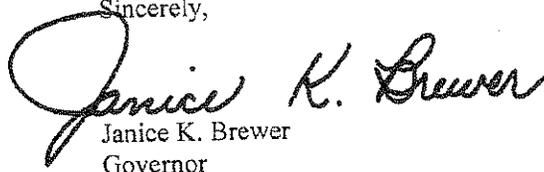
This bill was introduced to look at improving the efficiency and safety of our highway system, however it is unnecessary and duplicative at this time. ADOT has the authority under current law (28-736) to do what HB 2300 proposes. At a time of restricted budgets, the Legislature is directing agencies of the Executive Branch, agencies whose primary mission is highway and public safety, to do what they are already responsible for doing.

More than one study has shown a 40% projected growth in truck traffic on I-10, which is the primary east-west route across the southern half of the U.S. Additional lanes and an upgraded and updated I-10 is the only answer. This is why my administration and the State Transportation Board have prioritized the I-10 corridor as a vital link in Arizona's economy by committing nearly \$1 billion in current and future improvements in the Phoenix-Tucson section alone. Much of the widening and improvements are underway or already completed.

I commend the sponsor of the bill for his desire to explore ways that may improve the safety and efficiency of our transportation system. With the major improvements under way on the I-10 corridor, the Department is currently looking at whether vehicle lane restrictions would facilitate the safe and orderly movement of traffic and what types of vehicles should be restricted.

Director Halikowski and the traffic engineering professionals at ADOT, working cooperatively with DPS Director Halliday, will address this issue as they always do - with safety of the public as their priority.

Sincerely,


Janice K. Brewer
Governor

cc: The Honorable Kirk Adams
The Honorable Robert Burns
The Honorable Steve Farley

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STATE OF ARIZONA

May 11, 2010

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

The Honorable Ken Bennett
Secretary of State
1700 W. Washington
Phoenix, Arizona 85007

RE: House Bill 2337 (Arizona manufactured incandescent light bulbs; regulation)

Dear Secretary Bennett:

Today I vetoed House Bill 2337. Despite any federal restrictions to the contrary, the bill would have allowed the possession, use, manufacture, purchase, installation, sale or exportation internationally of incandescent light bulbs manufactured in Arizona from Arizona raw materials and components.

While I have vetoed HB 2337, I share the bill's underlying sentiment. The federal government continually infringes on the rights of States guaranteed in the United States Constitution and by over-regulating the lives of everyday Americans. As Governor, there has not been a more ardent defender of the State of Arizona's Tenth Amendment rights -- from suing the federal government for overreaching its constitutional authority in the recently passed federal health care legislation to signing the Firearms Freedom Act (HB 2307) into law last month.

In fact, HB 2337 was modeled in large part after HB 2307. Both bills invite lawsuits that would restore our Founding Fathers' vision of a limited federal government based on the Tenth Amendment. I believe that the Firearms Freedom Act is the more immediate and practical vehicle for achieving this objective. The federal phase-out of the incandescent light bulb starts next year and is completed in 2014. HB 2337 would take many more years to achieve its goal because there are no active tungsten mining or mineral processing facilities in Arizona. Tungsten is necessary to manufacture the filament in incandescent light bulbs.

For these and other reasons, I have vetoed HB 2337.

Sincerely,

A handwritten signature in cursive script that reads "Janice K. Brewer".

Janice K. Brewer
Governor

cc: The Honorable Kirk Adams
The Honorable Robert Burns
The Honorable Frank Antenori

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STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

May 10, 2010

The Honorable Ken Bennett
Secretary of State
1700 W. Washington
Phoenix, Arizona 85007

Re: House Bill 2432 (fire districts; boundaries; merger; consolidation)

Dear Secretary Bennett,

Today, I vetoed House Bill 2432. The bill as originally drafted corrected issues concerning fire district mergers and consolidations, along with addressing several governance matters.

HB 2432 has caused Arizona's fire districts to reevaluate the potential benefits of the original bill compared to the potential risks it poses. The concerns are specific to conference committee amendments that could lead to double taxation by both the fire district and municipality for fire services. Further, the amendment provides for division of fire district assets on a proportionate basis without addressing liabilities or a specific methodology for the division.

While the vast majority of the legislative changes in HB 2432 are non-controversial, the bill transmitted to me also redraws the relationship between municipalities and fire districts. While this may be desirable to a particular fire district, there are also undesirable scenarios for fire districts and most importantly, the Arizonans they serve.

Sincerely,

A handwritten signature in black ink that reads "Janice K. Brewer".

Janice K. Brewer
Governor

cc: The Honorable Kirk Adams
The Honorable Robert Burns
The Honorable Adam Driggs

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STATE OF ARIZONA

May 11, 2010

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

The Honorable Ken Bennett
Secretary of State
1700 W. Washington
Phoenix, Arizona 85007

Re: House Bill 2462 (private property trespass towers)

Dear Secretary Bennett,

Today I vetoed HB 2462. While I believe the Legislature is justified in their concern over some practices of towing companies that remove vehicles from private property, I am not able to support HB 2462. I believe the rate-setting and other requirements in the legislation need to be more carefully thought through and coordinated with those counties and municipalities already doing, or capable of doing, these tasks. In short, I am not yet persuaded of the need for the state to preempt local efforts or potential efforts.

I am persuaded, though, that if a state agency should be given the rate-setting and other duties prescribed in the legislation, resources must be appropriated or otherwise provided to ensure the new responsibilities can be effectively accomplished. The legislation assigns the responsibilities to the Department of Public Safety but does not provide the means to carry out the obligations. As a result, the Department would need to reassign officers away from law enforcement duties to private towing company oversight functions. While the Department's Commercial Vehicle Enforcement Bureau currently has some tow truck safety inspection duties, the additional responsibilities imposed by HB 2462 would necessitate a reallocation of personnel. Given the current state of the Department's budget, I believe such a reallocation to address private towing firms would be imprudent.

For these reasons I am vetoing HB 2462.

Sincerely,

A handwritten signature in cursive script that reads "Janice K. Brewer".

Janice K. Brewer
Governor

cc: The Honorable Kirk Adams
The Honorable Robert Burns
The Honorable Ed Ableser



STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

May 11, 2010

The Honorable Ken Bennett
Secretary of State
1700 W. Washington
Phoenix, Arizona 85007

Re: House Bill 2475 (riding between lanes; motorcycle operation)

Dear Secretary Bennett,

Today I vetoed House Bill 2475. The bill would have allowed motorcycle operators in Maricopa County to pass vehicles in the same lane and drive between lanes of stopped traffic for a one-year period.

This practice is currently prohibited by law in Arizona and it is not clear how this proposal, which is drafted as a one-year session law, could be implemented in a way that all motorists would be advised of this change in traffic law and educated on how to operate in a safe manner.

Further, should the practice sunset as prescribed (when the legislature is not in session and without a study to determine its impact), a public awareness and education campaign would need to be implemented to notify the public again.

Jurisdictional implementation, as it is proposed in this bill, also may create a potential for complications. I do not think that it is wise or prudent to sign a bill that would allow traffic practices in one part of the state that remain offenses in all other areas. This will create a confusing patchwork of traffic safety enforcement wherein vehicle operators would be in compliance with the law in one area, and then in violation in the next as they drive from county to county.

I am also concerned that some highway safety officials and law enforcement agencies raised questions on the impact this practice would have on safety. In addition, both the National Highway Traffic Safety Administration and the State of California Department of Motor Vehicles both hold that it is unsafe to operate a motorcycle between rows of stopped or moving traffic. While California does not specifically prohibit lane-splitting, it is important to note that the state calls it an unsafe practice.

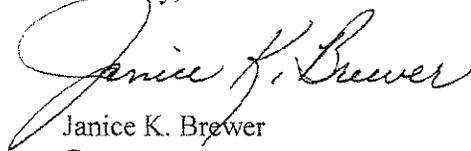
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The Honorable Ken Bennett
May 11, 2010
Page Two

I take highway safety seriously; especially the safety concerns of motorcyclists. That is why I recently signed SB 1023 motor vehicle accidents; death; injury. This bill added violations to those that constitute causing serious physical injury or death by a moving violation, earning wide support in the motorcyclist and highway safety community.

I encourage the sponsor to work with the Arizona Department of Transportation, the Governor's Office of Highway Safety and the Department of Public Safety to gather available data on the need for, and the implications of, this legislation.

Sincerely,

A handwritten signature in cursive script that reads "Janice K. Brewer". The signature is written in dark ink and is positioned above the printed name and title.

Janice K. Brewer
Governor

cc: The Honorable Kirk Adams
The Honorable Robert Burns
The Honorable Jerry Weiers



STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

May 11, 2010

The Honorable Ken Bennett
Secretary of State
1700 W. Washington
Phoenix, Arizona 85007

RE: House Bill 2502; taxation of solar energy property

Dear Secretary Bennett:

Today I have vetoed House Bill 2502. The bill would have required solar energy production plants, a class one property, to be valued in the same manner as agricultural property, a class two property. Article IX, Section 1 of the Arizona Constitution provides that all taxes shall be uniform upon the same class of property in Arizona. House Bill 2502 proposes to tax solar energy real property at lower rate than other land associated with renewable energy equipment, such as a wind farm, thereby violating the uniformity requirement.

Not only does this provision raise constitutional issues with respect to uniformity in taxation, it will have a negative impact on local governments and school districts. For these and other reasons, I have vetoed the bill.

Sincerely,

Janice K. Brewer
Governor

cc: The Honorable Kirk Adams
The Honorable Robert Burns
The Honorable Rick Murphy



STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

May 11, 2010

EXECUTIVE OFFICE

The Honorable Ken Bennett
Secretary of State
1700 W. Washington
Phoenix, Arizona 85007

RE: Senate Bill 1154 (underground storage tanks)

Dear Secretary Bennett:

Today I vetoed Senate Bill 1154. The bill sought to extend the dates to apply for reimbursement from the State Assurance Fund program by owners of leaking underground storage tanks. The bill also contained a provision that would prohibit any appropriation from the Assurance Fund to the State General Fund. Both the extension of the Underground Storage Tank Program and the prohibition of appropriations of money from the fund need further discussion.

Owners of leaking underground storage tanks have known for several years that June 30, 2010 was the deadline to submit an application to be eligible for potential state repayment of cleanup costs. While I am open to the idea of potentially extending the application period for reimbursement of qualified expenditures, I am concerned about the delays in the program and whether the remaining resources will cover the potential additional costs. To that end, I am instructing the Department of Environmental Quality to review the entire program structure and provide recommendations on whether or not the program should be extended; and if extended, for how long and in what format.

In addition, the prohibition on appropriating State Assurance funds to the General Fund disrupts the FY 2011 budget. While I support using collected funds for their intended purpose, in this case, the use of these funds was part of the balanced FY 2011 budget. Since no replacement funds are identified, I feel compelled to veto the bill.

Sincerely,

Janice K. Brewer
Governor

cc: The Honorable Robert Burns
The Honorable Kirk Adams
The Honorable Steve Pierce

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STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

May 6, 2010

The Honorable Ken Bennett
Secretary of State
1700 W. Washington Street, 7th Floor
Phoenix, AZ 85007

Re: Senate Bill 1179 (NOW: counties; payments; reimbursements; grant revenues)

Dear Secretary Bennett:

Today I vetoed Senate Bill 1179. This bill was amended to modify the payment rate for approved medical claims paid by counties with more than one million persons and exempts counties with more than two million persons from reimbursing the Department of Health Services (DHS) for the cost of commitment and treatment of sexually violent persons in Fiscal Year (FY) 2010-11.

Currently all counties are required to reimburse the Arizona State Hospital for 25% of the cost of care relating to sexually violent persons in the Hospital's Care. This bill would exempt Maricopa County from reimbursing the State for these services, even though nearly 60% of sexually violent persons at the Arizona State Hospital originate from that county. All other counties would be required to continue to reimburse at the current level.

The exemption of Maricopa County would reduce funding necessary to treat sexually violent persons at the Arizona State Hospital by over \$1.7 million dollars annually. As a result the Sexually Violent Person Unit's Budget would be cut by approximately 17% but the level of services required by Maricopa and other counties would not change. The lack of sufficient funding for the sexually violent persons unit could potentially lead to a major public safety risk.

For this and other reasons, I have vetoed Senate Bill 1179.

Sincerely,

A handwritten signature in black ink that reads "Janice K. Brewer".
Janice K. Brewer
Governor

JKB/nb

cc: The Honorable Robert Burns
The Honorable Kirk Adams
The Honorable John McComish



STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

April 9, 2010

EXECUTIVE OFFICE

The Honorable Robert Burns
President
Arizona State Senate
1700 West Washington Street
Phoenix, Arizona 85007

Re: Senate Bill 1267 (initiative and referendum)

Dear President Burns:

Today I vetoed Senate Bill 1267. This bill was introduced to require ballot measure numbering to continue from the previous election and not be repeated until all one hundred numbers have been used.

I agree that consecutively numbering ballot measures will help avoid voter confusion in future elections. However, the bill as drafted contains an emergency clause and language in Section 2 that could be interpreted to apply the new numbering system to the May 18, 2010 special election. As you aware, the proposal to temporarily increase the sales tax by one cent for three years to fund public education, public safety and health and human services is numbered Proposition 100. The requirement on page one that "individual numbering shall continue from the last number used in the previous election..." could affect Proposition 100 in the upcoming special election because the bill is an emergency measure and the last election was in 2008.

The last number used for constitutional measures in the 2008 election was Proposition 105. If this law were to be interpreted to apply to the special election, then the measure would have to be renumbered Proposition 106. An attempt may have been made by the Legislature to remedy this situation in the applicability section (Section 2). However, that section does not address the special election, but rather just simply states that the act "applies to the 2010 general election." To address my concerns, Section 2 should have stated the applicability of the bill "starts" with the 2010 general election.

The early ballots and voter publicity pamphlet have been printed and early voting begins in less than two weeks. The campaign in favor of Proposition 100 has printed signs and published advertisements referring to the measure as Proposition 100. The same is true of countless media reports on the election. Although this law will not become effective until it is precleared by the United States Department of Justice, that process could be expedited and make this law effective prior to the May 18, 2010 special election. Any argument that the proposition number should be changed this close to the

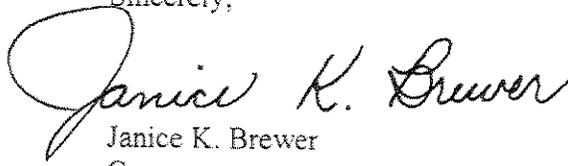
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The Honorable Robert Burns
April 9, 2010
Page Two

election will cause great voter confusion and could require a legal action to settle the question.

Fortunately, there is still time in the session for the Legislature to send me a bill that allows for consecutive ballot measure numbering for future elections and makes clear that such numbering would begin starting with the 2010 general election.

Sincerely,


Janice K. Brewer
Governor

cc: - The Honorable Kirk Adams

Index of County Interest Bills

Bill #	Short Title	Chapter #	Page #
HB 2003	revitalization districts	310	24
HB 2020	restoration order; juvenile commitment	24	6
HB 2033	emissions; motorcycles; area A; date	42E	13
HB 2043	law enforcement; duty fitness examination	Vetoed	32, 33
HB 2044	vicious animal assault; classification	Vetoed	5
HB 2062	aggravated assault; peace officer	97	6
HB 2064	biofuels conversion program	190	13
HB 2067	PSPRS; omnibus amendments	118	16
HB 2068	EORP; omnibus amendments	30	16
HB 2069	county election law amendments	173E	12
HB 2075	state board of investment; continuation	Vetoed	32, 34
HB 2109	superior court; holiday hours	32	16
HB 2110	state library and archives amendments	Vetoed	32, 36
HB 2116	ambulance services; rates; AHCCCS members	86	17
HB 2133	air quality nonattainment areas; designation	315	14
HB 2145	county planning and zoning	175	23
HB 2158	data processing for county taxes	64	26
HB 2159	boards of equalization; petitions; review	37	26
HB 2162	immigration; border security	211	7
HB 2165	vehicle emissions testing; onboard diagnostics	253	14
HB 2166	law enforcement, officer, representation	177	7
HB 2209	public meetings; notices	88	17
HB 2211	political subdivisions; volunteers; noxious weeds	65	14
HB 2215	tax assessment of retention basins	Vetoed	32, 38
HB 2228	private elevator inspectors; elevator safety	66	17
HB 2240	recovery audits; public funds	Vetoed	32, 39
HB 2246	regulation of fireworks	286	17
HB 2247	property tax appeals to court	68	26
HB 2257	municipalities; counties; taxes; fees; notice	316	27
HB 2260	regulatory rule making	287	18
HB 2282	political subdivisions; government transparency	288	18
HB 2287	accommodation schools; levy limit recalculation	317	18
HB 2296	peace officer; spouse; insurance payment	148E	7
HB 2300	driving on highways; lane regulations	Vetoed	32, 40
HB 2302	publication of notices; committee	132	18
HB 2334	document preparation costs; award	134	19
HB 2335	city; town; county; expenditure limitation	69	27
HB 2336	escort vehicles; traffic control; insurance	99	29
HB 2337	Arizona manufactured incandescent lightbulbs; regulation	Vetoed	32, 41
HB 2338	yellow lights; duration; photo enforcement	213	30
HB 2389	ASRS; plan design; refunds	50	19
HB 2400	burial duties; service member remains	137	19
HB 2422	primitive roads	192	30

Index of County Interest Bills

HB 2423	municipal and county budgets	100	28
HB 2425	vulnerable adults; attorney fees	84	8
HB 2428	county zoning hearings; appeal	319	2
HB 2432	fire districts; boundaries; merger; consolidation	Vetoed	32, 42
HB 2437	guardianship of foreign citizens	151E	8
HB 2462	private property trespass towers	Vetoed	32, 43
HB 2470	public defender; duties; reimbursement	195	8
HB 2471	appointed mental health experts; requirements	259	2
HB 2475	riding between lanes; motorcycle operation	Vetoed	32, 44
HB 2477	civil actions; public employee; definition	72	19
HB 2478	development fees; moratorium	153	24
HB 2493	sexually violent persons; commitment	103	8
HB 2502	taxation of solar energy property	Vetoed	32, 46
HB 2507	property tax valuation; governmental actions	96	28
HB 2602	county recorder records; access	229	20
HB 2612	veterinarian regulations	182	20
HB 2627	county transportation excise tax; transit	326	28
HB 2629	self-defense; political subdivisions; weapon records	327	20
HB 2647	initiatives; review; title; signature collection	95	21
HB 2666	small fire districts; board members	53	25
HB 2676	university athletic facilities districts	140	25
HB 2684	POW/MIA flag; display	217	21
HB 2767	water quality fees	265	14
SB 1018	photo enforcement procedures; justice courts	226	3
SB 1029	law enforcement officers; disciplinary actions	75	9
SB 1063	public transportation; regional planning	201	30
SB 1070	safe neighborhoods; immigration; law enforcement	113	10
SB 1081	trial court appointments; nonattorney member	237	10
SB 1083	improvement districts; financing	298	25
SB 1093	prisoners; transition program	54	11
SB 1100	counties; audits; merit system; judges	238	4
SB 1108	concealed weapons; permit	59	11
SB 1123	prisoners; community corrections; monitoring; fees	57	11
SB 1124	CORP; reverse DROP; extension	163	21
SB 1136	subdividers; public reports; internet advertisement	144	24
SB 1137	department of transportation; vehicle right-of-way	202	31
SB 1140	department of juvenile corrections; continuation	Vetoed	6
SB 1153	state preemption; knives	204	22
SB 1154	underground storage tanks	Vetoed	32, 47
SB 1161	death certificates; registration; deadline	205	22
SB 1171	aggregate mining reclamation reports	164	15
SB 1179	counties; payments; reimbursements; grant revenues	Vetoed	6, 32, 48
SB 1193	agricultural best management practices; enforcement	207	15
SB 1202	county treasurer; excess foreclosure proceeds	108	22
SB 1204	state capital postconviction public defender	109	12

