



**Government Relations  
End-of-Session Legislative Report  
50th Arizona Legislature  
2012 Second Regular Session**



**Maricopa County**

**Cover photography courtesy of Barbra Hart.**



# Maricopa County

County Manager's Office

Government Relations  
301 West Jefferson Street  
10th Floor  
Phoenix, AZ 85003-2143  
Phone: 602-506-2798  
Fax: 602-506-2313  
www.maricopa.gov

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**TO:** Max Wilson, Chairman, Board of Supervisors, District 4  
Fulton Brock, Supervisor, District 1  
Don Stapley, Supervisor, District 2  
Andrew Kunasek, Supervisor, District 3  
Mary Rose Wilcox, Supervisor, District 5  
Tom Manos, County Manager  
Sandi Wilson, Deputy County Manager

**FROM:** Richard Bohan, Director, Government Relations 

**SUBJECT:** 2012 Legislative Session Overview

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The 50<sup>th</sup> legislature's second regular session adjourned *sine die* on Thursday, May 3, 2012 at 8:25 p.m., on the 116<sup>th</sup> day of the session.

There were a total of 1,395 bills introduced this session. Of those, 362 bills were signed into law and 26 were vetoed. A list of the county-related vetoed bills and the Governor's veto messages are included in at the end of the report. The general effective date for bills passed this session is August 2<sup>nd</sup>, 2012. Maricopa County successfully passed four bills into law. The Government Relations office tracked 439 bills.

The majority of the session was spent removing various financial impacts that were contained in the 2011 state budget. The Government Relations Office was successful in defeating the planned transfer of thousands of state prisoners into Maricopa County jails. We were also able to stop the annual mandate of a multi-million dollar county payment to the state as well as the transfer of HURF to fund the state MVD. Though there are still a few financial burdens the state passed on during the recession, this year indicated a willingness by the state to reduce impacts on local governments that were previously necessary to balance the state's budget.

The following report details the state budget, the 2012 Maricopa County Legislative Package, and all other bills relevant to county operations. We would like to thank all those who assisted us during this legislative session. There were many bills that impacted county departments, and only with your assistance were we able to make the county's position known at the capitol. If you would like more information on any issue contained in this report, please contact our office at (602) 506-2798.

I would to especially thank my staff, Beth Lewallen, Melody Henderson and Amanda Nash, for their efforts during the session.

## State Budget

The following section is a summary of the FY 2012-2013 state budget. Of special interest is the elimination of the state prisoner transfer, elimination of the HURF shift to fund MVD, and the absence of a multi-million dollar transfer to the state from Maricopa County funds.

Gov. Jan Brewer signed the \$8.6 billion budget sent to her by the state legislature on a mostly party-line vote. The budget includes increases for certain education, public-safety and health programs and places \$450 million into a "rainy-day fund." Please see below for an overview of provisions within the budget that impact counties.

### SB1523 general appropriations; 2012-2013

- **Law Enforcement Boating Safety Fund (LEBSF):** Appropriates \$2,183,800 to be used by the counties. *Sec. 7*
- **County Attorney Immigration Enforcement:** Maintains \$1,213,200 for county attorney immigration enforcement, specifying amounts for the Maricopa County Attorney (\$200,000) and the Maricopa County Sheriff (\$500,000). *Sec. 7*
- **County Attorneys Fund:** Provides \$973,600 of ACJC grant monies. *Sec. 24*
- **HURF to DPS:** Continues transfer from HURF to DPS and withstands the statutory cap removal. *Sec. 80*
- **Court Fund Sweeps:** Sweeps a total of \$6 million in FY2013 and FY2014 out of a combination of court funds as follows: State Aid to the Courts Fund, \$50,000; Alternative Dispute Resolution Fund, \$200,000; Arizona Lengthy Trial Fund, \$100,000; Public Defender Training Fund, \$25,000; Judicial Collection Enhancement Fund, \$400,000; Criminal Justice Enhancement Fund, \$75,000; Drug Treatment and Education Fund, \$150,000; Juvenile Probation Services Fund, \$5 million. *Sec. 127*
- **ASRS Pension Contribution Rate:** HB2264 ASRS; employee; employer contributions; rate (Robson) changes ASRS employer/employee contribution ratio from 47%/53% back to 50/50, retroactive to June 30, 2011. The budget appropriates \$8,057,100 to compensate state and school employees for the overpayment. *Sec. 132*

### **SB1526 revenue; budget reconciliation; 2012-2013**

**County Flexibility Language:** As session law, allows counties to use any source of county revenue to meet a county fiscal obligation for FY 2013. Additionally counties are required to report to the Director of JLBC on the intended amount and sources of funds by October 1, 2012. *Sec. 26*

### **SB1528 health; welfare; budget reconciliation; 2012-2013**

- **Arizona Long Term Care System (ALTCs):** FY 2013 county contributions \$243,220,500 for all 15 counties. *Sec. 9*
- **Sexually Violent Prisoners (SVP)/Restoration to Competency (RTC) Payments:** Continues county payments for 100% of RTC patients and 50% of SVPs housed at the AZ State Hospital. Includes "flexibility language" allowing the counties to pay via any county resource. *Sec. 10, 11*
- **AHCCCS:** AHCCCS must transfer any excess monies back to the counties by December 31, 2013 if the counties' proportion of state match exceeds the proportion allowed to comply with the Federal Affordable Care Act. *Sec. 14*
- **County Acute Care contribution:** FY 2013 County Acute Care contribution is \$48,225,500. This amount includes an inflation indexing of the Maricopa County contribution (Laws 2005, Ch. 328). *Sec. 15*
- **Disproportionate Uncompensated Care Pool (DUC Pool):** Requires the collection of \$2,646,200 in DUC Pool contributions from counties other than Maricopa. *Sec. 16*

### **SB1531 criminal justice; budget reconciliation; 2012-2013**

- **State Capitol Post-Conviction Public Defenders Office:** Eliminates the Capital Post-conviction Public Defender Office and its Fund of \$161,000. *Sec. 1, 2, 6, 12, 13, 24*
- **Prison shift:** Repeals triggered shift, from last year's budget, SB1621. *Sec. 14, 28*
- **Highway User Revenue Fund (HURF) to the Motor Vehicle Division (MVD):** Eliminates the shift from local government HURF to MVD for FY2012-FY2013. *Sec. 19*

- **Suspension of County Non-Supplanting Funding Requirements:** Suspends county non-supplanting requirements associated with funding for probation services, criminal case processing, and alternative dispute resolution programs. *Sec. 21*
- **Suspension of Grand Jury and Attorney Reimbursement:** Suspends the requirement that the Supreme Court reimburse counties 50% of the costs of grand juries and state-funded counsel assigned to first-time capital post-conviction relief proceedings. *Sec. 22*

**Miscellaneous Provisions from FY2012-2013 Budget**

- **Mandated county cash contributions:** Eliminated.
- **Indigent Defense Fund:** No ACJC grants were appropriated for this purpose in FY 2012-2013.
- **Justice of the Peace salaries:** Continues to require Maricopa County to pay 100% of the JP salaries; maintains the 80.75% share for other Arizona counties.

# End-of-Session Report 2012

## 50th Arizona Legislature, Second Regular Session

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*Bills in this report are noted in chapter order, and an “E” next to the chapter number denotes an emergency measure.*

**□ MARICOPA COUNTY BOARD OF SUPERVISORS 2012**  
**LEGISLATIVE AGENDA**

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**HB 2283 – State Employee Benefits; Definition**  
**Chapter 40 (Reeve)**

The legislation clarifies that a statutory delay in Arizona State Retirement System benefits (enacted by Laws 2011, Chapter 277) applies only to judicial employees that are paid through the Arizona Department of Administration, and not to judicial employees funded by county governments.

**HB 2370 – Death Certificates**  
**Chapter 60 (Carter)**

The legislation expands the types of health care providers who can sign a medical certificate of death, and specifies that the county medical or alternative medical examiner is entitled to all medical records and related records of a person for whom the medical examiner is required to certify cause of death. If a person dies of natural causes in a hospital, nursing care institution or hospice inpatient facility, the hospital, nursing care institution or facility must designate a health care provider to complete and sign the medical certification of death within 72 hours. The bill also states that a health care provider who completes and signs a medical certification of death in good faith is not subject to civil liability or professional disciplinary action.

**SB 1141 – Public Fiduciaries; Investigatory Power**  
**Chapter 172 (Driggs)**

The bill permits county public fiduciaries to conduct an investigation if the persons responsible for the duty to bury or provide funeral and disposition arrangements for a decedent are not willing, financially able, or cannot be located.

**SB 1152 – Homeless Court; Establishment; Jurisdiction**  
**Chapter 180 (Driggs)**

The bill allows the presiding judge of the superior court in each county to establish a homeless court to adjudicate cases filed in a justice of the peace court or a municipal court in the county, and to establish the eligibility criteria for referral to the homeless court. It allows a justice of the peace or municipal court judge who has jurisdiction over a case that meets the criteria to refer the case to homeless court, with the approval of the prosecutor, and requires the originating justice court to maintain jurisdiction of a case that is referred to homeless court. It authorizes any judicial officer in the county where the offense occurred to adjudicate a case referred to the homeless court.

## □ OTHER BILLS OF COUNTY INTEREST

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### ➤ ANIMAL CARE AND CONTROL

#### **HB 2462 – Animals; Seizure; Hearing; Forfeiture Chapter 73 (Ugenti)**

The bill establishes procedures relating to the seizure of animals that are cruelly mistreated or cruelly neglected. It allows an animal determined not to be vicious to be returned to the owner or to an animal shelter or adoption agency. It outlines steps a peace officer, county enforcement agent or animal control officer must take to notify an owner of a vicious animal when it is seized, requires a hearing to be held regarding the animal, and provides the seizing agency with the burden of establishing by a preponderance of evidence that the animal was subjected to abuse or will needlessly suffer if humane destruction is delayed. Exemptions from the provisions of the bill are permitted for agricultural purposes, equine seizures and local governments that adopt a bonding and forfeiture ordinance equal to or more stringent than those required by the bill.

#### **HB 2605 – Law Enforcement Dogs; Biting Chapter 74 (Mesnard)**

The bill excludes law enforcement agency dogs from statutory procedures relating to when a dog bites any person.

#### **HB 2780 – Animal Cruelty; Ranching Dogs Chapter 258 (Judd)**

The legislation prohibits a city, town or county from adopting an ordinance that prohibits or restricts an activity involving a dog, whether the dog is restrained or not, if the activity is directly related to the business of shepherding or herding livestock and the activity is necessary for the safety of a human, the dog or livestock or is permitted by the Arizona's agriculture code.

### ➤ COURTS AND CRIMINAL JUSTICE

#### **HB 2019 – Sex Offender Registration; Multiple Residences Chapter 23 (Robson)**

The bill requires a sex offender who has more than one address, at the time of registering as a sex offender and upon moving, to provide a description and physical location of any temporary residence and to register as a transient at least every ninety days with the sheriff in the jurisdiction that they are physically present.

#### **HB 2374 – Deferred Prosecution programs; Conditions Chapter 52 (Farnsworth)**

The legislation expands the county attorney's ability to defer prosecution and narrows the offenses that would prohibit a deferred prosecution. A deferred prosecution program is defined as a special supervision program that allows a county attorney to divert or

defer, before a guilty plea or a trial, the prosecution of a person who is accused of committing a crime. Each county may set up their own deferred prosecution program.

The bill allows a county attorney to divert or defer a prosecution for a person who has a previous felony charge as long as they have not been convicted of any of a serious offense, dangerous offense, sexual offense, or a dangerous crime against children. It also prohibits a county attorney from diverting or deferring a prosecution of a person who has been convicted three or more times of personal possession of a controlled substance or personal possession of drug paraphernalia.

### **HB 2382 – Criminal Offenses; Sentencing**

#### **Chapter 96 (Farnsworth)**

The bill raises the monetary threshold in which the superior court has original and concurrent jurisdiction to fines that do not exceed \$2,500. The bill also raises the mitigated sentencing range for category one repetitive offenders who have committed class 3 felonies from 1.6 to 2 years and lowers the mitigated sentencing range for category one repetitive offenders who have committed class 4 felonies from 1.1 to 1 year.

### **HB 2390 – Home Detention Programs**

#### **Chapter 97 (Pratt)**

The bill removes the requirement for prisoners who are selected for the home detention program to be employed within the county in which the city or town is located.

### **HB 2369 – Electronic Medical Records**

#### **Chapter 184 (Carter)**

The legislation makes a variety of clarifying changes to health information organization statutes and allows for the electronic submission of prescription orders for schedule II, III, IV and V controlled substances. It amends statute to exempt inmates (as defined under federal regulations) from mandated notice of individual rights outlined in A.R.S. §36-3802.

### **HB 2442 – Prisoners; Payment for Drug Testing**

#### **Chapter 208 (Gowan)**

The legislation authorizes the Board of Executive Clemency (Board) or the Arizona Department of Corrections to order persons on parole, community supervision, probation or home arrest to pay a drug testing fee. The amount of the fee is to be set by the Board, but cannot exceed the costs of the drug testing program. Monies collected from the fees must be used to offset the drug testing program costs.

### **HB 2449 – Supreme Court; Audit; Hearing**

#### **Chapter 209 (Gowan)**

The bill requires the Judiciary Committees in the House and Senate to meet jointly and hold a hearing on the audit of the Administrative Office of the Courts each time the Auditor General completes such an audit at the request of the Joint Legislative Audit Committee.

**HB 2284 – DUI; Jury Trial**  
**Chapter 236E (D. Smith)**

The legislation requires the court to inform a defendant that they may request a trial by jury at each arraignment. If the request is made, it must be granted by the court. It excludes certain DUI offenders from requesting a jury trial if a trial has commenced, or if the defendant pled guilty or not contest between January 1, 2012 and April 11, 2012.

*The bill applies retroactively from and after December 21, 2011, and became effective April 11, 2012.*

**HB 2559 – Victims’ Rights; Courtroom Posting**  
**Chapter 243 (Vogt)**

The bill requires the victims’ rights statement contained in Arizona law to be posted in each justice of the peace and municipal court and read out loud by the judge at the daily commencement of the regular criminal docket.

**HB 2286 – Driver License Violations; Suspensions**  
**Chapter 252 (D. Smith)**

The bill allows a court to dismiss a charge of driving with a suspended license if the suspension is a result of a failure to pay a civil traffic violation and the person’s privilege to drive has been reinstated.

**HB 2556 – Criminal Restitution Order**  
**Chapter 269 (Vogt)**

The bill requires the trial court to retain jurisdiction of cases for the purpose of ordering and enforcing the method in which court ordered payments are made, and allows the superior court, at the time the defendant is ordered to pay restitution, to enter a criminal restitution order in favor of each person who is entitled to restitution for the unpaid balance of any restitution order. It stipulates that a criminal restitution order must be recorded and enforced as any civil judgment, and that in a criminal case the court must enter both a criminal restitution order in favor of the state and in favor of each person entitled to restitution for unpaid balances of any criminal restitution order. It requires that all monies paid as a result of a criminal restitution order be paid to the clerk of the superior court, and specifies that monies received as a result of a criminal restitution order must first be distributed to a restitution order that is reduced to a criminal restitution order and second to associated interest. Interest is not applicable to fees imposed for collection of the court ordered payments. The bill applies to all unpaid criminal restitution orders in effect on March 31, 2013, and does not affect any other monetary obligation, *i.e.*, fines, fees or penalties, imposed on a defendant pursuant to law.

*The bill becomes effective March 31, 2013.*

## **HB 2532 – Court-Ordered Treatment Chapter 334 (Ash)**

The bill updates and clarifies Arizona's statutes governing the evaluation of individuals ordered to undergo involuntary inpatient mental health treatment. It outlines what should be in the petition for court-ordered treatment and requires the affidavit accompanying the petition to include any results of the physical examination that are relevant to the patient's psychiatric condition. It specifies that the annual review consists of the mental health treatment and clinical records contained in the patient's treatment file and requires the director to conduct the annual review 90 days before the expiration of the court-ordered treatment. If the medical director of the mental health treatment agency believes continued court-ordered treatment is appropriate, the director must appoint one or more psychiatrists to carry out a psychiatric examination of the patient rather than a qualified examiner. Psychiatrists, in the psychiatric examination of the patient, must evaluate the patient's history before and during the court-ordered treatment, the patient's compliance with recommended treatment, and the patient's willingness to follow treatment recommendations.

The bill clarifies mental health powers for guardians, requires the director to file with the court an application for continued court-ordered treatment at least 30 days before the expiration of the court-ordered treatment if the director believes continued treatment is necessary, and specifies that the following procedures must be followed after an application for continued court-ordered treatment is filed:

- If the patient does not have an attorney, the court must appoint one to represent the patient.
- Within 10 days after appointment, the attorney must review the director's report, interview the physician who prepared a report for the annual review, and either file a response requesting a hearing or request for the court to make a ruling without a hearing.
- If a hearing is requested, the hearing must be held within three weeks after the request; if no hearing is requested, the court must rule on the application or set the matter for a hearing.
- The patient's attorney must be present at all hearings and may subpoena and cross-examine witnesses and present evidence. The patient may choose to be present after being informed of their right to be present; if the patient is not present, the court must be given clear and convincing evidence that the patient is unable to be present.
- The evidence presented by the applicant must include the testimony of one or more witnesses familiar with the patient during the court-ordered treatment and the testimony of any physician who performed an annual review, which may be satisfied by stipulating to the admission of the physician's written report. The court may, however, waive the need for testimony if there is clear and convincing evidence that continued court-ordered treatment is necessary.
- At a hearing, the court may impose additional powers on an existing guardian or terminate the court-ordered treatment if the court finds the treatment to be unnecessary. The court may also request an investigation into the need for guardianship or conservatorship and may appoint an appropriate investigator.

The investigator must then submit a report to the court within 21 days with recommendations as to who should be guardian or conservator and why.

**HB 2676 – Government Entities; Attorney Fees**

**Chapter 339 (Kavanagh)**

The bill requires the court to award reasonable attorney fees to the successful party in any action filed against the state and other governmental entities by a governmental entity, agency, or political subdivision.

**SB 1369 – Crime Victim Advocates; Privileged Communications**

**Chapter 153 (Shooter)**

The legislation prevents a crime victim advocate from disclosing any communication between the crime victim advocate and the victim or any communication made by or with the victim including when others are present, unless the victim provides written consent. The bill also removes the ability for a crime victim advocate to disclose information regarding compensation or restitution without the victim's written consent.

**SB 1142 – Jurors; Arizona Lengthy Trial Fund**

**Chapter 179 (Driggs)**

The bill allows a juror who serves more than five days to access the Arizona Lengthy Trial Fund (Fund) on the first day after the initial five days; current law allows a juror to access the Fund on the fourth day after the initial five days. Pursuant to A.R.S. § 21-221, jurors are paid \$12 for each day of attendance as well for mileage. If a juror serves on the jury for more than five days, however, they qualify to receive replacement or supplemental earnings from the Fund. The amount of replacement or supplemental earnings per juror range between \$40 and \$300 per day. The amount that a juror receives from the fund is limited to the difference between the \$12 jury fee and the actual amount of earnings a juror earns, up to \$300 but not less than \$40 per day, minus any amount actually received by the juror's employer.

**SB 1152 – Homeless Court; Establishment; Jurisdiction**

**Chapter 180 (Driggs)**

The bill allows the presiding judge of the superior court in each county to establish a homeless court to adjudicate cases filed in a justice of the peace court or a municipal court in the county, and to establish the eligibility criteria for referral to the homeless court. It allows a justice of the peace or municipal court judge who has jurisdiction over a case that meets the criteria to refer the case to homeless court, with the approval of the prosecutor, and requires the originating justice court to maintain jurisdiction of a case that is referred to homeless court. It authorizes any judicial officer in the county where the offense occurred to adjudicate a case referred to the homeless court.

*This bill was included in the Maricopa County 2012 Legislative Package.*

## ➤ ELECTIONS

### **HB 2372 – Agricultural Improvement Districts; Voting Chapter 118 (Farnsworth)**

The bill makes clarifying changes to the requirements for land held by estate trusts to vote in agricultural improvement district elections by amending definitions and requirements. It specifies that the provisions of the bill will not become effective unless the shareholders of the Salt River Valley Water Users' Association vote to approve the provisions in an election held on or before December 31, 2013, and requires the governing body of the Salt River Project to notify the director of the Arizona Legislative Council of the date when this condition is met.

### **HB 2760 – Publicity Pamphlets; Bond Elections Chapter 129 (Olson)**

The bill modifies requirements related to school override and bond elections. It requires the Arizona Department of Revenue to provide the governing board of the school district and the county school superintendent with the current secondary assessed valuation of the school district and stipulates that this valuation must be used to determine an appropriate tax rate, and it outlines additional publication and notification requirements.

### **HB 2377 – Incapacitated Persons; Voting Rights Chapter 223 (Farnsworth)**

The legislation amends the definition of “incapacitated person” to specify that a person under limited guardianship is not deemed incapacitated for voting purposes if the person files a petition, has a hearing and the judge determines by clear and convincing evidence that the person retains sufficient understanding of the right to vote.

### **HB 2722 – Elections; Polling Places; Electioneering Chapter 275 (Farnsworth)**

The bill permits electioneering materials to be displayed within the 75-foot limit at polling places, and redefines “electioneering” to mean when an individual knowingly, intentionally, or by verbal expression demonstrates support for or opposition to a candidate who appears on the ballot in that election, a ballot question that appears on the ballot in that election or a political party with one or more candidates who appear on the ballot in that election in order to induce or compel another person to vote in a particular manner or to refrain from voting.

The bill prohibits an election official, a representative of a political party who has been appointed by the county chairman of that political party or a challenger who is authorized by law to be within the 75-foot limit from electioneering and wearing, carrying or displaying materials that identify or express support for or opposition to a candidate, a political party or organization, a ballot question or any other political issue.

## **HB 2826 – Consolidated Election Dates; Political Subdivisions**

### **Chapter 353 (Ugenti)**

The legislation establishes consolidated election dates for political subdivisions (any governmental entity operating under the authority of this state and governed by an elected body, including a city, town, county, school district, community college district or any other district organized under state law, but not including a special tax district) to hold primary and general elections. Beginning with elections held in 2014 and later, an election held for or on behalf of any political subdivision of this state, other than a special election to fill a vacancy or a recall election, may only be held on the following dates and only in even numbered years:

- If the political subdivision holds a primary or first election and a general or runoff election is either required or optional for that political subdivision, the first election shall be held on the tenth Tuesday before the first Tuesday after the first Monday in November, whether the political subdivision designates the election a primary, first, preliminary election or any other descriptive term.
- If the political subdivision holds a general election or a runoff election, the second election held must be held on the first Tuesday after the first Monday in November.
- If the political subdivision holds only a single election and no preliminary or primary or other election is ever held for the purpose of reducing the number of candidates, or receiving a partisan nomination or designation or for any other purpose for that political subdivision, the single election must be held on the first Tuesday after the first Monday in November.

The bill specifies that, beginning with elections held in 2014 and later, non-candidate elections, elections held for or on behalf of any political subdivision of this state, and including a special election to fill a vacancy or a recall election are held on the following consolidated election dates:

- The second Tuesday in March;
- The third Tuesday in May;
- The tenth Tuesday before the first Tuesday after the first Monday in November;
- The first Tuesday after the First Monday in November. (Notwithstanding any other law, an election must be held on this date for the approval of an obligation or other authorization requiring or authorizing the assessment of secondary property taxes by a county, city, town, school district, community college or special taxing district, unless otherwise excepted by title 48.)

A county election officer is permitted to use a unified ballot format in certain all-mail ballot elections.

The bill contains a severability clause, and directs the 2013 legislature to propose legislation to conform Arizona statutes to the changes approved in this legislation.

## **HB 2033 – Public Electronic Posting; Government Bodies Chapter 361 (Yee)**

The bill makes numerous changes to procedures and responsibilities of the Arizona Secretary of State (SOS). It expands the number of entities authorized to utilize the voter registration database to include any entity designated by the SOS as a voter registration agency, lessens the number of times per year that the county recorder is required to count the registered voters of its county to five times per year in even numbered years, and eliminates a requirement that the count occur before June 1 every year.

The bill lengthens the timeframes, alters procedures and amends requirements for filings from a person seeking nomination as a candidate to the office of U.S. President. It changes notification for early voters when a candidate withdraws by providing a website address with updated information, restores language that allows a voter to be assisted by someone who has been employed by or volunteered for a candidate, campaign, political organization or political party in that election and that allows precinct committeemen to provide assistance to voters.

It shortens the number of days in which a petition for recognition of a new political party must be filed with the required elections entities to 180 days before the primary election, removes requirements for county officers in charge of elections when they receive petitions for statewide recognition of a new political party. It also modifies the timeframe by which a political organization is entitled to continued representation.

The bill defines “political committee” and requirements associated with those committees. It specifies that if the person vacating the office of U.S. Senator, state and county office that has a four-year term or legislative office changes political party affiliations after taking office, the person who is appointed to fill the vacancy must be of the same political party the vacating officeholder was at the time the officeholder was elected or appointed.

It requires the state to pay counties 100% of costs incurred by a presidential preference election, and permits the court to award the county recorder the reasonable expenses incurred in signature verification in any challenge where the county recorder or officer in charge of elections is required to conduct signature verification, the county recorder or officer is a party; and the court determines that the challenge was without substantial justification or was primarily or solely for delay.

The bill permits, rather than requires, triplicate copies of the poll list in precincts in which electronic poll book systems are not used and requires county and municipal campaign finance reporting information that is currently posted online to include the names of candidates who have filed an exemption statement pursuant to statute.

The bill requires the SOS to develop electronic database systems for financial disclosures and lobbyist reporting required by statute, and specifies that the database must allow a county, city or town to elect to use the SOS’s system subject to the

approval of the local governing body, if they conform their financial disclosure requirement and lobbyist disclosure requirement to the state standards.

The bill states that the legislature intends to increase transparency in campaign finance compliance in a manner that improves access to information for members of the general public at different levels of local and county government, and to provide for improved voter education, and that this increase in access and transparency will result in a better informed and educated voting public.

### **SB 1048 – Elections; Candidates Chapter 61 (Murphy)**

This legislation is an emergency measure that makes changes to the form and content of election ballots by requiring that the surnames of the presidential and vice-presidential candidates be listed next to the names of the electors enclosed in a bracketed list. The legislation also specifies criteria for the filing of nominating papers and petitions for legislative and congressional candidates for elections in 2012 by requiring the Arizona Secretary of State to accept nominating papers of a candidate and petitions signed by residents any or all of the following:

- A legislative or congressional district as used in the 2010 elections;
- A legislative or congressional district as designated in a redistricting plan adopted by the 2011 Arizona Independent Redistricting Commission; or
- A legislative or congressional district as designated in a redistricting plan that is precleared for use in the 2012 election by the U.S. Department of Justice or that is ordered for use in the 2012 election by a court of competent jurisdiction.

### **SB 1198 – Town Elections; Signature Requirements Chapter 145 (Yarbrough)**

The legislation makes multiple changes to the law governing the number of signatures required on nomination petitions. The bill modifies the number of signatures required on a nomination petition for an office of representative in Congress to at least one percent of the total voter registration of the party designated in the district. It also permits a town that chooses to hold nonpartisan elections to require that the minimum number of signatures be 1,000 or five percent of the vote in the town, whichever is less, but not more than 10 percent of the vote in the town, and allows a city that holds nonpartisan elections to require 250 signatures or five percent of the vote, for candidate nomination petition.

### **SB 1230 – Ballot Appearance; General Election; Write-ins Chapter 148 (Griffin)**

The bill requires a candidate who appeared on the primary election ballot as a write-in candidate to comply with the provisions contained in the section of law governing the filing of nomination papers for write-in candidates.

## ➤ ENVIRONMENTAL SERVICES AND AIR QUALITY

### **HB 2520 – Pesticide Buffer Zones; Health Care Chapter 101 (Farnsworth)**

The legislation clarifies that a health care institution must meet the requirements of A.R.S. §36-421 in order to trigger pesticide buffer zone restrictions, and requires a responsible individual at a child care group home to be notified of nearby application of pesticides.

### **HB 2799 – Voluntary Environmental Stewardship Program Chapter 169 (Reeve)**

The legislation requires the Arizona Department of Environmental Quality (ADEQ) to develop, implement and administer the Voluntary Environmental Stewardship Program (Program) to provide recognition and incentives for organizations that have a good history of environmental compliance. It establishes a session law requirement that ADEQ conduct stakeholder meetings before developing policies, guidelines or rules for the Program, and specifies that the Program must include tiers based on an organization's environmental impact and commitment to the Program. Membership in the Program is voluntary, but is limited to organizations that commit to a specified list of performance items.

### **HB 2029 – Child Care; Day Camps; Exemption Chapter 218 (Kavanagh)**

The legislation exempts a facility that operates a day camp providing recreational programs from Arizona Department of Health Services (ADHS) licensing requirements if the following are true:

- The day camp is accredited by a nationally recognized organization for day camps that is approved by ADHS;
- It operates for less than 24 hours a day and less than 10 weeks each calendar year;
- It posts a notice at the facility and on the camp's website that the day camp is not licensed to be a child care facility;
- It provides programs only to children who are at least five years of age; and
- It requires all employees to have fingerprint cards.

### **HB 2073 – Emissions Testing; Motorcycles; Extension Chapter 235E (JP Weiers)**

The bill modifies the conditional enactment data for motorcycle emission inspection exemptions from July 1, 2012 to July 1, 2014. Motorcycle emission testing in area A was exempted from vehicle testing in both 2008 and 2010. The exemption was based on the premise that the inspection of motorcycles in area A does not provide a significant air quality benefit.

*The bill became effective April 11, 2012.*

## **HB 2199 – Environmental Audit Privilege Chapter 251 (Burges)**

The bill establishes an administrative and civil evidentiary privilege for environmental audits that are conducted by an organization or its independent contractor to determine compliance with environmental laws. It defines an “environmental law” as any federal, state or local law or regulation, as well as a permit issued by governmental entities that aims to protect the environment.

## **HB 2798 – Air Quality; Dust Plan; Reports Chapter 308 (Reeve)**

The bill requires counties, cities and towns in Area A to submit an annual report on or before March 30 of each year regarding the following activities:

- Paving of unpaved roads and shoulders;
- Restrictions on leaf blower usage;
- Restrictions on parking, maneuvering in ingress and egress areas and vacant lots;
- Certification and the usage of street sweepers; and
- Off-road vehicle ordinances and compliances.

Counties are also required to report on no-burn restrictions for any high pollution advisory day, requirements for dust control training and site coordinators for permit required dust controlled locations, and requirements for dust control permit subcontractor registration.

The Arizona Department of Transportation (ADOT) is required to submit an annual report on or before March 30 of each year regarding the following:

- Restrictions or requirements in contracts or requests for proposals;
- Bids or other construction and service activities overseen by ADOT;
- County, city, and town ordinances or rules;
- Requests or contracts of ADOT; and
- Administration of other ADOT matters.

The Arizona Department of Environmental Quality (ADEQ) is required to submit an annual report on or before March 30 of each year regarding the following activities on a form developed by the director of ADEQ:

- Development and dissemination of air quality dust forecasts;
- Restriction on leaf blower usage;
- Production and distribution of printed materials to persons who sell or rent off-highway vehicles, all-terrain vehicles, and off-road recreational motor vehicles; and
- Dust action general permits which include best management practices for regulated activities before and during a day that forecasts high or moderate dust generation risk.

The bill requires reports to contain a narrative description that identifies the employee or contractor who performs any inspection, enforcement, training, or other actions listed

and the scope and frequency of the activities, and requires the director of ADEQ to develop a form to be used for reports.

The appropriate departments or agencies responsible for enforcing restrictions on off-highway vehicles, all-terrain vehicles and off-road recreational motor vehicles during high pollution advisory days are required to submit an annual report on or before March 30 of each year regarding those activities to ADEQ.

## **SB 1220 – Child Care Facilities**

### **Chapter 147 (Crandall)**

The bill allows a facility providing only educational instruction to children who are between three and six years old to be exempt from child care facility licensing requirements when all of the following are true:

- The facility instructs only in the core subjects of math, reading and science;
- The facility does not accept state-subsidized tuition for the children;
- A child is not present at the facility for more than two and a quarter hours a day and more than three days a week;
- The instruction is not provided in a place of care ordinarily provided by a parent or guardian;
- The facility posts a notice stating it is not licensed to be a child care facility;
- The facility requires all employees to have fingerprint cards.

## **SB 1287 – Aquifer Protection Permits; Waste**

### **Chapter 233 (Griffin)**

The bill specifies that waste rock piles are not considered to be “complex modification” and are exempt from regulations from expansion and individual permits, unless the facility is within an approved passive containment capture zone. The bill requires the relocated point of compliance to be permitted for the expansion of the pollutant management area. It restricts a new or expanded waste rock pile to be considered to be a discharging facility and allows it to be categorized as a complex modification only if the Arizona Department of Environmental Quality (ADEQ) determines that the new or expanded waste rock pile qualifies as a discharging facility and is not exempted, is located outside of a passive containment capture zone, requires the expansion of the pollutant management area, and a new or relocated point of compliance extends over a geologic unit of higher hydraulic conductivity than the original facility. It exempts any point source discharge caused by a storm event and authorized in an Arizona Pollutant Discharge Elimination System Program to be required an aquifer protection permit.

It exempts the following from the definition of “solid waste”:

- The Voluntary Remediation Program approved by ADEQ in the course of remedial or corrective actions;
- Mining industry off-road waste copper concentrate tires larger than three feet in outside diameter that are buried at a site;
- Mining industry off-road waste tires larger than three feet outside diameter that are buried at the site and that are not maintained at the site of a mining or metallurgic operation located within 50 miles of the materials’ current off-site

location, or, on written approval of the director of ADEQ, located at a site that is farther than 50 miles of the materials' current off site location, or that is regulated by an aquifer protection permit or approved by a Voluntary Remediation Program.

**SB 1237 – Wildfire; Notice of Violation; Pollutants**  
**Chapter 249 (Griffin)**

The bill allows the Arizona Department of Environmental Quality (ADEQ) to issue a notice of violation to a federal agency as a potentially responsible party for the discharge of pollutants, if a federal agency designates an area of this state as under threat of catastrophic wildfire, a wildfire occurs that releases pollutants, and ADEQ reasonably determines that the discharge was due to a wildfire. This does not apply on Native American lands owned or held by a federally-recognized Native American tribe, band, or community as reservation, allotment, sovereign, or propriety lands.

**SB 1289 – Storm Water Discharges; Construction Sites**  
**Chapter 262 (Griffin)**

The bill requires the Director of the Arizona Department of Environmental Quality (ADEQ), before June 1, 2013, to establish rules for exempting facility owners or operators that do not discharge from the storm water general permit requirements. The general permit must be issued for storm water discharges from construction activity sites that eliminate the discharges from the site by retaining methods by rule-making procedures, except in the occurrence of an extreme event if all of the following conditions are met:

- The nearest downstream receiving water is ephemeral;
- The construction activity occurring on a site designated is such that all storm water generated by disturbed surfaces are directed into retention basins that are designated for runoff from an extreme event; and
- Construction conforms to the standards of the Arizona Pollutant Discharge Elimination System (AZPDES).

The bill prohibits ADEQ, a political subdivision, or the political subdivision's personnel from requiring an owner or operator who is issued a permit by ADEQ or who qualifies for a storm water general permit coverage to obtain a permit or any local government equivalent permit for the same discharge, and prohibits the storm water general permit from expiring until the last day for filing for a review or until any later day that is fixed by the court order and allows continuous coverage to be obtained by new discharges until the proceedings have resulted in a final determination by the Director of ADEQ.

A legislative intent clause states that with the evolution of AZPDES and storm water permits, construction activity has become subject to overlapping state and local regulation that must be modified by the ADEQ with review, development, and issuance of rules by July 1, 2017.

**SB 1297 – Agricultural Best Management Committee; Continuation  
Chapter 292 (Nelson)**

The bill continues the Agricultural Best Management Practices Advisory Committee for 10 years, to be repealed on July 1, 2023.

*The bill is effective retroactively to July 1, 2012.*

**SB 1438 – Drug Lab Remediation; Investigators  
Chapter 327 (Nelson)**

The legislation changes the legal recourse of a buyer of real property that was previously used as a drug lab, and creates criminal penalties for sellers who do not disclose to a buyer that the property had been used as a drug lab. The bill also allows cities, towns and counties to apply for funds to clean up and remediate property that had been used as a drug lab and place a lien on the property for reimbursement of the funds. The State Board of Technical Registration, rather than the county health department, is required to maintain and make available public documents stating the residually contaminated portion of the real property has been completed.

➤ **FEDERAL ISSUES**

**HCM 2004 – Transportation Funding; Restore to States  
(R. Gray)**

The memorial urges the U.S. Congress to enact legislation that allows states to manage gas tax dollars without intervention from the federal government. The federal gas tax has been 18.4 cents per gallon since 1993 and generates more than \$32 billion a year. The majority of the taxes is passed out to states for road construction and repair. About 15 percent goes to other federal programs, like subsidizing public transportation or other efforts to discourage unsafe driving. The average American motorist pays about \$100 a year in federal gas taxes.

**HCM 2007 – Federal Balanced Budget Amendment  
(Mesnard)**

The memorial urges the U.S. Congress to pass a constitutional amendment requiring a balanced budget to be sent to the states for ratification. The proposal requires the Secretary of State to transmit this memorial to the U.S. President, Speaker of the U.S. House of Representatives, each member of Arizona’s Congressional delegation and each state’s Secretary of State and presiding officer of both houses of the legislature.

**HCR 2004 – State Sovereignty  
(Crandell)**

If approved by voters in November 2012, the resolution will assert the rights of sovereignty over the land and resources of the state of Arizona by amending the Arizona Constitution to reflect such sentiments. On February 14, 1912, Arizona became the last territory of the continental United States to be admitted a state. Like many other western states, much of the federal lands were granted to Arizona as state trust land.

The federal government retains ownership of land within the boundaries of the state of Arizona, largely in the form of several national forests. The ballot measure adds a declaration of full sovereignty over lands and resources within the boundaries of Arizona as a new section to Article 2 of the Arizona Constitution, on the basis of maintaining “equal footing” with all other states. It also declares exclusive sovereignty over all the territories and resources of Arizona, except for Indian reservations and lands ceded to the U. S. through the clause of the U. S. Constitution which allows states to cede land to the federal government for the purposes of creating a seat of national government in the same manner as the District of Columbia.

#### **HCR 2034 – FEMA; Flood Map Review**

**(Judd)**

The resolution requests the Federal Emergency Management Agency (FEMA) to review Arizona’s flood plain maps, and states that the legislature supports the determination of flood insurance premiums on actuarial data from the state in which a person resides rather than on a national basis.

FEMA is a part of the U. S. Department of Homeland Security. Its mission is to support citizens and first responders to ensure that as a nation we work together to build, sustain, and improve our capability to prepare for, protect against, respond to, recover from, and mitigate all hazards. FEMA provides flood insurance pursuant to the terms of the National Flood Insurance Act of 1968 (42 U.S.C. §§ 4001-4129). Typically, communities across the nation participate in the National Flood Insurance Program, which contains flood insurance rates based on the type of building, the area where it was built, and elevation. FEMA produces two types of maps for rating flood insurance: the Flood Insurance Rate Map and the Flood Hazard Boundary Map. The resolution requires the Arizona Secretary of State to transmit a copy to the Administrator of FEMA.

#### **HCR 2061 – F-35 Training; Luke AFB; Support**

**(Lesko)**

The resolution is intended to show the legislatures support of the F-35 training mission at Luke Air Force Base. The Arizona Secretary of State is directed to transmit copies of the resolution to the U.S. Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Commandant of the U.S. Marine Corps, the Chief of Staff to the U.S. Air Force, the Chief of the National Guard Bureau and each member of Arizona’s Congressional delegation.

#### **HCR 2062 – F-35 Training; Arizona Facilities**

**(JP Weiers)**

The resolution is intended to show the legislature’s support and pledge to continue to support the F-35 training missions at Luke Air Force Base, the Marine Corps Air Station Yuma and the Arizona Air National Guard's 162nd Fighter Wing. The Arizona Secretary of State is directed to transmit copies of this resolution to the U.S. Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Commandant of the U.S. Marine Corps, the Chief of Staff of the U.S. Air Force, the Chief of the National Guard Bureau and each member of Arizona’s Congressional delegation.

**HM 2001 – Future Interstate; U.S. Highway 93  
(Tobin)**

The memorial urges the Secretary of the U.S. Department of Transportation to designate U.S. Highway 93 from just outside Phoenix to Las Vegas, Nevada as a future interstate system route and as part of the proposed Interstate 11, and urges the Arizona's Congressional delegation to propose this action. The Arizona Secretary of State is directed to transmit copies of this memorial to the Secretary of the U.S. Department of Transportation and Arizona's Congressional delegation.

**SCM 1008 – Military Bases; Exemption from ESA  
(Griffin)**

The memorial urges the U. S. Congress to enact legislation that exempts United States military bases and training facilities from the regulations and restrictions of the Endangered Species Act. The Arizona Secretary of State is directed to transmit copies of this memorial to the President of the U.S. Senate, the Speaker of the U.S. House of Representatives and each member of Arizona's Congressional delegation.

➤ **GENERAL GOVERNMENT**

**HB 2048 – County Officers  
Chapter 37 (Burgess)**

The legislation eliminates the requirement that county officers file appointments of deputies and employees with the county recorder, repeals the requirement to keep a blotter, and clarifies the procedure involving recording nonconsensual liens.

**HB 2319 – Notice; Claim; Private Property Rights  
Chapter 110 (D. Smith)**

The legislation exempts claims made for just compensation pursuant to the Private Property Protection Act from the pre-suit requirements relating to actions against public entities.

Generally, a person who has a claim against a public entity or a public employee must comply with pre-suit requirements before filing a suit against that entity or employee. For example, within 180 days after the cause of action accrues, the person must file the claim with the person authorized to accept service for the public entity or employee. The claim must contain sufficient facts as well as a specific amount. The bill alters current practice by exempting claims made under the Private Property Protection Act from the pre-suit requirements.

**HB 2020 – Honor and Remember Flag; Half-Staff  
Chapter 111 (Harper)**

The legislation requires the Honor and Remember flag to be displayed at the state capitol, the county superior court, and a city or town hall on days when the U. S. flag is flown at half-staff because of the death of a member of the armed forces. It also

specifies that the Honor and Remember flag is to be placed below the POW/MIA flag when it is presented on a staff with the U.S. flag.

**HB 2272 – Clinical Trial; Public Information Requests  
Chapter 116E (Williams)**

The bill expands the list of items that are not subject to public records laws to include information or intellectual property that is composed of unpublished research data, manuscripts, preliminary analyses, drafts of scientific papers, plans for future research and prepublication peer reviews. It adds information not available to the general public in addition to intellectual property that is included in the exemptions related to public records, and specifies that these public records exemptions do not affect the issues to be decided between a university and a contracting party including publication of data and discoveries.

*The bill became effective March 29, 2012.*

**HB 2408 – Special Audit; Pima County  
Chapter 120 (Stevens)**

The session law requires the Arizona Auditor General to complete a special audit of the 1997, 2004 and 2006 Pima County general obligation bond programs within six months after the bill becomes effective, and outlines what the report must include.

**HB 2446 – Liquid Petroleum Gas; Emergency Aid  
Chapter 121 (Gowan)**

The bill removes liability from a person with knowledge of liquefied petroleum gas that is providing assistance in an accident or other emergency situation. A person who causes the accident or emergency situation or whose willful, wanton or grossly negligent act or omission in response to the accident or emergency situation causes damage is still subject to liability.

**HB 2561 – Building Code; Exception  
Chapter 123 (Vogt)**

The bill provides a narrow exemption for a building owned by a public school district from local building codes in Pima County. It clarifies that buildings must still comply with the fire code design and permitting process, as well as fees required of the fire code in effect, and outlines additional requirements that must be followed in order to ensure compliance with applicable codes.

**HB 2621 – Local Government Budgets; Posting; Contents  
Chapter 126 (Lesko)**

The bill provides various requirements for the posting of an adopted budget of community college districts, counties, cities, towns and fire districts. It clarifies that the annual estimate of expenses of each county, city and town must include an estimate of the amount of money required for each item of expenditure, which must include, by fund, the estimated number of full-time employees and the total estimated personnel compensation. Personnel estimates must include employee salaries and employee-

related expenses for retirement costs and health care costs. The bill also directs the governing body of each county, city, town, community college district and school district to fix and assess the amount to be raised from primary and secondary property taxation by adding restricted and unrestricted unencumbered balances from the preceding fiscal year to equal the total amount proposed to be spent in the budget for the current fiscal year.

*The bill stipulates that the provisions are effective beginning in fiscal year 2013-2014.*

### **HB 2712 – Computer Access for Minors Chapter 166 (Court)**

The bill modifies definitions and rules governing the access of minors to harmful material on public access computers. It outlines steps that public libraries that provide public access computers must take to protect minors from visual depictions that are child pornography, harmful to minors or obscene. The governing body that operates a public library must develop a policy for the library to implement these new rules and adopt the policy in an open meeting; the policy is required to be reviewed by the governing body at least every three years. The bill requires the policy to:

- State that it restricts access to internet or online sites that contain child pornography, material harmful to minors or obscene material;
- State how the library intends to meet the requirements of this law;
- Require the public library to inform patrons that administrative procedures and guidelines for the staff to follow in enforcing the rules that have been adopted and are available for review at the library;
- Require the public library to inform patrons that procedures for use by patrons and staff to handle complaints about the rule, its enforcement or about observed patron behavior have been adopted and are available for review at the library.

The bill grants the governing body the option to direct the appropriate agency to withhold up to 10% of the monthly apportionment of public monies that would otherwise be due to the public library, if the governing body determines that the public library has failed to comply with this legislation within 60 days after the notice has been issued, but requires the governing body to restore the full amount of that funding when the public library comes into compliance with the new law.

### **HB 2438 – Government Land; Private Land; Study Chapter 176 (Gowan)**

The legislation establishes the Joint Legislative Study Committee on Government and Private Lands, and requires the Arizona Department of Revenue (ADOR) to contract with each county assessor to conduct a property status study. It also reverts \$132,213 from the FY 2008 appropriation to the Arizona Department of Water Resources for the Upper San Pedro Water District Technical Assistance line item to the state General Fund and appropriates \$132,213 from the state General Fund to ADOR.

**HB 2122 – Powers; Board of Supervisors  
Chapter 199 (Burgess)**

The legislation grants a county board of supervisors the ability to contract with a government agency to provide constable services at fees less than those established in statute, except for the services specifically authorized by law to be performed by the county sheriff.

The bill also allows a county to adopt a countywide residential rental property inspection program under the following conditions:

- The program is adopted at a regularly scheduled board of supervisors meeting that occurs at least 30 days after a public hearing by at least a majority vote of the entire board.
- The county notifies all residential rental property owners who are currently registered with the county assessor by mail at least 20 days before the required public hearing. The notice must additionally be printed in a newspaper of general circulation not less than two weeks before the public hearing.

The bill specifically prohibits a county from adopting a residential rental licensing requirement.

**HB 2417 – Written Communication; Electronic Delivery; Definition  
Chapter 224 (Stevens)**

The legislation allows a secure electronic delivery service to be used to fulfill any law that requires an entity, a government agency, a government official or any person acting with official government authority to communicate with a person in writing or by mail. “Secure electronic delivery service” is defined. The bill does not apply to ballots, sample ballots, publicity pamphlets or other similar governmental communication regarding an election.

**HB 2830 – Energy & Water Savings Account  
Chapter 230 (Reeve)**

The bill outlines the guidelines for a city, town, county or school district to establish an energy and water savings account and the manner in which the funds are allowed to be used. It allows a county board of supervisors to establish an account consisting of capital investment monies to fund energy or water savings projects. Monies deposited in the account are to be used to pay for incremental costs of energy or water savings measures in facilities owned by the county. The account can be used for projects or measures that save energy or water in facilities owned by the county or payment of principal, interest, related finance costs and prepayment premiums.

Before the implementation of the energy or water saving measures or services, the qualified provider, trustee or paying agent and the county must review and approve the estimated amount of energy or water savings and the impact on associated costs. Both parties must jointly develop a schedule for repayment of investment monies that must result in lower energy or water costs. The repayment schedule must be included in the contract, and cannot exceed a 15-year term. (This was expanded to a 25-year term in

HB 2578.) The bill establishes additional standards for the operation and payment of an energy and water savings account.

**HB 2070 – License Eligibility; Authorized Presence**  
**Chapter 234 (Kavanagh)**

The bill allows any license issued by the federal government, any other state government, an agency of this state or a political subdivision of this state that requires proof of citizenship or lawful alien status before it was issued is an acceptable form of identification for receiving an Arizona license.

**HB 2389 – Lease of County Property; Requirements**  
**Chapter 254 (Pratt)**

The bill states that the appointment of an appraiser is not required for the lease of any land or building valued at less than \$5,000 if the valuation has been estimated and justified by a market analysis based on comparable sales.

**HB 2578 – School Facilities Board; Revisions**  
**Chapter 306 (Goodale)**

The legislation makes various technical and updating changes to the statutes related to the School Facilities Board.

Additionally, it expands the scope and use of energy and water savings accounts and guaranteed energy cost savings contracts by making changes to the provisions enacted in HB 2830. It allows entities to enter into a guaranteed energy cost savings contract with a qualified provider if the energy savings project pays for itself within the shortest of the expected life of the energy cost savings measures implemented, the term of the financial agreement or 25 years, rather than a maximum of 15 years.

**HB 2263 – Methamphetamine Precursor Logging System**  
**Chapter 330 (Carter)**

The bill regulates the sale and purchase of ephedrine and pseudoephedrine-based products, and requires the retailer to electronically submit certain information related to the sale to a national database. It also states that the reporting of drug product sales is of statewide concern, and prohibits further regulation of sales by a county, city, town or other political subdivision.

**HB 2606 – Liquor Omnibus**  
**Chapter 336 (Mesnard)**

The legislation makes numerous changes to the Arizona Department of Liquor Licenses and Control (Department) and the related industry. It adds community colleges and the National Guard to the list of government licenses issued and authorized to sell and serve liquor at specified places, amends posting requirements for a person seeking a liquor license, and allows the director of the Department to cancel a hearing on a liquor license application if a municipality or county recommends approval or makes no recommendation on the application.

It allows a peace officer, while undercover on assignment, to consume small amounts of spirituous liquor while still possessing a firearm.

It simplifies and describes the process for obtaining an interim permit, and prohibits a city or town from increasing fees for hospitality businesses in any year by an amount greater than the increase in the average of the last five years' consumer price index.

### **HB 2744 – Regulatory Rules; Amendments Chapter 352 (Reeve)**

The bill modifies statutes that govern state regulatory rulemaking. It allows an agency to make an expedited rulemaking under specified conditions if it does not increase the cost of regulatory compliance, does not increase a fee or reduce procedural rights of persons regulated, and outlines procedures to be followed when seeking an expedited rulemaking or attempting to end an expedited rulemaking that was already initiated. The agency cannot submit an expedited rule to the Governor's Regulatory Review Council (GRRC) that is substantially different from the proposed rule contained in a notice; criteria needed for GRRC to approve a rule are outlined in the bill.

It establishes new standards and procedures for GRRC to follow when reviewing a proposed rule, allows a person to request a clarification of an agency's interpretation or application of its authority in writing, and establishes procedures for an agency to meet with the person filing a question.

The legislation outlines procedures an agency must follow before establishing or increasing a fee and timelines for public comment on proposed fees, and establishes requirements for utilization of scientific principles in state agency decision-making.

Rules that are made under a statutory exemption from GRRC procedures must be included in a five-year review by each agency; procedures and requirements for the five-year review are outlined.

Agencies are required to post existing rules and substantive policy statements on their websites, and the Arizona Secretary of State is required to include specified information on proposed and final expedited rules on the state Register.

### **HB 2549 – Electronic; Digital Devices; Stalking; Threatening Chapter 359 (Vogt)**

The bill updates current statute to outlaw any misuse of electronic or digital devices to terrify, intimidate, threaten, or harass in the course of conduct of stalking, but allows an exception for constitutionally protected speech and activity or any other activity authorized by law. It also exempts activity authorized by a person, a person's authorized representative, or the minor's parent or guardian if the person is a minor, from the course of conduct defined in the stalking statute. "Electronic communication" is defined as a wire line, cable, wireless or cellular telephone call, a text message, an instant message or electronic mail.

**SB 1171 – Arizona Geological Survey; Powers; Duties  
Chapter 17 (Nelson)**

The legislation makes technical and conforming changes to transfer the Department of Mines and Mineral Resources to the Arizona Geological Survey, and requires the Arizona Geological Survey to prepare data files and maps showing earth fissures and their impact on counties, municipalities and existing infrastructure.

**SB 1225 – Superior Court Clerk; Arbitration; Records  
Chapter 44 (Gould)**

The legislation modifies the manner in which an appellant's deposit for appeal is disposed of or refunded. After the arbitration award is signed by the arbitrator, it is filed with the clerk of the court; the non-prevailing party has 20 calendar days to file an appeal. As a condition of filing to appeal, the appellant must a deposit an amount equal to the total compensation of the arbitrators, but not exceeding 10% of the amount in controversy.

The bill specifies the following timeframes in which the court is required to refund or dispose of the appeal deposit:

- If the appeal result is at least 23% more favorable than the relief granted by the arbitration award, then the appellant has 30 days to motion the court to refund the deposit to the appellant;
- If the appeal result is not at least 23% more favorable than the relief granted by the arbitration, then the court, on its own motion or on motion of the appellee has 30 days to motion the court to use the deposit to pay specified costs and fees.

The bill also directs the clerk of the court to transfer the deposit to the county general fund, if the court does not provide an order for the disposition of the deposit in the following amount:

- In an amount not to exceed the deposit but sufficient to reimburse the county for the compensation actually paid to the arbitrator; and
- Any remaining balance to the appellant.

**SB 1135 – Government Deposits  
Chapter 64 (McComish)**

The bill authorizes the investment of government monies into federally insured savings deposit accounts.

**SB 1210 – Right of Intervention; Initiative; Referendum  
Chapter 84 (Biggs)**

The bill grants specified individuals an unconditional right to intervene in any proceeding in which the constitutionality, legality or application of a law enacted through initiative or referendum is at issue. It asserts that the only objection that can be raised through this intervention is that the proposed intervenor does not have a good faith intention to defend the law and allows any party or proposed intervenor to raise this objection. A party who intervenes to defend a law is not liable for attorney fees or costs of any party who is challenging the law.

**SB 1075 – State Forester; Wildfire Resource Deployment  
Chapter 135 (Allen)**

The bill requires the state forester to develop and implement a comprehensive wildfire deployment plan of statewide resources for wildfire suppression activities and to ensure training and certification for wildland firefighters, apparatus and equipment. (The state forester, through intergovernmental agreements, provides coordination for seven state agencies with 190 local fire departments.)

**SB 1241 – Forfeiture of Weapons and Explosives  
Chapter 173 (Murphy)**

The bill prohibits local jurisdictions from establishing laws pertaining to sale of forfeited deadly weapons, dangerous instruments, or explosives. It requires a court to order the sale of a firearm to a business authorized to receive and dispose of firearms under federal and state law for public resale, unless the firearm is prohibited from being sold under federal and state law, and allows a law enforcement agency to trade a retained firearm to a federal firearms licensed business for ammunition, weapons, equipment, and other materials to be used for law enforcement purposes. It establishes a time period of one year in which the court must order the sale of a forfeited deadly weapon, dangerous instrument, or explosive to an authorized business after its forfeiture.

**SB 1136 – Fingerprinting; Central Registry; Background Checks  
Chapter 188 (Gray)**

The bill requires the Department of Economic Security (DES) to conduct central registry background checks on individuals who provide direct services to children or vulnerable adults. A.R.S. § 8-804 limits the use of the Central Registry to several specified purposes. In addition to other statutory uses, DES must use the Central Registry as one factor in determining the qualifications of persons who are applying to become licensed, certified or registered child caregivers, for positions that provide direct services to children or vulnerable adults and for contracts, including employees potential contractors for employment with this state in positions that provide direct services to children or vulnerable adults. The proposal requires DES to conduct Central Registry background checks and the information must be used only to determine:

- Certification for individuals who provide direct services to vulnerable adults;
- Qualifications for persons who are employed or who apply for employment with this state in positions that provide direct services to children or vulnerable adults;
- Qualifications for positions that provide direct service to children or vulnerable adults.

**SB 1001 – Military Preservation; Land Exchanges  
Chapter 278 (Nelson)**

The bill modifies the process for review, evaluation and approval of proposed land exchanges of state trust lands for other public lands. It requires at least two independent analyses to be done to determine specified criteria prior to any land exchange, and requires the Military Affairs Commission and each military facility to receive notice of a proposed land exchange. Each proposed exchange must be approved by a majority of Arizona voters.

*The bill will become effective if voters approve SCR 1001 in the November 2012 election.*

**SB 1193 – Proposed Rules; Acceptable Data  
Chapter 322 (Griffin)**

The legislation makes multiple changes to the sections of law governing judicial review of administrative decisions and requires additional data in economic, small business and consumer impact statements.

The bill requires that in order to commence a review of a final administrative decision, the party must file a notice of appeal, rather than a complaint, and requires that it identify the final administrative decision sought to be reviewed and include a specified statement of issues presented for review. It deletes the provision that required the complaint to clearly specify the grounds upon which review is sought and whether a transcript is to be designated as part of the record; now the notice of appeal is required to contain a statement of the findings and decision (in whole or part) sought to be reviewed. The appellee is no longer required to file an answer.

It modifies the court fee schedule to reflect the new filing requirements for notice of appeal and notice of appearance, and specifies that if the administrative hearing is held before the Office of Administrative Hearings (OAH), the OAH is not a party of record. It prohibits specific actions, unless otherwise required by law or court order. It also amends the applicable court rules that apply to all agency appellate proceedings to be governed by the Rules of Civil Procedure, except in cases in which the superior court has conducted a trial *de novo*. The trial court, in trial *de novo*, must apply the Rules of Civil Procedure.

It amends the section of law governing the regulatory bill of rights to include the right to comment or testify on proposed rules to an agency concerning the information contained in the economic, small business and consumer impact statement, and to allow a person to appeal a final administrative decision by filing a notice of appeal.

Before submitting an application for a license, the person may request from the issuing agency a clarification of its interpretation or application of a statute, rule, delegation agreement or substantive policy statement affecting the person's preparation of the license application and delineates what the written request should contain. It delineates what the agency must do upon receipt of a request for clarification, specifies that an agency's written clarification does not constitute an appealable action or an action against the party as pursuant to statute, and exempts the Arizona Peace Officer Standards and Training Board from the section of law governing an agency's clarification of interpretation requirements.

It requires the economic, small business and consumer impact statement for rule making to additionally include acceptable data (defined to be empirical, replicable and testable data supported in documentation, statistics, reports or research) as follows:

- A description of data on which the rule is based;
- How the data was obtained; and
- Why it is acceptable.

The agency has the burden of proving the acceptability of the data.

*Sections of the bill impacting court fees, judicial review of administrative decisions and the regulatory bill of rights are effective June 30, 2013.*

### **SCR 1001 – Military Preservation; Land Exchanges (Nelson)**

The referral asks the voters to approve an amendment to the Arizona Constitution that authorizes the Legislature to enact a process to exchange trust land if the exchange is related to either protecting military installations or managing lands. It prescribes the process and procedures that would apply to the exchange, requires any exchange to have public hearings, independent analyses and be approved by an affirmative vote of the people.

*SB 1001 will become effective if voters approve SCR 1001.*

## **➤ HUMAN RESOURCES**

### **HB 2248 – Employer Reporting Requirements; New Employees Chapter 49 (Ash)**

The bill requires employers to submit a report to the Arizona Department of Economic Security containing the date the newly hired, rehired or returning employee first performed services for pay.

### **HB 2150 – Unemployment Insurance; Independent Contractor; Appeals Chapter 115 (Forese)**

The bill makes numerous changes to definitions and deadlines related to unemployment insurance benefit appeals. It expands the definition of “employee” to stipulate indications of control by the employing unit, and extends the amount of time an interested party may file a petition for review after a decision is made by an Appeal Tribunal and after a determination becomes final regarding an employing unit. It further outlines delivery requirements for determinations, and extends the amount of time an employer may appeal a refusal to revise a determination.

### **HB 2155 – Controlled Substances; Workers’ Compensation Chapter 156 (McLain)**

The bill allows independent medical examiners to access the Arizona State Board of Pharmacy’s Controlled Substances Database and permits them to disclose any data found to the employee, employer, insurance carrier and the Industrial Commission. An independent medical examination occurs when a doctor, physical therapist, or chiropractor who has not previously been involved in a person’s care examines an

individual. They may conduct an examination to determine the cause, extent and medical treatment of a work-related or other injury where liability is at issue, whether an individual has reached maximum benefit from treatment, and whether any permanent impairment remains after the treatment.

**HB 2165 – Veterans; Employment Preference**  
**Chapter 157 (Carter)**

The bill requires political subdivisions of Arizona to give preference to veterans that are eligible for non-regular service retirement pay, or who would be eligible for non-regular service retirement pay but for age.

**HB 2519 – Unemployment Insurance; Omnibus**  
**Chapter 162 (Fann)**

The legislation makes changes to unemployment insurance (UI) regulations regarding payment of wages for discharged employees, the job training employer tax, work search requirements for UI recipients, and benefit eligibility for charter school employees. It changes the requirement in current statute for a final check to be provided to a terminated employee by the end of the next regular pay period instead of the current three day requirement. It also stipulates that when the federal unemployment tax rate is above 6% prior to the credits an Arizona employer receives, the job training tax does not apply to the following employer groups:

- Employers with a positive reserve ratio of at least 13%;
- Employers with a positive reserve ratio of at least 12%;
- Employers with the start-up rate of 2% pursuant to A.R.S. §23-729, or 2.7% pursuant to A.R.S. §23-730.

**HB 2753 – Notice; Claim; Public Entity; Employee**  
**Chapter 215 (Brophy McGee)**

If a genuine issue of material fact exists as to whether the pre-litigation requirements of a claim against a public entity have been complied with, the bill requires the issue to be resolved before a trial on the merits and at the earliest possible time.

**HB 2601 – Wage Claims; Filing**  
**Chapter 227 (Mesnard)**

The legislation increases the maximum amount of unpaid wages that enables an employee to file a written claim with the Industrial Commission of Arizona from \$2,500 to \$5,000.

**HB 2368 – Workers' Comp; Omnibus**  
**Chapter 240 (Fann)**

The bill establishes guidelines and regulations in relation to subrogation as applied to workers' compensation cases, and changes current calculation from no later than January 1, 2010 to August 1st of each calendar year based on the Bureau of Labor Statistics. It specifies that in circumstances when an employee who is entitled to compensation is injured, killed or further aggravates a previously accepted industrial injury, the lien shall only apply to the amount expended for compensation and treatment

of the aggravation. It removes the Arizona mean wage as a resource used to adopt compensation that reflects the annual percentage of the prior year, and revises the Bureau of Labor Statistics' occupational employment statistics data coded for all occupations to the Bureau of Labor Statistics Employment Cost Index (Index). The Index must be used when adopting amounts that adjust the amount from the prior year to reflect the annual percentage, and the Industrial Commission of Arizona must develop and implement a process no later than December 31, 2014 for the use of evidence-based medical treatment guidelines, where appropriate, to treat injured workers.

### **HB 2643 – Duty Related Injury; Police Officer**

#### **Chapter 287 (Kavanagh)**

The bill establishes a supplemental benefit plan (SBP) for public safety employees who are injured while on duty, and requires the state and its political subdivisions to design an SBP that allows employees to receive approximately their identical base salaries. It stipulates that the SBP must be designed so that, with the addition of other benefits being paid to the employees, the employees will receive approximately their identical base salary that was received prior to the injury. Once an employee is accepted into the SBP, the employer must pay the employee contribution to PSPRS or CORP, and continue to pay the employer contribution to the respective retirement system or plan. The employee accrues credited service for the period of time they are enrolled in the SBP.

It requires the state or a subdivision of the state to determine, on an individual basis, if an employee is entitled to benefits in the plan, and may include the exclusion of an employee whose injury is a result of gross negligence or any other condition the state or political subdivision chooses to consider within the plan.

### **SB 1016 – Workers' Compensation**

#### **Chapter 12 (McComish)**

The legislation permits employees receiving workers' compensation benefits to request electronic transfers, and removes existing language that prohibits marketing representatives of the State Compensation Fund from being licensed to sell any type of insurance other than workers' compensation insurance.

## **➤ LAW ENFORCEMENT**

### **HB 2130 – Disease Testing; Public Safety Employees**

#### **Chapter 25 (J. Pierce)**

The bill expands existing statute to allow a public safety employee, volunteer, or an employing agency to petition the court to have a person tested for specified diseases if there is probable cause to believe that the person bit, scratched, spat or transferred blood or other bodily fluid to a public safety employee or volunteer who was performing an official duty.

## **HB 2215 – Probation Officers; Witness; Representation**

### **Chapter 201 (Proud)**

The bill allows a probation officer who is designated as a witness by the employer in another officer's misconduct investigation to have a representative present during the witness interview. The bill extends all related statutory requirements and responsibilities that currently pertain to law enforcement officers to include probation officers.

## **HB 2550 – Victims' Rights; Criminal Offense**

### **Chapter 268 (Vogt)**

The bill specifies that a peace officer can be considered a victim if the act that would otherwise have made the officer a victim occurs while the officer is acting in the scope of official duties. Therefore, the peace officer may not be compelled to submit to an interview on certain matters. Article II, § 2.1 of the Arizona Constitution enumerates the Victims' Bill of Rights. Among the rights enumerated, a victim has a right to refuse an interview, deposition, or other discovery request by the defendant, the defendant's attorney, or other person acting on behalf of the defendant. The bill also modifies the definition of "criminal offense" for victim's rights purposes to include a petty offense or a local criminal ordinance violation.

## **HB 2723 – Law Enforcement Officer; Discipline; Information**

### **Chapter 276 (Farnsworth)**

The bill modifies the statute relating to disciplinary actions of law enforcement officers. It removes provisions that require parties in an appeal hearing to exchange copies of any documents that have not been previously disclosed and the names of all witnesses who may be called to testify no later than five business days before the appeal hearing.

## **HB 2154 – Child Restraint Systems**

### **Chapter 314 (McLain)**

The legislation requires a child restraint system for passengers in a motor vehicle between the ages of five and eight who are not more than four feet nine inches tall, and assigns a \$50 civil penalty, to be deposited in the Child Restraint Fund, for failure to follow the requirement. A law enforcement officer who believes a vehicle is violating this section is required to determine from the driver the age and height of the child in the vehicle and to assess whether the child should be in a child restraint system. The civil penalty is waived if the person demonstrates changes needed to comply with the law.

## **SB 1185 – School Safety Program; Requirement**

### **Chapter 140 (Gray)**

The bill requires the School Safety Program Oversight Committee to add a requirement to the School Safety Program guidance manual that a dispute resolution process be included in the service agreement between a school district or charter school that received a School Safety Program grant and the law enforcement agency that services the school district or charter school.

**SB 1197 – Law Enforcement; Overtime Compensation  
Chapter 144 (Yarbrough)**

The legislation allows a person engaged in law enforcement activities to forgo overtime compensation of a 40-hour work week if in agreement with the employer. If a person engaged in law enforcement activities has an agreement regarding an alternate work period and takes a new position with the employer, the person may terminate the existing agreement.

**SB 1186 – Law Enforcement Officers; Omnibus  
Chapter 355 (L. Gray)**

The legislation establishes new law regarding law enforcement officer fitness for duty examinations, and makes a variety of statutory changes relating to law enforcement officers.

It states that an employer may only order an officer to submit to a physical examination if the officer has acted or failed to act in a way which indicates that there is a physical condition materially limiting the officer's ability to perform any of the essential functions required by the officer's job. It requires the order to submit to a physical exam to include all of the objective facts on which the order is based except for the specific names of individuals who reported the officer's conduct to the supervisor, specify the time, place, manner, conditions, and scope of the examination, including the person who will be conducting the examination, and to provide at least 10 days' notice to the officer before the physical examination. It allows the officer being examined to have a representative present during the examination if the physician conducting the examination agrees, and requires the employer to provide the officer with the final report of the examination containing the medical professional's findings and allows the employer to also provide any additional information related to the fitness for duty examination to the examining physician. The report must only be provided to the employer and the officer except as required for any subsequent appeal or certification action involving the officer. The employer must provide notice to the officer when the final report is received and must provide the report to the officer immediately if the officer presents the final report of an independent medical examination or waives any right to request an independent medical examination. If the officer does not present the final report of an independent medical examination within 20 days after the employer provides notice that the report has been received, the officer is deemed to have waived the right to present the results of an independent examination. The employer must make a reasonable good faith effort to deliver the report to the officer. The physician may only consider and report on the officer's medical or other records that are directly relevant to the action in question when conducting the examination, and may also consider and report any condition of the officer that the physician identifies during the course of the physical examination that endangers the safety of the officer or the community. The employer cannot take any final action until after the officer has had at least 20 days to review the final report unless the officer waives the 20-day period or the employer grants an extension. (These new laws do not prohibit preexamination materials from being used in proceedings relating to the disciplinary action of an officer or providing the preexamination materials to the person conducting the independent

examination of the officer does not change the disclosure requirements as outlined in statute.)

The bill clarifies that the new provisions do not diminish any rights of an officer that exist under current law and do not preempt agreements that supplant, revise, or otherwise alter the provisions of the bill, including preexisting agreements between employers and officers or the officer's lawful representative association.

The legislation allows a petition for an order authorizing disease testing of another person to be submitted to a court if the person is arrested, charged, or in custody and the public safety employee or volunteer alleges, by affidavit, that the person interfered with the official duties of the public safety employee or volunteer by biting, scratching, spitting, or transferring blood or other bodily fluids on or through the skin or membranes of the employee or volunteer.

It includes reserve peace officers, who are accident reconstructionists or fire origin and cause investigators in the exemption from the prohibition against the Arizona Department of Public Safety licensing peace officers and reserve peace officers as private investigators, and specifies that cities, towns, and counties with small populations must only enter into an interagency agreement to provide for an alternate hearing officer for disciplinary action appeals if necessary to comply with the requirement to provide an alternate hearing officer on a party's first request. An officer may bring action in a superior court for a hearing *de novo* regarding their termination if the finding of the civil service board or merit commission states there was no just cause for the termination, as opposed to the officer's belief there was no just cause.

It repeals a statute referring to the Arizona Law Enforcement Officer Advisory Council, which was replaced by the Arizona Peace Officer Standards and Training Board (AZPOST) by Laws 1994, Chapter 324, and modifies the definition of "peace officers" to include special agents from the attorney general's office or a county attorney's office who are certified by the AZPOST.

### **SB 1212 – Law Enforcement Officers; Just Cause Chapter 356 (Biggs)**

The legislation expands the just cause appeals process for law enforcement officer terminations to include demotions. It allows a law enforcement officer who was demoted by an employer due to the employer reversing a decision of a hearing officer, administrative law judge, or appeals board where the finding states that there was no just cause for the demotion to bring an action in superior court for a hearing *de novo* on the demotion. It requires the hearing officer, administrative law judge, or appeals board to state in every finding of disciplinary action whether just cause existed for the disciplinary action and permits a law enforcement officer who was demoted by an employer where there is no hearing officer, administrative law judge, or appeals board to review the demotion to bring an action in superior court to review the agency's file. It entitles a demoted law enforcement officer to a hearing on the demotion if the court finds from a review of the file that there was not just cause for the demotion, stipulates

that if the superior court finds that just cause for the demotion did not exist, the court shall order the officer reinstated to the officer's previous position with the law enforcement agency, and allows the superior court to award to the law enforcement officer monetary damages not to exceed the officer's combined total of wages and benefits during the period of imposed disciplinary action that was lost as a result of the demotion.

## ➤ PUBLIC FIDUCIARY

### **HB 2560 – Adult Protective Services; Attorney Fees Chapter 163 (Vogt)**

The bill eliminates the award of certain attorney fees in a civil action related to vulnerable adult care but permits reasonable costs and attorney fees to be awarded in a civil action related to the financial exploitation of a vulnerable adult.

### **SB 1141 – Public Fiduciaries; Investigatory Power Chapter 172 (Driggs)**

The bill permits county public fiduciaries to conduct an investigation if the persons responsible for the duty to bury or provide funeral and disposition arrangements for a decedent are not willing, financially able, or cannot be located.

*This bill was included in the Maricopa County 2012 Legislative Package.*

## ➤ PUBLIC HEALTH

### **HB 2370 – Death Certificates Chapter 60 (Carter)**

The legislation expands the types of health care providers who can sign a medical certificate of death, and specifies that the county medical or alternative medical examiner is entitled to all medical records and related records of a person for whom the medical examiner is required to certify cause of death. If a person dies of natural causes in a hospital, nursing care institution or hospice inpatient facility, the hospital, nursing care institution or facility must designate a health care provider to complete and sign the medical certification of death within 72 hours. The bill also states that a health care provider who completes and signs a medical certification of death in good faith is not subject to civil liability or professional disciplinary action.

*This bill was included in the Maricopa County 2012 Legislative Package.*

### **HB 2063 – Community Health Centers; Walk-In Patients Chapter 90 (Brophy McGee)**

The bill specifies that the contract between the Arizona Department of Health Services and qualifying community health centers may allow urgent care services for walk-in patients.

## **HB 2800 – Public Funding; Family Planning; Prohibition Chapter 288 (Olson)**

The legislation specifies that the expenditure of public monies for family planning services must be distributed in the following order:

- To health care facilities that are owned or operated by this state or any political subdivision of this state;
- To hospitals and federally qualified health centers;
- To rural health clinics; and
- To health care providers whose primary area of practice is the provision of primary health services.

It prohibits the state and its political subdivisions from entering into a contract with or making a grant to any person who performs non-federally qualified abortions or maintains a facility where non-federally qualified abortions are performed, and authorizes the attorney general or the county attorney to enforce this section and obtain relief in appropriate circumstances. The bill permits an entity that is eligible for the receipt of public monies to bring an action to enforce this law through the attorney general or county attorney if the expenditure or grant of public monies has resulted in a reduction of public monies available to that entity. Monies recouped as a result of legal action must revert to the fund in which the monies were appropriated or granted.

## **➤ PUBLIC WORKS**

### **HB 2477 – Farm Implements; Vehicle Implement; Inspections Chapter 100 (Carter)**

The bill clarifies that animal husbandry implements and certain vehicles used solely in the operation of a farm are exempt from normal vehicle equipment requirements when they are incidentally operated or moved on a highway whether as a trailer or self-propelled unit.

### **HB 2061 – HELP Advisory Committee; Repeal Chapter 113 (Brophy McGee)**

The bill repeals the Highway Expansion and Extension Program (HELP) Advisory Committee. The Committee was formed in 1998 to develop an application form for financial assistance for HELP, review requests of loans and financial assistance, make recommendations to the Arizona Board of Transportation, and submit an annual report to state leaders that includes financial and operational information on projects assisted by the HELP funds.

### **HB 2673 – Overdimensional Loads Chapter 164 (Gray)**

The legislation makes various changes to the statutes governing overdimensional and overweight loads and escort vehicles. The bill prohibits the director of the Arizona Department of Transportation from requiring the operator to apply for a new permit or pay an additional fee if the actual vehicle and load to be moved are subsequently of a

lesser dimension or weight than that described on the permit. It also specifies that an operator has to comply with all other provisions of the permit if another permit or fee is not required because the vehicle and load end up being smaller in dimensions or lighter in weight. The bill requires escort vehicle permittees to complete training in best practices in traffic control techniques on the road and deletes specific language requiring the escort vehicle operator to have a minimum of four hours of training in certified traffic control technique for training and certification requirements.

### **HB 2350 – Cities; Counties; Regulations**

#### **Chapter 205 (Reeve)**

The bill requires a city, town or county to annually post on its website a capital improvement plan containing all public works projects scheduled to be constructed, and allows a utility to request that the city, town or county annually provide a copy of the local government's capital improvement plan and provide notice of any new projects not included in the plan or changes that advance the start date of any projects already in the plan. It directs the utility to designate the utility representative to receive the municipal or county information. It amends existing statute to specify that an applicant for a license, rather than any person, may request a clarification of interpretation of a statute.

### **HB 2491 – Module Mover Vehicles**

#### **Chapter 210 (Jones)**

The bill makes numerous changes to the statutes relating to public-private partnerships in transportation, and provides for the administration and enforcement of toll roads in Arizona, as well as user due process. It allows the director of the Arizona Department of Transportation (ADOT) to enter into public-private partnerships with other jurisdictions to exchange motor vehicle record information for toll enforcement and for refusal, suspension or revocation of a driver license or vehicle registration for unpaid tolls and related penalties. It includes toll facilities among the highways on which overdimensional vehicles and loads must have an ADOT permit for authorized travel, and requires ADOT to conduct at least one public hearing on user charges, tolls, fares and similar charges before procuring for public-private partnership services. In addition, the bill allows the director of ADOT to extend the period of time that cotton module haulers are authorized to travel on the state's highways.

### **HB 2347 – Public Transportation Authorities; Board Membership**

#### **Chapter 221 (Jones)**

The bill adds one member from a community college district and one member from a Native American nation to the board of directors of an intergovernmental public transportation authority.

### **HB 2543 – Signs; Traffic Control; Outdoor Advertising**

#### **Chapter 316 (Carter)**

The bill allows the director of the Arizona Department of Transportation (ADOT) to establish temporary procedures and criteria for making state highway signs for nonprofit

museums, and permits billboards that are capable of changing messages mechanically or electronically to be displayed along an interstate if the billboard:

- Does not contain any animation and remains static for at least eight seconds with a transition time of no greater than two seconds;
- Is located within prescribed statutory boundaries, creating an authorized area for electronic outdoor advertising (The director of ADOT must create a pictorial representation of these boundaries and post it online);
- Meets standards for evening illumination (From sunset to 11:00 P.M. the dimmer for outdoor advertising signs, displays and devices must not be set to exceed 342 nits in full white mode for signs that are smaller than 672 square feet in area and 300 nits in full white mode for signs that are equal to or larger than 672 square feet in area);
- Extinguishes illumination from 11:00 P.M. until sunrise (an exception is made for Amber Alerts and other governmental emergencies) and is equipped with an automatic device to ensure compliance;
- Complies with additional statutory size and spacing limitations.

ADOT must be notified and maintain records if an existing billboard within the authorized area is converted to electronic outdoor advertising. This notice must include a certification that the sign remains in statutory compliance. An outdoor advertisement cannot be converted to electronic outdoor advertising outside the authorized area after May 9, 2012; electronic outdoor advertising previously in existence is grandfathered in if it meets specified criteria. An existing outdoor advertising use cannot be converted to an outdoor advertising use capable of changing messages if the existing sign is located outside the authorized area.

The bill allows a city, town or county to enforce or enact an ordinance regulating outdoor advertising as authorized by the bill, including the lighting of outdoor advertising, but prevents a local government from enacting an ordinance that is less restrictive than the provisions of the bill.

### **SB 1281 – Public Roads; County Maintenance Chapter 18 (Griffin)**

The bill expands the number of roads and streets on which a county board of supervisors is permitted to spend public monies for maintenance. Previously, counties were authorized to spend public monies on roads laid out, constructed and opened before June 13, 1975; the bill now allows funding to be used for all roads laid out, constructed and opened before June 13, 1990.

### **SB 1131 – Transportation Project Advancement Notes Chapter 41 (Yarbrough)**

The bill establishes transportation project advancement notes, and allows counties, municipalities and regional public transportation authorities to enter into transportation project advance agreements and advance monies for the acceleration of certain transportation projects. The proposal allows political subdivisions to enter into

transportation project advance agreements (agreements) with, and to advance monies to, the following entities for the acceleration of certain transportation projects:

- Arizona Department of Transportation;
- Regional planning agencies;
- Metropolitan planning organizations or councils of government; and
- Designated grant recipients.

These entities are authorized to enter into agreements with political subdivisions and with each other.

### **SB 1124 – ADOT Contracts; Surplus Lines**

#### **Chapter 137 (McComish)**

The bill stipulates that companies with surplus lines insurance coverage are eligible to bid on Arizona Department of Transportation (ADOT) contracts. Surplus Lines Insurance (SLI) is coverage that is not currently available from insurers licensed in this state and must be purchased from a non-admitted carrier. A consumer may need to purchase SLI if the consumer needs more unique insurance than what is available from admitted insurers for property and casualty coverage. The proposal specifies that, notwithstanding any rule or provision in the manual adopted by ADOT, any bidder complies with any bid plan or specification requiring insurance by obtaining insurance from an authorized insurer or from an approved SLI carrier.

### **SB 1232 – Vehicle Permit Fees; Excess Weight**

#### **Chapter 192 (Griffin)**

The bill modifies the distribution of special single trip excess weight permit fees for commercial vehicles traveling through an international port of entry. The fee is \$75 and is currently deposited in the State Highway Fund; the bill redistributes the \$75 as follows:

- 50% to the State Highway Fund;
- 25% to counties located in the 25 mile commercial border zone identified on the permit; and
- 25% to cities and towns located in the 25-mile commercial border zone identified on the permit. (This must be further allocated to the cities and towns located in the 25-mile commercial border zone identified on the permit based on population).

### **SB 1402 – Broadband Conduit Installation; Right-of-way; ADOT**

#### **Chapter 195 (Driggs)**

Designated as the “Digital Arizona Highway Act of 2012,” the legislation grants the director of the Arizona Department of Transportation authority to establish broadband conduit as part of a covered rural highway construction project if funding is provided to cover the costs.

**SB 1216 – Emergency Vehicle Access Plan; ADOT  
Chapter 261 (Biggs)**

The bill requires the director of the Arizona Department of Transportation to include an emergency vehicle access plan for projects requiring a traffic management plan in state highway work zones. Federal law requires state and local governments that receive federal-aid highway funding to prepare traffic management plans for work zone safety and mobility. Traffic management plans are a set of coordinated transportation management strategies and procedures used by a state or local transportation agency to manage the work zone impacts of road projects within its jurisdiction.

**SB 1040 – County Highways; County Engineer Recommendations  
Chapter 285 (Gray)**

The legislation modifies the process for a county to establish, alter, or abandon a public road by allowing a county engineer to recommend that a highway be established or altered in the county upon the decision of the board of supervisors. The board of supervisors must give at least 60 days written notice by certified mail to the owners of the land abutting the highway and have a majority of the owners of that land approve the decision to abandon or vacate a highway. The board must set a date for a public hearing on the county engineer's recommendation and give notice to the public that states the purpose of the hearing, date and directions. This county engineer recommendation process cannot be used to abandon a road that was granted under U.S.C. 43 § 932.

➤ **RETIREMENT**

**HB 2283 – State Employee Benefits; Definition  
Chapter 40 (Reeve)**

The legislation clarifies that a statutory delay in Arizona State Retirement System benefits (enacted by Laws 2011, Chapter 277) applies only to judicial employees that are paid through the Arizona Department of Administration, and not to judicial employees funded by county governments.

*This bill was included in the Maricopa County 2012 Legislative Package.*

**HB 2662 – ASRS: Employees; Election; Enrollment  
Chapter 273 (Robson)**

The bill permits state employees over the age of 65 who are not active, inactive or retired members of the Arizona State Retirement System (ASRS), or who have credited or prior service in ASRS, to opt-out of participation before July 1, 2015. The employee must opt-out in writing within 30 days of employment, and the written notice serves as a waiver of all benefits provided by ASRS; the decision is irrevocable for the remainder of the employment. The person cannot purchase service in ASRS for the period they make the election to opt-out. ASRS is required to submit a report on the number of persons who opt-out of benefits by December 31, 2014.

**HB 2264 – ASRS; Employee; Employer Contributions; Rate  
Chapter 304E (Robson)**

The bill returns Arizona State Retirement System (ASRS) contribution rates to require both employees and employers to pay 50% (Laws 2011, Chapter 26 altered the contribution rates to require 47% from employers and 53% from employees). Employee contributions made in FY2012 that exceeded 50% are to be returned prior to September 30, 2012. Employees that forfeited their right to ASRS benefits or who received the value of the excess contributions from ASRS are exempt from the reimbursement. The bill specifies that the refunded contributions are to be treated as taxable wages in 2012 and be treated as a payment by the employer of previously taxed wages for long term disability contributions; the refunds are not to be treated as salary, wages or compensation for purposes of determining a future ASRS benefit.

The bill assigns ASRS authority to adjust or rebalance any member's account to take into consideration the change to the contribution rate, but exempts them from any liability over the implementation of the excess contributions. It also contains an appropriation for state agencies to implement the reimbursements to their employees.

*The legislation became effective May 7, 2012, but is retroactive to July 1, 2011.*

**HB 2409 – PSPRS; Pension Buyback Payments  
Chapter 348 (Stevens)**

The bill outlines service purchase payment guidelines for pension buybacks in the Public Safety Personnel Retirement System (PSPRS), the Corrections Officer Retirement Plan (CORP) and the Elected Officials Retirement Plan (EORP). It requires members purchasing pension buybacks to make payments directly to the plan in whole or in part, continues to allow members to purchase pension buybacks using lump sum payments, allows members to choose installment payments over a period of time through an arrangement with the plan, and outlines the process of accepting a direct transfer of any eligible rollover distribution, or a contribution by a member of an eligible rollover distribution such as retirement programs and annuity contracts. It also outlines limitations prescribed by the Internal Revenue Code, regarding rollover contributions and states that if the fund has a rate of return less than two percent, the officer only receives their contribution back. If the fund realizes a rate of return that is greater than two percent, the officer receives the two percent upon retirement – anything above the two percent stays with the system.

**HB 2745 – PSPRS; Employer Contributions  
Chapter 362 (D. Smith)**

The bill prohibits a required alternate contribution rate for a retired member of the Public Safety and Personnel Retirement System who is required to participate in another state retirement system and the retired member returned to work before July 20, 2011, and makes various changes to the Arizona State Retirement System statutes relating to administration, member distributions, health benefits, investments, receivables and service purchase.

## **SB 1115 – PSPRS Investment Contracts**

### **Chapter 63 (Yarbrough)**

The legislation stipulates that loans, guarantees, investment management agreements and investment contracts made by the Public Safety Personnel Retirement System receive due diligence regarding federal immigration law and Arizona laws against investments in Sudan and Iran.

## **SB 1194 – ASRS; Nonparticipatory Employer; Liabilities**

### **Chapter 79 (Yarbrough)**

The legislation directs the Arizona State Retirement System (ASRS) to allocate an employer liability that is no longer participating in ASRS.

## **SB 1117 – ASRS; Administration**

### **Chapter 87 (Yarbrough)**

The legislation enhances the Arizona State Retirement System's (ASRS) accounts receivables collection authority. It states that a debtor who fails to pay any monies owed to ASRS is liable for all costs and expenses incurred by ASRS to collect monies owed. It also states that after at least two separate attempts to collect, and at least 30 days from the date the debt was determined, ASRS may collect the debt and other sums that are sufficient to cover the expenses of the levy through:

- Cash and cash equivalent property at financial institutions;
- The accrued salary or wages of the debtor by serving notice of levy on the chief disbursing officer of the debtor's employer.

The bill also requires any person with possession of property subject to a levy to surrender the property on demand of ASRS, unless it is subject to a prior judicial attachment or execution and allows ASRS to enter into agreements with financial institutions to develop a data match system to assist with debt collection.

## **SB 1119 – ASRS; Spousal Consent**

### **Chapter 88 (Yarbrough)**

The legislation requires a married member of the Arizona State Retirement System (ASRS) to name and maintain their current spouse as a beneficiary to receive at least 50% of the member's account, and allows the member's current spouse to consent to a waiver of this requirement. The bill allows a member's current spouse to consent to one of the following requirements by submitting an acknowledgement to ASRS:

- A change of beneficiary that provides the member's current spouse with less than 50% of the member's account balance;
- The member's retirement application that does not name the member's current spouse as a recipient of a joint and survivor annuity;
- A change or rescission of the member's current spouse's contingent annuitant status.

It also states that if a member's current spouse is not capable of executing the acknowledgement of the requirements due to an incapacitating mental or physical

condition, a power of attorney or guardian may execute the acknowledgment on the current spouse's behalf.

*Specified provisions of the bill are effective June 30, 2013 and July 1, 2013.*

### **SB 1116 – PSPRS; CORP; EORP Amendments**

#### **Chapter 139 (Yarbrough)**

The legislation provides administrative and clarifying changes for the Public Safety Personnel Retirement System, Elected Official Retirement Plan, and the Correctional Officer Retirement Plan, as well as the authority to enter into swap agreements.

## **➤ SPECIAL DISTRICTS**

### **HB 2651 – Road Enhancement Improvement Districts**

#### **Chapter 104 (Burgess)**

The legislation allows a county improvement district that was formed for the purpose of road enhancements to be converted to a road enhancement improvement district either by a resolution of the county board of supervisors (BOS) or through petition by at least 50 percent of the property owners in the county improvement district. It prescribes the process for noticing alterations to the road enhancement improvement district, designates liabilities for cost and expenses incurred during the conversion process, and specifies that the road enhancement improvement district attains all assets, liabilities, interest and all rights of the former county improvement district. Services provided to the road enhancement improvement district by the county are subject to reimbursement. The bill allows the BOS to grant an elected board the authority to govern the road enhancement improvement district after its establishment, and outlines the processes for doing so. The BOS does not have veto authority over financial transactions of the elected board, but the BOS is granted the authority to revoke the power of the elected board at any time.

### **HB 2360 – Flood Control Districts; Immunity**

#### **Chapter 222 (Fann)**

The bill provides flood control districts and their employees immunity from damages that arise out of a plan or design for construction, maintenance or improvement of certain structures if a reasonably adequate warning is given to potentially affected property owners in a manner that the owners may take suitable precautions to protect themselves and their property. The immunity from damages is applicable if the project is funded wholly or partially by federal monies and/or if the project is planned or designed to meet a recurrence interval approved by the district's board of directors. A warning is sufficient if it is provided to a single property owner of the parcel; notice to subsequent property owners is not required. The bill also allows nonresident landowners to run for the flood control district board.

**HB 2460 – Special Taxing Districts; Boundaries  
Chapter 226 (Dial)**

Until August 1, 2014, the legislation allows non-contiguous parcels of land to be amended into a fire or sanitary district, if the parcel is located in an unincorporated area or county island within 2,640 feet of an adjacent district in a county with a population of more than two million persons. It also removes a limitation precluding property owners from requesting inclusion in a fire or sanitary district if the property owner resides within the boundaries of a proposed district, or is proposed for inclusion in an existing district.

**HB 2658 – Flood Control Authority; Relinquishment; District  
Chapter 228 (Pratt)**

The bill states that when a city or town approves a resolution to relinquish its assumption of floodplain management and regulation, the flood control district or county is not liable for any project that was approved, permitted, initiated, or fully or partially constructed while under the floodplain authority of the municipality, including any obligation to complete, operate, maintain or repair the project. For any project for which a permit was issued by the city or town while it held floodplain management and that is subsequently under more stringent floodplain regulation under district authority, the project is deemed a valid nonconforming use that is subject to the more stringent district regulation for subsequent substantial improvements or substantial repairs.

For any violation of the city or town's floodplain regulation authority before relinquishment, the municipality continues to be liable for the enforcement against and correction of the violation and the district and the county are not liable. On passage of a resolution by the city or town assuming the powers and duties of floodplain management and regulation, the municipality is not liable for any aspect of a project that was approved, permitted, initiated or fully or partially constructed while under the floodplain authority of a district or county, including any obligation to complete, operate, maintain or repair the project.

For any project for which a permit was issued by a district or county while it held floodplain management and that is subsequently under more stringent floodplain regulation under the authority of a city or town, the project is deemed a valid nonconforming use that is subject to the more stringent municipal regulation for subsequent substantial improvements or substantial repairs. For any violation of the district's or county's floodplain regulation authority before relinquishment, the district or county continues to be liable for the enforcement against and correction of the violation and the city or town is not liable.

**HB 2432 – Special District Petitions; Multiple Ownership  
Chapter 264 (Gowan)**

The bill clarifies the number of persons owning property inside the boundaries of the proposed district or boundary change for purposes of determining the validity of petitions for the creation and boundary changes of special districts. In the case of property assessed by the county assessor, the number of persons owning property must be as shown on the most recent assessment of property. In the case of property

valued by the Arizona Department of Revenue, the number of persons owning property shall be as shown on the most recent valuation of property. If an undivided parcel of property is owned by multiple owners, those owners are deemed to be one owner, and if a person owns multiple parcels of property, that owner is deemed to be a single owner. Petition signers must be current on taxes and assessments at the time of petition review for the signature to be valid. In a community park maintenance district, a leaseholder of real property is not authorized to sign a formation or boundary change petition.

**SB 1407 – Fire Districts; Boundaries**  
**Chapter 347 (Driggs)**

The bill makes multiple changes related to the procedures for creating or adjusting fire, sanitary or community park maintenance district boundaries; allows individual parcels of land to be included in a fire or sanitary district if the parcel is located within 2,640 feet of an adjacent district, modifies the procedures for forming a non-contiguous county island fire district and expands the ability to form a non-contiguous district to all Arizona counties.

It stipulates that a district impact statement for the creation or adjustment of a district must contain both a legal and a general description of the area and a list of all taxed properties within the proposed district, and an explanation of injuries that may result from the proposed district. It prohibits the county board of supervisors from authorizing another petition for a district formation or boundary change of the same type for any respective property until the one year period to submit signatures is met or extinguished, and states that the assessed valuation of properties within the proposed district shall remain fixed for purposes of determining valuation requirements.

It requires a petition for creation or adjustment of a district to include a map and a general, but sufficiently detailed, description of the proposed district's boundaries and a list of petition requirements printed on the back of the petition form. Only the owners of taxed property units in a proposed district may sign a petition. The clerk of the district board is required to determine the total assessed valuation required to comply with petition requirements. Tax exempt properties are exempted from consideration in the total valuation of a proposed district. Minor errors in the legal description of property shall not invalidate a petition.

Petitions must conform to a sample petition form made available by the Secretary of State, effective January 1, 2013.

The person submitting the petitions may file for a one-time 30-day extension on the petition hearing if the following criteria are met:

- There is an insufficient amount of valid signatures;
- The one-year period to submit signatures has not been extinguished; and
- The request is made five days prior to the county assessor's report or the conclusion of the hearing.

The bill prescribes the procedures for determining the owners of centrally assessed or locally assessed property, and stipulates that both single parcels of property owned by multiple persons, or multiple parcels of property owned by a single person, will be tallied as one person on a petition.

The clerk of the county board of supervisors must include in the hearing notice where a copy of the impact statement may be obtained; only owners of taxable property must receive a hearing notice.

## ➤ **TAXATION AND FEES**

### **HB 2123 – Transaction Privilege Tax Reform Committee Chapter 114E (Gray)**

The bill establishes the Transaction Privilege Tax Reform Committee (Committee), which is tasked with making recommendations related to reform of income taxes and transaction privilege taxes, and mitigation of fiscal impacts to counties and municipalities. The bill outlines the Committee membership, which includes one member representing Arizona's counties. The Committee is statutorily repealed on October 31, 2013.

*The bill became effective on March 29, 2012.*

### **HB 2608 – Assessed Valuations; Audit Chapter 124 (Mesnard)**

The legislation allows the Arizona Department of Revenue to audit county assessor property valuations to ensure proper valuation of new construction, and directs the governing body of each county, city, town, community college district and school district to fix and determine property tax rates based on property valuations determined on or before February 10 of the tax year.

### **HB 2801 – Property Tax Bills; Payment; Interest Chapter 130 (Olson)**

The legislation clarifies existing statute regarding forgiveness of interest on delinquent property taxes to specify that no interest can be collected on taxes paid in full by December 31, regardless of whether the statutory timeframe for doing so has elapsed.

### **HB 2184 – Fire District; Alternative Tax Rate Chapter 158 (Fann)**

The legislation allows a fire district to temporarily increase the tax per \$100 of assessed valuation from \$3.25 to \$3.75 when the net assessed valuation of all property in a fire district has declined by a total of 25% or more beginning with the 2008 valuation year, if certain conditions are met. The fire district must certify to the county board of supervisors and the Property Tax Oversight Commission the total amount of wages paid to full-time personnel and the total amount and purpose of all monies retained or encumbered by the district within 30 days after the end of the preceding fiscal year in

which the rate was increased. The bill also prohibits a fire district with a tax rate over \$3.25 per \$100 of assessed valuation from calling for an override election pursuant to statute.

**HB 2376 – Court Fees; Payment Method  
Chapter 185 (Farnsworth)**

The bill allows court fees to be paid by alternative methods, including credit cards, charge cards, debit cards and electronic funds transfer. It authorizes the court to impose a convenience fee when accepting credit, debit or charge cards or electronic transfers for the payment of certain court fees.

**HB 2092 – Property Tax Appeals; Valuation; Classification  
Chapter 197 (Harper)**

The legislation expands eligibility for utilizing the Arizona tax court's simplified small claims procedure, modifies the decision-making authority granted to the State Board of Equalization with regard to appeals of property valuation or classification and alters the circumstances under which new homeowners may judicially appeal the valuation of their property.

Prior to March 1 of each year, property owners receive a notice of valuation from the county assessor stating the full cash value or limited cash value of their property. If the property owner believes the value or classification is in error or is excessive, they may file either an administrative or judicial appeal. The bill allows taxpayers to use the small claims procedures in tax court cases where the full cash value of real or personal property does not exceed \$2 million, respectively. It also allows new homeowners to judicially appeal the valuation of their property if the former owner did not receive final judgment or dismissal related to an appeal of the valuation or legal classification in tax court.

**HB 2094 – Prepaid Wireless E911 Excise Tax  
Chapter 198 (Robson)**

The legislation establishes and levies a prepaid wireless telecommunications E911 excise tax of 0.8% of the gross proceeds or gross income derived from retail sales of prepaid wireless telecommunications service. It also requires the Arizona Department of Revenue to separately account monies from this tax in the Emergency Telecommunications Service Revolving Fund. The Fund was established in 1993 to provide finances required for the implementation and operation of a 9-1-1 emergency telecommunications service.

**HB 2178 – Property Taxes; Refund; Forgiveness  
Chapter 200 (Dial)**

The bill directs the county treasurer to refund taxes paid, and forgive any property taxes and accrued penalties due, from property owners that paid taxes between 1987 and 2009 and already received a refund of the property taxes. The bill was introduced to address a situation outside of Maricopa County that resulted from a lawsuit between the United States (on behalf of the Fort Mohave Indian Tribe) and private landholders.

*The legislation is only effective for one year.*

### **HB 2803 – Personal Property Tax Appeal Deadline**

#### **Chapter 216 (Olson)**

The bill extends the deadline for a taxpayer to file an administrative appeal for review of personal property valuation from 20 days to 30 days after the delivery of a notice of valuation.

### **HB 2226 – Property Tax; Algaculture**

#### **Chapter 220 (Heinz)**

The legislation expands the definition of agricultural real property to include land of at least five acres and improvements devoted to algaculture. “Algaculture” is defined as the controlled propagation, growth and harvest of algae.

### **HB 2322 – Watercraft; Registration; Fees**

#### **Chapter 237 (McLain)**

The bill removes all residency language pertaining to nonresident boating registration fees, and requires operators of watercraft on the waterways of this state to display the assigned number and current annual decals on the watercraft, exempting operators of watercraft who are in possession of a valid 30-day temporary registration. It allows insurance companies to obtain watercraft registration information for the purposes of verifying owner and watercraft information to facilitate fraud investigations and the payment of claims on damaged or stolen watercraft. The bill also establishes a Boating Safety Infrastructure Fee for nonresidents, exempting members of the Armed Forces who are on active duty and stationed in Arizona for a period of at least 30 days immediately before applying for watercraft registration, and specifies that registration fees and the Boating Safety Infrastructure Fee be deposited in the Watercraft Licensing Fund. The Watercraft Registration Fee Clearing Account is deleted from statute.

### **HB 2332 – Healthy Forest Enterprise Incentives; Extension**

#### **Chapter 331 (Jones)**

The bill extends certain sales, use and income tax incentives for qualified healthy forest enterprises (HFEs) in the state through December 31, 2024, and creates new individual and corporate income tax credits for training new workers in ecological restoration.

The bill impacts state transaction privilege taxes (TPT) by exempting the sales of motor vehicle fuel and use fuel sold to qualified HFE businesses from TPT and use taxes. The fuel must be used in off-road harvesting, processing or transporting qualifying forest products in order to qualify for the exemption. It also exempts the sales of repair parts that are installed in equipment used directly by a qualified HFE business for harvesting, processing or transporting qualifying forest products and equipment leased or rented by an HFE from TPT and use taxes. (Previously, the TPT exemption was only on leases that were for five years; this bill removes the time limitation for that exemption.) The bill reinstates the discount on fuel used by vehicles transporting forest products (*i.e.* use fuel tax) and discounts the use fuel tax for vehicles transporting forest products on

highways in Arizona from 13 to 9 cents per gallon, applicable through December 31, 2024. Although the current statutory tax is 13 cents per gallon, the 13-cent rate expired in 2010 and users are currently paying 26 cents per gallon. The bill temporarily applies the new 9-cent fuel tax rate on the first day of September 2012. It also reinstates the prime contracting TPT exemption for gross income earned on construction contracts with an HFE by applying the exemption to actual construction beginning before January 1, 2024, rather than before January 1, 2010.

The legislation reinstates the Class 6 property tax classification for property owned by a HFE by qualifying property that was constructed or installed before December 31, 2024, rather than by December 31, 2010. It also reinstates the prime contracting TPT exemption for gross income earned on construction contracts with an HFE by applying the exemption to actual construction beginning before January 1, 2024, rather than before January 1, 2010.

### **HB 2815 – Employment; Incentives; Regulatory Tax Credit Chapter 343 (Mesnard)**

The legislation establishes individual and corporate income tax credits for capital investments and employment in new or expanded commercial headquarters and manufacturing and research facilities. It extends the Renewable Energy Credit by five years, eliminates the cap on the number of net new employees for which a company may annually claim the New Employment Tax Credit, reduces taxation on individual long-term net capital gains, and provides an income tax subtraction equal to 10 percent of the federal bonus depreciation allowance. It broadens the net operating loss carryover timeframe and establishes the Employer-Funded Job Training Program Study Committee.

The bill also modifies the calculation for determining the business personal property exemption amount by basing the percentage increase in the Employer Cost Index on the past two fiscal years, rather than the most recent fiscal year.

### **HB 2478 – Property Tax; Facilities Chapter 349 (Carter)**

The bill limits the application of a Class 9 assessment to improvements and property used exclusively for athletic, recreational, entertainment, artistic, and cultural facilities or used primarily for convention activities, and requires that the improvements become the property of the government entity upon the termination of the lease (with the exception of those used for convention activities).

### **HB 2486 – Homeowners' Rebate Affidavit Chapter 350 (Court)**

The legislation modifies the definition of Class 3 property and the criteria for distinguishing primary, secondary and rental property. It prohibits the classification of property occupied by a qualifying member of the owner's family as secondary or rental property, and eliminates the current statutory affidavit requirement. It requires the county assessor to mail notice to each Class 3 property owner whose property the

assessor has reason to believe is not a primary residence or is being rented, if the owner:

- Has a mailing address outside the county in which the property is located;
- Has a mailing address (other than a post office box) that is different than the address of the property;
- Has the same mailing address listed for more than one parcel of Class 3 property; or
- Appears to be a business entity.

The bill allows the owners of certain Class 4 and Class 2 properties to have their classification reviewed for a change in status to Class 3 if the property is occupied as a primary residence by the owner (for Class 4) or by a qualifying family member (for Class 2), and requires the assessor to prominently display the following information in the annual notice of full cash value:

- The definition of Class 3 property; and
- A statement informing property owners of their obligation to notify the assessor if the property does not meet the definition, and of the corresponding civil penalty for failing to do so.

The legislation also replaces the existing civil penalty with an amount equal to the additional state aid paid, requires that the petition for assessor review of improper valuation or classification for Class 3 property contain simplified instructions and be separate from petition forms used for other classes of property.

### **SB 1416 – Property Tax; Agriculture Classification; Affidavit Chapter 182 (Griffin)**

The bill reduces the number of years land is required to be used for agricultural purposes in order to be classified as agricultural property from seven of the last ten years to three of the last five years, and requires an affidavit of agricultural use to be filed with the county assessor to satisfy classification criteria.

### **SB 1229 – Tax Exemption; Residential Solar Electricity Chapter 232 (Griffin)**

The legislation excludes the transfer of solar photovoltaic electricity to an electric utility distribution system from the definition of “business” for purposes of transaction privilege tax and use taxes. It deducts the portion of gross proceeds of sales or gross income attributable to the transfer of solar photovoltaic electricity to an electric utility distribution system from the tax base of the utilities classification, excludes sales or transfers of renewable energy credits from the retail and utilities classification and exempts the sale or transfer of renewable energy credits from use tax.

### **SB 1214 – Use Tax Declaration; Repeal Chapter 323 (Biggs)**

The legislation eliminates the use tax declaration requirement on the individual income tax return, retroactive to taxable years beginning from and after December 31, 2011. The requirement, which was established by Laws 2011, Chapter 128, required a person

who stores, uses or consumes tangible personal property subject to use tax for non-business purposes to declare the annual amount of tax due, if not collected by a registered retailer, on their individual income tax return.

**SB 1279 – Personal Property Tax; Computer Software  
Chapter 324 (Yarbrough)**

The legislation requires that business computers and certain software be valued and assessed as personal property. Arizona law defines personal property as property of every kind, both tangible and intangible, not included in the term “real estate.” The bill prohibits any other software not designated as operating system software from being valued as personal property.

**SB 1442 – Prime Contracting; Manufacturing Facilities; Infrastructure  
Chapter 328 (Yarbrough)**

The legislation requires the state treasurer to make monthly payments to a city, town or county from the prime contracting tax distribution base to fund up to 80% of the cost of public infrastructure improvements to benefit a manufacturing facility if the facility is a minimum \$500 million dollar investment. The bill is designed to reimburse the City of Chandler for costs associated with the latest Intel chip fabrication unit, which will require major infrastructure upgrades of city services.

**SCR 1012 – Personal Property Tax Exemption Amount  
(Biggs)**

The concurrent resolution proposes an amendment to the Arizona Constitution to increase the full cash value amount of personal property used for agricultural, trade or business purposes that is exempt from property taxes to an amount equal to the earnings of fifty Arizona workers, in accordance with a designated national measure of earnings per employee.

The SCR will be put before voters in November 2012. If approved by voters, the increased exemption amount would apply to personal property initially acquired after December 31, 2012. The existing \$50,000 (\$68,079 as adjusted for inflation) constitutional exemption for personal property would remain for property initially acquired prior to tax year 2013.

**SCR 1025 – Property Tax Assessed Valuation; Limitation  
(Yarbrough)**

If approved by voters in November 2012, the concurrent resolution would limit the annual growth of limited property value to the lesser of the full cash value or an amount five percent greater than the property’s prior year value, beginning in tax year 2015.

## □ GOVERNOR'S VETO LETTERS/BILL MESSAGES

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### **HB 2062 – DUI; Assessment; Ignition Interlock (Brophy McGee)**

The bill would have allowed a city or town council of the city or town in which the municipal court is located to impose an assessment on a DUI offender, not to exceed \$300, if the person is convicted in municipal court and the court does not order the person to reimburse the political subdivision for incarceration costs. The money would have been used to defray incarceration costs.

### **HB 2088 – ASRS; Amendments (Robson)**

The bill would have made various changes to the Arizona State Retirement System Statutes relating to administration, member distributions, health benefits, investments, receivables and service purchase. Following the Governor's veto, similar changes were passed in HB 2745.

### **HB 2433 – Bail Bond Agents (Gowan)**

The legislation would have made numerous changes to the requirements governing bail bonds agents lists and the areas in which such businesses could solicit customers. It would also have outlined limitations on those who could be employed by a bail bond agent.

### **HB 2434 – Notification; Federal Law Enforcement Officers (Gowan)**

The proposal would have required federal law enforcement officers to notify the county sheriff before taking any official law enforcement action.

### **HB 2469 – Revenue Allocation Districts (R. Gray)**

The bill would have authorized the creation of a new special taxing district, referred to as a revenue allocation district, to fund economic development related projects within the boundaries of the municipality in which it resides from incremental increases in property and transaction privilege taxes over fixed base amounts.

### **HB 2495 – Counties; Purchases; Local Dealers (Jones)**

The legislation would have allowed the county purchasing agent, where the estimated purchase cost is in excess of \$50,000, to award a contract to a local dealer in preference to any competing bidder who is not a local dealer if the bid of the competing bidder, quality and suitability considered, is less than five percent lower, subject to approval by the county board of supervisors.

**HB 2557 – Intersection; Definition  
(Vogt)**

The bill would have modified the definition of “intersection” when at a location controlled by a traffic control signal, and would have been effective January 1, 2014.

**HB 2647 – County Stadium Districts; Rio Nuevo  
(Vogt)**

The proposal would have established a prime contracting transaction privilege tax (TPT) exemption allowance for certain construction projects within multipurpose facilities districts, and expanded the types of projects for which district TPT revenues could be used.

**HB 2696 – Vulnerable Adults; Financial Exploitation  
(Ash)**

The bill would have stated that a vulnerable adult is not exploited if the person’s assets are transferred for the primary purpose of obtaining or maintaining eligibility for benefits under the Arizona Health Care Cost Containment System, Supplement Security Income, Medicaid, Medicare or Veterans’ Administration programs.

**HB 2729 – State Regulation of Firearms  
(Gowan)**

The bill would have required the state and local governments to provide specified security measures in order to prohibit firearms inside a government-owned building. It would have allowed a person to file suit if any ordinance, regulation, measure, directive, rule, enactment, order, or policy was enacted or enforced in violation of the law. The proposal would have excluded county stadium districts.

**HB 2757 – Billboards; Changing Message; Authorization  
(Robson)**

The bill would have permitted billboards that are capable of changing messages mechanically or electronically to be displayed along an interstate, but would have allowed a city or county to enforce or enact an ordinance regulating billboards including the lighting of billboards.

**SB 1182 – National Defense Act; Compliance  
(Allen)**

The legislation would have prohibited the state and any agency of the state from implementing sections 1021 and 1022 of the National Defense Authorization Act. It would have required the director of the Department of Public Safety or a county sheriff to report to the Governor and the legislature any attempt by the federal government to implement sections 1021 and 1022 of the NDAA, and would have established a Class 1 misdemeanor, punishable by six months in jail and a \$2,000 fine, for any public officer, employee or agency of the state who enforced or attempted to enforce the sections of the National Defense Authorization Act.

**SB 1200 – Political Signs; Hazardous Locations  
(Allen)**

The bill would have required a city, town or county to notify a candidate or committee in writing (including electronic correspondence) and refer to the particular conditions of a specific sign and location if they determined a political sign was in a hazardous location. A local government could not have removed, altered, defaced, or covered a political sign on private property. It would have allowed a political candidate to attach a sign (no more than 32 square feet) to a state highway or right-of-way fence 60 days before a primary election and 15 days after a general election, and it would have made a primary election term begin on the day that early ballots are first mailed to the voters. It would have also authorized a property owner to remove any political sign from a public right-of-way that was adjacent to their property.

**SB 1310 – Small Claims Division; Jurisdiction; Limits  
(Antenori)**

The proposal would have increased the jurisdictional limit for cases within the small claims division of the justice courts from \$2,500 to \$5,000.

**SB 1332 – Federal Lands; Conveyance  
(Melvin)**

The bill demanded that the federal government extinguish title and transfer title of all public lands, including national monuments, national forests and wildlife refuges, to the state on or before December 31, 2014. If the state sold public lands, it would have had to deposit 5% of the net proceeds of the sale in the permanent state school fund and pay 95% of the net proceeds of the sale to the federal government.

The Arizona Public Lands Board of Review (Board) would have had to recommend legislation to create a commission to administer the disposal of public lands and modify associated definitions, establish the conditions under which the state may cede land to the federal government for national park and recreational purposes and establish the requirements related to national forests, national monuments, national recreation areas and other public lands administered by the federal government.

The Board findings were to be sent to the Governor, President of the Senate and Speaker of the House of Representatives on or before November 30, 2012.



STATE OF ARIZONA

JANICE K. BREWER  
GOVERNOR

EXECUTIVE OFFICE

April 12, 2012

The Honorable Andy Tobin  
Speaker of the House  
Arizona House of Representatives  
1700 W. Washington  
Phoenix, Arizona 85007

Re: House Bill 2062 (DUI; incarceration; assessment)

Dear Speaker Tobin,

Today, I vetoed House Bill 2062. This bill would allow a city or town council to impose an assessment on a DUI offender if the court does not order the person to reimburse the political subdivision for incarceration costs.

I understand the fiscal burdens that incarceration costs place upon our municipalities. However, the statute which House Bill 2062 amends already requires the court to order a DUI offender to reimburse the city or town for incarceration costs and allows the court discretion in determining the amount to be reimbursed. The post-adjudication assessment created in House Bill 2062 is in conflict with the discretion given to the court to impose a sufficient and just assessment to a DUI offender. Moreover, the assessment proposed in House Bill 2062 is post-adjudication; therefore, I have concerns about the due process rights of those who have already been through the judicial process.

I am confident the cities and towns can work to develop an alternative solution to address my concerns.

Sincerely,

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

Janice K. Brewer  
Governor

cc: The Honorable Steve Pierce  
The Honorable Kate Brophy McGee



STATE OF ARIZONA

JANICE K. BREWER  
GOVERNOR

EXECUTIVE OFFICE

April 11, 2012

The Honorable Andy Tobin  
Speaker of the House  
Arizona House of Representatives  
1700 W. Washington  
Phoenix, Arizona 85007

RE: House Bill 2088 (ASRS; amendments)

Dear Speaker Tobin,

Today I vetoed House Bill 2088, which would have made significant changes to the Arizona State Retirement System. I respect how much work Representative Robson invested in this legislation. I also appreciate the importance of many of the problems that he and his colleagues have attempted to remedy. However, I am concerned about certain provisions of this bill.

This legislation exempts ASRS from all procurement oversight and rules including audit and termination protections, an exemption that could impact approximately billions of dollars in contracts. Our procurement and risk management offices have worked with ASRS for years to provide them the special flexibility they need to successfully operate in the financial markets, while retaining the safeguards provided under Arizona laws. This balance has worked and can continue to work. While following State procurement rules can be burdensome at times, the protections they provide, especially in contractual disputes are critical to every one of our retirees. I am open to providing additional flexibility to ensure the ASRS Board has the ability to properly manage these public funds. However, exempting ASRS from procurement oversight and rules is a step too far.

HB 2088 also makes changes to the governance of ASRS by transferring general oversight of the system away from the Board to ASRS, presumably to staff. This change, while intended to clarify ASRS governance, instead clouds it and potentially weakens the authority of the Board.

For these reasons I have vetoed of HB 2088.

Sincerely,

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

cc: The Honorable Steve Pierce  
The Honorable Bob Robson



STATE OF ARIZONA

JANICE K. BREWER  
GOVERNOR

EXECUTIVE OFFICE

May 11, 2012

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

Re: House Bill 2433 (bail bond agents; solicitation)

Dear Secretary Bennett,

Today, I vetoed House Bill 2433. This bill makes numerous changes to statutes related to bail bond agents.

Current law provides courts with the discretion to relieve sureties of their liability when the defendant is returned to the sheriff. House Bill 2433 removes this discretion and creates an incentive to delay the return of a defendant by guaranteeing that sureties will be relieved of a significant portion of their liability even for defendants who are returned three weeks after their court date. We should not provide rewards for stalling the judicial process.

Further, the bill removes the ban on bail bond agents employing individuals convicted of certain theft or weapons violations. Because bail bond agents are required to have a fiduciary capacity with a bail transaction, it would be unwise to give a convicted felon access to a person's financial assets.

These provisions present a clear risk to public safety and could lead to additional delays in the justice system. These concerns are among the primary reasons I have vetoed House Bill 2433.

Sincerely,

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

Janice K. Brewer  
Governor

cc: The Honorable Steve Pierce  
The Honorable Andy Tobin  
The Honorable David Gowan



STATE OF ARIZONA

JANICE K. BREWER  
GOVERNOR

EXECUTIVE OFFICE

April 11, 2012

The Honorable Andy Tobin  
Speaker of the House  
Arizona House of Representatives  
1700 W. Washington  
Phoenix, Arizona 85007

Re: House Bill 2434 (notification; federal law enforcement officers)

Dear Speaker Tobin,

Today, I vetoed House Bill 2434 (notification; federal law enforcement officers), which would have required federal law enforcement officers to notify county sheriffs prior to taking any official law enforcement action.

This legislation has the potential to interfere with law enforcement investigations and adds unneeded reporting requirements for law enforcement. Rather than hinder the efforts of our federal law enforcement colleagues, we need to focus on collaboration. For example, the Arizona Counter-Terrorism Intelligence Center brings together local, state and federal law enforcement to jointly fight against terrorism and other serious crimes. Establishing arbitrary reporting requirements for our federal partners takes us in the wrong direction. These concerns are among the primary reasons I have vetoed House Bill 2434.

Sincerely,

A handwritten signature in black ink that reads "Janice K. Brewer". The signature is fluid and cursive, with the first name "Janice" being the most prominent.

Janice K. Brewer  
Governor

cc: The Honorable Steve Pierce  
The Honorable David Gowan



STATE OF ARIZONA

JANICE K. BREWER  
GOVERNOR

EXECUTIVE OFFICE

April 17, 2012

The Honorable Andy Tobin  
Speaker of the House  
Arizona House of Representatives  
1700 West Washington  
Phoenix, Arizona 85007

Re: House Bill 2469 (revenue allocation districts)

Dear Speaker Tobin,

Today I vetoed House Bill 2469, which would have created a process for cities and towns to establish revenue allocation districts.

Legislative deliberations and meetings with proponents of this legislation revealed very little detail regarding projects that may be undertaken with this new governmental entity. Several hypothetical examples have been suggested, but it is essential to understand whether this is the right mechanism for a specific set of planned projects. Without knowing the specific proposal, the case cannot easily be made that this extraordinary and highly technical public finance tool is appropriate or whether the development plans a municipality has in mind can already be accomplished with existing municipal authority to tax and direct resources for specified infrastructure projects.

Because projects funded through this mechanism would not be part of a municipality's bonded indebtedness, I am also concerned that a municipality may use this simply to be able to avoid constitutional debt limits.

The proposal specifies that owners of taxable real and personal property are allowed to vote, but the votes are allocated based on the land owned by each taxpayer. A taxpayer may have a significant amount of personal property, but no land, and that taxpayer would be denied a vote.

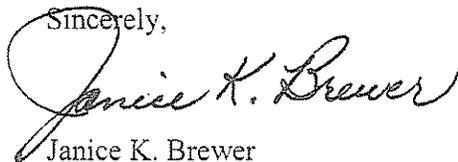
The Honorable Andy Tobin  
April 17, 2012  
Page 2 of 2

The proponents assert that it is likely that only larger cities will be able to create a District. Based on a cursory review of AZ's cities and the bond market conditions, it seems likely that the application has the potential to be more utilized than suggested.

It is also unclear what administrative burdens this may involve, both for taxpayers and for the DOR. It is important to make clear, for example, whether taxpayers would ever be required to report their taxes separately if they are in a revenue allocation district as well as in other taxing jurisdictions. Should this district be used by municipalities that participate in the Department of Revenue's transaction privilege tax program, DOR will be faced with additional separate accounting, tracking and distribution of revenues apart from the existing distribution formulas and will therefore impact DOR's current operations. Any such impact should only be considered in the context of knowing what resources DOR will have available to its job.

These are among the reasons I vetoed House Bill 2469.

Sincerely,

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

Janice K. Brewer  
Governor

cc: The Honorable Steve Pierce  
The Honorable Rick Gray



STATE OF ARIZONA

JANICE K. BREWER  
GOVERNOR

EXECUTIVE OFFICE

April 19, 2012

The Honorable Andy Tobin  
Speaker of the House  
Arizona House of Representatives  
1700 W. Washington  
Phoenix, Arizona 85007

RE: House Bill 2495 (counties; purchases; local dealers)

Dear Speaker Tobin,

Today, I vetoed House Bill 2495 (counties; purchases; local dealers). This legislation allows a county purchasing agent to award a contract in excess of \$50,000 to a local dealer in preference to a non-local dealer whose bid is less than five percent lower.

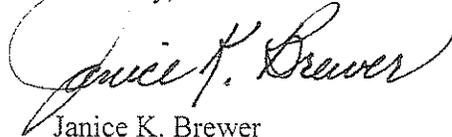
As Governor, and as a former Maricopa County Supervisor, I know firsthand the vital role small and local businesses play in our economy. In fact, the state and counties have procurement statutes in place for small business contracts under \$50,000.

While I admire county efforts to fully incorporate local businesses into their procurement processes, unintended consequences could result if this bill were signed into law. House Bill 2495 does not address the application of local preference through an emergency or sole source procurement. The bill is also silent to the projects where contracts are shared by other jurisdictions or through cooperative procurements. Further, the definition of "local dealer" could cause unfair treatment to those businesses headquartered outside the county line, but still have offices and employees located within the county boundaries. These outstanding issues may place a county board of supervisors in the untenable position of approving higher expenditures on the county taxpayer without clearly defined objectives or benefits.

The Honorable Andy Tobin  
April 19, 2012  
Page 2 of 2

I applaud the sponsor's hard work to address small business vitality in local communities. A stakeholder process could provide a more precise approach to achieve the goal of support for local business.

Sincerely,

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

Janice K. Brewer  
Governor

cc: The Honorable Steve Pierce  
The Honorable Russ Jones



STATE OF ARIZONA

JANICE K. BREWER  
GOVERNOR

EXECUTIVE OFFICE

May 9, 2012

The Honorable Ken Bennett  
Secretary of State  
Capitol Executive Tower, 7<sup>th</sup> Floor  
1700 W. Washington Street  
Phoenix, AZ 85007

RE: House Bill 2557 (intersection; definition)

Dear Secretary Bennett,

Today, I vetoed House Bill 2557. This legislation modifies the definition of "intersection" for locations controlled by traffic control signals.

Local law enforcement officers have stated that the most dangerous place in city traffic is the intersection. This danger can only be heightened by increasing the time in which a collision may occur while simultaneously attempting to reeducate drivers concerning where the boundaries lie. The law enforcement community has been very clear that widening intersections will increase the possibility of collisions.

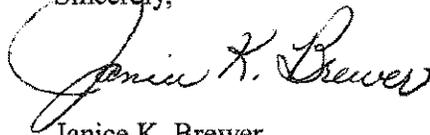
Unfortunately, these concerns for public safety were not addressed. Changes to this definition merit significant discussion and appropriate stakeholder input.

A comprehensive review of our intersections should be performed to provide for consistency rather than a piecemeal approach. I will not support this change unless law enforcement stands with it. Therefore, I have asked the Arizona Department of Transportation to coordinate such discussion with Representative Vogt, the Department of Public Safety and local law enforcement in order to comprehensively review this change prior to next session

The Honorable Ken Bennett  
May 9, 2012  
Page 2

For these and other reasons, I have vetoed House Bill 2557.

Sincerely,

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

Janice K. Brewer  
Governor

cc: The Honorable Andy Tobin  
The Honorable Steve Pierce  
The Honorable Ted Vogt



STATE OF ARIZONA

JANICE K. BREWER  
GOVERNOR

EXECUTIVE OFFICE

April 2, 2012

The Honorable Andy Tobin  
Speaker of the House  
Arizona House of Representatives  
1700 West Washington  
Phoenix, Arizona 85007

Re: House Bill 2647 (county stadium districts; Rio Nuevo)

Dear Speaker Tobin,

Today, I vetoed House Bill 2647 (county stadium districts; Rio Nuevo). This bill would have increased the general fund tax revenues being diverted to the Rio Nuevo Multipurpose Facilities District above what is allowed under current law. Regardless of the potential benefits of this legislation, it is unwise to enact legislation that has a fiscal impact or changes tax policy until we have reached an agreement on projected revenues and appropriated expenditures as part of a state budget for Fiscal Year (FY) 2013.

I fought hard to provide Arizona voters the opportunity to vote on Proposition 100. Arizona voters overwhelmingly voted in favor of Proposition 100 in order to maintain funding for education, health and human services, and public safety. As you know, a budget agreement has not been reached due, in part, to differences in funding key areas of state government encompassed by Proposition 100. My FY 2013 budget is designed to protect these vital areas of state government and to fulfill the Proposition 100 mandate given by Arizona voters. I cannot sign into law House Bill 2647, or any other measure with a fiscal impact, while other critically important funding issues relating to Arizona schools, the state's most vulnerable populations, and public safety remain unresolved in the state budget.

Arizona taxpayers do not want a budget that fails to provide sufficient monies to Arizona schools and students. As you know, the Legislature joined me last year in passing Move on When Reading, which ends the social promotion of children who are unable to read by third grade. Beginning next year, schools across Arizona will be required to develop comprehensive reading assessments and offer extra help to children falling behind. Now is the time to fund this program. This is not our only critical need when it comes to education. During the recent budget crisis, state support to repair and maintain schools and purchase new books, library materials, and other "soft capital" items dropped to nearly nothing. For example, some schools

need new roofs, while other schools need new air conditioners. Some schools need both. Other schools have overdue plumbing or electrical problems. We must address these maintenance needs before one of our schools experiences a failure that endangers students. Likewise, our children cannot succeed without the books and other basic materials they need in order to learn. We can and must address these issues, along with resources to drive the performance of our state universities, this year.

Arizona taxpayers do not want a budget that unnecessarily places the state's most vulnerable at risk. I advocated for Proposition 100 to minimize the impact of the state's budget situation on the most vulnerable of Arizona's citizens. It is well-known that I convened a Child Safety Task Force last summer in order to revamp Child Protective Services, and many of the reforms from that effort have already been implemented or will be shortly. Child welfare in this state faces another threat, however, due to a looming reduction in federal assistance. If these federal child welfare monies are not backfilled with state dollars, as proposed in my budget, then the state will have to reduce or outright eliminate state programs that serve the most vulnerable among us. This would impact programs such as emergency shelter for families threatened by domestic violence, child care assistance, food banks, and other basic safety net functions. I am only proposing to spend what is necessary to keep these vitally important safety net programs in place – which was, in part, the design of Proposition 100.

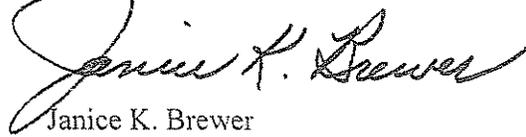
Arizona taxpayers do not want a budget that shortchanges public safety. The brave correctional officers in our prisons put their lives on the line performing a dangerous but essential duty for the people of Arizona. It is an unfortunate fact that the state now has fewer authorized Correctional Officer II staff than it did in FY 2005 – but with approximately 6,000 more inmates to supervise. Insufficient staffing places officers at risk, and we have already seen assaults against prison staff increase 14 percent in just two years. We must operate our prison system as safely and securely as possible and it is imperative that we begin addressing this situation. I ask the Legislature to join with me and support funding an additional 103 correctional officers, which is an initial deposit on the 306 additional correctional officers the state ultimately needs.

No Governor in Arizona history has cut more than me when it comes to state spending (down nearly 15 percent from its peak in 2007), or the state workforce (down 6,000 employees) and payroll (down \$300 million in salary). I am also well aware of the concerns regarding FY 2015, when Prop 100 will expire and the costly provisions of ObamaCare may be in full effect. I recognize that it is important that we set aside some surplus revenues in order to prepare for these and other uncertainties, and my budget does that. However, it is also imperative that we spend – conservatively, strategically, and with an eye on improving Arizona's competitive position nationally and globally. And, we must also be true to the wishes of Arizona voters who – two years ago next month – agreed by a nearly 2-to-1 margin to raise their own taxes. These voters did so in order to conservatively and strategically fund education, health and human services, and public safety – not so that the revenues could be squirreled away until a date uncertain for programs undisclosed.

The Honorable Andy Tobin  
April 2, 2012  
Page 3 of 3

I hope the information above is helpful as budget talks continue. We still have time to reach an agreement that is true to our conservative principles, respects the will of voters and continues the Arizona Comeback.

Sincerely,

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

Janice K. Brewer  
Governor

cc: The Honorable Steve Pierce  
The Honorable Ted Vogt



STATE OF ARIZONA

JANICE K. BREWER  
GOVERNOR

EXECUTIVE OFFICE

April 17, 2012

The Honorable Andy Tobin  
Speaker of the House  
Arizona House of Representatives  
1700 West Washington  
Phoenix, Arizona 85007

Re: House Bill 2696 (vulnerable adults; financial exploitation)

Dear Speaker Tobin,

Today, I vetoed House Bill 2696. It appears that the intent of this legislation was to protect certain individuals from a financial exploitation claim by providing that the transfer of a vulnerable adult's assets for the primary purpose of obtaining or maintaining Medicaid, Supplemental Social Security Income, Medicare or Veteran's Administration programs would not be exploitation.

Despite the intent, however, I believe the proposed language in the bill weakens protection for the vulnerable adult population and does not provide adequate safeguards. One of my concerns was a floor amendment pertaining to a written expression of informed consent that reduced the number of witnesses required from two to one. Additionally, the bill would have created a rebuttable presumption that the vulnerable adult understood the meaning and effect of that expression. My other concern pertains to the phrase "primary purpose" as it relates to the transfer of assets for certain purposes, and combining that terminology with a broad statement that such action is not exploitation. The language should be more precise if the intent was to clarify activity that would not be considered exploitation.

I am and always will be committed to those populations that deserve protection from individuals with questionable motives that could take advantage of their circumstances. Accordingly, I do not believe the language of House Bill 2696 adequately explains and refines those necessary protections.

Sincerely,

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

Janice K. Brewer  
Governor

cc: The Honorable Steve Pierce  
The Honorable Cecil Ash



STATE OF ARIZONA

JANICE K. BREWER  
GOVERNOR

EXECUTIVE OFFICE

April 17, 2012

The Honorable Andy Tobin  
Speaker of the House  
Arizona House of Representatives  
1700 West Washington  
Phoenix, Arizona 85007

Re: House Bill 2729 (state regulation of firearms)

Dear Speaker Tobin,

Today, I vetoed House Bill 2729 (state regulation of firearms). This bill would have required public entities to provide security personnel and equipment in public buildings in order to limit or prohibit weapons. As you know, I vetoed a similar measure last year, and it appears the majority of my concerns were not addressed in House Bill 2729.

I am a strong proponent of the Second Amendment, and I have signed into law numerous pieces of legislation over these past few years to advance gun rights. However, I cannot support this measure in its current form. United States Supreme Court Justice Antonin Scalia, in the *Heller* decision, recognized the legitimacy of laws "forbidding the carrying of firearms in sensitive places such as schools and government buildings." Decisions made by government officials at the state, county and municipal level impact all areas of life and can have a profound impact upon an individual's family and livelihood. Emotions can run high. The decision to permit or prohibit guns in these extremely sensitive locations – whether a City Council chamber or branch office staffed with State workers – should be cooperatively reached and supported by a broad coalition of stakeholders, including citizens, law enforcement officials and local government leaders.

I am also concerned about the fiscal impact of this legislation. Clearly, the Arizona House of Representatives and Senate buildings and Executive Tower would not be impacted by the legislation, as security measures are already in place. However, many other government jurisdictions across our state do not have this same luxury. They would face this choice: Either spend untold dollars in order to provide their officials and employees the same level of protection that we have at the Arizona State Capitol complex, or accept weapons on the premises. If nothing else, the result would be extensive confusion regarding where guns are permitted or not permitted in public buildings.

The Honorable Andy Tobin

April 17, 2012

Page 2 of 2

While I appreciate the efforts of the bill sponsor, there is still a tremendous amount of work to be done before this concept can become law. Ultimately, there must be a more thorough and collaborative discussion of the proper place for guns in the public arena. As the proponents of this measure continue to work toward expanding the application of this right, the CCW permit-holder concept and the protection of private property rights must play an important role. In addition, we need to thoughtfully consider public venues and situations in which weapons may not be appropriate, or may be prohibited by federal law.

Until these and other issues are resolved, this legislation is not ready to become part of Arizona law.

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 Steve Pierce  
The Honorable David Gowan



STATE OF ARIZONA

JANICE K. BREWER  
GOVERNOR

EXECUTIVE OFFICE

March 28, 2012

The Honorable Andy Tobin  
Speaker of the House  
Arizona House of Representatives  
1700 West Washington  
Phoenix, Arizona 85007

Re: House Bill 2757 (billboards; changing message; authorization)

Dear Speaker Tobin,

Today, I vetoed House Bill 2757. This bill allows electronic billboards capable of changing messages to be placed in public rights-of-way along state highways, and sets standards for display transition times.

The Legislature and outdoor advertising companies seek to make existing electronic billboards lawful under Arizona Revised Statutes. There is a legitimate need to update Arizona's outdoor advertising laws in order to reduce confusion and accommodate advancements in technology and business development.

I am also mindful, however, of Arizona's unique position as a national leader in astronomy and stargazing, thanks to our dark skies. Arizona is fortunate to be home to important astronomy installations across the state, including Lowell Observatory, in Flagstaff, Kitt Peak National Observatory, outside Tucson, and Mount Graham International Observatory, near Safford and managed by the University of Arizona. The astronomy industry has invested \$1.2 billion in Arizona, represents more than 3,300 jobs and has an estimated economic impact of \$250 million each year.

I simply refuse to place all of this in jeopardy.

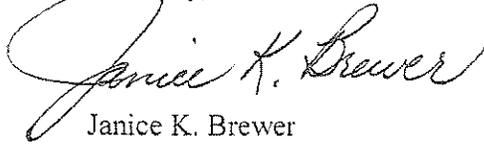
I am confident a balance can be achieved that benefits both industries. For this reason, I have vetoed House Bill 2757 with the assurance that the sponsor will complete the work necessary to draft legislation that allows outdoor advertising companies to remain viable while identifying standards – governing aspects such as illumination, timing and buffer areas – in order to protect the astronomy community. The Arizona Department of Transportation will play a key role in these standards, filling the gap where county and city ordinances may be silent. To this end, I have tasked Director John Halikowski with updating antiquated rules related to outdoor advertising.

The Honorable Andy Tobin  
March 28, 2012  
Page 2

This is a valuable opportunity in which the State of Arizona can both preserve its astronomy industry and update state law to accommodate new technology. I ask that members of both communities – astronomy and outdoor advertising – work in good faith in order to reach a mutually-agreeable compromise that advances our state.

This session or next, I expect to receive legislation governing this issue that I can sign into law.

Sincerely,

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

Janice K. Brewer  
Governor

cc: The Honorable Steve Pierce  
The Honorable Bob Robson



STATE OF ARIZONA

JANICE K. BREWER  
GOVERNOR

EXECUTIVE OFFICE

May 14, 2012

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

Re: Senate Bill 1182 (2012 NDAA act; governmental compliance)

Dear Secretary Bennett,

Today, I vetoed Senate Bill 1182. This bill prohibits any material support or participation by the State with the implementation of sections 1021 and 1022 of the National Defense Authorization Act of 2012 (NDAA). Additionally, the bill establishes a class 1 misdemeanor penalty for any State employee who enforces or attempts to enforce these sections of federal law.

While I unequivocally support the due process rights of all United States citizens, I cannot support legislation that forces law enforcement – under the threat of criminal penalty – to choose between upholding the Constitution and laws of the United States and abiding by the laws of Arizona. Any future legislation on this topic must contain precise language and be supported by key stakeholders, including the law enforcement community.

These concerns are among the primary reasons I have vetoed Senate Bill 1182.

Sincerely,

Janice K. Brewer  
Governor

cc: The Honorable Steve Pierce  
The Honorable Andy Tobin  
The Honorable Sylvia Allen



STATE OF ARIZONA

JANICE K. BREWER  
GOVERNOR

EXECUTIVE OFFICE

April 10, 2012

The Honorable Steve Pierce  
President of the Senate  
Arizona State Senate  
1700 W. Washington  
Phoenix, Arizona 85007

RE: Senate Bill 1200 (political signs; hazardous locations)

Dear President Pierce,

Today, I vetoed Senate Bill 1200. The bill establishes additional protocol for notifying a candidate or committee if a city, town or county determines a political sign is placed in a hazardous location. The bill further specifies that a candidate may place signage on a state highway or route right-of-way fence and allows an owner of a property to remove any political sign from a public right-of-way adjacent to their property.

In 2009, I vetoed a bill that preempted local citizens' preferences to regulate political signage in their own communities and would have allowed a candidate to post signs virtually anywhere. Last year, I signed House Bill 2500 which was agreed upon by localities as a compromise.

In addition to its primary intent, Senate Bill 1200 allows political signs along public right-of-ways on state highways. This provision was expressly removed from previous bills. Senate Bill 1200 does not restrict political sign placement on Arizona's busiest highways which could lead to public safety dangers.

Lastly, the allowance given to remove political signs on a public right-of-way is broadly written and contrary to the First Amendment rights this bill attempts to protect.

I look forward to working with the sponsor to find a balance with rural area highway signage and highway safety.

The Honorable Steve Pierce  
April 10, 2012  
Page 2

These concerns are among the primary reasons I have vetoed Senate Bill 1200.

Sincerely,

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

Janice K. Brewer  
Governor

cc: The Honorable Andy Tobin  
The Honorable Sylvia Allen



STATE OF ARIZONA

JANICE K. BREWER  
GOVERNOR

EXECUTIVE OFFICE

April 4, 2012

The Honorable Steve Pierce  
President of the Senate  
Arizona State Senate  
1700 W. Washington  
Phoenix, Arizona 85007

RE: Senate Bill 1310 (small claims division; jurisdiction; limits)

Dear President Pierce,

Today I vetoed Senate Bill 1310. The bill increases the jurisdictional limit for civil actions in small claims court from \$2,500 to \$5,000.

Arizona Revised Statutes § 22-501 provides that the small claims division of the justice courts allows for the "inexpensive, speedy and informal resolution of small claims." The purpose of the small claims court is to resolve claims with a lower value at a reduced cost. Doubling the jurisdictional amount as proposed is contrary to the stated purpose of the small claims division.

I am aware that the concern that prompted this legislation is the transfer of a case in small claims court to justice court. Arizona Revised Statutes § 22-504 allows either party to object to a small claims proceeding and transfer the case to justice court to preserve the right to appeal and there is no monetary threshold a party must meet to transfer the case. This legislation does not solve the stated concern and is contrary to the purpose of the small claims division. These concerns are among the primary reasons I have vetoed S.B. 1310.

Sincerely,

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

Janice K. Brewer  
Governor

cc: The Honorable Andy Tobin  
The Honorable Frank Antenori



STATE OF ARIZONA

JANICE K. BREWER  
GOVERNOR

EXECUTIVE OFFICE

May 14, 2012

The Honorable Ken Bennett  
Secretary of State  
Capitol Executive Tower, 7<sup>th</sup> Floor  
1700 W. Washington Street  
Phoenix, AZ 85007

Re: Senate Bill 1332 (federal lands; conveyance)

Dear Secretary Bennett,

Today, I vetoed Senate Bill 1332. This bill demands the United States extinguish title to all public lands in Arizona and transfer title to the State of Arizona. The legislation does not identify an enforceable cause of action to force federal lands to be transferred to the state. Moreover, as a staunch advocate for state sovereignty, we still must be mindful and respectful of our federal system. The legislation appears to be in conflict or not reconcilable with U.S. Constitution Article IV, Section 3, Clause 2 and Article VI, Clause 2, as well as the Enabling Act.

I also am concerned about the lack of certainty this legislation could create for individuals holding existing leases on federal lands. Given the difficult economic times, I do not believe this is the time to add to that uncertainty.

Furthermore, despite the claim that this bill has no fiscal impact, I believe there is a significant and unaccounted for fiscal impact associated with this legislation. For example, the general cost of managing Arizona's existing state lands is approximately \$1.00 per acre. If Arizona received the 23 million acres of federal lands contemplated by this legislation, the Arizona State Land Department (ASLD) would need approximately \$23 million in additional dollars and an untold increase in staff and resources. This does not include any potential liability costs the state could be assuming.

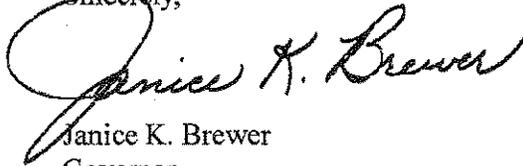
These lands also come with significant compliance costs associated with legislation such as the Clean Water Act and the Endangered Species Act. Yet, the legislation requires the state to pay the federal government 95% of the net proceeds (after transaction costs) if the state sells any of these lands and retain 5% of the net proceeds in the permanent state school fund, with nothing set aside for management and compliance costs.

The Honorable Ken Bennett  
May 14, 2012  
Page 2

At a time when we have reduced the size of government, the legislation imposes many new tasks upon the Public Lands Board of Review, which an already stretched ASLD is statutorily required to staff. The legislation also goes on to promote another layer of bureaucracy by encouraging the creation of a commission to administer the disposal of the public lands.

I understand and share Arizona's frustration in trying to manage our natural resources with our various partners; however, this legislation is not the answer. At a minimum, I believe it is premature to put fixed dates in place, as this legislation does, until the appropriate funding needs and revenue sources have been identified and accounted for in future budgets.

Sincerely,

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

Janice K. Brewer  
Governor

cc: The Honorable Steve Pierce  
The Honorable Andy Tobin  
The Honorable Al Melvin

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