



**Government Relations
End-of-Session Legislative Report
50th Arizona Legislature
2011 Second Regular Session**



Maricopa County



Maricopa County

County Manager's Office

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May 25, 2011

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SANDI WILSON, DEPUTY COUNTY MANAGER**

FROM: RICHARD BOHAN, DIRECTOR, GOVERNMENT RELATIONS

SUBJECT: 2011 LEGISLATIVE SESSION OVERVIEW

The 50th Legislature, First Regular Session, adjourned sine die on Wednesday, April 20, at 5:25 a.m., on the 101st day of session.

There were 1,350 bills introduced this legislative session. Of those, 386 passed completely through the legislative process and were sent to the Governor's office for action. The Governor signed 357 and vetoed 29. (All veto messages are included at the end of the report). The general effective date for legislation enacted this session is July 20, 2011.

The following report details the state budget impacts to Maricopa County, the Maricopa County 2011 Legislative Package, and all other bills relevant to county governments. We would like to thank all those who assisted us during this legislative session. The amount of bills needing county input and action was much higher than normal this year, and all participating departments were instrumental in making Maricopa County's positions clear at the Capitol. If you would like more information on any of the information contained in the report, please contact the Government Relations office at (602) 506-2798.

Our legislative development process for the upcoming 2012 session is underway. Our legislative development request form will be sent out to all county departments soon and can be accessed on the Electronic Business Center (EBC).

FY 2012 State Budget

The legislature was determined to erase the state's deficit without raising taxes or incurring more debt. They chose to cut dollars for education and health care, while also transferring state responsibilities and costs to counties and cities. Many of the legislative provisions used to reach a "balanced budget" appear headed for legal challenges. The outcome of these challenges will determine the size of next year's deficit.

The State budget impact to Maricopa County was severe this year. A total of \$56 million dollars will be transferred from the County to the State. There is also a provision to begin transferring state prisoners to county jails beginning July 1, 2012. The total cost of this transfer has yet to be calculated.

Impacts included approximately \$15 million in County HURF funds being diverted to state agencies, a \$26 million dollar cash payment from the County to the State and a 50% cost share for state prisoners held at the Arizona State Hospital.

2012 State Budget Impacts to Maricopa County

Policy Change	Fiscal Impact
Mandated Contribution	\$26,384,500
HURF Diversion to DPS	\$ 8,551,343
HURF Diversion to MVD	\$ 6,662,102
Lottery Revenue	\$ 249,772
SVP Inmate at ASH	\$ 5,000,000
Superior Court Judges Salaries	\$ 9,012,759
Shift of State Prisoners (effective July 1, 2012)	To be determined
TOTAL	\$55,860,476

End-of-Session Report 2011

50th Arizona Legislature, First Regular Session

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☐ MARICOPA COUNTY BOARD OF SUPERVISORS 2011 LEGISLATIVE AGENDA:

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

HB 2015 – County Parks; Justice Court Jurisdiction (Chapter 170) Burges

The legislation allows MCSO to file violations occurring in Yavapai County, but within the Lake Pleasant Regional Park, into a Maricopa County Justice of the Peace Court.

The bill gives Maricopa County Justices of the Peace jurisdiction over these violations. The language specifies that an offense is committed within the precinct of a Justice of the Peace Court if conduct constituting any element of the offense or a result of such conduct occurs within a county park that includes a body of water located in two counties and the precinct includes some part of the county park. It further clarifies that one county must have a population of more than three million persons and one county must have a population of more than two hundred thousand persons but less than three hundred thousand persons within the two identified counties.

The legislation was supported by Maricopa County Sheriff’s Office, Maricopa County Attorney’s Office, and the Maricopa County Presiding Justice of the Peace.

HB 2137 – Dogs; Cats; Sterilization (Chapter 213) Chabin

The legislation makes numerous changes in the state’s criminal code in regards to the responsibility and liability of owners of aggressive and vicious animals. The proposal was run in coordination with the Maricopa County Sheriff’s Office and the City of Phoenix in an attempt to protect law enforcement and citizens from attacks by aggressive dogs. It requires the owner of an aggressive dog or person who is responsible for the care of an aggressive dog to take reasonable care to control the dog in order to keep the dog from biting or attacking a person or domestic animal while the dog is not on the owner’s or responsible person’s property and prohibits the dog from escaping to the outside of a residence or an enclosed area, yard or structure.

The law specifies:

- A person who does not control the dog to prevent the dog from biting or attacking a person or domestic animal is guilty of a Class 1 misdemeanor.
- A violation of prohibiting the dog from escaping to the outside of a residence results in a Class 3 misdemeanor.
- A person who knowingly causes a dog to bite and attack another person is guilty of a Class 3 felony, unless the situation would warrant self-defense or defense of a third party.
- Increases the penalty for those individuals whose dog is known to have a history of biting, or that has been found to be a vicious animal by a court of competent

jurisdiction and that bites or attacks another person while at large from a Class 1 misdemeanor to a Class 5 felony.

- Stipulates that individuals who do not take reasonable care to prohibit a vicious dog from escaping a residence or enclosed area, yard or structure outside a residence are guilty of a Class 1 misdemeanor.

HB 2197 – Charter Schools; Age Restricted Communities (Chapter 15E) Lesko

The legislation prevents a charter school from operating within an age restricted community that is not within a school district. The bill was run in response to the attempt of a charter school moving into the Sun City area. In 2009, statutes were changed allowing charter schools much more freedom on where they could be located. This bill adds a minor restriction on where they can locate.

The bill became effective on April 6, 2011.

HB 2352 – Court Commissioners; Qualifications (Chapter 217) Farnsworth

The legislation removes the requirement that court commissioners must be practicing attorneys for three years prior to becoming a commissioner. The legislation was needed by the Superior Court in order to allow retired judges who are not currently practicing law to serve as commissioners for the courts. These additional resources will increase the speed at which cases can be heard and makes particular expertise available when necessary. Commissioners handle specifically assigned cases and uncontested matters. A county's Superior Court Presiding Judge may appoint court commissioners to perform limited judicial duties if the County has at least three judges.

HB 2372 – Conservatorships; Guardianships; County Reimbursement (Chapter 112) Ash

The legislation stipulates that if a county pays for services by court appointed representatives, the county may charge the estate for reasonable compensation. Title 14, Chapter 1, Arizona Revised Statutes (A.R.S.), states that if the court determines that an interest is not represented, or that representation is inadequate, the court may appoint a personal representative, conservator or guardian to receive notice, give consent and otherwise represent, bind and act on behalf of a minor, incapacitated person or an unborn child. If the court pays for these services, statute permits the courts to charge the estate for reasonable compensation and orders that those monies be deposited in the Probate Fund. Monies in the Probate Fund are administered by the Presiding Judge of the Superior Court in that county. Current statute did not allow the county to charge an estate for reimbursement if the county pays for services by appointed representatives, conservators or guardians from general fund appropriations.

HB 2478 – Counties; Health Care Services; Payments (Chapter 266) Gowan

The legislation establishes a maximum payment rate for the treatment of children under the jurisdiction of the juvenile court, county jail inmates, and people with tuberculosis when a county with a population over one million people is required to reimburse a

health care provider or facility. The bill does not apply if the county has an existing reimbursement rate through an intergovernmental agreement.

The legislation mirrors the payment requirements established for the Arizona Department of Corrections, requiring the county to reimburse at a level that does not exceed the capped fee-for-service schedule that is adopted by the Arizona Health Care Cost Containment System for health and medical services.

SB 1023 – Enforcement of Pre-Trial Release Conditions (Chapter 140) Gray

The legislation authorizes Adult Probation officers, in counties with more than two million people, to serve warrants and make arrests on anyone who has violated a condition of pretrial release while under the supervision of the Pretrial Services Division. The Pretrial Services Division has five primary responsibilities relating to adult probation: they conduct background checks on arrested defendants, which involves interviewing and information verification for persons booked into the Maricopa County Jail System; they provide standard, intensive, and electronic monitoring services for defendants released to Pretrial Services and secure that defendant's appearance in court; they track defendants who fail to appear; they refer defendants to needed social services, including drug treatment, and they complete bond modification investigations and reports for the court.

In FY2010, the Maricopa County Pretrial Services Jail Unit conducted 49,892 interviews of arrested defendants. There was an average of 1,388 referrals a month from the Maricopa County Initial Appearance Court to Pretrial release supervision. The Pretrial Supervision Unit supervised an average of 1,648 defendants per month, which equates to an average of 554 under general supervision, 865 under intensive supervision, and 229 under electronic monitoring supervision. The unit completed an average of 495 initial intakes and 1,836 office visits per month during this fiscal year.

SB 1054 – Waiver; Intensive Probation Standards (Chapter 204) Gray

The legislation allows all counties to waive the probation ratio and team composition requirements for adult and juvenile intensive probation programs. This flexibility will allow Maricopa County's Adult and Juvenile Probation department's to better use their resources to protect the public. For both juvenile and adult probationers, offenders are monitored by a two or three person intensive probation team, consisting of a combination of probation and surveillance officers. The team monitors the offenders by conducting field visits at least four times per week. The juvenile and adult intensive probation teams are limited to the number of persons they may supervise. According to A.R.S. § 8-853 and § 13-916, a two person intensive probation team is limited to supervising no more than 25 persons at one time. Likewise, a three person team may not supervise more than 40 persons at one time. Each team is required to exercise close supervision over the offenders, which includes visual contact with each probationer at least four times a week and weekly contact with the adults' employers. For juveniles the team is required to have weekly contact with the school, employer,

community restitution agency or treatment program of the probationer. The bill requires the case load of every officer supervising the probationers to not exceed 15 probationers and requires visual contact with each probationer at least once a week.

**SB 1242 – Tax Deed Land Sales
(Chapter 148) Nelson**

The legislation allows a County Board of Supervisors to sell real property held by the state by tax deed to a county, city, town, or special taxing district in the county for a public purpose related to transportation or flood control. This bill was run at the request of the Public Works Department in order to allow the purchase of property necessary for infrastructure improvement. A.R.S. § 42-18303 allows the Board to sell the real property held in the county by tax deed to the highest bidder for cash. The sale may include a live auction or an online bidding process in which the Board receives bids electronically over the internet in a real-time, competitive bidding event. Current law allows the Board to sell and accept real property held by state tax deed to an owner of contiguous real property that is used for residential purposes if the property for sale and the contiguous property were at one time under common ownership, or if the property offered for sale is part of a common area maintained by a homeowners' association, and if the property offered for sale cannot be separately used for residential purposes due to its size, configuration or recorded common area restrictions.

**SB 1291 – Prisoners; Credit for Fines
(Chapter 102) Griffin**

The legislation increases the amount of credit a prisoner may receive per day in exchange for hard labor or imprisonment. A.R.S. § 31-145 provides that a prisoner in jail sentenced to pay a fine is required an allowance for hard labor not to exceed \$10 per day. A person committed for nonpayment of a fine is required to be given credit toward payment for each day of imprisonment at the rate specified in the commitment not to exceed \$10 per day. The allowance goes towards reduction of the fine. The bill specifies that a prisoner sentenced to pay a fine shall not be allowed to exceed \$50 per day credit to the fine for each day he is employed at hard labor, and that a person committed for nonpayment of a fine shall be given credit toward payment for each day of imprisonment at the rate specified in the commitment not to exceed \$50 per day.

**SB 1298 – Pharmacists; Drug Therapy Protocols
(Chapter 103) Barto**

The legislation allows a licensed pharmacist to administer immunizations and vaccines for influenza or in response to a public health emergency for children between six and eighteen years of age both with and without a prescription, if the pharmacist obtains parental consent.

A.R.S. § 32-1974 currently allows a licensed pharmacist to administer specified immunizations or vaccinations to adults without a prescription. The pharmacist must be certified to do so by the Arizona State Board of Pharmacy, and must report the immunization or vaccination to the person's primary care physician within 48 hours.

□ OTHER BILLS OF COUNTY INTEREST

➤ CRIMINAL JUSTICE

HB 2015 – County Parks; Justice Court Jurisdiction (Chapter 170) Burges

The legislation allows MCSO to file violations occurring in Yavapai County, but within the Lake Pleasant Regional Park, into a Maricopa County Justice of the Peace Court.

The bill gives Maricopa County Justices of the Peace jurisdiction over these violations. The language specifies that an offense is committed within the precinct of a Justice of the Peace Court if conduct constituting any element of the offense or a result of such conduct occurs within a county park that includes a body of water located in two counties and the precinct includes some part of the county park. It further clarifies that one county must have a population of more than three million persons and one county must have a population of more than two hundred thousand persons but less than three hundred thousand persons within the two identified counties.

This bill was included in the Maricopa County 2011 Legislative Package.

HB 2068 – Constables; Salaries (Chapter 107) Burges

The legislation establishes a constable's annual salary as no more than \$15,000 in precincts averaging 100 or less documents served over the previous four years. It also applies current statutory salary ranges, outlined in A.R.S. § 11-424.01, to constables servicing precincts averaging 100 or more documents served over the previous four years.

HB 2137 – Dogs; Cats; Sterilization (Chapter 213) Chabin

The legislation makes numerous changes in the state's criminal code in regards to the responsibility and liability of owners of aggressive and vicious animals. The proposal was run in coordination with the Maricopa County Sheriff's Office and the City of Phoenix in an attempt to protect law enforcement and citizens from attacks by aggressive dogs. It requires the owner of an aggressive dog or person who is responsible for the care of an aggressive dog to take reasonable care to control the dog in order to keep the dog from biting or attacking a person or domestic animal while the dog is not on the owner's or responsible person's property and prohibits the dog from escaping to the outside of a residence or an enclosed area, yard or structure.

The law specifies:

- A person who does not control the dog to prevent the dog from biting or attacking a person or domestic animal is guilty of a Class 1 misdemeanor.
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- A person who knowingly causes a dog to bite and attack another person is guilty of a Class 3 felony, unless the situation would warrant self-defense or defense of a third party.
- Increases the penalty for those individuals whose dog is known to have a history of biting, or that has been found to be a vicious animal by a court of competent jurisdiction and that bites or attacks another person while at large from a Class 1 misdemeanor to a Class 5 felony.
- Stipulates that individuals who do not take reasonable care to prohibit a vicious dog from escaping a residence or enclosed area, yard or structure outside a residence are guilty of a Class 1 misdemeanor.

This bill was included in the Maricopa County 2011 Legislative Package.

**HB 2211 – Inpatient Evaluation or Treatment
(Chapter 257) Ash**

The legislation repeals and rewrites the statutes related to inpatient evaluation or treatment. The bill allows a guardian to apply for admission of the ward to a facility if the guardian has been granted authority to consent to inpatient mental health care or treatment when the guardian has reasonable cause to believe that the ward is in need of inpatient evaluation or treatment. It also specifies the documents required to be presented to the facility by the guardian in order for the ward to be admitted to the facility.

**HB 2352 – Court Commissioners; Qualifications
(Chapter 217) Farnsworth**

The legislation removes the requirement that court commissioners must be practicing attorneys for three years prior to becoming a commissioner. The legislation was needed by the Superior Court in order to allow retired judges who are not currently practicing law, to serve as Commissioners for the courts. These additional resources will increase the speed at which cases can be heard and makes particular expertise available when necessary. Commissioners handle specifically assigned cases and uncontested matters. A county's superior court presiding judge may appoint court commissioners to perform limited judicial duties if the county has at least three judges.

This bill was included in the Maricopa County 2011 Legislative Package.

**HB 2355 – Court Surcharges
(Chapter 260) Farnsworth**

The legislation clarifies that surcharges apply to the base fine, not other surcharges that may be added to the fine. Under law A.R.S. § 12-116-01 and § 12-116-02, courts are required to collect a 61% and 13% surcharge, or penalty assessment, for violations of motor vehicle statutes. In addition, a 10% surcharge is also permitted for violations related to the Clean Elections Act (A.R.S. § 16-954). While the provisions related to the Clean Elections Act reference the assessments as surcharges, the provisions relating to motor vehicle violations refer to them as penalty assessments. The bill clarifies that surcharges apply to the base fine and do not apply to another surcharge.

**HB 2369 – DUI; Work Release
(Chapter 91) Smith**

The legislation requires courts to allow certain DUI offenders to continue their employment or schooling while serving out their jail sentence, unless the court finds good cause to waive the requirement. Many courts in Arizona offer work release on a discretionary basis for offenders convicted of misdemeanors. The bill allows individuals that are employed or are students to leave jail for the hours that they are employed or attending class, returning at night and on the weekends to serve out their sentences. Currently, A.R.S. § 28-1387 (C) allows the courts to use their discretion in granting a work release from jail for a first- or second-time DUI or extreme DUI offender for up to twelve hours a day and no more than five days a week with some limitations. All offenders on work release are still required to serve out their full sentence.

**HB 2372 – Conservatorships; Guardianships; County Reimbursement
(Chapter 112) Ash**

The legislation stipulates that if a county pays for services by court appointed representatives, the county may charge the estate for reasonable compensation. Title 14, Chapter 1, A.R.S., states that if the court determines that an interest is not represented, or that representation is inadequate, the court may appoint a personal representative, conservator or guardian to receive notice, give consent and otherwise represent, bind and act on behalf of a minor, incapacitated person or an unborn child. If the court pays for these services, statute permits the courts to charge the estate for reasonable compensation and orders that those monies be deposited in the Probate Fund. Monies in the Probate Fund are administered by the presiding judge of the Superior Court in that county. Current statute did not allow the county to charge an estate for reimbursement if the county pays for services by appointed representatives, conservators or guardians from general fund appropriations.

This bill was included in the Maricopa County 2011 Legislative Package.

**HB 2376 – Department of Juvenile Corrections; Continuation
(Chapter 261) Ash**

The legislation continues the Arizona Department of Juvenile Corrections until July 1, 2012.

**HB 2402 – Guardians of Incapacitated Persons
(Chapter 262) Vogt**

The legislation makes several changes to the statutes governing incapacitated persons, including the establishment of court procedures for determining whether an incapacitated individual's privilege to drive should be suspended or retained. It broadens the scope of powers for guardians and expands the options that the court may exercise in an involuntary commitment proceeding.

**HB 2424 – Probate; Wards; Rights
(Chapter 285) Smith**

The legislation establishes a probate advocacy panel and delineates the composition of its membership. The panel is required to hold a public hearing at least once a year on how to improve the probate system through statutory changes.

**HB 2635 – Court-Ordered Evaluation
(Chapter 219E) Court**

The legislation adds additional requirements to the affidavit that must accompany a petition for a court-ordered treatment. A.R.S. § 36-533 states that a petition for a court-ordered treatment shall allege that a patient is in need of treatment because the patient has a mental disorder, is a danger to self or to others, and is persistently or acutely or gravely disabled, treatment alternatives are appropriate or available, and the patient is unwilling or incapable of accepting treatment voluntarily. The petition must be accompanied by the affidavits of the two physicians who conducted the examination, which must include a detailed explanation of the patient’s behavior, and a summary of the facts that support the allegations. The bill stipulates that the affidavit accompanying a petition for court-ordered treatment must also include the results of a physical examination if it is relevant to the evaluation. The physical exam may be performed by an evaluating physician or under supervision of a licensed physician or a registered nurse practitioner.

The bill became effective on April 14, 2011.

**HB 2645 – Firearms; Rights Restoration; Peace Officers
(Chapter 304) Ugenti**

The legislation modifies statute related to a mentally ill person’s restoration of the right to possess a firearm specifies that retired peace officers may not be prohibited from carrying a firearm in most circumstances. Laws 2009, Chapter 145 established the procedure for a person found by a court to be a danger to self or to others, or persistently or acutely disabled or gravely disabled, to apply for the restoration of his or her right to possess a firearm. The bill permits a person ordered, found, or adjudicated to be a prohibited possessor of a firearm to petition the court to restore the person’s right to own a firearm. It requires the court, on receipt of the petition, to set a hearing and consider the following prior to granting or denying the petition:

- The circumstances that resulted in the person being deemed a prohibited possessor;
- The person’s records, including the person’s mental health and criminal records;
- The person’s reputation, based on character evidence;
- Whether the person is a danger to self or others, persistently, acutely, or gravely disabled, or whether the circumstances that led in the initial order are still in effect;
- Any change in the person’s condition or circumstances deemed relevant; and
- Any other evidence deemed admissible by the court.

**SB 1023 – Enforcement of Pretrial Release Conditions
(Chapter 140) Gray**

The legislation authorizes adult probation officers, in counties with more than two million people, to serve warrants and make arrests on anyone who has violated a condition of pretrial release while under the supervision of the Pretrial Services Division. The Pretrial Services Division has five primary responsibilities relating to adult probation: they conduct background checks on arrested defendants, which involves interviewing and information verification for persons booked into the Maricopa County Jail System; they provide standard, intensive, and electronic monitoring services for defendants released to Pretrial Services and secure that defendant's appearance in court; they track defendants who fail to appear; they refer defendants to needed social services, including drug treatment; and they complete bond modification investigations and reports for the court.

In FY2010, the Maricopa County Pretrial Services Jail Unit conducted 49,892 interviews of arrested defendants. There was an average of 1,388 referrals a month from the Maricopa County Initial Appearance Court to Pretrial release supervision. The Pretrial Supervision Unit supervised an average of 1,648 defendants per month, which equates to an average of 554 under general supervision, 865 under intensive supervision, and 229 under electronic monitoring supervision. The unit completed an average of 495 initial intakes and 1,836 office visits per month during this fiscal year.

This bill was included in the Maricopa County 2011 Legislative Package.

**SB 1054 – Waiver; Intensive Probation Standards
(Chapter 204) Gray**

The legislation allows all counties to waive the probation ratio and team composition requirements for adult and juvenile intensive probation programs. This flexibility will allow Maricopa County's Adult and Juvenile Probation department's to better use their resources to protect the public. For both juvenile and adult probationers, offenders are monitored by a two or three person intensive probation team, consisting of a combination of probation and surveillance officers. The team monitors the offenders by conducting field visits at least four times per week. The juvenile and adult intensive probation teams are limited to the number of persons they may supervise. According to A.R.S. § 8-853 and § 13-916, a two person intensive probation team is limited to supervising no more than 25 persons at one time. Likewise, a three person team may not supervise more than 40 persons at one time. Each team is required to exercise close supervision over the offenders, which includes visual contact with each probationer at least four times a week and weekly contact with the adults' employers. For juveniles, the team is required to have weekly contact with the school, employer, community restitution agency or treatment program of the probationer. The bill requires the case load of every officer supervising the probationers to not exceed 15 probationers and requires visual contact with each probationer at least once a week.

This bill was included in the Maricopa County 2011 Legislative Package.

**SB 1130 – Unlawful Sexual Conduct; Probation Employees
(Chapter 226) Gray**

The legislation establishes a felony offense for unlawful sexual conduct by an adult probation department employee or juvenile court employee, assigns penalties for the offense and false reporting of the offense, and adds juvenile detention facilities to the list of correctional facilities subject to the unlawful sexual conduct statute. The bill defines unlawful sexual conduct as knowingly coercing the victim to engage in sexual contact, oral sexual contact, or sexual intercourse by threatening to negatively influence or offering to positively influence the victim’s supervision or release status.

**SB 1191 – Juveniles; Discretionary Transfer; Adult Court
(Chapter 206) Gray**

The legislation expands the offenses for which a jurisdictional determination is made as to whether a juvenile at least 14 years of age charged as an adult in a criminal prosecution, at the discretion of a county attorney, should be transferred to a juvenile court include the following:

- A Class 1 felony;
- A Class 2 felony;
- A Class 3 felony involving predatory offenses, homicide, assault, kidnapping, sexual offenses, criminal trespass and burglary, criminal damage, arson, robbery, or organized crime, fraud, or terrorism;
- A Class 3, 4, 5, or 6 felony involving a dangerous offense;
- Any felony offense committed by a chronic felony offender.

**SB 1200 – Driving Under the Influence; Interlock
(Chapter 341) Gray**

The legislation requires various changes to Arizona’s driving under the influence (DUI) laws to allow specific DUI offenders to use an ignition interlock device (IID) and an IID special driver’s license. It also allows a county to establish a home detention program for eligible prisoners, with limitations and specific instructions.

**SB 1243 – Bad Checks; County Attorney Fees
(Chapter 188) Gould**

The legislation increases the fees that the county attorney may collect from a person who has issued or passed a check in violation of specified statutes. Current law authorizes the county attorney to collect a fee if he or she collects and processes a check that is issued or passed in a way that violates A.R.S. § 13-1802, § 13-1807, § 13-2310, or has been forged under A.R.S. § 13-2002. The bill increases the fees that the county attorney may collect from a person who has issued or passed a check in violation of specified statutes in the following manner:

- From \$50 to \$75 if the face amount of the check is less than \$100;
- From \$75 to \$100 if the face amount of the check is greater than \$100, but less than \$300;

- From \$100 to \$125 if the face amount of the check is greater than \$300, but less than \$1000; and
- From 15% to 20% if the face amount of the check is greater than \$1000.

SB 1245 – Capital Post-Conviction Public Defender; Continuation (Chapter 42) Gould

The legislation continues the State Capital Post-conviction Public Defender Office (Office) until July 1, 2016. As established by Laws 2006, Chapter 326 and outlined in A.R.S. § 41-4301, the Office is responsible for providing representation for any person financially unable to employ legal counsel in post-conviction relief proceedings in state court after a judgment of death has been delivered. The State Capital Post-conviction Public Defender (Defender) is appointed by the governor and serves a single four-year term. As provided in A.R.S. § 41-4301, the Defender's duties include supervising the operations, activities, policies and procedures of the Office, submitting an annual operation budget to the legislature, and allocating personnel and resources to post-conviction relief proceedings.

SB 1247 – Sexually Violent Persons; Hearings (Chapter 189) Barto

The legislation requires the court to order an evaluation to determine whether an individual is a sexually violent person if the individual does not request a probable cause hearing. As specified in A.R.S. § 36-3701, a sexually violent person is defined as an individual that has been convicted of or found guilty but insane of a sexually violent offense or that has been charged with a sexually violent offense and was determined to be incompetent to stand trial, and has a mental disorder that makes the person likely to engage in acts of sexual violence. A.R.S. § 36-3704 allows the county attorney or attorney general to file a petition with superior court, accompanied with sufficient facts, alleging an individual as a sexual violent person prior to the release of that person from confinement. As outlined in A.R.S. § 36-3705, upon the filing of such a petition, the judge must determine if probable cause exists to believe the individual named is a sexually violent person. If the judge deems probable cause exists, the judge must order the person to be detained in a licensed facility overseen by the Arizona State Hospital.

Currently, under A.R.S. § 36-3705, the individual named in the petition may motion for a probable cause hearing to contest the judge's finding within 10 days of receiving the petition. If at the hearing the judge determines that probable cause does not exist, the court must dismiss the petition. However, if the judge reaffirms the previous determination that probable cause exists, the judge must order an evaluation of the individual in question to determine whether he or she is a sexually violent person. If the individual chooses not to motion for a probable cause hearing, no evaluation is ordered and the previous determination stands. The bill mandates the court to order an evaluation to determine whether a respondent is a sexually violent person if the respondent has not requested a probable cause hearing within 10 days after receiving the petition and requires the counties to pay the costs of the evaluation if ordered by the court.

**SB 1291 – Prisoners; Credits for Fines
(Chapter 102) Griffin**

The legislation increases the amount of credit a prisoner may receive per day in exchange for hard labor or imprisonment. A.R.S. § 31-145 provides that a prisoner in jail sentenced to pay a fine is required an allowance for hard labor not to exceed \$10 per day. A person committed for nonpayment of a fine is required to be given credit toward payment for each day of imprisonment at the rate specified in the commitment not to exceed \$10 per day. The allowance goes towards reduction of the fine.

The bill specifies that a prisoner sentenced to pay a fine shall not be allowed to exceed \$50 per day credit to the fine for each day he is employed at hard labor, and that a person committed for nonpayment of a fine shall be given credit toward payment for each day of imprisonment at the rate specified in the commitment not to exceed \$50 per day.

This bill was included in the Maricopa County 2011 Legislative Package.

**SB 1334 – Hunting within City Limits
(Chapter 349) Antenori**

The legislation prohibits political subdivisions from limiting the lawful taking of wildlife during an open season, as established by the Arizona Game and Fish Commission. Currently, A.R.S. § 13-3107 classifies the discharge of a firearm within or into a municipality's limits with criminal negligence as a Class 6 felony (1 year/\$150,000). The penalty does not apply if the firearm is discharged in an area recommended as a hunting area by the department, approved and posted as required by the chief of police. However, any such area may be closed when determined to be unsafe by the chief of police or the director of the department. The bill prohibits a political subdivision from enacting an ordinance, rule or regulation that limits the lawful take of wildlife during an open season unless the ordinance, rule or regulation is consistent with the state's hunting laws and Game and Fish Commission rules and orders.

**SB 1367 – Juveniles; DNA Testing
(Chapter 351) Antenori**

The legislation broadens the scenarios in which a judicial officer is required to order that a juvenile submit a sample for DNA testing to include juveniles who are charged with a violation of any of the prerequisite offenses listed in A.R.S. § 8-238, and specifies the procedures for collecting, analyzing, maintenance and expungement of the samples. The court must order the juvenile to report to the law enforcement agency that investigated the juvenile within five days.

**SB 1396 – Domestic Relations; Notification Requirements
(Chapter 236) Allen**

The legislation specifies that the court must provide a written notice to all parties in domestic relations proceedings that they may request conclusions of fact and law on specified issues. Rule 82 of the Arizona Rules of Family Law Procedure requires the court in all family law proceedings, if requested before trial, to find the facts and state

separately its conclusions of law. Findings of fact and conclusions of law may be stated orally and recorded in open court following the close of the evidence or appear in an opinion or minute entry filed by the court. The bill requires the court to provide written notification to all parties that they may request conclusions of fact and law on the following issues, if contested:

- Child custody;
- Relocation requests;
- Spousal maintenance;
- Community property;
- Community debt;
- Child support.

**SB 1398 – Moving Violations; Assessment; Equipment; Enforcement
(Chapter 308) Biggs**

The legislation adds an additional \$13 assessment for various offenses and specifies how the money is to be distributed, repeals various state photo enforcement statutes, amends requirements for persons who have received a notice of violation from photo enforcement and extends the transfer of remaining monies in the Photo Enforcement Fund to the Public Safety Equipment Fund to FY 2011-12. Additionally, the bill makes an appropriation to the Arizona Department of Public Safety to enter into a memorandum of understanding with the Pinal County Sheriff to purchase equipment and supplies for deputies in the county for border security. The bill will siphon away funds for county indigent defense offices in order to pay for Pinal County's border security equipment.

**SB 1499 – Probate; Proceedings; Omnibus
(Chapter 354) Driggs**

The legislation makes numerous changes to the statutes governing the protection of persons under disability and their property. The bill requires that, except as otherwise directed by a governing instrument or court order, the fiduciary must prudently manage costs, preserve the assets of the ward or protected person for the benefit of the ward or protected person and protect against incurring any costs that exceed probable benefits to the ward, protected person, decedent's estate or trust. The bill also allows the court to order a person who has engaged in unreasonable conduct or the person's attorney to pay for some or all of the fees and expenses, if the court finds that the fees or expenses were incurred as a result of unreasonable conduct. It also requires that when a guardian, a conservator, an attorney or a guardian *ad litem* intends to seek compensation from the estate of a ward or protected person, the person must give written notice of the basis of the compensation.

➤ ELECTIONS

HB 2303 – Voting Centers; Polling Places (Chapter 331) Mesnard

The legislation permits the county board of supervisors to authorize the use of voting centers in addition to or in place of designated polling places on Election Day. Voting centers are non-precinct based locations for voting on Election Day. The sites are fewer in number than precinct-voting stations, centrally located to major population centers (rather than distributed among many residential locations), and rely on county-wide voter registration databases accessed by electronic voting machines. Voters in the voting jurisdiction (usually a county) are provided ballots appropriate to their voter registration address. Voting centers are equipped for electronic voting machines and staffed with personnel to assist voters. The bill allows the county board of supervisors to authorize the use of voting centers in place of or in addition to designated polling places and requires that voting centers provide an appropriate ballot for any voter in that county on Election Day.

HB 2304 – State Elections; Omnibus (Chapter 332) Mesnard

The legislation makes numerous changes to state election laws. The bill removes the requirement that the County Recorder send a list of all candidates who have qualified for the presidential preference ballot to absent uniformed services voters or overseas voters who request a special write-in early ballot. It also prohibits a vacancy that occurs because of death or incapacity from being filled and requires the Secretary of State to notify the County Board of Supervisors to post a notice of the death or incapacity in each polling place with notice that the votes cast will be tabulated.

HB 2335 – Presidential Ballot; President; Vice-President (Chapter 299) Harper

The legislation requires the heading of the column on a general election ballot containing the names of the candidates for the office of president to read “President and Vice-President,” and stipulates that when Presidential electors are to be voted for the candidates of each party shall be represented by the surname of the Presidential and Vice-Presidential candidates of that party.

HB 2701 – Secretary of State; Database (Chapter 339) Dial

The legislation requires the Secretary of State to establish a single format for County Recorders to use when providing voter registration data and makes numerous changes to laws regarding elections, voter registration, training and early ballots.

SB 1290 – County Election Workers; Political Campaigns (Chapter 71) Griffin

The legislation prohibits an employee of the county elections department from operating as a chairman, treasurer or other officer of any political campaign or candidate campaign committee.

**SB 1412 – Early Voting; Revisions
(Chapter 105) Shooter**

The legislation broadens the classification of ballot abuse to include the following offenses and classifications;

- Offering or providing any consideration to any other person to acquire the voted or unvoted ballot is a Class 5 felony;
- Receiving or agreeing to receive any consideration in exchange for a voted or unvoted ballot is a Class 5 felony to do so;
- Possessing another person’s ballot with the intent to sell it is a Class 5 felony;
- Engaging in or participating in a pattern of ballot fraud is a Class 4 felony.

The bill requires the officer charged by law with the duty of preparing ballots at any election to ensure that the ballot return envelopes are of a type that are tamper evident when properly sealed.

**SB 1471 – County Election Law Amendments
(Chapter 166) Gould**

The legislation makes changes regarding how new parties are officially recognized by the state and permitted to be placed on a ballot.

**SB 1473 – Early Voting Sites; Electioneering
(Chapter 273) Gould**

The legislation requires facilities used as an early voting site during the period of early voting to allow persons to electioneer and engage in other political activity outside the 75 foot limit in public areas and parking lots used by voters, except in the case of an emergency.

➤ **ENVIRONMENTAL SERVICES/AIR QUALITY**

**HB 2103 – Homemade Food Products; Regulation; Exception
(Chapter 84) Kavanagh**

The legislation permits baked and confectionary foods that are not potentially hazardous (as defined by the U.S. Food and Drug Administration and the Arizona Department of Health Services) to be prepared in private home kitchens for commercial purposes if the label has the baker’s address, contact information, and product ingredients. The product label must also disclose if the food preparation was conducted in a facility for the developmentally disabled. The bill also requires the person preparing the food or supervising its preparation to obtain any required food handler’s permit or certificate issued by the local health department and to register with an online registry the Arizona Department of Health Services must establish.

**HB 2208 – Agriculture Best Management Practices; Rules
(Chapter 214) Reeve**

The legislation allows the Agricultural Best Management Practices Committee to immediately revise its rules in order to revise dust control measures in the PM-10 nonattainment area of Maricopa County. Laws 2009, Chapter 180 added an employee of a county air quality department to the committee, which is statutorily charged with adopting and evaluating best management practices for reducing PM-10 emissions in agricultural activities.

**HB 2665 – Environment; Regulatory Changes
(Chapter 291) Reeve**

The legislation makes changes to the administrative procedures for environmental regulations, outlining new requirements, standards and punishments for agency inspectors or regulators that conduct inspections. It outlines new requirements for written reports when an agency with authority under A.R.S. Title 49 (environmental issues) interacts with a regulated person, granting additional rights to the regulated person in application and inspection proceedings and allowing a person to be eligible for reimbursement of fees if that person substantially prevails by adjudication on the merits against the county in a court proceeding or an administrative appeal.

The bill establishes new information to be included in a notice of allegation, but does not require the information to be included in air quality control restrictions that result in a uniform civil ticket. It directs the Director of the Arizona Department of Environmental Quality or a county control officer to consider certain factors and levels of emissions when determining the frequency and duration of monitoring emissions.

**HB 2705 – Waste Programs; General Permit Fees
(Chapter 220) Reeve**

The legislation authorizes the Arizona Department Environmental Quality (ADEQ), through September 30, 2013, to establish new and existing fees by rule for the regulation of solid and hazardous waste. Retroactive to July 1, 2011, the bill continues ADEQ's authority to charge existing waste fee amounts through FY 2012.

**SB 1194 – Structural Pest Management; Regulation
(Chapter 20) Pierce**

The legislation relocates the Office of Pest Management into the Arizona Department of Agriculture (AZDA) and transfers the administrative supervision of the Office of Pest Management to the director of the AZDA through December 31, 2013. It also requires the director of AZDA to appoint a task force to study the regulation and administration of structural pest management.

**SB 1306 – Landlords; Tenants; Bedbug Control
(Chapter 191) Reagan**

The legislation prohibits a city, town or county board of supervisors from establishing ordinances or any other landlord or tenant requirements relating to bedbug control, but allows those local governments to adopt requirements relating to proper disposal of

bedbug-infested items. The bill replaces local jurisdiction with statutory new requirements for landlord and tenant bedbug infestation controls and actions.

**SB 1324 – Vehicle Emissions Testing; Older Vehicles
(Chapter 163) Antenori**

The legislation exempts motor vehicles manufactured in 1974 or earlier from state-mandated emissions testing, conditional on the U.S. Environmental Protection Agency's (EPA) approval. The Arizona Vehicle Emissions Inspection Program was established in 1976 as the result of nonattainment air quality areas in the state. Minimum emissions standards are outlined in A.R.S. § 49-542. A change to the program requires approval from the EPA to become effective.

➤ **GENERAL GOVERNMENT**

**HB 2003 – Emergency Response Services Fees; Prohibition
(Chapter 82) Kavanagh**

The legislation stipulates that the regulation of emergency response service fees for motor vehicle accidents is a matter of statewide concern and not subjected to regulation by a county, city, or town of this state. The bill prohibits a county, city, or town from directly or indirectly charging a fee or seeking reimbursement from a driver, an insurer, or any other person for any costs or expenses for police, fire, or other emergency response personnel.

**HB 2154 – Privatization; Correctional Health Services
(Chapter 278E) Kavanagh**

The legislation requires the Arizona Department of Corrections to issue a request for information (RFI) for the privatization of all correctional health services, including all medical and dental services. The bill became effective on April 27, 2011 and the Department is required to issue the RFI within 30 days of that effective date.

**HB 2163 – Investing Public Monies; Notes
(Chapter 108) Seel**

The legislation allows the treasurer of a local government to invest public monies in notes of the state, counties, incorporated cities or towns or school districts. County treasurers have a statutory obligation to invest and reinvest public monies in securities and deposits in eligible investments with a maximum maturity of five years. Statute also outlines which types of ventures are eligible for investment (A.R.S. § 35-323).

**HB 2197 – Charter Schools; Age Restricted Communities
(Chapter 15E) Lesko**

The legislation prevents a charter school from operating within an age restricted community that is not within a school district. The bill was run in response to the attempt of a charter school moving into the Sun City area. In 2009, statutes were changed allowing charter schools much more freedom on where they could be located. This bill adds a minor restriction on where they can locate.

The bill became effective on April 6, 2011.

This bill was included in the Maricopa County 2011 Legislative Package.

**HB 2236 – Sharing Revenue Information; Political Subdivisions
(Chapter 329) Goodale**

The legislation allows counties and incorporated cities and towns to utilize the liability setoff program within the Arizona Department of Revenue (DOR). Current law allows state agencies and courts to notify DOR by November 1 of each year of persons owing money to that agency or court. They must also provide the individual's name, social security number and any other available identification deemed appropriate, and the amount of debt owed. DOR then matches the information with taxpayers who qualify for tax refunds and notifies the agency or court of a potential match. After additional confirmations, the agency or court must notify the taxpayer of the intention to set off the debt against the refund due and of the right to appeal.

**HB 2239 – State Parks Board; Membership
(Chapter 216) Goodale**

The legislation alters the makeup of the State Parks Board by reducing the number of members representing the livestock industry from two to one and requiring one member to represent the tourism industry.

**HB 2274 – Intergovernmental Agreements; Separate Legal Entity
(Chapter 330) Pratt**

The legislation allows any Indian tribe to join other local governments and special taxing districts and form a separate legal entity for the purposes of issuing revenue bonds and engaging in electric generation and transmission activities. Laws 2010, Chapter 328 enacted statute that allows separate legal entities to issue revenue bonds and engage in electric generation and transmission activities. Statute outlines requirements regarding these revenue bonds and specifies that a separate legal entity may not be deemed a public power entity (A.R.S. § 11-952.02).

**HB 2302 – Protected Address; Secretary of State
(Chapter 173) Mesnard**

The legislation requires the Secretary of State to establish the Address Confidentiality Program before December 31, 2012, to protect the residential addresses of victims of domestic violence, sexual offenses and stalking. Any individual can apply for inclusion in the Program; criteria for participant eligibility are outlined in the bill.

If a person is enrolled in the Program, no one can knowingly and intentionally obtain the participant's actual address or telephone number from the Secretary of State or a state or local government entity, knowing that they are not authorized to obtain the address information. Employees of the Secretary of State or a state or local government entity are prohibited from knowingly and intentionally disclosing a Program participant's actual address or telephone number they obtain during the course of their official duties unless the disclosure is permissible by law. Anyone who knowingly and intentionally obtains or discloses a Program participant's information pursuant to the new statute is guilty of a class 1 misdemeanor.

The legislation further outlines local government entities' relationship with the Program, clarifying that it is the Program participant's responsibility to request that a state or local government entity use their substitute address, requiring a state or local government entity to accept the substitute address as the participant's address when creating a new public record and specifying that the substitute address is considered the last known address for a participant until the Secretary of State provides notice that another address has been established. The legislation provides specific instructions for use of the Program participant's substitute address for property taxes, elections and judicial proceedings.

HB 2314 – Boating Safety; Fees; Funds (Chapter 333) Jones

The legislation transfers the administration of the Law Enforcement Boating Safety Fund from State Parks to the Game and Fish Commission and directs the State Treasurer to distribute the monies to eligible counties on a monthly basis. It increases the amounts the Department of Racing may generate on fee increases. The bill also establishes a statutory State Agency Fee Commission, made up of thirteen members, to review all state agencies' fees, establish a fee review process and issue an annual report before October 1, 2012. The Commission is repealed on October 1, 2016. A similar commission was established by Laws 2010, Chapter 290, but never met or released recommendations.

HB 2384 – Abortion; Public Funding Prohibition; Taxes (Chapter 55) Lesko

The legislation prohibits any public funds, tax monies, funds of any political subdivision of this state, federal funds passing through this state or monies paid by students as part of tuition or fees to a state university or community college from being expended or allocated for training to perform abortions. It also requires charitable organizations that receive a cash contribution from an individual to provide a written certification to the Arizona Department of Revenue stating that the organization does not provide, pay for, promote, provide coverage of or provide referrals for abortions and does not financially support any other entity that provides, pays for, promotes provides coverage of or provides referrals for abortions.

The bill becomes effective after December 31, 2011.

**HB 2422 – Local Government Budgeting; Posting; Publication
(Chapter 155) Yee**

The legislation requires local governments to post a complete copy of their estimated revenues and expenses in a prominent location on their official website no later than seven business days after both the initial presentation before a governing body and final adoption. The information must include both the estimates of revenues and expenses initially presented before the governing body and the final adopted budget, and must be retained and accessible in the prominent location on the local government's official internet website for at least 60 months. The bill allows cities and towns that do not have official websites to make their required postings on the website of an association of cities and towns.

The bill becomes effective on the July 20, 2011, and information for fiscal year 2011-2012 must be posted according to the new standards.

**HB 2478 – Counties; Health Care Services; Payments
(Chapter 266) Gowan**

The legislation establishes a maximum payment rate for the treatment of children under the jurisdiction of the juvenile court, county jail inmates, and people with tuberculosis when a county with a population over one million people is required to reimburse a health care provider or facility. The bill does not apply if the county has existing reimbursement rate through an intergovernmental agreement.

The legislation mirrors the payment requirements established for the Arizona Department of Corrections, requiring the county to reimburse at a level that does not exceed the capped fee-for-service schedule that is adopted by the Arizona Health Care Cost Containment System for health and medical services.

This bill was included in the Maricopa County 2011 Legislative Package.

**HB2490 – Consumer Initiatives; Food
(Chapter 92) Gowan**

The legislation establishes state jurisdiction over the use and regulation of consumer incentive items, which are defined in the bill, and prohibits a county, city, town or other political subdivision of this state from further regulating the use of consumer incentive items.

**HB 2572 – Government Expenditure Database; Transparency; CAFR
(Chapter 119) Barton**

The legislation amends mandates previously established in A.R.S. § 42-17102, requiring the Arizona Department of Administration and each local government to include information from a comprehensive annual financial report of a budget unit made by a certified public accountant or public accountant who is not an employee of the Department or the local government in their database. The report must be made in accordance with generally accepted auditing standards and must contain financial statements that are in conformity with generally accepted accounting principles. If the

governmental entity already has a comprehensive annual financial report of a budget unit that has been presented with a certificate of achievement for excellence in financial reporting by the Governmental Finance Officers Association, the Department or local government may post such a financial report to satisfy the requirements of the new law.

The bill directs a local government to display a link to this data in a prominent place on its website; if a city or town does not have an official website, their information may be posted on a website of an association of cities and towns.

**HB 2620 – Medical Records; Disclosure; Release
(Chapter 268) Ash**

The legislation permits the disclosure of certain medical records or information, including clinical laboratory test results, to designated individuals or entities, and allows persons or entities that provide services to a health care provider or laboratory to receive medical records if the person or entity maintains a business associate agreement to protect the confidentiality of the information. It codifies procedures, requirements and standards for the exchange of individually identifiable health information through a Health Information Organization (HIO), and establishes individual rights with respect to an HIO.

**HB 2644 – Federal Monies; Union Preference; Prohibition
(Chapter 319) Ugenti**

The legislation prohibits state entities, counties, cities and towns from accepting federal money for a construction project if accepting it requires them to give a preference to union labor.

**SB 1118 – County Medical Examiner; Identification Protocol
(Chapter 181) Barto**

The legislation requires a medical examiner to conduct an identification meeting within 48 hours when requested to do so by an immediate family member of a decedent. The medical examiner may delay or limit the meeting if it is determined that there is risk of loss of forensic evidence that may compromise the investigation or the decedent may not be recognizable, and the medical examiner may use his or her judgment and discretion to determine the nature and extent of any death investigation or positive identification of a dead body.

The bill clarifies immunity from civil liability associated with an identification meeting, and requires a medical examiner to provide instructions for requesting an identification meeting on the county's website.

The bill is to be cited as “Abby’s Law.”

**SB 1123 – State Library and Archives Amendments
(Chapter 18) McComish**

The legislation makes substantive and conforming changes to the statutes governing the Arizona State Library, Archives and Public Records (ASLAPR), including a requirement that all county librarians attend a twice-annual convention the Director of ASLAPR is required to call. It also requires the head of each state agency and local agency to submit a list of all essential public records in their custody to the Director of ASLAPR once every five years, stipulates that ASLAPR must be told every other year who each agency designates to manage public records, and clarifies a statutory definition of “records” to include records that are made confidential by statute.

**SB 1171 – Cities; Acquisition of Wastewater Utility
(Chapter 146) Antenori**

The legislation allows a city or town to acquire all or any part of a sewage system from a county and establishes specific requirements for the transfer process. Current law allows any county with a population between one million and two million people to purchase, construct or operate a sewage system if the county receives approval from governing bodies of cities and towns that represent at least half of the population of the county (A.R.S § 11-264). Pima County is currently and operates a sewage system.

**SB 1230 – Business Services; Secretary of State
(Chapter 343) Reagan**

The legislation makes numerous changes to notary oversight and other programs within the Business Services Division of the office of the Secretary of State. These changes include, but are not limited to, the prohibition of notaries advertising a fee except as authorized by rule, allowance for the Secretary of State to require proof of training prior issuing commissions for notaries, and a requirement that each notary and electronic notary to read and write English and prohibits a notary from advertising a fee except as authorized by rule.

**SB 1239 – County Treasurers; Investments
(Chapter 187) Crandall**

The legislation expands a county treasurer’s eligible investments to include securities or any other interests in any open-end or closed-end management type investment company or investment trust and exchange-traded funds whose underlying investments are invested in securities permissible by state law, registered under the Investment Company Act of 1940. It removes language requiring a duplicate warrant issued by a county treasurer to be stamped or marked so that its character may be readily ascertained.

**SB 1269 – Veterinarian Board
(Chapter 209) Nelson**

The legislation makes changes to the membership and responsibilities of the Arizona State Veterinary Medical Examining Board and its investigative committees. It defines activities that are unprofessional or dishonorable veterinary conduct, and adds to the statutory disciplinary measures the Board may take.

**SB 1298 – Pharmacists; Drug Therapy Protocols
(Chapter 103) Barto**

The legislation allows a licensed pharmacist to administer immunizations and vaccines for influenza or in response to a public health emergency for children between six and eighteen years of age both with and without a prescription, if the pharmacist obtains parental consent.

A.R.S. § 32-1974 currently allows a licensed pharmacist to administer specified immunizations or vaccinations to adults without a prescription. The pharmacist must be certified to do so by the Arizona State Board of Pharmacy, and must report the immunization or vaccination to the person’s primary care physician within 48 hours.

This bill was included in the Maricopa County 2011 Legislative Package.

**SB 1357 – AHCCCS; Missed Appointments; Provider Remedy
(Chapter 234) Antenori**

The legislation allows Arizona Health Care Cost Containment System (AHCCCS) providers to charge a \$25 missed appointment fee to AHCCCS patients before allowing them to reschedule an appointment, and permits a political subdivision of this state to provide AHCCCS with the monies necessary to receive federal matching funds.

**SB 1403 – Mandatory Project Labor Agreements; Prohibition
(Chapter 23) Shooter**

The legislation prohibits state agencies, political subdivisions and the Arizona Corporation Commission (ACC) from requiring a contractor to negotiate, execute or become a party to any project labor agreement as a condition of or a factor in bidding, negotiating, being awarded or performing work on a public works contract or an ACC project. It specifies that private parties are not prohibited from entering into individual collective bargaining relationships through this bill, and that the bill does not interfere with any activity protected by law, including the National Labor Relations Act.

**SB 1465 – Valid Identification; Consular Cards; Prohibition
(Chapter 325) Gould**

The legislation prohibits Arizona or any of its political subdivisions from accepting a consular identification card issued by a foreign government as a valid form of identification.

SB 1598 – Cities; Counties; Regulatory Review (Chapter 312) Klein

The legislation establishes a “regulatory bill of rights” for those regulated by local governments, outlining numerous requirements for regulators and inspectors when they interact with a permit applicant. The list of rights specifies that a person regulated by local governments:

- Is eligible for reimbursement of fees and other expenses if the person prevails by adjudication on the merits against a local government in a court proceeding regarding a local government decision as provided in statute;
- Is entitled to receive information and notice regarding inspections as provided in statute;
- Is entitled to have a local government not base a licensing decision in whole or in part on licensing conditions or requirements that are not specifically authorized as provided in statute;
- May have a local government approve or deny the person’s license application within a predetermined period of time as provided in statute;
- Is entitled to receive written notice from a local government on denial of a license application that justifies the denial with references to the ordinance, code or authorized substantive policy statements on which the denial is based and that explains the applicant’s right to appeal the denial as provided in statute;
- Is entitled to receive information regarding the license application process at the time the person obtains an application for a license pursuant to statute;
- May inspect all ordinances, codes and substantive policy statements of a local government, including a directory of documents, at the office of the local government as provided in statute;
- Unless specifically authorized, may expect local governments to avoid duplication of other laws that do not enhance regulatory clarity and to avoid dual permitting to the maximum extent practicable as provided in statute;
- May file a complaint with the city council or county board of supervisors concerning an ordinance, code or substantive policy statement that fails to comply with the new requirements;
- May inspect all ordinances, codes and substantive policy statements of a local government on the local government’s website.

General Plan

The bill amends statutory requirements for the general plan of each planning agency in a local government to include a land use element that includes sources of currently identified aggregates, policies to preserve currently identified aggregates sufficient for future development and policies to avoid incompatible land uses. It specifies that the law does not affect any permitted underground storage facility or limit any person’s right to obtain a permit for an underground storage facility pursuant to statute. A person who has participated in the public hearing process for the adoption of this new general plan component may file a petition for special action in superior court within 30 days if the adopted component does not comply with this new mandatory land use requirement.

During the design phase of a public works project, the bill requires a local government to provide notice and opportunity for comment to all utilities that may be impacted by the project.

Inspections

The bill outlines requirements for local government inspectors or regulators who enter any premises of a regulated person for an inspection:

- Present photo identification upon entering the premises;
- State the purpose of the inspection and the legal authority for conducting the inspection, upon initiation of the inspection;
- Disclose any applicable inspection fees;
- Afford an opportunity to have an authorized on-site representative of the regulated person accompany the local government inspector or regulator on the premises, except during confidential interviews;
- Provide notice of the right to have:
 - Copies of any original documents taken by the local government during the inspection if the local government is permitted by law to take original documents;
 - A split or duplicate of any samples taken during the inspection if the split of any samples, where appropriate, would not prohibit an analysis from being conducted or render an analysis inconclusive;
 - Copies of any analysis performed on samples taken during the inspection;
 - Inform each person whose conversation with the local government inspector or regulator during the inspection is tape recorded, that the conversation is being tape recorded;
 - Inform each person interviewed during the inspection that statements made by the person may be included in the inspection report.

The bill outlines the documents and information that must be provided to a regulated person on initiation of, or two days before, an inspection. These requirements do not apply to a food or swimming pool inspection. It requires an inspector to obtain the signature of the regulated person or the on-site representative of the regulated person, indicating they have read and are notified of their rights outlined in the new law and the due process rights relating to an appeal of a final local government decision afforded to them. The local government is required to maintain a copy of the signature with the inspection report and to leave a copy with the regulated person or the on-site representative. It also requires a local government to provide electronic access to inspection reports and all subsequent documents. A copy of the inspection report must be given to the regulated person or their on-site representative either at the time of the inspection, within 30 days after the inspection or as otherwise required by federal law, and the inspection report must contain deficiencies identified during the inspection.

The legislation allows the local government to provide the regulated person an opportunity to correct the deficiencies unless the local government determines that the

deficiencies are committed intentionally, not correctable within a reasonable period of time as determined by the local government, evidence of a pattern of noncompliance, or a risk to any person, the public health, safety or welfare or the environment. If the local government allows the regulated person to correct deficiencies, the regulated person must notify the local government when the deficiencies have been corrected. The local government is required to determine if the deficiencies have been corrected and notify the regulated person of whether or not they are in compliance within 30 days of receiving notification that the deficiencies have been corrected.

The local government must determine if the regulated person is in substantial compliance with the corrected deficiencies, unless the determination is not possible due to conditions of normal operations at the premises. The local government is permitted to take any enforcement action authorized by law for the deficiencies if the local government determines the deficiencies have not been corrected within a reasonable amount of time or the regulated person fails to correct the deficiencies and specifies that a local government's decision is not an appealable action; the local government must provide a regulated person with an update on the status of any local government action resulting from an inspection of the regulated person at least once every month after the commencement of the inspection, but is not required to provide an update after the regulated person is notified that no local government action will result from the inspection or after the completion of action resulting from the inspection.

The bill does not authorize an inspection or any other act that is not otherwise permitted by law, but only applies to inspections necessary for the issuance of a license or to determine compliance with licensure requirements.

The bill does not apply to criminal investigations and undercover investigations that are generally or specifically authorized by law, does not apply if the inspector or regulator has reasonable suspicion to believe that the regulated person may be engaged in criminal activity, and does not apply to inspections by a county board of health or a local health department pursuant to statute.

The gathering of evidence in violation of the bill is not permitted to be a basis to exclude the evidence in a civil or administrative proceeding if the penalty sought is the denial, suspension or revocation of the regulated person's license or a civil penalty of more than \$1,000. The failure of a local government, board or commission employee to comply with this section constitutes cause for disciplinary action or dismissal and shall be considered by the judge and administrative law judge as grounds for reduction of any fine or civil penalty.

The bill allows a local government to adopt rules or ordinances to implement the new provisions and specifies that the new statutes must not be used to exclude evidence in a criminal proceeding and do not apply to a local government inspection that is requested by the regulated person.

Prohibited Acts

The legislation specifies that it does not prohibit local government flexibility to issue licenses or adopt ordinances or codes, but does prohibit a local government from doing the following:

- Basing a licensing decision in whole or in part on a licensing requirement or condition that is not specifically authorized by statute, rule, ordinance or code;
- Adopting an ordinance or code under a specific grant of authority that exceeds the subject matter areas listed in the specific grant of authority;
- Adopting an ordinance or code under a general grant of authority to supplement a more specific grant of authority;
- Imposing a licensing requirement or condition unless the authority specifically authorizes the requirement or condition;
- Duplicating other laws that do not enhance regulatory clarity – local governments are instructed to avoid dual permitting to the maximum extent practicable, unless specifically authorized.

Time Frames

The legislation requires a local government to have in place an overall time frame during which the local government will either grant or deny each type of license that it issues for any new ordinance or code requiring a license. The time frame for each type of license must separately state the administrative completeness review time frame and the substantive review time frame. On or before December 31, 2012, a local government that issues required licenses under existing ordinances or codes must have an overall time frame – including the administrative completeness review and substantive review time frames – in which the local government will either grant or deny each type of license that it issues. A local government must prioritize the establishment of time frames for such licenses that have the greatest impact on the public.

It requires a local government to consider all of the following when establishing time frames:

- The complexity of the licensing subject matter;
- The resources of the local government;
- The economic impact of delay on the regulated community;
- The impact of the licensing decision on public health and safety;
- The possible use of volunteers with expertise in the subject matter area;
- The possible increased use of general licenses for similar types of licensed businesses or facilities;
- The possible increased cooperation between the local government and the regulated community;
- Increased local government flexibility in structuring the licensing process and personnel.

When establishing time frames, a local government must consider increased flexibility in structuring the licensing process and personnel, including:

- Adult businesses and other licenses that are related to the First Amendment;
- Master planned communities;
- Suspension of the substantive and overall time frames for purposes including public hearings or state or federal licenses.

The bill requires a local government to issue a written notice of administrative completeness or deficiencies to an applicant for a license within the administrative completeness review time frame, and specifies that the local government must include a comprehensive list of the specific deficiencies in the written notice provided pursuant to this law if it is determined that an application for a license is not administratively complete. The administrative completeness review time frame and the overall time frame are suspended from the date the notice of deficiencies is issued until the date the local government receives the missing information from the applicant.

An application is deemed administratively complete if a local government does not issue a written notice of administrative completeness or deficiencies within the administrative completeness review time frame and specifically states that an application is not complete until all requested information has been received by the local government. A local government may make one comprehensive written request for additional information during the substantive review time frame.

Each department may issue a written or electronic notice of administrative completeness or deficiencies based on the applicant's submission of missing information or a request for additional information if the permit sought requires approval of more than one department of the local government. A local government may issue an additional written or electronic notice of administrative completeness or deficiencies based on the applicant's submission of missing information. The bill allows a local government and applicant to mutually agree in writing to allow the local government to submit supplemental requests for additional information. The substantive review and the overall time frames are suspended from the date the request for additional information is issued until the date the local government receives the additional information from the applicant. An extension of the substantive review and overall time frames is permitted by mutual written agreement by a local government and an applicant for a license; this extension must not exceed 25% of the overall time frame.

A local government must issue a written notice granting or denying a license to an applicant, unless the local government and applicant have mutually agreed for an extension of the substantive review and overall time frames.

If a local government denies an application for a license, a written notice must be written including the justification for the denial with references to the statutes, ordinances, codes or substantive policy statements on which the denial is based, and an explanation of the applicant's right to appeal the denial, including the number of days in

which the applicant must file a protest challenging the denial and the name and telephone number of a local government contact person who can answer questions regarding the appeals process.

The bill does not apply to licenses issued within seven working days after receipt of the initial application or permit that expire within 21 working days after issuance.

When a person obtains an application for a license, a local government must provide the website address and any other information, if applicable, to allow the regulated person to use electronic communication with the local government.

Refunds

The bill establishes the following requirements relating to the refund of fees to an applicant if a local government does not issue to the applicant the written notice granting or denying a license within the overall time frame or the mutually agreed upon time frame extension:

- The local government must refund to the applicant all fees charged for reviewing and acting on the application for the license and shall excuse payment of any fees that have not yet been paid;
- The local government must not require an applicant to submit an application for a refund pursuant to this bill;
- The refund must be made within 30 days after the expiration of the overall time frame or the time frame extension;
- The local government must continue to process the application;
- The local government must issue the refund from the fund in which the application fees were originally deposited.

The bill specifies that the provisions of the legislation do not apply to a license issued within seven days after receipt of an initial application.

A local government must include the following information at the time the applicant obtains an application for a license:

- A list of all the steps the applicant is required to take in order to obtain the license;
- The applicable licensing time frames;
- The name and telephone number of a local government contact person who can answer questions or provide assistance throughout the application process;
- The website address and any other information, if applicable, to allow the regulated person to use electronic communication with the local government;
- Notice that an applicant may receive a clarification from the local government of its interpretation or application of a statute, ordinance, code or authorized substantive policy statement as provided in statute.

Directory of Documents

The bill requires a local government to publish, or prominently place on their website, a directory summarizing the subject matter of all currently applicable ordinances, codes and substantive policy statements at least annually and further requires the local government to keep copies of this directory and all substantive policy statements at one location. The directory, ordinances, codes, substantive policy statements and any materials incorporated by reference in the documents must be open to public inspection at the office of the local government.

Complaints

The legislation allows the governing body to receive complaints concerning ordinances, codes, substantive policy statements or local government practices and review such that are alleged to violate this legislation and hold public hearings regarding the allegations. The governing body is permitted to recommend actions to alleviate the aspects of the ordinances, codes, substantive policy statements or local government practices that are alleged to violate this bill.

Clarification of Interpretation

The bill permits a person to request a local government to clarify its interpretation or application of a statute, ordinance, code or authorized substantive policy statement affecting the procurement of a license by providing the local government with a written request that states:

- The name and address of the person requesting the clarification;
- The statute, ordinance, code or authorized substantive policy statement or part of the statute, ordinance, code or authorized substantive policy statement that requires clarification;
- Any facts relevant to the requested ruling;
- The person's proposed interpretation of the applicable statute, ordinance, code or authorized substantive policy statement or part of the statute, ordinance, code or authorized substantive policy statement that requires clarification;
- Whether, to the best knowledge of the person, the issues or related issues are being considered by the local government in connection with an existing license or license application.

The local government, on receipt of a request that complies with these provisions, may meet with the person to discuss the written request, but must within 30 days of the receipt of the written request with a written explanation of its interpretation or application as raised in the written request. That written explanation must provide the requestor with an opportunity to meet and discuss the local government's written explanation. The local government may modify a written explanation on written notice to the person if required by a change in the law that was applicable at the time the clarification or

interpretation was issued, including changes caused by legislation, administrative rules formally adopted by the governing body or a court decision.

The bill exempts the following:

- An ordinance, code, regulation or substantive policy statement that relates only to the internal management of a local government and that does not directly and substantially affect the procedural or substantive rights of duties of any segment of the public;
- An ordinance, code, regulation or substantive policy statement that relates only to the physical servicing, maintenance or care of a local government owned or operated facilities or property;
- An ordinance, regulation or substantive policy statement that relates to inmates or committed youth, a correctional or detention facility under the jurisdiction of the municipality or a patient admitted to an institution or treatment center pursuant to court order;
- An ordinance, code, regulation or substantive policy statement that relates to a local government contract.

A county flood control district is not exempt from the provisions of the bill.

➤ **PLANNING AND DEVELOPMENT**

HB 2005 – Subdivisions Acting in Concert (Chapter 328) Burges

The legislation amends statutes governing subdivisions, acting in concert and the Arizona Department of Real Estate (ADRE). It allows counties and municipalities to either expedite the processing of or waive the requirement to prepare, submit and receive approval of a preliminary plat as a condition precedent for submitting a final plat and for any subdivision that consists of 10 or fewer lots. It also permits counties and municipalities to waive or reduce infrastructure standards or requirements proportional to the impact of the subdivision, for any subdivision that consists of 10 or fewer lots.

It clarifies that requirements for improved dust-controlled access and minimum drainage improvements, for any subdivision that consists of 10 or fewer lots, shall not be waived.

The bill prohibits a subdivider from selling, leasing or offering for sale or lease any lots, parcels or fractional interests in a subdivision without first obtaining a certificate of administrative completeness, in addition to the statutorily required public report. It specifies that a familial relationship alone is not sufficient to constitute unlawful acting in concert, and clarifies that either the ADRE or the county where the division occurred, but not both, may enforce the statutory prohibitions against acting in concert.

It states that the definition of subdivision or subdivided lands does not include the sale or lease of a lot, parcel or fractional interest that occurs ten or more years after the sale

or lease of another lot, parcel or fractional interest if the other lot, parcel or fractional interest is not subject to the new law and is treated as an independent parcel unless, upon investigation by the ADRE Commissioner, there is evidence of intent to subdivide.

The Commissioner is also allowed to issue a summary order regarding subdivisions, but is not permitted to take whatever action he deems necessary to ensure compliance with the subdivision statutes. The bill states that the Commissioner has five years after the date of an initial complaint or initiation of an investigation to determine if the sale or lease of land has violated the subdivision statutes, and adds the current owner of the property to the list of people required to receive written notice related to issues affecting a property. It further allows the current owner of the property to request a hearing regarding a summary suspension.

The bill becomes law September 30, 2011.

**HB 2153 – Municipalities; Counties; Fire Sprinklers; Codes
(Chapter 7) Montenegro**

The legislation forbids cities, towns or county boards of supervisors from adopting an ordinance that prevents a person or entity from choosing whether to install or not install fire sprinklers in a single family detached residence or any residential building containing no more than two dwelling units. It also prohibits the imposition of any fine, penalty or other requirement on any person or entity choosing to install or equip or not install fire sprinklers in a single family residence.

The bill does not apply to any ordinance requiring residential sprinklers that was adopted prior to December 31, 2009.

**HB 2534 – City or Town Annexation
(Chapter 2) JP Weiers**

The bill allows a city or town in a county with a population of more than 350,000 persons to annex territory if the landowner has submitted a request to the federal government to take ownership of the territory or hold the territory in trust. The territory eligible for this type of annexation must be surrounded by the city or town, or bordered by the city or town on at least three sides.

If the annexation is approved by a majority vote of the municipal governing body, the annexation of territory is valid; if the annexation is approved by at least two-thirds of the municipal governing body, it becomes immediately operative.

**SB 1333 – Cities; Towns; Deannexation; Incorporation
(Chapter 348) Antenori**

The legislation modifies the statutes governing municipal incorporation and establishes time frames within which a prescribed distance of an incorporated city or town is declared an urbanized area. If a municipality that causes an urbanized area to exist in a county in which more than 60% but less than 65% of the population lives in an incorporated city or town and does not approve a petition requesting annexation of the

area proposed for incorporation within 120 days of its presentation, new timeframes are outlined in the bill.

Through December 31, 2020, if the area proposed for incorporation has a population of 15,000 or more persons, is in a county in which more than 60% but less than 65% of the population lives in an incorporated city or town and has a governing board – including a planned community board of directors or a special district board, the county board of supervisors is required to proceed with the incorporation or annexation without a resolution by the city or town or a filed affidavit. The provisions of the bill do not apply to an area covered by a planned community association during the period of declarant control, unless the declarant grants permission to the party seeking to submit a petition to incorporate pursuant to statute.

The bill provides for a phase-in of state shared revenues for an area that chooses to incorporate under the legislation.

SB 1341 – County Planning; Zoning; Conforming Legislation (Chapter 124) Antenori

The legislation conforms statutes to correct changes as required by Laws 2010, Chapter 244. It clarifies that if a protest has not been filed, counties with five or more supervisors may adopt a rezoning change by a majority vote of the board.

The bill becomes effective September 30, 2011.

SB 1525 – City; Town; Development Fees (Chapter 243) Pearce

The legislation makes numerous changes to the statutes governing municipal development fees and infrastructure improvement plans.

Current statute allows a municipality to assess development fees to offset costs associated with providing necessary public services to a development if the fees result in a beneficial use to the development received is used only for an authorized purpose. These development fees must be proportionate with the burden imposed on the municipality, and any monies received are required to be used to provide the same category of services for which the fees were assessed.

Municipalities are required to provide 60 days' advance notice of intention to assess a new or modified development fee and must release to the public a written report identifying the methodology for calculating the amount of the development fee, the relationship between the development fee and the Infrastructure Improvement Plan (IIP), documentation that supports the new or modified development fee and any indices used for the automatic adjustment of a development fee.

Statute requires the governing body of a municipality to adopt or amend an IIP before the assessment of a new or modified development fee. The adoption of an IIP goes through a public hearing process, which may be held concurrent to the adoption of a

new or modified development fee. An IIP must estimate the necessary public service required as a result of new development, forecast the costs of infrastructure improvements, real property, financing, other capital costs and associated costs of meeting those future needs and forecast the revenue sources that will be available to fund the necessary public service.

The bill states that a municipality may assess development fees to offset the costs associated with providing necessary public services to a development, including specific costs required for the preparation or revision of a development fee, including the relevant portion of the IIP. It also specifies that a municipality must calculate a development fee based on the IIP adopted pursuant to statute and states that the development fee cannot exceed a proportionate share of the cost of necessary public services – based on service units – needed to provide those services to a new development.

The bill prohibits the use of development fees for any of the following:

- Construction, acquisition or expansion of public facilities or assets other than necessary public services or facility expansions identified in the IIP;
- Repair, operation or maintenance of existing or new necessary public services or facility expansions;
- Upgrading, updating, expanding, correcting or replacing existing infrastructure improvements to serve existing development in order to meet stricter safety, efficiency, environmental or regulatory standards;
- Upgrading, updating, expanding, correcting or replacing existing necessary public services to provide a higher level of service to existing development;
- Administrative, maintenance or operating costs of the municipality.

➤ PUBLIC WORKS

HB 2246 – ADOT; Emergency Vehicle Access Plan (Chapter 280) Carter

The legislation establishes an emergency vehicle access plan as part of an overall management plan to be put in place by the Arizona Department of Transportation (ADOT). Currently, A.R.S. § 28-332 does not contain or implement an emergency automobile access arrangement as part of the general traffic administration arrangement for a state highway work zone. Additionally, A.R.S. § 28-652, which explains the way in which a state highway work zone should operate, does not specify emergency situations and how they should be handled. The bill requires an emergency vehicle access plan to be part of the overall ADOT traffic management plan for a state highway work zone. It also allows the plan to clearly identify an emergency vehicle access point with at least one critical path for emergency responders in the state highway work zone throughout each phase of construction.

**HB 2318 – Regional and Public Transportation Authorities
(Chapter 259) Jones**

The legislation expands the list of possible members of a public transportation authority, and updates and clarifies existing statute. It allows any community college district in a municipality or any Indian Nation that has a boundary within a county to become a member of the public transportation authority through an intergovernmental agreement and allows the board of supervisors in a county with a population under 200,000 people to establish a regional transportation authority. Previously, this authority was granted only to counties with populations between 200,000 and 400,000 people.

**HB 2319 – Primitive Roads; County Maintenance
(Chapter 127) Jones**

The legislation permits a county board of supervisors to spend public funds for maintenance of roads and streets that have been designated as primitive roads. A.R.S. § 28-6706 defines a primitive road as a road that was not constructed according to county standards, was opened after June 13, 1975, and was accepted for maintenance by the county governing body's standards before June 13, 1985. Primitive roads are required to have signs that adequately warn the public of their danger with statements such as "Primitive road," "Caution," "Use at your own risk" or "This surface is not regularly maintained." Currently, the board of supervisors spends public monies for the maintenance of public roads and streets, except for state and highways located within their jurisdiction. Maintenance does not include buying or laying cement, but instead involves purchasing and adding rock products, gravel, terrain and processed resources to the base of the roads.

**HB 2450 – Escort Vehicle Operation; Exemption
(Chapter 265) Williams**

The legislation allows the Arizona Department of Transportation (ADOT) to establish rules regarding escort vehicle certifications from other states.

**HB 2500 – Political Signs; Public Right-of-Way
(Chapter 318) Gowan**

The legislation prohibits the removal, alternation, defacing or covering of political signs that support or oppose candidates for public office or ballot measures from public rights-of-way, during the period 60 days before a primary election until 15 days after the general election, if the following conditions are met;

- The sign is in a public right-of-way that is controlled or owned by that jurisdiction;
- The sign supports or opposes a candidate for public office;
- The sign supports or opposes a ballot measure;
- The sign is not placed in a hazardous location that obstructs clear vision in the area;
- The sign is not in violation of the provisions of the Americans with Disabilities Act as defined by federal law;
- The sign has a maximum area of 16 square feet, if the sign is located in an area zoned for residential use;

- The sign has a maximum area of 32 square feet, if the sign is located in any area other than land zoned for residential use;
- The sign contains the name and telephone number of the candidate or campaign committee contact person.

Currently, A.R.S. § 16-1019 states that it is a class 2 misdemeanor for any person to knowingly remove, alter, deface or cover any political sign of a candidate for public office 45 days prior to a primary election through 7 days after a general election.

**SB 1110 – Navigable Stream Adjudication Commission; Extension
(Chapter 39) Reagan**

The legislation continues the Arizona Navigable Stream Adjudication Commission through June 30, 2016. In the early 1990s, the Legislature created the Arizona Navigable Stream Adjudication Commission (ANSAC) to collect evidence and make a determination regarding the navigability of every watercourse in the state. Under Arizona Statute and federal case law, the test for navigability for public trust purposes is whether the watercourse was used, or “susceptible to being used,” in its “ordinary and natural condition,” as a “highway for commerce” on the date of statehood. If a body of water or watercourse was navigable at the time of statehood, title to the bed of the stream or lake passed to the state upon admission into the Union.

**SB 1242 – Tax Deed Land Sales
(Chapter 148) Nelson**

The legislation allows a County Board of Supervisors to sell real property held by the state by tax deed to a county, city, town, or special taxing district in the county for a public purpose related to transportation or flood control. This bill was run at the request of the Public Works Department in order to allow the purchase of property necessary for infrastructure improvement. A.R.S. § 42-18303 allows the Board to sell the real property held in the county by tax deed to the highest bidder for cash. The sale may include a live auction or an online bidding process in which the Board receives bids electronically over the internet in a real-time, competitive bidding event. Current law allows the Board to sell and accept real property held by state tax deed to an owner of contiguous real property that is used for residential purposes if the property for sale and the contiguous property were at one time under common ownership, or if the property offered for sale is part of a common area maintained by a homeowners’ association, and if the property offered for sale cannot be separately used for residential purposes due to its size, configuration or recorded common area restrictions.

This bill was included in the Maricopa County 2011 Legislative Package.

**SB 1362 – Structures; Flood Control Districts
(Chapter 133) Antenori**

The legislation allows county flood control districts to construct bridges or other access over watercourses that are impassable to emergency vehicle traffic for 14 or more days a year.

**SB 1364 – County Ordinance; Utility Vehicle Parking
(Chapter 22) Antenori**

The legislation prohibits a county from preventing a resident from parking a motor vehicle on a street or driveway if the vehicle is required to be available at designated periods at that person’s residence as a condition of the person’s employment. Either of the following must apply:

- The resident is employed by a public service corporation that is regulated by the Arizona Corporation Commission, an entity regulated by the Federal Energy Regulatory Commission or a municipal utility if the public service corporation, federally regulated utility or municipal utility is required to prepare for emergency deployments of personnel and equipment for repair or maintenance of natural gas, electrical, telecommunications or water infrastructure, the vehicle has a gross vehicle weight rating of 20,000 pounds or less and is owned or operated by the public service corporation, federally regulated utility or municipal utility and the vehicle bears an official emblem or other visible designation of the public service corporation, federally regulated utility or municipal utility;
- The resident is employed by a public safety agency, including police or fire service for a federal, state, local or tribal agency or a private fire service provider or an ambulance service provider that is regulated pursuant to statute, and the vehicle has a gross vehicle weight rating of 10,000 pounds or less and bears an official emblem or other visible designation of that agency.

➤ **SPECIAL DISTRICTS**

**HB 2458 – County Infill; Renewable Energy Districts
(Chapter 335) Williams**

The legislation eliminates steps the county board of supervisors (Board) must follow in order to establish an Infill Incentive District or an Energy Incentive District. The bill eliminates the requirement that the Board must publish a weekly notice of the proposed district in a local newspaper for two weeks, and the mandated public hearing to provide information and gather public comment. The bill still requires the Board to mail notice to affected property owners and state/federal land property managers a minimum 15 days before the hearing to adopt the infill incentive plan.

This bill becomes effective October 1, 2011.

**SB 1203 – Revitalization Districts; Revisions
(Chapter 294) Reagan**

The legislation modifies the statutes governing a Revitalization District (District). Laws 2010, Chapter 310 allowed for the creation of a District in a county with a population of more than two million people for the purposes of infrastructure development in one or more municipal or tribal entities. The bill modifies the definition of “infrastructure” to include water systems, certain water systems classifications, communications facilities,

and public and private buildings, and defines “multipurpose event center” to mean a group of buildings or a structure that is designed or configured to be adaptable in providing venues that can accommodate various events such as musical concerts, theater performances, trade shows, sporting events, conventions, conferences and other social, cultural, business or entertainment events.

**SB 1218 – Fire Districts; Accounts; Finances
(Chapter 322) Allen**

The legislation modifies reporting requirements for special taxing districts and prescribes revised accounting procedures for county fire districts, including altering the amount of county Fire District Assistance Tax monies payable to a fire district or consolidated fire district. The bill extends the timeframe in which certain special districts are required to submit an annual report to the county board of supervisors (Board) from within 180 days to within 240 days of the close of the special district’s fiscal year. It also changes the date on which the Board is required to submit an annual report to the Legislature and the Governor on the reporting compliance of special districts, from January 1 to March 31 of each year.

**SB 1259 – Noncontiguous County Islands; Fire Services
(Chapter 269) Reagan**

The legislation makes several changes to the formation and administration of noncontiguous County Island Fire District (District). The bill expands the definition of a District to include a District that consists of only one or more noncontiguous county islands that are not contained in a municipal planning area in which the geographic boundary area is surrounded by any combination of federal, state, municipal or fire district jurisdictional boundaries. It further clarifies District authorities and operations.

**SB 1313 – Public Health Districts; Voter Approval
(Chapter 295) Murphy**

The legislation eliminates for a county board of supervisors’ ability to establish a Public Health Services District (District) by unanimous vote, but keeps current statute that allows a District to be established through a public election. Six Arizona counties currently have a District; Maricopa County does not. The bill applies retroactively to January 1, 2011.

**SB 1314 – County Island Fire Districts; Meetings
(Chapter 162) Murphy**

The legislation adds to the duties of a fire district (District) relating to the posting of a budget and maintenance of permanent public records. The bill requires a fire district board to hold public meetings as necessary to carry out its powers and duties, at least once every 90 days, rather than at least once each calendar month. It also requires the District to maintain and store all permanent public records in an electronic media or digital imaging format approved as an acceptable format for the District by the Director of the Arizona State Library, Archives and Public Records, and instructs the county in which the District is located to maintain an official copy of the permanent public records of the District.

**SB 1361 – Fire Districts; Joint Powers Authority
(Chapter 350) Antenori**

The legislation allows cities, towns, counties and fire districts to form a separate legal entity for the purposes of jointly exercising powers held in common by the contracting parties, if the separate legal entity formed includes a fire district. The bill specifies that the common powers of the contracting parties may include fire protection, the preservation of life, providing emergency medical services, and carrying out its other powers and duties, including providing ambulance transportation services pursuant to statute. It also directs the governing body of a separate legal entity formed pursuant to this bill to be composed of officials elected to one or more of the governing bodies of the political subdivisions that are parties to the agreement, or their designees.

**SB 1502 – Fire Districts; Merger; Consolidation
(Chapter 274) Driggs**

The legislation allows a Fire District (District) to merge or consolidate by a unanimous consent of the governing bodies of the Districts or by holding an election. The bill stipulates that only a majority vote is required, rather than a three-fourths vote, to adopt a resolution that a proposed District merger will promote the public health, comfort, convenience, necessity or welfare. It also directs the clerk of each governing body of a District affected by a consolidation to mail a notice and copy of the resolution in support of the consolidation to the chairman of the board of supervisors in each county where the affected Districts are located and requires the chairman of the board of supervisors to order a review of the proposed consolidation and submit written comments to the governing body of each affected District within 10 days of receiving the notice.

➤ **TAXES**

**HB 2341 – Taxes; Aircraft; Personal Property
(Chapter 300) Olson**

The legislation exempts aircraft, navigational and communication instruments, and other accessories and related equipment from transaction privilege tax and use tax if it is sold to foreign government and used within Arizona.

**HB 2397 – Taxes; Sale of Trust Lands
(Chapter 284) Jones**

The legislation exempts the sale of state lands from taxation until the State Land Department (Department) issues a patent for the sold land, or until seven years after the date of auction, whichever occurs first. If a patent has not been issued within seven years after the Department issued a certificate of purchase, the bill requires sold state lands to be taxed and enforced as against other lands; the Department is prohibited from issuing a patent to the purchaser until all taxes due on the land have been paid. The Department is required to issue a patent before transmitting a report of the sale and patent to the county assessor in which the land is located.

The bill applies to lands sold after January 1, 2008 and to certificates of purchase issued after January 1, 2006, but does not permit a taxpayer to claim a refund of any taxes already paid in spite of the retroactive dates.

**HB 2552 – Agricultural Property Tax Classification; Equine
(Chapter 8) Carter**

The legislation expands the statutory definition of agricultural real property by adding land and improvements devoted to the commercial breeding, raising, boarding or training of equine as well as equine rescue facilities registered with the Department of Agriculture.

**SB 1178 – County Judgment Bonds
(Chapter 321) Allen**

The legislation allows a county board of supervisors (Board), by resolution, to levy an excise tax, and issue and administer county judgment bonds. This bill was created to allow La Paz County to issue bonds to pay off a judgment against the county that was more than their annual general fund revenue. It authorizes a Board to issue negotiable bonds at a principal rate that the Board determines is necessary to:

- Provide sufficient monies for any county judgment purpose;
- Pay necessary bond related expenses;
- Establish and fully or partially fund any reserves or sinking accounts established by the bond resolution;
- Issue refunding bonds if the Board considers refunding to be expedient;
- Refund any bonds issued if the bonds are secured from the same source of revenues as the bonds authorized in this article by issuing new bonds, whether the bonds to be refunded have or have not matured;
- Issue bonds partly to refund outstanding bonds and partly for any county judgment purpose consistent with Article 5.

**SB 1228 – Trust Land; Long-Term Leases; Default
(Chapter 68) Nelson**

The legislation establishes a new cancellation procedure for defaults on long-term leases of state trust lands. It allows the State Land Commissioner (Commissioner) to extend the time for delinquent payments up to five years before cancellation of the lease occurs. Current Arizona law prescribes the same procedure for the default and cancellation of both short and long-term leases on trust lands. A lessee that violates any condition of the lease is considered to be in default and forfeits the lease and any rights under the lease after cancellation. If the lessee fails to pay rent on time, the Arizona State Land Department (Department) may grant a payment extension for an additional 90 days according to A.R.S. § 37-288. The bill states that upon violation of a long-term lease contract, whether by default on the lease payment or by other contractual infraction, the lease is subject to forfeiture and the Department must notify the lessee of the default within 60 days of the infraction or default. It allows the Commissioner to authorize an extension for payments of the delinquent amount for up to five years, upon the written request of the lessee.

**SB 1293 – Property Tax Classification; Lodging
(Chapter 232) Griffin**

The legislation modifies class 4 property tax, adding lodging properties that furnish no more than a breakfast meal to transient lodgers and have no more than eight rooms. Current law applied class 4 to lodging with six rooms and a 50 percent average annual occupancy rate. The assessed valuation of class 4 properties is 10 percent of its full cash value.

➤ **WORKFORCE DEVELOPMENT/RETIREMENT**

**HB 2024 – ASRS Amendments
(Chapter 277) Robson**

The legislation makes numerous changes to the Arizona State Retirement System (ASRS) relating to administration, distribution of benefits, long term disability (LTD), employer collections, return to work, service purchase and benefit transfers. It requires benefit transfers from charter cities to conform to Public Safety Personnel Retirement System (PSPRS) and Correction Officers Retirement Plan (CORP) transfer guidelines. The bill specifies that if the market value of the system of plan is greater than one hundred percent, then the system of plan shall use a one hundred percent market value. It also adds LTD benefits and supplemental defined contributions to the list of delinquent employer contributions which ASRS can intercept and assess interest to and requires an employer to report monies intercepted by ASRS that were due to an employer from another department or agency of this state. The bill makes federal conforming changes, clarifies the period for which a member may receive service for military call-up and extends the period for service-related hospitalizations from one to two years. It specifies that LTD benefits are not payable to a member who files their initial claim more than 24 months after their date of disability, and allows ASRS to suspend or terminate benefits if a member fails to provide information as requested by ASRS or the claims administrator. It also ends an alternate payee's benefit under a qualified domestic relations order (Order) of the alternate payee predeceases the member, if the Order is added or amended on or after January 1, 2012.

The bill makes numerous changes to ASRS return to work provisions. Employers must pay an Alternate Contribution Rate (ACR,) beginning on July 1, 2014 for retired members who perform services that would otherwise be performed by an employee of the employer. It prohibits the retired member from accruing credited service, member service, account balances, retirement benefits, LTD benefits, and the time is not eligible for later service purchase. It allows ASRS to determine how frequently the ACR is paid and how the monies are submitted to the ASRS. The bill also specifies that late contributions will be subject to eight percent interest and may be recovered in court or by state revenue offset and requires employers to submit any reports, data, paperwork or materials required by the ASRS to determine the function, utilization, efficacy or operation of the return to work program.

The legislation grants ASRS additional authority to adopt rules to implement the provisions of the bill and to establish an amount for the lump sum retirement threshold, which was previously set at \$20. The state appropriated \$150,000 to ASRS and prohibits the use of any state general funds for implementing the legislation.

**HB 2151 - State Employees; Wage Payments
(Chapter 193) Burges**

The legislation expands the lists by which a state employer is authorized to pay employee wages to include an employer-provided payroll card account. The bill requires that an employee be furnished with a written or electronic statement of earnings and withholdings, and specifies that the employee be provided one free withdrawal for each deposit of wages per pay period but not more frequently than once per week. It also requires the employer to provide a list of all fees associated with the use of the payroll card account to the employee.

**HB 2444 – Law Enforcement Officer; Discipline
(Chapter 198) Montenegro**

The legislation regulates the manner in which a law enforcement or probation officer can be investigated for alleged misconduct, specifically that a polygraph examination of the officer cannot be the basis of the disciplinary actions unless other information or evidence exists. An employer can require a polygraph examination if an officer makes a statement in an investigatory meeting that differs from statements previously made and if the difference is essential to conclude the investigation; the bill outlines requirements and timelines for an employer, as well as the ways in which results from the polygraph examination can be used in an investigation and employee termination.

The bill requires an employer to finish an investigation within 120 business days, but allows it to go longer than 120 days if a “good faith effort” has been exercised, with some exceptions. If the employer takes longer than the allotted 120 business days, the bill requires the employer to provide the employee with a written explanation containing the reasons the employer could not conclude the investigation within 120 business days. If it is determined that the employer did not make a good faith effort the disciplinary actions may be dismissed by a hearing officer, administrative law judge or appeals board.

**HB 2476 – Workers’ Compensation; Certain Diseases; Exposure
(Chapter 317) Gowan, Antenori**

The legislation increases the criteria time periods an employee has to establish a workers’ compensation claim involving exposure to methicillin-resistant staphylococcus aureus (MRSA), which is a type of staff bacteria that is resistant to certain antibiotics. The bill increases the criteria time period from ten calendar days to thirty calendar days that an employee has to report in writing to the employer the details of the exposure, and from two to ten days to fifteen days of the possible significant exposure.

**HB 2477 – Witness; Representation; Law Enforcement Officers
(Chapter 301) Gowan**

The legislation provides law enforcement and corrections officers with the right to representation during interviews with an employer if the officer is a witness relating to an investigation that could lead to another officer's dismissal, demotion or suspension, and requires the law enforcement officer to answer all questions asked by the officer's department investigator. The witness officer is permitted to discuss testimony with the representative, although unauthorized release of information is subject to disciplinary action.

**HB 2541 – Employee Drug Testing; Medical Marijuana
(Chapter 336) Yee**

The legislation allows employers to take action against employees who are believed, in good faith, to be impaired at work due to prescribed, illegal or synthetic drug use. The bill generally protects employers from litigation for implementing or monitoring measures to assess supervise or control the job performance of an employee, including reassignment, suspension or termination of the employee. It adds employers, to include the state and its political subdivisions, to the list of entities that may use the Department of Health Services' registry to verify an employee's or applicant's valid marijuana registry ID card.

This bill becomes effective retroactive to April 12, 2011.

**HB 2613 – Board; Complaints; Peace Officer Misconduct
(Chapter 303) Stevens**

The legislation expands the list of powers of the Arizona Peace Officer Standards and Training Board (AZPOST) to include receiving complaints of peace officer misconduct, requesting law enforcement agencies to investigate, and conducting independent investigations. The bill further empowers AZPOST to deny, suspend, revoke or cancel the certification of a peace officer found to be out of compliance with the minimum qualifications regarding citizenship and fitness to be an officer. The bill also authorizes AZPOST to receive complaints from an association of law enforcement officers if the association believes a law enforcement agency refused to investigate a violation or issued findings contrary to original evidence of a violation of non-compliance with minimum qualifications related to citizenship or fitness.

**HB 2616 – Workers' Compensation; Controlled Substances
(Chapter 338) McLain**

The legislation expands the list of substances that, upon request, must be reported by the physician of a worker who is receiving workers compensation benefits to the Industrial Commission. The bill requires that the list include narcotic or opium-based substances and that the physician justify the controlled substance and the treatment plan. If the physician refuses to comply, the employer, carrier or Industrial Commission may request a change of physician and require physician compliance. The bill also stipulates that an employer or carrier is not liable for bad faith or unfair claims processing for any action taken consistent with these requirements.

**HB 2617 – Workers’ Compensation; Settlement of Claims
(Chapter 139) McLain**

The legislation allows parties to a claim to enter in a final settlement agreement upon approval by the Industrial Commission. The bill stipulates that the carrier or employer must submit a summary of all reasonably anticipated future supportive medical maintenance benefits and projected costs of benefits to the employee. It also asserts that the employer or carrier must inform the attending physician of approval of a final agreement if the agreement terminates the employee’s entitlement to supportive medical maintenance benefits. The bill states that the employer or carrier shall remain responsible for payment for the treatment not covered by the final settlement unless benefits rendered prior to the settlement are disputed or payment for the treatment was included in the final settlement agreement.

**SB 1057 – Disciplinary Action; Law Enforcement Officers
(Chapter 244) Gray**

The legislation allows a law enforcement officer to bring an employer’s action in Superior Court (Court) if the officer was terminated under certain circumstances, and outlines the penalties if the Court finds that there was no just cause for the action. The officer can bring action in Court if the officer believes the termination occurred without just cause and if the termination occurred as a result of the chief of the law enforcement agency or the chief executive officer of a city or town reversing the choice or proposal of a civil service board or merit commission. If the Court finds from the review of the file that just cause for the action did not exist, then the officer is entitled to a hearing. The bill dictates if the Court determines just cause did not exist attorney fees of the prevailing party are required to be paid in full, employer must reinstate officer to previous position and reward officer monetary damages that cannot exceed the officer’s combined wages and benefits lost as a result of the wrongful termination.

**SB 1235 – Law Enforcement Officers; Disciplinary Procedures
(Chapter 230) Gray**

The legislation requires the employer, at the request of an officer who is subject to a disciplinary interview, to provide a basic summary of any discipline ordered against any other officer of similar rank and knowledge working for the employer within the preceding two years for the same or comparable infraction on the matter, unless court rule prohibits it. The bill prohibits the employer from taking concluding action or arranging a hearing until the essential outline or file copies are provided to the officer. It outlines additional requirements for cities and counties with small populations, and stipulates procedural requirements.

**SB 1264 – Workers’ Compensation; Reasonable Accommodations
(Chapter 345) McComish**

The legislation requires that wages payable to modified job positions be included in the determination of partial earning capacities, and that a report be submitted to the Joint Legislative Audit Committee regarding legislation affecting presumptions of compensability. The report will be given to a legislative committee, which must hold at

least one public hearing, and then the report must be given to the Speaker of the House, the President of the Senate, the Governor and the Industrial Commission.

**SB 1317 – PSPRS; CORP; EORP; Administration
(Chapter 347) Yarbrough**

The legislation makes various changes in statutes dealing with the Public Safety Personnel Retirement System (PSPRS). The bill prohibits the PSPRS Board from making retroactive payments of a pension more than 90 days after the date of the person's application for benefits, and increases the number of days allotted for the transfer of employer and employee contributions from five to ten working days. The bill includes a penalty on the employer of 10 percent per year, compounded annually, for each day the contributions are transferred after the 10 working days and allows delinquent payments to be recovered through court action. The provision does not apply to retired members or survivors of the system who are reemployed and who participate in health care coverage provided by the member's or survivor's new employer.

**SB 1363 – Employer Protections; Labor Relations
(Chapter 153) Antenori**

The legislation allows a court to issue a temporary registering order or injunction that prohibits unlawful picketing, trespassory assembly, unlawful mass assembly, concerted interference with lawful exercise of business activity and engaging in a secondary boycott, defamation, or any actual or threatened misrepresentation, fraud, duress, violence or breach of the peace, even if the events occur during an organized labor dispute. The bill holds liable any person calling for or conducting these activities to damages, prejudgment interest, litigation costs and reasonable attorney fees. The legislation also creates the crime of defamation of an employer and holds labor unions liable for the acts of its agents. Businesses are also allowed to register their premises as a no trespass zone, which the Secretary of State must maintain.

**SB 1365 – Paycheck Deductions; Political Purposes
(Chapter 251) Antenori**

The legislation prohibits employers from deducting any payment from an employee's paycheck for political purposes unless the employee annually provides authorization for the deduction. The bill requires employers to obtain statements from each entity for which deductions are made as to what part, if any, of the deduction is for political purposes. Public safety employees who are employed by the state or any political subdivision are excluded. The penalty for knowingly making improper deductions is a civil penalty of at least \$10,000 per violation.

This bill is effective retroactive to October 1, 2011.

**SB 1368 – Probation Officers; Disciplinary Actions
(Chapter 352) Antenori**

The legislation states that a probation officer shall not be subject to disciplinary action except for just cause, as defined in the bill. Exceptions are provided for officers still serving an initial probationary period or for terminations due to administrative purposes, including a reduction in force.

**SB 1539 – CORP; Designated Position; Waiver
(Chapter 298) Melvin**

The legislation permits corrections employees with at least five years of service under Corrections Officers Retirement Plan (CORP) and who are transferred or promoted to temporarily fill an Arizona State Retirement System (ASRS) designated position to maintain active status in CORP without any time limitations. The bill applies retroactively to October 1, 2009.

**SB 1609 – Retirement Systems; Plans; Plan Design
(Chapter 357) Yarbrough**

The legislation makes significant changes to the existing contribution and benefit structures for the Arizona State Retirement System (ASRS), the Public Safety Personnel Retirement System (PSPRS), the Elected Officials Retirement Plan (EORP) and the Corrections Officers Retirement Plan (CORP). The bill states that a member of any of any of the state retirement systems who commits a felony that was committed in the course of the member's employment will have membership terminated and shall forfeit all rights and benefits earned. Employee contributions plus interest will be returned to employee in a lump sum amount. The legislation limits for all three systems the amount of credit that can be purchased from other government retirement systems to five years. Also, each retirement system a member must have at least ten years of credited service in ASRS before electing to receive credit for service.

The bill contains some amendments to retirement benefits for current employees, but focuses many of its changes on those hired after July 1, 2011.

For information on how the legislation impacts your retirement benefits, cost of living adjustments and retirement contributions, please contact the Maricopa County Human Resources Department at (602) 506-3755.

☐ GOVERNOR'S VETO LETTERS/BILL MESSAGES

HB 2067 - board of supervisors; powers
HB 2166 - board of supervisors; powers
HB 2177 - presidential candidates; qualifications; affidavit
HB 2230 - 911 monument modification
HB 2338 - special districts; secondary levy limits
HB 2484 - legislative vacancies; precinct committeemen

HB 2502 - public programs; advertisements; funding source
HB 2577 - legislative appropriations; federal monies
HB 2581 - STOs; credits; administration
HB 2650 - county employees; merit system exemption
HB 2700 - Arizona centennial statehood day
HB 2707 - general fund revenue limit
SB 1041 - Arizona quality jobs incentives
SB 1088 - health care system; violation
SB 1186 - 2011 tax corrections act
SB 1201 - firearms omnibus
SB 1288 - religion; free exercise; professionals; appointments
SB 1316 - PSPRS; trustees; employment agreements
SB 1322 - managed competition; city services
SB 1329 - public employees; lobbying; political activities
SB 1331 - polling places; political parties; organization
SB 1379 - consumer fireworks; regulation
SB 1386 - WICHE student loans; repayment
SB 1467 - educational institution; concealed weapons
SB 1497 - joint powers exercise; separate entities
SB 1552 - corporate tax allocation; sales factor
SB 1561 - legislative appropriations; federal monies
SB 1592 - health care compact; funding
SB 1593 - health insurance; interstate purchase



STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

April 29, 2011

EXECUTIVE OFFICE

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

RE: House Bill 2067 (board of supervisors; powers)

Dear Secretary Bennett:

Today I vetoed House Bill 2067. Although I share the Legislature's concerns about the unacceptable process by which the Arizona Board of Regents (ABOR) recently exercised its authority over the University of Arizona (UA) Healthcare board, and I appreciate efforts by legislative leadership to institute a cooling-off period for all parties, I am concerned about the legal and contractual implications of the legislation.

To be clear, I do not endorse ABOR's actions or the surprising eleventh-hour decisions undertaken without input from key policymakers. I support efforts by the Legislature to have a clearer understanding about the appropriate governance structure and funding of the University of Arizona College of Medicine (UA COM) and UA Healthcare. Decisions on such an important community resource, which is funded by taxpayers, cannot be made in isolation by an elite group of individuals who have appointed themselves as the sole arbiters of the future direction of our state's academic medical center.

Despite the messaging that economic doom will befall our great state if this legislation were signed, I have yet to hear a clearly articulated reason why the existing structure limits our opportunity for success. However, due to the concerns mentioned above, I am reluctantly vetoing House Bill 2067.

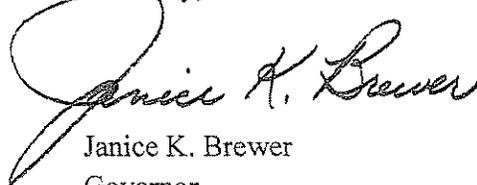
Any further discussion regarding the relationship between UA Healthcare and the UA COM must be transparent and include input from a much broader set of stakeholders, including those elected to oversee our state's academic resources. If ABOR and the parties involved continue discussions regarding this important community resource without involvement of these stakeholders and key policymakers, I will call a special session to enact an appropriate framework for the conversation.

The Honorable Ken Bennett
April 29, 2011
Page Two

In the meantime, to provide oversight of future discussions on the issue of the relationship between UA Healthcare and the UA COM, and to facilitate better communication among the parties, I am establishing by Executive Order the Arizona Medical Education Oversight Task Force. The Task Force will conduct a review of the process so far, oversee ongoing discussions, solicit input from a broad range of stakeholders, conduct an analysis of options for the structure of the academic medical center – including privatizing functions to the greatest extent possible – and make recommendations to me regarding future direction.

Dialogue with higher education, health care, community and business leaders will help ensure broad support for any future vision of our state's academic medical center. This support is critical to its success. Arizonans from all walks of life benefit from the state having a world class academic medical center, and we are all invested in its future.

Sincerely,



Janice K. Brewer
Governor

cc: The Honorable Russell Pearce
The Honorable Andy Tobin
The Honorable Judy Burges
Senate Secretary
Chief Clerk of the House of Representatives
Arizona News



STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

April 29, 2011

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

RE: House Bill 2166 (low income housing; property tax)

Dear Secretary Bennett,

Today I vetoed House Bill 2166. The bill would require county assessors to adopt an income-based valuation formula rather than the traditional market-based approach for evaluating Federal Low Income House Tax Credit Properties.

I believe that this bill creates a bad precedent by creating inequities in our property tax system. County assessors have committed to me that they will continue to reach out to legislators and others interested in achieving a solution that is workable for all involved.

Sincerely,

Janice K. Brewer
Governor

cc: The Honorable Russell Pearce
The Honorable Andy Tobin
The Honorable Justin Olson
Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service



STATE OF ARIZONA

April 18, 2011

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

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

Re: House Bill 2177 (presidential candidates; qualifications; affidavit)

Dear Speaker Adams:

Today I vetoed House Bill 2177. House Bill 2177 empowers the Secretary of State or other election officers in Arizona to judge the qualifications of every federal, state and local candidate at the time of filing. As a former Secretary of State, I do not support designating one person as the gatekeeper to the ballot for a candidate, which could lead to arbitrary or politically-motivated decisions.

In addition, I never imagined being presented with a bill that could require candidates for President of the greatest and most powerful nation on earth to submit their "early baptismal or circumcision certificates" among other records to the Arizona Secretary of State. This is a bridge too far.

This measure creates significant new problems while failing to do anything constructive for Arizona.

Sincerely,

Janice K. Brewer
Governor

cc: The Honorable Russell Pearce
The Honorable Carl Seel



STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

April 29, 2011

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

RE: House Bill 2230 (911 monument modification)

Dear Secretary Bennett:

Today I vetoed House Bill 2230. This bill sought to require the Arizona Department of Administration to remove 11 phrases from the state monument that commemorates the events and aftermath of the September 11, 2001, terrorist attacks on our country.

That state monument, commonly known as the 9/11 Memorial, was the subject of controversy almost as soon as it was dedicated in 2006. So, public hearings were held. Lawmakers debated possible changes. Commissions devoted to the Governmental Mall and 9/11 Memorial itself met repeatedly. Finally – after an exhaustive, two-year process – a series of privately-funded memorial revisions were completed in order to end this controversy. In recent days, I have heard concerns from some of the Arizona families directly affected by the 9/11 attacks and their aftermath. For their sake, I am sorry this issue has reared its head once more.

The sponsor of this legislation had good intentions, but I am concerned about the unintended consequences that would have resulted from this bill. For example, the removal of Balbir Singh Sodhi's name from the 9/11 Memorial would have been a serious mistake with hurtful ramifications for the Sodhi family and the entire Sikh community in Arizona.

Current law clearly designates the Legislative Governmental Mall Commission as the legal authority regarding the alteration or modification of existing monuments at Wesley Bolin Plaza. Further alterations to the 9/11 Memorial or any other state monument should be vetted through this Commission.

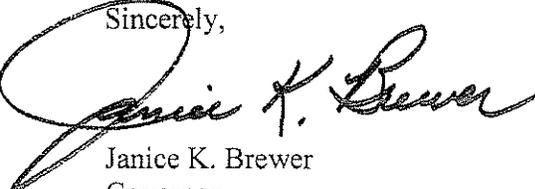
The Honorable Ken Bennett

April 29, 2011

Page 2

The 9/11 attacks remain a raw nerve in Arizona and across the country. We may never arrive at a time when all Arizonans view the 9/11 Memorial for the healing experience that was intended. But, hopefully, we as Americans can agree to keep the tragic events of 9/11 in our thoughts and the families affected in our hearts.

Sincerely,



Janice K. Brewer
Governor

cc: The Honorable Russell Pearce
The Honorable Andy Tobin
The Honorable John Kavanagh
Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service



STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

April 15, 2011

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

RE: HB 2338 (special districts; secondary levy limits)

Dear Speaker Adams,

Today, I vetoed House Bill 2338, "special districts; secondary levy limits." The bill establishes property tax levy limits for county jail and juvenile, library, and public health districts.

While these are worthy services, I am concerned about the rapid growth of special districts and the aggregate impact on taxpayers and future business investment.

However, mandating restrictions will affect counties inequitably in their efforts to respond to community needs. Rural counties, particularly those with low, existing levies may be penalized with the statewide cap approach in the language of this bill.

I believe that a system of limits could be put in place, while also taking into account the varying circumstances around the state. Maricopa County, for instance, has voluntarily capped special district levies for almost six years. This issue remains subject to dispute between the special district boards and taxpayers. I encourage the parties to work together to craft reasonable safeguards against excessive taxation between now and the next legislative session.

Sincerely,

Janice K. Brewer
Governor

cc: The Honorable Russell Pearce
The Honorable Justin Olson



STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

April 29, 2011

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

RE: House Bill 2484 (legislative vacancies; precinct committeemen)

Dear Secretary Bennett:

Today I vetoed House Bill 2484 relating to the appointment of legislative vacancies.

I am concerned with the bill provisions that regulate the internal process of a state recognized political party. Specifically, the bill details the process of how votes are to be cast and mandates the day of the week and the county in which the meeting must be held. I believe it is inappropriate for the State to interfere with the internal operations of the political parties in this manner.

Sincerely,

Janice K. Brewer
Governor

cc: The Honorable Russell Pearce
The Honorable Andy Tobin
The Honorable David Gowan
Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service



STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

April 29, 2011

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

RE: House Bill 2502 (public programs; advertisements; funding source)

Secretary Bennett,

Today I vetoed House Bill 2502. The bill requires "paid for by" disclaimers to be on advertisements for public programs. I believe the public will view this as a nuisance and an annoyance. An advertisement for a public program is obviously paid for with government dollars. It is not necessary to remind everyone.

Sincerely,

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

Janice K. Brewer
Governor

cc: The Honorable Russell Pearce
The Honorable Andy Tobin
The Honorable Carl Seel
Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service



STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

April 26, 2011

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

Dear Secretary Bennett:

Today I vetoed House Bill 2577 relating to legislative appropriation of federal funds.

The disposition of federal funds is traditionally and constitutionally held by the Executive Branch. Any limitation or changes in that authority should be considered within the overall balance of power between the three branches of government. Therefore I have vetoed this bill.

Sincerely,

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

Janice K. Brewer
Governor

cc: The Honorable Justin Olson
Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service



STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

April 12, 2011

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

RE: HB 2581 (STOs; credits; administration)

Dear Speaker Adams:

Today I vetoed HB 2581. I have always recognized the importance of empowering parents, and school choice is a key component of that strategy. I have supported efforts to expand education opportunities for more than 25 years, and I count the establishment of charter schools and open enrollment as among our state's proudest accomplishments. I worked on some of the earliest supportive homeschooling legislation and, as Governor, I have continued to expand school choice and have signed legislation to expand and strengthen Arizona's education options. When the Supreme Court ruled our voucher program for displaced and disabled students unconstitutional, I had no hesitation calling a Special Session to create alternatives for our students. This past January I launched a school choice website to help parents find the information they need. Arizona is a national leader in school choice and I am deeply proud to be a part of that legacy.

While a school choice advocate, I am also a proponent of sound tax policy. Any change in state laws, including school choice expansion, should be balanced against other good government principles. In this case, HB 2581 may create additional school choice opportunities, but, in so doing, it creates other budget and tax issues.

First, HB 2581 unbalances the budget. A public school student receiving a tuition scholarship and leaving the public system is likely to be a financial win for the state. However, HB 2581 expands the pool of qualified students that may qualify for the scholarships funded by corporate tax credits. As is well understood, Arizona has faced a series of unprecedented fiscal challenges. The effort to balance the fiscal year 2012 budget was painful and drove difficult and far reaching decisions, but the outcome of producing a balanced budget was critical to the long-term fiscal health of our state. Undoing that effort and immediately placing fiscal year 2012 into a deficit is inappropriate. Any tax reduction, including tax credits, must be part of an overall plan to keep the budget balanced.

The Honorable Kirk Adams
April 12, 2011
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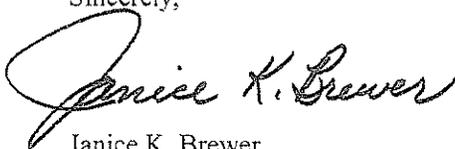
Second, HB 2581 removes the total cap from both corporate tax credits. I acknowledge that in the current environment of low corporate income taxes, tax credits claimed by corporations are likely to be well below the current cap. However, aggregate caps on tax credits are critical to the State's ability to budget. Corporate tax credits should have aggregate caps.

Third, the expanded credits unfairly impact certain local governments. Severance taxes are not uniformly spread throughout the state. While severance is a small portion of overall state revenues, and a limited funding source for most counties, it is a major component of the revenues for Greenlee and Graham Counties. While we can only estimate the impact on severance revenues this credit might have, we know that the effect will be significant on these two rural county budgets, and without an aggregate cap, the impact could potentially be dramatic. Tax credits should not overly burden budgets and as much as possible, impact local governments in a uniform manner.

Fourth, I am deeply concerned about creating a luxury tax credit or other consumption based tax credits. In most cases, Arizona luxury tax is passed through from the wholesalers to the retailer to the consumer. HB 2581 potentially creates a system that would provide wholesalers a tax benefit with no requirement to pass that benefit through to consumers. Further, with no experience in luxury tax credits, we are unable to accurately predict how distributors might respond to this opportunity. Once again, with no aggregate cap, we leave programs, including the Department of Corrections, that rely on luxury taxes, over exposed. It is not clear that the additional reform opportunities presented in the bill outweigh these concerns.

I continue to support the expansion of school choice opportunities and look forward to working with the education community and the Legislature to identify avenues to expand school choice while maintaining sound tax policy.

Sincerely,



Janice K. Brewer
Governor

cc: The Honorable Russell Pearce
The Honorable J.D. Mesnard
The Honorable Ken Bennett



STATE OF ARIZONA

April 29, 2011

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

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

RE: House Bill 2650 (county employees; merit system exemption)

Dear Secretary Bennett,

Today I vetoed House Bill 2650 "county employees; merit system exemption." This legislation allows all Arizona counties except Maricopa County to remove certain administrative positions from the county merit system if requested to do so by a county elected officer who has been empowered by a Board of Supervisors resolution to make the request. In addition, the legislation makes a number of changes regarding moving county governments (except Maricopa) to a more uncovered at-will workforce.

While the legislation has some similarities to what I would like the legislature to consider regarding state government personnel reform, there are areas of significant concern for me. Among them:

- Failure to address the special employment challenges faced by full authority law enforcement officers.
- An overly broad salary increase trigger for uncovering an employee.
- The lack of planning time.
- The exclusion of Arizona's largest county from the bill.

As many are aware, I am very supportive of government personnel reform. The Arizona Department of Administration and my staff worked extensively on a proposal that, while not considered during the 2011 regular legislative session, is a prime candidate for consideration in a special legislative session. Such a session—including the time leading up to it—also presents a good opportunity for pursuing in greater depth and with more care the matters addressed in House Bill 2650.

Sincerely,

Janice K. Brewer
Governor

cc: The Honorable Russell Pearce
The Honorable Andy Tobin
The Honorable Judy Burges
Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service



STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

April 27, 2011

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

RE: House Bill 2700 (Arizona centennial statehood day)

Dear Secretary Bennett:

Today I vetoed House Bill 2700 (Arizona centennial statehood day). The bill established February 14, 2012 (and each centenary thereafter) as an 11th paid holiday for state employees in honor of Arizona's Centennial.

Shutting down a large portion of state government operations in order to celebrate Arizona's Centennial sends the wrong message to Arizona taxpayers. For the vast majority of Arizonans, February 14, 2012 will be a regular work and school day. Federal and local government offices and schools will most likely be open. Regardless of the legitimate celebratory nature of the day, it does not make sense to tell the public that state government offices are closed while the rest of Arizona is open for business.

My veto does not signify any lack of support for our state employees and their families in these times of economic and state budget difficulties. I appreciate the dedication shown by state employees, particularly amidst the budget cuts and salary reductions.

I believe we can celebrate Arizona Centennial Statehood Day and also serve the public by having state offices open for business. In fact, it is appropriate that we do just that.

Sincerely,

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

Janice K. Brewer
Governor

cc: The Honorable Kirk Adams
The Honorable Russell Pearce
The Honorable J.D. Mesnard
Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service



STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

April 28, 2011

EXECUTIVE OFFICE

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

RE: House Bill 2707 (general fund revenue limit)

Dear Secretary Bennett:

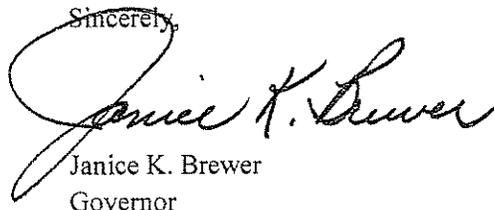
Today I vetoed House Bill 2707 relating to spending limits.

Over the last three years, the Legislature and I have made a series of painful decisions to balance the state budget. Arizona could have largely avoided these steps if an effective spending limit had been in place over the last decade. Understanding this, my budget proposal called for, and I have worked with the Legislature to develop, a spending limit that would protect the State from the effects of future one-time or bubble revenues.

An effective spending limit would eliminate the State's ability to spend one-time or bubble revenues while allowing future Legislatures and Governors to manage normal revenue growth. Spending limits that are too generous, like our current Constitutional limit, ultimately become irrelevant and do not protect the State. Likewise, unreasonable spending limits will be suspended or repealed and become equally irrelevant. Unfortunately, House Bill 2707 uses a mechanism that is too restrictive. We should learn from the State of Colorado that experimented with a similar mechanism, an experiment that failed.

I continue to believe in and support an effective spending limit. I look forward to working with the sponsor and other members to put such a mechanism in place.

Sincerely,



Janice K. Brewer
Governor

cc: The Honorable Russell Pearce
The Honorable Andy Tobin
The Honorable Debbie Lesko
Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service

1700 WEST WASHINGTON STREET, PHOENIX, ARIZONA 85007
602-542-4331 • FAX 602-542-7602



STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

April 29, 2011

EXECUTIVE OFFICE

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

RE: Senate Bill 1041 (Arizona quality jobs incentives)

Dear Secretary Bennett,

Today I reluctantly vetoed Senate Bill 1041. I appreciate the desire to attract businesses to Arizona and have made quality job creation a top priority of my administration. As you know, House Bill 2001, the Arizona Competitiveness Package that I signed into law in February of this year, contained income tax incentives designed to attract quality jobs to Arizona, as well as broad-based income and property tax reforms that will address underlying problems in Arizona's tax system and improve Arizona's standing as a business-friendly state.

Senate Bill 1041 is intended to build upon that success. I applaud the sponsor and proponents of this bill, who represent diverse interests in our state, for their work to create a program focused on returns and to improve Arizona's competitive position.

However, the lack of clarity in the tax policy contained in the bill creates several points of concern: its potential to negatively impact local government revenue streams and other property taxpayers, the potential to favor new businesses over those who've weathered the economic storms with us, the potential that entire properties (not just new expansions) could receive favorable tax treatment and the new bureaucracy associated with this proposal make it impossible to secure my signature at this time.

Certainly, some additional clarity could be added by allowing the newly created Arizona Commerce Authority to exercise its rulemaking powers. However, this could make the Authority the ultimate judge and jury for every local economic development project. While I led the charge to create a cutting-edge state entity dedicated to advancing Arizona's competitive position, it was never intended to be the business kingmaker for our state.

The Honorable Ken Bennett
April 29, 2011
Page Two

Unfortunately, the debate surrounding Senate Bill 1041 has revealed some deep divisions within the business community and within local governments regarding the merits of the property tax reclassification incentives found in this legislation. On the brighter side, there is consensus that taxation of business property remains too big a burden in Arizona and must be reformed. To me, this presents a tremendous opportunity for our state to continue to pursue property tax reform and encourage the business climate we know is possible here in our state.

I look forward to working with the sponsor and proponents to refashion a property tax reform package that makes ---and keeps---our state among the top nationally for attracting and growing business.

Sincerely,

A handwritten signature in black ink that reads "Janice K. Brewer". The signature is written in a cursive style with a large, looping initial "J".

Janice K. Brewer
Governor

cc: The Honorable Russell Pearce
The Honorable Andy Tobin
The Honorable Michele Reagan
Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service



STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

April 28, 2011

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

RE: SB 1088 (health care system; violation)

Dear Secretary Bennett:

Today, I vetoed Senate Bill 1088. This bill directs the Governor to enter into a specific compact with other states on behalf of the State of Arizona. As I have articulated before, by directing the Governor to sign a compact, this legislation violates the separation of powers requirement established by Article 3 of the Arizona Constitution.

I share the sponsor's concern regarding federal intrusion on our citizens' health care decisions, and on states' authority over health care administration. For this reason, I joined 26 other states on behalf of the State of Arizona and successfully challenged the constitutionality of the federal health care legislation in federal court. While the legal theories surrounding the use of interstate compacts to circumvent federal statutory requirements are novel, I continue to believe the multistate lawsuit is the best and most appropriate route to invalidate the requirements of federal health care reform legislation.

For these reasons, I vetoed Senate Bill 1088.

Sincerely,

Janice K. Brewer
Governor

cc: The Honorable Russell Pearce
The Honorable Andy Tobin
The Honorable Sylvia Allen
Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service



STATE OF ARIZONA

April 27, 2011

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

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

RE: Senate Bill 1186 (2011 Tax Corrections Act)

Secretary Bennett,

Today I reluctantly vetoed Senate Bill 1186 (2011 Tax Corrections Act). The bill contains several important technical provisions necessary for the Department of Revenue, the Arizona Commerce Authority, county assessors and taxpayers.

Contrary to historic legislative custom, this important bill was amended to include substantive policy changes. One of these changes included a rushed effort in conference committee to revive a portion of the private school tuition tax credit bill I had vetoed only a week earlier. Ultimately, the bill fails to accomplish the stated intent of being revenue positive.

The bill on my desk undoubtedly stretches the limits of what is appropriate for a tax corrections bill. It now may be necessary to convene a special session to enact the provisions of the underlying bill. I support the expansion of school choice opportunities and look forward to working with the education community and the Legislature to identify avenues to expand school choice while maintaining sound tax policy.

By this veto I hope to inspire a return in the 50th and 51st Legislatures to the traditional and customary understanding that certain bills (e.g., agency continuations, internal revenue code conformity, reviser's technical corrections, named claimants appropriations) are intended for specific purposes and should be held by leadership as off-limits from substantive policy changes.

Sincerely,

Janice K. Brewer
Governor

cc: The Honorable Russell Pearce
The Honorable Kirk Adams
The Honorable Steve Yarbrough
Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service



STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

April 29, 2011

EXECUTIVE OFFICE

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

Re: Senate Bill 1201 (firearms omnibus)

Dear Secretary Bennett:

Today I vetoed Senate Bill 1201. While I have a nearly 30-year record of promoting Second Amendment rights, Senate Bill 1201 has too many loopholes and flaws for me to sign. I will focus on two concerns only in this letter and then discuss how I believe we can move forward to protect and expand Second Amendment rights in Arizona over the next 3½ years.

My first concern is that Senate Bill 1201 establishes an inexplicable, unjustifiable and unacceptable double standard for the regulation of guns in Arizona – one for the Legislature and one for most other public bodies. Senate Bill 1201 gives the Legislature four separate exemptions from the very laws it imposes on other public bodies (see attachment). For example, the Legislature exempted itself from the prohibition on public bodies licensing or registering firearms (page 8, lines 1 through 6). Besides the obvious double standard problem, giving this unbridled authority to future legislatures that may not be Second Amendment-friendly is very dangerous. These exemptions are not needed for the Legislature to amend these laws in the future as some have claimed. The legislative process is set forth in the Arizona State Constitution.

My second concern is that Senate Bill 1201 amends the state regulation of loaded guns on K-12 school grounds in a confusing way for Arizona gun owners. Section 13-3102(G) on page 5 of the bill strikes the word “unloaded” so as to allow for the storage of loaded firearms in locked vehicles on K-12 school grounds. While this practice is allowed under the federal Gun Free School Zone Act for Concealed Carry Weapon (CCW) permit holders due to a separate CCW exemption, non-CCW permit holders would be violating federal law unless they are otherwise exempt. Failing to make the distinction between CCW and non-CCW permit holders in Senate Bill 1201 is very significant because I very proudly signed the historic “Constitutional Carry” law last year allowing Arizona citizens to carry concealed weapons without a CCW permit. Arizona gun owners and K-12 school officials need clarity, not the confusion engendered by Senate Bill 1201, with regard to keeping loaded guns on K-12 school grounds.

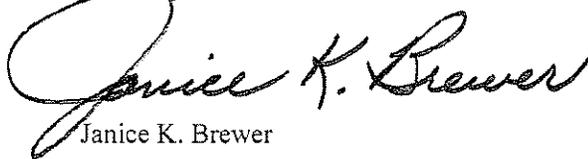
The Honorable Ken Bennett
April 29, 2011
Page Two

More generally, a proponent of Senate Bill 1201 has argued that the laws requiring gun storage systems at public buildings are not being properly enforced. This is not acceptable. I am adamant that current laws affording gun owners the right to store their weapons at public buildings be enforced. For this reason, I asked the Director of the Department of Administration earlier this year to conduct a survey of state buildings to determine compliance with our gun storage laws. Corrective action will be taken at any state building found to be out of compliance. I encourage any and all input from the gun owning community on this issue.

Let me be clear – one of my goals over the next 3½ years is to advance the Second Amendment agenda in Arizona. How can we do that? I believe the CCW permit holder concept in some of these newer situations and the protection of private property rights can play an important role. For example, we used these concepts very successfully in the law expanding Second Amendment rights for firearms in establishments with liquor licenses. In addition, we need to thoughtfully consider sensitive situations where guns may not be appropriate or are regulated by federal law (*e.g.*, our K-12 schools). Future legislation must be written clearly to avoid making Arizona gun owners lawbreakers by accident. To this end, I believe we should avoid omnibus bills involving multiple subjects relating to the Second Amendment. Most importantly, we need to work together from the very beginning and include varied stakeholders.

In conclusion, while I appreciate the efforts of the proponents to improve this bill since its introduction by reducing the number of exemptions, there is still much work needed to clear up where guns are and are not allowed. To this end, I am committed to working over the interim with all interested parties so that we can produce a clear and pragmatic solution to expand the application of our Second Amendment rights in Arizona.

Sincerely,



Janice K. Brewer
Governor

Cc: The Honorable Russell Pearce
The Honorable Andy Tobin
The Honorable Ron Gould
Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service

Legislative Exemptions in Senate Bill 1201 (firearms omnibus)
(reference to House engrossed version)

Page 7, line 38

A. Except as provided in subsection E of this section **AND EXCEPT FOR THE LEGISLATURE**, a THIS STATE AND ANY AGENCY OR political subdivision of this state shall not enact any ordinance, rule or tax relating to the transportation, possession, carrying, sale, transfer, purchase, acquisition, gift, devise, storage, licensing, registration, discharge or use of firearms or ammunition or any firearm or ammunition components or related accessories in this state.

Page 8, Line 1

B. ~~A-~~ **EXCEPT FOR THE LEGISLATURE**, THIS STATE AND ANY AGENCY OR political subdivision of this state shall not require the licensing or registration of firearms or ammunition or any firearm or ammunition components or related accessories or prohibit the ownership, purchase, sale or transfer of firearms or ammunition or any firearm or ammunition components, or related accessories.

Page 8, line 26

D. ~~A~~ **EXCEPT FOR THE LEGISLATURE**, THIS STATE AND ANY AGENCY OR political subdivision of this state shall not enact any rule or ordinance that relates to firearms and is more prohibitive than or that has a penalty that is greater than any state law penalty. A ~~political subdivision's~~ rule or ordinance that relates to firearms and that is inconsistent with or more restrictive than state law, whether enacted before or after ~~the effective date of the amendment to this section~~ JULY 29, 2010, is null and void.

Page 9, line 21

3. The regulation of land and structures, including a business relating to firearms or ammunition or their components or a shooting range in the same manner as other commercial businesses. Notwithstanding any other law **AND EXCEPT FOR THE LEGISLATURE**, this paragraph does not authorize a THIS STATE OR ANY AGENCY OR political subdivision OF THIS STATE to regulate the sale or transfer of firearms on property it owns, leases, operates or controls in a manner that is different than or inconsistent with state law. For the purposes of this paragraph, a use permit or other contract that provides for the use of property owned, leased, operated or controlled by a THIS STATE OR ANY AGENCY OR political subdivision OF THIS STATE shall not be considered a sale, conveyance or disposition of property.



STATE OF ARIZONA

April 11, 2011

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

The Honorable Russell Pearce
President
Arizona State Senate
1700 W. Washington
Phoenix, Arizona 85007

RE: Senate Bill 1288 (religion; free exercise; professionals; appointments)

Dear President Pearce,

Today I vetoed Senate Bill 1288. This was a very difficult decision because I am very supportive of increasing the free exercise of religion in Arizona. For example, last year I signed into law House Bill 2596, which prohibited local governments from implementing land use regulations in a manner that imposes an unreasonable burden on a person's free exercise of religion. However, I am concerned that part of Senate Bill 1288 may lead to unanticipated and unintended consequences.

The bill has three different provisions. I am supportive of efforts to prevent a person from having to affirm a statement that is contrary to the person's religious beliefs. I also agree that the government should not restrict an appointment based on the person's religious beliefs or exercise of religion. However, I believe there needs to be further research and debate on the third provision -- that a person's exercise of religion is not unprofessional conduct and prohibits the State from denying, suspending or revoking a professional or occupational license, certificate or registration based on a person's exercise of religion. This provision is very broad and could provide a mechanism for misuse even with the exemptions for criminal conduct or sexual misconduct in the bill. This bill could protect conduct that harms the public but cannot be readily addressed if a person claims that the conduct is based on religious beliefs.

I understand that there has not been a case to date in Arizona where a person's license has been suspended or revoked based on his or her exercise of religion. Given the prospective nature of this issue, I believe it is wiser to come back during the next legislative session after all the possible consequences of this legislation are explored and addressed. The sponsor and supporters of the bill will have my full cooperation and participation in that effort.

Sincerely,

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

cc: The Honorable Kirk Adams
The Honorable Steve Yarbrough
The Honorable Ken Bennett



STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

April 29, 2011

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

RE: Senate Bill 1316 (PSPRS; trustees; employment agreements)

Dear Secretary Bennett:

Today I vetoed Senate Bill 1316 because it would weaken statutory prohibitions against the State of Arizona doing business with companies with scrutinized business operations in Sudan or Iran.

Arizona statute provides that contracts entered into by the State of Arizona or its political subdivision for the "procurement of goods or services" require the contractor to certify that it does not have scrutinized business operations in Iran or Sudan (A.R.S. §§ 35-391.06 & 35-393.06). Senate Bill 1316 effectively exempts certain investment activities by the Public Safety Personnel Retirement System Board from these prohibitions by providing that "loans, guarantees, investment management agreements, and investment contracts entered into by the board do involve the procurement . . . of goods . . . or services but are instead contracts memorializing obligations or interest in securities." (Page 9, lines 16-19)

I do not support weakening the prohibition against the State of Arizona doing business with companies with scrutinized business operations in Sudan or Iran. I have spoken with the bill sponsor and this was not his intention, nor do I believe it was the intention of the Senate or the House of Representatives based on my review of the record.

Sincerely,

Janice K. Brewer
Governor

cc: The Honorable Russell Pearce
The Honorable Andy Tobin
The Honorable Steve Yarbrough
Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service



STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

April 28, 2011

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

RE: Senate Bill 1322 (managed competition; city services)

Dear Secretary Bennett,

Today I vetoed Senate Bill 1322. This bill requires the cities of Phoenix and Tucson to provide all municipal services with a cost greater than \$500,000 through an open bid contract.

I am a strong proponent of privatization and responsible stewardship in government and have a strong track record in this regard. As Governor, privatization is a key element in my Four Cornerstones of Reform. Under that plan, I have established the Arizona Commerce Authority and its private-sector leadership board as a highly privatized and highly accountable model for the delivery of statewide economic development services. Likewise, I created the Commission on Privatization and Efficiency to identify state services and agencies whose functions can be eliminated, consolidated, streamlined or outsourced to achieve greater operational efficiency in meeting the needs of our citizens.

Unfortunately, Senate Bill 1322, which started with a similar spirit of enhanced privatization and innovation, is riddled with shortcomings including the omission of vital definitions and the parameters by which anticipated cost is to be determined. The language also has potential for jeopardizing the tax exempt bond status of public buildings. Furthermore, local taxpayers expect careful oversight and accountability of justice and public safety functions such as court administration and crime lab staff. These are just a few examples of what would be privatized under this bill. City councils currently have the ability to outsource, and they do that when they determine it is in the best interest of the taxpayer.

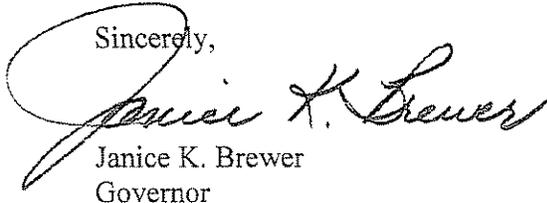
While I can agree that all levels of government must continue to find ways to cut costs, I am becoming increasingly concerned that many bills introduced this session micromanage decisions best made at the local level. What happened to the conservative belief that the most effective, responsible and responsive government is government closest to the people? The citizens of Phoenix and Tucson formed their government and adopted a charter to guide it. This legislation erodes the ability of voters

The Honorable Ken Bennett
April 28, 2011
Page Two

to receive services from the government they themselves formed with a responsiveness and accountability from the officials they themselves elected at the local level.

These shortcomings will surely result in unintended consequences to the taxpayer that this very bill declares to be protecting.

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 Russell Pearce
The Honorable Andy Tobin
The Honorable Frank Antenori
Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service



STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

April 29, 2011

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

RE: Senate Bill 1329 (public employees; lobbying; political activities)

Dear Secretary Bennett:

Today I vetoed Senate Bill 1329. I strongly support the principle that while performing the work of the people, public employees should not use public resources for political activities or lobbying. However, state law already addresses this issue. Senate Bill 1329, threatened to muddy the waters significantly – especially because it does not define “public employee” or “political activity.” For instance, legislators are not clearly excluded from these limits. Would this bill prevent legislators from speaking to a community group assembled for lunch on the capitol lawn, or from talking to other members to encourage support of their bills?

I look forward to working with the Legislature in the future to more effectively eliminate potential abuses of public resources in political activities.

Sincerely,

Janice K. Brewer
Governor

Cc: The Honorable Russell Pearce
The Honorable Andy Tobin
The Honorable Frank Antenori
Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service



STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

April 29, 2011

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

RE: Senate Bill 1331 (polling places; political parties; organization)

Dear Secretary Bennett:

Today I vetoed Senate Bill 1331 relating to the organization of political parties.

The bill places several restrictions on the role of precinct committeemen by limiting the period of time when a vacant precinct committeeman position can be filled, stipulating the start and end dates of the term of office and specifying voting eligibility in a county committee. I am concerned that these provisions inappropriately interfere with internal party operations.

Sincerely,

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

cc: The Honorable Russell Pearce
The Honorable Andy Tobin
The Honorable Frank Antenori
Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service



STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

April 29, 2011

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

RE: Senate Bill 1379 (consumer fireworks; regulation)

Secretary Bennett,

Today I vetoed Senate Bill 1379. I signed the enabling legislation last year to allow for the sale and use of fireworks (Laws 2010, Second Regular Session, Chapter 286), because it provided local governments the authority to decide for themselves whether or not to allow for the use of fireworks within their jurisdiction. The local control element is appropriate because of the varied nature of Arizona's landscape. I support the ability for each city and county to assess its own unique circumstances and make the appropriate decision at the local level.

Sincerely,

Janice K. Brewer
Governor

cc: The Honorable Russell Pearce
The Honorable Andy Tobin
The Honorable Frank Antenori
Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service



STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

April 29, 2011

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

RE: SB 1386 (WICHE student loans; repayment)

Dear Secretary Bennett:

Today I vetoed SB 1386 relating to Western Interstate Commission for Higher Education Grants.

While I support the requirement that graduates who fail to meet their contract obligations repay the full amount of state support, I cannot support extending the repayment period to 25 years. Other states in the compact have much shorter repayment periods and may even include fiscal penalties for non-payment.

Sincerely,

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

Janice K. Brewer
Governor

cc: The Honorable Russell Pearce
The Honorable Andy Tobin
The Honorable Paula Aboud
Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service



STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

April 18, 2011

The Honorable Russell Pearce
President
Arizona State Senate
1700 West Washington Street
Phoenix, Arizona 85007

Re: Senate Bill 1467 (educational institution; concealed weapons)

Dear President Pearce:

Today I vetoed Senate Bill 1467 because it is so poorly written. Bills impacting our Second Amendment rights have to be crystal clear so that gun owners don't become lawbreakers by accident. Two examples of this lack of clarity in the bill are: (1) the failure to define the key phrase "public right-of-way" where weapons can be carried, and (2) the inclusion of K-12 schools where federal and state laws generally prohibit weapons on K-12 school grounds.

First, Senate Bill 1467 would prohibit educational institutions from banning weapons on a "public right-of-way." However, legislators inexplicably decided not to define "public right-of-way" in the bill. There are four differing definitions currently found in Arizona statutes but none apply to this bill. What is really puzzling is that this error was pointed-out during the legislative process. One proponent of the bill stated that a court will have to be the final arbiter in deciding what constitutes a "public right-of-way." We don't need the courts to write our gun laws. That is the job of the Legislature.

Second, the bill is widely advertised as applying to only universities and community colleges. However, the bill clearly applies to an "educational institution," which includes our K-12 schools. The bill also expressly provides that it supersedes A.R.S. § 15-341, which allows a K-12 school district to adopt and enforce policies and procedures to prohibit a person from carrying or possessing a weapon on school grounds. Although both state and federal law will continue to generally prohibit weapons on K-12 school grounds, Senate Bill 1467 confuses the

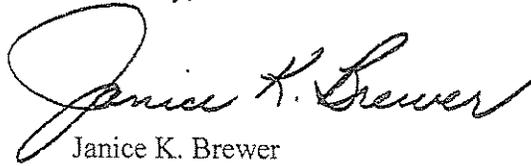
The Honorable Russell Pearce
April 18, 2011
Page Two

issue by expressly prohibiting K-12 governing boards from making rules to enforce these prohibitions in public rights-of-way at K-12 schools.

Also, I believe that key concepts in the bill were lost during the legislative process. For example, I believe that the concealed carry weapon (CCW) permit holder concept in the original bill should be considered in any future campus carry legislation.

In conclusion, while I support the thoughtful expansion of where firearms should be allowed, the actual legislation that does so must be both unambiguous and clear to protect the Second Amendment rights of lawful gun owners. Senate Bill 1467 is neither.

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 Kirk Adams
The Honorable Ron Gould



STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

April 29, 2011

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

RE: SB 1497 (joint powers exercise; separate entities)

Dear Secretary Bennett:

Today I vetoed SB 1497 which would allow the Board of Regents to create a separate legal entity.

Expanding the reach of higher education to rural areas is critical to the long-term economic and social development of Arizona. I fully support creative and innovative efforts that advance our state goals in this area. However, it is unclear how SB 1497 moves Arizona down that path. My review of this bill suggests that the language is not necessary for the associated project. Because of the potential unintended consequences of providing broad authority for no clear purpose, I have vetoed the bill. I do not believe this will delay the advancement of the Payson project and if additional legislation is needed, I am willing to work with the community to develop and thoroughly vet any such legislation.

Sincerely,

A handwritten signature in black ink that reads "Janice K. Brewer". The signature is written in a cursive style with a large, looping initial "J".

Janice K. Brewer
Governor

cc: The Honorable Russell Pearce
The Honorable Andy Tobin
The Honorable Sylvia Allen
Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service



STATE OF ARIZONA

April 13, 2011

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

The Honorable Russell Pearce
President
Arizona State Senate
1700 West Washington Street
Phoenix, Arizona 85007

Re: Senate Bill 1552 (corporate tax allocation; sales factor)

Dear President Pearce:

Today I vetoed Senate Bill 1552. While we need to reform the application of our state corporate income tax for sales of services and other intangible products, one of my chief concerns with Senate Bill 1552 is the quick timetable for implementing this goal. The bill takes effect for corporate income earned after December 31 of this year. The Arizona Department of Revenue estimates the bill would reduce corporate tax liabilities to the State by approximately \$33 million annually. Given our current fiscal condition, we cannot afford this accelerated implementation schedule.

My concern about the immediate implementation of structural tax cuts for business is well-known. In January, I stated in my policy agenda (The Four Cornerstones of Reform) that "we need to phase-in reforms to our tax structure" and went on to caution that in reforming our tax structure we need to pay "careful attention to these reforms' immediate impacts on the General Fund." The principle of phasing-in structural tax reforms to avoid immediate impacts of these reforms to the State General Fund is based on the premise that our employers need a fiscally stable environment in which to create jobs. For example, I believe that employer uncertainty about the inevitable resolution of the federal budget deficit is holding back job creation. In addition to this need for state fiscal stability, we must use the Proposition 100 sales tax monies for education, public safety and our most needy and not structural tax reform.

Earlier this year, we passed the historic Arizona Economic Competitiveness Package that enacted important structural tax reforms that were both phased-in and paid careful attention to immediate impacts on the State General Fund. These phased-in tax cuts (starting in 2014)

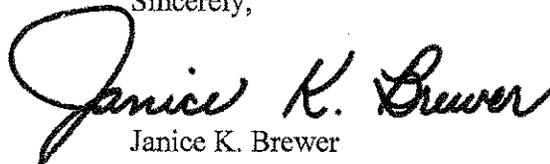
The Honorable Russell Pearce
April 13, 2011
Page Two

included reducing the corporate income tax rate to just below 5%, reducing business property taxes which discourage capital investment, and increasing from 80% to 100% the sales factor in calculating corporate income taxes on the sales of goods. In contrast, Senate Bill 1552 cuts corporate income taxes on services and other intangible products immediately at the end of this year. I don't believe it is fair to allow one industry to "jump the line" in front of other industries in seeking this specific structural tax reform in Senate Bill 1552.

Any statements that the Department of Revenue won't address legitimate issues of double or multiple taxation on out-of-state sales are simply not true. The Department has historically been willing to work with corporations in Arizona to address these types of issues. In addition, my office has been involved in multiple meetings on these same issues.

Arizona's tax code needs to be more competitive with other states for the ever-growing internet-related and on-line educational industries. I look forward to continuing discussions with the backers of Senate Bill 1552 on how and when to implement structural tax reform in this area with an eye to introducing a consensus bill in the next legislative session.

Sincerely,

A handwritten signature in black ink that reads "Janice K. Brewer". The signature is written in a cursive, flowing style.

Janice K. Brewer
Governor

cc: The Honorable Kirk Adams
The Honorable Rick Murphy



STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

April 26, 2011

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

Dear Secretary Bennett:

Today I vetoed Senate Bill 1561 relating to legislative appropriation of federal funds.

The disposition of federal funds is traditionally and constitutionally held by the Executive Branch. Any limitation or changes in that authority should be considered within the overall balance of power between the three branches of government. Therefore I have vetoed this bill.

Sincerely,

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

Janice K. Brewer
Governor

cc: The Honorable Rick Murphy
Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service



STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

April 18, 2011

The Honorable Russell Pearce
Senate President
1700 W. Washington Street
Phoenix, AZ 85007

RE: Senate Bill 1592 (health care compact; funding)

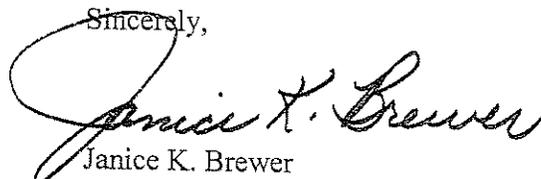
Dear Senator Pearce:

Today I have vetoed Senate Bill 1592. This bill directs the Governor to enter into a specific compact with other states on behalf of the State of Arizona. By *directing* the Governor to sign a compact, Senate Bill 1592 violates the separation of powers requirement established by Article 3 of the Arizona Constitution.

I am also concerned with the structure of the compact, which would result in additional fiscal challenges for our health care system. I share your goals of state autonomy and control over personal health care decisions. As you know, I have been working closely with Secretary Sebelius on my Medicaid reform plan, which will allow Arizona greater flexibility and control over the state-federal Medicaid partnership. However, I believe it is important to ensure our citizens, especially our seniors, are not penalized simply by the state assuming that control.

I continue to support efforts toward a better partnership with the federal government, and state authority over important health care programs, and I look forward to working with you on reforms to that end that protect our citizens and improve our health care system.

Sincerely,


Janice K. Brewer
Governor

cc: The Honorable Kirk Adams
The Honorable Nancy Barto



STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

April 28, 2011

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

RE: Senate Bill 1593 (health insurance; interstate purchase)

Dear Secretary Bennett:

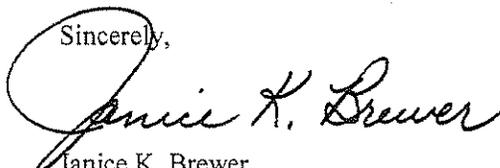
Today I vetoed Senate Bill 1593. I have long been a strong advocate for injecting more choice and competition into our health insurance market, and I applaud the sponsor's efforts toward that end. I share the Legislature's concerns about the impacts of mandates on the affordability of health insurance -- for these reasons I have joined in litigation with many of my fellow Governors to stop the federal government's intrusion into private health insurance. Arizona, not the federal government or legislatures in other states, should determine what coverage requirements are right for Arizonans.

Over the years, the Legislature has carefully weighed the priorities of Arizonans when determining what should be included in a standard health benefits package. The same level of public scrutiny should be applied whenever the Legislature attempts to remove a mandate. Senate Bill 1593 includes a provision that would, under certain conditions, change Arizona's benefit requirements based on legislative decisions in other states. This change was added on the floor and not subject to the typical public input that such major policy decisions should receive.

I am also concerned about risks to our citizens who may be subject to other states' regulatory procedures that could leave them with little recourse in the event of mistreatment. Senate Bill 1593 limits the jurisdiction of the Arizona Department of Insurance over out-of-state companies, potentially putting Arizona policyholders at risk. Arizonans should not have to litigate against an insurer when the State has an existing process by which insurance disputes can be resolved.

I continue to support a vigorous and competitive private health insurance market and look forward to working with the legislature on reforms to that end.

Sincerely,


Janice K. Brewer
Governor

cc: The Honorable Russell Pearce
The Honorable Andy Tobin
The Honorable Nancy Barto
Senate Secretary
Chief Clerk of the House of Representatives

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