

NEW LAWS

Enacted by the 2004 Arizona Legislature



June 18, 2004

New Laws Report

Every year the Arizona State Legislature passes hundreds of bills and sends them to the Governor. If a bill is not vetoed by the Governor, the bill is enacted into law. The League of Arizona Cities and Towns reviews all of the new laws passed during the legislative session and checks each law for potential impact to municipalities. The laws identified as having a potential impact to local governments are summarized and compiled into an annual publication, the *New Laws Report*.

This report is designed to assist municipal officials and staff with the myriad new laws enacted each year by providing a brief summary of each law, as well as any other information specified in the bill. Although every attempt is made to ensure the accuracy of the summaries, we suggest a review of the full law before enforcement or implementation.

Obtaining copies of new laws

To obtain a copy of a new law, please visit the state's legislative website at <http://www.azleg.state.az.us>. Click on the link on the left side of the page titled "Session Laws." The laws can be accessed by chapter number or bill number (both numbers are included in each summary) or you can search for a new law by key phrase. Or, please feel free to call the League if you would like a copy of a new law.

General effective date

The general effective date for bills is 90 days after the Legislature adjourns. This year's general effective date is **August 25, 2004**. Some new laws include an emergency clause, which means the law becomes effective when the Governor signs the bill. Bills can also specify a special effective date, which can be later or earlier than the general effective date. The summaries indicate the effective date when a bill contains an emergency clause or other special effective date.

As always, please call the League if you have any questions about the information contained in this report, or if you would like to obtain a copy of a law.



GENERAL

Eminent Domain; Attorney Fees; Appraisals. Provides additional condemnation benefits to owner-occupants exempting condemnation actions for public safety, transportation, flood control and utility purposes. Allows an owner-occupant to obtain a second appraisal in a proposed condemnation action at the expense of the condemning agency. Requires the condemning agency to provide all appraisals it has obtained. Requires relocation benefits in an amount that would allow for a comparable replacement dwelling. Allows the courts to award attorney fees to any party other than the condemning agency. Amends Title 12, Courts and Civil Proceedings. H. 2539. Chapter 239.

Eminent Domain; Condemnation; Leasehold Interest. Allows a leasehold interest in a building to be taken by condemnation only if the underlying property is taken. States that the plaintiff is required to notify the lessees of record of the condemnation proceeding and that the notice requirement does not obligate the plaintiff to offer to purchase the leasehold interest. Requires both parties in a condemnation proceeding to pay their own expenses if the proceeding is dismissed because parties have agreed to settle out of court unless otherwise specified in a settlement agreement. Amends Title 12, Courts and Civil Proceedings. S. 1197. Chapter 250.

Arson; Emergency Responses; Investigations; Costs. Allows the court to assess and collect from a convicted arsonist the expenses associated with the emergency and investigation costs of an arson fire. Requires the court to state the amount of the expenses as a separate item in a judgment. States that the expenses are the debt of the person and that they may be collected by the public agency, for-profit entity or nonprofit entity that incurred the expenses. States that the new liability in this act is in addition to any other liability that may be imposed. Stipulates that if a person is married, only the separate property of the convicted spouse is subject to the liability imposed under this act. Stipulates that there is no duty for a policy of liability insurance to defend or indemnify any person found liable for any costs associated with the emergency response or investigation. Amends Title 13, Criminal Code. S. 1242. Chapter 103.

Healthy Forests; Tax Credits. Authorizes counties and reasserts the authority of municipalities to adopt urban-wildland interface codes and establishes public process requirements to adopt such codes. Expands the responsibilities of the State Forester in the areas of financial assistance, fire prevention, public education, forest management and the identification of potential pilot programs to promote forest health. Authorizes the Department of Commerce to certify forest-related businesses for sales and income tax incentives for activities related to clearing biomass and reducing the fire risk to Arizona's forests. Establishes application procedures, eligibility requirements, and the level of tax benefits that can be awarded. Establishes a State Urban-Wildland Fire Safety Committee. Requires the Department of Administration to develop a program to enter into contracts to purchase electricity from entities that generate power from biomass resources. Effective date: June 3, 2004. Amends Title 9, Cities and Towns; Title 11, Counties; Title 41, State Government; Title 42, Taxation and Title 43, Taxation of Income. H. 2549. Chapter 326.

Property Exchanges; Municipalities. Allows flood control districts to sell property to a political subdivision without being subject to the public bidding process. Stipulates that when a flood control district sells property to a political subdivision and the subdivision subsequently sells it for a higher price, the flood control district shall be reimbursed the price difference. Amends Title 48, Special Taxing Districts. H. 2062. Chapter 197.

Local Fire Protection; Payment. Requires a county with more than 1.5 million people (Maricopa County) to contract with a municipality for fire protection and emergency services for county islands by July 1, 2005. Requires a municipality, that contracts to provide fire protection and emergency services in a county island where a private provider already has facilities and provides service, to enter into a mutual aid agreement with the private provider to outline the roles and relationships between the two entities. Stipulates that the agreement with the private provider must be completed before the city or town begins providing service to the county island, except an agreement is not needed if the private provider will be ceasing service within 180 days after the city or town begins providing service in the county island. Allows a county board of supervisors to charge property owners in a county island to cover the cost of the fire and emergency services. Defines "county island." Amends Title 9, Cities and Towns and Title 11, Counties. H. 2056. Chapter 178.

Licensed Liquor Premises; Closing Time. Allows liquor to be sold throughout Arizona until 2:00 a.m. rather than 1:00 a.m. and allows on premise consumption until 2:30 a.m. rather than 1:15 a.m. Amends Title 4, Alcoholic Beverages. H. 2570. Chapter 77.

Board of Massage Therapists. Authorizes the Board of Massage Therapy to recognize, rather than approve, Arizona massage therapy schools that are accredited or a candidate for accreditation by an agency recognized by the U.S. Department of Education. Requires the Board to recognize, rather than approve, out-of-state schools that are either accredited by an agency similar to the Arizona State Board of Private Postsecondary Education or accredited to offer massage therapy education by an agency recognized by the U.S. Department of Education. Extends the deadline for massage therapists to be licensed by the Board to January 1, 2005 and exempts the Board from issuing licenses retroactively to July 1, 2004. Extends the deadline for the Board to issue provisional licenses to applicants to July 1, 2005. Authorizes applicants for a provisional license to satisfy the 200-hour continuing education requirement by attending a massage or body work training program offered by a community college in Arizona. Effective date: July 1, 2004. Amends Title 32, Professions and Occupations. S. 1087. Chapter 99.

Emergency Assistance; Vulnerable Adults. Exempts Department of Health Services certified emergency medical technicians, intermediate emergency medical technicians and paramedics from civil liabilities and criminal penalties when rendering aid to or from civil actions brought forth by an incapacitated or vulnerable adult or by another authorized person, organization or governmental entity. Amends Title 9, Cities and Towns. H. 2195. Chapter 115.

Regulatory Reform; Amendments. Establishes an 18-member Regulatory Reform and Enforcement Study Committee that is charged with looking into all issues of regulatory reform including issues concerning political subdivisions. Includes, as a member of the committee, an elected city or town official who is appointed by the Senate President. Requires a report by December 15, 2004. Amends Title 41, State Government. H. 2009. Chapter 288.

Special Plates; Spaying; Neutering; Animals. Establishes a seven-member Companion Animal Spay and Neuter Committee, appointed by the Governor, that will allocate funds received from special plates and donations to entities around the state that seek to reduce the pet overpopulation through sterilization. Allows the Committee to partner with other governmental agencies to disseminate information regarding these funds and to furnish assistance in applying for available funds. Requires the Arizona Department of Transportation (ADOT) to issue spaying and neutering of animals special license plates if a non-profit corporation with a mission to provide for the welfare and protection of animals pays \$32,000 to ADOT for implementation costs by June 30, 2005. Specifies that \$8 of the \$25 special plate fee is an administration fee and \$17 is an annual donation to the Fund. Amends Title 28, Transportation and Title 41, State Government. H. 2323. Chapter 319.

Power Entities; Confidentiality. Prohibits public power entities (any municipal corporation, city, town or other political subdivision that is organized under state law that generates, transmits, distributes or otherwise provides electricity and that is not a public service corporation) from releasing customer-specific information without specific prior written customer authorization unless the information is reasonably required for legitimate account collection or credit analysis activities, or aids in providing safe and reliable service to the customer. Effective date: April 19, 2004. Amends Title 30, Power. H. 2132. Chapter 110.

Recreational Corridors; Districts. Authorizes the formation of recreational corridor channelization districts as special taxing districts after June 30, 2005. The district formation process is established including a petition signature requirement of the property owners of more than 25% of the real property within a proposed district. The approval of all cities and towns with jurisdiction within a proposed district is also required before the creation of a district. Requires the completion of a district concept report including a watercourse master plan, a finance plan, a land use plan and a governance plan. Authorizes the district to levy special assessments on properties within the district and to issue bonds to finance the projects. Amends Title 45, Waters and Title 48, Special Taxing Districts. H. 2355. Chapter 321.

Tourism And Sports; Spring Training. Stipulates that monies in the Cactus League Promotional Account may be used to either attract major league baseball spring training operations to the state or to retain current state major league baseball spring training operations. Prohibits monies in the Cactus League Promotional Account from being used to facilitate the relocation of a major league baseball spring training operation unless another major league baseball team has made contractual commitments assuring the relocation of its spring training operations from outside this state to the vacated facility or a team from a shared facility in this state replaces the vacated team. Amends Title 5, Amusements and Sports. S. 1264. Chapter 334.

Landlord Registration; Tenant Notice. Requires a tenant who chooses to terminate their lease by citing the landlord's failure to comply with residential rental property information requirements to provide to their landlord a written ten-day notice requesting the landlord to comply. Stipulates that the notice be delivered by certified mail, return receipt requested or by hand delivery. Allows the tenant to terminate the rental agreement if the landlord fails to comply with the reporting requirements within ten days of receiving the notice to do so. Specifies that this action is allowed on future as well as current leases and that the landlord is in compliance only if the landlord has filed the required information with the county assessor. Amends Title 33, Property. S. 1234. Chapter 183.

Jury Duty; Lengthy Trial Fund. Allows an unemployed juror to receive compensation of up to \$40 per day after 10 days of jury service. Stipulates that unemployed jurors are eligible to be paid \$40 per day even if they receive income from other sources. Allows postponements for persons who have not previously had two postponements. Gives the jury commissioner authority to determine the time period for a postponement. Effective date: April 23, 2004. Amends Title 21, Juries. H. 2609. Chapter 153.

Shooting Range Preservation. Requires a city with a population over one million (Phoenix) to include protections in the city's general plan against encroaching development for a shooting range owned by the state and located within or adjacent to the city's boundaries. Requires the city's general plan to establish categories of land use within one-half mile of the shooting range that are consistent with the range and that exclude incompatible uses. Adds notification and disclosure requirements for Phoenix regarding real property within one-half mile of the shooting range. Prohibits the Game and Fish Commission from closing a shooting range unless specific events occur, including the Governor approving the range's closure in an executive order. Provides a definition of "shooting range." Amends Title 9, Cities and Towns and Title 17, Game and Fish. H. 2158. Chapter 112.

Driver Licenses; Source of Identification. Specifies that the State Division of Motor Vehicles shall not accept a driver's license from another state for application of an Arizona driver license or identification card if the license is issued by a state that does not require licensed drivers to be legally present in the United States. Amends Title 28, Transportation. S. 1232. Chapter 343.

MILITARY FACILITIES

Military Airport Planning; Appropriation. Requires a city, town or county, by December 31, 2005, with land in a high noise or accident potential zone of a military airport or ancillary military facility to identify the boundaries of the high noise or accident potential zone in its general plan for the purpose of compatible land use planning. Requires a municipality, county or political subdivision with property in a high noise or accident potential zone of a military airport or ancillary military facility to send notice to the Attorney General (AG) of the approval, adoption or readoption of the general plan or a major amendment to the general plan within three days. Requires the AG to review the general plan or amendment and determine land use compliance within 25 days after receiving notice from the municipality. States that if a municipality sends notice to the AG within three days and does not receive a notice back from the AG within 25 days, then the action is deemed to comply with statute. Requires the municipality to reconsider its actions within 30 days of receiving the AG's noncompliance notice and permits the AG to institute a civil action within 30 days. Allows counties to enter into intergovernmental agreements and transfer development rights in order to facilitate compatible land use development in a high noise or accident potential zone. Repeals the requirement for political subdivisions with property in a high noise or accident potential zone of a military airport or ancillary military facility to send an annual compliance report to the AG and for the AG to send written notice of failure to comply. States that land use compliance for Davis-Monthan Air Force Base in Pima County must be determined in accordance with the Joint Land Use Study completed in February 2004.

Establishes the Military Installation Fund and appropriates \$4.825 million annually from the State General Fund to the Military Installation Fund. Requires the Department of Commerce and the Military Affairs Commission to establish rules of procedure for receiving and evaluating grants. Directs 80% of the funds to be awarded to acquire land for military installation preservation, including 20% to be awarded to cities, towns and counties to acquire land for military installation preservation. Allows the remaining 20% to be awarded to municipalities and counties for military installation preservation and enhancement projects.

Establishes the 15-member Military Affairs Commission and stipulates membership and appointment processes. Requires the Commission to develop criteria, review applications and make recommendations on grants to be awarded from the Military Installation Fund. States that for the purpose of acquisition of property by any Federal, State or political subdivision agency, in determining fair market value of property located in a high noise or accident potential zone or the development rights to the appurtenant property, the zoning shall be considered to be at least one residential dwelling per acre if the property is not in a development plan. Adds definitions for ancillary military facilities for Luke Air Force Base and Yuma Marine Corps Air Station. Defines "major amendment" to a general plan. Requires the State Land Department to prepare a map of each ancillary military facility, the territory in the vicinity of the ancillary military facility and the high noise and accident potential zones. Mandates the State Land Department to provide each map and a legal description to the appropriate county and to make the map available to the public in printed or electronic form at both the State Land and the State Real Estate departments. Amends Title 9, Cities and Towns; Title 11, Counties; Title 28, Transportation; Title 37, Public Lands and Title 41, State Government. H. 2140. Chapter 235.

Military Airports; Development; Planning; Zoning. Defines “ancillary military facility” as Luke Air Force Base Auxiliary Airfield #1 (Aux 1) and provides a definition for the accident potential zones, clear zones, high noise zones and territory in the vicinity of Aux 1. Includes Aux 1 in the current requirements relating to land near military facilities for municipal and county planning and zoning, school construction and sound attenuation standards. Adds Aux 1 to the current military facility preservation statutes, including the authorization for political subdivisions to acquire land to preserve Aux 1, the list of approved uses for land near military facilities, the compliance check by the Attorney General’s Office and the disclosure regarding land near Aux 1. Requires the State Land Department to make the Luke Air Force Auxiliary Airfield #1 map available to the public and provide the map to the Arizona Department of Real Estate and to Maricopa County. Permits Aux 1 to determine if a development plan is compatible and consistent with the high noise or accident potential zone of the military airport or ancillary military facility for plans submitted before December 31, 2004. Prohibits a political subdivision from permitting or approving a division of land zoned for residential use that is in a high noise or accident potential zone if the division would result in the land area of a lot, parcel or fractional interest being four acres or less. Grandfathers development plans adopted before December 31, 2004 from the land use restrictions for land near Aux 1 and properties that are in escrow before January 1, 2005 or are subject to a pending zoning application filed before January 1, 2005. Amends Title 9, Cities and Towns; Title 11, Counties; Title 15, Education; Title 28, Transportation; Title 32, Professions and Occupations and Title 37, Public Lands. H. 2141. Chapter 111.

Military Airports; Military Training Routes. Requires the State Land Department to prepare a military training route map using the most current Department of Defense information on military training routes. Requires the map to be submitted to counties and to be made available to the public. Mandates the State Real Estate Department to record information regarding military training routes in each county recorder’s office with the purpose of disclosing land under military training routes. Requires the State Real Estate Department documents to be prepared by the Attorney General and to include a legal description of the military training routes. States that the information must be posted on the State Real Estate Department’s website. Requires the State Land Department map and State Real Estate Department information to be updated upon notification that a military training route has changed. The public reports regarding lands underneath military training routes shall include a disclaimer that the subdivider has no control over the military training routes or the timing or frequency of flights and associated levels of noise. Exempts public reports issued on or before December 31, 2004 from the military training route disclosure requirement. Specifies that a subdivider is not liable to any person or governmental entity for any act or failure to act in connection with the disclosure of a military training route if the public report complies with the military training route disclosure requirement. Contains a legislative intent statement regarding the importance of military training routes to the state’s economy and national security. Defines “military training route.” Amends Title 28, Transportation; Title 32, Professions and Occupations and Title 37, Public Lands. H. 2662. Chapter 168.

Natural Gas Storage Facilities; Restrictions. Prohibits a natural gas storage facility from locating in a county with more than 1.5 million people (Maricopa County) if the facility will be located within nine miles of an active duty military air force base (Luke Air Force Base) where the primary mission is pilot training. States that the natural gas storage prohibition does not apply to a political subdivision that has adopted an ordinance or measure restricting natural gas storage facilities that are at least as stringent as the restrictions of this measure. Defines “natural gas storage facility.” Contains a legislative findings section stating that the Legislature declares that the natural gas storage facility restrictions are needed to preserve Luke Air Force Base. Effective date: April 23, 2004. Amends Title 49, Environment. H. 2134. Chapter 137.

FINANCE

Social Security Numbers; Government Use. Prohibits all agencies, except the Department of Revenue and any law enforcement agency, from using an individual's social security number (SSN) in full. Allows state, county, city, town and political subdivision agencies to use the last four numbers of an individual's SSN. Prohibits government agencies from transmitting material that contains both an individual's SSN and bank, savings and loan association or credit union account numbers, except in the application, amendment, termination or confirmation of the account or SSN. Amends Title 44, Trade and Commerce. H. 2382. Chapter 139.

Taxpayer Bill of Rights; Amnesty. Limits the length of a tax audit conducted by the Arizona Department of Revenue (ADOR) or a joint audit between ADOR and a city or town to two years from the date of the initial audit contact. Applies to audits beginning on or after January 1, 2004. Lists the audits that are exempted from the two-year time limit. Defines "initial audit contact" and "affected class." Requires ADOR to provide the taxpayer with a written explanation of the department's final judgment. Provides that a taxpayer who files an application for amnesty retains all administrative and judicial rights of appeal with respect to any additional tax assessed in a subsequent audit by ADOR, effective retroactively to September 18, 2003. Amends Title 42, Taxation. S. 1274. Chapter 83.

Internal Revenue Code; Partial Conformity. Modifies Arizona tax statutes for partial conformity with the Federal Internal Revenue Code (IRC). Updates changes as a result of the Federal Jobs & Growth Tax Relief Act of 2003, the Military Family Tax Relief Act of 2003 and the Medicare Prescription Drug, Improvement and Modernization Act of 2003. Effective date: May 5, 2004. Amends Title 42, Taxation and Title 43, Taxation of Income. S. 1389. Chapter 196.

Federal Funds and Transportation; County Acceleration Agreements. Allows the Arizona Department of Transportation (ADOT) to exchange federal funds with local governments to receive local funds and allows ADOT to include additional federal funds in the exchange to offset matching costs required of local governments related to transportation services. Allows counties to enter into agreements with ADOT for the acceleration of right-of-way acquisition, design or construction for national or state routes or highways contained in either a state or regional improvement plan and may advance funds to ADOT. Effective date: April 26, 2004. Amends Title 11, Counties and Title 28, Transportation. H. 2626. Chapter 167.

Municipal Expenditure Limitations; Penalty Waiver. Reduces the penalty that the City of Somerton must pay for exceeding its expenditure limit for all years prior to FY 2004 to a total of \$100,000. Allows the penalty to be paid in five installments, which will be withheld from Somerton's state shared revenue and redistributed to all other cities and towns. Retroactively applies from June 30, 2004. S. 1099. Chapter 173.

State Treasurer Investments; Funding. Allows the State Treasurer to establish new long-term investment pools for municipalities, tribal governments, counties and other political subdivisions. States that the terms of the investment pools will be determined by the State Board of Investment. Establishes a State Treasurer's Management Fund from the management fees of local government investment pools to be used for personnel and operating expenses relating to technology and investments. Amends Title 41, State Government. H. 2365. Chapter 71.

Design-Build Contracts; Prime Contracting. Exempts the direct costs attributable to architecture and engineering services provided under prime contracting from transaction privilege taxes. Retroactive to 1969 with a \$100,000 cap on refunds. Amends Title 42, Taxation. S. 1293. Chapter 309.

Property Taxes; Exemptions; Corrections. Exempts from taxation property used by the administration of charitable relief organizations for the indigent and property owned by charitable, nonprofit entities whose mission is to provide supplemental financial support to public libraries. Requires the county assessor or treasurer to make necessary changes in the tax rolls and records that change valuations or classifications of property resulting from reviews, administrative or judicial appeals or correction of errors and admissions. Retroactive to December 31, 2003, requires, in cases where a review or administrative appeal results in a valuation reduction or change in property classification, the classification or property valuation to remain the same for the subsequent year unless the property has an annual valuation formula. Amends Title 32, Professions and Occupations and Title 42, Taxation. H. 2258. Chapter 295.

AHCCCS; Health; Welfare; Budget Reconciliation. Budget bill for all state health-related expenditures and revenues. Requires municipalities to reimburse the Arizona State Hospital (ASH) for 86% of the costs of inpatient competency restoration treatment for municipal court defendants referred to ASH by municipalities prior to standing trial. Amends Title 36, Public Health and Safety and Title 41, State Government. S. 1410. Chapter 279.

Bundled Telecommunications Services. Clarifies that all bundled transactions of telecommunications sales are subject to transaction privilege taxes unless the provider can reasonably identify the portion of revenue that was specifically generated from nontaxable services. Authorizes the Department of Revenue to request the tax information and perform audits. Defines “bundled transaction.” Amends Title 42, Taxation. S. 1288. Chapter 337.

School Districts; Agencies; Insurance Pools. Adds “public procurement units” to the agents able to participate in intergovernmental agreements (IGA) and contracts. Allows public agencies to enter into contracts or agreements for joint purchasing of prepaid legal insurance or reinsurance. Allows public agencies to pool retention of their risks for fidelity losses and pay fidelity losses or prepaid legal insurance for any member of the pool. Allows two or more public procurement units to enter into IGAs. Expands the definition of local public procurement unit to include any nonprofit corporation created solely for the purpose of administering cooperative purchases for intergovernmental procurement. Requires a nonprofit corporation operating as a public procurement unit to comply with all procurement laws associated with the public procurement unit participating in a cooperative purchasing transaction that the nonprofit corporation administers. Clarifies that even if a nonprofit corporation administers the cooperative purchase, it does not abrogate the responsibility of any public procurement unit to comply with procurement laws. Amends Title 11, Cities and Towns; Title 15, Education and Title 41, State Government. H. 2181. Chapter 230.

Fertilizer Transport; Transaction Privilege Tax. Exempts fertilizer transported by rail from one point in Arizona to another from the transaction privilege tax. Effective date: October 1, 2004. Amends Title 42, Taxation. S. 1001. Chapter 240.

TRANSPORTATION

Off-Highway Vehicles. Allows a local authority to designate routes on certain streets and highways to allow off-highway vehicle operators to gain access to an off-highway recreation facility, trail or special event. Exempts people participating in off-highway vehicle special events from title, registration, license plate or insurance requirements. Defines “off-highway” vehicle special event. Amends Title 28, Transportation. H. 2483. Chapter 145.

Transportation Excise Tax; Election. (Maricopa) Places on the November 2004 ballot a question to extend the Maricopa County one-half cent sales tax for transportation for 20 years and ratifies the plan adopted by the MAG Transportation Policy Committee. Defines and designates modes of transportation into which the sales tax revenues must be deposited and specifies the percentages for each mode. Prohibits shifting revenue allocations for each mode into another mode classification. Requires a performance audit every five years to evaluate the transportation plan. Defines "major amendment" and specifies procedures for the adoption of major amendments to the regional transportation plan. Requires the Arizona Department of Transportation, MAG and CAAG to study transportation corridors identified for right-of-way preservation in northern Pinal County. Effective date: February 5, 2004. Amends Title 28, Transportation; Title 42, Taxation and Title 48, Special Taxing Districts. H. 2456. Chapter 2.

Regional Transportation Authority; Excise Tax. (Pima) Requires the regional transportation authority in Pima County to adopt a 20-year comprehensive transportation plan and authorizes the county to hold an election to approve the transportation plan and a transportation excise tax not to exceed a half-cent. Allows the transportation plan to give priority to specified areas. Requires voter approval of substantial changes to the transportation plan. Specifies election requirements. Requires any costs incurred by a utility for relocation and reasonable ongoing expenditures due to light rail construction to be paid by the transportation tax unless the utility is operating in the right-of-way under a permit in which case the relocation will be done under the terms of the permit. Exempts the transportation tax from the county's expenditure limitation. Amends Title 42, Taxation and Title 48, Special Taxing Districts. H. 2507. Chapter 147.

Joint Powers Airport Authority. Broadens financing options available to the Joint Powers Airport Authority for the acquisition of property, construction or improvements to include lease purchase agreements or bank lines of credit. Clarifies that "airport authority" is the same as "joint powers airport authority." Amends Title 28, Transportation. H. 2149. Chapter 193.

PERSONNEL

ASRS; Membership; Political Subdivision Entities. Includes political subdivision entities as an employer for the purposes of Arizona State Retirement System (ASRS) eligibility. Defines political subdivision entity as an entity that is located in the state, created in whole or part by political subdivisions, a majority of the membership is composed of political subdivisions and whose primary purpose is a government related service. Provides that the legislation retroactively applies to any eligible political subdivision entity currently participating in the ASRS. Allows active members of ASRS to purchase credited service for employment that occurred before or after the effective date of this act from an eligible political subdivision entity even if the entity is not participating in ASRS. Allows employees of political subdivision entities that become members of ASRS between December 31, 2003 and January 1, 2005 to purchase credited service using the normal cost method if the employee applies on or before December 31, 2004. Amends Title 38, Public Officers and Employees. H. 2049. Chapter 246.

ASRS; Retirement Incentive Costs. Stipulates that if a retirement incentive program offered by an employer under the Arizona State Retirement System (ASRS) results in an unfunded liability to ASRS, the employer owes the amount of the unfunded liability to ASRS. Requires an employer to notify ASRS if the employer plans to implement a retirement incentive program. Defines "retirement incentive program." Effective date: July 1, 2005. Amends Title 38, Public Officers and Employees. H. 2052. Chapter 106.

Withholding Tax Rates; Budget Reconciliation. Increases the state income tax withholding tax rates on employment income. Stipulates that none of the changes will preclude employees from changing the percentage of withholding tax if they choose. Effective date: January 1, 2005. Amends Title 43, Taxation of Income. S. 1415. Chapter 284.

ASRS Service Purchase; Cost. Changes the formula under the Arizona State Retirement System (ASRS) used in the calculation of public service, military or leave of absence service credit purchase from the member's annual compensation multiplied by the normal cost rate to the present value of the additional benefit received. Prohibits the purchase of time worked for a prison while the member was incarcerated. Extends the time a member that is called up for military service may purchase credit from four years to five years. Allows the use of a member's accrued vacation and sick leave compensation that is paid at termination to purchase service credit if notification is provided three months in advance. Allows for a direct trustee-to-trustee transfer from 401 (a) retirement programs to purchase service with the stipulation that the member on whose behalf the transfer is made, is not eligible to retire before the member turns age 50 and one-half. Modifies the cost of service purchases under the Deferred Retirement Option Program (DROP) program so that they are based on the greater of the contribution rate or the normal cost in effect at the time of the purchase. Makes a clarification regarding the monies that are awarded to beneficiaries as survivor benefits. Amends Title 38, Public Officers and Employees. H. 2029. Chapter 252.

Unemployment Insurance Benefits. Increases the weekly unemployment insurance benefit payment from \$205 to \$240 from and after June 30, 2004. Amends Title 23, Labor. H. 2440. Chapter 251.

ASRS; Long-Term Disability. Stipulates that if a member of the Arizona State Retirement System (ASRS) receiving benefits from the long-term disability program refuses to participate in any work rehabilitation program that is requested by the insurance company the member's benefits are terminated. Terminates a member's benefits while the member is incarcerated if convicted of a criminal offense and is confined to a correctional institution for more than 30 days. Clarifies that a member whose disability has been satisfactorily established with the ASRS Board cannot lose monthly benefits if that member relies on treatment through spiritual means in accordance with a recognized church, religious denomination or Native American traditional medicine. States that members are eligible for long-term disability benefits until a social security administrative law judge or an insurance company or claims administrator determines that the member would not be eligible for social security disability benefits. Modifies the criteria for which a member is considered totally disabled by providing that if the member has received monthly benefits for 24 months within a five year period, rather than 24 consecutive months, and the member is unable to perform any work for compensation for which the member is reasonably qualified by education, training or experience in an amount at least equal to their scheduled benefits, the member is considered totally disabled. Amends Title 38, Public Officers and Employees. H. 2077. Chapter 107.

ASRS; Health Care Premium Subsidy. Specifies that if a member of the Arizona State Retirement System (ASRS) and the member's spouse both qualify for retirement or disability coverage under ASRS and apply for family coverage, the member who receives family coverage is eligible to receive the health care premium subsidy as if both members were receiving the single coverage premium unless the family coverage is greater. Retroactively applies from March 31, 2004. Amends Title 38, Public Officers and Employees. H. 2008. Chapter 87.

Public Airport Police Officers. Includes in the definition of peace officer, police officers who are appointed by a public airport governing body and who are certified by the Arizona Peace Officer Standards and Training Board. Amends Title 1, General Provisions. S. 1230. Chapter 82.

Firefighter Cancer Insurance; Continuing Coverage. Allows a retired firefighter whose cancer insurance coverage has expired to remain eligible if the person makes an election with the fund manager of the Public Safety Personnel Retirement System and pays the cost of the premium as determined by the fund manager. Lowers the amount paid for each firefighter by stating that the amount paid to each firefighter under the cancer insurance program from each employer cannot exceed \$180, rather than stating it must equal \$180. Amends Title 38, Public Officers and Employees. H. 2050. Chapter 177.

Police Officer Discipline; Evidence; Discovery. Establishes requirements and time frames for exchange of information in any appeal of a disciplinary action by a law enforcement officer. Prohibits the dissemination of information exchanged during the disciplinary action appeal to anyone other than the parties involved and their lawful representatives. Allows the employer or law enforcement officer to seek a determination regarding any evidence that they feel should not be disclosed because the risk of harm involved in the disclosure outweighs any usefulness of the disclosure. Permits a change in hearing officer or administrative law judge when either is used. Requests for a change may only be granted on a showing that a fair and impartial hearing cannot be obtained due to the prejudice of the hearing officer or administrative law judge. Stipulates that if either party to the appeal violates the disclosure of information prohibition, that party shall not be allowed to use that evidence at the hearing except on a showing of good cause. States that a law enforcement officer is not allowed to have a representative present in an interview if the interview is conducted in the course of a polygraph examination. Amends Title 38, Public Officers and Employers. S. 1247. Chapter 157.

Public Information; Confidentiality. Allows the release of a police officer's photograph if the officer has been arrested or formally charged for a misdemeanor or felony offense or if the photograph is requested by a newspaper for a newsworthy event except in certain situations, including if the officer is working undercover or if releasing the photograph would not be in the best interest of the state. States that the use of a police officer's photograph is not prohibited if it is used to help identify an officer by a person making a complaint against that officer or if the photograph is obtained from a source other than the officer's agency. Amends Title 39, Public Records, Printing and Notices. H. 2383. Chapter 180.

PSPRS; Pension; Limitation. Makes numerous changes to the Public Safety Personnel Retirement System (PSPRS). Creates a new catastrophic disability pension classification for employees who are totally and permanently restricted from gainful employment due to catastrophic injury incurred while on duty. Establishes the process for reviewing and awarding catastrophic disability pensions and places a cap on the number that can be awarded each year. Expands the limitations placed on pension entitlement if a member is convicted of theft, embezzlement, fraud or misappropriation of an employer's property. Requires employers to cover the administrative functions of health insurance subsidy payments for retired employees who elect to purchase individual health insurance coverage starting in July 2008. Requires Legislative Council to conduct a public retiree health insurance study to include the feasibility and cost impact of merging the various state retirement systems into one for health insurance purposes. Amends Title 38, Public Officers and Employees. H. 2542. Chapter 325.

Department of Administration; Self Insurance; Benefits. Allows municipalities and other political subdivisions to apply to the Department of Administration (DOA) to participate in the State self-insurance program and requires reimbursement to DOA for their own actuarially determined costs and premiums. Permits municipalities and other political subdivisions to participate in the DOA's self insurance plan only if the plan is offered by DOA and is subject to regulation by the Arizona Department of Insurance. Stipulates that any entity that participates in DOA's health and accident coverage is allowed to continue their participation using any health plan offered by DOA. Requires the Department of Administration to include all health coverage benefits that are mandated in Title 20 relating to insurance regulation and grievance procedures. Amends Title 38, Public Officers and Employees. S. 1366. Chapter 335.

Fire Fighters; Pensions. Increases the maximum monthly pension for a volunteer fire fighter from \$200 to \$400. Amends Title 9, Cities and Towns. H. 2099. Chapter 136.

ELECTIONS

Automatic Recount; Cities And Towns. Requires an automatic recount for city or town elections when the outcome of votes for the top two candidates is less than or equal to 10 votes. Clarifies that the city or town clerk shall certify the facts of the recount to the superior court. Stipulates that the cost for the recount shall be charged to the city or town. Amends Title 16, Elections and Electors. S. 1244. Chapter 132.

Election Law Amendments. Stipulates, except in the case of an emergency, that all polling places used shall allow electioneering outside the 75-foot limit in public places and parking lots used by voters. Removes the ability of a school principal to request that an election not be held at their school because a disruption of the normal school activities would occur. Allows a person whose information is protected to request an early ballot before the 90 days preceding the Saturday before the election and to request to have early ballot materials provided through two general elections for federal office. Stipulates that if an officer being recalled was appointed to the office or was deemed elected because an election was cancelled due to the lack of opposing candidates, the recall petition must be signed by at least 10% of the number of the active registered voters in the jurisdiction or district. States that candidates for an office that is currently filled by an officer being recalled must file a nomination petition signed by at least 1/2 of 1% of the number of active registered voters in the jurisdiction or district. Amends Title 16, Elections and Electors and Title 19, Initiative, Referendum and Recall. S. 1050. Chapter 330.

Election Amendments; Help America Vote. Removes the reporting requirement covering the period of January 1 to May 31 (known as the June 30 Report) for standing political committees. Changes the requirement for sending copies of campaign literature or advertising to the candidates named or referred to in the literature from 24 hours before the submittal to 24 hours after it is submitted. Adds ballot screens to statutes regarding ballots and ballot labels. Allows a person who is challenged to vote a provisional ballot even if a majority of an election board finds the challenge valid. Amends Title 16, Elections and Electors. S. 1250. Chapter 184.

Accessible Voting Technology. Requires the state or political subdivisions of the state, excluding cities and towns with a population of less than 20,000, to provide voting systems for the visually impaired that are equivalent to those provided for non-visually impaired voters beginning in 2006. Stipulates that, in order to provide equivalent access, a voting system must provide the voter with the ability to cast and verify all selections by both visual and non-visual methods. Specifies that non-visual methods for casting and verifying a selection made on a voting system include the use of synthesized speech, Braille and other input methods that do not require sight. Requires the Secretary of State to consult with and obtain recommendations regarding voting systems from nonprofit organizations that represent visually impaired persons, persons with expertise in accessible software, hardware and other technology, county and local election officials and others who are deemed appropriate by the Secretary of State. Stipulates that the Secretary of State shall, after receiving recommendations, submit one or more voting systems that provide equivalent access to an appointed committee for possible certification for use in this state. Makes the provisions of this section apply only to those voting systems that are purchased or upgraded after the effective date. Effective date: December 31, 2005. Amends Title 16, Elections and Electors. H. 2083. Chapter 290.

Campaign Finance; Separate Segregated Fund. Allows an insurer to make no more than two written solicitations for political contributions during a calendar year from insurance producers with whom it has contracts. Amends Title 16, Elections and Electors. S. 1238. Chapter 156.

Homeowner's Associations; Political Signs. Requires that a Homeowner's Association (HOA) may not prohibit a homeowner/member from displaying a political sign on their property from 45 days before an election until 7 days after. Allows the HOA to regulate the size and number of signs on a person's property if the parameters are no more restrictive than the city or town ordinance. Stipulates that if there is no ordinance, the HOA must allow at least one sign no larger than 24x24 inches. Defines "political sign." Effective date: July 3, 2004. Amends Title 33, Property. H. 2478. Chapter 299.

PUBLIC HEALTH AND SAFETY

Solid Waste Fees. Stipulates that one-half of the monies collected from the solid waste landfill disposal fees will be deposited in the Solid Waste Fee Fund and one-half in the Recycling Fund from June 30, 2004 to June 30, 2005. Amends Title 49, Environment. S. 1085. Chapter 303.

Solid Waste Management. Updates references to Federal rules governing solid waste disposal facilities and solid waste landfills for the State's Solid Waste and Recycling Program. Amends Title 49, Environment. H. 2279. Chapter 221.

Task Force; Arsenic Standards Implementation. Creates a 13-member Special Task Force on Arsenic Standards Implementation. Designates members of the task force including two members from municipal water providers (one from a city which serves over 10,000 people and one for under). Requires recommendations on issues facing Arizona and its water providers as a result of the implementation of Federal arsenic standards. Requires a report by October 1, 2004 to be submitted to the Governor, Speaker of the House of Representatives, President of the Senate and the director of the Arizona State Library, Archives and Public Records. Repeal date: February 15, 2005. S. 1006. Chapter 170.

Water Quality Fees. Eliminates the formula used in determining the maximum amount for aquifer protection permit fees. Increases the maximum fee for individual permits and complex modifications to permits from \$75,000 to \$100,000. Stipulates that the new fees supercede any maximum fee specified by the department in a letter before the effective date of the bill. Requires the Department of Environmental Quality to notify the applicant of any changes to the maximum fee within 60 days. Allows an applicant to request that the Department waive the maximum fee for processing a permit application if the applicant agrees to pay the direct costs incurred by the Department in processing the application. Increases the annual registration fee for individual aquifer protection permits that allow the discharge of more than one million and less than 10 million gallons of influent per day to \$5,000 and those that permit more than ten million gallons to \$8,500. Clarifies that a site with more than one permit must pay the annual registration fee for the permit that covers the most gallons of discharge per day in addition to an annual registration fee or \$1,000. Amends Title 49, Environment. H. 2190. Chapter 247.

Ambulance Services; Hearings on Rates. Eliminates the authority of the Department of Health Services (DHS) to waive a public hearing when considering a proposed rate increase requested by an ambulance service provider. Previous law enabled DHS to waive the hearing if no one objected following the posting of the proposal in a regional newspaper. Maintains that a public hearing is not necessary if the rate increase is limited to an inflation adjustment. Specifies the financial information that ambulance service providers need to submit to DHS in order for the agency to consider a rate adjustment request. Amends Title 36, Public Health and Safety. H. 2568. Chapter 271.

Underserved Areas; Ambulance Service. Allows the county Board of Supervisors to contract with an ambulance service provider for rural or wilderness area service in a county with less than 500,000 people. Amends Title 11, Counties. H. 2671. Chapter 127.

Alcohol Detoxification Centers; Study Committee. Establishes a 15-member study committee to review data on alcohol abuse, alcohol-related crimes and deaths and the effects of alcohol abuse on county governments. Requires the committee to identify current programs, treatment model and projected availability of services along with potential sources of funding. Requires the committee to meet four times, at least once on tribal lands. Directs the committee to report recommendations to the Governor, President of the Senate and Speaker of the House by November 16, 2004. Repeal date: September 30, 2005. H. 2182. Chapter 231.

Statewide Emergency Trauma System. Amends the duties of the State Trauma Advisory Board (STAB) to require continued involvement in the implementation of the Emergency Medical Services (EMS) and Trauma System. Requires STAB to develop recommendations on the initial and long-term processes for the verification and designation of trauma center levels, the development and implementation of comprehensive regional emergency medical services and trauma system plans and the state emergency medical services and trauma system quality improvement processes. Requires the Department of Health Services to designate and implement these plans. Appropriates up to \$100,000 from the Emergency Medical Services Operating Fund for the Statewide EMS and Trauma System. Amends Title 36, Public Health and Safety. H. 2197. Chapter 292.

Health Care Provider Liens; Enforcement. Prohibits health care institutions or ambulance services from recovering from an injured person's uninsured or underinsured motorist coverage when enforcing a lien to recover charges for medical care. Extends the timeframe for recording hospital and ambulance liens requiring them to be recorded 30 days before the settlement is agreed to or the judgment is paid. Exempts hospitals and ambulance service providers from the lien recording requirement to submit contact information for persons, firms or corporations and their insurance carriers that may be liable for the damages. Eliminates the requirement for hospitals and ambulance services to mail a copy of the lien to liable persons or their insurance companies. Specifies that if the lien recording requirements are not followed, the lien is invalid and may not be enforced. Adds references to lien assignments to clarify the new changes apply to assignments as well as liens. Amends Title 33, Property. H. 2681. Chapter 154.

ENVIRONMENT

Clean Bus Fleets. Clarifies that the vehicle fleets in cities and towns in Maricopa County must use clean burning and alternative fuels in 75 percent of the vehicles and must also purchase buses that use only clean burning or alternative fuels. Adds to the definitions of "alternative fuel" and "clean burning fuel." Includes neat ethanol, neat methanol and blends of unleaded gasoline that contain a minimum of 85 percent ethanol or methanol by volume in the definition of clean burning fuel. Amends Title 1, General Provisions; Title 9, Cities and Towns and Title 49, Environment. H. 2403. Chapter 95.

Air Quality; Fuel Formulations. Adjusts the type of reformulated gasoline that must be used in non-attainment area A (metropolitan Maricopa region) beginning in 2005. After 2004, shortens the period of required use of reformulated gasoline to November through January. Use was previously required through March. Appropriates funding to conduct air quality studies related to the adjustments. Enactment is also conditional based on federal approval of the revisions. Amends Title 41, State Government. H. 2207. Chapter 293.

Underground Storage Tanks; Insurance; Repeal. Repeals the Underground Storage Tank (UST) tax and assurance account and establishes the Regulated Substance Fund (RSF). The Fund shall be subject to an annual state appropriation and remediation projects shall be selected based on an analysis of risk to human health and the environment. Applicants who are not owners or operators of a tank are limited to receiving 90% coverage of their claim. Proscribes the transitional process from the UST tax to the RSF for underground storage tank clean-ups. Allows the Department of Environmental Quality to consult with rural local and county governments before June 30, 2006 to ensure the identification and permanent closure of historic underground storage tanks using existing statutory authority, including the municipal tank closure program. Amends Title 49, Environment. S. 1306. Chapter 273.

WQARF; Revisions. Allows the Director of the Arizona Department of Environmental Quality (DEQ) to terminate or suspend a preliminary investigation of a site where a hazardous substance has been released or threatens to be released and allows the investigation to be reopened if a release or threatened release of a hazardous substance presents an imminent and substantial threat to the public health, welfare or environment. Permits the Director to remove a site from the Water Quality Assurance Revolving Fund (WQARF) registry if the site does not require further remedial action or will be addressed through another DEQ program. Mandates the DEQ Director to maintain a list of sites removed from the registry. Allows a site that had been removed from the registry to be reopened and to have remedial action taken or required if specified conditions are met. Amends Title 49, Environment. H. 2484. Chapter 146.

Heavy Duty Diesel Engines; Extension. Extends the date by two years that people who own or lease less than 25 diesel powered motor vehicles weighing more than 26,000 pounds in Area A (portions of Maricopa, Pinal and Yavapai Counties) have to comply with the requirement that the vehicle must be manufactured in 1988 or later or have an engine that surpasses Federal emissions standards. The date that the owners or lessees are now required to comply with these standards is January 1, 2006. Amends Title 49, Environment. H. 2419. Chapter 73.

Brownfields Program. Modifies statutes relating to Arizona's Brownfields Cleanup Revolving Loan Fund Program. Makes the program mandatory for the Arizona Department of Environmental Quality (DEQ) to implement, rather than at the discretion of the director. Adds grants to the financial assistance available from the program. Defines an eligible person and site for the program as a person or site eligible under the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) program, rather than the DEQ Voluntary Remediation Program. Specifies additional criteria that an eligible site must meet. States that financial assistance monies must be used to meet the requirements of the CERCLA program, rather than the Voluntary Remediation Program. Clarifies the list of sites that are not eligible for the Brownfields Cleanup Program. Strikes language restricting to whom the loans may be made. Removes the July 1, 2009 repeal date of the program. Effective date: May 3, 2004. Amends Title 49, Environment. H. 2088. Chapter 179.

WATER

Stored Water; Recovery Wells. Eliminates the requirement of obtaining the consent of nearby water providers within an impact area of stored Colorado River water in an active management area (AMA) prior to recovering the water if the person recovering the water is not the person who stored it. The current requirement of the Department of Water Resources Director to make a determination that the recovery is consistent with the AMA management goal and plan is also eliminated. A determination was already not needed if the person recovering the water was the same person that stored it. Clarifies that the changes are only applicable to the recovery of stored Colorado River water. Amends Title 45, Waters. H. 2590. Chapter 300.

Water Supply; Replenishment; Conservation. Makes numerous changes to the Central Arizona Water Conservation District (CAWCD) and the Central Arizona Groundwater Replenishment District statutes. Requires the Department of Water Resources to report the projected average annual replenishment obligation of cities, towns and private water companies to the CAWCD. Eliminates the requirement that municipal water providers provide the county assessor and treasurer with a water delivery and replenishment obligations report. Authorizes county water authorities to store water and effluent outside of the county and to contract for the storage and recovery of effluent. Exempts energy source acquisition by the CAWCD for the purpose of pumping Central Arizona Project water from state and municipal transaction privilege tax and use tax retroactive to 1985. Eliminates CAWCD condemnation authority for state demonstration projects. Amends Title 32, Professions and Occupations; Title 45, Waters and Title 48, Special Taxing Districts. H. 2277. Chapter 318.

Assured Water Supply Certificate; Assignment. Allows the holder of an assured water supply certificate to apply to the director of the Arizona Department of Water Resources to assign the certificate, in whole or in part, to another person. Stipulates the criteria that the director must consider for approval of the transfer. Allows for public comment on the application. Effective date: May 17, 2004. Amends Title 45, Waters. H. 2278. Chapter 238.

Water Rights; Zuni Settlement. Allows a water right to be severed from the land to which it is appurtenant without losing priority to the water right established and transferred to an Indian tribe under certain criteria. Subjects the transaction to approval by a court of competent jurisdiction or the Director of the Department of Water Resources. Specifies that severed and transferred rights cannot exceed 3,600 acre-feet. Repeal date: December 31, 2019. Amends Title 45, Water. H. 2244. Chapter 93.

CRIMINAL JUSTICE

Sex Offenders; Community Notification. Adds level two sex offenders to the level three notification requirements. Adds a State Representative and Senator, as well as a representative for the Public Defender's Office, a community service advocate and two public members to the Community Notification Guidelines Committee. Requires the Committee to devise a process allowing a sex offender to be reevaluated for reclassification purposes and to study the uniformity and consistency of the application of community notification guidelines and sex offender evaluation assignment levels around the state. Requires a report from the Committee with any recommendations for improving the uniformity and consistency of the community notification guidelines on or before December 15, 2004. Amends Title 13, Criminal Code. H. 2602. Chapter 272.

Sex Offenders; Identification; Monitoring. Requires a registered sex offender to pay a \$250 assessment instead of an annual registration fee in addition to any other penalty provided by law. Prohibits the courts from waiving the assessment. Requires a registered sex offender to annually update the photograph on a driver's license or nonoperating identification card and stipulates that failure for not updating or carrying the updated license or identification card at all times is a Class 1 misdemeanor with a \$250 fine. Establishes the Sex Offender Monitoring Fund and requires the \$250 assessment and fines to be deposited in the Fund. Requires the Internet sex offender website to include the offender's age rather than date of birth. Amends Title 13, Criminal Code. H. 2452. Chapter 142.

Sex Offenders; Community Notification; Applicability. Gives law enforcement agencies the authority to use existing resources, when available, to apply current registration, risk assessment and notification requirements to sex offenders that were convicted before June 1, 1996 (pre Megan's Law). Requires the Community Notification Guidelines Committee to establish guidelines for the above purpose reflecting concerns for limited resources and availability of records. Amends Title 13, Criminal Code. S. 1291. Chapter 308.

Traffic Control; Preemption Emitter; Accidents. Prohibits unauthorized persons from possessing a traffic preemption emitter. Makes it a Class 1 misdemeanor for interfering with an official traffic control device or for unauthorized possession of a traffic preemption emitter. Defines traffic preemption emitter as any device that is capable of changing a traffic light. Adds section 28-792, which requires drivers to yield the right of way at a crosswalk to pedestrians, section 28-794, which requires drivers to exercise due care to avoid colliding with pedestrians in the roadway and section 28-797, which mandates a speed limit of 15 mph when approaching a school crosswalk and which requires drivers to come to a complete stop when people are in the crosswalk. These statutes carry an enhanced civil penalty of up to five hundred dollars if the traffic violation results in serious physical injury and mandates a civil penalty of one thousand dollars for the violation if it results in death. Amends Title 28. Transportation. S. 1231. Chapter 261.

Criminal Justice; Budget Reconciliation. Establishes the Arizona Public Safety Communications Advisory Commission to make recommendations regarding the development of a state of the art public safety interoperable communications network for Arizona and a long-term interoperability plan for the use of the network. Directs 9% of the Criminal Justice Enhancement Fund distribution from the General Fund to the Crime Laboratory Assessment Fund and states that these monies are for use by the Department of Public Safety and are exempt from distribution to political subdivisions. Amends Title 41, State Government. S. 1412. Chapter 281.

DUI; Ignition Interlock Devices. Makes various changes to statutes governing ignition interlock device requirements for convicted DUI offenders. Requires a person to provide proof to Arizona Department of Transportation (ADOT) that they have installed a functioning certified ignition interlock device within 30 days of receiving notice of this requirement from ADOT. Specifies that if a person who is required to provide proof of installation of an ignition interlock device does not provide proof of compliance, the person's driving privileges will be suspended until proof is provided. Clarifies that the person must use the ignition interlock device for one year from the date proof is provided. States that the ignition interlock device requirement begins on the reinstatement of a person's driving privilege or on the date that ADOT receives the court's DUI conviction notice for that person, whichever occurs later. Amends Title 28, Transportation. H. 2628. Chapter 97.

Prohibited Possessor; Misconduct Involving Weapons. Includes illegal aliens and aliens with non-immigrant visas in the definition of a person prohibited from possessing a deadly weapon. Provides an exemption for aliens that have been admitted for lawful hunting or sporting purposes, those possessing a hunting license, representatives of foreign governments or foreign government officials and foreign law enforcement officers on official business. Amends Title 13, Criminal Code. S. 1345. Chapter 134.

Domestic Violence; Diversion. Removes the authority of the courts to defer the proceedings against a defendant convicted of a domestic violence offense and place the defendant on probation. Amends Title 13, Criminal Code. H. 2208. Chapter 52.

Extradition; Recovery of Expenses. Allows state or political subdivision agencies to recover the expenses of the extradition from the person being extradited on conviction of the crime that caused the extradition. Amends Title 13, Criminal Code. H. 2578. Chapter 74.

Fraud; Theft Of Identity. Expands the definition of taking the identity of another person to include purchasing, manufacturing, recording or transmitting any personal identifying information. Requires a peace officer to take a report on the request of any person or entity whose identity has been taken even if the theft occurred outside the jurisdiction. The peace officer may provide a copy of the report to any other law enforcement agency located in a jurisdiction where the identity theft took place. Allows a prosecutor to file a complaint charging multiple identity theft violations within the state in a county where a violation is alleged to have occurred. States that it is unlawful for a person to intentionally or knowingly make or possess with the intent to commit fraud anything specifically designed or adapted for use as a scanning device. Exempts peace officers and prosecutors in the performance of their duties. Adds to the definition of personal identifying information any written document or electronic data that provides information concerning a signature, electronic mail address or account, tax identification number, employment information, citizenship status, alien identification number, personal identification number, photograph, DNA or genetic information or other financial account number. Clarifies that beginning on January 1, 2005, it is illegal for a person or entity to print a number that is known to be an individual's social security number. States that if a number is received from a third party, there is no duty to determine if the number is an individual's social security number. The number may be printed on materials mailed to the individual, unless the person or entity mailing the number knows that it is the individual's social security number. States that, beginning on January 1, 2009, no person or entity may knowingly print more than five numbers that are reasonably identifiable as being contained in an individual's social security number on any card required for the person to receive services or products. Exempts an individual's social security number from the restrictions if the individual prints or causes to be printed the number on a document. Amends Title 13, Criminal Code. H. 2116. Chapter 109.

Oversight Council; DUI Abatement. Requires each magistrate, judge or hearing officer of a court to keep records of violations of boating while intoxicated statutes, including convictions and penalties paid, and requires the information to be forwarded to the Department of Transportation within ten days after the conviction. Establishes the Oversight Council on Driving Under the Influence Abatement and specifies membership, including one municipal law enforcement member and one city prosecutor. Specifies the Council's duties, including making grants from the Driving Under the Abatement Influence Fund for innovative programs and grants to political subdivisions for enforcement and abatement purposes. Stipulates that 70% of the monies in the Driving Under the Abatement Influence Fund may be used toward political subdivision grants. Establishes an additional \$500 civil penalty for refusing an intoxication test while operating a watercraft and requires the penalty to be deposited in the Prison Construction and Operations Fund. Removes the requirement that monies in the Watercraft Licensing Fund in excess of \$290,000 be used for boating safety education. Amends Title 5, Amusements and Sports; Title 28, Transportation and Title 41, State Government. H. 2184. Chapter 254.

Vehicle Identification Number; Frame Replacement. Exempts non-salvage vehicles from the Arizona Department of Transportation procedures for missing and altered serial numbers on vehicles if the vehicle's frame is the part being replaced, the frame replacement is being performed by the vehicle manufacturer, the vehicle identification is re-stamped in a similar size and style by the manufacturer, any existing warranties remaining on the vehicle are not void and the manufacturer or authorized agent obliterates the original vehicle identification numbers. Prohibits a law enforcement officer from seizing a vehicle for having a missing or altered serial number if it meets all of the listed criteria and the frame replacement notification is entered into the National Insurance Crime Bureau Database. Amends Title 28, Transportation. H. 2238. Chapter 255.

Theft; Dogs. Establishes that dog theft, if the dog is taken for the purpose of dog fighting, is a Class 6 felony. Amends Title 13, Criminal Code. H. 2573. Chapter 181.

Service Animals; Classification. Establishes a Class 2 Misdemeanor penalty for drivers who fail to yield the right-of-way or take reasonable precautions to avoid injury when approaching a legally blind pedestrian carrying a cane, using a service animal or assisted by another individual. Liability previously existed in state law but there were no criminal penalties for violations. Increases the penalties for other crimes related to service animals from Class 1 to Class 2 misdemeanors. Amends Title 11, Counties. H. 2034. Chapter 265.

Animal Mistreatment; Procedures. Allows municipal and county peace officers or animal control officers to request a disposition hearing before a city magistrate or justice of the peace to determine if an animal has been neglected, cruelly mistreated or is vicious. Requires the hearing to be set within 15 days of the request. Requires that the owner be served papers to attend the hearing with the animal and stipulates that if the owner fails to appear with the animal that the animal may be removed and put up for adoption or humanely destroyed, if vicious. Requires the owner to pay all fees associated with the animals impound and veterinary expenses. Excludes from these provisions any municipality or county that has adopted or does adopt ordinances covering these issues. Amends Title 11, Counties. H. 2310. Chapter 267.

Vehicle Towing; Notice. Requires a police officer that removes or causes the removal of a vehicle to do one of the following: 1) Provide the tow truck operator with a signed form that provides the vehicle identification number (VIN), a number identifying the law enforcement agency and the officer ordering the tow, the year, make and model of the vehicle, the license plate number, the date and time the vehicle was towed and the address from which the vehicle was towed or 2) Electronically communicate to the officer's law enforcement agency the name and telephone number of the person towing the vehicle as well as the information listed above. Requires the law enforcement agency that receives the electronic information to record the information as prescribed by the Department of Public Safety (DPS) and to make the information available to the Arizona Department of Transportation (ADOT). Amends Title 28, Transportation. H. 2467. Chapter 268.

Financial Transactions; Requirements; Exemptions. Allows civil racketeering actions to be brought against human smuggling organizations that make more than \$5,000 in a one-month period. Allows civil racketeering actions against real property of organizations that smuggle more than 15 aliens a month and against property other than real estate of organizations that smuggle three or more aliens a month. Allows the Superintendent of Banks or Attorney General to issue an order requiring licensees, authorized delegates or money transmitters to obtain information regarding transactions that involve total dollar amounts or denominations of \$500 or more, including the names of any persons or entities on whose behalf they are to be effected. Specifies that this act may not be construed to require Arizona law enforcement, prosecutorial or other officials to enforce any federal statute or encourage any shift to the state, or any political subdivision of the state, the federal government's obligation to enforce immigration law. Amends Title 6, Banks and Financial Institutions and Title 13, Criminal Code. H. 2091. Chapter 291.

Impersonating a Peace Officer. Establishes the crime of impersonating a peace officer as a Class 6 felony. Adds impersonating a peace officer to the list of aggravating circumstances for the court to consider when sentencing a person for a crime. Defines the act of impersonating a peace officer and states that it is not a defense to the prosecution that the law enforcement agency the person impersonated did not exist or did not have the authority the person claimed it to have. Amends Title 13, Criminal Code. S. 1127. Chapter 174.

Liquor Licenses; Definition; Act of Violence. States that the definition of "act of violence" in the liquor licensing statutes does not include the use of nonlethal devices by a peace officer. Contains a purpose section stating that the definition modification for an "act of violence" is a clarification of existing administrative authority and is not intended to be a substantive change. Amends Title 4, Alcoholic Beverages. H. 2213. Chapter 220.

Child Bigamy. Establishes the crime of child bigamy as a Class 3 felony and lists the situations that constitute child bigamy. Provides exemptions if the spouse of the person that marries a child has been absent for at least five successive years or if the previous marriage has been pronounced void, annulled or dissolved. Defines “marriage,” “marry” and “spouses.” Amends Title 13, Criminal Code. S. 1335. Chapter 187.

Obtaining Utility Service Fraudulently. Establishes the crime of obtaining utility service fraudulently as a Class 6 felony and lists the situations that constitute obtaining utility service fraudulently. Lists the conditions that apply if there is a rebuttable presumption that the customer intentionally obtained utilities fraudulently. Defines “customer,” “divert,” “reconnection,” “tamper,” “utility” and “utility service.” Amends Title 13, Criminal Code. H. 2217. Chapter 207.

Landlord Tenant; Domestic Violence. Prohibits a rental agreement from requiring a tenant to waive or limit the tenant’s right to summon emergency service or a police officer in response to domestic violence. Prohibits a landlord from requiring a tenant to pay monetary or other penalties for summoning emergency service or a police officer in response to domestic violence. Amends Title 33, Property. H. 2317. Chapter 222.

Cross Burning. Establishes that burning a cross or any symbol on another person’s property, a highway or any other public place with the intent to intimidate any person or group of persons is a Class 1 misdemeanor. States that the intent to intimidate cannot be inferred solely from the act of burning the cross or symbol, but must be proven by independent evidence. Amends Title 13, Criminal Code. H. 2694. Chapter 328.

Motion Pictures; Unlawful Recording. Makes it a Class 1 misdemeanor for a person to knowingly record a motion picture in a theatre. Allows a person with reasonable cause to detain someone suspected of unlawfully recording a motion picture. Permits a federal or state law enforcement agent to operate an audiovisual recording device in a facility where a motion picture is being exhibited if the officer is engaged in a lawful investigation. Amends Title 13, Criminal Code. H. 2209. Chapter 53.

Homeowner's Associations; Public Safety Vehicles. Requires a planned community Homeowner’s Association (HOA) to allow a resident employed by a public safety agency to park a motor vehicle of 10,000 pounds or less on a street or driveway if the vehicle bears an official emblem or other visible designation of that agency. Includes a police or fire service vehicle for a federal, state, local or tribal agency or a private fire or ambulance service provider in the parking exemption. Amends Title 33, Property. H. 2492. Chapter 166.

Police Canine Memorial. Allows a police canine memorial to be placed in the Wesley Bolin Plaza. States that the Governmental Mall Commission and the Department of Administration (DOA) shall approve the final design, dimensions, location and maintenance requirements of the memorial. Prohibits any public monies from being used for the design or construction of the memorial. Repeal date: December 31, 2006. S. 1213. Chapter 44.