



NEW LAWS

Enacted by the 2003 Arizona Legislature

Summary of Bills of Municipal Interest

August 5, 2003

As a result of the first regular session of the 46th Legislature, 268 bills became law.

The following is a summary by subject of the new laws of municipal interest passed during the 2003 session. Although every attempt is made to ensure the accuracy of the summaries, we suggest review of the measure in full before enforcement or implementation. This report is also available on the web at the League's homepage (www.azleague.org).

Copies of these new laws are available by downloading them from the state's legislative website located at <http://www.azleg.state.az.us/SessionLaws.asp>. Simply go to the chapter number of the bill you want and print it out. Copies of the new laws are also available at the League office - just call and ask for the new law by chapter number. The general effective date for the new laws is September 18, 2003. Some new laws include an emergency clause which means the bill becomes law upon signature of the Governor. Effective dates of these laws, plus others with either delayed or retroactive effective dates, are noted in the summaries.

GENERAL

Eminent Domain. Replaces the authority of municipalities to declare redevelopment areas with the authority to make slum or blighted designations. Authorizes municipalities to use condemnation to acquire properties within designated slum or blighted areas. Establishes a process that municipalities must use prior to condemning property in a slum or blighted area. The process includes four separate council votes each requiring a two-thirds majority approval. The four votes are; the designation of the slum or blighted area, the approval of a redevelopment plan, a determination that the property to be condemned can not be included or excluded from the redevelopment plan in a manner to prevent condemnation, and a final vote to condemn the property. Amends Title 9, Cities and Towns; Title 35, Public Finances; Title 36, Public Health and Safety; Title 42, Taxation and Title 48, Special Taxing Districts. H. 2308. Chapter 246.

Transportation Policy Committee; Regional Planning. Requires the Maricopa Association of Governments to establish a Transportation Policy Committee (TPC) tasked with developing a 20-year Regional Transportation Plan. Requires the TPC to cooperate with the State Transportation Board, the Arizona Department of Transportation, Maricopa County, Indian communities and cities and towns within Maricopa County in the development of the plan. Requires the plan to be submitted to the Governor and Legislature before December 1, 2003. After the submittal of the plan, the Legislature may prescribe terms and conditions for presenting a ballot question to the voters in 2004 to extend the county excise tax. If approved, revenue generated from the extension of the county excise tax will be used to fund projects included in the Regional Transportation Plan. Amends Title 28, Transportation and Title 48, Special Taxing Districts. H. 2292. Chapter 217.

Convention Center Authorization. Establishes the Arizona Convention Center Development Fund (ACCDF) and authorizes the state to participate financially by paying for a portion of debt service on the project. Provides a formula and guidelines for the distribution of monies to the Fund, to an eligible city, and for what purposes an eligible city may use the funds. Stipulates that an eligible city must be a charter city, have a population of either more than 550,000 persons or 1,000,000 persons at the time of the initial distribution respectively, and operate a convention center facility with at least 200,000 square feet of exhibit space that was constructed with monies from municipal sources. States that projects are eligible only if voters of that city have approved the project and that city has specifically identified funding sources that are at least equal to the part of the project to be funded with monies from the ACCDF. Specifies that the cost of the project cannot exceed \$600,000,000 for a city with a population of 1,000,000 or more inhabitants and \$60,000,000 for a city with a population of 550,000 or more inhabitants. Requires the eligible city to report progress on the development of the eligible project twice annually during construction to the Joint Committee on Capital Review. Mandates the Auditor General to conduct an economic and fiscal impact analysis in its fifth year of operation and specifies what the analysis must include and requires the Auditor General to report to the Legislature and Governor in each even-numbered year following the filing of a certificate of completion. Provides that if the Auditor General concludes that revenues are less than net cumulative distributions than the State Treasury shall withhold Local Transportation Assistance Fund (LTAF) monies that would otherwise go to the city in an amount equal to the shortfall in revenues. Authorizes the chief financial officer of the eligible city to request the state to undertake lease purchase financing in connection with an eligible project and allows the Director of the Department of Administration to enter into a lease purchase financing program if he or she finds that it is in the best interest of the state. Provides guidelines on the lease purchasing finance program agreement. Effective date: June 30, 2003. Amends Title 9, Cities and Towns; Title 41, State Government and Title 42, Taxation. H. 2332. Chapter 266.

Service Of Process; Municipal Courts. Allows, through rules established by the Supreme Court, unarmed police aides and traffic investigators to serve process while municipal court is in session. Stipulates that these individuals can only serve process during court hours and on court premises. Prohibits process from being served by these individuals for citations resulting from any automated enforcement technology, which is basically defined as a camera or similar device used to photograph red light or speed limit violators. Amends Title 28, Transportation. H. 2333. Chapter 134.

Municipal Common Councils; Vacancies. Allows, as an option, a municipal council seat to be filled until the next council election rather than for the remainder of the term if the vacancy occurs more than 30 days before the nomination petition deadline. Amends Title 9, Cities and Towns. H. 2185. Chapter 87.

Judges; Personal Records; Confidentiality. Adds justices of the peace, Supreme Court justices, judges including city magistrates, superior court commissioners, United States attorneys and public defenders to the statutes regarding records confidentiality of personal information contained in county assessor, county treasurer and county recorder records and public records requests in counties with a population of more than 500,000 persons. Makes it illegal to knowingly place personal information on the internet regarding a justice of the peace, Supreme Court justice, judge, superior court commissioner, United States attorney and public defender if the information poses an imminent and serious threat to the safety of the person or the person's family. Clarifies procedures regarding a domestic violence victim's request for confidentiality of voter registration records. Amends Title 11, Counties; Title 16, Elections and Electors and Title 39, Public Records, Printing and Notices. H. 2108. Chapter 106.

Social Security Numbers; Confidentiality. Beginning on January 1, 2005, specifically prohibits the use of social security numbers on any form of identification issued by the State or political subdivisions. Makes a number of restrictions on the use of social security numbers by all persons and entities in the State beginning in 2005. Exempts State agencies and political subdivisions from most of these restrictions with the exception of those regarding social security numbers on printed materials, which include mailings and cards issued for the purpose of receiving products or services. Amends Title 44, Trade and Commerce. H. 2429. Chapter 137.

Outdoor Lighting Standards. Requires a city or town with over 50,000 people to provide efficient and effective lighting and fully shielded outdoor light fixtures on new buildings and facilities and major renovations of existing buildings and facilities. Requires full or partial shielding of recreational and sports facilities. Requires life cycle costs to be used to evaluate design, equipment and materials. Includes similar standards for State buildings. Exempts temporary lighting used for construction, maintenance and emergencies. Amends Title 9, Cities and Towns; Title 34, Public Buildings and Improvements and Title 49, Environment. S. 1218. Chapter 204.

Taxis, Limousines and Sedans; Regulations. Makes numerous modifications to the regulation of taxis, limousines and sedans. Establishes minimum single limit liability insurance levels; increases uninsured motorist coverage to \$750,000; requires owners to comply with statutory insurance requirements and increases the penalties for noncompliance. Requires taxis that charge based on time or mileage to have a meter visible to the passengers. Prohibits the Department of Weights and Measures from issuing a license unless the vehicle is registered by the Department of Motor Vehicles and has proof of financial responsibility. Requires a license to be posted on the outside of the rear window. Does not prohibit political subdivisions or public airports from setting more restrictive requirements. Effective date: July 1, 2004. Amends Title 28, Transportation and Title 41, State Government. H. 2283. Chapter 168.

Jury Service. Establishes new rules to govern jury service including additional compensation for jurors on lengthy trials and penalties for not responding to jury summons. Prohibits an employer from requiring or requesting an employee to use annual, vacation or sick leave for time spent in jury service or jury selection except that the act does not require an employer to provide the benefits to employees who are otherwise not entitled to them. Directs the court to postpone and reschedule the service of a prospective juror of an employer of five or fewer full time employees if another employee from the same employer is summoned during the same period of time. Raises the maximum fine from \$100,000 to \$500,000 for failure to attend on the date scheduled for jury service. Prohibits any court in the state from requiring a juror to serve within two years following the last day of the juror's service. Stipulates that jury service postponement may only be granted twice if all of the following apply: the prospective juror has not already been granted a postponement; the prospective juror appears in person or contacts the court clerk to request a postponement; the postponement is not more than three months. Repeals the current statute regarding term of jury service on December 31, 2004 and replaces it with new provisions and definitions for the fulfillment of jury service. Effective date: December 31, 2003. Amends Title 12, Courts and Civil Proceedings and Title 21, Juries. H. 2520. Chapter 200.

Incorporation; National Parks; Cities. Allows a community within ten miles of the boundary of a national park or monument that has a population of 500 or more persons to petition the board of supervisors to either order the area incorporated or to call an election on the issue of incorporation. Amends Title 9, Cities and Towns. S. 1122. Chapter 75.

Environment; Antiterrorism; Information Disclosure. Exempts the drinking water system security vulnerability assessments, which are submitted to the Federal Environmental Protection Agency (EPA), from being disclosed to the public. Prohibits public inspection of any risk assessments performed by or on behalf of a federal agency to evaluate energy, water or telecommunications infrastructures in order to determine their vulnerability to sabotage or attack. Amends Title 39, Public Records, Printing and Notices and Title 49, Environment. S 1167. Chapter 118.

Victims' Rights; Neighborhood Associations. Adds drawing or inscribing a message without permission of the owner and discharging a firearm at an occupied structure to the crimes that allow a neighborhood association to invoke victims' rights. Applies these provisions to crimes committed by both adult and juvenile offenders. Amends Title 8, Children and Title 13, Criminal Code. H. 2482. Chapter 199.

Recreational Corridor Channelization Districts. Establishes a Recreational Corridor Channelization District Task Force to make recommendations on the potential use of districts for floodplain management and enhanced recreational opportunities, district formation, board membership qualifications and district authority including the use of finance mechanisms, taxation and eminent domain. Requires the task force to submit recommendations for statutory language authorizing the districts to the Governor and Legislature by December 1, 2003. Amends Title 48, Special Taxing Districts. S. 1347. Chapter 211.

Service Animals; Rights Of Disabled. Rewrites A.R.S. § 11-1024, retaining many of the same provisions but excludes the provision that a person utilizing a dog guide or service dog be required to show the dog's laminated identification card before making use of the animal at a given venue. States that it is not discriminatory to exclude a service animal from a public place if one or more of the following apply: the animal poses a direct threat to the health or public safety of others; the animal fundamentally alters the nature of the public place or the goods, services or activities provided; the animal poses an undue burden. Specifies that public places may maintain a general no pet policy if it is not used to exclude service animals and if it does not grant rights to any person to bring their pet into the public place. Makes persons or entities guilty of a class 1 misdemeanor for discriminating against persons with disabilities who use service animals. Includes, as an act of "illegal discrimination," attempting to make someone with a disability who uses a service animal pay a deposit. Allows inquiry by a public accommodation as to whether the service animal is being used because of a disability. Amends Title 11, Counties. H. 2410. Chapter 170.

Public Power Entities; Audit. Removes the requirement for a governing body of a public power entity to have an annual independent audit performed to ensure compliance with the code of conduct adopted to prevent anti-competitive practices and replaces it with reports that the public power entity must prepare to ensure compliance. Stipulates what information the report must contain and requires the report to be made available to the public. Amends Title 30, Power. H. 2302. Chapter 113.

Joint Legislative Committee On Homelessness. Establishes the Joint Legislative Committee on Homelessness which consists of 16 members including: four Senators appointed by the President, four Representatives appointed by the Speaker, two public members appointed jointly by the President and Speaker, five public members appointed by the Governor and one advisory member who does not vote appointed by the DES Director. Specifies that the co-chairs be appointed from the legislative membership, that the public members not be state employees and that at least five members be involved in providing homelessness assistance programs. Charges the Committee to serve as a public forum to discuss services for homelessness, advise the private sector and the Executive of programs and policies, review programs to ensure efficient and coordinated use of resources and submit an annual report to the Governor, Legislature and the State Library, Archives and Public Records. Repeals the Committee on December 31, 2005. Amends Title 41, State Government. S. 1217. Chapter 100.

Joint Committee on Hunger; Extension. Extends the repeal date of the Joint Legislative Committee on Hunger from December 31, 2003 to December 31, 2006. Removes one member from the House of Representatives and the Senate, reducing the legislative membership on the Committee to three members of the Senate and three members of the House, rather than four from each chamber. Requires that the Committee discuss issues relating to potential services and programs for elimination of hunger and its causes, rather than food security. S. 1117. Chapter 43.

COURTS

Budget Reconciliation; Public Finances. Makes numerous changes to state law regarding the public finances necessary to implement the FY 2004 state budget. Includes a diversion of up to \$45 million every year from local court judicial collections to the state General Fund to pay for state employee health care and retirement costs. Requires the local courts to certify the collection levels received for every quarter of FY 2003. Starting in FY 2004, if in any quarter a court collects more than what was collected in that same quarter in FY 2003, 75% of the additional collections must be sent to the State Treasurer for deposit in the state General Fund. Amends Title 5, Amusements and Sports; Title 11, Counties; Title 12, Courts and Civil Proceedings; Title 13, Criminal Code; Title 15, Education; Title 27, Minerals, Oil and Gas; Title 28, Transportation; Title 35, Public Finances; Title 38, Public Officers and Employees; Title 40, Public Utilities and Carriers; Title 41, State Government; Title 42, Taxation; Title 43, Taxation of Income and Title 44, Trade and Commerce. H. 2533. Chapter 263.

ELECTIONS

Help America Vote Act; Elections. Requires, beginning December 1, 2003, all completed voter registration forms to include an identifying number. Changes any type of "ballot to be verified" to a "provisional ballot." Requires the Secretary of State (SOS) to set up a voter fraud hotline and a statewide voter registration database and to handle all inquires for state and federal elections. Requires the county recorder to handle voter information requests for all other elections. Adopts new voting equipment requirements for federal, state and county elections, including that as of January 1, 2006, there must be at least one voting device that is certified for use by voters with disabilities at each polling place. Requires, after Jan. 1, 2003, and until a statewide voter registration database is operational, all persons registering and voting for the first time or re-registering after moving from one county to another, in order to request an early ballot, to mail a photocopy of a picture identification and a utility bill or other verifier with the name and address of the elector, and in order to vote a ballot at a polling place, to present a photo identification or a utility bill or other verifier with the name and address of the elector. If the voter does not have valid identification, they may vote a "provisional ballot." Requires that a system be set up to notify persons voting a "provisional ballot" of whether their ballot was counted or not and the reason if it was not. Effective date: June 11, 2003. Amends Title 16, Elections and Electors and Title 41, State Government. S. 1075. Chapter 260.

Election Law Amendments. Adds candidate nomination petition signatures to the list of petitions from those which a signature may be withdrawn by the person who signed. Changes the deadline for filing write-in nomination papers from 14 to 40 days and, for a vacancy that occurs after the official ballots have been printed, the deadline for write-in nomination papers is 5 days before the election. Requires "complete and correct" information on early ballot requests from absentee voters. Requires the elections officer in charge to attempt to notify the person requesting the early ballot of the deficiency if the request complies with all other statutory requirements but is not "complete and correct." Allows voter registration information to be updated from the early ballot request forms unless the form specifies that it is a temporary address. Effective date: December 31, 2003. Amends Title 1, General Provisions and Title 16, Elections and Electors. S. 1046. Chapter 233.

Military And Overseas Voting Assistance. Requires election officials to provide by fax early ballot materials to requesting eligible absent uniformed services voters and overseas voters through the next two regular election cycles immediately following the request. Requires the Secretary of State to adopt rules regarding fax transmittal of election materials including voted early ballots. Amends Title 16, Elections and Electors and Title 41, State Government. S. 1023. Chapter 38.

Utility Franchises; Expenditures. Exempts a public utility that spends only its own monies and resources to support its proposed franchise from a municipal corporation from Arizona campaign finance reporting requirements of Title 16. Amends Title 9, Cities and Towns. S. 1223. Chapter 48.

Special District Elections; Candidates. Allows the Board of Supervisors to cancel an election for certain special taxing districts when only one or no candidates file a nomination petition. Amends Title 16, Elections and Electors and Title 48, Special Taxing Districts. S. 1147. Chapter 158.

RETIREMENT AND PERSONNEL

Occupational Disease; Peace Officers. Allows the presumption of an occupational disease for peace officers that were regularly assigned to hazardous duty for at least five years, free of cancer before employment, exposed to a known carcinogen, informed the department of the exposure and are under the age of 65 and now have a disease, infirmity or impairment caused by certain cancers. Provides a definition of "peace officer" for purposes of this benefit as one who was regularly assigned to hazardous duty as a part of a special operations, special weapons and tactics, explosive ordinance disposal or hazardous response unit. Amends Title 23, Labor. S. 1197. Chapter 47.

Law Enforcement Officers; Representation. Allows law enforcement officers to request to have a representative present during an interview if the employer reasonably believes that the interview could result in dismissal, demotion or suspension. Stipulates that the representative will not be any cost to the employer, must be available on reasonable notice to avoid delaying the interview, can only participate in the interview as an observer and must be from the same agency and not an attorney, unless agreed to by the employer. Mandates that the law enforcement officer must be permitted reasonable breaks during the interview for the purpose of telephonic or in person consultation with others, including an attorney. Exempts interviews that are conducted in the normal course of duty, during counseling or instruction, as an informal verbal admonishment, as routine or unplanned contact with a supervisor, as preliminary questioning or in the course of a criminal investigation. Does not preempt agreements between the employer and officer. Amends Title 38, Public Officers and Employees. S. 1338. Chapter 175.

Public Retirees; Rural Areas; Insurance. Extends enhanced rural retiree benefits for ASRS, EORP, PSPRS, and CORP retirees through June 30, 2005 instead of June 30, 2003. Beginning June 30, 2003, requires that retirees in nonservice areas where HMOs are not available must have minimum out-of-pocket medical insurance premiums to qualify for the additional benefits. Specifies the minimum out-of-pocket costs. Clarifies that ASRS retirees receiving the family coverage premium must have at least ten years credited service and that EORP retirees receiving the family coverage premium must have at least eight years credited service. Directs ASRS, in its request for proposals, to seek health insurance coverage for retirees that is affordable, meaningful and accessible to all members. Requires ASRS to report its progress in procuring health insurance that meets the listed requirements to the Legislature by December 15, 2004. Retroactively applies from June 30, 2003. H. 2349. Chapter 247.

ASRS; Unpaid Contributions. Modifies procedures to address unpaid contributions within the ASRS system. Adds a section of law that is effective on June 30, 2004 that specifies that the current method for addressing unpaid contributions into a member's ASRS account only applies to eligible verified service that was less than or equal to fifteen years before a person initiating a request to correct service credits provides ASRS with credible evidence that the less than correct amount of contributions were paid. Considers eligible verified service that is more than 15 years prior as public service credit and allows the member to purchase the service according to current law. Modifies current law (contains a general effective date) by requiring the initiator of the request to correct service credits to provide credible evidence of past employment and compensation in a form that would lead a reasonable person to conclude that employment occurred. States that if a member or an employer does not pay the unpaid amount within 90 days of being notified by ASRS that the unpaid amount is due, the unpaid amount accrues interest. Contains an effective date of June 30, 2004 for Section 2 of the bill. Amends Title 38, Public Officers and Employees. H. 2023. Chapter 132.

ASRS; Service Purchase; Calculation. Adds a definition of “current annual compensation” as it relates to the purchase of service credit within the Arizona State Retirement System. Defines “current annual compensation” as the greater of the following: the annualized compensation of the full pay period immediately before the date of the request to purchase service is made, the annualized compensation of the partial year if the member has less than 12 months of total credited service on the date that the request to purchase service is made, the sum of the 12 months of compensation immediately before the date of a request to purchase service, the sum of 36 months of compensation immediately before the date of a request to purchase service divided by three or the average monthly compensation that was used to calculate the member’s last pension benefit if the member has retired one or more times from ASRS. Allows active members, retired members or deceased members’ beneficiaries who purchased military credit prior to 1996 to receive a refund of the difference between the old computation method and the new method and specifies notification requirements. Effective date: May 7, 2003. Amends Title 38, Public Officers and Employees. H. 2024. Chapter 164.

ASRS; Surviving Spouses; Health Insurance. Provides a health care premium benefit and the temporary rural health care premium supplement to a contingent annuitant of a retired member of the Arizona State Retirement System if the contingent annuitant is receiving a monthly retirement benefit. Allows a member who elects a joint survivor or period certain and life annuity benefit payment option to choose the same method of payment of the health care premium benefit. Reduces the amount of the member’s health care premium benefit actuarially in accordance with the continuing benefit option the member chooses. Outlines the health benefit provisions for the member’s contingent annuitant after the member’s death according to the contingent annuitant’s eligibility. States that a retired member may not name a different contingent annuitant if the member previously had rescinded the election of the optional health care benefit payment. Prohibits a contingent annuitant from receiving the health care premium benefit if the contingent annuitant was not enrolled in an eligible health and accident insurance plan at the time of the retired member’s death or if the contingent annuitant is not the dependent beneficiary or insured surviving dependent. States that the optional premium benefit only applies to members that retire after December 31, 2003. Amends Title 38, Public Officers and Employees. S. 1037. Chapter 171.

ASRS; Termination Option. Changes provisions of the Modified Deferred Retirement Option Plan program within the Arizona State Retirement System. Specifies that the employer and employee must enter into a written agreement, that an employee must have at least five years of credited service to participate in the program and that the employee must perform between six months and three years of work after the agreement is effective. Requires an employee to make contributions for the Long-Term Disability program. Clarifies that the employee’s current annual compensation at the time of entering into an agreement will be used to calculate the cost of purchasing credited service allowed under the agreement and specifies that the maximum amount of service purchased cannot exceed an aggregate of five years. Requires the agreement to include conditions that constitute a breach of agreement. States that if a member is unable to complete the terms of the agreement due to permanent disability or death, the member or the member’s beneficiary is eligible to receive the credited service for the period of the agreement that was completed as long as the required minimum six month service is completed. If a member transfers to another participating agency during the agreement, allows the successor employer to complete the terms of the agreement if the employer agrees to assume all remaining obligations of the prior employer. States that a member may only have one agreement in effect at any time with a single agency or employer. Amends Title 38, Public Officers and Employees. H. 2455. Chapter 196.

Supplemental Defined Contribution Plan; Procedures. Makes numerous changes to procedures for the ASRS, EORP, PSPRS and CORP option defined contribution benefit plans. Requires ASRS members to meet eligibility requirements set by the ASRS Board and to be selected by their employer prior to participating in a supplemental defined contribution plan. Stipulates that employees must make an election to participate in a supplemental defined contribution plan within two years after meeting the eligibility requirements. States that participation in the plan is irrevocable and continues for the remainder of the employee's employment with the employer. Clarifies that when an employer elects to match the employee's contributions to the supplemental defined contribution plan, the rate is determined by the employer and the match must be determined at the beginning of that employer's budget cycle and terminates at the end of the budget cycle. Allows the employer to annually increase or decrease the employee contributions as the plan prescribes or the employee may make a one-time irrevocable election of the employee's contribution amount. Amends Title 38, Public Officers and Employees. S. 1224. Chapter 250.

Loyalty Oath; Act of Terrorism. Updates language in the loyalty oath that all state, county and municipal officers and employees are required to complete. Adds terrorism as an act of overthrowing the government that is punishable by a Class 4 Felony and discharge from office or employment. Strikes language relating to being a member of the Communist Party or any other organization whose purpose it is to overthrow the government of the State of Arizona. Amends Title 38, Public Officers and Employees. S. 1257. Chapter 101.

FINANCE

Public Horizontal Construction Projects. Deletes the \$10 million dollar minimum threshold to utilize the design-build and construction-manager-at-risk methods for horizontal construction services. Allows an agent to consider time of completion as a factor in determining the lowest responsible bidder for a horizontal construction project using the design-bid-build method if the formula for considering time of completion is specifically stated in the bidding information and the agent determines that this will save money or that the traditional method of awarding contracts is not practicable. Requires the contractor performing the contract for horizontal construction under the design-build or construction-manager-at-risk methods to perform work that amounts to not less than 45% of the total contract price for construction not including cost of pre-construction services, design services, procurement of right-of-way or any other cost of condemnation. Extends the date to procure any horizontal construction using the construction-manager-at-risk, design-build or job-order-contracting methods of project delivery to June 30, 2010. Amends Title 34, Public Buildings and Improvements. S. 1236. Chapter 50.

Population Estimates; Cities; Towns; Counties. Provides municipalities with three options for determining their population for the purpose of allocating state shared revenues after 2005 and until the release of the 2010 census population estimates. The options are using Department of Economic Security mid-decade population estimates, contracting with the U.S. Census Bureau to conduct a special census or survey or continuing to use the latest decennial census figures. Amends Title 28, Transportation; Title 42, Taxation and Title 43, Taxation of Income. S. 1209. Chapter 119.

Truth in Taxation. Prohibits a community college district, county, city or town from levying or assessing primary property taxes higher than the prior year if the governing board failed to comply with truth in taxation noticing and hearing requirements. Amends Title 15, Education and Title 42, Taxation. S. 1331. Chapter 240.

County Assessors; Omnibus. Changes when cities and towns are to send building permit data to the county assessor so that the property can get placed on the tax rolls. Currently the data is set on final inspection, but now it is to be sent when the certificate of occupancy, certificate of completion or when the permit expires or is cancelled. Authorizes the county assessor to send notices of valuation electronically. Amends Title 9, Cities and Towns; Title 11, Counties and Title 42, Taxation. S. 1168. Chapter 251.

Redevelopment Area; Financing; Definition. Expands the criteria of eligible areas for State industrial development financing to be consistent with the eligibility criteria for federally designated empowerment zones and enterprise communities. Effective date: April 30, 2003. Amends Title 35, Public Finances. H. 2444. Chapter 128.

Property Tax; Electric Utilities Valuation. Establishes a formula for determining the property value of new electric generation facilities and provides a transitional method for applying the new formula to existing facilities. Clarifies the allocation method for establishing property values for electric generation, transmission and distribution properties for taxation purposes. Retroactive effective date: from and after December 31, 2002. Amends Title 42, Taxation. H. 2348. Chapter 37.

2003 Tax Corrections Act. Makes technical, clarifying and conforming changes to Arizona tax statutes. No fiscal impact is anticipated by the Arizona Department of Revenue as a result of the law changes. Amends Title 11, Counties; Title 42, Taxation; Title 43, Taxation of Income and Title 44, Trade and Commerce. H. 2059. Chapter 105.

Bond Election Pamphlets; Disclosure. Establishes a format for presenting the estimated tax impact in bond election pamphlets and limits the level of inflation and growth projections that can be used in estimating the tax impact. Amends Title 35, Public Finances. S. 1272. Chapter 206.

LAND USE

Municipal Annexation; County Parks. Requires a county owned park or park operated on public lands by a county as part of a management agreement to be excluded from an annexation area if the board of supervisors does not agree to the annexation. Allows these areas to be subsequently annexed with the permission of the board of supervisors. Removes land owned by a flood control district from the requirement to receive county permission to annex. Amends Title 9, Cities and Towns. H. 2210. Chapter 145.

County Islands; Annexation. Allows the board of supervisors to require a municipality, if the municipality agrees, to annex county territory that consists of an entire parcel that is ten acres or less and that is completely surrounded by the municipality. Requires the board of supervisors to provide written notice of the proposed annexation and a public hearing together with a description and map of the boundaries of the territory to be annexed to the municipality and by first-class mail to each property owner in the territory proposed for annexation. Specifies approval requirements if objections are not sufficient. Prohibits the annexation if a majority of the real property owners in the territory proposed for annexation file a petition to object to the annexation within 60 days of the county notice or if an affected municipality passes a resolution objecting to the annexation within 60 days of the county notice. Requires the municipality to file the resolution with the board of supervisors and notify the property owners that the annexation has been rejected if the annexation is rejected by resolution. Amends Title 11, Counties. H. 2119. Chapter 140.

Military Base Preservation Initiative. Puts the question to voters on the 2004 state ballot to amend the Arizona Constitution by allowing the exchange of state trust land for other public lands for conservation purposes or to assist in preserving military airports. Requires an analysis of the exchange to be done which considers the fiscal impact of the exchange on political subdivisions and the physical, economic and natural resource impacts on the surrounding or directly adjacent community as well as any impacts on local land uses and local land use plans. Provides for public hearings at the State Capitol and in an area of accessibility near the proposed state land exchange site. Amends Article X of the Arizona Constitution by adding Section 12; Relating to State Lands. SCR. 1012.

Military Airport Preservation Committee; Members. Adds five new members to the Military Airport Preservation Committee. The new members are: one individual owning property within the vicinity of Davis-Monthan Air Force Base whose property has a day-night average sound level of 65 decibels or higher, one developer residing within Pima County, one Pima County government representative, one City of Tucson representative and one non voting advisory member representing Davis-Monthan Air Force Base. Expands the committee from 14 voting members and 3 non voting members to 18 voting members and 4 non voting members. Amends Title 41, State Government. S. 1194. Chapter 93.

Land Conservation Fund; Grazing Agriculture. Establishes the Livestock and Crop Conservation Fund administered by the Arizona Department of Agriculture to replace the current authority of the Arizona State Parks Board to grant similar awards to individual landowners or lessees of state or federal land with revenue from the Land Conservation Fund. Designates \$2 million per year for the Fund. Amends Title 41, State Government. S. 1071. Chapter 252.

State Land Department Administration. Amends several sections of law relating to the State Land Department (SLD). Permits the SLD Commissioner to close urban lands for specific uses to reduce a risk from hazardous environmental conditions. Provides guidelines on steps the SLD may take regarding property that has been abandoned on state lands as a result of trespass or unauthorized activity that creates a risk to human health or safety, including fencing the property, posting a warning or removing the property to a secure location. Requires SLD to post a notice and provide a method for the owner to recover the property. Stipulates that if mechanical equipment is abandoned on state trust land, the SLD is required to attempt to identify and notify any lienholder of record and to hold the property for 30 days prior to disposal. Requires lienholders of abandoned mechanical equipment to reimburse the SLD for the cost of removing and storing property. Adds the governing body of a community facilities district as an entity that may submit improvement plans to the Commissioner. Enables the Commissioner of the SLD to contract with a third party to sell recreational permits and allows the third party to assess a surcharge in addition to the established fees. Clarifies that all appraisal costs are paid by SLD unless prepaid by the applicant and requires the end purchaser to reimburse the SLD for these costs. Specifies that fees paid to the SLD to process land use applications are not refundable if the application is denied or is not successful, except in the event the application is denied as the result of a mistake made by the SLD. Amends Title 37, Public Lands. H. 2087. Chapter 69.

Homeowners' Associations; Vehicle Restrictions. Prohibits a homeowner's association (HOA) from restricting a resident from parking a vehicle with a gross weight of twenty thousand pounds or less on a street or driveway in a planned community if specific criteria are met. The criteria include that the vehicle must be available at a person's residence as a condition of that person's employment, the resident must be employed by a public service corporation and be required to prepare for emergency deployments for repair or maintenance and the vehicle must be owned or operated by the corporation and bear an official emblem of that corporation. Amends Title 33, Property. H. 2504. Chapter 99.

PUBLIC HEALTH AND SAFETY

Wildfires; Fire Bans; Criminal Penalties. Adds two new sections to the Criminal Code relating to wildfires. Makes it illegal to set any wildland, other than a person's own, on fire or to allow a fire set on a person's own property to pass to the grounds of another person. Exempts lawful open burning for agricultural operations; fire management activities for political subdivisions; prescribed burns approved by the State Forester; activities conducted pursuant to any state, tribal or federal agency's rules or policies and fires set for the purposes of warming and cooking if there are no fire bans or restrictions and the fire does not spread far enough to require action by a fire control agency. Classifies violation of the law as a Class 2 Misdemeanor if done with criminal negligence, a Class 1 Misdemeanor if done recklessly, a Class 6 Felony if done intentionally and the person knows that his or her conduct violates a fire ban or restriction during a period of extreme fire hazard and a Class 3 Felony if done intentionally and the person's actions place another person in danger of serious injury or death or a structure in danger of damage. Makes it illegal (Class 2 Misdemeanor) to enter or remain in a public building or on public property if the person is in violation of an order or rule that is issued by an agency that controls the building or property and relates to the control and limitation of fires. Amends Title 13, Criminal Code. H. 2507. Chapter 156.

Forest Status Reports. Requires the State Forester to present a forest status briefing to relevant committees of the House of Representatives and the Senate during the first regular session of each Legislature. Requires the following information to be included in the briefing: forestry management relating to current conditions of the forest in this state as affected by federal, state and local public policies, climatic conditions, wildfire hazards, pest infestations and overgrowth; wildland-urban interface, including the effects of zoning policies and wildfire hazards on public and private property; and wildfire emergency management issues which include: intergovernmental and interagency primacy, cooperation, coordination, roles and training of federal, state and local forestry, firefighting and law enforcement agencies; channels and methods of communicating emergency information to the public; the roles of governmental and nongovernmental disaster relief agencies and organizations; and the level of federal, state and local emergency funding. Requires the Director of the Game and Fish Department, the Director of Emergency Management, the Arizona State Parks Board and the Director of the Department of Public Safety to collaborate with the State Forester on the forest status report. Amends Title 17, Game and Fish; Title 26, Military Affairs and Emergency Management; Title 37, Public Lands and Title 41, State Government. H. 2479. Chapter 245.

Massage Therapists; Licensure. Establishes the Board of Massage Therapy, specifies Board membership and outlines powers and duties of the Board, including the state regulation of massage therapists. Requires that after July 1, 2004, anyone engaging in the practice of massage therapy must be licensed by the state and sets qualifications for those applying for a license. Contains provisions governing application fees, reciprocity with other states, schools of massage therapy, disciplinary action and consumer rights. Allows municipalities and counties to enforce regulations relating to massage therapy establishments and locations or settings where massage therapy is practiced, but prohibits regulations that are inconsistent with State law. Amends Title 32, Professions and Occupations and Title 41, State Government. S. 1103. Chapter 202.

Fire Districts; Powers And Duties. Makes a number of changes to the provisions governing the establishment of special districts. Allows fire districts to provide ambulance service. Requires voter approval for a fire district to change its name. Amends Title 48, Special Taxing Districts. H. 2370. Chapter 135.

Hospital Districts; Facilities. Permits an existing hospital district in a county with less than 500,000 people to expand to a second operating location if approved by the district's board of directors. Allows hospital districts located in a county with a population of less than 45,000 inhabitants, and no more than six percent of the property in that county subject to taxation, to request that the board of supervisors call an election on the question of levying a transaction privilege tax to support the district. Stipulates that if a hospital district already has a secondary property tax in place to support the district, the question to the voters will include a repeal of the property tax upon imposition of the transaction privilege tax. States that the tax will remain in effect for five years and may be renewed in five-year increments. Prohibits a hospital district from levying a transaction privilege tax at the same time it is imposing a secondary property tax. Amends Title 48, Special Taxing Districts. S. 1231. Chapter 220.

WQARF; Remediation. Requires the Arizona Department of Environmental Quality (DEQ) to contract with the Arizona Department of Water Resources (DWR) for the transfer of up to \$800,000 from the Water Quality Assurance Revolving Fund (WQARF) to the Arizona Water Quality Fund for support services for the WQARF program. Stipulates that DEQ's annual report on the WQARF program must be prepared in consultation with the WQARF Advisory Board. Requires DEQ's annual report to also include information concerning emergency response actions, priority site remediation, cost recovery activity revenue and expenditures and other WQARF programs. Deletes the requirement that DEQ conduct annual statewide public meetings to provide and discuss information regarding sites on the WQARF registry. Changes the updating requirement for community involvement plans from annually to at least every two years. Clarifies that if a Potentially Responsible Party (PRP) receives an allocation of liability that is less than the amount the PRP agreed to pay the state pursuant to a settlement agreement or consent decree, the excess amount paid by the PRP must be credited to WQARF. Requires the WQARF Advisory Board to submit a report on recommended reforms to the WQARF program to the Governor, Senate President and Speaker of the House of Representatives by November 14, 2003. Amends Title 49, Environment. H. 2264. Chapter 167.

Remediation; Institutional and Engineering Controls. Modifies statutes governing environmental remediation standards. Requires an owner, if an engineering control is used to satisfy remediation standards, to submit to the Arizona Department of Environmental Quality (DEQ) an engineering control plan containing specified information. Directs the owner to submit a proposed form of financial assurance document that is based on cost analysis and describes how the owner will ensure that the engineering control will be maintained and that there will be sufficient funds available to restore the engineering control if it fails or if it fails to meet its performance expectations. Defines "owner" as all persons or entities that currently hold fee title to property other than as security for an obligation. Requires sellers of property that is subject to a Declaration of Environmental Use Restriction (DEUR) to notify DEQ of the sale and requires the buyer to commit in writing to comply with the DEUR. States that a DEUR binds the owner, the owner's heirs, successors and assigns and is perpetual unless released by DEQ. Requires the DEQ Director to give notice of failure to the owner of a property with a compromised engineering control. Authorizes the Director to issue an order requiring implementation of the contingency plan or maintenance of the engineering control if the owner fails to implement the contingency plan or perform required maintenance within a reasonable time. Specifies that an owner who fails to comply with a final order is subject to a civil penalty, as determined by the court based on specified factors, of up to \$1,000 per day for each day of noncompliance, not to exceed \$250,000 for each final order that is violated. Clarifies that a DEUR does not authorize use of a property that is otherwise prohibited by local zoning or other ordinances. Clarifies that a DEUR may limit activities that are otherwise allowed under local zoning or other ordinances. Allows DEQ to adopt emergency rules. Effective date: May 14, 2003. Amends Title 49, Environment. S. 1243. Chapter 221.

Hospital Emergency Services; Study Committee. Creates a study committee on community access to hospital emergency services and patient safety. Specifies membership of the committee. Requires the committee to examine and review data regarding hospital emergency department overcrowding, federal and state laws that impact hospital emergency departments, the amount of uncompensated care provided to patients, community access and patient safety issues and issues impacting the availability of emergency services in areas outside of Maricopa and Pima County. Requires the committee to submit a report by November 15, 2003 to the Governor, President of the Senate and Speaker of the House of Representatives. Repeals the committee after December 31, 2003. H. 2211. Chapter 111.

CRIMINAL JUSTICE

Trespass; Critical Public Service Facilities. Provides a definition of “critical public service facility” and includes municipal providers, law enforcement agencies and public or private fire departments or emergency medical service providers. Includes a definition of “fenced yard” and modifies the definition of “fenced commercial yard” and “fenced residential yard.” Classifies entering or remaining unlawfully in or on a critical public service facility as a Class 6 Felony and entering or remaining unlawfully in a fenced residential yard as a Class 1 Misdemeanor. Amends Title 13, Criminal Code. S. 1059. Chapter 172.

Jury Service; Peace Officers Excused. Allows any peace officer certified by the Arizona Peace Officer Standards and Training Board and employed by the state or any political subdivision to be excused from jury duty by submitting an application to the court. Prohibits an officer’s employer from influencing an officer in any way not to serve on a jury. Amends Title 21, Juries. H. 2124. Chapter 150.

Disability Parking; Dismissal of Complaint. Allows the court or hearing officer to waive the penalty for parking in a disabled parking space if the violator shows evidence of having a valid International Symbol of Access (ISA) placard at the time of the citation. Amends Title 28, Transportation. S. 1206. Chapter 228.

Firearms; Concealed Weapons Permits. Requires the director of the Arizona Department of Public Safety (DPS) to enter into a reciprocal agreement with another state if the other state requires an agreement before accepting a concealed weapons permits from Arizona provided that certain criteria are met. Specifies the criteria other states must meet including: issuance of a permit with an expiration date printed on the permit; verify the permit status within three days of a request for verification; have disqualification, suspension and revocation requirements for concealed weapons permits; and require that an applicant for a concealed weapons permit meet listed requirements. Allows a person who is a resident of another state to carry a concealed weapon in Arizona if they are legally here and have a concealed weapons permit from another state that meets certain criteria, otherwise they would be a prohibited possessor in Arizona. Prohibits a person from another state to carry a concealed weapon if they are under 21 years of age or under indictment for, or convicted of a felony offense in any jurisdiction. Amends Title 13, Criminal Code. H. 2353. Chapter 244.

Firearms Regulation by State. Prohibits a political subdivision from regulating the sale or transfer of firearms on property it owns, leases, operates or controls in a manner that is inconsistent with state law. States that a use permit or other contract that provides for the use of property owned, leased, operated or controlled by a political subdivision cannot be considered a sale, conveyance or disposition of property for purposes of regulating firearms. Amends Title 13, Criminal Code. H. 2319. Chapter 162.

Auto Theft; Manipulation Keys. Defines manipulation key as any instrument, device or key, other than a key designed to operate a specific lock that can be positioned to manipulate a keyway to operate a lock or cylinder. Classifies buying, selling, transferring, possessing or using a manipulation key for vehicles as possession of burglary tools, unless using it for business such as licensed vehicle dealers, manufacturers of keys or vehicles, locksmiths, loan institutions financing vehicles, and law enforcement. Makes using a manipulation key, to enter any part of a vehicle, burglary in the third degree which is a class 4 felony. Amends Title 13, Criminal Code. S. 1057. Chapter 39.

Notice; Certified Ignition Interlock Devices. Transfers the authority for breath tests and blood alcohol concentration from the Arizona Department of Health Services (DHS) to the Arizona Department of Public Safety (DPS). Requires the DPS director to exchange information and cooperate with the Arizona Department of Transportation (ADOT) relating to breath and blood alcohol testing and ignition interlock devices. Requires the DPS director to develop rules and administer breath and blood tests to determine alcohol concentration and to issue operator permits to those who have received instruction and demonstrated knowledge on breath testing devices. Stipulates that rules adopted by DHS on breath tests and blood alcohol concentration are effective and will be enforced by DPS until superseded by DPS rules. Allows permits issued by DHS for the operation of breath testing devices to be in effect until revoked. Amends Title 28, Transportation and Title 41, State Government. H. 2002. Chapter 213.

Vehicle Impoundment; Storage Charges. Transfers authority for poststorage hearings and procedures of impounded vehicles to the agency that impounded the vehicle, rather than the Arizona Department of Transportation. Provides guidelines that must be followed if an impounding agency provides an opportunity for a poststorage hearing. Allows for a poststorage hearing in justice court if the impounding agency does not have a poststorage hearing and specifies the hearing will be considered a civil filing. Allows a justice court to establish and collect fees if holding a poststorage hearing. Requires the poststorage hearing to be conducted within five working days after receipt of request for a hearing, rather than two. Amends Title 28, Transportation. H. 2299. Chapter 218.

Vehicle Title and Registration. Requires the Arizona Department of Transportation (ADOT) to calculate and maintain a record of the unexpired portion of fees and taxes available for credit at the time that either vehicle ownership transfers, or upon surrender of the plate to ADOT, or when the owner submits an affidavit of plate destruction. Allows the owner to apply the unexpired portion of the vehicle license tax and fee credits to one other vehicle the person owns or acquires before the expiration of the registration period for which the unexpired portion of the fees and taxes were paid. Stipulates that if the available credit is unapplied before the end of the registration period for which they were initially paid, the credit is zero. Prohibits an owner from obtaining a credit or refund for vehicle license tax and fee credits if the owner registers the vehicle in another state and has no other vehicle in this state to apply the credit to. Amends 2002 laws to add vehicles that are 25 years or older to the requirement that Arizona Department of Environmental Quality (DEQ) contact the Environmental Protection Agency to request an emissions testing exemption from the state implementation or maintenance plans. Requires the Maricopa Association of Governments and the Pima Association of Governments to cooperate with and supply technical and expert assistance and data to DEQ for the vehicle emissions testing exemptions that are being considered. Sets fines for violations involving vehicle load restrictions as up to \$250 for the first non-injury and non-damaging violation and up to \$350 for a second or subsequent violation in a sixty-month period. Sets fines up to \$500 for a serious injury accident and \$1,000 for a fatal accident. Requires ADOT to issue taxi license plates to the owner of every vehicle operating as a taxi beginning on July 1, 2004 and requires every taxi to display the taxi license plate. Clarifies that federal, state and local government agencies and those acting on behalf of the agencies may obtain driving records information if they are carrying out the person's or the entity's functions. Amends Title 28, Transportation. H. 2294. Chapter 258.

Watercraft; Boating While Intoxicated. Increases the fine for refusing to take a blood, breath or urine alcohol concentration test when operating a motorized watercraft as directed by a law enforcement officer from \$300 to \$750. Amends Title 5, Amusements and Sports. S. 1283. Chapter 207.

Retaliatory Crimes. Adds retaliation for a victim's reporting criminal activity or being involved in an organization, other than a law enforcement agency, that is established to prevent or report criminal activity as an aggravating circumstance as it relates to sentencing. Increases the penalty for threatening or intimidating to a Class 6 Felony when it is committed in retaliation either for a victim's reporting criminal activity or being involved in an organization to prevent or report or prevent criminal activity. Amends Title 13, Criminal Code. H. 2208. Chapter 225.

Crime Victims; Sentencing Proceedings. Adds the following two aggravating circumstances that a trier of fact must consider when determining a death sentence: a conviction for serious offenses committed on the same occasion as the homicide, or not committed on the same occasion but consolidated for trial with the homicide; or if the crime was committed while on probation for a felony offense. Allows a court to consider evidence introduced before sentencing or at any other sentencing proceeding and requires the court to consider aggravating and mitigating circumstances as well as any statement made by a victim when determining whether to impose a sentence of life or natural life. Adds a new section of statute relating to a victim's right to be heard. States that in any proceeding in which the victim has a right to be heard, the right is not exercised as a witness and is not subject to disclosure to the state or the defendant and the victim cannot be cross-examined. Provides a statement of legislative intent that victims in capital cases have the right to make recommendations regarding the appropriate sentence in the same manner as defendants. Provides for the conditional enactment if, on or before June 30, 2013, the Arizona Supreme Court or the United States Supreme Court rules that it is constitutional for a crime victim in a capital case to make a sentencing recommendation. Amends Title 13, Criminal Code. S. 1267. Chapter 255.

Board of Technical Registration. Modifies the legislation passed last year related to the remediation of properties contaminated from clandestine drug manufacturing. Defines terms including drug laboratory site remediation firm and various drugs within the Board's statute. Requires licensure by the registrar of contractors. Requires on-site remediation workers to be certified rather than registered. Establishes immunity from personal liability for all registrants and board committee members volunteering professional services to emergency services personnel at the scene of a disaster as part of an authorized board program. Certain sections of the bill are retroactive from and after June 30, 2003. Amends Title 12, Courts and Civil Proceedings and Title 32, Professions and Occupations. H. 2466. Chapter 198.

Sex Offender Registration; DOC Duties. Requires, rather than allows, the Arizona Department of Corrections, the Arizona Department of Public Safety and county sheriffs to register any convicted sex offender within three days of the person's release from confinement. Effective date: December 31, 2003. Amends Title 13, Criminal Code. S. 1088. Chapter 42.

Campus Sex Crimes Prevention. Requires a person subject to sex offender registration who is a student at or works at a public or private institution of postsecondary education to notify the county sheriff with jurisdiction over that institution. Stipulates that a registered sex offender must also notify the sheriff of the county having jurisdiction of any change in enrollment or employment status at the institution. Requires the county sheriff to immediately inform the law enforcement agency having jurisdiction over the institution and mandates the law enforcement agency to complete appropriate campus notification. Removes the repeal date of January 1, 2004 for the Community Notification Guidelines Committee. Amends Title 13, Criminal Code. S. 1158. Chapter 173.

Duty to Report. Modifies the statutes regarding duty to report child abuse. Names additional people that are covered under the duty to report laws. Permits reports to be given to only a peace officer if a report concerns a person who does have care, custody or control of the minor. Exempts Christian Science Practitioners from reporting requirements if they receive communication concerning abuse or neglect of a minor and determine the confidentiality reasonable and necessary within the concepts of religion. Stipulates that a physician, psychologist or behavioral health professional can withhold reporting a statement of a sex offender if the treatment is not court ordered or does not occur while the offender is incarcerated, the offender is not a parent, stepparent, guardian or custodian of the child and the physician, psychologist or behavioral health practitioner determines withholding of a statement to be reasonable and necessary for treatment purposes. Prohibits evidence gained from court-ordered treatment to be used in criminal proceedings unless the offender consents or if the evidence is used to show motive pursuant to Arizona Rules of Evidence. Increases the penalty for failure to report reportable offenses to a Class 6 felony from a Class 1 misdemeanor. Makes clarifications regarding sending harmful items to minors over the internet. Provides definitions for terms including "reportable offense," "internet," "internet web site." Amends Title 13, Criminal Code. S. 1352. Chapter 222.

Civil Actions By Victims; Limitation. Extends the statute of limitations for any civil cause of action brought by a victim against a defendant by one year if the defendant is convicted of criminal conduct against the victim. Tolls the statute of limitations from the time the defendant is charged by a criminal complaint or indictment until the final adjudication of the criminal case and clarifies that if the civil cause of action arises out of more than one complaint, the statute of limitations runs from the date of the last incident of criminal conduct or conviction. Exempts civil causes of action brought against employers or former employers of the defendant from the extended statute of limitations. States that the new section does not shorten any other applicable tolling provisions. Defines "civil cause of action," "criminal conduct," "defendant," "final disposition" and "victim." Contains a nonseverability clause. Amends Title 12, Courts and Civil Proceedings. H. 2407. Chapter 195.

Transition Program; Drug Offenders. Adds a new article in statute relating to a transition program for drug offenders. Requires that the Director of the Department of Corrections (DOC) establish the transition program, contract with any private or nonprofit entity to provide transition services and adopt rules to implement the program. Specifies eligibility for the program and requirements for reporting, contracting, and office locations. Establishes a Transition Office Fund and a Transition Program Drug Treatment Fund. Modifies the allocation of an inmate's earnings by requiring that 8% of the earnings for drug offenders be placed in the Transition Office Fund. Allows the DOC Director to permit a temporary release of inmates in the transition program. States that the transition program applies to inmates convicted of a drug offense and who are incarcerated on or after the effective date unless the inmate is eligible for release within six months of the effective date. Sunsets the transition program on July 1, 2013. Amends Title 31, Prisons and Prisoners; Title 33, Property; Title 41, State Government and Title 42, Taxation. S. 1291. Chapter 256.

Domestic Violence; Privileged Communications; Training. Adds a new section of law on domestic violence victim advocates (advocate). Mandates that an advocate cannot be examined in a civil action regarding communications between the victim and the advocate. States that the exemption from examination does not apply to a civil action relating to the civil commitment of sexually violent persons. Specifies that the communications are not privileged unless the advocate has immunity under other provisions of the law and the advocate knows or should have known that the victim would give perjurious statements that would disprove that domestic violence occurred. Clarifies that the advocate must report abuse under the duty to report laws. Amends Title 12, Courts and Civil Proceedings. S. 1098. Chapter 235.

Schools, Teacher Certification; Examinations. Modifies the current system for issuing fingerprint clearance cards and removes the distinction between class one and class two fingerprint cards. Replaces provisions relating to class one or class two fingerprint clearance cards (FCC) with a single FCC. States that all class one or class two FCC issued before October 1, 2003 are valid until their normal expiration dates. Requires a person holding a FCC to submit a new set of fingerprints every six years, instead of every three. Allows the Board of Fingerprinting to establish fees and requires the payment of fees as established by the Board upon the submission of an application for a FCC. Prohibits a person required to register as a sex offender from obtaining a FCC. Specifies that a person who is awaiting trial or who has been convicted of committing or attempting or conspiring to commit a violation relating to driving under the influence or similar offense within five years of the application for a FCC is prohibited from driving any vehicle to transport employees or clients of the employing agency as part of the person's employment. Requires that a notice to this effect be placed on the person's FCC. Removes the following offenses from those that automatically preclude an individual from obtaining a FCC and places them under those offenses that qualify for a good cause exceptions hearing: kidnapping; felony offenses involving sale, distribution or transportation of, offer to sell, transport or distribute or conspiracy to sell, transport or distribute marijuana, dangerous drugs or narcotic drugs; robbery; aggravated assault and felony offenses involving contributing to the delinquency of a minor. Requires the Board of Fingerprinting to appoint a hearing officer to determine good cause exceptions. Requires the Board or a hearing officer to conduct a good cause exceptions hearing if an applicant does not qualify for a FCC under expedited review and the appeal is within the time restrictions set by the Board. Effective date: May 14, 2003. Amends Title 8, Children; Title 15, Education; Title 36, Public Health and Safety; Title 41, State Government and Title 46, Welfare. H. 2016. Chapter 214.

TRANSPORTATION

Traffic Survival School; Notification. Requires a law enforcement officer or jurisdiction to provide written notice of the requirement to successfully complete traffic survival school to a person found responsible or who enters a guilty plea for a red light violation. Requires the written notice to include: a reference to red light violations, the option to attend defensive driving school, if eligible, and a statement that Motor Vehicle Division (MVD) will notify the person if they are required to attend traffic survival school. Requires a person found responsible for a red light traffic violation in a jurisdiction outside of Arizona to complete traffic survival or defensive driving school. Amends Title 28, Transportation. S. 1118. Chapter 236.

ADOT; Omnibus. Authorizes a city or town to designate roads as primitive if they were opened prior to June 13, 1975 and not constructed in accordance with county standards. Such a designation limits the liability of municipalities for damages or injuries that occur on these roads. Authorizes ADOT to cooperate with Indian tribes to secure full benefits for state transportation. Creates a "transplantation awareness" special license plate. Authorizes military license plates to be issued with the International Symbol of Access for those eligible for the disabled designation. Effective date: May 12, 2003. Amends Title 28, Transportation. S. 1063. Chapter 201.

Transportation; Arizona; Mexico; Committee Extension. Adds construction of transportation facilities within 25 miles of the Mexico border to the list of items for which the safety enforcement and transportation infrastructure fund (SETIF) monies can be used. Extends the Joint Legislative Review Committee on Transportation between Sonora, Mexico and Arizona until December 31, 2008. Amends Title 28, Transportation. H. 2286. Chapter 35.

WATER

Multijurisdictional Water Facilities Districts. Allows two or more municipal water providers to consider the formation of a multijurisdictional water facilities district for the purpose of mutual benefit in the construction, operation and maintenance of water-related facilities. Specifies procedures to be followed for the formation of a district including the preparation of a preliminary general plan, a resolution of intent from the governing body of each municipal water provider, a public hearing and an election. Stipulates elections procedures. Specifies the district's board of directors and the board member election process. Lists the powers of a district. Requires the district to perform an engineering study to be completed before the construction, acquisition, or financing of any water-related facilities and specifies information to be included in the study. Specifies procedures to be followed for a modification of district boundaries and the dissolution of a district. Allows the district to issue revenue bonds to finance projects. Requires approval from the Corporation Commission in order for a private water company to participate in certain district activities. Amends Title 48, Special Taxing Districts. H. 2480. Chapter 66.

Water Status Report; DWR. Allows the Arizona Department of Water Resources (DWR) to grant a request from the Secretary of the Interior to waive Colorado Water River rights if certain listed criteria are met, including that the Secretary must obtain a permit to withdraw groundwater from the Yuma Basin. Allows groundwater from the Yuma Basin to be withdrawn for transportation outside the basin if a permit is obtained from the DWR Director. Specifies criteria that must be met in order to obtain a permit. Provides a timeline for when the Director must perform a review of the application and for when the application must be approved or denied. Contains noticing requirements, including to cities and towns within Yuma County, and allows those adversely affected by the withdrawal to file an objection. Permits the Director to hold a hearing for the applicant and objector and stipulates hearing requirements. Allows the Director to stipulate conditions under which the permit may be granted. States that the permit cannot be granted for more than 10 years. Allows revocation of the permit by the Director. Requires the Director to monitor withdrawals. Contains a section on drought emergency groundwater transfers. Allows groundwater to be transported away from a groundwater basin in areas outside active management areas if approved by the DWR Director. Requires the Director approve the transport of groundwater if listed criteria relating to the drought are met. States that the approval is valid for 6 months or until the Director determines the transport is no longer needed. Prohibits water from being transported to subsidize insufficient supplies due to continued growth or deficient base water supplies. Requires the Director of DWR to present information to the legislative committees that have jurisdiction over water issues in the year following each regular general election. Includes specified topics that must be included in the presentation. Contains a delayed repeal date of April 30, 2004. Effective date: May 21, 2003. Amends Title 45, Water. H. 2478. Chapter 248.

Safe Drinking Water Act. Clarifies the definition of a public water system as one that provides water for human consumption through pipes or other constructed conveyances and has at least 15 service connections or which regularly serves an average of at least 25 persons daily for at least 60 days a year. Requires rules established by the Department of Environmental Quality (DEQ) regarding the production, treatment, distribution and testing of potable public water systems to comply with the Environmental Protection Agency's requirements from the Federal Code for state primary enforcement responsibility of the Safe Drinking Water Act (SDWA). Requires the rules to provide for relief, instead of permanent relief, from water testing and monitoring requirements for public water systems complying with the federal SDWA. Strikes the requirement for DEQ to notify a water system's owner or designated agent of a change discovered in the water quality compliance status of a water system. Removes the requirement that DEQ develop procedures for qualifying water systems for a waiver from enforcement under specified conditions as part of the water system compliance assistance program. Amends Title 49, Environment. H. 2381. Chapter 127.

Farmland; Agricultural Water Rights. Allows a person who owns farmland in an Active Management Area to apply to the Arizona Department of Water Resources (DWR) Director for protected farmland status. In order to obtain this designation, the Director must determine that the land is subject to an agricultural easement or a conservation easement. Requires a designation to be revoked if either the easement is terminated or if the landowner requests the Director to revoke the designation. States that the irrigation water duty for the farmland is the amount in effect as of the date the application for designation is submitted. Amends Title 45, Water. H. 2476. Chapter 98.

CAWCD Amendments. Extends Central Arizona Groundwater Replenishment District's (CAGR) planning horizon to 100 years. Requires the CAGR plan to be submitted to the Arizona Department of Water Resources (DWR) Director, and to describe the ability to meet current and projected groundwater replenishment obligations, the sources of water to be used for replenishment purposes, a description of the previous 10 year's activities, and a description of current and planned facilities and their capacity. Provides the Director of DWR with specific criteria for review and approval of CAGR's plan of operation. Requires DWR to establish a replenishment reserve subaccount as part of the accounting mechanism for groundwater debits and credits. Allows golf course parcels of member lands to qualify as Category 2 Member Land. Category 2 member lands are not required to pay replenishment reserve charges and fees and are prohibited from benefiting from the replenishment reserve in the future. Requires CAGR to establish and maintain a replenishment reserve of long-term storage credits in the Phoenix, Pinal and Tucson AMAs with a target reserve volume equal to 20 years of replenishment obligation. The replenishment reserve is to be created by recharging (storing underground) available water supplies. The cost to create the replenishment reserve must be paid by CAGR members through replenishment reserve charges and fees. States that the Central Arizona Water Conservation District (CAWCD) may sell, resell, deliver or distribute excess electricity or other forms of energy that was acquired but not needed to operate the Central Arizona Project. Prohibits sale to retail customers. Amends Title 45, Water and Title 48, Special Taxing Districts. H. 2477. Chapter 155.

ENVIRONMENT

Air Pollution; Jurisdiction; Indian Lands. Authorizes owners of original equipment manufactured alternative fuel vehicles in Maricopa and Pima counties to pay an emissions fee in-lieu of emissions testing for the first three years of vehicle registration. Repeals state authority to enforce state air quality standards on Indian trust lands. Amends Title 49, Environment. S. 1177. Chapter 238.