



NEW LAWS

Enacted by the 2002 Arizona Legislature

Summary of Bills of Municipal Interest

June 18, 2002

As a result of the second regular session of the 45th Legislature, 344 bills became law.

The following is a summary by subject of the new laws of municipal interest passed during the 2002 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/legtext/45leg/2r/laws/group.htm>. 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 August 22, 2002. 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

Open Meeting; Agenda; Exception. Allows any member of a public body, during a public meeting, to present a brief summary of current events without the specific subject being listed on the agenda provided that no legal discussion or action is considered on the un-posted item. Amends Title 38, Public Officers and Employees. H. 2364. Chapter 247.

Public Records; Inspection; Mail. Sets a new standard for providing public records. Specifies that the custodian of the public record "promptly" furnish copies, printouts or photographs of the requested public record to the requesting party. States that access to a public record is deemed denied if the request for production of a public record is not "promptly" responded to by the custodian. Allows public records that are not available on the public body's website to be mailed to the requesting party. Allows the public body to charge the requesting party for postage and copying prior to the records being mailed. Amends the definition of a seal to include a stamped seal, a printed seal, a screened seal or a computer generated seal. Amends Title 1, General Provisions and Title 39, Public Records, Printing and Notices. S. 1415. Chapter 211.

Law Enforcement Council; Attorney Fees. Authorizes the Law Enforcement Merit System Council, the Superior Court, or a merit system or civil service plan appeal board in cities, towns and counties to award reasonable attorney fees to a police officer if the action to suspend for a time greater than 16 hours, demote or dismiss the officer is reversed by the council or board or is overruled by the court. Stipulates that the amount of the award by the merit system or civil service plan appeals board shall not exceed \$10,000. If the employee appeals the decision and the court exonerates the officer, the court may award, in whole or in part, reasonable costs and attorney fees incurred and the fees shall not exceed \$15,000. Specifies that the award of attorney fees does not apply if the order of a law enforcement agency head was not for disciplinary purposes but was for administrative purposes such as a reduction in force or if the disciplinary action was due to off-duty activities unrelated to the officer's required duties. Amends Title 38, Public Officers and Employees. H. 2357. Chapter 268.



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City and Town Unification. Authorizes and establishes a process by which a city and a town within five miles of each other and the unincorporated areas between or contiguous to either municipality can unify into one municipality with the approval of a public vote. Amends Title 9, Cities and Towns. S. 1137. Chapter 69.

Municipal Prosecution Diversion and Dismissal. Allows the chief prosecuting officer of a city or town to establish a diversion program which would provide for the dismissal of a criminal complaint upon successful completion of the program. Grants the prosecutor the discretion to decide to divert prosecution of an offender before a guilty plea or trial. Prevents persons accused of a crime involving the use of a deadly weapon or dangerous instrument from being eligible for this program. Amends Title 9, Cities and Towns. H. 2283. Chapter 114.

Natural Gas Fueling Fee; Repeal. Repeals the prohibition that keeps public power entities from charging a monthly service fee on natural gas that is used for refueling alternative fuel vehicles. Amends Title 30, Power. H. 2261. Chapter 42.

Commerce and Economic Development Commission. Eliminates the Commerce and Economic Development Commission's (CEDC) authority to administer the small business enterprise and research programs and to provide financial assistance relating to those programs. Includes training and experience in economic development as a qualification for membership on the commission. Modifies the make-up of the CEDC, effective January 1, 2003, by expanding the membership from five to eight, increasing the number of members for a quorum from four to five and requiring a vote of seven members, rather than a unanimous vote, to delegate powers and duties to its employees. Clarifies that the CEDC's financial assistance to businesses locating or expanding within the state can occur either directly or indirectly. Differentiates the requirements for projects focused on business location or expansion and projects focused on business retention. Allows the CEDC the option of reviewing credibly prepared cost benefit analyses from other organizations rather than only using their own analyses. Stipulates that performance standards for businesses or projects receiving assistance must be met within the first five years after assistance is received rather than the first five years after a business facility is occupied. Provides that a minimum of 25 percent of the monies disbursed from the CEDC fund must either directly or indirectly provide assistance to businesses in rural areas of the state and that 15 percent of the monies be awarded directly or indirectly to businesses or projects in economically disadvantaged areas of the state and requires the CEDC to determine which areas fall under that designation. Amends Title 41, State Government. H. 2274. Chapter 243.

Job Training Program; Administration. Eliminates the Arizona Job Training Council and replaces it with a newly established Governor's Council on Workforce Policy established by Executive Order. There are no municipal members on the council. Adds new program guidelines and application criteria. Amends job compensation criteria. Requires that money appropriated for job-training be spent by June 15 of each fiscal year. Allows money that is not spent by this date to be utilized by other qualified applicants. Defines a small business as one that employs fewer than one hundred employees. Amends Title 41, State Government. H. 2265. Chapter 264.

Tourism and Sports Authority; Revisions. Requires the TSA to approve a site for the construction of the multipurpose facility and deliver copies of agreements verifying each site host that will provide the land, parking and infrastructure for the multipurpose facility to the Governor and the Attorney General by September 12, 2002. States that if the TSA fails to deliver fully executed and approved documents to the Governor and the Attorney General by September 12, 2002, voter approval of the continued existence of the TSA is required at the next countywide general election. Defines "site host" as the State, any agency of the State, the county, any city or town in the county or Indian tribe in the county or any person, corporation or business entity. Reorders the priority of distribution from the tourism revenue clearing account to place distributions to the youth and amateur sports facilities account ahead of distributions to the operating account. States that if the voters terminate the TSA, the STASA (Spring Training and Amateur Sports Authority) is established and continues the funding to the Cactus League and youth and amateur sports but prohibits the STASA from constructing new facilities or improving existing facilities. Effective Date: May 22, 2002. Amends Title 5, Amusements and Sports; Title 41, State Government; Title 42, Taxation and Title 43, Taxation of Income. H. 2177. Chapter 288.

Child Support; Domestic Relations; Committees. Establishes a spousal maintenance enforcement enhancement fund. Adds the cost of health insurance as a consideration for determining spousal maintenance awards. Establishes separate committees for domestic relations and child support and repeals the existing joint committee. Amends Title 12, Courts and Civil Proceedings and Title 25, Marital and Domestic Relations. S. 1088. Chapter 332.

Confidentiality of Records. Creates specific procedures to protect the personal information of prosecutors and peace officers from access by the general public. Requires that a common form be used to request confidentiality. Allows a Superior Court judge to temporarily stay or vacate a court order prohibiting public access under specific circumstances. Allows a judge to seal an affiant voter record to reduce danger for five years. Stipulates that the recorder must remove the restrictions on all voter records by January 5 the year after the court order expires. Amends Title 11, Counties, Title 16, Elections and Electors and Title 28, Transportation. H. 2551. Chapter 129.

Liquor Licenses; Fees; Seizures. Changes the make-up of the state liquor board by adding another member with ties to the liquor industry. Increases the annual licensee surcharge by \$10. Allows the seizure of money, records and/or alcohol by a peace officer that has probable cause to believe there is a violation. Outlines the property that will be forfeited in the event of a violation. Defines a person who obtains property through a violation of this section as an involuntary trustee and thus may be susceptible to racketeering statutes. Effective Date: May 22, 2002. Amends Title 4, Alcoholic Beverages. H. 2436. Chapter 294.

Counties; Native Plants. Allows a homeowners' association or any other community based nonprofit organization to collect and salvage native plants in an unincorporated area with the permission of the county. Statute currently allows for this in areas of incorporated cities and towns. Amends Title 3, Agriculture. H. 2107. Chapter 38.

County Recording. Specifies that all maps or plats presented for recording shall include a title that indicates the type of map or plat, the name of the owner of the record of the area being surveyed and shall have a place for the recorders information and seal block. Adds that all other maps or plats may be on sheets measuring 24 by 36 inches in at least 11 point type. Amends Title 11, Counties. H. 2207. Chapter 52.

Light Rail Safety; ADOT Oversight. Requires the Arizona Department of Transportation (ADOT) to establish, implement and enforce minimum safety standards for light rail transit systems in a county with a population of more than 1,500,000 persons and provides ADOT with immunity for this purpose. Makes the organization that operates a light rail system responsible for any risk management costs or judgements against the State resulting from the Department's safety oversight of the light rail transit system. Amends Title 12, Courts and Civil Proceedings and Title 28, Transportation. S. 1337. Chapter 205.

Marriage License; Issuance. Allows a city or town clerk who issues a marriage license to retain \$1.50 for each license that is issued. Amends Title 25, Marital and Domestic Relations. H. 2236. Chapter 14.

State Agencies; Administrative Procedures; Rules. Revises the administrative procedures for rule making by State agencies. Creates a regulatory reform and enforcement study committee to review the State rulemaking process including an evaluation of the extent that the State and political subdivisions have adopted unnecessary, duplicative or inconsistent regulations. Amends Title 41, State Government. S. 1339. Chapter 334.

Vacated Public Roadways. Allows cities, towns, counties and the state to vacate a public roadway provided that a public or private legal access road connects the adjoining land to a public roadway and without compensation if the governing body determines that the roadway has no public use or market value. Requires the person or entity taking the vacated public roadway to assume maintenance and liability for the roadway. Amends Title 28, Transportation. H. 2227. Chapter 229.

PUBLIC HEALTH AND SAFETY

Clandestine Drug Laboratory Cleanup. Establishes procedures for the notification, remediation and enforcement for cleaning up clandestine drug labs. After discovering a drug lab, law enforcement officers are required to deliver a notice of removal to clean the area to the owner or on-site manager and post the notice on site. The notices include a requirement for the owner to remediate the site using a registered drug lab site remediation firm. Upon completion of the remediation, the firms are instructed to remove the posted notices of removal. For unremediated properties, the owner is required to notify any potential buyer, tenant or occupant of the site that a drug lab operated on the site. Creates a joint legislative

oversight committee to review remediation standards for consideration by the Attorney General. Establishes standards for the Board of Technical Registration to register drug lab site remediation firms. Delayed effective date for parts of the new law to July 3, 2003. Amends Title 12, Courts and Civil Proceedings; Title 32, Professions and Occupations and Title 36, Public Health and Safety. H. 2595. Chapter 297.

Slum Property; Abatement. Makes a number of changes to the laws governing residential slum property which include defining the term *owner* of a residential property that is declared a nuisance, allowing the court to issue a temporary restraining order if the existence of a nuisance on residential property is shown and the owner knew or had reason to know of the criminal activity and failed to take reasonable action. Removes the requirement that, in order for a court to issue a restraining order or to remove temporary receivership, a property must be out of compliance with statutes governing residential rental property. Retains the requirement that the property be designated a slum property and removes that the court determine that the appointment of a temporary receiver is necessary to remedy the condition for which the property is registered. Retains the provision that the temporary receivership terminates after all violations have been cured. Amends Title 12, Courts and Civil Proceedings and Title 33, Property. H. 2518. Chapter 91.

Hazardous Chemicals; Right-to-know. Provides individuals owning or operating a facility requiring a material safety data sheet for hazardous chemicals with the option of electronically filing their emergency and hazardous chemical inventory form to the Arizona Emergency Response Commission. Requires the form to identify the fire department or district with jurisdiction over the facility. Eliminates the less comprehensive tier I reporting requirements. Requires that the reporting data be made available to the public. Amends Title 26, Military Affairs and Emergency Management. H. 2127. Chapter 138.

Hazardous Material; Planning; Filing. Allows facilities located in cities and towns with a population of 75,000 or more to electronically submit hazardous materials management plans and hazardous materials inventory statements to local fire departments or fire districts. States that local fire departments and fire districts have authority to require the electronic filing of hazardous management plans and hazardous materials inventory statements. Amends Title 41, State Government. H. 2622. Chapter 252.

Regulating Fertilizer; State Preemption. Specifies that the labeling of fertilizer within Arizona is of statewide concern and that it will be regulated by the state solely and is not subject to further regulation by a county, city, town or other political subdivision. Amends Title 3, Agriculture. H. 2018. Chapter 135.

Liquefied Petroleum Gas Containers. States that no person other than the owner or a person with written permission from the owner can fill, refill or evacuate a petroleum gas container or deface, erase, obliterate, cover up, or otherwise remove any name, mark, initial or devise on a petroleum gas container. States that this section does not apply to cylinders and that a violation of this section is a petty offense. Defines "cylinder" and "liquefied petroleum gas." Amends Title 36, Public Health and Safety. H. 2427. Chapter 90.

Building and Fire Safety; Continuation. Continues the Department of Building and Fire Safety until July 1, 2012. Extends the time that a mobile home tenant can apply to the Department of Building and Fire Safety for reimbursement of relocation expenses from fifteen to sixty days. Requires drinking water providers to provide fire code authorities with an opportunity to comment on the installation of backflow equipment that exceeds state fire code minimum standards. Amends Title 33, Property and Title 41, State Government. H. 2455. Chapter 274.

Arizona Civil Rights Act; Revisions. Replaces "handicap" with "disability" and adds "familial status" to the list of prohibited discriminations. Specifies that the State or any political subdivision must make reasonable modifications to rules, remove architectural and communication barriers and provide auxiliary aids and services to people with disabilities in order for them to exercise their voting rights. States that compliance with specified federal acts deems compliance with Arizona's voting rights protections. Adds "religion" and "sex" to the types of discrimination prohibited in places of public accommodation. Prohibits a covered entity from conducting medical examinations or making inquiries as to whether an individual has a disability unless specified exceptions apply. Requires consideration of an employer's judgment as to what functions of the job are essential and allows a written description of the job that was prepared before advertising or interviewing for the job

to be evidence of the essential functions of the job. Extends from 60 to 180 days the amount of time the charging party may file with the Attorney General (AG). Authorizes the AG's Civil Rights Division to file a charge on its own initiative to investigate a discriminatory act. Allows the courts to award actual and compensatory damages and reasonable attorney fees to a prevailing defendant if the plaintiff's complaint was frivolous. If the court finds that discrimination occurred, it is required to award reasonable attorney fees to a prevailing plaintiff other than the AG. Increases the civil penalties for a violation from \$300 to not more than \$5,000 for a first violation and not more than \$10,000 for a subsequent violation. Amends Title 41, State Government. H. 2353. Chapter 339.

Effluent Reuse; Task Force Report. Extends the Effluent Reuse Task Force repeal date from February 1, 2003 to February 1, 2006. Changes the final report due date from December 1, 2002 to December 31, 2005. Amends Laws 2000, Chapter 192, Sections 1 and 2. S. 1158. Chapter 163.

Multifamily Rental; Condominium Conversion. Requires anyone who converts a multi-family housing rental property to a condominium to disclose the conversion to the real estate commissioner. Also requires additional information to be disclosed in the declaration including the date of original construction, the name and address of the original owner, builder, developer, and general contractor, the name and address of each subsequent owner, an agreement by the subdivider to provide additional information on improvements made to the property immediately before the first condominium was sold upon request, and a specific description of all the improvements. The information regarding the construction and development of the property is to be obtained from building permits and other records from the applicable local government. If the information can not be found, the local government shall submit a letter indicating that the pertinent documents could not be located. Amends Title 32, Professions and Occupations and Title 33, Property. H. 2446. Chapter 117.

Animal Control. Requires the county enforcement agent to issue an order to destroy a vicious animal after notifying the owner and the person who was bitten. Permits a justice of the peace or a city magistrate to impose additional procedures to make sure that all parties are safe during this process and allows any decision to be appealed to the Superior Court. Requires that the animal's owner must pay all fees for the impounding, sheltering and disposing of the vicious animal. Amends Title 11, Counties. S. 1304. Chapter 175.

Animal Control. Specifies that in a trial for damages due to a dog bite, provocation will be determined by whether a reasonable person would expect that the plaintiffs conduct or the circumstances would be likely to provoke a dog. Amends Title 11, Counties. H. 2251. Chapter 81.

Animal Sterilization. Prohibits unsterilized dogs and cats from being released for adoption from a municipal or county pound or animal shelter unless there is not a facility within a 20 mile radius to perform the surgery or a medical condition exists that requires a postponement of the surgery. Amends Title 11, Counties. S. 1053. Chapter 63.

Task Force; Health Care System. Establishes a statewide health care system task force consisting of four members from each of the House and Senate as well as a member from each of the following: a consumer advocacy group, the business community, a health care provider, the University of Arizona Health Science Center and a health care insurance provider. The task force is to look at the availability and affordability of health care and related issues. Stipulates that no member will be paid or reimbursed. Requires report of any findings to be submitted to the Governor, Legislature, Secretary of State and State Library by November 15th of each year. Repeals the committee on December 31, 2004. H. 2286. Chapter 265.

ELECTIONS

Campaign Finance; Advertising Disclosure. Removes the requirement that the names of individuals who contributed major funding to an independent expenditure committee be printed on the committees' literature or advertisements. Defines major funding source as a source that is not an individual person and that makes a cumulative contribution of either \$10,000 or more for support or opposition of a statewide ballot proposition or a ballot proposition in a political subdivision of 100,000 persons or more, or \$5,000 or more for support or opposition of a ballot proposition in a political subdivision with less than 100,000 persons. Effective Date: April 8, 2002. Amends Title 16, Elections and Electors. H. 2412. Chapter 10.

Elections; Petition Amendments. Makes a number of minor amendments to the election statutes. Requires candidate nomination papers and petitions to contain the candidate's actual residence address or a description of the candidate's place of residence beginning on January 1, 2003. Signers of nomination petitions must provide their actual address or a description as well beginning in 2003. States that if an elector who is issued a replacement ballot votes more than once, only the first ballot received is counted. Adds the requirement that if a political committee makes expenditures to influence the results of a ballot proposition election, the name of the political committee contained in the statement of organization must contain the official serial number for the petition and a statement of support or opposition to the ballot measure. Makes any petition signatures gathered by a political committee for an initiative or referendum void if gathered prior to filing a \$500 threshold exemption statement. Deletes the provision that requires a county recorder to certify names of individual referendum or initiative petition signers who were disqualified by the county recorder except for those disqualified within the random sample to the Secretary of State. Exempts recall petitions from the requirement of stating whether a paid or volunteer circulator collected signatures. Changes the number of signatures required on recall nomination petitions to at least two percent of the total votes cast for all candidates for that office in the last election. Requires recall nomination petition signers to be residents of the same electoral district as the person who the recall petition was filed against. Establishes a nine member Voter Registration and Mailing Address Study Committee required to report to the Legislature and the Governor by December 15, 2002 and again on that date in 2003. Amends Title 16, Elections and Electors and Title 19, Initiative, Referendum and Recall. S. 1285. Chapter 322.

WATER

Indian Water Settlements; Storage Credits. Allows an Indian community that has entered into a water rights settlement to accrue long-term water storage credits by delivering Central Arizona Project (CAP) water to holders of grandfathered groundwater rights in an active management area. Outlines the conditions for obtaining storage credits and filing with the director of the Department of Water Resources. Authorizes the director to review a hydrological report and make modifications. Requires the holder of the grandfathered rights to report annually to the director the total amount of CAP water received from the Indian community, a listing of the underground water rights that were not exercised because of the delivery of CAP water, and any other information required by the director. Specifies that the CAP water received by the holder is considered groundwater and that the holder is responsible for all records, reports and fees required. Authorizes the director to establish a long-term storage account for the Indian community and each year credit 95% of the water received by the holder to the account. Stipulates that the maximum amount of long-term storage credits that may be accrued in any year is ten thousand-acre feet and requires the Indian community to offer to sell ten percent of the accruable long-term storage credits to the Arizona Water Bank Authority (AWBA) to be eligible. Authorizes the AWBA to purchase long-term storage credits from the Indian Community. Amends Title 45, Waters. S. 1409. Chapter 208.

Omnibus Water Bill. Revises several areas of the water code including conservation, underground storage, irrigation, well drilling and fee refunds. Revises the notification and reporting procedures for municipal conservation requirements. Establishes the issuance of drilling cards to be provided to individuals by the Department of Water Resources who have submitted an intention to drill notice and have met the requirements to drill. Expands the authority and responsibilities of certain special taxing districts serving municipal and industrial waters. Amends Title 45, Waters and Title 48, Special Taxing Districts. S. 1363. Chapter 133.

Water; Best Management Practices; Agriculture. Requires the Director of the Department of Water Resources (DWR) to establish a Best Management Practices (BMP) program as a voluntary alternative conservation program for agricultural uses of groundwater for the third management period (2000-2010). The BMP program would require implementation of specific agricultural conservation practices for water used on farmland in lieu of complying with a maximum annual groundwater allotment as provided under the current Base Conservation program. Establishes an irrigation efficiency standard of 80% for Base program and stipulates that flexibility account credits, available only under the Base program, could be sold or conveyed for use on a farm outside of an irrigation district only if both farms are within the same sub-basin and owned or leased by the same person. Amends Title 45, Waters. H. 2022. Chapter 5.

Groundwater Replacement; Use Permit Extensions. Outlines specific conditions for a general industrial use (GIU) permit to withdraw groundwater, issued in the Phoenix AMA, to be extended for up to seven years after the date the permit would otherwise expire. In order for the GIU permit to be extended for the maximum seven years, a contract to use Central Arizona Project (CAP) water instead of the groundwater must have been entered into before January 1, 2002 and construction on a pipeline to deliver the CAP water must be substantially commenced by 2007. Stipulates that the GIU permits must total less than 1,400 acre feet and that the CAP water must be used directly on golf courses. H. 2064. Chapter 72.

LAND USE

Growing Smarter; Planning And Zoning. Amends the Growing Smarter provisions by simplifying the water resource element to make it easier for smaller communities and adds Arizona Department of Water Resources to the list of groups cities and towns must transmit their plans to for comment before adoption. Extends the deadline for cities and towns to adopt their general plans for one year (municipalities over 75,000 will now have until December 31, 2002 to adopt their new general plans and all other cities and towns will have until December 31, 2003) and clarifies the process for adoption and ratification of the general plan. Stipulates that if a motion to adopt or readopt a general plan fails, the council can reconsider the motion in a manner allowed by their rules. Extends the review period for public comment on plans to 60 days prior to when the plan is noticed for public hearing (existing language has the 60 day review period before adoption by the governing body) and clarifies that the citizen review process for rezoning applications applies to all applications that require a public hearing, not separate citizen review processes for each application. Amends Title 9, Cities and Towns and Title 11, Counties. H. 2601. Chapter 148.

Protected Development Rights; Procedures. Removes the ability of a municipal or county planning agency to determine the protected development rights of a site development plan. Allows counties and municipalities to provide by ordinance or resolution the requirements for a phased development. If requirements are not adopted, then a plan submitted as a protected development rights plan (PDRP) may be identified as a phased development when it is submitted to the planning agency. Removes the ability of municipalities and counties to designate development plans as PDRPs, unless the plan is submitted by the landowner without designating it as a PDRP. Allows the landowner to identify a site development plan as a PDRP when it is submitted to the municipality or county. Begins the protected development right when the municipality or county approves the plan. Requires land for phased development PDRPs to be appropriately zoned before submittal to the municipality or county. Declares final subdivision plats that meet minimum statutory requirements as PDRPs in municipalities. In counties, final subdivision plats and development plans may be designated as PDRPs by ordinance or resolution. Applies the act to municipalities and counties upon the effective date of the adoption of the municipality's general plan or county's comprehensive plan. If a county or municipality has already adopted a plan, then the act applies on the general effective date. If a county or municipality has not adopted a plan by December 31, 2003, the act applies on January 1, 2004. Amends Title 9, Cities and Towns and Title 11, Counties. S. 1354. Chapter 216.

Political Subdivisions; Military Airports; Zoning. Requires a political subdivision that has territory in the vicinity of a military airport that includes property in a high noise or accident potential zone to adopt school district development plans, if applicable, to assure development compatible with the high noise and accident potential generated by military airport operations. Requires school districts to report to the Attorney General regarding their compliance with planning, zoning and notification requirements of the territory in the high noise or accident potential zone. Allows the political subdivision and the military airport to mutually agree on the compatibility of an individual land use. Narrows the high noise or accident potential zone for a county with a population of more than 800,000 but less than 2 million from a width of 16,000 feet to 10,400 feet. Includes libraries, schools and churches in buildings that require noise level reductions to be incorporated in the design and construction in the areas within the high noise or accident potential zone. Authorizes the political subdivision to approve a certification by a registered architect or engineer to achieve a maximum interior noise level of 45 decibels at the time of construction if the specified building standards are not met. Effective Date: May 6, 2002. Amends Title 28, Transportation. S. 1393. Chapter 177.

Municipal General Plans; Open Space. Stipulates that municipalities may designate land as open space, without complying with the requirements put in place by Growing Smarter Plus that state a municipality shall not designate private land or state trust land as open space, recreation, conservation or agriculture unless the municipality receives written consent of the landowner or provides an alternative, economically viable designation in the general plan or zoning ordinance, that allows for at least one residential dwelling per acre, if the land was zoned as open space and used as a golf course prior to May 1, 2000. Exempts land that is state trust land that was not planned and zoned as open space. Amends Title 9, Cities and Towns. Chapter 298.

State Land; Planning and Administration. Amends the statutes that outline the process and procedures to manage state trust lands, particularly as they relate to planning, public hearings, patents, payments, appraisals, rights of way and appeals. Requires the notice and public hearing process used for Urban Land development to be used for land under consideration for conservation. Allows the Commissioner, in the best interest of the trust, to extend public facilities and services across state trust land if it is necessary to implement a local government's plan and the lands are classified as suitable for conservation or are sold or leased in an auction for conservation purposes. Provides that a planning and zoning proposal submitted to the local governing body by the successful bidder will be administered as a state general plan or development plan as appropriate. Allows state trust land to be included within a Community Facilities District if a city, town or county submits an improvement plan requesting their inclusion to the Commissioner. Amends Title 37, Public Lands. H. 2162. Chapter 336.

Annexation; County Land; Restrictions. Requires a city or town to receive permission from the county board of supervisors prior to annexing a county owned park, a park operated on public lands by a county and land owned by a flood control district. Allows a city or town to deannex, sever and return the designated types of territory to the county and stipulates procedures for such action. Requires the board of supervisors to hold a public hearing before acquiring back the land. Amends Title 9, Cities and Towns. H. 2462. Chapter 144.

Shooting Ranges; Noise Standards. Preempts any city, town, county or other state noise standard for outdoor shooting ranges and provides for an affirmative defense to civil liability for allegations of noise from the use or operation of an outdoor shooting range, if the range is operated in compliance with the specified noise and operational standards. Stipulates measurement procedures for noise. Requires the zoning authority to provide for noise attenuation devices, by supplying or funding the noise attenuation devices or as a condition for development of the property, when rezoning property for certain uses within one mile of an outdoor shooting range that was constructed before July 1, 2002. Prohibits the night time operation of outdoor shooting ranges that are located in areas zoned for residential use or uses that include a school, hotel, motel, hospital or church, except for law enforcement or military training purposes. Requires public notice and adherence to noise standards for the use of outdoor shooting ranges for law enforcement or military training purposes from 10:00 p.m. through 7:00 a.m. Exempts outdoor shooting ranges located at least one mile from areas zoned for residential use. Amends Title 17, Game and Fish. S. 1008. Chapter 222.

Condemnation; Notice; Interest; Litigation Expenses. Requires the condemning authority to deliver, at least 20 days prior to filing an action to condemn, a written offer to purchase and pay just compensation for the property or interest in the property and one or more appraisals that support the amount of the proposed compensation to all owners and lessees with substantial interest in the property. Authorizes the Superior Court to waive notice of condemnation action requirements if the court determines that the condemning authority will suffer immediate and irreparable harm that outweighs the property owner's or lessee's interest. Stipulates how the value of the property is to be determined. Requires the court to award the property owner reimbursement of costs, including reasonable attorney, appraisal and engineering fees if the final judgment is that the plaintiff cannot acquire the real property by condemnation or the proceeding is abandoned or dismissed on a motion by the plaintiff. Conforms transportation condemnation statutes with notification and reimbursement requirement changes in the civil proceedings code. Amends Title 11, Counties; Title 12, Courts and Civil Proceedings and Title 28, Transportation. H. 2447. Chapter 250.

Aggregate Mining. Allows any county board of supervisors to establish aggregate mining zoning districts (formerly sand and gravel operation zoning districts) in their counties and requires, upon petition by at least 100 residents, counties with a population of more than two million persons to establish an aggregate mining zoning district. Requires the County Board of Supervisors to appoint an aggregate mining operations recommendation committee for each aggregate mining zoning

district established and requires the committee to comply with the open meeting law. Expands the role of the committee to include mediating disputes between members of the public and aggregate mining operators and hearing written complaints forwarded by the State Mine Inspector. Requires joint approval by the county board of supervisors and the Mine Inspector in order for zoning district regulations to be effective. Stipulates certain limitations which include the location of aggregate mining zoning districts and the type of zoning standards that may be adopted. Prohibits aggregate mining in an Aggregate mining operation zoning district unless the operation obtains an approved community notice. Provides procedure for community notice applications and funds. Creates the aggregate community notice fund made up of community notice application fees. Continuously appropriates monies in the fund to the Mine Inspector for processing community notice applications and conducting public meetings. Provides for enforcement procedures. Amends Title 11, Counties; Title 27, Minerals, Oil and Gas and Title 48, Special Taxing Districts. S. 1344. Chapter 224.

Arizona Register of Heritage Agriculture. Establishes the Arizona Register of Heritage Agriculture to recognize agricultural property that has been in continuous commercial production and owned by the same family for at least 50 years and includes at least one house, barn, shed, crib, granary, silo, windmill or fence that is at least 25 years old. Stipulates procedures for application and classification. Amends Title 3, Agriculture and Dairying. H. 2128. Chapter 79.

County Planning; Land. Homeowners' Associations; Applicability; Charter Schools. Specifies that planned community Home Owners Association (HOA) regulations do not apply to schools that receive money from the state, including charter schools. Prohibits the establishment of schools within the living units or common areas of Home Owners Associations, with the exception of home schools and allows a HOA to enter into a contractual agreement with a school district or charter school to allow the use of the common area of the HOA by the school district or charter school. Amends Title 33, Property. S. 1034. Chapter 184.

County Planning; Land. Requires counties to provide a process for land owners to resolve discrepancies concerning the designation of their land as open space or conservation and specifies that county plans may not regulate certain activities conducted on five or more contiguous acres. Requires counties to incorporate statutory provisions prohibiting the designation of land for open space, recreation, conservation or agriculture without a landowner's consent into their comprehensive plans. Prohibits a county board of supervisors from using county development fees to purchase or lease the development rights of private land and clarifies that the acquisition of development rights must not impair the use of adjoining land. Requires adjoining property owners to be fully informed of the effects on the value of the land. Repeals the development rights retirement fund and enacts a 16-member Arizona Agricultural Heritage Commission to advise the Director of the Department of Agriculture on awarding grants to state agencies, political subdivisions and nonprofit conservation groups for the establishment of agricultural easements. Creates grant procedures and prohibits the Director from granting monies to purchase any right to property by eminent domain. Amends Title 11, Counties and Title 41, State Government. H. 2032. Chapter 318.

State Trust Land Conservation Exchanges. Changes the Arizona Revised Statutes to conform to a proposed ballot measure that, if approved by voters in November 2002, will allow the State Land Department to exchange state trust land for other public lands provided that necessary conditions are met. Establishes a new section within the State Land Department to facilitate the exchange of private property near military airports for federal lands. Clarifies the law by stating that trust land that is exchanged with a county, city, town or other political subdivision be shown as open space in their general plan and must be consistent with the way open space has been historically designated and used by the city, town or county. Provides for conditional enactment of those sections of the bill that authorize the exchange of state trust land for other public lands for the purpose of conservation. Those sections will become effective only if SCR 1004, passed in 2001, is approved at the next general election in November 2002. Amends Title 37, Public Lands; Title 45, Waters and Title 48, Special Taxing Districts. H. 2161. Chapter 287.

ENVIRONMENT

Air Quality Fund; Control Measures. Continues the vehicle emissions inspection in-lieu fee for vehicles less than six years old and establishes a distribution formula for the fees collected. Makes adjustments to the authorized uses of air quality fund revenues. Establishes a diesel vehicle low emissions incentive grant program to encourage the operation of diesel vehicles

on alternative, clean burning, or ultra low sulfur diesel fuel or engines with low particulate emissions. Establishes the eligibility of municipal vehicles for the grant program. Adjusts the school district fleet conversion requirements. Amends Title 11, Counties; Title 15, Education and Title 49, Environment. H. 2560. Chapter 296.

Clean Air Fund; Transfer; ADEQ. Transfers the administration of the Arizona clean air fund programs for alternative fuel vehicles from the Department of Commerce to the Department of Environmental Quality. Parts of the measure carry a retroactive effective date of July 1, 2001. Amends Title 5, Amusements and Sports; Title 9, Cities and Towns; Title 28, Transportation; Title 41, State Government; Title 43, Taxation of Income and Title 49, Environment. H. 2099. Chapter 260.

Underground Storage Tanks. Removes limits regarding review by the Arizona Department of Environmental Quality (ADEQ) on corrective action costs for underground storage tanks that were preapproved. Requires the ADEQ to pay for work item costs not specified in a preapproved work plan if the work is within the work plan objectives and certain criteria are met. Amends Title 49, Environment. S. 1338. Chapter 206.

Air Quality; Regional Haze Program. Authorizes the Department of Environmental Quality to participate in interstate regional haze programs. Requires the Department to submit state implementation plans to address regional haze in Federal Class I areas. Lists the Federal Class I areas located in Arizona consisting primarily of national parks and wilderness areas. Authorizes the Department to establish and participate in interstate market trading programs. Amends Title 49, Environment. H. 2585. Chapter 251.

Clean Burning Fuel; Definition. Expands the definition of clean burning fuels to include ultra low sulfur diesel that contains a maximum of 15 parts per million, that meets the EPA registration requirements for fuels and additives, and is used in engines that have EPA or California Air Resources Board certified diesel emission control devices. Amends Title 1, General Provisions. H. 2103. Chapter 76.

Environment; Total Maximum Daily Loads. Requires the Department of Environmental Quality to provide public notice of total maximum daily load draft estimates and draft allocations for pollutants in impaired waters. The estimates and allocations are to be provided simultaneously. Stipulates that the draft allocations will only be sent to the federal Environmental Protection Agency if required by federal law. Amends Title 49, Environment. H. 2097. Chapter 235.

Water Quality; Enforcement. Clarifies that the Department of Environmental Quality retains the ability to take enforcement action against facilities that have already executed a remedial response action or agreed to a consent decree or settlement agreement to address the release of a hazardous substance, pollutant or contaminant or the violation of a permit condition. Amends Title 49, Environment. H. 2033. Chapter 232.

COURTS

Municipal Incarceration Costs. Requires the court to order a person convicted of a misdemeanor offense and incarcerated to reimburse the political subdivision responsible for the costs of the incarceration. Stipulates that costs imposed shall be based on the per-day and per-person cost incurred by the political subdivision. Allows the court to determine an undue hardship after a hearing and to defer or waive a portion or all of the costs. Prioritizes payment and enforcement of restitution over payment to the state, including incarceration costs. States that the duty of a sheriff to provide for prisoners does not prohibit a city or town from recovering incarceration costs. Amends Title 13, Criminal Code and Title 28, Transportation. H. 2298. Chapter 337.

Court Funding; Study Committee. Establishes a \$5 probation surcharge on every fine, penalty and forfeiture for violations of any local ordinances relating to the stopping, standing or operation of a vehicle, except parking violations. Allows courts to contract with collection agencies to assist in collecting fines and allows them to add to the collectible amount reasonable fees charged by the collection agency. Removes certain fees from municipal court fee schedules. Establishes a joint study committee on state funding of the court system. Proscribes the membership to include one member who represents a municipality and who is appointed by the League. Charges the committee to review state funding of the court system, examine other state funded systems and make recommendations for a plan of state funding including sources of revenue.

Amends Title 8, Children; Title 12, Courts and Civil Proceedings; Title 13, Criminal Code; Title 22, Justices of the Peace and Other Courts Not of Record and Title 31, Prisons and Prisoners. H. 2289. Chapter 291.

DNA; Testing; Identification Database. Assesses an additional 3% penalty on criminal, civil traffic, motor vehicle statute, local vehicle ordinance or game and fish statute violations in order to fund the DNA identification system fund. Requires DNA testing for felons convicted of drug related charges beginning on January 1, 2003, and for all convicted felons beginning on January 1, 2004. Requires submission of DNA samples to the Department of Corrections within 30 days of being sentenced, being convicted and placed on probation with a county probation department or being committed to the Department of Juvenile Corrections. Outlines the testing time-line for persons sentenced before these changes occurred. Clarifies that DNA samples may only be used for law enforcement purposes, proceedings involving sexually violent persons, criminal prosecutions or juvenile adjudications. States that if a person is acquitted of the felony offense or the offense is classified as a misdemeanor, the DNA sample must be expunged from the system. Requires testing of all felons convicted of sexual exploitation of children. Appropriates \$2 million from the Arizona DNA identification system fund in fiscal year 2002-03 and 2003-04 to the Department of Public Safety for expenses. Amends Title 12, Courts and Civil Proceedings; Title 13, Criminal Code; Title 31, Prisons and Prisoners and Title 41, State Government. S. 1396. Chapter 226.

Court Fees. Removes certain fees from municipal court fee schedules. Amends Title 8, Children; Title 12, Courts and Civil Proceedings; Title 13, Criminal Code and Title 22, Justices of the Peace and Other Courts Not of Record. H. 2329. Chapter 309.

RETIREMENT AND PERSONNEL

PSPRS; Prior Service; Redemption. Allows members of the state Public Safety Personnel Retirement System to redeem all prior service in this state if an employee is employed by an employer who is now covered by the system, so long as the prior service is not on account with any other retirement system. Authorizes the redemption calculated using the actuarial methods and assumptions prescribed by the system's actuary. Amends Title 38, Public Officers and Employees. H. 2081. Chapter 13.

PSPRS; CORP; EORP; Retirement Benefits. Increases the pension for a surviving spouse of a PSPRS and CORP retired member from 75% to 80% of the deceased retired member's pension. Increases the pension for a surviving spouse of a PSPRS and CORP member killed in the line of duty to 100% of the deceased member's average monthly salary, rather than 50% of the deceased member's pension. Modifies the monthly benefit for eligible children of deceased members of PSPRS to conform to the survivor increases. Increases the pension for a surviving spouse of a PSPRS member, who dies before retirement, to 80% of disability retirement. Increases the pension for a surviving spouse of a CORP member who dies before retirement from 37.5% to 40% of the deceased member's average monthly salary. Authorizes a one-time retroactive permanent pension benefit increase for current surviving spouses of non-line of duty death members of PSPRS and CORP equal to the increase in statute. Grants retroactively a one-time permanent pension benefit increase for current surviving spouses of line of duty death members of PSPRS and CORP equal to the increase in statute. Applies a 2% tax equity benefit for members of PSPRS hired before September 15, 1989 and who retire on or after November 1, 2001. Makes the DROP permanent for PSPRS. Eliminates the requirement that disability retirement must occur during the DROP participation period in order to determine disability. Specifies that the day after the date a member elects to participate in the DROP, the member ceases to accrue benefits and employer and employee contributions cease in PSPRS, rather than the day of the election. Clarifies that dispatcher normal retirement date is 25 years of service. Clarifies that PSPRS and CORP plans are designed to have members whose customary employment is at least forty hours a week. Allows a retired member of the Elected Officials Retirement Plan (EORP), who retired by December 31, 1996 and has been elected or reelected to the same office at least one full term after the member initially retired, to continue to receive a pension (Retroactive Effective Date: January 1, 1997). Amends Title 38, Public Officers and Employees. H. 2118. Chapter 335.

Law Enforcement Employees; Paid Leave. Allows paid leave to be considered hours worked for the purpose of calculating overtime for law enforcement officers. Amends Title 23, Labor. H. 2639. Chapter 341.

ASRS; Federal Conforming Changes. Conforms Arizona law to the recent changes to federal law regarding government retirement systems. Repeals coordination requirements for 457 plans, so that 457 contributions are not limited by 401(k)/403(b) contributions. Permits funds from IRAs, 403(b) and 457 plans to be transferred on a pre-tax basis to purchase permissive service credit, or to repay prior cash outs, in governmental defined benefit plans, after December 31, 2001. Increases the annual benefit limit for defined benefit plans to \$160,000. Increases the annual contribution limits under 415(c) to the lesser of 100% of compensation or \$40,000, indexed in \$1,000 increments. Increases the amount of compensation that may be taken into account under qualified retirement plans to \$200,000, indexed in \$5,000 increments. Makes the return to work option permanent for the ASRS. Effective Date: May 15, 2002. Amends Title 38, Public Officers and Employees. S. 1095. Chapter 213.

PSPRS; Redemption of Prior Service. Allows members that have worked as full-time paid firefighters or as full-time paid certified peace officers employed by the United States Government, a state or a political subdivision of the United States to redeem prior service. Stipulates that in order to redeem any part of prior service, the prior service must not be on account with any other retirement system. Provides a prospective only base benefit increase to PSPRS retirees. Amends Title 38, Public Officers and Employees. H. 2372. Chapter 271.

FINANCE

IRS Conformity; Revenue Sharing. Conforms state income tax code to recent federal income tax code changes. Retroactive effective date: January 1, 2000. Reduces the urban revenue sharing percentage from 15% to 14.8% only for FY2002-03 and FY2003-04. Amends Title 42, Taxation and Title 43, Taxation of Income. H. 2712. Chapter 344.

Tax and Fiscal Policy. Requires the Joint Legislative Budget Committee to analyze the state tax structure, including projecting the impact of tax incentive proposals, comparing relative tax burdens among other states, determining the reliance and incidence aspects of the state tax structure. Requires JLBC to implement a system of fiscal analysis that applies to bills introduced with proposed tax law changes including the probable behavioral response of taxpayers, businesses and other citizens. Establishes a tax reform for Arizona citizens committee. Proscribes the membership to be four members of the House and Senate; one member each representing cities and towns, counties, school districts, a statewide taxpayer organization and the general public and two members representing the business community. Charges this committee with studying and making recommendations regarding the tax and fiscal policy of the state and its political subdivisions. Establishes the Arizona fiscal accountability committee with essentially the same membership minus a representative of cities, towns and counties. Charges this committee with the study of expenditure policies of the state and local governments. Requires both committees to report to the Speaker, the President of the Senate and the Governor by September 15, 2003. Establishes a delegation to examine the national efforts at streamlining the collection and administration of state and local sales taxes. Proscribes the membership to be a member of the House of Representatives, a member of the Senate, a representative of the Department of Revenue and a voting member of the Municipal Tax Code Commission. Charges the delegation to meet with similar groups from other states and return with recommendations to the Arizona legislature. Amends Title 41, State Government. H. 2178. Chapter 289.

HURF Funds; Local Distribution; Reductions. Removes the requirement for cities and towns over 30,000 population in Maricopa and Pima Counties to maintain a certain level of local funding dedicated to street and road projects for three fiscal years. Reinstates the repealed maintenance of effort provisions beginning on July 1, 2005. Effective Date: May 6, 2002. Amends Title 28, Transportation. H. 2645. Chapter 151.

Improvement Districts; Location. Provides an alternative option for the formation of a municipal improvement district to provide enhanced municipal services by allowing an improvement district that is no longer in a designated redevelopment area to continue if all of the following apply: the location has been a designated area for at least 5 years; not more than 10% of the frontage property can be owned by one person or if the cost of the improvement is chargeable on a district, not more than 10% of the frontage of the property within the limits of the assessment district is owned by the same person; not more that one-third of the frontage property owners object to the formation; the city or town complies with the current statutory provisions for the formation of the improvement district. Effective Date: April 1, 2002. Amends Title 48, Special Taxing Districts. S. 1429. Chapter 324.

Transportation; Data Collection; Planning. Requires that annual municipal audits beginning with fiscal year 2003-2004 include a determination on whether the municipality is using Highway User Revenue Fund monies for authorized transportation purposes. Requires the State Transportation Board to develop a statewide transportation policy statement, a long-range statewide transportation plan, and adopt uniform transportation planning practices and performance based planning processes for the Department of Transportation. The Department must also establish a comprehensive financial management system that considers future estimated revenues and future estimated system costs as anticipated by the long-range statewide transportation plan. Amends Title 9, Cities and Towns; Title 28, Transportation and Title 41, State Government. H. 2660. Chapter 342.

Government Budgets; Summary Estimates. Allows a summary of the city or town budget to be published rather than the complete budget. Requires certain items to be included in the summary. Requires a copy of the complete budget to be made available at the city or town library and city or town hall. Amends Title 42, Taxation. H. 2196. Chapter 123.

Transportation; Parity Bonds; Limits. Increases the amount of bonds the State Transportation Board can issue from \$1 billion to \$1.3 billion. Amends Title 28, Transportation. H. 2588. Chapter 4.

Appropriation; Community Airport Grants. Dedicates approximately \$500,000 of Vehicle License Tax monies in the economic strength project fund to be allocated by the State Transportation Board as grants for communities receiving federal monies for small community air service development. Effective Date: July 1, 2002. S. 1372. Chapter 22.

Assistance; Greater Arizona Development Authority. Allows the Greater Arizona Development Authority (GADA) to make short-term loans for construction under their technical assistance repayment agreement program. Allows GADA to solicit applications for their financial assistance programs on a monthly basis. Allows GADA to provide financing to cities and towns under 50,000 population without an election. Amends Title 41, State Government. H. 2362. Chapter 128.

Bond Election Pamphlets; Disclosures. Increases the time frame for sending a bond election publicity pamphlet from 40 to 50 days before the election. Requires the bond publicity pamphlet to contain information about the tax impact on agricultural, commercial and industrial property as well as a residential property valued at \$100,000. Requires the projected average annual cost of the proposed bond authorization, including principal and interest, over the life of the bond. Requires the estimated total cost of the proposed bond authorization, printed in bold faced type, including principal and interest. Allows the results of the bond election to be canvassed within 20 days of the election. Amends Title 35, Public Finance. H. 2443. Chapter 249.

Arizona Housing Department; Finance Authority. Allows a city, town, county or public housing authority to jointly exercise powers relating to housing. Reduces the local housing commissioner terms from five to four years. Enables public housing authorities to participate in federal low-income tax credit financing by permitting joint venture/ownership relationships. Expands the responsibilities of the Governor's Office of Housing Development to include the preparation and publication of guidelines for local government housing assistance programs if requested by a local government entity. Designates a public housing authority as a tax-levying public improvement district, but without taxing authority, for the purpose of participating in low-income projects. Alters the Governor's Office of Housing Development's local government notification requirement to include only construction projects financed by the office (Effective Date: October 1, 2002). Amends Title 35, Public Finances and Title 41, State Government. H. 2672. Chapter 283.

Assessment Lien Notice. Requires special districts to do a full title search to determine all those that have an interest in a property that has delinquent assessments. Requires all those that have an interest in the property to be notified of the impending sale of the assessment lien at least 10 days prior to the sale. Clarifies the position of the assessment lien as subject only to general taxes and prior special assessments. (Codifies current practice.) Effective Date: May 9, 2002. Amends Title 48, Special Taxing Districts. S. 1423. Chapter 209.

Development Authority; Correctional Facilities. Adds new or existing correctional facilities that contract exclusively with the State Departments of Corrections or Juvenile Corrections to the list of projects that can be financed by an industrial development authority. Effective Date: April 15, 2002. Amends Title 35, Public Finances. S. 1066. Chapter 20.

Electric Utilities; Valuation. Requires existing electrical generation plants or units valued by ADOR in tax year 2002 to be valued at the final tax year 2002 full cash value for tax year 2003. Specifies that plants placed in service between December 31, 2000 and December 31, 2001 shall be valued pursuant to the statutory valuation procedure for electric generation properties. Provides a method for allocation among the various taxing jurisdictions of the generation, transmission and distribution properties of the electric utilities. Changes the method of determining voluntary contribution payments for tax year 2003 and 2004. Provides that payments shall be made to prevent any loss of assessed valuation that would result in an increase in tax rates attributable to the decrease in electric generation property values. Directs all companies owning electric generation property to provide, under oath by July 1, 2002, the information required by this measure to ADOR. Assesses a \$1000 per day fine for noncompliance and allows the director to extend the deadline at the director's discretion and to abate the penalty for reasonable cause. Repeals, on December 31, 2004, the new formula for valuations of existing electrical generation property for the tax year 2003 and the related reporting requirements. Retroactive Effective Date: January 1, 2002. Amends Title 42, Taxation. H. 2063. Chapter 234.

Enterprise; Military Reuse; Tax Credits. Makes various changes to both the income tax and property tax provisions of the enterprise zone program. Clarifies definitions. Limits the amount of income tax credits available to 200 positions per year. Increases reporting requirements and allows the Department of Commerce to perform site checks to verify claims. Prohibits double credits among enterprise zone, military reuse zone and defense restructuring programs. Retroactive Effective Date: January 1, 2002. Amends Title 20, Insurance; Title 41, State Government; Title 42, Taxation and Title 43, Taxation of Income. H. 2181. Chapter 237.

Improvement Districts; Public Lighting. Allows new or existing street lighting improvement districts to assess taxes on the basis of the number and classification of properties or the assessed value. Amends Title 48, Special Taxing Districts. S. 1330. Chapter 317.

Income Tax Credit Review. Establishes an income tax credit review committee. Establishes membership as five members of the House Ways and Means Committee and five members of the Senate Finance Committee. Charges the committee to determine the original purpose of existing tax credits and to establish a standard for evaluating and measuring the success or failure of the tax credits. Stipulates the possible contents of the standard. Provides a schedule of review for tax credits. Requires a report to be given to the Governor, Speaker of the House and President of the Senate by December 15 of the year the credit is reviewed. Places a moratorium on new tax credits until the first year report is finished. Amends Title 43, Taxation of Income. H. 2186. Chapter 238.

Industrial Development Bonds; Rental Property. Designates the current allocation schedule for industrial development bonds that became effective from and after December 31, 2001 as permanent. Requires the Arizona Housing Commission to establish a temporary committee composed of all stakeholders in industrial development authority financing for single family and multiple family housing allocations. Requires the committee to submit a written report of its recommendations on allocations and improvements to the Governor, the President of the Senate and the Speaker of the House by December 1, 2002. Amends Title 35, Public Finance. S. 1204. Chapter 199.

Mobile Homes; Affidavit of Affixture. Allows a person who owns a mobile home located in a mobile home park on real property not owned by that person to file an affidavit of affixture with a county recorder if certain conditions are met. Stipulates that a mobile home identified in an affidavit of affixture filed under these new provisions will be assessed as personal property. Effective Date: May 28, 2002. Amends Title 28, Transportation and Title 42, Taxation. H. 2263. Chapter 308.

Omnibus Budget Reconciliation; Public Finances. Requires the Department of Administration to self-insure for health and accident insurance by October 1, 2003. Caps the amount to be transferred to the Water Quality Assurance Revolving Fund (WQARF) from the corporate income tax at \$5,000,000 for FY2001-02 and at \$10,000,000 for FY2002-03. Suspends the 2% employer contribution rate floor for the Public Safety Personnel Retirement System for FY2002-03. Diverts 50% of any increase in vehicle license tax collections due to vehicle registration enforcement by the Motor Vehicle Division to the state general fund. Diverts \$650,000 from the vehicle license tax intended for the state highway fund to a fund for purchasing the 78 mile railroad corridor from Phoenix to Wellton. Amends Title 3, Agriculture; Title 5, Amusements and

Sports; Title 13, Criminal Code; Title 33, Property; Title 38, Public Officers and Employees and Title 41, State Government. H. 2708. Chapter 328.

Prime Contracting; Lawn Maintenance; Exemption. Clarifies the definition of prime contracting in the state privilege tax code by specifically including landscaping and excluding lawn maintenance activities. Effective Date: September 1, 2002. Amends Title 42, Taxation. H. 2242. Chapter 307.

Supplemental Appropriations; Transportation Capital Projects. Appropriates for FY2002-2003 a total of \$1.13 million to five different public safety and transportation related projects in five different border communities through the safety enforcement and transportation infrastructure fund. H. 2151. Chapter 187.

CRIMINAL JUSTICE

Private Investigators; Security Guards. Expands the regulation for the private investigator and security guard industry. Repeals the requirement that all fees collected by the Licensing Bureau be deposited in the General Fund. Authorizes the Bureau to assess fees to cover the operational and equipment cost of regulating private investigators and security guards. Establishes a Department of Public Safety licensing fund to be administered by the Director. Authorizes political subdivisions to regulate private investigators, but not to collect a fee. Changes a violation of the private investigator statutes from a Class 1 misdemeanor to a Class 6 felony. Defines *proprietary company*, *agency license*, *registration certificate*, *adequate records* and expands the definition of private investigator and makes significant changes to the agency license requirements and registration certificate qualifications. Modifies grounds for disciplinary action for a person operating under the regulation of the Licensing Bureau. Makes the impersonation of a private investigator or a security guard a Class 6 felony (one year incarceration/up to \$150,000 fine). Defines *advertising*, *agency license*, *conviction*, *emergency action*, *identification card*, *proprietary company*, *qualifying party*, *registrant*, and *unprofessional conduct* as they pertain to security guards. Specifies that all records are public and must be maintained for at least five years. Exempts officers and employees of the federal government, the state or a political subdivision from regulation. Amends Title 32, Professions and Occupations. H. 2540. Chapter 276.

Arizona Rangers. Recognizes the Arizona Rangers in statute as an unpaid, noncommissioned civilian auxiliary available to assist and support law enforcement agencies upon the law enforcement agency request and under their supervision and control. Amends Title 41, State Government. H. 2539. Chapter 112.

Automobile Theft Authority. Extends the Arizona Automobile Theft Authority until July 1, 2007. Deletes the prerequisite that legislative members serve on specific legislative committees. Retroactive Effective Date: July 1, 2002. Amends Title 41, State Government. S. 1006. Chapter 1.

Bad Checks. Clarifies that a bank or other drawee may give notice of insufficient funds through actual notice or notice in writing that is sent by registered or certified mail or by regular mail that is supported by an affidavit of service by mailing. Amends Title 13, Criminal Code. H. 2344. Chapter 85.

Bail. Prohibits bail if the proof is evident or the presumption great that the person is guilty of sexual assault, sexual conduct with a minor or molestation of a child. Clarifies that the purpose of bail is to assure the appearance of the accused, protect against the intimidation of witnesses, and protect the safety of the victim and others in the community. Allows the views of the victim to be taken into account when determining the method of release or amount of bail. Imposes electronic monitoring as a condition of bail and prohibits contact with the victim for persons charged with sexual assault or sexual exploitation of children felonies. Prohibits prisoners convicted of a violation of sexual conduct with or molestation of a minor from residing within 440 feet of a school while participating in a rehabilitative program and community service work. Establishes a sex offender probation study committee and establishes committee membership. Charges the committee to evaluate the effectiveness of sex offender probation; identify the reasons for and impact of sex offender overrepresentation in particular zip codes; determine the frequency and impact of sex offender probationers living near schools; and formulate recommendations to reduce risks related to sex offenders living near schools and eliminate or reduce sex offender overrepresentation in particular zip codes. Requires a report to be given to the Governor, president of the senate, and

speaker of the house on or before December 31, 2002. The bail provisions only apply if a constitutional amendment limiting bail is approved in November 2002. Amends Title 13, Criminal Code and Title 41, State Government. S. 1202. Chapter 223.

Bioterrorism. Sets up procedures to deal with bioterrorism, which is defined in the new article. Imposes reporting requirements on local law enforcement agencies with the Department of Health Services being the central repository for the information. Specifies that during a state of emergency or war, the department will coordinate the public health emergency response of the state, including coordination among state, local and tribal authorities. Amends Title 36, Public Health and Safety. H. 2044. Chapter 303.

Controlled Substances. Prohibits a person from providing a false prescription for a controlled substance or knowingly obtaining a controlled substance by means of forgery, fraud, deception or subterfuge and makes these acts a Class 4 felony. Allows information to be disseminated to law enforcement agencies relating to any one who is known or suspected of having violated this chapter to obtain a controlled substance. Amends Title 36, Public Health and Safety. S. 1036. Chapter 62.

Credit Card Fraud. Prohibits a person from using a scanning device or reencoder without the permission of the cardholder of the credit card from which information is being scanned or reencoded and with the intent to defraud the cardholder, issuer or a merchant. Classifies these actions as a Class 6 felony. Amends Title 13, Criminal Code. S. 1052. Chapter 95.

Crime Prevention; Information Sharing; Compact. Creates a compact that organizes an electronic information sharing system among states and the federal government for the exchange of criminal history records for non-criminal justice purposes. The records will be used for crime prevention as well as other legitimate law enforcement purposes authorized by federal or state law such as employment qualifications, licensing determinations, immigration and naturalization matters and national security clearances. Amends Title 41, State Government. H. 2356. Chapter 127.

Disease Testing. Allows various public safety officers, fire fighters, EMT's or their employers to petition the court for an order authorizing testing of another person for HIV or other diseases if there are reasonable grounds to believe an exposure occurred and the person is either charged in a criminal complaint that alleges, or if dead, there is probable cause to believe, that the person interfered with the official duties of the public safety officer, fire fighter or EMT by biting, scratching, spitting or otherwise transferring blood or other bodily fluids. Allows the Court to order the medical examiner to draw blood for testing if the person is deceased. Allows the employer of the officer, fire fighter or EMT to request that the medical examiner draw blood specimens during examination of the deceased. Prohibits the medical examiner from releasing the specimens to the employer or officer for testing until a court order is issued. Requires that a court order be issued within 30 days of collecting the specimen or the specimen must be destroyed. Requires a defendant, including a minor, who is alleged to have committed a sexual offense or another offense involving significant exposure to submit to testing for HIV and other sexually transmitted diseases and to consent to release of the results to the victim. Defines sexually transmitted disease. Amends Title 13, Criminal Code and Title 32, Professions and Occupations. S. 1048. Chapter 312.

Electric Personal Assistive Mobility Devices. Defines electric personal assistive mobility device as a self-balancing, non-tandem wheeled device designed to transport one person, with an electric propulsion system at a maximum speed of 15mph. Allows users to operate the device on the sidewalk. Grants users the rights and duties of a pedestrian. Prohibits use of the device by persons under sixteen years of age. Amends Title 28, Transportation. S. 1193. Chapter 7.

Health Care Confidential Information. Allows medical information to be released to a law enforcement agency or county medical examiner if the information is necessary to an investigation or proceeding and is not prohibited by state or federal law. Requires that records pertaining to the subject of a criminal investigation be obtained pursuant to a court order or grand jury subpoena. These records must be kept confidential. Amends Title 36, Public Health & Safety. S. 1152. Chapter 162.

Historic Vehicles; Commercial Driver Licenses. Allows vehicles to be driven, which currently require a commercial driver license, by a non-commercial license holder if the vehicle has historic plates, is classified as non-commercial and the gross vehicle weight has been entered as "0." Amends Title 28, Transportation. H. 2503. Chapter 46.

Insurance; Confidential Information; Fraud Unit. Allows the director of the Department of Insurance to keep the identity of an informant confidential, as well as any information that might identify an informant, except when requested by a law enforcement agency, the Attorney General or a County Attorney for the purposes of a criminal investigation. Requires the director to notify an insurer of any record request or subpoena for documents, materials, or other information referred to the fraud unit unless the subpoena is issued by the Attorney General or a County Attorney. Amends Title 20, Insurance. H. 2435. Chapter 108.

Motor Carriers; Registration; Requirements. Prohibits a motor carrier from operating a vehicle in Arizona that is involved in interstate or foreign commerce unless the motor carrier is in compliance with federal requirements. Requires proof of registration for motor carriers stationed outside of the United States. Makes it a class 2 misdemeanor for not having the vehicle registered in accordance with federal requirements. Allows a "certified" law enforcement officer to issue an out-of-service order until the vehicle's cargo is removed or proof of proper registration is received. States that operation of the vehicle is illegal until the out of service order is remedied. Makes it a class 1 misdemeanor for violating an out of service order. Amends Title 28, Transportation. H. 2148. Chapter 66.

Identity Theft. Clarifies that identity theft is a crime whether or not the person whose identity was stolen actually suffers any economic loss as a result of the offense. Amends Title 13, Criminal Code. H. 2282. Chapter 83.

Offenses Against Public Order. Adds to the definition of cruelty to animals knowingly leaving an animal unattended and confined in a motor vehicle when physical injury or death is likely to result; knowingly allowing a dog to interfere with, kill or cause injury to a service animal; and intentionally obtaining or exerting unauthorized control over a service animal with the intent to deprive the service animal handler of the service animal. Allows a peace officer or animal control enforcement agent to use reasonable force to open a vehicle to rescue an animal if physical injury or death is the likely result of confinement. Amends Title 13, Criminal Code. H. 2036. Chapter 302.

Racing on Highways; Penalties. Increases the penalty for drag racing to a class 1 misdemeanor which has a sentence of up to six months in jail and a \$2,500 fine. Makes subsequent violations occurring within two years a class 6 felony which carries a sentence of up to one year in prison and a \$150,000 fine. Requires a minimum fine of \$250 for a first offense and a minimum fine of \$500 for a subsequent offense. Allows the courts to require community service for any drag racing violation. Amends Title 28, Transportation. H. 2452. Chapter 273.

Safe Schools Act; Revisions. Expands and makes technical and conforming changes to the statutes relating to the disruption and interference of an educational institution. Clarifies that an interference or disruption of a school must be intentional to be a violation. Includes threats to students and/or those employed at a school or school property. Amends the term *interference with or disruption of* to include any act that might reasonably lead to the evacuation of school property or the cancellation of classes. Expands the definition of prohibited weapons to include chemicals or a combination of chemicals. Amends the current reporting requirements to state that the governing board must report any suspected crime to local law enforcement agencies and outlines what elements that must apply to be considered a suspected crime. Conforms the meaning of deadly weapon, dangerous instrument and serious physical injury to the state criminal code. Makes clear that school districts are not limited to reporting only those crimes that are required to be reported by law enforcement agencies. Amends Title 8, Children, Title 13, Criminal Code and Title 15, Education. S. 1067. Chapter 181.

Security Enhancement Act. Revises statutes regarding banking, organized crime, money laundering, hoaxes, weapons misconduct and terrorism. Expands the reporting requirements for monetary transactions potentially related to terrorist activity. Expands the authority to use and provides liability exemptions for wire tapping. Revises seizure procedures for property taken under a search warrant. Denies bail to individuals charged with a dangerous crime against children or terrorism. Provides members of the National Guard with civil relief protections when training or performing duties related to homeland security. Amends Title 6, Banks and Financial Institutions; Title 13, Criminal Code; Title 26, Military Affairs and Emergency Management; Title 41, State Government and Title 48, Special Taxing Districts. S. 1427. Chapter 219.

Equine Transportation. Prohibits the transport of a horse in a vehicle with more than one level or tier to a slaughterhouse. Outlines the specifications a horse's cargo space must incorporate. Outlines specific steps an owner or shipper must follow before loading a horse for transport. Describes the conditions that must be followed during the horse's transit. States that transporting an equine in violation of any of these laws is a class 3 misdemeanor, and a subsequent violation is a class 2 misdemeanor. States that transporting 2 or more equine in violation of any of these items is a class 2 misdemeanor, and a subsequent violation is a class 1 misdemeanor. Clarifies the meaning of *slaughtering establishment*, *vehicle* and *equine*. Amends Title 3, Agriculture and Title 28, Transportation. S. 1365. Chapter 176.

Spirituos Liquor. Makes it unlawful for a person under 21 years of age to have any spirituos liquor in his body. It is a defense if the liquor is consumed in connection with the bona fide practice of a religious belief or for a bona fide medicinal purpose, and in a manner not dangerous to public health or safety. Amends Title 4, Alcoholic Beverages. H. 2467. Chapter 285.

Unexplained Infant Death Advisory Council. Changes the title and focus of the Sudden Infant Death Advisory Council to the Unexplained Infant Death Advisory Council. Increases the scope of the council to consider issues relating to stillborn infants. Continues the Unexplained Infant Death Advisory Council to promote the reduction of apparent natural infant death and the proper response to and investigation of reports of apparent natural infant death by law enforcement agencies. Requires the Department of Health Services to submit an annual report of the instances of stillborn infants and the reported causes of death to the governor, president of the senate and speaker of the house of representatives. Amends Title 36, Public Health and Safety and Title 41, State Government. H. 2011. Chapter 255.

Vehicle Accidents. Requires that the sentence imposed on a person involved in an accident resulting in injury or death to another person and who fails to stop and remain at the scene runs consecutively to any sentence imposed for other convictions on any other charge related to the accident. Requires that if convicted of this crime, a person's license, permit to drive or nonresident operating privileges be revoked for 1-5 years. Amends Title 28, Transportation. H. 2591. Chapter 228.

Vehicle Restraint Law; Applicability; Penalty. Requires the driver of a vehicle to ensure that any passenger under 16 years of age is using a lap and shoulder belt in all passenger vehicles built after 1972 and designed for ten or fewer passengers. States that if a shoulder harness is not installed, the lap belt must be properly adjusted and fastened. Amends Title 28, Transportation. H. 2402. Chapter 293.

Watercraft; Extreme Intoxication. Makes consumption of alcohol before or during the operation or actual physical control of a motorized watercraft that results in an alcohol concentration of .15 or more an extreme OUI (operating under the influence) offense. States that an extreme OUI offense is a class 1 misdemeanor punishable by up to six months in jail and up to \$2,500 in fines. Allows a defendant to request a trial by jury. Sets a minimum sentence of 30 consecutive days in jail, a minimum fine of \$250 and possible community service. Stipulates that if conviction of an extreme OUI and another watercraft related offense involving intoxication occurs within 60 months that the minimum jail sentence will increase to 120 days, of which at least 60 must be served consecutively, and the minimum fine will increase to \$500. Prohibits probation unless the defendant completes a court ordered alcohol or drug screening, education or treatment program. States that jail time may not be reduced to less than 10 days for the first violation within 60 months or less than 60 days for a repeat violation within 60 months. Allows reimbursement of emergency response costs for OUI offenses. Amends Title 5, Amusements and Sports and Title 28, Transportation. S. 1366. Chapter 225.