



NEW LAWS

Enacted by the 2001 Arizona Legislature

Summary of Bills of Municipal Interest

June 7, 2001

As a result of the first regular session of the 45th Legislature, 388 bills became law.

The following is a summary by subject of the new laws of municipal interest passed during the 2001 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 being mailed to every city and town elected official, manager, clerk and attorney. If others in your city or town should review the new laws, please distribute accordingly. 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/1r/laws/group.htm>. Simply go to the chaptered 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 9, 2001. 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 GOVERNMENT

Civil Enforcement of Municipal Ordinances. Requires a city or town which imposes civil penalties for ordinance violations to establish procedures for the enforcement of those penalties and sets forth what may be included in those procedures. Provides a savings clause for those jurisdictions with procedures in effect prior to the effective date (August 9) of the act. Amends Title 9, Cities and Towns. S. 1331. **Chapter 257.**

Intergovernmental Agreements; Procedure; Limitations. Permits contracting parties of an Intergovernmental Agreement to form a separate legal entity, including a non-profit corporation, to contract for or perform some or all of the services specified in the contract or agreement. Allows the separate entity to exercise powers that are jointly held by the contracting parties. Requires the precise organization, composition, title and nature of the entity be included in the contract or agreement. Amends Title 11, Counties. H. 2157. **Chapter 125.**

Mobile Home Parks; Water. Establishes a Joint Legislative Study Committee on Water Services in Mobile Home Parks to study the issue of master water metering including cost of providing water and an analysis of the water distribution systems. The commission is to report by December 15, 2001. Amends Title 33, Property. S. 1360. **Chapter 351.**

Garbage Collection Outside City or Town Limits. Provides an exemption from record keeping and fee requirements mandated to municipalities providing garbage collection services in the unincorporated area if both the following apply: the city or town has a population of less than 2,500 people and the jurisdiction allows a private enterprise to provide commercial and residential waste or garbage collection services in the city or town. Current exemptions continue. Amends Title 9, Cities and Towns. H. 2471. **Chapter 194.**

Department of Housing. Beginning September 2002, creates a new state agency, the Arizona Department of Housing (ADOH), and transfers the existing powers, duties and funding from the Commerce Department's office of housing development to the ADOH. States the purpose for establishing this agency is to alleviate the shortage of safe, sanitary and affordable housing. Requires the Department to notify local governments that a multi-family rental project is planned for the applicable jurisdiction and requires written consent from the governing body of the city or town before the Department can proceed with the project. Restricts the Department from interfering with local planning, zoning or land use regulations but clarifies it must also comply with state and federal fair housing laws. Establishes the Arizona Housing Finance Authority to administer the financing duties of the ADOH and authorizes the Authority to annually submit an allocation reservation for rural areas to ADOH for mortgage revenue bonds and mortgage credit certificates. Allows a governing body to opt-out within 21 days of receiving written notice by the Authority that proceeds of bonds or mortgage credit certificates may be used to finance projects. Amends Title 35, Public Finances; Title 41, State Government and Title 44, Trade and Commerce. H. 2615. **Chapter 22.**

Arizona Housing Commission; Membership. Modifies the Housing Commission membership for city and county representatives and makes their appointments based on population. Specifies the requirements for the appointment of the nonprofit and public members. Adds one representative of a tribal housing department and one representative from an organization that works on farm worker housing issues. Requires the Commission to meet a minimum of twice each year in a county with a population of 1.5 million persons to 500,000 persons, and at least once in a rural county. Establishes the Department of Commerce as the HUD Section 8 Contract Administrator for housing issues. Amends the definitions of rural city and rural county. Adds HIV to the definition of special needs population. Allows current members of the Housing Commission to serve until their terms expire. Makes the funding of this act retroactive to from and after June 30, 1997. Effective Date: May 7, 2001. Amends Title 41, State Government. S. 1422. **Chapter 368.**

State Energy Code. Recognizes the energy code drafted by the Department of Commerce Energy Office as the voluntary state energy code for residential and commercial construction. Requires the Code to be referenced for the purpose of allowing policymakers to provide incentives for the use of energy saving devices and methods. Establishes a state energy code advisory commission for the purpose of reviewing and making recommendations regarding the Code, including any changes to the Code. Amends Title 41, State Government. H. 2541. **Chapter 340.**

Charitable Organizations; Registration. Rewrites the charitable organization registration statutes but maintains the exemption for cities and towns. Eliminates many of the entities previously exempted from registering with the Secretary of State before soliciting charitable donations. Amends Title 44, Trade and Commerce. S. 1252. **Chapter 363.**

Shooting Ranges. Requires that revenues from the sale or lease of property by the Arizona Game and Fish Commission for the purpose of providing public shooting ranges will be deposited in the Firearms Safety and Ranges Fund. Requires the commission to use monies in the fund for various purposes on ranges open to the public and operated by government or nonprofit entities. Eliminates the Shooting Range Project Advisory Board. Amends Title 17, Game and Fish. S. 1250. **Chapter 177.**

Restitution; Work Programs; Education. Authorizes the Department of Juvenile Corrections (DJC) to contract with the state, a political subdivision or a private entity in order to provide employment or vocational experience, eliminating the committed youth work classification system and replacing it with a work program. Allows the director to determine compensation removing the \$1.00 per hour cap. Specifies that monies earned by youths in a secure care facility be divided as follows: a minimum of two-thirds toward a restitution order; if there is no restitution order, a minimum of two-thirds toward a monetary assessment, and, if neither restitution nor a monetary assessment was ordered, two-thirds toward room and board. Allows community service hours to be substituted for monetary restitution. Amends Title 41, State Government. H. 2284. **Chapter 302.** (See also Ch. 225)

Improvement Districts; Energy Purchases. Expands the authority of street and park lighting improvement districts from purchasing electricity to purchasing energy in general. Clarifies that a street and park lighting improvement district may not generate energy. Amends Title 48, Special Taxing Districts. S. 1327. **Chapter 366.**

Credit Card Transactions. Requires all electronic credit card receipts to include only the last five digits of the credit card number or the expiration date. Establishes June 30, 2004 as the effective date for businesses who accept credit card payments before June 30, 2002. Requires businesses who begin accepting credit card payments after June 30, 2002 to comply immediately. Amends Title 44, Trade and Commerce. H. 2134. **Chapter 188.**

County Services. Allows counties to charge actual costs of services to county jail districts for services provided to the district. Allows counties to charge county jail districts for any services provided to the district except for election and financial services or any other services the county is required to provide to the district. Amends Title 11, Counties and Title 48, Special Taxing Districts. H. 2092. **Chapter 209.**

County Jail Districts; Juvenile Facilities. Allows a county board of supervisors to adopt a resolution authorizing a jail district to acquire, construct, maintain and finance juvenile detention facilities without a joint application from the juvenile judge and the sheriff. Stipulates that the district must have been established before August 6, 1999 or approved by the voters. Provides procedures for a jail district to levy property taxes for juvenile detention facilities in the district with voter approval. Amends Title 48, Special Taxing Districts. H. 2365. **Chapter 226.**

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State Butterfly. Designates the Two-tailed Swallowtail butterfly as the official state butterfly adding it to other state emblems such as petrified wood as the state fossil, the cactus wren as the state bird, the flower of the saguaro as the state flower, the palo verde as the state tree, the bola tie as the state neckwear and turquoise as the official gemstone. State animals are divided into four categories: the ringtail as the state mammal, the Arizona ridgenose rattlesnake as the state reptile, the Arizona trout as the state fish and the Arizona tree frog as the state amphibian. Blue and gold are the state colors. The blue is the same shade as our state flag and the flag of the United States. The Arizona State flag represents the copper star of Arizona rising from a blue field in the face of the setting sun. Specifies that the designation of a state butterfly will not be grounds for protection of the butterfly or its habitat. (We include this for all those who play the Arizona version of Trivial Pursuits.) Amends Title 41, State Government. H. 2247. **Chapter 388.**

FINANCE

Flight Property Tax Revenues. Repeals the diversion of flight property tax revenues to the general fund from and after June 30, 2003. All of the tax proceeds will now go to the aviation fund. Specifies that not more than 10 percent of the total aviation fund may be awarded to any one airport in any fiscal year. Amends Title 28, Transportation. S. 1251. **Chapter 286.**

Expenditure Limitations; Disproportionate Share Funding. Extends last year's alternate expenditure limitation calculation for cities, towns, counties and community college districts for two more years which allows for any population growth and three percent inflation. Allows a political subdivision to exceed its expenditure limitation in FY 2001-2002 and FY 2002-2003 with a penalty of \$100 if the political subdivision does not exceed the alternate limitation. Makes changes to the county disproportionate share payments. S. 1246. **Chapter 362.**

Municipal Debt Limits. Places on the 2002 state ballot a state constitutional amendment allowing cities and towns to become indebted for up to twenty-six percent, now six percent, of a jurisdiction's taxable property for the construction of streets, highways, bridges and for the acquisition of land for these purposes. Makes other technical and conforming changes. H.C.R. 2010.

Municipal Bonds; Electronic Bidding. Permits cities, towns, counties and special districts to sell their bonds through an electronic bidding process. Allows on-line bids to be concealed until a specified time or disclosed in the on-line bidding process. Authorizes bids to be subject to improvement in favor of a municipality before a specified time. Defines on-line bidding process. Amends Title 9, Cities and Towns and Title 35, Public Finances. H. 2042. **Chapter 105.**

Enterprise Zone Program; Changes. Extends the enterprise zone program for five years until June 30, 2006. Decreases the minimum investment requirements for businesses within rural enterprise zones. Stipulates that termination of an enterprise zone does not affect insurance premiums and allowable tax credits carried forward. Allows the Department of Commerce (DOC) to designate up to six new enterprise zones per year, instead of six total. Requires DOC to submit an annual report containing enterprise zone statistics, information pertaining to assessed valuation of property, fiscal impact on each taxing jurisdiction and amount of income tax credits allowed for the preceding year. Retroactive Effective Date: June 30, 2001. Amends Title 20, Insurance; Title 41, State Government and Title 43, Taxation of Income. H. 2527. **Chapter 370.**

Municipal Emergency Services; Payment. Allows cities and towns to receive reimbursement from the person receiving the services or on whose behalf the services are provided, for the costs of providing emergency fire or medical services outside their corporate limits. Stipulates that the costs must be set forth in a resolution adopted by the city or town. Amends Title 9, Cities and Towns. S. 1447. **Chapter 160.**

School to Work. Appropriates \$50,000 from the general fund in both FY 2001-2002 and FY 2002-2003 to the Department of Commerce to provide grants to local school-to-work programs in counties with less than one million five-hundred persons. In awarding the grants the Department is to consider how the program partners with local business and schools to provide career information and training in certain high technology fields. Requires an annual report to be given to the Department of Education from those local programs that receive grants. S. 1472. **Chapter 369.**

New Economy. Appropriates \$1.5 million from the state general fund in each of FY 2001-2002 and FY 2002-2003 to the Department of Commerce for implementation of Arizona Partnership for the New Economy initiatives. Specifies that the monies shall be used for the following initiatives: telecommunications infrastructure development; electronic government; high technology industry cluster business development and coordination; electronic learning; entrepreneurial business assistance; and new economy marketing. H. 2205. **Chapter 333.**

Appropriations; Highway Patrol. Appropriates to the Department of Public Safety from the Highway User Revenue Fund \$10,914,900 in FY2001-2002 and \$15,553,600 in FY2002-2003 for additional officers and related equipment. Effective Date: February 12, 2001. S. 1243. **Chapter 1.**

Conditional Appropriations; Taxation; Revenue Forecasts. Includes various appropriation "triggers" that will occur if state general fund revenues exceed certain amounts for each of the next two fiscal years. Appropriates in the first level of triggers, \$2.685 million for the Department of Revenue's (DOR) transaction privilege tax database. Requires DOR to bill local jurisdictions for the same amount over the next two fiscal years. (There are no details about how or when this will be done.) Appropriates in the first level of triggers, between \$206,500 and \$408,900, depending on actual revenues, for small community Growing Smarter planning assistance. Enacts by trigger, a \$34 million income tax cut in the form of reduced rates, an increase in the standard deduction and an optional business apportionment formula with a sales factor of 65 percent. Amends Title 43, Taxation of Income. H. 2637. **Chapter 235.**

Municipal Expenditure Limitations; Penalty Waiver. Grants a one-time penalty waiver to the city of El Mirage for exceeding their expenditure limit. H. 2508. **Chapter 197.**

Procurement of Professional and Construction Services. Makes a number of technical, clarifying and substantive changes to the optional construction procurement methods authorized by state law during the 2000 legislative session which include design-build, manager-at-risk and job-order contracting. Changes to local government statutes include a rewrite of the process to hire professionals, "technical registrants," and clarifies some changes made last year relating to the direct select and public competition methods of procurement. Continues to prohibit use of price or man-hours when determining the short list. Modifies the report due annually from jurisdictions that employ the alternative procurement methods. Effective date: April 23, 2001. Amends Title 15, Education; Title 28, Transportation; Title 34, Public Buildings and Improvements and Title 41, State Government. H. 2425. **Chapter 227.**

Mobile Telecommunications Tax. Codifies in state law the requirements of the federal Mobile Telecommunications Sourcing Act for the purpose of clarifying the taxing jurisdiction for mobile phone services. (The federal act identifies the taxing jurisdiction as the location of the subscriber's primary residential or business address.) Contains several other provisions relating to resolution of consumer disputes. Amends Title 40, Public Utilities and Carriers and Title 42, Taxation. H. 2542. **Chapter 202.**

Water Infrastructure Finance Authority. Amends the statutes relating to the Water Infrastructure Finance Authority (WIFA) to allow a city or town to borrow additional monies from WIFA less the amount the city or town is already obligated to repay. Removes the requirement to wait two years to resubmit the question to voters regarding a financial assistance loan repayment that previously failed. Defines "financial assistance loan repayment agreement" and "technical assistance loan repayment agreement" and allows WIFA to provide grants, staff and technical assistance in the form of short term loans, repayment agreements and other professional assistance to cities and towns. Increases loan repayment terms from 20 to 30 years for Clean Water Revolving Fund loans and extends WIFA's deadline to process applications from sixty to ninety days. Allows WIFA's board to additionally secure a loan through an irrevocable pledge of a city or town's state shared revenues for the duration of the loan as prescribed by a resolution (applies only to loans made after June 30, 2001). Amends Title 9, Cities and Towns; Title 11, Counties; Title 48, Special Taxing Districts and Title 49, Environment. H. 2408. **Chapter 250.**

Bids, Estimates; Recreational Projects; Exemption. Stipulates that local government may construct recreational projects, including trails, playgrounds, ballparks and other similar facilities, with volunteer workers or workers provided by a non-profit organization without advertising for bids for labor and materials provided that the total cost of the work does not exceed \$150,000. Provides for an annual adjustment determined by the annual percentage change in the GDP price deflator. Buildings, structures, building additions and alterations to buildings, structures and building additions are not covered by this exemption from the bidding requirement. Amends Title 34, Public Buildings and Improvements. H. 2547. **Chapter 199.**

Water; Sewer; Construction Procurement Exception. Stipulates that work provided by volunteers and donations made for water or sewer projects shall not be included in the total cost of the project for procurement purposes. Amends Title 34, Public Buildings and Improvements. H. 2355. **Chapter 77.**

Sales Tax; Transient Lodging Exemptions. Exempts, from the state transaction privilege and use tax, food, drink or condiments given to a hotel customer at no additional charge to be consumed during the hotel stay. Retroactive Effective Date: June 7, 1994. Amends Title 42, Taxation. S. 1130. **Chapter 137.**

Home Builders; Impact Fees. Increases the notice requirements of intention to assess a new or increased development fee from 30 to 60 days. Amends Title 9, Cities and Towns. S. 1214. **Chapter 378.**

Vehicle Revenue Adjustments. Alters the procedure for making adjustments to future HURF and VLT distributions due to errors. Makes the minimum monthly payment seventy-five percent of the normal distribution when ADOT corrects any errors. Amends Title 28, Transportation. S. 1349. **Chapter 40.**

Health Care Facility Tax. Expands the definitions of qualifying community health center and qualifying hospital under the state transaction privilege tax to include those that are under construction and that would qualify when completed (as well as clinics.) Amends Title 42, Taxation. S. 1259. **Chapter 211.**

Omnibus Budget Reconciliation; Public Finances. Pledges the completion of projects as scheduled in the State Transportation Board's five-year plan as of June 30, 2000 and in the Regional Freeway Program scheduled for completion by 2007 and in effect on June 30, 2000. Repeals the state highway fund hold harmless clause for the last reductions in VLT made in 1999 and 2000. Increases ADOT's ability to issue board funding obligations from \$100 million to \$200 million. Makes various other changes regarding public finances. Amends Title 10, Corporations and Associations; Title 28, Transportation; Title 40, Public Utilities and Carriers; Title 41, State Government; Title 44, Trade and Commerce and Title 49, Environment. H. 2636. **Chapter 238.**

Property Tax; Corrections and Conformity. Clarifies that property values issued February 10 are the values that should be used in calculating both the property tax levy limit and the truth in taxation levy amount. Extends the amount of time that a jurisdiction has to notify the property tax oversight commission regarding the final levy limit worksheets from three days to ten days. Allows the property tax oversight commission to make adjustments to the final levy limits if errors were made in the calculations. Makes various other changes to the property tax statutes. Amends Title 15, Education and Title 42, Taxation. S. 1518. **Chapter 267.**

Tax Exemption; Nonprofits; Cultural; Civic. Exempts, from the retail and amusement classifications of transaction privilege and use taxation, sales of tangible personal property by and activities and events of a nonprofit organization that is a 501(c)(6), if the organization produces, organizes or promotes cultural or civic related festivals or events; and the organization's net earnings in no part benefit any private shareholder or individual. Limits any refunds to \$10,000. Retroactive Effective Date: January 1, 1983. Amends Title 42, Taxation. H. 2391. **Chapter 314.**

State Credit Card Use; Definitions. Provides definitions relating to credit cards and state agencies that accept credit cards for payments. Authorizes agents of the state to charge a convenience fee to the cardholder except in specified circumstances. Amends Title 35, Public Finances. H. 2337. **Chapter 354.**

Private Activity Bonds; IDAs. Changes the allocation schedule for private activity bonds including a stipulation that 30 percent of the new "qualified residential rental projects" allocations must be set aside for rural residential rental projects for a period of at least one hundred eighty days. Creates an industrial development bond allocations study committee. The Committee will study the utilization of private activity bonds for the past five years; review the process by which prospective users of private activity bonds are selected and evaluated and make recommendations for future allocations and methods for selecting bond recipients. Their report is due by December 1, 2001 to the Governor and Legislature. Delayed effective dates of January 1, 2002 for provisions relating to temporary allocations and January 1, 2004 for provisions relating to current allocations. Amends Title 35, Public Finances. H. 2390. **Chapter 338.**

Nuclear Emergency Appropriations and Assessment. Makes an appropriation from the state general fund to the Nuclear Emergency Management Fund for the purposes of developing, maintaining and supporting the state nuclear emergency plan. Specifically appropriates \$63,000 over the next two fiscal years for disbursement by the Division of Emergency Management to departments and agencies of the town of Buckeye assigned responsibilities under the off-site nuclear emergency response plan. Levies an assessment in both FY 2001-2002 and FY 2002-2003 on consortiums of public service corporations who are engaged in constructing or operating a commercial nuclear generating station in this state. Effective Date: May 1, 2001. S. 1013. **Chapter 277.**

County Treasurers; Procedures. Requires interest earned on city and town taxes collected by county treasurers to be paid into the county general fund. (This is current practice.) Extends the maximum maturity of public monies that can be invested and reinvested in securities and deposits from three to five years. Amends Title 15, Education; Title 35, Public Finances and Title 42, Taxation. S. 1111. **Chapter 28.**

Sales Tax; Arizona Highways. Exempts, from the personal property rental classification of the state transaction privilege tax, creative materials used by the state in publications (i.e. Arizona Highways) that encourage tourism activity. Amends Title 42, Taxation. S. 1400. **Chapter 36.**

State Treasurer; Technical Changes. Eliminates the Urban-In-Lieu Payment Fund and the pass-through requirement for urban-in-lieu payments. Requires any urban-in-lieu property tax transactions to occur directly between the city and county governments involved. Contains 48 pages of technical changes relating to the state treasurer's office. Amends Title 3, Agriculture; Title 9, Cities and Towns; Title 11, Counties; Title 15, Education; Title 17, Game and Fish; Title 28, Transportation; Title 30, Power; Title 32, Professions and Occupations; Title 35, Public Finances; Title 36, Public Health and Safety; Title 41, State Government; Title 42, Taxation; Title 44, Trade and Commerce and Title 48, Special Taxing Districts. S. 1138. **Chapter 117.**

Property Valuation; Common Areas; Airports. Expands the definition of common areas for property tax valuation purposes to include runways and taxiways that are primarily used by residents of the residential subdivision but that may be designated as a reliever airport by the FAA. Amends Title 42, Taxation. H. 2021. **Chapter 65.**

County Boards of Adjustment; Qualifications. Removes the requirement that members of a county board of adjustment must be from an unincorporated area of the county. Amends Title 11, Counties. H. 2209. **Chapter 43.**

ELECTIONS

Publicity Pamphlets. Requires that pamphlets be mailed out in time to accommodate early voting. Stipulates that if the pamphlets are not mailed out before the earliest date for receipt of a requested early ballot, notice shall be provided of when the pamphlets shall be mailed and where and when pamphlets may be accessed or viewed. Changes the time allowed to submit arguments for or against initiatives and referendums in counties, towns and cities from 60 days to 90 days. Allows arguments for and against the authorization of bond propositions in informational pamphlets. Amends Title 19, Initiative, Referendum and Recall. H. 2419. **Chapter 193.**

Campaign Contributions and Expenses. Makes more uniform the political committee requirements for candidates and political committees for initiative, referendum and recall. Requires the filing of either a Statement of Organization or a \$500 Threshold Exemption Statement for *all* political committees before receiving or spending any amount of money, distributing literature or circulating petitions. (Previously only candidate committees could file the exemption statement. Ballot measure and recall committees had to file the Statement of Organization regardless of receipts and expenditures if their activities fell within the definition of a political committee.) Allows *five business* days after spending or receiving \$500 to file a Statement of Organization if the political committee initially filed an exemption statement instead of the Statement of Organization. Clarifies the “paid for by” requirement on campaign literature and advertisements. Simplifies the “major funding source” definition for ballot measure committees to now only be contributors other than an individual person with cumulative contributions of either \$10,000 in political subdivisions with a population of 100,000 persons or more or, for political subdivisions with a population of less than 100,000 the cumulative contributions total \$5,000 or more. Requires out-of-state “major funding sources” to be noted as out-of-state contributors on ballot measure literature and advertisements. Makes other changes and clarifications. Amends Title 16, Elections and Electors and Title 19, Initiative, Referendum and Recall. H. 2389. **Chapter 305.**

Sample Ballots; Elections. Allows the elections officer to mail alternative format sample ballots to those voters whose party is not represented on the ballot rather than sending the voter one of each party’s sample ballots. Amends Title 16, Elections and Electors. H. 2256. **Chapter 128.** (See also Ch. 169)

Election Law Amendments. Clarifies write-in candidate law by adding a new subsection that prohibits a person from running as a write-in candidate in the primary election if the candidate failed to obtain enough signatures to be listed on the primary ballot. Requires candidates to provide their actual address on the nomination paper rather than a mailing address. Allows an election officer to use an alternative format for mailing a sample ballot to a voter whose party is not entitled to representation on the ballot. Adds language to early ballot reporting requirements to prohibit partial or complete tallies of the early election board from being released before all precincts have reported or one hour after the polls close, whichever is first. Authorizes an election official to count early ballots only after confirming election equipment logic and accuracy with the Secretary of State. Requires the county in which a special district, or the greater portion of the assessed valuation is located, to be responsible for holding a special district election. Amends Title 16, Elections and Electors; Title 19, Initiative, Referendum and Recall and Title 48, Special Taxing Districts. H. 2258. **Chapter 169.** (See also Ch. 128)

Voter Registration; Confidentiality. Allows prosecutors, public defenders, those protected by an order of harassment, and anyone living with any of them, to request that personally identifiable information in their voter registration record be kept confidential. Prohibits precinct registers and other voter registration information from being used for commercial purposes, excluding the sale of registers and information to candidates or political committees. Prohibits personally identifiable information from public inspection, with exceptions. Requires county recorders to follow the format for recording voter registration information and protect access to information specified in the Secretary of State’s Electronic Voting System Instructions and Procedures Manual. Amends Title 16, Elections and Electors. H. 2257. **Chapter 301.**

Fire Districts; Elections. Allows an election to be canceled and a person to be appointed to fill a position on the District Board or of Fire Chief or Secretary-Treasurer if only that one person has filed a nominating petition. Stipulates that this person is fully vested with all the powers and duties of the office as if they were elected. Amends Title 48, Special Taxing Districts. H. 2260. **Chapter 189.**

Domestic Water Improvement Districts. Makes changes to the laws governing special district elections which include extending the notice and call of an election in a newspaper from two to six weeks. Stipulates that notification of public hearings on fees, additions to and alterations of the district must be published in a newspaper of general circulation within a Domestic Water Improvement District (DWID); (previously fee changes had to be published in both a newspaper in the county and the district). Eliminates the veto authority of a county board of supervisors regarding financial transactions in DWIDs having less than 10,000 persons. Amends Title 16, Elections and Electors and Title 48, Special Taxing Districts. S. 1388. **Chapter 180.**

TRANSPORTATION

Abandoned Vehicles; Payment of Costs. Requires, in counties with a population of 400,000 or less, payment for storage of a vehicle left in a parking lot to the owner of the parking lot before the vehicle can be removed. Stipulates that the owner, lienholder or person who has an interest in the vehicle must pay an amount not to exceed five dollars per day with a maximum of \$500 and the cost of an abandoned vehicle report if the parking lot owner notifies law enforcement within forty eight hours of discovery of the abandoned vehicle and gives lawful notice of the abandonment of the vehicle. Stipulates that a law enforcement officer shall not pay charges for impounding or removing a vehicle as prescribed by law. Allows information systems access to peace officers, off-duty officers and officers employed in a law enforcement capacity for the purpose of checking the status of an abandoned vehicle to see if it has been reported stolen. Amends Title 28, Transportation. S. 1174. **Chapter 210.**

Transportation Department; Rights-of-Way. Allows the Department of Transportation (ADOT) to acquire land in order to have legal access to adjacent property and to satisfy environmental laws. Allows ADOT to lease land to local agencies and non-profits at fair rental value or at a reduced rate based on maintenance and land improvement costs borne by the lessee. Allows ADOT to grant easements to local agencies for transportation purposes. Allows ADOT to sell transportation property directly at 80% of the appraisal if it is unable to sell the land for low appraisal price. Requires ADOT to provide at least 120 days advance notice to the affected jurisdiction for the abandonment of new street improvements resulting from highway projects. Amends Title 28, Transportation and Title 41, State Government. S. 1272. **Chapter 100.**

Traffic Lights; Violations; Procedures. Requires persons violating laws relating to red light signals to attend Traffic Survival School (TSS) if the person is not eligible to attend Defensive Driving School (DDS) (A person is ineligible to attend DDS if the person has attended DDS as a result of a traffic violation within a two-year period.) Specifies that failure to comply with an order to attend TSS results in an indefinite driver's license suspension until completion of the program. Stipulates that failure to complete TSS for violations pertaining to red light signals, stop signs and left turns in intersections resulting in serious physical injury or death will result in an indefinite driver's license suspension until the person completes TSS. Allows a civil traffic violation case to be commenced by the filing of a uniform civil traffic complaint and increases the filing time for the complaint from 30 to within 60 days of the alleged violation. Requires the Governor's Highway Safety Team to conduct a traffic and engineering study to determine methods to reduce red light violations and to submit a preliminary report by the end of 2001 and a final report by November 2002 to the Legislature and Governor. Amends Title 28, Transportation. H. 2277. **Chapter 190.**

Intergovernmental Public Transportation Districts. Allows individual or multiple cities and towns in counties with populations of 400,000 persons or less to petition the County Board of Supervisors to establish an Intergovernmental Public Transportation Authority (IGPTA). Stipulates procedures for the formation, dissolution and funding of the IGPTA and outlines the powers and duties of the authority which include designing, operating and maintaining the public transportation system in the IGPTA boundaries. Allows state universities located in a city or town belonging to the authority to become a member of the authority through an intergovernmental agreement. The district has no taxing authority. Amends Title 28, Transportation. H. 2377. **Chapter 148.**

Trailers; Semitrailer; Permanent Registration. Establishes a one-time registration and vehicle license tax fee for trailers or semitrailers that exceed 10,000 pounds gross vehicle weight. According to analysis by the Arizona Department of Transportation and the Joint Legislative Budget Committee, the impact to HURF and VLT will be small but positive for cities and towns. Amends Title 28, Transportation. S. 1193. **Chapter 154.**

Highway Accidents; Penalties. Requires ADOT to adopt standards and specifications for the use of traffic control devices in state highway work zones. Requires workers using traffic control devices to complete training and certification. Allows drivers who have been in an accident without apparent serious injury or death on a controlled access highway to move their vehicles to one side if it can be done safely. Requires drivers to follow the authorized speed limit within a work zone whether workers are present or not, subjecting violators to additional civil fines. Money collected from the additional fine will be deposited equally in the newly established State Highway Work Zone Safety Fund and the State Highway Fund. Money deposited in the State Highway fund must be used for work zone traffic control devices. Allows on-duty tow trucks to travel in the HOV lane regardless of occupancy level. Amends Title 28, Transportation. H. 2370. **Chapter 337.**

Transportation Omnibus. Exempts a person who already holds a motorcycle driver's license in another state from the instruction permit requirement. Temporarily disqualifies a person from driving a commercial vehicle if they are convicted or found responsible for violating any railroad grade crossing law. Requires ADOT not to accept an application for reinstatement of a driver's license until after the prescribed 12-month period has elapsed and the subsequent investigation of an applicant's driving record. Allows a peace officer to impound the vehicle of anyone whose driving privileges have been revoked or who has a suspended license. Requires the vehicle to be impounded for 30 days, except under certain circumstances. Establishes a maximum storage fee of \$5 per day. Amends Title 28, Transportation. S. 1137. **Chapter 377.**

Driving Privileges. Requires the Arizona Department of Transportation Motor Vehicles Division (MVD) to suspend a person's driver license for two years if the person is eighteen, nineteen or twenty years of age, and operating a motor vehicle with any spiritous liquor in their body. Authorizes MVD, if ordered by the court, to restrict the offender's driving privilege between their home, school and place of employment during specified hours according to the offender's work schedule. Amends Title 28, Transportation. H. 2053. **Chapter 274.**

Motorcycle Safety Fund; Establishment. Establishes the motorcycle safety fund, requiring \$1 to be deposited to this fund from every motorcycle registration fee through June 30, 2005, for support of voluntary motorcycle education and awareness programs, including the cost of materials for such programs. Stipulates that all monies in the fund deposited from the motorcycle registration fee over \$150,000 will revert to the State Highway Fund. Amends Title 28, Transportation. S. 1037. **Chapter 316.**

Hybrid Vehicles; HOV Lane Use. Allows hybrid vehicles to be driven in the HOV lane regardless of the number of passengers if ADOT receives approval from the federal government. Requires the director of the Department of Transportation to request permission from the federal government for this use by December 31, 2001. The hybrid vehicle must have special plates or a sticker which shall be obtained from the motor vehicle department indicating its "hybrid vehicle" status. Hybrid vehicles by definition are those that meet all of the following conditions: Combines two or more power train technologies; stores kinetic energy from the use of the vehicle for the use of the vehicle; allows a portion of the energy to be supplied from an internal combustion engine or fuel cell for vehicle use; obtains all energy required to operate from storage fuel tanks placed onboard the vehicle and has an ultralow emission rating in accordance with the federal standard. Amends Title 28, Transportation. S. 1429. **Chapter 168.**

Vehicle Laws; Diplomatic Immunities; Privileges. Establishes procedures for law enforcement officers who stop a diplomat or a person who claims diplomatic immunities or privileges and include contacting the United States Department of State to verify the driver's status and immunity, recording all relevant information from the driver's license or identification card, and forwarding to the Department of Public Safety (DPS) within five business days the vehicle accident report, citation or other written reports of the incident if a citation was not issued. Establishes procedures for DPS to follow when receiving a report pertaining to diplomatic immunity. Amends Title 28, Transportation. S. 1369. **Chapter 206.**

Recreational Vehicles; Length Restrictions. Increases the maximum allowable length for recreational vehicles to forty-five feet (previously forty feet). Defines recreational vehicle as a motor vehicle that is designed and customarily used for private pleasure including motor homes, pickup trucks with campers and pickup trucks with a fifth wheel trailing device. Amends Title 28, Transportation. H. 2486. **Chapter 52.**

RETIREMENT AND PERSONNEL

PSPRS; Deferred Retirement; Twenty Years. Changes the years of service required for a member of the Public Safety Personnel Retirement System to participate in the Deferred Retirement Option Plan from twenty-five years to twenty years. Amends Title 38, Public Officers and Employees. S. 1151. **Chapter 349.**

Workers' Compensation; Occupational Disease; Firefighters. Allows presumption for purposes of workers' compensation insurance of an occupational disease for any disease, infirmity or impairment of a firefighter's health caused by brain, bladder, rectal or colon cancer, lymphoma, leukemia or aden carcinoma or mesothelioma of the respiratory tract that results in disability or death. Grants presumption if the firefighter passed a physical before employment with no signs of cancer, was assigned to hazardous duty for at least five years, was exposed to a known carcinogen, reported the exposure and the cancer and carcinogen have a known connection. Applies to firefighters who are 65 years old or younger, have never smoked and were or are full-time and regularly assigned to hazardous duty. Amends Title 23, Labor. H. 2393. **Chapter 192.**

Firefighter Cancer Insurance. Eliminates the requirement for a firefighter to have five years of credited service in the Public Safety Retirement System in order to be eligible for firefighter cancer benefits. Amends Title 38, Public Officers and Employees. H. 2013. **Chapter 13.**

PSPRS; Deferred Retirement Option Plan. Specifies that the date a member of the Public Safety Personnel Retirement System elects to participate in the deferred retirement option plan (DROP) is when the member ceases to accrue benefits. Prescribes the member's effective date of participation as the first day of the month following the date the member elects to participate. Establishes additional outcomes that occur when a member fails to terminate employment on completion of the designated DROP participation period, including; the DROP participation account will not be credited with the monthly amount and that amount will not be paid directly to the member, the payment of a monthly retirement allowance will not be paid until the member terminates employment and is payable at the same time a pension amount is paid on retirement and the member does not acquire any further credited service in the system. Amends Title 38, Public Officers and Employees. S. 1036. **Chapter 59.**

Supplemental Defined Contribution Plans. Provides for the establishment of an optional defined contribution retirement program that is in addition to all of the existing state defined benefit programs. Provides for the employer to make deductions and allows for the employer to make matching contributions. Provides for a minimum participation level of one percent of the employee's gross salary with annual increases in one percent increments. Amends Title 15, Education and Title 38, Public Officers and Employees. S. 1100. **Chapter 280.**

PSPRS; EORP; Tax Equity; Benefits. Grants a 2% tax equity benefit increase to Public Safety Personnel Retirement System and Elected Officials Retirement Plan members employed before September 15, 1989 and retiring after November 1, 2000, but before November 1, 2001. Repeals the tax equity benefit increases on January 1, 2002. S. 1149. **Chapter 282.**

CORP; Members; Normal Retirement. Allows, at the option of the city or town, full-time dispatchers of an eligible PSPRS employer group to participate in the Correctional Officers Retirement Plan. Requires each participating employer of full-time dispatchers to have a local retirement board. Provides incentives for retiring with more than 20 years of service. Provides for a transfer of assets clause for all ASRS members who become members of CORP pursuant to this legislation. Amends Title 38, Public Officers and Employees. S. 1129. **Chapter 309.**

Retirees; Health Insurance; Subsidies. Increases all categories of the health and accident insurance premium subsidy, in nonservice areas until June 30, 2003 based on years of service and medicare eligibility. Defines non-service area as an employer who does not provide an HMO plan to its members. Also provides that a retired or disabled member may elect to purchase individual coverage and receive a subsidy for that purchase. Amends Title 38, Public Officers and Employees. S. 1107. **Chapter 376.**

Retirees; Health Insurance Subsidies. Increases all single and family categories of the health insurance premium subsidy for all four state retirement systems. Retroactive Effective Date: July 1, 2001. Amends Title 38, Public Officers and Employees. H. 2164. **Chapter 383.**

Retirement Benefits; Defined Contribution Supplement. Permits an Arizona State Retirement System employer to offer a member who is eligible to retire up to an additional three years of employment with certain conditions. Allows for a lump sum payment option at retirement. Provides for a graded multiplier in the retirement benefit formula with the multiplier increasing to 2.1% for less than 20 years of service, 2.15% for 20 to 24 years of service, 2.2% for 25 to 29 years of service and 2.3% for 30 or more years of service. Permits the four state retirement plans to establish a supplemental defined contribution plan. Amends Title 15, Education and Title 38, Public Officers and Employees. S. 1295. **Chapter 380.**

State Retirement Service Credits; Transfers. Allows both active and inactive members of a state retirement system to transfer retirement service credits from one system to a current or former system. Defines an active member as a member having met eligibility requirements of the state retirement system and who is currently making contributions or receiving credited service from the system. Defines an inactive member as a member of the state retirement system who previously contributed to the system and meets each of the following specific conditions: they are not retired, they are not eligible for active membership in the state retirement system, they are not currently contributing to the state retirement system and they have not withdrawn contributions from the retirement system. Amends Title 38, Public Officers and Employees. H. 2111. **Chapter 123.**

EORP; Retired Members; Appointment. Allows a retired member of the Elected Officials Retirement Plan who is appointed to the same office from which the member retired to continue to receive their pension. Amends Title 38, Public Officers and Employees. S. 1232. **Chapter 62.**

PSPRS; Membership; Park Rangers. Expands the membership of the Public Safety Personnel Retirement System to include state park rangers and county park rangers who are certified peace officers. Amends Title 11, Counties; Title 38, Public Officers and Employees and Title 41, State Government. H. 2008. **Chapter 353.**

Joint and Several Liability; Fault. Adds defendant liability arising from the fault of a third party under the Federal Employer's Liability Act (FELA) to the enumerated factors that give rise to joint and several liability. Requires a negligent third party, other than a defendant's employee, to contribute to a defendant in an action arising out of a duty created by FELA. Requires that the third party's liability be determined by the same judge or jury that determined the defendant's liability. This must be done only after the court enters a judgment for the plaintiff's injury or death. Allows the plaintiff to make a motion for an award against the defendant for actual expenses incurred as a direct result of the defendant's claim for contribution by a third party. Provides that if any language added by this act is found to be invalid, all language added by the act is void. Amends Title 12, Courts and Civil Proceedings. S. 1408. **Chapter 181.**

ASRS; Omnibus. Authorizes the use of a referendum procedure established under federal law for retirement groups, to elect Social Security coverage. Excludes leased employees from the definition of member. Includes mortgage backed securities and agency debentures issued by federal agencies among the securities in which ASRS may invest no more than five per cent of its assets. Removes the requirement that an employer formally terminate any existing retirement program administered by the Board and formally agree that no retirement program may thereafter be established on behalf of that group. Removes the provision that the Board must transfer all assets under an existing retirement program to ASRS no later than 60 days after the effective date of the supplemental retirement plan. Makes various other technical and conforming changes. Amends Title 15, Education and Title 38, Public Officers and Employees. S. 1117. **Chapter 136.**

PSPRS; Fire Fighters; Asset Transfers. Allows fire districts that are administered by a board and that have 25 or more full-time firefighters, to transfer the excess assets from the firefighters' relief pension fund to the Public Safety Personnel Retirement System (PSPRS), if the district elects to provide coverage to its full-time firefighters under PSPRS. Requires a fire district to elect to transfer excess assets by December 31, 2002. This act is retroactive from December 31, 2000 and is repealed December 31, 2006. S. 1211. **Chapter 97.**

LAND USE

Military Airports; Preservation. Requires municipal general plans of cities and towns with territory in the vicinity of a military airport to include consideration of military airport operations. Requires municipalities with territory in the vicinity of a military airport to consult with the military airport when the general plan, an element of the general plan or a major amendment to the general plan is to be adopted. Requires notification of the military airport regarding any land rezoned within the territory in the vicinity of a military airport. Defines "territory within the vicinity of a military airport," "high noise or accident potential zones" and various other terms with special provisions for Maricopa County and Pima County. Requires the military airport to provide necessary information and for the council to consider the information when a

rezoning action brings into question the compatibility of the proposed action. Requires cities and towns in the vicinity of military airports to provide public access to military airport flight operation information provided by the military airport. Modifies existing reporting requirements for municipalities in the vicinity of a military airport. Makes various requirements of the School Facilities Board and the State Real Estate Department. (Retroactive Effective Date: Definitions portion, January 1, 2001; Remaining portions effective July 1, 2001 and July 2, 2001.) Amends Title 9, Cities and Towns; Title 11, Counties; Title 15, Education; Title 28, Transportation and Title 32, Professions and Occupations. S. 1525. **Chapter 23.**

Military Reuse Zones. Allows the prime contracting state sales tax exemption for construction of aviation facilities in a military reuse zone to be extended from the initial five years to an additional five years from renewal of such a zone. Amends Title 42, Taxation. S. 1041. **Chapter 359.**

Military Airport Reuse Committee; Repeal. Stipulates that a Joint Powers Airport Authority may only be established in connection with military facilities that were closed after 1990. Allows the Governor to designate property as a military reuse zone only on closed military facilities with a runway of at least 8,000 feet. Repeals the Joint Legislative Military Airport Reuse Committee and related requirements. Amends Title 28, Transportation and Title 41, State Government. H. 2075. **Chapter 114.**

State Land Exchanges. Sends to the 2002 state ballot an amendment to the Arizona State Constitution that allows the exchange of state trust land for other public lands for conservation purposes. 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. Contains other process requirements. S.C.R. 1004.

Eminent Domain Study Committee. Appoints nine members of the State Legislature to study issues related to condemnation including process and compensation. Requires the legislators to note in their report the financial implications of any recommendations to the cities, towns, counties and state entities. Repeals the study committee on December 31, 2001. S. 1332. **Chapter 150.**

Agricultural Composting. Prevents any city, town or county from restricting or regulating agricultural composting on farmland that is five or more contiguous acres. Requires a composting operation to notify the city or county and nearest fire department in writing of the specific location of the operation. Requires composting operations to be at least 1,320 feet from an existing residential area, unless operations are on existing farmland. Amends Title 9, Cities and Towns and Title 11, Counties. H. 2442. **Chapter 275.**

State Land Lease Assignment; Municipalities. Provides for the assignment of a state land lease to a city or town by the State Land Commissioner in certain cases of default of a lease of state land. Assignment of the defaulted lease to a municipality requires that the state land is located either entirely within or adjacent to the municipality; that no portion of the state land is contained within any other municipality; that the municipality consents to be bound by the lease terms and conditions and the State Land Commissioner determines that the assignment of the lease to the municipality is in the best interest of the state land trust. Allows assignment of a defaulted lease without the consent of the defaulting lessee if a notice of default has been sent and has not been cured according to existing statutory procedures and time frames and if a request for the assignment has been received, in writing, from the applicable city or town. Amends Title 37, Public Lands. H. 2072. **Chapter 298.**

State Land and Resource Management. Makes a number of modifications to the powers and duties of the State Land Department and the commissioner which include allowing the selection board, at the commissioner's request, to render a determination to approve or reject the inclusion of state land in a proposed city or town corporate limit. Clarifies the procedure for mailing the notice of intent to classify lands as trust lands suitable for conservation to owners of private land with forty or more acres that is located within three hundred feet of trust land and adds a requirement that the notice include a request for written comments within 30 days of the date of the notice. Amends Title 37, Public Lands. H. 2524. **Chapter 276.**

Agriculture Preservation Districts. Extends the period of time an agriculture preserve district can lease or acquire development rights to undeveloped property to twenty-five years (previously five years) and requires a review of the terms of the lease or acquisition every five years. Appropriates \$2 million in FY 2002-2003 to the Department of Agriculture for long term support of agriculture preservation districts. Appropriates up to \$1 million to the Department of Commerce to develop comprehensive land use plans in the noise and accident potential zones surrounding active military airports. Requires that the agencies and consultants hired by the Department of Commerce to develop the land use plans give priority attention to military airports in counties with populations exceeding two million persons and communicate and consult with affected landowners, county and municipal governments. Amends Title 48, Special Taxing Districts. S. 1120. **Chapter 318.**

County Zoning Commissions; Member Residence. Indicates that in counties having three supervisorial districts, not more than one of the three members from a district on the planning and zoning commission may be a resident of an incorporated area. Requires that in counties with five supervisorial districts, at least one of the two members on the planning and zoning commission from that district shall be a resident of an unincorporated area if the district is less than 60 percent incorporated. Amends Title 11, Counties. H. 2498. **Chapter 53.**

ENVIRONMENT AND WATER

Contaminated Property; Taxes. Allows a county board of supervisors to reduce the property tax on properties that have a tax burden beyond the value of the property and that are substantially contaminated with hazardous substances or petroleum. Limits the reduction to no more than the costs to mitigate the damage. Identifies qualifying mitigation costs. Specifies other requirements and limitations. Effective from and after December 31, 2001. Amends Title 42, Taxation. H. 2432. **Chapter 306.**

Brown Cloud Study Committee; Recommendations. Enacts many of the provisions relating to air quality recommended by the Governor's Brown Cloud Summit intended to reduce the carbon particles and nitrogen dioxide gases that create the brown haze noted primarily in the urbanized areas. Provisions include an expansion of "Area A." Delays compliance with clean air measures in the newly designated areas until January 2002 which include vehicle emissions inspection compliance. Requires counties in Area A (Primarily Maricopa but also includes portions of Pinal) to adopt restrictions on engine idling for heavy duty diesel vehicles over 14,000 pounds gross vehicle weight. Allows other counties to adopt such an ordinance. Stipulates that the ordinance must exempt certain vehicles including police, fire and emergency vehicles. Makes numerous changes to the Clean Air Fund including providing grants for construction of up to eight natural gas refueling stations at public gas stations in the urban areas and clarifies use of the fund for heavy-duty municipal vehicle conversions. Includes numerous other provisions and programs including roadside testing of diesel engines to be administered by the Department of Environmental Quality; the creation of bypass routes by the Department of Transportation and requires public utilities to partner with the construction industry to identify viable sources of electric power in order to reduce gas or diesel powered generators. Contains various effective dates. Amends Title 11, Counties and Title 49, Environment. H. 2538. **Chapter 371.**

Environment; Water Quality; AZPDES Program. Establishes state management of the National Pollutant Discharge Elimination System permit program - currently administered by the Environmental Protection Agency (EPA) - through the establishment of the Arizona Pollutant Discharge Elimination System permit program (AZPDES) in the Arizona Department of Environmental Quality (ADEQ). AZPDES requires ADEQ to adopt, by rule, a permit program for pretreatment and control of discharges into the aquifer. The program must conform to requirements of the federal Clean Water Act. Implementation of the state program is contingent upon EPA's approval of AZPDES. Prevents ADEQ from charging a fee for issuing, denying, suspending or revoking a permit or to process permit applications. Amends Title 49, Environment. H. 2426. **Chapter 357.**

Water Monitoring Assistance Program; Continuation. Continues the Public Water Monitoring Assistance Program (MAP) until January 1, 2005. Eliminates the ability to opt out of the program. Adds radiochemicals and eliminates asbestos from the list of monitored contaminants. Requires the fund to maintain a minimum balance of \$200,000 with any surplus in excess of that amount going for reducing the next year's fees. Limits the department's administrative costs to 15 percent of monies in the fund or \$184,000, whichever is less. Amends Title 49, Environment. S. 1365. **Chapter 178.**

Biodiesel; Government Fleets. Eliminates the restriction on using biodiesel, a.k.a. “clean burning fuels,” to satisfy no more than 50 percent of a public fleet’s alternative fuel requirement. Allows this use of clean burning fuels to satisfy the requirement that new bus fleets be exclusively alternative fuel. Amends Title 9, Cities and Towns; Title 15, Education; Title 41, State Government and Title 49, Environment. H. 2123. **Chapter 70.**

UST; Area A. Appropriates \$500,000 in fiscal year 2002-2003 for deposit in the Underground Storage Tank Revolving Fund in the Department of Environmental Quality. Directs the Department to use the money specifically for partial coverage of corrective action costs in “Area A.” Prohibits use of the money for administrative costs. Returns any unexpended portion of the appropriation to the state general fund on June 30, 2004. S.1104. **Chapter 272.**

Underground Storage Tank; Fund Transfers. Establishes a special Municipal Tank Closure and Corrective Action Program Account in the Department of Environmental Quality to help cities and towns with a population smaller than 15,000 pay for closure and leak stoppage for underground storage tanks where the owners cannot be located. Limits the reimbursement to a maximum of \$15,000 per city or town. Includes specific conditions and requirements. Amends Title 49, Environment. H. 2611. **Chapter 341.**

Underground Storage Tank Funding. Appropriates money for an actuarial study of the needs and resources of the assurance account which pays claims for underground storage tank (UST) remediation. Issues for consideration include the possible use of revenue bonds to pay claims on the assurance account and the possible reduction or elimination of the UST tax. Amends Title 49, Environment. S. 1465. **Chapter 293.**

Underground Storage Tanks Program; Appeals. Allows the Department of Environmental Quality to request, or for the appealing entity to submit, additional information before the Department makes a final determination on a disputed decision relating to a corrective action. Allows for a delay in the final decision when there is additional information to consider. Provides for the reimbursement of appeals cost to a prevailing party in an appeal of an interim decision. Stipulates process and restrictions for the reimbursement program. Amends Title 49, Environment. S. 1466. **Chapter 182.**

Air Quality Amendments. Allows the Director of the Department of the Environmental Quality and the County Control Officer to renew orders of abatement for violation of clean air statutes or permits. Requires the state and the three counties with air quality responsibilities to publish all abatement orders and any renewals on their Internet web site. The effective date of the county renewal power is conditioned on the passage of rules relating to the permit fees. Amends Title 49, Environment. S. 1455. **Chapter 292.**

Power Transmission Lines. Requires anyone contemplating construction of a power plant in Arizona to file a plan with the Corporation Commission before filing an application for a certificate of environmental compatibility. Expands the requirements for these plans to include a power flow and stability analysis report showing the effect on the current Arizona electric transmission system. Amends Title 40, Public Utilities and Carriers. H. 2040. **Chapter 104.**

Groundwater. Extends the exemption from the groundwater withdrawal fee for 10 years, from 2009 to 2019 for the Arlington Canal, Buckeye Water Conservation and St. John’s Irrigation districts. Exempts the districts from the provisions of the fourth management period and extends the due date for the Department of Water Resources Director’s recommendation regarding the exemptions from 2005 to 2015. Amends Title 45, Waters. H. 2020. **Chapter 38.**

PUBLIC HEALTH AND SAFETY

Emergency 911 Services; Revenue. Stipulates new tax rates for both wire and wireless service to finance emergency telecommunication services as follows: beginning July 1, 2001, 37.5 cents per month; beginning July 1, 2006, 28 cents per month and beginning July 1, 2007 and thereafter, 20 cents per month. Requires the Legislature to biennially review the telecommunication services excise tax and make recommendations. Specifies that priority for funding be given to areas of the state that are currently without 911 services. Allows the Department of Administration to use up to two-thirds of their administration costs and allocate the remainder to Public Safety Answering Point (PSAP) contracts. Expands the use of the Emergency Telecommunication Services Revolving Fund to allow a wireless carrier’s one-time costs associated with the 911 network to be recovered to the extent that it was not recovered under the federal deduction mechanism. Creates a 911 study committee consisting of five legislators, two members of the public who are representatives of the wireless telecommunications industry, two members of the public who are representatives of the wireline telecommunications

industry, two PSAP representatives with one from a rural area and one from an urban area, and one member representing DOA. Charges the study committee with examination of the following: the necessity of the requirements for maintaining and upgrading the current 911 system; the funding mechanisms utilized by the State of Arizona to provide services and equipment required to handle 911 calls; the cost estimates for maintaining and upgrading the current 911 system and recommendations for funding mechanisms to cover the maintenance and upgrades of the current 911 system, including the idea of separating the monies in the revolving fund between wire and wireless providers. Requires submission of a report regarding the committee's recommendations for the 911 system by December 1, 2001 and repeals the committee on this same date. Effective Date: May 7, 2001. Amends Title 41, State Government and Title 42, Taxation. H. 2625. **Chapter 373.**

Juvenile Group Home. Requires juvenile group homes to provide registry information to the Department of Health Services every six months including the location of the group home, the current updated emergency contacts for the group home and its satellite facilities. If requested by the municipality in which the group home is located, the Department of Health Services is to provide the registry information to the municipality and update every six months. Amends Title 36, Public Health and Safety. S. 1235. **Chapter 215.**

Appropriations; Government Building Defibrillators. Appropriates \$50,000 in each of the fiscal years 2001-2002 and 2002-2003 to place automated external defibrillators in state and local government buildings. The monies would be appropriated from the emergency medical services operating fund to the Department of Administration. The Department of Administration is to consult with the Department of Health Services and the American Heart Association to determine the locations of the automated external defibrillators. The recommendations shall be noted in a report along with other implementation recommendations. Requires the report to be submitted to the Governor, Speaker of the House and the President of the Senate no later than November 2, 2001. No monies will be dispersed until the report has been submitted. H. 2535. **Chapter 308.**

Alcoholic Beverages; Revisions. Allows the Director to cancel a hearing for a spirituous liquor license application and issue the license if the city, town or county recommends approval of the license, unless the State Liquor Board or an aggrieved party requests a hearing. States that a restructuring of a licensee's business is not the same as issuance of a new license if all of the controlling persons are identical and there is no change in ownership. Specifies the licensee's history of violations of the alcoholic beverages statutes is the history of the new business entity. Prescribes that proper notice and a hearing are required prior to suspending, revoking or refusing a person's license. Allows a lienholder to participate in the determination of the disciplinary action. Requires the lienholder to prove specified circumstances by a preponderance of the evidence, if the Director is to consider mitigation on behalf of the lienholder, including the lienholder's interest is a bona fide security interest, the lienholder took reasonable steps to correct the licensee's prior actions and the lienholder reasonably attempted to remain informed by the licensee about the business' conduct. Amends Title 4, Alcoholic Beverages. S. 1509. **Chapter 352.**

Sudden Infant Death Syndrome; Protocols. Requires the Department of Health Services to develop protocols and a checklist for death scene investigations of apparent natural infant deaths to be followed by first responders, law enforcement officials and social service agencies. Requires the Sudden Infant Death Advisory Council (SIDAC) to approve and periodically review the sudden infant death checklist developed by DHS. Requires law enforcement officers to use the investigation checklist before the autopsy is performed. Specifies that if an officer does not use the checklist, the non-use does not become a defense or basis for dismissal of criminal charges. Requires the Peace Officer Standards and Training Board to provide training to officers. Adds a prosecutor appointed by the Arizona Prosecuting Attorneys' Advisory Council to SIDAC. Allows this act to be known as "Brandon's Law." Amends Title 36, Public Health and Safety and Title 41, State Government. S. 1105. **Chapter 256.**

Qualified First Responder Instructor; Definition. Allows the National Safety Council or an equivalent organization to certify "qualified first responder instructors." Removes "by voice and telemetry" from the criteria for qualifying as a communication center. Amends Title 36, Public Health and Safety. S. 1147. **Chapter 281.**

Newborn Infants; Safe Haven; Immunity. Allows a person to anonymously leave an unharmed newborn infant without penalty of child abuse charges with a safe haven provider. Allows the provider to accept the infant if it is believed that the infant is a newborn and that the parent or agent had no intention of returning for the infant. Requires the provider to offer written information about referral organizations. Provides liability protections. Defines newborn infant as a child 72 hours old or younger. Recognizes safe haven providers as on-duty firefighters and emergency medical technicians, staff members

of a health care institution, staff persons from a private child welfare organization or adoption agency that posts public notice of their safe haven status, and churches. Stipulates that this section does not preclude prosecution from any act not covered by this section. Requires report of the number of infants left with safe haven providers. Amends Title 8, Children and Title 13, Criminal Code. H. 2001. **Chapter 223.**

EMT; Paramedics; Certification; Reciprocity. Allows paramedics and basic emergency medical technicians (EMT) to be state certified if they hold a valid registration with the National Registry of Emergency Medical Technicians. Stipulates that if a paramedic or EMT is certified under these conditions that they must complete training or pass the standardized test required under Arizona law within six months of certification. Effective April 19, 2001. Amends Title 36, Public Health and Safety. S. 1308. **Chapter 156.**

Patient Transport Protocols; EMT. Requires the Director of the Department of Health Services, in conjunction with the Medical Director of Emergency Medical Services and the Emergency Medical Services Council, to establish protocols for situations in which the patient's life is not in danger allowing emergency medical technicians (EMT) of all levels to refer, advise or transport the patient to the most appropriate facility. When determining the facility, the EMTs may take into consideration factors such as patient preference, health care provider, specialized facilities and local protocols. Requires that a list of alternative facilities be supplied to the patient. Contains an exemption from rule making. Specifies that the protocols must be adopted on or before 90 days after the bill is signed into law. Amends Title 36, Public Health and Safety. S. 1319. **Chapter 157.**

Rural Emergency Medical Services. Appropriates \$1,500,000 from the Emergency Medical Services Operating Fund in FY 2001-2002 to the Department of Health Services for distribution to rural areas to improve emergency medical services. Appropriates an additional \$200,000 in FY 2001-2002 and FY 2002-2003 to DHS to distribute in rural areas for increased costs of ambulance services. S. 1201. **Chapter 283.**

Fire Suppression Funds; State Forester. Authorizes the state forester to recoup from local governments not only the costs incurred in the suppression of wild fires but also for pre-suppression activities and unplanned "all risk" activities. Notes that reimbursement shall be based on terms and conditions noted in cooperative agreements. Amends Title 37, Public Lands. H. 2360. **Chapter 304.**

Behavioral Health Licensure. Transfers the authority to create and enforce rules in both public and private residential treatment facilities from both the Division of Behavioral Health Services and the Division of Assurance and Licensure Services to the Department of Health Services. Amends Title 36, Public Health and Safety. S. 1064. **Chapter 20.**

COURTS

Domestic Violence and Protection Orders. Eliminates a number of court fees including fees for filing petitions for injunctions against harassment and orders of protection, fees for appeals or cross-appeals relating to cases granting or denying a petition for an order of protection, an injunction against harassment or in cases quashing an order of protection or injunction against harassment. Stipulates that a defendant may not be charged a fee for requesting a hearing during the period which an order of protection or injunction against harassment is in effect. Expands the effective period for orders of protection and injunctions against harassment to one year. Amends Title 12, Courts and Civil Proceedings; Title 13, Criminal Code and Title 22, Justices of the Peace and Other Courts Not of Record. S. 1084. **Chapter 255.**

Superior Court Clerk; Removing Receivables. Allows the superior court clerk to remove from the clerk's accounts all or part of any debt owed to the clerk if the clerk follows specified procedures. Amends Title 12, Courts and Civil Proceedings. H. 2275. **Chapter 5.**

Courts; Time Payment Fee. Extends the \$20 time payment fee assessed on each person paying a court-ordered penalty, fine or sanction over a period of time through December 31, 2003. S. 1007. **Chapter 8.**

Jury Fee Collection. Removes the three-year limit for starting an action to collect jury fees and replaces it with language that allows for the action to start at any time after the judgment fixing jury fees is recorded. Provides that the judgment does not expire until it is paid in full. Amends Title 12, Courts and Civil Proceedings. H. 2286. **Chapter 72.**

Courts; Fees; Waiver and Deferral. Clarifies language relating to the process of courts granting deferrals and waivers of fees and court costs. Defines the term "permanent inability to pay." Broadens the court's discretion to enter a consent judgement. Expands the class of individuals who are exempt from a consent judgement. Requires the deferral applicant to reimburse the county for service for publication fees and court reporter's fees if the deferral is granted. Stipulates that an individual may be required to submit a new application for a deferral or waiver of fees or costs if a court judgment is appealed. Amends Title 12, Courts and Civil Proceedings. H. 2085. **Chapter 41.**

CRIMINAL JUSTICE

Driving Under the Influence. Reduces the blood alcohol level of a driver of a motor vehicle from .18 to .15 for the purpose of determining "Extreme" DUI. Effective date: April 4, 2001. Amends Title 13, Criminal Code and Title 28, Transportation. H. 2473. **Chapter 51.**

Alcohol Related Offenses. Lowers the legal limit for driving a motor vehicle or a motorized water-craft under the influence of alcohol from .10 to .08. Requires an abatement council to submit an annual written report to the Governor's Office of Highway Safety on the effects of prescribed measure. Effective date: From and after August 31, 2001. Amends Title 5, Amusements and Sports and Title 28, Transportation. S. 1089. **Chapter 95.**

Ignition Interlock Devices. Requires the Motor Vehicle Division to order installation of an Ignition Interlock Device (IID) in any vehicle operated by an individual convicted of an "extreme" driving-under-the-influence (DUI) violation or an "aggravated" DUI violation. Additionally requires MVD to order the installation of an IID in any vehicle operated by an individual convicted of a second DUI in a 60-month period. Amends Title 28, Transportation. H. 2182. **Chapter 253.**

Domestic Violence; Definition; Sentencing. Increases the maximum sentence by two years for domestic violence crimes committed when the defendant knew the victim was pregnant. Adds to the Domestic Violence and Sexual Assault State Plan Task Force a representative of the sexual assault medical community to be appointed by the Governor. Adds two city prosecutors, one from a small city and one from a large city, to be appointed by the House Speaker and the Senate President. Requires the Task Force to develop a state plan to address sexual assault prevention, prosecution and support services to victims. Mandates that each plan conform to specific requirements. Specifies that the state plan must include recommendations regarding making misdemeanor domestic violence offenses non-bailable in certain cases. Amends Title 13, Criminal Code. H. 2268. **Chapter 217.**

Bail Bonds. Allows the sheriff to accept a bond posted by any person not just someone authorized to post bonds. Amends Title 13, Criminal Code. H. 2274. **Chapter 2.**

Internet Obscenity; Minors. Establishes new criminal statute making it a class four felony to knowingly use the Internet to send an item that is harmful to a minor in or outside of Arizona. Amends Title 13, Criminal Code. H. 2289. **Chapter 94.**

Sex Offender Registration. Expands the registration requirements for sex offenders to include those convicted prior to September 1978 for offenses that if committed today would require registration. Luring a minor for purposes of sexual exploitation is added to the list of offenses requiring registration. Allows the court to order the termination of any requirement to register as a sex offender if the person was under 18 years old when convicted and has successfully completed probation. Requires all registrants who change addresses or change names to inform the sheriff in person and in writing within 72 hours. Amends Title 13, Criminal Code. H. 2065. **Chapter 109.**

Identity Theft; Revisions. Changes the definition of "falsely alters a written instrument" to include counterfeiting, washing or connecting together different parts of the whole of more than one genuine instrument. (Written instrument means either: any paper, document or other instrument that contains written or printed matter or its equivalent; or, any token, stamp, seal, badge, trademark, graphical image, access device or other evidence or symbol of value, right, privilege or identification.) Changes the definition of "personal identifying information" to include savings or checking account number, credit, charge or debit card number, mother's maiden name, fingerprint, retinal image or the image of an iris. Expands the crime of taking the identity of another to include selling or transferring another person's identifying information. Amends Title 13, Criminal Code. H. 2327. **Chapter 113.**

Confidential Records; Scope. Expands the confidentiality of personally identifiable information statutes to include prosecutors. Defines prosecutor as a county attorney, municipal prosecutor or an attorney general or their assistants. Increases the punishment for aggravated assault if a person knowingly assaults a prosecutor. Amends Title 11, Counties; Title 13, Criminal Code; Title 16, Elections and Electors; Title 28, Transportation and Title 39, Public Records, Printing and Notices. H. 2083. **Chapter 124.**

Nitrous Oxide. Prohibits anyone from selling or distributing nitrous oxide, otherwise known as laughing gas, to anyone under the age of 18, unless they are delivering or accepting delivery in their capacity as an employee of a business authorized to sell nitrous oxide. Requires businesses to check identification for those attempting to procure nitrous oxide who they believe are under the age of 18. Provides for the suspension of the drivers license of anyone attempting to use fake identification to procure nitrous oxide. Effective Date: April 18, 2001. Amends Title 13, Criminal Code and Title 28, Transportation. H. 2011. **Chapter 145.**

Sexual Offenses; Time Limitations. Expands the list of crimes not subject to the statute of limitations to include specific sex offense felonies. Amends Title 13, Criminal Code. S. 1488. **Chapter 183.**

Statute of Limitations; Sexual Assault. Expands the list of crimes that do not have a statute of limitations to include any sexual offense or exploitation of a child deemed a class 2 felony, any violent sexual assault or an attempt to commit any of these offenses. Amends Title 13, Criminal Code. H. 2550. **Chapter 271.**

Criminal Code Omnibus. Allows a prosecutor to file a criminal complaint with an accompanying affidavit by a law enforcement officer that swears to the accuracy of the complaint in lieu of the officer making an oath before the court. Broadens the statutory definition of victim to include the immediate family of a person that was killed or incapacitated. Requires employers with fifty or more employees to allow employees who are victims of crime time off without pay to attend court-related proceedings or to obtain counseling. Provides for prescreening of defendants in cases where the state files a notice of intent to seek the death penalty for competency and sanity, unless the defendant objects. Adds vending machine to the definition of non-residential structures regarding burglaries. Removes the factor of fear of physical injury from the statutory definition of stalking to address a recent court decision that found this provision unconstitutional. Expands definition of regulated chemicals to include chemical analogs of the date rape drug GHB. Stipulates that a conviction for administering GHB to a minor without the minor's consent is a Class 2 felony and is ineligible for suspension of sentence, probation, pardon or release until the person has served the court imposed sentence. Broadens the statutory prohibition against furnishing harmful items to minors via the Internet. Specifies that a person who commits the crime of luring a minor for sexual exploitation is subject to Class 3 felony sentencing under the dangerous crimes against children statute. Requires that the release of a sexually violent person from an institution be noticed to victims. Changes the repeal date of Laws 2000, pertaining to petitions for the review of sentences in relation to domestic violence from February 1, 2002 to January 31, 2003. Makes numerous other changes. Amends Title 8, Children; Title 13, Criminal Code; Title 15, Education; Title 22, Justices of the Peace and Other Courts Not of Record; Title 23, Labor and Title 31, Prisons and Prisoners. H. 2223. **Chapter 334.**

Chop Shop Definition. Clarifies the definition of a chop shop as any place where at least one stolen motor vehicle or at least two parts from the same stolen vehicle are altered, defaced, destroyed, disassembled, sold or reassembled. Amends Title 13, Criminal Code. S. 1401. **Chapter 207.**

Appropriations; Domestic Violence. Appropriates \$1,000,000 from the state general fund to the Department of Economic Security over the next two years for domestic violence victims and their children. Adds a Governor-appointed representative of the sexual assault medical community and two legislator-appointed city prosecutors to the Domestic Violence and Sexual Assault Plan Task Force. Requires a separate consolidated state plan for sexual assault issues. Adds various criteria to be included in each consolidated plan and includes an additional planning process. H. 2439. **Chapter 358.** (See also Ch. 217)

Sex Offense Repeal. Repeals archaic sex laws forbidding sodomy, notorious cohabitation and adultery, crimes against nature and lewd and lascivious acts. Adjusts the definition of "dependent" in the state income tax code to allow a taxpayer to claim an unrelated person, under specified circumstances, as a dependent. Amends Title 13, Criminal Code; Title 31, Prisons and Prisoners; Title 41, State Government and Title 43, Taxation of Income. H. 2016. **Chapter 382.**

Security Guards. Clarifies that a security guard employee may not carry a firearm while on official duty unless the person is registered as an armed security guard and has employer authorization to carry or possess a firearm. Requires registered security guards who have been arrested to notify their employer and the Department of Public Safety (DPS) within 48 hours. Requires the employer to notify DPS within 24 hours of being notified by the employee. Increases the amount of firearms training that a security guard must complete from eight to 16 hours. Creates a legislative study committee to examine issues relating to private investigators and security guards. Amends Title 32, Professions and Occupations. H. 2453. **Chapter 49.**

Victim Compensation; Unclaimed Property. Expands the Attorney General's office annual Victims' Rights Plan to include training on the provision of victims' rights services and allows the Attorney General's Office to use supplemental monies to expand victims' rights training according to the plan. Requires the Department of Revenue to deposit any money from unclaimed victim restitution payments in the Victim Compensation and Assistance Fund to compensate and assist victims of crime. Retroactive Effective Date: January 1, 2001. Amends Title 41, State Government and Title 44, Trade and Commerce. H. 2061. **Chapter 146.**

National Guard; Counter-drug Activities. Repeals the National Guard Mutual Assistance Counter-Drug Activities Compact allowing the Arizona National Guard the ability to enter into mutual assistance agreements with law enforcement agencies working within this state, the National Guard of other states for training and aerial counter-drug missions and with Tribal authorities for counter-drug activities on Indian Land. Specifies that all agreements must be in accordance with the Governor's Annual State Plan. Amends Title 26, Military Affairs and Emergency Management. S. 1003. **Chapter 116.**

Department of Juvenile Corrections; Revisions. Adds Department of Juvenile Corrections' (DJC) employees to the list of employees prohibited from sexual conduct with persons in their custody. Establishes a new offense prohibiting persons from introducing contraband into a secure care facility. Clarifies that hospital employees, licensed medical personnel, staff and volunteers who provide services to juveniles in an outside health care facility are exempt from completing background and fingerprint checks. Adds provisions to statute regarding adjudication of delinquency. Revises the requirements by which individuals may apply to have juvenile records destroyed in both a case that did and did not result in adjudication of delinquency. Allows the Director to contract with other agencies or institutions to further DJC programs. Amends Title 8, Children; Title 13, Criminal Code; Title 23, Labor and Title 41, State Government. H. 2282. **Chapter 225.**

Watercraft Accidents; Reporting. Increases the penalty for operating a watercraft in a careless, reckless or negligent manner and designates other violations as petty offenses. Changes the reporting requirement to the Arizona Game and Fish Department for collisions or accidents to include a \$500 threshold. Amends Title 5, Amusements and Sports. S. 1248. **Chapter 245.**

Insurance Department; Fraud Unit. Allows the Department of Insurance to hire investigators for the department's fraud unit. Gives an investigator the same law enforcement powers as a peace officer while on duty. Requires the investigators to meet the qualifications of the Peace Officer Standards and Training Board. Does not allow fraud unit investigators to preempt the authority and jurisdiction of other law enforcement agencies and investigators. Disqualifies the fraud unit investigators from participation in the Public Safety Personnel Retirement System purely on their employment as fraud unit investigators. Amends Title 20, Insurance. H. 2430. **Chapter 131.**