

NEW LAWS

Enacted by the 2000 Arizona Legislature



Summary of Bills of Municipal Interest

May 25, 2000

As a result of the second regular session of the 44th Legislature, 405 bills became law.

The following is a summary by subject of the new laws of municipal interest passed during the 2000 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 www.azleg.state.az.us/legtext/44leg/2r/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 July 18, 2000. 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

Neighborhood Preservation and Investment Commission. Creates the Arizona Neighborhood Preservation and Investment Commission (NPIC) and provides for membership, duties and future funding. Specifies membership of the nine-person commission; six individuals representing cities of varying sizes and three individuals representing private interests. Charges the Commission to: Adopt rules necessary to perform its duties; administer the expenditure of monies for administrative and technical support; approve projects for financial assistance; make and execute necessary contracts, grants and intergovernmental agreements and to issue an annual report on its activities. Establishes the NPIC Fund and provides for deposits to the fund from public and private sources including the state, political subdivisions, donations and grants. (The bill does not provide an appropriation.) Allows grants from the fund to cities for the installation, repair or upgrade of publicly owned municipal infrastructure. Requires grant applications to include a delineation of the neighborhood in need, identification of any neighborhood issues related to the project and a description of the proposed project and any completed plans. Prohibits the Commission from approving an application unless the applying city provides the Commission access to the project and submits a detailed annual report on the project. Requires the Commission to notify applicants of their decision to approve or disapprove a grant request within 90 days and to determine an application priority order. Stipulates that priority assignments shall include consideration of a number of criteria including the existence of a stable residential population in the area of the proposed project, the probable long-term effect of the project and the possibility of any resulting private sector investment in the area. Requires the Department of Commerce to provide technical, administrative and legal assistance to NPIC to the extent that funding is available for these services. Terminates NPIC July 1, 2010. Amends Title 41, State Government. H. 2125. **Chapter 202.**

State Preemption; Firearms. Prohibits a political subdivision from enacting any ordinance, rule or tax relating to or requiring the licensing or registration of firearms, ammunition or any firearms/or ammunition components. Provides several exceptions to allow political subdivisions to enact ordinances, rules and taxes including but not limited to: Imposing any privilege (sales) or use tax; prohibiting minors under certain circumstances from possessing or carrying a firearm; the use of land and structures in the same manner as other commercial businesses; regulating employees or independent contractors of the political subdivision and limiting firearm possession in parks or preserves. Provides a number of limitations and restrictions for persons carrying or possessing firearms in parks and preserves. For parks or preserves one square mile or less, firearm possession is limited to persons who possess a valid concealed weapons permit issued pursuant to A.R.S. §13-3112. In parks and preserves larger than one square mile, a political subdivision may designate developed or improved areas in which the political subdivision may limit firearm possession to persons who possess a valid concealed carry permit. Requires political subdivisions to conspicuously post notice of firearm limitations and defines developed and improved areas of parks and preserves. Applies to any ordinance enacted before or after the effective date of this act. Amends Title 13, Criminal Code and Title 15, Education. H. 2095. **Chapter 376.**

Firearms; Random Gunfire. (Shannon's Law) Makes the discharge of a firearm with criminal negligence within or into the limits of any municipality a class 6 felony, if the discharge is within one mile of an occupied structure. Includes exceptions for self-defense, defense against animal attacks and the use of blanks. (Effective Date: April 3, 2000) Amends Title 13, Criminal Code. S. 1307. **Chapter 119.**

Lobbyists; Gift Ban; Political Subdivisions. Prohibits city and town elected or appointed officials from accepting of value for entertainment from a person who for compensation attempts to influence the passage or defeat of legislation, ordinances, etc. Defines "entertainment" as attendance to, or participation in, a sporting or cultural event. Provides exceptions for "special events" and "incidentals" to speaking engagements. (Effective date: December 31, 2000.) Amends Title 41, State Government. H. 2554. **Chapter 364.**

Public Meetings. Makes a number of changes to the laws governing open meetings. Defines "executive session" and expands the definition of "meeting" to include a gathering of a quorum of members of a public body through technological devices. States that all legal action of a public body must occur during a public meeting. Stipulates procedures for an open call to the public including appropriate responses to the open call from members of the public body. Allows the chief administrator or presiding officer of a public body to present a brief summary of current events without listing the specific matters on the agenda if the summary is listed on the agenda and if the public body does not propose, discuss, deliberate or take legal action at the meeting on any matter in the summary unless properly noticed on the agenda. Prohibits public officials from directing staff to communicate in violation of the open meeting law. Requires notice of an executive session of a public body to include more than just a recital of statutory provisions that authorize the executive session but need not contain items that would compromise the legitimate privacy interests of a public officer, appointee, employee or the attorney client privilege. Requires the minutes of executive sessions to reflect certain types of instructions given to staff regarding litigation, real estate transactions and contract negotiations. Expands the purposes for which a public body may hold an executive session. Limits attendance at an executive session. Stipulates procedure for a disclosure of executive session information. Substantially amends language relating to claims and investigation of open meeting law violations. Amends Title 38, Public Officers and Employees. S. 1392. **Chapter 358.**

Municipal Telecommunications; Franchises. Makes numerous changes to municipal telecommunication statutes. Authorizes similar licensing requirements for both interstate (long distance) and intrastate (local) telecommunications providers and sets forth the fees that may be charged. Prohibits cities and towns from levying a tax or fee on Internet access. Repeals the interstate fiber optic communications section of law and inserts provisions governing interstate telecommunications services within current intrastate telecommunications sections of law. Allows political subdivisions to require interstate telecommunications providers to obtain a telecommunications license. Allows a per linear foot fee, application fee and construction permit fee on interstate telecommunications. Clarifies that all fees and charges levied by a political subdivision on telecommunications corporations must be levied on a competitively neutral and nondiscriminatory basis and to the costs incurred by the political subdivision relating to the granting or administration of applications or permits, and adds application fees for intrastate providers. Allows a political subdivision to recover reasonable costs associated with damage to the public rights-of-way. Provides that only in-kind facilities can offset any transaction privilege tax, linear foot charge or other payments. Does not affect the terms or conditions of any permit, license or franchise granted pursuant to Title 9, chapter 5, article 5 or 7, Arizona Revised Statutes, on or before the effective date of this act. Calls for representatives of cities, towns, counties and telecommunications corporations to meet to examine issues attendant to the implementation of this act and to review and evaluate the methodology to be used in assessing reasonable costs, including fair and reasonable, proportionate and attributable costs associated with damage caused to public highways among all users of the public highways and submit a written report on or before December 1, 2000 to the Governor, the President of the Senate and the Speaker of the House of Representatives. Amends Title 9, Cities and Towns. H 2334. **Chapter 397.**

Municipal Annexation; Challenge; Cost. Provides that if a property owner prevails in an annexation challenge on their property, the owner is eligible for reasonable attorney fees and court costs relating to the action from the annexing municipality. Amends Title 9, Cities and Towns. H. 2599. **Chapter 179.**

City; Sale of Property. Increases the value limit of real property of a city or town that may be sold without an election to \$500,000 from \$100,000. Charter cities follow their charter on sales of property. Amends Title 9, Cities and Towns. H. 2474. **Chapter 346.**

Attorney Fees; Recovery; Property Seizure. Requires the court to award attorney fees and other expenses to a party other than the government who prevails in an action brought by the party against the state, county, city or town to challenge the seizure and sale of personal property. Amends Title 12, Courts and Civil Proceedings. S. 1374. **Chapter 250.**

Electronic Transactions Act. Mirrors the Uniform Electronic Transaction Act which is model legislation allowing parties, including municipalities, to agree to conduct transactions electronically and the parameters under which the transaction will take place. Addresses various points in the electronic transaction process including the electronic signature, records retention, electronic notarization, legal recognition of the transaction, definitions for "sending" and "receiving" and various other terms and processes. Amends Title 44, Trade and Commerce. H. 2069. **Chapter 268.**

Garbage Services Outside Corporate Limits. Restricts the ability of cities and towns to provide garbage service outside the boundaries of the city or town. Requires a city or town that provides waste or garbage collection services outside of its boundaries to keep all records of the services separate from all other city or town municipal records, make in-lieu contributions to all state, city, town, county and other taxing districts equal to the taxes that would be required of private garbage collection and disposal companies performing the same service, pay an in-lieu contribution to the recycling fund equal to federal taxes that would be required of private garbage collection and disposal companies performing the same service, pay all fees and costs that are applicable to private companies including landfill fees, and ensure that no city or town taxes, fees or revenues are used to subsidize the waste or garbage collection and disposal services outside the city or town. The ability to enter into mutual aid or intergovernmental agreements with other cities or towns to respond to emergency assistance is not restricted. These requirements do not apply if: The city or town provides waste or garbage collection services outside its borders in an unincorporated territory that is within three miles of its border and within its municipal planning area as designated in the land use map of the municipality's general plan; the city or town does not provide waste or garbage services in an incorporated area other than its own and the city or town is located in a county with a population exceeding two million persons. Amends Title 9, Cities and Towns. H. 2387. **Chapter 177.**

Rural Economic Development Study Committee. Establishes a rural economic development study committee to examine economic trends that are shaping development in rural Arizona, federal and state policies that affect rural economic development, land use and housing policies and their impact on rural economic development as well as examine current rural economic development policies in Arizona and other states for information and review. The Committee consists of 16 individuals, two of whom will represent rural municipal interests. The Committee will present its findings and recommendations to the Governor and Legislature by December 1, 2001. H. 2499. **Chapter 106. (Also see Chapter 207)**

Rural Business Incubator Advisory Board. Continues the Rural Business Incubator Advisory Board until December 31, 2005. Allows the private sector to explore business opportunities and issues in rural Arizona. Amends Laws 1999, Chapter 262, Section 23. H. 2191. **Chapter 207. (See Chapter 106)**

Libraries; Grants-in-Aid. Appropriates \$300,000 to the Department of Library, Archives and Public Records (name changed in later bill to Arizona State Library, Archives and Public Records) for distribution of grants that include the following uses: Resource sharing, reading programs, training, continuing education and other statewide library development programs for both urban and rural areas; matching monies for renovations or new construction of facilities including wiring and disabilities compliance. The grants are for libraries that are free lenders and borrowers in the interlibrary loan service, that do not substitute the state money for local funding and that expend the full grant in the fiscal year in which the grant is awarded. Requires recipients to file annual reports as requested by the State Library and all grant money must be awarded by July 1, 2002. H. 2216. **Chapter 298.**

State Library; Public Records. Allows Department of Library, Archives and Public Records (DLAPR) to establish a depository system and an exchange program with other county, city, regional, state, university, college, or out-of-state research libraries. Allows DLAPR to enter into agreements with other libraries in Arizona for the purposes of keeping copies of all public records and stipulates that if the state pays a partner library for their services, that this state funding is not a substitute for the money the partner library currently spends on the state documents program. Allows DLAPR to provide access to current Arizona Revised Statutes to each public or court library electronically. Requires DLAPR to adopt rules for the acquisition, maintenance, access, preservation and description of state publications. Amends Title 35, Public Finances and Title 41, State Government. S. 1087. **Chapter 368.**

Native Plants; Nonprofit Community Salvage. Allows community based, nonprofit organizations to collect and salvage native plants intended for destruction without obtaining a permit if the salvage is noncommercial in nature. Amends Title 3, Agriculture. H. 2018. **Chapter 360.**

Electric Power Competition. Removes the provision that cities and towns with populations of 75,000 or more can exempt themselves from the statutory provisions related to public power entities for the purpose of electric utility deregulation. Amends the requirement that public power entities reduce rates for electric retail customers who are unable to choose competitive electric generation by 10 percent in a 10-year period by allowing cities and towns to instead reduce rates by an amount necessary to compete with other electric service providers. Clarifies that cities and towns are not responsible for enforcing the statutory provision that, at a minimum, both gas and electric facilities be installed during the construction of a residential structure. (This provision is retroactively effective to August 21, 1998.) Makes a number of changes to statutes governing electric cooperatives. (Effective date: March 26, 2000.) Amends Title 10, Corporations and Associations; Title 30, Power; Title 40, Public Utilities and Carriers; Title 42, Taxation; Title 46, Welfare and Title 48, Special Taxing Districts. S. 1056. **Chapter 53.**

County Boundary Study Committee. Establishes a county boundary study committee to examine proposals for changing county boundaries or creating new counties, particularly any proposal to change the boundaries of Navajo, Apache and Coconino counties to create a new county based on the boundaries of the Navajo Nation. The Committee will also examine the fiscal and service impacts on any new county and the remainder of the current counties after lands are reapportioned. The committee is made up of members from the Senate, the House of Representatives, members of the Navajo Nation and representatives from Apache, Navajo and Coconino counties. The committee will submit a report of its findings to the Legislature on or before December 31, 2000. S. 1485. **Chapter 36.**

City Utilities; Election. Exempts municipalities incorporated by an alternative means from the election approval requirement prior to the construction, purchase, acquisition or lease of water or sewer utilities. The alternative method of incorporation pertains only to Lake Havasu City. Amends Title 9, Cities and Towns. H. 2636. **Chapter 402.**

Electronic Notarization Act; Fee. Eliminates notary fee amounts and the amount of the surety bond required of notaries public from statute and instead authorizes the Secretary of State to set those amounts. Continues to allow political subdivisions to pay the commissioning costs of a notary public who provides notary services in the course of employment but further allows the jurisdiction to pay the costs for a notary who only provides services for the convenience of the other employees. Establishes "electronic notaries public" and authorizes the Secretary of State to commission this new category of public officers. (The Secretary of State is currently responsible for the commissioning of traditional notaries public.) Creates "electronic notaries public" for the purpose of certifying electronic signatures and documents. Amends Title 41, State Government. H. 2242. **Chapter 210.**

Shopping Carts; Identification; Retrieval. Establishes uniform statewide regulation for the retrieval of shopping carts by local governments. Includes procedures for shopping cart impoundment, fines and disposal of unclaimed carts. States the intent of legislation is not to invalidate any city, town, or county ordinance that regulates the removal of shopping carts from the premises of a retail establishment, nor to exclude the application of any other theft laws. Prescribes a class 3 misdemeanor for a person who violates the provisions outlined in the law. Amends Title 44, Trade and Commerce. H. 2066. **Chapter 173.**

FINANCE ADMINISTRATION AND TAX POLICY

Municipal Tax Code Commission; Continuation. Extends the Municipal Tax Code Commission until June 30, 2005. Expands the Commission from seven members to nine members and returns the terms to three years. Provides that five members will be appointees of the Governor and two each for the Speaker of the House and the President of the Senate. Establishes that the Commission meets every other month on the second Friday of the month. Requires cities and towns to adopt changes approved by the Commission. Requires that audit practices for those jurisdictions collecting their own tax and for those cities and towns in the state collection system performing supplementary audits be changed to require joint audits for multi-jurisdictional taxpayers unless the taxpayer declines the joint audit. Restricts any additional audit activities for 42 months unless the taxpayer meets specified criteria. Requires that if the state tax code and the model city tax code have identical provisions and the state has issued a written interpretation of the provision, the state interpretation prevails. Requires that a Unified Audit Committee (UAC) exist, and one already does. Requires the UAC to issue and publish uniform guidelines that interpret the model tax code and apply to all cities and towns. Requires a central municipal tax hearing office to be established to hear all appeals of municipal sales tax cases. Requires the hearing office to report to the Commission quarterly and that all hearing officers be confirmed by the Commission. Requires the cities collecting their own tax to develop and implement a uniform application and tax return form and consolidate to one annual renewal date. Establishes the Commission as the first line of appeal if two cities have a dispute on which city is owed tax from a single taxpayer. Allows a general law city or town to submit any issue relating to a transaction privilege tax to the voters and to spend public monies to conduct the election. (Single

Hearing Officer Provision Effective date: June 30, 2001). (Uniform Forms Effective date: December 31, 2000). Amends Title 41, State Government and Title 42, Taxation. S. 1513. **Chapter 297.**

Expenditure Limits; Disproportionate Share. Stipulates that a city, town, community college district or county that exceeds its FY 2000-2001 expenditure limitation as calculated by the Economic Estimates Commission (EEC) is subject to a \$100 penalty, if the city, town, community college district or county does not exceed an alternative limitation. Current penalties apply if the alternative limitation is exceeded. Calculates the alternative limitation as the FY 1999-2000 EEC expenditure limitation multiplied by population growth and a three percent inflation factor. Defines population growth as the 1999 DES population estimate divided by the 1998 DES population estimate. Requires the EEC to meet with interested parties to determine if a new inflation index is needed for calculating the expenditure limit and to report its findings to the Legislature by December 1, 2000. H. 2563. **Chapter 351.**

Procurement; Professional and Construction Services; Design-Build. Makes numerous additions to construction procurement statutes to provide for use of the design-build, construction-manager-at-risk and job-order-contracting, as well as design-bid-build, methods of public construction contracting. Amends current statutes relating to the procurement of architects, engineers, assayers, geologists and land surveyors to allow these professions to annually submit a Statement of Qualifications and Experience and to allow the selection of these professionals by a selection committee regardless of the type of construction procurement chosen. Preserves the "competition method" of selection for these services and requires the competition method to be used if the contract is for more than \$250,000 or, in the case of engineers, when the contract is for \$500,000 or more. Allows for "emergency procurement" of construction and construction-related services if adherence to statutory requirements is "impracticable, unnecessary or contrary to the public interest" or if there is a threat to public health, safety or welfare. (Effective date: April 4, 2000.) Amends Title 15, Education; Title 28, Transportation; Title 34, Public Buildings and Improvements and Title 41, State Government. H. 2340. **Chapter 135.**

Tourism and Sports Authority; Stadium. Establishes a Tourism and Sports Authority in Maricopa County. Requires that the Authority place on the next county general election ballot the question of levying a surcharge on car rentals and hotels within the Authority. Distributes the funds raised by these taxes to a Cactus League promotion account and a youth and amateur sports facilities account in addition to the operations of the multipurpose facility. Prescribes the operations and finances of the Authority. Allocates money to the state tourism fund after it is established that there are sufficient monies in the Students First fund. Amends Title 5, Amusements and Sports; Title 41, State Government; Title 42, Taxation; Title 43, Taxation of Income and Title 48, Special Taxing Districts. S. 1220. **Chapter 372.**

Tourism; Dedicated Sales Tax Revenues. Alters the funding for the state's Office of Tourism. Requires Pima County to hold an election to authorize an additional tax on hotels. Requires the proceeds to be used in marketing tourism in Pima County after it is established that there is sufficient monies in the Students First fund. Amends Title 17, Game and Fish; Title 41, State Government; Title 42, Taxation and Title 49, Environment. S. 1519. **Chapter 375.**

Transit Funding. Requires LTAF II monies to be used for public transit purposes, including operating and capital purposes for all counties, cities and towns, except that any jurisdiction that receives less than \$2,500 may use it for general transportation purposes. Allows a metropolitan planning organization, city, town or county to enter into an intergovernmental agreement with Indian tribes for public transit. Amends Title 28, Transportation. S. 1556. **Chapter 133.**

Arizona Job Training; Tax. Establishes the Arizona Job Training Program funded by a job training tax of one-tenth of one percent of taxable wages beginning on January 1, 2001. Rolls back the unemployment insurance tax rate by one-tenth of one percent so that there is no net increase in the employee tax. Provides for the Department of Commerce to administer the program and award monies for the training of new and incumbent workers. Repeals the job training tax after December 31, 2007, unless and until the federal surcharge is repealed before December 31, 2007. Changes the definition of small business from a business that employs 300 or fewer employees to a business that employs 100 or fewer employees. Requires that the 25 percent fund set-aside for small businesses remain available only for small businesses and any unexpended monies not revert to the jobs training fund. Rebates any unencumbered and unexpended monies remaining in the jobs training fund for small businesses to small businesses upon the termination of the fund. Amends Title 23, Labor and Title 41, State Government. H. 2262. **Chapter 383.**

Highway Projects; Advancement Notes. Enables local governments to loan the Arizona Department of Transportation monies to accelerate the construction of highway projects. Allows repayment to occur when the funding becomes available through the State Highway Construction Program. Prescribes uses, terms and conditions. Allows State Infrastructure Bank monies to be used for highway projects funded with only 20 percent federal dollars. Amends Title 28, Transportation. H. 2100. **Chapter 321.**

Award of Attorney Fees in Tax Cases. Expands the current award of attorney fees and other court costs in tax cases to include a person, other than the government, challenging and winning on the adequacy and regularity of notice of delinquent taxes

and the regularity of sales of property for delinquent taxes. Amends Title 12, Courts and Civil Proceedings and Title 42, Taxation. S. 1427. **Chapter 125.**

Tax Appeals; Attorney Fees. Allows the court to award court fees and other expenses to any party that prevails in a court action brought by the state or local government against a party to enforce the assessment or collection of taxes. Increases the maximum hourly amount allowed for attorney fees from \$100 to \$175 and increases the maximum award from \$20,000 to \$30,000. Specifies that the maximum amount can be awarded at each judicial level. Amends Title 12, Courts and Civil Proceedings. H. 2336. **Chapter 17.**

Risk Pool Insurance. Exempts a nonprofit corporation that is formed for the purpose of creating a risk retention pool from the prohibition on making distributions to its members. Allows contractors and subcontractors that do work for political subdivisions to form insurance pools. Amends Title 11, Counties and Title 41, State Government. S. 1096. **Chapter 165.**

Greater Arizona Development Authority. Expands the eligible groups that the Greater Arizona Development Authority (GADA) may service to include special districts and tribal subdivisions. Allows the state agency heads who serve on GADA's board to appoint designees. Allows GADA to provide technical assistance services under contract for projects less than \$250,000 and requires the agreements to be repaid in less than three years. Amends Title 41, State Government. S. 1086. **Chapter 229.**

Property Tax; Corrections Act. Increases the value of the example home used in the truth in taxation notice from \$80,000 to \$100,000. Proscribes a method of determining obsolescence factors to be used in the valuation of shopping centers. Provides for a refund of erroneously paid city improvement district taxes for tax years 1996, 1997 and 1998. Makes various other changes to the property tax statutes with varying effective dates. (Truth in Taxation Effective date: January 1, 2001). Amends Title 15, Education; Title 41, State Government and Title 42, Taxation. S. 1424. **Chapter 390.**

State Parks Fund. Makes several changes in funds administered by the State Parks Board. If a political subdivision provides at least \$150,000 annually through an intergovernmental agreement for operating a state historic park, the revenues shall be used for operating, managing and developing that park (Yuma Crossing). Revenue generated by commercial film projects in the San Rafael Valley shall be spent in operating, managing and developing that area. In distributing grants for owners of grazing or agricultural leases, the Conservation Acquisition Board in state parks shall give priority to lessees of state or federal land who are required to reduce livestock production to provide public benefits such as wildlife species conservation or wildlife habitat. Session law is amended to allow the Parks Board to use monies otherwise dedicated to the Tonto Natural Bridge State Park lease-purchase payoff for other acquisition and development projects upon approval of the Joint Committee on Capital Review. Amends Title 41, State Government. S. 1181. **Chapter 127.**

Severance Tax; Revenue Distribution Formula. Provides the information necessary to implement the mining severance tax hold harmless provisions for counties. S. 1118. **Chapter 337.**

Revised Arizona Unclaimed Property Act. Revamps and modernizes the unclaimed property statutes affecting cities and towns with unclaimed utility deposits, bond issues etc. (42 pages of new language) (Effective date: January 1, 2001). Amends Title 5, Amusements and Sports; Title 6, Banks and Financial Institutions; Title 41, State Government; Title 42, Taxation; Title 44, Trade and Commerce and Title 46, Welfare. H. 2037. **Chapter 184.**

Property Tax; Administration. Clarifies the changes made to the personal property tax system by Laws 1999, Chapter 253. Provides a phased-in approach to the implementation of that same law. (Effective date: December 31, 2000.) Amends Title 42, Taxation. H. 2331. **Chapter 84.**

Appropriation; High Technology Clusters. Appropriates \$100,000 to the Department of Commerce for grants to high technology clusters. Limits how recipients may use money. S. 1531. **Chapter 367.**

Industrial Development; Projects. Expands the definition of projects eligible to receive funding through industrial development authorities to include facilities owned or operated by a nonprofit organization engaged in delivering one or more specified community services on that property. Amends Title 35, Public Finances. S. 1260. **Chapter 130.**

Construction Contract Payments. Makes various changes to laws regarding private construction contracts. Makes void and unenforceable any contract provisions that require any litigation, arbitration or other dispute resolution proceeding resulting from a contract to be conducted in another state. Amends Title 15, Education; Title 28, Transportation; Title 32, Professions and Occupations; Title 34, Public Buildings and Improvements and Title 41, State Government. S. 1549. **Chapter 233.**

VLT and Income Tax Triggers. Codifies the “triggered” vehicle license tax (VLT) rate for FY 1999-00 by reducing the State General Fund VLT rate from 23 cents per \$100 in assessed value for new vehicles to six cents per \$100 in value for new vehicles and from 24 cents per \$100 to six cents per \$100 in assessed value for subsequently registered vehicles. Also codifies the guaranteed \$20 million VLT reduction and the already “triggered” VLT reductions for FY 2000-01 by eliminating the State General Fund VLT rate for all vehicles and by reducing the State Highway Fund VLT rate for all vehicles from 14 cents per \$100 in assessed value to 10 cents. Provides for the appropriation of monies from the State General Fund to the State Highway Fund to hold the State Highway Fund harmless as the VLT rates for the State Highway Fund are reduced. Cities, towns and counties were held harmless from this reduction. The bill also changes the Arizona corporate tax rate in statute from 7.968 per cent to 6.968 per cent of net income to reflect the trigger enactment from 1999, effective beginning in January 2001. (Effective date: March 26, 2000) Amends Title 28, Transportation and Title 43, Taxation of Income. H. 2329. **Chapter 48.**

TAX EXEMPTIONS

Property Taxation Valuation Limitation; Seniors. Places on the next statewide general election ballot the question of amending the Arizona Constitution to freeze the cash value of property owned by persons 65 years or older with certain income requirements. Requires an application to the county assessor and allows for a renewal every three years. Requires that the applicant have resided on the property for two years. Amends Article IX, Sections 1 and 18, Arizona Constitution. H.C.R. 2028.

Property Tax; Electrical Generation Facilities. Prescribes a property tax valuation methodology for electrical generation facilities that do not sell electricity on the retail market. Distinguishes for valuation purposes between the electric generating business and the electric transmission or distribution business. Provides for voluntary contributions by generating plants in counties where a loss of more than 10 per cent of assessed valuation is related to this revaluation of electrical generating facilities. Proscribes how these voluntary contributions shall be made and provides a due date of August 1st for these payments for tax years 2001, 2002, 2003 and 2004. Provides for a conditional repeal of this act if the voluntary contributions are not made by the due date. Amends Title 42, Taxation. H. 2324. **Chapter 384.**

Tax Credit; School Site Donation. Allows an income tax credit in the amount of 30 percent of the appraised value of property and improvements that are donated to a school district or charter school as a site for the construction of a new school. (Effective date: January 1, 2001). Amends Title 43, Taxation of Income. H. 2451. **Chapter 334.**

Technology Training; Tax Credit. Establishes a program that will encourage employers to offer technology training to their employees by offering tax incentives. Allows a credit of up to \$1,500 per employee and a maximum of 20 employees per company with an overall cap of \$2.5 million per year. Sunsets the program on December 31, 2005. (Effective date: January 1, 2001). Amends Title 41, State Government and Title 43, Taxation of Income. H. 2442. **Chapter 239.**

Cemeteries; Property Tax Exemption. Places on the next general election ballot the question of amending the Arizona Constitution to exempt all cemeteries from property tax. Amends Article IX, Section 2, Arizona Constitution. S.C.R. 1010.

Cemeteries; Property Tax Exemption Process. Makes the necessary changes in statute to exempt all cemeteries from property tax if S.C.R. 1010 is approved by the voters in the next general election. Requires the owner of the cemetery property to file a one-time affidavit with the county assessors office to claim the exemption, unless the owner sells, rezones or changes the use of the property. Amends Title 42, Taxation. S. 1218. **Chapter 258.**

Contracting Classification; Exterminators; Exemption. Clarifies that the post-construction treatment of real property for termites and general pest control is exempt from the state prime contracting sales tax classification. (Effective date: January 1, 1994.) Amends Title 42, Taxation. H. 2385. **Chapter 33.**

Supplemental Air Carriers; Classification; Exemption. Expands the state transaction privilege tax and use tax exemptions for aircraft, navigational and communication instruments to include persons holding a supplemental air carrier certificate under federal aviation regulations. (Effective date: June 1, 1998). Amends Title 42, Taxation. H. 2624. **Chapter 401.**

Renewable Energy; Tax Incentive. Provides for a sales tax deduction under the state prime contracting classification for contracts involving the installation of solar energy devices. Requires the contractor to register with the Department of Revenue as a Solar Energy Contractor. (These provisions are effective: January 1, 1997.) Prescribes a separate property valuation system for renewable energy equipment. Provides an income tax deduction for constructing an energy efficient residence and defines such a residence. Amends Title 42, Taxation and Title 43, Taxation of Income. H. 2287. **Chapter 214.**

Spaceport; Launch Site; Exemption. Exempts from the prime contracting classification of the state sales tax any proceeds received for the construction of a launch site or a domestic violence shelter which is owned and operated by a nonprofit, charitable organization. (Effective date: July 1, 1999). Amends Title 42, Taxation. S. 1531. **Chapter 359.**

ELECTIONS

Election Laws; Procedures. Makes numerous changes to election statutes. Provides an additional method for a signer to withdraw their petition signature. Allows towns, by a majority vote of the electors, to have a district system. Clarifies that the Mayor would be directly elected. Replaces statutory references to “wards” with “districts”. Allows electors to request a change of address at the same time the elector requests an early ballot. Permits a voter wishing to change their registration name to do so while voting a ballot to be verified. Stipulates that anyone in possession of voter registration forms or precinct registers cannot distribute any portion of the voter information on the Internet without prior approval of the voter and provides a class 6 felony for violation of the provision. Eliminates confusing language regarding consolidated election dates in odd-numbered years. Clarifies that candidates are required to submit at the same time as their nomination paper the nomination petition, the financial disclosure statement and either a political committee statement of organization or a five hundred dollar threshold exception statement when filing with the election officer. Additionally requires write-in candidates to submit the financial disclosure statement and either a political committee statement of organization or a five hundred dollar threshold exception statement when filing their nomination paper. Amends recall statutes to require the election to be held on the next consolidated election date that is 90 days or more after the order calling the election. Requires jurisdictions utilizing vote tabulating devices to file a copy of the computer program with the Secretary of State two weeks prior to each election rather than one week. Makes changes to the general election ballot including removing the requirement the stub and register number be noted on the ballot but instead allows it to be noted; allows the election officer to use an alternate method prescribed in statute for indicating the subject matter of a ballot measure rather than printing the full descriptive and official title or full text of the measure. Reduces the requirement that the number of ballots provided to each precinct exceed the number of registered voters by at least two percent to one percent and adds that the one percent requirement now also applies to early ballots. Continues to require the board of supervisors to provide a list of election day polling places but eliminates the requirement that they do so 80 days before the election. Repeals from August 31, 2000 the statute requiring the rejection of a ballot if there are any marks indicating who the voter of the ballot might be.

Changes specific to partisan elections: Makes changes to the partisan nomination petition reflecting the ability of Independents or those registered to a party not qualified for ballot representation to sign a petition for a candidate in a partisan election. Additionally clarifies that those who are registered to a party entitled to ballot representation may sign the petition of a candidate whose party is not. Requires the ballots for a partisan primary to be printed with a different color designation for each political party represented on the ballot. (Effective date: April 13, 2000.) Amends Title 1, General Provisions; Title 9, Cities and Towns; Title 16, Elections and Electors and Title 19, Initiative, Referendum and Recall. S. 1372. **Chapter 249.**

Campaign Finance; Electronic Filings. Makes changes to election law relating to campaign finance reporting, filing and enforcement. Creates a new type of political committee, the “standing political committee”, for purposes of reporting. Defines a standing political committee as a committee active in more than one jurisdiction for more than one year. Requires centralized campaign finance reporting to the Secretary of State (SOS) for committees that qualify to report and subsequently choose to report under this designation. Requires standing political committees to continue to file a statement of organization in each jurisdiction in which a committee is active as well as the office of the SOS but only the SOS issues an identification number. Requires the standing political committees to file electronically with SOS approved software. Requires the SOS to make reports available electronically and on paper by request. Revokes an entity’s standing political committee status, and thus the consolidated reporting opportunity, if the committee files late three or more times. Prohibits standing political committees from campaigning or being the sponsoring organization for a candidate or ballot issue but may contribute to these types of political committees. Entities that meet the criteria of a standing political committee are not required to register as such and may continue reporting in each jurisdiction as currently allowed by law. Allows all types of political committees to terminate in one or more jurisdiction while remaining active in others. Amends the base used by the Secretary of State to biennially adjust contribution limits. Clarifies the filing date for *all* statements and reports sent by certified mail is the date of mailing. Clarifies that postelection reports are due no more than 30 days after the date of any election. Clarifies the municipal clerk’s status as the filing officer for purposes of reporting possible campaign finance violations to the city or town attorney. Amends Title 16, Elections and Electors and Title 41, State Government. H. 2293. **Chapter 235.**

Elections; Youth in Voting Booth. Provides an exception to non-voters inside the 75-foot limit. Allows a minor to accompany an adult inside the voting booth including on-site early voting facilities. Amends Title 16, Elections and Electors. H. 2352. **Chapter 8.**

Taxing Districts; Election Laws. Amends various statutory deadlines relating to recognition of a new political party as follows: Requires the petitions for political party recognition to be submitted for signature verification not less than 180 days before the primary election and requires the petitions to be filed with the election officer not less than 140 days before the primary election; allows for recognition of a political party if the registration of such party equals two-thirds of one percent of a jurisdiction's total registered electors at least 155 days before the primary; requires the clerk to determine which parties qualify for the ballot 140 days prior to the primary. Conforms school board and taxing district filing deadlines to those of other political subdivisions and the state. (Effective date: March 20, 2000.) Amends Title 15, Education; Title 16, Elections and Electors and Title 48, Special Taxing Districts. S. 1331. **Chapter 24.**

PERSONNEL AND RETIREMENT

Public Employees; Severance Pay. Allows city and town councils and county boards of supervisors to provide severance pay for city, town or county officers by ordinance or by contract. Amends Title 9, Cities and Towns and Title 11, Counties. H. 2473. **Chapter 240.**

Retirement; Tax Equity Benefit Increase. 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, 1996, but before November 1, 2000. Repeals the tax equity benefit increases on January 1, 2001. S. 1129. **Chapter 231.**

Retirement; Deferred Option. Establishes a deferred retirement option plan (DROP) for Public Safety Personnel Retirement System (PSPRS) members and establishes the guidelines for the plan. Requires the board or fund manager to offer DROP to eligible PSPRS members on a voluntary basis as an alternative method of benefit accrual under the system from July 1, 2001 to June 30, 2006. States that any member of PSPRS who is eligible for a normal pension and has obtained twenty-five years of service is eligible to participate in DROP. Stipulates detailed procedure for eligibility, participation and termination in DROP. Repeals DROP on June 30, 2006. Amends Title 38, Public Officers and Employees. S. 1328. **Chapter 340.**

ASRS; Benefit Increases. Removes the requirement that a retired member of the Arizona State Retirement System, or a retired member's beneficiary, be age 55 or older to be eligible for a permanent benefit increase. (Benefit increases are determined by the annual performance of the fund.) Requires members to have been receiving benefits on or before July 31 of the previous calendar year to qualify for the current fiscal year increase. Previously required members to be receiving benefits on or before June 30 of the previous calendar year. Amends Title 38, Public Officers and Employees. H. 2238. **Chapter 66.**

Workplace Harassment. Permits an employer to petition a magistrate, justice of the peace or superior court judge for an injunction prohibiting workplace harassment. The injunction covers the workplace and all persons on the business property or persons performing official work duties. Stipulates procedure for filing the injunction and provides immunity from civil liability for an employer seeking or failing to seek an injunction with certain exceptions. States that a court may not issue an injunction to prohibit constitutionally protected speech or other activities, including actions involving labor disputes. The ability to file an injunction prohibiting workplace harassment does not modify the duty of the employer to provide a safe workplace. Defines the terms "employer" and "harassment". (Effective date: January 31, 2000.) Amends Title 12, Courts and Civil Proceedings. H. 2109. **Chapter 72.**

Retiring Public Safety Officers; Gun Purchase. Allows an officer, upon retirement, to purchase the handgun or shotgun issued to them by the city or town at less than fair market value. Amends Title 38, Public Officers and Employees and Title 41, State Government. H. 2330. **Chapter 284.**

PSPRS; Re-employment of Retired Members. Prohibits retired members of the Public Safety Personnel Retirement System from collecting pension payments or accruing additional benefits if the member returns to the position from which the member is retired. Stipulates that upon termination of re-employment the member's benefit will be at the level calculated at initial retirement. Amends Title 38, Public Officers and Employees. S. 1094. **Chapter 307.**

Employment Preference. Provides that if a veteran, a spouse of a veteran or disabled person is eligible for employment preference with the state, county, cities or towns under a merit system of employment and applies for employment with the state or a political subdivision where applicants are assessed and evaluated, but scores are not given, preference shall be given by granting applicable preference codes to qualified applicants. Makes other changes to laws governing the Department of Administration. Amends Title 23, Labor; Title 34, Public Buildings and Improvements; Title 35, Public Finances; Title 36, Public Health and Safety; Title 38, Public Officers and Employees and Title 41, State Government. S. 1075. **Chapter 280.**

ASRS; Actuarial Computation; Study Committee. Establishes the Arizona State Retirement System (ASRS) Actuarial Computation Method Legislative Study Committee to examine and compare actuarial computation methods that may be appropriate for the ASRS, including the entry age normal cost method and the projected unit credit method. The Committee is made up nine members, one of whom will represent cities and is appointed by the President of the Senate. The Committee must submit a written report to the Speaker of the House, the President of the Senate and Governor by December 1, 2000 that includes the Committee's findings and recommendations relating to the actuarial computation methods examined as well as phase-in and funding periods to be used under the recommended actuarial computation method. The Committee is repealed December 31, 2000. H. 2079. **Chapter 341.**

EORP; PSPRS; CORP; IRS Requirements. Establishes a two percent minimum contribution rate for employers in the Elected Officials Retirement Plan (EORP), the Public Safety Personnel Retirement Plan (PSPRS) and the Corrections Officer Retirement Plan (CORP). This change is identical to the minimum contribution established last year in the Arizona State Retirement System. Clarifies the tax-exempt status of EORP, PSPRS and CORP. Establishes a legislative intent clause for each plan stating that benefits provided to a member are based on those available upon application for benefits or the member's last day of employment, whichever occurs first. (These last two provisions are retroactive to the date of the plans' statutory formation: EORP- August 6, 1985; PSPRS- June 30, 1968; CORP- June 30, 1986.) Amends Title 38, Public Officers and Employees. S. 1127. **Chapter 126.**

Health Insurance Plan Task Force. Establishes the statewide health care insurance plan task force consisting of nine members. Requires the task force to examine a number of issues relating to a statewide health care insurance plan and submit an interim report to the Governor and Legislature by December 15, 2000 and a final report by December 15, 2001. H. 2050. **Chapter 320.**

ASRS; Burke Litigation Settlement. Makes technical changes to the Arizona State Retirement System statutes to conform to the IRS approved settlement in the Burke Litigation. Amends Title 38, Public Officers and Employees. S. 1384. **Chapter 315.**

LAND USE

Growing Smarter Plus Legislation and Ballot Measure. Expands 1998 legislation on growth management to reflect the recommendations of the Growing Smarter Commission. Exempts cities and towns with populations less than 10,000 and average annual growth rates of no more than two percent from 1) submitting the general plan for voter approval and 2) growth elements required in Growing Smarter 1998. Requires a water resources element in the general plan. Requires cities and towns to submit general plans to voters for approval every 10 years. If voters do not approve the new plan, the old plan stays in place. Major amendments to the general plan can only be considered once each year. Requires cities and towns to adopt a citizen participation process for rezoning cases. Requires cities and towns, before adopting an ordinance to annex territory, to approve a plan, policy or procedure to provide the proposed annexation with appropriate levels of infrastructure and services for anticipated new development occurring within 10 years after the annexation. Prohibits cities and towns from designating private land as open space, or for recreation, conservation or agriculture on the general plan unless the municipality receives written consent of the owner or provides an alternative, economically viable designation in the general plan equivalent to one dwelling per acre. In *applying* an open space element or a growth element of a general plan, land cannot be rezoned for open space, recreation, conservation or agriculture unless the land owner consents to the rezoning in writing. Allows cities and counties to designate boundaries beyond which services and infrastructure cannot be provided with public monies. Allows cities and towns to create infill incentive districts. Establishes an administrative appeal process for property owners who believe their property was taken without due compensation through adoption or amendment of a zoning regulation. Establishes the Arizona Conservation Reserve (ACR) for the purpose of protecting state trust land and allows cities and towns to nominate land within their jurisdiction to the ACR. Establishes the Development Rights Retirement fund to grant monies for the purchase, lease or transfer of development of private lands and allows cities and towns to apply for grants. Provides counties with greater authority to control development in unincorporated areas. In counties having a population of less than 400,000 persons, cities, towns and the county may voluntarily form rural planning zones to develop coordinated regional plans. The combined population of the zones must be more than 50,000 but less than 100,000 persons. Provides a ballot measure to make necessary changes to the State Constitution to initiate elements specific to state lands. Provides various effective dates. *(For specific information on implementation dates, please refer to the comprehensive League summary on Growing Smarter Plus dated May 3. If you did not receive this mailing and would like a copy please call the League office.)* Amends Title 9, Cities and Towns; Title 11, Counties; Title 15, Education; Title 37, Public Lands and Title 41, State Government. SB 1001 and SCR 1001. **Fourth Special Session, Chapter 1.**

Outdoor Advertising Violation; Enforcement. Amends nonconforming use statutes to limit when cities and towns can issue citations or file an action related to an outdoor advertising violation to a period not to exceed two years from discovery of the violation. Allows only the courts to order removal, abatement, reconfiguration or relocation of a billboard. Prohibits counting each day of a violation related to a billboard as a separate offense unless it constitutes an immediate threat to the health and safety of the general public. Amends Title 9, Cities and Towns. H. 2559. **Chapter 34.**

Military Airports. Establishes requirements for political subdivisions that have territory in the vicinity of a military airport to file a report twice a year to include such items as planning, zoning and sound attenuation with the Attorney General (AG) and with the other political subdivisions in the vicinity of the military airport. Provides authority for the AG to sanction penalties against political subdivisions which fail to properly file the report or fail to comply with the requirements of compatible land uses near such airports. Requires the AG to report compliance status of political subdivisions and any actions taken to enforce planning, zoning and sound requirements to the Arizona Military Airport Preservation Committee. (The new reporting requirements have a delayed effective date of January 1, 2001.) Amends Title 28, Transportation and Title 41, State Government. S.1514. **Chapter 266.**

Municipalities; Disposition of Easements. Reiterates in the conveyance statutes a municipality's authority to return, without payment, an unused easement to the private property owner. Amends Title 9, Cities and Towns. H. 2588. **Chapter 243.**

Group Homes For Juveniles. Amends provisions and penalties relating to contracts for group homes for juveniles. Requires state agencies which subcontract with group homes to include in the contracts numerous stipulations which include: Providing a safe, clean and humane environment for residents; supervising residents while in the group home or while attending any off-site activities organized by the group home; licensing by the Department of Economic Security or the Department of Health Services (DHS); awarding of a group home contract from an appropriate contracting authority is not a confirmation that children will be placed in the group home; a group home may be in breach of contract if a violation of the license occurs; state agencies and regional behavioral health authorities may share contract information with each other which must not personally identify clients of group homes. Requires the following contract remedies if a contract violation occurs: A schedule of financial sanctions, up to \$500, which may be assessed against the group home contractor relating to the health, care or safety of a client or neighbor; remove residents from the group home or suspend new placements to the group home until the violation is corrected; right to cancel the contract. The contracting authority must initiate an investigation within 10 days upon receiving a complaint. If a violation has been determined by the contracting authority, the group home must notify all other contracting authorities and create a corrective plan which is consistent with the severity of the violation. Establishes corrective plan requirements, fines and deadlines. Establishes a central registry of group homes licensed by the state at DHS by January 1, 2002. Amends Title 36, Public Health and Safety. H. 2113. **Chapter 270.**

Public Airport Disclosure; Definitions. Requires a public airport to record the map showing what territory is in the vicinity of the airport in the office of the county recorder in each county that contains such property. Specifies that the recorded map is sufficient to notify owners and potential purchasers of property that the property is located in or outside of a territory in the vicinity of a public airport. Stipulates that in counties with a population of more than 500,000 persons, a property is located in the vicinity of a public airport if it experiences a day-night average sound level of 60 decibels or higher. Clarifies that the average sound level is identified in either the airport master plan for the 20-year planning period or in a noise study prepared in accordance with airport noise compatibility planning. Stipulates that in counties with a population of less than 500,000 persons, a property is located in the vicinity of a public airport if it experiences a day-night average sound level of 65 decibels or higher at airports where that level has been identified in the airport master plan for the 20-year planning period. Amends Title 28, Transportation. H. 2523. **Chapter 287.**

State Trust Lands Management. Makes a variety of changes in the State Land Department statutes. Gives the commissioner additional discretionary authority relating to the issuance of special land use permits (short term) and urban land closures for dust abatement or remediation purposes. Amends Title 37, Public Lands. H. 2072. **Chapter 10.**

Agricultural Preservation District Land. Grants an income tax credit for the transfer of agricultural property to an agricultural preservation district. The credit is either the appraised value of the property if the taxpayer conveys the ownership of the property to the district, or the difference between the appraised value of the undeveloped land and the appraised value of the land for development purposes if the taxpayer conveys the development rights to the district. Limits the credit to \$33,000 per year and requires the credit be proportionately reduced if qualifying applicants exceed \$10 million. (Effective date: January 1, 2001.) Amends Title 43, Taxation of Income. H. 2060. **Chapter 267.**

Liquor Licenses; Distance From Schools. Limits the prohibition of licensing a bar within a certain distance from a church or school to the distance at the time of the original application and not the distance at renewal. Permits the renewal of a valid liquor license, if, on the date of the original application, the premises were beyond a three hundred horizontal foot radius of a church, public or private school building or fenced recreational area adjacent to a school building. Amends Title 4, Alcoholic Beverages. H. 2640. **Chapter 95.**

Small Community Planning. Allows counties with populations of less than 100,000 persons to be eligible for the Small Community Planning Assistance Program (currently just cities and towns between 2,500 and 15,000 are eligible for assistance from the program). Amends Title 9, Cities and Towns and Title 41, State Government. S. 1034. **Chapter 301.**

Charter School Reform. Makes numerous changes to charter school statutes including but not limited to: If a charter school operator is not already subject to a public meeting or hearing by the municipality in which the charter school is located, the operator of a charter school must conduct a public meeting at least thirty days before opening a site for the charter school. The charter school operator is required to post notices of the public meeting in at least three different locations that are within three hundred feet of the proposed charter school site. (Effective date: June 30, 2000.) Amends Title 13, Criminal Code and Title 15, Education. S. 1302. **Chapter 90.**

TRANSPORTATION / TRAFFIC

Traffic Regulation; Aggressive; Speed Lanes. Establishes a maximum speed limit of 65 miles per hour for vehicles or vehicle combinations weighing more than 26,000 pounds gross vehicle weight, or a vehicle pulling a pole trailer over 6,000 pounds. Allows the Arizona Department of Transportation (ADOT) or a local authority to designate a specific lane or lanes of a highway for use by motor vehicles weighing more than 26,000 pounds, or vehicles pulling a pole trailer over 6,000 pounds based on a traffic investigation and engineering study of a highway to determine if lane restrictions for large vehicles are warranted. Requires ADOT or the local authority to place signs at a reasonable interval to designate the specified lanes and speed limits. Amends Title 28, Transportation. H. 2256. **Chapter 343.**

Transportation Facilities Construction Plan; Eminent Domain. Requires the Arizona Department of Transportation (ADOT) to develop a 20-year transportation facilities construction plan in addition to the five-year transportation program in consultation with the state transportation board on or before July 1, 2003. Allows ADOT to purchase rights-of-way for projects identified in the 20-year transportation facilities construction plan. Prohibits the plaintiff, including cities and towns, from initiating any eminent domain proceeding with respect to the same property for the same or a related project for at least two years after the date of judgment or verdict if the plaintiff causes a condemnation action to be dismissed prior to payment. Amends Title 12, Courts and Civil Proceedings and Title 28, Transportation. S. 1334. **Chapter 123.**

Bicycles; Traffic Laws. Designates that a motorist must leave at least three feet between them and a bicyclist when overtaking and passing the cyclist. An accident, resulting from the violation of the clearance mandate, causing injury to another person, is subject to a civil penalty of up to \$500 and death to another person results in civil penalties of up to \$1,000. Requires the Motor Vehicle Division to include knowledge of safe driving practices and traffic laws relating to bicycles in their examination of driver's license applicants. Exempts violators from a civil penalty if a bicyclist is injured in a vehicular traffic lane when a designated bicycle lane or path is present and passable. Amends Title 28, Transportation. H. 2625. **Chapter 276.**

State Highway Fund; Local Exchanges. Expands the authority of the Arizona Department of Transportation to exchange monies in the state highway fund for federal local government surface transportation program monies to include jurisdictions in Maricopa and Pima Counties. Amends Title 28, Transportation. H. 2121. **Chapter 43.**

Vehicle Weight Violations; Penalties. Prescribes that first time violations for drivers of vehicles in excess of weight limitations are subject to civil, not criminal, penalties and that drivers guilty of a second violation within six months are guilty of a class 3 misdemeanor and guilty of a class 2 misdemeanor if convicted of a second violation within one year of the preceding conviction. Allows officers to request drivers to shift their load if the person has violated only the axle weight limitation and not the total weight limitation. Amends Title 28, Transportation. H. 2623. **Chapter 275.**

Recreational Vehicles; Excess Size; Permits. Establishes a width exception for noncommercial recreational vehicles (RVs). Also requires the Director of the Arizona Department of Transportation or a local authority to issue permits, which are valid for one year, authorizing commercial movement of RVs which exceed the size restrictions. Prohibits additional permit requirements for vehicles permitted under these conditions. Amends Title 28, Transportation. H. 2450. **Chapter 157.**

Plate To Owner. Converts the Motor Vehicle Division's licensing system to a plate-to-owner system for *all* vehicles. Arizona currently uses a licensing system in which license plates are assigned to vehicles and not individuals. Individuals will now retain the plate and attach it to subsequently purchased vehicles. Provides a Vehicle License Tax (VLT) credit equaling one-twelfth of any paid VLT for each month remaining on the annual registration when one car is sold and another purchased. (Effective date: January 1, 2002.) Amends Title 28, Transportation. H. 2001. **Chapter 198.**

Use Fuel Tax. Allows school buses and public buses to use dyed diesel fuels. Allows dyed diesel fuel to be sold to a federally exempt vehicle if there is written confirmation to the seller and ADOT that the vehicle is exempt. States that the only federally exempt vehicles that may use dyed diesel fuel are school buses transporting students and employees and local buses operating on a regular schedule, with a seating capacity of at least 20 passengers and which are under contract with any state or local government. (Effective date: January 1, 1998.) Amends Title 28, Transportation. S. 1530. **Chapter 58.**

PUBLIC HEALTH AND SAFETY

Public Health; Boards; Districts. Allows for the formation of a Public Health Services District by election. Provides these districts with the ability to levy either a transaction privilege tax or a property tax by resolution. Requires an intergovernmental agreement to be in place before a county can charge a city for public health services. Removes the option of a city-county board of health. Prescribes the services a county health department shall provide. Requires the county to maintain at least fifty percent of their general fund public health expenditures in fiscal year 1998-1999, excluding the cost of any construction of new buildings, if they do not form a public health services district. Requires cities and towns that contributed to a county's public health budget in fiscal year 1999-2000 to maintain prescribed levels of support until fiscal year 2001-2002. Requires that public health services be provided equally to all residents of the county unless a unique condition exists in a certain area. Allows a city or town to provide additional public health services through an internal department or an intergovernmental agreement with the county board of health or the public health district board. (Effective date: June 30, 2000.) Amends Title 15, Education; Title 16, Elections and Electors; Title 36, Public Health and Safety; Title 48, Special Taxing Districts and Title 49, Environment. H. 2649. **Chapter 11.**

State Land; Emergency Management. Re-establishes the Cooperative Forestry Fund. Broadens the emergency activities that the State Land Department (SLD) has the authority to address. In addition to wild land fires and fire prevention activities, the SLD now has clarified statutory authority to address situations resulting from flood, wind, earthquake and hazardous materials. Prevents the SLD from responding to emergency situations outside their jurisdiction for which they will not be reimbursed. (Effective date: April 7, 2000.) Amends Title 37, Public Lands. H. 2073. **Chapter 185.**

Administrative Medical Directives. Adds the term "administrative medical *director*" to the definition of "administrative medical *direction*." Defines "administrative medical director" to mean a licensed medical doctor or osteopathic physician. Amends this statute for the purpose of broadening the pool of individuals able to supervise Emergency Medical Technicians. Amends Title 36, Public Health and Safety. H. 2040. **Chapter 6.**

EMTs; First Responder; Definition. Allows ambulance services and emergency medical services providers, including cities and towns, to provide centralized medical direction through a "centralized medical direction communications center". Defines the medical direction communications center as a facility staffed by medical doctors or osteopathic physicians who communicate with Emergency Medical Technicians (EMTs) or ambulance services rendering medical treatment outside of a hospital via radio or telephone. Allows the Director of the Department of Health Services (DHS) to authorize emergency medical services providers to investigate, discipline and place on probation an EMT, in-lieu of DHS regulations, if the employer meets certain conditions. Requires employers authorized to conduct disciplinary investigations to report specific information regarding investigations to the Department's director of emergency medical services. Specifies an employer's decisions are appealable and subject to judicial review. Appropriates \$100,000 in FY 2000-2001 from the emergency medical services operating fund to DHS for a central medical direction demonstration project. Amends Title 36, Public Health and Safety. H. 2482. **Chapter 327.**

Emergency Management Assistance Compact. Creates the Emergency Management Assistance Compact (EMAC) as an interstate mutual aid agreement to supplement state, local and federal response for natural and manmade disasters. Authorizes the Governor to enter into a compact with any other state on behalf of Arizona to provide for mutual assistance in managing any emergency or disaster declared by the Governor of the affected state. Stipulates procedures for implementation, responsibility, liability, supplementary agreements, compensation, reimbursement and evacuation. Amends Title 26, Military Affairs and Emergency Management. S. 1447. **Chapter 317.**

Energy Efficiency Code. Requires the Department of Commerce Energy Office to draft an energy efficiency code that is voluntary, incentive based and significantly reduces energy use. The code will initially be based on the International Energy Conservation Code for Residential Construction and the American Society of Heating and Refrigeration Engineers Energy Conservation Code for Commercial Construction. By December 1, 2000, the Department must submit a written report on the draft code to the Governor and the Legislature with recommendations regarding any legislation necessary to implement the draft energy efficiency code. H. 2322. **Chapter 396.**

Domestic Violence; Federal Funds; Appropriation. Appropriates \$2,000,000 from the Temporary Assistance to Needy Families (TANF) block grant in FY 2000-2001 to the Department of Economic Security (DES) for emergency domestic violence shelter services for domestic violence victims and their children who qualify for assistance. Appropriates \$1,000,000 from the TANF block grant to DES for legal and lay advocacy services for domestic violence victims and their children who qualify for assistance. Amends Title 36, Public Health and Safety and Title 41, State Government. H. 2291. **Chapter 362.**

Domestic Violence Shelters; Funding. Changes the methods, limits and notice requirements for the Department of Economic Security to allocate funds for domestic violence shelters. The bill does not change the total funding, it just modifies the priorities for allocation, eligibility and reporting. Amends Title 36, Public Health and Safety. S. 1306. **Chapter 331.**

Dependency; Employment; Substance Abuse Treatment. Allocates \$10 million for fiscal year 2000-2001 from the federal Temporary Assistance for Needy Families block grant, to be jointly administered by the Department of Economic Security and the Department of Health Services, for substance abuse treatment assistance. Specifies procedures for development, contracting requirements and evaluation of community substance abuse programs. Amends Title 8, Children and Title 46, Welfare. S. 1280. **Chapter 382.**

Slumlords; Statutory Cleanup. Makes technical and substantive changes to the statutes regulating residential slum property including: Allows the owner of property which has been declared slum property and who appealed the decision through the designating bodies administrative process to appeal the administrative ruling in Superior Court; amends "reasonable" notice provisions for cleaning up debris, trash, etc. to now require delivery of the notice by certified mail or personal service and identifies which individuals must receive notice. Amends Title 9, Cities and Towns; Title 12, Courts and Civil Proceedings and Title 33, Property. H. 2090. **Chapter 283.**

ENVIRONMENT

Department of Environment Quality; Continuation. Continues the Arizona Department of Environmental Quality (ADEQ) until July 1, 2005. Provides a clause specifying the Legislature's intentions for ADEQ and places in temporary law a number of agency objectives with a completion date goal of June 30, 2002 which include: Taking final action on 50 percent of aquifer protection permit applications pending as of January 1, 2000; responding to 90 percent of requests for underground storage tank (UST) closures within 60 days of receipt of the request and approving corrective action plans for 45 percent of the currently open UST sites that have groundwater contamination in excess of aquifer water quality standards. Amends Title 41, State Government. S. 1283. **Chapter 389.**

Appropriation; Underground Storage Tanks. Appropriates \$250,000 to the Arizona Department of Environmental Quality (ADEQ) for deposit in the Area A account of the underground storage tank (UST) revolving fund assurance account, and deposits \$5 million of vehicle license tax (VLT) revenues to the UST revolving fund assurance account to assist in payment of outstanding claims for cities, towns, counties, school districts, hospitals and small businesses. (This provision is effective June 30, 2000.) Holds cities, towns, counties and the highway user revenue fund harmless from any impact this will have on VLT funds available for distribution to these entities. Clarifies distribution of a previous appropriation to the assurance account scheduled for allocation in FY 2000-20001. S. 1301. **Chapter 354.**

Aquifer Protection Permits. Modifies the fee structure for aquifer protection permits. Eliminates the specific dollar amount fee caps and replaces them with a formula. Specifies the formula to be "permit hours" multiplied by the hourly rate. Provides several tiers of fee caps depending on the application type and completion date in relation to the effective date of this act. Requires the Arizona Department of Environmental Quality to publish the maximum fees in an annual fee schedule required elsewhere in statute. Pending the issuance of individual permits, modifies the annual registration and payment of registration fees for certain facilities. Amends Title 49, Environment. H. 2418. **Chapter 399.**

2000 Clean Air Act. Makes numerous changes to the Clean Air Fund (CAF) used by cities and towns for grants to assist with alternative fuel vehicle requirements. The changes to CAF include a number of new grant programs for the private and public sectors. The Arizona Department of Commerce Energy Office is charged with administering and prioritizing monies for these various programs which include grants for cities and towns to address faulty vehicle conversions and additional monies for fueling stations. Prohibits local governments from disallowing the use or installation at a residence of a refueling apparatus for certain alternative fuels but does permit the setting of standards for the use and installation of these devices. Increases the penalty for high-occupancy vehicle lane violations. Phases out the use of MTBE in fuel. (Effective date: April 28, 2000.) Amends Title 1, General Provisions; Title 9, Cities and Towns; Title 11, Counties; Title 15, Education; Title 28, Transportation; Title 41, State Government; Title 42, Taxation; Title 43, Taxation of Income and Title 49, Environment. S. 1504. **Chapter 405.**

Proportionate Liability; Environment. Specifies the responsibilities of underground storage tank (UST) owners and operators

for UST releases involving more than one person or entity. Stipulates that a UST owner or operator is responsible only for his/her contribution to any contamination and that the owner/operator does not bear the burden of proving another person's contributions to UST related contaminations. Provides a burden-of-proof standard for the state for enforcement orders initiated by the Arizona Department of Environmental Quality (ADEQ). Prohibits the state from allocating liability to an owner/operator that cannot be directly attributed to that owner/operator even if other possibly liable parties cannot be specifically identified. Allows ADEQ to allocate liability to an owner/operator based on the existing allocation structure if the release is from a single UST facility. Amends Title 49, Environment. S. 1461. **Chapter 117.**

Environment; Liability; Storage Tanks. Amends eligibility for State Assurance Fund (SAF) monies to include those entities that are the subject of an enforcement action by the Arizona Department of Environmental Quality (ADEQ) if ADEQ has filed an action in Superior Court and the Court has not yet ruled that withholding payment is an appropriate sanction or if ADEQ has taken corrective action under certain conditions without the consent of the owner or operator. Modifies eligibility for SAF monies if awaiting a final administrative decision. Specifies that appeals costs shall be paid from the fund in the order received by ADEQ and not according to a ranking system. Limits ADEQ's review of corrective actions that received preapproval. Amends ADEQ's responsibility to establish a corrective costs schedule from once a year to at least every three years. Provides for adjustment to the schedule in other years. Moves the Technical Appeals Panel from pilot-project status to permanent statutes. Appropriates \$20,000 to ADEQ for administrative costs associated with the UST program. Duplicates the language in S.1461, Chapter 117, which specifies the responsibilities of UST owners and operators for UST releases involving more than one person or entity. Amends Title 49, Environment. S. 1452. **Chapter 131.**

Clean Burning Fuel; Biodiesel. Allows political subdivisions in Area A, that are subject to the mandate that use of alternative fuels in their fleets be incrementally increased according to a statutory schedule, to count vehicles using "clean burning fuels" towards the requirement using a prescribed formula. Prohibits use of this provision to satisfy the alternative fuels requirement on newly purchased buses. Defines "clean burning fuels". Amends Title 1, General Provisions; Title 9, Cities and Towns; Title 15, Education; Title 41, State Government and Title 49, Environment. S. 1505. **Chapter 148.**

Voluntary Environmental Performance. Creates the statutory framework for developing a voluntary environmental performance/environmental audit program in the Arizona Department of Environmental Quality (ADEQ). (This is modeled after a program adopted by the Environmental Protection Agency, and several states, to encourage industries to voluntarily disclose violations of environmental laws and regulations in return for immunity from liability for those violations.) Requires the Director of ADEQ to develop and implement this program after consulting with stakeholders, including cities and towns. Contains a conditional enactment making the act effective upon necessary appropriations in next year's state budget. Amends Title 49, Environment. S. 1321. **Chapter 263.**

Voluntary Remediation Program. Replaces the Arizona Department of Environmental Quality's authority to allow voluntary remediation within each department with an agency-wide Voluntary Remediation Program. Establishes procedures for application to the program, development of a work plan, public participation, dispute resolution, appeals and cost recovery. Phases out the repeal of the previous authorization to allow voluntary remediation. Amends Title 49, Environment. S.1454. **Chapter 225.**

Vehicle Emissions Program. Repeals the random on-road testing of vehicle emissions including the use of remote sensing devices (aka, smog dog). Makes other changes to the emissions program statutes. Amends Title 49, Environment. H. 2104. **Chapter 404.**

Regulatory Reform; Counties. Places into statute an extensive regulatory structure for counties that issue permits to air pollution source industries. Provides parameters for county permitting authority and due process and notice protections for industry. (Effective date is either July 1, 2001 or the date the Arizona Department of Environmental Quality adopts rules for a fee structure for this new regulatory process, whichever is later.) Amends Title 49, Environment. S. 1480. **Chapter 194.**

Technical Appeals Process; Environment. Establishes a technical appeals process for the Arizona Department of Environmental Quality. The technical appeals panel is charged with the duty of addressing issues of technical fact prior to a final ruling on an administrative appeal of an agency interim decision. Amends Title 49, Environment. S. 1453. **Chapter 318.**

WATER

Task Force on Effluent Reuse. Establishes the Blue Ribbon Task Force on Effluent Reuse. Identifies areas of study and directs the members to make recommendations regarding methods of increasing the use of treated effluent, appropriate consumptive uses of treated effluent and obstacles to increased reuse of treated effluent. Membership includes two municipal representatives with expertise in water, one representative of the agriculture industry, one representative of the electric generation industry, a representative of an environmental organization and a person from a county with a countywide wastewater treatment facility. Requires the task force to report on its findings by December 2002. S. 1054. **Chapter 192.**

Multi-County Water Conservation Districts; Condemnation. Permits the Central Arizona Water Conservation District to acquire real property through an eminent domain action in connection with state demonstration recharge projects. Stipulates numerous conditions which must be met to acquire property and repeals this authority from and after December 31, 2005. Amends Title 48, Special Taxing Districts. S. 1364. **Chapter 145.**

Water Studies; Appropriation. Appropriates \$500,000 to the Department of Water Resources. Designates \$330,000 of the appropriation for rural water studies, excluding studies of the upper and middle Verde River basin, and \$170,000 for transfer to Yavapai County for study of the hydrologic relationship between the upper and middle Verde River basins. S. 1184. **Chapter 244.**

Drought Emergency Groundwater Transfer. Allows for the temporary withdrawal and transportation of groundwater away from a groundwater basin that is outside an Active Management Area if the Governor declares a drought emergency and only after the Director of the Department of Water Resources approves the transfer. Provides criteria upon which the Director must base the decision including consent by a city or town if the water is withdrawn from a well inside city or town limits. Limits the transportation of groundwater away from the basin to a six-month period but provides for one six-month extension. (Effective dates: April 10, 2000 to April 30, 2001.) H. 2149. **Chapter 205.**

Irrigation Grandfathered Rights; Extinguishment. Establishes a formula for determining an assured water supply credit for extinguishing an irrigation grandfathered right in the Prescott AMA. Requires the Director of the Department of Water Resources to address this provision in rule by January 1, 2002 and provides a subsequent repeal of the statutory language June 1, 2002. Amends Title 45, Waters. S. 1509. **Chapter 391.**

Stored Water; Recovery Wells. Requires that when a person with long-term water storage credits wants to recover effluent stored in a managed underground storage facility that is in the service area boundaries of a municipality, private water company or irrigation district and the proposed recovery well is not yet constructed, the service entity must be notified. Allows the service entity to offer to recover the effluent on the person's behalf and to offer effluent of comparable quality. The person wanting to recover from the service area is required to consider the best offer of in-lieu effluent from a service entity within the impact area. Amends Title 45, Waters. H. 2182. **Chapter 169.**

CRIMINAL JUSTICE

Admission Tickets; Fraud. Adds altering or forging a ticket to sports, amusement or concert facilities to the forgery statutes and makes the violation of such a class 1 misdemeanor. Amends Title 13, Criminal Code. H. 2485. **Chapter 67.**

Arizona Criminal Justice Commission. Amends the statutes relating to the Arizona Criminal Justice Commission (ACJC) by allowing members of the commission to appoint designees, allowing the commission to expend, distribute or allocate monies appropriated to it for the purpose of enhancing efforts to investigate, prosecute and adjudicate serious offenses and allows ACJC to sue criminal defendants for the amount of payments made to their victims from the victim compensation and assistance fund. Amends Title 41, State Government. H. 2209. **Chapter 59.**

Arizona Department of Gaming; Continuation. Extends the Arizona Department of Gaming until July 1, 2010. Authorizes the Department to investigate and assist in the prosecution of violations relating to the crime of possessing a gambling device that occur off Indian lands in this state. Expands the scope of the crime of possessing a gambling device to include persons who knowingly distribute or transport any implement, machine, paraphernalia or equipment that is used or intended to be used in violation of state gaming statutes. Amends Title 5, Amusements and Sports; Title 13, Criminal Code and Title 41, State Government. S. 1090. **Chapter 305.**

Automobile Theft Authority; Appropriation. Adds an additional police chief, county attorney and sheriff to the Automobile Theft Authority. Appropriates \$150,000 to the Automobile Theft Authority. Amends Title 28, Transportation and Title 41, State Government. H. 2087. **Chapter 186.**

Cigarettes; Small Packages; Prohibition. Prohibits the manufacture, distribution or sale of cigarette packages containing less than 20 cigarettes or packages of roll-your-own tobacco containing less than 0.60 ounces of tobacco, unless the manufacture of these products is for out-of-state distribution and sale or for in-state distribution and sale in bars that admit only people who are at least 21 years of age. Stipulates that a violation of this prohibition constitutes a class 3 misdemeanor. Amends Title 36, Public Health and Safety. H. 2557. **Chapter 350.**

Computer Crimes. Enacts a variety of provisions that modernize the Arizona criminal code regarding the use of computer technology and the Internet in fraud, identity theft, unauthorized access into computer systems, the dissemination of proprietary and security information and sex crimes. Establishes new crimes of luring a minor for sexual exploitation, the unlawful possession of an access device and the unauthorized release of proprietary information. Amends Title 12, Courts and Civil Proceedings; Title 13, Criminal Code; Title 21, Juries; Title 31, Prisons and Prisoners and Title 44, Trade and Commerce. H. 2428. **Chapter 189.**

DNA Testing; Felony Offenders. Expands the lists of crimes for which a person, when convicted or adjudicated delinquent, shall submit a DNA sample to include homicide; burglary in the first and second degree; and crimes involving the discharge, use or threatening exhibition of a deadly weapon or the intentional infliction of serious physical injury. Establishes guidelines the court shall follow regarding a convicted felon's post-conviction petition for the court to order a DNA test of evidence. Amends Title 13, Criminal Code. S. 1353. **Chapter 373.**

Domestic Violence. Conforms the language of injunctions against harassment to the language of orders of protection. Prohibits the court from requiring petitioners to perform community service as a condition to waive the filing fees and prohibits the police, sheriff and constable from requiring the advance payment of fees for service of process of an injunction. Permits correctional officers to serve injunctions against harassment and orders of protection. Adds as an aggravating factor for sentencing of a felony whether a domestic violence offense was committed in the presence of a child. Expands the list of relationships for domestic violence to be present. Permits a court to impose alternative sanctions other than a domestic violence treatment program. Allows a party, if accompanied by a police officer, to return to the residence one time, to retrieve belongings when the court issues an order of protection and grants exclusive possession of the residence to one party. Authorizes municipal and justice courts to hear all matters relating to orders of protection as long as the court has no notice that another related action is pending in superior court. Amends Title 12, Courts and Civil Proceedings and Title 13, Criminal Code. H. 2126. **Chapter 361.**

Domestic Violence; Pregnant Victim; Penalty. Increases by up to two years the maximum penalty for a defendant who committed a felony offense against a pregnant victim and knew of the pregnancy. Makes various changes to domestic violence statutes regarding child custody and sentencing, which includes creating a rebuttable presumption in favor of a victim in a custody action against a parent who has committed acts of domestic violence involving sexual assault or serious injury or who has engaged in a pattern of domestic violence and allowing a court to consider the existence of domestic violence in deciding whether to weigh a relocation against the person in determining custody or visitation. Amends Title 13, Criminal Code; Title 25, Marital and Domestic Relations and Title 31, Prisons and Prisoners. S. 1345. **Chapter 42.**

Domestic Violence Program Consolidation. Creates a Domestic Violence and Sexual Assault State Plan Task Force to submit a consolidated state plan and report of findings and recommendations by December 1, 2000. The state plan is to ensure coordinated and efficient use of resources to address domestic violence and sexual assault prevention, prosecution and supportive services to victims. Task force membership includes one law enforcement representative. S. 1303. **Chapter 122.**

Drug, Gang Policy Council; Sunset. Extends the Arizona Drug and Gang Policy Council until June 30, 2005. (Effective date: July 1, 2000.) Amends Title 41, State Government. S. 1089. **Chapter 15.**

DUI; Affirmative Defense. Replaces the provision requiring proof of blood alcohol concentration at the time of driving with a defense based on proving that a sufficient quantity of alcohol was consumed before or while driving. Amends Title 5, Amusements and Sports and Title 28, Transportation. S. 1022. **Chapter 4.**

Enterprises; Penalties; Effective Compliance Programs. Amends the process of assessing a criminal fine on an enterprise. Requires the court to impose a presumptive fine and mandates the court to aggravate or mitigate the fine based on a prescribed list of factors. Requires the court to reduce the criminal fine by 25% if the enterprise had an effective program in place and defines the characteristics of an effective program. Requires the court to impose a fine five times the maximum penalty if one of three factors were involved. Amends Title 13, Criminal Code. H. 2660. **Chapter 172.**

Gambling; Minimum Age. Increases the minimum age for participation in any form of gambling from 18 to 21 beginning June 1, 2003. Applies this change to future tribal-state gaming compacts. Amends Title 5, Amusements and Sports and Title 13, Criminal Code. H. 2131. **Chapter 14.**

Ignition Interlock Devices. Requires individuals convicted of extreme DUI or of a DUI with a passenger under 15 years old, to install an ignition interlock device (IID). Court responsibilities relating to installation, supervision and upkeep of IIDs are transferred to the Motor Vehicle Division. Requires the Administrative Office of the Courts to submit to the Governor's Office of Highway Safety, data relating to the number of complaints issued charging DUI and extreme DUI. (Effective date: October 1, 2000). Amends Title 28, Transportation. H. 2351. **Chapter 153.**

Implied Consent; Traffic Accidents. Provides law enforcement officers the authority, with probable cause, to request that a person involved in a traffic accident resulting in death or serious injury take a sobriety test. Prescribes a process to be followed if the person refuses to take the requested sobriety test. Amends Title 28, Transportation. H. 2244. **Chapter 46.**

Insurance Discrimination; Domestic Violence. Amends the definition of domestic violence to eliminate the provision that the victim and defendant are of the opposite sex and adds to the definition of victim a child who resides or has resided in the same household as the defendant and is related to a former spouse of the defendant or to a person who resides or has resided in the same household as the defendant. This definition is inconsistent with other pieces of legislation signed by the Governor (see Chapters 42 and 361). Amends insurance statutes to prohibit denial of coverage for property or liability insurance solely because the insured or proposed insured is or has been a victim of domestic violence. Makes conforming changes. Amends Title 13, Criminal Code and Title 20, Insurance. S. 1173. **Chapter 370.**

Internet Crimes; Appropriation. Appropriates \$100,000 to the Department of Public Safety and \$100,000 to the Attorney General's Office to collaborate via intergovernmental agreement to combat Internet crimes, with a priority on sexual crimes and abuse of minors. S. 1074. **Chapter 221.**

Jail Districts; Funds. Expands how unexpended or unencumbered funds of a jail district can be spent at the end of the fiscal year. Under current law the funds can only be used to reduce the county or district's levy. Now allows a county jail district board to allocate unexpended or unencumbered funds at the end of the fiscal year to reduce the subsequent year's levy for the district, reduce the district's debt, be held as reserves for insufficient funding in subsequent years, or to offset future district construction and maintenance costs. New districts formed would be prohibited from spending the money to reduce the county tax levy. Amends Title 48, Special Taxing Districts. H. 2529. **Chapter 242.**

Laser Pointers. Establishes that knowingly aiming a laser pointer at a peace officer as a class 1 misdemeanor. Amends Title 13, Criminal Code. H. 2097. **Chapter 227.**

Licensed Interpreters for the Deaf. Requires courts to use only persons licensed by the state as interpreters for the deaf and hard of hearing in court proceedings. Further, courts will have to allow the interpreter or the deaf person to obtain a qualified intermediary to provide interpreting services between the deaf person and the appointed interpreter during proceedings if either party determines that effective communication is not occurring. (Effective Date: October 1, 2007) Amends Title 12, Courts and Civil Proceedings; Title 36, Public Health and Safety and Title 41, State Government. S. 1151. **Chapter 98.**

Lottery; Ticket Sales; Gambling. Requires the Director to investigate and determine within thirty days whether an alleged violation has occurred or if criminal investigation is necessary. Prohibits agents from selling lottery tickets or shares to persons using public assistance vouchers or electronic benefits cards, or in the same transaction as a purchase using any of these sources of funds and establishes it as a class 3 misdemeanor. Establishes 21 as the lawful age to purchase lottery tickets or shares and classifies the violation as a petty offense, beginning June 1, 2003. Amends Title 5, Amusements and Sports. H. 2381. **Chapter 326.**

Methamphetamines; Child, Vulnerable Adults; Abuse. Expands the scope of felony murder to include deaths incurred during the manufacture of any dangerous drug. Allows an automatic presumption of child abuse in cases where a child or vulnerable adult is allowed to enter or remain in a structure or vehicle where volatile, toxic or flammable chemicals or equipment is possessed by an adult for manufacturing a dangerous drug. Amends Title 13, Criminal Code. H. 2395. **Chapter 50.**

Multi-County Water Conservation District; Peace Officers. Allows Multi-County Water Conservation Districts to appoint no more than 10 peace officers for the purpose of providing law enforcement on property which is under control of the district. Stipulates that district peace officers will not preempt the authority and jurisdiction of other police agencies. Appointees are required to have a certificate from the Arizona Peace Officers Standards and Training Board and are not eligible to participate in the Public Safety Personnel Retirement System. Districts are not eligible to receive funds from the Peace Officers Training Fund and must reimburse the Peace Officers Standards and Training Board for all expenses incurred by the Board for the district. These provisions are repealed from and after June 30, 2005. Amends Title 1, General Provisions and Title 48, Special Taxing Districts. S. 1267. **Chapter 142.**

Pawnbrokers; Transactions; Records. Clarifies sections of law relating to pawnbrokers and reportable transactions. Requires pawnbrokers to include accurate copies of all receipts/pawn tickets in the records for at least two years and requires a fingerprint of the pledgor or seller. Allows local law enforcement agents to inspect all information and articles pertaining to a pledge, purchase or trade. Allows the pawnbroker to collect, at the time of the initial transaction, any fees imposed by a government agency. Allows the sheriff to suspend a pawnbroker's license for acts that demonstrate a pattern of misrepresentation or willful omissions. Increases the annual license renewal fee submitted by pawnbrokers to \$500 and establishes an application fee of \$1000 for each new pawnbroker license. Amends Title 44, Trade and Commerce. H. 2169. **Chapter 103.**

Peace Officer Standards; Board; Duties. Provides for the Peace Officer Standards and Training Board to make recommendations directly to the Governor and the Legislature, rather than through the director of the Department of Public Safety (DPS). Provides for the direct hiring by the Board of an executive director and staff to fulfill the powers and duties of the Board. Allows the Board to use DPS staff for administrative support services. Amends Title 41, State Government. H. 2629. **Chapter 181.**

Prohibited Possessor; Definition. Allows misdemeanor probationers to possess firearms, except for those convicted of domestic violence offenses. Amends Title 13, Criminal Code. S. 1316. **Chapter 143.**

Radio Traffic Call; Evidence; Admissibility. Allows records and recordings of public safety radio traffic calls to be admitted as evidence in any action without testimony from a custodian of the records if the records and recordings are accompanied by a form stating their authenticity. Amends Title 13, Criminal Code. S. 1257. **Chapter 295.**

Retail Theft; Omnibus. Increases the civil penalty for shoplifting to \$250 for an adult. Includes the shoplifting of property, during any continuing criminal episode regardless of value, as a class 5 felony. Makes it unlawful to manufacture, sell, distribute or use a theft detection shielding device, or possess a theft detection device remover. Makes it unlawful to cheat or defraud by altering a sales receipt or a UPC label. Amends Title 12, Courts and Civil Proceedings and Title 13, Criminal Code. H. 2472. **Chapter 160.**

School Safety; Omnibus. Requires each school district, in conjunction with local law enforcement and local medical facilities, to develop an emergency response plan for each school in the district. Requires school districts to report any suspected crimes and any incidents that could potentially threaten the safety or security of students to local law enforcement. Establishes the Safe Schools Program in the Department of Education. Establishes the School Conflict Mediation Program in the Attorney General's Office. (Effective date: April 10, 2000) Amends Title 13, Criminal Code; Title 15, Education and Title 41, State Government. S. 1559. **Chapter 226.**

Schools; Alternative to Suspension Programs. Requires all school districts to establish an Alternative to Suspension Program by January 1, 2001, in consultation with local law enforcement officials or school resource officers. Amends Title 15, Education. S. 1466. **Chapter 82.**

Search Warrants; Issuance; Service. Allows an officer to use forcible entry to execute a search warrant under specified circumstances. Permits the magistrate to issue a warrant authorizing an unannounced entry if an announced entry would endanger the safety of any person or result in the destruction of items described in the warrant. Provides that evidence seized pursuant to a search warrant shall not be suppressed as a result of this chapter unless required by the Arizona Constitution and the United States Constitution. Amends Title 13, Criminal Code. H. 2394. **Chapter 49.**

Security Guards. Includes security guards under the purview of the Private Investigator and Security Guard Hearing Board and includes a licensed security guard on the five-member board. Prescribes certification requirements to obtain a license issued by the Department of Public Safety (DPS). Allows DPS to deny and the director of DPS to suspend or revoke licenses. Amends Title 32, Professions and Occupations and Title 41, State Government. H. 2662. **Chapter 220.**

Shooting Range and Firearm Safety. Establishes the firearms safety and ranges fund to award grants for the following purposes: shooting range engineering and studies; noise abatement; safety enhancement; shooting range design; new shooting range construction; shooting range relocation and other projects that are necessary to operate a shooting range under good practices and management. Establishes a shooting range project advisory board to administer the grant process and procedures. Establishes a 13-member study committee to make recommendations on safe operation of shooting ranges, noise control, resolution of conflicts between shooting ranges and landowners, feasibility of relocation and other related issues. (Effective date: April 5, 2000.) Amends Title 17, Game and Fish and Title 42, Taxation. S. 1363. **Chapter 167.**

Spirituos Liquor; Open Containers. Expands the prohibition on open containers of spirituous liquor to include anyone in the passenger compartment of a motor vehicle. Amends Title 4, Alcoholic Beverages; Title 5, Amusements and Sports and Title 28, Transportation. S. 1243. **Chapter 40.**

Victim Compensation; Unclaimed Restitution. Requires the Department of Revenue to deposit unclaimed victim restitution monies in the Victim Compensation and Assistance Fund to aid in establishing, maintaining and supporting programs that compensate and assist victims of crime. Amends Title 41, State Government and Title 44, Trade and Commerce. H. 2128. **Chapter 168.**

Victims' Rights; Definition; Vulnerable Adults. Allows a court to appoint a representative for a vulnerable adult crime victim to exercise the victim's rights on their behalf using the same criteria it uses when appointing a representative for a minor victim. Amends the definition of "custodial agency" to include the Department of Juvenile Corrections and secure mental health facilities. Provides a definition of vulnerable adult. Permits a prosecutor to inform a victim of the status of a case which is before the grand jury without violating confidentiality laws. Amends Title 8, Children and Title 13, Criminal Code. H. 2103. **Chapter 269.**