

June 1, 1999

Summary of Bills of Municipal Interest

The first regular session of the 44th Legislature sent 374 bills to the Governor for signature. Of that number, Governor Hull vetoed 21. Included in the vetoes were four bills brought to your attention in the final Bulletin; S. 1021 - open space/ land owner approval; S. 1143 - open meeting law; H. 2360 - electric power competition; and H. 2600 - flight property tax. Prior to the close of session, Governor Hull also vetoed H. 2275 - firearm ordinance preemption.

The following is a summary by subject of the new laws of municipal interest passed during the 1999 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, the manager, clerk and attorney. If others in your city or town should review the new laws, please distribute accordingly.

Copies of the new laws are available at the League office - just call and ask for the new law by chapter number. (Copies of these new laws are also available by downloading them from the state's legislative website located at <http://www.azleg.state.az.us/legtext/44leg/1r/laws/group.htm>. Simply go to the chaptered bill you want and print it out.) The general effective date for the new laws is August 6, 1999. 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

City Annexation; State Land Approval. Exempts cities and towns from having to receive written approval by the state land commissioner and the state selection board when the state land to be annexed is only utilized as state rights-of-way or land held by a state tax deed. Amends Title 9, Cities and Towns. H. 2326. **Chapter 320.**

Internet Study Committee. Establishes a 16-member study committee to conduct hearings and complete a study on internet privacy, jurisdiction, regulation, taxation, electronic mail and 21st century communications systems. The committee will report their recommendations by December 1, 1999. H. 2639. **Chapter 264.**

Department of Administration Omnibus; Health Insurance. Allows cities and towns to participate in the state's health and accident insurance plan for state employees. Entities choosing to participate are required to notify the Department of Administration by January 15 prior to the year in which the city employees would be eligible to receive the coverage. Requires any jurisdiction electing to participate to do so for a minimum of two years. (The League will be meeting with the department to develop procedures and information on the state health plan in June. We hope to have the information in the mail to you by late July.) Amends Title 23, Labor; Title 28, Transportation; Title 35, Public Finances; Title 38, Public Officers and Employees and Title 41, State Government. H. 2353. **Chapter 300.**

Medical Care; Cost Recovery. Entitles cities and towns, who provide medical care and treatment to a person who is injured or suffers from a disease, to subrogation. Amends Title 12, Courts and Civil Proceedings. S. 1346. **Chapter 17.**

Year 2000; Liability. Creates a new article on seeking damages or other relief based on a Year 2000 (Y2K) date failure. Requires a prospective plaintiff to provide written notice 90 days prior to commencing an action for damages or other relief and outlines the content of the notice. Authorizes the prospective defendant to inspect the product, equipment or service, within 60 days of notice. Allows the prospective defendant to offer to cure the Y2K problem, including repair, replacement, upgrade, update or offers of restitution. Allows the following affirmative defenses against a Y2K date failure lawsuit; notification of potential Y2K failure and an unconditional offer to replace, repair, upgrade, update or instructions to remedy the Y2K problem, reasonable reliance on a false or misleading Y2K statement and conduct of a reasonable examination and effecting the necessary repairs, upgrades or updates. Applies to services as well as products and controls if in conflict with current product liability laws. Does not apply to worker's compensation cases. Requires 90 days notice to give opportunity to cure unless it is impossible because of the statute of limitations. Allows the court to deduct from damages an amount equal to the value of any cure or rejected unconditional offer to cure. Prevents the use of Y2K remedial measures as proof of negligence. (Effective date: April 26, 1999). Amends Title 12, Courts and Civil Proceedings. S. 1294. **Chapter 64.**

Municipal General Plans; Growth. Extends the deadline from December 31, 2001 to December 31, 2002, for communities with a population of between 2,500 and 75,000 persons to adopt or readopt a general plan or amend their general plan to include the new elements required under the Growing Smarter legislation of 1998. Establishes a "small community planning assistance program" for FY 1999-2000 within the Land Department to provide grants to cities and towns with a population of between 2,500 and 15,000 persons to comply with the requirements of Growing Smarter. Amends Title 9, Cities and Towns. S. 1023. **Chapter 222.**

Municipal Referenda; Zoning Actions. Clarifies when a person or an organization can file a referendum petition against the rezoning of a parcel of property, as either the time of approval by the city or town council of the ordinance, or when the portion of the minutes that includes the council's approval of the rezoning is approved, whichever comes first. Prescribes that the 30-day filing limit for a petition begins when the rezoning ordinance or approved minutes are available from the city or town clerk and that the ordinance is not operative until 30 days after availability from the clerk. These provisions will only apply prospectively to actions that occur after the bill's effective date, August 6, 1999. Amends Title 19, Initiative, Referendum and Recall. S. 1298. **Chapter 90.**

Telecommunications; Public Highway Use; Requirements. Clarifies that only telecommunications companies that construct, install, operate and maintain telecommunication facilities in public rights-of-way are required to obtain a license or franchise from a city or town; this excludes resellers. Allows a telecommunications company to subcontract its facilities and permits political subdivisions to require that all parties to a subcontract be disclosed. Amends Title 9, Cities and Towns. S.1085. **Chapter 126.**

Free Exercise of Religion. Prohibits the state and its political subdivisions from "substantially" burdening a person's exercise of religion. Applies even if the burden results from a rule or ordinance of general applicability. Permits government to burden an individual under certain conditions including "the furtherance of a compelling government interest" and only if the least restrictive means possible are used to further that government interest. Defines "exercise of religion" as the ability to act or refuse to act in a manner motivated by a religious belief, whether or not the exercise is compulsory or central to a larger system of religious belief. Permits the state to exempt new laws from this act. Amends Title 41, State Government. S. 1056. **Chapter 332.**

Tobacco Sales; Minors. Prohibits the sale of tobacco through a vending machine unless it is located in a bar or an employee lounge that is not open to the public and the business in which the lounge area is located does not employ minors. Changes the signage wording on vending machines regarding sales to minors. Allows cities and towns to further limit the location of vending machines, or to further specify different wording for the vending machine signs. Prohibits tobacco products in any K-12 public, charter or private school buildings, on school grounds, in school vehicles and at off-campus school sponsored events. Provides penalties for violations of all of the above and prescribes definitions relating to statutes governing tobacco. Amends Title 36, Public Health and Safety. H. 2701. **Chapter 345.**

Firearms Litigation. Prohibits political subdivisions from bringing civil lawsuits in any Arizona court against a firearm or ammunition manufacturer, seller or trade association for damages resulting from the criminal use or misuse of firearms or ammunition by third parties. Amends Title 12, Courts and Civil Proceedings. S. 1192. **Chapter 237.**

Agriculture Preservation Districts. Allows for the formation of agriculture preservation districts for the purpose of maintaining and encouraging existing agricultural and open space land through voluntary purchase, transfer or lease of ownership or development rights to property. The district must be consistent with local planning and zoning requirements. Establishes procedures for creation of districts, the make-up of governing boards, powers of districts, district boundaries, minimum land requirements, expansion procedures, fees and charges as well as the process for dissolution of these districts. Amends Title 48, Special Taxing Districts. H. 2579. **Chapter 258.**

Public Housing. Updates public housing law and expands the authority of public housing entities. Allows public housing authorities formed by the governing body of a city or town to acquire, own, maintain and dispose of real estate, exercise the power of eminent domain and to issue bonds. Approval to exercise eminent domain or issue bonds must first be received from the authorizing city, town or county. Specifies a commissioner of a housing authority cannot be removed if the commissioner holds the office by virtue of being a council member. Specifies that meetings of a public housing commission are subject to the open meeting law. Conforms Arizona law to 1998 federal housing legislation and removes outdated language. Amends Title 36, Public Health and Safety. H. 2355. **Chapter 212.**

Charitable Choice; Religious Organizations. Prohibits governing bodies from discriminating against religious organizations when contracting for goods and services. Requires jurisdictions to provide an alternative provider if someone objects to the religious nature of the organization providing a service and if an alternative provider is available and of equal quality. Amends Title 41, State Government. H. 2423. **Chapter 273.**

Computer Access; Minors; Schools; Libraries. Requires public schools and public libraries to equip public access computers with software that seeks to prevent minors from obtaining harmful material or to buy internet connectivity from a provider that provides filter services for material harmful to minors. Rules and regulations for the enforcement of the provisions affecting public libraries are to be established by the director of the Department of Library, Archives, and Public Records. Defines "public access computer" as one located in a public library or school, frequently or regularly used by minors and which is connected to any computer communication system. Restricts the liability of public libraries and schools that comply with these requirements. Amends Title 34, Public Buildings and Improvements. H. 2409. **Chapter 73.**

Property Near Airports; Disclosure. Authorizes a city or town with a population of less than 40,000 to extend a lease period for an airport or airport terminal. Increases the authorized extended lease period from not more than 25 years to not more than 40 years. Requires notification in the state Real Estate Department report, before any residential real property can be transferred or any subdivided or unsubdivided land can be sold or leased, that the property is in the vicinity of a public airport. Defines territory in the vicinity of a public airport as property that is exposed to aircraft noise and overflight and that has a day/night average sound level of 60 decibels or higher. Amends Title 28, Transportation and Title 32, Professions and Occupations. H. 2404. **Chapter 154.**

Improvement Districts; Expansion of Territory. Allows the governing body of a municipality to include adjacent territory in an enhanced municipal services district, if in the governing body's opinion, the territory would benefit from being a part of the district, and if specific conditions are met. The specific conditions include the proposed new territory may not adversely affect the current district; a notice of the proposed district boundary change is published in a newspaper of general circulation published in the municipality; a public hearing is held to consider the inclusion of the new territory in the district; and notice, including an accurate map of the territory proposed for inclusion in the district, is sent to all affected property owners at least 10 days before the required hearing. Requires the municipality to adopt a resolution to make this change and then record the resolution in the office of the appropriate county recorder within 10 days. Allows a majority of the property owners by area of either the original district or the proposed district to block the expansion by filing a written objection with the governing body of the municipality. Amends Title 48, Special Taxing Districts. H. 2232. **Chapter 70.**

Open Range Law; Municipal Density. Provides a two-year moratorium for penalties related to a violation of a municipal ordinance restricting stock running at large on newly annexed or incorporated land. Amends Title 3, Agriculture and Dairying. H. 2391. **Chapter 302.**

Grants Process. Removes the state grants programs from the procurement code and rewrites the language into its own section of law. Provides notice of the request for grant applications at least six weeks before the submittal due date. Allows a pre-application conference to be conducted at least 21 days before the application due date. Requires the comments and assessments of the grant application evaluator to be made available for public inspection within 30 days of awarding a grant. Requires justification for denial of a grant application to be available within 30 days after the action is taken. Permits the director of the Department of Administration to waive the grant solicitation and award procedures if compliance is impracticable or contrary to the public interest. Provides penalties for violation of the grant provisions. Amends Title 41, State Government. S. 1267. **Chapter 285.**

Omnibus State Land Department Act. Includes a provision allowing the Land Department to grant rights-of-way for transportation purposes to federal and state agencies or political subdivisions for nonexclusive use for more than 10 years without conducting a public auction. Makes many other changes, mostly technical in nature, to the statutes governing state lands. Amends Title 37, Public Lands. H. 2331. **Chapter 209.**

Donated Fire Equipment; Liability. Provides a limited liability exemption for fire departments and fire districts that either donate or use donated fire control, rescue or emergency medical services equipment that is deemed serviceable at the time donated or received. Amends Title 12, Courts and Civil Proceedings. S. 1014. **Chapter 75.**

Sanitary Districts. Imposes a temporary moratorium on city and town approval of the formation of a sanitary district within an urbanized area until September 1, 2001 if the city or town does not or is not authorized to own or operate a sewer service or engage in the collection or treatment of sewage within the city or town. Amends Title 48, Special Taxing Districts. H. 2255. **Chapter 263.**

Attorney Fees; Other Expenses. Amends the definition of "fees and other expenses", as it relates to an award of fees in cases against governmental entities, to mean costs directly related to and necessary for the presentation of the case. (Currently, the law permits reimbursement for costs necessary for the preparation of the case). Amends Title 12, Courts and Civil Proceedings. S. 1171. **Chapter 142.**

Public Officers; Oath of Office. Changes when the oath of office must be taken by an appointed official to at least one day before commencement of the term of office. Amends Title 38, Public Officers and Employees. S. 1142. **Chapter 57.**

Study Committee; Gas-Fired Electrical Generating Plants. Creates a 13-member study committee to make recommendations by December 15, 1999 regarding gas-fired electrical generating plants. Requires members to study such issues as the use of ground and surface water, effects on air quality and the impacts on revenue, taxation and economic development. Committee membership includes one member appointed by the Speaker of the House of Representatives who represents a city with a population of less than 25,000 and one person appointed by the President of the Senate who represents a water district. Terminates the committee on December 31, 1999. S.1150. **Chapter 188.**

Shooting Range Relocation Fund. Authorizes the Arizona Game and Fish Department to administer a newly created shooting range relocation and assistance fund. Requires the monies to be used to help existing government-owned shooting ranges abate sound, realign ranges, acquire land to provide a buffer zone or acquire state trust land to relocate ranges. Provides \$50,000 annually from the state sales tax on retail sales and exempts fund monies not used in a fiscal year from reverting back to the state general fund. Amends Title 17, Game and Fish and Title 42, Taxation. H. 2364. **Chapter 322.**

Department of Corrections; Omnibus. Allows a city or town to annex by ordinance the site of a state owned prison or juvenile facility that is located within 15 miles of the boundary of the city or town if the jurisdiction has first received written approval of the director of the Department of Corrections or the director of Juvenile Corrections, whichever is appropriate. This authority is repealed on March 1, 2001. Amends Title 31, Prisons and Prisoners and Title 41, State Government. S. 1042. **Chapter 234.**

FINANCE

Tax Relief And Fiscal Control. Sets the urban revenue sharing percentage at 15.8% in FY 1999-2000 and at 15% in FY 2000-2001 and thereafter. Reduces the state general fund share of the vehicle license tax by \$40 million over the next two years, with a possibility of increasing that reduction to \$90 million if the revenue to the state general fund meet certain triggered amounts. Additional tax cuts include a reduction of the mining severance tax, a series of reductions in the corporate income tax resulting in a \$32 million reduction over the biennium, an elimination of the cap on the research and development tax credit and a reduction in the personal property minimum value reduction. Also appropriates \$1 million to the state Land Department for costs associated with the "Growing Smarter Act." (See also Chapter 222). (Various effective dates - General effective date for special session: July 7, 1999). Amends Title 28, Transportation; Title 42, Taxation; Title 43, Taxation of Income and Title 49, Environment. H. 2007. **Chapter 5.** (First Special Session)

Appropriation; Urban Revenue Sharing. Appropriates \$2 million from the state general fund in fiscal year 2000-2001 for distribution to cities and towns with a population of less than 60,000 persons according to the most recent decennial or special census. This equates to approximately 15.4% of the net proceeds of the state income tax monies. Amends Title 43, Taxation of Income. S. 1077. **Chapter 325.**

Model City Tax Code; Study. Extends the Municipal Tax Code Commission until July 1, 2000. Lengthens the terms of current members from three years to four. Provides that the Commission may require cities to adopt changes in the Model City Tax Code. Requires any change in the Model City Tax Code made by any city to be approved by the Commission. Establishes the Uniform Transaction Privilege Tax Study Committee to study the impact of eliminating the Model City Tax Code and replacing it with a uniform state and local transaction privilege tax. Requires the Committee to report its findings and recommendations by December 15, 1999. (Retroactive effective date on terms of members: January 18, 1996). (Effective date on remaining provisions: July 1, 1999). Amends Title 41, State Government and Title 42, Taxation. H. 2193. **Chapter 225.**

Tax Increment Financing; Repeal. Retroactively repeals the ability to utilize property tax increment financing to finance redevelopment projects from and after December 31, 1998. Limits the ability of cities and towns to issue bonds to finance the construction of a theme park to only those parks that are the subject of a "Memorandum of Understanding" between the city and the Department of Commerce prior to January 1, 1999. Limits the ability to form a multipurpose stadium district from and after December 31, 1998. Specifies that a multipurpose district may only be formed after that date if prior to December 31, 1998 the governing body of one or more of the municipalities identified the location for the proposed facility and voted with the purpose of forming a district. (Effective date for most sections: September 1, 1999). See also Chapter 172. Amends Title 9, Cities and Towns; Title 11, Counties; Title 36, Public Health and Safety; Title 41, State Government; Title 42, Taxation and Title 48, Special Taxing Districts. H. 2026. **Chapter 165.**

Stadium Districts; Multipurpose Facilities. Modifies current law relating to the financing, construction, operation and formation of a county stadium district multipurpose facility. Changes include expanding the definition of "multipurpose facility" to include secondary components (the necessary infrastructure to benefit the primary component such as parking garages and parking lots, infrastructure and related commercial and residential facilities). Makes numerous technical changes. (Retroactive effective date: July 1, 1998). See also Chapter 165. Amends Title 42, Taxation and Title 48, Special Taxing Districts. S. 1172. **Chapter 162.**

Stadium Districts; Eminent Domain. Provides standards for the use of eminent domain by a stadium district to acquire real and personal property of an existing retail business. Requires any municipality in which a multipurpose facility site is located to match the amount of state sales tax going to the project. Limits the ability to form a multipurpose facility from and after October 31, 1999. (Retroactive effective for most sections: July 1, 1998). Amends Title 42, Taxation and Title 48, Special Taxing Districts. H. 2630. **Chapter 172.**

Transportation Revenues; Purposes; Audit. Prohibits cities, towns and counties from spending highway user revenue fund (HURF) monies on law enforcement or the administration of traffic safety programs. (The Constitution specifies allowable uses). Expands the duties of the auditor general, if requested by the joint legislative audit committee, to conduct performance audits of cities, towns and counties receiving HURF and transportation excise tax monies and establishes penalties for those jurisdictions who do not spend these monies as authorized by law. Provides that the penalties do not apply retroactively. Amends Title 28, Transportation and Title 41, State Government. H. 2180. **Chapter 202.**

Truth in Taxation; Press Release. Mandates cities and towns to issue a press release, in addition to publishing the truth-in-taxation notice, for increases in the primary property tax. Requires the press release to contain the same information as the

published notice. Amends Title 15, Education; Title 41, State Government and Title 42, Taxation. S. 1240. **Chapter 108.**

Corporate Income Tax Rate Reduction. Reduces the corporate tax rate from 8% to 7.968% of net income effective January 1, 2000. Eliminates the tax credit for contractors who employ prisoners and makes various other adjustments to language relating to corporate tax credits and gross income adjustments. Amends Title 31, Prisons and Prisoners; Title 41, State Government and Title 43, Taxation of Income. H. 2054. **Chapter 318.**

Debt Oversight Commission Meetings; Correction. Allows the Debt Oversight Commission to meet annually rather than quarterly. Amends Title 35, Public Finances. H. 2055. **Chapter 19.**

Alternative Fuel Vehicles. Excludes from local transaction privilege taxes the sale of motor vehicles that use alternative fuels. Provides tax credits for the purchase of alternative fuel vehicles, vehicle refueling apparatus and alternative fuel delivery systems. (Retroactive effective date for tax credits on vehicles and vehicle refueling apparatus: January 1, 1999). (Retroactive effective date for tax credits on fuel delivery systems: January 1, 1998). (Effective date: May 5, 1999). Amends Title 1, General Provisions; Title 9, Cities and Towns; Title 15, Education; Title 28, Transportation; Title 41, State Government; Title 42, Taxation; Title 43, Taxation of Income and Title 49, Environment. H. 2405. **Chapter 168.**

Commerce Omnibus; GADA; Enterprise. Allows the Greater Arizona Development Authority (GADA) to offer its financial assistance programs to special districts as well as political subdivisions and tribal governments. Authorizes GADA to refinance outstanding bonds or other obligations that were issued to construct or improve infrastructure. Increases the loan repayment period from 20 to 30 years. Requires loans to be treated as long-term obligations incurred for a specific capital purpose if the infrastructure financed by the loans is part of a municipal utility and the municipality pledges utility revenues to repay the loan. Leaves the funding of a local reserve fund to the discretion of GADA. Allows a political subdivision to negotiate the sale of its bonds to or a loan repayment agreement with GADA without complying with any public or accelerated bidding requirements. Allows the Department of Commerce to issue loans to provide housing opportunities for low income households. Requires the director to allocate \$400,000 in FY 1999-2000 from the housing trust fund to award grants to special housing redevelopment projects in a city with a population of more than 1.1 million people in the most recent decennial census. Requires any unexpended and unencumbered monies to be returned to the housing trust fund on January 1, 2001. Provides a premium tax credit to insurers that cause a net increase in qualified employment positions by locating within a designated enterprise zone or military reuse zone. Excludes from the allowable credit the portion of tax paid to the Firefighter's Relief and Pension Fund or the Public Safety Personnel Retirement System. Amends Title 20, Insurance and Title 41, State Government. S. 1032. **Chapter 185.**

Industrial Development Authority; Allocation. Establishes a new method for allocating the portion of the state ceiling funds for private activity bonds to be used for mortgage revenue bonds and mortgage credit certificates. Stipulates that each industrial development authority (IDA) that submits an application for a portion of the available funds be awarded a share based on the IDA's proportionate share of the population, but not less than \$10 million. Much more on IDA's. Amends Title 35, Public Finances. S. 1246. **Chapter 334.**

Local Transit Assistance. Deletes the requirement that Maricopa and Pima Counties, and the cities and towns in those two counties, must spend local monies for public transit purposes and must detail a plan for spending all matching grant and local monies for public transit purposes before receiving special local transportation assistance fund monies from the multi-state lottery revenues. (This measure does not apply to regular Local Transportation Assistance Funds - LTAF). Amends Title 28, Transportation and Title 48, Special Taxing Districts. S. 1347. **Chapter 147.**

Property Acquisition; Taxes. Requires any political subdivision of the state to pay the county treasurer any unpaid taxes, including penalties and interest, due on any real or personal property acquired by that entity through purchase, exchange, condemnation, gift or otherwise. Provides that a tax lien for the delinquent amounts will be enforceable upon those entities. Amends Title 9, Cities and Towns; Title 11, Counties; Title 15, Education; Title 37, Public Lands; Title 48, Special Taxing Districts. S. 1031. **Chapter 76.**

Tax Exemptions; Railroads, Machinery, Electricity. Excludes from the state transaction privilege tax base the proceeds of sales or income resulting from the sale of property incorporated into any real property used in environmental response or remediation activities. Excludes from the state transaction privilege tax base the proceeds of sales or income resulting from

the sale of railroad rolling stock, rails, ties and signal control equipment used directly to transport persons or property in transportation for hire. Expands the definition of machinery and equipment to include related structural components. Excludes from the state transaction privilege tax base the sale of all services necessary to provide electricity to retail electric customers outside of this state if the electricity is delivered to a point of sale outside this state. (Retroactive effective date on machinery exclusions: May 19, 1977). (Retroactive effective date on electric services: January 1, 1999). Amends Title 42, Taxation. S. 1245. **Chapter 87.**

Sales Tax Exemption - Liquor Wholesalers. Exempts sales of spirituous, vinous or malt liquor by a licensed liquor wholesaler from the state sales tax. The vast majority of these sales are already tax exempt; the only exception is when the licensee-retailer to whom the wholesaler sells the liquor does not resell the liquor. Under this new law, this sale will also be exempt. The Department of Revenue estimates a minimal revenue impact. (Retroactive effective date: January 1, 1991). Amends Title 42, Taxation. H. 2426. **Chapter 180.**

Sales and Use Tax Exemption - Expendable Materials. Defines, for purposes of calculating a sales and use tax exemption, expendable materials to include a long list of items regardless of the cost or useful life of the property. (Retroactive effective date: May 19, 1977). Amends Title 42, Taxation. H. 2395. **Chapter 153.**

Sales and Use Tax Exemption - Natural Gas Pipelines. Expands a current sales tax deduction and use tax exemption to include machinery or equipment used in connection with natural gas pipelines for the purpose of pollution control. Amends Title 42, Taxation. H. 2394. **Chapter 167.**

Sales and Use Tax Exemption - Environmental Remediation Equipment. Extends the current retail tax exemption to all purchasers of environmental remediation equipment and creates a new use tax exemption for environmental remediation equipment. Specifies that ancillary structures are taxable. (Retroactive effective date for exemptions: December 31, 1996). Amends Title 42, Taxation. H. 2264. **Chapter 246.**

ELECTIONS

Candidate Petitions; Filing Time. Extends the deadlines for filing nomination papers for both partisan and non-partisan elections to not less than 90 days and not more than 120. Amends Title 16, Elections and Electors. H. 2100. **Chapter 224.**

Petitions; Revisions. Eliminates the requirement that the circulator of any election related petition be registered to vote and instead requires that a circulator only be eligible to register. Removes the requirement that the circulator affidavit on initiative and referendum petitions be forwarded to the county recorder thus removing the county recorder's authority to disqualify the affidavit. Eliminates the disqualification of a petition signature if the signer was registered at a different address or location and in a different precinct than noted on the petition. Eliminates a similar provision related to the noted address of the petition circulator, the affidavit and the disqualification of any signature sheets attached to the affidavit in question. Amends petition, affidavit and other document language to conform to the new standard for circulators which is the result of a U.S. Supreme Court case. Amends Title 16, Elections and Electors and Title 19, Initiative, Referendum and Recall. H. 2656. **Chapter 353.**

Election Law Revisions. Eliminates outdated language related to "absentee" voting and conforms it to current "early" voting language. Clarifies that if an elector signs more nomination petitions than permitted by law, the earlier signatures are deemed valid; further stipulates that if all signatures in question are from the same day then all signatures are considered invalid. Clarifies that verbal and written early ballot requests must include the elector's name and address. Permits electors with a physical disability or electors confined due to illness who request that a ballot be delivered to the place of confinement to make this request verbally or, as currently allowed, in writing. Increases from 72 hours to five days the amount of time permitted to check a "ballot to be verified." Adds on-site early voting locations to the areas subject to the 75-foot limit. Amends Title 15, Education; Title 16, Elections and Electors; Title 45, Waters and Title 48, Special Taxing Districts. S. 1227. **Chapter 32.**

Open Primaries; Ballot Designation. Makes changes to statute conforming with Proposition 103, which requires open primaries, and specifies the process for requesting a primary ballot. Requires voters registered as independents or no party preference, and individuals registered to a party not entitled to continued representation on the ballot, to indicate which

party ballot they will vote when they show up at the polls. This bill does not affect non-partisan elections. Amends Title 16, Elections and Electors. H. 2184. **Chapter 30.**

Campaign Finance; Candidate Debt. Allows an exploratory committee or a candidate's campaign committee to transfer debts and obligations to a subsequent exploratory or campaign committee. Permits committees that transfer debt to terminate the previous committee without certifying that the committee is debt free. Amends Title 16, Elections and Electors. H. 2238. **Chapter 43.**

Candidate Petition Challenges. Extends the deadline for filing a court challenge to a nomination petition from five days to ten days after the deadline for filing petitions. Requires the elector filing the challenge to specify the petition number, line number and basis for the challenge for every signature being challenged. Amends Title 16, Elections and Electors. H. 2101. **Chapter 166.**

Elections; Electronic Data Format. Requires city and town clerks to transmit to the county, *only if available*, any voter history or voter registration information maintained on magnetic computer disks or computer software. If only a hard copy is maintained, nothing needs to be transmitted. Allows counties to transmit precinct registers and other required voter registration information on either computer software or computer disk but prohibits the use of tape. Requires counties with a population of more than 500,000 to use computer software with at least 640 megabytes of storage. Amends Title 16, Elections and Electors. H. 2597. **Chapter 171.**

PUBLIC HEALTH AND SAFETY

Public Health Nuisances; Assessment. Expands the authority of cities and towns to address a "source of filth or cause of sickness" nuisance. Allows municipalities to prescribe by ordinance or regulation that the costs for removing or abating a health risk is assessed on the lots and tracts of land on which the nuisance, source of filth or cause of sickness was removed or abated. Provides an appeal process. Allows cities and towns to enforce any liens on a property pursuant to this act. Specifies that a lien does not prohibit a jurisdiction from pursuing any additional enforcement actions. Amends Title 11, Counties and Title 36, Public Health and Safety. S. 1161. **Chapter 141.**

Slumlords; Abatement. Amends residential criminal nuisance laws and laws related to slum property. Requires owners of residential rental property to register with the county assessor and further requires out-of-state owners to provide a local entity to accept legal service on behalf of the owner. Allows municipalities to inspect unregistered rentals or residential property designated as slum property. Includes restraining orders and temporary receivership as tools available to cities and towns when attempting to abate crime on these properties. Provides for notice and penalties. Amends Title 12, Courts and Civil Proceedings and Title 33, Property. S. 1278. **Chapter 4.**

Local Health Boards. Creates a study committee to examine the delivery of local health services and how they should be funded. Requires the state auditor general to perform a review of those counties which charged cities and towns for health services as of January 1, 1999. The auditor general will then report back to the study committee on their findings. The study committee will make their recommendations by December 1, 1999. Imposes a two year moratorium on the imposition by a county of charges for health services delivered by the county to city residents, unless the county was already charging as of January 1, 1999. Amends Title 36, Public Health and Safety. H. 2476. **Chapter 352.**

Study Committee; Energy Efficiency Code. Creates a 19-member study committee that will recommend a statewide energy efficient building code. Only two members are designated as representatives from a municipality; one from a rural city appointed by the Speaker of the House and one from an urban city appointed by the Governor. The committee's report is due by December 1, 1999. S. 1393. **Chapter 336.**

Underground Facilities; Powerlines; Violations; Penalties. Increases the penalty for violation of "bluestake law" regarding underground facilities from \$2,000 per violation to \$5,000 per violation. Increases the penalty for violating state law regarding high voltage power lines and safety restrictions from \$1,000 to \$5,000. Amends Title 40, Public Utilities and Carriers. H. 2560. **Chapter 169.**

TRANSPORTATION

State Infrastructure Bank. Authorizes the State Transportation Board to issue board funding obligations (BFO's) for purchase by the State Treasurer. The proceeds from the sales are to capitalize the state infrastructure bank thereby allowing the Arizona Department of Transportation and political subdivisions to apply for highway construction project funds through the Highway Expansion and Extension Loan Program for the purpose of accelerating highway construction projects statewide. The monies will be allocated in the following manner: 1) 50% to projects located within Maricopa County; 2) 25% to projects located within Pima County and 3) 25% to projects located within the 13 other counties. Repeals the authority for any future countywide ½ cent sales tax for transit/transportation in Maricopa County. Provides that the at-large member of the state transportation board be instead from Maricopa County. Current members keep their seats until their terms expire. Amends Title 28, Transportation; Title 35, Public Finances; Title 41, State Government; Title 42, Taxation and Title 48, Special Taxing Districts. S. 1201. **Chapter 189.**

Design-Build Pilot Program; Operation. Lowers the population requirement for cities and counties to use the design-build procedure for one pilot project from 330,000 persons or more to 280,000 persons or more. Makes other adjustments to the law governing the design-build program including changes to the definitions of "design-build" and "design-builder" procedures for evaluation when there are less than three responses and other technical amendments. H. 2274. **Chapter 207.**

Department of Transportation; Indemnification Agreements. Allows the Arizona Department of Transportation (ADOT) to enter into intergovernmental agreements that obligate ADOT to indemnify and defend any city, town or other governmental agencies against claims of liability for injuries, losses or damages relating to ADOT construction, operation or maintenance of department projects or facilities. Allows such agencies to indemnify ADOT for the same purposes. Amends Title 28, Transportation. H. 2325. **Chapter 10.**

Citizen's Transportation Oversight Committee. Removes the requirement that individuals appointed from county supervisorial districts to the Citizen's Transportation Oversight Committee may not reside in their predecessor's city or town. Amends Title 28, Transportation. H. 2466. **Chapter 216.**

Transportation Technical Advisory Committee; Repeal. Eliminates the Transportation Technical Advisory committee. The duties of the committee were to establish standards for use in determining transportation needs, establishing criteria for measuring the status of transportation systems and approving the annual Statewide Transportation Status and Needs Report (which was also eliminated) before it was presented to the Legislature. Amends Title 28, Transportation. S. 1321. **Chapter 24.**

PERSONNEL AND RETIREMENT

ASRS Omnibus Bill. Beginning July 1, 2000, increases the multiplier for credited service in the Arizona State Retirement System(ASRS) from 2% to 2.1% with an increase in benefits of 5% for members who have, on or before that date, already retired. Allows terminating members of the (ASRS), the Public Safety Personnel Retirement System and the Elected Officials Retirement Plan who have received at least five years of credited service to receive their contribution as well as a portion of the employer's contribution based on a graduating schedule ranging from 25% for five years of service to 100% for ten years of credited service beginning August 6, 1999. Allows elected officials who are members of a charter city retirement plan to transfer credited service if certain conditions apply. Repeals the provision allowing an employee to qualify for the (ASRS) through work for more than one ASRS employer but allows use of the wages from a second ASRS employer to be included in the definition of compensation if the employee is otherwise qualified for the plan. Provides that a member shall earn credited service on a monthly basis rather than a bi-weekly basis. Allows members who have achieved a normal retirement date but who are not meeting the requirement for active membership to retire without terminating employment. Eliminates preexisting conditions for employees of an ASRS employer which belongs to the long-term disability plan if those employees have been with the employer for at least 12 continuous months. Amends Title 15, Education and Title 38, Public Officers and Employees. S. 1083. **Chapter 327.**

Public Retirement; Benefits. Increases the surviving spouse pension for the Public Safety Personnel Retirement System (PSPRS), Elected Officials Retirement and the Corrections Officers Retirement plans from two-thirds to three-fourths. Provides a one-time increase for surviving spouses currently receiving benefits and provides a permanent benefit increase for all members of these three systems who retired in the last two years. Increases the age of an “eligible child” for PSPRS to twenty-three. Provides for the pick-up of increased PSPRS member contributions resulting from this act by employers. (Effective date: July 1, 1999.) Amends Title 38, Public Officers and Employees. S. 1051. **Chapter 50.**

Worker’s Compensation; Revisions. Requires employers who establish a policy of drug testing or alcohol impairment testing to annually file a written certification with the Industrial Commission and to provide notice to employees as provided in current law. Injuries suffered by employees who have not complied with an established and consistently applied drug or alcohol abuse policy are not considered injured by or entitled to compensation as a result of an employment related accident with some exceptions. Increases the monthly benefits cap from \$2,100 to \$2,400 for employees injured from and after August 6, 1999. Provides for an employee disability claim for a condition, infection or disease which results from a “significant exposure” to Hepatitis C. Includes 50% of any retirement and pension benefits received from the employer as “wages able to be earned” as it relates to an individual’s ability to earn income when determining temporary partial disability. Effective from and after February 28, 1999: Benefit paid to a surviving spouse when an injury results in death increases from 35% to 66 and 2/3% regardless of the number of children; the compensation for burial expenses increases to \$5,000 and the 60% cap for death benefits paid to an alien not residing in the United States is eliminated. Amends Title 23, Labor. S. 1410. **Chapter 331.**

Wages; Payment of Overtime. Changes the requirement that overtime be paid no later than 15 days after such wages are earned to be paid no later than 16 days after the end of the most recent pay period. Amends Title 23, Labor. H. 2350. **Chapter 321.**

ASRS; Retired Members; Benefit Increases. Decreases the yield rate for the Arizona State Retirement System assets that is necessary to trigger the annual benefits increase for retired members from nine percent to eight percent and ups the maximum benefit increase to four percent from three. Eliminates the Consumer Price Index (CPI) indicator as an increase option. (Currently, benefit increases are the lesser of either the CPI or the percentage payable from the yield rate.) Amends Title 38, Public Officers and Employees. S. 1035. **Chapter 174.**

Defined Contribution Program; Thirteenth Check. Allows members of the Arizona State Retirement System defined contribution program who chose a joint and survivor option to annuitize the 13th check for the contingent annuitants. Amends Laws 1995, Chapter 32, Section 24. S. 1300. **Chapter 66.**

WATER

Safe Drinking Water; Capacity Development. Establishes the authority of the Director of the Arizona Department of Environmental Quality to develop and implement strategies to assist public water systems in acquiring and maintaining the technical, managerial and financial capacity to operate in compliance with the Federal Safe Drinking Water Act. Defines a public water system as a water system that has at least 15 service connections or regularly serves at least 25 persons for at least 60 days a year. Amends Title 49, Environment. H. 2257. **Chapter 205.**

Aquifer Protection Permits; Unified. Consolidates water quality permitting programs administered by the Arizona Department of Environmental Quality and extends the deadline for the issuance of the aquifer protection permit (APP) to January 1, 2004 for facilities without an APP permit. Provisions include replacing the “approval to construct” with an approval of the design documents for sanitary disposal and wastewater treatment facilities and similarly modifies the review of water supply, sewage disposal and garbage collection facilities. Increases from 2000 gallons to 3000 gallons per day the daily septic system volume requiring an individual permit. Clarifies the APP exemption for facilities with a reuse permit and those facilities used for surface transportation or surface storage of reclaimed water. Caps penalties for reuse permit violations at \$5,000 per day, per violation. Contains various effective dates. Amends Title 45, Waters and Title 49, Environment. S. 1379. **Chapter 26.**

Water; Omnibus. Makes mostly technical corrections; this is the Department of Water Resources (DWR) annual bill. Conforms the definition of “municipal provider” in Central Arizona Groundwater Replenishment District statutes to that in

the Groundwater Code. Clarifies that the director of DWR can establish rules and fees related to dam safety. Clarifies that flexibility account credits may not be transferred from one active management area to another. Allows recovery of stored water pursuant to an annual storage permit to occur within the succeeding two calendar months. Allows irrigation districts to substitute irrigation acres in a manner that does not result in a net increase in irrigation acreage. Amends Title 45, Waters and Title 48, Special Taxing Districts. S. 1103. **Chapter 187.**

Assured Water Supply; Replenishment District. Allows member service areas of the Central Arizona Groundwater Replenishment District (CAGR) to meet the physically available supply standard of the Assured Water Supply (AWS) rules by entering into a 100-year contract with CAGR to provide advance replenishment in the member's service area and/or the direct delivery of water to the member. Requires the CAGR to submit a plan to be approved by the Department of Water Resources prior to executing any contract. Amends Title 45, Waters and Title 48, Special Taxing Districts. H. 2262. **Chapter 206.**

Financial Hardship; WQARF. Allows persons eligible for a financial hardship settlement to request a settlement under the Water Quality Assurance Revolving Fund (WQARF) prior to allocation of liability. Permits the director of the Arizona Department of Environmental Quality to reopen and review previous hardship settlements within 30 days of a proposed allocation share. Requires notice of the intent to reopen a settlement to be published in a newspaper of general circulation twice in a one-week period. Specifies that any new settlements cannot exceed the allocated share and that notice of a revised settlement amount shall be provided within 90 days. Amends Title 49, Environment. H. 2643. **Chapter 94.**

Water Infrastructure Finance Authority; Continuation. Continues the Water Infrastructure Finance Authority (WIFA) until June 30, 2004. Provides that a municipality remains liable for loan agreements with WIFA even if an improvement district exists. Amends Title 41, State Government; Title 48, Special Taxing Districts and Title 49, Environment. H. 2458. **Chapter 306.**

Water Banking Amendments. Authorizes the Arizona Water Banking Authority (AWBA) to provide water storage services for certain entities and to earn credits on their behalf. Allows the AWBA to earn long-term credits for storage of effluent if all excess Central Arizona Project (CAP) water is either stored or unavailable. Prohibits use of either of these credits outside the state. Allows the AWBA to distribute excess long-term water storage credits to a municipal provider experiencing drought in a CAP county. Modifies the formula for determining the in-lieu tax for CAP water. Amends Title 45, Waters and Title 48, Special Taxing Districts. H. 2463. **Chapter 16.**

CAWCD Board; Population Basis. Establishes a proportionate voting procedure for the Central Arizona Water Conservation District board of directors. Amends Title 48, Special Taxing Districts. S. 1173. **Chapter 58.**

ENVIRONMENT

Emissions Inspection. Extends the vehicle emissions inspection program in the Maricopa nonattainment area until January 1, 2009. Provides that law enforcement officers shall issue a citation to the operator of any vehicle owned by the federal government, the state or any political subdivision that does not have a current government entity compliance sticker indicating passage of the vehicle emissions inspection program. Requires the Department of Transportation to immediately suspend the privilege to operate the vehicle until it is in compliance with the vehicle emissions inspection program. Requires that constant four-wheel drive vehicles will continue to be subject to the curb idle test until January 1, 2002, at which time they will be required to take the transient loaded emissions test. Amends Title 41, State Government and Title 49, Environment. H. 2254. **Chapter 298.**

Environment; Corrections. Modifies and makes technical and clarifying changes to environmental programs administered by the Arizona Department of Environmental Quality (ADEQ). Clarifies that reimbursement to the Water Quality Assurance Revolving Fund (WQARF) is required from parties who receive grants for interim remedial actions taken to address a loss or reduction in water supplies, if the party is later determined to be liable for the contamination or if the interim remedy is determined by ADEQ to have been unnecessary. Authorizes use of the WQARF to reimburse political subdivisions for remedial action costs incurred in response to a release or a threat of a release of "pollutants" that present an immediate and substantial endangerment to the public health or environment. Currently, this reimbursement only applies to responses to a release or threatened release of a "hazardous substance." Permits the director of ADEQ to take action which may affect

the rights of a person liable for a hazardous release or threat of a release as it relates to determining insurance coverage if the release presents a substantial danger. Eliminates the failure to make two consecutive timely payments under a hardship settlement as a breach of the settlement agreement. Defines the geographic boundaries of non-attainment Area B and conforms and clarifies other statutory references relating to air quality boundaries. Requires ADEQ to report to the Governor and the Legislature the names of all persons who were the subject of an enforcement action as a result of a water quality or hazardous waste violation. Establishes the Brownfields Cleanup Revolving Loan Fund Program to be administered by ADEQ and utilizes the Water Infrastructure Finance Authority to act as the fund manager. Amends Title 1, General Provisions; Title 28, Transportation; Title 41, State Government; Title 43, Taxation of Income; Title 49, Environment. H. 2189. **Chapter 295.**

Underground Storage Tanks. Makes a variety of changes to the Underground Storage Tank program. Requires the Arizona Department of Environmental Quality (ADEQ) to adopt rules permitting a risk-based corrective action by December 31, 1999. Specifies which corrective action costs, including tank closures, are eligible for reimbursement or direct pay. Allows assurance account reimbursement for site assessment costs and for sampling, analysis and reporting which is initiated for the purpose of satisfying requirements related to investigating and confirming a release or the closure of a tank for a corrective action. Requires ADEQ to notify owners or operators who submit incomplete applications within 45 days and to provide an additional 30 days to furnish the missing information. Includes the corrective action liabilities at all of the owner's/operator's UST sites when considering financial need. Clarifies what constitutes a "conflict of interest" for members of the UST Policy Commission. Amends Title 49, Environment. S. 1381. **Chapter 193.**

Arizona Preserve Initiative. Expands the list of eligible trust lands that may be nominated as suitable for conservation purposes under the Arizona Preserve Initiative to include certain lands in Coconino and Pinal Counties. Amends Title 37, Public Lands. H. 2016. **Chapter 270.**

Solid Waste. Exempts recycled materials generated on-site, if they are processed or reused on-site, from the regulation of solid waste. Clarifies the fee for operators of a solid waste facility or landfill. Reduces by one-half the fee for facilities that generate waste from recycling solid waste, effluent from a secondary wastewater treatment plant or wastewaters and caps the fee for these facilities at \$15,000 per year. Provides a credit for solid waste landfills that paid fees prior to January 1, 1999 and that only receive waste generated on-site. This provision does not apply to the recycling facilities paying the new reduced fee. Makes the recycling fund an appropriated fund. Amends Title 49, Environment. S. 1281. **Chapter 286.**

Arizona Emissions Bank; Establishment. Directs the Arizona Department of Environmental Quality (ADEQ) to establish and administer an Arizona air emissions bank that holds the deposits of credits granted by ADEQ for permanent reductions in emission that may be sold, traded or used within the same nonattainment area, maintenance area or modeling domain provided that there will be no resulting adverse impact on air quality. Amends Title 49, Environment. H. 2594. **Chapter 343.**

COURTS

Civil Penalties/Limited Jurisdiction Courts; Procedures. Clarifies that cities and towns can impose civil penalties for ordinance violations as well as criminal penalties. Requires municipal courts to appoint legal counsel to represent indigent defendants. Allows the court to order an indigent administrative assessment fee not to exceed \$25 to be deposited in the city general fund. Allows the courts to continue to assess a \$20 time payment fee until December 31, 2001, at which time it is reduced to \$12. Allows the court to credit jail time for at least one dollar per day as credit toward payment of court fines. Amends Title 9, Cities and Towns; Title 11, Counties; Title 12, Courts and Civil Proceedings and Title 22, Justices of the Peace and Other Courts Not of Record. S. 1019. **Chapter 175.**

Diversion; Drug Courts. Requires that the establishment of any drug court program, including the criteria and guidelines, be done in cooperation by the presiding judge of the superior court and the county attorney. Extends the scope of drug courts to include juveniles. Allows a person to participate in a drug court program even if they have participated in a juvenile drug court or drug diversion program. Specifies that the county attorney has sole discretion on whether to divert or to defer the prosecution of any offender without precluding other agencies from doing the same for defendants under their jurisdiction. Amends Title 8, Children; Title 11, Counties and Title 13, Criminal Code. H. 2344. **Chapter 22.**

Traffic Violations; Community Service. Allows the court to order an individual responsible for a civil traffic violation causing serious physical injury or death while running a red light, turning left into traffic or failing to stop at a stop sign to perform community service. Allows the court to order the suspension of the driver's license or permit of a resident or the driving privileges of a nonresident to drive a motor vehicle in Arizona if the person does not perform the community service ordered. Allows the judge to require the surrender of the driver's license of a person convicted of "racing on highways" to a police officer. Expands the area of concurrent jurisdiction of municipal and justice courts to include the laws regarding title and registration, driver licenses, vehicle insurance, vehicle dealers and automotive recyclers and transporters. Amends Title 28, Transportation. S. 1082. **Chapter 97.**

Recovery of Attorney Fees. Allows the court, in a contract case, to award reasonable attorney fees to the offeror of a rejected written settlement offer if the ultimate judgement is at least as favorable to the offeror. The amount of fees which the court may award is calculated from the time the offer was made. Amends Title 12, Courts and Civil Proceedings. S. 1159. **Chapter 140.**

CRIMINAL JUSTICE

Death Sentencing; Victim Impact Statements. Defines "victim" for the purpose of victim impact statements in capital murder cases as the murdered person's spouse, parent, child or other lawful representative, unless that person is in custody or is the accused. Requires the probation officer preparing a pre-sentence report to consider and include victim impact statements in the report, incorporating the economic, physical and psychological impact on the victim. Allows the victim impact statement considered by the probation officer to be oral, written, audio or video tapes. Allows the person making the victim impact statement to tell the sentencing judge what the impact was on other family members. Requires the judge to consider the impact statements in evaluating the mitigating circumstances, but prohibits the judge from considering any recommendations made by the victim regarding sentencing. (Effective date: April 29, 1999). Amends Title 13, Criminal Code. S. 1008. **Chapter 104.**

Peace Officer Personal Information; Internet (Criminal Code Omnibus). Makes over 70 pages of changes to the criminal code. Establishes that it is a class 5 felony to publish the personal information of a police officer on the internet if the information poses a serious and imminent threat to the officer or the officer's family. Establishes that peace officers in Maricopa and Pima counties may request the general public be prohibited from accessing personal information maintained by the county assessor and treasurer. Permits the county attorney, the attorney general or a city attorney to bring an action in superior court to abate, enjoin and prevent a public nuisance. Prescribes that a person who commits aggravated assault on a peace officer while the officer is engaged in official duties shall be sentenced to imprisonment for not less than the presumptive sentence authorized by law and is not eligible for early release. Adds to the list of aggravating circumstances a court may consider in enhancing a criminal sentence. Adds city and county jails to the list of correctional facilities where it is an offense for a correctional employee to commit unlawful sexual conduct with a prisoner. Expands current prohibitions to laws governing sexual exploitation of children and prohibits persons from masquerading as minors when committing acts of exploitive exhibition. Adds transfer of drugs to the list of offenses that if committed in a drug free school zone result in higher penalties. Allows magistrates to verbally authorize peace officers to temporarily detain individuals for evidence and specifies that a magistrate may extend for up to 15 days the time to execute an order for detention. Amends language pertaining to warrants. Clarifies language protecting victim's rights. Repeals conflicting statutes relating to victim's rights for neighborhood associations and clarifies a neighborhood association's right to receive notice of the judicial proceeding that relates to a defendant. A person who commits assault while in violation of an order of protection issued against them commits a class 6 felony. Creates an affirmative defense to theft by extortion and rewrites portions of the theft by extortion statute. Stipulates that a person is not civilly or criminally liable for providing or failing to provide information to the sex offender web site unless the act was wanton and wilful. Adds requirements relating to fingerprinting defendants and amends the process criminal justice agencies need to follow when providing information to the central state repository. Establishes

a class 6 felony for unauthorized access to criminal history records and a class 2 misdemeanor for geographic misrepresentation of a business. Creates a study committee to examine minority youth representation in the criminal justice system and changes language regarding body armor, unlawful solicitations, forfeiture of appearance bonds, appointment of counsel in capital cases as well as other technical and conforming changes. Amends Title 8, Children; Title 11, Counties; Title 13, Criminal Code; Title 22, Justices of the Peace and Other Courts Not of Record; Title 31, Prisons and Prisoners; Title 36, Public Health and Safety; Title 41, State Government and Title 44, Trade and Commerce. S. 1279. **Chapter 261.**

Assault; Police Officers; Fire Fighters. Expands current law to allow the court, upon petition by a law enforcement officer or firefighter, to order defendants to be tested for common blood borne diseases or other diseases specified by the petition for which there are reasonable grounds to believe an exposure occurred. Amends Title 13, Criminal Code. H. 2447. **Chapter 254.**

Basic Peace Officer Training. Restricts the offering of basic peace officer training to the state or its political subdivisions. Allows non-peace officer cadets to be admitted to basic peace officer training only if they meet the minimum qualifications of the law. Amends Title 41, State Government. H. 2595. **Chapter 279.**

Ignition Interlock Devices. Requires the court to order that a person convicted of a second DUI or extreme DUI have an ignition interlock device (IID) installed for one year on any motor vehicle they operate as a condition of reinstatement of their license. Requires an IID be installed for at least one year for a person convicted of aggravated driving or actual physical control while under the influence. Allows the court to require a person convicted of DUI to also have an IID installed. Requires the person to pay for the installation and provide proof of installation and continued operation to the Arizona Department of Transportation on a regular basis. Amends Title 9, Cities and Towns; Title 11, Counties and Title 28, Transportation. H. 2408. **Chapter 303.**

Violent Sexual Assault. Establishes the crime "violent sexual assault," which applies to a person with a prior felony for a sexual offense who intentionally or knowingly uses a deadly weapon or dangerous instrument, or causes serious physical injury, while committing any of the following crimes: sexual abuse, sexual conduct with a minor, sexual assault, sexual assault of a spouse or molestation of a child. Requires a sentence of natural life (life sentence without the possibility of release) upon a conviction for violent sexual assault. Amends Title 13, Criminal Code. S. 1416. **Chapter 92.**

Graduated Driver Licenses. Creates a new class of driver licenses, G, for persons age 16-18. Requires applicants for this new class of licenses to complete an approved driver education program or have a parent or guardian certify that the applicant has completed at least 25 hours of supervised driving practice, five of which have been at night. Stipulates the following penalties for conviction of a moving violation for persons under 18: After first conviction - attend and complete traffic survival school; after second conviction - three months suspension of driving privilege; after third conviction - six months suspension of driving privilege. (Effective date: January 1, 2000). Amends Title 28, Transportation. H. 2438. **Chapter 14.**

Precursor Chemicals. Adds a definition of "ordinary ephedrine" to the statutes relating to drugs in the criminal code. Expands the definitions of precursor chemical I and II to include ephedrine and other related chemicals. Requires reporting of transactions involving these chemicals to the Department of Public Safety in ways similar to the current federal requirements. Expands the penalties for unlawful possession or sale of precursor chemicals. Prohibits cities, towns or counties from enacting laws that are more strict than these reporting provisions. Makes many other changes. (Effective date for reporting requirements and possession and sale limitations: October 1, 1999). Amends Title 13, Criminal Code and Title 32, Professions and Occupations. H. 2448. **Chapter 15.**

Appropriation; Domestic Violence Shelter Programs. Appropriates \$800,000 in both FY 1999-2000 and FY 2000-2001 to the Department of Economic Security for programs to benefit domestic violence victims and their children. H. 2670. **Chapter 182.**

HIV Testing; Victims; Notice. Provides that, in cases involving a sexual offense or other offense subject to a court order requiring an HIV test result to be sent to the victim, the prosecuting attorney must provide the victim's name and last known address to the Department of Health Services for notification purposes and maintain this victim information as confidential. Makes numerous other changes. Amends Title 13, Criminal Code. H. 2567. **Chapter 278.**

Inmate Correspondence; Prohibition. Requires the prosecutor's office to notify crime victims of their right to request not to receive mail from the offender (both juvenile and otherwise) within 15 days after the offender has been incarcerated. Prescribes language that must be used in notifying the victim. Allows the Department of Corrections and the Department of Juvenile Corrections to impose appropriate sanctions upon those offenders that break this law in any way. Allows these departments to review all of the inmate's outgoing mail if the inmate violates the victim's request not to receive mail. (Effective date: January 30, 2000). Amends Title 8, Children; Title 13, Criminal Code and Title 31, Prisons and Prisoners. S. 1049. **Chapter 281.**

Animals; Cruelty; Unlawful Interference. Amends animal cruelty statutes to provide for additional penalties related to the mistreatment of animals. Defines an animal as a mammal, bird, reptile or amphibian. Allows municipalities to adopt local ordinances with misdemeanor violations at least as stringent as the state misdemeanor violations. Amends Title 11, Counties and Title 12, Courts and Civil Proceedings. S. 1174. **Chapter 143.**

Driving Regulations; Conforming Legislation. Clarifies the reporting and hearing requirements involved in the implied consent provisions of state law. Allows specified convictions from any jurisdiction, including certain orders of juvenile courts, to serve as the basis for a suspension or revocation of a driver's license or an increased penalty for a DUI offense. Clarifies that assessments, restitution and incarceration costs, together with fines must be satisfied before a DUI defendant is required to pay into the driving under the influence abatement fund. Resolves an ambiguity in the DUI law by clarifying that a defendant may arrange for the administration of a variety of tests to determine alcohol content, not just a breath test. (Retroactive effective date for alcohol content tests: December 1, 1998). (Effective date for remainder of bill: April 1, 1999). Amends Title 8, Children; Title 28, Transportation; Title 36, Public Health and Safety; Title 41, State Government and Title 46, Welfare. H. 2340. **Chapter 11.**