

New Laws Report

Welcome to the 2008 New Laws Report. We hope this document will assist you in understanding this year's enacted legislation.

The Legislature introduced 1,380 bills this session, 347 of which were sent to Governor Napolitano. She signed 314 of the bills, vetoed 32 others and allowed one to become law without her signature. The League of Arizona Cities and Towns reviews all of the new laws passed during the legislative session and checks each law for potential impact to municipalities. The laws identified as having a potential impact to local governments are summarized and compiled into this annual publication, the New Laws Report.

Besides providing a brief summary of each law, we try to outline any other pertinent information in each bill. We organize the bills by subject such as "Water" or "Finance." Although we make every attempt to ensure the accuracy of the summaries, we suggest a review of the full law before enforcement or implementation.

Obtaining copies of new laws

To obtain a copy of a new law, please visit the state's legislative website at <http://www.azleg.gov>. Click on the link on the left side of the page titled "Session Laws." The laws can be accessed by chapter number or bill number (both numbers are included in each summary, and the chapter numbers are linked to the bill for the convenience) or you can search for a new law by key phrase. You can also call the League if you would like a copy of a chaptered bill.

General effective date

The general effective date for bills is 90 days after the Legislature adjourns. This year's general effective date is September 26th, 2008. Some new laws include an emergency clause, which means the law becomes effective when the Governor signs the bill. Bills that contain appropriations and tax or fee increases also become effective upon signature. Bills can also specify a special effective date, which can be later or earlier than the general effective date. The summaries indicate the effective date when a bill contains an emergency clause or other special effective date.

As always, please call the League if you have any questions about the information contained in this report, or any other legislative matter.

Employer Sanctions – Contains numerous new provisions clarifying 2007's employer sanctions bill H. 2779, specifically ID theft and trafficking; employer sanctions definitions, classifications complaints, violations; federal I-9 compliance; and verification of employment eligibility. Clarifies issues related to independent contractors and cash employees. Contains an Emergency Clause, making it effective May 2, 2008.

Effective after September 30, 2008: Governmental entities are required to check legal status of license applicants, ensure contractors verify their employees' status and only grant economic incentives to employers registered with and participating in the e-verify program. The applicants and employers have the onus of proof in these situations. H. 2745. [Chapter 152](#).

Cities; Campaign Finance; Website – Requires the Secretary of State, counties with a population greater than 100,000 and municipalities with a population greater than 2,500 that operate websites to post campaign finance information on their website in a format that is viewable by the public. Exempts all reports where less than \$500 is spent from the posting requirements of this statute. S. 1024. [Chapter 184](#).

Municipal Annexation; Finality – Requires a municipal clerk to provide a copy of the adopted annexation ordinance to the clerk of the board of supervisors of each county that has jurisdiction over the annexed area. H. 2113. [Chapter 95](#).

Municipal Plans; Neighborhood Element – Requires municipalities of 50,000 or more persons to include a neighborhood preservation and revitalization element in their general plans. This includes a component that identifies city programs that promote home ownership, provide assistance for improving the appearance of neighborhoods and promote maintenance of both commercial and residential buildings in neighborhoods. This also includes a component that identifies city programs that provide for the safety and security of neighborhoods. Removes the requirement for municipalities of 50,000 or more persons to include a neighborhood preservation and revitalization component in their conservation, rehabilitation, and redevelopment element of their general plans. S. 1385. [Chapter 72](#).

Open Meetings; Public Opinion – Clarifies that if a member of a public body individually expresses an opinion or discusses an issue with the public, through public broadcast or at a venue other than a public meeting, the member is not in violation of A.R.S Title 38, article 3.1 (Public Meetings and Proceedings), if the opinion is not directed at another public official and there is no concerted plan to engage in collective deliberation to take legal action. H. 2410. [Chapter 135](#).

Safe Haven Providers; Notices – Requires fire stations, hospitals and outpatient treatment centers to post a safe haven notice at all entrances. Mandates the notice must be placed in a conspicuous area on the exterior of the building. Details that the font used

on the notices must be bold faced capital letters and at least two inches in height. Allows the fire station, hospital or outpatient treatment center to display an identifying logo on the notice. Stipulates that a safe haven provider which does not post a notice is not subject to civil liability. S. 1049. [Chapter 22](#).

Public Records; Storage – Allows each state agency or any of the state’s political subdivisions to implement a program for the production or reproduction of records on a microfiche, digital imaging or other electronic media. Provides a size exemption for records kept on photography, film, microfiche, digital imaging or other types of reproductions or electronic media. Permits each state agency or any of the state’s political subdivisions to implement a program for the production or reproduction of records on microfiche, digital imaging or other electronic media pursuant to this act. S. 1456. [Chapter 75](#).

Poultry Husbandry – States that poultry husbandry practices are a statewide matter and are not subject to further regulation by a county, city, town or political subdivision in Arizona. Authorizes the Arizona Department of Agriculture to adopt rules for egg processing plants, sanitation standards, egg producing, and poultry husbandry practices. States that any chemicals, sanitizers, egg soaps, egg oils and other substances used for processing shell eggs must be approved by the Director of the Department. Requires the Director of the Department to adopt rules for poultry husbandry and egg production in Arizona. The rules will only apply to egg producers with at least 20,000 egg laying hens. Defines candling, egg products, eggs and processed. S. 1373. [Chapter 32](#).

Unlawful Public Sale of Animals – Establishes a civil penalty of not more than fifty dollars for the unlawful public sale of animals by knowingly selling an animal on any public highway, street, park or adjacent public property, any commercial private property without the consent of the property owner or lessee. Restricts the unlawful public sale of animals to those counties with a population of 800,000 persons or more (Maricopa and Pima Counties). Does not apply to retail sales at a pet store, sales by a publicly operated or private, charitable nonprofit pound, humane society, animal rescue organization or educational or agricultural organization or any rodeo, auction market, county fair, stock show or other sanctioned livestock event. H. 2485. [Chapter 305](#).

Notary Public; Name Change – Expands the procedures relating to surname changes of notaries to apply to all notaries who change surnames, rather than applying to only those notaries who change surnames due to marriage. Removes the requirement that notaries whose names change must apply for new notary commissions under the new names. S. 1486. [Chapter 91](#).

Standards; Biofuel - Establishes the Arizona Biofuels Conversion Program (Program) in the Department of Commerce (DOC) to encourage the use of biofuels. Establishes the Program Fund (Fund) consisting of monies received through gifts, grants, donations or other state and U.S. government funds or private sources. Distinguishes grants awarded for commercial motor fuel dispensing sites from grants awarded for county, city, town and school district motor fuel dispensing sites. Requires that before January 1, 2009, the

Director of the DOC to develop a procedure for awarding grants from the Fund to provide for the conversion of existing fuel stations to include biofuel based on the following: traffic patterns, the proximity to other biofuel dispensing sites, fleet involvement, the population of vehicles that use biofuels, the expected usage of biofuels per year for each site, and the number of vehicles in the fleet capable of using biofuels and the costs of the project. Requires the Director of the DOC, subject to availability of monies in the Fund, to award grants equal to the lesser of \$30,000 or 40% of the conversion cost per site to applicants who provide an acceptable project plan that includes a cost schedule and timeline for completion of the project. Defines *biodiesel blend*, *biofuel*, *biofuel blend*, *E85*, *misfuel* and *biomass*. Terminates the program on July 1, 2013. H. 2621. [Chapter 254](#).

Centennial Funding; Capitol Renovation - Reverts \$2,000,000 of the FY 2006-07 appropriation to the Arizona Historical Advisory Commission (AHAC) to the state General Fund, reducing the total appropriation from \$2,500,000 to \$500,000. Reallocates the remaining \$500,000 appropriation from the state General Fund in FY 2006-07 as follows:

- \$50,000 to AHAC to develop and coordinate a statewide plan regarding the state's centennial, for deposit in the Arizona Centennial Account.
- \$450,000 to Legislative Council for the costs concerning the renovation of the state capital building in commemoration of the centennial. Expenditure of these monies is subject to the affirmative vote of Legislative Council.

Removes the requirement that AHAC receive and account for \$5,000,000 in matching funds through gifts, grants, and donations before the appropriation may be spent. Also removes the requirement that AHAC expenditures receive an affirmative vote of Legislative Council. (This is the money that would have been used for the centennial legacy projects.) S. 1337. [Chapter 313](#).

STATE BUDGET

All appropriations bills become effective upon Governor's signature.

Budget Adjustments; Fiscal Year 2007-2008 – Revises the FY 2007-2008 budget. \$4.1 million reverts to the general fund from the State Lake Improvement Fund. \$18.1 million reverts to the general fund from the State Aviation Fund. \$1 million from the 2007 appropriation for the Yuma welcome center reverts back to the general fund. \$1.5 million from the 2006 conditional appropriation for the Yuma welcome center reverts back to the general fund. The \$42 million originally appropriated from the state highway fund to the statewide transportation acceleration needs account (STAN) is now transferred to the department of public safety (DPS) for highway patrol costs. H. 2620. [Chapter 53](#).

General Appropriations Act; 2008-2009 – Makes state General Fund and other fund appropriations for FY 2008-2009 for the operation of state government, and revises and transfers previous appropriations. Provisions of note for cities and towns include:

- Transfers \$84 million from the Highway User Revenue Fund.
- Transfers \$18,300,000 from the State Aviation Fund.
- Transfers \$6,353,500 from the State Lakes Improvement Fund.
- Transfers \$8,237,400 from the Housing Trust Fund.
- Transfers \$2,000,000 from the Water Quality Assurance Revolving Fund.
- Transfers \$4,000,000 from Greater Arizona Development Authority Revolving Fund.
- Requires counties, cities and towns to deposit \$29,748,400 into the State General Fund. Each entity's contribution shall be calculated by the Joint Legislative Budget Committee Staff by August 31, 2008.

H. 2209. [Chapter 285](#).

Budget Reconciliation; General Revenues – Beginning in the 2008-09 fiscal year, gives to cities or towns with populations less than 1,500 persons an urban revenue sharing amount equal to what a city or town with a population of 1,500 persons would receive. Removes the statutory cap of \$10 million that can be used from highway user fund monies and state highway fund monies available to fund the Department of Public Safety.

H. 2391. [Chapter 290](#).

Budget Reconciliation; Criminal Justice – Requires the Department of Public Safety to enter into contracts with private vendors to establish a statewide photo enforcement system. Sets the amount of the fine for violating the traffic and speed laws enforced by the photo system at \$165. Establishes a photo enforcement fund. Appropriates \$4,056,000 in FY 2008-09 from the photo enforcement fund to the administrative office of the courts (AOC) for processing state photo enforcement citations. H. 2210. [Chapter 286](#).

Budget Reconciliation; Education – Limits the amount of money available to the local transportation assistance fund (LTAF 2) to \$9 million per year beginning in FY 2008-09 and caps the yearly growth to the fund at 10 percent per year until the fund reaches \$18 million. *Note: this provision does not affect the \$23 million available in LTAF 1 nor the amounts available to the State Parks Board Heritage Fund or the Game and Fish Commission Heritage Fund.* H. 2211. [Chapter 287](#).

FINANCE

Vehicles; Nonresident Purchasers; Tax Liability – Vehicles; Nonresident Purchasers; Tax Liability - Specifies that applicable sales tax deductions, including deductions from municipal sales taxes, are retained for an auto dealer if a nonresident vehicle sale is in compliance with new statutory and documentation requirements. Requires the Department of Revenue (DOR) to prescribe forms and certificates to be

used by an auto dealer to qualify the sale of a vehicle to a nonresident for the sales tax deductions. Requires the auto dealer to retain the following: the certificate prescribed by DOR completed by the purchaser and obtained prior to the issuance of the special ninety day nonresident permit; a copy of the special ninety day nonresident permit; a copy of a current, valid driver's license issued by another state or foreign country; and a certificate documenting the delivery of the vehicle to an out of state location.

Allows DOR to require the purchaser to verify the accuracy and completeness of the information provided by the dealer to claim the sales tax deduction. Holds the purchaser liable for the tax amount including penalty and interest if the information provided is not accurate and complete. Exempts dealers who complete the documentation required by DOR from municipal sales tax. Specifies that nonresident vehicle sales claimed by dealers between August 25, 2004 and the effective date of this act are deemed in compliance if the dealer met the outlined documentation requirements. States that subsequent use of the vehicle in this state does not disqualify the dealer from the applicable sales tax deductions. H. 2732. [Chapter 246](#).

Prime Contracting; TPT; Deduction - Replaces the current transaction privilege tax deduction for development fees paid with a deduction for any amount attributable to development fees that are incurred in relation to a contract for construction, development or improvement of real property and that are paid by a prime contractor or subcontractor. Defines "development fees" as fees imposed to offset the capital costs of providing public infrastructure, public safety or other public services necessary to a development and statutorily authorized under the statutes pertaining to municipalities, counties and special taxing districts. Intends to clarify, and not be construed to expand the scope of, the provisions of Laws 2006, Chapter 386, relating to the deduction for development fees. Becomes effective on the general effective date, retroactive to September 1, 2006. H. 2356. [Chapter 303](#).

Exemption; Preconstruction Services - Provides a transaction privilege tax exemption for a contract for *design phase services* or a *professional services* contract. *Design phase services* contract means services for developing and completing a design for a project that are not construction phase services, including: evaluating surveys, reports, test results and other information for the on-site conditions of the project; evaluating any criteria or objectives to ascertain requirements for the project; preparing drawings and specifications for architectural or design documents or modifications work documents; preparing an initial project schedule; preparing preliminary cost estimates or modifications before the completion of the final design of the projects; reviewing and evaluating cost estimates and project documents for recommendations on the site use, selection; and preparation of a plan and procedures for selection of subcontractors. Defines *construction phase services* as services for the execution and completion of any modification. Defines *professional services* as services of an architect, assayer, engineer, geologist, land surveyor or landscape architect for which the gross proceeds of sales or gross income has not otherwise been deducted under the prime contracting classification under an existing exemption. Contains a retroactivity clause to January 1, 2001, however, a taxpayer may not claim a refund based on the retroactivity clause. H. 2622. [Chapter 255](#).

Highway Project Advancement Notes - Increases the total amount of Highway Project Advancement Notes (HPANs) a city, town or county may issue from \$100 million to \$300 million. Allows a county to issue Highway Project Advancement Notes (HPANs). Redefines “highway project” to include a highway project that is included in the transportation improvement plan of a regional association of governments. Allows the transfer of monies from the STAN I account (construction) to the STAN II account (interest reimbursement) to pay for interest costs resulting from bonds, loans notes or advances issued to or on behalf of a city or county. H. 2094. [Chapter 299](#).

Sales Tax; Electronic Payment Delinquency – Establishes a delinquency date for on-line payments of transaction privilege taxes (TPT) to the Arizona Department of Revenue as on or before the last business day of the month. Delayed effective date of January 1, 2009. H. 2106. [Chapter 21](#).

Political Subdivisions; State Endowment Investments - Allows the Treasurer to invest and reinvest monies of the state, state agencies, political subdivisions, and tribal nations, in a long-term endowment in equity securities. Stipulates that no monies may be removed from one endowment fund for deposit into another endowment fund. Requires that the monies in the endowment funds be invested in safe interest-bearing securities and prudent equity securities. Requires for the earnings, interest, dividends and realized capital gains and losses from investment of each endowment fund to be credited to that fund. Allows the governing body of any political subdivision, public trust or public entity, including tribal nations may, by the adoption of a resolution of continuing effect, authorize and request the state treasurer to invest trust monies into a long-term endowment and set forth the terms of the distributions from such endowment for the governing body. H. 2507. [Chapter 136](#).

Municipal Tax Incentive Penalty; Application - Applies the prohibition and penalties against a city or town that provides tax incentives as an inducement to attract retail projects to cities or towns where 65 percent of the city or town land area is within the exterior boundary of a metropolitan statistical area with more than two million persons. H. 2638. [Chapter 151](#).

Regional Attraction Districts - Permits the governing body of a city with a population of at least 10,000 but fewer than 20,000 persons located in a county with at least 300,000 but fewer than 400,000 persons to establish a District upon petition of the owners of at least 200 acres of real property in the proposed district. Directs proponents of the District to submit a petition with a \$50,000 refundable cash bond to the governing body of the city. Requires the petition to show the District’s geographical boundaries with the site of the Venue located on a minimum 200 and maximum 950 acres. Mandates the city hold a public hearing 60 to 90 days after receipt of the petition. Outlines specific requirements for publishing notice in a newspaper of general circulation in the pertinent city. Directs the governing body to permit public testimony and adopt a resolution to establish the District if it serves the public interest. Prohibits a city from establishing more than one District. Requires the District to authorize the Venue’s construction, financing, use and all other operations in the participating city. Permits the District to construct portions of

the Venue on real property it owns or leases. Authorizes the District to impose an excise tax on business activity within the District at a maximum 10 percent of the gross proceeds of sales or gross income derived from the business, including admission and user fees. This tax is in addition to any state, county or city-imposed transaction privilege and use tax. Permits a District to issue revenue bonds in a principal amount not to exceed \$750 million as necessary to provide sufficient monies for Venue purposes. Bonds are payable only according to their terms and are obligations of the District. Payment of the bonds is enforceable only out of monies or assets specifically pledged or assigned. Terminates the District and repeals the provisions of the bill if the board fails to issue any bonds by January 1, 2016. S. 1450. [Chapter 297](#).

Renewable Energy Valuation; Expiration Extension - Extends the valuation method of “renewable energy equipment” through 2040 and eliminates the delayed repeal of the valuation method. H. 2614. [Chapter 306](#).

WATER

Drought Emergency Groundwater Transfers - Provides an exemption during drought emergencies from the current law that prohibits transporting groundwater away from a groundwater basin. Requires the Director of the Department of Water Resources to approve a request to transport groundwater away from a groundwater basin that is outside an Active Management Area (AMA) if all the following apply:

- the Governor declared an emergency due to lack of precipitation or a water shortage;
- the groundwater will be withdrawn from an existing well;
- a city or town has consented to the groundwater withdrawal if the well is located within the incorporated area of the city or town;
- the county has consented to the groundwater withdrawal if the well is located within the county and the groundwater is to be transported outside of the county;
- the district has consented to the withdrawal if the groundwater is withdrawn from within the boundaries of an Agricultural Improvement District or an Irrigation and Water Conservation District established pursuant to Title 48, Arizona Revised Statutes;
- the groundwater will be moved only by motor vehicle or train;
- the groundwater is necessary to provide supplies for domestic, stock watering or potable municipal water service purposes;
- the water will be transported to a location included in the emergency declaration;
- the county, city or town receiving the water has implemented an emergency conservation plan;
- the water will not be used in an AMA.

Limits transportation of groundwater to six months or until the Director determines that the groundwater transportation is no longer necessary. The Director may extend the request for an additional six months. Contains a retroactive effective date of May 1, 2008 and a delayed repeal date of May 1, 2009. S. 1380. [Chapter 88](#).

Water Supply; Disclosure – Beginning January 1, 2009, requires a city, town or private water company located outside of an Active Management Area (AMA) to provide a written statement to any person who asks describing the water supply status of property within its service area based on the most recent determination of the Director of the Department of Water Resources (DWR), including the applicable definition as posted on the DWR website within three days. Requires the Arizona Department of Real Estate (ADRE) and the DWR to post water resources information on their respective websites, including definitions of water supply terms. H. 2270. [Chapter 216](#).

Coconino Plateau Groundwater Basin; Withdrawal - Authorizes a city or town in the Coconino Plateau Groundwater Basin with a population of not more than 8,000 persons that was transporting water from an adjacent basin as of January 1, 2001 to continue that transportation under certain conditions as determined by the Department of Water Resources (DWR). H. 2772. [Chapter 224](#).

CRIMINAL JUSTICE

Sentencing; Reorganization – Reorganizes and makes numerous changes relating to Arizona’s sentencing statutes. Amends Titles 8, 11, 12, 13, 15, 20, 25, 31, 41 and 46, relating to sentencing. H. 2207. [Chapter 301](#).

Civil Action; Affirmative Defense - Allows the finder of fact in any civil action to find the defendant not liable if the defendant proves either of the following:

- The claimant was attempting to commit, committing or immediately fleeing from a felony act and, as a result of that act, attempted act or flight, the claimant was at least 50% responsible for the accident or event that caused the claimant’s harm; or
- The defendant did not act intentionally and the claimant was attempting to commit, committing or immediately fleeing from a misdemeanor act and, as a result of that act, attempted act or flight, the claimant was at least 50% responsible for the accident or event that caused the claimant’s harm.

Repeals A.R.S. § 12-712 pertaining to nonliability for damages that result during a criminal act. H. 2813. [Chapter 308](#).

PERSONNEL

Please consult publications from the [Arizona State Retirement System](#) and the [Public Safety Personnel Retirement System](#) for up to date information on legislation that affected those programs.

Law Enforcement; Probation Officers; Investigations – Allows a law enforcement officer’s or probation officer’s employer to require the officer to take a polygraph test if the officer makes a statement during the course of an investigation of the officer that differs from other information that is known to the employer and reconciling the information is necessary to complete the investigation. An audio recording of the polygraph test must be made and a copy given to the officer. Allows for the change of a hearing officer or administrative law judge that has been appointed to conduct an appeal hearing of a disciplinary action, where the employer is a county with a population of 250,000 or more persons or a city with a population of 65,000 or more persons, as follows:

- Upon a first request of a party, and
- All other requests, on a showing that a fair and impartial hearing cannot be obtained due to the prejudice of the assigned hearing officer or administrative law judge.

Mandates that the employer has the burden of proof in an appeal of a disciplinary action by a law enforcement officer or probation officer. Modifies the definition of disciplinary action: suspensions are now 24 hours, as opposed to the current statute of 40 hours.

S. 1339 [Chapter 193](#).

Disciplinary Records; Open To Inspection - Requires all “public bodies” to maintain records that are reasonably necessary or appropriate to maintain an accurate knowledge of disciplinary actions involving public officers or employees. Requires records of disciplinary actions to include employee responses. Requires records of disciplinary actions to be open to inspection and copying unless specifically prohibited. Clarifies that disclosure of public officers and employee discipline records does not require the disclosure of a peace officer or prosecutor’s home address, telephone number or photograph. H. 2159. [Chapter 277](#).

Law Enforcement Officer; Definition; Representation – Excludes a detention or corrections probationary employee from the definition of a law enforcement officer and a probationary employee from the definition of probation officer. Also excludes a detention, correction, probation or surveillance officer who is a probationary employee from provisions relating to interviews that may lead to their dismissal, demotion or suspension or from provisions relating to evidence during an appeal of a disciplinary action. S. 1057 [Chapter 40](#).

Autism; Covered Benefit Denial Prohibition – Applies to large group employers (more than 50 people) and does not apply to self-insured businesses. (Changes to self-insured plans may be done at the employer’s request or by Congressional legislation). Treatment costs are limited to \$50,000 per year until age 9, and \$25,000 per year until age 16. All treatments must be medically necessary and the insurer may establish limitations on the number of visits – as long as though limitations are consistent with limitations relating to other conditions. Delayed effective date of July 1, 2009. H. 2847 [Chapter 4](#).

Insurance Transactions; False Disclosures – States that a producer, consultant or third party administrator shall not falsely disclose the method or amount of compensation associated with a health benefits plan. Current statute does not require such disclosure. H. 2282, [Chapter 236](#).

ELECTIONS

Uniformed Overseas Voters; Electronic Transmittal – Allows the county recorder or other officer in charge of elections to receive completed early ballot requests and voted early ballots from eligible uniformed and overseas absentee voters via electronic formats other than fax. H. 2213 [Chapter 62](#).

Elections; Observation; Counting Center - Revises the primary election statutes by requiring the primary election to be held on the ninth Tuesday prior to a general or special election to conform to Laws 2007, Chapter 168, which moved the primary election to the ninth Tuesday prior to a general election, expanding by one week the time between a primary election and a general election. Removes the requirement that the Secretary of State return each computer election program tape or disc or any other material to the county, city or town within six months after an election. Makes numerous other changes to election laws mostly pertaining to counties and the Secretary of State. Contains an Emergency Clause, making it effective June 19, 2008. S. 1053. [Chapter 273](#).

Sample Ballot Stripe; Primary Elections – Allows partisan primary election ballots to be printed on white paper with a different colored stripe for each party that is represented on the ballot. Contains an Emergency Clause, making it effective April 4, 2008. S. 1071. [Chapter 11](#).

Election Security Provisions – Requires each sample ballot to contain the following statement: “This is a sample ballot and cannot be sued as an official ballot under any circumstances.” Requires the clerk to maintain records that record the chain of custody for all election equipment and ballots during early voting through the completion of the provisional voting tabulation. Requires the election judge to compare the number of votes cast on an electronic voting machine or tabulator with the number of votes cast as indicated on the poll list and the number of provisional ballots cast. H. 2451. [Chapter 110](#).

Initiative and Referendum Amendments – Changes a number of deadlines in the initiative and referendum statutes. Requires that signatures on arguments for the publicity pamphlets must be notarized. Clarifies who must sign the arguments submitted. Requires the clerk to send the political committee chairman a written notice of intent to suspend the political committee if the political committee has failed to file three consecutive campaign finance reports. Contains an Emergency Clause, making it effective May 27, 2008. H. 2288. [Chapter 244](#).

Electronic Communications; Harassment; Order; Protection – Requires the court to review any evidence of harassment by electronic contact or communication that is offered by a plaintiff who is filing a petition for an injunction prohibiting harassment or an order of protection. Specifies that a person commits harassment if, with the intent to harass, the person contacts another person, anonymously or otherwise. H. 2248. [Chapter 205](#).

Factual Innocence; Judicial Determination; Procedure – Outlines procedures relating to judicial determinations of factual innocence and factual improper party status. Allows a person or prosecuting attorney to petition the superior court for a judicial determination of factual innocence if either of the following occurred as a result of the person's personal identifying information being taken: 1) The person's name was used by another person who was arrested, cited or charged with a criminal offense; or 2) The person's name was entered in a judgment of guilt in a criminal case. Stipulates that the petition for a judicial determination of factual innocence must be filed in the superior court in the county in which the arrest was made, the citation was issued, or the criminal charge was filed. Specifies that the petition must be served on the arresting or citing law enforcement agency if no charge was filed. Stipulates that, if a charge was filed in a justice court or municipal court, then the Justice of the Peace (JP) or the presiding officer of the municipal court must transmit all papers, docket proceedings and orders entered into action to the clerk of the superior court in that county. Requires the prosecuting agency, if the court enters a determination of factual innocence, to provide the victim with a copy of court order within 15 days of the order being entered. Contains a delayed effective date of from and after January 1, 2009. H. 2321. [Chapter 237](#).

Certified Defensive Driving Schools; Notice – Provides that an eligible individual may attend any Defensive Driving School that is certified by the Arizona Supreme Court and complies with the Court's automation and reporting requirements. Eliminates requirements relating to DDS primary providers. Repeals the requirement that eligible offenders attend a court's primary DDS provider. Retains the ability of an eligible individual residing in another area to petition the court to allow attendance at another Supreme Court DDS. Specifies that a law enforcement officer or other jurisdiction that issues a civil traffic citation shall provide notice to the individual stating that the individual may attend any Supreme Court certified DDS. Prohibits a court from promoting or favoring one Supreme Court certified school over another. Allows the DDS notice issued in conjunction with a with a civil traffic citation to exclude a DDS that is in noncompliance with the Court's automation and reporting requirements. Contains a delayed effective date of December 31, 2008. H. 2488. [Chapter 39](#).

PLANNING AND ZONING

Transfer of Development Rights – Allows municipalities to enter into an intergovernmental agreement (IGA) with another municipality or a county for the transfer of development rights between jurisdictions. Provides statutory authority for a county board of supervisors to authorize the transfer of development rights from unincorporated areas of a county to a municipality pursuant to an IGA. Eliminates the December 31, 2009 sunset of county development rights transfer authority. H. 2155. [Chapter 145](#).

Flood Control Districts; Property - Allows flood control districts to sell land to the state, cities, towns, counties, school district, charter school, community college or university after obtaining an appraisal without having a public auction. Requires the district to obtain an appraisal of the fair market value of the property by a certified appraiser before selling to the state or a political subdivision of the state. Stipulates that if any property sold by the district to the state is subsequently sold by the state as undeveloped property for a price greater than the original sale price, the district will be paid the difference between the original price and the subsequent sale price. H. 2420. [Chapter 107](#).

Solar Construction Permits - Prescribes standards for cities, towns and counties for the issuance of permits to install solar photovoltaic systems and solar hot water heaters. Prohibits cities, towns and counties from requiring a professional engineer's stamp for a solar photovoltaic system unless a stamp has been deemed necessary and to provide a written explanation of the determination. Requires a fee or charge assessed by a city or town relating to a solar energy product to be attributable to and defray or cover the expense of the product or service. The fee cannot exceed the actual cost of a product or service. Requires cities, towns and counties to hold a publicly noticed hearing before adopting a fee for service, or any additional or separate charge. Establishes an 18-member Local Government Solar Equipment Permit Process Improvement Study Committee. H. 2615. [Chapter 241](#).

PUBLIC HEALTH AND SAFETY

Sign Walkers; Municipal Regulation – Requires municipalities to allow the posting, display and use of sign walkers from and after December 31, 2008. Specifies that municipalities may adopt reasonable time, place and manner regulations relating to sign walkers. H. 2066. [Chapter 5](#).

Critical Infrastructure Information; Disclosure – Exempts any critical infrastructure information (defined in A.R.S. §41-1801) that is provided to any local government from public disclosure. H. 2466. [Chapter 68](#).

Liquor; Restaurant Licenses; Continued Operation - Effective January 1, 2009, extends the Modified Restaurant License (MRL) program an additional 5 years and requires the State Treasurer to deposit 5 percent of the MRL fees into the DUI Abatement Fund. Makes numerous changes to the state DUI laws. H. 2643. [Chapter 256](#).

Airports; Designated Security Areas; Weapons – Makes it a Class 1 misdemeanor to intentionally carry, possess, or exercise control over a deadly weapon in a secured area of an airport. This does not apply to:

- A peace officer while in performance of the officer's official duties.
- A member of the military forces while in performance of the member's official duties.
- A federally sworn officer in the performance of the officer's official duties.
- An individual who is authorized by a federal agency in the actual performance of the individual's official duties.
- General aviation areas not included in the security identification display area (SIDA) or the sterile area as defined in the Airport Security Program.
- The lawful transportation of deadly weapons in accordance with state and federal law.

Defines a secured area of an airport as any area of an airport specified in an airport security program that is authorized and approved by the U.S. Transportation Security Administration. Prescribes that the term deadly weapon carries the same definition as in A.R.S. § 13-105. H. 2574. [Chapter 116](#).

Critical Infrastructure; Pipelines; Review - Requires the owners of a fuel facility to provide each year on or before October 1, a written report to the Director of the Arizona Department of Homeland Security regarding security measures being taken to protect the security of the critical infrastructure. Requires the owners of a fuel facility and any other agency, authority or political subdivision involved in securing the facility to coordinate and cooperate in the preparation of the report. Requires that the Director, before January 1, 2010, and every five years thereafter, to provide a report to the Governor, the Legislature and the operator of a fuel facility listing the Director's recommendations of any additional security measures that are recommended to be implemented. Exempts the report and any information used in its preparation from public records requirements. Requires each recipient of the report to develop confidentiality protocols, in consultation with the Director, for the maintenance and use of the report and all information in the report. Specifies that the confidential protocols are binding on the recipient that issues the protocols and anyone to whom the recipient shows a copy of the report. H. 2371. [Chapter 262](#).

Residency Restrictions; Schools. Child Care – Applies the 1,000-foot residency restriction to individuals who have been convicted of an offense committed in another jurisdiction if the offense would have been considered a Dangerous Crime Against Children if committed in Arizona. Clarifies that the distance is measured in a straight line in all directions without regard to intervening structures or objects, from the nearest point on a school's or child care facility's property to the nearest point on an individual's property. S. 1011. [Chapter 6](#).

County Graffiti Abatement; Procedures – Allows courts to order a juvenile’s parent or guardian to help the juvenile perform community restitution if the juvenile is guilty of a second graffiti offense and certain conditions are met. Permits a retail business to determine how to restrict the retail display of potential graffiti tools. Requires counties to deny kennel permits to people convicted of certain animal welfare laws. H. 2701. [Chapter 307](#).

Flood Protection Districts; Financing – Establishes financial mechanisms for a Flood Protection District to construct, reconstruct, replace, renovate, repair or acquire a flood protection facility. Allows the District Board to: join with cities, towns, other taxing districts, the state or federal government to construct, operate or maintain a facility; accept grants from private persons, the state or federal government for the construction of facilities; enter into contracts with the state or federal government to construct a facility; and establish assessments on property that will benefit from the facility to pay for the facility’s cost. S. 1289. [Chapter 85](#).

TRANSPORTATION

Right-of-Way; Military Procession - Provides regulations for those participating in and directing a military procession. Requires pedestrians and the operators of all vehicles to yield the right-of-way to a procession when the procession is led by a Military Escort Vehicle, excluding emergency vehicles. H. 2249. [Chapter 99](#).

School Crossings – Clarifies that school crosswalk signs must indicate doubling of the civil penalty as a condition of doubling the fine. Adds an assessment equal to the amount of the civil penalty when the violation occurs where the words “civil penalty will be doubled” is included on the portable school crossing signs. Eliminates the additional assessment if the words “civil penalty will be doubled” are not included on the portable school crossing signs. Contains a delayed effective date of December 31, 2008. H. 2093. [Chapter 143](#).

Transportation Districts – Forms a new Transportation District for a county with a population over 500,000 beginning January 1, 2009. Removes a county with a population greater than 500,000 from their previous multiple county district. Requires the clerk of the county Board of Supervisors, with the concurrence of the Arizona Department of Commerce to notify the Governor, the State Transportation Board (STB) and the Arizona Department of Transportation of the new district by the end of the calendar year in which the county becomes qualified. Requires the Governor to appoint an additional member to the STB for the new district within 60 days after receiving the notice from the clerk of the county Board of Supervisors. H. 2133. [Chapter 157](#).

User Fee; Off-Highway Vehicles - Creates an off-highway vehicle user indicia, off-highway vehicle equipment requirements and off-highway vehicle operating regulations. Directs that 70% of the monies collected from the Indicia fee be deposited in the Off-

Highway Vehicle Recreation Fund (Fund) and 30% be deposited into the Highway User Revenue Fund (HURF). Agencies may receive monies from the Fund for certain purposes, but requires an annual report be made and submitted, beginning September 1, 2011 and on or before September 1 of each following year, to the Legislature and available to the public by any agency receiving monies from the Fund. Bans Off Highway Vehicle (OHV) use on roads, trails, routes or areas that are closed as indicated in rules or regulations of a federal agency, the state, a county or a municipality. Prescribes a Class 3 misdemeanor as a penalty for certain OHV operating violations and that a judge may order a person to complete an approved safety course related to the off-highway operation of motor vehicles if found guilty of an OHV operation violation. Requires a person under 18 years of age to wear protective headgear if operating or riding an OHV on public or state land. Also has certain criterion for civil traffic violations. Has an effective date of January 1, 2009. S. 1167. [Chapter 294](#).