

New Laws Report

Welcome to the 2009 New Laws Report of the League of Arizona Cities and Towns. We hope this document will assist you in understanding this year's enacted legislation.

A total of 1,133 bills were introduced this legislative session, 213 of which were passed by both chambers and sent to Governor Brewer. She signed 190 of the bills, vetoed 22 others, line-item vetoed two budget bills, and allowed one bill to become law without her signature. At the conclusion of each legislative session, the League reviews all the laws passed and checks each one for potential impacts to municipalities. Those laws are then summarized and compiled into this annual publication.

We organize the bills by subject, provide a brief summary of each law and outline any other pertinent information in each bill. Although we make every attempt to ensure the accuracy of the summaries, we suggest further review of the full text of the law by your city or town attorney 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 New Laws Report summary, and the chapter numbers are linked to the bill for your 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 30, 2009. Some new laws contain an emergency clause, which means the law becomes effective when the Governor signs the bill. Bills that contain appropriations or increases in taxes and fees 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.

GENERAL

Biodiesel Fuel Dispensers; Labeling – Requires biodiesel fuel dispensers that have more than a 5 percent biodiesel blend to be labeled in conformance with Section 205 of the Federal Energy Independence and Security Act of 2007 (16 Code of Federal Regulations, Part 306). When biodiesel blends contain more than 5 percent by volume of biodiesel, a person is required to prepare product transfer documents that notify the transferee of the percentage of biodiesel by volume. For diesel fuel that contains 5 percent or less by volume of biodiesel, a person is required to prepare product transfer documents that notify the transferee of any volume percent of biodiesel intentionally added to or known by the transferor to be in the product. H.2330. [Chapter 46](#).

Burden of Proof; Emergency Treatment – Defines the standard of proof necessary to establish a medical malpractice claim against hospital emergency departments as “clear and convincing.” Applies also to paramedics and emergency medical technicians. S.1018. [Chapter 110](#).

Cooperative Purchasing Agreements – Clarifies that any public procurement unit conducting or administering a cooperative purchasing agreement for the procurement of construction or professional services must comply with the procurement of specified professional and construction services statutes. S.1235. [Chapter 181](#).

Drought Emergency Groundwater Transfers – Provides an exemption during drought emergencies from the current law that prohibits transporting groundwater away from a groundwater basin under certain conditions. H.2440. [Chapter 49](#).

Emergency Telecommunication Services; Administrative Costs – Increases the percentage of money from the Emergency Telecommunication Services Revolving Fund that may be used for administrative purposes from 3 percent to 5 percent. S.1048. [Chapter 112](#).

Fire Insurance Premium Tax; Report – Requires the state fire marshal to certify in the annual report sent to the Treasurer which properties are located in an incorporated city and town with their own fire services and which properties are located in an area served by a private fire company. Stipulates that any insurer who relies in good faith upon the fire marshal’s report is not liable to the state or any other person or subject to regulatory action for any calculation or submission of fire insurance premium taxes. H.2156. [Chapter 135](#).

Open Meeting Law; Minutes; Notice – Requires that electronic postings required by statute remain on a city/town’s website for at least one year after the date of the posting. Clarifies that the 24 hour meeting notice requirement includes Saturdays if the public has access to the physical posted location in addition to any Internet website posting, but excludes Sundays and statutorily enumerated holidays. S.1303. [Chapter 27](#).

Restaurants; Handguns; Posting – Allows a person with a concealed carry weapons (CCW) permit to carry a concealed handgun into the licensed premises of an establishment that sells alcohol for consumption on or off the premises unless the business posts signage banning weapons. Prohibits a person carrying a concealed weapon into a licensed establishment from consuming spirituous liquor. Specifies that the Liquor Department shall make the required signs available to licensees free of charge. S.1113. [Chapter 175](#).

ELECTIONS

City Elections; Non-Partisan Primaries; Districts – Mandates that all city and town elections be non-partisan and prohibits a hybrid system used by the City of Tucson in which councilmembers are nominated by district but elected at large. Also further preempts the ability of charter cities to provide by charter for election procedures. S.1123. [Chapter 176](#).

Election Law Amendments – Moves the fall primary election date from the ninth Tuesday before the general election to the tenth Tuesday before the general election. This will become effective for the 2010 election. If you mail sample ballots out to voters, you no longer need to send one to voters on the permanent early voter list. Early ballots are not to be distributed until 26 days before the election. S.1074. [Chapter 149](#).

Local Elections; Signature Requirements – Sets the minimum number of signatures required on the nominating petition for mayor or other office elected at-large to be either 1,000 or 5% of "the vote in the city," but in no case more than 10% of the vote. (Formerly, the minimum number of signatures required was 5%.) H.2048. [Chapter 16](#).

Secretary of State; Elections; Filing Correction – Removes limitations and extra reporting requirements on the expenditure of personal monies by candidates pursuant to a recent decision by the U. S. Supreme Court. The new law allows cities which hold nonpartisan elections to adopt by ordinance an alternative minimum number of signatures for nomination petitions. Also defines that in calculating the number of signatures required on referendum petitions a city- or town-wide election must be used. Circulators can no longer fill in the address and other information on petitions; the information must be completed by the signer. Establishes a new crime of "petition signature fraud" and sets penalties for violation. Reduces the time period for court challenges to initiative and referendum petitions. Removes procedure for counting ballots when two or more ballots are found folded together or when the number of ballots in the box exceeds the names on the poll lists. Instead of providing a paper copy of Title 19 to those applying for an initiative or referendum, the clerk is to provide information on how to access the information electronically. This can be accomplished by providing the link to the Secretary of State's website. S.1091. [Chapter 114](#).

Voter Identification; Valid Forms – Expands the list of permissible identification to be used by voters at the polls. In addition to other changes, allows a U.S. passport to be

used as long as additional identification indicating the voter's address is also provided. This is an emergency measure with an effective date of July 13, 2009, pending U.S. Justice Department pre-clearance. H.2627. [Chapter 173](#).

FINANCE

County Renewable Energy Incentive Districts – Allows a governing body of a county, city or town to designate a renewable energy district if all of the following apply:

- A proposed district consists of vacant or underused property, or other property deemed suitable by the governing body;
- The proposed district is located in an area compatible with the construction and operation of renewable energy equipment; and
- A proposed district does not conflict with the general plan.
- Requires a governing body that establishes a district to adopt a renewable energy incentive plan. Allows a renewable energy incentive plan to include:
 - o Expedited zoning or rezoning procedures;
 - o Expedited processing of plans, proposals and permits;
 - o Waivers or abatement of zoning fees, processing fees, improvement district fees and development fees; and
 - o Waivers or abatement of development standards and procedural requirements.

H.2336. [Chapter 86](#).

Education Omnibus – Exempts school districts and charter schools from municipal tax on the storage, use, or consumption of personal property. Makes numerous other changes to education policy. S.1196. [Chapter 95](#).

General Obligation Bond Requirements – Makes several changes to the data required to be distributed to voters as part of the information pamphlet pertaining to a bond election. Requires that the impact of the tax increase necessary to pay off the bonds be calculated with the assumption that the assessed valuation of the hypothetical residential or commercial property increases annually at 50 percent of the projected total annual increase in the full cash value of the property. (Previously, the estimated impact was to be based on an assumption that the assessed value of the property remained constant.) Requires notification if the bond authorization combined with current outstanding debt exceeds the jurisdiction's current constitutional debt limit. Also, bonds issued to repay other bonds (called refunding bonds) do not need voter approval if the weighted average maturity of the new bonds is less than 75 percent of the average maturity of the bonds being refunded. H.2360. [Chapter 140](#).

Property Valuations; Telecommunications Companies – For the purposes of property taxation, changes the current practice for the depreciation of the assets of telecommunications companies by now using a straight line basis (formerly, depreciation was based on tables adopted by the Department of Revenue in 1993). Provides that in no case shall a building be valued at less than 20 percent of cost nor shall other

telecommunications property (e.g., cable) be valued at less than 10 percent of cost. Retroactive to valuation years beginning January 1, 2009. H.2314. [Chapter 169](#).

Recreational Corridor Districts; Termination Date – Extends the deadline date for the formation of recreational corridor channelization districts from July 1, 2010 to July 1, 2015. S.1183. [Chapter 179](#).

Renewable High-Wage Industries Incentives – Establishes a renewable energy business property and income tax incentive program within the Arizona Department of Commerce for expanding or locating qualified renewable energy manufacturing or headquarters in Arizona. The program begins January 1, 2010 and terminates on January 1, 2016. S.1403. [Chapter 96](#).

STAN; Repayment – Requires cities and towns that have received or will receive money from the Statewide Transportation Acceleration Needs (STAN) account as part of the Roads of Regional Significance Congestion Mitigation program to repay the account within 15 years of receiving the money. (Effective for all STAN monies disbursed before, on or after the effective date of this new law.) H.2388. [Chapter 105](#).

State Treasurer; Investment Pools – Authorizes the State Treasurer to establish new long term investment pools with trust and treasury monies for the Local Government Investment Pool (LGIP). H.2271. [Chapter 166](#).

State Treasurer; Management Fees – Decreases the maximum management fee that the State Treasurer is authorized to charge the LGIP to 6 basis points (0.06 percent) from 12 basis points. Requires that the proceeds be used to offset legislative appropriations for the Treasurer's Office rather than be deposited in the General Fund. H.2425. [Chapter 89](#).

PERSONNEL

ASRS; LTD Amendments – Makes numerous changes to ASRS statutes including changes to employer payment for ineligible persons, employer termination incentives and return to work. Also makes several conforming changes to ASRS statutes. H.2118. [Chapter 36](#).

Law Enforcement Officers; Discipline Procedures – Establishes additional rights of law enforcement and probation officers regarding interviews the employer reasonably believes could result in dismissal, demotion or suspension. Prohibits an employer from including any information about an investigation in the portion of the personnel file of an officer that is available for public inspection and copying until the investigation is complete or the employer has discontinued the investigation. Also specifies that if the officer has timely appealed a disciplinary action, the investigation is not complete until the conclusion of the appeal process. S.1062. [Chapter 128](#).

Public Retirement Plans; Federal Changes – Contains numerous amendments to PRPRS and EORP statutes in order to comply with changes to the federal Internal Revenue Code. Also makes several changes to make statute consistent with current system operations. H.2110. [Chapter 35](#).

Workers' Compensation; Drugs and Alcohol – Repeals statutory language that prohibits an employee from receiving workers' compensation benefits if the employee's injury or death in the workplace is due to the use of alcohol or any controlled substance and the use is a substantial contributing cause of the employee's injury or death. Repeals provisions prohibiting payment of workers' compensation benefits to an employee who fails to pass or refuses to take a drug test or alcohol impairment test within 24 hours of the employer receiving notice of the employee's workplace injury. Repeals the statute that specifies if the employer was aware of and permitted the employee's use of alcohol or any controlled substance, the stated provisions relating to the workplace injury or death are void. Repeals language requiring the employer to file a written certification with the Industrial Commission if the employer establishes a testing policy. S.1266. [Chapter 67](#).

Workers' Compensation Omnibus – Makes changes to certain Department of Insurance filing schedules. Changes the penalty and specifies the terms for a civil action in cases of employer misrepresentation to an insurer. Requires the Industrial Commission to consider an employee's earning capacity in cases of partial disability. Requires physicians to provide information about off-label drug prescriptions upon request. S.1262. [Chapter 184](#).

LAW ENFORCEMENT/COURTS

Applicability; Self-Defense – Applies, retroactively, specified statutory changes relating to justification defenses to all cases in which the defendant did not plead guilty or no contest that were submitted to the fact finder as of April 24, 2006. States that the purpose of this act is to clarify that the Legislature intended to apply Laws 2006, Chapter 199, retroactively to all cases in which the defendant did not plead guilty or no contest and that were pending at the time it was signed into law by the Governor on April 24, 2006, regardless of when the conduct underlying the charges occurred. S.1449. [Chapter 190](#).

Authorized Presence; Licensees – Exempts an individual who has affirmatively established citizenship or non-expiring work authorization from providing subsequent documentation of that status upon renewal or reinstatement of a license. Requires only an individual who has a limited form of authorization that has expired to provide documentation of citizenship or alien status upon seeking license renewal or reinstatement. H.2306. [Chapter 137](#).

Civil Liability; Affirmative Defenses – Specifies that a victim or peace officer is presumed to be acting reasonably if the victim or peace officer threatens to use or uses a police tool product, physical force or deadly physical force to protect himself or another

person against another person's use or attempted use of physical force or deadly physical force. The state or a political subdivision is presumed to have reasonably hired and trained its peace officers to use physical force or deadly physical force for the conditions stated above. H.2610. [Chapter 123](#).

Cold Case Reporting; Victim Reports – Requires law enforcement agencies to establish and maintain a cold case register and specifies that the register consist of the name of the victim and the name of a family member or other lawful representative of the victim. Requires law enforcement to provide notice of the register to a victim, a victim's family, or legal representatives. Compels law enforcement to provide cold case registrants with contact information for the agency and any new information or reviews of the cold case, as well as encourage registrants to contact the agency with any new information relating to the cold case. Specifies the name of a victim and the name of a family member or other lawful representative of the victim must remain in the register for three years. The law enforcement agency must provide notice to the registrant near the end of the three year period. Registration may be extended for an additional three years upon request by the registrant. Instructs law enforcement agencies to give priority to cold cases associated with names in the register unless there is a compelling reason to investigate a cold case not associated with the register. Stipulates the cold case register is not public record and is exempt from public record requirements. S.1459. [Chapter 132](#).

Domestic Violence; Dating Relationships – Expands the definition of domestic violence to include relationships that are currently or were previously a romantic or sexual relationship. Allows the following factors to be considered in determining whether a relationship is currently or was previously a romantic or sexual relationship: the type of relationship, the length of the relationship, the frequency of the interaction between the victim and the defendant, and if the relationship has terminated the length of time since the termination. S.1088. [Chapter 129](#).

Driving Under the Influence; Methadone – States those persons who drive or are in actual physical control of a vehicle while using a drug as prescribed by a medical practitioner are not guilty of driving under the influence as long as they are not otherwise impaired. S.1003. [Chapter 124](#).

Emergency Mutual Aid Agreements – Allows any county, city, town, private water or wastewater utility or special taxing district requiring outside aid during an emergency to enter into mutual aid agreements. Clarifies that these entities may enter into mutual aid agreements with each other if the entity provides water or wastewater services. States that the mutual aid agreements must address responding to emergencies that affect water and wastewater services as well as specify how the costs of the responding service provider will be reimbursed by the service provider that requests aid. Defines special taxing district as those that are water or wastewater utilities. S.1323. [Chapter 29](#).

Justification; Defensive Display of Firearm – Defines and creates statutory justification for the defensive display of a firearm. The justification does not apply if the person displaying the firearm intentionally provokes another person to use or attempt to use

unlawful physical force; or uses a firearm during the commission of a serious offense or violent crime. S.1243. [Chapter 183](#).

Juvenile; Adjudication; Diversion – Modifies juvenile DUI statutes and makes changes to statutes relating to juveniles who are adjudicated delinquent and are alleged to have committed an offense involving alcohol or drugs. S.1420. [Chapter 189](#).

Liquor Licenses; Public Recreation Area – Clarifies that drinking beer or wine in a public recreation area at a group event is not unlawful when a special permit has been obtained. H.2441. [Chapter 50](#).

Mandatory Fingerprinting; Central State Repository – Requires persons arrested for specified offenses to be fingerprinted prior to being released. Requires the arresting authority to forward a report indicating that the person was fingerprinted to all courts involved. Prohibits a person arrested for a felony, domestic violence, sexual or DUI offense from being released until that person provides a right index fingerprint to the arresting agency. Requires the arresting agency to provide to the arrested person a mandatory fingerprint compliance form that includes instructions on reporting for ten-print fingerprinting, including available times and locations for reporting. Also contains numerous provisions related to court procedures and relaying information to the Department of Public Safety. Contains a delayed enactment date of January 1, 2010. H.2449. [Chapter 120](#).

Mandatory Vehicle Insurance; Financial Responsibility – States that failure to provide proof of financial responsibility while operating a motor vehicle will result in a civil penalty and revocation of license, registration, and license plates depending on whether it is a first, second or third citation on the receipt of the abstract of the judgment. Mandates the Department of Transportation to require proof of financial responsibility in order to reinstate a violator's driver license, registration, and license plates. Allows the court to reduce or waive the penalty imposed for a violation if the person presents to the court proof that he or she has not violated A.R.S § 28-4135 within the past 24 months or not more than one violation in the past 36 months as evidenced by the person's driving record or the person has purchased and paid in full for a six-month policy of insurance. H.2224. [Chapter 165](#).

Scrap Metal; Theft; Dealers – Makes numerous changes to scrap metal laws including prohibiting the sale or purchase of certain used catalytic converters and prohibiting scrap metal dealers from purchasing certain types of scrap metal in its original manufactured form. Requires DPS to make the scrap metal information submitted to them by scrap metal dealers available to local law enforcement agencies over the Internet. Requires DPS to provide for training and procedures to allow law enforcement personnel to access the information provided electronically for law enforcement purposes. H.2465. [Chapter 144](#).

Sex Offender Registration; Study Committee – Requires registered level three sex offenders be placed on GPS or electronic monitoring if serving a term of probation.

Stipulates that any other persons serving a term of probation are not precluded from being subject to GPS or electronic monitoring. Effective July 9, 2009. S.1011. [Chapter 125](#).

Storage; Firearms; Motor Vehicles – Prohibits public or private employers from establishing, maintaining or enforcing a policy that prohibits a person from lawfully transporting or storing any firearm that is both in the person’s locked and privately owned motor vehicle or in a locked compartment on the person’s privately owned motorcycle and not visible from the outside of the motor vehicle or motorcycle. Does not apply to:

- Property owners, tenants, public or private employers that provide a parking lot, parking garage or other area designated for parking motor vehicles that are secured by a fence or other physical barrier; limit access by a guard or other security measure; provide temporary and secure firearm storage; and allow for the immediate retrieval of the firearm on exit from the premises.
- Property owners, tenants, public or private employers or businesses that provide alternate parking in a location reasonably proximate to the primary parking area and do not charge a fee for such parking.
- Nuclear generating stations that have a secured and gated or fenced parking lot, parking garage or other area designated for parking motor vehicles; and provide temporary and secure firearm storage.
- Parking lots, parking garages or other areas designated for parking motor vehicles that are on an owner or tenant occupied single family detached residence.
- Department of Defense contractors located in whole or in part on a U.S. military installation.

S.1168. [Chapter 177](#).

Vehicle Accident Reports – Requires a law enforcement officer or public employee who investigates a motor vehicle accident to forward a copy of the report to the Arizona Department of Transportation and to provide a copy of the unredacted report to the following:

- A person who is involved in the accident or the owner of a vehicle involved in the accident;
- Any licensed insurer if the report is related to an investigation into fraudulent claims or any insurer that writes automobile liability or motor vehicle liability policies and that is both under the jurisdiction of the Department of Insurance, an insurance support organization, or a self-insured entity or its agents, and is an insurer of a person or vehicle involved in the accident; and
- An attorney licensed to practice law or to a licensed private investigator representing a person involved in the accident in connection with any civil, administrative or arbitration proceeding.

Allows a law enforcement agency to deny a request for a copy of an unredacted accident report if the agency determines that release of the report would be harmful to a criminal investigation. S.1289. [Chapter 131](#).

Vehicle Impoundment; Administrative Towing Fund – Prohibits the impounding agency from charging administrative fees to the towing company that provides removal, immobilization, impoundment, storage, or release of the vehicle. S.1169. [Chapter 158](#).

LAND USE/PLANNING

Charter Schools; Zoning – Requires municipalities and counties to allow a charter school to operate where a school in a school district would be allowed to operate. Authorizes municipalities and counties to prohibit, through zoning regulations, charter schools from operating in an existing single family residence located on less than one acre of property. Subjects charter schools to the same level of oversight, ordinances, limitations, or requirements applicable to schools operated by school districts. Applies municipal or county building codes to charter school construction and development. H.2099. [Chapter 98](#).

Municipalities; Exchange of Real Property – Allows a city or town to exchange a parcel of real property that it owns for another parcel of real property that is located outside of its corporate boundaries. H.2014. [Chapter 15](#).

TRANSPORTATION

Omnibus; ADOT – Makes numerous changes to statutes regulating the Arizona Department of Transportation (ADOT) along with numerous changes to transportation and transportation-related statutes. Specific provisions affecting cities and towns:

- Requires a city or town to repay monies received from the Roads of Regional Significance Congestion Mitigation subaccount of the State Transportation Acceleration Needs Account within 15 years after receiving the loan.
- Allows a city or town to construct, operate and finance the construction of toll roads within the corporate limits.
- Permits local authorities to create public transportation stops on state highways or routes if the speed limit does not exceed 55 miles per hour.
- Requires a school to remove portable signs within one hour after the school session ends or pursuant to an agreement with a city or town.
- Changes the definition of *implement of husbandry* to include that “incidentally operated or moving on a highway” means travel between a farm and another part of the same farm; from one farm to another farm; or a farm and a place of repair, supply or storage and defines *farm*.
- Allows drivers of implements of husbandry to drive slower than is reasonable if the speed exceeds the maximum safe operating speed of the vehicle; and allows the driver to drive slower than the reasonable flow of traffic if the speed exceeds the maximum safe operating speed.

S.1320. [Chapter 187](#).

Regional Transportation Authorities; Qualifying Counties – Allows counties with a population greater than 200,000 but equal to or less than 400,000 to create a regional transportation authority. H.2480. [Chapter 52](#).

ADDENDUM – THIRD SPECIAL SESSION

Shortly after the end of the regular session, the Governor issued a call to the Legislature to go into special session to deal with the budget. The Third Special Session convened on July 6, 2009 and adjourned *sine die* on August 25, 2009. Below are the provisions of the budget bill passed during that session that affects cities and towns. The effective date of the bill is November 24, 2009.

General Government; Budget Reconciliation – makes numerous changes to development impact fees, public benefit administration, construction sales tax and building codes.

Public Benefit Documentation

Any city or town that administers a federal public benefit program that requires participants to be citizens must require that the participants demonstrate lawful presence in the United States. If a city or town employee does not report discovered violations of federal immigration law, that employee and the employee's supervisor can be charged with a class 2 misdemeanor. Finally, residents of Arizona are given a private right of action to "remedy" any entities that are in violation of these provisions. Applies the same mandates and penalties to state and local benefits administered by cities and towns. "State or Local Public Benefit" has the same meaning prescribed in 8 United States Code section 1621, except that it does not include commercial or professional licenses or benefits provided by the public retirement systems and plans of this state.

Impact Fees General Provisions

1. Clarifies that development fees must be used to provide services in the same "benefit area" in which it was collected. "Benefit area" is defined by the municipality in the Infrastructure Improvement Plan (IIP). (For most cities, this will be the entire city.)
2. Required (or agreed to) credits towards development fees must be based on the cost of the dedicated infrastructure as identified in the IIP.
3. The city must *forecast* and include in development fee calculations the future contributions derived from the property owner *toward the capital cost of the necessary public service (NPS) for which the fee is being collected* when determining the burden placed on the city/town by new development. Such contributions include those made in cash, taxes, fees, assessments or *other sources of revenue*.
4. Specifies that the IIP must:
 - a. Estimate the NPS required by "benefit area," as defined in the IIP.
 - b. Provide a comparison of the NPS being provided to existing development and those provided to new development.
 - c. Forecast the revenue sources that will be available to fund the NPS.
5. Establishes "grandfathering" of approved projects from new or increased fees. A city/town development fee ordinance must provide that any increased portion of an existing fee or any new fee cannot be imposed upon a project for two years after final

approval by the city if no material changes are made. Specifies the two years cannot be extended by renewal/amendment of the approved plan/plat. Adjustments done by annual inflation index are applicable during the two year period.

6. Requires the city/town to provide a written schedule of the fees applicable to the development upon request.
7. Defines “final approval” as approval of a site plan for commercial and multifamily developments, and a final subdivision plat approval for residential developments. If a multifamily development does not submit a site plan, then a final subdivision plat defines its “final approval” for purposes of this section.
8. These changes become effective as of December 31, 2009. The “grandfathering” provisions do not apply to any “final approval” issued before January 1, 2010. The “grandfathering” clock does not begin until the expiration of the “freeze” section described below.

Impact Fee Freeze

Retroactive to June 29, 2009, cities and towns shall not impose any *new* development fees or increase any existing fees under 9-463.05 until after June 30, 2011.

Construction Sales Tax Rate Freeze

Retroactive to June 29, 2009, cities and towns shall not impose an increased construction contracting sales tax rate (by vote of the people or act of the city/town council) until after June 30, 2011. Any construction contracting sales tax rate enacted prior to June 1, 2009, is exempted from this prohibition.

Building Codes Restrictions

Retroactive to July 1, 2009, any new or modified building code cannot apply to a residential or commercial building that received its subdivision plat/site plan/PAD prior to June 1, 2009, until after June 30, 2011. Exempts any code changes necessary to receive federal stimulus funding. Does not prohibit adoption of building code changes that apply prospectively.

H.2008. [Chapter 7](#).