



# **2008 STATE LEGISLATIVE END-OF-SESSION REPORT**

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**Office of Government Relations  
City of Phoenix**



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**Government Relations represents the city in contacts with the federal government, the state of Arizona, other cities, tribal communities, Maricopa County and regional agencies, while building partnerships between the city and the community at large. Additionally, Government Relations provides citywide grant coordination. This office also coordinates special projects assigned by the City Manager.**



The second regular session of the 48th Arizona State Legislature came to a close on Friday, June 27 at 10:09 p.m. During the 166-day session, the City not only faced potential fiscal impacts due to the state's \$1.9 billion deficit for fiscal year 2008 – 2009, but also contended with preemptive measures ranging from dictating local law enforcement immigration enforcement to government property lease excise tax revisions. In the end, Phoenix did well during a legislative session that began with a divided membership and ended with a Senate meltdown.

Last October, the Mayor and Council approved a set of core principles to guide Government Relations staff during the 2008 state legislative session. The following highlights how the City fared under each principle:

## **PROTECTION OF SHARED REVENUES**

At the beginning of the year, the state had to deal with a \$1.9 billion deficit for fiscal year 2008–2009, but the fiscal challenges were compounded by a \$1.4 billion shortfall for the fiscal 2007–2008 budget year that was adopted last year.

In April, agreement was reached to address the FY 2007–2008 deficit. The fiscal maneuvers included sweeping \$487 million from the state's rainy day fund, shifting \$300 million from special funds, a \$272 million K–12 education rollover, and a number of state agency reductions. These corrective actions held city revenue sharing harmless.

Consensus was more difficult to achieve for the FY 2008–2009 budget. After the Senate and House Appropriations chairmen attempted to pursue a budget that included major state agency cuts and permanent repeal of the state equalization property tax, in the latter part of June the Governor amassed enough votes for a budget that included \$600 million in bonding for K–12 school construction, cut \$360 million from state agency budgets, and rolled over \$330 million for K–12 education. While shared revenues were not tapped directly, buried within the budget is language requiring cities to remit \$17 million to the state; Phoenix's share is an estimated \$6 million. This unprecedented approach may be in violation of the Arizona Constitution, which as a result of Proposition 108, a 1992 initiative measure, requires a two-thirds vote in both legislative chambers to increase revenues. Staff is collaborating with other municipalities and the League of Arizona Cities and Towns on next steps to address this matter.

## **CONTINUED INVOLVEMENT IN TRANSPORTATION ISSUES**

For two reasons, staff expected that this legislative session would feature an ambitious and aggressive attempt to increase statewide transportation funding and planning. First, the legislature had formed a Blue Ribbon Transportation Committee at the conclusion of last session, which was charged with reviewing all reports relating to the transportation framework in this State and making recommendations on transportation issues should be addressed in the next legislative session. Unfortunately, the Committee only met twice and had no substantial recommendations.

Second, on January 14, 2008, Governor Napolitano issued Executive Order 2008-02, calling for a Statewide Transportation Plan. The Executive Order directed the Arizona Department of Transportation (ADOT) to work with the Growth Cabinet, the State Transportation Board, regional transportation planning entities, transit organizations, tribal governments, land management agencies, conservation groups and business and community leaders to produce a draft list of critical transportation needs and representative projects. This consensus-based plan was to further sustainable development patterns through the year 2050.

Instead of a legislative effort, the Governor and business community prepared a citizens' initiative on statewide transportation. The proposed Transportation Infrastructure Moving Arizona's Economy (T.I.M.E.) Act is a transportation program funded by a 30-year, one-cent sales tax. Funds are dedicated to highways, rail, local transportation, local enhancements and open space conservation/wildlife habitat. This item will be on the November 2008 ballot.

Thus, very few transportation items were considered this session. Staff engaged with members and relevant agencies to provide input regarding the City's needs and desire to support comprehensive multi-modal transportation planning.

### **PRESERVE CITY'S IMPACT FEE PROGRAM**

In mid-January, Senate President Tim Bee (R – Tucson) convened a series of stakeholder meetings consisting of city representatives, the League of Arizona Cities and Towns, and homebuilding, multi-family and commercial development interests to craft new impact fee legislation. President Bee asked the group to develop a bill that would provide developers and homebuilders with more transparency into the administration of impact fee programs and provide greater certainty regarding future fee increases.

After weeks of negotiations, compromise was reached in the form of Senate Bill 1406, legislation that would prohibit increasing impact fees for a proposed development for 24 months after approval of the specific development plan. Although the provisions created administrative and financial challenges, City staff believed the bill addressed President Bee's request without completely disrupting our impact fee programs.

While Senate Bill 1406 was opposed by a handful of cities in the early part of the legislative session, it easily moved through its various committees and floor votes. However, in May, opposition began to mount from a number of Arizona cities and towns, who argued that the measure would hinder their impact fee programs. In the end, Governor Napolitano vetoed the bill on July 7 and requested that the interested parties return next year with legislation that is more comprehensive in scope.

## SUPPORT PHOENIX BIOMEDICAL CAMPUS EXPANSION EFFORTS

Continued funding for development of the University of Arizona Medical in Downtown Phoenix was a priority for the City again this year. As Government Relations staff worked with the University and Arizona Board of Regents on an approach to secure this funding, a coalition formed to advocate for the need and to articulate the ancillary benefits the state would receive. The Stimulus Plan for Economic and Educational Development (SPEED) Coalition proposed \$1.4 billion in bonding that would not only assist with the construction of the medical school, but also would provide funds to build and repair capital facilities at all three of Arizona's universities. In addition to the benefits of generating more doctors and graduating more students, the coalition argued that construction jobs created by the plan would also stimulate the state's stagnant economy.

Although the plan was not initially embraced by legislative leadership, by the end of session \$1 billion of the requested \$1.4 billion was authorized for construction of state university buildings; \$470 million is dedicated to the University of Arizona's Medical School in Downtown Phoenix.

### OUTCOME ON OTHER BILLS OF INTEREST

The following summarizes the final outcome of many bills of interest to the City. As is usually the case, this year some of our most important work relates to bills that ultimately were not enacted. Preventing passage of bills that negatively impact the City is a key component of Government Relations' legislative effort.

## REVENUE AND TAXES

### Bills Not Enacted

SCR 1003: Constitutional Amendment; Prop. 13 Arizona (Sen. Jack Harper, R – Surprise) would have rolled back property values to 2003 valuations and reduced the tax rate, resulting in a significant financial impact. Not only would the City's General Fund receive considerably less revenue, but current and future bond programs would have been severely affected. If approved, this measure would have been placed on November's General Election ballot. This bill never received a hearing in the Senate Finance Committee.

SCR 1024: Property Tax Levy Rollback (Sen. Ron Gould, R – Lake Havasu City) would have rolled 2009 property tax levies back to 2005 levels, then limited any annual increases to no more than 2% plus the value of new construction. Levies could not have increased above the 2% threshold unless approved by a 2/3 vote of qualified electors within a given jurisdiction. Levy reductions could also have been obtained via an election. This bill would have limited the amount of property taxes that could be collected and apportioned to the City. If approved, this measure would have been placed on November's General Election ballot. This bill never received a hearing in the Senate Finance Committee.

SCR 1025: Property Tax; Valuation Increase Limit (Sen. Ron Gould, R – Lake Havasu City) would have limited annual increases in property values for property tax purposes to no more than 2%. If approved, this measure would have been placed on November’s General Election ballot. This bill never received a hearing in the Senate Finance Committee.

SCR 1026: Property Tax; Valuation Increase Limit (Sen. Ron Gould, R – Lake Havasu City) would have limited annual increases in property values for property tax purposes to no more than 2%. In addition, property values would have been reset to 2003 levels, commencing in 2010. If approved, this measure would have been placed on November’s General Election ballot. This bill never received a hearing in the Senate Finance Committee.

SCR 1028: Public Gifts; Loans (Sen. Karen Johnson, R – Mesa) would have prohibited all grants and subsidies by public entities, regardless of the public purposes that might be served. Some of the programs that would have been impacted include affordable housing, historic preservation, public art, and Block Watch efforts. If approved, this measure would have been placed on November’s General Election ballot. This measure passed the Senate Financial Institutions, Insurance and Retirement Committee by a vote of 3–2, but never received a hearing in the Senate Rules Committee.

SB 1254: Urban Revenue Sharing; Tax Credit (Sen. Bob Burns, R – Peoria) would have allowed a 15% tax credit to taxpayers that live outside incorporated cities or towns, resulting in reduced shared revenue to cities. This bill passed the Senate Finance Committee by a vote of 5–3 but never received a hearing in the Senate Rules Committee.

HCR 2040: Spending Accountability and Transparency Act (Rep. Russell Pearce, R – Mesa) would have required every city and county to maintain a public website with all financial data relating to revenue and distribution of funds. Staff recommended opposition due to the staffing and significant financial resources necessary to create and maintain such a website. If approved, this measure would have been placed on November’s General Election ballot. This measure passed the House Appropriations Committee by a vote of 9–5 but never received a hearing in the House Rules Committee.

HCR 2044: Voter-Protection; Temporary Budgetary Suspension (Rep. Russell Pearce, R – Mesa) would have amended the State Constitution to allow the Legislature to ignore voter-approved requirements to appropriate or divert monies for specific purposes if both Joint Legislative Budget Committee and Governor’s Office of Strategic Planning and Budget “issue a written finding” that the fiscal year is projected to have a deficit. If approved, this measure would have been placed on November’s General Election ballot. This bill passed the Senate Appropriations Committee by a vote of 6–3 but never received a hearing in the Senate Rules Committee.

HCR 2069: State Budget; Continuation (Rep. Rick Murphy, R – Glendale) would have amended the State Constitution to provide for continued funding of state agencies if a state budget is not enacted by June 30 of any year. Funding would have been at the previous year's level. If state monies were insufficient to continue previous year's funding levels, funding would have been reduced proportionately. If approved, this measure would have been placed on November's General Election ballot. This bill passed the House Appropriations Committee by a vote of 10–5 but never received a hearing in the House Rules Committee.

HB 2585: General Obligation Bond Requirements (Rep. Steve Yarbrough, R – Chandler) would have changed the type of debt repayment information contained in voter publicity pamphlets. This bill was vetoed by the Governor on May 20.

HB 2637: Prohibiting Municipal Taxation of Services (Rep. Rick Murphy, R – Glendale) prohibited the city from levying a privilege or use tax on various services, such as advertising and other business-related services. Because the City currently taxes advertising, staff estimated that the bill would have reduced City revenues dedicated to the Convention Center by \$5 million per year. This bill passed the House Appropriations Committee by a vote of 9–6 but never received a hearing in the House Rules Committee.

HB 2641: Urban Revenue Sharing; Tax Credit (Rep. Rick Murphy, R – Glendale) allowed a 15% tax credit to taxpayers that live outside incorporated cities or towns, resulting in reduced shared revenue to cities. This bill passed the House Appropriations Committee by a vote of 9–6 but never received a hearing in the House Rules Committee.

## **PUBLIC SAFETY**

### **New Laws**

SB 1121 (Chapter 156, Laws 2008) Emergency Response Commission; Continuation (Sen. Jack Harper, R – Surprise) extends the termination date of the Arizona Emergency Response Commission from July 1, 2008, to July 1, 2018. This bill was signed by the Governor on May 1.

SB 1153 (Chapter 274, Laws 2008) Improvised Explosive Device; Definition (Sen. Chuck Gray, R – Mesa) expands the definition of "deadly weapon" for purposes of the criminal code to include explosives. In addition, the definition of "prohibited weapon" will include (1) explosion or detonation of a chemical or combination of chemicals, compounds or materials and (2) improvised explosive device. This bill was signed by the Governor on June 19.

SB 1165 (Chapter 258, Laws 2008) Salvage Title; Stolen Vehicle Title (Sen. Pamela Gorman, R – Anthem/Phoenix) makes several changes in the issuance of titles, including the creation of a stolen vehicle title, providing additional information for law enforcement, insurance companies, and potential purchasers. This bill was signed by the Governor on June 6.

SB 1339 (Chapter 193, Laws 2008) Law Enforcement; Probation; Officers; Investigations (Sen. Linda Gray, R – Phoenix) makes a change to the discipline appeal process for law enforcement officers. The change permits each party one opportunity to request a new hearing/mediation officer. New polygraph methods are also included. Staff is concerned that this change impairs the due process rights of law enforcement officers and employers alike because it could delay hearings for months while new hearing officers are recruited, contracted with, and trained on the specific procedures of each individual merit system council or board. This bill was signed by the Governor on May 12.

HB 2249 (Chapter 99, Laws 2008) Right-of-Way; Military Procession (Rep. Jerry Weiers, R – Glendale) restricts funeral escort firms that adopt vehicle and uniform designs that make their employees appear as if they are part of local police departments, by controlling design standards to better distinguish funeral escorts from sworn law enforcement officers. This bill was signed by the Governor on April 28.

HB 2371 (Chapter 262, Laws 2008) Critical Infrastructure; Pipelines; Review (Rep. Chad Campbell, D – Phoenix) requires the Arizona Department of Homeland Security to evaluate and report on the security of critical infrastructure in Arizona used for transmission of aviation fuel, petroleum or natural gas. This bill was signed by the Governor on June 10.

HB 2408 (Chapter 106, Laws 2008) Stretcher Vans; Transport of Patients (Rep. Bob Stump, R – Peoria/Sun City) clarifies that stretcher and wheelchair vans are not to be used to transport people who need continued monitoring to and from care facilities and hospitals. This bill was signed by the Governor on April 28.

HB 2466 (Chapter 68, Laws 2008) Critical Infrastructure Information; Disclosure (Rep. John Nelson, R – Glendale) exempts critical infrastructure information from public disclosure. This legislation mirrors an existing City ordinance providing for securing plans and specifications on critical infrastructure. This bill was signed by the Governor on April 22.

HB 2478 (Chapter 113, Laws 2008) Redaction Orders; Expiration; Notice; Funds (Rep. Kirk Adams, R – Mesa) clarifies that persons whose redaction orders are set to expire will be notified directly of this action. Currently, law enforcement officers, judges, attorneys, and people in certain other occupations may petition the court for a five-year order that their home addresses and phone numbers must be redacted from public records such as property documents and voter registrations. This bill lessens the chance that the order will expire without the individual having notice and an opportunity to re-apply. This bill was signed by the Governor on April 28.

HB 2480 (Chapter 219, Laws 2008) Aggravated Luring; Minors; Sexual Exploitation (Rep. Kirk Adams, R – Mesa) adds to the “dangerous crimes against children” list the use of an electronic communication device to send visual material that is harmful to minors for the purpose of communicating with a person the sender knows or has reason to know or believe is a minor, or communicating to seek sexual conduct with the minor. This bill was signed by the Governor on May 20.

HB 2485: (Chapter 305, Laws 2008) Unlawful Public Sale of Animals (House Speaker Jim Weiers, R – Phoenix/Glendale) makes it a class 2 misdemeanor to sell animals on a public highway, park or public property adjacent to or on private property without express consent of the property owner. This bill was signed by the Governor on July 7.

HB 2554 (Chapter 138, Laws 2008) Justice Courts; Criminal Actions; Jurisdiction (Rep. Andy Biggs, R – Mesa) clarifies the maximum amount that municipal courts can collect in fines. Current law is ambiguous due to conflicts resulting from enactment of recent DUI laws. This bill was signed by the Governor on April 29.

HB 2574 (Chapter 116, Laws 2008) Airports; Designated Security Areas; Weapons (Rep. Jerry Weiers, R – Glendale) permits local law enforcement to detain persons who carry unauthorized firearms in federally-designated secure areas of commercial airports. This bill was signed by the Governor on April 28.

HB 2643 (Chapter 256, Laws 2008) Liquor; Restaurant Licenses; Continued Operation (Rep. Rich Crandall, R – Mesa) allows the Department of Liquor Licenses and Control (DLLC) to continue approving "grill bill" licenses (allowing Series 12 restaurant liquor license holders to continue operating with a Series 12 license without meeting the requirement to 40% of the proceeds from the sale of food) through fiscal year 2012-2013. The bill also includes language from House Bill 2395 – a bill the Governor vetoed – and SB 1004 that removes the courts' discretion to suspend any jail time for extreme DUI when receiving substance abuse counseling. This language essentially creates a 30-day minimum sentence in jail. This change will increase the City's jail costs by estimated \$6 million annually. This liquor bill with the DUI language was signed by the Governor on June 6.

## **Bills Not Enacted**

SB 1084: Judicial Forfeiture Proceedings (Sen. Robert Blendu, R – Litchfield Park) would have changed the forfeiture laws to make it almost impossible for the court to seize property under the state's Racketeering Influenced and Corrupt Organizations authority. This would have severely hampered law enforcement's ability to neutralize crime rings. The measure was going to be introduced as a "strike-everything" amendment to SB 1084, yet was not offered due to a lack of votes in the House Government Committee. The underlying bill, dealing with an extension for the enduring freedom memorial was later amended to address Cactus League Baseball.

SB 1106: Concealed Weapons Permit; Renewal Option (Sen. Chuck Gray, R – Mesa) would have allowed concealed weapon permits to be permanent. Police believes the current five-year renewal process that includes background checks ensures that unqualified persons are not in possession of a firearm. The Governor vetoed this bill on May 27.

SB 1214: Concealed Weapons; School Grounds (Sen. Karen Johnson, R – Mesa) would have allowed a person to carry a concealed weapon on campuses of community colleges and universities, both public and private. Staff was concerned that law enforcement personnel would be entering these dangerous situations simultaneously with the permit holders. Officers would hesitate to act until they could determine whether the shooter is the criminal or the permit holder, thus hindering the officer from taking prompt and effective action and possibly placing more lives in jeopardy. This bill passed the Senate Judiciary Committee by a vote of 4–3 and never received action in the Senate Committee of the Whole.

SB 1265: Law Enforcement Officers; Probation Officers; Right to Representation; Right to Evidence to Appeal; Change of Hearing Officer or Administrative Law Judge; Definitions (Sen. Karen Johnson, R – Mesa), similar to SB 1339, proposed changes to the discipline appeal process for law enforcement officers. The bill further stipulated that if a party violates the requirements pertaining to an employer interviewing a law enforcement officer or probation officer, unless the violation is harmless, the party must not be permitted to use the evidence obtained during the interview at the hearing, except on a showing of good cause. This measure was introduced as a “strike-everything” amendment. SB 1265 went to a Conference Committee and did not reemerge at the end of session.

SB 1405: Equine Tripping; Violation (Sen. Chuck Gray, R – Mesa) stated that intentionally tripping an equine (a horse or donkey) for entertainment or sport would be a class 1 misdemeanor, punishable by at least 48 consecutive hours in jail and a fine of at least \$1000 for a first offense, 30 consecutive days in jail and a fine of at least \$2000 for a second offense, and 90 consecutive days in jail and a fine of at least \$2000 for a third or subsequent offense. The language was originally in HB 2539 but was introduced into this bill via a “strike-everything” amendment. This bill passed the House by a vote of 56–0 but failed to receive action in the Senate.

SB 1505: Photo Enforcement Zones; Signs; Citations (Sen. Pamela Gorman, R – Anthem) included language that would have required municipalities to pay attorney fees when citations were dismissed. This could have led to a significant increase in court costs since more persons would challenge these citations. This bill passed the Senate Transportation Committee by a vote of 3–1 but never received a hearing in the Senate Rules Committee.

HB 2381: Emergency Telecommunication Services; Administrative Costs (Rep. Jerry Weiers, R – Glendale) would have addressed the revenue shortfall in the emergency 911 system by adjusting the administrative fees the Arizona Department of Administration receives and transferring these monies to the regional 911 network. This bill passed the Senate Public Safety and Human Services Committee by a vote of 5–2 but never received a hearing in the Senate Appropriations Committee. The bill’s language was added to HB 2652 on the final day of session but the bill did not proceed to a final vote.

HB 2389: Misconduct Involving Weapons; Means; Transportation (Rep. John Kavanagh, R – Fountain Hills) would have repealed the state law that prohibits carrying a concealed weapon without a permit in a vehicle. Staff opposition was based on increased danger to law enforcement. The Governor vetoed this bill on July 7.

HB 2630: Concealed Weapons; Petty Offense (Rep. Russell Pearce, R – Mesa) would have made carrying a concealed weapon without a permit a petty offense, possibly compromising officer safety. This bill was vetoed by the Governor on April 29.

## **IMMIGRATION**

### **New Laws**

HB 2745 (Chapter 152E, Laws 2008) Employer Sanctions (Rep. Russell Pearce, R – Mesa) makes a number of clarifications to the employer sanctions law enacted last year. Staff expressed concern regarding new requirements to check identification that establishes citizenship when issuing licenses for regulatory and tax collection purposes. This bill was signed by the Governor on May 1.

### **Bills Not Enacted**

SCR 1012: Secure and Verifiable Identification (Sen. Jack Harper, R – Surprise) would have referred a measure to the 2008 ballot to require verifiable ID for public services including law enforcement; public safety calls for service were exempt. Staff was concerned that the measure's broad definitions would have negatively impacted City services and impose a negative financial impact on the City. This measure passed the Senate Public Safety and Human Services Committee by a vote of 4–3 but never received a hearing in the Senate Rules Committee.

HCR 2039: Illegal Aliens; Enforcement; Trespassing (Rep. Russell Pearce, R – Mesa) would have withheld shared revenue from municipalities that prohibited their law enforcement officers from enforcing federal immigration laws. If approved, this measure would have been placed on November's General Election ballot. This measure never received a Third Read vote in the House.

HCR 2064: Local Enforcement; Immigration (Rep. John Nelson, R – Glendale) would have required officials, agencies and personnel of counties and municipalities to comply with and support the enforcement of federal immigration laws. Staff was concerned about the measure's vagueness, costs of implementation, and possible increases in civil rights lawsuits against the City. If approved, this measure would have been placed on November's General Election ballot. This measure passed the House Counties, Municipalities and Military Affairs Committee by a vote of 4–3 but never received a hearing in the House Rules Committee.

HB 2012: Driver Licenses; Out-of-State; ID Purposes (Rep. Warde Nichols, R – Chandler) provided that a driver's license issued by a state that allows illegal immigrants to obtain drivers' licenses may not be recognized as a primary source of identification by this state or its political subdivisions. This bill passed the House Homeland Security and Property Rights Committee by a vote of 5–3 but never received a hearing in the House Transportation Committee.

HB 2807: Immigration; Local Enforcement (Rep. John Nelson, R – Glendale) required sheriffs and police departments to implement a program to address violations of federal immigration laws, and prohibited officials, agencies or personnel of counties, cities or towns from being limited in sending, receiving or maintaining information related to immigration status. This bill was vetoed by the Governor on April 28.

## TRANSPORTATION

### New Laws

SB 1167 (Chapter 294, Laws 2008) Off-Highway Vehicles; User Fees (Sen. Linda Gray, R – Phoenix) makes it a misdemeanor to “off road” in unapproved areas or in a manner that causes harm to wildlife habitat and the environment. Additionally, it requires payment to the state for off-roading permits, dictates how permit fees are to be spent, and mandates new license plates for off road vehicles. This language was added on this bill via a “strike-everything” amendment. This bill was signed by the Governor on June 27.

HB 2088 (Chapter 142, Laws 2008) Motor Carrier Safety; Vehicle Equipment (Rep. Andy Biggs, R – Gilbert) makes changes regarding safety equipment on trucks and buses, including a requirement that vehicles exceeding 30 feet in length must have a reflector mounted at the midpoint between front and rear reflectors, and two red flags or lanterns (formerly only one) would be required to be displayed at the rear of a load that extends four or more feet from the back of the bed or body of the vehicle. Also, the bill repeals state laws regarding the maximum number of consecutive hours a driver of a commercial vehicle may be on duty. This bill was signed by the Governor on May 1.

HB 2093 (Chapter 143, Laws 2008) School Crossings (Rep. Andy Biggs, R – Gilbert) requires that when portable signs that indicate “school in session,” “stop when children are in crosswalk” or “civil penalties doubled” are placed near a crosswalk, the speed limit shall be 15 miles per hour and all vehicles must come to a complete stop at the crossing when a person is in the crosswalk. City staff has concerns with conflicting language in this bill and will work to make changes next session. This measure becomes effective January 1, 2009. This bill was signed by the Governor on May 1.

HB 2094 (Chapter 299, Laws 2008) Highway Project Advancement Notes (Rep. Andy Biggs, R – Gilbert) increases the cap on use of highway project advancement notes “HPANs” from \$100 million to \$300 million and expands the program so that it can be used by counties as well as cities or towns. The definition of a highway project is also expanded to include a transportation improvement plan of a regional association of governments. Additionally, the bill allows HPANs to have terms up to fifteen years instead of five years. This bill was signed by the Governor on July 7.

## **Bills Not Enacted**

SB 1041: Transportation; HOV Lanes; Hybrids (Sen. Jack Harper, R – Surprise) would have allowed a hybrid vehicle to use the HOV lane at any time if it has at least 45 percent fuel efficiency in combined city-highway fuel economy based on information provided by the federal government. Previously, hybrid vehicles could only use the HOV lane if the federal government allowed it. The bill passed the House Transportation Committee by a vote of 10–0 but never received a hearing in the House Environment Committee.

HB 2049: ADOT Rule Revisions (Rep. Marian McClure, R – Tucson) would have repealed the authority of ADOT to make certain rules, including rules regarding priority programs and revenue bonds. Additionally, it repealed ADOT’s authority to adopt rules for expenditure of monies in the state fund. This bill passed the Senate Transportation Committee by a vote of 3–0 but never received a Senate Third Read.

HB 2092: Transportation Plans; Ballot; Mode Delineation (Rep. Andy Biggs, R – Gilbert) provided that state or county transportation plans submitted for voter approval must appear on the ballot with each mode of transportation and its costs clearly delineated. Voters would have been required to vote yes or no on each transportation mode separately. This bill did not impact municipal transportation elections, but would have effected future regional or statewide transportation elections. This bill was approved as a “strike-everything” amendment in the House Judiciary Committee by a vote of 5–4, but failed on the House Floor by a vote of 26–33.

## **NEIGHBORHOODS**

### **New Laws**

HB 2066 (Chapter 7, Laws 2008) Sign Walkers; Municipal Regulation (Rep. Bob Robson, R – Chandler) requires cities and towns to allow posting, display and use of sign walkers and authorizes reasonable time, place and manner regulations relating to sign walkers for public safety purposes. This bill was signed into law by the Governor on March 25.

HB 2701 (Chapter 307, Laws 2008) County Graffiti Abatement; Procedures (Rep. Jennifer Burns, R – Glendale) requires a parent or guardian of a juvenile convicted of graffiti crime to perform community service along with their child. This measure was initially introduced by Rep. Chad Campbell (D – Phoenix) in the form of HB 2740. The House bill never received a Senate hearing, thus the need to use HB 2701 as a vehicle for the amendment. This bill was signed by the Governor July 7.

## **Bills Not Enacted**

SB 1239: Deferred Presentment Transactions; Regulations (Sen. Robert Blendu, R – Litchfield Park) would have extended the sunset date that authorizes payday loan transactions in the state from July 1, 2010 to July 1, 2012. This bill passed the Senate Financial Institutions, Insurance and Retirement Committee by a vote of 3–2 but never received action in the Senate Committee of the Whole.

## ECONOMIC DEVELOPMENT

### Bills Not Enacted

SB 1260: Municipal Elections; Tax Incentives; Increases (Sen. Ken Chevront, D – Phoenix) would have required that any city election on issues involving sales tax incentives or sales tax increases be held at the September election date. The bill was used as a “strike-everything” vehicle to carry the language of SB 1360 that would have made multiple changes to the government property lease excise tax (GPLET) statutes. Staff was concerned that the bill would have reduced the effectiveness of the GPLET as a redevelopment tool, and also that the bill would negatively impact many of the City’s lease transactions. This bill failed in the House Ways and Means Committee by a vote of 3–5.

SB 1360: Government Property Lease Tax Reform (Sen. Ken Chevront, D – Phoenix) would have made several changes to the GPLET statutes, such as requiring the Arizona Department of Revenue to establish standard rates of taxation, requiring conveyance of the property title at the end of the end of the eight-year abatement period, and exempting residential rental properties from this section of law. The bill passed the Senate Finance Committee by a vote of 7–1 but did not receive action in the Senate Committee of the Whole.

HB 2653: Tax Credit; Research and Development (Rep. Michelle Reagan, R – Scottsdale) would have increased the corporate income tax credit for Research and Development activities to a sliding scale based on level of activity. This bill passed the Senate Finance Committee by a vote of 4–2 but never received a hearing in the Senate Rules Committee. The bill’s language was approved as part of the final budget.

HB 2598: State Capitol Restoration Recapture Districts (Rep. Kirk Adams, R – Mesa) would have provided for creation of economic recapture districts, operating in a manner similar to special improvement districts, to make qualified expenditures for facilities for tourism, workforce housing, sporting, entertainment, cultural, trade show, convention and a host of other public facilities. Each district would have received 85% of the net new state transaction privilege tax revenues collected in the district and 15% of the net new revenues would have gone to a new state capitol centennial restoration trust fund. This bill never received a hearing in the House Appropriations Committee.

HB 2803: GPLET; Military Use Zones (Rep. John Nelson, R – Glendale) would have required a city council to notify affected school districts 60 days prior to voting on a GPLET transaction, and required a city to obtain an economic study from a third-party entity that shows fiscal benefit to the state/city before approval. The bill also allowed for an 8-year abatement of GPLET in certain military use zones. The bill passed the Senate Government Committee by a vote of 4–2 but did not receive action in the Senate Committee of the Whole.

## WATER AND ENVIRONMENT

### New Laws

SB 1120 (Chapter 42, Laws 2008) Navigable Stream Adjudication Commission; Continuation (Sen. Jake Flake, R – Snowflake) continues the Navigable Stream Adjudication Commission for 4 years until June 30, 2012. Staff believes the work of this commission is not yet complete. This bill was signed by the Governor on April 16.

SB 1180 (Chapter 81, Laws 2008) State Land Department; Sunset Continuation (Sen. Jake Flake, R – Snowflake) extends the existence of the Arizona State Land Department until July 1, 2018. This bill was signed by the Governor on April 28.

SB 1288 (Chapter 192, Laws 2008) Local Stormwater Quality Programs (Sen. Jake Flake, R – Snowflake) authorizes counties to adopt ordinances and fees related to the implementation of a local stormwater quality program. This bill was signed by the Governor on May 12.

HB 2425 (Chapter 218, Laws 2008) Underground Storage Tanks; Energy Act (Rep. Ray Barnes, R – Phoenix/Scottsdale) makes changes to requirements regarding underground storage tanks and requires underground storage tanks, their components and motor fuel dispensers connected to underground storage tanks to comply with federal regulations. This bill was signed by the Governor on May 20.

HB 2615 (Chapter 241, Laws 2008) Solar Energy Systems; Permits (Rep. Lucy Mason, R – Prescott) stipulates that municipalities can only charge the costs associated with issuing solar device permits for both non-residential and residential buildings. This bill was signed by the Governor on May 23.

HB 2771 (Chapter 153, Laws 2008) Interstate Water Transfers (Rep. Nancy McClain, R – Bullhead City) authorizes the Arizona Department of Water Resources (ADWR) to charge fees to process applications for interstate water transfers. This bill was signed by the Governor on May 1.

### Bills Not Enacted

SB 1044: Water; Recharge Permits (Sen. Robert Blendu, R – Litchfield Park) would have required that an original hydrology report be submitted to ADWR for the purposes of obtaining a permit for a groundwater storage facility or a groundwater savings facility. Staff opposition was based on language that would have granted ADWR the authority to reject a given hydrology report, creating situations in which developments could lose access to water after significant investment. This bill was approved as a “strike-everything” amendment in the Senate Natural Resources and Rural Affairs Committee by a vote of 4–2 but never received a hearing in the Senate Rules Committee.

HCR 2037: Constitutional Rights; Game and Fish (Rep. Jerry Weiers, R – Glendale/Phoenix) would have made it a constitutional right to hunt, fish and harvest game animals on public lands and private property, so long as the private property owner gave permission to hunt on his or her property. The measure would have applied in the City's parks and preserves. This would have been detrimental to the government's attempts to control the discharge of firearms, to preserve wildlife, and to protect the safety of the public. If approved, the measure would have appeared on November's General Election ballot. This measure failed in the House Committee of the Whole by a vote of 27–28.

HB 2221: Green Building Program; Requirements (Rep. Jonathan Paton, R – Tucson) would have prohibited cities and towns from requiring developments to comply with any green building programs that are not authorized in state law. Staff opposed restricting local programs that were geared towards sustainability. This measure was introduced as a "strike-everything" amendment. HB 2221 passed the Senate Government Committee by a vote of 4–3 but never received a hearing in the Senate Rules Committee.

HB 2427: Air Quality; Pinal Emissions Testing (Rep. Ray Barnes, R – Phoenix/Scottsdale) would have required vehicle emission testing in a new "Area C" (Pinal County's urban area). This bill failed the House by a vote of 22–37.

HB 2493: Solid Waste Dumping (Rep. Barbara McGuire, D – Kearny/Phoenix) would have established new penalties for those found guilty of illegal dumping. Staff opposition was based on language that places responsibility for the trash on the person leaving the trash, clearing the property owner of all responsibility. This would have had a chilling effect on enforcing clean-up on problem properties within the City. This bill passed the House Environment Committee by a vote of 9–0 but never received a hearing in the House Rules Committee.

## **MISCELLANEOUS**

### **New Laws**

SB 1024 (Chapter 184, Laws 2008) Cities; Campaign Finance; Website (Sen. Linda Gray, R – Phoenix) requires any city or town that operates a website to post all campaign finance reports filed with that municipality on its internet site. This bill was signed by the Governor on May 12.

SB 1141 (Chapter 55, Laws 2008) Defibrillators; Good Samaritans (Sen. Barbara Leff, R – Paradise Valley/Phoenix) establishes civil liability protections for personal injuries resulting from using an automated external defibrillator to render emergency care or assistance in good faith. This bill was signed by the Governor on April 21.

SB 1337 (Chapter 313, Laws 2008) Centennial Funding; Capitol Renovation (Sen. Jake Flake, R – Snowflake) appropriates monies for renovation of the state capitol as well as the state centennial fund. This bill was signed by the Governor on July 7.

HB 2155 (Chapter 145, Laws 2008) Transfer of Development Rights (Rep. Jonathan Paton, R – Tucson) permits counties to transfer development rights from unincorporated areas of a county to a municipality via an intergovernmental agreement. This bill was signed by the Governor on May 1.

HB 2169 (Chapter 177, Laws 2008) Vehicle Title; Registration; Electronic Signatures (Rep. Bob Robson, R – Chandler) allows vehicle title and registration to be submitted electronically as well as allowing electronic signatures on documents. Staff supported this measure based on the time and money that could be saved. This bill was signed by the Governor on May 12.

HB 2366 (Chapter 66, Laws 2008) DHS; Licensing; Electronic Licensing (Rep. Rich Crandall, R – Mesa) permits DHS to issue a provisional license to a child care facility that has deficiencies when the best interests of the children require and progress is being made. Staff supported this measure based on provisions in the bill that could assist the City's child care facility. This bill was signed by the Governor on April 22.

HB 2410 (Chapter 135, Laws 2008) Open Meetings; Public Opinions (Rep. John Kavanagh, R – Fountain Hills) allows a member of a public body that is subject to the Open Meeting Law to make comments to the public regarding the business of the public body without violating the Open Meeting Law, so long as the comments are not made in an effort to engage in a collective decision or discussion outside of a properly-noticed public meeting. This bill was signed by the Governor on April 29.

HB 2806 (Chapter 247, Laws 2008) Arizona Trust Code (Rep. Tom Boone, R – Peoria/Phoenix) makes comprehensive revisions to the law of trusts and estates. This bill was signed by the Governor on May 27.

HB 2813 (Chapter 308, Laws 2008) Civil Action; Affirmative Defense (Rep. John Kavanagh, R – Fountain Hills) provides liability protection against lawsuits by persons apprehended for committing crimes or fleeing law enforcement. This bill was signed by the Governor on July 7.

## **Bills Not Enacted**

SB 1237: Public Monies; Reference to Elected Official or Employee in General Public Communication Prohibited (Sen. Jim Waring, R – Phoenix) would have prohibited elected officials in the state from using public monies for print and electronic media that includes their names or images. Exceptions were made for communication that relates to matters of public concern. Staff opposition was based on the bill's ambiguity and its possible impact to Phoenix Channel 11. This measure was introduced as a "strike-everything" amendment. SB 1237 passed the House Counties, Municipalities and Military Affairs Committee by a vote of 8-1 but never received a hearing in the House Rules Committee.

SB 1291: Towing Companies; Release of Vehicles (Sen. Pamela Gorman, R – Anthem) would have required a towing company to provide a detailed written statement of all charges for towing, storage and related fees at no cost to an insurance company after the company has completed a request for a release of a vehicle, prohibited a towing company from charging a payment for removal of personal items from a vehicle during normal business hours, and prohibited a towing company from towing or transporting a vehicle from its storage lot without prior permission of the owner or insurance company. This bill passed the House by a vote of 37–14 but never received action in the Senate.

SB 1345: Architect Specialist Certification (Sen. Chuck Gray, R – Mesa) would have prohibited local governments from reviewing building plans submitted by certified architects. Staff consistently finds errors in these plans. Accepting these plans without a review could lead to safety issues once a construction project is complete. This never received a hearing in the Senate Commerce and Economic Development Committee.

SB 1507: State Aviation Fund (Sen. Thayer Verschoor, R – Gilbert) would have permitted the Board of Transportation to award up to 15% (currently capped at 10%) of the anticipated annual aviation fund revenue to any one airport in any fiscal year. This bill passed the House by a vote of 55–0 but never received action by the Senate.

HB 2153: Animals; Fighting (Rep. Jonathan Paton, R – Tucson) expanded current state law that prohibits dog fighting to include all animals, except for animals trained to protect livestock from predators. This bill passed the House Government Committee by a vote of 8–0 but never received a hearing in the House Judiciary Committee.

HB 2640: Public Officers; Financial Disclosure (Rep. Rick Murphy, R – Glendale) expanded the list of persons considered a "public officer" for purposes of statutes relating to standards for financial disclosure to include an appointee to any state board or commission. This bill failed the Senate Government Committee by a vote of 0–7.

### 2008 session by the numbers

**Days:** 166  
**Bills introduced:** 1,380  
**Bills passed:** 347  
**Bills signed:** 315  
**Bills vetoed:** 32  
**House Bills:** 872  
**Senate Bills:** 508  
**Memorials and resolutions introduced:** 162  
**Memorials and resolutions passed:** 29  
**Amendments adopted:** 1,654  
**Strike-everything amendments proposed:** 425  
**Strike-everything amendments adopted:** 174  
**Bills that had multiple strike-everything amendments:** 12

**Nov. 15** – first bill introduced  
**June 24** – last bill introduced

# STATE LEGISLATORS WHO REPRESENT THE CITY OF PHOENIX

## District 4

Senator Jack Harper (R)  
Representative Tom Boone (R)  
Representative Judy Burges (R)

## District 6

Senator Pamela Gorman (R)  
Representative Doug Clark (R)  
Representative Sam Crump (R)

## District 7

Senator Jim Waring (R)  
Representative Nancy Barto (R)  
Representative Ray Barnes (R)

## District 10

Senator Linda Gray (R)  
Representative Jim Weiers (R)  
Representative Jackie Thrasher (D)

## District 11

Senator Barbara Leff (R)  
Representative Mark DeSimone (D)  
Representative Adam Driggs (R)

## District 12

Senator Robert Blendu (R)  
Representative Jerry Weiers (R)  
Representative John Nelson (R)

## District 13

Senator Richard Miranda (D)  
Representative Steve Gallardo (D)  
Representative Martha Garcia (D)

## District 14

Senator Debbie McCune Davis (D)  
Representative Chad Campbell (D)  
Representative Robert Meza (D)

## District 15

Senator Ken Chevront (D)  
Representative David Lujan (D)  
Representative Kyrsten Sinema (D)

## District 16

Senator Leah Landrum Taylor (D)  
Representative Cloves Campbell, Jr. (D)  
Representative Ben Miranda (D)

## District 20

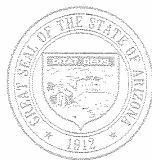
Senator John Huppenthal (R)  
Representative John McComish (R)  
Representative Robert Robson (R)

## District 23

Senator Rebecca Rios (D)  
Representative Pete Rios (D)  
Representative Barbara McGuire (D)



**Attached Are The Governor's Veto Letters On  
Bills Contained In This Report**



STATE OF ARIZONA

OFFICE OF THE GOVERNOR

1700 WEST WASHINGTON STREET, PHOENIX, AZ 85007

JANET NAPOLITANO  
GOVERNOR

MAIN PHONE: 602-542-4331  
FACSIMILE: 602-542-7601

May 27, 2008

The Honorable Timothy S. Bee  
President  
Arizona State Senate  
1700 W. Washington  
Phoenix, Arizona 85007

Re: Senate Bill 1106; Concealed Weapons Permit; Renewal Option

Dear President Bee,

Today I vetoed Senate Bill 1106, which proposes to make concealed weapons permits, once obtained, valid for the entire lifetime of the permit holder, without renewal.

Under current law, concealed weapons permits are valid for five years and renewable. At renewal, the Arizona Department of Public Safety conducts a criminal background check of the applicant to ensure he or she is still eligible to carry a concealed weapon. The criminal background check is paid for, in part, by a \$43.00 renewal fee. Because Arizona requires this renewal and criminal background check, other states and the Federal Bureau of Investigation accept the Arizona concealed weapons permit in lieu of their own permits and procedures.

A lifetime permit would eliminate the periodic opportunity to conduct these criminal background checks, which are an important part of ensuring that only non-felons lawfully carry concealed weapons. The lifetime permit would also, ironically, make it harder for permit holders to carry weapons outside of Arizona and to purchase firearms from firearm dealers without also passing an independent Federal Bureau of Investigation background check.

More important, the concept of lifetime validity for a concealed weapons permit is unwise public policy. In Arizona, a food service worker license is valid for three years, after which every chef, waiter, bartender and dishwasher must take a new exam on food safety to renew his or her license. If we believe protecting the public from food poisoning

The Honorable Timothy S. Bee  
May 27, 2008  
Page Two

is important enough to require retesting and renewal, it is impossible to justify a lifetime permit for the carrying of a concealed weapon.

For these and other reasons, I have vetoed Senate Bill 1106.

Yours very truly,

A handwritten signature in black ink, appearing to read "Janet Napolitano", with a large, sweeping flourish extending to the right.

Janet Napolitano  
Governor

JN:LK  
cc: The Honorable Jim Weiers  
The Honorable Chuck Gray



STATE OF ARIZONA

JANET NAPOLITANO  
GOVERNOR

OFFICE OF THE GOVERNOR  
1700 WEST WASHINGTON STREET, PHOENIX, AZ 85007

MAIN PHONE: 602-542-4331  
FACSIMILE: 602-542-7601

July 7, 2008

The Honorable Timothy S. Bee  
President  
Arizona State Senate  
1700 W. Washington  
Phoenix, Arizona 85007

Re: Senate Bill 1406; Municipal Development Fees; Procedures

Dear President Bee,

Today I vetoed Senate Bill 1406, which would have placed further restrictions on municipalities that seek to make developers of new growth assist in paying the public costs of growth through the use of development fees.

Every legislative session, developers propose new procedural changes to the way municipalities may calculate, schedule or collect development fees. Rather than address these issues on a piecemeal basis as we have in the past, we should work on comprehensive procedures for the fair imposition of development fees. Such fees should create predictability for developers, provide needed public services more quickly and more equitably distribute the cost of new public services.

Arizona would benefit if an agreed upon, comprehensive approach to development fees would be considered during the next regular legislative session.

In the meantime, I have vetoed Senate Bill 1406. I look forward to working with all the interested parties as, together, we move forward.

Yours very truly,

A handwritten signature in black ink, appearing to read "Janet Napolitano".

Janet Napolitano  
Governor

JN:LK

cc: The Honorable Jim Weiers



STATE OF ARIZONA

JANET NAPOLITANO  
GOVERNOR

OFFICE OF THE GOVERNOR  
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July 7, 2008

The Honorable Jim Weiers  
Speaker of the House  
Arizona House of Representatives  
1700 West Washington  
Phoenix, Arizona 85007

Re: House Bill 2389; Misconduct Involving Weapons; Means; Transportation

Dear Speaker Weiers:

Today I vetoed House Bill 2389, a bill that would have allowed individuals to hide weapons in their vehicles without a concealed weapons permit. Law enforcement requested that I veto this bill, and for good reason. House Bill 2389 would have added to the level of uncertainty and danger law enforcement officers who make traffic stops already face in the line of duty. It would also deprive officers of the ability to confiscate concealed weapons from individuals who ignore the concealed weapons laws in transit.

For these and other reasons, I have vetoed House Bill 2389.

Yours very truly,

A handwritten signature in black ink, appearing to read "Janet Napolitano", with a stylized flourish at the end.

Janet Napolitano  
Governor

JN:LK/jm

cc: The Honorable Timothy S. Bee  
The Honorable John Kavanagh



STATE OF ARIZONA

JANET NAPOLITANO  
GOVERNOR

OFFICE OF THE GOVERNOR  
1700 WEST WASHINGTON STREET, PHOENIX, AZ 85007

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April 29, 2008

The Honorable Jim Weiers  
Speaker of the House  
Arizona House of Representatives  
1700 West Washington  
Phoenix, Arizona 85007

Re: House Bill 2395; Driving; Boating; Under the Influence

Dear Speaker Weiers:

Today I vetoed House Bill 2395, the bill that proposed numerous changes to Arizona's driving and boating under the influence laws. One of the key changes would reduce the length of time a person must use an ignition interlock device after a conviction for driving while impaired by alcohol or drugs. House Bill 2395 would reduce that time period from 12 months to six months.

It has been less than a year since Arizona enacted the current interlock device law. I join with Mothers Against Drunk Drivers and Students Against Drunk Drivers in their belief that requirements to use ignition interlock devices have a deterrent effect on decisions to drive under the influence. Some disagree and believe the penalty is too harsh and the benefit to public safety is too low. No one can be sure because the law is so new. Under these circumstances, it would be premature to change the law, before we have had a chance to examine its effects.

For these and other reasons, I have vetoed House Bill 2395.

Yours very truly,

A handwritten signature in black ink, appearing to read "Janet Napolitano".

Janet Napolitano  
Governor

JN:LK/jm

cc: The Honorable Timothy S. Bee



STATE OF ARIZONA

OFFICE OF THE GOVERNOR

1700 WEST WASHINGTON STREET, PHOENIX, AZ 85007

JANET NAPOLITANO  
GOVERNOR

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May 20, 2008

The Honorable Jim Weiers  
Speaker of the House  
Arizona House of Representatives  
1700 West Washington  
Phoenix, Arizona 85007

Re: House Bill 2585; General Obligation Bond Requirements

Dear Speaker Weiers:

Today I vetoed House Bill 2585, which contains unnecessary and undesirable changes to the voter information pamphlets counties, cities, community college districts and school districts are required to publish in advance of general obligation bond elections. It also unnecessarily limits local options to refinance bonds.

Bond elections are an important financing tool for counties, cities, community colleges and school districts to fund their necessary capital improvements. The changes House Bill 2585 makes to voter information pamphlets obfuscate, rather than clarify, the statistical information provided to voters. Voters should make informed decisions based on information that is balanced, transparent and as neutral as possible. Moreover, House Bill 2585 would also unnecessarily restrict counties, cities, community college districts and school districts, and their taxpayers, from taking advantage of lower market interest rates by accelerating the repayment of general obligation debt and refinancing.

For these and other reasons, I have vetoed House Bill 2585.

Yours very truly,

A handwritten signature in black ink, appearing to read "Janet Napolitano", with a stylized flourish at the end.

Janet Napolitano  
Governor

JN:LK/jm

cc: The Honorable Timothy S. Bee  
The Honorable Steven B. Yarbrough



STATE OF ARIZONA

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JANET NAPOLITANO  
GOVERNOR

April 29, 2008

The Honorable Jim Weiers  
Speaker of the House  
Arizona House of Representatives  
1700 West Washington  
Phoenix, Arizona 85007

Re: House Bill 2630; Concealed Weapons; Petty Offense

Dear Speaker Weiers:

At the request of Arizona law enforcement, I have vetoed House Bill 2630, which would have reduced the penalties for illegally carrying a concealed weapon without a permit from a class one misdemeanor to a petty offense and prevented law enforcement from confiscating the weapon from the violator.

As you know, House Bill 2630 is almost identical to last year's Senate Bill 1629, which I also vetoed. As I stated in my veto letter of May 16, 2007, lawful gun owners who wish to carry concealed weapons should comply with Arizona's concealed weapons laws and obtain the required permit. People who fail to do so are, by definition, lawbreakers in possession of deadly weapons.

As our law enforcement professionals will tell you, serious criminals, especially gang members, often carry concealed weapons without permits. Our law enforcement officers must have the full array of enforcement options to use against these violators, including the power to arrest the violator and confiscate his deadly weapon. Maintaining our current level of penalties promotes the safety of our citizens and law enforcement officers.

For these and other reasons, I have vetoed House Bill 2630.

Yours very truly,

A handwritten signature in black ink, appearing to read "Janet Napolitano", with a long horizontal flourish extending to the right.

Janet Napolitano  
Governor

JN:LK/jm

cc: The Honorable Timothy S. Bee  
The Honorable Russell K. Pearce



STATE OF ARIZONA

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JANET NAPOLITANO  
GOVERNOR

April 28, 2008

The Honorable Jim Weiers  
Speaker of the House  
Arizona House of Representatives  
1700 West Washington  
Phoenix, Arizona 85007

Re: House Bill 2807; immigration; local enforcement

Dear Speaker Weiers:

I have vetoed House Bill 2807, which would have mandated that Arizona counties, towns and cities participate in federal immigration law enforcement efforts and would have shifted the cost of training those local law enforcement officers away from the federal government to Arizona's state general fund. This bill is similar to Senate Bill 1306, which I vetoed in May 20, 2005. And for many of the same reasons, I am vetoing House Bill 2807 today.

House Bill 2807 is simply an unnecessary, unfunded mandate to law enforcement.


Let us start with the clear understanding that nothing in current law prevents Arizona's sheriffs and police departments from entering into agreements with federal immigration authorities to enforce federal immigration laws, provided they are given proper training. Many already have entered into these agreements on a voluntary basis. A legislative mandate to that effect is unnecessary.

In addition, House Bill 2807 is an unfunded mandate. The real impediment to cross training local law enforcement in federal immigration law enforcement efforts is the federal government's inability to meet the demand for training opportunities. In 2006, Congress added Section 287(g) to the Immigration Reform Act, giving the federal Department of Homeland Security the ability to train local law officers in the enforcement of federal immigration laws. While interest in these cross training programs was high, Congress appropriated only \$5.5 million in 2008 to maintain the entire nation-wide program. Demand for training has, predictably, significantly outstripped federal resources. Even now, the Arizona Department of Public Safety alone has a wait list of over 100 officers for cross training. Because House Bill 2807 requires the Arizona general fund to pay the training costs for *all* local law enforcement (not just for the Department of Public Safety) if federal funding is not available, Arizona tax payers would be required to pay an approximately \$100 million bill at a time we are facing significant budget shortfalls.

The Honorable Jim Weiers  
April 28, 2008  
Page Two

Accordingly, for the reasons stated in my May 20, 2005 veto letter of Senate Bill 1306 and others, I have vetoed House Bill 2807.

Yours very truly,



Janet Napolitano  
Governor

JN:LK

cc: The Honorable Timothy S. Bee  
The Honorable John B. Nelson



## **City of Phoenix**

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