

2011 STATE LEGISLATIVE FINAL REPORT

Office of Government Relations, City of Phoenix





OVERVIEW

Under the cloud of a state budget shortfall estimated at \$1.5 billion for FY 2011 and FY 2012 combined, the Mayor and Council declined to pursue a proactive 2011 legislative agenda but rather directed staff to stay focused on three main priorities: maintaining and protecting shared revenues, opposing unfunded mandates, and preserving local authority.

The 50th Arizona State Legislature convened its First Regular Session on January 10, 2011, just three days after the tragic shootings in Tucson which claimed the lives of six and injured 14, including former Arizona state senator and current U.S. Congresswoman Gabrielle Giffords (D- AZ 8th). In a somber setting, Governor Jan Brewer delivered an abbreviated state of the state address, honoring both the victims and heroes of that grievous incident.

Despite the grim atmosphere, Arizona lawmakers wasted no time, quickly turning their focus to the state's budget deficit, job creation, and Medicaid reform. Controlling supermajorities in both legislative chambers, GOP members were able to quickly and easily pass out legislation regardless of any opposition from Democrats. Many of the 386 bills that reached the Governor's desk were passed with more than two-thirds support.

Maintaining and Protecting Shared Revenues - State Budget

Going into the 2011 legislative session lawmakers were once again faced with the daunting task of closing a significant budget gap. The legislative chambers clashed with one another as well as the Governor's Office over how exactly to resolve the shortfall. Suggestions on how to close the gap ranged from wide sweeping cuts to state agencies, debt financing, department consolidations, and even the possible elimination of the state's Medicaid system, AHCCCS. The Senate even went as far as drafting and passing its own version of a budget package, modeled largely after the Governor's budget, despite not having an agreement in place with either the House or the Governor.



II

Early rumors came to fruition with introduction by Senator Steve Pierce (R-Prescott) of SB 1221: Urban Revenue Sharing; Distribution Freeze that would have frozen revenue sharing distribution at FY 2010 levels for 20 years.

After months of debate and contentious negotiations, on Friday, April 1st, the Legislature approved a comprehensive final budget package that was signed by the Governor. The votes on the budget bills were strictly along party lines, with no Democrats supporting any of the bills. The compromise \$8.4 billion spending plan is anticipated to close the state's \$1.5 billion budget gap for fiscal years 2011 and 2012. The plan included \$1.1 billion in spending cuts, mostly from education and healthcare, along with \$190 million in various fund sweeps. The remaining balance comes from adjustments made to the state's Medicaid system, AHCCCS. Republicans have touted the budget plan as the state's first balance budget in over 5 years, containing no new rollovers, debts, loans or other budgeting gimmicks.

Prior to the beginning of session, cities including Phoenix informed incoming legislators and the Governor's Office about the fiscal challenges that cities and towns are facing, consistently and emphatically stressing preservation of shared revenue. The final budget for FY 2011 and FY 2012 reflected that the message was heard loud and clear. General Fund shared revenue was spared. SB 1221 was never heard in committee.

Nonetheless, the adopted state budget will impact the City. Cities and towns across the state were tasked in the budget package to partially fund the Arizona Department of Water Resources (impact to Phoenix: approximately \$2 million) and contribute the municipal share of Highway Revenue User Funds (impact to Phoenix: approximately \$12 million) to the State for the Department Public Safety.

Opposing Unfunded Mandates

Each year, hundreds of bills propose to impact city operations in various ways, and this year was no different. In the area of revenue, one bill stands out above the rest: SB 1220: Sales Tax Base; Uniform (Sen. Steve Pierce, R-Prescott). SB 1220 would have



repealed the Model City Tax Code and eliminated all city sales taxes that were not recognized by the state. Staff estimated that Phoenix would lose over \$44 million annually had the bill been enacted. After educating members, this bill was held in committee.

Another potentially costly bill that was ultimately defeated is SB 1201: Firearms Omnibus (Sen. Ron Gould, R-Lake Havasu City). Among other provisions, the bill would have prohibited the state and local governments from banning firearms in public buildings unless each entrance had a metal detector and armed guard. If the City opted to maintain its current policy regarding firearms in city facilities, the implementation costs would have been in the tens of thousands of dollars per entrance. Although the bill successfully passed both legislative chambers, the Governor vetoed the measure.

Preserving Local Authority

A number of bills also threatened to preempt local decision making and control. Among those were:

HB 2555: Regulation Of Taxis; Limitations (Rep. Judy Burges, R-Skull Valley) would have entirely preempted cities and counties from regulating taxis, limousines and livery vehicles. The City worked with the sponsor and the bill never received a hearing.

SB 1375: Livery Vehicles; Taxis; Limousines; Regulation (Sen. Frank Antenori, R-Tucson) was initially similar to HB 2555 before it was amended at the City's request to permit continued regulation by public airports. It was signed by the Governor.

SB 1379: Consumer Fireworks; Regulation (Sen. Frank Antenori, R-Tucson) would have preempted local bans on use of consumer fireworks during several periods each calendar year, limit inspection fees and preempt zoning regulations. The City and many other stakeholders requested a veto of this bill, which was granted by the Governor.

SB 1322: Managed Competition; City Services (Sen. Frank Antenori, R-Tucson) would have mandated that the cities of Phoenix and Tucson procure all but specified services



that cost \$500,000 or greater through the bill's specified managed competition process. In her letter transmitting a veto of this bill, Governor Brewer explained that she is "becoming increasingly concerned that many bills introduced this session micromanage decisions best made at the local level . . . The citizens of Phoenix and Tucson formed their government and adopted a charter to guide it. This legislation erodes the ability of voters to receive services from the government they themselves formed with a responsiveness and accountability from the officials them themselves elected at the local level."

Wherever possible, staff makes a good faith effort with lawmakers and stakeholders to work on legislation that the City initially is concerned about. Quite often, compromise is found and what may have started as a "bad" bill eventually becomes palatable. Examples of bills where consensus was achieved are SB 1525: City; Town; Development Fees (Rep. Russell Pearce, R-Mesa) and SB 1598: Cities; Counties; Regulatory Review (Sen. Lori Klein, R-Anthem). As introduced, these bills would have made the City's impact fee program unworkable and introduced more bureaucracy to our licensing and permitting processes, respectively, as explained in more detail later in this report. After countless hours at the negotiation table, all parties agreed on language that minimizes negative impacts and serves the best interests of the community.

Ballot Measures Referred This Session

SCR1001 Judicial Selection Procedure (Sen. Russell Pearce, R-Mesa) proposes to amend numerous sections of Article VI of the Arizona Constitution relating to terms of offices of the judiciary as well as the commission on appellate court appointments and the commission on trial court appointments.

SCR1020 Crime Victims; Protections From Liability (Sen. Russell Pearce, R-Mesa) would prohibit a crime victim from being subject to a claim for damages for causing any injury or death to a person if the person is harmed when engaging in, attempting to engage in, or fleeing after having engaged in or attempted to engage in a felony offense.



SCR1025 Public Funds; Political Candidates; Ban (Sen. Steve Pierce, R-Prescott) would prohibit the state or its political subdivisions from using public funds for political campaigns, thereby repealing the state's current public campaign financing system that was created by voters in 1998.

2012 LEGISLATIVE OUTLOOK - 50th Legislature, 2nd Regular Session

Arizona House of Representatives

Going into next year's legislative session, Republicans will continue to comfortably control the House of Representatives, maintaining 40 out of the 60 seats in the legislative chamber; however their leadership team will have a new look.

In late April, Representative Kirk Adams announced his resignation as Speaker of the House. Adams has announced his candidacy for Congress in Arizona's CD6. He will face off in a GOP primary against former US Congressman Matt Salmon and former state legislator Chuck Gray, to fill the congressional seat currently held by Congressman Jeff Flake. Flake is running for the US Senate to replace retiring US Senator Jon Kyl. The Maricopa County Board of Supervisors will be selecting Adams' replacement shortly.

Replacing Adams as Speaker is Representative Andy Tobin (R-Paulden). Previously the House Majority Leader, Tobin ran unopposed for the top leadership spot and was approved with unanimous consent. Tobin was first elected to the House in 2006. Representative Steve Court (R-Mesa) will take over as Majority Leader. Court was first elected to the Arizona House of Representatives in 2008. This session he served as Chairman of the House Higher Education Committee. House Majority Whip, Debbie Lesko (R-Glendale) will remain in her current leadership position. Speaker Tobin is expected to carry on many of the similar policies as Kirk Adams but also has expressed a strong interest in addressing the state's energy policies.



Arizona State Senate

Controlling 21 out of the 30 Senate seats, Senator Russell Pearce will return as Senate President next legislative session. This past year, the Senate was the more conservative of the legislative chambers.

Executive

Serving in her first elected term as Arizona’s governor, Jan Brewer was quite active this legislative session, especially with her veto stamp. Brewer, a Republican, approved over 350 bills and vetoed 29, all Republican sponsored. Brewer did not shy away from preventing several measures from going into law regardless whether the bill received a two-thirds vote. Because many of Governor’s Brewer’s vetoes were after the legislature adjourned, they could not vote to override.

SECOND SPECIAL SESSION - Arizona Competitiveness Package

During a brief special session in mid-February, the legislature and Governor approved HB 2001: Arizona Commerce Authority; Business Incentives (Rep. Kirk Adams, R- Mesa). The historic measure includes the following:

- Replaces the Arizona Department of Commerce with the Arizona Commerce Authority that will guide the state’s economic policy
- Starting in TY2014, the corporate income tax rate is reduced from 6.5% to 4.9% over three years
- Beginning in TY2014, the sales factor ramps up to 100% of sales by TY2017
- The commercial property assessment ratio is lowered from 19.5%, starting in TY2013 to 18% by TY2016
- Establishes a dedicated fund to assist in business retention, expansion and recruitment



- Creates a new employment tax credit for jobs that meet certain criteria

Other than the delayed tax rate and assessment ratio changes, the provisions of this bill took effect on July 1, 2011. The corporate income tax rate reduction that begins in TY 2014 will affect shared revenue beginning in FY 2017.

Special Session This Fall

It is widely expected that Governor Brewer will call a special legislative session sometime early this fall. The special session will likely deal with several issues including the Tax Correction Act of 2011, which the governor vetoed shortly after session ended. The Governor vetoed the measure because the bill included other provisions such as a tuition tax credit for corporations, rather than the usual technical tax correction language typically contained in this annual bill.

Additionally, Brewer has indicated that she would like to see the issue of personnel reform addressed in a special session later this year. The Governor had pushed for the Legislature to consider her proposal toward the end of the session; however, lawmakers were focused more at completing the budget.

Under Brewer's proposal, many state employees would be given "uncovered status," meaning they would lose or never receive merit-system protection and thus be easier to terminate.

2011 Legislative Session	
Adjourned April 20, 2011 at 5:25am	
Session lasted	100 days
Bills Posted	1496
Bills Passed	422
Bills Vetoed	29
Regular Effective Date	July 20







FINAL DISPOSITION OF BILLS



Economic Development

New Laws

SB 1203: Revitalization Districts; Revisions (Sen. Michele Reagan, R-Scottsdale) makes changes to the revitalization statutes adopted in 2010. Revisions include:

- Allowing the district to pay for water and communication systems, as well as public and private buildings
- Multipurpose facilities, such as a structure(s) that accommodates cultural and business events, can receive the benefits of the district
- Prohibits sports stadiums from qualifying for district monies

Bills Not Enacted

SB 1041: As Amended Invest Arizona (Sen. Michele Reagan, R-Scottsdale) would have established a variety of tax credits and adjusted property tax classifications for businesses that made new capital investments and created jobs that met specific criteria. The bill was intended as a broad economic development measure. This bill was vetoed by the Governor on April 29, 2011.

SB 1159: Multimedia Production Tax Credits (Sen. John Nelson, R-Litchfield Park) would have reestablished the State's motion picture tax credit program, which expired on December 31, 2010. This bill passed the Senate but never received a hearing in the House Ways and Means Committee.

SB 1173: Enterprise Zone Tax Credits; Trusts (Sen. John Nelson, R-Litchfield Park) would have allowed trusts and beneficiaries of trusts, as well as other listed forms of co-ownership such as partnerships and S-Corporations, to receive enterprise zone tax credits. SB 1173 was held in the Senate Commerce and Energy Committee.



SB 1371: *As Amended* Revenue Allocation Authorities (Sen. Frank Antenori, R-Tucson)

would have allowed a city or town - upon petition of landowners - to establish a special taxing district for the purpose of financing capital improvements and other economic development projects listed in an approved revenue allocation authority plan. SB 1371 never received a hearing in the Senate Appropriations Committee. The language of the bill was later amended onto SB 1585, but that bill did not proceed to the House floor.

General Operations

New Laws

SB 1082: DES; Fingerprinting; Finger Imaging (Sen. Linda Gray, R-Glendale) makes changes to the finger imaging program used by the Temporary Assistance and Needy Families and Supplemental Nutrition Assistance Programs. For example, participants that refuse to cooperate with the finger imaging requirements would be prohibited from receiving program benefits. Also, Arizona Department of Economic Security employees and contractors that provide services to vulnerable adults must have valid fingerprinting cards beginning on December 31, 2012. SB 1082 was signed by the Governor on April 18, 2011 (Laws 2011, Chapter 142).

SB 1101: Protest Activity; Prohibition (Sen. Kyrsten Sinema, D-Phoenix) establishes restrictions on those picketing or protesting a funeral. This bill was signed by the Governor on January 11, 2011 (Laws 2011, Chapter 1).

SB 1153: City Auditors; Confidential Information (Sen. Michele Reagan, R-Scottsdale) allows cities and towns to adopt an ordinance granting city auditors access to minutes of council executive sessions. SB 1153 was signed by the Governor on April 12, 2011 (Laws 2011, Chapter 74).

SB 1403: Mandatory Project Labor Agreements; Prohibition (Sen. Don Shooter, R-Yuma) prohibits public entities from awarding public works contracts based on the applicant's participation in a labor union. This bill was signed by the Governor on April 6, 2011 (Laws 2011, Chapter 23).



SB 1465: Valid Identification; Consular Cards; Prohibition (Sen. Ron Gould, R-Lake Havasu City) prohibits public entities from accepting foreign government issued consular cards as a legal form of identification. This bill was signed by the Governor on April (Laws 2011, Chapter 325).

SB 1512: Bond Election; Informational Pamphlet (Sen. Gail Griffin, R-Hereford) requires bond election pamphlets to include the estimated tax impact of debt service for the bonds on agricultural/vacant property (Class 2), bases the estimated tax impact on Class 2 property on a value of \$100,000, and lowers the base value for which the estimated tax impact on specific Class 1 property from \$2.5 million to \$1 million. SB 1512 was signed by the Governor on April 12, 2011 (Laws 2011, Chapter 72).

SB 1598: Cities; Counties; Regulatory Review (Sen. Lori Klein, R-Anthem) requires cities and counties to adopt, by December 31, 2012, timeframes for considering and acting on each type of license or permit application that it issues. The city or county governing body would receive complaints regarding ordinances, codes, substantive policy statements or municipal practices that violate the new requirements, and recommend actions to alleviate the violations. The bill also establishes a “regulatory bill of rights” for businesses and others subject to municipal and county regulations, including written notifications regarding inspections and decisions on permit or license applications, rights to appeal or challenge with the potential to recover fees and costs, and that neither municipal and county ordinances or codes nor license or permit conditions exceed what is authorized in a specific grant of authority. In addition, the bill requires a city or county general plan land use element to include currently known sources of aggregates, measures to preserve these aggregates for future development, and policies to avoid incompatible land uses. This bill was signed by the Governor on April 28, 2011 (Laws 2011, Chapter 312).

HB 2102: License Eligibility; Authorized Presence (Rep. John Kavanagh, R-Fountain Hills) requires that a person applying for a service license present government issued picture identification showing they are a legal resident of the United States before receiving a license to work in a service industry. This bill was signed by the Governor on April 28, 2011 (Laws 2011, Chapter 314).



HB 2303: Voting Centers: Polling Places (Rep. J.D. Mesnard, R-Chandler) allows county boards of supervisors to authorize the use of voting centers in lieu of or in addition to polling places. The bill was signed by the Governor on April 29, 2011 (Laws 2011, Chapter 331).

HB 2304: State Elections; Omnibus (Rep. J.D. Mesnard, R-Chandler) makes various changes to statutes governing elections in order to conform with recent caselaw. The bill clarifies that petition circulators do not have to be Arizona residents, but must be otherwise qualified to register to vote in Arizona. Nonresident circulators would be required to register with the Secretary of State, and the Secretary would be required to develop and implement procedures to register and receive process for those circulators. The bill would allow voters on the permanent early voting list to designate an address in the state to which a ballot may be mailed. Currently a voter may only designate an address within his or her county of residence. The bill would require a political committee statement of organization to include a statement by the Chairman and Treasurer that they have read all applicable laws relating to campaign finance and reporting, and would require an individual to register the individual's exploratory committee prior to circulating petitions. The bill also allows the exploratory committee to lawfully collect nomination petitions signatures and receive contributions, in the same fashion that candidate campaign committees may under current law. In addition, the bill would require registration of a corporation, limited liability corporation or labor organization and reporting of contributions made to an independent expenditure committee for the purpose of influencing the outcome of an election. The bill was signed by the Governor on April 29, 2011 (Laws 2011, Chapter 332).

HB 2500: Political Signs; Public Right-of-Way (Rep. David Gowan, R-Sierra Vista) establishes new procedures for removal of political signs in a right-of-way, including:

- Prohibiting a local government from removing a sign unless it is posted in a hazardous location
- If the sign is removed because it has been deemed a hazard, it would have to be relocated and the appropriate campaign committee would have to be notified within 24 hours
- The approved standards would apply 60 days before a primary election and 15 days after a general election



This bill was signed by the Governor on April 28, 2011 (Laws 2011, Chapter 318).

HB 2644 Federal Monies; Union Preference; Prohibition (Rep. Michelle Ugenti, R-Scottsdale) prohibits the state and local governments from accepting federal funds for construction projects if the monies are contingent on providing a preference to union labor. This bill was signed by the Governor on April 28, 2011 (Laws 2011, Chapter 319).

Bills Not Enacted

SB 1286: Counties; Cities; Permits; Time Limits (Sen. Lori Klein, R-Anthem) would have required a city or county to approve or deny an application for any permit issued by the city or county within 60 days after submittal of a complete application. A 60 day extension was also allowable. Failure to approve or deny within the prescribed timeframe would constitute approval. SB 1286 passed its assigned House Committees, but was held on the House Floor.

SB 1322: Cities; Services; Managed Competition (Sen. Frank Antenori, R-Tucson) would have required a city with a population greater than 500,000 to provide all municipal services with a cost of \$500,000 or more through open and competitive bidding. This bill was vetoed by the Governor on April 28, 2011.

SB 1327: Cities; Counties; Managers; Termination (Sen. Frank Antenori, R-Tucson) would have subjected city and town managers to recall in the same fashion as elected officials. SB 1327 failed to receive a hearing in the Senate Government Reform Committee.

SB 1339: Administrative Rules; Repeal; Legislative Action (Sen. Frank Antenori, R-Tucson) would have repealed, as of January 1, 2014, all state agency rules that have an impact on privately owned businesses, private entities or private property owners. SB 1339 failed in the Senate by a vote of 11-17.

SB 1345: Municipal Employees; Hiring; Compensation (Sen. Frank Antenori, R-Tucson) would have capped the number of employees in the cities of Phoenix and Tucson at FY 2011-2012 levels as well as mandate that city employee pay and benefit levels (excluding sworn



police and fire personnel) could not exceed the average annual compensation and benefits of private sector workers in those communities. The bill also required that employee counts could not exceed 0.4 percent of a city's population after FY 2013-2014. SB 1345 failed in the Senate by a vote 12-16.

SB 1347: Cities; Compensation Baseline (Sen. Frank Antenori, R-Tucson) would have limited salaries for municipal employees in the cities of Phoenix and Tucson to the level of those salaries in fiscal year 2006-2007. SB 1347 was never third read in the Senate.

HB 2366: Communication With Public Officer; Identity (Rep. David Smith, R-Carefree) would have allowed elected officials and public administrators to redact contact information of residents with whom they have written communication if the communication was made to a personal e-mail account or mailing address. This bill was held in the House Military Affairs and Public Safety Committee.

HB 2501: Rules; Laws; Ordinances; Interpretation (Rep. Ted Vogt, R-Tucson) would have required that if a rule, ordinance or law related to permits, licenses or zoning is determined to be ambiguous, that the rule, ordinance or law must be interpreted against the agency or political subdivision that adopted it and in favor of the person challenging it. This bill was retained in the Senate Committee of the Whole.

HB 2502: Public Programs; Advertisements; Funding Source (Rep. Carl Seel R- Phoenix) would have required public agencies to disclose the funding source for any multimedia announcements or communications. This bill was vetoed by the Governor on April 29, 2011.

Housing

New Laws

SB 1306: Landlords; Tenants; Bedbug Control (Sen. Michele Reagan, R-Scottsdale) prohibits cities and counties from enacting ordinances regarding landlord responsibility for



bedbug control. However, cities and counties can implement remedies to dispose of items that are ingested with bedbugs. The bill also contains a number of new requirements on tenants and landlords with regard to bedbug infestation. SB 1306 was signed by the Governor on April 19, 2011 (Laws 2011, Chapter 191).

Bills Not Enacted

SB 1204: Trash Collection; Multifamily Housing (Sen. Gail Griffin, R-Hereford) would have changed the definition of apartment communities that use "commercial solid waste or recycling containers" to "metal front-load or rear-load bins." Condominiums or townhouses would have been excluded. This bill was held in the House Committee of the Whole.

SB 1222: Public Benefits; Eligibility; Required Proof (Sen. Andy Biggs, R-Gilbert) would have changed the requirement to show specified identification demonstrating lawful presence in the United States when applying for a federal benefit administered by the state or political subdivision or a state or local public benefit. This bill was held on the House Floor.

HB 2166: Low Income Housing; Property Tax (Rep. Justin Olson, R-Mesa) would have required county assessors to assess qualifying low income multifamily residential rental properties via an income-based approach. The bill would have also established a capitalization rate of 12.5 percent. HB 2166 was vetoed by the Governor on April 29, 2011.

Human Resources

New Laws

SB 1057: Law Enforcement Officers; Disciplinary Actions (Sen. Linda Gray, R - Glendale) provides for recovery of costs including attorneys' fees if a law enforcement officer is found to have been subject to disciplinary action without just cause. In addition, the legislation allows for punitive damages if a court determines that the allegations were



made by the employer with intent to terminate the officer or reduce his or her credibility before a court or administrative board. This bill was signed by the Governor on April 26, 2011 (Laws 2011, Chapter 244).

SB 1235: Law Enforcement Officers; Disciplinary Procedures (Sen. Linda Gray, R-Glendale) requires law enforcement agencies to provide upon the request of an officer who is the subject of a disciplinary interview, copies of disciplinary records of other officers of similar rank that underwent a similar investigation within the previous two years. In addition, these same officers can request an alternative hearing officer if officer agrees to split the cost with the agency. SB 1235 was signed by the Governor on April 25, 2011 (Laws 2011, Chapter 230).

HB 2444: Law Enforcement Officer Discipline (Rep. Steve Montenegro, R-Litchfield Park) makes multiple changes to the law enforcement disciplinary statutes. For example, the bill imposes a 120-day time limitation for disciplinary investigations regarding law enforcement employees, with specified exceptions. The results of a polygraph examination cannot be the sole basis of disciplinary action if other information or evidence exists. The results of the polygraph examination must be provided to the officer in question within ten days of a request. This bill was signed into law by the Governor on April 19, 2011 (Laws 2011, Chapter 198).

HB 2476: Workers' Compensation; Certain Diseases; Exposure (Rep. David Gowan, R-Sierra Vista) lengthens the time limit for employees to report possible exposure to certain diseases for workers' compensation claims from ten to thirty calendar days. This bill was signed by the Governor on April 28, 2011 (Laws 2011, Chapter 317).

HB 2477: Law Enforcement Officers; Witness; Representation (Rep. David Gowan, R-Sierra Vista) would give any law enforcement officer or probation officer who is a witness in a disciplinary matter the right to union representation during the investigatory interview. This bill was signed by the Governor on April 28, 2011 (Laws 2011, Chapter 301).



HB 2541: Employee Drug Testing; Medical Marijuana (Rep. Kimberly Yee, R-Phoenix) permits private and public sector employers to take disciplinary actions against employees who are impaired while at work due to prescribed, illegal or synthetic drug use. This bill was signed by the Governor on April 29, 2011 (Laws 2011, Chapter 336).

HB 2584: Workers' Compensation; Directed Care (Rep. Judy Burges, R-Skull Valley) allows a city with a population greater than 150,000 to direct injured workers to certain providers for industrial injuries, under certain circumstances. HB 2584 was signed by the Governor on April 13, 2011 (Laws 2011, Chapter 93).

HB 2613: Board; Complaints; Peace Officer Misconduct (Rep. David Stevens, R-Sierra Vista) allows the Arizona Peace Officer Standards and Training (AZPOST) Board to entertain complaints of officer misconduct from any person or agency and to investigate these claims if a law enforcement agency refuses to investigate the complaint or renders a decision on a claim that is believed to contradict prima facie evidence. This bill was signed by the Governor on April 28, 2011 (Laws, Chapter 303).

Bills Not Enacted

SB 1329: Public Employees; Lobbying; Political Activities (Sen. Frank Antenori, R-Tucson) would have prohibited a public employee from lobbying or engaging in political activity during work hours. This bill was vetoed by the Governor on April 29, 2011.

HB 2367: Public Employees; Prohibited Negotiations (Rep. David B. Smith, R-Phoenix) would have prohibited the state and political subdivisions from negotiating with a labor organization or employee association representing public employees concerning employee wages and benefits, hours of work, or other financial issues. This bill was never heard in the House Employment and Regulatory Affairs Committee.

Planning and Zoning



HB 2541: Employee Drug Testing; Medical Marijuana (Rep. Kimberly Yee, R-Phoenix)

permits private and public sector employers to take disciplinary actions against employees who are impaired while at work due to prescribed, illegal or synthetic drug use. This bill was signed by the Governor on April 29, 2011 (Laws 2011, Chapter 336).

New Laws

SB 1207: Dilapidated Building; Definitions (Sen. Gail Griffin, R-Hereford)

revises the definition of a dilapidated building to include any building that is believed to be a fire hazard, in danger of collapsing, or deemed to be an overall general threat to health and safety. This bill was signed by the Governor on April 7, 2011 (Laws 2011, Chapter 41).

SB 1333: Cities; Towns; Deannexation; Incorporation (Sen. Frank Antenori, R-Tucson)

makes changes to incorporation laws (through December 31, 2010) within the following five counties based on the percentage of their population residing in incorporated areas; Cochise, Coconino, Mohave, Pima, and Yavapai. The bill implements two alternate methods for moving forward with an incorporation process. First, if a municipality rejects an annexation petition for an area, then each subsequent year the urbanized area created by the rejecting municipality is reduced by one mile for the purpose of having the rejected area proceed with incorporation. Second, if a proposed incorporation has 15,000 persons or more, and has an existing governing board over the area, then the incorporation can move forward without municipal approval. Incorporations pursued through the second method are subject to a delayed phase-in of state shared revenue. SB 1333 was signed by the Governor on April 29, 2011 (Laws 2011, Chapter 348).

SB 1546: Eminent Domain on Federal Property (Sen. Al Melvin, R-Tucson)

allows the state to take land possessed by the U.S. Government for public use purposes, except that the following federal properties are not subject to the state's eminent domain laws:

- Property held by the U.S. for the benefit, *including water rights*, of a federal reclamation project or managed by a political subdivision of this state, or special taxing district
- Property on which permanent improvements are constructed or that is legally encumbered



This bill was signed by the Governor on April 29, 2011 (Laws 2011, Chapter 356).

Bills Not Enacted

SB 1319: Government Land; Restoring Private Land (Sen. Gail Griffin, R-Hereford) would have required government entities that acquire title to private land to sell or otherwise convey title to land of equivalent value to private ownership. SB 1319 was held in the Senate Water, Land Use and Rural Development Committee.

HB 2275: Incorporation; Urbanized Areas (Rep. Frank Pratt, R-Casa Grande) originally would have allowed unincorporated areas with a population of 60,000 or more persons to incorporate without the approval of cities within six miles of the area in question. A “strike-everything” amendment was offered that reduced the population threshold to 40,000, and allowed incorporation if a majority of the minimum three cities or towns within six miles of the area to be incorporated adopt a consenting resolution. HB 2275 failed in the House Government Committee.

HB 2485: Government Land; Private Land; Study (Rep. David Gowan, R-Sierra Vista) would require that when a government purchaser acquires privately-owned property, the purchaser must either dispose of property of equivalent value or agree to make voluntary payments in lieu of property taxes to all taxing jurisdictions in which the property is located. This bill was amended to instead create a study committee on government and private lands. As a result of a subsequent “strike-everything” amendment, the bill dealt with civil liability immunity for volunteers assisting with emergencies involving liquefied petroleum gas. HB 2485 failed to pass on the last day of session.

Public Safety

New Laws

SB 1020: Peace Officers; Licensure; Registration; Prohibited (Sen. Linda Gray, R-Glendale) prohibits the Arizona Department of Public Safety from issuing private investigator license, as well as a registration certificate, to a law enforcement officer. This bill was signed by the Governor on April 25, 2011 (Laws 2011, Chapter 222).



SB 1200: Driving Under the Influence; Interlock (Sen. Vic Williams, R-Tucson) allows first time DUI offenders that are required to use an interlock device for one year to have their sentence commuted after six months if certain conditions are met. SB 1200 was signed by the Governor on April 29, 2011 (Laws 2011, Chapter 341).

SB 1259: Noncontiguous County Islands; Fire Services (Sen. Michele Reagan, R-Scottsdale) makes numerous changes to the creation and management of noncontiguous fire districts, such as:

- The definition of “Districts” now includes an area that consist of one or more noncontiguous county islands that are not in a municipal planning area in which the geographical area is surrounded by any combination of government boundaries and served by a private fire company that is not funded by county property taxes at the time of the District’s formation
- The organizing board of a District can enter into written agreements with third parties to provide services related to its formation
- Permits districts within a municipal planning boundary to enter into intergovernmental agreements with a city/town fire provider 60 days after its formation

SB 1259 was signed by the Governor on April 26, 2011 (Laws 2011, Chapter 269).

SB 1334: Hunting Within City Limits (Sen. Frank Antenori, R-Tucson) preempts city governments from prohibiting persons from hunting on private, federal and state trust lands located within a municipality’s boundaries during an open season established by the Arizona Game and Fish Commission. A political subdivision may, however, restrict the discharge of firearms within one-quarter mile of an occupied structure. This bill was signed by the Governor on April 29, 2011 (Laws 2011, Chapter 349).

SB 1460: Liquor Omnibus (Sen. Michele Reagan, R-Scottsdale) makes a number of changes to the state liquor laws, such as:



- A new presumption that a location meets the criteria for public need and convenience if, at the time of a new application, there is a valid license of the same series at that location
- Zoning cannot be used as a basis for protesting or denying a license
- Written comments (protest or support) by a person on behalf of an association must be accompanied with a letter of authority designating the person as the official spokesperson
- Municipalities cannot collect a fee or tax from hospitality businesses in a discriminatory manner and must reimburse businesses following any unlawful collection
- Cities or towns are prohibited from charging a fee for applications for (or renewal of) sampling privileges

This bill was signed by the Governor on April 18, 2011 (Laws 2011, Chapter 165).

SB 1469: Justification; Use of Force (Sen. Ron Gould, R - Lake Havasu City) changes the circumstances under which use of force or deadly force is justified in defense of a third person, crime prevention, or defense of a home or occupied vehicle. The bill creates a presumption that a person who is unlawfully or forcefully entering or has entered a residence or occupied vehicle poses an imminent threat of unlawful deadly harm to the person in the home or vehicle. A person who is justified in the use of force would not be subject to criminal prosecution for the justified conduct and would be awarded all reasonable costs incurred in that person's defense if certain conditions are met. This bill was signed by the Governor on April 29, 2011 (Laws 2011, Chapter 353).

SB 1484: Terrorism; Radiological Agent; Infectious Substances (Sen. Ron Gould, R-Lake Havasu City) adds several acts relating to possessing, manufacturing, selling or causing injury with an infectious biological substance or radiological agent to the list of unlawful acts classified as terrorism, which is a class 2 felony. This bill was signed by the Governor on April 28, 2011 (Laws 2011, Chapter 326).

HB 2003: Emergency Response Services: Fees: Prohibition (Rep. John Kavanagh, R-Fountain Hills) prohibits a public agency from imposing fees or requesting reimbursement for public safety calls involving traffic accidents. The bill maintains reimbursement agreements between political subdivisions. HB 2003 was signed by the Governor on April 13, 2011 (Laws 2011, Chapter 82).



HB 2153: Municipalities; Counties; Fire Sprinklers; Code (Rep. Steve Montenegro, R - Litchfield Park) prevents cities and counties from adopting a code or ordinance that requires fire sprinklers in residential structures of two units or less. Codes or ordinances adopted prior to January 1, 2010 are grandfathered. HB 2153 was signed by the Governor on March 3, 2011 (Laws 2011, Chapter 7).

HB 2246: ADOT; Emergency Vehicle Access Plan (Rep. Heather Carter, R-Cave Creek) requires the Arizona Department of Administration to adopt an emergency vehicle access plan as part of their overall management plan for state highway work zones. This bill was signed by the Governor on April 27, 2011 (Laws 2011, Chapter 280).

HB 2302: Protected Address; Secretary of State (Rep. J.D. Mesnard, R-Chandler) requires the Arizona Secretary of State's Office to create an address confidentiality program to protect the residential information of victims of domestic violence, sexual offenses, and stalking. HB 2302 was signed by the Governor on April 19, 2011 (Laws 2011, Chapter 173).

HB 2355: Court Surcharges (Rep. Eddie Farnsworth, R-Gilbert) clarifies that state surcharges only apply to the base of a fine and not to another surcharge. This bill was signed by the Governor on April 26, 2011 (Laws 2011, Chapter 260).

HB 2404: Criminal Restitution; Victim Notification (Rep. Ted Vogt, R-Tucson) requires the trial court to enter a criminal restitution order when the defendant absconds from probation or the defendant's sentence. In addition, the prosecutor's office is required to notify a victim when the defendant is making an initial appearance and also requires that the prosecutor's office be notified when a defendant is released. HB 2404 was signed by the Governor on April 26, 2011 (Laws 2011, Chapter 263).

HB 2645: Firearms; Rights Restoration; Peace Officers (Rep. Michelle Ugenti, R-Scottsdale) provides a process by which persons that have been found mentally ill by a court can legally own a firearm. In addition, this measure declares that retired police officers cannot be prohibited from carrying a firearm unless certain criteria are met. This bill was signed by the Governor on April 28, 2011, (Laws 2011, Chapter 304).



Bills Not Enacted

SB 1111: Handheld Wireless Communication Devices; Driving (Sen. Steve Pierce, R-Prescott) would have established a civil offense for a person found guilty of using a handheld wireless communication device while driving a motor vehicle. Penalties were doubled if the person was involved in accident determined to be caused by use of the device. This bill never received a hearing in the Senate Judiciary Committee.

SB 1201: Firearms Omnibus (Sen. Ron Gould, R-Lake Havasu City) would make a number of revisions to Arizona gun laws, including new constraints on state or political subdivision regulation regarding carrying firearms into public buildings or events. For example, cities would be prohibited from banning weapons in public facilities or events unless access to the facility or event is controlled and metal detectors are in use at all entrances. The bill would establish a misdemeanor offense for a public employee that prohibits anyone from bringing a firearm into a public place. This bill was vetoed by the Governor on April 29, 2011.

SB 1307: Public Right of Way; Political Signs (Sen. Sylvia Allen, R-Snowflake) would have repealed the authority of cities and towns to remove political signs that are placed in violation of city ordinance or regulation. SB 1307 passed the Senate but never received a hearing in the House Judiciary Committee.

SB 1352: Photo Radar Prohibition (Sen. Frank Antenori, R-Tucson) would have prohibited use of photo radar and red light running cameras in Arizona and repealed all laws regarding service and processing of photo radar citations. This bill failed in the Senate on March 2 by a vote of 15-15.

SB 1374: *As Amended* Municipalities; Counties; Fire Sprinklers; Code (Sen. Frank Antenori, R-Tucson) was amended with a "strike-everything" amendment that would prevent cities and counties from adopting a code or ordinance that requires fire sprinklers in residential structures of two units or less. SB 1374 was substituted for HB 2153, which was signed into law on March 3, 2011



SB 1379: Technical Correction; Notaries Public (NOW: Consumer Fireworks; Regulation)

(Sen. Frank Antenori, R-Tucson) modified a county or city's power to regulate the use and sale of permissible consumer fireworks as follows:

- Cities and counties could not limit use of permissible consumer fireworks or “federally deregulated novelty items” within their boundaries between June 15 and July 5 and December 12 through January 2
- Cities and counties could not prohibit or restrict sales of permissible fireworks between June 15 and July 5 and December 12 and January 2 at consumer fireworks retail facilities (defined to include tents, canopies or membrane structures) or stores that comply with NFPA standards adopted by the State Fire Marshal
- Cities and counties could not impose financial requirements such as bonding or insurance on retail fireworks sellers in excess of those required of other business licensees
- Cities could have imposed an annual fee not to exceed \$200 for each consumer fireworks retail sales facility or \$50 for each store carrying consumer fireworks (significantly lower than Fire’s hazardous material inspection fee)
- Cities could not impose signage requirements on sellers of consumer fireworks beyond what is required by the NFPA Fire Code
- While consumer firework sales are prohibited in residential areas, local governments would not have been able to restrict sales in the rest of the community

This bill was vetoed by the Governor on April 29, 2011.

SB 1388: Consumer Fireworks; Regulation (Sen. Steve Pierce, R-Prescott) would have authorized municipalities and counties other than Maricopa to regulate the sale and use of consumer fireworks. This bill would have allowed the City to regulate fireworks sales under existing fire codes and zoning requirements. SB 1388 failed in the Senate.

SB 1500: Political Signs; Time Limit (Sen. Adam Driggs, R-Phoenix) would have established a period -- sixty days prior to the commencement of early voting in a primary election until seven days after a general election -- during which a candidate, political committee or any other person may post political signs. SB 1500 passed the Senate yet never received a hearing in the House Judiciary Committee.



SB 1534: Aggressive Dogs; Vicious Animal Assault (Sen. Al Melvin, R-Tucson) would have required a person who owns or is responsible for an aggressive dog to take reasonable care to prevent the dog from escaping and/or biting or attacking a person or domestic animal. The bill included exceptions for police or military dogs, service dogs, and hunting dogs engaged in lawful hunting, ranching, or other agricultural activity. A person who intentionally or knowingly causes a dog to bite and inflict serious physical injury to a human being, not in self-defense, would be guilty of a class 3 felony. SB 1534 passed the Senate but never received a hearing in the House Government Committee.

SB 1575: *As Amended* Investigators; Drug Lab Remediation (Sen. Rick Murphy, R-Peoria) would have conferred responsibility to regulate drug laboratory site remediation firms to the Board of Technical Registration's newly established criminal investigations unit, rather than the Registrar of Contractors. It would have also established additional penalties for entering the property, removing items, or removing a mobile home or R.V. from a site without approval from the Board. This bill was held in the Senate Conference Committee.

HB 2159: Scrap Metal Dealers (Rep. Cecil Ash, R-Mesa) would have made several changes to the scrap metal dealer statutes, such as reducing the threshold for requiring mailing of check payments rather than cash for transactions exceeding \$25, rather than \$300. This requirement would have applied to all transactions and also would have limited the number of cash payments per seller per day. This bill never received a hearing in the House Commerce Committee.

Revenue and Taxes

New Laws

SB 1160: City Sales Tax; Residential Rental (Sen. John McComish R-Ahwatukee) prohibits municipalities from imposing or increasing transaction privilege taxes for residential rental properties unless that increase is approved by voters in a regular municipal election. SB 1160 was signed by the Governor on April 7, 2011 (Laws 2011, Chapter 40).



SB 1165: Municipal Taxes; Auditors and Collectors (Sen. Steve Yarbrough, R- Chandler)

prohibits municipalities that have a contractual agreement with the Arizona Department of Revenue for sales tax collections from (1) employing third party auditors of sales tax on a contingent fee basis, and (2) employing third party contractors for collecting, administering or processing sales tax. SB 1165 was signed by the Governor on April 12, 2011 (Laws 2011, Chapter 66).

SB 1166: Municipal Tax Exemption; Commercial Lease (Sen. Steve Yarbrough, R- Chandler)

exempts income from certain commercial leases from city taxation. Specifically, a commercial lease between two corporations where at least 80% of the voting shares of each corporation are owned by the same shareholders would be exempt. The Governor signed SB 1166 on April 18, 2011 (Laws 2011, Chapter 144).

SB 1293: Property Tax Classification; Lodging (Sen. Gail Griffin, R-Hereford)

modifies the property tax classifications for bed and breakfast establishments. These establishments must now have eight (changed from six) rooms, have the owner live on the property and not solely in the bed and breakfast, and removes that average annual occupancy rate in order to obtain a class four property classification. This bill was signed by the Governor on April 25, 2011 (Laws 2011, Chapter 232).

SB 1525: City; Town; Development Fees (Sen. Russell Pearce, R-Mesa) makes significant changes and clarifications to municipal development impact fee programs, including:

- Development fees cannot exceed a proportionate share of the cost of necessary public services needed to provide those services to a new development
- Development fees cannot be used for repair, operation or maintenance of existing or new public services or facility expansions
- Cities and towns must give a 30 day notice prior to discussing assessment of impact fees
- Development fees cannot be adopted via an emergency measure
- Municipalities cannot change development fees for developments for a period of 24 months after the first building permit is issued
- Requires refunds of impact fees if fees are not used within a specific timeframe



The Governor signed this bill on April 26, 2011 (Laws 2011, Chapter 243).

HB 2236: Sharing Revenue Information; Political Subdivisions (Rep. Doris Goodale, R-Kingman) adds political subdivisions to the list of parties for which income tax refunds can be used to offset debts owed by the taxpayer. Currently, only state agencies and courts can use the refunds to offset the debts owed. This bill was signed by the Governor on April 29, 2011 (Laws 2011, Chapter 329).

HB 2336: City Tax Code; Official Copy (Rep. Justin Olson, R-Mesa) requires the Arizona Department of Revenue (ADOR) to maintain and post an official copy of the Model City Tax Code (MCTC) on its website, beginning July 1, 2012. Also, ADOR must be notified within ten days of a change to the MCTC. HB 2336 was signed by the Governor on April 15, 2011 (Laws 2011, Chapter 129).

HB 2397: Trust Lands; Sale; Taxes (Rep. Russ Jones, R-Yuma) requires state trust lands to be subject to taxation only if the lands are improved at the time of sale or if after the sale but before a patent is issued the State Land Dept permits improvements on the land. The Dept is prohibited from issuing a patent until the purchaser pays all taxes. This bill was signed by the Governor on April 27, 2011 (Laws 2011, Chapter 284).

Bills Not Enacted

SB 1164: Income Tax; Corporate Sales Factor (Sen. Steve Yarbrough, R-Chandler) would have changed the factor that businesses use to allocate business income between Arizona and other states for all business income except air commerce. The factor would have increased to 90% in tax year 2016 and 100% in tax year 2017. SB 1164 never received a hearing in the Senate Rules Committee.

SB 1220: Sales Tax Base; Uniform (Sen. Steve Pierce, R- Prescott) would have repealed the Model City Tax Code and any municipal transaction privilege tax not specifically authorized in state law. In addition, it would have required the Department of Revenue to collect and administer transaction privilege and affiliated taxes imposed by a city or town and would have required the city or town to enter into an intergovernmental agreement for such collection and administration. This bill was held in the Senate Finance Committee.



SB 1221: Urban Revenue Sharing; Distribution Freeze (Sen. Steve Pierce, R- Prescott)

would have altered the existing urban revenue sharing allocation by capping the income tax distribution at fiscal year 2010 levels, through FY 2030. During that period, income tax revenue accrued above the cap would have been transferred to the state General Fund and used for retiring bonds associated with the convention center fund, multipurpose facilities such as University of Phoenix Stadium, and to pay debt service associated with the sale and lease back of state property. This bill was held in the Senate Finance Committee.

SB 1231: State Revenue Expenditures; Limit (Sen. Lori Klein, R-Anthem) beginning in fiscal year 2012-2013, this bill would have restricted the Legislature from appropriating expenditures from the state General Fund in excess of the amount appropriated in the prior year, adjusted for population and cost of living as determined by the joint legislative budget committee. While SB 1231 passed the Senate, it never received a hearing in the House Appropriations Committee.

HB 2069: Corporate Income Tax; Sales Factor (Rep. Judy Burges, R- Skull Valley) would have increased the sales factor from 80% to 100% for corporations meeting certain capital investment requirements. This bill never received a hearing in the House Appropriations Committee.

HB 2136: State Agency Fee Commission (Rep. Amanda Reeve, R-Phoenix) would have reestablished the State Agency Fee Commission in permanent statute, and made changes to its required duties and extends its sunset date. This bill failed on Senate Third Read.

HB 2220: Racing Facilities; Gambling (Rep. John Fillmore, R-Apache Junction) would have allowed licensed racing facilities to host casino-type gambling, with a portion of the revenue being dedicated to the state's general fund. This bill never received a hearing in the House Judiciary Committee.

HB 2338: Special Districts; Secondary Levy Limits (Rep. Justin Olson, R-Mesa) would have established new levy limits for secondary property taxes levied by a county library, jail, and public health services district. This bill was vetoed by the Governor on April 15, 2011.



Transportation and Aviation

New Laws

SB 1270: Arizona Department of Transportation; Omnibus (Sen. John Nelson, R-Litchfield Park) grants the Arizona Department of Transportation (ADOT) the authority to adopt a number of administrative procedures, such as:

- Conducting criminal background checks on new and transferred employees under certain conditions
- Modifying the statutes dealing with public-private transportation partnership agreements
- Coordinating motor vehicle dealer licensure between ADOT and the Arizona Department of Financial Institutions

This bill was signed by the Governor on April 19, 2011 (Laws 2011, Chapter 190).

SB 1375: *As Amended* Livery Vehicles; Taxis; Limousines; Regulation (Sen. Frank Antenori, R-Tucson) repeals existing laws regulating taxis and livery vehicles and authorizes the state, as opposed to a county, city, town or other political subdivision of the state to regulate such vehicles/businesses, except that municipal airports retain authority to control these vehicles on their premises. SB 1375 was signed by the Governor on April 13, 2011 (Laws 2011, Chapter 104).

HB 2318: Regional and Public Transportation Authorities (Rep. Russ Jones, R-Yuma) permits a qualifying community college district or an Indian Nation to become a member of an established public transportation authority through an intergovernmental agreement. In addition, boards of supervisors in counties with less than 400,000 residents may establish a regional public transportation authority. HB 2318 was signed by the Governor on April 26, 2011 (Laws 2011, Chapter 259).

HB 2450: Escort Vehicle Operation; Exemption (Rep. Vic Williams, R-Tucson) grants the Arizona Department of Transportation the authority to establish rules for escort vehicle certifications from other states. This bill was signed by the Governor on April 26, 2011 (Laws 2011, Chapter 256).



SB 1131: Tribal Airports; State Aviation Fund (Sen. Jack Jackson, Jr., D-Window Rock) would have allowed tribes or airports on tribal land to get money from the state aviation fund. This bill was held in the Senate Natural Resources and Transportation Committee.

SB 1430: Motor Vehicles; Towing (Sen. John Nelson, R-Litchfield Park) would have required the Arizona Department of Transportation to establish regulations for private property trespass towers (PPTTs), including rate caps for towing, storage, and other services provided by towers. The bill would require PPTTs to keep and maintain records of towed vehicles, and records could be examined by law enforcement during business hours. The bill would have also required a PPTT to notify law enforcement when it tows a vehicle and maintains stored vehicles in a secured lot. Additional requirements such as insurance coverage, fingerprinting of tower employees, signage, and procedures for release of towed or impounded vehicles were also established. This bill was held on the House Floor on the last day of session.

SB 1538: Driving; Handheld Wireless Communication Devices (Sen. Al Melvin, R-Tucson) would have prohibited a person from using a handheld wireless communication device to write, read or send a written message while driving. An exception was provided for law enforcement or for reading, selecting or entering a telephone number on a handheld wireless communication device for the purpose of making or receiving a phone call. While the bill passed the Senate, it never received a hearing in the House Judiciary Committee.

HB 2288: Airports; Private Contractors; Security Screening (Rep. Jeff Dial, R - Chandler) would have prohibited airports in Arizona from using the Transportation Security Administration for passenger or baggage screening, requiring instead that airports contract with a private entity to provide these screening services. HB 2288 was never heard in the House Transportation Committee.

HB 2270: Phoenix Airport; Study Committee (Rep. Ed Ableser, D-Tempe) would have established a Phoenix Sky Harbor International Airport study committee consisting of four legislators and three public members to study the airport's future and report to the Governor and the Legislature by November 1, 2013. This bill never received a hearing in the House Technology and Infrastructure Committee.



HB 2426: Communication Devices; Class G Licensees (Rep. Steve Farley, D-Tucson) would have prohibited drivers under the age of 18 (class G driver license holders) from operating a motor vehicle on a highway while using a wireless communication device, with exceptions for certain emergency situations. HB 2426 was held in the House Transportation Committee.

HB 2555: Regulations of Taxis; Limitations (Rep. Judy Burges, R-Skull Valley) would have preempted the ability of local governments to regulate taxis, livery vehicles and limousines, and as such would have prohibited Phoenix Sky Harbor International Airport from managing ground transportation for its passengers. HB 2555 was held in the House Transportation Committee.

Water and Environment

New Laws

SB 1110: Navigable Stream Adjudication Commission; Continuation (Sen. Michele Reagan, R-Scottsdale) extends the Navigable Stream Adjudication Commission (ANSAC) to July 1, 2014. ANSAC determines navigability in waters of the State, which in turn affects title to lands within the high watermarks of those rivers and streams. SB 1110 was signed by the Governor on April 7 (Laws 2011, Chapter 39).

SB 1171: Cities; Acquisition of Wastewater Utility (Sen. Frank Antenori, R-Tucson) allows a municipality to acquire all or part of a wastewater system from a county and establishes requirements for the transfer process. The municipality must pay or assume all outstanding indebtedness for the transferred infrastructure and treatment capacity. This bill was signed by the Governor on April 18, 2011 (Laws 2011, Chapter 146).

SB 1324: Vehicle Emissions Testing; Older Vehicles (Sen. Frank Antenori, R-Tucson) exempts vehicles manufactured 25 or more years before the date of registration from vehicle emissions testing. Enactment is conditional on the U.S. Department of Environmental Protection issuing an air quality waiver. SB 1324 was signed by the Governor on April 18, 2011 (Laws 2011, Chapter 163).



SB 1523: Sanitary Districts; Standards for Moratoriums (Sen. Steve Pierce, R-Prescott)

creates a macro-harvested water joint legislative study committee with a delayed repeal date of September 30, 2013. SB 1523 was signed by the Governor on April 12, 2011 (Laws 2011, Chapter 73).

SCR 1024: Intrastate Water Resources; State Sovereignty (Sen. Gail Griffin, R-Hereford)

asserts the continued sovereignty and jurisdiction of the states to regulate intrastate water resources and opposes any attempt by the federal government to diminish this jurisdiction. SCR 1024 was transmitted to the Secretary of State on April 14, 2011.

SCR 1033: Best Available Control Technology; Generation (Sen. Sylvia Allen, R-Snowflake)

urges the Arizona Department of Environmental Quality (ADEQ) to consider the need to act expeditiously and use economically practicable technologies for carbon capture when issuing Prevention of Significant Deterioration permits for new, conventional, coal-fueled electric generating units. SCR 1033 transmitted to the Secretary of State on April 20, 2011.

HB 2005: Subdivisions; Acting in Concert (Rep. Judy Burges, R-Skull Valley)

makes various changes to the statutes governing subdivisions, acting in concert. Requirements for improved dust-controlled access and minimum drainage improvements for any subdivision that consists of 10 or fewer lots remain in place. This bill was signed by the Governor on April 29, 2011 (Laws 2011, Chapter 328).

HB 2193: Municipal Water Charges; Responsibility (Rep. Jim Weiers, R-Phoenix)

prohibits municipalities from refusing service on the basis of unpaid water and wastewater rates to anyone but the person who resided at the property and received the service, whether or not they contracted for the services. Allows property owners and immediate family members to voluntarily contract with a city for water and wastewater services and provide payment for these services. This bill was signed by the Governor on April 27, 2011 (Laws 2011, Chapter 279).

HB 2208: *As Amended* Agriculture Best Management Practices; Rules (Rep. Amanda

Reeve, R-Phoenix) exempts rules adopted by the Agricultural Best Management Practices Committee from rulemaking requirements for the purpose of revising its regulations on dust control measures. This bill was signed by the Governor on April 25, 2011 (Laws 2011, Chapter 214).



HB 2593: Water Salinity Study Committee (Rep. Karen Fann, R-Prescott) creates a study committee consisting of 18 voting members, including the Director of the Arizona Department of Water Resources (ADWR) or her designee, to study salinity issues and report to the Speaker, President and Governor no later than December 31, 2011. This bill was signed by the Governor on April 19, 2011 (Laws 2011, Chapter 201).

HB 2665: Environment; Regulatory Changes (Rep. Amanda Reeve, R-Phoenix) makes various changes in statutes governing the operation of ADEQ, including the requirement of inspectors to provide notice before inspecting and that a regulated person whose premises is being inspected has the right to request specific documents to determine if the inspector is in compliance. HB 2665 was signed by the Governor on April 27, 2011 (Laws 2011, Chapter 291).

HB 2705 Waste Programs; General Permits; Fees (Rep. Amanda Reeve, R-Phoenix) eliminates statutory fee amounts relating to solid and hazardous waste and authorizes ADEQ to establish new fees by rule. This bill was signed by the Governor on April 25, 2011 (Laws 2011, Chapter 220).

Bills Not Enacted

SB 1089: State Land; Mineral Claims; Definition (Sen. Sylvia Allen, R-Snowflake) would have allowed the State Land Commissioner to offer mineral exploration permits at public auction for state trust lands. This bill was held in the House Committee of the Whole.

SB 1157: Sewer and Wastewater Charges (Sen. Gail Griffin, R-Hereford) would have specified that a municipality could require payment for wastewater services only from the user of the services or a person who contracted for the services. SB 1157 would have also prohibited a municipality from imposing charges on a property owner who has not contracted for wastewater or garbage service. This bill was held in the House Committee of the Whole.



SB 1193: Reportable Hazardous Substance Release; Exception (Sen. John Nelson, R-Litchfield Park) would have changed references to federal regulations that exempt certain releases of hazardous substances from community notification requirements. This bill never received a hearing the House Military Affairs and Public Safety Committee.

SB 1219: Drought Emergency Groundwater Transfer (Sen. Sylvia Allen, R-Snowflake) would have permitted the transfer of groundwater from a basin under specific drought conditions and if specific permissions were obtained. The companion bill in the House was HB 2393. This bill never received a hearing in the Senate Water, Land Use and Rural Development Committee.

SB 1522: Harvested Water; Recharge (Sen. Steve Pierce, R-Prescott) would have required ADWR to develop rules for water harvesting practices and establish a method to calculate and measure the amount of water harvested. The bill was amended to create a study committee to look further into this topic. SB 1522 never received a hearing in the House Rules Committee.

SB 1566: Exempt Wells; Emergency Use (Sen. John McComish, R-Phoenix) would have allowed an exempt well to be drilled inside an Active Management Area for an emergency use, under specified conditions. The bill was intended to create a back up in the event of prolonged outage. This bill was held awaiting Senate final passage.

HB 2114 Aquatic Poison (Rep. David Stevens, R-Sierra Vista) would have mandated that only mechanical methods may be used to eradicate fish in the Sonoita Creek watershed. The bill would have created a six-member, joint legislative study committee to review the long and short-term human health risks associated with the fish eradication methods employed in this state. This bill failed on House Final Read.

HB 2264: Home Sales; Water Supply Disclosure (Rep. Ed Ableser, D-Tempe) would have required that beginning January 1, 2012, a subdivider selling lots outside an active management area must record a document with the county recorder that contains a statement of water adequacy or inadequacy for that subdivision. HB 2264 passed the House but never received a hearing in the Senate Water, Land Use and Rural Development Committee.



HB 2362: Drug Lab Remediation; Investigators (Rep. Jerry Weiers, R-Glendale) would have transferred responsibility for regulating drug laboratory site remediation firms from the Registrar of Contractors to the Board of Technical Registration's (BTR) newly established criminal investigations unit. Municipalities would have had the opportunity to apply to the Technical Registration Fund for reimbursement of remediation costs for property where drug labs were found and cleaned up. A "strike everything" amendment which was added in the Senate Appropriations Committee changed the bill to address teacher liability insurance.

HB 2393: Drought Emergency Groundwater Transfer (Rep. Russ Jones, R-Yuma) would have permitted the transfer of groundwater from a basin, under specific drought conditions and if specific permissions are obtained. The companion bill in the Senate was SB1219. HB 2393 never received a hearing in the Senate Water, Land Use and Rural Development Committee.

HB 2527: Well Ownership; Sale; Registration (Rep. Lynne Pancrazi, D-Yuma) would have required that, for any transfer of domestic well ownership after the bill's effective date, the new well owner record a document with the county recorder that specifies the well registration number, the legal description of the land where the well is located, the location of the well on the land, and the name and address of the land owner. This bill never received a hearing in the House Rules Committee.



Governor's Veto Letters



STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

April 29, 2011

The Honorable Ken Bennett
Secretary of State
1700 W. Washington, 7th Floor
Phoenix, Arizona 85007

RE: House Bill 2166 (low income housing; property tax)

Dear Secretary Bennett,

Today I vetoed House Bill 2166. The bill would require county assessors to adopt an income-based valuation formula rather than the traditional market-based approach for evaluating Federal Low Income House Tax Credit Properties.

I believe that this bill creates a bad precedent by creating inequities in our property tax system. County assessors have committed to me that they will continue to reach out to legislators and others interested in achieving a solution that is workable for all involved.

Sincerely,

A handwritten signature in cursive script that reads "Janice K. Brewer".

Janice K. Brewer
Governor

cc: The Honorable Russell Pearce
The Honorable Andy Tobin
The Honorable Justin Olson
Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service



STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

April 15, 2011

The Honorable Kirk Adams
Speaker, Arizona House of Representatives
1700 W. Washington
Phoenix, Arizona 85007

RE: HB 2338 (special districts; secondary levy limits)

Dear Speaker Adams,

Today, I vetoed House Bill 2338, "special districts; secondary levy limits." The bill establishes property tax levy limits for county jail and juvenile, library, and public health districts.

While these are worthy services, I am concerned about the rapid growth of special districts and the aggregate impact on taxpayers and future business investment.

However, mandating restrictions will affect counties inequitably in their efforts to respond to community needs. Rural counties, particularly those with low, existing levies may be penalized with the statewide cap approach in the language of this bill.

I believe that a system of limits could be put in place, while also taking into account the varying circumstances around the state. Maricopa County, for instance, has voluntarily capped special district levies for almost six years. This issue remains subject to dispute between the special district boards and taxpayers. I encourage the parties to work together to craft reasonable safeguards against excessive taxation between now and the next legislative session.

Sincerely,

A handwritten signature in cursive script that reads "Janice K. Brewer".

Janice K. Brewer
Governor

cc: The Honorable Russell Pearce
The Honorable Justin Olson



STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

April 29, 2011

The Honorable Ken Bennett
Secretary of State
1700 W. Washington, 7th Floor
Phoenix, Arizona 85007

RE: House Bill 2502 (public programs; advertisements; funding source)

Secretary Bennett,

Today I vetoed House Bill 2502. The bill requires "paid for by" disclaimers to be on advertisements for public programs. I believe the public will view this as a nuisance and an annoyance. An advertisement for a public program is obviously paid for with government dollars. It is not necessary to remind everyone.

Sincerely,

A handwritten signature in black ink that reads "Janice K. Brewer".

Janice K. Brewer
Governor

cc: The Honorable Russell Pearce
The Honorable Andy Tobin
The Honorable Carl Seel
Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service



STATE OF ARIZONA

April 29, 2011

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

The Honorable Ken Bennett
Secretary of State
1700 West Washington, 7th Floor
Phoenix, Arizona 85007

RE: Senate Bill 1041 (Arizona quality jobs incentives)

Dear Secretary Bennett,

Today I reluctantly vetoed Senate Bill 1041. I appreciate the desire to attract businesses to Arizona and have made quality job creation a top priority of my administration. As you know, House Bill 2001, the Arizona Competitiveness Package that I signed into law in February of this year, contained income tax incentives designed to attract quality jobs to Arizona, as well as broad-based income and property tax reforms that will address underlying problems in Arizona's tax system and improve Arizona's standing as a business-friendly state.

Senate Bill 1041 is intended to build upon that success. I applaud the sponsor and proponents of this bill, who represent diverse interests in our state, for their work to create a program focused on returns and to improve Arizona's competitive position.

However, the lack of clarity in the tax policy contained in the bill creates several points of concern: its potential to negatively impact local government revenue streams and other property taxpayers, the potential to favor new businesses over those who've weathered the economic storms with us, the potential that entire properties (not just new expansions) could receive favorable tax treatment and the new bureaucracy associated with this proposal make it impossible to secure my signature at this time.

Certainly, some additional clarity could be added by allowing the newly created Arizona Commerce Authority to exercise its rulemaking powers. However, this could make the Authority the ultimate judge and jury for every local economic development project. While I led the charge to create a cutting-edge state entity dedicated to advancing Arizona's competitive position, it was never intended to be the business kingmaker for our state.

The Honorable Ken Bennett

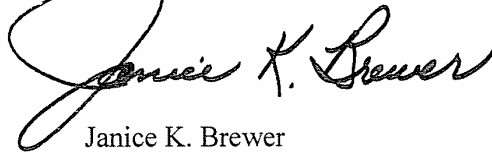
April 29, 2011

Page Two

Unfortunately, the debate surrounding Senate Bill 1041 has revealed some deep divisions within the business community and within local governments regarding the merits of the property tax reclassification incentives found in this legislation. On the brighter side, there is consensus that taxation of business property remains too big a burden in Arizona and must be reformed. To me, this presents a tremendous opportunity for our state to continue to pursue property tax reform and encourage the business climate we know is possible here in our state.

I look forward to working with the sponsor and proponents to refashion a property tax reform package that makes ---and keeps---our state among the top nationally for attracting and growing business.

Sincerely,

A handwritten signature in black ink that reads "Janice K. Brewer". The signature is written in a cursive style with a large, looping initial "J".

Janice K. Brewer
Governor

cc: The Honorable Russell Pearce
The Honorable Andy Tobin
The Honorable Michele Reagan
Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service



STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

April 29, 2011

EXECUTIVE OFFICE

The Honorable Ken Bennett
Secretary of State
1700 West Washington Street, 7th Floor
Phoenix, Arizona 85007

Re: Senate Bill 1201 (firearms omnibus)

Dear Secretary Bennett:

Today I vetoed Senate Bill 1201. While I have a nearly 30-year record of promoting Second Amendment rights, Senate Bill 1201 has too many loopholes and flaws for me to sign. I will focus on two concerns only in this letter and then discuss how I believe we can move forward to protect and expand Second Amendment rights in Arizona over the next 3½ years.

My first concern is that Senate Bill 1201 establishes an inexplicable, unjustifiable and unacceptable double standard for the regulation of guns in Arizona – one for the Legislature and one for most other public bodies. Senate Bill 1201 gives the Legislature four separate exemptions from the very laws it imposes on other public bodies (see attachment). For example, the Legislature exempted itself from the prohibition on public bodies licensing or registering firearms (page 8, lines 1 through 6). Besides the obvious double standard problem, giving this unbridled authority to future legislatures that may not be Second Amendment-friendly is very dangerous. These exemptions are not needed for the Legislature to amend these laws in the future as some have claimed. The legislative process is set forth in the Arizona State Constitution.

My second concern is that Senate Bill 1201 amends the state regulation of loaded guns on K-12 school grounds in a confusing way for Arizona gun owners. Section 13-3102(G) on page 5 of the bill strikes the word “unloaded” so as to allow for the storage of loaded firearms in locked vehicles on K-12 school grounds. While this practice is allowed under the federal Gun Free School Zone Act for Concealed Carry Weapon (CCW) permit holders due to a separate CCW exemption, non-CCW permit holders would be violating federal law unless they are otherwise exempt. Failing to make the distinction between CCW and non-CCW permit holders in Senate Bill 1201 is very significant because I very proudly signed the historic “Constitutional Carry” law last year allowing Arizona citizens to carry concealed weapons without a CCW permit. Arizona gun owners and K-12 school officials need clarity, not the confusion engendered by Senate Bill 1201, with regard to keeping loaded guns on K-12 school grounds.

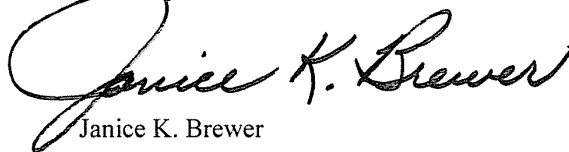
The Honorable Ken Bennett
April 29, 2011
Page Two

More generally, a proponent of Senate Bill 1201 has argued that the laws requiring gun storage systems at public buildings are not being properly enforced. This is not acceptable. I am adamant that current laws affording gun owners the right to store their weapons at public buildings be enforced. For this reason, I asked the Director of the Department of Administration earlier this year to conduct a survey of state buildings to determine compliance with our gun storage laws. Corrective action will be taken at any state building found to be out of compliance. I encourage any and all input from the gun owning community on this issue.

Let me be clear – one of my goals over the next 3½ years is to advance the Second Amendment agenda in Arizona. How can we do that? I believe the CCW permit holder concept in some of these newer situations and the protection of private property rights can play an important role. For example, we used these concepts very successfully in the law expanding Second Amendment rights for firearms in establishments with liquor licenses. In addition, we need to thoughtfully consider sensitive situations where guns may not be appropriate or are regulated by federal law (e.g., our K-12 schools). Future legislation must be written clearly to avoid making Arizona gun owners lawbreakers by accident. To this end, I believe we should avoid omnibus bills involving multiple subjects relating to the Second Amendment. Most importantly, we need to work together from the very beginning and include varied stakeholders.

In conclusion, while I appreciate the efforts of the proponents to improve this bill since its introduction by reducing the number of exemptions, there is still much work needed to clear up where guns are and are not allowed. To this end, I am committed to working over the interim with all interested parties so that we can produce a clear and pragmatic solution to expand the application of our Second Amendment rights in Arizona.

Sincerely,

A handwritten signature in black ink that reads "Janice K. Brewer". The signature is written in a cursive, flowing style.

Janice K. Brewer
Governor

Cc: The Honorable Russell Pearce
The Honorable Andy Tobin
The Honorable Ron Gould
Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service

Legislative Exemptions in Senate Bill 1201 (firearms omnibus)
(reference to House engrossed version)

Page 7, line 38

A. Except as provided in subsection E of this section AND **EXCEPT FOR THE LEGISLATURE**, a THIS STATE AND ANY AGENCY OR political subdivision of this state shall not enact any ordinance, rule or tax relating to the transportation, possession, carrying, sale, transfer, purchase, acquisition, gift, devise, storage, licensing, registration, discharge or use of firearms or ammunition or any firearm or ammunition components or related accessories in this state.

Page 8, Line 1

B. A **EXCEPT FOR THE LEGISLATURE**, THIS STATE AND ANY AGENCY OR political subdivision of this state shall not require the licensing or registration of firearms or ammunition or any firearm or ammunition components or related accessories or prohibit the ownership, purchase, sale or transfer of firearms or ammunition or any firearm or ammunition components, or related accessories.

Page 8, line 26

D. A **EXCEPT FOR THE LEGISLATURE**, THIS STATE AND ANY AGENCY OR political subdivision of this state shall not enact any rule or ordinance that relates to firearms and is more prohibitive than or that has a penalty that is greater than any state law penalty. A ~~political subdivision's~~ rule or ordinance that relates to firearms and that is inconsistent with or more restrictive than state law, whether enacted before or after ~~the effective date of the amendment to this section~~ JULY 29, 2010, is null and void.

Page 9, line 21

3. The regulation of land and structures, including a business relating to firearms or ammunition or their components or a shooting range in the same manner as other commercial businesses. Notwithstanding any other law AND **EXCEPT FOR THE LEGISLATURE**, this paragraph does not authorize a THIS STATE OR ANY AGENCY OR political subdivision OF THIS STATE to regulate the sale or transfer of firearms on property it owns, leases, operates or controls in a manner that is different than or inconsistent with state law. For the purposes of this paragraph, a use permit or other contract that provides for the use of property owned, leased, operated or controlled by a THIS STATE OR ANY AGENCY OR political subdivision OF THIS STATE shall not be considered a sale, conveyance or disposition of property.



STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

April 28, 2011

The Honorable Ken Bennett
Secretary of State
1700 W. Washington, 7th Floor
Phoenix, Arizona 85007

RE: Senate Bill 1322 (managed competition; city services)

Dear Secretary Bennett,

Today I vetoed Senate Bill 1322. This bill requires the cities of Phoenix and Tucson to provide all municipal services with a cost greater than \$500,000 through an open bid contract.

I am a strong proponent of privatization and responsible stewardship in government and have a strong track record in this regard. As Governor, privatization is a key element in my Four Cornerstones of Reform. Under that plan, I have established the Arizona Commerce Authority and its private-sector leadership board as a highly privatized and highly accountable model for the delivery of statewide economic development services. Likewise, I created the Commission on Privatization and Efficiency to identify state services and agencies whose functions can be eliminated, consolidated, streamlined or outsourced to achieve greater operational efficiency in meeting the needs of our citizens.

Unfortunately, Senate Bill 1322, which started with a similar spirit of enhanced privatization and innovation, is riddled with shortcomings including the omission of vital definitions and the parameters by which anticipated cost is to be determined. The language also has potential for jeopardizing the tax exempt bond status of public buildings. Furthermore, local taxpayers expect careful oversight and accountability of justice and public safety functions such as court administration and crime lab staff. These are just a few examples of what would be privatized under this bill. City councils currently have the ability to outsource, and they do that when they determine it is in the best interest of the taxpayer.

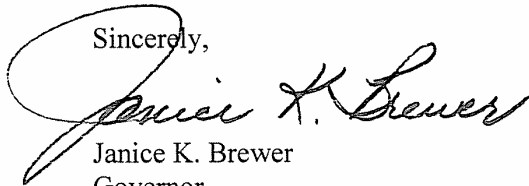
While I can agree that all levels of government must continue to find ways to cut costs, I am becoming increasingly concerned that many bills introduced this session micromanage decisions best made at the local level. What happened to the conservative belief that the most effective, responsible and responsive government is government closest to the people? The citizens of Phoenix and Tucson formed their government and adopted a charter to guide it. This legislation erodes the ability of voters

The Honorable Ken Bennett
April 28, 2011
Page Two

to receive services from the government they themselves formed with a responsiveness and accountability from the officials they themselves elected at the local level.

These shortcomings will surely result in unintended consequences to the taxpayer that this very bill declares to be protecting.

Sincerely,



Janice K. Brewer
Governor

cc: The Honorable Russell Pearce
The Honorable Andy Tobin
The Honorable Frank Antenori
Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service



STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

April 29, 2011

The Honorable Ken Bennett
Secretary of State
1700 West Washington, 7th Floor
Phoenix, Arizona 85007

RE: Senate Bill 1329 (public employees; lobbying; political activities)

Dear Secretary Bennett:

Today I vetoed Senate Bill 1329. I strongly support the principle that while performing the work of the people, public employees should not use public resources for political activities or lobbying. However, state law already addresses this issue. Senate Bill 1329, threatened to muddy the waters significantly – especially because it does not define “public employee” or “political activity.” For instance, legislators are not clearly excluded from these limits. Would this bill prevent legislators from speaking to a community group assembled for lunch on the capitol lawn, or from talking to other members to encourage support of their bills?

I look forward to working with the Legislature in the future to more effectively eliminate potential abuses of public resources in political activities.

Sincerely,

A handwritten signature in cursive script that reads "Janice K. Brewer".

Janice K. Brewer
Governor

Cc: The Honorable Russell Pearce
The Honorable Andy Tobin
The Honorable Frank Antenori
Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service



STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

April 29, 2011

The Honorable Ken Bennett
Secretary of State
1700 W. Washington, 7th Floor
Phoenix, Arizona 85007

RE: Senate Bill 1379 (consumer fireworks; regulation)

Secretary Bennett,

Today I vetoed Senate Bill 1379. I signed the enabling legislation last year to allow for the sale and use of fireworks (Laws 2010, Second Regular Session, Chapter 286), because it provided local governments the authority to decide for themselves whether or not to allow for the use of fireworks within their jurisdiction. The local control element is appropriate because of the varied nature of Arizona's landscape. I support the ability for each city and county to assess its own unique circumstances and make the appropriate decision at the local level.

Sincerely,

Janice K. Brewer
Governor

cc: The Honorable Russell Pearce
The Honorable Andy Tobin
The Honorable Frank Antenori
Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service



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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 and coordinates special projects assigned by the City Manager.

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